

IJTIHAD

Ijtihad literally means 'to exert'. In the Islamic terminology it means to exert with a view to form an independent judgment on a legal question. It has its origin in the well-known verse of the Qur'an 'And to those who exert we show our path.'

While defining Ijtihad Shatibi writes, **"A process in which one exerts one's efforts to one's full capacity in order to acquire exact or probable knowledge or reach judgment in a given case."**

Ijtihad and Holy Prophet (Pbuh)

The Prophet Muhammad (Pbuh), while sending **Ma'ad Ibn Jabal** to Yemen as its governor, is reported to have asked him as to how he would decide matters coming up before him. **'I will judge matters according to the Book of Allah,' said Ma'ad. But if the book of Allah contains nothing to guide you' then I will act on the precedents of the Prophet of Allah. But if the precedent fails? "Then I will exert to form my own judgment"**. The Prophet (Pbuh) approved his answers.

The Qur'anic verse **'their affairs are (conducted) by mutual counsel'** was applied to its fullest extent by the Prophet (Pbuh) in his private and public life and was fully acted upon by the Caliphs.

Why did the necessity of Ijtihad arise?

During the life of the Prophet, he got the divine message from God, and his life itself is an attempt to concretely apply what the text means. It is of course in a metaphorical sense. There was not much gap between the message and the meaning. When he died the question as to the meaning of texts arose. Each human being look at things differently, so differences get resolved through discourse. Al-Iftilah or divergence of opinion occurs among scholars. If there was only one interpretation, there would result a dictatorship, Dogmatism, monism. So divergence is a mercy from God. It gives room for human beings to interpret the Quran and adapt, and apply to different situations, various problems, and questions as they come up.

Ijtihad is an intellectual endeavor to seek the solutions of day to day matters. Ijtihad has been much emphasized in Islam. It is a rational and analytical approach, based on the Quran and on the teachings of the Sunnah, for interpreting religious matters. Time and again the Quran says that its verses are for thinkers. It stresses the exercise of the rational mind. In Sura The Heifer the Quran says: "Do not treat Allah's signs as a jest, but solemnly rehearse Allah's favors to you, and the fact that He sent down to you the Book and wisdom, for your instruction." (2:231). This verse shows that Book and wisdom are prerequisites to keep society on track and a progressive and right path. God has put our brain in our skull not in our ankle. The place of the brain at the top of the human body signifies the value and importance of the mind. The Book has laid down

the foundations, but we have to be wise in taking steps to build our lives upon it through the course of time.

Definition of a Mujtahid?

The work of the interpreter of the text is to ascertain the authenticity of the source(s) and then

1. Discover the laws through the interpretation of the sources;
2. Extend the laws to new cases that may be similar to the cases mentioned in the sources for which the laws cannot be discovered through literal interpretation (this is called the method of analogy, or qiyas)
3. Extend the laws to new cases that have not been covered by the previous two methods by looking at the general principles and objectives of the sharia (this method is known as istihsan or istislah—general interests of the community).

Qualifications of a Mujtahid:

The basic role of the mujtahid is to explain and articulate the law of God in a particular situation. The mujtahid takes on the considerable responsibility of explaining the will of God to individuals and communities.

The qualifications for a mujtahid were set out by Abu'l Husayn al-Basri in "al Mu'tamad fi Usul al-Fiqh" and accepted by later Sunni scholars, including al-Ghazali. These qualifications can be summed up as

- (i) An understanding of the objectives of the sharia
- (ii) Knowledge of its sources and methods of deduction. They include

1. A competence in the Arabic language which allows him to have a correct understanding of the Qur'an. That is, he must appreciate the subtleties of the language so as to be able to draw accurate deductions from the "clear and un-crooked Arabic" of this infallible source, and that of the sunnah.

2. An adequate knowledge of the Meccan and Medinese contents of the Qu'ran, the events surrounding their revelation and the incidences of abrogation (suspending or repealing a ruling) revealed therein. He must be fully acquainted with its legal contents (the ayat al-ahkam) - some 500 verses, according to al-Ghazali. He need not have a detailed knowledge the narratives and parables, nor of the sections relating to the hereafter, but he must be able to use these to infer a legal rule. He needs to be acquainted with all the classical commentaries on the ayat al-ahkam, especially the views of the Companions of the Prophet.

3. An adequate knowledge of the sunnah, especially those related to his specialisation. He needs to know the relative reliability of the narrators of the hadith, and be able to distinguish between the reliable from the weak. He needs to have a thorough knowledge of incidences of abrogation, distinguish between the general and specific, the absolute and the qualified. One estimate (by Ahmad ibn Hanbal) suggests that 1,200 hadith need to be known.
4. He should be able to verify the consensus ijma of the Companions of the Prophet, the successors and the leading imams and mujtahidim of the past, especially with regard to his specialisation. Complementary to this, he should be familiar with the issues on which there is no consensus.
5. He should have a thorough knowledge of the the rules and procedures for reasoning by analogy (qiyas) so he can apply revealed law to an unprecedented case.
6. He should understand the revealed purposes of sharia, which relate to "considerations of public interest", including the Five Pillars protection of "life, religion, intellect, lineage" and property. He should also understand the general maxims for the interpretation of sharia, which include the "removal of hardship", that "certainty must prevail over doubt", and the achievement of a balance between unnecessary rigidity and too free an interpretation.
7. He must practice what he preaches, that is he must be an upright person whose judgement people can trust.

