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Al-Shāfi‘ī, the *Ḥadīth*, and the Concept of the Duality of Revelation*

AISHA Y. MUSA

Abstract

This article examines al-Shāfi‘ī’s most important contribution to both the foundations of Islamic jurisprudence and to Islamic thought in general as we know it today: his doctrines regarding the Ḥadīth. Al-Shāfi‘ī laid the foundations which eventually established Ḥadīth as the second revelatory source of law and guidance. His Kitāb Jimā‘ al-‘Ilm and al-Risālah are the earliest and most important extant works that established the authority of the Ḥadīth. A close examination of these works demonstrates the early opposition to the authority of the Ḥadīth and the responses which overcame that opposition. The aim of this examination is to better understand this crucial contribution to the status of Ḥadīth in Islam.



Muḥammad ibn Idrīs al-Shāfi‘ī (d. 204/820) occupies a very important place in the history of Islamic doctrine and law. Muslim and non-Muslim scholars of Islamic history and law have recognized his contributions and praised his accomplishments. Al-Shāfi‘ī’s status as a legal theorist whose aim was to build a comprehensive jurisprudential system is widely recognized by both. He is considered the eponymous founder of one of the four surviving Sunnī schools of law, and has been called the “master architect” of Islamic legal theory.¹ Wael Hallaq has demonstrated that recognition of al-Shāfi‘ī’s status as the premier theorist of Islamic jurisprudence came in later generations rather than during his lifetime.² The posthumous nature of his status has not detracted from it in

* This article forms part of the discussion in the academy about the authority and authenticity of *Sunnah/Hadīth* for well over a century. In view of the subject’s vital importance, *Islamic Studies* would be willing to consider publication of other articles on one or the other aspect of it as well as comments on the present article. Editor.

¹ N.J. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1994), 53.

² Wael B. Hallaq, “Was Al-Shafi‘i the Master Architect of Islamic Jurisprudence?,” *International Journal of Middle East Studies*, no. 25 (1993), 587–605.

anyway. On the contrary, al-Shāfi'ī's theories and arguments still form the bedrock of traditional Sunni jurisprudence.

Al-Shāfi'ī's overall theory of law has been addressed in detail by scholars such as Joseph Schacht (d. 1969), N. J. Coulson, Wael Hallaq, Norman Calder, and Joseph Lowry, and further discussion of that is beyond the scope of this article. This article will examine in detail what is perhaps al-Shāfi'ī's most important contribution not only to the foundations of Islamic jurisprudence, but also to Islamic thought in general as we know it today: the doctrine he is said to have articulated regarding the *Ḥadīth*. Hallaq recognizes that the status of *Ḥadīth* was al-Shāfi'ī's main concern, and that his greatest achievement was in establishing its importance as an indispensable source of law.³ Indeed, it was arguments attributed to al-Shāfi'ī that laid the foundations which eventually established the *Ḥadīth* as the second revelatory source of law and guidance for the vast majority of Muslims. He lays out his arguments in *Kitāb Jimā' al-'Ilm* and *al-Risālah*, which are the earliest and most important extant works intended to establish the authority of the *Ḥadīth*. A close examination of those arguments will demonstrate the early opposition to the use and authority of the *Ḥadīth* as portrayed in these works and the responses which eventually overcame that opposition. The aim of this examination is to better understand this crucial contribution to the status of *Ḥadīth* in Islam.

During al-Shāfi'ī's lifetime, the major collections of *Ḥadīth* had yet to be compiled. However, reports about the Prophet (peace be on him) and his Companions were clearly in circulation. A close examination of the relevant portions of *Kitāb Jimā' al-'Ilm* and *al-Risālah* will reveal what al-Shāfi'ī considered to be the most important points relating to the issue of the authority of the *Ḥadīth* and also offer some insight into the views of his opponents.

In his *The Origins of Muhammadan Jurisprudence*, Joseph Schacht proposes a chronology of al-Shāfi'ī's works that places the writing of the *Risālah* before that of *Kitāb Jimā' al-'Ilm*, which he refers to as *Treatise IV*.⁴ Norman Calder has argued for a radical redating of both the *Risālah* and *Kitāb al-Umm* (in which we most often find *Kitāb Jimā' al-'Ilm*). Calder suggests that both works were produced, not by al-Shāfi'ī himself, but by adherents of the Shāfi'ī school in the late third/ninth or early fourth/tenth centuries, a century after al-Shāfi'ī's death.⁵ Although Calder disagrees with the traditionally accepted

³ *Ibid.*, 592–593.

⁴ Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1967) 330.

⁵ Norman Calder, *Studies in Early Muslim Jurisprudence* (New York: Oxford University Press, 1993), 84.

dating and authorship of the *Risālah* and *Kitāb al-Umm*, he accepts that “the Shāfi’ī school was ahead of other schools in devising hermeneutic arguments that would assure the accommodation of the law to a growing set of Prophetic hadith.”⁶ Thus, while he disagrees with the dating and authorship of these works, he does not disagree with their importance in relation to the authority of the *Ḥadīth*. Joseph Lowry has since offered compelling evidence that challenges Calder’s “sensational redating”⁷ of these works and that is “broadly consistent with their traditional datings and ascriptions.”⁸ The questions of dating and authorship are of secondary importance to the question at hand. Whether one accepts Schacht’s chronology or Calder’s regarding dating and authorship, there is no question that these works are the earliest extant articulations of the arguments that would eventually ensure for *Ḥadīth* the status and authority of divine revelation second only to the Qur’ān.

Belief in a duality of revelation is also central to Rabbinic Judaism, and the concept in both Judaism and Islam shares many of the same aspects. In Judaism, God is said to have revealed both a “written” and an “oral” law, both of which were given to Moses at Sinai.⁹ The Written Law is contained in the Torah scrolls. The Oral Law was recorded in the Mishnah and the Gemara, which together make up the Talmud. The Talmud and various other works known as Midrash¹⁰ serve much the same function that the *Ḥadīth* have come to serve in Islam. Like *Ḥadīth* the Oral Law contains rulings related to the details of such issues as ritual purity, prayer, marriage, divorce, etc., which complement the teachings of the written Torah.¹¹ In Islam, the *Ḥadīth* are understood to have much the same role in relation to the Qur’ān. Also, like the *Ḥadīth*, the material in the Talmud was passed on orally for an extended period of time before being committed to writing, and there was fierce debate over the appropriateness of doing so.¹² While there are a number of similarities between the Oral Law in Judaism and the *Ḥadīth*, there is a very important difference. While the Oral Law in Judaism incorporates the teachings of various rabbis and sages throughout Jewish history as part of the divine

⁶ Ibid.

⁷ Joseph Lowry, “The Legal Hermeneutics of Al-Shāfi’i and Ibn Qutayba: A Reconsideration,” *Islamic Law and Society*, 11: 1 (2004), 2.

⁸ Ibid., 41.

⁹ David Kraemer, “The Formation of Rabbinic Canon: Authority and Boundaries,” *Journal of Biblical Literature*, 110: 4 (1991), 613–30.

¹⁰ “Oral Law,” *The Encyclopedia of Judaism* (New York: Facts on File, Inc., 2006), 367–368.

¹¹ Hermann L. Strack, *Introduction to the Talmud and Midrash* (New York: Atheneum, 1969), 29ff.

¹² Ibid., 12ff.

revelation,¹³ al-Shāfi‘ī reserves revelatory status for the words, actions, and tacit approvals of Muḥammad (peace be on him) himself. The position of the Prophet (peace be on him) as the practical exemplar of how to understand and implement the teachings of the Qur’ān is central to his argument for necessity of accepting *Ḥadīth* as a form of divine revelation.¹⁴

Both *Kitāb Jimā‘ al-‘Ilm* and the *Risālah* contain a detailed discussion of the religious obligation to follow the Prophet (peace be on him), which together with al-Shāfi‘ī’s arguments for the duality of revelation would become the basis for the obligation to accept Prophetic reports. *Kitāb Jimā‘ al-‘Ilm* presents al-Shāfi‘ī’s debates with those who reject Prophetic reports (*khabar/akbbār*), either in total, or in part. It is a short treatise included in al-Shāfi‘ī’s *Kitāb al-Umm*. The *Risālah* is a treatise on the principles of religious jurisprudence. It is also part of *Kitāb al-Umm*, but has come to us as an independent book as well. Some parts of each work are in the form of debates between al-Shāfi‘ī and unidentified interlocutors, while other parts are presented as al-Shāfi‘ī’s own direct statements.

Drawing on the works of Abū Bakr Aḥmad b. Al-Ḥusayn al-Bayhaqī (d. 458/1066) and Ibn Ḥajar Aḥmad b. ‘Alī al-‘Asqalānī (373–852/1372–1448), Majid Khadduri maintains that al-Shāfi‘ī wrote two versions of the *Risālah*, the first while in Baghdad (194/810–198/814) and the second while in Egypt (198/814–204/820), and that only the second *Risālah* has survived.¹⁵ *Kitāb Jimā‘ al-‘Ilm* is also believed to have been written while al-Shāfi‘ī was in Egypt, but there is some question as to which work was written first. Khadduri leans toward the view that the *Risālah* was “written or revised as the last of al-Shāfi‘ī’s works.”¹⁶

Kitāb Jimā‘ al-‘Ilm

Kitāb Jimā‘ al-‘Ilm forms part of the multi-volume *Kitāb al-Umm*. In modern print editions, it is the eighth of thirteen treatises that make up the seventh volume of the *Umm*. Perhaps because it is one part of a collected work, it does not begin with the customary benediction praising God and invoking blessings on the Prophet (peace be on him) that normally introduces independent works. Though it generally comes to us as part of *Kitāb al-Umm*, an

¹³ Kraemer, “The Formation of Rabbinic Canon: Authority and Boundaries,” 618.

¹⁴ Muḥammad ibn Idrīs al-Shāfi‘ī, *al-Risālah*, ed. Aḥmad Muḥammad Shākir (Cairo: al-Bābī al-Ḥalabī, 1940), 78–79.

¹⁵ Majid Khadduri, “Translator’s Introduction,” *al-Shāfi‘ī’s Risālah: Treatise on the Foundations of Islamic Jurisprudence*, second edition (Cambridge, UK: Islamic Texts Society, 2003), 22–23.

¹⁶ *Ibid.*, 37.

independent version of it was published in Cairo in 1940.¹⁷ The work is relatively short and consists of an introductory paragraph that is followed by four sections: “The Section Relating The Doctrine of The Group Which Rejects All [Traditional] Reports” (*Bāb Hikāyat Qawl al-Tā'ifah allatī Raddat al-Akhhbār Kullahā*); “Section Relating the Doctrine of Those Who Reject Isolated Reports” (*Bāb Hikāyat Qawl man Radda Khabar al-Khāṣṣah*); “An Explanation of the Ordinances of God Most High” (*Bayān Farā'id Allāh Ta'ālā*); “Section on Fasting” (*Bāb al-Ṣawm*.)” Each of these sections will be examined in detail below to show not only what each section contains, but also how all four sections fit together to showcase the best and most successful arguments for the authority of the Ḥadīth.

