



Qualification of Ijtihād: Opinions of the Former Scholars

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Abstract

Allah Al-Mighty send the human beings in this universe with a complete code of guidance in the form of the Qur'an and Sunnah of the Prophet (ﷺ). Both these sources guide different fields of life principally. The commandments of the Qur'an and Sunnah are unchangeable. To ensure the compatibility for all times to come, the Sharī'ah has introduced the principle of ijtihād to resolve all these issues. In this regard the early scholars have done a lot of work to frame the rules/principal requirements for Ijtihad. The current paper is an attempt to take review of the early scholars on Ijtihad.

Key Words: Ijtihād, Qualification, Former Scholars, Opinion.

Introduction of Ijtihād:

Ijtihād is an Arabic word. It is derived from the root word "jah'd" which literally means: strain or great effort¹. The verb "jahada" or "ijtahada" literally means: to exert oneself or do one's best and is generally used in an activity which entails a measure of hardship. The word "ijtihād"(noun) literally means: exertion or putting in the greatest effort possible to achieve something². Technically, Ijtihād is defined as: "The total expenditure of effort made by a jurist in order to infer, with a degree of probability the rules of Sharī'ah from their detailed evidence in the sources"³It is also defined as: "The application by a jurist of all his faculties either in inferring the rules of Sharī'ah from their sources or in implementing such rules and applying them to particular issues"⁴. Thus ijtihād, in its technical sense is explicit on the point that only a jurist (faqīh) may practice ijtihād. Thus, the definition "precludes self-exertion by a layman in the inference of a ruling"⁵.

Ijtihād is a very sacred and mandatory responsibility of the intellectuals of ummah. There are a number of verses of the Qur'an which prove the status and qualification of Mujtahid and highlights its significance for the guidance of people. The Qur'an advises the knowledgeable people to strive to approach reality through Ijtihād: "And if any tidings, whether of safety or fear, come unto them, they noise it abroad, whereas if they has referred it to the messenger and to such of them as are in authority, those among them who are able to think out the matter would have known it"⁶. In this verse warning is given that it is being the tactic of enemy to spread rumors about peace and war and then achieve his target. So masses should be careful enough not to participate to spread these rumors rather be responsible and convey the authorities.

In another verse it is ordained; "O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger if ye are

(in truth) believers in Allah and the Last Day. That is better and more **seemly in the end**⁷. In this verse, Muslims are ordered to refer the conflicted matter among them to Allah and his apostle i.e. consult the book of Allah and Sunnah of his Prophet (ﷺ) as these are the original and fundamental sources. A situation of conflict can emerge only when **there is not any explicit text of the Qur’ān or Sunnah** in that matter. If it happens, it is responsibility of the intellectuals to present the solution in the light of fundamental principles of **the Qur’ān and Sunnah**. Precedents **are also there in the Qur’ān and Sunnah** and rules and regulations as well. **Think over them and solve the problems through Ijtihād.**

Another verse also stresses upon the use of mental faculties; “So learn a lesson, O ye who have eyes!”⁸ The background of this verse hints towards the disagreement of a troop of Jews with the Prophet (ﷺ) and were **expelled from Madīnah due to their disagreement. It is also the mode of derivation to take results from precedents.** So the historical events and stories of ups and downs of nations should not be taken only as stories, rather to take guidance from them, and prevent one to repeat those evils. Rather adopt those values which strengthened the nations. It is the duty of Mujtahid and intellectual to highlight the actual reasons and factors, evaluate them, and utilize the derivation and demonstration to take the results.

The following saying of the Prophet (ﷺ) **explains the status of a faqīh; “If God favours one of His creatures, He bestows him the understanding of Dīn (Makes him a faqīh)”**⁹. Some people among these with **understanding of Dīn achieve the prominent status due to their extensive knowledge, wisdom and intellect.** They have a good ability of derivation and demonstration. In the terminology of **Shari‘ah** they are called **Mujtahidīn. On the basis of their knowledge and abilities of derivation,** they can resolve the problems of any era, in light of teachings of the **Qur’ān and Sunnah.** Although struggle for knowledge is obligatory for each individual, but it is compulsory for those who have to lead the Ummah **and beware them from the ignorance. The Qur’ān declares in Sūrat al-‘Ankabūt; “As for those who strive amongst Us, We surely guide them to our paths, and lo! Allah is with the good”**¹⁰.

