IBN ḤAZM’S METHODOLOGY OF JAHĀLA IN HIS BOOK

AL-MUḤALLĀ

BY

FAREED MUHAMMAD HADI ABDULQADER

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Declaration

I, the undersigned, hereby declare that this thesis is written by myself and any references made to the sources are duly acknowledged.

FAREED MUHAMMAD HADI ABDULQADER
Abstract

This thesis is a study of Ibn Ḥazm’s methodology of rejecting narrations, in particular where he judges the narrators to be unknown (majhūl). It examines:

1. Ibn Ḥazm’s methodology of jahāla.
2. Ibn Ḥazm’s agreement and disagreement with the Ḥadīth scholars in judging narrators to be unknown (majhūl).
3. The impact of Ibn Ḥazm’s judgement of unknown narrators upon his jurisprudence.

The thesis contains an introduction, three parts and a conclusion. In the introduction the significance of the research and the necessity for the study are explained.

Part One deals with Ibn Ḥazm and the Žāḥirī school and contains two chapters. Chapter 1 covers Ibn Ḥazm’s personal and scholarly life, and Chapter 2 studies the Žāḥirī school, its influence and its principles.

Part Two studies Ibn Ḥazm’s rejection of narrations for reasons other than jahāla and is divided into three chapters. Chapter 3 focuses on Ibn Ḥazm’s criticism of narrators as weak or liars; Chapter 4 explains Ibn Ḥazm’s criteria for rejecting narrations; and Chapter 5 examines Ibn Ḥazm’s criticism of chain and text.

Part Three, which is the main part of the study, covers Ibn Ḥazm’s methodology of jahāla and its effect on rejecting narrators and narrations. It contains five chapters. Chapter 6 explains ‘adāla and jahāla according to the scholars’ definitions. Chapter 7 examines the opinions of Ibn Ḥazm and other scholars with regard to unknown narrators. Chapter 8 covers Ibn Ḥazm’s method of assessing narrators’ ‘adāla (‘adālat al-rāwāt). Chapter 9 examines Ibn Ḥazm’s judgement of narrators in his book Al-Muḥalla in order to clarify his method of assessing jahāla. Chapter 10 examines Ibn Ḥazm’s judgement of narrators as being unknown and its impact upon his jurisprudence.

Finally, the conclusion summarizes the discussions of the thesis and presents the findings of the study.
KEY TO TRANSLITERATION

The transliteration of Arabic words is according to the following alphabetical substitution:

A. Consonants:

B. Vowels:

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<th>Short vowels</th>
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<td>a</td>
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C. Diphthongs:

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<tr>
<td>اُو : اوُّ</td>
<td>aw : awlā</td>
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<tr>
<td>غِب : غَيِب</td>
<td>ay : ghayb</td>
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Acknowledgements

Praise be to Allāh, for His great unlimited grace, and for having allowed me to achieve this research successfully. Peace be upon the seal of the messengers, Muḥammad, and upon all the Messengers and Prophets and their Companions and followers.

My gratitude after Allāh, is to my father, may Allāh’s mercy be upon him, and to my mother, may Allāh bless her, for her unlimited giving, for her continuing sacrifices for her sons, for her patience during my absence for all this period for being far from her sight, and leaving her with longings for her son.

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List of Abbreviations
Al-Adab al-Andalusi: Haykal, Al-Adab al-Andalusi min al-Fath ilā Suqūt al-Khilāfa

Aḥwāl al-Rijāl: Al-Juzjānī, Aḥwāl al-Rijāl

Al-Akhlāq: Ibn Ḥazm, Al-Akhlāq wa al-Siyar


Ansāb: Al-Samʿānī, Al-Ansāb

Al-Ashbāh wa al-Naẓāʾir: Al-Subkī, al-Ashbāh wa al-Naẓāʾir

Badaʾiʿ: Al-Kāsānī, Badaʾiʿ al-Sanāʿī fi Tartīb al-Sharīʿa

Al-Bayān wa al-Tāḥṣīl: Ibn Rushd, Al-Bayān wa al-Tāḥṣīl wa al-Sharīʿa wa al-Taʿlīl fī Masāʾil al-Muṣtakhrajā

Bidāya: Ibn Kathīr, al-Bidāya wa al-Nihāya

Bidāyat al-Mujtahid: Ibn Rushd, Bidāyat al-Mujtahid wa Nihāyat al-Muẓtaṣīd

Brockelmann: Brockelmann, Geschichte der Arabischen Litteratur

Bughyā: Al-Ḍabbī, Bughyat al-Multamis fī Tarīkh Rijāl Ahl al-Andalus

Bunyat al-ʿAql al-Arābī: Al-Jābirī, Bunyat al-ʿAql al-ʿArābī

Burhān: Imām al-Ḥaramayn, al-Burhān fī Uṣūl al-Fiqh

Bukhārī: Al-Bukhārī, Al-Jāmiʿ al-Ṣaḥīḥ
Dawūd al-Zāhīrī: ‘Ārif Khalīl, al-Imām Dāwūd al-Zāhīrī wa Atharīh fī al-Fiqh al-Zāhīrī

Al-Dhakhīra: Ibn Bassām, Al-Dhakhīra fī Maḥāsīn Ahl al-Jazīrā

Dhikr Man Yu’tamad: Al-Dhahabī, Dhikr Man Yu’tamad Qawluh fī al-Jārīh wa al-Ta’dīl

Dīrāsā ‘an Ibn Ḥazm: Makkā, Dīrāsā ‘an Ibn Ḥazm wa Kitābih Tawq al-Ḥamāmā

ença al-Kabīr: Al-‘Uqaylī, Al-ensa al-Kabīr.

F

Falsafat al-Tashrī: Maḥmaṣānī, Falsafat al-Tashrī fī al-Islām

Al-Faqīḥ: Al-Khaṭīb al-Baghdādī, Al-Faqīḥ wa al-Mutafaqqih

Fatḥ al-Bārī: Ibn Ḥajar, Fatḥ al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī

Fatḥ al-Qadīr: Ibn al-Humām, Sharḥ Fatḥ al-Qadīr

Al-Fikr al-Falsafī: Yafūt, Ibn Ḥazm wa al-Fikr al-Falsafī bi al-Maghrib wa al-Andalus

Fiqh Islāmī: Al-Zuḥaylī, al-Fiqh al-Islāmī wa Adillatuh

Fiṣal: Ibn Ḥazm, al-Fiṣal fī al-Milal wa al-Ahwā’ wa al-Niḥal

Al-Furūq: Al-Qarāfī, Anwār al-Burūq fī Anwār al-Furūq

G

Ghamz ‘Uyūn al-Baṣā’ir: Ibn Nujaym, al-Asbāḥ wa al-Nāṣī’ ir
Al-Ḥadāra al-ʿArabiyya: Levi-Provencal, al-Ḥadāra al-ʿArabiyya fī al-Andalus

Al-Ḥadēṭha: Al-Jābirī, al-Turāth wa al-Ḥadēṭha

Al-Ḥawī al-Kabīr: Al-Māwardī, al-Ḥawī al-Kabīr

Al-Ḥayat al-ʿIlmiyya: Al-Bishrī, al-Ḥayāt al-ʿIlmiyya fī ʿaṣr al-Khilāfa fī al-Andalus


Al-Hujja: Maḥmūd ibn Imām, al-Hujja fī Fāḍl Suknā al-Madīna ʿalā Makka

Ibn Ḥazm Khilāl Alf ʿĀm: Abū ʿAbd al-Raḥmān, Ibn Ḥazm Khilāl Alf ʿĀm

Ibtāl: Ibn Ḥazm, Mulakhhhaṣ Ibtāl al-Qiyās wa al-Raʿy wa al-Istīḥsān wa al-Taqīḍ wa al-Taʿlīl

Idāfa: Bāzmūl, al-Idāfa: Dirāsāt Ḥadīthiyya

Al-Iḥāṭa: Ibn al-Khaṭīb, al-Iḥāṭa fī Akhbār Gharnāṭa

Iḥkām: Ibn Ḥazm, al-Iḥkām fī Uṣūl al-Iḥkām

Ikhtisār: Shākir, al-Bāʿith al-Ḥathīḥ Sharḥ Ikhtisār Ulūm al-Ḥadīth

In Pursuit of Virtue: Abū Laylah, In Pursuit of Virtue

Irshād al-Fuḥūl: Al-Shawkānī, Irshād al-Fuḥūl

Irshād al-Sārī: Al-Qaṣṭallānī, Irshād al-Sārī li Sharḥ Ṣaḥīḥ al-Bukhārī

Irshād Tulāb al-Ḥaqāʾiq: Al-Nawawī, Irshād Tulāb al-Ḥaqāʾiq Ilā Maʿrifat Sunan Khayr al-Khalāʾiq

Al-Iṣāba: Ibn Ḥajar, al-Iṣāba fī Ṭamyż al-Ṣaḥāba

Jadhwā: Al-Ḥumaydī, Jadhwat al-Muqtabas
Jāmi’ al-Uṣūl: Ibn al-Athir, Jami’ al-Uṣūl fī Ahdīh al-Rasūl
Al-Jarḥ wa al-Ta’dīl: Ibn Abī Ḥātim, al-Jarḥ wa al-Ta’dīl

Kabīr: Al-Bukhārī, al-Tārikh al-Kabīr
Kalām Abī Zakariyyā: Ibn Ma‘īn, Min Kalām Abī Zakariyyā Yaḥyā ibn Ma‘īn fī al-Rijāl
Kāmil: Ibn ‘Adī, al-Kāmil fī Du‘afā’ al-Rijāl
Kashīf: Al-Dhahabī, Al-Kāshīf fī Ma‘rifat man lah Riwāya fī al-Kutub al-Sitta
Kifāya: Al-Khaṭīb al-Baghdādī, al-Kīfāya fī ‘Ilm al-Riwāya
Kitāb al-Ḥujja: Al-Shaybānī, Kitāb al-Ḥujja ‘alā Ahl al-Madīna

The Legacy of Islam: Arnold, Thomas, The Legacy of Islam
Lisān: Ibn Ḥajar, Lisān al-Mīzān
A Literary History: Nicolson, Reynold A, A Literary History of the Arabs
Al-Lubāb: Ibn al-Athir, al-Lubāb fī Tahdīḥ al-Ansāb
Al-Mabsūṭ: Al-Sarakhsī, al-Mabsūṭ

Al-Mafquđa: Abū ‘Abd al-Raḥmān, Mu’alla‘fūt Ibn Ḥazm al-Mafquđa

Al-Māḥṣūl: Al-Rāzī, al-Māḥṣūl fī ‘Ilm Uṣūl al-Fiqh

Majma‘: Al-Haythamī: Majma‘ al-Zawā‘id wa Manba‘ al-Fawā‘id

Al-Majmū‘: Al-Nawawī, al-Majmū‘ Sharḥ al-Muhaddhab li al-Shīrāzī

Al-Majrūḥīn: Al-Bustī, al-Majrūḥīn min al-Muḥaddithīn wa al-Ḍuʿāfā‘ wa al-Matrūkīn

Manhaj Islāmī: Ḥamāda, al-Manhaj al-Islāmī fī al-Jārī li al-Sha’dīl

Maqāṣīs: Al-Dumaynī, Maqāṣīs Naqd al-Mutūn

Ma‘rifat al-Sunan: Al-Bayhaqī, Ma‘rifat al-Sunan wa al-Āthār

Matrukūn: Al-Nasā‘ī, al-Ḍuʿāfā‘ wa al-Matrūkūn

Matrukūn: Al-Dāraquṭnī, al-Ḍuʿāfā‘ wa al-Matrūkūn

Al-Mawqīza: Al-Dhahabī, al-Muwqīza fī ’Ilm Muṣṭalāḥ al-Ḥadīth

Mawsū‘a: Al-Kittānī, Mawsū‘a Taqrib fiqh Ibn Ḥazm al-Zāhirī


Mīzān: Al-Dhahabī, Mīzān al-Ītīdāl fī Naqd al-Rijāl

Mugḥīḥ: Al-Sakhāwī, Fatḥ al-Mugḥīḥ Sharḥ Alfiyyat al-Ḥadīth li al-‘Irāqī

Mudawwana: Mālik, al-Mudawwana al-Kubrā

Mughnī: Al-Dhahabī, al-Mughnī fī al-Ḍuʿāfā‘
Mu'jam al-Udabā': Al-Hasawī, Mu'jam al-Udabā'
Al-Mu'jib: Al-Marrakushi, Al-Mu'jib fī Talkhiṣ Akhbār al-Maghrib
Muntahā al-'Irādāt: Al-Bahūtī, Sharḥ Muntahā al-Irādāt
Al-Muntaqā: Abū al-Walīd al-Bājī, Al-Muntaqā Sharḥ Muwatta' al-Imām Mālik
Muqaddima: Ibn al-Salāḥ, 'Ulūm al-Ḥadīth
Muslims in Spain: Dozy, Reinhart, Moslems in Spain
Mustadrak: Al-Ḥākim, al-Mustadrak 'alā al-Ṣaḥīḥayn
Al-Mustasfā: Al-Ghazālī, al-Mustasfā min 'Ilm al-Uṣūl

Nafḥ al-Ṭib: Al-Miqqārī, Nafḥ al-Ṭib min Ghusn al-Andalus al-Rafīb
Naqd al-Ḥadīth: Al-Salafī, Iḥtimām al-Muḥaddithīn bi Naqd al-Ḥadīth Sanadan wa Matnān
Naṣb al-Rāya: Al-Zayla'i, Naṣb al-Rāya
Nayl al-Awtār: Al-Shawkānī, Nayl al-Awtār Sharḥ Muṭaqā al-Akhbār
Al-Nihāya: Ibn al-Athīr, al-Nihāya fī Gharīb al-Ḥadīth
Nukat: Ibn Ḥajar, al-Nukat 'alā Kitāb Ibn al-Ṣalāḥ
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<td><em>Reason and Tradition:</em></td>
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Siyar:
Al-Sunan al-Kubrā:

Al-Dhahabi, Siyar Aʿlām al-Nubalāʾ
Al-Bayhaqi, al-Sunan al-Kubrā

Ṭabaqāt:
Ibn Saʿd, al-Ṭabaqāt al-Kubrā

Ṭabaqāt al-Ḥuffāẓ:
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Ṭadrīb al-Rāwī:
Al-Suyūṭī, Ṭadrīb al-Rāwī fī Sharḥ Taqrīb al-Nawawī

Ṭaghlīq al-Taʿlīq:
Ibn Ḥajar, Ṭaghlīq al-Taʿlīq ʿalā Ṣaḥīḥ al-Bukhārī‘ī

Ṭahdhīb:
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Ṭahdhīb al-Asmāʿ:
Al-Nawawī, Ṭahdhīb al-Asmāʿ wa al-Lughāt

Ṭahdhīb al-Kamāl:
Al-Mizzī: Ṭahdhīb al-Kamāl fī Asmāʿ al-Rijāl

Ṣalṣīl al-Ḥabīr:
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Al-Tamhīd:
Ibn ‘Abd al-Barr, al-Tamhīd li māfī al-Muwattaʿa min al-Maʿānī wa al-Asānīd

Taqrīb:
Ibn Ḥajar, Taqrīb al-Tahdhīb

Al-Taqyyīd wa al-Īḍāḥ:
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Tārikh Baghdād:
Al-Khaṭīb al-Baghdādī, Tārikh Baghdād

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Al-Tārikh al-Ṣaghīr: Al-Bukhārī, al-Tārikh al-Ṣaghīr
Tārikh al-Thiqāt: Al-‘Ijlī, Tārikh al-Thiqāt
Tawḍīḥ: Al-Ṣan‘ānī, Tawḍīḥ al-Afsār li Mā‘ānī Tanqīḥ al-Anzhār
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Al-Thiqāt: Al-Bustī, Al-Thiqāt
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Introduction
In my view the most important studies in the science of Ḥadīth are those which clarify the scholars’ methodology in accepting or rejecting Ḥadīth. Although there is only one main methodology employed by Ḥadīth scholars in accepting and rejecting narrations, there are many differences in detail which need to be clarified.

It is well known that Ibn Ḥazm, who lived in the third and fourth/ tenth and eleventh centuries, was a scholar who had many disagreements with other scholars. This has encouraged me to study Ibn Ḥazm’s methodology in rejecting narrations so as to clarify his agreements and disagreements with other scholars. And what has encouraged me more is that in spite of his fame, in both Muslim countries and the West, there is no single study which examines his methodology in accepting or rejecting narrations. I have only found one piece of research by Dr al-Šubayhī and an article by Muḥammad al-‘Umārī which focus on Ibn Ḥazm’s methodology in Ḥadīth in general despite a large number of studies on Ibn Ḥazm (see below).

While searching I collected a large amount of data, which could be divided into four parts, each being enough for an individual thesis. This made me aware that studying Ibn Ḥazm’s methodology in rejecting narrations in one Ph.D. thesis was not possible. Therefore, I decided to study Ibn Ḥazm’s methodology in rejecting narrations on the basis of judging the narrators to be majhūl (unknown). My decision was for two reasons: firstly, because the majority of narrators whom he rejected were rejected on the basis of being unknown; secondly, because Ibn Ḥazm is well-known by scholars to be a controversial scholar who judged several trustworthy narrators, scholars and even Companions to be unknown.
After I started working on my thesis, I found that Shaykh ‘Abd al-Fattāḥ Abū Ghudda (d. 1997), had encouraged researchers to study Ibn Ḥazm’s methodology in judging narrators as majhūl in his comment on al-Laknawī in his book al-Raf’ wa al-Takmīl, with reference to scholars’ judgements of narrators as majhūl (unknown).¹ This was another indication, from a famous Hadith scholar, that I should make this the central theme of the thesis. Therefore, the following pages are an attempt, God willing, to fill the gap in our knowledge of Ibn Ḥazm’s methodology in rejecting narrations in general, and his methodology in assessing jahāla in particular.

Both Eastern and Western scholars’ interest in Ibn Ḥazm developed from the beginning of the twentieth century, when Dozy translated Ibn Ḥazm’s love story from the book Ṭawq al-Ḥamāma (The Ring of the Dove).² However, scholarly interest increased in the second half of the twentieth century. Scholars studied many of Ibn Ḥazm’s manuscripts, and presented and published them.³ In addition, many of Ibn Ḥazm’s books have been translated into other languages, such as his book Ṭawq al-Ḥamāma, which has been translated into English by A.R. Nykl (Paris, 1931) and A.J. Arberry (London, 1953); into Russian by A. Salil (Moscow and Leningrad, 1933); into German by Max Weisweiler (Leiden, 1944); into French by L. Bercher (Algiers, 1949); into Italian by F. Gabrieli (Bari, 1949); and into Spanish by E.

¹ Al-Raf’ wa al-Takmīl, 305.
² Muslims in Spain, 577-579 (first published 1913).
³ See Appendix.

The scholarly works on Ibn Ḥazm, listed below, are divided into books, articles and Ph.D. theses. (Full details will be found in the Bibliography)

Books

Many scholars studied Ibn Ḥazm’s life and thought, for example:

1. Asin Palacios, Miguel: “Abenhazam De Cordoba” (1927).

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1 See Chejne, Ibn Ḥazm, 312; Dirāsāt ‘an Ibn Ḥazm.
2 See Chejne, Ibn Ḥazm, 302.


The following two studies are the best that I have seen on Ibn Ḥazm. They are the best because they provide readers with a wide range of what has been said about him since the fifth century, and provide readers with a clear view of his jurisprudence:


In this fascinating book, Abū ‘Abd al-Raḥmān ibn ‘Aqīl al-Ẓāhirī lists the works which have discussed Ibn Ḥazm over ten centuries, from the fifth century AH (Abū Manṣūr al-Thaʿālībī, d. 429: Yat‘īnāt al-Dahr fī Maḥāsin Ahl al-‘Aṣr) up to 1400/1980, including both published books and manuscripts.

In addition, there are other studies which are not especially written about Ibn Ḥazm, but in which Ibn Ḥazm is part of the study. Examples of these are:


Articles

There are many articles on Ibn Ḥazm, for example:


Ph.D Theses

Although there are many Ph.D theses on Ibn Ḥazm’s thought, they all focus on his theological thought and his view of other religions, for example:


None of the studies listed above refers to Ibn Ḥazm’s reflections on Ḥadīth.

A search for commentaries on Ibn Ḥazm’s studies of Ḥadīth revealed only four items: two books, one Ph.D. thesis and one article.

The first book is “al-Mujallā fi Taḥqīq Aḥādīh al-Muḥallā wa ma’ ahu al-Ṣinā‘a al-Ḥadīthyya ‘ind Ibn Ḥazm”, by ‘Alī Riḍa ibn ‘Abd Allāh ibn ‘Alī Riḍa. It contains 528 pages and is divided into two parts. In Part One, which ends with page 263, the author criticizes Ibn Ḥazm’s judgements of 182 narrators, in which Ibn Ḥazm, in the author’s view, accepted weak narrations or rejected sound narrations. Part Two is a table containing a list of the narrations mentioned in al-Muḥallā with the author’s final brief judgement of each narration. He did not study Ibn Ḥazm’s methodology for the acceptance or rejection of narrations.
The second book, containing 400 pages, is *Tajrīd Asmā’ al-Ruwāt al-ladhīn Takallam fīrīm Ibn Ḥazm Jarḥan wa Ta’dīlan Muqāranatan ma’a Aqwāl A’immat al-Jarḥ wa al-Ta’dīl*, by ‘Umar Maḥmūd Abū ‘Umar and Ḥasan Maḥmūd Abū Haniyya. It is an alphabetical table of the narrators whom Ibn Ḥazm accepted or rejected, with a comparison of other scholars’ judgements.

The Ph.D. thesis is *Naqḍ Ibn Ḥazm li al-Ruwaṭī al-Muhalla fī Mizān al-Jarḥ wa al-Ta’dīl*, in three volumes, 1,350 pages, by Muḥammad ibn Maṇṣūr al-Ṣubayḥī, University of Imām Muḥammad ibn Su’ūd, Riyadh, 1986. This study does not focus on Ibn Ḥazm’s methodology of assessing narration, but only compares Ibn Ḥazm’s judgements with those of other scholars with the final author’s [that is Dr. Ṣubayḥī] brief judgement. However, although it refers to his terminology, it does not analyse his usage of terms, but only mentions them in passing. Therefore, Dr. Ṣubayḥī’s thesis specialises in collecting Ibn Ḥazm’s judgements and the terms used by him in his book *al-Muhalla*, although he does mention a few points about Ibn Ḥazm’s methodology in the science of Ḥadīth. The study of *jahāla* in his thesis is on pages 139-151 and examines the terms used by Ibn Ḥazm, but it does not study his methodology with regard to *jahāla*. I benefited from the thesis, however, especially the chapter titled “The definition of *al-Muhalla*”, on pages 73-98.

