

بحث
حول التقلید

Bahthu hawl at-Taqlid

A RESEARCH ON TAQLID

Abridgment on the Legitimacy of Taqlīd and Response to
Doubts Regarding It

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Preamble

It is necessary for every responsible human being, after recognizing the true religion and the right path, to seek to know the best way to access knowledge of religious decrees because, by its very nature and the impact it has on the lives of people in general, religion is a center of attention towards which different desires and opinions revolve. This is not a new thing, specific to our time. Indeed, it has always been the case since time immemorial. It is for this reason that religious texts emphasize so much the need for the masses to verify what they follow, not to rush into accepting anyone who claims to hold authority or bear the banner of religion.

Declaration of the Commander of the Faithful (as) warning against those who falsely claim knowledge

The Commander of the Faithful (as) said in a speech where he warned people against one who claims to be knowledgeable and does everything in his power to be in a position of authority by casting doubts in people's minds and sowing discord:

"In reality, there are two types of individuals who are the most detested creatures in the eyes of Allah, the Almighty: the person whom Allah has left to his own devices, and as a result, has strayed from the right path. He continuously propagates innovations, yet he constantly engages in fasting and prayer. Thus, he misguides those who are deceived by him. He has strayed from the righteous path of those who preceded him, and he misguides those who follow him during his life and after his death. Therefore, he bears the sins of others and is also held accountable for his own sins.

The other individual is the one who has accumulated ignorance among the ignorant. He is trapped in the darkness of confusion. People, who barely deserve to be called human beings, label him as a scholar, even though he hasn't spent a single day in the company of knowledge. He rises early and gathers things that it would be better to have as little of as possible, to the point that once his thirst is quenched from putrid water and loaded without profit, he sits in front of people as a judge, guaranteeing that he will resolve cases that have baffled others. While he contradicts the opinion of a

judge who came before him, it is not certain that another will not come after him to contradict him, just as he did with the one before him. If a difficult and confusing question is raised, he prepares one of his many unfounded answers, and then acts as if he is certain. Thus, concerning these confusing questions, he finds himself in a spider's web. He never knows if he is right or wrong. He gives no consideration to knowledge he does not possess, and he believes there is no opinion to give other than the one he has reached. If he compares one thing to another, he does not reject his own opinion. If a matter is obscure to him, he hides this fact because he knows his own ignorance and does not wish to be told, "He does not know." Despite all this, he dares to pronounce judgment. Thus, he is a key to darkness. He advances on the back of confusion. He stumbles in his ignorance. He does not apologize for what he does not know, which would protect him. And he does not devour knowledge, even though it would be profitable for him. He quotes traditions haphazardly, just as the wind scatters leaves. Inheritances weep, and blood sheds tears. Through his verdicts, illicit sexual relations become lawful, and through his verdicts, lawful sexual relations become illicit. He is neither capable of resolving the cases presented to him, nor worthy of the claims that come from him regarding his knowledge."¹

Moreover, the Commander of the Faithful (peace be upon him) declared in other sayings where he described the state of people and their categories:

"O people! We are currently in an era marked by such abuses and ingratitude that virtue is considered vice, and the oppressor continues to advance in their excesses. We do not make good use of what we know, and we do not discover what we do not know. We do not fear calamity until it befalls us.

People fall into four categories. Among them is the one who can only commit malicious acts due to their lowly condition, lack of means, and insufficiency of possessions. Then there is the one who has drawn his sword, openly commits malicious acts, gathers his horsemen and foot soldiers, and whose obsession is to amass wealth, lead troops, and ascend the pulpit, allowing his faith to perish. What a bad bargain it is to take this world as an exchange for your soul and what is with Allah for you!

¹ Al-Kāfī, 1 : 55-56, ḥ. 6

Among them is the one who seeks this world through actions intended for the hereafter but does not seek the hereafter through the actions of this world. He keeps his body calm, takes measured steps, holds back his garments, and adorns his body to appear trustworthy. He chooses the veil of Allah as a means to commit sins.

Then there is the one whose weakness and lack of means have prevented him from seeking authority. This keeps him at a low level, and he describes his state as contentment, dressing in the garb of ascetics, even though he has never possessed any of these qualities."

Then there remain some people whose eyes are lowered by the reminder of their return, and whose tears flow out of fear of the resurrection. Some of them have fled and scattered. Some are frightened and rendered silent. They can maintain silence as if they had been muzzled. Or they pray sincerely. Or they are deeply grieved."²

Acquiring knowledge and religious injunctions: the preferred method for the disciples of the Prophet's family (peace be upon him and his family)

The method embraced by the disciples of the Prophet's family (peace be upon him and his family), and even by other Muslims, is to refer to reliable scholars in religious sciences, following the established norm that non-specialists should turn to trustworthy specialists, just as they do for any other aspect of their lives.

This approach has led to the establishment of higher education institutions such as universities and seminaries, where students come to study Islamic law, beginning with the most basic principles and gradually progressing to a level where they are considered authorities and are granted permission to engage in interpretation (ijtihād). They then engage in interpretive efforts in various jurisprudential subjects to attain a complete degree of expertise and mastery. Similarly, students progress through stages of ethical development, starting with the early phases of moral reform and advancing to the highest levels of justice, rigorously adhering to the rules in all matters, events, and at all times.

² Path of Eloquence, Paris, flambeau Editions, 2020, p. 62-63.

This system, while currently following the path adopted by the Imami society, is a system that plays a significant role in safeguarding society to ensure that authority does not fall into the hands of those who lack the necessary integrity and knowledge. This outcome is a result of people relying on the best among those who have graduated from these institutions for their knowledge of legal injunctions, namely those who have gone through various levels of learning, training, and purification over a number of decades, from a young age to an advanced age. These are individuals whose erudition and piety have been attested to by seminarians and people of merit and excellence during this period, and this is the best test that can distinguish the resolved from the hasty, the devout from the pretender, before people turn to them for religious matters.

This is how righteous and just scholars have proceeded throughout the past centuries. Indeed, these individuals have remained steadfast in their pursuit of knowledge and have consistently upheld good morals and propriety, over a long period, among knowledgeable people, until they have earned respect in religious seminaries, and people have started to consult them on religious matters.

The violation of this predominant approach and its system

Despite the existence of this system, it has not prevented some individuals from claiming knowledge, devotion, and necessary competence without going through the various stages of knowledge acquisition or without being examined in this challenging field. If they had done so, their reliability could have been established by checking their character traits, such as patience, dedication, and diligence in acquiring knowledge, perseverance in good conduct, and disinterest in fame and status among the masses.

Some of them employ arbitrary methods to appease people. Here are two of them:

1. Spreading doubt among people on sensitive issues, even if they are clear and obvious to both the masses and specialists. They cast doubt and create controversies among them, touching on other principles, all in order to shake the convictions of the masses.

2. Addressing the masses on theoretical matters that require specialization and expressing an opinion contrary to that of the majority of scholars or contrary to what has been stated by some of the most renowned scholars, and challenging the great scholars to come and debate with them in public. They do this to gain people's trust in their erudition, instead of following the established method in seminars, gradually rising in the ranks of scholarship and excellence and addressing people of knowledge and merit.

It may seem strange that such a thing happens in this day and age when it has become quite clear that every field has its specialists and there are specific paths to follow for each specialization to become an expert; and a person's level of expertise is not established through social networks or mass communication aimed at non-specialists. Similarly, one does not become an expert simply by gathering information from amateurs or sparking controversies in public. In reality, one only becomes an expert by rising to the ranks of excellence, as is the custom of educated people in all other fields of study at universities and higher education institutions.

The seminar system provides protection against such dangers because the acquisition of knowledge takes place in dedicated halls of learning and in the presence of scholars, wise individuals, and intellectuals. Evaluations are conducted at each level of erudition so that those who excel stand out from the rest. The only exception to this occurs when the power of money and the media create a breach in the system.

Indeed, in addition to being a clear error from the perspective of erudition, the devaluation of deep knowledge acquisition makes it easier for false claims to become accepted as knowledge. It also allows individuals who refer to source texts and memorize parts of them, as has become common among Salafis, to more easily gain authority. We notice that among them, anyone who memorizes the Quran and certain hadith works, such as Sahih al-Bukhari, begins issuing decrees on social or political matters, or other aspects of Muslim life. They declare whomever they want as unbelievers and proclaim the obligation of jihad as they wish.

If the system of gradual advancement through seminars falls into such pitfalls, the Imami society will inevitably have to deal with an excessive number of authorities after a while. This will result in conflict, as we can see in other cases. Thus, false claimants to knowledge from all sides will emerge, and most people will rely on the media and be influenced by them regarding religious knowledge matters. Consequently, those who genuinely possess knowledge, acquired through hard work, will be forgotten because they will have embraced a more honorable approach and not resorted to such deceptive tactics.

The only protection against falling into such dangerous situations for society is the Islamic seminary system because it employs a long and rigorous method of tests and examinations. Furthermore, those who claim knowledge must be evaluated by their peers so that, in the end, the person whom people trust for religious decisions and refer to is the most qualified and competent in terms of knowledge and piety.

Raising doubts about the legality of taqlīd

One of the questions on which doubts have been raised, without relevant analysis, is the fact that an individual who is not a specialist in Islamic jurisprudence refers to those who specialize in it among the scholars. This is despite the fact that it is considered obvious in religious circles, in addition to being in perfect harmony with the practice of all rational human beings, whether they are knowledgeable or students. Furthermore, this is a normative practice of the followers of all faiths since ancient times. If a historian, despite not being Imami or Muslim, wishes to describe the practices of the followers of a faith, or specifically that of Muslims and Imamiyyah, and demonstrate their way of acquiring religious knowledge, tracing it back to the oldest historical texts (without employing the specific tools used in the study of narrators, or 'ilm al-rajāl), he will discover that this practice has always been that of the followers of all faiths.

And what could be the alternative to this method, namely, referring to the most knowledgeable and qualified among the scholars who have devoted their entire lives

and time to studying and training, and who have been examined with the strictest criteria of Islamic seminaries?

In reality, referring to a specialist is one of the most obvious methods followed by non-specialists because they deem it necessary, just as they do in all other areas of life. The Legislator has not changed the ways by which people can arrive at religious injunctions. The methods for obtaining these decisions are the same as those people use to study technical issues requiring specialization.

It is incumbent upon every religious community to refer to reliable religious institutions for obtaining religious information and guidance. Furthermore, these communities should strive to identify the most knowledgeable and competent religious scholar in terms of scholarship, integrity, and piety, as this will bring them closer to the truth and prevent them from falling into doubt. Indeed, there are some in the seminaries who are known for their knowledge and steadfastness, and they do not distort religious teachings due to trivial desires or alter clearly defined laws. We ask Allah, the Glorified, to continue this until the appearance of Imam al-Mahdi (may Allah hasten his reappearance).

How Those Who Reject Taqlīd Themselves Follow the Taqlīd System

To demonstrate the necessity of taqlīd, it is enough to notice, as ironic as it may seem, that those who reject it, in most cases, themselves disseminate verdicts to follow or follow other individuals in practice. The works and biographies of Akhbari scholars who rejected taqlīd show that they mentioned religious decrees to those who questioned them. In general, those who reject taqlīd themselves follow these scholars and rely on their knowledge and decrees.

The situation is identical to what we are experiencing on this present day with those who claim that taqlīd is not correct. Most of these people are not experts in religious law. The leaders of these groups who express this opinion often respond to questions posed to them, treating them as a mufti would, except that sometimes they add the following warning to their responses: this is what has been reported from the progeny of the Prophet Muhammad (s), or other qualities of this kind. Of course, this

does not change the fact that what they have stated still constitutes, in reality, a religious verdict.

Most of the people who follow these individuals and are influenced by them do not possess the level of competence required to understand questions in terms of Islamic jurisprudence or to extract rules directly from the Quran and Sunnah. That's why they end up following these people and relying on those among them whom they consider to be knowledgeable. The difference between these people and others, however, is that they rely on a group of non-experts, while others, in most cases, turn to experts.

This is quite evident, even for those who reject taqlīd, if they reflect on the state of their leaders and how they are informed about religious laws and how they receive them. Some of them might say that they refer to their leaders only because they trust them to convey the words and teachings of the Imams (as). However, this trust is entirely illogical, especially when it comes to a controversial issue. In fact, they are influenced by a particular individual who denigrates and criticizes others in their presence, leading them to place their trust in him on this erroneous basis. And if they eventually come to believe him reliable, it is only because they believe he is an educated man; and this is the result of the principle that the opinion of a scholar, or mujtahid, is authoritative, even when it concerns the trust to be placed in his statements. Thus, there is no difference between them and the vast majority of people who rely on the statements of certain scholars.

The necessity of determination among believers in well-established subjects

It is not useless for believers to assert their position when they find themselves facing doubts they cannot resolve. However, it is necessary that they do not rush into it. Instead, they must remain determined and persistent in the search for an answer by referring to people of knowledge and erudition so that they can join the ranks of knowledge seekers on the path of salvation. They should not follow the path of the poor

who follow anyone who calls to them, as eloquently described by the Amir of the believers.³

Furthermore, it is the duty of scholars to welcome serious questions in a positive and respectful manner, without reproach, accusation, or denigration, in order to fulfill their responsibility as ordained by Allah, the Glorified.

What we have mentioned here is generally what great scholars have asserted in their books on this subject, without adding anything particularly new. The only thing that has led to extending the discourse is our desire to explain and detail the facts, and to present a number of clear examples for people to know. However, we have refrained from delving into heavy and complex developments that are not necessary, in order to keep the discourse simple and accessible to reach the widest possible readership, as this text has been prepared to help all people reflect on the subject. Such is the aim of this current work, which is not essentially written in the same style as the demonstrative speeches normally found in seminars.

Our text comprises an introduction, two sections, and a conclusion. As for the introduction, it serves to outline the subject and mention the debates surrounding it, and to present the opinions of certain scholars. The first section addresses the validity of taqlīd and its evidence. The second section will allow us to examine the claim that taqlīd is not permitted and respond to the resulting confusion. In conclusion, we will present some of the questions that have been raised on this subject and provide answers to them.

³ In his famous words addressed to Kumayl, he said (as): "O Kumayl ibn Ziyad! These hearts are receptacles. The best of them is the one that preserves what it contains. So, preserve what I am about to tell you. People are of three kinds: one is the pious scholar. Then, the seeker of knowledge who is also on the path of salvation. Then, the mass of people who run after anyone who shouts and lean in the direction of every wind. They do not seek the light of the brilliance of knowledge and do not seek protection from a reliable support." He also said (as), pointing to his chest with his hand: "Look, here is a crowd of knowledge. I would have liked to find someone who could bear it. Yes, I found some, but one could not rely on them, for he would have exploited religion for worldly gains. And by Allah's favors to him, he would have dominated people; and with His arguments, he would have tyrannized His faithful. Or it was another who obeyed the messengers of truth but had no intelligence in his chest. At the first appearance of doubt, he would have nourished fears in his heart. Neither of them is suitable. Either the man is drawn to pleasures, easily swayed by passions, or he seeks to amass and hoard wealth. None of them has any consideration for religion. The simplest comparison for these two is found among grazing animals. This is how knowledge dies with the death of its bearer." (Path of Eloquence, op. cit., p. 492-493.)

We ask Allah, the Glorified, to make the truth clear to us and to keep us steadfast on His path. Indeed, He is the One who hears all, the One who responds to requests.

Introduction to the Rule of Taqlīd in Religion

Is it permissible for individuals to follow jurists to understand their religious duties prescribed to act accordingly or not? The meaning of "taqlīd" is clear and well-known. It refers to the act of referring, for those who are not specialists in a field, to those who are authorities in that field to act according to the opinions of the specialists. So, we return to the initial question: Is it allowed for the masses who are not experts in religious laws to refer to the knowledgeable and experts in the field to know their religious responsibilities and duties and to act in accordance with them or not?

Situations that Call for Taqlīd

It is necessary for us to know when and where taqlīd should be practiced. To explain this, we will categorize the questions into three categories:

1. Questions that require in-depth research directly by the individual, and for which taqlīd is not correct.
2. Questions where there is no room for taqlīd or any research due to their clear and evident nature.
3. Questions for which one must follow another person who possesses the qualities that make them reliable to answer them.

As for the first type of questions, where individuals must conduct their own research and it is not permissible to follow others, this concerns the fundamentals of religion, such as knowing the reality of the existence of Allah, the Exalted, and knowing the Prophet sent to humanity. These are questions that must be studied by every individual: each one must strive to determine the truth of any such question for themselves, and it is not correct to rely on anyone's opinion for this.

As for the second type of questions, where taqlīd does not apply, where one must not follow others, and where there is no need for research and verification simultaneously, these are the questions that pertain to what is certain and clear, where no evidence is thus required. An example of this is the fact that prayer (ṣalāt), fasting

(ṣawm), almsgiving (zakat), pilgrimage (hajj), and the fifth tax (khums) are obligatory in Islam. These are matters that are self-evident. Something similar can be observed in the field of medicine. For instance, it is known that exposing oneself to cold weather may lead to catching a cold, and that contact with fire results in burns. Any healthy person understands this because it's common knowledge, for which no deep reflection is necessary, no expertise.

The questions of the third type are those where it is permissible to refer to experts, namely, the duties and obligations ordained by the Divine that require study and expertise. For example, among these questions, one might wonder if immersing oneself in water breaks the fast or not, or if forgetting to recite during the bowing (rukū') and prostration (sujūd) invalidates the prayer or not. This category of questions is where taqlīd applies and is considered appropriate by the majority of Muslim scholars, aligning with the general practice of the informed masses.

The one who is permitted to follow

It is necessary to know whom one is permitted to follow because the person one is allowed to follow, and whose opinion carries weight, is an individual whom one can trust for their knowledge and adherence to that knowledge. When we speak of reliability in terms of knowledge, we mean that this person must have acquired the necessary expertise in the field of jurisprudence through adequate education in specialized institutions. Furthermore, they must have put in a lot of effort until they were recognized by people of merit in this field and considered one of the greatest scholars among the jurists of the community.

It is not necessary for a follower to know with absolute certainty that what the jurist says is correct. Rather, it is sufficient for them to know that this person is cited as an expert in their field and is competent, just as one would refer to those who are competent in other fields based on the extent of their knowledge, without necessarily requiring absolute certainty in their discourse.

And when we mention their adherence to what they know, we mean that they must be just and upright. They must not be swayed by vain desires that could lead them to distort religious principles from their original meaning to serve personal ambitions.

The established practice among the majority of Imāmīs today, as mentioned earlier, is to take all necessary precautions to ensure that they are certain about the person they are referring to. They need to be sure that the person being followed is known for their diligence in acquiring knowledge and for their qualities, namely, virtue and piety. Thus, their knowledge and conduct must have been thoroughly examined over a long period in Islamic seminaries. This way, the community remains protected from the infiltration of those who are lacking in knowledge and virtue.

The position of Muslim jurists and Imami scholars

It is generally accepted among Muslim scholars and Imami scholars in particular that taqlīd is permissible in this form, as something clear and evident in the religion, while keeping in mind the following points:

1. One of the logical and evident principles that most people apply in their lives is to refer, for non-specialists in fields that require specialization, to those who are experts. It is clear to the majority of believers that to understand a number of teachings related to religious injunctions, specialization is necessary. Nothing has come to us from the infallible beings that denies or rejects this principle, which allows everyone to know their religious duties. This is in itself considered a form of approval on their part. Such an argument is referred to as "rational proof" or "the standard of sensible and intelligent people."
2. There is no possible alternative other than referring to specialists in religious law for the masses, as there is no doubt that it is not required of every individual to become an expert in all matters that concern them as soon as they reach the age of maturity and are required to act according to religious injunctions. How could this be required when it is impossible for most people? Nor is it required that they follow the most cautious option and opinion. Thus, the only possibility left for them is to turn to specialists, and this is what is called "proof by elimination."

3. There is evidence from numerous narrations in which the Imams ordered the scholars among their companions to inform people of religious laws by issuing fatwas and where they asked their followers to refer to these scholars whenever they had doubts about religious matters. This is what is referred to as "proof by narrations."
4. There are also many texts addressed to scholars and ordinary people regarding the correct principles for issuing religious verdicts, their application, and their rules. This in itself proves the validity of issuing fatwas and the willingness to seek them. As in the previous case, this is referred to as "proof by narrations."
5. The practice of the followers of the Prophet's family (peace be upon them) has always been to refer to the scholars among the companions of the Imams who were present in their cities during the period when the Imams were alive, and even after they had passed away. They considered this to be a duty prescribed by the Imams. This type of evidence can be termed "historical proof."

Such is the most appropriate and correct stance on the subject once people are aware of the meaning of taqlīd and the circumstances in which this principle applies, or when they reflect on what follows their intrinsic nature, or when they observe the practices of the followers of the Prophet's family (as) and the traditions that have come down to us from them. In fact, this matter is considered quite evident and not something difficult for the masses to grasp. Therefore, we observe that whenever religious injunctions become ambiguous for people, they naturally turn to scholars and compare it to seeking specialists in other fields.

People of knowledge, like others, consider this matter to be truly evident and clear, to the extent that the peaks of knowledge and piety affirmed:⁴ "Indeed, it is generally considered that taqlīd being permissible for the ordinary person is a necessity for the ordinary person and for others. And the knowledge of an ordinary person regarding obligatory prayer is not, in a general sense, clearer than their knowledge of the necessity of taqlīd, because the way they obtain their knowledge on both subjects is

⁴ Here, the reference is to Sheikh al-Ansari (may his status be elevated); see Maṭāriḥ al-Anzār, 257.

the same, namely through urgent necessity, the presence of motivation, and the path of the previous generation who were contemporaries of the Imams (as) and those who came after them, following in their footsteps to this day. This makes the practice very well established for those who are willing to reflect."

However, a group of theologians and traditionists asserted that taqlīd is not permissible. They stated that a jurist must inform people of the evidence for certain laws but it is not correct for him to issue decrees without mentioning the evidence that allowed him to deduce his fatwa. In reality, this position does not deny the validity of taqlīd as such because even if the jurist informs a believer of his evidence for a certain decree, the latter must rely on the jurist's judgment regarding the validity of the evidence, and thus, he will not have escaped the embrace of taqlīd.

For example, if the jurist were to say to one of his followers (muqallid): "Friday prayers (Ṣalāt al-Jumu'a) are an optional obligation because this is the solution we can offer in the face of the various authentic and reliable traditions that have come to us, in order to take them all into account, affirming for some that the noon prayer (dhuhr) is obligatory on Friday, and for others that Friday prayer is obligatory," the believer should rely on the jurist's statement regarding the validity of this evidence, not on his own deductive ability.

Furthermore, we can say that all Muslim scholars unanimously agree on the legality of taqlīd, whether by mentioning the evidence briefly to the jurist or simply by stating their conclusion drawn from the evidence.

However, it is worth noting that the first opinion mentioned is weak and arises from some confusion on the subject, as mentioning specific evidence to ordinary people is of no use to them, as we will explain in more detail shortly.⁵

⁵ See the second point that follows for further clarification.

Contemporary Misconceptions

We have already noted the doubts raised regarding the legal status of taqlīd and the assertion that the effort of interpretation (ijtihād) and taqlīd are invalid. Those who hold this view can be divided into two groups:

The first group believes that no prior specialization is required to understand religious laws for any question, due to the abundance of traditions available in the corpus of Imami hadiths, which they consider entirely reliable and clear, leaving no room for any ambiguity that would require specialization.

This view is clearly mistaken because it is evident to anyone who observes the principles upon which religious laws are established that, in many cases, specialization is required to understand them and grasp their limits. It is worth noting that this assertion has historical precedents, as theologians and traditionists claimed the same in the past. However, there is an important distinction between the past and the present.

In the past, this notion was put forth by a group of scholars who had spent many years of their lives acquiring religious knowledge and had written valuable works on the subject. The only problem was that some questions were difficult for them, leading them to believe that it was possible to guide people by presenting them with general evidence to protect them from potential dangers. This led them to present their idea to specialists and academic circles.

However, in our time, proponents of this notion are individuals who are generally not recognized as having attained a degree of knowledge that would make them worthy of issuing opinions. They spread their ideas in gatherings of non-specialists, relying on the opinions of certain scholars from the past to support their ideas.

In this way, the views of these early scholars from the past have become a means to simplify their task and provide an argument for those individuals going in a different direction from theirs. This is one of the lessons we draw from history.

The second group believes that the practice of taqlīd and the effort of interpretation (ijtihād) are only permitted when a person cannot make contact with an

infallible Imam (as). This group asserts that this is possible in our time by accepting certain individuals who claim to have the title of the Mahdi. These individuals would be scattered in various regions, such as Iran, Iraq, and other countries. Thus, this group states that people can directly refer to these individuals.

Such an opinion is clearly devoid of meaning because all these individuals are false claimants. This contradicts what is established in the Imami faith, which is that the specific authority of the successors of the Prophet (s) is suspended during the period of the major occultation. Furthermore, there is absolutely no evidence to connect these claimants to the Imam. This situation is rather similar to the numerous allegations made in the early days, which were rejected and fell into oblivion with the death of their leaders and instigators.

Section I: Explanation of the Validity of Taqlīd

Part One: The Validity of Taqlīd and Its Proofs

Contemporary Misconceptions

The validity of Taqlīd, as we mentioned earlier, is understood through various proofs. These proofs are as follows:

1. Legal and Rational Proof: The general practice of rational individuals is to refer to specialists among them in matters requiring expertise, and there is nothing from infallible beings indicating that this is prohibited when it comes to laws and religious knowledge, which corresponds to implicit approval.
2. Proof by Elimination: It asserts that it is not possible to find a legitimate alternative to referring to specialists in religious laws because it is not obligatory for everyone to become an expert or to act with caution in every circumstance. Therefore, no alternative exists.
3. The First Proof from Narrations: The Imams (as) instructed the scholars among their companions to issue religious verdicts (fatwas) and urged their followers to directly address their questions to these scholars.
4. The Second Proof from Narrations: The Imams (as) requested that the process of guiding through religious rules and seeking them be conducted under certain established conditions, which in itself shows their acceptance of this practice according to its prescribed conditions.
5. Historical Proof: The practice of Shia Muslims throughout history, as evidenced by documents explaining the Shia community's method of learning, has always been that scholars among them provide religious opinions (fatwas), and ordinary people seek guidance through their scholars. This practice has persisted since the time of the Imams (as) and was also common among all other Muslims. This

is what Shia Muslims continue to do today. This proof makes the matter clear and evident.

The necessity of referring to knowledgeable individuals.

The first proof consists of two parts:

1. The possibility for non-specialists to follow specialists, whose reliability is established in their field of expertise, is something logical and clear. No one can doubt it after careful consideration of the matter, provided that no confusion arises in one's mind on this subject and it is not confused with other issues.
2. Nothing has come to us from the Legislator and infallible beings indicating an alternative path or directing people towards something else, so this proves His agreement.

We will begin by explaining the first part, namely, that it is logical to refer to a specialist in the general sense. We note that the questions that humans need to study are of two kinds:

1. Questions that are perceived by the senses: these are things that can be easily defined using the senses, such as knowing if a store is open or not. For such questions, people rely on their direct perception to obtain knowledge, just as they rely on information provided by a reliable source. This principle is referred to as the "evidentiary value of information from a reliable source" (ḥujjiat khabar al-thiaqa) or "evidentiary value of the account considered reliable" (ḥujjiyat al-khabar al-mawthūq bih).⁶ So, if a person wants to buy something from a particular store and is not sure whether the store is open or not, they might ask their brother about it when they return from the market, saying, "Was this shop open?" If he responds affirmatively, she would go to the market to buy what she needs.
2. Questions that require knowledge and expertise, for which simple perception is not enough. These questions are referred to as "intuitive questions" (al-umūr

⁶ We base this on the difference between the general or specific reliability certification.

al-ḥadsiyya). In these questions, rational people use their own direct understanding if they have the required knowledge and expertise, but if they are not specialists and do not have knowledge of the subject in question, they refer to those they consider reliable specialists. This principle is referred to as the "probative value of the opinion of knowledgeable individuals" (ḥujjiyat qawl ahl al-khibra). Thus, if a person were to fall ill and be afflicted with a cold or fever, or any other illness, and the cause of the illness was unknown to them, they would naturally turn to a reliable doctor. And if someone needed to restore a house that was on the verge of collapsing, they would consult experts in the field of construction to know the best way to restore it so that it does not collapse.

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

1. The principle of referring to a reliable witness in matters that concern what can be perceived.
2. The principle of referring to a reliable expert in intuitive matters.

In general, human beings cannot satisfy their needs or achieve what they desire, even on a personal level, if they do not rely on these two principles. The daily activities of men involve many cases where it is necessary to follow these two principles and where one must rely on others, either in matters that require testimony for something one has not seen oneself or in matters that require expertise one does not possess. Thus, we rely on the words of a doctor, an engineer, an electrician, a pharmacist, a perfumer, parents, friends, and siblings in matters that require the expertise of others. For example, a younger brother relies on his older brother for help with his lessons, as the older brother has more knowledge of the subject in question and has been through it before him. And it may be that a father relies on his children who have received a good education in matters where they have acquired more knowledge, and so on.

When we carefully consider the matters in which we engage, we realize that they depend on the experiences and knowledge of other people. Parents continue to teach their children, through their advice or admonitions, what they know from their own

experiences. Therefore, it is incumbent upon children to trust in their knowledge and experience⁷ before acquiring their own knowledge through their lives.

Therefore, relying on the knowledge of others is something clearly evident in the lives of human beings. Indeed, human life functions through work and expertise, meaning that each individual must specialize in a specific field to serve as a reference point for others in that area of expertise. This is evident in our time, which is why we see certain communities dividing into a variety of specializations, and people making great efforts to become experts in specific fields, both to serve the community in which they live and to earn their livelihood in the process.

In this way, we understand that the principle of relying on knowledgeable and skilled individuals is one of the principles and norms of human life. A person can never rid themselves of such a need, in any situation. Rather, we could say that we increasingly need each other day by day, given that information continues to advance in numerous fields, leading to the necessity for more specific specializations. Thus, it has become impossible for an individual to acquire comprehensive knowledge about everything. In the past, medicine was only one discipline, but with the development of data and information, it has been divided into several distinct specializations. We now find that specializations even exist in the narrowest of fields, such as specialization in knee problems or heart issues, etc.

Application of the principle in matters related to religious law: referring to scholars

Now, let's return to the second part of the discussion, which concerns the act of referring, for a non-specialist, to a specialist in religion. The question then arises as follows: Is knowledge of religious laws a subject that requires specialization? Or can a human being directly acquire this information on their own from the age of maturity? Secondly, has the Legislator guided people towards an alternative method that does not involve referring to experts, or has He endorsed this well-known rational approach?

⁷ It should be noted that although experience is primarily considered a guide, it can also sometimes be something upon which one depends.

A significant portion of religious laws deal with intuitive and specific questions.

Regarding the first question, regarding whether specialization is necessary in matters concerning religious law in order to arrive at divine orders, the answer is affirmative. Understanding divine commandments requires specialization in all cases other than what is clearly known, such as the obligatory nature of ritual prayers, fasting, etc.

This is generally understood from a number of points:

Firstly: through practical experience. Can a person who has not studied the sciences of Islamic law refer to the noble Quran and traditions to deduce their religious responsibilities in various situations? Will they be able to arrive at a clear understanding of Islamic law regarding these matters? Or should a person who thinks they have a clear understanding of the texts visit seminars where religious scholars answer questions related to religious law, to see if the issues are as obvious as they believe or not? And this is something that can be done easily.

Secondly: another type of experiment would be for people, in matters related to Islamic law, to refer to what scholars have mentioned regarding their sources and evidence from the principles of legal theory and primary sources. If they do so, they will find themselves unable to understand them or take a clear and defined position on the laws. This is evident.

Thirdly: among the scholars who study religious laws, there are differences in their understanding of the evidence and texts that concern them, despite their practice, study, reflection, and immense desire to reach a correct conclusion.

This actually shows that these questions are theoretical and specific, and they are not based on sources that are clear and easily understandable. If ordinary people decided to study these texts directly, all one can expect is that they will exacerbate disagreements and there will be even more disparities than what exists among scholars.

These points generally indicate that religious law requires specialization.

Details regarding the specific nature of Islamic laws

The majority of Islamic laws are intuitive and specialized, and this is due to the fact that deducing Islamic laws from traditions depends on several factors:

Firstly: establishing the authenticity of the text.

This is because it is unquestionably incorrect to rely on all transmitted texts. Instead, it is necessary to determine whether the text accurately represents what was indeed said by the infallible being.

To determine this, two methods are used: either the reliability of the narrators found in the chain of transmission of traditions, numbering in the hundreds, must be confirmed, or there is an accumulation of evidence that leads us to believe that the tradition does indeed come from an infallible being.

Both of these methods clearly require expertise and practice because knowledge of the narrators of traditions is not comparable to knowing one's own friends and companions. Similarly, traditions that contain numerous internal clues that may suggest their authenticity are not comparable to the familiar social and familial matters people face, where various clues appear clear and can be discerned with little effort. To comprehend traditions, it is necessary to be familiar with the biographies of the narrators who lived in the past and the testimonies that exist about them, as well as the differences of opinion among scholars regarding these traditions. Furthermore, expertise and practice in this field are necessary.

Secondly: Establishing the meaning of the text and its intention.

This is also a subject that requires intuition, as the texts under study are not contemporary works that follow the model of expression used by everyone present who knows Arabic, for example. Indeed, these are ancient texts that must be understood through an intimate knowledge of the language and expressions that were current at the time they were composed. This fact has also led to differences of opinion among scholars on numerous occasions. Thus, it is not easy for ordinary people of our time to understand these texts without the necessary training and preparation, which involve

referring to glossaries, analyzing the texts, and noting the clues. Furthermore, the Imams (as) sometimes used allusions to convey their thoughts in times when circumstances were critical. Understanding such statements requires experience and expertise.

Sheikh al-Saduq reports from Dawud ibn Farqad: "I heard Abu Abdullah (as) say: 'You are the most knowledgeable among people if you understand our discourse. Words can be interpreted in many ways, so if a person wishes, they can turn their words and nuances as they wish without lying.'"⁸

He also reported that Abu Ubayda reported that Abu Ja'far (as) said: "He told me: 'O Abu Ubayda, distance yourself from those who quarrel and lie about us, for truly, they have abandoned what they were commanded to know and have turned to studying the heavens. O Abu Ubayda, associate with people following their customs, and distance yourself from their actions. We do not consider anyone intelligent until the individual understands the meaning of discourse.' Then he recited this verse: 'You will recognize them by the falseness of their words.'"⁹ (Surah 47, verse 30).

Thirdly: distinguishing what must be followed from the sources when there are contradictions among them, and this often occurs. This is why Sheikh al-Tussi compiled *Al-Istibṣār*, in four volumes, on the narrations that appear contradictory, and he sought to identify the most reliable among them. This requires great attention to details and a thorough analysis of their authenticity and meanings. It requires knowledge of the opinions of others and knowing to what extent some of these statements may have been made by the infallible beings in times of danger and when concealment (*taqiyya*) was necessary due to the threat of leaders, judges, and other scholars who had influence in their societies.

