

Introduction to Taqlīd

By Sayyid Muḥammad Rizvi

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Some General Terms

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

Iḥtiyāt wājib - precautionarily obligatory. Its significance is the same as that of wājib with the difference that in the problems where a mujtahid says it is “precautionarily obligatory”, one has the option of leaving his taqlīd (following) in this particular problem and following the rulings of the second-best mujtahid in that problem.

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

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

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

Ja'iz, Halal, Mubah - permitted, allowed, lawful, legal. The acts or the thing which are permitted and lawful. There is no reward for performing it and no punishment for neglecting it,

e.g., drinking tea. Mubah is exclusively used for lawful things, not for permitted actions.

1. What is taqlid?

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

Man’s nature dictates that he can only function properly within a society, and a society depends for its existence on laws and regulations. Islām teaches that Allāh has sent a series of messengers and prophets with divine laws for man’s guidance from the very beginning of his existence. The final Messenger and Prophet was Muḥammad bin ‘Abdullāh ﷺ who brought the last and most perfect of God’s religious messages, Islām, which is to serve as a guide for mankind till the end of time.

Allāh is the Creator of man and the universe, and so only He can, or has the right, to make laws for us. The prophets and messengers are merely the teachers and proclaimers of Allāh’s laws and regulations; they cannot make laws themselves. The teachings of Shī’ah Islām say that the Imām is the successor of the Prophet and acts as the preserver and interpreter of Islām and its divine law, the shari’ah. In the earliest period of Islāmīc history, the Prophet guided the Muslim community (ummah) in every step it made, and was there to solve all its difficulties. From the time of the first Imām, ‘Alī, until the death of the eleventh, the Imām Ḥasan al-‘Askari, peace be upon them, the

Shi'ah received guidance directly from the Imams. Then, during the period of the Lesser Occultation (al-ghaybatu 's-sughra) of the Twelfth Imam, he himself successively appointed four representatives¹ who acted as the link between the Imam and his Shi'ahs. However, when the present Imam, peace be upon him, went into his Greater Occultation (al-ghaybatu 'l-kubra) in 329/941 in obedience to Allāh's command, the Shi'ah were obliged to observe taqlīd in their religious affairs.

2. Is taqlīd reasonable in a time of widespread education?

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

- a) that of an ignorant person by an ignorant person,
- b) that of a learned person by a more learned person,
- c) that of an ignorant person by a learned person,
- d) that of a learned person by a less learned person.

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

¹ These four representatives were: 'Uthman ibn Sa'id al-'Amri, from 260/875-6 to 265/879; Muhammad ibn 'Uthman al-'Amri, from his father's death until his own in 305/917; Husayn ibn Rawh an-Nawbakthi, from then until 326/937-8; and finally 'Ali ibn Muhammad as-Samari until his death in 329/940-1.

Someone who wishes to build a house explains the basic idea of what he wants to his builder and then submits to his advice as to how he should go about the actual construction; the invalid follows the treatment advised by his doctor; a litigant consults a lawyer when drawing up his case for presentation in court. The examples are abundant; in most cases the advice is taken voluntarily, but sometimes the citizen in a country may be required by law to seek expert advice and act upon it, before, for example, he is allowed to take some particularly dangerous drug. The clearest example is obviously in case of a legal dispute between two parties, where they are required to take their grievances before a judge and abide by his decision if they cannot settle their dispute amicably. The practice of taqlīd is an example of the same kind: the person who is not an expert in jurisprudence is legally required to follow the instructions of the expert, i.e., the mujtahid. And in this case the requirement is an obligation which must be observed, for it is an essential part of the divine law.

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

﴿ وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَىٰ مَا أَنزَلَ اللَّهُ وَإِلَىٰ الرَّسُولِ قَالُوا
حَسْبُنَا مَا وَجَدْنَا عَلَيْهِ آبَاءَنَا أُولَٰئِكَ كَانُوا لآبَائِهِمْ لَا يَعْلَمُونَ
شَيْئًا وَلَا يَهْتَدُونَ ﴾

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

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

﴿وَإِذَا قِيلَ لَهُمْ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا
أَلْفَيْنَا عَلَيْهِ آبَاءَنَا أَوْلَوْكَانَ آبَاؤُهُمْ لَا يَعْقِلُونَ شَيْئًا وَلَا
يَهْتَدُونَ﴾

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

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

﴿فَبَشِّرْ عِبَادِ الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ
أُولَئِكَ الَّذِينَ هَدَاهُمُ اللَّهُ وَأُولَئِكَ هُمْ أُولُوا الْأَلْبَابِ﴾

“So give thou (O Muhammad!) good tidings to My servants who give ear to the word and follow the fairest of it. Those are they

whom Allāh has guided; those are people possessed of minds.”
(39:17)

To summarize, it may be said that the only approach to Islām is by accepting its tenets in such a way as one is entirely convinced of their validity, and this can only come about if one examines them carefully and conscientiously. Once one has come to accept these tenets it follows as a necessary consequence that one must adhere to the shari’ah, either by following a mujtahid in taqlīd, or by undertaking the acquisition of learning and piety to such a degree that one becomes a mujtahid oneself.

