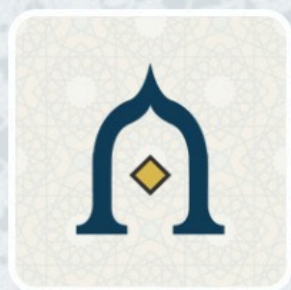


A Discourse on Taqlid

A Discourse On Taqlid



**A Simplified Study Explaining the
Legality of Taqlid and Answering
Doubts Concerning It - Sayyid
Muhammad Baqir S.**

**Translated by
Abu Zahra Muhammadi**

Al-Islam.org

[1] [1]
SHARES

Sub Title:

Author(s):

[Sayyid Muhammad Baqir S.](#) [2]

This text examines the legitimacy and necessity of taqlid in Islamic jurisprudence and addresses the doubts that have been raised concerning it. It explains why those who do not possess specialized knowledge of fiqh need to refer to qualified and reliable scholars when determining their religious duties.

The discussion distinguishes between matters that require personal investigation, matters that are clear and need no taqlid, and matters in which following a qualified jurist is appropriate. It presents rational, textual, and historical evidence for this practice, including the guidance of the Imams ('a) to their learned companions.

The text also responds to objections against taqlid and examines the claim that religious rulings can be obtained directly from Qur'an and hadith without specialized knowledge.

Particular attention is given to the need for qualified scholars who combine knowledge with integrity and piety. In this way, the text presents taqlid as a practical means of preserving sound religious practice and following the guidance of those qualified to interpret Islamic law.

[Get PDF](#) [3] [Get EPUB](#) [4] [Get MOBI](#) [5]

Translator(s):

[Abu Zahra Muhammadi](#) [6]

Topic Tags:

[Taqlid](#) [7]

[Rulings \(Ahkam\)](#) [8]

[Beliefs and Doctrine](#) [9]

Miscellaneous information:

A Discourse on Taqlid A Simplified Study Explaining the Legality of Taqlid and Answering Doubts Concerning It Author: Sayyid Muhammad Baqir S. (A Teacher at the Hawzah Ilmiyyah in Najaf al-Ashraf) Translator: Abu Zahra Muhammadi

Translator's Introduction

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Beneficent, the Merciful

All praise is for Allah, Lord of the worlds, and salutations and greetings upon our master Muhammad and his honorable, pure progeny. Glory and praise be to You O Allah! Indeed, we know not save what You have taught us; verily You are the All-knowing, All-wise.

The subject of *taqlid*, which means following a jurist in matters of Islamic law, is important for all Muslims. Since we live in a time when there is no direct access to a divinely appointed guide whom we could refer to on questions about religious injunctions, we need to refer to the '*ulama*' who are the 'heirs of the Prophets'.

These devout and pious scholars spend years studying the sacred texts of the Qur'an and Hadith in order to derive religious rulings. They spend countless hours critically studying complex works that were written down centuries ago. They debate with their peers and discuss many of the abstruse and equivocal traditions, taking nothing for granted.

After years of painstaking study and research, some of these scholars attain a level of learning that gives them license to undertake the task of deriving religious laws from the sources (*ijtihad*). Of the small percentage of scholars who do reach this level, an even smaller percentage move on to become sources of emulation (*maraji' al-taqlid*). It is these latter scholars, known for their erudition, piety and abstemiousness, who are followed by the lay believers in juristic matters.

Despite the grueling studies and the exhaustive efforts expended by these scholars, there are some who have raised doubts about the rationality of following them. They question the legitimacy of *taqlid* and its validity. In this monograph, the author has addressed these doubts and has proven, with complete certainty, that *taqlid* is both valid and necessary.

The approach taken by the author takes into consideration the different kinds of readership who would be interested in this discourse. As such, he has divided the work into a detailed discourse, which makes up most of the book, and a brief summary of the same, which he writes at the end.

It should be noted that since the author's primary objective is to prove the legitimacy of *taqlid*, he does not discuss other related issues such as the possibility of *taqlid* of more than one jurist at a time, the range of a jurist's authority, the collection and disbursement of *khums* by the jurist etc. These issues, while important, are beyond the scope of his subject.

In our translation, we have opted to render the term '*faqih*' variously as scholar, religious scholar or jurist in order to avoid monotony, as this term is repeated often. Hence, unless mentioned with a specific qualifier, the general term 'scholar' refers to a scholar of jurisprudence (*fiqh*) throughout this monograph. Commonly used Arabic terms, which we have opted not to translate, have been defined either within the text or in the glossary at the end.

[1] [1]

SHARES

Preamble

It is necessary for every responsible human being – after recognizing the true religion and path – to explore the best and most correct way to attain knowledge of divine ordinances. This is because by its very nature and its effect on the lives of humanity as a whole, religion is a focal point towards which desires and differing opinions gravitate.

This is not something new that has developed in the present age. Rather, it has always been this way from the earliest times. It is for this reason that religious texts put such great emphasis on verification regarding it by the general masses, and eschewing hastiness in accepting every claimant to authority or raiser of the banner of religion.

A Statement of Amir al-Mu'minin ('a) Warning Against False Claimants to Knowledge

Amir al-Mu'minin ('a) said in a speech wherein he warned the people against one who makes the claim that he is knowledgeable and strives to attain authority by putting doubts in the minds of people and sowing discord:

“Indeed, two types of people are the most hated creatures in the sight of Allah, the Almighty: the individual whom Allah has left to his own designs and has thus deviated from the right path. He is infatuated with propagating innovations yet constantly engages in fasting and prayer; thus, he misleads those who are fooled by him. He has strayed from the path of guidance of those before him, and misguides those who follow him in his lifetime and after his death. As such, he bears the sins of others and is held liable for his own sins as well.

“The other individual is one who has accumulated ignorance [and spread it] among the ignorant. He is trapped by the darkness of [his own] confusion. People who hardly deserve to be called human beings call him a scholar, though he has not spent even a full day in [the city of] knowledge. He rises early and

amasses things, less of which would be better than more, to such an extent that when he has quenched himself on putrid water and hoarded much without gain, he sits before people as a judge, guaranteeing that he will solve [cases] that have confounded others. Even as he contravenes the precedent of a judge before him, he does not feel secure that one who comes after him will not contravene him, just as he did to the one before him. If a difficult and confusing question arises, he prepares one of his many baseless opinions [to answer it], and then [acts as though] he is sure of it.

Thus, with respect to these confusing issues, he is like [a fly snagged in] a spider's web. He never knows whether he is right or wrong. He does not consider there to be knowledge [worth learning] in anything that he does not know; and he does not consider there to be an opinion [worth having] beyond what he has reached. If he compared one thing to another [and derives a ruling through analogy], he does not reject his opinion [though he ought to]. If a matter is obscure for him, he conceals this fact because he knows his own ignorance and because he does not want it said about him, 'He does not know.' Despite all this, he dares to issue a ruling. Thus, he is a key to [the gates of] darkness; he rides [the waves of] confusion; he stumbles in his ignorance. He does not [even] excuse himself from what he does not know, in which case he would [at least] remain safe [from the consequences of his ignorance and misguidance]; neither does he sink his teeth firmly into knowledge, in which case he would [actually] benefit [from it].

He [indiscriminately] quotes traditions [scattering them] the way the wind scatters leaves. Shares of inheritance [veritably] weep [because he has unjustly apportioned them] and [innocent] blood [veritably] cries [because he unjustly spills it]. Through his rulings, unlawful sexual relations are made lawful, and through his rulings, lawful sexual relations are made unlawful. He is neither capable of resolving the issues that are brought before him, nor is he worthy of the claims which have come from him about his knowledge.”¹

Moreover, Amir al-Mu'minin ('a) said in another statement where he describes the state of people and their types:

“O People, we are in a period of intransigence and ungratefulness wherein a virtuous person is deemed vicious and the oppressor continues his excesses [unhindered]. We do not make use of what we know and do not seek to discover what we do not know. We do not fear calamity until it affects us.

People are of four categories: Among them is one who is prevented from corruption only by his low status, lack of means and paucity of wealth. Then there is one who draws his sword and openly commits mischief, gathering his cavalry and infantry. He devotes himself and ruins his religion in order to secure wealth, lead troops, or rise on the pulpit [of power]. How bad a transaction it is to consider this world a [fair] price for your soul, and for what lies with Allah for you!

And among them is he who seeks this world through deeds meant for the hereafter, but does not seek the hereafter through deeds of this world. He keeps himself composed, takes small steps, holds up his

clothes, embellishes himself to show trustworthiness, and uses Allah's veil [with which He hides the flaws of His servants] as means for committing sin.

Then there is one whose weakness and lack of means have held him back from seeking authority. His condition thus keeps him restrained, yet he adorns [himself through] it in the name of contentment and clothes himself with the robe of abstemiousness, though he has never had any connection with these qualities.

Then there remain a few people whose gaze is lowered by the remembrance of their return [to Allah on the Last Day] and whose tears flow out for fear of the Resurrection. Among them are those who are removed from society, frightened and subdued, silent and stifled, who supplicate sincerely, and are grief-stricken and in pain.”[2](#)

The Preferred Method for the Followers of Ahl al-Bayt (‘a) to Acquire Knowledge of Religious Injunctions

The method that has been adopted by the followers of the Ahl al-Bayt, and indeed by other Muslims as well, is to refer to reliable religious scholars, in accordance with the norm of referral to reliable specialists by non-specialists as practiced in all other aspects of their lives.

This approach led to the establishment of institutes of higher learning, such as universities and seminaries, wherein students study Islamic law from the most elementary stages until they gradually reach a level where they are considered authorities and attain a license to practice *ijtihad*.

Then, they practice *ijtihad* in different jurisprudential topics in order to attain complete expertise and proficiency. Similarly, students progress through stages of ethical development, from the initial phases of moral reform to the highest ranks of justice, by remaining steadfast upon the legislated path in all affairs, events and occurrences.

This system, as it currently stands in accordance with the path that has been adopted in the Imami society, is a system that plays a huge role in protecting the society against authority being placed in the hands of those who do not possess the required knowledge and integrity. This is because people depend on the best of those who have graduated from such institutions for their knowledge of legal injunctions – those who have passed through the various levels of learning, training and self-purification over a period of decades, from their youth until their old age.

They are the ones whose erudition and piety have been witnessed by seminarians and people of merit and excellence over this period, and this is the best test that can distinguish the steadfast from the hasty, and the pious from the pretender, before people refer to him in matters of their religion.

It is in this manner that righteous and just scholars proceeded throughout the previous centuries.[3](#)

Indeed, these people remained firm in their struggle for the acquisition of knowledge, and remained steadfast in their adoption of good morals and etiquette, for a long period among the people of knowledge, until they became deserving of deference in the religious seminary and people began to refer to them in religious matters.

The Phenomenon of Contravention in the Prevailing Approach and Its Devices

Despite the presence of this system, it did not stop certain individuals from laying claim to knowledge, devotion and cognizance, without having passed through the stages of its acquisition or being tested on its slippery slopes. Doing this would have established their reliability through what could be attested of their character such as their patience, dedication and diligence in acquiring knowledge, their steadfastness in conduct, and their disinterest in attaining renown and status in the eyes of the masses.

Some of them even act in arbitrary ways in order to appease people. Two such ways are:

- 1) Spreading doubt among people in sensitive issues, even if they are self-evident and clear to both the lay masses and the specialists, by casting doubt and causing contradiction between them and other creedal issues, in order to shake the convictions of the masses.
- 2) Addressing the lay masses in specialized theoretical matters and expressing a view that is contrary to that of the majority of scholars, or what has been expressed by some of the renowned scholars, as well as challenging the great scholars to come and debate them in public. They do this in order to gain the confidence of the people in their erudition, instead of embarking on the established method in the seminary of gradually rising up the ranks of scholarship and excellence, and addressing the people of knowledge and merit.

It may seem strange for such a thing to occur in this age, when it has become apparent and clear that each field has its specialists and there are specific paths to follow in order to acquire each specialization; and one's specialization is not established through social media or mass communication addressed to non-specialists.

Similarly, specialization is not acquired by simply acquiring of information by amateurs or stirring up controversies in public. Rather, it is only attained by rising up the ranks of excellence, as is the wont of the educated people in all other fields of study in the universities and institutions of higher learning.

The system of the seminaries offers protection against such dangers since the establishment of an individual's knowledge takes place within the hallways of knowledge and in the presence of scholars, sages and intellectuals. Then a careful balance is adhered to between the various levels of erudition and its stages, so that those who stand out are distinguished from the rest. The only exception is when the strength of wealth and media leads to a breach in the system.

Indeed, the trivialization of acquiring in-depth knowledge, aside from being a manifest mistake from the viewpoint of erudition, leads to the facilitation of false claims to knowledge and authority by anyone who refers to the source texts and learns a part of it well, as has become common among the Salafis.

We note that among them, every individual who memorizes the Qur'an and some hadith texts, like *Sahih al-Bukhari*, starts issuing edicts on matters pertaining to the social, political and other aspects of the life of Muslims. They declare whomever they wish to be unbelievers and proclaim the obligation of *jihad* whenever they desire.

If the system of [gradual] advancement in the seminaries devolves into this approach, the Imami society will, after a while, certainly be afflicted by the problem of too many heads [competing for leadership] and strife will ensue, as witnessed in the case of others [who followed this path].

This will result in the rise of false claimants to knowledge from every nook and cranny, and most of the people will rely on, and be influenced by, the media [and those who misuse it] for issues pertaining to religious knowledge. As a result, those who truly possess knowledge, having diligently acquired it, will be forsaken due to their espousing a more dignified approach and not resorting to the use of such tactics.

The only protection from falling into such predicaments is the system of the Islamic seminary, since it employs a stringent and lengthy method of tests and examinations. Additionally, there is appraisal by peers, such that in the end, the person upon whom people rely for religious rulings and to whom people refer [for religious guidance] is the most qualified and competent in terms of knowledge and piety.

Raising Doubts About the Legality of Taqlid

One of the issues about which doubts have been raised, without fair reflection, is the referral of a non-specialist in Islamic jurisprudence to those who specialize in it among the scholars. This is despite the fact that, aside from being something that is in perfect harmony with the practice of all rational human beings, scholars and students alike, it is a matter that is considered self-evident within religious circles and has been the normative practice of adherents of all faiths from the early ages.

Even if a historian, despite not being a Muslim or an Imami, wishes to describe the practices of the adherents of any faith, or specifically that of Muslims and Imamis, in how they acquire religious knowledge, going back to the earliest historical records – without employing the specific tools that are used in the study of narrators (*'ilm al-rijal*) – he will find that this practice [of referring to specialists] has always been present among the adherents of all faiths.

And what, pray tell, would be the alternative to referring to the most learned and qualified of scholars who have spent their entire lives and most of their time in study and training, and who have been tested by the most stringent yardsticks of the Islamic seminary?!

In reality, the referral by non-specialists to a specialist is one of the most obvious recourses that people

follow based on their recognition [of its necessity], just as they do in all other matters in their lives. The Lawgiver has not changed the means by which people can arrive at religious injunctions. The means by which one may arrive at these rulings are the very same means that people resort to when it comes to learning about technical issues requiring specialization.

It is incumbent on every religious community to refer to reliable religious institutions in order to get information about religion and its prescribed laws. Additionally, they must try to identify the most learned and capable religious scholar in terms of erudition, integrity and piety, for this will bring them closer to attaining the truth and save them from falling into doubt.

Indeed, there are some in the seminary who are known for their knowledge and steadfastness; whom vain desires do not lead to alter religious teachings or change explicitly defined rulings. We pray to Allah, the Glorified, for this to continue until the reappearance of al-Imam al-Mahdi (may Allah hasten his reappearance).

How Those Who Reject Taqlid Themselves Follow the System of Taqlid

It is sufficient evidence for the necessity of taqlid – and it is indeed quite ironic – that those who reject it, in most instances, themselves issue edicts for others to follow, or follow others in practice. The works and biographies of the Akhbari scholars who rejected taqlid show how they would mention religious rulings to those who questioned them. Generally, those who reject taqlid themselves follow these scholars and rely on their knowledge and edicts.

This is the same condition of those who say that taqlid is not correct in this day and age. These people are, in most instances, not themselves specialists in religious law.

The leaders of these groups who express this opinion reply to the questions that are put to them, treating them as a *mufti* would, except that sometimes they attach the caveat to their answers stating that this is what has been narrated from the progeny of the Prophet Muhammad (S) or other such qualifications. Of course, this does not change the fact that what they have expressed, in reality, is still a religious edict.

Most of the people who follow these individuals and are influenced by them do not possess the level of competency required to understand the cases in terms of Islamic jurisprudence, or to derive the rulings directly from the Qur'an and the Sunnah. This is why they end up following such people and relying on those among them whom they consider to be learned. The difference between these people and others, however, is that they rely on a group of non-experts while most other people turn to experts.

This is quite evident even for those who reject taqlid, if they reflect upon the state of their leaders and the way they are informed of religious rulings and how they receive them. Some of them may surmise that they refer to their leaders only because they rely upon them to convey the words and teachings of

the Imams ('a). However, this reliance is something illogical especially when the matter is contentious. Rather, it is because they are influenced by a specific individual who disparages and criticizes others in their presence, thereby causing them to gain confidence in him on this flawed basis.

And if it so happens that they attain confidence about his reliability, it is only because they believe him to be knowledgeable, and this results from the principle of the authoritativeness of the opinion of a scholar or *mujtahid*, even if it relates to attaining confidence in his statements. Hence, there is no difference between them and the vast majority of people who rely upon the statements of some learned scholars.

The Necessity of Steadfastness by Believers in Issues That Have Been Established

It is not without benefit for believers to ascertain their position when faced with doubts that they are unable to resolve. However, it is necessary that they not hasten to plunge into them; rather, they should remain steadfast and patient in seeking an answer by referring to people of knowledge and erudition, so that they can join the ranks of seekers of knowledge on the path of salvation. They must not follow the path of the lowly people who follow every caller, just as Amir al-Mu'minin has so eloquently described them.⁴

Additionally, it is the duty of learned scholars to welcome serious questions in a positive and polite manner, without rebuke, accusation or denigration, in order to fulfill their responsibility as commanded by Allah, the Glorified.

What we have mentioned here is generally what the learned scholars have stated in their books about this subject, without adding anything specifically new to it. The only thing that has led to an expansion of the discourse is our attempt to explain and elaborate on the facts and present a number of clear examples for the people of knowledge.

However, we have kept away from embarking upon deep and complex discussions that are unnecessary in order to keep the discourse simple and accessible for the general readership as this discourse has been undertaken to aid them in reflecting upon the subject. Hence [it should be remembered that] this is the goal of the present work, and it is not essentially an evidentiary discourse similar to what is normally seen in the seminaries.

Our discourse comprises of an introduction, two sections and a conclusion. As for the introduction, it is where the subject is outlined and the discussions concerning it are mentioned along with the opinions of scholars. The first section deals with the validity of taqlid and its proofs. The second section is where we examine the claim that taqlid is impermissible and respond to the confusion resulting from this claim. In conclusion, we present some of the questions that have been posed about this subject and provide the answers.

We ask Allah, the Glorified, to make the truth clear for us and keep us steadfast upon it; indeed, He is the All-hearing, Responsive.

1. Al-Kafi, 1/55–56, h. 6. ﴿١﴾

2. Nahj al-Balaghah, 1/77–79, Commentary by Muhammad ‘Abduh. ﴿٢﴾

3. Scholars like al-Shaykh al-Ansari, al-Sayyid Abu al-Hasan al-Isfahani, al-Sayyid Muhsin al-Hakim, al-Sayyid al-Khu’i and other great scholars of the past (may Allah shower them all with His mercy). ﴿٣﴾

4. In his famous statement to Kumayl, he (‘a) said: “O Kumayl ibn Ziyad, verily these hearts are vessels and the best of them are the most receptive among them, so preserve what I say to you. People are of three types: the godly scholar, the student on the path of salvation and the common lot who run after every caller and bend in the direction of every wind, as they neither benefit from enlightening knowledge, nor take refuge in a safe nook.” He (‘a) also said pointing towards his chest, “Here is indeed a great store of knowledge, if only I came across someone to bear it! I have come across one who [is ready to] learn but cannot be trusted with it because he utilizes religion as a tool to acquire worldly gain, and seeks to overpower the servants of Allah with His blessings and gain ascendancy over His friends with His proofs. Or one who follows the bearers of truth without any insight about its aspects. Doubt takes root in his heart at the first instance of uncertainty. Look how he is neither here nor there [neither for nor against]. Or one who is overwhelmed by worldly pleasures and a slave of his vain desires. Or one who is only concerned with accumulation and hoarding. These kinds of individuals are nothing close to religious leaders; rather, they more closely resemble grazing cattle. And this is how knowledge will die at the hands of those who bear it.” (Nahj al-Balaghah 4/36–37, Commentary by Muhammad ‘Abduh). ﴿٤﴾

[1] [1]

SHARES

An Introduction to the Rule of Taqlid in Religion

Is it permissible for individuals to follow the jurists in learning their prescribed religious duties so as to act upon them or not? The meaning of ‘taqlid’ is clear and well known. It means the referral of non-specialists in a specific field to those who are authorities in that field in order to act in accordance with the views of the specialists.

Hence we return to the first question: is it permissible for the general masses, who are not experts in religious law, to refer to people of knowledge and experts in the field in order to learn about their religious responsibilities and duties so as to act upon them, or not?

The Circumstances and Situations of Taqlid

It is necessary for us to know when and where taqlid needs to be practiced. In order to explain this, we classify issues into three categories:

1) The issue that requires investigation by a person directly, and in which taqlid is not correct.

2) The issue wherein there is no place for taqlid or investigation, because of its clear and self-evident nature.

3) The issue for which one must follow another person who possesses the qualities that make him reliable in such matters.

As for the first type of issue where human beings have to investigate for themselves and in which it is not permissible to follow others, it pertains to the fundamentals of religion, such as cognizance of the truth of the existence of Allah, the Glorified, and cognizance of the Prophet who was sent to [guide] humankind. This is an issue that has to be verified by every individual himself; one must strive to ascertain the truth of the matter on his own, and it is not correct to rely on the opinion of anyone else concerning it.

The second type of issue where taqlid and following others is inapplicable, as is investigation and verification, is [the issue] concerning that which is certain and clear, hence it needs no evidence. An example of this is the fact that prayer (*salat*), fasting (*sawm*), alms-tax (*zakat*), pilgrimage (*hajj*) and *khums* is obligatory in Islam.

These are things that are evident [and unanimously accepted]. Something similar to this can be seen in the field of medicine. For example, it is known that being exposed to cold leads to catching a cold and contact with fire leads to being burnt. Such things are understood by every sane person due to their obviousness, without need for reflection or expertise.

The third issue is one where it is permissible to refer to experts, namely [learning the] divinely ordained duties and obligations that require study and expertise. Examples of this include questions such as whether immersing one's body in water breaks the fast or not, or whether forgetting the recitation in *ruku'* and *sujud* invalidates the prayer or not. This category of issues is where taqlid is applicable and appropriate in the view of the majority of the Muslim scholars, and in accordance with the general practice of the intelligent masses.

An Explanation Regarding One Whose Taqlid Is Permissible

It is necessary to be aware about whom one is allowed to follow, for one whose taqlid is permissible and whose opinion is authoritative is an individual who can be relied upon in his knowledge and his adherence to it.

What we mean by being reliable in terms of knowledge is his having acquired the necessary expertise in the science of jurisprudence by undergoing training at the specialized institutions. Furthermore, he must have expended great effort [in this] until he is acknowledged by the people of merit in the field, and is counted as one of the greatly learned jurists of the community.

It is not a condition for the permissibility of taqlid of a jurist that the follower must know with absolute

certainty that what he says is correct. Rather, it is sufficient for him to be a person who is referred to as an expert in his field and one who is capable, just as one would refer to those who know in all other fields, based on the level of their knowledge, and it is not necessary for their speech to give rise to absolute certainty.

What is meant by his adherence to what he knows is that he must be just and upright. He should not be moved by vain desires to misrepresent religious rulings from their original meaning in order to fulfill his personal ambitions.

The established custom among majority of the Imamis in this day and age – as we mentioned earlier – is to take extra steps to ensure, with precaution, that they are certain about the one whom they refer to.

They need to be sure that he is a person who is known for his diligence in acquiring knowledge and his possession of the qualities of virtue and piety for a lengthy period of time in the Islamic seminaries, until his knowledge and character are tested fully. In this way, the community remains safe from the infiltration of those who are weak in knowledge and virtue.

The Position of Muslim and Imami Jurists

It is commonly accepted among the Muslim scholars in general and the Imami scholars in particular that taqlid in this form is permissible, as something that is clear and evident in religion, bearing in mind the following:

- 1) One of the evident logical principles – which most people apply in their lives – is the referral of non-specialists, in matters that require specialization, to those who are experts. It is clear to the majority of religious adherents that deciphering many of the teachings pertaining to religious injunctions requires specialization. Nothing has come to us from any infallible that negates or rejects the reliance on this as a means to acquire knowledge of one's religious duties. This itself is considered to be a form of endorsement and approval by them. Such an argument is termed 'the rational proof' or the 'norm of the sensible or intelligent people'.
- 2) There is no possible alternative to referral by the masses to specialists in religious law, as there is no doubt that it is not a requirement for every individual to acquire expertise from the time they attain maturity in every ruling that they need to act upon of the religious injunctions. And how could this be required when it is something unattainable for most of the people?! It is also not required of them to follow the most precautionous option and opinion [for the same reason]. Therefore, the only remaining way is for them to turn to specialists, and this is termed the 'proof by elimination'.
- 3) Evidence in the form of numerous reports where the Imams commanded those who were learned among their companions to inform the people of religious rulings through the issuance of fatwas, and instructed their followers to refer to those scholars whenever they were confused about religious rulings.

This is termed as proof from narrations.

4) The copious [scriptural] evidence addressing scholars and lay people regarding the correct principles of [issuing] religious edicts, their application and their rules. This itself proves the validity of the process of issuing fatwas and seeking them. Like the previous case, this too is termed proof from narrations.

5) The practice of the followers of Ahl al-Bayt (‘a) has always been to refer to the scholars among the companions of the Imams (‘a) who were present in their cities during the period when the Imams (‘a) were alive, and even after they left this world. They considered this to be a duty that was prescribed by the Imams (‘a). This type of evidence can be referred to as historical evidence.

This is the most appropriate and correct position on the subject once people become aware of the meaning of taqlid and the circumstances in which it is applicable, or when they ponder upon that which is in accordance with their sound intrinsic nature, or when they look at the practice of the followers of the Ahl al-Bayt (‘a) and the traditions that have come to us from them.

In fact, this matter is considered to be quite obvious and not something difficult for the general masses to grasp. Hence, we see that whenever any of the religious injunctions become ambiguous for people, they naturally refer to the learned people and consider this to be akin to referring to any specialist in other fields.

The people of learning, like others, consider this matter truly self-evident and clear. So much so that one of the doyens of knowledge and piety [1](#) stated: “Indeed the permissibility of taqlid for the layman is generally understood to be a necessity for the layman and others, and the layperson’s knowledge about the obligatory prayer is not, in a general sense, any clearer than his knowledge about the necessity of taqlid, since the way in which he attains knowledge of both is the same i.e. through dire need, the presence of motive, and the way of the earlier generation who were contemporaries of the Imams (‘a) and those who came after them, following in their footsteps until this day. This makes the practice very well established for those who would reflect.”

However, a [small] group of theologians and traditionists claimed that taqlid is impermissible. They said that the jurist must inform the people about the evidence [of specific rulings] and it is not correct for him to issue edicts without mentioning the evidence from which he derived his fatwa.

In reality, this stance does not negate the validity of taqlid *per se*, for even if the jurist informs a duty-bound person of his evidence for a certain ruling, the latter would have to rely upon the judgment of the jurist about the validity of the evidence and thus he has no escape from the bounds of taqlid.

For example, if the jurist were to tell a follower (*muqallid*): “Friday Prayers (*Salat al-Jumu’ah*) is optionally obligatory because this is how we can resolve and consolidate the varying authentic and sound traditions that have reached us about the *dhuhr* prayer being obligatory on Fridays and others that state that Friday Prayers are obligatory,” the follower would have to rely on the statement of the jurist

regarding the validity of this proof itself, and not upon his own personal capacity of deduction.

As a corollary of this, we can say that all the Muslim scholars are in unanimous agreement about the permissibility of taqlid, either with the jurist mentioning his evidence in summary or simply being content with his conclusion that is derived from the evidence.

However, it should be noted that the previously mentioned opinion is weak and stems from some confusion about the subject, because mentioning specialized evidence to lay people does not benefit them in the least, as we shall soon explain in more detail.[2](#)

Contemporary Misconceptions

We have already noted the doubt that has been raised on the question of permissibility of taqlid itself, and the claim that the very act of ijtihad and taqlid is invalid. Those who espouse this opinion are divided into two groups:

The first group thinks that knowing the religious law pertaining to any issue does not require any specialization to begin with. This is because of the plethora of available traditions that have been narrated in the Imami hadith corpus, which they consider to be entirely reliable and clear thereby leaving no room for ambiguity in anything that would in turn require specialization.

This opinion is clearly wrong, for it is evident to one who looks at the principles upon which religious laws are established that understanding many of them and their limits requires specialization. It is worth noting that this claim has a historical precedent in as much as some theologians and traditionists had made this claim in the past as well, except that there is an important distinction between the earlier claim and the present one.

In the past ages, this notion was put forward by a group of scholars who had spent many years of their lives in acquiring religious knowledge and wrote beneficial works on this subject. The only problem was that some issues became difficult for them such that it led them to believe that it was possible to guide people by informing them of the general proofs [of religious rulings], in order to protect them from possible dangers. This led them to put forward their idea for this among specialists and in academic circles.

However, in this day and age, the proponents of this notion are individuals who are not generally recognized as having attained a level of scholarship that would make them worthy of offering opinions, and they propagate their ideas in lay gatherings while relying, for support of their ideas, on the opinions of some erstwhile scholars.

In this way, the opinion of those early scholars of the past became a means of facilitation and a foundation for those individuals who move in a direction [that is actually] contrary to theirs, and that is one of the lessons we learn from history.

The second group think that the practice of taqlid and ijthad are only permitted when one is unable to reach the infallible Imam (‘a), and they claim that this is something attainable in this day and age through the acceptance of some claimants to the title of the Mahdi. The latter is made up of a number of people from different regions such as Iran, Iraq and other places. Thus, they say that people can directly refer to these individuals [so there is no need for ijthad and taqlid].

Such an opinion is also clearly void, since all these individuals are false claimants due to the contradiction [of their claim] with what is established in the Imami creed, namely that the special deputyship has been cut off in the period of major occultation. In addition, there is absolutely no evidence for linking those who make such a claim with the Imam. Rather, it is similar to the many claims that were made during the earlier ages, and were rejected and fell into oblivion with the passing away of their motivators and instigators.

[1.](#) Namely, al-Shaykh al-Ansari (may his status be elevated); refer to Matarih al-Anzar, 257. [\[1\]](#)

[2.](#) See the second discussion that follows. [\[2\]](#)

[1] [1]

SHARES

Part 1 – The Correctness of Taqlid and Its Evidence

Evidence for the Permissibility of Taqlid

The evidence for the permissibility of taqlid, as mentioned earlier, is in the form of proofs. These proofs are:

- 1) The legal-rational proof:** the general practice of rational people is to refer to specialists among them in matters that require expertise, and there is nothing from an infallible that prohibits this when it comes to matters of religious law and learning, which counts as a tacit endorsement of the same.
- 2) The proof by elimination:** this states that there is no possible legitimate alternative to referring to specialists in religious law, since it is not obligatory on everyone to become an expert, or to act based on precaution in every scenario, and hence no other alternative [to taqlid] exists.
- 3) The first proof from narrations:** the Imams (‘a) instructed the learned among their companions to

issue religious rulings (fatwas) and told their followers to address their questions to these scholars.

4) The second proof from narrations: the Imams ('a) directed that the process of guidance through issuing religious rulings and seeking the same should be carried out under certain outlined conditions, which itself shows their acceptance of this practice [when carried out] in accordance to its prescribed conditions.

5) The historical proof: the practice of the Shi'ah throughout history, as records related to learning in the Shi'i community clearly attest, has always been that the scholars among them gave religious opinions (*fatwas*) and the lay people sought guidance from their scholars. This practice existed since the time of the Imams ('a) and was also common among all the other Muslims and it is what Shi'ahs in the present age do as well. This proof makes this matter clear and evident.

The Necessity of Referring to People of Knowledge

The First Proof is made up of two parts:

- 1) The permissibility for non-specialists to follow specialists, whose reliability in their [field of] expertise is established, is something clearly logical and it does not behoove anyone to doubt in it after reflecting on the subject well; as long as there is no confusion in his mind on the subject or getting it mixed up with other issues.
- 2) Nothing has come to us from the Lawgiver and the infallibles that provides an alternative course or directs people towards it, so this proves that He has endorsed it.

We will begin by explaining the first part, namely, that it is logical to refer to a specialist in the general sense. We note that matters which human beings need to investigate are of two kinds:

- 1) Matters that are perceivable by the senses: these are the things that one can establish simply by employing the senses, such as whether a certain shop in the market is open or not. In such matters, people rely on their direct perception to gain knowledge, just as they rely on the information given by a reliable individual. This principle is referred to as 'the probative value of a reliable person's report' (*hujjiyat khabar al-thiqah*), or 'the probative value of the report that is considered to be reliable' (*hujjiyat al-khabar al-mawthuq bih*).¹ So if you wished to buy something from a specific shop, and were not sure whether the shop is open or not, you could ask your brother about it when he returns from the market and say: "Was such and such shop open?" If he answers in the affirmative, you would proceed to the market to buy what you need.
- 2) Matters which require knowledge and expertise, and for which mere perception is not enough. These matters are referred to as 'conjectural matters' (*al-umur al-hadsiiyyah*). In these matters, rational people refer to their own direct understanding if they possess the required knowledge and expertise, but if they are not specialists and have no knowledge about the subject in question, they refer to those whom they

deem to be reliable specialists. This principle is referred to as ‘the probative value of the opinion of one who knows’ (*hujjiyat qawl ahl al-khibrah*). So if a person were to fall sick and come down with a cold or fever, or any other ailment, and the cause of the illness was not known to him, he would naturally refer to a reliable physician. And if one were in need of repairing a house that was on the verge of collapse, he would refer to experts in the field of construction to learn about the best way to repair it in order to prevent its collapse.

These are the two well-known principles that all rational people accept, namely:

- 1) The principle of referring to a reliable reporter in matters pertaining to what can be perceived.
- 2) The principle of referring to a reliable expert in conjectural matters.

Essentially, a human being cannot fulfill his needs or attain what he requires – even on a personal level – except through reliance upon these two principles. The daily activities of human beings include many instances that depend on these two principles, and one has to rely on others either in perceivable matters that he does not witness himself or in matters that require expertise that he does not possess.

We thus rely on the words of a physician, an engineer, an electrician, a pharmacist, a perfumer, parents, friends, and siblings in matters that require the expertise of others. The younger brother, for example, relies on his elder brother for his help in his lessons, since he has greater knowledge of the subject and has practiced it, and the father may rely on his educated children in matters wherein they are knowledgeable, and so on.

When one ponders well on the affairs that he undertakes, he realizes that they are based on reliance upon the experiences and knowledge of others. Fathers and mothers still teach their children, through their advice or admonition, about what they know from their own experiences. It behooves their children, therefore, to trust their knowledge and experience² before [growing up and] directly acquiring their own knowledge in their lives.

Hence, the [need for] reliance on the knowledge of others is something obvious and clearly self-evident in the life of human beings. Indeed, human life thrives on division of labor and expertise, meaning that every individual must specialize in a specific field so as to be a point of reference for others in the field of his expertise.

This is something clear in our present time, since communities consist of a variety of specializations and people strive to become experts in specific fields in order to benefit the community they live in and derive their livelihood therefrom.

In this way, we know that the principle of reliance on people of knowledge and expertise is one of the principles and norms of human life; and a person can never be needless of it under any situation. Rather, need for it is increasing day by day, since information is continually expanding in many fields,

thereby bringing about the need for ever more specific specializations.

Thus, it has become unfeasible for one individual to acquire encompassing knowledge of everything. In the past, medicine was a single discipline, but with the increase in data and information, it has broken up into a number of separate specializations. We find in the present age that specializations exist even in the most limited areas, such as specialization in knee problems or heart problems etc.

Application of the Principle of Referring to the Learned in Matters Pertaining to Religious Law

Now, let us return to the second part of the evidence, which pertains to the referral of a non-specialist to a specialist [in religious law]. The question then is, firstly: is knowledge of religious laws a subject that requires specialization?

Or is it such that every human being can directly acquire this information for himself or herself from the age of maturity? Secondly: did the Lawgiver guide people to an alternative method that does not involve referring to experts, or has He endorsed the well-known rational approach [of referring to those who know]?

A Large Portion of Religious Laws Are Speculative and Specialized Matters

As for the first question [above] about whether there is need for specialization in matters pertaining to religious law, in order to arrive at the divine ordinances, the answer is affirmative. Understanding divine commandments requires specialization in all cases other than what is evidently known, such as the obligatory nature of the ritual prayers, fasting etc.

This is something that is generally understood from a number of points:

First: through trial and practical experience. Let anyone who has not studied the sciences of Islamic law refer to the Holy Qur'an and the traditions and derive their religious responsibilities in matters that they face in different situations. Can they arrive at a clear understanding of the Islamic law pertaining to these matters?

Or let any person who thinks that he has a clear understanding of the texts visit the seminaries where religious scholars answer questions pertaining to religious law in order to see whether the issues are really as evident as he thinks or not, and this is something that can easily be done.

Second: another type of trial and experimentation would be for the people to refer, in matters pertaining to Islamic law, to what the scholars have mentioned regarding their sources and proofs from the principles of legal theory and the primary texts. If they do this, they will find themselves incapable of

comprehending them or taking a position that is fully developed and established regarding the laws, and this is something self-evident.

Third: those among the scholars who study religious laws differ in their understanding of the evidences and the texts pertaining to them despite their practice, study, reflection and overwhelming desire to arrive at the correct conclusion.

This points to the reality that these are theoretical and specialized questions and are not based on sources that are clear and easily understood. If lay people decided to study these texts directly, the only expectation is that they will compound their differences, leading to much more disparity than what exists between scholars.

These are general indicators that matters of religious law are specialized.

Details About the Specialized Nature of Islamic Laws

With regard to how the majority of Islamic Laws are speculative and specialized, it is based on the fact that the derivation of religious laws from the traditions are dependent on a number of factors:

First: establishing the authenticity of the text

This is because without a doubt, it is not correct to rely on every transmitted text. Rather, it is necessary to establish whether the text represents what was actually said by the infallible.

In order to establish this, one of two methods may be employed: either the reliability of the transmitters who are found in the chains of transmission of the narrations, who number in hundreds, need to be established, or by accumulation of the clues that lead us to believe the tradition was indeed from an infallible.

Both these methods clearly require expertise and [years of] practice, since knowing the transmitters of traditions is not like knowing one's friends and companions. Nor are the traditions that contain many internal clues, which may lead to belief in their reliability, comparable to the family and social issues that people face wherein the clues and indications are clear and easily attainable without much effort.

