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Abstract: Renunciation (*zuhd*) was a major part of the social and intellectual background during the formative period of Ḥanafī legal doctrine. Accordingly, the works attributed to Shaybānī touch on renunciant concerns, especially the incomplete *Kitāb al-Kasb*. Although he affirms some renunciant values, Shaybānī usually seems to uphold a more world-embracing piety. This puts him in opposition to a section of the nascent school favouring more extreme forms, such as the repudiation of gain (*inkār al-kasb*).

Key words: Islamic law; Ḥanafī school; renunciation (*zuhd*); Muḥammad b. al-Ḥasan al-Shaybānī; repudiation of gain (*inkār al-kasb* or *al-makāsib*).

## SHAYBĀNĪ AND CONTEMPORARY RENUNCIANT PIETY

by Christopher Melchert

Muḥammad b. al-Ḥasan al-Shaybānī (d. 189/804-5) was a major Baghdadi jurist. With Abū Yūsuf (d. 182/798) he was one of the two most important disciples to Abū Ḥanīfa (d. 150/767). He reputedly redacted most of the foundational works of Ḥanafī law.<sup>1</sup> The Ḥanafī school is reputedly the least moralistic of the main Sunni schools of law.<sup>2</sup> However, renunciant piety (*zuhd*) pervaded the social and intellectual background during the formative period of Ḥanafī doctrine, as shown by its appearance in early biographies of the great jurists, and the works attributed to Shaybānī touch on renunciant concerns.<sup>3</sup> In particular, while he affirmed some renunciant values, Shaybānī seems to have opposed a section of the nascent school that advocated more extreme forms, such as the repudiation of gain (*inkār al-kasb*).

### *Kitāb al-Kasb*

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<sup>1</sup> See *EF*<sup>2</sup>, s.n. 'al-Shaybānī', by E. Chaumont.

<sup>2</sup> e.g. Christopher Melchert, Ibn al-Mubārak's *Kitāb al-Jihād* and early renunciant literature, 65-7, observing that Ḥanafī law books were least likely to discuss the law of war under the heading of *jihād*.

<sup>3</sup> Leading works on renunciant piety hitherto include Andrae, *In the Garden*, and Gramlich, *Weltverzicht*, both reliant mainly on works of the Sufi period (late ninth century onwards) that include attention to the period before. See also *EF*<sup>2</sup>, s.n. 'zuhd', by G. Gobillot, likewise stressing Sufi literature and perspectives, and *EF*<sup>3</sup>, s.n. 'asceticism', by Christopher Melchert, which, like the present study, relies mainly on earlier hadith literature to illustrate renunciant piety. On biographies, consider for example Norman Calder's observation: 'The Mālikīs perhaps lay greater stress on piety, the Ḥanafīs on brilliance; but both Mālik and Abū Ḥanīfa have attracted tales that testify to their outstanding wisdom, wit, and piety. So too for Shāfi'ī' (*Studies*, 68).

Shaybānī's principal excursion into the realm of piety is his *Kitāb al-Kasb* ('gain'). It is mainly a polemic against *inkār al-kasb*, 'the repudiation of gain', which seems to have been taught by some Muslim renunciants from the later eighth century. Unfortunately, the book itself is not extant, only a commentary on it that constitutes a part of the massive Ḥanafī handbook al-Sarakhsī (d. 483/1090-1?), *al-Mabsūṭ*.<sup>4</sup> Sarakhsī states at the beginning,

I have thought to add . . . a commentary on *Kitāb al-Kasb* that Muḥammad b. Samā'a related from Muḥammad b. al-Ḥasan (God have mercy on him). It is among his works but it never became famous, for neither Abū Ḥafṣ nor Abū Sulaymān (God have mercy on them) heard it from him. For this reason, it is not mentioned by al-Ḥākim (may God have mercy on him) in the *Mukhtaṣar*.<sup>5</sup>

'Muḥammad b. Samā'a' was a prominent Ḥanafī of Baghdad (d. 233/847-8).<sup>6</sup> 'Abū Ḥafṣ' indicates *Abū Ḥafṣ* Aḥmad b. Ḥafṣ *al-Kabīr* (d. Bukhara, 217/832),<sup>7</sup> while 'Abū Sulaymān' indicates *Abū Sulaymān* Mūsā b. Sulaymān *al-Jūzajānī* (Baghdadi, d. 204/819-20?).<sup>8</sup> Both learnt jurisprudence from Muḥammad al-Shaybānī. 'Al-Ḥākim' is *al-Ḥākim al-Shahīd* Muḥammad b. Muḥammad *al-Marwazī* (d. 334/945), author of an epitome (*mukhtaṣar*) of Ḥanafī law on which Sarakhsī has been commenting.<sup>9</sup> Neither is Shaybānī's *Kitāb al-Kasb* mentioned by Ibn al-Nadīm.<sup>10</sup> Near the end, Sarakhsī says,

It is related that when he had finished composing books, he was asked, 'Will you not compose something on *zuhd* (renunciation) and *wara'* (scrupulosity)?' He said, 'I have (just?) composed *Kitāb al-buyū'* (the book of transactions).' Then he took up composing this book. But his way was blocked by an illness so that his brain dried up and he did not accomplish his intention. It was related that someone asked him, 'Then outline for us what you wished to compose', so he made a list for them of a thousand topics he wished to address concerning renunciation and scrupulosity.<sup>11</sup>

<sup>4</sup> Sarakhsī, *Mabsūṭ* 30:244-87. Also printed separately and attributed directly to Shaybānī or Ibn Samā'a. I shall cite Shaybānī (attrib.), *Kasb*, as edited by 'Abd al-Fattāḥ Abū Ghudda. A question mark after a date of death, as here, indicates that primary sources name more than one.

<sup>5</sup> Sarakhsī, *Mabsūṭ* 30:244; Shaybānī, *Kasb*, 65-8.

<sup>6</sup> Ibn Abī l-Wafā', *Jawāhir* 3:168-70, also Dhahabī, *Siyar* 10:646-7, with further references

<sup>7</sup> Ibn Abī l-Wafā', *Jawāhir* 1:66-7, 4:37. See also Dhahabī, *Siyar* 10:157-9, with further references.

<sup>8</sup> Ibn Abī l-Wafā', *Jawāhir* 3:518-19, also Dhahabī, *Siyar* 10:194, with further references.

<sup>9</sup> Ibn Abī l-Wafā', *Jawāhir* 3:313-15.

<sup>10</sup> Ibn al-Nadīm, *Fihrist* 2:21-3 (*maqāla* 6, *fann* 2). It is mentioned by Kātib Ḥalabī but in such a way as suggests he knew it only through Sarakhsī's commentary: *Kashf* 2:1452.

<sup>11</sup> Sarakhsī, *Mabsūṭ* 30:282; Shaybānī, *Kasb*, 230. In Galenic physiology, the brain was a moist, cold organ and the seat of the animal soul. Its drying up indicates a humoral imbalance but not specifically mental disorder (in modern terms).

Therefore, Ibn Samā'a, its first transmitter, was evidently faced with a sketch rather than a finished work, which explains some of the incoherence of the text as we have it. At least the story allows us to date the text to the very end of Shaybānī's life.

It is difficult to disengage Shaybānī's text from Sarakhsī's commentary. Michael Bonner, who has published the longest study of the work, asserts that Shaybānī, Ibn Samā'a, and Sarakhsī all appear to have contributed to the text we have but that, at a minimum, 'Shaybānī really was the author of the statements that the *Kasb* . . . expressly attributes to him.'<sup>12</sup> The more time I spend with it, the more I am inclined not to range beyond that minimum. What follows then is the series of direct quotations with comments on their relation to other renunciatory literature.

(1) 'Muḥammad began the book by saying, "To seek gain is a duty (*farīda*) for every Muslim, as seeking knowledge is a duty."<sup>13</sup> The first half of this statement is of course Shaybānī's chief thesis. It agrees with many encouragements of lawful gain in renunciatory literature. For example, Mu'ādh b. Jabal (d. Syria, 18/639-40) was asked by a man to teach him. Mu'ādh asked whether he would obey him. He said he would with eagerness. Mu'ādh: 'Fast, break your fast, and pray. Then win gain (*iktasib*) without sinning and you will surely not die save as a Muslim (or safe, *musallam*). Beware of the prayer of one wronged.'<sup>14</sup> 'Umar (d. 23/644) said, 'Learn trades, for if a man has need of his trade (*mihna*), he will benefit by it.'<sup>15</sup> Ibn al-Mubārak (d. 181/797) asked al-Ḥasan b. al-Rabī' (Kufan, d. 221/836) what his trade (*ḥirfa*) was. He said he was a *būrānī*, which Ibn al-Mubārak then asked him to explain. He said, 'I have boys who make *bawārī* (reed mats).' That satisfied Ibn al-Mubārak: 'If not for your having a trade (*ṣinā'a*), you could not be my disciple.'<sup>16</sup>

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<sup>12</sup> Bonner, *The Kitāb al-Kasb*, 413. See Bonner also for earlier studies of *al-Kasb*.

<sup>13</sup> Sarakhsī, *Mabsūṭ* 30:245; Shaybānī, *Kasb*, 71.

<sup>14</sup> Aḥmad, *Zuhd*, 180 225. An addition from 'Abd Allāh b. Aḥmad, Kufan *isnād*.

<sup>15</sup> Ibn al-Mubārak, *Jihād*, no 209.

<sup>16</sup> Ibn Abī Ḥātim, *Jarḥ* 1:269.