The single article which studies Ibn Ḥazm’s reflections on Ḥadīth is *Manhaj Ibn Ḥazm fī Riwayat al-Ḥadīth wa Naqḍ al-Ruwaṭī*, in 30 pages, by Muḥammad al-‘Umarī. The author begins with an explanation of the importance of the science of Ḥadīth and follows with a short bibliography of Ibn Ḥazm. It is a fascinating and rich
article containing a number of conclusions. The author tries to understand Ibn Ḥazm’s methodology of assessing Ḥadīth in general by reading his opinions and drawing logical conclusions. He has succeeded in several points, such as that Ibn Ḥazm was independent in the vast majority of his judgements; that he was very strict in accepting narrators or narrations; and that he was in agreement with scholars in the terminology that he used. However, the author has not succeeded in a number of his conclusions, for example, that Ibn Ḥazm accepted a ḥadīth with a broken chain if it was transmitted by a trustworthy narrator; that Ibn Ḥazm accepted an innovator’s narration; and that Ibn Ḥazm began his scholarly life studying the science of Ḥadīth. Unfortunately the author focused on jahāla in just three pages; nevertheless, they are a very useful contribution.

This study

This study investigates Ibn Ḥazm’s methodology for rejecting narrations by judging the narrators to be majhūl. This part of Ibn Ḥazm’s thought, to the best of my knowledge, has not been closely analysed by any other scholar. Therefore, this thesis is the first to study and reach conclusions about Ibn Ḥazm’s methodology in rejecting narrations. It is noteworthy that Ibn Ḥazm, who is honoured in the West as the founder of the science of comparative religion, and as the writer of The Ring of the Dove, and who is well-known to Muslim scholars as a theologian, jurisprudent, moral philosopher, genealogist and historian, is also in fact a scholar of Ḥadīth, and that his book al-Muḥalla is a book on Ḥadīth as well as jurisprudence. Therefore, the object of this research is to study Ibn Ḥazm’s methodology of rejecting narrations by
judging narrators to be *majhūl*, and his methodology of rejecting narrations in general. This study also tries to explain how Ibn Hazm became aware of Zahiri methodology. In addition to this, the contention that Ibn Ḥazm was a scholar who was mostly in disagreement with other scholars, and had no respect for other scholars in general and the four orthodox scholars in particular, is examined.
Part One: Background
Chapter One: Ibn Ḥazm: the Man and the Scholar
Ibn Ḥazm the man

Ibn Ḥazm’s origin

Ibn Ḥazm’s full name is Abū Muḥammad ‘Alī ibn Ḥāmīd ibn Sa‘īd ibn Ḥazm ibn Ḥālīḥ ibn Ṣāliḥ ibn Khalaf ibn Ma‘dān ibn Yazīd, and he lived from 384 to 456/994-1056. Scholars differ over Ibn Ḥazm’s origin and ancestry. From one point of view Ibn Ḥazm’s exact origin is not an important question, because wherever his family were originally from, we are sure that he himself was from al-Andalus (Spain). There is no doubt of this: he was born in Cordoba in al-Andalus, grew up in al-Andalus, was educated in al-Andalus, drank the water of al-Andalus, breathed the fresh air of al-Andalus, travelled all over the region of al-Andalus; all his debates, and teachings and struggles were in al-Andalus, and he died and was buried in al-Andalus. He was very proud of his homeland, and the best proof of this is his book “Risāla fī Faḍl al-Andalus wa Dhikr Rijālihā” (The Merits of al-Andalus and its People), in which he compares Andalusian scholars with Eastern scholars in many subjects. His origin will be examined for just one reason: the scholars’ disagreement about it, and their endeavour to prove their point of view.

Scholars are divided into two groups in their view of Ibn Ḥazm’s origin. Most Muslim scholars consider his place of origin to be Persia. They say that his ancestor Yazīd was a mawlā (client/slave) to Yazīd ibn Abī Sufyān, and that he was the first in his family to embrace Islām. They say that his forefather Khalaf was the first in

1 Lisān, 4:198(531).
2 See al-Ḥāḍīra al-Arabīyya fī al-Andalus, 41.
3 Jadhwa, 277 (708).
his family to migrate to Spain with ‘Abd al-Rahmān ibn Mu‘āwiya ibn Hishām, well-known as ‘Abd al-Rahmān al-Dākhil, who established the Umayyad kingdom in al-Andalus in 93.\(^1\) The reasons for this view are as follows:

1. All the scholars in the past centuries who wrote about Ibn Ḥazm, except Ibn Ḥayyān, considered his origin to be Persian, for example, Ibn Bashkuwāl (494-578/ d. 1185),\(^2\) al-Dabbī (d.599/ 1203),\(^3\) al-Dhahābī (d.748/ 1374),\(^4\) Lisān al-Dīn ibn al-Khatīb (776/ 1376),\(^5\) al-Yāfī (d. 768/ 1394),\(^6\) Ibn Ḥajar (773-852 /1373-1449)\(^7\) al-Maqqārī (d. 1632),\(^8\) Ibn al-‘Imād (d.1679),\(^9\) and Yāqūt al-Ḥamawī (d. 1229).\(^10\)

2. His closest student and follower al-Ḥumaydī (d. 488/ 1095), who was the first person to bring Ibn Ḥazm’s books to the Eastern Muslim countries,\(^11\) said that Ibn Ḥazm’s place of origin was Persia.\(^12\)

3. ‘Abd al-Wāḥid al-Marrākushī (d. 647/ 1223) said that Ibn Ḥazm’s place of origin was Persia. Al-Marrākushī also mentioned that this had been seen in a

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\(^1\) Siyar, 18:185(99).
\(^2\) Al-Sila, 1:415(894).
\(^3\) Bughya, 2:543(1208).
\(^4\) Siyar, 18:184(99).
\(^5\) Al-Iḥāṣa, 4:111.
\(^6\) Mir’āt al-Jinān, 3:61.
\(^7\) Lisān, 4:198(531).
\(^8\) Nafīṣ al-Tīb, 2:283.
\(^9\) Shadharāt, 3:299.
\(^10\) Mu’jam al-Udābā’, 12:235(62); see also al-Wafayāt, 247.
\(^11\) See Jadhwa, 4.
\(^12\) Jadhwa, 277(708).
document on the back cover of one of Ibn Ḥazm’s books, which had been written by Ibn Ḥazm himself.¹

4. Ibn Ḥazm himself declared several times that his place of origin was Persia and wrote several poems about it.²

On the other hand a group of scholars, most of them Western, considered his origin to be a Christian Iberian family. They said that it was only in the time of Sa’īd, Ibn Ḥazm’s grandfather, that the family became Muslim. This group of scholars included Abū Marwān ibn Ḥayyān (377-469/ d. 1075), the senior scholar, who considered Ibn Ḥazm’s place of origin to be Iberia;³ Dozy, who considered his great-grandfather, Ḥazm to be the first in his family to embrace Islām;⁴ Nicholson;⁵ Arberry;⁶ Imāmuddīn, who said that he had Jewish blood;⁷ Shawqī Ḍayf⁸ and Sālim Yafūt.⁹ However they do not have any proof of their statements except that Ibn Ḥazm’s expression of his platonic love (in his famous book Ẓawq al-Ḥamāma (The

¹ Al-Mu’jib 3:93.
² Dīwān Ibn Ḥazm, 67(34,35)
³ Al-Dhakhīra, 1-1:170, see also 1-1:167.
⁴ Muslims in Spain, 575.
⁵ A Literary History, 462.
⁶ The Ring of the Dove, 8. See the comments of Asin Palacios on Dozy’s view, Dirāsāt ‘an Ibn Ḥazm, 156.
⁷ Muslims in Spain, 149.
⁹ Al-Fikr al-Falsafī, 35-36.
Ring of the Dove) was not known in Arabic thought, although it was well known in the West and in Christian thought. This cannot be strong evidence. In addition, their view that Ibn Ḥazm’s platonic love was not known in Arabic thought and literature is not proved; on the contrary, anyone who is familiar with Arabic literature knows that platonic love was well known to the Arabs both in the time of ignorance and later.

**Ibn Ḥazm’s milieu**

To understand Ibn Ḥazm it is important to know about the period in which he lived. He was born in the capital of al-Andalus, Cordoba, in 384/994. His father was a vizier, so he grew up in his father’s palace. He had a good upbringing and a good education, and lived a peaceful and happy life as did all rich and powerful people at that time. The entire group taking care of him and educating him consisted of women. They taught him the Qur’an, literature and history, and helped him to memorize a large number of poems. Close at hand were a large number of books, which were in the library of the Royal Family. Early subjects of study for him in addition to what he was taught by the women were philosophy and logic. He did not have any contact with men outside the family until he was an adolescent and his

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1 *Muslims in Spain*, 577-580.


3 See for example, Diwan ‘Antara; Diwan Jamīl Buthayna.


5 Tawq al-Ḥamāma, 79; Lisan, 4:198.

6 Siyar, 18:186.
beard grew.\textsuperscript{1} His first friend was Abū al-Ḥusayn ibn 'Alī al-Fārisī, who was older than Ibn Ḥazm. He was a wise, knowledgeable and pious person. The relationship between the two grew over time. I think that it was Ibn Ḥazm’s father who introduced Abū al-Ḥusayn to his son, and he was keen to foster this relationship. Abū al-Ḥusayn al-Fārisī accompanied Ibn Ḥazm when he met scholars and joined their circles. Over time Ibn Ḥazm became deeply attached to Abū al-Ḥusayn, respected him, and loved him from his heart. Abū al-Ḥusayn was a reasonable man, virtuous, ascetic in worldly existence and a hard worker for the hereafter. Ibn Ḥazm was impressed and said of him:

I did not see anyone like him in all my life: a knowledgeable, religious and pious person. He benefited me a great deal, and I learned from him how bad and hateful it is to disobey Allāh and to do what He dislikes.\textsuperscript{2}

Ibn Ḥazm was surrounded from his early days by a large number of teachers who took care of him, and when he grew up, his friend Abū al-Ḥusayn was a good example to him.

Ibn Ḥazm’s early years of life were very peaceful, so his childhood was blessed with a happy atmosphere. However, his peaceful world was disturbed for the first time when he was 18 years old during the rule of Hishām al-Mu’ayyad, and it was a political problem.\textsuperscript{1} To have a general idea of the environment in which he lived, it is important to understand the political, academic and social milieu.

\textsuperscript{1} Tawq al-Ḥamāma, 79; Nafh al-Ṭib, 6:202.

\textsuperscript{2} Tawq al-Ḥamāma, 166.
The intellectual milieu

The intellectual milieu at Ibn Ḥazm’s time had great vitality. Ibn Ḥazm heard from Talīd al-Ḥuṣṣī, who was in charge of the library in the palace of the Banū Marwān (the royal family), that “there were 44 catalogues, each comprising 20 pages, and containing only book titles”. Intellectual advancement in al-Andalus before and during Ibn Ḥazm’s time was progressing. Intellectual life was mostly developed during the rule of ʿAbd al-Raḥmān al-Nāṣir and his son al-Ḥakam. Al-Nāṣir had sent groups of dealers all over the world to buy books and bring them to al-Andalus. Al-Ḥakam was more open-minded than his predecessors, for he was indulgent and called for freedom of thought. He was a very learned person. At his time (the fourth century/ the tenth century) the Muslim world, especially Baghdād, Damascus, Cairo and Alexandria, was the centre of knowledge for the whole world. Al-Ḥakam ordered all the books that were in the libraries of these four cities and in any other famous libraries to be copied. It is said that the total number of books in al-Ḥakam’s palace library was more than 400,000. This library was completely safe until the time of the political upheaval and disturbance (399-403/1008-1012) in Cordoba. Although the books were not destroyed, they were stolen, scattered or lost. Since Ibn Ḥazm was the son of a vizier, he could use the royal library. This well-stocked library certainly helped him in his search for knowledge and in the development of his intellect. There was also a large number of famous scholars in al-Andalus, as Ibn

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1 Ibid., 147.
2 Al-Ḥaḍara al-ʿArabīyya, 89.
3 Al-Adab al-Andalusī, 185.
4 Naṣḥ al-Ṭib, 3:341.
Hazm himself mentioned in his book *The Merits of al-Andalus and its People*. Both influences, the well-stocked library and learned scholars, created the mature intellectual milieu in which Ibn Hazm grew up.¹

**The social milieu**

Andalusian society comprised different races, each with its own characteristics. There were Arabs, who were known for their generosity and determination; Berbers, who had played an important part in conquest, and were known for their strength; and Slavs (Ṣaqqāliba) who were indigenous Europeans who had embraced Islam. There were also Christians and Jews. The Muslim conquest of southern France and the islands of the Mediterranean Sea had enabled other races to migrate to al-Andalus and become part of Andalusian society. With all these different races, Muslims and non-Muslims, and the daily contact between them, Muslim Andalusian society was thus established. Arabic was the language of science, intellect and literature. From the books, which Ibn Hazm wrote, it is very clear that he interacted with his society. His book *The Ring of the Dove* gives us a clear idea about love in al-Andalus. In another work, *al-Akhlāq wa al-Siyar fī Mudāwāt al-Nufūs*, in which he discusses the human self, its strength and its weakness, Ibn Hazm explains what comforted and disturbed the people in al-Andalus in particular and human beings in general. *Al-Fīṣal*, which contains Ibn Hazm’s critique of the Torah and other Jewish texts as well as his critique of the Gospel and other Christian texts gives a clear picture of the religions followed by some of the Andalusians. All these people of different races and religions lived together in al-Andalus under the rule of Islam. The most beautiful

description of the Andalusian people is that of al-Maqqari, an Andalusian scholar who said:

The Andalusian people are Arab in race, sense of honour, glory, determination, purity of language, good-heartedness, rejection of injustice and ignominy, generosity and fear of ignobility. They are Indian in their interest in sciences and their ancestry. They are Baghdadian in their cleanliness, humour and cleverness. They are Greek in their knowledge of discovering water, patience in gardening and choosing different kinds of fruits, and in their planning gardens and planting them with different kinds of vegetables and flowers. The Greeks are the best at gardening, the most patient in maintaining devices and machinery in the best condition, the best at horse riding and fighting. They are Chinese in their skillfulness in their manufacturing and their mastery of the workings of machines. They are Turkish in their knowledge of war, its machinery and its organization. They are Turkish also in their power of fighting.¹

It should be noted also that Andalusian society surpassed other societies in having a large number of women as scholars, writers and poets.

Ibn Ḥazm the scholar

As previously mentioned Ibn Ḥazm spent his early years in his father’s palace, where he was taught the Qur’ān, memorized a large number of poems, and joined scholars’ circles with his friend Abū al-Ḥusayn al-Fārisī.² He started studying the Ḥadīth when he was less than 17 years old. The earliest scholars to narrate ḥadīth to him were his masters Aḥmad ibn al-Jaṣūr (d. 401/1010) in 399/950 ³ and al-Hamadhānī in

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¹ Naṣīḥ al-Ṭib, 2:123.
² Tawq al-Ḥamāma, 79,166.
³ Al-Iḥṣaʿ, 4:113; Shadhar, 3:299; Bughya, 2:543; Tawq al-Ḥamāma, 145.
At the time, however, he had not studied *fiqh* to the level required for a jurisprudent. That level was reached in 407/1016 when he went to Valencia in support of al-Murtaḍā. While he was in Valencia, he entered a circle of Mālikī *fiqh* which was held by a group of his friends. When he listened to them he was astonished, and asked them a question. When he raised an objection to their answer, one of them replied that he was not qualified to dispute in this field of knowledge. Ibn Ḥazm was angry about what happened to him and decided to devote more time to studying *fiqh.* His first step in seriously studying *fiqh* was Imām Mālik’s book *al-Muwatta* and his teacher was Abū ‘Abd Allāh ibn Daḥūn. However, some references say that he began his scholarly life as a Shāfī‘ī jurisprudent, although there is no evidence to support this view. On the other hand there are many indications to show that he began his scholarly life as a Mālikī jurisprudent. For example, among his masters, none of the Shāfī‘ī school is mentioned. He studied *al-Muwatta* with his master Ibn Daḥūn who was a Mālikī jurisprudent. He grew up in al-Andalus, where the government embraced Mālikī jurisprudence, and it also ruled social life. Moreover, as he was the son of a vizier, he was likely to study Mālikī jurisprudence as a priority. On the other hand all references are unanimously agreed that before he became a Zāhirīte he was a strong Shāfī‘īte. There is no information on how he became a Shāfī‘īte, although it is likely that he studied Shāfī‘ī jurisprudence in the books which were available in al-Andalus. Ibn Ḥazm was an

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1 *Tawq al-Ḥamāma*, 79,166.
2 Ibid., 135.
open-minded scholar. He certainly read Shāfi‘ī’s books of jurisprudence, and he might have read Shāfi‘ī’s criticism of Mālik’s jurisprudence. He also might have known that Shāfi‘ī avoided criticizing his master Mālik for a long time, and that Shāfi‘ī did not do so until he had become aware that the people of al-Andalus were asking for the blessing of Mālik’s hat. He wrote his criticism to explain that although Mālik was a knowledgeable scholar, he was still a human like anyone else, and that the blessing should be asked only from Allāh. Ibn Ḥazm was a person whose aim in life was to seek knowledge, and who refused to be led by any individuals or ideas, but only by Allāh Almighty and His Messenger Muḥammad. Owing to this personality trait, Ibn Ḥazm was highly impressed by Shāfi‘ī’s methodology, especially his adherence to the Qur‘ān and the Ḥadīth and his rejection of *istiḥsān* (personal opinion), which was accepted by Mālik. After a while, however, he found that Shāfi‘ī’s methodology contained something similar to *istiḥsān* (personal opinion), which was *qiyās* (reasoning by analogy). He rejected all of these and called for simple adherence to the Qur‘ān and the Ḥadīth. It could be said that there were two reasons behind Ibn Ḥazm’s embracing Zāhiri methodology: his personality, and some of his masters who were inclined to the Zāhiri methodology, such as the jurisprudent Mas‘ūd ibn Sulaymān ibn Muflit. Ibn Ḥazm spread what he believed to be the truth, and faced scholars and individuals with no fear in his heart. For this he brought much trouble upon himself.³

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1 *Al-Iḥāṣa*, 4:112; *Siyar*, 18:188.
2 *Ibn Ḥazm li Abī Zahra*, 34.
3 Ibid., 34-36.
The burning of Ibn Ḥazm’s books

Ibn Ḥazm was very active in both seeking knowledge and spreading what he believed to be the truth. His means of communication was writing books, debating with scholars, and travelling all over al-Andalus preaching to people.1 One of the regions in which he spread his opinions was the island of Majorca, where he met Abū al-Walīd al-Bājī. The latter had returned to al-Andalus after spending thirteen years in eastern Muslim countries in his search for knowledge. On his return the Mālikī scholars asked him to meet Ibn Ḥazm, who was a powerful debater and whom they could not defeat in their debates. Unfortunately, however, these debates are lost.2 Al-Bājī was very learned and posed a strong challenge in his debates with Ibn Ḥazm, who himself admitted his opponent’s high level of knowledge. Al-Bājī also gained the support of the prince of Majorca. This made Ibn Ḥazm leave the island in 440/1048, although it is not known exactly where he settled down. What is known is that he was living in Seville at the time of al-Muṭṭadīd ibn ‘Abbād, who ruled Seville from 439/1047 to 464/1071.

In Seville Ibn Ḥazm suffered greatly from the scholars’ craftiness and the ruler’s hatred which were united against him. Ibn ‘Abbād was the successor to his father, the qāḍī (judge) Abū al-Qāsim Muḥammad ibn Ismā‘īl ibn ‘Abbād al-Lakhmī, who had been chosen by the people of Seville to be their prince. Abū al-Qāsim died in 439/1047. Al-Muṭṭadīd followed in his father’s footsteps at the beginning, but later he tried to control everything. To validate his authority, he

1 Ibn Ḥazm li Sharāra, 7.
2 See Munāẓarāt.
alleged that the caliph Hishām was alive and that he supported him in ruling Seville. This continued until 455/1063, when he announced that the caliph Hishām had died and that he had already named him as his heir apparent. Ibn Ḥazm, fearless in promoting what he believed to be the truth, declared that Ibn ‘Abbād’s statement was a complete lie and that the caliph Hishām had died twenty-two years earlier. Ibn ‘Abbād instigated scholars against Ibn Ḥazm, saying that Ibn Ḥazm was criticizing Imām Mālik and the other three imams, and that he was teaching people his subversive ideas. He collected all Ibn Ḥazm’s books and burned them publicly, alleging that he had done this in support of the religion. Ibn Ḥazm wrote a beautiful poem about what had happened to him, explaining that he had lost nothing because only the papers had been burned, whereas his opinions and evidence were part of his soul and like the blood in his body. He became exposed to the anger and hatred of the scholars, who accused him of deviating from the right path. They informed their princes about his protest against them, and they ordered people not to listen to him.

Although Ibn Ḥazm suffered, he did not abandon his ideas. He travelled on spreading what he believed to be the truth, until he settled in a small town called Labla. He died there in 456/1064 as one of the greatest scholars in al-Andalus, as

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2 Ibn Ḥazm li Abī Zahra, 46-49.
3 Dhāwān Ibn Ḥazm, 88; Ibn Ḥazm li Abī Zahra, 46-49.

see A literary History, 427.

