

Development of the Shafi'iyah *Fiqh* Thought Pattern and the Role of al-Nawawī as a Unifier

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Abstract

This study aims to find factors for the emergence and development of the Shafii School of legal thought and the role of al-Nawawī as a unifier of these thoughts. Legal thought in the Shafii school of thought at the beginning of the revival of the school was very diverse, so this also affected the legal analogy that developed between one region and another. This research is a qualitative research, in which the data were analyzed by using content analysis based on the text of the thoughts of the scholars. Based on the results of the study, it can be understood that the birth of various styles of thought in the Shafii school was caused by the different methods of thinking of the scholars from different regions in developing the Shafii school of thought, such as the areas of Iraq and Khurasan. Iraqi scholars prefer the *rimāyah* method while Khurasan scholars prefer the *dirāyah* method. In addition, each of these styles of thinking has advantages and disadvantages. The advantage of the Iraqi style is in the transmission of mazhab opinions and the rules of ijtihad, so that this style of thinking is considered stronger than Khurasan, while the Khurasan style lies in the systematic method of legal development, so that this style is considered better in legal development cases. The weakness of the Iraqi style of thought is in terms of *takbrīj* and *tafrī'* compared to the Khurasan style, while the Khurasan style is weak in terms of the accuracy of the transmission of opinions compared to the Iraqi style. This has inspired the scholars who lived afterward, such as al-Nawawī (d. 676 H) to initiate the unification of these styles of thought. Therefore, al-Nawawī is seen as the most representative of the Shafi'iyah scholars in developing the Shafi'i school.

Keywords: Development; thought pattern; syāfi'iyah fiqh; the role of al-Nawawī

Abstrak

Penelitian ini bertujuan untuk menemukan faktor muncul dan berkembangnya corak pemikiran hukum mazhab Syāfi‘ī serta peran al-Nawawī sebagai pemersatu pemikiran tersebut. Pemikiran hukum dalam mazhab Syāfi‘ī pada awal kebangkitan mazhab sangat beragam, sehingga hal tersebut mempengaruhi juga terhadap analogi hukum yang berkembang antara satu daerah dengan daerah lainnya. Penelitian ini merupakan penelitian kualitatif, untuk analisis data menggunakan analisis isi (*content analysis*) berdasarkan teks pemikiran para ulama. Berdasarkan hasil kajian dapat dipahami lahirnya berbagai corak pemikiran dalam mazhab Syāfi‘ī disebabkan oleh perbedaan metode berpikir para ulama yang berbeda daerah dalam mengembangkan mazhab Syāfi‘ī seperti daerah Irak dan Khurasan. Ulama Irak lebih mengedepankan metode *riwāyah* sementara ulama Khurasan lebih ke metode *dirāyah*. Selain itu masing-masing corak pemikiran ini mempunyai keunggulan dan kelemahan. Keunggulan corak Irak terdapat pada periwayatan pendapat mazhab dan kaidah ijihad, sehingga corak pemikiran ini dinilai lebih kuat dibandingkan Khurasan, sementara corak Khurasan terletak pada metode pengembangan hukum yang sistematis, sehingga corak ini dinilai lebih bagus dalam perkara pengembangan hukum. Kelemahan corak pemikiran Irak dari sisi *takhrīj* dan *tafīr* dibandingkan Khurasan, sementara corak Khurasan lemah dari sisi akurasi periwayatan pendapat dibandingkan corak Irak. Hal inilah sehingga menggugah para ulama yang hidup sesudahnya seperti al-Nawawī (w. 676 H) menginisiasi untuk menyatukan corak pemikiran tersebut. Oleh sebab itu, al-Nawawī dipandang sebagai ulama *Syāfi‘īyyah* yang paling representatif dalam mengembangkan mazhab Syāfi‘ī.

Kata Kunci: Pengembangan; corak pemikiran; fikih *syāfi‘īyyah*; peran al-Nawawī

Introduction

Basically, the schools of *fiqh* were not born spontaneously, but were born through a long process characterized by various dynamics within them. This process begins from laying the foundations of thought of a *mujtabid* in formulating various legal provisions of *fiqh*, then proceeding to make the fatwa and way of thinking as a follow-up in the field of *fiqh*, and developing them. In the end, the fatwa and the way of thinking crystallized and formed like an institution that was embraced and used as a guide for Muslims. After being formed as a legal thought, the schools of *fiqh* were evolved by developing various theories which substances have generally been practiced since the generation of the Prophet's companions. The beginning of the second century to the middle of the fourth century of *hijri* was recorded as the golden age of the

schools of *fiqh*.¹ In addition to the successful compilation of books discussing legal theory, the glory of this period was also marked by the birth of various terms that made legal theory more interesting, such as the birth of the terms pillars, conditions, *fardh*, obligatory, circumcision, makruh, haram, *fasid* and others.² This also helped encouraging the existence and development of the schools that were already formed

As one of the *fiqh* thought patterns adopted by some Muslims, the institutionalization of the Shafii School was also followed by a relatively long process, starting from the formation of basic foundations to the emergence of a characteristic and distinction that distinguishes it from other schools. This process was inseparable from several phases. In its development phase, there were many dynamics that occur in the Shafii School. These dynamics included the enrichment of legal views by the scholars of al-Syafi'i followers, the development of the rules of *ijtihad*, to the birth of patterns of legal thought. This pattern of thought then thickened so much that it became a pattern of thought in the *istinbāth* legal system. In the history of its development, the pattern of thought that had developed in the Shafii school consisted of the Iraqi and Khurasan styles, before finally the two styles of thought were able to be reunited by the scholars who lived in the following centuries. The birth of the Iraqi and Khurasan styles of thought is interesting to study, considering that the patrons in *ijtihad* for the Syafi'iyah scholars had been available beforehand along with the completion of the compilation of *al-Risalah* by al-Syafi'i itself, but the Syafiyyah scholars could have different views until the birth of these two styles of thought.

Studying the thought patterns of the schools of *fiqh* is very necessary because examining these patterns of thought can reveal the background of the birth and development of a school as well as the role of previous scholars in strengthening or unifying these styles of thought so that the thoughts of later scholars can be mapped. In addition, there are very few studies on the thought patterns of the schools of *fiqh* by previous researchers, including studies on the patterns of thought in the Shafii school of thought. This argument is based on a review of several articles as a literature review in which the discussion or study does not touch on the Shafii school of thought, especially the Iraqi and Khurasan patterns of thought. It is as written by Rizky Muktamirul Khair in his article entitled *The Position of the Friday Qabliyyah Sunnah Prayer in the Legal Thought of Imam Al-Nawawi*. This study only discusses the legal thoughts of Imam Al-

¹ Zakirun Pohan, "Eksistensi Mazhab Fiqih Pada Zaman Kontemporer Sekarang," *Al-Ilmu* 6, No. 1 (2021): 15–34, Arifah Jauhari Syams, "Melacak Masa Keemasan Fikih Pada Masa Empat Imam Madzhab", *Al-Ahwal* 5, No. 1 (2013): 91-101.

