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Collective Ijtihad: History and Current Perspective

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Abstract

Islam, as a religion is a perfect code of life. It is that last message of Allah al-mighty for the guidance of human beings, which is safe and sound from each and every aspect. The permanent origin of its commandments is the Qur'an and Sunnah of the Prophet (SAWS). The Qur'an and Sunnah have ample instructions for fundamental beliefs, worships, external and internal ethics. If the members of ummah are properly educated and trained in the above mentioned three fundamental fields, it is then easier for them to resolve the other social, economical & political matters of life. Basically the Qur'an and Sunnah guide these fields principally. The commandments of the Qur'an and Sunnah are unchangeable. No one can ignore them, but the problems of life are endless. In each period and each era, new problems have been taking birth. Sometimes problems emerge due to the combination of different cultures. New inventions usually create new problems. All these matters and the detail of their solution cannot be summed-up in a single book. So, the Shariah has introduced the principle of ijtihad to resolve all these issues. Ijtihad is not to create something new in religion rather it is to tell the point of view of religion about the newly born problems. The status of Ijtihad in the body structure of shariah is just like fresh blood, which keeps the Shariah practicable in each era. Ijtihad can be performed individually as well as collectively, but in present era of specialization, it seems almost impossible to perform it individually, so collective method of ijtihad is required to be adopted in present era.

Key Words: Ijtihad, Collective Ijtihad, Shariah, Qualification, Specialization.

Introduction of Ijtihad: Ijtihad is an Arabic word. It is derived from the root word "jah'd" which literally means: strain or great effort ⁽¹⁾. The verb "jahada" or "ijtahada" literally means: to exert oneself or do one's best, and is generally used in an activity which entails a measure of hardship. Thus, it would be in order to use it in respect of one who carries a heavy load, but not so if he carries only a trivial weight ⁽²⁾. The word "ijtihada" is the noun, and literally it means: exertion or putting in the greatest effort possible to achieve something ⁽³⁾.

From this linguistic meaning of ijtihad, the scholars of usul al-fiqh borrowed the word and used it for intellectual exertion on the part of the jurist. But in defining ijtihad

technically, the scholars differed. Some have defined it as: “The total expenditure of effort made by a jurist in order to infer, with a degree of probability the rules of Shariah from their detailed evidence in the sources”⁽⁴⁾.

And others have defined it as: “The application by a jurist of all his faculties either in inferring the rules of Shariah from their sources or in implementing such rules and applying them to particular issues”⁽⁵⁾.

Essential to the meaning of ijthad is also the concept that the endeavor of the jurist involves a total expenditure of effort in such a manner that the jurist feels an inability to exert himself further. If the jurist has failed to discover the evidence which he was capable of discovering, his opinion is void⁽⁶⁾.

The above definition of ijthad in its technical sense is explicit on the point that only a jurist (faqih) may practice ijthad. Thus, the definition as Imam al-Shaukani⁽⁷⁾ has pointed out “precludes self-exertion by a layman in the inference of a ruling”⁽⁸⁾.

From all what has been said, we can see clearly that the word "ijthad" literally means exertion, and that from this literal meaning of the word, the scholars of usul al-fiqh borrowed that word and used it for the exertion by a jurist of the greatest intellectual effort possible to arrive at the correct conclusion in the light of judgment of Allah and His Apostle, Muhammad (SAWS) in any given problem. When a problem crops up, it requires much intellectual effort to gather all the relevant texts of the Qur'an and hadith that may have direct or indirect bearing on the issue. And then, making a correct interpretation of these texts equally requires much effort. Equally demanding is the problem of considering other texts with negative implications. Therefore, arriving at the true judgment of Allah and His Prophet on any given problem is actually "ijthad."

Proof of Ijthad: In the light of the fact that the Shariah is divine and is derived from well-established evidences fundamentally handed down by the precepts of the Qur'an to be explained by the Traditions of the Prophet (SAWS), and developed to suit circumstances of necessity by Ijma and Qiyas, or juristic construction, etc., Ijthad has served as the medium for the deduction of rules from these sources and the means by which transactions and social needs were provided the necessary flexibility. Thus, Ijthad or interpretation is an essential element in the growth of the Shariah Law.

There are numerous provisions in the Qur'an, the Sunnah, the Ijma of the companions of the Prophet (SAWS) and the founders of the schools which authorize it as a duty binding upon a competent person to serve the cause of the sacred principles.

