

The Ijma in Shariah

From the Sheffield School of Shar'iah

Definition in Arabic language:

Ijma is the verbal noun of the Arabic word Ajma, which has 2 meanings:

- to determine
- to agree upon some thing

There are many different types of Ijma in Usul al fiqh:

- / Ijma al Ummah
- j** Ijma al Mujtahideen
- / Ijma ahlul Bait
- ~ Ijma ahlul Madina
- / Ijma al Sahabah

Ijma al Ummah

In the past and present, Scholars have taken Ijma al Ummah a legislative source and it has been defined as:

The agreement of the Ummah of Muhammed (SAW) on a matter at any time, past, present or future.

The verse most frequently quoted to support this is in Surah al -Nisa: 115 [FMQ]

“And anyone who splits off from the Messenger after the guidance has become clear to him and follows a way other than the believers’, We shall leave him in the path he has chosen and land him in hell, What an evil refuge.”

Some of the scholars observe that ‘the way of the believers’ in this verse refers to their agreement and the way that they have chosen, in other words their Ijma. Adherence to the way of the community is thus binding and departure from it is forbidden.

Others have stated that even if the verse constitutes an irrefutable proof, It does not have a conclusive (QATAI) meaning.

The verse in fact refers to the ~1 .Allah(SWT) and the ~~Prophethood of Muhammad SAW~~.
“Following a path other than that of the believers, means a ~~an~~ oning Islam.” The ~~ayah~~ was revealed on
~~siQfIQL&Mith~Sfr~flam_____

Thus the verse is not General and thus utilising this Daleel for Ijma al Ummah is Invalid.

The ahadith which are quoted most frequently in support of Ijma al Ummah are:

- / ‘My Ummah shall not agree on a Dalalah.’ {Ibn Maja}
- / ‘My Ummah shall never agree upon Khata’ (Mistake).
- f ‘Allah will not let my Ummah agree upon Dalalah(astray)’. {Ibn Maja}
- ~ ‘I beseeched Allah Almighty not to bring my Ummah to the point of agreeing on Dalalah and He granted me this.’ {Ibn Maja}
- ‘A group of my Ummah shall continue to remain on the right path. They will be the dominant force and will not be harmed by the opposition of dissenters.’ {Ibn Maja}

Debate

A source of legislative rulings has to be based on definite evidence (Qatai Daleel). The above ahadith are conjectural evidences (adilla thaniyaj).

These ahadith cover different topics, first of which is that the ummah does not agree upon Dalalah, which is a turning back from Islam. In fact, the Muslim Ummah, as a whole, is not unanimous on this issue.

If the above Hadith are taken as a source to justify the honesty of the Ummah as a whole, they contradict other Hadith in which the Messenger (SAW) criticised the Ummah.

Umar ibn al-Khattab reported the Messenger (SAW) as saying, 'The best of my Ummah are those who lived in my life-time then those who lived after them and those who lived after them. Then will come a time when people will fabricate stories or tales without evidence and will cheat and not be trustworthy nor be faithful and they will appear obese.' {reported in different forms from Bukhari and Imam Ahmad}

In another saying the Messenger (SAW) said: 'Lying will become a common practice, the believer will be called unbeliever and some people will give false testimonies and will testify before being asked and some people will become like wolves.' {Tirmidhi, Ibn Majah, Ahmad}

Conclusion

All these sayings contradict the previous sayings if they are taken to prove Ijma al Ummah, because Ijma al Ummah assumes that the ummah will always agree on good, whereas these ahadith indicate that some parts of the Ummah will go astray. There cannot be contradictions in the revelation, thus Ijma al Ummah can have no value as a source for Hukm Shari'.

Ijma al Mujtahideen

Ijma al Mujtahideen is defined as a unanimous agreement of the Mujtahideen (those who exert their efforts to extract the rules) of the Muslim community of any period after the Messenger (SAW).

The proponents of Ijma al Mujtahideen have used the same definition which is used for Ijma al Ummah but restricted it to the Scholars. Thus the same arguments apply to Ijma al Mujtahideen and it has no value as a source of Hukm Shari'.

Ijma al Madinah

The scholars who use this type of Ijma have restricted it to the people of Madinah. They base their opinion on the hadith of the Messenger (SAW):

'The Madinah city cleanses all Khabath' {Bukhari, Muslim}

These scholars also claim that Khabath means mistakes and in this case the hadith would also indicate that its people are free from mistakes. Since the people are free from mistakes, it follows that their ijma is considered valid.

The complete text of the hadith is mentioned in Bukhari and Muslim.

It relates that a bedouin gave the pledge of Islam to the Messenger (SAW), he then became sick and said:

'O Prophet (SAW) free me from the allegiance I gave to you. The Messenger (SAW) rejected. the man then asked again and the Messenger (SAW) rejected, so he left the Messenger (SAW) and became well. The Messenger (SAW): 'The city of Madina is like the bellows. It cleanses filth and its goodness will shine.' {Bukhari, Muslim, Ahmed}

Debate

An istakejn Ijtihad cannot be considered as Kha~g~(filth) because there is no reward in this. ~aSh has been forbidden by the Messenger (SAW) in the following sayings:

'The price (money obtained from selling) of a dog is Khabaith (Filth).' {Muslim}

'The money taken for zina of a whore or prostitute is Khabaith (filthy).' {Bukhari, Muslim.}

'Alcohol is the mother of all Khabaith (Filth). {An Nisai.}

However, with the case of a mujtahid, even if he erred and made an error he would be rewarded.