4 Al-Dhakhra, 1-1:169.
one of the greatest scholars in the struggle for the freedom of thought, for the freedom of the soul and for the freedom in general from being ordered or ruled by any individual or idea but Allāh and His Messenger Muḥammad.¹

**The books of Ibn Ḥazm**

Ibn Ḥazm continued promoting what he believed to be the truth by writing books and teaching others. However, the vast majority of scholars and individuals ignored him, as part of the war against him. As a result, his books were not widely distributed in his lifetime, and many were burned, as mentioned previously. In spite of all these calamities, a number of his books have survived in good condition. In addition, Ibn Ḥazm had some faithful students such as his son Abū Rāfī and al-Ḥumaydī, who protected his books and distributed them. So a number of Ibn Ḥazm’s books were rescued, although some are still lost. Those of his works that are published are for example: *al-Iḥkām fī Uṣūl al-Ḥkām, al-Fīṣal fī al-Mīlāl wa al-Ahwā’ wa al-Nīḥal, Jamharat Ansāb al-‘Arab, al-Durra fīmā Yajib I’tiqādih, al-Nubdha fī Uṣūl al-Fiqh* and *Aṣḥāb al-futūḥa min al-Ṣaḥāba wa al-Tābi’īn wa man Ba’dahum ‘alā Marātibihim fī Kathrat al-Futūḥa.* A full list of those works is given in the Appendix.

Ibn Ḥazm is the greatest scholar in Islām for the number of the books which he wrote: no one could emulate him in this except Ibn Jarīr al-Ṭabarī. Ṣā‘īd al-Andalusī, one of Ibn Ḥazm’s students, said that he heard Abū Rāfī̲ say that the total number which his father wrote was around 400 volumes, containing 80,000 pages.²

¹ See *al-Ḥadāḥa*, 188-199; *Bunyat al-‘Aql al-Arabī*, 513-528.
² *Al-Muṣīb*, 94.
Furthermore, Ibn Ḥazm promised to write books, but he died before he could fulfil his promise. And a large number of his books are lost.¹

**Ibn Ḥazm’s teachers**

Ibn Ḥazm began his studies in his early years, and covered a wide range of subjects before joining scholars’ circles at the age of 17. As a result he had a number of teachers, the first being his father, from whom he learned history.² His teachers and their subjects are listed as follows:

1. Abū ‘Umar Aḥmad ibn Muḥammad ibn al-Jasūr, Ibn Ḥazm was 17 years old when he began studying under Ibn al-Jasūr, who taught him the science of Ḥadīth and history, using Ibn Jarīr al-Ṭabarī’s book for the latter subject.³ Ibn al-Jasūr died in 401 in his house in Balāṭ Mughīth in Cordoba.⁴

2. Yaḥyā ibn ‘Abd al-Rahmān ibn Mas‘ūd ibn Wajh al-Janna, the friend of the famous scholar Qāsim ibn Aṣbagh. He died in 402/1011.⁵

3. Muḥammad ibn al-Ḥasan al-Madhḥijī al-Qurṭubī, known by the nickname Ibn al-Kittānī, he was a doctor, a poet, and was Ibn Ḥazm’s teacher in logic.¹

4. ‘Alī ibn Sa‘īd ibn ‘Abd al-Rahmān ibn Muḥriz ibn Abī ‘Uthmān, known by his nickname Abū al-Ḥasan al-‘Abdarī, he was from Majorca.² Not only was

¹ Turāth Mushtarak 2, 263; al-Maqūdī, 18.
² Turāth Mushtarak 3, 240.
³ Ibid.
⁴ Jadhwur, 94(181).
he Ibn Ḥazm’s teacher but Ibn Ḥazm was also his teacher. When Ibn Ḥazm settled on the island of Majorca for a time to propagate his Ṣahābi methodology, al-ʿAbdārī heard him teaching and accepted his ideas. Later, al-ʿAbdārī traveled to the Eastern Muslim countries for the Ḥajj (pilgrimage), and when he visited Baghdad and listened to the scholars there, he became a Shāfiʿī.³


6. Yūnus ibn ‘Abd Allāh ibn Mughīth, known by the nickname Ibn al-Ṣaffār. He was the judge in Cordoba. He was inclined to Ṣūfīsm and wrote a number of books on the subject.⁴

7. Ḥamām ibn Ṭahmā: he was a judge and a scholar of Ḥadīth from Cordoba.⁵

8. Muḥammad ibn Saʿīd ibn Nabāt.

9. ‘Abd Allāh ibn al-Rabīʿ ibn ‘Abd Allāh al-Tamīmī. He was from Cordoba, and listened to the lectures of the linguist Ismāʿīl ibn al-Qāsim al-Qālī. He died in 415/1024.⁶

10. ‘Abd Allāh ibn Yūsuf ibn Nāmī.⁷

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¹ Siyar, 18:201; Tārīkh al-Islām, 406.
² Ibn Ḥazm li al-Afghānī, 35.
⁴ Jadhwa, 347(910).
⁵ Jadhwa, 176(395); Tārīkh al-Islām, 404.
⁶ Jadhwa, 230(551).
⁷ Līsān, 4:198; Jadhwa, 236(575).
11. ‘Abd al-‐Raḥmān ibn ‘Abd Allāh ibn Khālid al-‐Hamadānī al-‐Wahrānī, known by the nickname Ibn al-‐Kharrāz. He was a scholar of Ḥadīth.1

12. Abū ‘Umar Aḥmad ibn Muḥammad al-‐Ṭalāmānī. He was a jurisprudent, a scholar of Ḥadīth, a famous and trustworthy narrator of aḥādīth, and Imām in qirā’āt. He died after 420/ 1029.2


15. Mas‘ūd ibn Sulaymān ibn Muflit: he was a jurisprudent and ascetic scholar. He inclined towards dealing with all scholars and without adherence to any one of them. He also inclined to Žāhirī doctrine. He was Ibn Ḥazm’s teacher in Žāhirī jurisprudence.4

16. Abū al-‐Walīd ‘Abd Allāh ibn Yūsuf, known by the nickname Ibn al-‐Faraḍī. A scholar of Ḥadīth and a writer, he is the author of Tārīkh ‘Ulamā’ al-‐Andalus.5 He was killed in 400/ 1009 during the rioting of the Berbers in Cordoba.6 He was one of Ibn Ḥazm’s teachers of the science of Ḥadīth.7

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1 Jadhwa, 243(604); Bughya, 319(1022).
2 Jadhwa, 100(187); Bughya, 139(347); Siyar, 18:185.
3 Turāṭḥ Mushtarakāl, 240.
4 Tawq al-‐Hamāma, 104; Jadhwa, 316(814); Bughya, 408(1361); Ibn Ḥazm li al-‐Afghānī, 35.
5 See the Bibliography for details.
6 Jadhwa, 223(537).
7 Tawq al-‐Hamāma, 157.
17. Abū al-Qāsim ‘Abd al-Raḥmān ibn Abī Yazīd al-Maṣrī: he was Ibn Ḥazm’s teacher of logic and theology. He died in 410/1019.1

**Ibn Ḥazm’s students**

Although Ibn Ḥazm suffered greatly and was ignored by the vast majority of scholars and individuals, he still had a number of faithful students who believed in his methodology, followed in his footsteps and spread his opinions. Among them were two students, who were known to be his closest followers. They are:

1. Abū Rāfī’ al-Faḍl ibn ‘Alī ibn Muḥammad ibn Ḥazm. Of Ibn Ḥazm’s three sons, he was the one who followed in his father’s footsteps, and who carried out his father’s wish in completing his book *al-Muḥalla*. He was one of the emirs and generals of al-Muʿtamid ibn ‘Abbād, the ruler of Seville. He was killed in 479/1086 during the battle of al-Zallāqā.2

2. Abū ‘Abd Allāh Muḥammad ibn Naṣr al-Ḥumaydī, whose father was from Cordoba, but al-Ḥumaydī grew up in Majorca. He travelled to Ifrīqiya in search of knowledge, and to Egypt, where he listened to the lectures of the famous scholar al-Quḍaʿī. In al-Andalus al-Ḥumaydī was taught by the famous scholar Ibn ‘Abd al-Barr al-Namīrī. However, he accompanied his teacher Ibn Ḥazm for a long time and embraced his Žāhirī methodology so completely that he was regarded as his closest follower. After Ibn Ḥazm’s death in 456/1064, he left Andalus and travelled to the eastern Muslim

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1 Ibid., 102,155.
2 *Mawsūʿa*, 1m:31.
countries, where he distributed Ibn Ḥazm’s books. Then he travelled to Damascus, and then to Baghdad, where he met al-Khaṭīb al-Baghdādī and listened to his lectures. In Makka he listened to the lectures of al-Zanjānī. He settled for a time in Wāṣit in Iraq, finally returning to Baghdad, where he wrote most of his books. Al-Ḥumaydī was a famous scholar of the science of Ḥadīth.1 He wrote a number of books, and is especially well-known for two of them: al-Jam’ bayn al-Ṣaḥīḥayn and Jadhwat al-Muqtabas.2 Al-Ḥumaydī died in 488/1095.3

Scholars’ views of Ibn Ḥazm

Ibn Ḥazm had a hard life, for he struggled for what he believed to be the truth and suffered greatly as a result. He was judged by scholars to be straying from the right path. He witnessed his enemies, the scholars and the ruler of Valencia, burning his books publicly. Nevertheless, a large number of scholars and individuals respected him and expressed their belief in his opinions, both in his lifetime and afterwards.

1. Sā‘īd al-Andalusī said: “Ibn Ḥazm was the most learned scholar of Islamic studies in al-Andalus, and he was a learned scholar of rhetoric, biography and

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1 Bughya, 106; al-Ẓāhiriyya, 56; see Tadhkira:1218.

2 The second book was renamed by al-Dabbi (d. 599 AH) Jadhwat al-Muqtabas fi Tārīkh al-Andalus (Bughya, 106(257)); al-Yāfi’ī (d. 768 AH) called it Jadhwat al-Muqtabas fi Tārīkh ‘Ulamā’ al-Andalus (Mir’āt al-Jinān, 3:113); and on the cover of the book Rūḥiyya ‘Abd al-Raḥmān, the editor, called it Jadhwat al-Muqtabas fi Dhikr Wulūd al-Andalus. The last name does not give a clear idea of the content of the book. In her brief introduction, she referred to the book as Jadhwat al-Muqtabas fi Dhikr Wulūd al-Andalus wa Asmā’ Ruwwāt al-Ḥadīth wa al-Adab, although she did not give her reasons for describing the book in this way (See Jadhwa, ed. Rūḥiyya ‘Abd al-Raḥmān, 5).

3 Mir’āt al-Jinān, 3:113.
genealogy. His son told me that he had 80,000 pages which had been written by his father Ibn Ḥazm.”

2. Al-Ḥumaydī (d. 488/ 1095) said: “Ibn Ḥazm was a scholar of Ḥadīth, a jurisprudent who referred directly to the Qur’ān and the Ḥadīth. He was a scholar of many fields of knowledge, and a person who put into practice what he believed to be the truth. I have never seen such a clever, religious and noble person as he, or such a quick memorizer. He was a learned scholar in Ḥadīth. And I have never seen anyone faster than he in versification.”

3. Abū Ḥāmid al-Ghazālī (d. 505/ 1111) said: “I have read what Abū Muḥammad Ibn Ḥazm wrote about Asmā’ Allāh al-Ḥusnā, and this text proves that he was a learned, knowledgeable and sound scholar.”


5. Al-Dhahabī (673-748/ 1274-1347) said: “Ibn Ḥazm compiled a large number of books. He was an imam and a scholar in many fields of knowledge. He was a jurisprudent, scholar of Ḥadīth, theologian and writer. He was a vizier and a scholar who believed in Ṣāhirī doctrine.”

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1 Lisān, 4:199; see al-Ṣīla.
2 Lisān, 4:199; see Judhwa.
3 Lisān, 4:201.
4 Ibid.
5 Siyar, 18:187.
6. Ahmad ibn Yahyā ibn Ahmad ibn ‘Umayra al-Ḍabbī (d. 599/1202) said:

“Ibn Ḥazm was a scholar of Ḥadīth, and a jurisprudent who referred directly to the Qur’ān and the Ḥadīth. He was a scholar of many fields of knowledge, and a person who put into practice what he believed to be the truth. After he and his father had been vizier, he renounced worldly pleasures, and was a noble and a humble person. He compiled a large number of books. Ibn Ḥazm listened to the lectures of numerous scholars, and he had in his own library a large number of books, especially those on Ḥadīth.”

7. Palencia Gonzalez said, “In Cordoba there was a scholar called Ibn Ḥazm, who compiled a large number of books on different fields of knowledge. He was one of the greatest, most eminent men of Andalus. Anyone who read what he had written would certainly conclude that Ibn Ḥazm lived in a great civilization, in which superior ideas could be established. We can see his high degree of knowing of the self in his book Ṭawq al-Ḥamāma (The Ring of the Dove). In al-Khiṣal he gives his remarkable observations on the human soul and morality. All this shows us that he was certainly referring to a society that was part of a great civilization. Yet in writing about the history of the religions in his book al-Fiṣal fī al-Milal wa al-Niḥal, he anteceded Christian Europe by centuries, as my teacher Asin Palacios says, because the history of religion was not known in the West until the middle of the nineteenth century. As for his Žāhirī methodology of jurisprudence, which was based on the literal interpretation (Žāhir) of the Qur’ān, this was rejected by the

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1 Bughya, 364(1205).
jurisprudents of his age. Ibn Ḥazm had done his best in defining his external doctrine methodology to the limit, which ensured its existence for a long time, although the scholars kept track of him to bear down on him heavily.”1

8. Sir Thomas Arnold said: “The name of Ibn Ḥazm is proverbial in Islām for religious Puritanism and biting controversy, and honoured in the West as that of the founder of the science of comparative religion.”2

Ibn Ḥazm the noble fighter was disparaged more that he was praised, especially in his lifetime and in the following decades. The most prominent scholar to disparage Ibn Ḥazm was Abū Bakr ibn al-ʿArabī, the famous Mālikī scholar. He defamed Ibn Ḥazm and ridiculed his methodology and opinions.3 This Abū Bakr was the son of the vizier Ibn al-ʿArabī who was one of Ibn Ḥazm’s students. He said, “I accompanied Ibn Ḥazm for seven years, and heard him reading all his books except the last volume of his book al-Fīṣal, which means that I missed one-sixth of the whole book, and I read with him in 456/1064 four volumes from his book al-Īṣāl. I did not miss any of his books except what I have mentioned.”4

Abū al-ʿAṣbaʿ Isā ibn Sahl al-Asadī al-Jayyānī, the judge of Tangier, Meknes and Granada (d. 487/1094), who lived in Ceuta (Sabta), was among those who

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1 Ibn Ḥazm li Zakariyyā ʿIrāhām, 9.
2 The Legacy of Islam, 187.
3 Tārīkh al-Islām, 406.
4 Siyar, 18: 199; Ibn Ḥazm li al-Afghānī, 37.
disparaged Ibn Ḥazm. He said, “All that Ibn Ḥazm writes, announces or describes, is chatter and should be ignored; it is irrational talk and should not be heeded.”

I believe that Ibn Ḥazm was mostly disparaged from his time until the present day for two reasons. Firstly, he was known to be inconsistent with the vast majority of scholars. Secondly, he had a sharp tongue when judging ideas or individuals, especially the four orthodox scholars. What I want to point out here is that from my reading of al-Muḥalla (comprising 5,000 pages) and from my research into and work with the part of al-Muḥalla which is written by Ibn Ḥazm himself, it seems clear that Ibn Ḥazm respected the four orthodox scholars. He believed that they were great scholars. He believed that they were mujtahidūn and that any of them could gain two rewards when they were correct in their judgement or just one reward when they erred in their judgement. Ibn Ḥazm’s criticism and attack were aimed at some of the followers of the four orthodox scholars, that is, those fanatics who followed blindly in their teacher’s footsteps, regardless of whether these scholars were correct in their judgement or not. It is true that he often attacked directly the four orthodox scholars as a group or as individuals. This, however, was to show their fanatical followers that the scholars were human beings and therefore not infallible. Teachers should be followed when they had the evidence to support their judgement, but not when the evidence clearly supported the judgements of others. The only thing that should be followed is the truth.

Ibn Ḥazm had a good example in al-Shāfi’ī and his teacher Mālik. Al-Shāfi’ī criticized Mālik when he became aware that the Andalusian people were asking for

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1 Turāth Mushtarak, 249.
the blessing of Mālik’s hat. He wrote his criticism to explain that although Mālik was a knowledgeable scholar, he was still a human like anyone else, and so not perfect. A large number of scholars and individuals lost the opportunity of understanding and learning many things when they ignored Ibn Ḥazm’s books. Rashīd Riḍā spoke the truth when he stated, “If it were not for Ibn Ḥazm’s sharp tongue in attacking others, especially the four orthodox scholars, his methodology would have been spread and scholars would have benefited from his book al-
Muhalla and from his other books.”

What should be clear is that the methodologies of the four orthodox scholars are not truths of religion, but simply methods of thinking, understanding the Qur’ān and the Ḥadīth, and methods of analysing documents to understand what God wants us to do and what He wants us to avoid. None of them stated that his methodology is compulsory for all Muslims and that other methods should be abandoned. When Abū Ja’far al-Manṣūr, the ‘Abbasid ruler, wanted to universalize Mālik’s book al-
Muwatta’ to be followed by all Muslims, Mālik refused his offer. Another example is al-Shāfi‘ī, who changed his judgements on a number of matters when he left Iraq for Egypt. Further examples were Abū Yūsuf and Muḥammad ibn al-Ḥasan, who disagreed with their teacher Abū Ḥanīfa on many matters. Ibn Ḥazm’s attack was against those who were fanatical followers of their teachers and their judgements, whether they had evidence to support their statements or not. To prove that he was not the only scholar to be inconsistent with other scholars or with the vast majority of

1 Al-Muḥallā, 2:254; 3:259; 7:82; 8:272; Tawq al-Ḥamāma, 179,180,181.
2 Al-Mughnī li Ibn Qudāma, 1:10.
scholars in some matters, Ibn Ḥazm wrote a book called Kitāb fīmā Khālafa Abū Ḥanīfa wa Malik wa al-Shāfi‘ī Ḥumūr al-‘Ulamā wa ma İnfarada bihi kull Wāḥid. Unfortunately, however, it is lost.¹

Al-Muḥallā

Ibn Ḥazm compiled four books on fiqh. The largest was al-Īṣāl, in which he annotated his book al-Khiṣāl. Al-‘Īṣāl as al-Dhahabi mentioned, consisted of 15,000 pages.² Ibn Ḥazm said: “All that has been narrated for more than four hundred and forty years either in the Eastern world or the Western world I have collected in my great book which is known as al-Īṣāl.”³ Unfortunately, however, it has been lost. His last book is al-Muḥallā, in which he annotated another book of his, al-Mujalla. He died before he could finish it, so his son Abū Rāfī‘ completed it from al-Īṣāl, thus fulfilling his father’s wish. Aḥmad Shākir’s copy of al-Muḥallā, as used for this study, comprises 5,000 pages, 4,200 of which were written by Ibn Ḥazm himself.

To my knowledge there are two other completions of al-Muḥallā. One is al-Qadḥ al-Mu‘allāfī Ikmal al-Muḥallā, which is written by Muḥammad ibn ‘Abd al-Malik ibn ‘Abd al-Raḥmān ibn Abī Bakr ibn Muḥammad ibn Ja‘far ibn Muḥammad

¹ Al-Muḥallā, 9:273.
² Tārikh al-Islām, 405.
³ Al-Muḥallā, 10:415, 433; Mawsū‘a, 1m:24; Jadhwa, 277(708).
Ibn Khalil al-‘Abdarî, known as Ibn Khalil al-Ẓâhirî. The other is al-Mu’alla Tatimmat al-Mu’alla, but it is not known who wrote it.\(^1\)

Ibn Ḥazm explained in al-Muḥallā more than once the reason for writing it. He said in reply to some of his students:

You wanted me to compile short explanations of the brief propositions I had mentioned in my book Al-Mujalla, which would be easy for a beginner, and an easy way to seek deep knowledge. You wished for a way in which a beginner could understand the differences among scholars, and could find the authentic evidence leading him to the truth in propositions over which scholars have differed. You wanted a way in which a beginner could know the Qur’an’s verses and the authentic narrations.\(^2\) .... I have compiled this book for ordinary people, beginners, and as a reminder for scholars.\(^3\)

**Scholars’ views of al-Muḥallā**

The most wonderful words on al-Muḥallā are those of al-‘Izz ibn ‘Abd al-Salam, when he said: “I have never seen such great and brilliant Islamic books as al-Muḥallā by Ibn Ḥazm and al-Mughni by Muwaffaq al-Dīn.”\(^4\) Al-Dhahabi agreed with al-‘Izz ibn ‘Abd al-Salam, and mentioned another two books, al-Sunan al-Kubrā by al-Bayhaqi and al-Tamhîd by Ibn ‘Abd al-Barr. Then he added: “Whoever learns from these four books is one of the clever muftis, and whoever among them

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\(^1\) Ibn Ḥazm Khilāl Alī ‘Ām, 1:151, 153; Mawsū‘a, 1m:24, 25, 84.

\(^2\) Al-Muḥallā, 1:3.

\(^3\) Ibid., 5:49.