Some Islamic traditions consider that these high conditions cannot be met by anyone nowadays, while for others - especially the Shi'ite tradition - they are met in every generation.

How Might Ijtihad Be Revived?

One of the gravest mistakes Muslims have committed, according to Qazwini, is closing the doors of ijthihad. They have limited legal interpretation to only four prominent scholars: Malik Ibn Anas, Abu Hanifa al-No'man, Muhammad Ibn Idris al-Shafi'i, and Ahmad Ibn Hambal—the heads of the Maliki, Hanafi, Shafi'i, and Hambali schools of thought. The motivation for this was political.

During the Abbasid Dynasty (750–1258 CE), the Abbasids decided to outlaw all other sects in order to strictly control religion and worship, as well as political matters. Closing the doors of ijthihad has had extremely detrimental ramifications for the Muslim world. According to Qazwini, this decision has resulted in chronic intellectual stagnation, as thousands of potential mujtahids and scholars have been prohibited from offering workable solutions to newly emerging problems. Muslim thinkers have become captive to rules that were made long ago, leaving little scope for liberal or innovative thought.

Governments in Muslim countries today, many of which are corrupt, greatly benefit from the absence of ijthihad. Moreover, these governments help keep the doors of ijthihad closed in order

to control the religious establishment. Since religious bodies in Muslim countries rely on government financing, this makes them captive to government policies. The domination of the religious establishments by secular governments has been so powerful that it has often made religious authorities look inept.

1. The first step toward opening the door of ijtiḥād, should be the liberation of religious establishments from the influence of political regimes. Religious authorities should dissociate themselves from political regimes so that they can independently issue and interpret religious law.
2. There cannot be true ijtiḥād, Siddiqi pointed out, unless scholars are free to express their opinions and other scholars are free to criticize them if they make errors. Freedom of expression is inherent in the concept and practice of ijtiḥād. This means that the democratization of Muslim societies and basic freedom for scholars is sine qua non for this process to work.
3. Reforming Muslim educational systems is also essential, including revising the curricula of religious schools and seminaries. Instead of learning about only a single school of interpretation, which is common practice, students should be exposed to all such schools. Instead of studying only the rulings and interpretations of the schools, students should also learn about the evidence used to arrive at these interpretations, as well as other methods of interpretation.
4. Students should also study comparative religion, modern logic, philosophy, psychology, and history, as well as economics and political theory as background for improved interpretation.
5. Islamic schools and seminaries should also pay more attention to the great Islamic literature on the objectives of sharia.
6. Ijtiḥād should be a collective endeavor. There are currently several national and international fiqh councils (councils of jurisprudence and interpretation of sharia), but they need to be better organized and they should work together collaboratively.
7. Sharia experts, both men and women, should be members of these councils. Membership should not be limited to sharia scholars; experts from the fields of medicine, astronomy, economics, social and political sciences, and law should also be included as consultants and advisers. Even non-Muslim scholars who are sympathetic and objective should be invited to contribute. These councils should not only issue rulings but also provide the evidence and methodologies behind their rulings. They should also strive to build consensus as much as possible.

What Issues Should Be Subjected to Ijtihad?

Many issues facing Muslims today require ijthad, and urgent attention can be listed below as:
The role of women. The role of women in Islam needs to be reviewed by carefully examining the original texts.

Sunnis and Shiites. The gap in doctrine between various Islamic madhahib (schools and sectarian positions) should be narrowed.

The spirit of globalization. Using modern ijthad, Muslims should reinterpret the classical division of the world into darul Islam (the world of Islam) and darul Harb (the world of non-Muslims). Emphasis should be placed on a one-world view and responsible citizenship in our global village. Ijtihad should also be used to foster better relations between people of diverse faiths and cultures by promoting dialogue among various groups rather than encouraging the notion of a clash of cultures and civilizations.

Economics. There is a need to radically rethink Islamic economic theories, in the process incorporating elements of modern economic theories. Why is the Muslim world impoverished and how can this be changed? What kind of collaboration is possible between Muslims and world economic bodies without compromising authentic Islamic values and principles of justice, equity, and fairness?

Unity among Muslim states. Islamic political thinking and statecraft should also be reviewed. How can Muslim states be brought together to collaborate more closely, and what new structures are needed to promote unity among Muslim states? Ethical and moral standards of the Islamic state need to be examined, as does the promotion of individual freedom, especially that of religious minorities.

Muslims in non-Muslim countries. Ijtihad should be used to guide the almost one-third of the umma (the worldwide Muslim community) that is living as minorities in non-Muslim countries. What Islamic rules and guidelines should these Muslims follow to be good citizens of their native or adopted land? How can they become active and responsible participants in the life of these countries while not neglecting their Islamic beliefs and values?

Other major obstacles facing Muslims and the practice of ijthad today include prejudice, intellectual stagnation, political dictatorship, rejection of others, lack of democracy and freedom, factionalism, and extremism. Regrettably, these illnesses pervasive in Muslim societies are worsening, reaching a point where they may spiral out of control.