Taqlid: Meaning and Reality

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Article

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In the name of Allah, the Beneficent, the Merciful

Some General Terms

Wajib –– obligatory, necessary, incumbent. An act which must be performed. You will be rewarded for performing it and punished for neglecting it, e.g., the daily prayers, the fasting of Ramadhan.

Ihtiyat wajib –– precautionarily obligatory. Its significance is the same as that of wajib with the difference that in the problems where a *mujtahid* says it is "precautionarily obligatory", one has the option of leaving his *taqlid* (following) in this particular problem and following the rulings of the second–best *mujtahid* in that problem.

Haram –– forbidden, prohibited. It is necessary to abstain from the acts which are haram. If someone performs a haram act, he will be punished, e.g., eating pork.

Sunnat, Mustahab –– recommendable, desirable. The acts whose neglect is not punished, but whose performance is rewarded, e.g., the call for prayers (*adhan*).

Makruh –– reprehensible, disliked. The acts whose performance is not punished, but whose avoidance is rewarded, e.g., eating in the state of janabat.

Ja'iz, Halal, Mubah –– permitted, allowed, lawful, legal. The acts or the thing which are permitted and lawful. There is no reward for performing it and no punishment for neglecting it, e.g., drinking tea. *Mubah* is exclusively used for lawful things, not for permitted actions.

What is Taqlid?

Taqlid literally means "to follow (someone)", "to imitate". In Islamic legal terminology it means to follow a *mujtahid* in religious laws and commandment as he has derived them. A *mujtahid* is a person who is an expert of Islamic jurisprudence (*fiqh*); he is also called a *faqih*. In order to see where and why the practice of *taqlid* gained acceptance in the Shi'i world, it is necessary first to explain it in some detail.

Man's nature dictates that he can only function properly within a society, and a society depends for its existence on laws and regulations. Islam teaches that Allah has sent a series of messengers and prophets with divine laws for man's guidance from the very beginning of his existence.

The final Messenger and Prophet was Muhammad bin `Abdullah (may the peace and blessings of Allah be upon him and his Household) who brought the last and most perfect of God's religious messages,

Islam, which is to serve as a guide for mankind till the end of time.

Allah is the Creator of man and the universe, and so only He can, or has the right, to make laws for us. The prophets and messengers are merely the teachers and proclaimers of Allah's laws and regulations; they cannot make laws themselves.

The teachings of Shi'ah Islam say that the Imam is the successor of the Prophet and acts as the preserver and interpreter of Islam and its divine law, the *shari'ah*. In the earliest period of Islamic history, the Prophet guided the Muslim community (*ummah*) in every step it made, and was there to solve all its difficulties. From the time of the first Imam, `Ali, until the death of the eleventh, the Imam Hasan al-`Askari, peace be upon them, the Shi'ah received guidance directly from the Imams.

Then, during the period of the Lesser Occultation (*al-ghaybatu 's-sughra*) of the Twelfth Imam, he himself successively appointed four representatives[1] who acted as the link between the Imam and his Shi'ahs. However, when the present Imam, peace be upon him, went into his Greater Occultation (*al-ghaybatu 'l-kubra*) in 329/941 in obedience to Allah's command, the Shi'ah were obliged to observe *taqlid* in their religious affairs.

Is Taqlid reasonable in a Time of Widespread Education?

It is not always reasonable to follow others and to hold uncritical faith in their opinions. We can distinguish four possible forms that imitation could take:

a) that of an ignorant person by an ignorant person,

b) that of a learned person by a more learned person,

c) that of an ignorant person by a learned person,

d) that of a learned person by a less learned person.

It is quite clear that the first three forms of imitation are unreasonable and can serve no purpose. However, the fourth kind is obviously not only reasonable, but also necessary and a matter of common sense; in our everyday life we follow and imitate others in many things; we like to feel that we are taking the advice of experts in matters outside our own knowledge.