\(^4\) Siyar, 18:193.
becomes addicted to seeking knowledge, then he really is a scholar.”¹ Rashid Rida said that when he read al-'Izz ibn 'Abd al-Salam’s words, before seeing al-Muḥallā, he was extremely impressed. He said that he had searched for the book in libraries until he found it and read some pages of it, and then he knew that al-'Izz ibn 'Abd al-Salam was correct in his description of al-Muḥallā. Rashid Rida said of al-Muḥallā that it was “a book of absolute ijtihād”. He said that if God wanted Islamic fiqh to be renewed, scholars would definitely become aware of the worth of al-Muḥallā as al-'Izz ibn 'Abd al-Salam was aware of it. One day they would definitely all follow al-Muḥallā and what Ibn Ḥazm had said.²

Some of Ibn Ḥazm’s sayings

Ibn Ḥazm was a scholar, a wise man with an expert knowledge of the human self. He developed such qualities in his search for learning and in the compilation of his remarkable notes on his contact with different types of people. The following list of sayings illustrates these qualities:

* The pleasure which a prudent man has from his own good sense, a scholar from his knowledge, a wise man from his wisdom, the pleasure of anyone who works hard in ways pleasing to Almighty God, is greater than the pleasure which a gourmet has from his food, a drinking man from his tipple, a lover from the act of love, a

¹ Ibid., 18:193; Tārīkh al-Islām, 406.
² Al-Mughnī li Ibn Qudāma, 1:10.
conqueror from his conquest, a reveller from his amusements [the player from his game] or a commander from giving orders.¹

* Nobody in the whole world, from the time of its creation until its end, would deliberately choose anxiety, and would not desire to drive it far away. When I had arrived at this great piece of wisdom, when I had discovered this amazing secret, when Allāh the Almighty had opened the eyes of my mind [spirit] to see this great treasure, I began to search for the way which would truly enable me to dispel anxiety, that precious goal desired by every kind of person, whether ignorant or scholarly, good or evil. I found it in one place alone, in the action of turning towards God the Almighty and Powerful, in pious works performed with an eye to eternity.²

* When a man is asleep, he leaves the world and forgets all joy and all sorrow. If he kept his spirit in the same state on waking, he would know perfect happiness.³

* When worries multiply, they will all fall to the ground. [A way out will be found.]⁴

* There is no worse blame than that of a man who praises a quality in you that you do not have, thereby drawing attention to its absence.⁵

* A friend who conceals a secret which concerns you is more disloyal towards you than one who tells a secret of yours. For the one who tells your secret is simply

¹ *In Pursuit of Virtue*: 121.
² Ibid., 122.
³ Ibid., 128.
⁴ Ibid., 134.
⁵ Ibid., 146.
betraying you, but the one who conceals one from you is betraying you and also mistrusting you.\textsuperscript{1}

* The definition of advice is that the man giving it feels bad about what harms his friend, whether the latter feels good or bad about it, and he feels happy about what is good for him, whether his friend is happy or unhappy about it.\textsuperscript{2}

* I have been present when subjects are excusing themselves before their sovereign, and witnessed how men charged with grave offences comport themselves in the presence of arrogant tyrants, but I have not seen anything more abject than the distracted lover confronting the enraged beloved, transported with anger and mastered by uncompromising fury.\textsuperscript{3}

\textsuperscript{1} Ibid., 147.
\textsuperscript{2} Ibid., 149.
\textsuperscript{3} The Ring of the Dove: 139.
Chapter Two: The Ṣāhirī School
The founder of the Zahiri school

Abū Sulaymān Dāwūd ibn ‘Alī ibn Khalaf’s family came from the district of Qāshān in Iṣfahān. He was born in Kūfa and settled in Baghdaḍ. He is also known as Dāwūd al-Zahīrī because he was the founder of the Zahīri school of jurisprudence.

Scholars differ over his year of birth, though it was somewhere between 200/815 and 202/817. However, they unanimously agree that he died in 270/884. The third century is considered to have been the greatest age of intellectual development and knowledge in Islamic civilization. Iraq was the capital of the Islamic world and the leader of Islamic thought, especially the cities of Baghdaḍ, Baṣra and Kūfa. All four orthodox schools of jurisprudence were represented there, and the science of Ḥadīth reached its peak at that time.

The origin of the Zahiri methodology

It is unanimously agreed that the founder of the Zahiri School was Dāwūd al-Ashbahānī. He restricted the principles of Islamic law to the texts, that is the Qur’ān and the Ḥadīth. He rejected analogy and imitation in Islamic jurisprudence. To understand the origin of the Zahīri methodology and how it was established, it is

1 Dāwūd al-Zahīrī, 48.
2 Al-Lubāb, 2:297; Tahdhib al-Asmā’, 1:182(157); Tārikh Baghdaḍ, 8:374.
3 Tārikh Baghdaḍ, 8:375; Tadhkira, 2:571; Ansāb, 4:99.
4 Tārikh Baghdaḍ, 8:370; Ibn Ḥazm li AbīZahra, 258.
necessary to go back to the early period of Islām and see what the Prophet and his Companions have said on the matter.

Judgements in Islāmic jurisprudence are part of the religion. When a Muslim acts upon any judgement, it means that what he does is done in order to obey Allāh. Accordingly, the source for Islāmic jurisprudence should be Allāh and His Messenger Muḥammad, whose duty was to inform people what was revealed to him by the angel Gabriel. This means that Islāmic jurisprudence should be based on the Qur’ān and the Ḥadīth, the latter being the Prophet’s sayings. Almighty Allāh said of him and his sayings in the Qur’ān: “Nor does he speak of (his own) desire. It is only an Inspiration that is inspired.” Therefore, Ibn Ḥazm believed that it is not lawful for Islāmic jurisprudence to be based only on a personal opinion without support from the texts, supporting his view with the Qur’ānic verse which says:

“O you who believe! Obey Allāh and obey the Messenger [Muḥammad], and those of you [Muslims] who are in authority. And if you differ in anything amongst yourselves, refer it to Allāh and His Messenger [Muḥammad], if you believe in Allāh and in the Last Day. That is better and more suitable for final determination.”

He also supports his view with the Prophet’s saying: “When it is wished for knowledge to be removed, it will not be removed from the minds of individuals but by the death of scholars. And when there are no more scholars, the people will be led

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1 Ibn Ḥazm li Abī Zahra, 260.
2 Surah al-Najm, 3,4.
3 Surah al-Nisā’, 59.
by ignorant individuals. Therefore, they will lead them according to their personal opinions, and so they will be straying and their followers will be misled."¹

This was the basis of a number of sayings by the Companions and the Successors rejecting personal opinion, for example, Abū Bakr,² ‘Umar, ‘Alī,³ al-Sha'bī, Ibn Shihāb al-Zuhrī, ‘Urwa ibn al-Zubayr, al-Awzā‘ī, al-Shāfi‘ī and Ahmad.⁴ However, scholars are divided in their views of what was meant by the phrase “personal opinion”, and whether it meant personal opinion in general or in a particular situation. One group of scholars rejected “personal opinion” in general, and supported their view with previous evidence. The other group rejected “personal opinion” only when it was not based on a text or on an acceptable principle. They supported their view with various pieces of evidence:

1. Real life situations, which need a legal judgment, are infinite; however, the texts are finite. Clearly, legal judgments on an endless range of real life situations cannot be based only on finite texts. Therefore it is important to establish general principles as a basis for reference when a judgment is needed on a matter that is not explained by the texts. They believe that this kind of personal opinion is not to be rejected. Accordingly Abū Ḥanīfa says, “Our knowledge is personal opinions: it is good and it is the best that we could have done, and we accept anyone’s judgments that are better than ours.”⁵

¹ Bukhārī, 28:44.
² Ibn Ḥazm li Abī Zahra, 379.
⁴ Al-Nubadh, 94 footnote 4; A‘lām al-Muwāqqitīn, 1:73-79.
⁵ Ibid.
2. A large number of those who rejected “personal opinion” had acted at times according to it, which proves that when they rejected “personal opinion” they were not referring to its general use.


Ibn Ḥazm rejected this narration on the basis that it was transmitted by al-Ḥārith ibn ‘Amr al-Hudhali al-Thaqafi, of whom he said: “Nobody knows who he is, and we know just this narration of his, which he transmitted from a group of Mu‘ādh’s companions who themselves were unknown.” Nevertheless, the majority of scholars accept this narration, and al-Jaṣṣāṣ, al-Khaṭīb al-Baghdādī and Abū Bakr ibn al-‘Arabī disproved Ibn Ḥazm’s judgement.

4. ‘Umar ibn al-Khaṭṭāb wrote to Abū Mūsā al-Ash‘arī, asking him to support his judgments based on clear analogy. ‘Umar said, “Base your judgments on analogy, note the analogous situations and give the judgment that you believe to be the

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1 Al-Nubadhdh, 95; al-Muḥallā, 1:62; Ibtāl al-Qiyās, 12.
2 Ibtāl al-Qiyās, 14; Al-Nubadhdh, 95.
3 Ibn Ḥazm li Abī Zahra, 382; see al-Faqīh, 5:188-190.
closest to the truth, that which is considered by God to be the best.” Scholars accept this narration, al-Dāraquṭnī and al-Bayhaqī mentioned it in their Sunan. Ibn Ḥazm rejected it, however, saying that it was narrated only by ‘Abd al-Malik ibn al-Walīd ibn Ma‘dān from his father and that they had both been neglected.

5. ‘Alī narrated: “Analogy is lawful for use by those who are learned and aware of that which is forbidden and permitted. Their analogy is like a medicine.” Ibn Ḥazm judged this narration to be fabricated because it was transmitted by Muḥammad ibn ‘Abd al-Raḥmān and al-Aḥnaf ibn Qays, whom he judged to be unknown narrators.

Ibn Ḥazm accepted that some Companions believed in personal opinion. Such a believer was Abū Bakr when he said, “This is my personal opinion: if it is right then it is on account of God’s help, and if it is wrong, then it is my fault and I ask God for His forgiveness.” However, Ibn Ḥazm denied that any of the Companions believed in analogy.

Those who did not reject personal opinion in general argued with the group that rejected personal opinion in general, saying that the Qur’ānic verse in Surat al-Nisā’ concerned only matters mentioned in texts, but not those which had happened recently and were not mentioned in the texts. A scholar’s duty was to study the texts

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1 Sunan al-Dāraquṭnī, 4:206(15); al-Sunan al-Kubrā, 10:115(20134); al-Ḥujja, 1:569; see Fath al-Bārī, 13:298, kitāb al-I’tiṣām bi al-kitāb wa al-sunnah, bāb man shabbaha aşlan ma‘lūmin bi aşlin mu‘ayyan.
2 Ibtāl, 6.
3 Ibid.
carefully, and establish principles on which could be based judgments on recent events that were not mentioned in the texts.

Using personal opinions and taking the circumstances into account, scholars’ methodologies were established. Their goal was to understand God’s will, and to know His judgment on different aspects of life. In Kūfah was Abū Ḥanīfa al-Nu’mān ibn Thābit (80-150/699-767), who was the teacher of the school which based judgments on personal opinion (madrasat ahl al-ra’y). Because fabrication was so prevalent around him, he accepted few narrations. He rejected a narration unless it was famous, known by scholars or had been narrated by a group. Therefore he based his judgments widely on analogy. His methodology principles were taken from the Qur’ān, the authentic aḥādīth, some of the Companions’ sayings, analogy and istiḥsān (preference).

On the other hand there was Mālik ibn Anas (93-179/711-795) in Madīnah, the city of the Prophet and his Companions, where the aḥādīth were spread. He was the teacher of the school based on the Ḥadīth (madrasat ahl al-ḥadīth), and based his judgments widely on it. He did not create difficulties in accepting aḥādīth as did Abū Ḥanīfa. He accepted aḥādīth from all individuals except the following: a stupid and foolish person (ṣafīh); a liar who was known to lie to people, even if he was not accused of lying in his narration from the Prophet; a person who invited others to follow his own wishes; and a scholar who was known for his excellence of worship but did not know what he was narrating. His methodology principles were taken from the Qur’ān, the authentic aḥādīth and the actions of the people of Madīnah, to
whom he gave priority over analogy and an āḥād ḥadīth (a ḥadīth which was narrated only by a small group). A Companion’s saying to which there was no objection by other Companions was given priority over analogy and al-maṣāliḥ al-mursala, which is the theory of obtaining an advantage or removing a disadvantage not mentioned in the texts.

At the time of al-Shafi‘ī (150-204/767-819) the methodology of Abū Ḥanīfa was being spread in Iraq and the methodology of Mālik was being spread in Madīna. Al-Shafi‘ī accompanied Mālik and learned from him directly, and he also learned from Abū Ḥanīfa’s companion and student Muḥammad ibn al-Ḥasan and argued with him on different matters. After comparing the two methodologies, al-Shafi‘ī supported the Ḥadīth. He disagreed with Abū Ḥanīfa in giving priority to analogy over the aḥādīth al-āḥād and strongly supported āḥād ḥadīth if they were narrated by a trustworthy narrator and the chain was linked to the Prophet. He did not ask for an āḥād ḥadīth to be famous or known by scholars. Al-Shafi‘ī also rejected istiḥsān, and disagreed with his teacher Mālik. He rejected “the actions of the people of Madīna” as a principle in Islāmic jurisprudence as well as al-maṣāliḥ al-mursala. Thus al-Shafi‘ī was known as Nāšir al-Sunnah. His methodology principles were taken from the Qur’ān, the authentic aḥādīth, unanimous agreement and if there was no evidence in the previous three principles he used analogy.

In Iraq there were numerous scholars who based their judgements widely on analogy, but on the other hand there were many scholars, especially the scholars of Ḥadīth, who opposed this principle. The Ḥadīth scholars’ argument was that when

\[1 \text{ Kifāya, 116.} \]
analogy had to be used it was for the lack of *ahādīth* because they had not been collected and classified. The Companions had dispersed all over the world, having heard individually or in groups a number of narrations from the Prophet. Now, however, the *ahādīth* had been collected, there was no further need for analogy.¹

Dāwūd (200-270/815-884) grew up in a Ḥanafi family,² read many books and had a number of teachers. In Başra his teachers were famous trustworthy Ḥadīth scholars such as ‘Abd Allāh ibn Maslāma al-Qa’nabī and Musaddad ibn Musarhad.³ In Baghdād he was taught by Abū Thawr Ibrāhīm ibn Khašīqī, who was a famous jurisprudent and was one of the greatest scholars of Ḥadīth. Dāwūd followed him closely and learned Shāfi‘ī *fiqh* from him.⁴ Dāwūd was highly impressed by al-Shāfi‘ī. He was the first person to compile a special book about him, and was known as a committed Shāfi‘īte.⁵ After this he travelled to Nishapur to seek knowledge from Isḥāq ibn Rāhūya (161-238/777-852).⁶ It is true that Isḥāq ibn Rāhūya was a Shāfi‘īte, but he was also a famous Ḥadīth scholar and independent in outlook. Many well-known Ḥadīth scholars studied under him, such as al-Bukhārī, Muslim, Abū Dāwūd, al-Tirmidhī and Aḥmad ibn Ḥanbal.⁷

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¹ Dāwūd al-Ẓāhīrī, 39.
² Al-Ẓāhīriyya, 16.
³ Dāwūd al-Ẓāhīrī, 48, 51.
⁴ Ibid.
⁵ Ṭabaqāt al-Shāfi‘īyya, 1:343.
⁶ Dāwūd al-Ẓāhīrī, 52.
⁷ Ibid., 71.
Nishapur Dāwūd’s own opinions became clear and he began to follow his Žāhirī methodology. After his return to Baghdād he tried to contact Imām Aḥmad ibn Ḥanbal, but the latter refused to meet him for he had been told that Dāwūd believed in khalq al-Qurʾān. Dāwūd was a friend of the Imām’s son ʿAbd Allāh ibn Aḥmad ibn Ḥanbal, so he asked him to mediate. Although ʿAbd Allāh did his best, his father refused to meet Dāwūd.¹

Dāwūd, however, was very similar to Aḥmad, especially in keeping to the Ḥadīth, in asceticism in worldly matters and in refusing gifts from princes. It would seem that Dāwūd’s good impression of al-Shāfiʿī was because the latter was strongly committed to the Ḥadīth. As we have noted, al-Shāfiʿī was known as Nāṣir al-Sunnah (the defender of the Sunnah), for he challenged ʾashāb al-raʿy and those who stretched the use of analogy.

Dāwūd started his circle in Baghdād. It was well known and no fewer than 400 persons joined it,² among them famous scholars such as Ibn Jarir al-Ṭabarī, al-Sājī, about whom Dāwūd said, “Here is a scholar from whom we could benefit, whereas he is in no need of us.”³ Dāwūd rejected analogy, reasoning (cause and effect) and imitation in fiqh, even though they all were acceptable to the other imams as principles of the science of uṣūl al-fiqh. He was asked: “How can you reject analogy when your teacher al-Shāfiʿī accepted it?” He replied: “The same

¹ Mīzān, 2:115; Tarīkh Baghdād, 8:374; Tabaqāt al-Shāfiʿīyya, 2:42.
² Mīzān, 2:15.
³ Dāwūd al-Zāhirī, 53; Tabaqāt al-Shāfiʿīyya, 2:191.
evidence that al-Shafi‘i used to invalidate istiḥsān in fact invalidates analogy.”

This was the declaration of a new methodology which became known as al-madhhāb al-Zāhīrī. In view of this, Dāwūd’s position changed in the scholars’ estimation. The more effective Shafi‘ite scholars rejected his opinions, even though he was counted as one of them. They discussed his opinions with him, debated with him and refuted him. Ibn Surayj compiled a book called The Refutation of Ahl al-Ra‘y and the Zāhīrīes (al-Radd ‘alā al-Mukhālifīn min Ahl al-Ra‘y wa Ahl al-Zāhīr), rejecting Dāwūd’s opinions and reasoning. It became obvious to Dāwūd that his opinions were not acceptable in Iraq so he travelled to Nishapur. His second journey to Nishapur was not to seek knowledge but to spread his opinions. Then he returned to Baghdad and resumed his circle. Famous scholars joined it, among them the Ḥadīth scholars Muḥammad ibn Ibrāhīm ibn Sa‘īd al-‘Abdī, Abū ‘Abd Allāh al-Būshanjī and Ibn Jarir al-Ṭabarī, although the last did not finally take part.

Dāwūd was fearless, proud of what he believed to be the truth, in addition to that he was polite, smart, and never spoke ill of others. Dāwūd compiled a large number of books explaining his opinions. They were full of aḥādīth because he based his fiqh on the Qur‘ān and the Ḥadīth. Unfortunately, however, all his books were lost at a very early stage. Dāwūd was very famous for aḥādīth, although the

1 Ibn Ḥazm li Abī Zahra, 258.
2 Dāwūd al-Zāhīrī, 53.
3 Ibid., 57; Tarīkh Baghdaḏ, 8:373.
4 The Zahīrīs, 30,103.
narrations that were transmitted from him were very few.¹ This was a result of scholars abandoning him. After his death, his ideas were spread by his pupils, among them the famous grammarian Ibrāhīm ibn Muḥammad, also known as Naṭṭawayh. Zakariyyā ibn Yaḥyā al-Sājī and ‘Abd Allāh ibn al-Mughallīs were also his pupils. Most prominent of these people was his son Abū Bakr Muḥammad, who took his father’s place in the mosque circle and proved that he was knowledgeable enough to continue it.²

The spread of the Zāhiri methodology

The Zāhiri methodology and principles became safe for the next generations by the books which had been written by Ibn Ḥazm because, as mentioned, Dāwūd’s books had all been lost.³

Dāwūd suffered greatly following his statement that he believed in the Zāhiri methodology, especially when he called others to it. After Dāwūd’s death in 270/884, his son Abū Bakr Muḥammad (b. 255/868) followed in his father’s footsteps and continued his mission. He was well versed in jurisprudence and literature, and he had memorized the Qur’ān when he was only 7 years old. When he took over his father’s circle in the mosque he was only 15 years old, and was therefore deemed by some to be too young. Accordingly someone was sent unexpectedly to question him and test his reaction and level of knowledge. His maturity and sophisticated answers

¹ Tadhkira, 1-2:572(597).
³ Dāwūd al-Zāhiri, 125.
surprised the audience, who were made fully aware of his ability.\textsuperscript{1} Dāwūd had compiled a large number of books containing his ideas, and after his death his son and his students promoted them until the Žāhirī methodology was embraced by the Bahariyya government in Sind (Pakistan) from 247/861 to 417/1026.\textsuperscript{2}

It has been said that the Žāhirī school spread in the fourth century AH in the East and had a large number of followers and that it was counted as the fourth school beside the other three: Ḥanafī, Mālikī and Shāfi‘ī. The judge Abū Ya‘lā is said to have succeeded in the fifth century AH in replacing the Žāhirī school with the Ḥanbali school, which, with the other three, created what are known as “the four orthodox schools of jurisprudence”. As a result, Aḥmad ibn Ḥanbal’s followers increased in number and Dāwūd’s followers decreased.\textsuperscript{3} However, while Žāhirī followers were becoming fewer in the East, there was beginning to be an upsurge in Žāhirī methodology in the West in al-Andalus.

The first methodology of jurisprudence to be known by the Andalusians was that of al-Awza‘ī, which entered al-Andalus with the Umayyads, who came from Syria (al-Shām), al-Awza‘ī’s homeland.\textsuperscript{4} Ibn Ḥazm stated that al-Awza‘ī’s jurisprudence had come to al-Andalus with Sa‘ṣa‘a ibn Salām, the Syrian

\textsuperscript{1} Ibid., 109.
\textsuperscript{2} Falsafat al-Tashrī’, 72.
\textsuperscript{3} Dāwūd al-Žāhirī, 145.
\textsuperscript{4} At the early AH centuries it was called Shām, which included Syria, Palastyne, Jurdon and Lebanon. Awza‘ī is part of Lebanon, which still exists.
jurisprudent, who was one of al-Awzā‘ī’s companions.¹ The Mālikī methodology reached al-Andalus with a group of Andalusian scholars who had travelled to the East and met Mālik, listened to his lectures and were highly impressed by him. After their return to al-Andalus, his methodology was spread among the Andalusians, who were equally impressed. From that time on, Mālik’s methodology was the governing influence in al-Andalus.²

The Zāhīrī methodology was brought to al-Andalus by a group of scholars. ‘Abd Allāh ibn Muḥammad ibn Qāsim ibn Hilāl (d. 272/885), the Mālikī Andalusian scholar who was familiar with al-Shāfi‘ī’s methodology, was a pupil of Dāwūd the founder of the Zāhīrī school. He had heard him giving readings from his books and had brought the books to Andalus.³ Baqī ibn Makhlad (d. 276/889) had travelled to the East and listened to lectures by Aḥmad ibn Ḥanbal. Aḥmad adhered to the texts (that is, the Qur’ān and the Ḥadīth), and Baqī was inspired by him. Baqī was also inspired by the Zāhīrī methodology, especially in its call to deal directly with the Qur’ān and the Ḥadīth and not to engage with any of the four orthodox schools or others. There were also other scholars who embraced Dāwūd’s methodology, such as the Ḥadīth scholar Abū ‘Abd Allāh Muḥammad ibn Wadḍāḥ ibn Bāziq (d. 286/899), and Qāsim ibn Aṣbagh (d. 340/951), the student of Baqī ibn

¹ Tarikh ‘Ulamā’ al-Andalus, 168(610); Jadhwa, 214(510); al-Ḥayāt al-‘Ilmiyya, 36; al-Ḥadā‘a al-‘Arabiyya fi al-Andalus, 59, 149-163.
² Al-Ḥayāt al-‘Ilmiyya, 37.
³ Al-Zāhīriyya, 32.
Makhlad and Ibn Waḍḍāḥ. However, Andalus was prepared for the Ẓāhirī methodology in the fourth/ ninth century by a group of Andalusian scholars who travelled to the East, among them Mundhir ibn Saʿīd al-Ballūṭī, the judge of Cordoba, the imam of the prayers and the presenter of the Friday sermon in al-Zahrāʾ Mosque. Al-Zahrāʾ was the city of the Caliph, the princes and the viziers. Al-Ballūṭī travelled to Makka for the Ḥajj (pilgrimage) in 308. There he met scholars and embraced the Ẓāhirī methodology. When he returned to Andalus he used Mālikī jurisprudence -the official law- when he was judging cases, but in his personal life he was a Ẓāhirīte. Another scholar who travelled to the East, and was the most important of those who prepared al-Andalus to accept the Ẓāhirī methodology, was Abū al-Khayār Masʿūd ibn Sulaymān ibn Muflīt. He was an open-minded person who did not adhere to any of the four orthodox methodologies and believed that no one should imitate any of the four orthodox scholars or anyone else. He believed in Ẓāhirī methodology and acted upon it. Thus through the influence of all these people, Zahiri methodology became established in al-Andalus.

