

Q. ^{What is ijtehad.} Why was the importance of ijtehad realized in Islam, is it possible to solve all the current issues through ijtehad.

Introduction.

Ijtehad, derived from the Arabic root "jahada" meaning "to strive" or "exert effort", is a fundamental process in Islamic jurisprudence (Fiqh) that involves independent reasoning by qualified scholars to derive legal rulings from primary sources like the Quran and Hadith when explicit guidance is absent. In Islamic jurisprudence, it means striving with intellectual effort to derive a ruling on matters where primary sources have not provided any guidance. This is not a random opinion, but a disciplined and scholarly process, requiring deep knowledge of the sources of Islam and their objectives. (Maqasid-al-Shariah). This intellectual endeavour ensures Islam's adaptability to evolving societal needs while being rooted in its divine principles. Recognized since the early Islamic era, ijtehad's importance is realized as a mechanism for addressing new challenges, fostering creativity and maintaining the religion's relevance in a dynamic world.

Quranic Basis of Ijtehad:

The Quran repeatedly commands believers to use 'aql (reason), tafakkur (reflection) and ta'auul (intellect). Some verses that justify ijtehad are:

1. Reflection of the Quran
اَفَلَا يَتَذَكَّرُونَ الْقُرْآنَ وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ
اِخْتِلَافًا كَثِيرًا -

"Do they not reflect upon the Quran? Had it been from sources other than Allah, they would have found in it many contradiction."

The verse commands tadabbur (deep reflection). This is a foundation for ijtehad, scholars must think, analyze and derive rulings

from Quran. It shows that the Quran encourages reasoning, not blind following.

2. Lessons for people of vision

فَاغْتَبِرُوا دُولَ الْاَبْسَارِ

"So take warning, O people of vision"

Relevance to ijtihad

Word ulu-al-absar (people of insight) refers to those who use intellect and wisdom. Scholars interpret this as an encouragement to apply reasoning in deriving judgements. This supports ijtihad as a duty of the knowledgeable.

3. Consultation and Decision making

وَشَاوِرْهُمْ فِي الْاَمْرِ فَاذَا نَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ

"And consult them in the matter. Then, when you have decided, put your trust in Allah"

Relevance to ijtihad:

The Prophet (SAW) himself was commanded to consult companions. It shows that collective reasoning and deliberation are part of Islamic decision-making. This is the basis for ijtihad-e-jamai (collective ijtihad), used today by high academicians.

Prophet Approval of Ijtihad: (Hadith Evidence)

The Prophet (SAW) himself legitimized ijtihad:

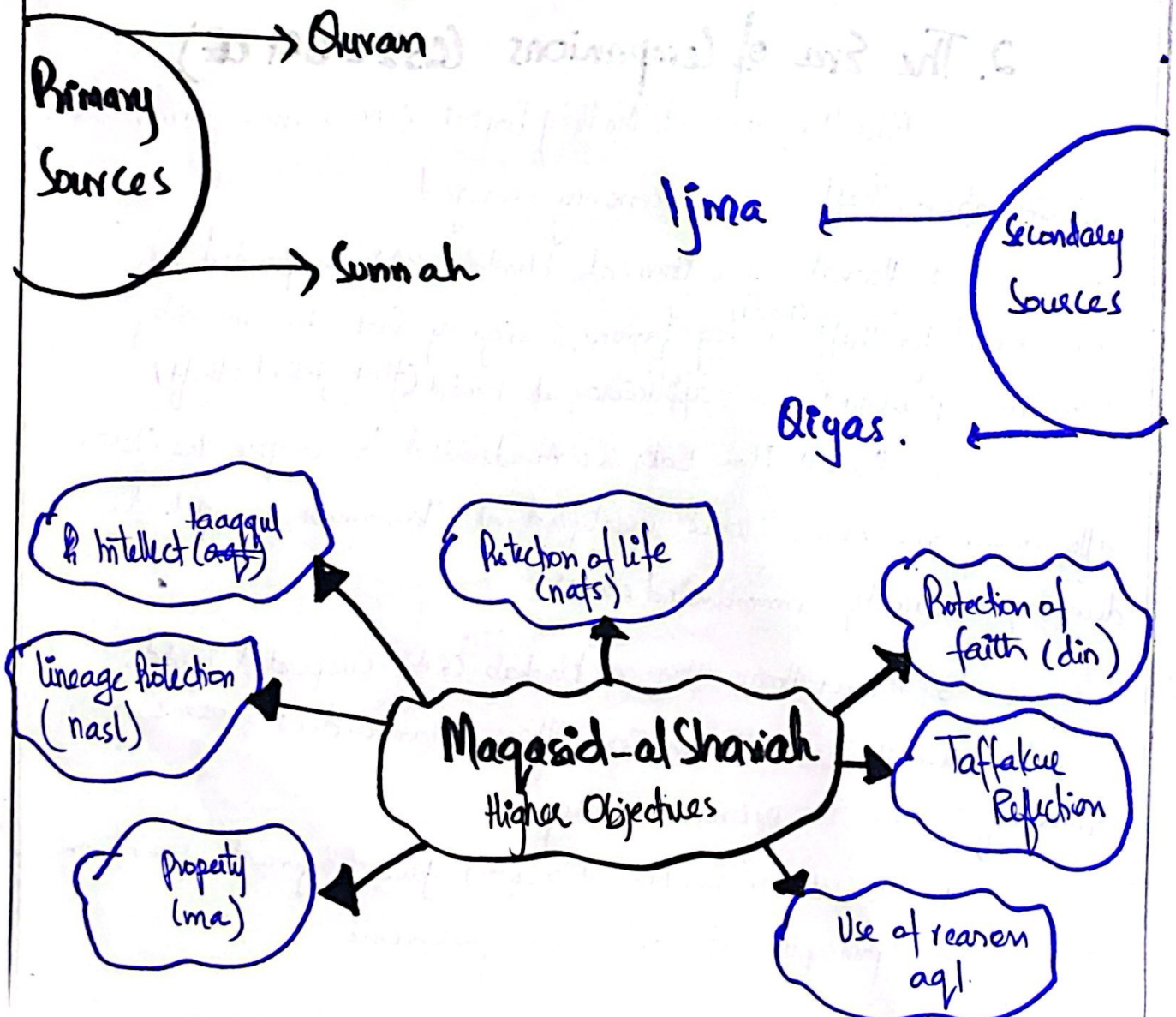
"When a judge exercises ijtihad and reaches the correct ruling, he will have two rewards. If he errs, he will still have one." (Sahih Bukhari)

