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Article

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By Saleem Bhimji

As it is well known, during the time of our Prophet Muhammad, he was the sole authority in religious and political issues and all questions and enquiries about the religion or matters dealing with the community had to be forwarded to him or one whom he directly placed in authority (by the orders of Allah of course).

With his passing away, the chain of legitimate successors (the 12 A'imma) started. The first of the explicitly appointed leaders was the Commander of the Faithful Ali Ibn Abi Talib (a.s) culminating with the final rightful successor of the Prophet being our 12th Imam, Al Hujjah Ibn Al Hassan Al Askari (a.s).

The Imamah of the 12th Imam was quite different than that of the previous 11 A'imma since he was, by the wisdom of Allah (s.w.t) required to go into two separate and distinct occultations. His minor occultation lasted for a little over 70 years, during which time he was represented by four Specific Representatives (Naib-e-Khass) whose duties were to forward questions on various day to day issues from the Shi'a to their living Imam, to collect the various funds (Khums, Zakat, etc..) and distribute them as the Imam saw fit as well as other duties.

After the death of the fourth Representative in the year 328 Hijri, the doors of specific representation were closed. However, the guidance from Allah (s.w.t) did not stop and according to the directive issued to the Shi'a directly by the 12th Imam, we were to follow those Fuqaha (Scholars) who: "...guard their soul, protect their religion, who follow the commandments of their Master (the Prophet and A'imma)..." and thus, this responsibility has been placed on the shoulders of our true Scholars (the Mara'ja Taqleed).

Our discussion in this short article is about the history and proof that the Mara'ja Taqleed are our sources of emulation during the occultation of our 12th Imam (a.s).

A. Words Used in this Discussion

[فتوى] – **Fatawa:** This word has many meanings but is commonly used in the meanings of: making something clear, explaining something and giving the answer to something. Its use can be seen in the

following chapters of the Qur`an: Surah Al-Nisa (4) – Verse 176, Surah Yusuf (12) – Verse 46, Surah Al-Naml (27) – Verse 32, Surah Al-Kahf (18) – Verse 22.

[فقيه] – **Fiqh**: This word literally means to have a deep understanding through thought and contemplation and this is how it is used in the Quran and the Ahadith.

[فقيه] – **Faqih**: The person who possesses a deep understanding of Islam and is able to extract the laws of Islam from their sources is referred to with this title.

[إجتihad] – **Ijtihad**: The process by which a scholar extracts the laws of Islam from their four primary sources: the Quran, Sunnah, Ijma and Aql.

[مقلد] – **Muqallid**: The person who is performing Taqleed or following the Scholar.

[مقلد] – **Muqallad**: The person who we are following (the Marja).

[تقليد مرجع] – **Marja Taqleed**: The person whom we are following.

[تقليد مراجع] – **Maraja Taqleed**: Plural of above.

[مجتهد] – **Mujtahid**: The person who has reached to the level of Ijtihad or the ability to extract the laws of Islam.

[تقليد] – **Taqleed**: To follow someone and in our discussion it refers to following a person in Islamic legislations.

B. Meaning of Taqleed

Comes from the Arabic root word [قَلَدَ] [يَتَقَلَّدُ] [تَقْلِيدٌ] in the meaning of following one thing.

- Taqleed does not mean “blind following” – rather, it simply means that since we are not able to extract the laws of Islam from the sources, we follow the person who has this ability.
- We are not obligated to perform Taqleed, rather as the scholars and the Ahadith tell us, our first option is to become a Mujtahid ourselves. Since this may not be possible for everyone, we can then perform Ihtiyat (Precaution) in all areas. This too is difficult so thus, as a last resort, we refer to an expert who has the ability to guide us to our responsibility.

C. Logical Proof for Taqleed

Just as in any sphere of our lives, we refer to the experts to solve our problems since we cannot be an authority in every aspect.

In matters such as engineering, medicine, optometry, car repair, etc. The religious interpretations and

rulings is no different and thus, logic tells us that if we are not at the level of understanding the Shariah, we must ask those who have reached to that stage.

D. Quranic Proof for Taqleed

Many verses that give us a general and specific commandment to ask those who have more knowledge if we do not know.

1. The verse of the Ahlal Dhikr:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

“So then ask the people of the reminder if you do not have any knowledge.”

Repeated twice in the Qur`an in two contrasting meanings, once in Surah Al-Anbiyah, Verse 7 and again in Surah Al-Nahl, Verses 43. The first verse is in regards to the non-Muslims that they should ask those who were sent with the Message if they are in doubt in regards to the Prophet of Allah (blessings of Allah be upon him and his family).