The foundation of the doctrine and the technique of Ijthad lie in many verses of the Qur'an. It declares:

“So learn a lesson, O ye who have eyes!”⁽⁹⁾.

The Qur'an shows the method by the following verse explaining: “Those to whom We have sent the Book study it as it should be studied”⁽¹⁰⁾.

The study is to be performed under a condition of earnestness and under the path provided by the Qur'an itself:

“O you who believe, obey God, and obey the Apostle and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His Apostle, if you do believe in God and the Last Day: that is best and most suitable for final determination”⁽¹¹⁾.

The importance of interpretation in constructing up a society and promoting the progress of law becomes evident when it is found that the Prophet (SAWS) himself exercised Ijtihad in spite of the fact that his source of knowledge or wahi (which could not go wrong) was available to him. The words of the Prophet (SAWS) are: “When I do not receive a revelation (wahi), I adjudicate among you on the basis of my opinion (ra'y)”⁽¹²⁾. He is moreover reported to have said:

“If a judge interprets and gives a right judgment he will have earned two rewards; if he interprets but errs in his judgment he will still have earned one reward”⁽¹³⁾.

Further, the Prophet (SAWS) said: If God favours one of His creatures. He bestows him the understanding of Din (Makes him a faqih), “A faqih (jurist) is a proof against the devil who tampers with the ignorant in the prayer”⁽¹⁴⁾.

The companions of the Prophet (SAWS) continued to develop the concepts of law by the exercise of ijtihad. Caliph Abu Bakr said:

“I decide the question of Kalalah (a deceased leaving no parent or child to inherit) according to my opinion; if it be correct, then it is an inspiration from God; if it be wrong, then the error is mine and the Satan's; God and His Prophet (SAWS) are irresponsible of such error”⁽¹⁵⁾.

Caliph 'Umar said: “I do not know whether I have attained the truth but I spare no effort in striving to do so”⁽¹⁶⁾.

Caliph Ali, Zaid b. Thabit, Abd Allah b. Abbas, ummul mo'mineen Aishah and others, were great jurists followed by great founders of the Sunni schools. They built up their schools by the exercise of Ijtihad.

Methodologies and Modes of Ijtihad: For the solution of any faced problem, the first consultation is being of Qur'an and Sunnah. If the text of Qur'an or Sunnah is explicit about the matter, it will be acted upon as it is. But if something is not clear in Qur'an and Sunnah and there is need to solve the problem in the light of the Qur'an and Sunnah, the exertion and striving done in this regard to derive the rule from the Qur'an and Sunnah will be called Ijtihad, that is performed using different methodologies including Ijma (consensus of opinion) and Qiyas (analogical reasoning) as primary modes. Despite these major modes Istihsan, Istidlal, Istishab al-Hall, Urf, Masalih Mursalah, Fatah al-Dharai and Sadd al-Dharai are also among the modes of Ijtihad. But almost all of these methods have been used in individual Ijtihad except Ijma, whereas in present era, the most effective and practical method of Ijtihad is collective Ijtihad.

Collective Ijtihad: Considering the circumstances and the requirements of the present era, it seems better to introduce collective or Mushawirati (consultative) Ijtihad instead of individual Ijtihad. Collective ijtihad or ijtihad al-Jama'i is a mutual consultation of Mujtahideen to derive the legal ruling of non-textual matters and to achieve any conclusion through dominant majority. The agreed upon point of view achieved by collective ijtihad is being a result of collective consultation. This collaboration is established by the gathering of fuqaha and juristic sittings. In these sittings and gatherings, these scholars deeply think over the faced problems, and search out their legal solutions.

This mode of Ijtihad has been very effective during the period of Rashidun Khulafa. But to develop strength and unanimity among the nation, it is much better to hand over the duty of Ijtihad, in collective matters of *ummah* to such authorized institute which not only have the authority of legislation, rather to implement it as well. The members of this institution will only those people who fulfill the criteria of Ijtihad. However, specialized and properly experienced people in different fields of life will also be consulted for their help, so that in latest problems, all of them will be able to present a proper solution through collective Ijtihad.

Collective Mode of Ijtihad During the period of Prophet (SAWS) and Sahaba (RA), the process of Ijtihad has been individual as well as collective. The intellectuals and Mujtahideen tried their best to keenly observe the private and individual matters of masses and present their solution through Ijtihad. But the collective matters of *ummah* were always resolved through collective Ijtihad by mutual discussion. Same is the purpose of divine revelation:

“And whose affairs are a matter of counsel”⁽¹⁷⁾.

