

THE ROLE OF THE BIOGRAPHER IN CONSTRUCTING  
IDENTITY AND DOCTRINE: AL-°ABBĀDĪ AND HIS  
*KITĀB ṬABAQĀT AL-FUQAḤĀ° AL-SHĀFI°IYYA*

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This paper explores the role of the biographer in compiling a biographical dictionary, focusing on al-°Abbādī's (d. 458/1066) work on the Shāfi°ī 'school' of law. The paper argues that al-°Abbādī straddles a fine line of faithful transmission of school doctrines and artful arrangement of the materials in order to shape the identity, authority structures, and doctrines of the school according to his vision. To highlight al-°Abbādī's role in constructing the identity and authority structures of the school the paper focuses on three areas: first, how al-°Abbādī lays out his vision of the school in the entry of the eponym of the school by delineating the areas of law that distinguish al-Shāfi°ī from other founders of schools of law; second, how al-°Abbādī deals with contradictory positions held among members of the school; third, how he gives the school of law also a theological identity (Ash°arism) by discussing such topics as free will, the createdness of the Qur°ān, and the definition of faith (*īmān*). The paper details the author's range of editorial hints and techniques of presentation that guide his audience to the 'correct' Shāfi°ī doctrine. It presents reasons why al-°Abbādī takes recourse to these measures and points to the effects of his presentation of school doctrines.

*Introduction*

A particular feature of Arab-Muslim literature and culture is its vast numbers of biographical dictionaries.<sup>1</sup> Among the earliest of which we

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<sup>1</sup> Biographical notes are known by a variety of terms; widely used are the Arabic *ṭabaqa*, pl. *ṭabaqāt*, or *tarjama*, pl. *tarājim*, as well as *sīra*, pl. *sīyar*. They are found in a variety of literature. Depending on how broadly one defines the genre, biographical information appears in historical narratives that, sometimes more as a side note, elaborate on people who lived during the time period under consideration or list those who died in a particular time span; in works specifically dedicated to a particular group of people; and in those devoted to a particular figure (usually called *manāqib*). For overviews of the breadth and depth of this genre with extensive bibliographical references, see Sir Hamilton Gibb, 'Islamic Biographical Literature,' in *Historians of the Middle East*, eds. B. L. Lewis and P. M. Holt (London: Oxford University Press, 1962), 54–8; Franz Rosenthal, *A History of Muslim Historiography* (Leiden: Brill, 2nd revised ed. 1968), 100–6; M. J. L. Young, 'Arabic Biographical Writing,' in *Cambridge History of Arabic Literature: Religion and Learning in the °Abbasid Period*, eds. M. J. L. Young, J. D. Latham

know are Ibn Saʿd's (d. 230/845) *Kitāb al-Ṭabaqāt al-kabīr* and Ibn Sallām al-Jumāhī's (d. 231/846) *Kitāb Ṭabaqat al-fuḥūl al-shuʿarāʾ*, devoted to *ḥadīth* transmitters and poets respectively. A more recent example of this type of literature is ʿAbd al-Rahmān al-Jabartī's (1754–1829) *ʿAjāʾib al-athār fī l-tarājim wa-l-akhbār*. While many biographical works concentrate on religious figures, such as Companions, *ḥadīth* transmitters, Qurʾān readers, jurists, mystics, and theologians, it is not a religious phenomenon; there is no shortage of works dedicated to poets, musicians, philosophers, caliphs, as well as to people with unusual attributes or even afflicted with some disease. Among the curiosities preserved by biographers is the *Bursān wa-l-ʿurjān* of al-Jāhīz (d. 255/868), which mentions litterateurs who were lepers, lame, blind, and squint-eyed; Abū Ḥātim al-Sijistānī (d. 248/862) devotes a book on people blessed with longevity (*al-Muʿammarūn wa-l-waṣayāʾ*);<sup>2</sup> and someone thought it sufficiently noteworthy to compile a list of tall men whose big toes dragged on the ground when riding.<sup>3</sup>

The forms that biographical notices take are just as varied as their subjects, ranging from mere lists of names or genealogies to extensive entries which include stories and anecdotes of the individual's life and professional accomplishments, or book-length biographies on important personalities. The type of information mentioned in a biographical entry depends on factors such as the sources available to the author and the purpose of the biography, and may vary widely within one and the same work. Frequently included in a biography are the death date of a person (and, if known, also the birth date); his/her genealogy and residence(s); education received, including teachers in specific subjects and students taught; travels undertaken; people/scholars met; works written or *ḥadīth* transmitted; professional appointments; and anecdotes or stories that are

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and R. B. Serjeant (Cambridge: Cambridge University Press, 1990), 168–87; Charles Pellat, 'Manāqib,' *Encyclopaedia of Islam*, 2nd edition (henceforth, *EI*), vol. 4, 349–57; R. Stephen Humphreys, *Islamic History: A Framework for Inquiry* (Princeton: Princeton University Press, revised ed. 1991), 187–208; and Wadād al-Qāḍī, 'Biographical Dictionaries: Inner Structure and Cultural Significance,' in *The Book in the Islamic World*, ed. George N. Atiyeh (Albany: State University of New York Press, 1995), 93–122. Paul Auchterlonie provides a fairly comprehensive list of works in his *Arabic Biographical Dictionaries: A Summary Guide and Bibliography* (Durham: Middle East Libraries Committee, 1987).

<sup>2</sup> Al-Qāḍī, 'Biographical Dictionaries,' 95.

<sup>3</sup> Michael Cooperson, *Classical Arabic Biography: The Heirs of the Prophets in the Age of al-Maʾmūn* (Cambridge: Cambridge University Press, 2000), 3.

relevant for understanding the personality and the significance of the biographee.<sup>4</sup> However, the information gleaned from biographical entries often says less about the individual than the collective entity that this person belongs to because it captures primarily those aspects that associate that individual to the group. The biography reveals to the reader a framework within which to place the person in Islamic society, establishing the individual's doctrinal or political affiliations and/or whether s/he is a reliable transmitter of knowledge.

Despite the wealth of information that can be derived from biographical works, there are obvious limitations to this genre. The author selects the individuals he includes; it is neither all-inclusive nor a random distribution of people belonging to that group, which makes generalizations difficult to sustain.<sup>5</sup> Moreover, the biographer is not just a neutral compiler of information. Not only may he have his own 'agenda', but he also follows the cultural attitudes and literary conventions of his time. When highlighting an aspect of someone's personality, he draws on metaphors and topoi known and accepted by his audience. Tāj al-Dīn al-Subkī (d. 771/1370), for example, organized his biographical dictionary of the Shāfi'ī school according to centuries, based on the common belief in a prophetic report that every century a renewer (*mujaddid*) of the faith appears. Hence, he lists at the start of every century a reformer who, not surprisingly, came from among the ranks of Shāfi'ī jurists, with al-Shāfi'ī as the reformer for the third century AH.<sup>6</sup> An amusing detail of the 'fictional' character of some biographical information is Ibn Farḥūn's (d. 799/1397) account of Mālik

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<sup>4</sup> A good representative of the genre is al-Khaṭīb al-Baghdādī's (d. 463/1071) *Ta'rīkh Baghdād*. In it, the author frequently captures the societal context of an individual by recounting not only biographical facts but also anecdotal material associated with the person. About Ibn Ishāq, the compiler of a biography of the Prophet Muḥammad, al-Khaṭīb mentions several stories that, irrespective of their historical truth, convey that Ibn Ishāq was a controversial figure who elicited praise as well as blame from his contemporaries. See Abū Bakr Aḥmad b. °Alī al-Khaṭīb al-Baghdādī, *Ta'rīkh Baghdād aw Madīnat al-Salām*, 14 vols (Cairo: Maktabat al-Khānjī, 1349/1931), vol. 1, 214–34.

<sup>5</sup> For a discussion of the pitfalls of prosopographical studies, see Lawrence Stone, 'Prosopography,' *Daedalus* 100 (1971), 46–79.

<sup>6</sup> Al-Qāḍī, 'Biographical Dictionaries,' 107; see for the *mujaddid* theme Ella Landau-Tasserion, 'The 'Cyclical Reform': A Study of the *Mujaddid* Tradition,' *Studia Islamica* 70 (1989), 79–117.

b. Anas (d. 179/795), the eponym of the Mālikī school of law<sup>7</sup>. He states that Mālik was in his mother's womb for three years<sup>8</sup> – evidently a reflection of Mālik's doctrine of the 'sleeping fetus,' which holds that pregnancies may last up to three years.

The study of such biographical notes, though far from having exhausted the material, reveals important insights into Islamic civilization.<sup>9</sup> As Wadād al-Qāḍī poignantly states: 'biographical dictionaries are indeed a mirror in which are reflected some important aspects of the intellectual and cultural development of the Islamic community'.<sup>10</sup> The aim of this essay is to investigate the role the author of a biographical dictionary plays in shaping the identity of the group he documents by arranging and presenting his information in a particular way. In order to understand that role one must also look at the function this genre of literature serves. While the most important function of biographical works is to preserve history, it is a particular view of history that is portrayed in such works. Generally, one finds a somewhat idealized and mythologized version of history that pays attention not so much to events, but to fields of knowledge or expertise that characterize

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<sup>7</sup> Leder argues that despite a disdain for fiction in non-fictional Arabic narratives, the factuality of the information presented is frequently an illusion. Fictional elements may be used for educational or entertaining purpose, as narrative techniques or appeal to the cultural framework of the audience. See Stefan Leder, 'Conceptions of Fictional Narration in Learned Literature,' in *Story-Telling in the Framework of Non-Fictional Arabic Literature*, ed. Stefan Leder (Wiesbaden: Harrassowitz, 1998), 34–60.

<sup>8</sup> Ibrāhīm b. °Alī b. Farḥūn, *al-Dībāj al-Mudhahhab fī ma°rifat a°yān °ulamā° al-madhhab*, ed. Muḥammad al-Aḥmadī Abū l-Nūr (Cairo: Dār al-Turāth, 1972), 89.

<sup>9</sup> For studies that successfully use the biographical literature to gain understanding of aspects of Islamic civilization see, for example, Cooperson, *Classical Arabic Biography: The Heirs of the Prophets*; idem, 'Ibn Hanbal and Bishr al-Hafī: A Case Study in Biographical Traditions,' *Studia Islamica* 86 (1997), 71–101; Nimrod Hurvitz, 'Biographies and Mild Asceticism: A Study of Islamic Moral Imagination,' *Studia Islamica* 85 (1997), 41–65; Asma Afsaruddin, 'In Praise of the Caliphs: Re-Creating History from the Manaqib Literature,' *International Journal of Middle East Studies* 31 (1999), 329–50; Fedwa Malti-Douglas, 'Controversy and its Effects in the Biographical Tradition of al-Khaṭīb al-Baghdādī,' *Studia Islamica* 46 (1977), 115–31.

<sup>10</sup> Al-Qāḍī, 'Biographical Dictionaries,' 94.

the commonality of the group.<sup>11</sup> Works that are devoted to a specific professional or doctrinal group of people tend to focus on the ‘founder’ as fountainhead of knowledge of the particular field the group represents (grammar, law, music, etc.) and how this knowledge is transmitted from one member in the group to another.<sup>12</sup> While the main function of a biographical work about such a group is to preserve the history of transmission of the professional knowledge and doctrines that distinguishes it, the biographer also engages in constructing its identity. As will be shown in more detail below, he describes and, thereby, defines its characteristics, its distinctiveness from similar groups, its membership,<sup>13</sup> its boundaries, and its continuity. The biographer also determines the place of individual members within that group.<sup>14</sup> This is done, as illustrated below, by stating the opinions of a member and relating his/her views to those of other members or those accepted among the group as a whole. Upon reading such biographies, future members of the group receive a ‘who’s who’ of past generations, but are

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<sup>11</sup> See Michael Cooperson, ‘Classical Arabic Biography: A Literary-Historical Approach,’ in *Understanding Near Eastern Literatures: A Spectrum of Interdisciplinary Approaches*, eds. Verena Klemm and Beatrice Gruendler (Wiesbaden: Reichert, 2000), 177–87 (pp. 178–9).

