



BRILL

# Sufyān al-Thawrī and the Kufans

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## Abstract

Sufyān al-Thawrī (d. 161/777?) was a major Kufan jurist with a later reputation for special hostility to Abū Ḥanīfa (d. 150/767) and his school and for upholding hadith against *ra'y*. However, the record of his hadith transmission as preserved in third/ninth-century collections shows that he mainly collected and disseminated hadith in Kufa. The record of his agreements and disagreements in law as preserved in Muḥammad b. Naṣr al-Marwazī (d. 295/907–8?), *Ikhtilāf al-fuqahā'*, Ibn al-Mundhir (d. 318/930–1?), *al-Ishrāf*, and al-Jaṣṣāṣ al-Rāzī (d. 370/981), *Mukhtaṣar Ikhtilāf al-ʿulamā'*, shows preponderant agreement with the Ḥanafīyya and a lower degree of agreement with, among others, al-Awzāʿī and al-Shāfiʿī. The biographical dictionaries record few traces of a personal school of law after him. Doubts have been raised, but in the end he is to be counted an adherent of the Kufan regional school of law.

## Keywords

Hadith – Islamic law – Sufyān al-Thawrī – Kufa

## Introduction

Abū ʿAbdallāh Sufyān b. Saʿīd b. Masrūq al-Thawrī, the Kufan traditionist, jurist, and renunciant, was born in the year 97/715–6 and collected hadith in Kufa, Basra, the Hijaz, Syria, and Mesopotamia (*al-Jazīra*). He left Kufa for good in 154/770–1 or 775/771–2 and died in Basra in 161/777, 161/778,

or 162/778–9, among other reported dates.<sup>1</sup> The particular problem I mean to treat here is his relation to the second/eighth-century Kufan school of law. Joseph Schacht described al-Shāfiʿī (d. Old Cairo, 204/820) as arguing against “the ancient schools.” These are legal traditions associated with Kufa and Basra in Iraq, Medina and Mecca in the Hijaz.<sup>2</sup> Egypt and Syria had secondary traditions. Writing independently at the same time, Robert Brunschvig inferred the predominance of local traditions not only from the polemics of al-Shāfiʿī but also from letters between al-Layth b. Saʿd (Egyptian, d. 175/791?) and Mālik b. Anas (Medinese, d. 179/795).<sup>3</sup> George Makdisi identified three stages in the formation of the schools of law: a regional stage, when jurists were primarily identified with one or another metropolis; a personal stage, when jurists were primarily identified by their loyalty to one predecessor such as Abū Ḥanīfa (d. Baghdad, 150/767) or al-Shāfiʿī; and a guild stage, when the schools served to form and certify qualified jurists.<sup>4</sup> Several articles have confirmed that particular legal positions of the second/eighth century can be identified with particular places.<sup>5</sup>

Without the certification to give opinions that characterized the guild schools, the regional schools necessarily had unclear outer boundaries. Each was also characterized by majority and, usually, minority opinions as to the myriad rules of Islamic law. For example, after reviewing some disagreements within Medina, al-Shāfiʿī says,

In Kufa I saw people incline towards Ibn Abī Lailā and attack the doctrines of Abū Yūsuf, whereas others followed Abū Yūsuf and disagreed

1 Date of birth from Ibn Saʿd, *Ṭabaqāt*, VI (Leiden), 258 = VI (Beirut), 371. Dates of leaving Kufa from Aḥmad, *ʿIlal*, III, 34 = *Jāmiʿ*, II, 132, Bukhārī, *al-Tārīkh al-kabīr*, IV, 93; and Samʿānī, *Ansāb*, III, 371, s.n. *thawrī*. It seems to be quoted defectively (attributed to Abū Nuʿaym, meaning al-Bukhārī’s leading source al-Faḍl b. Dukayn) in Ibn Ḥajar, *Tahdhīb*, IV, 114. Death dates from respectively Aḥmad, *ʿIlal*, II, 365 = *Jāmiʿ*, I, 328; Ibn Saʿd, *Ṭabaqāt*, VI (Leiden), 258 = VI (Beirut), 371; Khalīfa b. Khayyāt, *Ṭabaqāt*, 287; idem, *Tārīkh*, II, 686. A question mark after a date indicates that this is one of two or more named in primary sources.

2 Schacht, *Origins*, 8.

3 Brunschvig, *Polémiques*, esp. 379–387. The earliest appearance of these letters, to my knowledge, is in Fasawī (d. 277/890), *Maʿrifat*, I, 687–697.

4 Makdisi, *Ṭabaqāt*-biography, 389–392.

5 The most prominent are perhaps Sadeghi, *Traveling Tradition Test*, and Haider, *Geography of the Isnād*; see also Dutton, “Innovation”, and Melchert, *Basra and Kufa*. The concept of regional schools has been questioned, most prominently by Wael B. Hallaq, *From Regional to Personal*. What he refutes, however, is a hypothetical definition of his own, not directly what Schacht or anyone else actually said of regional schools. See also Hanif, *A Tale of Two Kufans*, proposing to harmonize Schacht and Hallaq by stressing that schools were characterized by the peculiar authorities, mainly Companions and Followers, that local jurists liked to cite.

with Ibn Abī Lailā and with his divergences from Abū Yūsuf, and others again inclined towards the doctrine of Sufyān Thaurī and that of Ḥasan b. Šālih.<sup>6</sup>

By this account, al-Thawrī would be an example of disagreement within a regional school. Schacht himself stresses al-Thawrī's dissent:

Sufyān Thaurī, a younger contemporary of Abū Ḥanīfa, belongs to the literary period but ought to be mentioned here as a Kufian who did not join the followers of Abū Ḥanīfa but founded a school of law of his own.... From the extensive fragments of his doctrines which have been preserved in Ṭabarī, we can judge with certainty that Sufyān Thaurī was above all a lawyer and a representative of the ancient schools. His opinions and reasonings, though on the whole definitely Iraqi, show that it would be a mistake to generalize, even within the circle of the Kufians, the uniformity of doctrine suggested by the *isnād* Abū Ḥanīfa — Ḥammād — Ibrāhīm.<sup>7</sup>

Schacht alludes here to his account of the transition from regional schools to personal:

The extensive literary activity of the followers of Abū Ḥanīfa, particularly of Shaybānī, in Iraq, and of the followers of Mālik in North Africa, together with other factors, some of them accidental, brought it about that the bulk of the ancient school of Kufa transformed itself into the school of the Ḥanafis, and the ancient school of Medina into the school of the Mālikīs ...<sup>8</sup>

The present study mainly concerns how far Sufyān al-Thawrī as an eminent Kufan agreed with his fellow Kufans the Ḥanafīyya, and how far with individual jurists of other centres.

### Previous Studies

The pioneering study of Sufyān al-Thawrī was a doctoral dissertation by Hans-Peter Raddatz.<sup>9</sup> He read thoroughly but was limited by the extent of

6 Šāfiʿī, *Umm*, IX, 27 (*Jimāʿ al-ʿilm*); translation from Schacht, *Origins*, 7.

7 Schacht, *Origins*, 242.

8 Schacht, *Introduction*, 57.

9 Raddatz, *Die Stellung und Bedeutung des Sufyān at-Thaurī*.

published sources in the mid-1960s; for example, surviving fragments of al-Ṭabarī's survey of disagreements among jurists (*ikhtilāf*) were available but not those of Muḥammad b. Naṣr al-Marwazī and Ibn al-Mundhir, likewise the *Muṣannafs* of 'Abd al-Razzāq and Ibn Abī Shayba. He was also insufficiently critical of his sources. Joseph van Ess has observed his failure to sift through the many contradictory, idealizing accounts of al-Thawrī's theological position.<sup>10</sup> It is my own thesis that the image of al-Thawrī as a precursor to al-Shāfi'ī, mainly as a great combiner of hadith and *ra'y* (rational speculation) largely independent of any local tradition, opposed to Abū Ḥanīfa as an adherent of *ra'y*, was worked up over the course of the third/ninth century. Although he recognizes al-Thawrī's connection to the Kufan school, I would say that Raddatz was overly influenced by this third/ninth-century image.

