

Qw: 05: Define Ijma (consensus) and explain its different kinds. Can legislation by a parliament of an Islamic State be regarded as a valid consensus?

1. Introduction:

Ijma is a source of Islamic jurisprudence derived from the teachings of Quran and Sunnah. Ijma in another words is a consensus of muslim jurists on ^{solution to} certain issues that are not explicitly answered in the Holy Quran or Sunnah of the prophet (P.B.U.H). Ijma helps interpret the primary sources of Islamic law and keep the Islamic jurisprudence adaptable to modern needs. It has different types based on method of interpretation and the consensus of personalities. The legislation by a parliament of an Islamic state is considered ijma only under certain conditions such as, legislation does not contrasts with Quran and Sunnah, or the parliament constitutes of Islamic jurists.

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The will of God is with the will of community

Abdul - al Razzaq al - Sinhurri
Egyptian Jurist.

2. Ijma at a glance.

Ijma is defined as a consensus of muslim jurists on issues after the Holy Prophet (P.B.U.H). Ijma has derived from word (Jam'a) "Jam'a", which means collection.

So, Ijma is a consensus of scholars based on their independent reasoning from the Quran and Sunnah.

Ijma is a doctrine of Islamic law that follows democratic principle, highlighting the relevance of Islam in the modern world.

My community will never agree upon error

Hadith-

Although the word ijma is not explicitly mentioned in Quran or Hadith, there are certain Hadiths and ayat that directs towards ijma.

Whoever slides a handspan from the community (Ummah), it is as he has removed the bond of Islam from his neck.

