



Research Paper

Typology of the Differences between Iraqi and Khurāsānī Methods in Shafi'i Jurisprudence and the Reasons for Their Emergence

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Abstract

The Iraqi and Khurāsānī approaches are two jurisprudential methods in the Shafi'i school. Jurisprudential approaches refer to the differences in methods used by jurists in narrating and transmitting the school's doctrine. From the fourth century onwards, most of the differences reported in Shafi'i jurisprudential texts have been attributed to the Iraqi method, led by Abu Hamid al-Isfarāyīnī, and the Khurāsānī method, led by al-Qaffāl al-Marwazī, known as al-Saghīr. The multiplicity and abundance of narrations have led to a lack of organization and, consequently, difficulty in understanding and using them to state the school's authoritative opinion and for issuing fatwas. Therefore, it is necessary to examine the possibility of organizing the types of jurisprudential differences between these two methods and to discover the reasons for their emergence to facilitate understanding, preservation, and comprehension of these differences. Thus, this research seeks to answer the question: "What were the types of differences in the methods of narrating the school's doctrine and the reasons for their emergence?" The results, conducted through descriptive and analytical methods and based on library data, are that the differences between these two methods include five cases: differences in the existence or non-existence of disagreement, differences in quantity, differences in the extent of opinions, differences in attributing narrated opinions to Imam Shafi'i or to derived opinions (wujūh takhrīj), and differences in the basis of opinions. Additionally, the reasons for the differences between the two methods can be inferred in the following cases: differences due to interpretation and reasoning of Imam Shafi'i's opinions, differences due to various methods of dealing with conflicting opinions of Imam Shafi'i, and differences due to acceptance or rejection of narrated methods and opinions in the school.

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Extended Abstract

1- Introduction

The methodology of jurisprudential reasoning (*ijtihad*) is one of the important characteristics of Islamic legal schools that has driven Islamic jurisprudence towards dynamism and evolution from early Islam to the period of the formation of legal schools. In this process, Islamic scholars established various legal schools by formulating rules for deriving religious rulings. Despite the multiplicity of jurists, four schools - Hanafi, Maliki, Shafi'i, and Hanbali - remained as the main schools, each with its own principles, rules, and methodology.

In the Shafi'i school, due to geographical expansion and the abundance of jurisprudential works, the transmission of Imam Shafi'i's statements became subject to differences. These differences manifested in the fourth century AH in the form of two approaches: Iraqi and Khurāsānī, to the extent that the jurists of this school were affiliated with one of these two approaches in inferring rulings. However, the dispersion of these differences and the lack of coherence in their methods have made it difficult to accurately examine the rules governing these approaches. This research raises two fundamental questions:

1. Based on the induction of jurisprudential issues in these two approaches, how many types of rule-based differences can be conceived in terms of methodological principles?
2. What are the reasons for the differences between these two approaches?

Initial investigations show that these differences are not limited to the transmission of statements, but also include issues such as preference (*tarjīh*), validation (*tashīh*), weakening (*tad'īf*) of statements, and jurisprudential derivation (*takhrīj fiqhī*). Additionally, differences in jurists' perspectives on Imam Shafi'i's statements and the degree of credibility given to transmitted

methods and opinions are among other factors of disagreement.

2- Method

This research, which is part of a doctoral dissertation titled "The Jurisprudential Method of the Two Iraqi and Khurāsānī Approaches in the Shafi'i School and Its Effects," is conducted based on a descriptive-analytical method and by referring to library sources. By consulting books on the history of jurisprudence, principles of jurisprudence, and jurisprudential books of the Iraqi and Khurāsānī approaches, it examines the types of differences and their reasons.