² Muhammad al-Khudari Bik, *Tarikh Taswir' Al-Islami* (Singapura-Jeddah: al-Haramain, n.d.), p. 226-228.

Nawawī about the Friday *Qabliyyah* Sunnah prayer.³ In addition, there is also an article written by Ihsan Nul Hakim with the title *Thoughts of Usul Fiqh Ibn Qudamah: A Study of Some Fiqh Problems in the Book of Al-Kafi fi Fiqh Al-Imam Ahmad bin Hanbal*, which discusses the thoughts of *ushul fiqh* in the Hanbal school of thought.⁴ Based on the description and literature review above, a study is urgently needed to find out the factors and reasons behind the birth of the style of thought in the Shafīī school of thought, especially the Iraqi and Khurasan patterns of thought as well as the efforts of later Syafī'iyah scholars such as al-Nawawī to unite the two styles of thought of the Shafīī school of thought.

Discussion

History of the Spread of the Shafīī School

Before the Shafīī School spread to various regions, al-Syāfi'ī students, especially those who narrated the Egyptian *fiqh* period (*qawl Jadid*) were very active in teaching the contents of the school to every scholar. This was facilitated by the existence of a book left by al-Syāfi'ī. This was different with students who narrated *fiqh* of the Iraqi period (*qawl qadim*) because the book of the *fiqh* of the Iraqi period was never printed and the manuscript was also lost in circulation even though it was written by al-Syāfi'ī in the books of *al-Hujjah* and *al-Risālah al-Qadimah*. Therefore, its contents could only be obtained in a scattered manner through the writings carried out by other book authors.⁵ In addition, al-Syāfi'ī's previous *fatwa* in Iraq were corrected when he settled in Egypt, so that the *fiqh* of the Shafīī school that developed in Iraq in the next era was the Egyptian period *fiqh* or the *jadid* version, while the *qadim* version of *fiqh* was not developed anymore.⁶ Based on that reason, the distribution of school that the author is referring to in this description is the school of the Egyptian period or *qawl jadid*. In addition, it should be noted that there are quite a number of scholars who contributed to the spread of this school. However, in this discussion the author will limit the scholars who are considered the most meritorious in spreading it to certain areas, and it is in their hands that the Shafīī school in that area was growing rapidly and exists. Those scholars will be named

³ Rizky Muktamirul Khair, "Kedudukan Shalat Sunnah Qabliyyah Jumat Dalam Pemikiran Hukum Imām Al-Nawawī," *Istinbath: Jurnal Hukum Islam* 3, no. 2 (2018): 107–32, <https://doi.org/doi:10.29240/jhi.v3i2.412>.

⁴ Ihsan Nul Hakim, "Pemikiran Ushul Fiqh Ibnu Qudamah: Kajian Atas Beberapa Masalah Fiqh Dalam Kitab Al-Kafi Fi Fiqh Al-Imam Ahmad Bin Hanbal," *Istinbath: Jurnal Hukum Islam* 1, no. 2 (2016): 81–102, <https://doi.org/DOI:10.29240/jhi.v1i1.76>.

⁵ Umar Sulaimān Al-Asyqar, *Al-Madkhal Ilā Dirāsah Al-Madāris Wa Al-Madhabib Al-Fiqhiyyah*, 2nd ed. (Amman: Dār al-Nafā'is, 1998) 54.

⁶ Abd al-'Azīm Maḥmūd Dīb, *Al-Madhab Al-Syāfi'i Min Al-Ta'sīs Ilā Al-Istiqrār* (Bairut: Dār al-Minhāj, n.d.), p. 147.

specifically, with no intention of ignoring the services of other scholars.

The students of al-Syāfi'ī in Egypt, especially al-Muzanī, Rabī' al-Murādī, al-Buwaithī, Harmalah ibn Yaḥyā, and Yūnus ibn 'Abd al-A'lā were always serious about teaching the *fiqh* which they inherited from Syāfi'ī to his disciples who came to Egypt from various areas and regions. After studying in Egypt, the students of al-Syāfi'ī's students returned to their original areas or went to other areas, then the *fiqh* that was spread was the *fiqh* that they learned from al-Syāfi'ī students who live in Egypt. The first area that experienced the spread of the Shafī School was Egypt itself. This is very reasonable because al-Shafī'ī remained in Egypt until the end of his life. This was followed by Iraq,⁷ because Iraq was the area where the Shafī school of thought was introduced, although in an old version. Then, it was just spreader to other areas due to the persistence of the students who studied directly under al-Syāfi'ī's students.

One of the students of al-Muzanī and Rabī' al-Murādī was 'Uthmān ibn Sa'īd al-Anmāthī (d. 288 H). He was the first to spread the Egyptian version of the Shafī School of fiqh in Iraq, in which the *qadīm* version of the Shafī school of thought was previously introduced. Therefore, al-Anmāthī was considered as the first person to bring al-Muzanī's knowledge to Iraq.⁸ One of al-Anmāthī's students, named Abū al-'Abbās Ibn Suraij (d. 306 H) then continued the development more widely. This was more or less influenced by the position of Ibn Suraij who served as *qadhi* in Shiraz, so that Ibn Suraij was called *Shaykh al-madbbah* and the bearer of the school's flag.⁹ In turn, the students of Ibn Suraij were very active in spreading the school to their homelands or other areas they came to, following the early generations who had preceded them. Therefore, some authors state that the spread of the Shafī school to most areas inhabited by Muslims occurred in the hands of Ibn Suraij.¹⁰

Another disciple of Rabī' al-Murādī was Abū Zar'ah Muḥammad ibn 'Uthmān (d. 302 H). Abū Zar'ah was the first to bring Shafī'ī to Syam. Previously, he served as *qadhi* in Egypt for eight years, starting from 284 H, in which his considerations and decisions referred to the Shafī School and he defended it. After moving to Syam, he was also given the position of *qadhi* there. Finally the Shafī School was very well known in Syam, in which the people of Syam previously followed the al-Awzā'ī school (d. 157 H). After Abū Zar'ah died, the position of *qadhi* was held by his son, namely al-Husain ibn

⁷ Muḥammad Abū Zahrah, *Tarikh Al-Madhabib Al-Islamiyyah; Fi Al-Siyasah Wa Al-'Aqā'id Wa Tarikh Al-Madhabib Al-Fiqhiyyah* (Kairo: Dār al-Fikr al-'Arabī, n.d.), p. 449.