In Arabic, a similar monograph appeared in the early 1970s by the Syrian scholar Muḥammad 'Abdallāh Abū l-Faṭḥ al-Bayānūnī, who had recently got his doctorate at al-Azhar. Like Raddatz, al-Bayānūnī stresses al-Thawrī's independence and asserts that he combined the "schools" of *ra'y* and hadith.<sup>11</sup> Almost twenty years later, Muḥammad Rawwās Qal'ah'jī collected al-Thawrī's juridical opinions from various sources and arranged them alphabetically by subject. In his introduction, he accepts reports that Abū Ḥanīfa admired al-Thawrī and characterizes both of them as following the tradition of the Companion 'Abdallāh b. Mas'ūd (d. 32/652–3?). It was the "school" (*madrasa*) of *ra'y*, whose other adherents were the earlier Kufans Ibn Shubruma (d. 144/761–2) and Ibn Abī Laylā (d. 148/765–6?).<sup>12</sup> In somewhat the same line, 'Abd al-Ghanī al-Duqr shortly thereafter reviewed examples of particular positions in his own monograph. He points out examples of agreement with Aḥmad b. Ḥanbal (d. Baghdad, 241/855), Dāwūd (al-Zāhiri; d. Baghdad, 270/884), al-Muzanī (d. Old Cairo, 264/878?), and al-Awzā'ī (d. Beirut, 157/773–4?) but most often with Abū Ḥanīfa, concluding that al-Thawrī's jurisprudence mostly inclined toward the Kufan.<sup>13</sup> The present article agrees with this evident trend of Arabophone scholarship, distinguished from it mainly by treating the biographical literature more sceptically and the literature of hadith and law more systematically.

Gérard Lecomte offered sensible observations concerning al-Thawrī's Koran commentary but nothing new on his jurisprudence.<sup>14</sup> The most active student

10 Van Ess, *Theology and Society*, 1, 255.

11 Bayānūnī, *al-Imām Sufyān al-Thawrī*, 96; a closer survey of al-Thawrī's legal opinions at 99–103.

12 Qal'ah'jī, *Mawsū'a*, 54–56.

13 Duqr, *al-Imām Sufyān al-Thawrī*, 85–88.

14 Lecomte, *Sufyān al-Thawrī*.

of al-Thawrī in English has been Steven C. Judd. In one study, Judd interprets stories of how al-Awzā'ī and al-Thawrī interacted with the new Abbasid dynasty as reflecting the polemical interests of the rival Awzā'ī and Thawrī schools of law that formed in the third/ninth century. There were no methodological issues to argue over, such as the relative priority of hadith and analogy, so they stressed character, especially principled defiance of the Abbasids.<sup>15</sup> He is not much concerned here with al-Thawrī's relation to the Kufan tradition.

In another article, Judd does treat al-Thawrī's relation to the Kufan tradition, asking whether al-Awzā'ī and al-Thawrī together represented a super-regional Umayyad school.<sup>16</sup> His stress here is first on their prominence together in part of al-Ṭabarī, *Ikhtilāf al-fuqahā'*, secondly intersections in lists of students — more on this to come. In *Religious Scholars and the Umayyads*, finally, Judd treats al-Thawrī as one of five leading jurists of the later Umayyad period. He says here that although three-quarters of Sufyān's hadith reports are from Kufan shaykhs,

the sources include more anecdotal information about his time in Basra, Mecca, and Yemen. The relative silence of the sources suggests that Sufyān spent little time in Kufa after he reached adulthood, as Raddatz implied.<sup>17</sup>

I tend to assign the prevalence of anecdotes about Basra, Mecca, and Yemen mainly to the third/ninth-century reconstruction of al-Thawrī's image, since my surveys of hadith transmission to and from al-Thawrī and of his juridical agreements and disagreements with other jurists both connect him mainly with the Kufan tradition.

Hüseyin Uçan has recently collected interesting data from the biographical literature about wide learning, piety, orthodoxy, and other criteria by which traditionist-jurists enjoyed more or less prestige, using al-Thawrī and Sufyān b. 'Uyayna (Kufan, transferred to Mecca, d. 198/814) as examples of two who enjoyed a great deal. His lists of al-Thawrī's main teachers and students confirm an association especially with Kufa, but their source is apparently not new work to determine where he was active, rather the standard lists of

15 Judd, *Competitive Hagiography*.

16 Judd, *Al-Awzā'ī and Sufyān al-Thawrī*. Judd's more recent monograph on al-Awzā'ī, *'Abd al-Rahman b. 'Amr al-Awza'i*, avoids any strong characterization.

17 Judd, *Religious Scholars*, 81. Three-quarters is the proportion of Kufan shaykhs cited in al-Thawrī's extant work on inheritance law, for which see Raddatz, *Frühislamisches Erbrecht*. It was apparently assembled by Muḥammad b. Sulaymān al-Bāghandī (Wāṣiṭī, d. 283/897).

teachers and students in the biographies.<sup>18</sup> Uḡan is not centrally concerned, anyway, with either geography or change over time.

### The Image of al-Thawrī

The idea of Sufyān al-Thawrī as the great adversary of his Kufan contemporary Abū Ḥanīfa seems to have developed over time. In the early third/ninth century, ‘Alī b. al-Madinī (Basran, d. 234/849) simply placed him in the middle of the Kufan tradition:

The disciples of ‘Abdallāh (meaning Ibn Mas‘ūd) were six who recited the Koran and gave legal opinions. After them were four and after them Sufyān al-Thawrī, who followed their doctrine (*madhhab*) and gave the same opinions as theirs.<sup>19</sup>

It will be remembered that al-Shāfi‘ī thought Kufan reliance on the opinions of Ibn Mas‘ūd and ‘Alī was sufficiently central to the Kufans’ claims for themselves to devote a treatise specifically to mocking it, continually finding that they had abandoned it themselves in favour of other opinions.<sup>20</sup> A generation later, al-‘Ijlī (d. 261/874–5) counted him, along with Sharīk and the sons of Ḥayy (i.e., al-Ḥasan b. Ṣāliḥ and his brother ‘Alī), as having learnt jurisprudence from Ibn Abī Laylā.<sup>21</sup> It may be remembered that al-Shāfi‘ī hints that al-Thawrī and al-Ḥasan b. Ṣāliḥ were close.

Yaḥyā b. Ma‘īn (d. 233/848) was a prominent traditionist who followed Abū Ḥanīfa in law. He evidently related this defence of Abū Ḥanīfa through Yaḥyā b. Ḍurays (Rāzī client, d. 203/818):

18 Uḡan, *Bildung*, esp. 159, 182.

19 Ibn Abī Ḥātim, *Jarḥ*, I, 58. The six were ‘Alqama, al-Aswad, Masrūq, ‘Amr b. Shuraḥbil, ‘Abīda al-Salmānī, and al-Ḥārith b. Qays al-Ju‘fī, mostly Kufan *mukhaḍram*s notable as worshippers, listed among other places by Ibn Sa‘d, *Ṭabaqāt*, VI (Leiden), 5 = VI (Beirut), 10, and Fasawī, *Ma‘rifā*, II, 533. The four are harder to identify, but the most prominent Kufan Followers (not immediate authorities for al-Thawrī) were Ibrāhīm al-Nakha‘ī, al-Sha‘bī, Sa‘īd b. Jubayr, and Abū Wā’il Shaqīq b. Salama. Al-Thawrī seems to have related hadith most often from Abū Ishāq al-Sabī‘ī, al-A‘mash, al-Manṣūr b. al-Mu‘tamir (the exact order varies from one collection to another), then some distance behind Ḥabīb b. Abī Thābit.

20 Shāfi‘ī, *Ikhtilāf ‘Alī wa-‘Abdallāh b. Mas‘ūd*, in *Umm*, VIII, 391–512.

21 ‘Ijlī, *Tārīkh al-thiqāt*, 408.

I saw Sufyān al-Thawrī when a man came to him and said, “What have you against Abū Ḥanīfa?” He said, “What is wrong with him? I heard him say, ‘I go by the Book of God. What I do not find, then (I go) by the *sunna* of the Messenger of God.... What I do not find in either the Book of God or the *sunna* of the Messenger of God ..., I take from the position of his Companions (*aṣḥāb*). I take the position of whomever I please of them and leave (the position of) whomever I please of them. I do not depart from their position to that of anyone else.’”

Al-Thawrī goes on to stress his own dependence on hadith (not specifying hadith from the Prophet).<sup>22</sup> Raddatz cites the story from Ibn ‘Abd al-Barr as showing al-Thawrī’s scepticism as to Abū Ḥanīfa’s method, but the scepticism is not obvious to me. It can hardly have been to Ibn ‘Abd al-Barr, either, who quotes Abū Yūsuf elsewhere as saying, “Sufyān al-Thawrī follows Abū Ḥanīfa more closely than I.”<sup>23</sup> (The *Mukhtaṣar* of al-Ṭahāwī does suggest Abū Yūsuf disagreed with Abū Ḥanīfa a little more often than the *Ikhtilāf* of al-Ṭahāwī as abridged by al-Jaṣṣāṣ suggests al-Thawrī disagreed with Abū Ḥanīfa. It suggests that al-Shaybānī agreed with Abū Ḥanīfa more often than either Abū Yūsuf or al-Thawrī did.)

