The *Miḥna* of Imām al-Shāfi‘ī

Akashi MOTEKI

The Society for Near Eastern Studies in Japan
(NIPPON ORIENTO GAKKAI)

The *Miḥna* of Imām al-Shāfi‘ī

Akashi MOTEKI*

The *Miḥna* (trial) of Imām al-Shāfi‘ī (767-820) is a story that was fabricated mainly from the 11th to 13th century. The story was reported by Shāfi‘ī jurists and pro-Shāfi‘ī intellectuals, such as Iṣbahānī (d. 1038-39), Bayhaqī (d. 1065 ca.), Fakhr al-Dīn al-Rāzī (d. 1209), Yāqūt (d. 1229), and others. Intriguingly, certain images of al-Shāfi‘ī were constructed in this story. Hence, the purpose of this paper is to clarify how they constructed the images of al-Shāfi‘ī through an analysis of the descriptions of narrative sources of his *Miḥna*. At the same time a clarification of characteristics of the story of his *Miḥna* is also an important focus of this study.

The description of the *Miḥna* starts from the time of adolescence, namely his moving from Medina to Najrān in Yemen to assume an official function of state. It goes on his arrest on charges of partisanship with Ḥasanid Yahyā ibn ‘Abd Allāh (d. 803 ca.), his deportation to ‘Irāq. Finally, it is concluded by his appearance before the ‘Abbāsid Caliph al-Rashīd (r. 786-809) at Raqqa and generous pardon granted by the Caliph. The main characters in the stories of the *Miḥna* are al-Shāfi‘ī, Ḥanafī jurists such as Abū Yūsuf (731-798), Muḥammad b. al-Ḥasan al-Shaybānī (750-805 or 803/4), and Bishr al-Marīsī (d. 833) who was also one of leading figures of the well-known *Miḥna* of Caliph al-Ma’mūn (r. 847-861), and Caliph al-Rashīd.

The climax of these stories is the argument between al-Shāfi‘ī and these figures. In this argument, al-Shāfi‘ī is tested whether he has knowledge about the Qur’ān and the *Sunna* of the Prophet and many other sciences. In his response, al-Shāfi‘ī demonstrated his superiority over Ḥanafī jurists such as Abū Yūsuf, Shaybānī and Bishr al-Marīsī concerning his knowledge about religious matters such as the Qur’ān and the *Sunna* of the Prophet and another matter at the presence of Caliph al-Rashīd. In the process, images of al-Shāfi‘ī such as “traditionist” (*ahl al-ḥadīth*), defender of the Qur’ān and the *Sunna* of the Prophet, and *imām* (religious leader) of the Quraysh are constructed.

As for the characteristic of the story of the *Miḥna*, it was countercharges from the side of the *ahl al-ḥadīth* and the Shāfi‘ī jurists, those who were persecuted by the *Miḥna* of al-Ma’mūn, against Ḥanafī jurists (*ahl al-ra’y*, Mu‘tazila) such as Shaybānī and Bishr al-Marīsī, those who played a leading role in the *Miḥna* of al-Ma’mūn.

Keywords: *Miḥna*, al-Shāfi‘ī, Madhhab, Narrative Analyses, Sectarian Struggle

I. Introduction

1. Method of the Study

The purpose of this paper is to clarify how Shāfi‘ī jurists and pro-Shāfi‘ī intellectuals constructed certain images of al-Shāfi‘ī, through an analysis of the descriptions of narrative sources concerning the *Miḥna* of Imām al-Shāfi‘ī (767-820). The stories of the *Miḥna* had been fabricated

*Collaborative Fellow, Institute of Asian Cultures, Sophia University.

mainly from the 11th to 13th century, and it was reported in hagiographic (*manāqib*) and biographical sources, such as those written by Iṣbahānī (d. 1038-39), Bayhaqī (d. around 1065), Fakhr al-Dīn al-Rāzī (d. 1209), Yāqūt (d. 1229), and others.

Miḥna is a term “meaning in general usage a ‘testing’ or ‘trial’, whether by the accidents of fortune or the actions of men” (Patton 1897, 1; Hinds 1993, 2). However, our knowledge of *Miḥna* in Islamic history has been focused on “the procedure adopted by the Caliph al-Ma’mūn (r. 847-861), and officially applied under his two immediate successors, for the purpose of imposing the view that the Qur’ān had been created” (Hinds 1993, 2).

Regarding the doctrine of the created Qur’ān sanctioned by Caliph al-Ma’mūn and the theological disputes of the Mu‘tazila, numerous studies have been conducted (Goldziher 1920, 92; Watt 1950, 28; Nader 1956; Madelung 1974; Nakamura 1974), and concerning the significance and impact of the *Miḥna* in early Islamic history, we have also several studies (Patton 1897; Lapidus 1975; Crone 1986; Ess 1990; Hinds 1993; Ioh 1993; Nawas 1994; idem. 1996; Melchert 1996; Zaman 1997; Hurvitz 2001; Turner 2010). Hence, it is clear that the *Miḥna* inaugurated by Caliph al-Ma’mūn in April 833 and terminated by Caliph al-Mutawakkil (r. 847-861) in 849, has been a very significant issue in early Islamic history.

However, in contrast to this focusing by modern researchers on the *Miḥna* of the ‘Abbāsīd caliphs, the fact that the narratives of the *Miḥna* of al-Imām al-Shāfi‘ī were composed and reported in hagiographic (*manāqib*) and biographical sources has been almost ignored,¹ and hardly any questions have been raised as to the type of images of al-Shāfi‘ī that had been fashioned in these narratives, and the characteristics of the stories of his *Miḥna*.

As Wael B Hallaq has already argued, many modern researchers on Islamic law have recognized al-Shāfi‘ī “as having played a most central role in the early development of Islamic jurisprudence” (Hallaq 1993, 587). In fact, since Joseph Schacht has investigated the early development of Islamic legal theory and given high credit to al-Shāfi‘ī in the creation of the essentials of this theory which has four central principles such as the Qur’ān, the *Sunna* of the Prophet, the consensus (*ijmā’*) of the Muslim community, and the method of analogy (*qiyās*), many researchers about twenty years past believed that al-Shāfi‘ī was the “father of Muslim jurisprudence” and “founder of the science of legal theory properly called *uṣūl al-fiqh*,” and “founder of the Shāfi‘ī school of law” (Schacht 1950, 1; idem 1964, 48; Coulson 1964, 56; Goldziher 1971, 20-21; Heffening 1987, 252; Hallaq 1993, 587).

Indeed, (Hallaq 1993) pointed out through the close examination of *manāqib* and biographical sources that “Shafi‘i’s prominent status has been further bolstered by the fact that he was the first Muslim jurist ever to articulate his legal theory in writing, in what has commonly become known as *al-Risāla*.” However, he goes on to say that this book “and the theory that it embodied had very little if any effect during the 9th century; and that the image of Shafi‘i as the founder of *uṣūl al-fiqh* was a later creation”. Moreover, according to Hallaq, his image “as the founder of this discipline began to grow only from the beginning the 10th century.” As such, we have to pay attention that evaluations of al-Shāfi‘ī have changed to some extent (Hallaq 1993,

¹ There is some mention of his *Miḥna* in the study of Khadduri and Chaumont. But both of them have not examined the kind of images of al-Shāfi‘ī that had been constructed in narratives of his *Miḥna*, see Shāfi‘ī 1961, 11-13, 17-19; Chaumont 1995, 182.

587-599; Shāfi‘ī 1961). For example, Chaumont considers al-Shāfi‘ī as “the eponym, rather than the founder, of the Shāfi‘ī school (*madhhab*)” (Chaumont 1995, 181).

