

Taqleed & Ijtihad

Author(s):

Allama Syed Ibn Hasan Najafi [3]

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A detailed discussion and analysis of Taqleed & Ijtihad in the light of the Holy Qur'an and traditions.

Translator(s):

Syed Saeed Haider Kazmi [5]

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Foreword

When a man does not know something he wants to enquire about it. Children ask their elders. The grown-ups seek assistance from others with more knowledge than themselves. This is the norm of the society; especially, in religious affairs people tend to be more sensitive and also majority is generally ignorant of true facts. Therefore, all of these people consult trustworthy people knowledgeable in religious affairs to solve their problems. It is the nature of humans. It is the ruling of the Islamic constitution. And this modus operandi is called Taqleed in the language of Sharia.

However, there are people who raise a variety of objections such as:

1. Some call it innovation in religion (bidaat).
2. Others call it saint-follower relationship.
3. Another segment of the society terms it oppression by the religious scholars.
4. There are others who label this action as mental slavery. They claim that Islam has actually condemned this way of life. They think that Quran is a very easy book and why should we not get the answers to our queries straight from the book.
5. Besides, there are no reliable arguments to be found in favor of taqleed in Allah's holy book and the teachings of Fourteen Infallibles. If you sift through the history of Shias, you will not find any mention of taqleed and Ijtihad for the longest time.

The fact of the matter is that all these comments are indicative of lack of study and lack of desire for research. The response to each of the objections listed above is as follows:

1. In no way taqleed is an innovation. From all perspectives it comes from knowledge and constitution.
2. Similarly no saint is followed. It is a purely scholarly, full of vigor and dignified approach.
3. And there is no compulsion. If someone is interested in the wellbeing of his religion and integrity of his deeds, he should consult the most aware person about the affairs of sharia and should get his answers from him. This person of high faculties is a mujtahid or marjae taqleed. The marjae taqleed is trusted in the everyday problems of life because of his highest knowledge – he is above all the scholars of his time.
4. Our submission to those, who consider taqleed counter to the freedom of thought, is that nothing reaches its logical conclusion without some contemplation. So if we do not know something, finding out about it is a testimony of a civilized mind, freedom of thought and breadth of imagination.

Now as far as Quran being easy to understand is concerned, this collection of constitution and laws is not so easy that anybody can get to the depth of its meanings on his own. As an example, a verse says, “pray and pay alms”. How is it possible to get from this verse explanations about the form of prayers, its composition, what is wrong and what is right; similarly conditions of alms and its related issues?

In addition, the biggest difficulty at the first step to get to the real meanings is the language. The holy book came in Arabic. Arabic language has such depth and breadth that even the Arabic speaking people lose heart in trying to get to the details.

To understand the idiosyncrasies of Arabic language scores of higher level text books are available all over the world. Also most scholars are familiar with voluminous classic collections such as Mughniul Labaib, Alkhasias by Ibnul Janni and Al mukhassas by Ibn Sayyeda Undlusi.

Even if one wants to partially understand Allah’s book, in addition to having command over all the rules of the language, one will need to benefit from all the valuable guidance we have received from our leaders who knew the temperament of Holy Quran. At this point we wish to seek the spiritual pleasure of reciting a few parts of a detailed tradition by the Holy Prophet (S). He says:

له ظهر وبطن. فظاهره حكم. وباطنه علم. ظاهره انيق وباطنه عميق. له نجوم
وعلى نجومه نجوم.

The Holy Quran has two sides to it. One is visible and the other is hidden. The visible is all rules and regulations. What is hidden is a source of knowledge, wisdom and deep understanding of the Creator. If you look at the obvious, all you observe is beauty and happiness. If you look at the invisible, you see tremendous depth. Its pages are decorated with stars. (Shining proofs of Allah’s existence) And then there are even brighter stars. (Shining proofs on top of proofs)¹

In addition, the most knowledgeable of all about the intricacies of Quranic philosophy – Amirul Momineen Ali Ibn Abi Talib – comprehensively identified in one of his speeches certain elements that are essential to benefiting from the Holy Book. He says:

كتاب ربكم فيكم مبينا حلاله وحرامه وفرائضه وفضائله وناسخه ومنسوخه
ورخصه عزائمه وخاصه وعامه وعبره وامثاله ومرسله ومحدوده ومحكمه
ومتشابهه.

The Holy Prophet left among you the book of the Creator and His Highness clearly told you what is in

the Book. What is allowed and what is prohibited. What obligatory (wajib) means and what recommended (mustahab) signifies. He mentioned the cancelled verses and the verses that superseded the cancelled verses. He told you about certain situations of distress where you could use your own judgment and where you had to follow the rules unconditionally. He pointed out to you the specific and the general.

He made you aware of certain events that you could learn lessons from. He identified the deeds you could do and the ones you were prohibited from. He also talked about the facts that were easy to understand and the ones that were difficult for ordinary people to comprehend.²

By referring to the Last Prophet (S) Hazrat Amir (as) wants to tell the people that Quran belongs to everyone and is for the benefit of all. Also in order to spread its benefits the Holy Prophet explained some of the more difficult portions. However, can a sane person honestly say that points identified by the Amir (as) are so easy that anyone can get to the correct meanings and the purpose on his own? Will he be able to gain enough understanding to perform his deeds? Anyone with a conscience will holler that absolutely not; until there is someone to guide properly, it will not be possible to understand everything.

So this continued insistence on Quran being a very easy book; that we should consult only and only Quran to find answers to all our questions; and that whatever intelligence we have, with the help of a dictionary it will catch every hint given in Allah's Book is rather illogical.

One other point: it will not be inappropriate at this time to recall that this holy book has gone through some tough moments when it was subjected to a use against its spirit. The first such terrible moment was when the Great Prophet (S) asked for a pen and a paper to write his will and the answer he was given was, "there is no need for any writing, Quran is enough for us"³. Thus the foundation was laid to detach from the holy book its most trustworthy and most understanding companion, the sacred family of the Prophet (Ahlul Bayt).

The second sad episode took place at the Siffin war when one platoon of Imam Ali's (as) army instead of obeying the Imam, raised the slogan "we will accept no one's order except Allah's". History tells us that for a long time this gang bloodied their hands through the murder of many innocent people.⁴

Then several centuries later around 1025 AH fairly well known intellectual of Shia sect, Mullah Muhammad Ameen Ustrabadi, was prompted by his teacher, Mirza Muhammad Ustrabadi, into writing a book "Al-Fawahid ul Madniyyah". The essays in this book created a lot of discontent in the Shia school of thought. Al-Fawahid ul Madniyyah gave birth to a new school of thought called Akhbariat. The followers of this school did not do justice to Quran.⁵

Afterwards at the beginning of the twentieth century an individual from the Vazir Mosque of Lahore raised his voice. He used to say that solutions to all our ailments are in Quran and we should satisfy all our needs through only and only Allah's Book. The result was that a number of people started studying and teaching Quran on their own.

One of those who gained prominence was Mr. Aslam Jirajpuri and now his successor, the head of Idara Tulu-e-Islam – Mr. Pervez – is spreading the message, but the impact is very slow.

However, the success of Islamic revolution in Iran has given life to a new wave at many places. It seems to have little religious and more of political fervor. The ones who have been most afflicted are graduates of western style institutions or those who have been influenced by them. Suddenly, they have decided to unite against marjiat and Ijtihad for the purpose of destroying the system of taqleed and they are using Quran to achieve this malicious goal. These days there are around twenty journals of high standard being published in Arabic – 80% being printed in the West and 20% in the East. It is interesting that the owners of these publications are either Christians or those who cannot stand the word, “Ijtihad” – all of them singing the same tune.

What is startling is that the movement is the strongest in the Indian Sub-continent; especially, in Lukhnow and Hyderabad-Deccan. Attempts are being made in Karachi and Lahore as well but the progress is slow. This is probably why the pulpit is being used generously and often times speakers are invited from abroad. It is being reported that the intent is to disgrace Iran and for this purpose the instruments of writing and speech are being hired with funding from overseas.

Nevertheless, one argument could be that if the answer to our question could not be found in Quran, then it can be sought out of the Prophet’s (peace be upon him and his progeny) traditions. However, the difficulty will be that to extract knowledge from the traditions one will have to have thorough knowledge of Arabic language and literature, keen insight into jurisprudence, in depth understanding of traditions and awareness of the faculty of understanding people (‘Ilm ul-Rijal); otherwise, it will not be possible.

5. In the end, the decision of intellect and sharia is that an individual who is not familiar with the laws of jurisprudence, needs to consult a judicious person knowledgeable of religious faculties and then act accordingly. This is the commandment of Allah, teaching of the Prophet (peace be upon him and his progeny), advice by the Aamma and assertion by the scholars (ulama); and our history has been consistently saying the same thing.

Let us move forward and by using scholarly ways explore taqleed and Ijtihad so that we could get peace of mind and conscience.

1. Usul al-Kafi, vol 2 p438, published by Maktaba Islamia, Tehran

2. Nahjul Balagha, first lecture, p. 44, compiled by Dr. Saji Saleh, published in Beirut, 1387H

3. Sahih Bukhari, Sharah Kirmani, vol 2, Kitabul Ilm, tradition # 114, page 126; published: Ahya Al Tarasul Arabi; second edition.

– It should be kept in mind that Bukhari has quoted this tradition six times in his Sahih and Muslim Bin Hajjaj has listed it three times in his Sahih. See vol 2 Kitabul Vasiyya, tradition # 21; vol 3 page 1257 ± 1259; published Beirut

– In addition, we have with us about twenty scholarly collections put together by narrators of traditions and historians that

quote the same thing.

4. The two people who initiated this slogan were Zaraq Bin Alburj Altai and Harqoos Bin Zuhair As-Saadi. Tarikh (History) Tibri, vol V, p 72, published Beirut; Kamil Bin Aseer, vol III, p334, published Beirut.

5. Akhbar is plural of khabr. According to the terminology used by Scholars of Islam a saying of the Prophet and Ahlul Bayt is called a khabr. The followers of Akhbariat were called Akhbaris and they considered the sayings of the virtuous fourteen as the source of all religious (sharai) commandments. And as far as Quran is concerned they thought that since our intellect cannot fathom its meanings when a need arises we should only consult Akhbar (traditions). Insha Allah there will be more discussion in the context of Ijtihad later in the book.

The Meanings of Taqleed

Books have been written to search out the meanings and purposes of the roots of words in Arabic language. If you open such books you will find that the word "Taqleed" means several things. You wear a necklace or put a wreath around your neck, you will be doing "taqleed". The word "taqleed" comes from the root word "qaladat". Qaladat means:

"القلادة: ما جعل في العنق."

"Something you put around your neck".

There are several other actions called "taqleed", such as giving responsibility to someone; following the footsteps of another individual; imitating someone or adopting someone else's ways; wrapping a sword's strap around the neck; putting a rope around a camel's neck for recognition and so on.¹

So far we have described what the linguists think of this word. Let us ask the experts of "law and the philosophy of law" what they understand about the word, "taqleed" because it is a part of their terminology and topic. The answer we get is: "if an individual is unaware of the religious intricacies and he unconditionally accepts the orders of an Islamic scholar; or someone, who himself is not a faqih, accepts the fatwa of a mujtahid with the intention of acting accordingly and without any arguments". This is taqleed.²

At this point it is important to emphasize the following:

Some people who have not understood the philosophy of taqleed, propagate that taqleed implies obeying a particular individual. On the other hand all marajay, fuqaha and mujtahideen explain that after extensive research according to recognized rules, a mujtahid discovers a certain rule of sharia, an ordinary Muslim should accept his ruling. This is not the same as obeying or blindly following a specific

individual. Rather, this is a reliable method of acting according to the sharia system and religious laws with the help of an able personality.