This hadith shows that even if human reasoning leads to error, the effort is rewarded.

The famous hadith of Muadh ibn Jabal.

When the Prophet (SAW) sent him to Yemen, he (SAW) asked "How will you judge?" Mu'adh replied "By the Book of Allah." The Prophet asked: "If not found?" He said "By the Sunnah of the Messenger of Allah." The Prophet (SAW) asked: "if not found?" He replied: "Then I will strive with my opinion (ajtahidu ra'yi). The Prophet approved it, saying: Baise Ba Allah who has guided the messenger of His Messenger to that which pleases him."

Sources of Ijtihad



Qualifications of a Mujtahid.

- Mastery of Quran and Sunnah
- Knowledge of Arabic, jurisprudence, usul-al-fiqh
- Awareness of context (urf / customs, contemporary issues)

Historical Emergence of Ijtihad:

1. During the Prophet's lifetime.

Prophet (SAW) himself was the primary source of ijtihad so companions usually consulted him in matters of difficulty.
→ The case of Harat Muadh bin Jabal.

2. The Era of Companions (632 - 661 CE)

After the death of The Holy Prophet (SAW), new issues like administration, theft, wars, economy emerged.

1. Harat Umar ibn-al-Khattab (RA) suspended the punishment for theft ^(hadd) during famine, arguing that dire necessity (darurah) prevented the application of hadd (first ijtihad → theft)

2. Harat Abu Bakr (RA) decided to compile the Quran after many memorizers were martyred at Yamamah - an ijtihadic decision not directly commanded earlier.

3. Harat Umar ibn-al-Khattab (RA) suspended hadd.

4. Harat Uthman ibn Affan standardized Quranic mushaf copies to preserve unity.

4. Harat Ali bin Abi Talib (RA) gave judgements based on analogy and principles of justice in governance.

3. Ijtihad in the Era of Classical Jurists (Umayyads and Abbasids)

Formal schools of fiqh developed during this period that include Hanafi, Maliki, Shafi, Hanbali. Scholars like Imam Abu Hanifah and Imam al Shafi systematized methods of qiyas (analogy) and ijtihad. Abbasid caliphs often gathered scholars to deliberate on new issues (early form of collective ijtihad)

4. Closing the Gate of Ijtihad (10th Century onwards)

After 10th Century some scholars thought ijtihad was no longer needed and ~~and~~ all major issues have been addressed, so later scholars should do taqlid (imitation). However many modern scholars (e.g. Wael Hallaq, Fazlur Rahman) argue that the gate was never fully closed ijtihad continued informally.

5. Revival of Ijtihad in Modern Times:

With modernity new challenges emerged that included bioethics, Islamic finance, governance, and gender roles. Reformists like Muhammad Iqbal, Yusuf al Qaradawi and Tariq Ramadan called for renewed ijtihad. Institutions like Islamic Fiqh Academy (OIC) and Majma' al Fiq al Islami practice collective ijtihad on global issues (e.g. organ donation, climate change, cryptocurrencies).

