

The Classification of the Levels of the Jurists Devised by IBN Kamal Pasha: A Review

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Abstract: The basic laws of Islamic Sharia are contained in the Qur'an and Sunnah. If there is no detailed information in those two sources, mujtahid (jurists) will research by using their intelligence to solve any problem. Ijtihad is a term of the Islamic law that describes the process of making a legal decision by independent interpretation of the Qur'an and Sunnah. The opposite of ijthihad is taqlid (imitation). A person who applies ijthihad is called a mujtahid. To become a mujtahid, one needs to be qualified to derive legal rulings from the primary sources: the Quran, the Sunna, and other sources of Islamic jurisprudence. Moreover, not all mujtahids are of the same level; rather, there are several categories or ranks of mujtahids. It is necessary to know about the ranks. Knowing the level of the mujtahid makes it easier to prefer one interpretation over another. There are several lists of hierarchies of mujtahids. The list written by Ibn Kamal Pasha (d. 1534) is quite famous among them. It is followed throughout the Hanafi madhhab (school of thought); but according to us, we have different observations about the hierarchy of this list. It contains various inconsistencies. Despite this, Islamic jurists have been following it for four hundred years. As a result, it has a negative impact on the Islamic society, especially in the Indian subcontinent. Because of this stratification, some Hanafi scholars believe that the scope of ijthihad is closed. Now there is no opportunity for ijthihad on any matter. This article reviews Ibn Kamal Pasha's classification using qualitative methods. According to us, this hierarchy is not only the hierarchy of mujtahids; rather, the hierarchy of mujtahids, jurists and general scholars. Imam Abu Yusuf and Imam Muhammad are the mujtahid of the first level.

Keyword: Levels of mujtahid, mujtahid, moqallid, jurist, ijthihad, Ibn Kamal Pasha, classification, ashab at-takhriz, ashab at-tarzh.

Literature Review

To the best of our knowledge, no research has been done on this topic, except for Najah Abu Alhaj's article titled "The Era-Based Classification of the Jurisprudential Levels of the Mujtahidin of the Hanafis." He explained the classification of mujtahids in this article. But he did not mention the inconsistencies of stratification of the levels of the mujtahids in this article. Moreover, he called it age-based classification, which is not logical. Rather, it is knowledge-based classification that will be demonstrated in this article. In this article, we have explained the inconsistencies of the classification of mujtahids formulated by Ibn Kamal Pasha and solved them by mentioning the reasons of the inconsistencies. Hopefully, this research will provide the right path to the followers of the Hanafi madhhab and add a new knowledge to the world of knowledge.

Introduction

The main sources of Islamic law are the Qur'an and the the Sunnah. Fundamental laws of Islam are mentioned in both sources. Ijtihad is the name of researching issues that are not directly resolved in the Qur'an or the Sunnah. Ijtihad is a form of research. Those who do this research are called mujtahid. For this type of research, it is necessary to have sufficient knowledge of Islamic subjects. Those who do not have this qualification are called muqallid. They will follow the interpretation of mujtahid. There are different levels of mujtahids. Not everyone of the mujtahid is on the same level. Later scholars have classified these mujtahids. It is necessary to know these stratifications. They are stratified according to the extent of knowledge. The hierarchy written by Ibn Kamal Pasha, a renowned jurist of the Hanafi madhhab, is well-known and respected within the Hanafi school. The scholars of this school have been following this for almost four hundred years. They consider this as era-based classification. As a result, according to their opinion, there is no mujtahid to conduct ijthihad or research. Rather, now is the era of taqlid(imitation). But Islam is a perfect way of life for all times. New problems are always constantly emerging. If there is no mujtahid to do ijthihad, these new problems will not be solved. Basically the gate of ijthihad is still open. Nobody has the right to close the gates of ijthihad. The doubts created by the classification of mujtahids written by Ibn Kamal Pasha have been tried to be resolved in this article.

