

# Consideration Between Diligence and Imitation

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الاجتهاد The book (Diligence, imitation, following, and consideration reconsideration of the division of jurists included a (التقليد والاتباع والنظر) into dilligents (Mujtahids) and imitators. It is a division that is not sound according to the same recognized jurisprudential foundations and principles. It ignores a third category, neither of the dilligents (Mujtahids) nor the common people who lack an understanding of jurisprudence issues and their principles. Rather, they are followers of the consideration that make them able to distinguish between jurisprudential evidences and give preference to some over others. It is a path that we have labeled by consideration. We have presented many jurisprudential, fundamental, and rational evidences around it, as we have quoted references to some scholars indicating it.

Consideration is divided into two ranks, detailed and general. In the first, the considerate is on a precise and clear level in his exclusion of some ideas and acceptance of others, Depending on its distinction between detailed evidences. This includes the fact that the students of knowledge who are classified within the stage of the so-called external research of the Shiite seminaries - or the like - and who can distinguish between the opinions of the dilligents (mujtahids) but get this status from detailed consideration.

As for the general rank of consideration, the considerate depends on the generals of evidence that come to him, so he is satisfied with some of them and not others. He relies on his innate mind ability to distinguish what is closest to the truth, as is the case with most intellectuals.

The considerate is not devoid of cognitive foundations that he may derive from his study of religious sciences, as is the case with students of these sciences, or from human studies and life experience, such as in the practice of intellectuals, as he may derive from the religious purposes. All this helps him to understand the evidences and preferences between them.

The path of consideration is one of the clear mind premises so that one does not need to search for evidence. The considerate usually use it in accepting and rejecting different intellectual and ideological doctrines, even if they are not specialized.

Nevertheless, we have presented four different evidences to prove the legitimacy of relying on this path in the field of jurisprudence, which is the Sharia, rational, logical, and rational construction evidences.

In the Sharia evidence, we stopped at the verse of listening to the saying in Surat Az-Zumar:

((those who listen to what is said and follow the best of it. These are the ones **§rightly§** guided by Allah, and these are **§truly§** the people of reason)).

Although the context of the verse is not in diligence opinions, the generality and the absolute in it can apply to what we are dealing with opinions. The considerate deals with jurisprudential opinions as different sayings, so he should rely on what he sees as the best and closest to the truth to become one of the verse's applications.

In the evidence of reason or closest, the considerate relies on evidence over another after examination based on what is closer to the Sharia ruling.

In the logical evidence, the considerate relies on the incorrectness of abandoning the following the most preference evidence by following the preferred evidence. Therefore, it is not permissible for the

considerate to turn to the judgment of someone when he believes that the other is wrong. Many scholars have recognized the possibility of independence of the commoner's mind and following his consideration, and then opposing other scholars of ijtiḥād, including the most knowledgeable.

The rational construction evidence remains, and its content is that when people have a kind of discrimination and general experience and turn to the specialists in all trades and professions; They do not attach importance to the saying of the most knowledgeable if they think that he is wrong and others are right.

## The reference

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