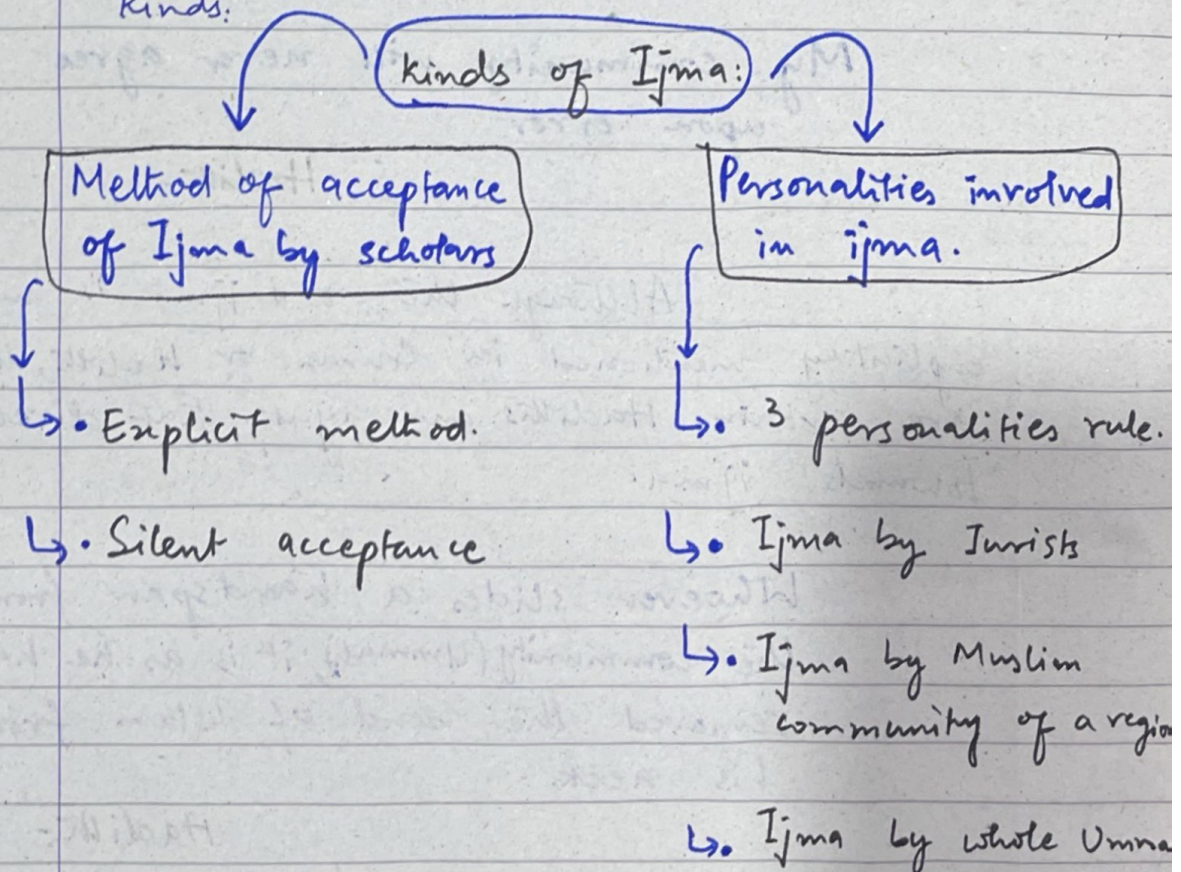
Hadith-

And Allah does not like the one who disagrees or defers from something that has already been made clear.

Interpretation of an ayat of Surah-Imran.

3. Different Kinds of ijma:

Ijma is divided into two classes on the basis of "method of acceptance of Ijma by scholars" and the "personalities involved in ijma making". Each class then is further subdivided into different kinds.



i. Method of acceptance of Ijma by Scholars:

This class defines how consensus has been made between scholars.

• Explicit Consensus:

Consensus is explicit among all scholars, and no one has deferred from that consensus.

• Implicit consensus/silent:

Certain scholars did not give their opinion on the contentious issue being discussed, and also did not speak against the consensus made by other scholars.

ii. Personalities involved in consensus making:

The second class discusses the kinds of personalities involved in ijma making.

- Three personality rule: This kind of ijma is based on a hadith of the prophet (P.B.U.H):

The best of the generations are my generation, then the one who follow my generation, and lastly the one who follow the follower of my generation.

Hadith-

In light of this hadith, consensus is divided into three types:

- Consensus done by Sahaba (Imam Ahmed, Hambel endorsed)
- Consensus done by Tabieen.
- Consensus done by Taba Tabieen.

• Consensus of the jurists: This consensus is done by people who have strong theoretical and practical knowledge of Islamic law. They usually are Islamic Jurists or Scholars.

→ Imam Abu Hanifa endorsed such ijma.

• Consensus of the Muslim community (local): This consensus is achieved by the Muslim community of a local area. Moreover, it is only applied to that community.

→ Imam Malik endorsed the ijma of "people of Madina" as they have the purest of Islamic knowledge.

• Consensus of whole Muslim Ummah: This type of ijma is universal, and also theoretical only because such ijma is very hard, almost impossible, to achieve.

→ Imam Shafae endorsed such ijma (ijma-al-Ummah)

4. legislation of Islamic States' parliament
can be considered a valid ijma only
under certain conditions:

The ijma of an Islamic state's parliament can be considered a valid ijma only if it completes the requirements of ijma, which are:

- Ijma is done by Mujtahid or Scholar.
- Ijma does not contradict Quran and the Sunnah.
- Ijma is non-political and is based on an issue where Quran and Hadith are silent.
- Ijma done by a parliament where mujtahid or scholars are not present, but the ijma or legislation of the parliament is endorsed by the scholars of that state.

The legislation of an Islamic state's parliament ~~becomes~~ is not considered ijma if it does the following:

- legislation is against the teachings of Quran and Sunnah.
- legislation is done on a thing or issue on which the remedy is already present in Quran and Sunnah.
- legislation rejected by scholars of that state.
- legislation is on political basis.

Allama Muhammad Iqbal was enamored with such a legislative body in an Islamic state that performed ijma:

It is disheartening to see that such an important doctrine (ijma) has not been institutionalized in legislative body or parliament, and has been left alone since the medieval period.

"Reconstruction of Religious Thought in Islam" by Allama Dr. Muhammad Iqbal.

5. Conclusion:

Ijma is a consensus of scholars on a issue that has not been highlighted in Quran or Sunnah, under the guidance of Quran and Sunnah, after the time of Prophet Muhammad (P.B.U.H). Its importance can be ascertained from the fact that keeps the Islam law flexible to the modern needs of society, moreover, it brings clarity in the interpretation of Quran and Sunnah through discussions among scholars. Such ~~is~~ important doctrine should be institutionalized so that muslims can follow Islamic law without hesitancy and revive their golden spirit and civilization.

Suggestions for improvement