And same was ordered to the Prophet (SAWS);

“And consult with them upon the conduct of affairs”⁽¹⁸⁾.

Collective Ijtihad during the Period of the Prophet (SAWS): Acting upon the Qur'an's order of unanimous discussion, Sahaba (RA) have adopted the collective mode of Ijtihad and important national issues, for example, war planning, administrative matters, Strategy of state and collective matters were especially tackled by Mushawirati (Collective) Ijtihad. For instance, specification of proper place of war for Muslim soldiers in the battle of *Badr*, or in battle of *Uhad*, the decision whether the city of Madina will be defended remaining inside the city or by going outside; was finalized by mutual discussion. In the battle of *Ahzab* (troops), when the surroundings of the city of Madina were strictly besieged, and the people of Madina were facing a very tough time, the Prophet (SAWS) decided to deal with the troop of *Ghutfan*, to get away from the collective armed attack of Arabs, and in reward they will be given one third of total date production of Madina. The Prophet (SAWS) was doing this to reduce the strength of armed Arab forces. Before the agreement upon this formula the Prophet (SAWS) discussed with the prominent leaders of Madina, Sa'd b. Mu'adh, and Sa'd b. 'Ubaydah. These people were with high ambitions. In their opinion, it was not yet the time of deal on one third productions. The Prophet (SAWS) agreed with their opinion and cancelled his aim to make a truce with *Ghutfan*. If this treaty of piece gets

settled, it has long term political and social results. A large number of populations of Madina get influenced by it; therefore, the Prophet (SAWS) took decision of this matter after the discussion with leadership of Madina. This decision of Prophet (SAWS) was a result of Mushawirati (consultative) Ijtihad.

Another important and considerable example of consultative Ijtihad during the period of Prophet (SAWS) is the acquittal of war prisoners of Hawazin tribe. During the battle of Hunain (08 A.H), when Muslims got success, a large number of people were taken war prisoners by Muslims. At the end of war, when circumstances got normal, a delegation of Hawazin Tribe came to Prophet (SAWS) and requested to release their people. The matter of these war prisoners was tough as well as complicated. If they were kept in Madina, then definitely there would be some psychological and political effects of it. If they were released even then, there would be some psychological and political effects. But the effects of this later situation would be entirely different from the former. It was the personal opinion of Prophet (SAWS) to have a good behavior with these people and they should be released without any compensation. But the Prophet (SAWS) did not decide himself by his personal opinion, rather put the matter before general Muslim community after zuhar prayer and took their opinion. Normally, the Sahaba were in favor of the Prophet's (SAWS) opinion. But some people who had newly entered Islam and yet were not properly acquainted with the spirit of Islam, got perplexed that the prisoners of enemy that not only fought against them, but also harmed them on physical and monetary grounds, should be released without any compensation. When the Prophet (SAWS) felt that some people were confused and were unable to decide something unanimously, he said them to send their representatives, to discuss this matter. The people agreed and sent their leaders for discussion. The Prophet (SAWS) discussed with their leaders and all of them unanimously concluded to release all the prisoners immediately without any compensation. At the end of this consultative meeting, the Prophet released almost six hundred prisoners ⁽¹⁹⁾.

Mushawirati (Consultative) Ijtihad and the Nomination of Rashidun Khulafa: There are a number of examples of Mushawirati Ijtihad during the period of Sahaba (companions). The most important and complicated matter, which was resolved through Mushawirati Ijtihad, was the selection of the caliph. After the death of Prophet (SAWS), the selection of caliph was not only a political or administrative matter, but also a basic fiqhi (legal) matter. The companions thought over it individually as well collectively. A discussion was started in Thaqifah of Banu Sa'idah on this topic and various aspects were considered thoughtfully from different angles. Some important points of this consultative meeting are as under:

