Ijtehad: The Principle for the Progress of life

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Abstract

The title itself has deep meanings that can't be comprehended until through reading of the article. The word "Ijtehad" has been explained and defined in a comprehensive way. The account of need and importance of Ijtehad in all ages especially in modern ages is also quite impressive. The idea of need of Ijtehad in all times has been supported by the thoughts of renowned scholars. The ideas of Dynamism and Mechanism have also been given ample description in this article. Dynamism has been explained in such a way that it seems to serve as the base of Ijtehad. The opinion of various scholars has also been presented in a well organized and harmonized way. On the whole, the article is very informative and really a treat to read for research scholars as well as thinkers. These attributes make it a superb and comprehensive piece of writing.

Keywords: Ijtehad, Dynamism, Mechanism, Harmonized.

Introduction:

The literal meaning of 'Ijtehad' is:

To make earnest effort to achieve an objective
To bear some hardship
To do hard labour

In technical sense it (Ijtehad) refers to the effort that one makes to establish a personal opinion (strong presumption) regarding a dispute or a religious command (1) The root word or origin of 'Ijtehad' is 'jehd' which means endeavour, strenuous effort (exertion), to make an earnest effort to perform a laborious duty. Therefore, this root word is used in lifting a heavy stone rather than picking up a grain (mustard see) do. To make fullest use of your efforts of argumentation to reach a goal. To make earnest effort to search for the religious command regarding something. Similarly, all Muslim jurists agree to this statement that Ijtehad comes into existence when (Mujtahideen) jurists make their religious efforts to discover the religious command regarding some matter after making their minds blank of any bias or partiality or prejudiced approach. When they make a serious effort to reach that command after making fullest use of all available resources.

Maulana Muhammad Taqi Ameeni (R.A.) defines Ijtehad:

The literal meaning of ijtehad is to strive for the access to know the ultimate truth. In Arabic, this word is used for such an effort which causes great toil. So it is right to say:

He strived in picking the grinding stone. But it is not right to say:

He strived in picking the mustard seed. (3)

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Professor Muhammad Abu Zuhra Suggets.

In Islamic Fiqah (Jurisprudence) Ijtehad means that a jurist tries to deduct the practical commands using dogmatic arguments, and consumes all his forces in this effort.(4)

Doctor Subhi Saleh (Late) defines ijtehad in these words:

The literal meaning of Ijtehad (exertion) is to spend all possible efforts. In dogmatic terms it is to spend the possible efforts which one makes to deduct commands using dogmatic arguments. In other words it means the effort consumed for deduction of dogmatic commands taking help from basic principles of concerned matter. (5)

Ijtehad is an untiring and impartial effort. In it, the commands are interpreted in the light of basic commands and theological terms in such a way that they are not contrary to the spirit of religion while they are also in correspondence with the current situation.

The word Ijtehad (exertion) means to make strenuous effort. But in technical sense it means to legislate or to form a free opinion according to the spirit of Islam in the light of teachings of Holy Quran and Sunnah and the sayings of renowned jurists after deep thinking and consideration on facing some new situation or unprecedented problem (issue). (6)

With principled persons, it means the consumption of effort by a jurist for the deduction of some religious command to such an extent where doing anything more is impossible. It should also be kept in mind here that ijtehad (exertion) takes place only where there is no absolute evidence in any of religious commands. For example, there is no Ijtehad regarding the obligation of prayer and fasting because both have been strongly proved by absolute verdicts of Holy Quran (7).

Maulana Gohar Rehman (Late) writes:

The term ijtehad is used for such an intellectual effort of the scholar (jurist) that is made to find out the religious commands regarding some indefinite issue. It shows that Ijtehad does not only mean to conjecture about indefinite issues on the basis of definite commands but also the effort for interpretation and understanding of the definite verse of the Holy Quran and Sunnah can also be termed as ijtehad (exertion). (8)

The origin (root) of “Jehad” and “Ijtehad” is one and the same. Both the words have a connection (link) between them in the sense that both are related to meet the changes in the course of life according to the will of Allah. Jehad is related to the Battle field while ijtehad is related to the tongue and man’s self. Although the battle field is also included in time. Ijtehad is the name of concurrence and harmony in the sense that it is the name of effort made to shape the changes of life in accordance with the principles of Islam. (9)

Dr. Mehmood Ahmad Ghazi (Late):

He has explained the concept of “strenuous effort” in the context of ijtehad in a very impressive way.

