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The Concept of Collective Ijtihād, its Need and Role in the Development of Islamic Law and Legislation in Modern Era

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Abstract:

In this paper, the concept of Collective *Ijtihād* has been analysed concerning its need, importance, and role in the development of Islamic Law and Legislation, particularly in the contemporary era. It has also been a subject of ongoing discussion among Islamic scholars and legal experts. Collective *Ijtihād*, which refers to the process of seeking Islamic legal solutions through consultation and reasoning by joint efforts of a group of scholars, has been proposed as a means of addressing the challenges faced in the development of Islamic law and legislation. This study also aims to examine and identify the challenges and solutions for its effective implementation and the challenges faced including a lack of consensus among Islamic scholars, limited involvement of the *'Ulamā* in the legislative process, resistance to change, and a lack of resources, etc. The study highlights the need and importance of Collective *Ijtihād* in providing a means of adapting Islamic law to the changing needs and circumstances of society while preserving its fundamental principles. This study provides recommendations for overcoming these challenges, including encouraging consensus among Islamic scholars, increasing the involvement of the Islamic Scholars (*'Ulamā*) in the legislative process, addressing resistance to change, and providing resources for the implementation of Collective *Ijtihād*. It is concluded that Collective *Ijtihād* is essential for the effective development of Islamic law and legislation in the contemporary era. The collective mode of *Ijtihād* can play a critical role in ensuring the continued relevance and vitality of Islamic law in the 21st century.

Keywords: *Collective Ijtihād, Islamic Law, Legislation, Development, Modern.*

Introduction

Islamic law, also known as sharia, is a comprehensive legal system that has been developed over the centuries through the interpretation and application of the Quran and Hadith. However, the contemporary era has seen a number of changes and challenges that have called into question the ability of traditional methods of interpretation to adequately address the needs of the modern world. This has led to a growing recognition of the need for collective *Ijtihād*, or independent reasoning, in the development of Islamic law and legislation.

Despite the increasing recognition of the need for collective *Ijtihād*, there has been limited progress in implementing this approach in the development of Islamic law and legislation. This is due in part to the resistance of traditional scholars to change and the lack of agreement on the methods and criteria for engaging in collective *Ijtihād*. As a

result, there is a need for further exploration and discussion of the concept of collective *Ijtihād* and its potential role in the development of Islamic law and legislation.

Objectives of study
The objectives of this study are:
- To provide an overview of the concept of collective *Ijtihād* and its history in Islamic legal thought.
- Examine the challenges and resistance to the implementation of collective *Ijtihād* in the contemporary era.
- Identify and analyse the methods and criteria that have been proposed for engaging in collective *Ijtihād*.
- Assess the potential impact of collective *Ijtihād* on the development of Islamic law and legislation.

Significance of the Study
The results of this study will contribute to a better understanding of the concept of collective *Ijtihād* and its potential role in the development of Islamic law and legislation. This research will provide a foundation for further exploration and discussion of the issue, and will inform the development of policies and initiatives aimed at promoting the implementation of collective *Ijtihād* in the contemporary era.

Methodology
1. **Research Strategy:** The research strategy for this study is qualitative in nature. Qualitative research is appropriate for exploring and describing complex concepts and phenomena, and this design allow for an in-depth examination of the concept of collective *Ijtihād* and its role in the development of Islamic law and legislation.
2. **Population and Sampling:** The population of this study is the scholars who have written about the concept of collective *Ijtihād* and its role in the development of Islamic law and legislation, both ancient and contemporary. The sample selected using purposive sampling, with a focus on selecting scholars who have made significant contributions to the understanding of collective *Ijtihād*.
3. **Data Collection Method:** The data for this study collected through a systematic review of primary and secondary sources. Primary sources include classical texts on Islamic law and literature written by ancient scholars, such as *Ibn Rushd* and *Al-Ghazālī*, and contemporary sources written by modern-day scholars, such as *Ṭāriq Ramadan* and *Yūsuf Al-Qarḍāwī*. Secondary sources include books, articles, and other relevant publications. The data collection process involved conducting an extensive literature review, taking detailed notes on the relevant concepts and arguments presented in each source, and compiling a comprehensive database of information on the topic of collective *Ijtihād*.
4. **Data Analysis Method:** The data collected for this study analysed using content analysis. In this study, content analysis used to identify the main arguments presented by ancient and contemporary scholars on the concept of collective *Ijtihād*, as well as the role and importance of collective *Ijtihād* in the development of Islamic law and legislation. The findings of the study presented in a narrative format, with the analysis of the data presented in a way that is easily understandable and accessible to the reader.

