Book Reviews


This is a version of Yahia’s 2003 doctoral dissertation, a sprawling but very interesting survey of the legal thought of al-Shāfiʿī (d. 204/820). Yahia utilizes a fairly wide range of earlier studies in French, German, and English (not much in Arabic), although unfortunately including almost nothing published after 2002. Transliteration is usually good, excepting repeatedly Jamāʿ al-ʿilm instead of Jimāʿ. Regrettably, Yahia uses multiple non-critical editions, starting with that of the Ḥumrī itself, which he usually cites by page in the 1960s edition of al-Najjār, a mere retyping of the Bulaq edition (actually edited by Shīhāb al-Dīn Aḥmad al-Ḥusaynī), rather than the new, scientific edition of Rifʿat Fawzī ʿAbd al-Muṭṭalib. There is a glossary but, lamentably, no index. The principal strength of this study lies in the many observations made along the way, but two theses do stand out: the similarity of al-Shāfiʿī’s jurisprudence to that of his contemporaries, on the one hand, and the innovativeness of al-Shāfiʿī’s idea of Qurʾān and ḥadīth as a single body of revelation, on the other.

Yahia begins by reviewing the controversy over the authenticity of ḥadīth, a review in which he makes clear his distaste for what he terms the hypercritical school. (More methodologically rigorous reviews are those by Motzki and Berg). More interestingly, he next turns to the life of al-Shāfiʿī. The biographical literature pertaining to al-Shāfiʿī himself appears to be thoroughly unreliable, but sometimes al-Shāfiʿī’s works themselves can be made to yield information. In his discussion of al-Shāfiʿī’s sources, Yahia observes that he most often cites Sufyān b. ʿUyayna and Mālik, then Ibrāhīm b. Abī Yaḥyā (Meccan), then Saʿīd b. Sālim and Muslim b. Khālid al-Zanjī (both Meccan). Apart from Sufyān, the Meccans themselves seem heavily reliant on Ibn Jurayj. Iraqis are cited very little, casting doubt on the biographical tradition by which al-Shāfiʿī spent significant amounts of time in Iraq, although less doubt on the tradition by which his jurisprudence was deeply informed by Iraqi as well as Hijazi learning. (Yahia’s

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figures, derived from an index of names in the *Umm*, are exactly confirmed by my own, derived from random samples of the *Umm* and *Musnad al-Shāfiʿī*. Of ḥadīth from Sufyān b. ‘Uyayna in *Musnad al-Shāfiʿī*, I find that 27 percent is related from Meccan shaykhs, 30 percent from Iraqi, and 38 percent from Medinese. Through Sufyān, then, al-Shāfiʿī does seem to have drawn significantly on the tradition of Iraq, although remaining mainly Hijazi.

In the *Umm*, al-Shāfiʿī’s interlocutor sometimes refers to him as having Meccan comrades. However, al-Shāfiʿī sometimes disagrees with both of his Meccan and Medinese teachers, Sufyān and Mālik. He also occasionally sides with Iraqi opinion against Meccan. On the other hand, the *Ikhtilāf Mālik wa-l-Shāfiʿī* tends to deflect criticism from Mālik onto his disciples, so that al-Shāfiʿī can still consider himself a loyal disciple. On balance, according to Yahia, it appears that al-Shāfiʿī was first of all loyal to a Meccan tradition but departed from it in favor of Medinese positions, especially in the area of ritual, enough for his system to represent a new composite Hijazi law opposed to Iraqi.

Like Lowry, Yahia has observed that al-Shāfiʿī really recognizes just two sources, Qur’ān and prophetic *sunna*. He considers that “*al-Umm*”—a name that does not appear in the biographical record until al-Bayhaqī (d. 458/1066)—probably means precisely “the mother,” pointing to *ummahāt al-kutub* as a related term for the bases of a school. (Actually, Muzānī’s *Mukhtaṣar* does once refer expressly to the *Umm*.)

Yahia remarks al-Rabiʿ’s reputation in the biographical literature for obtuseness, but notes that his actual comments were not obtuse. Like others, he supposes that al-Rabiʿ’s obtuseness was posited to justify a preference for his version of al-Shāfiʿī’s doctrine over the cleverer al-Muzānī’s and others’. Yahia observes that al-Shāfiʿī distinguishes between questions that all understand and questions only an élite does, without acknowledgement of Calder’s argument to the same effect. Complementarily, he proposes that al-Shāfiʿī’s emphasis on the Arabness of the Qurʾān was convenient to defending the prerogatives of Arabophone commentators.

Yahia tries to infer al-Shāfiʿī’s theological position from his legal writings. He takes a passage in *Jimāʿ al-ʿilm* to indicate that al-Shāfiʿī himself was once with the rationalists, but then accepted the exclusive authority of revelation. I am not convinced. The passage in question looks to me hypothetical, not autobiographical. Yahia’s conclusion is that al-Shāfiʿī was unaffected by the Muʿtazila’s theology but took over their method of *kalām* argumentation to refute erroneous legal ideas of theirs. I expect

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