However, there is also plentiful evidence in renunciant literature of unease about gain. The Syrian Abū l-Dardā' (d. early 30s/650s?) said, 'What a good cell for a man is his house. It screens his sight and tongue. Beware of the market, for it distracts and renders ineffectual (*tulhī wa-tulghī*).'<sup>17</sup> He traded in the Jāhiliyya but found he could not worship and trade as a Muslim, hence chose worship alone.<sup>18</sup> The Kufan worshipper Dāwūd al-Ṭā'ī (d. 165/781-2) would not put out his inheritance to trade, preferring to gradually spend it and letting his last dinar pay for his shroud.<sup>19</sup> Maryam al-Baṣriyya (fl. late 2nd/8th cent.?) said she had not pursued her provision since she heard God say 'And in the sky is your sustenance' (Q. 51:22, trans. Jones).<sup>20</sup>

Admittedly, it is difficult to find other rejections of seeking gain quite so emphatic as Maryam al-Baṣriyya's quite so early (her date of death is unknown, but she was a younger contemporary of Rābi'a al-Adawiyya's, therefore also probably of Shaybānī's). In the first or second generation after Shaybānī, the Mu'tazili Abū Imrān al-Raqaṣhī (fl. early 3rd/9th cent.) is associated with the repudiation of normal gain.<sup>21</sup> Still later in the ninth century, the repudiation of normal gain became a distinctive doctrine of the Karāmiyya, who tended to absorb the Mu'tazili renunciant tradition, and our *Kitāb al-Kasb* expressly argues against them in a passage obviously not from Shaybānī.<sup>22</sup> Our main witness to the early controversy over gain is a book by the Baghdadi renunciant al-Muḥāsibī (d. 243/857-8). He names two early Sufis who repudiated buying and selling, `Abd Allāh b. Yazīd and `Abdak, perhaps in particular at the time of the Fourth Civil War (Amīn vs Ma'mūn, 195-8/810-13, much longer

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<sup>17</sup> Ibn al-Mubārak, *Zuhd*, no 14 among additions from Nu'aym; Ibn Abī Shayba, *Muṣannaf, al-zuhd* 13, *kalām Abī l-Dardā'*, 12:221; Hannād, *Zuhd* 2:582; Aḥmad, *Zuhd*, 135 168.

<sup>18</sup> Ibn Sa'd, *Ṭabaqāt* 7/2:117 7:391-2; Ibn Abī Shayba, *Muṣannaf, al-zuhd* 13, *kalām Abī l-Dardā'*, 12:226; Hannād, *Zuhd* 2:353; Aḥmad, *Zuhd*, 138 172.

<sup>19</sup> Abū Nu'aym, *Ḥilya* 7:348.

<sup>20</sup> Sulamī, *Early Sufi Women*, 85.

<sup>21</sup> See Ibn al-Murtaḍā, *Klassen*, 77.

<sup>22</sup> On the Karāmi position, see van Ess, *Une Lecture*, 30-2; Massignon, *Passion* 3:227. On the Karāmiyya in *al-Kasb*, see Sarakhsī, *Mabsūṭ* 30:250-1; Shaybānī, *Kasb*, 96-101; also Bonner, *The Kitāb al-Kasb*, 413-15.

in Syria).<sup>23</sup> But Muḥāsibī attributes the doctrine above all to the Khurasani renunciant Shaqīq b. Ibrāhīm al-Balkhī (d. 194/809-10): ‘According to what is related of him, Shaqīq asserted that effort (*ḥaraka*) in pursuit of gain is a sin.’<sup>24</sup> Elsewhere, Ibrāhīm b. Adham (d. 163/779-80?) is quoted as remonstrating with Shaqīq against his repudiation of gain.<sup>25</sup>

Oddly, Shaqīq al-Balkhī is fairly strongly associated with the early Ḥanafī tradition in Khurasan. Ḥanafī sources assert that he was disciple to Abū Yūsuf, before whom he read *Kitāb al-Ṣalāh*.<sup>26</sup> Al-Dhahabī quotes someone’s testimony that he said he had learnt jurisprudence from Abū Ḥanīfa’s Basran associate Zufar (d. 158/774-5).<sup>27</sup> He was a significant source of biographical information in al-Muwaffaq al-Khwārizmī (d. 568/1172-3), *Manāqib al-imām al-a`ẓam Abī Ḥanīfa*.<sup>28</sup> It is possible, then, that Shaybānī’s *Kasb* was largely an intra-Ḥanafī polemic against a Khurasani school within the larger grouping. The Ḥanafī school of the ninth century was still, of course, inchoate by comparison with the Ḥanafī guild school that developed in the tenth century. But the Karāmiyya, who tended to be Ḥanafī in law, were also prominent rejecters of gain. The books on *kasb* of al-Ḥakīm al-Tirmidhī (d. ca. 295/907-8?) and, indeed, this section of Sarakhsī’s commentary would then be later contributions to the same intra-Ḥanafī polemic.<sup>29</sup>

(2) ‘Muḥammad (God have mercy on him) indicates at two places in *Kitāb al-Kasb* what we have identified as our doctrine (that poverty is better than wealth). He said in one of those places, “If people were satisfied with what is enough for them and directed whatever exceeded that to their ultimate ends, that would be better for them.” He said in another place, “Whatever exceeds what is necessary, a man will be held to account for it, whereas no one is

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<sup>23</sup> Muḥāsibī, *Makāsib*, 212 64.

<sup>24</sup> Muḥāsibī, *Makāsib*, 194 61; followed by Massignon, *Essay*, 173.

<sup>25</sup> Abū Nu`aym, *Ḥilya* 8:37. On Shaqīq see Gramlich, *Alte Vorbilder* 2:13-62.

<sup>26</sup> See Ibn Abī l-Wafā’, *Jawāhir* 2:254–5.

<sup>27</sup> Dhahabī, *Tārīkh* 13 (191-200 H.): 230; shorter version, Dhahabī, *Siyar* 9:315.

<sup>28</sup> Muwaffaq, *Manāqib al-imām al-a`ẓam*.

<sup>29</sup> Al-Ḥakīm al-Tirmidhī, *Bayān al-kasb*. Unfortunately, al-Ḥakīm follows another Ḥanafī tradition in leaving his opponents anonymous, so it is difficult to say against precisely whom he is arguing.

held to account for poverty. There is no doubt that what a man is not held to account for is better than what a man is held to account for.’<sup>30</sup> There are abundant parallels in the hadith and renunciant literature. As for contentment with little, a Prophet hadith report says, ‘The son of Adam has no claim but to these things: a house to live in, a garment to cover his private parts, and a plain piece of bread (*jilf*) and water.’<sup>31</sup> Al-Ḥasan al-Baṣrī quoted Abū l-Dardā’ as saying, ‘Whoever follows his desire for everything he sees in (other) people will be long sad. His anger will not abate.’<sup>32</sup> Ibn al-Zubayr (d. 73/693) came home, saw three bed rolls (*muthul*), and said one was for himself, one for his wife, and the third for Satan, so they threw it away.<sup>33</sup>

The advantages of being poor mostly lay in what it meant for the Afterlife. The Prophet said, among other things, ‘I looked into Paradise and saw that most of its people were the poor. I looked into the Fire and saw that most of its people were women.’<sup>34</sup> Similarly to Shaybānī, Abū l-Dardā’ said, ‘The people of wealth eat and we eat; they drink and we drink; they dress and we dress; they ride and we ride; they have excess wealth at which they look we and we look; but they will have to account for it whereas we are innocent of it.’<sup>35</sup> The Yemeni Ṭāwūs (d. 105/723-4?) prayed to be provided with faith and works, deprived of

<sup>30</sup> Sarakhsī, *Mabsūṭ* 30:253; Shaybānī, *Kaṣb*, 107.

<sup>31</sup> Al-Tirmidhī, *al-Jāmiʿ*, *abwāb al-zuhd* 30, *bāb minhu al-khiṣāl allatī laysa li-ibn ʿĀdam ḥaqq fī siwāh*, no 2341 (Basran *isnād*).

<sup>32</sup> Hannād, *Zuhd* 1:328.

<sup>33</sup> Ibn al-Mubārak, *Zuhd*, no 761.

<sup>34</sup> ʿAbd al-Razzāq, *Muṣannaf* 11:305; Hannād, *Zuhd* 1:171, 330; al-Bukhārī, *al-Ṣaḥīḥ*, *badʿ al-khalq* 8, *bāb mā jāʿa fī ṣifāt al-janna*, no 3241, *al-nikāḥ* 88, no 5196, *al-nikāḥ* 89, *bāb kufrān al-ʿashīr wa-huwa al-zawj*, no 5198, *al-riqāq* 51, *ṣifāt al-janna wa-l-nār*, nos 6546; Muslim, *al-Jāmiʿ al-ṣaḥīḥ*, *al-dhikr wa-l-duʿā* 26, *bāb akthar ahl al-janna al-fuqarāʾ*, 2736-7; Tirmidhī, *ṣifāt jahannam* 11, *bāb mā jāʿa anna akthar ahl al-nār al-nisāʾ*, nos 2602-3; Abū Nuʿaym, *Ḥilya* 2:308. Occasional variants mention seeing the rich in the Fire along with women: Hannād, *Zuhd* 1:329; Aḥmad, *Musnad* 2:173, 5:205, 209-10 11:182-3, 36:115-16, 148. Bukhārī, *al-nikāḥ* 88, no 5196, exactly repeated *al-riqāq* 51, *bāb ṣifāt al-janna wa-l-nār*, no 6547, is ambiguous, similarly Aḥmad, *Zuhd*, 24 32 (< ʿAl.). One variant mentions the rich but not women: Aḥmad, *Zuhd*, 211 260 (< ʿAl.).

<sup>35</sup> Ibn al-Mubārak, *Zuhd*, no 592 (Syrian *isnād*). Abū l-Dardāʾ is also quoted as saying, ‘He who has two dirhams will be held to account more severely on the Day of the Resurrection than he who has one dirham’: Ibn Saʿd, *Ṭabaqāt* 6:200 6:286 (Kufan *isnād*). But this saying is more often attributed to Abū Dharr (d. 32/652-3), as by Hannād, *Zuhd* 1:325, Aḥmad, *Zuhd*, 147 184, Ibn al-Mubārak, *Zuhd*, no 555, and Abū Nuʿaym, *Ḥilya* 4:210 (similar Kufan *isnād*).

wealth and children.<sup>36</sup> The Basran Mālik b. Dīnār (d. ca. 130/747-8) said that love of wealth was the root of every sin, so one should do away with wealth and relax.<sup>37</sup>

Much harder to find are arguments in favour of wealth. The Companion Sa`d b. `Ubāda (d. Syria, 15/636-7?) would pray, ‘O God, provide me with wealth, for good deeds are useless without wealth (*lā yaṣluḥu al-fa`āl illā bi-l-māl*)’, perhaps alluding to almsgiving and prosecuting the holy war.<sup>38</sup> The Kufan Sufyān al-Thawrī (d. 161/778?) said, ‘I should prefer to leave 10,000 dirhams over which I shall be held to account than to need people.’<sup>39</sup> He also said, ‘Wealth was formerly disliked, but now it is the believer’s shield.’<sup>40</sup> (My guess is he thought that the rich were better able to resist the blandishments of the `Abbāsids and their appointees.) He also related the hadith report from the Prophet, ‘Poverty is almost unbelief, while envy almost overcomes predestination.’<sup>41</sup> (The reference to envy touches on whether counter-magic is permitted, hadith being generally favourable.<sup>42</sup>) Sufyān is commonly made out to have been Abū Ḥanīfa’s arch-rival in theology and law. Perhaps Shaybānī’s defence of poverty was particularly directed at him.

