

**NAME: SUMAIMA ADNAN**

**REGISTRATION NO: BA.LLB/3-19/M004**

**PRESENTATION OF ISLAMIC JURISPRUDENCE: WHO IS MUJTAHID  
TODAY?**

**NAME OF FACULTY MEMBER: SIR IJAZ AHEMAD**

**TITLE OF COURSE: ISLAMIC JURISPRUDENCE:**

**DATE OF SUBMISSION: 7/72021**

**Q) Who is mujtahid today?**

Mujtahid is defined as a Muslim scholar that has met certain requirements including a strong knowledge of the Qur'an, Sunna, and Arabic, as well as a deep understanding of legal theory and the precedent; all of which allows them to be considered fully qualified to practice ijti had. Ijti had is a primarily a legislative function. Today the state has the monopoly over legislation .an opinion Issued by a mujtahid would have no significance unless it is accepted by the state and converted into law through legislation. It has tremendous scope of collective ijti had rather than individual.

---

- **The task of mujtahid:**

The basic role of the mujtahid is to explain and articulate the law of God in a particular situation. The mujtahid takes on the considerable responsibility of explaining the will of God to individuals and communities. A mujtahid should also display qualities such as piety and moral integrity.

- **Notable mujtahid and imam:**

Abu- hanifah 700-767m

Malik bin anas 713-795m

Muhammad Idris 767-820m

Ahmed bin hanbali 781-855m

People mostly become imitators for these four experts in a sense of ittiba which is to follow their opinions and understand their basic foundation or taqlid.

---

- **Qualifications of mujtahid:**

Mujtahid (Arabic: مُجْتَهِد, "diligent") is an individual who is qualified to exercise ijthihad in the evaluation of Islamic law. The female equivalent is

a mujtahida. He must know the makki and madni contents in Quran. He must have a fully understanding of ayat Al ahkam. To enables scholar to have a correct understanding of Quran and Sunna. Since the opinion of a mujtahid is a proof, this degree of authority necessitates direct access to the source and full competence in Arabic.

In general mujtahids must have an extensive knowledge of Arabic, the Qur'an, the Sunnah, and legal theory. Sunni Islam and Shia Islam, due to their divergent beliefs regarding the persistence of divine authority, have different views on ijtiḥad and the qualifications required to achieve mujtahid. In order to clarify how ijtiḥad differs in Sunni and Shia Islam it is necessary to explore the historical development of this position in both branches.

## **Sunni**

In the years following the death of Prophet Muhammad (P.B.H.U), Sunni Muslims practiced ijtiḥad and saw it as an acceptable form of the continuation of sacred instruction. Sunni Muslims justified practice of Ijtiḥad with a particular hadith, which cites Muhammad's approval of forming an individual sound legal opinion if the Qur'an and Sunnah contain no explicit text regarding that particular issue. As Muslims turned to the

Quran and Sunnah to solve their legal issues, they began to recognize that these Divine proponents did not deal directly with certain topics of law.

### **MORE TO INCLUDE THAT**

- Enough knowledge of Arabic so that the scholar can read and understand both the Qur'an and the Sunnah.
- Be able to distinguish strength and weakness in reasoning, or in other words exercise logic.
- Must be sincere and a good person.

After Basri, classical Mujtahids like Al-Shirazi (d. 467/1083), Al-Ghazzali (d.505/1111), Al-Amidi (d.632/1234) would also develop various criterion with minor changes. Amidi also allowed less qualified Mujtahids who didn't meet these requirements to solve issues provided he has the tools of solution. From the declaration of these requirements of mujtahid onwards, legal scholars adopted these characteristics as being standard for any claimant of ijtiḥād. This allowed for mujtahids to openly discuss their particular views and reach a conclusion together. The interaction required by ijma allowed for mujtahids to circulate ideas and eventually merge to create particular Islamic schools of law (madhhabs).