Our earliest surviving extensive biography of Sufyān al-Thawrī is from Ibn Sa’d (d. 230/845). He includes a long story of his flight from the caliph but nothing about adversaries in Kufa.<sup>24</sup> Aḥmad b. Ḥanbal considered him one of four outstanding masters of hadith in his time (*ḥuffāẓ al-ḥadīth aw al-muthbitīn fī l-ḥadīth*), but also that Mālik was more given to following (*atbaʿ*); that is, his juridical opinions accorded better with hadith.<sup>25</sup>

There is strikingly more hostility in biographical entries from al-Bukhārī (d. 256/870):

22 Yahyā b. Maʿīn, *Tārīkh*, 11 (Sayf), 607–608 = 11 (Ḥasan), 51.

23 Raddatz, *Stellung*, 92, citing Ibn ‘Abd al-Barr, *Intiqāʿ*, 142, where, however, the continuation about al-Thawrī’s dependence on hadith is left off — that is at 143–144. Abū Yūsuf apud Ibn ‘Abd al-Barr, *Intiqāʿ*, 128, through Muḥammad b. Shujāʿ (d. 266/880?), on whose efforts to fit Ḥanafī doctrine with a basis in hadith, see Melchert, *Formation*, 51–53. The same quotations are also found in Sa’dī, *Faḍāʾil*, 98, 105.

24 Ibn Sa’d, *Ṭabaqāt*, VI (Leiden), 257–260 = VI (Beirut), 371–374.

25 Aḥmad, *ʾIlal*, 11, 601 = *Jāmiʿ*, 11, 74; similarly, Ibn Hānī, *Masāʾil*, 11, 208; Abū Dāwūd, *Suʾālāt*, 308. The other three outstanding transmitters named were Shuʿba (Basran, d. 160/777?), Zuhayr (b. Muḥammad, l. Syria and Hijaz, d. 162/778–9), and Zāʾida (b. Qudāma, Kufan, d. 160/776–7?).

‘Abdān told us from Ibn al-Mubārak, “I used to, if I wished, see Sufyān praying; if I wished, I saw him relating hadith; if I wished, I saw him in abstruse jurisprudence. Another session I witnessed where the Prophet ... was not blessed.” Muḥammad b. Ismā‘īl said, “This means al-Nu‘mān.”<sup>26</sup>

“Muḥammad b. Ismā‘īl” means al-Bukhārī himself, “al-Nu‘mān” is Abū Ḥanīfa. Al-Bukhārī also enlists al-Thawrī directly in his entry on Abū Ḥanīfa, quoting Abū Ishāq al-Fazārī (d. 188/203–4?):

I was with Sufyān when news came of the death of Abū Ḥanīfa. He said, “God be praised: he was diminishing Islam by one firm bond after another (‘urwatan ‘urwatan). No one was born in Islam more ominous than he.”<sup>27</sup>

Another example of al-Thawrī’s changing image is his place in two lists from Ibn Qutayba (d. 276/889?) of the adherents of *ra’y* and hadith, respectively. In the *Ma‘ārif*, the first version of which was finished before 252/866, Mālik, al-Awzā‘ī, and al-Thawrī all appear among *aṣḥāb al-ra’y*. When Ibn Qutayba wrote *Ta’wīl mukhtalif al-ḥadīth* a few years later, he placed Mālik, al-Awzā‘ī, and al-Thawrī among *aṣḥāb al-ḥadīth* alongside Aḥmad b. Ḥanbal. Only Abū Ḥanīfa and his followers continued to be identified with *ra’y*.<sup>28</sup>

Disparagement of Abū Ḥanīfa in the biographical literature culminated in the long section at the end of al-Khaṭīb al-Baghdādī’s entry for him. Among other things, the Khurasani traditionist and renunciant Ibn al-Mubārak (d. 181/797) is quoted as saying they never attended Abū Ḥanīfa’s session save hiding from Sufyān al-Thawrī. Muḥammad b. Yūsuf al-Firyābī (d. 212/827), a leading transmitter of hadith from al-Thawrī, is quoted as saying that al-Thawrī forbade sitting with Abū Ḥanīfa and *aṣḥāb al-ra’y* or investigating his opinion.<sup>29</sup>

26 Bukhārī, *al-Tārīkh al-awsaṭ*, II, 113–114, s.a. 161. A similar but, at the end, apparently garbled version in idem, *al-Tārīkh al-kabīr*, IV, 92–93. Two similar quotations of Ibn al-Mubārak, also the same complaint attributed to the Kufān worshipper Muḥammad b. ‘Abd al-Wahhāb al-Qannād (d. 212/827–8?), in al-Khaṭīb al-Baghdādī, *Tārīkh*, xv, 557–558.

27 Bukhārī, *al-Tārīkh al-awsaṭ*, II, 77, s.a. 150. Al-Bukhārī’s hostility towards Abū Ḥanīfa is documented in fuller detail by Khan, *Heresy*, 58–63. Cf. al-Thawrī as quoted by the obscure Muḥammad b. Abī ‘Umar: “There has been no one born more dangerous to Islam than Abū Ḥanīfa” (Abū Zur‘a, *Tārīkh*, I, 507). See Khan, *Heresy*, chaps. 2–3, for other attacks on Abū Ḥanīfa from Ishāq b. Rāhawayh, Ibn Qutayba, al-Fasawī, and Ibn Abī Ḥātim.

28 Ibn Qutayba, *Ma‘ārif*, 494–500; idem, *Ta’wīl*, 17, 51–52 = *Traité*, 18–19, 56–57. On the dates of the two works, see Lecomte, *Ibn Qutayba*, 90.

29 Al-Khaṭīb al-Baghdādī, *Tārīkh*, xv, 557–558. Later, al-Khaṭīb quotes Ibn al-Mubārak as saying he took down 400 hadith reports from Abū Ḥanīfa but intended to erase them (presumably on returning to his notebooks): *Tārīkh*, xv, 573.



Al-Thawrī himself is quoted as calling Abū Ḥanīfa one who both has strayed and leads astray.<sup>30</sup> He joins numerous others in reporting that Abū Ḥanīfa was twice asked to repent of unbelief.<sup>31</sup>

To the contrary, although the earliest extant Ḥanafī biographical dictionary does not number al-Thawrī among Abū Ḥanīfa's disciples (they were near contemporaries, after all), it does relate that al-Thawrī would come secretly to Abū Ḥanīfa's circle to learn from him. When they made the pilgrimage together, it says, al-Thawrī always walked behind and let Abū Ḥanīfa answer questions first.<sup>32</sup> Another early Ḥanafī biographical dictionary reports that when al-Thawrī was shown the books of Abū Ḥanīfa (the next story names someone he asked to procure them for him), he would say, "This is my position," whereas if he was asked to explain any such position, he would be unable.<sup>33</sup>

### Sufyān al-Thawrī's Identification with Kufa: The Evidence of Hadith

The biographical dictionaries all identify al-Thawrī as a Kufan. One measure of al-Thawrī's involvement with the traditions of different regions may be the list of those from and to whom he related hadith. The graph below (Figures 1A and 1B) shows the classifications of shaykhs and disciples in one biographical dictionary and three collections of hadith.

"Mizzi" refers to the lists in *Tahdhīb al-Kamāl* of those in the Six Books from and to whom Sufyān al-Thawrī related hadith.<sup>34</sup> "Ahmad" refers to samples of over 250 hadith reports appearing in the *Musnad*, while "Ibn Majah" and "Tirmidhi" refer to all the hadith with al-Thawrī in the *isnād* in the *Sunan* of Ibn Mājah (over 200) and the *Jāmi'* of al-Tirmidhī (over 300). The four are fairly similar when it comes to Sufyān al-Thawrī's shaykhs. Al-Mizzī differs most widely from the other three when it comes to the names of those who transmitted hadith from al-Thawrī. With Aḥmad, Ibn Mājah, and al-Tirmidhī, the "other" category is swollen mainly by the importance of one Yemeni collector, 'Abd al-Razzāq (d. 211/827). All three document the irrelevance of Medinese hadith collectors after the end of the second/eighth century: al-Thawrī was valued by later Iraqi collectors primarily for continuing the tradition of Kufan hadith transmission but secondarily for bringing hadith out of Medina, whereas the

30 Al-Khaṭīb al-Baghdādī, *Tārīkh*, xv, 565–566; earlier quoted thus apud Abū l-Shaykh, *Ṭabaqāt*, II, 110, 156; Abū Nu'aym, *Geschichte*, II, 139.