It is interesting that in this verse the word our paths is used in plural form, which can also mean that there are different paths to approach the truth, and they are open for all, whoever struggles. In another **Ḥadīth the Prophet (ﷺ) says; “Do struggle and make Ijtihād and everyone is bound to fulfill the purpose of his creation”**¹¹. Two other narrations can also be quoted in this regard; one of them sets it compulsory to demand knowledge for every Muslim man and woman. The Prophet (ﷺ) said;

“To seek knowledge is obligatory for each muslim man and woman” and in other ḥadīth, scholars (‘Ulamā’) are considered the heirs of the Prophets”¹²
The link of Ijtihād with later two narrations requires that ijtihād is the central tool of knowledge and creativity in Islām.

All the above quoted verses of the Qur’ān and Aḥādīth of the Prophet (ṢAWS) hints towards the existence of knowledgeable people in each era for the guidance of ummah. They are duty bound to derive the rulings from Qur’ān and Sunnah as per requirements of the era. But who can those intellectuals? What is the criterion of their qualification? In the coming lines, the criteria is tried to be highlighted from the point of view of former scholars.

Opinion of Imām Shāfi’ī (RA):

Discussing the conditions of a mujtahid, Imām al-Shāfi’ī, says: **“No one can be considered a mujtahid, except for a man who knows the Book of Allah through its nāsikh (abrogating texts) and its mansūkh (abrogated texts), it’s muḥkamāt (clear) and its mutashābihāt (ambiguous), its interpretation and (the details of its) revelation and (whether it was revealed) in al-Makkah or in al-Madīnah, and what was intended by it and why it was revealed. Then after that he should be sure sighted regarding the Ḥadīth of the Messenger of Allah, May the Blessings and Peace of Allah be upon him, concerning the abrogating (texts) and the abrogated (texts). And he should know from the Ḥadīth what he knows from the Qur’ān (i.e. the same details). And he should be sure sighted in the language; sure sighted in the poetry, and that which he requires for the knowledge of the Qur’ān. And he should use justice with this and speak sparingly. And after this, he should be commanding (in knowledge) upon the disagreements amongst the people of the regions (i.e. the scholars of the different parts of the world). And after that he should be gifted”**¹³.

According to Imām Shāfi’ī along with the detailed knowledge of Qur’ān, Sunnah and Arabic language, it is compulsory for Mujtahid to know the Philosophy of divine orders. Imām Shāfi’ī has also focused the personal conduct of mujtahid mentioning his sense of justice and speaking sparingly. Both of these are very courageous steps on an individual’s behalf. As Imām Shāfi’ī has developed his own school of thought after observing the different point of views of scholars, he hinted towards it specifically as he himself has gone through it and was well aware of its importance for any new legislation. Finally performing an Ijtihād, whether right or wrong, accomplishing all the above features, he considers it a gift of God and very sacred activity on the part of the Mujtahid.

Opinion of Imām Aḥmad Ibn Ḥanbal (RA):

According to Imām Aḥmad Ibn Ḥanbal it is compulsory that a mujtahid should be knowledgeable of the Sunnahs; knowledgeable about the matters of the Qur’ān; knowledgeable about the authentic chains of narrations. And the disputes of those whose disagreements came only due to their lack of knowledge concerning that which the Prophet (ṢAWS) came with from the Sunnah and their lack of knowledge concerning what is authentic from them versus the deficient”¹⁴.

After the knowledge of Qur’ān and Sunnah, the most important thing for Mujtahid is to know the authenticity of the chain of narrations and disagreements of the Scholars, according to Imām Aḥmad. This contradiction of scholars is further explained that it is due to the lack of knowledge of ḥadīth, and basic deficiency is pointed as the unawareness of what is authentic and what is unauthentic. As Imām Aḥmad is considered mostly the imām of ḥadīth instead of imām of fiqh, he has more emphasis on the knowledge of ḥadīth for mujtahid then any other knowledge.

