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ABSTRACT: "Shi'i Ijtihād: Juristic Exertion to Religious Establishment"

Though the Shi'i community enjoyed the presence of the Imams till 260/873 and relied on their instructions in legal matters, there are certain reports suggesting that the Companions of the Imams exercised *ijtihād* within the Shi'i framework of the concept. This could either be a result of the direct encouragement of the Imams, or conversely, the Imam was not held, at least by some of the Companions, as a divine juristic authority as assumed by the Prophet. The implication of this thought is that Imams also exercised *ijtihād* in their interpretation of Qur'an and Prophetic traditions, an idea which is unequivocally rejected by the later Shi'i scholars. Notwithstanding the ambiguity surrounded the concept, authority and the remit of *ijtihād* in the early stage, its modality changed significantly post-occultation as the Shi'i community encountered new challenges in formulating their social identity in the absence of an Imam. The scholars of the post-occultation era, whilst averting from the popular Sunni framework of *ijtihād*, endeavoured to present a model for *ijtihād* conducive to the Shi'i worldview of Imam. But it was late in the seventh/thirteenth century when the epitome of the Shi'i *ijtihād* became evident as a new genre of *ijtihādi fiqh* emerged in the school of Hilla. The practice sustained, with the exception of a relatively dominant scripturalist tendency of the Safavid era, and finally culminated in the colossal literature of *fiqh* and *uṣūl al-fiqh* in the school of Najaf. This new centre not only flourished academically, but also attracted larger Shi'i populace to direct their religious queries and dues, soon to advance the historical autonomous *ijtihādi* practice into a modern heteronomy *marji'iyya* establishment. Here, besides demonstrating an individual's expertise on the matters pertaining to law, the purpose was to cater the religious and geo-political needs of the followers. The post-Islamic Republic of Iran's Qum is believed to have adopted the framework of the religious establishment of Najaf and continued to flourish with negligible ad hoc changes within the system. It is quite evident that the modality of the *ijtihād* remains unchallenged and the minimal changes are circumstantial. However, the contemporary school of Qum has provided some academic space to discuss and challenge the conventional Shi'i jurisprudence. This approach not only challenges certain conventional fatwas but also suggests a different epistemological framework to conduct a more holistic *ijtihād*. This paper aims to provide a brief outline of the trends and strands of Shi'i *ijtihād* throughout the history and examine the current reformatory attempts to redefine *ijtihād* for a more dynamic *fiqh* (*fiqh i pūyā*).