The logical organization of the work may not always be readily apparent to a reader of the treatise. In his 1999 University of Pennsylvania dissertation, “The Legal-Theoretical Content of the *Risāla* of Muḥammad B. Idrīs al-Shāfi'ī,” Joseph Lowry describes *Kitāb Jimā' al-'Ilm* as “a short, somewhat rambling dialogue in which a variety of topics are discussed, and in which order is difficult to discern.”¹⁸ Al-Shāfi'ī's sometimes-tortuous language and style does give this initial impression. However, a closer examination leads to a different view. While the work is indeed somewhat rambling, its order becomes easier to discern when we consider that al-Shāfi'ī's purpose in writing it is to establish both the binding scriptural authority of the Ḥadīth as well as their necessity in matters of religious practice and law.

In order to better appreciate al-Shāfi'ī's writing style it is important to remember that he enjoys a reputation as a master of Arabic prose who excelled in the use of language.¹⁹ The complex use of language that typifies the Arabic prose of al-Shāfi'ī's time was a mark of erudition and eloquence, but to the modern reader it often seems loquacious and verbose. Ibn Ḥajar al-'Asqalānī quotes one of al-Shāfi'ī's students as comparing al-Shāfi'ī's language to an intoxicant or enchantment and saying that they never heard an error from him. The same author also quotes al-Rabī' ibn Sulaymān (d. 270/884), who transcribed and transmitted al-Shāfi'ī's works after his death, as saying:

If you saw al-Shāfi'ī and the beauty of his explanations, you would be amazed. If he had composed these books in the Arabic that he used in debates with us, it

¹⁷ Muḥammad b. Idrīs al-Shāfi'ī, *Jimā' al-'Ilm*, ed. Aḥmad Muḥammad Shākīr (Cairo: Maṭba'at al-Ma'ārif, 1940).

¹⁸ Joseph E. Lowry, “The legal-theoretical content of the *Risāla* of Muḥammad B. Idrīs al-Shāfi'ī” (Ph.D. diss., University of Pennsylvania, 1999), 8.

¹⁹ 'Abd al-Ḥalīm al-Jindī, *al-Imām al-Shāfi'ī: Naṣīr al-Sunnah wa Wādi' al-Uṣūl* (Cairo: Dār al-Kitāb al-'Arabi li 'l-Ṭibā'ah wa 'l-Nashr, 1967), 70.

would be impossible to read them because of his eloquence and recondite expressions. But he was striving to make his writing clear to the masses.²⁰

Despite his efforts at clarity, al-Shāfi'ī's writing is at times complex and oratorical. This style probably served him well in debates, but his writing often defies succinct translation. The introductory paragraph of *Kitāb Jimā' al-ʿIlm*²¹ is an example of this and typical of al-Shāfi'ī's rhetorical style.

I have not heard anyone whom people considered knowledgeable — or who considered himself knowledgeable — dispute that God Almighty and Exalted has made following the command, and submitting to the judgment of God's Messenger (peace and blessings be upon him) obligatory, in that God Almighty and Exalted has ordained that everyone other than him [the Messenger] only follow him, and that the only saying (*qawl*) that must be adhered to in every situation are the Book of God or the *Sunnah* of His Messenger (peace and blessings be upon him). Everything other than these two is subordinate to them. Indeed, God the Most High has made accepting reports from God's Messenger (peace and blessings be upon him) obligatory for us and for those before and after us. No one disputes the obligation and duty of accepting reports from God's Messenger (peace and blessings be upon him), except a faction whose doctrine I will describe, if God Most High wills.... Furthermore, the adherents of *kalām* are clearly divided about affirming the validity of reports from God's Messenger (peace and blessings be upon him); some others whom the general public considers jurists are also divided about it. As for some of them, they are excessive in following blindly, in making light of rational inquiry, in heedlessness and in hastening to gain [popular] authority. I will give you examples that indicate what is behind the doctrines of each group of which I am aware, if God Most High wills.²²

As the above indicates, refuting the view of those who reject Prophetic reports is the main purpose of *Kitāb Jimā' al-ʿIlm*. In the introduction al-Shāfi'ī sets the tone for the rest of the work and makes his position clear from the beginning: Knowledgeable people agree that obeying the Messenger is an obligation and the majority of people understand that this entails accepting Prophetic reports. Only a minority disputes the necessity of accepting Prophetic reports and even they differ among themselves on the issue.

Al-Shāfi'ī uses the word *qawl*, meaning something that is said, to refer to "the Book of God or the *Sunnah* of God's Messenger," declaring that one or the other is the only *qawl* that must be adhered to. This terminology seems to

²⁰ Ibn Ḥajr Aḥmad b. 'Alī al-'Asqalānī, *Tawāli 'l-Ta'sīs li Ma'ālī Muḥammad ibn Idrīs*, ed. Abū 'l-Fida' 'Abd Allāh al-Qāḍī (Beirut: Dār al-Kutub al-'Ilmiyyah, 1986), 96.

²¹ Muḥammad ibn Idrīs al-Shāfi'ī, *Kitāb Jimā' al-ʿIlm*, in *Kitāb al-Umm*. ed. Maḥmūd Maṭraji (Beirut: Dār al-Kutub al-'Ilmiyyah, 1993), 7: 460–483.

²² *Ibid.*, 460.

assign to the speech of the Messenger a status more or less equal to that of the speech of God, foreshadowing what will be the centrepiece of al-Shāfi'ī's argument in support of the need to accept Prophetic reports, namely the concept of duality of revelation.

Al-Shāfi'ī also promises to present examples rather than an exhaustive description of the positions of those who reject Prophetic reports. The information al-Shāfi'ī presents in the rest of the work and the manner in which he presents it serve more as a means of showcasing his views than as a report on the views of his opponents.

In the first two sections, al-Shāfi'ī presents the examples in the form of debates between himself and an unidentified member of each group, rather than as an expository description of the doctrines of these groups. The debates highlight his own arguments for the necessity of accepting Prophetic reports as an authoritative source of law and guidance. In the last two sections of the work — *Explanation of the Ordinances of God the Sublime*, and *Section on Fasting* — al-Shāfi'ī discusses specific details of the obligatory religious practices of Islam, in further support of the necessity of accepting Prophetic reports. He concludes the *Section on Fasting* with a brief discussion of two *ḥadīth*, which he does not mention elsewhere. The first is a *ḥadīth* cited by opponents of Prophetic reports, in which the Prophet (peace be on him) says that the people should not adhere to anything that he has allowed or prohibited because he only allows or prohibits that which has been allowed or prohibited by God. In rebuttal, al-Shāfi'ī cites a *ḥadīth* in which the Prophet (peace be on him) warns against those who claim to follow only the Book of God.²³ This brings the discussion back to the point at which it began. Together, all four sections represent the best and most successful arguments put forward by al-Shāfi'ī.

In the first half of the work, al-Shāfi'ī writes about two groups: those who reject all Prophetic reports and those who reject isolated reports. While al-Shāfi'ī refers to those who reject all Prophetic reports as *ahl al-kalām*, he does not identify any particular group or individuals by name. Throughout *Kitāb Jimā' al-'Ilm*, he uses the terms *ḥadīth* and *khabar* (pl. *akbbār*) interchangeably when referring to Prophetic reports, but most often the latter.

The first section, addressing the doctrine of those who reject all reports, opens with al-Shāfi'ī's use of the generic phrase: "*qāla lī qā'il yunsab ilā 'l-'ilm bi madhhab aṣḥābibi...*" (Someone considered knowledgeable in the doctrine of his school said to me...).²⁴ It then continues in the "*qāla.... fa qultu....*" ("He said...then, I said...") point, counter-point format, a debate format common in classical Muslim literature.

²³ Ibid., 481.

²⁴ Ibid., 460.

A similar format is used in the second section, which deals with the doctrine of those who reject particular reports from individuals with specialized knowledge (*khābar al-khāṣṣah*). The introduction to this section confirms that the debate format is indeed a literary device used to frame al-Shāfi‘ī’s recollections of what he considers the most important points in these discussions, rather than the record of an actual debate:

I do not remember specific individual or group discussions, or everything that was said to me or that I answered, so that I might recount them; and I have already exerted great effort in a thorough examination of everything they presented as evidence, so I will set down some of the things I said and to whom I said them.²⁵

What al-Shāfi‘ī chooses to present of his opponent’s views and how he chooses to present them in the first half of the work appears to serve primarily as an opportunity for him to articulate his rebuttals. The third and fourth sections then add further support with a discussion of religious practices that, according to al-Shāfi‘ī, require the details provided in Prophetic reports. In my investigation, I have chosen to follow the format used in the work, ascribing the arguments to al-Shāfi‘ī and his opponent. Let us now examine the arguments themselves in greater detail.

Section 1

The Section Relating the Doctrine of the Group Which Rejects All [Traditional] Reports (Bāb Hikāyat Qawl al-Ṭā’ifah allatī Raddat al-Akhhār Kullahā)

Al-Shāfi‘ī opens the *Section relating the doctrine of the group that rejects all reports* (traditions: *akhhār*) with this statement from a “knowledgeable” representative of that group:

You are an Arab, and the Qur’ān was revealed in the language of your people, and you have memorized it. It contains the ordinances that God has sent down. If someone doubts even one letter that is obscure to him, you demand that he repent, and if he does not repent, you kill him. God Almighty and Exalted has said regarding the Qur’ān: an explanation of everything.²⁶

Here, al-Shāfi‘ī demonstrates the most important doctrinal foundations of his opponents’ thinking—the absolute certainty that both sides agree that

²⁵ Ibid., 467.

²⁶ Ibid., 460; Qur’ān 16: 89: “We have sent down to you the Scripture as an Explanation of everything, a Guide, a Mercy, and Glad Tidings to Muslims.”

believers must have faith in the text of the Qur'ān as God's scripture, and that God Himself has declared that the Qur'ān explains everything. The implication seems clear: the Qur'ān explains everything and anyone who doubts that is committing a mortal sin in thinking in the way that the anonymous rejecter of Ḥadīth has just attributed to al-Shāfi'ī himself. Moreover, the verse cited implies the completeness and sufficiency of the Qur'ān.

