

# TAQLID

## التقليد

### Objectives >>>

#### Students should:

- Learn about the process of picking a Marja'
- Learn the conditions of being a Marja'
- Learn ways of finding out the ruling of a Marja'
- Review the signs of Taklīf
- Be able to find rulings through the website or book of their Marja'
- Learn briefly the biography of two prominent Maraaji'
- Learn about the important role of scholars in Islam

### JURISPRUDENCE

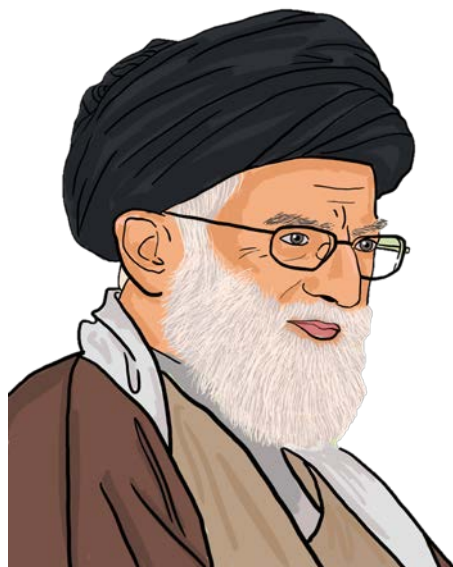
### LEVEL 5

## Lesson 1: Reviewing Rules of Taqlīd

In previous years we have been introduced to the scholars of our religion and learnt how to identify and select them. In this lesson, we will briefly review the basics of Taqlid.

### SELECTING A MARJA'

In Islam, it is obligatory that if we have not reached the stage of deriving rulings (ijtihād), we follow the most learned Marja' in the jurisprudential laws of our religion.



We can be certain about and select the most learned Marja' if:

- 1) We become certain as a result of our Islamic knowledge, ability and qualification.
- 2) We become certain through the statement of two trustworthy & qualified person(s).
- 3) We become certain through identifying that the person is well known as the most learned Marja' by many practicing members of the Shi'a community.

## ACCESSING THE RULINGS OF A MARJA'

Once we have selected a Marja', we need to know how to find out the rulings in regards to our questions. There are a few ways of doing this:

- Referring to that Marja's book of Islamic Laws.
- Referring to the Marja's official website.
- Referring to the Q & A section of the Marja's official website
- Asking a qualified sheikh in our community who has knowledge of that marja's rulings
- Hearing the rulings from a person we trust knows the verdicts of the Marja'
- Hearing the rulings from the Marja' himself

## **FINDING RULINGS ONLINE**

Today the internet is the most used and possibly fastest source of knowledge. Unfortunately, there is also wide availability of inaccurate or incorrect Islamic knowledge. It is therefore important for us to be able to find the authentic and correct jurisprudential rulings of our Marja' online. We will learn how to do this using an example.

*I want to know how to correctly perform Wuḍu'*

1. Go to [www.sistani.org](http://www.sistani.org)
2. Select 'English'
3. Select 'Islamic Laws'
4. Search 'Wudhu' using the search function (or scroll down and find it in the contents list).
5. Select the relevant search results.

## BASIC TERMINOLOGY

It is important to have a thorough understanding of the basic terminology used in the writings of our Marja. We will therefore briefly review some common words and their meanings:

- Wājib: obligatory
- Mustahab: recommended
- Mubāh: permissible
- Makrūh: disliked
- Ḥarām: forbidden
- Mujtahid: a person who has the ability of Ijtihād.



- Ijtihād: the scientific capability of the person to deduce and infer a legal opinion from the religious sources and evidence.<sup>i</sup>
- Marja': a Mujtahid in all fields of jurisprudence, who then announces himself as such and is followed by the general public.
- Obligatory precaution: When a Marja' has no definite ruling on an issue but is leaning more towards one side. In this case, his follower must either follow the precaution that the Marja' has suggested or follow another Marja' who is of equal knowledge or who is the next most knowledgeable, if that second Marja' has a definite ruling.
- Recommended precaution: When a Marja' believes there is some evidence that may indicate that precaution is better taken in a certain situation, so he gives a 'recommended precaution', which the follower has a choice as to whether to follow or not.
  - You may also come across the word 'Pak' in the book of Islamic laws of your Marja'. This is the Farsi word for 'Ṭāhir' or clean. It is used because often the translators have a Farsi background.

