



Ramadan Daily Quran Study, by Dr Zahid Aziz, 2023

Adapted and edited from *The Religion of Islam* by Maulana Muhammad Ali
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Fast 7: **Exercise of Judgment or *Ijtihād* — basic principles**

Fast 7

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- *Ijtihād* is the third source from which the laws of Islam are drawn. It refers to use of reasoning by a Muslim religious scholar or legal expert to form an opinion on some point of Islamic law and teaching. The word *ijtihād* is related to the well-known word *jihād*, and means to exert your thinking with great effort.
- Reasoning or the exercise of judgment in all matters of life, including religious matters, plays a very important part in Islam. The value of reason is directly recognized in the Holy Quran. It frequently asks: “Do you not reflect?” (6:50), and “Have you no sense?” (21:67).

Fast 7

2



- The Quran points out a weakness in some people that: “They are a people who do not understand” (8:65). It says that God has created signs “for a people who reflect;” (16:11), “for a people who have sense (2:164)”, and “for a people who understand” (6:98).
- In the above quotations, the Arabic word used for “reflect”, is *tafakkur*, for “sense” is *‘aql*, and for “understand” is *fiqh*. This indicates the different aspects of powers of thinking granted to human beings.
- Those who do not use their reasoning faculty are compared to animals:



لَهُمْ قُلُوبٌ لَا يَفْقَهُونَ بِهَا وَلَهُمْ أَعْيُنٌ لَا يُبْصِرُونَ بِهَا وَلَهُمْ آذَانٌ لَا يَسْمَعُونَ بِهَا
أُولَئِكَ كَالْأَنْعَامِ بَلْ هُمْ أَضَلُّ أُولَئِكَ هُمُ الْغَافِلُونَ ﴿١٤٩﴾

“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. These are the heedless ones.” — 7:179

- On the other hand, those who exercise their reason or judgment are praised:

إِنَّ فِي خَلْقِ السَّمَوَاتِ وَالْأَرْضِ وَاجْتِذَافِ اللَّيْلِ وَالنَّهَارِ لَآيَاتٍ لِّأُولِي الْأَلْبَابِ ﴿١٥٠﴾ الَّذِينَ يَذْكُرُونَ اللَّهَ فِي مَا وَو
فُعُودًا وَعَلَىٰ جُنُوبِهِمْ وَيَتَفَكَّرُونَ فِي خَلْقِ السَّمَوَاتِ وَالْأَرْضِ



“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’. He asked: ‘But if you do not find (any direction) in the *Sunnah*’. Mu’adh replied: ‘Then I will exercise my judgment (*ajtahidu*) and spare no effort’. ... The Messenger of Allah said: ‘Praise be to Allah Who has granted the messenger of His Messenger what pleases the Messenger of Allah’.” (Abu Dawud, h. 3592)

- This shows that the Holy Prophet approved of the exercise of judgment, and that his Companions were well aware of the principle, and that reasoning or exercise of judgment by others was undertaken, even in the Holy Prophet’s lifetime.



- After the Holy Prophet's death, *Ijtihād* had to be used more and its need became greater. The Caliphs had a council to which every important case was referred, and its decision by a majority of votes was accepted by the Caliph and the Muslim public. It is written in a book on the history of the Caliphs, *Tarikh-ul-Khulafa*, by Imam Jalal-ud-Din Suyuti:

“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 ... but if he was unable to find anything in the practice of the Prophet, he gathered the leaders of the people, and the best of them, and consulted them, and if they agreed upon one opinion (by a majority) he decided accordingly.” (See p. 20 in *The History of the Khalifahs*, translated by A. Clarke)

- The same rule was followed by Hazrat Umar, the second Caliph, who 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.