Levels of Mujatahid

A number of separate books have been written on the levels of jurists. Some of these books are written about the jurists of specific madhhabs and some are written about the jurists of all madhhabs in general. A number of books have

also been written on the jurists of specific areas. Epistemological aspects were not considered in the classification of these books; Rather, the arrangement is centered around the measurement of time. For example, every hundred years are classified as one level in some books. According to the narration of Tajuddin Subaki (1327-1370), Abu Hafs Umar Ibn Ali Matu'i (d. 1048) first wrote a book on this topic named *Al-Madhhab fi Zikri Shuyuhil Madhhab*.(Subki, 1992) But the purpose of writing the article is to discuss the hierarchy of mujtahids from an epistemological point of view. There are some differences of opinion among the scholars regarding the number of levels of mujtahid. Three basic classifications are available in this case. Firstly, as far as is known, as far as is known, Ibn Salah (1161-1245) classified the mujtahids first in this way in his book *Adabul Mufti wal Mustafati*. Later, many adopted his classification system and mentioned it exactly in their books and some mentioned it with slight changes. The second is the hierarchy of Ibn Hamdan (1206-1295). It is very similar to the previous one. The third is the hierarchy of Ibn Kamal Pasha (d. 1534). It is the most popular after the first one. Later many mentioned these three classifications with slight variations. For the sake of discussion, Ibn Kamal Pasha's (d. 1534) classification is mentioned first.

The Levels of Mujtahid by Ibn Kamal Pasha

Among the Hanafi scholars, Ibn Kamal Pasha (d. 1534) was the first to classify the jurists or mujtahids. He wrote a book on this topic called *Tabaqatul Fuqaha*, which is translated as *Tabaqatul Mujtahidin*. Haji Khalifa (1608-1656) mentioned its name as *Tabaqatul Mujtahidin* in his book *Kashfuz Janun*.(Khalifa, 1992) Dr. Muhammad Abdul Latif Furfur referred to it as *Tabaqat al-Fuqaha*, citing the manuscript preserved in the 'Ma'hadud Dirasatil Islamiyyah al-Uliyyah of Bahisghdad'.(Furfur, 1984) It was found in the footnotes of pages 25-27 of the book *Husnut Takadi* by Zahid Kawsari (d. 1951).(Kawsari, 1948) It was published in 1368 AH/1948 AD with the mentioned footnotes from the Egyptian publication 'Dar al Anwar Li al Tabaa Wa al Nasr'. The Levels of mujtahid formulated by Ibn Kamal Pasha are following below.

First Level: Mujtahid-e-Mutlaq

The mujtahid who can make rules and deduce main rules and their details from Quran, Hadith, Ijma' [consensus], Qiyaas [analogical reasoning] is called mujtahid Mutlaq. Further, these personalities should not be dependent on any other Imam in this regard; for example, Imam Abu Hanifah, Imam Shaafi, Imam Maalik, Imam Ahmad Bin Hanbal. (Pasha, 1942)

Second Level: Mujtahid-fil-Mazhab

Mujtahid-fil mazhab is the mujtahid who possesses the ability to deduce the rules in the light of the rules made by his Imam. Though he can oppose the details from his Imam, yet he follows his own Imam in the principle rules; for example, Imam Abu Yusuf and Imam Muhammad. (Pasha, 1942)

Third Level: Mujtahid-fil-Masa'il

Mujtahid fil masa'il is the the mujtahid, who makes Ijtihad rulings in light of the principles laid down by the Imam of the mazhab in those matters in which the Imam have no opinion. They do not have the ability to disagree with the Imam, neither on principle nor on any branch of matters such as Khachhaf (d. 875), Abu Ja'far Tahavi (853-933), Abul Hasan Karkhi (d. 951), Shamsul Aymma Halwani (d. 1056), Shamsul Ayimma Sarakhsi (d. 1090), Fakhrul Islam Bazdavi (1010-1089), Fakhruddin Kazi Khan (d. 1195) and others are included in this category. (Pasha, 1942)

Fourth Level: Ashaab-at- Takhriz

'Tabaqatu Ashabit Takhriz' are those, who can not make ijtihaad at all; but possess the ability to do Qiyaas in the light of the examples of the detailed rulings; for example, Sayyiduna Imam Raazi. (Pasha, 1942)

Fifth Level: Ashab-at Tarjih

Ashb at-Tarjih is those who prefer one opinion over another by saying 'It is more logical' and 'It is good for the public'. For example, Abul Hasan Kuduri, Burhanuddin Abul Hasan Ali etc. (Pasha, 1942)

Sixth Level: Ashab-at- Tamyiz

'Ashabut Tamayij' are the jurists, who are able to distinguish between strong and weak narrations. For example, the author of *Kanzud-Daqaaiq* Imam Abul Barakaat an-Nasafi. (Pasha, 1942)