The most important is the establishment of a constitutional status of this consultative Ijtihad from this meeting. Some modes of Ijtihad were also in this consultation, for instance, in the decision of appointment of Khalifah, the political and collective expediencies of Muslim *ummah* of that era were also considered. Another mode of Ijtihad is apparent from the method of derivation of Umar (RA) he, while proposing the candidature of Abu Bakr raised an analogical and convincing point. He said that Abu Bakr was the person whom the Prophet (SAWS) had designated as leader in prayers. His leadership in al-Din was

approved by Prophet: he was, therefore, to be accepted as the leader in worldly affairs as well. According to al-Tabari, Umar asked who would like to reject one appointed by the Prophet (SAWS) himself⁽²⁰⁾. This argument of Umar is full of reason and wisdom, i.e. the approval of Abu Bakr by the Prophet in the case of his leadership in the prayers and its extension to his leadership in temporal affairs. Almost all the people present in Thaqifah of Banu Sa'idah accepted it. Abu Bakr's ikhtiyar (authority) as Khalifah was achieved by this collective and consultative ijtihad of absolute majority⁽²¹⁾.

Abu Bakar at the end of his era, keenly considered the matter of caliphate of later to him, especially the aspect that who can be the most appropriate person for the leadership of the muslim *ummah* and to handle the responsibilities of caliph, furthermore, whose leadership will be acceptable to Aamat al-Muslimeen (Muslim community on the whole). According to Abu Bakr, 'Umar was the most suitable and capable person. On the second step, Abu Bakar consulted his notable colleagues on this matter, and reflected carefully over it before arriving at the final decision⁽²²⁾.

First of all, he consulted those persons, who themselves were capable for this office and their status of leadership was also accepted. For example, Abd al-Rahman b. Auf and Uthman (RA). Uthman (RA) agreed completely with the opinion of Abu Bakr. Abd al-Rahman b. A'waf was also accepting the leadership abilities of Umar, however, he shared his reservation that the temperament of Umar was harsh, and whether it would not create problem for *ummah*. Abu Bakr, who was well familiar with the temperament and psychology of Umar, replied: at the time, Umar's harshness creates a balance, as there is leniency in my temperament, however, when all the responsibility will transfer to Umar, he will be no harsher. Abd al-Rahman b. Auf satisfied with this reply. After this, Abu Bakr enhanced the circle of consultation and took the opinion of Ali (RA) Talha (RA) Usayd b. Huzair (RA) etc. all of them were accepting the abilities and capabilities of Umar. However Talha (RA) doubted the same as was by Abd al-Rahman b. Auf and Abu Bakr replied him same that during my caliphate, his harshness is required to maintain the balance, it will reduce when he himself will be fully responsible.

Abu Bakr himself was performing Ijtihad in this matter; therefore, he was evaluating each aspect with full honesty and responsibility. He observed the requirements of Islamic State, establishment of Din and the role of Muslim *ummah* in international perspective. He judged the nature and temperament of Umar and then approaches the conclusion. Ijtihad is a religious doctrine; *Mujtahid* considers its conditions, acts upon a complete honesty and sincerity throughout this process and presents his opinion on the base of knowledge and argument. This is the reason; he does not face any problem to convince the people.

In this consultative process, when Abu Bakr felt that the leaders of *ummah* are satisfied, he wrote a script to the people in which Umar was suggested for caliphate. This script was written as a result of consultative Ijtihad. And it was read before the common people in mosque. All the people, present in the mosque agreed to this opinion and elected Umar as their second caliph, performing bai'at (to take the oath of allegiance) on his hand⁽²³⁾.

After the nomination of Umar, different stages seem, each of them had one or another form of Ijtihad. At initial stage, individual Ijtihad was performed, in which collective benefit of *ummah* and the expedience of establishment of Din were considered by Abu Bakr (RA). These are his words: By God! "I performed Ijtihad to approach the appropriate conclusion and exerted utmost for it (24). On the second and third stage, consultative and collective Ijtihad was acted upon; as a result, the leadership of Umar was established. Umar also started the process of Ijtihad during the last days of his caliphate. He, after a keen consideration constituted a committee, which is famous in history by the name of Shura. This committee consists of seven people: Abd al-Rahman b. Auf, Uthman, Ali, Sa'd b. Abi Waqas, Talha and Zubair were its members. The seventh member Abd Allah b. Umar was just for consultation and to organize the Shura. It was the responsibility of this committee to nominate the caliph by unanimous discussion among the former six members. This committee did not restricted the circle of consultation to itself, rather included the common people as well. At the end, when only two candidates were remained, the opinion was taken from the common people of Madina as well. Some people were appointed on the external roads of Madina by this committee, so that they can take opinion of the people and Carvans (troops), coming inside and outside Madina. Even women were also included in this consultation. In this way, the circle of consultation becomes very vast in this nomination (25).