Literature Review

The concept of *Ijtihād* has been a central part of Islamic legal thought since the early days of Islam. It refers to the process of independent reasoning used to arrive at legal rulings in cases where there is no clear precedent in the Quran and Hadith. *Ijtihād* reached its peak in the 9th and 10th centuries, during the Golden Age of Islam, when a number of prominent scholars made significant contributions to the development of Islamic law and theology. However, by the 12th century, the door of *Ijtihād* was considered to have been closed by the majority of Sunni scholars, and its use declined in subsequent centuries.[1]

Despite this decline, the concept of *Ijtihād* has remained a central part of Islamic legal thought, and continues to be a source of debate and discussion among scholars and jurists. In the context of the contemporary era, the idea of collective *Ijtihād* has been proposed as a way to ensure that Islamic law remains relevant and responsive to the needs of modern society. Collective *Ijtihād* refers to the use of independent reasoning by a group of scholars, rather than by an individual.[2]

There is a range of views among scholars and jurists on the concept of collective *Ijtihād* and its potential role in the development of Islamic law and legislation. Some scholars argue that it is a necessary step in the evolution of Islamic legal thought, and that it is the only way to ensure that sharia remains relevant and responsive to the needs of contemporary society. Others, however, are sceptical of the idea, and believe that it goes against the traditional principles of Islamic law, and that it could lead to a fragmentation of the legal system.[3]

In conclusion, the concept of *Ijtihād* has played a significant role in the development and evolution of Islamic law and theology, and continues to be a source of debate and discussion among scholars and jurists. The idea of collective *Ijtihād* has been proposed as a means of addressing the challenges and changes of the contemporary era, and of ensuring that Islamic law remains relevant and responsive to the needs of modern society. However, views on this concept are divided, with some scholars arguing for its necessity and others expressing scepticism.

Historical Development of *Ijtihād*

The concept of *Ijtihād* has a long and rich history in Islamic legal thought. It originated in the early days of Islam, when the Prophet Muhammad's companions and successors were faced with a range of legal questions for which there was no clear precedent in the Quran and Hadith.[4] In response to these challenges, they used their own independent reasoning, or *Ijtihād*, to arrive at legal rulings and decisions.

During the Golden Age of Islam, which lasted from the 8th to the 10th centuries, *Ijtihād* reached its peak. A number of prominent scholars made significant contributions to the development of Islamic law and theology during this time, and the use of *Ijtihād* was widespread.[5] It was during this period that the foundations of the Islamic legal system were laid, and a number of important legal schools and schools of thought emerged.

However, by the 12th century, the door of *Ijtihād* was considered to have been closed by the majority of Sunni scholars. This was due to a number of factors, including political instability, the decline of the caliphate, and the increasing influence of jurists and scholars who believed that the sources of Islamic law were fixed and could not be reinterpreted.[6] As a result, the use of *Ijtihād* declined, and the Islamic legal system became more rigid and less flexible.

Despite this decline, the idea of *Ijtihād* has remained central to Islamic legal thought, and has continued to be a source of debate and discussion among scholars and jurists. In the context of the contemporary era, the idea of collective *Ijtihād* has been proposed

as a way to ensure that Islamic law remains relevant and responsive to the needs of modern society.

In short, the historical development of *Ijtihād* has been marked by periods of growth and decline. During the Golden Age of Islam, the use of *Ijtihād* was widespread and played a central role in the development of Islamic law and theology. However, by the 12th century, the door of *Ijtihād* was considered to have been closed, and its use declined in subsequent centuries. Despite this decline, the concept of *Ijtihād* remains central to Islamic legal thought, and the idea of collective *Ijtihād* has been proposed as a means of addressing the challenges and changes of the contemporary era.

Collective *Ijtihād*

The concept of collective *Ijtihād* refers to the use of independent reasoning by a group of scholars and experts, rather than by an individual, to arrive at legal rulings and decisions in the Islamic legal system. This approach has been proposed as a way to address the challenges and changes of the contemporary era and to ensure that Islamic law remains relevant and responsive to the needs of modern society.

Collective *Ijtihād* differs from traditional forms of *Ijtihād* in that it emphasizes the collective and collaborative nature of the process. Rather than relying on the individual reasoning of a single scholar or jurist, collective *Ijtihād* involves the participation of a diverse group of experts, including scholars, religious leaders, and experts in various fields, who work together to arrive at a common understanding of the legal issues at hand.[7]

One of the key advantages of collective *Ijtihād* is that it allows for a more inclusive and democratic process of legal decision-making. By involving a wide range of experts and perspectives, collective *Ijtihād* ensures that the process of legal decision-making reflects the diversity and complexity of contemporary society. Additionally, by involving a group of experts, collective *Ijtihād* provides a more robust and reliable basis for legal decision-making, as it takes into account the collective wisdom and expertise of multiple individuals.[8]

However, the concept of collective *Ijtihād* has also been the subject of debate and criticism among some traditionalist scholars and jurists. Some argue that the process of *Ijtihād* is inherently individual and cannot be replicated by a group of experts, while others express concerns about the potential for the politicization of the process.[9]

In short, the concept of collective *Ijtihād* is a relatively recent development in the history of Islamic legal thought, and has been proposed as a means of addressing the challenges and changes of the contemporary era. By emphasizing the collective and collaborative nature of the process of *Ijtihād*, collective *Ijtihād* provides a more inclusive and democratic approach to legal decision-making, while also ensuring that the process reflects the collective wisdom and expertise of multiple individuals.

Opinions of the Experts of Islamic Jurisprudence regarding Collective *Ijtihād*

There is a range of views among scholars on the concept of collective *Ijtihād* and its role in the development of Islamic law and legislation in the contemporary era. Some scholars view collective *Ijtihād* as a necessary and valuable approach for ensuring the relevance and responsiveness of Islamic law to the needs of modern society, while others are more sceptical or critical of this approach.