(3) ‘Then Muḥammad (God, be he exalted, have mercy on him) indicated that gain is concerned with mutual aid for the sake of drawing near (to God) and acts of obedience, whatever the gain may be, so that he said, “Ropemakers, potters, the gain of weaving—in these is mutual aid for the sake of drawing near (to God). One cannot perform the ritual prayer without ritual purity, which requires a container by which to pour water, and a bucket and a well rope by which to draw water. One needs something to cover one’s nakedness to

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<sup>36</sup> Wakī, *K. al-Zuhd*, ed. `Abd al-Raḥmān `Abd al-Jabbār al-Farīwā`ī, 3 vols (Medina: Maktabat al-Dār, 1404/1984, repr. Riyadh: Dār al-Sumay`ī, 1415/1994), 2:415; Aḥmad, *Zuhd*, 376 450; Bukhārī, *al-Tārīkh al-kabīr* 1:94.

<sup>37</sup> Abū Nu`aym, *Ḥilya* 2:360, 381.

<sup>38</sup> Hannād, *Zuhd* 2:380 (mixed Basran/Syrian *isnād*); cf. Ibn Abī Shayba, *Muṣannaf*, k. *al-adab* 206, *mā dhukira fī l-shuḥḥ*, 8:613, where the classification of a longer version suggests that lack of wealth will particularly conduce to stinginess.

<sup>39</sup> Abū Nu`aym, *Ḥilya* 6:381.

<sup>40</sup> Abū Nu`aym, *Ḥilya* 6:381.

<sup>41</sup> Abū Nu`aym, *Ḥilya* 3:53, 109, 8:253, Basran *isnād* above Sufyān.

<sup>42</sup> e.g., Bukhārī, *Ṣaḥīḥ*, *al-ṭibb* 35, *bāb ruqyat al-`ayn*, nos 5738-9.

perform the ritual prayer. One can do that only by the labour of weaving.”<sup>43</sup> Here, Shaybānī’s corporatist vision does not match well the early renunciant tradition, which tended to hold onto the opportunities of a small élite of Muslims at the top supported by tribute from non-Muslims below them. There follows a story of the Companion Abū Dharr, a notable champion of withdrawal. On being asked which was the best work after faith, he said, ‘Ritual prayer and eating bread.’ His interlocutor looked at him in wonder, so he explained, ‘If not for bread, God (be he exalted) would not be worshipped.’ The story ill fits Shaybānī’s point, being concerned with the Muslim worshipper’s eating bread (and being satisfied with mere bread), not with any Muslim’s working as a baker. It is as if Sarakhsī had a hard time finding exaltations of mutual dependence complementary to Shaybānī’s.

Indeed, far from exalting mutual dependence, the renunciant tradition (at least as reported in our ninth-century sources) strongly encourages self-reliance. The Prophet said, among other things,

That one of you should go and bear firewood on his back in order to give alms with it and by means of it have no need of people (*yastaghni`an al-nās*) is better than that he should ask a man, whether he gives him that or refuses it to him. The upper hand is better than the lower hand. Begin with your dependants.<sup>44</sup>

Strictures against begging often, as here, stress independence of people. (One early Ḥanbali version even leaves out almsgiving and expressly mentions spending the gain on oneself.<sup>45</sup>)

Here is a disturbing dialogue between Abū l-Dardā’ and his wife (also a notable authority in the renunciant tradition, d. after 81/700-1):

Umm al-Dardā’: ‘If I am in need after you (are gone), shall I consume alms (*ṣadaqa*)?’

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<sup>43</sup> Sarakhsī, *Mabsūṭ* 30:258; Shaybānī, *Kasb*, 136.

<sup>44</sup> Muslim, *Jāmi`*, *al-zakāt* 35, *bāb karāhat al-mas`ala li-l-nās*, no 1042. Slightly shorter versions at (among other places) Mālik, *al-Muwaṭṭa`*, rec. Yaḥyā, *al-jāmi`* 85, *bāb mā jā`a fī l-ta`affuf`an al-mas`ala*, no 2853 = rec. Abū Muṣ`ab, *al-jāmi`* 77, *bāb mā jā`a fī l-ta`affuf`an al-mas`ala*, no 2110; Bukhārī, *al-zakāt* 50, *bāb al-isti`fāf`an al-mas`ala*, no 1470; idem, *al-zakāt* 53, *bāb qawl Allāh lā yas`alūna l-nās ilhāfan*, no 1480; idem, *al-buyū`* 15, *bāb kasb al-rajul*, no 2074; idem, *al-musāqāt* 13, *bāb bay` al-ḥaṭab wa-l-kala`*, nos 2373-4.

<sup>45</sup> Khallāl, *Ḥathth*, 162, no 117; cf. Wakī`, *Zuhd* 1:372-3, which agrees with Khallāl’s next report.



Abū l-Dardā': 'No—work and eat.'

Umm al-Dardā': 'What if I am too weak to work?'

Abū l-Dardā': 'Glean grain but do not consume alms.'<sup>46</sup>

Sufyān al-Thawrī's dislike of needing people has been quoted above. Bonner is not shown to be wrong in finding the circulation of wealth to be a leading value of Shaybānī's, but it cannot be considered to predominate in the early pious literature.

(4) 'As seeking knowledge is a duty, so rendering knowledge to the people is a duty, for it is good for the one who has knowledge to practise by it, while acting contrary to it is evil. Likewise, then, teaching amounts to commanding good and forbidding evil, which is a duty for the whole community.'<sup>47</sup> The language here certainly recalls some common themes of the renunciant tradition. There are many sayings about *`ilm* and *`amal*, knowledge and practice, with the learned enjoined to put their knowledge into practice. For example, Abū l-Dardā' said, 'One cannot be learned until one has been a learner nor learned until one has practised by this knowledge.'<sup>48</sup> Sufyān al-Thawrī said, 'Learn this knowledge. When you have learnt it, memorize it. When you have memorized it, practise by it. When you have practised by it, spread it.'<sup>49</sup> Likewise, the early renunciant tradition is strongly associated with commanding good and forbidding evil (*al-amr bi-l-ma'rūf wa-l-nahy `an al-munkar*).<sup>50</sup> However, being qur'anic (Shaybānī or Sarakhsī quotes Q. 3:110), it is also endorsed by virtually every party, including the Murji'a (closely associated with the Ḥanafī school).<sup>51</sup> Therefore, it cannot be said that Shaybānī's argument is engaged specifically with the renunciant tradition. The same goes for the next quotation: 'It is incumbent on the most

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<sup>46</sup> Ibn Abī Shayba, *Muṣannaf*, *al-zakāt* 123, *man kariha l-mas'ala wa-nahā `anhā wa-shaddada fihā*, 4:339; *sim.*, Aḥmad, *Zuhd*, 141 175.

<sup>47</sup> Sarakhsī, *Mabsūṭ* 30:260; Shaybānī, *Kasb*, 151.

<sup>48</sup> Ibn Sa'd, *Ṭabaqāt* 2/2:114 2:357.

<sup>49</sup> Ibn Sa'd, *Ṭabaqāt* 6:258 6:371. Very similar statements attributed to Muḥammad b. al-Naḍr al-Ḥārithī (Kufan, d. 170s/787-97) in Aḥmad, *Zuhd*, 368 441; to Ibn al-Mubārak in Ṣaymarī, *Akhbār*, 139; to Sufyān b. `Uyayna (Kufan, d. 198/814) in Abū Nu'aym, *Ḥilyah* 7:274.

<sup>50</sup> Melchert, *Başran origins*, 227.

<sup>51</sup> See above all Cook, *Activism and Quietism*, 15-23, and idem, *Commanding Right*, 308-9.

discriminating of the learned (*al-buṣarā' min al-'ulamā'*) to make clear to people the path of jurisprudence (*fiqh*). This shows that the duty lies particularly on those who are well known for knowledge.<sup>52</sup>

(5) 'If seeking knowledge were not a duty, then people would have no way out of sin. That is, urging people not to commit sins is a duty. God said, "Truly my Lord has forbidden immoral acts, both open and secret, and unjust sin and oppression, and your associating with God that for which no authority has been sent down and your saying about God that which you do not know (Q. 7:33)." This urging is not achieved except by knowledge. If the people left the seeking of knowledge, truth would not be distinguished from falsity, the right from the wrong, filial piety from estrangement. Distinguishing between truth and falsity is the root of religion. It is not achieved except by knowledge. [Teaching] is incumbent on the learned whenever there reaches them something from those before them in which is benefit to the people.'<sup>53</sup> The necessity of learning and teaching seems to be a major concern of Shaybānī's, unsurprising from a major scholar. Again, his remarks are not demonstrably engaged specifically with the renunciant tradition. Social responsibility certainly comes up there. Occasionally, it takes a form complementary to Shaybānī's polemic, asserting a duty to pass on knowledge. The *Zuhd* of Ibn al-Mubārak includes a section on the contraction of knowledge (*qabḍ al-'ilm*), beginning with a warning from Ibn Mas'ūd about (apparently) how things will come apart in the second Islamic century: 'People will be well so long as knowledge comes to them from the Companions of Muḥammad . . . and the oldest of them. When knowledge comes to them from their youngest, that is when they will perish.'<sup>54</sup>

Usually, however, the renunciant literature is concerned with the learned one's duty to

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<sup>52</sup> Sarakhsī, *Mabsūṭ* 30:261; Shaybānī, *Kasb*, 152.

<sup>53</sup> Sarakhsī, *Mabsūṭ* 30:261; Shaybānī, *Kasb*, 154-5.

