The Importance of 'Ilm'ul Usul in the process of Deduction

After the above discussion, we are no longer in need of stressing the importance of *'Ilm'ul Usul* and the significance of its role in the sphere of deduction, because, as long as it presents its common elements and lays down a general system for it, then, it is the backbone of the process of deduction, and its guiding force. Thus, without *'Ilm'ul Usul*, an individual would confront in jurisprudence scattered heaps of texts and evidences, without being able to use, or benefit from them through deduction. This is similar to a man who is given the tools of carpentry like a saw and an axe, and who does not know the head or tail of the techniques of carpentry and the method of utilizing those tools.

Just as the common elements, which *'Ilm'ul Usul* studies, are essential for the process of deduction, similarly the particular elements which vary from one legal problem to another, like the scattered terms and expressions of the Qur'an and the Riwayat (Traditions), which constitute these particular varying elements in the process of deduction, attribute to other essential parts, without which deduction is not possible. And a mere knowledge and comprehension of the common elements which *'Ilm'ul Usul* describes will not suffice for the success of deduction.

Also, anyone attempting the process of deduction on the basis of only the knowledge given by *'Ilm'ul Usul*, is similar to one possessing the general theoretical knowledge of carpentry but not having before him any axe, saw or other tools of carpentry. Just as the latter will be unable to build a wooden bed, for instance, the former will be unable to carry out deduction unless he examines and scrutinizes the varying particular elements as well.

Thus, we come to know that the common elements and the particular elements are two conjoint poles of the process of deduction and both are indispensable for it. It is therefore incumbent upon anyone attempting the process of deduction to study the common elements as defined by *'Ilm'ul Usul* and then to add to it the particular elements, obtained from studies of *'Ilm'ul Fiqh*, so that he may complete the process of deduction which occurs in *'Ilm'ul Fiqh*.

Usul and Fiqh Represent the Theory and its Application

We are afraid that we may have given you a wrong idea when we said that he, who is attempting to carry out deduction must study in *'Ilm'ul Usul*, the common elements and define them and then take the particular elements from *'Ilm'ul Fiqh*, so that he may complete the process of deduction. This is because some may thereby feel that once we have studied the common elements in the process of deduction from *'Ilm'ul Usul* and we come to know, for example, the validity of al-Khabar and of al-Zuhur al-'Urfi as proofs, as well as other such common elements, there would be no need of any further intellectual exertion on our part, and that we would need nothing further after possessing those elements, than to merely extract the traditions and valid texts where they are located just as one extracts the date of the Battle of Khaybar or the reports about the Hejra (migration of the Holy Prophet (p) from Mecca to Medina) from the biographies of the Prophet.

Thus the job of the jurist in *'Ilm'ul Fiqh* would be confined to merely searching for the particular elements from the traditions and valid texts, so that these may be added to the common elements, and he may derive from them the laws of the *Shari'ah*. And this would be an easy and simple task in view of its needing no intellectual effort. The result of it would be that the intellectual effort exerted by the Mujtahid in the process of deduction would be represented by laying down the common elements and their systematization and study in *'Ilm'ul Usul*, and not in gathering the particular elements from the valid texts, traditions and other sources in *'Ilm'ul Fiqh*.

The above conception is, to a large extent, misleading because the Mujtahid, after studying the common elements in the process of deduction and defining them in *'Ilm'ul Usul*, is not contented with blindly collecting the particular elements from the books of traditions (a*Hadith*) and narrations, for example; but it remains for him, in *'Ilm'ul Fiqh*, to apply those common elements and their general theory to the particular elements; and application is an important intellectual task which naturally requires careful study and thorough examination. The intellectual effort spent in *'Ilm'ul Usul* in studying the common elements and formulating their general theory cannot dispense with the fresh effort required for drawing conclusion.

We are not, at this juncture, able to present a variety of examples to show clearly the effort needed for the process of application, because the understanding of those examples would depend on a prior knowledge of the general theories of *'Ilm'ul Usul*. Therefore presenting one simple example however shall suffice.

