

## Al-Ijtihad

Every branch of science or of humanistic knowledge, such as medicine, physics, mathematics, botany, grammar, etc. is in need of its particular specialists and experts who study it, discover its laws, and teach the people how to make use of, and apply it. So, the scientific laws which we learn in schools have been discovered by the expert scholars and presented to the people.

Such is the science of *Fiqh*, the science of Islamic Jaws and precepts. It is also in need of the scholars who have specialized in studying and understanding it, in order to discover and derive its Jaws and precepts, from their original sources: the Holy Qur'an and the Pure *Sunnah*, in the same way as the scientists of medicine and botany discover the laws of their branches, by studying the human body, and the plants and their relations with the other things.

The Qur'an and the *Sunnah* are the original sources from which the scholars derive the Islamic precepts, Jaws and concepts. Such scholars, or the *Ulama* who have specialized in studying the Islamic *Fiqh*, and who have discovered and inferred the Jaws and the precepts from the Holy Qur'an and the Pure *Sunnah*, are called the *Fuqaha* [plural of *Faqih*] or the *Mujtahids*.

The process of discovering and inferring the Islamic laws and precepts from the Qur'an and the *Sunnah* is called *Ijtihad*. Therefore, *Ijtihad* is: Applying scientific methods for discovering and inferring the Islamic Jaws and precepts from their primary sources. Consequently, a *Mujtahid* or a *Faqih* is the scholar who is capable of discovering and inferring the Islamic laws and precepts from the Book and the Prophetic *Sunnah*.

For a scholar to reach the stage of *Ijtihad* [i.e. being able to infer the Islamic laws and precepts from the Book and the *Sunnah*] it is necessary for him to study the Arabic language, and comprehend it thoroughly, enable him to understand the meaning! of the Qur'an and the *Sunnah*, and know them and their interpretation, so as to be able to infer the precepts from the verses of the Qur'an, and tell the true traditions from the false ones which had been forged and fabricated by deceiving narrators, so that he may act according to the truthful, and discard the untruthful ones.

For this purpose the *Mujtahids* will have to study the lives of those who quoted and narrated the pure

traditions, in order to know the trustworthy from the dishonest ones. The liars who tried to divert Islam, and to fabricate false traditions, are numerous. There are so many traditions and narrations quoted by some narrators, but they are no more than a pack of lies, detected by the scholars and exposed to us so that we may not be deceived by them.

The question, however, requires a comprehensive knowledge of *Ilmu Usulil-Fiqh* (the science which studies the general jurisprudential principles for deducing the religious precepts), in order to infer the Islamic religious precepts, since the science of the principles of *Fiqh* are the general rules which enable the *Fiqh* to deduce the religious precepts.

## The Necessity of Ijtihad

Human society is an ever-developing one. Man's activities and relations are ever-increasing and spreading. Things which did not exist, can exist in diverse forms at certain times. Such as, banks, insurance companies, radio receiving sets, TV, and thousands of other things. So, we need to know the Islamic precepts and laws so as to know how to organize our acts, and distinguish between the *Halal* and the *Haram*. Had it not been for the presence of the *Mujtahids* in our society, who could then have inferred the Islamic precepts and laws from the Qur'an and the *Sunnah*?

Therefore, the presence of the *Mujtahid* jurists is inevitable in order to look into every case to see whether it is *Halal* or *Haram*, according to the Qur'an and the *Sunnah*. Take, for example, the case of a fasting person who needs medicine, in the form of an intramuscular injection. Now, who can tell us whether this medical injection will nullify his fasting or not?

Especially since this medicine did not exist in the days of the Prophet (s). As such, we do not directly know its relevant precept. The only person able, nowadays, to infer the correct precept, is the *Faqih*, because he is an expert of the Islamic *Shari'ah*. The *Faqih* can tell us that this medicine does not nullify the *Sawm*, by informing us that the fasting person is allowed to use this medicine through the muscle.

## At-Taqlid

Every Muslim has to know the precepts of the Islamic *Shari'ah*, and the necessary laws which he needs when he becomes a *Mukallaf*, such as the *Salat*, the *Hajj*, the *Zakat*, trading, marriage, divorce, etc. in order to apply them when required. But it is not possible for every one of us to study the *Shari'ah* as a specialist, so as to become a *Faqih*, knowing all the Islamic laws and precepts.

Therefore, it is *Wajib* on every non-specialized Muslim to refer to a *Faqih* whenever he wants to know and apply the precepts as he is told. This procedure of referring to a *Faqih*, to take the precept and laws from him and apply them is called "*Taqlid*".

So, *Taqlid* means, depending on, and following, the *Fatwa* [religious verdict] of a *Faqih*. It is obvious that

*Taqlid* is a must. We know that a sick man refers to a physician, because he is specialized in treating the sick. The one who wants to build a house refers to an architect because he is well-versed in the art of architecture.

Thus, we commonly depend on the specialists in all the fields of life. For this reason, we depend on the *Faqih* and refer to him in the field of the Islamic precepts, because he is specialized in the Islamic jurisprudence and knows it well.

## The Attributes of Marji'ut Taqlid

The conditions which are required in the *Marji* of *Taqlid* [the *Mujtahid* referred to for *Taqlid*] to whom the Muslims may refer for *Fatwa*, are as follows;

1. Maturity of age.
2. Sanity.
3. Masculinity.
4. Legitimate birth.
5. Having faith, righteousness and fearing Allah.
6. *Ijtihad*.
7. The most knowledgeable *Faqih* among the living *Faqih*s.
8. To be alive<sup>1</sup>

## Discussion

Q1. Define: *Ijtihad*, the *Mujtahid* or the *Faqih*, and *Taqlid*.

Q2. Explain briefly: "*Ijtihad* is necessary for the Islamic society."

Q3. Complete the following sentence: "A *Faqih* infers the Islamic precepts from the two fundamental sources. They are..... and ....."

<sup>1</sup>. Some of the Islamic sects and groups allow the Muqalid to start his Taqlid with a deceased Faqih.

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