

A Critical Analysis of the Ijtihād of Present Era

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Abstract:

Islam is a perfect code of life awarded by Allah al-Mighty for the guidance of human beings. The Basic origin of its commandments is the Qur'ān and Sunnah of the Prophet (ﷺ). The fundamental principles of guidance for human life are provided in the Qur'ān and Sunnah. The changing trends and requirements of human life due to progress of science and technology, social, political and economical circumstances desire to have such tools which can enable the shar'ah to meet the requirements of each era. Islam has introduced the principle of ijtihād to fulfill this gap. Ijtihād is not to create something new in religion rather it is to tell the point of view of religion about the newly born problems. The status of Ijtihād in the body structure of shar'ah is just like fresh blood, which keeps the Shar'ah practicable in each era. Ijtihād can be performed individually as well as collectively, but in present era of specialization, it seems almost impossible to perform it individually, so collective method of ijtihād is going to be adopted. This paper is presenting a critical analysis of the ijtihād of present era.

Key Words: Ijtihād, Collective Ijtihād, Membership Criterion, Methodology, Scope.

Introduction of Ijtihād

Ijtihād is an Arabic word. It is derived from the root word "jah'd" which literally means: strain or great effort(1). 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. Thus, it would be in order to use it in respect of one who carries a heavy load, but not so if he carries only a trivial weight (2). The word "ijtihād" is the noun, and literally it means: exertion or putting in the greatest effort possible to achieve something (3).

From this linguistic meaning of ijtihād, the scholars of $\mathfrak{U}l\mathfrak{U}m$ al-fiqh borrowed the word and used it for intellectual exertion on the part of the jurist. But in defining ijtihād technically, the scholars differed. Some have defined it as: "The total expenditure of effort made by a jurist in order to infer, with a degree of probability the rules of Shar'ah from their detailed evidence in the sources" (4).

And others have defined it as: "The application by a jurist of all his faculties either in inferring the rules of Shar'ah from their sources or in implementing such rules and applying them to particular issues" (5).

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Essential to the meaning of ijtihād is also the concept that the endeavor of the jurist involves a total expenditure of effort in such a manner that the jurist feels an inability to exert himself further. If the jurist has failed to discover the evidence which he was capable of discovering, his opinion is void (6).

The above definition of ijtihād in its technical sense is explicit on the point that only a jurist (faqīh) may practice ijtihād. Thus, the definition as Imām al-Shawkānī (7) has pointed out “precludes self-exertion by a layman in the inference of a ruling” (8).

From all what has been said, we can see clearly that the word “ijtihād” literally means exertion, and that from this literal meaning of the word, the scholars of uḥūḍ al-fiqh borrowed that word and used it for the exertion by a jurist of the greatest intellectual effort possible to arrive at the correct conclusion in the light of judgment of Allah and His Apostle, Muḥammad (ḥAWS) in any given problem. When a problem crops up, it requires much intellectual effort to gather all the relevant texts of the Qur’ān and ḥadīth that may have direct or indirect bearing on the issue. And then, making a correct interpretation of these texts equally requires much effort. Equally demanding is the problem of considering other texts with negative implications. Therefore, arriving at the true judgment of Allah and His Prophet on any given problem is actually “ijtihād.”

Proof of Ijtihād:

In the light of the fact that the Sharḥ is divine and is derived from well-established evidences fundamentally handed down by the precepts of the Qur’ān to be explained by the Traditions of the Prophet (ḥAWS), and developed to suit circumstances of necessity by Ijmā‘ and Qiyaṣ, or juristic construction, etc., Ijtihād has served as the medium for the deduction of rules from these sources and the means by which transactions and social needs were provided the necessary flexibility. Thus, Ijtihād or interpretation is an essential element in the growth of the Sharḥ Law.

There are numerous provisions in the Qur’ān, the Sunnah, the Ijmā‘ of the companions of the Prophet (ḥAWS) and the founders of the schools which authorize it as a duty binding upon a competent person to serve the cause of the sacred principles. The foundation of the doctrine and the technique of Ijtihād lie in many verses of the Qur’ān. It declares:

“So learn a lesson, O ye who have eyes!” (9).

The Qur’ān shows the method by the following verse explaining: “Those to whom We have sent the Book study it as it should be studied” (10).