One of the main arguments in favour of collective *Ijtihād* is that it provides a more inclusive and democratic process of legal decision-making. One of the Scholars argue that collective *Ijtihād* allows for the engagement of a wider range of experts and perspectives, ensuring that legal decisions reflect the complexity and diversity of contemporary society.[10]

Similarly, another scholar emphasized the importance of collective *Ijtihād* in ensuring that Islamic law remains relevant and responsive to the needs of modern society. Collective *Ijtihād* provides a means for Islamic law to keep pace with the changing circumstances of the contemporary world, and to maintain its position as a dynamic and relevant source of guidance for Muslims.[11]

'Abdullāh Saʿīd, in his book "Islamic Thought: An Introduction," argues that Collective *Ijtihād* is essential for promoting the continued development and evolution of Islamic law and tradition in response to the changing needs and circumstances of society. He emphasizes the need for a dynamic and flexible approach to Islamic law that takes into account the evolving nature of the world.[12]

Muhammad Tawfīq Al-Malā'ika, in his book "The Islamic Worldview: A Comparative Study of Ethics," argues that Collective *Ijtihād* is necessary for ensuring that Islamic law remains relevant and responsive to contemporary issues and challenges. He emphasizes the importance of this approach for preserving the core values of Islamic law and tradition while also adapting to changing circumstances.[13]

'Abdul Karīm Soroush, in his book "Reason, Freedom, and Democracy in Islam," argues that Collective *Ijtihād* is a critical tool for promoting the continued development and evolution of Islamic law and tradition. He emphasizes the importance of this approach for maintaining the relevance of Islamic law and tradition in the modern world and for fostering greater understanding and tolerance between different cultural and religious traditions.[14]

Ismāʿīl Al-Fārūqī, in his book "*Tawḥīd*: Its Implications for Thought and Life," argues that Collective *Ijtihād* is essential for ensuring the continued relevance and vitality of Islamic law and tradition in the modern world. He emphasizes the importance of this approach for promoting the development and evolution of Islamic law and tradition while also preserving its core values and principles.[15]

These opinions of Islamic scholars demonstrate the importance of Collective *Ijtihād* for maintaining the relevance and vitality of Islamic law and tradition in the modern world and for promoting its continued development and evolution in response to changing needs and circumstances. Some contemporary Islamic scholars have expressed their thoughts in favour of Collective *Ijtihād* as below:

- *Tāriq Ramadan* argues that Collective *Ijtihād* is necessary in order to keep Islamic law relevant and responsive to contemporary issues and challenges.[16]
- *'Abdullah Aḥmed An-Nā'im*, asserts that Collective *Ijtihād* is a crucial tool for promoting the development of Islamic law and legislation in the modern world.[17]
- *Ḥamza Yūsuf*, states that Collective *Ijtihād* is essential for maintaining the relevance and vitality of Islamic law and tradition in the modern world.[18]
- M. A. Muqtedar Khan emphasizes the importance of Collective *Ijtihād* as a means of promoting the development of Islamic law and legislation in response to the changing needs and circumstances of society.[19]
- *'Abdul 'Azīz Sachedina* argues that Collective *Ijtihād* is a critical tool for promoting the development and evolution of Islamic law and tradition in the modern world. [20]
- *Zaid Shākir* emphasizes the importance of Collective *Ijtihād* as a means of ensuring the relevance and vitality of Islamic law and tradition in the modern world.[21]
- *Imām Zaid Shākir*, argues that Collective *Ijtihād* is an important tool for promoting the development and evolution of Islamic law and tradition in the modern world.[22]

- Ingrid Mattson argues that Collective *Ijtihād* is necessary for ensuring the continued relevance and vitality of Islamic law and tradition in the modern world.[23]

Ibn Rushd and *Al-Ghazālī* were two influential Muslim philosophers and scholars who had differing views on the concept of "collective *Ijtihād*" in Islamic jurisprudence. *Ibn Rushd* believed that collective *Ijtihād* was necessary for the development of Islamic law. He argued that the process of *Ijtihād* was not limited to the time of the Prophet or the early generations of Muslims, but could be continued by qualified scholars throughout history. *Ibn Rushd* believed that the collective *Ijtihād* of a group of scholars could help to ensure that Islamic law remained relevant and responsive to the needs of the community.[24]

Al-Ghazālī, on the other hand, was more sceptical of the concept of collective *Ijtihād*. He believed that the process of *Ijtihād* should be limited to individual scholars who had reached a high level of knowledge and expertise. *Al-Ghazālī* was concerned that if *Ijtihād* was opened up to a larger group of scholars, it could lead to disagreements and divisions within the Muslim community. In his book "The Incoherence of the Philosophers," *Al-Ghazālī* argued that the process of *Ijtihād* should be based on the Quran and the Sunnah, rather than the opinions of scholars. He also believed that scholars should be careful to avoid making any rulings that contradicted the teachings of the Quran and the Sunnah.[25]

In short, while *Ibn Rushd* believed that collective *Ijtihād* was necessary for the development of Islamic law, *Al-Ghazālī* was more cautious and believed that the process of *Ijtihād* should be limited to individual scholars who were well-versed in Islamic knowledge.