Therefore, it is clear and evident that deducing religious laws is something that requires expertise and specialization and is not within the reach of the masses. We will delve further into this in the second section.

⁸ *Maʿānī al-Akḥbār*, 1, h. 1.

⁹ *Al-Tawḥīd*, 458-459, h. 24.

The absence of prohibition by the Legislator to act according to the opinions of Islamic legal scholars.

As for the second question, which is whether the Legislator has prohibited us from acting according to the opinions of those who are experts in Islamic law and has shown us another path, the answer is negative because there is no alternative path to this one.

It becomes clearer when we consider the following two points:

1. If the Legislator had forbidden such actions, it would have been a part of the law, which is evident to both specialists and ordinary people because religious obligations encompass even the smallest details of human activity and social interaction. There is no action, speech, or even the absence of action or speech that is not regulated by the Legislator through specific injunctions. This is the condition of an organized system of laws governing people's conduct. In fact, Islamic law has more to say about human affairs than general law because it guides faith, individual behavior, and one's responsibility to Allah, the Glorified. It also includes rules regarding recommended or discouraged actions, while human law does not encompass such matters. Thus, if the Legislator had prescribed a different path, it would have been known from the beginning, and the primary religious texts would have explicitly mentioned it so that it could be taken as a known principle, and people could follow it, just like the principle of seeking expertise is known and practiced by everyone in all other matters.
2. There is no doubt in the minds of the masses and the majority of scholars regarding the principle of referring to experts in matters related to Islamic law. If you were to ask a religious person of any faith what method they would follow if they found something difficult to understand in their religion or had doubts about it, they would respond, "It would become necessary to refer to scholars known for their expertise and piety." This is a matter on which there is no divergence of opinion unless one is struck by doubt. Similarly, the majority of scholars from

different Islamic schools have explained this principle, as evidenced by their statements.

Therefore, referring to experts in religious law, as is done in all other matters, aligns with Islamic teachings. Since it has not been prohibited by the Legislator and the infallible beings, this indicates that this method has been supported and accepted.

The absence of an acceptable alternative to the principle that calls for referring to experts.

The second demonstration is considered proof by elimination. This proof shows that there is no possible alternative to acquiring knowledge of Islamic law other than by referring to people of knowledge and expertise.

To further clarify this point, the only possible alternatives to this could be:

First alternative: It becomes obligatory for everyone to acquire the necessary expertise in religious law. Without a doubt, this is invalid in Islam and in all other religions because it is beyond the capabilities of most people, and this idea would cause great difficulties and distress. Instead, the logical method would be for a small group of individuals to work to acquire the necessary expertise, as described in this verse: "It is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious." (Quran 9:122)

Furthermore, we notice that even scholars who have rejected the practice of issuing fatwas for ordinary people have never said that everyone must acquire this specialization. In fact, they have said that a scholar should present a summary of their argument, as we will see in more detail later on.

Second alternative: It becomes necessary to exercise caution (iḥtiyāt) in religious matters, meaning that a person performs any action that could be obligatory in religion and avoids any action that could be prohibited. They should consider impure anything that could become impure and avoid anything that could belong to someone else, etc.

There is no doubt that this type of caution is not obligatory for followers of the religion because if it were obligatory, things would be very complicated for them, and they would have to accept significant deprivations. It should be noted that the range of probability in the eyes of the masses is much larger than it is in the eyes of specialists because experts can rule out many probabilities that ordinary people may consider valid. In fact, sometimes, to understand the requirements of caution in religious law, it requires a certain level of knowledge and expertise. Some cases, which oscillate between two risks,¹⁰ do not allow for caution, as explained in the corresponding sections of legal theory.

Thus, the impracticality of systematic obligatory caution in religious laws is quite evident and clear, and this is a point on which all Muslim scholars generally agree, particularly Shiite scholars.

Third alternative: it involves referring directly to an infallible being and taking the rules from them without an intermediary. This practice was neither mandatory during the time when infallible beings were present, nor easy, as not everyone could live close to them in order to inquire about religious rules. Furthermore, there is no access to the infallibles during this major occultation.

The erroneous notion of easy access to infallibles in our time

Some claim that there are individuals who can establish contact with the Hidden Imam of the Prophet's family (may Allah hasten his reappearance) and obtain answers for people regarding their religious questions. This is a serious error. It is even a grave sin on the part of those who claim it, for several reasons, including:

1. No one possesses this capability. Yes, there are some who claim to do so in our time, just as there were in the past. However, when one examines their statements and works, it becomes evident that they have provided no evidence to support their assertion. In fact, their statements contain numerous glaring errors that knowledgeable individuals can clearly recognize. In order to attract people to themselves, such individuals rely on the fervent desire of Shiites to

¹⁰ Dawarān al-amr bayn maḥdhūrayn.

witness the Imam's reappearance, and some rush to believe the claims of these individuals without proper research. Such individuals also receive significant financial support from obscure sources and have questionable contacts.

2. According to the established beliefs of Shiites, following the end of the minor occultation (in the year 329 after the Hijra), there is no longer a representative of the Imam after the death of the fourth representative, Ali ibn Mohammed al-Samuri (may Allah be pleased with him), in the same year (329 after the Hijra). Al-Samuri informed Shiite scholars and ordinary people that there would be no more representatives after his death. He ordered them to reject the claims of anyone purporting to be one of his representatives, and this is well-known and accepted.¹¹ This is the belief of Shiites, both scholars and students, from generation to generation. They consider anyone who claims to directly represent the Imam to be an innovator, a liar who has gone astray. This is an important aspect of Shiite principles.

From what we have just emphasized, it becomes clear that most religious laws consist of theoretical and specialized questions that ordinary people cannot deduce on their own. Furthermore, there is no legally valid alternative that could potentially replace the principle calling for reference to experts. Thus, it is necessary to refer to those who are reliable specialists among the just scholars.

Proof through narrations: The Imams referred to the scholars.

The third proof: The Imams (peace be upon them) instructed the scholars among their followers to issue fatwas for the uninitiated and asked some of their followers to listen to their knowledgeable companions. This constitutes proof through narrations.

The explanation here relies on two premises.

¹¹ See the upcoming section, "Questions and Answers," particularly the answer to question 7.

The companions of the Imams (as) were of two types: the scholars and the non-scholars.

First premise: The companions of the Prophet (s) and the Imams (as) were of two types: the scholars and the non-scholars. Naturally, one would expect this, given that people have diverse talents, skills, intelligences, and faculties of understanding. This is indeed the case in all other things that require similar faculties. There are many historical accounts that confirm this fact.

This applies to all the companions of the Prophet (s) and the Imams of his family (as).

As for the companions of the Prophet (s), several examples demonstrate this, but we will mention only two reports here:

1. In Al-Kāfī, with a reliable chain of transmission, it is reported from Ibn Abu Ya'fur that Abu Abdullah (as) said: "The Messenger of Allah (s) addressed the people in the mosque of Khayf and said, 'May Allah prosper the servant who hears my speech, understands it, then commits it to memory and transmits it to those who have not heard it. Indeed, sometimes a non-learned person carries knowledge, and sometimes knowledge is transmitted to someone more learned than oneself.'"¹² This hadith mentions the existence of several levels of knowledge and intelligence among the Muslim community.
2. In the speeches of the Commander of the Faithful (as), we notice that someone once asked him about invented traditions and the discrepancies that exist in the narratives people convey. He (as) replied: "Verily, what circulates among the people is both true and false. It is correct and false, abrogating and abrogated, general and specific, defined and undefined, accurate and conjectural. Even during the days of the Messenger of Allah (peace and blessings be upon him and his family), false statements were attributed to him to the extent that he had to stand up and deliver a sermon, saying, 'Whoever attributes lies to me constructs a dwelling in Hell.' Those who narrate traditions fall into four categories, and no

¹² Al-Kāfī, 1:304, h. 1.

more. There is the hypocrite who demonstrates his faith and forges an image reminiscent of that of Islam. He does not hesitate to sin and does not stay away from vice. He willingly attributes lies to the Messenger of Allah (peace and blessings be upon him and his family). If people knew that he is a hypocrite and a liar, they would not accept anything from him and would not confirm what he says. But they say: he is a companion of the Messenger of Allah (peace and blessings be upon him and his family), he saw him, heard him, and learned from him. Thus, they accept what he says. In fact, Allah has warned you about hypocrites and fully described them to you. They remained after him (peace be upon him). They obtained positions with the leaders of misguidance and those who call to hell using lies and slander. They have given them high positions and made them officers over the heads of the people and amassed wealth through them. People are always with the leaders and chase after this world, except those whom Allah protects. This is the first of the four categories. Then there is the individual who has heard the words of the Messenger of Allah (peace and blessings be upon him and his family) but did not memorize them correctly and thus made a mistake. He does not lie intentionally. Now, he carries the word with him and reports it, acts upon it, and claims: 'I heard it from the Messenger of Allah (peace and blessings be upon him and his family).' If Muslims come to know that he has made a mistake in this regard, they will not accept it from him, and if he himself learns that he is wrong, he will abandon it. And there is a third one who heard the Messenger of Allah (peace and blessings be upon him and his family) command something. Then the Messenger of Allah (peace and blessings be upon him and his family) forbade the people from doing it, but this man did not know. Or he heard the Messenger of Allah (peace and blessings be upon him and his family) forbid something to the people. Then he allowed it, but this man did not know. Thus, he kept in mind what was abrogated and did not keep the abrogating tradition. If he knew that it had been abrogated, he would reject it. And if Muslims knew, upon hearing it from him, that it had been abrogated, they would reject it. Finally, there is a fourth one. He does not attribute lies to Allah and His Messenger. He abhors lying, fears Allah, and

respects the Messenger of Allah, and does not make mistakes. He accurately retains what he has heard and reports it as he heard it, without adding to it or omitting anything. He heard the abrogating tradition, retained it, and acted upon it, and he heard the abrogated tradition and rejected the action in question. He also understands what is specific and what is general, and he knows what is defined and what is undefined. He gives everything its proper place. The words of the Messenger of Allah (peace and blessings be upon him and his family) were of two types: specific statements and general statements. Sometimes, a man would hear him speak without understanding what Allah meant by it or what the Messenger of Allah (peace and blessings be upon him and his family) meant by it. So, this man takes the words, memorizes them without knowing their meaning and true intention, or without knowing their reason. Not all the companions of the Messenger of Allah (peace be upon him and his family) were accustomed to asking him questions and seeking clarification. Indeed, they always hoped that a Bedouin or a stranger would come and ask him (peace be upon him) so that they could listen to the response. Whenever such a situation arose before me, I would ask him about its meaning and preserve it. These are the reasons and causes of the differences found in the traditions reported by people."¹³

The end of his response proves what we were saying, as it informs us about the different levels of understanding among the companions in response to the Prophet's (peace be upon him and his family) speech.

At the beginning of his speech (peace be upon him), it is understood that the companions do not all possess the same qualities, and that this has an impact on the reliability of their accounts. This shows that, in general, from the early days, the accounts were subject to such uncertainties. Thus, it is necessary to examine and verify their reliability.

This is regarding the companions of the Prophet (peace be upon him and his family).

¹³ Path of Eloquence, op. cit., p. 324-327

Mention of certain scholars among the companions of the Imams (peace be upon them)

As for the companions of the Imams (peace be upon them) and their supporters, the situation is similar. Some of them were considered scholars, and others were considered uninitiated disciples, some of whom sought knowledge. This is clearly noticeable in the "science of biographies" ('ilm al-rijāl, literally: science of men), which seeks to understand the character of the narrators of traditions, especially from the time of Imam al-Baqir (peace be upon him), when Islamic sciences began to flourish within the Imami circles.

Scholars in biographies such as al-Kashī, al-Najashi, and Sheikh al-Tusi described a number of the companions of the Imams as being scholars and educated men.

Among the companions of Abu Ja'far al-Baqir (as) (who passed away in 116 AH) who lived during the time of Abu Abdullah al-Sadiq (as)¹⁴ (who passed away in 148 AH) and reported statements from him, we find Aban ibn Taghlib, Isma'il ibn Abd al-Khaliq, Sulayman ibn Khalid, and Isma'il ibn Abd al-Rahman al-Ju'fi.

These individuals were recognized scholars. Al-Kashi mentions them as follows: "Scholars unanimously accept these major companions of Abu Ja'far (as) and Abu Abdullah (as) and follow them as knowledgeable individuals. They said, 'The most knowledgeable of the first group are six in number: Zurara, Ma'ruf ibn Khazzabuz, Burayd, Abu Bassir al-Assadi, al-Fudayl ibn Yassar, and Mohammed ibn Muslim al-Ta'ifi.' They further added, 'And the most knowledgeable among these six was Zurara.' Others among them mentioned Abu Bassir al-Muradi, who is Layth ibn al-Bakhtari, instead of Abu Bassir al-Assadi."¹⁵

¹⁴ These individuals are known to be part of the fourth generation (ṭabaqa) of narrators.

¹⁵ Ikhtiyār Ma'rifat al-Rijāl (annotated by al-Muhaqqiq al-Damad), 2: 507, no. 431.

Additionally, among the young companions of Imam al-Sadiq (as), most of whom lived long enough to see his son al-Kadhim (as)¹⁶ (who passed away in 184 AH), we find Abdullah ibn Bukayr, Ibrahim ibn Sulayman ibn Dahah al-Muzanni, Tah'labā ibn Maymun, and Hariz ibn Abdullah.

Among them were six remarkable individuals mentioned by al-Kashi. He notes: "Scholars unanimously accept what has been well reported about the following individuals, relying on what they say and recognizing their erudition, in addition to the six we have already listed and named. They are six: Jamil ibn Darraj, Abdullah ibn Muskan, Abdullah ibn Bukayr, Hammad ibn Issa, Hammad ibn Othman, and Aban ibn Othman.

The great scholar Abu Is-haq (Tha'labā ibn Maymun) believed that the most knowledgeable among them was Jamil ibn Darraj, and these were the youngest among the companions of Abu Abdullah (as)."¹⁷

Among the companions of Imam al-Kadhi and al-Ridha (as) (who died in 203 AH), there are: al-Hassan ibn Ali ibn Yaqtin, al-Hassan ibn Ali ibn Faddal, and Ali ibn Asbat.

Al-Kashi mentioned the eminent companions among them and said: "Our companions unanimously accept as reliable what has come to us from the following individuals and consider it true, and they regard them as great scholars. These are six other individuals, in addition to the six we mentioned earlier among the companions of Abu Abdullah (as), namely: Yunus ibn Abd al-Rahman, Safwan ibn Yahya Bayya' al-Sabiri, Mohammed ibn Abu Umayr, Abdullah ibn al-Mughira, al-Hassan ibn Mahbub, and Ahmed ibn Mohammed ibn Abu Nasr.

Some have mentioned al-Hassan ibn Ali ibn Faddal and Fadla ibn Ayyub instead of al-Hassan ibn Mahbub, and others have cited Othman ibn Issa instead of ibn Faddal.

¹⁶ These individuals are known as the fourth generation (ṭabaqa) of narrators, even though they saw Imam al-Sadiq (as) like the previous generation. This is because they were young companions of al-Sadiq (as) and did not meet his father, Imam al-Baqir (as), while most of them saw his son, al-Kadhim (as).

¹⁷ Ikhtiyār Ma'rifat al-Rijāl (annotated by al-Muhaqqiq al-Damad), 2: 673, no 705.

The most knowledgeable among them were Yunus ibn Abd al-Rahman and Safwan ibn Yahya."¹⁸

In the generation of the companions of Imam al-Jawad (as) (passed away in 220 after the Hijra), al-Hadi (as) (passed away in 254 after the Hijra), and al-Askari (as) (passed away in 260 after the Hijra)¹⁹, we have: al-Fadl ibn Shadhan al-Nayssaburi, Mu'awiya ibn Hukaym, Ali ibn al-Hassan ibn Ali ibn Faddal, and his two brothers Ahmed and Mohammed, Yunus ibn Ya'qub, Mohammed ibn Ahmed al-Nahdi (better known as Mohammed al-Qalanissi), Mohammed ibn al-Walid al-Khazzar, Mussaddiq ibn Sadaqa, Mohammed ibn Salim ibn Abd al-Hamid, and Nuh ibn Shu'ayb al-Baghdadi.

As for the scholars who were contemporaries²⁰ of the four chosen representatives of the Imam²¹ in the minor occultation, we find: Mohammed ibn Ali ibn Mahbub, Ali ibn Abu al-Qassim al-Barqi, Mohammed ibn al-Hassan ibn Ahmed ibn al-Walid al-Qummi, Ali ibn Babawayh, Mohammed ibn Ya'qub al-Kulayni, and Ahmed ibn Idris al-Ash'ari al-Qummi.

How the Imams formed a group of their companions to become scholars

Narrations that have reached us from the Imams (as) and their companions show, as mentioned in another one of our works²², that the Imams (as) brought some of their companions to deeply learn religious rules using various methods. For example, a number of their companions would question the Imams (as) to gain a deeper understanding and would not settle for knowledge that would suffice them personally in different circumstances.

Among the methods employed for this purpose, we find:

¹⁸ Ibid., 2: 830, no 1050.

¹⁹ They are generally considered to be the seventh generation of narrators in the "science of biographies."

²⁰ They are generally considered to be the eighth and ninth generations of narrators.

²¹ These are:

- a) Othman ibn Sa'id al-Amri (we do not have precise information about the date of his passing).
- b) Mohammed ibn Othman al-Amri (passed away in 305 after the Hijra).
- c) Abu al-Qassim al-Nawbakhti (passed away in 326 after the Hijra).
- d) Ali ibn Mohammed al-Samuri (passed away in 329 after the Hijra).

²² See the study on the effort of interpretation (ijtihad) and taqlid in the writings of Sayyid al-Sistani (may his life be prolonged).

1. Teaching them the general principles, as we observe in the following narration reported by Hisham ibn Salim, noting that Abu Abdullah (as) said: "It is our duty to provide you with the basic principles, and it is your responsibility to apply them in specific cases."²³ Similarly, Ahmed ibn Mohammed ibn Abu Nasr reports from Imam al-Ridha (as): "It is our duty to expound the principles, and the application is up to you."²⁴ In Al-Faqīh, it is reported from Is-haq ibn Ammar: "Abu al-Hassan the First (as) told me, 'When you have doubt, rely on your certainty.' I asked him, 'Is this a principle?' He replied, 'Yes.'"²⁵ Al-Saduq reports that Moussa ibn Bakr said, "I asked Abu Abdullah (as), 'If a person remains unconscious for one day, or two, or three, or four, or more than that, which of their prayers should they make up?' He replied, 'Do you not want me to inform you of a principle that covers all of this? Whenever Allah subdues a person, then Allah excuses His servant.'" Another narrator added, "Abu Abdullah (as) said, 'This is one of the doors from which you can open, and for each of them, a thousand doors.'"²⁶ As the rule is indeed a principle, it means that it can be applied in all appropriate situations until there is another proof to restrict its application, at which point its application would be limited. This is what is referred to as a "general principle."
2. Encouraging them to recognize the subtleties in their discourse. By this, we mean what emerges as euphemism, allegory, metaphor, allusion, insinuation, indirect reference, and so on. Al-Saduq reports, with a certain chain of transmission, from Ibrahim al-Karkhi, that Abu Abdullah (as) said, "One hadith that you understand is better than a thousand traditions that you report. None of you is considered learned until they understand the subtleties of our discourse. In fact, a part of our discourse can be modulated in seventy-seven ways, and we have an outlet for each of them."²⁷ Therefore, we observe that the Imams (as), at times, depending on the situation, did not convey what they wanted to say in a usual and direct manner. Instead, they alluded to the matter at hand. Thus, one

²³ Wasā'il al-Shī'a, 18:40-41, hadith 51.

²⁴ Mustafāfāt al-Sarā'ir, 575; and it is cited in Wasā'il al-Shī'a, 18:41, hadith 52.

²⁵ Man Lā Yaḥdihurū al-Faqīh, 1:351, hadith 1025.

²⁶ Al-Khiṣāl, 644, hadith 24.

²⁷ Ma'ānī al-Akhhbār, 2, hadith 3.

who observes their statements must grasp the context in which they were given to understand the indirect message they contain. There are fascinating examples of this that we cannot mention here.

3. Call upon them to base their judgment of the reported accounts on the noble Quran, as Al-Kulayni reports from Al-Sakuni, explaining that Abu Abdullah (as) said: "The Messenger of Allah (s) said: 'Indeed, for every truth, there is evidence, and for everything correct, there is light. So, take everything that is in accordance with the book of Allah and abandon everything that goes against the book of Allah.'"²⁸ In another hadith, he cites Ayyub ibn Rashid, reporting that Abu Abdullah (as) said: "Any tradition that is not in accordance with the Quran is nothing but adornments."²⁹ And there are many other traditions in the same mentioned chapter that convey a similar message. What this means is that it is required of the scholar to have a complete knowledge of the content of the noble Quran in order to distinguish what aligns with it and what contradicts it.
4. Encourage them to learn what is abrogating and what is abrogated, what is definitive and what is allegorical, what is specific and what is general, as noted in the hadith of Imam Al-Ridha (as) in which he says: "Whoever refers the allegorical verses of the Quran to the definitive verses has been guided to the right path." Then he (as) says: "Indeed, in our traditions, there are those that are definitive, like the definitive verses of the Quran, and those that are allegorical, like the allegorical verses of the Quran. For allegorical traditions, therefore, refer to the definitive traditions and do not follow the allegorical traditions without weighing them against the definitive ones; otherwise, you will go astray."³⁰ This means that whoever interprets the words of the infallibles must have knowledge of everything contained in the traditions, observe the dates on which they were uttered, classify them according to their similarities in connotations, and compare them with each other in order to arrive at the intended final meaning.

²⁸ Al-Kāfī, 1 : 69, h. 4.

²⁹ Ibid., 1 : 69, h. 4.

³⁰ Wasā'il al-Shī'a, 18 : 82, h. 22

5. Show them how to resolve what may appear to be contradictions in the traditions, as we notice in many narrations that command the acceptance of traditions that are universally agreed upon, in harmony with the Quran and contrary to what others proclaim (i.e., those who do not follow the path of the Prophet's family (as)).³¹ The most detailed tradition on this subject is the accepted tradition of Omar ibn Hanzala, which we will quote later.
6. Explain the foundations of the decisions of the Imams (peace be upon them), as we can observe in Zurara's tradition regarding ablutions (wuḍū'). He reported: "I asked Abu Ja'far (peace be upon him), 'Can you tell me where you derived the rule in which you said one should pass their hand over a part of the head and a part of the feet?' He smiled and said, 'Oh Zurara, this is what the Messenger of Allah (peace be upon him) taught us, and Allah, the Most High, has revealed a verse about it in His Book. When He says, 'wash your faces....,' [Quran Surah 5 verse 6] we understand that the entire face should be washed. When He says, 'and your hands up to the elbows,' He connects the hands up to the elbows to the face; thus, we understand that we should wash our hands up to the elbows. Then He separates the rest and says, 'and pass your hands over your heads...'; by the statement 'over your heads' (bi ru'ūsikum), we understand that we should pass the hand (mashḥ) over a part of the head, due to the prefix 'bā'.' Then He connects the feet to the head in the same way He connected the hands to the face and says, 'and on your feet up to the ankles'; we then understand that, because they are connected to the head, we should also pass the hand over a part of the feet.'"³² In a narration from al-Hassan ibn Ali al-Sayrafi, one of the companions of the Imam said: "Abu Abdullah (peace be upon him) was asked about the running (sa'ī) between al-Safa and al-Marwa: 'Is it obligatory or recommended?' He replied, 'Obligatory.' I said, 'Doesn't Allah, the Most High, say: 'There is no blame upon him if he performs the sa'ī between them?'' [Quran Surah 2 verse 158] He replied, 'This was during the minor pilgrimage ('umra) when the Messenger of Allah (peace be upon him) made it a condition to remove

³¹ Ibid., 18 : 75, h. 1.

³² Wasā'il al-Shī'a, 1 : 290, h. 1

the idols from al-Safa and al-Marwa, but a man got busy³³ and left the running until days had passed, and the idols were put back. So they came to him and said, 'O Messenger of Allah, indeed, So-and-so did not perform the sa'ī between al-Safa and al-Marwa, and now the idols have been restored.' That's when the verse 'There is no blame upon him if he performs the sa'ī between them' was revealed, meaning even if there are idols."³⁴ Also, note the tradition of Abd al-A'la, a follower of Al Sam, who said: "I asked Abu Abdullah (peace be upon him), 'I fell and broke a fingernail. I wrapped my finger with a piece of cloth. How should I perform ablutions?' He replied, 'The answer to this and other similar situations can be found in the Book of Allah, the Most High. Allah says: 'He has not placed upon you in the religion any difficulty,' [Quran Surah 22 verse 78] so pass your hand over it."³⁵ In this way, we can see the importance given by the Imams (peace be upon them) to the education and guidance of a group of companions to foster learning and erudition.

How the Imams (as) prepared their educated companions to engage in discussions with scholars from other sects

The Imams (as) played another significant role in shaping the education of their knowledgeable companions through their method of explaining the teachings of the Prophet's family (s) with deductive reasoning and comparative analysis in various fields such as jurisprudence, among others, when interacting with scholars from other sects. An example of this can be seen in what was reported by al-Kashi, as Hisham ibn Salim stated:

"We were a group of companions sitting in the presence of Abu Abdullah (as) when a man from the Levant came seeking permission to enter. Abu Abdullah (as) granted him permission. Upon entering, he greeted and Abu Abdullah (as) asked him to sit. Then he (as) asked the man, 'How can we assist you?' The man replied, 'I've heard that you are knowledgeable and can answer any question posed to you, so I've come to

³³ In another version, it is said: "He then inquired of a man who..."

³⁴ Wasā'il al-Shī'a, 9 : 511, h. 6.

³⁵ Wasā'il al-Shī'a, 1 : 327, h. 5.

engage in a debate.' Abu Abdullah (as) inquired, 'On what topic?' The man answered, 'On the Quran: its pauses, its recitation, its intonation, and its vowelization.' Abu Abdullah (as) said, 'Hamran, deal with this man.' The man responded, 'I wish to debate with you, not with Hamran.' Abu Abdullah (as) then stated, 'If you prevail over Hamran, it is as if you prevailed over me.' Consequently, the man from the Levant began posing all the questions he had prepared to Hamran, who continued to respond. Once he finished, Abu Abdullah (as) asked him, 'How did you find him, O man from the Levant?' He replied, 'I have noticed that there was nothing I asked that he couldn't answer.' Abu Abdullah (as) then said, 'Hamran, it's your turn to question this man from the Levant.' The man made a face.

The man from the Levant then said, 'O Abu Abdullah, I wish to discuss the Arabic language with you.' Abu Abdullah (as) responded, 'Aban ibn Taghlib, engage with him.' He proceeded to debate with the man until the man from the Levant made a face.

Next, he said, 'I want to discuss jurisprudence with you.' Abu Abdullah (as) said, 'Zurara, engage with him.' He also debated with him until the man from the Levant made a face.

Then he said, 'I wish to discuss theology with you.' Abu Abdullah (as) stated, 'Mu'min al-Taq, engage with him.' They had a discussion, and Mu'min al-Taq spoke and defeated him with his arguments.

He continued, 'I want to discuss human capabilities with you.' He (as) told al-Tayyar, 'Speak to him about that.' They engaged in discussion until the man from the Levant was left speechless.

Then he said, 'I want to talk to you about monotheism.' He (as) said to Hisham ibn Salim, 'Speak to him.' Hisham recorded the conversation between them and defeated him.

Finally, he said, 'I want to discuss the concept of Imamah.' He (as) told Hisham ibn al-Hakam, 'Speak to him, O Abu al-Hakam.' Hisham engaged in conversation with him and left him completely stunned.

Abu Abdullah burst into laughter to the extent that his molars were visible. The man from the Levant remarked, 'It seems you wanted me to know that you have such individuals among your followers.'"³⁶

The need for scholars at the time of the Prophet (s) and the Imams (as)

Second premise: during the time when the Imams (as) were present, even though it was possible to send them questions in certain situations, it was not always the case due to a number of factors. This led some Shiites to need to refer to the scholars among their companions and supporters.

Here are some of these factors:

1. Some Imams were too busy to address this need, as in the case of Imam Ali (as). While he was the leader of the Muslims for approximately five years, he had to manage three battles and didn't even have the time to rectify certain judges who had been appointed during the reign of the previous caliph, such as Shurayh al-Qadi, as history clearly attests. This was despite his dissatisfaction with their actions and his criticism of them, as we can see in his speeches in Nahj al-Balāgha (The Peak of Eloquence).
2. The rulers imposed restrictions on the Imams (as), and this was a reality that affected all the Imams (as), except for the brief period when Imam Ali and his son Imam al-Hassan (as) were in power. The restrictions came in various forms. There was a brief period during the time of Imam al-Baqir and Imam al-Sadiq (as) when they had some respite and enjoyed some freedom due to the weakening of the Umayyads in the last years of their rule and the beginning of the Abbasid rule. The restrictions increased significantly after the time of Imam al-Sadeq (as). It should be noted that Imam al-Kadhim (as) was imprisoned for a long time and even achieved martyrdom while in prison. The Imams who came after him, namely al-Ridha, al-Jawad, al-Hadi, and al-Askari (as), were all summoned to the capital of the caliphate and kept under close surveillance.

³⁶ Ikhtiyār Rijāl al-Kashshī, 2 : 554-555, no 494.

3. The Imams (as) did not necessarily reside in the same location as the Shiites lived. The Imams often stayed in Medina, while their supporters were dispersed in various places. In most cases, the Imams were distant from the majority of their disciples, as they were either in Medina or in the caliphs' capitals, while many Shiites resided in Kufa, Baghdad, and Qum. Therefore, it was natural that due to the inability to directly present questions to the Imam when someone needed to know a religious rule, the only method was to refer to the local scholars among the companions of the Imam who lived in the city, such as Zurara and Mohammed ibn Muslim in Kufa. Prominent scholars and some ordinary individuals among the Shiites would travel to Medina after completing the Hajj pilgrimage, as people still do to this day, and they would meet the Imams (as) and present their questions. However, it is evident that not everyone had the opportunity to do so, and such a brief meeting was insufficient to address all the questions raised throughout the rest of the year.

Thus, circumstances dictated that the Shiites naturally needed to refer to the scholars among the companions of the Imams (as), even during the time when the infallibles were present, and many examples confirm this, examples that we will not mention here to avoid being too lengthy. However, this is evident to anyone well-versed in the narratives and biographies of narrators.

In reality, a situation similar to this can be traced back to the time of the Prophet (s). The companions and Muslims in general used to refer to the most knowledgeable among them due to the disparity in their levels of knowledge. Furthermore, we notice that Muslims were scattered across the conquered lands. This is why the Messenger of Allah (s) sent some of his companions to these places. By reading history, for instance, we can see that he sent Mu'adh ibn Jabal to Yemen.

Having understood these two premises, we can now return to our question, which is how the Imams (as) instructed their followers to refer to the scholars among their companions, as is evident in two types of cases.

The Imams would instruct the Shiites to refer to the scholars among their companions for judgment.

The first case pertains to instances where the Imams (as) would instruct their followers, who had a disagreement, to refer to their knowledgeable companions to obtain a judgment and forbid them from referring to other judges who made decisions based on teachings contrary to those of the Imams (as). The reason for this was that the teachings of the Imams from the Prophet's family (as) differed significantly from those of scholars of other sects, as we observe in matters of inheritance, divorce, and determining rights, among others. Thus, if the Shiites turned to judges from other sects, they would make judgments based on the teachings of those sects. This is why the Imams prohibited them from turning to these judges and advised them to consult the scholars of their own school of thought.

It is clear that judging between multiple parties requires the issuance of verdicts according to the law. There are a number of narratives on this matter...

1. It is reported that Abu Khadija Salim ibn Mukram al-Jammal said: "Abu Abdullah Ja'far ibn Muhammad al-Sadiq (as) said: 'Be careful not to appear before an oppressive judge to settle your conflicts. Instead, approach one of you who is knowledgeable about our judgments and appoint them as an arbitrator between you, for in reality, I have made them a judge. So, take your judgments from them.'"³⁷
2. There is a reliable account from Dawud ibn al-Hussayn reporting the words of Abu Abdullah (as) regarding two men who agreed to appoint righteous individuals to judge between them on a matter of dispute. However, the two righteous individuals they agreed upon had different opinions. So, which of the two judgments should be followed? He (as) said: "One must see which of the two is more knowledgeable, knows our traditions better, and is more pious. This is

³⁷ Wasā'il al-Shī'a, 18:4, h. 5.

the person whose judgment should be taken, while the opinion of the other should be disregarded.”³⁸

3. In an accepted tradition, it is reported that Omar ibn Hanzala said: "I asked Abu Abdullah (as) about two men among our coreligionists who have a dispute regarding a debt or inheritance and seek the judgment of the ruler or his appointed judge; is this allowed?" He replied: "Whoever seeks their judgment in truth or falsehood has only sought the judgment of those who have rebelled. And any judgment that favors a person is only unlawful victory, even if it is indeed their established right because they have taken the judgment of the rebels when Allah has commanded it to be rejected. Allah the Almighty says: 'They want to turn to the rebels even though they have been commanded not to believe in them⁴⁴.' (Surah 4, Verse 60). I asked, "What should the two men do?" He replied, "They should seek a person among them who narrates our traditions, studies what we have permitted and forbidden, and knows our judgments, and accept them as an arbitrator because I have made them a judge for them. If they pass a judgment in accordance with our teachings and it is not accepted from them, then they will have disparaged Allah's law and rejected us. And whoever rejects us has rejected Allah, and this is similar to associating partners with Allah." I said, "But if both of them are righteous and accepted by our fellow Shiites, without one being considered better than the other?" He said, "It must be seen if the tradition they report from us, from which they pass this judgment, is unanimously accepted among the Shiites or not. If it is, then it must be adopted, and what appears abnormal, according to what is generally known by the Shiites, must be rejected. There is no doubt where there is consensus. Matters are generally of three kinds: those that are clearly just and must be followed, those that are clearly erroneous and must be avoided, and those that are problematic and require us to refer to Allah and His Prophet. The Messenger of Allah (s) said: 'There is what is clearly permissible and what is clearly forbidden: between them are the doubtful matters. So, whoever leaves the doubtful matters remains

³⁸ Ibid., 18 : 80, h. 20

innocent, but whoever engages in doubtful matters eventually falls into the forbidden and becomes ruined without knowing from where the blow comes.”³⁹

What can be understood from this hadith is that the Imams (as) would ask the Shiites to refer to the scholars among their companions in case of disputes. And in cases where these scholars themselves had differences of opinion, the view of the most virtuous, the most knowledgeable, the most honest, and the most pious would prevail. If both were equal in these qualities, then the various traditions upon which they base their judgments should be considered, and the narration that aligns with the references mentioned in the tradition should be accepted. Of course, to make this distinction successfully, it requires knowledge and specialization.

