

# Notes of Lectures on Fiqh by Maulana Sadiq Hasan Lecture # 18 (Thursday 3 July 2003)

## REVIEW OF FIOH & TAQLEED

- ☀ Fiqh means to follow the orders (ahkam) of Allah. According to Islam, the purpose of creation of human beings is to submit to the will of Allah, i.e., to lead a life in this world according to the ahkam of Allah.
- ☀ Islam teaches that we are actually created for the next world (akhirat) and not for this temporary world. The life in this world is a trial period for all human beings in order to judge who follows the ahkam of Allah and who does not.
- ☀ In order to follow the ahkam of Allah, it is essential to acquire knowledge and understand the ahkam of Allah (i.e. fiqh). There are two main sources of knowledge of fiqh: the Quran and the Hadith. While the holy Quran is available in a single book form, the literature of Hadith is scattered in different books written over different times. A Mujtahid is an alim who has acquired a thorough knowledge and understanding of the Quran and the Hadith. A Marja is that Mujtahid who is the most knowledgeable (highest ranking) among all Mujtahids.
- ☀ Islam expects every Muslim to either become a Mujtahid or do taqleed of the highest ranking Mujtahid (i.e. follow a Marja). Hence taqleed is wajib for all Muslims who can not become a Mujtahid. A mujtahid writes a book of ahkam (Islamic Laws), which is used by his followers (muqallideen) to know his rulings (fatwa) about different issues.
- ☀ **Ehtiyate Wajib:** While a Mujtahid spends his whole life in acquiring the knowledge of fiqh, no Mujtahid is able to understand 100% of Hadith. Hence, there are always some issues (masail) for which he can not give a clear ruling (fatwa). For such issues, he uses a term called Ehtiyate Wajib, which means he allows his followers to refer to the next most high ranking Marja for that particular issue.
- ☀ Ayatullah Seestani is believed to be the most famous living Marja at this time with a large number of muqallideen around the world.

## RULING OF AYATULLAH SEESTANI ON TAQLEED

- ☀ If a baligh person has done taqleed of a Mujtahid, who is now dead (e.g. Ayatullah Khui or Ayatullah Khumaini), and if that person wants to do taqleed of Ayatullah Seestani now, then it is wajib for that person to continue to follow the masail of that dead Mujtahid as long as he is sure that the present state of knowledge (ilm) of Ayatullah Seestani is not yet more than the knowledge of his dead Mujtahid. If that person is not sure about whose knowledge is more now, then also he must continue to

follow the masail of his dead Mujtahid if the knowledge of that dead Mujtahid was more than the knowledge of Ayatullah Seestani at that time.

☀ Thus all followers of Ayatullah Khui and Ayatullah Khomeini, now through the above fatwa of Ayatullah Seestani, must continue to follow the masail of their dead Marja as long as the above conditions exist. Only in new masail (not covered by their dead Marja), they can follow the fatwa of Ayatullah Seestani.

☀ Due to above fatwa of Ayatullah Seestani, only two types of persons can start and remain in complete taqleed of Ayatullah Seestani:

- (a) A person, who has never done taqleed of any Marja before,
- (b) Children born in or after 1985 (because these children became sensible after the death of two main Marja i.e. Khui and Khomeini; Khui died in 1992 and Khomeini in 1989).

### **CONTINUING IJTIHAD BY A MUJTAHID**

☀ A Mujtahid, even if he has become a marja, continues to do further study and research and undertakes jurisprudence (ijtihad) in different masail. He can even review and change his opinion on an issue, on which he has already issued a fatwa earlier. Thus a Mujtahid can change his fatwa and issue a new fatwa on the same issue.

☀ Ayatullah Seestani published his first book of ahkam (Islamic Laws or Tauzeehul Masail) about 10 years ago. He has published a revised book of ahkam in 2002, in which he has made changes to some of his previous fatwas.

### **TAHARAT & NAJASAT**

☀ Islam is very strict about taharat and najasat. A Muslim must be extremely careful about najasat during eating and during all acts of worship. But Islam is also very lenient when deciding whether a thing is najis or not.

☀ In Islamic sharia, following general rules apply regarding najasat:

- (a) A thing (except meat or meat products) is considered najis only when you are 100% sure (eg by witnessing yourself) or when witnesses testify.
- (b) If you doubt about a thing being najis, it is to be taken as tahir.
- (c) For using meat and meat products in non-Muslim countries, you must be 100% sure that it is halal (ie Islamically slaughtered).
- (d) If you know a food item is najis or contains a najis thing, it is not wajib on you to inform others about this fact. But it is wajib on host to inform his guest if he is serving a najis food item.
- (e) If you know a meat (except pork) being served is not halal, it is not wajib on you to inform others about this fact. But it is wajib on host to inform his guest about this fact.