<sup>54</sup> Ibn al-Mubārak, *Zuhd*, no 815. Ibn al-Mubārak's immediate source is Sufyān al-Thawrī, so conceivably there is a particular allusion here to his Kufan rival Abū Ḥanīfa, who the Ḥanafiyya maintained met several Companions (on which see Ṣaymarī, *Akhhbār*, 4-5). More likely, however, it simply expresses nostalgia for the conditions of the conquest period (idealized).

practise what he preaches, as above, and to set a good example for others to follow. As for the transmission of knowledge, the much more common fear seems to be spreading it too widely. The Prophet said, ‘It suffices for a man as to lying that he should relate all that he has heard.’<sup>55</sup> The Syrian Kathīr b. Murra (*fl.* 1st/8th cent.) said, ‘Do not keep knowledge from those worthy of it, lest they sin, nor relate it to other than those worthy of it, lest you forget that there is a claim on your knowledge just as there is on your wealth.’<sup>56</sup> The famous Kufan Follower (and major authority for the early Ḥanafīyya) Ibrāhīm al-Nakhaʿī (d. 96/714?) said, ‘They used to dislike, when they met, that a man should bring out his best hadith.’<sup>57</sup> Al-Ḥasan al-Baṣrī considered it a fine thing for a man to memorize the whole Qurʾan without his neighbours’ being aware (implying that his recitation is to honour God alone, not to attract his neighbours’ approval) and to accumulate great knowledge (*faqīha l-fiqh al-kathīr*) without people’s being aware.<sup>58</sup> In general, the otherworldly orientation of renunciant literature entails plentiful encouragement of individual piety but limited concern with improving the world. Here, then, Shaybānī seems to have left it behind.

(6) ‘What the Messenger of God . . . pronounced desirable by way of the virtues, rendering it to people is a duty.’<sup>59</sup> More to the same effect: I wonder here whether its object is not especially the renunciant one-time Ḥanafī Dāwūd al-Ṭāʿī, mentioned above with regard to indifference to gain. Dāwūd al-Ṭāʿī famously sat with Abū Ḥanīfa but then became disillusioned by his circle’s worldliness and withdrew to his house. The earliest extant biographical dictionary of the Ḥanafī school quotes Ibn Kaʿs (d. 324/935): ‘There was once no one in Abū Ḥanīfa’s circle whose voice was louder than Dāwūd al-Ṭāʿī’s. Then he

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<sup>55</sup> Ibn al-Mubārak, *Zuhd*, no 735; Aḥmad, *Zuhd*, 46 59. Also attributed to Ibn Masʿūd: Ibn al-Mubārak, *Zuhd*, no 379.

<sup>56</sup> Aḥmad., *Zuhd*, 386 462.

<sup>57</sup> Wakīʿ, *Zuhd* 2:593; Ibn al-Mubārak, *Zuhd*, no 139; Ibn Abī Shayba, *Muṣannaf, al-adab* 142, *fī l-rajul yukhriju aḥsan ḥadīthih*, 8:548; Hannād, *Zuhd* 2:445.

<sup>58</sup> Ibn al-Mubārak, *Zuhd*, no 140.

<sup>59</sup> Sarakhsī, *Mabsūṭ* 30:263; Shaybānī, *Kasb*, 159.

renounced the world, withdrew from them, and turned to worship.’<sup>60</sup> The Kufan qadi Ḥafṣ b. Ghiyāth (d. 195/811?) said, ‘Dāwūd al-Ṭā’ī sat with us by Abū Ḥanīfa until he excelled in *ra’y*. Then he rejected that and rejected hadith, although he had gone far in it, and stuck to worship and avoiding people.’<sup>61</sup> According to Sufyān b. ‘Uyayna,

Dāwūd al-Ṭā’ī was among those who learnt jurisprudence (*faqih*), then hadith (*‘alima*), then practised (*‘amila*). He sat with Abū Ḥanīfa. One day, a man came up, whereupon Abū Ḥanīfa said, ‘Abū Sulaymān: you have become skilful and good at talking.’ Then he took to attending without talking. When he found that he was discerning, he went to his books and scattered them in the Euphrates. He turned to worship and withdrawal.’<sup>62</sup>

He was held in high esteem by the collectors of renunciant sayings. Ibn al-Mubārak said, ‘This matter is what Dāwūd al-Ṭā’ī was about.’<sup>63</sup> Several stories feature his refusal to answer questions about the law. He is said to have told one questioner, ‘When the fighter wishes to go to war, does he not gather his equipment? When he has spent his life gathering equipment, how will he fight? Knowledge is the equipment of practice, so one who spends his life at it, when will he practise?’<sup>64</sup> When someone from Abū Ḥanīfa’s circle reproached him for abandoning them, he said, ‘Abū Muḥammad, that session of yours has nothing to do with the Afterworld.’<sup>65</sup> First in refusing to put his inheritance to work in the community, then by refusing to pass on what he had learnt of the law, he seems to have been exactly opposed to Shaybānī’s line in *al-Kasb*. It is conceivable that Shaybānī’s pamphlet was directed in the first place against the renegade Ḥanafī Dāwūd al-Ṭā’ī.

I will add here that Ibn al-Mubārak, a principal collector of sayings about renunciation, is included among Abū Ḥanīfa’s most prominent disciples in the earliest extant

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<sup>60</sup> Ṣaymarī, *Akḥbār*, 109. For more on Dāwūd al-Ṭā’ī, see Dhahabī, *Siyar* 7:422-5 with further references. Another early Ḥanafī biographical dictionary is Abū l-Qāsim al-Sa’dī, *Faḍā’il Abī Ḥanīfa*. Although the editor prefers an early date, it is actually very uncertain whether it belongs to the tenth century or the eleventh. It offers another story of Dāwūd al-Ṭā’ī’s dropping out of Abū Ḥanīfa’s circle at 246.

<sup>61</sup> Ṣaymarī, *Akḥbār*, 116.

<sup>62</sup> Abū Nu’aym, *Ḥilya* 7:336; similar stories, 7:341-3.

<sup>63</sup> Aḥmad, *Wara’*, 78 12; Abū Nu’aym, *Ḥilya* 7:336.

<sup>64</sup> Abū Nu’aym, *Ḥilya* 7:341.

<sup>65</sup> Abū Nu’aym, *Ḥilya* 7:343-4.

Ḥanafī biographical dictionaries.<sup>66</sup> He is also, like Dāwūd al-Ṭāʾī, said to have renounced his allegiance in the end, although not in Ḥanafī works.<sup>67</sup> He has been identified by Benedikt Reinert as a major opponent of the new, extreme appeal to *tawakkul*, dependence (on God), as a reason not to actively seek gain.<sup>68</sup> More recently, Feryal Salem has even identified him as a major exponent of the sort of inward, world-embracing piety that I have made out Shaybānī as advocating.<sup>69</sup> Suffice it to say here that I think Reinert overinterprets the evidence and that I quote Ibn al-Mubārak's collection *al-Zuhd* often enough in this study to show that he belongs to the world-rejecting renunciant mainstream that Shaybānī opposed. Ibn al-Mubārak was active from the Hijaz to the northwestern frontier, but he was originally from Marw and a majority of the transmitters from him, including the redactors of most of his books, were likewise from Khurasan.<sup>70</sup> He may have represented not only, like Dāwūd al-Ṭāʾī, a renunciant party within early Ḥanafism but also, like Shaqīq al-Balkhī, a specific Khurasani party more world-rejecting than Shaybānī.

(7) 'It is not incumbent on the jurist to relate all the hadith he has heard except to a foreigner (*ghā'ib*) who is about to depart. (Then he should relate) what he knows is not widespread among the people of his centre.'<sup>71</sup> Shaybānī is plainly aware of the injunction not to relate all that one knows and proposes one exception.

(8) 'He foreordained means (*asbāb*) to go with their modes of life according to penetrating wisdom.'<sup>72</sup> The transition from the previous quotation seems abrupt. Shaybānī seems to return to the point that pious Muslims should work, not live on alms, God having provided them with opportunities to work.

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<sup>66</sup> Ṣaymarī, *Akhbār*, 134-7; Sa'dī, *Faḍā'il*, 213, 214-16.

<sup>67</sup> See notably al-Khaṭīb al-Baghdādī, *Tārīkh* 15:556-7.

<sup>68</sup> Reinert, *Lehre*, 143, 220, 257.

<sup>69</sup> Salem, *Emergence*, esp. chap. 4.

<sup>70</sup> In the *Ṣaḥīḥ* of Bukhārī, at any rate, 57 percent of hadith reports with Ibn al-Mubārak in the *isnād* came down through a Khurasani, in the *Musnad* of Aḥmad 74 percent. The redactors I have in mind are al-Ḥusayn b. al-Ḥasan (*al-Zuhd* and *al-Birr wa-l-ṣila*), Nu'aym b. Ḥammād (*al-Zuhd*), and Ḥibbān b. Mūsā (*al-Musnad*), all Marwazis, then Sa'īd b. Raḥma (*al-Jihād*), the Mesopotamian exception.

<sup>71</sup> Sarakhsī, *Mabsūṭ* 30:263; Shaybānī, *Kasb*, 161.

<sup>72</sup> Sarakhsī, *Mabsūṭ* 30:264; Shaybānī, *Kasb*, 163.

(9) 'If they leave off eating and drinking, they have sinned, for this entails perishing.'<sup>73</sup> The renunciant tradition certainly reports much restriction of eating and drinking. For example, the Kufan al-Aswad b. Yazīd al-Nakha'ī (d. 75/694-5?) exerted himself in worship and fasted in the heat till he turned green and yellow and lost an eye.<sup>74</sup> The preacher Yazīd b. Abān (d. bef. 120/737-8) made himself thirsty in the Basran heat for 40 years and said to his *aṣḥāb*, 'Come, let us weep over cold water' (presumably contemplating a torment of Hell).<sup>75</sup> Rare are reports of refusing food and drink to the point of self-destruction. The Medinese al-Zuhri (d. 125/742-3?) said that twenty-odd prophets in the mountains around Jerusalem died of hunger and lice because they would eat only of what they knew and wear only what they knew (that is, from fear of eating or wearing something wrongfully acquired).<sup>76</sup> But Shaybānī's assertion need not be taken as evidence that any renunciants were literally starving themselves to death. Rather, Shaybānī's assertion agrees with a trend, evident from the late eighth century, of downplaying austere living in favour of an innerworldly outlook. Sufyān al-Thawri said, 'Renunciation of the world is shortness of hope, not eating what is coarse or wearing a hood (*`abāya*).'<sup>77</sup> Sufyān b. `Uyayna said, 'Renunciation of the world is shortness of hope, not eating coarsely and dressing coarsely.'<sup>78</sup>

(10) 'It has been transmitted from Masrūq (God be pleased with him and others) that whoever is compelled but does not eat, then dies, will enter the Fire.'<sup>79</sup> The reference is to the Kufan Masrūq b. al-Ajda' (d. 63/682-3?). This statement is closely related to the previous one. Shaybānī quotes Masrūq very differently in *al-Aṣl*: apropos of an enemy's demanding

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<sup>73</sup> Sarakhsī, *Mabsūt* 30:265; Shaybānī, *Kasb*, 165.