<sup>12</sup> Cooperson points out that al-Marzubānī (d. 368 or 384/979 or 994), who compiled an early work on grammarians, styled Abū l-Aswad al-Duʿalī (d. 69/688) as the ‘founder’ of the discipline, who learned it from none other than ʿAlī b. Abī Ṭālib (Cooperson, *Classical Arabic Biography: The Heirs of the Prophets*, 12). Hallaq masterfully documents how in schools of law the eponymous founder was later elevated to have single-handedly created the doctrines of the school by cutting him off from any reference to previous jurists from whom he might have learned and by projecting contributions of his disciples to the doctrinal body of the school onto the founder. See Wael B. Hallaq, *Authority, Continuity and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001), 24–56.

<sup>13</sup> As documented widely, works on, for example, members of a school of law frequently list jurists also claimed by another school (see Christopher Melchert, *The Formation of the Sunni Schools of Law, 9<sup>th</sup>–10<sup>th</sup> Centuries C.E.* (Leiden: Brill, 1997), 44–5, 72, 75–6, 81, and 146; F. Kern, ‘Ṭabarī’s Iḥtilāf alfuqahā’, *Zeitschrift der deutschen morgenländischen Gesellschaft* 55 (1901), 61–95 (pp. 72–3); al-ʿAbbādī, too, states on occasion that a jurist he lists is also claimed by another school. See *Kitāb Ṭabaqāt al-fuqahāʾ aš-šāfiʿīya: Das Klassenbuch der Gelehrten Šāfiʿiten des Abū ʿĀsim Muḥammad b. Aḥmad al-ʿAbbādī*, ed. Gösta Vitestam (Leiden: Brill, 1964), 20–1, 41, and 89.

<sup>14</sup> Cooperson, *Classical Arabic Biography: The Heirs of the Prophets*, xii, 7–8, and 15.

also given information about which view is accepted (or acceptable) and authoritative. One may find, for example, a comment that a particular view is a minority one or not in line with that of the founder.<sup>15</sup> The biographer constructs lines of authority by indicating the relationships between members of the group, especially to the founder or origins of the group. Biographical works on a specific group, however, are not only written for internal consumption by the members of the group. They also define the group's place in the wider history of Islamic civilization. Compiling the biographical entries, the author declares to the whole of the community its significance and contribution. He demonstrates the legitimacy of its professional activities and why it is authoritative in the field it represents.<sup>16</sup>

In the enterprise to describe and define the identity of a group as well as its authority in society the biographer is crucial. Although he, doubtlessly, bases his narrative on already existing sources and information he received from previous generations, he is the one who selects whom to include and exclude from the group;<sup>17</sup> he adduces reports to reinforce the genealogy, the achievements, and the identity of the group; and he is the one who decides how to present his material. He is, thus, an active participant in shaping the group, its self-perception, and its image in society.

In what follows, I will illustrate how Abū °Āṣim al-°Abbādī helped to mold the identity of the Shāfi°ī school of law in his *Kitāb Ṭabaqāt al-fuqahā° al-shāfi°īyya*. For this purpose, I am paying more attention to the ways in which he presents information on jurists and doctrines of the Shāfi°ī school, rather than the historicity of his narrative. Furthermore,

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<sup>15</sup> As Hallaq has shown, a particular ruling that is designated at one point as a minority view does not have to remain that way. Later generations might accept it and elevate it to represent an acceptable alternative to the dominant doctrine of the school, cf. Hallaq, *Authority, Continuity and Change*, 194–208.

<sup>16</sup> Cooperson, *Classical Arabic Biography: The Heirs of the Prophets*, xii and 13–7. Cooperson points out that Ibn al-Mu°tazz (d. 296/908) aimed in his biographies of poets (*Ṭabaqāt al-shu°arā° al-muḥdathīn*) at legitimizing the 'new' poetic style of *badī°* (ibid., 12).

<sup>17</sup> That the membership of a group changes is evident, for example with the famous historian and exegete Muḥammad b. Jarīr al-Ṭabarī (d. 319/923). While al-°Abbādī counts him among the members of the Shāfi°ī school (al-°Abbādī, *Kitāb Ṭabaqāt*, 52), the bibliographer Ibn al-Nadīm (d. 385/995) considers al-Ṭabarī to have had his separate following, independent of those of al-Shāfi°ī. See Melchert, *Formation of the Sunni Schools of Law*, 178.

instead of pointing out that al-°Abbādī's biographical work serves ideological purposes, I focus on how he achieves this goal by showing the range of techniques and editorial devices he uses.<sup>18</sup>

*Abū °Āṣim al-°Abbādī's Kitāb Ṭabaqāt al-fuqahā° al-shāfi°iyya*  
 Abū °Āṣim Muḥammad b. Aḥmad al-°Abbādī, the author of *Kitāb Ṭabaqāt al-fuqahā° al-shāfi°iyya*, was born in Herat in 375/985, where he began his education before studying in Nīshāpūr under leading scholars of Shāfi°ī law and Ash°arī theology.<sup>19</sup> He is said to have traveled extensively, and returned, probably after 440/1048, to Herat where he was appointed *qāḍī*. He died there or, according to some accounts, in Marw in 458/1066. Al-°Abbādī is not only remembered as a Shāfi°ī judge, author of several works on law (mainly on legal practice, *furū°*) and biographer of the school, but also as the leading Ash°arī theologian of Herat of his time.

Al-°Abbādī finished his work on members of the Shāfi°ī school in 435/1044,<sup>20</sup> before starting his judgeship in Herat. The book contains the names of 238 jurists,<sup>21</sup> starting with the eponymous founder and

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<sup>18</sup> George Makdisi has shown that some of the presentational techniques used by al-Subkī (d. 771/1370) in his *Ṭabaqāt al-Shāfi°iyya* were intended to highlight that Ash°arī theology is compatible with Shāfi°ism. See George Makdisi, 'Ash°arī and the Ash°arites in Islamic Religious History I,' *Studia Islamica* 17 (1962), 37–80 (pp. 57–79).

<sup>19</sup> For a more detailed biography of al-°Abbādī see the editor's introduction to *Kitāb Ṭabaqāt*, English pagination 5–11 (unless otherwise stated, the page numbers refer to the Arabic pagination), where the editor has collected most biographical information available on al-°Abbādī; Heinz Halm, *Die Ausbreitung der šāfi°itischen Rechtsschule von den Anfängen bis zum 8./14. Jahrhundert* (Wiesbaden: Reichert, 1974), 11 and 78; Joseph Schacht, 'al-°Abbādī,' *EI*<sup>2</sup>, vol. 1, 5; Abū l-°Abbās Shams al-Dīn Aḥmad b. Muḥammad Ibn Khallikān, *Wafayāt al-a°yān*, ed. Iḥsān °Abbās (Beirut: Dār Ṣādir, 1397/1977), vol. 4, 214.

<sup>20</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 114.

<sup>21</sup> Several jurists listed by al-°Abbādī appear, however, to be instances of *tafrīq*, i.e. duplicating the same person. Instances of *tafrīq* seem to be, for example, the entries on Abū Muḥammad al-Rabī° (pp. 12 and 16); Abū Muḥammad °Abd al-Rahmān b. Abī Ḥātim (pp. 29 and 43); Abū l-Qāsim al-Anmāṭī (p. 51); and the three persons listed with the name al-Karābīsī (p. 109) are probably only two (cf. also editor's note, English pagination 59). That such 'mistakes' were commonly made, even by eminent scholars, is pointed out by al-Khaṭīb al-Baghdādī, who composed a book elucidating instances of conflating (*jam°*) and duplicating (*tafrīq*) individuals in al-Bukhārī's *al-Ta°rīkh al-kabīr*. See Aḥmad b. °Alī al-Khaṭīb al-

presenting six generations (*ṭabaqāt*), the last of which recorded the author's contemporaries. The length of each generation and the number of jurists listed therein varies without recognizable pattern, and is likely to have been the result of the information available to al-°Abbādī.<sup>22</sup> Of the six generations, numerically the largest is the fourth (83 jurists), followed by the first (49 jurists). Both represent also the longest generations, containing individuals whose death dates cover a range of approximately 80 years.<sup>23</sup> The members of the fourth, and largest, generation, whose death dates fall predominantly into the second half of the fourth/tenth century, seem to be either better known to al-°Abbādī, or they reflect a growth period within the Shāfi°ī school; in contrast, the author lists only 26 jurists for the third and 33 for the fifth generation. Hallaq speaks of a growing Shāfi°ī school during the fourth/tenth century due to the numerous students of Ibn Surayj (d. 306/918), who are said to have spread the Shāfi°ī *madhhab*.<sup>24</sup> Halm documents that it was during this period that Shāfi°ī jurists were appointed as judges in cities such as Shirāz, Nīshāpūr, Qom, and Damascus, taking offices previously occupied mainly by Ḥanafīs.<sup>25</sup>

*The purpose behind the Kitāb Ṭabaqāt al-fuqahā° al-shāfi°iyya*

Al-°Abbādī's dictionary of Shāfi°ī jurists is remarkable in many ways. It is probably the earliest extant source devoted to members of the Shāfi°ī school,<sup>26</sup> written more than 200 years after the death of its eponym,

Baghdādī, *Muwaddih awḥām al-jam° wa-l-tafriq*, ed. °Abd al-Muṭ°ī Amīn Qal°ajī (Beirut: Dār al-Ma°rifā, 1407/1987).

<sup>22</sup> Al-°Abbādī does not say much about his sources, though it is obvious from some references that he drew on written and oral sources, cf. al-°Abbādī, *Kitāb Ṭabaqāt*, 6, 86, and 91.

<sup>23</sup> In the first generation, al-°Abbādī lists two persons who doubtlessly have to be counted among the second generation of Shāfi°ī jurists, cf. al-°Abbādī, *Kitāb Ṭabaqāt*, 29 and 36.

<sup>24</sup> Wael B. Hallaq, 'Was al-Shafii the Master Architect of Islamic Jurisprudence?' *International Journal of Middle East Studies* 25 (1993), 587–604 (pp. 595–6). Melchert provides a list of 27 identifiable students of Ibn Surayj and mentions a few more who probably studied with him. See Melchert, *Formation of the Sunni Schools of Law*, 92–4.

<sup>25</sup> Halm, *Ausbreitung*, 20–9.

<sup>26</sup> Other biographical works on the Shāfi°ī school that are not extant are attributed to al-Muṭ°awwi°ī (d. 400/1009–10) and to Abū l-Ṭayyib al-Ṭabarī (d. 450/1058), who was one of al-°Abbādī's teachers. See Melchert, *Formation of the Sunni Schools of Law*, 145; al-°Abbādī, *Kitāb Ṭabaqāt*, 114.

Muḥammad b. Idrīs al-Shāfi‘ī (d. 204/820). Somewhat surprising, however, is that it does not provide the typical information otherwise found in biographical works of its time, such as al-Khaṭīb al-Baghdādī’s (d. 463/1071) *Ta’rīkh Baghdād*. Almost completely absent are any vital dates on the jurists listed or descriptions of personal traits and anecdotal accounts – elements that give the *Ta’rīkh Baghdād* its richness and make its subjects come to life. The reason for this void in al-‘Abbādī’s work becomes apparent when looking at the author’s introduction. There he writes that he sees himself in the tradition of the elders (*salaf*),<sup>27</sup> who recorded what they knew about the Companions, the Successors, the Successors of the Successors, and the eminent scholars who came after them, out of an obligation to emulate and to be guided by their example. Their importance, according to al-‘Abbādī, lies in being the intermediaries (*wasā’it*) between ‘us’ and the Companions of the Prophet.<sup>28</sup> For al-‘Abbādī, it is not so much the individual personalities who are important in the link between the Companions and his own generation, than their function as transmitters of legal knowledge. He states that they are the ones who passed on the methods of jurisprudence (*manāhij al-fiqh*), the rulings (*aḥkām*), and knowledge of the precise meanings (*ma‘ānī*) and signs (*a‘lām*) from which legal rulings are derived.<sup>29</sup> Al-‘Abbādī’s purpose, thus, is to document and preserve knowledge of the fundamentals of law-finding. Although the author here insinuates that this knowledge has been transmitted to the current generation from the Companions, he makes no efforts to show any link between al-Shāfi‘ī and the Companions or legal figures of generations preceding the eponym. Only once does he mention al-Shāfi‘ī’s teachers, and that occurs in the entry of a Shāfi‘ī jurist of the fourth generation, where a chain of transmission between al-Shāfi‘ī going back to the Prophet is listed in the way one usually finds for *ḥadīth* transmitters. Interestingly, no actual ruling or statement is tied to this chain.<sup>30</sup> Al-‘Abbādī’s claim that the legal knowledge of the Shāfi‘ī school has been

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<sup>27</sup> Al-‘Abbādī obviously considers the term *salaf* in its broad meaning of predecessors or forefathers, not restricted to the Companions or the first three generations of Muslims.