During the Siffin battle in the context of arbitration, Ameer al-Mu'minin 'Ali (as) stated, "Silent command (Quran) is in need of an interpreter and this interpreter can only be a human being."³

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1. Lisan Ul Arab, Ibn Manzoor, vol 3, p 366, published in Beirut; Taj Ul Uroos, Muhammad Murtaza Zubeidi, vol 2, p 475, published in Beirut; Misbah Ul Muneer, Ahmed Bin Muhammad Fayyumi, vol 2, p 512, published in Qum; Al Ain, p 683; Mufarredat, Raghieb Isphahani; p 411, published in Beirut; Almanjid, p 649, published in Beirut.
 2. Kifayatul Usul, Akhund Muhammad Kazim Khurasani, p 472, published in Beirut; Al Urwatul Vusqa, Allama Muhammad Kazim Tabtabai, vol 1, p 4, published in Kuwait.
 3. Nahjul Balagha, khutba 125, p 182, organized by Dr. Sahmi Saleh, published in Beirut.

What Does Nature Say?

Taqleed is not something that has been imposed on people from outside. Rather it is something in the human being's nature. And remember if something is part of a man's system, it cannot be taught from outside. It keeps simmering inside and then surfaces in all the people irrespective of nationality or gender all over the world. The result is that descendants of Adam have no choice but respond to this call of nature. As an example;

The urge to know the truth; love for beauty; desire to excel; quest for knowledge; wish for honor and respect; feeling for sacrifice and selflessness; and longing for well-being and goodness.

Every one of these conditions swells up from the depths of heart; and it is only due to these states coming to the surface that people choose another man as an ideal and nations choose heroes.

By the same token nature truly longs for taqleed. Benefiting from research by the experts is a natural phenomenon. If nations give up taqleed; i.e., move away from excellence; let expertise go astray; pay no attention to skills; can you expect that their civilization will prosper; that their social life will bloom; that inventions will multiply; that industry will grow; that trade will thrive?

Certainly not!

The hustle and bustle, the pomp and glory, and the abundance we are used to, it is all because of taqleed. If taqleed loses its effect, everything will stop, all activities will come to a halt.

We all agree that everyone wants to portray himself as an accomplished person. The only way it can be

done is to overcome one's weaknesses by benefiting from another individual who has achieved excellence in that particular field.

And it is not a secret that religion is the most important part of our culture because it is directly linked to the affairs of hereafter. Therefore, it is imperative that in order to know and follow the rules and regulations of sharia, we illuminate our minds with the sayings of those great fuqaha who have devoted their lives for teaching the religion.

Ijtihad is the effort Ulama put in and taqleed is the act of benefiting from this effort by general public.

In this context the teacher of the Ulama, Akhund Mulla Muhammad Kazim Khorasani (died 1329 H) has a beautiful saying:

ثم انه لا يذهب عليك ان جواز التقليد ورجوع الجاهل إلى العالم في الجملة
يكون بديهيا جبليا فطريا لا يحتاج إلى دليل.

“We should not forget that taqleed is an undisputed fact and it is quite obvious that someone who does not know certain issues will ask a knowledgeable person. It is a natural phenomenon and is in need of no arguments.”¹

To summarize, taqleed in reality is a dignified way for a person to achieve perfection. If a man could not acquire the knowledge he needs to solve his problems, he should benefit from others' experiences.

Imam Ja'far As-Sadiq (as) says:

لا يقبل الله عملا إلا بمعرفة.

“Allah (SWT) will not accept deeds that were performed without comprehension.”²

We follow a Mujtahid because he has the insight and the wisdom; he has the cures for our ills.

A Little Explanation

If anyone wants to write commentaries on 'Ilm al-Usul (Knowledge of Principles) and Jurisprudence, they need to follow established academic rules and regulations. However, some individuals have not followed these rules and have written some articles that have been unduly harsh in their criticism on some topics

Let us take the example of taqleed. They looked up the meaning of taqleed in a dictionary and decided that taqleed is putting a leash around your neck. They simply ignored where the word comes from and what do the experts have to say. They have tried to misguide general public that taqleed is a burden that has been placed on their shoulders in the sacred name of sharia and they just have to live with it. However, the concept of taqleed is just the opposite.

What it really means is that the follower (muqallid) places the burden of the accuracy of the fatwa squarely on the shoulders of the marja' at-taqleed, while absolving himself of the responsibility for the goodness of his deeds related to the fatwa; whereas the marja' is held responsible for those deeds. The rule in the philosophy of law books states:

العامي يجعل قلادة أعماله على عتق من يقلده.

“A commoner hangs the register of his deeds around the neck of the marja' at-taqleed.”

In this context our greatest narrator of traditions, Muhammad Bin Yaqub Kaleni, writes: Once Imam As-Sadiq (as) was present at a meeting at Rabia³ Tur Rai's house. A Bedouin asked Rabia a question. Rabia immediately responded. The Bedouin immediately asked another question. “OK, do you accept the responsibility for what you have said?” Rabia became quiet. The Bedouin repeated his question. Rabia still stayed quiet. At this juncture Imam Ja'far As-Sadiq (as) explained the relevant rule:

"هو في عنقه."

“Yes the burden is on his neck”. Then the Imam elaborated:

"وكل مفت ضامن."

“Whoever gives the fatwa, is accountable for it.” 4

1. Kifayatul Usul, p 472, published in Beirut

2. Usul al-Kafi, vol 1, p 35, published Maktaba Islamia, Tehran

3. Rabia Tur Rai's father was Abdur Rahman Farokh. According to Rijal Sheikh Tusi he was a favorite pupil of Imam Zainul Abideen (as). He also received blessings from Imam Muhammad Baqir (as). He was one of the well-known fuqahas of Madina. Rijal p 177.

4. Furu Kafi – vol 7, Baab Innal Mufti Zamin – p 409, published Darul Kutub Al Islamia – Tehran

Guidance by Intellect

Our intellect also supports the fact that taqleed is needed. The reason is that man is not something that has been created and then set aside. Rather he is an active existence that is always struggling and striving. With every breath he is eager to learn where he is heading to and how he can get there. In this struggle the primary condition for success is to know for sure what path he needs to take to get to his destination. And if he himself does not know it, he needs to get directions from someone who knows how to get there.

This is precisely why, in order to facilitate traffic, all big cities have signboards everywhere, giving directions to different places. They tell us what direction to take, where to turn and what speed to follow. The traffic experts have actually brought the roads alive by drawing all kinds of signs on the roads. These symbols have taken on international standards that guide people from all over the world alike.

Suppose the traffic rules did not exist or were not followed, do you think in this age of high speed traffic, travel would be safe? Absolutely not, everyone would be scared at every step.

If human intellect emphasizes use of taqleed (following someone else's laid down rules) in the mundane affairs of normal life, how is it possible that in the important realm of religion everyone could be free to follow or not follow rules of Sharia at their own whims.

After all, Islam has a system with rules and regulations that need to be followed. Until and unless you know the relevant rules and regulations well, you will not be able to act according to them. Either a man has the ability to do Ijtihad himself as he can do the research and understand issues of jurisprudence himself; or, to know the shara'i rules, he has no other choice but to do taqleed.

Another thought worth considering. All wise people in the world say, "one must defend against imminent danger". That is, whenever there is a danger, one must protect himself.

You see, we have to keep in mind that if our ignorance about sharai issues keeps growing, then all our worldly affairs will come to a halt. So it is imperative that we take care of this issue. Does it not make sense that people should clearly understand the religious obligations so they could satisfy them in the most appropriate manner and nothing is left un-fulfilled?

Once again, there are only two ways of dealing with these dangers. The first is research, i.e., one should climb the Ijtihad ladder himself. The second is taqleed, i.e., follow the fatwa of a mujtahid. The first method is not possible for everyone; the second is easy to follow. This is precisely why taqleed has been declared mandatory (wajib).

And this is How Quran Guides

Even though there are several verses in Allah’s Book that shed light on the issue of Taqleed. However, to keep it brief, we will refer to only two of them. One is:

فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

“If you do not know, then ask أَهْلَ الذِّكْرِ Ahluz Zikr, [i.e. those who know – the learned ones].” 1

This verse – full of guidance – describes a basic principle. The “ignorant” should benefit from the “knowledgeable”. If someone is unaware of a fact, he should ask someone who is aware. Here it is quite obvious that the verse decrees it necessary that one should ask in order to know the issues of Sharia. So in case of ignorance it is mandatory (wajib) to ask an authentic scholar.

At this point the intellect asks. Is the question being asked just for the fun of it? Is it being asked to show off one’s intelligence? Or is it being asked to test the knowledge of the scholar? It is quite obvious that the verse does not command asking frivolous questions. Rather the intent is that the lack of knowledge is taken care of. That the ignorant becomes wiser. And now that the person knows, he will not have any problem acting on it. This is the logical proof of the need for Taqleed.

It is possible that some people may say that the word Ahluz Zikr refers to the Virtuous Ahlul Bayt. Yes, we believe the same. It is our belief that at the first level, our Righteous Guides are the Ahluz Zikr. But then they tell us that after them Fuqaha and Ulama of the Ummah assume the leadership role. And if this clear fact and truth is not accepted, then no one can stop absolute ignorance from becoming the fate of the Ummah.

Not every member of the society is capable of scholarly discourse. And during the occultation of Last Imam – the true learned (who has been taught directly by the Creator) – no one has access to him, the only logical solution is to consult those who have been taught indirectly and know and act on Imam’s teachings.

The second command of Quran comes in the one hundred and twenty second verse of Surah Tauba. The sacred verse says:

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 essential that all believers should go. However, it is important that a few people from all segments of the society and Ummah should embark on the path to acquire knowledge of religion. Once they have gained the capability, they should come back to their homelands and teach the local residents that they stay aware from bad deeds and avoid the path of denial.”²

This verse provides sufficient guidance. The first message in this verse is that not all but a few need to come forward for mastering the religious faculties. In other words what is needed is that a few people become the scholars of religion and others should accept their scholarly leadership and follow their instructions.

You see, there are three key words in this verse that invite every individual of intellect to ponder. Tafaqqa, Nazar and Hazar. The first word came out of jurisprudence and means “to know” – not just knowing but knowing after deep thinking and getting to the bottom of an issue. Raghib Isfahani, considered a renowned expert on explaining the Quranic words, writes in his world-famous book “Almufarradat”:

"الفقه هو التوصل إلى علم غائب بعلم شاهد."

“Jurisprudence (fiqh) is the discovery of the unknown, the invisible and the hidden facts.”

Regarding Tafaqqa he writes:

"تفقه إذا طلبه فتخصص به."

“Once something, that was sought after, has been found, gaining expertise in it is Tafaqqa”.

The second word is Nazar or Inzar. It means informing about the upcoming danger. The greatest linguist, Muhammad Ibn Mukarram, writes in his dictionary, “Lisan Ul Arab”:

"أنذرت القوم فنذروا أي أعلمتهم ذلك فعلموا وتحرزوا."

“He informed the nation about the dangerous situation. The nation realized the gravity and did whatever it could to save itself.”

The third word is Hazar.

(لعلهم يحذرون)

It means to be careful. Ibn Mukarram writes in this context:

"رجل حذر. متيقظ. متحرز. متأهب معد. يحذر أن يفاجأ."

"Someone who is aware; laced with defensive weapons; ready to face any calamity; so well prepared to face any difficulties as if he is about to run into an emergency situation."

Now if we consider the overall impression of these words. And if we look at the message the verse is trying to convey, it appears that those members of the society who are active, who are doers and who have the capability, after acquiring the knowledge of Islam should fulfill their duty and others should benefit from them.

So the capable ones should use their intellect to seek the light, and those who do not have such capacities should get help from others. Nonetheless, this process of discovery, absorption, dissemination and give and take should continue. It is again submitted that this is exactly what Ijtihad and taqleed are all about.

1. Surah Nahl, Ch. 16, Verse 43.

2. Sura at-Tawbah, ch. 9 verse 122.

Decision of Tradition

Decision of Tradition (Hadith)

In our collection of traditions there are about 100 traditions that address the rationale behind taqleed. Some of them declare taqleed mandatory (wajib), such as Sahiha¹ Ishaq Bin Yaqub. This authentic tradition by our Current Imam Hujjat Ibnul Hasan (as) is as follows:

"أما الحوادث الواقعة فارجعوا فيها إلى رواة حديثنا فإنهم حجتي عليكم وأنا حجة الله."