Seventh Level: Muqallid

Muqallid is the follower, who does not possess any of the mentioned abilities and does not distinguish between the right and the wrong; but gathers what he finds and follows the mujtahid. (Pasha, 1942)

Discussion

Many scholars of the Hanafi shcool have precisely mentioned the entire list of the hierarchy of jurists in their books. Isamuddin Ahmad Ibn Mustafa Tash Kubra (d. 1560) in his *Tabaqatul Fuqaha*, Ibn Abidin Shami (1784-1836) in his *Raddul Muhtar* and *Sharhu Uqudi Rasmil Mufti*, Muhiuddin Abdul Qadir (d. 1373) in his *Al-Zawahirul Mudiyah fi Tabaqatil Hanafiyyah*, Taqiuddin Tamimuddari (d. 1601) in his *At-Tabaqatus Sanyyah fi Tarajimil Hanafiyyah* and

Mufti Amimul Ihsan (d. 1975) mentioned in his book *Adabul Mufti*. Many contemporary researchers have mentioned this in their books. Ibn Kamal Pasha (d. 1534) divided mujtahid into three levels and muqallid into four levels. The first three levels of the jurists are mujtahid and the remaining four levels of the jurists are muqallids. However, there are several reasons behind bringing this complete list into the discussion of mujtahid. Firstly, some Hanafi jurists such as Alauddin Haskafi (d. 1677) mentioned these seven levels as the levels of mujtahid. As a result, it is recognized among the Muslim scholars as a hierarchical list of Mujtahids. Secondly, According to the author of 'Kashfuz Janun', the name of the book written by Ibn Kamal is *Tabaqat-al Mujtahidin*. This name proves that Pasha classified the mujtahids in this book. There is much inconsistency in the classification of the mentioned levels of jurists.. A few of these are highlighted for analysis.

First Inconsistency

According to Alauddin Haskafi (d. 1677) and others, 'mujtahid mutlaq' is the first level of mujtahid and 'mujtahider muqaiyad' is the second level of mujtahid. 'mujtahid muqaiyad' is again divided into seven levels. As such, the levels of mujtahid are eight in total. Alauddin Haskafi (d. 1677) says, "mujtahid mutlaq is not available and mujtahid muqaiyad is divided into seven levels."(Haskafi,2002) Basically this statement is not logical. For this reason, the mentioned opinion of Alauddin Haskafi (d. 1677) is correctable. Ibn Abidin Shami (1784-1836) says, "There are two things that are worth noting in this quote. Firstly 'mujtahid mutlaq' is one of the seven levels. Secondly, some levels of the seven ones are not included in the mujtahid; especially the seventh level. That is why it was appropriate for him (Hashkafi) to say 'jurists are divided into seven levels.'"(Shami, 1966)

Ibn Abidin Shami (1784-1836) corrected two points here. He says, first of all, there are seven levels of jurists. Secondly, Not all of the seven levels are levels of mujtahid; Rather, some levels are mujtahid and some levels are not; especially the seventh level. Therefore, it is appropriate to call it 'the level of jurists' rather than the 'level of mujtahid'. Moreover, he divided the mujtahid into three levels, which are the first three levels of the seven levels and the muqallid into four levels, which are from the fourth level to the seventh level. It is clear that the opinion of Alauddin Haskafi (d. 1677) etc. is not logical.

Second Inconsistency

The sixth level in the aforementioned hierarchy is 'ashab at-tamyiz'. This level of jurists is basically included in the fifth level 'ashab at-tarjih'. Ibn Kamal Pasha (d. 1534) did not include them in the level of 'ashab at-tarjih' but lowered

them one level to the sixth level, which is not reasonable due to both levels of the jurists are the same. Their characteristic is to distinguish between strong and weak narrations and to prioritize the stronger. Pasha (d. 1534) says about the characteristic of 'ashab at- tarjih': "They prefer some narrations to some others, saying 'it is more logical', 'it is charitable' etc." Pasha (d. 1534) says about the characteristic of 'ashab at-tamyiz',

"Ashab at-tamyij are the jurists among the muqallis, who are able to distinguish between strong and weak narrations, between rare and 'exalted narrations'."