The Messenger (SAW) said:

■ 'My Ummah is not responsible for three things, mistakes, forgetfulness and what is done under duress.' {Ibn Maja}

source of Hukm Shari'. to justify this as a

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Some scholars have confirmed Ijma to the household of the Messenger (SAW). In support of their argument, they refer to the following evidence: [TMQ al Ahzab :32-33]

"O wives of the Prophet! You are not like any other women. If you keep your duty, then be not soft in speech, lest he in whose heart is a disease should be moved with desire, but speak in an honourable manner."

"And stay in your houses, and do not display yourselves like that of the times of ignorance, and offer prayers perfectly and give zakat and obey Allah and his Messenger. Allah wishes only to remove Ar Rijs from you, o members of the family (of the Prophet) and to purify you with a thorough purification."

The proponents of this type of Ijma and other scholars have said that when this Verse was revealed, The Messenger (SAW) took his cloak and covered Imam Au (RA), Hussien, Hassan and Fatima (May Allah be pleased with them) and said: 'these are my household.'

Also, The Scholars have backed their argument from the Sunnah with the saying of the Messenger (SAW):

'I am leaving you two valuable things (al Thaqalayn), the book of Allah and my (Utra) family. If you abide by them you will never go astray.'

In another narration

'Fear Allah when dealing with my family (repeated 3 times).' {Tirmidhi, Ahmed}

Thus, the claim is made that Allah (SWT) has lifted Ar Rijs from the family of the Messenger (SAW) and

that ar-Rijs is infallible. According to their argument, Ahlul bait are infallible, and thus their Ijma is legitimate source of Shari'ah.

Debate

Other scholars, in response to the verse in surah al Ahzab, comment that the meaning is not Qatai (decisive) and that the verse was revealed in regards to the wives of the Messenger (SAW) as well.

The word ar-Rijs mentioned in the verse means lifting of suspicion or dishonesty and not mistake. The word ar-njs has been mentioned in many verses under the meaning of moral impurities such as:

“Th-jjsc 4rl+ah-tys-thj&(Shmne) upon those who believe not.” [TMQ Al Anam: 125]

and

“It is not for any soul to believe except by the permission of Allah. He has set Rijs (uncleaness) upon those who have no sense.” [TMQ Yusuf:1001]

These scholars say that Rijs, in these and many other places in the Quranic text, denotes moral impurities.

Removing the rijs does not in any way mean that they are infallible.

As for the Hadith, which narrated that the Messenger (SAW) covered, with his cloak, Ima Ali, Fatima, Hassan and Hussain (May Allah be pleased with all of them) and then said these are my family, it is by no means a restriction on his family as backed by the following narration:

‘Hussein (RA) said to Zaid (RA) . ‘O Zaid who are his (SAW)’s family ? Are they not his (SAW) ‘s wives ?’ He said, ‘Yes his (SAW)’s wives are his family, but his family are those who have been excluded from accepting Sadaqah (charity).’ So he inquired, ‘Who are they?’ Zaid said, ‘they are the Family of Ali, the family of aqil, the family of Jaafer.’ Hussein then asked, ‘Have all of these people been excluded from accepting Sadaqah?’ And he replied, ‘Yes.’

It should be noted that Imam Ali, Hassan, Hussain, and Fatima (May Allah be pleased with them) all fall in the generation of the Companions so they could have heard a narration from the Messenger (SAW) and acted according to it but whose wording never reached us. By Ijma We mean that After the Messenger (SAW) the companions collectively did some thing which apparently contradicts a hadith and no one objected, e.g. If all the companions agreed and Imam Ali (RA) disagreed it would not be considered Ijma. But any Imam after this generation did not see the Messenger (SAW) nor could have heard a Hadith directly from them Messenger (Saw) so it cannot be said that their Ijma is binding.

Lesson:

There are Scholarly differences in the issues of which Ijma is the Strongest. Each School has it legitimate point of view and evidences which should be taken by conviction and not emotional arguments. These differences lie outside the area of Itiqad (belief) which can only be taken by definite text and definite meaning.

Ijma as-Sahaba

Usooli Definition

It is the agreement or consensus of the companions of the Messenger (SAW) of a rule about a particular

incident that the rule is a divine rule after the death of the Messenger (SAW).