The nomination of fourth caliph; Ali, happened in acute emergency. Uthman was martyred by rebels. Apparently, no one alone was prominent who could control this entire situation and keep Muslim *ummah* united. However, Ali was such a personality, whom the people were looking forward to. He surely could guide the Muslim *ummah*, but in process of nomination of Ali, a gap was created, at that time; there was no caliph who can present his opinion through Ijtihad or establish collective Ijtihad for this matter. To get away from this emergency situation, a group of Sahaba themselves thought over it. According to them, Ali was the most appropriate person for caliphate. They go to Ali and requested him to take the responsibility of caliphate. Initially, Ali denied, but different groups of companion visited him and try to convince him for this responsibility. In meanwhile, Ali also got chance to think over this matter and try to decide something in the light of his opinion and Ijtihad. When the constancy of those, convincing Ali to take the responsibility of caliphate increased, Ali clearly told them that the matter of caliphate cannot be resolved at home or any secret place. Opinion of common people should also be involved in it, especially the opinion and consultation of people of Madina was much necessary. As per advice of Ali, all the people gathered in mosque and the nomination of Ali was done by unanimous discussion. A large number of Ansar (the actual natives of Madina) and Muhajireen (the migrants from Makkah to Madina) also participated in this gathering, which nominated Ali as caliph and take the oath of allegiance on his hand ⁽²⁶⁾.

These are some examples of Mushawirati Ijtihad, which have a deep link with important aspects of collective and constitutional life of Muslim *ummah* and provide guiding principles for collective matters of future. The most important aspect is that it is the

responsibility of scholars, intellectuals and *Arbab-e-Hall wa aqad* (people of knowledge and wisdom) of muslim *ummah*, to consider thoughtfully the collective matters of *ummah* with full honesty and sincerity, consult each other and conveyed the results of their mutual discussion consider to common people as well. The positive thinking of these scholars, their constructive way of discussion and their power of demonstration based upon reasons and wisdom will be a source of education and guidance for common people, especially for new generation and will be a source of guidance to accurate direction of thoughtful trends of the people.

The above discussion highlights the principles that the collective matters should be based upon consultative Ijtihad. Ijtihad itself secures from number of mistakes and weaknesses, the Shurai ijtihad further reduces the chances of mistakes.

One more principle highlights from the above examples that the methodology of Shura can be modified according to the circumstances and requirements, as it seems from nomination process of Rashidun Khulafa. Collective Ijtihad has been common during the election of all, but its methodology and mode has been different as per circumstances. Shurai (Consultative) Ijtihad is the mode, which plays a basic role to held Ijma (27). The unity of Muslim *ummah* gets strength through the unanimous decisions. Mutual collective decision enhances the mutual affection of the people of a nation and the passion of mutual cooperation in collective manners increases and gets strength. On these grounds have said: The matter of Shura concerned to the basic commandments and strong regulations of Shariah ⁽²⁸⁾.

Collective Ijtihad in later Periods: Shura and collective consultation have a prominent status in the political and governance system of Islam. Islam suggests the Muslim rulers to have consultation in all the collective matters. No doubt, the verse of the Qur'an (3:159) emphasizing the consultation is not specific to the religious matters, however, the general concept of the verse is including that, whereas the Shura of the Muslims should be for political and administrative matters, it also should be for religious and juristic matters, comprising of the people capable of ijtihad. It means the consultative organization of Islam is providing the proof of collective ijtihad.

Methodology has also been applied and promoted by the Prophet (SAWS) and Rashidun Khulafa (RA) which have been explained earlier. In the later period, the Tabi'een and the Aima of major schools of thought, especially Imam Abu Hanifah, has utilized this methodology for the development of his school of thought.

But unfortunately, after Imam Abu Hanifah, the tradition of collective ijtihad could not step forward properly except the following couple of examples:

In the eleventh century of *hijrah*, the famous Mughal emperor, Aurang Zayb Aalamgir issued a royal decree to compile the Islamic Law, so a board was established by choosing the scholars and jurists from different prose and crones of the county, which prepared a comprehensive collection of juristic issues according the Hanafi School of thought, which is

famous as “Fatawa Aalamgiri”. This step of Aurang Zaib Aalamgir was the first successful and organized attempt to compile the Islamic *fiqh* through collective ijtehad in the world.

