

Question no: 02Ijtihad — Concept in Islamic LawIntroduction:

Islamic law is dynamic and comprehensive system designed to guide human in all social, political and economic spheres of life. Although, Quran and Sunnah are the primary sources of Islamic law, new situations continue to arise with the advancement of modern science and technology. To address these contemporary challenges that are not explicitly stated in primary sources of Islamic law, Islam provides the principles of ijtihad. By enabling jurists to derive rulings through disciplined reasoning, ijtihad serves as a crucial mechanism to ensure relevance, adaptability and continuity of Islamic law in contemporary challenges as stated by Iqbal:

The principle of movement in the structure of Islam is Ijtihad.

(The Reconstruction of Religious thoughts in Islam, Allama Iqbal)

1) Concept of Ijtihad

a. Literal meaning

The term Ijtihad is derived from the Arabic root **Jahada** meaning to;

exert one's utmost effort.

Technically, Ijtihad refers to;

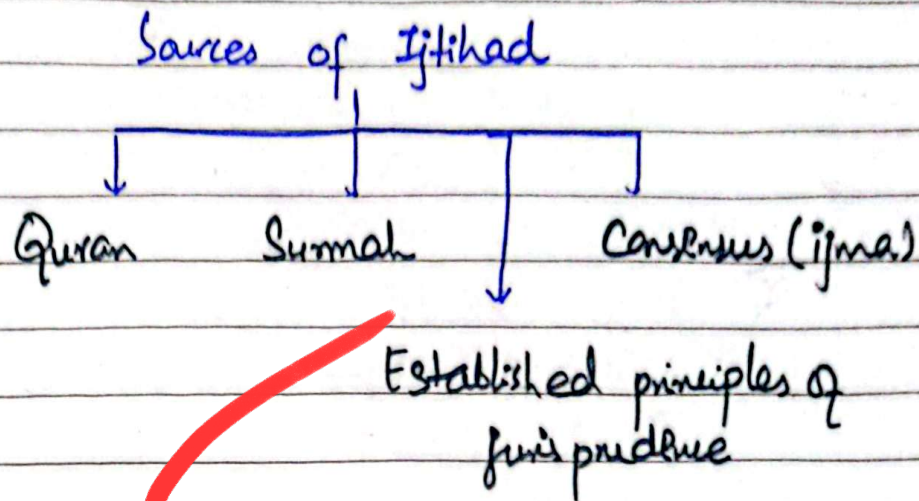
The maximum effort exerted by a jurist (mujtahid) to derive legal rulings from the primary sources of Shariah where explicit texts are absent.

~~(Imam Ghazali)~~

Ijtihad does not imply;

Free opinion or personal desire

It strictly operates under the jurisdiction of Islamic principles of primary sources of Islamic law.



2. Quranic basis of Ijtihad:

In Quran, no explicit use of Ijtihad is observed, however, it strongly endorsed reasoning, reflection and legal inference. As Allah stated in Quran;

And if you differ in anything
among yourselves, refer it to
Allah and the messenger.
(4:59)

These verses established the legitimacy of interpretative effort when direct textual guidance is not available.

3. Hadith evidence supporting Ijtihad

The most authoritative proof of Ijtihad is found in the famous

Hadith of Mu'adh ^{ibn} Jabal (R.A)

On his appointment as a Governor of Yemen, Holy Prophet (SAW) asked him;

According to what ^{will} you judge?

Mu'adh replied: According to Quran
The Prophet asked: "If you do not find it there?"

He replied: According to the Sunnah of the Messenger of Allah.

The Prophet asked:

"If you do not find it there?"

Mu'adh replied: I will exert my opinion without negligence.

This hadith provides explicit approval of Ijtihad by the Holy Prophet (SAW).

4. Practice of Ijtihad

a. Search of the Prophet (SAW)

During the battle of Badr, the Prophet (SAW) accepted the strategic opinion ^{version} of Hubab ibn al-Munzir regarding the positioning of troops, illustrating contextual reasoning.

Another incident:

After the battle of Banu Qurayyah, the companions interpreted the Prophet's command differently regarding Asr prayer, and the Holy Prophet (SAW) approved both interpretations, thus endorsing legitimacy of Ijtihad.

5. Importance of Ijtihad in Islamic law

a) Ensures dynamism and continuity of Shariah

Ijtihad keeps Islamic law responsive to changing circumstance without tempering its divine foundations. The Quran encourage reflection and adaptability.

So take admonition, O people of insight.
(59:2)

b) Provides solutions to new and unprecedented issues

Modern challenges such as biotechnology, digital finance and global governance have no direct textual rulings.

Ijtihad enables jurists to derive solutions according to shariah objectives.

The Prophet (SAW) said;

When a judge exercised ijtihad and is correct, he gets two rewards.

This Hadith legitimizes legal reasoning in novel matters.

c) Upholding the principles of Social welfare

Ijtihad allows jurists to prioritize collective welfare and justice. In the era of rightly guided caliphate; Hazrat Umar (R.A) suspended the punishment for theft during famine, reflected contextual reasoning grounded in justice.

d) Enabling effective Islamic governance

In ~~dealing~~ governance, both administrative and political issues require contextual rulings. The Rightly guided Caliphs used Ijtihad to establish institutions like;

Baitul-mal — to manage fiscal governance

and Judicial systems not explicitly stated in primary texts.

e) Preventing rigidity and legal stagnation

Without Ijtihad, Islamic law would become static and unable to serve society. Ijtihad ensures flexibility and ease in contemporary challenges.

f) Facilitating peaceful conflict resolution

Ijtihad allows flexible legal solutions during disputes. As Hazrat Hasan (R.A) relinquished the caliphate to avoid civil war, demonstrating an unparalleled art of Ijtihad for Ummah unity.

