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A Look at Al-Risala

Since a mention has been made of Al-Risala, a most valuable contribution by the famous faqih, Muhammad Ibn Idris Shafei, it would be a good idea to objectively explore it in greater detail.

Many old and new scholars of Sunni Fiqh insist that all the concepts in the Faculty of Principles of Fiqh (Ilm al-Usul al-Fiqh) are the creation of Shafei and Al-Risala is the product of his thought process. Yet many top intellectuals of the same school of thought have a strong difference of opinion.

Some scholars declare Abu Hanifa (died 150 AH) to be the pioneer. Others claim that Muhammad Ibn Hasan Shaibani (died 189 AH) was the first. And still others hold with great confidence that Abu Yousuf Yaqoob Ibn Ibrahim (died 182 AH) was the originator.[1]

Secondly, let us suppose that the faculty of Principles of Fiqh (Usul al-Fiqh) was the creation of Shafei, would it not be unfair to the heads of other schools of Fiqh and other scholars (fuqaha)? Some of such people are Abu Hanifa Noman Bin Thabit (died 150 AH) and his famous pupil Abu Yousuf (died 182 AH), Muhammad Ibn Hasan Shaibani (died 189 AH), Hasan Ibn Ziad Lului (died 204 AH) and Ozfar Ibn Huzail (died 158 AH). All these scholars predated Shafei.

Can all these well-known learned people be declared ignorant of the philosophy of law or rules and regulations of commands of fiqh? Did they not know the difference between Amr (decree to do good) and Nahi (decree to stay away from vice); common man and the privileged; and independent and dependent? If the answer is yes, they were unaware of such matters, then why were they called Fuqaha? If the answer is no, these issues were known to them, then we will have to accept that they were knowledgeable of Ijtihad and the individual who has been declared the creator of this faculty came much afterwards.

Now let us review Al-Risala as a book of the “Doctrines of Fiqh”. It is a fine collection of 670 pages. Several scholars have written explanations of this collection. In December 1935 an intellectual and writer Ahmad Muhammad Shakir wrote a 100 page detailed critique and has done a great service.

Shafei worked on Al-Risala twice. Once when he was in Baghdad and the second time when he was in

Egypt. The story about the Baghdad episode goes like this. A scholar of the time, Abdur Rahman Ibn Mehdi, wrote to Shafei and asked him to write a booklet that could help him understand Quran, ascertain truthfulness of traditions, and find out what is current and what is obsolete in Quran and Sunna.

Now if we stop here and think about the reason for writing of this collection, it becomes clear that it was not written to understand the Doctrines of Fiqh. Rather the requestor needed some explanations for understanding Quran and Traditions and some of the terminology used therein. This collection has primarily satisfied this demand.

A submission to those who insist that Al-Risala is a treatise on the subject of "Doctrines of Fiqh" and is the first work on this subject, first of all the under discussion treasure does not have a feel of a book. That is either the author did not fully focus on the subject or he did not have full command on the topic. However, it is not proper to make such comments about an intellectual like Shafei.

Anyway the writing we have in front of us can be more appropriately labeled as a very long letter. Ahmad Muhammad Shakir, while quoting Hafiz Ibn Abdul Ber, has written the same thing. It goes like this: Ali Ibn Madini says, "I asked Muhammad Ibn Idris Shafei to respond to Abdur Rahman Ibn Mahdi's letter as he was anxiously waiting for a reply". Shafei did the needful and here it is, Al-Risala.[2]

In addition, another fact that cannot be ignored is that this writing that is being portrayed as a book was not actually written by Shafei. Rather it is a collection of his dictations. Ahmad Muhammad Shakir writes: It appears to be more likely that Shafei was speaking and Rabii Ibn Suleman was writing. The proof lies in sentence number 337 that quotes the scribe, Rabii Ibn Suleman, "When he would recite an aya from Quran, he would leave it incomplete for brevity".[3]

Then in several instances "Shafei said" is written. It further supports the argument that the concentration, seriousness, creativity and diligence required of a scholar for writing on such a subject are missing. So it does not appear to be a unique contribution by the learned scholar. He does not draw any boundaries around his thoughts and does not adopt a style appropriate for conveying true understanding of the subject. The result is that at every step it appears that either he is solving a puzzle in the Commentary (Tafseer) or trying to get to the bottom of a tradition to extract some idea. But in this collection of thoughts very little justice seems to have been done to the subject of "Doctrines of Fiqh".

If the review is done in the context of book writing methodology, then it appears that there are some good qualities; however, means of finding solutions to day to day problems are missing and that is what is required in the "Doctrines of Fiqh".

Also the material presented does not seem to be satisfactory. It does not appear to be a consistent and organized effort. As mentioned earlier a reader does not receive any material relevant to ways of solving problems and secondly there is lack of energy and freshness. To top it off, in this hefty 670 pages long collection, one gets an impression only four or five times that the discussion on the real subject is about to start. For example, Babe Khairul Wahid, Babul Ijmaa, Babul Qias, Babul Ijtihad, Babul Istehsan, Babul

Ikhtilaf. But unfortunately the expectation dies out rather quickly. As Muhammad Ahmad Shakir writes, “This point was not highlighted in the original manuscript. I gave this caption to this chapter. Someone else has scribbled this subject on the border with red ink; etc, etc.”

After all this discussion one questions if it is possible to extract any knowledge about the “Doctrines of Fiqh” from Al-Risala and secondly who would accept that the thought was unique and came ahead of others.

1. See Al-Fihrist by Ibn Nadeem; Wafiatul Ayan by Ibn Khalkan; Al A’laam by Zarkali; and Fawaidul Usul by Dr. Mahmud Shahabi
2. Al-Risala, p 11
3. Al-Risala, page 12

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