

played a significant part in the abrogation of the truce with the Latin kingdom (689/1290). He spent his long retirement as a *littérateur* and bibliophile. His numerous writings in verse and prose included a biography of Baybars, covertly critical both of the late sultan and of his previous biographer, Ibn 'Abd al-Zāhir (*Kitāb Ḥusn al-manāqib al-sirrīyya al-muntaza'a min al-sira al-Zāhiriyya*, ed. 'Abd al-'Aziz al-Khuwaytir, al-Riyād 1396/1976); and also biographies of Kalāwūn and his two sons, al-Ashraf Khalīl and al-Nāṣir Muḥammad. The first is probably *al-Fadl al-ma'thūr min sirat al-Malik al-Manṣūr* (Bodleian, ms. Marsh 424), which appears to be a compilation of pieces finally put together ca. 693/1293.

Bibliography: The earliest biographical notice of Shāfi' was by his personal acquaintance, Ṣafadī, *al-Wāfi bi'l-wafayāt*, xvi, 77-85 (no. 97). Kutubī, *Fawāt al-wafayāt*, ii, 93-5 (no. 187), gives a somewhat inaccurate abridgement of this. The notice by Ibn Ḥadjar, *al-Durar al-kāmina*, ii, 234-7 (no. 1922), is partially drawn from Ṣafadī but gives more precise data on his relationship to Ibn 'Abd al-Zāhir and his birth- and death-dates. See also P.M. Holt, *Some observations on Shāfi' b. 'Alī's biography of Baybars*, in *JSS*, xxix/1 (1984), 123-30; idem, *A chancery clerk in medieval Egypt*, in *Eng. Hist. Review*, ci, no. 400 (1986), 671-9; idem, *The presentation of Qalāwūn by Shāfi' b. 'Alī*, in C.E. Bosworth *et alii* (eds.), *The Islamic world from classical to modern times. Essays in honor of Bernard Lewis*, Princeton 1989, 141-50. (P.M. Holt)

SHĀFI'Ā YAZDĪ, Dānīshmand Khān, a high noble in the Mughal Empire. A Persian by birth, he studied both rational and traditional sciences in the country of his birth. He came to India as a merchant and traded at Ahmadnagar. He entered imperial service in 1060/1650 under Shāh Dījāhān and was given the rank of 1,000/100. In 1065/1654-5 he was given the title of Dānīshmand Khān which suggested the Emperor's high opinion of his intellectual talents (*dānīshmand*, lit. "scholar, sage") and in 1068/1657-8 he was appointed Mīr Bakḥshī but he resigned the same year. In 1070/1659-60 Awrangzib, the new Emperor, raised his rank to 4,000/2,000, and in 1076/1665-6 to 5,000/2,500. He was appointed Governor of Dihlī, but soon afterwards, in 1078/1667-8, a central administration minister (Mīr Bakḥshī). He died in 1081/1670.

Dānīshmand Khān is also known to us from the letters of François Bernier who had taken his service in the 1660s. Dānīshmand Khān showed great interest in European sciences, and had Bernier expound to him the discoveries of Harvey and Paquet and the philosophy of Gassendi and Descartes. The Italian traveller Manucci shares Bernier's high opinion of Dānīshmand Khān's wisdom and learning.

Bibliography: Muḥammad Wārīḥ, *Bādshāh-nāma* (continuation of Abu 'l-Ḥamīd Lāhōrī's *Bādshāh-nāma*), I.O. ms. Ethé, 329; Muḥammad Ṣāliḥ Kanbu, *'Amal-i Ṣāliḥ*, iii, ed. G. Yazdani, Bibl. Ind. Calcutta 1923-46; Muḥammad Kāzim, *'Ālam gir-nāma*, Bibl. Ind. Calcutta 1865-73; Shāh Nawāz Khān, *Ma'thūr al-umarā'*, ii, ed. Molvi Abdur Rahim, Bibl. Ind. Calcutta 1888; F. Bernier, *Travels in the Mughal empire, 1656-68*, tr. A. Constable, London 1916; N. Manucci, *Storia del Mogor, 1656-1712*, ii, tr. W. Irvine, London 1907-8; M. Athar Ali, *The apparatus of empire. Awards of ranks, offices and titles to the Mughal nobility, 1574-1658*, New Delhi 1985. (M. Athar Ali)

AL-SHĀFI'Ī, al-Imām Abū 'Abd Allāh Muḥammad b. Idrīs b. al-'Abbās b. 'Uthmān b.

Shāfi' b. al-Sā'ib b. 'Ubayd b. 'Abd Yazīd b. Ḥāshim b. al-Muṭṭalib b. 'Abd Manāf b. Kuṣayy al-Kurashī, the eponym, rather than the founder, of the Shāfi'ī school (*madhhab*) [*q.v.*].

