

شرایب مجتہدQualifications of Mujtahid.

Taqleed to follow Mujtahids conclusions in all aspects of one's life. Taqleed wajib on everyone who is not himself Mujtahid, no matter how great an Alim he is. Taqleed can only be done of one who is Mujtahid.

Defination of Taqleed in Fiqh - After making intention to do deeds according to the fatwas of Mujtahid. ~~Intention~~ Intention: I will do ~~to~~ follow such and such mujtahid and then follow or do deeds according to that Mujtahid's fatwas (1) Do Intention - if intention is not done and one ~~to~~ even does deeds according to Mujtahid's fatwas, still it will be considered that he did not do taqleed. (2) Do deeds in accordance with his fatwas - even if one does intention and does not do deeds, wasu, ghusl, prayers etc according to his fatwas - then also it will be considered that he did not do taqleed. Hence first do intention that I am doing taqleed of this Mujtahid and then do deeds in accordance to his fatwa then and only then it will be considered that one is doing that Mujtahid's taqleed -

In my previous lesson I had said that one mistake people do & is that they just take that Mujtahid's name and think that they are in his taqleed - unless a person does not do deeds according to his fatwa - just doing intention that I am under the taqleed of

A. Kakee, or A. Ichemeni or P. Gulpegeri — is not fogheed and is useless. and will have no result — hence it is necessary for fogheed to have intention and deed per his fatwa — just intention or just deed is not enough. Benefit of this will be clear later on when we go in detail. Now if one does intention and also does deeds according to his Mujtahid he will be known as a mukalid of that Mujtahid in all his fatwas even though he has just deeds only in part of his fatwas. (eg. of D. Hakim--)

Now the conditions for becoming a mukalid is only these two things intention and deeds according to his fatwas — it is not necessary that person should also be baligh — but any mature minor or non-baligh person — this person in Shari'at is called 'Mumiaq' — one who is able to recognize good and bad. — is able to distinguish between good thing and bad thing — even though is not baligh or yet say he is not yet 15 yrs old but can distinguish between good and bad things — this ability can come when he is <sup>at</sup> 10 or 12 yrs old, he is still in non-baligh.

— Shari'at has put non-baligh in two categories one who is not baligh say 5 or 6 yrs old ~~and <sup>can not</sup> distinguish~~ ~~and <sup>does not</sup> distinguish~~ b/w good and bad and the other one who recognizes good and bad — in Shari'at at many places this non-baligh is considered like baligh. eg. in jamaat prayers if two non-baligh sit together and people try to put an adult between them because of gap as non-baligh prayers is not considered as complete prayers as is in the case of very small children and hence will create a gap. — But

if a mature boys are there who are capable of doing intention of prayers will be considered as baligh person and hence gap will not occur. — nejasat's information. Hence if a non-baligh mature boys does tagleed in Sheriat it will be considered as valid tagleed. So what is the benefit — he can stay on this Mujtahid's tagleed even though that Mujtahid died while he was still not baligh. ....

Method of Tagleed: -

Qualifications of Mujtahid in regards to tagleed: -  
 (Qualification of Mujtahid as a ruler, as a judge were given before now for tagleed).

Should have 8 things, 9<sup>th</sup> is disputable.

- ① Baligh <sup>adult</sup> ② Akeel <sup>same</sup> ③ Male ④ Shia Ithna Asari — believe in 12 Imams ⑤ alive ⑥ <sup>legitimate</sup> halal jadah ⑦ <sup>Just</sup> Adil ⑧ Mujtahid Mutlag — All are unanimous in this eight conditions

⑨ A'lam (most learned)

① Baligh — Even though non-baligh mature people have a place in Sheriat and also in our history there were people who became mujtahid while they were not-baligh — they even use to give <sup>teach</sup> lessons — but one can not do such Mujtahid's tagleed until <sup>he</sup> they becomes baligh. — even if non-baligh becomes an A'lam.

② Akeel <sup>same</sup>: Two meanings, 1<sup>st</sup> he poses brain and is not insane, idiot, lunatic, mad — can do tagleed only of person who is sane — 2<sup>nd</sup> mean in this definition that person also is included who is not insane but <sup>isnt</sup> ~~isnt~~

intelligence wise he is so weak that can't remember things  
 his memory is very weak — takes too long to understand  
 a thing — more time than normal — as a minimum  
 should have <sup>average person's</sup> memory. — Slowness of forgetting — his brain  
 has become so weak that takes more time to understand  
 than an average person. — This usually happens when  
 one becomes very old — if something is asked to him  
 it takes say 5 minutes to understand it. — Recent Mujtahid  
 of <sup>Iran</sup> A. Hakeemi that because of old age more than 100 yrs his  
 mind became weak and so he said in my old fatwas one  
 can follow but for new fatwas should follow some one else

3. Male: This condition also because in our religion women  
 women have become mujtahid and at present also there are  
 some female mujtahids — So no matter how big great  
 knowledge she has, ~~if~~ no one is allowed to do her  
 taqlid — she of course can follow according to her fatwa

4. Shia: No matter how big an alim one is, if he is  
 not Shia or is Shia but not follower of 12 Imams  
 then one can not do his taqlid also — This ~~was not~~ <sup>is not</sup>  
 a problem now but after 6<sup>th</sup> Imam died this was a  
 big problem — Big scholars and companions of 6<sup>th</sup> Imam  
 were not followers of 7<sup>th</sup> Imam. — Belief in 12 Imams is  
 condition not just believe in 12 Imams but to accept and  
 follow the way taught by this 12 Imams.

5. Halal jaidah - Legitimate: His birth is according to Islam  
 and is not illegitimate — even though in Islamic shariat  
 both legitimate and illegitimate status is same — unjust

if taqwa of illegitimate person is more than he ~~is~~ <sup>will</sup> be considered better than legitimate person whose taqwa is less. The hii — But there are few restrictions on illegitimate person, <sup>among</sup> ~~and~~ ~~the~~ <sup>that</sup> is that one can not do his taqleed no matter how great an alim he is.

6. Alive: One whose taqleed is to be done must be alive — deed mujtahid no matter how great his knowledge is — Alama Hilli — Still there taqleed is not allowed.

A'alam condition — A. Kabeer's fatwa. — if diff. in fatwas Mujtahid's A'alam is a condition.

- If even one condition is not in a person whose taqleed one is doing than his taqleed is useless
- If one did taqleed by 5 yrs ago — after revolution. Did A. Kabeer's taqleed — now he is in doubt whether all this conditions are satisfied in him whose taqleed he is doing. — does not know when he started taqleed did he do research regarding all this conditions or not? before — for starting a taqleed all research in all this conditions is necessary. — but not he doubts whether he did this research or not before starting his taqleed — wajib to now do research to see if all this conditions are satisfied or not in the Mujtahid whose taqleed he is doing — if all conditions are satisfied one no problem & continue — if not then start taqleed of new mujtahid in whom all the conditions are satisfied — in case he can't find out all the conditions

are satisfied or not then also he has to stop this test and start the test of one in which all the conditions are satisfied. — For previous deeds if one remembers how he did and the match it with new mujtahid — if does not remember the method then don't worry about it these deeds will be considered valid.

— During research of these conditions — one has to do Ahliah during this period.