2. The second example is a direct announcement to the Believers where it says:

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رِجَالًا نُوحِيَ إِلَيْهِمْ ۚ فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

بِالْبَيِّنَاتِ وَالزُّبُرِ ۚ وَأَنْزَلْنَا إِلَيْكَ الذِّكْرَ لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ وَلَعَلَّهُمْ يَتَفَكَّرُونَ

“And we did not send any Apostle before you (O’ Muhammad) except that they too were but (mortal) men to whom We granted inspiration: if you realize this not ask of those who possess the Message. (We sent them) with Clear Signs and Books of prophecies; and We have sent down unto you (also) the Message; that you may explain clearly to men what is sent for them so that maybe they make ponder upon this.”

Those who are to explain the Quran and in turn the Islamic laws and beliefs are none other than the Prophet and his rightful successors (the 12 A’immah from the family of the Prophet) and then in their absence, those whom they place in authority over us to perform this task (the Ulama).

3. The Verse of Tafaqqah:

وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً ۚ فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ

“It is not right that the true believers in Islam all go forth (to the battle field to fight a defensive battle) – rather, why does not a group from amongst them go forth to become specialists in religious learning (develop Tafaquh in the Din) and after completing their studies, return back to their own community and warn them (so that they will have fear of Allah)?” [1](#)

This verse shows that a group of people must go forth to gain a deep understanding of the religion. Upon returning from studies and upon the others returning home, the others are told to refer to them to learn the religion.

E. Narrated Proof (Ahadith) for Taqleed

Numerous Ahadith in regards to the general and specific application of Taqleed have been narrated, specifically the following two:

1. It has been narrated from our 12th Imam, Al-Hujjah (may Allah hasten his return) that he has stated:

قال الإمام الحجة القائم (عجل الله تعالى فرجه الشريف). أما الحوادث الواقعة فارجعوا فيها

إلى رواية حديثنا فإنهم حجتي عليكم و أنا حجة الله

Imam Al-Hujjah Al-Qa'im (may Allah hasten his return) has said: “As for those events that will occur in the future, (for the answer on how to deal with them), refer to those people who narrate our sayings (Ahadith) since surely they (the ‘Ulama) are my proof over you and I am the proof of Allah.”

2. Second Hadith that verifies the permissibility of Taqleed²:

أحمد بن علي بن أبي طالب الطبرسي في الإحتجاج عن أبي محمد العسكري عليه السلام في قوله تعالى (فويل للذين يكتبون الكتاب بأيديهم ثم يقولون هذا من عند الله) قال هذه لقوم من اليهود. و قال رجل للصادق عليه السلام إذا كان هؤلاء العوام من اليهود لا يعرفون الكتاب إلا بما يسمعون من علمائهم فكيف ذمهم بتقليدهم و القبول من علمائهم و هل عوام اليهود الا كعوامنا يقلدون علماءهم . فقال عليه السلام: بين عوامنا و عوام اليهود فرق من جهة و تسوية من جهة . أما من حيث الإستواء فإن الله ذم عوامنا بتقليدهم علماءهم كما ذم عوامهم . و أما من حيث افترقوا فإن عوام اليهود كانوا قد عرفوا علماءهم بالكذب الصراح و أكل الحرام و الرشا و تغيير الأحكام و اضطروا بقلوبهم إلى أن من فعل ذلك فهو فاسق لا يجوز أن يصدق على الله و لا على الوسائط بين الخلق و بين الله. فلذلك ذمهم و كذلك عوامنا إذا عرفوا من علمائهم الفسق الظاهر و العصبية الشديدة و التكالب على الدنيا و حرامها فمن قلد مثل هؤلاء فهو مثل اليهود الذين ذمهم الله بالتقليد لفسقة علمائهم. فأما من كان من الفقهاء صائناً لنفسه حافظاً لدينه مخالفاً على هواه مطيعاً لأمر مولاه فللعوام أن يقلدوه و ذلك لا يكون إلا بعض فقهاء الشيعة لا كلهم . فإن من ركب من القبائح و الفواحش مراكب علماء العامة فلا تقبلوا منهم عنا شيئاً و لا كرامة و إنما كثر التخليط فيما يتحمل عنا أهل البيت لذلك لأن الفسقة يتحملون عنا فيحرفونه بأسره لجهلهم و يضعون الأشياء على

غير وجهها لقلّة معرفتهم و آخرون يتعمدون الكذب علينا الحديث

It has been narrated from Ahmad Ibn Ali Ibn Abi Talib Al-Tabrisi in Al-Ihtijaj from Abi Muhammad Al-Askari (a.s) in regards to the words of Allah (s.w.t), “So then woe be to those people who write The Book with their own hand and then say to other that this is from Allah.” The Imam (a.s) said, “This verse was in regards to a group from amongst the Jews.”