Although there is a wording difference between the two Arabic verses mentioned in these two levels of identification, no substantive difference is discernible because the function of both levels of the jurists is to give preference to the stronger narration over the weaker narration in a matter. But Pasha (d. 1534) said the same thing briefly about 'Ashab-at Tarjih' and clearly about 'Ashab-at Tamyij'. That is the difference.

The statement "they do not express a weak and unacceptable opinion on their books" about 'Ashab at-tamyij' does not prove 'Ashab at-tamyij' in any way. Because it is not included in the classification criteria; rather, it is regarded as a style or characteristic of some jurists. This is their extra quality, when their downgrading is not logical at all. And there is no obstacle to the existence of this quality in 'Ashab at-tarjih'. Moreover, the criterion for stratification is variation in knowledge. The two levels of criteria mentioned above are to have 'the ability to prioritize all narrations or the knowledge to prioritize'. This type of knowledge exists in both levels of the jurists. So the sixth level will also be counted among the fifth level.

Third Inconsistency

Haroon Ibn Bahauddin Marjani (d. 1888) in his book *Nazuratul Haq fi Fardiyatil Isha wa in lam Yagibish Shafaq*, Shaykh Muhammad Zahid Kawsari (d. 1951) in his book *Hasanut Taqadi fi Siratil Imam Abi Yusuf al-Qadi*, Abu Zahra (d. 1974) in his book *Usulul Fiqh* and Ali Muhammad al-Khafif in his book *Asbabu Ikhtilafil Fuqaha* complained that Pasha (d. 1534) did not place Imam Abu Yusuf (d. 797), Imam Muhammad (d. 805) and Imam Zufar (d. 775) as mujtahid mutlaq; But they are mujtahid mutlak. Although they were mujtahids of the first rank, Pasha (d. 1534) did not place them in the first rank. After analyzing their allegations, it has been found that they are right in this case. There are several reasons why their claim is correct.

Firstly, According to Pasha (d. 1534), those who are mujtahid fil madhhab are capable of ijihad and may oppose the mujtahid mutlaq in some branches of Masala, but cannot oppose it in the principle rules; Rather, thdy must follow the principle of mujtahid mutlaq in all cases. But in reality the principles of the second level of Mujtahids such as Imam Abu Yusuf (d. 797), Imam Muhammad

(d. 805), Imam Zufar (d. 775) and many others opposed the the principles of their Imam Abu Hanifa.

Imam Abu Zayid Dabusi (d. 1038) in his book *Tasisun Nazr* mentioned the conflicting principles with detailed examples.(Dabusi, 1990) Mufti Amimul Ihsan (d. 1975) also briefly mentioned these principles in his book *Qawayidul Fiqh* under the title 'Usulul Masayilil Khilafiyah'. By studying these books, it was found that Imam Abu Yusuf (d. 798) and Imam Muhammad (d. 805) contradicted Imam Abu Hanifa (d. 767) in the twenty-two principles. Imam Abu Hanifa (d. 767) and Imam Abu Yusuf (d. 798) agreed on the four principles; But Imam Muhammad opposed these four. On the other hand, Imam Abu Yusuf opposed the three principles of Imam Abu Hanifa (767) and Imam Muhammad (d. 805). Again, Imam Abu Yusuf (d. 798) and Imam Muhammad (d. 805) disagreed in the four principles. Moreover, Imam Jufar (d. 775) opposed the eight principles of Imam Abu Yusuf (d. 798), Imam Muhammad (d. 805) and Imam Abu Hanifa (767).(Ihsan,1986) This calculation is shown only according to the information of the mentioned book. There may be more conflicting principles among them. In this context, San'ani (d. 1767) says,"Abu Yusuf and Muhammad Ibn Hasan Shaybani disagreed with the principles of their Imam Abu Hanifa."(San'ani, 1984) Imam Subki (1327-1370) also says, "Both of them (Abu Yusuf and Muhammad) disagreed with the principles of their Imam."(San'ani, 1984) Imam al-Haramain Zuaini (d. 1085) says, "Imam Abu Yusuf and Muhammad opposed many principles of their Imam."(Nawawi,2009) Because of this, they disagree with two-thirds of Imam Abu Hanifa's opinion and most of their opinion agrees with Imam Shafi'i.(San'ani 1984) According to these data, it is clear that Imam Abu Yusuf (d. 798), Imam Muhammad (d. 805), Imam Jufar (d. 775) opposed many principles of Imam Abu Hanifa (d. 767). If they were not mujtahid mutkqaq(independent jurists), they could not have opposed the principle of Imam Abu Hanifa (d. 767). According to Pasha (d. 1534), any mujtahid of the second level can not oppose the principle of the Imam. In fact, it can be seen that the mujtahid of the second level namely Imam Abu Yusuf (d. 798), Imam Muhammad (d. 805), Imam Zufar (d. 775) opposed many principles of their Imam Abu Hanifa (d. 767). So how did they become a mujtahid of the second level? The opposition of the principles proves that they are mujtahid mutlaq or mujtahid of the first level.

