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Analyzing the Nature and Foundations of Collective Ijtihad from the Perspective of Both Islamic Schools

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Abstract

Ijtihad, as one of the fundamental foundations for deriving Islamic legal rulings, has historically been practiced predominantly in an individual manner. However, with the expansion of novel issues and the increasing social and legal complexities of the modern era, the need to employ collective and consultative methods of legal derivation has gained growing attention. Collective (or consultative) ijtihad -meaning the participation of a group of jurists and scholars in the process of deriving rulings-can enhance the accuracy and comprehensiveness of opinions, reduce individual bias and error, and function more effectively in addressing contemporary issues. This study, using a comparative approach, examines the perspectives of both Sunni and Shia (Imami) schools regarding the authority and status of collective ijtihad. Sunni scholars, through the establishment of institutions such as fiqh academies, have effectively recognized collective ijtihad and regard it as a practical tool for confronting modern challenges. In contrast, although Imami jurisprudence is fundamentally grounded in individual ijtihad, its principles and methodological foundations nonetheless provide the capacity to accommodate collective ijtihad.The findings of the research indicate that collective ijtihad in both traditions has the potential to serve as a credible model for legal derivation; the key difference lies in the fact that Sunnis have institutionalized and systematically implemented it, whereas within the Imami tradition, such institutional structures have not been developed and the discourse remains largely at the level of theoretical exploration. Ultimately, strengthening collective ijtihad can contribute to greater intellectual and practical convergence among Islamic schools of thought and foster more effective responses to the needs of the contemporary world.

Keywords: *Ijtihad; Collective Ijtihad; Sunni; Imami (Shia); Comparative Islamic Jurisprudence*

Problem Statement

Ijtihad has always been one of the key pillars in deriving Islamic legal rulings. Throughout history, ijtihad has primarily been approached individually, with a single jurist bearing the responsibility of deriving rulings from the foundational legal and scriptural sources. However, historical reports indicate that the jurists of al-Andalus had a consultative council for issuing fatwas and addressing newly emerging issues whose rulings could not be directly traced to the primary texts. Nevertheless, little is known about the administrative structure of this council or the mechanisms through which its decisions were implemented (Aḥmad Amin, 1946, vol. 3, p. 23).

In more recent periods-especially with the increasing complexity and emergence of novel social, economic, and political issues-the idea of collective ijtihad or consultative ijtihad has been proposed as a modern method aimed at enhancing accuracy and comprehensiveness in the process of legal derivation by clearly defining its boundaries and parameters.

Meanwhile, the two major jurisprudential traditions of the Islamic World-Sunni and Imami (Shia)-have each developed a distinct approach regarding the validity, authority, and status of collective ijtihad. Among Sunnis, especially in recent centuries, several institutions have been established to formalize this method. The "Islamic Research Academy" (Majma al-Buḥuth al-Islamiyah) at al-Azhar was founded in 1961. Thereafter, the Muslim World League in Mecca established the "Islamic Fiqh Academy" (al-Majmaʿ al-Fiqhi al-Islami), whose first session was held in Shaban 1398 AH / 1978 CE. Subsequently, the Organization of the Islamic Conference (OIC) founded its own "International Islamic Fiqh Academy," which convened its first meeting in Mecca in Ṣafar 1405 AH / November 1984. This academy includes one active member from each state represented in the OIC.

Each of these three fiqh academies has a permanent office and holds annual sessions in which significant contemporary issues are examined to determine the position of Islamic law and to issue rulings on their permissibility or prohibition. The development, however, did not stop here; additional academies were later established, and the concept of collective ijtihad expanded, entering a phase of theoretical formulation and delineation of its boundaries. Academic research in this field has become increasingly active, and calls have even been made to evaluate the performance of these fiqh academies and to review their founding procedures and methodologies-demonstrating, in practice, the implementation of consultative ijtihad.

On the other hand, the discussion of collective fatwa (shura-based ijtihad) in Shi a jurisprudence does not have a long history. At most, it dates back to the 1960s, when a group of religious reformers—such as Morteza Motahhari, Seyyed Mahmoud Taleqani, Seyyed Mohammad Beheshti, and Seyyed Morteza Jazayeri—published "A Discussion on the Marjaiyya and the Clergy" under the title "a group of authors." This work, however, relies more heavily on individual ijtihad (Ayazi, 2012, p. 6), although its intellectual and methodological foundations are capable of accommodating collective ijtihad as well.

In recent decades in the Islamic Republic of Iran, six jurists of the Guardian Council engage in consultation and deliberation on whether or not the Parliaments legislations conform to Islamic law, and they declare the result of their collective deliberation. Nevertheless, given the differences of opinion that exist among the maraji regarding certain inferential rulings, one may assume that the jurists of the Guardian Council are not exempt from such discrepancies. Despite possessing the capacity for ijtihad, each jurist maintains his own view during the process of inference, and this opinion does not necessarily align with that of another jurist. However, the determination of whether a parliamentary bill conflicts with Islamic law is ultimately announced as a collective decision resulting from their consultation.

Furthermore, the opinions issued by the Expediency Council, which in some cases pertain to matters of Islamic law, are likewise based on consultation among its members and the vote of the majority. Such a decision—particularly when it relates to the Guardian Councils view concerning the incompatibility of a bill with Islamic principles—takes on a religious-legal character.

Despite this significance, systematic and comparative studies regarding the foundations, authority, and functions of collective ijtihad within these two schools have remained limited. This leads to the question of whether these two jurisprudential traditions share a common view regarding the authority and validity of collective ijtihad and the place of this interpretive method, or whether differences exist between them. Additionally, are the jurists within each school unanimous in accepting or rejecting this method, or do internal disagreements also appear among them? If the majority of Sunni and Shi a scholars accept it, how are the principles of non-imitation of one mujtahid by another and the obligation to follow the most learned jurist (al-alam) to be justified?

These questions may create ambiguity in understanding the actual status of collective ijtihad and the extent of its legitimacy within the framework of Islamic legal reasoning at a macro level (the Islamic world). For this reason, the present study seeks, through a comparative approach, to examine the views of Sunni and Shia scholars regarding collective ijtihad and to identify areas of agreement and disagreement between the two jurisprudential schools, at least on issues such as the nature and foundations of collective ijtihad , its permissibility or prohibition, the imitation of one mujtahid by another, and the recourse to the most learned jurist (al-alam) in the event that collective ijtihad is accepted.