<sup>28</sup> Al-‘Abbādī, *Kitāb Ṭabaqāt*, 1.

<sup>29</sup> *Ibid.*, 1.

<sup>30</sup> The chain of transmission goes from Muslim b. Khālid al-Zanjī and Sa‘īd b. Sālīm al-Qaddāh to Ibn Jurayḥ, ‘Aṭā’ b. Abī Rabāḥ, ‘Abdallāh b. ‘Abbās and Ibn ‘Umar, of which the last two have received their knowledge from the Prophet (*ibid.*, 84).

passed down to its members from the Companions, rather than having substantive value, is intended to evoke the image that the legal doctrine of the school perpetuates the legal tradition of the early community. Furthermore, starting his biographical work with the eponym of the school suggests an analogy: just as *ḥadīth* transmission has as its source of origin the Prophet, so al-Shāfi'ī is the fountainhead of legal knowledge for his followers. Similar to *ḥadīth* transmission, al-°Abbādī takes care in the individual entries to list, whenever he knows, the relationship among jurists of the Shāfi'ī school, especially their relationship to al-Shāfi'ī and his immediate disciples, and from whom they transmit. As for the concrete legal rulings that are transmitted, he concentrates, as he said in the introduction, on three areas: legal methodology (or what he calls *manāḥij*),<sup>31</sup> applied law (*aḥkām* or *furū'*), and determining the meanings and signs by which to extend the existing law to situations not expressly stated (which would fall under the various types of law-finding loosely subsumed under *qiyās* during the author's time period).<sup>32</sup>

Yet, there is another purpose behind al-°Abbādī's composition. He explicitly states that he wished to provide for the Shāfi'ī school that which Ḥanafīs had done for theirs, namely listing and praising all those jurists who belong to their 'school'.<sup>33</sup> Al-°Abbādī's desire to imitate the way Ḥanafīs commemorate their members reflects that his purpose in writing this book is also one of identity-building for the Shāfi'ī school; his work will delineate the membership of the group,

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<sup>31</sup> Makdisi points out that the term *uṣūl al-fiqh* was not commonly used to designate works on legal theory until the late 4th/10th–early 5th/11th century. See George Makdisi, 'The Juridical Theology of Shāfi'ī: Origins and Significance of Uṣūl al-Fiqh,' *Studia Islamica* 59 (1984), 5–47 (pp. 7–9).

<sup>32</sup> Cf. Wael B. Hallaq, 'Non-Analogical Arguments in Sunni Juridical *Qiyās*,' *Arabica* 36 (1989), 286–306.

<sup>33</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 1. Al-°Abbādī provides a long list of names of Ḥanafī jurists (ibid., 1–6). He probably had some type of book naming Ḥanafī jurists at his disposal. He may have had access to a biographical work on Abū Ḥanīfa and Ḥanafīs by al-Ṣaymarī (d. 436/1045) called *Akḥbār Abī Ḥanīfa wa-aṣḥābih*, which was completed in 404/1014. See Eerik Dickinson, 'Aḥmad b. al-Ṣalt and His Biography of Abū Ḥanīfa,' *Journal of the American Oriental Society* 116 (1996), 406–17 (p. 408); Melchert, *Formation*, 145.

its doctrines, how they relate to its eponym and his teaching, and how they are different from other schools' teachings.<sup>34</sup>

*Al-°Abbādī's vision of the eponym of the school*

Al-°Abbādī's vision of the Shāfi°ī school is exemplified in his entry on the eponymous founder, Muḥammad b. Idrīs al-Shāfi°ī.<sup>35</sup> One notices that any actual biographical information concerning dates or events in al-Shāfi°ī's life is missing, most likely because he assumes that such information is already known to the reader. That al-°Abbādī knew details of al-Shāfi°ī's biography is evident throughout the book. Dispersed in entries on other jurists, he makes comments regarding al-Shāfi°ī's life and family,<sup>36</sup> his personal traits,<sup>37</sup> and behavior,<sup>38</sup> and he includes refutations against accusations that the eponym had Shī°ī sympathies.<sup>39</sup> Instead of recounting aspects of al-Shāfi°ī's personal life or views he held in the entry on the eponym, al-°Abbādī focuses on delineating those areas that, in his view, represent the intellectual contribution of al-Shāfi°ī and are the reason why he is superior to Mālik b. Anas and Abū Ḥanīfa (d. 167/750), the eponyms of two of the four Sunnī schools of law,<sup>40</sup>

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<sup>34</sup> Al-°Abbādī's introduction, thus, reflects what al-Qādī says about the appearance of biographical works on the schools of law; they appear after the consolidation of the school's doctrines by the end of the 4th/10th century and with a growing rivalry between the schools of law, especially in Baghdad and the East. See al-Qādī, 'Arabic Biographical Literature,' 113.

<sup>35</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 6–7.

<sup>36</sup> Ibid., 31, 38, 52, and 73.

<sup>37</sup> Ibid., 20.

<sup>38</sup> Ibid., 49, 56–7, and 60.

<sup>39</sup> Ibid., 35 and 57; Ibn al-Nadīm (d. 385/995), the author of the *Fihrist*, calls al-Shāfi°ī a fervent Shī°ī. See Eric Chaumont, 'al-Shāfi°ī,' *Et<sup>2</sup>*, vol. 9, 181–5 (p. 182).

<sup>40</sup> Interestingly, al-°Abbādī does not mention the Ḥanbalīs as a school of law, though he lists Aḥmad b. Ḥanbal (d. 245/855) as a student of al-Shāfi°ī and then refers to the Ḥanbalīs as a group elsewhere in the book (see al-°Abbādī, *Kitāb Ṭabaqāt*, 14–15, where Ibn Ḥanbal is called the 'sword of the Sunna' and it is emphasized that Ibn Ḥanbal learned much from al-Shāfi°ī who held him in high esteem; for Ḥanbalīs as a distinct group, see *ibid.*, 46). When al-°Abbādī mentions eponyms of other schools of law, he usually does not include Aḥmad b. Ḥanbal among them, though he sometimes lists Sufyān al-Thawrī (d. 161/778) (*ibid.*, 55). It appears, thus, that even in the first few decades of the 5th/11th century the Ḥanbalīs were not deemed a school of law (as opposed to a school of thought more generally) in the eastern part of the Islamic world where al-°Abbādī was active. He obviously did not perceive Ḥanbalīs as a rival school, like Ḥanafīs and Mālikīs.

and why scholars and common people adopt the Shāfiʿī school as their *madhhab*.<sup>41</sup>

After presenting al-Shāfiʿī's full name and genealogy, he refers to several prophetic *ḥadīths* all stating the exceptional status of the Quraysh, the tribe to which al-Shāfiʿī belonged and which made him a distant relative of the Prophet.<sup>42</sup> The leadership status of al-Shāfiʿī, however, is not based on descent alone.<sup>43</sup> Rather, his superiority stems from the fact that:

'he classified the fundamentals [of law-finding] (*al-uṣūl*), then based upon them the derivation of law (*al-furūʿ*); further, he was more careful [in law-finding] than [Mālik and Abū Ḥanīfa] because he took greater care in matters relating to ritual purity (*tahārāt*), provisions for acts of worship (*sharāʾiḥ al-ʿibādāt*), issues relating to marriage (*ankiḥa*), and sale contracts (*biyāʿāt*).'<sup>44</sup>

In this brief entry (fourteen lines) on al-Shāfiʿī, al-ʿAbbādī articulates that which he considers the defining characteristics of his school that originate and are personified in the eponymous founder. The Shāfiʿī school is distinguished by its knowledge of legal methodology and, hence, the correct derivation of rulings in key legal areas. When understanding the above mentioned areas of law broadly, then al-Shāfiʿī—and by extension his whole school—is superior in legal interpretation of matters concerning religious worship and dietary laws, personal status law, and commercial contracts, that is to say, the most important legal areas regulating Muslim religious and social life.

The entry on al-Shāfiʿī sets the stage for the information presented on the group as a whole. Al-ʿAbbādī continuously addresses the same legal topics that he considers al-Shāfiʿī's specialty in other members' entries. The most prominent legal themes discussed are matters concerning ritual purity, especially as it relates to worship and dietary laws<sup>45</sup>, as well as

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<sup>41</sup> Al-ʿAbbādī, *Kitāb Ṭabaqāt*, 6–7.

<sup>42</sup> *Ibid.*, 6.

<sup>43</sup> Notwithstanding the *ḥadīths* that express that leadership belongs to the Quraysh, al-ʿAbbādī also presents al-Shāfiʿī as rejecting superiority based on descent in a statement in which al-Shāfiʿī rejects ʿAlī's claim to leadership based on his relationship to the Prophet (*ibid.*, 35).

<sup>44</sup> *Ibid.*, 7.

<sup>45</sup> Al-ʿAbbādī refers to questions over the permissibility of eating, for example, hoopoe, fox, and magpie (see *ibid.*, 46, 47, and 50). Some of the debate over the permissibility of eating certain animals was probably mere casuistic, as many of

personal status and inheritance law. One notices, however, that despite al-°Abbādī's statement that al-Shāfi'ī was an expert in contract law he pays rather little attention to it when presenting the doctrines held by members of the Shāfi'ī school; contract law<sup>46</sup> is mentioned less than issues pertaining to linguistic knowledge<sup>47</sup> or theological doctrines. Legal methodology is also not a prominent topic, receiving less space than theology and grammar. The few times matters of legal theory are addressed, they refer mainly to *ijtihād* and *qiyās* – terms that al-Shāfi'ī considers to be of the same meaning or rather that *qiyās* is a form of *ijtihād*.<sup>48</sup> In addition to the reasons elaborated by Hallaq,<sup>49</sup> this lacuna regarding legal theory, perhaps, also reflects al-°Abbādī's own interest in substantive law, as indicated by his works in that field.

Yet, al-°Abbādī also goes beyond the framework in which he presents the legal contribution of al-Shāfi'ī. In addition to the above-mentioned fields of legal knowledge, there are other topics that are constant threads throughout the book. One is al-°Abbādī's emphasis on the school's superiority in knowledge of Arabic grammar and lexicography, a precondition for deriving legal rulings.<sup>50</sup> Al-Shāfi'ī was renowned for his eloquence and mastery of the Arabic language, receiving praise from no

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them would not be eaten in any case. Cf. Ignaz Goldziher, *Introduction to Islamic Theology and Law*, translated from the German by Andras and Ruth Hamori (Princeton: Princeton University Press, 1981), 53–4.

<sup>46</sup> For mentioning of legal issues concerning contract law see, for example, al-°Abbādī, *Kitāb Ṭabaqāt*, 67, 89, 92, 93, 104, and 109–10.

<sup>47</sup> See, for example, *ibid.*, 11, 27, 47, 58, 62–3, 78–82, 97, and 109.

