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The School of Ijtihad, the Beginning

Islam binds every follower to carry out his affairs according to a collection of rules and regulations called "Sharia". In order to conform one's actions to a certain rule, it is important to have good knowledge of the relevant rules and regulations. This is why it is everyone's duty to seek detailed knowledge of tenets (usul) and branches (furu) of Diin. It makes sense from intellectual point of view and is also supported by the Book and Sunnah. However, to be able to understand the issues and explain satisfactorily, every era has certain requirements and there is need for specific methods of explanation.

Since the days of the Holy Prophet (S) until the beginning of great occultation, whenever, people had any difficulty, it was resolved through the loving attention of our great leaders. However, there came a time when this facility was gone and at the same time new civilization surfaced; new culture took root; travel became easier and ubiquitous; population exploded; world began to shrink; new people started arriving everywhere; intermingling began to occur among people of all races; business boomed; industry grew; new inventions came from everywhere; lifestyle changed; in other words almost all aspects of life including economics and sociology went through revolutionary changes. As a result a new world order came into being.

In these new circumstances there are many things that require clarification for being right or wrong, legitimate or illegitimate. But it is not easy to find the arguments in the Book and the Sunnah. It does not mean that Quran and Sunnah do not have the solutions in their sacred stock. Solutions are there; however, the fact is that some concerns get resolved with a little knowledge and effort; but other issues require in depth research and thus technical ability. This scholarly curiosity and expert research is called Ijtihad in the language of Fiqh.

Another thing; in the history of mankind rules and regulations were needed in all ages. These may be in the form of traditions or the commandments of an authoritarian or the creation of a people-elected legislature or a collection of rules and regulations given by a religion. In any case within their context these are all known as laws.

The stories about old civilizations eulogize the Ashury Civilization a great deal. One of the main reasons is that Hamurabi's constitution belonged to that era.

This story is about 18th century BC. Sun-worshipping Hamurabi[1], ruler of the green belt between the Twin Rivers, Dijla and Furat (Tigris and Eufrates) called Iraq, gave a 285 page constitution to his people. This constitution was engraved on slabs of stone with nails and is on display in a Paris museum since 1902. This manifesto might have been useful in its days but now being a dead document, it is an old sample of stone engraving. The fact of the matter is that when a treatise loses its efficacy in different times, it does not matter if it is engraved in stone or in people's hearts, it becomes a useless document.

This is why those who have command over Islamic faculties of knowledge claim that our cache of fiqh and the roots of fiqh are such a wealth of high standard ever-lasting rules and regulations that they take care of a person's needs for this world and hereafter from cradle to grave. They have miraculous capabilities for encompassing the vast requirements of the society from each and every era.

One of the main reasons is the perfection of the collection of laws. The other is the robust guiding principles that lead the mind to the root of the command. And then the process of searching for the right command in itself is such that it leaves its mark. What we have just alluded to, i.e., "principles of jurisprudence (fiqh)" is a great gift from God.

In this context a well-known intellectual of the scholarly world, Dr. Muhammad Hameed Ullah, says, "Probably the biggest achievement of the Muslims is "Principles of Jurisprudence (Fiqh)". There were laws before Muslims. However, there is no such thing as "Principles of Jurisprudence (Fiqh)" in the whole world. And now we can say that it is a distinct addition that has taken care of a deficiency in the Faculty of Law. Muslims can be proud of the fact that the laws did exist in all countries of the world but no nation presented the Faculty of Law in any form or shape. The "Principles of Law" is the faculty that can be applied not only to the Islamic laws but also to any laws of the world."[2]

1. Hamurabi is the same Namrud who wanted to take a vendetta by throwing Prophet Ibrahim (as) to a huge fire.
2. Khutabat Bahawalpur by Dr. Muhammad Hameed Ullah, p 118, 120, Journal of Islamic Research Council, Islamabad

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