<sup>74</sup> Ibn al-Mubārak, *Zuhd*, no 1502; Ibn Abī Shayba, *Muṣannaf*, *al-zuhd* 43, *kalām al-Aswad*, 12:294; Ibn Sa'd, *Ṭabaqāt* 6:47 6:71; Abū Nu'aym, *Hilya* 2:103-4.

<sup>75</sup> Ibn Qutayba, *Uyūn* 2:297; Ibn Abī l-Dunyā, *Jū'*, 181-2; Abū Nu'aym, *Hilya* 3:50, 8:216, the latter quotation followed by a Prophet hadith report, 'Everyone who comes to the Resurrection will be thirsty.'

<sup>76</sup> Abū Nu'aym, *Hilya* 3:372.

<sup>77</sup> Wakī', *Zuhd* 1:222; similarly ('wearing wool'), Ibn Abī Shayba, *Muṣannaf*, *al-zuhd* 93, 12:456.

<sup>78</sup> Ibn Qutayba, *Uyūn* 3:356; attributed to Sufyān al-Thawri, Abū Nu'aym, *Hilya* 6:386.

<sup>79</sup> Sarakhsī, *Mabsūt* 30:265; Shaybānī, *Kasb*, 166. Masrūq is thus quoted in a Māliki source: 'Whoever is forced (to eat) carrion but does not eat so that he dies will enter the Fire'—Ibn Abī Zayd al-Qayrawānī, *Jāmi'*, 188.

that someone eat carrion or pork or drink wine on pain of death, Shaybānī's position is that he sins if he refuses. However, he then cites this hadith report:

< Abū Mu'āwiya al-Makfūf (Muḥammad b. Khāzim, Kufan, d. 195/810-11) < al-A'mash (Sulaymān b. Mihrān, Kufan, d. 148/765-6?) < Muslim b. Ṣubayḥ (Kufan, d. 100/718-19) < Masrūq: 'Whoever is compelled but does not eat or drink till he is killed or dies of hunger or thirst, I hope he has not committed a sin (*rajawtu an lā yakūna āthiman*).'<sup>80</sup>

It has been suspected that the books attributed to Shaybānī reached the form in which we have them only over a generation or two after his death.<sup>81</sup> The discrepancy between the two quotations of Masrūq is at least consistent with multiple authorship of these two works.

(11) 'Covering the private parts is a duty on account of God's saying, "Take your adornment at every place of worship (Q. 7:31)."'<sup>82</sup> There are stories of renunciants who voluntarily wore scanty clothing. The Kufan Ibrāhīm b. Yazīd al-Taymī (d. 92/710-11) said of his father,

He used to wear a cloak (*ridā'*) that reached only to his buttocks behind and his breast before. I said, 'Father, if you took a cloak more ample than this.' He said, 'My son, why say this when (by God) there is no mouthful on the earth I have taken that I did not wish were in the mouth of the person most hateful to me?'<sup>83</sup>

Shaqīq al-Balkhī said, 'I met Sufyān al-Thawrī and learnt from him to wear humble clothing. I saw on him a wrap whose value was four dirhams. When he sat cross-legged or extended his legs, he would fear that his private parts were showing.'<sup>84</sup> More often, though, their clothing is notable for its raggedness rather than its covering little. For example, al-Ḥasan al-Baṣrī said that 'Umar preached in a garment with twelve patches.<sup>85</sup> Shaybānī's statement is evidently directed more generally against advocates of extreme austerity and not evidence

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<sup>80</sup> Shaybānī, *Aṣl* 7:414.

<sup>81</sup> Calder, *Studies*, chap. 3; *EP*<sup>2</sup>, s.n. 'Shaybānī', by E. Chaumont; Melchert, *Early History*, 311-24. To the contrary, Behnam Sadeghi argues that stylistic similarities show that all of the *Muwatta'* and most of the *Āthār* were taken down by the same person, both books directly from Shaybānī's dictation: *Logic*, 177-99. On the *Aṣl* in particular, see Ahmed El Shamsy's review of the new Boynukalin edition, conceding assemblage in the generation after Shaybānī although not elaboration.

<sup>82</sup> Sarakhsī, *Mabsūt* 30:265; Shaybānī, *Kasb*, 167.

<sup>83</sup> Ibn Abī Shayba, *Muṣannaf*, *al-zuhd* 56, *kalām Ibrāhīm al-Taymī*, 12:310; Hannād, *Zuhd* 2:372.

<sup>84</sup> Dhahabī, *Tārīkh* 13:230.

<sup>85</sup> Aḥmad, *Zuhd*, 124 154.

that there were really renunciants in his time who went naked rather than concern themselves with worldly comforts.

(12) ‘People are obliged to use containers to carry water to women.’<sup>86</sup> More on the theme of the necessity of property—there is a story that Mālik b. Dīnār once gave away a pot on finding that it made him fear its being stolen.<sup>87</sup> It seems doubtful whether Shaybānī has any such particular example in mind, though. What surprises is the suggestion that men normally fetched water from outside the home.

(13) ‘Whoever does anything of what we have mentioned is commanded to complete it on account of his saying (be he exalted), “Do not be like the woman who breaks her thread into fibres” (Q. 16:92). This parable mentioned by God (be he exalted) is for one who begins an act of obedience but then does not complete it, like the woman who spins, then unravels. She ends up with neither thread nor cloth. Whoever refrains from eating, drinking, and taking shelter to the point of death has made himself deserving of the Fire, for he has deliberately killed himself, as if he had killed himself with a blade. He said (the Prophet), “Whoever kills himself with a blade will strike himself with it in the fire of Jahannam.”’<sup>88</sup> It is hard to see the further application of this. Perhaps it is nothing more than that one should procure adequate food, clothing, and household equipment.

(14) ‘Everyone is forbidden to spoil food. One form of spoiling is going to excess.’<sup>89</sup> Now Shaybānī seems to pull back, allowing that some restraint is commendable. There is a great deal of hadith in favour of modest eating. To begin with the Prophet’s example, ‘Ā’isha said, ‘Muḥammad’s family did not eat barley bread to satiety either for dinner or supper for

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<sup>86</sup> Sarakhsī, *Mabsūṭ* 30:265; Shaybānī, *Kasb*, 167.

<sup>87</sup> Abū Nu`aym, *Ḥilya* 2:364.

<sup>88</sup> Sarakhsī, *Mabsūṭ* 30:266; Shaybānī, *Kasb*, 168. For something close to the cited hadith report, see (among others) Bukhārī, *Ṣaḥīḥ*, *al-ṭibb* 56, *bāb shurb al-samm*, no 5778.

<sup>89</sup> Sarakhsī, *Mabsūṭ* 30:266; Shaybānī, *Kasb*, 169.



three days in a row until he met God.’<sup>90</sup> Among the Companions, Ibn `Umar seems especially associated with not eating to satiety.<sup>91</sup> Someone once brought bread with yogurt to Mālik b. Dīnār. He refused it, saying, ‘I have desired you for 40 years, overcoming you. Will you now overcome me?’<sup>92</sup> A man came to al-Ḥasan al-Baṣrī while he was eating. He invited him to join him. The man said, ‘I have eaten.’ Al-Ḥasan said, ‘Come and (eat) more.’ The man said, ‘I have eaten to satiety.’ Al-Ḥasan was incredulous: ‘Does a believer eat to satiety?’<sup>93</sup> But all of these sayings encourage more abstemiousness than Shaybānī does.

(15) ‘The matter of clothing is the like of eating in all that we have mentioned.’<sup>94</sup>

Presumably, Shaybānī is advocating a middle course between indecent exposure and luxurious clothing. This sounds like what Nimrod Hurvitz has identified as ‘mild asceticism’. Speaking of the outlook of Aḥmad b. Ḥanbal (d. 241/855), he says,

Its features and particularity become clearer when we compare it to the two extreme world views that existed in his days. The first are the *ẓurafā`*, whose norms and moral outlook epitomize the pursuit of luxuries. At the other extreme were a group of ascetics whose world denying practices derived from a different view of religiosity and spiritual efforts.<sup>95</sup>

The weakness of Hurvitz’ case is the imprecision of his definition of ‘mild asceticism’, partly from his reliance on such a narrow range of sources. His examples of world-denying ascetics come from Farīd al-Dīn `Aṭṭār (*fl.* early 7<sup>th</sup>/13<sup>th</sup> cent.?), whose Sufi biographical dictionary seems to be largely fictional—good evidence for the piety of the 13<sup>th</sup> century but not of the ninth.<sup>96</sup> And his extremes are so far apart, his ‘mild asceticism’ seems to be nothing more precise than the way 90 percent of the populace lived in ninth-century Baghdad. The degrees

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<sup>90</sup> Al-Mu`āfā b. `Imrān, *Zuhd*, 319, no 248; similarly, Aḥmad, *Zuhd*, 30 39 (< `Al.). Alternatively, they never ate to satiety: Aḥmad, *Zuhd*, 164 205 (< `Al.).

<sup>91</sup> Wakī`, *Zuhd* 1:306; Aḥmad, *Wara`*, 100 82; al-Mu`āfā b. `Imrān, *Zuhd*, 309, no 228; Ibn al-Mubārak, *Zuhd*, no 605; Aḥmad, *Zuhd*, 189-91 237-9; Abū Dāwūd, *Zuhd*, 163, no 308; Abū Nu`aym, *Hilya* 1:300.

<sup>92</sup> Aḥmad, *Zuhd*, 322 389; Ibn Abī l-Dunyā, *Jū`*, 55, 176-7.

<sup>93</sup> Al-Mu`āfā b. `Imrān, *Zuhd*, 310, no 232.

<sup>94</sup> Sarakhsī, *Mabsūt* 30:268; Shaybānī, *Kasb*, 178.