As mentioned above, although Hallaq has pointed out that the image of al-Shāfi‘ī as the founder of the Islamic legal theory was a later creation, he has not considered how the Shāfi‘ī jurists and pro-Shāfi‘ī intellectuals composed such an image of al-Shāfi‘ī. Of course, images of al-Shāfi‘ī that had been constructed in stories of his *Miḥna* are virtual ones, yet the composition of his images themselves has been a historical fact. In historical studies, although it is very important to make clear a documented fact, it has also been recognized that a study of the vicissitudes of images of a person in narratives as historical sources is important. For the understanding of historical situation through narrative source in which an image was produced, we should bear in mind that an image is a production of a certain age and society (Rubin 1955; Spellberg 1944). Hence, this paper scrutinizes how they constructed certain images of al-Shāfi‘ī through an analysis of the descriptions of narratives of his *Miḥna*, and at the same time it clarifies characteristics of the stories of his *Miḥna*.

2. Sources

Sources written by Shāfi‘ī jurists that have recorded many traditions of the *Miḥna* of Imām al-Shāfi‘ī are hagiography, *manāqib* sources, and biographical sources.

The hagiography, *Ḥilyat al-Awliyā’ wa-Ṭabaqāt al-Aṣfiyā’* of Iṣbahānī is the oldest source that had collected narratives of the *Miḥna* of Imām al-Shāfi‘ī as stories with coherence and sequence. Iṣbahānī or more accurately Abū Nu‘aym al-Iṣfahānī was “an authority on *fiqh* and *taṣawwuf*”, and “for fourteen years he was reckoned as one of the best *ḥadith*-authorities.”² As for his Islamic legal school (*madhhab*), he belonged to the Shāfi‘ī school (Pedersen 1979, 142). Therefore, in the analysis of narratives of the *Miḥna* of al-Shāfi‘ī recorded in his hagiography, this author’s character and career must taken be consideration.

Among the works of *manāqib* literature written by the Shāfi‘ī jurists, four sources are available to modern researchers. Of these four, the oldest is the *Ādāb al-Shāfi‘ī wa-Manāqib-hu* of Ibn Abī Ḥātim al-Rāzī (d. 938-39 ca.). This work is the oldest biography and *manāqib* source available to modern researchers. While Traditions of the *Miḥna* of Imām al-Shāfi‘ī that this source has transmitted are very scanty and not coherent, so in this literature narratives of his *Miḥna* have not yet been constructed. Hence, images of al-Shāfi‘ī in these sources have also not been constructed.

The *Manāqib al-Shāfi‘ī* of Bayhaqī and *Manāqib al-Imām al-Shāfi‘ī* of Rāzī are more important for this study.³ Compared to the *Ādāb al-Shāfi‘ī* of Ibn Abī Ḥātim al-Rāzī, these two works have recorded many traditions that had transmitted anecdotes of the *Miḥna* of Imām al-Shāfi‘ī, including narratives of his *Miḥna* written by Iṣbahānī. This tendency of the increasing number of traditions of this story in these three sources, has demonstrated the fact that many narratives of the *Miḥna* of Imām al-Shāfi‘ī had been formed from the 11th to the 13th century.

The last of four *manāqib* works, *Tawālī al-Ta’sīs bi-Mawālī Ibn Idrīs fī Manāqib Sayyid-nā wa-Mawlā-nā al-Imām al-Shāfi‘ī* of Ibn Ḥajar al-‘Asqalānī (1372-1449)⁴ is the latest *manāqib*

² On the general survey of Iṣbahānī, see Pederden 1979, 142-143.

³ On the general survey of Bayhaqī and Rāzī, see Robson 1979, 1130; Kraus 1983, 752-755.

work of literature. This source has not revealed any new fashioning of the stories of his *Miḥna*, in comparison with Iṣbahānī, Bayhaqī and Rāzī's works. One characteristic of the work of 'Asqalānī is the critical attitude towards the authenticity of early narratives of his *Miḥna*, transmitted by Iṣbahānī, Bayhaqī, and Rāzī.

Some biographical sources written by the Shāfi'ī jurists are also important, and of these the *Mu'jam al-Uḍabā' al-Musammā bi-Irshād al-Arīb al-Adīb* of Yāqūt has recorded some traditions of his *Miḥna*.

II. Narratives of the *Miḥna* of Imām al-Shāfi'ī: Existing Discussions

1. Abridgement of the Story of His *Miḥna*

Although descriptions of sources differ from each other in detail, the story of the *Miḥna* of Imām al-Shāfi'ī can be summarized as follows (Shāfi'ī 1961, 11-12, 17-18; Chaumont 1995, 182).

Al-Shāfi'ī went to Medina to introduce himself to Imām Mālik b. Anas (715-795) in 786 ca. Probably after having completed his legal education under Mālik as his pupil and the master's death in 795, al-Shāfi'ī moved to Najrān in the north of Yemen to take up some official function of the state at about the age of thirty. Although his service as a judge (*qāḍī*) seemed to be just and fair, al-Shāfi'ī was soon involved in local interests and factional controversies. He was accused of being a fervent partisan of the Ḥasanid Yahyā b. 'Abd Allāh (d. 803 ca.) and dismissed from his post, and later deported in chains to 'Irāq⁵.

Al-Shāfi'ī was pulled in before the Caliph Hārūn al-Rashīd at Raqqa in 'Irāq along with other conspirators, at around 796 to 803.⁶ Although the other conspirators were executed, the eminent Ḥanafī jurist Muḥammad b. al-Ḥasan al-Shaybānī brought about the pardon of al-Shāfi'ī, through his intercession and eloquent defense. Hence the *Miḥna* of Imām al-Shāfi'ī is a story that describes his stages of life, namely his moving from Medina to Najrān in Yemen to assume an official function of state, his arrest on charges of partisanship with Ḥasanid Yahyā ibn 'Abd Allāh, his deportation to 'Irāq and appearance before the Caliph al-Rashīd at Raqqa, and finally his pardon.

2. Traditions of His *Miḥna*

Four traditions (*aḥādīth*) of the *Miḥna* of Imām al-Shāfi'ī as recorded in hagiographic (*manāqib*) and biographical sources will be analyzed in this chapter. These sources have recorded these four traditions as narratives of his *Miḥna*, borrowing the *ḥadīth* format with *matn* and *isnād*.

The oldest tradition (*ḥadīth*) concerning his *Miḥna* has been reported by Ḥumaydī (d. 834-835 ca.), who was one of the disciples of al-Shāfi'ī at Mekka (Shāfi'ī 1961, 47; Ibn 'Abd al-Barr n.d., 104; Subkī 1999, Vol. 1, 363-366). This tradition has been recorded in the *Āḍab al-Shāfi'ī wa-Manāqib-hu* of Ibn Abī Ḥātim, and hence this tradition is the oldest and has not yet the character of a story of coherence and sequence.

⁴ On the general survey of Ibn Abī Ḥātim al-Rāzī and Ibn Ḥajar al-'Asqalānī, see Dickinson 2001, 11-13, 18; 'Asqalānī 1994, 5-13.

⁵ Regarding Yahyā b. 'Abd Allāh, see Laoust 1983, 76-77; Madelung 2002, 242-243.

⁶ According to traditions of his *Miḥna*, his deportation to 'Irāq and appearance at the presence of Caliph al-Rashīd were undoubtedly forcible. This forcible nature of his moving to 'Irāq was one of characteristics of the story of his *Miḥna*.

Additional three traditions have also been recorded in Iṣbahānī, Bayhaqī, Rāzī, Subkī, and others. These three traditions have the character of the story of his *Miḥna* with coherence and sequence. The transmitters of these three traditions are Ḥusayn al-Karābīsī (d. 859 or 862), the father of Muḥammad b. Ismā‘īl b. al-Ḥabbāl al-Ḥimyarī, and ‘Abd Allāh b. Muḥammad al-Balawī.