The literal meaning of "Ijtehad" is strenuous effort, to endeavour. The word strenuous or fullest is included in its meaning. Juristis (scholars) have defined it in words.

Istafragh means "to exhaust" means "ability one has". To exhaust your capacity to discover Shariah ruling about a new situation in the light of the Quran and Sunnah.

It mens to exhaust one's ability to know (discover) the command for a new (unprecedented) situation in the light of Quranic teachings. To squeeze the efforts to such an extent where nothing is left ahead. This action is known as ijtehad. (10)

The definition of ijtehad gives an idea of the definition of Mujtahid (Jurist) and occasion for ijtehad. The person who consumes (exhausts) his efforts (capacity) to know the religious (Shariah) commands is known as Mujtahid. While indefinite issues having no definite commands for them are the place (occasion) for ijtehad to take place. (11)

The basic purpose of ijtehad is to organize the possibilities and effects of changes in circumstances and human thinking. Hence its primary purpose is to protect the religion, which is possible only when a religious command is discovered for the newly faced problems in this ever-changing world. The people who want to make changes in Islamic teachings on the basis of their personal desires and current Western way of living define Ijtehad in a new manner. So, the commission for family laws defines ijtehad in its report in these words. The word ijtehad means to make effort. In Islamic Law it means to form an independent opinion regarding some religious issue. (12)

If these people had defined ijtehad in a different way than the usual definition of it, it was a different matter. But it is not really considered an intellectual hoesty to define a very important pillar of fiqah (jurisprudence) in the name of Islam. Contrary to this, one of the authentic Muslim Jurists among the experts of Islamic laws Allama Aamdi defines ijtehad in these words.

The word ijtehad is specified for that fullest of efforts which is put (made) to access such a supposition regarding a Shariah matter which is in accordance with the commands of Islamic spirit. (13)

Now compare the definitions of expert of Islamic law and commission for family laws, and decide whether ijtehad means to establish an independent opinion or to find the accordance of Shariah. Surely, ijtehad is the name of expression of personal opinion in the limits of Shariah. But it does not mean that every one should express his personal opinion neglecting the laws of Shariah.

Ijtehad is a consistent effort and action which will go on till eternity. It is like Science. As in Science, an unknown thing is discovered using fundamental principles, similarly in ijtehad an unknown Shariah matter is discovered using Quranic verses, Ahadith, consensus and fundamental principles. Moreover, in science when such a new thing is discovered after some definite opinion that this discovered fact discards all previously followed theories, similarly, in ijtehad when some upcoming jurist (mujtahid) established an independent opinion and put forward

his reseach to support his opinion. If this opinion nullifies the previous ones, they will be discarded and not followed and newly found research which is more harmonized to Quranic verses and Sunnah will be followed.

We can say the pure religious use of scientific way of thinking is called ijtehad. As Science is an evolutionary process and knowledge, ijtehad is also a moving process which has been affecting the evolutionary process of human civilization and it will keep on till eternity. As a historical analysis we can also conclude that the origin of modern day scientific thinking is Islamic thinking. In other words, we can observe the reflection of the way for the deduction of Islamic Laws in modern day use of scientific way of thinking. This mode of thinking was adopted in early five or six centuries of Islam. We can also say this fact in these words that Islam is the creator of modern age. If Quranic and Islamic thinking had not dominated the world. The world still had been living in the age of Jaliliah (Dark ages). The gist of this discussion is that ijtehad, a very important pillar of Islamic Law (Fiqah), is one of the greatest proofs of this fact that Islam is the creator and promoter of scientific thinking and approach. Muslim Civilization in Subcontient has been on rise and falls because of a progressively moving and chaning society needs and circumstances have always been demanding for a second look (modification) in New Islamic Jurisprudence and forced a change by research and new adjustment. A very obvious argument for this statement is that a large quantity of collections of verdicts were prepared. The general aim of it was to prepare such a volume of Hanafite Laws which may consist of all saying of jurists of ancient times as well as modern times regarding various heads of Laws (Jurisprudence). These sayings must be authentic, like verdicts and meeting the demands of people living in different ages. As Muhammad Isaac Bhatti in his compilation "Jurisprudence in Indo-Pak Subcontinent" has analysed such eleven collections of verdicts. (14)

