

الإجماع Consensus (Ijma')

I. Definition تعريف الإجماع

Literal meaning: التعريف اللغوي

Determination, resolution and agreement upon something.

Technical meaning: التعريف الاصطلاحي

“The agreement of the mujtahids (jurists) from among community of Muhammad (peace be upon him) after his death in a certain period of time upon a rule of Islamic law.”

II. Conditions for the validity of ijma' شروط الإجماع

1. The agreement must take place among mujtahids. Mujtahid is a person who is qualified to exercise ijtihad.
2. The agreement must be unanimous. باتفاق.
3. The mujtahids must belong to the Islamic community.
4. The agreement of mujtahids must be held after the death of Allah's Messenger (peace be upon him).
5. The agreement must be among the mujtahids of one period, even though some mujtahids of subsequent periods may differ from them.
6. The agreement should be held on a rule of Islamic law (in legal matter).
7. The mujtahids should have relied upon a sanad for deriving their opinion. Sanad is the evidence (proof) upon which the mujtahids rely on, for arriving upon an agreement.

III. Position of Ijma' as a Source of Islamic Law مكانة الإجماع

- The majority of Muslim jurists, particularly the jurists of four well-known schools of law, are in agreement that ijma' is an authoritative رسمي source of Islamic law.
- It is incumbent إلزامي on the Muslim to follow the legal rule of Islamic law that derived from ijma' as similar to the rule established by the text of the Qur'an and the Sunnah.
- The legal rule based on ijma' is definitive نهائية and it is not permitted to oppose it.
- In addition, the mujtahids are not allowed to exercise ijtihad on the legal issue that has been settled through ijma'.