Al-Shāfi'ī follows the dramatic opening statement of his challenger with questions that the latter then asks based on the essential points in the statement. He begins by questioning the types of distinction made by al-Shāfi'ī among various Qur'ānic injunctions: How can it be permissible to claim that something God has ordained (*shay' faradahu 'llāh*) is general (*'āmm*) in one instance, while it is particular (*khāṣṣ*) in another, or that one time the command (*al-amr*) is an obligation (*fard*), while another time it is merely a suggestion (*dalālah*)? The terms *'āmm*, *khāṣṣ*, *al-amr*, *fard*, and *dalālah* represent key legal concepts, which al-Shāfi'ī discusses at length later in *Jimā' al-'Ilm*, and also in the *Risālah*.²⁷ By using these terms, al-Shāfi'ī reveals that the concerns he ascribes to those who reject all Prophetic reports are not limited to those reports dealing with matters of belief and religious doctrine, but also included reports dealing with expressly legal matters. It could be argued that what al-Shāfi'ī has presented in this opening essentially exaggerates his opponents' objections to the use of Ḥadīth in practical and legal matters. However, such an argument is problematic because of the many indications of the existence of such objections to the Ḥadīth scattered throughout the various sources over the centuries, up to and including the present day.²⁸ The evidence of both earlier and continuing opposition to Ḥadīth as a competing source of religious authority suggests that the opposition to which al-Shāfi'ī is responding in *Kitāb Jimā' al-'Ilm* was much as he has portrayed it.

Earlier evidence of opposition to the use of Ḥadīth as a source of scriptural authority is found in a text that Muslim tradition holds to be a letter from the Kharijite 'Abd Allāh ibn Ibād (d. c. 86/705) to the Caliph 'Abd al-Malik (r. 65/685-86/705) in 76/695.²⁹ Cook disagrees with the dating and authorship of the letter, arguing for unknown authorship sometime in the mid-second/eighth century.³⁰ The uncertain dating and authorship of the letter

²⁷ Al-Shāfi'ī, *Kitāb Jamā' al-'Ilm*, 460. For a detailed linguistic analysis of the key religious-legal terminology used by al-Shāfi'ī, see Lowry's "The legal-theoretical content of the *Risālah*."

²⁸ Aisha Y. Musa, "An Examination of Early and Contemporary Muslim Attitudes toward Ḥadīth as Scripture," Ph.D. diss., Harvard University, 2004.

²⁹ Josef van Ess, *Zwischen Ḥadīth und Theologie* (Berlin: Walter de Gruyter, 1975), 56.

³⁰ Michael Cook, *Early Muslim Dogma: A Source Critical Study* (Cambridge: Cambridge University Press, 1981), 66–67.

does not minimize its import for the early debates over the authority of the *Ḥadīth*, however. Whether it dates from the late first/seventh century or the mid-second/eighth century, it predates al-Shāfi‘ī; and although the criticism of the use of *Ḥadīth* here is presented as part of an overall attack against Shī‘ī beliefs and practices, rather than Sunnī beliefs and practices, those criticisms demonstrate a clear objection to the general use and authority of the *Ḥadīth*. Key portions of one passage that Cook reproduces in *Early Muslim Dogma* are particularly significant. In criticizing the Kufans, the letter says: “*wa kharajū min ḥukmi rabbihim wa ittakhadhū ‘l-aḥādītha dīnan, wa za‘amū anna ‘indabum ‘ilman aṣābūhu min ghayri ‘l-Qur‘āni*” which Cook translates as: “They abandoned the judgment of their Lord and took *ḥadīths* for their religion; and they claim that they have obtained knowledge other than from the Koran....”³¹ This is clearly a criticism of the use of *Ḥadīth* as an authoritative source other than the Qur‘ān. The same passage also indicates that the extra-Qur‘ānic source is written: “*wa āmanū bi-kitābin laysa min Allāhi katabathu ‘l-rijālu bi-aydihim* (f.211b) *thumma asnadūhu ilā rasūl Allāhi (ṣ).*” This Cook translates as, “They believed in a book which was not from God, written by the hands of men; they then attributed it to the Messenger of God.”³²

The data available in early Muslim literature does not allow us to clearly identify specific groups that held such a position. Only a few groups are mentioned as doing so, and information on them is limited and inconsistent. In *Kitāb Uṣūl al-Niḥal*, al-Nāshī‘ al-Akbar (d. 293/906) identifies a sub-sect of the Azāriqah called the Khāzimiyyah who “impose only those laws that are based on a Qur‘ānic text, or that have been transmitted by the consensus of all Muslim groups.” He also mentions an offshoot of the Khāzimiyyah called the Bid‘iyyah.³³ Several decades after al-Nāshī‘ al-Akbar, in *al-Maqālāt al-Islāmiyyah*, Abū ‘l-Ḥasan al-Ash‘arī (260–324/874–936) does not mention the Bid‘iyyah at all, and in his discussion of the Khāzimiyyah, he does not attribute anti-*Ḥadīth* doctrine to them. This might suggest that the former no longer existed and the latter no longer held such a doctrine by al-Ash‘arī’s day. However, he also mentions another group, the Ḥarūrī, to whom he also does not ascribe anti-*Ḥadīth* doctrine. Yet nearly half a century later, in *Kitāb al-Tanbīh wa ‘l-Radd ‘alā Ahl al-Aḥwā’ wa ‘l-Bida’*, Muḥammad b. Aḥmad al-Malaṭī (d. 377/988) describes the Ḥarūrī as a group who take the Qur‘ān and

³¹ Ibid., 9. For this passage, I have used both Cook’s transliteration and translation.

³² Ibid.

³³ ‘Abd Allāh ibn Muḥammad al-Nāshī‘, *Kitāb Uṣūl al-Niḥal* in *Frühe Mu‘tazilitische Häresiographie, Zwei Werke des Nāshī‘ al-Akbar* (Beirut: In Kommission bei F. Steiner, Wiesbaden, 1971), 69.

not the *Sunnah* as the basis of their religious practices.³⁴ Such discrepancies could mean that at different times, and in different places, different members associated with the same groups held differing views on the use and authority of the *Ḥadīth vis-à-vis* the Qur'ān or it could indicate that the authors of the various works were working with incomplete or inaccurate information. The existence of a number of sects, many of which also contained a variety of sub-sects divided on different doctrinal issues, also further complicates attempts to clearly identify exactly who the early Qur'ānic scripturalists may have been. Although it is not possible to easily identify who the early scripturalists were with any degree of certainty, the influence of their objections to the authority of the *Ḥadīth* is readily apparent in the arguments of the proponents of the *Ḥadīth*. The works of al-Nāshī' al-Akbar and al-Malaṭī, both written long after al-Shāfi'ī's time, clearly indicate the existence of groups that objected to the use of the *Ḥadīth* as a source of scriptural authority in matters of religious law and practice. Therefore, while al-Shāfi'ī has carefully chosen exactly what he presents, and how he presents it, of his opponents' arguments in order to best serve his own overall aim, what he presents cannot be dismissed as a straw man.

After the opening question about the distinction between various injunctions, al-Shāfi'ī relates the issues that receive the greatest emphasis from his challenger — doubt and error. His adversary compares the strict attitude toward doubting even a single letter of the Qur'ān to the attitude toward doubt regarding the *Ḥadīth*:

I have found that you and those who hold your opinion do not consider anyone you encounter and prefer (*qaddamtumūhu*) for his reliability and memory, nor do I consider anyone I have encountered whom you have encountered, free from erring, forgetting, or making mistakes in the *Ḥadīth*. Instead, I have found that you say about more than one of them: "So-and-so made a mistake in such-and-such a *Ḥadīth* and so-and-so in such-and-such a *Ḥadīth*. I have also found that if a man says about a *Ḥadīth* by which you have made something lawful or prohibited on the basis of something known only to a few elite: "God's Messenger (peace and blessings be upon him) never said that, you or whoever related it to you has made a mistake, or lied," you do not ask him to repent. You do nothing more than tell him, "You have said something pernicious."³⁵

The acceptance of such serious errors and doubts regarding the *Ḥadīth* leads al-Shāfi'ī's opponent to ask if it is permissible to make distinctions

³⁴ Abū al-Ḥusayn Muḥammad ibn Aḥmad al-Malaṭī, *Kitāb al-Tanbih wa 'l-Radd 'alā Ahl 'l-Abwā' wa 'l-Bida'* (Istanbul: Maṭba'at al-Dawlah, 1936), 42.

³⁵ Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 460.

among the rulings of the Qur'ān on the basis of what has been heard from such reports, giving them the same standing as the Book of God in determining what is allowed and what is prohibited. Again, al-Shāfi'ī highlights his opponent's concern for the use of *Ḥadīth* in decidedly legal issues, adding an explicit reference to the status of *Ḥadīth vis-à-vis* the Qur'ān.

Al-Shāfi'ī responds to his challenger by saying that he and those who agree with him only accept credible reports from a position of certainty based on comparison. "We do not accept all of them," he says, "rather some of them are more established than others."³⁶

When asked for an example, al-Shāfi'ī cites the various types of evidence that can be used to convict a man in court—his confession, evidence, his refusal to take an oath, or the swearing of an oath by his companion—each of which is stronger than the next. He then explains that there is a variety of reasons for accepting a particular type. However, he does not clarify what constitutes credible reports or how he arrives at a position of certainty regarding them. Al-Shāfi'ī's response does not satisfy the questioner, who reiterates his primary concern, asking al-Shāfi'ī what he would offer as evidence against one who rejects *Ḥadīth* because of the previously mentioned problems of error and doubt, and if it is possible to establish a position of certainty where there is none.

Al-Shāfi'ī declares that for one who knows the language of God's Book and God's rulings (*ahkām*), that knowledge will lead him to accept Prophetic reports from trustworthy people. The determining factor, according to al-Shāfi'ī, is the position of God's Messenger. His opponent still seems unsatisfied and presses al-Shāfi'ī to provide examples that would make his arguments clearer and stronger against those who disagree with him and that might cause them to renounce their opinion in favour of his.³⁷

In spite of his adversary's persistence, al-Shāfi'ī continues to bypass the questions of error and uncertainty for the time being. Instead, he turns to something his challenger has already said in support of his own position, but which al-Shāfi'ī thinks his opponent has still ignored: that it is not appropriate to be careless with any of the commands of the faith. In this way, al-Shāfi'ī sets the stage for his theological arguments for the authority of the *Ḥadīth*. These arguments depend on two ideas: obedience to the Prophet (peace be on him), and the concept of two forms of revelation.

Al-Shāfi'ī begins by building his case for the latter—two forms of revelation—which is what will eventually lead to defining the former, obedience to the Prophet (peace be on him), as accepting Prophetic reports in

³⁶ Ibid.

³⁷ Ibid., 461.

addition to the Qur'ān. His arguments laid the theological groundwork for establishing the sacred authority of the *Ḥadīth*. Al-Shāfi'ī begins building the first part of his argument by citing verse 62: 2 from the Qur'ān: "It is He who has sent amongst the unlettered a Messenger from among them, to rehearse to them His Signs, to sanctify them, and to instruct them in the Book and Wisdom, although they had previously been in manifest error."