Let us suppose that the Mujtahid has accepted in *'Ilm'ul Usul* the validity of al-Zuhur al-'Urfi as a proof, together with its being a common element in the process of deduction. Will it then suffice to place his finger on the narration of Ali ibn Mahziyir (which established the scope of khums), for instance, then to add it to that common element and to derive from it a law that khums is not obligatory on wealth inherited from one's father?

Is not the Mujtahid, in need of scrutinizing the meaning of the text in the narration to come to know the kind of meaning given to it in general usage, and of studying everything that is connected with establishing al-Zuhur al-'Urfi, like the different contexts and characteristics, both within and without the framework of the text so that he may be able to honestly apply the common element expressing the validity of al-Zuhur al-'Urfi as proof? Thus in this example, after discovering the common element and accepting al-Zuhur al-'Urfi as proof there yet remains the difficulty of fixing the nature of al-Zuhur in the text, and of studying its relations and contexts, until the Mujtahid is sure that he has established al-Zuhur in the valid text and its proving positively the non-obligation of khums on inherited wealth, apply to the text the general theory established by the common element stating the validity of al-Zuhur al-'Urfi as proof, and he deduces from it the law that Khums is not obligatory in such a case.

In the light of the above, we come to know that the legal study to arrive at the particular elements in the process of deduction is not merely a matter of collection, but its scope goes further in applying the general theories established by the common elements in the process of deduction. And the application of general theories always has its own difficulties and endurance, and mere struggle in the general theories does not dispense with the endurance needed in their application. Do you not see that one who studies in depth the general theories in medicine, stands in need of thoroughness, alertness, caution and deep thinking in the field of their application, in addition to examining the pathological symptoms, so that he may properly apply those theories to the patient under his care?

Thus the studies of the specialist in *'Ilm'ul Usul* concerning the common elements and the general theories laid down, resemble the studies of a physician concerning the general theories in medicine. And the studies of the jurist concerning the particular elements in the field of applying those general theories are like the studies of the physician concerning the symptoms of the patient in the field of applying those general medical theories to him. And just as the physician stands in need of a great degree of research work so that he may apply those general theories to the patient correctly and bring about whatever cure is possible, similarly the jurist, after completing the study of *'Ilm'ul Usul* concerning the common elements and the general theories, and after confronting a problem in the sphere of legal research and studies (like the problems of khums, or fasting, etc.) stands in need of deep thinking about how to apply those common elements correctly to the particular elements in the problem mentioned before.

Thus, we come to know that *'Ilm'ul Usul*, which describes the common elements, is "the science of general theories"; while *'Ilm'ul Fiqh*, which consists of the particular elements, is "the science of applying those theories in the field of the particular elements". Each of them demands research and special intellectual effort.

Deduction is the result of the blending of the theories with their application, i.e. of the common elements with the particular elements. This process of blending is the process of deduction. The research needed in formulating the general theories does not dispense with the exactness required in applying them during the process of deduction.

The Second Martyr, Zaynuddin Jabal Amili, has referred to the importance of this application in the field of law and what it demands of exactness in his book of "laws", is as follows, "Yes, together with that (with formulating general theories) it is stipulated that he has the power and ability to refer the derivative matters to their original sources and to draw conclusion from it and this is the basic issue of this chapter…. And that power is in the Hands of Allah and because of its important role, He bestows it on whomsoever He pleases from among His servants, in accordance with His wisdom and purpose, to those who strive hard and are capable".

Interaction Between the Thinking of 'Ilm'ul Usul and that Of 'Ilm'ul Fiqh

We have come to know that *'Ilm'ul Usul* plays the role of logic in relation to *'Ilm'ul Fiqh* and that the relationship between these two is the relationship of theory to its application, because *'Ilm'ul Usul* formulates the general theories by establishing the common elements in the process of deduction, while *'Ilm'ul Fiqh* applies those theories and common elements to the particular elements, which vary from problem to problem.

