Ijma' in Islamic Law and Islamic Thought:
Tradition, Contemporary Relevance, and Prospects

IKEHATA Fukiko* and KOSUGI Yasushi**

Abstract

This article investigates the theoretical importance and historical developments of consensus/ijma'(ijmā') in Islam, in Islamic jurisprudence in particular as well as in Islamic thought in general, and against this background it will present a case of consensus making in the current conditions. The religion of Islam introduced by Prophet Muhammad to the Arabian Peninsula in the seventh century declared its adherents, the Muslims, to be one single Ummah (Umma, community) and prioritized consensus and collectivism in its teachings. However, early divisions among the Muslims created disagreements and it took nearly two and a half centuries for the silent majority to formulate their stance as one which holds to the Jama'a (Jamā'a, collectivity). In the formation of Islamic Jurisprudence (Uṣūl al-Fiqh), ijma' was firmly positioned as the next source of legal interpretations after the Qur'an and Sunna. However, its strict definition made actual consensus making difficult. Subsequently, in the 20th century, alternative expressions relating to consensus, such as ittifaq (ittifāq, agreement) and jumhur (jumhūr, majority), became more widely circulated. While the traditional consensuses were all "resultant" ones, in the 21st century a new era of ijma' building through institutions has started, as demonstrated by the case of the "Ijma' of Amman Message."

Introduction

In this article, we have three-fold objectives. First, to illustrate the historical developments of consensus/ijma' (ijmā') in Islam, both consensus in the narrower strict sense, that is, ijma' as a technical term in Islamic jurisprudence, and consensus in the broader, more general sense, that is, what is indicated by such terminologies as jama' (jamā'a, congregation), ittifaq (ittifāq, agreement), and jumhur (jumhūr, majority) in Islamic thought. Second, to demonstrate that, after these historical developments, consensus making entered a new phase in the 21st century, with unprecedented implications in both Islamic and global contexts. Third, we will present our own interpretation

---

*　Postdoctoral Research Fellow, Japan Society for the Promotion of Science (JSPS) / Project Researcher, Kinugasa Research Organization, Ritsumeikan University.

** Professor, Ritsumeikan Asia-Japan Research Organization, Ritsumeikan University; Professor Emeritus, Kyoto University

on why Islam, or Muslims, stick to the idea of unity, consensus, agreement, and the like through these discussions. If we look at religions in the world, or ideologies and schools of thought, both religious and secular, this tendency is not necessarily common. Even when the importance of unity is advocated in a given ideology or school of thought as an ideal, we see actual divisions more often than not. Therefore, this element in Islamic thought merits special investigation.

I. Philological Discussions and Historical Formation
(1) Fundamental Concepts: Ummah, Jama'a and Ijma'

Ijmā' in Arabic means a consensus or agreement of opinions. Most Arabic words stem from what are called "triliteral roots", and the root of ijmā' is J-M-'(ayn). Among the verbs from this root, three major verbs concern us: (a) "jama'a" means to gather, amass, assemble, (b) "ajma'a" means to resolve, to unanimously agree, and (c) "ijtama'a" means to come together and to gather together [Badawi and Abdel Haleem 2010:169–171]. From the verb (a) stem jamā'a (group) and jumu'a (the day of congregation, i.e., Friday), from (b) stems ijmā' (consensus or agreement), and from (c) stems mujtam' (a meeting place, or society as used commonly today). In the Qur'an, the fundamental sacred text of Islam which serves as a historical record of Arabic in the seventh century Arabian Peninsula, we can find its usages: "inna al-nās qad jama'ū lakum" (the people [your enemies] have gathered [an army] against you) [Qur'an 3:173]; "fa-ajma'ū kaydakum thumma-'tū ṣaffan" (so gather your resources and form a line) [Qur'an 20:64; Badawi and Abdel Haleem 2010:169–170].

The root verb and its variants all have a strong sense of togetherness, so we now have to start to ask whose consensus or agreement it is. Since the issue evolves with Islam, or its adherents, the Muslims, it must be the Ummah, the Islamic community, where a consensus is sought. The Qur'an states unequivocally, "Indeed this community (Ummah) of yours, is one community, and I am your Lord, so worship Me" [Qur'an 21:92]. Although it can be debated whether the first Ummah in Madina, when the Prophet Muhammad established it, consisted only Muslims or non-Muslim allies too, raising doubts over the necessity of consensus or unity didn't seriously exist under his leadership so we can omit this period.[1] Thus we begin after Muhammad passed away, with his successors in the era of the Orthodox caliphs (632–661).

The first of them, Abu Bakr became the caliph by suppressing a potentially divisive move by the Ansar (Helpers, Muslims from the original inhabitants of Madina), who wanted to elect a leader for themselves while they presumed that the Muhajirun (Immigrants to Madina) would elect their own leader. Some of them reportedly said to Abu Bakr, "Let us have an amir (commander) from among us, and an amir from among you." Abu Bakr, sensing the imminent danger of the Ummah's breaking up and the importance of having one single

---

1 We can find in history some cases of challenging his leadership or attempts to undermine the unity of Muslims but none of them succeeded during the lifetime of Muhammad.

leadership for the entire Ummah said, after praising both the Muhajirun and the Ansar for their virtues in following Muhammad, "We are commanders and you are deputies." [al-Ṭabarī 1967: Vol.3, 220] The move to divide the first community through the independence of the Ansar, was thus prevented, and Abu Bakr was elected as the first leader of the Ummah after Muhammad. All juristic and political arguments henceforth were based on the singularity of the Ummah. Scrutinizing the entire history of Islamic political thought reveals that there was not a single scholar who said that Islam can be two or more Ummahs [Ībish and Kosugi 2005]. The caliph, or khalīfa, was a symbol of the unity of the Ummah, and this concept survived for at least six centuries until the Abbasid caliphate was destroyed in Baghdad by the Mongols in 1258. Actually, there was a time during these six centuries when there were one or two rival caliphates (The Shiite Fatimid in Egypt and Umayyad caliphate in al-Andalus) were proclaimed against the Abbasid caliphate, and 'Abd al-Qahir al-Baghdadi for example justified the parallel existence of Abbasid and Andalusian Umayyad caliphates, saying "[There must be only one leader, but] if there is an ocean between two countries which prevents the military support reaching one another, then it is permissible to make an allegiance to a leader in each part [of the two]" [Ībish and Kosugi 2005: 44]. This argument again presumed that there was one Ummah but two caliphs could be its leaders when there was an inevitable necessity. The reference to an ocean indicates that al-Baghdadi used the Mediterranean Sea as an excuse to give legitimacy to the presence of the Sunni Umayyad caliph in al-Andulus against the threat of the Fatimid Dynasty.

We have already mentioned a Quranic verse which imposes the creed of one single Ummah upon the Muslims. There is another verse which indicates the function of this Ummah, presuming it to be united: "We [God] have made you as a middle Ummah so that you may bear witness before others and so that the Messenger [Muhammad] can bear witness before you" [Qur'an 2:143]. For Muslims the Qur'an is the Divine revelation, and its daily recitation, publicly and privately, has been a customary practice from the time of Muhammad to the present, so the doctrine of one single Ummah is affirmed every time they recite these verses.

Going back to the Era of the Orthodox Caliphs, Abu Bakr, the first caliph ruled for only two years. He had to fight the so-called Ridda wars, the rebellions of the Arabian tribes who considered the oath of allegiance with Muhammad ended with his death. Abu Bakr insisted that the oath was with God and everlasting and no one could leave the Ummah once he or she joined it. The second caliph 'Umar b. al-Khattab consolidated the caliphate's power and expanded its territories to West Asia and North Africa. However successful it was militarily, as the state of Madina grew into a large Islamic empire with new diverse elements pouring into it, it became increasingly difficult to maintain unity, and during the rule of the third caliph 'Uthman, internal strife broke out in the Ummah. After the assassination of 'Uthman, even though 'Ali ibn Abi Talib was appointed as the fourth caliph, the civil war continued, resulting

in the assassination of this last Orthodox caliph by a member of a splinter group. Tragic though it was for the Muslims, 'Ali's assassination opened the way for Muawiya, the contender to 'Ali's authority, to take over the caliphate. His rule brought in what would become a dynastic rule by the Umayyads. Later, the historians named the year of his ascension the year of "Jamā'a" [Madelung 1997: 326], that is, the year of union. After a decade of strife and the division of the Ummah, the Muslims must have felt a sense of relief on witnessing the end of this civil war.