On the pattern of European Legislation, the second organized attempt to compile the Islamic *fiqh* through collective ijtehad was done through an order of ‘Uthmanith Caliph, by structuring a committee. This committee compiled the Islamic Civil Law for Turkey in the year 1876 A.D by the name “Majjallah Ahkam al-Adliyyah”. After it, in 1917 A.D, the law of marriage and divorce was formed known as “Haqooq al-Ailah”. Although, this law was according the Hanafi School of thought, but Maliki school of thought was followed in the issues of marriage by force, divorce by force, and divorce in a state of intoxication.

Except the above mentioned examples, generally the Islamic *fiqh* remained dominated by the individual ijtehad. This ijtehad, where promoted and extended the scope of Islamic *fiqh*, also caused an intellectual and theoretical dispersion in the Muslim *ummah*. Perhaps, considering this situation, the fuqaha announced the door of “Ijtehad-e-Mutlaq” (Unconditional Ijtehad) as closed, and decided to restrict the ijtehad and fatwa to the Schools of thought only.

The Need and Importance of Collective Ijtehad in Present Era: The 20th Century has this distinction that the scholars felt the need and importance of collective ijtehad and seriously tried to convert this concept into reality. The famous poet and intellectual of Pakistan, Allamah Muhammad Iqbal, in his lecture “The principle of movement in the structure of Islam” delivered in 1928 A.D, emphasized that Muslim *ummah* should resolve its issues through collective ijtehad. This ijtehad should be performed through Parliament; however, scholars should be an active part of it, so that they can guide the parliament. In 1952 A.D, the eminent Syrian religious scholar, Dr. Mustafa Ahmad Zarqa (29) suggested in his article, the establishment of an international *fiqh* academy for collective ijtehad. To make this collective ijtehad more effective and fruitful, he also suggested that the collection of all the schools of thought should be considered as an enlarged school of thought, and the individual opinion of each school i.e. Hanafi, Maliki, Shafi’i and Hanbali should be regarded as different opinions and quotations of this enlarged school of thought. And the scholars of the *ummah* should utilize this practical collection for law making, considering the need and betterment of each era and period ⁽³⁰⁾.

After it, the renowned researcher, Dr. Hameed Allah ⁽³¹⁾ further enhanced the concept of this *fiqh* academy. He suggested that in each Muslim country and each such territory, where Muslims are in a large number, a *fiqh* academy should be established. All these academies should be interlinked like a federation and collectively think over the issues and suggest their solution.

In the last three decades of the 20th century, all these concepts adopted the shape of practical reality, and a number of such institutions came into being in the Muslim world, with the responsibility to think over the different types of legal issues and topics, and to suggest their solution in the light of Shariah. These institutions are guiding the Muslim *ummah* about the newly faced issues and topics.

Practical Aspects of Collective Ijtihad in Present Era: Practical aspects of collective ijtihad in present era can best be understood by exploring the institutions that undertake it. The following list details a few examples of well-known institutions and the countries in which they operate (or have their headquarters):

Al-Mamlakat al-Araybiyyah al-Sa'udiyah

- i) The Council of Senior Scholars of Saudi Arabia (*Hay'at Kibar al-Ulama fi al-Mamlakat al-Araybiyyah al-Sa'udiyah*).
- ii) The Permanent Committee for Scientific Researches and Ifta (*Al-Lujnah al-Da'imah lil-Bahuth al-Ilmiyyah wa al-Ifta*).
- iii) The General Commission for the Administration of Scientific Researches, Ifta and Missionary Works and Preaching (*Al-R'iasat al-Aammah li Idarat al-Bahuth wa al-Ifta wa al- Da'wah wa al-Irshad*).
- iv) International Islamic Fiqh Academy, Jaddah (*Majma al-Fiqh al-Islami al-Dauli*).
- v) The Islamic Fiqh Academy, Makkah Mukarramah (*Majma al- Fiqh al-Islami*).

Egypt:

- i) The Academy for Islamic Researches (*Majma al-Bahuth al-Fiqhiyyah*).
- ii) The High Council for Islamic Affairs (*al-Majlis al-A'la lil-Shaun al-Islamia*).