1- The Nature of Collective Ijtihad

Ijtihad in Islam has always been a recognized and fundamental concept, understood as the exertion of one's utmost effort and ability to comprehend and understand the rulings of Islamic law, as well as to apply and implement these rulings in practical situations (Daraz, 1997: 4/463). Consultation, assistance, and cooperation are means of reaching a correct judgment; in this sense, the person seeking consultation combines their own perspective with the views of others and draws on their reasoning to perform their tasks more effectively and arrive at the most accurate decision (Othmani, 1443: p. 12).

The Shi a scholars have similarly defined ijtihad as "the use of all the jurists power and effort to obtain a speculative understanding (zann) of a legal ruling; that is, applying the jurist's full effort to acquire an opinion and understanding of the ruling" (Group of Authors, 1372: 1, 473) or "the use of the jurist's full capacity to reach a zann regarding the legal ruling" (Tabatabai, 1414: 6, 292). Both definitions emphasize the importance of the jurist's personal effort, the full utilization of intellect and experience, and achieving a speculative understanding of the ruling. In other words, ijtihad is not merely theoretical knowledge, but an active process that demonstrates the responsibility and exertion of the jurist in uncovering the Islamic ruling. The key elements of these definitions are the jurist's responsibility, the utilization of full capacity, and the attainment of a zann regarding the ruling.

Shura (consultation) means seeking the opinion of an insightful person and also refers to consulting with one another in decision-making regarding a particular matter (Shahriyari, 1385: 32: Othmani, 1443: 32). Historically, ijtihad has predominantly been based on individual efforts. Many studies presented in jurists works regarding issues and rulings of ijtihad pertain specifically to individual ijtihad. Individual ijtihad refers to the ijtihad performed by a single jurist who possesses the conditions of ijtihad, without the participation of another jurist in the process (Shaban, 1438: 20).

The question then arises: is there another type of ijtihad in which the process of inference is not confined to a single individual but requires the participation of a group of jurists in the process of deduction? Undoubtedly, the answer to this question is affirmative.

Some Sunni scholars have provided definitions for this type of ijtihad. For instance, Sheikh Ali Hasbullah, regarding collective ijtihad, stated: "It is any ijtihad in which the mujtahids reach a consensus on a particular issue" (Hasbullah, 1417: p. 108). It is evident that this statement does not reach the level of a precise technical definition, as it is concise and ambiguous, and circularity exists within it. In this definition, the words "ijtihad" and "mujtahids" are emphasized the most, as they themselves constitute the main elements of the definition.

Dr. Shaban Muhammad Ismail,regarding collective ijtihad,states:

“This type of ijtihad is consultative, practiced by religious scholars concerning newly emergent issues, particularly in matters that have a public dimension and are of concern to the masses” (Shaban, 1438: p. 9). In this view, he follows the opinions of Sheikh Dr. Qaradawi (Qaradawi, 1331: p. 182).

Although Dr. Ismail’s book specifically addresses collective ijtihad, it is evident that he does not provide a comprehensive technical definition of it and relies only on the definition of ijtihad found in classical usul al-fiqh books. Nevertheless, he summarizes collective ijtihad in two points: first, consultation among the scholars of knowledge, and second, that the issues under consideration should have a public dimension. These points, however, cannot fully delineate the complete scope and boundaries of this practice.

Sousou Sharafi states: “Collective ijtihad is that in which most jurists exert their efforts to derive a legal ruling through ijtihad, and their consensus on the ruling is achieved after consultation” (Sousou, 1418: pp. 44–45). Compared to other definitions, this definition possesses a relatively higher degree of precision and rigor, as it relatively adheres to the criteria of a technical definition. In particular, it relies on the definition of ijtihad provided by the prominent usuli scholar Ibn al-Hajib (Ibn al-Hajib, 1444: p. 197), which was adopted by many usulis after him, and, inspired by the realities of juristic councils, it incorporates the characteristics specific to collective ijtihad by stating: “and the consensus of all or most of them on the ruling after consultation” (Sousou, 1418: p. 45). This feature is considered a general characteristic of this method of legal reasoning.

However, there are fundamental considerations regarding this definition. First, in introducing collective ijtihad, the reliance on Ibn al-Hajibs definition is problematic because his definition does not explicitly address collective ijtihad. Second, the definition restricts ijtihad exclusively to jurists and does not allow for the participation of others. Furthermore, it presents ijtihad, whether individual or collective, merely as a means to obtain a legal ruling. In addition, the definition makes no reference to the nature of the issues or topics that could fall within the scope of this type of ijtihad. Third, the author does not clarify what is meant by the term al-faqih (jurist) in his definition, whereas this term is a matter of debate regarding its applicability. For this reason, it would have been more appropriate for a researcher to avoid using it, as accurately identifying those jurists to whom the description al-faqih applies is difficult, and consequently, identifying the most learned among them is equally challenging. Therefore, including this qualifier in the definition renders it ambiguous and inconsistent with the methodological standards of usul al-fiqh, which emphasize clarity and precision.

Khalid Hussein, after reviewing multiple definitions on this topic, concludes that collective ijtihad is: “A group of just Muslim jurists, each of whom independently exerts their scholarly and ijtihad efforts based on a scientific and principled methodology, and then consult together in a special assembly to derive or extract the appropriate legal ruling for a speculative (zanni) issue of their time” (Al-Khalid, 1430: p. 28). This definition, considering the following features, can be regarded as relatively comprehensive and encompassing: collective ijtihad involves the joint effort of a group of jurists; it must be performed by just Muslim jurists; it is carried out based on a scientific and principled methodology; it relies on the principle of consultation (shura); its objective is to derive a legal ruling that aligns with the purposes of Shariah in a given time; and it is applied only to speculative (zanni) legal issues.

Shia Perspective: Allameh Ayazi states that collective ijtihad is such that a group of mujtahids, with various specializations, in the stage of attaining authoritative reasoning (ḥujjah), through the consideration of type, nature, exchange of opinions, critique, and detailed examination of a particular issue (while preserving all the foundational principles and rules of inference), achieve a higher degree of certainty (Ayazi, 1391: p. 6).

Varai states: “The purpose of collective ijtihad is that a subject is presented to a council of jurists and, after exchanging views, a result is reached. The consensus or majority opinion is then declared as the councils legal ruling” (Varai, 1398: p. 119).

Ayazis definition emphasizes the scholarly and methodological aspect of inference, while Varai focuses on the institutional, organizational, and structural aspects, as well as the final outcome. From these two definitions, the following can be concluded: collective ijtihad is the scholarly effort of a group of mujtahids with diverse specializations, who, within the framework of valid principles and rules of inference, examine a legal issue collectively. Through the exchange of opinions, clash of ideas, mutual critique and analysis, and, if necessary, by majority vote or consensus, they arrive at a unified and more reliable legal ruling.