### **Shia**

Shia Muslims understand the process of ijtihad as being the independent effort used to arrive at the rulings of sharia., according to Shia Islamic Jurisprudence a believer of Islam is either a Mujtahid (one that expresses their own legal reasoning), or a Muqallid (one performing Taqlid of a Mujtahid) and a Muhtat (one who acts with precaution). Most Shia Muslims qualify as Muqallid, and therefore are very dependent on the rulings of the Mujtahids. Therefore, the Mujtahids must be well prepared to perform ijtihad, as the community of Muqallid are dependent on their rulings. Not only did Shia Muslims require:

- Knowledge of the texts of the Qur'an and Sunnah
- Justice in matters of public and personal life
- Utmost piety
- Understanding of the cases where Shia mujtahids reached consensus
- Ability to exercise competence and authority

However, these scholars also depended on further training that could be received in religious centers called Hawza. At these centers they are taught the important subjects and technical knowledge a mujtahid need be proficient in such as:

- Arabic grammar and literature

- Logic
- Extensive knowledge of the Qur'anic sciences and Hadith
- Science of narrators
- Principle of Jurisprudence
- Comparative Jurisprudence
- **TYPES OF MUJTAHID:**

---

According to different distinctions, a mujtahid can be of the following types:

**Absolute mujtahid**: a mujtahid who has the ability to deduce jurisprudential rulings and has, through this process, deduced the majority of jurisprudential rulings.

**Partial mujtahid**: a mujtahid who has the ability to deduce jurisprudential rulings in certain parts of fiqh (jurisprudence). Some faqihs do not take as legitimate the following of a partial mujtahid, and others hold that he can be followed in those of the rulings that he has deduced.

**Actual mujtahid**: a mujtahid who has, in addition to the ability to deduce jurisprudential rulings, actually deduced many such rulings.

**Potential mujtahid**: a mujtahid who has the ability to deduce jurisprudential rulings, but has not actually deduced many such rulings.

**Infitahi (accessibility-believing) mujtahid**: a mujtahid who maintains that decisive or probabilistic grasp of jurisprudential rulings is accessible or open, that is, jurisprudential rulings can be deduced through reliable decisive or probabilistic evidence.

**Insidadi (closure-believing) mujtahid**: a mujtahid who holds that decisive or probabilistic grasp of jurisprudential rulings is closed or impossible. There is a disagreement among faqihs as to whether it is permissible to follow a closure-believing mujtahid.

**A'lam mujtahid**: a qualified faqih who is more skillful and knowledgeable than other faqihs in the deduction of jurisprudential rulings. Some faqihs hold that it is obligatory to follow the a'lam mujtahid if available, and others take to be an obligatory precaution.

**Qualified (Jami' al-shara'it) mujtahid**: a mujtahid who meets all the required conditions for being followed by laypeople. Some of the conditions include: being a man, being sane, being a legitimate child, and being an Imami Shi'a.

**Marja'**: a mujtahid who is followed by people, that is, people do their religious practices in accordance with his fatwas or jurisprudential views.

- **CONCLUSION**

Islam the fastest growing religion in the world, with over 1.2 billion followers has the astounding capability of adapting to ever changing conditions. The basic aim of Islamic sharia is to provide guidance and way of life to its followers. The star of Islam was at its rise and Islam crossed borders from Asia to Africa and then Europe, when the tradition of ijtiḥad was at its height. However, selfish behavior of rulers, rationalist movement and abolishment of caliphate in its true sense lead the Muslims towards gradual decline because they stopped questioning and critical thinking. Without the tool of ijtiḥad, the gap between islamic theory or aspirations and contemporary reality or constraints becomes impossible to bridge.

The relationship between the mujtahids and muqallids continues to address and solve the contemporary legal issues. Participating in ijtiḥad, however, has been cautioned by scholars for those not properly educated in interpretation of the Qu'ran. This is narrated by Ali ibn Husayn Zayn al-Abidin, the great grandson of Muhammad, when he cautioned Aban ibn abi-Ayyash, a fellow companion, saying, "Oh brother from 'Abd Qays, if the

issue becomes clear to you, then accept it. Otherwise remain silent and defer to Allah because your interpretation from the truth will be as far from the Earth as the sky.”