⁸ Tāj al-Dīn 'Abd al-Wahhāb ibn 'Alī Ibn al-Subkī, *Ṭabaqāt Al-Syāfi'īyyah Al-Kubrā, Tahqiq: Muṣṭafā 'Abd Al-Qādir Aḥmad 'Atā* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999) 494.

⁹ Ibn al-Subkī. 16.

¹⁰ Akram Yūsuf 'Umar Al-Qawāsīmī, *Al-Madkhal Ilā Madbbah Al-Imam Al-Syāfi'ī* (Amman: Dār al-Nafā'is, 2003), p. 327.

Muhammad (d. 327 H). He continued what his father had done in making the Shafii school a reference in legal considerations and decisions.¹¹ For this reason, the Shafii school of thought was so widespread in Syam that almost no one served as a *qadhi* there except the Shafii'yyah clerics.¹² Likewise, the spread to other areas were brought by people who studied the Egyptian version of Shafii School of *fiqh* with the Shafii's students either directly or indirectly. The Shafii school was spread to Marw and Khurasan¹³ for the first time by 'Abdān ibn Muhammad ibn 'Isā al-Marwazī (d. 293 H),¹⁴ one of the students of al-Muzanī and Rabī' al-Murādī. He was said to be the first person to bring home the book *Mukhtaṣar al-Muzanī* to Marw.¹⁵

According to Mahmūd al-Khawārizmī quoted by Ibn al-Subkī, the first to bring the Shafii school to Balkh Afghanistan was Ab Bakr al-Fārisī Ahmad ibn al-Husain ibn Sahal (d. 305 H), also one of al-Muzanī's students.¹⁶ The first to bring it to the Ma Wara 'al-Nahar¹⁷ area and spread it was al-Qaffāl al-Kabīr al-Syāsyī Muhammad ibn 'Alī (d. 365 H)¹⁸ who was a generation of scholars who did not learn directly from the Shafii's students. Meanwhile, the first to bring to Asfarin Persia was Abū 'Awānah Ya'qūb ibn Ishāq al-Naisābūrī (d.316 H) who was also a direct student of al-Muzanī and Rabī' al-Murādī.¹⁹ In addition, the first to spread to Yemen was al-Ḥāfiẓ Mūsā ibn 'Imrān al-Ma'āfirī (d. 307 H).²⁰ And so on, the successors of scholars in each region continued to spread the Shafii School from generation to generation until the Shafii School came to Africa, East Asia and other regions. As a result of this spread, every country in which the Shafii school of thought was propagated there gave birth to scholars who always continued the development of the school of thought in their respective times.

In addition to spreading the school of thought through the teaching of *fiqh* to scholars, the students and successors of al-Syafi'i were also very productive in writing. The works they produced generally contain *fiqh* law and

¹¹ Imād al-Dīn Ismā'īl ibn Umar Ibn Kathīr, *Ṭabaqāt Al-Syāfi'īyyah*, *Tahqīq: 'Abd Al-Ḥafīẓ Mansūr* (Naghazī: Dār al-Madār al-Islāmī, 2002), p. 224.

¹² Ibn al-Subkī. 228.

¹³ Ibn al-Subkī. 227.

¹⁴ Nu'mān Jaghīm, *Madkhal Ilā Madhhab Al-Syāfi'ī; Rijālūh Wa Uṣūlūh Wa Kutubūh Wa Iṣṭilāḥātūh* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2011), p. 69.

¹⁵ Ibn al-Subkī. 491.

¹⁶ Ibn al-Subkī. 399.

¹⁷ Al-Qawāsīmī, *Al-Madkhal Ilā Madhhab Al-Imām Al-Syāfi'ī*, 311.

¹⁸ Jaghīm, *Madkhal Ilā Madhhab Al-Syāfi'ī; Rijālūh Wa Uṣūlūh Wa Kutubūh Wa Iṣṭilāḥātūh*, 69.

¹⁹ Ibn al-Subkī. 344.

²⁰ Muḥammad Ṭariq Muḥammad Hisyām Maghribiyyah, *Al-Madhhab Al-Syāfi'ī; Dirāsah 'an Abam Muṣṭalahātih Wa Ayybar Muṣannaṣātih Wa Maratib Al-Tarjih Fih* (Damaskus: al-Fārūq, 2011), p. 148.

methods of legal discovery; in addition, there are also interpretations, hadith and others. Their work in the field of *fiqh* and the method of discovery is a reinforcement and development of what had been pioneered by al-Shafī'ī himself. Among the works written by the pupil of al-al-Syāfī'ī are *Mukhtaṣar al-Muḥṣan* by al-Muzanī, *Mukhtaṣar al-Buwaiṭī* by al-Buwaiṭī, *al-Jāmi' al-Kabīr* by Ishāq ibn Rāhawiyah's (d. 238 H.), *Kitāb al-Syurūṭ* and *Kitāb al-Sunan* by Harmalah, and etc. The works of the next generation include *al-Qasāmah* by Muhammad ibn Naṣr al-Marwazī (d. 294 H), *al-Awsaṭ fī al-Sunan wa al-Ijmā' wa al-Ikhtilāf* by ibn al-Mundhīr (d. 318 H), *al-Rad 'alā Ibn Dāwūd fī al-Qiyās* and *wa al-Taqrīb Bayna al-Syāfī'ī wa al-Muḥṣanī* by Ibn Suraij, *al-Farā'id al-Kabīr* by al-Aṣṭakharī (d. 328 H), *Syarḥ Mukhtaṣar al-Muḥṣanī* and *al-Fuṣūl fī Ma'rifaḥ al-Uṣūl* by Abū Ishāq al-Marwazī (d. 340 H) and etc. There are quite a lot of books that were born from one generation to another.

If one examines the profile of each *Syāfī'īyyah* scholar from the first generation, namely those who lived in the third century *Hijriyyah* onwards, as in *Thabaqāt Ibn al-Subkī*, it can be found that most of them left works in the form of books, both in the field of *fiqh* and others. It's just that sometimes these books were still in manuscript form, some of them were even lost in circulation. By writing the book, the contents of the school are strengthened and developed and preserved for the next generation.