The Umayyad takeover, and the subsequent events leading to it becoming a dynastic rule, resulted in the followers of 'Ali forming an opposition group, the Shia, as well as fomenting the growth of an early splinter group, the Khawarij. The rest of the Muslims, who did not favor any partisan grouping remained silent, sometimes being seen as pro-regime, and continued their endeavor to gather forces to build the majority group of the Ummah. We are not asserting here that it was their conscious religious and political agenda. However, retrospectively, it can be said that after two centuries or so they came to bear for themselves the name of "Ahl al-Sunna wa al-Jamā'a", or the People of the Sunna (Prophetic Tradition) and the Jama'a. This term of "Jamā'a" can be translated contextually as "collectivity" or "majority formation." They are now known by a shortened form as "Sunnis," and constitute nine-tenths of the world's Muslims today.

As this naming indicates, the Ummah's unity and consensus were one of their major concerns, and these values were so important that they acted as catalysts for the Sunni group's formation. We have indicated that the proto-Sunnis were those who didn't favor partisan grouping and had remained silent. However, their silence was only in terms of political activism and their political silence could be taken as tacit recognition of the existing regime. On the other hand, they were eloquent in teaching, learning, and disseminating their creed. Those who were most knowledgeable among the Companions of the Prophet Muhammad, followed by their disciples, and the next-generation of disciples, gradually established their intellectual supremacy, and became recognized as the ulama (scholars). They exchanged opinions among themselves, sometimes even arguing against each other. In the formation of this scholarly class, the most important sources of knowledge were the Qur'an and Hadith (Prophetic sayings).[2]

Transmission, narration, collection and critical analyses of the Hadith literature,[3] produced the Hadith scholars, while the scholars of legal affairs were also engaged with collecting and studying Hadith because it was the main source of legal judgments, second

---

2 Hadith (Ḥadīth in Arabic) means a saying, a talk, or a narrative. However, a Prophet Hadith is either the Prophet's direct words, or his companions' words describing his actions or his character or events which happened among them. His direct words are what the companions heard from him and narrated later to others, while his acts, characters and events were what they witnessed and narrated later to others in their own words. These narratives are collectively called the Hadith. There are many useful works on the Hadith literature. See [Lucas 2004; Brown 2011, 2018; Kosugi 2019].

3 Technically, the Hadith literature started orally but later became a genre of literary production.

only to the Qurʾan. They travelled extensively to collect the knowledge and learn from other scholars. Within two hundred and fifty years after the death of the Prophet Muhammad, the major canonical Hadith collections were established: The "Six Books" contains two Ṣaḥīḥ (authentic) collections by al-Bukhārī and Muslim and four Sunna collections by Abu Dawud (d. 275 A.H./889 C.E., the year in two calendars will be shown in this way hereafter), al-Tirmidhi (d. 279/892), al-Nasaʾi (d. 303/915), and Ibn Majah (d. 273/887). There are also the "Nine Books" with an addition of three more collections to the Six Books. There are a few versions of consensus about "which six?" and "which nine?", but there are only 10 candidates for these six or nine [al-Shāmī 2014: Vol.1, 26–31]. We will discuss these kinds of consensus, in Section (5).

The fundamental ideas related to the consensus which acted as catalysts for the formation of the Sunni majority, namely, Ummah, Jamāʿa and Ijmāʿ, were all found in the transmitted Hadith after authentication. A quick glance at them will suffice for our investigation in this section.

1) In the Sunna collection of Ibn Majah, Anas ibn Malik narrated, "I heard the Messenger of Allah [Muhammad] say 'My Ummah will never be united upon on an error, so if you see them differing, you must follow the great majority.'" [Ibn Mājah 2000: 569] This Hadith is usually interpreted to ascertain that when the Ummah forms a consensus, it is on the right path. While this Hadith is strongly favored by those who emphasize the importance of the Ummah's unity and the "infallibility" of the Ummah's consensus, there are also those who shed doubt about the level of authenticity of this particular Hadith. For such a claim, the next Hadith is considered stronger in authenticity, and safer as a justification for the importance of unity.

2) In the Musnad collection of Ibn Hanbal, Abu Dharr narrated, "the Messenger of Allah [Muhammad] said 'Two is better than one, three is better than two, and four is better than three, so you must stick to the Jamaʿa. Allah will never gather my Ummah except upon true guidance.'" [Ibn Ḥanbal 2006–9: Vol.9, 4965–4966] This Hadith also confirms that once a consensus is made, it is on a rightly-guided position. The Hadith is also explicit about the Islamic preference for communal ties and collectivity. It reminds us of the Islamic preference of praying in group rather than individually and breaking fast as a family or group rather than eating alone, as well as gathering for the Jamaʿa prayer, that is, a congregational prayer in mosque, five times a day. On Fridays, it is an obligation for adult male Muslims to gather and pray together in mosques while Friday itself is called Jumuʿa day in Arabic.

3) In the Sunna collection of al-Tirmidhi, Muʿawiya ibn Hayda narrated "I heard the Messenger of Allah [Muhammad] say about the verse 'You are the best Ummah brought forth for mankind' [Qurʾan 3:110], 'You are the last of seventy Ummahs [in human history], you are the best of them, and the most honorable to Allah'" [al-Tirmidhī 2000: Vol.2,

757]. This Hadith reinforces Muslims' creed that Islam is the last Divine message and their Ummah is the best because it carries that message.

(2) Ijma' in Jurisprudence

Concurrent to the emergence of the Hadith scholars, other branches of Islamic sciences ('Ulūm al-Dīn) brought specialists in law, creed and Qur'anic interpretation and the like. Of these, law and creed are more important for this article, since the Qur'anic verses do not involve issues related to consensus except for the importance of the unity of the Ummah for its exegetes. As we saw above, the Hadith literature offers many sources for consensus. Let examine the legal aspects and their relationship to the creed.

In the Qur'an, the Shari'a, or Islamic Law, is referred as sharī'a and shir'a [Qur'an 45:18; 5:48]. The term of shar' is also used to donate the same meaning as sharī'a especially in the classics. This term originally meant a "path to a water place" which is indispensable for human beings to live, especially in such an arid environment as the birthplace of Islam, the Arabian Peninsula. In the Qur'an, the verb "faqiha" is used to mean to understand, to learn, and to acquire knowledge. From this stems "fiqh" (legal knowledge) and "faqīh" (jurist). Since the Shari'a contains all divinely given teachings, it involves not only "fiqh" but also "'aqīda" (creed), however fiqh evolved to mean legal aspects of Shari'a while 'aqida started to mean what concerns the inner convictions of the hearts.

Fiqh related exercises were observed from a very early period of Islam, since Muslims were seeking Islamic legal guidance for their daily lives. The 'aqida issues may have similar significance for Muslims, but not on a daily basis. Of the numbers of those who engaged in these knowledges, the jurists were far more numerous than the theologians. Another important dimension which separated them was the influence of Greek logic. The theologians were influenced to a great extent by the logical thinking brought by Greek philosophy and its accompanying logic, and this gave birth to a speculative theology in Islam. It is called *Kalām* (or, *'ilm al-Kalām*) in Arabic. It means speech, talk, utterance, spoken words, and in the Qur'an, *Kalām Allāh* (the words of God) is referred to [Badawi and Abdel Haleem 2010: 818]. The theologians were by definition those who speak extensively to discuss the Qur'anic verses theologically and they were called *mutakallimūn* (those who speak or argue).

The jurists always practiced their functions within the community and exercised their judgment on legal issues. It seems that they taught ordinary Muslims how to live and behave, based on the Qur'an, Hadith, and sometimes by their own discretion. When asked by Muslims, "Can I eat this or that?" "Should I do this or that?" or "Is that permissible or disliked legally?" the jurists gave their answers to these questions. Soon, the accumulation of such judgements made up the science of Fiqh, or legal knowledge. However, if these jurists make their judgments based on the Qur'an and Hadith, what is the methodology for their legal

interpretation? Islamic legal rulings ought to follow certain principles of interpretation if they are not just the ad hoc or arbitrary decisions of these scholars.

This demanded the birth of another branch of legal sciences, namely, 'Ilm Uṣūl al-Fiqh (Foundations of Islamic Law, Islamic Jurisprudence, or Islamic legal theory). The knowledge of this science must have preceded the jurists' decisions, since presuming that they were interpreting the Fiqh rules arbitrarily is inconsequential, so the early jurists must have known the interpretive principles even though they didn't pronounce this loudly. This assumption is taken by al-Ḥasanāt [2015] and it is agreeable if we assume the principles in potentiality not in a manifest form. Later on, the explicit pronouncing and writing of this science and its systematization took a place.

