The *Musnad* of al-Shāfiʿī

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Abstract

A collection of hadith called *Musnad al-Shāfiʿī* is associated with the Nishapur traditionist Abū al-ʿAbbās Muḥammad ibn Yaʿqūb al-Aʿṣamm (d. Nishapur, 346/957). It was apparently assembled by students from what al-Aʿṣamm had heard from al-Rabīʿ ibn Sulaymān al-Murādī (d. 270/884) in his youth. Around 40 percent of the hadith in the *Umm* of al-Shāfiʿī (d. 204/820) shows up also in the *Musnad* of al-Aʿṣamm. Comparisons between the *Musnad* and the *Umm* can tell us something of the state of the *Umm* as al-Rabīʿ dictated it near the end of his life. Books in the *Musnad* correspond only roughly to books in the *Umm*, so there was still some fluidity of organization. There are also many minor differences of wording, especially to *isnāds*. However, the order of hadith within books of the *Musnad* agrees well with their order in the *Umm*, confirming that the *Umm* as we have it is close to the state in which al-Rabīʿ left it.

Keywords

al-Aʿṣamm – al-Shāfiʿī – hadith – Islamic law

Résumé

Une collection de hadiths appelée *Musnad al-Shāfiʿī* est associée au traditionniste de Nishapur Abū al-ʿAbbās Muḥammad ibn Yaʿqūb al-Aʿṣamm (D. Nishapur, 346/957). Elle a apparemment été compilée par des étudiants de ce qu'al-Aʿṣamm avait entendu d'al-Rabīʿ ibn Sulaymān al-Murādī (d. 270/884) dans sa jeunesse. Environ 40 % des hadiths du *K. al-Umm* d'al-Shāfiʿī (d. 204/820) apparaissent également dans le *Musnad* d'al-Aʿṣamm. Les comparaisons entre le *Musnad* et le *K. al-Umm* peuvent nous dire quelque chose sur l'état du *K. al-Umm* tel qu'al-Rabīʿ l'a dicté vers la fin de sa vie. Les livres du *Musnad* ne correspondent qu'en gros aux livres du *K. al-Umm*, il y avait donc

encore une certaine fluidité d'organisation. Il existe également de nombreuses différences mineures de formulation, en particulier pour les *isnāds*. Cependant, l'ordre des hadiths dans les livres du *Musnad* est bien conforme à leur ordre dans le *K. al-Umm*, confirmant que ce dernier, tel que nous l'avons, est proche de l'état dans lequel al-Rabī' l'a laissé.

Mots-clés

al-Aṣamm – al-Shāfi'ī – hadith – Droit musulman

A collection of hadith called *Musnad al-Shāfi'ī* is associated with the Nishapur traditionist Abū al-'Abbās Muḥammad ibn Ya'qūb al-Aṣamm (d. Nishapur, 346/957).¹ He was born in 247/861-2. After collecting some hadith in his home town, he travelled west in the company of his father to collect hadith in Fars, Iraq, Mesopotamia, Syria, and Egypt in his teen-age years, the mid-250s to the mid-260s/late 860s-late 870s. He lost his hearing at about the time he returned to Nishapur but was able to dictate what he knew until he went blind in 344/955, which meant that he could no longer check his notes and could relate only fourteen hadith reports and seven other narrations (*ḥikāyāt*) he had from al-Rabī' from al-Shāfi'ī. He disliked to accept payment for hadith and so would support himself as an occasional copyist (*warrāq*). As early as 277/890-1, he was dictating *Kitāb al-Ma'ānī* by al-Farrā' (d. 207/823-4), a philological commentary on the Qur'an.

Biographers stress mainly his transmission of the works of al-Shāfi'ī (d. 204/820), which he had heard from the Egyptian al-Rabī' ibn Sulaymān al-Murādī (d. 270/884). The story is told that he was once asked to make the call to prayer. He stood up and said loudly, 'There related to me al-Rabī' there related to me al-Shāfi'ī', then laughed together with those around. That was what he was normally asked to stand up and say in a loud voice. Ibn Abī Ḥātim al-Rāzī (d. 327/938), early biographer of al-Shāfi'ī, is quoted as saying, 'There is no one left to recite *Kitāb al-Mabsūṭ* except Abū al-'Abbās the copyist.' (*Al-Mabsūṭ* is evidently the original name for the *Umm*, used by Ibn al-Nadīm and even

1 Fuat Sezgin, *Geschichte des arabischen Schrifttums*, 15 vols (Leiden: E. J. Brill, 1967-2010), 1:488, no 111. For biographies of al-Aṣamm, see al-Dhahabī, *Tārīkh al-Islām*, ed. 'Umar 'Abd al-Salām Tadmūrī, 52 vols (Beirut: Dār al-Kitāb al-'Arabī, 1407-21/1987-2000), 25 (331-350 H.): 362-9 with further references.

al-Aṣamm.²) Al-Aṣamm would then have been in his seventies. (Ibn al-Nadīm names him among three major transmitters of the *Mukhtaṣar* of al-Muzanī, but the Shāfiʿī tradition takes oddly little notice of this.³)

Medieval traditionists identify *Musnad al-Shāfiʿī* as the compilation of al-Aṣamm's disciples. Al-Dhahabī says, 'Al-Shāfiʿī did not assemble it as a separate work. Rather, Abū Jaʿfar Muḥammad ibn Jaʿfar ibn Maṭar derived it (*kharrajahu*) for Abū al-ʿAbbās al-Aṣamm from what he related from al-Rabīʿ from al-Shāfiʿī from *Kitāb al-Umm* and other works.'⁴ Ibn Ḥajar and al-Suyūṭī report that the text they knew came through another disciple, the qadī Abū Bakr Aḥmad ibn al-Ḥasan al-Ḥirī < Abū al-ʿAbbās Muḥammad ibn Yaʿqūb ibn Yūsuf al-Aṣamm < al-Rabīʿ ibn Sulaymān < al-Shāfiʿī.⁵ (Perhaps Abū Bakr took down hadith as selected by Abū Jaʿfar.) Elsewhere, Ibn Ḥajar just says, 'It was gathered by certain Nishapurans from *al-Umm* and other things that Abū al-ʿAbbās al-Aṣamm heard, which he alone related from al-Rabīʿ'.⁶ It was published in Arrah, northeastern India, in the 1880s, in the margin of the early-1900s Bulaq edition of the *Umm*, then most significantly in 2002 as edited by Ayyūb Abū Khashrīf, in 2005 as edited by Rifʿat Fawzī ʿAbd al-Muṭṭalib, and in 2012 as edited by Muḥammad Anas Muṣṭafā al-Khinn.⁷ Sezgin lists 13 manuscripts

2 Ibn al-Nadīm, *Kitāb al-Fihrist*, ed. Ayman Fuʿād Sayyid, 4 vols, Silsilat al-nuṣūṣ al-muḥaqqaqah, 2nd edn (London: Muʿassasat al-Furqān lil-Turāth al-Islāmī, 1435/2014), 2:39 (*maqālah* 6, *fann* 3); 'This is what I have heard of his big book, *al-Mabsūṭ*', presumably al-Aṣamm speaking, at the beginning of a section of al-Shāfiʿī, *Musnad al-imām*, with Sanjar ibn ʿAbd Allāh al-Nāṣirī, *Tartīb Musnad al-imām*, ed. Rifʿat Fawzī ʿAbd al-Muṭṭalib, 3 vols (Beirut: Dār al-Bashāʾir al-Islāmīyah, 1426/2005), 2:2010.