With the above verse, al-Shāfi'ī opens his discussion on the nature of revelation, using it to introduce the idea of two types of revelation received and preached by the Prophet (peace be on him). The crucial question, which al-Shāfi'ī attributes to his opponent is: "We already know that 'the Book' is the Book of God. But what is 'the Wisdom'?"³⁸ Al-Shāfi'ī responds that it is the *Sunnah* of God's Messenger. His opponent then asks: "Is it possible that he is teaching them the Book in general, and the Wisdom in particular, and that is its rulings?"³⁹ Al-Shāfi'ī then reiterates that it means the Messenger's *Sunnah* and what the Messenger explained regarding the obligations of prayer, alms, fasting, etc. that God ordained in general in His Book. When his opponent concedes that this is possible, al-Shāfi'ī asserts that one can only arrive at this position through accepting Prophetic reports.

The challenger then asks: "and what if I am of the opinion that it is reiteration of the Word (*takrīr al-kalām*)?" Al-Shāfi'ī responds to this by asking his opponent if he thinks that since the Book and the Wisdom are mentioned they are two things or one thing. To this, his opponent replies: "It is possible that it is as you have described, Book and *Sunnah*, then they are two things. But it is possible that they are one thing."

Al-Shāfi'ī declares that the first possibility — that it is the Book and *Sunnah* — is the most obvious answer, and he asserts that the Qur'ān contains evidence supporting his position and contradicting the idea that the Book and the Wisdom are one, citing Qur'ān 33: 34: "And remember what is recited to you in your homes of the verses of God and the Wisdom: for God understands the finest mysteries and is well acquainted [with them]."⁴⁰

Al-Shāfi'ī asserts that this verse shows that there were two different things that were recited in the houses of the Prophet's wives — the Qur'ān and the Wisdom. When his opponent asks him how the Wisdom was recited, al-Shāfi'ī says that the recitation must mean what Muḥammad (peace be on him) uttered of the Qur'ān and also what he uttered of the *Sunnah*. Without further explanation of how this is, al-Shāfi'ī quotes his opponent as saying that it is clear that the Wisdom is something other than the Qur'ān.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

Now that he has made the point that the Wisdom referred to in the verses cited means something other than the Qur'ān, al-Shāfi'ī moves on to develop the second part of his argument in support of the acceptance and use of *Ḥadīth*: obedience to the Prophet (peace be on him). He cites several of the Qur'ānic verses that order such obedience.⁴¹

His disputant then asks al-Shāfi'ī what the most appropriate response is to those who claim that the Wisdom is found only in what God has revealed (i.e. the Qur'ān), so that whoever submits to that is obeying the Messenger. Al-Shāfi'ī answers by citing part of a Qur'ānic verse “take what the Messenger gives you, and deny yourselves that which he forbids you.”⁴²

By arranging the reported discussion in this way, al-Shāfi'ī makes a clear connection between the issue of Wisdom as a second form of revelation other than the Qur'ān and the issue of obedience to the Prophet (peace be on him). Al-Shāfi'ī's challenger then agrees that accepting the command of God's Messenger is an obligation.

Having successfully made this point, al-Shāfi'ī poses another question to his adversary: “Is the obligation on us the same on those before us and after us?” When he answers “yes,” al-Shāfi'ī asks how anyone who did not see God's Messenger can carry out God's command to obey the Messenger (peace be on him) except through Prophetic reports.⁴³

Up to this point, al-Shāfi'ī has relied primarily on interpretation of Qur'ānic verses to convince his adversary of the obligation to accept the authority of the *Ḥadīth*. The interpretation of *ḥikmah* as *Sunnah* is central to al-Shāfi'ī's argument. In examining Qur'ān commentaries that predate or are contemporary with al-Shāfi'ī in his work in the *Risālah*, where al-Shāfi'ī presents the same line of argument, Lowry finds that with the exception of commentary of 'Abd al-Razzāq's b. Humām al-Ṣan'ānī (d. 211/827) on 33: 34, no one interprets the word *ḥikmah* as *sunnah*.⁴⁴ My own investigation of early Qur'ān commentaries reveals much the same thing. However, the commentary of Hūd ibn Muḥakkam (d. 280/893) does address the question of *ḥikmah* and *sunnah*. Hūd ibn Muḥakkam was a Khārijite commentator who lived during the middle or late third/ninth century.⁴⁵ Commenting on verses such as 62: 2, which mention “the Book and the Wisdom,” he says: “Some of them say the Book is the Qur'ān and that Wisdom is the *Sunnah*.”⁴⁶ The

⁴¹ Qur'ān 4: 65; 4: 80; 4: 63; *Kitāb Jimā' al-'Ilm*, 461–462.

⁴² Qur'ān 59: 7.

⁴³ Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 462–463.

⁴⁴ Lowry, “The Legal-theoretical content of the *Risālah* of Muḥammad B. Idrīs al-Shāfi'ī,” 251.

⁴⁵ Al-Ḥājj ibn Sa'īd al-Sharīf, “Introduction” to Hūd ibn Muḥakkam, *Tafsīr Kitāb Allāh al-'Azīz* (Beruit: Dār al-Gharb al-Islāmī, 1990), 1: 13.

⁴⁶ *Ibid.*, 4: 351.

wording that Ibn Muḥakkam uses suggests that there was disagreement about the interpretation of *ḥikmah* as *sunnah* in the generations following al-Shāfi'ī. This together with the paucity of earlier evidence for that idea suggests that it was not a common interpretation before al-Shāfi'ī's careful and forceful articulation. The situation is much the same in the case of verse 59: 7, which al-Shāfi'ī portrays as the decisive evidence that convinced his adversary of the need to accept the authority of Ḥadīth, even though he had previously rejected all Ḥadīth because of potentially serious doubt and error. The key portion of the verse, which al-Shāfi'ī cited is *wa mā ātakum al-Rasūl fa-kbudhūhu wa mā nahākum 'anhu fa'ntahū* (Take what the Messenger gives you, and deny yourselves that which he forbids you). This phrase actually appears near the end of the verse. Before looking at the early commentaries, let us consider the entire verse:

Whatever God has restored to His Messenger from the people of the towns is for God and the Messenger, and for the relatives, the orphans, the needy and the wayfarer, so that it will not be circulating among those of you who are wealthy; and take whatever the Messenger gives you, and deny yourselves whatever he forbids you, and be wary of God; surely God is severe in reprisal.⁴⁷

As with the *ḥikmah* verses, the majority of early commentators are silent on 59:7. However, there are three notable exceptions: al-Shāfi'ī's contemporaries, Abū Zakariyyā' Yaḥyā ibn Ziyād al-Farrā' (d. 207/823), 'Abd al-Razzāq, and Hūd ibn Muḥakkam. The first of these, al-Farrā', deals with the phrase that al-Shāfi'ī has adduced; however, he interprets it as referring to the immediately preceding phrase: "so that it will not be circulating among those of you who are rich," explaining that "and take whatever the Messenger gives you, and deny yourselves whatever he forbids you" is a command given to the wealthy.⁴⁸

The second commentator, 'Abd al-Razzāq al-Ṣan'ānī does not comment on the phrase adduced by al-Shāfi'ī. Instead, he focuses first on the opening phrase of the verse: "Whatever God has restored to His Messenger from the people of the towns is for God and the Messenger," linking it to 8: 41, which deals with the spoils of war, and further explaining that it also refers to the *jizyah* (a tax on the People of the Book), and the *kharāj* (land tax) collected from the people of the towns.⁴⁹ Thus, neither of those of al-Shāfi'ī's

⁴⁷ Qur'ān, 59: 7.

⁴⁸ Abū Zakariyyā' Yaḥyā ibn Ziyād al-Farrā', *Ma'ānī 'l-Qur'ān*, ed. 'Abd al-Fattāḥ Ismā'il al-Tha'labī (Cairo: al-Haya'ah al-Miṣriyyah al-Āmmah li 'l-Kitāb, 1972), 3: 144–145.

⁴⁹ 'Abd al-Razzāq al-Ṣan'ānī, *Tafsīr 'Abd al-Razzāq*, ed. Maḥmūd Muḥammad 'Abduh (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999), 3: 298–299.

contemporaries who comment on 59:7 offers an interpretation that suggests that of al-Shāfi'ī.

However, even more interesting is Hūd ibn Muḥakkam's commentary, which differs from those of al-Shāfi'ī's two contemporaries. He begins by acknowledging that part of the verse used by al-Shāfi'ī to support the obligation of accepting *Ḥadīth* was revealed in reference to spoils of war, but that it later came to refer to the totality of religion (*ṣārat ba'du jamī' al-dīn*). Also, as in the case of his comments on the interpretation of *ḥikmah* as *sunnah*, it indicates that there was still at least some measure of disagreement about the interpretation of 59:7 for some time after al-Shāfi'ī's insistence that the verse proves that obeying the Messenger (peace be on him) requires more than following the Qur'ān. If this idea and the interpretation of *ḥikmah* as *sunnah* did not originate with al-Shāfi'ī,* he seems to be the first to have articulated these ideas with some degree of clarity and success.

Having thus laid out his primary doctrinal arguments, al-Shāfi'ī then goes on to illustrate further the need for Prophetic reports in addition to the Qur'ān with examples of what he considers abrogating and abrogated verses in the Qur'ān. These verses require clarification, and for al-Shāfi'ī, such clarification must come from Prophetic reports. This finally convinces his opponent that accepting Prophetic reports is incumbent on Muslims and that he must give up his previous position, in favour of that of al-Shāfi'ī.⁵⁰

It is only after he has convinced his challenger that the obligation to obey the Messenger (peace be on him) requires accepting Prophetic reports that al-Shāfi'ī turns to other points raised by his rival in the beginning of the debate: the issue of the general vs. the particular regarding the commands of God and the question of certainty. In turning to these issues, al-Shāfi'ī touches on a specific area of legal theory. To demonstrate the validity of the concept of the general and the specific, al-Shāfi'ī cites Qur'ānic verses that contain both that which is general and that which is specific, among them 49:13:

O people! We created you from a male and a female, and made you into nations and tribes, that you may know each other. Verily the most honoured of you in the sight of God is the most righteous of you. And God has full Knowledge and is well acquainted [with all things].

He explains that the first sentence is a general statement with a general meaning, as every person has been created from a male and a female. Then,

* For a much earlier instance of the view that *ḥikmah* means *sunnah* see comment of al-Ḥasan al-Baṣrī (d. 110/728) on Qur'ān 62:2. Al-Ḥasan al-Baṣrī, *Tafsīr Ḥasan al-Baṣrī*, comp. and ed. Shēr 'Alī (Karachi: al-Jāmi'ah al-'Arabiyyah Aḥsan al-'Ulūm, 1993), 5: 155. Ed.