Ḥusayn al-Karābīsī first held the view of *ahl al-‘Irāq* and followed *ahl al-ra’y* and then became a disciple of al-Shāfi‘ī (Hallaq 1993, 594; Ibn ‘Abd al-Barr n.d., 106; Subkī 1999, Vol. 1, 343). His changing career from the position of respect for personal reasoning (*ra’y*) to a follower of al-Shāfi‘ī may cast some doubt on the credibility of his tradition concerning the *Miḥna* of al-Shāfi‘ī. For example, the editor of the *Ḥilyat al-Awliyā’* of Iṣbahānī criticizes the tradition of the *Miḥna* transmitted by him, as having many faults in the chain of transmitters (*fī al-sanad ‘idda du‘afā’*) (Iṣbahānī 1985, Vol. 9, 70).

Concerning the career of the father of Muḥammad b. Ismā‘īl b. al-Ḥabbāl al-Ḥimyarī, we have no information. As for ‘Abd Allāh b. Muḥammad al-Balawī, his credibility as a transmitter of tradition has been severely criticized. For example, the editor of the *Ḥilyat al-Awliyā’* censures Balawī as being a famous liar (*kadhdhāb ma‘rūf*) (Iṣbahānī 1985, Vol. 9, 85), and Ibn Kathīr and ‘Asqalānī denounced the tradition of the *Miḥna* transmitted by Balawī as being false (*makdhūba*) (Ibn Kathīr 2004, Vol. 1, 22; ‘Asqalānī 1994, 162). Hence, though with regard to the traditions of the *Miḥna* of al-Shāfi‘ī there are many doubts concerning credibility, nevertheless for the study of the composition of images of al-Shāfi‘ī in the stories of his *Miḥna*, this doubt-ridden tradition deserves to be scrutinized.

The main characters in the stories of the *Miḥna* are al-Shāfi‘ī, Abū Yūsuf (731-798), Muḥammad b. al-Ḥasan al-Shaybānī (750-805 or 803/4), Bishr al-Marīsī (d. 833) and ‘Abbāsīd Caliph al-Rashīd (r. 786 to 809). All these characters do not always appear in all the stories of his *Miḥna*. For example, Muḥammad b. al-Ḥasan al-Shaybānī appears in all traditions of his *Miḥna*, and in traditions of his *Miḥna* transmitted by Ḥumaydī, and Ḥusayn al-Karābīshī, the climax of the story is the argument between al-Shāfi‘ī and Muḥammad b. al-Ḥasan al-Shaybānī.

On the other hand however, Abū Yūsuf and Bishr al-Marīsī appear in one tradition alone. Abū Yūsuf appears in the tradition transmitted by Balawī, and Bishr al-Marīsī appears in the tradition transmitted by the father of Muḥammad b. Ismā‘īl b. al-Ḥabbāl al-Ḥimyarī. The highlight of the story in the tradition transmitted by the father of Muḥammad b. Ismā‘īl b. al-Ḥabbāl al-Ḥimyarī is the argument between al-Shāfi‘ī and Bishr al-Marīsī, and in the tradition transmitted by Balawī, the climax is the argument between al-Shāfi‘ī and Caliph al-Rashīd.

The aforesaid main characters in the stories of the *Miḥna*, are Ḥanafī jurists such as Muḥammad b. al-Ḥasan al-Shaybānī, Bishr al-Marīsī, Abū Yūsuf and Caliph al-Rashīd. As for Abū Yūsuf and Muḥammad b. al-Ḥasan al-Shaybānī, both of them had been eminent Ḥanafī Jurists who had played a vital role in the establishment of the Ḥanafī school, and al-Shāfi‘ī learned the opinions and methods of the ‘Irāqī jurists under Muḥammad b. al-Ḥasan al-Shaybānī in ‘Irāq.

As for Bishr al-Marīsī, he was one of leading figures of the *Miḥna* of Caliph al-Ma’mūn, and was said to be the first person to have argued on the doctrine of the created Qur’ān (Ioh 1993, 9; Hinds 1993, 5). Furthermore, leading figures that played a key role in the history of the *Miḥna* of

Caliph al-Ma'mūn were Ḥanafī jurists. Hence on having a glimpse at the main characters in the stories of the *Miḥna* of Imām al-Shāfi'ī, it is possible to speculate on the nature of these stories, and also to some extent on the historical background in which they were created.

III. An Analysis of the Narratives of the *Miḥna*: Fabrications of the Image

The fabrication of certain images of Imām al-Shāfi'ī in the narratives of his *Miḥna* took place alongside the construction of his stories. In this chapter, three traditions of his *Miḥna* which have been transmitted by Ḥusayn al-Karābīsī, the father of Muḥammad b. Ismā'īl b. al-Ḥabbāl al-Ḥimyarī and 'Abd Allāh b. Muḥammad al-Balawī, will be analyzed.

Iṣbahānī, Bayhaqī, Rāzī, Subkī, Yāqūt and others have recorded these traditions. These sources were written from the 11th to the 13th century, and the most important images of Imām al-Shāfi'ī were fashioned from these three traditions of his *Miḥna*. Hence, in this chapter, I will shed light on the kind of images of Imām al-Shāfi'ī that were formed in these traditions. On the same time, for clarifying the characteristics of the stories in his *Miḥna*, I will compare these three traditions created from the 11th to the 13th century with a tradition transmitted by Ḥumaydī and recorded by Ibn Abī Ḥātim in the 10th century.

1. The Tradition Reported by Ḥusayn al-Karābīsī

According to the tradition of the *Miḥna* transmitted by Ḥusayn al-Karābīsī and recorded by Iṣbahānī and Subkī, al-Shāfi'ī remarked, "I (al-Shāfi'ī) enjoyed learning poetry (*shi'r*). I came to the Bedouins (*bawādī*) and learned poetry from them," and "I came to Mekka, and then I left Mekka. At this time, I recited a poem of Labīd." Then, "a man of the chamberlain (*ḥajaba*) beat me and he told me that a man of the Quraysh and a descendant of the Muṭṭalib should be satisfied with his faith and in his life by becoming a teacher (*mu'allim*), of what use is poetry...you must study the *fiqh*, may God teach you" (Iṣbahānī 1985, Vol. 9, 71; Subkī 1999, Vol. 1, 346).

In the first part of this tradition, al-Shāfi'ī is portrayed as a Quraysh. His image of noble descent from the Quraysh has been one of the characteristics of the narratives of his *Miḥna* that has been composed from the 11th to the 13th century.

For example, they have recorded many traditions of praise of the Quraysh attributed to the Prophet. In these traditions, the Prophet said, "Power (*quwwa*) of the man of the Quraysh is equal to the power of two non-Quraysh men," "Let the Quraysh go ahead and do not go ahead before the Quraysh," "Learn from the Quraysh and do not teach the Quraysh," "a scholar (*'ālim*) of them (Quraysh) fills the world with knowledge (*'ilm*)" (Iṣbahānī 1985, Vol. 9, 64-65; Bayhaqī 1970, Vol. 1, 17-30; Khaṭīb al-Baghdādī 1966, Vol. 2, 61; Rāzī 1993, 338; Subkī 1999, Vol. 1, 140). Iṣbahānī and authors of the *manāqib* and biographical literature have used traditions of the Prophet's admiration for the Quraysh to argue that al-Shāfi'ī was from the Quraysh. In other words, these authors have utilized these traditions to intensify or construct the image of al-Shāfi'ī as a Quraysh.

According to this tradition, after receiving the advice of the chamberlain, al-Shāfi'ī devoted himself to studying under Mālīk b. Anas. Then, after having finished his study at Mekka and Medina, he went to Yemen to undertake an official function of the state (Iṣbahānī 1985, Vol. 9, 71; Subkī 1999, Vol. 1, 347). During his stay there, something happened to al-Shāfi'ī. According

to this tradition, Muṭarrif b. Māzin sent an alarming letter to Hārūn al-Rashīd stating, “if you wish the Yemen not to bother you, then exile Muḥammad b. Idrīs (al-Shāfi‘ī) from this land” (Iṣbahānī 1985, Vol. 9, 71; Subkī 1999, Vol. 1, 347). In this tradition, al-Shāfi‘ī said during his arrest, “I (al-Shāfi‘ī) was fettered with chains (*u’thiqatu bi-al-ḥadīd*) (Iṣbahānī 1985, Vol. 9, 71; Subkī 1999, Vol. 1, 347). This description of his arrest at Yemen in this tradition clearly gives the *Miḥna* of Imām al-Shāfi‘ī the character of the story of his trial.