3 Ibn al-Nadīm, *Fihrist* 2:47. None of the three is found in, for example, al-Subkī, *Ṭabaqāt al-shāfiʿīyah al-kubrā*, ed. Maḥmūd Muḥammad al-Ṭanāḥī and ʿAbd al-Fattāḥ al-Ḥulw, 10 vols (Cairo: ʿĪsā al-Bābī al-Ḥalabī, 1964-76).

4 Al-Dhahabī, *Tārīkh al-islām* 25:367.

5 Ibn Ḥajar, *al-Muʿjam al-mufahras*, ed. Muḥammad Shakūr Maḥmūd al-Ḥājji Amīr al-Mayādīnī (Beirut: Muʿassasat al-Risālah, 1418/1998), 39-40; al-Suyūṭī, *Anshāb al-kuthub fī ansāb al-kutub*, ed. Ibrāhīm Bājīs ʿAbd al-Majīd, Taḥqīq al-turāth 31 (Riyadh: Markaz al-Malik Fayṣal lil-Buḥūth wa-al-Dirāsāt al-Islāmīyah, 1437/2016), 84.

6 Ibn Ḥajar, *Taʿjīl al-manʿaʿah* (Hyderabad: Maṭbaʿat Majlis Dāʾirat al-Maṭbūʿāt al-Nizāmīyah, 1324), 5 = ed. Ikrām Allāh Imdād al-Ḥaqq, 2 vols (Beirut: Dār al-Bashāʾir al-Islāmīyah, 1416/1996), 1:238-9.

7 Al-Shāfiʿī (attrib.), *al-Musnad* (Arrah: al-Maṭbaʿ al-Khalilī, 1306); *ibid.*, in margin of *K. al-Umm*, 7 vols in 4 (Bulaq: al-Maṭbaʿah al-Kubrā al-Amīriyah, 1321-5), vol. 6; *idem*, *Musnad al-imām*, ed. Ayyūb Abū Khashrīf, sup'd Aḥmad Yūsuf al-Daqqāq (Damascus: Dār al-Thaqāfah al-ʿArabīyah, 1423/2002); and *idem*, *Musnad al-imām*, ed. Muḥammad Anas Muṣṭafā al-Khinn, 2 vols (Damascus: al-Risālah al-ʿĀlamīyah, 2012/1433). Not useful for the purpose of studying the early Shāfiʿī tradition are various rearrangements published over the years, of which I have been able to inspect ʿAbd al-Raḥmān Aḥmad al-Sāʿatī, *Badāʾiʿ al-minan fī jamʿ wa-tartīb Musnad al-Shāfiʿī wa-al-Sunan*, 2 vols (Cairo: n.p., 1369/1950), Abū ʿUmayr Majdī ibn

of the *Musnad*, far more than the basis of any edition to date.⁸ However, because it seems relatively the most careful and is the easiest to use alongside his edition of the *Umm* (by far the best available), this study will normally cite the edition of ‘Abd al-Muṭṭalib.

The *Musnad* comprises 1,835 hadith reports as numbered by ‘Abd al-Muṭṭalib.⁹ All of them are expressly transmitted by al-Aṣamm from al-Rabī‘, all in turn from al-Shāfi‘ī, almost always directly. Over 98 percent of them are also in the *Umm*. The *Umm* (including *Ikhtilāf al-ḥadīth* but not counting the *Risālah*) comprises 4,663 as numbered by ‘Abd al-Muṭṭalib. Both numbers include some repetition. Ayyūb Abū Khashrīf apparently counts 1,324 unique hadith reports in the *Musnad* along with about 470 repeats under different headings (although some of these with variant *isnāds*), 26 percent of the total. My own survey of a sample of 200 hadith reports in the *Umm* itself (excluding both *Ikhtilāf al-ḥadīth* and the *Risālah*) turns up 29 percent repeats. The *Musnad* has a somewhat higher proportion of hadith from the Prophet to hadith from other Muslims, about 2:1 as opposed to 3:2 in the *Umm*. Thus, the *Musnad* omits more hadith from Companions than from the Prophet but still omits over half the *Umm*’s hadith from the Prophet.

The extent to which our text of the *Umm* is what al-Shāfi‘ī left at his death has been controversial.¹⁰ Ahmed El Shamsy stresses evidence that it is identi-

Muḥammad ibn ‘Arafāt al-Miṣrī al-Atharī, *Shifā’ al-ī bi-takhrīj wa-taḥqīq Musnad al-Shāfi‘ī bi-tartīb al-‘Allāmah al-Sindī*, 2 vols (Cairo: Maktabat Ibn Taymiyyah, 1416/1996), and al-Suyūṭī, *K. al-Shāfi‘ī al-‘īy ‘alā Musnad al-Shāfi‘ī*, ed. Hārūn ‘Alī Maḥmūd al-Kartānī al-Qaysī, *Silsilat iḥyā’ al-turāth al-Islāmī* 80, 2 vols (Baghdad: Dīwān al-Waqf al-Sunnī, Markaz al-Buḥūth wa-al-Dirāsāt al-Islāmīyah, 1426/2005). To be avoided for almost all scholarly purposes are various 20th-century printings of the *Musnad* that are nothing more than retypings of the Bulaq edition.

8 Sezgin, *GAS* 1:488.

9 Cf. 1,812 as numbered by Khinn, 1,859 as numbered in al-Rāfi‘ī al-Qazwīnī, *Sharḥ Musnad al-Shāfi‘ī*, ed. Abū Bakr Wā’il Muḥammad Bakr Zahrān, 4 vols (Qatar: Wizārat al-Awqāf wa-al-Shu‘ūn al-Islāmīyah, Idārat al-Shu‘ūn al-Islāmīyah, 1428/2007). Discrepancies are due mainly to editorial preference as to counting together or separately alternative *isnāds*, secondarily discrepancies among the manuscripts. For example, nos 55-6 in *Musnad*, ed. ‘Abd al-Muṭṭalib, together constitute no 54 in *Musnad*, ed. Khinn; nos 69-70 in *Musnad*, ed. ‘Abd al-Muṭṭalib, together constitute no 67 in *Musnad*, ed. Khinn; nos 85-6 in *Musnad*, ed. ‘Abd al-Muṭṭalib, together constitute no 83 in *Musnad*, ed. Khinn; nos 153-4 in *Musnad*, ed. ‘Abd al-Muṭṭalib, together constitute no 149 in *Musnad*, ed. Khinn; nos 215-16 in *Musnad*, ed. ‘Abd al-Muṭṭalib, together constitute no 210 in *Musnad*, ed. Khinn. The Khinn edition is missing (for example) nos 2, 204, and 385-90 of the ‘Abd al-Muṭṭalib edition.