<sup>48</sup> Cf. Muḥammad ibn Idrīs al-Shāfi'ī, *al-Risāla fī uṣūl al-fiqh: Treatise on the Foundations of Islamic Jurisprudence*, translated with an Introduction, Notes, and Appendices by Majid Khadduri (2nd ed., Cambridge: Islamic Texts Society, 1987), 228; al-°Abbādī, *Kitāb Ṭabaqāt*, 15, 18–19, 24, 36, 69, 96–7, and 107–8.

<sup>49</sup> Hallaq argues convincingly that al-Shāfi'ī himself has contributed little to legal theory. His research suggests that despite the medieval dictum that 'al-Shāfi'ī is to *uṣūl al-fiqh* what Aristotle was to logic' the image of al-Shāfi'ī as founder of legal theory was established sometime after Ibn Abī Ḥātim al-Rāzī (d. 327/938) and before al-Bayhaqī (d. 458/1066). See Hallaq, 'Was al-Shafii the Master Architect,' 587–8 and 600. Al-°Abbādī's work, finished in 435/1044, gives in the eponym's entry the initial impression of his expertise in *uṣūl al-fiqh* but does not support this with actual doctrines and opinions on legal theory transmitted from al-Shāfi'ī or his immediate disciples.

<sup>50</sup> See, for example, al-°Abbādī, *Kitāb Ṭabaqāt*, 11, 27, 47, 58, 62–3, 78–82, 97, and 109.

other than the famous litterateur al-Jāhiz (d. 255/869).<sup>51</sup> Al-°Abbādī's concern for showing superiority in the Arabic language of al-Shāfi'ī and his followers has to be seen in contradistinction to what is said about Abū Ḥanīfa's linguistic competence. Abū Ḥanīfa is accused of foreign origin (that is to say, non-Arab, usually Persian or Afghan) and of speaking with an accent.<sup>52</sup> The resulting inferiority in Arabic of those jurists following Abū Ḥanīfa's legal teaching is showcased by al-°Abbādī in several references to the debate over the permissibility of drinking *nabīdh*. The question in this debate is whether the Arabic terms *nabīdh* and *khamr* are to be considered synonymous or not. The Qur'ān mentions only the word *khamr* as a prohibited drink,<sup>53</sup> thus leaving it unclear whether inebriating beverages called *nabīdh* (made, for example, out of honey, barley, spelt, or dates)<sup>54</sup> also fall under the Qur'ānic prohibition. Many Ḥanafis differentiate between *khamr* and *nabīdh*, permitting moderate use of the latter.<sup>55</sup> Al-°Abbādī quotes al-Shāfi'ī as saying that the Arabs of Mecca and Medina used both terms synonymously and that *nabīdh*, therefore, is included in the Qur'ānic prohibition of *khamr*.<sup>56</sup> He gives this doctrine even more weight by citing it in the entry of the third/ninth-century jurist Abū Sa'īd °Uthmān al-Dārimī, who was an eminent Ḥanafī jurist before switching to the Shāfi'ī school later in life<sup>57</sup> – thus, one may say, joining the school of law that is more knowledgeable in Arabic and, thus, more precise in adhering to God's ordinances.

Al-°Abbādī also pays much attention to matters that lie more within the realm of *adab* and social etiquette than law proper. He refers to legal

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<sup>51</sup> Cf. Chaumont, 'al-Shāfi'ī,' vol. 9, 181.

<sup>52</sup> See, for example, al-Khaṭīb al-Baghdādī, *Ta'rikh Baghdād*, vol. 13, 324–6.

<sup>53</sup> See Qur'ān 5: 90–1.

<sup>54</sup> For a more detailed discussion of *nabīdh* and *khamr* see A. J. Wensinck, 'Khamr,' *EP*, vol. 4, 994–8; P. Heine, 'Nabīdh,' *EP*, vol. 7, 840.

<sup>55</sup> A. J. Wensinck, 'Khamr,' vol. 4, 996; Melchert, *Formation of the Sunni Schools of Law*, 49–50. *Hadīth* collections fill many pages about the permissibility of drinking beverages called *nabīdh*. Most of the *hadīths* listed, for example, in Abū Da'ūd's *Sunan* point to the permissibility of drinking it prior to a certain stage of fermentation. See Sulaymān b. al-Ash'ath Abū Dā'ūd al-Sijistānī, *Sunan Abī Dā'ūd*, ed. Muḥammad °Abd al-°Azīz al-Khālidī (Beirut: Dār al-Kutub al-°Ilmiyya, 1416/1996, vol. 2, 'Kitāb al-Ashriba,' 531–42).

<sup>56</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 40 and 46.

<sup>57</sup> *Ibid.*, 45–6.

opinions on sneezing,<sup>58</sup> eating,<sup>59</sup> drinking,<sup>60</sup> laughing,<sup>61</sup> and honor (*murūʿa*),<sup>62</sup> some of which allegedly portray al-Shāfiʿī's personal behavior.<sup>63</sup> While the purpose of including these legal views is not immediately apparent, it may reflect the author's own interest in the topic of proper social manners as he himself composed a work on the etiquette of judges (*adab al-qāḍī*).<sup>64</sup> Perhaps, the author meant to give the impression that the founder of the school was a well-mannered person of high moral standing.

*Taking a stand among contradictory doctrines*

When looking at al-ʿAbbādī's work as a whole, it becomes clear that he considers the members of the school and their doctrines a coherent *madhhab*. They represent what the school stands for and they perpetuate the teachings of the founding father(s). Al-ʿAbbādī's double role as compiler of extant information and active participant in shaping the identity of the school comes to the fore when Shāfiʿī jurists depart from the master's teachings or when they hold contradictory views. In most cases he does not simply document these doctrinal disputes, but employs a number of authorial devices to point the reader to the 'correct' Shāfiʿī position.

One such way al-ʿAbbādī deals with contradictory views held by Shāfiʿī jurists is to present them without further comment, leaving it for the reader to decide which to follow. In general, al-ʿAbbādī only does this when the jurists involved do not belong to the circle of the founding fathers, and when no continuous link to al-Shāfiʿī or his direct disciples can be established. For example, he states under the entry of Abū Marwān Ismāʿīl b. Marwān, a jurist of the third generation whose teachers remain unnamed, a disagreement among Shāfiʿīs over whether it is permissible to specify an obvious meaning by means of analogy (*takhṣīṣ al-zāhir bi-l-qiyās*), that is to say, limiting the applicability of an obvious textual ruling by one arrived at in analogy to a textual statement.

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<sup>58</sup> Al-ʿAbbādī, *Kitāb Ṭabaqāt*, 37 and 43.

<sup>59</sup> *Ibid.*, 36.

<sup>60</sup> *Ibid.*, 43.

<sup>61</sup> *Ibid.*, 61.

<sup>62</sup> *Ibid.*, 49 and 56–7.

<sup>63</sup> *Ibid.*, 49, 56–7, and 60.

<sup>64</sup> *Ibid.*, English pagination 8; Carl Brockelmann, *Geschichte der arabischen Litteratur*, zweite, den Supplementbänden angepasste Auflage (Leiden: Brill, 1937ff), vol. 1, 389; Ibn Khallikān, *Wafayāt al-aʿyān*, vol. 4, 214.

Abū Marwān is cited as authority by al-°Abbādī's teacher Abū °Umar al-Biṣṭāmī (d. 407/1016) that this practice is prohibited, claiming it to be the doctrine of al-Shāfi°ī. Instead of leaving this view as is, al-°Abbādī refers to Abū Sa°īd<sup>65</sup> (most likely either al-Iṣṭakhrī [d. 328/939] or Ibn Ḥarbawayh [d. 319/931]), who held that this type of specification is permissible. He concludes this debate by saying 'God knows best what is correct',<sup>66</sup> giving no clear indication of the correct view or the one he prefers.

Not quite as indifferent in his presentation is al-°Abbādī when presenting the controversy within the Shāfi°ī school over a person who frivolously neglects to utter the name of God when slaughtering an animal. The question is whether or not that person is deemed an unbeliever (*kāfir*) and whether the meat can be lawfully consumed. Al-°Abbādī states that the third generation jurist Abū °Abdallāh Muḥammad b. Iṣḥāq al-Sa°dī al-Harawī transmitted on the authority of al-Shāfi°ī that the eponym held that the intentionally neglectful butcher is not an unbeliever, but that the slaughtered meat is not lawful for consumption. This view, we are told, is analogous to the ruling that it is not permissible to eat the meat slaughtered by a Jew who uttered other than the name of God over the animal, a position attributed to °Alī b. Abī Ṭālib (r. 35–40/656–61) and also advocated by Abū Ḥanīfa. Yet, despite such endorsement, al-°Abbādī says that some Shāfi°īs (*ba°d aṣḥābinā*) differ. They pronounce the meat lawful and the butcher an unbeliever as he frivolously omitted the name of God, drawing on the Companion Ibn °Abbās' (d. 68/687) statement that the meat slaughtered by a *dhimmi* is permissible even when he uttered other than God's name during slaughter. Al-Sa°dī, under whose entry this debate is recorded, opts for the permissibility of the slaughtered meat (the status of the butcher remains unclear), transmitting this view on authority of Ibn °Umar (d.73/693).<sup>67</sup>

One may ask why al-°Abbādī does not unambiguously endorse the eponym's ruling on the intentionally neglectful butcher since no support for the contrary position of al-Sa°dī can be found among prominent

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<sup>65</sup> While al-°Abbādī generally gives the full name of a jurist at the beginning of his entry, he often refers only to the patronymic of a person when presenting actual rulings. As many jurists go by the same name, it often makes it difficult to identify the person with confidence. In the case of Abū Sa°īd, several jurists by that name are potential candidates. I have drawn attention to the most likely ones.

<sup>66</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 69.

<sup>67</sup> *Ibid.*, 66–7.

Shāfi'īs. It seems that he intends to present an alternative ruling to that of the eponym because he does not agree with it. The view that the neglectful butcher remains a believer despite committing an act of unbelief goes against the Ash'arī view that faith includes acting in accordance with one's conviction (see below). Declaring the intentionally neglectful butcher a believer is more in line with the Māturīdī–Ḥanafī position that the verbal expression of faith determines the status of the believer as opposed to his/her actions. Since al-°Abbādī, who hails al-Shāfi'ī as a beacon to emulate, cannot reject the eponym's ruling outright, he gives subtle hints that it might be suspect by also attributing it to Abū Ḥanīfa, the rival, who is associated with Mu°tazilī theological doctrines. Furthermore, he presents an alternative ruling, accepted by some unnamed Shāfi'īs, which is supported by eminent Companions (Ibn °Abbās and Ibn °Umar) who are not tainted by any Shi'ī suspicions.<sup>68</sup> Despite not expressing a clear stand in favor of one or the other ruling, al-°Abbādī here provides enough information to guide like-minded Shāfi'ī–Ash'arīs to the 'correct' doctrine.

Al-°Abbādī is equally subtle in indicating his preferred ruling when dealing with contradictory views transmitted from eminent Shāfi'īs of the first generation. This is the case, for example, in disputes between two of al-Shāfi'ī's disciples, Abū Ibrāhīm Ismā'īl b. Yaḥyā al-Muzanī (d. 264/878) and Abū Thawr Ibrāhīm b. Khālīd al-Baghdādī (d. 240/854). Abū Sulaymān Dā'ūd b. °Alī al-Iṣbahānī (d. 270/883) is said to have followed Abū Thawr in the opinion that the Friday prayer (*jum°a*) does not have to be performed in the congregational mosque (*al-jāmi°*) but Muslims are allowed to pray in their local mosques. Abū Thawr supported his view with a report that the second caliph °Umar (r. 13–23/634–44) had written to Abū Mūsā al-Ash'arī (d. ca. 42/662) to perform the prayer wherever they were. Al-°Abbādī contrasts this opinion with that of al-Muzanī. Al-Muzanī is said to have objected to this view based on a transmission from °Alī that insists on observing the Friday prayer in the congregational mosque.<sup>69</sup> Although al-°Abbādī does not indicate here whose view a 'good' Shāfi'ī should follow, there are several hints about his preference. Given the public nature of the issue, it is not far-fetched to assume that °Umar as well as °Alī uttered their ruling during their tenure as caliph. As the fourth caliph, °Alī's

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<sup>68</sup> Ibn °Abbās and Ibn °Umar are also listed in the chain of people from whom al-Shāfi'ī received his knowledge, though in this case the eponym does not follow their teachings (cf. *ibid.*, 84).