“In your lives when you face new problems never heard of before, consult with narrators of our traditions to find out the rules and regulations on how to deal with the new situations. Following them is mandatory (wajib) on you because I command you to do so and following me is mandatory (wajib) on you because Allah commands you to do so.”²

Some intellectuals had difficulty getting to the real message of the Great Imam (as) in this saying. Therefore, they started saying that the Imam had used the word “Ruwat” instead of “Fuqaha” in this saying. However, regarding taqleed and ruju (consultation) it needs to refer to fuqaha.

To explain it further, at the time of this saying, an average man was accustomed to the words riwayat and rawi (tradition and tradition narrator); and hadith and muhadith (saying and saying narrator). That is why these words were typically used. Then when the light of knowledge started to shine and religious literature began to take shape, use of certain words became common; such as, fiqh (jurisprudence) for getting to the core of a piece of writing, taqleed for obedience with understanding, mujtahid and marja for the individual to be followed in religion with knowledge.

You see, this is the nature of evolution that affects different facets of life. When wisdom and knowledge require them, new words spring up as the vehicles to explain certain ideas and then they gain acceptance in the society.

Some people, who are stuck in their scholarly pride, also decree that in this saying the Imam directs us to consult the fuqaha only in cases of calamities; i.e. only if you face certain difficulties, you need to ask an authentic personality of the fiqh world. Whereas, this saying applies to all issues that affect a person's individual as well as collective life in the society until doom's day.

Also it is important to pay attention to the fact that the Arabic word alhawadith is the plural form of hadtha but in Arabic literature, the language of muhadith and that of fuqaha, it does not mean the same thing as accident in English. Here alhawadithul waqia refers to all new situations that an individual comes across.³

Another fact to consider is that the Current Imam (as) on one hand directed common people to consult fuqaha of their time to seek solutions to new problems, on the other hand he declared these fuqaha as the authority. So it is mandatory (wajib) to follow their instructions just like it is mandatory to follow Imam's instructions. The saying also conveys the message that there is accountability for disobeying the fuqaha just like there is accountability for disobeying the Imam.

Some scholars doubt the authenticity of this saying. They claim that the tradition narrator is Ishaq Bin Yaqub who is not a known personality. However, the fact is that in the scholarly world Ishaq Bin Yaqub is not an unknown person. He is the brother and teacher of a reliable friend of Islam, Muhammad Bin Yaqub Kalini. None of the greats of the world of hadith have called him a weakling. In addition, Al Rejal, the author of Qamus (Arabic dictionary) has also authenticated him.

In addition, the referenced saying has been quoted by Sheikh Saduq (died 381 H) in Kamal Uddin; Sheikh Tusi in Ghaibat; Tibrisi in Ihtejaj; and Allama Hurr al-Amili in Wasayl ush-Shia. They have all listed Muhammad Bin Yaquub as the source.^{4 2} If such hadith specialists consider this saying authentic, there is no place for any doubters.

There is another tradition on this subject by Imam Ja'far As-Sadiq (as):

"لا يقبل الله عملاً إلا بمعرفة."

"Any deed done without knowledge and understanding will not be accepted by Allah."⁵

Similarly Imam As-Sadiq (as) told Humran Ibn Aain:

"انما يهلك الناس لأنهم لا يسألون."

"Destruction is the fate of those who hesitate to seek answers to problems."⁶

The leader of martyrs, Hazrat Imam Hussain (as), guides like this:

"مجاري الامور والاحكام بيد العلماء الادلاء على الله والامناء على حلاله
وحرامه."

"The authority for running the affairs of the society and getting all commandments of sharia executed lies with those religious scholars who get Allah acquainted and who have been entrusted by Allah with the responsibility of answering questions of lawful and unlawful."⁷

In the same context another saying called Maqbula^{8 1} Umar Ibn Hanzala is referred to Imam As-Sadiq (as):

"من كان منكم ممن قد روى حديثنا ونظر في حلالنا وحرامنا وعرف أحكامنا
فليرضوا به حكماً. فإني قد جعلته عليكم حاكماً فإذا حكم بحكمنا فلم يقبله منه
فإنما استخف بحكم الله وعلينا رد والرد علينا الراد على الله وهو على حد
الشرك بالله."

“Who amongst you narrates our sayings, keeps an eye on our declared lawful and unlawful issues, has the knowledge of our commandments, you should accept his decisions with your heart. And you should understand that I have made him your ruler. Also if his decisions are according to our teachings and if someone does not follow those decisions, then let it be understood that he is insulting Allah’s command and he is denying us. And whoever denies us will be censurable for denying Allah and will be at the threshold of polytheism (shirk).” 9

And now here are a few traditions of Chaste Imams that prove that in their respective times they themselves introduced various wise persons who could provide sharai commands and solve the religious issues.

Shoaib Aqarqafi asked Imam Ja’far As–Sadiq (as), “when there is a need who do we ask questions of sharia?” Hazrat responded:

"عليك بالأسدي."

“Ask Abu Baseer Asadi.”10

Similarly we receive guidance from the following tradition of Imam As–Sadiq (as):

Abdullah Ibn Yafur asked the sixth Imam, “my lord, if someone asks me a sharai question, neither can I come to you for the answer every time, nor can I myself provide a satisfactory answer.” The Imam responded:

"فما يمنعك من محمد بن مسلم الثقفي فإنه قد سمع أبي وكان عنده مرضيا
وجيها."

“OK, then why don’t you consult Muhammad Ibn Muslim Saqafi? He has listened to my father and he had my father’s blessings and he was considered one of trusted people.”11

Another saying of Imam Ja’far As–Sadiq (as): Younus Ibn Yaqub says, “we were in the sacred company of Imam As–Sadiq (as). During conversation Imam said:

"أما لكم من مفرع؟ أما لكم من مستراح تستريحون إليه؟ ما يمنعكم من الحارث
بن المغيرة البصرى؟"

“If you have no place to get peace of mind and cannot get solutions to your problems, then what is the difficulty in visiting Haris Ibn Mughaira Basari?”¹²

Eighth Imam Ridha' (as) is quoted by Abdul Aziz Ibnul Mohtadi and Ali Ibn Yaqtin, that we asked Imam, “Your honor, we live far away from here. We cannot visit you very often. Please tell us how we can seek religious knowledge. Can we count on Younus Bin Abdur Rahman?” The Imam responded,

"قال خذ عن يونس بن عبد الرحمان."

“Yes, benefit from Younus Bin Abdur Rahman.”¹³

Same question was asked by Ali Bin Mussayyab Hamdani. The Imam responded:

"من زكريا بن آدم القمي المأمون على الدين والدنيا."

“In your transactions and problems you should seek judgment (fatwa) from Zikria Bin Adam Qumi because he is honest and trustworthy in the affairs of this world and religion.”¹⁴

Another saying of Hazrat Imam Ridha' (as) relevant to the subject under discussion:

Abdul Wahid Bin Muhammad Bin Abdoos narrates that the esteemed Imam said:

"رحم الله عبداً أحيى أمرنا."

“The Lord of all worlds will bless His servant with His divine mercy who keeps our system alive.”

The narrator says that he asked, “Your honor, how can your system be kept alive?”

The Imam responded:

"يتعلموا علومنا ويعلمها الناس."

“By seeking our knowledge and then passing on to others.”¹⁵

And now the names of a few great personalities who were chosen by the Chaste Aamma (as) for

providing intellectual guidance and leadership:

● Qasam Ibn Abbas was appointed by Ali Ibn Abi Talib (as) as the governor of Mecca. Amir (as) gave him instructions in a letter as follows:

"فافت المستفتي وعلم الجاهل وذكر العالم."

"Qasam. Give fatwa to those who desire it from you. Teach the ones who do not know and refresh memory of those who do know."¹⁶

Imam Baqir (as) told Aban Bin Taghlab Bin Rabah:

"اجلس في مسجد المدينة وافت الناس فإني أحب أن يرى في شيعتي مثلك."

"You sit in the mosque in Madina and give fatwas to those who come to get them. I very much like people like you among our Shias."¹⁷

Muaz Ibn Muslim Nahvi quotes Imam Ja'far As-Sadiq (as):

"Is it true that you sit in the mosque and give fatwas?" I replied, "Yes, and before leaving I wanted to ask you something in this context. My lord, when I am in the mosque, all kinds of people come to ask questions. If I find someone whose thinking appears to be different from ours, I respond to him according to his own thinking. If the individual happens to be a lover of Ahlul Bayt, I fulfill my obligation by answering according to your teachings. But sometimes it becomes difficult to discern, then I give him several answers with quotations from people of different schools of thought. The Imam (as) responded, "You are doing the right thing. In such situations I do the same."¹⁸

1. There used to be tradition of all kinds. Then the tradition experts scrutinized all of them and then, based on the level of a certain quality coined a name such as correct (sahih), popular (maqbool), continuous (mutavahir), agreed on (mawasiq), reliable (mo'tabar), weak (zaeef) etc. Therefore, sahiha is a tradition by such narrators who all belong to Shia sect and are considered reliable in all aspects

2. Wasayl ush-Shia – Chapter 11 – Sifatul Qazi – Tradition 9

3. Meaning of Hawdith: Almanjid, Alaab Maaluf, p 121; Al Mufarridat, Raghayb Isphahani, p 110; Al Ain, Ibn Mukkaram, p 167, Majmaul Bayanul Hadith, Sami Atif Ul Zain, p 222.

4. Kamal Uddin wa Itmam Un Nema, Abu Ja'far Muhammad Ibn Babu As Saduq, vol 2, p 484, published by Muassasa tul Nashr Ul Islami, Qum; Ghaibat, Sheikh Tusi, p 177; Ihtejaj, Tabrisi, vol 2, p 283; Wasayl ush-Shia, Bab Sifat Ul Qadhi, vol 27, p 140, published by Muassas tul Ahl Albait; Awalim Ul Uloom, Muhaddith Kabir Sheikh Abdullah Al Bahrani, vol 2, p 90, Intisharat Bunyad Farhangi, Qum.

5. Usul Kafi, vol 1, hadith 2, p 35, published by Maktaba Islamia, Tehran
6. Usul al-Kafi, vol 1, hadith 1, p 31, published by Maktaba Islamia, Tehran
7. Tohful Uqool, p 169, Ibn Shaabatul Harani, published Tehran
8. Dr. Saji Saleh, the author of Ulumul Hadith writes, "Maqbool tradition is called 'sahih' (correct) and the rejected one is called 'zaeef' (weak)." In addition the Shia Scholars state, "A tradition whose meanings are well known among general masses for the purpose of acting on it, is known as maqboola (acceptable)."
9. Usul al-Kafi, vol 1, book Fazlul Ilm, p 54, narration 10, published Maktaba Islamia, Tehran
10. Rajal Kashi, issue 291, published by Mustafavi, Tehran; Wasayl ush-Shia, vol 27, p 142, Manshurat Muassasa, Ahlul Bayt, Qum
11. Wasayl ush-Shia, Hurr al-Amili, vol 27, p 144, Manshurat Muassasa, Aal Ul Bait, Qum
12. Wasayl ush-Shia, Hurr al-Amili, vol 27, p 145, Manshurat Muassasa, Aal Ul Bait, Qum
13. Wasayl ush-Shia, Hurr al-Amili, vol 27, p 148, Manshurat Muassasa, Aal Ul Bait, Qum.
14. Wasayl ush-Shia, Hurr al-Amili, vol 27, p 146, Manshurat Muassasa, Aal Ul Bait, Qum.
15. Maanil Akhbar, p 180, Wasayl ush-Shia, vol 27, p 140
16. Nahjul Balagha, p 457, organized by Dr. Sabhi Saleh, published Beirut
17. Rijal Ul Najashi, Abul Abbas Ahmad Bin Ali Al Najashi, vol 1, p 73, published Varal Adhvan, Beirut
18. Rijal Kushi, p 470, published Mustafavi, Tehran

Think of It This Way

Quran wants that every faithful should lead a life filled with the light of knowledge and wisdom. The holy Prophet (peace be upon him and his progeny) and the chaste Imams (as) had the same desire. But at the same time it has been emphasized that of all faculties of knowledge, religious studies should be at the top in priority. Thorough understanding of religion should have preference. It is important to know that awareness of sharia in day to day transactions is fundamental.