The study of history gives us an idea that numerous attempts were consumed in previous 1000 years for Islamic Legislation. The need for it was felt because of ever changing circumstances and common demands. Every change demanded that laws should be established according to the habits and customs of common people of the territory, but the base of laws must be the principles and teachings of Quran and Sunnah Dr. Mustafa Ahmad Zarqa writes.

The ijtehad of respectful companions of Prophet (PBUH) was not explanatory but extension and making it exactly alike and harmonized. Holy Prophet did not leave any collection of Laws (jurisprudence) but has granted some principles for legislation. If Islam, as a religion, had not crossed the boundaries of Saudi Arabia, the rules (Commands) it had were enough to meet all the needs. But it had to face indefinite and such matters after crossing Arabian boundaries that were unfamiliar for Arabs. So the need to compiles and arrange Shariah commands were felt. It needed to set some rules. Here starts the evolutionary period of Islamic Fiqah. The verses of Holy Quran were such that there were possibilities to expand their meanings. So, when Islam came across other societies, civilizations and religions, it had to deal with gigantic sort of matters. It caused an extension in thinking style. Since that time Muslim scholars started to think regarding upcoming problems in

ever-changing span of life. They started legislation. This revolution was the result of that manner of thinking which the four Orthodox caliphs and the successors had used in time of need. (15)

So, as new and changed circumstances and incidents came across, the span of Islamic principles and laws kept going towards an extension. The internal and external ways of living of Islamic states got harmonized with it accordingly. The jurisprudence, in this way, kept progressing. According to Encyclopedia of Islam, Islamic world badly felt the need of new formation of Islamic thinking especially Fiqah. One of such fullest efforts were made by Imam Ibn-e-Teemiah. Although it affected some secondary departments of thinking, yet it gave a new dimension to Ijtehad as well. (16)

Dr. Khalid Masood:

(Chairman Council of Islamic Ideology) writes about these conditions in the following words.

However, it did not give rise to any strong and powerful movement in subcontinent. The movement arose after many centuries in Arab and was led by Muhammad Bin Abdul Wahab, and in Subcontinent led by Shah Waliullah and his family. The thoughts of Ibn-e-Teemiah served as the basis for these two movements. The dominant reason for this was that the Muslim societies at that time were suffering from severe social and political downfall. The only way to step out of this decline in the eyes of scholars was to return to the real teachings of Holy Quran and Sunnah after discarding the restraints of imitation. It had a sense of an entire change of circumstances along with the expression of this acknowledgement that contents of Fiqah (jurisprudence) were not enough to deal with the new conditions. So, the guidance of Holy Quran and Prophet's Sunnah is badly needed on new levels. (17)

Allama Iqbal is one of the genius of this world. In the context of subcontinent he is a great supporter of Ijtehad. He is of the opinion that it is such a method which has the freedom for expression of opinion. He wants the process of Ijtehad to go on at any cost.

Allama Iqbal says in his lecture regarding the concept of Ijtehad of Shah Waliullah.

"Shah Waliullah has discussed this matter to a satisfactory level. I summaries his thoughts. The style of teaching and communication of Holy Prophet (PBUH), as described by Shah Waliullah is that He (PBUH) provided with the laws but He (PBUH) also took great care for the customs and specific things of those people to whom He (PBUH) was sent as a prophet. (18)

This statement of Allama Iqbal proves that the habbits and customs of common people of the area are also considered for legislation. Moreover, laws are established according to the demands of the contemporary ages. The thinking of Iqbal, in fact, is the gradual progress of the ideas of Shah Waliullah, because he desires a reformation of Fiqah according to the demands of modern times. Allama Iqbal favoured to form such a legislative assembly consisting of scholars and experts. They can, then, easily deduct the solution for upcoming issues according to ever-

changing demands and situations. The Holy Quran also refers to such people in these words. When there comes to them some matter touching (Public) safety or fear, they divulge it.

