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Ahmed El Shamsy, *The Canonization of Islamic Law: A Social and Intellectual History*, Cambridge University Press, 2015, 264 pp., $32.99 US (pbk), ISBN 9781107546073.

Ahmed El Shamsy's *The Canonization of Islamic Law: A Social and Intellectual History* traces the origin and development of (Sunni) Islamic legal theory from the prophetic age to the third Hijri century. El Shamsy writes: "[I]n spite of its significance, we know very little about how, exactly, Islamic law came to acquire its classical form, and even less about why" (3). El Shamsy's principle thesis is that "the pivotal event" in relation to which Islamic legal theory came to acquire its classical form "lies in a process of canonization that took place when the locus of religious authority was transferred from the lived practice of the Muslim community to a written, clearly demarcated canon of sacred sources consisting of the Quran and the body of Hadith (reports concerning Muhammad's sayings and actions)" (ibid.). El Shamsy's preferred conceptual framework for describing this process of canonization is Aleida and Jan Assman's theory of cultural memory, according to which "cultural upheaval and dislocation prompt societies to seek to safeguard cultural memory through the canonization of texts that possess high symbolic value as carriers of communal identity. The locus of collective memory, hitherto diffused in the realm of oral culture and ritual performance, thus shifts to written texts, whose form becomes fixed and whose content is invested with great authority" (9).

Focusing on the work of the jurist Muhammad b. Idris al-Shafi'i (d. 204/820), who "initiated the process of canonization" in the third Hijri century, El Shamsy's book divides into three parts. Part One, "Cultural Remembrance Transformed," describes the role played by the canonization of the Quran and the body of Hadith in al-Shafi'i's legal theory and methodology. Part Two, "Community in Crisis," chronicles the historical and political factors that led to the rise of Shafi'ism in Egypt. Part Three, "Foundations of a New Community," analyzes the emergence of Shafi'ism as a bona fide school of law.

Regarding al-Shafi'i's intellectual motivations, El Shamsy writes: "[A]l-Shafi'i had come to see community as overshadowing and – taken to its logical conclusion – strangling revelation…. By extracting revelation from the grip of communal tradition and interrogating it by means of a repertoire of systematic interpretive techniques wielded by the individual interpreter, al-Shafi'i sought to save revelation from domination by the community" (85). The "arbitrariness and even dangerousness of the sacralization of communal tradition" led al-Shafi'i to develop "the first explicit theorization of revelation as divine communication encapsulated in the textual form of the Quran and its auxiliary, prophetic Hadith" (5). This was "the first step in the process of canonization: it provided a justification for the exclusive

status of the sacred texts and for the barring of communal practice from the determination of Islamic law" (5).

The first step in the process of canonization required: a) the compilation of an hitherto orally transmitted body of Hadith; b) the establishment of a methodology for evaluating the reliability of Hadith transmission; c) a hermeneutic model incorporating both the Quran and the Hadith as the two principle sources of legal norms; and d) a critique of existing modes of legal reasoning, be they Hanbali (predominantly Iraqi), based on oral, dialectical debate and analogical reasoning (*ra'y*) from "countless hypothetical cases (*masa'il*)" (26) effectively "sidelining Hadith" (28), or Maliki (predominantly Medinan), for which the "tradition or practice of the people of Medina (*'amal ahl al-Madina*) […] functions as the *pragmatic context*" in which the Quran and the Hadith "should be translated into communal values and practices" (38). According to al-Shafi'i:

> Law consists of numerous layers (*al-'ilm tabaqat shatta*). The first is the Quran and the Sunna, provided that the Sunna is accurately transmitted. The second is consensus with regard to issues on which the Quran and the Sunna are silent. The third is what some Companions of the Prophet have said if we know of no other Companions who contradict them. The fourth is the opinions that were disputed among the Companions. The fifth is analogy on one of the previous layers. When the Quran and the Sunna are present [i.e., applicable], no other [layer] is consulted; and law (*al-'ilm*) is derived from the highest [available layer] (cited in El Shamsy, 69).

For El Shamsy, the "revolutionary feature of al-Shafi'i's theory was its isolation of the sacred past as a clearly defined and uniquely normative category," a sacred past that that the Islamic community cannot claim to embody. "The circumscribed sacred past thus provided an unchanging and authoritative measuring stick – a *canon* – by means of which the jurist could evaluate and categorize new cases" (70). "Gone was the existential certainty of being part of an organic stream of normative tradition flowing continuously from the prophetic time to the present. The essentially communal activity of mimesis gave way to the individual task of hermeneutics" (71).

The second step in the process of canonization, El Shamsy continues, "was the acceptance of al-Shafi'i's novel theory by other Sunni Muslim scholars, an acceptance that was facilitated by" (a) increasing "social heterogeneity and imperial centralization," which "challenged the old Egyptian order and eroded the basis of the Egyptian elite's vision of a secure and autonomous communal tradition connecting present-day community to the moment of revelation." This "prepared the ground for al-Shafi'i's abandonment of communal practice and the investment of normativity in the sacred texts alone" (11). (b) The systematic persecution of the Maliki and Hanbali legal schools during the Quranic Inquisition (*mihna*) (218-234 AH/833-849 CE), which paved the way for rise of Shafi'ism. Finally, (c) the ability of al-Shafi'i's disciples to establish a secondary literature devoted to summarizing and explaining the legal theory and methodology of their master.

For El Shamsy, the shift from the sacralization of communal practice as the living embodiment of revelation in history to the canonization of the Quran and the Hadith as fully autonomous *canonical texts* whose sense both can and must be determined independently of communal practice permanently transformed the relation between revelation, community, and normativity in Islam. On the one hand, communal practice could no longer "strangle" revelation. Furthermore, al-Shafi'i's paradigm "promoted a *universalization* and *deethnicization*

of Islam: given the growing numbers of new converts to Islam and their increasing prominence in the fields of politics and scholarship, there was rising pressure toward the discovery and legitimation of a new, non-ethnically defined framework for religious norms" (226). On the other hand, determining the legally relevant sense of canonical texts would henceforth be the exclusive prerogative of a community of scholars: "Islamic law was transformed from a communal venture, based on an organic link to revelation through shared tradition, to a science of interpretation that soon became embedded in a discursive community of scholars. The cohesion that was undermined in the *umma*, or community of Muslims, as a whole through its increasing diversity was thus recreated in the institution of the legal school" (226).

Contemporary debates about Islamic law—in both the West and the Islamic world—stand to benefit from El Shamsy's elegant reconstruction of the origins of this much maligned, but poorly understood, institution. As a professional historian, he does not indulge in the sort of empty political prescriptions such debates typically require, but he does identify one of the key aporias of Islamic law: the uneasy balance between historically variable and increasingly heterogeneous communal practices on the one hand and the body of legal norms to which these practices either do or do not conform on the other. Between the immanence of Islamic law to communal practice (Malikism) and the transcendence of sacred and associated texts vis-à-vis communal practice (Shafiʿism), one wonders, reading El Shamsy, whether an *Aufhebung* integrating both without being reducible to either is possible.

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