To understand the traditions, it is necessary for one to know the biographies of the narrators who lived in the past ages and the testimonies that exist about them, along with the differences of opinion among scholars about this, as well as about the traditions themselves. Additionally, one needs to gain expertise and practice in this field.

Second: establishing the meaning of the text and its purport

This is also a speculative subject since the texts being studied are not contemporary works that follow

the pattern of expression which is used by all the people who [currently] know Arabic for example. Rather, these are old texts that must be understood through an intimate knowledge of the language and expressions that were current during the time they were composed.

This fact has also led to differences of opinion among scholars in many instances. As such, it is not easy for lay people in this day and age to understand these texts without the necessary training and preparation, which involves referring to lexicons, probing the texts and noting the clues.

In addition, the Imams (‘a) would sometimes employ double entendre and allusions in order to convey their thoughts in times when circumstances were critical. Understanding such statements requires experience and expertise.

Al-Shaykh al-Saduq narrates from Dawud ibn Farqad who said, “I heard Aba ‘Abdillah [al-Sadiq] (‘a) say: ‘You are the most learned of people if you understand our speech. Words can be interpreted in many ways, so if a person wishes, he can turn and inflect his words as he wishes without lying.’”³

He also narrated from Abi ‘Ubaydah who narrated from Abi Ja’far [al-Baqir] (‘a) saying, “He said to me, ‘O Aba ‘Ubaydah, keep away from those who quarrel and lie against us, for indeed they have abandoned what they were commanded to know and have taken up learning about the heavens [instead]. O Aba ‘Ubaydah, mingle with people in accordance with their etiquette and distance yourself from their actions. We do not consider any person to be intelligent until he knows the meaning of speech.’ Then he recited the verse: ***And you will most certainly recognize them by their tone of speech (47:30).***”⁴

Third: distinguishing that which is obligatory to act upon from the sources when there is a contradiction in them, and this is something that we come across often. It was for this very reason that al-Shaykh al-Tusi compiled *al-Istibsar* – in four volumes – on the reports that are [apparently] contradictory, and sought to identify the more reliable amongst them.

This in itself requires more attention to detail and an in-depth study about their authenticity and meanings. It also requires knowledge of the opinions of others, and the extent to which it was possible that some of these statements were made by the infallibles in times of danger and dissimulation (*taqiyyah*) [due to threats] from the rulers, judges and other scholars who held influence in their societies.

Hence, it is clearly evident that deriving religious laws is something that requires expertise and specialization, and it is not something that is within the reach of the lay masses. Further explanation about this will follow in the second section.

Lack of Prohibition from the Lawgiver for Acting on the Opinion of Those Who Are Learned in Islamic Law

Concerning the second question which was, “Has the Lawgiver forbidden us from acting on the opinions of those who are experts in Islamic Law and pointed us towards a different path?” The answer to this is negative, as there is no alternative path to referring to those who have knowledge of the details of Islamic laws.

This becomes clearer when we take the following two premises into consideration:

1. If the Lawgiver had prohibited this, it would have been part of the law that is evident to both specialists and laymen since religious obligations relate to the detailed activities of human beings and their interactions with others. There is no action or speech, or even the abandoning of any of this, but that it has been regulated by the Lawgiver through specific injunctions. That is the condition of an ordered system of laws that govern the behavior of people. In fact, Islamic law has more to say about the affairs of human beings than [human] law. This is because it directs belief, individual behavior and one’s responsibility towards Allah, the Glorified. It also includes rulings of recommended and discouraged actions whereas human law does not include any such thing. Hence, if the Lawgiver had prescribed a different course [for human beings to arrive at divine ordinances], it would have been known from the start and the source texts of religion would have explicitly mentioned it so that it could be taken as a principle that was known and acted upon by all the people, just as the principle of referring to an expert is known by everyone and practiced by everyone in all their other affairs.

2. There is no doubt in the minds of the general masses as well as the majority of scholars regarding the principle of referral to experts in matters of Islamic law. If any religious person were to be asked, regardless of what religion he espouses, about the course of action he would follow if he ever found anything pertaining to religion difficult to understand or was in doubt, he would reply, “It would become necessary to refer to scholars who were known for their expertise and piety.” This is something about which there is no differing opinion, as long as one is not beset by doubt. Similarly, the majority of Muslim scholars, of different sects, have explained this principle as evinced from their statements.

Therefore, referring to experts in religious law, as is done with all other matters, is in accordance with Islamic teachings, and since this kind of referral has not been proscribed by the Lawgiver and the infallibles, it shows that it has been endorsed and accepted as correct.

Lack of an Acceptable Alternative to Referring to Experts

The Second Proof: is referred to as the proof by process of elimination. This proof states that there is no possible alternative for acquiring knowledge of Islamic law other than referring to people of knowledge and expertise.

To clarify this further, the only possible alternatives to this that can be imagined are:

First alternative: it becomes obligatory on every person to acquire expertise about religious law. This is, without a doubt, invalid in Islam and all other religions since it is beyond the ability of most people and would be a cause of great hardship and harm to others. Rather, the logical course would be for a small group of individuals to acquire expertise as per what has been described in the verse:

It is not for the faithful to go forth en masse. But why should not there go forth a group from each of their sections to become learned in religion, and to warn their people when they return to them, so that they may beware? (9: 122).

Additionally, we note that even those scholars who rejected the practice of issuing fatwas for lay people never said that it is incumbent on all people to acquire specialization [in Islamic law]. Rather, they said that a scholar should present a summary of his proof [along with his fatwa], as we shall discuss in detail later.

Second alternative: It becomes necessary to practice precaution (*ihhtiyat*) in matters of religion, meaning that an individual performs every action that might be obligatory in religion and eschews any action that might be forbidden. He would have to consider impure anything that might have become impure and to avoid all that might be the possession of someone else etc.

There is no doubt that this kind of precaution is not obligatory on the adherents of religion, for if it was obligatory it would have made things very difficult for them and they would fall into great hardship. Especially since the circle of probability in the eyes of lay masses is much wider than what it is in the sight of specialists, since experts may dispel many of the probabilities that lay people may consider valid.

In fact, discerning the exigencies of precaution in religious law at times requires knowledge and expertise. Some cases, such as those that oscillate between two risks,⁵ do not allow for precaution, as has been explained in the relevant section of legal theory (*'ilm al-usul*).

Hence, the inapplicability of obligatory precaution in [all] religious laws is something quite evident and clear, and this is unanimously agreed upon by all Muslim scholars in general and Shi'i scholars in particular.

Third alternative: this entails referring to the infallible directly and taking the rulings from him without any intermediary.

This practice was not obligatory even during the time when the infallibles were present, nor was it easy, since not all people can live near the infallible so as to be able to ask him about whatever affects them of the religious rulings. Furthermore, there is no access to the infallible during the [present] age of major occultation.

The Mistaken Notion of Easy Access to the Infallible in the Present Age

Some people assume that there are individuals who can establish contact with the hidden Imam from the Ahl al-Bayt (may Allah hasten his reappearance) and get answers for people for their religious queries.

This is a grave mistake. Rather, it is a grave sin on the part of those who claim it, for various reasons some of which include:

1) There is no person who has this ability. Yes, there are a number of claimants in the present age – as there were in previous times – but after investigating their claims and works, we find that there is absolutely no evidence provided by them for what they assume. In fact, their claims include many obvious errors that are clearly recognized by people of knowledge.

In order to attract people towards them, such individuals rely on the intense yearning of the Shi'ah for the reappearance of the Imam ('a), and some people hastily believe the claims of these individuals without adequate investigation. Such individuals also have strong financial backing from obscure sources and suspicious connections.

2) It is one of the established beliefs of the Shi'ah that from the end of the minor occultation (in 329 A.H.), the special deputyship of the Imam came to a close with the death of the fourth deputy, who was 'Ali ibn Muhammad al-Samuri (may Allah be pleased with him) in the very same year (329 A.H.). Al-Samuri had informed the Shi'ah scholars and laymen that upon his death, the deputyship would come to an end. He further instructed them that they must belie any claimant to special deputyship, and this is something well known and accepted.[6](#)

This is what the Shi'ah, both scholars and students alike, have believed, generation after generation. They deem anyone who claims to have special deputyship to be a lying innovator who has strayed [from the truth]. This is an important part of the Imamiyyah creed.

There is no method more correct and precautions for human beings to follow in religion than the method adopted by the righteous among the followers of the path of the Ahl al-Bayt ('a) since the occultation; rather, during the presence of the infallibles as well, when they were unable to reach them.

This was the method of referring to the knowledgeable people among them – those whose diligence and seriousness in acquiring knowledge was known, and whose [good] qualities and justice had been established among the scholars for a lengthy period of time, such that it gave rise to assurance and certitude about their reliability in knowledge and action.

It is clear from what has been mentioned that most of the religious laws are made up of theoretical and specialized issues that cannot be derived directly by the lay people. Furthermore, there is no legally

endorsed alternative that could possibly take the place of referral to experts. Hence, it is necessary to refer to those who are reliable specialists among the just scholars.

Proof from Narrations: The Referral of Imams to Scholars

The Third Proof: The Imams (‘a) would instruct the scholars among their followers to issue fatwas for the lay followers and would refer some of their followers to their learned companions. This proof is called proof from narrations.

The explanation for this depends on two premises...

The Companions of the Imams (‘a) Were of Two Types: Scholars and Non-Scholars

First premise: the companions of the Prophet (S) and the Imams (‘a) were of two kinds: scholars and non-scholars. This is naturally to be expected since people have different abilities, talents, intellects, understanding and comprehension, as is their state in all other things that require similar faculties. There is plenty of clear transmitted and historical evidence for this fact.

This applies to all the companions of the Prophet (S) and the Imams of the Ahl al-Bayt (‘a).

As for the companions of the Prophet (S), there are many instances that demonstrate this but we will suffice here with mention of only two narrations...

1) In al-Kafi, with a sound chain from Ibn Abi Ya’fur, from Abi ‘Abdillah (‘a) who said, “The Messenger of Allah (S) addressed the people in Masjid al-Khayf and said, ‘May Allah make prosperous the servant who hears my speech and understands it, then commits it to memory and conveys it to those who did not hear it. Indeed sometimes one who is not a scholar may carry some knowledge, and sometimes one may convey knowledge to a person who is more knowledgeable than himself.’”⁷

In this hadith, there is an indication about the different levels of knowledge and intelligence among the Muslim audience.

2) In the speeches of Amir al-Mu’minin (‘a), we find that a person once asked him about fabricated traditions and about the differences in narrations that people have. He (‘a) responded, “Indeed that which people possess consists of truth and falsehood, fact and fiction, the abrogated and unabrogated, the general and the specific, the decisive and the allegorical, the preserved and the presumed. Lies were told against the Messenger of Allah (S) during his lifetime until he stood up [one day] and addressed the people saying, ‘Whoever purposely ascribes a lie to me should prepare to occupy his place in hellfire.’ Indeed there are only four kinds of people who transmit traditions to you, with no fifth:

The hypocrite who pretends to be a believer, outwardly acting according to Islamic teachings. He does not hesitate to intentionally ascribe lies to the Messenger of Allah (S). If people knew that he was a lying hypocrite they would never accept [anything] from him or agree with his speech. However, they say, 'He is a companion of the Messenger of Allah (S). He saw him, heard from him and took [teachings] from him.' Thus they accept his words. And Allah has informed you about the hypocrites as He did, and described them for you as He has.

They (the hypocrites) lived on after him (peace be upon him and his progeny) and sought closeness to those who lead towards misguidance and call people to hellfire through falsehood and fabrication. Their [evil] actions propelled them to positions of power and made them rulers over the people. By this they devoured the [wealth of the] material world; and indeed people are always behind their rulers and material wealth, except for those whom Allah has protected. This is one of the four.

The second type is the person who heard something from the Messenger of Allah (S) but did not commit it to memory as it was spoken, so he mistook it but did not intentionally lie. It (the mistaken tradition) is now in his hands, so he narrates it and acts upon it saying, 'I heard it from the Messenger of Allah (S).' If the Muslims knew that he had erred in it, they would not accept it from him; and if he [himself] knew that it was a mistake, he would also reject it.

The third type is he who heard something from the Messenger of Allah (S) wherein the Prophet commanded something and later forbade it while he was absent, or he heard him (S) forbidding something and later he commanded it while the person was absent. So he memorized the abrogated command and had no knowledge of the abrogating command. If he knew that it had been abrogated, he would have rejected it, and if the Muslims who heard it from him knew that it had been abrogated they [too] would have rejected it.

The last of the four is one who has never ascribed lies to Allah or His Prophet, and who detests lies out of his fear of Allah and respect for the Messenger of Allah (S). He did not err, rather he preserved what he heard [from the Messenger] just as it was spoken, and he narrates it as he has heard it without adding anything to it or removing anything from it.

He has learnt the abrogating ruling so he acts upon it, and knows the abrogated ruling so he keeps away from it. He recognizes the difference between specific and general rulings, so he puts everything in its correct place; and he [also] understands the allegorical and decisive [statements].

There would sometimes be a statement from the Messenger of Allah (S) that could be interpreted in two [possible] ways: as specific statements or general statements [like in the Qur'an]. When one who did not understand what Allah, the Glorified, or the Messenger of Allah (S) meant by it heard it, he would take it and interpret it without understanding its true meaning and what was intended by it or the purpose for which it was spoken.

Not all the companions of the Messenger of Allah (S) asked him for clarification so as to understand

what he said. Rather, they preferred waiting for a Bedouin or a stranger to come and ask the Messenger of Allah (S) about it so that they could overhear [his reply]. As for myself, nothing of this would be mentioned but that I asked him about it and memorized its meaning.

These are the causes of the differences you see among the people, and the causes of discrepancies in their narrations.”[8](#)

The end of his statement above proves our point, as he informs us about the different levels of understanding among the companions in relation to the speech of the Prophet (S).

In the beginning of his (‘a) speech, there is an indication of differences among the companions in the qualities that influence the reliability of narrations. This shows that, in general, from the early period narrations were subject to these kinds of contingencies and as such, it is necessary to scrutinize and verify their reliability.

This is as far as the companions of the Prophet (S) are concerned.

Mention of Some Scholars Among the Companions of the Imams

(‘a)

When it comes to the companions of the Imams (‘a) and their followers, their state was similar. Some of them were considered scholars and others were considered to be lay followers with some seekers of knowledge among them. This is something that is evidently seen in *‘ilm al-rijal* (lit. ‘knowledge of men’), which deals with [information about] the character of narrators of traditions, especially from the time of Imam al-Baqir (‘a) when the Islamic sciences began to flourish among Imami circles.

Scholars of *‘ilm al-rijal* such as al-Kashshi, al-Najashi and Shaykh al-Tusi have described a number of the Imams’ companions as scholars and learned men.

Among the companions of Abi Ja’far al-Baqir (‘a) (d. 116 A.H.) who also lived to witness [the imamate of] Aba ‘Abdillah al-Sadiq (‘a)[9](#) (d. 148 A.H.) and narrated from him were Aban ibn Taghlib, Isma’il ibn ‘Abd al-Khaliq, Sulayman ibn Khalid, and Isma’il ibn ‘Abd al-Rahman al-Ju’fi.

There were six individuals [among the companions] who were renowned scholars. Al-Kashshi mentions them saying, “The learned [among the Shi’ah] are unanimous about their acceptance of these foremost companions of Abu Ja’far (‘a) and Abu ‘Abdillah (‘a) and follow them as scholars. They said, ‘The most learned among the first group are six individuals: Zurarah, Ma’ruf ibn Kharrabuz, Burayd, Abu Basir al-Asadi, al-Fudayl ibn Yasar, and Muhammad ibn Muslim al-Ta’ifi.’ They further added, ‘And the most learned among these six was Zurarah.’ Others among them mentioned Abu Basir al-Muradi, who is Layth ibn al-Bakhtari, instead of Abu Basir al-Asadi.”[10](#)

Moreover, from the young companions of Imam al-Sadiq (‘a), most of whom lived to see [the imamate

of] his son al-Kazim ('a) [11](#) (d. 184 A.H.) [were]:

'Abdullah ibn Bukayr, Ibrahim ibn Sulayman ibn Dahah al-Muzanni, Tha'labah ibn Maymun, and Hariz ibn 'Abdillah.

Among them were six prominent individuals whom al-Kashshi mentions. He says, "The learned [among the Shi'ah] are unanimous about their acceptance of what has been soundly reported from the following individuals, trusting what they say and acknowledging their scholarship, aside from those six whom we have already enumerated and named. They are [also] six individuals: Jamil ibn Darraj, 'Abdullah ibn Muskan, 'Abdullah ibn Bukayr, Hammad ibn 'Isa, Hammad ibn 'Uthman, and Aban ibn 'Uthman.

The learned scholar Abu Ishaq (Tha'labah ibn Maymun) opined that the most learned among these was Jamil ibn Darraj, and that these were the youngest of Abu 'Abdillah's ('a) companions." [12](#)

Among the companions of both Imam al-Kazim and al-Ridha' ('a) (d. 203 A.H.) were: al-Hasan ibn 'Ali ibn Yaqtin, al-Hasan ibn 'Ali ibn Faddal, and 'Ali ibn Asbat.

The prominent companions among them are mentioned by al-Kashshi who says, "Our companions are unanimous in accepting as sound what has reached us from the following individuals and taking it as true, and they deem them to be learned scholars. They are another six individuals, aside from the six mentioned by us earlier of the companions of Abu 'Abdillah ('a), namely: Yunus ibn 'Abd al-Rahman, Safwan ibn Yahya Bayya' al-Sabiri (the cloth merchant), Muhammad ibn Abi 'Umayr, 'Abdullah ibn al-Mughirah, al-Hasan ibn Mahbub, and Ahmad ibn Muhammad ibn Abi Nasr.

Some mentioned al-Hasan ibn 'Ali ibn Faddal and Fadalah ibn Ayyub instead of al-Hasan ibn Mahbub, and others have named 'Uthman ibn 'Isa instead of Ibn Faddal. The most learned among them was Yunus ibn 'Abd al-Rahman and Safwan ibn Yahya." [13](#)

In the generation of the companions of Imam al-Jawad ('a) (d. 220 A.H.), al-Hadi ('a) (d. 254 A.H.) and al-'Askari (d. 260 A.H.) [14](#), we have: al-Fadl ibn Shadhan al-Naysaburi, Mu'awiyah ibn Hukaym, 'Ali ibn al-Hasan ibn 'Ali ibn Faddal and his two brothers Ahmad and Muhammad, Yunus ibn Ya'qub, Muhammad ibn Ahmad al-Nahdi (better known as Muhammad al-Qalanisi), Muhammad ibn al-Walid al-Khazzar, Musaddiq ibn Sadaqah, Muhammad ibn Salim ibn 'Abd al-Hamid, and Nuh ibn Shu'ayb al-Baghdadi.

As for the scholars who were contemporaries [15](#) of the four chosen deputies [of the 12th Imam] [16](#) in the minor occultation, [they include]: Muhammad ibn 'Ali ibn Mahbub, 'Ali ibn Abi al-Qasim al-Barqi, Muhammad ibn al-Hasan ibn Ahmad ibn al-Walid al-Qummi, 'Ali ibn Babawayh, Muhammad ibn Ya'qub al-Kulayni and Ahmad ibn Idris al-Ash'ari al-Qummi.

How the Imams Trained a Group of Their Companions to Be Scholars

Some narrations that have reached us from the Imams (‘a) and their companions show – as mentioned in our other work¹⁷ – that the Imams (‘a) used to direct a group of their companions towards learning religious rulings in depth using a variety of methods. For example, a number of their companions would question the Imams (‘a) in order to gain deeper understanding, and would not simply suffice with knowledge of what was required of them at a personal level in different circumstances.

Some of the methods used for this purpose included:

1) Teaching them general principles, as we find in the narration from Hisham ibn Salim, from Abi ‘Abdillah (‘a) who said, “It is only upon us to give you the foundational principles, then it is upon you to apply them to specific cases.”¹⁸ Similarly, we have the narration of Ahmad ibn Muhammad ibn Abi Nasr from Imam al-Ridha’ (‘a) [who said], “Upon us is the outlining of principles and upon you is the application [of those principles].”¹⁹ In *al-Faqih*, [it is narrated] from Ishaq ibn ‘Ammar who said, “Abu al-Hasan the first (‘a) said to me, ‘When you are in doubt [about something] then rely upon [your previous] certainty.’ I asked, ‘Is this a [general] principle?’ He replied, ‘Yes.’”²⁰

Al-Saduq has narrated through Musa ibn Bakr who said, “I said to Abi ‘Abdillah (‘a), ‘If a person remains unconscious for a day, or two, or three, or four, or more than that; how much of his prayer does he have to make up for?’ He replied, ‘Should I not inform you about a principle that covers all these [possible scenarios]? Every time Allah overpowers anyone [of His servants and he loses control of his senses] then Allah excuses His servant [for all obligatory acts missed during that period].’” Another narrator added, “[After this] Abu ‘Abdillah (‘a) said, ‘This is one of the gates from each of which a thousand gates may be opened.’”²¹

Since the ruling is actually a [general] principle, it means that it can be applied and implemented in all relevant situations until there is some other evidence for its restriction, in which case its application would be limited. This is what is termed ‘the principle of generality.’

2) Exhorting them to recognize the subtleties of their speech. By this, we mean that which is spoken as euphemism, allegory, metaphor, allusion, insinuation, double entendre, indirect reference and the like. Al-Saduq narrates through a chain from Ibrahim al-Karkhi, from Abi ‘Abdillah (‘a) who said, “A single hadith that you understand is better than a thousand traditions that you [simply] narrate. None among you is considered to be learned until he understands the subtleties of our speech. Indeed, part of our speech may be inflected in seventy ways, from each of which we have an egress.”²²

Hence, we find that the Imams (‘a) would at times, depending on the situation they are in, not convey what they mean in the usual straightforward manner. Rather, they would hint at it. Therefore, one who looks at their statements must distinguish the context in which they were spoken in order to understand

the indirect message contained therein. There are some intriguing examples of this which, however, we cannot mention here [as it is beyond the scope of this monograph].

3) Urging them to base their judgment of narrated reports upon the Noble Qur'an [by gauging if they are in accordance with it], as al-Kulayni narrates from al-Sakuni, from Abi 'Abdillah ('a) who said, "The Messenger of Allah (S) has said, 'Verily for every truth there is evidence, and for everything correct there is a light [to illuminate the way towards it], so take whatever is in accordance with the Book of Allah and abandon whatever goes against the Book of Allah.'" [23](#)

In another hadith, he quotes from Ayyub ibn Rashid, from Abi 'Abdillah ('a) who said, "Any tradition that is not in accordance with the Qur'an is [false] embellishment." [24](#) And there are many other similar reports mentioned in the same chapter [of al-Kafi].

What this means is that the scholar is required to have complete knowledge of the contents of the Noble Qur'an in order to distinguish that which is in accordance with it from that which contradicts it.

4) Encouraging them to learn the abrogating versus the abrogated, the decisive versus the allegorical, and the specific versus general, as noted in the hadith of Imam al-Ridha' ('a) wherein he said, "Whoever refers the allegorical verses of the Qur'an to its decisive ones has been guided to the right path." Then he ('a) said, "Indeed, in our traditions there are those that are decisive like the decisive verses of the Qur'an, and those that are allegorical like the allegorical verses of the Qur'an. So refer the allegorical traditions to the decisive ones and do not follow the allegorical traditions without considering the decisive ones, otherwise you will go astray." [25](#)

This means that one who interprets the words of the infallibles must have knowledge of all that is contained in the traditions, should observe the dates when they were spoken, group them according to similarity in connotation, and compare them to each other in order to arrive at the final meaning that was intended.

5) Showing them how to remedy the apparent contradictions in the traditions, as we note in numerous reports that contain instructions to take the traditions that are unanimously accepted, are in accordance with the Qur'an, and go against the edicts of others (i.e. those who do not follow the path of the Ahl al-Bayt ('a)). [26](#) The most detailed tradition among these is the accepted tradition of 'Umar ibn Hanzalah, which we will mention later.

6) Explaining the basis of the Imams' ('a) rulings, as we note in the tradition of Zurarah about ablution (*wudu*). He reported, "I said to Abi Ja'far ('a), 'Can you tell me where you derived the ruling in which you said that wiping is to be done [only] on part of the head and part of the feet?' He smiled and said, 'O Zurarah, this is what the Messenger of Allah (S) taught and Allah, the Almighty, revealed a verse to this effect in His Book. When He says: **And wash your faces... (5:6)** we understand that the whole face must be washed. Then He says: *And your hands to the elbows*, so He conjugates hands to the elbows with the face, thus we understand that we must wash both hands up to the elbows. Then He disjoins the

statement and says: *Then wipe of your heads...* and by the phrase ‘of your heads’ (*bi ru’usikum*) we understand that the wiping (*mash*) is to be done on part of the head, due to the presence of the prefix ‘*ba*’ [which denotes partiality, i.e. a part of...]; then He conjugates the feet to the head as He had conjugated the hands to the face and says: *And your feet to the ankles*, so we understand from their being conjugated to the head that the feet also have to be wiped partially.”²⁷

In the narration of al-Hasan ibn ‘Ali al-Sayrafi, one of the companions [of the Imam] said, “Abu ‘Abdillah (‘a) was asked about the running (*sa’i*) between al-Safa and al-Marwah – ‘... is it obligatory or recommended?’ He replied, ‘Obligatory.’ I said, ‘Did Allah, the Almighty, not say: ...*there is no sin upon him to circuit between them*?’ He replied, ‘This was [revealed] during the minor pilgrimage (*‘umrah*) when the Messenger of Allah (S) had placed a condition upon them to remove the idols from al-Safa and al-Marwah, but one man [among the Muslims] became busy²⁸ and left the *sa’i* until the days had passed and the idols had been returned there. Thus, they came to him and said, “O Messenger of Allah, verily so-and-so did not perform the *sa’i* between al-Safa and al-Marwah and now the idols have been returned [there].” That is when the verse: ...*there is no sin upon him to circuit between them (2:158)* was revealed – meaning even if there are idols upon them.”²⁹

Furthermore, we find the tradition of ‘Abd al-A’la, the client of Al Sam, who said, “I said to Abi ‘Abdillah (‘a), ‘I fell down and my fingernail broke, so I tied a cloth on my finger. How should I perform ablution (*wudu*)?’ He replied, ‘The answer to this and other similar situations can be gleaned from the Book of Allah, the Almighty. Allah says: ***He has not placed upon you any hardship in the religion (22:78)***, so wipe it [instead of washing].”³⁰

In this way, we note the importance given by the Imams (‘a) to training and educating a group of their companions in order to direct them towards learning and erudition.

How the Imams (‘a) Prepared Their Learned Companions to Debate with Scholars of Other Sects

Another prominent role played by the Imams (‘a) in training scholars among their companions was [related to] their method of explicating the teachings of the Ahl al-Bayt (‘a), through deductive reasoning and comparative examination, in various fields such as jurisprudence and other subjects, to the scholars of other sects.

An example of this is seen in what has been narrated by al-Kashshi from Hisham ibn Salim who said:

“We were a group of companions seated in the presence of Abi ‘Abdillah (‘a) when a man from Syria came and sought permission to enter, he allowed him to come in. As he entered, he offered greetings, and Abu ‘Abdillah (‘a) asked him to sit down. Then he (‘a) said to the man, ‘What do you need from us?’ He replied, ‘I heard that you are knowledgeable and can answer any question you are asked, so I have come to debate you.’ Abu ‘Abdillah (‘a) said, ‘On what?’ He said, ‘On the Qur’an – its stops, pauses,

intonation and vowelization.’ Abu ‘Abdillah (‘a) said, ‘O Hamran, attend to this man.’ The man said, ‘I wish to debate with you, not with Hamran.’ Abu ‘Abdillah (‘a) said, ‘If you defeat Hamran [in debate], it is as if you have defeated me.’ So the Syrian began asking Hamran all the questions he had prepared, and Hamran kept answering. When he was done, Abu ‘Abdillah (‘a) asked him, ‘How did you find him, O Syrian?’ He said, ‘I found that there was nothing I asked him but that he could answer it.’ Abu ‘Abdillah (‘a) said, ‘O Hamran, now you ask the Syrian.’ [Hearing this] the Syrian grimaced.

The Syrian [then] said, ‘O Abu ‘Abdillah, I wish to debate you about Arabic language.’ So Abu ‘Abdillah (‘a) said ‘O Aban ibn Taghlib, debate him.’ So he debated him and left the Syrian grimacing.

He then said, ‘I wish to debate you in jurisprudence.’ So Abu ‘Abdillah (‘a) said, ‘O Zurarah, debate him.’ So he debated him and left the Syrian grimacing.’

Then he said, ‘I wish to debate you in theology.’ He (‘a) said, ‘O Mu’min al-Taq, debate him.’ So he debated him and recorded what was spoken between them, then Mu’min al-Taq spoke and defeated him with his arguments.

He then said, ‘I wish to debate with you about human ability.’ He (‘a) said to al-Tayyar, ‘Talk to him about this.’ So he debated with him and left him grimacing.

Then he said, ‘I wish to speak to you about monotheism.’ He (‘a) said to Hisham ibn Salim, ‘Speak to him.’ So he recorded the conversation between them, then Hisham overcame him.

He then said, ‘I wish to converse about *imamah*.’ So he (‘a) said to Hisham ibn al-Hakam, ‘Speak to him, O Aba al-Hakam.’ So he spoke to him leaving him speechless and dumbstruck.

[Upon seeing this,] Abu ‘Abdillah laughed until his molars could be seen. The Syrian said, ‘It seems that you wanted me to know that you have such individuals among your followers.’”³¹

The People’s Need for Scholars During the Time of the Prophet (S) and the Imams (‘a)

The Second Premise: during the presence of the Imams (‘a), even though it was possible to send questions to them in some situations, this was not always the case, due to a number of factors. This led to the need for some of the Shi’ah having to refer to the learned scholars among their companions and followers.

Some of these factors were as follows:

1) Some of the Imams were too busy to cater to this need, as in the case of Imam ‘Ali (‘a). While he was the ruler of the Muslims for about five years, he had to fight three battles and did not even have enough time to replace some of the judges who were appointed during the reign of the previous caliph, like

Shurayh al-Qadi, as is famously attested in history. This was despite the fact that he was displeased by their actions and criticized them, as we note from his speech in Nahj al-Balaghah.

2) Restrictions were placed upon the Imams (‘a) by the rulers; and this is something that happened to all the Imams (‘a), except the brief period in which Imam ‘Ali and his son Imam al-Hasan (‘a) held the reins of power. The restriction was of different degrees. There was a brief period during the time of Imam al-Baqir and al-Sadiq (‘a) where they got some respite and a little freedom due to the weakened state of the Umayyads in the final stages of their rule and the Abbasids in the beginning of theirs.

This restriction was increased greatly after the time of Imam al-Sadiq (‘a). We note that Imam al-Kazim (‘a) was imprisoned for a long time and even attained martyrdom while in prison. The Imams after him – al-Ridha’, al-Jawad, al-Hadi and al-‘Askari (‘a) – were all called to the capital of the caliphate and were kept under close watch.

3) The geographical aspect of where the Imams (‘a) resided in contrast to where most of the Shi’ah lived [was another factor]. The Imams would [for the most part] remain in Madinah whereas their Shi’ah were spread out in different locations. In fact, in most cases the Imams were far away from the majority of their followers, as they were either in Madinah or in the capital cities of the caliphs while many of the Shi’ah were residents in Kufah, Baghdad and Qum. As a result, it was natural that due to the inability to present questions to the Imam directly when one needed to know a religious ruling, the only way was to refer to the learned among the Imam’s companions who resided in the city as local scholars and the like, such as Zurarah and Muhammad ibn Muslim in Kufah. The learned scholars and some lay people among the Shi’ah would travel to Madinah after completing their *hajj* pilgrimage, as people do to this very day, and they would meet the Imams (‘a) and present their questions. However, it is evident that not all of them were able to do this, and such a short meeting did not suffice for all the queries that arose during the rest of the year.

Thus, the circumstances naturally brought about a need for the Shi’ah to refer to the scholars among the Imams’ companions, even during the presence of the infallibles, and there are many examples that evidence this, which we will not mention for the sake of brevity. However, it is clear for anyone who is versant with the reports and biographies of the narrators.

In fact, a similar situation can be seen during the time of the Prophet (S) himself. It was common [at that time] for the companions and [lay] Muslims to refer to those who were more learned among them, due to their different levels of knowledge. Furthermore, we note that Muslims were spread out in different lands that had been conquered [and whose inhabitants had accepted Islam]. As such, the Messenger of Allah (S) sent some of his companions to some of these places – as we note in history that he sent Mu’adh ibn Jabal to Yemen.

Once we have understood these two premises, we return to our previous discussion about how the Imams (‘a) would refer their Shi’ah to the scholars among their companions, and this has been evinced

from two kinds of instances...

The Imams' Referral of the Shi'ah to the Learned Among Their Companions for Adjudication

The first instance is where they ('a) referred their Shi'ah, who had some disagreement, to their learned companions in order to seek judgment, and forbade them from referring to the other judges who adjudicate based on edicts that are contrary to the teachings of the Imams ('a).

The reason for their referral to the learned companions was that the teachings of the Imams of the Ahl al-Bayt ('a) differed greatly from those of the scholars of other sects, as we note in the issues of inheritance, divorce, and the yardstick for establishing rights, among other matters. So if the Shi'ah were to refer to the judges of different sects, they would judge based on the teachings of those sects. This is why the Imams forbade them from referring to those judges and advised them to refer to the scholars of their [own] school of thought.

It is obvious that adjudicating between litigants requires issuing edicts according to the [prescribed] law. There are a number of reports regarding this...

1) In a report from Abu Khadijah Salim ibn Mukram al-Jammal, he said, "Abu 'Abdillah Ja'far ibn Muhammad al-Sadiq ('a) said, 'Beware of taking your disputes before an oppressive judge. Rather, look to one among yourselves who knows something of our judgments and appoint him as adjudicator between you, for indeed I have made such a person a judge, so seek your judgements from him.'" [32](#)

2) In the reliable report from Dawud ibn al-Husayn, from Abi 'Abdillah ('a) regarding [the question about] two men who agreed to appoint two just individuals to judge between them in a matter of dispute. However, the two just individuals whom they accepted themselves differed [in their judgment] – which of the two judgments are to be followed? He ('a) said, "It must be seen who is the more learned between them, and more knowledgeable about our traditions, and is more pious – that is the person whose judgment should be taken while the other's should be ignored." [33](#)

3) In the accepted tradition from 'Umar ibn Hanzalah, he said, "I asked Aba 'Abdillah ('a) about two men among our coreligionists who have a dispute regarding debt or inheritance, so they seek the judgment of the Sultan or his appointed judge – is that permissible? He replied, 'Whoever seeks their judgment in truth or falsehood has just sought judgment from those who have rebelled [against Allah], and whatever judgement is passed in his favor is only taken as illicit gain, even if it is truly his established right, since he has taken the judgment of the rebels [against Allah] while Allah has commanded that it should be rejected. Allah, the Almighty, says:

They desire to seek the judgment of the rebel [against God], though they were commanded to defy it' (4:60).

I asked, 'What should the two of them do?' He answered, 'They should look for a person among them (the Shi'ah) who narrates our traditions, studies what we have permitted and forbidden, and knows our rulings, and accept him as adjudicator, for I have made such a person a judge over them. If he passes a judgment that is in accordance with our teachings and it is not accepted from him, then they will have disparaged the law of Allah [Himself] and have repudiated us.

And he who repudiates us has repudiated Allah, and this is akin to ascribing partners to Allah.' I asked, 'And if both of them select someone from our fellow Shi'ah and accept to have two arbiters examine their case, but the arbiters themselves differ regarding the ruling and regarding your traditions [what should be done]?' He replied, 'The judgment of the more righteous, learned, honest and pious of the two should be accepted while the judgement of the other should be ignored.'

I said, 'But if both of them are righteous and approved by our fellow Shi'ah without one being deemed better than the other?' He said, 'It must be seen whether the tradition they narrate from us, based upon which they pass that judgment, is unanimously agreed upon among your fellow Shi'ah or not. If it is, then it should be adopted and the anomalous [tradition], which is not commonly known by your fellow Shi'ah, should be rejected.

Indeed there is no doubt regarding that in which there is consensus; and matters are [generally] of three types: those that are clearly right and are thus to be followed, those that are clearly wrong and must thus be avoided, and those that are problematic and which require one to refer back to Allah and His Prophet.

The Messenger of Allah (S) said, "[Some things are] clearly lawful and [others that are] clearly unlawful, and the uncertain things are between these. So whoever abandons the uncertain things remains safe from the forbidden, but whoever acts on what is uncertain [eventually] embarks on the forbidden and meets his doom from whence he knows not." ³⁴

What we can glean from this hadith is that the Imams ('a) would [at times] refer the Shi'ah, in case of dispute, to the scholars among their companions. And in instances where these scholars themselves differ, the opinion of the one who is more righteous, learned, honest and pious takes precedence.

If they are both equal [in these qualities] then the different traditions that they base their judgment upon should be considered, and the report that accords with the yardstick for precedence mentioned in the narration should be accepted. Of course, distinguishing this itself requires knowledge and specialization.

What we can further glean from these traditions includes:

First: they contain referrals to scholars among the companions during the time when the Imam ('a) himself was present. Naturally, this would continue being applicable during their absence as well.

Second: they do not instruct the people to refer to the Imams ('a) whenever the scholars differ among themselves. Rather, they give the yardstick by which one takes precedence over the other when they

are of different levels of righteousness, knowledge, honesty and piety.

They further provide the yardstick for preference between two differing proofs by giving precedence to that which accords with the general consensus, what is mentioned in the Qur'an, and is contrary to the opinions of the opposing school of thought. After all this, when the narrator hypothesized a situation where all these factors were equal in every respect [and there was no way of preferring one opinion over the other], only then was he instructed to wait until he met the Imam ('a) and seek an explanation from him.

This informs us that the tendency of the Imams ('a) was to get the needs of the Shi'ah fulfilled through the learned among them whenever possible, even during their presence and when it was easy to reach them. Even if a number of scholars do not accept some of the narrators of these traditions as reliable, the fact that so many narrations of this type exist and are supported by other circumstantial evidence is sufficient to make all scholars accept [the general principle in] them as reliable.

The Imams' Referral of the Shi'ah to the Learned Among Their Companions for Education

The second instance is regarding how the Imams ('a) used to refer the Shi'ah to the learned among their companions in order to gain knowledge of religion [from them], or how they instructed the scholars [among them] to issue edicts [on Islamic law].

It is possible to use some verses of the Qur'an as evidence for the soundness of this action, such as:

Ask the People of the Reminder if you do not know (16:43).

And:

It is not for the faithful to go forth en masse. But why should not there go forth a group from each of their sections to become learned in religion, and to warn their people when they return to them, so that they may beware? (9:122).

Verses such as these have been discussed at length by the scholars and we do not find it necessary to go into detail here.

The reports about this matter are of two kinds:

The first kind consists of [general] narrations that instruct people to go and learn from the scholars and get their questions answered by them. This includes learning about religious laws from the scholars among the Imams' companions whom they have taught jurisprudence and for whom they have clarified its precepts and principles. It also consists of instructions to the scholars to teach people and includes directions to educate them about the religious edicts and rulings.