1. Life.

The biographers are all agreed in dating the birth of al-Shāfi'ī in 150/767, the year of the death of Abū Ḥanīfa [*q.v.*], a tradition, related by al-Āburī (d. 363/974) and often disputed, placing the two events on the very same day. According to the most ancient preserved source (Ibn Abī Ḥatīm al-Rāzī (d. 327/939), *Ādāb al-Shāfi'ī wa-manāqibuhu*, Aleppo n.d., 21-3), al-Shāfi'ī was born either at 'Asḳalān, a town on the southern coast of Palestine, or in the Yemen, while most biographers incline rather towards Ghazza, likewise in southern Palestine (also mentioned, less frequently, is Minā near Mecca).

His genealogy was one of the most prestigious since, while being a Kurashī, he was a Muṭṭalibī on his father's side, thus a distant relative of the Prophet (al-Muṭṭalib was the brother of Ḥāshim, paternal great-grandfather of Muḥammad). His mother was, according to different sources, either of the Yemeni tribe of Azd [*q.v.*], or a direct descendent from 'Alī b. Abī Tālib [*q.v.*], cousin and son-in-law of the Prophet. This latter hypothesis, disputed by Fakhr al-Dīn al-Rāzī but retained by al-Subkī (*Tabakāt al-Shāfi'īyya al-kubrā*, Cairo n.d., i, 193-5) merits consideration for the extent to which it could partially account for the attitude of al-Shāfi'ī at the time of his *miḥna* (see below).

This genealogy, which has been disputed, is always cited in connection with various *ḥadīths* of the Prophet—"The Imāms are of Kuraysh", "Learn from the Kurashīs and do not seek to teach them anything", etc.—with the evident intention of stressing the fundamental superiority of al-Shāfi'ī, and thereby of the school which claims him, over the other Imāms. Similarly, it is often considered that al-Shāfi'ī was the renewer (*muǧaddid*) of religion (who, according to another *ḥadīth*, is sent by God "at the beginning of each century") of the 2nd century A.H.

At the age of two (or ten according to the source which places his birth in the Yemen), orphaned of his father, al-Shāfi'ī was taken by his mother, who seems to have been totally without means, to Mecca where they had relatives. Living in humble style in the *Shi'b al-Khayf*, the young al-Shāfi'ī seems to have become avidly interested in activities appropriate to his status as a member of the tribal aristocracy: poetry and, in particular, archery. His eloquence and his knowledge of the Arabic language—acquired, it is said (Ibn Farḥūn, *al-Dībādī al-mudhahhab*, Cairo n.d., ii, 157), in the course of prolonged wanderings with Hudhayl [*q.v.*], a tribe of northern Arabia renowned for the beauty of its speech—have remained highly respected and are said to have been praised by al-Dījāhīz [*q.v.*]; a collection of poems (*dīwān*) attributed to him has also survived (numerous editions in Cairo). Having furthermore become an excellent archer—"hitting the bull's-eye nine (or ten) times out of ten"—he seems to have composed a treatise on archery, an extract from which was to be reproduced in a section of the *Kitāb al-Umm* (ed. Dār al-Sha'b (photomechanical repro. of the Bulāḳ edition, 1321-5/1902-6), Cairo n.d., iv, 149-55; a (manuscript) *K. al-Sabk wa'l-ramy* is attributed to al-Shāfi'ī, cf. F. Sezgin, *GAS*, i, 490).

At a very early age, al-Shāfi'ī was torn between the pursuit of these very mundane activities and the "quest for knowledge" (*talab al-'ilm*). According to an anecdote related by the biographers, one day, after al-

Shāfi'ī had demonstrated his talents as an archer, one of the spectators, 'Amr b. Sawwād, told him that he was a better scholar than an archer (*anta fi 'l-ʿilm akbar minka fi 'l-ramy*); a compliment which apparently persuaded him to devote himself entirely to study (Ibn Abī Hātim, *Adāb*, 22-3).

In Mecca, the principal masters of al-Shāfi'ī were Muslim b. Khālīd al-Zandjī (d. 179/795 or 180/796), of whom little is known other than that he was the jurisconsult (*muftī*) of the city, and Sufyān b. 'Uyayna (d. 198/813) who was also, later, the master of Ibn Ḥanbal. At fifteen (or eighteen) years old, al-Shāfi'ī is said to have received his master's permission to issue judicial decisions (*fatwās*) in his own right. At the same time, the reputation of a master of Medina, the Imām Mālik b. Anas (95-179/715-95 [q.v.]) was in the ascendant and it was to him that al-Shāfi'ī resolved to turn in order to complete his legal education.

According to Ibn Abī Hātim al-Rāzī, while still in Mecca al-Shāfi'ī obtained a copy of the *Muwattaʿa*²—the principal work of Mālik—and learned it by heart before introducing himself to Mālik in ca. 170/786, persistently asking his permission to recite it to him. After initial hesitation, Mālik agreed and was very pleasantly surprised by the eloquence of the other, who was to become one of his disciples (Ibn Abī Hātim, *Adāb*, 27-8).