However, according to Ibn Salah (1141-1245) and Imam Nawawi (1233-1277), there is no problem to consider Abu Yusuf (d. 798), Imam Muhammad (d. 805) says about the identity this level:

"Al-Mujtahid al- Mutlaq is the one who does not imitate any Imam, neither in any opinion, nor in any document because he is considered as a unique Mujtahid. The mujtahid of this level is related to a madhhab because of his

following the path of the Imam of that madhhab in terms of ijihad and calling others to his path."(Salah,1986)

Here another doubt arises that, do they have the individual principles that are necessary to be mujtahid mutlaq? To resolve this doubt, it can be said that each of them has a unique principle. Most of their principles are similar to the principles of Imam Abu Hanifa (d. 767) and some of their principles are completely different from the principles of Abu Hanifa (d. 767). Due to this difference in the principles, differences arose between Imam Abu Hanifa (d. 767) and them in branch matters. But one thing must be admitted that, even though they are all Mujtahids of the same level or the first level, Imam Abu Hanifa (d. 767) is in the first position of the same level and his student Imam Abu Yusuf (d. 767), Imam Muhammad (d. 805)), Imam Zufar (d. 775) etc. occupy the next level after him. In a word it can be said that they all belong to the same class; However, Imam Abu Hanifa (d. 767) occupies the first place in that category.

This is also indicated in the sayings of the Salaf Salihin. Shamsul Ayimma al-Sarakhsi (d. 1090) said, "Combination of the knowledge of three subjects achieves the perfection of knowledge of jurisprudence." First of all, having knowledge of Shari'ah matters and having skill in understanding those matters by knowing the meaning of the Qur'an and the Sunnah, Secondly, controlling the principles including branch matters and thirdly acting on them. Because a mujtahid mutlaq is considered one who acts according to knowledge. These are the qualities of our previous Imams: Abu Hanifa (d. 767), Abu Yusuf (d. 798), and Muhammad (d. 805).(Sarakhsi, 2009) It is clear from his statement that Imam Abu Hanifa (d . 767), Imam Abu Yusuf (d. 767), Imam Muhammad (d. 805) belong to the same category of mujtahid.

So here a question arises that if they are mujtahid mutlaq, then why are they called Hanafis and why do they not have a separate madhhab? In answer to the first question, it can be said that they learned jurisprudence from their honorable teacher Imam Abu Hanifa (d. 767), which is the founder of the Hanafi school. They considered their teacher Imam Abu Hanifa (d. 767) to be the most knowledgeable and considered his school of thought safe to follow. For this reason, later they gave full support in the work of propagating his madhhab. Moreover, there is no difference between them on many issues. Besides, they have expressed their opinion on a matter as well as the opinion of their Imam. Later Hanafi jurists propagated them as followers of Hanafi madhhab.

In response to the second question, it can be said that, the 'Hanafi madhhab' was not established as a specific madhhab in their time. This Hanafi school of thought was propagated with the help of the students of Imam Abu Hanifa (d. 767). They themselves propagated the Madhhab of their Imam with mentioning

the cases where they disagreed with the opinions of their Imam. Later Hanafi jurists included them in the same platform called 'Hanafi madhhab'. In addition, his students did not try to establish their own schools of thought or opinions by excluding the Imam Abu Hanifa; rather, they have always highlighted the opinion of their Imam in their books. Because of this, no independent schools of thought were established for them.