The strong mutual bond between *'Ilm'ul Usul* and *'Ilm'ul Fiqh* explains the reciprocal interaction between the outlook of the former (i.e. the standard of intellectual research at the level of theory) and the outlook of the latter (i.e. the standard of intellectual research at the level of application). This is because, any extension of the researches on application would advance the researches on theory a step forward, owing to the fact that such an extension would raise new difficulties before it and would compel *'Ilm'ul Usul* to formulate general theories to solve those difficulties. Similarly, the accuracy and thoroughness needed in research in theory is reflected at the level of application, and as the theories become more subtle, they demand greater probe, depth and comprehension for their application.

The history of these two branches of knowledge, *'Ilm'ul Usul* and *'Ilm'ul Fiqh*, emphasizes the mutual interaction between their outlooks and levels of thought all along the line, and reveals clearly the various stages through which these two have passed in the history of knowledge. *'Ilm'ul Usul* has expanded and extended gradually following extensions in the studies of *'Ilm'ul Fiqh*. Since extensions at the level of legal application directed the attention of those making the application to new difficulties.

And the suitable solutions laid down for these difficulties took the form of common elements in *'Ilm'ul Usul*. Similarly abstruseness in the common elements in *'Ilm'ul Usul* and establishing their well–defined limits were reflected at the level of application, since every time the general theories were expressed in more difficult and subtle forms, they become more complex and demanded greater care and attention at the level of application.

We cannot, at this juncture, present any examples from these two branches of knowledge to show their interaction, as we are in the first stage, and the student does not, as yet possess enough knowledge about the researches of *'Ilm'ul Usul*. Hence, it is enough for the student, at present, to know that the

interaction between *'Ilm'ul Fiqh* and *'Ilm'ul Usul* is one instance of the long line of interaction in many fields, between the studies on the theories and on their application. Does not the application of medical theories by the physician on his patients on a large scale, continuously present new difficulties to him?

And do the studies on general medical theories not come up with solutions for such difficulties? Do these theories not then become gradually more complex? Is this greater complexity then not reflected in future applications? And as the number of theories increased for the physician so did application become a greater task for him. All of us know that the physician of the past years was content in the field of application with checking the pulse of the patient, and thus his task was over in a few moments. However, today, the physician continues to study the condition of the patient through a complex and extensive procedure.

The same phenomenon of mutual interaction between the outlooks of *'Ilm'ul Fiqh* and *'Ilm'ul Usul*, (the latter plays the role of logic in relation to the former) is found between the generalized academic thinking and the general outlook of logic, which studies the fundamental system of human thought. Every time the scope of human knowledge widens and its fields offer greater variety, new difficulties arise in the way of putting forward proofs in the general system of thought.

Logic then attempts to overcome these difficulties and to develop and perfect its theories in such a way as to preserve for itself the supreme power of directing and systematizing human thought. In any case this concept of interaction, whether it be between *'Ilm'ul Fiqh* and its special logic, as represented by *'Ilm'ul Fiqh*, or between all branches of knowledge and general logic, or between the studies on any theory and the studies on its application, requires greater clarification and explanation. At present, we do not intend to refer to that concept, but to arouse the mind of the student, even if it may be by a brief description given above.

Examples of Questions Answered by 'Ilm'ul Usul

For the benefit of the student who does not possess information about the studies and researches of *'Ilm'ul Usul*, it is best that we present a list consisting of examples of the questions which are considered to be solved by *'Ilm'ul Usul*, in order to (depict, in a practical form, the importance of the role it plays in deduction.

1. What is the evidence for the validity of the narration of a reliable and trustworthy person as proof?
2. Why is it obligatory that we explain legal texts in the light of general usage?
3. What do we do if we come across a problem for which we find no evidence that reveals the nature of the law of the *Shari'ah* relating to it?
4. What is the value of the majority in a legal problem? And is a particular view of *Shari'ah* generally bound to be accepted if its exponents are many in number?
5. What do we do if we come across two texts, the meanings of which are not in agreement (with each other)?