In a hadith from one of our fellow Shi'ah, he said, "I asked Abu 'Abdillah ('a) about the case of a person suffering from variola who entered into the state of ritual impurity (*janabah*) so they bathed him and [as a result of this] he died. He said, 'They killed him. Why did they not ask [first]? Indeed asking is the antidote to ignorance.'" [35](#)

And in another hadith, he ('a) said, "The Messenger of Allah (S) said, 'Woe be to a person who does not keep a day for himself every week in order to attend to the affairs of his religion – reconnecting with it and asking questions about his faith.'" [36](#)

In a third hadith, it is narrated from Abi Ja'far [al-Baqir] ('a) that he said, "The alms (*zakat*) of knowledge is teaching it to the servants of Allah." [37](#)

In a fourth hadith from Imam 'Ali ('a), he said, "Allah did not make a covenant with the ignorant to seek knowledge until He had made a covenant with the knowledgeable to impart knowledge to the ignorant." [38](#)

It is well known that jurisprudence is one of the most important religious sciences – after the science of principal tenets of faith – as is mentioned in these traditions. These traditions do not teach that all the people should go out together, travelling from their hometowns and cities to meet the Imam ('a). Rather, the concept that is propounded is that of teaching and learning – as per the prevailing custom – from every scholar who is deemed reliable in his faith and knowledge. And these included the scholars among the Imams' companions.

There is a letter from Imam al-Hujjah (atf) that is narrated by Ishaq ibn Ya'qub [where he asked the Imam] regarding some issues that he was uncertain about [and sent it] through the special deputy [of the Imam] Muhammad ibn 'Uthman al-'Amri. In this letter, we read: "As for the matters that transpire [and about which you require clarification], refer to the narrators of our traditions, for indeed they are my proof over you as I am the proof of Allah." [39](#)

However, it has been noted that Ishaq ibn Ya'qub, the narrator of this letter, is not reliable. Yet it is possible to accept it as proof through the collation of corroborating evidence.

The second kind [of traditions] refer the people to specific companions [40](#) or instruct certain companions to issue religious edicts to the people. Some of the companions about whom such instructions have been issued were:

1) Aban ibn Taghlib (d. 141 A.H.): Shaykh al-Tusi and al-Najashi have said about him, "[He was] of a great status among our fellow Shi'ah. He met 'Ali ibn al-Husayn ('a), Abu Ja'far [al-Baqir] ('a), and Abu 'Abdillah [al-Sadiq] ('a) and narrated from them. He was also held in high regard by them. He was a reciter of the Qur'an and knew the different modes of recitation. He was a jurist, a lexicologist, and [a researcher who] would listen to the Arabs and relate about them." [41](#) The Imam had instructed him to sit in the masjid and issue religious rulings.

Ibn Muskan narrates from Aban who said, “I said to Abi ‘Abdillah (‘a), ‘I sit in the masjid and people come to me, asking questions. If I don’t answer them, they persist and do not leave me. Yet I cannot reply them with your statements and what has come to us from you [as this could lead to problems with the authorities].’ He said to me, ‘Look into what you know of their [scholars’] opinions and respond to them accordingly.’”[42](#)

Al-Najashi relates: “Abu Ja’far (‘a) said to him, ‘Sit in the masjid in Madinah and issue religious edicts to the people, for indeed I would love individuals like you to be seen among my Shi’ah.’ And when Abu ‘Abdillah (‘a) received news of his death, he said, ‘Indeed by Allah, my heart aches at the death of Aban.’”[43](#)

2) Muhammad ibn Muslim al-Thaqafi: He was a companion of Imam al-Baqir and al-Sadiq (‘a). Al-Kashshi narrates from ‘Abdullah ibn Ya’fur who said, “I said to Abi ‘Abdillah (‘a), ‘I cannot meet you every time and it is not possible for me to come to you [regularly]. Some men from our fellow Shi’ah come and ask me questions yet I do not have the answers to all that they ask.’ He said, ‘What prevents you from [referring to] Muhammad ibn Muslim al-Thaqafi? Indeed he has heard [traditions] from my father and was considered praiseworthy by him.’”[44](#)

Al-Kashshi narrates from Sulayman ibn Khalid al-Aqta’ who said, “I heard Aba ‘Abdillah (‘a) say, ‘I did not find anyone publicize our teachings and the traditions of my father (‘a) other than Zurarah, Abu Basir Layth al-Muradi, Muhammad ibn Muslim, and Burayd ibn Mu’awiyah al-Ijli. If it were not for these individuals, no one would derive [legal rulings]. They are the protectors of the faith and the trustees of my father (‘a) in matters pertaining to what Allah has made lawful or unlawful. They are the ones who are at the forefront with us in this world and will be the foremost with us in the hereafter.’”[45](#)

3) Mu’adh ibn Muslim al-Nahwi: About him al-Najashi says, “They are an illustrious family of learned individuals. It was from Mu’adh and Muhammad (meaning Muhammad ibn al-Hasan) that al-Kasa’i learnt the science of Arabic, and both al-Kasa’i and al-Farra’ narrate a lot from them in their books. Abu Ja’far al-Rawasi and Muhammad ibn al-Hasan said, ‘They are reliable individuals and nothing can impugn their reliability.’”[46](#)

In a tradition, he narrates that Abu ‘Abdillah (‘a) said, “I have heard that you sit in the great masjid and issue religious edicts?”

He replied, “Yes. I wanted to ask you about that before I leave. I sit in the masjid and at times a person comes to me and asks about something [pertaining to religion], and if I realize that he is one who follows the path of those who oppose you, I answer him according to their practices. At times, another person comes and when I realize that he loves and follows you, I answer him according to your teachings. But when a person whom I do not know or recognize comes to me [and asks a question] I say, ‘So-and-so says this and so-and-so opines this,’ and I insert your opinion among the opinions that I mention [is this the right course?].” He said, “Continue doing this, for indeed I too do the same.”[47](#)

4) Yunus ibn ‘Abd al-Rahman: al-Najashi said [about him], “He was prominent and respected among our fellow Shi’ah and had a great status... He met Ja’far ibn Muhammad (‘a) between al-Safa and al-Marwah but did not narrate [any traditions] from him. He narrated from Abi al-Hasan Musa al-Ridha’ (‘a), and [Imam] al-Ridha’ used to mention him [with praise] for his knowledge and religious edicts.”[48](#)

Yunus ibn ‘Abd al-Rahman was one of the scholars among the companions of [Imam] al-Kazim and al-Ridha’ (‘a). We have already noted that he is also mentioned among the six scholars from the companions of these two Imams whose narrations, that have reached us with a sound chain, are to be deemed authentic. Furthermore, al-Kulayni and al-Saduq have narrated legal juristic precepts from him in the chapter on inheritance, and al-Saduq even differed with his juristic opinions in certain cases.

Al-Najashi narrated from Abi Dawud ibn al-Qasim al-Ja’fari [who said], “I presented the book *Yawm wa Laylah* of Yunus ibn ‘Abd al-Rahman to Abi Muhammad al-‘Askari (‘a). He asked me, ‘Whose book is this?’ I said, ‘It is the book of Yunus the client of Al Yaqtin.’ He said, ‘May Allah grant him for each letter [he has written] light on the Day of Resurrection.’”[49](#)

We note from this narration the importance given by the Imam (‘a) to the book of Yunus and his lofty supplication for him. It is likely that his book contained mention of the obligatory prayers, their timings and constituent parts, and this would normally entail some deduction and derivation [of the laws on his part].[50](#)

Al-Najashi has also narrated from al-Fadl ibn Shadhan who said, “‘Abd al-‘Aziz ibn al-Muhtadi, who was the best Qummi I had met, and was the representative of al-Ridha’ (‘a) and one of his close companions, narrated to me: ‘I asked him (‘a), “I am unable to meet you every time so whom should I take knowledge of my religion from?” He replied, “Take from Yunus ibn ‘Abd al-Rahman.” And indeed this is a great status.’”[51](#)

This is similar to what al-Kashshi narrated from al-Hasan ibn ‘Ali ibn Yaqtin.[52](#)

Both ‘Abd al-‘Aziz ibn al-Muhtadi and al-Hasan ibn ‘Ali ibn Yaqtin have further narrated from [Imam] al-Ridha’ (‘a) whom they [each] asked, “I cannot reach you and ask you about all that I need of knowledge pertaining to my religion, is Yunus ibn ‘Abd al-Rahman reliable such that I can refer to him and take my religious knowledge from him?” He (‘a) replied, “Yes.”[53](#)

Hence, we note from what has been mentioned that the Imams (‘a) directed the scholars of their school of thought to pass judgement and issue religious rulings. At the same time, they directed their Shi’ah to seek answers to their religious queries from them and accept their judgment, even in matters wherein the scholars and judges differ. This is itself sufficient proof for the legality of the act of deriving religious rulings (*ijtihad*) and following the rulings of qualified scholars (*taqlid*).

This is further corroborated by the fact that the followers of the opposing school of thought go back in their referral to judges and scholars, such as Ibn Abi Layla and Abu Hanifah – as is noted in the reports

that relate their rulings in this regard – to the Imams of the Ahl al-Bayt (‘a).

Therefore, if the Imams (‘a) did not want their Shi’ah to do this, they would have forbidden them from referring to their scholars, and would have instructed them to practice precaution (*ihtiyat*) or to halt the practice of anything until they were certain of it (*tawaqquf*) instead, for example. However, no such instruction from them exists.

Some of the authors of works about different [Muslim] sects have listed some Shi’ah sects such as the Zurariyyah, which is linked to Zurarah ibn A’yan, and the ‘Ammariyyah, which consisted of the followers of ‘Ammar al-Sabati, and the Ya’furiyyah who were the followers of Ibn Abi Ya’fur, among others. This points to the fact that each of these learned companions had individuals who followed them and referred to them in matters of doctrine and praxis,⁵⁴ as has been noted by al-Wahid al-Bihbahani.⁵⁵

How the Imams Defined the Limits and Rules of Issuing Edicts (Ifta’) and Seeking Rulings (Istifta’)

The Fourth Proof: the second proof from narrations relates to the Imams showing the right way to issue fatwas and seek religious rulings, such that these practices follow the correct principles and rules, without rejecting the actual practice itself.

To elaborate further, the practice of seeking and issuing religious rulings was known among the Muslims, as we note from the numerous instances of edicts issued by Abu Hanifah and other scholars related by those who posed questions [about religious rulings] in our narrations.⁵⁶ The Imams (‘a) expressed their opinions regarding this phenomenon in many of their teachings and outlined the conditions for the validity of fatwas without going against the basic notion of issuing edicts.

Some of these [principles] include:

1) The requirement for the fatwa to be based on knowledge, as we see in many narrations. This shows the validity of issuing religious rulings to people when it is founded on knowledge. The author of *al-Wasa’il* has a chapter titled “The impermissibility of issuing [any] judgement or religious ruling without knowledge of what the infallibles have instructed [about it].”⁵⁷

In the reliable tradition from Abu ‘Ubaydah, he said, “Abu Ja’far (‘a) said, ‘Whoever issues religious rulings to people without knowledge or guidance from Allah, the angels of mercy and the angels of chastisement curse him, and the responsibility for whoever acts on his rulings falls upon him.’”⁵⁸

And in the reliable tradition from ‘Abd al-Rahman ibn al-Hajjaj, he said, “Abu ‘Abdillah (‘a) said to me, ‘Beware of two qualities for they are responsible for the destruction of [all] those who were destroyed – beware of issuing religious rulings to people based on your own opinion, and of practicing [as part of religion] that which you have no knowledge of.’”⁵⁹

2) The impermissibility of issuing religious rulings based on analogy and other similar criteria.

Al-Kulayni narrates from Aban ibn Taghlib, from Abu ‘Abdillah (‘a) who said, “Verily the Sunnah is not compared using analogy. Do you not see how a woman makes up for her fast but not for her prayers [that are missed during her monthly period]? O Aban, if the Sunnah was analogized, the religion would be obliterated.”[60](#)

Al-Kulayni also narrated from Sama’ah ibn Mihran, from Abu al-Hasan Musa [al-Kazim] (‘a) whom he asked, “May Allah relieve you; we gather and discuss about what is in our possession. Nothing comes up among us but that we have something about it in writing. This is indeed one of the blessings of Allah upon us through you. However, when something small comes up about which we have nothing, we look at each other and if we have something that is similar, we analogize with the best of it.”

He (‘a) said, “Why do you use analogy? Verily those who were destroyed before you were destroyed because of analogy.” Then he (‘a) said, “When that which you know comes to you, then you may speak about it, but if that which you have no knowledge of comes to you then [do] this,” and he placed his hand over his mouth.[61](#)

He also narrated from Muhammad ibn Hakim who said, “I said to Abi al-Hasan Musa [al-Kazim] (‘a), ‘May I be your ransom! We have become learned in religion and Allah has made us free of need of the people through you. So much so that some of us may be in a gathering where a person may ask his companion to present a question and give its answer from what Allah has blessed us through you. However, sometimes something comes up about which we have no guidance from you or your forefathers, so we look at the best of what we have and that which is closest to the matter that has come up from what you have taught us [is this the correct way]?’ He replied, ‘Never, never do that! By Allah, those who were destroyed [before you] were destroyed [because of this] O Ibn Hakim.’”[62](#)

He further narrated from Abu Basir who said, “I said to Abi ‘Abdillah (‘a), ‘Some things come upon us which we do not know to be in the Book of Allah or in the Sunnah, so [should] we opine about them?’ He said, ‘No, for indeed if you are correct you will not get any reward and if you are wrong, you will have lied against Allah, the Almighty.’”[63](#)

And in *Qurb al-Isnad*, from Ahmad ibn Muhammad ibn Abi Nasr who said, “I said to al-Ridha’ (‘a), ‘May I be your ransom, some of your fellow Shi’ah say: we hear some teachings related from you and from your father then we analogize them [with other issues] and act upon that.’ He said, ‘Glory be to Allah! No, by Allah, that is not from the religion of Ja’far (‘a)! These people have no need for us. They have ceased obeying us and have assumed our position. So where is the following that they claimed – [they claimed to be] followers of Ja’far and Aba Ja’far (‘a)?’”[64](#)

What we note from these traditions is that the scholars from among the Shi’ah used to study the religious rulings on various matters. For some of these matters, they were able to derive the rulings from the Qur’an and the Sunnah, and for others they were unable to do so. Thus they asked the Imams (‘a)

about the possibility of deriving the rulings for these issues through analogy, but they forbade them from that.

3) The liability of the scholar who issues religious rulings if he makes a mistake, as we see in the narration of Ishaq al-Sayrafi who said, “I said to Abu Ibrahim (‘a), ‘A man was in the state of *ihram* and he cut his fingernails, but since he had an injury in one of his fingers, he left the nail of that finger and did not trim it. A person gave him a [contrary] religious ruling after he was in *ihram* so he cut it and it bled.’ He said, ‘The one who gave him this [wrong] ruling must slaughter a sheep [as expiation].’”⁶⁵

It is noteworthy that the Imam (‘a) did not deem the one who asked about the religious ruling to be liable due to his seeking clarification; rather, he considered the one who gave the wrong ruling to be responsible for what happened due to the incorrect edict, without criticizing the act of issuing religious rulings itself.

In the sound tradition from ‘Abd al-Rahman ibn al-Hajjaj, he said, “Abu ‘Abdillah (‘a) was [once] seated in a gathering of Rabi’ah al-Ra’y when a Bedouin came and asked Rabi’ah al-Ra’y a [religious] question so he answered him. When he had finished giving the answer, the Bedouin asked, ‘Is the responsibility for this on your neck?’ Rabi’ah became silent and did not give any answer. So the Bedouin repeated his [religious] question and he gave him the same answer. The Bedouin asked once more, ‘Is the responsibility for this [answer] on your neck?’ Rabi’ah remained silent. Then Abu ‘Abdillah (‘a) said, ‘It is on his neck, whether he acknowledges it or not, for every person who issues a religious ruling takes on the responsibility for it.’”⁶⁶

4) Forbidding issuing rulings that go against justice, as we see in the sound tradition of Abu Wallad who mentioned that he leased a mule from its owner and a dispute arose between them so they agreed upon Abu Hanifah as an arbiter, and the latter issued a ruling. He said, “As we left, the man started reciting the verse of *istirja*’ (which is usually recited in times of calamity) so I felt pity for him due to the ruling that was issued by Abu Hanifah. Therefore, I gave him something and sought to appease him. I went for Hajj that year and I informed Aba ‘Abdillah (‘a) about the fatwa issued by Abu Hanifah. He (‘a) said, ‘It is due to such kinds of judgments that the skies withhold their rain and the earth deprives [people] of its blessings.’”⁶⁷

5) Discouraging the issuing of fatwas when there is fear of its [negative] consequences, as we note in the narration of ‘Ali ibn al-Sindi from his father who said, “I asked Aba al-Hasan (‘a) about the person who is approached with a question regarding religion but he fears that if he issues a ruling about it, he will be defamed because of it. ‘Should he remain silent, or issue a ruling that is correct, or one that does not cause him to fear for himself?’ He said, ‘Keeping silent is better and carries greater reward.’”⁶⁸

6) Giving the option of choice when there are differing rulings, as evinced from the reliable tradition of Sama’ah from Abi ‘Abdillah (‘a). He said, “I asked him (the Imam) about a man who is faced with the views of two different religious scholars, both of whom narrate to him – one instructs him to do it while

the other forbids him from it – ‘what should he do?’ He replied, ‘He should continue searching until he finds one who can inform him [about the correct ruling]; until that time, he is free [to choose either option].’”⁶⁹

The proof that is evinced from this tradition includes the scenario where the two people who differ in what they narrate each base their understanding upon what they derive from the narration, such as the principle of generality or the negation of a contrary narration, which would entail something similar to the issuing of variant rulings.

The Common Practice of Seeking and Issuing Religious Rulings Among the Shi’ah

The Fifth Proof, which is historical, states that it has always been the practice among the [learned] Shi’ah to issue religious rulings to the people and among the general Muslim populace, including the Shi’ah, the habit of referring to religious scholars has always been the norm – based on rational premises – even during the time of the Imams (‘a).

If the practice were against the teachings of the Imams (‘a), it would not have become the established norm of the scholars and the general masses. This is something that scholars have mentioned from the early days until the present. In his *al-Dhari’ah*, al-Sayyid al-Murtada states:

“That which proves the correctness of the referral of a lay person to a religious scholar is the absence of any difference of opinion between the past and the present community regarding the need of a lay person to refer to a religious scholar. Furthermore, he must accept the scholar’s rulings because he is himself not knowledgeable enough about the religious rulings pertaining to every matter that occurs – and whoever opposes this has gone against the consensus.”⁷⁰

Al-Shaykh al-Tusi says:

“Our opinion in this matter is that it is permissible for a lay person who is unable to carry out research and study, to follow the opinions of a scholar. The proof of this is that we find the general community of believers, from the time of Amir al-Mu’minin (‘a) until our present age, referring to their scholars and seeking rulings from them about Islamic laws and acts of worship. The scholars would issue rulings on these subjects, and the people would act upon the rulings given by the scholars. Moreover, we have not heard even one of them saying to a person who seeks religious rulings that it is not permissible to do so or to act upon the rulings of scholars. Rather, it is quite evident that there was no prohibition on acting upon the rulings that were issued by scholars. And this was at the time when the best of creation was among them, for they were contemporaries of the Imams (‘a), and there is no report of any of the Imams ever disapproving of any of this or speaking out against it. In fact, they supported those who tried to guide others [by teaching them the religious rulings] so whoever opposes this has gone against that which is known and established.”⁷¹

Other renowned scholars have made similar statements in this regard which we shall mention in due course.

As for the practice of issuing religious rulings to the general public by the scholars among the companions of the Imams, that is something clearly seen in the narrations and the biographies of narrators.

Even though most of the works on jurisprudence that were written by the companions of the Imams have not reached us, and the works of hadith that have reached us are generally limited to the narrations of these companions and do not include their [own] religious rulings, nevertheless they still contain evidence of their issuing fatwas in different forms.

Hence, when scholars see a narration that ends with certain companions, without explicit mention that it is from the Imams, they assume the possibility that it could have been a fatwa from the companions themselves.

We see this possibility being discussed from the time of al-Shaykh al-Tusi in his *al-Tahdhibayn* to many of the contemporary scholars; and it is rare for this possibility to go unmentioned. Even those who make the more general claim about the decisiveness of traditions and reject the validity of taqlid in religious rulings, such as the author of *al-Wasa'il*, mentions this possibility in many instances.^{[72](#)}

Instances of Issuing Religious Rulings by Companions of the Imams ('a)

Some of the evidence for what we have mentioned earlier is seen in the following narrations:

1) Al-Kashshi has narrated from Yunus ibn 'Abd al-Rahman who said, "One day, I asked Hariz, 'O Aba 'Abdillah, how much of one's hair on the head needs to be wiped in the *wudu*' for prayer?' He said, 'To the extent of three fingers,' and he pointed with his index, middle and ring fingers." And Yunus would narrate many jurisprudential rulings from him.^{[73](#)}

2) In his chapter on inheritance in *al-Kafi*, al-Kulayni mentions a section of rulings by Yunus, [which he classifies thus] since he did not find the details mentioned therein in any documented tradition [from the infallibles ('a)].^{[74](#)}

3) Both al-Kulayni and al-Saduq mention sections containing the words of al-Fadl ibn Shadhan comprising of rulings on inheritance that are not documented [from the infallibles ('a)].^{[75](#)}

4) Al-Shaykh al-Tusi narrates from al-Hasan ibn Muhammad ibn Sama'ah who said, "I heard Ja'far ibn Sama'ah being asked about a woman who was divorced in a way that was contrary to the Sunnah, 'can I marry her?' He said, 'Yes.' [Upon hearing this] I said to him, 'Do you not know that 'Ali ibn Hanzalah has narrated: "Beware of [marrying] those who have been divorced with three consecutive divorces contrary

to the Sunnah, for indeed they are still [deemed] married?” He replied, ‘My son, the narration of ‘Ali ibn Abi Hamzah makes things easier for the people...”⁷⁶

5) Al-Shaykh al-Tusi narrates from ‘Abdullah ibn al-Mughirah who said, “I asked ‘Abdullah ibn Bukayr about the case of a man who divorces his wife once, then leaves her until she is completely separated from him, then he marries her again. He said, ‘She is with him as she was in [their previous] marriage.’ I said, ‘But according to Rifa’ah’s narration, this is only the case if she had another husband [after him]?’ ‘Abdullah said to me, ‘He is her husband and this is what Allah has bestowed [us] of our opinion.”⁷⁷

6) After mentioning the reports about al-Khul’, al-Shaykh al-Tusi states, “That which I have relied upon in this chapter and upon which I base the rulings is that the separation of al-Khul’ must be followed with divorce. This was also the opinion of Ja’far ibn Sama’ah, al-Hasan ibn Sama’ah, ‘Ali ibn Ribat and Ibn Hudhayfah from the earlier generation, and from the later scholars, it was the opinion of ‘Ali ibn al-Husayn.”⁷⁸

The mention of the opinion of these four early scholars, who were among the companions of Imam al-Kazim (‘a) and the one [scholar] who came after him, is evidence for what we have stated. After this, al-Shaykh mentions the proof given by these individuals [for their opinions].⁷⁹

7) Al-Kulayni narrates from Ibn Abi ‘Umayr, from Jamil ibn Darraj who said, “A man is not to be forced to provide for anyone but his parents and children.” Ibn Abi ‘Umayr asked, “And [what about] his wife?” He said, “It has been narrated from ‘Anbasah, from Abi ‘Abdillah (‘a)...”⁸⁰

8) When some of the companions of the Imams (‘a), who were students, came to know about a hadith which might have some flaw in it, they showed it to the scholars among their companions because they knew of their expertise, as we see in a number of narrations that describe how reports were presented to Zurarah [for verification]. In one such report we are told that he said, “Indeed that which Ibn Muhriz has brought has illumination,” meaning that it is to be relied upon.⁸¹

Relaying Rulings of the Scholars to the Imams (‘a) by Narrators

It has reached us through many narrations that people would ask scholars and learned men about religious injunctions and their answers would be presented to the Imams (‘a) who never objected to this kind of questioning by those who sought answers from scholars. Furthermore, they did not object to the act of issuing rulings by the scholars itself. Rather, we only see them either endorsing or rejecting the rulings as correct or wrong respectively.

1) In a tradition from Humran ibn A’yan, he said, “The wife of Muhammad ibn Muslim said to him while she had just delivered a child, ‘Give my salutations to Aba Ja’far (‘a) and tell him that I have gone through postnatal bleeding (*nifas*) for forty days, yet our fellow Shi’ah have constrained us and made it eighteen days [at most].’ Abu Ja’far said, ‘Who gave her the ruling of eighteen days?’ I (the narrator)

said, '[They got it from] the narration which is related about Asma' bint 'Umays...'” [82](#) We see here how the scholars among the Shi'ah in Kufah issued a fatwa for the wife of Muhammad ibn Muslim and the Imam ('a) expressed his opinion about the fatwa. However, the narration does not include any censure against the lady for asking the question, nor does it censure the companions (*ashab*) for the act of issuing a fatwa for her.

2) In the narration of Khayran al-Khadim, he said, "I wrote to the Imam [al-Kazim] ('a) asking him about the case where wine and pork have come into contact with one's clothes, 'can one pray in them or not? For indeed, our fellow Shi'ah have differed regarding this. Some have said: pray in it as Allah has only prohibited consuming it, whereas others said: do not pray in it.' So he ('a) wrote back, 'Do not pray in it for indeed it is impure (*rijs*).'" [83](#)

It is noteworthy how the narrator refers to the scholars and then, when he finds them differing among themselves, he refers to the Imam ('a) and the Imam ('a) endorses one of the two different opinions without objecting to the issuance of rulings by the companions (*ashab*). Furthermore, [the Imam knew that] if the companions had not differed in their opinions, the person would not have referred to the Imam ('a).

3) In the narration of Ahmad ibn Muhammad from a group of our fellow Shi'ah who said, "We said to Abi al-Hasan – meaning 'Ali ibn Muhammad ('a), 'A man died on the way [to hajj] and bequeathed [what he had with himself] for hajj [and said:] "Whatever remains is for you." Our companions differed about this with some saying that pilgrimage should be carried out on his behalf from the *miqat* for that would ensure that more of his wealth remains, whereas others said that pilgrimage should be carried out for him from where he died.' He ('a) said, 'Pilgrimage should be carried out on his behalf from where he died.'" [84](#)

The proof we derive from this narration is similar to what we gleaned from the previous narration.

4) In the narration from 'Abd al-Malik ibn A'yan, who said, "A group of our fellow Shi'ah went for pilgrimage, and when they entered Madinah, they visited Abu Ja'far ('a) and said, 'Verily Zurarah instructed us to commence the *hajj* once we have donned the *ihram*.' He said to them, 'Perform the *tamattu'*..." [85](#)

We note here how the Kufan Shi'ah relied upon the ruling that Zurarah had given them until they were able to refer to the Imam in Madinah.

5) In the narration of Ishaq ibn 'Ammar, he said, "I said to Abu Ibrahim ('a), 'Verily our fellow Shi'ah differ in two aspects of the *hajj*. Some of them say: don the *ihram* for *hajj mufrida*, and once you have circumambulated the Ka'bah and done the *sa'i* between al-Safa and al-Marwah, then remove your *ihram* and consider it to be '*umrah*'; whereas others say: wear the *ihram* while making the intention of 'Umrah and Hajj al-Tamattu'. Which of these two is more preferable to you?' He replied, 'Make the intention of Tamattu'" [86](#)

The point that proves our position in this narration and what follows it is clearly seen as in what has already been mentioned before it.

6) In Zurarah's narration from a group of our fellow Shi'ah who went for pilgrimage with a woman in their company, and when they reached the *miqat*, she was in her monthly cycle so she did not pray. They did not know that in such cases, the woman still needed to wear the *ihram*, so they passed the place with her as she was until they arrived in Makkah while she was menstruating without having worn the *ihram*. They asked people [about the ruling] and were told that she must go back to one of the *mawaqit* and put on the *ihram* there, but if she did that, she would miss the *hajj*. So they asked Aba Ja'far ('a) and he said, 'She should put on the *ihram* from where she is, for Allah knows her intention.'" [87](#)

7) The reliable tradition from 'Abd al-Rahman ibn al-Hajjaj who said, "I asked Aba al-Hasan ('a) about the case of two men who hunted [together] while they were in the state of *ihram* – is the punishment divided between them or does each have to be punished individually? He replied, 'No. Rather, both have to be punished for the hunt.' I said, 'Some of our fellow Shi'ah asked me about this and I did not know what the ruling was.' He said, 'When such a thing happens and you do not know what is to be done then you should practice precaution until you are able to ask about it and learn [the correct ruling].'" [88](#)

8) The narration of Ishaq ibn 'Ammar who said, "I asked Aba al-Hasan ('a) about the case of a man who forgot to trim his fingernails while he was in his *ihram*. He said, 'He may ignore it.' I said, 'One of our fellow Shi'ah gave the ruling that he should trim his fingernails and repeat his *ihram*, so he did that.' He said, 'Then he has to slaughter [a sheep] as expiation.'" [89](#)

9) The narration of Sayf who said, "I said to Abi 'Abdillah ('a), 'I approached the Black Stone but saw that there was a large crowd near it [so I could not get closer]. I met one of our fellow Shi'ah and asked him about it so he said, "You must touch it.'" He ('a) said, 'If you find it accessible [then touch it], otherwise salute it from a distance.'" [90](#)

10) The narration of Ayyub ibn Nuh who said, "I wrote to him (the Imam ('a)) that our fellow Shi'ah have differed in their opinions. Some say that the departure [from Mina] on the last day is better after noontime whereas others say it is better before noon. So he ('a) wrote back saying, 'Do you not know that the Messenger of Allah (S) prayed the *dhuhr* and 'asr prayers in Makkah? That could not have happened unless he had departed before noon.'" [91](#)

11) The narration of Harun ibn Kharijah from Abi 'Abdillah ('a) wherein he said, "I said [to him ('a)], 'I was burdened by tribulation so I divorced my wife thrice in one go. I asked our fellow Shi'ah and they said that it was not valid. However, my wife said, "I will not be satisfied until you ask Aba 'Abdillah.'" He ('a) said, 'Return to your wife, for you have nothing to fear.'" [92](#)

12) It is narrated in *al-Kafi* with a sound chain from 'Ali ibn Mahzyar who said, "I wrote to Abi Ja'far ('a) that the narrations from your forefathers regarding praying full or shortened prayers in the two holy sanctuaries (*haramayn*) differ. Some of them state that full prayers must be offered, even if it is a single

prayer, and others state that as long as one has not made an intention to stay for ten [or more] days, the prayers should be shortened. I continued offering full prayers in these places until we performed our pilgrimage this year, when the scholars from among our fellow Shi'ah informed me that it should be shortened if I do not intend to stay for ten days. So I began shortening my prayers but I felt uneasy with that until I come to know your opinion about it [so what do you say]? He ('a) responded to me in his own hand, 'You know, may Allah shower you with mercy, the merit of praying in the two holy sanctuaries compared to other places. Hence, I prefer for you not to shorten your prayers when you enter them and to increase your [supererogatory] prayers in them.' Two years later [when I met him], I spoke to him and asked, 'I had written to you about a certain matter and you replied in such-and-such way.' He said, 'Yes.' So I asked, 'What did you mean by the two holy sanctuaries?' He replied, 'Makkah and Madinah.'"93

13) In the written correspondence of Muhammad ibn 'Abdullah al-Himyari to the Imam of the Age (may Allah hasten his reappearance) [he said], "Some scholars ask me about the one who prays, 'When he stands up after the first *tashahhud* and begins the third rak'ah, does he have to recite *takbir*? For some of our fellow Shi'ah say that it is not necessary for him to recite the *takbir* and it is enough for him to say: *bi hawlillahi wa quwwatihi aqumu wa aq'udu*.'" He ('a) wrote back the reply, "Verily there are two hadith about this... and whichever of the two you act upon with the intention of submission, it will be [deemed] correct."94

That which proves our case in the above narration is the [differing of the] rulings given by some of the companions regarding the question pertaining to the narration from some of our fellow Shi'ah.

14) Al-Shaykh al-Tusi narrates from 'Ali ibn Mahzyar who said, "Ibrahim ibn Muhammad al-Hamadani wrote to Imam al-Hadi ('a) saying, "Ali showed me the book of your father wherein he made it obligatory for the people of a village to pay half of one-sixth of what remains at the end of the year, and he said that it is not obligatory on one whose village does not thrive to pay half of one-sixth or anything other than that. So we differed in our opinions about this. Some said, 'It is obligatory for the villager to pay a fifth of what remains of his wealth after his necessary expenses i.e. the expenses related to the village and its upkeep, not the expenses of the person himself and his family.' He ('a) wrote the following and it was read to him by 'Ali ibn Mahzyar, 'He should pay a fifth after all his expenses and the expenses of his family as well as the tax of the king.'"95

15) Al-Shaykh narrated through his chain up to al-Qasim al-Sayqal who said, "Umm 'Ali wrote to him asking about the permissibility of exposing her hair in front of [a male] servant and said, 'Verily your Shi'ah have differed in their responses to me. Some said there is no problem in this whereas others said it is not permissible.' He ('a) wrote back, 'You have asked about exposing your hair in front of a servant – do not expose your hair in front of him for verily it is detested (*makruh*).'"96

In addition, there are numerous instances of them questioning [the Imam ('a)] when opinions differed.

16) In the reliable narration of ‘Abd al–Samad ibn Bashir, from Abi ‘Abdillah (‘a) [who stated] in a hadith about a non–Arab man who entered the Masjid reciting the *talbiyah* while he was wearing a shirt. He said to Abi ‘Abdillah (‘a), “I used to be a manual laborer and saved some money by this means. When I set off for *hajj*, I did not ask anyone about any of the rulings, and those people told me to rip apart my shirt and lower it in front of my legs, and [they said] that my *hajj* had been corrupted and that I must give a sacrifice.” He (‘a) said to the man, “When did you wear your shirt, was it before you recited the *talbiyah* or after?” He said, “Before I recited it.” He (‘a) said, “Then take it off over your head. You do not have to give any sacrifice, nor do you have to perform the *hajj* again. Whenever a person embarks on something in ignorance, there is nothing for him [to make up for].”⁹⁷

17) The narration of ‘Ali ibn Mazid Sahib al–Sabiri who said, “A man made me a trustee of his will and instructed me to perform *hajj* on his behalf with the wealth he had left behind. I looked into it and found that he had only left a paltry sum, which was insufficient for *hajj*. So I asked Aba Hanifah and the scholars of Kufah and they said, ‘Give charity for him instead...’ Then I met Ja’far ibn Muhammad (‘a) at the Hijr [Isma’il in Makkah] and asked him, ‘A man died and said in his final will that I should perform *hajj* with the money he left behind but when I looked into it, I found the amount insufficient for *hajj*. I asked the scholars who were nearby and they said that I should give charity on his behalf [instead].’ He (‘a) said, ‘What did you then do?’ I replied, ‘I gave the money in charity.’ He said, ‘You are liable unless the amount was so small that you would not have been able to perform *hajj* [even] from Makkah. If the amount was so small that you would not have been able to perform *hajj* from Makkah, then you are not liable. However, if the amount was enough to enable you to perform *hajj* from Makkah, then you are liable.’”⁹⁸

These are some of the narrations that have reached us on this subject, and many of them are unanimously considered reliable. Additionally, there are many other similar traditions that can be found through research and study.

Conclusion

These were the proofs that demonstrate the legality and validity of the practice of issuing religious edicts and seeking religious rulings [from scholars]. It is clear, as has been noted, that in and of itself, this practice is valid, and this is considered a self–evident truth in the Imami school of thought, just as it is in the other schools of thought among the Muslims. This practice is actually part and parcel of the act of teaching and learning which has been prescribed in Islam.