Fourth Inconsistency

Pasha (d. 1534) named the third level 'Tabaqatul Mujtahidin fil Masa'il'; But it is evident from the details of this level that it is the identity of 'Ashabut Takhriz'. He named the fourth level 'Tabaqatu Ashabit Takhriz'. However, from the identification given by him, it can be understood that it is basically the identification of 'Ashab at- Tarjih'. It is necessary to know the identity of 'Takhriz' and 'Tarjih' to determine the accuracy of this classification. The term 'Takhriz' is used in various senses. Muhaddis (Expert in Hadith) and jurists did not use it synonymously; rather, it is used in one sense in Hadith and in a different sense in jurisprudence. Again jurists have generally used it in four senses. However, jurists have used the term in a specific sense in their discussion of ijihad and taqlid. The encyclopedia of jurisprudence *al-Mawsu'atul Fiqhiyah al-Quwaitiyyah* states that, 'Takhriz' is the name of deriving a ruling on a similar branch of issue based on the principles or documents or arguments of the Imam of the madhhab, which he has accepted, or on any specific solution of the Imam, on which no decision of the Imam of the madhhab is stated. All of the jurists use the term 'Takhriz' in this sense. (Al-masua al-Fiqhia al-Kuwatia, 2006) Alavi al-Saqqaf al-Shafi'i said, "Takhriz is the name of copying the provisions of a similar matter from the imam of a school of thought by the jurists of the school is called Takhriz." (Al-masua al-Fiqhia al-Kuwatia, 2006) In this context, Ibn Badran Hambli (780-855) and Alauddin Mardawi (d. 1480) said, "Takhriz is to describe a ruling on a matter that is similar to another matter and to establish equality between the two." (Badran, 1989 ; Mardavi, 1955) It is clear from the quotations above that Takhriz is the name of ruling on a new matter, which is not narrated from the Imam through the principles of the Imam. Pasha (d. 1534) also said the same thing about Takhriz. But he has established a separate different level for it. The inconsistency here is that the identity he assigns to 'Ashab at-takhriz' by placing it in the fourth level is not consistent with the identity of 'Ashab at-takhriz' according to Islamic Jurists. If he had not called the fourth level as 'Ashab at-takhriz', it would have been possible to assume that the third level was 'Ashab at-takhriz' which he referred to by another name. But that possibility will not exist longer, because of being the fourth level is for 'Ashab at-takhriz'. Moreover, the description of 'Ashabut Takhriz' mentioned above is rather similar to 'Ashabut Tarjih'. Because, the act of clarifying the opinions and

rules' narrated by the Imam of the school or any of his students, can not be included in 'takhriz'. Because if a statement from the Imam is mentioned, that is not called 'takhriz'; Rather, it is called 'tarjih' to clarify the intended provision of the Imam's opinion with a view to the principle of the Imam or a similar issue in order to remove the gap from the opinion or ruling. Since it is the responsibility of the 'Ashabut Tarjid to determine what the Imam intended, the fourth level description as such is not consistent with the 'Ashabut Takhriz; Rather it corresponds to 'Ashabut Tarzih. For this reason it is logical that the fourth level should be included in the 'Ashabut Tarjih'.

Fifth Inconsistency

Ibn Kamal Pasha (d. 1534) included Ashab at-Takhriz and Ashab at-Tarjih among the Muqallidun. All other jurists and even the later Hanafi experts have included the 'Ashab at-takhriz' in their hierarchy at the level of mujtahids. It is more logical to include them as mujtahids. Because their main function is to do Takhriz. It is one kind of Istimbat (derivation of rulings), which is a form of ijihad. So as 'Takhriz' is included in Ijtihad, 'Ashabut Takhriz' will also be included in mujtahid. Besides, from the mentioned definitions of 'Tarjih', it is understood that they belong to the Mujtahids. Most of the Hanafi scholars who criticized the classification of Pasha (d. 1534) included the 'Ashab at- Tarjih' among the mujtahids. in addition, there is a difference of opinion in this regard among other Islamic jurists. Some have included them as mujtahids and some have included them as muqallis. Because there is a difference of opinion between them about whether the work called 'Tarjih' is included in Ijtihad or not. According to our research, they are in the third level of mujtahid.

The classification of the jurists formulated by Pasha (d. 1534) is largely inconsistent. For this reason later Hanafi scholars criticized it and they developed their own classification.