Ibn Ḥazm is the scholar who created a firm foundation for Ẓāhirī methodology with the large number of books that he wrote. He saved the Ẓāhirī methodology from extinction, not just in al-Andalus but also in the entire world, because all Dāwūd’s books had been lost, and therefore most of our knowledge about Ẓāhirī methodology comes from Ibn Ḥazm’s books. Ibn Ḥazm became aware of Ẓāhirī methodology from books and from his teacher Abū al-Khayār Masʿūd ibn

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1 Ibid.
Sulaymān ibn Muflīt. Whenever the name al-Ẓāhirī is read or heard it is mostly through Ibn Ḥazm. A large part of the 80,000 pages that he wrote was about Ẓāhirī methodology and jurisprudence. On principles of jurisprudence he wrote al-Iḥkām fī Uṣūl al-Aḥkām and al-Nubadh. On fiqh he wrote al-Mujallā, which he used for a commentary in his book al-Muḥallā. He also wrote al-Khiṣāl and commented on it in his book al-Īṣāl, although unfortunately this is lost. Thus Ibn Ḥazm immortalized Ẓāhirī methodology.

It did not spread in his lifetime, however, for both scholars and rulers were against him, and also because he had a sharp tongue when attacking others. Therefore, although the Ẓāhirī methodology gained some followers, it did not become widespread until the time of Muḥammad ibn Tūmart, the strong leader of the Almohad dynasty (524-667/1129-1268). He called for an Islamic jurisprudence which dealt directly with the Qurʾān and the Ḥadīth, and so all the rulers of the Almohad dynasty followed his call. This system of Islamic jurisprudence continued to spread until the governor of the Almohad state, Yaʿqūb ibn Yūsuf, declared this methodology to be official government policy. Ibn Ḥazm was respected and admired by all of the Almohad. When al-Manṣūr Almohad entered al-Andalus he passed humbly by Ibn Ḥazm’s grave and said, “How wonderful this place is. It gave birth to a scholar such as he!” Then he turned to the bystanders and said, “All scholars have

1 Al-Ẓāhiriyya, 33; Ibn Ḥazm li Abī Zahra, 271; Naṣīḥ al-Ṭib, 2:16.
2 Dāwūd al-Ẓāhirī, 147.
great need of him.”

With the end of the Almohad dynasty the Zāhiri methodology lost its greatest support.

Nevertheless, Zāhiri methodology survived through the ages from its establishment in the third/eighth century until the present. ʿAbd al-Wāḥid al-Marrākushī (d. 647/1249) stated in the seventh/twelfth century, two centuries after Ibn Ḥazm’s death, that there were in al-Andalus a great number of followers of Ibn Ḥazm. Ibn Ḥazm succeeded in leaving his impression on numerous scholars, especially those who followed Aḥmad ibn Ḥanbal’s methodology. The interest in Ibn Ḥazm as a person and as a scholar is increasing in the present day. Creating a firm foundation for the Zāhiri methodology, which has interested scholars both past and present, was one of Ibn Ḥazm’s gifts to scholarship. The interest of Western scholars’ in Zāhiri methodology began in the early nineteenth century. Goldziher stated “If we disregard Reiske’s translation of a passage from Abū al-Fidā’, then Quatremere (1840) was the first among the European orientalists who tried to shed some light on the ahl al-zāhir.” Some of Ibn Ḥazm’s books have been translated into European languages, such as Tawq al-Ḥamāma (The Ring of the Dove), which has been translated into German, Spanish, French, English, Italian and Russian. In 1963 the Cordoba municipality, in acknowledgement of Ibn Ḥazm’s standing in the world of scholarship, made a bronze statue of him, wearing scholar’s clothing. They placed

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1 Ibid., 148; Nafḥ al-Ṭib, 4:222.
2 ʿMawsūʿa, 1m:18.
3 The Zahirīs, 2.
4 Ibn Ḥazm, Chejne, 12; ʿTawq al-Ḥamāma, 16.
it facing Seville or the ‘Aṭṭarin gate which led to Balāṭ Mughīth, the district where he grew up and took his daily walk to the mosque in which he studied, taught and prayed. Under the statue is written “In memory of the nine centuries since Abū Muḥammad ‘Alī ibn Ḥazm al-Qurṭubī’s death, the city of Cordoba presents its great honour to a man who is considered to be eminent in its culture.”

The principles of Ţāhirī methodology

Ţāhirī methodology rejects analogy, reasoning (cause and effect) and imitation. Ibn Ḥazm states clearly that imitation is forbidden and that no one is allowed to follow others in religious matters without proof. Since all Dāwūd’s works have been lost and only Ibn Ḥazm’s writings have survived, it is reasonable to use Ibn Ḥazm’s books to represent Ţāhirī methodology.

Ibn Ḥazm declared that it had been proved by the unanimous agreement of the Companions and the Successors that they rejected imitation. He said,

It should have been clear to all those who were learned and could distinguish between sayings, but they blindly followed the sayings of Abū Ḥanīfa, Mālik, al-Shāfī’ī or Aḥmad ibn Ḥanbal, even when it was proved to them that their teachers’ sayings were wrong, that they contradicted the unanimous agreement of the Muslim nation.... All the four superior orthodox scholars prohibited anyone from imitating anyone of them or anyone else. Therefore, if anyone imitated anyone of them, that person contradicted them.

1 Al-Akhīlāq, 7.
2 Al-Nubadhr, 114.
3 Ibid., 116.
Ibn Ḥazm’s words are wonderful, for they encourage others to seek knowledge, and they drive away the laziness and feebleness of relying on others. It would have been ideal if Ibn Ḥazm had addressed scholars with just this message. Unfortunately, however, Ibn Ḥazm believed that it must go beyond that limit when he continued, “Ordinary people and scholars are equal in this matter; each of them is responsible for doing his best to understand what God wants him to do or not to do.” Then he explained that if someone asked a scholar about a *fatwā* (formal verdict or legal opinion) on a religious matter, he should be aware that he is asking about what God and his Messenger had to say about it, and he should take great care to understand the explanation. He said,

> It is obligatory upon a person when a scholar gives him a *fatwā* to discuss with him to give a clear reason for his acceptance of the *fatwā*. It is obligatory upon the questioner to continue his discussion to the highest level of his knowledge and ability. He must ask him, “Do God and his Messenger say this?” If he answers “Yes”, then he should follow him. If he is aware of more than that, he should ask, “Is it a sound hadith? Who are the narrators, are they trustworthy or not? Is the chain linked or not?” And if he has learned more, he should ask about other scholars’ *fatwā* on the same matter and discuss their evidence. But if the scholar does not answer him, says “No”, shouts or says that it was the saying of someone other than the Messenger of God, then he should not follow him.”

The sources of knowledge for Zāhirī methodology are the texts only. Therefore, the sources of legal knowledge (*uṣūl al-fiqh*) in which the Zāhirītes believed were taken from the Qur’ān, the Sunnah, unanimous agreement and *al-dalāʿīl* (proof). When using the texts they followed the outward meaning, namely that God’s words or those of His Messenger were to be interpreted literally. Ibn Ḥazm discussed

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1Ibid., 117.
those who disagreed with the Zahirites. He explained that the Qurʾan was revealed in the Arabic language. Therefore, whoever interprets any word of the Qurʾan beyond its outward meaning in that language without supporting evidence from the texts (the Qurʾan and the Ḥadīth), from unanimous agreement or from ʾdarūrat al-ʾaql (self-evidence), is deemed to be a falsifier.2

The Qurʾan

Ibn Ḥazm said,

It has become clear from evidence and miracles that the Qurʾan is God’s message to us, and that we are asked to believe in it and to act upon it. It is proved by the unanimous agreement of generation after generation, which is indisputable that the Qurʾan, which is known all over the world, should be acted upon. All the orders which the Qurʾan contains must be obeyed.3

The Sunnah

Ibn Ḥazm stated that the Qurʾan orders us to follow what the Messenger of God said. The Almighty described His Messenger by saying, “Nor does he speak of (his own) desire. It is only an inspiration that is inspired.”4 Thus revelation comprised two parts: the Qurʾan, which is God’s words, and the Ḥadīth, which is the Messenger’s words. The Messenger is to explain to us what God wants from us, as is stated in the Qurʾan: “And We have also sent down unto you the Qurʾan, that you may explain

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1 Ibid., 118, 119.
2 Ḥikām, 3:39-44.
3 Ibid., 1:95.
4 Surah al-Najm, 4.
clearly to people what is sent down to them.” ¹ Allāh asked us to follow them both, for He said: “O you who believe! Obey Allāh and His Messenger, and do not turn away from him.”² Allāh told us that, whenever we differed, we should refer to the Qur’ān and to the Ḥadīth: “And if you differ in anything amongst yourselves, refer it to Allāh and His Messenger, if you believe in Allāh and in the Last Day.”³ Therefore, Ibn Ḥazm refers to the Qur’ān and authentic aḥādīth as a single entity. The origin of both is Allāh, and therefore they should both be obeyed.¹

In Ibn Ḥazm’s view, narrations can be viewed from two main angles:

1. From the point of view of the number of their transmitters:
   a. Mutawātir:

   Any report with such numerous transmitters that it could not be the result of collusion, nor of any compulsion to lie, and is known to be reliable. It is clear from transmitted knowledge (naqīl) and common sense (‘aql) that such reports are true and should be accepted. They also provided a useful historical record.

   Ibn Ḥazm differed from the majority of scholars over the minimum number of narrators required for a ḥadīth to be classified as mutawātir. The scholars themselves differed on this matter. Ibn Ḥazm rejected all that they had said, pointing out that the classification of a narration as mutawātir is not based on the number of transmitters but on its reliability, that it is safe from any collusion to lie. Therefore, if the narrators could have colluded in a fabrication, then the

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¹ Surah al-Naḥl, 44.
² Surah al-Nisā’, 59.
³ Surah al-Nisā’, 59; Ḥikām, 1:96,97.
narration is not considered *mutawātir*, even though it transmitted by numerous narrators. If the impossibility of collusion by the narrators is proved, then the narration is considered *mutawātir*, even if it has been transmitted by only two narrators.²

b. Narrations transmitted by only one narrator:
If the chains of these narrations were linked to the Messenger of God by trustworthy narrators, then they are accepted by Ibn Ḥazm in both *fiqh* and dogma. However, the majority of scholars accept such narrations only in *fiqh.*³

2. From the point of view of the nature of their attribution to the Prophet:
   a. What the Prophet said:
      All his orders are compulsory, unless there is evidence that they are not compulsory but only recommended.
   b. What the Prophet did:
      All this actions are recommended but not compulsory, unless it was the carrying out of a judgment or the explanation of a compulsory action.
   c. The Prophet’s ratification (silent approval) of what he had seen, heard or known:
      His silent approval only proves that the action is permissible, and not that it is compulsory or recommended. The majority of scholars, however, say that the

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¹ *Ihkām*, 1:98.
² Ibid., 1:104-108.
³ Ibid., 108,119.
Prophet’s silent approval can be used as proof that the matter is compulsory, recommendable or permissible.1

Ijmā’ (unanimous agreement)

The Zāhiri school rejected all kinds of ijmā’ which other scholars had accepted, except that of the Prophet’s Companions. Ibn Ḥazm explains that the Companions were the only Muslims at the time, therefore their agreement represented the agreement of all Muslims. In fact the agreement of those other than the Companions represents only the agreement of a group of Muslims, not that of all Muslims at the time, which is not acceptable. And any acceptable unanimous agreement is necessarily based on the Prophet’s sayings.1

Dalīl (proof)

Some scholars, among them al-Khaṭīb al-Baghdādī, say that because the Zāhiri scholars rejected analogy as a principle in usūl al-fiqh, they found difficulty in dealing with new religious matters. Therefore they realized that they had to accept analogy, so they called it al-dalīl. In fact al-dalīl is completely different from analogy. Ibn Ḥazm denied that al-dalīl is not based on the texts (the Qur’ān and the Ḥadīth) or on ijmā’, giving the following explanation:

1 Ibn Ḥazm li Abī Zahra, 291.
1. *Dalāl* based on *ijmāʿ*:

a. *Istishāb*:

This means that every judgement proved by the text would remain unchanged unless there was evidence that it had been changed. Ibn Ḥazm believed that everything is permissible unless another judgement proves the contrary. He stated that this was supported by the Qurʿān: “On earth will be a dwelling place for you and an enjoyment for a time.” The Zāhirī methodology, which had been regarded as narrow, in fact created a firm foundation for the theory of *istiṣḥāb*, meaning that the activities of life are originally permissible. Thus the Zāhirī methodology became easier to apply than that of the other schools which accept analogy. Ibn Ḥazm explains *istiṣḥāb* with the following examples:

If anyone says that so and so should be punished for adultery, we would answer that he had been known to be innocent and that this judgement would not be changed until the accuser proves the accuracy of his statement. If anyone says that so and so (who is trustworthy) had become impious; so and so (who is impious) had become trustworthy; so and so (who is known to be alive) had died; so and so had married so and so; so and so had divorced his wife; so and so no longer owns his property; so and so did own such and such (which was not known to be his property), we would answer them all that we should not change what we had known to be the truth until these statements had been proved.

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2 Ibid., 5:2.  
3 *Surah al-Baqara*, 36.  
5 *Iḥkām*, 5:3.
He adds that certainty is the foundation and doubt is occurrence, and certainty will not be removed by doubt.¹

b. Aqall mā qīl (the minimum):

If scholars differ in their judgement of a certain matter, the common factors of all their opinions count as a point of agreement between all of them and become a unanimous agreement. Whoever applies the minimum of what has been said, would be free of responsibility.²

c. Unanimous agreement to abandon a certain opinion:

Scholars might differ on a certain matter, although at the same time they might agree to abandon a certain opinion on it. This is counted as a unanimous agreement, and is proof that this opinion is invalid.³

d. Unanimous agreement that Muslims are equal, and that any religious matter which had been revealed about a particular Muslim becomes general for all Muslims, unless the revelation explains that it is personal and that it is relates only to a particular Muslim.⁴ Ibn Ḥazm proves this by saying that it is clear that although the Muslims after the Prophet’s time could neither see nor hear him, there is unanimous agreement that he is God’s Messenger to all human beings.

¹ Ibid., 5:4.
² Ibid., 5:106.
³ Ḣkām, 5:106; Ibn Ḥazm li Abī Zahra, 364.
⁴ Ḣkām, 5:106; Ibn Ḥazm li Abī Zahra, 363.
until the Day of Judgment. This means that what he had said to particular Muslims is applicable to all Muslims.¹

2. Dalîl based on the text:

a. Two premises result in an outcome not mentioned in the text:

The example given by Ibn Ḥazm is the Prophet’s ḥadîth in which he said, “Every intoxicant is an alcoholic drink, and every alcoholic drink is forbidden”. Ibn Ḥazm said that the first premise is “Every intoxicant is an alcoholic drink”; the second premise is “Every alcoholic drink is forbidden”; and the outcome, which is not mentioned in the text, is “every intoxicant is forbidden”.

b. Stipulation based on a particular quality:

Whenever that particular quality exists, what was stipulated should exist as well. The example for this is the Qur’anic verse: “if they cease disbelieving, their past will be forgiven”.² Therefore, whoever ceased disbelieving should be forgiven, whether they were unbelievers, who were the addressees, or other people.

c. Expression includes a special meaning and excludes the opposite meaning:

The expression which was used could not be understood unless the opposite meaning was excluded. The example for this is the Qur’anic verse: “Verily Abraham invoked Allāh with humility, glorified Him and remembered Him

¹ Ḥkām, 3:88.
² Surah al-Anfāl, 38.
much, and was forbearing”.¹ The expression “forbearing” necessarily excludes the meaning that Abraham was foolish.

d. The existence of different possibilities with the lack of one:

Ibn Ḥazm explains this by saying that any action may be forbidden, compulsory or permissible. When it is not proved that the action is forbidden or compulsory, then it should certainly be permissible. This as Abū Zahra points out is the one same as istिपहब.²

e. Levels of causes:

When it is stated in the texts that A is bigger than B and B is bigger than C, then certainly A is bigger than C, even if that is not mentioned. The example given by Ibn Ḥazm is that Abū Bakr is better than ‘Umar and ‘Umar is better than ‘Uthmān. Therefore, Abū Bakr is certainly better than ‘Uthmān.

f. The opposite of causes:

Where in each action the totality shows that it is partly in the opposite view. For example, when it is said: “Every intoxicant (totality) is forbidden”, it shows also that “some (part) forbidden substances are intoxicants”.

g. An Expression (word) can include numerous meanings:

¹ Surah al-Tawba, 114.
² Ibn Ḥazm li AbīZahra, 360.
For example, when it is said, “Zayd could write”, the word “write” indicates different meanings, such as, Zayd is alive, he has a hand with which to write, and he has materials for writing.¹

It is clear from Ibn Ḥazm’s explanation that the principle of al-Dalîl and its offshoots are totally different from analogy, which is based on cause and effect.

¹Iḥkām, 5:105-108.
Part Two: Ibn Ḥazm’s Rejection of Narrations for Reasons Other than *Jahāla*
Chapter Three: Ibn Hazm's criticism of narrators
Introduction

The purpose of the descriptions mentioned in the Ḥadīth scholars' terminology of rejection and acceptance is to acquaint readers with the scholars’ opinion of the narrators. This enabled the scholars to form their judgement of the narrators, which led to the acceptance or rejection of a narration, or the preference for one over another whenever two narrations were in conflict.¹

Ibn Abī Ḥātim (240-327/ 854-938) arranged the terminology in groups with an explanation of each group’s significance. The scholars continued in the same manner, adding to these groups and editing them until they were established as follows.

Categories of acceptability

1. Terms indicative of exaggeration in verification. This is the highest level. For example, “most consistent people” (athbat al-nāṣ), “most truthful people” (awthaq al-nāṣ).

2. Terms confirming acceptability by one or two of the qualities of verification. For example, “truthful truthful” (thiqa thiqa), “reliable and consistent” (thiqa thabit), “truthful authority” (thiqa ḥujja).

3. Terms indicating verification without confirmation. For example, “truthful” (thiqa), “authority” (ḥujja), “consistent” (thabit).

The narrators who are judged to be at one of these three categories are referred to as proof.

¹ Al-Raf’ wa al-Takmil, 129 border 1.
4. Terms indicating alteration without specific advice on the accuracy of recording (that is, whether by memorization or in writing). For example, “honest” (ṣadūq), “unobjectionable” (la ba’sa bih).

5. Terms with no indication of verification or rejection. For example, “people narrated from him” (rawā ‘anhu al-nās), “shaykh”.

The narrators who are judged to be at the fourth or fifth category are not referred to as proof. However, their accuracy is checked by comparing their narrations with those of trustworthy people and if they agree, they may be referred to as proof; otherwise no.

6. Terms indicative of being close to rejection. For example, “valid narrator” (ṣāliḥ al-ḥadīth), “his narrations could be written” (yuktab ḥadīthuhu), “valid” (ṣāliḥ).

The narrators who are judged to be at the sixth category are not referred to as proof. They are used only for the purpose of testing their inaccuracy.

Categories of Rejection

1. Terms indicating feebleness. This is the simplest category of rejection. For example, “feeble narrator” (layyin al-ḥadīth), “there are various views about him” (fīhi maqāl), “not that good” (layṣa bi dhāk).

2. Terms declaring that the narration is not to be referred to as proof. For example, “not referred to as proof” (lā yuḥtaj bihi), “weak” (ḍaʿīf).

The narrators who are judged to be at these two categories of course are not referred to as proof. However, their narrations can be written to be used only for the purpose of testing their inaccuracy.
3. Terms eliminating the narrator for inaccuracy. For example, “his narrations are not to be written” (lā yuktab ḥadīthahu), “narrations from him are forbidden” (lā taḥill al-riwāya ‘anhu), “very weak” (ḍa‘īf jiddan), “his narrations were discarded” (ṭaraḥū ḥadīthahu).


5. Terms describing a narrator as a liar. For example, “a liar” (kadhdhab), “fabricator” (waḍḍā’).

6. Terms indicating excessiveness in lying. This is the worst category of rejection. For example, “the biggest liar” (akdhab al-nās), “promoter of falsehood” (rukn al-kadhib).

The narrators who are judged to be at these four categories are not referred to as proof, nor their narrations are written or taken into consideration.1

The rejection and acceptance terms became fixed and their meanings agreed upon in the fourth century AH. Accordingly the terms used by Ibn Ḥazm (384-456/994-1064) will be examined in the light of these categories.