We can further understand the following points from these traditions:

Firstly, they refer to scholars among the companions at the time when an Imam (as) was present. Naturally, this would also be applicable in their absence.

Secondly, they do not instruct people to refer to the Imams (as) every time scholars differ among themselves. Instead, they provide the criteria to determine which opinion prevails when there are different levels of virtue, knowledge, honesty, and piety. They also provide the criteria for deciding which evidence takes precedence when faced with divergent proofs, giving precedence to what aligns with the general consensus, what is mentioned in the Quran, and what is contrary to the views of the opposing school of thought. After considering all these factors, when the narrator hypothetically presented a situation where all these factors were equal at all levels, only then did he instruct waiting to meet the Imam (as) to seek an explanation.

This informs us of the Imams' (as) inclination to address the needs of the Shiites through their scholars whenever possible, even in their presence and when it was easy to approach them. Even if some scholars do not consider certain narrators of these traditions reliable, the fact that traditions of this kind exist in such large numbers and are supported by other indirect evidence is sufficient to make this principle acceptable to all scholars.

³⁹ Al-Kāfī, 1 : 67, h. 10.

The Imams would refer the Shiites to the learned individuals among their companions for education.

The second case pertains to how the Imams (as) would direct the Shiites to the scholars among their companions in order to acquire knowledge of the religion or how they would train scholars to issue religious verdicts.

It is possible to cite certain Quranic verses as evidence for the validity of this practice, such as the following: "If you do not know, ask the people of the message" (Surah 16, verse 43) and: "It is not for the believers to go forth all together. Why should not a party of them go forth to become learned in religion, and to warn their people when they return to them? Perhaps they will be cautious." (Surah 9, verse 122) Scholars have extensively discussed verses like these, and we believe it is not necessary to delve into the details here.

There are two types of narratives on this subject:

Firstly, there are traditions that instruct people to learn from scholars and seek answers to their questions from them. This includes learning religious laws from the scholars among the companions of the Imams (as), whom they taught jurisprudence and clarified its precepts and principles. These instructions also pertain to scholars, urging them to educate people and provide guidance on religious rulings and verdicts.

In a hadith from one of our Shiite colleagues, he said: "I asked Abu Abdullah (as) about the case of a person suffering from smallpox who entered a state of ritual impurity (janāba), took a bath, and then died. He said, 'They have killed him. Why did they not ask? Indeed, asking is the antidote to ignorance.'"⁴⁰

In another hadith, he (as) says: "The Messenger of Allah (s) said, 'Woe to the one who does not set aside one day of the week for himself, to tend to the matters of his religion, to stay connected to it, and to seek answers regarding his faith.'"⁴¹

⁴⁰ Al-Kāfī, 1:40, h. 1.

⁴¹ Ibid., 1 : 40, h. 5.

In a third hadith, it is reported that Abu Ja'far (as) said: "The tax of knowledge is to teach it to the servants of Allah."⁴²

In a fourth hadith, Imam Ali (as) said: "Allah did not make a covenant with the ignorant to seek knowledge before making a covenant with the scholar to impart knowledge to the ignorant."⁴³

It is well known that jurisprudence is one of the most important religious sciences, second only to the science of the fundamental principles of faith, as mentioned in these traditions. These traditions do not instruct all people to leave their town and go to meet the Imam (as) together. Instead, the concept proposed is one of teaching and learning, as is customary, from a scholar considered trustworthy in faith and knowledge. This scholar can, in particular, be a companion of the Imam.

There is a letter from Imam al-Mahdi (atf) reported by Ishaq ibn Ya'qub, who had inquired of the Imam about uncertain matters through his special representative, Mohammed ibn Othman al-Amri. In his letter, we read: "As for the questions that arise, refer to the narrators of our traditions, for they are, in fact, my proof to you, just as I am Allah's proof to you."⁴⁴

However, it is noted that Ishaq ibn Ya'qub, the one reporting this letter, is not reliable. Nevertheless, it can be accepted as evidence because this document is consistent with other evidence.

Then, there are traditions that refer people to specific companions or require certain companions⁴⁵ to issue religious verdicts for people. Among these companions who received such instructions, we find:

⁴² Ibid., 1 : 41, h. 3

⁴³ Ibid., 1 : 41, h. 1.

⁴⁴ Wasā'il al-Shī'a, 18 : 101, h. 9.

⁴⁵ We have not mentioned other examples that may seem at first glance to belong to this type of tradition but which, once analyzed, appear not to be part of this category, such as what was reported about al-Umari and his son (that they are reliable and that everything they transmit comes from the Imam (as)). In this case, the subject concerns their role as representatives, and relying on them has nothing to do with the concept of seeking religious verdicts from them.

1. **Aban ibn Taghlib (died in 141 after the Hijra):** Sheikh al-Tussi and al-Najashi said about him that he had a "high status among our Shiite brethren. He met Ali ibn al-Hussayn (as), Abu Ja'far (as), and Abu Abdullah (as), and reported their statements. He was also highly regarded by them. He was a reciter of the Quran and knew the various modes of recitation. He was a jurist, a lexicologist, and he listened to the Arabs and spoke about them."⁴⁶ The Imam had asked him to sit in the mosque and issue religious rulings.

Ibn Muskan reports from Aban: "I said to Abu Abdullah (as), 'I sit in the mosque, and people come to me with questions. If I do not answer, they persist and do not leave me. But I cannot answer them with your statements and what has come to us from you.' He said to me, 'Examine what you know of their opinions and respond accordingly.'"⁴⁷

Al-Najashi reports: "Abu Ja'far (as) told him, 'Sit in the mosque in Medina and issue religious verdicts for the people, for I would very much like individuals like you to be seen among my supporters.' And when Abu Abdullah (as) received the news of his death, he said, 'Truly, by Allah, my heart is aching due to the death of Aban.'"⁴⁸

2. **Mohammed ibn Muslim al-Thaqafi:** He was a companion of Imam al-Baqir and Imam al-Sadiq (peace be upon them). Al-Kashi reports that Abdullah ibn Ya'far said, "I said to Abu Abdullah, 'I cannot see you all the time, and it's not possible for me to come to you. Some of our fellow Shia come to me and ask me questions, but I don't have answers to all their requests.' He replied, 'What prevents you from seeing Mohammed ibn Muslim al-Thaqafi? Indeed, he heard my father, and my father had a high regard for him.'"⁴⁹

Al-Kashi reports the following words of Sulayman ibn Khalid al-Aqta: "I heard Abu Abdullah (peace be upon him) say, 'I have not seen anyone narrate our teachings

⁴⁶ Al-Fihrist 57 ; Rijāl al-Najāshī, 10

⁴⁷ Wasā'il al-Shī'a, 11 : 482, h. 1

⁴⁸ Rijāl al-Najāshī, 10.

⁴⁹ Ikhtiyār Ma'rifat al-Rijāl, 1 : 383, no 273.

and the traditions of my father (peace be upon him) except Zurara, Abu Bassir Layth al-Muradi, Mohammed ibn Muslim, and Burayd ibn Mu'awiya al-Ijli. Without them, no one could make deductions. They are the guardians of faith and the custodians of my father's (peace be upon him) rulings on what Allah has made lawful or unlawful. They are at the forefront in this world with us, and they will be at the forefront in the Hereafter with us."⁵⁰

3. **Mu'adh ibn Muslim al-Nahwi:** al-Najashi said about him, "He belongs to a distinguished family of scholars. It was from Mu'adh and Mohammed (meaning Mohammed ibn al-Hassan) that al-Kassa'i learned the science of Arabic, and both al-Kassa'i and al-Farra have cited many things from them in their books. Abu Ja'far al-Rawassi and Mohammed ibn al-Hassan have said, 'They are reliable individuals, and their reliability cannot be questioned.'"⁵¹

In one tradition, he reports that Abu Abdullah (as) said, "I heard that you sit in the grand mosque and issue religious verdicts?" He replied, "Yes, I wanted to ask you about this before leaving. I sit in the mosque, and sometimes, someone comes and asks me about something. If I realize that they belong to those who oppose you, I answer them according to their practices. Sometimes, another person comes, and when I realize that they love and follow you, I answer them according to your teachings. But when a person I do not know or recognize comes to me, I say, 'So-and-so says this, and So-and-so gives such advice.' And I include your advice among the ones I mention." He said, "Continue to act in this way, for in truth, I do the same."⁵²

4. **Yunus ibn Abd al-Rahman:** al-Najashi said, "He was known and respected among our Shia brethren and held a high status... He met Ja'far ibn Mohammed (as) between al-Safa and al-Marwa but did not report anything from him. He reported statements from Abu al-Hassan Moussa al-Ridha (as), and al-Ridha cited him for his knowledge and religious rulings."⁵³

⁵⁰ Ibid., 1 : 348, no 219.

⁵¹ Rijāl al-Najāshī, 324.

⁵² Wasā'il al-Shī'a, 11 : 482, h. 2.

⁵³ Rijāl al-Najāshī, 446.

Yunus ibn Abd al-Rahman was one of the scholars among the companions of al-Kadhim and al-Ridha (as). We have already noted that he is also mentioned among the six scholars among the companions of these two Imams whose narrations, transmitted through a reliable chain, are considered authentic. Furthermore, al-Kulayni and al-Saduq reported legal and jurisprudential rulings from him, especially in the chapter on inheritance, and al-Saduq even had differences of opinion on certain legal matters.

Al-Najashi reported from Abu Dawud ibn al-Qassim al-Ja'fari: "I presented the book *Yawm wa Layla* by Yunus ibn Abd al-Rahman to Abu Mohammed al-Askari (as). He asked me, 'Whose book is this?' I said, 'It is the book of Yunus, the protege of Yaqtin.' He said, 'May Allah grant him light for every letter on the Day of Resurrection.'"⁵⁴

From this narration, we can observe the importance that the Imam (as) attached to Yunus's book, as demonstrated by the significant supplication he made for him. It is likely that this book included information about obligatory prayers, their timing, and their constituents, which would normally involve deductions from authoritative speeches.⁵⁵

Al-Najashi also reported that al-Fadhl ibn Shadhan said, "Abd al-Aziz ibn al-Muhtadi, who was the best resident of Qum that I ever met and who was a representative of al-Ridha (as) and one of his close companions, told me, 'I asked him (as), 'I cannot always be with you, so from whom should I seek knowledge of my religion?' He replied, 'Seek it from Yunus ibn Abd al-Rahman.' This is a very high status."⁵⁶

This is similar to what al-Kashi reported from al-Hassan ibn Ali ibn Yaqtin.⁵⁷

Both Abd al-Aziz ibn al-Muhtadi and al-Hassan ibn Ali ibn Yaqtin reported statements from al-Ridha (as). They asked him, "I cannot come to you and ask

⁵⁴ Ibid., 447.

⁵⁵ This point will be expanded upon when appropriate.

⁵⁶ Rijāl al-Najāshī, 447.

⁵⁷ Ikhtiyār Maʿrifat al-Rijāl, 2 : 784

you about everything I need to know about my religion. Is Yunus ibn Abd al-Rahman reliable enough for me to refer to him and acquire my religious knowledge from him?" He (as) replied, "Yes."⁵⁸

Thus, we notice, from what is mentioned, that the Imams (as) asked the scholars of their school of thought to issue religious judgments and verdicts. At the same time, they called upon their followers to seek answers to their religious inquiries from them and to accept their rulings, even in matters where scholars and jurists might have differing opinions. This, in itself, serves as evidence for the permissibility of the act of exerting effort in interpretation to establish religious rules (ijtihād) and following the rules laid down by qualified scholars (taqlīd).

This is corroborated by the fact that the practice of adherents of the opposing school of thought, by referring to judges and scholars like Ibn Abu Layla and Abu Hanifa, as noted in the reports that mention their decisions on this matter, dates back to the Imams of the Prophet's family (as). Therefore, if the Imams (as) had not wanted their followers to do so, they would have prohibited them from referring to their scholars and instructed them to exercise caution (iḥtiāt) or to refrain from practicing anything until they were certain (tawaqquf), for example. However, no such instruction exists from them.

Some authors of works concerning different groups list Shia schools such as Zurariyya, associated with Zurara ibn A'yan, al-Ammariyya, composed of the disciples of Ammar al-Sabati, and al-Ya'furiyya, the school of the disciples of Ibn Abu Ya'fur, among others. This indicates that each of these knowledgeable companions had individuals

⁵⁸ Wasā'il al-Shī'a, 18 : 107, h. 33.

who followed them, referring to them in matters of doctrine and practice,⁵⁹ as noted by al-Wahid al-Bihbahani.⁶⁰

How the Imams established the limits and rules for issuing verdicts (iftā') and for seeking religious rulings (istiftā').

The fourth proof: The second proof from the narrations concerns the fact that the Imams followed the correct path for issuing fatwas and seeking religious rules, ensuring that these practices adhere to just rules and principles without rejecting the practice itself.

To delve further, we notice that the practice of seeking and issuing religious decisions was known among Muslims, as we see in our narrations,⁶¹ in many cases of verdicts issued by Abu Hanifa and other scholars mentioned by those who posed questions. The Imams (as) expressed their views on this phenomenon on numerous occasions and outlined the conditions for the validity of fatwas, without going against the fundamental concept of issuing fatwas.

Among these principles, we find the following points:

- 1) A fatwa must be based on knowledge, as we see in numerous accounts. This demonstrates that issuing religious verdicts for people is valid when done based on knowledge. The author of *Al-Wasā'il* dedicated a chapter to this topic titled "The Prohibition of Issuing a Religious Judgment or Verdict without Knowing what the Infallibles Have Ordained."⁶²

⁵⁹ In *Ikhtiyār Ma'rafat al-Rijāl* (2:542, no. 479), there is a narration from Yunus ibn Abd al-Rahman, from Hisham ibn Hakam: "During the days of al-Mahdi, the situation became disastrous for the followers of these individuals in terms of how they were perceived by the government. Ibn Mufaddhal compiled a list of schools, which he listed one by one." He mentioned in his book, "One of them was called Zurariyya, another was al-Ammariyya, composed of the companions of Ammar al-Sabati, and another was known as Ya'furiyya, and there was a school composed of the disciples of Sulayman al-Aqta', and another called Jawaliqiyya..." The Zurariyya school and other schools were mentioned in some books on the subject, such as *AL-Firaq* (76, 210) and *Al-Milal wal-Niḥal* (1:186). It appears, based on what the authors of these two works mention, that these schools were notable for their theological positions.

⁶⁰ *Al-Fawā'id al-Ḥā'iriyya*, 132.

⁶¹ *Wasā'il al-Shī'a*, 13 : 255-256, h. 1.

⁶² *Ibid.*, 18 : 9.

In a reliable tradition, Abu Ubayda said: "Abu Ja'far (as) said: 'Anyone who issues religious verdicts for people without knowledge or without being guided by Allah, the angels of mercy and the angels of punishment curse them. And the responsibility of anyone who acts according to their judgments falls upon them.'"⁶³

And in a reliable tradition, Abd al-Rahman ibn al-Hajjaj said: "Abu Abdullah (as) told me: 'Beware of two characteristics, as they are responsible for the ruin of those who have been ruined: beware of issuing religious verdicts for people based on your own opinion and of practicing what you have no knowledge of.'"⁶⁴

- 2) It is forbidden to issue religious verdicts based on analogy and other similar criteria.

Al-Kulayni reports from Aban ibn Taghlib that Abu Abdullah (as) said: "Indeed, the Sunna is not compared using analogy. Do you not see how a woman makes up for her fasting but not her prayers? O Aban, if one could establish analogies in the Sunna, the religion would be annihilated."⁶⁵

Al-Kulayni also reported that Sama'a ibn Mihran asked Abu alHassan Moussa (as), "May Allah bless you. We gather and discuss matters within our knowledge. Nothing is presented to us without some written documentation regarding it. This is one of Allah's blessings upon us, through you. However, when a small matter is presented to us without any information, we observe each other, and if we have something similar, we draw analogies with what is closest."

He (as) said, "Why do you use analogy? Truly, those who were ruined before you were ruined because of analogy." Then he said (as), "When what you know is presented to you, speak about it. But if something is presented to you about which you have no knowledge, then do this," and he put his hand on his mouth.⁶⁶

⁶³ Ibid., h. 1.

⁶⁴ Wasā'il al-Shī'a, 18 : 10, h. 3.

⁶⁵ Al-Kāfī, 1 : 57, h. 15.

⁶⁶ Ibid., h. 13.

He also reported from Muhammed ibn Hakim, "I said to Abu al-Hassan Moussa (as), 'May my life be a ransom for you! We have become educated in religion, and Allah has freed us from people through you. To the extent that some of us may be in a gathering where a person might ask their companion to present a question so that an answer can be given based on what Allah has blessed us with through you. However, sometimes a point is raised about which we have no guidance from you or your ancestors; then we seek the best and closest among what you have taught us.' He replied, 'Never! Never do that again! By Allah, those who were ruined were ruined in this way, O ibn Hakim.'"⁶⁷

He also reported from Abu Bassir, "I said to Abu Abdullah (as), 'Some things come to us that we do not find in the Book of Allah and the Sunnah. Should we give an opinion about them?' He said, 'No, because if your answer is correct, you will not be rewarded, and if you are wrong, you will have lied against Allah, the Almighty.'"⁶⁸

And in Qurb al-Isnād, it is reported from Ahmed ibn Mohammed ibn Abu Nasir, "I said to al-Ridha (as), 'May my life be a ransom for you! Some of our Shia brethren say: We hear teachings that are reported from you and your father, and then we apply analogies and act accordingly.' He said, 'Glory to Allah! No, by Allah, this does not come from the religion of Ja'far (as)! These people have nothing to do with us. They have stopped obeying us and have assumed our position! So what about what they claim, claiming to be supporters of Ja'far and Abu Ja'far (as)?'"⁶⁹

What we observe from these traditions is that Shiite scholars studied religious rules concerning various subjects. For some topics, they could deduce the rules from the Quran and the Sunna, and for others, they couldn't. Thus, they questioned the Imams (peace be upon them) about the possibility of deducing rules for these questions using analogy, which they prohibited.

⁶⁷ Ibid., 1 : 56, h. 9.

⁶⁸ Ibid., h. 11

⁶⁹ Qurb al-Isnād, 356-357, h. 1275.

- 3) The scholar who issues religious verdicts is responsible if he makes a mistake, as we see in the following tradition of Is-haq al-Sayrafi: "I said to Abu Ibrahim (peace be upon him): 'A man in a state of sanctification (iḥrām) trimmed his nails, but as one of his fingers was injured, he left the nail of that finger untrimmed. Someone gave him another religious rule after sanctification; he then trimmed it, and the finger bled.' He said: 'The one who gave him that rule must sacrifice a sheep.'"⁷⁰

It is worth noting that the Imam did not consider the one who posed a religious question as responsible because he was seeking clarification. Instead, he considered the one who gave the incorrect ruling responsible for what happened due to the incorrect verdict, without criticizing the act of issuing religious rulings itself.

In a reliable tradition, it is reported that Abd al-Rahman ibn al-Hajjaj said: "Abu Abdullah (as) was sitting in an assembly in Rabi'a al-Ra'y when a Bedouin came and asked Rabi'a al-Ra'y a question, to which he responded. Once his response was finished, the Bedouin asked, 'Does the responsibility of this fall on you?' Rabi'a remained silent and did not respond. Then the Bedouin repeated his question, and he gave the same response. The Bedouin asked again, 'Does the responsibility of this fall on you?' Rabi'a remained silent. Then Abu Abdullah (as) said, 'The responsibility falls on him, whether he acknowledges it or not, because anyone who issues a religious verdict assumes the responsibility.'"⁷¹

- 4) It is forbidden to issue verdicts that oppose justice, as we see in a reliable tradition from Abu Wallad, who noted that he had rented a mule and a dispute arose between him and the owner, and they agreed that Abu Hanifa would be the arbitrator. Abu Hanifa issued a decision. He said, "When we left, the man began reciting the verse of *istirjā'* (usually recited in times of calamity), so I felt sorry for him due to the decision given by Abu Hanifa. Thus, I gave him something, seeking to appease him. I went for Hajj this year and informed Abu Abdullah (as) of the fatwa pronounced by Abu Hanifa. He (as) said, 'It is because of judgments

⁷⁰ Wasā'il al-Shī'a.

⁷¹ Al-Kāfī, 7 : 409, h. 1.

like these that the heavens withhold their rain, and the earth deprives people of its blessings."⁷²

- 5) They dissuaded people from issuing fatwas if they feared the consequences, as we notice in a tradition reported by Ali ibn al-Sindi, noting that his father said, "I asked Abu al-Hassan (as) about the man who is approached with a religious question but fears that if he issues a verdict on it, he will be defamed because of it. 'Should he remain silent, issue a correct verdict, or a verdict that doesn't bring him fears?' He said, 'Remaining silent is preferable and brings greater reward.'"⁷³
- 6) It is given the opportunity to choose when there are different opinions, as shown in a reliable tradition from Sama'a, quoting Abu Abdullah (as). He said, "I asked him about a man who faces the opinions of two different religious scholars, both presenting a narration: one tells him to take the action, while the other forbids it. 'What should he do?' He replied, 'He should continue seeking until he finds someone who can inform him. In the meantime, he is free.'"⁷⁴

The evidence that appears in this tradition includes the scenario where the two individuals who differ in what they report base their understanding on what they deduce from the narration, such as the principle of generality or the negation of a contrary narration, which would imply something similar to issuing different rules.

The usual practice of researching and issuing religious rules among the Shiites.

The fifth proof, which is historical, is that it has always been the practice of Shiites to issue religious rules for the people. And it has always been the norm for the Muslim masses in general, including the Shiites, to refer to religious scholars for rational reasons, even in the time of the Imams (peace be upon them).

If the practice went against the teachings of the Imams (peace be upon them), it would not have been the established norm for scholars and the masses in general. This

⁷² Wasā'il al-Shī'a, 13 : 255-256, h. 1.

⁷³ Ibid., 18 : 166, h. 3.

⁷⁴ Ibid., 18 : 77, h. 5.

is a point that scholars have noted from the earliest days to the present. In his book *Al-Dharī'a*, Sayyid al-Murtadha asserts:

"What proves that it is correct for an ordinary person to refer to a religious scholar is the absence of differences of opinion between the past and present community regarding the necessity for an ordinary person to refer to a religious scholar. Furthermore, he must accept the rulings of the scholar because he does not have sufficient knowledge of the religious rules that concern every event that occurs; and anyone who opposes this goes against consensus."⁷⁵

Sheikh al-Tusi said:

"Our opinion on the matter is that it is permissible for an ordinary person who is unable to undertake research and study to follow the opinions of a scholar. The evidence for this is that we observe that the general community of believers, from the time of the Commander of the Faithful (peace be upon him) to our present era, refer to their scholars and seek rules from them regarding Islamic laws and acts of worship. Scholars issue verdicts on these matters, and people act according to the rules provided by the scholars. Furthermore, we have not heard any of them tell a person seeking to know religious rules that it is not permissible to do so or to act according to the scholars' verdicts. Instead, it is quite evident that there has been no prohibition of acting according to the rules stated by the scholars. And this occurred even when the best of creation was among them because they were contemporaries of the Imams (peace be upon them), and it is not reported that any of the Imams ever disapproved of such a practice or spoke against it. In fact, they supported those who tried to guide others. Thus, whoever opposes this goes against what is known and established."⁷⁶

Other recognized scholars have made similar statements in this regard, which we will mention in due course.

⁷⁵ *Al-Dharī'a*, 2 : 796-797.

⁷⁶ *Al-'Udda fī Uṣūl al-Fiqh*, 2 : 730.

As for the issuance of religious rulings to the general public by religious scholars among the companions of the Imams (as), this is an occurrence that we clearly see in the accounts and biographies of narrators. Even though most of the jurisprudential works written by the companions of the Imams have not reached us, and the hadith works that have reached us are generally limited to the narrations of these companions and do not contain their religious verdicts, they still provide indications that they issued fatwas in various forms.

Therefore, when scholars come across a narration that concludes with certain companions without explicit mention that it originates from the Imams, they assume that it may be a fatwa from the companions. We note that this possibility has been debated since the time of Sheikh al-Tussi in his *Al-Tahdhīb* and continues to be discussed by many contemporary scholars. It is rare for this possibility not to be mentioned. Even those who prefer to speak more generally about the conclusive nature of traditions and reject the validity of *taqlīd* (imitation) in religious verdicts, as the author of *Al-Wasā'il* does, mention this possibility on numerous occasions.⁷⁷

Cases of religious verdicts issued by the companions of the Imams (as).

We find some evidence of what we mentioned earlier in the following traditions:

- 1) Al-Kashi reported that Yunus ibn Abd al-Rahman said: "One day, I asked Hariz: 'O Abu Abdullah, on which part of the beard hair should we pass our hand during ablutions (*wuḍū'*) for prayer?' He said: 'The size of three fingers,' and he indicated his index, middle, and ring fingers." Yunus reported many jurisprudential rules from him.⁷⁸

⁷⁷ See: *Wasā'il al-Shī'a*, 15: 356, on the possibility that some narrations may come from the speech of Ibn Bukayr and his own opinions, which means they have no probative value. And in *Wasā'il al-Shī'a*, 16: 38, on the possibility that this is a speech of Yunus and a verdict based on his opinion, thus depriving it of its probative value. And in *Wasā'il al-Shī'a*, 17: 450, where he says of a narration by Abd al-Rahman ibn al-Hajjaj: "This is a fatwa whose attribution to the Imam is not explicit; therefore, it has no probative value."

⁷⁸ *Ikhtiyār Ma'rifat al-Rijāl*, with footnotes from Mir Damad, 2 : 627, no 616.

- 2) In his chapter on inheritance in *Al-Kāfī*, al-Kulayni presents a section of verdicts given by Yunus because he did not find the details mentioned in an archived tradition.⁷⁹
- 3) Both al-Kulayni and al-Saduq have sections containing statements from al-Fadhīl ibn Shadhan, including inheritance rules not found in the traditions.⁸⁰
- 4) Sheikh al-Tusi reports that al-Hassan ibn Mohammed ibn Sama'a said: "I heard that Ja'far ibn Sama'a was asked about a woman who had been divorced in a manner contrary to the sunna: 'Can I marry her?' He said: 'Yes.' I said: 'Don't you know what Ali ibn Hanzala reported: "Beware of those with whom one has been divorced by three consecutive divorces contrary to the sunna, as they are still technically married?"' He replied: 'My son, the statements of Ali ibn Abu Hamza make things easier for the people.'"⁸¹
- 5) Sheikh al-Tusi reports that Abdullah ibn al-Mughira said: "I asked Abdullah ibn Bukayr about the case of a man who divorced his wife once, left her until they were completely separated, and then married her again. He said: 'She is with him as she was in that marriage.' I said: 'But according to the words of Rifa'a, that is the case only if she had another husband?' Abdullah told me: 'He is her husband, and that is the opinion Allah has given us.'"⁸²
- 6) After mentioning the views on al-Khul', Sheikh al-Tusi states: "The basis for this chapter and the rules I establish are that the separation of al-Khul' must be followed by a divorce. This was also the opinion of Ja'far ibn Sama'a, al-Hassan ibn Sama'a, Ali ibn Ribat, and ibn Hudhayfa from the earlier generation, and from the later scholars, it was the opinion of Ali ibn al-Hussayn."⁸³

⁷⁹ *Al-Kāfī*, 7 : 15, 121, 145, 163.

⁸⁰ *Ibid.*, 7 : 88, h. 4, et p. 95, 105, 116-117, 120, 142, 148, 161, 166 ; *Man Lā Yahḍuruhū al-Faqīh*, 4 : 270, 275, 276, 286, 292-293, 195, 320.

⁸¹ *Tahdhīb al-Aḥkām*, 8 : 58, h. 109.

⁸² *Ibid.*, 8 : 30, h. 89.

⁸³ *Ibid.*, 8 : 97, sous h. 7.

By mentioning the views of these four early scholars, who were companions of Imam al-Kadhim (as) and those who came after him, he defends what we have affirmed. Afterward, the sheikh cites the evidence provided by these individuals.⁸⁴

- 7) Al-Kulayni reports, from Ibn Abu Umayr, that Jamil ibn Darraj said, "A man is not obliged to provide for anyone other than his parents and children." Ibn Abu Umayr asked, "What about his wife?" He said, "It is reported from Anbassa, from Abu Abdullah (as)..."⁸⁵
- 8) When some companions of the Imams (as), who were students, were informed of a hadith that might have some issues, they would show it to the scholars among their companions because they recognized their competence, as we see in several accounts describing how texts were presented to Zurara. In one of these accounts, it is mentioned, "Indeed, what Ibn Muhriz has brought contains light," meaning it can be trusted.⁸⁶

Narrators convey rulings from scholars to the Imams (as)

Numerous accounts indicate that people would seek advice from scholars and knowledgeable individuals regarding religious injunctions, and their responses were presented to the Imams (as), who never opposed this practice of people consulting scholars. Furthermore, they did not object to the fact that scholars could issue rulings. Instead, we see them either accepting or rejecting these rulings based on their correctness or error.

- 1) A tradition relates that Humran ibn A'yan said, "The wife of Mohammed ibn Muslim told him, shortly after giving birth to a child, 'Convey my greetings to Abu Jafar (as) and tell him that I have been experiencing postnatal bleeding (nifās) for forty days, but our Shia brethren have limited us to eighteen days.' Abu Ja'far

⁸⁴ He declares in Tahdhīb al-Aḥkām, 8:97-98: "And those among our Shiite scholars of the past who have taken the position that we have taken... and al-Hassan ibn Sama'a and others have proven it by saying... and ibn Sama'a has proven it with his narration..."

⁸⁵ Al-Kāfī, 5 : 512.

⁸⁶ Wasā'il al-Shī'a, 2 : 614.

said, 'Who gave the ruling of eighteen days?' I said, 'The narration about Asma bint Umays...'""⁸⁷

Here, we see how Shia scholars issued a fatwa in Kufa for the wife of Mohammed ibn Muslim, and how the Imam (as) expressed his opinion on the fatwa. However, the account does not criticize the woman for asking her question or blame the companions for issuing a fatwa on her behalf.

- 2) It is reported in a tradition that Kayran al-Khadim said, "I wrote to the Imam (as) to inquire about the situation where wine and pork come into contact with a person's clothing: 'Can one pray with them or not? In fact, our Shia brethren have had differences in this regard. Some say: Pray with them, as Allah only prohibited their consumption, while others say: Do not pray with them.' He replied, 'Do not pray with them, for they are impure (rijs).'"⁸⁸

It is worth noting that the narrator initially refers to the scholars, and when he observes their differing opinions, he turns to the Imam (as), who then validates one of the two opinions without opposing the companions' practice of issuing verdicts. Moreover, if the companions had not shown a difference of opinion, the individual would not have referred to the Imam (as).

- 3) Ahmed ibn Mohammed reports in a tradition that a group of our fellow Shia said: "We said to Abu al-Hassan, that is, Ali ibn Mohammed (as): 'A man died on his way and left his inheritance for Hajj, and he said, "What remains is for you." Our companions did not agree on this, some saying that the pilgrimage should be performed on his behalf from the Miqat point that allows the greatest portion to remain, and others saying that the pilgrimage should be performed for him from where he died.'" He said (as): "The pilgrimage should be performed on his behalf from where he died.'"⁸⁹

⁸⁷ Wasā'il al-Shī'a, 2 : 614.

⁸⁸ Ibid., 1 : 1017, h. 2.

⁸⁹ Ibid., 8 : 118, h. 9.

The evidence we derive from this tradition is similar to what we saw in the previous tradition.

- 4) It is reported in a tradition that Abd al-Malib ibn A'yan said: "A group of our fellow Shia went on pilgrimage. When they entered Medina, they visited Abu Ja'far (as) and said: 'Verily, Zurara informed us that we should commence Hajj once we have donned the attire of consecration.' He said to them: 'Perform the tamattu'..."⁹⁰

We notice here that the Shia of Kufa relied on the rule stated by Zurara until they could consult the Imam in Medina.

- 5) It is reported in a tradition that Ishaq ibn Ammar said: "I said to Abu Ibrahim (as): 'Verily, our fellow Shia have differences on two aspects of Hajj. Some say: Wear the attire of consecration (iḥrām) for the Hajj called mufridā, and once you have circled the Kaaba and completed the Sa'i between Safa and Marwa, then remove that garment and consider it to be 'umra. While others say: Wear the attire of consecration with the intention of both 'umra and the tamattu' Hajj. Which of these two opinions do you prefer?" He replied: "Make the intention for tamattu'..."⁹¹

We have already clearly seen the point that proves our position in this tradition and what follows.

- 6) A tradition explains that a group of our Shiite brethren went on pilgrimage with a woman in their company. When they reached a point of consecration (miqat), she was in her menstrual cycle, and she did not perform the prayer. They did not know that in such a case, the woman should still wear the consecration garment, and they left the place without her doing so until they arrived in Mecca, where she had her menstruation without wearing the consecration garment. They asked people, and they were told that she should return to one of the consecration points to wear that garment there; but if she did so, she would miss the Hajj. So

⁹⁰ Ibid., 8 : 176, h. 19.

⁹¹ Ibid., 8 : 178, h. 9.

they asked Abu Ja'far (as), who said: "She should wear the consecration garment where she is, because Allah knows her intention."⁹²

- 7) A reliable tradition reports that Abd al-Rahman ibn al-Hajjaj said: "I asked Abu al-Hassan (as) about the case of two men who went hunting while they were in a state of consecration. Is the punishment shared between them, or should each of them be punished individually? He replied: "No. Instead, both of them should be punished for the hunt." I said: "Some of our Shiite brethren asked me about this, and I did not know the rule." He said: "When such a thing happens and you do not know what to do, then you should exercise caution until you can ask your questions about it and learn."⁹³
- 8) A tradition reports that Ishaq ibn Ammar said: "I asked Abu al-Hassan (as) about the case of a man who forgot to trim his nails while he was in a state of consecration (iḥrām). He said, 'He should not worry about it.' I said, 'One of our Shiite brethren established that he should trim his nails and start his consecration anew, which he did.' He said, 'He must offer a sacrifice as atonement.'"⁹⁴
- 9) A tradition reports that Sayf said: "I said to Abu Abdullah (as), 'I approached the Black Stone, but I saw a large crowd around it. I met one of our Shiite brethren and asked him about it, and he said, 'You should touch it.''" He said, 'If you see that it's accessible. Otherwise, greet it from a distance.'"⁹⁵
- 10) A tradition reports that Ayyub ibn Nuh said: "I wrote to the Imam (as) that our Shiite brethren have differing opinions. Some say that it is preferable for the departure [from Mina] to be on the last day after noon, while others say it is preferable to leave before noon. He then wrote (as) in response, 'Do you not know that the Messenger of Allah (as) performed the noon (dhuhr) and afternoon ('asr) prayers in Mecca? This could not have been done without leaving before noon.'"⁹⁶

⁹² Ibid., 8 : 239, h. 6

⁹³ Ibid., 9: 210, h. 6.