Someone who wishes to build a house explains the basic idea of what he wants to his builder and then submits to his advice as to how he should go about the actual construction; the invalid follows the treatment advised by his doctor; a litigant consults a lawyer when drawing up his case for presentation in court.

The examples are abundant; in most cases the advice is taken voluntarily, but sometimes the citizen in a country may be required by law to seek expert advice and act upon it, before, for example, he is allowed

to take some particularly dangerous drug.

The clearest example is obviously in case of a legal dispute between two parties, where they are required to take their grievances before a judge and abide by his decision if they cannot settle their dispute amicably.

The practice of *taqlid* is an example of the same kind: the person who is not an expert in jurisprudence is legally required to follow the instructions of the expert, i.e., the *mujtahid*. And in this case the requirement is an obligation which must be observed, for it is an essential part of the divine law.

It should be observed that *taqlid* pertains only to the realm of the *shari'ah*; there can be no *taqlid* in the matters of belief (*usulu 'd-din*). A Muslim must hold his belief in the fundamentals of his religion after attaining conviction of their truth through examination and reflection. The Qur'an very clearly condemns those who follow others blindly in matters of belief:

And when it is said to them, "Come now to what Allah has sent down, and the Messenger," they say, "Enough for us is what we found our fathers doing". What, even if their fathers had knowledge of naught and were not rightly-guided? (***5:104***)

This strong condemnation of the idol-worshippers is repeated elsewhere:

And when it is said to them, "Follow what Allah has sent down," they say, "No, but we will follow such things as we found our fathers doing." (***2:170*** **and** ***31:20***)

This does not mean that one must necessarily hold belief contrary to those of one's forefathers; what the Qur'an is saying is that one should not follow them blindly, i.e., without considering the validity of one's reasons for holding them. The Islamic attitude towards fundamental belief is that one may consider the views and opinions of others, but that one should only accept that which is reasonable to believe:

So give thou (***O Muhammad!***) ***good tidings to My servants who give ear to the word and follow the fairest of it. Those are they whom Allah has guided; those are men possessed of minds.*** (***39:17***)

To summarize, it may be said that the only approach to Islam is by accepting its tenets in such a way as one is entirely convinced of their validity, and this can only come about if one examines them carefully and conscientiously.

Once one has come to accept these tenets it follows as a necessary consequence that one must adhere to the *shari'ah*, either by following a *mujtahid* in *taqlid*, or by undertaking the acquisition of learning and piety to such a degree that one becomes a *mujtahid* oneself.

Taqlid in the Qur'an and Ahadith

The Qur'an instructs Muslims to seek guidance from people of learning in matters about which they lack knowledge:

"Question the people of remembrance if you do not know." **(*21:7*)**

It is an obligation in Islamic law to study everything which is necessary for the spiritual and material development and well-being of an Islamic community, but it is an obligation which is known as *wajib kifa'i*.2

In the present instance, for example, an Islamic society has need of experts in the medical sciences, in physics and chemistry, engineering, education, and so forth, and as long as there is a lack of knowledge in these areas it is an obligation on the community as a whole to acquire it, which means that a group of Muslims should devote themselves to research so as to benefit the Islamic people as a whole.

Similarly, an Islamic society without experts in the *shari'ah* cannot properly consider itself Islamic, so it is an obligation for a group of persons from this society to devote themselves to the study of the religious sciences, so as to provide divine guidance for all Muslims. This is the meaning contained in the verse of the Qur'an which states:

"But why should not a party from every section of them* (*the believers*) *go forth to become learned in the religion, and to warn their people when they return to them, that they may beware?" **(*9: 122*)**

It is clear that the Imams used to be pleased if any of their companions taught religion or gave legal rulings (*fatwa*) to others. There are a number of documented cases of Shi'ahs who lived far from Medina asking the Imam of the time to appoint someone in their locality to adjudicate between them in religious problems. Zakariyyah ibn Adam al-Qummi and Yunus bin `Abdu r-Rahman, for example, were named by Imam `Ali ar-Rida' to solve disputes in their own districts.3

In a famous *hadith*, `Umar ibn Hanzalah asked Imam Ja`far as-Sadiq, peace be upon him, about the legality of two Shi'ahs seeking a verdict from an illegitimate ruler in a dispute over a debt or a legacy. The Imam's answer was that it was absolutely forbidden to do so.