⁵⁰ See, al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 462–463.

there is something particular in it, in the statement “Verily the most honoured of you in the sight of God is the most righteous of you.” What is particular, in this case, righteousness, applies to some people and not to others.⁵¹ His now former contender then asks al-Shāfi'ī to explain something general for which there is nothing in the Book to indicate its particulars. This is where al-Shāfi'ī begins building the practical and legal aspects of his arguments for the authority of the *Hadīth*. Al-Shāfi'ī points out the various religious duties, such as prayer and alms that are commanded in the Qur'ān, while the particular rules for them are not. He asks his opponent where the particular rules are found. The answer, of course, is the *Sunnah*, because there is no text in the Qur'ān.⁵² This issue — the issue of how to implement specific religious duties and practices — will turn out to be the strongest and most persistent criticism of those who reject Prophetic reports. Al-Shāfi'ī presents it as a point raised by his opponent.

His adversary first emphasizes that he only held an opinion contrary to what al-Shāfi'ī has articulated until the error of those who hold it became clear to him. He then mentions two groups: one that does not accept Prophetic reports because the Qur'ān is clear, and the other that accepts reports that are in agreement with the Qur'ān.⁵³ At al-Shāfi'ī's request, his rival describes the serious issues that stem from the rejection of Prophetic reports:

It leads to from one serious issue to another. Then he said: Whoever does [only] what is required of him [in the Qur'ān] as *ṣalāh* and gives the minimum as *zakaḥ* has performed his duty. There is no established time for that, whether he prays two *rak'ahs* every day, or he said, every few days. Moreover, he says, “Whatever is not in the Book of God is not required of anyone.”⁵⁴

After highlighting the issue of religious practices, al-Shāfi'ī returns to the questions of error and uncertainty that his opponent had stressed in the beginning of the discussion. However, instead of answering the questions raised by his adversary regarding error and uncertainty, al-Shāfi'ī calls into question his former rival's own standards on these issues. To do so, he uses a hypothetical legal situation. It is not just any legal situation, but the most serious possible — one which may result in the death penalty:

“I said: ‘what do you say about this man next to me? Is his blood and property sacrosanct?’”

⁵¹ *Ibid.*, 462.

⁵² See, *ibid.*, 463.

⁵³ See, *ibid.*

⁵⁴ *Ibid.*, 463.

“He said: ‘Yes.’ ”

“I said: ‘And if two eyewitnesses testify that he killed a man and took his property and that it is this, which is in his hand?’”

“He said: ‘I would kill him in retaliation and give the property that is in his hand to the heirs of the victim.’”

“I said: ‘Even though it is possible that the two eyewitnesses testified deceitfully or erroneously?’”

“He said: ‘Yes.’”

“I said: ‘How can you permit [taking] sacrosanct blood and property with certainty, on the basis of two eyewitnesses about whom there is not certainty?’”

“He said: ‘I have been commanded to accept eyewitness testimony.’”

“I said: ‘Do you find a text in the Book of God the Exalted [saying] that you are to accept eyewitness testimony about killing?’”

“He said: ‘No, but by way of deduction. I have only been commanded it according to implicit meaning (*bi ma'nā*).’”⁵⁵

Al-Shāfi'ī then asks about various other possible understandings that the implicit meaning of God's Book may allow. He reports his challenger's response as follows:

The evidence for this is that if the Muslims have agreed that killing requires two eyewitnesses, then we hold that the Book carries the meaning upon which they agree and that they will not collectively err in the meaning of God's Book, even if some of them err.⁵⁶

Here, al-Shāfi'ī portrays his opponent as someone who applies a double standard of certainty where certainty is concerned, challenging the acceptance of Prophetic reports on the basis of certainty, yet accepting uncertain testimony under the most serious of circumstances. If potential errors and uncertainty are not used to challenge the reliability of eyewitness testimony, they should not be used to challenge the reliability of Prophetic reports. Instead of confronting and refuting his challenger's concern for error and uncertainty in the *Ḥadīth*, al-Shāfi'ī focuses on the apparent double standards and the incoherence it lends to his opponent's position on the question of certainty.

Al-Shāfi'ī then compares the standards for accepting an eyewitness with the standards for accepting a transmitter of *Ḥadīth* (*muḥaddith*), saying:

If you have been commanded to do that based on the reliability of the two eyewitnesses, according to what is readily apparent, then you accept them

⁵⁵ *Ibid.*, 464.

⁵⁶ *Ibid.*, 463–464.

according to what is readily apparent, and only God knows the unseen. But we demand more regarding the *muhaddith* than we do regarding the eyewitness, for we allow the eyewitness testimony of people from whom we would not accept even a single *ḥadīth*. We find indications of the reliability or errancy of the *muhaddith* with those who share [such qualities] with him among those who have memorized the Book and the *Sunnah*. This is not possible in the case of eyewitnesses.⁵⁷

Al-Shāfi'ī does not explain, nor does he quote his interlocutor as asking, why the reliability or proneness to error of an eyewitness cannot be checked in a similar manner to that al-Shāfi'ī describes in relation to a transmitter of *Ḥadīth*. It is unclear why he asserts that it is not possible in the case of eyewitness testimony (*lā yumkin hādbā fi 'l-shahādāt*). Perhaps he means that not all eyewitnesses have character witnesses who can vouch for them. Instead of clarifying this point, al-Shāfi'ī has his questioner return to several of the issues raised earlier that al-Shāfi'ī has yet to address: the discrepancy in accepting some reports at one time, while rejecting similar reports at other times, along with the problems of errors and contradictions in the reports themselves. Of these, al-Shāfi'ī says:⁵⁸ “In what we have said here and in the book before this, there is evidence against them and others.”⁵⁹

Here in addition to providing a legal aspect to his arguments for the indispensable authority of the *Ḥadīth*, al-Shāfi'ī also introduces the next facet of his argument in support of such authority. In the exchange about the intrinsic meanings possible in the Qur'ān, al-Shāfi'ī has portrayed his opponent as a blind follower of consensus who says:

We hold that the Book carries the meaning upon which they [the Muslims] agree and that they will not collectively err in the meaning of God's Book, even if some of them err.⁶⁰

This is where al-Shāfi'ī concludes the arguments regarding the obligation to accept Prophetic reports, namely with his now former adversary's reiteration that he has accepted from al-Shāfi'ī that he must accept such reports. After some discussion of what al-Shāfi'ī considers other valid sources of law and judgment, he turns his attention to the views of those who reject

⁵⁷ Ibid.

⁵⁸ The text of each of the editions consulted has this sentence as a continuation of the challenger's statement of his remaining concerns. But it seems to make more sense to read this as al-Shāfi'ī's words, assuming that *'fa qultu'* is missing from the text. In this case, I understand the book to which he refers is his *Ikhtilāf al-Ḥadīth*.

⁵⁹ Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm.*, 463–464.

⁶⁰ Ibid., 464.

the reports of isolated individuals with specialized knowledge. It is in Section Two that al-Shāfi'ī further develops the arguments against consensus that he introduced in the end of Section One.

Section 2

Section Relating the Doctrine of Those Who Reject Isolated Reports (Bāb Hikāyat Qawl man Radda Khabar al-Khāṣṣah)

In the previous section, al-Shāfi'ī was arguing for the scriptural authority of the Prophetic *Sunnah* as a form of divine inspiration, for the necessity of accepting Prophetic reports, and against those who rejected Prophetic reports completely. To accomplish this he asserted that the word *ḥikmah* used in the Qur'ān refers to the Prophetic *Sunnah* as a form of revelation parallel and complementary to the Qur'ān. Furthermore, he stressed the believer's obligation to obey the Messenger (peace be on him) and linked this with the acceptance of Prophetic reports, based on what appears at the time to have been an uncommon, if not novel, interpretation of Qur'ān 59: 7.

He then went on to illustrate how Prophetic reports are necessary as a source of guidance in both religious practice and legal matters. Here in Section 2, al-Shāfi'ī's opponents agree that accepting Prophetic reports is incumbent on Muslims, but they reject any report transmitted by only one transmitter in any one link of the *isnād*: in other words, any *khabar al-khāṣṣah*. The word *al-khāṣṣah* can have somewhat different meanings, depending on the context in which it is used. I have translated it in the title of this section as "isolated" because this is how al-Shāfi'ī portrays his opponent's understanding, saying: "ignorance, according to you, is the acceptance of *khabar al-infirād*," (lit. *isolated report*).⁶¹

Al-Shāfi'ī summarizes his opponent's position:

In summary, their doctrine is that no judge or *mufṭī* (one entitled to render a religious opinion) is allowed to render an opinion or judgment except from a position of certainty. Certainty is whatever he knows to be true in its apparent aspects and its hidden aspects, about which he calls God as a witness. That is, the Book, the agreed-upon *Sunnah*, and whatever the people agree on and about which they are not divided.... For example, that *al-zuhr* (the noontime prayer) is four [units].⁶²

⁶¹ Ibid., 469.

⁶² Ibid., 467.

As with those who rejected all Prophetic reports, here too, the main issue raised by al-Shāfi'ī's adversary is the question of certainty. Both groups also rely heavily on consensus in some form in order to interpret the Qur'ān and render legal judgments. However, those who reject isolated reports recognize an agreed-upon *sunnab* that is valid and binding. For them, consensus also determines which Prophetic reports are accepted as valid and binding. In his discussion with the rejecter of all Prophetic reports, al-Shāfi'ī challenges his adversary's certainty where the reliability of eyewitness testimony is concerned. Al-Shāfi'ī's challenge is meant to undermine his adversary's assertion that lack of certainty is a valid basis for rejecting Prophetic reports. Here, in his arguments against an opponent who rejects isolated reports, al-Shāfi'ī challenges the notion of consensus in the same manner.

Al-Shāfi'ī begins his arguments and highlights another aspect of the term *al-khāṣṣah* by drawing a sharp distinction between the knowledge of the general public (*'ilm al-āmmah*) and that of isolated individuals with specialized knowledge (*'ilm al-khāṣṣah*). The first, according to al-Shāfi'ī, is that which every Muslim knows, such as the number of prayers and other religious duties. The second (i.e. the knowledge of individuals with specialized knowledge) is that of the Companions of Muḥammad (peace be on him) and their Successors. By designating the Companions and their Successors as those who possess such specialized knowledge, he grants the opinions attributed to them in *Ḥadīth* an interpretive authority above that of judges and scholars. Al-Shāfi'ī also links such specialized knowledge with the use of analogical deduction (*qiyās*): "Their opinions differ greatly regarding that for which there is no proof text (*nass*) by which they can interpret something; and if they resort to analogical deduction, and analogical deduction permits disagreement."⁶³

Al-Shāfi'ī then presents his adversary's view of the various types of knowledge. These include that which is transmitted by the general public on the authority of the general public, such as the obligatory religious practices; that on which the Muslims agree and on which they report agreement in previous generations; the specialized knowledge of isolated individuals; and finally analogical deduction. The second of these includes what al-Shāfi'ī's opponent calls "the agreed-upon *sunnab*" of the community on issues for which there is nothing in the Qur'ān or the *Sunnab* of the Prophet (peace be on him). "That is to say," he explains, "their consensus is not a matter of opinion, because there is division in opinions."⁶⁴

⁶³ Ibid.