31 Al-Khaṭīb al-Baghdādī, *Tārīkh*, xv, 525–526.

32 Ṣaymarī, *Akḥbār*, 73.

33 Sa'dī, *Faḍā'il*, 148. Al-Ṣaymarī died 436/1045, but al-Sa'dī's *floruit* is very uncertain.

34 Mizzī, *Tahdhīb*, XI, 155–161.

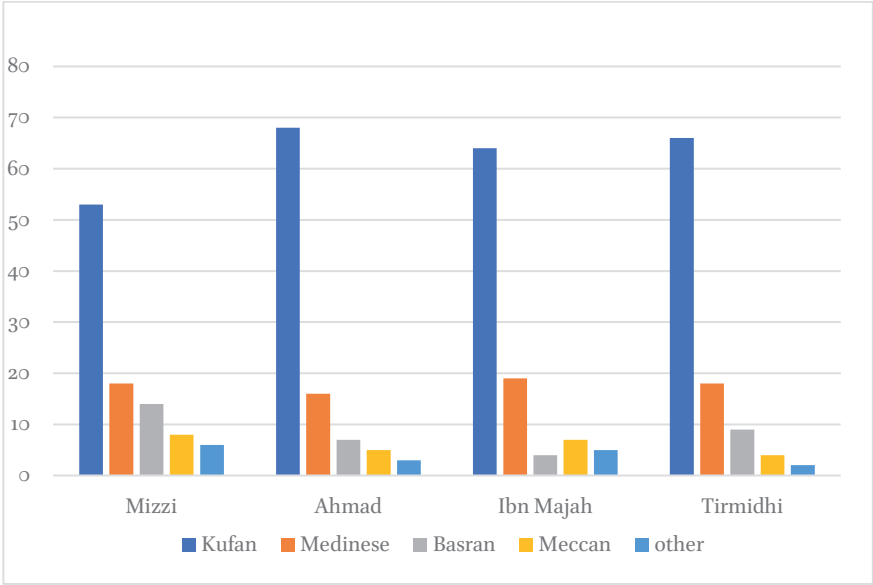


FIGURE 1A Those from Whom Sufyān al-Thawrī Related Hadith

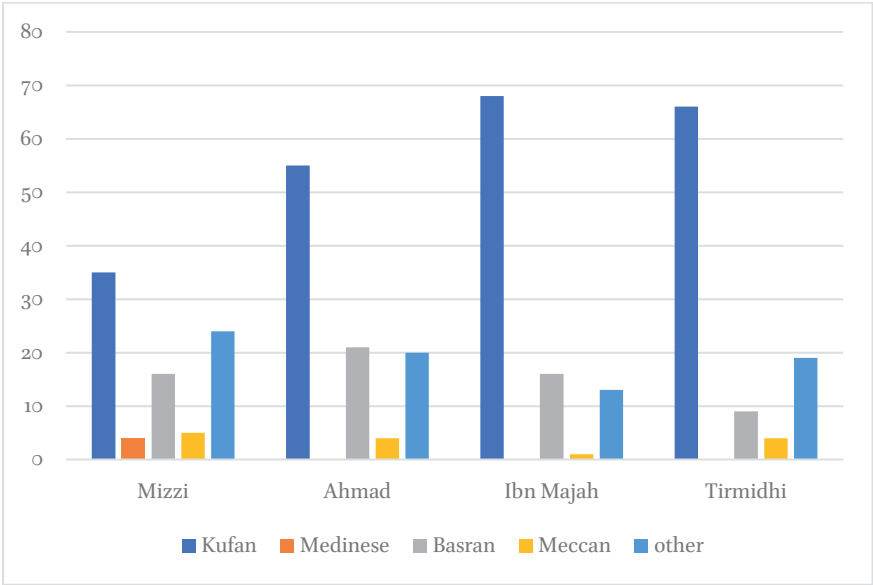


FIGURE 1B Those Who Related Hadith from Sufyān al-Thawrī

Hijazis of the generation after Mālik (unlike ‘Abd al-Razzāq) were evidently uninterested in whatever al-Thawrī brought from Iraq.<sup>35</sup>

It might be added here that G.H.A. Juynboll attributes the formulation of fifty-four hadith reports in the Six Books (that is, their *mutūn*) to al-Thawrī. By contrast, he attributes to al-A‘mash (Kufan, d. 148/765?) 153 original formulations, to Sufyān b. ‘Uyayna 175, to Shu‘ba 316, and to Mālik 373.<sup>36</sup> Insofar as we accept Juynboll’s method of attributing successful hadith texts, it appears that either al-Thawrī relied more heavily than these others on existing texts to support his opinions (or indeed presumed less to advocate novel positions) or his name commonly appears in our third/ninth-century collections of Prophetic hadith by retrospective generations of parallel chains of transmission — “the spread of *isnāds*.” (The extant sections of al-Ṭabarī, *Ikhtilāf al-fuqahā’*, suggest that he more often cited hadith from Companions and Followers in support of his opinions than from the Prophet.<sup>37</sup>) He was notorious for transmission by paraphrase (*al-riwāya bi-l-ma’nā*) and disguising his authorities (*tadlīs*), both of which might simply reflect the looser norms of hadith transmission that prevailed in the mid-second/eighth-century.<sup>38</sup> But they might equally reflect later, unsystematic back projection in aid of strengthening hadith from these other heroes of Kufa, Basra, and Medina and of building up al-Thawrī’s reputation for hadith-based jurisprudence.

35 The relatively inward-looking hadith tradition of Medina is provisionally documented by Melchert, *Centre and Periphery*, 57–59. The collapse of hadith scholarship in Medina after the mid-second/eighth century is observed by Lucas, *Constructive Critics*, 354.

36 Juynboll, *Encyclopedia*, 78–126, 281–399, 568–621, 628–643.

37 Ṭabarī, *Ikhtilāf al-fuqahā’*. On this basis, Raddatz, Sufyān al-Thawrī, says, “Al-Thawrī’s views and methods coalesce into an independent complex of legal and religious statements, frequently based on Companion or Successor and — more rarely — Prophetic tradition.”

38 As for paraphrase, he is quoted as saying, “If I tell you I am relating hadith to you as I have heard, I am lying”: Aḥmad, *ʾIṭlāl*, I, 550 = *Jāmiʿ*, I, 201; Tirmidhī, *Jāmiʿ*, VI, 240 (*k. al-ʾilāl*). Asked to relate hadith as he had heard, he reportedly said, “No, by God — there is no way to do so. It is only meanings”: Abū Nuʾaym, *Ḥilya*, VI, 370; similarly, Rāmahurmuzī, *Muḥaddith*, 535. Another quotation suggests that paraphrase was usual among his teachers before him: “I record a hadith report in seven versions (*min sabʾat awjuh*) but the meaning is one”: Abū Nuʾaym, *Ḥilya*, VII, 72. As for *tadlīs*, see for example a list of big names from al-Nasāʾī apud Ibn Abī Ḥātim, *Jarḥ*, IV, 225, Sulamī, *Suʾālāt*, 365–366, and Dhahabī, *Mizān*, II, 169. Cf. Scott C. Lucas’s discussion of al-Thawrī’s recorded comments on hadith, concluding that formal criticism of transmitters (*al-jarḥ wa-l-taʿdīl*) began in the generation after him: *Constructive Critics*, 140–143.

### Sufyān al-Thawrī's Agreements and Disagreements with Other Jurisprudents

Hans-Peter Raddatz stressed al-Thawrī's closeness to certain jurisprudents outside Kufa, saying that Sufyān "repeatedly met with al-Awzā'ī and their common disciple Abū Ishāq al-Fazārī (186/801), who later transmitted a selection of their legal statements in al-Ṭabarī's *Ikhtilāf al-fuḡahā*."<sup>39</sup> This is true but seems to concern only an account by al-Fazārī of the law of *jihād*, for al-Fazārī disappears from the extant sections of al-Ṭabarī's work that deal with other topics. Usually, al-Ṭabarī says after reporting one of al-Thawrī's positions, "That was related to me by 'Alī from Zayd from him." These transmitters are respectively 'Alī b. Sahl al-Ramlī (d. 261/874–5), of Khurasani origin, and Zayd b. Abī l-Zarqā' (d. 194/809–10), a Mosuli who lived in al-Ramla. Both thus represent a Palestinian tradition.<sup>40</sup>

Steven C. Judd's original research is mostly from quotations in al-Fazārī, *al-Sīyar*, but he also cites Ibn Ḥajar's lists of hadith transmitters from al-Awzā'ī, al-Thawrī, Mālik, and Abū Ḥanīfa, and says:

More significant than the relative paucity of shared students with Mālik is the complete absence of Abū Ḥanīfa from the scholarly résumés of Sufyān's and al-Awzā'ī's students. Not a single student of either claimed to have studied with Abū Ḥanīfa.<sup>41</sup>

On the contrary, among Ibn Ḥajar's lists of leading transmitters from Abū Ḥanīfa, Sufyān al-Thawrī, and al-Awzā'ī, the largest intersection is between the first two — about a quarter of the names on Abū Ḥanīfa's list — befitting two Kufan contemporaries.<sup>42</sup>

A convenient, relatively early survey of agreements and disagreements among leading jurisprudents is the *Ikhtilāf* of Muḥammad b. Naṣr al-Marwazī (d. Samarqand, 295/907–8?).<sup>43</sup> He goes through the standard categories of

39 Raddatz, Sufyān al-Thawrī.

40 Kern, Introduction of al-Ṭabarī, *Ikhtilāf*, 21. Al-Mizzī confirms that Zayd transmitted hadith from al-Thawrī, that 'Alī transmitted hadith from Zayd, and that al-Ṭabarī transmitted hadith from 'Alī: *Tahdhīb*, x, 71–72; xx, 455.