Al-Shāfi'ī remained in Medina as a pupil of Mālik until the latter's death, a period of about ten years (Fakhr al-Dīn al-Rāzī, *Manāḳib al-Imām al-Shāfi'ī*, Cairo 1986, 45). Al-Shāfi'ī was always to consider Mālik his supreme master but, being of a resolutely independent spirit, he was later to allow himself an extremely critical *K. Ikhtilāf Mālik wa 'l-Shāfi'ī*, in fact a refutation of Mālik which, in the form in which it has survived, is the work of al-Rabī' al-Murādī (d. 270-884), an Egyptian disciple of al-Shāfi'ī, a book for which the Mālikīs, of Egypt especially, were not to forgive him (ed. with the *K. al-Umm*, vii, 177-249; see in this connection R. Brunschvig, *Polémiques médiévales autour du rite de Mālik*, in *Etudes d'Islamologie*, ii, 65-101). In consequence, the Mālikī school was to issue a polemical literature aimed directly at al-Shāfi'ī himself (the *K. al-Radd 'alā 'l-Shāfi'ī* by Abū Bakr Muḥammad b. al-Labbād al-Qayrawānī, d. 333/944, published Tunis 1986), which definitely deserves to be studied to the same degree as the better-known debates between Shāfi'īs and Hanafīs.

At Medina, al-Shāfi'ī had other masters including in particular, a disturbing fact for his Sunnī biographers, Ibrāhīm b. Abī Yahyā (d. 184/800 or 191/807) of whom the heresiographers maintain that he was a follower of the Mu'tazila [q.v.]; but according to Fakhr al-Dīn al-Rāzī (*Manāḳib*, 44), this master is said to have taught him only Law (*fikh*) and Tradition (*ḥadīth*) and nothing in relation to theology (*uṣūl al-dīn*).

On account of the contradictions presented by the biographers, it becomes difficult to trace with precision the life of al-Shāfi'ī after this first Hijāzī episode of his existence. Was he already in 'Irāk between 177/793 and 179/795, and did he compose there the *K. al-Hudūd* (lost), as stated by Fakhr al-Dīn al-Rāzī? In which case, how can he also write that al-Shāfi'ī remained as a pupil of Mālik at Medina until the latter's death, i.e. until 179/795? According to al-Bayhaqī (d. 458/1066), al-Shāfi'ī's first period of residence in 'Irāk dated from 195/811 to 197/813; which seems improbable since he is reckoned when there to have visited al-Shaybānī, who died in 189/805. The following events, widely attested, in the life of al-Shāfi'ī, may however be accepted as genuine, although they

cannot be dated with precision (all dates given here, with the exception of that of the death of al-Shāfi'ī, are hypothetical).

It appears certain that it was shortly after having completed his education that al-Shāfi'ī was summoned to perform some official function at Najrān (in the north of Yemen) and that it was during this period that he compromised himself by joining the partisans of the Ḥasanid Yahyā b. 'Abd Allāh (regarding him and the revolt which he led, see H. Laoust, *Les schismes dans l'Islam*, Paris 1983, 76-7). According to Ibn al-Nadīm (d. 385/995 [q.v.]), al-Shāfi'ī was a fervent Shī'ī (*wa-kāna al-Shāfi'ī ṣhādīqan fi 'l-tashayyu'*; *Fihrist*, Beirut 1978, 295); if this was genuinely the case, it can only be understood in a strictly political sense. This episode, which the biographers call the "test" (*miḥna*) or the "crisis" (*fitna*) of al-Shāfi'ī, ended, at some point in the decade following 180, with his appearance before the caliph Hārūn al-Raṣhīd at Raqqa. It was through the intervention of the eminent jurist Muḥammad b. al-Ḥasan al-Shaybānī [q.v.]—a much favoured courtier and himself a former pupil of Mālik and of Abū Ḥanīfa—that al-Shāfi'ī was pardoned, perhaps after a spell in prison, by the caliph (although the other nine co-defendants were executed). According to the hagiographic version of this *miḥna*, al-Shāfi'ī's salvation was entirely his own achievement, obtained by his re-affirmation of loyalty to al-Raṣhīd and by "the strength of his argument" (*kuwwat ḥudūdīyatih*). Al-Shāfi'ī was not subsequently to occupy any official function, refusing the caliph's offer of the post of judge (*kādī*) of Yemen.

Al-Shāfi'ī took up a first period of residence (of two years?) in 'Irāk (either before, or just after his *miḥna*), during which he furthered his acquaintance with the school of *fikh* which had developed there, at the initiative of Abū Ḥanīfa in particular, and which continued to flourish there largely through the efforts of his two disciples Abū Yūsuf [q.v.] and al-Shaybānī (the text of the *disputatio* (*munāzarāt*) between the latter and al-Shāfi'ī is preserved in the *Manāḳib* of Fakhr al-Dīn). Al-Shāfi'ī was a regular frequenter of the latter's circle and was later to devote a refutation to him, the *K. al-Radd 'alā Muḥammad b. al-Ḥasan* (*K. al-Umm*, vii, 277-303).