The honor of being its initiator, or igniter, goes to al-Shafi'i (d. 204/820), the founder of the second Sunni legal school. In his major work on jurisprudence, *Risāla* [al-Shāfi'ī 2001], he synthesized the four sources of Islamic legal interpretation, namely, the Qur'an, Sunna, Ijma' and Qiyas (Qiyās). After the two main source texts, the Qur'an, the Divine words, and the Sunna, the Prophet's example, he cited Ijma' as the third most important source, and Qiyas (analogy) as the commonly accepted tool for speculative discernment for legal interpretation. His work elaborated the order and priorities among these four sources. In his reputed book, he said in the chapter on ijma':

> Whoever holds the opinion held by the Muslim community has bound himself to the community, and whoever goes against the opinion held by the Muslim community has gone against those persons to whom he was commanded to bind himself. Heedlessness lies in division. As for the community, it is not possible for there to be in it, as a whole, heedlessness about the meaning of a scriptural prooftext, a Prophetic practice, or an argument based on analogy. [al-Shāfi'ī 2015: 199]

However, al-Shafi'i didn't elaborate who should represent the community, or the Jama'a in this context. The systemic crystallization of this science took nearly three centuries to mature. In the 4th to 6th A.H./10th to 12th centuries C.E., five scholars played a major role in this process. They were all not only jurists but also speculative theologians (mutakallimūn), and adding to that, uṣūlīs (specialists of Uṣūl al-Fiqh). They were: al-Qadi 'Abd al-Jabbar (d. 415/1025), Shafi'i in law and Mu'tazili in theology; al-Qadi al-Baqillani (d. 403/1013), Maliki in law and Ash'ari in theology; Abu al-Huasyn al-Basri (d. 436/1044), Hanafi in law and Mu'tazili in theology; Imam al-Haramayn al-Juwayni (d. 478/1085), Shafi'i in law and Ash'ari in theology; and Ḥujja al-Islām Abū Ḥāmid al-Ghazālī (d. 505/1111), Shāfi'ī in law and Ash'arī in theology.[4] All in all, al-Ghazali can be credited as the anchor in this process.

---

4 Please see their roles in making of Uṣūl al-Fiqh in [Kosugi 2021: 188–193]. In this article, we have

Later authors built their Uṣūl works on these preceding foundational contributors.

One of the major uṣūlī scholars of our days, Dr. ʿAli Jumʿa, the former Mufti of Egypt, clarifies the definitions of ijmaʿ, citing nearly thirty classical authors starting from al-Shafiʿi and ending with Ibn al-ʿAbidin (d. 1252 AH) and ʿAbd al-Hamid Quds (d. 1334/1916) [Jumʿa 2017: 96–105]. His choice goes to that of al-Baydawi (d. 719/1319): "An agreement of the 'people who loosen and bind' among Muhammad's Ummah on one of the affairs." Dr. Jumʿa explains that an "agreement" means participation and the 'people who loosen and bind' are qualified scholars. So, participation may occur in two ways. If an ijmaʿ is an explicit one, their participation is evident, and if an ijmaʿ occurs with pronouncement by some and tacit endorsement by others' silence, both of them participate either explicitly or implicitly. The expression of "Muhammad's Ummah" (this is a classical expression for the Islamic Ummah) seems quite apparent, since the ijmaʿ is an internal matter of the Muslims. The phrase "one of the affairs (ʿalā amrin min al-umūr)" here does not have qualification such as "in al-Shariʿa," because he recognizes ijmaʿs on any issue, not necessarily only in legal affairs as some others claim.

Traditionally, there were debates on other elements such as "after the death of Muhammad" and "in an era" or "in an era, and when all the qualified scholars passed away in that era." The former expression concerns the question of whether an ijmaʿ occurred during the lifetime of Muhammad. When he was alive, his pronouncement as the "Messenger of God" was the law, and whether all of his companions agreed with him or not, it was again his pronouncement that mattered (and disagreement with him didn't count for anything in Islamic affairs by definition). However, this is an unnecessary addition to the chosen definition. The latter reference to an era is again judged as redundant since its addition creates the difficulty of demarking an era. Suppose at one time, all qualified scholars agreed but one of them changed his opinion later. Those who supported to add "in an era, and when all the qualified scholars passed away in that era" tried to avoid such an instance. However, without such qualification, the simple fact of this case is that an ijmaʿ seemed to happen, but eventually it didn't. Thus, Dr. Jumʿa's choice seems the simplest and clearest as a definition.

(3) Recent Survey Works on Ijmaʿ

While the scholars defined ijmaʿ in the technical sense quite clearly in one way or another, the major problem comes from the mainstream's understanding ijmaʿ as a complete unanimity. If one or more qualified scholars disagree there would not be an ijmaʿ [al-Qaṭṭān 2014: 48–49]. This condition limits the actual possibility of ijmaʿ occurring seriously, though, given that the

---

simplified the developments of Uṣūl al-Fiqh mainly with speculative theologians' involvement. There is the other tradition called the Path of Fuqahā' (the Jurists' Path), or the Path of Hanafis, in formulating Uṣūl al-Fiqh [Jumʿa 2015: 33–34].

ijmaʻ amounts to the infallibility of the Ummah, this strict condition might be quite reasonable [Khalfī 2016: 131].

There was another crucial problem of who decides whether the actual consensus occurred or not. The first jurist who singled out ijmaʻ as the theme of his writings was Ibn Mundhir (d. ca 318/930). Though "virtually nothing is known of his life," we know that he died in Makka and left his works on "legal ḥadīth, juristic disagreements (ikhtilāf), and consensus (ijmāʻ)" [Lucas 2018]. His major work on ijmaʻ is translated into English [al-Mundhir 2014]. Ibn Mundhir seemed to tolerate one or two oppositions to consider an agreement as an ijmaʻ [al-Khuḍayr 2012: 69–70].

In the recent decades, ijmaʻ attracted some scholarly endeavors and surveys, resulting in a few encyclopedic works on the subject. The major pioneering work is *Mawsūʻa al-Ijmāʻ fī al-Fiqh al-Islāmī* (Encyclopedia of Ijma in Islamic Legal Rules) by Saʻdī Abū Jayb [Abū Jayb 2017]. First published in 1978 and enlarged gradually, the fifth edition in 2017 reached 1,224 pages with indices. Between the two covers, the author collected 4,587 ijmaʻs. It is recognized as the major preceding work in this field. A completely different book, yet with the exact same title, was published in 2013–2014 in 11 volumes in Riyadh [al-Qaḥṭānī et al. 2012–2014]. Each volume takes one specific field such as purification, marriage, commercial contracts, governance, jihad, judicature, and penal law, and scholarly studies are made upon them, since these volumes were originated in doctoral dissertations in King Saud University in Riyadh. They also contain evidence to prove the actual occurrence of ijmaʻs, and some of them are found not fit to the definition of ijmaʻ after thorough survey, even if they are reported by authoritative authors in the field. While the scope of the encyclopedia is not comprehensive yet, the eleven volumes contain 3,430 reported ijmaʻs and offer a highly valued vision of ijmaʻ.

Another important work approaches the issues of ijmaʻ from a new different angle, *Mawsūʻa Masāʼil al-Jumhūr fī al-Fiqh al-Islāmī* (Encyclopedia of Majoritarian Issues in Islamic Law), by al-Sāʻī, first published in 2005. The latest is the 4th edition in 2017. This work is concerned with a consensus of the jumhur (majority), or majority opinions, rather than complete consensuses in the strict sense. The author, al-Sāʻī, cites three kinds of ijmaʻ, namely, (1) ijmaʻ which is completely agreed upon, and known to all Muslims such as the obligation of five prayers a day; (2) ijmaʻ which is completely agreed upon, but concerns only the specialists, such as zakat rates for specific properties, about which the ordinary Muslims don't have to know, but will ask a specialist if the need arises; (3) "ijmāʻ muddaʻā" (claimed ijmaʻ, or partial ijmaʻ), such as an agreement of the four rightly-guided caliphs, an agreement of the people of Madina and an agreement of most scholars [al-Sāʻī 2017: 4–6]. The author contended that the third kind is not essentially ijmāʻ,[5] and criticizes the encyclopedia by Abū

---

5 Jumʻa defines this category as a "specific ijmaʻ" and also does not include it in the ijmaʻ in the strict sense [Jumʻa 2017: 95].

Jayb because it contains more of this kind than the other kinds of real ijmaʿ. However, al-Sāʿī didn't chose to cite the "true ijmaʿ" but rather shed light on the third kind as an "agreement of the majority of the scholars," since he found the legal issues where such majority agreements are found are crucially important for Muslims, and they are in conformity with the higher intents of Shariʿa while the evidences of the supporting majority are much stronger than those who oppose the majority agreement [al-Sāʿī 2017: 7–9].

