

# Taqleed and Ijtihad

## Introduction

While finding and judging the differing FATWAS of MUJTAHIDDEEN in any one matter one is forced to think about the very validity of IJTihad in Islam. Some thinking minds keep pondering over and express their differences. Such differences do not register with most of the ULEMA and face not only rejection but also opposition without valid arguments from Quran, Hadeeth or sayings of INFALLIBLES. If Islam is an eternal religion which, of course, is the belief of all muslims alike MUJTAHID or not then there should be no requirement of superimposed FATWAS, superimposition will be repugnant to Islam. It should only be a valid interpretation of basic sources of Islamic Quran, Hadees, Sunnah and sayings of Infallibles without violating the limits or without any deviation.

There is a whole range of differing FATWAS on common subject for example. Take a look at FATWAS about Friday prayers: -

- » It is wajib.
  - » It is wajib · takhyeery ie of alternative nature.
  - » It is Mustahab
  - » Should be offered with the intention of Matloob · e· Rijayyat ie Ullah(suit) will like it.
  - » Haram in the absence of Imam to offer Jumaa prayer is Haraam.
- This FATWA has been accorded by the following Mujjahiddeen of high repute.

1. Noor · allaah Shastri. Shaheed· e· Salis.
2. Moulana Hamza Bin Salad.
3. Moulana Jalil Qazveeni.
4. Moulana Sheik Ali Naqi.
5. Moulana Mohammed Ben Idrees of Sharaa· e· Isla(A book of high repute).
6. Moulana Hasan Ben Abdulla Tastari.
7. Moulana Abdulla Ben Alhaj Mohammed Tovee ꞑ known as Sarab.
8. Moulana Ismaiel Mazandraani.
9. Moulana Sheik Sulaima Ben Ali Bin Abi Tayyiba Shakhori.

Other FATWAS been accorded by Mujtahiddeen of present and past. To keep the subject brief many details are left out however, imagine a secretion in which if the above questioned is posed to five Mahsoomeen at one time, if present at some place / time and the gave all above replies without the pressure of Taqayya, then who will believe in their Imamate ꞑ perhaps no one. While we condemn the Imams of other school of thoughts due

to differences amongst them, priding in our Imams for constancy and non-existence of differences then how can we give a clean bill of health to our Mujtahiddeen with so many differences. This discrepancy can well be equated to Sunni or other school of thoughts but certainly not is in following of our Imams. Hence it will be only insane to be critical of other schools of thoughts in present form. Let us examine the problem in a little more detail.

Ijtihad - briefly Ijtihad is an effort by Mujtahid, using wisdom to accord a fatwa in the absence of clear injunction from Quran. Hadith or saying of Imams. This brief definition is same as for Sunni school of thoughts. They term it Qayas with no difference in ingredients. Only the names are different. A sugar coated pill. This Ijtihad was inaugurated in Shia school of thoughts. In fourth century Hijra, mainly by Usooliyeeni, where as Akhbariyeen call it totally Haram because Islam is complete without any room for improvement, changes or latitude Fatwas by Infallibles. Otherwise claim of Islam to be a complete religion upto the day of eternity will be null and void. Sheikh Mohammed bin Yaqub Kulayni(RA) collector of traditions of usul-e-kaafi belonged to this school of thought. Sheikh Saddooq was critical of him and later Sheikh Mufid(RA) acted as a moderator.

Syed Murtaza Alm-al-huda even declared that Imam's (AS) also uses his own Ijtihad and Imam Hussain a.s had fought the battle of Karbala under his own ijtihaad. This was to give firm roots to newly planted tree of Ijtihad. If accepted hundreds of valid Ahadeeth forecasting the event of Karbala will have to be rejected.

The Ulema belonging to both Akhbariyeen and Usooliyeen reject it but Usooliyeen stick with Ijtihad for themselves ≠ Halal for Mujtahiddeen but Haram for Imam. Certainly not understandable by any thinking mind. Such proclamation cannot be easily digested. The word Mujtahid, in my limited knowledge did not even exist in its present definition and application, in the times of Imams. Word Faqih is found in the Khutbat of Ameer-al-momineen as and will be dealt with in later stages of this subject.