6. What should be our stand-point if we had previously been certain about a given law of the Shari 'ah and then doubts arise about its continuing to hold good?

7. What are the words that clearly and directly indicate obligation? And are they to be considered as imperative like the following "Take a bath!" "Perform ablution!" "Offer prayers!".

And so on numerous questions *'Ilm'ul Usul* answers, and establishes thereby the common elements in the process of deduction and fills every gap which it is possible for a jurist to face in the process of deriving a law of the *Shari'ah*, i.e. of deduction.

Permissibility of Istinbat

In the light of what has preceded, we have come to know that *'Ilm'ul Usul* plays the role of logic in relation to the process of deduction, because it consists of the common elements of the latter and expresses them as general laws in a comprehensive system. Therefore no individual should attempt to carry out the process of deduction without first studying *'Ilm'ul Usul*.

Since *'Ilm'ul Usul* is so closely connected with the process of deduction, we must first of all know the viewpoint of the *Shari'ah* about this process. Firstly, has the Almighty Law-giver permitted anyone to carry out deduction? If He has permitted it then it is reasonable that the branch of knowledge called *'Ilm'ul Usul* be established to study the common elements of deduction. However, if He has prohibited it, then deduction would be null and void, and consequently *'Ilm'ul Usul* would be null and void since this branch of knowledge was developed in order to make deduction possible. Thus if there were no deduction, there would be no need of *'Ilm'ul Usul*, because it would thereby lose its *raison d'etre* (purpose). Thus it is essential that we study this point in a fundamental form.

In fact, this point the question of the permissibility of deduction, when it is submitted for study in the form in which we have presented it does not appear worthy of serious thinking and intellectual research. This is because if we ask ourselves, "Is it permissible for us to carry out the process of deduction? ' the answer is in the affirmative, because deduction, as we have come to know in the foregoing, consists of "the delineation of the practical stand-point vis-à-vis the Shari 'ah through valid evidence and proofs". Obviously man, by virtue of his subordination to the *Shari'ah* and of the obligation on him to obey its laws, is compelled to delineate the required practical standpoint. And since the laws of the *Shari'ah* are mostly not obvious and clear to the extent that setting out proofs can be dispensed with, it is reasonable that the delineation of the practical stand-point through valid evidence and proofs would not be prohibited to the whole of mankind, and they would be forbidden to examine the proofs which delineate their stand-point vis-à-vis the *Shari'ah*. Thus the process of deduction would be not only permissible, but it is also essential that it should be adopted. This necessity arises from man's subordination to the *Shari'ah* and any dispute about that would be at the level of a dispute about self-evident truths.

However, it happens that this point has, unfortunately, taken up a new form, which is not free from ambiguity and confusion, and has on that account become the cause of differences. The word "*Ijtihad*"

has been used to express the process of deduction and the question arises. Is *Ijtihad* permissible in the *Shari'ah*? Since this word "*Ijtihad*" is under discussion (and it is a word that has been given a variety of meanings during its history) it has projected all those previous meanings into the discussion. This has resulted in a group of our modern 'Ulema' replying to the question in the negative, and consequently condemning the whole of *'Ilm'ul Usul*, since it is needed because of *Ijtihad*, and if *Ijtihad* is null and void, then there remains no need for *'Ilm'ul Usul*.

By way of clarifying that point, we must mention the development undergone by the word *Ijtihad* to show that the dispute that has arisen over the process of *Ijtihad* and the outcry against it, are nothing but the result of a superficial understanding of the academic term "*Ijtihad*", and of a disregard of the development it has undergone.