A man said to Imam As-Sadiq (a.s), “If this verse is about a group of people from amongst the Jews who did not know The Book (the revealed book from Allah) except through hearing it from their own Ulama (scholars) so how then is it possible for them to be castigated for following them and for accepting their Ulama. In addition, are not then the common folk from amongst the Jews similar to the common people from amongst us (the Muslims) who perform Taqleed (follow) their scholars?”

The Imam (a.s) replied, “Between the common people from amongst us (the Muslims) and the common people of the Jews, there is a stark difference in one respect and also one similar trait in another respect. As for the similar trait that is shared, so then surely Allah has also castigated our common people (the Muslims) who perform Taqleed (follow) their scholars (blindly) just as He has castigated the Jews. And as for the difference between the two, so then surely the common people amongst the Jews knew that their Scholars were prone to openly speak untruths and used to eat that which was forbidden for them and used to take bribes and also used to alter the practical rulings of the faith and their hearts were sent a warning that anyone from amongst them who would perform these acts would be a Fasiq (an open sinner) and that it was not permitted for him (the scholar from amongst the Jews) to speak the truths about Allah and it was also not permissible for them to act as intermediaries between the creations and Allah and thus because of this, they were castigated. Similarly are our common people (from amongst the Muslims), if they recognize open and blatant transgressions being performed by their Ulama (scholars) and strong forms of discrimination and prejudice and an attraction to the material word then whoever follows such people (does their Taqleed) will be similar to the Jews whom Allah had castigated who used to follow the transgressions of their scholars.”

“So then however, as for the Fuqaha who protect their own soul, who safeguard their religion, who go against the desires and passions of their lower desires and who are obedient to the command of their Mawla, then it is permissible for the common people to perform Taqleed (follow them in religious issues) and this state is not found except in some of the Fuqaha of the Shi’a – not all of them.

So then surely those who committed some sins and vulgar acts in a similar way that have been committed by scholars of the general stream (The Ulama of the Ahl As-Sunnah) – do not accept anything from them that they relate from us nor show them any respect. The mixed messages (Ahadith) that been related claiming to be from us (Ahlul Bait) have increased, therefore the immoral people take from us and change it completely because of their ignorance and they put things differently because of their lack of knowledge. Others deliberate to lie about us.”

Thus, this hadith makes it clear whom we are and whom we are not permitted to make Taqleed of.

Taqleed: Following a Mujtahid

1. It is necessary for a Muslim to believe in the fundamentals of faith with his own insight and understanding, and he cannot follow anyone in this respect i.e. he cannot accept the word of another who knows, simply because he has said it. However, one who has faith in the true tenets of Islam, and manifests it by his deeds, is a Muslim and Mo'min, even if he is not very profound, and the laws related to a Muslim and a Mo'min will hold good for him.

However in matters of religious laws, apart from the ones clearly defined or ones which are indisputable, a person must:

- either be a Mujtahid (jurist) himself, capable of inferring and deducing from the religious sources and evidence;
- or if he is not a Mujtahid himself, he should follow one, i.e. he should act according to the verdicts (Fatwa) of the Mujtahid;
- or if he is neither a Mujtahid nor a follower (Muqallid), he should act on such precaution which should assure him that he has fulfilled his religious obligation.
- For example, if some Mujtahids consider an act to be haram, while others say that it is not, he should not perform that act. Similarly, if some Mujtahid consider an act to be obligatory (Wajib) while others consider it to be recommended (Mustahab), he should perform it.

Therefore, it is obligatory upon those persons who are neither Mujtahids, nor able to act on precautionary measures (Ihtiyat), to follow a Mujtahid.

2. Taqleed in religious laws means acting according to the verdict of a Mujtahid. It is necessary for the Mujtahid who is followed, to be male, Shia Ithna Asheri, adult, sane, of legitimate birth, living and just (Adil). A person is said to be just when he performs all those acts which are obligatory upon him, and refrains from all those things which are forbidden to him.

And the sign of being just is that one is apparently of a good character, so that if enquiries are made about him from the people of his locality, or from his neighbours, or from those persons with whom he lives, they would confirm his good conduct.

And if one knows that the verdicts of the Mujtahids differ with regard to the problems which we face in everyday life, it is necessary that the Mujtahid who is followed be A'lam (the most learned), who is more capable of understanding the divine laws than any of the contemporary Mujtahids.