In other words, it is important to confirm the rules where a majority of Shariʿa specialists agree, without sticking to the ijmaʿ in the narrower sense, complete agreement among all the qualified scholars, which was possible in the early and classical periods, but is difficult to achieve in later eras. Actually, we find this inclination to turn to the majority opinion rather than a strict ijmaʿ more common in the modern era, especially after the Islamic revival, which was accompanied by what we might call a "Renaissance of Islamic Law" [Kosugi 1994: 126] from the middle of the 20th century. It can be called a "Renaissance" analogically since it brought back the classics into a modern society to restart something quite novel.

(4) Lesser but Practical Terms of Consensus

From the late 19th century onward, Islam and Muslims societies in general, and Islamic institutions such as waqf and zakat and Islamic scholars in particular, were increasingly in retreat and decline in most parts of the Islamic world, until the sudden revival of Islam from the middle of the 20th century. If the state was modernized, Westernized, and secularized, the society and the population at large resisted these tendencies and pushed back with their religion finally as a social force. There are many studies and arguments about why and how Islam reentered into politics and society. What concerns us here is that, because of the Islamic revival, the popular demands for Islamic teachings and discourses revived an important demand for the jurists and scholars in major branches of Islamic knowledge. While they had lost their traditional professions as teachers in madrasa schools, qadi-judges in Shariʿa courts and administrators of waqf institutions, they now found new roles as preachers in the mass media, counselors for ordinary Muslims who were concerned with religious ethics in a modern society, writers of Islamic books, and supervisors for Islamic banks' compliance with the Shariʿa.

Under these new conditions, the jurists found themselves needing broader perspectives on legal issues. They used to stay at home within each legal school's tradition but now, new issues arising from modernity demanded new interpretations which suited the needs of Muslims in living in contemporary conditions. They started to dig into the classical legal heritages, and this brought a flowering of the revitalization of the heritage and the above-mentioned "Renaissance of Islamic Law." Publishing a dictionary of legal rulings of Ibn Hazm of the Zahir School in Damascus in 1966 and the making of an encyclopedia of Islamic legal

rules in Egypt and later in Kuwait are important landmarks in this "Renaissance" [Kosugi 1994: 126–127].

These attempts imply their concern to find out the consensus or majority opinions as well as the parameters of Islamic law vis-à-vis modern life. In this context, the name of *al-Fiqh ‘alā al-Madhāhib al-Arba‘a* (Islamic law on the Four Schools) indicates a new direction. The book with this name was edited by ‘Abd al-Raḥmān b. Muḥammad Awaḍ al-Jazīrī in Egypt and the first volume was published in 1939. Later four volumes were added. In this book, expressions such as "al-jumhūr" (majority), "ittafaqa al-a'imma" (the [four] imams agreed), "ittafaqa thalātha min al-a'imma" (three out of the [four] imams agreed) occurred and signaled a new approach. In the middle of the 20th century, two encyclopedias were edited. The Egyptian one was envisioned to be voluminous such as a hundred-volume work. The latest volume reached the forty-ninth in October 2020[6] after more than a half century, and it continues. The Kuwaiti version was completed in 2006 with 45 volumes. We can find in it plenty of expressions such as "ra'y al-jumhūr" (the majority opinion), "ittafaqa al-a'imma" (the [four] imams agreed) and other terms which insinuate consensus, though not at the level of formal ijma' [Wizāra al-Awqāf wa al-Shu'ūn al-Islāmīya 1980–2006].

It is now common to say that all the four schools agree on this point or that, or to say that the majority of the four schools, i.e., three of them, agree on this or that, while only one school holds a different position. The ijma' in the technical sense apply only to a consensus among individual qualified scholars, not among the legal schools. However, a consensus among all major legal schools can apparently serve to show unanimity or majority opinions on any particular point among the Sunnis, that is to say nine-tenths of the entire Muslim Ummah. Since Sunnism is based on the Jama‘a (collectivity), beside the Qur'an, Sunna, the agreements of the four legal schools form a consensus among them, thus serving as an alternative to the technical ijma' which is difficult to attain in the post-classical era. As for the Shiites, "consensus in Shi‘i law was of secondary importance, compared to its standing for Sunnis" [Ahmad 2019: 177] and the Shiites don't share their legal schools so that an agreement of legal schools is not an issue for them as in the case of the Sunnis just discussed above.

(5) Three Layers of Consensus

We have seen that there are different dimensions when we deal with consensus in the broader sense among the Muslims. The ijmā‘ in the Uṣūlī sense in Islamic jurisprudence is the third source of Shari‘a interpretations and a firm ground for the validity of the Ummah's unity represented by its scholars. Consensuses or majority opinions indicated by alternative words to ijma‘, such as ittifaq (agreement) and jumhur (majority), are another broader level of consensus. Yet, there is much broader, and foundational consensus of the Ummah which is the

---

6 <http://islamic-council.net/?p=1556> (last accessed on February 28, 2021).

basis of Islam as we observe it.

One of the most foundational consensuses is about the versions of the Qur'an. It goes without saying that being a Muslim is to admit that the Qur'an is the revealed words of God, since the two *shahāda*s, the two phrases of witnessing the Unity of God and Muhammad's being the Messenger of God, the declaration of which makes one a Muslim, result in the belief that the Qur'an which Muhammad delivered came from God, the Absolute and the Omnipotent. Without this foundation there is no Islam. However, which Qur'an? Historically, the Qur'an has variations in the reading of many minor phrases, as the Prophet Muhammad himself is reported to have said that the Qur'an was revealed in seven *ḥarf*s (letters). There have been plenty of discussions among the scholars on the interpretation of "seven letters." Two recent works by Shady H. Nasser clarify the complexity of these discussions and reveal how the authentication of the major variants have progressed in history, in a marvelous, scholarly manner [Nasser 2012, 2020]. The variant readings actually constitute, after all, part of the unity of the Qur'an.

In the digital and global era of today, it is easy to observe this unity through numerous websites which provide recitations of the Qur'an, where some of the more specialized websites provide the variant readings. So, we know that Muslims believe in the one Qur'an. There is no Sunni-Shia divide on this, though there are numerous arguments between them over interpretations of the Qur'anic texts which they share.[7] It is easy to say that the consensus on the Qu'ran's texts is the foundational consensus for Islam. However, the technical ijma' is not claimed on this point. One may be tempted to say that it is a pre-conditional postulate for Islam, as the Social Contract is for modern societies. It is not something that has to be proved.

Another important consensus is about the Sunna. It is "the historical fact that the *Ṣaḥīḥ*s of al-Bukhārī and Muslim have remained the most exalted books, after the Qur'ān, in the opinions of virtually all Sunnī scholars of the past twelve centuries" [Lucas: 2004, 371]. Brown demonstrated that what he called the *Ṣaḥīḥayn* Network made them the "canons" and the canon culture was nurtured [Brown 2011]. The technical ijma' has not, however, been established on this, although whenever disagreements are pronounced, "criticisms of the *Ṣaḥīḥayn* [two *Ṣaḥīḥ*s] canon have met with remarkable hostility" [Brown 2011: 300]. If we use the concept of a paradigm, this is a case where a broad agreement of specialist/scientist communities is widely accepted by the non-specialist common people. For the paradigm to exist, acceptance by both communities, specialists and non-specialists, is essential. It is quite understandable that any criticism against this paradigm would be received with widespread dissatisfaction.

---

7 It is worth mentioning here that, despite some Shiites' accusations of the Sunni maltreatments of the Qur'an against the Shiites, there is only one written version of the Qur'an for all of them and the Shiites failed to produce their own version.

Now, with all these layers of consensus, the gradual process of consensus making once seemed to be functioning well, but with the advent of modernity, it appears more difficult for any agreement to pass such a tacit process. All consensuses in Islam in the past are "resultant" agreements, which were not proposed intentionally as draft agreements at the beginning. As Ahmad Hasan pointed out, "[the most significant problem of the classical theory was] the absence of a machinery for its practical functioning. The classical theory presents *ijmā'* as a purely informal activity of the scholars in their private and individual capacity with no definite organization and specific procedure" [Hasan 2009: 259]. We will now turn our eyes to the contemporary eras when institution building is a key.

II. Ijma' in the Contemporary Settings

1. The Case of an Ijma' in the 21st Century / the 15th Hijra Century

In this section, we will deal with the making of an ijma' in the contemporary settings. The case is the Amman Message and subsequent agreements over its contents in the span of few years. Finally, it was claimed that "it amounts to a historical, universal and unanimous religious and political consensus (ijma') of the Umma (nation) of Islam in our day, and a consolidation of traditional, orthodox Islam" [MABDA 2009: 87–88] as stated by Jordanian Prince Ghazi bin Muhammad (1966–). This case is unique in three major points: (a) It achieved an ijma', if the claim is authenticated, through an intentional consensus making movement. In the past, most of the ijma's were *resultant* consensus through a gradual process of the coinciding of opinions of the leading figures, not what was aimed at from the beginning. (b) It achieved an ijma' through contemporary methods of convening international conferences and gathering signatures from the "officially recognized" Islamic countries and their "officially recognized" dignitaries, i.e., the official representatives of Islam. (c) It is about what Islam is and who Muslims are, therefore, it is among the most divisive subjects throughout Islamic history.