Let us also clear this misconception that tafaqqa (expertise in the knowledge of shari'a) is limited to awareness of a few issues of cleanliness, prayers, fasting, etc. Rather in the context of life in this world, it is the competency to know and scrutinize the everyday transactions of individuals and the society at large.

You see diin (religion) is a system that guides every move of its believers. And the purpose of gaining expertise in diin is that an individual has thorough knowledge of all commands related to his and others' everyday transactions. As stated earlier, tafaqqa is not limited to the rules of worship. Rather it covers ethics, citizenship, politics, government, economics, trade, agriculture, defense, international relations, industry etc.

In regards to this awareness the intellectual of Islam, Imam Ali (as), once declared from the podium:

"وان من الحق ان تفقهوا."

"It is sensible to be well versed in religious laws."¹

It is possible that some people who have trouble getting out of their limited thought process may have the impression that the journals compiled by the marajae seem to be limited to worship related issues. Yes, on the surface it appears that way. On the other hand since these journals are the means in writing to make general public aware of issues related to their everyday transactions, it just makes sense to cover such issues.

However, as far as the larger and classical collections of jurisprudence (fiqh) are concerned, they have the most appropriate solutions for just about every problem related to the individual as well as the society. There are detailed discussions with proper arguments relevant to the different branches of social sciences. However, this treasure is of use to only those scholars who take the pains to study them and not for the average man.

The special reason, rather the real reason, for keeping the journals of marja'e brief is that after the demise of the holy Prophet (S), there was a well thought out revolution that changed the face of politics and government. It did not leave any room for the Shia sect. The result is that until now any time constitution experts have gathered to show off their knowledge of the law they have only looked at the four sects of jurisprudence (fiqh). No one except a handful has paid any attention to the fifth fiqhi sect. So this neglectful attitude of the worldly people has created a lot of hurdles and has not given the opportunity to the Shia fiqh to thrive.

On the other hand history says that at different times and places in the world Shias themselves got the seat of the government. It is true. But wherever they got the power they did rule but not on the basis of Shia fiqh. In other words no effective idealistic government came into being that could enforce the sharai rules and regulations. Such as: Idrisi government in Morocco; Alawis' rule in states around Qazvain Sea; the kingdom of Aal-Boia in Iraq and Persia; reign of Banu Hamdan in Syria; Fatimi rule in Egypt; empires of Safavis, Qacharis and Pahalvis in Iran; administrations of Aadil and Qutub in South India; the state of Awadh in North India, etc.

OK, that is correct. But it relates to only a few segments of the history of Shias. You see, in this world wherever strong personalities showing affiliation with virtuous Ahlul Bayt took reins, a vibrant civilization and captivating culture came into being. Literature flourished. Creativity blossomed. Such values set in that are still nonexistent in many societies. However, in spite of all this the rules and regulations of Shia fiqh were enforced only loosely. In other words common Shia person did not get the fiqhi mindset. The result is that the rules and regulations relevant to everyday life stayed frozen. They were neither enforced nor disseminated to general public.

There were different reasons and circumstances responsible for such situations but it is best not to discuss them openly here.

Anyway, let us get back to our topic. Some people claim that Quran and other treatises strongly condemn taqleed, obedience and following. Qur'an says in Surah Aaraf:

وَإِذَا فَعَلُوا فَاحِشَةً قَالُوا وَجَدْنَا عَلَيْهَا آبَاءَنَا وَاللَّهُ أَمَرَنَا بِهَا قُلْ إِنَّ اللَّهَ لَا يَأْمُرُ
بِالْفَحْشَاءِ أَتَقُولُونَ عَلَى اللَّهِ مَا لَا تَعْلَمُونَ

“When these people commit a shameful act, they say, “We have seen our elders do these deeds and Allah has ordered us to do so.” Tell them, Allah never orders doing bad deeds. Do you in the name of Allah say such things that you have no knowledge of?”²

And this is not the only verse. There are others such as in Surah al-Ma'ida:

وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَىٰ مَا أَنْزَلَ اللَّهُ وَإِلَى الرَّسُولِ قَالُوا حَسْبُنَا مَا وَجَدْنَا عَلَيْهِ
آبَاءَنَا ۗ أَوَلَوْ كَانَ آبَاؤُهُمْ لَا يَعْلَمُونَ شَيْئًا وَلَا يَهْتَدُونَ

“And when they are told to come towards the constitution that came from Allah and follow the Prophet, they say, “whatever we have seen our ancestors do, suffices for us.” Will they continue to follow their ancestors, even if those ancestors had no knowledge and were totally ignorant of the true path?”³

Now let us look at the portion of Surah Shu'ara where Prophet Ibrahim (as) talks to his community:

وَاتْلُ عَلَيْهِمْ نَبَأَ إِبْرَاهِيمَ إِذْ قَالَ لِأَبِيهِ وَقَوْمِهِ مَا تَعْبُدُونَ قَالُوا نَعْبُدُ أَصْنَامًا فَنَنْظِلُ
لَهَا عَاكِفِينَ قَالَ هَلْ يَسْمَعُونَكُمُ إِذْ تَدْعُونَ أَوْ يَنْفَعُونَكُمُ أَوْ يَضُرُّونَ قَالُوا بَلْ وَجَدْنَا
آبَاءَنَا كَذَلِكَ يَفْعَلُونَ

“And recite to them the story of Ibrahim. When he said to his father and his people: What do you worship? They said: We worship idols, so we shall be their votaries. He said: Do they hear you when you call? Or do they profit you or cause you harm? They said: Nay, we found our fathers doing so.”⁴

Next let us benefit from a few verses of Surah Zukhruf:

وَقَالُوا لَوْ شَاءَ الرَّحْمَنُ مَا عَبَدْنَاهُمْ مَا لَهُمْ بِذَلِكَ مِنْ عِلْمٍ إِنْ هُمْ إِلَّا يَخْرُصُونَ أَمْ
آتَيْنَاهُمْ كِتَابًا مِنْ قَبْلِهِ فَهُمْ بِهِ مُسْتَمْسِكُونَ بَلْ قَالُوا إِنَّا وَجَدْنَا آبَاءَنَا عَلَىٰ أُمَّةٍ وَإِنَّا
عَلَىٰ آثَارِهِمْ مُهْتَدُونَ

“And they [the polytheists] say, “If compassionate Allah did not want, we would not worship these idols.” They are not aware of the root cause of the problem and talk nonsense. Do they have some sort of a document from us that they use as justification for their idol-worshipping? Their only argument is that they have seen their ancestors stay on this course and now they are simply following on their footsteps.”⁵

At this juncture we submit to our esteemed readers that the critics of taqleed are split into two groups. One group is composed of heavy weight old timers who are well known scholars and their writings are laced with classical arguments. The second group consists of emotional reformists of the current age who are sick and tired of soul wrenching environment and those who are maintaining the status quo. God knows how long these poor souls have been living in this misery. When they do not see light at the end of the tunnel, they explode. They become so sensitive that they get into arguments with everyone around them.

But you see, sensible people always try to solve problems; they try to put out fires and not put fuel on the fire. When a storm comes, they try to save the boat. If someone wants to reform a system, he needs to have patience.

Anyway, we will meet these upcoming intellectuals later on. For now let us make a humble submission to the great scholars.

Dear elders of the society. Keeping Allah’s presence in mind, kindly tell us whether the sacred verses we have referred to, condemn the same taqleed that is mandatory in Shia Fiqh and these censure those taqleed practicing Shias who are true followers of Ahlul Bayt? Is it not true that these verses really address infidel and polytheist groups? Also the thoughts and deeds these verses refer to, is there any trace of them in a Shia follower (muqallid)?

These verses reflect the nature, psyche, character, language, feelings, ideas and traditions of a nation that is far from civilization, totally lacks wisdom, and is stubborn of the highest order. Or in reference to these Quranic verses a picture comes to mind of a group of people whose intellect is frozen and they have lost sagacity and awareness.

Similarly there are other verses such as Surah Al-Baqara:

وَإِذَا قِيلَ لَهُمُ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا عَلَيْهِ آبَاءَنَا أَوْلَوْ كَانَ
آبَاؤُهُمْ لَا يَعْقِلُونَ شَيْئًا وَلَا يَهْتَدُونَ وَمَثَلُ الَّذِينَ كَفَرُوا كَمَثَلِ الَّذِي يَنْعِقُ بِمَا لَا
يَسْمَعُ إِلَّا دُعَاءً وَنِدَاءً صُمُّ بَكُمْ عَمِي فَهُمْ لَا يَعْقِلُونَ

“When they [the polytheists] are told that they should obey Allah’s commands, their response is that they are following their ancestors’ ways. Now if their ancestors failed to use their senses and stayed off the right path, will they still follow them? These people who refuse to adopt God-sent track, are like animals that only listen to herdsman’s holler. They are deaf, dumb and blind. That is why they understand nothing.”⁶

Let us submit one more time.

Dear friends, let us be fair. Does the picture of ways and style these verses paint, have any semblance to under discussion faculty of taqleed and Ijtihad? Is slandering of this human guidance system a rational thing to do?

Next, there is an argument that the word “taqleed” is nowhere to be found in Quran. OK, the question is. Is the objective the word or the meaning? It is quite obvious that every learned individual will focus on the meaning. This objective is readily achieved by several other words such as consult (ruju), derive (akhaz), style (andaz), question, education, and guidance that lead to taqleed. All these words have been used in Quran

Isn’t it interesting that all the above verses are used as an argument against taqleed; whereas same sacred verses are teaching us the value of taqleed. Who to follow? When to obey? Following ignorant leads to darkness while following truly learned people leads to enlightenment.

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1. Usul al-Kafi, vol 1, p 36, published Maktaba Islamia, Tehran
 2. Surah Al-Aaraf, 7: 28.
 3. Surah al-Ma`ida, 5: 104.
 4. Surah Shu`ara, 26: 69-74.
 5. Surah Zukhruf, 43: 20-22.
 6. Surah Al-Baqara, 2: 170-171.

A Little More Aggravation

You see, taqleed is not following ancestors who were lost in the dark or a society immersed in ignorance. In the language of fiqh, being aware of one's duties with alert intellect and open eyes, is called taqleed.

Secondly, taqleed has no relationship with principles (Usul-e-Din). Rather it deals with the day today issues that everyone comes across.

However, there are people who are adamant that they will not accept the concepts of taqleed and Ijtihad and put forward the argument that these ideas are neither found in Allah's Book nor in the sayings of infallible Fourteen. To such people our submission is that as far as Qur'an is concerned we have written enough. As to what the infallible Fourteen have said about this subject, again we have discussed at length.

However, for further explanation, one of the sayings of Imam Hasan al-Askari (as) is presented here for the benefit of those who are hollering that the word "taqleed" was non-existent in the days of the Holy Prophet (S) and the infallible Fourteen. Our humble submission is that during those days this word as a phrase was as well-known as the local currency. Everyone had it at the tip of their tongues. Women used it extensively. As a proof kindly review the following:

عن أبي بصير قال: دخلت أم خالد العبدية على أبي عبد الله عليه السلام وأنا عنده فقالت: جعلت فداك إنه يعتريني قراقر في بطني (فسالته عن أعلال النساء وقالت) وقد وصف لي أطباء العراق النبيذ بالسويق وقد وقفت وعرفت كراهتك له فأجبت أن أسألك عن ذلك، فقال لها: وما يمنعك عن شربه؟ قالت: قد قلدك ديني فألقى الله عزوجل حين ألقاه فاخبره أن جعفر بن محمد عليهما السلام أمرني ونهاني فقال: يا أبا محمد ألا تسمع إلى هذه المرأة وهذه المسائل لا والله لا آذن لك في قطرة منه ولا تذوق منه قطرة فإنما تندمين إذا بلغت نفسك وهنا وأوماً بيده إلى حنجرته يقولها ثلاثاً: أفهمت؟ قالت: نعم ثم قال أبو عبد الله عليه السلام: ما يبيل الميل ينجس حبا من ماء يقولها ثلاثاً. أفهمت؟ قالت: نعم.

