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Ijtihad and Taqlid

A person is able to perform the rites of Islam, either by way of "Ijtihad" or "Taqlid".

"Ijtihad" refers to the intense struggle in the way of extracting the rules of Islam from their sources, of which the most important are the Qur'an and the Ahadith of the Masumin (Peace be upon all of them), after learning the necessary 'y sciences (of Islam) that enable the person to be able to extract the Ahkam from their sources. A person who has this intellectual power is called a "Mujtahid".

"Taqlid" means following and to go behind someone, and in the context of Islam, refers to following a Mujtahid; meaning a person performs his responsibilities according to the fatawa of a Mujtahid.

Issue 1: A Mujtahid to whom others do taqlid, is referred to as a "Marja' Taqlid", and the person who does taqlid is called a "Muqallid".

Issue 2: Someone who is not a Mujtahid, and is not able to derive the rules and commandments of Allah from their sources must do taqlid to a Mujtahid; meaning he must perform his responsibilities according to the act according to fatawa (of a Mujtahid), or act according to Ihtiyat. .

Issue 3: Acting according to Ihtiyat means that one performs one's actions in such a way that he has certainty that he has fulfilled his responsibility (to Allah). For example, if a group of Mujtahidin considers an action haram, and another group does not consider that action haram, one would not perform that action; and if some Mujtahidin consider an action Wajib, and others consider it Mustahab he would perform that action.

Issue 4: The responsibility of most people in the rules of Islam is to perform Taqlid, because the number of people who are able to perform the rules of Islam by reaching Ijtihad or by practicing Ihtiyat are few in number.

Issue 5: The Mujtahid, to whom one does taqlid to, must be:

- Just (Adil)

- Male
- Living
- Baligh
- Shi'a Ithna–Asheri

In the rulings where it is clear that there are differences, must be the most knowledgeable (A'lam).

Issue 6: If the Mujtahid, to whom a person is doing taqlid to, passes away and he was more knowledgeable than the other Mujtahidin who are living, the Muqallid must stay on the taqlid of the Mujtahid who passed away. But if among the Mujtahidin who are alive, one is more knowledgeable than the one who passed away, one must do taqlid to that Mujtahid who is alive and who is the most knowledgeable.

Issue 7: A'lam is that person who is the most strong from among the Mujtahidin in extracting the rules of Islam from their sources.

Issue 8: There are three ways to distinguish the Mujtahid and the most knowledgeable:

- A person himself has certainty; for example he himself is of the "People of Knowledge" and he is able to discern who is a Mujtahid and A'lam.
- The statement of two knowledgeable and Just people, who are able to discern who is a Mujtahid and A'lam, on the condition that two knowledgeable and Just people do not go against their statement, and if someone goes against their statement, the statement of a person whose investigation was deeper should be accepted, and even if one person whom one has trust in, states that one is a Mujtahid or A'lam.
- A group of the "People of Knowledge" who are able to determine who is a Mujtahid and A'lam, if they verify who is a Mujtahid or A'lam, and if one finds certainty in their words.

Issue 9: The ways to obtain the fatawa of the Mujtahid are:

- Hearing it from the Mujtahid himself.
- Hearing it from two just people.
- Hearing it from even one person in whom one has certainty in his words.
- Seeing it in the Resalah of the Mujtahid, as long as one has certainty in its authenticity.

Issue 10: If a person does not know if the fatwa of the Mujtahid has changed or not, and even if he has a doubt that his fatwa has changed, he is able to act upon that which is written in the Resalah, and it is not

necessary for him to do any investigation.

Issue 11: It is wajib (mandatory) that a person learns those rules which he will always be in need of.

The difference between Ihtiyat Mustahab and Ihtiyat Wajib

Issue 12: Ihtiyat Mustahab always accompanies a fatwa, meaning, in that ruling, along with the Mujtahid expressing his opinion, he also gives a precautionary measure, and in that ruling, the Muqallid can act either according to the fatwa or to the Ihtiyat, and is not allowed to refer to another Mujtahid. An example of this is:

Washing a najis dish in Kurr Water once makes the dish tahir, although the Ihtiyat is that it is washed three times.

Ihtiyat Wajib does not accompany a fatwa, and the Muqallid must act according to that Ihtiyat, but he is also able to refer this rule to another Mujtahid (perform Ruju) to whom it is permissible to do taqlid to – for example:

The Ihtiyat is that one does not perform sajdah on the leaf of the grape tree.

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