### **Taqleed**

Taqleed's simplest definition is that those who do not know must follow the one who knows, a very legitimate requirement. But for the last one thousand years of its origin in present form it so far remains to be decided whether it is compulsory (wajib) or a matter of choice and judgement. Some arguments will follow.

One argument is that Taqleed should be off an Alim (Scholar) ≠ one who is the best of ulema or Mujtahideen (please refer to various books citing the definition of a Marja). But the tragedy is who will decide as to who is the best amongst all of the Mujtahideen. An ignorant person cannot as it will be beyond one's capacity, the same applies for some lower grade Ulema to identify a higher grade Alim. An Alim of higher abilities can however, judge the Alim of lower knowledge. This is in keeping with the basic principles of Islamic philosophy. Plurality of Marja's is a best living proof of this fact. Had it been possible to identify the best Alim there would have been only one Marjah. Is it not a thought provoking situation? This could be the reason to bring in the new idea of Wilayat-e-Faqih. A very new idea, non-existent in the past. Hence new yes, but not valid, for had it been valid it would have been original. In any case it has also a matter of dispute as full-fledged Marjah's exist to differ on it for more than twenty years. One of them is an assistant Wali-e-Faqih. What a wonderful conclusion. No one seems to be knowing which way to go and we remain to be non-pleased too.

Fatwa in any case gives the benefit of 'Zan', not certain but preferable. Perhaps true, perhaps untrue. But the Quran is very clear about 'Zan'; "Zan does not give any benefits

against fact". "They follow their own Zan and are misled in all the doubtful situation". In other words injunctions of Quran disapprove of exercise or following of Zan. We are however, asked to follow the Zan of (uncertainty of) a Marjah, who will bear the burden of our wrong doing due to his responsibility of Fatwa or otherwise all our deeds will be wasted or be haraam or will not be acceptable by almighty Allah (SWT), hence Taqleed is obligatory (Wajib). But this thought is also repugnant to Islamic ideology as everyone will be responsible for his own deeds and the followers and followed will blame each other. There are so many verses dealing with this subject.

To be a Naib-e-Imam is a self-appointment not by Imam, hence questionable. Self-appointed vicegerents of Imams fail to produce evidence of their appointment by the Imam (AS). Even Prophets (AS) and Imams (AS) are not by self-appointment. Only Allah (SWT) appoints and they declare or claim to be one, a system rigidly followed by and laid down by Quran. If self-appointment is a legitimate process then why are we so opposed to the first three self appointed caliphs and the latter dynastic rules of Umayyads and Abbasids. We should declare them righteous ones and join hands with other schools of thoughts to restore peace amongst muslims.

Fatwa, if goes wrong gives a single benefit (Sawaab) and if right gives double benefit (Sawaab) a line, which is followed by others and among us too. If due to following a wrong fatwa we go to hell, it is a matter of single benefit to a Marjah and if to heavens, a double benefit, it will boil down to this deduction.

What was the fault of the first three, Moawiya and other's? They also indulged into luxury single and double fold Sawaab. Usurping the power must give them at least one place in heavens. Fighting with Imam Ali (AS) should qualify them for similar bounties. Hurting Bibi Sayyeda (AS), burning her house, inflicting injuries on her, driving her to martyrdom, taking away the property of Fadak are all the results of Ijthehaad = let us not deny it to the others also. By doing so we might become entitled to one Sawaab and a place in heavens = what a shame. For the similar reasons Akhbareen do not permit Ijthehaad, as it is tempering with Islam, changes the shape of established principles by addition and subtraction of self concluded opinions and changes the very originality of it. If we collect various Fatwas, examine them, it will be a great discovery of a great confusion we are in.