For the convenience of our discussion, let us call the case the "Ijma' of Amman Message." In order to understand the case, we have to comprehend its backgrounds. We describe the backgrounds from three angles.

1) The Organization of Islamic Cooperation

The Organization of Islamic Cooperation, or the OIC, is by definition, an international organization for creating international public opinion and international norms, not for national security and military alliance. There have been some arguments criticizing the weakness of the OIC especially on the prevention and resolution of conflicts, but these critics are looking at the organization from the wrong perspective. As it was called at its inception the Organization of Islamic Conference, its major function was to gather Muslim countries and find common grounds among them.

The Organization of Islamic Conference was established in 1969, after the fire set in the Aqsa Mosque under the Israeli occupation resulting from the loss of the Middle East war in 1967. The first Islamic Summit was held in 1969 in Rabat, Morocco, where representative of 23 Islamic countries gathered and decided to establish the OIC. The first resolution of the summit was mainly on the Palestine Issue. That was the first time the Palestine issue was discussed internationally as a shared common interest of all the Islamic countries. The OIC functioned as a means to form an international consensus that represented the Islamic countries as a whole. We may say that this whole is the Ummah, but if so, it is very unique in history as the Ummah's representatives consist of modern sovereign states which are also members of the UN. The OIC member states gradually increased and in 2001, the number reached to 57. In 2011, it was renamed as the "Organization of Islamic Cooperation," as a part of its reformation. As times passes, the contents of Islamic Conference's resolutions have been expanded, and have come to include other issues on the Ummah's global dimensions, such as Muslim minorities, Islamic radicalism, refugees, Islamic finance, education, culture, and so on. The OIC has also established various organs such as subsidiary organs, affiliated organs, specialized organs, standing committees and so on in order to handle multiple issues (these issues are discussed in detail in [Ikehata 2021]).

On these issues, there have also been many criticisms that the OIC just expresses proclamations that are nice to hear but does not carry them out. However, in the first place, the OIC was intended as an arena for international conference to define what is in the common interest of Islamic countries, in order to present a unified international public opinion and set international norms. For example, the OIC has continuously discussed terrorism and made resolutions stating that terrorism is not related to any religion, and that Islamic countries must also combat terrorism inside the Islamic world. It has made it clear that the Palestinian struggle is not terrorism but a legitimate one, and it. is actively countering Islamophobic prejudice that paints Islam or Muslims as a security issue. In other words, the principal function of OIC is to present united "Islamic international public opinions" [Ikehata 2019: 132]. Especially the resolutions of the OIC perform as international "soft-law," which is defined as "normative provisions contained in non-binding texts" [Shelton 2000: 292]. The OIC's resolutions do not have legal power to bind the member states and cannot force them to do what resolutions say, because no penalty is established in the OIC when a member state violated a resolution or the OIC Charter. However, such non-binding norm agreed and adopted unanimously can have some efficacy.[8]

Nishitani [2017] defined "international norm" as a broad term that includes hard law,

---

[8] Having said so, it is important to remember that the OIC proposed at the beginning to establish an international court of its own to settle issues among them legally but has not accomplished this task because of a lack of sufficient signatories. This is an institutional defect in relation to the stated objectives and worth being criticized.

soft law, and less-than-soft law disciplines. International norms can be broadly divided into state-centric norms, which prescribe the relationship of rights and duties among states for the purpose of national security and prosperity, and anthropocentric norms, which take into account the complex relationship of rights and duties among various actors, such as individuals and states, individuals and groups, for the purpose of security and welfare of such individuals and groups [Nishitani 2017: 39]. Most of the global norms governing so-called global issues such as human rights, humanitarianism, environment, poverty, peace, etc. belong to the latter type of norms, and the role of transnational actors is significant in the formation of these human-centered norms. An excellent academic book on human rights norms has been published in recent years [Petersen and Kayaoglu 2019]. One of the studies in the book reveals that the Organization of Islamic Cooperation (OIC) created human rights norms on behalf of Islam that differed from Western models, and that there was a rivalry with the EU and the US in the formation of international norms [Skorini 2019: 114–141]. As previous studies have shown, the OIC plays an important role in international norm formation.

2) Jordan as a Promoter of Moderation

The Jordanian society has "produced" radical Salafi-Jihadists or Takfirists.[9] Abu Musab al-Zarqawi (born Ahmad Fadil al-Khalayleh, 1966–2006), whose given name is derived from the Jordanian town Zarqa, was born in Jordan and his teacher Abu Muhammad Maqdisi (1959–) was born in the West Bank when it was Jordanian territory and came to Jordan in 1992 [Wagemakers 2016: 119]. Al-Zarqawi pledged allegiance to Al-Qaeda in 2004 in Iraq, and in November 9th 2005 he was responsible for bomb attacks on three hotels in Amman, which killed 60 civilians and injured 115. Furthermore, Abu Qatada al-Filastini (1959 or 1960–) a radical Salafi Jihadist cleric, was born in Bethlehem in the West Bank when it was still part of Jordan and grew up in Amman [Wagemakers 2016: 185], and Abdullah Azzam (1941–1966) also known as the "Father of Global Jihad," a Palestinian Sunni Islamic scholar and theologian and founding member of Al-Qaeda, was born in Palestine and lived in Jordan until he was expelled after the Black September (1970), except during his studies abroad [Hegghammer 2020: v–vi]. For Jordan's internal affairs, they have posed security risks over which the government should keep a strict watch, and as external affairs, their existences are recognized as regrettable facts.

Jordan has been promoting moderate Islamic discourses against the radical calls of the above-mentioned activists. In the area of discourses, there has been a contribution by the Royal Hashemite family. Prince Hasan bin Talal (1947–), is famous for his active promotion

---

9 Salafi-Jihadist is a radical activist who consider jihad as an armed struggle either against his/her own government or global (imperial) enemies, and a takfirist among them is one who excommunicate Muslims, since *takfir* means to condemn a Muslim as a *kafir*, non-believer, so that the condemned can be a target of military or violent actions.

of inter-faith dialogue. He has written many books on how to build peaceful relationships between the countries in the Middle East and with other religions from a Muslim perspective. His moderate interfaith attitude has been influential in Jordan's domestic politics and includes coexistence with Christian minorities and friendly diplomacy with Western countries, the US, Israel, and other countries. The Royal Institute for Inter-Faith Studies (RIIFS) was established in 1994 in Amman, Jordan, under his patronage. This is an NGO that "provides a venue for the interdisciplinary study of intercultural and interreligious issues with the aim of defusing tensions and promoting peace, regionally and globally."[10]

King Abdullah II (b. 1962–/r. 2001–), is also promoting moderate discourses internationally to show a clear attitude to counter terrorism or radicalism. His representative discourse is the Amman Message, published in his name in 2004. The main idea of this message was to oppose radicalism and takfirism, and it was summarized in 3 points. This message and its 3 points ask, "Who is a Muslim?" The answer given as, "The eight Islamic legal schools are all Muslim and it is forbidden to excommunicate a member of any of these schools; whosoever subscribes to the Ash'ari creed (an orthodox theology), whoever practices real Tasawwuf (Sufism, Islamic mysticism) and whosoever subscribes to true Salafi thought[11]; whoever believes in the basic principles of Islam is true Muslim; No one may issue a fatwa (legal ruling) without adhering to the methodology of the schools of Islamic jurisprudence. No one may claim to do unlimited Ijtihad (legal interpretation) and create a new school of Islamic jurisprudence or to issue unacceptable fatwas. The "eight legal schools" include not only Sunni schools but also the Shiite schools and encompass the entire Muslim world. This message was apparently against the radicalism of Al-Qaeda, and its offspring who accuse and attack ordinary Muslims.

In 2007, Jordan also started "A Common Word Between Us and You," which is to promote inter-faith dialogue between Islam, Christianity and Judaism. Furthermore in 2010, Jordan initiated the "World Interfaith Harmony Week," which was adopted unanimously by the UN General Assembly, and established the "HM King Abdullah II of Jordan Prize for World Interfaith harmony week" from 2013 to award NGOs that contributed to interfaith dialogue in the world.

These Jordan's initiatives correspond to the crises of the Islamic World, and therefore such initiatives have succeeded in building a global consensus among Islamic countries and non-Islamic counties all over the world.