The spread of the Shafī'ī school of thought carried out by the students and their successors did not run smoothly. It was because the areas that were the target of the spread had previously been inhabited by other schools such as Mālikī and Hanafī. In this condition, the proponents of the Shafī'ī School of course have to find a way to teach the contents of the school in the midst of a community that may not necessarily accept them. However, thanks to their persistence and sincerity in spreading knowledge, they were able to get a place, which of course was by respecting and appreciating the community of other schools of thought. From here, the attitude of tolerance among adherents of the *Fiqh* School that has been built since the beginning is also strengthened again. For example in Iraq, because previously it was rooted in Hanafī school, of course the arrival of the Shafī'ī school caused a bit of pros and cons in Iraqi society, because the fanaticism of the school of thought was not small which led to physical clashes or clashes between adherents of the schools. In addition, political influence and power were also obstacles for school scholars in positioning their existence as giving fatwas on a problem, so that Imam al-Syāfī'ī himself experienced that.²¹ However, with mutual respect, these obstacles and hindrances could be overcome until the Shafī'ī School finally gained recognition there which was not only among ordinary people but also state leaders. The

²¹ Rohidin, "Historitas Pemikiran Hukum Imam Asy-Syāfī'ī." *UISTUM: Jurnal Hukum* Vol. 11 No 27 (2004), <https://journal.uui.ac.id/IUSTUM/article/download/4909/4346>.

proof was that al-Mutawakkil Ja'far ibn al-Mu'tashim (d. 247 H)²² was one of the Caliphs of the Abbasid dynasty who became the first Caliph to follow the Shafii school²³, then followed by Caliph al-Qadir Ahmad ibn Ishaq (d. 422 H)²⁴, and Caliph al-Mustarsyid al-Fadhl ibn Ahmad (d. 529 H).²⁵

In addition, there were also areas that had been controlled by a regime that was not friendly to the Sunni school. For example, Egypt, which was the mother city of the spread of the Shafii School. Initially the propagators of the Shafii school had to compete with adherents of the Maliki and Hanafi schools, until finally the Shafii school succeeded in dominating the two schools that were first present there. After that, its dominance was shaken by the Shi'ite regime of the Fatimiyyah Daulah, until finally Sultan Shalah al-Din al-Ayyubi (d. 589 H) took over Egypt from the Fatimiyyah regime. Since then, al-Ayyubi had re-applied the Sunni understanding as a state ideology and given the rights to administer *fiqh* to the Shafii School because al-Ayyubi himself adheres to the Shafii School.²⁶ It was not enough there, as a form of his love for the Shafii school, in 566 H al-Ayyubi founded the al-Nasiriyyah School, and in 575 he also founded the al-Shalahiyyah madrasa, in which the authority to teach in these two madrasas was given to the scholars of the Shafii school. In addition, he gave the position of *qadhi* to always be filled by scholars from the Shafii school, even the Bani Ayyub dynasty were all of the Shafii school except for only al-Mu'azzam 'Isa ibn al-'Adil (d. 624 H) who was the Hanafi school of thought. Al-Mu'azzam himself is the King of Syam.²⁷ That was the development and role of the Shafii school during the time of al-Ayyubi until finally the power was held by King al-Zahir Baibarsi (d. 676 H). King al-Zahir Baibarsi appointed a separate *qadhi* from each school of *fiqh*. It means that at that time, the *qadhi* consisted of four people who each handled the law according to their school of thought. Even so, he still gave greater authority to the scholars of the Shafii school, such as the authority to manage *waqf* assets and property for orphans, and the authority to regulate the replacement of *qadhi* in remote areas.²⁸

Support from the authorities was also experienced by the spreaders of the Shafii school in the areas of Khurasan and Ma Wara' al-Nahar. This was

²² Maghribiyyah, *Al-Madhab Al-Syafi'i: Dirasab*. 148.

²³ Jalal al-Din Al-Suyuti, *Tarikh Al-Khulafa* (Beirut: Dar al-Kutub al-Ilmiyyah, n.d.) 281.

²⁴ Ibn al-Subki, *Tabaqat Al-Syafi'iyyah Al-Kubra, Tahqiq: Mustafa 'Abd Al-Qadir Ahmad 'Ata*, 146.

²⁵ Ibn al-Subki, 165.

²⁶ Muhammad Abu Zahrah, *Tarikh Al-Madhab Al-Islamiyyah; Fi Al-Siyasah Wa Al-'Aqa'id Wa Tarikh Al-Madhab Al-Fiqhiyyah*.

²⁷ Ahmad Timur Basya, *Nazrat Tarikhyyah Fi Huduth Al-Madhab Al-Fiqhiyyah Al-Arba'ah* (Beirut: Dar al-Qari, 1990), p. 72.

²⁸ Jaghim, *Madkhal Ila Madhab Al-Syafi'i; Rijaluh Wa Ushuluh Wa Kutubuh Wa Ihtilatih*, 68.

evidenced by the dedication of a prime minister of the Seljuq kingdom, Nizhām al-Mulk (d. 485 H) who was the Shafī School and had served for thirty years. He founded several madrasas as a place for cadre of scholars at that time. Among the madrasas he built, there were two major madrasas, namely the *Nizhāmiyyah* Baghdad madrasa which was headed by Abū Ishāq al-Syīrāzī (d. 476 H), and the *Nizhāmiyyah* Naisabur madrasa which was headed by Imām al-Ḥaramain (d. 478 H). Besides Nizhām al-Mulk, in the area of Ma Warāá al-Nahar, there was also Sulṭān Syams al-Mulk (d. 492 H), a king who was a subject to the Daulah ‘Abbasiyah. Because he adhered to the Shafī school of thought, scholars from the *Syafi’iyyah* circles had a very large opportunity to develop the school there. In addition, they were also given great authority in religious matters, especially to fill *qadhi’* positions.²⁹

In addition to placing scholars of the Shafī school to fill positions in religious affairs, the rulers of the Shafī school also established madrasas such as the al-Amīniyyah madrasa which was built by Amīn al-Daulah Atābik (d. 540 H), one of the rulers of the al-Zanki dynasty in Syria. This madrasa was the first madrasa built in Damascus specifically for students of the Shafī school of thought.³⁰ After that, the successors of the al-Zanki dynasty also built other madrasas for the cadre of the *Syafi’iyyah* scholars, such as the al-Atābikiyyah madrasa which was built by Hānūt binti Mas‘ūd ibn Atābik (w.640 H), who was the sister of King Nūr al-Dīn Arsalān Syāh ibn Mas‘ūd ibn Atābik (w.609 H)³¹ with the full support of the king, and others. This was how the Shafī School spread from time to time.

Based on the description above, the Shafī School of thought spread initially in two ways; the teaching and writing of books by the Shafī students and their successors. They persistently conveyed the contents of the school and defended it through discussions, thereby strengthening the foundations of the school that the clerics had built. Furthermore, the spread of this school got support from the authorities, such as in Egypt, Khurasan, Syria and a little in Iraq. With the support from the authorities, the existence of the Shafī School was getting stronger. The support from the authorities was not only experienced by the Shafī School. Previously, the Hanafī School also received tremendous support from the authorities, until it was made a state school in Iraq. Despite all that, the influence of power remained as one of the factors that caused the *fiqh*

²⁹ Maghribiyyah, *Al-Madhhab Al-Syafi’i: Dirasab ‘an Abam Muṣṭalahātib Wa Asybar Muṣannafātib Wa Marātib Al-Tarjih Fih*, 143-144.