Subsequently, al-Shāfi‘ī was brought before Caliph al-Rashīd. There is some confusion in this tradition about the place of appearance of al-Shāfi‘ī before Caliph al-Rashīd. In this tradition, al-Shāfi‘ī said, “On this day Muḥammad b. al-Ḥasan (al-Shaybānī) at Raqqa” (Iṣbahānī 1985, Vol. 9, 71; Subkī 1999, Vol. 1, 347). According to this tradition recorded by ‘Asqalānī, al-Shāfi‘ī was brought before Caliph al-Rashīd at Raqqa (‘Asqalānī 1994, 160). A tradition transmitted by Rabī‘ b. Sulaymān and recorded by Baghdādī has reported that al-Shāfi‘ī disputed with Muḥammad b. al-Ḥasan at Raqqa, and al-Shāfi‘ī broke him (*qata‘a-hu*) (Baghdādī 1966, Vol. 2, 61).

But al-Shāfi‘ī’s appearance before Caliph al-Rashīd at Raqqa was probably a later construction. Raqqa was the place from which Caliph al-Ma’mūn first sent a letter to his deputy, Ishāq b. Ibrāhīm, in Baghdād, to test the *qāḍīs* concerning God’s creation in the Qur’ān in April 833 (Ioh 1993, 4; Hinds 1993, 2). Hence, the appearance of al-Shāfi‘ī before Caliph al-Rashīd at Raqqa and his victory over Muḥammad b. al-Ḥasan al-Shaybānī at this same place in these traditions has clearly been a reflection of the *Miḥna* of Caliph al-Ma’mūn, or a later construction of the story of the *Miḥna* of Imām al-Shāfi‘ī.

According to this tradition transmitted by Ḥusayn al-Karābīsī, from then on the argument between al-Shāfi‘ī and Muḥammad b. al-Ḥasan al-Shaybānī began as follows.

One day, I (al-Shāfi‘ī) came to sit down next to him (Shaybānī). (At this time,) I was the one who was most worried and anxious about the anger of Commander of the Faithful (*amīr al-mu’mīnīn*) among the people (*nās*)... When I (al-Shāfi‘ī) sat down next to him (Shaybānī), Muḥammad b. al-Ḥasan (al-Shaybānī) began to defame the *ahl dār al-Hijra* (jurists of Medina). I said, “Whom do you refute, the city (*balad*) or its people? By God if you defame its people, truly you defame Abū Bakr, ‘Umar, the *Muhājirūn* and the *Anṣār*. And if you refute the city (Medina), verily it is the city which the Messenger of God, God bless him and grant him salvation, called them to bless them...Whom do you defame?” (Iṣbahānī 1985, Vol. 9, 71; Subkī 1999, Vol. 1, 347-348)

In this sentence, al-Shāfi‘ī is clearly imagined as a defender of the Hījāzī jurists, the school of Medina, and in this description, the jurists of Medina (most of whom are the Mālikī jurists) are clearly imagined as “traditionists” (*ahl al-ḥadīth*). In other words, al-Shāfi‘ī is imagined as the defender of the “traditionists.” Hence, this description in the tradition is clearly influenced by the conflict between *ahl al-ḥadīth* and *ahl al-ra’y*.

According to this tradition transmitted by Ḥusayn al-Karābīsī, the polemic between al-Shāfi‘ī and al-Shaybānī continued as follows.

Then, he (al-Shaybānī) said, “God forbid that I defame one of them or the city. Truly, I refute one of judgments of this city (*ḥukum min aḥkām-hu*)”... I (al-Shāfi‘ī) said, “Why do you defame?” He (al-Shaybānī) said that this (judgment) was contrary to the Qur’ān (*fa-anna-hu mukhālīf li-Kitāb Allāh*). Then, I said to him, “Whenever information you get is contradictory to the Qur’ān, do you eliminate it?” Then, he (Shaybānī) said that it should be done. I (al-Shāfi‘ī) asked him what he thought about the testament to parents (*waṣīya lil-wālidayn*)?...He said that it was not obligatory for us. Then, I said to him, “it is contrary to the Qur’ān why don’t you say that it is not permitted... Truly, the Messenger of God said that no testament to parents (*lā waṣīya lil-wālidayn*).” (Iṣbahānī 1985, Vol. 9, 72)

In this sentence, the central issue of the controversy between al-Shāfi‘ī and Shaybānī is concerned the knowledge of the Qur’ān. According to this tradition, the controversy between the two continued as follows.

I (al-Shāfi‘ī) said to him, “What do you think about the case in which the husband and wife have dispute about the property of the house (*matā‘ al-bayt*)?” He (Shaybānī) said, “My comrades (*aṣḥābī*) say about the case that what belonged to the man was his property and what belonged to the woman was her property. Then, I (al-Shāfi‘ī) said to him, “Is your judgment based on the Qur’ān or *Sunna* of the Messenger of God...?”

...I (al-Shāfi‘ī) said to him, “What do you think about the case in which two men disagreed about the wall (*ḥā’iṭ*)?”...He (Shaybānī) said, “According to a teaching of my comrades, if they don’t have a document we examine the contract...then I pronounce a judgment as to whom the wall belongs to.” I said, “Is your judgment based on the Qur’ān or *Sunna* of his Messenger...?”

...I (al-Shāfi‘ī) said, “What do you think about the case in which two men disagreed about a share (*ḥaṣṣ*)...” He (Shaybānī) said, “I examine the contract from all aspects. Then I pronounce a judgment to him (a possessor of the share).” I (al-Shāfi‘ī) said that is your judgment based on the Qur’ān or *Sunna* of his Messenger...?”

...I (al-Shāfi‘ī) said to him, “What do you think about the case in which when the woman bore a child, there was only one woman, a midwife (*al-qābila*) with her?” He (Shaybānī) said to me, “The witness is legal by only one witness of the midwife (*al-shahāda jā’iza bi-shahāda al-qābila waḥda-hā*...)” I (al-Shāfi‘ī) said to him, “Is this judgment based on the Qur’ān or *Sunna* of the Messenger of God?” (Iṣbahānī 1985, Vol. 9, 72-73; Subkī 1999, Vol. 1, 348-350)

In this sentence, al-Shāfi‘ī repeatedly asks al-Shaybānī whether his judgment was based on the Qur’ān or *Sunna* of the Prophet. In other words, al-Shāfi‘ī asks al-Shaybānī about his knowledge of the Qur’ān and *Sunna*. Hence, it is clear in this sentence of the tradition that al-Shāfi‘ī was imagined as the defender of the Qur’ān and the *Sunna* of the Prophet. Thus, in this tradition, al-Shāfi‘ī’s image is that of a “traditionist” (*ahl al-ḥadīth*) rather than as the founder of Islamic legal theory and founder of the Shāfi‘ī school. For two principles such as consensus (*ijmā‘*)

and analogy (*qiyās*) of his legal theory are not mentioned in this tradition, although these two principles are less important than the Qur’ān and the *Sunna* of the Prophet in Islamic legal theory.

And on considering this tradition of the *Mihna*, it should not be forgotten that al-Shāfi‘ī was imagined as the inquisitor concerning knowledge of the Qur’ān and *Sunna* of the Prophet against Shaybānī, the leading figure of the Ḥanafī jurists. Therefore, in this tradition al-Shāfi‘ī tests the knowledge of the Qur’ān and *Sunna* of the Prophet against Shaybānī. On the other hand, Shaybānī is tested on this knowledge by al-Shāfi‘ī. In this tradition of his *Mihna*, it is al-Shāfi‘ī who is “testing” and al-Shaybānī who is “tested”.