This agreement must have been based upon some teaching of the Messenger (SAW) of which they all knew, but which did not reach us directly in the form of Hadith. Therefore, Ijma as-Sahabah is an indication of the Sunnah itself

An example of Ijma as-Sahabah is the priority which must be given to the appointment of a Khalifah for the Muslims. The Sunnah of the Messenger (SAW) informs us that the dead must be buried quickly and it is forbidden for those responsible for burial to delay the burial on account of other things. Yet when the Messenger (SAW) died, the Companions delayed his (SAW) burial until after they had selected a khalifah from among themselves. The unanimous agreement of the Sahabah (RAA) (including Imam Ali (RA) even though he was thought to be the most eligible) regarding this action is a Daleel for us about appointing the Khalifah for Muslims, Even more vital than the burial of the Messenger (SAW) himself

Imam Ali (RA) says:

‘The people made the pledge to me what they pledged to Abu-Bakr, Umar and Uthman. Those present had no choice and the absent could not deny. The choice belongs to the Ansar and Muhajireen, If they agree on a man and named him Imam. This will be pleasing to Allah, but if he digresses from the right way by confuting them or introducing unacceptable innovations, then they will advise him to come back to the right way. If he refuses, then they will fight him before he could follow other than the way of the believers.’ {Ibn Abi Al-Hadid, Shar Nahj Al-Bulagha, Vol 3 pg. 7}

Lesson:

This matter should be discussed on a scholarly level. It is not for ignorant people to use as an excuse to fight and kill each other, nor is it for them to pronounce takfir on each other. It should be settled following the evidences and the etiquettes of difference of opinion. Imam Ali (RA) and the other 3 Khulafa did not abuse each other nor sanctioned such actions. The examples can be seen when Abu Hanifa debated with Imam Jafar as Sadiq, whose mother was the granddaughter of Abu Bakr (RA), and Abu Hanifa declared:

‘The most knowledgeable person is the one who is most knowledgeable of their differences’, referring to Imam Jafar.

Daleel Indicating the Authority of Ijma as-Sahabah

The Sahabah (RAA) were the group who had the best access to the revelation and were most mindful of holding fast to the revelation in their actions.

Their Ijma is a proof for the following 2 reasons:

Allah (SWT) in the following verse praises them as a community:

“The Vanguard (of Islam)- the first of those who forsook (their homes) and those who gave them aid (the Muhajireen and the Ansar) and also those who follow them in good deeds, Allah is pleased with them and they with Allah. And Allah has made ready with them gardens underneath which rivers flow and that will be their abode forever eternally, this their supreme triumph.” [Th’IQAI Tawba: 100]

This complement is given to the Sahabah for the sole reason of having been the Sahabah (RAA). However, the compliment for others is due to the fact that they followed the footsteps of the Sahabah (RAA). The followers are not complimented but for following the Sahabah (RAA).

Therefore, it can be concluded that the meaning of the verse is confined to the Sahabah (RAA) only.

Any

group of people whom Allah (SWT) complements in such a manner, the truthfulness of what they agree upon is affirmed.

Doubt in the trustworthiness of the Sahabah leads to doubt in Islam. The Sahabah (RAA) were the generation who transmitted the Qur'an and narrated throughout its entire Deen was conveyed to us through the vehicle of this group. This group was the means by which Allah (SWT) chose the Qur'an to be compiled and preserved. Allah (SWT) has promised to preserve this scripture through them.

r "Falsehood cannot come at it from before it or from behind it. It is a revelation from the Wise, the owner of Praise." [TMQ Al Fussilat : 42]

The important point to remember is that Ijma as-Sahabah is not the personal opinion of the Companions on any technical issue. Rather, it is their agreement on specific things with regard to its rule in Islam, i.e. an agreement on a shai' issue.

The Sahabah as a group would not agree that a certain thing is Islamically permitted or forbidden without knowing whether that action was approved or disapproved by the Messenger (SAW). However, the Hadith in this regard is not narrated to us, instead its rule is conveyed by the total agreement of the Sahabah (RAA). The Scholars are in agreement that Ijma is a binding proof

Even the Scholars who take Ijma ahlul Madina, Ijma ahlul Bait, Ijma al Ummah, Ijma al Mujtahideen -- implicitly include ijma as-Sahabah, However they may differ on who fits the description of a Sahabi.

Note : No one amongst the prominent Scholars of all schools of thought differ about the authenticity of the Mushaf(Qur'an) compiled by Mutawatir transmission nor claim that some of it missing.

The following is the opinion of one of the greatest Shiite scholars Imam al Khui, who says in his interpretation, Al Bayan, pg. 259:

'Based on what we have mentioned, It is obvious to the reader that the talks about slanting of the Quran are nothing but superstitious kinds of talks and no one believes in them unless he/she has a weakness in his/her mind or he/she did not look into the Quran deeply and justly. He who seeks answers in the Qur'an will never believe those talks. Those who believe and talk about slanting are among those who love to talk about that subject and the love of something might lead to blindness and deafness toward the truth. However, the just, rational person who is in command of himself will not have any doubt about the falsehood and the superstition of such talks.'

Definition of Sahabi

Ibn Kathir, Imam Sayuti, Imam Nawawi say that Saed bin Musayeb(RA) said Sahabi is:

A Muslim who lived with the Messenger (SAW) for 1 or 2 years or participated in 1 or 2 ghazwaat (military expeditions led by the Messenger (SAW)).

Other Scholars have their own definitions and evidences to support them. It should be noted that the difference is not over whether Ijma as-Sahabah is a definite evidence but over the definition of a Sahabi.