

Fast 7: Exercise of Judgment or *Ijtihād* — basic principles

- This is the third source from which the laws of Islam are drawn. It refers to the exerting of mind to the utmost by a Muslim religious scholar or legal expert to form an opinion in regard to a difficult point of Islamic law and teaching. The word *ijtihād* is related to the well-known word *jihad*, and means to exert your thinking.
- Reasoning or the exercise of judgment, in theological as well as in legal matters, plays a very important part in the religion of Islam, and the value of reason is expressly recognized in the Holy Quran. It is full of exhortations such as the following:
 - “Do you not reflect?”
 - “Do you not understand?”
 - “Have you no sense?”
 - “There are signs in this for a people who reflect;”
 - “There are signs in this for a people who understand;” and so on.
- Those who do not use their reasoning faculty are compared to animals, and spoken of as being deaf, dumb and blind:

“Deaf, dumb, blind, so they have no sense.” — 2:171

“They have hearts with which they do not understand, and they have eyes with which they do not see, and they have ears with which they do not hear. They are as cattle; rather, they are more astray.” — 7:179

“Or do you think that most of them hear or understand? They are only as the cattle; rather, they are farther astray from the path.” — 25:44

- While those who do not exercise their reason or judgment are condemned, those who do it are praised:

“In the creation of the heavens and the earth and the alternation of the night and the day, there are surely signs for **those who have understanding**, those who remember Allah standing and sitting and [lying] on their sides, and **reflect** on the creation of the heavens and the earth...” —3:190–191

- The exercise of judgment (*Ijtihād*) is recognized in Hadith as the means by which a decision may be arrived at when there is no direction in the Quran or Hadith. The following report is regarded as the basis of *Ijtihād* in Islam:

“When the Messenger of Allah decided to send Mu‘adh to Yaman [as Governor], he asked him how he would decide cases. Mu‘adh replied: ‘By the

Book of Allah'. He asked: 'But if you do not find [any direction] in it'. He replied: 'Then by the practice (*Sunnah*) of the Messenger of Allah'. 'But if you do not find [any direction] in the *Sunna*', he asked. 'Then I will exercise my judgment (*ajtahidu*) and spare no effort', Mu'adh replied. ... The Messenger of Allah said: 'Praise be to Allah Who has granted the messenger of His Messenger what pleases the Messenger of Allah'."

- This report shows not only that the Holy Prophet approved of the exercise of judgment, but also that his Companions were well aware of the principle, and that reasoning or exercise of judgment by others was freely resorted to when necessary, even in the Holy Prophet's lifetime.
- After the Holy Prophet's death, the principle of *Ijtihād* obtained a wider prevalence, and as new areas were added to the material and spiritual realm of Islam, the need of resorting to the exercise of judgment became greater. Nor did the Caliphs arrogate all authority to themselves. They had a council to which every important case was referred, and its decision by a majority of votes was accepted by the Caliph as well as by the Muslim public. It is written in a famous book on the History of the Caliphs:

"When a case came before Abu Bakr [the first Caliph], he used to consult the Book of Allah; if he found anything in it by which he could decide, he did so; if he did not find it in the Book, and he knew of a practice or saying of the Messenger of Allah, he decided according to it; and if he was unable to find anything there, he used to question Muslims if they knew of any decision of the Prophet in a matter of that kind, and a company of people thus gathered round him, every one of whom stated what he knew from the Prophet, and Abu Bakr would say, Praise be to Allah Who has kept among us those who remember what the Prophet said; but if he was unable to find anything in the practice of the Prophet, he gathered the heads of the people, and the best of them, and consulted them, and if they agreed upon one opinion (by a majority) he decided accordingly."

- The same rule was followed by Hazrat Umar, the second Caliph, who resorted to *ijtihād* very freely, but took care always to gather the most learned Companions for consultation. When there was a difference of opinion, the decision of the majority was acted upon. Besides this council, there were great individual teachers, such as Hazrat Aishah, Ibn Abbas, Ibn Umar and others, whose opinion was highly revered. Decisions were given and laws made and promulgated subject only to the one condition that they were neither contrary to the Holy Quran nor to the practice of the Holy Prophet.