41 Judd, Al-Awzā'ī and Sufyān al-Thawrī, 19.

42 Ibn Ḥajar, *Tahdhīb*, iv, 112–13; vi, 238–239; x, 449. Elsewhere, Judd relies heavily on intersections between lists of transmitters to demonstrate scholarly networks (Judd, *Religious scholars*).

43 Marwazī, *Ikhtilāf al-fuḡahā*, earlier published as *Ikhtilāf al-ulamā*, but Ḥakīm's edition is significantly more careful, so I cite only this one. Both editions are based on a unicum missing the beginning and end. A considerable amount of material from al-Thawrī

Islamic law and cites how leading jurists had classified this or that work in roughly chronological order, which often means that Sufyān al-Thawrī comes first. Al-Marwazī's term *aṣḥāb al-ra'y* clearly refers to Abū Ḥanīfa and his two leading disciples, Abū Yūsuf and Muḥammad al-Shaybānī. For example, *shaykh aṣḥāb al-ra'y* is sometimes contrasted with his *ṣāhibayn* (169–70, 219, 292) or with Ya'qūb (i.e. Abū Yūsuf; 547–8). Sometimes they agree; for example, of a woman separated from her husband because he has turned out to be impotent, "Sufyān and *aṣḥāb al-ra'y* said that she gets the whole bride price and must observe a waiting period. Al-Shāfi'ī said she gets half the bride price and need not observe a waiting period" (234). Sometimes they disagree; for example,

Sufyān said, "If a *mukātab* (a slave with a contract of manumission by self-purchase) has rendered half or a third (of his value), I find it preferable that he not be returned (to slavery) on account of what he has produced. But there are some who say that if he is unable (to pay), he is returned." Mālik, *aṣḥāb al-ra'y*, al-Shāfi'ī, Aḥmad, and others of our fellows have said that he is a slave so long as he is obliged (to pay) a dirham. When he is unable (to pay), he is returned to slavery (499–500).

Once, everyone apparently agreed with al-Thawrī, namely as to his directions for conducting a funeral (214).<sup>44</sup>

The following summary graph (Figure 2) illustrates al-Thawrī's agreements and disagreements with al-Awzā'ī, al-Shāfi'ī, and *aṣḥāb al-ra'y* (the Ḥanafīyya) as recorded by Muḥammad b. Naṣr al-Marwazī.

We cannot test the assertion of Ṣāliḥ b. Mihrān (Isfahani cl., d. 210s/826–35), "The *Jāmi'* of Sufyān over which the people have fought with one another does not disagree with Abū Ḥanīfa save concerning fifteen questions."<sup>45</sup> However, this graph of agreements and disagreements does make it impossible to assert that Sufyān systematically opposed Abū Ḥanīfa. It also makes it difficult to maintain that al-Thawrī and al-Awzā'ī together represented a super-regional school. It makes it easy to see why al-Shāfi'ī should not have singled out al-Thawrī as a Kufan with better ideas than al-Shaybānī and the other followers of Abū Ḥanīfa. A fifth/eleventh-century source quotes al-Shāfi'ī as saying, "Don't you wonder at Sufyān al-Thawrī? He relates hadith from the trustworthy,

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is preserved in 'Abd al-Razzāq, *al-Muṣannaf* (about three percent of all items in the collection, to judge by an index to the first edition) but very little for comparison from Abū Ḥanīfa and his Kufan associates.

44 In Schachtian fashion, Raddatz (*Stellung*, 54–88) sketches al-Thawrī's jurisprudence in a series of examples from al-Ṭabarī.

45 Abū l-Shaykh, *Ṭabaqāt*, II, 218.

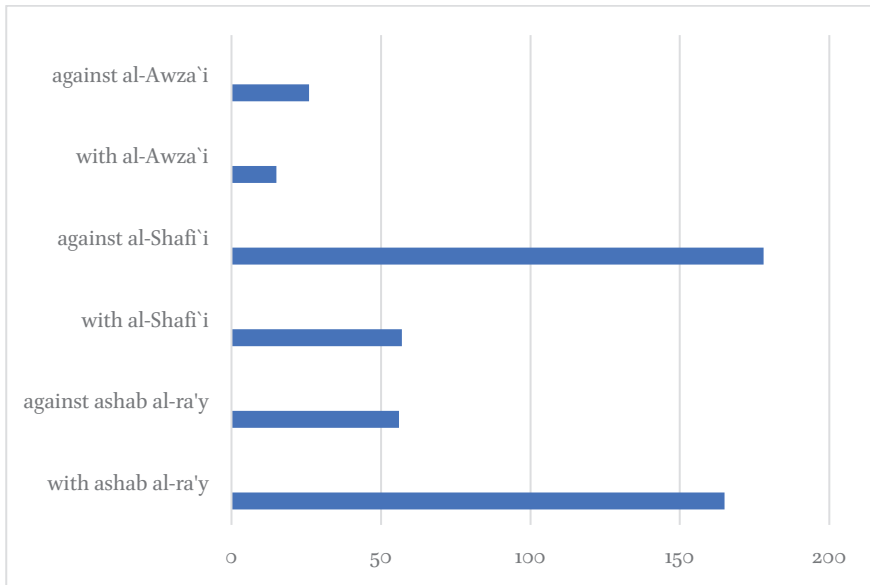


FIGURE 2 Sufyān al-Thawrī's Agreements and Disagreements as Recorded by al-Marwazī

then does not act by it.”<sup>46</sup> This may well be someone's later supposition about why al-Shāfi'ī never pointed out al-Thawrī as an ally against al-Shaybānī, but the tone of exasperation fits well the contrast between al-Thawrī's growing reputation as a hadith-based opponent to Abū Ḥanīfa and the conformity of his recorded juridical doctrine with the tradition of Kufa.

Another survey of disagreements is Ibn al-Mundhir (d. Mecca, 318/930–1?), *al-Ishrāf*. Generally, Ibn al-Mundhir is less useful to the present purpose than al-Marwazī, partly because of his orientation toward determining correct rules rather than documenting disagreement. He notably stresses agreement over disagreement, is more forward with his own opinions, and less systematically reviews the opinions of those jurists he does name. For example, al-Thawrī permitted the purchase of grapes and grape juice from a maker of wine along with al-Ḥasan al-Baṣrī, while Aḥmad and Ishāq (Ibn Rāhawayh) disapproved. We hear that 'Aṭā' (Ibn Abī Rabāḥ, Meccan, d. 114/732–3?) was quoted both ways. We do not hear what *aṣḥāb al-ra'y*, Mālik, and al-Shāfi'ī said.<sup>47</sup> He also mentions al-Thawrī somewhat less often — about a quarter of the time, according to the index to a recent edition. In consequence, my sounding of Ibn al-Mundhir is not based on a random sample, rather on choosing every seventh item in the index under Sufyān al-Thawrī, making a total sample

<sup>46</sup> Khalilī, *Irshād*, 137.

<sup>47</sup> Ibn al-Mundhir, *Ishrāf*, VI, 138.

