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“What is Shafi‘i’ Risala About?”

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Modern scholarship, following the medieval Muslim tradition, has viewed Muhammad b. Idris al-Shafi‘i (d. 204/820) as the founder of Islamic legal theory (*usul al-fiqh*), and the *Risala* as the book in which he founded it. Modern western scholarship has seen in Shafi‘i’s *Risala* the origins of the “master rule of recognition” (H.L.A. Hart’s term) thought to be central to Islamic legal hermeneutics, namely that the law resides first in the Qur’an, then in the Sunna of Muhammad, then in scholarly consensus (*ijma‘*), and finally, by means of derivation, in analogies (*qiyas*). The “four sources” interpretation of the *Risala* is not a tenable account of the *Risala*’s main idea. This paper will briefly show why the “four sources” account of the *Risala* fails, and then it focuses on its central idea: the concept of *bayan*. Shafi‘i sought to account for all possible combinations of Qur’an-Sunna interaction by positing a mostly symmetrical series of pairings, each described by a different hermeneutical rubric (*naskh*, *‘amm:khass*, *jumla:nass*, *amr:nahy*, etc). Later *usul* authors found this notion, including its attachment to the word “*bayan*,” quite foreign. Other noteworthy features of the *Risala* include its (possibly unique) exposition of predestinarian *kalam*, which is integrated into Shafi‘i’s concept of *bayan*, and a surprisingly reduced role for *ijma‘*. The aesthetic implications of Shafi‘i’s theory were further developed by his student al-Muzani, but in directions that already differ in significant ways from Shafi‘i and look more like mature *usul al-fiqh*.