## **Review Questions:**

### **Q1. A Mujtahid is:**

- a. Any scholar who has studied for at least 10 years
- b. A scholar who is older and more experienced
- c. a person who has the scientific capability to deduce a ruling from the religious sources and evidence

### **Q2. We can choose or find a Marja' by:**

- a. Asking two qualified sheikhs to identify a Marja'
- b. Following someone who is well-known in the Shi'a community as a Marja'
- c. Both a & b

## Lesson 2: The Importance of Taqlīd

In previous lessons, we have reviewed the issue of Taqlīd. We have discussed how to select a Marja' and how to find out the rulings of that Marja', and the basic rules related to Taqlīd. In this lesson, we will review the conditions that a Marja' must meet. We will also answer some objections against the practice of Taqlīd, thereby getting an insight into its importance.



### THE CONDITIONS OF A MARJA'

In order to become a Marja', a person must meet nine requirements. These are being:

1. Male
2. Sane
3. Shia Ithna 'Ashari (a Shi'a) who believes in all of the twelve Imams, as opposed to certain sects of Shia who only believe in some of the Imams)
4. Of legitimate birth
5. Mature (Mukallaf)
6. Just\*
7. The most learned on issues where the Maraji' have different opinions
8. Al-Dabt: meaning he is not suffering from any kind of memory loss like Alzheimer and dementia.
9. Living: (for those who choose a Marja' for the first time)

\* A person is said to be just when he performs all those acts which are obligatory upon him, and refrains from all those things which are forbidden to him. And the sign of being just is that one is apparently of a good character, so that if enquiries are made about him from the people of his locality, or from his neighbours, or from those persons with whom he lives, they would confirm his good conduct.<sup>ii</sup> In addition, given the sensitivity and significance of the position of being a Marja', in addition

to being 'just', having full control over one's desires and restraining oneself from worldly aspirations are required of a Marja', based on obligatory precaution.<sup>iii</sup>

### **CAN WE FOLLOW A DECEASED MARJA'?**

Another issue that is commonly encountered relates to whether a person can follow a Marja' who is deceased.

According to the absolute majority of our Mujtahids following a deceased Mujtahid is not permissible for those who are choosing a Marja' for the first time. There is only one hypothetical exception and that is unless the deceased is proven by the living ones to be more learned. Following a deceased Mujtahid can have some problems. For example:

- If new issues arise, one does not have access to the Marja' to seek his opinion
- It is not possible to pay khums to a deceased Marja'. Paying khums to his office is also impermissible, because a Marja' is the representative (wakil) of the Present Imam (atfs) and once he dies his representation is nullified. So, his office cannot collect Khums on his behalf anymore. Thus the khums must be directed to a living Marja'.
- If it is allowed to follow a deceased Mujtahid, then one would have the choice of all the Mujtahids who passed away for the last millennium. Who can then decide who of these is the most learned?

There are some of the reasons why the Shi'a community follows Maraji' who are living.

### FURTHER DISCUSSION ON TAQLĪD

There are a number of questions or objections posed against Taqlīd. Here, we discuss some of these.

1. Why should someone who is educated and is an 'intellectual' blindly imitate a Marja'? Can they not come to conclusions about religious matters themselves?

Answer: Who are the intellectual people from the Islamic perspective? Does your literacy and academic degree determine the level of your intellect? Is it related to your Islamic education?



Mistakenly, we often regard the academic people as intellectuals. However, the real intellectual according to Islam is one who believes in God and obeys His Commands. Thus, the most foolish people are the atheists who deny the existence of God even if they are the most renowned scientists.

