

## A word written by: **Sadruddeen Sharafuddeen**

I followed up this book step by step and found its firm structure when growing little by little with the deliberateness of innovation, improvement and discernment.

I often came to the author at the hours of travail to find him merged in his subject, enlivening a theme with long pondering and when his mold straightened up, he began to fill his mold with his high art and then to dedicate it to his clerk. He referred to his clerk many times before his work would be ready to appear with its final form. He did not finish his work until it harmonized before his ears, became firm in structure and convinced his eyes with its lines and colors.

A word near my father<sup>1</sup> was as a sixth sense. It did not please him, unless it acquired, besides the conditions of the truth, the criteria of beauty and the virtue of clearness.

I always saw him surrounded by masses of reference books; some were left open and others were turned over while he was reading in one of them sticking his face into its pages narrowing his left eye and closing the right one. Then he threw the book and combed his beard to spend moments in pondering while his sight swam in high spheres and hidden worlds. If you talked to him during these moments of inspiration, he would not hear you or he would not understand what you said.

His old age that was overburdened with heavy loads did not affect his young mind and youthful determination. His age did not weaken him to dive or to fly and his complicated public responsibilities did not divert him from his intellectual activities as if he had devoted himself to this field only. His sitting between the books at his last days was his meeting for people to judge among them and to settle their problems with his familiar aspects of joy, happy mien and accurate criteria. When he carried out the affairs of people, he came back to complete his work (book), which he often stopped. His memory was very accurate in keeping and recording all his affairs.

He often asked me to discuss his complete works. He might want me, out of this discussion, to understand and concentrate on intellectual matters more and more. He always encouraged me when seeing a good notice or a correct idea from me.

Once he said to me when this part of this book was about to be completed: “The introduction of this

book will be written by you, O my son! I like you to show its right intention to serve the intellect because the real motives of research in this field may be unclear for many readers and that many biased persons may distort them and make them dangerous against the unity of the Ummah and may destroy the relations between its people”.

Then he ordered me again and again to write a suitable introduction for the book. I got ready to undertake this task. I pondered on the subject, determined its headlines and explained the summary of its content orally one evening to my father, who became pleased with it and admired it at that day. Then many distresses happened that prevented me from writing the introduction.

The bitterest of those distresses was the loss of my father, the author, besides many other distresses that everywhere of Lebanon was afflicted with their corruption. The country faced many crises in morals, economics and politics that history had never faced evil and corruption before. Our matter in this concern was the bitter loss of the author, to whom and to his likes of the true leaders we were in urgent need; those leaders, towards whom hearts and hopes would turn in the moments of terror.

After three years I went out<sup>2</sup> to find that my father was no longer there, alas! But I found that the book had been published with a rich and judicious introduction written by Allama Sayyid Muhammad Taqiy al-Hakeem. I found in the research of Sayyid al-Hakeem a full satisfaction that might make me curious if I tried to (show its right intention to serve the intellect...) because Sayyid al-Hakeem had clarified, in his bright and clear style, the bases and principles of the book in their scientific and Islamic course.

Although the research of Sayyid al-Hakeem had left no chance to anyone to misunderstand or to fabricate the real intentions of the book, I found that I had to be sincere to the will of my father, when he had ordered me to put an introduction for the book. If I succeeded in this word, it would be a bit of service, and if not, it would just carry out an obligation from among many obligations I had towards my father.

*Nass* and *ijtihad* are two idioms from among the idioms of the Islamic jurisprudence. Sayyid al-Hakeem has explained them in details in the light of *Usool*. They both are two bases, on which legal verdicts, whether traditional or derivational, depend. *Nass*, which includes the evidences of the Qur'an and the Sunna, is a main base that cannot be violated because it has offered many verdicts and solutions to many events and cases whether concerning the belief or the obligations and whether concerning the social and economical cases or any other human activity.

*Ijtihad* moves from the main base that comprehends the postulates and rules that lead to conclude a verdict on a case that the *nass* has generalized or ignored. This means that *ijtihad* acts after being armed with its scientific tools and means in accordance with the *nass* and walking in its (*nass's*) circle – as the jurisprudents say – otherwise it will be a heresy. In order that an opinion is to be right according to a certain custom, it must be confirmed by the basic systems and principles of that custom.

This is the question that the title of the book raises but as for the motive behind this question, it is the

judgments and verdicts the author has collected, through his wide research, which have been innovated by famous companions of the Prophet (S) and by their successors that have contradicted the basic rules of *ijtihad*.