Opinion of Imām al- Jaṣṣāṣ :

Among the former jurists Abū Bakar al-Jaṣṣāṣ (d 370 A.H) has a discussion on this topic. He has emphasized the awareness of both ‘ulūm al-‘aqliyyah (rational sciences) and ‘ulūm al-naqliyyah (textual sciences) for Mujtahid. The responsibility of mujtahid is being to tell the point of view of shari‘ah about the faced problem, therefore it is necessary for him to has an understanding of the fundamental sources of shari‘ah, i.e. a keen knowledge of the book of Allah al-Mighty, a proper understanding of the Sunnah of the Prophet (ṢAWS), and a complete awareness of the language of the Qur’ān and Sunnah and its mode of expression.

According to Jaṣṣāṣ, it is also compulsory for mujtahid to be aware of Āthār-e-Ṣaḥābah (traditions of the companions), Tābi‘īn and Tba‘-Tābi‘īn, or at least have a knowledge of the opinions and arguments of the scholars former to him.

As it is being compulsory for a researcher to have a thorough survey of the research work already done on his specific topic, and then extend his research in the light of the work done earlier to him, in the same way, it is compulsory for a mujtahid to have a survey of the opinions of his former mujtahidīn, and then finally present his point of view.

According to Jaṣṣāṣ, awareness of ‘ulūm al-‘aqliyyah (rational sciences) is also compulsory along with ‘ulūm al-Shar‘īah (legal sciences). Following are the words of Jaṣṣāṣ:“Mujtahid should be aware of aḥkām al-‘aqliyyah along with ‘ulūm al-Shar‘īah”¹⁵. It is compulsory for him to understand the rational arguments and he should be able to analyze that, intellectually

what is right and what is wrong. It is mandatory for him to know the factors of demonstration and the modes of rational analogy.

Alteration and evolution is a continuous process of rational sciences, therefore it is compulsory for Mujtahid to understand the prevailed **rational sciences and modes of derivation. According to Jaṣṣāṣ: “This pattern of demonstration is inherited to us from Ṣaḥābah (Companions RA) and Ṭābi‘īn”**¹⁶. Therefore the prevailed philosophy and logic of Abbasid period was not only **grasped completely by our fuqahā’**, rather on one side they highlighted the flaws and weaknesses of the old philosophy, and on the other side they utilized their mode of demonstration to prove their argument and to present it in a very impressive way¹⁷.

Opinion of Imām al-Māwardī:

According to al-Māwardī (d 450 A.H) it is compulsory for mujtahid that **along with grip over the Qur’ān, Sunnah and Arabic language with its way of expression and mode of addressing, wisdom and vigilance is also mandatory. Only that person can be mujtahid, who has a taste of ijtihād.** He should be capable of resolving legal complications, and his understanding should not be limited only to the explicit text, rather should be able to understand the hidden meaning in it. If someone is **lacking this ability, he should not perform ijtihād. The words of al-Māwardī are as under:-**

“The third condition is that he should be very intelligent and with a sharp understanding, so that he can pick the concerned point through the signs and symptoms of text, which is not mentioned apparently. Therefore if he is lacking of wisdom and quick understanding, he cannot be considered as capable of ijtihād”¹⁸.

Opinion of Imām al-Ghazālī and Imām al-Rāzī:

According to Imām al-Ghazālī, the sources of Shari‘ah are four: Qur’ān, Sunnah, Consensus of Opinion (ijmā‘) and reason (‘aql)¹⁹. Here Imām al-Ghazālī has considered the reason as a source instead of analogy (qiyās), because it is the wisdom which enables to differentiate between good and bad, it beware what is useful and what is harmful. Understanding of ‘illah (effective cause) and then performance of Qiyās on its base is also an activity of wisdom. So, according to Imām al-Ghazālī, it is compulsory that mujtahid should be an intellectual and have a deep understanding of **rational sciences (‘ulūm al-‘aqlīyyah).** Explaining this opinion of Imām al-Ghazālī, Imām al-Rāzī (d 606 A.H) added that **along with the above mentioned four sources of Shari‘ah, the further four sciences are also mandatory.** Two of them should be mentioned earlier: The first is related to the rationalism, which should help to understand the limits and

