

Q Define Ijma (consensus) and explain its different kinds. Highlight its importance in the light of the Quran and Sunnah.

IJMA - CONSENSUS

Introduction :

Ijma or consensus is the third source of Islamic law. It refers to the unanimous agreement of muslim jurist of a period, following the demise of prophet (PBUH), over a shariah ruling. While it is considered a secondary source of Islamic law - primary being Quran and Sunnah - its importance and validity is clearly revealed in the Quran and practiced Sunnah, and practiced by companions. It mingles the collective human reasoning with divine guide and gives religion Islam a progressive, dynamic and adaptable touch to meet the demands of contemporary society.

Ijma :

Definition

Ijma is derived from Arabic root word

١ - ع - ر - ج (ع ل ج) which means
"to agree to something unanimously".

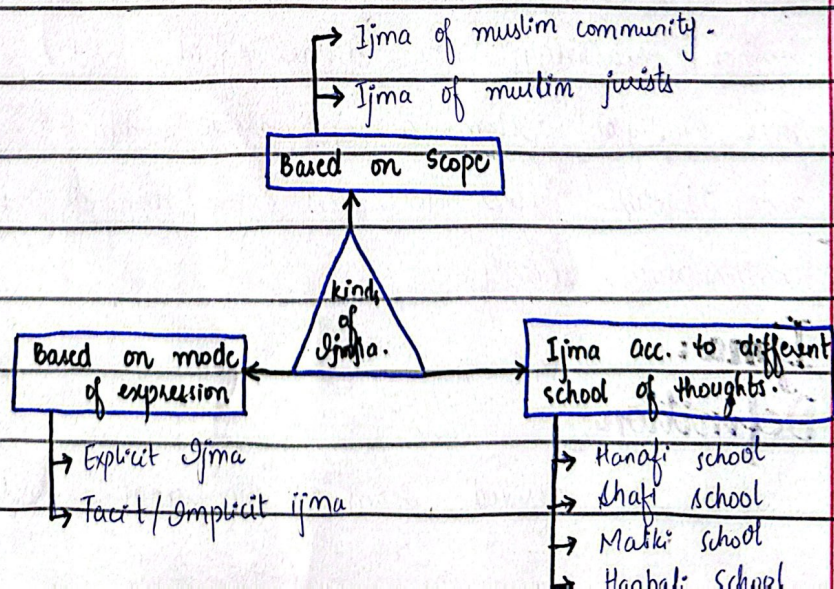
Hence,

"Ijma is the unanimous agreement of muslim jurists, of a particular period, after the demise of Prophet (PBUH) over a shariah ruling."

According to Hanafi Theorist, Abd Al Wahab Khalaf:

It is the agreement of all muslim muftihids of the Muslims in a particular age coming after the death of the Messenger upon a scriptural ruling regarding a particular occurrence."

Kind of Ijma:



a Based on mode of expression:

① Explicit Ijma:

The type of Ijma where the jurists explicitly states their agreement over a ruling.

⇒ It is the strongest and least disputable form of Ijma.

② Implicit Ijma / Tacit Ijma:

The type of Ijma where scholars remain silent of a ruling without showing any objections.

⇒ Hanafi school of thought considers implicit Ijma valid as explicit Ijma is neither customary nor always possible.

⇒ While other schools like Shafi'i considers this form of consensus the weakest.

b Based on scope:

1 Universal Ijma (Ijma-e-Ummah).

The consensus that is developed by participation of the entire muslim community.

It is practically impossible but theoretically is accepted by the Shafi'i school of thought.

2 Ijma of scholars / jurists:

Consensus developed by the known jurists or scholars of a community as they are well aware of the religious aspects. This ijma is widely recognized and practice.

3 Based on authority (school of thoughts)

a Hanafi school:

Hanafi school emphasizes "Consensus of jurist" as they agree that their consensus is sufficient and while consensus of the entire ummah (Islamic community) is impractical.

b Shafi'i school:

Gives primacy to the consensus of the entire muslim ummah. They think that the viewpoints of every person in the community including the jurists is theoretically binding although it is difficult and impossible to achieve.

c Maliki school:

Assigns the authority of Ijma to the people of Medinah (Ijma Ahl al Medinah). Imam Malik argued that Medinah was

the city of Prophet (PBUH) and the centre of Islamic practices hence, its consensus holds a special place.

a **Hanbali School:** had faith, wisdom, order, etc.

