Hijra repeatedly sent dispatches to several Grand-secretaries to consult on specific issues before they laid the matters before the Emperor. It was at this juncture that the Grand-secretaries were able to take the initiative and promote peace, by directly urging the Emperor to give his mandate and as well as developing direct contacts with officials in the northern provinces. This method employed by the Grand-secretaries to promote peace came under strong criticism from other bureaucrats, especially Scrutiny and Circuits (科省官) officials, because of skipping the formal policymaking process.

Based on the above findings, the author points out that the actions taken by local officials were an important factor for the concentration of power in the Grand Secretariat and Senior Grand secretaries. Direct contact sought by local officials by skipping the formal policy-making machinery contributed to the augmentation of influence in the Grand secretariat over the central administration of the Ming Dynasty.

The Ḥanbali Concept of Ḥiyal:
A Search for the Jurisprudence of Ibn Ḥanbal

by Horii Satoe

The legal term, Ḥiyal (ṣg. Ḥila), denotes legal devices, or a lawful means to an end that cannot be achieved directly due to legal or material obstacles. As a law elaborated by Islamic jurists from the end of the 7th Century onward into a body of interpretations of the Revelation with regard to individual cases, Ḥiyal served as a legal technique enabling old solutions to fulfill new functions. The problem was how to define the proper use of Ḥiyal, since recourse to them was taken with different purposes or methods, whether lawful or not, so jurists were divided over the criteria.

Regarding the Ḥanbalis, it has already been pointed out that at least Ibn Qayyim al-Jawziyya (d. 751/1350) accepted certain Ḥiyal in Ḥanbali doctrine. On the other hand, the Ḥanbalis, including their epymym, Ibn Ḥanbal (d. 241/855), were also known for their vehement traditionalist criticism for Ḥiyal. Can these facts allow us to posit that a change occurred in the original Ḥanbali position on the subject? The present article refutes such a hypothesis, by comparing positions of three Ḥanbali jurists regarding Ḥiyal—namely Ibn Baṭṭa (d. 387/997), Ibn Taymiyya (d. 728/1328) and the latter’s disciple, Ibn Qayyim.

The author concludes that Ibn Ḥanbal himself ascribed to certain Ḥiyal, which, in his view, fell within kinds of solutions based on sound legal interpretation and a proper application of the law. However, he categorically rejected Ḥiyal that were exactly the opposite solutions. This was also the case with his successors, who never changed their epymym’s position. What was unique about them was that they developed his thesis into a critical search for the true Ḥanbali corpus juris which, in their eyes, had begun to deviate from Ibn Ḥanbal’s spirit as early as the formative period, by, for example, introducing solutions that fell under the type of Ḥiyal rejected by Ibn Ḥanbal.