

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Series of Questions Addressed to Scholar Sheikh Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question:

Al-Qaffal al-Marwazi Sheikh Al-Kharasaniyin

To: Mustafa Al-Maqdisi
(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

It came in the book, *The Islamic Personality, Volume I* under the title "The Decline of Islamic Jurisprudence" p. 392: "...the likes of al-Qaffal were advocating the closing of the door of *Ijtihad*." I have searched for this scholar but I have found only two who I have not seen in their biography that they have closed the door of *ijtihad*, namely the al-Qaffal al-Shashi and al-Qaffal al-Marwazi. Both are on the Shafi'i's Fiqh. So, who is the intended scholar in the book?

May Allah reward you with good.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

1 - Your question is related to what is stated in *The Islamic Personality, Volume I* under the title "The Decline of Islamic Jurisprudence", which is as follows:

"...Rather, they believed that the door of *Ijtihad* should be closed for the Muslims. They held that *Ijtihad* was not permitted until many of the Ulama from amongst those who were qualified for *Ijtihad* and who had the aptitude for *Ijtihad* did not dare to perform *Ijtihad* or say that they were *mujtahids*. This decline started towards the end of the 4th century AH, although in the beginning until the end of the 6th century and the beginning of the 7th there was some progress. *Mujtahidin* and scholars were present at a time when the likes of al-Qaffal were advocating the closing of the door of *Ijtihad*."

2- As for al-Qaffal, it is mentioned in some sources three people in the name al-Qaffal, and not two, as stated in your question:

A – It was stated in *Siyar A'lam al-Nubala* (16/283) that:

"Al-Qaffal Shashi, the erudite Imam, the linguist and Usuli jurist, the scholar of Khorasan, Abu Bakr, Muhammad bin Ali bin Ismail bin Shashi the Shafi'i jurist, Al-Qaffal Al-Kabir (the older Qaffal), Imam of his time in wara' An-Nahr (the area north of 'Iraq), he has many compiled books. Al-Hakim said of him, "He was the most knowledgeable of the people of wara' An-Nahr in Usul and most extensively traveled in search of knowledge." Sheikh Abu Ishaq said in the "Tabagat" he died in the year thirty-six. This is an illusion between the date of his death, for Al-Hakim dated his death the end of the year three hundred sixty-five, as did Abu Saad As-Sam'ani, who added that he was born in the year two hundred ninety-one. He said: He has many compiled books, no one has like them. He was the first among the scholars to write on al-jadal al-Hassan (good debate)." He has a book in Usul al Fiqh (the fundamentals of jurisprudence), and a commentary on al-Shafi'i's "al-Risalah" and through

him the jurisprudence of al-Shafi'i spread in wara' An-Nahr. As-Sam'ani said: Abu Bakr is the author of "Dala'il An-Nubuwwa" and "Mahasin Ash-Shari'ah"..."

It was narrated in Tabaqat al-Shafi'iyah:

"Muhammad bin Ali bin Ismail Abu Bakr al-Shashi, Al-Qaffal Al-Kabir, is one of the erudite scholars of the Madh'hab and imams of the Muslims. Born in the year two hundred ninety-one... Sheikh Abu Ishaq said he was an imam and an author of many books no one has like them. He has a fine book in Usul al Fiqh and a commentary on "al-Risalah". And through him the jurisprudence of Shafi'i spread in wara' An-Nahr, and Al-Hakim said: he was the most knowledgeable of the people in wara' An-Nahr – referring to in his time – in Usul and most extensively traveled in search of knowledge of Hadith. And al-Halimi said: "Our Shaykh al-Qaffal was the most knowledgeable of the scholars of his time I have met." An-Nawawi said in his Tahdhib, if al-Qaffal al-Shashi is mentioned, this is who is meant, and if al-Qaffal Al-Marwazi is mentioned then it is As-Saghir (the younger). Among al-Shashi's writings: Dala'il An-Nubuwwa, Mahasin Ash-Shari'ah, Adab al-Qada, Juza Saqhir and Tafsir Kabir, died in the month of Dhu'l-Hijjah in the year 365..."