The study is to be performed under a condition of earnestness and under the path provided by the Qur’ān itself:

“O you who believe, obey God, and obey the Apostle and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His Apostle, if you do believe in God and the Last Day: that is best and most suitable for final determination” (11).

The importance of interpretation in constructing up a society and promoting the progress of law becomes evident when it is found that the Prophet (ﷺ) himself exercised Ijtihad in spite of the fact that his source of knowledge or *waḥy* (which could not go wrong) was available to him. The words of the Prophet (ﷺ) are: “When I do not receive a revelation (*waḥy*), I adjudicate among you on the basis of my opinion (*rāy*)” (12). He is moreover reported to have said:

“If a judge interprets and gives a right judgment he will have earned two rewards; if he interprets but errs in his judgment he will still have earned one reward” (13).

Further, the Prophet (ﷺ) said: If God favours one of His creatures. He bestows him the understanding of *Dalil* (Makes him a *faqih*), “A *faqih* (jurist) is a proof against the devil who tampers with the ignorant in the prayer” (14).

The companions of the Prophet (ﷺ) continued to develop the concepts of law by the exercise of *ijtihād*. Caliph *Abū Bakr* said:

“I decide the question of *Kalālah* (a deceased leaving no parent or child to inherit) according to my opinion; if it be correct, then it is an inspiration from God; if it be wrong, then the error is mine and the Satan’s; God and His Prophet (ﷺ) are irresponsible of such error” (15).

Caliph ‘Umar said: “I do not know whether I have attained the truth but I spare no effort in striving to do so” (16).

Caliph ‘Alī, Zayd b. Thabit, ‘Abd Allah b. ‘Abbās, *ummul mūminīn* ‘*Āishah* and others, were great jurists followed by great founders of the *Sunnī* schools. They built up their schools by the exercise of *ijtihād*.

Methodologies and Modes of Ijtihad

For the solution of any faced problem, the first consultation is being of *Qur’ān* and *Sunnah*. If the text of *Qur’ān* or *Sunnah* is explicit about the matter, it will be acted upon as it is. But if something is not clear in *Qur’ān* and *Sunnah* and there is need to solve the problem in the light of the *Qur’ān* and *Sunnah*, the exertion and striving done in this regard to derive the rule from the *Qur’ān* and *Sunnah* will be called *Ijtihad*, that is performed using different methodologies and modes. *Maulānā Taqī Amīn* has described major three modes of *Ijtihad* (17). which are interpreted by ‘*Imrān Aḥsan Khān Niyāz*’ as (18):

The First Mode of Ijtihad: Interpreting the Texts (Ijtihad-e-Taḍdhīf)

In the first mode, the jurist stays as close as he can to the texts. He focuses on the literal meaning of the texts, that is, he follows the plain meaning

rule. In doing so, he first tries to find explanations for difficult or unelaborated words from the texts themselves. He moves to other sources, like the meaning of words in literature, later. This also depends on whether the words have been used in the texts in their literal sense or their use is figurative (*ṭah* and *majz*).

The text may not indicate the required meaning through a plain reading. In such a case, the jurist will use other techniques, called *dalīl*, through which the implied meanings are ascertained.

The Second Mode of Ijtihād: Reasoning by Analogy (Ijtihād-e-Istinbāḥ)

When the first mode of literal construction is exhausted by the jurist, he turns to syllogism, which is called *qiyās*. This mode is confined to strict types of analogy. These are called *qiyās al-maʿnā* and *qiyās al-ʿillah*. Certain loose forms of analogy like *qiyās al-shabah* or analogy of resemblance are rejected by some jurists. The reason why only strict methods of analogy are approved is again the desire of the jurist to stay close to the intention of the Lawgiver. If very loose methods are adopted the Islamic colour of the legal system may be lost. *Qiyas* is, therefore, designed to be a strict type of analogy and may be said to apply to the process of finding an exact parallel. The second mode of *ijtihād* is confined to the use of *qiyās*.

The Third Mode of Ijtihād: A Value oriented Jurisprudence: (Ijtihād-e-Istiḥḥāḥ)

The second mode of *ijtihād* is confined to the extension of the law from individual texts, while in the third mode the reliance is on all the texts considered collectively. This means that legal reasoning is undertaken more in line with the spirit of the law and its purposes rather than the confines of individual texts.