The Basic Levels of Mujtahid

Based on the research, the basic levels of mujtahid are three. Though there are three levels of mujtahids in the words of Ibn kamal Pasha, but there is a difference in the names of the levels of mujtahids and the order of levels. As per our research, the levels of mujtahid are 'mujtahi mutlaq', 'Ashab al-Takhriz' and 'Ashab al-Tarzih'. Brief introduction of these three types is mentioned below.

Definition of Mujtahid Mutlaq

Ibn al-Salah(643 h) says, "He who derives the rulings of the Shari'ah from the documents of the Shari'ah, without following any school of thought, is called

mujtahid mstwakil."(Ibn Salah, 2002) It is clear that a mujtahid mustaqal is one who has his own principles, apart from the principles of a particular madhhab, on which his ijtiḥad is based.

Definition of Ashab at-Takhriz

Mujtahid at-takhriz is one who is able to invent rulings based on the original commentary of his imam.(Mahlavi, 2007) This type of mujtahid is bound by the Madhhab of his Imam and is independent in determining his principles through evidence; However, he does not exceed the principles of his Imam in the case of his documents.

Definition of Ashab at-Tarziḥ

Ashab at-Tarziḥ are those who prioritize the strongest of conflicting narrations and opinions and can distinguish between the more pure opinion or the more rational or more public opinion.(Zahrah,1950) Ashab at-Tarziḥ are those who are deeply knowledgeable in the madhhab of his Imam and ate able to give precedence to one of the two narrations generally narrated from the Imam over the other. According to some researchers, its other name is mujtahid al- fufyah.

Shah Wali Ullah Muhaddis Dehlavi (d. 1762), Muhammad Abu Jahrah (d. 1974), Sheikh Abdur Rahman Mahlawi did not accept the classification of Pasha (d. 1534). Although their layer names differ, the basic meaning of all levels is the same except the level of Pasha. Because, since Asahb at-Takhriz and Asahb at-Tarjih are not included in the mujtahids, the second and third level of jurists in the hierarchy of Dehlavi, Abu Zahra and Mahlawi are not mujtahids according to Pasha. These stratifications are briefly mentioned in the table below.

Table

	1st Level	2nd Level	3rd Level
Pasha	Mujtahid fi al-Sharyi	Mujtahid fi al-Mazhab	Mujtahid fi al-Masayil
Dehlavi	Mujtahid Mutlaq	Mujtahid fi al-Mazhab	Mujtahid al-Futya
Abu Zahra	Mujtahid Mutlaq	Ashab al-Takhriz	Ashab al-Tarziḥ
Mahlavi	Mujtahid Mutlaq	Mujtahid al-Mazhab	Mujtahid al-Futya
Our Research	Mujtahid Mutlaq	Ashab al-Takhriz	Ashab al-Tarziḥ

Findings

from this research Several things have been proven. Firstly, Ibn Kamal Pasha's hierarchy is the hierarchy of mujtahid and muqallid. Secondly, Ibn Kamal Pasha's hierarchy, the first three level are mujtahid and the remaining four are muqallid; But the seventh level is the level of the common Muslim. Thirdly, according to our research, the level of mujtahid is three; But it does not match the level of Ibn Kamal Pasha. He did not consider 'Ashab al- Takhriz' and 'Ashab al Tarji' at the level of Mujtahids; But we considered them at the level of mujtahid. Fourthly, the classification of Mujtahids by Ibn Kamal Pasha is inconsistent. Fifthly, later researchers of the Hanafi school also did not accept Ibn Kamal Pasha's hierarchy due to various inconsistencies. Sixthly, Imam Abu Yusuf, Imam Muhammad and Imam Zufar are mujtahid mutlaq and they belong to the first level of mujtahid. Seventhly, Ibn Kamal Pasha's classification of mujtahids is epistemological; not in chronological order. Eighthly, gate fo Ijtihad is not closed; Rather, it is still open and mujtahids of various levels will exist in all ages.

Conclusion

In human life, new things continually emerge. People from several centuries ago could not have conceived of the various aspects of the modern age. Human life has advanced, and many things have been discovered. In the Islamic way of life, the guidelines for using these new things are determined by researchers. Those qualified to make such decisions are called mujtahids. Depending on their level of knowledge, they can be of various ranks. They will exist in every era because the door of ijti had has not been closed; rather, it remains open. Therefore, it is incorrect to call this era merely the age of muqallids.

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