After this first period in 'Irāk, al-Shāfi'ī returned to Mecca where, moving gradually from the status of disciple to that of master, he stayed for some nine years. Ca. 195/811, he is again found in Baghdād for a period of approximately two years during which he composed the first version of the *Risāla* (lost) and various texts containing what the Shāfi'īs call "the ancient (doctrine)" (*al-kadīm*) of al-Shāfi'ī. In 198/813, probably after another visit to the Hijāz, he is once again in Baghdād, but for only a few months. It was during this period, probably in Mecca, that al-Shāfi'ī met Ibn Ḥanbal (d. 241/855 [q.v.]), but despite the abundance in the biographies of anecdotes linking the two, it does not seem that they were well acquainted.

Little is known of the reasons which induced al-Shāfi'ī to emigrate and to settle definitively at Fuṣṭāt in Egypt (according to certain sources he had already spent time there in 188/804). He was probably invited there by the governor al-'Abbās b. 'Abd Allāh (according to Yāqūt) but it seems probable that it was in fact the isolation imposed on him, in the Hijāz, by the predominance of the disciples of Mālik and, in Baghdād, by that of the disciples of al-Shaybānī, which persuaded him to attempt the foundation of a school elsewhere.

At Fuṣṭāt, he was initially well received, regarded probably as a disciple of Mālik, by the major Mālikī

family of the Banū 'Abd al-Ḥakam. Before writing a refutation of al-Shāfi'ī and returning to the ranks of the Mālikīs, Muḥammad b. 'Abd Allāh b. 'Abd al-Ḥakam (d. 268/881) was one of his most fervent disciples. However, al-Shāfi'ī very soon became a target for the criticism of the Egyptian Mālikīs, who sought without success to have him banished by the authorities. The life of al-Shāfi'ī was clearly that of an undesirable.

It was however in Egypt—he lectured in the mosque of 'Amr—that al-Shāfi'ī's teaching had its greatest impact; his principal disciples were Egyptians and subsequently Shāfi'ism competed successfully with Mālikism for supremacy in Egypt [see SHĀFI'ĪYYA]. It was here that al-Shāfi'ī composed the new version of his *Risāla* (the one which has survived) and the majority of the texts collected in the *K. al-Umm*.

The circumstances of his death, at 54 years old, the last day of Raddjāb 204/20 January 820, remain uncertain: according to some, he died as a result of a violent assault at the hands of a fanatical Mālikī while others speak of sickness. He was buried in the tomb of the Banū 'Abd al-Ḥakam at the foot of the Muḥaṭṭam Hills. The architectural complex, frequently altered and restored, which surrounds his mausoleum, was erected under the Ayyūbids. His tomb is today the object of particular veneration (along with the nearby tombs of the Imām al-Layth and of others, it forms part of a "tour" which takes place on Thursdays), and every year his *maulid*, one of Cairo's most important dates, is lavishly celebrated (one aspect of the popular devotion surrounding al-Shāfi'ī is studied in S. 'Uways, *Zāhirat irsāl al-rasā'il ilā ḍarīḥ al-Imām al-Shāfi'ī*, Cairo 1978).

Married twice, al-Shāfi'ī had four children: two sons, Abū 'Uthmān (who was *kāḍī* of Aleppo) and Abū 'I-Ḥasan, and two daughters, Fāṭima and Zaynab.

Reference may be made to SHĀFI'ĪYYA for a list of the principal disciples of al-Shāfi'ī.

2. Doctrine.

a. Theology (*uṣūl al-dīn*, *ʿilm al-kalām*). Over the years, a considerable quantity of ink has been expended in addressing the question of the theological views of al-Shāfi'ī. In reality, the interest accorded to this question in the post-al-Shāfi'ī period seems to be inversely proportional to the interest in the subject shown by al-Shāfi'ī himself; the few references to the *ahl al-kalām* (an expression which, at the time, denoted the Mu'tazilīs) in his work are always linked to issues of a legal and not of a theological nature (J. Schacht, *The origins of Muhammadan jurisprudence*, Oxford 1950, 258-9).

It is therefore appropriate to treat with great caution (1) the various professions of faith attributed to al-Shāfi'ī which give the impression that his thinking was in some ways a prefiguration of Ash'arism (*al-Ash'ariyya* [q.v.]), (the *K. al-Fikh al-akbar fi 'l-tawhīd*, Cairo 1324/1906, is clearly apocryphal and the authenticity of the *K. Waṣīyyat al-Shāfi'ī*, ed. Kern in *MSOS*, xiii [1910], 141-5, is doubtful), and at other times a prefiguration of Hanbalism (cf. the creed (*ʿakīda*) attributed to al-Shāfi'ī in the *Tabaḳāt al-Ḥanābila* of Ibn Abī Ya'fā, Beirut n.d., i, 283-4); and (2) the observations related by Ash'arī Shāfi'īs, such as Fakhr al-Dīn al-Rāzī or al-Subkī, depicting al-Shāfi'ī as favouring the exercise of *ʿilm al-kalām* and those, related by traditionalist Shāfi'īs, which show him hostile to this discipline (e.g. Ibn Abī Ḥatīm, *Adāb*, 182-9). In this context, the literature as a whole derives largely from retrospective projection, and the debates to which it refers were not to become crucial

in Islam until after the death of al-Shāfi'ī (more precisely, after the *miḥna* [q.v.] revolving round the question of the creation of the Qur'ān, which began in 218/833).