The spirit of the law and its purposes can be witnessed clearly in the general principles of the legal system. The principles are used by methods like *istiḥḥāḥ* and *maḥalla ḥaḥ mursalah*. The third mode of *ijtihād* provides the jurist with the opportunity to generate new principles provided he observes a prescribed methodology and fulfils the conditions imposed for such legal reasoning. But almost all of these methods have been used in individual *ijtihād* except *ijmāʿ*, whereas in present era, the most effective and practical method of *ijtihād* is collective *ijtihād*.

Collective Ijtihād

Considering the circumstances and the requirements of the present era, it seems better to introduce collective or *Mushāwirat* (consultative) *ijtihād* instead of individual *ijtihād*. Collective *ijtihād* or *ijtihād al-Jamʿ* is a mutual consultation of *Mujtahid* to derive the legal ruling of non-textual matters and to achieve any conclusion through dominant majority. The agreed upon point of view achieved by collective *ijtihād* is being a result of collective consultation. This collaboration is established by the gathering of *fuqahāʿ* and juristic sittings.

In these sittings and gatherings, these scholars deeply think over the faced problems, and search out their legal solutions.

This mode of Ijtihād has been very effective during the period of R-ṣhidh Khulaf'. To develop strength and unanimity among the nation, it is much better to hand over the duty of Ijtihād, in collective matters of ummah to such authorized institute which not only have the authority of legislation, rather to implement it as well. The members of this institution will only those people who fulfill the criteria of Ijtihād. However, specialized and properly experienced people in different fields of life will also be consulted for their help, so that in latest problems, all of them will be able to present a proper solution through collective Ijtihād.

Collective Mode of Ijtihād

During the period of Prophet (ḥAWS) and ḥah-bah (RA), the process of Ijtihād has been individual as well as collective. The intellectuals and Mujtahidh tried their best to keenly observe the private and individual matters of masses and present their solution through Ijtihād. But the collective matters of ummah were always resolved through collective Ijtihād by mutual discussion. Same is the purpose of divine revelation:

“And whose affairs are a matter of counsel” (19).

And same was ordered to the Prophet (ḥAWS);

“And consult with them upon the conduct of affairs” (20).

Practical Aspects of Ijtihād in Present Era

To have a critical analysis of the Ijtihād of present era, it is necessary to have a brief introduction of these institutions. Following is the list of some well-known institutions with the detail of countries in which they are working or have their headquarters;

Saudi Arabia: The Organization of Great Jurists of Saudi Arabia (Hay'at Kibḥr al-'Ulam' fī al-Mamlukat al-'Arybiyyah al-Sa'diyyah); The Permanent Committee for Scientific Researches and Ift' (Al-Lujnah al-Dḥimah lī al-Buḥth al-'Ilmiyyah wa al-Ift'); The General Commission for the Administration of Scientific Researches, Ift' and Missionary Works and Preaching (Al-R'iasat al-'Lmmah lī Idḥrat al-Buḥth wa al-Ift' wa al-Da'wah wa al-Irshād); International Islamic Fiqh Academy, Jaddah (Majma' al-Fiqh al-Islāmī al-Dawlī); and The Islamic Fiqh Academy, Makkah Mukarramah (Majma' al-Fiqh al-Islāmī).

Kuwait: The General Administration for Ift' (Kuwait); The Islamic Organization for Medical Researches (Al-Munaḥamah al-Islāmiyyah li'l-'Ulūm al-'Ilbiyyah); The Islamic Council for Fatwā and Sharḥah Supervisory in the Kuwait House of Finance (Hay'ah al-Fatwā wa al-Riqbah al-Sharḥah fī Bayt al-Tamwīl al-Kuwaytī); and The International Sharḥah Council for Affairs Related to Zakḥt under the House of Zakḥt in Kuwayt (al-Hay'ah al-Sharḥah al-'Ḥamiyyah li'l-Zakḥt al-Tabi'at lī Bayt al-Zakḥt fī Dawlat al-Kuwayt).

S¹d¹n: The Board for Shar¹‘at’s Ift¹ in S¹d¹n (Majlis al-Ift¹ al-Shar¹‘ al- f¹ al-S¹d¹n); and The Supreme Council of the Shar¹‘ah Supervisory Board for Banking and Financial Institutions in S¹d¹n (al-Hay’ah al-‘Uly¹ al-Shar¹‘ah l¹ al-Jih¹z al-Ma¹ṭra¹f¹ wa al-M¹‘assassah al-M¹ḡliyyah f¹ S¹d¹n)

Pakistan: The Council of Islamic Ideology in Pakistan (Isl¹m¹ Na¹ḡary¹t¹ Council); Federal Shar¹‘ah Court (Wif¹q¹ Shar¹‘ Ad¹ḡlat).

