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## **Dialogue on Tagleed**

Inaugurating the Dialogue on Tagleed, my father said:

- Let me first explain to you what is tagleed.

Taqleed is the following, by a lay person, of a Jurist in matters of religious practice. Thus, you apply the Jurist's legal opinion (fatwa). It is as if you have put the responsibility squarely on the Jurist's shoulders, in that he will stand accountable before Allah insofar as your compliance with his fatwa is concerned.

- \* Why do we do taqleed?
- By now, you know that The Creator is the source of The Law. He prescribed for you certain acts you should do and others you should not do. However, where to draw the line is not so clear-cut. That said, you may be able to know some of His commands and prohibitions, depending on your upbringing and environment at large.

As you may know, Islamic shari'a law has covered all aspects of your life. Thus, it has stipulated for each aspect a number of rulings. How are you going to know the demarcations of these rulings while you go about your life? How would you know what is halal to act upon it and what is haraam to shun it?

I wonder, do you have to resort for every incidence, be it minor or major, to the legal proof to be able to deduce a legal judgement?

- \* Why not?
- There is a yawning gap between your time and that of the early days of Islam. Matters have further been complicated due to the fact that many legal texts were lost; the language and writing style, and norms of expression have changed; the role of pseudo transmitters, who concocted many hadiths (Prophetic traditions) was damaging; this in turn has led to the problem of who is and who is not genuine among the transmitters of hadith. All these have made the process of reaching at a legal opinion the more difficult.

However, let us assume that you were able to ascertain the veracity of the transmitters of any legal text and that you were able to understand the meaning of the terminology used. Do you think that you would be able to discern the multifaceted and complex science of jurisprudence? And would you be able to arrive at what you need to understand?

- \* So, what should I do?
- You should turn to the experts in this field, i.e. the jurists, and derive what you need to know of legal judgements from them. That is, you emulate them. This is not the exclusive reserve of jurisprudence, rather the norm in every science and discipline. Modern civilization has it that you find the principle of specialized professions in every discipline that you turn to when in need.

Let us take an example. Let it be from the realm of medicine. Should you fall ill, God forbids, what would you do?

- \* I would consult a doctor and explain to him the symptoms of my illness. He could then prescribe for me the appropriate medicine.
- Why don't you diagnose your illness and prescribe the medicine?
- \* I 'm not a doctor.
- The same goes for jurisprudence. You need to consult a jurist to be able to know the bounds of Allah's injunctions. You may need to seek his specialist knowledge in solving your legal problems, should you have any. This works in exactly the same way when you seek the specialist knowledge of the doctor and enlist his help in curing your illness.

Since you spare no effort in looking for an experienced doctor in his field of specialization, you will need to look for the most knowledgeable amongst the jurists to follow. This is so because you need his expertise to explain to you religious matters and show you how to act upon them as he sees fit.

- \* How would I know that a particular alim is a jurist, and whether he is the most erudite and the best in the field?
- Let me put it this way: How would you know that a particular doctor is the best in his field to trust his medical judgement?
- \* I would be able to know after asking those who are concerned with and experts in medical matters. I could also know him through his scientific prowess and widespread good reputation among the generality.
- Precisely! By the same means, you should be able to know the jurists or the most erudite among them.

You may ask a committed Muslim who is known to be of impeccable character, trustworthy, just,

knowledgeable and expert in knowing the scientific level of people in a particular discipline.

Popularity of the jurist which sets him in a different league from his peers, so much so that this leads to certainty as regards his juridical prowess and knowledge, is another avenue.

- \* Are there any other conditions, apart from that of juridical excellence, that should be present in the jurist we should follow?
- He should be a man, adult, sane, believer, just, living not dead, of pure pedigree, and should not be prone to mistakes, forgetfulness, and inattention.
- \* Well. Here I am, a fully-fledged man. I now know something about tagleed. What else should I do?
- You should follow the most erudite among the jurists of your time. Act upon his fatwa in the different spheres of your life. They could be rulings relating to acts of worship, such as wudhu, ghusl, salah, sawm, hajj, khums, zakat and so on. You should also act upon his legal opinion in matters concerning transactions, such as buying and selling, marriage, banking, will, waqf, etc.