¹ This is based on the difference of general or specific attestation of reliability.❏❏

² Though experience is characterized as something that is mostly for guidance only, it may at times be something that one relies upon in and of itself – so consider that.❏❏

³ Ma’ani al–Akhbar, 1, h. 1.❏❏

⁴ Al–Tawhid, 458–459, h. 24.❏❏

5. dawaran al-amr bayn mahdhurayn. ۴۴
6. Refer to the coming section on Questions and Answers – specifically to the answer to question 7. ۴۴
7. Al-Kafi, 1/304, h. 1. ۴۴
8. Nahj al-Balaghah 2/188, Commentary by Muhammad ‘Abduh. ۴۴
9. These individuals are known as being from the fourth generation (tabaqah) of narrators. ۴۴
10. Ikhtiyar Ma’rifat al-Rijal (annotated by al-Muhaqqiq al-Damad), 2/507, no. 431. ۴۴
11. These individuals are known as the fifth generation (tabaqah) of narrators, even though they met with Imam al-Sadiq (‘a) like the previous generation. This is because they were young companions of al-Sadiq and did not meet his father Imam al-Baqir (‘a), and most of them encountered his son al-Kazim (‘a). ۴۴
12. Ikhtiyar Ma’rifat al-Rijal (annotated by al-Muhaqqiq al-Damad), 2/673, no. 705. ۴۴
13. Ikhtiyar Ma’rifat al-Rijal (annotated by al-Muhaqqiq al-Damad), 2/830, no. 1050. ۴۴
14. These are generally considered the seventh generation among the narrators in ‘Ilm al-Rijal. ۴۴
15. They are generally considered the eighth or ninth generation of narrators. ۴۴
16. They were: (a) ‘Uthman ibn Sa’id al-‘Amri (we do not have precise information about the date of his death) (b) Muhammad ibn ‘Uthman al-‘Amri (d. 305 A.H.) (c) Abu al-Qasim al-Nawbakhti (d. 326 A.H.) (d) ‘Ali ibn Muhammad al-Samuri (d. 329 A.H.). ۴۴
17. See the discussion on ijtihad and taqlid in the taqrirat of al-Sayyid al-Sistani (may his life be prolonged). ۴۴
18. Wasa’il al-Shi’ah, 18/40–41, h. 51. ۴۴
19. Mustatrafat al-Sara’ir, 575; and it has been quoted in Wasa’il al-Shi’ah, 18/41, h. 52. ۴۴
20. Man La Yahdhuru al-Faqih, 1/351, h. 1025. ۴۴
21. Al-Khisal, 644, h. 24. ۴۴
22. Ma’ani al-Akhbar, 2, h. 3. ۴۴
23. Al-Kafi, 1/69, h. 1. ۴۴
24. Al-Kafi, 1/69, h. 4. ۴۴
25. Wasa’il al-Shi’ah, 18/82, h. 22. ۴۴
26. Wasa’il al-Shi’ah, 18/75, h. 1. ۴۴
27. Wasa’il al-Shi’ah, 1/290, h. 1. ۴۴
28. Another version reads: “So he inquired about a man who...” ۴۴
29. Wasa’il al-Shi’ah, 9/511, h. 6. ۴۴
30. Wasa’il al-Shi’ah, 1/327, h. 5. ۴۴
31. Ikhtiyar Rijal al-Kashshi, 2/554–555, no. 494. ۴۴
32. Wasa’il al-Shi’ah, 18/4, h. 5. ۴۴
33. Wasa’il al-Shi’ah, 18/80, h. 20. ۴۴
34. Al-Kafi, 1/67, h. 10. ۴۴
35. Al-Kafi, 1/40, h. 1. ۴۴
36. Al-Kafi, 1/40, h. 5. ۴۴
37. Al-Kafi, 1/41, h. 3. ۴۴
38. Al-Kafi, 1/41, h. 1. ۴۴
39. Wasa’il al-Shi’ah, 18/101, h. 9. ۴۴
40. We have not mentioned other examples that may initially seem to be of this type but upon scrutiny, are found not to be of this category, such as what has been reported about al-‘Umari and his son – that they are reliable and convey whatever they relate from the Imam (‘a). That is only limited to their deputyship and reliance upon them has nothing to do with seeking religious rulings from them. ۴۴
41. Al-Fihrist, 57; Rijal al-Najashi, 10. ۴۴
42. Wasa’il al-Shi’ah, 11/482, h. 1. ۴۴
43. Rijal al-Najashi, 10. ۴۴
44. Ikhtiyar Ma’rifat al-Rijal, 1/383, no. 273. ۴۴
45. Ikhtiyar Ma’rifat al-Rijal, 1/348, no. 219. ۴۴

- [46.](#) Rijal al-Najashi, 324. 
- [47.](#) Wasa'il al-Shi'ah, 11/482, h. 2. 
- [48.](#) Rijal al-Najashi, 446. 
- [49.](#) Rijal al-Najashi, 447. 
- [50.](#) This has an explanation that will be discussed at the appropriate juncture. 
- [51.](#) Rijal al-Najashi, 447. 
- [52.](#) Ikhtiyar Ma'rifat al-Rijal, 2/784. 
- [53.](#) Wasa'il al-Shi'ah, 18/107, h. 33. 
- [54.](#) In Ikhtiyar Ma'rifat al-Rijal (2/542, no. 479) there is a narration from Yunus ibn 'Abd al-Rahman, from Hisham ibn al-Hakam who said, "During the days of [the reign of] al-Mahdi, the situation became dire for the followers of these individuals – in terms of how they were perceived by the government. Ibn Mufaddal compiled for him a list of the sects [that existed at the time], one by one." He mentioned in his book, "And a sect among them is called the Zurariyyah, and another is called al-'Ammariyyah, who are the companions of 'Ammar al-Sabati, and another sect is known as the Ya'furiyyah, and there is a sect made up of the followers of Sulayman al-Aqta', and another sect known as the Jawaliqiyyah..." The Zurariyyah and other [similar] sects have been mentioned in some of the books on the subject, such as al-Firaq (76, 210) and al-Milal wal-Nihal (1/186). It seems from what the authors of these two works mention that these sects were distinguished for their theological positions. 
- [55.](#) Al-Fawa'id al-Ha'iriyyah, 132. 
- [56.](#) Wasa'il al-Shi'ah, 13/255–256, h. 1. 
- [57.](#) Wasa'il al-Shi'ah, 18/9. 
- [58.](#) Wasa'il al-Shi'ah, 18/9, h. 1. 
- [59.](#) Wasa'il al-Shi'ah, 18/10, h. 3. 
- [60.](#) Al-Kafi, 1/57, h. 15. 
- [61.](#) Al-Kafi, 1/57, h. 13. 
- [62.](#) Al-Kafi, 1/56, h. 9. 
- [63.](#) Al-Kafi, 1/56, h. 11. 
- [64.](#) Qurb al-Isnad, 356–357, h. 1275. 
- [65.](#) Wasa'il al-Shi'ah, 9/294, h. 1. 
- [66.](#) Al-Kafi, 7/409, h. 1. 
- [67.](#) Wasa'il al-Shi'ah, 13/255–256, h. 1. 
- [68.](#) Wasa'il al-Shi'ah, 18/166, h. 3. 
- [69.](#) Wasa'il al-Shi'ah, 18/77, h. 5. 
- [70.](#) Al-Dhari'ah, 2/796–797. 
- [71.](#) Al-'Uddah fi Usul al-Fiqh, 2/730. 
- [72.](#) See: Wasa'il al-Shi'ah, 15/356 on the possibility of some of the narrations being from the speech of Ibn Bukayr and his personal rulings, so there is no evidentiary value in it. And in Wasa'il al-Shi'ah, 16/38 on the possibility of it being the speech of Yunus and a ruling based on his opinion thereby removing its probative value. And in Wasa'il al-Shi'ah, 17/450 where he says of a report from 'Abd al-Rahman ibn al-Hajjaj, "It is a fatwa whose attribution to the Imam is not explicit so it has no probative value." 
- [73.](#) Ikhtiyar Ma'rifat al-Rijal with footnotes by Mir Damad, 2/627, no. 616. 
- [74.](#) Al-Kafi, 7/15, 18, 121, 145, 163. 
- [75.](#) Al-Kafi, 7/88, h. 4, and pp. 95, 105, 116–117, 120, 142, 148, 161, 166; Man La Yahduruhu al-Faqih, 4/270, 275, 276, 286, 292–293, 295, 320. 
- [76.](#) Tahdhib al-Ahkam, 8/58, h. 109. 
- [77.](#) Tahdhib al-Ahkam, 8/30, h. 89. 
- [78.](#) Tahdhib al-Ahkam, 8/97, under h. 7. 
- [79.](#) He states in Tahdhib al-Ahkam, 8/97–98: "And those among our erstwhile Shi'ah scholars who took the position that we have taken... and al-Hasan ibn Sama'ah and others proved it saying... and Ibn Sama'ah proved it with his narration..." 

- [80.](#) Al-Kafi, 5/512.  
- [81.](#) Al-Kafi, 7/100.  
- [82.](#) Wasa'il al-Shi'ah, 2/614.  
- [83.](#) Wasa'il al-Shi'ah, 2/1017, h. 2.  
- [84.](#) Wasa'il al-Shi'ah, 8/118, h. 9.  
- [85.](#) Wasa'il al-Shi'ah, 8/176, h. 19.  
- [86.](#) Wasa'il al-Shi'ah, 8/178, h. 9.  
- [87.](#) Wasa'il al-Shi'ah, 8/239, h. 6.  
- [88.](#) Wasa'il al-Shi'ah, 9/210, h. 6.  
- [89.](#) Wasa'il al-Shi'ah, 9/295, h. 2, and h. 1 also has a similar meaning.  
- [90.](#) Wasa'il al-Shi'ah, 9/410, h. 4.  
- [91.](#) Wasa'il al-Shi'ah, 10/227, h. 12.  
- [92.](#) Wasa'il al-Shi'ah, 15/319, h. 29.  
- [93.](#) Al-Kafi, 4/525.  
- [94.](#) Wasa'il al-Shi'ah, 4/967.  
- [95.](#) Wasa'il al-Shi'ah, 6/342, h. 4.  
- [96.](#) Wasa'il al-Shi'ah, 14/166, h. 7.  
- [97.](#) Wasa'il al-Shi'ah, 9/125–126, h. 3.  
- [98.](#) Wasa'il al-Shi'ah, 13/419, h. 2.  

[1] [1]

SHARES

Part 2 – Evaluating the Idea of Forbidding Taqlid

We have mentioned that the commonly accepted position among the Muslim jurists is that taqlid is permissible, meaning that the statement of a jurisconsult (*mufti*) has probative value for the general public who are not specialists in Islamic law, and we have already elaborated upon this.

However, some of the past theologians held the position that taqlid is not permissible, meaning that it is the duty of every individual to take the evidence from a mujtahid, not his opinion. As such, in their view, the role of the jurist is to provide people with proofs [for legal rulings] and the people are to then only take these proofs from the scholars and not their edicts. This view has also been accepted by some of the later hadith scholars.

Yet we note some issues with this view:

- 1) The irregularity and oddity of this view among the scholars and its disappearance from scholarly circles.
- 2) The reality of this view, when explicated, does not negate the actual principle of taqlid. Rather, it only means that people have to do taqlid in the proofs upon which the opinions are based rather than directly

doing taqlid of the [scholars'] opinions themselves.

3) This view itself lacks a coherent meaning.

4) The [need for elaboration on the] origins of this view and removing any confusion about it.

The Anomalousness of This View and Its Failure to Take Root

The first issue, which is the irregularity and anomalousness of this view, is based on the fact that the practice of the scholars, from the time of the Imams ('a) until the present age, has been to issue and seek religious rulings. This means that people would ask scholars about the religious laws that they needed to know about and the latter would provide them with the rulings, as we have described earlier.

We have already given examples of how religious rulings were sought and issued by scholars during the time of the Imams ('a) and how the Imams referred people to the learned individuals among their companions. These companions' compilations of traditions also included their own legal opinions in one form or another. For example, they explicitly related the opinions of previous scholars in matters regarding which no statement from the infallibles was available or where the narrations were contradictory.

At times, they attempted to find a solution by amalgamating conflicting narrations and in other instances, they preferred one tradition over the other. Indeed, these are all forms of [edicts and] rulings, even if this kind of edict may be hidden from the reader in the books of traditions, since it is not an explicit issuance of fatwas; rather, it is identified by looking at the way in which the reports are related.

Hence, it would be correct to say that most of the books of traditions that were compiled by erstwhile scholars contained some form or other of opinions on religious law, such as the book *al-Kafi* of al-Kulayni, which contains many instances of this kind of opinion. The scholars have noted how at times he mentions some contradictory reports on a subject because he has some reason for selecting one over the other, as he has mentioned in the preface of his book.

At other times, he mentions only one of the two groups of contradictory reports and ignores the second group. We only come to know of the existence of the second group through what has been recounted by al-Shaykh al-Saduq and al-Shaykh al-Tusi about it. In this way, al-Kulayni has actually preferred one group of traditions, which he proceeds to mention, over another that he does not mention.

Furthermore, there are many clues that suggest that the practice of ijtihad in cases where two reports contradicted each other was one of the well-known forms of ijtihad during the time of the infallibles, since the existence of contradictory reports was one of the most common problems at that time.

In fact, a group of companions of the Imams ('a) had [compiled] books of religious rulings either generally on all the main legal matters or in specific subjects such as the books of Yunus and al-Fadl

ibn Shadhan about inheritance. This is as far as the practice of seeking and issuing religious rulings during the time of the infallibles ('a) goes.

As for the period of the minor occultation (between 260 and 329 A.H.), the practice continued in the same way. In fact, since the need for religious rulings was compounded due to the occultation of the Imam ('a), it increased. Among the renowned scholars of this period were:

1) Al-Kulayni the author of *al-Kafi*. The book *al-Kafi* contains some legal opinions [of the author] on a number of issues as we have mentioned earlier. Examples of this include:

- The way in which he deals with contradictory reports by sometimes mentioning them all and selecting some [as reliable] and in other instances mentioning only those that he prefers while occasionally noting how the contradiction between them may be resolved.

- His mention of the opinions of erstwhile scholars that evince their acceptance of some of the traditions, as he has done in the chapter on inheritance from Yunus ibn 'Abd al-Rahman and al-Fadl ibn Shadhan.

2) 'Ali ibn Babawayh the father of al-Shaykh al-Saduq. He has a treatise on Islamic law (*Risalat al-Shara'i*) which was well known among the Shi'ah and al-Saduq has narrated some portions of it in his books. In his *al-Mukhtalaf*, al-'Allamah has also mentioned the opinions of 'Ali ibn Babawayh on contentious issues. A section of his treatise that was discovered [a while back] has recently been printed.^{[1](#)}

3) Al-Shalmaghani, who was one of the Imami scholars during the minor occultation, wrote *Kitab al-Taklif*, which gained prominence among the Shi'ah and scholars, such as 'Ali ibn Babawayh, also narrated from it. Referring to it became common practice^{[2](#)} until its author deviated [from the right path] and then the book was gradually abandoned.

This is the book that became commonly known as '*Fiqh al-Ridha*' as some great scholars have mentioned. For the most part, this book is like the first detailed manual of practical laws (*risalah 'amaliyyah*) that contains all the chapters of Islamic law. It has narrations arranged in the form of religious rulings, and despite the fact that most of the rulings that have been recorded in it are based on documented traditions; it still has many derivative points, especially in cases where there are contradictory reports and how to reconcile them.

It seems that Abu al-Qasim al-Husayn ibn Ruh, who was the third deputy of al-Hujjah (may Allah hasten his reappearance) during the minor occultation, used to assist al-Shalmaghani to author this work of religious rulings.

Al-Shaykh has narrated from one of the companions who said, "Verily al-Shalmaghani used to edit one chapter and take it to al-Shaykh Abu al-Qasim al-Husayn ibn Ruh (may Allah be pleased with him), show it to him and discuss it with him. If the contents of the chapter were correct, he narrated it and

instructed us to make copies of it.”³ This means that the one who instructed them to do that was al-Husayn ibn Ruh (may Allah be pleased with him).

It is evident that this explains an important historical point, which is the influence of the deputy al-Husayn ibn Ruh in the preparation of a treatise of religious rulings for the Shi’ah during the period of minor occultation by some of the scholars who were in contact with him, such as al-Shalmaghani.

In al-Shaykh’s *al-Ghaybah* there is mention of how after its completion, Ibn Ruh sent the book to the scholars in Qum so that they may examine it. These scholars endorsed the text and said that everything narrated in it was correct except for three instances.

In any case, there is clear proof in this of the validity of the act of seeking and providing religious rulings.

During the major occultation, with the cessation of the deputyship of Imam al-Hujjah (atf), the practice of issuing religious rulings and seeking them intensified. Scholars compiled manuals of practical rulings and answered questions that were posed to them in short treatises. Al-Saduq, who is famously known to have been conceived by the supplication of Imam al-Hujjah, wrote the books *al-Faqih*, *al-Muqni’* and *al-Hidayah*, al-Mufid wrote *al-Muqni’ah* and al-Shaykh al-Tusi wrote *al-Nihayah* and so on.

Moreover, many scholars have emphasized that there is a consensus on the permissibility of taqlid by hinting that any view to the contrary is anomalous.

1. Al-Sayyid al-Murtada (d. 436 A.H.) states that there is no disagreement among both the early and later community [of believers] about the requirement of referral to a scholar by a layperson... and whoever disagrees with this has gone against the general consensus.

He then adds: “It is not possible for the one who opposes this to deny the consensus on [the permissibility of] referring to religious rulings and guidance, and he has to acknowledge it. The only thing he can do is to construe this [permissibility of] referral to something far less likely and say, ‘it means referral in order to get information about opinions and underlying proofs.’ This interpretation, by necessity, is known to be contrary [to the concept of referral], since the lay person does not seek a ruling in order to gain information about opinions [and their proofs]; rather, [he does so] in order to act upon them.”⁴

2. Al-Shaykh al-Tusi (d. 460 A.H.) states, as we have mentioned earlier, “Our opinion on this matter is that it is permissible for the lay person, who is not able to study or carry out research, to follow the opinions of a scholar. The proof for this is that I have found the general masses among the Shi’ah, from the time of Amir al-Mu’minin (‘a) until our present time, have always referred to their scholars and sought religious rulings from them in matters of law and praxis, and the scholars have provided them with the rulings.”⁵

3. Al-Muhaqqiq al-Hilli (d. 676 A.H.) states, after positing the permissibility of acting upon the ruling of a

scholar by a layperson, “We have two aspects to consider. The first is the consensus of the scholars of different periods (and locations) on the permissibility of lay people acting upon the rulings of scholars without any exception, and it is established that the consensus of people of all eras has probative value. Secondly, if it was obligatory for a layperson to study the juristic proofs, that would have to be done either before an event transpires or during it, and both of these situations are invalid. The idea of it being obligatory [for him to study the juristic proofs] before an event has transpired is negated by consensus, and because it would mean having to spend all his time studying every possible ruling (*isti’ab*). This would result in harm to him with regard to his being unable to earn his livelihood. As for the idea that it is obligatory during the occurrence of an event, in that situation he (the lay person) is inculpable since it would be impossible to attribute every lay person who is faced with a situation [about which he needs a religious ruling] with the qualities of a mujtahid.”⁶

4. Al-Shahid al-Awwal (d. 786 A.H.) states, after relating the permissibility of taqlid by most of the Imami scholars and the opposition to it by a few erstwhile scholars from Halab, “This [view] is negated by the consensus among the early and later scholars on [the permissibility of] seeking religious rulings without any repudiation, nor proof of any kind to the contrary.”⁷

5. The author of *al-Ma’alim* (d. 1011 A.H.) states, “Many scholars have related the consensus of scholars on the permissibility of seeking religious rulings by lay people without any exception.”⁸

6. On the detailed position of those who say that taqlid is permissible, the author of *al-Mafatih* (d. 1242 A.H.) says, “It – meaning the position that taqlid is permissible – is espoused by most of our scholars (may Allah be pleased with them). Among them are al-Sayyid al-Murtada in *al-Dhari’ah*, al-Shaykh in *al-Uddah*, al-Muhaqqiq in *al-Ma’arij*, al-‘Allamah in *al-Nihayah*, *al-Tahdhib*, *al-Mabadi’*, *al-Qawa’id*, *al-Irshad*, *al-Tabsirah*, *al-Tadhkirah* and *al-Tahrir*, Fakhr al-Islam in *al-Idah* and *Sharh al-Mabadi’*, al-Shahid in *al-Dhikra*, *al-Durus*, *al-Alfiyyah* and *al-Qawa’id*, al-Shahid al-Thani in *al-Maqasid al-‘Aliyyah*, al-Muhaqqiq al-Thani in *al-Ja’fariyyah*, al-Sayyid ‘Amid al-Din in *Munyat al-Labib*, the son of al-Shahid al-Thani in *al-Ma’alim* and my grandfather (may Allah elevate his status),⁹ my noble teacher (may Allah elevate his status)¹⁰ and my father al-‘Allamah (may Allah prolong his life).¹¹¹²

The stance against the permissibility of taqlid has been attributed to three groups:

First: Some of the erstwhile theologians – but we have not come across a statement from any one of them on the impermissibility of taqlid, except al-Sayyid al-Murtada in one of his treatises.¹³ However, he has opined differently in *al-Dhari’ah* and some of his other treatises¹⁴ where he has clarified the permissibility of taqlid.

He has even referred to the treatise of ‘Ali ibn Babawayh,¹⁵ so it seems that he changed his earlier position on impermissibility. Furthermore, this is evinced by his own issuance of religious rulings in many of his works¹⁶ and the answers [he gives] to religious questions, some of which have reached us. These works contain many rulings on Islamic law.

The cornerstone of the argument of this group is logical reasoning, meaning that they consider it rationally deplorable to rely upon the opinion of another without [his] producing evidence, even if he is an expert. However, the side that insists upon the impermissibility of taqlid has ceased to exist in theological circles.

Second: The jurists of Halab, as has been attributed to them in *al-Dhikra*; and it evidently refers to only some of them. [17](#) Furthermore, it seems that they also based their rejection [of taqlid] on theological arguments. It may be conjectured by some that al-Mufid espouses this opinion in *Tashih al-I'tiqad* as does al-Muhaqqiq in *al-Ma'arij*. However, that is incorrect since these two scholars have only opined that taqlid is not permissible in fundamental matters [of belief]. [18](#)

Third: Some later hadith scholars who became known as the Akhbaris, starting from al-Muhaddith al-Astarabadi (d. 1033 A.H.) in *al-Fawa'id al-Madaniyyah*, [19](#) who was then followed by some of the Akhbari scholars like the author of *al-Wasa'il* and those who came after him. Among them was the most outspoken Akhbari jurist of all time, namely the author of *al-Hada'iq*. [20](#)

Al-Muhaddith al-Astarabadi thought that the erstwhile hadith scholars like al-Saduq were of the opinion that taqlid is not permissible, which can be evinced by his frequent declarations of agreement with the erstwhile hadith scholars. However, this view is incorrect. It is indeed quite evident that al-Saduq used to opine that it was permissible to rely on a religious scholar. He even wrote books containing religious rulings such as *al-Hidayah*, *al-Muqni'* and *Man La Yahduruhu al-Faqih*. His other works also contain his rulings [on religious matters] such as *al-Khisal*, *al-'Ilal* and *'Uyun Akhbar al-Ridha'* ('a).

We further note that he repeatedly uses the phrase, "That which seems more correct to me..." and other similar phrases that clearly show that he is expressing his personal opinion. At times, he even points out the mistakes of others in their religious rulings, such as al-Kulayni and al-Fadl ibn Shadhan, and that in itself requires a detailed explanation which is beyond the scope of this treatise.

This group construed that taqlid is forbidden from some of the reports that have reached us. It is important to note that this view is just as anomalous among the Ahl al-Sunnah as it is among the Imamiyyah, for the majority among them, including the Salafis as well, state that it is permissible to do taqlid of a mujtahid, [21](#) and only a small number [of scholars] oppose it.

Reversal of the View That Taqlid Is Impermissible to the Acceptance of Taqlid in Evidence

As for the second issue – that providing evidence to the one who seeks a religious ruling results in taqlid of the scholar in the evidence that he provides and does not result in the rejection of taqlid itself. The explanation for this rests on two premises...

The first premise is that those who forbid taqlid have not said that it is obligatory upon everyone to gain

expertise in Islamic law. They only say that it is necessary for the scholar to provide the evidence that he relies upon to the people so that they too can rely upon the evidence that the scholar evinces. This has been expressly mentioned by all those who have related the proof of forbidding it (taqlid) from among the Imamiyyah and others.[22](#)

Al-Sayyid al-Murtada says, “Know that among the people there are those who forbid seeking religious rulings [from scholars] and think that the lay person is duty-bound to gain knowledge about the religious laws pertaining to various situations, and that one can only refer to a scholar in order to learn the method of evincing the evidence [for the religious rulings].”[23](#)

In *al-Dhikra*, al-Shahid (d. 786 A.H.) recounts the position of those who oppose the permissibility of taqlid saying, “And some of their erstwhile scholars and jurists from Halab (may Allah have mercy upon them) opposed it, so they responded to the queries of lay people with evidence and were content to present the consensus opinion resulting from the debates of the scholars when the need arose, or clear textual proofs, or the general ruling regarding the beneficial being permissible and the harmful being forbidden when there is no decisive text that addresses the matter either way and the texts are restricted [to specific instances].”[24](#)

The author of *al-Wasa'il* states, “The taqlid that is permitted here is only in relation to the acceptance of narrations, not the acceptance of the opinion or study or conjecture [of scholars]. This is clear and there is no argument about it.”[25](#)

The second premise is that the scholar’s mentioning of his evidence to the layperson does not negate the quality of taqlid and [blind] following from the layperson. This is because the layperson is not able to distinguish the integrity of the evidence on his own, since that requires specialization.

Hence, it would be like a doctor explaining to his patient the symptoms that he relied upon to come up with a diagnosis of the ailment. That would not negate the quality of following the words of the one who has knowledge about the ailment since the sick person cannot know about the correctness of those symptoms or the lack thereof, or of the existence of that which contradicts those symptoms.

Thus, if a religious scholar says, “It is obligatory upon every individual to offer Friday prayers during the period of occultation due to the authentic narration from so-and-so,” and another religious scholar says, “Friday prayers are not obligatory upon every individual during the period of occultation because of such-and-such evidence.”

And a third scholar states, “It is not correct to offer Friday prayers during the period of occultation because of the following evidence...” the layperson will never be able to distinguish the strength of the evidence offered in normal circumstances.

Hence, we can say: the view that a mujtahid has to provide his evidence to the layperson so that the latter can follow the evidence actually means that taqlid is of two types:

1– Taqlid in religious rulings.

2– Taqlid in the evidence for religious rulings.

The majority say that the first type of taqlid is correct while these individuals say that taqlid should only be of the second type. In reality, this does not change anything from the crux of the matter, meaning that there is still a following and a taqlid that takes place, even if it is only in the evincing of evidence.

Therefore, it becomes clear that whoever rejects the act of ijtiḥād by a specialist and taqlid [by laymen] in its entirety, whether it be in relation to issuing religious rulings or providing evidence for them, has opposed the consensus of the scholars of this school of thought from the beginning at the time of the Imams until our present time. As for one who says that a religious scholar must mention his evidence to the layperson, so that the latter may follow the evidence, his position is not that of rejection [of taqlid itself] based on what we have already mentioned.

Lack of a Rational Meaning and Practical Application of This View

The third matter is that the opinion that following a scholar in his religious rulings is not permissible and that it is necessary for the follower to act upon his evidence [instead] is itself irrational.

This is because what is meant by this statement is not – as we have mentioned – that every individual must treat the evidence of every religious injunction the way a specialist in jurisprudence would, for it is obvious that all the people are not expected to attain specialization in jurisprudence, in Islam or in any other faith, since this would be impossible for many of them and it would hinder the people from the work through which they earn their livelihood.

Rather, what is meant by this statement, as they have themselves clearly said, is for the scholar who is an expert in jurisprudence to mention the text and the legal evidence for the people who can then rely upon the evidence [and act upon it].

This proposition is very weak, for two reasons:

Firstly, there is no difference between the mujtahid's explanation of his opinion to the follower and his explanation of the evidence that he has relied upon. That which is gleaned from the statement of the mujtahid is an opinion based on evidence, or one may say it is [an attestation by him about] the presence of legal evidence according to his opinion, understanding and comprehension.

Therefore, if he mentions the legal ruling itself, that means that there was some probative evidence for it in general. So if he says, "It is forbidden to do such-and-such," it means that it is forbidden based on some legal evidence that proves its proscription, because when an expert in any field gives testimony about something related to his expertise, it is based upon specialized evidence that supports what he

testifies to, as is evident.

Similarly, if he mentions the proof for a religious injunction in detail, it will include the opinion of the scholar in defining its connotation; since the testimony of an expert regarding any specialized evidence for something shows that his opinion is in accordance with that evidence, even if he does not explicitly state it.

Moreover, mentioning the evidence to the lay believer does not benefit the latter in the least. That is because he still relies for the soundness of the evidence upon the testimony of the scholar. Therefore, if it is permissible for the lay believer to rely upon the religious scholar in distinguishing the soundness of any evidence that he mentions to him, then he is also permitted to rely upon him concerning what he has deduced from the evidence and the ruling he has issued therefrom.

Secondly, it is also not easy for the follower to comprehend the evidence of the scholar, because it would entail the necessity of every follower being of a level that would render him capable of understanding the evidence that is mentioned by the mujtahid. This would require him to refer to the books of deductive jurisprudence.

For example, it is necessary for the practicing believer who takes from [the evidence of] the author of *al-Jawahir fi Ma'rifat al-Ahkam al-Shar'iyyah* to refer to *Jawahir al-Kalam* instead of his book that contains practical instructions on religious rulings (*Najat al-'Ibad*). Similarly, the follower (*muqallid*) of al-Sayyid al-Muhaqqiq al-Khu'i would have to refer to his commentary on *al-'Urwah* instead of his manual of rulings *Minhaj al-Salihin*.

Without a doubt, for a follower to understand the theoretical evidence that a mujtahid has relied upon, he would have to study the sciences of Islamic jurisprudence to a level where he would be counted among those who have a grasp of it. This is most certainly not a duty for all people and it does not follow from the statement of those who deem taqlid as impermissible, such as the author of *al-Wasa'il*, that this is obligatory.

Another point that demonstrates the irrationality of this position itself is the disharmony between the statements of those who forbid taqlid and their practice. This is because one finds them denying the need for specialist ijihad and taqlid in theory, but sees them expending great effort in acquiring knowledge and expertise over decades.

At times, they even take legal positions that go against their predecessors. Furthermore, they have described in some of their own works how they struggled in this path and how their struggles led to the results that they obtained, like what is mentioned by the author of *al-Wasa'il* in his introduction.

In fact, these same scholars exerted great effort and were able to amend some of the things that were overlooked by their predecessors. As such, they were truly researchers in the field of jurisprudence. However, despite this, they say that in order to arrive at the legal ruling [as prescribed by the Shari'ah]

there is no need for specialized study; rather, it is sufficient for a scholar to mention his evidence and the people can then know [what to do] based on what he mentions.

Similarly, one finds them responding to questions on religious rulings that are sent to them and even expressing their opposition to the views of other scholars in some cases. They may mention some general evidence in some instances and avoid doing so in other cases when issuing rulings.[26](#)

The question that then remains is how can we follow them and not follow the likes of al-Shaykh al-Tusi, al-Muhaqqiq al-Hilli and al-Shaykh al-Ansari? It is because they usually say, "... this is what can be generally understood from what has reached us from the Imams ('a)"? If others were to say the same thing while issuing rulings, would it remove the problem of following them?!

Therefore, it seems that this opinion – where one must follow the scholar in his evidence and not simply in his ruling – is truly an opinion that is not well knit when one reflects upon it seriously.

The Origins of the View That Taqlid Is Not Permissible

We have already seen how the permissibility and legality of taqlid is something that is generally evident and obvious. Hence, the question arises as to how the opinion of a group regarding the impermissibility of taqlid came about.

Actually, there are a number of origins for this opinion:

- 1– The ratio–theological origin, which says that taqlid is intrinsically detestable.
- 2– The theoretical origin based on the comparison between fundamental beliefs and religious practices.
- 3– The conjectural origin, which deems the act of deriving religious rulings to be simple.
- 4– The scriptural origin consisting of some verses and reports from which this position has been [mis]understood.

The Claim That Taqlid Is Intellectually Detestable

The first origin for this opinion is based on the notion of it being intellectually detestable. The claim made is that taqlid is detestable by the judgment of the intellect because it is – according to their definition – akin to following someone else without any evidence, while the intellect considers it necessary for human beings to adhere to evidence and base their actions and beliefs upon it. This argument has been mentioned by some of the theologians.[27](#)

This notion is false, because the act of taqlid is, in reality, just an indirect way of following the evidence that an expert scholar relies upon. This is why it is conditional upon following one who has sufficient expertise. The value of a scholar's opinion is not based upon who he is; rather, it is only based upon his

expertise, his knowledge and the evidence that he relies upon.

Yes, there are those who employ a rhetorical style in reviling taqlid and disparaging those who refer to specialists in jurisprudence, as if it was against right guidance and intelligence. This approach is an affront to logic and is nowhere near the scholarly approach. It actually undermines the intellectual tradition that is necessary in the system of education and imparting knowledge based on attaining specialization in all the sciences.

Furthermore, we have already seen how it has always been the wont of all intelligent people to rely upon the specialization of others in matters wherein they are not experts themselves, and this is how human society completes itself by relying on each other. A person who follows a reliable specialist is closer to the right course than he who dabbles in technical matters without having specialized in them.

Comparison Between Fundamental Beliefs and Religious Practices

The second rational origin for this opinion is based on an intellectual comparison between fundamentals of belief (*usul al-din*) and religious praxis (*furu'*). It is well known among the scholars that taqlid is not permissible in matters pertaining to fundamentals of faith; rather, every believer must carry out his own investigation and inquiry about these fundamentals.

He must come up with evidence for the existence of God, the Almighty, affirmation of the truth of prophethood, and the resurrection of human beings in order to account for their actions and be recompensed for their deeds. However, it is sufficient to have general evidence such as the proof evinced by people for the existence of Allah from nature and creation, what they find – albeit in general – of successive reports from the Prophet (S) and the proofs of his truthfulness, as well as the texts that give rise to certainty about the Hereafter.

With regard to religious praxis, it is said that its ruling is essentially the same as that which concerns the fundamentals of faith. Ideally, it would be expected that [for religious praxis as well,] direct investigation and inquiry should be carried out in order to arrive at the evidence, albeit in general, without having to rely on others for it.

The comparison between fundamentals of faith and religious praxis is made since both of them are integral components of religion, so it would be expected that the ruling regarding both of them would be one and the same. Then why is it obligatory to look for evidence in the fundamentals and not to do the same for religious praxis?

The answer to this is because of the difference between the fundamentals of faith and religious praxis, and this difference can be established either by intellectual proof or by scriptural evidence. As for the rational proof, it can be presented in a number of ways:

First: The issues related to creed and belief – that are limited to belief in the existence of Allah, the Glorified, confirming the truth of the Prophet (S), and the return of human beings to life again [after death] – are comprised of serious issues and it is necessary for a person to gain an insight into them so that he may know how to live his life and where he will end up [after death].

Following others does not give one this required insight into the beliefs. However, religious praxis is nothing but practical instructions that bring benefit to the human being when he observes them in his life and fulfills the rights [enshrined therein], and brings about the advantages that are aimed at through them.

Second: Creedal issues are matters of great importance. As such, it is intellectually required that one should safeguard himself from erring in such matters, even when there is only a small probability of error. Hence, it is necessary to attain a level of certitude in these matters, and that depends upon direct investigation since differing views and opinions exist. As for the matters pertaining to religious praxis, they are not of the same level of importance. If any mistake occurs in them, the believer may be excused.

Third: When it comes to fundamentals of faith, what is required is belief in them and not any specific action that needs to be performed. However, when it comes to religious praxis, it is action that is required.

By its very nature, belief in anything cannot develop firm roots until it comes about through knowledge by conviction, and such knowledge cannot be attained, due to differences among people, except through direct investigation. Yet for acting upon something, it is sufficient to have any evidence that necessitates it, and it does not depend upon establishing its requirement with certainty.

As for the scriptural proof, it is made up of evidence from religious texts about the requirement of acquiring certainty regarding the fundamentals of faith and does not state that the same requirement also applies to matters pertaining to religious praxis; rather, all that is needed for it is referral to those who are specialized in the field.

The Belief That It Is Easy to Arrive at the Evidence for Legal Rulings

The third origin [for the view that taqlid is impermissible], which is based on conjecture, is the belief that the knowledge of legal proofs upon which religious rulings are based is clear and easily acquired, and the believers need only learn about it from one who knows it in order to comprehend the proof for any particular ruling. Hence, the situation concerning these proofs is like that of [directly] perceived matters wherein the scholars opine that it is sufficient to have reports from reliable individuals.

To clarify further, we have already mentioned that in perceivable matters, where acceptance is based on

what one perceives through witnessing and hearing, it is correct for a person to rely upon the report of any reliable person and there is no need for extra expertise or acquired specialization.

However, for conjectural matters that require the use of intellection and reflection, it is necessary for one to either acquire expertise or to rely on a specialist [in the field]. Hence, it could be argued that matters of religious praxis are sensory in nature, so it is sufficient for a reliable person to report it, and there is no need for expertise or specialization at all.

This notion seems to be rooted in the statements of al-Muhaddith al-Astarabadi and those who followed him. They rejected the place of *ijtihad* just as they rejected the role of *taqlid*.²⁸ Since [they thought] the proofs are strong and lead to certainty, there is no need for specialization and expertise in matters of religious law, except for the one who considers reliance upon the primary sources as leading only to probability and conjecture, and this is something that is rejected in the school of the Ahl al-Bayt (‘a).

The Erroneous Belief That It Is Easy to Arrive at Evidence [for Religious Rulings]

In reality, the impression that it is easy to arrive at evidence for religious rulings is clearly wrong. The need for expertise and specialization in order to understand the proofs for many of the religious rulings is self-evident, as we have explained earlier. I do not know how one who is not a scholar specializing in this field can derive rulings for some of the complex religious injunctions that affect the believers, pertaining to acts of worship or transactions, and especially new issues that have come about in our present time!

Many of the later scholars have expressed their amazement at the belief of al-Muhaddith al-Astarabadi that it is easy to arrive at religious rulings in the way he claims...

The grandson of al-Shahid al-Thani says [the following] in his gloss on the words of al-Muhaddith wherein he rejects the existence of the role of *ijtihad* and *taqlid* in religious laws: “It is very surprising that the author deems *ijtihad* and *taqlid* to be invalid, and considers it possible for every believer to know, on his own, the ruling for every situation that comes about with absolute certainty. Yet it is assumed that the *mujtahid*, with all his knowledge and understanding, and his ability to distinguish which of the narrations are likely to contain mistakes and which are not, far be it for him to attain knowledge and certitude about some of the [more complex] rulings! So what about the ignorant person who does not know the connotations of traditions and cannot distinguish between what is meant literally and what is allegorical, between the subject and object, between the general and the specific, between the authentic and the weak – how can such a person know that something is a command from the Imams (‘a) and understand their statements regarding every issue that he wishes [to know the ruling about]? Would any intelligent person not see how unlikely this is? How would one who is not a *mujtahid* deal with the difference [of opinion] present in most of the rulings that have rendered great scholars incapable of arriving at a

solution that harmonizes all the views? And where would he learn which [of the opinions] are to be given preference over others so that he may arrive at the ruling for his issue with knowledge and certainty?”²⁹

He then adds, “The author³⁰ has not explained any alternative way of informing every believer about religious laws other than *ijtihād* and *taqlid*. What we understand from the sum of his statements is that all the traditions found in the four canonical *ḥadīth* collections (*al-kutub al-arbaʿah*) are authentic and convey the commands of Allah. This means that, according to him, whoever understands any *ḥadīth* from these collections may act according to it despite not having the ability to identify those that are problematic, such as in the case of dissimulation (*taqiyyah*) or going against that which is known to be necessarily true. Similarly, one could end up acting upon a tradition that contradicts that tradition which he has acted upon at another time; since they are all deemed authentic and it is beyond his ability – as would be expected – to distinguish any part of it or to prefer one above another. Furthermore, he cannot refer to any *mujtahid* about this. Rather, it is not incumbent upon him to ask or seek clarification, whether he finds it difficult or not, because what we understand from the position of the author is that none of this is required since it is quite easy for everyone to arrive at rulings from the traditions. That is in line with having no need for *ijtihād* and *taqlid*, according to his opinion.”

The Statement of the Author of *al-Hadaʿiq* on the Difficulty of Arriving at the Proofs for Religious Rulings

The author of *al-Hadaʿiq*, who was also one of the most prominent Akhbari scholars as we have mentioned earlier, says that it is only obligatory to adhere to [the teachings of] the Book [of Allah] and the infallibles and nothing else.³¹

However, he adds, “The verses of the Qurʾān are comprised of abstract (*mujmal*) and elucidated (*mubayyan*), decisive (*muhkam*) and allegorical (*mutashabih*), general and specific, abrogating and abrogated and so on, and the reports also include most of these types in addition to those that were spoken in dissimulation (*taqiyyah*) which are the most difficult to decipher. Additionally, they are divided in the fundamentals and dispersed in a way that may make it difficult to access them. Furthermore, their (ʿa) address to the people was subject to additions and redactions in accordance to what the intellects of the addressees were able to grasp at that time, [some were] clear, apparent, manifest and [others were] complex and obscure. Moreover, most of the circumstantial evidence that could have made the connotations of their speech clear have been veiled from us.

Therefore, there is no other way but to acquire knowledge of the linguistic sciences upon which the religious laws are based and through which the Almighty Lord addressed the people, and to study that which was well known in the prevalent customs during their time (ʿa), for that is given priority over language by our learned scholars.

It is also a must to have the basic required knowledge of Arabic language, upon which the understanding

of the religious laws is dependent. As for all the other sciences that they have mentioned, they are not necessary as such even if they do help to add to one's understanding and ability, but they are not entirely required for one to be able to arrive at what is primarily intended."

He further states, "Then, in acting upon the Qur'an it is necessary, after what we have mentioned of the abrogating and abrogated [verses], and limiting oneself to what is decisively explicit and in everything other than that, to refer to the exegesis of the Ahl al-Bayt (peace and blessings be upon them), or else to remain silent. And in order to know a religious ruling from the narrated reports, it is necessary to strive as much as possible to learn about them from their original sources, from the four canonical hadith collections and other primary sources. As for one who has no access to these, it is incumbent upon him to stop and refrain from delving into this matter, which has caused many a person to slip and has confounded many minds. It is also necessary to harmonize the [seemingly] contradictory traditions in accordance with the rules that have reached us from the infallibles – which we shall mention to you, God-willing, in our commentary to this hadith. Furthermore, one must observe with a keen and perceptive mind to uncover the hidden aspects of its connotations and all its possible interpretations, and seek recourse through studying the discourses of the scholars who have produced lengthy deductive tracts, in order to learn what is discussed therein.