10 Zakī Mubārak, *Iṣlāḥ ashna’ khaṭa’ fī tārikh al-tashrī‘ al-Islāmī* (Cairo: Maktabat Miṣr, 1352/1934; repr. Cairo: Dār Miṣr, 1991); Norman Calder, *Studies in early Muslim jurisprudence* (Oxford: Clarendon Press, 1993), chap. 4; Christopher Melchert, ‘The meaning of *qāla* ‘l-Shāfi‘ī in ninth century sources’, *Abbasid studies*, ed. James E. Montgomery,

cal. His optimism strikes me as nonfalsifiable, while my scepticism may well strike him the same way. For example, a note in the *Musnad* at the end of the section *wa-min* kitāb mukhtaṣar al-ḥajj al-kabīr says, ‘Abū al-‘Abbās al-Aṣamm said, “We finished hearing the book of al-Shāfiʿī on Wednesday 15 Shaʿbān 266 [31.iii.880]. We heard it from first to last being read before al-Rabīʿ” (*Musnad* 2:2000). El Shamsy takes it that ‘the book of al-Shāfiʿī’ refers to the whole of the *Umm*.¹¹ This is possible, but I would say it more likely refers to *Mukhtaṣar al-ḥajj al-kabīr* alone, a title not found in the surviving *Umm* but matching one of the books named by Ibn al-Nadīm among its constituent parts (also an odd topic to be the last of the *Umm* for al-Rabīʿ to dictate, as El Shamsy reckons).¹²

El Shamsy professes to be impressed by a high degree of agreement among various lists of the books that constitute the *Umm*.

A second indication of the authenticity of the present-day text of al-Shāfiʿī’s works can be gleaned from the *Umm*’s chapter divisions. Although the order and in some cases the titles of the *Umm*’s chapters remained fluid at least until the second generation of Shāfiʿī scholars, the broad contents of the *Umm* appear to have possessed a remarkable degree of stability already in the mid-ninth century. This can be seen through a close comparison of the chapters of the *Umm* as we have it today with different versions of the *Umm*’s table of contents that can be found in the works of Abū Bakr al-Aṣamm, Ibn al-Nadīm (d. 385/995), al-Bayhaqī, and Yāqūt al-Ḥamawī (d. 626/1229), as well as in the *Mukhtaṣar* of al-Buwayṭī.¹³

The different lists of books making up al-Shāfiʿī’s seem to me more remarkable for their disagreement than otherwise. I have just mentioned the apparent presence in the *Musnad* of a section based on a book apparently missing from the *Umm*. (Ibn al-Nadīm’s list of constituent sections includes *Mukhtaṣar al-ḥajj al-ṣaghīr* and *Mukhtaṣar al-ḥajj al-kabīr*.¹⁴) At any rate, it is hoped that inspection of the *Musnad*, although unlikely to tell us anything about the state

Orientalia Lovaniensia analecta 135 (Leuven: Peeters, 2004), 277–301; Ahmed El Shamsy, ‘Al-Shāfiʿī’s written corpus: a source-critical study’, *Journal of the American Oriental Society* 132 (2012): 199–220; idem, *The canonization of Islamic law* (n.p.: Cambridge Univ. Press, 2013), chap. 6.

11 El Shamsy, *Canonization*, 137.

12 Ibn al-Nadīm, *Fihrist*, 40, l. 22.

13 El Shamsy, ‘Al-Shāfiʿī’s’, 212. In *Canonization*, El Shamsy corrects his error and refers to al-Aṣamm as Abū al-‘Abbās.

14 Ibn al-Nadīm, *Fihrist* 2:40, ll. 17–18, 22.

of the *Umm* as al-Shāfiʿī left it in 204/820, may shed some light on its state as al-Rabīʿ had fixed it by the mid-260s/late 870s.

Although, like the *Umm*, the *Musnad* is mostly arranged by topic, it is plainly futile to infer anything from the *Musnad* about the order of books in the *Umm*. Ritual purity and prayer come at the start, as one expects of a law book, but then fasting is interrupted by reports on the permissibility of divorce. Extracts from the *Risālah*, apparently the introduction to the *Umm*, show up about three-quarters of the way through the *Musnad*. Similarly, Ibn al-Nadīm's list of the constituent parts of *al-Mabsūṭ*, although beginning with the *Risālah* and proceeding from there to ritual purity and prayer, names two books on apostates before it gets to the alms tax. The coincidences that El Shamsy detects seem to be mainly the standard categories of Islamic law, presumably formed over the eighth century. Some section titles are common to all three; e.g. *kitāb jirāḥ al-ʿamd*. Most are different, though.

More remarkable are some odd pairings. For example, Ibn al-Nadīm's list includes a *kitāb al-ḥudūd wa-kary al-dawābb* (qur'anic penalties and the renting of riding animals), two topics not obviously related and not near each other in either the *Umm* or the *Musnad*.¹⁵ Devin Stewart has suggested correcting our text to *kitāb al-ḥadw wa-kary al-dawābb* (driving and renting riding animals).¹⁶ This is conceivable, but also that penalties and renting were joined not because the two topics seemed related, rather because the first left a certain amount of space in a fascicle, which the second exactly filled. The same would explain such odd pairings in the *Musnad* as *kitāb ibāḥat al-ṭalāq wa-kitāb al-ṣiyyām al-kabīr* (the permissibility of divorce and fasting, although the six hadith reports in this section concern only divorce, not fasting). It would explain why one manuscript of the *Musnad* includes six hadith reports from the *Umm*, *kitāb ṣalāt al-khawf* (the fear prayer), at the end of the section *kitāb al-ʿidayn* (the two festivals; *Musnad* 1:513-20; *Umm* 2:437-64). Such variant combinations and sections seem incompatible with El Shamsy's assertion that Ibn al-Nadīm's list and the *Musnad* show remarkable stability of organization. It seems likely from the manuscript evidence of Māliki books, among other things, that long books like the *Umm* circulated in the form of separate fascicles in the ninth and tenth centuries, so that the order of books could easily change.¹⁷ Another example is the earliest commentary on the *Sunan* of Abū Dāwūd from the

15 Ibn al-Nadīm, *Musnad* 2:40, l. 8.

16 Devin J. Stewart, 'Emending the chapter on law in Ibn al-Nadīm's *Fihrist*', *ʿAbbasid studies II*, ed. John Nawas, *Orientalia Lovaniensia analecta* 177 (Leuven: Peeters, 2010), 211-43, at 231.