3. Taqlīd in the Qur’an and ahadith

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

﴿ فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ ﴾

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

It is an obligation in Islāmic law to study everything which is necessary for the spiritual and material development and well-being of an Islāmic community, but it is an obligation which is known as wajib kifa’i.² In the present instance, for example, an Islāmic society has need of experts in the medical sciences, in physics and chemistry, engineering, education, and so forth,

² Wajib kifa’i = the obligation which is on every member of the community as long as it is unfulfilled, but as soon as some person, or persons, has fulfilled it, it is no longer an obligation on those who have not fulfilled it.

and as long as there is a lack of knowledge in these areas it is an obligation on the community as a whole to acquire it, which means that a group of Muslims should devote themselves to research so as to benefit the Islāmic people as a whole. Similarly, an Islāmic society without experts in the shari'ah cannot properly consider itself Islāmic, so it is an obligation for a group of persons from this society to devote themselves to the study of the religious sciences, so as to provide divine guidance for all Muslims. This is the meaning contained in the verse of the Qur'an which states:

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

“But why should not a party from every section of them (the believers) go forth to become learned in the religion, and to warn their people when they return to them, that they may beware?” (9:124)

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

‘Ali ar-Rida’ to solve disputes in their own districts.³ In a famous hadith, ‘Umar ibn Hanzalah asked Imam Ja‘far as-Sadiq, peace be upon him, about the legality of two Shi‘ahs seeking a verdict from an illegitimate ruler in a dispute over a debt or a legacy. The Imam’s answer was that it was absolutely forbidden to do so. Then Ibn Hanzalah asked what the two should do, and the Imam replied: “They must seek out one of you who narrates our traditions, who is versed in what is permissible and what is forbidden, who is well-acquainted with our laws and ordinances, and accept him as judge and arbiter, for I appoint him as judge over you. If the ruling which he based on our laws is rejected, this rejection will be tantamount to ignoring the order of Allāh and rejecting us is the same as rejecting Allāh, and this is the same as polytheism.”⁴

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

A third hadith is from the Present Imam, Muhammad al-Mahdi, peace be upon him, who said in a reply to Ishaq ibn Ya‘qub: “As far as newly occurring circumstances are concerned, you should turn (for guidance) to the narrators of our ahadith, for

³ Shaykh Hurr al-‘Amili, *Wasa’ilu ‘sh-Shi‘ah*, vol. 18, Tehran 1401 A.H., pp. 106-7.

⁴ Shaykh al-Kulayni, *Furu‘u ‘l-Kafi*, vol. 7, Tehran 1379, p. 412.

⁵ Shaykh at-Tabarsi, *al-Ihtijaj*, vo. 2, Najaf 1966, p. 263.

they are my proof over you just as I am Allāh's proof."⁶ We can understand two things from these verses of the Qur'an and the ahadith of the Imams: 1) there must always be a group of fuqaha' in every Muslim society; 2) those who are not qualified as fuqaha' or mujtahids, must follow one, and that to go against his instruction in religious matters is tantamount to polytheism.

4. The necessary conditions for qualification as amujtahid

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

As to the question of how an ordinary believer should discover who is the mujtahid he must follow, there are three recognized ways: 1) by his own personal knowledge if he is himself a religious scholar; 2) by the testimony of two 'adil, knowledgeable persons to someone's being a mujtahid; 3) by a degree of popularity which leaves no doubt as to a person's being a mujtahid.

Most present day 'ulama' maintain that it is most desirable to follow a mujtahid who is al-a'lam. In a general sense this means

⁶ Ibid, p. 283.

‘the most learned’, but in this specific contexts it means the faqih who has the greatest expertise in deriving the rulings of the shari‘ah from the sources. The a‘lam may be recognized in any of the three ways a mujtahid can.⁷ However, it is sometimes difficult for the Shi‘ah ‘ulama’ to distinguish whom among all the fuqaha’ is the most learned, and, as a result, more than one mujtahid may be followed in taqlid at one time (though not, of course, by the same person), as is the case at present, but any such multiplicity does not result in any practical disagreement on legal matters within the Shi‘ah community.

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

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

Take, for instance, the case of salatu ‘l-jum‘ah, the Friday prayer. All the Shi‘ah ‘ulama’ are of the opinion that in the time of the presence of the Imam this salat is obligatory on Fridays, because it is the Imam, or his representative, who has the right to call the people to Friday prayer; but they differ as to what is the correct course of action when the Imam is in Occultation. This difference of opinion does not, however,

⁷ For these and further rulings concerning the marja‘u ‘t-taqlid see Sayyid Muhammad Kazim at-Tabataba‘i al-Yazdi, al-‘Urwatu‘l-Wuthqa’, Tehran 1972 (published with the annotations of the contemporary maraji’), p. 5.

create any practical problem for the community. The late Ayatullah as-Sayyid Muhsin al-Hakim (d. 1970) was one of the opinion that salatu 'l-jum'ah is not obligatory during the Occultation of the Imam, but it does not matter if someone performs it supposing that it is expected (of him), provided that he also prays the noon prayer (Ṣalāt al-zuhr). Ayatullah as-Sayyid Abu 'l-Qasim al-Khu'i says that "one can choose between performing Ṣalāt al-zuhr or Ṣalāt al-jum'ah, but once the latter is established with all its conditions (fulfilled), it is precautionarily obligatory to participate in it." Ayatullah as-Sayyid Ruhullah al-Khumayni says that "one can choose between performing Ṣalāt al-zuhr or Ṣalāt al-jum'ah, but if one chooses the latter it is advisable (mustahab) to precautionarily perform Ṣalāt al-zuhr also."⁸ Although there are these differences in the opinions of these mujtahids, there is no clash that would, for example, prevent the follower (muqallid) of one of them participating in Ṣalāt al-jum'ah if it were established.