1-1- Collective Ijtihad and Ijma

Classical usuli scholars did not explicitly refer to “collective ijtihad” in their writings, but they addressed ijtihad as a general concept without distinguishing between individual or collective ijtihad. Nevertheless, the concept was present in their thought and received attention through the notion of ijma (consensus), which is defined as: “The agreement of the mujtahids of the Ummah of Muhammad (peace be upon him) on a particular matter during a specific period after his death” (Shawkani, 1979: p. 72).

Both Sunni and Shia scholars emphasize that ijma is an ijtihad i act, grounded in consultation and discussion to achieve agreement among all those participating in the consensus. Collective ijtihad serves as a means to achieve this, and indeed, it constitutes a necessary prerequisite for the formation of ijma. On this basis, every consensus presupposes the existence of collective ijtihad, but not every collective ijtihad necessarily results in consensus. Consensus is realized through the agreement of all mujtahids, and if even one disagrees, consensus is not achieved. However, the process still constitutes collective ijtihad.

1-2- Forms of Collective Ijtihad

Although at first glance “collective ijtihad” may seem to be a clear and straightforward concept, when we examine the theories of jurists and usuli scholars on this matter, we encounter various possibilities and perspectives. As previously mentioned, group ijtihad refers to:

a) Ijtihad performed jointly by a group of jurists (Sousou,1418: p.24).

b) Ijtihad in which the opinions of jurists on a specific issue are coordinated and similar to one another (Naseri & Mobini, 1384: p. 185).

The second type generally falls outside the scope of our discussion because it is mostly coincidental or accidental and, according to sociologists, occurs as a “movement.” Although some have claimed that such agreements, which appear in fiqh as ijma (consensus) or shuhrah fatwai (prevailing juristic opinion), can also be considered a form of collective ijtihad (Asadi: p. 185), our main focus is on the first type, which is established in the form of an “organization” or an “institution.”

This type (the first type) can also be conceived in several different forms in terms of practical implementation and organizational structure:

1. **All-encompassing mujtahids gathering:** All absolute mujtahids, without any prior division of tasks, come together in a council to discuss each juristic issue collaboratively. This means that, although they are all mujtahids in the general sense, they have not previously conducted specialized or focused research in any specific field. Instead, in the council, they examine and discuss issues across all branches of fiqh with a broad and comprehensive perspective.

2. **Specialized division of work:** A specific scope of work is assigned to each absolute mujtahid, meaning that each jurist conducts in-depth and specialized research in a particular area of fiqh.

They then convene in a general council where all members present their views, engage in critique, discussion, and collaborative deliberation.

3. **Commission-based specialization:** Similar to the second model, a division of labor among absolute mujtahids exists across different fields of fiqh, but in the form of specialized commissions. Each jurist examines issues within their assigned commission, and after reaching conclusions, presents their findings in the general council for collective discussion.

4. **Mixed councils of absolute and accomplished mujtahids:** The council is not limited to absolute mujtahids and can include both absolute and accomplished (munjazi) mujtahids. The method of work depends on the type of jurist: absolute mujtahids may either divide work among themselves and specialize in specific branches of fiqh or discuss all branches collectively. If accomplished mujtahids are present, specialized commissions can be formed within the council. After reviewing the commission reports, the general council announces the final ruling. However, accomplished mujtahids cannot issue rulings outside their field of expertise in the general council, as they are not religiously permitted to provide opinions beyond their specialization.

5. **Trans-disciplinary collective ijtihad:** This represents the most advanced form of collective ijtihad. In addition to mujtahids, specialists from other fields-such as medicine, economics, psychology, and social sciences-also participate in the council (Zarqa, 1385: p. 157). The role of non-juristic experts is to accurately identify issues and analyze the consequences of new matters for legal deduction. For example, in issues such as organ transplantation, both a jurist and a physician participate in the council to provide informed deliberation.

Another important point regarding the collectivization of fiqh and ijtihad concerns the selection of council members. Do a few like-minded mujtahids spontaneously come together, or do specific maraji and the religious leader of the Muslims organize the council through prior planning? Is it possible to have multiple councils? What is the relationship between the council and the Muslim ruler or leader? What happens to the followers (muqallidin)? These are examples of the many questions raised in connection with the theory of collective ijtihad.

All of these questions are valid; however, most of them pertain to practical and administrative aspects, which are not the subject of this article. What is addressed here, after clarifying the concept and forms of collective ijtihad, are the foundational principles and major obstacles that may hinder its implementation (such as following the most learned jurist and imitation of one mujtahid by another). If several mujtahids—whether absolute or accomplished—come together, exchange views on certain juristic matters, reach a common conclusion, and issue a ruling, is this type of ijtihad permissible and authoritative (ḥujji)? This question will be addressed in the following sections.

1-3- Historical Background of Collective Ijtihad

Sunni scholars believe that the process of collective ijtihad was realized during the time of the Prophet Muhammad (peace be upon him), and historical reports provide clear evidence for this. For example, the incident of the prisoners of the Battle of Badr demonstrates that the Prophets final decision was based on consultation and the collective opinion of his companions (Qahtan, 1433: p. 323). This event clearly shows that the Prophet engaged in ijtihad and discussed the matter with his companions, as no divine text had been revealed regarding it at the time. After the incident, divine verses were revealed, and God addressed the Prophet concerning the collection of ransom before completely defeating the polytheists. Therefore, this event can be regarded as a prominent example of collective ijtihad in early Islam, as the Prophet listened to the opinions and perspectives of his companions and ultimately chose a decision that brought him inner satisfaction.

They also believed in the existence of collective ijtihad during the time of the Companions, because after the conclusion of the revelation, the need for this method became even more pronounced. The scope

of events and newly emerging issues had expanded, and consequently, the breadth of ijtihad became necessary-especially in cases where no explicit text existed or where the text carried speculative (zanni) indications, requiring broader reasoning for correct understanding. When an incident occurred for Abu Bakr or Umar in which no explicit text was available, the elders and leaders of the people were brought together, and their opinions and counsel were sought (Ibn Jawzi, 1973: p. 247).

Similarly, the appointment of Ali ibn Abi Talib (may Allah be pleased with him) to the caliphate occurred under critical circumstances following the assassination of Uthman. The state of the Muslim community was chaotic and in need of leadership capable of preserving unity. A group of Companions, after consultation, deemed Ali the most suitable candidate for the caliphate and urged him to accept the responsibility. Initially, Ali hesitated but emphasized that the issue of the caliphate should be resolved publicly with the participation of the people, especially the residents of Medina. Following his suggestion, the people gathered in the mosque, and after discussion and consensus, they chose him as the fourth caliph, and everyone pledged allegiance to him (Kausar, 2017: p. 8). These instances provide at least noteworthy evidence for the existence of shura, particularly in social matters and, in some cases, religious rulings.