17 See Miklos Muranyi, *Die Rechtsbücher des Qairawāners Saḥnūn b. Saʿīd*, *Abhandlungen für die Kunde des Morgenlandes* 52,3 (Stuttgart: Franz Steiner, 1999).

littérateur al-Khaṭṭābī (d. 388/998?), which presents books in a different order from what we are accustomed to but within each book reviews hadith reports in very near the familiar order.¹⁸

The sequence of hadith within books of the *Musnad* often matches the sequence in corresponding books of the *Umm*, suggesting fixed content; that is, something like the books of the *Umm* as we know it really did underlie the *Musnad*. For example, the *Umm* includes a long book *Ikhtilāf al-ḥadīth* (mentioned also by Ibn al-Nadīm¹⁹) that includes (by 'Abd al-Muṭṭalib's count) 359 hadith reports. The *Musnad* has a corresponding section, *wa-min* kitāb *ikhtilāf al-ḥadīth*, that comprises 53 hadith reports. Here is the sequence of reports in the *Umm*, *Ikhtilāf al-ḥadīth*, in the order in which they appear in the *Musnad*, *wa-min* kitāb *ikhtilāf al-ḥadīth*:

34, 33, 35, 41, 42, 43, 45, 47, 49, 50, 51, 52, 53, 54, 55, 56, 60, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 81, 83, 84, 85, 86, 87, 88, 243, 244, 246, 248, 234, 235, 236, 237, 238, 239, 240, 232, 233, 89, 90, 91.

In this example, the *Musnad* generally follows the order of hadith in the *Umm* but does not get beyond the topic of ritual purity except for thirteen reports having to do with the penalty for adultery. This section of the *Musnad* seems to be indeed an extract of the *Umm* but very incomplete. It is also somewhat disordered, for it seems much more likely that hadith in the *Musnad* about adultery were somehow interpolated into a sequence of hadith about ritual purity than it is that *Ikhtilāf al-ḥadīth* as dictated by al-Rabī' jumped back and forth between ritual purity and adultery, to be set straight by subsequent redactors. It seems impossible to know whether the *Musnad* omits most of *Ikhtilāf al-ḥadīth* because al-Aṣamm knew only part of it or for some reason his disciples heard only part of it, left their extract unfinished, or compiled a longer extract that was mostly lost some time later.

A similar example is *Wa-min* kitāb *ikhtilāf Mālik wa-al-Shāfi'ī* in the *Musnad*, comprising 136 hadith reports, corresponding to *Kitāb Ikhtilāf Mālik*

18 Al-Bāṭilī, *al-Imām al-Khaṭṭābī*, *Silsilat al-rasā'il al-jāmi'iyah* 45, 2 vols (n.p.: al-Mamlakah al-'Arabiyyah al-Sa'ūdiyyah, Wizārat al-Ta'līm al-'Ālī, Jāmi'at al-Imām Muḥammad ibn Sa'ūd al-Islāmiyyah, 'Imādat al-Baḥṭh al-'Ilmī, 1426/2005), 567-71. See also Joseph Lowry, 'A preliminary study of al-Shāfi'ī's *Ibtāl al-istiḥsān*', *Abbasid studies IV: occasional papers of the School of 'Abbasid Studies*, Leuven, July 5-July 9, 2010, ed. Monique Bernards (n.p.: Gibb Memorial Trust, 2013), 180-206, at 195-7, wrestling with confusion between *Ibtāl al-istiḥsān* and *al-Iqrār bi-ḥukm al-zāhir* in various lists of al-Shāfi'ī's works, including the *Musnad*.

19 Ibn al-Nadīm, *Fihrist* 2:40, l. 3.

wa-al-Shāfiʿī in the *Umm*, which includes 398 hadith reports (about three times as many).

3609, 3621, 3639, 3640-1, 3643, 3646, 3650-1, 3655-6, 3658, 3662-4, 3668-9, 3665, 3670-4, 3678-84, 3687, 3691-2, 3698-9, 3705-7, 3709-13, 3715, 3721, 3724-8, 3733, 3737-8, 3741, 3744, 3749, 3751, 3753, 3762-5, 3768-70, 3777-9, 3781-3, 3786-7, 3797-8, 3800-1, 3803-5, 3807, 3809, 3812, 3817, 3822, 1187, 3836, 3849, 3855, 3857, 3860-1, 3888, 3891, 3893, 3898, 3900, 3902, 3904-5, 3908, 3911, 3913, 3915-20, 3926-7, 3930, 3932, 3944, 3948, 3951-2, 3954, 3957-8, 3962, 3964-5, 3967, 3988, 3993, 3990, 3994, 3997, 3998, 3999.

All but one report in the *Musnad* is in *Ikhtilāf Mālik wa-al-Shāfiʿī* (no 1187 appearing in the *Umm*, *kitāb al-ḥajj* 78, *bāb al-ṭawāf baʿda ʿArafah*). All but two of the rest appear in exactly the same order as in *Ikhtilāf Mālik wa-al-Shāfiʿī*. Moreover, unlike with *Ikhtilāf al-ḥadīth*, the selection in the *Musnad* ranges from beginning to end of *Ikhtilāf Mālik wa-al-Shāfiʿī*. This strongly confirms that *Ikhtilāf Mālik wa-al-Shāfiʿī* was available to al-Aṣamm in just the form in which we have it. Comparison between shorter books in the *Umm* and *Musnad* usually gives similar results. For example, the section *wa-min kitāb ʿishrat al-nisāʾ* of the *Musnad* comprises 19 hadith reports (*Musnad* 2:1627-44). The first three also appear in the *Umm*, *kitāb ʿishrat al-nisāʾ*. Then come a series of hadith reports from the *Umm*, *kitāb mā yaḥillu wa-mā yaḥrumu min al-nikāḥ*, all in the same order as in the *Umm* (although including just 14 out of 40). Here also is fairly strong evidence that the *Umm* was available to al-Aṣamm in just the form in which we have it, although differently divided into sections. Many more such overlaps could be cited.

The *Musnad* also includes occasional comments on organization from al-Aṣamm; for example,

These two hadith reports are not in the *kitāb al-wuḍūʾ*, but we have brought them out because this is their place. In this place in *kitāb al-wuḍūʾ*, al-Shāfiʿī said that Abū al-Ḥuwayrith related < al-ʿAraj < Ibn al-Ṣimmah that the Messenger of God ... pissed, then performed *tayammum* (the minor ritual ablution without water) (*Musnad* 1:102).

On the one hand, this bespeaks consciousness of the order of hadith in one book of the *Umm*, from which al-Aṣamm was dictating with some rearrangement by himself. On the other hand, the previous four hadith reports in the *Musnad* have these numbers as they appear in the *Umm*: 12, 43, 46, 44. The next four are 45, 50, 51, 52. It is conceivable that someone subsequently altered the

arrangement of hadith in the *Umm* in the same way al-Aṣamm had thought to rearrange them but more likely that either al-Aṣamm's notes were confused or his remark about two hadith reports from elsewhere is misplaced in the *Musnad*.