⁶⁴ Ibid.

Regarding the specialized knowledge of isolated individuals he says: "Proof is not established on the basis of the specialized knowledge of isolated individuals unless its transmission is completely safe from error."⁶⁵ He also argues that analogical deduction can be applied only when all aspects of the properties and relations of two things are equivalent and that division such as al-Shāfi'ī describes is not permitted. "Consensus," he says, "is proof for everything because there is no possibility of error in it."⁶⁶

Al-Shāfi'ī asks his opponent if the second of these — consensus — is not the same knowledge of the general public he had described which every sane, adult Muslim, both scholar and non-scholar alike, knows and about which there is no doubt, such as the number of prayers. His adversary asserts that it is not the same thing. The consensus he is talking about is the consensus of scholars that those without knowledge are required to follow, because proof is established on the basis of their agreement. However, if they are divided, then no such proof is established. He further asserts that they only agree on the basis of binding reports and that if they are divided, whether or not they related a report on which some of them agree, he will accept only those reports on which there is agreement. Because if there is division as to the acceptance of a report, there is a possibility of error in it and proof is not established, according to al-Shāfi'ī's opponent, in any matter where there may be error.⁶⁷ This attitude is similar to that of al-Shāfi'ī's adversary in the previous section, and al-Shāfi'ī objects to it strongly:

This is authorizing the invalidation of [Prophetic] reports and the confirmation of consensus, because you claim that their consensus constitutes proof whether or not there is a [Prophetic] report regarding it, while their division does not provide proof, whether or not there is a [Prophetic] report regarding it.⁶⁸

He then challenges his adversary: "Who are those knowledgeable people, whose consensus constitutes proof?"⁶⁹ To which his adversary responds: "They are those whom the people of a country appoint as religious legal scholars, whose opinions they appreciate, and whose judgment they accept."⁷⁰

Al-Shāfi'ī's continues his criticism of consensus and begins to develop his argument by repeatedly and intensely questioning him: "Do you think that if there are ten and one of them is absent, or present but not speaking, that the

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid., 468.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

agreement of nine constitutes proof?"

"If I were to say, 'No.?'"

"What if one of them died or lost his mind? Can nine render an opinion?"

"If I were to say, 'Yes.?'"

"Likewise, if five of them died, or nine? Can one render an opinion?"

"If I were to say, 'No.?'"

"In whatever you say there is contradiction."

At this point, al-Shāfi'ī's opponent declares: "Enough of this!"⁷¹ Having frustrated his adversary on the question as to how many scholars must agree to constitute consensus, al-Shāfi'ī continues his criticism of consensus by bringing up an issue on which Muslim scholars disagree, whether or not a Muslim may simply wipe over his shoes in washing for prayer. His opponent asserts that one should not do so because when there is disagreement, he should go back to the basic principle and that is ablution.⁷²

"Do you say the same about everything?"⁷³ al-Shāfi'ī asks.

When he replies in the affirmative, al-Shāfi'ī brings up another issue on which there is disagreement: "What about the non-virgin adulterer (*al-zānī al-thayyib*)? Would you stone him?"⁷⁴

When he again replies in the affirmative, al-Shāfi'ī asks him how he can stone him when there are scholars who claim that he should be whipped on the basis of the command in Qur'ān 24: 2:

The woman and the man guilty of adultery whip each of them a hundred lashes; let not compassion move you in their case, in a matter prescribed by God, if you believe in God and the Last Day: and let a party of the believers witness their punishment.

"How can you stone him," he asks, "instead of going back to the basic principle that his blood is sacrosanct unless they agree that [shedding] it is lawful?"⁷⁵

His rival now asserts that he looks upon the opinion of "the majority" of scholars as proof, and not to that of "the minority." Al-Shāfi'ī asks him to define "the minority" and "the majority." However, he insists that he is not able to define them.⁷⁶ This leads al-Shāfi'ī to say:

It seems that you want to make this doctrine absolutely undefined. Therefore, when you accept an opinion about which there is disagreement you say it is

⁷¹ Ibid.

⁷² See, *ibid.*, 468.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ See, *ibid.*

according to the majority. But if you want to reject an opinion, you say: "They are the minority."⁷⁷

Just as al-Shāfi'ī has portrayed his opponent in the previous discussion as someone who applies a double standard where certainty is concerned, here he accuses his opponent of the same thing regarding consensus. Thus, in both sections he attempts to undermine the positions of his adversaries on both the general principles of certainty and consensus, by highlighting their own faulty adherence to these principles.

There is a significant difference in how al-Shāfi'ī proceeds in this latter discussion, however. In the previous discussion, al-Shāfi'ī portrays his opponent as more persistent in pressing the issues of doubt and error, which al-Shāfi'ī bypassed until later in the discussion. In this later discussion, however, he seems to switch roles. Although he indicates that he has thoroughly frustrated his opponent on the issue of consensus, he continues this line of argument at great length before turning to the topic of accepting isolated Prophetic reports. In both cases, al-Shāfi'ī is using the positions of his adversaries as a platform for articulating his own positions. He has structured each section to emphasize his most important points. Here, al-Shāfi'ī is seeking to undermine consensus as a basis of decision-making by highlighting the confusion that exists over the nature of the very idea of "consensus." If there is no agreement on exactly what constitutes consensus, how can it be used as a basis for making decisions about which Prophetic reports to accept and which to reject. This discussion differs markedly from the discussion of consensus in the *Risālah*, where al-Shāfi'ī nuances the concept and establishes it as a valid source of law.⁷⁸ The differences between what al-Shāfi'ī argues here and what he argues in the *Risālah* must be considered in light of the different purposes of each work. Unlike the *Risālah*, *Kitāb Jimā' al-'Ilm* is not a treatise on the foundations of jurisprudence (*uṣūl al-fiqh*). Rather, it is a response to those who opposed the use of reports from the Prophet (peace be on him) as a source of law. In it, al-Shāfi'ī addresses the arguments of both those who opposed all reports as a source of law, and those who opposed only the use of single-individual reports. Both of these groups relied heavily on consensus in some form in interpreting the Qur'an and making legal judgments. So, it is in the context of his being against the doctrines of the opponents of Prophetic reports that al-Shāfi'ī deals with the notion of consensus here.

After dealing with the question of consensus, al-Shāfi'ī finally turns to the issue of isolated reports, asking his antagonist: "By what do you consider the

⁷⁷ Ibid., 469.

⁷⁸ Al-Shāfi'ī, *al-Risālah*, 471–465.

Sunnah of God's Messenger, peace and blessing be upon him, to be confirmed?"⁷⁹

His rival answers that the *Sunnah* of God's Messenger is confirmed in one of three ways:

- a report transmitted by the general public on the authority of the general public;
- the uninterrupted multiple transmission of a report (*tawātur al-khabar*);⁸⁰ and
- when a single individual Companion relates a ruling on the authority of God's Messenger (peace be on him) on which no one is known to have disagreed with him.⁸¹

An absence of disagreement, according to al-Shāfi'ī's opponent, indicates consensus.⁸² Al-Shāfi'ī has no objection to the first of these, which is the same as the first category of knowledge described by his opponent at the beginning of their discussion. It is the second and third means of confirming that something is *Sunnah* that concern al-Shāfi'ī.

He challenges his adversary to define the minimum standard by which *tawātur* confirms the validity of a Prophetic report. He explains that if, for example, four individuals in different places relate a single story on the authority of the Prophet (peace be on him) that each learned from a different source, and if their stories agree, there is no possibility of error.⁸³ Al-Shāfi'ī seeks clarification of his opponent's position by asking if the four must be from different places in order for a report to have sufficient frequency of repetition. "Yes," his opponent replies, "because if they were in one place, it would be possible for them to conspire in the matter of the report. But that would not be possible if they were in different countries."⁸⁴

Al-Shāfi'ī is shocked by this statement, which he sees as an insult to those considered leaders in the religion, in both the earlier and later generations. Is his opponent impugning the reputations of every trustworthy transmitter of a report, each of whom established the validity of the report on the basis of the merit of the transmitter before him all the way back to the Companions of the

⁷⁹ Ibid., 473.

⁸⁰ For a succinct classical definition of this type of report see Wensinck's translation of al-Nasafi in *The Muslim Creed: Its Genesis and Historical Development*, 2nd edition (New Delhi: Oriental Reprint, 1979), 263.

⁸¹ Al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 474.

⁸² Ibid., 473–474.

⁸³ See, *ibid.*, 473.

⁸⁴ Ibid.

Prophet? “For this,” he says, “is the method with which you find fault.”⁸⁵ When his opponent claims that this is not what he has said, al-Shāfi‘ī tells him that his only recourse is to evasion or withdrawal.⁸⁶ Once more, he has portrayed his adversary as inconsistent, even hypocritical in the views he uses to accept or reject Prophetic reports. Once more, his opponent declares in frustration: “Enough of this!”⁸⁷

Turning to the third means that his opponent wants to use for the validation of Prophetic reports gives al-Shāfi‘ī the opportunity to present even more arguments against the idea of consensus on any but the most basic issues. He stresses the differences of opinion found in all areas of the Muslim world, from the time of the Prophet’s Companions until his own day. These arguments take up the rest of this section of the work.⁸⁸ Al-Shāfi‘ī ends this section by saying:

Until today, judges and *muftis* differ in some of the judgments and religious opinions they render; and they do not render judgments and religious opinions except according to what they think is permitted to them. In your view, this is consensus. How can there be consensus when there are differences in what they do? God knows best.⁸⁹

Although al-Shāfi‘ī recounts this latter opponent’s frustration several times throughout the discussions, he does not report that he persuaded him to give up his position in favour of that of al-Shāfi‘ī, as he did with the previous opponent. However, unlike the previous opponent, this one already agrees with al-Shāfi‘ī on the need to accept at least those Prophetic reports on which there is consensus among Muslims. What this adversary rejects is isolated reports on which he does not find consensus among Muslims.

Just as he did with his previous opponent, al-Shāfi‘ī calls into question the validity, the consistency, and even the sincerity of the grounds on which this opponent rejects isolated reports. In both cases, al-Shāfi‘ī’s taking the offensive in this way proves much less effective than his use of Qur’ānic arguments. Using the Qur’ān appeals to the ultimate source of authority that both al-Shāfi‘ī and his adversaries recognize. Calling into question the consistency and even the sincerity of his opponents’ arguments represents developing standards of trustworthiness that will prove crucial to the *isnād* system, by which *Hadīth* authenticity will eventually come to be judged.

⁸⁵ Ibid.

⁸⁶ See, *ibid.*, 473.

⁸⁷ Ibid., 474.