Similarly, during the era of the Tabiin (the Followers), the method of consultation and collective ijtihad inherited from the time of the Companions continued. It is reported that when Umar ibn Abd al-Aziz became the governor of Medina, he summoned ten prominent scholars and jurists of the time and told them: “I have called you for a task in which you will be rewarded and will be my supporters in the path of truth. I will not make any decision without consulting you or those present among you” (…). This method was later followed in some periods of the Umayyad rule in Andalusia; for example, the Qadi al-Qudat Yahya ibn Yahya al-Laythi established a council of ten jurists and scholars to make decisions on newly emerging juristic issues in a consultative and collective manner (Qahtan, 1443: p. 325).

The purpose of this approach was to ensure that ijtihad and fatwas were issued collectively and based on the opinions of scholars, thereby preventing disagreement and hasty judgment in legal reasoning. Reviewing this evidence across different periods clearly shows that collective ijtihad held an established position from the time of the Prophet (peace be upon him) through the era of the Rightly Guided Caliphs and beyond. Scholars of the Ummah consistently believed that collective opinion was closer to correctness and more deserving of adherence, and many of the existing juristic decisions and rulings in the Islamic heritage are in fact products of this collective and consultative ijtihad.

Shia Perspective: Collective ijtihad and fatwa in the Shia context do not have a long historical background. Only in recent decades have some Islamic thinkers emphasized the necessity of establishing such councils, providing religious and social justifications for their formation. However, elements related to this concept can be found in the works of earlier jurists. For instance, they discussed consultation in issuing fatwas or legal rulings, permitted following multiple jurists, and considered the legitimacy of deriving a ruling from them to be based on the consensus of several jurists on a particular issue. Moreover, no jurist explicitly stipulated the unity of the mufti and mujtahid as a requirement for permissibility of following (taqlid) (Varai, 1398: p. 118).

The practice of jurists was to first gather a group of students within the framework of a “consultation committee” (heyat-e istifta), discuss the issues with them, and then issue rulings. Although not all jurists engaged in collective councils, the principle of consultation and exchange of opinions on juristic and usuli matters was common. In recent times, thinkers such as Morteza Motahhari, Seyyed Mahmoud Taleqani, Seyyed Mortaza Jazayeri, Shirazi, Meshkini, Hashemi Rafsanjani, Sobhani, and Makarem Shirazi have discussed juristic or fatwa councils, argued for their legitimacy, and defended them (Varai, 1398: p. 118).

Particularly in recent years, more extensive discussions on this topic have emerged, and numerous books, treatises, and articles have been published on collective ijtihad and fatwa. Among the most notable

works are Shura in the Opinions of Thinkers by Reza Ahmadi, Shura in Fatwa by Hamid Shahriyari, and The Concept and Authority of Group Ijtihad by Naseri Moghaddam and Mobini.

Considering the historical background of this method of deduction, an important question arises: what kind of "personality" does collective ijtihad possess? Is this type of ijtihad recognized as an independent legal entity, irrespective of the individual identities of its members? Or is the personality of each jurist considered separately, with their opinions being validated collectively as a unified intellectual body? This issue will be discussed in greater detail in the following section.

1-4- The Legal Personality of the Council

Another important issue in this context is the examination of the council's status; specifically, whether the council possesses an independent legal personality or is merely a collection of the opinions of mujtahids. In the first scenario, if the council has an independent legal personality, the validity and authority of collective ijtihad would be justifiable and defensible. This is because adherence to an institution formed on the basis of credible reasoning and supporting evidence is both reasonable and acceptable. In the second scenario, where the council is merely a set of juristic opinions without independent legal identity, the binding nature of its decisions would be neither logically sound nor authoritative.

Another significant point is that if the council is formally established with the authorization of the state or an Islamic ruler within an organized legal framework-where its rights, competencies, and status are clearly defined - the recognition of its legal personality is strengthened. Consequently, adherence to its issued opinions becomes necessary and obligatory. Conversely, if collective ijtihad arises solely from informal gatherings and the exchange of juristic opinions among mujtahids without formal backing or a legal structure, its opinions would not be binding and would instead serve primarily as advisory or consultative guidance.

The key point of this study, as has been made clear so far, is that the first scenario-namely, the council having an independent legal personality-constitutes the foundation and central focus of the discussion. In the following section, the underlying principles of this type of ijtihad from the perspectives of Sunni and Shia jurisprudence will be examined and analyzed, providing the basis for a deeper understanding of the theoretical and juristic foundations of collective ijtihad

2- Foundations of Collective Ijtihad

The Holy Quran: Anyone who carefully studies and reflects upon the verses of the Quran will clearly understand that the Quran addresses Muslims in various aspects of life, particularly in matters of collective and consultative ijtihad. Among the Quranic verses that support this concept, the most prominent is the phrase **"wa uli al-amr minkum"** in Surah An-Nisa, verse 59. [1] In this verse, God commands obedience to the ulu al-amr-referring to the Imams and qualified jurists who, with knowledge, piety, and deep awareness of the interests of the community, are entrusted by the people with societal responsibilities. This verse serves as evidence for the legitimacy and authority of collective ijtihad, as it enjoins adherence to those possessing knowledge and judgment within the framework of divine obedience.

Similarly, in Surah Al-Imran, verse 104, the phrase **"wal-takun minkum ummah yaduna ila al-khayr …"**[2] points to the same principle. In this verse, God commands that a group from among the community should invite others to goodness and perform the duties of enjoining what is right and forbidding what is wrong. This group refers to the scholars and intellectuals of the community who bear the responsibility for the religious and intellectual guidance of society. Therefore, this verse clearly

[1] ﴿وَأُولِي الْأَمْرِ مِنكُمْ﴾
[2] ﴿ وَلْتَكُن مِّنكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ ...﴾

indicates the legitimacy of collective ijtihad, as such guidance and leadership cannot be realized without consultation and collective scholarly cooperation.

Among the Quranic verses indicating this principle is Gods command to His Prophet to consult with his companions on matters concerning the community, particularly those issues for which no explicit revelation had been sent. As stated in Surah Al Imran, verse 159: **"wa shawirhum fi al-amr"**[3] ("and consult them in the matter"), God commands His Prophet to seek the counsel of the Companions in matters of the Ummah. It is evident that the foundation of collective ijtihad is based on this principle of shura (consultation) and exchange of opinions.