There is no doubt that those who preceded us of our learned scholars – may Allah reward their diligence and grant them a handsome recompense – with all the traditions that they compiled for us and arranged, classified, filtered, verified, annotated, explicated and clarified; they brought closer to us that which was far off and made easy that which was difficult. However, simply learning their opinions and knowing their criticisms and endorsements is not sufficient for successfully attaining what is sought of the beloved Lord's good pleasure.

This is because we note the differences in their opinions in every matter, and the counterarguments given by later scholars against the one who preceded them, even if he was one of the most illustrious scholars. Rather, aside from what we have mentioned, it is imperative to acquire divinely inspired ability and true aptitude, which is the yardstick for establishing what has reached us and what was spoken [by the infallibles ('a)].

Through it we can distinguish between the hollow and the solid, the worthless and the valuable, and can dive towards the pearls of that sea and pluck the fruits of that tree, and derive [of the rulings] that which one's knowledge reaches and one's understanding encompasses of the hidden secrets. So how much has been left by the former for the latter, (as the proverb states), and this ability is in the Hands of the Almighty, to give to whomever He wills.

It may be that a person has the highest acumen and has attained mastery over all those sciences due to his continuous practice, yet he has neither a connection to the speech of the pure Imams nor the disposition to understand the narrations [from them]. How many a talented person with mastery over the sciences has reflected upon a hadith and taken it out of the context in which it was spoken and meant,

giving it other meanings that are clearly farfetched.

How many a person who is well versed in narrations understands them well, even though he does not have that talent, nor the ability to argue with [the possessor of] that talent. In many instances, a person understands the ruling for a matter from its evidence, even if he is unable to prove it to his opponent.

This is because he was guided towards it by his Lord, as he embarked upon understanding it with the intention of attaining closeness to the Almighty, and not for any superfluous reason. We have a tradition that states: ‘Knowledge is not [attained] through increased learning; it is but a light that Allah places in the heart of whomever He wishes.’”

Further Emphasis on the Error of Considering It Easy to Arrive at Proof for Religious Rulings

The reality is that the notion that it is easy to arrive at the evidence for religious rulings in order to establish them is not correct in any way – as we have already explained. In fact, this is only something that can be said about a successively narrated (*mutawatir*) text which is explicit and clear, with no other text that contradicts it.

However, this [kind of narration] is only present for a small fraction of issues. Most of the legal matters require the religious ruling to be derived through a more in-depth look and investigation into whether the words were actually spoken by the infallible and what they mean, while ensuring that there is no contradictory report as may be adduced through referral to books of deductive jurisprudence.

It is sufficient to note that the greatest scholars themselves undergo arduous struggle in order to arrive at the religious rulings of Islamic jurisprudence as we have just mentioned. In fact, al-Muhaddith al-Astarabadi himself has mentioned why Allah, the Almighty, has to send certain [divinely appointed] individuals to inform the people [about the truth] using the right method.[32](#)

Another thing that demonstrates this is the problem that was faced by these Akhbari scholars of disagreements among themselves regarding the authenticity of some of the traditions and their connotations. For example, the author of al-Wasa'il – which is a compendium of traditions on the subject of jurisprudence – wrote another book wherein he summarized the meanings of the traditions in simple language so that the lay people would be able to act upon them, while testifying to the authenticity of the traditions.

In it he says, “This treatise includes all that is necessary of the established rulings from the infallibles (‘a) that the general masses can benefit from, as can the scholars and the learned... In most of them, the [actual] words of the Imams of guidance (‘a), have been recounted... I have not narrated traditions except from reliable sources... and I have selected the unequivocal traditions that are free from any contradictions or those that contain qualities that would give them preference [to others].”[33](#)

However, note how those scholars who came after him did not agree with all the rulings he derived from the traditions, even though they followed the same methodology of derivation and were Akhbaris, like the author of *al-Hada'iq*.³⁴ In fact, some of what he mentioned was considered invalid and even surprising.

Similarly, his methodology of establishing the reliable and authentic narrations was criticized by the later Shaykh al-Muhaddithin, al-Muhaddith al-Nuri, who was himself known for his blanket acceptance of many of the reports, as he has been quoted saying, "He persists in relying [upon the sources of the traditions] or attributing [books to specific authors] using weak methods and feeble evidence."³⁵

The Scriptural Origins for the Rejection of Taqlid

The fourth origin is scriptural, meaning that it is based on what has been understood [by some] from the text of the Qur'an and the narrations. The author of *al-Wasa'il* has mentioned a number of traditions in his chapter on the impermissibility of doing taqlid of one who is fallible in what he opines and that which is not based on clear textual evidence from the infallibles ('a). However, none of the traditions are found to support any of his conclusions, when reflected upon along with other contrary traditions.

To explain further, the traditions in this regard can be classified into three groups:

- 1- Those which include the command [for believers] to follow Allah, the Almighty, His Prophet (S) and the Ahl al-Bayt ('a), and forbid [them] from following anyone else in matters of religion.
- 2- Those that include the command to do taqlid of the Imams ('a) and forbid taqlid of anyone else.
- 3- Those that criticize ijtihad and expressing one's own opinions [in matters of religion].

Instruction to Obey Allah, His Prophet (S) and the Ahl al-Bayt ('a) and Nobody Else

As for the first type [of scriptural evidence] i.e. that which commands [the believers] to follow Allah, the Almighty, His Messenger (S) and his pure household ('a) and warn against following anyone else, they are numerous. Turning [first] to the Qur'an, we note the verses that state:

And follow the best of what has been sent down to you from your Lord... (39:55);

Say, "If you love Allah, then follow me; Allah will love you..." (3:31);

Follow what has been sent down to you from your Lord, and do not follow any masters besides Him... (7:3);

O you who have faith! Obey Allah and obey the Apostle and those vested with authority among you... (4:59);

They follow nothing but conjectures and the desires of the [lower] soul... (53:23);

When they are told, "Follow what Allah has sent down," they say, "We will rather follow what we have found our fathers following" (2: 170).

As for the narrations, they have come in many forms:

1) Those that forbid obedience to others in disobedience to Allah, the Almighty, such as what is narrated from Abi 'Abdillah ('a) who said, "Whoever obeys a man in [an act of] sin has [actually] worshipped him [instead of Allah]." [36](#)

2) Those that emphasize that the true teachings of religion are only with the Ahl al-Bayt ('a), such as what has been narrated from Abi Ja'far ('a) who said, "All that has not come from the [holy] household is considered invalid." [37](#)

3) Those that censure the groups among the Shi'ah who consider it obligatory to obey the Imams but do not obey them in practice. [About them it is narrated:] "Verily the Murji'ah appointed a person whose obedience was not considered mandatory and they followed him, whereas you identified a person and considered it mandatory to obey him then you did not follow him; they are thus more serious than you in following [their leaders]." [38](#)

And he ('a) said, "By Allah, we love for you to speak when we speak and remain silent when we remain silent as we are the link between you and Allah, the Almighty. Allah has kept nothing good for anyone who goes against our instructions." [39](#)

And he ('a) said, "It is sufficient for you to repeat what we say and to remain silent when we are silent. Indeed, you have seen that Allah has not kept any good for the one who opposes us." [40](#)

4) Those that state that it is impermissible for believers to take any confidants other than Allah, the Glorified, and His Prophet (S). This means that one should not entrust the affairs of his religion to anyone else, as Allah states:

Do you suppose that you will be let off while Allah has not yet ascertained those of you who wage jihad and those who do not take, besides Allah and His Apostle and the faithful, anyone as [their] confidant? (9: 16).

And in a *mursal* [hadith](#) [41](#) from Abi Ja'far ('a), [it is reported that he said,] "Do not take a confidant other than Allah such that you are removed from [the circle of] believers. Indeed, every relationship through lineage, marriage, kinship, friendship etc. is [eventually] cut off except what is established by the Qur'an." [42](#) And he ('a) said, "Beware of confidants, for verily any confidant other than us is [like] a false deity." [43](#)

5) Those that censure the seekers of political power and leadership and warn them against it, as has

been reported from Abi ‘Abdillah (‘a), “Beware of these leaders who clamor for political power; by Allah, never do [the sound of] sandals [of men] follow a person but that he is destroyed and destroys [others].”⁴⁴

6) Those that speak of the impermissibility of referring to the misguided people and the innovators [in religion], as narrated from Abi Ja’far (‘a) who said, “Whoever hearkens to a speaker has worshipped him. If the speaker conveys the message of Allah, he has worshipped Allah and if the speaker conveys the message of Satan, he (the hearkener) has worshipped Satan.”⁴⁵

And many other similar traditions.

Explaining the Meaning of the Mentioned Texts

What we note is that the meaning of these verses and narrations is – as the author of *al-Wasa’il* has mentioned in his title of the chapter – the impermissibility of following a non-infallible in his personal opinions and in what he does not take from the traditions that are narrated from the Imams (‘a).

The subject of our discussion, however, is doing taqlid of a just scholar in the school of the Ahl al-Bayt (‘a) – one who adheres to the teachings of the *madhhab* and its principles, one of which is restricting himself to evidence from the Book [of Allah] and the Sunnah, and reliable narrations from the Ahl al-Bayt (‘a).

He eschews all other forms of evidence like analogy (*qiyas*) and juristic preference (*istihsan*) which are commonly employed by the opponents. Similarly, exercising ijtihad in opposition to clear textual evidence in any given situation [is also forbidden].

Obedience in Legal Matters Is of Two Types: Praiseworthy and Blameworthy

What we conclude after looking at the textual evidence that we have mentioned, and other similar texts, is that obedience and following is of two types:

First is the praiseworthy following, and this is the following that is based upon evidence from the Book of Allah, the Almighty, the Sunnah of His Prophet (S), and the teachings of the Ahl al-Bayt (‘a).

Second is the following that is blameworthy, which is an unrestricted following where the follower takes the words of the one whom he is following even when he knows that the latter does not adhere to the legal norms and strives [to prove his own opinions] in opposition to what has come in the established texts, basing his legal position on personal preferences and predilections, and so on.

This type of following has been censured in many legal texts, because it is in opposition to obedience to

Allah, the Almighty, His Prophet and His chosen servants (*awliya*). As a result, it leads to misguidance as the Almighty says:

And when they are told, “Come to what Allah has sent down and to the Apostle,” they say, “Sufficient for us is what we have found our fathers following.” What, even if their fathers did not know anything and were not guided?! (5: 104)

And:

The day when their faces are turned about in the Fire, they will say, “We wish we had obeyed Allah and obeyed the Apostle!” (33:66).

And they will say, “Our Lord! We obeyed our leaders and elders, and they led us astray from the way.” (33:67).

However, one may interject: there are indeed a number of reports in this group that contain a proscription against accepting the words of any person other than the Prophet (S) and the Ahl al-Bayt (‘a) regarding religion in a general sense – thus they include the [non]acceptance of the words of a scholar [as well].

Among such reports is the narration of Abu Hamzah al-Thumali, from Abi ‘Abdillah (‘a) [who said], “Beware of appointing a person without evidence and accepting everything he says.”⁴⁶ Additionally, the evidence that points to the lack of probative value in a scholar’s opinion for others is not restricted to matters of fundamentals of faith. Rather, it includes matters of religious laws (of *halal* and *haram*), such as the verse wherein the Almighty states:

They have taken their scribes and their monks as lords besides Allah. (9:31).

Reports state that this verse is censuring the lay People of the Book for following their scribes and monks in what they permit and proscribe.

In a narration from Abu Basir from Abi ‘Abdillah (‘a), he says, “I asked him, ‘[What is the meaning of the verse:] *They have taken their scribes and their monks as lords besides Allah?*’ He replied, ‘By Allah, they did not call the people to worship them, and if they would have made such a call nobody would have responded; rather, they made permissible what was forbidden and forbade what was permitted, so the people followed them and ended up worshipping them without knowing.’”⁴⁷ And there are other similar narrations as well.⁴⁸

What can be understood from this is that these narrations are actually aimed at warning the general Shi’ah population about the presence of some widely established principles in the Shari’ah that do not accept the opinion of anyone who goes against them. Hence, it is necessary to gauge the opinions of individuals on the yardstick of these principles and to reject any that are contrary to them.

The society during the time of Imam al-Sadiq (‘a) was teeming with a variety of religious factions, many of which were misguided innovations. Some of them even claimed to have a link with the Imam (‘a), like that of the extremist Abu al-Khattab, who initially was one of the companions of the Imam (‘a), then he deviated and corrupted the beliefs of some of the Shi’ah in Kufah who used to believe his extremist claims due to his former position.

The Imam (‘a) had cursed him in the presence of the Shi’ah repeatedly, yet a group of the lay Shi’ah who never used to refer to the Imams directly and did not know about the established principles of faith, ended up relying upon and following the likes of these individuals in their [blasphemous] ascriptions of divinity or prophethood to the Imams, or their claim that a true believer does not have to pray, fast or give any alms-tax, since the real embodiment of these acts are the Imams (‘a).

Therefore, whoever follows them has actually performed his duty. And he does not have to refrain from alcohol, since the true embodiment of alcohol is the enemy of the Imams (‘a), so whoever disassociates himself from them has actually acted upon the proscription.

These narrations are similar to those that state the principle that whatever goes against the Qur’an is worthless, and whatever goes against the Book [of Allah] and the Sunnah has to be reverted to the Qur’an and the Sunnah. These narrations show that it is necessary for all the believers to pay attention to the fundamentals of faith and its principles. Thus, they should not rely on a person’s words until they are sure of his uprightness and adherence to these limits.

There are still some groups who claim to love the Ahl al-Bayt (‘a) – such as some of the Isma’iliyyah – yet they have abandoned the obligations of religion and obey their leaders in what goes against the established pillars of faith. Similarly, some of those who claim to be mystics and Sufis say that when a person reaches the reality of faith, certain obligatory actions like prayer no longer apply to him.[49](#)

It is understood that the discourse on the legality of taqlid is only limited to a just scholar who adheres to the limits of religion and referral to him is only in matters that are confusing and need an expert [to decipher], and not about that which is established in the religion.

People only accept [edicts] from the scholars of jurisprudence who are careful about following these principles and established teachings, while urging people to learn them and remain steadfast in following them, not from those who have strayed from the religion and transgressed its limits and principles, and this is evident.

Narrations Against Taqlid and Its Criticism

The second group [of reports] are those that are against taqlid. These [reports] are generally linked to the narration that al-Mufid has mentioned in his *Tashih al-I’tiqadat al-Imamiyyah*, without mentioning its chain of transmitters, where he says, “He (‘a) said, ‘Beware of taqlid, for indeed he who does taqlid in his

religion is destroyed. Allah, the Almighty, says:

They took their scribes and their monks as lords besides Allah (9:31).

Yet by Allah, they did not pray to them or fast for them; rather, they made [for their followers] permissible what was forbidden, and forbade what was permissible, and the people followed them in that so they ended up worshipping them without knowing.”[50](#)

A number of technical issues are to be noted regarding this narration:

1– The chain of this narration has been removed, and the gap between al-Mufid (d. 413 A.H.) and Imam al-Sadiq (‘a) (d. 148 A.H.) is more than two and a half centuries, and about seven generations under normal circumstances – all of whom are unknown. As such, the narration cannot be said to have a sound chain of transmitters.

2– There are many narrations about this verse,[51](#) some of which are authentic while others are weak or lack complete chains of transmission. A number of them are from Abu ‘Abdillah (al-Sadiq) (‘a) while others are from Abu Ja’far (al-Baqir) (‘a), and have been recorded in many hadith collections such as *al-Kafi*, *al-Mahasin* and others, yet none of them speak of “taqlid” the way al-Mufid has narrated.

Hence, it could be surmised that this difference is rooted in al-Mufid’s narration, which was likely based on the meaning [rather than the actual words of the tradition] as he relied upon his recollection of it. That is why he used the word “taqlid” which was a term that was commonly used during his time and was referred to as being something illaudable in matters of creed. As noted earlier, al-Mufid has mentioned the narration in the context of the impermissibility of taqlid in matters of belief, not in jurisprudence.

That which leads us to consider this probability is the numerous hadith sources which [mention similar traditions yet] do not include the word “taqlid”.

Additionally, whenever there is a difference of wording in the narrations that appear in hadith collections and other works that cite traditions, such as works on creed, jurisprudence and the like, then it would be expected that the wordings found in hadith collections would be taken as primary and closer to the actual spoken tradition, since the works on hadith generally paid greater attention to the wordings of traditions.

What Is Meant by ‘Taqlid’ in the Narration of Proscription

3– A holistic look at the texts and ahadith that have come to us about following [others], whether they employ the term “ittiba” or “ita’ah” or “taqlid”, leads us to understand that taqlid is of two types:

First: the praiseworthy taqlid, which entails following one whose statements have probative value either through innate understanding or legally, as is the case with doing taqlid of the Imams (‘a), which is evinced from a number of traditions, some of which we have already mentioned.[52](#)

Second: the blameworthy taqlid, which is following one whose opinion has no probative value, or in a matter wherein his opinion has no probative value, the way the People of the Book followed their scribes and monks in what they deemed prohibited and permissible contrary to what the text of the Torah and the Gospel stated.

This meant taking their opinion in opposition to the command of God, the Almighty, and the words of His Prophets (‘a). This is why it was described as their taking their scribes and monks as lords, and worshipping them alongside God, the Almighty.

This narration, like all the other narrations that have reached us about this verse of the Qur’an, is aimed at conveying the same meaning. This is because the verse poses, *prima facie*, an obvious question that is noted in its description of how the People of the Book took their scribes and monks as lords besides Allah, the Almighty. Yet it appears to be contrary to what actually transpired, because they did not take these individuals as deities as they did with the Messiah and his pure mother. However, they did obey and follow them.

Hence, these narrations try to explain that the meaning of the verse is their obedience [to the scribes and monks]. However, the point is in the expression of the verse that describes their following the scribes and monks as taking them to be lords, which is because they followed them even in that which was contrary to the clear instructions of the Torah and Gospels. This meant that they placed them in the position of God, the Almighty. In fact, they preferred their opinion to the command of God, the Almighty.

One may ask: this understanding may be correct for all the other narrations that have come to us about this verse where the term “taqlid” has not been mentioned. However, for the narration of al-Mufid, he has used the word “taqlid” and this apparently refers to the lay believers’ taqlid of religious scholars, as found in common parlance.

The answer to this is that the prevalent usage of “taqlid” to mean the following of scholars by people – until this became the first meaning that comes to mind for the term – only came about in the fourth century of the Hijrah. Only then did it gradually spread [among the people] until our present time, as we can see from the study of its general usage among the lay people and in the statements of the scholars.

However, before this period, the term was used for its lexical meaning where it was said, “He tethered the camel when he hung a rope around its neck with a water skin or an old sandal to show that it was an offering, and the phrase ‘*taqalladat al-sayf*’ or ‘*taqalladat al-amr*’ or the like was used. This meant that one pushed himself to adhere to something. The phrase ‘*qalladanihi fulan*’ means he forced me to follow him and placed him (i.e. his obedience) upon my neck.”^{[53](#)}

Later on, it was said that a person did taqlid of so-and-so in matters of religion when he trusted and relied upon him, and it is possible for this type of taqlid to be praiseworthy or blameworthy.

In another narration about the noble verse, an explanation regarding these two types of taqlid has been

given beautifully. This narration, despite being weak and lacking a chain of transmitters, contains an important and comprehensive message.

It states, “A person said to al-Sadiq (‘a), ‘When this community does not understand the Book [of Allah] except through what they hear from their scholars and have no other recourse but them, then how can they be censured for their taqlid and acceptance of the words of their scholars? And were the lay Jews not like our lay believers in following their scholars; so if it was not permitted for them to accept from their scholars does it not mean that our lay folk are also not permitted to take from their scholars?’ He (‘a) said, ‘There is a difference between our lay people and scholars, and the Jews and their scholars in one aspect, and they are similar in one aspect. In that which they are similar, Allah has censured our lay folk for doing taqlid of the scholars just as He has censured their lay folk. However, in that which they differ, He has not [censured them].’ The man said, ‘Please explain that for me, O son of the Messenger of Allah.’ He (‘a) said, ‘Verily the lay people among the Jews knew that their scholars were blatant liars, would consume the forbidden and take bribes, and would change the [divine] commands from what had been prescribed through intercessions, favors and conferrals. They knew them to be bigots who divided their religion, and when they were affected by their bigotry, they would trample upon the rights of those whom they were bigoted against. They would give that which was undeserved to those whom they were inclined towards of the wealth of others, and they would oppress the latter for the former. They knew that they committed forbidden actions, and their hearts informed them that anyone who did all these things is wicked and cannot be linked to God, the Almighty, or even to those who act as intermediaries between the creation and God. This is why they were blamed when they did taqlid of those whom they knew [to be unworthy], and whose reports they knew it was not permissible to accept, and whose narrations could not be taken as true, nor could they rely upon what they conveyed to them of what they had not witnessed themselves. It was incumbent upon them to consider the matter of the Holy Prophet (S) themselves, since the evidence he (S) presented was clearly manifest and too obvious for them to ignore.

Similarly, the lay folk of our ummah – when they know some of their scholars to be open sinners, bigoted individuals, avaricious for the wealth of this world and what is forbidden of it; if any of our lay folk follow such kinds of scholars then they will be blameworthy in the sight of Allah, the Almighty, like the Jews who followed the wicked among their scholars.

However, if there is one among the scholars who protects his soul, preserves his religion, opposes his vain desires and obeys the command of his Lord, then it is [proper] for the lay folk to do his taqlid. And these qualities are not present except in a few of the Shi’ah scholars, not in all of them. Indeed he who embarks on ugly and evil actions like some of the scholars of the other school of thought, then do not accept from them anything [they relate] from us, and they have no status whatsoever.

Indeed, confusion abounds in what has been relayed from us, the Ahl al-Bayt, for this very reason; because the wicked take from our teachings and distort it due to their ignorance. They place things in

their incorrect positions due to their lack of understanding, while others purposely ascribe lies to us in order to draw from the wealth of this world that which will be a provision for them in the fire of Hell.”⁵⁴

Narrations Which Censure Ijtihad and Giving Subjective

Opinions

The third group of narrations are those that censure the practice of ijtihad and giving personal opinions, or censure referral to those who issue rulings based on these practices in matters of religious law. It is said [by some]: this proves that it is not correct to refer to scholars.

An example of this is what has come in the tradition of Abi ‘Abdillah (‘a) where he said to Abu Hanifah, “Eschew personal opinion and analogy, and what the people say in regards to the religion of Allah that has no evidence, for indeed the religion of Allah was not established on the basis of [personal] opinions and analogies.”⁵⁵

And in *Nahj al-Balaghah*, from Amir al-Mu‘minin (‘a) [who said], “So do not speak of what you do not know, for indeed most of the truth is in that which you do not recognize... So do not employ personal opinions in what cannot be perceived by the eyes and encompassed by the minds.”⁵⁶

In a tradition from ‘Abd al-Rahman ibn al-Hajjaj, he said, “I asked Aba ‘Abdillah (‘a) about sitting in the company of the Ashab al-Ra’y (lit. people of opinion). He said, ‘You may sit with them but beware of two qualities which can destroy people: basing your religion on your personal opinion and issuing rulings to people without knowledge.’”⁵⁷ And there are many other similar traditions.

In the treatise *al-Muhkam wal-Mutashabih* which has been narrated from Amir al-Mu‘minin (‘a), we read, “As for the response to those who advocate for ijtihad – and they surmise that every mujtahid arrives at the correct conclusion – yet they do not say: ‘they have arrived, through their ijtihad, at the true meaning as it is in the sight of Allah, the Almighty.’ This is because during their practice of ijtihad, they move from one ijtihad to another ijtihad...”⁵⁸

What we note about this group of narrations is that the proscription against personal opinion and ijtihad is aimed at what these terms commonly meant in the second and third centuries of the Hijrah, namely practices in contraposition to the Qur’an and Sunnah. Hence it was said, ‘the proofs [in religion] are three: the Book [of Allah], the Sunnah and ijtihad based on opinion.’

This means that if one does not find any textual evidence from the Qur’an or the Sunnah regarding a particular issue, he can act upon his personal opinion and do what he prefers. A number of methods for deriving religious rulings fall under the rubric of ijtihad based on opinion, such as analogy (*qiyas*) in the sense of finding some similarity between the issue in question and another issue for which there is clear textual evidence, whereat the first issue is compared to the second in order to apply the same ruling to it.

Another method [that falls under this rubric] is juristic preference (*istihsan*) in the sense of a scholar having personal inclination towards a specific situation in a matter and basing his ruling upon that. Yet another method [in this category] is consideration of public interest (*al-masalih al-mursalah*) in the sense that the scholar takes the best interest of the people in that case and bases his ruling upon it.

The Madressah of Kufah became well known for this type of derivation of religious laws and it was called Madressah al-Ra'y (the school of [subjective] opinion). It is to this school that Abu Hanifah was affiliated, and he was known for his propagation of this type of derivation of religious rulings.

As for the Ahl al-Bayt ('a), there are multiple successive traditions from them that reject this type of derivation of religious rulings, since there is no evidence for its probative value because the very nature of these concepts that they rely upon are far off from the legal concepts that are employed in instituting the [divine] laws.

Thus, we see that what we have mentioned regarding the meaning of *ra'y* and *ijtihad* becomes apparent by considering the tens of traditions that have reached us on this subject. At the same time, it becomes clear by noting what the texts that were considered primary or of great importance to the general Muslims say, like what al-Shafi'i (d. 204 A.H.) mentions in *al-Risalah*, and it is beyond the scope of our treatise to discuss it in detail here.

As for the first text that is mentioned above, narrated from Amir al-Mu'minin ('a), the word "*ra'y*" in it is not meant in this way, since this text was not in relation to legislation in particular, as we can glean from studying the entire speech.⁵⁹

Rather, its connotation is a general point of wisdom, namely that it is not appropriate for a person to be hasty in issues that, by their very nature, require greater reflection and observation. It is necessary for human beings to pause and remain silent in every instance that seems unfamiliar or surprising according to his own knowledge.

These were the sources from which the rejection of *taqlid* originated.

1. The journal *Dirasat 'Ilmiyyah* printed it in issue no. 2 and 3, and then an addendum to it was published in issue no. 4 which was meant to complete the [missing portions of the] manuscript from other sources. Recently, the whole of it was printed again as a separate book in 1435 A.H. ﷻ

2. Al-Shaykh mentions in *al-Ghaybah* (p. 389) that Abu al-Husayn ibn Tammam said, "‘Abdullah al-Kufi, the servant of al-Shaykh al-Husayn ibn Ruh (may Allah be pleased with him) narrated the following to me: ‘The shaykh – meaning Aba al-Qasim (may Allah be pleased with him) – was asked about the books of Ibn Abi al-‘Azaqir [al-Shalmaghani] after he had been censured and cursed. The questioner asked, ‘What should we do with his books when our houses are full of them?’ He said, ‘I say about this what Abu Muhammad al-Hasan ibn ‘Ali ('a) said when he was asked about the works of the Banu Faddal and people said, ‘What should we do with their books when our houses are full of them?’ He ('a) responded, ‘Take what they have narrated and abandon what they have opined.’”” ﷻ

3. *Al-Ghaybah*, 389. ﷻ

4. Al-Dhari'ah, 2/796–797. [\[1\]](#) [\[2\]](#)
5. Al-'Uddah fi Usul al-Fiqh, 2/729–731. [\[1\]](#) [\[2\]](#)
6. Ma'arij al-Usul, 197. [\[1\]](#) [\[2\]](#)
7. Dhikra al-Shi'ah, 1/41. [\[1\]](#) [\[2\]](#)
8. Ma'alim al-Din (al-Usul), 243. [\[1\]](#) [\[2\]](#)
9. Meaning al-Wahid al-Bihbahani. [\[1\]](#) [\[2\]](#)
10. Meaning al-Sayyid Mahdi Bahr al-'Ulum. [\[1\]](#) [\[2\]](#)
11. Meaning the author of al-Riyad. [\[1\]](#) [\[2\]](#)
12. Mafatih al-Usul, 587. [\[1\]](#) [\[2\]](#)
13. Rasa'il al-Sayyid al-Murtada, 1/42. [\[1\]](#) [\[2\]](#)
14. Rasa'il al-Sayyid al-Murtada, 2/321. [\[1\]](#) [\[2\]](#)
15. In 1/279 the following question appears: “For those things which we are unsure of in matters of jurisprudence, can we take from the treatise of ‘Ali ibn Musa ibn Babawayh or the book of al-Shalmaghani or the book of ‘Ubaydullah al-Halabi?” So he replied, “Referring to the book of Ibn Babawayh and the book of al-Halabi is preferable to referring to the book of al-Shalmaghani in every situation.” It is noteworthy that both the treatise of Ibn Babawayh and the book of al-Shalmaghani are works containing religious rulings and the opinions of their authors in matters where different views exist, as we evince from what has been reported by al-'Allamah in Mukhtalaf al-Shi'ah about the first work. [\[1\]](#) [\[2\]](#)
16. Like the book Jumal al-'Ilm wal-'Amal. [\[1\]](#) [\[2\]](#)
17. Among them was the jurist al-Shaykh Kurdi ibn 'Akbari ibn Kurdi al-Farsi about whom it is reported that he used to say that ijtihad is obligatory upon every individual and taqlid is not permissible. He corresponded with al-Shaykh al-Tusi and they exchanged letters on various questions (see the introduction of Ghunyat al-Nuzu', 9). In the marginal notes of al-Dhikra (1/41 of the recent edition), this opinion is also attributed to Ibn Zuhrah in al-Ghunyah, and it seems to be referring to what he has mentioned in the beginning of the chapter on adjudication (p. 436). However, his statements do not affirm that this was his position. He only states that it is not permissible to pass judgment without knowledge and says, “Whoever passes judgement based on taqlid has not attained certitude about what Allah has revealed.” In fact, it is likely that this statement only emphasizes that judgment [between disputants] is special in that it cannot be made through taqlid. A similar example can be seen in the words of Abi al-Salah al-Halabi in al-Kafi fi al-Fiqh (p. 426). Moreover, Kitab al-Ghunyah can be considered his own manual of practical rulings – something to reflect upon. [\[1\]](#) [\[2\]](#)
18. Note the explanation of this in the question and answer section at the end of this study. [\[1\]](#) [\[2\]](#)
19. Al-Fawa'id al-Madaniyyah, 29. [\[1\]](#) [\[2\]](#)
20. His statements will be recounted shortly. [\[1\]](#) [\[2\]](#)
21. As is noted in the edicts of al-Lajnah al-Da'imah lil-Buhuth al-'Ilmiyyah wal-Ifta' (The Standing Committee for Scholarly Research and Religious Guidance) 2/335, which states: “As for doing taqlid of these four imams, meaning Abu Hanifah, Malik, al-Shafi'i and Ahmad, for whomsoever it is possible to attain the truth through evidence, it is incumbent upon him to take the evidence, but if it is not possible then he must do taqlid of the most reliable of scholars in his estimation in accordance to what is possible for him.” See also 5/14. [\[1\]](#) [\[2\]](#)
22. The following are some of the statements of those, other than the Imamiyyah, who say that taqlid is not permissible: 1– Al-Shawkani al-Zaydi says in Irshad al-Fuhul (p. 268): “The lay among them, i.e. among the people of the first generation, used to ask the scholar about any issue that they would face. He (the scholar) would then issue a ruling from the source texts that he knew – from the Qur'an and the Sunnah. This has nothing to do with taqlid; rather, it was simply seeking the command of Allah on a matter and inquiring the legal proof [for it].” 2– Al-Shaykh Muhammad Rashid Rida states in his Fatawa (1/ 379): “Even if he is not a scholar and something comes about for him, he should ask one whose faith and knowledge he deems reliable about the command of Allah and His Prophet pertaining to that matter, so that it may be narrated for him and its meaning explained to him.” [\[1\]](#) [\[2\]](#)
23. Al-Dhari'ah fi Usul al-Fiqh, 2/796. [\[1\]](#) [\[2\]](#)
24. Dhikra al-Shi'ah, 1/41. [\[1\]](#) [\[2\]](#)
25. Wasa'il al-Shi'ah, 18/95. [\[1\]](#) [\[2\]](#)
26. Note the statement of al-Muhaddith al-Astarabadi that gave rise to the opinion that taqlid is impermissible among the

later hadith scholars in al-Fawa'id al-Madaniyyah wa al-Shawahid al-Makkiyyah (p. 573 onwards). When he was asked about the obligation of Friday prayers, about which there are great differences of opinion, he said, "That which can be gleaned from the words of the possessors of infallibility ('a) is the position that has been taken by al-Shahid al-Thani (r) in Risalat al-Jumu'ah." Regarding the opinion that states one has the option of offering either Friday prayers or dhuhr, he says, "This opinion and its likes are from mere conjecture that cannot be relied upon." When asked about the obligation to migrate from a place where a believer is unable to offer Friday prayers, he said, "It is incumbent upon him to migrate... but [only] if there is no great hardship in migrating." When asked about the shortening of prayers for a traveler who is at a distance of four farsakhs (about 24 km), he said, "I have attained certainty about it being obligatory to shorten the prayer at [a distance of] four farsakhs, since there is no condition that one needs to return on the same day in the words of the infallibles (peace be upon them), and because the traditions that speak of eight farsakhs refer to four going and four on return." When asked a question about endowments, he said, "The context of the infallibles' speech (peace be upon them) is that it should be limited to the things that were declared by the dead person while he was alive. The books of traditions and the actions of some of the Imams call for the counting of those things as part of the son's share, and the context of some of their statements are quite explicit about this..." This is how he responds to most of the questions, using phrases like, "The reality is such and such; the correct opinion is such and such; what we glean from their words is such and such." This is despite the fact that the questioner who posed those questions to him was described by the author of al-Wasa'il as a learned scholar who was righteous, reliable, abstemious and pious... as we note in the introduction that precedes these questions at the end of al-Fawa'id al-Madaniyyah (p. 546).^{[1][2]}

[27.](#) As has been recounted by al-Sayyid al-Murtada in al-Dhari'ah fi Usul al-Fiqh, 2/798.^{[1][2]}

[28.](#) He says in al-Fawa'id al-Madaniyyah (p. 300), "Just as there is no [place for] ijtihad according to the Akhbaris, there is no taqlid either. Action is thus restricted, in matters other than the essentials of faith, to the narrations from them (the infallibles) ('a)."^{[1][2]}

[29.](#) Ta'liqat al-Fawa'id al-Makkiyyah fi Hamish al-Fawa'id al-Madaniyyah, 307.^{[1][2]}

[30.](#) He is referring to al-Muhaddith al-Astarabadi since he mentions this in the glosses to al-Fawa'id al-Madaniyyah.^{[1][2]}

[31.](#) Al-Durar al-Najafiyyah fi al-Multaqatat al-Yusufiyyah, 1/280 onwards.^{[1][2]}

[32.](#) He says in al-Fawa'id al-Madaniyyah (p. 468), "Indeed, it is part of the Almighty's wisdom to grant the ability, during every single moment of the major occultation, to His subjects to learn the recorded traditions in the ready compilations so that the Shi'ah may be guided to the clear truth, or practice precaution in a specific way. It is a collective obligation for the people who have this ability in every region that they should travel to acquire it (i.e. knowledge of traditions) when needed, or to have it presented to them so that they may bring out the answers from it."^{[1][2]}

[33.](#) Hidayat al-Ummah ila Ahkam al-A'immah 'Alayhim al-Salam, 1/3-4.^{[1][2]}

[34.](#) Cf. His annotations in al-Hada'iq: 4/111, 116, 190; 5/549; 7/396; 10/373; 11/193, 219, 272, 414; 12/70, 173, 461; 13/73, 205, 325, 359, 412; 14/218; 15/398, 436; 18/218, 283; 19/351; 24/329; 25/151.^{[1][2]}

[35.](#) Mustadrak al-Wasa'il (Conclusion): 1/31 (Mu'assasat Al al-Bayt ('a) Edition).^{[1][2]}

[36.](#) Wasa'il al-Shi'ah, 18/91, h. 8.^{[1][2]}

[37.](#) Wasa'il al-Shi'ah, 18/94, h. 18.^{[1][2]}

[38.](#) Wasa'il al-Shi'ah, 18/90, h. 2.^{[1][2]}

[39.](#) Wasa'il al-Shi'ah, 18/91, h. 10.^{[1][2]}

[40.](#) Wasa'il al-Shi'ah, 18/92, h. 11.^{[1][2]}

[41.](#) Meaning one with an incomplete chain of transmitters.^{[1][2]}

[42.](#) Wasa'il al-Shi'ah, 18/90, h. 4.^{[1][2]}

[43.](#) Wasa'il al-Shi'ah, 18/96, h. 27.^{[1][2]}

[44.](#) Wasa'il al-Shi'ah, 7/90, h. 5, and see h. 6.^{[1][2]}

[45.](#) Wasa'il al-Shi'ah, 18/91, h. 9.^{[1][2]}

[46.](#) Wasa'il al-Shi'ah, 18/91, h. 6, and similarly in 15/93.^{[1][2]}

[47.](#) Wasa'il al-Shi'ah, 18/89, h. 1.^{[1][2]}

[48.](#) Wasa'il al-Shi'ah, 18/90 onwards, h. 3, 9, 21, 25, 28, 29.^{[1][2]}

[49.](#) One of the proofs they use to support their claim is the verse: ...for the prayer is indeed a timed prescription for the

faithful. (Q4: 103). They say that the meaning of “timed prescription (kitabān mawqutan)” is that it is only obligatory temporarily (muwaqqatan), and this is a manifest mistake. Rather, it can mean only one of two things: One: It is obligatory, as we have been taught by the Imams (‘a). In authentic narrations from Zurarah and al-Fudayl ibn Yasar from Abi Ja’far (‘a) about this verse, he said, “It means that it is obligatory, and it does not refer to a time when its obligation is removed.” Furthermore, in an authentic tradition from Zurarah [he (‘a) said], “It means that it is obligatory.” And in the sound tradition from Dawud ibn Farqad, from Abi ‘Abdillah (‘a) he said, “It is an established prescription.” There are many other narrations about this in the related chapter, all of which agree on this meaning (See: al-Burhan fi Tafsir al-Qur’an, 2/167–168). Moreover, this is also supported by the statements of experts in language. Ibn Faris says, “He timed something means he gave it a precise prescription. Allah, the Almighty, says: for the prayer is indeed a timed prescription for the faithful” (Mu’jam Maqayis al-Lughah, 6/132). Two: It is obligatory for a specific time. Al-Jawhari states in al-Sihah (1/270), “You say its time meaning it has a specific time, when an action is meant to be performed at a specific time, and an example of this is the verse wherein the Almighty says: for the prayer is indeed a timed prescription for the faithful, meaning it is obligatory to be performed at its specific times.” See also, al-Nihayah fi Gharib al-Hadith (5/212).^{[1][2]}

[50.](#) Tashih al-l’tiqadat al-Imamiyyah, pp. 72–73.^{[1][2]}

[51.](#) Cf. Tafsir al-Burhan, 2/768–769.^{[1][2]}

[52.](#) Such as the tradition [we have already mentioned] from Muhammad ibn ‘Ubaydah who said, “Abu al-Hasan (‘a) said [to me], ‘O Muhammad, are you more serious in your taqlid or the Murji’ah?...’” And in the tradition of Ahmad ibn Muhammad ibn Abi Nasr [he said], “May I be your ransom, some of our fellow Shi’ah say, ‘We hear a matter relayed from you or from your forefathers, then we apply analogy to it and act upon that.’ He (‘a) said, ‘Glory be to Allah! No, by Allah, this is not from the religion of Ja’far (‘a). These people have nothing to do with us. They have abandoned our obedience and have taken our place! Where is the taqlid of those who used to do taqlid of Ja’far and Aba Ja’far (‘a)? Ja’far says: “Do not act upon analogy (qiyas), for there is nothing adjudicated with analogy but that analogy breaks it.”” (Wasa’il al-Shi’ah, 18/38, h. 41). And in the tradition of Abu Basir, who said, “Umm Khalid al-‘Abdiyyah visited Abi ‘Abdillah (‘a) while I was with him. She said, ‘May I be your ransom! I am afflicted by borborygmus in my abdomen, and the physicians of Iraq have prescribed date–wine for me.’ He (‘a) said, ‘What prevented you from drinking it?’ She replied, ‘I do your taqlid in my religion.’ He (‘a) said, ‘Then do not taste a single drop from it. No, by Allah! I do not permit you to taste a single drop, for you will surely regret when your soul reaches here – and he pointed towards his throat, repeating thrice – do you understand?’ She said, ‘Yes.’ Then Abu ‘Abdillah (‘a) said, ‘a small drop of it (wine) renders a large pot of water impure,’ repeating it thrice. (Wasa’il al-Shi’ah, 17/275, h. 2).^{[1][2]}

[53.](#) Al-‘Ayn, 6/116.^{[1][2]}

[54.](#) Al-Burhan fi Tafsir al-Qur’an, 1/256–257.^{[1][2]}

[55.](#) Wasa’il al-Shi’ah, 18/29, h. 26, and p. 98 h. 33.^{[1][2]}

[56.](#) Nahj al-Balaghah, 120.^{[1][2]}

[57.](#) Wasa’il al-Shi’ah, 18/16, h. 29.^{[1][2]}

[58.](#) Wasa’il al-Shi’ah, 18/36. It is noteworthy that studies have shown the ascription of this treatise to Amir al-Mu’minin (‘a) to be incorrect, since its reports are varied and it is seen to be narrated using expressions and statements that were more prominent in the second century of the Hijrah, and this has been discussed at length in a separate treatise.^{[1][2]}

[59.](#) The text [of the entire speech] is as follows: “O people! Take it from the Seal of the Prophets (S) that verily he who dies among us is not truly dead, and he who has passed away among us has not truly passed away. So do not say that which you have no knowledge of, for most of the truth is in that which you are unaware of [and do not recognize]. Excuse the one over whom you have no argument against, namely myself. Did I not act amongst you in accordance with the weightier guide (i.e. the Holy Qur’an) and leave the lighter one among you? Did I not affix the banner of faith in you and stop you at the limits of what is permissible and forbidden? Did I not ensure your wellbeing through my justice, spread goodness among you through my speech and actions, and demonstrate noble virtues to you? So do not employ your [personal] opinion in matters that cannot be perceived by the eyes or encompassed by the minds.” (Nahj al-Balaghah, Sharh Muhammad ‘Abduh, 1/154).^{[1][2]}

[1] [1]

SHARES

Conclusion

It is evident through a holistic reflection on the subject that the proofs mentioned against taqlid are weak and incomplete.