objectives of any science, its proper concept and finally its representation. The second is of Arabic language and its grammatical details etc. The remaining two sciences are for the completion of above mentioned **four sciences: one is about the book of Allah i.e. The science of “nāsikh & mansūkh” and the other is about the Sunnah, that is the science of “Al-Jarrah wa al-Ta’dil” and “Asmā’ al-Rijāl”.** In this way these are the total eight sciences which are compulsory for mujtahid to grasp according to **Imām al- Ghazālī²⁰. The emphasis of Imām al- Ghazālī on wisdom and intellect and knowledge of prevailed rational sciences is not only to have an understanding of the problems of life rather enable him to create a strong linkage among the issues of life and society, and then finally present their solutions. If he will not be an intellectual, then it might be possible, he will consider the problem thoughtfully, but remain unable to relate it with the society. In this way, his opinion might be accurate on scholarly basis, but on practical basis it will be failed or it will very difficult to act upon.**

Imām al-Ghazālī has added one more condition along with the above mentioned conditions, and has explained that this condition is not for Ijtihād itself rather to develop the confidence of the people upon it. And that condition is ‘Adālah (Good Character) i.e. mujtahid should have a good fame about his conduct and have a strong moral character²¹. Perhaps this condition was not required in “khayr al-Qurūn” (the period of the Prophet (ṢAWS) companions (RA) and tābi‘īn), especially the scholars and the prominent features of the society were only those who were with good character. Imām Ghazālī felt the need of this condition in this era, so added it. It can be concluded that conditions of the mujtahid can be amended according to the circumstances and requirements.

Opinion of Imām al-Āmidī:

Āmidī (d631A.H) takes two conditions compulsory for mujtahid, but summarized a lot in these two. First and very basic condition is that mujtahid should be well acquainted with Tawḥīd (Oneness of Allah al-Mighty), have a firm belief on the existence of Allah al-Mighty, has a knowledge of characteristics of Allah, should be aware of demand of characteristics of Allah, should understand it properly that Allah exists itself, is alive, is well aware and authorized, is the Master of His own will, and is “Mutakallim”(communicative). Mujtahid’s believe and faith on Tawḥīd should be strong enough to assure him that he is an obedient servant of Allah; he should have a cordial faith upon whatever is revealed to Prophet (ṢAWS) by revelation (wahī). Has a firm believe on the revealed Sharī’ah of the Prophet (ṢAWS) and his miracles, so that

whenever he relate anything to the Prophet (ﷺ) in form of orders or sayings, relate with the great responsibility and conformity.

This condition does not mean that he should be scholar of ‘Ilm-ul-kalām, rather it is sufficient to have knowledge, which is necessary for firm belief. It means overall he should be aware of **Tawḥīd and its requirements** and not any detailed knowledge is needed. The second condition is that he **should be aware of the sources of shari‘ah, types and methods of confirmation of law, has understating of science of demonstration (‘Ilm al-dalālāt), a knowledge of antagonism and the stages of contradictions,** should understand the conditions which are acceptable during the contradictions, has an awareness of controversy of arguments and if it does happens, should be able to implement the principles of preference, has an ability to derive the law, write down it, explain and elaborate it and can **reject the objections being raised upon Shari‘ah**²².

The analysis of Āmidī’s conditions shows that he has placed the faith, link with Allah al-Mighty and affiliation with Prophet (ﷺ) at the top. Because this connection with Allah and His Prophet (ﷺ) enables the heart of muslim to accept and imbibe the knowledge and leads him to get rid from the darkness of ignorance and move towards the path of enlightenment and guidance. In the words of Qur’ān:

“He it is Who sendeth down clear revelations unto His slave, that He may bring you forth from darkness unto light: and lo! for you, Allah is Full of Pity, Merciful²³. In another place it is said, “O ye who believe! Be mindful of your duty to Allah and put faith in His messenger. He will give you two fold of His mercy and will appoint for you a light wherein ye shall walk, and will forgive you. Allah is Forgiving, Merciful²⁴.