Secondly, it should be observed that the existence of differences in scientific opinions is not to be taken as a sign of a substantial defect in the quest for knowledge and a reason for abandoning it altogether; it is, rather, a sign that knowledge moves in progressive steps towards perfection. Differences of opinions are to be found in all sciences, not just in fiqh. There may, for example, be more than one opinion about the therapy for a particular patient's disease, and all of these opinions may be superseded later on by the development of new methods of dealing with that disease. Thus these observations can be seen

⁸ See their respective compilations of fatwas known as Tawdihu 'l-masa'il under rulings nos. 733, 737 and 741.

to be relevant not only to differences between the opinions of contemporary scientists but also to historical differences, and all these differences should be regarded as signs of the dynamism within a science and stages to be passed in its route to perfection.

It should be remembered that the mujtahid formulates his opinions after pushing his research and study as far as he can; that is all that is expected of him, for he is neither inerrant nor an 'alim bi 'l-ghayb (knower of the unseen). The muqallid is enjoined to follow his opinions. So, even if the mujtahid's fatwa is not actually in agreement with Allāh's real command, neither he will be punished on the Day of Judgement for having issued the fatwa, nor will his muqallid for having acted according to it, for both will have done what was commanded of them and what was humanly possible for them to do.

What is Taqlīd??

Meaning, History and Proofs of Taqlīd from the Qur ān and Sunnah

By Saleem Bhimji

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As it is well known, during the time of our Prophet Muḥammad ﷺ, 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 Allāh ﷻ of course). With his passing away, the chain of legitimate successors - the 12 A'immaḥ - started. The first of the explicitly appointed leaders was the Commander of the Faithful 'Alī ibn Abī Ṭālib ؑ culminating with the final rightful successor of the Prophet being our 12th Imām, Al-Ḥujjah ibn Al-Ḥasan al- Askarī ؑ.

The Imāmah of the 12th Imām was quite different than that of the previous 11 A'immaḥ since he was, by the wisdom of Allāh ﷻ 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 (Na'ib-e-Khass) whose duties were to forward questions on various day to day issues from the Shi'a to their living Imām, to collect the various funds (Khums, Zakāt, 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 Allāh ﷻ did not stop and according to the directive issued to the Shi'a directly by the 12th

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Imām, we were to follow those Fuqahā (Scholars) who: “...guard their soul, protect their religion, who follow the commandments of their Master (the Prophet and A’immah)...” and thus, this responsibility has been placed on the shoulders of our true Scholars - the Marā’ja Taqlīd.

Our discussion in this short article is about the history and proof that the Marā’ja Taqlīd are our sources of emulation during the occultation of our 12th Imām ﷺ.

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’ān: Sūrah al-Nisā (4) – Verse 176, Sūrah Yūsuf (12) – Verse 46, Sūrah al-Naml (27) – Verse 32, Sūrah al-Kahf (18) – Verse 22.

[فقه] - **Fiqh** - This word literally means to have a deep understanding through thought and contemplation and this is how it is used in the Qur’ān and the aḥādīth.

[فقيه] - **Faqīh** - The person who possesses a deep understanding of Islām and is able to extract the laws of Islām from their sources is referred to with this title.

[اجتهاد] - **Ijtihād** - The process by which a scholar extracts the laws of Islām from their four primary sources: the Qur’ān, Sunnah, Ijmā’ and ‘Aql.

[مقلد] - **Muqallid** - The person who is performing Taqlīd or following the Scholar.

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

[مراجع تقلید] – **Marja Taqlīd** – The person whom we are following.

[مراجع تقلید] – **Marāja Taqlīd** – Plural of above.

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

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

B) Meaning of Taqlīd: Comes from the Arabic root word [فَدَد] [تقلید] [تقلد] in the meaning of following one thing.

- Taqlīd does not mean “blind following” – rather, it simply means that since we are not able to extract the laws of Islām from the sources, we follow the person who has this ability.
- We are not obligated to perform Taqlīd, rather as the scholars and the aḥādīth tell us, our first **option** is to become a Mujtahid ourselves. Since this may not be possible for everyone, we can then perform Iḥtiyāṭ (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 Taqlīd: Just as in any sphere of our lives, we refer to the experts to solve our problems since we can not 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 Sharīah, we must ask those who have reached to that stage.

D) Qur'anic Proof for Taqlid: 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'ān in two contrasting meanings – once in Sūrah al-Anbiyā, Verse 7 and again in Sūrah al-Naḥl, Verse 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 Allāh (blessings of Allāh be upon him and his family).
- The second example is a direct announcement to the Believers where it says:

﴿وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رِجَالًا نُوْحِي 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' Muḥammad) except that they too were but (mortal) men to whom We granted inspiration: if ye 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 Qur ān 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 Ulamā).

3. The Verse of Tafaqqah:

﴿ وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَآفَّةً فَلَوْلَا نَضَرَ مِنَ 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 Tafaqquh 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)?” (al-Qur’an, 9:122)

- 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 (aḥādīth) for Taqlīd: Numerous aḥādīth in regards to the general and specific application of Taqlīd have been narrated, specifically the following two:

1. It has been narrated from our 12th Imām, al-Ḥujjah (may Allāh hasten his return) that he has stated:

قال الإمام الحجة القائم (عجل الله تعالى فرجه الشريف): **أَمَّا الْحَوَادِثُ الْوَأَقِعَةُ فَارْجِعُوا فِيهَا إِلَى رِوَاةِ حَدِيثِنَا فَإِنَّهُمْ حُجَّتِي عَلَيْكُمْ وَأَنَا حُجَّةَ اللَّهِ.**

Imām al-Ḥujjah al-Qā'im (may Allāh 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 (aḥādīth) since surely they (the 'Ulamā) are my proof over you and I am the proof of Allāh."