Conclusion:

Ijtihad is an indispensable source of Islamic law that bridges divine guidance with human reality. Rooted in the Quran, sanctified by Sunnah, and practiced in search, it preserves the relevance of Islam in an ever-changing world for addressing contemporary challenges.

Question no: 01

Measures for unity of disunified muslim Ummah

Introduction:

فرد تا فریب ملت سے تیار کچھ نہیں
فوج سے دریا میں اور بیرون دریا کچھ نہیں
(امتل)

In today's world the muslim Ummah stands fragmented along ethnic, linguistic, political, sectarian and ideological lines despite sharing common faith. This disunity has weakened the societies socially, politically and economically. However, Islam provides a comprehensive framework for unity rooted in justice, faith and collective responsibility. By revisiting Quranic guidance, Prophetic practices and legacy of the rightly guided caliphate, it is possible to restore unity in the Ummah.

1. Causes of disunified muslim ummah

(i) Deviation from divine teachings

The foremost cause of disunity is abandoning the Quran

Quran and Sunnah, when divine guidance is replaced by personal or group interests, fragmentation becomes inevitable. Allah commanded in the Quran to stay united as;

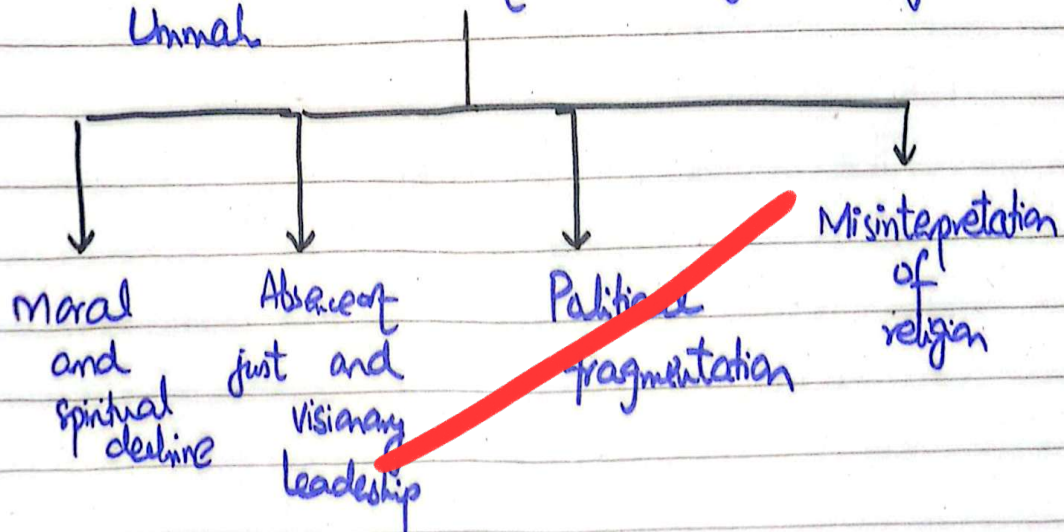
And do not be like those who became divided.

(3:105)

ii) Sectarianism and Intolerance

Differences of opinion turned into rigid sectarian identities have deeply divided the Ummah. Unlike earlier generations, who tolerated juristic differences, later generations allowed them to become sources of hostility.

iii) Other reasons of disunity among Ummah



2. Measures for unity among muslim Ummah:

i) Recentring unity on the Quran and Sunnah

Unity must be built on core beliefs rather than secondary differences. The Prophet (SAW) consistently emphasized adherence to divine guidance as the basis of cohesion as Allah stated;

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

(3:103)

ii) Revival of the concept of Muslim brotherhood

Islamic unity is rooted in spiritual brotherhood, not race or nationality.

The Charter of Madinah established unity among diverse tribes including muslims, jews under shared moral responsibilities, providing a model for peaceful coexistence within Muslim Ummah.

iii) Ethical and visionary leadership

Disunity intensifies under unjust and incompetent leadership.

Hazrat Abu Bakr (R.A) in his first address as a caliph emphasized accountability and obedience setting a precedent for unifying leadership.

iv) Revival of Shura :

Consultative governance prevents alienation and conflict. During the pious Caliphate, Hazrat Umar (R.A) institutionalized shura by consulting companions on state matters. By reviving shura, unity can be restored among *nuslin ummah*.

v) Strengthening social justice and economic equity

Economic inequality fuels resentment and fragmentation. To unify *nuslin* world, it is pivotal to promote collective welfare through zakat and public treasury as it was during the caliphate of Hazrat Umar (R.A).

vi) Reforming religious education and Countering extremism

As discussed that misinterpretation of religious texts divided the muslim ummah on sectarian lines. To counter it, balanced education rooted in Quran, Sunnah can counter extremism and sectarian hatred among muslim ummah.

vii) Ensuring collective responsibility and solidarity

~~The Holy Prophet (SAW) described the Ummah as.~~

Like one body; when one part suffers, the whole body feels pain.

This Hadith underscores moral obligation towards oppressed muslims worldwide as in Yemen, Iraq, Lebanon, Gaza to foster unity beyond national borders. Moreover the role of regional organizations like OIC can help to ensure solidarity.

viii) Promoting tolerance in juristic differences

Islam recognizes diversity of opinion within legitimate bounds. As the

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Holy Prophet (SAW) approved differing interpretations during Banu Qurayyah incident, where companions differed over the things of Ashr, yet none were condemned. ~~This~~ By adopting this principle, sectarian hostility can be prevented at large.

Conclusion:

The diversity of muslim Ummah is achievable when moral principles outweigh personal and political interests. Reverting these Islamic values can lead to ummah's unity.