3) The Crisis of the Islamic World
It goes without saying that one major source for the crisis of the Islamic World is the radical

---

10 <http://www.elhassanbintalal.jo/en-us/institutions> (last accessed Nov. 1, 2020)

11 Salafi means to go back the Salaf (the first generations of Islam), and true Salafi differs from the Salafi-Jihadist (see note 9 above).

ideas spread in the name of Islam and the violence based on those ideas, namely the problem of "terrorism." Since the September 11th attacks in the USA in 2001, Al-Qaeda's global terrorism had shaken the whole world, and Islamophobia has rapidly increased. After the Iraq War in 2003, and especially after the al-Askari mosque bombing in Iraq in 2006, "sectarian conflict" has grown more serious. At its roots was the so-called Islamic State (IS), or ISIS (Islamic State of Iraq and Sham [Syria]). They excommunicated the Shiites in a harsh manner and attacked some of them, and to the disdain of global viewers, such violence was quickly and repeatedly disseminated on the Internet. To make matters worse, the IS claimed their leader al-Baghdadi as a "caliph" and insisted on the establishment of the Islamic State as a "caliphate" in 2014.

As IS or other extremist groups decorate themselves with "Islam," "caliphate," or "fatwa," the moderate Muslims faced the plight of their youngsters being attracted by the IS's propaganda and some were willing to join them. In order to deter them, it is necessary for the moderate majority to establish the right way of Islam. When Prince Hassan met Pope Francis in September 2014, he published his paper "Building a Template of Hope" and said that "(i)t is essential to illustrate to our youth that they can develop a sense of well-being and fraternity through communities of faith. Else, we run the risk of our youth adopting extremist positions as they look to develop a sense of meaning of life, brotherhood and belonging." [Hassan 2014: 2]

These radical movements are of course grasped as security issue by foreign governments but are also a serious issue for the intellects and minds of the Islamic World. Prince Ghazi bin Muhammad defined the crisis as the decline of traditional Islam based on the madhahib (Islamic legal schools). According to him, the decline of traditional Islamic understanding in recent years is the core cause, and the revival of traditional Islamic jurisprudential education is the prescription [Ghazi 2018: 240–242]. He founded the World Islamic Sciences and Education University (WISE University) in Amman in 2008 to educate young generations in Islamic Studies, Islamic law, Islamic Legal Theory, and so on. The University has courses for each of four Sunni legal schools: Hanafi, Shafi'i, Maliki, and Hanbali. He also founded "The Prince Ghazi Trust for Qur'anic Thought" in 2012, in order to maintain freely accessible media to provide tafsir (Quranic exegesis). The program's name is *Al-Tafsir.com*.[12] Accessing the website, we can see a collection of Qur'anic Commentary (tafsir), translation, recitation and essential Islamic resources available online. The website says "We are a Shafi'i Sunni Religious Trust (waqf), but we are committed to providing all the texts available in a non-political, non-partisan way, promoting all four established Sunni madhahib [legal schools] and respecting the other madhahib of Islam: Zeidi, Jafari, Thahiri [Zahiri] and Ibadhi, as well as the thought of the early imams like Sufyan al-Thawri, Laith Ibn Sa'd and Al-Awza'i. We hope

---

12 <https://www.altafsir.com/> (last accessed Nov. 1, 2020)

to make available the points of view of all Muslim scholars as such, whether we agree with them or not."

To counter the crisis of radicalism, such inter-jurisprudence or interfaith ways of struggle have been continued not only in Jordan but also in other parts of the Islamic world, chiefly because such a sense of crisis has been shared by the entire Islamic world.

It is worth mentioning here that the mutual tolerance of the existing legal schools of Islam has a long history. The decline of the Ottoman Empire inspired various ideas to replace it, and indeed, the fall of the Ottoman Empire gave rise to a number of movements seeking to replace it. In the last days of the Ottoman Empire, 'Abd al-Rahman al-Kawakibi (1849–1902) conceived of a conference where Muslim leaders from all over the world would send representatives to discuss issues common to the Islamic world, and he wrote a book about it. His *Umm al-Qurā [the Mother of Towns, i.e., Makka]* is a detailed account of the conference in the form of minutes, recording the participants from various areas and legal schools both Sunni and Shiite. This fictional portrait of a conference in Makka by al-Kawakibi, was the first book of thought that conceived the need for an international conference in the Islamic world. After the decline of the Ottoman Empire and the abolition of the caliphate, the Islamic world was divided by western powers and incorporated into the Western dominating system as colonies and protectorates, and later as independent nation-states. In the course of the 20th century, a trend called "Taqrīb" or "Taqārub" (meaning approach, or rapprochement in Arabic) emerged in Islam. Brunner [2004] defined this movement as "the aspiration toward ecumenical rapprochement of the denominations":

> It [Taqrīb or Taqārub] was expressed for the first time at the end of the nineteenth century in the course of the general pan-Islamic tendencies that were in their formative stages at the time. Starting with these initially isolated events, interconfessional cooperation was first manifested in an organized form in the Islamic congress movement of the 1920s and 30s. Somewhat later, individual groupings specifically established for this purpose started to appear. Usually bearing programmatic names, their publications offered a forum for dialogue between Shiite and Sunnis alike. [Brunner 2004: 3]

As Brunner [2004] explains in detail, the Taqrib movement was mainly led by the conferences held between al-Azhar and Shiite leaders in the 20th century. Furthermore, as al-Kawakibi had once envisaged, from 1920 onwards a number of international conferences actually took place. At first, the restoration of the caliphate was on the agenda of these conferences, but gradually, the existence of nation-states became a premise, and international cooperation based on the bonds of Islam began to be discussed. This trend finally led to the establishment of the OIC.

All these conferences and movements of mutual recognition were precedents toward consensus making that culminated in the Amman Message. Now, we will examine the Amman Message under this light.

2. Ijma' of Amman Message

The circumstances of the making and issuing of the Amman Message are described in detail in King Abdullah II's own book. According to him, under his direction and with Prince Ghazi, the king's special advisor, as coordinator, a meeting of the world's leading ulama was held. The result of these discussions was named the "Amman Message" and published in 2004 [Abdullah II 2011: 257]. The main topic of discussion at the conference was on "what Islam is, what it is not, and what types of actions are and are not Islamic" and the message "denounced and condemned extremism, radicalism, and fanaticism" [Abdullah II 2011: 257]. At that time, the message was just issued from Jordan alone, and King "knew that no statement coming from Jordan alone would be enough to combat the takfiris, who had spread their poison across the entire Muslim world" [Abdullah II 2011:257]. Then Prince Ghazi distilled the Amman Message down to its three most basic points: 1. Who is a Muslim?; 2. Is it permissible to declare someone an apostate (takfir)?; 3. Who has the right to issue fatwas (legal rulings)?

> We [King and Prince Ghazi] sent these questions to twenty-four of the leading Muslims religious scholars across the world. …We included representatives from the four main school of Sunni Islamic Jurisprudence (Hanafi, Maliki, Shafi'i, and Hanbali), the two main Shia schools (Ja'fari and Zaydi), the Ibadhi school, and Thahiri scholars.
>
> In July 2005, we invited two hundred of the world's leading Muslim scholars from fifty countries, including Saudi Arabia, Iran, Turley, and Egypt, to a conference in Amman. These scholars issued a ruling on the three fundamental issues we had raised, and their conclusions became known as the three points of the Amman Message… [Abdullah II 2011: 258]

A summary of the three points is as follows, corresponding to the three questions:

1. It is neither possible nor permissible to declare as apostates any group of Muslims who believes in God, Glorified and Exalted be He, and His Messenger (may peace and blessings be upon him) and the pillars of faith, and acknowledges the five pillars of Islam, and does not deny any necessarily self-evident tenet of religion, including the four Sunni madhahib [legal schools], the two Shi'i madhahib, the Ibadi, the Thahiri, and the Ash'ari, real Tasawwuf (Sufism), and True Salafi thought.

2. Based upon this definition they forbade takfir between Muslims.

3. No one may issue a fatwa without adhering to the methodology of the schools of Islamic jurisprudence.

     The Amman Message and its three points was submitted to several international conferences from 2005 to 2006, and the message garnered unanimous agreement from all the participants of these conferences. For example, in December 2005, the message was submitted to the 3rd Extraordinary Islamic Summit, OIC, and was unanimously adopted by all the representatives of the OIC member states. Then in June 2006, the International Islamic Fiqh Academy, which is one of the subsidiary organs of the OIC for making international collective ijtihad (legal interpretation), discussed the message and produced a second version, as well as building a consensus on it. Totally, this message received 552 endorsements from the political leaders, religious leaders, and Islamic thinkers of 84 countries from July 2005 to June 2006 [MABDA 2009: 23].

The entire process of these conferences is shown in Table 1.