⁹⁴ 102 Ibid., 9: 295, h. 2, and h. 1 also has a similar meaning.

⁹⁵ Ibid., 9: 410, h. 4.

⁹⁶ 104 Ibid., 10: 227, h. 12.

- 11) Harun ibn Kharija reports the words of Abu Abdullah (as), in which it is said: "I said, 'I was troubled by doubts. I then divorced my wife three times at once. I asked our Shiite brethren, and they said it was not valid. However, my wife said, 'I will not be satisfied unless you ask Abu Abdullah.'" He said, 'Go back to your wife, for you have nothing to fear.'"⁹⁷
- 12) It is reported in Al-Kāfī, through a reliable chain of transmission, that Ali ibn Mahzyar said: "I wrote to Abu Ja'far (as): the traditions of your ancestors regarding the performance of full or shortened prayers in the two sacred sanctuaries (ḥaramayn) had differences. Some state that complete prayers should be performed there, even if it's just one prayer, and others say that prayers should be shortened as long as the intention to stay for ten days has not been made. I continued to perform full prayers in these places until the completion of the pilgrimage this year when the scholars among our Shiite brethren informed me that prayers should be shortened if I did not intend to stay for ten days. So I started to shorten my prayers, but I do not feel comfortable with it unless I know your opinion on this." He (as) replied to me in his own hand: "May Allah cover you with His mercy! You know the merit of prayer in the two sacred sanctuaries compared to other places. So, I prefer that you do not shorten your prayers when you enter them and increase your prayers." Two years later, I spoke to him and asked: "I wrote to you about a certain matter, and you replied with that." He said: "Yes." So, I asked: "What did you mean by the two sacred sanctuaries?" He replied: "Mecca and Medina."⁹⁸
- 13) In the written correspondence between Mohammed ibn Abdullah al-Himyari and the Imam of our time (may his reappearance be hastened), it is stated: "Some scholars ask me about the one who prays: 'When he stands after the first testimony of faith (tashahhud) and starts the third unit, should he recite 'Allah is the Greatest' (takbīr)? Because some of our Shiite brethren say that it is not necessary to recite the takbīr, and it is sufficient to say: bi ḥawli llāhi wa quwwati hī

⁹⁷ Ibid., 15: 319, h. 29.

⁹⁸ Al-Kāfī, 4 : 525.

aqūmu wa aq'udu (it is by the strength of Allah and His power that I stand and sit)." He replied to me (as): "In reality, there are two hadiths on this subject... and if you follow one of these two with the intention of submission, your practice will be correct."⁹⁹

What supports our argument in the aforementioned tradition are the rules provided by some companions regarding the narration of some of our Shiite brethren.

14) Sheikh al-Tusi reports that Ali ibn Mahziyar said, "Ibrahim ibn Mohammed al-Hamadani wrote to Imam al-Hadi (as): 'Ali showed me your father's book in which he made it obligatory for the people of a village to pay half of a sixth of what remains at the end of the year. He also said it is not obligatory for those whose village does not prosper to pay half of a sixth or anything else. This led to differing opinions. Some said, 'It is obligatory for the villager to pay a fifth of what remains from his resources after necessary expenses, meaning after the expenses related to the village and its maintenance, not the personal expenses of the individual and their family.' He (as) wrote the following, which was read to Ali ibn Mahziyar: 'He must pay a fifth after all his expenses and the expenses of his family, as well as the ruler's tax.'"¹⁰⁰

15) The sheikh reported, through a certain chain of transmission, that al-Qassim al-Sayqal said, "Umm Ali wrote to him, asking for permission to expose her hair in front of a servant, and she said, 'Truly, your followers have differed in the responses they gave me. Some said there is no problem with it, while others said it is not allowed.' He replied (as), 'You asked about exposing your hair in front of a servant. Do not expose your hair to him because, in reality, it is disliked (makrūh).'¹⁰¹

In addition to this, there are numerous cases where the Imam (as) was asked when opinions differed.

⁹⁹ Wasā'il al-Shī'a, 4 : 967

¹⁰⁰ Ibid., 6 : 342, h. 4.

¹⁰¹ Ibid., 14 : 166, h. 7

16) In a reliable account narrated by Abd al-Samad ibn Bashir, it is reported that Abu Abdullah (as) responded regarding a non-Arab man who had entered the mosque reciting the talbiya (a phrase for the Hajj) while wearing a shirt. He said to Abu Abdullah (as), "I was a manual laborer and saved money this way. When I set out for the Hajj, I didn't inquire about the rules, and these people told me to tear my shirt and let it hang in front of my legs, and that my Hajj had been compromised, and I had to offer a sacrifice." He (as) said to the man, "When did you put on your shirt? Was it before reciting the talbiya or after?" He said, "Before reciting it." He (as) said, "Then remove it over your head. You have nothing to offer as a sacrifice, and you don't need to redo the Hajj. Whenever a person undertakes something out of ignorance, there is nothing upon him."¹⁰²

17) A narration from Ali ibn Mazid Sahib al-Sabiri states: "A man appointed me as the executor of his will and asked me to perform the Hajj on his behalf with the wealth he left behind. I assessed what he had left, and I saw that it was only a meager amount, insufficient for the Hajj. So, I consulted Abu Hanifa and the scholars of Kufa, who advised me, 'Instead, give charity on his behalf.' Then I met Ja'far ibn Mohammed (as) in Hijr and asked him, 'A man has passed away and in his last will, he asked me to perform the Hajj with the money he left. But when I looked, the amount was inadequate for the Hajj. The nearby scholars advised me to give charity on his behalf.' He (as) asked, 'What did you do?' I replied, 'I gave the money as charity.' He said, 'You are responsible, unless the amount was so small that you couldn't perform the Hajj from Mecca. If the amount was so small that you couldn't perform the Hajj from Mecca, then you are not responsible. However, if the amount was sufficient to perform the Hajj from Mecca, then you are responsible.'"¹⁰³

Conclusion

These are the proofs that demonstrate the legality and validity of the practice of issuing religious verdicts and seeking religious rulings. It is clear, as we have noted, that

¹⁰² Ibid., 9 : 125-126, h. 3.

¹⁰³ Ibid., 13 : 419, h. 2.

this practice, in itself, is valid. This truth is considered self-evident in the Imamite school of thought, as well as in other schools of thought among Muslims. This practice is indeed a part of teaching and learning, as prescribed in Islam.

Part Two: Examination of the Idea Prohibiting Taqlid

We have emphasized that the generally accepted position among Islamic jurists is that taqlid is permissible. That is to say, what a jurisconsult (muftī) declares is valid for the general public who are not experts in Islamic law. We have already elaborated on this point.

However, some of the theologians of the past took the position that taqlid is not allowed. In other words, it is the duty of every individual to seek evidence from a scholar (mujtahid) and not simply follow their opinion. From their perspective, the role of a jurist is to provide people with evidence, and it is then the responsibility of the people to derive their rulings from these scholars, not their verdicts. This opinion is also accepted by some later hadith scholars.

However, we encounter several problems with this viewpoint:

1. The irregularity and strangeness of this opinion among scholars and its disappearance from scholarly circles.
2. The reality of this opinion, once explained, does not negate the fundamental principle of taqlīd. Instead, it simply indicates that people should practice taqlīd in seeking evidence on which opinions are based, rather than blindly following the scholars' opinions.
3. This opinion lacks coherence.
4. The origins of this opinion deserve to be clarified to avoid any confusion on this matter.

The abnormal nature of this opinion and its inability to take root

The first point, namely the irregularity and strange nature of this opinion, is based on the fact that the practice of scholars, from the time of the Imams (as) to our era, has been to issue religious rules and seek to obtain them. This means that people used to

inquire of scholars about the religious laws they needed to know, and the scholars would provide them with the rules, as we described earlier.

We have already provided examples of how religious rules were sought and scholars issued them during the time of the Imams (as), and how the Imams referred people to the learned among their companions. The compilations of traditions from these companions also contained their own legal opinions, in one form or another. For example, they explicitly reported the opinions of previous scholars on issues where no statement from an infallible was available or when the reports were contradictory. Sometimes, they tried to reconcile contradictory reports, and at other times, they preferred one tradition over another. Indeed, these are different forms of issued verdicts, even though such verdicts may be concealed from the reader in the books of traditions since they are not explicit fatwas; one understands them by observing how the reports are presented.

Thus, it would be correct to say that most of the books of traditions compiled by scholars of the past contained opinions on religious laws in one way or another, such as the work *Al-Kāfī* by al-Kulayni, which contains many examples of this. Scholars have noted that at certain times, he cites contradictory reports on a subject, providing reasons for choosing one over the other, as he mentions in the preface of his book. At other times, he cites only one of the two groups of contradictory reports and ignores the second. It is only through what is narrated by Sheikh al-Saduq and Sheikh al-Tussi on this matter that we become aware of the existence of the second group. Thus, al-Kulayni preferred one group of traditions, which he mentions, over another, which he does not mention.

Furthermore, there are many indications that suggest the practice of interpretation (ijtihād) in cases of conflicting reports was one of the most well-known forms of ijtihād during the time of the infallibles because the existence of contradictory reports was one of the most common issues of that time. In fact, a group of companions of the Imams (as) had books of religious rules that were either general, covering all major legal issues, or specific, concerning specific subjects, such as the books of Yunus

and al-Fadhli ibn Shadhan on inheritance. This is the practice of seeking and issuing religious verdicts during the time of the infallibles (as).

As for the period of the minor occultation (between 260 and 329 AH), the practice continued in the same manner. In fact, since the need for religious rules had intensified due to the occultation of the Imam (peace be upon him), this practice grew. Among the famous scholars of this period, we find:

1. Al-Kulayni, the author of Al-Kāfī. The book Al-Kāfī contains legal opinions on a number of issues, as we have already noted. Here are some examples:
 - The way he deals with contradictory narratives, sometimes citing them all and then ultimately selecting certain ones, and at other times only citing those he prefers, and occasionally noting how they can be reconciled.
 - The fact that he mentions the opinions of earlier scholars who endorsed certain traditions, as he does in the chapter on inheritance, citing Yunus ibn Abd al-Rahman and al-Fadhli ibn Shadhan.
2. Ali ibn Babawayh, the father of Sheikh al-Saduq. He wrote a treatise on Islamic law (Risālat al-Sharā'i') that was well-known among the Shia, and al-Saduq incorporated some portions of it into his books. In Al-Mukhtalaf, al-Allama also cites the opinions of Ali ibn Babawayh on controversial issues. A section of his treatise that was recently discovered was published.¹⁰⁴
3. Al-Shalmaghani, who was one of the Imami scholars during the Minor Occultation, wrote Kitāb al-Taklīf, which gained prominence among the Shia, and

¹⁰⁴ The Dirāsāt 'Ilmiyya journal printed it in its issues 2 and 3, and an addendum was published in issue 4 to complete the manuscript from other sources. Recently, the entire work was reprinted as a standalone book in 1435 AH.

scholars like Ali ibn Babawayh also cited it. It became customary to refer to it¹⁰⁵ until its author deviated, and the book was gradually abandoned.

This book was commonly referred to as *Fiqh al-Riḍā*, as noted by some prominent scholars. It largely serves as the first comprehensive manual of practical laws (*risāla ‘amaliyya*) encompassing all the chapters of Islamic jurisprudence. It contains narratives presented in the form of religious rules, and despite most of the rules being based on authenticated traditions, it still includes deductions, especially in cases with contradictory narratives, explaining how to reconcile them.

It appears that Abu al-Qassim al-Hussayn ibn Ruh, the third representative of Imam al-Mahdi (may Allah hasten his reappearance) during the Minor Occultation, assisted al-Shalmaghani in writing his religious rulebooks. The sheikh reported the following from one of the companions: "Indeed, al-Shalmaghani would review a chapter and bring it to Sheikh Abu al-Qassim al-Hussayn ibn Ruh (may Allah be pleased with him), show it to him, and discuss it with him. If the content of the chapter was correct, he would inform us and ask us to make copies."¹⁰⁶ This means that the one requesting this was al-Hussayn ibn Ruh (may Allah be pleased with him).

This clearly explains an important historical point, the influence of the representative al-Hussayn ibn Ruh in preparing a treatise of religious rules for the Shia during the Minor Occultation by certain scholars who were in contact with him, like al-Shalmaghani. In the book *Al-Ghayba* by the sheikh, it is noted that once completed, ibn Ruh sent the book to the scholars of Qum for examination.

¹⁰⁵ The sheikh notes in *Al-Ghayba* (p. 389) that Abu al-Hussayn ibn Tammam said: "Abdullah al-Kufi, a servant of Sheikh al-Hussayn ibn Ruh (may Allah be pleased with him), reported to me the following: 'The sheikh (that is, Abu al-Qassim, may Allah be pleased with him) was asked about the books of ibn Abu al-Azaqir [al-Shalmaghani], after he was rejected and cursed. The inquirer asked, 'What should we do with his books when our homes are full of them?' He said: 'I say about this what Abu Mohammed al-Hassan ibn Ali (as) said when he was asked about the works of Banu Faddhal and people were saying: 'What should we do with their books when our homes are full of them?' He (as) replied: 'Take what they have reported and leave aside the opinions they have given.'"

¹⁰⁶ *Al-Ghayba*, 389.

These scholars approved the text and stated that everything in it was correct, except for three places.

In any case, there is clear evidence in this that the process of seeking and providing religious rules is a valid procedure.

During the major occultation, once Imam al-Mahdi (as) was no longer present, the practice of issuing religious verdicts and their research intensified. Scholars compiled manuals of practical rules and responded to questions posed to them in brief treatises. Al-Saduq, well known for having been inspired by an invocation of Imam al-Mahdi (as), wrote the books *Al-Faqīh*, *Al-Muqni'*, and *Al-Hidāya*. Al-Mufid wrote *Al-Muqni'a*. And Sheikh al-Tussi composed *Al-Nihāya*, and so on.

Furthermore, many scholars insist that there is a consensus on the validity of *taqlīd*, noting that any contrary opinion is irregular.

1. Sayyid al-Murtadha (passed away in 436 after Hijra) asserts that there is no disagreement within the community, whether in the past or more recently, regarding the necessity for an ordinary person to refer to a scholar... and that anyone who disagrees with this goes against the general consensus.

He then adds: "It is not possible for one opposing this to deny the consensus, which acknowledges that one refers to religious rules and advice, and he must acknowledge it. The only thing he can do is interpret this manner of referring to others as something much less probable by saying, 'This involves referring to obtain information about the opinions and underlying evidence.' We know that this interpretation, by necessity, contradicts the concept in question, as the ordinary person is not seeking a rule to obtain information about opinions, but rather to act accordingly."¹⁰⁷

2. Sheikh al-Tusi (died in 460 after the Hijra) states, as we have mentioned earlier: "Our opinion on the matter is that it is permissible for an ordinary person who is incapable of conducting research and studying to follow the opinions of a scholar.

¹⁰⁷ *Al-Dharī'a*, 2 : 796-797.

The evidence for this is that we observe that the general community of believers, from the time of the Commander of the Faithful (peace be upon him) until our present era, refer to their scholars and seek guidance from them regarding Islamic laws and acts of worship. Scholars issue verdicts on these matters..."¹⁰⁸

3. Al-Muhaqqiq al-Hilli (died in 676 after the Hijra) affirms, after establishing the principle that it is permissible for an ordinary person to act in accordance with the rulings issued by a scholar: "We have two points to consider. The first is the consensus of scholars from different periods and places, that it is permissible for ordinary people to act according to the rulings issued by scholars, without exception, and it is established that the consensus of people from all eras carries authority. Secondly, if it were obligatory for an ordinary person to study the legal evidence, it should be done either before an event occurs or during it, and both of these situations are impractical. The idea that it is obligatory before an event occurs is refuted by consensus, and also because it would mean having to spend all one's time studying all possible rules (istī'āb). This would harm the individual as they would be unable to earn their livelihood. As for the idea that it is obligatory while an event is happening, in that case, the person is innocent because it would be impossible to attribute the qualities of a scholar (mujtahid) to every ordinary person facing a situation."¹⁰⁹
4. Al-Shahid al-Awwal (died in 786 after the Hijra) asserts, after discussing the permissibility of taqlīd according to most Imami scholars, and after noting that only a few scholars of the past opposed it, like Halab: "This is refuted by the consensus of scholars from before and after on the possibility of seeking religious rulings, and there is nothing that opposes it, nor any evidence whatsoever to support the contrary."¹¹⁰

¹⁰⁸ Al-'Udda fi Uṣūl al-Fiqh, 2 : 729-731.

¹⁰⁹ Ma'ārij al-Uṣūl, 197.

¹¹⁰ Dhikrā al-Shī'a, 1 : 41

5. The author of Al-Ma'ālim (died in 1011 after the Hijra) states: "Many scholars have reported the consensus of scholars on the permission for ordinary people to seek religious rulings without any exception."¹¹¹
6. Regarding the details of the position of those who say that taqlīd is permitted, the author of Al-Maḡtīḥ (died in 1242 after the Hijra) says: "Most of our scholars (may Allah be pleased with them) adhere to it (i.e., the position that taqlīd is permitted). Among them are Sayyid al-Murtadha in Al-Dhārī'a, the sheikh in Al-'Udda, al-Muhaqqiq in Al-Ma'ārij, al-Allama in Al-Nihāya, Al-Tahdhīb Al-Mabādi', Al-Qawā'id, Al-Irshād, Al-Tabṣira, Al-Tadhkira, and Al-Taḥrīr, Fakhr al-Islam in Al-'dāḥ and Sharḥ al-Mabādi', al-Shahīd in Al-Dhikrā, Al-Durūs, Al-Alfiyya, and Al-Qawā'id, al-Shahid al-Thani in Al-maqāṣid al-'Aliyya, al-Muhaqqiq al-Thani in Al-Ja'fariyya, Sayyid Amid al-Din in Munyat al-Labīb, the son of al-Shahid al-Thani in Al-Ma'ālim, and my grandfather¹¹² (may Allah elevate his status), my noble teacher¹¹³ (may Allah elevate his status), and my father al-Allama¹¹⁴ (may Allah prolong his life)."¹¹⁵

The position that opposes the permission of taqlīd is attributed to three groups:

Firstly: Some theologians of the past, even though we haven't seen any explicit prohibition of taqlīd from any of them, except for Sayyid al-Murtadha in one of his treatises.¹¹⁶ However, he gave a different opinion in Al-Dharī'a and in some of his other treatises,¹¹⁷ where he clarified the issue of the permissibility of taqlīd. He even referenced the treatise of Ali ibn Babawayh,¹¹⁸ so it appears that he changed his mind.

¹¹¹ Ma'ālim al-Dīn (al-Uṣūl), 243

¹¹² Meaning al-Wahid al-Bihbahani.

¹¹³ Meaning Sayyid Mahdi Bahr al-Ulum.

¹¹⁴ Meaning the author of Al-Riyāḍ.

¹¹⁵ Maḡtīḥ al-Uṣūl, 587.

¹¹⁶ Rasā'il al-Sayyid al-Murtaḍā, 1 : 42

¹¹⁷ Ibid., 2 : 321.

¹¹⁸ In 1: 279, the following question appears: "For the points about which we are not certain in matters of jurisprudence, can we benefit from the treatise of Ali ibn Moussa ibn Babawayh or the book of al-Shalmaghani or the book of Ubaudullah al-Halabi?" He then responded: "Referring to the book of ibn Babawayh and the book of al-Halabi is preferable to referring to the book of al-Shalmaghani in any situation." It should be noted that the treatise of ibn Babawayh and the book of al-Shalmaghani both contain religious rules and the opinions of their authors on matters where there are multiple opinions, as we see in what is reported by al-Allama in Mukhtalat al-Shī'a regarding the former.

Moreover, this is demonstrated by the fact that he himself issued religious verdicts in many of his works¹¹⁹ and answered religious questions, some of which have reached us. These works contain many Islamic legal rules.

The cornerstone of the argument of this group is logical reasoning; that is, they consider it rationally objectionable to rely on the opinion of another without them producing evidence, even if that person is an expert. However, those who insist on the prohibition of taqlīd have ceased to exist in theological circles.

Secondly: The jurists of Halab, as indicated in *Al-Dhikrā*; and this obviously refers to only some of them.¹²⁰ Furthermore, it seems that they based their rejection of taqlīd on theological arguments. Some may think that al-Mufiq adopted this view in *Taṣḥīḥ al-l'tiqād*, as al-Muhaqqiq does in *Al-Ma'ārij*. However, this is incorrect since these two scholars only affirmed that taqlīd is not allowed in fundamental matters of faith.¹²¹

Thirdly: Some later hadith scholars, known as "akhbarites," starting with al-Muhaddith al-Astarabadi (died in 1033 after the Hijra) in *Al-Fawā'id al-Madaniyya*, who were followed by other akhbarite scholars like the author of *Al-Wasā'il* and those who came after him. Among them was the most fervent akhbarite jurist of all time, the author of *Al-Ḥadā'iq*.¹²² Al-Muhaddith al-Astarabadi believed that past hadith scholars like al-Saduq held the view that taqlīd is not allowed, which is evident from many instances where they express agreement with past hadith scholars. However, this view

¹¹⁹ Like the book *Jumal al-'Ilm wal-'Amal*.

¹²⁰ Among them is the jurist Sheikh Kurdi ibn Akbari ibn Kurdi al-Farsi, about whom it is reported that he stated that the effort of interpretation (*ijtihād*) is obligatory for every individual and that taqlīd (imitation) is not permitted. He corresponded with Sheikh al-Tusi, and they exchanged letters on various matters (see the introduction of *Ghunyat al-Nuzū'*, 9).

In the marginal notes of *Al-Dhikrā* (1:41 in the recent edition), this view is also attributed to ibn Zuhra in *Al-Ghunya*, and it appears to refer to what he mentions at the beginning of the chapter on the verdict (p. 436). However, his statements do not declare this to be his position. He merely affirms that passing judgments without knowledge is not allowed. He says, "Anyone who passes a judgment based on taqlīd has not attained certainty about what Allah has revealed." In fact, this assertion may only emphasize that judgment is particular in the sense that it cannot be based on taqlīd. A similar example can be found in the words of Abu al-Salah al-Halabi in *Al-Kāfī fī al-Fiqh* (p. 426). Furthermore, *Kitāb al-Ghunya* can be considered as his own manual of practical rules. Something to contemplate.

¹²¹ See the explanation of this in the Q&A section at the end of this study.

¹²² We will briefly revisit his statements.

is incorrect. It is quite clear that al-Saduq believed it was permissible to rely on a religious scholar. He even wrote books containing religious rulings, such as *Al-Hidāya*, *Al-Muqni'*, and *Man Lā Yaḥḍuruhū al-Faqīh*. His other works also contain his opinions, like *Al-Khiṣāl*, *Al-'Ilal*, and *'Uyun Akhbar al-Riḍā* (as). We also notice that he repeatedly uses statements like, "What seems most correct to me...", and other similar phrases that clearly show he is expressing his own opinion. Sometimes, he even points out the errors of other scholars in their religious rulings, like al-Kulayni and al-Fadhl ibn Shadhan, which requires a detailed explanation beyond the scope of this essay.

This group declared that *taqlīd* is prohibited, according to some documents that have reached us. It is important to note that this view is simply unusual, both among Sunnis and Imamiyya, as the majority of them, even among Salafis, assert that it is permissible to do *taqlīd* and follow a qualified scholar (*mujtahid*);¹²³ only a small number oppose it.

Reversal: from the belief that taqlīd is not allowed to the acceptance of taqlīd to seek evidence.

As for the second question, which is whether providing evidence to the one seeking a religious ruling results in following the scholar in the evidence they provide, and this does not entail the rejection of *taqlīd* itself, two premises allow for an explanation.

The first premise is that those who prohibit *taqlīd* do not say that it is obligatory for everyone to become an expert in Islamic law. They only say that it is necessary for the scholar to provide people with the evidence on which he relies so that they can also base their decisions on the evidence the scholar presents. This is explicitly mentioned by all those who report the prohibition, among the imamites and others.¹²⁴

¹²³ As noted in the rulings of *Al-Lajna al-Dā'ima lil-Buḥūth al-'Ilmiyya wal-Iftā'* (The Permanent Committee for Scholarly Research and Ifta'), 2:335, it states: "As for *taqlīd* in following these four imams, namely Abu Hanifa, Malik, al-Shafi'i, and Ahmed: for someone who is capable of arriving at the truth through evidence, it is incumbent upon them to seek the evidence. However, if this is not possible, then the person should engage in *taqlīd* and follow the most knowledgeable scholar according to their estimation, in accordance with what is possible for them." See also 5:14.

¹²⁴ Here are some statements from those who say that *taqlīd* is not permitted (other than the imamites):

Sayyid al-Murtadha says: "Know that among the people, there are those who forbid seeking religious verdicts and believe that an ordinary person has a duty to acquire knowledge of religious laws regarding various situations and that one can only refer to a scholar to learn the method of finding evidence."¹²⁵

In Al-Dhikrā, al-Shahid (who passed away in 786 after the Hijra) reports the position of those who oppose the permission of taqlīd, saying: "And some of their early scholars and jurists in Halab (may Allah have mercy on them) opposed it. They would respond to questions from ordinary people with evidence and would only present the consensus opinion resulting from scholars' debates when the need arose, or clear textual evidence, or the general rule that what is beneficial is permissible and what is harmful is prohibited when there is no decisive text that answers the question in one way or another, and the texts are limited."¹²⁶

The author of Al-Wasā'il states: "The permissible taqlīd here pertains only to the acceptance of reports, not the acceptance of opinions, studies, or deductions. This is clear, and there is no debate on this."

The second premise is that when a scholar presents their evidence to an ordinary person, they are not refuting the very principle of taqlīd because the ordinary person is incapable of distinguishing the integrity of the evidence presented. This requires specialization. Thus, it's comparable to a doctor explaining to their patient the symptoms they relied on for diagnosing an illness. This doesn't negate the need to follow the advice of someone knowledgeable about the disease because the sick person cannot verify the accuracy of those symptoms or their absence, or the existence of something contradictory to those symptoms.

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1. Al-Shawkani al-Zaydi says in Irshād al-Fuḥūl (p. 268): "Ordinary people among them, namely the people of the first generation, would ask the scholar about any question they faced. He would then issue a verdict based on the original texts he knew, from the Quran and the Sunnah. This has nothing to do with taqlīd; it was rather about seeking Allah's command on a matter and inquiring about the legal evidence."
 2. Sheikh Mohammed Rashid Ridha asserts in his Fatāwā (1: 379): "Even if he is not knowledgeable and something happens to him, he should inquire from someone he trusts in terms of faith and knowledge about the command of Allah and His Prophet regarding that matter so that it can be reported to him and its meaning can be explained to him."

¹²⁵ Al-Dharī'a fi Uṣūl al-Fiqh, 2 : 796.

¹²⁶ Dhikrā al-Shī'a, 1 : 41.

Therefore, if a religious scholar says, "It is obligatory for every individual to perform the Friday prayer during the occultation period due to the authentic report of so-and-so," and another religious scholar says, "Friday prayers are not obligatory for every individual during the occultation period due to such and such evidence," and a third scholar affirms, "It is not correct to perform the Friday prayer during the occultation period due to the following evidence...", the ordinary person, under normal circumstances, cannot distinguish the strength of the provided evidence.

We can then say that the opinion stating that a learned scholar (mujtahid) must provide their evidence to the ordinary person so they can follow the evidence shows that taqlīd comes in two forms:

- 1- Taqlīd in religious rules.
- 2- Taqlīd in the evidence used to deduce religious rules.

Most people say that the first type of taqlīd is correct, while others argue that taqlīd should only be of the second type. In reality, this doesn't change the essence of the matter: it still involves following scholars, and a form of taqlīd is indeed taking place, even if it's only about presenting the evidence. Therefore, it becomes clear that anyone who rejects the rules issued following the interpretation (ijtihād) efforts of a specialist and taqlīd in its entirety, whether for issuing religious verdicts or providing evidence, opposes the consensus of scholars from the beginning of the Imam's era to our current time within this school of thought. As for the one who says that a religious scholar should cite their evidence for the ordinary person so that the latter can follow the evidence, their position is not one of rejection, as we have already observed.

Lack of rationality and practical application of this opinion

The third point is that the opinion that following a scholar in their religious verdicts is not allowed and that it is necessary for the faithful to act based on their evidence is inherently irrational. This is because what is at issue, by this assertion, is not, as we have noted, that every individual must treat the evidence of every religious injunction in the same way as a jurisprudence specialist, as it is evident that not everyone can be

expected to specialize in jurisprudence, in Islam or in any other faith, as it would be impossible for many of them and would constitute an obstacle to their livelihood.

Instead, what this assertion means, as they clearly state themselves, is that the scholar who is an expert in jurisprudence must cite the text and legal evidence so that people can rely on the evidence. This proposition is very weak for two reasons:

Firstly, there is no difference between the explanation that the scholar gives to the faithful of his opinion and his explanation of the legal evidence on which he has based it. What one obtains from the scholar's assertion is an opinion based on evidence, or it can be said that there is a presence of legal evidence according to his opinion and understanding. Thus, if he cites the legal rule, it means that there was generally some evidence that allowed him to state it. Therefore, if he asserts, 'It is forbidden to do this or that,' it means that the action is prohibited due to some legal evidence demonstrating its prohibition because when an expert in a field makes a statement about something within his field of expertise, that assertion is based on specific evidence that supports what he claims, as is evident.

Similarly, if he cites evidence for a religious injunction in detail, it will include the scholar's opinion to define what it implies because what an expert asserts about a specific piece of evidence for a certain subject shows that his opinion aligns with that evidence, even if he does not explicitly state it.

Furthermore, citing the evidence is of no use to the ordinary believer because he will always rely on the scholar's statement for the authenticity of the evidence. Thus, if it is permissible for the ordinary believer to rely on the religious scholar to distinguish the authenticity of evidence he cites, then it is also permissible for him to rely on him for what he deduces from the evidence in question and for the rule he consequently provides.

Secondly, it is also not easy for a follower to understand the scholar's evidence because it would require that every person have a certain level that makes them capable of understanding the proofs cited by the scholar. This requires referring to the books of deductive jurisprudence.

For example, it is necessary for a practicing believer who derives their evidence from the author of *Al-Jawāhir fī Ma'īfat al-Aḥkām al-Shar'iyya* to refer to *Jawāhir al-Kalām* instead of his book containing practical instructions on religious rules (*Najāt al-'Ibād*). Similarly, the follower (*muqallid*) of Sayyid al-Muhaqqiq al-Khoei should refer to his commentary on *Al-'Urwa* instead of sticking to his rulebook *Minhāj al-Ṣāliḥīn*.

Undoubtedly, for a faithful person to understand the theoretical evidence on which a scholar relies, they must study the sciences of Islamic jurisprudence to a level that qualifies them to be among those well-versed in it. Certainly, this is not an obligation for all people, and it does not follow from the assertion of those who consider *taqlīd* as not permissible, as the author of *Al-Wasā'il* does, that it is mandatory.

Another point that demonstrates the irrationality of this position is the inconsistency between the claims of those who prohibit *taqlīd* and their practice. In fact, we notice that they deny the need for interpretation effort provided by a specialist and for *taqlīd* in theory, but we see them putting in a lot of effort to acquire knowledge and expertise over decades. Sometimes, they even take legal positions that do not align with those of their predecessors. Furthermore, in some of their own works, they describe the difficulties they encountered on this path and how their efforts led them to the results they obtained, as mentioned by the author of *Al-Wasā'il* in his introduction.

In fact, these same scholars made great efforts and were able to correct certain points overlooked by their predecessors. Thus, they were true researchers in the field of jurisprudence. However, despite this, they say that in order to arrive at a legal verdict, there is no need to specialize, and it is sufficient for the scholar to mention their evidence so that people can know them and act according to what they cite.

Similarly, we see that they respond to questions about religious rules that are sent to them, even expressing their opposition to the opinions of other scholars in certain cases. They may mention some general evidence in some cases and avoid doing so in others when issuing verdicts.¹²⁷ The remaining question then is: how can we

¹²⁷ We note the statement of al-Muhaddith al-Astarabadi, who brought forth the opinion that *taqlīd* is not permissible among the later hadith scholars, in *Al-Fawā'id al-Madaniyya wa al-Shawāhid al-Makkiyya* (p. 573 and following). When asked about the obligation of Friday prayers, which have significant differences of opinion, he

follow them and not follow individuals like Sheikh al-Tusi, al-Muhaqqiq al-Hilli, and Sheikh al-Ansari? Is it because they generally say, "This is what is generally understood from what has come to us from the Imams (as)?" If others were to say the same thing when issuing verdicts, would there be no problem in following them?

Thus, it seems that this opinion, which suggests that one should follow the scholar in their evidence and not just in their verdicts, is not a very solid viewpoint when seriously considered.

The origins of the opinion that declares taqlīd to be prohibited

We have already seen how the permission and the legal nature of taqlīd are something that is generally clear and evident. Therefore, the question to ask is how a group came to hold the opinion that taqlīd would be forbidden.

In reality, there are several origins of this opinion:

- 1- The theological-rational origin, which claims that taqlīd is inherently detestable.
- 2- The theoretical origin, based on the comparison between fundamental beliefs and religious practices.
- 3- The conjectural origin, which estimates that the act of deducing religious rules is simple.

said, 'What we can infer from the statements of those who possess infallibility (as) is the stance taken by al-Shahid al-Thani (may Allah have mercy on him) in Risālat al-Jumu'a.' Regarding the opinion that one has the choice between performing the Friday prayer or the noon (dhuhr) prayer, he stated, 'This opinion and similar ones are based on mere conjecture and cannot be relied upon.' When asked about the obligation to leave a place where a believer cannot perform the Friday prayer, he said, 'It is incumbent upon him to emigrate... but this is the case only if emigration does not entail great difficulties.' When asked about shortening the prayers for a traveler who is at a distance of four parasangs (approximately 24 kilometers), he said, 'I have become certain that it is obligatory to shorten the prayer to four parasangs, as there is no requirement to return on the same day in the statements of the infallibles (peace be upon them), and because the traditions that mention eight parasangs speak of four for the outward journey and four for the return.' When posed with a question about donations from the inheritance, he said, 'The meaning of the statements of the infallibles (peace be upon them) is that they should be limited to items declared by the deceased while still alive. The books of traditions and the actions of certain Imams suggest including these items as part of the son's share, and the meaning of some of their statements is quite explicit on this matter.' This is how he responds to most questions, using expressions such as 'The reality is this; the correct opinion is that; what we understand from their statements is this.' This is despite the fact that the one asking him these questions was described by the author of Al-Wasā'il as a knowledgeable, virtuous, reliable, temperate, and pious scholar, as noted in the introduction preceding these questions at the end of Al-Fawā'id al-Madaniyya (p. 546).

4- The scriptural origin, which includes some verses and narratives from which this position was built.