Mobini (1386), in his article "A Study on the Councilarization of Fatwa" written from the Shia perspective, also cites this verse as a basis.

Similarly, Surah Ash-Shura, verse 38, describes the believers as those who conduct their affairs through consultation. The practical Sunnah of the Prophet (peace be upon him) also demonstrates this approach; for example, he consulted his companions regarding the defense strategy in the Battle of Uhud, and regarding the choice of encampment locations in the Battles of Badr and Ahzab (the Trench) (Mobini, 1386: p. 125).

Prophetic Tradition (Sunnah): There is an abundance of hadith on this subject, too numerous to enumerate fully. However, a few illustrative examples from both Sunni and Shia sources can be cited and analyzed.

A narration from Said ibn al-Musayyib quotes Ali ibn Abi Talib (may Allah be pleased with him) as saying: I asked, "O Messenger of Allah, if a matter arises for us concerning which no ruling has been revealed in the Quran and no Sunnah has been transmitted from you, what should we do?" The Prophet (peace be upon him) replied: "Gather the scholars and devout believers and consult among them, and do not rely solely on the opinion of one person" (Tabarani, 1404: 11:371). This hadith clearly demonstrates that the principle of consultation and scholarly collaboration forms the foundation of collective ijtihad in the Islamic community.

Another narration from Ibn Abbas states that when the verse "wa shawirhum fi al-amr" ("and consult them in the matter") was revealed, the Prophet said: "Indeed, Allah and His Messenger do not need consultation, but Allah has made it a mercy for my Ummah. Whoever consults will not be deprived of guidance, and whoever neglects it will not be safe from error" (Al-Suyuti, 1993: 2:359).

These two hadiths indicate that in novel and complex matters, reliance on collective reasoning and consultation among knowledgeable and pious individuals is essential. By instructing the gathering of scholars and prohibiting reliance on a single opinion, the Prophet (peace be upon him) established a systematic method for the collective derivation of legal rulings. From the perspective of these narrations, shura (consultation) serves as a divinely sanctioned means of guiding the Ummah and preventing error. Since the ultimate aim of ijtihad is to ascertain the correct religious ruling, performing it collectively brings one closer to the truth and safeguards against misjudgment.

Shia Perspective: The Shia tradition also cites numerous narrations to validate this type of ijtihad, though only a few examples are mentioned here. In this regard, Imam Ali (may Allah be pleased with him) states: "Al-Zahir kal-mushawara" (Nahj al-Balagha, Wisdom 54), meaning "There is no support like consultation." Similarly, Imam Hasan al-Mujtaba (peace be upon him) remarks that people who gather and engage in consultation and shura find the path of guidance and growth (Mohammadi Ri-Shahri, 1422: 5:2023).

In addition to the juridical merit of consultation, the narration "Qama al-ḥawadis al-waqia fa-arjiu fiha ila rawat aḥadithina" (al-Hurr al-Amili, 1412: 27:140) can also be invoked. This narration instructs

[3] ﴿وَشَاوِرْهُمْ فِي الأَمْرِ﴾

that when new events occur, one should refer to the transmitters of the Imams traditions, i.e., those who are qualified jurists. Notably, the narration imposes no restrictions-for example, it does not specify whether the consultation should be individual or collective. Therefore, its general wording can be understood as endorsing collective ijtihad.

In summary, these narrations clearly indicate that ijtihad is not solely an individual act. In many novel issues, reliance on consultation and shura is essential. Imam Ali considers consultation the best form of support, Imam Hasan identifies it as the path to guidance and growth, and the narration "Qama al-ḥawadis al-waqia…" emphasizes that in resolving new matters, one should refer to qualified jurists and transmitters of the Imams traditions. Since the narration is unrestricted, it affirms the legitimacy and approval of collective and consultative ijtihad, thereby providing, like the Sunni narrations, a scriptural foundation for collective jurisprudential reasoning.

Reason (Aql): Since the texts of the Shariah are limited while events and occurrences are continually new and limitless, it is impossible to apply the finite to the infinite. Therefore, reason necessitates ijtihad to address matters for which there is no explicit scriptural ruling. God has made Islam the final religion and its law suitable for all times and places, and the continuation of ijtihad is essential to realize this purpose. As Mashhadani (1404: 1:197) explains, since events are innumerable and the texts are limited, ijtihad and analogy are required for each occurrence in order to correctly derive the legal ruling. Collective ijtihad is considered a form of this ijtihad.

Shia Perspective: In this context, when differences of opinion and viewpoints arise, reason dictates that the best solution is that chosen by the participants themselves; that is, to resolve deadlocks caused by disagreement, they resort to consultation and majority voting. This approach is both practically sound and commendable from the perspective of reason, because practical reason endorses it, and theoretical reason, after careful analysis, confirms it in accordance with divine law (Khoshkar, 1391: 40).

The assemblies and sessions of the jurist Imams, particularly Imam Abu Hanifa (may Allah have mercy on him), closely resembled modern scholarly councils. In these gatherings, novel issues were presented, discussed extensively, and legal rulings were ultimately issued, written, and disseminated to the community. Imam Abu Hanifa allowed his students to engage in ijtihad and encouraged them, many of whom later became leading scholars of jurisprudence and hadith. A distinctive feature of the Hanafi school was that rulings were collected and formulated after prolonged discussion and consultation, and they could not be attributed to a single individual, because these rulings were the product of collective reasoning and consultation in the presence of a teacher who valued everyone's opinion. For instance, if Afiyah ibn Yazid was absent, Abu Hanifa would instruct that the matter not be discussed, and only after his presence and agreement would a final ruling be issued.

Rational Basis (Aqla): It appears that rational experience and the practical method of the wise provide a strong and well-grounded support for the implementation of the theory of consultative jurisprudence (shura) in fiqh. In daily life, when people encounter differences of opinion, they often submit issues for review and judgment to others, and the decision of the majority is usually accepted, even if a minority disagrees. The same method is applied in professional and specialized matters; for example, in a difficult medical case, physicians convene a medical council to make a collective decision regarding the treatment or saving of a patient's life. From this perspective, it can be concluded that if jurists also consult one another on jurisprudential issues or specialized matters where differences of opinion exist, and derive rulings collectively, their decisions will be stronger and carry greater authority.

This argument is specific to the Twelver Shia (Imamiya) and is not generally accepted among the Sunni scholars. Some Imami jurists are generally opposed to collective ijtihad, especially when its validity is based on the principle of majority opinion. They hold that, in terms of accepting the principle of majority, there is no absolute evidence for the legitimacy or preference of the majority's view. Although this perspective is based on a specific line of reasoning, it merits careful consideration.