There is extant a separate book with the title *Aḥkām al-Qur'ān* attributed to al-Shāfi'ī, well known to be an extract from the *Umm* and a few other works (mostly no longer extant) by al-Bayhaqī (d. 458/1066).²⁰ However, *Aḥkām al-Qur'ān* is also mentioned by Ibn al-Nadīm and apparently even the *Risālah*.²¹ The *Musnad* sheds some light on the contents of this evidently lost book. *Wa-min* kitāb aḥkām al-Qur'an begins with eleven hadith reports in the same order of appearance as in the *Umm*, kitāb 'ishrat al-nisā' (*Musnad* 2:1508-21; *Umm* 6:224-301), then a series of 42 from kitāb al-furqah bayna al-azwāj (*Musnad* 2:1521-69; *Umm* 6:303-455), all in order, interrupted just once by an apparent interpolation from kitāb siyar al-Wāqidi (*Musnad* 2:1557; *Umm* 5:652), plainly a parallel to the one following from kitāb al-furqah; that is, corroborating evidence. Then comes one from kitāb jarḥ al-'amd (*Musnad* 2:1570, fuller version *Umm* 7:75), two in order with partial parallels in kitāb al-shahādāt (*Musnad* 2:1570, *isnād* only in *Umm* 8:117; *Musnad* 2:1571, *isnād* only in *Umm* 8:119), one from kitāb al-aqḍiyah (*Musnad* 2:1572; *Umm* 7:491), finally two in order from kitāb al-aymān wa-al-nudhūr (*Musnad* 2:1573-4; *Umm* 7:212-13). The suggestion is that the original *Aḥkām al-Qur'ān* reviewed examples from just a few areas of the law, mostly marriage and divorce. Citations in the *Mukhtaṣar* of al-Muzanī suggest the same.²²

Harder to reconcile with fixed content are certain references to large and small books. Ibn al-Nadīm's list includes kitāb al-rahn al-kabīr and kitāb al-rahn al-ṣaghīr; the *Umm* includes both (4:289-412), the *Musnad* neither. Ibn al-Nadīm's list includes kitāb al-ṣiyām. The *Umm* includes kitāb al-ṣiyām al-ṣaghīr (3:231-63), suggesting a lost kitāb al-ṣiyām al-kabīr. The *Musnad* includes a section *wa-min* kitāb al-ṣiyām al-kabīr (1:631-51), but it comprises 16 hadith reports all included in the *Umm*, kitāb al-ṣiyām al-ṣaghīr, and all but one in the same order. Thus, the *Musnad* neither disproves that there was once a distinct kitāb al-ṣiyām al-kabīr left out of our recension of the *Umm* nor provides any evidence of what, if it existed, distinguished it from al-ṣaghīr. Ibn al-Nadīm's list includes kitāb mukhtaṣar al-ḥajj al-ṣaghīr and kitāb mukhtaṣar

20 Al-Shāfi'ī, *Aḥkām al-Qur'ān*, ed. Muḥammad Zāhid ibn al-Ḥusayn al-Kawtharī, 2 vols (Cairo: Maktabat al-Khānjī, 1370-1/1951-2); *GAS* 1:489-90.

21 Ibn al-Nadīm, *Fihrist* 2:40, l. 1; al-Shāfi'ī, *al-Risālah*, ed. Aḥmad Muḥammad Shākīr (Cairo: Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa-Awlādiḥ, 1358/1940; repr. Beirut: n.p., n.d.), ¶ 416.

22 Al-Muzanī, *al-Mukhtaṣar*, in margin of *K. al-Umm* (Bulaq) 3:256, 293, 294, 4:41, 47, 48, 156, 170.

al-ḥajj al-kabīr. The *Umm* includes *kitāb al-ḥajj*, *kitāb mukhtaṣar al-ḥajj al-mutawassiṭ*, and *kitāb mukhtaṣar al-ḥajj al-ṣaghīr* (3:269-575). The section of the *Musnad wa-min* *kitāb mukhtaṣar al-ḥajj al-kabīr* (2:1980-97) comprises 16 hadith reports, all of which are in the *Umm*, two in *kitāb al-ḥajj*, the rest in *kitāb mukhtaṣar al-ḥajj al-mutawassiṭ* in the same order. Similarly, then, the *Musnad* does not disprove that there was once a distinct *kitāb mukhtaṣar al-ḥajj al-kabīr* heard by al-Aṣamm but lost from the *Umm* as we know it. Neither does it disprove that *mukhtaṣar al-ḥajj al-kabīr* in Ibn al-Nadīm's list refers to the same text as *kitāb mukhtaṣar al-ḥajj al-mutawassiṭ* in the *Umm* as we know it.

El Shamsy professes to have found in the lists only one reference to a work not found in the *Umm*, 'namely, *Kitāb al-Amālī*, which is mentioned by al-Aṣamm and appears to be lost.'²³ It seems to me he ought to have added *kitāb al-ijmā'* and *kitāb al-ḥukm bi-al-ẓāhir*, two other titles on Ibn al-Nadīm's list not in the *Umm* as we know it. At most, *kitāb al-ijmā'* may refer to the extant *kitāb jīmā' al-ʿilm* (or else, as Devin Stewart conjectures, this is a distortion of *k. al-ijārāt al-ṣaghīr*²⁴). By contrast, at any rate, the sections of the *Musnad* identified as coming from *al-amālī* (sessions of dictation) not only confirm that they are based on documents not found in the *Umm* but may shed significant light on the composition of the *Umm*. Near the beginning of the *Musnad* is *wa-min* *kitāb al-amālī fī al-ṣalāh* (1:306-32), comprising 26 hadith reports. Here is the sequence of intersections with the *Umm* in the order in which they appear in the *Musnad*, *wa-min* *kitāb al-amālī fī al-ṣalāh*:

388 387 203 402 362 47 3520 275 404 336 176 347 348 291 3654

The number in italics refers to a report that appears in *Ikhtilāf al-ḥadīth*, separately numbered by ʿAbd al-Muṭṭalib. Considering how closely the *Musnad* usually agrees with the *Umm* as to the sequence of hadith, it seems plain that al-Aṣamm and his students did not extract this section from a book in the *Umm* as we know it. The high proportion of hadith in this section of the *Musnad* not found anywhere in the *Umm*, over a third, suggests the same.

A similar example is the section of the *Musnad* set off as *wa-min* *kitāb al-ḥajj min al-Amālī* (2:1942-79). Whereas all of the section of the *Musnad wa-min* *kitāb mukhtaṣar al-ḥajj al-kabīr* appears somewhere in the *Umm*, just over half the reports in this section are also to be found in *al-Umm*. Here are the numbers in the *Umm* of those reports that are found there, roman indicating

²³ El Shamsy, 'Al-Shāfiʿī's', 213-14.