³⁰ Abd al-Qādir ibn Muḥammad Al-Nu‘aimī, *Al-Daris Fi Tarikh Al-Madaris* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1990), p. 96.

³¹ Al-Nu‘aimī, 132.

school to exist, but it was not the main factor.³² The main factor was the dissemination through teaching forums and book writing.

The Emergence of Iraqi and Khurasan Thought Patterns

Background of the Emergence of Iraqi and Khurasan Thoughts

It has been mentioned earlier that the spread of the Shafí School was carried out by students and their successors through teaching and writing activities. As a result of its ever-widening spread, the Shafí school became strong in every country and area it spreader, thus giving birth to scholars who always continued the development of the schools of their respective times. Although in substance, scholars in various regions had developed the Shafí School by following the same foundations and principles of *ijtihād*, namely those inherited by al-Syafí'i, but when implementing these foundations and principles in legal reasoning and writing books, they had their own patterns and methods which sometimes differed from one another. The differences in methods sometimes led to the same legal conclusion, but often the differences also led to the emergence of different legal conclusions. At first the difference was seen only as the method of reasoning of each scholar which was considered very common, but when the method was followed by many people and developed, then it would be seen that the characteristics of each, which sometimes could not be combined.

In the history of its development, due to differences in patterns of legal reasoning and writing of books, at the end of the IV *Hijri* century until the beginning of the V *Hijri* century, two major styles of thought were born in the Shafí school of thought, namely the Iraqi and Khurasan styles of thought. These two thought patterns both developed the Shafí school of thought, but both differed in methods which sometimes led to differences in the laws of *fiqh* that were born so that the journey of the Shafí school at that time was increasingly dynamic. The Iraqi style of thought was centered in Baghdad led by Abū āmid al-Isfirāyaynī (d. 406 H),³³ while the Khurasan style was centered in Marw Khurasan headed by al-Qaffāl al-Marwazī (d. 410 H).³⁴ The naming of this thought pattern was motivated by the domicile places of the teachers who gave birth to the method and the place of its development. A cleric is called an Iraqi-minded even though he came from Khurasan if he studied at a cleric who is domiciled in Iraq, and vice versa. Abū Hāmid al-Isfirāyaynī, who was born

³² Hāmid 'Abd Allāh al-Mahlāwī Al-Tamīmī, *Muqaddimah, Dalam Ibn Al-Mundbir, Muḥammad Ibn Ibrāhīm Al-Naysabūrī, Al-Ansaṭ Fī Al-Sunan Wa Al-Ijmā' Wa Al-Ikhtilāf* (Beirut: Dar al-Kutub al-Ilmiyah, 2012), p. 27.

³³ Ibn al-Subkī, *Thabaqāt Al-Syafī'īyyah Al-Kubrā, Tahqiq: Muṣṭafā 'Abd Al-Qādir Aḥmad 'Atā*, 382.

³⁴ Muḥammad Hasan Hītū, *Al-Ijtihād Wa Ṭabaqāt Mujtabidī Al-Syafī'īyyah* (Beirut: Mu'assasah al-Risālah, n.d.), p. 97.

and grew up in Khurasan, even became a leader of Iraqi thought because he studied with Iraqi scholars and further developed the Shafii School in Iraq. The Khurasan style of thought was often also called the *Murāwazab* School. The reason was because the majority of scholars of Khurasan's style of thought came from the city of Marw. People who were attributed to the city of Marw were called Marwazī, which was the singular form (*mufrad*) of the word *Murāwazab*.³⁵

Characteristics of the Iraqi and Khurasan Thought Patterns

The Iraqi and Khurasan thought patterns have their own characteristics that distinguish one from another. As for the location of the difference between the two styles of thought, the essence is not in the substance of the basic foundations and principles of *ijtihād* inherited by al-Syāfi'ī, but initially the difference lies in the method of legal reasoning with reference to the rules of *ijtihād* of al-Syāfi'ī and on the transmission of opinions of schools, both al-Syāfi'ī's opinions himself and the opinion of his successors.³⁶ However, sometimes these two styles also differ on the principle of *ijtihād* which is derived, not the main principle.³⁷

More concretely, the method of legal reasoning that characterizes the Iraqi style is the tendency to search comprehensively on al-Syāfi'ī's opinion, his *ijtihād* rules and the previous *asbāb al-wujūb*'s opinions, so that every case for which a legal answer is to be given is emphasized more on the accurate narration of on al-Syāfi'ī and his successors. Moreover, their way of dealing with differences of opinion is also based on historical accuracy. Therefore, the superiority of the Iraqi style of thought lies in the transmission of the opinions of the schools and the rules of *ijtihād*, so that in the case of narration, Iraqi thought is considered stronger than Khurasan. Thus, the hallmark of the Iraqi style of thought lies in the *riwāyah* side.

On the other hand, the characteristic of Khurasan's style of thought is the tendency of legal reasoning by prioritizing the pattern of development and branching of pre-existing opinions to new cases (*takbrīj* dan *tafri'*), by examining the suitability of legal reasons between new cases and old cases and examining the scope of existing laws or rules to the new case. For every case that needs a legal answer, the Khurasan style emphasizes research on the scope of existing rules and opinions for new cases, or deepening the legal reasons for old cases. Even in performing *tarjih* against differences of opinion, it is also based on this

³⁵ Ali Jum'ah Muḥammad, *Al-Madkhal Ilā Dirāsah Al-Madhabih Al-Fiqhiyyah* (Kairo: Dār al-Salām, 2012, p.) 47.

³⁶ Maghribiyyah, *Al-Madhab Al-Syāfi'i: Dirāsah 'an Abam Muṣṭalahātih Wa Asybar Muṣannafātih Wa Marātih Al-Tarjih Fih*, 150.