3. There are three ways of identifying a Mujtahid, and the A'lam:

- When a person is certain that a particular person is a Mujtahid, or the most learned one. For this, he should be a learned person himself, and should possess the capacity to identify a Mujtahid or an A'lam;
- When two persons, who are learned and just and possess the capacity to identify a Mujtahid or the A'lam, confirm that a person is a Mujtahid or an A'lam, provided that two other learned and just persons do not contradict them. In fact, being a Mujtahid or an A'lam can also be established by a statement of only one trusted and reliable person;
- When a number of learned persons who possess the capacity to identify a Mujtahid or an A'lam, certify that a particular person is a Mujtahid or an A'lam, provided that one is satisfied by their statement.

4. There are four ways of obtaining the verdicts of a Mujtahid:

- When a man hears from the Mujtahid himself.
- When the verdict of the Mujtahid is quoted by two just persons.
- When a man hears the verdict from a person whose statement satisfies him.
- By reading the Mujtahid's book of Masail, provided that, one is satisfied about the correctness of the book.

5. As long as a person is certain that the verdict of the Mujtahid has not changed, he can act according to what is written in the Mujtahid's book. And if he suspects that the verdict might have been changed, investigation in that matter is not necessary.

6. If an A'lam Mujtahid gives a fatwa on some matter, his follower cannot act in that matter on the Fatwa of another Mujtahid. But if he does not give a Fatwa, and expresses a precaution (Ihtiyat) that a man should act in such and such a manner, for example if he says that as a precautionary measure, in the first and second Rak'at of the Salat he should read a complete Surah after the Surah of Hamd, the follower may either act on this precaution, which is called obligatory precaution (Ihtiyat Wajib), or he may act on the Fatwa of another Mujtahid who it is permissible to follow.

Hence, if he (the second Mujtahid) rules that only Surah Hamd is enough, he (the person offering prayers) may drop the second Surah. The position will be the same if the A'lam Mujtahid expresses terms like Ta'mmul or Ishkal.

7. If the A'lam Mujtahid observes precaution after or before having given a Fatwa, for example, if he says that if Najis vessel is washed once with Kurr water (about 388 litres), it becomes ritually pure, although as precautionary measure, it should be washed three times, then his followers can abandon acting according to this precaution. This precaution is called recommended precaution (Ihtiyat Mustahab).

8. If a Mujtahid who is followed by a person dies, his category will be the same as when he was alive. Based on this, if he is more learned than a living Mujtahid, the follower who has a general notion about the variation in the day to day Masail, must continue to remain in his Taqleed. And if the living Mujtahid is more learned, then the follower must turn to him for Taqleed.

The term Taqleed used here implies only an intention to follow a particular Mujtahid, and does not include having acted according to his Fatwa.

9. It is obligatory for a follower to learn the Masail which if he thinks that due to not learning, he will fall into sin, meaning that he will not perform a Wajib act or will perform a Haram act, then he must learn those rulings.

10. If a person faces a problem whose rule is not known to him, it is necessary for him to exercise precaution or to follow a Mujtahid according to the conditions mentioned above.

But if he cannot obtain the ruling of an A'lam Mujtahid on that matter, he is allowed to follow a non-A'lam Mujtahid, keeping in mind the principal of following the next knowledgeable after the most knowledgeable.

11. If a person relates the Fatwa of a Mujtahid to someone, and then that Fatwa is changed, it is not necessary for him to inform that person about the change.

But if he realizes after having related the Fatwa that he had made an error, and the error would lead someone to contradicting the laws of Shari'ah, then as an obligatory precaution, he must do his best to rectify the error.

12. If a person performs his acts for some time without Taqleed of a Mujtahid, if the acts that he performed were in accordance with reality (what the ruling truly was) or they were according to the Fatawa of a Mujtahid who at the present time, he is able to refer to as a Marja , then his actions will be correct, otherwise, he was a Jahil Qasir (meaning that he was not intentionally ignorant of his responsibility) and any lapse in his actions such as the foundation of the actions and others were not his fault, and thus, his actions will all be considered as correct.

The same rule applies for the person who was a Jahil Muqassir who one who was intentionally ignorant of his responsibility and his lapses in actions was due to the fact that he was ignorant of what to do, so then in examples such as reciting the Salat out loud when it should have been recited quietly or vice-versa and other such examples, his actions would be correct.

In addition, if the person does not know the actual method of performing the actions that he had performed in the past, then they are counted as being correct except for in certain instances, which have been mentioned in Minhaj (our Arabic Risalah).

2. Wasa Il Ash-Shi'a, Volume 27, Page 131, Section on the Impermissibility of performing Taqleed of a Non-Ma'sum person, Hadith 33401.

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