According to this tradition, after the controversy of the two-ended Caliph al-Rashīd said, “God and his Messenger told the truth, God and his Messenger were correct and God and his Messenger were right (*ṣadaqa Allāh wa-Rasūl-hu, ṣadaqa Allāh wa-Rasūl-hu, ṣadaqa Allāh wa-Rasūl-hu*). The messenger of God said, “Learn from Quraysh and do not teach the Quraysh. Let the Quraysh go ahead and do not go ahead before Quraysh. I don’t deny that Muḥammad b. Idrīs (al-Shāfi‘ī) has more knowledge than Muḥammad b. al-Ḥasan (Shaybānī)” (Iṣbahānī 1985, Vol. 9, 72-73).

According to the last part of this tradition, Caliph al-Rashīd admitted al-Shāfi‘ī’s ascendancy over Shaybānī about the knowledge of the Qur’ān and the *Sunna* of the Prophet by saying that al-Shāfi‘ī was the Quraysh. Of course, this is not historical fact but only a constructed image of this tradition of the *Mihna*. Historically al-Shāfi‘ī learned legal reasoning and the doctrine of ‘Irāqī jurists during his stay there, and the ‘Abbāsīd had intimate relations with the Ḥanafī jurists such as Abū Yūsuf, al-Shaybānī and others.

Thus, it is almost improbable that Caliph al-Rashīd had said such a thing as recorded in this tradition of the *Mihna*. Therefore, the image of al-Shāfi‘ī as having more knowledge about the Qur’ān and *Sunna* of the Prophet than Shaybānī is clearly a later construction, and the construction of al-Shāfi‘ī’s image as the Quraysh in this tradition, has clearly been done to strengthen his authority as the champion of “traditionists” (*ahl al-ḥadīth*).

2. The Tradition Reported by the Father of Muḥammad b. Ismā‘īl b. al-Ḥabbāl al-Ḥimyarī.

According to this tradition, al-Shāfi‘ī was “a noble man (*raḡul sharīf*).” He studied the language (*lugha*), ‘*arabīya*, poetry (*shi‘r*) and other subjects in his childhood, and after having studied under Mālik b. Anas he went to Yemen, where a revolt against Caliph al-Rashīd took place. Al-Shāfi‘ī refused to recognize this rebel and turned away from those who supported him. Al-Shāfi‘ī and the rebel were brought before Caliph al-Rashīd who initially ordered them both killed, but later Caliph al-Rashīd recognized his nobility (*sharaf-hu*) and pardoned al-Shāfi‘ī (Iṣbahānī 1985, Vol. 9, 81)

Subsequently, al-Shāfi‘ī went to Syria. He stayed there for a while and he abolished teachings of Abū Ḥanīfā. And then he went to Egypt. He disputed with followers of Mālik b. Anas in Egypt and his superiority over them was proved. So, his fame grew and his disciples increased. In those days, a letter of question about a judicial affaire (*mas’ala*) from Caliph al-Rashīd was sent to them. The jurists (*fuqahā’*) agreed the judgment in this letter. As for al-Shāfi‘ī, on examining the letter he said, “This (letter) is opposed to what the companions of the Messenger of God (*aṣḥāb Rasūl Allāh*) obeyed and contrary to what the *imāms* (*a’imma*) and

successors (*khālaf*) believed.” Al-Shāfi‘ī then sent it to Caliph al-Rashīd, whereupon he was brought before Caliph al-Rashīd fettered with chains (Iṣbahānī 1985, Vol. 9, 82).

Like the tradition of Ḥusayn al-Karābīsī, in this description al-Shāfi‘ī is imagined as the defender of the Mālikī jurists, the school of Medina and the defender of “traditionists” (*ahl al-ḥadīth*). This answer of al-Shāfi‘ī to Caliph al-Rashīd and the description of his arrest in this tradition, remind us that the story of al-Shāfi‘ī’s *Miḥna* should be constructed after the *Miḥna* of Caliph al-Ma’mūn.

According to this tradition, after al-Shāfi‘ī was brought into the palace of Caliph al-Rashīd, Muḥammad b. al-Ḥasan al-Shaybānī and Bishr al-Marīsī entered the presence of Caliph al-Rashīd. Caliph al-Rashīd then said to them, “the Qurashī who was opposed to our question (*mas’alat-nā*) has been brought into our palace fettered with chains. What do you think about this matter?” (Iṣbahānī 1985, Vol. 9, 82).

In this description al-Shāfi‘ī is regarded clearly as a Quraysh. This image of al-Shāfi‘ī as a Quraysh certainly give the *Miḥna* of al-Shāfi‘ī the story of his trial because of his noble descent. Moreover as already explained, Bishr al-Marīsī was one of leading figures among those who played an important role in the *Miḥna* of Caliph al-Ma’mūn. Hence, these descriptions of al-Shāfi‘ī’s arrest and deportation to the presence of Caliph al-Rashīd are obviously a reflection of the *Miḥna* of Caliph al-Ma’mūn.

In this tradition, the argument between al-Shāfi‘ī and Bishr al-Marīsī goes on as follows.

Bishr asked him (al-Shāfi‘ī) to explain to him as to what was the proof that the sublime God was one (*akhbir-nī mā al-dalīl ‘alā anna Allāh ta‘ālā wāḥid*)? Al-Shāfi‘ī replied, “Oh Bishr, you don’t know about the sayings of people of distinction (*al-khawāṣṣ*). Then, I shall talk to you by quoting their sayings although I have to answer you to the extent that you can understand... When various sounds are voiced, if the inciter of these voices is one, then this proves that it is one. And that concerning the perfection no opposition continues proves that it is one. Which four different gums in one body shape into formation in the same time prove that the God sublime is one... All of this proves that the God sublime is one.” Then, Bishr said, “What is the proof that Muḥammad is the Messenger of God?” He (al-Shāfi‘ī) replied, “the revealed Qur’ān, an agreement of the people about him (*ijmā‘ al-nās ‘alay-hi*) and signs which anyone else is not worthy of this (*al-Āyāt allatī lā talīq bi-aḥad*)... prove that he (Muḥammad) is the Messenger of God... And your test (*imtiḥān-ka*) to me by these two questions and your intention to me by these two... prove that you stray from the religion (*dalīl ‘alā anna-ka ḥā’ir fī al-dīn*), and are at a loss about God...” (Iṣbahānī 1985, Vol. 9, 83-84)

In this sentence, Bishr al-Marīsī asks al-Shāfi‘ī two questions. One is concerned with the uniqueness of God, and another is about the prophet-hood of Muḥammad. From the discussions concerning God, the Prophet, the Qur’ān, and consensus (*ijmā‘*) in this tradition, we can confirm not only the image of al-Shāfi‘ī as a “traditionist” (*ahl al-ḥadīth*) but also that his image as the founder of Islamic legal theory and founder of the Shāfi‘ī school appear, although these two

images were yet under construction.

According to this tradition, “al-Rashīd was pleased with him (al-Shāfi‘ī) and he brought him closer in his court (*majlis-hu*), and he (al-Rashīd) esteemed him (al-Shāfi‘ī) higher than the other two (Bishr al-Marīsī and Shaybānī)” (Iṣbahānī 1985, Vol. 9, 84). As clearly mentioned in this sentence, Caliph al-Rashīd admitted al-Shāfi‘ī’s superiority over the Ḥanafī jurists such as Bishr al-Marīsī and Shaybānī. In this tradition, al-Rashīd plays an important role in giving al-Shāfi‘ī the official sanction of his ascendancy over the Ḥanafī jurists.

3. The Tradition Reported by ‘Abd Allāh b. Muḥammad al-Balawī

According to this tradition, the story of the *Mihna* of Imām al-Shāfi‘ī begins as below.