Hanbali school of thought acknowledges the consensus of companions... as binding. They also extended recognition to consensus of jurists in later generations.

Importance of Ijma :

Importance of ijma is eminent from the fact that its authority is Quran reiterated in the Quran and its legitimacy is established by the practices of Prophet (PBUH).

a **legality according to the Quran :**

- a) "if anyone opposes the Messenger, after guidance has been made clear to him, and follows a path other than the one he believes, we shall leave him on his chosen path, we shall burn him in Hell, an evil destination." (Al Nisa : 115)

Al Nisa : 115

This verse emphasizes on the collective path of all the believers in a community.

- b "You who believe, obey God and the Messenger, and those in authority among you ..."
- (An Nisa : 59.)

This verse emphasizes on the obedience of the legitimate authority among the believers which is the essence of *Imra*.

- c "You can ask those who have knowledge if you do not know".
- (Al Imran : 103)

This verse stress on unity as a safeguard against deviation. Relying upon the scholars when knowledge is absent is highlighted

- d in the Quran

- d "And hold firmly to the rope of Allah all together and do not become divided."

(Al Imran : 103)

c "Thus, we have made of you
an ummat justly balanced."

(Al Baqarah : 143)

This verse highlights the role of ummat
in preserving justice and balance.

All these verses lay a strong, legitimate
foundation for ijma.

Prophetic Edifices validating ijma:

a) Battle of Badr:

The Prophet (PBUH) build a consensus among the
companions on whether to confront the
Quraysh Army.

Prophet (PBUH) also took (consent of) the
companions regarding prisoners from the
war of Badr.

b) Battle of Uhud:

Prophet (PBUH) sought opinion over whether
to confront the Army outside Medinah
or within the city.

(Ijma)

c Battle of Khundaq (Trench)

During the battle of Trench (Khundaq) the strategy of digging the trench was the idea of Hazrat Salman al Farsi (RA) and it was accepted after consultation.

All these evidences reflect that Prophet (PBUH) valued collective opinion, setting the foundation of ijma in Islamic governance.

Prophet's sayings emphasizing Ijma:

a) "My ummah will never agree in error."

(Ibn Majah)

This reflects that prophet's (PBUH) ummah will always agree to the goodwill of the society.

b) "Allah will not cause all my people to err. Allah's hand is over the community, and he who is separate from it will be separate in Hell."

(Tirmidhi)

- c "Avoid the branching part and keep to the general community."

All this concludes that consensus of the community is favoured by Prophet (PBUH) which legalizes its authority.

Prerequisites of Ijma:

- 1) Ijma must be a consensus, not merely a public opinion. (unanimity).
- 2) Ijma must be performed by Muslim jurists.
- 3) Ijma must be aligned with the guidance of Quran and sunnah.

Ijma And modern institutions:

Ijma in modern era, continues to guide muslims on social, economic and political challenges. While previously ijma was used to seek scholarly advices and guidance on religious matter, today it facilitates legislative and institutional mechanism of Islam.

- a **Guidance in governance related matters:**

National Council of Ulama - Indonesia issues fatwas on contemporary issues of Islamic

finance, halal certification and bioethics.

These decisions involve collective reasoning of scholars, showing the role of institutionalized *ijma* in modern society.

1. OIC and Fiqh academies:

These international bodies bring together scholars from around the world to give reasoned opinions on governance, finance and many other issues on trans-national level.

2. Adapting to modern challenges:

1) Social equality:

The laws promoted through *ijma* work for minority rights and other human rights hence making Islam relevant in modern society.

2. Economic reforms:

Regulates the financial matters of Islamic like eradication of poverty through *Zakat*, promotion of Islamic financing system and interest free banking.

3 Political representation:

Political representation is selected through consultation of scholars and finally through the ~~word~~ will of people according to their needs. This authorizes the role of ijma in political institutions.

Conclusion:

While Islam is a divine religion which seeks guidance from revelations in the Quran, it also keep its pace with contemporary world but allowing human reasoning collectively as a source of guidance.

~~As~~ It is ijma that gives the progressive flavour to Islam. Ijma can be used to bring Muslims across the globe to settle the issues of debate in a peaceful, more sophisticated way. Ijma should be promoted and often practiced to strengthen the relevance of Islam in contemporary world.