The Meaning of Ijtihad

Literally "*Ijtihad*" is derived from the word Juhd and means "doing one's utmost to perform any action whatsoever". This word was first used in the field of jurisprudence to express one of the rules laid down by the Sunni schools of *Fiqh*, following their founding. This rule states that, "When a jurist wants to derive a law of the *Shari'ah* and he doesn't find any text referring to it in the Qur'an and the Sunnah, he should have recourse to *Ijtihad* in lieu of such a text. Here *Ijtihad* means "individual thinking". Thus a jurist not finding any valid text would resort to his specific individual thinking or Divine inspiration and would base laws of the *Shari'ah* on the basis of his thinking. This process is also expressed by the term *Ra'y* (opinion).

Ijtihad, in this meaning, is the expression of one of the proofs used by a jurist and one of his sources of law. So just as a jurist relies on the Qur'an and the Sunnah and uses them as proofs and evidence, similarly he relies on his own *Ijtihad* and uses it as proof and evidence in cases where there are no suitable texts.

The major schools of Sunni *Fiqh* have proclaimed this meaning of *Ijtihad*, and at their head is the school of Abu Hanifa. At the same time tough opposition was met from the Imams of the Ahlul Bayt and the jurists attached to their schools of thought as we shall come across in the forthcoming discussion.

An examination of the word "*Ijtihad* " shows that it was used to express this meaning since the time of the Imams (a) up to the seventh century (A.H.). Thus the traditions related from the Imams of the Ahlal Bayt condemned *Ijtihad*, i.e., that principle of *Fiqh* that adopts individual thinking as one of the sources of Islamic law. The attack on this principle also found its way into the literary works composed during the period of the Imams (a) and of the narrators who transmitted their traditions.

This attack used the word *Ijtihad* mostly to express that principle, which can be seen from the usage in these traditions. Thus Abdullah ibn Abdur Rahman Zubayri wrote a book called "Al–Istifadah fi al–Ta'un ala'l awa'il wa 'r–radd 'ala as'hab al–*Ijtihad* wa'l– *Qiyas*", while Hilal ibn Ibrahim ibn Abi al–Fath al–Madani

wrote a book on the topic named "Al-radd 'ala man radda athar Rasul wa 'tamada 'ala nata'ij il-'uqul. (The rejection of those who ignore the traditions of the messenger and rely on their intellectual conclusions).

Isma 'il ibn Ali ibn Ishaq ibn Abi Sahl Nawbakhti wrote a book during the period of the minor occultation or thereabouts on the rejection of Isa ibn Aban concerning *Ijtihad*. The above has been mentioned by Najashi, the biographer, in his biography of each of the above.

Just after the minor occultation we find Shaykh Saduq in the middle of the fourth century A.H. continuing that attack. Here we quote, as an example, the critical comments from his book on the story of Musa and Khizr: "Musa –in spite of perfection of intellect, superiority and cleverness bestowed on him by Allah was not able to perceive through the rational processes of deduction, (istidlal) the meaning of the actions of Khizr, so much so that the reasons therefore became obscure to him.

Now if it were not permissible for the Prophets and Messengers of Allah to exercise *Qiyas* (analogy), Istidlal (reasoning) and Istikhraj (deduction), for others who are below them in rank, it would be all the more not permissible. Thus if Musa was not entitled to make a choice in spite of his superiority and cleverness, how then can the Muslim ummah be entitled to make a choice in the matter of the Imam? And how can they be entitled to derive the rules of the *Shari'ah* through deduction using their defective intellects and differences of views?"

In the closing years of the fourth century A.H. arose Shaykh Mufid writing along the same lines and making an attack on the concept of *Ijtihad*, which he used to mean the principle of Islamic law mentioned above. His book on this subject is called "an-Naqd 'ala ibn Junayd fi ijtihadir ra'y" (The Criticism on Ibn Junayd regarding the matter of *Ijtihad*).