A recent interpretation of the work of al-Shāfi'ī, open to objection on the grounds that it, too, borrows from this dubious retrospection on the part of biographers, depicts him as a traditionalist whose primary purpose was to oppose the development of so-called "rationalist" theology (G. Makdisi, in *SI*, lix [1984], 5-47).

b. *Uṣūl al-fikh*. It was, allegedly, at the request of 'Abd al-Rahmān b. Maḥdī, a traditionalist of Baṣra who died in 198/813, that al-Shāfi'ī composed the *Risāla* (numerous editions since 1894, of which the best is that of A.M. Shākir, Cairo 1940 with numerous re-issues; Eng. tr. M. Khadduri, repr. Cambridge 1987; partial Fr. tr. Ph. Rancillac, in *MIDEO*, xi [1972], 127-326) and thus instituted the science of *uṣūl al-fikh* which was later to be elevated to a privileged position in the classical canon of Islamic scholarship (statements denying to al-Shāfi'ī the credit for having founded this science should be regarded as strictly polemical). The text which is currently available, in the form of two manuscripts, was very likely composed in Egypt and reflects the final stage in the legal thinking of al-Shāfi'ī, who had composed a substantially different version (*al-risāla al-kadima*) while resident in 'Irāk.

As a result of the works of I. Goldziher, who had no knowledge of the *Risāla* (*Die Zahiriten. Ihr Lehrsystem und ihre Geschichte*, Leipzig 1884, Eng. tr. *The Zāhiris*, Leiden 1971) and of J. Schacht (*Origins, and An introduction to Islamic law*, Oxford 1964, Fr. tr. *Introduction au droit musulmane*, Paris 1983), the contribution of al-Shāfi'ī to Islamic legal thought—which he raised to the status of a science—is customarily regarded as a synthesis between the two major directions hitherto followed in terms of the elaboration of *fikh*, with which he was thoroughly familiar: on the one hand, that of his master Mālik and on the other that of Abū Ḥanīfa, as represented by al-Shaybānī. In the depth of its inspiration, the Shāfi'ian synthesis would nevertheless be more faithful to the spirit of the former and could be placed under the rubric of traditionalism.

The fundamental idea around which the entire legal thought of al-Shāfi'ī is developed in the *Risāla* is that, to every act performed by a believer who is subject to the Law (*mukallaf*) there corresponds a statute (*ḥukm*) belonging to the revealed Law (*sharī'a*). This legal statute is either presented as such in the scriptural sources (the Qur'ān and the Sunna), which al-Shāfi'ī calls "the foundation" (*al-aṣl*), or is it possible, by means of analogical reasoning (*kiyās* [q.v.]) to infer it from the *aṣl*, the latter being the bearer of a latent "rationally deducible content", the *ma'kūl al-aṣl*?

All the efforts of al-Shāfi'ī—and herein lies his originality in comparison with his predecessors—were subsequently to be applied to defining with precision, establishing critically and ranking in order of priority these different sources (*aṣl* and *ma'kūl al-aṣl*) and to determining the modalities of their usage. It is no doubt the critical effort characterising Shāfi'ian legal thought which explains to a large extent the open hostility or the indifference with which the *Risāla* was initially received among *fukahā'* of all persuasions. Furthermore, the simple fact that al-Shāfi'ī had chosen to write a treatise on this subject entailed a systematisation, a codification and, up to a point, a rationalisation of understanding the Law, the *fikh*, which were soon to provoke tensions which would not be resolved until much later.

The principal attainments of the legal thought of al-

Shāfi'ī consist in (1) the definition of the Sunna [q.v.], and (2) the systematisation of analogical reasoning. As regards the Sunna, it is appropriate, according to al-Shāfi'ī, to identify it strictly with the sayings (*akwāl*), the acts (*af'āl*) and the tacit acquiescence (*ikrār*) of the one Prophet as related in solidly established traditions; in other words, it is no longer possible to suppose naively that the various existing local traditions faithfully reflect the practice of the Prophet. The argument, reinforced by a radical critique of conformism (*taklid* [q.v.]), was principally directed against Mālik and his disciples, who tended to assimilate the practice (*'amal*) of Medina to that of the Prophet for the reason, theoretically indefensible, that the Medinans had directly inherited the tradition of the Prophet because he had lived there.