B – It was stated in the Siyar A'lam al-Nubala (17/405) that:

"Al-Qaffal, the great erudite Imam, al-Shafa'i's Shaykh, Abu Bakr, Abdullah bin Ahmed bin Abdullah, al-Marwazi al-Kharasani, he mastered locksmithing and even made a lock with its device and keys, weighing four beads, and when he became thirty years old, he perceived himself with excessive intelligence and love of Faqih so he turned to read it until he excelled in it and he is **the author of the Khurasani Tariqa (Method) in Fiqh**. Al-Faqih Nasser Al-Omari said: there was no one more knowledgeable in Fiqh at the time of Abu Bakr al-Qaffal than him, and no one after him will be like him, and we used to say that he is an angel in the form of a man... Abu Bakr As-Sam'ani said in his reports "Amaliah": He was unique in his time in Fiqh, memorization (Hifdh), piety (wara'), ascetism (Zuhd) as well as he had works in the madhab that no other people of his time had, and his polite manner in the madhab of Imam Ash-Shafi'i which was carried by his companions was the most powerful, and the most achievable method, to which Imams traveled from various lands and many imams graduated from it. He died in Jumada al-Akhirah in the year four hundred and seventeen, at the age of ninety years old, and his narrations which he heard are weak because he used to hear narrations at an old age."

It was reported in the Tabaqat al-Shafi'iyah that:

"Abdullah bin Ahmed bin Abdullah Al-Marwazi, the esteemed Imam Abu Bakr Al-Qffal As-Saghir (the younger), **Sheikh of the Khurasani Tariqa**, but he was surnamed Al-Qffal "the locksmith" because he used to make locks in his early youth and excelled in making them. He even made a lock with its device and keys, weighing four beads. When he was thirty years old he perceived same intelligence in himself, so he turned to study Fiqh. So, he served for Sheikh Abu Zaid and others until he became a paragon imam. Great numbers from the people of Khorasan studied at his hands. He taught, narrated and reported Hadith... Al-Hafiz Abu Bakr al-Samaani said in his reports "Amaliah": Abu Bakr Al-Qffal, he was unique in his time in Fiqh, memorization (Hifzh), piety, ascetism as well as he had works in the madhhab that no other people of his time had, and his polite manner in the madhhab of Imam Ash-Shafi'i which was carried by his companions was the most powerful, and the most achievable method,... He died in Merv in Jumada al-Akhirah in the year four hundred and seventeen at the age of ninety years old, and among his works a commentary on al-Talkhees, which is two volumes and a commentary on al-Furu', one volume, and the book of Fatwa by him in a huge, very useful volume)

C – It was reported in al-A'lam by al-Zarikli that:

(Muhammad bin Ahmed bin al-Husain bin Omar, Abu Bakr al-Shashi al-Farqi, surnamed Fakhr al-Islam, Almustadhiri: the chief of Shafi'i madhhab in Iraq at his time ... He was born in Maiyfarikin and moved to Baghdad where he taught at the Nidhamiyah college (year 504) and continued until he died. Among his works "Hilya tal Ulama" (ornament of the learned in the knowledge of the doctrines of the scholars) by which he was known by Almustadhiri because he had composed it for the Imam (Khaleefah) al-Mustadhir billah, its commentary "Al-Muatamid", "al-Shafi" a commentary of Mukhtasar al-Muzni and the "Fatawa"- known as Fatawa al-Shashi- and " Al umdah fi furu' AShafiyah"... etc.)

It was reported in the Tabaqat al-Syafi'iyah that:

"Muhammad ibn Ahmad ibn al-Husain ibn Omar, Fakhr al-Islam Abu Bakr al-Shashi was born in Maiyfarikin in Muharram in 429 AH. He studied Fiqh under the Qadhi Abu Mansur al-Tusi, the disciple of Shaykh Abu Muhammad and under Ali al-Khazaruni, the author of "al-Ibanah". When al-Tusi was removed and returned to his city, he proceeded to Baghdad and attached himself to the Sheikh of Abu Ishaq al-Shirazi, accompanied him until he was known by him and served as a reiterator of his lessons. He also read over Al-Shamil under the author ibn as-Sabbagh. He was distinguished, dignified, humble and pious, and was nicknamed Junaid in his youth for the intensity of his piety, but he ended to be the chief of the madhhab after his Sheikh, and taught in the Nidhamiyah of Baghdad for a year and a half. Al-Dhahabi said: he was Ash'ari, Sufi ... died in Shawwal the year five hundred and seven and was buried with his Sheikh Abu Ishaq in one tomb, and was said to be buried beside him... His works include the book Hilya tal Ulama in two volumes, in which he mentioned a great disagreement between the scholars, which he composed for the Khaleefah al-Mustadhir billah; thus, he was nicknamed Almustadhiri, and the book of At-targheeb fi l'ilm a volume containing Furu' with evidence, and the book Al-Umda Mukhtasar..."

That is, three Shafi'i scholars have been named in al-Qffal:

- The first is the oldest: Al-Qaffal as-Shashi Al-Kabir (291 - 365 AH) who is Mohammed bin Ali al-Shashi Al-Qaffal, Abu Bakr, a native of the city of Ash-Shash in the country of wara' An-Nahr (the area north of 'Iraq) ...