It is related to Abu Basir for whose integrity and credibility there is total consensus in the circles of Imamia scholars. Kindly check. 1

Imam As-Sadiq (as) is the source of this saying. This tradition is also mentioned in Al Kafi, the oldest

collection of our principles and practical aspects of religious doctrine (Usul and Fur'u). This book was the result of the grand efforts of the most famous narrator of Shia Fiqh, Muhammad Ibn Yaqoob Kalini. The tradition goes like this:

“Abu Basir says, “Once I was in the sacred company of Imam Ja’far As-Sadiq (as). A woman, Umm Khalid Al Abdiyya, came to see the Imam and implored, “My stomach keeps gurgling. A doctor from Iraq prescribes that I should mix barley with wine and drink. But I know that you do not approve of it and I have come to ask you.” The Imam heard it and said, “Then what is your problem in using it?” The woman said, “I am in your taqleed and after I die I would need to answer if you allowed me to drink it or not.” The Imam responded, “Even if you are on your death bed, do not take even a sip. If you do not follow my instructions, you will regret it. Do you understand?”²

We have several more references in this regard but there is no point in dragging the issue on. However, we wish to tell those who are searching for the word “taqleed” in the days of the Imams that they should be prepared to discuss 11th Imam’s hadith mentioned earlier.

Firstly, instead of scrutinizing this particular hadith in a just way, some writers have hastened to declare it weak. In order to decide about the validity of traditions there are several factors that need to be looked at. It is important to know the rules of “Study of Personalities (‘Ilm al-Rijal)” and the rules for “Determining What Really Happened (Darayat)”. The subject core should be studied from credibility point of view. It is imperative to see that every part of the hadith is according to the basic commands and conditions of the sharia. Does the statement have the desired depth of thought and strength of meanings? In addition the position and status of channels used for transmitting the hadith need to be critically assessed.

Then, about the scholars who have accepted this hadith and made it part of their body of knowledge; what is the level of their research and what is their status in the scholarly world?

The expediency-loving writers have ignored all the rules and regulations that should be the bases of scrutiny and have expressed doubts about the under-discussion hadith. As an example, they are not satisfied with the channel of transmission as it includes such narrators as – Muhammad Ahmed Ibn Abbas, Muhammad Ibn Qasim, Yousuf Ibn Muhammad Ibn Ziad and Ali Ibn Muhammad Ibn Yasar.

However, we wish that these critics had asked the opinions of the great scholars of the “Study of Personalities” (‘Ilm al-Rijal). For your satisfaction please study the following:

- Bahjatul Aamal, Allama Ali At Tayyari, vol 6, p 56, published Bunyad Farhang Islami, Iran –
- Tanqih Ul Miqal, Ayatullah Mamaqani, vol 1, p 280, Intisharate Jahan, Tehran –
- Ma’jame Rijalul Hadith, Ayatullah Khooi, vol 15, p 9, Intisharate Aasare Shia, Iran –

In all these collections of knowledge and wisdom the narrators mentioned have been declared highly

trust-worthy, credible and reliable. And the great personalities who have expressed these opinions are all our intellectual leaders and an excellent gift of the time.

Now we wish to get the privilege of quoting a hadith that is famous as Mo'tabara Tusi (a completely reliable tradition quoted by Sheikh Tusi). The eleventh Imam (as) says:

"فأما من كان من الفقهاء صائنا لنفسه حافظا لدينه مخالفا لهواه مطيعا لأمر
مولاه فللعوام ان يقلدوه."

"General public should follow in taqleed those fuqaha who control themselves, take care of Din, stay away from inner desires and are obedient to Allah."

For the consumption of those people who say that this tradition has only been mentioned in an unreliable Commentary of Qur'an, here are references from eighteen books that clearly mention this hadith:

1. Wasayl ush-Shia, Sheikh Hurr Al-Amili, vol 27, p 131, Intisharate Muassasa Ahlul Bayt, Qum
2. Al Ihtijaj, Sheikh Ahmed Ibn Ali Tabrisi, vol 2, p 263, published Muassasa tul A'alami, Beruit
3. Tafsir Imam Hasan Al-Askari (as), p 300
4. Mustanad Ush-Shia, Muhaqqaq Naraq, vol 2, p 519
5. Bihar Ul-Anwar, Allama Majlisi, vol 2, p 88, published Muassasa tul Wafa, Beruit
6. Kanzud Daqaiq, Mirza Muhammad Mashhadi, vol 1, p 381
7. Faraidul Usul, Sheikh Murtadha Al-Ansari, vol 1, p 141
8. Awaid Ul-Ayyam, Muhaqqaq Naraq, p 199, Manshurat, Maktaba Basirati, Qum
9. Nihayatul Afkar, Sheikh Zia Uddin Iraqi, vol 4, p 244
10. Hasarul Ijtihad, Aaqa Buzurg Tehrani, p 51
11. Kitabul Qaza, Sheikh Ansari, p 341
12. Al-Urwatul Wusqa, Sayyid Muhammad Kazim Yazdi, vol 1, p 10, published Muassasatul A'alami, Beruit
13. Mustamsak Al-Urwatul Wusqa, Sayyid Mohsin Hakeem, vol 1, p 41, published Beruit
14. Alfiquatul Istidlali, Sayyid Abul Qasim Khoori, vol 1, p 81, 105, 221, 230, 231, 236

15. Al-Ijtihad wal-Taqlaed, Sheikh Ahmed Azari Qummi, vol 1, p 32, Intisharate Muassasa Darul Ilm, Qum

16. Masail Minul Ijtihad wal-Taqlaed, Sheikh Hussain Noori, p 101, Markaz UI-Nasharul Islami, Qum

17. Al-Ijtihad wal-Taqlaed, Sheikh Muhammad Mehdi Al Asafi, p 105, published Markaz Al Ghadir, 3rd edition, Qum

18. Awalim UI-Uloom, Sheikh Abdullah Bahrani, part 3, p 410, published Qum

To conclude we need to commit to memory a decree of Current Imam (as). It provides us a very thoughtful rule for accepting a tradition. The greatest faqih and expert on traditions in Shia school of thought, Sheikh Muhammad Ibn Hassan Hurr Al-Amili writes, "This sacred command from the Current Imam (as) was transmitted by Muhammad Ibn Abdul Aziz Kushi via his book "Al Rijal" to Ali Ibn Muhammad Ibn Qatiba who then handed it over to us through Muhammad Ibn Ibrahim Maraghi. The command says:

"فإنه لا عذر لأحد موالينا في التشكيك فيما يؤديه عنا ثقاتنا."

"Our friends should not hesitate to accept our messages when they come through our trusted people." 3

The jewel of knowledge, Imam As-Sadiq (as), handed his bright student Umar Ibn Hanzala another rule about checking the credibility of a tradition. He says:

"ان المجتمع عليه لا ريب فيه."

"If there is consensus among the intellectuals of the nation on a hadith, there is no need to hesitate in accepting it."4

"وما علينا إلا البلاغ."

1. Muntahi Aalamal, Sheikh Abbas Qummi, vol 2, p 175, published in Tehran

2. Furu Kafi, Kalini, vol 6, p 413, Hadith number 1, published Darul Kutub Islamia, Tehran; Al Hadaiq Un Nazira, Muhaqqaq Bohrani, vol 1, p 288, published Beirut ; Wasayl ush-Shia, Hurr al-Amili, vol 25, p 344, Intisharat Muassasa Aal Bait, Qum; Jawahir UI Kalam, Sheikh Muhammad Hasan Najfi, vol 36, p 445, published Beirut.

3. Wasayl ush–Shia, vol 1, chapter 3, hadith number 61, p 38, third edition, Intisharate Muassasa Ahlul Bayt, Qum

4. Wasayl ush–Shia, vol 27, chapter 9, hadith number 1, p 106, third edition, Intisharate Muassasa Ahlul Bayt, Qum

The School of Ijtihad, the Beginning

Islam binds every follower to carry out his affairs according to a collection of rules and regulations called “Sharia”. In order to conform one’s actions to a certain rule, it is important to have good knowledge of the relevant rules and regulations. This is why it is everyone’s duty to seek detailed knowledge of tenets (usul) and branches (furu) of Diin. It makes sense from intellectual point of view and is also supported by the Book and Sunnah. However, to be able to understand the issues and explain satisfactorily, every era has certain requirements and there is need for specific methods of explanation.

Since the days of the Holy Prophet (S) until the beginning of great occultation, whenever, people had any difficulty, it was resolved through the loving attention of our great leaders. However, there came a time when this facility was gone and at the same time new civilization surfaced; new culture took root; travel became easier and ubiquitous; population exploded; world began to shrink; new people started arriving everywhere; intermingling began to occur among people of all races; business boomed; industry grew; new inventions came from everywhere; lifestyle changed; in other words almost all aspects of life including economics and sociology went through revolutionary changes. As a result a new world order came into being.

In these new circumstances there are many things that require clarification for being right or wrong, legitimate or illegitimate. But it is not easy to find the arguments in the Book and the Sunnah. It does not mean that Quran and Sunnah do not have the solutions in their sacred stock. Solutions are there; however, the fact is that some concerns get resolved with a little knowledge and effort; but other issues require in depth research and thus technical ability. This scholarly curiosity and expert research is called Ijtihad in the language of Fiqh.

Another thing; in the history of mankind rules and regulations were needed in all ages. These may be in the form of traditions or the commandments of an authoritarian or the creation of a people–elected legislature or a collection of rules and regulations given by a religion. In any case within their context these are all known as laws.

The stories about old civilizations eulogize the Ashury Civilization a great deal. One of the main reasons is that Hamurabi’s constitution belonged to that era.

This story is about 18th century BC. Sun–worshipping Hamurabi¹, ruler of the green belt between the Twin Rivers, Dijla and Furat (Tigris and Euphrates) called Iraq, gave a 285 page constitution to his people.

This constitution was engraved on slabs of stone with nails and is on display in a Paris museum since 1902. This manifesto might have been useful in its days but now being a dead document, it is an old sample of stone engraving. The fact of the matter is that when a treatise loses its efficacy in different times, it does not matter if it is engraved in stone or in people's hearts, it becomes a useless document.

This is why those who have command over Islamic faculties of knowledge claim that our cache of fiqh and the roots of fiqh are such a wealth of high standard ever-lasting rules and regulations that they take care of a person's needs for this world and hereafter from cradle to grave. They have miraculous capabilities for encompassing the vast requirements of the society from each and every era.

One of the main reasons is the perfection of the collection of laws. The other is the robust guiding principles that lead the mind to the root of the command. And then the process of searching for the right command in itself is such that it leaves its mark. What we have just alluded to, i.e., "principles of jurisprudence (fiqh)" is a great gift from God.

In this context a well-known intellectual of the scholarly world, Dr. Muhammad Hameed Ullah, says, "Probably the biggest achievement of the Muslims is "Principles of Jurisprudence (Fiqh)". There were laws before Muslims. However, there is no such thing as "Principles of Jurisprudence (Fiqh)" in the whole world. And now we can say that it is a distinct addition that has taken care of a deficiency in the Faculty of Law. Muslims can be proud of the fact that the laws did exist in all countries of the world but no nation presented the Faculty of Law in any form or shape. The "Principles of Law" is the faculty that can be applied not only to the Islamic laws but also to any laws of the world."²

1. Hamurabi is the same Namrud who wanted to take a vendetta by throwing Prophet Ibrahim (as) to a huge fire.

2. Khutabat Bahawalpur by Dr. Muhammad Hameed Ullah, p 118, 120, Journal of Islamic Research Council, Islamabad

Commentary by Imam Hasan al-Askari (as)

Whether it is a treasure of Commentaries or a collection of Traditions; whether it is organized by the earlier intellectuals or collected by later authors; all such researches cannot be declared totally clean. So even in those books of Islamic Knowledge that are generally depended on by all Muslims some people are able to find faults, such as, "this anecdote looks similar to Israeli stories; the narrators of this tradition do not come up to the mark; that tradition does not have solid proofs; there is some doubt in this tradition; and so on".