As for analogical reasoning, identified with *idjtihād* [q.v.], the function of which is to fill gaps left by the Qur'ān and the Sunna, al-Shāfi'ī distinguishes between two types: "analogy by cause" (*kiyās al-ma'nā*)—the *kiyās al-'illa* of the post-Shāfi'ian theoreticians—and the less authoritative "analogy by resemblance" (*kiyās al-shabah*). Common to both of them is the imperative obligation to rely upon a legal proof (*dalil shar'ī*), which may sometimes be difficult for the jurist to trace but of which, through postulating, the existence is certain. The argument, this time, is directed rather against Abū Ḥanīfa and his partisans who were reputed to rely on *ra'y* and *istihsān* [q.v.], i.e. on freer forms of reasoning, less closely tied to the revealed datum. In using such reasoning, al-Shāfi'ī was to claim that man introduces arbitrariness (*taḥakkum*) into the comprehension of the Law and that in so doing he substitutes himself for God and the Prophet (al-Ghazālī attributes to him the maxim *man istahsana fa-kad shara'a*), the only legitimate legislators of the community.

It is evident that al-Shāfi'ī maintains his distance from Mālik, as from Abū Ḥanīfa and his successor al-Shaybānī, and that in fact he has placed the two parties side-by-side in formally addressing to them the same message "Return to the proof". Considering his work from this perspective, al-Shāfi'ī was anything but a traditionalist, since he profoundly modified the notion, hitherto predominant among jurists, that the community was still in direct and immediate contact with the Revelation. After the passing of al-Shāfi'ī, on the other hand, the jurists would be obliged to interpret the reception of the revealed Law by referring to a legal theory which became ever more complex.

It should be noted that the *Risāla* remained a dead letter for more than a century and that the science of the *uṣūl al-fikh*, inherited from al-Shāfi'ī, was not really developed until after the 4th/10th century. But it is not certain, on the other hand, that this means that the importance traditionally accorded to this work is exaggerated (a thesis recently propounded by W.B. Hallaq in *IJMES*, xxv [1993], 587-605, in reply to N.J. Coulson, *A history of Islamic law*, Edinburgh 1964, 53-61, Fr. tr. *Histoire du droit islamique*, Paris 1995, 52-60).

In addition to the *Risāla*, two other texts of al-Shāfi'ī's legal theory have been preserved, and these have yet to receive the attention that they deserve: the *K. Ibtāl al-istihsān* (published with the *K. al-Umm*, vii, 267-77), and the *K. Dīmā' al-'ilm* (in *ibid.*, 250-62, another ed. by A.M. Shākir, Cairo 1940).

c. *Fikh*. In the absence of any monograph devoted to the practical law elaborated by al-Shāfi'ī, the present writer is obliged to confine himself to indicating the texts which could serve as a basis for such a study (the later Shāfi'ī texts of *fikh*, some of which have been

translated, are the work of the major *mudjtahids* and do not necessarily reflect the *fikh* of al-Shāfi'ī).

Great confusion prevails among the biographers in regard to the works of *fikh* of al-Shāfi'ī (see, in this context, the attempt at clarification of the Shāfi'ian bibliography by Muḥammad Abū Zahra, *al-Shāfi'ī*, Cairo n.d., 134-49). Just as in the field of legal theory, two distinct periods in the activity of al-Shāfi'ī are to be identified here. The first took place in the Hidjāz and in 'Irāq and led to the production of a book intitled *K. al-Hudūdja*, probably a compilation, of which the transmitter reputed to be the most reliable was Abū 'Alī al-Ḥasan al-Za'farānī (d. 260/874), a Baghdadī disciple of al-Shāfi'ī. This work has not survived.

The "new (doctrine)" (*al-djadīd*) was elaborated in Egypt during the last years of al-Shāfi'ī's life and is to be found recorded in the monumental *K. al-Umm*, the edition of which cited above also contains, in vol. vii, numerous other texts of al-Shāfi'ī, some, according to J. Schacht (cf. *Origins*, 330), dating from the 'Irāqī period. In the current state of knowledge it is impossible to determine with certainty whether the *Mabsūṭ*, mentioned by al-Bayhaqī in particular as belonging among the works of al-Shāfi'ī, is, as seems probable, the same book as the *K. al-Umm*.

Also available is an *Aḥkām al-Qur'ān* (ed. al-Kawtharī, 2 vols., n.d.), a treatise dealing with the legal statutes present in the Qur'ān which is not the one, now lost, composed by al-Shāfi'ī himself. It is in fact a work of compilation undertaken by the great Shāfi'ī al-Bayhaqī (d. 458/1066) on the basis of different texts of al-Shāfi'ī.

d. *Hadīth*. A promoter of the introduction of the critique of traditions into the legal sciences (J. Schacht, *Introduction*, 36), inasmuch as, for him, prophetic traditions are the only means of access to knowledge of the Sunna, al-Shāfi'ī, as a traditionist (*muḥaddith*), is the author of a *Musnad* and of a *K. Ikhtilāf al-hādīth* (ed. with the *K. al-Umm*, respectively, vi, in the margins, 2-277, and vii, in the margins, 2-414).