<sup>69</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 58–9.

ruling would be later than that of his predecessor and, hence, abrogate or rather supercede it. More importantly, al-°Abbādī already set the tone for which of al-Shāfi°ī's disciples is more authoritative in the entries of Abū Thawr and al-Muzanī. Al-Muzanī, an Egyptian disciple of al-Shāfi°ī, is showered with praise for his piety, legal acumen, and linguistic competence as well as for his skillful argumentation which, as al-Shāfi°ī himself observed, would silence even the devil.<sup>70</sup> By comparison, Abū Thawr, an Iraqi disciple of al-Shāfi°ī, is portrayed as challenging the master.<sup>71</sup> Furthermore, al-°Abbādī mentions in his entry cases about which several of al-Shāfi°ī's immediate students, namely al-Muzanī, al-Buwayṭī, al-Karābīsī, and Abū Thawr, all held different opinions.<sup>72</sup> Abū Thawr's legal doctrine is, thus, associated with controversies and disputes among the early disciples, whereas that of al-Muzanī is not. The latter is also commemorated by al-°Abbādī as the one whose disputation skill prompted Ibn Ṭulūn (r. 254–70/868–84) to elevate the Shāfi°ī school over the Mālikī in Egypt.<sup>73</sup> This leaves the impression that in case a later Shāfi°ī jurist comes across contradictory rulings by these two jurists, he may safely follow al-Muzanī's teaching. The existence of Shāfi°īs like Abū Sulaymān al-Iṣbahānī, who adopted the views of Abū Thawr, only underscores al-°Abbādī's attempts in his work of uniting the school behind the teachings of al-Muzanī – at least for future generations.

In addition to giving preference to a particular disciple of al-Shāfi°ī, al-°Abbādī also uses difference in geographical location as a way of indicating the preferred among contradictory views held by Shāfi°ī jurists. He often rationalizes inconsistencies in Shāfi°ī doctrine by assigning them to different periods of al-Shāfi°ī's life, namely an early period spent in Ḥijāz and Iraq, and a later period in Egypt. The implied assumption is that the views al-Shāfi°ī pronounced in Egypt represent his final teaching and that his Egyptian disciples are of higher authority because they purportedly reflect and perpetuate al-Shāfi°ī's later doctrines – the principle of abrogation (*naskh*) is at work here too. In the above-mentioned case, al-Muzanī as the Egyptian disciple trumps the Iraqi Abū Thawr.

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<sup>70</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 9–12.

<sup>71</sup> Abū Thawr is considered to have established his own school, see Joseph Schacht, 'Abū Thawr,' in *EF*, vol. 1, 155.

<sup>72</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 22–3.

<sup>73</sup> *Ibid.*, 10.

Another example in which geography plays a role is cited in the entry of Abū Ishāq Ibrāhīm b. Aḥmad al-Marwazī (d. 340/951), who held the view that one ought to fast part of the night. Al-°Abbādī states that Abū Sa°id (here probably al-Iṣṭakhrī) disagreed with him. He hints at which view should be the preferred by saying that al-Marwazī was part of the circle of Shāfi°ī jurists<sup>74</sup> in Egypt, thereby implying that he follows the Egyptian doctrine of al-Shāfi°ī which is deemed most authoritative.<sup>75</sup>

In another controversy, al-°Abbādī directly takes the side of the Egyptian doctrine. The matter is listed under the entry of Yūnus b. °Abd al-A°lā (d. 264/877), whom al-°Abbādī calls the traditionist (*muḥaddith*) and *muftī* of Egypt, and identifies as an associate of al-Shāfi°ī. Yet, despite his Egyptian credentials, al-°Abbādī also links him to the Ḥijāzī period by saying that he studied together with al-Shāfi°ī under the Meccan traditionist Ibn °Uyayna (d. 196/811).<sup>76</sup> Yūnus is said<sup>77</sup> to have asked al-Shāfi°ī whether it is permissible to shoot at a group of unbelievers when women and children are among them. According to Yūnus, al-Shāfi°ī rejected its permissibility citing that the Prophet prohibited killing women and children.<sup>78</sup> Al-°Abbādī then comments that al-Shāfi°ī retracted this view in his Egyptian *Risāla*, implying that Yūnus' report is based on the outdated Ḥijāzī/Iraqī teachings of the master. In support of the new doctrine, al-°Abbādī refers to an unspecified report (*khābar*) that the women and children belong to the

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<sup>74</sup> Literally, *qa°ada fī majlis al-Shāfi°ī bi-Miṣr*. However, the death date of Abū Ishāq al-Marwazī, who is counted among the third generation of Shāfi°īs, is 340 AH, and thus it is implausible that al-°Abbādī meant that he actually attended the circle of al-Shāfi°ī. Furthermore, contrary to his usual practice, al-°Abbādī did not write the eulogy *rahimahu llāh* after al-Shāfi°ī, though it might have been forgotten by a later copyist.

<sup>75</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 68–9. Al-Marwazī was a follower of al-Muzanī and wrote an eight-volume commentary on the latter's *Mukhtaṣar*. See A. Arazi and H. Ben Shamma, 'Mukhtaṣar' in *EP*, vol. 7, 536–40 (p. 538).

<sup>76</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 18; Susan A. Spector, 'Sufyān b. °Uyayna,' *EP*, vol. 9, 772. Yūnus must have been quite young at the time Ibn °Uyayna died, given that he himself died in 264/877.

<sup>77</sup> The legal issue is raised under the entry of Abū Muḥammad °Abd al-Raḥmān b. Abī Ḥatīm al-Rāzī (p. 43), though it may belong to the person listed prior, namely Abū Bakr °Abdallāh b. Muḥammad b. Ziyād al-Naysābūrī (p. 42), since it is prefaced with 'Abū Bakr said, I heard Yūnus b. °Abd al-A°lā say...' (p. 43).

<sup>78</sup> A *ḥadīth* to that effect made it into the collection of Abū Da°ūd (*Sunan Abī Dā°ūd*, 'Kitāb al-Jihād,' vol. 2, 210).

unbelievers and that those who shoot at them do not sin nor do they have to atone for it (*lā ithma ʿalayhim wa-lā kaffārata*).<sup>79</sup> Interestingly, in the way al-ʿAbbādī presents the matter, he accepts al-Shāfiʿī's ruling that is based on a report which is not further identified over his earlier view that is explicitly said to be supported by a prophetic saying. One may surmise that al-Shāfiʿī (as well as al-ʿAbbādī) was less the champion of adherence to prophetic *ḥadīth* than frequently portrayed.<sup>80</sup>

The negative attitude toward al-Shāfiʿī's Iraqi teaching comes out most clearly in a quote by the latter's close companion and disciple al-Buwayṭī (d. 231/845), about whom al-ʿAbbādī said that he succeeded the master after his death.<sup>81</sup> In the entry of Abū Ismāʿīl al-Tirmidhī (d. 280/893), al-Buwayṭī is quoting al-Shāfiʿī who proclaimed that he does not permit transmitting from him what he wrote in Iraq.<sup>82</sup> Here and elsewhere, al-ʿAbbādī emphasizes that the school's doctrines circulating in the Eastern part of the Islamic world, that is to say, where he himself studied, are based on al-Shāfiʿī's Egyptian works which Ishāq b. Ibrāhīm al-Ḥanzalī, who met al-Shāfiʿī in Egypt, had copied and taken back with him to the East.<sup>83</sup>

Although the Iraqi doctrine was delegitimized by the eponym himself, his command was not heeded by later generations, as the documented persistence of Iraqi doctrines show. Even al-ʿAbbādī, who displays a strong preference for al-Shāfiʿī's Egyptian teaching, occasionally makes an exception, as in a dispute between al-Muzanī and al-Ḥusayn b. ʿAlī al-Karābīsī (d. 245 or 248/859 or 862). Al-Karābīsī is presented as one of the eminent jurists of Iraq and an important transmitter of Shāfiʿī teaching. When al-Muzanī remarks that he does not know the doctrine al-Karābīsī holds on authority of al-Shāfiʿī regarding a sale transaction involving wheat, al-ʿAbbādī defends al-Karābīsī's ruling saying that the reason is because al-Muzanī did not hear the old Iraqi doctrines of al-Shāfiʿī.<sup>84</sup> Moreover, al-Muzanī does not provide an alternative ruling. One is left with the impression that in this case it is al-Muzanī's shortcoming not to know al-Karābīsī's report of al-Shāfiʿī's Iraqi

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<sup>79</sup> Al-ʿAbbādī, *Kitāb Ṭabaqāt*, 43.

<sup>80</sup> Cf. Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950), 150.

<sup>81</sup> Al-ʿAbbādī, *Kitāb Ṭabaqāt*, 7.

<sup>82</sup> *Ibid.*, 57.

<sup>83</sup> *Ibid.*, 38 and 57.

<sup>84</sup> *Ibid.*, 24.

doctrine; the ruling itself is still valid. In this instance, it seems likely that al-°Abbadī is unwilling to dismiss al-Karābīsī's view because the latter is deemed an important transmitter not only of the eponym's legal teachings, but also his political doctrines. He is the reference, for instance, of al-Shāfi'ī's affirmation of the caliphate of Abū Bakr who, according to al-Shāfi'ī, was the most excellent person after the death of the Prophet. Al-°Abbadī interprets al-Karābīsī's report to mean that the leadership of the excelled candidate is not legitimate (*imāmat al-mafḍūl lā tajūz*).<sup>85</sup> Al-Shāfi'ī's position on the caliphate, as reported by al-Karābīsī, ties in with other references al-°Abbadī includes throughout the book that seem to be intended to fend off accusations of Shī'ī tendencies directed against al-Shāfi'ī. The Shī'ī claim that °Alī deserved the caliphate after the death of the Prophet because he was the most suitable person is clearly rejected as falling outside the teachings of the Shāfi'ī school.<sup>86</sup>

We also find instances in which al-°Abbadī explicitly points out the 'correct' Shāfi'ī position. Yūnus b. °Abd al-A°lā, who, as noted above, may not have known al-Shāfi'ī's final doctrine on killing women and children of infidels in combat, nevertheless also transmits legal views on authority of al-Shāfi'ī that al-°Abbadī deems correct. He is credited with relating from al-Shāfi'ī the following ruling: When, among a group of people, a woman does not have a legal guardian, she can transfer her affairs to a man of that group in order that he can give her in marriage because it is a necessity<sup>87</sup> – the presumption is that no near male relative or judge is at hand to fulfill the function of guardian to give the woman in marriage. The transmission (*riwāya*) of this view is rejected by some Shāfi'īs and by others accepted. Al-°Abbadī sides with the latter, calling it correct (*wa-huwa al-ṣaḥīḥ*).<sup>88</sup>

Sometimes, however, al-°Abbadī objects not just to a particular view a Shāfi'ī jurist holds, but also rejects all of that person's transmissions. He mentions under the entry of Abū °Abd al-Raḥmān al-Shāfi'ī (d. after 221/836; we are told he received this *nisba* because he was a student [*tilmīdh*] of the eponym) that al-Shāfi'ī himself prohibited him from

<sup>85</sup> Al-°Abbadī, *Kitāb Ṭabaqāt*, 24.

<sup>86</sup> Throughout the *Kitāb Ṭabaqāt*, al-°Abbadī repeatedly mentions that al-Shāfi'ī embraced the legitimacy of the first three caliphs and that he did not elevate °Alī above other Companions. See *ibid.*, 17, 24, 35, 57, and 61.

<sup>87</sup> Al-°Abbadī does not use a technical term here but says: *idhā dāqa (al-amr) ittasa*<sup>c</sup> (*ibid.*, 19).