If they had only referred it to the Messanger or to those Charged with authority among them, the proper Investigators would have known it from them (direct). (19)

Although this verse of Holy Quran is relevant to matters of state and world, yet it can also be considered (conjectured) for religious matters as well because state matters demand for sensible, wise and intelligent persons. Similarly religious matters also demand for research scholars and learned persons. These well learned persons lead the nation in all ages. These scholars and pious persons were also called the authorities. In modern world they are named as members of parliaments, or members of privy council.

Self awareness and knowing is the favourite topic of Iqbal. Dr. Syed Abdullah writes.

"In the opinion of Allam Iqbal, new jurisprudence decisions, regarding the new lawful considerations of humans and new constraints of life, are unavoidable so that people will be able to establish an awared society contented with life after being benefited by the light of Islamic teachings. (20)

According to Allama Iqbal Islami Shariah has a moving spirit in it and its progressive and evolutionary process can't be stopped. Any effort made forcibly to stop or restrict it may cause a disfiguration and an upset. It also results in inertness. Therefore, the term used by Iqbal for Islamic Law is Dynamism and this term is against Mechanism which has been in fashion with many Islamic thinkers. Mechanism means that Islamic Law is a static and immobile thing in itself, and it remains static unless some external force causes it to move. This theory takes us to static and motionlessness. On contrary to this, Dynamism means that Islamic Law is a mobile thing and it does not need any external agent to cause any movement. This theory is the cause of mobility and progress in Muslim Ummah.

Dr. Khalid Masood defines Mechanism in these words:

Mechanism is the name given to such a concept in this universe in which all objects of this universe are calm, consistent, eternal and static. The characteristics are fixed and defined. According to this concept the particles of matter, on the basis of their natural characteristics, are immobile and remain unchanged. (21)

Similarly Dr. Khalid Masood explains Dynamism. Dynamism is quite opposite to Mechanism. It gives fundamental position to the internal force of matter rather than thinking it motionless. So, according to it, all phenomena of universe including matter are the result of that moving force. This force exists in material objects. In the light of this theory, this motion in form of energy exists in matter, and in its particles is in form of possibility. It contradicts the concept of calmness in the objects of universe. It lays great stress on the mobility idea that the property of and change in matter is natural and personal and it does not need any external agent. (22)

Hence, we can regard Dymanism as the basis of concept of ijtehad given by Iqbal. Every object of universe is changing and mobile. Every age has its own demands. An example of it has been given by Allama Iqbal in his address referring to the principle of lenient interpretation by Imam Abou Haneefa.

It is the best example of this theory because Imam Abu Haneefa had a profound look on the universal role of Islami Shariah, so, he introduced the principle interpretation.(23)

Iqbal uses the reference of Whitehead to support the concept of Dynamism.

According to Whitehead, universe is not a static reality situated in a non-dynamic space. It is such a system of incidents that possesses the quality of creative flow. Thinking separates them in static objects. The concepts of time and space emerge from the mutual relation of these objects. (24)

Iqbal in his poem "Masjid-e-Qartaba" points to this sort of movement. "France has witnessed a revolution which altered the Western world. The Roman empire was old because of loving ancient thinking it became young because of modernity. The Muslim spirit has the same anxiety today. It is a divine secret which cant be expressed. (25)

According to Iqbal, Islam is a universal religion and understands well the demands of all ages. It is in accordance with the temperament of every nation. Though the context of teachings of Holy Quran and Sunnah is the territories of Arabia and habits of Arabs, but this limited context was not intentional. So, as other communities embraced Islam, the search for comprehensive and wider principles, above the local territory limitations, kept going and it helped to maintain the universality. So, some aspect of modern western democratic system is favorite for Allama Iqbal. He also condemns this system in these words.