In this domain, al-Shāfi'ī was the object of numerous criticisms both on the part of the Mālikīs and, subsequently, of the disciples of Ibn Ḥanbal. He was reproached in particular for having been an unreliable transmitter (*rāwī*) (neither al-Bukhārī, nor Muslim accepted traditions transmitted by him), for having argued certain points of doctrine on the basis of dubious traditions, while being himself very rigorous on this point, in theory, and for having placed his trust in unacceptable transmitters such as Ibrāhīm b. Abī Yahyā. The *Bayān khaṭa' man akhta'a 'alā 'l-Shāfi'ī* "Revelation of the error of those who tax al-Shāfi'ī with error" (Beirut 1986) of al-Bayhaqī seeks to exonerate al-Shāfi'ī from these accusations.

A list, incomplete, of the *ruwāt* on whose authority al-Shāfi'ī transmitted *hadīth* and of those who relied upon his authority for transmission in their turn, is supplied by Ibn Farḥūn (*al-Dibādī*, ii, 157).

e. Others. The biographers make frequent mention of al-Shāfi'ī's extensive knowledge in the fields of medicine (*ṭibb*), of physiognomy (*firāsa*), also stating that, before turning away from it, he was interested in astrology (*al-nujūm*).

Bibliography (in addition to the works and articles cited in the text): 1. Biography. A. Arabic sources: 1. All *Ṭabakāt* works: al-'Abbādī (*Ṭabakāt al-fukahā' al-shāfi'iyya*, Leiden 1964, 6-7), al-Shīrāzī (*Ṭabakāt al-fukahā'*, Beirut n.d., 60-2), etc., include a brief notice concerning al-Shāfi'ī; 2. Among the hagiographies, the ones most often cited, with those of Ibn Abī Ḥatīm and of Fakhr al-Dīn al-Rāzī, are those of al-Bayhaqī (*Manāqib al-Shāfi'ī*, Cairo 1970)

and of al-ʿAskalānī (*Tawālī al-taʿsīs bi-maʿālī Ibn Idrīs*, Cairo 1883); 3. Among biographical dictionaries, that of al-Dhahabī (*Siyar aʿlām al-nubalāʾ*, Beirut 1981-88, x, 5-99) assembles a mass of information, as does the shorter work of al-Nawawī, *Tahdhīb al-asmāʾ wa l-lughāt*, Beirut n.d., i, 44-67; 4. Among modern works, besides that of Muh. Abū Zahra (above), ʿAbd al-Rāzīk, *al-Imām al-Šhāfiʿī*, Cairo 1945; al-Baghdādī, *Manāḳib al-Imām al-Šhāfiʿī*, Mecca 1910; M. Muṣṭafā, *K. al-Djawhar al-nafīs fī taʾrīkh ḥayāt al-Imām Ibn Idrīs*, Cairo 1908. B. In western languages: E. F. Bishop, *Al-Šhāfiʿī...*, in *MW*, xix (1929), 156-75; J. Schacht, *On Šhāfiʿis life...*, in *Stud. or. Pedersen*, Copenhagen 1953, 318-26; F. Wüstenfeld, *Der Imām al-Šhāfiʿī...*, Göttingen 1890-1. Supplementary references in Sezgin, *GAS*, i, 485-6.

2. Doctrine. M. Arkoun, *Le concept de raison islamique*, in *Pour une critique de la raison islamique*, Paris 1984, 64-99 (contemporary reading of the *Risāla*); J. Burton, *The sources of Islamic law*, Edinburgh 1990 (study of the Šhāfiʿian theory of abrogation); N. Calder, *Iktilāf and idjmāʿ in Šhāfiʿī's Risāla*, in *SI*, lviii (1983), 55-81; E. Chaumont, *La problématique classique de l'idjithād...*, in *SI*, lxxv (1992), 105-39 (theory of *idjithād* in the *Risāla* and its evolution); idem, *Tout chercheur qualifié dit-il juste?*, in *La controverse et ses formes*, Paris 1995, 11-27 (Šhāfiʿian theory of the divergence of opinion in legal matters and its evolution); K. A. Faruki, *Al-Šhāfiʿī's agreements...*, in *SI*, x (1971), 129-36; L. I. Graf, *Al-Šhāfiʿī's Verhandelung...*, Leiden 1934; M. Hamidullah, *Contribution of ash-Shāfiʿī...*, in *Jurnal Undang-Undang*, ii (1975), 48-58; A. Hasan, *Al-Šhāfiʿī's role...*, in *SI*, v (1966), 239-73; H. Laoust, *Šāfiʿī et le kalām d'après Rāzī*, in *Recherches d'Islamologie...*, Louvain-la-Neuve 1978, 389-401; D. B. Macdonald, *The development of Muslim theology...*, London 1985; Ph. Rancillac, *Des origines du droit musulman à la Risāla d'al-Shāfiʿī*, in *MIDEO*, xiii (1977), 147-69; J. Schacht, *Origins* (above), currently out of favour, remains a text of reference; A. M. Turki, *La logique juridique des origines jusqu'à Šhāfiʿī*, in *SI*, lvii (1983), 31-45; W. Montgomery Watt, *The formative period of Islamic thought*, Edinburgh 1973, index. (E. CHAUMONT)

AL-ŠHĀFI'ĪYYA, a legal school (*madhhab*) of Sunnī Islam whose members claim to follow the teachings of the Imām al-Šhāfiʿī (d. 204/820 [q.v.]). *Origins* (first half of the 3rd/9th century).