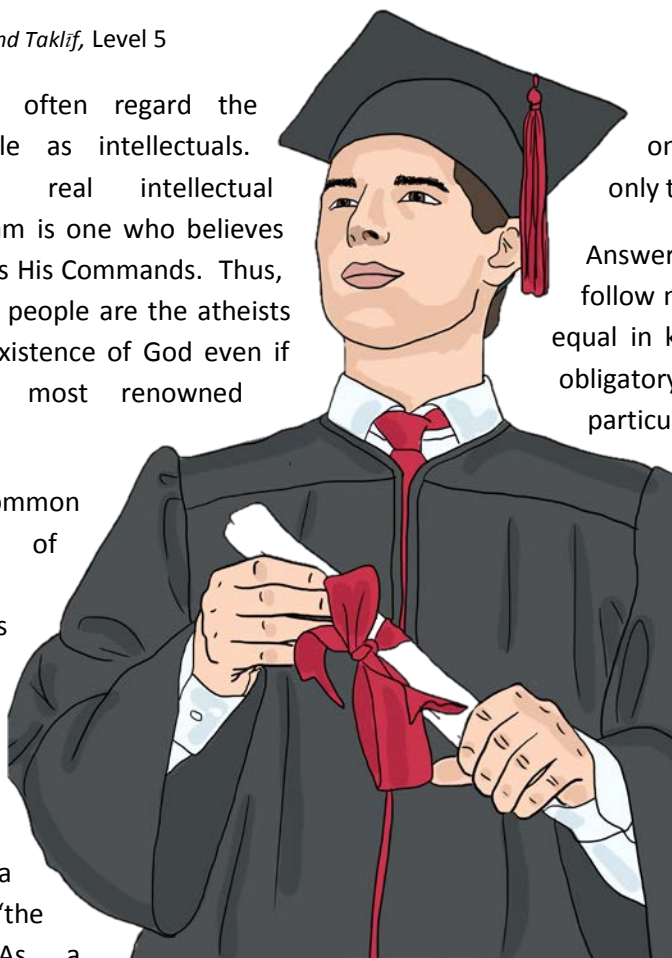
One of the common plagues of insufficient knowledge is pride. Sadly, once we obtain a degree we classify ourselves as a member of 'the intellectuals'. As a

result, we question and often doubt many religious issues, unprofessionally criticize the practice of great scholars, the end result of which will be nothing other than no or doubtful practice of Islam. For every virtue, having a little is better than having none. The exception is knowledge, where little knowledge can be more dangerous than no knowledge at all. Thus it is quoted from the holy Prophet (saw):

"Insufficient knowledge is dangerous."

The one who sees himself as an intellectual, and then gains a little religious knowledge, assumes he knows everything about the subject, and hence goes on to criticize issues he could not understand due to his insufficient knowledge.

Therefore, even those who are educated in secular fields, and who may have some Islamic knowledge, need to refer to the true experts in Islamic jurisprudence.



**2.** Why does a person have to follow only one Marja' and limit themselves to only the rulings of that person?

Answer: all jurists are unanimous that one can follow more than one Marja' as long as they are equal in knowledge and piety. In fact, it may be obligatory if particular Maraji' are more learned in particular fields.

In practicing our religion we need a 'valid proof' between us and God, and as qualified learned scholars are valid proofs, then there is no difference whether one takes the verdict of scholar A or B as long as both of them meet the criteria for being 'valid proof'.

**3.** Is Taqlid a new concept, or was it practised or encouraged by the Imams (as) of the Ahlul Bayt?

Answer: The Imams of the Ahlul Bayt have been appointing some of their learned students to give rulings, and instructing laymen to follow them: for example, Imam al-Bāqir (as) said to his trusted companion Abān Ibn Taghlib:

"Sit in the mosque in Medina, and give rulings to people. For I love to see the likes of you among my followers (shi'a)."

There are a number of other situations where the Imams (as) would refer their followers to learned companions such as Zurarah.

The criterion for giving rulings was knowledge. The following narrations imply this:

"Be wary not to give rulings to people without knowledge. Whoever gives rulings to people without knowledge, on him is the curse of Allah and the angels."

Moving forward in history, our scholars from the past to the present time are almost unanimous about permissibility and rather obligation of Taqlīd on ordinary people. This is why Sheikh al-Ṣadūq, one of our earliest great scholars, named his book 'Man la Yaḥḍuruhul Faqih' meaning 'a book for the one

who has no access to a scholar'. This meant that he saw his book as a reference for laymen who wanted to learn rulings from knowledgeable scholars. Great scholars such as Sheikh al-Ṭūsī, 'Allamah al-Ḥilli, and al-Shahīd al-Awwal have all claimed that the scholars are unanimous on the necessity of Taqlīd. These were the great scholars of different generations, and all agreed on this issue.

4. There are narrations that condemn the practice of Taqlīd. How can we explain this?

Answer: these narrations do exist. However, they are referring to following the wrong people, who are unqualified to be followed. The following narration makes this very clear.