⁸⁸ See, *ibid.*, 474–477.

⁸⁹ Ibid., 477.

Sections 3 & 4

*An Explanation of the Ordinances of God Most High
(Bayān Farā'id Allāh Ta'ālā) & Section on Fasting
(Bāb al-Ṣawm)*

The remaining sections, *Explanation of the Ordinances of God the Sublime*, and *Section on Fasting* are much shorter and contain additional supporting arguments that are not presented in the point-counterpoint debate form found in sections 1 and 2. Al-Shāfi'ī opens section 3 with an idea that he expressed early in his discussion with the representative of those who rejected all Prophetic reports: the ordinances in God's Book are of two kinds: those that He has clarified in the revelation itself, and those that He has explained through the words of His Messenger (peace be on him).⁹⁰ The second type necessitates acceptance of Prophetic reports. He repeats the section of Qur'ān 59: 7 that convinced his first opponent that the revelation calls for obedience to the Prophet (peace be on him) beyond what is in the Qur'an.⁹¹ He then offers more examples of the details of the ritual prayers and alms that are taken from the *Ḥadīth* rather than the Qur'ān. Section 4 contains a similar discussion on the details of fasting and pilgrimage. In this way, al-Shāfi'ī again emphasizes one of the most frequent and persistent arguments made for the necessity of Prophetic reports: without such reports it is impossible to have uniform religious practices.⁹²

Al-Shāfi'ī also takes the opportunity to present some other ideas that are important to the question of the authority of the *Ḥadīth* after the discussion on pilgrimage. At this point, without preamble al-Shāfi'ī mentions a *ḥadīth* reported to him by Sufyān b. 'Uyaynah (d. 198/814.) that seems to prohibit the acceptance of Prophetic reports: "The people must not cling to anything on my authority.... (*lā yumsikanna al-nās 'alayya bi shay'*...)." Though he says that this *ḥadīth* has been reported to him "with its chain of transmitters" (*bi-ismādihī*) he does not include the chain.⁹³

Al-Shāfi'ī criticizes such a use of the above *ḥadīth* on several grounds. First, he says that it is *munqaṭi'*, that is, it does not go back to the Prophet (peace be on him) in an unbroken chain of transmitters. Because he does not include the chain of transmitters, we do not know where the break occurs. Nevertheless, al-Shāfi'ī is reluctant to reject any *ḥadīth*, preferring to find ways

⁹⁰ See, *ibid.*, 477.

⁹¹ Qur'ān 59: 7 reads: Take what the Messenger gives you, and deny yourselves that which he forbids you.

⁹² See, al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 481.

⁹³ See, *ibid.*

to reconcile apparent contradictions. Therefore, he argues further that even if it can be confirmed to have come from the Prophet (peace be on him), it contains the prepositional phrase *'alayya* (on me), rather than *'annī* (from me/on my authority). This is significant for al-Shāfi'ī who understands this to mean that people are not to adhere to those things that were specifically ordained by God for the Prophet (peace be on him) and no one else, such as taking more than four wives.⁹⁴ Al-Shāfi'ī also cites another *ḥadīth* reported to him by Sufyān ibn 'Uyaynah:

Let me not find any one of you who receives a command or prohibition from me reclining on his couch and saying, "We do not know about this. We follow what we find in the Book of God, Almighty and Exalted."⁹⁵

This time he includes the complete chain of transmitters. Altogether, these things indicate for al-Shāfi'ī that the earlier *ḥadīth* cannot be understood as a prohibition of accepting Prophetic reports.⁹⁶ After dealing with the above *ḥadīth*, he turns again to his most successful arguments against those who rejected all Prophetic reports, reiterating the same portion of Qur'ān 59: 7 and 4: 65.⁹⁷ Here, too, al-Shāfi'ī also returns to the idea that is central to his position: duality of revelation. To support the idea that the Prophet's commands and prohibitions outside of the Qur'ān were also inspiration (*wahy*) from God, he cites three Qur'ānic verses:

But when Our Clear Signs are recited unto them, those who rest not their hope on their meeting with Us, say: "Bring us a Reading other than this, or change this," say: "It is not for me, of my own accord, to change it: I follow naught but what is inspired unto me: if I were to disobey my Lord, I should myself fear the Penalty of a Great Day." "Follow what you are taught by inspiration from your Lord...." "He who obeys the Messenger obeys God...."⁹⁸

Next, he cites a *ḥadīth* in which the Prophet is said to have declared that he has neither neglected to command anything commanded by God, nor to prohibit anything prohibited by God.⁹⁹ So he ends *Kitāb Jimā' al-'Ilm* where he began, with two ideas that form the theological basis for the authority of the *Ḥadīth* — obedience to the Prophet (peace be on him), and the concept of two

⁹⁴ See, *ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*, 482–483; Qur'ān 10: 15, 6: 106, 4: 80.

⁹⁹ See, al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 482–483.

forms of revelation — that together require accepting Prophetic reports in addition to the Qur'ān.

A brief discussion of religious laws and practices that are ordered in the Qur'ān, but the details of which are taken from the *Ḥadīth*, reinforces the need to accept the *Ḥadīth* in practical matters. For al-Shāfi'ī, consensus is not sufficient as a basis for decision-making in these areas. The means for determining the appropriate details of required religious practices must be something more consistent and reliable than consensus. That source is *Ḥadīth*, which are the repository of the Prophetic *Sunnah* and a second form of divine revelation. When looked at with this understanding, the order and logic in the *Jimā' al-'Ilm* becomes clear. Al-Shāfi'ī begins by setting out what he sees as the strongest arguments of his opponents. He then presents his own broad, doctrinal arguments. He then moves from his doctrinal arguments to issues of legal theory and then specific religious practices. At each step, he adduces examples to illustrate his points, and then ends the work with more examples and reiteration of his key arguments. Perhaps the greatest weakness of the *Jimā' al-'ilm* as a book is that al-Shāfi'ī attacks his opponents repeatedly and at great length on the concerns they have raised regarding the acceptance of *Ḥadīth* rather than addressing those concerns directly.

The Risālah

Like *Kitāb Jimā' al-'Ilm*, the *Risālah* is written in al-Shāfi'ī's characteristic language and style, but the format of the two works differs. The *Risālah* is divided into three parts. Each part contains discussions relating to the issue of the position and authority of *Ḥadīth*, along with other issues. Only what relates to the authority of the *Ḥadīth* will be dealt with here.

The main ideas that al-Shāfi'ī presented in *Kitāb Jimā' al-'Ilm* in the form of debates are presented in a more developed form, as general principles in the *Risālah*. However, in the subsection entitled: "Defects in the Traditions" (*Bāb al-'Ilal fi 'l-Ḥadīth*), in the section on Traditions, he uses the familiar debate format used in the first half of *Kitāb Jimā' al-'Ilm*. Here, too, al-Shāfi'ī does not identify his challenger, again using instead the generic phrase: "qāla li qā'il..." (a speaker said to me...)¹⁰⁰

In Part One, al-Shāfi'ī emphasizes the religious obligation of following the *Sunnah* of God's Messenger (peace be on him) and its importance in relation to various religious practices, such as prayer, alms, fasting, and pilgrimage, etc., as he did in *Kitāb Jimā' al-'Ilm*, but here he goes much further in stressing the important position in which God has placed the Prophet

¹⁰⁰ Al-Shāfi'ī, *al-Risālah*, passim.

(peace be on him).¹⁰¹ Part Two contains the subsection on defects in the traditions, followed by a detailed treatment of apparently contradictory *aḥādīth*. This part ends with a chapter on singular reports (*khābar al-wāḥid*), a term al-Shāfi'ī seems to use synonymously with isolated reports (*khābar al-khāṣṣah*).¹⁰² Part Three begins with further discussion of singular reports, after which al-Shāfi'ī ends the work with discussion of other principles of jurisprudence.

The *Risālah*'s opening section begins with the customary invocation, praising God and seeking His help, along with the Muslim testimony of faith, or *shahādah*. A brief discussion of the religious state of humanity at the time of Muḥammad (peace be on him) follows. Next, al-Shāfi'ī sets the stage for the topic of *Sunnah* and *Ḥadīth* by stressing Muḥammad's role and importance as God's Messenger and the cause of humanity's religious and worldly gain.¹⁰³

In the second chapter of the *Risālah*, al-Shāfi'ī deals with the various related meanings of the word *al-bayān* (clear declaration, explanation, elucidation, information). These correspond roughly to the categories of knowledge discussed in *Kitāb Jimā' al-'Ilm*:

- What God has declared in the text of the Qur'ān,
- The Prophet's explanations of the text,
- What the Messenger established (*mā sanna Rasūl Allāh*) in the absence of a textual ruling from God (*min mā lays lillāh fihī naṣṣ ḥukm*).¹⁰⁴

He devotes a separate section to each category, citing specific examples from religious laws and practices. Of course, all but the first category require accepting Prophetic reports.

As in *Kitāb Jimā' al-'Ilm*, the two central ideas are obedience to the Prophet (peace be on him), and the recognition of two forms of divine revelation. Having already stressed Muḥammad's importance and role as God's Messenger, al-Shāfi'ī further develops his arguments about the nature of the Messenger's authority by citing the Qur'ānic verses that link belief in God to belief in His Messenger, including: "Only those are Believers who believe in God and His Messenger: when they are with him on a matter requiring collective action, they do not depart until they have asked for his leave..."¹⁰⁵

¹⁰¹ See, *ibid.*, 17.

¹⁰² See, *ibid.*, 369 ff.

¹⁰³ See, *ibid.*, 17.

¹⁰⁴ *Ibid.*, 21–22.

¹⁰⁵ *Ibid.*, 75; Qur'ān 24: 62.

He does the same regarding the question of obedience by citing two further Qur'ānic passages:

It is not fitting for a Believer, man or woman, when a matter has been decided by God and His Messenger, to have any option about their decision: if anyone disobeys God and His Messenger, he is indeed on a clearly wrong Path.

O you who believe! Obey God, and obey the Messenger, and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His Messenger, if you believe in God and the Last Day: that is best, and most suitable for final determination.¹⁰⁶

In *Kitāb Jimā' al-ʿIlm*, those who rejected all Prophetic reports suggested that obeying the Messenger (peace be on him) meant obeying only the Qur'ān, which God had sent down to him, and that when the Qur'ān mentioned the Book together with Wisdom, the Wisdom was the specific rulings of the Book. Al-Shāfi'ī countered with arguments that the *Wisdom* had to be something other than the Qur'ān. He develops those arguments further here. Establishing the status of the *Sunnah* as a form of divine revelation is crucial if he is to overcome the suggestions of those who deny the authority of the *Hadīth*.