3- Result

The most important findings of the research are as follows:

1. Based on what was stated in this research, the differences between the Iraqi and Khurāsānī approaches (*tarīqatayn al-'irāqīyyah wa al-Khurāsānīyyah*) can be identified and categorized into five groups: differences in the existence or non-existence of disagreement, differences in quantity, differences in the extent of opinions (*aqwāl*), differences in attributing narrated opinions to Imam Shafi'i or derived opinions (*wujuh al-takhrīj*), and differences in the basis of opinions.
2. As a result of the inductive study of jurisprudential differences between the two approaches and their method of jurisprudential analysis, three reasons were systematically formulated:
 - a) Differences in interpreting and reasoning (*tafsīr wa ta'līl*) Imam Shafi'i's views.



b) Differences in accepting or rejecting transmitted methods and opinions (*turuq wa wujūh manqūlah*) in the school.

c) Distinctions in the methodology (*manhaj*) and approach of the two methods in dealing with multiple and conflicting narrations from Imam Shafi'i.

3. Examining the roots of differences between the Iraqi and Khurāsānī approaches indicates that the orientation of jurists affiliated with both approaches is very distinct in accepting opinions, trusting the path of narrating opinions, accepting multiple and conflicting narrations from Imam Shafi'i, as well as the method of reasoning with Imam's jurisprudential views (*ara' ijtihādīyyah*) and their interpretation. Therefore, the two approaches had distinct methodologies in narrating the school's doctrine, which undoubtedly had a profound impact on the formation and evolution of the school and its authoritative view.

4. The personal views of jurists from these two approaches, expressed through their jurisprudential reasoning (*ijtihad*) and choices, especially those of the leaders of the two approaches, namely Abu Hamid al-Isfarāyīnī and al-Qaffāl al-Saghīr, played a significant role in the differences between these two approaches and the orientation of their followers.

4- Conclusion

The abundance and dispersion of differences in the methods of narrating the Shafi'i school make understanding and memorizing these differences difficult. Therefore, to facilitate the differentiation, memorization, and correct understanding of these differences, we have categorized them into five types:

1. Differences among jurists in the existence of disagreement on the issue under discussion, where some narrate two or more opinions while others consider one ruling or opinion as definitive and deny any disagreement.

2. Differences in the number of opinions narrated in the school on the issue, with some believing in two opinions and others in three.

3. Differences in describing the narrated opinions, where some attribute them to Imam Shafi'i while others consider them as derived opinions.

4. Differences in expressing the narrated opinions, with some jurists stating them absolutely without restricting them to a specific context, while others limit them to a particular situation.

5. Differences in the basis of the narrated opinions, where some consider them based on two opinions, while others base them on only one of the two.

After studying the jurisprudential sources of both approaches, the reasons for their differences are summarized as follows:

1. Differences in interpreting and reasoning Imam Shafi'i's statements: The main difference between jurisprudential methods (*turuq fiqhīyyah*), including the Iraqi and Khurāsānī approaches, relates to the disagreement in interpreting and reasoning (*tafsīr wa ta'līl*) the texts (*nusūs*) narrated from the school's imam. In many cases, the two approaches agree on the number of statements and texts narrated from Imam Shafi'i, but they differ in their interpretation, explanation, or determination of the context of these statements.

2. Differences in determining the context of texts: One of the most important factors causing differences in interpreting or



explaining the imam's words is the disagreement in determining the context of the narrated opinions in the school. It appears that determining the context has had a significant impact on this type of difference, as in many cases, the two approaches agree on the number of statements and narrated texts, but they differ in determining their context.

3. Differences in accepting or rejecting transmitted methods and opinions in the school: The school includes the imam's statements and texts, as well as the derivations and jurisprudential opinions of the school's scholars. In some cases, errors in transmitting and understanding the content of these opinions and methods lead to disagreements among the school's followers regarding their validity. Some scholars do not consider a transmitted opinion as part of the school's opinions and reject it in terms of narration and transmission. Sometimes, they also deny it due to inconsistency with the school's principles. Therefore, one of the main reasons for the difference between the Iraqi and Khurāsānī approaches is the disagreement in accepting or rejecting the transmitted opinions and methods in the school.

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6- Authors' contribution

The authors' contributions to this article are as follows: Fardin Ghamari 40%, Dr. Mostafa Zolfaghartalab 30%, Dr. Farzad Parsa 15%, and Dr. Naser Marivani 15%.

7- Conflict of Interest

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