Without being critical about anyone, this approach is exactly as sited in the Quran about the Jews; - They accepted their priests as their Rab's". When the Prophet (SAW) was asked by the converted Jews stating that they never did so, the Prophet (SAW) replied ; "It is not the way you understood. They changed (Priests) haraam into halaal and halaal into haraam and you followed them without realising". So we must also realise and any contradiction with Quran and hadith of Masoomeen (AS) must be rejected without being blindfolded. A demand must be made for the very sources of all fatwa's given. This will give us a firm belief and enhance our own comprehension or wisdom = something liked by Allah (SWT). Blind faith is allowed only in Allah (SWT), the Prophet (SAW) and Masoomeen (AS). No one else is entitled to it and no one can prove it otherwise. Perhaps this is why a number of Ulema of the highest stature (from amongst Usool's and Akhbari's) do not accept the validity of Ijthehaad. This division of Ulema on the validity of Ijthehaad makes the case of Ijthehaad doubtful at best. But islam is beyond doubts, Ijthehaad is not. If Ijthehaad is doubtful then alternatively the Mujtahid and his fatwas are both doubtful or if there is no Ijthehaad, there is no Mujtahid and if there is no Mujtahid, there is no fatwa.

In one matter of difference, I personally discussed with an Alim, who had spent twelve years in Qum. I asked him, whether it is possible for a Mujtahid to make a Wajib act into a Mustahab ? he replied "No", then I asked him various questions about such cases quoting

Ayats from the Quran, Hadith and Sayings of Imams (AS) Without him quoting a single verse (from the Quran), hadith or saying of the Imam (AS), I was constantly refuted by one sentence; "We will have to see the action and Fatwa of Mujtahid". Such is the transfixation with a Mujtahid and over shadowing the infallibles with no respect and to whatever is descended down to us from Masoomeen (AS). If we see the present days struggle of Mujtahids to achieve and project their image of personalities, we are left with no choice but to call it a struggle for grandeur, which will be briefly dealt with later.

### **Quoted sources of Ijtihad**

The sources quoted for the validity of Ijtihad are ;

1. Quran
2. Sayings of Masoomeen (AS)

Let us examine them one by one.

Quran.

Surah-e-Tawbah, verse 122, which reads;

"And it does not beseem the believers that they should go forth all together, why should not then a company from every party from amongst them go forth that they may apply themselves to obtain understanding in religion, and that they may warn their people when they come back to them, that they may be cautious".

The main points in this verse are :-

- » Everyone from a tribe or group of people cannot go to take religious education in order to continue day-to-day routines of life, hence a few persons from each group must receive the religious education.
- » On returning they should impart or transfer their knowledge and warn others.
- » All are duty bound to teach all those remaining behind.
- » It is not compulsory to have only one Marjah from amongst them. There is no mention of referring to only one who knows the best.
- » There is no mention of following one only and barring the others. All of them may be consulted without rigidity or compulsion of following any particular scholar.
- » There is no mention of collection of Khums only by them.
- » There is no mention of 'Fatwa' from them. They are only to transfer the knowledge (Traditions of Masoomeen (AS) they received. There is no permission for issuing their own Fatwa's and certainly not of conflicting Fatwa's. Islamic religion is fortified by keeping personal opinions (Fatwa's) out.

A further analogy is extracted from Tafseer-e-Namoona. This Tafseer is compiled from fourteen Tafseers (Commentaries), of which six are from Shias and eight from Sunni's and written by 'Ayatollahs' and scholars of high standing. The tafseers consulted are by 'Shia's',

## *Taqleed and Ijtihad*

thus being ;

1. Majma-ul-bayaan by Shaikh Tarasi
2. Tibyaan bu Shaikh Tusi
3. Al-Mizaan by Allama Tabatabai
4. Saafi by Mulla Mohsin Faiz Kashani
5. Noor-u-Saqalain by Abdul Ali bin Juma Hawaizi
6. Al-Burhaan by Syed Hashim Bahrani

By Sunni's;

1. Rooh-ul-Maoani by Shahab-uddin Mahmood Aloosi
2. Al-Manaar by Muhammed Rashid Raza (from teachings or speeches by Sheikh Muhammed Abduhoo)
3. Zalaal-al-Quraan by Syed Outab
4. Qartabi by Muhammed bin Ahmed Ansari Qartabi
5. Asbaab-ul-Nazool by Abul-Hasan Ali bin Matvia Wahidi Naishapuri.
6. Maraghi by Ahmed Mustapha Maraashi
7. Mafateh-ul-Ghaib by Fakhraddin Razi
8. Rooh-ul-Janaan by Abul Fatoon Razi.