²⁴ Stewart, 'Emending', 231.

kitāb al-ḥajj, italics *kitāb mukhtaṣar al-ḥajj al-mutawassīṭ*, and underlining *kitāb al-ṣalāh*:

1322 1341 1324 1260 1362 1113 1311 1132 1317 996 998 989 195 1185 1350 1348 1352
1353 1354 1355

It is possible that the 19 hadith reports not found in *al-Umm* were in a lost *mukhtaṣar al-ḥajj al-kabīr*, but it seems unlikely that al-Aṣamm and his students based this section on that book. Also telling, although less so because so short, are the sections *wa-min kitāb al-nikāḥ min al-Imlā'*, comprising four hadith reports (*Musnad* 2:1998-2000), and *wa-min kitāb al-nikāḥ min al-Imlā'*, comprising just one (*Musnad* 2:2001). One from the former section and the only one in the latter are not found in *al-Umm*.

Al-Muzanī also refers to various transcripts of al-Shāfi'ī's dictation as sources for the *Mukhtaṣar*. Sometimes, he simply cites the *imlā'*, which might be the same as the *Amālī* referred to in section titles of the *Musnad*.²⁵ More often, he cites *al-Imlā' 'alā masā'il Mālik* or, more elaborately, *al-implā' 'alā al-Muwatṭa'* and *al-implā' 'alā masā'il Mālik wa-Ibn al-Qāsim*.²⁶ Some of this may well have gone into *Kitāb Ikhtilāf Mālik wa-al-Shāfi'ī* (*Umm* 8:513-778), a book the *Musnad* unfortunately ignores. What al-Muzanī refers to as *imlā' 'alā kitāb ikhtilāf Abī Ḥanīfah wa-al-Awzā'ī* and *kitāb al-implā' 'alā Muḥammad ibn al-Ḥasan* may well describe *Sīyar al-Awzā'ī* (*Umm* 9:171-277) and *al-Radd 'alā Muḥammad ibn al-Ḥasan* (*Umm* 9:85-169), respectively, for both of them comprise independent texts by other jurists overlaid by comments from al-Shāfi'ī.²⁷

The question arises whether the *amālī* referred to in the *Musnad* actually comprised the raw notes from which al-Rabī' assembled the books of the *Umm*. Al-Muzanī refers to a wide variety of notes, including notes from al-Shāfi'ī never dictated to anyone, notes taken down by others from al-Shāfi'ī's dictation, and things he himself took down from al-Shāfi'ī's dictation.²⁸ Later Shāfi'ī writers also quote *al-Imlā'*, suggesting a body of notes haphazardly available.²⁹

25 Shāfi'ī, *Umm* 1:2127, 2:222, 3:173, 5:261.

26 Shāfi'ī, *Umm* 1:201, 202, 3:255, 256, 4:57.

27 I am unaware that the base text of *Sīyar al-Awzā'ī*, apparently the compilation of Abū Yūsuf, survives independently. *Al-Radd 'alā Muḥammad ibn al-Ḥasan* interpolates comments from al-Shāfi'ī into what its editor takes to be part of the otherwise-lost second half of al-Shaybānī, *K. al-Ḥujjah 'alā ahl al-Madīna*, ed. Abū al-Wafā' al-Afghānī, &al., *Silsilat al-Maṭbū'āt* 1, 4 vols (Hyderabad: Maṭba'at al-Ma'ārif al-Sharqiyyah, 1385/1965, repr. Beirut: 'Ālam al-Kutub, 1403/1983), 4:255-418.

28 For references to notes known only in writing, see Shāfi'ī, *Umm* (Bulaq) 3:102, 131, 159, 175; to others' notes, *Umm* 1:102, 113, 4:207, 5:144, 147; to dictation, 3:92, 131, 5:223.

29 Some examples in Melchert, 'The meaning of *qāla 'l-Shāfi'ī*', 280, 291.

Of the last five books of the *Musnad*, four are identified by title as things al-Rabīʿ did not hear from al-Shāfiʿī: *wa-min* kitāb al-waṣāyā *alladhī lam yusmaʿ minh* (*Musnad* 2:2002-3), *wa-min* kitāb al-ṭaʿām wa-al-sharāb wa-ʿimārat al-ardīn mimma lam yasmaʿ al-Rabīʿ min al-Shāfiʿī wa-qāla aʿlamu ann dhā min qawlih wa-baʿḍ kalāmih (*Musnad* 2:2010-27), *wa-min* kitāb al-waṣāyā *alladhī lam yusmaʿ min al-Shāfiʿī* (*Musnad* 2:2028-30), and *wa-min* kitāb ikhtilāf ʿAlī wa-ʿAbd Allāh *mimma lam yasmaʿ al-Rabīʿ min al-Shāfiʿī* (*Musnad* 2:2031-60).

Altogether, these comprise 56 hadith reports, of which 54 are found in the *Umm*. Of these 54, the *Umm* begins with al-Shāfiʿī's source for 36 but asserts that al-Rabīʿ transmitted 18 directly from al-Shāfiʿī. To begin with al-Shāfiʿī's source is not odd: overall, where the *Umm* provides a complete *isnād* from al-Shāfiʿī to a Companion or the Prophet, language indicating who heard this from al-Shāfiʿī (normally al-Rabīʿ) is about half as common as its absence. However, if the titles of these sections of the *Musnad* are correct, then the *Umm* should have asserted direct transmission for none of the 54. The best that can be said for the reliability of the text of the *Umm* as to its transmission from al-Shāfiʿī is that the *Musnad* directly throws into doubt only this small portion of it.³⁰ The *Musnad* confirms the text of the *Umm* at a point where it announces, 'From here are four hadith reports that al-Rabīʿ heard from al-Buwayṭī from al-Shāfiʿī' (*Musnad* 1:268-72; *Umm* 2:253-5).

There are many other small discrepancies as well between the *Musnad* and the *Umm*. Sometimes these look like minor copying errors such as were inevitable in the age of manuscripts; for example, where the *Umm* includes a conjunction (*wa-*) but the *Musnad* not (*Umm* 2:43-4; *Musnad* 1:107). Occasionally, the *Musnad* offers a shorter version; for example, leaving out most of the setting for the Prophet's instruction to a Companion not to recite the Qurʾān at great length when leading the prayer (*Musnad* 1:329; *Umm* 2:346). Sometimes the *Musnad* offers a longer version. For example, the *Musnad* reports < al-Rabīʿ < al-Shāfiʿī < Mālik < Nāfiʿ < Ibn ʿUmar 'that he performed the minor ritual ablution in the market, washing his face and hands, wiping his head. Then he was called to a funeral, so he went into the mosque to pray over it. There he wiped his leather socks (*khuffayhi*), then prayed in them' (*Musnad* 1:126). The *Umm* reports < Mālik < Nāfiʿ 'that Ibn ʿUmar pissed in the market, then performed the minor ritual ablution, wiping his leather socks, then prayed' (*Umm* 8:263-4).