However, in spite of all such faults no presentation has totally been discarded because if people start rejecting books for minor defects, there will be no such thing left as a book. This is why the scholars do

not outrightly throw away someone's hard work when they find some deficiency, rather they try to explain it.

What is surprising is that some people show such disdain towards the Commentary associated with Imam Hasan Askari (as) as if they will lose Islam by just looking at it or they will be left faith-less; even though what is mentioned in this book is also there in other collections.

There can only be one explanation – people belonging to a certain group have been clamoring for a long time that taqleed is not mentioned in the literature related to Shia belief system, whereas the Commentary under discussion clearly and emphatically recounts the issue of taqleed and Ijtihad in the sacred words of the virtuous Imam. With this background in mind, it will not be unreasonable to say that the taqleed-denying folks intentionally or un-intentionally have not done justice to the under-discussion commentary.

At this point we have 42 critiques of this book. Twelve of them have negative opinion on it and thirty favor it. The books with negative opinion are the following:

1. Kitabuz Zuafa by Ibnul Ghazairi
2. Khulasatul Aqwal by Allama Hilli
3. Naqdur Rijal by Al-Tafrashi
4. Shara Un-Nijat by Researcher Damad
5. Minhaj Ul-Miqal by Speaker Ustarabadi
6. Jama Ur-Riwayat by Urdbaili
7. Majma Ur-Rijal by Qahbani
8. Aala Ur-Rahman by Muhammad Jawad Balaghi
9. Kitabul Akhbar by Researcher Tastari
10. Hashia Majma Ul-Bayan by Mirza Abul Hasan Sha'rani
11. Majma Rijal Ul-Hadith by Ayatullah Sayed Abul Qasim Khoori
12. Fiqhatul Ridha' by Sayed Muhammad Hashim Khwansari

The list of scholarly works with positive attitude is as follows:

1. Man La Yahzaratul Faqiah by Sheikh Saduk Muhammad Ibn Babuya Qumi

2. At-Tawhid by same author
3. Al-Uyun by same author
4. Al-Kamal by same author
5. Al-Aamali by same author
6. Al-Alal by same author
7. Maanil Akhbar by same author
8. Al-Ihtijaj by Abu Mansu Tibrisi
9. Al-Kharaij by Qutub Ravandi
10. Maalim Ul-Ulama by Ibn Shehr Ashob
11. Maniatul Murid by Shaheed Sani
12. Rauzatul Muttaqeen by Majlisi First Muhammad Taqi
13. Bihar Ul-Anwar, vol 1 by Majlisi Second Muhammad Baqir
14. Wasayl ush-Shia by Sheikh Hurr al-Amili
15. Isbat Ul-Hidat by same author
16. Tafsir Safi by Faiz Kashani
17. Tafsir Burhan by Sayed Hashim Bohrani
18. Tafseer Noor Us-Saqalain by Sheikh Abd Ali Havezi
19. Aklail Ur-Rijal by Muhammad Ja'far Khurasani
20. Al-Fawahidul Najafia by Sheikh Sulaiman Bohrani
21. Muntahil Miqal by Abu Ali
22. Al Taaliqatu Ali Minhajul Miqal by Wahid Bahihani
23. Tafsir Miraatul Anwar by Sheikh Abul Hasan Al Sharif
24. Itqanul Miqal by Sheikh Muhammad Taha
25. Tasliatul Fawad by Sayed Abdullah Shabbar

26. Nakhbitul Miqal by Sayed Hussain Barojardi
27. Sahifatul Abrar by Hujjat Ul Islam Tabrezi
28. Awalimul Ulum by Sheikh Abdullah Bohrani
29. Faraidul Usul by Sheikh Ansari
30. Tanqihul Miqal by Sheikh Abdullah Mamiqani
31. Jami Ahadith Ush-Shia by Ayatullah Barojardi
32. Alzaria vol 4 p 283 by Allama Tehrani

The well-known authors of the books in this list have written at length about this commentary. They have scrutinized it from every angle and have praised it a great deal. As an example, Majlisi First Muhammad Taqi (RA) has written in the Farsi commentary of Rauzatul Muttaqeen and Faqih:

“The truth of the matter is that this commentary is one of the treasures of Allah (SWT).”¹

And Majlisi Second Muhammad Baqir writes on p 28, vol 1 of Bihar Ul-Anwar, “This commentary referenced to Imam Hasan al-Askari (as) is a well-known book and the well-known personality, Sheikh Saduq, has expressed confidence in it.”

In addition, the author of Wasayl ush-Shia, Sheikh Hurr al-Amili has counted it as a source for his creation, Fiqhi Dairatul Maarif Wasail. Similarly, the famous researcher, Sayed Abdullah Shabbar, also labels this commentary as the foundation for his own scholarly works. And Ayatullah Burujardi says, “I am one of the beneficiaries of this commentary by Imam al-Askari (as).”

1. Commentary on Faqih, vol 5, p 142 – 213

The History of Ijtihad

First of all it is important to know what Ijtihad is, so that it gets easier to understand all of its aspects. The origin of word Ijtihad is either johod or jahad. All known vocabulary experts tell us that johod implies force and strength, whereas, jahad means hard work and struggle. The original word has been used at different places in Quran in several forms. In addition, Arabic linguists such as Raghیب Isphahani and Fura' Ozbedi also say that this word is used on the occasions of either expending mental energy or

physical hard work.

As to the word – Ijtihad. The first explanation is that it is related to the faculty of Principles of Jurisprudence (Usul al-Fiqh) and Usul al-Fiqh is the name for the collection of those rules and regulations that help a Faqih reach a required decision related to Shariah.¹

That is, Ijtihad is finding the solution to a problem by putting in full efforts with the help of solid arguments and a scholarly approach proven in the affairs of life. Let us have an open discussion on this subject. As has been stated before, a few people who have scholarly minds and who stay abreast of new findings and occurrences keep on collecting proofs relevant to the issues and strive to find solutions to problems according to the religious law (sharia).

In the days of Virtuous Imams every inquirer was able to get answers to his questions directly. Then times changed and direct access to the real source of guidance was no more there. Then some trustworthy elders who used to play the intermediary role between an average person and the Imams passed away one by one. In addition, the number of narrators of the commands increased manifold.

The result was that it became necessary to verify every command as sometimes the subject of the narration was doubtful, other times the quality of language was below par and in some instances there were suspicions about the narrator. So for an average man on the street finding out solutions to his problems became a big headache and a threat to his faith. At that time some religious scholars (fuqaha) with a vision stood up and in the name of Allah started following the guidelines provided by the virtuous Imams. Eventually this step very quickly led to an intellectual and scholarly movement and with the Grace of Allah (SWT) school of Ijtihad came into being. Had this effort not been undertaken, God knows where shariah would have gone. Ijtihad provided security to the culture of fiqh, breathed life in its values and this life got energy and activity.

However, the toughest and most bitter critic of Ijtihad, Mullah Muhammad Amin Ustarabadi² used to raise hue and cry that the concept of Ijtihad came from the Sunni fiqh.

What is surprising is that this gentleman's name was included in the league of heavy weight scholars of his time. He kept insisting rather blatantly that Ijtihad was one of the qualities of Sunni Fiqh. He is the one who initiated this theory. Now the whole school of Sunni Fiqh is adamant on it. As an example, Fakhruddin Razi says, "Just the way Aristotle laid the foundation of logic, Muhammad Ibn Idris Shafei (died in 204AH) invented Principles of Fiqh (Usul al-Fiqh).³

The fact of the matter is that neither Aristotle was the inventor of intellectual constitution, nor Shafei was the creator of rules and regulations of Fiqh. What could be stated is that Aristotle arranged the vague and scattered rules of logic in an order; and similarly Shafei polished some of the laws of Fiqh in his writing, Al-Risala. There will be more on this subject in the next few pages of this book.

Anyway, there is no question that the rules and regulations we are talking about did not show up after

the Aimmah because almost all the terms used in Usul al-Fiqh are abundantly present in our treasure of traditions. And it makes it quite obvious that in the days of Aimmah some portions of Usul al-Fiqh as needed were present in the Islamic knowledge base.

Now let us suppose that a few of such terms appeared after the Aimmah, it still does not change the facts, as people of those times adopted simpler language to convey the message and did not use these terms.

1. Faqih Sheikh Abdul Karim Hairi, who nourished the scholastic activities in the city of Qum says the following about Usul al-Fiqh:

فاعلم ان علم الأصول هو العلم بالقواعد الممهدة لكشف حال الأحكام الواقعية بأفعال المكلفين

It should be known that Faculty of Usul al-Fiqh is a collection of useable rules of wisdom and awareness with whose support an inquirer gets most suitable answers to scholarly queries. Darul Fawaid Jaza, p 31, published Muassasatun Nashar Al Islami, Qum

2. There are a number of lush green hills in the fertile land called Vahistan and Varkan around river Atrak and the Gurgan stream in Iran. In this area Ustarabad is the biggest town. Mullah Muhammad Amin was born in this town. He grew up here and got the elementary education. When he was ready for higher learning he moved to Najaf Ashraf, the biggest centre of scholarly activities. After acquiring as much knowledge as he could, he moved to Hijaz.

In those days Mirza Muhammad, a traditional scholar originally from Ustarabad, was staying in Holy Mecca. Mullah Amin met him, immediately became his admirer and joined his study circle. Mirza Muhammad was not only quite impressed by Zahiria, a branch of Sunnah Fiqh, but was also fond of it. Zahiria was founded by a Faqih from Isfahan, Daud Bin Ali (died in 370AH). One well known peculiarity about this school of thought was that its followers were arch enemies of Imam Abu Hanifa's Ijtihadi ideas and were dead against taqleed.

This religion was quite popular in Mecca and Madina in addition to Syria and Iraq. To spread this school of thought in Shia circles and in far flung areas, Mirza Muhammad persuaded his pupil, Mirza Muhammad Amin, to write a book called Alfawaid Ul Madniyya. This book lacked scholarly qualities and was full of shallow stuff.

When this piece of writing came into the hands of scholars, there was great hue and cry and for the next two hundred years a bitter debate ensued. May Allah give a high rank in heaven to the king of scholars, Muhammad Baqir Wahid Bahimani, who finished off this river of cheap journalism through his lectures, debates, writings and pupils. Bahimani passed into eternal bliss on 29th Shawwal 1205AH at the age of 90 or 91 after winning a big scholarly battle. He was buried at the feet of King of Martyrs in Karbala.

3. Manaqib Ush Shafei, p 57

A Look at Al-Risala

Since a mention has been made of Al-Risala, a most valuable contribution by the famous faqih, Muhammad Ibn Idris Shafei, it would be a good idea to objectively explore it in greater detail.

Many old and new scholars of Sunni Fiqh insist that all the concepts in the Faculty of Principles of Fiqh (Ilm al–Usul al–Fiqh) are the creation of Shafei and Al–Risala is the product of his thought process. Yet many top intellectuals of the same school of thought have a strong difference of opinion.

Some scholars declare Abu Hanifa (died 150 AH) to be the pioneer. Others claim that Muhammad Ibn Hasan Shaibani (died 189 AH) was the first. And still others hold with great confidence that Abu Yousuf Yaqoob Ibn Ibrahim (died 182 AH) was the originator.¹

Secondly, let us suppose that the faculty of Principles of Fiqh (Usul al–Fiqh) was the creation of Shafei, would it not be unfair to the heads of other schools of Fiqh and other scholars (fuqaha)? Some of such people are Abu Hanifa Noman Bin Thabit (died 150 AH) and his famous pupil Abu Yousuf (died 182 AH), Muhammad Ibn Hasan Shaibani (died 189 AH), Hasan Ibn Ziad Lului (died 204 AH) and Ozfar Ibn Huzail (died 158 AH). All these scholars predated Shafei.

Can all these well–known learned people be declared ignorant of the philosophy of law or rules and regulations of commands of fiqh? Did they not know the difference between Amr (decree to do good) and Nahi (decree to stay away from vice); common man and the privileged; and independent and dependent? If the answer is yes, they were unaware of such matters, then why were they called Fuqaha? If the answer is no, these issues were known to them, then we will have to accept that they were knowledgeable of Ijtihad and the individual who has been declared the creator of this faculty came much afterwards.

