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(hafidhahullaah)

IS THE GATE OF IJTIHAAD CLOSED?¹

Question:

Is it correct to say that the gate of *ijtihad* has been closed?

Answer:

This saying is not correct, rather this expression is not an *'ilmee* expression and some of them even say that the gate of *ijtihad* was closed in the fourth Islamic century AH, some say in the fifth Islamic century AH and some say that the last Mujtahid was Ibn Daqeeq al-'Eeid. Some of them say that **“after Abu Hamid al-Ghazzalee there was never a mujtahid mutlaq”** and other many statements with regards to this issue. We say: do you not see?! Where is the gate of *ijtihad* so that we can see it and uncover it and find out whether it is actually closed or not? Is there even anything called **“the gate of ijtihad”**? No! There is however something called: **“the conditions of ijtihad”** and Allaah’s virtue is not a monopoly for anyone as Allaah opened up the way for some of the later scholars that which he did not open up for the earlier scholars. Even though the earlier scholars are generally better than the later scholars this is not for every single one, so why would Allaah restrict and limit His virtue? The facts of the matter which relates to the *Ummah* is that there is no restriction placed upon it and the texts of the Book and the Sunnah are restricted and there is no answer to these facts (about the *Ummah* having no restrictions placed upon it) except with *ijtihad*. For there will not cease to be a group from this Ummah who are established on the *deen* of Allaah until the Hour is established. So there is no issue that arises except that it has its Divinely Legislated ruling and, as is the correct view of the *'Ulama of Usool*, the earth will not be left without one who will stand firm for Allaah with proofs because the pure group is manifest under the Hour is established.

¹ <http://www.almenhaj.net/makal.php?linkid=654>

Therefore, to say that **“the gate of ijtihaad is closed”** necessitates the corruption of the earth and furthermore there are many issues that have newly arisen which we have no rulings for and this in itself suffices to show the evil and corruption of this saying. *Ijtibaad* does not have a “gate” so whoever says **“the gate of ijtihaad is closed”** or “open” is mistaken. *Ijtibaad* has conditions, so it is *haraam* for a man to make *ijtibaad* until the conditions of *ijtibaad* have been maintained.²

The more correct opinion with the scholars of *Usool* is that *ijtibaad* has parts, so a person can make *ijtibaad* in some issues but not in others as *ijtibaad* has types.³ For what has been mentioned is that the most knowledgeable person regarding the *balaal* and the *haraam* was Mu’aadh, while the most knowledgeable of the people regarding the *faraa’id* was Zayd, while the most knowledgeable of the people regarding judgements was ‘Ali and likewise. This indicates that *ijtibaad* is separated, so a person could be a *Mujtahid* in one matter but not another. This saying

² **Translator’s Note:** The prerequisites of a *Mujtahid* have been discussed within some of the early works of *fuqahaa* (jurists) such as Abu Husays al-Basree (436 AH/1044 CE) in *al-Mu’tamad fee Usool il-Fiqh*. Also within the works of Sayfuddeen al-Aamidee in *al-Ihkaam fee Usool il-Ahkaam* (Cairo: Subayh, 1968 CE), al-Ghazzaalee, al-Isnawee, al-Baydaawee (685 AH/1286 CE) and Ibn ul-Humaam (861 AH/1456 CE). Ibn ‘Aqeel (513 AH/1119 CE), the *Hanbali faqeeh*, refuted an anonymous *Hanafi* scholar who had claimed during their time that the gate of *ijtibaad* had been closed as there were no longer any *Mujtahids*. From the end of the 6th Islamic Century AH (12th century CE) the main writings in *Usool ul-Fiqh* devoted sections in discussing the issue of whether there could ever be a period wherein there are no *Mujtahids*. Generally the *Hanbali* and some of the major *Shaafi’ee* scholars noted that *ijtibaad* and *Mujtahidoon* must be in existence continuously. Yet the majority of *Shaafi’ee* scholars and the *Hanafis* considered that *ijtibaad* will become extinct. Wael Hallaq also notes that up to circa 500 AH there was no mention of the expression “the gate of *ijtibaad* is closed” or the likes therefore there could not have been a “consensus” on this notion.

An example of an error in this regard can be observed with Hamza Yusuf during one of his lectures in Birmingham in 1995 CE entitled the *Pre-Requisites of a Mujtahid*. Within this lecture Hamza Yoosuf, with no referral to his source references and with no evidence from the *salaf* or *‘ulama* who have preceded him, concocted the persona of a *mujtahid* superhuman that had to be reached before one can be known as a *mujtahid*! The fact of the matter is that it is implausible to claim that the prerequisites for *ijtibaad* within Muslim legal theory made *ijtibaad* impossible for *fuqahaa*. The expression therefore of “the gate of *ijtibaad* being closed” has been somewhat accepted on face value by many. In fact the blind acceptance of this view led to modernist interpretations of *Islaam* in response which have had disastrous effects within the world as we see in the contemporary period. As a result, all and sundry have suddenly and boldly claim to be able to partake in *ijtibaad* ranging from heretical quasi-Islamic lesbians to those with delusions of grandeur, and from out of touch academics in their ivory towers to those who cast doubt on the *Qur’aan* and *Sunnah*.

See Wael B. Hallaq, “Was the Gate of Ijtihad Closed?” *International Journal of Middle Eastern Studies*, vol.16, no.1, 1984, 3-41 and “On the origins of the controversy about the existence of *mujtahids* and the gate of *ijtibaad*,” *Studia Islamica*, vol. 63, 1986, pp. 129-141.

³ This has been dealt with by Imaam ash-Shaatibee (d.790 AH) in his work *al-Muwaafaqaat*.

that “the gate of ijtihad is closed” bears a resemblance to what was stated by Ibn as-Salaah (*rahimabullaah*) and refuted (by other scholars). Ibn as-Salaah claimed in his book *’Uloom ul-Hadeeth* that the gate of *tas-bbeeh* and *tad’eef* (authenticating and weakening) *abaadeeth* of the Messenger of Allaah (*sallallaahu ’alayhi wassallam*) had been fully undertaken and thus there was no one during the time of Ibn as-Salaah and after who authenticated or weakened *hadeeth*. The *’Ulama* did not accept this statement from Ibn as-Salaah and more than one scholar rejected this, such as: Ibn Hajar in *an-Nakt ’ala Ibn is-Salaah*, az-Zarakashee in *an-Nakt ’ala Ibn is-Salaah* and as-Suyootee (*rahimabullaah*) classified a separate treatise in order to refute this claim of Ibn as-Salaah entitled *at-Tanqeeh: fi’r-Rad’ala Mas’alat it-Tas-bbeeh* [The Amendment: In Responding to the Issue of Authentication]. Therefore, *ijtihad* has conditions and when these are maintained and ascertained, after looking at the time and place, then the Muslim can make *ijtihad*, yet when these conditions are overlooked or opposed then at this point it is *haram* for a person to make *ijtihad*, and Allaah knows best.⁴

⁴ **Translator’s Note:** This is important, as it is not for any Tom, Dick and Manji (!) to make *ijtihad* without the necessary knowledge, learning and skills with regards to the *maqasid* of the *Sharee’ah* and *istinbaat*. What has become a mockery of late is the phenomena of discredited “refusniks” (some of whom are quasi-Islamic heretics) who have claimed to have the required experience and know-how in order to make *ijtihad* for Muslims living in the West, under the banner of “progression”.