Then Ibn Hanzalah asked what the two should do, and the Imam replied: "They must seek out one of you who narrates our traditions, who is versed in what is permissible and what is forbidden, who is well-acquainted with our laws and ordinances, and accept him as judge and arbiter, for I appoint him as judge over you. If the ruling which he based on our laws is rejected, this rejection will be tantamount to ignoring the order of Allah and rejecting us is the same as rejecting Allah, and this is the same as polytheism."4

In another tradition from Imam Ja'far as-Sadiq, this time narrated by Imam Hasan al-`Askari, peace be upon them, he says, "...but if there is anyone among the *fuqaha'* who is in control over his own self, protects his religion, suppresses his evil desires and is obedient to the commands of his Master, then the people should follow him."[5]

A third *hadith* is from the Present Imam, Muhammad al-Mahdi, peace be upon him, who said in a reply to Ishaq ibn Ya'qub: "As far as newly occurring circumstances are concerned, you should turn (for guidance) to the narrators of our *ahadith*, for they are my proof over you just as I am Allah's proof."[6]

We can understand two things from these verses of the Qur'an and the *ahadith* of the Imams:

1) there must always be a group of *fuqaha'* in every Muslim society;

2) those who are not qualified as *fuqaha'* or *mujtahids*, must follow one, and that to go against his instruction in religious matters is tantamount to polytheism., must follow one, and that to go against his instruction in religious matters is tantamount to polytheism.

The Necessary Conditions for Qualification as a Mujtahid

It can easily be inferred from the second of the *ahadith* cited above that becoming an expert in *fiqh* and the other Islamic sciences is not in itself enough for qualification as a *mujtahid* whom everyone can follow. In addition to this, Islamic law lays down that a *mujtahid* should be a free man of legitimate birth who is past the age of puberty, sane, an Ithna-`ashari Shi'ah, and *`adil*, (which can be translated as 'just', but which includes other moral and legal qualities, such as piety and abstention from all that the *shari`ah* forbids and fulfillment of all its obligations).

As to the question of how an ordinary believer should discover who is the *mujtahid* he must follow, there are three recognized ways:

1) by his own personal knowledge if he is himself a religious scholar;

2) by the testimony of two *`adil*, knowledgeable persons to someone's being a *mujtahid*;

3) by a degree of popularity which leaves no doubt as to a person's being a *mujtahid*.

Most present day *`ulama'* maintain that it is most desirable to follow a *mujtahid* who is *al-a`lam*. In a general sense this means 'the most learned', but in this specific contexts it means the *faqih* who has the greatest expertise in deriving the rulings of the *shari`ah* from the sources. The *a`lam* may be recognized in any of the three ways a *mujtahid* can.[7]

However, it is sometimes difficult for the Shi'ah *`ulama'* to distinguish whom among all the *fuqaha'* is the most learned, and, as a result, more than one *mujtahid* may be followed in *taqlid* at one time (though not, of course, by the same person), as is the case at present, but any such multiplicity does not result in any

practical disagreement on legal matters within the Shi'ah community.

Why are there differences among the mujtahids in their legal opinions?

Many people wonder why it is that the *mujtahids* differ in their religious opinions, or *fatwas*, when the bases of their *ijtihad* are the same. Firstly, it should be said that any differences in the *fatwas* is hardly ever such as to be contradictory; it is almost impossible to find a case of one *mujtahid* saying some action is *wajib* and another saying it is *haram*.