When Abū ‘Abd Allāh al-Shāfi‘ī was carried to ‘Irāq, he was permitted to enter this country...his legs were fettered with chains (*wa-fī rijlay-hi ḥadīd*) because he (al-Shāfi‘ī) was one of followers of ‘Abd Allāh ibn al-Ḥasan. It was 10 Sha‘bān 184 (4 September 800), Qāḍī Abū Yūsuf and Grand Qāḍī Muḥammad b. al-Ḥasan (al-Shaybānī) had come to Hārūn al-Rashīd...They informed him of the situation of al-Shāfi‘ī...Muḥammad b. al-Ḥasan said that...a group of followers of ‘Abd Allāh b. al-Ḥasan assembled. They were separatists (*mutafarriqūn*). A man called Muḥammad b. Idrīs b. al-‘Abbās b. ‘Uthmān b. Shāfi‘ b. al-Sā’ib b. ‘Ubayd b. ‘Abd Yazīd b. Hāshim b. ‘Abd al-Muṭṭalib b. ‘Abd Manāf (al-Shāfi‘ī) who represents all of them has come to you. He argues that he is more deserving than you concerning this matter (*yaz‘um anna-hu aḥaqq bi-hādhā al-amr min-ka*)...Al-Rashīd came close to Abū Yūsuf and said, “Oh! Ya‘qūb (Abū Yūsuf)... do you have something to say about what Muḥammad (b. al-Ḥasan al-Shaybānī) said?” Abū Yūsuf told al-Rashīd that Muḥammad was truthful in what he said...al-Rashīd said that after two witnesses there is no stronger information and settlement than the *Mihna*...al-Rashīd then ordered them to let al-Shāfi‘ī enter. He was placed before al-Rashīd. At this time, his legs were fettered with chains. (Iṣbahānī 1985, Vol. 9, 85; Rāzī 1993, 69-70)

In this tradition, al-Shāfi‘ī is clearly imagined as a leader of the Shī‘ī revolt against Caliph al-Rashīd, and the most important point in this sentence is that the *Mihna* of Imām al-Shāfi‘ī is connected with his image of a leader of the Shī‘ī revolt against the ‘Abbāsid caliphate. ‘Abd Allāh b. al-Ḥasan was a “chief of the ‘Alids,”⁷ but he had already died soon after 762. In fact, the person from among the ‘Alids who had “proclaimed his rising against the Caliph al-Rashīd” was his son Yaḥyā b. ‘Abd Allāh, in 792 (Madelung 2002, 242). Thus, if al-Shāfi‘ī had joined partisans of the ‘Alids, the person who he had followed must have been this Yaḥyā. But on considering the year of his rising, al-Shāfi‘ī’s partisanship in the revolt of Yaḥyā is certainly not a historical fact. As already suggested by Chaumont “if this was genuinely the case, it can be understood in a strictly political sense” (Chaumont 1995, 182).

After that, this tradition has reported the argument between al-Shāfi‘ī and Caliph al-Rashīd.

⁷ On the general survey of ‘Abd Allāh b. al-Ḥasan, see Zetterstéen 1979, 45.

Caliph al-Rashīd accused al-Shāfi‘ī of beginning the *Sunna*, which he was not ordered to carry out. Al-Shāfi‘ī replied.

Oh! Commander of the Faithful (*amīr al-mu‘minīn*), truly Allāh has promised those of you who believe and do good that He will surely make them rulers in the earth (*li-yastakhlifa-hum fī al-arḍ*) as He made those before them rulers, and that He will surely establish for them their religion, which He has chosen for them, and that He will surely give them security in exchange for their fear (24:55). He (God) is one who carries out his promises. God has given me a firm position in the earth and he will surely give me security in exchange for my fear, Oh, Commander of the Faithful (Iṣbahānī 1985, Vol. 9, 85-86; Rāzī 1993, 70).

This passage is undoubtedly a reflection on the notion of “God’s Caliph” (Crone & Hinds 1986, 4). It is generally agreed that the notion of Caliph as God’s deputy appeared from the Umayyad to the ‘Abbāsīd periods, and this notion was becoming strong after Caliph al-Rashīd (Ioh 1993, 5). For example, according to Ṭabarī, a poem of Ḥusayn b. al-Ḍaḥḥāq was recited by Ṣāliḥ b. al-Rashīd in the presence of al-Ma’mūn. In one verse of the poem al-Ma’mūn has been described as *khalīfa al-Raḥmān* (God) (Ṭabarī 1979, Vol. 8, 662). Another example is also reported by Ṭabarī. According to a poem sent by Aḥmad b. Yūsuf to ‘Abd Allāh b. Ṭāhir, al-Ma’mūn has been described as “*khalīfat-hu* (God)” (Ṭabarī 1979, Vol. 8, 617). Hence, the description of the story of the *Miḥna* of Imām al-Shāfi‘ī is clearly a reflection of the *Miḥna* of al-Ma’mūn.

In this tradition, Caliph al-Rashīd continued to accuse al-Shāfi‘ī. Among his accusations against al-Shāfi‘ī, the chief one was to ask for proof that all of the Quraysh were *imāms* (*a’imma*) and that al-Shāfi‘ī was from among them (Iṣbahānī 1985, Vol. 9, 86; Rāzī 1993, 71). This passage is without doubt a reflection on the notion of the relationship between the Quraysh and *imāms* (religious leader). al-Ma’mūn may be the first ‘Abbāsīd Caliph to be addressed as *imām* (Ṭabarī 1979, Vol. 8, 376). For al-Ma’mūn this term *imām* means clearly religious leader (Ioh 1993, 7). According to this tradition, the argument between al-Shāfi‘ī and Caliph al-Rashīd continued as follows.

Al-Rashīd said to him (al-Shāfi‘ī), “...What do you understand by the Book of God? Then, al-Shāfi‘ī replied to him (al-Rashīd), “Which Book of God do you ask me about? Truly, God, may he be praised and exalted, revealed seventy-three books to five prophets. God sent down a book for religious exhortation (*kitāban maw’izatan*) to only one prophet. This Book was the sixth one. The first of them (five prophets) is Ādam...God bestowed thirty leaves (*ṣaḥīfa*) on him, all of them (leaves) are lessons (*amthāl*). And God gave ten leaves to Enoch who is Idrīs...All of them (leaves) are legal judgments (*ḥukum*)...And God granted eight leaves to Ibrāhīm...All of them are detailed legal judgments, there are religious duties (*farā’id*) and warnings (*nudhur*) included in them. And God revealed the Torah (*taurāh*) to Mūsā, all of these (Torah) are frightening and religious exhortations (*takhwīkh wa-maw’iza*). And God sent down the Gospel (*injīl*) to ‘Īsā for clarifying its differences from the Torah...And God

revealed the Qur’ān (*furqān*) to Muḥammad...God collected in this (the Qur’ān) all of these books...”

Al-Rashīd said to him (al-Shāfi‘ī), “You arranged it very well, do you know all of this?” Al-Shāfi‘ī replied to him (al-Rashīd), “Yes, by God Oh, Commander of the Faithful.” Al-Rashīd said to him (al-Shāfi‘ī), “I mean the Qur’ān which God revealed to my cousin the Messenger of God (*ibn ‘ammī Rasūl Allāh*)...” Then, al-Shāfi‘ī asked, “Which verses of the Qur’ān do you ask me about? About the firm one or the obscure one (*‘An-muḥkam-hu am ‘an mutashābih-hu*)? Or about the sending-forward one or the delayed one (*Am ‘an-taqdīm-hu am ‘an-ta’khīr-hu*)? Or about the abrogating one or the abrogated one (*Am ‘an-nāsikh-hu am ‘an-mansūkh-hu*)? Or about that, the regulation of which is fixed and recitation unknown, or that, the reading of which is established and legal judgment forgotten? Or about that which God gave as a proverb (*mathal*) or as a consideration (*i’tibār*)...” Al-Shāfi‘ī counted seventy-three legal judgments (*ḥukum*) in the Qur’ān. Al-Rashīd said to him (al-Shāfi‘ī), “Woe unto you! Oh, Shāfi‘ī does your knowledge (*‘ilm*) embrace all of this?” Al-Shāfi‘ī said to him (al-Rashīd), “Oh! Commander of the Faithful, conducting the trial (*Mihna*) of the person (al-Shāfi‘ī) who is talking is like throwing fire into silver to take out the good quality part from the bad...” (Iṣbahānī 1985, Vol. 9, 87; Bayhaqī 1970, Vol. 1, 132; Rāzī 1993, 71-72; Yāqūt 1980, Vol. 17, 288)

In this passage, al-Shāfi‘ī is imagined as having all of knowledge about all revelation including the Qur’ān, which God bestowed on humankind through the prophets.