<sup>95</sup> Hurvitz, *Biographies*, 54.

<sup>96</sup> Farīd al-Dīn `Aṭṭār, *Tadhkiratu 'l-awliya*. Hurvitz cites the partial translation of A.J. Arberry. For the *ẓurafā`*, he defectively cites one secondary source: Ahsan, *Social Life*.

of self-denial advocated by Shaybānī in the late eighth century and Aḥmad b. Ḥanbal in the mid-ninth both, unsurprisingly, fall within this range.

(16) ‘It is not incumbent on a man to leave off eating till it reaches the point that it does him no benefit.’<sup>97</sup> This seems to make the same point as quotation no 9, above. There follows an argument that it is licit for a man to make himself hungry for the sake of suppressing illicit desires. This is in line with some explanations for the good of hunger and the evil of satiety; for example, from `Ā’isha (d. 58/678?), ‘The first tribulation (*balā*) to come to this nation after the death of its Prophet . . . was satiety (*al-shab`*). When people’s bellies became satisfied, their bodies became fat, their hearts hard, and their desires uncontrollable.’<sup>98</sup> The Basran Farqad al-Sabakhī (d. 131/748-9?) said, ‘Satiety is the father of unbelief.’<sup>99</sup> Wakī` b. al-Jarrāḥ (d. 197/812) quotes an anonymous shaykh as saying, ‘We used to fast in aid of seeking hadith.’<sup>100</sup> But admittedly the renunciant literature usually recommends fasting not instrumentally but as a devotional exercise. It is therefore, among other things, better practised in secret; e.g. Shu`ba (d. 160/776-7) fasted perpetually, yet it did not show, whereas Sufyān al-Thawrī fasted three days a month and it showed (to Sufyān’s discredit).<sup>101</sup>

(17) ‘It is made a duty for people to feed someone in need whenever he is unable to go out and seek.’<sup>102</sup> It is extremely rare for a pious Muslim to deny a duty such as this. Ḥallāj was put to death in 309/922 for denying the duty of pilgrimage to Mecca. Moreover, the literature of renunciation generally encourages supererogatory devotions, not the fulfillment of universal obligations—that one is already fulfilling those is assumed. It also tends to stress

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<sup>97</sup> Sarakhsī, *Mabsūṭ* 30:269; Shaybānī, *Kasb*, 182.

<sup>98</sup> Ibn Abī l-Dunyā, *Jū`*, 43.

<sup>99</sup> Abū Nu`aym, *Ḥilya* 3:45.

<sup>100</sup> Wakī`, *Zuhd* 2:862.

<sup>101</sup> Abū Nu`aym, *Ḥilya* 7:145.

<sup>102</sup> Sarakhsī, *Mabsūṭ* 30:271; Shaybānī, *Kasb*, 186.

the benefit to the giver and, sometimes, care for the renunciant community. For example, Ibn al-Mubārak relates of the Prophet,

I should prefer giving a brother of mine a morsel to giving a poor man alms of a dirham. I should prefer giving a dirham to a brother of mine in God to giving a poor man alms of ten dirhams. I should prefer giving ten dirhams to a brother of mine in God to giving to a poor man alms of 100 dirhams.<sup>103</sup>

Shaybānī's point is presumably that one should seek gain in order to fulfil his duty of feeding the hungry.

(18) 'The giver is better than the taker, even if the taker fulfils his duty in taking.'<sup>104</sup> It is a continual refrain in Prophet hadith reports about almsgiving, 'The upper hand is better than the lower hand', as observed in connection with quotation no 3. Bonner observes that Sarakhsī goes on at this point with an argument against *ahl al-ḥadīth*, particularly Aḥmad b. Ḥanbal and Ishāq b. Rāhūya (d. 238/853), who allegedly said that the taker is better, since he is fulfilling a duty (by not allowing himself to starve), whereas the giver's act is supererogatory.<sup>105</sup> I have not found this proposition in either of two published collections of the opinions of Aḥmad and Ishāq.<sup>106</sup> The Sufi al-Rūdhbārī (d. 322/933-4?) would not put his hand over the poor man's in giving him money, another approach to the Prophet's injunction, but he was not close to Ḥanbali circles.<sup>107</sup>

(19) 'Wherever eating is a duty, eating is subject to reward, for it is tantamount to a command. By its means, one is enabled to fulfil his duties by way of fasting and ritual prayer. It is equivalent to hurrying to fulfil the Friday assembly and ritual purity to fulfil the duty of ritual prayer.'<sup>108</sup> Again, we need not suppose that some renunciants were actually failing to fast and pray from self-imposed starvation.

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<sup>103</sup> Ibn al-Mubārak, *Zuhd*, no 748 (incomplete Kufan *isnād*).

<sup>104</sup> Sarakhsī, *Mabsūṭ* 30:273; Shaybānī, *Kasb*, 194.

<sup>105</sup> Bonner, *The Kitāb al-Kasb*, 418; Sarakhsī, *Mabsūṭ* 30:274; Shaybānī, *Kasb*, 197.

<sup>106</sup> Kawṣaj, *Masā'il*, and Ḥarb al-Kirmānī, *Masā'il*.

<sup>107</sup> Al-Khaṭīb al-Baghdādī, *Tārīkh* 2:183.

<sup>108</sup> Sarakhsī, *Mabsūṭ* 30:275; Shaybānī, *Kasb*, 203.

(20) ‘He is not held to account for that, nor blamed or punished, since he is rewarded for that, as he is rewarded for performing rituals. How could he be blamed for it or held to account?’<sup>109</sup> ‘Held to account (*yuḥāsabu*)’ is a normal term in renunciant literature. It has come up earlier in Abū l-Dardā’ and Abū Dharr’s comparison between the possessors of one and two dirhams. However, it is hardly peculiar to renunciant literature. I have not remarked an instance where some renunciant warns that everyone who eats to satiety will be held to account for it, but it is conceivable that someone did. Al-Ḥasan al-Baṣrī has already been quoted as assuming that no believer ate to satiety.

(21) ‘He said in the book, “This is the position of `Umar, `Uthmān, `Alī, and Ibn `Abbās (God be pleased with them), that a man is not held to account for this extent. Their consensus is a sufficient argument.”<sup>110</sup> It is shortly indicated that ‘this extent’ means satiety. Oddly, Sarakhsī does not supply quotations from each of these Companions in support of eating to satiety, rather two stories of the caliph `Umar making almost the opposite point, mainly refusing to indulge his desires.

(22) ‘He said in the book, “The matter of clothing is likewise.”’<sup>111</sup> It has become difficult to follow Shaybānī’s argument, even more with the next quotation.

(23) ‘He mentioned in the book on the authority of Ibn `Abbās (may God be pleased with them both) concerning his saying (be he exalted), “God effaces and establishes what he wishes (Q. 13:39)”, that the meaning is his effacing names from the record of the hapless and establishing them in the record of the blessed while effacing some names from the record of the blessed and putting (them) in the record of the hapless.’<sup>112</sup> The discussion has turned to predestination, perhaps connected to *gain* by the question of how humans *acquire* their

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<sup>109</sup> Sarakhsī, *Mabsūṭ* 30:276; Shaybānī, *Kasb*, 204-5.

<sup>110</sup> Sarakhsī, *Mabsūṭ* 30:276; Shaybānī, *Kasb*, 206-7.

<sup>111</sup> Sarakhsī, *Mabsūṭ* 30:278; Shaybānī, *Kasb*, 216.

<sup>112</sup> Sarakhsī, *Mabsūṭ* 30:281; Shaybānī, *Kasb*, 226.

actions if they are not to be considered masters of their own fate (that is, if predestination is not to be denied).<sup>113</sup>

(24) ‘Then he related the hadith report of the Ṣiddīq (Abū Bakr) wherein he asked the Messenger of God . . . , saying, “A meal I ate with you in the house of Abū l-Haytham b. al-Tayyihān”, which we have related in full.’ In this earlier passage, Abū Bakr describes a meal comprising meat (*laḥm*), barley bread, and oil, and asks whether it is part of the bliss (*na`īm*) about which they will be asked on the Day of the Resurrection, according to Q. 102:8. The Prophet assures him that that there are three things the believer will not be asked about (*lā yus`alu `an thalāth*): ‘What covers his pudenda, what maintains his body (*ṣulb*), and what shelters him from heat and cold. He will be asked about every bliss after these.’<sup>114</sup> Sarakhsī goes on, ‘He added at the end of the hadith report, “As for the believer, his thanks when food is put before him is to say ‘In the name of God’ and when he finishes ‘Praise be to God.’” This addition is not mentioned by the hadith experts in their books. Muḥammad (al-Shaybānī) . . . is trustworthy as to what he relates. It is likely that these are the words of Muḥammad (may God, be he exalted, have mercy on him), which he mentioned after relating the hadith report.’<sup>115</sup> Actually, this hadith report is not found in standard Sunni collections, although similar ones about these three things are. (One has been cited already, naming a house, a garment, and bread.<sup>116</sup>) As for the additional words at the end apparently from another context, this is a very common phenomenon in hadith literature. Obvious examples have come up already, about caution regarding the prayer of someone wronged and giving alms first to dependants.

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<sup>113</sup> Bonner comments, ‘Near the end comes a section, noticeably different in style, on “acquisition” in the theological sense, which may have been added on’: *The Kitāb al-Kasb*, 419.

<sup>114</sup> Sarakhsī, *Mabsūṭ* 30:276; Shaybānī, *Kasb*, 205.

<sup>115</sup> Sarakhsī, *Mabsūṭ* 30:282; Shaybānī, *Kasb*, 228.

<sup>116</sup> Cf. al-Ṭabarī, *Jamī` al-bayān `an ta`wīl āy al-Qur`ān*, ad Q. 102:8, where definitions of ‘bliss’ are organized under five heads, none matching Shaybānī’s exemption of these three.

(25) ‘Then he said, “It is discouraged for men to wear silk except in case of war.”’<sup>117</sup>

Sarakhsī admits that this seems to be out of context, but simplicity of dress and discouragement of silk in particular do come up in renunciant literature. The Syrian Ibn Muḥayrīz (d. 99/717-18 or later) said, ‘I would rather have leprosy on my skin than wear a garment of silk.’<sup>118</sup> In war, silk armour was useful especially against arrows, hence the exception.