It would be better in this situation to put forth this question: What use is got from reviving an intellectual problem, whose time has elapsed long ago? Does reviving it not cause a sedition that may delay the progress of the Ummah and may part its unity?

The question is notable especially if we permit caution to control our thinking; the caution of the worry of general life, suspicion and illusion but if we try the question out according to the fixed practical criteria, we shall interpret it as the following: what use is got from paying attention to jurisprudence and its principles? It is a question that if its meaning becomes more than a joke, it will do wrong to the reality and will remove an important intellectual matter from its place that has been deep-rooted in our present life.

Rectifying *ijtihad* and managing the ways, in which it is used, is a valuable intellectual act and it will have great importance when being applied according to its real bases since it has been founded until now on condition that is to be differentiated between the innovation of *ijtihad* and the crooked heresies. In fact many groups of people have been tried during the abundant mental activities since the day of the battle of al-Jamal (the day of the perfidious) and the day of the Kharijites (the apostates) until the golden Abbasid age in the Middle Ages.

The importance of this research is not limited to the historical method but it exceeds it to include the methods of knowledge and action, which are connected with our basic system, which is Islam. The *nass* and defining the situation of *ijtihad* due to it are not from the ordinary heritage or from the extinct languages but they are bases, on which the reality of millions and millions of Muslims depends and around whose axis their lives turn in their wide horizons.

The *nass* is the existence of the Islamic jurisprudence and the *ijtihad*, armed with its mental bases, stands instead of the law of “mutability” if we do not say that it is itself. In order that the existence (*nass*) not to cause inactivity that may hinder progress, *ijtihad* comes out to soften the *nass*, to make it subdued to life and to supply it into the way of the civilizational progress and not to annul it or deviate from it because annulling the *nass* and being deviate from it lead to annul the fixed bases and to innovate a new *Shari’ah* that will be strange to us, will not depend on our philosophy and will not come out of our characteristics and customs.

Hence it is clear that raising this question in this time of awakening will be a step inciting the specialized class of the Muslim ulama to revive the true soul of Islam and to define our situation towards the new matters in a way to prove our private Islamic personality among the modern invading trends.

It is not reactionism when intending to define the concept of *ijtihad* in discussing it through the conducts of the Muslims in the first age of Islam but it is freedom that helps to correct this concept according to the

best opinion related to the true source and to make it easy in order to develop with it in our present time. But as for what is feared that it may lead to bad sectarianism, it will not come except to the narrow-minded, the diseased and those, who are affected by the ism of imperialism.

The learned Arabs and Muslims have been free from the party spirits of history and have become as one Ummah. They do not look at history except from its scientific angle considering it as a test offering to them the experiences of their past to benefit from its virtues and to get lessons from its bad deeds in building their present and future. But as for its events that have been cutting out the shirts of Othman<sup>3</sup> and producing out of them sentimental tendencies covered with religious dresses, they have gone with their elapsed days.

Any of us, who discusses these events now, just wants to research on history to know the stages of the dispute in order to reform the faults and not to widen them, in order to make use of this reform at present and to make it grow in the future and not to recall a past that has elapsed and will never come back again.

Perception and reasonability the Arabs and the Muslims have got are about to match the progress of the age. This reasonability is enough to study the problem with objective spirit to restore the morals of our independent intellect that is connected with our civilizational bases, which have stopped giving their offers because of well-known reasons. This reasonability is also enough to study the *nass* and *ijtihad* since they have been founded until they have been codified in a spirit free from grudges and personal tendencies to make our present active and productive. It will connect our movement with the productive movements of the past before they have been separated from their true origins.

Many people think that connecting *ijtihad* to the *nass* will weaken its ability of progressiveness and prevent it from keeping pace with the advancement of all activities in the present age.

This is not right. The connection of *ijtihad* with the *nass* is necessary not because it is just a religious tradition or it is inevitable according to a rule acquired from a scientific decision, but because it is – before this and that – the source of our originality and a fixed partition that does not allow violating our basic constituents and does not allow to wrong the other cultures. In fact it orders to benefit from the cultures provided that those cultures are to be subjected to our principles, manners and morals.

*Ijtihad* has this great gate; the gate that is open towards international meeting. No one is to think that this gate is narrow! It is a gate wide enough to receive every useful thing coming from the material civilization. It has been so in the Middle Ages when it has received the Greek, Persian and Indian civilizations but according to our conditions in a way that has given our civilization an aspect of superiority in the world.