The assertion that taqlīd is intellectually detestable

The first origin of this opinion stems from the notion that it is intellectually detestable. According to this viewpoint, taqlīd is detestable by the judgment of reason because, according to their definition, it amounts to following someone else without evidence, while reason considers it necessary for human beings to adhere to evidence upon which they base their actions and beliefs. This argument is mentioned by some theologians.¹²⁸

This notion is false because the act of taqlīd is, in reality, an indirect way of following the evidence relied upon by an expert scholar. That is why taqlīd is conditioned on following someone with sufficient expertise. The value of a scholar's opinion is not based on the person they are but rather on their degree of expertise, knowledge, and the evidence upon which they rely.

Yes, there are those who employ a rhetorical style in criticizing taqlīd and denigrating those who refer to jurisprudential specialists, as if this goes against proper guidance and intelligence. This approach is an affront to logic and is far from the scientific approach. It actually attacks the necessary intellectual tradition in the educational system and in the transmission of knowledge based on specialization acquired in all sciences. Moreover, we have already seen how it has always been the custom of all intelligent people to rely on the expertise of others in matters where they are not experts themselves, and this is how human society complements itself, by trusting one another. The person who follows a reliable specialist is closer to the right path than the one who attempts technical questions without specializing in them.

Comparison between fundamental beliefs and religious practices

The second rational basis for this opinion is based on an intellectual comparison between the fundamental principles of belief (uṣūl al-dīn) and religious practices (furū').

¹²⁸ As reported by Sayyid al-Murtadha in *Al-Dharī'a fī Uṣūl al-Fiqh*, 2:798.

It is well known among scholars that taqlīd (blind imitation) is not permissible in matters related to the fundamental principles of faith. In fact, every believer must conduct research on these principles. They must see the evidence of the existence of God, the Almighty, and affirm the truth of prophecy and the resurrection of human beings so that they may be held accountable for their actions and rewarded for their deeds. However, it is sufficient to have general evidence, such as the evidence people present for the existence of Allah from nature and creation, what they find in the successive accounts of the Prophet (s), and the evidence of his honesty, although general, as well as the texts that instill certainty about the afterlife.

As for religious practices, it is said that the rule is essentially the same as that concerning the fundamental principles of faith. Ideally, one would want a direct research to be undertaken to arrive at evidence, even if they are general, without having to rely on others. A comparison is made between the fundamental principles of faith and religious practices because these two aspects are integral parts of religion. It is expected, therefore, that the rule would be the same for these two aspects. So why is it obligatory to seek evidence for fundamental principles and not for religious practices?

The answer to this comes from the difference between the fundamental principles of faith and religious practices. This difference is established either through intellectual evidence or through scriptural evidence. As for rational evidence, it can be presented in several ways:

Firstly, questions concerning principles and faith, limited to belief in the existence of Allah, the Glorified, attesting to the reality of the Messenger's (peace be upon him) prophethood and the resurrection of human beings, involve significant issues. It is necessary to deepen one's knowledge in this regard to understand how to lead one's life and where it will end. Following others does not provide the required knowledge of beliefs. However, religious practices are practical instructions that benefit humans when observed in their lives and when they respond to what is required of them. They bring expected benefits through their observance.

Secondly, questions about the principles of faith are of great importance. Therefore, at the intellectual level, it is necessary to avoid erring in such matters, even when there is only a small probability of being wrong. Consequently, it is necessary to reach a level of certainty in these matters, and this relies on direct research, as there are different opinions. As for questions related to religious practices, they are not of the same level of importance. If there is an error at this level, the believer may be excused.

Thirdly, as for the fundamental principles of faith, what is required is to believe in them without any specific action to perform. However, for religious practices, action is required. By its very nature, faith in anything can only develop strong roots through knowledge with conviction, and such knowledge can only be attained, due to differences among people, through direct research. But to act in a certain way, it is sufficient to have evidence of its necessity, and it is not absolutely necessary to determine its necessity with certainty to perform it.

As for scriptural evidence, it comes from religious texts that emphasize the necessity of acquiring certainty regarding the fundamental principles of faith and do not declare that the same necessity applies to questions related to religious practices. Instead, what is needed is simply to refer to those who have specialized in the field.

The idea that it is easy to arrive at the evidence that allows for the formulation of legal rules

The third origin, based on conjecture, is the idea that the knowledge of the legal evidence upon which religious rules are based is clear and easily obtained. Thus, believers would only need to learn them from a knowledgeable person in order to understand the evidence for any particular rule. Therefore, the subject of these proofs is like that of questions related to direct perception, where scholars believe that it is sufficient to have a presentation made by reliable individuals.

To clarify this point, we have already noted that there are questions related to perception, where it is enough to grasp what is being discussed by sight or hearing; and in such a case, it is correct for a person to rely on the testimony of a reliable person, and there is no need for additional expertise or acquired specialization. However, for

questions that require deduction and reflection, it is necessary for the person to either acquire expertise or rely on a specialist. Thus, it could be argued that matters of religious practice are sensory in nature, and therefore, it is sufficient for a reliable person to present them, and there is no need for expertise or specialization at all.

This notion seems to stem from the statements of al-Muhaddith al-Astarabadi and those who followed him. They rejected the role of interpretation (ijtihād) just as they rejected the role of taqlīd.¹²⁹ Since the evidence is strong and brings certainty, there is no need for specialization and expertise in religious matters, except for those who believe that relying on primary sources will lead to a form of probability and conjecture, which is something rejected in the school of the family of the Prophet (as).

The erroneous idea that it is easy to arrive at evidence

In reality, the impression that some may have that it is easy to arrive at evidence for religious rules is false. The need for expertise and specialization to understand the evidence for a large number of religious rules is evident in itself, as we explained earlier. I don't know how an individual who is not a scholar, who is not specialized in this field, can deduce the rules for some of the complex religious injunctions that concern believers, related to acts of worship or transactions, especially for the new issues that have arisen in our current era!

Many later scholars expressed their astonishment at the idea of al-Muhaddith al-Astarabadi that it would be easy to access religious rules as he claims...

The grandson of al-Shahid al-Thani said in his commentary on the statements of al-Muhaddith, where he rejects the role of interpretation and taqlīd in religious laws: "It is very surprising that the author considers interpretation and taqlīd to be invalid and believes that any believer can, by himself, know the rule for any situation that arises, with absolute certainty. However, we know that the scholar (mujtahid), with all his knowledge and understanding, with his ability to distinguish which of the narrations may

¹²⁹ He says in *Al-Fawā'id al-Madaniyya* (p. 300): "Just as there is no effort of interpretation according to the Akhbarites, there is also no taqlīd. Thus, action is restricted in matters other than the fundamental bases of faith to the reports coming from them (the infallibles) (as)."

contain errors and which do not, is far from arriving at knowledge and certainty for certain rules! What about the ignorant person who does not know the implications of the traditions and cannot distinguish between the literal and the allegorical, between the subject and the object, between what is general and what is specific, between what is authentic and what is weak? How can such a person know if a statement is an order from the Imams (as) and understand their statements on any subject they wish to clarify? Would a sensible person not see how improbable that is? How will the unlearned person deal with the disagreements that exist in most verdicts, which make scholars unable to arrive at a solution that harmonizes all opinions? And where will they learn which of these opinions to give preference to, in order to arrive at the rule for a specific question, with full consciousness and certainty?"¹³⁰

Then he adds: "The author¹³¹ does not provide an alternative method to inform every believer of religious laws other than the effort of interpretation and taqlīd. What we understand from the summary of his statements is that all the traditions found in the four canonical hadith collections (al-kutub al-arba'a) are authentic and convey the commandments of Allah. This means, according to him, that anyone who understands a hadith from these collections must act accordingly, despite not having the ability to identify those that are problematic, as in the case of dissimulation (taqiyya), or those that contradict what is known to be necessarily true. Similarly, someone might find themselves acting according to one tradition that contradicts another tradition from which they acted at another time, since all of them are considered authentic, and he is unable, as expected, to distinguish one from another or to prefer one over the other. He also cannot refer to a scholar on this matter. Instead, it is not incumbent upon him to ask or seek clarification, whether it is difficult for him or not because what we understand from the author's position is that none of this is required, given that it is easy for everyone to derive rules from the traditions. This is in line with the idea that there is no need for interpretation effort or taqlīd from his perspective."

¹³⁰ Ta'liqat al-Fawā'id al-Makkiyya fī Hāmish al-Fawā'id al-Madaniyya, 307.

¹³¹ He's referring to al-Muhaddith al-Astarabadi, given that he mentions this in the notes regarding Al-Fawā'id al-Madaniyya.

The author of Al-Ḥadāiq's statement on the difficulty of accessing the evidence to deduce religious rules.

The author of Al-Ḥadāiq, who was also the most eminent of the Akhbarite scholars, as we noted earlier, says that it is only mandatory to adhere to the Book and the infallibles, and nothing else.¹³² However, he adds: "The Quran includes summarized (mujmal) and explicit (mubayyan) verses, decisive (muḥkam) and allegorical (mustashābih), general and specific, abrogating and abrogated, and so on. The traditions also encompass most of these types, in addition to those mentioned in dissimulation (taqiyya), which are the most difficult to decipher. Furthermore, they are divided in fundamental points and scattered in such a way that it is challenging to access them. Moreover, they were addressing (as) people by making additions and revisions according to what the interlocutors' intellect could grasp at that time. They are clear, evident, manifest, or complex and obscure. Besides, most of the contextual indications that could have clarified the implications of their speech are hidden from us.

Therefore, there is no other method than acquiring knowledge in the linguistic sciences on which religious laws are based and through which the Almighty Lord addressed the people, and studying what was well known in the common practices of their time (as), as our learned scholars prioritize this over language. It is also necessary to have the required fundamental knowledge of the Arabic language, on which the understanding of religious laws depends. As for all the other sciences they have mentioned, they are not necessary as such, even though they assist in enhancing a person's understanding and competence, but they are not absolutely required for one to achieve the desired objective in the first place."

He further states: "Then, to act in accordance with the Quran, it is necessary, after what we have observed regarding abrogators and the abrogated, and the necessity of adhering strictly to what is absolutely explicit, to refer to the exegesis of the Prophet's family (peace and blessings be upon them) for everything else or to remain silent. And to derive a religious rule from the reported narratives, it is essential to make as much effort as possible to learn from their original sources, from the four canonical

¹³² Al-Durar al-Najafiyya fī al-Multaqaṭāt al-Yūsufiyya, 1: 280 and onwards.

collections of hadith, and other primary sources. As for those who do not have access to these documents, it is incumbent upon them to refrain from entering into this matter, which has led many astray and confused many minds. It is also necessary to ensure that contradictory traditions are harmonized in accordance with the rules that have come to us from the infallibles, which we will mention, God willing, in our commentary on this hadith. Furthermore, one must analyze with a diligent and discerning mind to unveil the hidden aspects of its implications and all possible interpretations, and study the works of scholars who have produced extensive deductive texts to understand what is discussed therein.

There is no doubt that the knowledgeable scholars who came before us (may Allah reward their diligence and grant them a beautiful recompense) with all the traditions they have compiled for us, arranged, classified, filtered, verified, annotated, explained, and clarified, have brought closer what was distant and made easier what was difficult. However, merely learning their opinions and knowing their criticisms and approvals is not sufficient to successfully achieve what is sought for the satisfaction of the Beloved Lord. This is because we notice that their opinions differ in all matters, and later scholars have also presented counter-arguments against those who preceded them, even if they were among the most illustrious scholars. Furthermore, beyond what we have noticed, it is imperative to acquire a competence and a genuine divine inspiration, which is the standard for establishing what has reached us and what has been enunciated. By this, we can distinguish between what is hollow and what is solid, what is worthless and what is precious, and we can dive into this sea to access its pearls and pluck the fruits of this tree, and draw deductions that a person's knowledge allows to reach and that their understanding encompasses from hidden secrets. How much the earlier generations have left for the later generations, as the saying goes. And this competence is in the hands of the Almighty, who bestows it upon whom He wills.

It is possible for an individual to have the greatest insight and to have mastered all these sciences through continuous practice, but not be connected to the discourse of the pure Imams and not inclined to understand the traditions. How many talented individuals, with a mastery of the sciences, have pondered over a hadith and taken it

out of the context in which it was uttered and given it other meanings that are clearly far-fetched! How many well-versed individuals in the traditions understand them, even if they lack this talent or the ability to argue with someone who possesses this talent! In many cases, a person understands the rule for a question based on their evidence, even if they are unable to prove it to their counterpart. This is because they have been guided by their Lord, by embarking on a journey to understand it and with the intention of attaining the proximity of the Almighty, and not for any other superfluous reason. We have a tradition that states: 'Knowledge does not come from increased erudition. It is a light that Allah places in the heart of whomever He wills.'

To delve further into the fallacy of the idea that it is easy to access the evidence behind religious rules

The reality is that the notion that it is easy to access the evidence behind religious rules in order to define them is by no means correct, as we have already explained. In fact, this can only be asserted for an explicit and clear text that has been reported numerous times (mutawātir) and has no other text to contradict it. However, this is only the case for a very limited number of topics. Most legal questions require deducing the religious rule through a more in-depth study and research to determine if the statements were truly made by the infallible and to understand their meaning, all while ensuring there is no contradictory account, as deducible jurisprudential texts may show.

It is worth noting that even the greatest scholars themselves undergo significant trials to arrive at the religious rules of Islamic jurisprudence, as we have mentioned. In fact, al-Muhaddith al-Astarabadi himself highlights why Allah, the Almighty, must send certain individuals to inform people of the correct method.¹³³ Another point that demonstrates this is the issue that akhbarite scholars faced when disagreements arose among them regarding the authenticity of certain traditions and their implications. For

¹³³ He says in Al-Fawā'id al-Madaniyya (p. 468): "Indeed, it is part of the wisdom of the Almighty to grant the capacity to His subjects, at every moment of the major occultation, to learn the traditions recorded in the ready compilations, so that the Shia may be guided by the clear truth, or to practice caution in a specific manner. It is a collective obligation for people who have this capacity in any region to travel to acquire it (that is, knowledge of traditions) when necessary or when it is presented to them, so that they can provide answers from it."

example, the author of *Al-Wasā'il*, a collection of traditions on jurisprudence, wrote another book in which he summarized the meanings of the traditions in a simple language so that ordinary people could act accordingly while attesting to the authenticity of the traditions. He said, "This treatise contains everything necessary from the established rules of the infallibles (as) for the benefit of the general masses, as well as scholars and educated individuals... In most cases, the statements of the Imams of the right path (as) have been reported... I have only reported traditions from reliable sources... and I have selected traditions that are unambiguous, free from any contradictions, or those containing qualities that make them superior."¹³⁴

However, observe how the scholars who came after him did not accept all the rules he had deduced from the traditions, even though they followed the same methodology of deduction and were akhbarites, like the author of *Al-Ḥadā'iq*.¹³⁵ In fact, some points he had mentioned were considered invalid and even surprising. Similarly, his methodology for determining reliable and authentic reports was later criticized by Sheikh al-Muhaddithin, al-Muhaddith al-Nuri, who was also known for his complete acceptance of a large number of reports, and he was quoted as saying, "He persists in trusting [the sources of traditions] or attributing [books to specific authors] using weak methods and unconvincing evidence."¹³⁶

The scriptural origins for the rejection of taqlīd

The fourth origin is scriptural, meaning that it is based on what is understood from the text of the Quran and the narrations. The author of *Al-Wasā'il* notes a number of traditions in his chapter on the prohibition of taqlīd and following a fallible person, according to him, and what is not based on a clear textual evidence from the infallibles (as).

¹³⁴ *Hidāyat al-Umma ilā Aḥkām al-A'imma 'Alayhim al-Salām*, 1: 3-4.

¹³⁵ Cf. his annotations in *Al-Ḥadā'iq*, 4: 111, 116, 190; 5: 549; 7: 396; 10: 373; 11: 193, 219, 272, 414; 12: 70, 173, 461; 13: 73, 205, 325, 359, 412; 14: 218; 15: 398, 436; 18: 218, 283; 19: 351; 24: 329; 25: 151.

¹³⁶ *Mustadrak al-Wasā'il* (Conclusion), 1: 31 (edition of Mu'assasat Al al-Bayt (as)).

However, it is observed that none of the traditions support his conclusions when considering other contrary traditions. To delve further, traditions in this regard can be categorized into three categories:

1. Those that include the command to follow Allah, the Almighty, His Prophet (s), and his family (as), and prohibit following anyone else in religious matters.
2. Those that command taqlīd by following the Imams (as) and prohibit taqlīd by following someone else.
3. Those that criticize the effort of interpretation (ijtihād) and reject a person expressing their own opinions.

The instruction that demands obedience to Allah, His Prophet (s), and his family (as), and no one else.

Regarding the first category, namely, the one that orders to follow Allah, the Almighty, His Messenger (s), and his noble family (as), and warns against following someone else, their texts are numerous. First, in the Quran, we notice the verses that declare: "Follow the excellent revelation that has come to you from your Lord..." (39:55); "Say, 'If you love Allah, then follow me, [so] Allah will love you..." (3:31); "Follow what has been revealed to you from your Lord; there is no deity except Him..." (7:3); "O you who have believed, obey Allah and obey the Messenger and those in authority among you..." (4:59); "They follow not except assumption, and what [their] souls desire..." (53:23); "But when it is said to them, 'Follow what Allah has revealed,' they say, 'Rather, we will follow that upon which we found our fathers..." (2:170).

When it comes to traditions, they take on various forms:

1. Those that prohibit obeying others while disobeying Allah, the Almighty, as reported from Abu Abdullah (as): "Whoever obeys a man in sin has worshiped him."¹³⁷

¹³⁷ Wasā'il al-Shī'a, 18 : 91, h. 8.

2. Those that emphasize that the true teachings of the religion are only found within the Prophet's family (as), as in the following example reported by Abu Ja'far (as): "Anything that does not come from this household is considered invalid."¹³⁸
3. Those that reject groups among the Shia who consider it obligatory to obey the Imams without actually following their guidance in practice. It is reported: "Certainly, the Murjites designated a person to whom obedience was not considered obligatory, and they began to follow him, while you have identified a person and considered it obligatory to follow him, but you have not followed him. Thus, they are more serious than you as disciples."¹³⁹

And he (as) said: "By Allah! We desire that you speak when we speak and remain silent when we remain silent because we are the connection between you and Allah, the Almighty. Allah has not reserved any good for those who go against our instructions."¹⁴⁰

And he (as) said: "It is enough for you to repeat what we say and keep silent when we keep silent. Indeed, you have seen that Allah has not reserved any good for those who oppose us."¹⁴¹

4. Those who declare that it is not permissible for the believers to confide in anyone other than Allah, the Glorified, and His Prophet (s). This means that one should not entrust the affairs of their religion to someone else because Allah says, "Do you think that you will be left without Allah recognizing those among you who have fought and have not sought allies besides Allah, His Messenger, and the believers?" (Quran 9:16) And in a hadith reported¹⁴² by Abu Ja'far (as), it is written, "Do not take an ally other than Allah, which would take you out of the circle of believers. Indeed, every connection, be it of lineage, marriage, blood, or

¹³⁸ Ibid., 18 : 94, h. 18.

¹³⁹ Ibid., 18 : 90, h. 2.

¹⁴⁰ Ibid., 18 : 91, h. 10.

¹⁴¹ Ibid., 18 : 92, h. 11.

¹⁴² This is a hadith called mursal, meaning its chain of transmission is incomplete.

friendship, etc., will be severed, except for that established by the Quran."¹⁴³ He also said (as), "Beware of allies, for truly, any ally other than us is a false deity."¹⁴⁴

5. Those who discourage those seeking political power, those who desire to be in positions of authority, and who warn against such individuals, as reported from Abu Abdullah (as): "Beware of those leaders who seek political power. By Allah! The sandals of a man will never follow a person without him being destroyed and causing destruction."¹⁴⁵
6. Those who mention the prohibition of turning to those who have gone astray and the innovators, as reported by Abu Ja'far (as): "Whoever listens to a speaker has worshipped. If the speaker conveys the message of Allah, he has worshipped Allah; and if the speaker conveys the message of Satan, he has worshipped Satan."¹⁴⁶

And there are many more traditions.

Explanation of the meaning of the mentioned texts

What we notice is that the meaning of these verses and traditions concerns, as the author of Al-Wasā'il notes in a chapter title, the prohibition of following anyone other than an infallible in their personal opinions and in what they state that is not derived from the traditions reported by the Imams (as).

However, the subject of our study concerns following a just scholar from the school of the Prophet's family (as), someone who adheres to the teachings of this school and its principles, someone who relies on the evidence from the Book and the Sunnah, and on the reliable traditions of the Prophet's family (as). He avoids any other form of evidence like analogy (qiyās) and legal preference (istiḥsān), methods widely used by other schools, and categorically rejects that independent legal reasoning (ijtihād) contradicts clear textual evidence.

¹⁴³ Wasā'il al-Shī'a, 18:90, h. 4.

¹⁴⁴ Ibid., 18:96, h. 27.

¹⁴⁵ Ibid., 7:90, h. 5, and see h. 6.

¹⁴⁶ Ibid., 18:91, h. 9.

Obedience in legal matters comes in two forms: praiseworthy and blameworthy.

What we conclude after observing the textual evidence we have mentioned, along with other similar texts, is that a follower's obedience comes in two forms.

Firstly, there is praiseworthy obedience, which is obedience based on the evidence from the Book of Allah, the Almighty, and the Sunnah of His Prophet (s), and on the teachings of his family (as).

Secondly, there is blameworthy obedience, which corresponds to obedience without limits, where the believer follows the statements of the person he follows even when he knows that the latter does not adhere to legal standards and strives in that direction, opposing what is established in the texts, basing his legal stance on personal preferences and inclinations, etc.

This way of following someone has been criticized in many legal texts because it opposes obedience to Allah, the Almighty, to His Prophet (s), and to His chosen servants (awliyā'). Consequently, it leads to misguidance, as the Almighty says: "When it is said to them, 'Come to what Allah has revealed to the Messenger,' they say, 'Sufficient for us is what we found our fathers doing.' Even though their fathers knew nothing, nor were they guided?" (5:104) and: "The Day their faces will be turned about in the Fire, they will say, 'How we wish we had obeyed Allah and obeyed the Messenger.' They will say, 'Our Lord, indeed we obeyed our masters and our dignitaries, and they led us astray from the [right] way.'" (33:66-67)

However, it could be argued that in truth, there are a number of traditions that assert that it is forbidden to accept the words of anyone other than the Prophet (s) and his family (as) regarding religion in a general sense, and thus, they do not accept the words of a scholar.

Among these traditions is the following, from Abu Hamza al-Thumali, quoting Abu Abdullah (as): "Be careful not to name a person without evidence and not to accept everything they say."¹⁴⁷ Furthermore, the evidence that shows the lack of authority in a

¹⁴⁷ Wasā'il al-Shī'a, 18 : 91, h. 6, and in a similar manner in 15 : 93

scholar's opinion among the people is not limited to matters of fundamental principles of faith. They even include matters of religious laws (those concerning what is permissible and forbidden), as we can read, for example, in the verse where the Almighty affirms: "They have taken their scholars and monks as lords besides Allah." (9:31) Some traditions explain that this verse disapproves of the fact that the People of the Book follow their scribes and monks in what they permit and prohibit.

A tradition reported by Abu Bassir narrates an exchange with Abu Abdullah (as): "I asked him about this, 'They have taken their scholars and their monks as lords besides Allah.' He replied, 'By Allah! They did not call upon people to worship them. If they had made such a call, no one would have responded. But they permitted what was prohibited and prohibited what was permitted. People followed them and ended up worshipping them unknowingly.'"¹⁴⁸ There are still other similar traditions.¹⁴⁹

What can be understood from this is that these traditions are, in fact, meant to warn the Shia population in general against the presence of certain widely established principles in Islamic law that do not accept the views of anyone contradicting them. Therefore, it is necessary to evaluate opinions by using these principles as a measure and reject anything contrary to them.

The society during the time of Imam al-Sadiq (as) included a multitude of religious factions, many of which were misguided innovations. Some of them claimed to have a connection with the Imam (as), such as the extremist Abu al-Khattab, who was originally one of the Imam's companions before deviating and corrupting the beliefs of some Shia in Kufa who accepted his extremist views due to his earlier position. The Imam (as) cursed him in the presence of Shia on several occasions. However, a group of ordinary Shia who never referred directly to the Imams and were unfamiliar with established principles of faith eventually relied on individuals like him and followed them, even though they might claim divinity, prophethood, or imamat. Some asserted that a true believer didn't need to pray, fast, or give alms because the true embodiment of these acts was the Imam (as). Therefore, anyone following them had, in fact, fulfilled

¹⁴⁸ Wasā'il al-Shī'a, 18 : 89, h. 1.

¹⁴⁹ Ibid., 18 : 90 and forward, h. 3, 9, 21, 25, 28, 29

their duty. They also believed there was no need to abstain from alcohol since the real embodiment of alcohol was the enemy of the Imams (as). Thus, anyone distancing themselves from them would ultimately be following this prohibition.

These traditions are similar to those that assert the principle that what contradicts the Quran has no value, and what contradicts the Book and the Sunnah must revert to the Quran and the Sunnah. These traditions demonstrate the necessity for all believers to pay attention to the fundamental principles of faith. Thus, they should not rely on a person's words before being sure of their honesty and ensuring they adhere to these limits. However, there are certain groups who claim to love the Prophet's (peace be upon him) family, such as some Isma'ilis, while neglecting the religious obligations and obeying their leaders in matters contrary to the established pillars of faith. Similarly, some who claim to be mystics and Sufis say that when a person reaches the stage of the reality of faith, certain obligatory acts like prayer no longer apply to them.¹⁵⁰

It is accepted that the subject of the legality of taqlīd pertains only to the act of following a righteous scholar who adheres to the boundaries of the religion. Referring to them is only related to issues that do not seem clear and require an expert. It does not concern what is established in the religion. Obviously, people should only accept verdicts from scholars in jurisprudence who are attentive to following these established

¹⁵⁰ One of the proofs they use to support their claim is this verse: "Prayer is prescribed to the believers at specific times." (The Noble Quran, Surah 4, Verse 103.) They argue that the meaning of "specific times" (kitāban mawqūtan) is that it is a temporary obligation (muwaqqatan), which is a manifest error. In fact, this passage can only mean one of the following two things:

1. It is obligatory, as we are taught by the Imams (peace be upon them). In authentic traditions from Zurara and al-Fudhayl ibn Yassar, it is reported that Abu Ja'far (peace be upon him) said about this verse, "This means it is obligatory, and it does not refer to a time when its obligation is waived." Furthermore, in an authentic tradition from Zurara, it is reported from the Imam (peace be upon him), "This means it is obligatory." And in a sound tradition from Dawud ibn Farqad, it is reported that Abu Abdullah (peace be upon him) said, "This is an established prescription." There are many other traditions on this topic in the relevant chapter, and they all agree on this matter (see: Al-Burhān fī Tafsir al-Qur'an, 2: 167-168). Moreover, this is also supported by language experts. Ibn Faris says, "He gave a time for something, which means he gave it a specific prescription. Allah, the Almighty, says: Prayer is prescribed to the believers at specific times." (Mu'jam Maqāyis al-Lughah, 6: 132).
2. It is obligatory at a specific time. Al-Jawhari asserts in Al-Siḥāḥ (1: 270), "Its time is mentioned to indicate that it has a specific time when an action must be performed at a particular moment. An example of this can be found in the verse where the Almighty says: Prayer is prescribed to the believers at specific times, meaning that it is obligatory to perform it at its specific time." See also: Al-Nihāya fī Gharīb al-Ḥadīth (5: 212).

principles and teachings, and who call people to know them and remain faithful to them, not those who have deviated from the religion and transgressed its boundaries and principles.

The traditions that go against taqlīd and its criticism

The second group of traditions are those that go against taqlīd. These are generally related to the tradition we have reported from al-Mufid, noted in his *Taṣḥīḥ al-l'tiqādāt al-Imāmiyya* without mentioning its chain of transmission, where he says: "He (as) said: 'Beware of taqlīd, for indeed, the one who engages in taqlīd in their religion ruins themselves. Allah, the Almighty, says: "They have taken their scholars and monks as lords besides Allah," (9:31) but by Allah, they did not pray for them or fast for them; rather, they allowed them what was forbidden and forbade what was permitted, and the people followed them in this and ended up worshiping them without realizing it.'" ¹⁵¹

A certain number of technical questions must be raised regarding this tradition:

1- The transmission chain of this tradition is unclear, and the time gap between al-Mufid (who passed away in 413 after the Hijra) and Imam al-Sadiq (as) (who passed away in 148 after the Hijra) is over two and a half centuries. Approximately seven generations separate them under normal circumstances, and we do not know who stands between them. Therefore, we cannot assert that this tradition has a reliable transmission chain.

2- There are many traditions about this verse,¹⁵² some of which are authentic, while others are weak or lack a complete transmission chain. Some of these traditions are attributed to Abu Abdullah (al-Sadiq) (as), while others are attributed to Abu Ja'far (al-Baqir) (as) and are reported in numerous collections of hadiths like *Al-Kāfī*, *Al-Maḥāsin*, and others, without any of them speaking of taqlīd in the same way as in al-Mufid's tradition.

¹⁵¹ *Taṣḥīḥ al-l'tiqādāt al-Imāmiyya*, p. 72-73

¹⁵² Cf. *Tafsīr al-Burhān*, 2 : 768-769.

Hence, it is conceivable that this divergence originates from al-Mufid's tradition, which probably relied on the sense of the words he remembered. That's why he used the term "taqlīd," which was widely used in his time and was used to refer to something reprehensible in matters of faith. As mentioned earlier, al-Mufid cites this tradition in the context of the prohibition of taqlīd in matters of belief, not jurisprudence.

This leads us to consider this probability, as there are numerous sources of hadiths that do not include the term "taqlīd." Furthermore, whenever there is a difference in wording between the narrations that appear in the collections of hadiths and in other works citing traditions, such as those on faith, jurisprudence, and so on, we tend to take the terms inscribed in the collections of hadiths as primary sources and closer to the true oral tradition, as works on hadiths generally paid more attention to the wording of traditions.

What is referred to by "taqlīd" in the tradition that prohibits it

3- A comprehensive study of the texts and hadiths that have come down to us concerning the act of following others, whether they use the terms "ittibā", "iṭā'a", or "taqlīd," leads us to understand that taqlīd falls into two categories:

Firstly, commendable taqlīd, which involves following someone whose words carry authority, either through innate understanding or according to the law, as is the case when following the Imams (as). Several traditions demonstrate this, some of which have already been mentioned here.¹⁵³

¹⁵³ Such as the tradition of Mohammed ibn Ubayda, who said, "Abu al-Hassan (as) said: 'O Mohammed, are you more serious in your taqlīd than the Murjites?'" And this tradition from Ahmed ibn Mohammed ibn Abu Nasr: "May my life be a ransom for you! Some of our Shiite brethren say: We hear teachings reported from you and your father, and then we apply analogies to them and act accordingly." He (as) said: "Glory be to Allah! No, by Allah, this does not come from the religion of Ja'far (as)! These people have nothing to do with us. They have ceased to obey us and have taken our place! Where is the taqlīd of those who followed Ja'far and Abu Ja'far (as)? Ja'far said, 'Do not act with analogy (qiyās), for nothing is judged by analogy without analogy ruining it.'" (Wasā'il al-Shī'a, 18:38, h 41.)

And the tradition of Abu Bassir, who said: "Umm Khalid al-Abdiyya went to visit Abu Abdullah (as) while I was with him. She said, 'May I be given as a ransom for you! I am suffering from gurgling sounds in my abdomen, and the doctors in Iraq have prescribed date wine for me.' He (as) said, 'What prevented you from drinking it?' She replied, 'I follow you in my religion.' He (as) said, 'Then do not drink a single drop of it. No, by Allah! I do not permit you to taste a single drop, for you will surely regret it when your soul reaches that point,' and he pointed to his throat, repeating three times: 'Do you understand?' She said, 'Yes.' So Abu Abdullah (as) said, 'A small drop of it makes a large container of water impure,' repeating this three times." (Wasā'il al-Shī'a, 17:275, h. 2.)

Secondly, blameworthy taqlīd, which involves following someone whose opinion lacks authority, or following them in a matter where their voice does not carry weight, like the People of the Book followed their scholars and monks in what they deemed forbidden or permissible, even if it contradicted the text of the Torah and the Gospels. This meant they sought their guidance in opposition to the command of God, the Almighty, and the words of His prophets (peace be upon them). That's why their scholars and monks are described as lords to them, worshipped alongside God, the Almighty.

This tradition, like all other traditions concerning this Quranic verse, aims to convey the same meaning. This is because this verse, at first glance, raises an obvious question in its portrayal of how the People of the Book took their scholars and monks as lords beside Allah, the Almighty. However, this is contrary to what it appears to be, as they did not take these individuals as deities as they did with the Messiah and his noble mother. Nevertheless, they obeyed and followed them.

Hence, these traditions attempt to explain that the essence of this verse corresponds to their obedience. Nevertheless, what is noteworthy is the expression in the verse describing their obedience to their scholars and monks as if they took them as lords, which is due to the fact that they followed them even in matters contrary to the clear instructions of the Torah and the Gospels. This means they placed them in the position of God, the Almighty. In fact, they preferred their advice to the command of God, the Almighty.

One can wonder if this understanding is correct for all the other traditions that have come down to us regarding this verse where the term "taqlīd" is not mentioned. However, in the tradition of al-Mufid, the term "taqlīd" is used, and it apparently refers to ordinary believers who follow religious scholars, as it is used in common language. The response to this is that the common use of the term "taqlīd" as we know it, which has become the primary sense that comes to mind for this term, namely following scholars, only appeared in the fourth century of the Hijra. It was only from that point that it

gradually spread to our era, as we can see from the study of its general use among the masses and in the words of scholars.

However, before this period, the term was used in its lexical sense. It was said: "He tied the camel by looping a rope around its neck with a gourd or an old sandal to show that it was an offering; and the expression 'taqalladat al-sayf' or 'taqalladat al-amr,' or a similar expression was used. This means that one is compelled to adhere to something. The expression 'qalladanīhi fulān' means he is forced to follow me and has placed it (i.e., his obedience) on my neck." Later, it was said that a person followed So-and-so and engaged in taqlīd in religious matters when they trusted him, and this type of taqlīd could be commendable or blameworthy.