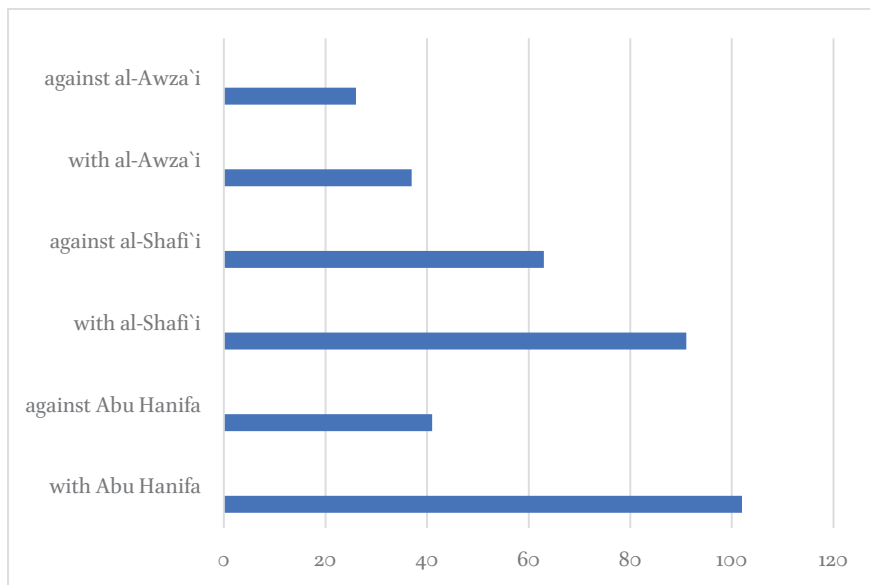


FIGURE 3 Sufyān al-Thawrī's Agreements and Disagreements as Recorded by Ibn al-Mundhir

size of close to 200.<sup>48</sup> The summary graph of Figure 3 illustrates al-Thawrī's agreements and disagreements with al-Awzā'ī, al-Shāfi'ī, and Abū Ḥanīfa (regularly cited as al-Nu'mān) and *aṣḥāb al-ra'y* as recorded by Ibn al-Mundhir.

Given Ibn al-Mundhir's special emphasis on agreement, preponderant agreement with all three others comes as no surprise. The graph does show that the greatest preponderance of agreement is with Abū Ḥanīfa. Ibn Abī Laylā, by the way, comes up too seldom for even equally meaningful comparisons. For what it is worth, however, Ibn al-Mundhir records ten instances of agreement and ten of disagreement between Ibn Abī Laylā and al-Thawrī. This tends against any supposition that al-Thawrī adhered to a Kufan faction led by Ibn Abī Laylā and Ibn Shubruma opposed to Abū Ḥanīfa and his disciples.

Yet a third survey of agreement and disagreement is al-Jaṣṣāṣ al-Rāzī (d. 370/981), *Mukhtaṣar Ikhtilāf al-ʿulamāʾ*, apparently an abridgement of a work by Abū Jaʿfar al-Ṭaḥāwī (d. 321/933). The following graph (Figure 4) is based on a random sample of 300 questions (on a majority of which al-Ṭaḥāwī reports no opinion from al-Thawrī):

48 The edition and its index are both flawed, but presumably not systematically such as to interfere with my purpose here. The index every now and then cites an item number where al-Thawrī's opinion does not appear; e.g., 3376, 3799. Although they are covered in the index, item numbers 3775–825 are missing at *Ishrāf*, VI, 203.

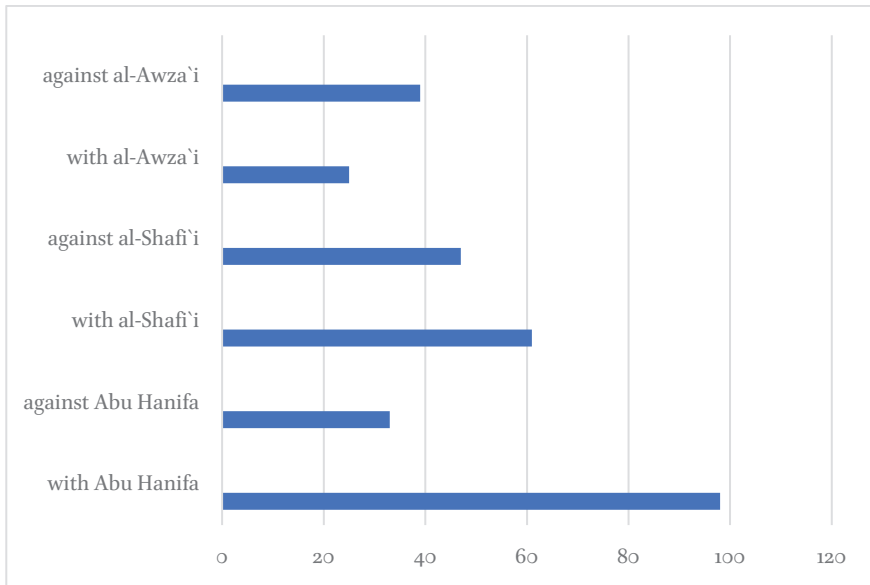


FIGURE 4 Sufyān al-Thawrī's Agreements and Disagreements as Recorded by al-Jaṣṣāṣ al-Rāzī

Al-Ṭaḥāwī pays notably much attention to disagreements between Abū Ḥanīfa and his chief followers. To maximize the chance of disconfirmation, I have therefore counted al-Thawrī's agreements and disagreements specifically with Abū Ḥanīfa where disagreement is mentioned. So, for example, Abū Ḥanīfa forbade sharecropping (*muzāra'a* and *musāqāt*) while Ibn Abī Laylā, Sufyān al-Thawrī, Abū Yūsuf, and al-Shaybānī permitted it.<sup>49</sup> I have counted this an instance of disagreement. Al-Ṭaḥāwī shows somewhat preponderant agreement between al-Thawrī and al-Shāfi'i. Like al-Marwazī, however, al-Ṭaḥāwī shows al-Thawrī usually disagreeing with al-Awza'i, and like both al-Marwazī and Ibn al-Mundhir usually agreeing with Abū Ḥanīfa and his followers, by a similar overwhelming proportion.

### The Thawri School after Sufyān al-Thawrī

As indicated by an earlier quotation of Schacht, al-Thawrī is thought to have left a personal school behind. It is hard to find evidence of any in Kufa after his death. According to Ibn Abī Ḥātim, "After Sufyān al-Thawrī was Yaḥyā b. Sa'īd

49 Jaṣṣāṣ, *Mukhtaṣar*, IV, 21.



al-Qaṭṭān. He went for the doctrine of Sufyān al-Thawrī and the followers of ‘Abdallāh b. Mas‘ūd.’<sup>50</sup> But Yaḥyā b. Sa‘īd (d. 198/813) was a Basran, of course, and uncertainly loyal to al-Thawrī. Al-Fasawī quotes him as saying, “I prefer a *mursal* of Mālik’s to one of Sufyān’s.”<sup>51</sup> On the other hand, ‘Alī b. al-Madīnī is quoted as saying, “I asked Yaḥyā b. Sa‘īd, ‘Which do you prefer: the opinion of Mālik or Sufyān?’ He said, ‘Sufyān. We do not doubt this. Sufyān is above Mālik in everything.’”<sup>52</sup> Through Yaḥyā b. Ma‘īn, he is quoted as saying, “We have never heard anything better than the opinion (*ra’y*) of Abū Ḥanīfa. We go by most of his positions.”<sup>53</sup> Yaḥyā b. Ma‘īn is himself quoted as saying, “When it came to giving juridical opinions, Yaḥyā b. Sa‘īd used to go for the Kufans’ positions. He would choose his position from among theirs.”<sup>54</sup> Yaḥyā b. Sa‘īd illustrates Basran eclecticism in the late second/eighth century, not a nascent Thawri school of law.

Raddatz made a fairly thorough search of the biographical literature to find adherents of a Thawri school, but most of his examples are similarly ambiguous, mainly persons who related hadith of al-Thawrī but are not identified specifically as his followers in law. His only certain examples are Ḥamdūn al-Qaṣṣār (d. Nishapur, 271/884–5), early leader of the Malāmati pious movement,<sup>55</sup> and ‘Abd al-Ghaffār b. ‘Abd al-Raḥmān al-Dīnawārī (d. 405/1015), said by Ibn al-Jawzī to have been the last to give juridical opinions according to the *madhhab* of Sufyān al-Thawrī at the mosque of al-Manṣūr.<sup>56</sup> By contrast, the Kufan al-Ḥusayn b. Ḥaṣṣ b. al-Faḍl (d. 211/826–7?) brought the learning of Kufa to Isfahan when he became qadi there, but that meant Abū Yūsuf as well as the two Sufyāns (al-Thawrī and Ibn ‘Uyayna), among others.<sup>57</sup> Abū Nu‘aym says that he gave opinions according to the doctrine (*madhhab*) of the Kufans.<sup>58</sup> ‘Abd al-Ṣamad b. Ḥassān (d. 211/826?), qadi at times for Nishapur, Marw-i Rūdh, and Herat, related hadith of al-Thawrī but also the Kufans Zā‘ida b. Qudāma and Isrā‘īl b. Yūnus (d. 160/776–7?), the Khurasani Khārija b. Muṣ‘ab

50 Ibn Abī Ḥātim, *Jarḥ*, I, 234.

51 Fasawī, *Ma‘rifā*, I, 686. *Mursal* refers to a hadith report missing a link in the chain of transmission, usually jumping from a Follower to the Prophet.