Jordan: The National Academy for Research of Islamic Culture (Al-Majm¹‘ al-Mulk¹ l¹ Bu¹ḡ¹th al-ḡa¹ḡrat al-Isl¹ḡmiyyah).

Morocco: The Academy of Ahl al-Bayt (Majm¹‘ Ahl al-Bayt).

India Islamic Fiqh Academy, India; Institution for legal discussions (Id¹ḡrah Mub¹ḡ¹ḡath al-Fiqhiyyah); The Council for Shar¹‘ah Researches (Majlis Ta¹ḡq¹t-e-Shar¹‘ah); The Fiqh Council (Majlis-e-Fiqh¹)

Europe: European Council for Fatw¹ḡ and Research, Ireland (Al-Majlis al-A¹ḡḡb¹ li’l Ift¹ wa al-Bu¹ḡ¹th).

United Kingdom: Council for Shar¹‘ah Researches (Majlis Ta¹ḡq¹t-e-Shar¹‘ah).

North America: Shar¹‘ah Scholars Association of North America (Majma¹‘ Fuqah¹’ al-Shar¹‘ah); The Fiqh Council (Majlis-e-Fiqh¹)

Membership Criterion of the Institutions of Ijtihād

Appropriate to these institutions, numerous points should be highlighted. First, there are three ways for the selection of their members: members are chosen from local scholars, from international scholars or a combination is made of the both (local and international with a dominance of local members). For example, the organization of great jurists of Sa¹‘¹d¹‘ Araybiyyah, The general commission for the administration of scientific researches, Ift¹ and missionary works and preaching, as well as the permanent committee for scientific research and Ift¹, choose only citizens of Sa¹‘¹d¹‘ Araybiyyah as council members; in the same way only Egyptians are selected by the High council for Islamic affairs in Egypt; and only Kuwayt¹ citizens are appointed by the General administration for Ift¹ in Kuwayt.

However the membership criterion of some institutions is entirely opposite to it and they have not restricted their membership just to the scholars residing in the head office’s locality. For example, The Fiqh Academy and the International Fiqh Academy, select their members from different parts of Islamic world, whereas their headquarters are situated in Sa¹‘¹d¹‘ Araybiyyah. In the same way, the International Shar¹‘ah council for affairs related to zak¹ḡt under the house of zak¹ḡt, and the Islamic organization for Medical Researches, largely select their members from outside of Kuwayt, even though these institutions are being administered from Kuwayt. The academy for Islamic researches of al-Azhar is the only institute with a different approach. According to the law no.103 of 1961, which is to recognize certain regulation concerning to al-Azhar and its institutions, explains;

“A body of Sharḥ scholars should be established to succeed the Council Great Jurists established in 1911(21). This organization is to be known as the Academy for Islamic Researches, the aim of which is to engage in a wider scope of operation compared to the previous council. The intention is to appoint no more than fifty scholars, of whom no more than twenty non-Egyptians may be members; provided that the Egyptian scholars form the majority in this academy” (22).

Considering the membership criteria of contemporary institutions of collective ijtihād, one more issue may be raised concerning to gender. During this research, no evidence is found of any female scholar participating in these institutions, nor there is any clear ruling ensuring the place for women in collective ijtihād (The council of Islamic Ideology in Pakistan is only exceptional in this regard). The federal constitution of Pakistan ensures the establishment of a committee recognized as the council for Islamic thinking (Majlis al-Fikr al-Islāmī) by virtue of its article 228. The members of this council must be minimum eight and maximum fifteen. At least one woman must be appointed as committee’s member; however, this is the only institution with such provision. Even there is no explanation for the clarification of this attitude, and it can be assumed that regarding gender bias in collective ijtihād, the Muslim communities are unconcerned.

Thus this seemingly discriminatory attitude of contemporary organizations should not be associated to Islām, as there have a number of female Mujtahidat of Islām over the centuries. The most famous is the wife of Prophet (ﷺ) ‘Ā’ishah. The history of Islamic law shows that a large number of companions and their successors, which later on became mujtahidīn, were instructed by her. Actually, requiring the women membership as mandatory is futile, especially if knowledgeable and competent female scholar cannot be found. It therefore can be suggested that to educate women and to enhance and encourage their intellectual faculties, practical steps should be taken, so that competent and eligible female jurists can be there to participate in these institutions.