2. Second ḥādīth that verifies the permissibility of Taqlīd⁹:

أَحْمَدُ بْنُ عَلِيٍّ بْنِ أَبِي طَالِبٍ الطَّبْرَسِيُّ فِي الْإِحْتِجَاجِ عَنْ أَبِي مُحَمَّدٍ الْعَسْكَرِيِّ عَلَيْهِ السَّلَامُ فِي قَوْلِهِ تَعَالَى ﴿فَوَيْلٌ لِلَّذِينَ يَكْتُتُونَ الْكِتَابَ بِأَيْدِيهِمْ ثُمَّ يَقُولُونَ هَذَا مِنْ عِنْدِ اللَّهِ﴾ قَالَ هَذِهِ لِقَوْمٍ مِنَ الْيَهُودِ . وَقَالَ رَجُلٌ لِلصَّادِقِ عَلَيْهِ السَّلَامِ إِذَا كَانَ هَؤُلَاءِ الْعَوَامُّ مِنَ الْيَهُودِ لَا يَعْرِفُونَ

⁹ Wasā'il ash-Shī'a, Volume 27, Page 131, Section on the Impermissibility of performing Taqlīd of a Non-Maṣūm person, Ḥādīth 33401

الْكِتَابَ إِلَّا بِمَا يَسْمَعُونَهُ مِنْ عُلَمَائِهِمْ فَكَيْفَ ذَمَّهُمْ
بِتَقْلِيدِهِمْ وَ الْقَبُولِ مِنْ عُلَمَائِهِمْ وَ هَلْ عَوَامُّ الْيَهُودِ إِلَّا
كَعَوَامِّنَا يُقَلِّدُونَ عُلَمَاءَهُمْ. فَقَالَ عَلَيْهِ السَّلَامُ: بَيْنَ
عَوَامِّنَا وَ عَوَامِّ الْيَهُودِ فَرْقٌ مِنْ جِهَةٍ وَ تَسْوِيَةٌ مِنْ جِهَةٍ. أَمَّا
مِنْ حَيْثُ الْإِسْتِوَاءِ فَإِنَّ اللَّهَ ذَمَّ عَوَامَّنَا بِتَقْلِيدِهِمْ عُلَمَاءَهُمْ
كَمَا ذَمَّ عَوَامَّهُمْ. وَ أَمَّا مِنْ حَيْثُ افْتَرَقُوا فَإِنَّ عَوَامَّ
الْيَهُودِ كَانُوا قَدْ عَرَفُوا عُلَمَاءَهُمْ بِالْكَذْبِ الصَّرَاحِ وَ
أَكَلَ الْحَرَامِ وَ الرِّشَا وَ تَغْيِيرِ الْأَحْكَامِ وَ اضْطُرُّوا
بِقُلُوبِهِمْ إِلَى أَنْ مَنْ فَعَلَ ذَلِكَ فَهُوَ فَاسِقٌ لَا يَجُوزُ أَنْ يُصَدَّقَ
عَلَى اللَّهِ وَ لَا عَلَى الْوَسَائِطِ بَيْنَ الْخَلْقِ وَ بَيْنَ اللَّهِ. فَلِذَلِكَ
ذَمَّهُمْ وَ كَذَلِكَ عَوَامِّنَا إِذَا عَرَفُوا مِنْ عُلَمَائِهِمُ الْفُسُقَ
الظَّاهِرَ وَ الْعَصِيَّةَ الشَّدِيدَةَ وَ التَّكَاُبَ عَلَى الدُّنْيَا وَ
حَرَامَهَا فَمَنْ قَلَّدَ مِثْلَ هَؤُلَاءِ فَهُوَ مِثْلُ الْيَهُودِ الَّذِينَ ذَمَّهُمْ
اللَّهُ بِالتَّقْلِيدِ لِفُسْقَةِ عُلَمَائِهِمْ. فَأَمَّا مَنْ كَانَ مِنَ الْفُقَهَاءِ
صَائِنًا لِنَفْسِهِ حَافِظًا لِدِينِهِ مُخَالَفًا عَلَى هَوَاهُ مُطِيعًا لِأَمْرِ
مَوْلَاهُ فَلِلْعَوَامِّ أَنْ يُقَلِّدُوهُ وَ ذَلِكَ لَا يَكُونُ إِلَّا بَعْضَ فُقَهَاءِ
الشَّيْعَةِ لَا كُلَّهُمْ. فَإِنَّ مِنْ رَكِبَ مِنَ الْقَبَائِحِ وَ الْفَوَاحِشِ

مَرَاكِبَ عُلَمَاءِ الْعَامَّةِ فَلَا تَقْبَلُوا مِنْهُمْ عَنَّا شَيْئًا وَلَا
 كَرَامَةً وَإِنَّمَا كَثُرَ التَّخْلِيطُ فِيمَا يَتَحَمَّلُ عَنَّا أَهْلَ الْبَيْتِ
 لِذَلِكَ لِأَنَّ الْفُسْقَةَ يَتَحَمَّلُونَ عَنَّا فَيُحَرِّفُونَهُ بِأَسْرِهِ لَجَهْلِهِمْ
 وَيَضَعُونَ الْأَشْيَاءَ عَلَى غَيْرِ وَجْهِهَا لِقَلَّةِ مَعْرِفَتِهِمْ وَ
 آخِرُونَ يَتَعَمَّدُونَ الْكُذْبَ عَلَيْنَا الْحَدِيثَ .

It has been narrated from Aḥmad ibn Alī ibn Abī Ṭālib al-Ṭabrisī in Al-Iḥtijāj from Abī Muḥammad al- Askarī (peace be with him) in regards to the words of Allāh The High, a So then woe be to those people who write The Book with their own hand and then say to other that this is from Allāh. b The Imām (peace be with him) said, “This verse was in regards to a group from amongst the Jews.”