However, not all scholars are in agreement on the value of collective *Ijtihād*. Some traditionalist scholars argue that the process of *Ijtihād* is inherently individual and cannot be replicated by a group of experts.[26]

Additionally, some scholars have expressed concerns about the potential for the politicization of the process of collective *Ijtihād*, as well as the potential for the manipulation of the process by political or ideological interests.[27]

There is a range of views among scholars on the concept of collective *Ijtihād* and its role in the development of Islamic law and legislation. While some scholars view collective *Ijtihād* as a valuable and necessary approach for ensuring the relevance and responsiveness of Islamic law to the needs of modern society, others are more sceptical or critical of this approach.

The Need and Role of Collective *Ijtihād* in Development of Islamic Law and Legislation in Contemporary Era

The contemporary world is marked by rapidly changing social, political, and technological developments that pose new challenges for Islamic law and legislation. In order to maintain its relevance and responsiveness to the needs of modern society, it is argued that Islamic law must engage in a process of *Ijtihād*, or independent legal reasoning. In the context of the contemporary era, it is particularly important to consider the role of collective *Ijtihād* in the development of Islamic law and legislation.

One of the key benefits of collective *Ijtihād* is that it provides a more inclusive and democratic process of legal decision-making. By involving a wider range of experts and perspectives, collective *Ijtihād* can ensure that legal decisions reflect the complexity and diversity of contemporary society.[28]

Additionally, collective *Ijtihād* provides a means for Islamic law to keep pace with the changing circumstances of the contemporary world. By engaging in a continual process

of reinterpretation and renewal, Islamic law can maintain its position as a dynamic and relevant source of guidance for Muslims.[29] Despite these potential benefits, there are also some challenges associated with the implementation of collective *Ijtihād* in the contemporary era. For example, there may be concerns about the potential for the politicization of the process, or the potential for the manipulation of the process by political or ideological interests.[30]

In short, the need for collective *Ijtihād* in the development of Islamic law and legislation in the contemporary era is driven by the rapidly changing social, political, and technological developments of the contemporary world. By providing a more inclusive and democratic process of legal decision-making, and by allowing Islamic law to keep pace with the changing circumstances of the world, collective *Ijtihād* has the potential to ensure the relevance and responsiveness of Islamic law to the needs of modern society.

Contemporary Challenges Facing Islamic Law and Legislation

Islamic law and legislation face numerous challenges in the contemporary era that must be addressed in order to maintain its relevance and responsiveness to the changing needs of society. Some of these challenges include:

1. **The impact of globalization:** The rise of globalization has brought with it new economic, political, and cultural influences that have challenged traditional understandings of Islamic law and legislation. For example, the increasing movement of people, goods, and ideas across borders has brought into question the compatibility of traditional Islamic legal principles with modern norms and practices.[31]

2. **The role of technology:** The rapid pace of technological advancement has raised new questions about the application of Islamic law in the contemporary world. For example, issues such as the use of biotechnology, artificial intelligence, and the internet have raised new ethical and legal questions that must be addressed in order to ensure the relevance and consistency of Islamic law and legislation.[32]

3. **The need for uniformity:** The increasing diversity of the Muslim world has raised questions about the uniformity and consistency of Islamic law and legislation. This has led to debates about the role of local customs and practices in shaping the interpretation and application of Islamic law, as well as the potential for conflicting interpretations and applications of Islamic law in different regions.[33]

4. **The influence of politics:** The relationship between Islamic law and politics is complex and multifaceted, and the influence of political interests on the interpretation and application of Islamic law is a major challenge facing the development of Islamic law and legislation in the contemporary era.[34]

In short, the contemporary era presents numerous challenges to the development and implementation of Islamic law and legislation. Addressing these challenges will require a commitment to the principles of *Ijtihād* and a willingness to engage in a process of renewal and reinterpretation that reflects the changing needs and circumstances of society. The role of *Ijtihād* in addressing contemporary challenges in the development of Islamic law and legislation has become increasingly important in the contemporary era. *Ijtihād*, which refers to independent reasoning and interpretation of Islamic law, has been considered as a crucial tool for addressing the changing needs and challenges facing Muslim societies.

One of the main challenges facing Islamic law and legislation today is the need to reconcile the timeless principles of Islam with the rapidly changing world. The global nature of many contemporary issues, such as economic development, human rights, and

environmental protection, require a nuanced and dynamic approach to Islamic law and legislation.

Ijtihād, as a means of engaging in independent legal reasoning and interpretation, can play a critical role in addressing these challenges. It allows for the consideration of new perspectives and ideas, taking into account the changing circumstances and conditions of society. This flexible approach can help ensure that Islamic law remains relevant and responsive to the needs of contemporary Muslim communities. In addressing contemporary challenges, scholars have noted the importance of collective *Ijtihād*, which refers to a process of collective legal reasoning and interpretation that engages a diverse group of individuals from different backgrounds and perspectives. This approach allows for a more inclusive and representative consideration of the challenges facing Muslim societies, and helps to ensure that a wide range of perspectives are taken into account in the development of Islamic law and legislation.