Scope of the Institutions of Ijtihād

So far as the scope of these organizations is concerned, it is generally two-pronged: Those focusing life issues as their main objective and those just concerning to specific issues. The first group is represented by various institutions like the International Fiqh Academy, The Academy for Islamic researches, The permanent committee for scientific research and Iftā’ and the High council for Islamic Affairs. For example, the objective for International Fiqh Academy is stated as:

This Academy should be considered as a meeting place for scholars from various parts of the Muslim World to examine numerous issues

relating to the problems faced by Muslims in their daily lives in their countries; therefore opinions and views should be exchanged and scrutinized properly in order to generate the most correct and sound opinions (23).

In the same way, the objectives of establishment of the Academy for Islamic Research in al-Azhar are stated as:

“To conduct in depth research in every sphere of Islamic sciences; to reform Islamic literature and present it in its unadulterated form; to extend the knowledge of Islām and Islamic culture at every level; to scrutinize the Islamic legacy and publish it; to produce statements and opinions on various issues that emerge, such as societal and economic problems; to carry out the responsibility of preaching the wisdom of educating mankind towards the way of Allah; to follow all that is published pertaining to Islām and its legacy, whether local or international [in order to] promote any benefit that might be derived from these works, and also to identify and refute those studies which may deviate from the true ethos of Islām; and to schematize the system of sending people from al-Azhar to various parts of the globe and encouraging the acceptance of people to come and learn in al-Azhar” (24).

The objectives of the Academy clear that it has to conduct research and perform collective ijtihād for different important matters. Along with collective ijtihād, it is also included in the activities of some intuitions to preach and publish books concerning to the teachings of Islām and other matters. For instance, it is clear by the objectives of The Organization of Great jurists of Saudi Arabia, The academy for Islamic researches in al-Azhar, the permanent committee for scientific research and Iftā’ in Saudi Arabia, The general commission for the administration of scientific researches, Iftā’ and Missionary works and preaching, The Board for Sharḥat’s Iftā’ in Sūdān and The High council for Islamic Affairs in Egypt.

The second group is representing those institutions which are focusing upon particular issues. For example, the research and ijtihād of the Islamic organization for Medical Researches is restricted to the matters concerning only to medicine. Its objective is stated as to;

“encourage Muslims toward medical research, to support those who work in areas related to the medical profession, to multiply efforts in conducting research involving medical issues in order to find a most appropriate opinion of the Sharḥah in any new medical findings, and to discover the solution of the Sharḥah to any instrument or medication that may be prohibited by the Sharḥah “(25).

Therefore, the activities of this organization are focused only to the matters concerning to the medical profession and no other issue of Muslim ummah is

entertained by it. Same is the case of International Sharḥ Council for the Affairs Related to zakḥt under the House of Zakḥt in Kuwait. As it is apparent by its name, this organization engages in matters just concerning to zakḥt. Its only purpose is stated in its objectives as “to deal with various contemporary issues concerning zakḥt and all matters related to its collection, distribution, and investments” (26).

Along with these two specific institutions, many Banks and financial institutions have established their supervisory boards to monitor their investments and activities. The purpose of these supervisory boards is to ensure that the activities of these institutions are not violating the principles of Islamic Banking and finance. For example, the primary objective of the establishment of the Islamic Council for Fatwḥ and Sharḥ Supervisory Board in Kuwait’s House of Finance was to supervise the activities of the latter organization and to suggest way outs to any current methods of transactions and other activities that are against the Islamic finance’s principles (27). Another institution with same objective is the Supreme Council of Sharḥ Supervisory Board for Banking and Financial institutions in Sḥdn. This council is specialized in issuing fatwḥ and ijtiḥḥd in matters concerning to banking, business and transactions. The main objective of this council is to supervise the functioning of the Sḥdn’s central bank and other banks and financial institutions of Sḥdn, and to make sure the Sharḥ’s compliance by them (28).

In spite of the fact that the effect of these institutions is very positive on the numerous mechanisms relating to modern finance and their essential adherence to the essence of the principles of Islḥm, space is still there for the improvement of ideas to link them directly to Islḥm, instead of the implementation of ideas just reflecting as a modification of current western systems. It can be done by involving skilled bankers and economists directly to support the intellectuals of Islamic law to understand the business and transactions related modern laws. Moreover, it can be strived to produce intellectuals of Islamic law being adept in the intricacies of contemporary and fastly changing modes of conducting business and transactions.