In another tradition regarding this noble verse, an explanation of these two types of taqlīd is given in a very beautiful manner. In this tradition, despite its weakness and lack of a transmission chain, it contains an important and general message. It says, "Someone said to al-Sadiq (as): 'When this community understands the Book only as what they hear from their scholars, and they have no other recourse, how will they be criticized for their taqlīd and for accepting the words of their scholars? Were not the ordinary Jews like our ordinary believers, following their scholars? So, if it was not permitted for them to accept what came from their scholars, does that mean it is not permitted for our brethren, in general, to take what comes from their scholars?' He (as) said, 'There is a difference between our ordinary people and scholars, and the Jews and their scholars, in one aspect, and they are comparable in another aspect. In the points where they are comparable, Allah has forbidden our brethren to do taqlīd and follow the scholars, just as He has forbidden it for their brethren. However, in what they differ, He has not done so.'" The man said, "Please explain this to me, O son of the Messenger of Allah." He (as) said, "Truly, the ordinary people among the Jews knew that their scholars were blatant liars, that they consumed forbidden things, accepted bribes, and changed the commandments, altering what was prescribed through intercessions, favors, and privileges. They knew they were sectarian and created divisions in their religion, and when they were affected by their intolerance, they trampled the rights of those against whom they were intolerant. They gave what was undeserved to those

they favored, taking the property of others, and oppressed the latter for the benefit of the former. They knew they committed forbidden actions, and their hearts informed them that anyone who did such things was malicious and could not be connected to God, the Almighty, or even to those who acted as intermediaries between creation and God. That is why they were blamed when they did taqlīd and followed those they knew, and whose reported statements were not permissible to accept, whose traditions could not be considered true, and in whom they could not trust in what they transmitted and had not witnessed themselves. It was their responsibility to consider the matter of the noble Prophet (s), as the proof he presented (s) was so clearly evident and obvious to them that they could not ignore it.

In a similar manner, the ordinary people of our nation, when they come to know that some of their scholars are manifest sinners, intolerant individuals, and are greedy for worldly possessions, and when faced with what is prohibited... if one of our brethren follows one of these scholars, then he will be in error in the eyes of Allah, the Almighty, just like the Jews who followed the malicious individuals among their scholars.

However, if there is among the scholars one who safeguards his soul, preserves his faith, resists vain desires, and obeys the command of his Lord, then it is appropriate to follow him. And these qualities are found in only a few of the Shia scholars, not in all of them. Indeed, those who engage in terrible and sinful actions, like some of the scholars from the other school of thought, should not be accepted for anything they report from us, and they hold absolutely no position. The confusion in what has been reported from us, the family of the Prophet, is abundant for this reason: because malicious people take some of our teachings and distort them due to their ignorance. They misplace things in incorrect positions due to their lack of understanding, while others intentionally attribute lies to us with the intent of gaining worldly goods, which will be their provision in the fires of Hell."¹⁵⁴

¹⁵⁴ Al-Burhān fī Tafsīr al-Qur'ān, 1: 256-257.

The traditions that reject the effort of interpretation (ijtihād) and subjective opinions

The third group of traditions are those that invalidate the practice of ijtihād and personal opinions, or that invalidate referring to those who issue verdicts based on these practices in matters of religious law. Some say: this proves that it is not correct to refer to scholars.

An example of this can be found in a tradition of Abu Abdullah (as), where he says to Abu Hanifa: "Flee personal opinion and analogy, and what people say about Allah's religion without proof, for in reality, Allah's religion has not been established on the basis of opinions and analogies."¹⁵⁵ And in the "Path of Eloquence," it is reported from the Commander of the Faithful (as): "Do not say what you do not understand, for most of the truth lies in what you deny... Do not imagine what the eye cannot see and the mind cannot conceive."¹⁵⁶

In a tradition from Abd al-Rahman ibn al-Hajjaj, he said: "I asked Abu Abdullah (as) about sitting in the company of those who give their opinions. He said, 'You can sit with them, but be aware of two characteristics that ruin people: basing your religion on your personal opinion and issuing rules for people, without knowledge.'"¹⁵⁷ And there are many other similar traditions.

In the treatise "Al-Muḥkam wal-Mustashābih," reported from the Commander of the Faithful (as), we read: "As for the response to those who advocate ijtihād and assume that every scholar (mujtahid) arrives at a correct conclusion, but do not say, 'They have, by their effort of interpretation, arrived at the true meaning in the sight of Allah, the Most High,' it is so because while they practice ijtihād, they move from one conclusion to another..."¹⁵⁸

¹⁵⁵ Wasā'il al-Shī'a, 18 : 29, h. 26, et p. 98, h 33.

¹⁵⁶ Path of Eloquence, op. cit., p. 116.

¹⁵⁷ Wasā'il al-Shī'a, 18 : 16, h. 29.

¹⁵⁸ Ibid, 18:36. It should be noted that studies show that attributing this treatise to the Commander of the Faithful (as) is incorrect, as its presentations are varied, and it is noticed that it is reported with expressions and phrases that were more well-known in the second century after the Hijra. This point is discussed at length in another treatise.

What we notice about this group of traditions is that the prohibition against personal opinion and independent reasoning (ijtihād) is meant to preserve what these terms generally meant during the second and third centuries after the Hijra, which are practices in opposition to the Quran and the Sunnah. It was said then, "The evidence consists of three things: the Book, the Sunnah, and independent reasoning (ijtihād) based on personal opinion." This means that if there is no textual evidence from the Quran or the Sunnah regarding a specific matter, one can act according to their own judgment and do as they prefer. Several methods for deducing religious rules fall under the category of independent reasoning based on personal opinion, such as analogy (qiyās), where one tries to find similarities between the subject in question and another subject for which there is clear textual evidence, and then compares the first subject to the second to apply the same verdict. Another method is juridical preference (istiḥsān), where a scholar is personally inclined towards a specific situation in a matter, upon which they base their judgment. Another method involves considering public interest (almaṣāliḥ al-mursala), where the scholar takes the best interest of the people in that case and bases their judgment on it.

The Kufa school became known for this type of deduction for religious laws and was called the school of opinion (al-ra'y). Abu Hanifa affiliated with this school and was known for propagating this type of deduction for religious verdicts.

However, within the family of the Prophet (peace be upon them), there are many successive traditions that reject this type of deduction in favor of stating religious verdicts because there is no evidence to give it authoritative value, given that the nature of the concepts on which they rely is distant from the legal concepts used to establish laws.

Therefore, we notice that what we have mentioned about the meaning of opinion (ra'y) and independent reasoning becomes clear when considering the dozens of traditions that have come down to us on the subject. At the same time, it becomes clear by noting what the texts considered primary sources, or whose importance was notable among Muslims in general, say, as cited by al-Shafi'i (who passed away in 204 AH) in

Al-Risāla. However, we cannot discuss this in detail here, as the topic exceeds the scope of our treatise.

Regarding the first text that we mentioned earlier, reported from the Commander of the Faithful (peace be upon him), the term "ra'y" does not come in that sense, given that this text did not concern legislation in particular, as we can understand by studying the entire discourse.¹⁵⁹ What this discourse implies, rather, is a general point of wisdom, namely that it is not appropriate to rush into questions that, by their nature, require deeper reflection and analysis. It is necessary for human beings to pause and remain silent whenever a matter seems unusual or surprising based on what they know.

These were the sources that originally led to the rejection of taqlid.

Conclusion

A comprehensive study clarifies the subject and allows us to see that the arguments mentioned against taqlid are weak and incomplete.

What we have cited earlier supports this conclusion, namely that it is clear that a non-specialist has the right to follow an expert in religious matters, and this is an established historical practice among Muslims, just as it is the case in other religions. This is because it is the basis of religious knowledge and understanding. Furthermore, as in all other fields of knowledge, this, namely Islamic jurisprudence, can be divided into two parts: what is clear and easy to understand and what is technical and requires more experience, study, and expertise.

It is illogical to limit the knowledge that applies to all people to what can be obtained directly and to reject the need for specialization in legal sciences. In fact, even

¹⁵⁹ Here is the referenced text: "O people! Accept this statement from the seal of the prophets (peace and blessings of Allah be upon him and his family), that among us, he who dies is not truly dead, and he who decomposes does not truly decompose. Do not say what you do not understand, for most of the truth lies in what you deny. Accept the argument of the one against whom you have no argument, and that is me. Have I not acted before you in the greater of the two valuable things? And do I not leave with you the lesser of the two valuable things? I have established among you the criterion of faith, and I have taught you the limits of the lawful and the unlawful. I have made you wear the garments of security with my justice, and I have spread virtue for you through my sword and my deeds. I have shown you good manners with my person. Do not imagine things that the eye cannot see and the mind cannot conceive." (Nahj al-Balagha, Op. Cit., p. 116.)

non-Muslims understand this point by reflecting on the practice of learning and teaching among Muslims from the time of the noble Prophet (peace be upon him) until now. And Allah is the Protector.

Questions and Answers

1) Why did the discussion on taqlīd take so long to occur among the scholars?

It is said: the discussion on taqlīd began late as exchanges on jurisprudence and doctrine. This shows that the notion claiming that taqlīd is obligatory is a later-invented idea that emerged late and was not present during the time of the infallibles. It was first proposed as a legal theory by Allama al-Hilli, in jurisprudence by Sayyid al-Yazdi in *Al-'Urwat al-Wuthqā*, and in discussions on doctrine by Sheikh al-Mudhaffar in *'Aqāid al-Imāmiyya*. Is this correct?

Answer: This assertion is incorrect for several reasons:

i. Acting in accordance with religious laws by referring to those who specialize in it dates back to the time of the Imams (as), as we have explained in our main argument. Therefore, the date when this practice was codified as part of specific sciences is not important, nor is the moment when it was written in their respective works.

ii. Sometimes, discussions on a matter are written later due to its obvious nature, lack of disagreement about it, and general consensus. If a doubt later arises about it, discussions gradually appear in the science related to it. This is well known among scholars. An example of this is the lack of discussions on the authority of apparent meanings (*ḥujjiyat al-ẓuhūr*) in legal theory until recently. This is due to nothing other than the fact that the principle of the authority of apparent meanings was one of the self-evident things that everyone in general considered true. Thus, it is possible that the discussion on taqlīd only emerged later for the same reason.

iii. The technical place of this discussion, in its early days, was in the final questions of legal theory, rather than in jurisprudence. Not because this subject was deemed unimportant, but rather because legal theorists found that this topic was closely related to their field. After all, the question of the legality of taqlīd boils down to

contemplating the value of a mujtahid's opinion in religious rulings, and legal theory examines the evidence with reliable authoritative value in religious law. Furthermore, it is worth noting that this question was included in discussions on legal theory after a certain time, as the science of legal theory was the first to be formulated.

However, we observe that among the Imāmīs, it appeared very early in certain works of legal theory that still exist, such as Al-Dharī'a by Sayyid al-Murtadha, Al-'Udda by Sheikh al-Tusi, and later, Al-Ma'ārij by al-Muhaqqiq al-Hilli, as well as in many other subsequent works.

Subsequently, a group of scholars eventually integrated it into jurisprudence because legal theory focused on the study of authoritative evidence that a mujtahid can use to deduce religious laws. However, as the opinion of a jurist has authority only for the common person and not for another mujtahid, technically, this subject falls outside the scope of legal theory. Scholars of legal theory were aware of this technical point for a long time, and they removed this subject from their main presentations of legal theory and placed it at the end. There was no reason to engage in this question in legal theory because it became clear that it added nothing and lacked relevance.

We know that the author of Al-'Urwa was not the first to introduce the discussion of ijtihad and taqlīd at the beginning of jurisprudence (fiqh), but it was Sheikh al-Ansari, who was the teacher of the author of Al-'Urwa. Details on this can be found in these two treatises, both published: Sirāj al-'Ibād and Şirāt al-Najāt.

2) Is the issue of taqlīd a matter of doctrine or jurisprudence?

It is said: The obligation of taqlīd is a matter of doctrine and not of jurisprudence or legal theory. This is because Sheikh al-Mudhaffar introduced it in 'Aqā'id al-Imāmiyya under the heading: "Our Belief in Taqlīd." Furthermore, taqlīd is related to the method of learning religious rules and is not directly related to religious laws, which pertain to religious practices (furū' al-dīn). Therefore, the obligation of taqlīd is part of religious practices.

Answer: Clearly, the obligation of taqlīd is not a matter of doctrine.

This is because the basis of doctrinal matters is adhering to something in one's faith, such as belief in Allah, the Glorified, prophethood, and the Hereafter. Similarly, the basis of jurisprudential matters is that the subjects discussed are not related to faith but rather to actions, either directly, as in the case of prohibition and prescription, such as prayer, or as prerequisites for an action, such as purity and impurity of things, as being aware of purity prepares a person to ensure their body and clothing are clean during prayer, for example. This point is clear.

It is known that the obligation of taqlīd to follow a mujtahid is not a rule related to a believer's beliefs because there is no need to believe in a mujtahid's opinion in one's heart.¹⁶⁰ The purpose of this rule is to ensure that the believer acts in accordance with the mujtahid's opinion, and if they do not act accordingly, their actions will not be considered valid.

As for Sheikh al-Mudhaffar's reference to the obligation of taqlīd in his book 'Aqā'id al-Imāmiyya, it only comes when he mentions taqlīd in the fundamental principles of faith, and only after that does he discuss taqlīd in religious practices. It should be noted that in this book, he discusses matters that are not part of the foundations of faith and are not necessary per se in doctrinal studies, such as "Our Belief in Dissimulation," "Our Belief Regarding Invocation," "Our Belief About Visiting Tombs," "Our Belief Regarding Cooperation with Oppressors," and so on.¹⁶¹

As for the idea that the obligation of taqlīd is linked to the method that allows for the establishment of religious rules, and that it does not inherently fall within the boundaries of religious laws, and that it must therefore be a doctrinal matter, this argument is clearly incorrect in the eyes of scholars for two reasons:

Firstly, there are a number of issues dealt with in legal theory that are related to the method of establishing religious rules, such as the authority of the narration of a reliable person, apparent meanings, consensus, etc. However, it is beyond doubt that

¹⁶⁰ This is true even though it is said that taqlīd corresponds to adhering to the jurist's opinion, as the sense of adherence simply means, in this case, acting in accordance with their opinion.

¹⁶¹ 'Aqā'id al-Imāmiyya, pages 84, 88, 101, 111.

these points are not inherently doctrinal. Thus, we observe that being linked to the method of establishing religious rules does not make a subject a doctrinal question.

Secondly, what makes a question a matter of doctrine, as we have mentioned, is the necessity of belief in it. So when it is not necessary to believe in a point, it is not considered a doctrinal point, whether it is related to the method of establishing religious rules or not, such as the authority of the narration of a reliable person, apparent meanings, and consensus. In fact, such questions can either be related to legal theory if they aid in deducing the laws, such as the authority of a reliable narration in jurisprudence, or be considered part of jurisprudence proper if they are not essentially related to the deduction of religious laws.

The question of the legality of taqlīd belongs to the second category because it does not play a role in the deduction of religious laws by a jurist. In fact, it is only beneficial to the masses to establish their responsibility regarding religious laws, as is evident.

3) Is the legality of taqlīd a subject on which scholars differ?

It is said: the legality of taqlīd is not a subject on which all scholars agree; it is rather a matter of dispute among scholars, even among the early ones.

i. Al-Mufid said in *Taṣḥīḥ I'tiqād al-Imāmiyya*: "It is not correct to prohibit analysis to someone because excluding them from it would lead them to taqlīd, and taqlīd is denounced by the consensus of scholars as well as by the explicit text of the Quran and the Sunna. Almighty Allah says, while reproaching the disbelievers who blindly followed their forefathers: 'Indeed, we found our fathers upon a religion, and we are in their footsteps rightly guided.' He says: 'And even if I brought you a better guidance than that upon which you found your fathers?' (43:23-24) Imam al-Sadiq (as) said: 'Whoever takes their religion from the mouths of people, they will make them slip, and whoever takes their religion from the Book and the Sunna, even if mountains slip, they will not slip!' And he (as) said: 'Beware of taqlīd, for indeed, one who does taqlīd in their religion is ruined. Almighty Allah says: 'They have taken their scholars and monks as lords besides Allah,' (9:31) but by Allah, they did not pray or fast for them; rather, they

permitted what was forbidden and forbade what was permissible, and people followed them in that, unknowingly rendering worship to them.' He also said (as): 'Whoever listens to a caller has indeed worshiped. If the caller is from Allah, the Almighty, they have worshiped Allah; and if the caller is from Satan, they have worshiped Satan.'

He further added: "If taqlīd were correct and research was not, then the taqlīd of one group would not be superior to the taqlīd of another group, and anyone led astray by taqlīd would be forgiven, and anyone following an innovator would not bear the burden of any sin. No one adheres to this, and from what we have noted, it is therefore understood that research is correct and arguing with the truth is correct. In fact, all the traditions reported from Abu Ja'far¹⁶² (may Allah have mercy on him) support this view, and it does not correspond to the conjectures of some. And Allah is the One who grants success."

ii. In Al-Iqtisād, Sheikh al-Tusi states, after considering research in a positive light: "It is said, 'What is your opinion on following (taqlīd) one's forefathers or predecessors?' We say, 'If by taqlīd, you mean accepting someone else's opinion without evidence (and that is the reality of taqlīd), then this is considered intellectually disgraceful because it amounts to pursuing and following a belief that may ultimately be based on ignorance, as there is no evidence to support it. And the intellect deems this shameful because it does not consider the taqlīd of a monotheist superior to the taqlīd of an atheist once you deviate from research and study. It is not appropriate for truth and falsehood to be equal.'"¹⁶³

iii. In Al-Ma'ārij, Al-Muhaqqiq says: "Indeed, taqlīd corresponds to validating what others say without evidence, and this brings about a misplaced conviction. Intellectually, this is abhorrent."¹⁶⁴

Answer: There is a difference of opinion on certain aspects of taqlīd, such as following a rule in itself, as we noted earlier. However, there is an error in the evidence presented above for several reasons...

¹⁶² Meaning Sheikh al-Saduq.

¹⁶³ Al-Iqtisād, 10.

¹⁶⁴ Ma'ārij al-Uṣūl, 199.

The honorable scholars mentioned do not oppose the legality of taqlīd.

1. The opinions of the three great scholars who appear to be against taqlīd pertain only to the fundamental principles of faith and not jurisprudence. This aligns with the general classification proposed by scholars on this subject, and this classification is not specific to these three scholars. However, it seems that the person who provided these quotes is not an experienced scholar and did not pay attention to this point. They mistakenly believed that their statements implied a rejection of taqlīd in the general sense, which would include jurisprudence and fundamental principles of faith.

The classification they propose, as we have observed, emphasizes that in matters of doctrine, what is required is a firm conviction, and this can be attained by following the opinions of others, especially given the diverse beliefs among people. As for religious laws falling under jurisprudence, they concern religious practices, and action does not depend on firm conviction in the laws. Instead, presenting evidence is sufficient, in the form of an assertion by an expert, just as we refer to experts in all other areas of life that require expertise and specialization.

In other words, the foundations of faith are related to the fundamental principles of life, such as belief in the existence of God, the Glorified, in His message to people, or the belief that human beings will be rewarded or punished after death based on their actions. Such matters are of great importance, and it is necessary to have unwavering conviction and faith in what is true about them. As for laws related to religious practice, they concern the details of human conduct, and doubts can arise about their rules. In such cases, providing general intellectual evidence is sufficient.

Now, to clarify the meaning of the statements of these three great scholars regarding the prohibition of taqlīd in matters of faith:

The opinion of al-Muhaqqiq al-Hilli on the prohibition of taqlīd in the fundamentals of faith.

It is quite clear when one refers to his statement as a whole. In fact, he addresses two points:

Firstly: the issue of taqlīd in religious laws. He explicitly states that this is permissible and even mentions a consensus on the legality of this type of taqlīd.

Secondly: the issue of taqlīd in the fundamentals of faith, where he opts for its prohibition, providing several pieces of evidence for this:

- i. The verse where Allah the Almighty says: "Say, 'My Lord has only forbidden... to say about Allah that of which you have no knowledge.'" (Quran 7:33).
- ii. Taqlīd means accepting another's point of view without evidence, and any resulting conviction from it would be unwarranted, which is objectionable on an intellectual level.

Furthermore, it is worth noting that al-Muhaqqiq al-Hilli wrote a well-known book of religious rules (Sharāi' al-Islām), later summarized in another well-known work (Al-Mukhtaṣar al-Jāmi'). Religious rule books that do not include evidence are intended to explain the laws of religion to the general public. Therefore, it is evident that al-Muhaqqiq was of the opinion that taqlīd is permissible, and he explains the reasoning behind it, stating that there has been a consensus on this matter throughout all times.

The view of al-Mufid regarding the prohibition of taqlīd in the fundamentals of faith.

As for the opinion of al-Mufid, it also pertains to the principles of faith, as we can see through two indications within and outside the statement. The internal indication is that these statements were made in the context of a response to the assertion of al-Saduq: "Arguing about Allah is prohibited because it leads to inappropriate attributions to Him. It is reported that al-Sadeq (as) said, 'The people of dialectics (ahl al-kalām) will be ruined, and the Muslims will be saved.'" Thus, in a lengthy passage where al-Mufid explains how dialectical theology should be employed in specific cases to prove positive doctrines, we find the earlier mentioned assertion.

It is evident that the statements of al-Saduq against arguing about Allah, the Glorified, and the warning against the people of dialectics pertain to beliefs (the subject of dialectical theology), not religious practices and jurisprudence. If someone were to

ask, "If al-Mufid's statements specifically concern beliefs, why did he cite the tradition that rejects those who followed their doctors and monks in what is permitted and forbidden?" We would respond: He may have cited this tradition because doctors and monks led the masses of the People of the Book to believe that they had the right to proscribe and prescribe without limits. This led the People of the Book to attribute a higher status to their doctors and monks than their actual status, and such exaggeration (ghuluw) naturally distorts good beliefs, which include the principle that no one has the right to create laws contrary to the laws of God, the Glorified.

As for the indication found outside of this assertion, it is the fact that al-Mufid himself wrote books of religious rules, the most famous of which is *Al-Muqni'a*, and it is known that these works were written for the masses. He stated in the introduction: "I act in accordance with what the noble master has written... by compiling a summary of religious rules, the essentials of faith, and the laws of Islam, which can be referred to by those who have doubts about their faith, and by which those who have just entered the faith can increase their knowledge and certainty. It aims to serve as a guide for those seeking the right path, as proper guidance for seekers, as security for the faithful, as refuge in religion, and as a means of judgment against those who differ."¹⁶⁵

Furthermore, he answered questions related to religious rules that had been sent to him from distant regions, and his position in this regard was similar to that of all other religious scholars of the major occultation period. Therefore, it is clear that as a scholar, al-Mufid believed that *taqlīd* is permissible in matters of religious practices.

Sheikh al-Tusi's opinion regarding the prohibition of taqlīd in the fundamentals of faith.

As for Sheikh al-Tusi's statements in *Al-Iqtisād*, they also concern the foundations of religion, based on internal and external indications. Concerning the internal indications, they relate to the subject of his discourse, given that his preceding writings address the foundations of faith.

¹⁶⁵ *Al-Muqni'a*, 28

To delve further, we notice that Sheikh al-Tusi composed the book *Al-Iqtisād* concerning what believers are obligated to do, stating, "There are two things they are obligated to do: to know and to act, with action following knowledge. Two things they must know are that God is one (*tawḥīd*) and that He is just (*‘adl*). The second point leads to prophecy (*nubuwwa*) and imamate. As for what one must act upon, it is the codified laws (the rules of sharia)."¹⁶⁶

He then divides his book into two parts: the first part deals with doctrinal principles, and the second part focuses on acts of worship (*‘ibādāt*). At the start of the first part, he presents a chapter outlining the method for understanding the mentioned principles correctly, emphasizing that achieving a proper understanding of the foundations is not possible without reflection.¹⁶⁷ He then cites evidence for this. It is in this chapter that he makes the aforementioned statements.

In the second part, where he discusses matters related to acts of worship, he merely mentions his own religious verdicts without providing the proofs upon which these verdicts are based. This suggests that he is more interested in helping people fulfill their religious duties, indicating that he considers *taqlīd* permissible in matters of jurisprudence and religious laws.

As for the external indication, it stems from the fact that Sheikh al-Tusi explicitly affirms in his book *Al-‘Udda* that *taqlīd*, i.e., following religious scholars, is permitted, and he emphasizes this.¹⁶⁸ He declares that both scholars and ordinary people have been practicing this, namely, seeking and providing religious rules, since the time of the Commander of the Faithful (as).

Furthermore, he authored numerous works containing religious rules and stated in the introductions of these works that they are intended for the masses, so that they can follow them and act accordingly. Among these works, there is the famous "*Al-Nihāya fī al-Fatāwā*," "*Risālat fī ‘Amal al-Yawm wal-Layla*,"¹⁶⁹ "*Al-Jumal wal-‘Uqūd fī*

¹⁶⁶ Cf. *Al-Iqtisād*, 5-6 (summarized).

¹⁶⁷ *Ibid.*, 9.

¹⁶⁸ Cf. *Al-‘Udda fī Uṣūl al-Fiqh* (*‘Uddat al-Uṣūl*), 2 : 730.

¹⁶⁹ *Al-Rasā’il al-‘Ashar*, 141

al-'Ibādāt,"¹⁷⁰ "Al-Ījāz fī al-Farā'id,"¹⁷¹ and "Al-Masā'il al-Hā'iriyāt,"¹⁷² a text that contains questions about religious rules from ordinary people and brief answers, without being accompanied by evidence.

Considering all of this, there is no doubt that Sheikh al-Tusi believed that taqlīd is permissible. He explained it without any ambiguity.

The limited opposition regarding the legality of taqlīd

2. Differences of opinion on this matter, even if they exist in theory, are quite rare in the real world. This is attributed to Sayyid al-Murtadha in some of his statements, but not in others, as well as to some scholars of Halab, al-Muhaddith al-Astarabadi, and the author of Al-Wasā'il. However, it was not the opinion of all other scholars from various regions throughout the ages. Their practice has always been to issue religious verdicts to those seeking to know the rules. In reality, it is not known when these scholars followed this opinion.

The different meanings of taqlīd, between past and present

3. The opinion that says taqlīd is not permitted, embraced by some of the early scholars, did not aim to say that it was the duty of every individual to become an expert in jurisprudence. Nor did it mean that all ordinary people had the capacity to understand the laws by referring to the source texts because of the clarity of the laws presented there, without the need to study and specialize. This opinion also did not indicate that it was easy to reach the infallibles by reliable means in any era, as some who persist in holding this opinion believe. The sense was rather different, namely that it was necessary for the religious scholar to present his evidence to all people so that the masses could follow him based on that evidence.

Thus, the opinion that it is sufficient for people to read the laws or that a person can speak without a doubt on behalf of the infallibles in any place and era is considered

¹⁷⁰ Ibid., 153.

¹⁷¹ Ibid., 267.

¹⁷² Ibid., 283.

a recent innovation to which no scholar, be it from the Shia or any other school of thought, adheres.

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

It is said: there is no scriptural or intellectual evidence to assert that taqlīd is obligatory, and it is not the established practice of all rational individuals. The main scriptural evidence presented for it, which is the most important, has a debatable meaning, debated by all legal theorists.

For example, among the verses of the Quran, there is the verse of "questioning": "If you do not know, ask those who possess the message." (16:43) And the verse of "departure": "It is not for the believers to go forth [to battle] all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious." (9:112) In the traditions, there is a reported exegesis attributed to Imam al-Askari (as): "As for the one who is among the scholars who safeguard their souls, then it is incumbent upon the ordinary people to follow him."¹⁷³ Moreover, there is a letter attributed to the twelfth Imam (as) that states: "For new matters that you may encounter, refer to the narrators of our traditions concerning them." There is also an accepted tradition from Omar ibn Handhala regarding the necessity of referring to Shia scholars in matters requiring judgment, along with the following hadith: "Indeed, scholars are the heirs of the prophets."¹⁷⁴

All these pieces of evidence are subject to debate among scholars. As for the verses of the Quran, their meanings have been debated, and when we turn to the traditions, their authenticity is sometimes questioned due to the lack of reliable narrators who report them from the Imam (as), and sometimes because their meanings are doubted. This is evident for anyone who observes the statements of educated scholars and studies them.

¹⁷³ Cf. Tafsīr al-Imām al-ʿAskarī, 300

¹⁷⁴ Cf. Al-Kāfī, 1 : 32, h. 2 ; Man Lā Yaḥḍuruhū al-Faqīh, 4 : 384-387, h. 5834

Answer: 1- What is important in this question is to establish the position of the Imams (as), even if it is not in the form of orally reported speech. This is because the position of an infallible, as explained in the science of legal theory, can manifest in several ways:

- a) Either through their reported statements, which is oral Sunna.
- b) Or through their reported actions, which is practical Sunna.
- c) Or by demonstrating their tacit approval, which corresponds to a part of their practice regarding specific issues. This is tacit Sunna.

We arrive at the third path when it becomes clear that the practice of their followers has always been to seek and provide religious rulings based on their teachings, without rejection from the infallibles. This has already been demonstrated earlier.

2- Scriptural evidence is strong, as we have noted, for several reasons:

First, what has reached us regarding the followers referring to their scholars whenever there is a disagreement so they can arbitrate between them; and there are numerous traditions on this topic. For example, there is the accepted tradition of Umar ibn Handhala. In several cases, scholars differ on the reliability of certain narrators in the transmission chains, according to their own principles and methodology. However, this does not cast doubt on the traditions, given that the meaning is widely reported in various traditions and is supported by many corroborating pieces of evidence that allow us to be certain of their reliability regardless.

Second, they (as) asked their companions who were scholars to issue religious verdicts for the people and even referred some of their followers to them for religious guidance, as we noted earlier from the sources.

Third, the scholars among their companions and all Shiites in general validate the practice of research and issuing of religious rules under certain conditions, such as relying on the Quran and Sunna rather than analogy (qiyās), juridical preference (istiḥsān), and other similar methods of ijtihad based on personal opinion.

As for all the other evidence mentioned, there are numerous nuanced studies among scholars regarding them, and mentioning them here would go beyond the scope of this study, as it would unnecessarily lengthen this essay. Furthermore, there is no need to discuss certain pieces of evidence when we have established the strength of other evidence. Scholars only mention those in their detailed studies with the intention of gaining a deeper understanding of all aspects of the subject and what is being discussed, or they may be mentioned to understand the meaning of the traditions that have come down to us. However, all agree on the essential necessity of taqlīd in Islamic law, a clear and undeniable fact.

It is essential to recognize that a single question, no matter how obvious it may be, can have clear and universally accepted evidence, while other evidence may exist on which there is no general agreement on their authenticity or meaning. However, the difference of opinions regarding certain evidence is not sufficient to conclude that there is ambiguity on the entire issue.

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

It is said: there are no intellectual or rational proofs for the obligation of taqlīd. As for intellectual evidence, what is presented as evidence to emphasize the obligation of taqlīd is the principle that an ignorant person should refer to a scholar, just as a sick person should refer to a doctor. However, it is noted that even if this principle is correct, it is necessary for the scholar one follows in a religious matter to possess very strong knowledge or have contact with someone who possesses perfect knowledge, in order to guarantee absolute salvation, given that the likelihood of making a mistake in such a matter could lead to possible punishment. And reason considers it forbidden to put oneself in a situation where one could harm oneself.

As for rational evidence, the conduct of reasonable people (*sīrat al-uqalā'*), which emphasizes referring to knowledgeable people, is presented. However, we note a few points regarding this argument:

Firstly, if this were truly the conduct of reasonable people, it would result in the permission to practice taqlīd, not its obligation. Secondly, the condition for giving

authority to this conduct is that its continuity must be verified since the time of the infallibles, and this has not been established regarding taqlīd. Thirdly, another condition for this conduct to have authority is that there should be nothing dissuading from it, whereas there are elements that discourage taqlīd in Islamic law. Is this kind of reflection on intellectual and rational evidence valid?

Answer: The idea put forward by intellectual evidence and rational evidence is unique, namely that a non-specialist must refer to a specialist. Thus, presenting this idea as intellectual evidence and, at other times, as rational evidence is an obvious technical error. What is generally known among later scholars is that the correct way to present a concept or idea is to present it as rational evidence.

Critique of the objection against intellectual evidence

In any case, the objection against intellectual evidence is incorrect for two reasons:

First, it is based on the assumption that it is easy to refer to the infallible in this era, which would exclude the need to refer to a non-infallible expert. This is obviously false because there is no one who possesses this quality since the beginning of the major occultation. Anyone who claims to be an intermediary between ordinary people and the Imam (as) commits a serious sin and tells lies against Allah, the Glorified. Such a person is completely misguided in religion, according to the beliefs of the Imamites, and it is evident that they have no evidence that can influence someone who is well-informed in their religion.

Second, when the authoritative value of evidence is established without room for doubt, the probability of an error in its content does not harm it. For example, if the Legislator allows relying on the narration of a trustworthy person or the verdict of a judge based on irrefutable evidence, the probability that a person makes a mistake does not result in possible punishment. The believer is not held responsible for this.

There are many pieces of evidence whose authoritative value was even established at times when it was easy to refer directly to an Imam. For example, one of

the proofs of this is found in the traditions reported by an honest person, and it was the practice of our Shia brethren, in the time of the Imams (as), to rely on what honest individuals reported. Thus, we note that the companions of the Imams reported traditions they had heard from such individuals to those who studied with them. As examples of this, there are traditions that Zurara, Mohammed ibn Muslim, and Abu Bassir, who were all considered honest narrators among the companions of Imams al-Baqir and al-Sadiq (as), heard and transmitted to Hariz, Hammad ibn Issa, Rib'i ibn Abdullah, Jamil ibn Darraj, Abdullah ibn Bukayr, and others. These individuals were praised by Imam al-Sadiq (as) in many traditions cited in biographical books.

Another proof is found in the apparent meaning of the discourse. There is no doubt that it is valid to rely on the apparent meaning of the speeches of the Imams (as) and their words intended for their interlocutors. This cannot be ignored simply because there may be an alternative meaning, and that is evident. This is the case regarding what has been mentioned about "intellectual evidence."

Critique of the objection against rational evidence

As for the mentioned rational evidence, they are evidently perfectly valid, given that the conduct of rational individuals has always been based on the fact that non-specialists refer to specialists in matters of a technical nature that require expertise. Furthermore, the Legislator has not prohibited this practice in religion, nor has He guided people toward an alternative practice.

Regarding the three objections cited against the conduct of reasonable individuals, they are not valid. The first objection mentioned is that the conduct of reasonable people results in the permission of taqlīd, not its obligation. This is clearly a technical error since the conduct of rational individuals gives authoritative value to the statements of a jurist. Thus, if a believer finds it difficult to follow other means to observe religious laws, such as acquiring expertise or exercising caution in a particular case, it is quite natural for them to choose to rely on the advice of a knowledgeable religious scholar who is just. On the other hand, if they have the capability, they can choose one of the following three options: taqlīd, acquiring expertise, or caution. What scholars

mean by the obligation of taqlīd does not go beyond this sense, meaning that someone should choose this option if they are not capable of acquiring the necessary level of expertise or observing caution (iḥtiyāṭ).

The second objection mentioned regarding the authoritative value of this conduct is that it is a condition that it must have been continuous since the time of the infallibles, and linking this conduct with what was done at the time of the infallibles is not clear. This objection is also incorrect because if we confirm the conduct of rational individuals, there is no difference between rational individuals at the time of the infallibles and in this era, as the question applies in every era without any distinction. Furthermore, we have clarified that it is a common practice among Muslims and Shia.