I joined my father in numerating many other examples:

- \* Enjoining good and forbidding evil, belief in Allah, His apostles and messengers and ...
- No, belief in God and His unity, the prophethood of our Prophet Mohammad (s.a.w), the imamate of the twelve Imams, and resurrection are matters outside the remit of taqleed. They are of the fundamentals of religion. A Muslim has to believe in them unequivocally, leading up to belief in Allah, using one's own effort and what intellectual power Allah has instilled in you to reach personal satisfaction and certainty in the matter.
- \* Well. Do I have the right to follow a jurist who is less knowledgeable?
- You can, provided that you know of no difference in the fatwa of the jurist you follow and the most knowledgeable one in the questions you need to act upon.
- \* Suppose I chose to follow the most erudite among the jurists and it happened that he had no fatwa on certain matters concerning me, or he had a fatwa, but I was not aware of it, what should I do?
- You rely on the fatwa of the next most knowledgeable.
- \* What, if the rest were all of the same calibre insofar as juristic knowledge is concerned?
- You may consult the one who is more cautious than the others in passing judgement.
- \* Should they all be of the same degree of godliness and caution, what should I do?
- You may act upon the fatwa of any one of them, except in certain situations, where you should act

according to ihtiyat (Precaution – a level of legal judgement) that I can't explain to you right now.

- \* All right. If need be, I can consult the doctor to know his opinion on the state of my health. How would I know the fatwa of the jurist I follow so that I can act upon it? Do I have to consult him on every occasion?
- There are few ways by which you may know his fatwa. You may ask him directly. You may ask other people whom you trust. You may consult his books, especially his treatise on articles of religious practice (Risalah Amaliyah), if you were sure of the authenticity of the copy you have.
- \* If this is the case, I need not look beyond this house, for I cannot find a more trustworthy person than you. Can I ask for your help in knowing the fatwa of my religious authority (jurist)?

I could see a broad smile on the face of my father; he sat straight and the spark in his eyes was suggesting that we would begin a lively discussion.

- \* Shall we start with prayer.
- Why not! prayer, however, requires man to be ceremonially clean.
- \* So, what renders human beings impure?
- What renders humans impure are two things:
- 1. Material things, such as najis things, i.e. tangible matters.
- 2. Immaterial things that are contingent on certain actions; if done, you need to perform wudhu, ghusl, or tayamum to remove the impurity. These are things like janabah, haydh, istihadha (Undue menses), touching a dead body, etc.

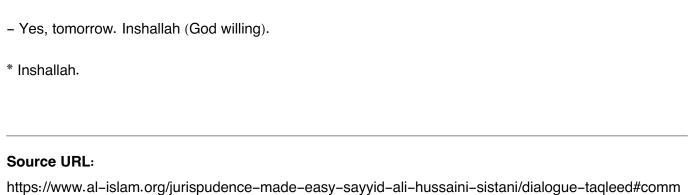
However, before prayer, we need to know najis things. Also, we need to know the purifying agents to ensure the purity of the body from that which may have defiled it.

We can then stop over certain occurrences, such as going to the toilet, breaking wind, sleep, etc. that require wudhu or tayamum.

We may then resume the conversation on things such as janabah, haydh, nifas (bleeding that occurs after childbirth, miscarriage, or abortion), etc. that require ghusl or tayamum.

Thus, eliminating from our way all that which may forestall our effort to seek nearness to Allah through prayer. This may make us taste the joy of standing before God, and chanting His Glory and Praise. That we may draw solace and peace of mind from being in His audience, and singing His love and praise.

After those topics, we may turn to fasting, hajj, etc.



\* So, we shall start discussing najis things.

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