What we have mentioned earlier supports this conclusion, namely that the permissibility for a non-specialist to follow an expert in matters of religious law is something obvious and is a historical practice that has been established among the Muslims, as it has in other religions.

This is because it is the mainstay of religious knowledge and understanding. Moreover, like all other fields of knowledge, this one (i.e. Islamic jurisprudence) can be divided into what is clear and easy to understand, and that which is technical and requires more experience, study and expertise.

It is illogical to limit the knowledge that is applicable to all the people to that which is gained directly and reject the need for specialization in the juristic sciences. Indeed, this is a matter that is understood even by non-Muslims through reflection on the practice of learning and teaching among the Muslims from the time of the Holy Prophet (S) and subsequent to that; and Allah is the Protector.

[1] [1]

SHARES

Questions and Answers

1) Why the delay in the discussion about taqlid among scholars?

It is said: the discussion on taqlid came about as a late legal, juristic and doctrinal discourse. This points to the notion of taqlid being obligatory as an invented idea that came about in later times, and it was not present during the time of the infallibles. It was first propounded in legal theory by al-‘Allamah al-Hilli, in jurisprudence by al-Sayyid al-Yazdi in *al-‘Urwat al-Wuthqa*, and in doctrinal discussions by al-Shaykh al-Muzaffar in *‘Aqa’id al-Imamiyyah* – is this correct?

Answer

This statement is incorrect for a number of reasons:

- i. Acting upon religious laws by referring to those who specialize in it is something that dates back to the time of the Imams ('a) as we have explained in our main discussion. Hence, it is not important when it was codified as part of specific sciences, or when it was written down in their respective works.
- ii. Sometimes, discussions on an issue are written down late because of its obvious nature, lack of any disagreement about it, and the general understanding [and consensus] of people about it. If a doubt then comes about regarding it at a later time, that gradually leads to a discussion on it in the science that is related to it. This is something well known among scholars. One example of this is the lack of a discussion on the probative nature of the apparent meanings (*hujjiyat al-zuhur*) in legal theory until quite recently. This was for no other reason but that the principle of the probativeness of apparent meanings was one of the evident matters that all people generally understood to be true. Hence, it is possible for the discussion on taqlid to have been propounded later for the same reason.
- iii. The technical place of this discussion used to be, in the earlier times, among the final issues of legal theory and not in jurisprudence. It was not because no importance had been accorded to this matter; rather, it was because legal theorists found this matter to be closer to their science. After all, the question of permissibility of taqlid goes back to the probativeness of the opinion of the mujtahid in religious rulings, and legal theory studies the evidences with reliable probativeness in religious law. Additionally, it should be noted that this matter was included in the discussions of legal theory after a period of time since the science of legal theory was first formulated. Yet we find that among the Imamis, it is present in the very early works of legal theory that are extant, such as al-Sayyid al-Murtada's *al-Dhari'ah*, al-Shaykh al-Tusi's *al-Uddah* and after that, al-Muhaqqiq al-Hilli's *al-Ma'arij* as well as many other later works.

Subsequently, a group of scholars from the later period included it in jurisprudence since legal theory was focused on the study of probative evidence that can benefit a mujtahid in deriving religious laws. However, since the opinion of a jurist is only probative for the layperson and not for another mujtahid, it (i.e. the discussion on taqlid and ijtiḥad) technically falls outside the purview of legal theory.

The scholars of legal theory were aware of this technical point for a long time, and later they removed it from the core discussions of legal theory and placed it at the end; and there is no reason for embarking on the issue in legal theory since it is not contributory and lacks relevance, and that has become evident.

We know that the discussion on ijtiḥad and taqlid was not first presented at the beginning of jurisprudence (*fiqh*) by the author of *al-Urwah*; rather, it was done by al-Shaykh al-Ansari, who was the teacher of the teachers of the author of *al-Urwah*. Details on this can be found in the two treatises: *Siraj al-Ibad* and *Sirat al-Najat*, both of which have been published.

2) Is the question of taqlid doctrinal or jurisprudential?

It is said: the obligation of taqlid is a doctrinal issue, not jurisprudential or one that pertains to legal

theory, since al-Shaykh al-Muzaffar introduced it in *‘Aqa’id al-Imamiyyah* under the rubric: “Our belief in taqlid.” Moreover, taqlid is related to the method of learning religious rulings and it is not directly related to the religious laws themselves, which make up the religious praxis (*furu’ al-din*). Hence, the obligation of taqlid is not part of religious praxis [so as to be included in jurisprudence].

Answer

The obligation of taqlid is clearly not a doctrinal issue.

This is because the yardstick in doctrinal issues is for a matter to be espoused as part of one’s faith, such as belief in Allah, the Glorified, and in prophethood and the hereafter.

Similarly, the yardstick in jurisprudential issues is for a matter not related to one’s creed but rather, to one’s actions – either directly like [issues pertaining to] the proscription of certain actions and the prescription of others, such as prayer, or by its being a prerequisite for an action, such as [knowing] the purity of certain things and the impurity of others. This is because knowing about purity prepares one to be careful of ensuring that his body and clothes are pure during prayer, for example, and this yardstick is clear.

It is known that the obligation of doing taqlid of a mujtahid is not a ruling related to the beliefs of the believer, since it is not necessary for one to believe in the opinion of a mujtahid in his heart.¹ Rather, the purpose of this ruling is to ensure that the believer acts in accordance to the opinion of the mujtahid, and if he does not follow accordingly, his actions cannot be deemed valid.

As for the mention by al-Shaykh al-Muzaffar of the obligation of taqlid in his book *‘Aqa’id al-Imamiyyah*, it was only while he was discussing [the place of] taqlid in the foundational principles of faith and later only touched upon taqlid in religious praxis.

It can be noted that in this book, he touches on issues that are not part of the foundations of faith and are not needed in doctrinal discussions *per se*, such as “Our belief in taqiyyah,” “Our belief regarding supplication,” “Our belief about visitation of graves,” “Our belief regarding cooperation with oppressors,” and so on.²

As for the idea that the obligation of taqlid is related to the method of establishing religious rulings, so it does not itself fall within the bounds of religious laws, therefore it must be a doctrinal matter – this argument is clearly erroneous in the eyes of scholars for two reasons:

Firstly, there are a number of matters discussed in legal theory that are related to the method of establishing religious rulings, such as the probativeness of a reliable person’s report, apparent meanings, consensus etc., yet there is no doubt that these matters are not doctrinal in nature. Hence we see that simply being related to the method of establishing religious rulings does not make a matter doctrinal.

Secondly, that which makes a matter doctrinal – as we have mentioned – is the requirement of belief in it. So when there is no need for belief in something, it is not considered a doctrinal matter regardless of whether it is related to the method of establishing religious rulings, such as the probativeness of a reliable person's report, apparent meanings and consensus, or not.

In fact, such matters can either be related to legal theory if they assist in the derivation of laws, such as the probativeness of the reliable report in jurisprudence, or they could be considered part of jurisprudence proper, if they are not essentially linked to the derivation of religious laws. The question of the permissibility of taqlid falls into the second category as it does not play a role in the derivation of religious laws by a jurist. Rather, it is only beneficial for the masses for establishing their responsibility towards the religious laws, as is evident.

3) Is the permissibility of taqlid something about which scholars differ?

It is said: the permissibility of taqlid is not something upon which all the scholars agree; rather, it is a bone of contention for the scholars, even the erstwhile among them.

i. Al-Mufid says in *Tashih I'tiqad al-Imamiyyah*: "It is not correct to forbid one from observation [and study], because turning away from this would lead one to taqlid, and taqlid is dispraised by the consensus of scholars as well as the explicit text of the Qur'an and the Sunnah. Allah, the Almighty, says while rebuking those among the disbelievers who were blind followers for their taqlid:

[They say:] 'We found our fathers following a creed and we are indeed following in their footsteps.' (43:23).

He said, 'What! Even if I bring you a better guidance than what you found your fathers following?!' (43:24).

Imam al-Sadiq ('a) said, 'Whoever takes his religion from the mouths of the people, they will cause him to slip, and whoever takes his religion from the Book [of Allah] and the Sunnah, the mountains may slip but he will not!' And he ('a) said, 'Beware of taqlid, for indeed whoever follows blindly in his religion is destroyed. Verily Allah, the Almighty, says:

They have taken their scribes and their monks as lords besides Allah (9:31)

Yet by Allah they did not pray to them nor did they fast [for them]; rather, they (the monks and scribes) made permissible what was forbidden and forbade for them what was permitted, and they blindly followed them in that so they [actually] worshipped them without knowing.' And he ('a) also said, 'Whoever responds to a caller has worshipped him; so if the caller is from Allah, the Almighty, then he has worshipped Allah and if the caller is from Satan, then he has worshipped Satan.'"

He further added, “If taqlid was correct and investigation was incorrect, then the taqlid of one group would not be superior to the taqlid of any other group, and every person who was misguided by taqlid would be excused and anyone who did taqlid of an innovator would bear no burden of sin. This is something nobody ascribes to, therefore, from what we have mentioned it is understood that investigation is correct and argumentation through the truth is correct. Indeed, the traditions that have been narrated by Abu Ja’far (may Allah have mercy upon him)³ all point towards what we have mentioned, and the matter regarding their meanings is not what has been conjectured by some – and Allah is the granter of success.”

ii. In *al-Iqtisad*, al-Shaykh al-Tusi says after a positive consideration of investigation [in matters of faith]: “If it is said: ‘What is your view about doing taqlid of one’s forefathers or those who came before?’ We say, ‘If by taqlid you mean accepting the opinion of another without any proof – and that is the reality of taqlid – then that is considered intellectually repugnant, since it entails pursuing and following that belief which may well be based on ignorance, since there is no evidence to support it. And doing that is considered repugnant by the intellects since the intellect does not deem the taqlid of a monotheist as [necessarily] being superior to the taqlid of an atheist, once we turn away from investigation and study; and it is not proper for truth and falsehood to be equal.’”⁴

iii. In *al-Ma’arij*, al-Muhaqqiq says, “Indeed taqlid is acceptance of [the opinions of] others without any proof, and thus it leads to a conviction which is misplaced, and that is intellectually repugnant.”⁵

Answer

There is a difference of opinion when it comes to some aspects of taqlid, like following a ruling itself [without any evidence for it] – as we have mentioned earlier – however, there is an error in the evidence adduced above, for a number of reasons...

The Respected Scholars Mentioned Do Not Oppose the Permissibility of Taqlid

1. The opinions of the three great scholars against taqlid is only with respect to fundamentals of faith, not jurisprudence. This is in accordance with the general classification that is propounded by the scholars in relation to this subject, and this classification is not something offered specifically by these three scholars. However, since it seems the one who adduced these quotations is not a seasoned scholar, he did not pay attention to this point and thought that their statements were a rejection of taqlid in its general sense, which includes jurisprudence and fundamentals of faith.

The classification propounded by them, as we have mentioned, states that in doctrinal matters, what is required is firm conviction and this is something that cannot be attained by following the opinions of others, especially since there are so many differences of beliefs among the people.

As for religious laws of jurisprudence, it pertains to religious praxis, and action does not depend on firm conviction regarding the law. Rather, it is sufficient to present evidence for it in the form of the statement

of an expert, just as a person refers to experts in all the other matters of his life that require know-how and specialization.

To put it another way, the fundamentals of faith are related to the foundational principles of life such as belief in the existence of God, the Glorified, and His message to the people, or the belief that human beings are held to ransom by their actions after death.

Such matters are of grave importance and one needs to attain complete conviction regarding them and faith in what is true in them. As for the laws pertaining to religious praxis, they relate to the details regarding human behavior about whose rulings one is in doubt, so it is sufficient to provide general intellectual proofs [to alleviate those doubts].

Now let us clarify the connotation of the statements of the three great scholars about the proscription of taqlid in fundamentals of faith:

The Opinion of al-Muhaqqiq al-Hilli on the Proscription of Taqlid in Fundamentals of Faith

As for the opinion of al-Muhaqqiq, it is quite clear when one refers to his complete statement. Basically, he addresses two issues:

First: the issue of taqlid in religious laws, and he has explicitly said that this is permitted and even mentions a consensus regarding the permissibility of this type of taqlid.

Second: the issue of taqlid in the fundamentals of faith, wherein he has opted for the view of its proscription and has evinced a number of proofs for this...

i. The verse wherein Allah, the Almighty, says:

قُلْ إِنَّمَا حَرَّمَ رَبِّي الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَالْإِثْمَ وَالْبَغْيَ بِغَيْرِ الْحَقِّ وَأَنْ تُشْرِكُوا ۚ بِاللَّهِ مَا لَمْ يُنْزِلْ بِهِ ۚ سُلْطَنًا ۚ وَأَنْ تَقُولُوا ۚ عَلَى اللَّهِ مَا لَا تَعْلَمُونَ

“Say, My Lord has only forbidden... that you should attribute to Allah what you do not know” (7:33).

ii. Taqlid means accepting the view of another without proof, so any arising conviction would be misplaced, and this is intellectually repugnant.

Furthermore, we note that al-Muhaqqiq al-Hilli wrote a book of religious rulings which is well-known (*Sharai' al-Islam*), and was later summarized in another well-known work (*al-Mukhtasar al-Jami'*). Books of religious rulings that do not include proofs [for those rulings] are only meant to explain the laws of religion to the lay masses. Hence, we see it is clear that al-Muhaqqiq was one of those who opined that taqlid is permissible and explains the reason for this, stating that there has been a consensus about

it in all the eras.

The Opinion of al-Mufid Regarding the Proscription of Taqlid in Fundamentals of Faith

As for the opinion of al-Mufid, it also pertains to the principles of faith as noted from two clues from within and without the statement.

The clue from within is that his statement was issued in the context of responding to the statement of al-Saduq: "Argumentation about Allah is forbidden, because it leads to that which is inappropriate to ascribe to Him. It has been narrated that al-Sadiq ('a) said, 'The people of dialectics (*ahl al-kalam*) shall be destroyed and the Muslims will be saved.'" Thus, in a long statement where al-Mufid explains how dialectic theology is specifically to be used to prove positive doctrines, the earlier mentioned statement of his is found.

It is evident that al-Saduq's statements against argumentation about Allah, the Glorified, and the warning against the people of dialectics are all aimed at beliefs – which is the subject of dialectic theology – and not religious praxis and jurisprudence. So if someone asked: if the statement of al-Mufid was specifically about beliefs, why did he mention the narration that rebukes those who followed their monks and scribes in what is permissible and forbidden?

We would reply: he may have mentioned this narration because the scribes and monks made the lay masses among the People of the Book believe that they had the right to proscribe and prescribe without limitation. This led to the People of the Book giving their scribes and monks a higher status than they actually had, and such exaggeration (*ghuluw*) naturally distorts the correct beliefs that include the principle which states that nobody has the right to institute laws in opposition to the laws of God, the Glorified.

As for the clue from outside the statement, it is that al-Mufid himself wrote books of religious rulings, the most famous of which is *al-Muqni'ah*, and it is a known fact that these works were written for the lay people.

He says in the introduction, "I am acting upon what the noble master has written... by collecting a summary of religious rulings, the requirements of faith and laws of Islam, which one who is in doubt regarding his faith can refer to, and through which one who has just entered the faith can increase his knowledge and certitude. It is meant to be a guide for those who are searching for the right way, a guidance for the seekers, a security for the worshippers, a refuge in religion and a means of judging against those who differ."⁶

Additionally, he responded to questions pertaining to religious rulings that were sent to him from distant lands, and his position in this was like that of all the other religious scholars during the period of major occultation. Therefore, it is clear that as a researcher, al-Mufid believed that it is permissible to do taqlid in matters of religious praxis.

Al-Shaykh al-Tusi's Opinion Regarding the Proscription of Taqlid in Fundamentals of Faith

As for the statement by al-Shaykh al-Tusi in *al-Iqtisad*, that too pertains to fundamentals of religion based on internal and external clues. As for the internal clues, they include the subject of his speech, since his discussion prior to the quoted statement was on the fundamentals of faith.

To elaborate further, we note that al-Shaykh al-Tusi wrote the book *al-Iqtisad* about what believers are obligated to do, and in it he says: "That which they are obligated to do is two things: know and act; and action comes after knowledge. That which one is obligated to know is two things: [firstly,] that God is one (*tawhid*) and He is just (*'adl*). The second matter leads to [knowledge of] prophethood (*nubuwwah*) and imamate (*imamah*). As for that which one is obligated to act upon, it is the legislated laws (the rulings of the *shari'ah*)."⁷

Then he divides his book into two parts: the first part is about doctrinal principles and the second part is on acts of worship (*'ibadat*). In the beginning of the first part, he presents a chapter in which the method of arriving at the mentioned principles [of faith] is outlined. In it he says that it is not possible to arrive at a correct understanding of the fundamentals except through reflection [and investigation].⁸ Then he mentions the proofs for [each of] them. It is in this chapter that his earlier statement has been mentioned.

In the second part wherein he mentions matters pertaining to acts of worship, he has sufficed with mentioning his own religious rulings and does not provide the evidence upon which the rulings are based. He seems to be more interested in assisting the people to carry out their religious duties [than anything else], so it proves that he considers taqlid permissible in matters of jurisprudence and religious laws.

As for the external clue, it pertains to how al-Shaykh al-Tusi chose to explicitly state in his book *al-Uddah* that taqlid of religious scholars [in jurisprudence] is permissible and insist upon it.⁹ He [even] states that scholars and lay people have been practicing the seeking and providing of religious rulings from the time of Amir al-Mu'minin ('a).

Furthermore, he has written numerous books with religious rulings and has stated in the introductions to these works that they are for the lay people to follow and act upon. Among them are the famous work *al-Nihayah fi al-Fatawa*, *Risalat fi 'Amal al-Yawm wal-Laylah*,¹⁰ *al-Jumal wal-'Uqud fi al-'Ibadat*,¹¹ *al-Ijaz fi al-Fara'id*,¹² and *al-Masa'il al-Ha'iriyat*¹³ which is a text containing questions on religious rulings from lay people and brief answers to them without any accompanying evidence.

Taking all this into consideration, there can be no doubt that al-Shaykh al-Tusi opined that taqlid is permissible [in jurisprudence] and he even explained it without any vagueness or ambiguity.

The Rarity of Opposition in the Matter of the Permissibility of Taqlid

2. Difference of opinion about this matter, even though it exists in theory, is something that is quite rare in the real world. It is something that has been ascribed to al-Sayyid al-Murtada in some of his statements, but not in his other statements, and to some of the scholars of Halab as well as al-Muhaddith al-Astarabadi and the author of *al-Wasa'il*. However, this was not the opinion of all the other scholars of the different lands throughout the ages. Rather, their practice was always to issue religious rulings to those who sought to know them. In reality, it is not known when these scholars [who opposed taqlid] actually acted upon this [rare] opinion.

Difference in the Connotation of Taqlid in the Past Compared to the Present

3. The opinion that taqlid is impermissible, which was espoused by some erstwhile scholars, was not intended to mean that it was a duty for every individual to gain expertise in jurisprudence. Nor did it mean that all the lay people had the ability to understand the laws by referring to the source texts because of the clarity of the laws outlined therein, without the need to study and acquire specialization. It also did not refer to the ease of reaching the infallible through reliable means in every age, as some who persist in holding to this opinion think. Rather, it meant something quite different, namely that it was necessary for the religious scholar to describe his evidence to all the people so that all the lay people may follow him in that evidence.

As such, the opinion that it is sufficient for lay people to read the laws or that there is someone who undoubtedly speaks for the infallible in every place and era is considered a recent innovation which none of the scholars, Imami or otherwise, ascribe to.

4) What is the level of authenticity of the scriptural evidence for taqlid?

It is said: there is no evidence for taqlid being obligatory – neither scriptural nor intellectual, nor is it the established practice of all rational people. The main scriptural proof that is presented for it – which is the most important – is that which has an arguable connotation, which all the scholars of legal theory have debated.

From the verses of the Qur'an, there is the verse of 'questioning' for example:

Ask the People of the Reminder if you do not know (16:43)

And the verse of 'going forth':

Yet it is not for the faithful to go forth en masse. But why should not there go forth a group from each of their sections to become learned in religion, and to warn their people when they return to

them, so that they may beware? (9: 122).

From the narrations, it is reported from the exegesis that is ascribed to Imam al-‘Askari (‘a): “As for he who is from the scholars who protect their souls... then it is upon the lay people to do his taqlid.”¹⁴ Additionally, there is a reported letter from the 12th Imam (‘a) which states: “For the new matters that you may come upon, refer to the narrators of our traditions regarding them.” There is also the accepted tradition from ‘Umar ibn Hanzalah on the necessity of referring to the Shi’ah scholars in matters requiring adjudication, as well as the hadith: “Verily the scholars are heirs of the Prophets.”¹⁵

All these proofs are considered to be debatable by the scholars. As for the verses of the Qur’an, their meanings have been debated, and when we turn to the narrations, sometimes their authenticity has been questioned due to lack of reliable narrators who have related them from the Imam (‘a), and at other times their connotations have been challenged. This is evident when one refers to the statements of the learned scholars and studies them.

Answer

1– That which is important in this matter is establishing the position of the Imams (‘a), even if it is not in the form of a verbally narrated statement. This is because, as discussed in the science of legal theory, the position of an infallible can be evinced in various ways:

- a) Either through narrating their words, and this is known as the oral sunnah.
- b) Or through narrating their actions, and this is known as their practical sunnah.
- c) Or through establishing their tacit approvals which forms part of their practice in relation to specific issues, and this is known as the tacit sunnah.

The third way is realized when it becomes clear that the practice of their followers has always been to seek and provide religious rulings based on their (i.e. the infallibles’) own teachings and without any rejection [of this practice] by them. This has already been established through what we have mentioned earlier.

2– The scriptural evidence is sound – as we have mentioned – for a number of reasons:

Firstly, that which has reached us about the referral of followers to their scholars whenever there is a dispute [among them] so that they may adjudicate between them; and the narrations about this are numerous. One example is the accepted tradition of ‘Umar ibn Hanzalah.

In certain cases the scholars have differed on the reliability of some of the narrators in the chains of transmission [of these traditions], based on their own principles and methodology. This does not impugn the traditions in any way since the connotation is widely narrated in different reports and is supported by many corroborating proofs that bring about certainty regarding their [general] reliability in any case.

Secondly, they ('a) had instructed the scholars among their companions to issue religious rulings to people and even referred some of their followers to them to take their religious instructions, as we have related from some of the sources earlier.

Thirdly, the scholars among their ('a) companions and all the Shi'ah generally affirm the practice of seeking and issuing religious rulings under certain conditions, such as reliance upon the Book [of Allah] and the Sunnah instead of analogy (*qiyas*), juristic preference (*istihsan*) and other similar methods of *ijtihad* based on personal opinion.

As for all the other mentioned evidence, there are numerous nuanced discussions among scholars regarding them, and it is beyond the scope of this study to mention them here as it would unnecessarily lengthen the discourse. Furthermore, there is no need to debate some of the evidence after we have established the soundness of other evidence.

The scholars only mention these in their detailed studies for the purpose of gaining a deeper understanding of all aspects of the subject and what has been discussed regarding it, or it may be mentioned in order to know about the connotation of the narrations that have reached us. Yet all of them concur on its fundamental necessity i.e. the permissibility of *taqlid* in Islamic law, which is clear and undeniable.

It is essential to recognize that a single matter, no matter how evident it is, may have clear evidence regarding it, which is unanimously accepted, yet there could be some other [scriptural] evidence about which there is no agreement concerning its authenticity or meaning. However, the difference of opinion regarding some of the evidence is not sufficient to conclude that there is ambiguity regarding the matter itself.

5) What is the scope of the intellectual and rational evidence for *taqlid*?

It is said: there is no real intellectual or rational evidence for the obligation of *taqlid*. As for the intellectual evidence, that which is provided as proof for *taqlid* being obligatory is the principle pertaining to the referral of an ignorant person to a scholar like the sick person refers to the physician.

However, it is noted that even if this principle is correct, it is necessary for the scholar who is being referred to in a matter pertaining to religion to be completely knowledgeable or to have contact with one who is perfectly knowledgeable so as to be able to guarantee salvation 100%, since the probability of error in such a matter would lead to possible chastisement, and the intellect considers it forbidden to place oneself in a situation where one could possibly be harmed.

For the rational evidence, the proof that is evinced is the conduct of reasonable people (*sirat al-uqala'*) which emphasizes upon referral to the people of knowledge. However, we note regarding this argument

that:

Firstly, if this were truly the conduct of reasonable people, it would result in the permissibility of taqlid, not its obligation. Secondly, the condition for the probativeness of [such] conduct depends on ascertaining its continuity from the time of the infallible, and this is something that has not been established concerning taqlid.

Thirdly, another condition for the probativeness of conduct is lack of any deterrence from it, yet there is such a deterrence from taqlid [in the form of proscription] in Islamic law. Is this type of discussion on intellectual and rational evidence valid?

Answer

The idea propounded by the intellectual evidence (*dalil 'aqli*) and the rational evidence (*dalil 'uqala'i*) is one and the same, namely that a non-specialist should refer to a specialist. Hence, presenting this idea as intellectual evidence and in other instances as rational evidence is an evident technical mistake. What is generally known among the later scholars is that the correct way to present a concept or an idea is to put it forward as rational evidence.

A Critique of the Objection on the Intellectual Evidence [for Taqlid]

In any case, the preceding objection on the intellectual evidence [for taqlid] is erroneous for two reasons:

Firstly, it is based upon the premise that it is easy to refer to the infallible in this era, so that it would preclude the need to refer to any non-infallible expert. This is clearly wrong, for there is nobody who possesses this quality after the major occultation.

Whoever claims to be an intermediary between the lay people and the Imam has committed a grave sin and ascribed lies against Allah, the Glorified. Such a person is completely misguided in religion according to the beliefs of the Imamiyyah, and he has no proof that can sway one who knows about his religion, as is evident.

Secondly, when the probative value of a proof is established without room for doubt, the probability of a mistake in its content does no harm to it. For example, if the Lawgiver permits reliance upon the report of a trustworthy person or the verdict of a judge based upon incontrovertible evidence, the probability of a mistake by him does not result in possible chastisement; rather, the believer is not held liable for it.

There are many rational proofs whose probativeness has been established even during times when it is easy to refer directly to the [infallible] Imam. For example, one of the proofs is the report of a trustworthy person, and it was the common practice of our fellow Shi'ah during the time of the Imams ('a) to rely on the reports of trustworthy individuals. Hence, we find that the companions of the Imams would narrate reports that they had heard from such individuals to those who studied under them.

Examples of this include the narrations that Zurarah, Muhammad ibn Muslim, and Abu Basir, who are all considered trustworthy narrators from the companions of Imam al-Baqir and al-Sadiq ('a), heard and passed on to Hariz, Hammad ibn 'Isa, Rib'i ibn 'Abdillah, Jamil ibn Darraj, 'Abdullah ibn Bukayr and others. These individuals have been praised by Imam al-Sadiq ('a) in numerous narrations mentioned in the books of Rijal.

Another rational proof is the apparent meaning of speech. There is no doubt in the validity of reliance upon the apparent meaning of the speech of the Imams and their statements to their interlocutors. One cannot ignore this simply due to a probable alternative meaning, and this is obvious. This is as pertains to what has been mentioned about the 'intellectual evidence'.

A Critique of the Objection on the Rational Evidence [for Taqlid]

As for the rational evidence that has been mentioned [for taqlid], it is obviously perfectly sound since the conduct of the rational people has always been based upon the referral of non-specialists to specialists in matters of a technical nature that require expertise. Furthermore, the Lawgiver has not forbidden the people from this practice in their religion, nor has He guided them to an alternative practice.

As for the three objections mentioned against the conduct of reasonable people, they are not valid. The first objection mentioned is that the conduct of reasonable people results in the permissibility of taqlid and not its obligation. This is a clear technical error, since the conduct of reasonable people grants probativeness to the statement of a jurist, so if the believer finds it difficult to follow other means of observing the religious laws such as acquiring expertise or exercising precaution in a particular matter, it is quite natural for him to opt to rely upon the opinions of a religious scholar who is just.

On the other hand, if he has the ability, he may choose between any of the three means: taqlid, gaining expertise, or precaution. What is meant by the obligation of taqlid in the words of the scholars does not go beyond this meaning, namely that one should select it if he is unable to acquire expertise [in religious law] or observe precaution (*ihtiyat*).

The second objection that is mentioned about the probativeness of the conduct [of reasonable people] is its being conditional upon continuity from the time of the infallible, and such a link in the conduct of people vis-a-vis taqlid during the time of the infallible is not evident.

This objection is also erroneous because if we establish the conduct of reasonable people, there is no difference between the reasonable people during the time of the infallibles and this era, since the matter is applicable in every era without any difference. Moreover, we have clarified that this was a common practice among the Muslims and the Shi'ah [from the very beginning].

There is a discussion in legal theory regarding whether the probativeness of conduct is dependent upon its endorsement [by the infallible] or not. Some of the scholars of legal theory opine that the conduct of rational people is by itself probative as long as there is no established rejection of it, since the very

disposition towards it that has been placed in human beings by the Lawgiver leads us to believe that it is for the purpose of directing the human being, unless it is restricted through specific revealed laws.

As such, there is no consideration given to the continuity of the conduct since the time of the infallible. More detailed discussions on this can be found in the specialized discourses on the subject.

The third objection is that the probativeness of the conduct of reasonable people is conditional upon lack of any deterrence, yet taqlid has been proscribed in the narrations. This objection is also erroneous; and it becomes clear when one refers to those narrations and reflects upon them, as we have already mentioned in our discussion on some of the views about the scriptural evidence [for taqlid].

6) Do the differences between jurists not prove that the way of ijihad and taqlid is wrong?

The practice of ijihad and taqlid results in differing opinions arising among the learned individuals and the followers of religion, and differences in religion are dispraised.

It is narrated from Amir al-Mu'minin in *Nahj al-Balaghah*, in his speech on the issue of differences between the scholars in their legal opinions: "A matter is presented to one of them for judgment and he passes a ruling based on his opinion, then the same matter is presented to someone else and he passes a different ruling. Then the judges come with that matter to the leader who appointed them and he considers all their [differing] opinions to be correct while their Lord is one and their Prophet is one and their Book is one! Did Allah, the Almighty, command them to differ among themselves so they obeyed Him?

Or did He forbid them from this and they disobeyed Him? Or did Allah reveal an incomplete religion so they decided to help Him perfect it?! Are they His partners such that they would say something and He would have to agree with it? Or is it the case that Allah revealed a complete religion but the Prophet (S) fell short in conveying it to the people? Allah, the Glorified, says:

We have not omitted anything from the Book (6:38).

So there is a clarification for everything, and He mentions that parts of the Book verify its other parts and there are no discrepancies in it. He, the Glorified, says:

Do they not contemplate the Qur'an? Had it been from other than Allah, they would have surely found much discrepancy in it (4:82).

The Qur'an is such that its apparent meanings are beautiful and its inner meanings are deep. Its marvels never cease and its mysteries never end, and darkness can never be dispelled except through it." [16](#)

In *Ma'ani al-Akhbar*, al-Saduq narrates from 'Abd al-Mu'min al-Ansari who said, "I said to Abu 'Abdillah

(‘a), ‘The people narrate that the Holy Prophet (S) said: “Verily the differences (*ikhtilaf*) of my community are a mercy.” He responded, ‘They have spoken the truth.’ I asked, ‘If their differences are a mercy, then their concurrence is a punishment?!’ He said, ‘No, it is not as you or they have understood it. Rather, he only meant to explain the verse wherein Allah, the Almighty, says:

Why should not there go forth a group from each of their communities to become learned in religion, and to warn their people when they return to them, so that they may beware? (9: 122).

Thus, He ordered them to go forth to the Messenger of Allah (S) and visit him frequently (*ikhtilaf*) in order to learn from him before returning to their communities in order to teach them. Therefore, what he (S) meant [by the word ‘*ikhtilaf*’] is their coming forth from their cities, not their differing (which is another meaning of ‘*ikhtilaf*’) in the religion of Allah; indeed the religion is only one.”¹⁷

Answer

That which can be gleaned through deep reflection on the texts and the events that contextualize them is that the mentioned narrations are in reference to the dispraised and blameworthy type of differences. To explain further, we note that differences are of two types:

1– The sanctioned differences: these are differences that arise from the inefficacy of the means at one’s disposal despite study, inquiry and struggle to remove the differences. Indeed Allah, the Glorified, has created human beings with different abilities and has placed for them different scientific and intellectual environments.

As a natural consequence of this, differences arise among them in some things, as we find differences in their perceptions of all other matters. We have seen the statement of the Prophet (S) that, “It may be that one conveys some knowledge to another who is more learned than himself.”

2– The blameworthy differences: these are the differences that arise from falling short in inquiring about the truth, and such a thing occurs in a number of different situations:

- a) When some of the differing parties are merely following their vain desires or their personal interests.
- b) When there is slackness in searching for evidence and one suffices with what he has ready access to or what comes to his mind.
- c) When one relies upon principles that have no probative value, such as analogy and juristic preference.

It is obvious that this type of differences, which is blameworthy, is what was being referred to in the speech of Amir al-Mu’minin (‘a) mentioned above. This is evident due to two clues, internal and external:

As for the internal clue, it pertains to the connotation of the text regarding its criticism of the trivialization of the rulings passed by judges, with every judge rushing to make a decision on a single matter based on his own inclination.

These decisions are later endorsed as correct by the leader who appointed these judges, stating that the opinion of each judge and his respective ruling is correct – as if each of them was entitled to institute religious laws. There are many historical references related to this issue that are beyond the scope of our brief study.

The external clue consists of two parts, one is intellectual: that difference of opinion is generally a matter that is inevitable given the differences in the abilities of people and their aptitudes. This is something obvious, and it is comparable to all the other differences that exist between people according to the ways of life. It is something that was even present between the companions of the Imams (‘a) during their time, as many narrations clearly attest, and we have mentioned a few of them earlier.

The second part is scriptural and is based on the many instances where questioners would ask the Imams (‘a) about the differences between narrators and scholars, but the Imams (‘a) never forbade them from [referring to them because of] these differences, nor did they censure those who differed in their opinions. Rather, they (‘a) said that whenever there is a contradiction in the reports, if the scholars are guided to the one that would take precedence, then they should act upon that report.

If, on the other hand, they are unable to prefer one report over the other, then if it is easy to reach the Imam, they should refer to him but if they cannot easily reach him, they have a choice to act upon any one of the two [reports]. This has come to us in the narration: “Whichever of the two – meaning the two contradictory reports – is taken, out of submission [to Allah], is accepted for you.”¹⁸

This was the practice of al-Kulayni, who lived during the time of the four deputies [of the 12th Imam (‘a)], as outlined in the preface of *al-Kafi*, where he states after mentioning the factors for preference [of one report over another]: “Yet from all this we know only a few instances where [true] resolution [of such contradiction] is possible, and we do not find anything more prudent or easier than to refer the knowledge of all this back to the knowledgeable Imam (‘a) [of our time], and to accept the freedom of choice he gave to us when he said, ‘Whichever of the two you take out of submission [to Allah] is accepted from you.’”¹⁹

From this it becomes clear that the differences among scholars is not of the blameworthy kind, as long as they are careful to observe the requisites of knowledge and justice.

7) What do you say regarding the presence of a deputy of Imam

al-Mahdi ('a) in this age?

It is said: it is not sensible for Imam al-Mahdi (may Allah hasten his reappearance) to abandon his Shi'ah such that they would have to depend solely upon the scholars and jurists, with all their differing opinions, without sending to them one who would guide them to a single unified direction towards the correct path.

This is what leads one to incline towards accepting the claims of some individuals that they have been sent by the Imam ('a) to guide the community. If you could discuss this claim and explain how it may be critiqued using some detailed clarification, to the extent that it is linked to the question of taqlid, it would help remove any confusion about this subject.

Answer: Misguided Claims to Deputyship

There is no doubt in the monotheistic faiths generally and Islam, which believes in all the earlier Prophets, specifically, and even more particularly in Shi'ism, that it is not incumbent on Allah, the Glorified, to place among the people a righteous servant who is present and accessible at all times so that he may direct the people.