Why the importance of ijtihad was realized

1. Completion of Prophethood: After the Prophet (SAW) no new revelation, no new Prophet. so after his (SAW) death, new issues emerged that led to the realization of ijtihad.

2. **Expansion of Islam**. As Islam kept spreading to new areas, lands, culture and societies, fresh issues arose that needed to be addressed.

3. **Absence of Direct Texts**: Many emerging matters not explicitly mentioned in Quran or Sunnah.

4. **Guidance for Governance**: Caliphs used ijtihad to solve administrative and legal challenges (e.g. famine laws under Harun al-Rashid).

5. **Preservation of Maqasid al-Shariah**. Ensuring that justice, welfare and morality are upheld in new contexts.

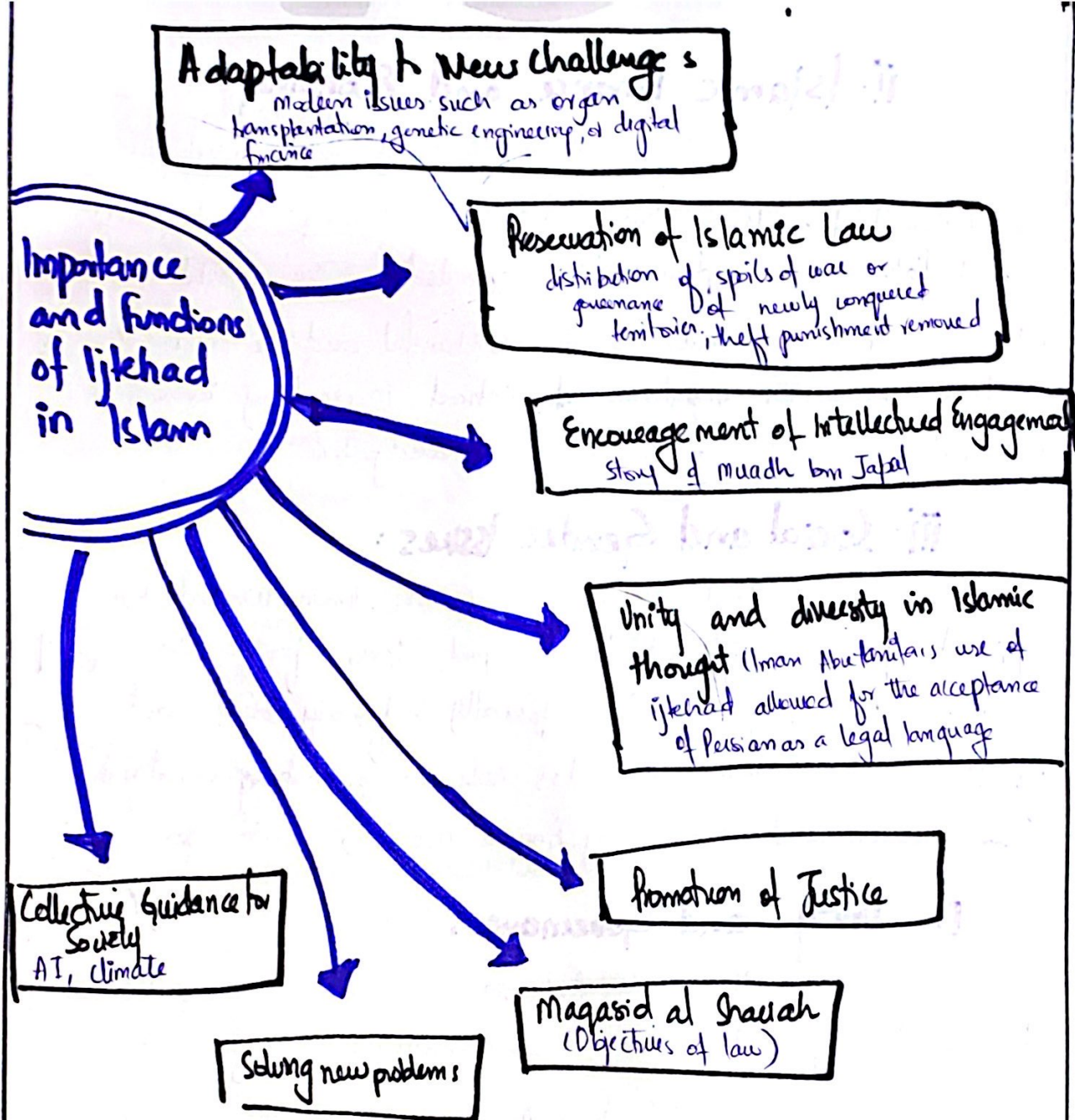
6. **Flexibility and Evolution of Law**. Preventing rigidity in Shariah by adapting to changing times.

7. **Intellectual Growth** Stimulated Islamic scholarship and development of high schools.

8. **Consensus and Unity**: Helped scholars derive rulings collectively for emerging issues.