Legal Status of the Decisions of Institutions of Ijtiḥḥd

A further observation cleared that the practices of decision making are different from one institution to another. In present era, most of the institutions regard their decisions just consultative and consequently, no one is legally bound to peruse their collective ijtiḥḥd. Another system is being followed by some of these institutions. Most of the institutions of ijtiḥḥd established in different Muslim countries as well as in non Muslim states are working independently without any state support. Their main objective is to serve the Muslim ummah regarding their religious guidance in the matters of daily life. So the status of their decisions is just consultative (fatwḥ) and legally

no one is bound to follow their collective ijtiḥād, unless any state or institution considers their legal opinions and implements them with force.

No doubt, some institutions of ijtiḥād are recognized, even established by the state or some institutions. For instance, the council of the senior scholars of Saudi Arabia, whose decisions are regarded and implemented by the state. Number of sharḥah supervisory boards concerning to financial institutions and banks set it compulsory that their ijtiḥād will be followed by their respective banks. For example, the Islamic council for Fatwā and Sharḥah supervisory in the Kuwait's house of finance comprises of two parts: First one is the advisory board, where certain matters are discussed and decided by the intellectuals of Islamic law, and the second one is the board of monitoring, with duties of inter alia, to confirm and ensure the complete implementation of the decisions of the former organizations (29). The same is the practice of the supreme council of Sharḥah supervisory board for banking and financial institutions in Sūdān (30).

In Pakistan, the council of Islamic Ideology has a step forward, which not only sets its decisions binding on certain institutions, rather on the president and entire country as well. The constitution's article 230 empowers the council to object any bill presented in parliament, if it is contrary to the Shara' in any provision. In the same way, the bill must be amended before a second presentation, which ensures complete compliance with the principles of the Sharḥah (31).

Some scholars wished and recommended that the decisions of these institutions must be binding, at least in the territories and countries in which they perform their activities. But, still this suggestion is far from reality, as in number of cases, more than one institution is performing collective ijtiḥād in any given country. In this situation, the decisions of which institution will be regarded as binding? Only two situations can make this suggestion practical: in the first form, if any particular institution is established and acknowledged by the country, and the law has provisions for its status, then its decisions can be enforced by the relevant authority, just like the council of the Islamic Ideology. (If it practically performs its role); and secondly, if the institution has been established by a particular body for the guidance of its members on certain issues (as is going on in several financial institutions and banks). However, in spite of this all, laws must be there to obligate these institutions to enforce their finalized deliberations.

Thus, in spite of all deficiencies being found in the practice of collective ijtiḥād of these institutions, it is undeniable that it has given a new life to the practice of ijtiḥād and the application of Islamic law is revitalized in today's world. However, it does not deny the requirement of further research and enhancement in the application of this ijtiḥād, as these institutions are practicing it. More research and discussion is necessary for improving it more and more.

Methodology of Ijtihād adopted by the Institutions of Ijtihād

The methodology of ijtihād being adopted is a medium of individual ijtihād and ijmā‘. Almost all schools of thought are consulted for the solution of any newly faced issue and that opinion is preferred which have more ease in it and best covering the faced situation. Sometimes, the weak quotations (إقوال) of any school are also preferred considering the facilitation. It is a new trend in the ijtihād of present era. Consequently, by the consultation and consideration of different schools, more authentic and facilitated solutions are coming forth, which are going to develop a cosmopolitan fiqh.

Conclusion

Mostly the ijtihād-t being performed in Islamic countries are collective ijtihād-t (Ijtihād-e-jamā‘) and are being performed by the organizations away from the influence of states. The topics being addressed by these organizations are covering almost all the aspects of human life i.e. worships, different religious theories, economics, politics, social values, medical science, family laws etc. The methodology of ijtihād being adopted is a medium of individual ijtihād and ijmā‘. Almost all schools of thought are consulted for the solution of any newly faced issue. Although, no government or institution is bound to follow these ijtihād-t except some exceptions, they are a rich source of guidance for the communities regarding their practical life. They have equal importance for the guidance of masses as well as scholars. Even, number of states takes guidance from these institutions for the implementation of Islamic laws or for the Islamization of laws.

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