The controversy between the two as recorded in this tradition continues as follows.

Al-Rashīd said to al-Shāfi‘ī, “What do you understand by the *Sunna* of the Messenger of God...?” Al-Shāfi‘ī replied to al-Rashīd, “Truly, I know about this (*Sunna* of the Prophet). About that which is obligatory, it is not permitted to relinquish. And about that, which, God be exalted, makes obligatory in the Qur’ān, it is also not permitted to relinquish. And that which is concerned with the part of education and that which is concerned with the part of the special thing, are not permitted to be associated with the general matters...” Al-Rashīd said to al-Shāfi‘ī, “Oh al-Shāfi‘ī! you disposed the *Sunna* of the Messenger of God... You have made a good explanation of this matter...” (Iṣbahānī 1985, Vol. 9, 87-88; Rāzī 1993, 72)

In this passage, al-Shāfi‘ī is clearly imagined as the possessor of all knowledge about the *Sunna* of the Prophet. According to this tradition, controversies between al-Shāfi‘ī and Caliph al-Rashīd continued. Issues concerning the Arabic language, poetry and the genealogy of the ‘Arabs are questioned and answered between the two (Iṣbahānī 1985, Vol. 9, 88-89; Rāzī 1993, 73-74), and after al-Shāfi‘ī had answered all the questions, Caliph al-Rashīd said to al-Shāfi‘ī, “If you are not from the Quraysh, truly I say you are one of those who are fettered with chains” (Iṣbahānī 1985, Vol. 9, 89).

In this tradition, al-Shāfi‘ī is imagined as having all knowledge encompassing religion and

non-religious sciences such as language, poetry, genealogy, and others. As for knowledge of religion, his knowledge encompasses a grasp of all religions, and it is not confined to the Qur'ān and *Sunna* of the Prophet. In this tradition, al-Shāfi'ī is also imagined as being of the Quraysh. It should be remembered here that in this tradition, Caliph al-Rashīd at first asked al-Shāfi'ī for proof that all the Quraysh were *imāms* (*a'imma*), and that al-Shāfi'ī was one of them. This saying of Caliph al-Rashīd is clearly a reflection on the notion that the *imām* must be from the Quraysh. According to Bayhaqī and Rāzī, the Prophet said, "The *imāms* (*a'imma*) are of the Quraysh" (Bayhaqī 1970, Vol. 1, 18-19; Rāzī 1993, 326). And having knowledge (*'ilm*) about the religion was one of the conditions for the *imām* to be a religious leader (Ioh 1993, 7). In this tradition, al-Shāfi'ī was admitted by Caliph al-Rashīd as being of the Quraysh, after he had answered all the questions of Caliph al-Rashīd. Hence, this tradition is the story for the construction of the image of al-Shāfi'ī as the *imām* (religious leader) of the Quraysh. In other words, the purpose of this narrative of his *Miḥna* is to construct the image of Imām al-Shāfi'ī as a religious leader.

As already stated in this chapter, al-Shāfi'ī's image as the defender of the Qur'ān and *Sunna* of the Prophet, a champion of "traditionists" (*ahl al-ḥadīth*), and an *imām* of the Quraysh, were constructed from these sources from the 11th to the 13th century.

4. Comparison of the Traditions: Between 10th and 11th Century Onward

In this section, the tradition of his *Miḥna* transmitted by Ḥumaydī who was one of disciples of al-Shāfi'ī will be analyzed. This tradition is the oldest of his *Miḥnas* available to modern researchers, and it was recorded by Ibn Abī Ḥātim. So, this tradition went back before the 10th century. Thus, by comparing this tradition with traditions of his *Miḥna* after the 11th century, characteristics of constructions of images of al-Shāfi'ī in these stories will be capable of being clarified more clearly.

This tradition has reported disputes between al-Shāfi'ī and al-Shaybānī as follows.

Shaybānī said, "What do you think about the case in which a man robbed another man of a tree (*sāja*) and constructed a building with it. He expended one thousand *dīnārs* for this construction. Then, the owner of the tree came and proved by two right witnesses that this man had robbed him of his tree, and constructed the building with it. How do you make a judgment in this case?" I (al-Shāfi'ī) said, "I shall tell the owner of the tree that he should get a price of it. If he agreed, I shall make a judgment for him of his taking the price. And if he insisted on taking back his tree, I shall pluck (the tree) out of the building and send his tree back (to the owner)".

Shaybānī said to me, "What do you think about the case in which a man robbed a man of a thread of silk (*khayṭ al-ibrīsām*) and sewed his stomach with it, and the owner of the thread came and proved by two just witnesses that this man had robbed him of his thread and sewn his stomach with it. Do you take out the thread from his stomach?" I (al-Shāfi'ī) answered, "No." Al-Shaybānī said, "God is the greatest. You relinquished your teaching," and his companions (*aṣḥāb-hu*) said, "You relinquished your teaching." I (al-Shāfi'ī) said, "Don't be in a hurry, tell me, if he didn't rob anyone of the tree, and he wished to desist from building by using it, and construct another one, is it permitted

for him to do so or forbidden?” They said, “It is permitted for him.” I (al-Shāfi‘ī) said, “Then, what do you think, if the thread was his own thread, and he wished to extract this thread from his stomach, is this permitted for him to do so or forbidden?” They said, “It is forbidden to him.” I (al-Shāfi‘ī) said, “Why do you judge a case that is permitted as forbidden?” (Ibn Abī Ḥātim 2003, 120-121)⁸

In comparison with the narratives of the *Miḥna* that were composed after the 11th century, this tradition shows some different points. At first in this tradition controversies between al-Shāfi‘ī and al-Shaybānī are concerned with legal judgments, and these discussions are very practical. As for this passage, it must be pointed out too that there is no mention of the Qur’ān and *Sunna* of the Prophet, or of God’s uniqueness and Muḥammad’s prophet-hood and other matters. In this tradition of his *Miḥna* constructed before 10th century, images of al-Shāfi‘ī as a “traditionist” (*ahl al-ḥadīth*), defender of the Qur’ān and the *Sunna* of the Prophet, *imām* (religious leader) of the Quraysh, the founder of the Islamic legal theory and as the founder of the Shāfi‘ī school, are not constructed. Hence, such images of al-Shāfi‘ī were clearly composed after the 11th century.

IV. Conclusion

As already clarified in this paper by the method of analyzing narrative source, certain images concerning al-Shāfi‘ī in the narratives of his *Miḥna* were composed from the 11th to 13th century. The most distinguished images of al-Shāfi‘ī are as a “traditionist” (*ahl al-ḥadīth*), defender of the Qur’ān and the *Sunna* of the Prophet, and *imām* (religious leader) of the Quraysh. On the other hand, images such as the founder of Islamic legal theory and founder of the Shāfi‘ī jurists are not so compelling in these stories. This feature of the narratives of his *Miḥna* is clearly influenced by the *Miḥna* of al-Ma’mūn.

For example, as already analyzed in this paper, al-Shāfi‘ī’s deportation with chains and his appearance at Raqqa, his defense as a champion of the Qur’ān and the *Sunna* of the Prophet against Ḥanafī jurists such as Shaybānī, Bishr al-Marīsī and Caliph al-Rashīd and the notion of “God’s Caliph” in the word of al-Shāfi‘ī, are clearly reflections of the *Miḥna* of al-Ma’mūn and the conflict between *ahl al-ra’y* and *ahl al-ḥadīth*. As for Bishr al-Marīsī, he was one of those leaders who played a central role in the *Miḥna* of al-Ma’mūn and argued on the doctrine of the created Qur’ān. Hence Stories of the *Miḥna* of Imām al-Shāfi‘ī are countercharges from the side of the *ahl al-ḥadīth* and the Shāfi‘ī jurists, those who were persecuted by the *Miḥna* of al-Ma’mūn, against Ḥanafī jurists (*ahl al-ra’y*, Mu‘tazila) such as Shaybānī and Bishr al-Marīsī, those who played a leading role in the *Miḥna* of al-Ma’mūn.