Now let us review Al–Risala as a book of the “Doctrines of Fiqh”. It is a fine collection of 670 pages. Several scholars have written explanations of this collection. In December 1935 an intellectual and writer Ahmad Muhammad Shakir wrote a 100 page detailed critique and has done a great service.

Shafei worked on Al–Risala twice. Once when he was in Baghdad and the second time when he was in Egypt. The story about the Baghdad episode goes like this. A scholar of the time, Abdur Rahman Ibn Mehdi, wrote to Shafei and asked him to write a booklet that could help him understand Quran, ascertain truthfulness of traditions, and find out what is current and what is obsolete in Quran and Sunna.

Now if we stop here and think about the reason for writing of this collection, it becomes clear that it was not written to understand the Doctrines of Fiqh. Rather the requestor needed some explanations for understanding Quran and Traditions and some of the terminology used therein. This collection has primarily satisfied this demand.

A submission to those who insist that Al–Risala is a treatise on the subject of “Doctrines of Fiqh” and is the first work on this subject, first of all the under discussion treasure does not have a feel of a book. That is either the author did not fully focus on the subject or he did not have full command on the topic. However, it is not proper to make such comments about an intellectual like Shafei.

Anyway the writing we have in front of us can be more appropriately labeled as a very long letter. Ahmad

Muhammad Shakir, while quoting Hafiz Ibn Abdul Ber, has written the same thing. It goes like this: Ali Ibn Madini says, "I asked Muhammad Ibn Idris Shafei to respond to Abdur Rahman Ibn Mahdi's letter as he was anxiously waiting for a reply". Shafei did the needful and here it is, Al-Risala.²

In addition, another fact that cannot be ignored is that this writing that is being portrayed as a book was not actually written by Shafei. Rather it is a collection of his dictations. Ahmad Muhammad Shakir writes: It appears to be more likely that Shafei was speaking and Rabii Ibn Suleman was writing. The proof lies in sentence number 337 that quotes the scribe, Rabii Ibn Suleman, "When he would recite an aya from Quran, he would leave it incomplete for brevity".³

Then in several instances "Shafei said" is written. It further supports the argument that the concentration, seriousness, creativity and diligence required of a scholar for writing on such a subject are missing. So it does not appear to be a unique contribution by the learned scholar. He does not draw any boundaries around his thoughts and does not adopt a style appropriate for conveying true understanding of the subject. The result is that at every step it appears that either he is solving a puzzle in the Commentary (Tafseer) or trying to get to the bottom of a tradition to extract some idea. But in this collection of thoughts very little justice seems to have been done to the subject of "Doctrines of Fiqh".

If the review is done in the context of book writing methodology, then it appears that there are some good qualities; however, means of finding solutions to day to day problems are missing and that is what is required in the "Doctrines of Fiqh".

Also the material presented does not seem to be satisfactory. It does not appear to be a consistent and organized effort. As mentioned earlier a reader does not receive any material relevant to ways of solving problems and secondly there is lack of energy and freshness. To top it off, in this hefty 670 pages long collection, one gets an impression only four or five times that the discussion on the real subject is about to start. For example, Babe Khairul Wahid, Babul Ijmaa, Babul Qias, Babul Ijtihad, Babul Istehsan, Babul Ikhtilaf. But unfortunately the expectation dies out rather quickly. As Muhammad Ahmad Shakir writes, "This point was not highlighted in the original manuscript. I gave this caption to this chapter. Someone else has scribbled this subject on the border with red ink; etc, etc."

After all this discussion one questions if it is possible to extract any knowledge about the "Doctrines of Fiqh" from Al-Risala and secondly who would accept that the thought was unique and came ahead of others.

1. See Al-Fihrist by Ibn Nadeem; Wafiatul Ayan by Ibn Khalkan; Al A'laam by Zarkali; and Fawaidul Usul by Dr. Mahmud Shahabi

2. Al-Risala, p 11

3. Al-Risala, page 12

The Fact Is

It is no secret that some scholars of Muslim world have tried to give the credit of “Doctrines of Fiqh” to Imam Shafei.

Anyway, enough said on this subject. A few scholars with help from their imagination have gone even farther to the age of Rasul Allah (S) and have credited a companion, Moaz Ibn Jabal, with the discovery. However, the brilliant author of Aunul Maabud, Muhammad Ashraf Ibn Ali, while quoting Jozeqani has labeled this reference as a fake tradition.¹

In addition, Qazi Abdul Jabbar has said the same thing on page 200 of his book, Al Mughni, vol 7. For further discussion see Al-Ahkam page 976, by Ibn Huzm Undlusi; Meezan UI-Etidal page 439 by Zehi; Taqreeb Ut Tahzeeb vol 1 page 142 by Ibn Hajr Asqalani. And it would be very useful to study pages 39 to 42 of a very fine book, Al-Ijtihad Wa Usula wa Ahkama by Sayed Muhammad Bahar UI-Uloom.

Anyway, different people have different things to say. But the fact of the matter is that the beneficiaries of the rivers of knowledge and wisdom of our Aamma (as) have done a commendable job of introducing the concept of Ijtihad.

The famous researcher, Allama Sayed Hasan Sadr, writes on Page 310 in his most precious book, Tasees Ush-Shia Al-Uloom UI-Islam: The pupils, who attended the thought provoking lessons of our fifth and sixth Imams, learnt all about the “Doctrines of Fiqh” and then wrote extensively on this subject. The lofty treatise, Al-Alfaz wa Mubahisa, by Hasham Ibnul Hakam (died 179 AH) is a living proof. This scholar was a beneficiary of Imam As-Sadiq’s (as) teachings. The other personality with many wonderful qualities was Younas Ibn Abdur Rahman (died 208 AH) who wrote Ikhtilaf UI-Hadeeth wa Masaila². Before their time no one had written on this subject in such a way and consequently these books became the pioneering works and great models. Anyway, foundation had been laid down and the work continued.

In this context Ibn Nadeem (died 380 AH) who was extremely knowledgeable about books and personalities wrote:

A short time after the exceptional writings by Hasham Ibnul Hakam and Younas Ibn Abdur Rahman, a great thinker of School of Ahlul Bayt and a son of Naubakht family, Abu Sahal Ismail Ibn Ali (died 311 AH), wrote Al-khusus wal-Uloom and Abtalul Qias and made a weighty contribution to the “Doctrines of Fiqh”. After him when his talented nephew, Abu Muhammad Hasan Ibn Musa Naubakhti, took over the job of preaching, he in addition to many other books wrote Kitab Al-khusus wal-Umum and Al-khabrul Wahid and thus made a huge addition to the treasure of books on the subject of the “Doctrines of Fiqh”.

1. Aunul Maabud, p 22

2. Both the books and the authors have been mentioned in Al-Fihrist written by Ibn Nadeem (died 380 AH). See page 224 and 276; printed in Tehran.

The Period of Short Occultation

Ibn Nadeem (died 380 AH) writes in his knowledge-packed offering, Al-Fihrist:

A short time later a son of Naubakht family and a great intellectual of School of Ahlul Bayt, Abu Sahal Ibn Ali (died 311 AH), made a distinct addition to the “Doctrines of Fiqh” by writing Al-khusus wal-Umoom and Abtalul Qias. Then his talented nephew, Abu Muhammad Hasan Ibn Musa Naubakhti, took over the job of preaching and in addition to many other books wrote the most valuable Alkhabrul Wahid wal Amal Beh. It should be kept in mind that Hasan Ibn Musa had the honor of meeting Imam Hasan Askari (as).

Now the short occultation of Last Imam (as) is about to end. This was a time when the scholars (ulama) had the opportunity to work on traditions, commentary, character and morals. Researchers (fuqaha) got a chance to focus on researching the answers to new problems and issues with full freedom and confidence. And other thinkers and intellectuals were able to use their minds for securing and strengthening the religion. This period also taught those, who were associated with Ahlul Bayt, the ways of waiting for the Last Imam (as).

The Last Word

The period of long occultation started. Iraq became the first centre for propagation of knowledge and wisdom. There is a strong belief that the moment believers had been waiting for has arrived and the instructions are etched in hearts that once the Last Imam (as) goes in long occultation people should start benefiting from his deputies.

It is only logical to inquire who the deputy of Last Imam (as) is. There are two known rules to get the answer – by nomination and by recognition.

Nomination means a complete introduction with name and signs of the individual for the position of the deputy (Naib) by the Last Imam (as) himself. Recognition is the identification of certain qualities and distinctions one needs to exhibit in order to qualify for the deputy's position.

According to the first rule, history shows the names of four great holy men of the highest intellect – Abu Umro Ibn Saeed, Muhammad Ibn Uthman Umri, Abul Qasim Hussain Ibn Ruh and Abul Hasan Ali Ibn Muhammad Samri. They were all appointed by the Current Imam (as) and after the death of Abul Hasan Ali Ibn Muhammad Samri on 15th Shaaban 328 AH, he himself terminated the process of specific deputies.

Next, the period of selection by recognition started. The Prophet (S) and other Infallibles have shed some light on this process. Specifically, the following saying by Imam Hasan al-Askari (as) is a powerful argument:

“Common people should follow those theologians (fuqaha) who are in control of themselves, look after their religion and obey Allah (SWT).” This particular saying has been supported by eighteen authentic references in the previous pages of this book.

And the Current Imam (as) said, “In your lives when you face new problems never heard of before, consult with narrators of our traditions (fuqaha) to find out the rules and regulations on how to deal with the new situations. Following them is mandatory (wajib) on you because I command you to do so and following me is mandatory (wajib) on you because Allah commands you to do so.” (Refer to the chapter “Decision of Tradition”)

As a result of these great sayings our institutions of knowledge progressed. Travel began. Convoys started moving and wherever fertile land was found, the visionaries stayed; made such places exemplary hubs of knowledge, promoted them and provided the means to move on. This process resulted in establishment of world famous centers of intellect in Baghdad, Najaf Ashraf, Hilla, Karbalay Mualla and Samra in Iraq. Similar intellectual activity took root in Qum, Ri and Isfahan in Iran; and Syria, Halab and Jabale Aamil – the places in Middle East that used to be famous for Byzantine civilization – became the axis for teachings of the House of Muhammad.

The followers (Shias) of Ali Ibn Abu Talib (as) were prospering and growing in this spiritual atmosphere with the belief that none of them is tied down to certain geography, rather, they are all lovers of knowledge as knowledge is beauty.