³⁷ Ali Jum'ah Muḥammad, *Al-Imam Al-Syāfi'i Wa Madrasatuh Al-Fiqhiyyah* (Kairo: Dār al-Risālah, 2004), p. 59.

pattern of *takbrīj* and *tafri'*. Therefore, the superiority of Khurasan's style of thought lies in the method of systematic legal development, so that Khurasan's thinking is considered better than the Iraqi style in cases of systematic legal development. Thus, the advantage of the Khurasan style lies in the *dirāyah* side.³⁸

The differences in methods of legal reasoning that occur in the two styles of thought also affect differences in the systematics of book writing. The books written by Iraqi scholars of thought, in providing legal answers to new cases are more dominated by efforts to emphasize their conformity with the opinions of al-Syāfi'ī and *ashāb al-wujūb*. Meanwhile, the books by scholars of Khurasan's style of thought are more dominated by *takbrīj* and *tafri'* patterns.³⁹

Among the books by scholars of Iraqi thought are *Ta'liqah* and *al-Dariq* by Abū āmid al-Isfirāyaynī (d. 406 H), *al-Dhakhīrah* and *Ta'liqah* by al-Bandanījī (d. 425 H), *al-Amsaṭ*, *al-Muqni'*, *al-Lubāb* and *al-Tajrid* by al-Mahāmīlī (d. 405 H), *Ta'liqah* by al-Qādhī Abī al-Thayyib (d. 450 H), *al-Hāwī al-Kabīr*, and *al-Iqnā'* by al-Māwardī (d. 450 H), *al-Taqrīb* and *al-Mujarrad* by Salīm al-Rāzī (d. 447 H) and others.⁴⁰ The books written by scholars with the concept of Khurasan include *Syarh al-Talkhiṣ*, *Syarh al-Furū'* and *al-Fatāwā* by al-Qaffāl al-Marwazī (d. 410 H), *Ta'liqah* and *al-Fatāwā* by al-Qādhī al-Husain (d. 462 H), *al-Silsilah* by 'Abd Allāh al-Juwaynī (d. 438 H), *al-Ibānah* by al-Fūrānī (d. 461 H), *Nihāyat al-Maṭlab* by Imām al-Haramain (d. 478 H), *al-Tatimmah* by al-Mutawallī (d. 478 H) and others.⁴¹

The difference between the two modes of thought does not mean that each one seems to turn a blind eye and does not use the methods used by the other. However, as the author stated above, this difference lies in their respective tendencies. The Iraqi style of thought also uses the pattern of *takbrīj* and *tafri'*, but this pattern is not their main choice so that their *takbrīj* and *tafri'* are not as good as that of the Khurasan style of thought. Likewise, the style of Khurasan follows narration, but because they are more capable of applying systematic *takbrīj* and *tafri'* patterns, the accuracy of their narration is lower than that of Iraqi narration. In essence, as a result of prioritizing the pattern that is the tendency, each of the two thought patterns is carried over to an attitude that somewhat ignores the other patterns.

³⁸ Abū Zakariyyā Muḥyī al-Dīn Yaḥyā ibn Syarf Al-Nawawī, *Al-Majmū' Syarḥ Al-Muḥadḍhab, Taḥqīq: Muḥammad Najīb Al-Muṭī'i* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 2001), p. 145.

³⁹ Maghribiyyah, *Al-Madḥab Al-Syāfi'i: Dirāsah 'an Abam Muṣṭalaḥātīb Wa Asybar Muṣannafātīb Wa Marātīb Al-Tarjīḥ Fih*, 157.

⁴⁰ Taqī al-Dīn 'Alī ibn 'Abd al-Kāfi Al-Subkī, *Takmilah Al-Majmū' Syarḥ Al-Muḥadḍhab, Taḥqīq: Muḥammad Najīb Al-Muṭī'i* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 2001), p. 7-8.

⁴¹ Al-Subkī, 8.

With regard to the causes that shape these different modes of thought, the historians of the Shafī School have different views. Muhammad Abū Zahrah was more inclined to believe that the difference was the result of environmental differences between Iraq and Khurasan. Iraq was the first area where the Shafī School was introduced, although it was in *qadim* version. Furthermore, the *Jadid* version of the Shafī school also developed rapidly in Iraq due to the contribution of al-Anmāthī (d. 288 H) and his student, Ibn Suraij (d. 306 H) earlier than its development in Khurasan. This made it easy to get al-Syāfi's opinion, the rules of *ijtihād*, as well as the opinion of *ashāb al-wujūh* in Iraq, so that sticking to the narration was more supported by the environment and situation. This was different from the condition of Khurasan, where this area was far from the birthplace of the Shafī School, plus the cultural differences of the people who were different from the culture of Iraqi society. The previous fatwa of al-Syāfi sometimes could not be separated from the consideration of the cultural aspects of society. When this fatwa was brought to people who had different cultures, of course it was difficult to adjust it. In addition, the way to get al-Syafi's opinion in Khurasan was not as easy as getting it in Iraq. This situation prompted the ulama in Khurasan to do more *takbrīj* and *tajrī*.⁴²

Other researchers such as ‘Abd al-‘Azīm Mahmūd Dhīb, Muhammad Tāriq Hisyām Maghrībiyyah, and Mu’hammad ibn ‘Umar al-Kāf argue that the difference initially arose due to differences in the methods used by teachers when imparting knowledge face-to-face to their students, then the students developed the method from generation to generation until the method became the characteristic of each. When the Shafī School began to spread to various regions through al-Syafi's students and their successors from several generations, the existence and domicile of the scholars who spread it were far from each other and had never been internalized in a relatively long period of a century and a half. Within a century and a half, of course, many developments were made by each of them in different areas without regular communication between them in one area and another. Finally, at the end of the fourth Hijri century, it became apparent that what was conveyed by the scholars of the Khurasan style of thought, both in the scientific assembly and in their books regarding the opinion of the schools of thought, was different from what was conveyed by the Iraqi scholars of the style of thought.

It was only then that it was discovered that within a century and a half, the productivity and dynamics of the *fiqh* thought of the scholars of the Syafi school of thought was so high that they formed two thought patterns. Strictly speaking, these differences were not based on differences in the environment

⁴² Muhammad Abū Zahrah, *Tarikh Al-Madhabib Al-Islamiyyah; Fi Al-Siyasah Wa Al-‘Aqa’id Wa Tarikh Al-Madhabib Al-Fiqhiyyah*, 448.

between Iraq and Khurasan.⁴³ This opinion is supported by the fact that al-Shafi's opinions were not all collected in one book, but were contained in several different books. Opinions on a particular issue, which were in one book, were not necessarily the same as those in other books. Moreover, some of al-Syafi's opinions were conveyed before the compilation of the books of the *jadid* period. Furthermore, an opinion of al-Syafi could have been conveyed by some of his students and successors without verifying the latest books. Then the opinion is believed to be the opinion of a school, which in reality was different from other opinions which were also claimed to be the opinion of a school. Finally, two axes were formed in conveying opinions that both claimed to be the opinion of a school of thought. These two axes then develop and enlarge to form like a thought.