Yes, what is found in the traditions that have reached us from the Imams ('a) is that the earth is never without one who is a 'proof' of Allah. However, this proof may at times be hidden and unknown, as seen in the words of Amir al-Mu'minin ('a) to Kumayl ibn Ziyad: "The earth is never bereft of a 'proof' of Allah, either apparent and known or hidden and unknown."²⁰

This concept – namely that it is not necessary for the proof of Allah to be apparent at all times – is one of the evident and fundamental beliefs of the Imami school of thought, since this school is founded on the belief that the twelfth Imam went through two occultations: the minor occultation in which he had special deputies who would meet with some of the scholars and lay people and acted as intermediaries between them and the Imam ('a); and the major occultation, which commenced with the death of the fourth special deputy 'Ali ibn Muhammad al-Samuri in 329 A.H., during which there would be no special deputies of the Imam, as al-Samuri narrated from the Imam before his death.

This is something about which there is a consensus among all the Shi'ah Imamiyyah, scholars and students alike, from the time of al-Samuri's demise.

Al-Shaykh al-Tusi mentions in his *Kitab al-Ghaybah*, about the matter of Abu al-Hasan 'Ali ibn Muhammad al-Samuri [who was the deputy] after al-Shaykh Abu al-Qasim al-Husayn ibn Ruh (may Allah be pleased with him) [making] an announcement by which any delusion of further special deputyship is terminated: "A group of people informed me that Abu Ja'far Muhammad ibn 'Ali ibn al-Husayn ibn Babawayh said, 'Muhammad ibn Ibrahim ibn Ishaq narrated from al-Hasan ibn 'Ali ibn Zakariyya who, in Madinat al-Salam (Baghdad), said: Abi 'Abdillah Muhammad ibn Khalilan said: "My

father narrated from his grandfather

‘Attab – from the lineage of ‘Attab ibn Asid – who said: ‘The last Imam (*al-khalaf*) al-Mahdi (peace and blessings of Allah upon him) was born on a Friday. His mother was Rayhanah and was also known as Narjis, or Saqil, or Sawsan. However, due to her pregnancy, she was known as Saqil. His birth was on the eighth of Sha’ban in the year 256 AH. His agent was ‘Uthman ibn Sa’id and when ‘Uthman ibn Sa’id passed away, he passed on the mantle [of deputyship] to Abu Ja’far Muhammad ibn ‘Uthman (may Allah have mercy upon him). Abu Ja’far in turn passed it on to Abu al-Qasim al-Husayn ibn Ruh (may Allah be pleased with him) [when he died], and Abu al-Qasim passed on the deputyship to Abu al-Hasan ‘Ali ibn Muhammad al-Samuri (may Allah be pleased with him). When the time of al-Samuri’s death came, he was asked who would take over from him. He replied, ‘The matter belongs to Allah and He will convey it.’ So the complete occultation is what began after the demise of al-Samuri (may Allah be pleased with him).”

Muhammad ibn Muhammad ibn al-Nu’man and al-Husayn ibn ‘Ubaydillah informed me [of a report] from Abu ‘Abdillah Muhammad ibn Ahmad al-Safwani who said, “Al-Shaykh Abu al-Qasim (may Allah be pleased with him) passed on the mantle [of deputyship] to Abu al-Hasan ‘Ali ibn Muhammad al-Samuri (may Allah be pleased with him) so the latter took over the responsibilities of Abu al-Qasim. When the time of his death came, the Shi’ah came to visit him and asked him about the [Imam’s] deputy after him who would take over from him. However, he mentioned nothing about that and said that he had not been commanded to pass on the deputyship to anyone after him.”

A group of narrators informed us [of a report] from Abu Ja’far Muhammad ibn ‘Ali ibn al-Husayn ibn Babawayh who said: Abu Muhammad al-Hasan ibn Ahmad al-Mukattib said, “We were in Madinat al-Salam (Baghdad) in the year in which al-Shaykh Abu al-Hasan ibn ‘Ali ibn Muhammad al-Samuri passed away, and I visited him a few days before his death. He took out a letter [from the Imam] and showed it to the people. It read: *In the name of Allah, the Beneficent, the Merciful. O ‘Ali ibn Muhammad al-Samuri, condolences to your brothers at your loss, for verily you will die within six days. So gather your affairs and do not pass on the mantle of deputyship to anyone such that he would take your place after your death, for the time of the complete occultation has come. There will be no reappearance until Allah permits, and this will happen after a long time has passed, hearts have hardened and the world has become filled with injustice. Some of my Shi’ah will come forward and claim that they have seen me. Know that whoever claims to have seen me before the rise of al-Sufyani and the Loud Cry (al-sayhah) is a liar and a fabricator, and there is no might or power save with Allah, the Most High, the Great.*”

He said: “We copied this letter and left his presence. On the sixth day, we returned to him while he was in the throes of death. Someone asked him, ‘Who is your successor after you?’ He said, ‘The matter belongs to Allah and He will see it fulfilled,’ and then he passed away.” This was the last thing that was heard from him, may Allah be pleased with him.”[21](#)

Al-Shaykh [al-Tusi] also narrated from Ja’far ibn Muhammad ibn Qulawayh – who had witnessed the

minor occultation – when he spoke about some of those who claimed to be the Mahdi: “Verily we believe that whoever makes claims about this matter after al-Samuri (may Allah have mercy upon him) is a corrupt disbeliever, misguided and [responsible for] misguiding others; and success is [only] with Allah.”[22](#)

From all the above we learn that accepting any claimant who purports to be a representative or deputy [of the Imam] is a dangerous misguidance in the Imami school of thought, as has been established for more than one thousand one hundred years from the time of the major occultation.

This has been the view of all the Imami scholars whose reliability and faith is not doubted by anyone and they would not err or stumble in such an important matter. Individuals like al-Shaykh al-Saduq, al-Mufid, al-Murtada, al-Tusi, Ibn Idris, Muhaqqiq al-Hilli, and all those who came after them until our present era [espoused this view].

Furthermore, Shi’ah scholars had narrated about the [prophecy of] two occultations of the Imam (‘a) before the major occultation even took place. It is said about al-Kulayni, for example, that he passed away before the fourth special deputy [and yet he has narrated this]. The only difference between the two occultations is the presence of special deputies in one and not in the other.

Nothing has been recorded in the history of the scholars, narrators of hadith and the Imami society at large, from the time of the major occultation until our present age, about any person who is confirmed as having been a messenger or representative of the Imam to the Shi’ah.

Yes, there have been some people who claimed this but were deemed by the Shi’ah, both scholars and seekers of knowledge, as misguided innovators who were only after attaining their vain political and societal interests. They had no standing whatsoever in the eyes of religion and were only able to propagate their false ideas among some lay communities who would follow any raised banner and catchy slogans and claims. Then their movements died away not long after their own deaths.

The same applies to the [false] claimants to the title of the Mahdi in this age, for their claims are all clearly false and go against the principles of the Imami school of thought. They will perish with the disappearance of all who support their existence, even during the lifetime of the claimants.

I do not see a need to discuss this matter further due to its clarity. Only those who do not verify [such claims] sufficiently fall into doubt and uncertainty. We have been informed about some works by scholars on this subject, and if time and circumstance permit, we will embark on an independent study of this in the future.

8) [What is] the reason for difference of opinion on taqlid if it is

obviously permissible?

If the permissibility of taqlid is clear-cut and evident, to the degree that has been described early, so much so that it is counted as a pillar in the practice of learning and imparting religious knowledge since the time of the Prophet (S) and the Imams of the Ahl al-Bayt ('a), then what has led to the earlier disagreements about it and the current doubts regarding it, and how can people rely upon the right position pertaining to it?

Answer

It is necessary to consider the differences of opinions that have cropped up in the past and the doubts that exist in the present age separately, as there is a difference between them in terms of their contents, origins, and approaches. As far as the differences in contents goes, it is because those who opined that taqlid is not permissible were well known individuals who were experts in Islamic law, and they would go through the specialized processes to derive the legal positions.

However, despite this, they believe that the primary goal of this dedicated effort is simply to learn what Allah, the Glorified, His Prophet (S) and his Ahl al-Bayt ('a) have said. They expended great effort to attain this, yet did not [wish to] invalidate this effort through action.

As for the difference in origins, the majority of those among the erstwhile scholars who opined that taqlid is not permissible were influenced by technical doubts that were presented before them.

It is customary in the sciences for some scholars to pause and reflect upon some evident and clear matters due to some technical doubts that they have not been able to respond to. This is something that is well known by those who practice in the field; and we have already explained earlier the origins that led to this opinion among some of the erstwhile scholars.

With regard to the means and devices employed by the earlier scholars in rejecting the permissibility of taqlid, they consist of devices that are commonly used in the sciences such as the judgment of intellect and scriptural evidence, as we have mentioned earlier. However, the matter is quite different when it comes to most of the current doubts on the subject. In terms of content, they come from those who are in no way specialists in the subject under discussion.

In fact, they aim to undermine the specialist discourses in practice. So much so that one who expresses his position is not required to follow the protocols of the related sciences and their technical principles and devices. Yes, they might borrow these devices when they address their lay audiences who are unaware about the technical discussions, even though the matter is clear.

In terms of their origins, most of the current doubts that have been raised are the result of political and social movements that have enveloped the region in recent times. It is necessary for all the people to be made aware of the different origins that have been responsible for the cropping up of this question,

specifically during this age, especially in Iraq.[23](#)

Indeed, there are many afflictions and doubts that one would never have imagined unless he was astute and aware about the social and political situation, as well as the internal factors that lead to the perceivable events in the society. For most of the Shi'ah to adopt the right stance in relation to the Imams of the Ahl al-Bayt ('a), beginning from Imam 'Ali ('a) until the twelfth Imam (may Allah hasten his reappearance), they needed to be aware of the political and social conditions of their times.

It is for this reason that a group of them fell into trials and doubts, as described by Amir al-Mu'minin ('a) in his words that have been recorded in *Nahj al-Balaghah*. The [well-known] books about different sects and religious groups mention these various divergent movements.

As for the means and devices that are employed by the recent skeptic movement that raises doubt on the question of the permissibility of taqlid, they include some new methods aimed at destroying the prevailing seminary system. The very system that facilitates advancement through the stages of learning through many long and difficult examinations over a period of time. Some of these devices include:

i) Maligning the well-known scholars in public and purposely showing hostility towards them so that the prevailing reliance upon them drops among the lay masses in society, and in order to give the impression to people that their level of knowledge is similar to that of the scholars. This is because the primary principle in a conflict or debate – in the estimation of the people – is the equality or similarity of their capabilities.

ii) Claiming deep knowledge of the divine, and considering it to be the strongest means of deriving religious rulings and arriving at the reality of divine law and religion. They rely on this method because the love of people, in accordance to their primordial nature, is for the one who is closer to Allah, the Glorified, and is honored by Him. They use this method since most of the claimants have not spent a long time in which their behavior and steadfastness was tested, as is the case in the institutes of learning.

iii) The claim of being connected to Imam al-Mahdi (may Allah hasten his reappearance) and being his appointed representative to the people. This claim is considered to go against the clear principle that is established in the Imami school, namely that there is no deputy, messenger or representative of Imam al-Mahdi (atf) during the major occultation that began in 329 A.H. with the demise of the fourth and final deputy. This is the belief of all the Shi'ah scholars who lived during this period such as Ibn Qulawayh, al-Saduq, al-Mufid, al-Murtada and others. Hence, the claim made by any individual to be such, or accepting that he is a special messenger from the Imam to the people, is a grave misguidance and straying from the established principles of this school of thought. Despite this, a number of those who sought to gain some religious standing in order to influence the people tried to seek recourse using this method.[24](#) This is due to the fact that being connected directly to the Imam ('a) would give one a preferential status in referring to him compared to those who acquire the teachings of the Imams of the

Ahl al-Bayt ('a) through recorded works, namely the scholars.

iv) Emphasizing a distinction between themselves and the scholars when it comes to love for the Ahl al-Bayt ('a) and disassociation with their enemies. The very same scholars of this school, past and present, whose knowledge, piety, religiosity, fealty and effort to spread this school of thought, and the hardships they have borne in this path, has been tested and established. This method is also considered to be the shortest way to attain confidence of the majority in the belief of its proponents, as it provides a means of disparaging the great scholars who adhere to the limits of the texts and evidence, and observe wisdom and propriety. They do this by accusing them in public gatherings of falling short [in expressing their love for the Ahl al-Bayt ('a) and hatred for their enemies] and show how different they are by expressing their own zealotry through the media.

v) Addressing the lay people in [discussions on] theoretical and technical matters as well as raising doubts and reservations in matters that are evidently sensitive, as has been described in the introduction of our discourse.

As for what the lay masses can rely upon as being the correct stance in this matter, it differs depending on their environment and information. For one who is not afflicted by doubts, it is easy for him to refer to the people of knowledge and expertise in jurisprudence and rely upon them, as has been the wont of most of the people from the beginning of Islam until the present time.

For the one who confronts a doubt and discerns its weakness through his insight and awareness, he is saved from it, but for the one who faces a doubt and considers it to probably be true, it is incumbent upon him to delve deeper by studying, reflecting and inquiring about the subject until he is able to understand the technical processes that doubts pass through and the ways of resolving them, and then apply the same to this subject. This does not normally replace the need to refer to the people of knowledge and merit. We pray to Allah, the Glorified, for guidance, direction and success.

9) He Who Is Considered the Right Person to Follow in Jurisprudence

9) During this age, people differ regarding whose taqlid to do, and they espouse different approaches concerning this question:

i) One approach prefers that the religious scholar who is being referred to should present his technical evidence upon which he bases his jurisprudential choices.

ii) Another approach looks at how much importance the religious scholar is giving to his media [and online] presence, and all the related activities pertaining to media.

iii) A third approach looks at the number of specialized works authored by the religious scholar, or those

that are general and addressed to all the people.

iv) The fourth approach gauges the religious scholar based on his position *vis-a-vis* the [religious] symbols (*sha'a'ir*) and beliefs concerning the love of Ahl al-Bayt ('a) and disassociation from their enemies.

v) The fifth approach expects the religious scholar to carry out a reformation in the laws, views and opinions.

vi) The sixth approach looks at the role played by the religious scholar in general matters, and what he considers to be the jurisdiction of the jurist and his position on the affairs of the community.

And there are other similar approaches and opinions [about what is expected of religious scholars]. So which approach is the most correct regarding the subject at hand?

Answer

Investigation by practicing believers about whom they should refer to in matters of derived Islamic law is good and necessary. It is similar to how they investigate whom to refer to among the specialists in all other fields such as medicine, engineering, farming and the like. However, it is important that such an investigation should be carried out in accordance to the correct principles and rules, which are established by the judicious intellect, and not according to one's desires, inclinations and personal tendencies.

Two qualities are important to establish in a religious scholar:

- 1) That he is an expert in deriving religious laws and sacred duties, such that he is known for his expertise and adequate experience, which is not subject to any doubt. In fact, preference should be given to the scholar who is the greatest epitome of this quality.
- 2) For such a critical position, he must possess the established quality of justice and its prerequisites, such as sincerity, piety, lack of interest in positions of power, steadfastness, tranquility, strength, firmness, and wisdom. Furthermore, he should have all the qualities that would lead its possessor to be considered reliable in dispensing his responsibility of skillfully deriving [religious laws] based on the set principles, acting in accordance to them, and guiding the people in instances of doubt and sedition, when personal whims differ and opinions diverge.

Ascertaining these two qualities properly is the most important matter of all when it comes to the issue of taqlid. It is possible for the educated people – especially those who have participated in academic studies and have graduated from universities with various specializations such as engineering, pharmacy, medicine etc. – to reflect on ways of assessing the teacher with the required expertise and to compare between the levels of erudition of different teachers through the way in which they address

issues, resolve them and come up with new approaches regarding them.

This can complement the method of recognizing the most worthy and capable among them that is employed by the rest of the people who have not studied at that level, let alone having gained specialization or being informed about the type of thinking that is prevalent among the higher echelons of erudition.

In fact, all the other people who have professions and work in particular vocations that require skill and expertise such as smithery, carpentry, weaving, tailoring, etc. can also similarly reflect on this matter as it is similar to all the things in which expertise and skill is required.

Many times it so happens that the astute among the people who have gone through the vicissitudes of life and experienced it know about the correct yardsticks and requirements, as well as the ways of determining who is the most qualified among the learned in jurisprudence and integrity.[25](#)

Therefore, whoever among them contemplates on this issue and thinks about it will arrive at the [correct] substantive tools for assessing the level of erudition [of scholars]. These are not the same as the rhetorical tools and those used by the media to attract the lay people and evoke in them emotions and zealotry, or the tools of mere debate, which involve falsities and fallacies in methodology and approach with the aim of distracting a group of people in a manner that the great scholars frown upon.

So let students and graduates of medical school contemplate on the ways of assessing professors at the university, for example, as well as the tools that can be used to compare between them and the great physicians who teach in other institutions and are at the top of the medical field in the country. Let them consider the rational method through which the level of medical knowledge of the teachers of the previous generation may be appraised by students as well as recently graduated doctors, as well as the way that all the lay people try to find out about the most capable physician, for example, among the different generations of scholars through their past records, achievements, and contributions.

Whatever is admissible or inadmissible in this, applies [also] in relation to the religious sciences since the method is one while the sciences vary. That which applies to some of them would apply to the rest of them too, and whatever is considered deception, fallacy or reductionism in any of them is also considered the same in the rest of them.

The religious seminary is similar to the university and is at par with all the other academic institutions of higher learning. What is expected in it is reliance upon substantive devices and tools that are far from public rhetoric and meaningless debates. Yes, the seminary is different in that it follows a natural system based on the existing norms. As such, it is easy for any individual to claim for himself whatever he wishes and disparage others unjustly.

For this reason, the senior scholars of the seminary adhere to an ethical code of high standards such that it is considered one of the established norms that protects the seminary from such afflictions. These

afflictions include eschewing self-reformation and purification, self-praise, haste and highlighting the faults of others. It also helps scholars to rise above many [undesired] traits and behaviors such as speaking to the lay people about matters which they are not able to understand, challenging others and so on.

These lofty ethical norms should not be abandoned unless one is faced with dire circumstances, like the eating of a carcass by one who is compelled by starvation, and this naturally results in the acquisition of praiseworthy traits like piety, knowledge, maturity, excellence, and dignity for whoever adheres to this ethical code. However, for one who does not observe these principles, it results in an opportunity for exploitation of the freedom in the seminary to wrongly jump to conclusions, show off, speak ill of great scholars etc. as we witness in the current age. Yet this is not something new in the religious seminaries.

Rather, whoever looks at the history of religious institutions will find examples of such occurrences in them. However, the increased role of media, questionably sourced wealth and political support in the current age has led to an intensification of the problem and an increased hindrance to preserving the system.

As for the approaches mentioned in the question, none of them are considered to be necessary prerequisites for taqlid to be correct. In fact, they do not even constitute a means of objective preference in themselves. Rather, some of them are not even correct. Yes, the believer is free to choose after complete confirmation about the two qualities of knowledge and justice, without prejudice, in [his] selection of the most qualified in terms of erudition.

As for the first approach – where it is expected that the jurist will address the lay people with technical evidence upon which he has based his choices – it is incorrect. This is not something that we see reasonable people doing in all the other specialized fields such as medicine for example. This is because making specialized discussions accessible to the lay masses would lead to its trivialization and allow non-experts to pass judgment about it. This approach is wrong due to its negative impact on the people and their polarization.

It would result in confusion and disarray in the system, and lead to mistakes in identifying those who are highly qualified and specialized. Then it would become easy for false claimants – who are not known in the higher circles of the seminary as being experts and having lengthy experience – to pretend to be experts and compensate [for their lack of expertise] by addressing the people directly [and gaining their support], thereby causing the correct criteria to be lost and the just scales to be overturned.

As for the second approach – where the condition for preference is the importance given by the jurist to a strong media presence and the like – it is also incorrect. That is because this matter – aside from its contravention of the moral conduct expected from scholars in many situations – results in the proliferation of non-objective methods for assessing those who possess higher qualifications.

This in turn would gradually lead to a change in the seminary structure of scholars and erudites, which is

based on a lack of interest in establishing a media [or online] presence and keeping away from it unless called for by necessity. The scholars spend their [valuable] time in studies and teaching within the institution of learning instead, just as the people of merit do in all other sciences.

The third approach – where the number of technical and general works authored by the jurist is the gauge – is one regarding which there is difference of opinion. This is because any general work authored by the jurist would benefit all the religious laity and people would naturally be interested in it.

This interest may be the result of the admiration a person has for the jurist whom he refers to [in matters of religion], so that he attains greater closeness to him and his teachings and words, as he finds him to be a righteous role model and a reliable guide. However, it is not correct to consider this a condition or an objective means of preference, since this level of authorship is generally considered one of the qualities of the people of excellence who possess the appropriate seminary training, and it is not a quality of the expert jurist *per se*.

Furthermore, while writing specialized works is one of the ways of informing the people of erudition and expertise about a jurist's level of knowledge and experience, as well as the probity of his juristic choices, this is something that can also be gleaned by the learned scholars through his manual of Islamic laws (*risalah 'amaliyyah*) where the probity of his choices and observations, and their foundational principles can be evinced.

In addition, other alternatives can be found to judge the level of erudition [of a jurist] such as what has been published of his transcribed lectures, or his classes at the higher levels [of the seminary] for a long period of time, and his renown among the great scholars of the seminary for his erudition.

As for the fourth approach – based on gauging the jurist's manifestation of love [for the Ahl al-Bayt] and disassociation [from their enemies] – the reality is that all of the jurists of this school of thought adhere to this principle without a doubt, because one of the cornerstones of the Imami school is the belief that the Ahl al-Bayt ('a) were chosen, along with the Holy Prophet (S), above all of creation. There is thus no room for any other leadership with the presence of those whom Allah has chosen Himself.

Nevertheless, this matter has two dimensions:

- 1) The evident dimension, which is from the cornerstones of this school of thought and its established and manifest beliefs, due to the numerous proofs about it without anything to the contrary. This dimension is one in which the jurist could hypothetically be tested. Whoever rejects it would cause his own reliability to be removed.
- 2) The theoretical dimension that is related to the limits of this position, whether it be in creed or jurisprudence, and this is something that has to be established with evidence.

The general principle is that theoretical issues cannot be correctly arrived at by the laity even with the

help of a scholar. Hence, it is not correct for them to prefer some scholars over others based on their distinction in this theoretical dimension; otherwise, it would not be theoretical and would be evident instead. It is not correct for the lay people to test the worthiness of a jurist based on his choices in theoretical issues.

However, it is necessary for all the people not to ignore, on their part, the required investigation about the expertise and justice [of a scholar] along with its corollaries such as wisdom, firmness, steadfastness and piety. They should be careful not to lose the essence of the criteria for referral to a jurist due to being influenced by secondary factors, or to allow the people who follow their vain desires to take apparent love and disassociation as a yardstick instead of the correct criteria.

The fifth approach – where there is expectation of reformation in religion by the jurist and his presentation of novel elements in his views and thoughts – is erroneous in its most general sense. The most important quality of a jurist is the high level of his expertise and his wisdom and maturity. It makes no difference whether he arrives at something new or what has been propounded earlier.

A proper opinion that has been expounded upon [earlier] is better than a new opinion that is not well thought out. Yes, it is natural for a jurist to have some new considerations in some cases that he studies, as is the case with experts in all other sciences. However, this is something different from considering novel ideas as a criterion in itself.

Additionally, scholarly ethics – even in other sciences – is aimed at preserving dignity and integrity, and eschewing all the paths of provocation, ostentation, magnification and the like. Furthermore, the requirements of a lofty character that is befitting of a religious scholar include [qualities such as] humility, dislike for renown and position, and sufficing with what is necessary in order to carry out the responsibilities.

The sixth approach – where the appraisal for taqlid is based on the opinion of the jurist regarding the jurisdiction of religious scholars in managing general affairs, and his intervention in public [and political] matters – should not be over exaggerated.

In fact, it is necessary to rely upon the preceding criterion of taking the view of the most qualified individual in knowledge and steadfastness, without considering the opinion of the jurist and his position on theoretical and technical matters, as a yardstick to establish his worth or lack thereof.

If the jurist possesses a high level of expertise and justice, with all its corollaries including wisdom, steadfastness, piety and all the other [similar] qualities, his conduct will be balanced and wise in accordance to what the situation dictates. He will not take a stance that is far from the spirit of religious teachings and their requirements, and will take the steps that assist in its propagation, influence and practice.

If he does not ascribe to the view that a religious scholar has jurisdiction over general matters, he would

still direct the people on the right course through his advice, or in the process of outlining their religious obligations. This is because the influence of a religious scholar is pervasive and is accepted among the lay people, and it is not limited only to articulating the righteous deeds according to religious laws; and we see examples of this in contemporary history.

These approaches and others like them are only expressions of personal inclinations and desires. Some of them are natural whereas others are not preponderant. Yet none of them are fundamental elements suitable for objectively carrying out scholarly evaluation.

In any case, it is the duty of all the practicing believers to reflect upon the condition of the Prophets, their successors, the righteous and the people of wisdom throughout the ages. All of them played the role that was required of them in traversing the righteous path in life, based on wisdom, competence and merit. However, their conditions varied due to their different situations, environments, needs and hindrances [they encountered].

If one were to reflect upon the lives of the Imams of the Ahl al-Bayt (‘a), he would find that they were all embodiments of the truth, yet their situations and impact varied greatly in the way they faced the rulers of their time – in their revolution against unjust rulers or being forced to enact peace treaties with the oppressors – as well as the way they spread knowledge. There were those from whom a large repository of knowledge was passed on, such as Imam al-Sadiq (‘a) and before him Imam al-Baqir (‘a), and others from whom less than this was passed on, like Imam al-Kazim (‘a).

Some of them had very few of their narrations conveyed, as is the case with the two Imams al-Hasan (‘a) and al-Husayn (‘a). This is despite the fact that nobody from this community could ever compare to the family of Muhammad (S). However, it was because of the differences decreed by Allah for His servants in what was made available for them, in accordance with their strengths and their situation; *and the matter rests with Allah, before and after.*

We ask Allah, the Almighty, to guide the people to His true religion and His straight path, to hasten the reappearance of His righteous servant who is the remnant of the Prophets and successors among His creation, and to make everyone successful in doing what He loves and what pleases Him. *O Lord, make us enter with a worthy entrance and let us leave with a worthy departure, and grant us a powerful authority from Yourself.*

This is what we have been able to write in the proximity of the ‘Alawi sanctuary, a thousand greetings and salutations to its master, during approximately the last ten days of the month of Shawwal, 1438 years after the blessed Hijrah of the Prophet (S).

¹. This is true even if it is said that taqlid is the adherence to the opinion of the jurist, since the meaning of adherence here is simply to act in accordance with his opinion. ﴿٢٢﴾

². Cf. ‘Aqa’id al-Imamiyyah, 84, 88, 101, 111. ﴿٢٣﴾

3. Meaning al-Shaykh al-Saduq. [1][2]
4. Al-Iqtisad, 10. [1][2]
5. Ma'arj al-Usul, 199. [1][2]
6. Al-Muqni'ah, 28. [1][2]
7. Cf. al-Iqtisad, 5–6 (summarized). [1][2]
8. Al-Iqtisad, 9. [1][2]
9. Cf. al-'Uddah fi Usul al-Fiqh ('Uddat al-Usul), 2/730. [1][2]
10. Al-Rasa'il al-'Ashar, 141. [1][2]
11. Al-Rasa'il al-'Ashar, 153. [1][2]
12. Al-Rasa'il al-'Ashar, 267. [1][2]
13. Al-Rasa'il al-'Ashar, 283. [1][2]
14. Cf. Tafsir al-Imam al-'Askari, 300. [1][2]
15. Cf. al-Kafi, 1/32, h. 2; Man La Yahduruhu al-Faqih, 4/384–387, h. 5834. [1][2]
16. Nahj al-Balaghah, 1/50–51, Commentary by Muhammad 'Abduh. [1][2]
17. Cf. Ma'ani al-Akhbar, 157. [1][2]
18. Al-Kafi, 1/66, h. 7. [1][2]
19. Al-Kafi, 1/9. [1][2]
20. Nahj al-Balaghah, 3/188, Commentary by Muhammad 'Abduh. [1][2]
21. Al-Ghaybah, 393–395. [1][2]
22. Al-Ghaybah, 413. [1][2]

23. Perhaps some of the factors that would influence the stance on the impermissibility of taqlid are as follows:

- i) Sectarian tensions in the region, which have reached their peak in this era. These tensions have resulted in efforts by some political leaders and wealthy individuals to attack the followers of the Ahl al-Bayt ('a). This is because they feel that the Shi'ah have great scholars whose views are respected and followed by the people, and whose teachings are acted upon, which leads to unity among them. Furthermore, it (i.e. taqlid) protects the followers of the Ahl al-Bayt ('a) from many of the dangers that come their way through radicalism, disputes and the like; yet we witness divisions and loss among the followers of other schools.
- ii) The seminary system, which is based on gauging knowledge and action – and which we have described in brief in the beginning of this study – leads to the distancing of those who follow their desires and hastily seek to acquire a standing among the learned in religion. This is because it puts everyone in his rightful place, and through it, the seeker of knowledge and the one who bears it is positioned in the station that is appropriate for them in the ladder of knowledge and merit, after being tested for a period of time. It has been the case throughout history that the position of religious authority has been sought after in all religions by undeserving and not yet qualified individuals because of its status and benefits. Hence, the people who follow their vain desires directed their attacks on this strong institution [of the seminary] among the Imamis, because the destruction of this institution would open the doors for every claimant who possesses some access to media to influence people through argumentation and debate with the teachers of the religious sciences in matters that evoke public emotions.
- iii) Certain negative political and social practices by some religious personalities or those who are linked to them. This leads to confusion among some people and exploitation by others, causing them to attack the actual system of acquiring expertise in religious law itself, which is clearly necessary in all fields of learning in the eyes of all reasonable individuals.
- iv) Some messianic movements that claim to have a direct connection with Imam al-Mahdi (may Allah hasten his reappearance) in contravention to the established beliefs of the Imami school of thought. These movements, due to the weakness of the authority of their claimants, seek to undermine the status of religious scholars in the Imami society, as they are an impenetrable barrier that prevents the infiltration of these movements. Such movements are based on a lot of distortion, superstition and delusion, in addition to some questionable hidden links [to shady agencies]. [1][2]

24. One of these individuals even belittled the intellects of the people by claiming that he was from the progeny of the Imam ('a) despite his lineage and ancestry being well known. He gradually made this claim after having made earlier lesser claims that were left unanswered. His behavior and ambitions were known by those who lived with him earlier, and he

never possessed the soundness and steadfastness in his manner and conduct [as he claimed].^[1]

[25](#). It has been noted that in the earlier days, after the demise of a jurist, his followers (muqallidin) would turn towards the religious seminary from the markets, countrysides and distant cities, looking for the most qualified individual among the learned whose taqlid could be done, and they would find the correct individual without erring. However, today we find that some of those who are highly educated are not able to accomplish this and end up falling into the traps of some false claimants who are completely unqualified and unworthy of being followed [through taqlid].^[2]

[1] [1]

SHARES

A Summary of Our Discourse on Taqlid

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allah, the Compassionate, the Merciful.

All praise be to Allah, Lord of the worlds, and salutations of Allah be upon Muhammad and his righteous and pure progeny, and the curse of Allah upon their enemies from the first to the last, until the Day of Judgment.

It is necessary for a person to be steadfast in his faith when faced with doubts and in times of strife, he should take recourse to a firm pillar of guidance through which he may be excused tomorrow on the Day of Resurrection. Allah, the Glorified, says:

When a report of safety or alarm comes to them, they immediately broadcast it; but had they referred it to the Prophet or to those vested with authority among them, those of them who investigate would have ascertained it. And were it not for Allah's grace upon you and His mercy, you would have surely followed Satan, [all] except a few (4:83).

And Amir al-Mu'minin ('a) said, "People are of three types: the pious scholar, the seeker of knowledge on the path to salvation, and the common folk who [blindly] follow every caller." The difference between the seekers of knowledge and the common folk is that the seekers of knowledge remain firm in situations where doubt is raised and during strife, and they turn to the people of knowledge. However, the common folk follow every raised banner without any steadfastness.

A question has been posed about the basis for permissibility of taqlid and [there is need for] an appraisal of the proof of those who prohibit it. This brief study was aimed at explaining the [established] opinion on the subject and elimination of confusion regarding it by clarifying some of the points regarding it, and we seek assistance and guidance from Allah, the Glorified, as we ask Him for sincerity in speech and action,

indeed He is all-Hearing, all-Answering.

The Reality of Taqlid

The true meaning of taqlid of a jurist is referral by the non-specialists among the people, in matters of Islamic jurisprudence, to a specialist among them who is known as a jurist (*faqih*). This is akin to the referral by people to experts in all other matters that require expertise, such as physicians, engineers, architects, mechanics and the like. When a person falls ill, he refers to a doctor; if he needs to construct a building, he refers to an architect, and if his car stalls, he refers to a mechanic, and so on.

Proofs for the Permissibility of Taqlid

There are five proofs for the permissibility of taqlid:

1) The Conduct Of Reasonable People And Its Acknowledgement By The Imams

(‘A)

The first proof is that it has always been the conduct of reasonable people to refer to a specialist [in technical matters] and this practice has not been rejected by the infallibles (‘a) [during their presence] throughout the first three centuries [of the Hijrah]. Therefore, we take it to be an endorsement from them of this conduct. It has been mentioned in legal theory that religious laws are of two kinds: foundational (*ta’sisiyyah*) and endorsed (*imda’iyyah*), and the permissibility of taqlid is an endorsed law.

2) Lack Of Any Possible Alternative To Referral To Experts

The second proof is that there is no possible alternative to referring to experts in Islamic jurisprudence. This is because arriving at religious laws, in all their details and dimensions, is a matter that requires specialization and skill.

The evidence for this is that if one were to pose a jurisprudential question to anyone among the people, he would not be able to state the religious ruling [that is applicable]. Furthermore, if one were to refer to the sources for establishing religious laws in the books of jurisprudence, he would find that understanding them requires expertise.

Hence, the requirement of specialization in order to arrive at religious laws is something evident and clear. Therefore, the question that remains is whether there is an alternative to referral by people to religious scholars. The answer is that there is no alternative, because the alternative would have to be one of the following three:

i. For all the people to acquire specialization in jurisprudence before they attain maturity (*bulugh*), such that they are [qualified] jurists since maturity. Undoubtedly, this is something that is not required by

Islamic law, and it is something that is not feasible and would in fact lead to disruption in life.

ii. For people to exercise precaution in every matter, completely, by considering all possible rulings. This too is undoubtedly not required, since the probability of the existence of a religious ruling commanding or forbidding something exists in everything except the foundational necessities (*daruriyat*) of religion, and exercising precaution in all of this is something that would be extremely difficult, as is evident.

iii. For them to refer to the infallible (‘a), or one who represents him, and this is impossible in the present age since we live during the period of major occultation. There is neither a representative, nor a successor or deputy of the Imam present, and this is a known fact for the Imami Shi’ah. In fact, the meaning of major occultation is nothing but a cessation of all deputyship and representation.

Hence, there is no legal alternative to referring to experts in jurisprudence.

3) The Abundance Of Evidence That The Shi’ah Have Been Instructed To Seek And Provide Religious Rulings

The third proof is that we have copious evidence, which is in fact successively narrated (*mutawatir*), that the Imams have instructed the religious scholars among their companions to issue religious rulings and have referred their Shi’ah to these scholars whenever they are in doubt about religious rulings.

This is because the companions of the Imams (‘a) were of two types: learned specialists [in religious law] and others who were from the laity, as has been mentioned by the scholars of Rijal like al-Kashshi, al-Najashi and al-Shaykh al-Tusi. There is evidence that the Imams (‘a) would prepare a group from their companions to become religious scholars. They did this by teaching them the general principles, as has been mentioned in the tradition:

“Our duty is to show you the principles, and it is upon you to apply them.”^{[1](#)}

Furthermore, the lay masses during the time of the Imams (‘a) also needed religious scholars, since all of them could not come from the various places [they lived] to ask the Imams (‘a) [about religious matters] especially if they lived far away from the Imams (‘a) and particularly due to the restrictions placed upon them by the rulers.

For this reason, the Imams (‘a) referred their followers to the learned among their companions. Al-Najashi relates that Abu Ja’far (‘a) said to Aban ibn Taghlib, “Sit in the masjid of Madinah and issue religious rulings to the people, for indeed I love to see among my Shi’ah the likes of yourself.”^{[2](#)}

It is further narrated from Ma’adh ibn Muslim, from Abi ‘Abdillah (‘a) who said to him, “I have received word that you sit in gatherings and issue religious rulings to people?” He replied, “Yes...” And in the same report, we see that the Imam (‘a) encouraged him to continue doing that.^{[3](#)} Al-Najashi states regarding Yunus ibn ‘Abd al-Rahman: “He was a leader among our fellow Shi’ah, the foremost, of great

status... and al-Ridha' ('a) used to allude to him in knowledge and religious rulings.”^{[4](#)}

Al-Najashi has also narrated from Fadl ibn Shadhan who said, “‘Abd al-‘Aziz ibn al-Muhtadi, who was the best in his [religious] opinions among the people of Qum, and was the representative of al-Ridha' ('a) and his special companion, narrated to me: ‘I once asked [the Imam ('a)] and said: ‘I am unable to meet you all the time, so whom should I take my religious teachings from?’ He replied, ‘Take from Yunus ibn ‘Abd al-Rahman.’”^{[5](#)}

4) Successively Narrated Evidence From The Imams ('A) About Establishing Perimeters Of Providing Religious Rulings And Seeking Guidance

We have successively narrated (*mutawatir*) evidence that the Imams ('a) outlined the practical limits of issuing and seeking religious rulings, and its appropriate principles, without rejecting the actual practice itself. This clearly shows that they acknowledged it.

One of the principles that they mentioned is the requirement of any such ruling to be based on knowledge and proof, and the illegitimacy of any ruling that is based on analogy and the like. Furthermore, the religious ruling needs to be congruent with [the principles of] justice and rulings should not be issued during times of fear of repercussion, as well as the option to choose when rulings [of various scholars] differ.

5) It Has Been An Established Practice Throughout History

It has been the practice of Shi'ah scholars, from the time of the Imams ('a), to issue religious rulings to people and it has similarly been the practice of the lay Shi'ah to seek religious rulings and guidance from the scholars. If this were unacceptable to the Imams ('a), the practice would not be established. Al-Sayyid al-Murtada says, “There is no difference [of opinion] among the community, past and present, about the necessity of a lay person referring to a jurisconsult (*mufti*).”^{[6](#)}

Al-Shaykh al-Tusi says, “I found most of the community [of Shi'ahs], from the time of Amir al-Mu'minin ('a) until our present time, referring to their scholars and seeking religious rulings from them regarding laws and acts of worship. Their scholars would issue rulings to them about this, and they would act upon the rulings that they gave. We have not heard anyone of them say to someone seeking a religious ruling that it is impermissible to do so or to act upon such a ruling. Some of them lived during the time of the infallible Imams ('a) and it has not been reported from any of the Imams that they were displeased with them [for this practice], and there is no statement from them ('a) against it. Rather, they endorsed the practice, so whoever opposes it is among those who oppose that which is known to be correct.”^{[7](#)} And there are many other similar statements from our scholars regarding this practice.

