

The History of Ijtihad

First of all it is important to know what Ijtihad is, so that it gets easier to understand all of its aspects. The origin of word Ijtihad is either johod or jahad. All known vocabulary experts tell us that johod implies force and strength, whereas, jahad means hard work and struggle. The original word has been used at different places in Quran in several forms. In addition, Arabic linguists such as Raghīb Isphahani and Fura' Ozbedi also say that this word is used on the occasions of either expending mental energy or physical hard work.

As to the word – Ijtihad. The first explanation is that it is related to the faculty of Principles of Jurisprudence (Usul al-Fiqh) and Usul al-Fiqh is the name for the collection of those rules and regulations that help a Faqih reach a required decision related to Shariah. [1](#)

That is, Ijtihad is finding the solution to a problem by putting in full efforts with the help of solid arguments and a scholarly approach proven in the affairs of life. Let us have an open discussion on this subject. As has been stated before, a few people who have scholarly minds and who stay abreast of new findings and occurrences keep on collecting proofs relevant to the issues and strive to find solutions to problems according to the religious law (sharia).

In the days of Virtuous Imams every inquirer was able to get answers to his questions directly. Then times changed and direct access to the real source of guidance was no more there. Then some trustworthy elders who used to play the intermediary role between an average person and the Imams passed away one by one. In addition, the number of narrators of the commands increased manifold.

The result was that it became necessary to verify every command as sometimes the subject of the narration was doubtful, other times the quality of language was below par and in some instances there were suspicions about the narrator. So for an average man on the street finding out solutions to his problems became a big headache and a threat to his faith. At that time some religious scholars (fuqaha) with a vision stood up and in the name of Allah started following the guidelines provided by the virtuous Imams. Eventually this step very quickly led to an intellectual and scholarly movement and with the Grace of Allah (SWT) school of Ijtihad came into being. Had this effort not been undertaken, God knows where sharia would have gone. Ijtihad provided security to the culture of fiqh, breathed life in its values

and this life got energy and activity.

However, the toughest and most bitter critic of Ijtihad, Mullah Muhammad Amin Ustarabadi² used to raise hue and cry that the concept of Ijtihad came from the Sunni fiqh.

What is surprising is that this gentleman's name was included in the league of heavy weight scholars of his time. He kept insisting rather blatantly that Ijtihad was one of the qualities of Sunni Fiqh. He is the one who initiated this theory. Now the whole school of Sunni Fiqh is adamant on it. As an example, Fakhruddin Razi says, "Just the way Aristotle laid the foundation of logic, Muhammad Ibn Idris Shafei (died in 204AH) invented Principles of Fiqh (Usul al-Fiqh).³

The fact of the matter is that neither Aristotle was the inventor of intellectual constitution, nor Shafei was the creator of rules and regulations of Fiqh. What could be stated is that Aristotle arranged the vague and scattered rules of logic in an order; and similarly Shafei polished some of the laws of Fiqh in his writing, Al-Risala. There will be more on this subject in the next few pages of this book.

Anyway, there is no question that the rules and regulations we are talking about did not show up after the Aemma because almost all the terms used in Usul al-Fiqh are abundantly present in our treasure of traditions. And it makes it quite obvious that in the days of Aemma some portions of Usul al-Fiqh as needed were present in the Islamic knowledge base.

Now let us suppose that a few of such terms appeared after the Aemma, it still does not change the facts, as people of those times adopted simpler language to convey the message and did not use these terms.

¹. Faqih Sheikh Abdul Karim Hairi, who nourished the scholastic activities in the city of Qum says the following about Usul al-Fiqh:

فاعلم ان علم الأصول هو العلم بالقواعد الممهدة لكشف حال الأحكام الواقعية بأفعال المكلفين

It should be known that Faculty of Usul al-Fiqh is a collection of useable rules of wisdom and awareness with whose support an inquirer gets most suitable answers to scholarly queries. Darul Fawaid Jaza, p 31, published Muassasatun Nashar Al Islami, Qum

². There are a number of lush green hills in the fertile land called Vahistan and Varkan around river Atrak and the Gurgan stream in Iran. In this area Ustarabad is the biggest town. Mullah Muhammad Amin was born in this town. He grew up here and got the elementary education. When he was ready for higher learning he moved to Najaf Ashraf, the biggest centre of scholarly activities. After acquiring as much knowledge as he could, he moved to Hijaz.

In those days Mirza Muhammad, a traditional scholar originally from Ustarabad, was staying in Holy Mecca. Mullah Amin met him, immediately became his admirer and joined his study circle. Mirza Muhammad was not only quite impressed by Zahiria, a branch of Sunnah Fiqh, but was also fond of it. Zahiria was founded by a Faqih from Isfahan, Daud Bin Ali (died in 370AH). One well known peculiarity about this school of thought was that its followers were arch enemies of Imam Abu Hanifa's Ijtihadi ideas and were dead against taqleed.

This religion was quite popular in Mecca and Madina in addition to Syria and Iraq. To spread this school of thought in Shia circles and in far flung areas, Mirza Muhammad persuaded his pupil, Mirza Muhammad Amin, to write a book called Alfawaid UI Madniyya. This book lacked scholarly qualities and was full of shallow stuff.

When this piece of writing came into the hands of scholars, there was great hue and cry and for the next two hundred years a bitter debate ensued. May Allah give a high rank in heaven to the king of scholars, Muhammad Baqir Wahid Bahimani, who finished off this river of cheap journalism through his lectures, debates, writings and pupils. Bahimani passed into eternal bliss on 29th Shawwal 1205AH at the age of 90 or 91 after winning a big scholarly battle. He was buried at the feet of King of Martyrs in Karbala.

[3.](#) Manaqib Ush Shafei, p 57

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