- The second is Al-Qaffal Al-Marwazi (327 - 417 AH) who is Abdullah bin Ahmed bin Abdullah, Abu Bakr, known as Al-Qaffal Al-Marwazi, a native of "Marv Al-Shahajan". He was known as Al-Qaffal because his industry was the work of locks. Perhaps he was surnamed Al-Qaffal As-Saghir (the younger) to distinguish him from Al-Qaffal al-Shashi Al-Kabir who died 365 AH ... and he is a Shafi'i jurist. Sheikh of the Khurasaniyin from the Shafi'i's school. Initially, he worked as a locksmith, then when he reached thirty years old, he occupied himself with seeking knowledge until his students traveled to him from various cities where they graduated under his supervision, and they became imams. He died in Sajastan. Of his works (commentary of the Furu' by Ibn al-Haddad) in the jurisprudence.

- The third Al-Qaffal is Almustadhiri (429 - 507 AH), Mohammed bin Ahmed Bin Al Husain bin Omar, Abu Bakr, Fakhr al-Islam al-Shashi, Al-Qaffal, al-Farqi, known as Almustadhiri. He was born in Maiyfarikin - the most famous city in Diyarbakir – he is a Shafi'i jurist... He accompanied Abu Ishaq Shirazi. This third Al-Qaffal was not mentioned by all the sources with the nickname Al-Qaffal, but al-Zarikli mentioned that in his al-A'lam.

3 - As for to whom is attributed the closure of the door of ijtihaad, he is Sheikh Al-Qffal al-Marwazi Sheikh Al-Khurasaniyin, and the evidence for that is:

A - Attar's footnote (2/423) on the Sharh of Al-Jalal Al-Muhalla on (Jam' al-Jawami' of Abdul Wahab bin Ali Tajuddin as-Subki deceased 771 AH): "The author claimed that his father reached the rank of Mujtahid Mutlaq (absolute), he said in Tarshih al-Tawshih, I said

what you have claimed that the Imam al-Sheikh has reached the degree of Mujtahid Mutlaq is rejected by the words of al-Ghazali in Al-Waseet as the era has been devoid from the independent Mujtahid, **and this is not unique to him, but preceded him by the al-Qaffal Sheikh Al-Khurasaniyin**, Al-Rafi'i and al-Nawawi reported that from Al-Waseet and remained silent about it: "I said, I have considered these words, and I thought about it. It appeared to me that he and whoever preceded him in that they meant to say that it was devoid of any Mujtahid undertaking the burden of the judiciary".

B - Imam al-Zarkashi died 794, said in Al-Bahr: "As for the statement of Ghazali: The era has been devoid of an independent Mujtahid, **he was preceded by al-Qaffal Sheikh Al-Khurasaniyin**, It was said: it is meant Mujtahid in charge of the judiciary, the investigators of the scholars would averse to it, and in their time often only those who are less than that (Mujtahid Mutlaq) would take the post. And how can an era be judged by the absence of Mujtahid whereas al-Qaffal himself was saying to the one who asked about the heap of food: do you ask about the doctrine of Shafi'i or what I have? He said, he and Sheikh Abu Ali and Judge Husain: We are not imitators of Shafi'i, but our opinion agreed to his ..."

4 - From the above, it turns out that there some who attributed to al-Qaffal Sheikh Al - Khurasaniyin al-Qaffal Al-Marwazi (327 - 417 AH) the closure of the door of Ijtihad or at least that the era was free of an independent Mujtahid, that is who is not following a previous Mujtahid... although it is not explicit in the prevention of Ijtihad!

It is noticeable, however, that the work of al-Qaffal al-Khaurasani to whom it was attributed the closure of the door of Ijtihad was in the locks and he was skillful in it ... Perhaps it is odd coincidence that his work of locksmithing corresponds to the attribution of the closure (locking) of the door Ijtihad! I do not know whether attributing the closing of the door of Ijtihad to him is by the effect of his making of locks or is just a coincidence! I say this because, as he came in Al-Bahr by al-Zarkashi above, that he was performing Ijtihad with the fact that he was on Shafi'i doctrine. It was reported in the same source: "al-Qaffal himself was saying to the one who asked about the heap of food: do you ask about the doctrine of Shafi'i or what I have? He said, he and Sheikh Abu Ali and Judge Husain: We are not imitators of Shafi'i, but our opinion agreed to his ..."

I hope this is sufficient to answer your question.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

26th Sha'ban 1439 AH

12/05/2018 CE

The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/pb.122848424578904.-2207520000.1526842603./815520438645029/?type=3&theater>

The link to the answer from the Ameer's Google Plus page:

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/2hmXKC9md4U>

The link to the answer from the Ameer's Twitter page:

<https://twitter.com/ataabualrashtah/status/998275518213566465>