The democratic system of West is based on the same ancient music which has nothing in it except the song of Caesar. Democracy is such a way of government in which supporters are numbered, but not weighed. (26)

Despite this fact, Iqbal considers that the basic thinking of this system has been derived from the consultative system of Islam. He says:

During last five centuries, the religious thinking in Islam has been static practically. There was a time when European thinking received motivation from Islamic world. The most attention seeking event of the history of modern age is that Islamic world is approaching towards western thinking very rapidly. There is nothing harmful in it because European civilization, infact, is a very developed form of highly important degrees (values) of Islamic civilization. (27)

On another occasion Iqbal says: I believe that the person who will prove the eternity of Quranic teachings after having a critical look on jurisprudence of modern times, he will be the revivalist of Islam and the servant of humanity. Muslims are fighting for their freedom in almost all countries of the World, or they are pondering over Islamic laws. In short, this is time for practical work (thinking) because in my opinion Islam has been tested on the standards of this World and perhaps this moment has never come in the history of Islam. (28)

So, Allama Iqbal laid great emphasis on the formation of Islamic Laws on the new basis in his addresses. If we consider, the thinking of Imam Ibn-e-Teemiah, Shah Waliullah and Jamal-ud-Din Afghani has been further promoted. The second important thing that Iqbal has emphasized is that Ijtahad is not an individual matter in these days. Rather, there should be established an assembly or Privy Council consisting of scholars and experts of every branch of knowledge and arts. Dr. Khalid Masood throws light on this matter:

Ijma was democratic principle according to Iqbal. It should not be confined to limited number of people to make legislation possible. It should involve the whole community. As we have explained in the whole discussion so far that the nature of matters is now diverse and manifold that the mentioned branches of knowledge in the conditions of Ijtehad described in the principles of Fiqah are not enough. Now a day, the acquaintance or even sufficient knowledge of economics, politics, psychology physics and many other branches is very necessary for Ijtehad. The fulfillment of these terms and conditions is not possible for an individual. Moreover, Ijtehad today is out of sorts for a conventional jurist and scholar, but, along with it, Ijtehad is also not possible without a conventional jurist and scholar. (29)

So, according to Allama Iqbal, a legislative assembly or parliament having experts of all branches of knowledge and arts is necessary and suitable for Ijtehad. He was observing a change in circumstances in modern age and Muslims are also paying attention towards this change. Iqbal expresses his delight regarding these changes in these words. "It is quite satisfactory to see that under the pressure of new nations of this world and in the light of political experiments made by Europeans, the possibilities and values of concept of consensus are making a bright impression on the brain of Islam. The gradual formation of legislative assemblies and the development of democratic spirit are greater steps towards progress. Keeping in view the addition of newly coming opposite sects in modern world, the only form of consensus available to us is that we should handover the charge (power) of Ijtehad to Muslim legislative assembly after taking it back from individual representatives of religions of Fiqah. Only through this way a common man, having a profound look on issues (matters), can take part in discussion for making laws. (30)

It is an aspect of consultation system, if observed deeply.

A verse of Holy Quran.

"And their mutual matters get settled only through consultation". It is such a comprehensive verse of Holy Quran that serves as a circumference for all aspects of social life of Muslims. It has a vast meaning as Allama Asad says:

Therefore, this order of Holy Quran should be considered as basic and operative clause for Islamic thinking regarding state matters. This clause is such comprehensive that our political life is elaborate, defined and very clear and no willful interpretation is possible. The word (Amar) points to collective or common matter. That's why it is the way to govern an Islamic State. In other words, it proves that the demand for real Islamic life is fullfiled only through such a government which is established or formed only through consultation and common opinion. (31)

Allama Asad Says:

During the caliphate, the process of legislation was in its initial stages and was progressing gradually. It could not reach its defined and organized form as caliphate discontinued. Its progress stopped ultimately. The process of consultation got limited to an extent but it was not its highest point. But if the internal development of caliphate had continued on the format given by the four caliphs, it had reached its success in the fullest sense. (32)

The concept of Ijtehad by Iqbal is a chain of that whole body and it has a step left for its completion. In the eyes of Iqbal, caliphate, Ijtehad consensus, and legislative assembly are inter connected in the political frame-work of Islam. Ijtehad is not only a motivational principle of legislation, but also of every field of Islamic social life. It is also needed to grant a constitutional status to Ijtehad and power for implementation for an Islamic State.