The issue of the institution of the Šhāfiʿī *madhhab* remains poorly understood, and it poses a series of problems, fundamental as well as chronological, which are not confined to this school alone, applying in an identical manner to the emergence of other legal schools within the Islamic legal system.

In reference to the Šhāfiʿī school, the fundamental problem is essentially the following: the Imām al-Šhāfiʿī is the author of a radical criticism of judicial conformism (*taklīd* [q.v.]), developed in his celebrated *Risāla* (ed. Šhākīr, Cairo 1940; numerous re-éditions in Cairo and in Beirut), which sought, on the one hand, to discredit the living local traditions as a source of religious Law, and on the other, to insist that the doctrines of the Imāms could no longer be invoked in legal issues without additional proof of the authority attributed to these great masters. Furthermore, the biographers credit al-Šhāfiʿī with a series of solemn declarations strictly forbidding others to claim him as a teacher or to make his doctrine, after his death, the object of a new conformism. If reference is to be made to Šhāfiʿī thought, the very existence of a school thus

appears contradictory from the outset. There can be no doubt that this fundamental anomaly at the very heart of the institution of judicial schools was very soon perceived by Muslim jurists, who sought to resolve it in various manners (ranging from the refusal, rare and soon inadmissible, to belong to any school whatsoever, to the most blind acceptance of the undisputed superiority of the Imāms, with various intermediate solutions seeking to legitimise the existence of the schools while avoiding the danger of *taklīd*). Unfortunately, this issue has yet to be examined in depth.

As a general rule, the question of adherence to one *madhhab* or to another should be further sub-divided according to the nature of the adherent: whether the case of a scholar-jurist (*ʿālim*), or of one who is secular in religious matters (*ʿammī*). Every secular person is obliged to refer himself to a recognised scholar (recognition depending on a number of criteria, some of them controversial) of his choice when a question relating to the *Šharīʿa* [q.v.] is put to him and it behoves him to act in conformity (*kallada*) with the opinion which he has solicited. For him, the only means of access to the knowledge of legal statutes is *taklīd*. Theoretically, the adherence of a secular Muslim to a specific judicial school is thus consequent upon the choice to act in conformity with one scholar rather than with another: he will be called a "Šhāfiʿī" if he appeals to the authority of a jurist claiming the legacy of Šhāfiʿism and the only personal effort which is (sometimes) required of him is to decide upon the relative worth of the Imāms and subsequently to choose, in a logical and sincere manner, the school to which he will belong (hence the existence, in each school, of a literature, yet to be studied, directed towards a broad public which is educated, but insufficiently, or not at all, versed in legal matters, which seeks to prove the superiority of such an Imām over such another; thus there is, among the Šhāfiʿīs, the unedited *Mughnī al-khalk fī bayān al-aḥākīm* of al-Djuwaynī). However, the adherence of a secular person to a *madhhab* is not necessarily definitive or strict; he may, on the one hand, change his school, and on the other, according to certain authors, he has the right, in a particular matter, to refer in an exceptional fashion to a scholar belonging to a school other than that whose doctrine he normally follows.

The question of the chronology of the emergence of the *madhhabs*, and in particular of the Šhāfiʿī one, is likewise imperfectly resolved. According to J. Schacht (*Introduction to Islamic law*, Oxford 1964, 58), the inception of a school laying claim to al-Šhāfiʿī and seeking to propagate his doctrine ("doctrine" is, alongside "way", one of the senses of the word *madhhab*), is to be credited to the very first generation of disciples of al-Šhāfiʿī and, more specifically, to al-Muzanī (see below), who, in compiling a "summary" (*mukhtaṣar*) of the doctrines of al-Šhāfiʿī (text edited in the margins of the *K. al-Umm* of al-Šhāfiʿī, Cairo n.d., i-vi) would allegedly have laid the foundations of the institutionalisation of this doctrine. This hypothesis is confirmed by the history of judicial science (*fiḥh* [q.v.]) in the Islamic community presented by a Šhāfiʿī author of the very first rank, Abū Ishāk al-Shīrāzī (d. 479/1083 [q.v.]). In his "list of jurists", the latter classifies the first Muslim jurists according to geographical criteria (jurists of Medina, of Mecca, of Yemen, of Syria, of Egypt, etc.). On the other hand, the geographic criterion is not retained for the immediate disciples of the Imāms al-Šhāfiʿī, Abū Hanīfa (d. 150/767 [q.v.]), Ibn Ḥanbal (d. 241/845 [q.v.]), Mālik (d. 179/795 [q.v.]) and Dāwūd b. ʿAlī b. Khalaf