Kuwait:

- i) The General Administration for Ifta (Kuwait).
- ii) The Islamic Organization for Medical Researches (*Al-Munazamah al-Islamia lil-Uloom al-Tibbiyah*).
- iii) The Islamic Council for Fatwa and Shariah Supervisory in the Kuwaiti House of Finance (*Hai'ah al-Fatwa wa al-Riqabah al-Shariah fi Bait al-Tamwil al-Kuwaiti*).
- iv) The International Shariah Council for Affairs Related to Zakat under the House of Zakat in Kuwayt (*al-Hay'ah al- Shariah al-Ilmiyyah lil-Zakat al-Tabi'at li Bait al-Zakat fi Daulat al-Kuwait*).

Sudan:

The Board for Ifta al-Shariah in Sudan (*Majlis al-Ifta al-Shar'i fi al-Sudan*).

- i) The Supreme Council of the Shariah Supervisory Board for Banking and Financial Institutions in Sudan (*al-Hay'ah al-Ulya al-Shariah li al-Jihaz al-Masrafi wa al-Mu'assassah al-Malia fi Sudan*).

Jordan:

- i) The National Academy for Research of Islamic Culture (*Al-Majma al-Mulki li Bahuth al-Hadharat al-Islamiah*).

Morocco:

- i) The Academy of Ahl al-Bait (*Majma Ahl al-Bait*).

Pakistan:

- i) The Council of Islamic Ideology (*Islami Nazariati Council*);
- ii) Federal Shari'ah Court (*Wifaqi Shar'i Adalat*).

India:

- i) Islamic *Fiqh* Academy, India.
- ii) Institution for legal discussions (*Idarah Mubahith al-Fiqhiyyah*).
- iii) The Council for Shariah Researches (*Majlis Tahqiqat-e-Shariah*).
- iv) The *Fiqh* Council (*Majlis-e-Fiqhi*)

Europe:

European Council for Fatwa and Research, Ireland (*Al-Majlis al-Aurubi lil Ifta wa al-Bahuth*).

United Kingdom:

Council for Shariah Researches (*Majlis Tahqiqat-e-Shariah*).

North America:

- i) Shariah Scholars Association of North America (*Majma Fuqaha al-Shariah*).
- ii) The *Fiqh* Council (*Majlis-e-Fiqhi*)

Among these, some institutions are located in Muslim countries, while others are in non-muslim countries, solving the issues of Muslim community, residing in non-muslim countries. The legal opinion of these institutions has played a prominent role in the reconstruction of Islamic *fiqh*. The opinion issued by these institutions about collective matters is considered much valuable in the Muslim community. These opinions proved much helpful to determine the collective methodology of Muslims about different issues. They have played very important role for the structuring of legal and judicial system of several Muslim countries.

Conclusion : Since its advent, *ijtihad* has been individual as well as collective. But with the passage of time and advancement in science and technology, its collective mode has been proved more practical and reliable. A salient feature of the movement of collective *ijtihad* is that the legal collection of all the *fuqaha* and schools is considered as a combined intellectual heritage, for a great extent. The *Ijtihadat* of all the *fuqaha* are equally utilized, instead of depending upon any specific school of thought, for the solution of newly faced issues. Guidance is taken from the collection of all the schools, and that point of view is adopted, which is according the teachings of the Qur'an and Sunnah, and more nearer to the requirements of present era as well as beneficial for human beings. In this way, a new collective *fiqh* is coming into being as a result of collective *ijtihad*, which is combined intellectual, theoretical and legal asset of the entire Muslim *ummah*. The movement of collective *ijtihad* has also extended the principles of jurisprudence or principles of *ijtihad*. The legal *Ijtihadat* are not depending only on the doctrines of *qiyas*, *istihsan* and *masalih mursalah*, rather *qwa'idah kulliyyah* (legal maxims) and objective of *shariah* are also providing guidance in the process of *ijtihad*.

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31. Muhammad Hamid Allah (February 9, 1908 – December 17, 2002) D. Phil., D. Litt., HI, was a Muhaddith, Faqih, scholar of Islamic law and an academic author with over 450 books cited in World Cat.org, the world's largest bibliographic database. A prolific writer, his extensive works on Islamic science, history and culture has been published in several languages and many thousands of articles in learned journals. His scholarship is regarded by many as unparalleled in the last century. A double doctorate (D. Phil and D. Litt) and a polymath, he was fluent in 22 languages including Urdu (his mother tongue), Persian, Arabic, French, English, German, Italian, Greek, Turkish, Russian etc. He learned Thai at the age of 84.