There is a legal theory debate about whether the authoritative value of conduct depends on its validation by an infallible or not. Some legal theory scholars believe that the conduct of rational individuals is authoritative in itself, as long as there is nothing to contradict it, because the fact that this disposition to follow such conduct is placed in human beings by the Legislator leads us to believe that this is done with the purpose of guiding human beings unless it is restricted by specific revealed laws. Thus, the continuity of the conduct since the time of the infallibles is not considered. More detailed insights can be found in specialized discourses on the subject.

The third objection is that the authoritative value of the conduct of rational individuals requires that nothing deviates from it, while taqlīd is prohibited in the traditions. This objection is also incorrect, which becomes clear when delving into these traditions and reflecting upon them, as we have mentioned in our discussion of certain opinions regarding scriptural evidence.

6) Do the disagreements among jurists not prove that the practice of ijtihad and taqlid is flawed?

The practice of ijtihad and taqlid leads to divergent opinions among educated individuals and religious adherents, and religious disagreements are criticized. It is reported from the Commander of the Faithful in "The Path of Eloquence" in his speech on the matter of differences among scholars in their legal opinions: "If a matter is

presented to one of them, he issues a judgment based on his own opinion. Then when the same matter is presented to another of them, he pronounces a verdict that contradicts the first. Then these judges go to the leader who appointed them, and he confirms all the verdicts, even though their God is one, their Prophet is one, and their Book is one! Did Allah (glorified be He) ask them to be in disagreement, and they obeyed Him? Or did He forbid them, and they disobeyed Him? Or did Allah (glorified be He) reveal an incomplete religion and ask for their help to complete it? Or are they His partners, and thus, it is their duty to make decisions, and His duty to accept? Or perhaps Allah (glorified be He) sent a perfect religion, but the Messenger (peace and blessings of Allah be upon him and his family) failed to convey it and entrusted the matter to others? Indeed, Allah (glorified be He) says: We have not neglected anything in the Book. (6:38) There is clarification for everything in it. And He states that the different parts of the Book confirm each other, and no contradictions are found in it, noting (glorified be He): If it were from any other than Allah, they would have found in it many contradictions. (4:82) Truly, the Qur'an is magnificent in appearance and profound in its essence. Its wonders will never disappear, its sources of amazement will never extinguish, and its subtleties will only be clarified by itself."¹⁷⁵

In "Ma'ani al-Akhbar," Al-Saduq reports that Abd al-Mu'min al-Ansari said: "I said to Abu Abdullah, 'People report that the noble Prophet (peace be upon him and his family) said: "Indeed, the disagreements of my community are a blessing." He replied, "They have spoken the truth." I asked, "If their disagreements are a blessing, then is their agreement a punishment?" He said, "No, it is not as you or they have understood. Instead, he simply wanted to explain the verse where Allah, the Almighty, says: 'Why do not some men of every faction seek to learn the religion so that they may warn their people when they return to them? Perhaps they will be cautious.' (9:122) Thus, He ordered them to go to the Messenger of Allah (peace be upon him and his family) and visit him frequently (ikhtilaf) to learn from him before returning to their communities to instruct them. Therefore, what he wanted to talk about is coming from their cities, not

¹⁷⁵ Path of Eloquence, op. cit., p. 44-45.

their disagreements (which is another meaning of "ikhtilaf") in the religion of Allah. Indeed, the religion is only one."¹⁷⁶

Answer: What can be understood through careful reflection on the texts and the events that contextualize them is that the cited traditions refer to the type of blameworthy divergences. To delve further, we notice that divergences come in two forms:

1- Permissible divergences: These are the divergences that arise due to the inadequacy of the means available to a person, despite their study, research, and effort to eliminate divergences. Indeed, Allah, the Glorified, has created human beings with different capabilities and placed them in various scientific and intellectual environments. As a natural consequence of this, divergences emerge among them in certain fields, just as we find differences in their perceptions of all other things. We have seen the saying of the Prophet (peace be upon him) that goes, "It is possible that one imparts knowledge to another who is more learned than him."

2- Blameworthy divergences: These are the divergences that occur when one falls short in the quest for truth, and this happens in several situations:

- a) When some of the disagreeing parties merely follow their vain desires or personal interests.
- b) When the search for evidence is negligent, and one is content with what is already accessible or what comes to mind.
- c) When one relies on principles that do not carry authority, such as analogy and legal preference.

It is clear that this blameworthy type of divergences, as described, is the one referred to in the discourse of the Commander of the Faithful (peace be upon him) mentioned above. Two indications make this evident, one internal and one external:

The internal indication pertains to the sense of the text criticizing the devaluation of rules passed by judges, in cases where each judge hastily makes a decision on a

¹⁷⁶ Cf. Ma'āni al-Akhbār, 157.

simple matter based on their own inclination. These decisions are then approved by the leader who appointed them as judges, asserting that each judge's opinion and verdict are correct, as if each of them were authorized to establish religious laws. There are numerous historical references on this topic that go beyond the scope of our brief study.

The external indication consists of two parts. The first is intellectual: differences of opinion are generally an inevitable matter due to variations in people's capabilities and skills. This is something obvious and is akin to all the other differences that exist among people according to their ways of life.

This is something that even existed among the companions of the Imams (as) in their time, as clearly attested by many traditions, and we have already mentioned some of them.

The second part is scriptural and based on the numerous cases where questioners asked the Imams (as) about the discrepancies between narrators and scholars, without the Imams (as) forbidding them from consulting these discrepancies and without criticizing those who held different views. They rather said (as) that whenever there is a contradiction in the accounts, and the scholars are guided towards one that prevails over the others, they should act in accordance with that account. On the other hand, if they are unable to prefer one account over another, and if it is easy to access the Imam, they should refer to him. However, if they cannot easily contact him, they have the choice to act according to either of the accounts. This has come down to us in this tradition: "The one of the two (i.e., the two contradictory accounts) which is chosen by a voluntary act of submission is accepted for you."¹⁷⁷

This was the practice of al-Kulayni, who lived during the time of the fourth representative of the last Imam (as), as emphasized in the preface of *Al-Kāfī*, where he asserts, after mentioning the factors that allow for a preference of one account over another: "But of all this, we know only a few cases where it is possible to find a solution, and we find nothing wiser or easier than to defer the knowledge of all this to the knowledgeable Imam (as) and to accept the freedom of choice he has granted us by

¹⁷⁷ *Al-Kāfī*, 1 : 66, h. 7.

saying, 'The one of the two which is chosen by a voluntary act of submission is accepted for you.'¹⁷⁸

From this, it becomes clear that the discrepancies among scholars are not considered blameworthy as long as they exercise prudence in observing the prerequisites of knowledge and justice.

7) What do you say about the presence of a representative of Imam al-Mahdi (as) in our time?

It is said: It is not reasonable for Imam al-Mahdi (may Allah hasten his reappearance) to abandon his supporters, who find themselves having to rely solely on scholars and jurists, with all their differing opinions, without him sending someone to guide them in a unified direction towards the right path. This is what encourages some to accept the claims of certain individuals who say they have been sent by the Imam (as) to guide the community. If you could address this point and explain in detail how it can be criticized, as it is related to the issue of taqlīd (religious emulation), it would help to dispel any confusion on this matter.

Claiming to be representatives of the Imam (as): misguided allegations

Answer: There is no doubt in monotheistic faiths in general and in Islam in particular, which believes in all the previous prophets, and even more specifically in Shiism, that it is not Allah's duty to place among the people a righteous servant who is present and accessible at all times to guide people. However, what we find in the traditions that have come down to us from the Imams (as) is that the earth is never without a "proof" of Allah. However, this proof may sometimes be hidden and unknown, as we see in the words of the Commander of the Faithful (as) addressed to Kumayl ibn Ziyad: "The earth is never devoid of those who preserve Allah's argument, whether openly and clearly, or hidden due to fear."¹⁷⁹

This concept, that it is not necessary for Allah's "proof" to always be apparent, is one of the evident and fundamental beliefs of the Imami school of thought, as this

¹⁷⁸ Ibid., 1: 9.

¹⁷⁹ Path of Eloquence, op. cit., p. 493.

school fundamentally believes that the twelfth Imam (as) went through two periods of occultation: the minor occultation, during which he had specific representatives who met with some scholars and other individuals and acted as intermediaries between them and the Imam (as); and the major occultation, which began with the death of the fourth specific representative, Ali ibn Mohammed al-Samuri, in 329 after the Hijra. During the major occultation, there is no specific representative of the Imam, as al-Samuri reported from the Imam before his death. This is a point on which there is a consensus among all Imami Shiites, scholars, and students, since the departure of al-Samuri.

Sheikh al-Tusi discusses in his book al-Ghayba, concerning Abu al-Hassan Ali ibn Mohammed al-Samuri, who came after Sheikh Abu al-Qassim al-Hussayn ibn Ruh (may Allah be pleased with him), that an announcement was made, affirming that all hope of another specific representative was dismissed. "A group of people informed me," Abu Ja'far Mohammed ibn Ali ibn al-Hussayn ibn Babawayh said, "Mohammed ibn Ibrahim ibn Ishaq reported that al-Hassan ibn Ali ibn Zakariyya said in Madinat al-Salam (Baghdad): 'Abu Abdullah Mohammed ibn Khalilan said, "My father reported that his grandfather Attab, from the lineage of Attab ibn Assid, said: 'The last Imam (al-khalaf) al-Mahdi (peace and blessings of Allah be upon him) was born on a Friday. His mother was Rayhana, and she was also known as Narjis, or Sadiq, or Sawsan. However, due to her pregnancy, she was called Sadiq. His birth occurred on the 8th of Sha'ban in the year 256 after the hijra. His representative was Othman ibn Sa'id, and when Othman ibn Sa'id passed away, he entrusted it to Abu Ja'far Mohammed ibn Othman (may Allah have mercy on him). Abu Ja'far then passed it to Abu al-Qassim al-Hussayn ibn Ruh (may Allah be pleased with him), and Abu al-Qassim handed over the role of representative to Abu al-Hassan Ali ibn Mohammed al-Samuri (may Allah be pleased with him). When the time came for al-Samuri to depart, he was asked who would succeed him. He replied: 'The matter belongs to Allah, and He will convey it.' The complete occultation began after the passing of al-Samuri (may Allah be pleased with him)."

Mohammed ibn Mohammed ibn al-Nu'man and al-Hussayn ibn Obaydullah informed me that Abu Abdullah Mohammed ibn Ahmed al-Safwani said: "Sheikh Abu

al-Qassim (may Allah be pleased with him) passed the mantle to Abu al-Hassan Ali ibn Mohammed al-Samuri (may Allah be pleased with him), and the latter then assumed the responsibilities of Abu al-Qassim. When the time for his departure came, the Shia visited him and questioned him about the successor who would take over his responsibilities. However, he made no mention of it and stated that he had not been ordered to pass on the role of representative to another after him."

A group of narrators informed us that Abu Ja'far Mohammed ibn Ali ibn al-Hussayn ibn Babawayh said: "Abu Mohammed al-Hassan ibn Ahmed al-Mukattib said: 'We were in Madinat al-Salam (Baghdad) the year when Sheikh Abu al-Hassan ibn Ali ibn Mohammed al-Samuri passed away, and I visited him a few days before his death. He took out a letter and showed it to the people. It said: In the name of Allah, the Most Gracious, the Most Merciful. O Ali ibn Mohammed al-Samuri! Condolences to your brothers for your loss, for indeed, you will depart within the next six days. So gather your belongings and do not pass on the representative cloak to anyone so that no one takes your place after your death, for the time of complete occultation has come. There will be no reappearance until Allah permits it, and that will happen after a long period of time, after hearts have hardened, and the world has been filled with injustice. Some of my supporters will come forward and claim to have seen me. Know that anyone who claims to have seen me before the rise of al-Sufyani and the loud cry (al-ṣayḥa) is a liar who invents things. There is no power or strength except through Allah, the Most High, the Most Exalted.'"

He said: "We copied this letter and left it. On the sixth day, we returned to him as he was experiencing the throes of death. Someone asked him, 'Who will be your successor after you?' He said, 'The matter belongs to Allah, and He will take care of it,' and then he passed away. That was the last thing we heard from him. May Allah be pleased with him."¹⁸⁰

Sheikh al-Tusi also reported that Ja'far ibn Mohammed ibn Qulawayh, who had witnessed the minor occultation, said when speaking about those who claimed to be the Mahdi: "In reality, we believe that anyone who makes such claims after al-Samuri (may

¹⁸⁰ Al-Ghayba, 393-395.

Allah have mercy on him) is a corrupt and misguided disbeliever and leads others astray. And success is with Allah."¹⁸¹

From all that we have just mentioned, we learn that accepting a person who claims to represent the Imam (as) is a dangerous deviation in the Imami school of thought, as has been established for over a thousand and one hundred years, since the beginning of the major occultation. This is the opinion of all Imami scholars whose reliability and faith are not doubted by anyone, and they do not err or waver in a matter of such importance. There is no disagreement among figures such as Sheikh al-Saduq, al-Mufid, al-Murtadha, al-Tusi, ibn Idris, Muhaqqiq al-Hilli, and all those who came after them up to our era.

Furthermore, Shiite scholars had mentioned the two occultations of the Imam (as) even before the major occultation occurred. For example, it is said about al-Kulayni that he passed away before the fourth representative. The only difference between the two occultations is the presence of specific representatives during one of them, which is not the case during the other.

There is no trace in the history of scholars, hadith narrators, and the Imami society as a whole, from the beginning of the major occultation up to our era, of an individual confirmed as a messenger or representative of the Imam among the Shiites. Certainly, some individuals claimed to be so, but they were considered by the Shiites, both scholars and seekers of knowledge, as misguided innovators who sought only to satisfy vain political and societal interests. They had no religious basis and could not spread their erroneous ideas among some communities that would follow any raised banner, catchy slogan, or demand. Then, their movements died out shortly after their deaths.

The same applies to the claimants to the title of Mahdi in our time, as all their allegations are clearly false and go against the principles of the Imami school of thought. They will perish with the disappearance of all those who defend their existence, even while the claimants are still alive. I do not see the need to further discuss this topic

¹⁸¹ Ibid., 413.

to clarify it. Only those who do not conduct sufficient verification fall into doubt and uncertainty. We have been informed of some scholarly works on the subject, and if time and circumstances permit, we will engage in an independent study of this point in the future.

8) What is the reason for the differences of opinion on taqlīd if its legality is evident?

If the legality of taqlīd is unequivocal, so much so that it has been described earlier as being among the pillars of the practice of learning and transmitting religious knowledge since the time of the Prophet (peace be upon him) and the Imams of his family, then what led to the initial disagreements about it and the current doubts? And how can people follow the right position at this level?

Answer: It is necessary to study the differences of opinion that emerged in the past and the doubts that exist in our time separately because there is a difference between them in terms of content, origins, and approaches. As for the differences in terms of content, this is because those who believed that taqlīd is not permissible were well-known individuals who were experts in Islamic law, and they followed specialized methods to deduce legal rules. However, despite that, they believed that the primary purpose of this genuine effort is simply to learn what Allah, the Glorified, His Prophet (peace be upon him), and his family (peace be upon them) say. They made great efforts to achieve this but did not invalidate this effort through action.

As for the differences in terms of origins, the majority of scholars who believed that taqlīd is not permissible were influenced by technical doubts presented to them. In the sciences, it is common for some scholars to pause and reflect on certain obvious and clear points due to technical doubts they couldn't resolve. This is something well-known to those in this field. We have already explained the origins that caused this view among some early scholars.

Regarding the means and tools used by some of the early scholars to reject the legality of taqlīd, they consist of tools commonly used in the sciences, such as intellectual judgment and scriptural evidence, as we noted earlier. However, the situation is quite different for the majority of current doubts on the subject. In terms of

content, they come from individuals who are in no way specialists in the subject in question. In fact, they seek to undermine specialized discourse in practice. To the extent that the person expressing their position does not need to follow the protocols of the relevant sciences and their technical principles and tools. Yes, it is possible that they may use these tools when addressing their audience, which is unaware of the technical discussions, even if the matter is clear.

Regarding their origins, most of the current doubts raised are the result of political and social movements that have affected the region in recent times. It is necessary for everyone to be aware of the various origins responsible for the sudden emergence of this question, especially in our time, particularly in Iraq.¹⁸² Indeed, there are many problems and doubts that no one would have imagined unless they were informed and aware of the social and political situation, as well as the internal factors leading to the events observed in society. For most Shiites, in order to take the right stance towards the Imams of the Prophet's family (peace be upon them), starting with

¹⁸² Perhaps some factors that would have an influence on the question of the legality of taqlīd are as follows:

i) Sectarian tensions in the region, which have reached their peak in our time. These tensions have led some political leaders and wealthy individuals to make efforts to attack the followers of the Prophet's family (peace be upon them). This is because they feel that the Shiites have great scholars whose opinions are respected and followed by the people, and whose teachings are effective in promoting unity among them. In addition, taqlīd protects the followers of the Prophet's family (peace be upon them) from many dangers that arise due to radicalism, conflicts, and other such issues. However, we witness divisions and loss of direction among the followers of other schools.

ii) The seminary system, which is based on the evaluation of knowledge and action, as we briefly described at the beginning of this study, allows for the exclusion of those who follow their desires and rush to seek a position among religious scholars. This is because this system allows everyone to be placed in their rightful position; thus, the seeker of knowledge and the one who carries it are positioned at the station that suits them on the scale of knowledge and merit, after being tested for a certain period. Throughout history, the position of religious authority has been coveted in all religions by people who do not deserve it and are not qualified, due to its status and benefits. Therefore, people who follow their vain desires directed their attacks against this strong institution of the Imami school because the destruction of this institution would open the doors for any claimant with some media access to influence people through argumentation and debate with teachers of religious sciences on issues that touch the emotions of the public.

iii) Some negative political and social practices of certain religious personalities or those associated with them. This brings confusion to some, while others take advantage of it, leading them to attack the very system of acquiring knowledge in religious law, which is clearly necessary in all fields of learning in the eyes of all reasonable individuals.

iv) Some messianic movements that claim to have direct contact with Imam al-Mahdi (may Allah hasten his reappearance), contrary to the established beliefs of the Imami school of thought. These movements, due to the limited authority of their claimants, seek to undermine the status of religious scholars in Imami society because they constitute an insurmountable barrier preventing the infiltration of these movements. Such movements are based on many distortions of the truth, superstitions, and illusions, in addition to questionable hidden connections.

Imam Ali (peace be upon him) up to the twelfth Imam (may Allah hasten his reappearance), they had to be aware of the political and social conditions of their time. This is why a group of them faced trials and doubts, as described by the Commander of the Faithful (peace be upon him) in his statements collected in the "Nahj al-Balagha" (Peak of Eloquence). The books that deal with different religious groups and sects mention these various divergent movements.

As for the means and devices employed by the recent skeptical movement that raises doubts about the legality of taqlīd, they involve new methods aimed at dismantling the prevailing system of seminaries. This system eases progression through various stages of learning via long and challenging exams over a certain period of time. These devices include the following techniques:

- i) Slandering well-known scholars in public deliberately showing hostility toward them, in order to erode the general trust they enjoy among society's masses. The intention is to create the impression among people that their level of knowledge is similar to that of the scholars. This is due to the prevailing belief in conflicts or debates that people perceive equality or similarity in skills.
- ii) Claiming to possess deep knowledge of matters related to the Divine and considering this as the most potent means to deduce religious rules and access the reality of divine law and religion. They rely on this method because people, by their innate nature, are inclined toward those who are closer to Allah, the Glorified, and honored by Him. They employ this method because most claimants have not undergone a long period of testing their behavior and consistency, as is the case in educational institutes.
- iii) Claiming to have contact with Imam al-Mahdi (may Allah hasten his reappearance) and being his designated representative to the people. This claim goes against the clear and established principle in the Imamite school that there is no delegate, messenger, or representative of Imam al-Mahdi (aft) during the major occultation, which began in 329 AH with the death of the fourth and final representative. This is the belief held by all Shiite scholars who lived during this

period, such as Ibn Qulaway, Al-Saduq, Al-Mufid, Al-Murtadha, and others. Therefore, claiming to be a representative or accepting someone as a particular messenger of the Imam to the people constitutes a serious deviation from the established principles of this school of thought. Despite this, a number of individuals sought to attain a certain religious position to influence people and resorted to this method¹⁸³ because having direct contact with the Imam (as) would grant an individual a privileged status to which people would turn, in comparison to those who acquire teachings from the Imams of the Prophet's family (as) through transmitted works, namely, the scholars.

iv) Highlighting a distinction between them and scholars when it comes to the love for the family of the Prophet (peace be upon them) and the act of dissociating from their enemies. This is in contrast to the knowledge, piety, religiosity, loyalty, and the effort to propagate this school of thought, as well as the hardships that scholars of this school have endured in this path, which have been experienced and established. This method is also considered the quickest way to gain the trust of the majority in the belief of its followers because it provides a means to discredit the great scholars who adhere to the boundaries of texts and evidence, and who demonstrate wisdom and propriety. They do so by accusing them, in public gatherings, of falling short and by showing how different they are by expressing their own zeal through the media.

v) Addressing ordinary people on theoretical or technical matters, and raising doubts and reservations about issues that are obviously sensitive, as described in the introduction to our study.

As for the correct position that the masses can rely on in this matter, it varies depending on their environment and information. For someone who is not plagued by doubts, it is easy for them to refer to people of knowledge and expertise in jurisprudence and trust them, as has been the custom of the people from the beginning

¹⁸³ One of these individuals even attempted to mock people by claiming to be a part of the Imam's (as) offspring, despite his well-known lineage. He gradually made such claims after previous, lesser allegations went unanswered. Those who lived with him earlier were aware of his behavior and ambitions, and he never exhibited a consistent and sound conduct.

of Islam until our time. For someone facing doubt but recognizes its shortcomings through their conscience and insight, they are saved from it. However, for someone confronted with doubt and considers it likely to be valid, it is their duty to engage in a study, reflection, and research on the subject until they can grasp the technical processes through which doubts pass and the methods to resolve the issue, and then apply them to the subject. This usually does not replace the need to refer to knowledgeable and deserving individuals. We beseech Allah, the Glorified, to guide us, direct us, and grant us success.

The one who is considered to be the right person to follow in jurisprudence.

9) In our time, people differ as to the person to follow, and they embrace different approaches to this question:

- i) One approach prefers the religious scholar to provide technical evidence on which they base their jurisprudential choices.
- ii) Another approach evaluates the significance the religious scholar attaches to their media presence and all their media-related activities.
- iii) A third approach focuses on the number of specialized works authored by the religious scholar or on general works intended for the general public.
- iv) The fourth approach assesses the religious scholar based on their stance on religious symbols and beliefs related to the love of the Prophet's (peace be upon him) family and dissociation from their enemies.
- v) The fifth approach expects the religious scholar to bring about reforms in laws, viewpoints, and opinions.
- vi) The sixth approach is interested in the role played by the religious scholar in broader issues, what they consider to be within the jurisdiction of a jurist, and their position on community affairs.

And there are other similar approaches and opinions. So, which approach is the most correct in this matter?

Answer: It is good and necessary for practicing believers to conduct research on the person to follow in determining Islamic laws. This research is similar to the one they undertake to determine which specialists to follow in all other fields, such as medicine, engineering, agriculture, and so on. However, it is essential that such research is conducted in accordance with the right principles and rules established by reason and not based on personal inclinations, tendencies, and desires.

It is important to ensure two qualities in a religious scholar:

1. They must be an expert in determining religious laws and sacred duties. Thus, they must be known for their expertise and sufficient experience, which should be beyond doubt. In fact, preference should be given to the scholar who best embodies this quality.
2. For such a critical position, they must unquestionably possess the quality of justice and its prerequisites, such as sincerity, piety, a lack of interest in positions of power, constancy, calmness, composure, determination, and wisdom. Furthermore, they must have all the qualities that would make someone considered reliable in fulfilling their responsibilities, which involve deducing religious laws based on defined principles, acting accordingly, and guiding people in times of doubt and sedition when wills differ, and opinions diverge.

Correctly determining these two qualities is the most important question of all in the matter of taqlīd. For educated individuals, especially those who have engaged in higher education and have been graduated with various specializations such as engineering, pharmacy, medicine, etc., it is possible to reflect on methods for determining the teacher with the required expertise and to compare the levels of erudition of different teachers by observing how they handle questions, resolve them, and the approach they use to address them. This can complement the method used to identify the most deserving and capable among them, employed by the rest of the people who have not studied at this level, have not acquired a specialization, or have not been informed of the common way of thinking in higher levels of scholarship.

In fact, all other people with professions and specific skills that require expertise, such as blacksmithing, carpentry, weaving, clothing making, etc., can also similarly reflect on this matter because the question is comparable to all things that demand expertise and specific skills. It often happens that savvy individuals, who have faced life's trials, know the right criteria, conditions, and methods for determining who is the most qualified scholar in jurisprudence and integrity.¹⁸⁴

Therefore, the one among them who meditates on this subject and reflects upon it will gain access to the real tools for assessing the level of erudition. This is not the same as the rhetorical tools used by the media to attract people, touch their emotions, and appeal to their zeal, nor is it the same as the tools of simple debates, which involve lies and errors in methodology and approach, with the goal of distracting a group of people in a way that great scholars disapprove of. So, medical school students and graduates should observe the evaluation methods of university professors, for example, as well as the tools that can be used to compare them with the leading physicians teaching in other institutions and at the forefront of the medical field in their country. They should consider the rational method by which the level of medical knowledge of teachers from the previous generation can be appreciated by students as well as recently graduated doctors, and the way in which ordinary people try to find the most competent doctor, for example, among different generations of scholars by observing their archives, achievements, and contributions. Whether this is acceptable or unacceptable also applies to religious sciences, given that there is only one method, while sciences vary. What applies to some of them applies to others, and what is considered a deception, error, or fault in one of them is also the same for the others.

Religious seminars are comparable to universities and are similar to other higher education academic institutions. What is expected there is to rely on real tools and devices that deviate from public rhetoric and senseless debates. Yes, seminars are different in that they follow a natural system based on existing standards. Thus, it is

¹⁸⁴ It is noted that in the early days, following the death of a jurist, their followers (muqallidīn) would turn to the religious seminary, wherever they may be, in their businesses, in their rural areas, and in their distant cities, in search of the most qualified individual among the scholars to follow, and they would find the right person without making a mistake. However, these days, we observe that some of those who are highly educated fail to do so and end up falling into the traps of false claimants who are absolutely unqualified and unworthy of being followed.

easy for any individual to claim what they want and unjustly denigrate others. For this reason, established scholars in seminars adhere to a high-demand ethical code, to the extent that it is considered one of the established norms that protect seminars from such afflictions. Among these afflictions, there is the avoidance of reforming and purifying oneself, praising oneself, hastening, and pointing out the faults of others. It also helps scholars to overcome certain behaviors, such as speaking to ordinary people about things they cannot understand, challenging others, etc. These beautiful ethical standards should not be abandoned unless one is faced with desperate circumstances, such as when it comes to eating dead flesh out of necessity due to famine; this has the natural consequence of acquiring commendable traits like piety, knowledge, maturity, excellence, and dignity for anyone who adheres to this ethical code. However, for one who does not observe these principles, the result is simply that it will have given them the opportunity to exploit the freedom offered by the seminar to draw hasty and erroneous conclusions, to show off, to speak ill of great scholars, etc., as we see in our time. But this is not new in religious seminars. Anyone who examines the history of religious institutions will find such examples. However, the increased role of media, wealth acquired questionably, and political support in our time has intensified the problem and proved to be a greater obstacle to the preservation of the system.

As for the approaches mentioned in the question, none of them is considered to be a necessary prerequisite for correct *taqlīd*. In fact, they do not even constitute a means to have an objective preference. Some of them are not even correct. Yes, once the two qualities of knowledge and justice are confirmed without bias, a believer is free to choose the most qualified in terms of erudition.

Regarding the first approach, where it is expected that the jurist addresses ordinary people with the technical evidence on which he bases his choices, this is incorrect. This is not a method we can observe among reasonable individuals in all other specialized fields, such as medicine, for example. This is because making specialist discussions accessible to the masses would lead to their trivialization and allow non-experts to pass judgments on these matters. This approach is flawed due to its negative impact on people and their polarization. The result would be confusion and

disorder in the system, leading to errors in identifying those who are highly qualified and specialized. It would then become easy for false claimants, who are not recognized in higher seminary circles as experts or as having extensive experience, to pretend to be experts and compensate for the lack by addressing people directly, to the detriment of good criteria and fair evaluation methods that would eventually be lost.

As for the second approach, which suggests that the criterion for choice includes the jurist's strong media presence, this is also incorrect. This approach not only goes against the expected moral conduct of scholars in many situations but also leads to the proliferation of non-objective methods for evaluating those with the highest qualifications. Furthermore, this would gradually bring about a change in the structure of the scholars' seminaries, which are based on a lack of interest in media presence, avoiding it unless they are called for out of necessity. Scholars spend their time studying and teaching in the institution dedicated to learning, just as people of merit do in other fields of science.

The third approach, which considers the number of technical and general works written by the jurist as a criterion for judgment, is an approach on which there is a difference of opinion. Every general work provided by the jurist serves the general population, and people would naturally be interested in it. This interest can result from a person's admiration for the jurist they refer to, seeking to get closer to him, his teachings, and his views, as they consider him a role model and a reliable guide. However, it is not correct to consider this as a condition or as an objective means of preference because this level of production is generally considered a quality of those who excel and possess the appropriate training from the seminaries, and it is not a quality of an expert jurist in itself.

Furthermore, while writing specialized works is one way to inform people about a jurist's erudition and expertise, showing their level of knowledge and experience, as well as the integrity of their legal choices, educated scholars can also discern this in their manual of Islamic laws (risāla 'amaliyya), which demonstrates the integrity of their choices and observations and their fundamental principles. There are also other alternatives for judging a jurist's level of erudition, such as what has been published

from their transcribed lectures or the advanced-level courses they have given over an extended period and their reputation among the great scholars of the seminaries for their erudition.

As for the fourth approach, which involves judging the manifestation of love for the family of the Prophet (as) by the jurist and their way of dissociating from their enemies, the reality is that all jurists of this school of thought adhere to this principle without a doubt because one of the cornerstones of the Imami school is to believe that the family of the Prophet (as) has been chosen, along with the noble Prophet (as), above all creation. No one can claim authority in their presence when Allah Himself has chosen them.

However, this question bears two dimensions:

1. The evident dimension, which is a cornerstone of this school of thought and its manifest, established beliefs, due to the numerous pieces of evidence in its favor without anything to contradict it. This dimension is where the jurist could hypothetically be tested. Anyone who rejects it would be the cause of their own unreliability.
2. The theoretical dimension, which is linked to the boundaries of this position, whether in terms of the belief system or jurisprudence, and this must be established with evidence.

The general principle is that ordinary people cannot correctly access theoretical questions, even with the help of a scholar. Therefore, it is not correct for them to prefer one scholar over another based on the differences found between them in this theoretical dimension; otherwise, it would not be theoretical but rather evident. It is not correct for people to test the merit of a jurist based on their choices in theoretical questions. However, it is necessary for all people, on their part, not to ignore the expected research regarding the expertise and justice of the jurist, as well as regarding its corollaries, such as wisdom, constancy, perseverance, and piety. They must be careful not to lose the essence of the criteria for referring to a jurist by being influenced by secondary factors, nor let people who follow their vain desires take the

demonstration of love for the family of the Prophet (peace be upon him) and dissociation from his enemies as a measure instead of the right criteria.

The fifth approach, which expects a reform of religion by the jurist and that he presents new elements in his viewpoints and thoughts, is generally erroneous. The most important quality of a jurist is the high level of their expertise, wisdom, and maturity. It makes no difference whether they come up with something new or what has been proposed before. A good opinion that has already been presented is better than a new poorly thought-out opinion. Yes, it is natural for a jurist to have new considerations in some subjects that they study, as is the case with experts in all other sciences. However, this is not the same as considering new ideas as a separate criterion.

Furthermore, scientific ethics, even in other sciences, are intended to preserve dignity and integrity and aim to avoid any kind of provocation, showiness, exaggeration, and so forth. In addition, the qualities of a noble character that befit a religious scholar include humility, the rejection of fame or position, and it is expected that they are content with what is necessary to fulfill their responsibilities.

The sixth approach, in which the evaluation of taqlīd is based on the opinion of the jurist regarding the competence of religious scholars in managing general affairs and their involvement in public matters, should not be exaggerated. In fact, it is necessary to rely on the previous criterion, which is taking the opinion of the most qualified individual in knowledge and constancy, without considering the jurist's opinion and position on theoretical and technical questions as an evaluation criterion for establishing their merit or lack thereof. If the jurist possesses a high level of expertise and justice, along with all the associated qualities such as wisdom, constancy, piety, and other similar virtues, their conduct will be balanced and wise, according to the requirements of each situation. The stance they take will not be far from the spirit of religious teachings and their prerequisites, and they will take measures to help propagate, influence, and put them into practice. If the jurist does not believe it is within the jurisdiction of a religious scholar to deal with general affairs, they will still guide people on the right path through their advice or by emphasizing their religious obligations. This is because the influence of a religious scholar is significant and

accepted among the people, and it is not limited to stating virtuous acts according to religious laws. We see examples of this in contemporary history.

These approaches and others like them are merely expressions of personal inclinations and desires. Some are natural, while others are not predominant. However, none of them is a fundamental element that allows for a scientific evaluation in an objective manner. In any case, it is the duty of all practicing believers to reflect on the situation of the prophets, their successors, the virtuous, and the wise throughout history. They all played roles that were expected of them by following the right path in life through wisdom, competence, and merit. However, their situations varied, as the environments were not the same, and thus, the needs and obstacles were different.

If one were to study the lives of the Imams from the family of the Prophet (as), they would discover that they were all embodiments of the truth, although their situations and impacts varied greatly in how they dealt with the rulers of their time (by organizing a revolution against unjust leaders or being forced to sign peace treaties with oppressors), as well as in how they disseminated knowledge. There were those through whom a great wealth of knowledge was bequeathed, like Imam al-Sadeq (as) and before him Imam al-Baqir (as), and others from whom we find less, as with Imam al-Kadhim (as). For some, only a few of their traditions were reported, as is the case with the two Imams al-Hassan (as) and al-Hussayn (as), despite the fact that no member of this community could ever compare to the family of Mohammed (as). However, this is due to the differences decreed by Allah for His servants based on what was made available to them, according to their strengths and situations. And this matter belongs to Allah, before and after.

We ask Allah, the Almighty, to guide people to His true religion and His right path, to hasten the reappearance of His virtuous servant who is the heir of the prophets and the successors among His creation, and to grant success to everyone so that we may do what He loves and pleases Him. O Lord, grant us a good entry and a worthy departure and bestow upon us great authority that comes from You.