52 Ibn Abī Ḥātim, *Jarḥ*, I, 57; slightly different wording in Ibn Ḥajar, *Tahdhīb*, IV, 115.

53 Al-Khaṭīb al-Baghdādī, *Tārīkh*, XV, 474.

54 Ibid.

55 Raddatz, *Stellung*, 109, citing Sulamī, *Tabaqāt*, 114.

56 Ibn al-Jawzī, *Muntaẓam*, XV, 108; cf. Raddatz, *Stellung*, 110, citing Ibn Taghribirdī as ‘Abd al-Ghāfir. Not mentioned by al-Khaṭīb al-Baghdādī.

57 Raddatz, *Stellung*, 109, citing Ibn Ḥajar, *Tahdhīb*, II, 337. Abū l-Shaykh’s (*Tabaqāt*, II, 56, 58) entry for him includes two stories associating him with al-Thawrī but no express identification of his allegiance in law.

58 Abū Nu‘aym, *Geschichte*, I, 274.

(d. 168/785), and the Medinese Mālik b. Anas.<sup>59</sup> He looks less like an adherent of a Thawri school of law than an eclectic collector of hadith, at a time when the caliphs were shifting from recruiting qadis in Medina to recruiting them in Kufa.<sup>60</sup>

I would add Muḥammad b. Masrūq, qadi for Egypt from 177/793 to 184/800–1. Al-Kindī (d. 350/961?) does not connect him with any school, but he appears in the Ḥanafī biographical dictionary of Ibn Abī l-Wafā' (d. 775/1373). According to Ibn Ḥajar, he learnt jurisprudence from (*tafaqqaha bi-*) both Abū Ḥanīfa and al-Thawrī, making him another example of ambiguity as loyalties shifted from regions to persons.<sup>61</sup> Another is the famous Baghdadi renunciant Bishr al-Ḥāfi (d. 227/841), described by Ibn Ḥibbān (d. 354/965) as “Thawrī of *madh-hab* as to both jurisprudence and scrupulosity (*fi l-fiqh wa-l-wara' jamī'an*)”.<sup>62</sup> With Ḥamdūn al-Qaṣṣār, his example suggests that al-Thawrī's reputation for renunciant piety (he is the most-quoted source of renunciant sayings and stories in Ibn al-Mubārak, *al-Zuhd*, and the subject of a long chapter in Abū Nu'aym [d. 430/1038], *Ḥilyat al-awliyā'*) made him an attractive predecessor for later renunciants to claim.<sup>63</sup> Another example is apparently the Nishapurī al-Julūdī (d. 368/979), described as a Sufī and disciple to the disciples of Abū Ḥaṣṣ al-Naysābūrī (chief of the Malāmatiyya in his time) as well as an unreliable transmitter of Muslim's *Ṣaḥīḥ*.<sup>64</sup>

Al-Thawrī comes up a number of times in reviews of African jurists, apparently once again reflecting eclecticism, not identification with any school of his. 'Alī b. Ziyād (d. 183/799–800) was the first to introduce the *Muwatta'* of Mālik and the *Jāmi'* of Sufyān al-Thawrī to Africa.<sup>65</sup> Al-Buhlūl b. Rāshid (d. 183/799–800?) mainly followed the doctrine of Mālik but wrote down 10,000 problems from Abū Ḥanīfa in his *Studienreisen* and often

59 Raddatz, *Stellung*, 109, citing Ibn Ḥajar, *Lisān*, IV, 20, but cf. Dhahabī, *Sīyar*, IX, 517, and idem, *Tārīkh* XIV (201–210 H.), 236–237. Khārīja b. Muṣ'ab's name in particular is hard to reconcile with strong personal loyalty to al-Thawrī, for he was accused among other things of being a Murjī' and of relating hadith invented to complement legal discussions from Abū Ḥanīfa, for which see Ibn Ḥajar, *Tahdhīb*, III, 77.

60 See Tillier, *Cadis*, 148–155.

61 Ibn Ḥajar, *Lisān*, V, 378; Kindī, *Governors and judges*, 388–392; Ibn Abī l-Wafā', *Jawāhir*, III, 368. Ibn Ḥajar gives “Mazyad” for his father's name, but al-Kindī and Ibn Abī l-Wafā' both give “Masrūq” likewise Wakī', *Akhbār al-quḍāt*, III, 238. There seems to be no entry for him under either name in Dhahabī, *Mizān*.

62 Ibn Ḥibbān, *Thiqāt*, VIII, 143. Cf. Raddatz, *Stellung*, 170n., citing a less emphatic quotation from al-Khaṭīb al-Baghdādī, *Tārīkh*, VII, 551.

63 Ibn al-Mubārak, *Zuhd*; Abū Nu'aym, *Ḥilya*, VI, 356–393, VII, 3–144. Abū Nu'aym (*Ḥilya*, VII, 35–36) quotes Bishr al-Ḥāfi as saying, “What I stand on — indeed, all that I stand on — is the *jāmi'* of Sufyān al-Thawrī.”

64 Dhahabī, *Sīyar*, XVI, 301–303, with further references.

65 Ibn Yūnus (d. 347/958), apud Qāḍī 'Iyād, *Tartīb*, III, 80.

inclined toward the position of Sufyān al-Thawrī.<sup>66</sup> Ibn Ghānim (d. 190/806) was appointed qadi of Qayrawan in 171/787–8. He corresponded indirectly with Mālik and Abū Yūsuf as to cases that arose. One source says that he related hadith mainly from Mālik and al-Thawrī.<sup>67</sup> Abū Khārija (d. 210/825) of Sfax dictated the *Jāmiʿ* of al-Thawrī, having also heard (i.e., taken dictation) from Mālik and Sufyān b. ʿUyayna.<sup>68</sup> One Aḥmad b. Yalūl (d. Tozeur, 262/875–6) compiled a *Kitāb zuhd Sufyān al-Thawrī*, presumably gathering quotations and stories of al-Thawrī on the theme of renouncing the world.<sup>69</sup> By the time al-Maqdisī (fl. 375/985) passed through, no Sunni schools were recognized in Africa but those of Abū Ḥanīfa and Mālik.<sup>70</sup>

According to an interesting report from the littérateur al-Masʿūdī (d. 345/956–7?), the chief of the Shāfiʿī school Ibn Surayj (d. 306/918) was requested near the end of his life to write to some jurists of Shash, Transoxania, informing them of the principles (*uṣūl*) of al-Shāfiʿī, Mālik, Sufyān al-Thawrī, Abū Ḥanīfa and his two disciples, and Dāwūd b. ʿAlī al-Iṣbahānī.<sup>71</sup> This bespeaks some awareness of the new trend toward personal schools loyal to the teaching of some illustrious jurist with distinctive principles (on which basis to elaborate the law in the absence of directly applicable dicta from the eponyms). Notably, al-Thawrī is included but not Aḥmad b. Ḥanbal. Later in the century, however, Ibn al-Nadīm (d. 380/990?) places al-Thawrī at the beginning of his section on traditionist-jurists, not in a separate section like Mālik, Abū Ḥanīfa, al-Shāfiʿī, and others as having their own schools, nor identifying anyone as his follower, unlike Aḥmad b. Ḥanbal later in the same section.<sup>72</sup> Another century later, Abū Ishāq al-Shīrāzī (d. 476/1083) similarly places al-Thawrī among the jurists of Kufa. He gets a longer biography than his contemporaries Ibn Shubruma and Ibn Abī Laylā before,

66 Abū Bakr al-Mālikī, *Riṣāḍ al-nufūs*, I, 180, 201.

67 Abū l-ʿArab, *Classes des savants*, I, 43; Abū Bakr al-Mālikī, *Riṣāḍ al-nufūs*, I, 215; Qāḍī ʿIyāḍ, *Tartīb*, III, 66–68.