According to Allam Iqbal, parliament or legislative assembly is an institution to meet the needs of modern world. It is a good combination of Ijtehad (exertion) and ijma (consensus). It is a collective shape of Islamic State. He is of the opinion that an assembly should represent this collective shape rather than an individual caliph.

He was also impressed by the democratic changes in this regard that took place in Turkey where caliphate started practically.

Dr. Khalid Masood Comments

All these incidents, according to Iqbal, were the reflection of democratic spirit of Islam. Moreover, he declared Ijtehad as a controlling power of all this proceeding and advancement. (33)

Iqbal writes in his thesis.

Now we see that (in Turkey) how Grand National Assembly expressed its (Ijtehadi) (exertion) force by playing its part as a caliph. (34)

Moreover, he says:

The very first question that arises in this context is that whether caliphate should be handed over to an individual? The Ijtehad of Turkey is that caliphate or leadership can be given to an elected assembly or body of individuals according to the spirit of Islam. As far as I know the scholars of Egypt and India have not expressed their views about it. Personally I believe that the Turkish view is perfect in all senses and needs no arguments. The democratic form of government is not only according to the spirit of Islam, but for newly emerging forces in Islamic World it has become a necessity.(35)

Allama Iqbal raises another important point regarding caliphate and he supports a universal caliphate i.e the caliphate that dominates or governs the whole world especially Islamic World. Second important thing that he points to is that he wishes for the revision (review) of the condition of descendancy of Quraish for caliphate. As Dr. Khalid Masood writes with a reference to Iqbal.

But in today's world, the circumstances demand that Muslim governments should be strong in their territory and later they can establish a universal caliphate in the form of federation sort of unity. The example of compromise with circumstances regarding the matter of caliphate can be given using the condition of descendancy of Quranish. For a long time the basic principle of caliphate had been the decendencay of Quraish. But when they lost their strength and they could not rule, the scholars reviewed the condition. So, the Ottoman caliphs of Turkey enjoyed the caliphate while they were not descendants of Quraish. (36)

The Gist of Discussion:

Is that Ijtehad is the principle for the progress and development of life. It is the restlessness of the waves of ocean of life. It is the breath of life, the fervour of fondness; it is the name of dealing with the storm of life. It is a path of determination, the song of life, the anxiety in the souls of Muslims and a struggle of revolution.

1) Allama Iqbal gave many new dimensions (angles) to the concept of Ijtehad and brought it out from lifeless and narrow streets of mechanism and conventional rest condition. He connected it to the origins of life again. The historical cords of thinking of Iqbal are connected to Shah Waliullah and Jamal-ud-Din Afghani. But, his chain of thinking is in a stable position only because of these bright names that serve as pillars of Ijtehad. The concept of Ijtehad given by Iqbal has may salient features. Firstly, the principle of Ijtehad has been a controlling power in all ages and none has denied its possibilities and justification. Moreover, none could stop or restrict it practically. But some historical causes, apparenetly, force to deny its need and importance. Despite these restrictions, the process continued.
2) The concept of Ijtehad has been witnessing this thing that Islam does not have the concept of religious priesthood. Research and Ijtehad is not a monopoly of any specific sect of society. Rather its doors are open for every Muslim but with some restrictions of scholarly honesty and shrewdness (wisdom).
3) Ijtehad helped Islamic nations to accompany the age going-on in all time and has provided many chances to guide the ages. It is a principle of healthy progress and consistent struggle.

In the recent few years the educational decline caused a gradual limitation of concept of Ijtehad and finally it was comprehended with the reference of imitation. On the other hand it was linked to presumption (Qiyas) with a reference to four origins instead of objectives and principles. Allama Iqbal freed it from imitative interpretations and connected it to its real meanings. He laid stress to recognize it with a reference of Quran and Sunnah rather than that of imitative religions. He linked it to the objectives of Shariah after helping it out from the process of conjecture and partial argument action. He, in this way, breathed a new soul of life into it after connecting it with its true sense.

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