<sup>88</sup> *Ibid.*, 19.

reading and teaching his books because he had such a low opinion of him, saying that he errs in his legal responsa. Al-Muzanī, again, appears as the savior against false doctrines, refuting one of Abū °Abd al-Raḥmān's views as contrary to consensus (*ijmā°*).<sup>89</sup> Discrediting the transmissions of Abū °Abd al-Raḥmān must not have been successful for not all Shāfi°īs shared the eponym's misgivings. The later Shāfi°ī scholar Ibn Kathīr (d. 774/1373) reports that Abū °Abd al-Raḥmān's legal rulings were faithful to al-Shāfi°ī and were followed still in his own time. Al-°Abbādī's report that the legal rulings of this student of al-Shāfi°ī are categorically to be rejected may be due less to the inadequacies of the student's legal competence, but a result of his being well known for holding Mu°tazilī tenets, in particular the createdness of the Qur°ān.<sup>90</sup> By mentioning that the eponym himself renounced all of Abū °Abd al-Raḥmān's rulings, al-°Abbādī clearly distances the school from association with anyone holding unambiguously Mu°tazilī doctrines.

As the above examples show, al-°Abbādī quite successfully guides the reader to the correct doctrine of the school.<sup>91</sup> He indicates his preference in case of contradictory positions by presenting alternative rulings, having rivals to the Shāfi°ī school endorse one of the competing views, commenting on the geographic location and chronology of a ruling pronounced, how close a disciple was to the eponym, or even stating which legal ruling is correct. These presentational devices point toward those legal views of the school which the author deems authoritative amidst contradictory rulings transmitted by, and associated with, members of the Shāfi°ī school. As one would expect, in most cases—but certainly not in all—al-Shāfi°ī's views enjoy foremost authority, followed by those of his Egyptian disciple al-Muzanī.

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<sup>89</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 26.

<sup>90</sup> Melchert, *Formation of the Sunni Schools of Law*, 78, 84, and 181.

<sup>91</sup> Al-°Abbādī seems to be much more hands-on than what Makdisi says about the later biographer of the Shāfi°ī school al-Subkī. According to Makdisi, al-Subkī affirms the doctrine of the double legal truth, i.e. that if there are two contradictory transmissions of al-Shāfi°ī's doctrine, one cannot determine which one is true and, hence, it is left to the individual jurist to decide which to follow according to his own estimation (*ijtihād*). See George Makdisi, 'Ash°arī and the Ash°arites in Islamic Religious History II,' *Studia Islamica* 18 (1963), 19–39 (p. 35).

*The Shāfi'ī school and theology: harmonizing al-Shāfi'ī's opposition to kalām with Ash'arī theology*

Doubtless, a matter of concern for al-°Abbādī was the discrepancy between al-Shāfi'ī's reported negative attitude toward speculative theology (*kalām*) and his own intellectual pursuits in that field. Al-°Abbādī, as mentioned above, had studied with some of the foremost Ash'arī theologians of his time, counting among his teachers Abū Ishāq al-Isfarā'īnī (d. 418/1027) and Abū Ṭayyib Sahl al-Su'lūkī (d. before 404/1014, son to the more famous Abū Sahl al-Su'lūkī [d. 369/980]), and he himself was considered an Ash'arī theologian of some renown.<sup>92</sup> Since the late fourth/tenth century, many leading Shāfi'īs tended to be affiliated in theology with Ash'arism.<sup>93</sup> One may speak of a certain rapprochement between Ash'arī theology and Shāfi'ī law.<sup>94</sup> Although al-Subkī later criticizes al-°Abbādī for not paying enough attention to Ash'arī members of the school,<sup>95</sup> it is safe to assume that al-°Abbādī tended more toward a rationalist Ash'arī interpretation of theology than to traditionalism.<sup>96</sup> Instead of hiding al-Shāfi'ī's opposition to theology al-°Abbādī tries to present that his own (and that of other Shāfi'īs) pursuit of theology is in line with the theological beliefs of the eponym and that the theology disparaged by al-Shāfi'ī is only directed against Mu'tazilī teachings.

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<sup>92</sup> Ibn Khallikān, *Wafayāt al-a'yān*, vol. 4, 214.

<sup>93</sup> The Ash'arī theologians Ibn Fūrak (406/1015) and al-Isfarā'īnī adhered in law to the Shāfi'ī school as did later Ash'arīs, such as Imām al-Ḥaramayn al-Juwaynī (d. 478/1085), Abū Ḥāmid al-Ghazālī (d. 505/1111), and Fakhr al-Dīn al-Rāzī (d. 606/1209).

<sup>94</sup> Cf. Hallaq, 'Was al-Shafii the Master Architect,' 598–601; Makdisi, 'Juridical Theology of Shāfi'ī,' 21–2. Makdisi attributes the 'infiltration' of Ash'arīs in the Shāfi'ī school also by the former's efforts to receive the status of orthodoxy by affiliating themselves with a school of law. Since Mu'tazilism was mainly associated with the Ḥanafī school, traditionalism with the Ḥanbalī school, and both the Mālikī and Zāhirī school too weak, the Shāfi'ī school of law appealed as a home to Ash'arī-leaning jurists. See Makdisi, 'Ash'arī and the Ash'arites I,' 46–8.

<sup>95</sup> Makdisi, 'Ash'arī and the Ash'arites I,' 77.

<sup>96</sup> In addition to al-°Abbādī's portrayal of theological doctrines of the school, the relative scarcity of *ḥadīth* to support legal as well as non-legal doctrines also point to his non-traditionalist leanings. In discussions of theology, hardly any *ḥadīth* are cited in favour of mainly Qur'ānic verses.

The opposition that al-Shāfi'ī expressed against engaging in *kalām* is well documented by al-°Abbādī. Associates of al-Shāfi'ī report that he prohibited *kalām*,<sup>97</sup> and said that those garbing themselves with theology do not prosper.<sup>98</sup> Worse still, according to al-Shāfi'ī, theologians (*ahl al-kalām*) should be whipped, paraded on a camel, and it be publicly proclaimed that this is their recompense for abandoning the Book and the Sunna and taking up theology.<sup>99</sup> This last tirade against theologians is documented in the entry of no other than the famous *ḥadīth* collector and critic al-Bukhārī (d. 256/870), who reports it on the authority of two of al-Shāfi'ī's close associates al-Karābīsī and Abū Thawr.<sup>100</sup> Al-Muzanī reports that al-Shāfi'ī advised him against engaging in *kalām* saying it is a science (*°ilm*) that 'if you are correct in it, you do not receive reward and if you err, you commit unbelief – so stick with law'.<sup>101</sup> One notices a slight gradation in how vehemently al-Shāfi'ī condemns theology. The most negative comments are transmitted by personalities who knew al-Shāfi'ī during his stay in Iraq, whereas al-Muzanī's report represents the Egyptian doctrine. One gets the impression that while in Iraq, the hotbed of Mu°tazilī activity, al-Shāfi'ī rejected any engagement in speculative theology. In Egypt, where he pronounced his new teaching, he softened in his condemnation and only warned about its potentially harmful consequences.<sup>102</sup>

Since later Shāfi'ī jurists were busily engaged in theology, al-°Abbādī goes to great length in establishing that the theological positions that Shāfi'īs like him hold are actually in harmony with the theological

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<sup>97</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 34.

<sup>98</sup> *Ibid.*, 61.

<sup>99</sup> *Ibid.*, 54.

<sup>100</sup> Al-°Abbādī explains the fact that al-Bukhārī did not transmit on authority of al-Shāfi'ī in his *Ṣaḥīḥ* saying that al-Bukhārī had sought the company of the eponym but al-Shāfi'ī had just passed away (*ibid.*, 53). Other sources report that al-Bukhārī as well as other *ḥadīth* scholars did not deem al-Shāfi'ī a trustworthy transmitter. See Hallaq, 'Was al-Shafīī the Master Architect,' 593–4; Chaumont, 'al-Shāfi'ī,' vol. 9, 184.

<sup>101</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 11. Makdisi says that al-Subkī also mentions this warning to al-Muzanī in his *Ṭabaqāt al-Shāfi'īyya*. See Makdisi, 'Ash°arī and the Ash°arites I,' 67.

<sup>102</sup> The later biographer of the Shāfi'ī school, al-Subkī, speaks of two doctrines of al-Shāfi'ī regarding engaging in *kalām*; one rejecting it and the other endorsing it in case of need but then only by the one qualified to undertake such study (see *ibid.*, 67–8).

teachings of the eponym.<sup>103</sup> As mentioned above, questions of theology are more prominently addressed by al-°Abbādī than those pertaining to legal methodology, the supposed *forte* of the school. Three topics receive special attention in his book: free will (*qadar*), the uncreatedness of the Qurʾān, and the definition of faith (*īmān*). In discussions of the first two, al-°Abbādī establishes that al-Shāfiʿī's opposition to *kalām* is directed against Muʿtazilī doctrines of free will and the createdness of the Qurʾān; and a discussion of faith shows that later Ashʿarī teachings are in line with al-Shāfiʿī's own convictions.

*Free will (qadar) and compulsion (jabr)*

In several places, al-°Abbādī reports on authority of al-Rabīʿ, al-Shāfiʿī's servant and transmitter of his Egyptian teachings, that the eponym rejected the doctrine of free will (*qadar*). Al-Shāfiʿī is credited with saying that apart from God's will, His creatures do not have a will. Al-°Abbādī includes a poem al-Shāfiʿī is said to have composed which expresses that God is the Creator of everything, of good and evil, and that He is the one to decide people's fate.<sup>104</sup> According to al-Rabīʿ, al-Shāfiʿī goes even further and condemns praying behind proponents of free will and intermarrying with them,<sup>105</sup> thus effectively declaring them heretics.

In addition to documenting that al-Shāfiʿī and the early members of the school denied free will, al-°Abbādī also guards against Shāfiʿīs appearing to be proponents of predestination. The view that God foreordains all of a person's life and that s/he does not really act but only God is associated with the so-called 'compulsionists' (the Mujbira or Jabriyya).<sup>106</sup> The compulsionists are frequently identified with the traditionalists, a somewhat amorphous group that is associated with Ibn Ḥanbal (d. 241/855) and his teachings, or more generally with those who

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<sup>103</sup> Makdisi points out that while al-Shāfiʿī was thoroughly anti-*kalām* in his *al-Risāla*, the theology he rejected was the rationalist–philosophical theology of the Muʿtazila as opposed to the traditionalist, juridico–moral theology that was concerned with human's obligation toward God and his/her fellow creatures. See Makdisi, 'Juridical Theology of Shāfiʿī,' 41–2 and 47.

<sup>104</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 13, 34, and 62.

<sup>105</sup> *Ibid.*, 12–13.