According to this second view, the situation in Iraq, which experienced the spread of the Shafi'i school of thought and the culture of its people, was different from that of Khurasan, in this case did not have any influence on the birth of these two styles of thought. Talking about the narration of al-Syafi's opinion, Iraq and Khurasan both obtained al-Syafi's opinion from the main source, namely the book of *Mukhtasar al-Muḥḥani*. This book was brought to Iraq by al-Anmāthī (d. 288 H), while to Khurasan it was brought by Abdān ibn Muhammad ibn 'Isā al-Marwazī (d. 293 H)⁴⁴. As for the presence of direct students from al-Syafi'ī, in Khurasan there were also several scholars who were people who study directly at al-Syafi'ī. Among these were Ishāq ibn Rāhawayh al-Hanzalī (d. 238 H), Hāmid ibn Yahyā al-Balkhī (d. 202 H), Abū Sa'īd al-Hasan ibn Muḥammad al-Aṣfahānī (d. ?), and Abū al-Husain 'Alī ibn Salmah al-Naysābūrī (d. 252 H).⁴⁵ In the next period, their students took over the spread of the Shafi School in Khurasan, and so on until it grew rapidly. Thus, according to this opinion, the influence of environmental differences did not contribute to the birth of the Iraqi and Khorasan styles of thought.

Uniting Iraqi and Khurasan Thought Patterns

Discourse in Uniting Iraqi and Khurasan Thought Patterns

The Iraqi and Khurasan styles of thought have their own advantages and disadvantages. The advantages of each of them are the most valuable contributions to developments in the next period. It is undeniable that in addition to having advantages, each style of thinking also has a weakness. Iraq's style of thought is weak in terms of *takbrīj* and *tafīrī* compared to Khurasan, while Khurasan is weak in terms of the accuracy of the transmission of opinions

⁴³ Dīb, *Al-Madhbhab Al-Syafi'i Min Al-Ta'sis Ilā Al-Istiqrār*, 148.

⁴⁴ Jaghīm, *Madkhal Ilā Madhbhab Al-Syafi'i; Rijaluh Wa Uṣūlub Wa Kutubuh Wa Iṣṭilāḥatuh*, 69.

⁴⁵ Muḥammad, *Al-Imām Al-Syafi'i Wa Madrasatuh Al-Fiqhiyyah*, 43.

compared to Iraq. These advantages and disadvantages are a matter of particular concern to the scholars who emerged in the period following the existence of these two thought patterns. Therefore, not long after the existence of these two styles of thought, a new discourse to unite the two began to emerge by taking the middle path as a form of moderation that adopts their respective advantages to become a new, more perfect method, with accuracy in terms of opinion transmission and also more systematic in terms of legal development or *takehrij* and *tafiri*.⁴⁶

The first person who took the initiative to unite the two styles of thought was Abū 'Alī al-Sinjī (d. 430 H). He was a scholar who came from Marw Khurasan, but studied directly with Abū Hāmid al-Isfirāyaynī (d. 406 H) who was the leader of the Iraqi style of thought and al-Qaffāl al-Marwazī (d. 410 H) who was the leader of the Khurasan style of thought.⁴⁷ Due to studying at two scholars who had their respective advantages with different methods, Abū 'Alī al-Sinjī managed to absorb both methods perfectly so that he was able to form a new, better pattern by taking each other's advantages and discarding their shortcomings. Then he wrote books that began to use new methods, including *Syarh Mukhtaṣar al-Muḥḥanī*, *Syarh Talkhiṣ Ibn al-Qāṣ* and *Syarh Furū' Ibn al-Ḥaddād*. If we look at the year of the death of the leader of the Iraqi and Khurasan styles of thought and the year of the death of Abū 'Alī al-Sinjī, it can be understood that the existence of the methods of these two styles of thought separately did not last long.

When Abū 'Alī al-Sinjī started to apply a new method, it did not mean that at that time there were no scholars who taught or wrote books with reference to one style only, but from that time on, namely the fifth H century, the method of teaching, reasoning and writing *fiqh* of The Shafī school had been colored by the third pattern, namely moderation between the two previous patterns which were practiced separately. Even though the old pattern was still being applied at that time, but since Abū 'Alī al-Sinjī introduced the new pattern, the scholars of the previous two thought patterns, began to switch little by little to the new pattern, while the old pattern began to gradually shrink. The proof is that the major books written after the time of Abū 'Alī al-Sinjī, especially in the mid-V H century onwards, began to follow the pattern pioneered by Abu 'Alī al-Sinjī.

The writers of the book, even though geographically they belonged to one of the styles of thought above, presented a writing pattern that was strengthening the moderation method more and more. From Iraqi-style

⁴⁶ 'Abd al-Bashīr ibn Sulaymān Al-Malībārī, *Dirāsāt Al-Mawsū'ah Li Iṣṭilāḥāt Al-Syāfi'iyyah* (Amman: Dār al-Nūr al-Mubīn, 2016), p. 84.

⁴⁷ Ibn al-Subkī, *Ṭabaqāt Al-Syāfi'iyyah Al-Kubrā*, *Tahqiq: Muṣṭafā 'Abd Al-Qādir Aḥmad 'Aṭā*, 23.

scholars, books that adhere to the moderation method are *al-Muhadhab* and *al-Tanbih* by Abū Ishāq al-Syīrāzī (d. 476 H), *Babr al-Madhab* by al-Rūyānī (d. 502 H) and others. Meanwhile, the works of the scholars of Khurasan style include *al-Ibānah* by al-Fūrānī (d. 461 H), *Nibāyat al-Maṭlab* by Imām al-Haramain (d. 478 H) and others. As for the previous explanation which states that *al-Ibānah* and *Nibāyat al-Maṭlab* are included in the Khurasan style book, the review is to the geography of the author of the two, whereas in terms of the fiqh color contained in it, the two books are of the third type, namely the moderation pattern between the Iraqī and Khurasan styles.⁴⁸

The Role of Al-Nawawī as a Unifier and The Implications of The Legal Products

The moderation pattern was first initiated by Abū 'Alī al-Sinjī. This moderation pattern began to be accepted and practiced in the systematics of book writing, slowly the moderation pattern became stronger and favored by the scholars of the next century. Moreover, the pattern of moderation was increasingly sought to be more perfect by the scholars of the next century, until finally al-Rāfi'ī (d. 623 H) appeared, and was followed by al-Nawawī (d. 676 H). Both of them made improvements, but the improvements made by al-Nawawī were considered more comprehensive and complete, so that al-Nawawī's books were seen as more representative of carrying the Shafī school of thought. Al-Nawawī was someone who studied the methods of the two styles of thought as a whole, because some of his teachers adhered to the Iraqī style and some adhered to the Khurasan style. In his scientific genealogy, al-Nawawī mentions in detail that the Iraqī style of thought was obtained through a sanad that reached accurately to Abū Sa'īd 'Abd Allāh ibn Muḥammad ibn Hibbat Allāh ibn Abī 'Asrūn al-Mūsilī, while the fiqh pattern of thought of Khurasan was through the sanad that reached Abī Qāsim ibn al-Bazarī al-Jazrī.⁴⁹

The real evidence for the unification done by al-Nawawī was seen as more perfect than before in term of the tarjih method he established. In general, the tarjih method used by al-Nawawī was a combination of the riwāyah and dirāyah methods. Basically, the riwāyah method was the method that Iraqis tend to use, and the Iraqis were superior to this method. On the other hand, the dirāyah method was a method that tends to be used by the Khurasan style, and Khurasan was superior in this method. In addition to tarjih, al-Nawawī also combined the two methods in the pattern of legal reasoning for cases which did not mentioned by previous scholars so that al-Nawawī's reasoning pattern was also seen as representing the pattern of thinking in Iraq and Khurasan. From

⁴⁸ Dīb, *Al-Madhab Al-Al-Syāfi'i Min Al-Ta'sis Ilā Al-Istiqrār*, 149.