(26) ‘There is no harm in a man’s having a bed in his house of gold or silver with a covering of brocade (*dībāj*) in order to impress people without his sitting or sleeping on it. That is transmitted from the Companions and Followers (God be pleased with all of them).’<sup>119</sup> It is widely admitted that the Companions made more use of silk than it seems Prophet hadith on the topic should have allowed; for example, the Basran Companion Anas (d. 92/710-11?), asked about *khazz*, said, ‘I wish God had not created it. There were no Companions of the Prophet . . . who did not wear it save ‘Umar and Ibn ‘Umar.’<sup>120</sup>

(27) ‘There is no harm in decorating a mosque with plaster, teak, and gold paint.’<sup>121</sup> Strictures against decorating mosques are mentioned in renunciant literature. Abū l-Dardā’ said, ‘When you decorate your Qur’ans and adorn your mosques, destruction is nigh.’<sup>122</sup>

(28) ‘Consider that a man may build a house for himself and decorate its roof with gold paint without sinning in that.’<sup>123</sup> This definitely goes against a theme of renunciant literature, mainly opposition to building. The Prophet said, ‘All expenditures are in God’s cause except for building, which has no good in it.’<sup>124</sup> Ibrāhīm al-Nakha‘ī said, ‘Every building is a curse (*wabāl*) against you.’ Abū Ḥamza (Maymūn, Kufan, n.d.) asked him,

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<sup>117</sup> Sarakhsī, *Mabsūṭ* 30:282; Shaybānī, *Kasb*, 229.

<sup>118</sup> Aḥmad, *Zuhd*, 389 465 (< `Al.).

<sup>119</sup> Sarakhsī, *Mabsūṭ* 30:283; Shaybānī, *Kasb*, 232.

<sup>120</sup> Ibn Sa’d, *Biographien* 3/1:239 3:330.

<sup>121</sup> Sarakhsī, *Mabsūṭ* 30:283; Shaybānī, *Kasb*, 234.

<sup>122</sup> Ibn al-Mubārak, *Zuhd*, no 797.

<sup>123</sup> Sarakhsī, *Mabsūṭ* 30:284; Shaybānī, *Kasb*, 238.

<sup>124</sup> Tirmidhī, *ṣiḡat al-qiyāma* 40, *bāb al-naḡaqa kulluhā fī sabīl Allāh illā l-binā’*, no 2482.

‘What do you think of what is necessary?’ Ibrāhīm said, ‘There is neither reward for that nor burden.’<sup>125</sup> Sufyān al-Thawrī said, as they passed a building a man was decorating, ‘Do not look at it.’ Yaḥyā b. al-Mutawakkil (Medinese, d. 167/783-4) asked, ‘Why, O Abū `Abd Allāh?’ Sufyān said, ‘This one built it only for it to be looked at. If everyone who passed did not look at it, he would not have put up this building.’<sup>126</sup>

(29) ‘If people were satisfied with less than this and attended to their superfluities and directed them toward their afterlives, that would be better for them.’<sup>127</sup> No one would have disagreed with this.

(30) ‘What is incumbent on a man is to hold onto those traits by which he will be praised. Among them is refraining from committing immoral acts, whether apparent or hidden; maintaining the execution of required (prayers) and being constant at them in their proper times; refraining from property and acquiring wealth not licit; and refraining from wronging anyone, whether Muslim or protected subject (*mu`āhid*). As for what is beyond that, God (be he exalted) has made the matter spacious for us. Let us not constrict ourselves or other believers.’<sup>128</sup> And so Shaybānī’s contribution to the literature of renunciation turns out in the end to be mainly about rejecting renunciation in favour of observing the law while enjoying whatever comforts are permissible. It joins other expressions of the late eighth century of disdain for excessive austerity, such as those quoted above of Sufyān al-Thawrī and Sufyān b. `Uyayna, identifying renunciation with shortness of hope (that is, inward detachment) rather than self-denial.

#### *Kitāb al-Ḥujja `alā ahl al-Madīna*

*Kitāb al-Ḥujja `alā ahl al-Madīna* is a polemic against the people of Medina. Shaybānī usually quotes Abū Ḥanīfa for one position or another, then quotes the opposing position of

<sup>125</sup> Tirmidhī, *ṣīfat al-qiyāma* 39, *bāb al-binā’ kulluh wabāl*, no 2480; similar Prophet report in Abū Dāwūd, *al-adab* 157, *bāb fī ittikhādh al-ghuraf*, no 5237.

<sup>126</sup> Abū Nu`aym, *Ḥilya* 6:379-80.

<sup>127</sup> Sarakhsī, *Mabsūṭ* 30:285; Shaybānī, *Kasb*, 242.

<sup>128</sup> Sarakhsī, *Mabsūṭ* 30:286-7; Shaybānī, *Kasb*, 248.

‘the people of Medina’, then refutes that position by some combination of practicality and hadith. He sometimes argues expressly against their most famous champion, Mālik b. Anas (d. 179/795), sometimes pits him against them. It includes a section devoted to discouraged actions, *kitāb al-karāhiya*. Such a section is unique to Ḥanafī handbooks, so far as I know, although sometimes it will go by the name not of *al-karāhiya* but *al-ḥaẓr wa-l-ibāḥa* or *al-istiḥsān*.<sup>129</sup> This is the territory of renunciant literature, which, as observed, assumes that its readers will do what is required and avoid what is forbidden but urges them to go beyond that to avoiding all that is discouraged. But this section of the *Ḥujja* is very short, dealing with only three problems: combining the Prophet’s name and *kunya* (‘Muḥammad’ and ‘Abū l-Qāsim’, respectively), using eunuchs to serve one’s womenfolk, and wine vinegar.<sup>130</sup> Regarding all three, Shaybānī advocates a more lenient position than Mālik and the Medinese do. There is practically no intersection with the literature of renunciation here.

*Al-Muwaṭṭa’*

Parts of eight recensions of the *Muwaṭṭa’* of Mālik are extant today.<sup>131</sup> The most familiar and heavily used is that of Yaḥyā b. Yaḥyā al-Laythī of Cordova (d. 234/849). Shaybānī’s *Muwaṭṭa’* usually reads like an abridgement of Yaḥyā b. Yaḥyā’s with hadith reports followed by comments from Shaybānī instead of the opinions of Mālik. It includes a section headed ‘renunciation and humility (*bāb al-zuhd wa-l-tawāḍu’*)’ gathering reports, mostly about the Companion `Umar, that are scattered under different headings in other recensions. It includes no comment from Shaybānī.

A nearby section quotes the Prophet as defining the destitute (*miskīn*): ‘The destitute is not the one who goes around circulating among the people, turned away by one or two mouthfuls, one or two dates.’ They said, ‘So who is the destitute, O Messenger of God?’ He

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<sup>129</sup> See review by Badr al-Dīn al-`Aynī, *Bināya* 12:65.

<sup>130</sup> Shaybānī, *Ḥujja* 3:1-14.

<sup>131</sup> Dutton, ‘*Amal v. ḥadīth*’, esp. 28-33. For estimates of their differences, see Turki, *Le Muwaṭṭa’ de Mālik*, Brockopp, *Early Mālikī Law*, 73-7, and Ḥamdān, *Muwaṭṭa’ ʿat al-imām Mālik*, 95-9.



said, ‘He who hasn’t what makes him independent of people but who is neither noticed by people in order to be given alms nor gets up and begs from people.’ Shaybānī comments, ‘This one has the best claim to being given. To whichever one you give, that discharges your duty. This is the position of Abū Ḥanīfa and the generality of our jurists.’<sup>132</sup> The hadith report occurs also in other recensions of the *Muwaṭṭa’* with identical *isnād* but slight differences of wording.<sup>133</sup> Here is the usual position of the hadith party as to the desirability of independence and the undesirability of begging. However, Shaybānī applies it to givers, wondering to whom they should give, not to potential takers, warning them against begging. That is, it does not foresee a particularly renunciant audience.

Regarding tomb visitation, Shaybānī presents this hadith report: < Mālik < ‘Abd Allāh b. Dīnār < Ibn ‘Umar ‘that, when he wished to travel or came back from travelling, he used to come to the tomb of the Prophet . . . and pray over it (*fa-ṣallā ‘alayh*) and supplicate (*da‘ā*), then went away.’ He comments, ‘Thus it is fitting to do when one comes to Medina—to go to the tomb of the Prophet . . .’<sup>134</sup> This seems to be his paraphrase of a hadith report in the recensions of Yaḥyā and Abū Muṣ‘ab al-Zuhrī, among others, where it appears without comment.<sup>135</sup> Tomb visitation was a common practice among Christians before the Islamic era, and it is hardly surprising that it should have become usual among Muslims in turn. It almost never comes up in the literature of renunciation, though. That is, renunciants are noteworthy for visiting tombs, but not with a view to the particular persons buried, rather with a view to recollecting death. ‘Uthmān b. ‘Affān (d. 35/656) wept over a tomb (whose is immaterial) till his beard was soaked. When someone objected that he should recollect

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<sup>132</sup> Mālik, *Muwaṭṭa’*, rec. Shaybānī, *jāmi’ al-ḥadīth*, *bāb faḍl al-ma’rūf wa-l-ṣadaqa*, no 931.

<sup>133</sup> Mālik, *Muwaṭṭa’*, rec. Yaḥyā, *al-jāmi’* 27, *mā jā’a fī l-masākīn*, no 2672 = rec. Abū Muṣ‘ab, *al-jāmi’* 25, *bāb mā jā’a fī l-miskīn*, no 1932. Many parallel versions: among others, Bukhārī, *al-zakāt* 53, *bāb qawl Allāh wa-lā yas’alūna l-nās ilḥāfan*, no 1476, *k. al-tafsīr* 2, *ad Q. 2:273*, no 4539, Muslim, *al-zakāt* 34, *bāb al-miskīn alladhī lā yajidu ghinā*, no 1039, Abū Dāwūd, *al-zakāt* 24, *bāb man yu’tā min al-ṣadaqa*, no 1631.

<sup>134</sup> Mālik, *Muwaṭṭa’*, rec. Shaybānī, *jāmi’ al-ḥadīth*, *bāb ziyārat qabr al-nabī*, no 948.