<sup>106</sup> For a brief description of the Mujbira see W. Montgomery Watt, 'Djabriyya,' *EI*<sup>2</sup>, vol. 2, 365.

reject the doctrine of free will.<sup>107</sup> Al-°Abbādī couches the defense against accusations that Shāfi°īs are compulsionists<sup>108</sup> in a lengthy discussion over invoking God in prayer (*du°ā°*).<sup>109</sup> He relates under the entry of Abū Sulaymān Ḥamd b. Muḥammad b. Ibrāhīm al-Khaṭṭābī (d. 388/998) that he declared it senseless to do so because God decrees everything prior to creating the person and, thus, everything is preordained.<sup>110</sup> Al-°Abbādī presents a long refutation of this view, which is somewhat unusual in its form. Contrary to his usual practice of attributing doctrines to a particular person, the identity of the refuters is left unspecified; he refers to them only as a ‘group’ (*tā°ifa*) or ‘others’ (*ākhirūn*), yet emphasizes that their view is that of the *madhhab* and of the people of the Sunna (*wa-hādhā huwa l-madhhab wa-qawl ahl al-sunna*).<sup>111</sup> Furthermore, no mention is made to any authority figures of the Shāfi°ī school. The arguments brought forth are all based on verses of the Qur°ān and prophetic *ḥadīth*. Al-°Abbādī’s long elaboration appears not so much as a documentation of any particular doctrine held by a specific member of the school but rather a summary of how Shāfi°īs ought to think and argue about preordination. When read in connection with statements on free will, it situates Shāfi°īs doctrinally between the extreme positions of free will (*qadar*) espoused by the Mu°tazila and of compulsion (*jabr*) as attributed to the traditionalist camp. This middle position reflects the later Ash°arī self-representation of their doctrine of acquisition (*kasb*).<sup>112</sup> Al-°Abbādī, thus, aligns the Shāfi°ī doctrine on

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<sup>107</sup> The doctrines of free will (*qadar*) and compulsion or predestination (*jabr*) have a complex, interdependent history that rises out of questions regarding the omnipotence of God, His justice, and human responsibility for their acts. The complexities of Muslim views on these questions are portrayed, for example, in A. J. Wensinck, *The Muslim Creed: Its Genesis and Historical Development* (New York: Barnes and Noble, 1965); Tilman Nagel, *The History of Islamic Theology: From Muhammad to the Present*, transl. from the German by Thomas Thornton (Princeton: Markus Wiener, 2000); W. M. Watt, *The Formative Period of Islamic Thought* (Edinburgh: Edinburgh University Press, 1973).

<sup>108</sup> Al-Shāfi°ī’s Iraqi disciple, al-Ḥusayn al-Karābīsī, is said to have been a strong supporter of predestination. See Carl Brockelmann, ‘al-Karābīsī,’ *EF*<sup>2</sup>, vol. 4, 596.

<sup>109</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 94–6.

<sup>110</sup> *Ibid.*, 94.

<sup>111</sup> *Ibid.*, 94–5.

<sup>112</sup> Watt, ‘Djabriyya,’ *EF*<sup>2</sup>, vol. 2, 365.

free will with that of the Ashʿarī school of theology<sup>113</sup> and, at the same time, distinguishes them from the extreme traditionalist position of preordination.

*The uncreatedness of the Qurʾān*

To further situate the school in its theological doctrines, al-ʿAbbādī also emphasizes that the early adherents of the school professed the uncreatedness of the Qurʾān. While publicly pronouncing the Qurʾān created was not yet an issue for al-Shāfiʿī as it came to be official policy only after his death,<sup>114</sup> we find his immediate disciples suffering persecution during the inquisition, the *miḥna* (which lasted from 218/833 to 235/850), when many scholars were asked to proclaim the government doctrine that the Qurʾān is the created word of God.<sup>115</sup> We are told that al-Shāfiʿī's close companion al-Buwayṭī, about whom al-Shāfiʿī is said to have predicted that he will die in 'iron,' was made to appear before the authorities in fetters and asked to profess the createdness of the Qurʾān, but refused and was incarcerated.<sup>116</sup> Al-Buwayṭī is further credited with stating that he who says that the Qurʾān is created is an infidel (*kāfir*), which, as al-ʿAbbādī asserts, was also the view of al-Muzanī and al-Rabīʿ, both of whom transmit it from al-Shāfiʿī.<sup>117</sup> Of another Shāfiʿī jurist, Yūsuf b. ʿAbd al-Aʿlā, who is described as a contemporary of al-

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<sup>113</sup> In contrast to al-ʿAbbādī, other Shāfiʿīs with Ashʿarī leanings (for example, Ibn Fūrak, Abū Ishāq al-Isfarāʾīnī, Abū Muḥammad al-Juwaynī, and al-Subkī) insist that al-Ashʿarī himself belonged to the Shāfiʿī school. See Makdisi, 'Ashʿarī and the Ashʿarites I,' 68.

<sup>114</sup> While discussions over the nature of the Qurʾān were common prior to and during al-Shāfiʿī's lifetime, pronouncing it to be created did not become official government doctrine until 218/833. For the origins of the debate, see Wilferd Madelung, 'The Origins of the Controversy Concerning the Creation of the Koran,' in *Orientalia Hispanica sive studia F. M. Pareja octogenario dicata*, ed. J. M. Barral (Leiden: Brill, 1974), 504–25.

<sup>115</sup> Nawas points out that the main target of the caliphal inquisition were judges, jurists, and *ḥadīth* transmitters, i.e. men of intellectual quality and social influence (John A. Nawas, 'The Miḥna of 218 A.H./833 A.D. Revisited: An Empirical Study,' *Journal of the American Oriental Society* 116 (1996), 698–708 (pp. 704–5 and 708).

<sup>116</sup> Al-Buwayṭī died in prison holding firm that the Qurʾān is not created. See Martin Hinds, 'Miḥna,' *EP*, vol. 7, 2–6 (p. 4).

<sup>117</sup> Al-ʿAbbādī, *Kitāb Ṭabaqāt*, 8.

Muzanī,<sup>118</sup> al-°Abbādī says that he stood up against the doctrine of the created Qurʾān in Egypt and, thereby, ‘rendered the people of the Sunna victorious’.<sup>119</sup>

That al-°Abbādī mentions the *miḥna* and that the early members of the Shāfiʿī school rejected, despite persecution, the createdness of the Qurʾān highlights the extent to which the Shāfiʿī school was from its inception opposed to Muʿtazilī doctrines. This may also be the reason behind al-Shāfiʿī’s outright rejection of the legal views of the above-mentioned Abū °Abd al-Raḥmān, who is said to have agreed in theology with Muʿtazilī tenets. Although al-Shāfiʿī did not address the nature of the Qurʾān in his writings, al-°Abbādī documents that his immediate disciples attest that he opposed the createdness of the Qurʾān doctrine. More importantly, al-°Abbādī’s presentation of the Shāfiʿī doctrine on the Qurʾān also conveys the message that Ibn Ḥanbal was not the sole champion of the inquisition, but that prominent Shāfiʿī jurists formed part of the intellectual heritage that later informed Sunnī orthodoxy. This is of particular significance as al-°Abbādī does not consider Ḥanbalīs a school of law – as opposed to a school of thought or traditionalist attitude more generally.<sup>120</sup> His book, thus, documents that among schools of law it was the Shāfiʿī school that defended the doctrine of the uncreatedness of the Qurʾān.<sup>121</sup> In contrast, Ḥanafīs are primarily associated in the historical sources with the Muʿtazilī position and some Mālikīs are mentioned among the supporters of the *miḥna*.<sup>122</sup>

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<sup>118</sup> This Yūsuf b. °Abd al-A°lā (see al-°Abbādī, *Kitāb Ṭabaqāt*, 52) may be an instance of *tafīrīq* with Yūnus b. °Abd al-A°lā, who belonged to the first generation of Shāfiʿīs (ibid., 18). Al-°Abbādī’s comment that Yūsuf b. °Abd al-A°lā was an associate of al-Muzanī would also better fit Yūnus than a member listed under the third generation of Shāfiʿīs.

<sup>119</sup> Ibid., 52.

<sup>120</sup> See above, footnote 40.

<sup>121</sup> In revisiting those individuals who were said to have been interrogated during the *miḥna*, Nawas emphasizes that the caliph targeted in particular *ḥadīth* transmitters as they and their teaching had become a rival force to the authority of the caliph, see Nawas, ‘The Miḥna of 218 A.H.,’ 702–8. That some Shāfiʿī jurists were among those questioned (as is confirmed for al-Buwayṭī) means that the circle of scholars around al-Shāfiʿī was deemed closely associated with the *ḥadīth*-transmitter movement.

<sup>122</sup> Madelung, ‘Controversy Concerning the Creation of the Koran,’ 509–11; Hinds, ‘Miḥna,’ *EF*, vol. 7, 4; Melchert, *Formation of Sunni Schools of Law*, 8. For

Yet, al-°Abbādī's portrayal of the school's opposition to the government doctrine of the created Qur'ān and its alignment with the traditionalist camp is not necessarily all that has been said about the theological persuasions of the early Shāfi'ī school. Many sources associate al-Shāfi'ī with prominent Mu°tazilī figures, in particular Bishr al-Marīsī (d. 218/833).<sup>123</sup> Association, of course, does not mean that al-Shāfi'ī had to agree with the views of his associate – one may simply see him as very tolerant in his attitudes.<sup>124</sup> However, it would be more difficult for al-°Abbādī to dismiss any intellectual proximity between teacher and student. Two of al-Shāfi'ī's teachers are counted among the Mu°tazila, namely Ibrāhīm b. Abī Yaḥyā al-Madīnī and Muslim b. Khālīd al-Zanjī.<sup>125</sup> If al-Zanjī's Mu°tazilī pedigree was known to al-°Abbādī, he does not let on; the latter is acknowledged by al-°Abbādī as al-Shāfi'ī's teacher without further comment.<sup>126</sup> Ibrāhīm b. Yaḥyā does not find his way into al-°Abbādī's work. Nor does al-°Abbādī give any indication that some of al-Shāfi'ī's students held theological views that were not in line with the doctrine of the uncreated Qur'ān. He manages to avert any intellectual connection to Abū °Abd al-Rahmān by reporting that al-Shāfi'ī himself condemned the legal thought of this student of his; *a fortiori* one may extend this also to his theological positions. Furthermore, al-Shāfi'ī's student al-Karābīsī, whom al-°Abbādī frequently cites as authority, is remembered for asserting the pronunciation of the Qur'ān to be created – a view that drew the ire of the traditionalists.<sup>127</sup> While I do not wish to imply that al-Shāfi'ī had Mu°tazilī leanings,<sup>128</sup> my point here is that al-°Abbādī selects what he presents of the theological persuasions of the early followers of al-Shāfi'ī in a manner that fits into his view of the school at his own time,

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an account of how the Ḥanafī school and Abū Ḥanīfa was slowly disassociated from the created Qur'ān doctrine see *ibid.*, 54–60.

<sup>123</sup> Hallaq, 'Was al-Shafii the Master Architect,' 593.

<sup>124</sup> Although the above-mentioned ruling not to pray behind a proponent of free will would belie such tolerance.

<sup>125</sup> Hallaq, 'Was al-Shafii the Master Architect,' 593.

<sup>126</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 84.

<sup>127</sup> Melchert, *Formation of the Sunni Schools of Law*, 71–3.

<sup>128</sup> Hallaq makes it quite clear that al-Shāfi'ī belonged neither to the rationalist nor the traditionalist camp; if at all, he says that it was al-Muzanī who was thought of as sympathizing with Mu°tazilī teachings (Hallaq, 'Was al-Shafii the Master Architect,' 594).

neglecting any evidence that points toward a different assessment of their theological views.

*The definition of faith (īmān)*

In addition to the school's opposition to the created Qur'ān doctrine, al-°Abbādī also establishes al-Shāfi'ī's position on faith (*īmān*). In a peculiar entry he presents a lengthy, three-page exposition on the definition of faith under a person of the first generation whose name cannot be ascertained.<sup>129</sup> Contrary to al-°Abbādī's usual practice of identifying jurists in their entries with their patronymic (*kunya*), their given name and that of their forefathers (sometimes going back several generations), and their *nisba*(s), we find here only the patronymic Abū °Amr and the *nisba*, which, as we are told by the editor of the work, is in the manuscripts used for the edition variously rendered al-Zanbarī, al-Zubayrī or written only as skeletal letters without diacritics after the initial *zā*.<sup>130</sup> Missing is also any indication of how Abū °Amr came to receive the information he is transmitting on authority of al-Shāfi'ī – we are only told that 'he related that someone asked al-Shāfi'ī about faith'.<sup>131</sup> The answer that follows is very detailed, citing numerous Qur'ānic verses, and touches on all the main points that distinguish the 'Shāfi'ī from the Murji'ī and Māturīdī–Ḥanafī positions, without being identical to the traditionalist/Ḥanbalī definition of faith.<sup>132</sup>

In his answer, al-Shāfi'ī first defines faith as practice (*°amal*), adding that verbal expression (*qawl*) is part of it and affirming that faith is not immutable, but can reach utmost perfection and clear deficiency.<sup>133</sup>

<sup>129</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 31–3.

