

#### IV. Proof and Justification of Ijma' as a Source of Islamic Law

##### مشروعية الإجماع

It is established by the Qur'an and the Sunnah.

- The Qur'an: ***"O ye who believe! Obey Allah and Obey the Messenger and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger..." (al-Nisa' (4):59)*** The word 'uli al-amr means ulama' (scholars) of the community. Thus the agreement of the mujtahids is bound to follow.

- The Sunnah; There are many Sunnahs indicated that the Muslim community is infallible in their agreement. Although each of this Sunnah is probable if it stands independently but collectively they are definitive and convey the same idea. This make adherence to ijma' is obligatory on the Muslims.

"My community will not agree on mistake."

"My people will not agree on an error"

"I prayed to Allah, the Exalted, that my community may not agree on error, and He gave it to me."

"Allah's hand is over the community."...

#### V. Basis of ijma' (sanad al-ijma')

##### سند الإجماع

- The legal theorists hold that there must be some proof to which the mujtahids refer to in their agreement.

- They are in agreement that the Qur'an and the Sunnah can be a proof for ijma'.

E.g. of ijma' based on the Qur'an: the prohibition of marriage with grandmother and granddaughter. This ijma' is relied on the verse ***"Prohibited to you (for marriage) your mothers, daughters..." (al-Nisa'(4):23)***. The jurists hold that the meaning of mother is an origin and daughter is a branch.

E.g. of ijma' based on the Sunnah: Ijma' on the portion of grandmother in inheritance is one-sixth. This ijma' is based on the Sunnah where the Messenger awarded one-sixth to the grandmother.

- However, the jurists have different of opinion regarding to other proof like qiyas and public interest (maslahah).