Even if this reasoning is accepted, it should be noted that in the discussion of consultative ijtihad, the notion of preference does not merely refer to favoring the "majority opinion" per se. Rather, it entails the preference for the council's decision based on the aggregation of zunun (legal probabilities or conjectures) derived from the independent judgments of the jurists. These zunun, when obtained from multiple and independent opinions, reinforce one another, so that their collective weight surpasses that of any individual opinion in terms of epistemic reliability and certainty. Therefore, the basis of preference in consultative ijtihad is not mere numerical majority, but the predominance of confidence generated through the aggregation of valid zunun, which itself constitutes a rational criterion for preference and action.

Moreover, other obstacles have been identified that may hinder the realization of consultative ijtihad, such as issues regarding the segmentation of taqlid (imitative adherence), the obligation to follow the alam (most knowledgeable jurist), and the prohibition of one jurist imitating another. Each of these issues will be briefly examined in the following sections.

2-1- Discrimination in Taqlid and Consultative Ijtihad

Although al-Zuhayli, in the discussion of the conditions of taqlid (imitative following), states one condition as follows: a person should not pursue rukhaṣ (facilitations or concessions) and choose the easiest ruling from various madhhabs merely to lighten the burden of religious obligation. Ibn Ḥajar remarks: "Therefore, the correct opinion is that a person committing this act engages in fisq (sinful disobedience)," whereas al-Ramli states: "The correct opinion is that this act does not constitute fisq, although it may involve sin" (al-Zuhayli: 110/1).

This discussion clearly indicates that following a council (shura) in certain cases may lead to discrimination in taqlid. Evidently, this condition implies that discrimination is not permissible; that is, if a person follows their own madhhab in one matter but follows a different madhhab with an easier ruling in another matter, their taqlid may be considered invalid. However, according to Ibn Ḥajar, the taqlid itself is not nullified, although it may be ritually prohibited (ḥaram taklifi). In al-Ramlis view, discrimination neither invalidates the taqlid nor necessarily constitutes sin.

Therefore, the general principle allowing taqlid within the madhhabs remains intact: a person may follow a single madhhab even if rulings in another are easier. However, discrimination in taqlid solely for the purpose of easing the religious burden is prohibited and is considered ethically and legally impermissible. From this perspective, the condition of avoiding discrimination in taqlid can be applied here, since the majority of jurists have ruled that discrimination in taqlid is permissible. Although the theory of non-discrimination has sometimes been attributed to the Hanafis and some Shafiis, it is widely established that the majority of Hanafis, Shafiis, as well as Malikis and Hanbalis, have ruled that discrimination in taqlid is allowed (al-Zuhayli: 110/1).

Imami Perspective: Among the Imami jurists, an important issue regarding consultative ijtihad (ijtihad -i shurayi) is the question of discrimination in taqlid, that is, whether a muqallid (follower) can follow one mujtahid in one issue and another mujtahid in a different matter. Discrimination in taqlid has been discussed within the framework of consultative councils (shurayi fatwa). Among jurists, views differ regarding its permissibility: can a mukallaf follow one mujtahid in some rulings and another in other areas, or not? According to the conventional practice in risala literature, most jurists do not allow leaving the taqlid of one mujtahid unless a more learned (alam) jurist is available or the original mujtahid loses the conditions of ijtihad. Changing allegiance from one mujtahids fatwa to another is permitted only in cases of precaution or when the muqallid has not yet acted upon the first fatwa (Tabatabai Yazdi, 1374:1, Issue 63; Moubini, 1386: 133).

With the increasing specialization of jurisprudence, a muqallid may follow a jurist specialized in worship (ibadat) for ritual rulings and another specialized in transactions (muamalat) for civil rulings. Allameh Motahhari (1361: 65) considers this form of selective following as legitimate discrimination and

necessary for the scientific advancement of fiqh, similar to how patients consult specialists in different medical fields. In the process of specialization, discrimination in taqlid is inherently linked: if selective following were not allowed legally, the very concept of specialization in jurisprudence would lose its meaning—unless specialization is understood simply as following the most knowledgeable (alam) in each field. That is, a jurist more expert in transactions is considered alam in that domain, and if the muqallid follows another in worship, they are still following the alam in that specific domain.

In the case of two equally learned mujtahids, the mukallaf may freely choose whom to follow and may even discriminate between their rulings in a single act. For instance, if one mujtahid rules that after rising from prostration in prayer one should have a rest session and recite the recommended tasbiḥat three times, and another rules the opposite, the muqallid may follow the first for the recommended tasbiḥat and the second for the rest session (Tabatabai, 1374: Issue 65). Therefore, whether dealing with an absolute mujtahid or a specialized one, following the alam in each specific issue is both legitimate and rational.

In the presence of a Fiqh council, the council functions as an absolute mujtahid in all areas of issuing fatwas, and the muqallid (follower) adheres to the council's rulings in all matters. Therefore, discrimination in taqlid is not inherently related to the council, except as an independent discussion within jurisprudence. Moreover, based on the practice of reason and social conditions, a follower's referral to another mujtahid-even after acting upon the ruling of one jurist-is justifiable, since collective reasoning and the council's judgment take precedence over individual reasoning. The notion that the expertise of a single individual could surpass that of the council in all matters is extremely rare and exceptional, although the possibility of critique and review of the council's decisions always remains.

2-2- Condition of Being the Most Knowledgeable (Alam) and Collective Ijtihad

Al-Ghazali was asked about the issue of taqlid (following) of the most knowledgeable scholar. He replied that a mujtahid should first act according to his own ijtihad. If his opinion aligns with that of the Alam scholar, then his ruling is correct. If his judgment differs from the view of the Alam, since his own reasoning may still be strong, error is possible, and his ijtihad is still valid. Therefore, following the most knowledgeable scholar is not obligatory for a mujtahid. This view is supported by the consensus (ijma) of the Companions, who considered it permissible to differ from the opinion of the senior Companions (e.g., Ibn Abbas, Ibn Umar, Ibn al-Zubayr, Zayd ibn Thabit, Abu Salama ibn Abdul Rahman, and others). However, Muhammad ibn Hasan al-Shaybani, a student of Abu Hanifa, maintained that following the most knowledgeable scholar is permissible (Ghazali, 1413 AH: 1:344).