<sup>130</sup> *Ibid.*, 31, note 5.

<sup>131</sup> *Ibid.*, 31.

<sup>132</sup> Muslim conceptions of faith are not easily summarized as each school of thought has various definitions of faith. The main two conceptions among Sunnīs are that of the Murji'īs, on which the Māturīdī–Ḥanafī positions are built, and the traditionalists/Ḥanbalīs, with the general features of which Ash'arīs agree. The main differences (very simplified) between them are that the first camp emphasizes the word (*qawl*) or confession (*iqrār*) as the main element of faith (disregarding the works), whereas the second defines faith as work (*°amal*) and word together; furthermore, the first camp considers that faith is immutable and the second that it can increase and decrease according to the works performed. For a quick overview over the main definitions and points of contention, see Louis Gardet, 'Īmān,' *EF*<sup>2</sup>, vol. 3, 1170–4; a more detailed discussion is presented by Wensinck in *The Muslim Creed*, esp. 36–49.

<sup>133</sup> Al-°Abbādī, *Kitāb Ṭabaqāt*, 31.

God, al-Shāfi'ī continues, imposes upon the heart various ways in which to practice faith, namely by confession (*iqrār*), knowledge (*ma'rifa*), resolution (*ʿaqd*), acceptance (*riḍan*), and acknowledging (*taslīm*) that there is no god but God, who has no partner, who neither took a companion nor a son and that Muḥammad is His servant and His messenger, as well as by confessing to the reality of the prophets and scriptures God sent to humankind.<sup>134</sup> The sentences that follow in the text make clear that al-Shāfi'ī considers the heart the fountainhead (*ra's*) of faith from which the performance of acts of faith springs forth. God, we are told, imposes on limbs and parts of the body certain acts which are part of faith and constitute the performance of it.<sup>135</sup> The divine impositions listed in the text are supported by Qur'ānic verses. The tongue (*lisān*) is to give expression to what the heart resolves and professes; the ear (*sam'*) ought to refrain from listening to what God prohibited and instead turn to listening to what He imposed; the eyes ought not look upon and lower their glances from that which God prohibited; the hands are not to seize (*baṭasha*) what God prohibited but labor (*baṭasha*) toward that which He commanded, such as charitable deeds (*ṣadaqa*), bonds of kinship (*silat al-rahīm*), striving on the path of God (*jihād fī sabīl llāh*), and ritual purities; the legs are not to go where God prohibited them to go; and the face is to bend in prostration.<sup>136</sup> Al-ʿAbbādī ends his presentation of al-Shāfi'ī's definition of faith with the confirmation that faith is cumulative and may reach various degrees. Citing Qur'ānic verses that express that faith, evil deeds as well as guidance may increase, the concluding remarks of this passage are that there is 'increase and decrease with regard to deeds and reward for deeds' (*fa-l-ziyāda wa-l-nuqṣān fī l-ʿamal wa-thawāb al-ʿamal*).<sup>137</sup>

In this entry of Abū ʿAmr al-Zanbarī, who otherwise is unknown,<sup>138</sup> we find a sophisticated understanding of faith, much of which is closely

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<sup>134</sup> Al-ʿAbbādī, *Kitāb Ṭabaqāt*, 31.

<sup>135</sup> The text several times has a phrase 'it belongs to faith and this is how it is practised' (*huwa min al-īmān wa-dhāka ʿamluhu*). See al-ʿAbbādī, *Kitāb Ṭabaqāt*, 32, line 5–6 and 13–4, both said about the ear.

<sup>136</sup> *Ibid.*, 32–3.

<sup>137</sup> *Ibid.*, 33.

<sup>138</sup> That al-Zanbarī is not further known despite being roughly contemporaneous with al-Muzanī, al-Zaʿfarānī, al-Rabīʿ and other important transmitters of al-Shāfi'ī's teaching suggests that he may have been invented and inserted by al-ʿAbbādī (or someone else) to give the impression that the eponym's

in line with later Ashʿarī teaching. The defining characteristics of faith are the heart's conviction, its knowledge and pronouncement of the truth of God, His messenger and His message. In contrast to the Ḥanbalī understanding that faith is word and deed together, here we find word, that is to say, professing Islam, subsumed under the action which begins in the heart, emphasizing conviction as the source of the limbs' works of faith. Different from the theological doctrine of the Murjiʿī and Māturīdī–Ḥanafī school, faith can grow and decrease. Thus, al-ʿAbbādī situates the Shāfiʿī conception of faith squarely within the Ashʿarī position, just as he did regarding free will and the nature of the Qurʾān.<sup>139</sup>

#### *Concluding remarks*

The presentation of the author's role in composing a biographical dictionary has brought to the fore that the author is not merely a compiler of pre-existing information. Instead, he has an important impact on shaping the identity, the doctrine, and the authority structures of the group. It would be going too far to say that al-ʿAbbādī invented the image and doctrine of the Shāfiʿī school of law – as he surely did not make up all the information he presents.<sup>140</sup> Nevertheless, by arranging the information he collected in a certain manner and deciding which rulings to include and leave aside out of the many opinions held by each of these jurists he captures the identity of the *madhhab* at a certain point in time (first half of the fifth/eleventh century) and from a certain point of view (his own at least, if not representative for the Eastern part of the Islamic world). Fixing this identity in writing preserves it and influences how future generations view the school.

Al-ʿAbbādī shapes the identity of the Shāfiʿī school in various ways. In the introduction and in the entry on al-Shāfiʿī he presents his vision of

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theological position on faith is in line with or a precursor of later widely accepted doctrine in the Shāfiʿī school.

<sup>139</sup> Al-ʿAbbādī is not the only one who addresses theological topics when commemorating the members of his school of law. Al-Subkī is blamed to have used his work on Shāfiʿī jurists as propaganda work for Ashʿarism (Joseph Schacht and C. E. Bosworth, 'al-Subkī,' *EP*<sup>2</sup>, vol. 9, 743–5, (p. 744); Makdisi, 'Ashʿarī and the Ashʿarites I,' 43 and 57–79).

<sup>140</sup> While there is generally little reason to doubt that the jurists actually espoused the doctrines attributed to them, in some entries it is, however, doubtful that the person to whom a view is attributed held or articulated it in the manner presented by al-ʿAbbādī, especially when it concerns matters of theology or other non-legal matters.

the school: superior to the Ḥanafī and Mālikī schools of law on account of the eponym's brilliance in understanding the authoritative texts and his insight in deriving rulings from them, in particular in the areas of worship, family law, and commercial transactions. Intellectual excellence, in al-°Abbādī's view, also manifests itself in one's personal conduct as al-Shāfi°ī's record in matters of etiquette and honor shows. From the outset of his book, al-°Abbādī conveys the message that following and emulating al-Shāfi°ī in his doctrines, methodologies, and conduct guarantees a jurist the best possible way of law-finding and marks a jurist as a member of the Shāfi°ī school.

Throughout the pages of his work al-°Abbādī manages to emphasize that the doctrines of the school represent a continuum and form a unity. He frequently states that a particular opinion is that of al-Shāfi°ī or goes back to one of the founding fathers – the immediate disciples of al-Shāfi°ī who either transmit the rulings of the eponym or whose own opinions are arrived at following his teaching. Important for constructing the doctrinal identity of the school are al-°Abbādī's subtle hints and editorial comments when he presents controversies among Shāfi°ī jurists. He takes recourse to a variety of authorial devices to indicate what the doctrine of the school, at least in his eyes, should be: He provides alternative rulings by lesser known or unnamed Shāfi°īs, thereby providing an acceptable precedent for espousing the alternative; he associates a doctrine with a rival school, thereby making it less desirable for the true Shāfi°ī; he identifies geographical differences for positions held by jurists, with Egyptian doctrines generally being deemed superior to Iraqi rulings without the latter necessarily invalid; or he expresses clearly which ruling is correct.

Furthermore, by pointing out that a disciple of al-Shāfi°ī belonged to the Iraqi or Egyptian circle of the eponym, al-°Abbādī forms a hierarchy of authority and of authority clusters among the early members of the school, and by extension among later jurists who follow them. We notice in his work a tendency to elevate al-Muzanī as the 'true heir' of the master; he is frequently presented as the final voice in disputes among the followers. Later biographers of the Shāfi°ī school do not necessarily share al-°Abbādī's high view of al-Muzanī. Al-Subkī and al-Nawawī (d. 676/1277) distance the Shāfi°ī school from him, speaking of a separate *madhhab* of al-Muzanī.<sup>141</sup>

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<sup>141</sup> Dedicating a separate school to al-Muzanī is likely due to the fact that in his main work, *Mukhtaṣar*, al-Muzanī pronounces some of al-Shāfi°ī's views to be wrong. See W. Heffening, 'al-Muzanī,' *EP*, vol. 7, 822.

The position of authority that a jurist holds among the group extends also to his rulings. A ruling is not only a reflection of a jurist's decision at a particular point in time, but becomes authoritative and worthy to be adhered to by a 'true' Shāfi'ī. To accomplish this doctrinalization, al-°Abbādī hardly ever refers to the circumstances in which a ruling was pronounced and which informed it.<sup>142</sup> The ruling, thereby, is stripped of its specific context and becomes generally applicable to that type of situation. This guarantees that the ruling will be continuously applied and, thus, leads to an identifiable position of the school concerning this legal question. Taking a stand in controversies, al-°Abbādī shapes the view of future generations of Shāfi'īs about authoritative rulings when looking for guidance from the decisions of previous jurists of the school.

However, that which defines the Shāfi'ī school is not only its legal doctrine. Shāfi'īs are portrayed by al-°Abbādī to have a very particular theological outlook as well,<sup>143</sup> irrespective of the eponym's reported distaste for theology: they reject free will (*qadar*), though not subscribing to predestination either; they oppose the doctrine of the created Qur'ān; and they consider faith to emanate from the heart by profession of faith by the tongue and acts of faith by the limbs. To convey the theological outlook of the Shāfi'ī school, al-°Abbādī uses more obvious authorial devices than when presenting the legal doctrine of the school. In contrast to legal rulings, which are generally brief and emphasize the transmitter, al-°Abbādī often devotes long, well-constructed passages to theological discussions which cite Qur'ān and occasionally *ḥadīth* to support the respective view taken. The transmitters of theological statements are often irrelevant and not necessarily from among the well-known figures of the early Shāfi'ī school. The theological positions that al-°Abbādī reports to have been held by the eponym have close affinity—one may even call it prescience—to views that later came to be associated with Ash'arī thought. In light of the differences in the way al-°Abbādī presents the school's legal doctrines and its theological views, it is difficult not to

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<sup>142</sup> Al-°Abbādī is in no way exceptional in the way he presents past rulings. It is typical of legal literature to rarely mention the specific circumstances of a case unless in order to argue that it has to be ruled differently from the ruling that generally applies to it (i.e., in cases of specification, *takhsīs*).

<sup>143</sup> Al-°Abbādī's view of the Shāfi'ī school is not limited to legal and theological doctrines. What he says about politics, grammar and interpretation of language also deserves closer analysis, though it was impossible to include in the scope of this paper.

suspect that some statements, in particular the lengthy ones, were inserted by al-°Abbādī to craft or support the theological identity of the school; an identity that is less a representation of historical reality than a reflection of al-°Abbādī's own outlook.

Yet, although al-°Abbādī is certainly an active participant in shaping the legal and theological identity of his school, he is also a compiler of information passed on from previous generations. This is evident in the fact that he does not streamline his account of the members of the Shāfi°ī school in a manner that is without contradictions or without any difference of opinions among them. In his dictionary, he manages to straddle the line—sometimes more successful, sometimes less so—between truthful transmission of the information received and fruitful arrangement and commentary on it in a manner that reflects how he would like the Shāfi°ī school to be seen. Hence, while al-°Abbādī's *Kitāb Ṭabaqāt al-fuqahā' al-shāfi°iyya* remains an important document for the historical development of the Shāfi°ī school, it has to be read with the author's time and concerns in mind.