Our Marajay Taqleed

(From the beginning of Great Occultation to the Islamic Revolution in Iran)

Year of Death (AH)	Name	Known As	Famous As	Place Lived
340	Hussain Bin Ali	Abu Muhammad	Ibn Abi Aqueel Ammani	Iraq

343	Muhammad Bin Hasan Bin Ahmed	Abu Ja'far	Ibn Valeed	Qum
368	Ahmed Bin Muhammad	Abu Ghalib	Shebani – Zarari	Kufa
369	Ja'far Bin Muhammad	Abul Qasim	Ibn Quluia	Kufa
378	Muhammad Bin Ahmed	Abul Hasan	Ibn Daud	Qum, Baghdad
381	Muhammad Bin Ali Bin Hussain	Abu Ja'far Thani (Second)	Sheikh Sudoq	Ri, Baghdad
381	Muhammad Bin Ahmed	Abu Ali	Ibn Junaid Askafi	Ri
413	Muhammad Bin Muhammad Bin Nauman	Abu Abdullah	Sheikh Mufeed	Baghdad
436	Ali Bin Hussain	Abul Qasim	Sayed Murtaza Ilmul Huda	Baghdad
447	Taqi Bin Najam	Abu Salah	Halabi	Halab
460	Muhammad Bin Hasan	Abu Ja'far Thalith (Third)	Sheikh Tusi	Baghdad, Najaf
463	Hamza Bin Abdul Aziz	Abu Ya'li	Salar	Halab
481	Abdul Aziz Bin Nahar	Abul Qasim	Qadhi Ibn Baraj	Tripoli
515	Hasan Bin Muhammad	Abu Ali	Mufeed Thani (Second)	Najaf
560	Abdul Jalil Bin Masood	Abu Saeed	Mutakallim Razi	Najaf
570	Fadhalullah Bin Ali	Abu Radha	Hasani Ravandi	Kashan
573	Saeed Bin Abdullah	Qutubuddin	Ravandi	Kashan
585	Hamza Bin Ali	Abul Makaram	Ibn Zahra	Hilla
585	Muhammad Bin Ali Hamza	Abu Ja'far Rab'e (Fourth)	Tusi Mashhadi	Hilla
598	Muhammad Bin Ahmed	Abu Abdullah	Ibn Idris	Hilla
630	Fakhkhar Bin Mu'add	Shams Uddin	Musavi	Hilla
645	Muhammad Bin Ja'far	Abu Ibrahim	Ibn Nama	Hilla
664	Ali Bin Musi	Radhi Uddin	Ibn Taoos	Hilla
673	Ahmed Bin Musi	Jamal Uddin	Ibn Taoos	Hilla
690	Yahya Bin Saeed Bin Ahmed	Abu Zikria	Ibn Saeed Hilli	Hilla
693	Abdul Karim Bin Ahmed	Ghias Uddin	Ibn Taoos	Hilla
726	Hasan Bin Yousuf	Jamal Uddin	Allama Hilli	Hilla
754	Abdu Muttalib Bin Muhammad	Amid Uddin	Amidi	Hilla
766	Muhammad Bin Muhammad	Abu Ja'far	Qutubuddin Razi	Hilla
771	Muhammad Bin Hasan	Abu Talib	Fakhrul Muhaqqaqin	Hilla
786	Muhammad Bin Makki	Abu Abdullah	Shaheed Awwal (First)	Hilla
-	Ali Bin Khazan	Zain Uddin	Hairi	Hilla
810	Ali Bin Muhammad Bin Makki	Abul Qasim	Farzand (Son) Shaheed Awwal	Hilla
826	Miqdad Bin Abdullah	Abu Abdullah	Fadhil Miqdad Sayuri	Hilla
841	Ahmed Bin Muhammad Bin Fahad	Abul Abbas	Ibn Fahad Hilli	Hilla
916	Ali Bin Halal	Abul Hasan	Jazairi – Sheikh Ul Islam	Hilla
933	Hasan Bin Ja'far	Badr Uddin	E'raj Hussaini	Jabal Aamil
938	Muhammad Bin Makki	Shams Uddin	Aamil Shami	Jabal Aamil
938	Ali Ibn Abdul Aali	Abul Qasim	Aamli Mesi	Isfahan
940	Ali Bin Hussain Bin Abdul Aali	Abul Hasan	Muhaqqiq Thani – Karki	Halab, Isfahan
966	Zain Uddin Bin Ali	-	Shaheed Thani	Jaba' Syria
980	Ali Bin Hussain	Noor Uddin	Saigh Hussaini	Hilla
981	Abdullah Bin Hussain	Najam Uddin	Yazdi	Najaf

984	Ali Bin Halal	-	Aamli Karki	Isfahan
984	Hussain Bin Abdus Samad	Izz Uddin	Harthi – father of Sheih Bahai	Jabal Aamil
993	Ahmed Bin Muhammad	-	Muqaddas Ardbeli	Najaf
993	Abdul Aali Bin Ali	Abu Muhammad	Aamli Karki	Isfahan
1009	Muhammad Bin Ali	-	Musavi – Saheb Madarak	Jaba'Syria
1011	Hadan Bin Zain Uddin	Jamal Uddin	Saheb Moa'lam	Jaba'Syria
1021	Abdullah Bin Hussain	Izz Uddin	Tustari	Isfahan
1030	Muhammad Bin Hussain	Baha' Uddin	Sheikh Baha'i	Isfahan
1031	Ali Bin Muhammad	Abul Moa'li	Tabatabai	Najaf
1032	Ibrahim Bin Ali	Abu Ishaq	Ibn Mufлах	Isfahan
1036	Muhammad Ameen Bin Muhammad	-	Ustarabadi	Madina Munawwara
1040	Muhammad Bin Hasan	-	Farzand Saheb Moa'lam	Halab
1040	Muhammad Bin Muhammad Baqir	Baha' Uddin	Hussaini Naini	Isfahan
1041	Muhammad Baqir Bin Shams Uddin	-	Son-in Law	Isfahan
1060	Ali Bin Hujjat Ullah	Sharf Uddin	Tabatabai	Najaf
1066	Hussain Bin Muhammad	-	Sultan Ul Ulama	Isfahan
1068	Ali Bin Ali	Noor Uddin	Musavi Aamli	Jabal Aamil
1070	Muhammad Taqi Bin Maqsood	-	Majlisi Awwal	Isfahan
1077	Hussain Bin Haider	Abu Abdullah	Hussaini Karki, Mujtahid	Isfahan
1080	Muhammad Bin Haider	Rafi Uddin	Hasani Tabatabai	Isfahan
1080	Muhammad Bin Muhammad	-	Qadhi Saeed Qummi	Qum
1080	Muhammad Saleh Bin Ahmed	-	Muqaddas Saleh Sairvi Mazandarani	Isfahan
1090	Muhammad Baqir Bin Muhammad	-	Mo'min, Muhaqqiq Sabzvari	Sabzvar
1091	Muhammad Bin Murtaza	-	Mullah Mohsin Faiz Kashani	Kashan
1091	Ali Ridha' Bin Habib Ullah	-	Musavi Aamli	Isfahan
1098	Hussain Bin Muhammad	-	Muhaqqiq Khwansari	Isfahan
1098	Muhammad Tahir Bin Muhammad Hussain	-	Qummi	Qum
1103	Ali Bin Muhammad Bin Hasan	-	Aamli Jab'i	Isfahan
1111	Muhammad Baqir Bin Muhammad Taqi	-	Allama Majlisi (Second)	Isfahan
1115	Ja'far Bin Abdullah	-	Havezi	Isfahan
1125	Jamal Uddin Bin Hussain	-	Aaqa Jamal Khwansari	Isfahan
1129	Hussain Bin Hasan	-	Delmati	Isfahan
1130	Zain Uddin Bin Muhammad	-	Aamli Jab'i	Isfahan
1137	Muhammad Bin Hasan	-	Fazil Hindi	Isfahan
1150	Ahmed Bin Ismail	-	Jazairi	Najaf
1170	Muhammad Bin Baqir	-	Rizvi Qummi	Isfahan, Najaf
1173	Ismail Bin Muhammad	-	Mazandarani	Isfahan, Najaf
1186	Yousuf Bin Ahmed	-	Bahrani, Saheb Hadaiq	Najaf

1193	Abul Hasan Bin Abdullah	-	Musavi Jazairi	Shoshtar
1197	Muhammad Bin Muhammad	-	Baidabadi	Isfahan
1208	Muhammad Baqir Bin Muhammad Akmal	-	Vaheed Bhabhani, Muallamul Fuqaha	Najaf
1209	Mehdi Bin Abi Zar	-	Naraq	Kashan
1212	Muhammad Mehdi Bin Murtaza	-	Tabatabai Bahrul Uloom	Najaf
1220	Asad Ullah Bin Ismail	-	Shoshtari, Kazimi	Kazimain
1228	Jafa Bin Khizr	-	Kashiful Ghata'	Najaf
1231	Abul Qasim Bin Muhammad Hasan	-	Mirzai Qummi, Sahebe Qawaneen	Qum
1231	Ali Akbar Bin Muhammad Baqir	-	Aiji Isfahani	Isfahan
1240	Mohsin Bin Hasan	-	Kazmani Muhaqqiq A'araji	Najaf
1242	Muhammad Bin Ali	-	Tabatabai, Sayed Mujahid	Najaf, Isfahan
1244	Ahmed Bin Mehdi	-	Naraq Moli Ahmed	Kashan
1245	Muhammad Sharif Bin Hasan Ali	-	Shariful Ulama	Najaf
1246	Ibrahim Bin Muhammad	-	Musavi Qazvani	Najaf
1256	Musi Bin Ja'far	-	Kashiful Ghaza	Najaf
1260	Muhammad Baqir Bin Muhammad Taqi	-	Shafti, Hujjatul Islam	Isfahan
1262	Muhammad Ibrahim Bin Muhammad	-	Kalbasi	Isfahan
1262	Hasan Bin Ja'far	-	Najafi, Sahebe Anwarul Fuqaha	Najaf
1263	Sayed Muhammad Bin Saleh	-	Sayed Sadruddin Aamli	Najaf
1263	Ja'far Bin Saif Uddin	-	Ustarabadi	Tehran
1266	Muhammad Hasan Bin Baqir	-	Najafi, Sahebe Jawahar	Najaf
1273	Hasan Bin Ali	-	Waiz Isfahani	Isfahan
1281	Murtaza Bin Muhammad	-	Sheikh Ansari	Najaf
1286	Abdul Hussain Bin Ali	-	Sheikhul Araqeen	Najaf
1289	Sayed Muhammad Bin Abdus Samad	-	Shahshahani	Isfahan
1299	Hussain Bin Muhammad	-	Koh Kamrahi	Najaf
1302	Hussain Bin Muhammad Ismail	-	Ardkani	Karbala
1306	Muhammad Bin Muhammad Baqir	-	Fazil Aervani	Najaf
1309	Sayed Abul Qasim Bin Hasan	-	Tabatabai, Hujjat	Karbala
1312	Muhammad Hasan Bin Mahmood	-	Mirzai Sherazi	Samra
1315	Abul Moali Bin Muhammad Ibrahim	-	Karbasi	Isfahan
1322	Muhammad Bin Fazal	-	Fazil Sharabiani	Najaf
1323	Muhammad Hasan Bin Abdullah	-	Mamaqani	Najaf
1325	Sayed abul Qasim Bin Ma'soom	-	Ashkari	Najaf
1329	Muhammad Kazim Bin Hussain	-	Akhwand Khurasani	Najaf
1332	Muhammad Taqi Bin Muhammad Baqir	-	Aqa Najafi Isfahani	Isfahan
1337	Muhammad Kazim Bin Abdul Azeem	-	Tabatabai Yazdi	Najaf
1338	Muhammad Taqi Bin Muhibbe Ali	-	Mirza Dom Sherazi	Najaf

1339	Fathullah Bin Muhammad Jawwad	-	Namazi Sherazi Sharitumdari	Najaf
1340	Ahmed Bin Ali	-	Najafi	Najaf
1341	Muhammad Bin Muhammad Taqi	-	Arbab	Qum
1348	Muhammad As-Sadiq Bin Hussain	-	Isfahani	Isfahan
1353	Abul Qasim Bin Muhammad Taqi	-	Kabeer	Qum
1353	Abul Qasim	-	Dahakravi	Isfahan
1355	Muhammad Hussain	-	Naini	Najaf
1355	Abdul Karim Bin Muhammad Ja'far	-	Hairi, Muassas Hauza Qum	Qum
1357	Abul Hasan	-	Angji	Azerbaijan
1359	Zia Uddin	-	Iraqi	Najaf
1361	Muhammad Hussain Bin Muhammad Hasan	-	Kampani, Gharavi Isfahani	Najaf
1362	Ridha' Bin Muhammad Hussain	-	Masjid Shahi	Isfahan
1365	Sayed Abul Hasan Bin Muhammad	-	Masjid Shahi, Isfahani	Isfahan
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1371	Muhammad Taqi Bin Asadullah	-	Khwansari	Qum
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1372	Sadrudin Bin Ismail	-	Sadr	Qum
1379	Sayed Hussain Bin Ali	-	Hamami	Najaf
1379	Sayed Jamal Uddin Bin Hussain	-	Musavi Gulpayagani	Najaf
1381	Sayed Muhammad Hussain Bin Ali	-	Tabatabai Brojardi	Qum
1382	Muhammad Hussain	-	Aal Kashiful Ghata	Najaf
1390	Sayed Mohsin Bin Mehdi	-	Tabatabai Hakeem	Najaf
1409	Sayed Roohullah Bin Mustafa	-	Musavi, Khomeni	Najaf, Qum
1413	Sayed Abul Qasim Bin Ali	-	Musavi, Khoi	Najaf
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