Early in the *Risālah*, he sets the stage for this argument: "In what we have written in this book, mentioning God's blessing upon worshippers with knowledge of the Book and the Wisdom, there is proof that the Wisdom is the *Sunnah* of God's Messenger."¹⁰⁷ What al-Shāfi'ī refers to is the section, *Elucidation of God's Making Following the Sunnah of His Prophet Obligatory in His Book*, where he says: "God has made it obligatory for the people to follow His revealed inspiration (*wahyih*) and the *sunnahs* (*sunan*) of His Messenger."¹⁰⁸ In support of the view that the *Sunnah* is a form of divine revelation, he cites seven verses from the Qur'ān in which the Book and the Wisdom are mentioned,¹⁰⁹ and then explains:

So God has mentioned the Book, which is the Qur'ān, and He has mentioned Wisdom. I have heard those with whom I agree among the people who have knowledge of the Qur'ān say that Wisdom is the *Sunnah* of God's Messenger.

This seems to be what He has said — but God knows best — because the Qur'ān is mentioned and Wisdom is put after it; and God has mentioned His favouring His creatures by teaching them the Book and Wisdom. So, it is not possible — but God knows best — that the Wisdom here can be said to be other than the *Sunnah* of God's Messenger.¹¹⁰

¹⁰⁶ *Ibid.*, 79; Qur'ān 13: 36, 4: 59.

¹⁰⁷ Al-Shāfi'ī, *al-Risālah*, 32.

¹⁰⁸ *Ibid.*, 76.

¹⁰⁹ Qur'ān 2: 129, 151; 3: 164; 62: 2; 2: 231; 4: 113; 33: 34.

¹¹⁰ Al-Shāfi'ī, *al-Risālah*, 78.

This line of argument echoes and expands upon the reasoning al-Shāfi‘ī used in *Kitāb Jimā‘ al-‘Ilm* to convince those who rejected all Prophetic reports that God had given inspiration to the Prophet (peace be on him) beyond just the revelation of the Qur’ān. In addition to the verses in which *Wisdom* is interpreted to mean the *Sunnah*, al-Shāfi‘ī presents other verses that suggest to him that everything the Prophet Muḥammad (peace be on him) said and did was the result of divine inspiration. He touched briefly on this idea near the end of *Kitāb Jimā‘ al-‘Ilm*, but develops it further here in the *Risālah*. As in *Kitāb Jimā‘ al-‘Ilm* he cites Qur’ān 6: 106: “Follow what you are taught by inspiration from your Lord: there is no god but He: and turn aside from those who join gods with God.”¹¹¹

He also cites several similar verses as well:

O Prophet! Fear God, and do not obey the rejecters and the hypocrites. Indeed, God knowing, wise. Follow that which comes to you by inspiration from your Lord: for God is well acquainted with what you do.

Then We put you on the right way, so follow it, and do not follow the desires of those who do not know.

O Messenger! Deliver what hath been sent down to you from your Lord. If you do not, you will not have conveyed His Message. God will defend you from the people. Indeed, God does not guide the rejecters.

And thus, We have sent a spirit of inspiration to you by Our command. You did not know what the Book or Faith was, but We have made it a Light by which We guide whom We will among Our servants; and indeed you guide to the Straight Path.¹¹²

Along with these verses, al-Shāfi‘ī also quotes two of the same *ahādīth* that he included in *Kitāb Jimā‘ al-‘Ilm*. The first is that in which the Prophet (peace be on him) reportedly said that he had not neglected to command anything commanded by God, or to prohibit anything prohibited by God. The second is that which warns against rejecting a command or prohibition from him, while claiming to follow only what is in the Qur’ān.¹¹³ He again cites the latter of these when a questioner asks him for evidence against those who relate a contradictory *ḥadīth*, in which the Prophet (peace be on him) reportedly said: “Compare whatever comes to you on my authority with the Book of God. If it agrees with it, I said it. If it differs from it, I did not say it.”¹¹⁴

¹¹¹ Ibid., 85.

¹¹² Ibid., 85–86; Qur’ān 33: 1–2, 45: 18, 5: 67, 42: 52.

¹¹³ Al-Shāfi‘ī, *al-Risālah*, 87–89.

¹¹⁴ Ibid., 224.

Al-Shāfi'ī first informs his questioner that this ḥadīth is from an unknown transmitter and also suffers from a broken chain of transmitters.¹¹⁵ As in the case of a similar ḥadīth, he mentioned in *Kitāb Jimā' al-'Ilm*, al-Shāfi'ī does not offer any specific information on the chain of transmitters. However, unlike the other discussion, the wording of this ḥadīth does not offer the means by which al-Shāfi'ī can reconcile it with his position. Therefore, he simply dismisses it. He then cites the previously mentioned ḥadīth on the need to accept Prophetic reports in support of his own position.¹¹⁶

Although they are presented in the *qāla...fa-qultu* format in his treatment in the *Risālah* on the question of defects in the ḥadīth, al-Shāfi'ī does not primarily call into question the consistency or sincerity of the questioner. Perhaps this is because his hypothetical adversary is not an opponent of the Ḥadīth.¹¹⁷ Alternatively, perhaps it is an indication that this version of the *Risālah* was written after *Kitāb Jimā' al-'Ilm*, and represents a better-thought-out approach.

Al-Shāfi'ī's questioner asks about the existence of the *aḥādīth* that agree with the Qur'ān and those that disagree with it as well as the *aḥādīth* that contradict each other. Al-Shāfi'ī explains that every *sunnah* of the Prophet (peace be on him) agrees with the Qur'ān, or clarifies it. The things in the *Sunnah* that are not based on a text in the Qur'ān are obligatory because of the command to obey the Messenger (peace be on him). Al-Shāfi'ī explains that it is also necessary to know the abrogating and the abrogated, as well as the general and the specific in both the Qur'ān and the Ḥadīth in order to see that there are really no contradictions between the Ḥadīth and the Qur'ān, or between different *aḥādīth*.¹¹⁸

Al-Shāfi'ī's discussion of isolated reports in the *Risālah* lacks the relentless, confrontational tone of the same discussions in *Kitāb Jimā' al-'Ilm*, perhaps for the same reasons, either because he is not even hypothetically addressing an opponent of such reports, or because he wrote this work at a later time. Here, the questioner asks al-Shāfi'ī for the minimum requirements that make an isolated report acceptable. He explains that it requires only one person to have heard it directly from one other person in a chain reaching back to the Prophet (peace be on him); but that each person must be known to be pious, reliable in his memory, able to relate a report word-for-word; and

¹¹⁵ See, *ibid.*, 225.

¹¹⁶ See, *ibid.*, 225–226.

¹¹⁷ See, *ibid.*, 210–240.

¹¹⁸ *Ibid.*, 210–223. It may be noted that al-Shāfi'ī does include detailed discussions of the abrogating and the abrogated, as well as various types of *aḥādīth* that are the cause of disputes elsewhere in the *Risālah*, but an examination of them is beyond the scope of the present discussion.

any idiosyncrasies in the quality of his speech must be known in order to avoid confusion in the transmission.¹¹⁹

Though the tone of the *Risālah* differs from that of *Kitāb Jimā' al-'Ilm*, al-Shāfi'ī's explanations are the same. The answers he gives on the question of defects in *Ḥadīth* do not answer the concerns raised by his hypothetical adversaries—but perhaps they are not meant to do so. Al-Shāfi'ī has taken great pains to challenge the validity and consistency of those concerns. What is important to al-Shāfi'ī, in both *Kitāb Jimā' al-'Ilm* and in the *Risālah*, is to establish the authority of the *Ḥadīth* as the second revelatory source of law and guidance for Muslims. To this end, he has developed arguments that linked obeying the Prophet (peace be on him) with accepting *Ḥadīth*. Convincing others of the need to obey the Messenger (peace be on him) was not difficult because this is called for in the Qur'ān and even the opponents of all Prophetic reports accepted that. What they did not accept was the use of extra-Qur'ānic materials that they found doubtful at best. Therefore, al-Shāfi'ī has focused on developing arguments to convince others that the words and actions of the Prophet (peace be on him), beyond the Qur'ān, were also divinely inspired and protected from error—a second form of revelation. Once this idea was established, it would naturally link the acceptance of Prophetic reports with the obligation to obey the Messenger (peace be on him). Over time, this is exactly what occurred. This linkage ultimately assured the *Ḥadīth*'s authority, side-by-side with the Qur'ān's.

The first thing al-Shāfi'ī does in the introduction to *Kitāb Jimā' al-'Ilm* is give equal status to the Book of God and the *Sunnah* of the Messenger (peace be on him): “the only speech (*qawl*) that must be adhered to in every situation is the Book of God or the *Sunnah* of God's Messenger....”¹²⁰ The granting of such status to Prophetic reports is also the primary complaint of al-Shāfi'ī's hypothetical adversary.¹²¹ Neither makes a distinction between written and oral narration; instead, they focus on the role and authority of Prophetic reports. Neither al-Shāfi'ī nor his opponent disagrees that Prophetic reports are extra-Qur'ānic. The central question for both men is the permissibility or even the necessity of such extra-Qur'ānic material. The imagined representative of the opponents of Prophetic reports questions its permissibility, while al-Shāfi'ī insists on its necessity. Without the Prophetic reports, al-Shāfi'ī argues, how can one practice one's religion? He does not find the details in the Qur'ān, so he must turn his attention to something other than the Qur'ān,

¹¹⁹ Al-Shāfi'ī, *al-Risālah*, 370–371.

¹²⁰ See, al-Shāfi'ī, *Kitāb Jimā' al-'Ilm*, 462.

¹²¹ *Ibid.*, 460.

and that something is the *Sunnah*.¹²²

In spite of the ongoing opposition, the concept of duality of revelation continued to develop along with the compilation of *Ḥadīth* collections. The proponents of the *Ḥadīth* as a necessary and authoritative source of law and guidance eventually succeeded in securing *Ḥadīth* the status of a scripture that complements rather than competes with the Qur'ān. The arguments championed by al-Shāfi'ī in the late second and early third centuries after the *Hijrah* are still used today, some twelve centuries later. Al-Shāfi'ī's focus on developing Qur'ānic arguments in support of the *Sunnah* as a form of revelation was crucial to his success. It was not enough to attempt to reconcile the problematic content of particular *ahādīth*. It was necessary to provide a distinctly Qur'ānic argument in favour of the authority of the *Ḥadīth*. This is exactly what al-Shāfi'ī has done in *Kitāb Jimā' al-ʿIlm*. The successful articulation of arguments to establish the doctrine of duality of revelation and the status of the *Ḥadīth* as the repository of the Prophetic *Sunnah*, has had impact and implications in Islam far beyond the sphere of jurisprudence and al-Shāfi'ī's systematic conception of the nature of law. The *Ḥadīth* has influenced all the religious sciences. Moreover, it has also played a crucial role in the beliefs and practices of Muslim individuals and communities throughout history, informing not only individual behaviour and understanding, but also shaping political, social, and ethical worldviews.



¹²² See, *ibid.*, 462.