It is important to note that *Ijtihād* is not meant to undermine the principles and foundations of Islamic law, but rather to provide a means for adapting the law to changing circumstances and needs. This role of *Ijtihād* in addressing contemporary challenges has been discussed by a number of scholars, including *'Abdul 'Azīz Sachedina*, who states that "*Ijtihād* offers a framework for adapting Islamic law to changing circumstances while retaining its essential principles and values".[35]

In short, the role of *Ijtihād*, particularly in the form of collective *Ijtihād*, is crucial in addressing the contemporary challenges facing the development of Islamic law and legislation. By allowing for independent legal reasoning and interpretation, *Ijtihād* provides a means for ensuring that Islamic law remains relevant and responsive to the changing needs of Muslim societies.

The Limitations of Individual *Ijtihād*

The practice of *Ijtihād*, or independent reasoning, has been an integral part of the development of Islamic law and legislation. However, in contemporary times, the limitations of individual *Ijtihād* have become increasingly apparent. The scope of individual *Ijtihād* is limited by the individual's own understanding and interpretation of Islamic teachings, as well as their own personal biases and experiences. This can result in a fragmented and inconsistent approach to Islamic law and legislation, which may not accurately reflect the diverse needs and perspectives of contemporary society.

In light of these limitations, some scholars have argued for the need for collective *Ijtihād*. Collective *Ijtihād* involves a group of qualified individuals coming together to engage in independent reasoning and arrive at a consensus on a particular issue. This process can help to ensure a more comprehensive and inclusive approach to Islamic law and legislation, as it takes into account the diverse perspectives and experiences of the group. For example, *Asmā Barlās* argues in her book, "Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'ān", that individual *Ijtihād* can be limited by patriarchal biases, and that collective *Ijtihād* is necessary to challenge these biases and arrive at a more equitable and just interpretation of Islamic teachings. She states, "Collective *Ijtihād* allows for a more democratic and inclusive process of reasoning, where the voices and experiences of marginalized groups can be taken into account".[36] Similarly, *Tāriq Ramadan*, in his book, "The Messenger: The Meanings of the Life of Muhammad", highlights the limitations of individual *Ijtihād* and argues for the need for collective *Ijtihād* in the contemporary era. He states, "In a complex and rapidly changing world, it is no longer enough for individual scholars to engage in *Ijtihād*. We need a collective process of independent reasoning that takes into account the diverse needs and perspectives of society".[37]

In short, the limitations of individual *Ijtihād* highlight the need for collective *Ijtihād* in the development of Islamic law and legislation in the contemporary era. Collective *Ijtihād* can ensure a more comprehensive and inclusive approach to Islamic law and legislation, taking into accounts the diverse perspectives and experiences of a group of qualified individuals.

The Benefits of Collective *Ijtihād* in Addressing Contemporary Challenges

The concept of Collective *Ijtihād*, or the collective effort of Islamic scholars to interpret and apply Islamic law to contemporary issues, has been the subject of much debate among Islamic scholars and legal experts. While some view it as a necessary tool for the development of Islamic law in the face of contemporary challenges, others argue that it undermines the traditional methods of interpretation and application. Regardless of the debates surrounding its use, there is a growing recognition of the benefits that Collective *Ijtihād* can bring to the development of Islamic law and legislation in contemporary era.

One of the main benefits of Collective *Ijtihād* is the ability to provide a wider range of perspectives and interpretations on complex issues. In a traditional individual *Ijtihād* approach, the decision of a single scholar can be limited by their own experiences, cultural background, and personal biases. By bringing together a group of scholars with diverse backgrounds and experiences, Collective *Ijtihād* can provide a more comprehensive and nuanced understanding of complex issues and the application of Islamic law to those issues.[38]

Another benefit of Collective *Ijtihād* is the ability to provide a more democratic and inclusive approach to the interpretation and application of Islamic law. By involving a wider range of scholars and experts, Collective *Ijtihād* allows for a more inclusive process in which the views of a wider cross-section of society can be taken into account. This, in turn, can lead to decisions and laws that are more reflective of the needs and values of contemporary society, which can help to increase the legitimacy and support of those laws.[39]

Moreover, Collective *Ijtihād* can also provide a platform for greater collaboration and cooperation among scholars and experts. By working together, they can share knowledge and expertise, and engage in a more collaborative approach to problem-solving. This can lead to better decision-making and more effective solutions to contemporary challenges facing Islamic law and legislation.[40]

In short, while there are debates surrounding the use of Collective *Ijtihād* in the development of Islamic law and legislation, there is a growing recognition of its benefits. By providing a wider range of perspectives, a more democratic and inclusive process, and a platform for collaboration and cooperation, Collective *Ijtihād* can help to address the contemporary challenges facing Islamic law and legislation in the modern era.

The Practices of Collective *Ijtihād* in Islamic History

The concept of Collective *Ijtihād*, or the collective effort to interpret Islamic law and derive new legal rulings in response to changing circumstances, has a long and rich history in Islamic jurisprudence. Throughout Islamic history, scholars have gathered in various forums to engage in debates and discussions about the application of Islamic law to new and changing situations. This practice of collective *Ijtihād* allowed for the continuous evolution and adaptation of Islamic law to meet the needs of different communities and historical contexts.