Table 1. [MABDA 2009: 23]

Time	Name of Conference, Place	Signed by	Remarks
2005, Jul	True Islam and Its Role in Modern Society Conference, Amman	201	Agreement on "3 points" 1st ed.
2005, Sep.	Forum of Muslim Ulama and Thinkers, Mecca	42	
2005, Nov.	Islamic Schools of Jurisprudence Conference, Aal Al-Bayt University, Jordan	33	
2005, Nov.	The 9th Session of the Council of Ministers of Religious Endowments and Islamic Affairs, Kuwait	7	
2005, Dec	The 3rd Extraordinary Islamic Summit, OIC, Mecca	54	
2006, Apr.	Moderate Islamic Thought and Culture, Amman	55	Agreement on "3 points" 1st ed.
2006, Jun.	International Islamic Fiqh Academy Conference, Amman	68	Revision and agreement on "3 points" 2nd ed.
2006, Jun.	Muslim of Europe Conference, Istanbul	157	

About the international consensus on the Amman Message, Prince Ghazi bin Muhammad concluded as follows:

     The signed, universal Islamic consensus on the Amman Message and its Three Points is of the greatest importance because it amounts to a historical, universal and unanimous religious and political consensus (ijma') of the Ummah (nation) of Islam in our day, and a consolidation of traditional, orthodox Islam. The significance of this

is: (1) that it is the first time in over a thousand years that the Ummah has formally and specifically come to such a pluralistic mutual inter-recognition; (2) that such a recognition is religiously legally binding on Muslims since the Prophet (may peace and blessings be upon him) said, 'My Ummah will not agree upon an error' (Ibn Majah, Sunan, Kitab al-Fitan, Hadith no. 4085), and (3) that it addresses one of the most critical problems facing Muslims today: lack of agreement about what constitutes Islam, and thus lack of agreement about who is a Muslim and what is truly 'Islamic.' [MABDA 2009: 86–87]

This pronouncement signified the success of an initiative to seek an ijma'. Even though Jordan is a small Islamic country, while its Royal Family is proud of their lineage as direct descendants of the Prophet Muhammad, King Abdullah was aware that the country's weight was not sufficient to promote their cause of declaring the stance of moderate Islam. The Jordanian monarch with his prince-scholar advisor, sought to initiate an ijma' on what was expressed as the Amman Message. Subsequently, they succeeded in hammering out a consensus among Muslim leaders, by utilizing an international institution of consensus and norm making, the OIC and its subsidiary organs. Partly because the OIC has succeeded as an international Islamic forum through its history of a half century with the participation of all Muslim countries across the difference of legal schools, this utilization worked fairly well.

In comparison to this case, we now realize more firmly that all historical ijma's were resultant, that they were formed without the intention to seek a consensus from the beginning, and even without having a mechanism to seek such a consensus. Dr. Jum'a supports the idea of utilizing these modern institutions such as the OIC's academy and making them useful to construct new ijma', though he expresses his anxiety over the proper functioning of such institutions [Jum'a 2017:177–182]. In the case of the Ijma of the Amman Message, one favorable condition for its success was the presence of Prince Ghazi, one of the King's cousins, who is also an Azhar-educated Islamic scholar, besides holding a degree from Cambridge University. His scholarly stance must have added credibility to the Jordanian initiative in the eyes of the Islamic scholars, while the King's credibility was important to the heads of the OIC's member states. This combination seems unusual and, if this was the key to its success, the fate of coming initiatives is as yet uncertain.

Thus, the Amman Message opened a new era in the history of ijma' in Islam, and the future prospects of this important foundation of the Shari'a under modern conditions should be observed carefully.

Conclusion

Islam started as the Islamic Ummah (Community) under the leadership of the Prophet

Muhammad and remained so until his death in 632 C.E. After the Prophet passed away, the Muslims and their intellectual leaders had to construct a legal system of Islam, and in its process the ijma' or consensus of the community became one of the cornerstones of the Shari'a or Islamic law, as the third source of legal interpretation after the Qur'an and the Sunna, which are the fundamental sources in Islam. The importance of ijma' as well as the concept of Jama'a (the majority group), indicates the collectivist tendency in Islam. The Islamic knowledge of Uṣūl al-Fiqh was finally formulated, especially in 4–5th A.H./9–11th C.E centuries, with the participation of the scholars of speculative theology, who played a major role in defining ijma' technically and situating it firmly in the systematized Islamic legal interpretation.

Ijma' in the narrower sense and consensus in the broader sense functioned well in the pre-modern eras. However, adding new ijma' has become increasingly difficult due to the technical strictness over it required by the specialists. With the advent of modernity, an Islamic revival occurred and the Shari'a and its guardians, the jurists and scholars in other branches of Islamic knowledge, gained a new respect in their societies. At the same time, the social conditions of contemporary societies demand scholarly interpretations of Shari'a rules on new issues, so that ijma' also had to be adapted to these conditions.

Two major changes have been observed in relation to ijma' lately. One is to broaden the scope of consensus by referring to the jumhur (majority) positions. The other is to seek new ways of ijma' making through contemporary avenues of Islamic gatherings such as Islamic summits or the OIC's special organ to discuss affairs of Islamic law. The ijma' making of the Amman Message illustrates this point quite eloquently. This approach is quite innovative. In the tradition, all ijma's were "resultant" after authoritative jurists pronounced their opinions. In its new innovation, it is an initiative to seek an ijma' constructively. The success of the "Ijma' of the Amman Message" clearly indicates the dawn of a new era of ijma' making.

References

Abdullah II bin Hussein. 2011. *Our Last Best Chance: A Story of War and Peace*. New York: Penguin Books.

Ahmad, Ahmad Atif. 2019. "Ijmā', Consensus," in Khaled Abou El Fadl, Ahmad Atif Ahmad, and Said Fares Hassan (eds.), *Routledge Handbook of Islamic Law*, Abington and New York: Routledge, pp. 171–182.

Badawi, Elsaid M. and Muhammad Abdel Haleem. 2010. *Arabic-English Dictionary of Qur'anic Usage*. Leiden: Brill.

Bernand, M. 1971. "Idjmā'," *EI² (Encyclopedia of Islam, 2nd ed.)*. Leiden: Brill.

Brown, Jonathan A. C. 2011. *The Canonization of al-Bukhārī and Muslim: The Formation and Function of the Sunnī Ḥadīth Canon*. Leiden and Boston: Brill.

―――. 2018. *Hadith: Muhammad's Legacy in the Medieval and Modern World*, revised ed. Oxford: Oneworld.

Brunner, Rainer. 2004. *Islamic Ecumenism in the 20th Century: The Azhar and Shiism between Rapprochement and Restraint*. Leiden: Brill.

Ghazi bin Muhammad bin Talal. 2009. "The Universal Consensus on the Amman Message," *The Light and Islamic Review* 86(3), pp. 3–7.

―――. 2012. *Searching for Consensus*. Amman: MABDA and RUTAB.

―――. 2018. *A Thinking Person's Guide to Islam: Essence of Islam in 12 Verses from the Qur'an*. Updated edition. London: White Thread Press and Turath Publishing.

Hasan, Ahmad. 2009. *The Doctrine of Ijmāʿ in Islam: A Study of the Juridical Principle of Consensus*. 3rd ed. New Delhi: Kitab Bhavan.

Hassan bin Talal. 2014. *Building a Template of Hope*. <http://www.elhassanbintalal.jo/download> (last accessed 05/01/2021)

Hegghammer, Thomas. 2020. *The Caravan: Abdallah Azzam and the Rise of Global Jihad*. Cambridge: Cambridge University Press.

Ihsanoglu, Ekmeleddin. 2010. *The Islamic World in the New Century: The Organisation of the Islamic Conference*. London: Hurst & Company.

Ikehata, Fukiko. 2019. "Does the Islamic World have a Platform to Express its International Public Opinion?: Case Studies on Jordan and the OIC (Organization of Islamic Cooperation)," *Kyoto Bulletin of Islamic Area Studies* 12, pp.118–135.

―――. 2021. *International Politics in the Time of Religious Revival: Challenges by Jordan and the OIC* (*Shūkyō Fukkō to Kokusasi Seiji: Yorudan to Isurāmu Kyōryoku-kikō no Chōsen*). Tokyo: Koyo Shobo. [in Japanese]

Khan, Saad S. 2001. *Reasserting International Islam: A Focus on the Organization of the Islamic Conference and Other Islamic Institutions*. Oxford and New York: Oxford University Press.