30 Another example of disagreement over what al-Rabīʿ did or did not hear: *Kitāb ikhtilāf ahl al-ʿIrāq ʿalā ʿAlī wa-ʿAbd Allāh* is listed by Yāqūt (d. 626/1229) among sections of the *Umm* not heard by al-Rabīʿ from al-Shāfiʿī, but *Ikhtilāf ʿAlī wa-ʿAbd Allāh ibn Masʿūd* in the *Umm* begins, *akhbaranā al-Rabīʿ ibn Sulaymān qāla akhbaranā al-Shāfiʿī....* See Yāqūt, *Irshād al-arīb ilā maʿrifat al-adīb*, ed. Iḥsān ʿAbbās, 7 vols (Beirut: Dār al-Gharb al-Islāmī, 1993), 6:2412, l. 3 from bottom, and al-Shāfiʿī, *Umm* 8:391.

For all but one word (*tawaḍḍaʿa* or *bāla*), the longer version in the *Musnad* agrees with the text of the *Muwattaʿ* of Mālik.³¹ As for what Ibn ʿUmar did in the market, the *Musnad* agrees with the manuscripts of the *Umm* that he performed the minor ritual ablution, whereas the editor, ʿAbd al-Muṭṭalib, has corrected the *Umm* on the basis of the Bulaq edition (7:210). The main question here is whether the long version in the *Musnad* was al-Aṣamm's reconciliation with the *Muwattaʿ* (except for the one word *tawaḍḍaʿa*) or the short version in the *Umm* an abridgement of what al-Rabīʿ originally dictated at this place. The coincidence of ritual ablutions in the *Musnad* and the manuscripts of the *Umm* make it seem most likely that (1) the *Musnad* testifies to just what al-Rabīʿ dictated and (2) there was some fluidity to al-Rabīʿ' s dictation, such that he might sometimes dictate a full version that was going to end up abridged in the *Umm*. By contrast, the *Musnad* seems probably the less accurate when it quotes the Prophet as saying, 'Do not forbid the handmaids of God (to go to) God's mosques' (*Musnad* 2:1023). By the same *isnād*, the *Umm* quotes him as saying, 'If the wife of one of you asks permission (to go) to the mosque, let him not forbid her' (*Umm* 10:128). The version in the *Umm* agrees with one in Bukhārī's *Ṣaḥīḥ*, among other places, whereas the version in the *Musnad* agrees with one in *matn* but not in *isnād*.³² Therefore, it seems likely that someone misremembered in putting together the *Musnad* (unless the *Musnad* presents a correct version of what al-Shāfiʿi dictated, corrected in the *Umm* by a later transmitter).

The *Musnad* sometimes offers comments not found in the *Umm*. Following a report of Ibn ʿAbbās' advice, the *Musnad* includes this apparent quotation of al-Shāfiʿi: 'This is also the position of Ibn ʿUmar, by which we go' (*Musnad* 1:315). There is a similar report in *Ikhtilāf ʿAlī wa-ʿAbd Allāh ibn Masʿūd* (*Umm* 8:493) but lacking any mention of Ibn ʿUmar's position, also with a different Follower in the *isnād*: the *Musnad* version goes through ʿAṭāʾ ibn Abī Rabāḥ (Meccan client, d. 114/732?), the *Ikhtilāf* version through ʿAṭāʾ ibn Yasār (Medinese *qāṣṣ*, client, d. 103/721-2?). At one point, the *Musnad* gives a longer version of a hadith report found also in the *Umm*, then adds, 'Al-Rabīʿ said that al-Shāfiʿi asserted there was no one more given to disagreeing with the people of Medina

31 Mālik, *Muwattaʿ*, rec. Yahyá, *al-ṣalāh* 16, *mā jāʿa fī al-maṣḥ ʿalá al-khuffayn*, no 81; rec. Abū Muṣʿab, *al-ṣalāh* 8, *bāb mā jāʿa fī al-maṣḥ ʿalá al-khuffayn*, no 89; rec. Shaybānī, *al-ṣalāh* 13, *bāb al-maṣḥ ʿalá al-khuffayn*, no 50.

32 Bukhārī, *Ṣaḥīḥ*, k. *al-nikāḥ* 117, *bāb istiḍhān al-marʾah zawjahā fī al-khurūj ilá al-masjid wa-ghayrih*, no 5238; k. *al-jumʿah* 13, no 900.

than Mālik' (*Musnad* 2:1362; *Umm* 8:768). This joins other warnings not to take Mālik's word for it that he represents Medinese consensus.³³

Almost half the time, men in *isnāds* are named differently in the *Musnad* and the *Umm*; for example, 'Sufyān' in one, 'Sufyān ibn 'Uyaynah' in the other, or 'Ayyūb ibn Abī Tamīmah' in one, 'Ayyūb al-Sakhtiyānī' in the other. Occasionally, words between names, indicating the mode of transmission, will be different; for example, *samī'a* in one ('he heard'), *an* ('on the authority of') in the other. Several hundred hadith reports in the *Umm* are ascribed to 'someone trustworthy (*al-thiqah*)', 'someone I do not suspect (*man lā attahimu*)', and other such expressions.³⁴ Occasionally, too, al-Shāfi'ī's anonymous source in the *Umm* is named in the *Musnad*. One example is where *Ikhtilāf al-ḥadīth* has only 'there related to me someone trustworthy' whereas the *Musnad* quotes this hadith report, then adds the gloss *ya'nī Yaḥyā ibn Ḥassān* (*Umm* 10:199; *Musnad* 1:984). Another example is where the *Umm* says something came from 'someone trustworthy, meaning either Sufyān or someone else', whereas the *Musnad* says it came from Ibn Abī Yaḥyā. The two versions sound like alternative guesses. The version in the *Musnad* is also longer, including Ibn 'Abbās' comment, 'What does God care about our filth?' (*Musnad* 2:1948; *Umm* 3:529). It is easy to imagine al-Aṣamm's guessing at anonymous transmitters as he dictated hadith, but these many differences also raise the possibility that many identifications in the *Umm* are not precisely what al-Shāfi'ī dictated or wrote but the guesses of al-Rabī' or later redactors.

The *Musnad* describes the *tashahhud* near the end of the ritual prayer with *al-salāmu 'alayka ayyuhā 'l-nabīyu wa-rahmatu 'Llāh*, against the *Risālah*, which endorses the slightly longer formula *al-salāmu 'alayka ayyuhā 'l-nabīyu wa-rahmatu 'Llāhi wa-barakātuh* (*Musnad* 2:1394; *Risālah*, ¶ 743). The *isnād* in the *Musnad* agrees with one in the *Muwaṭṭa'* of Mālik, which, however, includes *wa-barakātuh* in agreement with the *Risālah*.³⁵ Wider disagreement among early scholars is indicated by a version in which Ibn 'Umar identifies *wa-barakātuh* as his own addition to what he had heard from the Prophet.³⁶

33 Cf. Joseph Schacht, *The origins of muhammadan jurisprudence* (Oxford: Clarendon Press, 1950), 69, 84, quoting Shāfi'ī, *Umm* 8:739.