Take, for instance, the case of *salatu 'l-jum`ah*, the Friday prayer. All the Shi'ah *`ulama'* are of the opinion that in the time of the presence of the Imam this *salat* is obligatory on Fridays, because it is the Imam, or his representative, who has the right to call the people to Friday prayer; but they differ as to what is the correct course of action when the Imam is in Occultation.

This difference of opinion does not, however, create any practical problem for the community. The late Ayatullah as-Sayyid Muhsin al-Hakim (d. 1970) was one of the opinion that *salatu 'l-jum`ah* is not obligatory during the Occultation of the Imam, but it does not matter if someone performs it supposing that it is expected (of him), provided that he also prays the noon prayer (*salatu 'z-zuhr*). Ayatullah as-Sayyid Abu 'l-Qasim al-Khu'i says that "one can choose between performing *salatu 'z-zuhr* or *salatu 'l-jum`ah*, but once the latter is established with all its conditions (fulfilled), it is precautionarily obligatory to participate in it."

Ayatullah as-Sayyid Ruhullah al-Khumayni says that "one can choose between performing *salatu 'z-zuhr* or *salatu 'l-jum`ah*, but if one chooses the latter it is advisable (*mustahab*) to precautionarily perform *salatu 'z-zuhr* also."[8]

Although there are these differences in the opinions of these *mujtahids*, there is no clash that would, for example, prevent the follower (*muqallid*) of one of them participating in *salatu 'l-jum`ah* if it were established.

Secondly, it should be observed that the existence of differences in scientific opinions is not to be taken as a sign of a substantial defect in the quest for knowledge and a reason for abandoning it altogether; it is, rather, a sign that knowledge moves in progressive steps towards perfection. Differences of opinions are to be found in all sciences, not just in *fiqh*.

There may, for example, be more than one opinion about the therapy for a particular patient's disease, and all of these opinions may be superseded later on by the development of new methods of dealing with that disease.

Thus these observations can be seen to be relevant not only to differences between the opinions of

contemporary scientists but also to historical differences, and all these differences should be regarded as signs of the dynamism within a science and stages to be passed in its route to perfection.

It should be remembered that the *mujtahid* formulates his opinions after pushing his research and study as far as he can; that is all that is expected of him, for he is neither inerrant nor an *`alim bi 'l-ghayb* (knower of the unseen). The *muqallid* is enjoined to follow his opinions.

So, even if the *mujtahid's fatwa* is not actually in agreement with Allah's real command, neither he will be punished on the Day of Judgement for having issued the *fatwa*, nor will his *muqallid* for having acted according to it, for both will have done what was commanded of them and what was humanly possible for them to do.

1. These four representatives were: `Uthman ibn Sa`id al-`Amri, from 260/875-6 to 265/879; Muhammad ibn `Uthman al-`Amri, from his father's death until his own in 305/917; Husayn ibn Rawh an-Nawbakthi, from then until 326/937-8; and finally `Ali ibn Muhammad as-Samari until his death in 329/940-1.
2. Wajib kifa'i = the obligation which is on every member of the community as long as it is unfulfilled, but as soon as some person, or persons, has fulfilled it, it is no longer an obligation on those who have not fulfilled it.
3. Shaykh Hurr al-`Amili, Wasa'ilu 'sh-Shi`ah, vol. 18, Tehran 1401 A.H., pp. 106-7.
4. Shaykh al-Kulayni, Furu`u 'l-Kafi, vol. 7, Tehran 1379, p. 412.
5. Shaykh at-Tabarsi, al-Ihtijaj, vo. 2, Najaf 1966, p. 263.
6. Ibid, p. 283.
7. For these and further rulings concerning the marja'u 't-taqlid see Sayyid Muhammad Kazim at-Tabataba'i al-Yazdi, al-`Urwatu'l-Wuthqa', Tehran 1972 (published with the annotations of the contemporary maraji'), p. 5.
8. See their respective compilations of fatwas known as Tawdihu 'l-masa'il under rulings nos. 733, 737 and 741.

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