Methods for the Common Person to Recognize a Mujtahid

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Abstract

This research examines the methods by which a common person can recognize a Mujtahid. The study presents the various juristic schools of thought on disputed issues, clarifies the preponderant opinion and its evidence, and explains the less favored opinions along with their evidence and the responses to them. The research concludes with a summary of the findings that the researcher arrived at through this study.

Keywords: common person, Mujtahid.

1. Introduction

Praise is to Allah, Lord of the worlds, and peace and blessings be upon the best of all creation, the one sent as a mercy to the worlds, our Prophet Muhammad, and upon his pure and noble family.

Indeed, the best endeavor a person can engage in is the pursuit of Islamic sciences, through which one's condition is rectified in both this world and the hereafter. This was the practice of the scholars of the early generations, who devoted their lives to seeking and acquiring knowledge.

Their abilities and success in acquiring knowledge varied. Among them were those who were well-versed and capable of independent reasoning (Ijtihad), and others who were unable to derive rulings from the primary sources of Islamic law, known as the followers (Muqallid). It is obligatory for those in the latter category to ask scholars about matters of their religion that they do not know. In this research, I have explored the methods that a common person should follow to recognize a Mujtahid.

2. Methods for a Layperson to Identify a Mujtahid

A layperson must diligently seek out and identify a mujtahid (a qualified scholar capable of independent legal reasoning) whom they can consult and whose opinions they can follow regarding the religious rulings they need, (Ibn Al-Salah, 1993).

Scholars of Usul al-Fiqh (principles of Islamic jurisprudence) have outlined several methods by which a layperson can recognize and identify a mujtahid to seek guidance from. Some of these methods include:

First: Widespread Reputation Among People as Qualified for Issuing Fatwas

This method is endorsed by scholars such as Ibn al-Salah, Ibn Hamdan, Al-Nawawi, Ibn Taymiyyah, Al-Mardawi, Al-Tufi, Al-Juwayni, and many others. They consider it valid for a layperson to rely on a scholar's widespread reputation as a qualified mujtahid to seek fatwas (religious rulings) from him, (Ibn Al-Salah, 1993).

However, some scholars oppose this method, arguing that the reputation among the general public may not be trustworthy, as it could be based on misleading information or align with people's biases, (Al-Maqdisi, 600 AH).

Evidence supporting the consideration of this method includes the idea that if a scholar becomes widely recognized among people for their qualification, and the community collectively seeks their guidance, it indicates the scholar's knowledge. This is because the Ummah (Muslim community) does not collectively agree upon a falsehood, (Ibn Taymiyyah, 728 AH). Furthermore, it has been narrated that the Prophet Muhammad (peace be upon him) passed by a funeral, and when people praised the deceased, he said, "It has been affirmed." Then he passed by another funeral, and when people criticized the deceased, he said, "It has been affirmed." When asked about his statements, he explained

He said, "When you praised him with good, paradise was obligatory for him; and when you spoke ill of him, hell was obligatory for him. You are the witnesses of Allah on Earth" (Al-Bukhari, M. I. (n.d.). Sahih al-Bukhari (Vol. 1, p. 460, Hadith 1301).

Does the Layperson Need to Test the Scholar?

It is debated whether a layperson should test the scholar by asking him questions from various fields, such as hadith and its peculiarities, the Quran and its complexities, and issues of jurisprudence. If the scholar answers correctly in all areas, the layperson should follow him. However, if the scholar errs in any area, the layperson should refrain from following him.

There are two opinions on this matter:

First Opinion: It is required, (Muslim, I. (n.d.). Sahih Muslim (Vol. 2, p. 655, Hadith 949).

Second Opinion: It is not required. Imam al-Haramayn reported this view from al-Qadi in al-Taqreeb and commented, "As for the requirement of examination, there is no basis for it. We know that the Bedouins used to seek legal opinions from the scholars among the Companions without testing them. Therefore, requiring such a test is unreasonable, (Al-Juwayni, I. H. (n.d.). Al-Burhan fi Usul al-Fiqh (Vol. 2, p. 877).

Supporting Arguments:

1.   First Argument: The layperson may not know whether the scholar is correct in his answers or not.

2.   Second Argument: The people of the desert used to seek opinions from the scholars among the Companions without testing them.

3.   Third Argument: The layperson may only know one opinion, which may differ from the scholar's conclusion, (Al-Juwayni, I. al-H. A. bin A. (1992).

Second Approach: Reporting on the Scholar's Qualification by a Trusted Expert:

Scholars agree that reporting is a valid method for determining a scholar's competence, ijtihad (jurisprudential effort), and integrity. However, they differ on who is sufficient to report:

1.   First Opinion: The report of a single trustworthy individual is sufficient, as stated by the majority of scholars, (Ibrahim al-Khatib, 2005).