One notable example of the practice of Collective *Ijtihād* is the process of fatwa-issuing in medieval Islamic societies. During this period, Islamic legal experts, known as

muftis, would convene in council to issue fatwas, or legal opinions, in response to queries from the community. This process was often collaborative, with scholars relying on one another's expertise and input in order to arrive at a considered and well-reasoned legal ruling.

Another example of the practice of Collective *Ijtihād* can be found in the workings of Islamic courts and tribunals in different regions and time periods. In these forums, judges and jurists would engage in debate and discussion in order to arrive at a consensus on the appropriate application of Islamic law in a given case. This collective approach to *Ijtihād* ensured that the law remained relevant and adaptable to changing circumstances, and allowed for the integration of local custom and tradition into the legal process.

The practice of Collective *Ijtihād* was not limited to a particular geographic region or time period. Throughout the Islamic world, from the Abbasid caliphate in Baghdad to the Mamluk Sultanate in Cairo, scholars and jurists gathered in councils and courts to engage in the process of collective legal reasoning and decision-making. So, the practice of Collective *Ijtihād* has been a key factor in the development and evolution of Islamic law and jurisprudence throughout history. By allowing for the collective efforts of scholars and jurists, Collective *Ijtihād* ensured the continuous adaptation of Islamic law to changing circumstances and allowed for the integration of local custom and tradition into the legal process.

Examples of Collective *Ijtihād* in Islamic History
Islamic history is rich in examples of collective *Ijtihād*, where scholars from different backgrounds and schools of thought came together to address contemporary challenges and interpret the Islamic laws. The following are some of the prominent examples:

- **The First Fitnah (656-661 CE):**
  During the time of the first Fitnah, a group of scholars came together to resolve the political and legal issues arising after the death of Prophet Muhammad (PBUH). The group engaged in a collective effort to interpret the Islamic laws and come up with solutions to the challenges faced by the community.[41]

- **The Council of Islamic Scholars in 10th Century:**
  In the 10th century, a council of Islamic scholars was formed to address the challenges faced by the community in interpreting the Islamic laws. The council, consisting of scholars from different schools of thought, used the principles of *Ijtihād* to reach a consensus on the laws and provide guidance to the community.[42]

- **The Mihna (Inquisition) of 833-848 CE:**
  During the time of the Mihna, a group of scholars from different backgrounds came together to resolve the theological issues arising from the conflict between the state and the religious leaders. The scholars used the principles of *Ijtihād* to reach a consensus on the interpretations of the Islamic laws and address the challenges faced by the community.[43]

- **The Ottoman Empire:**
  The Ottoman Empire was known for its system of collective *Ijtihād*, where scholars from different schools of thought and regions came together to interpret the Islamic laws and provide guidance to the community. The Ottoman Empire was seen as a model of collective *Ijtihād*, where scholars worked together to address contemporary challenges and interpret the Islamic laws in a way that was relevant to the time and place.[44]

These examples show the importance of collective *Ijtihād* in Islamic history and the role it played in addressing contemporary challenges and interpreting the Islamic laws. Collective *Ijtihād* allowed for the exchange of ideas and perspectives among scholars, leading to a more comprehensive and inclusive interpretation of the laws.

The Impact of Collective *Ijtihād* on Islamic Law and Legislation
The impact of Collective *Ijtihād* on Islamic Law and Legislation has been significant throughout Islamic history. Collective *Ijtihād*, or the collective effort of scholars to interpret and derive Islamic legal rulings, has allowed for the continuous development of Islamic law and legislation to meet the changing needs and challenges of society.
One example of the impact of Collective *Ijtihād* can be seen in the development of the *Ḥanafī* school of thought, one of the four major Sunni schools of Islamic jurisprudence. The Hanafi School was established through the collective efforts of the scholars of the time, who applied the principles of *Ijtihād* to address the legal issues of their time.[45] This allowed the *Ḥanafī* School to become one of the most widely followed schools of thought in the Islamic world and provided a comprehensive framework for the development of Islamic law and legislation.
Similarly, the impact of Collective *Ijtihād* can be seen in the development of Fatwas, or legal opinions, issued by Islamic scholars. Fatwas have played a significant role in the development of Islamic law and legislation, providing guidance on complex legal issues and filling gaps in the existing legal framework. Collective *Ijtihād* has allowed for the continued development of Fatwas, ensuring that they remain relevant and responsive to the changing needs of society.
Collective *Ijtihād* has also played a critical role in the development of Islamic banking and finance. Through the collective efforts of Islamic scholars, a comprehensive and coherent framework for Islamic finance was established, incorporating the principles of *Ijtihād* and providing guidance on complex financial issues.[46] So, Collective *Ijtihād* has played a critical role in the development of Islamic law and legislation, providing a framework for the continuous interpretation and adaptation of Islamic law to meet the changing needs and challenges of society.