So ends what we have been able to write near the mausoleum of Imam Ali (as), upon whom we invoke a thousand blessings and greetings, during the last ten days of the month of Shawwal, 1438 years after the blessed hijra of the Prophet (s).

Summary of our essay on taqlīd

All praise is due to Allah, the Lord of the worlds, and may Allah's blessings be upon Muhammad and the noble virtuous members of his family, and may Allah's curse be upon their enemies, from the first to the last, until the Day of Judgment.

It is necessary for a person to remain steadfast in their faith when faced with doubt and in times of conflict. A person should rely on a strong pillar that will guide them and enable them to be acquitted on the Day of Resurrection. Allah, the Exalted, says: "When a matter of security or fear comes to them, they spread it around, but if they had referred it back to the Messenger or to those of authority among them, then the ones who [can] draw correct conclusions from it would have known about it. This is because it is customary to seek their opinion. If it were not for the favor and mercy of Allah upon you, you would have followed Satan, except for a few. " (Quran, Surah An-Nisa, Verse 83).

The Commander of the Faithful (peace be upon him) said: "People are of three kinds: a scholar who is pious, one who is learning on the path of salvation, and the common people who follow every person who calls." The difference between those who seek knowledge and the common people is that the former remain firm in situations of doubt and conflict, turning to people of knowledge. However, the masses follow any banner raised without consistency.

A question has been raised about what makes taqlīd permissible, and the arguments of those who forbid it must be considered. This brief study was intended to explain the established opinion on the subject and to eliminate any confusion by clarifying certain points concerning it. We seek the assistance and guidance of Allah, the Glorified, just as we ask for sincerity in our speech and actions. Indeed, He is the One who hears and answers all.

The Reality of Taqlīd

The true essence of taqlīd, which means following a jurist, is the act of, for those who are not specialists in Islamic jurisprudence, referring to a specialist known as a jurist (faqīh). This is comparable to how people refer to experts in all other matters that require expertise, such as doctors, engineers, architects, mechanics, and so on. When a person falls ill, they go to a doctor. If they need to build a structure, they consult an architect. And if their car breaks down, they seek out a mechanic. And so forth.

Evidence of the Legitimacy of Taqlīd

There are five pieces of evidence for the legitimacy of taqlīd:

1) The conduct of rational individuals and its recognition by the Imams (as)

The first evidence is that rational individuals have always referred to a specialist, and this practice was not rejected by the infallibles (as) during the first three centuries. Therefore, we see their approval of this conduct. In legal theory, it is mentioned that religious laws are of two types: fundamental (ta'sīsiyya) and validated (imḍā'iyya). The legality of taqlīd falls under validated law.

2) Lack of any possible alternative to seeking guidance from experts

The second evidence is that there is no feasible alternative to referring to experts in Islamic jurisprudence because to arrive at religious laws in all their details and dimensions, one needs appropriate specialization and expertise. To prove this, it is sufficient to observe that if an ordinary person were asked a legal question, they would not be able to provide the applicable religious rule. Furthermore, if one were to refer to the sources to establish religious laws in jurisprudence books, it would be clear that understanding them requires expertise.

Hence, the necessity of specialization to arrive at religious laws is evident and clear. The remaining question is whether there is an alternative to seeking guidance from religious scholars. The answer is that there is no alternative because the alternative should satisfy one of the following three propositions:

i. All people should specialize in jurisprudence before reaching the age of legal maturity (bulūgh), becoming jurists upon maturity. Undoubtedly, not only is this not required by Islamic law, but it is also unfeasible and would disrupt people's lives.

ii. All people should exercise precaution for every question, without exception, by considering all possible rules. Undoubtedly, this is not required either, as the likelihood of a religious rule commanding or forbidding something exists for everything, except for the fundamental necessities (ḍarūriyāt) of religion. Exercising caution for every question is something that would obviously be extremely difficult.

iii. People should refer to the infallibles (as), or someone representing them, which is impossible in the present era, as we live in the era of major occultation. There is neither a representative nor a successor nor a delegate of the present Imam, and this is a well-known fact for Imami Shia Muslims. In fact, the meaning of major occultation is nothing other than the cessation of any representation of the Imam.

Therefore, there is no legal alternative to seeking guidance from experts in jurisprudence.

3) The abundance of evidence indicating that it has been taught to the Shiites to seek and provide religious verdicts.

The third piece of evidence is that we have a multitude of successive (mutawātir) reports showing that the Imams asked religious scholars among their companions to issue religious verdicts and directed their followers to consult these scholars whenever they had doubts about religious rules. This was because the companions of the Imams (as) fell into two categories: the knowledgeable specialists and the uninitiated ones, as noted by biography scholars such as al-Kashi, al-Najashi, and Sheikh al-Tusi. There is evidence suggesting that the Imams (as) prepared a group of their companions to

become religious scholars by teaching them general principles, as seen in this tradition: "Our duty is to show you the principles, and it is your responsibility to apply them."¹⁸⁵

Furthermore, during the time of the Imams (as), the masses also needed religious scholars because not everyone could come from various regions to question the Imams, especially if they lived far away or faced restrictions imposed by rulers. For this reason, the Imams (as) referred their followers to the knowledgeable individuals among their companions. Al-Najashi reports that Abu Ja'far (as) told Aban ibn Taghlib: "Sit in the mosque of Medina and issue religious verdicts for the people, for I truly like to see among my followers people like you."¹⁸⁶

It is also reported from Ma'adh ibn Muslim that Abu Abdullah (as) said to him, "I received word that you were sitting in gatherings and issuing religious verdicts for the people." He responded, "Yes..." In the same account, we see that the Imam (as) encouraged him to continue.¹⁸⁷ Al-Najashi states regarding Yunus ibn Abd al-Rahman: "He was a guide for our Shiite brethren, the foremost, and held a high status... and al-Ridha (as) referred to him for knowledge and religious rulings."¹⁸⁸ Al-Najashi also reports that Fadhl ibn Shadhan said, "Abd al-Aziz ibn al-Muhtadi, who was the best among the people of Qum in giving advice, and who was the representative of al-Ridha (as) and his special companion, once told me: 'I asked him once and said, 'I cannot meet you all the time, so from whom should I seek my religious teachings?' He replied, 'Seek them from Yunus ibn Abd al-Rahman.'"¹⁸⁹

4) Successively reported evidence from the Imams (as) establishes the framework for providing religious rules and seeking the right guidance.

We have evidence that is consistently reported (mutawātir), indicating that the Imams (as) outlined practical frameworks for issuing and seeking religious rules, and they presented the appropriate principles without rejecting the practice itself. This clearly shows that they recognized it. One of the principles they mentioned is that every

¹⁸⁵ Wasā'il al-Shī'a, 18 : 41, h. 52.

¹⁸⁶ Rijāl al-Najāshi, 10.

¹⁸⁷ Wasā'il al-Shī'a, 11 : 482, h. 2

¹⁸⁸ Rijāl al-Najāshi, 446.

¹⁸⁹ Ibid., 447.

verdict must be based on knowledge and evidence, and it is illegal to base a verdict on analogy or other such things. Furthermore, religious verdicts must align with principles of justice, and rules should not be established during times of fear of consequences, with the option of choice when verdicts differ.

5) It is an established practice throughout history.

It has been the practice of Shiite scholars since the time of the Imams (as) to issue religious verdicts for people, and likewise, it is the practice of Shia Muslims in general to seek religious verdicts from scholars to guide them. If this practice had been unacceptable to the Imams (as), it would not have been established. Sayyid al-Murtadha said, "There is no disagreement in the community, past and present, about the necessity for an ordinary person to refer to a jurist (mufti)."¹⁹⁰ Sheikh al-Tusi said, "I have seen that the community, from the time of the commander of the faithful (as) to our era, turns to their scholars and seeks religious rules from them for laws and acts of worship. Their scholars issue verdicts on these matters, and they act in accordance with the rules they provide. We have not heard any of them tell someone seeking a religious rule that it is not permissible to do so or to act based on a verdict. Some of them lived during the time of the infallible Imams (as), and there is no report of any of the Imams being dissatisfied with them. There are no statements attributed to them (as) that oppose this. On the contrary, they approved of the practice. Thus, anyone who opposes it is among those who oppose what is known to be correct."¹⁹¹

Furthermore, there are many examples that can be found in the hadith books, showing how Shiite scholars issued religious verdicts during the time of the Imams (as).¹⁹² The practice of Shiites during the minor occultation and later during the major

¹⁹⁰ Al-Dhari'a, 2 : 796-797.

¹⁹¹ Al-'Udda fi Uṣūl al-Fiqh, 2 : 730.

¹⁹² Yunus ibn Abd al-Rahman, who was a companion of Imams al-Kadhim and al-Ridha (as) (cf. Al-Kāfī, 7: 115, 118, 121, 145, 164), and from al-Fadhl ibn Shadhan, who belongs to the generation of companions of Imams al-Jawad and al-Hadi (as) (cf. Al-Kāfī, 7: 88, 95, 105, 116-118, 120, 142, 148, 161). Similarly, al-Saduq reports religious verdicts from Fadhl ibn Shadhan and shows his disagreement with him on others (cf. Man Lā Yaḥḍuruhū al-Faqīh, 4: 270, 275, 276, 286, 292-293, 295, 320). Sheikh al-Tusi reports verdicts from a group of our scholars who were contemporaries of the Imams (as), such as Ja'far ibn Sama'a (cf. Tahdhīb al-Aḥkām, 8: 58).

In many traditions, we see people questioning the scholars about religious laws, and they would relay these questions to the Imams (as). However, the Imams never forbade them from seeking religious rules. Nevertheless, at times, they endorsed the stated verdicts, and at other times, they provided different rules (cf.

occultation, among scholars and those seeking knowledge, was to issue verdicts and seek them. Scholars answered questions and wrote treatises or books of traditions that incorporated their preferences based on their deductions and sections dedicated to the rules they derived from them. Among those who lived during the minor occultation, we have al-Kulayni, the author of *Al-Kāfī*, and Sheikh Ali ibn Babawayh, the father of al-Saduq and the author of *Risālat al-Sharā'i*, which is a treatise on religious verdicts. Sheikh al-Hussayn ibn Ruh, the representative of the Imam (as), sent *Al-Taklīf*, a book by al-Shalmaghani, which was a practical rules manual, to the scholars of Qum, who responded: "Everything in it has been well said, except for two traditions," as reported by Sheikh al-Tusi in *Al-Ghayba*.

Among those who lived at the beginning of the major occultation (which began in 329 after the Hijra), there was Sheikh al-Saduq, who left behind numerous practical rule manuals such as *Al-Faqīh*, *Al-Muqni'*, and *Al-Hidāya*. There is also his student al-Mufid, whose practical rule manual is known as *Kitāb al-Muqni'a*. The latter also has a work in which he answers questions. Then came the students of al-Mufid, like al-Murtadha and Sheikh al-Tusi, as well as others who came after them, until the time of al-Muhaqqiq and al-Allama.

The view that taqlīd is forbidden

After the minor occultation, some scholars were of the opinion that taqlīd, as a component of religious branches, was forbidden, as Sayyid al-Murtadha mentioned in his treatise, although he later changed his position. This view is also attributed to some scholars in Halab, and it was the position taken by certain akhbarites like al-Muhaddith al-Astarabadi and the author of *Al-Wasā'il*. However, this is a rare and now abandoned opinion. Consequently, many scholars, as we mentioned earlier, such as Sayyid al-Murtadha and Sheikh al-Tusi, as well as al-Muhaqqiq al-Hilli and others, stated that there is a consensus on the legality of taqlīd.

Wasā'il al-Shī'a, 2: 614, h. 11; 1017, h. 2; 4: 697, h. 8; 6: 349, h. 4; 8: 118, h. 9; 176, h. 19; 178, h. 9; 239, h. 6; 9: 125, h. 3; 210, h. 6; 295, h. 2; 10: 227, h. 2; 13: 419, h. 2; 14: 165, h. 7; 15: 319, h. 29, for example).

It is worth noting that in reality, the view of these few scholars was not a rejection of taqlīd in its general sense. Instead, it is merely a shift from taqlīd to follow a scholar in matters of religious rules to taqlīd at the level of evidence that leads to the rules because the scholars who embrace this position do not consider it obligatory for everyone to specialize in Islamic jurisprudence. They rather say, "The religious scholar must provide evidence for the follower (muqallid), and the follower must follow the evidence."

It is evident that the follower relies on the expertise and statements of the scholar regarding the validity and authenticity of the evidence they provide. Thus, if the scholar were to say, "Friday prayers are obligatory on Fridays because they are distinct from the noon prayer (Dhuhr). A solution to these traditions is to conclude that both prayers are optional (meaning one must choose one of the two)," the believer would act according to this opinion based on this evidence, but they would not deny that they rely on the scholar.

Furthermore, it is quite clear that this opinion is not correct because presenting the proofs of verdicts to the believers is not feasible. Most of the time, the believer lacks the necessary training to understand the technical evidence in detail. Can someone who follows the author of *Al-Jawāhir* immerse themselves in his reference book, *Kitāb al-Jawāhir*, instead of his treatise on the branches of religion, *Najāt al-'Ibād*? Can someone who follows Sayyid al-Khoei refer to his glossary, *Al-'Urwat al-Wuthqā*, instead of his practical manual, *Minhāj al-Ṣāliḥīn*?

The most significant arguments presented for this opinion fall into two categories:

Firstly: the one who mentions the obligation to obey Allah, the Almighty, His Prophet (s), and his family (as), and criticizes the idea of following anyone else, citing notably the verse that says, "Follow what has been revealed to you from your Lord and do not follow any masters besides Him." (7:3) Furthermore, this argument prohibits following anyone who is not infallible, based solely on the tradition of al-Mufid, mentioned in *Taṣḥīḥ I'tiqādāt al-Imāmiyya*, where it is reported from the infallibles (as):

"Beware of taqlīd, for indeed, the one who follows another in his religion will be ruined."¹⁹³

Answer: It should be understood that the meaning of the texts that speak of "following" in general refers to one of these two possible types of following:

- a) Praiseworthy following, which involves following judiciously, based on evidence provided from the book of Allah, the Almighty, and the sunnah of His Prophet (s) and his family (as).
- b) Blameworthy following, which involves following someone without basing it on obedience to Allah, the Glorified, His Prophet (s), and his family (as). Thus, such an individual would be followed even in matters contrary to authentic legal texts or in matters of religious innovation.

This is what is meant by the verses that forbid following someone, as is clear in verses such as the one where the Almighty says, "When it is said to them, 'Come to what Allah has revealed to the Messenger,' they say, 'Sufficient for us is what we found our fathers doing.' Even though their fathers knew nothing, nor were they guided?" (5:104) It should be noted that the criticism is directed at those who follow their forefathers in what opposes what is revealed by Allah, the Glorified, and what He sent to His Prophet. It does not concern referring to a scholar who is an expert in the Quran and sunnah to learn what they teach and strive to follow it.

As for what criticizes taqlīd, it is a single tradition that al-Mufid mentions without providing a chain of transmission. Furthermore, the term "taqlīd" was not used at the time of the compilation of these texts to refer to the act of following a scholar or a religious jurist. This meaning actually came much later, starting from the fourth century of the Hijri calendar, and it spread until our time to the extent that it has now become the primary meaning that comes to mind. However, before that, when it was used, its lexical sense derived from "the act of attaching a rock to the neck of a camel or a cow with an old worn-out sandal" to indicate that the animal was destined for sacrifice.¹⁹⁴ Thus, the

¹⁹³ Taṣḥīḥ I'tiqādāt al-Imāmiyya, 72

¹⁹⁴ Tāj al-Lughā wa Ṣiḥāḥ al-'Arabiyya, 2: 527, and Mu'jam Maqāyīs al-Lughā, 5: 19.

term originally meant "the act of relieving oneself of responsibility." It was then of two possible types: praiseworthy taqlīd, based on evidence from Allah, the Glorified, His Prophet (s), and his family (as), and blameworthy taqlīd, which is not based on that. An example of the latter is the taqlīd that the people of the Book engage in by following their scholars, even when the statements of these scholars contradict the explicit teachings of the Torah and the Gospels. This is what the blessed verse and traditions on this subject refer to, such as the aforementioned tradition.

Secondly: The argument that suggests that the effort of interpretation, ijtihad, and subjective opinions are prohibited, for example, in the authentic tradition of 'Abd al-Rahman ibn al-Hajjaj, who said, "I asked Abu Abdullah about sitting in the company of those who act according to a subjective opinion (aṣḥāb al-ra'y). He said, 'Sit with them, but be cautious of two characteristics that ruin people: relying on your own opinion in matters concerning faith and issuing religious opinions for people without knowledge.'"¹⁹⁵

Answer: By examining the meanings of the term "opinion" (ra'y) in lexicons and its usage in legal texts, we can see that the term in question has two meanings:

- 1- The general sense, which includes both types of opinions regarding religious laws, namely an opinion based on the interpretation of the Quran and Sunnah, and a personal subjective opinion based on other assumptions, such as analogy and legal preference.
- 2- The specific sense, in which the term refers only to the second type of opinion mentioned above, namely the opinion that does not involve an understanding of the Quran and Sunnah but is considered another type of evidence.

This second sense is the one that prevailed among Muslim scholars in the second century and later became synonymous with the school of thought of Abu Hanifa, known as the school of opinion (madrasat al-ra'y), and "the people of opinion" (aṣḥāb al-ra'y). The traditions that have come to us criticizing opinion pertain to this type of opinion, as is clear from numerous pieces of evidence: they mention, for example, the

¹⁹⁵ Wasā'il al-Shī'a, 18 : 16, h. 29.

blameworthy type of opinion that contradicts the Quran and Sunnah, or analogy (qiyās) and subjective opinion (ra'y). This is because analogy is the most evident example of this blameworthy type of opinion in the traditions of the Imams (as). A tradition states: "Avoid personal opinion and analogy, and what people say about the religion of Allah without evidence, for, in reality, the religion of Allah has not been established on the basis of opinions and analogies."¹⁹⁶

Furthermore, in some cases, opinion is criticized to criticize "the people of opinion" (aṣḥāb al-ra'y), as in the reliable tradition of Abd al-Rahman ibn al-Hajjaj mentioned earlier, where he questioned the Imam (as) about the possibility of sitting with the people of opinion. These traditions do not in any way speak against taking evidence from the book of Allah and the Sunnah and their apparent meanings through a process of practice and specialization. They also do not blame referring to experts for this purpose.

What we have noted regarding opinion also applies to ijtihad because it was a term that meant making efforts to deduce religious rules that have no basis in the Quran and Sunnah. Thus, it was associated with analogy and issuing subjective opinions. The term "ijtihād" generally did not mean, at that time, specialization in jurisprudence, as it is commonly understood among religious scholars in recent times. Therefore, it becomes clear that the traditions speaking of ijtihad and taqlīd concern a different sense of these two terms that prevailed at that time, where ijtihad meant deducing religious rules through a personal preference process in matters that did not receive a direct response in the Quran and Sunnah, and taqlīd meant following other people, following their opinions that are not based on the Quran and Sunnah. This is evident when we examine the traditions as a whole.

From this, it becomes evident that the legality of taqlīd is very clear, as we notice that it was the practice of the Shia and is approved by the traditions of the Prophet's family (as). There is nothing that contradicts it, and no alternative has been presented to the people so that they can act according to the laws and religious injunctions.

¹⁹⁶ Ibid., 29, h. 26

Questions and Answers

Q1) It is said that the legality of taqlīd, when it comes to following a fallible individual, is an innovation that only recently appeared in scholarly circles, and the first person to propose this idea in jurisprudence was Sayyid al-Yazdi (died in 1919) in his work *Al-'Urwat al-Wuthqā*. Although it was mentioned earlier in legal theory, it had not been formulated in practice.

Answer: In truth, following a knowledgeable scholar is an ancient practice that has existed since the time of the Imams (as), as demonstrated by the evidence we have mentioned, and many early scholars explicitly spoke about it, such as Sayyid al-Murtadh and Sheikh al-Tusi. Furthermore, this is a matter that is quite clear, and scholars discussed it in legal theory from the early times. They considered it similar to other legal subjects since it pertained to the validity of a jurist's opinion regarding legal rules. The evidence that establishes religious laws is addressed in legal theory ('ilm al-uṣūl). Therefore, it would not be relevant to discuss this topic in legal theory without formulating it. Moreover, a group of later scholars dealt with this subject at the beginning of jurisprudence, noting that legal theory is a specialized field, and the question of the legality of taqlīd does not serve the specialist because specialists are not allowed to follow others in this regard. Instead, it is a subject that serves ordinary people, and it is then comparable to jurisprudential issues. It was thus treated at the beginning of jurisprudence, before Sayyid al-Yazdi, by his teacher's teacher, Sheikh al-Ansari, in his treatise *Sirāj al-'Ibād* and in his other treatise *Ṣirāt al-Najāṭ*.

Q2) It is said that the obligation to refer to a religious scholar during the period of the major occultation is as important as the obligation to refer to the Imam in matters of belief. Therefore, Sheikh al-Mudhaffar mentions it in his book "The Beliefs of Shiism."

Answer: This is clearly an error because the criterion in matters of belief is the necessity to believe in them, while the criterion in matters of jurisprudence is that one must act accordingly. The obligation to know the Imam is a matter of belief since knowing the Imam (as) is necessary in itself, as noted in the following tradition: "Whoever dies without knowing the Imam of their time dies with the death of the era of

ignorance."¹⁹⁷ As for presenting evidence for the opinion of a scholar who is an expert in jurisprudential matters, it is not something necessary in itself; instead, it is required to act based on religious rules in jurisprudential matters, and this is quite evident. When Sheikh al-Mudhaffar mentions this issue in his book "The Beliefs of Shiism," it is an unrelated digression from his main subject, just like when he mentions "Our belief in dissimulation (taqiyya)"¹⁹⁸ and "Our belief in invocation,"¹⁹⁹ among others.

Q3) It is said that the obligation of taqlīd is not a matter of jurisprudence, because it concerns the method by which one derives religious rules and has no direct connection with the religious rules themselves, as is the case with other jurisprudential issues. The methods for arriving at religious rules come after the establishment of these rules, and therefore, this matter pertains to beliefs.

Answer: As we have observed, the criterion for a matter to be considered part of belief is the necessity to believe in it and have faith in it. There is no doubt that what is required of an ordinary person is to act according to the jurist's opinion, not to believe in it. Therefore, this matter cannot be considered a point of belief. The argument that it must be a matter of belief due to its relationship with the means of accessing religious laws is an error, as there are several issues in legal theory that also concern the means to access religious laws, such as the validity of a report from a trustworthy person, the apparent meaning of texts, etc. Would all of this then also be considered part of belief?

Q4) It is said that there is no scriptural evidence, from the Quran or the Sunnah, to establish the permission for taqlīd. Thus, we notice that some scholars say that the only evidence is the established practice of rational people, namely the fact that ordinary people refer to scholars. Furthermore, some scholars have responded to each of the scriptural proofs, including the letter said to have been reported by Imam al-Mahdi (may Allah hasten his reappearance), which states: "Regarding events that arise, refer to the narrators of our traditions." Scholars have debated the authenticity of this tradition, as it has a weak transmission chain that includes unreliable individuals like Mohammed ibn

¹⁹⁷ See: Al-Kāfī, 1 : 377, h. 3 ; 397, h. 1 ; and Thawāb al-A'māl, 205.

¹⁹⁸ 'Aqā'id al-Imāmiyya, 84.

¹⁹⁹ Ibid., 88.

Issam and Ishaq ibn Ya'qub. Moreover, this letter contains an injunction that exempts the Shiites from the obligation to pay khums during the period of occultation: "As for the fifth, our Shiites are exempted from it, and they are permitted to use it until our affair becomes manifest, so that their progeny may be pure."²⁰⁰

Answer: First, if the practice of rational people is used as evidence, it is done so with the approval of the infallibles, as they do not reject it. Thus, scholars consider this to fall into the category of practices that have received tacit approval (*al-sunna al-taqrīriyya*). This practice has a level of clarity that makes the matter certain, and we have already mentioned some cases where traditions allude to this practice.

Second, the traditions we have mentioned are not the only traditions that prove the authority of *taqlīd*. In fact, there are many more traditions. To the extent that they are considered abundant (*mustafīdh*) or transmitted successively (*mutawātir*). They include reliable traditions and other traditions that are not considered reliable at first glance; but when taken together, they provide certainty. Many scholars have listed all these reports, such as Sayyid al-Khoei, and we have noted this in our detailed explanation.

Q5) It is said that there is no rational evidence to authorize *taqlīd*. The rational proof presented for *taqlīd* is that it corresponds to the action of an ignorant person referring to a knowledgeable individual, much like a patient would consult a doctor. However, the only one possessing knowledge in matters of religion is the Imam or someone closely associated with him, not a jurist, as the jurist cannot attain complete knowledge of religious law. Hence, there is a possibility of error, and reason dictates avoiding any probable mistake.

²⁰⁰ This is a serious mistake that is generally recognized by experts because there are many traditions that speak of the permission to use the fifth (of war booty, including slaves) for Shiites, so that their offspring may be pure. This stems from the fact that the family of the Prophet (peace be upon them) had a right to the booty that was obtained by the caliphs of that time in their wars against non-Muslims, but the government did not give them anything. The Imams (peace be upon them) then allowed their share of the booty and slaves, which was their right, to be used for Shiites, from the time of Imam Ali (peace be upon him) to the time of Imam al-Sadiq (peace be upon him), and even up to the time of Imam al-Mahdi (may Allah hasten his reappearance). This is not something specific to the period of occultation. There are many traditions on this subject, and this letter also refers to the same permission. We understand this due to the cause mentioned in it, namely: so that their offspring may be pure. This has no connection to the fifth (khums) that must be paid from profits derived from work, and there is other evidence for this that we cannot present here.

Answer: First of all, this opinion is clearly incorrect, as the term "knowledgeable" ('ālim) refers to someone who knows their subject well and has gained expertise in the field through available means. It is not necessary for them to attain total knowledge, as is the case, as we can observe and as people of reason note, in other domains. In these areas, people rely on specialists who conduct research in their field using generally accepted means at their disposal. It is not possible to meet the Imam during the period of occultation, and the only recourse is to refer to knowledgeable scholars. In fact, even during the era when the Imams were present, many could not reach them and had to consult knowledgeable scholars, as we have already noted.

Furthermore, connecting the infallibles with the people does not mean that a non-infallible person possesses complete knowledge, as they are also prone to errors in understanding when learning from the infallibles. In reality, even when people directly question the infallibles, they are not completely immune to possible errors because they rely on what is apparent, such as the general apparent meaning of speech, while it is possible that only a specific case was being addressed. This is because apparent meanings are reasonably acceptable evidence but do not lead to total certainty.

Finally, scriptural evidence, both verbal and implicit, is sufficient, and we have already demonstrated that we have evidence to authorize taqlīd.

Q6) It is said that there is no reasonable proof for the legal status of taqlīd because even if the practice of reasonable people shows that they refer to a scholar, it only proves that taqlīd is permissible, not that it is obligatory. Furthermore, one of the conditions for the validity of this practice is that it be linked to the time of the infallibles, and we have no evidence that this practice is linked to the time of the infallibles. It is not correct to adhere to the practice that is prevalent in our time, namely the period of occultation because the silence of Imam al-Mahdi (may Allah hasten his reappearance) does not prove that he accepts it, as he is not responsible for teaching during his occultation, as explicitly affirmed by the scholars.

Additionally, we have traditions that discourage such practices, such as the tradition of Abu Basir, in which he quotes Abu Abdullah (as): "I asked him about it: 'They

have taken their scholars and monks as lords besides Allah.' (9:31) He replied: 'By Allah! They did not call people to worship them. If they had done so, no one would have responded. But they made permissible what was forbidden and forbade what was allowed. Then, they found people worshipping them without realizing it.'²⁰¹

Answer: The practice of reasonable people (*sīrat al-‘uqalā’*), which includes the practice of all Muslims, is that one who requires expert advice should refer to someone with expertise. This in itself demonstrates the legality of *taqlīd* when it comes to referring to a jurist because they are experts in religious law. Any objections raised against this are incorrect and clearly mistaken. The objection that this practice only establishes the permission of *taqlīd*, not its obligation, is incorrect because those who believe in *taqlīd* only state that it is permissible and do not claim it is obligatory, except for the person who has no other means of acquiring expertise in religious law or cannot exercise precaution (*iḥtiyāt*). In such a case, *taqlīd* becomes obligatory since it is the only way to know religious laws and act accordingly. Thus, believers have three choices: specialize, exercise precaution, or *taqlīd*. If they cannot choose the first two options, then *taqlīd* becomes obligatory for them.

The objection claiming that this practice is not tied to the time of the infallibles is also incorrect. The practice of reasonable people, which involves referring to an expert, has always been the same, with no difference between early and later times, as its condition remains the same. As for the objection stating that this practice is rejected in traditions, this is also incorrect because the meaning of traditions denouncing the act of following others in what is allowed and forbidden pertains to cases where those individuals allow and forbid as they wish, in contradiction to what is presented in the book of Allah and what His Prophet (peace be upon him and his family) taught. They forbid what Allah has permitted and permit what He has forbidden, just as the doctors and monks did, as repeatedly noted in the Quran. Thus, traditions do not discourage following others when they study what is in the book of Allah, the Glorified, and what has come to us from His Prophet (peace be upon him and his family).

In summary, people follow knowledgeable scholars in two ways:

²⁰¹ Al-Kāfī, 1 : 53, h. 1.

First, they follow them to learn divine teachings and act accordingly, as is the case with the majority of the Imamites when they refer to their scholars.

Second, they follow them because they have the right to permit and allow what they wish, allowing what Allah has forbidden and forbidding what He has allowed.

This second form of following is what the above-mentioned tradition and the blessed verse of the Quran reject because, in such cases, the consequence of following is to take scholars as lords instead of Allah, as they act based on their prohibitions and prescriptions, even if they contradict what comes from Allah. As for the first form of following, it is not what the verse is about because it does not equate to taking scholars as lords outside of Allah. Instead, the purpose of following these scholars is simply to learn what comes from Allah, the Glorified. If they were to see that scholars oppose the book of Allah, they would naturally abandon them.

Q7) There are people who claim to be representatives of Imam al-Mahdi (may Allah hasten his reappearance) and say they have been sent by the Imam to the people. It would then be easy to refer to the Imam through them, and there would be no need to turn to the jurists.

Answer: Such claims go against the fundamental principles of the Imamite school of thought, which state that the representation of the twelfth Imam (as) ended in the year 329 after the Hijra, after the death of the fourth representative, and will continue until the Imam's reappearance. If it had been necessary for the Imam (as) to appoint a representative, there would have been no major occultation. Furthermore, who would have been his representative before these claimants? Some might say that such knowledge belongs to Allah, the Most High, just as Pharaoh asked Moses (as): "What happened to the earlier generations?" (20:51) To which Moses (as) replied: "Knowledge of it is with my Lord in a record. My Lord neither errs nor forgets." (20:52)

It should be added that this opinion is baseless because the absence of representatives in the early period is clear, and it denies the necessity for an Imam to appoint a representative during the period of occultation. As for the verse, it is not related to what we are discussing here, as Pharaoh sought to challenge the honesty of

Moses (as) by saying that if there were a God, how could He have abandoned the people of previous generations by leaving them without a messenger? So Moses (as) responded that the knowledge of that belongs to Allah, the Glorified. Moses (as) did not claim that it was necessary to present evidence to all the people of every society and for all periods. Otherwise, such an argument would also apply in our case.

Q8) It is said that some of the early jurists held the view that taqlīd is invalid, such as al-Mufid in *Taṣḥīḥ I'tiqādāt*, Sheikh al-Tusi in *Al-Iqtisād*, and al-Muhaqqiq in *Al-Ma'ārij*. This is, therefore, a matter on which scholars differ.

Answer: The three great scholars mentioned actually spoke about the prohibition of taqlīd in the fundamental principles of faith (uṣūl al-dīn). What al-Muhaqqiq states in *Al-Ma'ārij* explicitly makes this distinction. As for al-Mufid and al-Tusi, what they said pertained to taqlīd in the fundamental principles of religion, and both of them wrote practical law manuals for the people. They even authored books in which they answered questions posed by the people, demonstrating their belief in the validity of ijtihad and taqlīd. In fact, al-Tusi straightforwardly declares in his work *Al-'Udda* that taqlīd is permissible in religious practice, stating that it has always been the practice of the Shia since the time of the Commander of the Faithful (as), as we have clarified in our detailed exposition.

Q9) It is said that referring to jurists reveals differences among the members of the community in religious matters, and such differences and divisions are criticized, as we can see in some of the sermons of the Commander of the Faithful (as) in *The Peak of Eloquence*. Furthermore, al-Saduq reports from Abu Abdullah (as) in *Ma'ānī al-Akhbār* that the meaning of what is reported from the noble Prophet (s) saying that "the ikhtilāf (literally: differences) of my community are a blessing" actually refers to the frequent visits (ikhtilāf) of people to the Prophet (s) to study religion with him. Thus, the true meaning of the term "ikhtilāf" in this tradition is to visit and not the differences among people.

Answer: By examining all the texts related to this topic, we notice that differences come in two types: blameworthy differences and legitimate differences. Blameworthy

differences arise when one does not adhere to the Book of Allah, the Glorified, the Sunnah of His Prophet (s), and the teachings of his family (as). As for legitimate differences, they are those that are inevitable for people due to the differences in evidence and the varying levels of understanding and intelligence among individuals. For such cases, we find traditions stating that in specific instances when two contradictory narrations reach us, it is permissible to act according to either one with the intention of obedience.

Q10) It is said that al-Hurr al-Amili devoted a whole chapter of *Wasā'il al-Shī'a* to the topic "Prohibition of Taqlīd for following a non-infallible," where he discusses a number of traditions that forbid following a non-infallible. Al-Nu'mani, the author of *Al-Ghayba*, also declared his rejection of the practice of analogy and ijtihad in religious opinions and criticized religious divergences. Sayyid al-Sadr also mentions the statements of early scholars that contradict the practice of ijtihad.

Answer: The author of *Al-Wasā'il* has a chapter on the prohibition of following a non-infallible individual if they provide their own opinion and say things that are not in accordance with the teachings of the infallibles (peace be upon them). Our topic here concerns following jurists in their opinions based on the Book of Allah and the Sunnah, rather than their subjective opinions based on things like analogy or personal preference. We have already clarified that the traditions discussing this do not go beyond this context. Similarly, the remarks of al-Nu'mani critiquing ijtihad concern the general meaning of the term at that time, which was deducing religious rules from sources other than the Quran and the Sunnah, such as analogy, etc. This is also what Sayyid al-Sadr's statements refer to, as he explains in *Al-Ma'ālim al-Jadīda*. It is surprising to use such a quote as evidence without paying attention to its explanation regarding what the early scholars meant by the term "ijtihad."

And so, we conclude what we have prepared to summarize this question. We have explained most of these issues in more detail in our discussion. And success is from Allah.