In general, regarding the publics referral to multiple mujtahids, there are differing views. Some hold that the mukallaf (legally accountable person) is free to follow any of the scholars, while others emphasize the necessity of following the most knowledgeable (alam). Most Hanafi, Maliki, Shafii scholars, as well as Ahmad ibn Hanbal, considered the condition of being the most knowledgeable essential in taqlid. In contrast, scholars such as Qadi Abu Bakr al-Baqillani and some Hanbalis allowed following a scholar who is not the most knowledgeable (Husseini Hanafi, 1403 AH: 4:251). Although Ghazalis reasoning suggests that a mujtahid should not oppose the opinion of the most knowledgeable scholar, within the framework of a Fiqh council, multiple valid zunoon (legal judgments based on probability) exist that reinforce each other. As a result, the councils ruling becomes more robust, and the dissenting opinion of an individual mujtahid-even if he is alam-being overridden. Therefore, following the council's decision is considered obligatory for a mujtahid, even if it contradicts his personal judgment.

Imami Perspective: Since, like the Sunnis, there are two views regarding following the most knowledgeable (alam) scholar-obligation to follow the alam and discretion between the alam and non-alam (Sadr Sayyid Reza, 1378 SH: 121). Sheikh Ansari, one of the proponents of the theory of obligation to follow the alam, distinguishes three characteristics in his discussion: first, the ability to perceive and understand; second, mastery and skill in deduction (istinbat); and third, the breadth of knowledge and information. From a linguistic perspective, he considers the term alam to mean someone who possesses

greater capacity for perception and understanding, but he does not regard this meaning alone as sufficient for determining alamity.

According to him, the criterion for alamity lies in proficiency in applying detailed rulings (furu) to principles (usul) and the extent of a jurist's knowledge in fluctuation; nevertheless, ultimately, greater expertise and skill in istinbat is introduced as the final measure of alamity. Sheikh Ansari also notes that in practice, strong memory and extensive knowledge are usually accompanied by greater jurisprudential skill (Ansari, 1383 SH: Vol. 2: 547).

According to Ayatollah Khamenei, following the alam is also obligatory. The real criterion for alamity is that the jurist has greater ability in deducing religious rulings from sources and proofs, and in addition, possesses more awareness and insight regarding the conditions and realities of his time, to the extent that it affects his identification of issues and provision of jurisprudential opinions (Khamenei, 1420 AH: 2).

The discretionary theory (takhyir) also has its supporters. According to Heydari, in none of the narrations transmitted from the Imams (peace be upon them) is there a statement regarding the necessity of following the alam; rather, the Imams guided people toward their knowledgeable and virtuous companions, although it was clear that not all of them were at the same scholarly level. He emphasizes that the discussion of following the alam was first raised in the works of later jurists. Furthermore, some scholars, referring to the method of selecting the alam marja—which sometimes resembles competition and political factionalism—consider reaching such a person in practice to be impossible (Jazaeri: 225–226).

It must be considered how these theories affect collective ijtihad. If following the alam is obligatory, a muqallid (follower) may follow the Fatwa Council, provided that the most knowledgeable (alam) jurist is a member of the council and his opinion aligns with the councils ruling, either unanimously or by majority (Naseri Moghaddam & Mobini, 1384 SH: 201). Otherwise, direct following of the council is not permissible. However, the formation of the council itself may realize collective alamity, and therefore, following the council is generally necessary for the muqallid.

Confidence in the rulings of the council of jurists arises from the gathering of a group of elites and specialists in various fields, which usually produces more precise and reliable results than the opinion of a single individual, even if that individual is the alam. The narrations also confirm that the opinion of the most learned jurist is more likely to approximate reality, but this is not limited to a single person; it includes a group fairly recognized as the most learned.

Research results indicate that, in many cases, collective performance is more effective than individual effort. Nevertheless, since each member of the group may not individually possess the ability to derive rulings, the alamity of a collective or council jurist cannot be equated with the sum of the individual knowledge of the group members. In such a structure, the overall level of knowledge of the group depends on the coordination and scientific capability of its members, and at times is limited by the capacity of the weakest member. Ultimately, the efficiency of an institution or group relies on the effectiveness of collective performance; a group will be effective only if it achieves its objectives in the shortest possible time while maintaining cohesion, motivation, and sustainability of human resources.

In the theory where following the alam is not considered obligatory, all muqallids have the right to follow the council of jurists, because even if the most knowledgeable jurist is present in the council and the council as a whole is the most learned, following the council remains permissible. From this perspective, relying on the collective opinion of the council is not only legitimate but also a rational practice consistent with the principles of group ijtihad, ensuring that legal decisions are issued based on collective and specialized examination and are not limited to the potential errors of an individual.

2-3- Following a Jurist by Another Jurist

Al-Ghazali states that jurists are in agreement that if a mujtahid performs ijtihad and reaches a ruling according to his predominant opinion (zann ghalib), it is no longer permissible for him to follow an opposing view and abandon his own judgment. However, if he has not yet performed ijtihad and has not examined the ruling, and is incapable of independent reasoning-like an ordinary layperson-he may engage in taqlid (following another jurist). Such a person is not yet a full mujtahid, but he may have the ability to perform ijtihad in certain matters while, in other matters, he can only derive rulings through learning the relevant knowledge from scratch, for example:

- Knowledge of grammar in a grammatical issue.
- Knowledge of the narrator's characteristics and their conditions in a hadith-related issue, where examining the authenticity of the chain of transmission is involved. (Al-Ghazali, 1413: 1, 341)

In these cases, insofar as the person has acquired certain knowledge and can use it independently, he is not like an ordinary layperson (aami). However, in that he still lacks the full knowledge required for complete ijtihad, he resembles a layperson. The question arises: should such a person be classified alongside the layperson or alongside the scholar (alim)?

The prevalent and more accurate opinion is that such a person is like a layperson (aami). A true mujtahid is someone whose knowledge is available to him with near-certainty. However, if understanding a particular issue requires considerable effort in study, he is regarded as incapable in that domain. Just as a layperson can learn but is not obligated, he too can study but is not compelled.

The dominant and well-known view is that taqlid in such matters is applicable to dhanni (probabilistic) and ijtihad i issues-that is, matters where there is no definitive ruling, and the judgment depends on the ijtihad of jurists. What indicates that taqlid is not permissible for a mujtahid is that someone whose infallibility is not established and whose correctness is not certain may err or distort the shari ruling. A shari ruling is only established through a text (naṣṣ) or qiyas (analogical reasoning), and text or qiyas applies only to a layperson or a mujtahid.

- A mujtahid can act according to his own judgment, even if he has not reached certainty.
- A layperson (aami) can follow the opinion of another.

However, a mujtahid may only rule according to his own dhann (probabilistic judgment) if he is genuinely incapable of acquiring the knowledge. Necessity compels him, in any matter without definitive evidence, to exercise ijtihad (independent reasoning) (Ghazali, 1413: 1, 368).