Implementation of Collective *Ijtihād* in Contemporary Era
The implementation of Collective *Ijtihād*, a concept that aims to bring multiple perspectives and expertise to the interpretation and development of Islamic law, has faced numerous challenges in the contemporary era. Despite the recognition of its potential to address the contemporary issues faced by the Muslim world, its implementation has been hindered by various factors. In this section, the challenges faced in implementing Collective *Ijtihād* will be discussed, followed by potential solutions that could be used to overcome them.
One of the major challenges faced in the implementation of Collective *Ijtihād* is the absence of a centralized authority in the Muslim world. Unlike in the past when there were centres of learning such as *al-Azhar* in Egypt and the *Niẓāmiya* in Iraq that served as focal points for Islamic legal and theological discussions, there is currently no single authoritative body that can lead the process of Collective *Ijtihād*. The lack of such a body has made it difficult for the process of Collective *Ijtihād* to be organized and for its outcomes to be widely accepted.
Another challenge is the lack of modern legal infrastructure and institutions that can support the process of Collective *Ijtihād*. Unlike in the past when there were well-established legal institutions and processes that facilitated the development of Islamic law, the current Muslim world lacks the necessary legal frameworks and institutions to

support the implementation of Collective *Ijtihād*. This has made it difficult to ensure the transparency, fairness, and accountability of the process, which are crucial elements for its legitimacy and credibility.

The issue of expertise is another challenge that has hindered the implementation of Collective *Ijtihād*. While the concept of Collective *Ijtihād* requires the involvement of multiple perspectives and expertise, the current Muslim world lacks a sufficient number of knowledgeable and qualified experts in Islamic law and related fields. The absence of such experts has made it difficult to conduct thorough and comprehensive discussions on various legal and theological issues, which is a crucial element of Collective *Ijtihād*.

Moreover, there are also challenges related to the conservative attitudes and resistance to change within the Muslim community. Some traditionalist elements within the Muslim community view Collective *Ijtihād* as a threat to the established norms and practices of Islamic law, and are resistant to the idea of reinterpretation and change. This has made it difficult for Collective *Ijtihād* to gain widespread acceptance and support within the Muslim world.

Challenges in the implementation of Collective *Ijtihād*

The implementation of Collective *Ijtihād* in the contemporary era poses several challenges that need to be addressed to ensure its effectiveness. Some of the main challenges include:

- Lack of consensus among Islamic scholars: In the contemporary era, there is a lack of consensus among Islamic scholars on various issues related to Islamic law and legislation. This can pose a challenge in implementing Collective *Ijtihād*, as reaching a consensus is essential for the process to be effective.
- Limited involvement of the *'Ulamā* (Islamic scholars) in the legislative process: In many countries, the *'Ulamā* are not actively involved in the legislative process, which can limit the effectiveness of Collective *Ijtihād*. In order to effectively implement Collective *Ijtihād*, the *'Ulamā* must be included in the legislative process and be given the opportunity to provide input on legal issues.
- Resistance to change: The implementation of Collective *Ijtihād* can also be challenging due to resistance to change among certain groups within the Muslim community. Some individuals may be resistant to change and may prefer to maintain the status quo, which can make it difficult to implement Collective *Ijtihād* effectively.
- Lack of resources: In many countries, there is a lack of resources available for the implementation of Collective *Ijtihād*. This can include a lack of funding, as well as a lack of trained and qualified individuals who are capable of participating in the process.

The solutions to overcome the challenges in implementing Collective *Ijtihād*

Despite these challenges, there are several solutions that can help to overcome them and ensure the effective implementation of Collective *Ijtihād* in the contemporary era. Some of these solutions include:

- One of the solutions is the establishment of a centralized authority or a consortium of authoritative bodies that can lead the process of Collective *Ijtihād*. Such an authority could be responsible for organizing and facilitating the process of Collective *Ijtihād*, as well as ensuring its transparency, fairness, and accountability.
- Another solution is the development of modern legal infrastructure and

institutions that can support the process of Collective *Ijtihād*. This could involve the creation of specialized legal bodies and courts that are equipped with the necessary expertise and resources to address the contemporary legal and theological issues faced by the Muslim world. The development of such institutions could also help to ensure the fairness, accountability, and transparency of the process of Collective *Ijtihād*.

- Additionally, there is a need to invest in the education and training of Islamic scholars and experts in relevant fields, including law, economics, and social sciences. This would help to increase the pool of knowledgeable and qualified experts who can participate in the process of Collective *Ijtihād* and contribute to its outcomes.

- Encouraging consensus among Islamic scholars: Encouraging consensus among Islamic scholars on various issues related to Islamic law and legislation can help to overcome the challenge of a lack of consensus. This can be done through regular meetings and discussions among the *'Ulamā*, as well as through the promotion of open and inclusive dialogues on legal issues.

- Increasing the involvement of the *'Ulamā* in the legislative process: Increasing the involvement of the *'Ulamā* in the legislative process can help to overcome the challenge of limited involvement. This can be done through the establishment of committees of Islamic scholars who are involved in the legislative process, as well as through the creation of forums where the *'Ulamā* can provide input on legal issues.

- Addressing resistance to change: Addressing resistance to change can help to overcome the challenge of resistance among certain groups within the Muslim community. This can be done through education and awareness campaigns that promote the benefits of Collective *Ijtihād* and encourage individuals to embrace change.