⁴⁹ Abū Zakariyyā Muḥyī al-Dīn Yaḥyā ibn Syarf Al-Nawawī, *Tabdhīb Al-Asma' Wa Al-Lughāt, Ta'liq: Muṣṭafā 'Abd Al-Qadir 'Atā* (Beirut: Dar al-Kutub al-Ilmiyah, 2007), p. 25-26.

this explanation, it is clear that al-Nawawī was well versed in the methods that had developed previously in the Shafī school of thought. Therefore, al-Nawawī is called a scholar who succeeded in combining the two methods relatively perfectly and completely.⁵⁰

Al-Nawawī is a figure of a scholar who represents the fiqh of the Shafi School as a whole because of his mastery of the various methods that develop in it. The proof is that after al-Nawawī's time, there were no more barriers that divided the Shafī school of thought into Iraqi and Khurasan styles of thought. This is inseparable from the contribution of al-Nawawī who succeeded in combining the two styles of thought into a strong and complete unit. Therefore, studying or teaching of al-Nawawī's fiqh book is essentially the same as studying or teaching all the styles and colors of the Shafī school of *fiqh* which are mixed in an integrated form. Thus, the *fiqh* of the Shafī school which is studied today in various regions and countries, where most of them prioritize the books of al-Nawawī can be said to be the *fiqh* of the moderate Shafī school.

Al-Nawawī's persistence in unifying the two styles of thought is an attempt to unite two legal products resulting from two different thoughts. Before the effort to unify, the law produced by the Iraqi style of thought was always based on the narration of al-Syafi'i, if there was no history, this Iraqi style cleric did not do *tafri'* or *takbrij*. That was different from Khurasan style of thought. If the scholars of Khurasan did not meet the texts of al-Syafi'i then they immediately did *tafri'* and *takbrij*. After the unification of the two thought patterns, the concept offered by al-Nawawī is to mediate by combining the *riwayah* and *dirayah* methods. This was as once done by Imam al-Syafi'i combining the methods of the Maliki and Hanafi schools so that the mindset of al-Syafi'i was seen as a middle way between *ablu hadits* and *ablu ra'yi*. The difference in legal products between Iraqi and Khurasan styles of thought is clearly seen in the books attributed to them. Thus, due to the difference in the *istinbath* method, it also has implications for the difference in the legal products of each of the two styles of thought. However, after the unification, if a difference is found, the root of the difference is not in the difference in the style of thought, but rather the difference in perspective in understanding the al-Syafi'i texts or differences in the application of the rules that have been formulated.

In the hierarchy of al-Nawawī tarjih, there was an important point about which one was favored if there was a difference between *qawl al-mansbus* and *qawl al-mukbarraj*, as well as who was favored if there was a difference of opinion between the Iraqi scholars and Khurasan. In this case, al-Nawawī interceded if *qawl al mansbus* existed and could be trusted, then *qawl al mansbus* was used. Likewise, in terms of narration, Iraqi scholars were considered superior in terms

⁵⁰ Muhammad, *Al-Madkhal Ilā Dirasah Al-Madhabib Al-Fiqhiyyah*, 45.

of narration than Khurasan scholars. However, if some legal cases were not narrated, then that was where al-Nawawī's role was to carry out *takhrīj* efforts, and when the *takhrīj* pattern was carried out, the product of the Khurasan ulema was more superior. Why was it that the Iraqi clerics prefer narration and the khurasan scholars prefer *takhrīj*?, because since the entry of the Shafī school into Khurasan, the ulema in Khurasan sometimes needed to reason with the *takhrīj* pattern from the al-Syāfi' texts because there were many legal cases that were not found in the texts of al-Shafī'ī book. This was due to the environmental conditions in Khurasan which could not be accommodated in the texts written in Iraq or in Egypt. Meanwhile in Iraq, it was easier to adapt the texts of al-Shafī'ī because Iraq was the place where the Shafī school was first declared. Due to the habit of the Khurasan clerics using this method and the Iraqi clerics also used their own methods, this different way of reasoning crystallized in each of the two camps so that it became the standard method for each stronghold

Conclusion

The Shafī School is one of the *fiqh* schools that survives and exists until today. The existence of this school is inseparable from the development efforts made by the scholars who succeeded al-Syafī'ī, both his own students and other scholars who were his successors. As time went by, the development of the Shafī school was also getting wider. At first the existence of the Shafī School was only in Egypt and in Iraq, but with more and more students coming to Egypt from various parts of the world to study the Shafī School, this school could spread to various regions of origin of the disciples. This was because when the disciples returned to their respective regions, they also brought home the main book of *fiqh* of the Shafī School. After experiencing widespread dissemination, each of the scholars who developed this school had his own characteristics and distinctions in the *ijtihād* effort to provide legal answers in their respective regions. Since then, the Iraqi and Khurasan patterns of thought had been recognized as a thought that characterizes the legal thought pattern in the Shafī school of thought. The birth of these two styles of thought was basically caused by differences between the scholars who developed the Shafī School in Iraq and Khurasan. The Iraqi clerics prioritized the *rimāyah* method in carrying out legal *istinbāth*, while the Khurasan clerics prioritized the *dirāyah* method. Furthermore, the difference between the two styles of thinking extends to the method of compiling *fiqh* books which were derivatives of the main book of the Shafī school of thought. Furthermore, the difference reaches the level of grouping of the scholars who adhered to the Iraqi and Khurasan thought patterns. However, the distinction or superiority of the Iraqi style lies in the transmission of opinions, while the Khurasan style lies in how to develop an existing opinion on new cases so that this style is considered more relevant to legal development. The weakness of the Iraqi style of thought is in terms of

takhrīj and *tajrī'* compared to the Khurasan style, while the Khurasan style is weak in terms of the accuracy of the transmission of opinions compared to the Iraqi style. After the emergence of al-Nawawī, the two patterns of thought were successfully combined perfectly by giving birth to a new moderate pattern, in which this moderate pattern was basically initiated by Abū 'Alī al-Sinjī then developed by al-Nawawī, so that al-Nawawī is seen as a scholar who represents the various types of legal reasoning that exist in the Shafī' school of thought in terms of uniting the two thought patterns.

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