2.   Second Opinion: The reports of two trustworthy individuals are required, as reported from al-Qadi al-Baqillani (Al-Sheikh, 1990) and as stated by (Al-Ghazali, 1997).

3.   Third Opinion: The detail is as follows: If the reporter is a person of integrity and insight who can distinguish between the qualified scholar and others, their report is sufficient. Otherwise, the reports of two trustworthy individuals are necessary, (Al-Sheikh, 1995).

Ibn al-Salah stated that this is applicable to those with the knowledge to distinguish between the qualified and unqualified and that reports from ordinary people are not relied upon due to the frequent confusion among them, (Al-Sheikh, 2000). Al-Nawawi also indicated this view (Al-Nawawi, 1998).

In contrast, al-Isfarayini required mass transmission (tawatur), which was not accepted by al-Ghazali and Ibn al-Salah, (Ibn Qudamah, 2000 and Al-Ghazali, 1997).

Third Approach: The Scholar's Appointment for Fatwa and Teaching in the Presence of Scholars:

The aim is to recognize that the scholar is an expert in the field and actively engages in teaching and providing fatwas. This method is considered valid by the majority of scholars (Al-Amidi, 2002). Al-Amidi reported a consensus on this approach (Ibn al-Qayyim, 1993), as it indicates the scholar's knowledge and suitability for issuing fatwas (Ibn Abd al-Barr, 1992).

Sheikh al-Islam quoted Abu al-Khattab, who considered this method essential: "Abu al-Khattab said that it is not permissible for the inquirer to seek fatwas except from someone who seems to be a scholar based on their appointment for issuing fatwas in the presence of prominent scholars, the people turning to them, and the consensus of the scholars on consulting them" (Ahmad ibn Hanbal, & Ibn Taymiyyah, 2003).

However, Sheikh al-Islam cautioned against relying solely on this method: "It is not permissible to seek fatwas from someone who claims to have knowledge, even if they hold a teaching position or similar role, (Ahmad ibn Hanbal, & Ibn Taymiyyah, 2003).

Ibn Hamdan said: "In these times, it is not sufficient for someone to merely take up the role of issuing fatwas and become famous for it" (Ibn Hamdan al-Hanbali, 1990). This criticism was

also reported from Ibn al-Salah (Ibn Al-Salah, 1993 and Al-Mardawi, 2003).), as well as from al-Nawawi, Abu al-Khattab, and al-Mardawi (Al-Ghazali, 1997).

Forms of Appointment for Fatwa:

1.   Scholars Referring to Them:

If a layperson observes that scholars refer to a particular individual for fatwas, this is sufficient to consider their knowledge valid. It is one of the clearest indicators of their ijtihad (jurisprudential effort), integrity, and the permissibility of following their opinions, (Al-Nasafi, 2003).

2.   People Referring to Them for Learning:

If a layperson sees that people turn to a particular individual for learning and fatwas, this alone is sufficient to validate their knowledge, (Ibn al-Qayyim, 2000). However, some scholars have argued that this alone may not be sufficient to establish their knowledge, (Al-Nawawi, 2001).

Fourth Approach: The Scholar's Self-Declaration of Being Qualified to Issue Fatwas

If a scholar declares themselves as a mufti (one qualified to issue fatwas), is this declaration sufficient for acceptance? There are two opinions on this matter:

1.   First Opinion: Acceptance of the Self-Declaration

This opinion, which was reported from some Shafi'i scholars, suggests that self-declaration is sufficient and preferable to both widespread fame and reported consensus among people, (Khawaja, 1999). They reason that widespread fame may be based on unsubstantiated claims, (Ibn Al-Salah, 1993),

Ibn al-Salah stated: "According to some of our later scholars, reliance should be placed on the scholar's claim of being qualified for fatwa, rather than on their fame or widespread acclaim. This is because fame does not provide knowledge unless it is based on something tangible, and general fame may be unreliable, possibly stemming from deceit", (Ibn Hamdan al-Hanbali, 1990).

2.   Second Opinion: Rejection of Self-Declaration

This view argues against accepting a scholar's self-declaration, as it may be perceived as an attempt to claim a higher status or authority, (Al-Nawawi, 1998).

Fifth Approach: Prior Knowledge of the Scholar's Knowledge and Integrity

If a follower has previously known the scholar for their knowledge and integrity, this alone is sufficient evidence of their competence and fairness, provided the knowledge acquisition method is valid, (Ali, 2010).

3. Conclusion:

The conclusion summarizes the findings of the study, noting that there are various methods for identifying a qualified scholar. These methods include assessing the scholar's fame among people and their self-promotion.

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