A man said to Imām as-Ṣādiq (peace be with him), “If this verse is about a group of people from amongst the Jews who did not know The Book (the revealed book from Allāh) except through hearing it from their own Ulamā (scholars) so how then is it possible for them to be castigated for following them and for accepting their Ulamā. In addition, are not then the common folk from amongst the Jews similar to the common people from amongst us (the Muslims) who perform Taqlīd (follow) their scholars?”

The Imām (peace be with him) 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 Allāh has also castigated our common

people (the Muslims) who perform Taqlīd (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 Fāsiq (an open sinner) and that it was not permitted for him (the scholar from amongst the Jews) to speak the truths about Allāh and it was also not permissible for them to act as intermediaries between the creations and Allāh 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 Ulamā (scholars) and strong forms of discrimination and prejudice and an attraction to the material word then whoever follows such people (does their Taqlīd) will be similar to the Jews whom Allāh had castigated who used to follow the transgressions of their scholars.”

“So then however, as for the Fuqahā 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 Mawlā, then it is permissible for the common people to perform Taqlīd (follow them in religious issues) and this state is not found except in some of the Fuqahā of the Shīa - 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 Ulamā of the Ahl as-Sunnah) - do not

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accept anything from them that they relate from us nor show them any respect. The mixed messages (aḥādīth) that been related claiming to be from us (Ahlul Baīt) 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 ḥādīth makes it clear whom we are and whom we are not permitted to make Taqlīd of.

TAQLID : 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 ḥarām, while others say that it is not, he should not perform that act. Similarly, if some Mujtahid consider an act to be obligatory (Wājib) while others consider it to be recommended (Mustaḥab), he should perform it.

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

2. Taqlīd in religious laws means acting according to the verdict of a Mujtahid. It is necessary for the Mujtahid who is followed, to be male, Shī'a Ithnā Asherī, 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 every day 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.

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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 Masā'il, 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 (Iḥtiyāṭ) 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 ṭ-alāt he should read a complete Sūrah after the Sūrah of Ḥamd, the follower may either act on this precaution, which is called obligatory precaution (Iḥtiyāṭ Wājib), 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 Sūrah Ḥamd is enough, he (the person offering prayers) may drop the second Sūrah. The position will be the same if the A'lam Mujtahid expresses terms like Ta'mmul or Ishkāl.

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 (Iḥtiyāṭ 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 taqlīd. And if the living

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Mujtahid is more learned, then the follower must turn to him for taqlīd.

The term taqlīd 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 wājib act or will perform a ḥarām 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 Sharī‘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 taqlīd 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 Jāhil Qāṣir (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 Jāhil Muqaṣṣir 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 Ṣalāt 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 Minhāj (our Arabic Risālah).

The Tendency of Rationalizing the Laws of the Shari'ah

By Sayyid Muḥammad Rizvi

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“Why do we have to pray five times a day? Why dogs and hogs are regarded unclean (najis)? Why an animal slaughtered in a non-Islāmic way is forbidden (haram) and unclean?” These are but a few of the many questions asked by our youngsters about the laws of the shari'ah. They want to “rationalize” each and every law of the shari'ah; they want to know the reason and purpose of the legislation of these laws. Before explaining the validity or otherwise of the “rationalization” of the shari'ah, it seems necessary to clarify the fundamental attitude of a Muslim towards the shari'ah.

Islām is a din-religion. Din means a complete system of life consisting of beliefs and laws. To know the Islāmic attitude of the Muslims towards the laws of the shari'ah, we have to study the Qur'an and hadith. In the Qur'an and hadith we find two different attitudes towards two different aspects of din. These two aspects of din are: a) the fundamental beliefs known as usu-lu'd-din-the roots of religion; b) the laws of the shari'ah known in general as furu'd-din - the branches of religion.

In regard to the “roots of religion”, Islām expects the Muslims to hold their belief in the fundamentals of their religion after attaining conviction of their truth through examination and reflection. The Qur'an clearly condemns those who follow others blindly in matters of beliefs:

﴿لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ﴾

“There is no compulsion in [accepting the] religion [of Islām because] truly the right way has become clearly distinct from error.” (2:256)

Again the Qur'an says:

﴿وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَىٰ مَا أَنْزَلَ اللَّهُ وَإِلَىٰ الرَّسُولِ قَالُوا
حَسْبُنَا مَا وَجَدْنَا عَلَيْهِ آبَاءَنَا أُولَٰئِكَ كَانُوا لآبَائِهِمْ لَا يَعْلَمُونَ
شَيْئًا وَلَا يَهْتَدُونَ﴾

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

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

﴿وَإِذَا قِيلَ لَهُمْ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا
عَلَيْهِ آبَاءَنَا أُولَٰئِكَ كَانُوا لآبَائِهِمْ لَا يَعْقِلُونَ شَيْئًا وَلَا
يَهْتَدُونَ﴾

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

Islām says that one may consider the views and opinions of others, but that one should only accept that which is reasonable to believe:

﴿ فَبَشِّرْ عِبَادِ الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ
أُولَئِكَ الَّذِينَ هَدَاهُمُ اللَّهُ وَأُولَئِكَ هُمْ أُولُوا الْأَيْبَابِ ﴾