**The narrators considered weak by Ibn Ḥazm**

In history Ibn Ḥazm is known to be a scholar having many differences and disagreements with other scholars. An aggressive advocate for his beliefs, he

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1 Uṣūl al-Takhrij, 163-166; see al-Raf‘ wa al-Takmil 129-186
displayed no hesitation in directly confronting any individual or ideas that he believed to be wrong. Ibn Ḥazm possessed a sharp tongue and a barbed pen. There was also mentioned the style of his judgement of narrators, which is the subject of this text. It is, however, an overgeneralized view of Ibn Ḥazm which cannot be described as entirely accurate for it oversimplifies the problem, and that is not acceptable. At this stage we should not jump to the conclusion that his behaviour as described above was applied to his judgement of narrators as it was recorded. However, we have to scrutinize carefully his words, sayings and judgements regarding narrators and accordingly the truth. This was also mentioned to be his approach in his judgement of narrators.

To reach the truth we should compare his judgements with those of the other scholars assessing the same narrators. Also, we must understand the methodology on which he based his rejection of narrators in comparison with that of other scholars.

**Ibn Ḥazm’s judgements compared with those of other scholars**

In his book *al-Muhalla*, Ibn Ḥazm judged 295 narrators to be weak. One hundred and sixty-eight 168 narrators are mentioned just once; 51 narrators are mentioned twice; 61 narrators are mentioned more than twice but fewer than ten times; 10 narrators are mentioned more than ten times; and 5 narrators are mentioned more than twenty times. The differences in the number of times each narrator is mentioned indicates the number of narrations that are rejected from each narrator.

In comparison with other scholars’ judgements of the same narrators, it may be concluded that scholars unanimously judged the following 7 narrators as trustworthy:

Ibn Ḥajar comments on Ibn Ḥazm’s judgement of 4 of the above narrators as follows:
1. Ḥarām ibn Ḥakīm: “Ibn Ḥazm considered him weak without proof in his Muḥallā.”
3. Ṭalq ibn Ghannām: “Only Ibn Ḥazm judged him to be weak.”
4. Muḥammad ibn ‘Abd al-Raḥmān ibn Thawbān: “If he weakened Muḥammad, there was no one before him who did so.”

There was a Companion called Ḍamīra ibn Abī Ḍamīra, about whom Ibn Ḥazm was ignorant, for he said about him: “He is neglected and it is forbidden to

\[Al-Muḥallā, 1:265.\]
\[Ibid., 2:180. He named him a second time as Ḥuzām ( ﷲ ), 10:77.\]
\[Ibid., 6:250.\]
\[Ibid., 7:37.\]
\[Ibid., 7:372.\]
\[Ibid., 7:518, 8:182.\]
\[Ibid., 9:58.\]
\[Tahdīḥb, 2:222(411).\]
\[Ibid., 9:111.\]
\[Ibid., 5:33(52).\]
\[Tahdīḥb, 9:294(488).\]
accept his narration.”¹ He named him on another occasion Damra, and described him as useless.²

The controversy between Ibn Ḥazm and other scholars is over only eight narrators, including a Companion, out of the total number of 295. It can be concluded, therefore, that this is negligible, since no scholar is expected to have a judgement identical to the others.

There were 123 narrators about whose trustworthiness other scholars were not unanimous. The disagreement between Ibn Ḥazm and other scholars in this area could be explained in the following four ways:

1. Ibn Ḥazm’s judgement was based on that of other scholars. In the following examples of narrators, Ibn Ḥazm’s judgement of them is based on that of his predecessors:
   a. Yazid ibn ‘Abd Allāh ibn Qusayṭ
      Ibn Ḥazm said that Mālik described him as an unacceptable narrator.³
   b. ‘Ikrima ibn Khālid

¹Al-Muhallā, 9:381.
²Ibid., 10:346.
³Ibid., 5:109.
⁴Ibid., 5:277.
⁵Ibid., 7:303.
⁶Tahdīḥ, 7:259(471).
c. Tawba al-‘Anbarī

Ibn Ḫazm said, “He is weak unanimously.” Ibn Ḫajar said, “Only al-Azdī said that Tawba’s narration is denounced.” It has been said that Ibn Ma‘īn considered Tawba to be weak.

It is worth mentioning that Ibn Ḫazm relied in his judgements on the sayings of al-Azdī and Ibn Ma‘īn about narrators. His judgement of Tawba as being unanimously considered weak is not accurate, owing to the fact that a number of scholars ranked him as trustworthy, for example, Abū Ḩātim, al-Nasā‘ī and Ibn Ḫibbān.

2. Ibn Ḫazm’s judgement of trustworthy narrators had certain reservations, even though a number of scholars ranked them as trustworthy. They possessed certain characteristics which, in the view of some scholars like Ibn Ḫazm, were considered to be weakening.


Ibn Ḫazm said, “not strong.” Ibn Ḫajar said, “trustworthy, versed in Shī‘īsm and accused of being a Shī‘īte.”

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1 Al-Muḥallā, 10:151.
2 Tahdhīḥ, 1:515(960).
3 Ibid.
4 See page 93 of this research.
5 Tahdhīḥ, 1:515.
6 See the bibliography, Ibn al-Ja‘d.
7 Al-Muḥallā, 5:126.
8 Taqrīb, 2:33(303).
b. Fitr Ibn Khalīfa

Ibn Ḥazm said, "weak." Ibn Ḥajar said, "honest (ṣadūq), accused of being a Shi‘īte."²

c. Ibrāhīm ibn Ṭahmān

Ibn Ḥazm said, "weak."³ Ibn Ḥajar said, "trustworthy, Murjī‘īte."⁴

As this study will later clarify, Ibn Ḥazm and some other scholars rejected certain narrators for being Shi‘īte or Murjī‘īte.⁵

3. Ibn Ḥazm had a poor opinion of trustworthy narrators with weak memorization. Like all scholars, one of Ibn Ḥazm’s prerequisites for the acceptability of narrators was their ability to learn by heart. The following are selected from those with this weakness.

a. ‘Abd Allāh ibn Nāfi‘

Ibn Ḥazm said, “very weak,”⁶ “weak.”⁷ Ibn Ḥajar said, “trustworthy, good at writing, poor at learning by heart.”⁸

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¹ Al-Muhallā, 9:148.
² Taqrīb, 2:114(77).
³ Al-Muhallā, 10:277.
⁴ Taqrīb, 1:36(215).
⁵ See page 114, 117 of this research.
⁶ Al-Muhallā, 5:223.
⁷ Ibid., 7:377.
⁸ Taqrīb, 1:456(686).
b. Qays ibn al-Rabî' al-Asadi

Ibn Ḥazm said, “not strong.”\(^1\) Ibn Ḥajar said, “honest” (ṣādīq), although his memory was weakened by age. His son read to him narrations that were not his own. However, he narrated them to others as being his narrations.\(^2\)

4. In this section we look at Ibn Ḥazm’s judgement of trustworthy narrators, categories 4 to 6 (see p. 76 above). As is commonly known in the science of Ḥadîth, categories of acceptability 1, 2 and 3 (see p. 75 above) are considered, and their narrations are accepted and applied. However, narrators in category 4, although a category of acceptability, cannot be considered alone, and their narrations must be compared with those of other trustworthy narrators.

a. Usâma ibn Zayd al-Laythî

Ibn Ḥazm said, “We do not trust him, nor accept him in our favour, or as an opponent.”\(^3\) Elsewhere he said, “very weak”, \(^4\) “weak”.\(^5\) ‘Abd Allâh ibn Ḥamad narrated from his father that he said, “Al-Laythî narrated rejected narrations from Nâfi’. I replied to my father, “I consider his narrations to be good.” He replied, “If you think deeply about his narrations, you will find fault with them.”\(^6\)

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\(^1\) Al-Muḥallâ, 7:298, 10:379.
\(^2\) Taqrib, 2:128(139).
\(^3\) Al-Muḥallâ, 6:258.
\(^4\) Ibid., 7:360,530.
\(^5\) Ibid., 9:131.
\(^6\) Tahdîh, 1:208(392).
Al-Dārimī said, "He is not bad." Abū Ḥātim said, "His narrations could be written, but not taken as a reference." Al-Nasā‘ī said, "not strong." Ibn Ma‘īn said, "His narration is not bad."  

b. Ziyād ibn ‘Abd Allāh al-Bakkā‘ī

Ibn Ḥazm said, "weak", "not strong". Ibn Ḥibban said, "He made many mistakes; if he is the only source of a narration, it should not be accepted." Ibn Ma‘īn said, "He is not bad in maghāzī (military) narrations, but on other subjects his narrations should not be accepted." Al-Muhammaḍ said, "Not bad; his narrations are those of trustworthy people." Abū Zur‘a and Abū Dāwūd said, "honest (ṣadīq)." Abū Ḥātim said, "His narrations could be written, but not used as a reference."  

c. Zuhayr ibn Muḥammad

Ibn Ḥazm said, "weak". Ibn Ma‘īn said, "He is good, not bad." Al-Bukhārī said, "those narrations of his which have been narrated by the people of Shām are denounced, while those narrated by the inhabitants of Baṣra are authentic." Abū Ḥātim said, "He is honest" (ṣadīq).  

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1 Ibid.
2 Al-Muhalla, 4:86; 8:74; 9:504.
3 Ibid., 10:369.
4 Tahdhīb, 3:375(685).
5 Ibid.
6 Ibid.
7 Ibid.
8 Ibid.
10 Tahdhīb, 3:348(645).
11 Ibid.
12 Ibid.
The scholars' judgement of this large number (123) of narrators differ, for some accept certain narrators that are rejected by others. Some scholars accepted certain narrators in one context and rejected the same narrators in other contexts. A large number of narrators were mentioned without reference to their ability of memorization. On the other hand, Ibn Ḥazm decisively rejected all these narrators (123) and described them very clearly as weak.

In view of this vast difference between Ibn Ḥazm's judgement and that of all the other scholars, the notion of his dissent became well known, and hence he was looked upon as a dissenter among the scholars.

Weakening of scholars by Ibn Ḥazm

Ibn Ḥazm's decisive weakening judgement of trustworthy scholars further strengthened the common view of his dissent or breaking away from the ranks of the scholars. The following are examples showing a comparison between Ibn Ḥazm and other scholars.

1. Abū Yūṣuf al-Qāḍī, the famous student of Abū Ḥanīfa

Ibn Ḥazm said, "weak",¹ and on another occasion, referring to a specific hadith after knowing it was narrated by Abū Yūṣuf, he said, "Now the weakness of the chain has increased."¹ Ibn Ḥazm supported his view of Abū Yūṣuf by referring to a number of famous scholars who coexisted with Abū Yūṣuf and had a similar opinion, for example, Ibn al-Mubārak, ‘Abd Allāh ibn Idrīs, Abū Nu‘aym al-Faḍl ibn Dukayn, Wākī’ ibn al-Jarrāḥ, Yazīd ibn

¹Al-Muhallā, 8:179.
Hārūn and Aḥmad ibn Ḥanbal. 2 Al-Fallās said about Abū Yusuf, “He is honest (ṣadūq), with many mistakes.” 3 Abū Ḥātim said, “His narration could be written.” 4 Al-Bukhārī said he was neglected. 5 It has been narrated that Ibn Ma‘in considered him to be feeble. 6

2. ‘Abd al-Bāqī ibn Qāni, he was a knowledgeable person, the teacher of al-Jaṣṣāṣ the author of Aḥkām al-Qur’ān. 7

Ibn Ḥazm referred to this scholar on many occasions, noting that his mental confusion began a year before his death, and that he was in general a denounced narrator whom the Ḥadīth scholars had rejected. 8 He also mentioned that Ibn Qāni was a narrator of lies. 9 Al-Khaṭīb said about Ibn Qāni: “a scholar whom I saw our scholars trusted, and whose mentality changed in the last days of his life.” 10 Al-Burqānī said, “He is trustworthy in the view of the people of Baghdad, but to me he is weak.” 11 Al-Dāraquṭnī said, “He used to learn by heart, but he used to make errors and insist on

1 Ibid., 10:295.
2 Ibid.
3 Mughnī, 2:756(7176).
4 Ibid.
5 Me‘ān, 4:447(9794).
6 Ibid.
7 Al-Muhallā, 6:168, foot note one.
8 Ibid., 6:168.
10 Ibid., 6:168, foot note one.
11 Taqkira, 3:883(851).
them.”  

Ibn Ḥajar acknowledged that he was confused and therefore avoided him.  

3. ‘Abd al-Malik ibn Ḥabīb al-Andalusi, the author of the book al-Wāḍiḥa. This book was the first record of Mālikī jurisprudence (fiqh) in al-Andalus. In addition, this book was considered to be the second source of Mālikī fiqh after Mālik’s Muwaṭṭa’, and the prime source of their fiqh for a long time. This book was highly commended by Andalusian scholars, to the same degree as the Saḥnūn’s Mudawwana in Qayrawān.  

Ibn Ḥazm mentioned Ibn Ḥabīb many times in his Muḥallā and considered him weak using various expressions, as listed below:  

- rejected (ṣāqiṭ)  
- unacceptable (hālik)  
- neglected (matrūk)  
- untrustworthy (la yuwtah bihi)  
- denounced (munkar al-ḥadīth)  
- weak (ḍaʿīf)  
- he is nothing (lā shay’)  

In addition he described him using other expressions, which will be detailed later in this study.  

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1 Ibid.  
2 Lisān, 3:440 (4942).  
3 Al-Fikr al-Falsafī, 98.  
5 See page 103 of this research.
If the above expressions were the tools used by Ibn Ḥazm to judge Ibn Ḥabīb, what did other scholars say about him?

Al-Dhahabî said: “‘Abd al-Malik ibn Ḥabīb al-Qurṭubî is one of the Imāms and the author of al-Wāḍiḥa with many mistakes.”¹ Abū Bakr ibn Sayyid al-Nās, in the history book of Aḥmad ibn Sa‘īd al-Ṣadaﬁ, mentioned the weakness of Ibn Ḥabīb, and that his knowledge of Ḥadīth was limited.² Ibn al-Faraḍî said, “Ibn Ḥabīb was a great jurist (faqīh) and noble. However, he had no knowledge of Ḥadīth, and could not distinguish between the authentic and weak aḥādīth.”³ Abū Bakr ibn Abī Shayba mentioned that he was weakened by more than one scholar.⁴

4. Muḥammad ibn al-Qāsim ibn Sha‘bān al-Miṣrī

Ibn Ḥazm said, “Ibn Sha‘bān of the Malikīs is the same as ‘Abd al-Bāqî ibn Qānî of the Ḥanafīs.”⁵ He mentioned him once only, and did not comment on him any more than the above. Therefore al-Dhahabî said, “Muḥammad ibn al-Qāsim ibn Sha‘bān Abū Isḥāq al-Miṣrī al-Mālikī, the jurist (al-faqīh), was weakened by Abū Muḥammad Ibn Ḥazm, and I do not know why.”⁶ I have not found any other comments by other scholars on this man.

¹ Mī‘ān, 2:652(5195); Muğnī, 2:404(3803).
² Ibid.
³ Tahdhib, 6:390(736).
⁴ Ibid.
⁵ Al-Muḥalla, 9:57.
⁶ Mī‘ān, 4:14(8078).
The above are examples of famous, trustworthy scholars considered weak by Ibn Ḥazm. However, it is also clear that Ibn Ḥazm was not alone in his judgement, and that certain other famous, trustworthy scholars also shared his views. When added to the above comments on Ibn Ḥazm being antagonistic to scholars, his aggressive approach to discussion, and his challenging attitude without the slightest consideration for the views of other parties, it becomes clear why his image of a dissenter is so well established. Table 3.1 presents a precise picture of Ibn Ḥazm’s judgements on the 295 narrators.

Table 3.1 Ibn Ḥazm’s judgement of the 295 narrators

<table>
<thead>
<tr>
<th>Narrators’ characteristics</th>
<th>No. of narrators</th>
<th>% of narrators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Those on whom scholars’ views could not be verified.</td>
<td>6</td>
<td>2.03</td>
</tr>
<tr>
<td>The Companion</td>
<td>1</td>
<td>0.33</td>
</tr>
<tr>
<td>Unanimously trustworthy.</td>
<td>7</td>
<td>2.37</td>
</tr>
<tr>
<td>Those on whom scholars had different views.</td>
<td>123</td>
<td>41.69</td>
</tr>
<tr>
<td>Those about whose weakness Ibn Ḥazm and other scholars were in agreement.</td>
<td>158</td>
<td>53.55</td>
</tr>
</tbody>
</table>
The 6 narrators whose characteristics could not be verified are as follows:

Al-‘Ala’ ibn Badr
Al-Ḥasan ibn Wāqid
Ibn Abī Nāfi‘
‘Abd Yazīd Abū Rakāna
Ibn Abī Yaḥyā Ibrāhīm
Abū Isḥāq

It is clear from Table 3.1 that Ibn Ḥazm cannot be considered different from other scholars in his weakening of the overwhelming majority of the narrators (281), being 95.2 per cent of the total 295.

The narrators about whose identity Ibn Ḥazm was misled

Ibn Ḥazm, in his decision to weaken two narrators, was misled by their common names, and so passed judgement on one narrator whereas his research was in fact on the other. These two narrators were as follows:

1 Al-Muhallā, 9:347.
2 Ibid., 9:246.
3 Ibid., 7:123.
4 Ibid., 10:60.
5 Ibid., 6:137, 8:517.
6 Ibid., 1:100.
Abū 'Amr al-Ḍabbī (أبو عمر الضبي)

Ibn Ḥazm said that if he was not Abū 'Amr al-‘Āyidhī he was unknown and therefore weak. However, he committed two mistakes in his judgement:

1. He did not confirm the identity of the narrator, but firmly rejected him, on the pretext that he was either weak or unknown.
2. He made a mistake in the narrator’s actual name. Ibn Ḥajar said it was Abū ‘Umar al-Ṣīnī (أبو عمر الصيني) and whoever said al-Ḍabbī (الضبي) was making a mistake.

‘Ikrima ibn Khālid

Ibn Ḥazm rejected a narration from ‘Ikrima saying it was weak. In reality Ibn Ḥazm thought that this narrator was ‘Ikrima ibn Khālid ibn Salama ibn al-‘Āṣ ibn Hishām al-Makhzūmī. Ibn Ma‘īn noted that the latter was nothing. Al-Bukhārī denounced him and al-Nasā’ī said he was weak. In fact, the ‘Ikrima ibn Khālid that Ibn Ḥazm judged was a different narrator, and his actual full name was ‘Ikrima ibn Khālid ibn al-‘Āṣ ibn Hishām ibn al-Mughīra ibn ‘Abd Allāh ibn ‘Umar ibn Makhzūm al-Qurashi. Other scholars, such as Ibn Ma‘īn, Abū Zur‘a, al-Nasā’ī, Ibn Ḥibbān, al-Bukhārī and Ibn Sa‘d considered ‘Ikrima al-Qurashi to be trustworthy.

1 Ibid., 10:364.
2 Taqriḥ, 2:454(166). A minute error in Arabic as shown, makes such a big difference, which in this case Ibn Ḥazm failed to notice.
3 Al-Muṣallā, 5:277.
4 Tahdīḥ, 7:259(471).
5 Ibid., 7:258(470).
Accordingly Ibn Ḥajar said that Ibn Ḥazm had made a mistake by rejecting a narration narrated by ‘Ikrima ibn Khālid owing to his confusion between the two ‘Ikrimas. This mistake was highlighted by Ibn al-Qaṭṭān.¹

**Scholars on whom Ibn Ḥazm relied in his judgement**

Ibn Ḥazm mentioned the scholars on whom he relied when judging 39 narrators to be weak. There were 20 scholars in total.

**Scholars mentioned once only**

1. Yazīd Ibn Hārūn (b. 118/ 736)²

2. Ayyūb al-Sakhtiyānī (d. 131/ 748)³

3. Abū Ḥanīfa al-Nu’mān ibn Thābit (80- 150/ 699-767)⁴

4. Sufyān ibn Sa’īd al-Thawrī (d. 161/ 777)⁵

5. ‘Abd Allāh ibn Idrīs Abū Muḥammad al-Awḍī (d. 192/ 807)⁶

6. Abū Usāma Ḥammād ibn Usāma (d.201/ 816)⁷

7. Abū Nu‘aym al-Fadl bn Dukayn (d. 219/ 834)⁸

8. ‘Affān ibn Muslim Abū ‘Uthmān al-Anṣārī (d. 220/ 835)¹

²*Al-Muḥalla*, 10:296; *Tadhkira*, 1:317(289).
⁴*Al-Muḥalla*, 5:234.
⁵*Al-Muḥalla*, 10:234; *Tadhkira*, 1:203(198).
⁷*Al-Muḥalla*, 7:241; *Tadhkira*, 1:321(301).
9. 'Amr ibn 'Alī al-Fallās Abū Ḥafṣ al-Bāhili (d. 249/ 863)²

10. Abū Dāwūd al-Sijistānī (203- 275/ 818-888)³

Scholars mentioned more than once


12. Mālik ibn Anas (93-179/ 711-795). It should be noted that he mentions Mālik five times,⁴ and never mentions any other scholar with him, as he did with the others. It is clear that Ibn Ḥazm was a strong believer in Mālik's judgement when weakening narrators.


15. ‘Abd al-Rahmān ibn Mahdī (d.198/ 813): ⁷ three times.


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¹Al-Muhalla, 10:379; Tadhkira, 1:379(378).
²Al-Muhalla, 3:136; Tadhkira, 1:487(502).
³Ibid., 6:182.
⁶Al-Muhalla, 6:11, 10:397.
⁷Al-Muhalla, 8:482, 9:11, 10:379; Tadhkira, 1:329(313).
20. Al-Ṣājī Abū Yaḥyā Zakariyyā ibn Yaḥyā (d. 307/919): \(^1\) state twice.

In addition to the 20 scholars listed above, Ibn Ḥazm relied on the judgement of a narrator called Abū ‘Āṣim al-Ḍāḥīk ibn Makhład ibn al-Ḍāḥīk al-Shaybānī. This narrator weakened another narrator from whom he narrated, which is why Ibn Ḥazm relied on his judgement.\(^2\)

Terms used by Ibn Ḥazm

Ibn Ḥazm uses 123 terms in describing the weakness of narrators. The majority of these terms are well known and were used by scholars before. However, there are a few exceptions, which will be explained later. The terms used by Ibn Ḥazm can be examined from two angles.