The Tafseer of this verse is from page 155 to 159, Vol 8. Readers are requested to consult these pages. After giving the purpose of revelation an effort has been made to reason out the validity of Ijtihad and Taqleed in articles three and four translated below ;-

### 3 ▫ Broader Sense of Tafqa Fid-deen

There is no doubt about it that Tafqa Fid-deen means gaining of all the knowledge of Islamic understandings and laws whether concerning usool or furuh because in the meanings of Tafqa, all these matters are contained collectively. The above verse therefore makes it obligatory on a certain group from among muslims to learn all Islamic laws and after learning must spread in various areas to propagate and teach Islamic laws and teachings. Their own people (Tribes..) in particular must be imparted with the knowledge of Islamic laws.

The above verse is therefore an apparent evidence of obligation of receiving and transferring the Islamic principles and laws. In other words getting education and teaching both are obligatory. Today the world takes pride in compulsory education but the Quran has stressed on teachers for this purpose, fourteen hundred years ago.

### **Argument on Validity of Ijtihad and Taqleed**

Some of the Ulema of Islam have argued about the validity of Taqleed from the above quoted verse. Because getting Islamic education and enlightening others in the rules of Furu and compulsorily following of listeners is Taqleed. However, as we have previously mentioned, this verse does not only discuss furu-e-deen but its meanings also embrace Usool-e-deen too. But however furu-e-deen are also included in its meanings.

Only one main objection in its meaning, which is at that time their was nothing like Ijtihad and Taqleed. Those who learned the laws of Islam and propagated them, their very positions were not like the present day ulema, who narrated traditions nor were they like the Mujtahids of these days i.e. they used to learn from the Prophet (SAW) and relate it without using their own personal opinions in it.

If we consider that there are broader meanings of Ijtihad and Taqleed then can we find answers to the above objection? The explanation to this is that doubtlessly the Faqih at that time did not have the breadth of present days faqih. The muslims easily used to find out or refer to the Prophet (SAW) about their problems. Despite all this all the reverend personalities of Islam were not like the narrators of Masael of our age. Many of them used to go to other places for their responsibilities as governors and judges. Naturally, they used to come across certain problems that they did not listen from the Prophet (SAW) but they used to take the benefit of general application and common thoughts from Quranic verses. They used to achieve results by applying broader laws on to the minor details and co-ordinate them. In academic terminology  $\approx$  referring Usool to Furu and Furu to Usool and understand the principles (Ahkaam) on these matters. This was in a way a type of simple and easy Ijtihad.

It is proven that such matters existed in the time of the Prophet (SAW) and this way, the foundation of Ijtihad was present in the companions of the Prophet (SAW) although all the companions were not included in this application. Since the verse under discussion carries the broader sense and application therefore, embraces both the meanings of accepting the persons narrating the 'Masael' and the sayings of 'Mujtahaideen'. Similarly by the reason of broader sense of application of this verse. The validity of Taqleed may be established. End of Translation.

### **Comments**

It can be clearly seen that an unsuccessful effort is made to prove Taqleed. The verse itself advises learning and then transferring the knowledge with honesty without applying personal thinking. The circumstances of any particular case may vary for the judges to consider a case, establish its credibility and then give the decision according to Islamic laws and not Fatwa's. As far as the breadth of the faqih, these days compared to those days it must be remembered that Islam was completed at that time with its sufficiency till the day of eternity and A'ima (AS) have sufficiently explained it for its faithfuls applications. Inference of Taqleed from this verse is a clear diversion from the true meanings of the verse. It does not allow anyone to use fatwa's or command a rigid 'Taqleed' anywhere in the text. It guides us to learn, teach and learn from those who only narrate the traditions of Masoomeens (AS) and not restricting to one 'Mujtahid'.

The word 'Mujtahid', 'Ijtihad' and 'Fatwa' are just not there in the verse to be considered. In the verse, there is no mention to learn Furu only as the advice is to learn both Usool and Furu and propagate them both. The bases of Eemaan are the Usool, but we see that Taqleed is only in Furu and where more emphasis should be made on Usool as

referred to the Quran. The demanded taqleed of a Mujtahid cuts off the Usool. The whole Tafseer above is a clear diversity from the true spirit of the verse. Even though some admissions have been made to that effect, a futile diversion is made to establish the validity of the rigid 'Taqleed'. Allah (SWT), Prophet (SAW) and the Imams (AS) could have easily used the words 'follow the mujtahids'. Their absention from using such sentences is deterrence from Ijtihad.