9. **Modern Relevance**. Provides ethical rulings on finance, bioethics, environment, technology, climate, cyberspace.

10. **Protection against Stagnation** Without ijtihad, Islam risked becoming static and irrelevant to modern times.



Can Ijtihad Solve All Contemporary Issues?

Strengths of Ijtihad:

i- Ethical and bioethical Issues: Ijtihad provides rulings on new bioethical matters such as organ donation and IVF. Using the Quranic verse, "whoever saves one life, it is as if he saved all humanity", jurists have justified life saving medical procedures under necessity - Muhammad Hashim Kamali in Maqasid al-Shari'ah. The objectives of Islamic law explain how ijtihad ensures that rulings uphold dignity, justice and preservation of life.

ii. Islamic Finance and Economy

Ijtihad in the modern age has guided the development of modern Islamic finance, including Sukuk bonds and fatwas on cryptocurrencies, grounded in the prohibition of riba. Yusuf al-Qaradawi in *The Lawful and the Prohibited in Islam* stresses the importance of ijtihad in creating innovative financial tools while avoiding interest and justice.

iii. Social and Gender Issues:

Contemporary thinkers like Amina Wadud have applied "feminist ijtihad" to reinterpret texts for gender equity and women's empowerment, especially in family law and inheritance. This shows ijtihad's role in promoting social justice. (~~See~~ *Quran and Woman* by Amina Wadud).

iv. Unity and Governance.

Historically, Abbasid-era councils gathered scholars for collective ijtihads to address new challenges. Today, institutions like the International Islamic Fiqh Academy carry this legacy forward, ensuring consensus and unity. Muhammad Khalid Masud in *Islamic Legal Interpretation* highlights how collective ijtihad prevents fragmentation.

v. Environmental Challenges

The Quran warns, "Corruption has appeared on land and sea because of what people's hands have earned." Modern research paper "The Need for Ijtihad for Sustainable Development, ResearchGate" argues that ijtihad can provide Islamic ethical foundations for ecological responsibility, sustainable development, and climate policies.

While *ijtihad* is a powerful tool for addressing many contemporary challenges, it cannot resolve all issues, particularly those outside religious or ethical domains. Purely secular issues like climate engineering or AI algorithms require scientific expertise beyond *fiqh*. *Ijtihad* offers guidance (e.g. ethical AI use) but not complete resolutions. Geo political ~~political~~ conflicts need political action alongside *ijtihad*.

Limitations of *Ijtihad*:

i- Restricted scope:

Wael Hallaq, in *Was the Gate of *Ijtihad* Closed?* shows that while *ijtihad* always been part of Islamic law, it applies to legal-ethical rulings but not on technical matters like climate engineering.

ii- Human Fallibility and Divergence

The Prophet (SAW) said, "If a judge strives and errs, he has one reward; if he is correct, he has two." This Hadith shows *ijtihad* is valuable but also subject to human error, which can cause differences among scholars.

iii- Political and Institutional Constraints

Geopolitical conflicts, state capacity, and economic inequality are resolved through policy, institutions, and diplomacy as much as through juristic opinion, (Faruk Rehman, Policy literature)

iv- Need for multidisciplinary collaboration:

Tariq Ramadan and other modernists insist *ijtihad* must operate with science, economic, and political expertise. Practical, collective *ijtihad* (Majma' *fiqh* academics), institutionalize this

collaboration but implementation remains uneven.

Present status:

In Muslim majority states: In muslim majority states: Pakistan's Council of Islamic Ideology

② Egypt's Dar ul Iftaa,

③ Saudi Arabia's Council of Senior Scholars.

Academia: Thinkers like Tariq Ramazan, Yusuf al Qaradawi, Jesse Auda, Hamat albal emphasized mas'alah based ijtihad.

Challenges in contemporary age

[Diversity of opinions (fatwa-shopping)
Risk of unqualified persons misusing ijtihad
Need for multidisciplinary expertise.

Balanced Approach.

Ijtihad holds immense importance in Islam as it ensures that sharia remains a living, dynamic system capable of addressing the changing needs of society. On one hand, it is indispensable for interpreting Islamic law in the light of contemporary challenges such as finance, bioethics, environmental stewardship, and social justice, as emphasized by M. Hashim and Yusuf al Qaradawi. By relying on Quranic principles and Sunnah, it prevents rigidity and provides ethical guidance in areas where direct injunctions are absent. On the other hand, the scope of ijtihad is not unlimited; it cannot independently solve purely technical, scientific or geopolitical issues which require specialized expertise and political action. Therefore the most balanced path forward is not to overburden ijtihad as a solution for every problem but to integrate it with modern disciplines. Through collective ijtihad, undertaken by recognized juristic bodies, and by working in collaboration with scientists, economists and policymakers, Islamic rulings can remain both authentic and practical.