

SOURCE 3: IJMĀ`
(SCHOLARLY CONSENSUS)

- Definition
 - Lexical: To agree upon something
 - Legal: The unanimous agreement of the *mujtahids* of the Muslim Community of any period following the demise of the Prophet Muhammad (peace be upon him) on a legal matter

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- Note:
 - Must be qualified *mujtahids*
 - Must be upright Muslims
 - Majority is insufficient
 - Non-binding during Prophet's lifetime

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- Evidence
 - Qur'an:
 - "And whoever opposes the Messenger after guidance has become manifest to him, and follows other than the way of the Believers, We shall leave him in the path he has chosen and land him in Hell – what an evil refuge." (al-Nisa', 4:115)
 - Sunna:
 - "My Community will never agree upon an error." (*mutawatir ma'nawi*)

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- Types of *Ijmā`*
 1. Explicit (*sarih*)
 - Definitively binding
 2. Tacit (*sukuti*)
 - Binding
 - Definitive {H,L}
 - Probabilistic {Some H,S}
 - Non-binding {S,M}

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- Basis
 - Must be legitimate
 - May not be known
- Feasibility?
 - The Companions
 - Later Generations

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- Denial of something on which there is *ijma`*
 - *Ma'lum min al-Din bi al-Darura – Kufr*
 - Otherwise - *Haram*