Mohammad ibn 'Ubaydah narrates that Imam al-Reḍā (as) said to him: "Are you more strict in practising Taqlīd or the Murji'ah (a deviant group)?"

I said: "They practice Taqlīd and so do we."

He (as) said: "The Murji'ah established in a position of leadership a man who was not worthy to be followed and they followed him. You have established in a position of leadership a man whom you are obligated to follow, but you have not followed him. Therefore, they are more practising of Taqlīd than you."<sup>iv</sup>

In fact, it was the extreme group of al-Khawārij who were against the concept of following any human or any religious issue. The narration below is a discussion between the Khawārij and a companion of Imam 'Ali. The end of the narration clearly shows that following someone who is following God (i.e. gives us the rule of God) is permissible:

"When Ali ibn abi Ṭālib (as) sent Sa'sa'a ibn Ṣuḥān to the Khawārij they said to him: 'If 'Ali was here with us, would you be with him?' Sa'sa'a said: 'yes'. So they said to him: 'Then you are following 'Ali when it comes to your religion. Go back, for you have no religion'. Sa'sa'a said to them: 'Woe to you, should I not follow the one whom God has given responsibility to? This is the best of following.'"<sup>v</sup>

Through this discussion, we come to a more firm conclusion about the necessity and obligation of Taqlīd,

and why it plays such an important role in the life of a practising Muslim.

## Lesson 3: The Process of Analytical Jurisprudence

In previous lessons, we have reviewed the issue of Taqlīd. We have discussed how to select a Marja' and how to find out the rulings of that Marja'. We have also discussed the conditions required to be a Marja' and the importance of Taqlīd. In this lesson, we take a brief look at the process which a Marja' goes through in order to reach a ruling. This will also give us some insight into why the rulings of two Maraji' may differ sometimes.

### THE PROCESS OF REACHING A RULING

When a qualified scholar (Mujtahid or Marja') is faced with a jurisprudential question, they go through a very complex and difficult process in order to reach an answer. At every step, there are several factors that must be taken into consideration, and a Mujtahid must have adequate knowledge of many sciences in order to go through this process.

Here, we take a very brief look at the process of reaching a ruling. It must be emphasised that this is only a brief review of the steps, and by no means takes into account all the complexities of the process:

- Analysing the Holy Qur'an to find any reference to the question. For example, if the question at hand was: 'how should Wuḍū' be performed', the following āyah would be a main reference:

"O you who believe! When you intend to offer prayer, wash your faces and your hands up to the elbows, and wipe your heads, and your feet up to ankles" (5:6)
- When looking at the Qur'an, the qualified scholar does not simply look at one āyah and give a ruling. They look at the whole Qur'an and take into consideration all the āyat related to the issue. This means they need a knowledge of which āyat are established and which are ambiguous, and which āyat are general and which are limited. For example, when it comes to the question 'is wine prohibited to consume', we see that the Qur'an has a number of

āyāt referring to this issue. The qualified scholar uses his understanding of the sciences of the Qur'an to come to the conclusion that the Holy Qur'an gradually prohibited the consumption of wine.

- Thus the āyah totally forbidding wine was the last to be revealed and overrules the others. The āyāt relating to wine are quoted below in the order of revelation from first to last:
  - "And from the fruits of date-palms and grapes, you derive strong drink (this was before the order of the prohibition of the alcoholic drinks) and a goodly provision. Verily, therein is indeed a sign for people who have wisdom." (16:67)
  - "They ask you concerning alcoholic drink and gambling. Say: "In them is a great sin, and (some) benefit for men, but the sin of them is greater than their benefit." (2:219)
  - "O you who believe! Approach not the prayer when you are in a drunken state until you know (the meaning) of what you utter..." (4:43)
  - "O you who believe! Intoxicants, gambling, Al-Anṣāb, and Al-Azlām are an abomination of Satan's handiwork. So avoid (strictly all) that (abomination) in order that you may be successful..." (5:90)
- The next step is to analyse the aḥādith- the narrations from the Prophet (saw) and the Infallible Imams (as). The qualified scholar has knowledge of the main compilations of narrations from the Ahlul Bayt (as), and searches these for reference to the question at hand. For example, if the question was 'can one fast while travelling', the following narration would be a main reference:

The authenticated narration of Suma'ah ibn Mihran from Imam al-Ṣādiq (as): "I asked him about fasting while travelling and he (peace be upon him) said: 'one should not fast while travelling. Some people fasted while travelling during the life of the Messenger of Allah (peace be upon him and his progeny) and he called them the disobedient. Therefore, one should not fast while traveling, except for the three days during Ḥajj that Allah, the Exalted and Glorified, mentioned'"<sup>vi</sup>

- When looking at a narration, the scholar analyses the following:

- The chain of the transmitters, who must be authenticated and known to be trustworthy narrators
- The content of the narration. It must be free from contradiction, must not go against the Holy Qur'an, or against established Islamic principles
- Often, an authentic narration may explain an āyah of the Qur'an and give further understanding of it.
- Sometimes, narrations may seem to give conflicting evidence. In this case, the scholar must seek to compromise the apparently conflicting evidence using several established principles. Examples of how to compromise between narrations include:
  - Is one general and one specific?
  - Is one unconditional and one limited?
  - Is one more in agreement with the Holy Qur'an?
  - Is one possibly an example of dissimulation (taqiyyah)?
- Having analysed the Holy Qur'an and the narrations, if the scholar finds no reference to the question at hand, they can resort to the following:
  - Unanimity amongst scholars. For example, in the question of whether the elbow itself should be included in washing during Wuḍū', the evidence from the Holy Qur'an and the narrations does not give a clear answer. However, all scholars are unanimous that the elbow should be included, and so a qualified scholar can give a ruling based on this unanimity.
  - Referring to certain procedural principles, which can be used in the absence of textual evidence. An example of these principles is one called 'istiḥāb'. When one is uncertain about a particular issue, this principle allows one to carry past certainty about the same subject and apply it to the present. For example, if a body of water was unmixed and now doubts whether it has become mixed or not, they can apply this principle to assume that it remains unmixed.
  - The practice of the followers of the legislation. If there is no evidence from the Holy Qur'an or narrations, a qualified scholar can also refer to the practice of practising Muslims in the past to come to an answer. For example, we know from the narrations that some prayers should be

recited aloud and some silently. However, when it comes to specifying which should be recited aloud and which should be recited silently, perhaps the main evidence we have is the practice of the Muslims over so many generations, since the time of the Imam (as). Because there is no possible source for this practice other than the instruction or practice of the Ahlul Bayt (as), the scholar can rule according to this practice.

## **DIFFERENCES IN RULINGS**

At times, the ruling reached by different scholars may be different. The differences are often minor, but they do exist. This may be due to several factors. Two scholars may

- believe in different principles when it comes to authenticating transmitters of narrations,
- or they may differ in how to give preference to one piece of textual evidence over another
- or they may differ in the way they understand or interpret the textual evidence

We often see differing opinions amongst experts even in empirical sciences, where the evidence is tangible and experimental. Thus it is natural for there to be difference amongst experts in jurisprudence as well. These differences should be respected and understood. Each scholar is doing their utmost and performing their duty before Allah (SWT) in trying to reach the most correct conclusion.

Therefore, we should not criticise scholars because of the differences in rulings, and we should not inflame tensions between their followers. We are each bound to select a Marja' whom we believe is the most qualified, and then to follow his rulings. We do not need to enter into arguments or debates about rulings. This is because we often do not understand the complexity of the process in deriving these rulings, and we may do injustice to the scholars. Furthermore, these debates can become heated and cause disunity amongst the community.

Ultimately, we must respect the qualified scholars and their sincere conclusions, and maintain our duty in following these rulings. At the same time, we have to

respect the differences in practice amongst our community, and try to make the best of it.

## **Activity**

**Give a brief overview (200 words) of the process that a Marja' undertakes in order to reach a ruling.**

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<sup>i</sup> Ayatollah Makrem Shirazi, Rulings of Taqlid

<sup>ii</sup> Ayatollah Sistani, Practical Laws of Islam

<sup>iii</sup> Ayatollah Khamenei, Practical Laws of Islam

<sup>iv</sup> Al-Kafi, v. 1 p. 53

<sup>v</sup> Biharul Anwar, v. 22, p. 402

<sup>vi</sup> Wasailul Shi'a, chapter 11, from the chapters on who can fast, narration 1