The 'Ijtihad' has never been used by Allah (SWT), the Prophet (SAW) or the Imams (AS). It was carved and embedded into Shia faith in the fourth century (AH) having no roots in the original Islam, rendering it abhorrent to Islam.

However it must be remembered that 'Ulema' must be respected and consulted on religious matters as when required or when in doubt. This has been abundantly been made clear in traditions. On the other hand 'Ulema's' are to act as a link between the Prophet or Imam (AS) transferring the knowledge without imposing their own authority or opinions. The case of rigid following has never throughout the history, from the time of its conception attracted an approval beyond doubt. Its disapproval by Imams (AS) can easily be proved through traditions to be cited in due course.

### **Second verse**

The second verse quoted in support of Ijtihad is from Surah-e-Nahal 43:16 and Surah al-Ambia 7:21. Translation is as under.

"And we did not send before you any but men whom we sent revelation  $\pi$  so ask the Ahlai-Zikr if you do not know".

For explanation of these verses, Tafseer-e-Namoona, Vol 11, Pg 200-205 and Vol 13, pg 272 may be seen. Translation from page 202, Vol 11 and an important point is made below.

### **Who are the Ahlai Zikr ?**

Many traditions from the sources of Ahlai-bait (AS) indicate that the Ahlai-Zikr are Aima-e-Ahlal-Bait (AS). In one of the traditions from Imam Raza (AS), when asked who are the Ahlai-Zikr, he said, "We are the Ahlai-Zikr and we should be asked". Some traditions state that Zikr is Quran and Aalai-Rasool are the Ahlai-Zikr. Other traditions mention the Prophet (SAW) as Zikr and Ahlal-Bait (AS) are Ahlai-Zikr. There are many more traditions on this subject.

In the Tafaseer of Ahlai-Sunnah, there are many traditions on this subject, out of which one is quoted from Ibn-e-Abbas and is referred to in twelve well known Tafaseer of Ahlai-e-Sunnat. Ibn-e-Abbas says;

"Muhammed (SAW), Ali (AS), Fatima (AS), Hassan (AS) and Hussain (AS) are Ahlai-Zikr, possessors of wisdom and possessors of narration". (then there is a list of twelve tafaseer)

In the Tafaseer-e-Quran, it is not our first confrontation with traditions of specific application. Such specific applications does not limit or prohibit the broader application of the sense of this verse.

Under the footnote after the twelve Tafaseer, it states;

In the Tafseer of the same verse, one tradition is quoted in Saalbi's book from Hz Jabar

Jaafi, "When this verse was revealed, Imam Ali (AS) said we are the Ahlai-Zikr".

Similarly here also, as we have previously stated, Zikr means awareness of all kinds, reminders and knowledge in the sense of Ahlai-Zikr, the knowledge and awareness of all levels are included. But since the Quran is clearer sample of knowledge, reminder and awareness therefore the word Zikr is applied on it. Similarly the Prophet (SAW) is the best qualified for the word to be applied and similarly his Ahlai-Bait (AS) who are the custodians of his knowledge are the Ahlai-Zikr in the best sense.

If this whole problem is accepted then the verse is not opposed to the general sense and also that it is revealed about the Ulema's of ahlai-kitaab. This is the reason that our ulema-e-usool and fuqaha, in their discussions about Ijtihad and Taqleed have derived the inferences and have said that in religious laws, the person not knowing must follow the knowledgeable persons and Mujtahideens and must be in their Taqleed.

Here with reference to a tradition the question arises. The tradition is from ayoon-ul-akhbar from Imam Ali Raza (AS). According to tradition, those who assumed from this verse that it means the Ulema of Jews and Christians must be asked, were objected by Imam Ali (AS) and said "Subhanallah how is it possible that we should turn towards the Ulema of Jews and Christians, if we do so they will certainly invite us to their religion" and then said "We are Ahlai-Zikr".