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

Likewise, in the books of ahadith we find the Prophet and the Imams of Ahlu ‘l-bayt using intellectual arguments in matters of beliefs to convince their opponents or the seekers of truth. This itself is an example and sunnah for the Muslims to base their beliefs on understanding and conviction. But when it comes to the “branches of religion”, Islām expects absolute obedience from the Muslims. The reason of this expectation is very obvious: Once a Muslim has believed, by his own free-will, in Allāh as the Creator and the Wise Author of laws, in Muhammad as the infallible Messenger of Allāh, and in the Qur’an as the message of Allāh-it follows as a necessary consequence that he must adhere to the shari’ah. This absolute obedience regarding the shari’ah can be inferred from the following verses:

﴿ وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا ﴾

“It behoves not a believing man and believing woman that they should have any choice in their affairs when Allāh and His Messenger have decided a matter; and whosoever disobeys Allāh and His Messenger, he surely has strayed off a manifest straying.” (33:36)

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْدِّمُوا بَيْنَ يَدَيْ اللَّهِ وَرَسُولِهِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ ﴾

“O you who believe! Do not take precedence before Allāh and His Messenger [in matters of the shari'ah] and fear Allāh; surely Allāh is Hearing, Knowing.” (49:1)

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ ﴾

“O you who believe! Obey Allāh, obey the Messenger and those who are in authority among you (i.e., the Imams).” (4:59)

﴿ وَمَا أَرْسَلْنَا مِنْ رَسُولٍ إِلَّا لِيُطَاعَ ﴾

“We have not sent a Messenger but to be obeyed.” (4:64)

To summarize: In Islāmic beliefs, a Muslim is expected to believe only after reflection; and in Islāmic laws, he is expected to follow them without any reservations.

Now we come to the problem that why such and such law of the shari'ah was legislated. Considering the reasons and purposes of the laws, the shari'ah can be divided into four categories:-

1. The laws whose reasons and purposes are self- evident, like helping the needy is highly recommended (mustahab), killing is forbidden (haram), paying taxes like khums and zakat is obligatory (wajib). One does not need any expertise or extraordinary intelligence to know that helping the needy is good, paying taxes is necessary for preserving the financial equilibrium in the society; and that killing and lying is evil.

2. The laws whose reasons and purposes have been explained in the Qur'an and hadith, like intoxicants are forbidden, interest is prohibited, fasting in the month of Ramadhan is obligatory and prayers is obligatory.

The Qur'an and the hadith have said that intoxicant is one of the main causes of evil because an intoxicated person is no longer in control of himself. Although it took the world a long time and a bitter experience to realize the harm of drunkenness, Islām declared its harm and evil 1400 years before by saying that:

﴿وَإِثْمُهُمَا أَكْبَرُ مِنْ نَفْعِهِمَا﴾

“its sin is greater than its [financial or other] profit.” (2:219).

Interest is prohibited. The Qur'an and hadith have explained the harm of interest. Interest leads to destruction of the poor

section of the society, and all wealth-gravitates towards the already wealthy group.¹⁰

Fasting is a physical and spiritual training which brings the servants of Allāh nearer to Him and makes them more obedient to the shari'ah.

Prayers is a means of expressing our gratitude to Allāh:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِن طَيِّبَاتِ مَا رَزَقْنَاكُمْ
وَاشْكُرُوا لِلَّهِ إِن كُنتُمْ إِيَّاهُ تَعْبُدُونَ ﴾

“O you who believe! Eat of the good things that We have provided you with and thank Allāh.” (2:172)

It is an important way of achieving peace of mind:

﴿ الَّذِينَ آمَنُوا وَتَطْمَئِنُّ قُلُوبُهُم بِذِكْرِ اللَّهِ أَلَا بِذِكْرِ اللَّهِ
تَطْمَئِنُّ الْقُلُوبُ ﴾

“...surely by Allāh’s remembrance are the hearts set at rest.”
(13:28)

and it is also a very effective method of making the believer more obedient to the laws:

﴿ إِنَّ الصَّلَاةَ تَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ ﴾

¹⁰ For a detailed discussion on interest, see ‘Allamah Tabataba’i’s al-Mizan (translated by S.S.A. Rizvi), vol. i, Wofis, Tehran 1982, pp. 295-303.

“Surely prayer keeps (one) away from indecency and evil.”
(29:45)

There are many ahadith of our Imams explaining the reasons and purposes of many laws of the shari’ah. Shaykh as-Saduq, the famous Shi’ite scholar (d. 381 A.H.), has collected many of these ahadith in his ‘Ilalu ‘sh-Sharaya’,

3. The laws whose reasons and purposes have not been explained in the Qur’an or hadith, but the rising horizons of human knowledge have helped in understanding their purpose and usefulness: e.g., why the meat of hog is forbidden; why circumcision is highly recommended by the shari’ah, and why only the fish which has scales is permitted in Islām.¹¹

For the benefit of circumcision, we quote Sherman Silber who says that: “There are a number of reasons why circumcision is beneficial and why it ought best be performed in infancy. First, ... it prevents cancer of the penis in later life ... Cancer of penis generally occurs when there has been carelessness in taking care of one’s foreskin. . . . A second benefit of circumcision is that the wives of circumcised men are less commonly afflicted with cancer of the cervix. . . . The most common benefit of circumcision is that it prevents accumulation of oils and secretions (called smegma) under the foreskin, which lead to infection, swelling, and sometimes contraction of the foreskin so the tip of the penis is trapped inside.”¹²

¹¹ For a detail discussion on pork, see *Pork* by S.S. A. Rizvi, published by Wofis, P.O. Box 2245, Tehran.

¹² Sherman Silber, *The Male*. New York, 1981, pp. 115-116.

About the fish, it has been said that the fishes that do not have scales are harmful to human beings. Based on that research, American troops in the east were directed that "tropical marine fishes without scales were to be left alone."