We find the same usage of *Ijtihad* by Sayyid Murtaza at the commencement of the fifth century. He wrote in al-Zhari'ah criticizing *Ijtihad*: "*Ijtihad* is null and void and for those who follow the Imams, to act on conjecture, opinion and *Ijtihad* is not permissible". He also wrote in his book on *Fiqh*, "al-Intisar", alluding to Ibn Junayd: "The dependence of Ibn Junayd in this problem is on a kind of opinion and *Ijtihad*, and his error therein is obvious". And in the chapter on cleanliness (Taharah) in his book al-Intisar, he wrote concerning the question of wiping one's two feet, "we do not consider *Ijtihad* nor do we advocate it".

This usage of the word *Ijtihad* continued after that (period) also. Thus Shaykh Tusi, who died about the middle of the fifth century wrote in Kitab *al-Iddah* as follows: "As for *Qiyas* (analogy) and *Ijtihad*, in our opinion they are not valid proofs. On the contrary, their use is forbidden in the *Shari'ah*".

At the commencement of the sixth century, on the question of the contradiction between two statements of evidence, Ibn Idris considered a number of grounds for preferring one to the other. He afterwards wrote: "There is no preference on any other ground in our school of thought, and *Qiyas*, Istihsan and *Ijtihad* are all null and void in our opinion".

The above texts, presented in their historical and chronological sequence, prove clearly that the word *Ijtihad* was used to denote the above mentioned principle of Islamic law up to the commencement of the seventh century. On this basis, the word acquired a distasteful connotation and the sign of dislike and disgust in the legal outlook of the Imamiyah school of thought as a result of the latter's opposition to that principle and their belief in its being null and void.

However the word *Ijtihad* was used in a different sense in the terminology used by our jurists. Thus no Shi'ite text describing this development is found historically prior to Kitab al–Ma'arij by Muhaqqiq Hilli (d. 676 A.H.) who wrote under the heading "The Reality of *Ijtihad*" as follows: "It is, in the terminology of the jurists, doing one's utmost to derive the laws of the *Shari'ah*. Hence, the deduction of laws from the proofs and evidence available in the *Shari'ah* constitutes *Ijtihad*, because such laws are mostly based on the points of view of a theory which is not deduced from the explicit meaning of any text, whether such a proof is based on analogy or otherwise. Thus *Qiyas* (analogy) is one of the kinds of *Ijtihad*. Therefore, if it is said that it is accordingly imperative that the Imamiyah school of thought is one of the exponents of *Ijtihad*, we will reply that it is so, and that there is the suggestion that *Qiyas* is one of the kinds of *Ijtihad*. Thus even if we exclude *Qiyas*, we shall still be among the exponents of *Ijtihad* in deriving the laws of the *Shari'ah* by other theoretical ways apart from *Qiyas*".

It is quite obvious from the above quotation that the word *Ijtihad* continued to be burdened with the stamp of its first usage in the Imammiyah outlook. This quotation points out that there are those who refrain from using this description and on whom calling the Imamiyah jurists Mujtahids, weighs heavily.

However Muhaqqiaq Hilli does not refrain from using the term *Ijtihad* after it had developed and changed in the usage of the Jurists in such a way as to be in agreement with the methods of deduction in the Imammiyah school of thought. Thus *Ijtihad* was previously used to denote a source of Islamic law, from which the jurist derives laws, and furnish a proof for it, just as the verses of the Qur'an and the traditions are regarded sources. In the new usage it came to denote the jurist's utmost effort in deriving a law of the *Shari'ah* from the valid proofs and sources, but it was not considered as one of the sources used for deduction. On the contrary, *Ijtihad* meant the very process of deduction carried out by a jurist to derive a law from its valid sources.

The difference between the two meanings is quite important. In the first usage of *Ijtihad*, the jurist derives laws on the basis of his own individual views and particular inclinations in cases where the valid texts are not adequate. Thus if he is asked, "What is your proof and your source for this law which you have derived?" He will reply: "The proof is my own *Ijtihad* and individual views".