Kosugi, Yasushi, 1994. *The Contemporary Middle East and Islamic Politics* (*Gendai Chūtō to Isurāmu Seiji*). Kyoto: Showado. [in Japanese]

―――, selected and translated. 2019. *The Sayings of Muhammad: Hadith* (*Muhammad no Kotoba: Hadith*). Tokyo: Iwanami Shoten. [in Japanese]

―――. 2021. "Sharīʿa as a System of Responsibilities: Historical Formulation of Islamic Rules (Aḥkām) and its Five Categories to Encompass All Human Acts in Islamic Jurisprudence ('Ilm Uṣūl al-Fiqh)," *Kyoto Bulletin of Islamic Area Studies* 14, pp. 179–208.

Lucas, C. Scott. 2004. *Constructive Critics, Ḥadīth Literature, and the Articulation of Sunnī Islam: The Legacy of the Generation of Ibn Saʿd, Ibn Maʿīn, and Ibn Ḥanbal*. Leiden and Boston: Brill.

———. 2018. "Ibn al-Mundhir," *EI³ (Encyclopedia of Islam, 3rd ed.).* Leiden: Brill.

MABDA (The Royal Aal al-Bayt Institute for Islamic Thought). 2009. *The Amman Message*. Amman: MABDA. <https://rissc.jo/wp-content/uploads/2018/12/Amman_Message-EN. pdf> (last accessed 05/01/2021)

———. 2013. *Twenty Years of Historic Religious Initiatives Based in the Hashemite Kingdom of Jordan by H.R.H. Prince Ghazi bin Muhammad min Talal and many, many friends, 1993–2013 CE.* Amman: Rutab. <https://rissc.jo/docs/20years/Prince-Ghazi-20-Years-EN.pdf> (last accessed 05/01/2021)

Madelung, Wilferd. 1997. *The Succession to Muḥammad: A Study of the Early Caliphate.* Cambridge: Cambridge University Press.

al-Mundhir, Imam Muhammad b. Ibrahim, tr. by S. Abd al-Hamid. 2014. *Consensus of the Islamic Jurists: al-Ijmāʻ.* The Islamic Literary Foundation.

Nasser, Shady Hekmat. 2012. *The Transmission of the Variant Readings of the Qurʼān: The Problem of Tawātur and the Emergence of Shawādhdh.* Leiden: Brill.

———. 2020. *The Second Canonization of the Qurʼān (324/936): Ibn Mujāhid and the Founding of the Seven Readings.* Leiden: Brill.

Nishitani, Makiko. 2017. "The Multiple Development Process of International Norms and Global Governance (Kokusai Kihan to Gurōbaru Gabanausu no Fukugō-teki Hatten Katei)," in Makiko Nishitani (ed.), *How International Norms are Realized: The Dynamics of Multiplex Global Governance* (*Kokusai Kihan wa dō Jitsugen sareruka: Fukugō-ka suru Gurōbaru Gabanausu no Dōtai*), Kyoto: Minerva Shobo, pp. 1–20. [in Japanese]

Petersen, Marie Juul and Turan Kayaoglu, eds. 2019. *The Organization of Islamic Cooperation and Human Rights.* Philadelphia: University of Pennsylvania Press.

al-Shāfiʻī, Muḥammad b. Idrīs, tr. by Joseph E. Lowry. 2015. *The Epistle on Legal Theory: A Translation of al-Shāfiʻī's Risālah.* New York and London: New York University Press.

Shelton, Dinah, ed. 2000. *Commitment and Compliance: The Role of Non-binding Norms in the International Legal System.* Oxford: Oxford University Press.

Skorini, Heini í. 2019. "The OIC and Freedom of Expression: Justifying Religious Censorship Norms with Human Rights Language," in Marie Juul Petersen and Turan Kayaoglu, eds. *The Organization of Islamic Cooperation and Human Rights*, Philadelphia: University of Pennsylvania Press, pp. 114–141.

Syed, Mairaj U. 2018. "Ijmaʻ," in Anver M. Emon and Rumee Ahmed (eds.), *The Oxford Handbook of Islamic Law*, Oxford: Oxford University Press, pp. 271–298.

Wagemakers, Joas. 2016. *Salafism in Jordan: Political Islam in a Quietist Community.* New York: Cambridge University Press.

Abū Jayb, Saʻdī. 2017. *Mawsūʻa al-Ijmāʻ fī al-Fiqh al-Islāmī.* 5th ed. Damascus: Dār al-Fikr.

Abū Shūsha, Muḥammad. 2017. *Risāla fī al-Ijmā'*. Cairo: Dār al-Nahār.

Durrī, Nawwāra. 2009. *Athar al-Naz'a al-Jamā'iya fī al-Fiqh al-Islāmī*. Beirut: Dār Ibn Ḥazm.

al-Ḥasanāt, Aḥmad. 2015. *Taṭawwur al-Fikr al-Uṣūlī 'inda al-Mutakallimīn: Dirāsa Naẓarīya Ta'ṣīlīya li-Ḥaraka Tadwīn Uṣūl al-Fiqh 'inda al-Mutakallimīn*. Amman: Dār al-Nūr al-Mubīn.

Ībish, Yūsuf, and Yasushi Kosugi, eds. 2005. *Turāth al-Fikr al-Siyāsī al-Islāmī*. Beirut: Turāth; Kyoto: 21st Century COE of Integrated Area Studies, Kyoto University.

Ibn Ḥanbal. 2006–9. *Musnad al-Imām Aḥmad ibn Ḥanbal*, 12 vols., Vaduz: Thesaurus Islamic Foundation.

Ibn Mājah, ed. by 'Abdullāh ibn Muḥammad ibn al-Ṣiddīq al-Ghummārī. 2000. *Sunan Ibn Mājah*. Vaduz: Thesaurus Islamic Foundation.

Jum'a, 'Alī. 2015. *Tārīkh Uṣūl al-Fiqh*. Cairo: Dār al-Muqaṭṭam.

———. 2017. *al-Ijmā' 'inda al-Uṣūlīyīn*. Cairo: Dār al-Nahār.

Khalfī, Wasīla. 2016. *al-Ijmā' 'inda al-Uṣūlīyīn*. Beirut: Dār Ibn Ḥazm.

al-Khuḍayr, 'Alī b. 'Abd al-'Azīz b. Aḥmad. 2012. *Mawsū'a al-Ijmā' fī al-Fiqh al-Islāmī, Vo.2: Masā'il al-Ijmā' fī 'Uqūd al-Mu'āwaḍāt al-Mālīya*. Riyadh: Dār al-Faḍīla; Cairo: Dār al-Hady al-Nabawī.

al-Qaḥṭānī, Usāma b. Sa'īd et al. 2012-2014. *Mawsū'a al-Ijmā' fī al-Fiqh al-Islāmī*, 11 vols. Riyadh: Dār al-Faḍīla; Cairo: Dār al-Hady al-Nabawī.

Qar'ūsh, Kāyid Yūsuf Maḥmūd. 2017. "Athar al-'Awāmil al-Siyāsīya fī Tashkīl Naẓarīya al-Ijmā'," *al-Majalla al-Urdunnīya li-l-'Ulūm al-Taṭbīqīya* 19 (2), pp.1–25.

al-Qaṭṭān, Anas Maḥmūd Aḥmad. 2014. *Ijmā'āt al-Uṣūlīyīn fī al-Adilla al-Muttafaq 'Alayhā*. Kuwait: Maktaba Ahl al-Athar.

al-Sā'ī, Muḥammad Na'īm Muḥammad Hānī. 2017. *Mawsū'a Masā'il al-Jumhūr fī al-Fiqh al-Islāmī*. 2 vols. Cairo: Dār al-Salām.

al-Shāfi'ī, Muḥammad b. Idrīs, ed. by Rif'at Fawzī 'Abd al-Muṭṭalib. 2001. *al-Umm, Vol. 1, al-Risāla*. Manṣūra: Dār al-Wafā'. (English translation: al-Shāfi'ī 2015.)

al-Shāmī, Ṣāliḥ Aḥmad. 2014. *Jāmi' al-Uṣūl al-Tis'a min al-Sunna al-Muṭahhara*. 14 vols. Beirut: al-Maktab al-Islāmī.

al-Ṭabarī, Abū Ja'far Muḥammad b. Jarīr, ed. by Muḥammad Abū al-Faḍl Ibrāhīm. 1967. *Tārīkh al-Ṭabarī: Tārīkh al-Rusul wa al-Mulūk*. 2nd ed. Cairo: Dār al-Ma'ārif.

al-Tirmidhī, ed. by 'Abdullāh ibn Muḥammad ibn al-Ṣiddīq al-Ghummārī. 2000. *Sunan al-Tirmidhī*. 2 vols. Vaduz: Thesaurus Islamic Foundation.

Wizāra al-Awqāf wa al-Shu'ūn al-Islāmīya, ed. 1980–2006. *al-Mawsū'a al-Fiqhīya*. 45 vols. Kuwait: Wizāra al-Awqāf wa al-Shu'ūn al-Islāmīya.