

A Look into the Future of Ijtihad

The sciences of usulu 'l-fiqh and fiqh, like any other science, have evolved and expanded with the passage of time. But during the last hundred years, especially since the emergence of Shaykh Murtaza al-Ansari (1214–1281 A.H.), these two sciences have expanded greatly and rapidly. In light of this positive development, an idea has been floating among the experts of fiqh since the death of Ayatullah Husayn Burujardi about compartmentalization of ijtihad.

The first person who raised this issue was Shaykh 'Abdu 'l-Karim Ha'iri Yazdi (1276–1355 A.H.), who has the credit of revitalizing the Hawza 'Ilmiyyah of Qum. Shaykh Ha'iri's student, Shahid Murtaza Mutahhari brought this idea in a public forum for the first time in a speech at the seminar organized after the demise of Ayatullah Burujardi in early sixties. He says, "It is better that fiqh be divided into different compartments, and that each group, after attaining the general ability of ijtihad, should specialize in one particular area of fiqh."¹

This idea is very noble. But two recent developments in the Shi'ah world have made this idea into a necessity. First, the Islamic revolution in Iran has availed an unprecedented opportunity for the Shi'ah mujtahids to work on political, economic, social and moral problems which the Shi'ah community faces in Iran. Second, the large scale migration of Muslims to the West has given rise to issues and problems which were unheard of before. Expecting a single person to fully and comprehensively provide guidance for all problems is asking for too much. The only solution for the future of the shari'ah is nothing but the compartmentalization of ijtihad.

However, this is not something which can emerge or be created overnight; it has to take its due course. After a couple of generations, hopefully, we might have mujtahids specializing in four different areas of fiqh:

1. Acts of worship ('ibadat);
2. Economic problems;
3. Personal laws;
4. Social and Political issues.

And the Shi'ahs of that time will be doing taqlīq of either four different mujtahids or of a council of ijtiḥad composed of mujtahids specializing in their respective fields.

In short, the dynamic spirit inherited by the Shi'ah 'ulama from their Imams will keep the light of ijtiḥad shining in one form or another. The future, *al-hamdu lillah*, is bright.

1. Mutahhari, "Ijtiḥad dar Islam," p. 61.

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