BOOK REVIEWS


The spread of a school of law is a process that involves a number of factors, some political, others economic, psychological, ideological, or geographical. For the Shafi‘i school, we have Heinz Halm’s Die Ausbreitung der läuftischen Rechtsschule von den Anfängen bis zum 8./14. Jahrhundert, but for the Hanafi school, this book is the first. It covers most areas of the Islamic world from the middle of the 2nd/8th century until the end of the 3rd/9th century, the period during which the early Hanafi circle whose boundaries were initially fluid became more clearly defined.

The book consists of a preface, seven chapters, and a conclusion. Chapter One is dedicated to a detailed analysis of the Javahiri of Ibn Abi al-Wafa’ al-Qurashi (d. 775/1373), the most important source for this book, with special reference to “semi-Hanafis” (see below). In the following chapters Tsafir analyses the spread of Hanafism in various parts of the Islamic world. She starts Chapter Two, the longest chapter, by analyzing the way the Hanafi secured their position in Kufa and Basra. They did so with the active support of the ‘Abbasiid government, despite continued opposition from the traditionists and non-Hanafi local jurists. Their influence diminished from the later 3rd/9th century onwards (sections 1 and 2). Section 3 of Chapter Two, which treats Baghdad, is somewhat different in that it emphasizes the competition between the Hanafis and the other Sunni law schools and includes the theological dimension which was part of this competition during the 3rd/9th century. The rest of the chapter is dedicated to Anbar and Wasit. Chapter Three investigates the introduction and spread of Hanafism in five towns of west Iran: Ahwaz, Isfahan, Hamadhan, Rayy, and Qazwin (sections 1-5, respectively). In the second section (on Isfahan), the author regards Zufar b. al-Hudhayl’s (d. 158/774-5) family connections there as an important factor in the Isfahans’ acceptance of Hanafi legal doctrine. In Isfahan, Zufar transmitted traditions on the authority of his master Abi Hanifa, and the acceptance of these traditions by the Isfahans paved the way for their acceptance of Hanafi legal doctrine (pp. 66-8). Chapter Four deals with two major towns of the Jazira, Mosul and Raqqa. The Hanafi community in Mosul was so small that it could hardly provide a qadi. Further, the ‘Abbasiid government could not support the Hanafis there because of local political unrest and the town’s remoteness from the center of the empire. By contrast, the government appointed al-Shaybani and his disciples as qadis of Raqqa. There, the Hanafi community was also rather small, but Raqqa was politically important to the ‘Abbasiid
government. In Chapter Five, Tsafrir describes Syria as a typical area in which the 'Abbasid government met strong opposition from the local population, which meant that Hanafism could not spread there. Chapter Six focuses on the Hanafis’ attempt to introduce Hanafism to Egypt. Here, despite their immigration from Iraq and the 'Abbasid appointment of Hanafi qadis, their attempt was rewarded with only modest success. In Chapter Seven, Tsafrir describes the early stage of legal development in Qayrawan which was represented by semi-Hanafis, that is, those who followed Medinese-Maliki as well as Hanafi law. Here, she suggests, the clear division between Hanafis and Malikis was preceded by the existence of two theological groups, the Mu'tazilis and the ahl al-sunna. The Hanafis embraced the Mu'tazilis, and the Malikis the ahl al-sunna (p. 109). After describing the relation between the Hanafi and the Malik schools in some detail, the author notes that Aghlabid juridical policies did not consistently favor either school.

The factors that led to the success or failure of the Hanafis’ attempt to introduce and spread their doctrine differ from one area to another. However, roughly speaking, the size of the Hanafi community in any given area and the willingness of the 'Abbasid government to control that area are the decisive elements. In any locale, if there were a sufficient number of Hanafis, they could prevail with the support of the government; otherwise they could not establish their position there. Tsafrir’s analyses are based on careful reading of the primary sources and her overall conclusions are persuasive. In the following, therefore, I would like to mention only two points.

The first point regards the concept “semi-Hanafs” and, incidentally, the period during which the traditionist party became hostile to Hanafism. The author defines semi-Hanafis as “second/eighth and early third/ninth century scholars whose biographies are included in the Jawahir but who are otherwise well known as traditionists” (p. 2). Although she introduces this concept in Chapter One, it is mainly in Chapter Two that it plays an important role in her argument. She says that in biographical dictionaries compiled by traditionists, i.e. the Kitab al-tabaqat of Ibn Sa'd, the Kitab al-tabaqat of Khaṭīfa b. Khayyān, and the Mushaf al-ulamā' al-amārīr of Ibn Hibban, the Hanafis and semi-Hanafis represent a small percentage of the Kufan scholars active in the 2nd/8th century; the same tendency is found in the Ta'rīkh of al-Ya'qūbi (p. 19). That is to say, even if semi-Hanafis are classified as Hanafis for the sake of argument, the circle of Abū Hanifa attracted only a small fraction of Kufans. Given the unpopularity of Abū Hanifa’s circle in Kufa, Tsafrir concludes that Hanafism became dominant only by virtue of the active support of the 'Abbasid government (see pp. 20-7).

This argument is based on the assumption that the biographers who are neither Hanafis nor semi-Hanafis are traditionists who in principle were hostile to Hanafism. But the analysis of the Manaqib of al-Muwaffaq b. Ahmad al-Makki (d. 568/1172-3) casts doubt on this assumption: (1) of the 81 biographers in the fourth class of the Kufans in Ibn Sa'd's Kitab al-tabaqat, two persons have entries in the Jawahir, i.e. there are two Hanafis or semi-Hanafis, and one “non-Hanafi” (in the sense that there