The reason behind this great flexibility in our *ijtihad* is the great flexibility of the *nass*, on which *ijtihad* has relied and has not separated from. Whoever refers to it, will find its comprehensiveness that has become, really, the last of all the laws and the eternal *Shari'ah* of life forever. This means that the *nass*

has made, since the beginning, a good adobe for progress. It has been noticed that since it has been issued, it has been complied with all the needs of its age and it has been applied to the new and progressive matters after that.

In more details we draw the attention to the integration of the Holy Qur'an when being revealed little by little complying with the nature of progressiveness according to experiments. The same is said about the Sunna; the mate of the Book in its revelations. It has shed lights on the clear (decisive) and ambiguous<sup>4</sup> verses of the Book and has formed with the Book the essence of this *Shari'ah*, which Allah has issued to manage all the affairs of the world with all its creatures in a perfect structure with great contents and eternal surviving.

When has *ijtihad* been determined as a principle?

It is time to put forth this question because of its close relation to the theme of the book *an-Nass wal-Ijtihad* and to refute the sayings showing that this principle has not been determined at the time of the Prophet (S).

We find, before all, that determining this principle at the time of the Prophet (S) is a matter, whose answer is with it. The wise legislator would not ignore such necessary basis like *ijtihad*, which would develop his *Shari'ah* that he had made to live forever and knew well that life would not stop after him.

It has been proved by true traditions and correct historical facts that the Prophet (S) has sent his messengers and deputies to the far countries and has instructed them to act according to their opinion on the matters that they would not find their direct answers in the Book and the Sunna. This was no doubt the foundation of *ijtihad*. Some of the orientalist and their disciples think that *ijtihad* has been founded after the first age of Islam and that which has led to found it is the complexities of life after the arising of some needs that have not been before and that the wide spreading of knowledge has led to it.

This may be right if it has been submitted to the conditions and tools of *ijtihad*, which has been limited to the complexity of life but the real *ijtihad* that has relied on the *nass* according to our concept has been founded at the time of the Prophet (S) no doubt. Besides the conduct of the Prophet (S) with his messengers and deputies, the *ijtihad* of Imam 'Ali (as) on the day of *shura* confirms the foundation of *ijtihad* at that time.

Imam 'Ali (as) has insisted on his opinion when he has refused to add the policies of Abu Bakr and Umar during their reigns to the Book and the Sunna when Abdurrahman has put this condition for Imam 'Ali (as) in order to be chosen as a caliph. If *ijtihad*, in its special meaning, has not been issued before Abu Bakr and Umar, Imam 'Ali (as) would not refuse this condition.

If it has been possible to give the sacredness of the Book and the Sunna to other than the Book and the Sunna, then this would have raised the position of those two caliphs to a high degree but he has intended to equal between the minds of the *mujtahids* and their opinions besides keeping the Book and

the Sunna as the actual gravity. He has not intended by that save to emphasize on *ijtihad* as a principle having the banner of reason to go high with its dignity and to enrich the true legislation with its innovation.

Imam 'Ali (as) has followed by his will a custom having got used to *ijtihad* even it has had another idiom rather than *ijtihad*. It has been called "acting according to one's opinion".

After this I ask myself:

Have I put "an-Nass wal-Ijtihad" in its real frame of showing the true intention to unite the Ummah and to serve the intellect? Have I been sincere to my first introduction that has made my father satisfied and pleased?

But there is an inner answer interrupting my chain of inquiries to say:

It is enough to a debtor his trying the best to repay his debt and his excused failure will be forgiven by the generous people. I have left commenting on the book because my comments will not suffice not to read it or to ponder on its words!

### **Sadruddeen Sharafuddeen**

An-Nass wal Ijtihad

By

Sayyid Sharafuddeen al-Musawi

- [1.](#) The writer of this word is the author's son.
- [2.](#) He might be in prison then.
- [3.](#) He was the third caliph, who had been killed by the rebels. His bloody shirt had been used as an excuse to achieve personal greeds and that had caused a great sedition among the Muslims.
- [4.](#) It can be interpreted into more than one meaning.

---

### **Source URL:**

<https://www.al-islam.org/al-nass-wal-ijtihad-text-and-interpretation-abd-al-husayn-sharaf-al-din-al-musawi/word-written#comment-0>