However, in the new usage of *Ijtihad*, the jurist is not permitted to justify any laws of the *Shari'ah* by *Ijtihad*, as in this second meaning, *Ijtihad* is not a source for laws, but it is the process of deduction to derive laws from their sources. Thus if a jurist says: "This is my *Ijtihad*", he means that this is what he has derived through deduction from the sources of laws and from valid proofs. Thus we will have the right to demand of him, to indicate to us those sources and proofs from which he derived the law.

This new meaning for the word *Ijtihad* also underwent development and transformation. Muhaqqiq Hilli had limited it to the field of the operations of deduction, which are not based on the explicit meanings of texts. Thus every act of deduction that does not depend on the explicit meanings of texts will be termed *Ijtihad*. Perhaps the reason for this limitation is that the deduction of a law regarding the explicit meaning of a text does not involve enough effort and academic labour to be termed *Ijtihad*.

Then the scope of *Ijtihad* widened afterwards and included the process of deduction of a law from the explicit meaning of a text also. This is because the specialists in *'Ilm'ul Usul* then rightly realized that the process of deduction of a law, from the explicit meaning of a text, involved much intellectual effort and labour in arriving at the exact meaning and its limitation and in proving the validity of al-Zuhurul 'Urfi (general usage) as a proof. This expansion in the meaning of the term *Ijtihad* did not cease there, but in a new development it came to include all forms of the process of deduction. Thus under the heading of *Ijtihad* came every process carried out by a jurist to determine the practical standpoint vis-à-vis the *Shari'ah* either by establishing out the proofs for the law of the *Shari'ah*, or by defining that practical standpoint directly.

Hence, *Ijtihad* came to be synonymous with the process of deduction. Consequently *'Ilm'ul Usul* became an essential branch of knowledge for the implementation of *Ijtihad*. In other words it is the science of the common elements in the process of deduction.

These developments sustained by the word *Ijtihad* as a technical term are, to a great extent, related to the developments of academic thought itself. The elucidation of the above will be possible through our study of the history of *'Ilm'ul Usul*.

In light of the above, we can explain the standpoint of that group of Muhaddithin (traditionalists) opposing *Ijtihad* and consequently condemning *'Ilm'ul Usul*. The word *Ijtihad* frightened them because it carried the heritage of the first usage, against which the Ahlal Bayt (Progeny of the Prophet) had launched a severe attack. The scholars also prohibited *Ijtihad*, the banner of which was being carried by the Mujtahids among our jurists, and they based this prohibition on the standpoint of the Imams and their school of thought against *Ijtihad*. They are, however, not aware that the standpoint of the Imams was against the first meaning of *Ijtihad*, while the jurists among our companions are propounding the second meaning of it.

The process of deduction however faced a strong and persistent attack because of the attack on *Ijtihad*. Consequently the attack extended to *'Ilm'ul Usul* because of its relation to the process of deduction and to *Ijtihad*. However, after having distinguished between the two meanings of *Ijtihad*, we are now able to restore the problem to its natural form, and to demonstrate clearly that the permissibility of *Ijtihad* in the meaning, synonymous to the process of deduction, is one of the self-evident truths.

Since the process of deduction to derive a law of the *Shari'ah* is obviously permissible, it is essential that it should be preserved by *'Ilm'ul Usul* through the study of the common elements in that process.

After we have established the permissibility of the process of deduction in Islam, there remain two points for us to study:

1. Does Islam permit this process at every age and to every individual or does it permit it only to some individuals and at certain ages?
2. Just as Islam permits an individual to make deductions to derive a law relating to himself, does it also permit him to make deduction to derive laws relating to others and to deliver formal legal verdicts for that?

We shall soon study these two points in the forth-coming discussions, which we have prepared for the higher stages of the study of this science.

Source URL:

https://www.al-islam.org/short-history-ilm-ul-usul-sayyid-muhammad-baqir-al-sadr/importance-%E2%80%98ilm%E2%80%99ul-usul-process-deduction