⁸ The same tradition is recorded by Iṣbahānī and Bayhaqī and others with some variations in detail, see Iṣbahānī 1985, Vol. 9, 75-76; Bayhaqī 1970, Vol. 1, 108-110; Subkī 1999, Vol. 1, 365-366.

References

[Primary Sources]

- ‘Asqalānī, Ibn Hajar al-. 1994: *Tawālī al-Ta’sīs bi-Mawālī Ibn Idrīs fī Manāqib Sayyid-nā wa-Mawlā-nā al-Imām al-Shāfi’ī*, Cairo.
- Bayhaqī, Abū Bakr Aḥmad b. al-Ḥusayn 1970: *Manāqib al-Shāfi’ī*, 2 vols, Cairo.
- Ibn ‘Abd al-Barr n.d.: *Al-Intiqā’ fī Faḍā’il al-Thalātha li-A’imma al-Fuqahā’*, Beirut.
- Ibn Abī Ḥātim al-Rāzī 2003: *Ādāb al-Shāfi’ī wa-Manāqib-hu*, Beirut.
- Ibn Kathīr 2004: *Ṭabaqāt al-Fuqahā’ al-Shāfi’īya*, Vol. 1, n. p.
- Iṣbahānī, Abū Nu’aym al-. 1985: *Ḥilyat al-Awliyā’ wa-Ṭabaqāt al-Aṣfiyā’*, Vol. 9. ed. by Muḥammad Amīn Khānjī, Beirut.
- Khaṭīb al-Baghdādī 1966: *Ta’rīkh Baghdādī*, Vol. 2, Beirut.
- Rāzī, Fakhr al-Dīn al-. 1993: *Manāqib al-Imām al-Shāfi’ī*, Beirut.
- Subkī, Taqī al-Dīn al-. 1999: *Ṭabaqāt al-Shāfi’īya al-Kubrā*, Vol. 1, Cairo.
- Ṭabarī, Abū Ja’far Muḥammad b. Jarīr al-. 1979: *Ta’rīkh al-Rusul wa-al-Mulūk*, Vol. 8, Cairo.
- Yāqūt 1980: *Mu’jam al-Udabā’ al-Musammā bi-Irshād al-Arīb al-Adīb*, Vol. 17, n.p.

[Secondary Works]

- Chaumont, E. 1995: “al-Shāfi’ī,” in *the Encyclopaedia of Islam*, new ed., Vol. 9, Leiden, 181-185.
- Coulson, N. J. 1964: *A History of Islamic Law*, Edinburgh.
- Crone, P. & M. Hinds 1986: *God’s Caliph*, Cambridge.
- Dickinson, E. 2001: *The Development of Early Sunnite Ḥadīth Criticism: The Taqdim of Ibn Abī Ḥātim al-Rāzī (240/854-327/938)*, Leiden.
- Ess, J. V. 1990 : “Ibn Kullāb et la Miḥna,” *Arabica* 37/2, 173-233.
- Goldziher, I. 1920 : *Le dogme et la loi de l’Islam*, F. Arin(trans.), Paris.
- Goldziher, I. 1971: *The Zāhirīs : Their Doctrine and Their History*, Leiden.
- Hallaq, W. B. 1993 : “Was al-Shāfi’ī the Master Architect of Islamic Jurisprudence?” *International Journal of Middle East Studies* 25, 587-605.
- Heffening. 1987 (1927): “al-Shāfi’ī,” in *E. J. Brill’s First Encyclopaedia of Islam, 1913-1936*, reprint of 1913-1936 ed., Vol. 7, Leiden, 252-254.
- Hinds, M. 1993: “Miḥna,” in *the Encyclopaedia of Islam*, new ed., Vol. 7, Leiden, 2-6.
- Hurvitz, N. 2001: “Miḥna as Self-Defence,” *Studia Islamica* 92, 93-111.
- Ioh, H. 1993: “Karīfu Māmūn no mifuna to ḥadīsu no to (The Miḥna of the Caliph al-Ma’mūn and the Ahl al-Ḥadīth),” *The World of Islam* 39:40, 1-22. (in Japanese)
- Kraus, P. 1983 : “Fakhr al-Dīn al-Rāzī,” in *the Encyclopaedia of Islam*, new ed., Vol. 2, Leiden, 751-754.
- Laoust, H. 1983: *Les schismes dans l’Islam*, Paris.
- Lapidus, I. M. 1975: “The Separation of State and Religion in the Development of Early Islamic Society,” *International Journal of Middle East Studies* 6/4, 363-385.
- Madelung, W. 1974: “The Origins of the Controversy Concerning the Creation of the Koran,” in J. M. Barral (ed.), *Orientalia Hispanica sive studia F. M. Pareja Octogenario dicata*, Vol.1/1, Leiden, 504-525.
- Madelung, W. 2002: “Yaḥyā b. ‘Abd Allāh,” in *the Encyclopaedia of Islam*, new ed., Vol. 11, Leiden, 242-243.
- Melchert, C. 1996: “Religious Policies of the Caliphs from al-Mutawakkil to al-Muqtadir, A. H. 232-295/A.D. 847-908,” *Islamic Law and Society* 3, 316-342.
- Nader, A. N. 1956: *Le Système philosophique des Mu’tazila*, Beyrouth.
- Nakamura, K. 1974: “Kōran no hizousei wo meguru ronsou nitsuite (A Dispute concerning the Created Qur’ān),” in F. Shinji (ed.), *Nishiajiasi-kenkyu*, Tokyo, 73-108. (in Japanese)
- Nawas, J. A. 1994: “A Reexamination of three Current Explanations for al-Ma’mūn’s Introduction of the Miḥna,” *International Journal of Middle East Studies* 26/4, 615-629.
- Nawas, J. A. 1996: “The Miḥna of 218 A.H./833 A.D. Revisited: An Empirical Study,” *Journal of the American Oriental Society* 116/4, 698-708.

- Patton M. 1897: *Aḥmed Ibn Ḥanbal and tha Mihna*, Leiden.
- Pedersen, J. 1979: “Abū Nu‘aym al-Iṣfahānī,” in *the Encyclopaedia of Islam*, new ed., Vol.1, Leiden, 142-143.
- Robson, J. 1979: “al-Bayhaqī,” in *Encyclopaedia of Islam*, new ed., Vol. 1, Leiden, 142-143.
- Rubin, U. 1955: *The Eye of the Beholder : The Life of Muḥammad as viewed by the Early Muslims*, Princeton.
- Schacht, J. 1950: *The Origins of Muhammadan Jurisprudence*, Oxford.
- Schacht, J. 1964: *An Introduction to Islamic Law*, Oxford.
- Shāfi‘ī, M. b. I. al-. 1961: *Islamic Jurisprudence: Shāfi‘ī’s Risāla*, trans. by T. M. Khadduri, Baltimore.
- Spellberg, D. A. 1944: *Politics, Gender, and the Islamic Past : the Legacy of ‘Ā’isha bint Abī Bakr*, New York.
- Turner, J. P. 2010: “The End of the *Mihna*,” *Oriens* 38, 89-106.
- Watt, M. W. 1950: “Early Discussion about the Qur’ān,” *The Muslim World* 40, 27-40, 96-105.
- Zaman, M. Q. 1997: *Religion and Politics under the Early ‘Abbāsids*, Leiden.
- Zetterstéen, K. V. 1979: “‘Abd Allāh b. al-Ḥasan,” in *the Encyclopaedia of Islam*, new ed., Vol. 1, Leiden, 45.