The number of words in each term

Ibn Ḥazm uses different terms, some consisting of just one word, for example, “weak” (daʿīf), “rejected” (ṣāqiḍ), “neglected” (matrūk), “unacceptable” (ḥālik),\(^3\) and others consisting of two words, for example, “not strong” (laysa bi al-qawi), “very weak” (daʿīf jiddan).\(^4\) On some occasions his ruling consists of three words or a long sentence containing twelve words. Not all of these are precise terms giving specific meanings and judgements of narrators. Furthermore, many of these sentences are

\(^{1}\)Al-Muḥallā, 1:143, 10:234; Tadhkira, 1:709(727).
\(^{2}\)Al-Muḥallā, 10:234; Tahdhīb, 4:450(783).
\(^{4}\)Ibid., 7:396, 9:12.
repetitive, for example, “he is nothing” (laysa bi shay’, lā shay’),¹ “untrustworthy” (laysa bi thiqa - ghayr thiqa),² “extremely weak” (fīghayat al-ḍa’f wa al-tark, ḍa’īf jiddan matrūk al-ḥadīth).³

The long forms comprising three words or more are not terms. They can be just stated more emphatically.

1. Comments on the judgement, for example, “He is extremely rejected, unlawful to narrate from him” (fīghayat al-suqūt la taḥil al-rīwāya ‘anhu).⁴

2. Highlighting the reason for rejection. This is sub-divided into two categories
   a. The term precedes the explanation: for example, “He is vilified, rejected for being a strong Shi’ite” (mujarraḥ, qut‘at ‘urqūbāh fī al-tashayyū’).⁵
   b. The term follows the explanation, for example, “since he is one of Ḥajjāj’s tyrants, his narration cannot be accepted” (zālim min zalimat al-Ḥajjāj lā ḥujjata fīrīwāyatihi).⁶

3. Repetition of the judgement of the narrator in two different ways, the objective being to emphasise the judgement and to clarify the reason for it. For example, “He has been neglected by all scholars; they have unanimously agreed on rejecting his narration; he narrates fabricated ḥadīth” (matrūk ‘inda jami‘ ahl al-naqīl; muttafaq ‘alā tark al-rīwāya ‘anhu, yarwī al-mawḍū‘ī).⁷ The first and

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¹ Ibid., 5:116, 6:209.
² Ibid., 5:163, 2:217.
³ Ibid., 8:120
⁴ Ibid., 9:495.
⁵ Ibid., 9:388.
⁶ Ibid., 8:368.
⁷ Ibid., 1:181.
second statements reflect a repetition and emphasis on the same meaning, and the last statement gives the reason for that judgement.

**Type of terms mostly used by Ibn Ḥazm**

Having scrutinised the form of terms Ibn Ḥazm used in his judgements, we find that the long sentences of three to twelve words, which are not precise terms, are used on one occasion only. The few exceptions are as follows:

1. Ibn Ḥazm uses 56 forms which contained more than three words. These are never repeated except his statement “weak, cannot be relied on as a narrator” (da‘īf, lā yuhtajju bihi), which is mentioned five times.¹

2. He uses 22 forms containing three words, which are never repeated except in five instances, these are:
   a. “Very weak” (fīghāya al-ḍa‘f): seven times.²
   b. “Weak, his hadith is denounced” (ḍa‘īf munkar al-ḥadīth): six times.³
   c. “Useless” (lā khayra fīhi): six times.⁴
   d. “Unanimously weakened” (muttafaq ‘alā ḍa‘fīhi): five times.⁵
   e. “Extremely rejected” (fīghāya al-suquf): five times.⁶

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¹ Ibid., 1:262, 10:261,394
² Ibid., 5:223, 8:120, 10:62.
³ Ibid., 1:227, 2:35,206, 6:127, 10:158.
⁴ Ibid., 9:177, 10:180,346.
⁵ Ibid., 2:108, 7:484, 10:309.
From the above it can be concluded that the majority of the terms used by Ibn Ḥazm contain one or two words. Other scholars, as shown in the Table 3.2 used very similar forms.
<table>
<thead>
<tr>
<th>Type of weakness</th>
<th>No of times used</th>
<th>Level of rejection</th>
<th>Transliteration</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not strong</td>
<td>27</td>
<td>First</td>
<td>Layṣa bi Al-qawī</td>
<td>Narrator’s poor ability</td>
</tr>
<tr>
<td>Nothing</td>
<td>18</td>
<td>First</td>
<td>Lā shay’</td>
<td>Narrator’s poor ability</td>
</tr>
<tr>
<td>Weak</td>
<td>161</td>
<td>Second</td>
<td>ḍa’īf</td>
<td>Rejection of narrator</td>
</tr>
<tr>
<td>Denounced hadith</td>
<td>8</td>
<td>Second</td>
<td>Munkar Al-ḥadīh</td>
<td>rejection of narrator</td>
</tr>
<tr>
<td>Very weak</td>
<td>17</td>
<td>Third</td>
<td>ḍa’īf jiddan</td>
<td>Narration should not be written</td>
</tr>
<tr>
<td>Abandoned</td>
<td>9</td>
<td>Third</td>
<td>Muṭṭaraḥ</td>
<td>Narration should not be written</td>
</tr>
<tr>
<td>Rejected</td>
<td>31</td>
<td>Fourth</td>
<td>Sāqīṭ</td>
<td>Narrator indicted as a liar</td>
</tr>
<tr>
<td>Unacceptable</td>
<td>19</td>
<td>Fourth</td>
<td>Ḥālik</td>
<td>Narrator indicted as a liar</td>
</tr>
<tr>
<td>Total</td>
<td>290</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Out of 295 narrators mentioned, Ibn Ḥazm uses the terms in Table 3.2 in his judgement of 257, that is, 87 per cent of the total number of narrators. He does not necessarily use the same terms in his judgement of a narrator each time he mentions him, for on certain occasions he uses terms other than the eight listed in the table. For the majority of the remaining 13 per cent of narrators, Ibn Ḥazm uses different terms, all of which are used by other scholars. These terms are not repeated many times, for example, dissembler/deceiver (mudallis), poor at memorizing (sayyi ‘al-ḥifẓ), criticized (mutakallam fīhi).

Accordingly, it can be said that Ibn Ḥazm was not exceptional in using these terms, and those which were not used by other scholars are negligible to the best of my knowledge. The only ones I have came a cross are as follows:

1. More disreputable than all the disreputable narrators, abandoned unanimously (asqaṭ min kull sāqīt, muttafaq ‘alā ʾiṣṣirāḥīhi).


3. Ibn Lahlī’a’s narrations are of the disreputable level and should be ignored (Riwayāṭ Ibn Lahlī’a asqaṭ min an yushtaghal bihā).

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1 Ibid., 1:258.
2 Ibid., 5:223.
3 Ibid., 9:69.
4 Ibid., 5:232.
5 Ibid., 9:57. For more details on ‘Abd al-Bāqī Ibn Qānī See page 75 of this research.
6 Ibid., 9:313.
4. He is vilified, being a strong Shi‘ite (*mujarrah* qat‘at ‘urqubān fī al-tashayyu’).¹

5. Now the weakness of this chain has increased (*al‘ān zāda wahy hādḥā al-isnād*).¹

**Narrators judged to be liars by Ibn Ḥazm**

There are 34 narrators whom Ibn Ḥazm judges to be at the level of the greatest weakness, which is lying. This number is small when compared with the number of those whom he judges to be weak, and reasonable in relation to the total number of those he rejects. The 34 narrators vary in the frequency with which they are mentioned in *al-Muḥalla*.

1. The majority of the narrators, 19, are not mentioned more than once.

2. Six narrators are mentioned twice.

3. One narrator is mentioned three times.

4. One narrator is mentioned four times.

5. Two narrators are mentioned five times.

6. One narrator is mentioned six times.

7. One narrator is mentioned eight times.

8. Two narrators are mentioned eleven times.

9. One narrator is mentioned twenty times.

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¹ Ibid., 9:388.
The judgements of Ibn Ḥazm and other scholars compared

From a review of the Ḥadīth scholars’ statements about these narrators, it is clear that there is not a single narrator among those rejected by Ibn Ḥazm as liars on whose trustworthiness the scholars are agreed. To clarify the details of the scholars’ judgements of these narrators in comparison with Ibn Ḥazm’s regarding them as liars, the narrators can be categorized into 1, 2 and 3.

1. Narrators about whom scholars disagree

The following 2 narrators, it can be said, varied between rejection and acceptance by scholars. However, the acceptance did not exceed the fourth level of acceptability.

a. Yaḥyā ibn Ayyūb al-Kūfī

Ibn Ḥazm mentions him eleven times, using different terms, for example, “nothing” (lā shay’), “abandoned” (muţṭaraḥ). Mālik ibn Anas said he was “a liar”. Aḥmad “considered him unreliable” (jarraḥah), “extremely unreliable” (sāqīt al-battata). Ibn al-Qaţṭān al-Fāsī and Abū Ḥātim said, “cannot be used as an argument” (lā yuţṭaj bihi). Al-Nasā’ī said, “He is not strong” (laysa bi al-qawād). Al-Dāraquṭnī said that there was inconsistency in some of his narrations” (fī ba’d aḥādīthih iḍṭirāb). Ibn Ḥajar said that he was ṣadūq (that is, the narrator who is honest; however, he is poor at memorization although good at writing); he may have made mistakes (ṣadūq rubbāmā akhṭā’ā). Ibn ‘Adī said, “To me,

1 Ibid., 10:295. The reason for using the word now is due to the existence of Abū Yūsuf in the chain.
he is honest” (huwa ‘indi ṣadūq). Ibn Ma‘īn said, “his narration is good” (ṣāliḥ al-ḥadīth).

b. Kathîr Ibn Zayd¹

Ibn Ḥazm referred to him once and said, “He has been mentioned as a liar” (madhkûr bi al-kadhib).² Al-Nasâ‘î said, “weak” (daqî). Abû Zur’a said, “honest with feebleness” (ṣadūq fîhi lîn). Ibn Ḥajar said, “honest, but makes mistakes” (ṣadūq yuḥṭi’).

2. Narrators whom scholars judged to be weak

The following 11 narrators were considered weak by scholars, although not regarded as liars.

a. Abû Bakr ibn Abî Maryam

Ibn Ḥazm said, “He is mentioned as a liar” (madhkûr bi al-kadhib).³ Ibn Ḥajar said, “He is weak; his house was burgled, hence he became confused.”⁴ Al-Dhahabi said, “He was considered weak, but knowledgeable and religious.”⁵

b. Jâbir al-Ju‘fî

Ibn Ḥazm mentions him in twenty places¹ and judges him using different terms, for example, “liar”, “a liar and a famous believer in the return of ‘Alî, may Allâh be pleased with him” (al-kadhdhab al-mashhûr bi al-qawl bi raj’at ‘Alîraﬁya

¹ Will be mentioned again in page 106 under those whom he was confused about.
² Al-Muḥallâ, 2:186.
³ Ibid., 1:231; 8:341.
⁴ Taqrîb, 2:398(52).
⁵ Kâshîf, 2:411.
Allāh ‘ānḥ), “nothing”, “disreputable”, “Abū Ḥanīfa was the first to declare him a liar.” Ibn Ḥajar said, “a weak Rāfīḍī.”2 Al-Dhahabī said, “one of the greatest Shi‘ī scholars; Shu‘ba trusted him and was unusual in doing this; the Ḥadīth scholars ignored him” (min akbar ‘ulama’ al-shī‘a, waththaqah Shu‘ba fa shadhāha, wa tarakah al-ḥuffāẓ).3 Al-Nasā‘ī said, “He is neglected.”4 Al-Bukhārī said, “Yaḥyā ibn Ma‘īn neglected him.”5

c. Al-Ḥārith al-A‘war6

Ibn Ḥazm said, “a liar”, “mentioned as a liar”. Ibn Ḥajar said, “Al-Sha‘bī considered him to be a liar in his opinion. He was also considered to be a Rāfīḍī, and in his narrations there were weaknesses” (kadhdhabah al-Sha‘bī ‘yihi, wa rumiya bi al-rafd, wa fī Ḥadīthih da‘f).7 Al-Dhahabī said, “a weak Shi‘ī” (shī‘īyyun layyin). Al-Nasā‘ī said, “not strong”.8

d. Al-Jarrāḥ ibn al-Minhāl

Ibn Ḥazm said, “a liar”, “a liar famous for hadith fabrication.”1 Al-Bukhārī said, “a denounced narrator.”2 Al-Nasā‘ī said, “a neglected narrator.”3

2Taqrīb, 1:123(17).
3Kāshīf, 1:288.
4Matrubīn, 163(98).
5Du‘af‘ā’, 29(49).
7Taqrīb, 1:141(40).
8Kāshīf, 1:303.
9Al-Muḥallā, 6:61.
e. Ṭalḥa ibn ʿUmar al-Makki

Ibn Ḥazm said, “a liar”,4 “notorious for outrageous lies” (mashhūr bi al-kadhib al-fāḍīḥ),5 “one of the promoters of lies” (rukn min arkan al-kadhib).6

Ibn Ḥajar said, “neglected”.7 Al-Dhahabī said, “He is considered weak”, “He was a great memorizer”.8 Ahmad said, “nothing”, “a neglected narrator.”9 Ibn Maʿīn and al-Dāraquṭnī said, “weak.”10

f. Siwār ibn Muṣ‘ab


g. ‘Abd al-Malik ibn Ḥabīb al-Andalusi

Ibn Ḥazm said, “mentioned as a liar”,14 “he narrated pure lies from trustworthy narrators.”15

h. Yazīd ibn Sinān

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1 Ibid., 10:216.
2 Duʿafāʾ, 30(51); Kabīr, 2:228(2289).
3 Matrūkūn, 163(103).
4 Al-Muhāllā, 8:
5 Ibid., 7:384.
6 Ibid., 9:355.
7 Taqrīb, 1:379(37).
8 Kāshīf, 1:514.
9 Mukhtār, 1:316(2957).
10 Ibid.
11 Al-Muhāllā, 7:482.
12 Matrūkūn, 187(258).
13 Duʿafāʾ, 58(155).
14 Al-Muhāllā, 8:386.
15 Ibid., 7: 472. For the details on Ibn Ḥabīb see page 76 of this research.

i. Suwayd ibn ‘Abd al-‘Azīz al-Dimashqī

Ibn Ḥazm said, “mentioned as a liar.” Ibn Ḥajar said, “a weak narrator” (layyīn al-ḥadīth). Al-Bukhārī said, “There were strong suspicions about his narrations” (fī ḥadīthih naẓar lā yuḥtāmal). Al-Nasāʿī said, “weak.”

j. Abū Bakr al-Hudhali

Ibn Ḥazm said, “a notorious liar.” Ibn Ḥajar said, “a story-teller”, “a neglected narrator.” Al-Dhahabī said, “one of the neglected.”

k. Yaḥyā ibn Abī Anīsa


In his judgement of these narrators, Ibn Ḥazm differed from the other scholars. This difference was not absolute, however, and was indicative of two things:

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1 Ibid., 9:416.
2 Taqrib, 2:366(265).
3 Kāshif, 2:383.
4 Al-Muḥallā, 10:314.
5 Taqrib, 1:340(599).
6 Ḍuʿafāʾ, 57(151).
7 Māturīkūn, 187(259).
8 Al-Muḥallā, 10:354.
9 Taqrib, 2:401(94).
10 Muḥīn, 2:773(7339).
11 Al-Muḥallā, 10:337.
12 Taqrib, 2:343(19).
13 Kāshif, 2:361.
1. Difference in the level of weakening: The scholars’ judgement of these narrators did not reach the point of describing them as liars.

2. Agreement: Both the scholars’ and Ibn Ḥazm’s judgements of these narrators agreed on the rejection of their narrations. Therefore, the result is a unanimous rejection of these narrators.

Table 3.3 further clarifies the two judgements. The 2 narrators that could not be identified are:


2. Ibrāhīm ibn Muḥammad ibn Abī Laylā: Ibn Ḥazm said, “mentioned as a liar.”

Table 3.3 Comparison of Ibn Ḥazm’s and other scholars’ judgements

<table>
<thead>
<tr>
<th>Judgement of narrators</th>
<th>No. of narrators</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ibn Ḥazm: “liars” (unidentifiable)</td>
<td>2</td>
<td>5.88</td>
</tr>
<tr>
<td>Ibn Ḥazm: “liars”</td>
<td>2</td>
<td>5.88</td>
</tr>
<tr>
<td>Scholars: various judgements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ibn Ḥazm: “liars”</td>
<td>11</td>
<td>32.35</td>
</tr>
<tr>
<td>Scholars: “weak”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ibn Ḥazm: “liars”</td>
<td>19</td>
<td>55.88</td>
</tr>
<tr>
<td>Scholars: “liars”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Al-Muḥallā, 2:32.
From Table 3.3 it is clear that Ibn Ḥazm cannot be regarded as dissenting when judging the narrators as liars, for he and the other scholars were in agreement in thus describing the majority of the narrators. One-third of the total number of narrators were weakened by the scholars, although they were not considered to be liars. There were only 2 narrators who were weakened by some scholars and considered trustworthy by others. Therefore Ibn Ḥazm was not alone in his judgement of these 2 narrators, and so he was not a dissenter. The only criticism that may be made here against Ibn Ḥazm is that he judged 13 narrators to be liars, whereas, although weak, they were not categorized as such by other scholars.

Narrators wrongly identified by Ibn Ḥazm

Among the narrators whom Ibn Ḥazm describes as liars is Kathīr ibn Zayd who is mentioned as a liar.² This Kathīr ibn Zayd narrated from al-Muṭṭalib ibn ‘Abd Allāh while Sufyān ibn Ḥamza narrated from him. His name in full is Kathīr ibn Zayd al-Aslamī al-Sahmī. Most scholars accepted him, and described him as follows:

Aḥmad said, “I do not see anything wrong with him.” Ibn Ma’in said, “There is nothing wrong with him.” Abū Zur’a said, “honest (ṣadūq) with feebleness.” Abū Ḥātim said, “good, not strong, his narrations may be written.” Al-Nasā’ī said, “He is weak.” Ibn Ḥibbān mentioned him in his book al-Thiqāt.³

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¹ Ibid., 10:204.
² Ibid., 2:186.
³ *Tahdīḥ*, 8:413(743).
Nobody mentioned him as a liar. The Kathīr ibn Zayd that was mentioned as a liar was a different person. He was Kathīr ibn ‘Abd Allāh ibn ‘Amr ibn ‘Awf ibn Zayd.

Āḥmad said, “a denounced narrator, he is nothing.” ‘Abd Allāh ibn Āḥmad said, “My father crossed out the narration of Kathīr ibn Zayd in al-Musnad and did not narrate it to us.” Ibn Ma‘īn said, “He is a weak narrator.” Abū Dāwūd said, “He was one of the liars.” Al-Shāfi‘ī said, “one of the liars or one of the promoters of lies”. Abū Zur‘a said, “a weak (wāḥī) narrator, not strong.” Al-Nasā‘ī and al-Dāraquṭnī said, “neglected narrator”. Ibn Ḥibbān said, “Kathīr narrated from his father, who took from his grandfather fabricated aḥādīth that should not be mentioned in the books, and they should not be narrated from him except for highlighting their strangeness.” ‘Alī ibn al-Madinī and al-Sājī considered him weak. Ibn ‘Abd al-Barr said, “His weakness is unanimous.”

Ibn Ḥazm was obviously mistaken and thought Kathīr ibn Zayd al-Aslāmī and Kathīr ibn ‘Abd Allāh ibn ‘Amr ibn ‘Awf ibn Zayd were the same person, whereas they were in fact two different people. Scholars differed in their judgement of al-Aslāmī: some considered him trustworthy, and others considered him weak. He was not, however, regarded as a liar. Ibn ‘Abd Allāh, however, was unanimously judged to be weak, and many scholars declared him to be a liar.¹

¹ Ibid., 8:421(751).
² See the sayings of Ibn Ḥajar in Tahdthīb 8:414. And the sayings of Āḥmad Shākir in al-Muḥallā, 2:186 foot note3.
Scholars on whom Ibn Ḥazm based his judgement of deceptive narrators

Ibn Ḥazm mentioned two scholars on whom he based his judgement that a narrator was a liar:

Abū Ḥanīfa

Ibn Ḥazm said, when judging Jābir al-Juʿfī to be liar, “The first scholar that judged him as a liar was Abū Ḥanīfa.” 1 It should be noted that in his Muḥallā this is the only time that Ibn Ḥazm relied on Abū Ḥanīfa in his judgement.

Mālik ibn Anas

It is worth mentioning that Ibn Ḥazm relied strongly on Mālik in his judgement of narrators as liars.

He referred to Mālik directly when judging 3 narrators as liars:

1. ʿAbd Allāh ibn Ziyād ibn Samʿān:

   Ibn Ḥazm said that Mālik and others considered him to be a liar. 2

2. Ibrāhīm ibn Muḥammad ibn Abī Yaḥyā:

   Ibn Ḥazm said, “mentioned as a liar, Mālik and others described him so.” 3

3. Yaḥyā ibn Ayyūb:

   Ibn Ḥazm said, “Mālik judged him to be liar.” 4

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1 Al-Muḥallā, 10:378.
2 Ibid., 9:419.
3 Ibid.
4 Ibid., 7:440.
There is also reference to 3 narrators when Ibn Ḥazm did not mention Mālik’s name. However, research has revealed that Mālik had judged them to be liars:

1. Abū Jābir al-Bayāḍī:

   Ibn Ḥazm said, “He is a liar.”¹ Mālik said, “We used to accuse him of being a liar.”²

2. Al-Ḥusayn ibn ʿAbd Allāh ibn Ḍamīra:

   Ibn Ḥazm described him as a liar.³ Mālik considered him to be a liar.⁴

3. Yazīd ibn Ayyūb ibn Ju’duba

   Ibn Ḥazm said, “a liar”, “mentioned as a liar.”⁵ Mālik considered him to be a liar.⁶

It is clear that Ibn Ḥazm relied on Mālik’s judgment. When giving his judgement of 2 narrators, he said that other scholars judged them in the same way as Mālik without mentioning who they were. Thus it appears that the knowledge that Mālik rejected a narrator was enough for Ibn Ḥazm to reject the same narrator also.

Terms used by Ibn Ḥazm to judge narrators

The terms Ibn Ḥazm uses to pronounce narrators as liars vary, and may be classified as follows:

¹ Ibid., 1:142; 4:217.  
² Māṇi, 3:617(7826).  
³ Al-Muḥalla, 1:216.  
⁴ Līsān, 2:289.  
⁶ Taqrib, 2:369(305).
1. “One of the promoters of lies” (‘amūd min a‘midat al-kadhib): used for one narrator.