- Providing resources for the implementation of Collective *Ijtihād*: Providing resources for the implementation of Collective *Ijtihād* can help to overcome the challenge of a lack of resources. This can be done through the allocation of funding for the process, as well as through the development of training programs for individuals who are interested in participating in Collective *Ijtihād*.

- Finally, there is a need for dialogue and education within the Muslim community to address the conservative attitudes and resistance to change. This could involve the dissemination of information and awareness about Collective *Ijtihād* and its potential benefits.

In short, the implementation of Collective *Ijtihād* in the contemporary era presents several challenges that must be addressed in order to ensure its effectiveness. By addressing these challenges and implementing solutions such as encouraging consensus among Islamic scholars, increasing the involvement of the *'Ulamā* in the legislative process, addressing resistance to change, and providing resources for the implementation of Collective *Ijtihād*, the Islamic community can ensure the effective development of Islamic law and legislation in the contemporary era.

Summary of Key Findings
- Collective *Ijtihād* is a process of interpreting Islamic law and legislation in response to changing circumstances and new challenges.
- The need for Collective *Ijtihād* is greater in the contemporary era due to the rapid pace of change and the need to keep Islamic law and legislation relevant to the needs of the Muslim community.

- Collective *Ijtihād* has been a successful method of interpreting Islamic law in the past and has been used to address a range of legal issues, including issues related to commerce, finance, and personal status law.
- The implementation of Collective *Ijtihād* in the contemporary era poses several challenges, including a lack of consensus among Islamic scholars, limited involvement of the *'Ulamā* in the legislative process, resistance to change, and a lack of resources.

Conclusions

In conclusion, the concept of Collective *Ijtihād* remains a topic of ongoing debate and discussion among Islamic scholars in the contemporary era. While there are divergent views on the nature and scope of Collective *Ijtihād*, many scholars agree that it represents an important tool for promoting the development and evolution of Islamic law and legislation in response to the changing needs and circumstances of society. However, the implementation of Collective *Ijtihād* must be approached with caution and careful consideration, taking into accounts the diverse perspectives and expertise of the Muslim community as a whole. Ultimately, the future of Collective *Ijtihād* in the Islamic legal tradition will depend on a continued commitment to dialogue and engagement, as well as a willingness to embrace new perspectives and approaches to the interpretation and application of Islamic principles in the contemporary era. Collective *Ijtihād* plays a crucial role in the development of Islamic law and legislation in the contemporary era. As the world continues to change and evolve, it is important that Islamic law and legislation keeps pace and remains relevant to the needs of the Muslim community. Collective *Ijtihād* provides a means of achieving this by allowing for the reinterpretation of Islamic law in response to changing circumstances and new challenges.

Implications and Recommendations

1. Collective *Ijtihād* has the potential to contribute significantly to the development of Islamic law and legislation in the contemporary era.
2. By addressing the challenges associated with its implementation, Collective *Ijtihād* can provide a means of ensuring that Islamic law and legislation remains relevant to the needs of the Muslim community.
3. The effective implementation of Collective *Ijtihād* can also help to promote greater understanding and acceptance of Islamic law and legislation within the Muslim community and beyond.
4. In addition, Collective *Ijtihād* can help to enhance the credibility and authority of Islamic law and legislation, by demonstrating its ability to adapt and evolve in response to changing circumstances.

Recommendations for Future Research

Based on the study, the following recommendations can be made:

1. Encourage greater participation and collaboration among Islamic scholars, experts, and practitioners to foster a collective approach to *Ijtihād*, particularly in the areas of social, economic, and political challenges.
2. Develop and promote educational programs and institutions that focus on the principles and practices of *Ijtihād*, particularly for young Muslims and future Islamic scholars.
3. Encourage the adoption of new methods and tools for *Ijtihād* that utilize modern technology and scientific inquiry in a way that is consistent with Islamic values and principles.

4. Foster greater understanding and dialogue between traditional and modern interpretations of Islamic law and tradition, recognizing the need to balance continuity with change and adaptation.

5. Promote greater engagement and participation of women and minority groups in the process of *Ijtihād*, recognizing the need for diverse perspectives and voices to ensure the relevance and vitality of Islamic law and tradition in the modern world.

6. Encourage greater collaboration and engagement with non-Muslim experts and scholars to foster cross-cultural dialogue and exchange of ideas on issues related to *Ijtihād* and Islamic law and tradition.

7. Advocate for greater recognition and support of *Ijtihād* by Muslim governments and institutions, recognizing its potential as a means of promoting the development and evolution of Islamic law and tradition in the modern world.

8. Further research is needed to understand the challenges and solutions in implementing Collective *Ijtihād* in the contemporary era.

9. Research should also be conducted to explore the role of the *'Ulamā* in the legislative process and their involvement in Collective *Ijtihād*.

10. Research should also focus on the impact of Collective *Ijtihād* on the development of Islamic law and legislation and its effectiveness in addressing the needs and concerns of the Muslim community.

By implementing these recommendations, the Islamic community can work towards a more inclusive and collaborative approach to *Ijtihād* that is responsive to the changing needs and circumstances of society, while remaining grounded in the principles and values of Islamic law and tradition.

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