It must be mentioned here that the reasons of the shari'ah laws which have been discovered by human knowledge cannot be regarded as the actual reason (*ratio legis*) for the legislation of those laws, because the human knowledge is still in its infancy whereas Islām, the final shari'ah of Allāh, is to stay in practise up to the end of this world. However, the scientific facts can be used to explain the usefulness and benefits of the laws of the shari'ah.

4. The laws whose reasons and purposes have neither been explained in the Qur'an and hadith, nor the new advancement in human knowledge has been able to explain them: e.g., why four rak'ahs in zohr, 'asr' and 'isha' prayers while only three in maghrib and two in subh. (Rak'ah means the bending of the torso from an upright position in prayers).

As far as the first three types of laws are concerned, there is not much problem in explaining their reasons and purposes. The problem arises when one starts to rationalize the laws which come under the fourth category.

Regarding the laws of the fourth category, the only thing which can be said is that a Muslim should have complete faith that there surely are useful purposes in these types of laws. The purposes can be of material or spiritual nature, or both. Why we should have such a confidence in these laws of the shari'ah? Because we, the Shi'ah Ithna 'Asharis, believe that all the

actions of Allāh have purpose, and that they are for the benefit of human beings; and this includes the laws of the shari'ah.¹³

On basis of this belief, we must have confidence that all His laws (including the ones whose purpose are still unknown to us) have a purpose and benefit for human beings.

One more thing which must be clarified at this point is that it is not the responsibility of the 'ulama' (the scholars of Islāmic religious sciences) to discover and explain the purpose and reason underlying the laws of the shari'ah. Their only duty is to explain the laws of the shari'ah. The people responsible for discovering and explaining the purposes of the laws of the shari'ah are those Muslim intellectuals who are experts of modern science. Unfortunately, very few of them are interested in this aspect of the shari'ah, and those who are interested lack the knowledge of Qur'an and hadith.

The belief that although we might not know the reason and purpose of a certain law of the shari'ah it surely has a good reason and useful purpose behind it, can be understood from the following episode in the Qur'an. This episode also shows that if we are made aware of its reason, we would readily admit that it was the very right thing to do.

One day while preaching to his people, Prophet Musa (peace be upon him) thought about himself that Allāh has given him a great privilege and that he is the most learned among the mankind. Allāh was not pleased with even such a slight indication of pride in the mind of Musa, and so Jibra'il was sent

¹³ 'Allamah Hilli, al-Babu 'l-hadi 'ashar, (translated by W.M. Miller), Luzac, London 1958, pp. 45-46.

to inform Musa that there is a person, among the servants of Allāh, who is more learned than him. He was also given an address to go and meet this more learned person. Musa, along with one of his disciples, went to meet the learned person who is named in our ahadith as Khizr. The Qur'an narrates the details of their meeting:

﴿وَإِذْ قَالَ مُوسَى لِفَتَاهُ لَا أَبْرَحُ حَتَّى أَبْلُغَ مَجْمَعَ الْبَحْرَيْنِ أَوْ أَمْضِيَ حُقُبًا. فَلَمَّا بَلَغَا مَجْمَعَ بَيْنَهُمَا نَسِيَا حُوتَهُمَا فَاتَّخَذَ سَبِيلَهُ فِي الْبَحْرِ سَرَبًا. فَلَمَّا جَاوَزَا قَالَ لِفَتَاهُ آتِنَا غَدَاءَنَا لَقَدْ لَقِينَا مِنْ سَفَرِنَا هَذَا نَصَبًا. قَالَ أَرَأَيْتَ إِذْ أَوَيْنَا إِلَى الصَّخْرَةِ فَإِنِّي نَسِيتُ الْحُوتَ وَمَا أَنسَانِيهِ إِلَّا الشَّيْطَانُ أَنْ أَذْكُرَهُ وَاتَّخَذَ سَبِيلَهُ فِي الْبَحْرِ عَجَبًا. قَالَ ذَلِكَ مَا كُنَّا نَبْغُ فَارْتَدَّ عَلَى آثَارِهِمَا قَصَصًا. فَوَجَدَا عَبْدًا مِنْ عِبَادِنَا آتَيْنَاهُ رَحْمَةً مِنْ عِنْدِنَا وَعَلَّمْنَاهُ مِنْ لَدُنَّا عِلْمًا. قَالَ لَهُ مُوسَى هَلْ أَتَّبِعُكَ عَلَى أَنْ تُعَلِّمَ مِنِّي مِمَّا عُلِّمْتَ رُشْدًا. قَالَ إِنَّكَ لَنْ تَسْتَطِيعَ مَعِيَ صَبْرًا. وَكَيْفَ تَصْبِرُ عَلَى مَا لَمْ تُحِطْ بِهِ خُبْرًا. قَالَ سَتَجِدُنِي إِنْ شَاءَ اللَّهُ صَابِرًا وَلَا أَعْصِي لَكَ أَمْرًا. قَالَ فَإِنِ اتَّبَعْتَنِي فَلَا تَسْأَلْنِي عَنْ شَيْءٍ حَتَّى أُحَدِّثَ لَكَ مِنْهُ ذِكْرًا. فَانطَلَقَا حَتَّى إِذَا رَكِبَا فِي

