

Lesson 4

Topic: *Ijtihad and Taqleed*

Ijtihad

A *mujtahid* is a fully qualified scholar/jurist, who is competent to deduce rulings and legal matters from the Holy Qur'an and the teachings of the Prophet and Ahl al-Bayt, and thus is qualified to issue verdicts and judgments (fatwa).

Taqleed

Taqleed is to act according to the judgements/verdicts of a fully qualified Mujtahid. He who does so is referred to as Moqallid.

Ihtiyat

Ihtiyat is fulfilling one's duties such that the Mohtat makes sure that he has discharged his duties. For example, if a group of Mujtahids decree that a certain act is haram, and others decree that it is not; he takes the side of precaution (*ihhtiaat*) by not committing that act.

A mukallaf should be either a mujtahid or a muhtaat or a moqallid.

when a fully qualified *mujtahid* assumes the office of a *marja'*, he collates his decrees and rulings concerning the Acts of Worship (*'ibadat*) and Contracts (*mo'amelat*) in a book known as *al-Risalah al-'Amaliyyah*.

The criteria for mujtahid

A Mujtahid must be:

1. Male,
2. Adult,
3. Sane,
4. Free,
5. Twelve-Imam Shi'a
6. Of legitimate birth,
7. Alive
8. 'Adil or righteous
9. A 'lam or 'most learned

An *'adil or righteous individual* is one who adheres to and acts upon the obligatory duties and refrains from the prohibited acts.

The chosen mujtahid must be A'lam; in other words, he should be more learned than all other Mujtahids of his time.

Identifying a Mujtahid

1. If one is convinced of the ijthad of a candidate; this is achieved if one is himself a religious scholar and thus he can identify a Mujtahid.

2. If two pious scholars, who are able to identify a Mujtahid confirm this – provided that their testimony is not contradicted by two other pious scholars.

3. If a group of learned and expert individuals who are competent to identify a Mujtahid, who also are reliable and trustworthy, testify the superiority of a mujtahid.