The answers to this question is clear and the Imam (AS) said this to those whose inference from this verse was to turn toward the Ulema-e-Ahlai-al-kitaab in all the coming times i.e. the time of Imam Raza (AS) it was not the responsibility as the Ulema-e-Jews and Christians to find the facts. In such times Ulema-e-Islam are the Marajai and Ai'ma (AS) are the heads and leaders. (Further three paragraphs may be consulted from Vol 11, pg 204 and 205).

From Volume 13, pg 272, Verse 7:21 ▫ Who are the Ahlai-Zikr ?

There is no doubt that in the sense of literal meanings of Ahlai-Zikr all who know are included. The said verse states the law of total wisdom for an illeterate to turn towards a literate. Although, according to the application the scholars of Ahlai-kitaab were meant but this is not a prohibition to formulate a law.

For this reason, Ulema and Fuqahaa of Islam have inferred the validity of taqleed of Mujtahedeen. If we see all those traditions descended down to us from Aalai Bait (AS) in which it is said that the Ahlai-Zikr is Imam Ali (AS) or all the Ahlai-Bait (AS), then it does not mean in the sense of containment in them but they were the best models of complete law. In this case please refer to the explanations under Sura-e-Nahal, Verse 43.

End of Translation.

### **Comments**

Imagine the trickery and deviation of human minds. Always the words 'broader sense' and 'literal meanings' are used to deviate from the facts. Even the words Rasool, Nabi, Imam and Ruh-ullah can be used in a broader sense to achieve only the destruction of Islam. Surely, it is an astute effort to share the Islamic authority with the Imams (AS).

Twelve tafaseers have been quoted to assert that the Ahlai-Zikr are only the Ahlai-Bait (AS). One of the Tafseer is of Muhammed Musa Shirazi, who himself has quoted twelve Tafaseers of Ahlai-Sunnat, as quoted by Allama Hilli in Haqaiqul-Haq, to prove that the Ahlai-Zikr are

the Ahlai·bait (AS). Even Sunnites have not claimed to be Ahlai·Zikr. Our Ulema have very conveniently claimed and established themselves to be so.

If we accept these passages, then it will simply uproot the protective fortifications around Islam permitting all sorts of temperings and applications undesired by Islam. Can we ever assume that for over three hundred years, it did not occur to any Imam (AS) that there is a broader application of the term Ahlai·Zikr. Even such an assumption will disqualify our Eemaan. Our assumptions have received no certification from the Imams (AS). They have always said, "We are the Ahlai·Zikr" we not they, only We. Even for once they did not say 'You' also. They have always used the first person and never second or third. There is a rejection for the third person, which can safely be applied on a second person without tampering with the essence of a tradition.

To preserve the true shape of Islam, no divine authority has permitted or even hinted at such liberties or luxuries of self-indulgences.

### **Some Traditions**

1. All the Momineen are invited to read Usul·e·kafi, Vol 1, Chapter 19, 20 and 21. There is a complete prohibition of personal opinion i.e. Fatwa's. Chapter 19 has three traditions, all of which generally prohibits following Ulema's own opinions.

2. Chapter 20, tradition No; 9 is as under;

"Muhammed bin hakeem states, I asked Imam Musa Kazim (AS) may I lay my life for you, we received knowledge from you and became face of others for receiving knowledge. We attend the gatherings and the people ask us and with the kindness of Allah (SWT), that he has graced us with you, we reply them. But sometimes the question are asked and we have not received the answers from your holyfathers or you and we after thoughtly considering all the angles (considering all the factors), reply them. 'O' ibn·e·hakeem, alas ! alas ! there is 'Hilaakat' (destruction) in that, whosoever did that is doomed to destruction. And then further, " Alas ! curse be upon on Abu hanifa, he used to say that Imam Ali (AS) said this and I say that i.e. what I said is better than Imam Ali (AS) said. Muhammed bin Hishaam told Hishaam bin al·hikam upon Allah (SWT) I wanted permission to exercise my own judgement in the matters of deen.

3. Tradition no; 11, the traditionalist states I said to Imam Jaafar As·Sadiq (AS) sometimes some matters are presented to us for which we do not find the answers in Quran or traditions and we ourselves reply after pondering over the problems. Imam (AS) replied "Beware ! do not do so, if your thought or assumption is correct there is a reward but if you are wrong then you lied on Allah (SWT).