السَّفِينَةَ خَرَقَهَا قَالَ أَخْرَقْتُهَا لِتُغْرِقَ أَهْلَهَا لَقَدْ جِئْتَ شَيْئًا
إِمْرًا . قَالَ أَلَمْ أَقُلْ إِنَّكَ لَنْ تَسْتَطِيعَ مَعِيَ صَبْرًا . قَالَ لَا
تُؤَاخِذْنِي بِمَا نَسِيتُ وَلَا تَرْهَقْنِي مِنْ أَمْرِي عُسْرًا .
فَانْطَلَقَا حَتَّى إِذَا لَقِيَا غُلَامًا فَقَتَلَهُ قَالَ أَقْتَلْتَنِي نَفْسًا زَكِيَّةً
بِغَيْرِ نَفْسٍ لَقَدْ جِئْتَ شَيْئًا نُكْرًا . قَالَ أَلَمْ أَقُلْ لَكَ إِنَّكَ لَنْ
تَسْتَطِيعَ مَعِيَ صَبْرًا . قَالَ إِنْ سَأَلْتُكَ عَنْ شَيْءٍ بَعْدَهَا فَلَا
تُصَاحِبْنِي قَدْ بَلَغْتَ مِنْ لَدُنِّي عُذْرًا . فَانْطَلَقَا حَتَّى إِذَا أَتِيَا
أَهْلَ قَرْيَةٍ اسْتَطَعَمَا أَهْلَهَا فَأَبَوْا أَنْ يُضَيِّفُوهُمَا فَوَجَدَا فِيهَا
جِدَارًا يُرِيدُ أَنْ يَنْقَضَ فَأَقَامَهُ قَالَ لَوْ شِئْتُ لَاتَّخَذْتُ عَلَيْهِ
أَجْرًا . قَالَ هَذَا فِرَاقُ بَيْنِي وَبَيْنِكَ سَأُنَبِّئُكَ بِتَأْوِيلِ مَا لَمْ
تَسْتَطِعْ عَلَيْهِ صَبْرًا . أَمَّا السَّفِينَةُ فَكَانَتْ لِمَسَاكِينَ
يَعْمَلُونَ فِي الْبَحْرِ فَأَرَدْتُ أَنْ أَعِيبَهَا وَكَانَ وَرَاءَهُمْ مَلِكٌ
يَأْخُذُ كُلَّ سَفِينَةٍ غَصْبًا . وَأَمَّا الْغُلَامُ فَكَانَ أَبَوَاهُ
مُؤْمِنَيْنِ فَخَشِينَا أَنْ يُرْهَقَهُمَا طُغْيَانًا وَكُفْرًا . فَأَرَدْنَا أَنْ
يُبَدِّلَهُمَا رَبُّهُمَا خَيْرًا مِنْهُ زَكَاةً وَأَقْرَبَ رُحْمًا . وَأَمَّا
الْجِدَارُ فَكَانَ لِغُلَامَيْنِ يَتِيمَيْنِ فِي الْمَدِينَةِ وَكَانَ تَحْتَهُ
كَنْزٌ لَهُمَا وَكَانَ أَبُوهُمَا صَالِحًا فَأَرَادَ رَبُّكَ أَنْ يَبْلُغَا

أَشَدَّهُمَا وَيَسْتَخْرِجَا كَنْزَهُمَا رَحْمَةً مِنْ رَبِّكَ وَمَا فَعَلْتُهُ
عَنْ أَمْرِي ذَلِكَ تَأْوِيلُ مَا لَمْ تَسْتَطِعْ عَلَيْهِ صَبْرًا ﴿١٠١﴾

Musa: “Can I follow you so that you may teach me the right knowledge of what you have been taught [by Allāh]?”

Khizr: “Surely you cannot have patience with me. How can you have patience in [the things or actions] of which you do not have a comprehensive knowledge?”

Musa: “If Allāh wills, you will find me patient and I shall not disobey you in any matter.”

Khizr: “If you would follow me, then do not question me about anything until I myself speak to you about it.”

So they went their way until they reached a river where they embarked in a boat. When they were in the boat, Khizr made a hole in it.

Musa: “Have you made a hole in it to drown its inmates? Surely you have done a grievous thing.”

Khizr: “Did I not say that you will not be able to have patience with me?”

Musa: “O Khizr, do not blame me for what I forgot, and do not constrain me to a difficult thing in my affair.”

Then they went on until they met a boy. Khizr slew that boy.

Musa: “Have you killed an innocent person who had not killed someone else?! Certainly you have done an evil thing.”

Khizr: “Didn’t I say to you that you will not be able to have patience with me.”

Musa: *If I ask you about anything after this, then do not keep me in your company; indeed you shall then have found an excuse in my case [to dismiss me from your company].”

They went on until they came to a township. They asked food from the people of that town, but no one accepted them as guests. In that town they found a wall which was on the point of falling in ruin, so Khizr repaired the wall and put it into the right state.

Musa: “If you had wished, you might certainly have taken a payment for this work.”

Khizr: “This shall be the parting between you and me. But before you leave, I will inform you of the significance of my actions which you could not understand.

- As for the boat, it belonged to some poor men who worked on the river. I wished to damage the boat because a king was coming behind them who seized every good boat by force.

- As for the boy, his parents were believers and I feared lest he would oppress them by rebellion and disbelief. And we desired that their Lord might give them in his place a better one than him in purity and nearer to having compassion.

- As for the wall, it belonged to two orphan boys in the city, and there was beneath it a treasure belonging to them, and their father was a righteous man; so I rebuilt the wall because your Lord desired that when they attain maturity, they should take out their treasure, which was a mercy from your Lord.

“And moreover, I did not do it of my accord. This is the significance of that with which you could not have patience.” (18:60-82).

THE TENDENCY OF RATIONALIZING THE LAWS OF THE SHARĪ'AH

If such a great Prophet of Allāh like Musa could not understand the significance of the actions of a fellow human being who was more learned than him, then how can we expect to know the wisdom and purpose of each and every law which has been legislated by Allāh, the Wise, the Omniscient and the Omnipotent!