68 Abū Bakr al-Mālikī, *Riṣāḍ al-nufūs*, I, 241. There is also a report that al-Buhlūl heard *al-Jāmiʿ al-ṣaḡhīr* of al-Thawrī from Abū l-Khaṭṭāb (Qayrawānī, fl. early third/ninth cent.) and Abū Khārija, *al-Jāmiʿ al-kabīr* from ʿAlī b. Ziyād (Qāḍī ʿIyāḍ, *Tartīb*, III, 87). By yet another report (Abū l-ʿArab, *Classes des savants*, I, 251), what ʿAlī b. Ziyād related to al-Buhlūl was only a mid-sized extract from *al-Jāmiʿ al-kabīr* comprising *āthār* without *raʾy* (i.e., suppressing just what would have formed the basis of a school of law). This may explain why Ibn Khayr al-Ishbīlī (*Fihriṣa*, 176–177) lists separately *al-Jāmiʿ al-kabīr* concerning jurisprudence and disagreements and *al-Jāmiʿ*, the latter of which he knew as originally transmitted from al-Thawrī by one ʿAlī b. Zayd, very likely in fact the African ʿAlī b. Ziyād.

69 Qāḍī ʿIyāḍ, *Tartīb*, IV, 235.

70 Maqdisī, *Descriptio*, 136.

71 Raddatz, *Stellung*, 110; Subkī, *Ṭabaqāt al-shāfiʿiyya*, III, 457.

72 Ibn al-Nadīm, *Fihrist*, II, 83–84, 100–102.

al-Ḥasan b. Šāliḥ b. Ḥayy (d. 167/783–4?) after, but there is no hint of a Thawri school of law.<sup>73</sup>

Although Raddatz does not particularly stress it, the strongest evidence of a distinct Thawri school is from the traveller al-Maqdisī, who states that the school of Sufyān al-Thawrī prevails in his day in Dīnawar (Medea), as it formerly did in Isfahan.<sup>74</sup> Surprisingly, Raddatz does not mention confirmation for Dīnawar (although not Isfahan) from al-Samʿānī, who names as examples the two Dīnawaris Abū ʿAbdallāh al-Ḥusayn b. Muḥammad b. al-Ḥusayn (d. Nishapur, 414/1023) and Abū Muḥammad ʿAbd al-Raḥmān b. Ḥamd b. al-Ḥasan al-Dūnī (d. 501/1108).<sup>75</sup> Raddatz does cite al-Dhahabī, *al-Mushtabih*, for the inapplicability of the *nisba sufyānī* to followers of al-Thawrī.<sup>76</sup> Al-Samʿānī names one follower of al-Thawrī under the heading of *sufyānī*, a Kufan named Abū Yaḥyā Ziyād who related hadith of al-Thawrī.<sup>77</sup> He does not appear in any of the Six Books or Aḥmad's *Musnad*. As for a Thawri school in Isfahan, Ibrāhīm b. Qurra (d. 210/825–6) is identified as a disciple to al-Thawrī, who assembled for him *al-Jāmiʿ*.<sup>78</sup> Abū ʿUmar Muḥammad b. al-Ḥasan b. ʿAbdallāh (fl. mid-fourth/tenth cent.) was a jurisprudent and sometime qadi for the town of al-Bayḍāʾ. He practised jurisprudence according to the doctrine of al-Thawrī.<sup>79</sup> No others are mentioned in our two biographical dictionaries of Isfahani ulama. Both of these dictionaries are more concerned with hadith than law, but they name more adherents of other schools.

Ibn al-Nadīm says of al-Thawrī that “Among his books was *Kitāb al-Jāmiʿ al-kabīr*,” then lists some of its transmitters from him:

Yazīd b. Abī Ḥakīm (d. after 220/835; 3/6)  
 ʿAbdallāh b. al-Walīd al-ʿAdanī (Meccan, fl. early third/ninth cent.; 3/6)  
 Ibrāhīm b. Khālīd al-Šanʿānī (d. ca. 200/815–16)  
 ʿAbd al-Malik al-Juddī  
 Al-Ḥusayn b. Ḥafṣ al-Iṣfahānī (qadi, d. 210/825–6?; 2/6).

73 Abū Ishāq al-Shīrāzī, *Ṭabaqāt*, 84–85.

74 Raddatz, *Stellung*, 110, citing Maqdisī, *Descriptio*, 395.

75 Samʿānī, *Ansāb*, I, 372, s.n. *thawrī*. See on them respectively Dhahabī, *Sīyar*, xvii, 383–384, and xix, 239–240. Al-Dhahabī mentions no juridical affiliation in connection with the former but mentions of the latter, primarily important for Sufism, that he was Sufyānī in law. Recall also the ʿAbd al-Ghaffār b. ʿAbd al-Raḥmān al-Dīnawarī who gave opinions in Baghdad.

76 Raddatz, *Stellung*, 105, citing Dhahabī, *Moshtabih*, 361.

77 Samʿānī, *Ansāb*, III, 37, s.n. *sufyānī*.

78 Abū l-Shaykh, *Ṭabaqāt*, II, 37; Abū Nuʿaym, *Geschichte*, I, 172.

79 Abū Nuʿaym, *Geschichte*, II, 303.

Fractions indicate in how many of the Six Books al-Mizzī mentions them as relating hadith from al-Thawrī. The last is distinguished as “among those not from Yemen.” Ibn al-Nadīm also lists some of the transmitters of *Kitāb al-Jāmi‘ al-ṣaghīr*:

- Al-Ashja‘ī (‘Ubayd Allāh b. ‘Abd al-Raḥmān, Kufan, d. 182/798–9; 5/6)  
 Ghassān b. ‘Ubayd  
 Al-Ḥusayn b. Ḥaṣṣ al-Iṣfahānī (2/6)  
 Al-Mu‘āfā b. ‘Imrān al-Mawṣilī (d. 185/801–2?)  
 ‘Abd al-‘Azīz b. Abān (Kufan, l. Baghdad, d. 207/822–3)  
 ‘Abd al-Ṣamad b. Ḥassān  
 Zayd b. Abī l-Zarqā’ (Mesopotamian, l. al-Ramla, d. 194/809–10; 2/6)  
 Al-Qāsim b. Yazīd al-Jarmī (Mesopotamian, d. 194/809–10; 1/6).

Of those in this second list, al-Mu‘āfā b. ‘Imrān is exceptional in being a prominent traditionist but not mentioned by al-Mizzī among those who related hadith in the Six Books from al-Thawrī. The large proportion of Yemenis among transmitters of *al-Jāmi‘ al-kabīr* agrees with the prominence of Yemeni shaykhs in al-Mizzī’s list as a whole. There is little evidence here of a special following in Kufa as the local opposition to the Ḥanafīyya. The most one might say is that al-Ḥusayn b. Ḥaṣṣ presumably brought to Isfahan the materials out of which grew the Thawri school of law there, which al-Maqdisī says was formerly prevalent.

## Conclusion

To sum up, across the third/ninth century Sufyān al-Thawrī acquired the reputation of resolutely advocating hadith against *ra’y* and opposing Abū Ḥanīfa. Stories of his travels outside Kufa have led some modern scholars to see him as an advocate of a super-regional school, distinguished from the nascent Ḥanafī school particularly in its hostility to the Abbasid dynasty. However, the record of his hadith transmission, both where he collected hadith preserved in the great third/ninth-century collections and where those hadith reports were transmitted from him, strongly connects him with Kufa.

Surveys of juridical agreements and disagreements from Muḥammad b. Naṣr al-Marwazī, Ibn al-Mundhir, and al-Ṭaḥāwī as preserved by al-Jaṣṣāṣ al-Rāzī all present al-Thawrī separately from Abū Ḥanīfa and his disciples. Al-Marwazī and al-Ṭaḥāwī both make him out to have usually disagreed with al-Awzā‘ī, Ibn al-Mundhir (less significantly) to have agreed. Al-Marwazī makes out that

he usually disagreed with al-Shāfiʿī but Ibn al-Mundhir and al-Ṭaḥāwī that he usually agreed. Al-Marwazī, Ibn al-Mundhir, and al-Ṭaḥāwī all make out that al-Thawrī most often agreed with Abū Ḥanīfa and by much the widest margin. (Moreover, as observed, the documented incidence of al-Thawrī's disagreement with Abū Ḥanīfa is comparable to the incidence of Abū Yūsuf's.)

There are scattered references to a Thawri school of law in the two centuries after him, but it was evidently weak, never characterized by the writing of epitomes, commentaries, or biographical dictionaries such as characterized the four enduring Sunni schools of law (also the Ṣāḥibī school, which endured in books but died out in the fifth/eleventh century as a series of teachers and students). In all, al-Thawrī is to be characterized as an adherent of the second/eighth-century Kufan school of law. Like other adherents of a regional school, he sometimes advocated ideas of his own against the majority but more often opposed the adherents of the other regional schools. His juridical positions are closer to those of the later Ḥanafī school than to those of any other.

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