Āmidī has put the condition of faith and belief on the top, because good conduct of a person in his worldly life depends upon his accurate and firm belief. The Islamic beliefs pave a pivot rule for theoretical information; **especially the belief in Tawḥīd of Allah al-Mighty changes the entire concept of human beings about the universe, and even himself.** The two points remained very basic in the training method of the Prophets: First, the rectification of thoughts, which is based on the education of faith, and the second, the reformation of attitude which is based on the education of good conduct. Both are compulsory for mujtahid. **Āmidī has mentioned the unchangeable belief on Tawḥīd and Risālat as a condition, in case of faith. Whereas the good conduct is concerned, the fuqahā’ have summed up it in the condition of ‘Adal (good conduct).**

According to Āmidī, the second condition is as following: “Mujtahid should be well acquainted of the divine commandments, beware of legal rulings and their types, should also know which are the methods to prove

the orders, and by which aspect they are augmenting their addressee, he should be aware of different stages of the commandments, also know the conditions which enables them effective, as it has been explained. If he felt any controversy in the commandments should be capable to set a preference among them, and also know the method of derivation from them. He should also have the ability to write down the orders explicitly, and to elaborate them, moreover if there will be objections on the orders he can differentiate the objections from the actual ones²⁵.

Āmidī has tried to sum up all the essential conditions in this brief passage. He has used the terminology of “Madārah” which he surely has taken from Imām al-Ghazālī, that means the four sources of Sharī‘ah, i.e. Qur’ān, Sunnah, Ijmā‘and Qiyās. Imām al-Ghazālī has considered the “reason” as a fourth source. It means according to him, the fourth source is not only limited to Qiyās (Analogy); rather other modes of rational demonstration are also included in it. Apparently Āmidī has considered only Qiyās in Madārah al-aḥkām. He has a detailed discussion on it, and is only who draw the intention to the types of “Aḥkām al-Sharī‘ah” (revealed orders), otherwise, in the discussion of conditions of Mujtahid, the other Fuqahā’ have not mentioned it. Āmidī has emphasized that, the Mujtahid should be well aware that the divine orders, which he is going to prove, are categorically “Wājib”, “Mandūb” or “Mustaḥab”, or the texts are proving something only as “Mubāḥ”, and if the “Ḥurmat” is going to be proved, then of which category “Karāhat-e-Taḥrīmī” or “Tanzīhī” etc²⁶.

These are the conditions which are normally considered essential for Mujtahid by our former jurists (fuqahā’). The later fuqahā’, especially of the present era, also consider these mandatory. However, they have some changes in these conditions. For example they do not consider compulsory the Imām Ghazālī’s condition that Mujtahid should also be a scholar of philosophy and logic²⁷. If the opinion of Imām al-Ghazālī and Imām al-Rāzī should be evaluated as, the Science of logic for Mujtahid is compulsory only that he should not perform any mistake during derivation, rather enable him to present rational demonstration with full strength, then it is not compulsory to have a stress upon ancient philosophy and logic. Rather it will be mandatory for Mujtahid to get aware with the prevailed philosophy and mode of argumentation of his era, so that he can present his opinion in a more effective way. And if the issue under discussion is relating to international relations, then he should be aware of international rules, regulations, pacts and treaties. It means in present era, the persons with a competency in different sciences and arts should be able to present any opinion, regarding their concerned field of life after a keen observation. Some matters will be relating to economic

issues, and then the opinion of jurists will be more reliable who have an understanding of economic issues. In the same way the issues regarding **politics will be solved by the opinion of fuqahā' with a knowhow of political matters.** This method will be followed in all spans of life.

Opinion of Imām al-Shāṭibī:

According to Imām Shāṭibī (d 790 A.H) there are two conditions mandatory for a mujtahid: The first is to have an understanding of Maqāṣid al-Sharī'ah and the second is, on the basis of understanding of Maqāṣid' should have the ability and capacity of demonstration and derivation. Following are the words of Shāṭibī: "Only that person is capable to perform Ijtihād, which has following two features; the first is, a full command over the science of "Maqāṣid al-Sharī'ah" and the second is, with an understanding of "Dīn" and "Sharī'ah", has the ability of derivation and demonstration"²⁸.

The above discussion of opinions of righteous formers about the profile of **mujtahid prove that they have considered ijtihād a very sensitive and responsible activity in Islamic shariah.** The basic requirements of this prestigious activity seem almost same by all scholars but their way of demonstration has a very beautiful variation which represents their background of reasoning and requirements of their eras. It can be concluded that the basic requirements to perform ijtiḥād are understood as **the knowledge of Qurān and Sunnah of the Prophet (ṢAWS) but all the other requirements are to achieve the perfection of the knowledge of above mentioned two fundamental sources and to gain the confidence of the ummah upon the performed ijtiḥād.**



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