<sup>135</sup> Mālik, *Muwaṭṭa’*, rec. Yaḥyā, *al-ṣalāt* 107, *mā jā’a fī l-ṣalāt ‘alā l-nabī*, no 458 = rec. Abū Muṣ‘ab, *al-ṣalāt* 69, *bāb mā jā’a fī l-ṣalāt ‘alā al-nabī*, no 506.

Paradise, he quoted the Prophet as saying, ‘The grave is the first resting place of the Hereafter. If one is saved from it, then what comes after is easier. If one is not saved, then what is after it is more severe.’<sup>136</sup> The Medinese Zayd b. Aslam (d. 136/753-4) commended someone for living in a cemetery, saying it provided good neighbours and an example to him.<sup>137</sup> The Basran ‘Aṭā’ al-Salīmī (fl. 1st ½ 2nd/8th cent.) would go out to the cemetery at night and weep.<sup>138</sup> But visiting particular saints’ tombs such as Shaybānī recommends implies a regard for special times and places generally absent from the early record.

*Al-Āthār*

*Kitāb al-Āthār* is a collection of hadith (913 items, according to the most recent editor’s count) related by Shaybānī from Abū Ḥanīfa, usually followed by a short comment. Thus far it is similar to Shaybānī’s recension of the *Muwattaʿa*, also in ignoring the position of Abū Yūsuf. It includes one section expressly devoted to renunciation (*zuhd*), comprising a version of the hadith report (skipping ‘Ā’isha at the Companion level, among other differences) that the Prophet’s family never ate wheat bread to satiety for three consecutive days during his time in Medina.<sup>139</sup> In a nearby section, on the topic of clothing, it relates this:

Muḥammad < Abū Ḥanīfa < Ḥammād (b. Abī Sulaymān, Kufan client, d. 120/737-8?) < Ibrāhīm (al-Nakhaʿī) < ‘Abd Allāh b. Masʿūd: ‘Beware of two sorts of distinction (*shuhratayn*) in dress: that you be so humble (*yatawāḍa*) as to wear wool or so proud as to wear silk.’

Shaybānī comments, ‘We go by this, it being the position of Abū Ḥanīfa (God have mercy on him).’<sup>140</sup> The renunciant literature certainly includes abundant warnings against drawing attention to oneself, even specifically against wearing wool for show. When someone brought up those who wear wool before al-Ḥasan al-Baṣrī, he said, ‘What is wrong with them? They are triply lacking, having concealed the pride in their hearts while showing humility in their

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<sup>136</sup> Aḥmad, *Zuhd*, 129 160.

<sup>137</sup> Abū Nuʿaym, *Hilya* 3:223 (through Mālik b. Anas).

<sup>138</sup> Abū Nuʿaym, *Hilya* 6:223.

<sup>139</sup> Shaybānī, *Āthār* 2:748.

<sup>140</sup> Shaybānī, *Āthār* 2:719.

clothing. By God, one of them is more pleased with his clothing than the wearer of a silken robe with his silken robe.<sup>141</sup> Similarly, Ibn Mas'ūd himself is quoted not against wool but calling for consistency between inner and outer: 'The clothes do not resemble the clothes until the hearts resemble the hearts.'<sup>142</sup> Indeed, he seems to be quoted in favour of wool: 'The prophets milked sheep, rode asses, and wore wool.'<sup>143</sup> It is therefore surprising to see Shaybānī take a clear position against wool, even against humility. (Shaybānī takes a clear position against wearing silk in *al-Jāmi` al-ṣaghīr*, not so clear in *al-Āthār*.<sup>144</sup>) Sufyān al-Thawrī was also reportedly suspicious of wool, although there are so many examples of Kufan wool-wearers it has even been taken to be a distinctive character of Kufan renunciation.<sup>145</sup> Shaqīq al-Balkhī said he wore wool for twenty years on repenting, although not understanding that clarity actually came of moral transformation till it was explained by `Abd al-`Azīz b. Abī Rawwād (Meccan, d. 159/775-6).<sup>146</sup> The example shows that the Ḥanafī school of Shaybānī's time, such as it was, included renunciant wool-wearers, although there seems little reason to suppose that *al-Āthār* is arguing at this point against Shaqīq in particular.

*Al-Aṣl, al-Jāmi` al-kabīr, and al-Jāmi` al-ṣaghīr*

*Al-Aṣl* appears to be a Ḥanafī handbook, laying out a series of rules. Disagreements are noted among Abū Ḥanīfa, Abū Yūsuf, and Muḥammad (al-Shaybānī) but little hadith is related of the Prophet and even less of sayings of earlier Kufan authorities such as Ibrāhīm al-Nakha'ī. It does not include a section on discouraged actions, and I have not observed elsewhere (e.g. in sections on qur'anic recitation) anything of special concern to the renunciant tradition. As

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<sup>141</sup> Ibn Sa'd, *Ṭabaqāt* 7/1:123 7:169; similar quotation in Jāhīz, *Bayān* 3:153.

<sup>142</sup> Ibn Abī Shayba, *Muṣannaf*, *al-zuhd* 12, *kalām Ibn Mas'ūd*, 12:210.

<sup>143</sup> Aḥmad, *Zuhd*, 60 78.

<sup>144</sup> Shaybānī, *al-Jāmi` al-ṣaghīr*, 110 (with an exception for wearing silk in war, 111); idem, *Āthār*, 717-22.

Aḥmad b. Ḥanbal said, in light of the number of Companions who allowed silk, he hoped there was no harm in it: Kawsaj, *Masā'il* 2:542.

<sup>145</sup> For Sufyān, see Abū Nu'aym, *Ḥilya* 7:33. For wool as a Kufan peculiarity, see Shaibi, *Sufism and Shiism*, 37.

<sup>146</sup> Abū Nu'aym, *Ḥilya* 8:59.

far as the later Ḥanafī school of law is concerned, the two *Jami`*s of Shaybānī may be his most important works, inasmuch they were the subject of multiple commentaries.

Stylistically, they are very different: *al-Kabīr* presents a series of hypothetical cases without mention of authorities whereas *al-Ṣaghīr* presents a series of rules with frequent reference to Muḥammad (al-Shaybānī), Ya`qūb (Abū Yūsuf), and Abū Ḥanīfa. In *al-Jāmi` al-kabīr*, again, I have noticed virtually nothing of special concern to early renunciant literature. *Al-Jāmi` al-ṣaghīr* includes a section on discouraged actions, *kitāb al-karāhiya*, but it mostly treats issues that do not come up in the renunciant literature and tends to be comparatively lenient. For example, there is no harm in having a Magian neighbor or servant buy meat, then eat what he says he has purchased from a Jew, Christian, or Muslim (the overscrupulous presumably feared to eat what had not been slaughtered in the name of God); Muḥammad related from Ya`qūb who related from Abū Ḥanīfa that a man who buys a slave girl should not touch her, kiss her with lust, or look at her pudenda with lust until he has made sure she is not pregnant; there is no harm in buying and selling houses in Mecca but it is discouraged to buy and sell land there.<sup>147</sup>

### Conclusion

The intersection between the works of Shaybānī and the literature of renunciation is valuable testimony to the status of renunciation in his time. First, that his main literary contribution, *Kitāb al-Kasb*, should argue specifically against the repudiation of gain (*inkār al-kasb*) makes it the earliest evidence we have of this extreme form of renunciation. Otherwise, repudiation of gain is attested mainly in the generation after Shaybānī, as by, most notably, the *Kasb* of al-Muḥāsibī.

Secondly, inasmuch as Shaybānī argues generally against the renunciant tradition in favour of an inward, world-embracing piety, his work confirms other evidence of a turn

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<sup>147</sup> Shaybānī, *al-Jāmi` al-ṣaghīr*, 110-11.

against outward, world-rejecting piety in the late eighth century, especially quotations of Sufyān al-Thawrī and Sufyān b. ʿUyayna. Shaybānī was writing when the Muslims were no longer a small élite at the top of society, as in the time of al-Ḥasan al-Baṣrī, but the growing majority, at least in Iraq. It was feasible to call on Muslims to spend their nights in supererogatory ritual prayer and qurʿanic recitation (for example) when they could be supported by tribute, less feasible when they were mostly ordinary people who needed to work for a living.<sup>148</sup>

Thirdly, Shaybānī's opposition to the renunciant tradition testifies to a split within the wider Ḥanafī grouping of his time. External evidence attests to elements of the larger Ḥanafī grouping—Dāwūd al-Ṭāʾī in Iraq, Ibn al-Mubārak in Khurasan and the Byzantine frontier, the Karāmiyya in Nishapur, and probably al-Ḥakīm al-Tirmidhī elsewhere in the Islamic Northeast—close to the renunciation that Shaybānī opposed. Shaybānī's world-embracing stance, presumably along with that of Ibn Samā'a and others after him, may partly explain why Ḥanafī Sufism was so late to appear, at least in Iraq. Khurasani Ḥanafism, by contrast, was evidently more friendly to a world-rejecting piety.

Fourthly, discrepancies among the books attributed to Shaybānī, as over what Masrūq said about forbidden foods, incidentally strengthen suspicions that they were built up posthumously by different persons. It is generally recognized that books from before the mid-ninth century have more the character of lecture notes than stable texts fixed by their putative authors.<sup>149</sup> The extent to which some particular texts have been altered in transmission has attracted relatively much scholarship, but much remains to be done.<sup>150</sup> Another obvious next step is to investigate renunciation in other early juristic traditions for comparison. Relatively much has been written about Aḥmad ibn Ḥanbal and the early Ḥanbali tradition with regard

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<sup>148</sup> This is the chronology proposed by Melchert, Baṣran, 229-30.

<sup>149</sup> A good survey of early texts is Görke, *Kitāb*, 1-23. On the general problem, see Schoeler, *Genesis*.

<sup>150</sup> See for example the works cited in n. 81, above, also Brockopp, Re-reading, on Māliki texts, and El Shamsy, Al-Shāfiʿī's, on Shāfiʿī texts.

to piety.<sup>151</sup> (I plan to treat Mālik in a forthcoming book.) Al-Shāfiʿī, who had no great reputation personally for austere living or strenuous devotions, remains to investigate. It may be that his casualness is part of the reason the Shāfiʿī school proved the most congenial to early Sufis.

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<sup>151</sup> See esp. Cooperson, Ibn Ḥanbal; Cook, *Commanding*, chap. 5; Hurvitz, *Formation*; Melchert, *Ahmad*, chap. 5.

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