34 See Abū Asmā' al-Miṣrī 'Aṭīyah ibn Ṣidqī 'Alī Sālīm 'Awdah, *Ilṭizām al-diqqah fi taḥqīq qawl al-Shāfi'ī akhbaranā al-thiqah* (Mansoura, Egypt: Maktabat Ibn 'Abbās, 2013), and Asmā' al-Bughā, *al-Ta'dīl 'alā al-ibhām 'inda al-imām al-Shāfi'ī*, *Silsilat al-rasā'il al-jāmi'īyah* 11 (Beirut: Dār al-Nawādir, 1435/2014), trying to identify the men not named.

35 Mālik, *Muwaṭṭa'*, rec. Yaḥyā, *al-ṣalāh* 53, *al-tashahhud fi al-ṣalāh*, no 240; rec. Abū Muṣ'ab, *wuqūt al-ṣalāh* 68, *bāb al-tashahhud fi al-ṣalāh*, no 499; rec. al-Shaybānī, *abwāb al-ṣalāh* 41, *bāb al-tashahhud fi al-ṣalāh*, no 146. Likewise Muzanī, *Mukhtaṣar*, *Umm* 1:78marg.

36 Abū Dāwūd, *Sunan*, *al-ṣalāh* 177, *bāb al-tashahhud*, no 971. After the next hadith report, no 972, Abū Dāwūd remarks that Aḥmad ibn Ḥanbal did not say *wa-barakātuh*. The Ḥanbali

Early hadith collections also show some confusion between the second *tashahhud* and the concluding *taslīm*. Here, then, the *Musnad* testifies to disagreement within the early Shāfi'ī school over the wording of the *tashahhud*.³⁷

The *Musnad* is not the only extant collection of hadith related by al-Shāfi'ī, for there is another conventionally called the *Sunan*. It seems to be the collection of the prominent Ḥanafī al-Ṭaḥāwī (d. 321/933) of somewhat fewer than 700 hadith reports, all but 15 of which he heard from al-Muzanī (d. 264/877?). About one-seventh is made up of hadith from Companions, nearly all the rest from the Prophet. A little less than half of its hadith reports are also found in the *Umm*. It was first published in 1986 as edited by 'Abd al-Mu'tī Amīn Qal'ajī, then in 1989 as edited by Khalīl Ibrāhīm Mullā Khāṭir.³⁸ Some of the reports in the *Musnad* not found in the *Umm* are found in the *Sunan*, confirming that they both go back to al-Shāfi'ī's dictation.³⁹ But there are also small discrepancies between the *Sunan* and the *Umm*, such as shorter or longer scene-setting for the Prophet's exemplary word or deed, suggesting that al-Rabī' and al-Muzanī worked from discrepant notes of what al-Shāfi'ī dictated.⁴⁰

My conclusions are modest, as one rather expects of comparing what are largely alternative recensions. The *Musnad* suggests caution in interpreting the *Umm* by itself when there is no corroborating parallel. It has been remarked before that the *Umm* occasionally identifies hadith that al-Rabī' did not himself hear directly from al-Shāfi'ī. The *Musnad* also identifies a number of hadith reports that al-Rabī' did not himself hear directly from al-Shāfi'ī, some of which are identified to the contrary in the *Umm*; that is, as al-Rabī's direct transmission from al-Shāfi'ī. This limits the usefulness of express descriptions in the *Umm* of how different passages reached its redactor. On the other hand, 250 H. is widely accepted as a boundary after which texts became effectively

school after him was divided, for which see al-Mardāwī, *al-Inṣāf fī ma'rīfat al-rājiḥ min al-khilāf 'alā madhhab al-imām Aḥmad ibn Ḥanbal*, ed. Muḥammad Ḥamid al-Fiḳī, 12 vols (Cairo: Maṭba'at al-Sunnah al-Muḥammadiyah, 1955-8, repr. Dār Iḥyā' al-Turāth al-'Arabī, 1419/1998), 2:62-3, 84.

37 Abū Ishāq al-Shirāzī considers *wa-rahmatu 'llāh* the required minimum, *wa-rahmatu 'llāhi wa-barakātuh* the best form: *al-Muhadhdhab*, 2 vols (Cairo: Maṭba'at Muṣṭafā al-Bābī al-Ḥalabī wa-Awlādih, n.d., repr. 1396/1976), 112.

38 Al-Shāfi'ī, *al-Sunan al-ma'thūrah*, ed. 'Abd al-Mu'tī Amīn Qal'ajī (Beirut: Dār al-Ma'rīfah, 1406/1986); idem, *al-Sunan*, ed. Khalīl Ibrāhīm Mullā Khāṭir, Madrasat al-imām al-Shāfi'ī 8, 2 vols (Jedda: Dār al-Qiblah lil-Thaqāfah al-Islāmiyah and Damascus: Mu'assasat 'Ulūm al-Qur'ān, 1409/1989). The latter edition is textually superior but Qal'ajī's editing and notes better serve comparison with the *Umm*.

39 e.g. *Musnad* 1:323, corresponding to *Sunan*, ed. Qal'ajī, 196; ed. Khāṭir, 1:235.

40 e.g. *Musnad* 1:324, corresponding to *Sunan*, ed. Qal'ajī, 154; ed. Khāṭir, 1:179, neither version found in the *Umm*.

stable, no longer just the lecture notes of one or another student. Similarities between the *Musnad* and the *Umm* sufficiently outweigh discrepancies to confirm that acceptance.

The *Musnad* and the *Sunan* both confirm that there was a larger body of al-Shāfiʿī's teaching on which different disciples might draw, as Norman Calder proposed to account for discrepancies between the *Mukhtaṣar* of al-Muzanī and the *Umm*.⁴¹ Comparison between the *Musnad* and the *Umm* shows specifically that al-Rabīʿ himself transmitted more from al-Shāfiʿī than what made its way into the *Umm*, or at least than what survives to our day. Jonathan Brockopp has similarly proposed that early Māliki authors drew on a body of Mālik's doctrine, some but not all of which found its way into the recensions of the *Muwattaʿa*.⁴² Calder and Brockopp disagree as to how much later jurists added pseudonymously to these bodies: very much according to Calder, negligibly little according to Brockopp. Study of the *Musnad* shows that some adjustment of al-Shāfiʿī's doctrine was still going on after the mid-ninth century but very little. As for the extent of it in the earlier ninth century, the *Musnad* cannot be expected to provide significant evidence.

41 Calder, *Studies*, 92.

42 Jonathan E. Brockopp, *Early Māliki law*, Studies in Islamic law and society 14 (Leiden: Brill, 2000), 95-100.