Furthermore, there are many examples that can be found in the books of hadith, showing how the scholars among the Shi'ah used to issue religious rulings during the time of the Imams ('a).^{[8](#)} The

practice of the Shi'ah during the minor occultation and then the major occultation – among both the scholars and seekers of knowledge – was to issue religious rulings and seek them [respectively]. They would answer questions and write treatises or books of traditions that included [their] deduced preferences and sections on derived rulings.

Among those who lived during the minor occultation were al-Kulayni, the author of *al-Kafi*, and al-Shaykh 'Ali ibn Babawayh, the father of al-Saduq and author of *Risalat al-Shara'i*, which is a treatise of religious rulings. The deputy [of the Imam] al-Shaykh al-Husayn ibn Ruh sent al-Shalmaghani's book, *al-Taklif*, which was a manual of practical rulings, to the scholars of Qum who responded: "Everything in it has indeed been narrated, except two traditions," as has been related by al-Shaykh al-Tusi in *al-Ghaybah*.

Among those who lived during the beginning of the major occultation (which started in 329 A.H.) were al-Shaykh al-Saduq, who has many manuals of practical rulings such as *al-Faqih*, *al-Muqni'* and *al-Hidayah*, and his student al-Mufid, whose manual on practical rulings is known as *Kitab al-Muqni'ah*. The latter also has a work in which he answers to questions [on religious laws]. Later came the students of al-Mufid, such as al-Murtada and al-Shaykh al-Tusi, as well as others who followed after them, until the time of al-Muhaqqiq and al-'Allamah.

The View that Taqlid is Impermissible

After the minor occultation, there were a few scholars who opined that taqlid in religious praxis (*furu' al-din*) is impermissible, such as al-Sayyid al-Murtada [who mentioned this] in his treatise, but he later changed his position. This view has also been attributed to some of the scholars of Halab, and it was the position taken up [much later on] by some of the Akhbaris like al-Muhaddith al-Astarabadi and the author of *al-Wasa'il*.

However, this is a rare opinion and is now defunct. Hence, many scholars such as al-Sayyid al-Murtada and al-Shaykh al-Tusi, as noted earlier, as well as al-Muhaqqiq al-Hilli and others, have mentioned that there is a consensus regarding the permissibility of taqlid.

It should be noted that in reality, the opinion of these few scholars was not a rejection of taqlid in its general sense. Rather, it was just a change from taqlid in religious rulings to taqlid in evidence [for the rulings]. This is because the scholars who espouse this position do not consider it mandatory for all the people to acquire specialization in Islamic law. Rather, they say: "The religious scholar should describe the proof for the follower (*muqallid*) and the latter should follow the proof."

It is evident that the follower depends upon the expertise and testimony of the scholar with regard to the validity and authenticity of the proof that he provides.

So if the scholar were to say: "Friday prayers are obligatory on Fridays, due to its distinction from the

dhuhr prayer, because of the [varying] traditions that have reached us from the Imams (‘a) about this. These traditions can be resolved by concluding that both these prayers are optionally obligatory (meaning one has to be chosen from the two),” the believer would then act upon this opinion based on this proof, but it would not negate his reliance on the scholar.

Moreover, this view is quite evidently incorrect since mentioning the evidence [for religious rulings] to followers is impractical. Rather, most of the time, the follower does not have the training required to understand technical evidence fully.

Would a follower (*muqallid*) of the author of al-Jawahir be able to refer to his evidential work *Kitab al-Jawahir* instead of his treatise on religious praxis *Najat al-‘Ibad*, or would the follower of al-Sayyid al-Khu’i be able to refer to his glosses on *al-‘Urwat al-Wuthqa* instead of his practical treatise *Minhaj al-Salihin*?

The most important arguments presented for this view are of two types:

First Type

First: that which speaks about the obligation to obey Allah, the Almighty, His Prophet (S) and the Ahl al-Bayt (‘a), and censures following anyone other than them, such as the verse that states: ***Follow what has been sent down to you from your Lord, and do not follow any masters besides Him (7:3)***. In addition, there is that which proscribes following a non-infallible, which is [based on] the single narration that al-Mufid has mentioned in *Tashih I’tiqadat al-Imamiyyah*, where the infallible (‘a) is reported to have said: “Beware of taqlid, for whoever follows another in his faith is destroyed.”⁹

Answer

The connotation of the texts that speak about ‘following’ in general should be understood as referring to one of two possible types of following:

- a) Praiseworthy following, which is the judicious type of following that is based on provision of evidence from the Book of Allah, the Almighty, and the Sunnah of His Prophet (S) and the Ahl al-Bayt (‘a).
- b) Blameworthy following, which is following someone else not on the basis of his obedience to Allah, the Glorified, His Prophet (S) and the Ahl al-Bayt (‘a). Hence, such a person would be followed even in that which goes against the authentic legal texts or in whatever he innovates in religion.

This is what is referred to in the verses that censure following, as is clearly evinced from them, such as the verse wherein the Almighty says:

And when they are told, “Come to what Allah has sent down and [come] to the Apostle,” they say, “Sufficient for us is what we have found our fathers following.” What, even if their fathers did not know anything and were not guided?! (5: 104).

It is noteworthy that the censure is against those individuals who follow their fathers in opposition to what has been revealed by Allah, the Glorified, and what He sent through His Prophet. It does not include referring to a scholar who is an expert on the Qur'an and the Sunnah, in order to learn what they instruct and strive to follow them.

As for that which censures taqlid [in general], it is a single narration that al-Mufid mentions without providing a chain of narrators. Furthermore, the term 'taqlid' was not used during the time of the compilation of these texts to mean following a religious scholar or jurist.

Rather, this meaning came about much later, from about the fourth century of the Hijrah, and then spread until our current time such that now it is the first meaning that comes to mind. However, before this, it was used in relation to its lexical meaning from 'tethering the [sacrificial] camel or cow' when a rope was tied around its neck with an old worn-out sandal, to identify it for sacrifice.¹⁰ Therefore, it originally meant casting off responsibility. Hence, it was of two possible types: praiseworthy taqlid, which is based on proof [that has reached us] from Allah, the Glorified, His Prophet (S) and the Ahl al-Bayt ('a), and blameworthy taqlid which is not based on this. An example of the latter is the taqlid that the People of the Book do of their scholars, even when the words of these scholars are contrary to the explicit teachings of the Torah and Gospels. This is what the blessed verse and the narrations on the subject, such as the aforementioned narration, are referring to.

Second Type

Second: that which shows that ijtihad and subjective opinions have been censured, such as the authentic tradition of 'Abd al-Rahman ibn al-Hajjaj who said, "I asked Aba 'Abdillah about sitting in the company of those who act based on subjective opinion (*ashab al-ra'y*). He said, 'Sit with them but beware of two qualities that destroy people: depending on your own opinion in matters of faith and issuing religious opinions to people without knowledge.'" ¹¹

Answer

Looking holistically at the meaning of 'opinion' in the lexicons and its usage in legal texts shows that the term 'opinion' (*ra'y*) has two connotations:

- 1- The general connotation, which includes both types of opinion regarding religious laws, namely an opinion [based] on the interpretation of the Qur'an and the Sunnah, and a personal subjective opinion which is based on other premises such as analogy and juristic preference.
- 2- The specific connotation, in which the term connotes only the second type of opinion mentioned above, namely that which does not involve the understanding of the Qur'an and Sunnah, but rather as another [type of] proof.

This [second connotation] is the meaning that gained prominence among Muslim scholars during the

second century, and it later became synonymous with Abu Hanifa's school of thought which was known as Madrasat al-Ra'y (the school of opinion) and Ashab al-Ra'y (the people of opinion). The traditions that have reached us censuring opinion are regarding this type of [subjective] opinion, which is evident through numerous substantiations (*qara'in*), such as mentioning this kind of blameworthy opinion in contrast to the Qur'an and the Sunnah, or mentioning analogy (*qiyas*) alongside opinion (*ra'y*).

This is because analogy is the most obvious example of the type of opinion that is blameworthy in the narrations of the Imams ('a). One narration states: "Eschew opinion and analogy, and whatever the people say that is not part of the religion of Allah and has no evidence to support it, for indeed the religion of Allah has not been established on opinions and analogies." [12](#)

Additionally, in some cases opinion has been censured in order to criticize the people of opinion (*ashab al-ra'y*) as in the reliable tradition from 'Abd al-Rahman ibn al-Hajjaj that we mentioned earlier, where he asked the Imam ('a) about [the permissibility of] sitting with the people of opinion. These traditions in no way speak against taking proofs from the Book of Allah and the Sunnah and their apparent meanings through a process of practice and specialization. Nor do they speak against referring to the experts regarding this.

That which we have mentioned regarding opinion (*ra'y*) also applies to *ijtihad* as well, since it was a term that used to mean expending efforts to extract religious rulings that have no basis in the Qur'an and the Sunnah. As such, it was coupled with analogy and with issuing subjective opinions. The term '*ijtihad*' did not, at that time, generally connote specialization in jurisprudence, as it has been commonly understood to mean in recent times among the religious scholars.

Hence, it becomes apparent that the traditions that speak against *ijtihad* and *taqlid* are aimed at a different meaning of these two terms which was prevalent at that time, where *ijtihad* meant extracting religious rulings through a process of personal preference in matters that are not [directly] addressed in the Qur'an and Sunnah, and *taqlid* meant following others in their opinions which are not based on the Qur'an and Sunnah – and this is clear when we look holistically at the narrations.

From all this, it becomes evident that the permissibility of *taqlid* is obvious and clear as we see that it was the practice of the Shi'ah [from the early times] and has been endorsed by the traditions of the Ahl al-Bayt ('a). There is nothing [from them] that discourages it, nor is there any alternative that has been presented to the people for them to [acquire and] act upon the religious laws and injunctions.

Questions and Answers

Question 1

Q1) It is said that the permissibility of *taqlid* of a non-infallible is an innovation that has only come about recently among the scholarly circles, and that the first person to propound the idea in jurisprudence was

al-Sayyid al-Yazdi (d. 1919) in his work *al-'Urwat al-Wuthqa*. It was mentioned earlier [than this] in legal theory but without any [practical] formulation.

Answer

Actually, taqlid of a learned scholar is an old practice that has been there from the time of the Imams ('a), as the proofs we have mentioned show, and many early scholars have explicitly spoken about it, such as al-Sayyid al-Murtada and al-Shaykh al-Tusi. Furthermore, it is a matter that is quite clear and the people of knowledge have discussed it in legal theory from the earliest times.

They considered it similar to [other legal] discussion, since it is a discourse on the probativeness of a jurist's opinion on legal rulings. The proofs that establish religious laws are discussed in legal theory (*'ilm al-usul*), hence it would be irrelevant to broach this subject in legal theory without its formulation. Furthermore, a group of late scholars discussed this topic at the beginning of jurisprudence since they found that legal theory is a specialized field and the question of the permissibility of taqlid does not benefit a specialist, as specialists are not permitted to do taqlid of others.

Rather, it [is a topic that] benefits the lay people, therefore it is like jurisprudential matters. It was thus discussed in the beginning of jurisprudence before al-Sayyid al-Yazdi by the teacher of his teachers, al-Shaykh al-Ansari, in his treatise *Siraj al-'Ibad* and his other treatise, *Sirat al-Najat*.

Question 2

Q2) It is said that the obligation to refer to a religious scholar during the period of the major occultation is as important as the obligation of referring to the Imam in creedal issues. Hence, al-Shaykh al-Muzaffar has mentioned it in his book *'Aqa'id al-Imamiyyah*.

Answer

This is clearly a mistake, for the criterion in creedal matters is the necessity of belief in them whereas the criterion in jurisprudential matters is that one is required to act upon them. The obligation to know the Imam is a creedal matter, since knowing the Imam ('a) is necessary in and of itself, as mentioned in the tradition: "Whoever dies without knowing the Imam of his time dies the death of Jahiliyyah (the Age of Ignorance)." [13](#)

As for the probativeness of the opinion of a scholar who is an expert in jurisprudential matters, it is not something that is necessary in itself; rather, it is required for acting on religious rulings in jurisprudential matters, and this is quite evident. When al-Shaykh al-Muzaffar mentioned this matter in his book *'Aqa'id al-Imamiyyah*, it was a digression unrelated to his main discourse, similar to his mention of [the chapters] "Our belief in *al-taqiyyah*" [14](#) and "Our belief in supplication" [15](#) among others.

Question 3

Q3) It is said that the obligation of taqlid is not jurisprudential [in nature], since it relates to the method of taking religious rulings and is not related to the religious rulings themselves, as is the case with [other] jurisprudential matters. The methods of attaining religious rulings are subsequent to the establishment of those rulings – hence it is a creedal matter [not a jurisprudential one].

Answer

As we have mentioned, the criterion for a matter to be considered creedal is the requirement of belief and faith in it. There is no doubt that what is required of a follower (*muqallid*) is acting upon the opinion of the jurist, not believing in it, hence this matter cannot be deemed as creedal.

The argument that it must be creedal due to its relation to the means of attaining laws is a mistake, since there are a number of issues discussed in legal theory that also pertain to the means of arriving at religious laws, such as the probativeness of a report by a reliable person, the apparent meaning [of texts] etc., so would all these also be considered creedal?!

Question 4

Q4) It is said that there is no scriptural proof, from either the Qur'an or Sunnah, for the permissibility of taqlid. Hence, we see that some scholars say that the only proof for it is the established practice of rational people of referral to the learned by the ignorant. Furthermore, some scholars have argued against each one of the scriptural proofs [provided for it], including the letter that was reportedly narrated from Imam al-Hujjah (may Allah hasten his reappearance) [which states]: "As for the [new] events that transpire, refer about them to the narrators of our traditions."

Scholars have debated about the authenticity of this tradition, since it has a weak chain of transmitters that include unreliable individuals such as Muhammad ibn 'Isam and Ishaq ibn Ya'qub. Furthermore, this letter contains the injunction that relieves the Shi'ah of having to pay *khums* during the period of occultation: "As for *khums*, it has been excused for our Shi'ah, and they have been permitted to use it until our matter is manifested, in order that their progenies may be pure." ¹⁶

Answer

Firstly, using the conduct of reasonable people as evidence is based on the [tacit] endorsement of the infallible for the same, through his not rejecting it; as such, it is considered by scholars to fall under the rubric of tacitly approved practices (*al-sunnah al-taqiriyyah*). This conduct has a level of clarity and obviousness that makes the issue [of the permissibility of taqlid] certain, and we have already mentioned some instances of how this conduct (*sirah*) has been alluded to in the traditions.

Secondly, the traditions we have mentioned are not all the traditions that evince the permissibility of

taqlid. Rather, there are many more traditions [that we have not mentioned]. So much so that they are considered copious (*mustafidh*) or successively transmitted (*mutawatir*).

They include some reliable traditions and other narrations that are not considered reliable in themselves but when brought together, they lead to certitude. Many a scholar has listed all of these reports, such as al-Sayyid al-Khu'i, and we have noted this in our detailed discourse.

Question 5

Q5) It is said that there is no rational proof for the permissibility of taqlid. The rational proof that is [usually] evinced for taqlid is that it is the referral of an ignorant person to a learned one, like the referral of a sick person to a physician.

However, the [only] one who knows [everything] about religion is the Imam or someone linked to the Imam, not a jurist, since he cannot attain complete knowledge of the [religious] law. As such, there is a possibility of harm [that arises from probable error on his part], and it is rationally necessary to avert probable harm.

Answer

Firstly, this view is clearly erroneous, since the term 'learned' (*'alim*) refers to one who is well versed in his subject and has gained expertise in it using the means that are available. It is not necessary for him to attain complete knowledge of it, as we find to be the case, according to the people of reason, in other fields [of knowledge as well].

They rely on the specialists who carry out research in their field, in accordance to the generally accepted means that are available to them. It is not possible to reach the Imam during the period of occultation and the only recourse is referring to learned scholars. In fact, even during the period when the Imams were present, many people were unable to reach them and they had to refer to scholars, as we have mentioned earlier.

Secondly, being a link between the infallible and the people does not make a non-infallible possess complete knowledge, since he is also liable to make mistakes in [understanding] what he learns from the infallible.

In fact, even when people ask the infallible directly, they are still not completely safe from probable error, because they rely on what is apparent, such as the apparent meaning of speech in general, while it is possible that [only] a specific instance was intended. This is because apparent meanings are reasonably acceptable proofs but they do not lead to complete certainty.

Thirdly, the verbal and tacit scriptural proofs are sufficient [to establish legitimacy], and we have already shown how we have these proofs for the permissibility of taqlid.

Question 6

Q6) It is said that there is no reasonable proof for the permissibility of taqlid, because even though the conduct of reasonable people is established upon referring to a scholar [in technical matters], it only proves that taqlid is permitted, not that it is obligatory. Furthermore, one of the conditions for the validity of this conduct [as proof] is its being connected to the time of the infallible, and we have no proof that this conduct is connected to the time of the infallibles.

It is not correct to adhere to the conduct [that is prevalent] in the current era – the period of occultation – because the silence of Imam al-Mahdi (may Allah hasten his reappearance) does not prove his acceptance, since he (‘a) is not responsible for teaching the people [about their religious duties] during his occultation, as the scholars have explicitly stated.

Moreover, we have traditions that discourage it, such as the narration of Abu Basir from Abi ‘Abdillah (‘a) where he said, “I said to him [what is meant by the verse]:

They have taken their scribes and their monks as lords besides Allah (9:31)?

He replied, ‘By Allah, they did not call the people to worship them, and if they had called the people to do that, they would not have responded. Rather, they made permissible for them what was forbidden and forbade for them what was permissible, so they worshipped them without knowing it.’”¹⁷

Answer

The conduct of reasonable people (*sirat al-‘uqala’*) – which includes the practice of all Muslims – is established upon the referral of one who needs an expert opinion to the one who possesses expertise. This itself is adequate to demonstrate the permissibility of referring to a jurist because he is an expert in religious law. All the objections raised against this are not correct and are evidently erroneous.

The objection stating that the conduct [of reasonable people] only establishes the permissibility of taqlid, not its obligation, is incorrect since those who believe in taqlid only say that it is permissible and do not claim that it is obligatory, except for the person who has no way of acquiring specialization [in religious law] or of practicing precaution (*ihtiyat*). In such a case, taqlid becomes obligatory since it is the only way for one to learn and act upon religious laws. Thus, the believer has three choices: acquire specialization, practice precaution, or taqlid. If he is unable to select the first two options, then taqlid becomes obligatory for him.

The objection stating that this conduct is not linked to the time of the infallibles is also erroneous. The conduct of reasonable people of referring to an expert has always been the same, with no difference between earlier and later times, since its condition is the same. As for the objection stating that the practice [of taqlid] has been discouraged in the traditions, this too is not correct since the meaning of the narrations that speak against following others in what is permitted and forbidden refers to instances

when those people forbid and permit whatever they wish, in contradiction to what has come in the Book of Allah and what His Prophet (S) taught.

They forbid that which Allah has made permissible and permit what He has forbidden, just as the scribes and monks used to do as the Qur'an mentions time and again. Therefore, the traditions do not discourage following others when they study what has come in the Book of Allah, the Glorified, and what has reached us from His Prophet (S).

In summary, people follow the learned scholars in two possible ways:

First, in order to find out and act upon the divine teachings as is the case with the majority of the Imamis when they refer to their scholars.

Second, following them on the basis that they have the right to permit and forbid whatever they wish, so they permit what Allah has forbidden and forbid what He has permitted.

It is this second form of following [and taqlid] that the aforementioned tradition and blessed verse of the Qur'an censure, since in such cases following actually results in taking scholars to be lords other than Allah. This is because they act upon their proscriptions and prescriptions in contradiction to what has come from Allah, and [despite knowing this] they nevertheless follow them.

As for the first form [of following], it is not what is being referred to in the verse, since it does not entail taking scholars to be lords besides Allah. Rather, the aim of following these scholars is simply to find out what has come from Allah, the Glorified. And if they realize that the scholars are going against the Book of Allah, they would forsake them, as is evident.

Question 7

Q7) There are some people who claim that they are representatives of Imam al-Mahdi (may Allah hasten his reappearance) and have been sent by the Imam to the people. It would thus be easy to refer to the Imam through them and there would be no need to refer to the jurists.

Answer

This claim goes against one of the fundamentals of the Imami school of thought, which is that the deputyship [of the 12th Imam ('a)] ended in 329 A.H. after the death of the fourth deputy, [and no other deputy will be appointed] until the reappearance of the Imam ('a). If it were necessary for the Imam ('a) to appoint a representative, there would be no major occultation. Moreover, [we would have to ask:] who was his representative before these claimants? Some of them may say that knowledge of this belongs with Allah, the Almighty, just as the Pharaoh asked Musa ('a):

He said, "What about the former generations?" (20:51).

And Musa (‘a) replied:

He said, “Their knowledge is with my Lord, in a Book. My Lord neither makes any error nor forgets.” (20:52).

Furthermore, this opinion is futile since the absence of deputies throughout the earlier times is evident, and this negates the requirement of appointing a representative by the Imam during the period of occultation. As for the verse, it is not related to what we are discussing, since the Pharaoh sought to dismiss the truthfulness of Musa (‘a) by claiming that if there was a God, how could He have abandoned the people of earlier generations without a messenger.

So Musa (‘a) replied that the knowledge of this goes back to Allah, the Glorified. Musa (‘a) did not claim that it was necessary to establish evidence for the people in every society and during every period; [if he had,] such an argument would have applied to this discourse as well.

Question 8

Q8) It is said that some of the erstwhile jurists opined that taqlid was invalid, such as al-Mufid in *Tashih I’tiqadat*,¹⁸ al-Shaykh al-Tusi in *al-Iqtisad*,¹⁹ and al-Muhaqqiq in *al-Ma’arij*;²⁰ so the matter is one wherein scholars differ.

Answer

The three great scholars mentioned were actually talking about the impermissibility of taqlid in fundamentals of faith (*usul al-din*). The statement by al-Muhaqqiq in *al-Ma’arij*, explicitly makes this distinction. As for al-Mufid and al-Tusi, their discussion was pertaining to taqlid in fundamentals of religion, and both of them wrote practical manuals of laws for the people.

They even composed books in which they answered questions [on religious laws] posed by the people, and this demonstrates their belief in the validity of ijthad and taqlid. In fact, al-Tusi explicitly states in his work *al-Uddah*, that taqlid in religious praxis is permitted and he says that this has always been the practice of the Shi’ah from the time of Amir al-Mu’minin (‘a), as we have clarified in our detailed discussion.

Question 9

Q9) It is said that referring to jurists brings about differences between members of the community in religious matters, and such differences and divisions are dispraised, just as Amir al-Mu’minin (‘a) says in some of his sermons in *Nahj al-Balaghah*.

Furthermore, al-Saduq has narrated in *Ma’ani al-Akhbar*, from Abi ‘Abdillah (‘a), that the meaning of what has been narrated from the Holy Prophet (S) that “the *ikhtilaf* (lit. differences) of my ummah is a blessing” is actually referring to frequently visiting (*ikhtilaf*) the Prophet by the people in order to learn

about religion from him (S). So the actual meaning of the word '*ikhtilaf*' in this narration is to go and visit, not differences between the people.[21](#)

Answer

Looking at all the texts that are related to the subject, we note that differences are of two types: blameworthy differences and legitimate differences. As for the blameworthy differences, they arise from disregard for evidence from the Book of Allah, the Glorified, the Sunnah of His Prophet (S), and the teachings of the Ahl al-Bayt ('a).

The legitimate differences are those that are unavoidable for the people due to differences in evidence and the varying levels of understanding and intelligence among the people. It is for such instances that we find some traditions stating that in specific cases, when two conflicting reports reach us, we are permitted to act on either one out of submission.

Question 10

Q10) It is said that al-Hurr al-'Amili dedicated a complete chapter in *Wasa'il al-Shi'ah* under the heading 'On the impermissibility of taqlid of a non-infallible', wherein he mentions a large number of narrations that forbid the taqlid of a non-infallible.

Al-Nu'mani, the author of *al-Ghaybah*, has also issued a statement rejecting the practice of analogy and ijtihad in [religious] opinions and censuring differences in religion. Al-Sayyid [al-Shahid] al-Sadr also mentions some of the statements of the erstwhile scholars against the practice of ijtihad.

Answer

The author of *al-Wasa'il* devoted a chapter on the impermissibility of taqlid of a non-infallible regarding what one says out of [subjective and personal] opinion, and what is not in accordance to the teachings of the infallibles ('a). Our discourse here is on taqlid of jurists in what they opine based on the Book of Allah and the Sunnah, and not on their subjective opinions that are based on things like analogy or subjective preference. We have already clarified how the traditions that speak of this do not go beyond this meaning.

Similarly, the statement by al-Nu'mani censuring ijtihad is aimed at the meaning of the term that was prevalent at that time, namely deriving religious rulings from sources other than the Qur'an and Sunnah, such as analogy etc. That is also what is meant by what al-Sayyid al-Sadr quotes of the words of erstwhile scholars, as he has himself explained in *al-Ma'alim al-Jadidah*. It is surprising for one to use what he has quoted as evidence without paying any attention to his explanation about what was meant by "ijtihad" by the erstwhile scholars.

This is the end of what we have been able to prepare of this short summary. We have clarified most of

these issues at greater length in our detailed discussions, and accomplishment is through [the help of] Allah.

-
- [1.](#) Wasa'il al-Shi'ah, 18/41, h. 52. 
 - [2.](#) Rijal al-Najashi, 10. 
 - [3.](#) Wasa'il al-Shi'ah, 11/482, h. 2. 
 - [4.](#) Rijal al-Najashi, 446. 
 - [5.](#) Rijal al-Najashi, 447. 
 - [6.](#) Al-Dhari'ah, 2/796–797. 
 - [7.](#) Al-'Uddah fi Usul al-Fiqh, 2/730. 
 - [8.](#) Al-Kulayni has mentioned, in the chapter on inheritance, a number of religious rulings by Yunus ibn 'Abd al-Rahman who was a companion of Imam al-Kazim and al-Ridha' ('a) (See: al-Kafi, 7/115, 118, 121, 145, 164) and al-Fadl ibn Shadhan, who is from the generation of the companions of Imam al-Jawad and al-Hadi ('a) (See: al-Kafi, 7/88, 95, 105, 116–118, 120, 142, 148, 161). Similarly, al-Saduq has narrated some of the religious rulings of Fadl ibn Shadhan and disagreed with him in others (See: Man La Yahduruhu al-Faqih, 4/270, 275, 276, 286, 292–293, 295, 320). Al-Shaykh al-Tusi has related the rulings of a group of our scholars who were contemporaries of the Imams ('a), such as Ja'far ibn Sama'ah (See: Tahdhib al-Ahkam, 8/58). In many narrations, we find people asking the scholars about religious laws, and they reported this to the Imams ('a) but the Imams never forbade them from seeking religious rulings [from the scholars]. However, sometimes they agreed with the rulings that were given [by the scholars] and at other times they gave different rulings (See: Wasa'il al-Shi'ah, 2/614, h. 11; 1017, h. 2; 4/967, h. 8; 6/349, h. 4; 8/118, h. 9; 176, h. 19; 178, h. 9, 239, h. 6; 9/125, h. 3; 210, h. 6; 295, h. 2; 10/227, h. 2; 13/419, h. 2; 14/165, h. 7; 15/319, h. 29 for example). 
 - [9.](#) Tashih l'tiqadat al-Imamiyyah, 72. 
 - [10.](#) See: Taj al-Lughah wa Sihah al-'Arabiyyah, 2/527 and Mu'jam Maqayis al-Lughah, 5/19. 
 - [11.](#) Wasa'il al-Shi'ah, 18/16, h. 29. 
 - [12.](#) Wasa'il al-Shi'ah, 18/29, h. 26. 
 - [13.](#) See: al-Kafi, 1/377, h. 3; 397, h. 1; 2/19–20, h. 6 and Thawab al-A'mal, 205. 
 - [14.](#) 'Aqa'id al-Imamiyyah, 84. 
 - [15.](#) 'Aqa'id al-Imamiyyah, 88. 
 - [16.](#) This is a grave mistake that is generally recognized by the experts, because there are many traditions that talk about the allowance of [using] khums (on war booty, including slaves) for the Shi'ah, so that their progenies may be pure. This is because the Ahl al-Bayt ('a) had a right to the booty that was won by the caliphs of that time in their wars with non-Muslims, but the government would not pay them anything. So the Imams made their share of the booty and slaves, which was their right, permissible for the Shi'ah for the latter's benefit, from the time of Imam 'Ali ('a), to the time of Imam al-Sadiq ('a), and up to the time of Imam al-Mahdi (may Allah hasten his reappearance). It is not something that is specific to the period of occultation. There are many narrations about this, and this letter also refers to the same permission. We understand this due to the cause mentioned in it, namely: so that their progenies may remain pure. This has no connection at all to the khums that is to be paid on profits accruing from business, and there are other proofs for this, which we cannot go into here [in the interest of brevity]. 
 - [17.](#) Al-Kafi, 1/53, h. 1. 
 - [18.](#) Tashih l'tiqadat al-Imamiyyah, 73. 
 - [19.](#) Al-Iqtisad, 10–11. 
 - [20.](#) Ma'arij al-Usul, 199. 
 - [21.](#) See: Ma'ani al-Akhbar, 157. 

Glossary of Terms

‘adl: justice – one of the fundamentals of faith is the belief that God is just and fair.

ahl al-kalam: lit. people of dialectics – these were a group of scholars who lived in the 2nd century (AH) who engaged in speculative theology and usually held views opposing those of the hadith scholars of their time (the partisans of hadith or *ahl al-hadith*).

akhbari: a group of Imami scholars who generally accepted all the traditions in the hadith corpus as authentic. They also rejected *ijtihad* and *taqlid* in the sense of following the rulings of a jurist.

‘alim (*pl. ulama*): lit. learned – one who is well versed in his subject and has gained expertise in it using the means that are available.

al-khul’: a procedure through which a woman may divorce her husband by returning from the dower (*mahr*) or something else that she received from her husband, as agreed upon.

al-kutub al-arba’ah: the four canonical Shi’i hadith collections namely, *al-Kafi*, *al-Faqih*, *al-Tahdhib* and *al-Istibsar*.

al-marwah: one of the two small hills now located in Masjid al-Haram in Makkah.

al-masalih al-mursalah: consideration of public interest – where the requisites of what is in the best interest of the public is gauged and a religious ruling is issued based upon that.

al-safa: one of the two small hills now located in Masjid al-Haram in Makkah.

al-sayhah: the loud cry that will be heard from the heavens during the end times.

al-sunnah al-taqriyyah: tacitly approved practices i.e. those that the infallibles (‘a) saw but did not object to.

al-umur al-hadsiyyah: conjectural matters that relate to contemplation, reflection and deduction as opposed to those that are perceived by the five senses.

ashab al-ra’y: lit. the people of opinion. This consisted of a group of scholars in the 2nd century (AH) who based their rulings on subjective opinion or devices such as analogy, juristic preference etc.

‘asr prayers: these are evening prayers offered between midday and sunset.

awliya' (of Allah): chosen servants who are close to Allah.

bulugh: maturity or puberty. An individual is deemed fully responsible in Islamic law from this age.

dalil 'aqli: intellectual evidence based on logic.

dalil 'uqala'i: rational evidence based on the collective understanding of reasonable people, in other words, common sense.

daruriyat: the foundational necessities of religion or of a specific school of thought.

dawaran al-amr bayn mahdhurayn: a matter that oscillates between two risks or hazards.

dhuhr (prayers): midday prayers.

faqih: lit. learned scholar. This term is now used specifically to refer to the scholar of jurisprudence (*fiqh*).

farsakh: a measure of distance equivalent to approximately 5.5 kilometers or 3.4 miles.

fatwa: religious ruling or edict by a jurist.

fiqh: jurisprudence and Islamic law.

furu' al-din: lit. branches of religion. This term refers to all matters pertaining to religious praxis and practical laws.

ghuluw: exaggeration in the status of the infallibles up to a point of considering them divine.

hadith (pl. ahadith): narrations of infallibles that contain their teachings, practices and tacit approvals which form the basis of the *sunnah*.

hajj: pilgrimage to Makkah which is obligatory once in a lifetime for every capable Muslim. There are different types of *hajj* such as *hajj al-tamattu'*, which is performed by Muslims who reside further than 88 kilometers away from Makkah and *hajj mufrida*, which is performed by Muslims who reside closer.

halal: lawful or permissible.

haram: unlawful or prohibited.

hawza [ilmiyya]: the religious seminary where scholars are trained in religious sciences.

hijrah: the migration of the Prophet (S) from Makkah to Madinah.

hujjiyat al-khabar al-mawthuq bih: the probative value of the report that is considered to be reliable.

hujjiyat al-zuhur: the probative nature of the apparent meanings of verses, traditions and reports in

general.

hujjiyat khabar al-thiqah: the probative value of a reliable person's report.

hujjiyat qawl ahl al-khibrah: the probative value of the opinion of one who knows or has expertise.

'ibadat: acts of worship that are prescribed in religion.

ifta': the act of issuing edicts and fatwas.

ihram: state of ritual consecration for pilgrims during *hajj* and *'umrah*.

ihhtiyat: precaution in religious praxis which usually entails finding out all the possible rulings and then opting for the most difficult ruling that would ensure compliance with all the other possible rulings.

ijtihad: the practice of deriving religious laws from the primary sources.

'ilm al-rijal: the science of appraisal of narrators for the purpose of establishing their reliability.

'ilm al-usul: legal theory; a science that deals with principles of jurisprudence.

imam: lit. leader – but also used to refer to the twelve divinely appointed infallible successors of the Prophet (S), the last of whom is commonly referred to as Imam al-Hujjah.

imamah: belief in the divinely appointed imams as successors to the Prophet (S).

imami: Twelver Shi'ah (*ithna'ashariyya*).

imda'iyyah: endorsed laws as opposed to foundational laws.

isti'ab: covering every possible religious ruling.

istihsan: preference exercised by a jurist based on subjective reasoning.

ita'ah: obedience to one who has authority.

ittiba': compliance, obedience and following.

jahiliyyah: 'age of ignorance' – the period before the advent of Islam in Arabia.

jihad: lit. struggle; also used to mean fighting in battle for the sake of Allah.

khums: the obligatory one-fifth alms-tax in Islamic law.

madhhab: school of thought, sect or religious denomination.

madrasat al-ra'y: lit. the school of opinion – an early theological and legal school (see: *ashab al-ra'y*).

makruh: detested or disapproved action for which one will not, however, be punished.

maraji' al-taqlid: sources of emulation – a jurist who has the required qualifications to be followed in matters of Islamic jurisprudence.

masjid: also in English – the place of prayer and worship for Muslims.

miqat (pl. *mawaqit*): the specific location(s) where it is permissible to don the *ihram* for *hajj*.

mubayyan: elucidated and clarified traditions that can also clarify the meaning of other abstract traditions.

mufti: a jurisconsult who issues religious edicts and rulings (fatwa).

muhkam: decisive – refers to Qur'anic verses and traditions whose meanings are so clear that no other meaning can be assigned to them.

mujmal: abstract or ambiguous – traditions that need clarification.

mujtahid: a jurist who has attained the level of *ijtihad* that qualifies him as an authority on Islamic law.

mukallaf: someone who is legally obliged to fulfill religious duties according to Islamic law.

muqallid (pl. *muqallidin*): follower of a *mujtahid* i.e. one who does his *taqlid*.

murji'ah: an early school of Islamic theology that advocated the idea of the deferred judgment of peoples' belief. They held that only God has the authority to judge who is a true Muslim and who is not, and that Muslims should consider all other Muslims as part of the community.

mursal: a *hadith* with an incomplete chain of transmitters or one lacking a chain altogether.

mustafidh: copiously narrated traditions, but not to the level of *mutawatir*.

mutashabih: allegorical – it refers to a verse or tradition which might have a variety of possible meanings.

mutawatir: a successively narrated tradition that has been relayed by a group that is so large (and varied) that it precludes the possibility of their colluding to forge or fabricate the information; this therefore leads to certainty about the veracity of that tradition.

nubuwwah: divinely appointed prophethood – one of the fundamental beliefs of Islam.

qara'in: substantiations or clues that are usually employed as corroborating evidence.

qiyas: analogy and analogical inference applied in the interpretation of points of Islamic law not clearly

covered in the Qur'an or Sunnah.

ra'y: lit. opinion; but used mainly to refer to subjective opinion.

rijal: narrators of *hadith*, be they male or female.

risalah 'amaliyyah: manual of Islamic laws prepared by a jurist who is the source of emulation (*marja' taqlid*).

sa'i: running or walking between al-safa and al-marwah.

sha'a'ir: religious symbols, such as the animals offered for sacrifice during *hajj*, or the mounts of *al-safa* and *al-marwah*.

shari': Lawgiver – the Almighty.

shari'ah: Islamic canonical law based on the teachings of the Qur'an and the Sunnah.

shi'ah (or shi'i): the school of thought that believes in the Ahl al-Bayt ('a) as successors to the Prophet (S).

sirah: conduct and behavior – also used to denote the history of the Prophet (S).

sirat al-uqala': the understanding and conduct of reasonable people [prevalent in a particular age].

sufi: a term used to describe mystics and sages among the Muslims.

sunnah: practices formulated through the words, actions and tacit approvals of infallibles.

tabaqah: a generation of narrators or scholars.

takbir: the proclamation of God's greatness by saying "*Allahu Akbar*."

talbiyah: the recitation, especially during *hajj*, of "*Labbayk Allahumma Labbayk...*" which means "O Allah, I have come to You and I am responding Your call. You have no partner. Verily, all praise and blessings and sovereignty is Yours. You have no partner. I am responding Your call!"

taqiyyah: dissimulation for the purpose of protecting one's life, honor or property.

taqlid: following a jurist in matters of Islamic law without questioning him about his evidence.

ta'sisiyyah: foundational laws – those that have been particularly prescribed in religion through instruction.

tawaqquf: to halt the practice of anything until one is certain about it.

tawhid: the oneness of God – a fundamental belief of Islam and all monotheistic religions.

ummah: the Muslim community at large.

‘umrah: minor pilgrimage – similar to the *hajj* in some ways but recommended, not obligatory.

usul al-din: fundamentals of religion – the primary beliefs that form part of the Islamic creed namely, belief in one God, divinely appointed Prophets and the Day of Resurrection.

wudu’: ablution which is usually performed before acts of worship such as prayer, circumambulation of the Ka’bah etc.

zakat: alms-tax – usually refers to obligatory alms-tax, but not always.

[1] [1]

SHARES

Source URL: <https://al-islam.org/discourse-taqlid-sayyid-muhammad-baqir>

Links

[1] <https://www.addtoany.com/share>

[2] <https://al-islam.org/person/sayyid-muhammad-baqir>

[3] <https://al-islam.org/printpdf/book/export/html/216560>

[4] <https://al-islam.org/printepub/book/export/html/216560>

[5] <https://al-islam.org/printmobi/book/export/html/216560>

[6] <https://al-islam.org/person/abu-zahra-muhammadi>

[7] <https://al-islam.org/tags/taqlid>

[8] <https://al-islam.org/tags/rulings-ahkam>

[9] <https://al-islam.org/tags/beliefs>