In contrast, a layperson is permitted to follow others due to incapacity to acquire knowledge and form independent judgment. A mujtahid is not incapable; therefore, he does not fall under the definition of "incapable" and must seek the truth himself. There is a possibility of error if he performs ijtihad incompletely or neglects a definitive text, even though he has the ability to discern it. He may reach certainty in some issues and only probabilistic judgment in others. Hence, how can the ruling be applied to him like a layperson (who is blind), when he himself has sight?

Moreover, a mujtahid cannot follow the dhann (probabilistic judgment) of another, because his own dhann cannot be replaced by someone elses. This rule is similar to other cases of "substitution" or "replacement": if something exists and one has the ability to choose it, one cannot accept something else in its place, unless there is an explicit text permitting choice, or a text that allows substitution only if the original is unavailable.

From Ghazalis perspective, this view conflicts with the principle of collective ijtihad, as he emphasizes the complete independence of each mujtahids judgment and does not permit a mujtahid to follow the opinion of others, even if they are a group of scholars. In contrast, collective ijtihad relies on

the reinforcement and complementation of individual dhunn through group participation and regards the council's opinion as superior to that of a single individual. Ghazali, however, considers the personal dhann of the mujtahid as the ultimate criterion and does not recognize it as substitutable by the collective judgment.

Among those who have considered taqlid (emulation) permissible for a mujtahid, one can mention Ahmad ibn Hanbal, Ishaq ibn Rahwayh, and Sufyan al-Thawri. Moreover, Muhammad ibn Hasan stated that a mujtahid may follow a more learned scholar (alim alam), but he may not follow someone less learned than him or of equal rank (Ghazali, 1413: 1, 369).

It should be noted that just as a "specialized mujtahid" (mujtahid mutajazzi) may engage in taqlid in non-specialized areas, an absolute mujtahid may also follow a specialist mujtahid in a matter outside his own field of expertise. Similarly, a specialist in one area of knowledge may follow another specialist in a different field, for example, a jurisprudential scholar may follow a physician in medical matters. Within fiqh itself, specialized emulation between mujtahids is conceivable.

Furthermore, if a mujtahid lacks knowledge in a particular issue or has not reached a strong dhann (probable judgment), he falls under the category of "la talamun" and may refer to a more learned or more specialized mujtahid. Likewise, the practical obligations of both laypeople and mujtahids depend on valid dhann. If a mujtahid does not arrive at his own dhann, the valid dhann of another mujtahid serves as a legitimate and rational substitute. In this case, taqlid is not considered a form of abandoning ijtihad, but rather compliance based on the stronger dhann, because the dhann of the other mujtahid, derived from stronger premises, is practically superior to incomplete or absent dhann.

Imamiya: According to Imam Khomeini (RA), any individual who possesses the potential ability to deduce ahkam (Islamic rulings) from the evidences—whether in all areas of jurisprudence or only in part of it—does not have the right to perform taqlid (emulation) of others. He emphasizes that the criterion for the prohibition of referring to another is precisely the person's capacity and potential for istinbat (deduction); even if the person has not yet actually deduced any ruling in practice. This means that if someone, through training and practice in the prerequisites of ijtihad, reaches the stage where they can extract rulings from the sources, but has not yet engaged in practical jurisprudential deduction, they are still not permitted to follow someone elses ruling. From Imam Khomeinis perspective, this ruling applies equally to both absolute mujtahids (mujtahid mutlaq) and specialized mujtahids (mujtahid mutajazzi), because both possess the faculty and potential for deduction, and thus their taqlid of others is legally prohibited (Khomeini, 1384:6, 6).

At first glance, it might seem that the adherence of a mujtahid member of a council to the majority opinion contradicts the principle of "the impermissibility of a mujtahid following another mujtahid," but from a jurisprudential perspective, it can be considered legitimate. Membership in a Shura (council) of ijtihad constitutes a form of contractual commitment, in which the mujtahid, by accepting membership, undertakes an obligation to abide by collective decisions. Based on the rule of "al-muminun inda shurutihim" (believers are bound by their conditions) and to preserve public order and common interest, the member is obliged to accept the council's decision, even if it differs from their personal opinion.

Moreover, this adherence is not considered taqlid in the jurisprudential sense, but rather an institutional and administrative compliance with the council's procedure. According to the principle of "shawurhum fi al-amr" (consult them in affairs), collective decisions in public and social matters take precedence over individual opinion. Therefore, following the council's opinion within the framework of collective ijtihad is essentially an act of serving the interest of the ummah, maintaining jurisprudential unity, and preserving religious order, rather than mere emulation of another jurist.

Conclusion

Collective ijtihad (Shura-based ijtihad) is one of the most significant modern approaches in deducing Islamic rulings and can pave the way for transformative methods in jurisprudence and responding to contemporary needs. The findings of this study indicate that although historically ijtihad in the Islamic tradition has primarily been individual, the spirit of consultation and scholarly collaboration has existed in Islamic thought from the earliest period to the present.

1. In the Sunni school, with the establishment of institutions such as the Islamic Fiqh Academy and the research councils of Al-Azhar, collective ijtihad has been institutionalized and has played an effective role in addressing emerging social and economic issues. In contrast, although the Jafari (Imami) jurisprudence emphasizes individual ijtihad, its foundational and rational principles—such as the reasoning of the wise (bana al-uqala) and the rule of consultation (qaidat al-shura)—allow for the legitimacy of collective ijtihad.
2. From the perspective of religious foundations, the Quran and the Prophetic Sunnah, by emphasizing consultation, exchange of opinions, and collective decision-making, provide a theoretical and divine basis for collective ijtihad. Moreover, reason and human experience confirm that collective judgment is superior to individual judgment in terms of certainty and accuracy, because the aggregation of the opinions of mujtahids strengthens reliable conjectures and brings the ruling closer to the truth.
3. In a comparative perspective, the main difference between the two schools lies in the level of institutional and practical implementation of collective ijtihad: The Sunni school has applied it formally through juristic councils, whereas in Imami jurisprudence, this approach has so far remained largely at the level of theoretical discourse and intellectual capacity-building.
4. Ultimately, the findings of this study indicate that strengthening collective ijtihad not only does not conflict with the principles of Sharia, but can also enhance scholarly precision, jurisprudential unity, and convergence among Islamic schools of thought. Adopting this approach in the contemporary jurisprudential system, while preserving the role of individual ijtihad, can reduce the fragmentation of fatwas and make Islamic jurisprudence more effective and responsive to global challenges.

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