4. Traditions in all these chapters strictly prohibit any personal opinions or Ijthehaad.

5. Some Tafseer bear witness that words 'Istambaat' and 'Rasikhoo·fil·ilm, by traditions are applicable only on Masoomen (AS). There is not even a single tradition supporting the human's trickery of a broader application of the words.

### **Conclusions**

From a very brief account given above, the following deductions can be easily made:

a. The quoted verses do not support Ijthehaad

- b. Human trickery makes an effort to apply the specific words like Ahlai-Zikr, Tafka, Rasaikhoon·fil· ilm, Istambaat and so forth in a broader sense to achieve their own ends. Only a person out of mind can assume that Allah (SWT), Prophet (SAW) and Imam (AS) did not know about the broader application of these terminologies and therefore never said a word about it in 329 years (Ghaibat-e-Kubra begins). Surely such an assumption will be an insanity of kind disqualifying our Eemaan.
- c. All the traditions are strictly opposed to ijthehaad and are conveniently opposed by supporters of ijthehaad by assuming that broader application is not prohibited.
- d. Traditions clearly prohibit Ijthehaad. Some are quoted above.
- e. Traditions further condemn both Zann and Qayas. Ijthehaad is defined as the knowledge of Zann.
- f. The Quran clearly and in many verses condemns 'Zann'.
- g. Usool-e-Kafi, took birth only to oppose Ijthahaad. The fact clearly stated in the foreward by Shiekh Kulayni (R.A) who's stature in knowledge and lifestyle remains unchallenged till this day. Not translating and including his foreward in the translated Usool-e-Kafi is a dishonestly to protect Ijthehaad and its supporters. Usool-e-Kafi is the most respected book of traditions.
- h. Wasail-e-Shia by Shiekh Hurr Amili (R.A.) has a full chapter 10, Vol 27 with traditions refuting Ijthehaad.
- i. Ameer-al-Momineen (AS) has never said anything about the Taqleed of anyones personal Ijthahaad. This is usually quoted from him (AS). He (AS) is the first who has condemned the characters, personal Ijthehaad, Fatwa's of Qazi's and then given a choice of following of those not having above defects or drawbacks (Nahjul Balagha Sermon 18). It clearly means the transferring and receiving knowledge as and how taught by Masoomeens (AS).
- j. It is said that with wrong Ijthehaad, one sawaab will be credited to a Mujtahid, which is not at all different from the assumption of Muawiya's (La) supporters.
- k. The burden of wrong Ijthehaad will fall on the shoulders of the Mujtahids and their followers will be exempt from its consequences, is an assumption totally refuted by the Quran. Leaders will have to bear the burden of their own doings and that of followers and the followers will bear their own. Both will have to bear the consequences. Such are the clear injunctions of the Holy Quran.
- l. The restrictions imposed by Allah (SWT), Prophet (SAW), and Masoomeens (AS) is to fortify and preserve the integrity of Islam.
- m. Following a fallible leads to fallibility and hence Taqleed is only of an Infallible.
- n. Devine posts i.e. Prophets, Imams, Wazeers, Khalifahs and so forth, have always been by Divine appointment under divine authority. Even the four Wakeels (not naib's) were appointed by Imam-e-Zamana (AS). But what happens in the current day, the mujtahid appoints himself as a Naib-e-Imam, which is in complete violation of the above principle.
- o. Similarly 'Ijma of Ulema' has been brought in support of many self assumed principles,

refuting some traditions (Shahadat-e-Salasa in Tashhud «Prayer) opposition to Ijma has been made and in main stay of our religion now made valid. p. Plurality of Marajay has already been cited in the article, which rejects the idea of 'Alim' as there can be only one 'Alim' not many.

### **Prayer**

May Allah (SWT) grant us clarity of mind to follow His (SWT) given deen as brought and explained by His (SWT) Rasool (SAW) and the infallibles (AS) in its purest and integrate form. A deen free of human touches of distortions as done by the past Ummah's. May Allah (SWT) forgive me in case of any errors. Momineen are also requested to pray forgiveness for me from Allah (SWT) through Prophet Muhammed (SAW) and Aalai-Muhammed (AS).

Allahummasallay muhammadivaa aalai muhammed (AS).