3. “Liar” (kadhdhab): used for 10 narrators.

4. “Known to be a liar” (‘urifa bi al-kadhib): used for 3 narrators.

5. Mentioned as a liar (ittuhima bi al-kadhib): used for 18 narrators.

It is worth mentioning that Ibn Ḥazm uses just one term for the majority of the narrators, that is, 24 out of 34, whereas for the remainder he uses different terms each time they are mentioned.

Variation of term and level of rejection

Of the total number of 34 narrators rejected by Ibn Ḥazm, 20 are mentioned in the al-Muhalla once only. The remaining 14 narrators are mentioned more than once. It may be noted that Ibn Ḥazm judges these 14 narrators as liars and rejects 3 of them, using a specific term for each one whenever he is mentioned. However, as regards the remaining 11 narrators, he uses more than one term for each narrator to describe him being a liar. This is a clear indication that Ibn Ḥazm’s saying “one of the promoters of lies”, “notorious as a liar”, “a liar”, did not mean to him different levels

\(^1\) Al-Muḥallā, 9:355.
\(^4\) Ibid., 2:12, 2:35, 9:416.
of lying, because he used more than one term for judging one narrator. It can be said that the variation in term is only indicative of the variation in the tone of language.

The narrators subject to variable judgement by Ibn Ḥazm

It is clear that deception is the highest level of rejection, and that a narrator described as a liar is weak. It is also well known in Ḥadīth science that the descriptions of weakness and deception cover two different levels of rejection. What makes us pause in Ibn Ḥazm’s rejection of narrators is his variation in his judgement of certain narrators, describing them as weak on one occasion and as liars on another.

1. Yahyā ibn Ayyūb: Ibn Ḥazm often describes him as weak. However, when he classifies him as a liar, he uses Mālik’s statement without indicating his agreement with this judgement. This judgement cannot be confirmed, however, although Ibn Ḥazm in his rejection of many narrators relies only on Mālik’s judgement where he knows it.

2. ‘Abd al-Malik ibn Ḥabīb: Ibn Ḥazm describes him twice as a liar, and often refers to him as weak.

From the above two examples we can conclude that he may be excused in his judgement of Yahyā ibn Ayyūb, for he did not clearly indicate his agreement with Mālik. However, on the other hand, he had no excuse when he used the descriptions of “weak” and “a liar” in his judgement of Ibn Ḥabīb.

1 Ibid., 1:88, 6:72, 7:37.
2 Ibid., 7:440; 9:11,486,530.
3 Ibid., 7:472, 8:386.
Chapter Four: Ibn Ḥazm’s characteristics of rejecting narration
Qualities on which Ibn Ḥazm based his rejection of narrators

When examining the narrators that Ibn Ḥazm rejected, it is obvious that they possessed certain qualities which he could not accept. This may be considered part of his methodology of rejection. The qualities which he rejected are as follows

Refusal to accept a narrator for being a Shi‘īte

Ibn Ḥazm judged some narrators to be weak and liars, giving as his reason for rejecting them that they were Shi‘ītes. Such as:

1. Abū ‘Abd Allāh al-Jadhali: Ibn Ḥazm said, “the leader of the troops of an unbeliever (al-kāfīr), al-Mukhtar, his narration is unreliable.”¹ This phrase from Ibn Ḥazm means that he considers Abū ‘Abd Allāh to be a strict Shi‘ī.²

2. Jābir al-Ju‘fī: Ibn Ḥazm said, “the famous liar in saying that ‘Alī ibn Abī Ṭālib will come back,”³ “famous as a liar, his religion is corrupt; he says that ‘Alī will come back.”⁴


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¹ Ibīd., 2:89: a number of scholars considered him trustworthy, for example, Aḥmed and Ibn Ma‘īn.
² Ibn al-Zubayr asked Muḥammad ibn al-Ḥanafīyya to swear homage towards him. He refused. So Ibn al-Zubayr surrounded him and frightened him and his followers for some time. This news reached al-Mukhtar ibn Abī ‘Ubayd, who was the Amir of al-Kūf. He sent him troops under the leadership of Abī ’Abd Allāh al-Jadali to Makka and released Muḥammad ibn al-Ḥanafīyya. Muḥammad did not allow them to fight in al-Ḥaram, which is why the scholars blamed Abū ‘Abd Allāh. Tahdīḥ, 12:148 (706).
³ Al-Muhalla, 3:62.
⁴ Ibīd., 10:61.
⁵ Ibīd., 9:388.
4. Al-Ḥārith ibn Ḥaṣira: Ibn Ḥazm said, “rejected, and this Ibn Ḥaṣira is a Shi‘ite and says ‘Alī will come back to this world.”¹

Others he refused to accept without indicating the reason. After scrutinizing the various statements by scholars about them, it becomes obvious that these narrators were also Shi‘ites. Such as:

1. Ibrāhīm ibn Abī Yahyā: Ibn Ḥazm said, “mentioned as a liar”, “a liar.”² Al-Dhahabī said, “A number of scholars abandoned him and others considered him to be weak for being Shi‘ite and Qadarī.”³


3. ‘Alī ibn ‘Āsim: Ibn Ḥazm said, “He is nothing.”⁷ Ibn Ḥajar said, “honest, insists on his mistakes, accused of being a Shi‘ite.”⁸

4. ‘Alī ibn al-Ja‘d: Ibn Ḥazm said, “He is not strong.”⁹ Ibn Ḥajar said, “He is trustworthy, accused of being a Shi‘ite.”¹⁰

¹Ibid., 10:316.
²Ibid., 2:714.
³Mughni, 1:4 (157).
⁵Taqrīb, 1:141(40).
⁶Kāshīf, 1:303.
⁸Taqrīb, 2:39(366).
⁹Al-Muhalla, 5:126.
¹⁰Taqrīb, 2:33(303).
5. Ajlah ibn ‘Abd Allāh ibn Ḥujayya: Ibn Ḥazm said, “He is not strong.” Ibn Ḥajar said, “He is an honest Shī‘ī.”

6. Muḥhammad ibn al-Sā‘īb al-Kalbī: Ibn Ḥazm said, “He is a famous liar.” Ibn Ḥajar said, “Zā’ida said, ‘al-Kalbī, I used to sit with him and heard him say: ‘I became ill and forgot all I used to know by heart. I went to the relatives of the Prophet Muhammad and they spat in my mouth. Then my memory came back and I remembered what I forgot, and so I left him.’”

7. Ibn Abī Sabra: Ibn Ḥazm said, “He is famous for Ḥadīth fabrication and lying.” Muṣ‘ab al-Zubayrī said, “He was knowledgeable, deeply Shī‘ī.”

8. Fitr ibn Khalīfa: Ibn Ḥazm said, “He is weak.” Ibn Ḥajar said, “He is honest, accused of being a Shī‘ī.”

9. ‘Aṭīyya al-‘Awfī: Ibn Ḥazm said, “He is weak, should not be referred to, his weakness is unanimous.” Ibn ‘Adī said, “He was considered to be with the Shī‘īes of al-Kūfah.”

Thus being a Shī‘ī was clearly an offence in Ibn Ḥazm’s view.

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1 Al-Muḥalla, 7:396.
2 Taqrīb, 1:49(323).
3 Al-Muḥalla, 5:485.
4 Tahdīb, 9:178(266).
5 Al-Muḥalla, 8:263.
6 Taqrīb, 2:397(51).
8 Taqrīb, 2:114(77).
9 Al-Muḥalla, 10:234, 261, 309.
Refusal to accept a narrator for innovation

It is apparent from the above and from Ibn Ḥazm’s judgement of another group of narrators that he refused to accept a narrator who showed any indication that he was an innovator. This is clear from the following examples:

1. Al-Waḍīn ibn ‘Aṭā’: Ibn Ḥazm said, “He is weak.” Ibn Ḥajar said, “He is honest, poor at memorization, accused of being a Qadarī.”

2. ‘Abd al-Ḥamīd ibn Ja’far: Ibn Ḥazm said, “He is not strong.” Ibn Ḥajar said, “He is honest, accused of being a Qadarī.” Al-Dhahabī said, “He is trustworthy, but al-Thawrī accused him of being a Qadarī.”

3. Ibrāhīm ibn Ṭahmān: Ibn Ḥazm said, “He is weak.” Ibn Ḥajar said, “He is trustworthy with strange speech, a Murji‘ī, and it is said that he abandoned al-irjā‘.” Al-Dhahabī said, “He is one of Islam’s scholars, Murji‘ī, Ahmād and Abū Ḥātim considered him to be trustworthy.”

Refusal to accept a narrator for his conduct

This aspect of Ibn Ḥazm’s response to the narrator is demonstrated in his rejection of two narrators with two different explanations.

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1 Tahdhib, 7:22(413).
2 Al-Muhalla, 1:231.
3 Taqrīb, 2:331(34).
4 Al-Muhalla, 5:89.
5 Taqrīb, 1:467(807).
6 Kāshīf, 1:614.
7 Al-Muhalla, 10:277.
8 Taqrīb, 1:36(215).
9 Kāshīf, 1:214.
1. Al-Ḥajjāj ibn Arta'a: Ibn Ḥazm mentioned him 41 times. He judged him in different terms, for example, “unacceptable” (ḥālik), “rejected” (sāqīf), “weak.” It was narrated about Al-Ḥajjāj ibn Arta'a that he was not praying with Muslims in the mosque. When he was told about it, he said, “I hate being among grocers. A person cannot be noble unless he abandons praying in jama'a.” He also refused to greet poor people, claiming that such people should not be greeted. This, according to Ibn Ḥazm, is clearly a sin. It is obvious that Ibn Ḥazm passed judgement on Al-Ḥajjāj ibn Arta'a for his conceit, even though he was a judge.

2. ‘Abd al-Rahmān ibn Muḥammad ibn al-Ash'ath: Ibn Ḥazm mentioned him once and said, “His narration cannot be taken as proof.” Earlier, he explained the reason for his judgement, saying he was “One of Al-Ḥajjāj’s tyrants.” This oppression of people calls into question the fairness of its perpetrator, and causes him to be rejected by Ibn Ḥazm. This aspect of narrator rejection for reasons of arrogance and tyranny was a feature of Ibn Ḥazm’s methodology.

Refusal to accept a narrator for tadlīs (deception)

Ibn Ḥazm stated his position regarding the mudallis (deceiver) in very clear and precise terms, saying that deceivers were of two types:

1. Those who, although they know their material sometimes narrate with complete chain, and sometimes with an incomplete chain, or even attempt to revise the legal

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2. Ibid., 7:486.
3. Taqrīb, 1:152 (145).
fatwā or debate. Accordingly he did not mention chains, or might mention only some of its narrators without mentioning the others. Such behaviour by this group of narrators does not harm all their narrations because it was not due to inattention, nor does it indicate that they were liars. Yet we reject from their narration that which we know for certain they narrated with incomplete chains (arsalah), and that which we also know they narrated while omitting some narrators from their chains. We accept those narrations which we are certain do not contain any of the above, if they said either “So and so narrated to us” (akhbaranā) or “From (‘an) so and so”, or “So and so from so and so.” The acceptance of these narrations is compulsory if it is not ascertained that they narrated them with an incomplete chain. If we ascertain that the chain is incomplete, we reject that specific narration and accept all their other narrations.

2. With regard to the other group, it is ascertained that when they narrated, they omitted from their chains those narrators that were of no benefit (lā khayfīhīm). They joined the strong (that is, the narrator) to the strong to mislead the listeners. Thus they praised him and used him to gain a victory for the case that they wanted to support with narrations. If, however, they had mentioned those which were omitted, that would have weakened the narration. A narrator from this group is rejected, for this is an obvious sin and the rejection of all his narrations is compulsory, whether the deception is proved or not, and even if he said “I heard” (sami’tu) or “He narrated to us” (akhbaranā), or if he did not say a thing. All of

1Al-Muhallā, 8:368.
the above is rejected because he was unjust, a cheater of the Muslims by allowing himself to commit this sin.¹

Ibn Ḥazm’s refusal to accept the narration of mudallis (deceiver) is clarified by the following examples:

The narrators he rejected by declaring them to be Mudallisūn

1. Yahyā ibn Abī Kathīr: Ibn Ḥazm rejected his narration and said that he was “mudallis (deceitful).”² Despite his high position, Ibn Ḥajar said that he was “Trustworthy (thīqa), versed (thabt), but he used to deceive.”³

2. Abū Janāb Yahyā ibn Abī Hayya al-Kalbī: Ibn Ḥazm said, “Yahyā al-Qattān and ‘Abd al-Rahmān ibn Mahdī refused narrating from him, and declared him weak and mentioned that he was mudallis.”⁴

3. Abū al-Zubair: Ibn Ḥazm said that he was “mudallis, his narration from Jābir is false (Mudallis fī Jābir mā lam yaqulh).”⁵ Abū al-Zubayr is from the first group of the deceitful scholars, regarding whom Ibn Ḥazm had previously clarified his position. He implemented his methodology in this case and said about Abū al-Zubayr, “Abū al-Zubayr did not say he narrated to us (ḥaddathanā), and he is deceitful; his narration from Jābir is false.”¹ Ibn Ḥazm repeated this statement many times. He explained that if Abū al-Zubayr had narrated this narration from

¹ Ihkām, 1:141-2.
² Al-Muḥallā, 1:258; 7:513.
³ Taqrib, 2:356(158).
⁴ Al-Muḥallā, 8:482.
Jābir as someone who had heard it, he would not have been accused and would have been accepted as a narrator. Thus Ibn Ḥazm said that he was deceitful, if it was not said in the narration that he heard it from Jābir.\(^2\) Notwithstanding this, he referred to a narration of Abū al-Zubayr from Jābir containing a declaration of having heard it.\(^3\)

The following narrators he rejected without declaring them to be *mudallisūn* (deceitful). However, their *tadlis* (deception) was clear from other scholars' statements

1. Baqiyya ibn al-Walîd: Ibn Ḥazm said about him “he is weak, not strong.”\(^4\) Ibn Ḥibbân said that he was “trustworthy, honest (*ma‘mūn*), but was deceitful.”\(^5\) Ibn Ḥajar said that he was “honest, with abundant deception from the weak narrators.”\(^6\)

2. ‘Alī ibn Ḥurāb: Ibn Ḥazm said that he was “weak.”\(^7\) Ibn Ḥajar described him as deceitful.\(^8\)

\(^1\) Ibid., 2:39.
\(^2\) Ibid., 7:364, 395, 408, 419; 9:11, 102, 305, 310, 451; 10:97.
\(^3\) Ibid., 7:408.
\(^5\) Tahdîb, 1:473(878).
\(^6\) Taqrîb, 1:105(108).
\(^7\) Al-Muḥallā, 9:458.
\(^8\) Taqrîb, 2:42(394).
3. Ḥajjāj ibn Arṭa’a: Ibn Ḥazm said that he was “ḥālik (unacceptable),”¹ “ṣāqīt (rejected),”² “weak.”³ Ibn Ḥajar said that he was “honest with many mistakes and much deception.”⁴

4. Mubārak ibn Faḍāla: Ibn Ḥazm said about him “he is not strong.”⁵ Ibn Ḥajar said that he was “honest but mudallis.”⁶

5. Abū Khālid al-Dālānī: Ibn Ḥazm said about him “he is not strong.”⁷ Ibn Ḥajar said that he was “honest, but makes many mistakes and is mudallis.”⁸

Refusal to accept a narrator who accepted talqīn (prompting)

Talqīn (prompting) is to tell the narrator that so and so narrated such and such to you and to give any names that are suggested without having heard it from those people. Ibn Ḥazm said, “This has to be for one of two reasons: either he is behaving wrongly in narrating what he does not hear, or he is very inattentive. Such a person cannot be used as a reference.”⁹ Ibn Ḥazm said: “If someone is proved to have accepted prompting even once, his narrations cannot be accepted”.¹⁰ In the al-Muḥallā only one narrator is mentioned whom Ibn Ḥazm describes as having accepted prompting.

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² Ibid., 2:13; 7:4, 115, 272, 360.
³ Ibid., 7:166.
⁴ Taqrīb, 1:152(145).
⁵ Al-Muḥallā, 8:182.
⁶ Taqrīb, 2:227(904).
⁷ Al-Muḥallā, 1:226.
⁸ Taqrīb, 2:416(4).
⁹ Ḥikām, 1:142.
¹⁰ Ibid.
namely, Sammāk ibn Ḥarb. Ibn Ḥazm mentions 14 narrations of his, which can be divided as follows:

1. Three narrations were narrated by Sammāk from ʿIkrima.¹

2. Two narrations whose chain were not mentioned by Ibn Ḥazm.²

3. Six narrations had narrators other than rejected by Ibn Ḥazm.³

4. One narration was judged as having an incomplete chain⁴.

5. One narration was narrated by Abū al-Aḥwāṣ from Sammāk from ʿAlqama ibn Wāʾil ibn Ḥjur.⁵

6. Finally, one narration was narrated by Shuʿba from Sammāk from ʿAlqama ibn Wāʾil.⁶

Ibn Ḥazm rejected all of these narrations because Sammāk had accepted talqīn (prompting).

When reviewing the scholars’ opinion of Sammāk, we find they agree with Ibn Ḥazm in his judgement of Sammāk as accepting prompting, although with additional clarification. Al-Nasāʾī said, “He may have been prompted. There was no proof whenever he was the sole narrator that he used to be prompted”. Al-Bazzār said, “He was a famous man. I do not know of anyone rejecting him, but his memory deteriorated before his death”. Ibn Maʿīn was asked, what was wrong with him. He

²Ibid., 7:482,489.
³Ibid., 7:452, 471, 488.
⁴Ibid., 7:303.
⁵Ibid., 9:390.
⁶Ibid., 1:175.
answered, “He narrated narrations with linked chains, which no one else did (that is, they were all incomplete). But he is trustworthy”. Al-‘Ijlī said, “He is allowed as a narrator (that is, his narrations would be accepted), except narrations from ‘Ikrima, where he might have linked chains which were not linked by others. Ibn al-Madīnī said, “The narration of Sammāk from ‘Ikrima is muddīrih (shaky).” Ya‘qūb ibn Shayba said, “His narration from ‘Ikrima in particular is muddīrih, although valid from others than ‘Ikrima, and he is not a verifier (laysa min al-mutathabbitūn). Whoever heard from him in the past, such as Shu‘ba and Sufyān, their narrations from him are valid.1

It is apparent from what the scholars said in general that Sammāk ibn Ḥarb was trustworthy, except that in the last days of his life his memory failed and he used to be prompted. This weakness was obvious only in his narrations from ‘Ikrima. The narration of others such as Shu‘ba, who narrated from him in the past, are valid.

It is concluded, therefore, that Ibn Ḥazm was correct in rejecting the narrations of Sammāk ibn Ḥarb which are mentioned in al-Muḥallā, except one narration of Shu‘ba from Sammāk, because Shu‘ba narrated from Sammāk before his memory weakened, and hence before he started to accept prompting. Ibn Ḥazm’s reference in his judgement of Sammāk ibn Ḥarb is Shu‘ba,2 who described Sammāk as accepting prompting. Shu‘ba narrated that narration from Sammāk because he

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1 Tahdhib, 4:232(395).
2 Al-Muḥallā, 7:175.
knew that it was before Sammāk’s memory failed and he started to accept prompting.¹

**Mental refusal**

The methodology of Ibn Ḥazm in his *Judgement of a mentally disturbed narrator* (*al-mukhtalif*) is clarified as follows:

1. Rejecting what was heard from the narrator after he became mentally confused.
2. Rejecting those narrations, the timing of which could not be ascertained as before or after the narrator became mentally confused.
3. Accepting those narrations that were heard from the narrator before he became mentally confused.

This is clear from his judgement of narrators regarding their being mentally confused.

1. ‘ʿAbd al-Bāqī ibn Qānī*: Ibn Ḥazm said about him: “he became mentally confused one year before his death.”²

2. ‘Aṭāʾ ibn al-Sāʾīb: Ibn Ḥazm rejected all that he mentioned from him, because he judged him to be mentally confused, commenting as follows: “Jarir ibn ‘Abd al-Ḥamīd did not hear any narrations from ‘Aṭāʾ until after ‘Aṭāʾ became mentally confused; this is known by Ḥadīth scholars”;³ Ibn Fuḍayl did not hear any

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¹ Aḥmad Shākir said, “This narration has been reported by a group of scholars in their books, for example, Muslim in his authentic collection, Abū Dāwūd, al-Tirmidhī, al-Ṭayālīsī, Aḥmad and Ibn Mājah. See *al-Muhallā*, 1:175(2).
³ Ibid., 2:268.
narrations from 'Aṭā’ ibn al-Sā’ib until after he became mentally confused”;¹ “Ibn Jurayj did not hear any narrations from ‘Aṭā’ ibn al-Sā’ib until after ‘Aṭā’ became mentally confused.”²

Ibn Ḥazm said, “It is forbidden to use his narration as evidence unless it is proved to have been narrated by him before he became mentally confused”.³ In this case Ibn Ḥazm accepted what was narrated from ‘Aṭā’ by Sufyān ibn ‘Uyayna, Shu’ba and Ḥammād ibn Zayd. He mentioned that they had heard the narration from him before he became mentally confused.”⁴

3. Hilāl ibn Khabbāb: Ibn Ḥazm mentioned a narration on alms in the form of cattle, in which Hushaym from Hilāl ibn Khabbāb was in the chain.⁵ He commented, “We do not know anyone who criticized Hilāl ibn Khabbāb except that Yahyā ibn Sa‘īd al-Qaṭṭān said, ‘When I met him he was mentally confused.’” Ibn Ḥazm said, this is not harmful because Hushaym is approximately 20 years older than Yahyā, therefore, without any doubt Hushaym’s meeting with Hilāl was before Hilāl became mentally confused.”¹

**Ibn Ḥazm’s methods of rejecting narrators**

**His independence in judging narrators**

¹ Ibid., 7:396.
² Ibid., 9:248.
³ Ibid.
⁴ Ibid., 7:423.
⁵ Ibid., 5:278.
In his book *al-Muhalla* Ibn Ḥazm rejected many narrators: he judged 295 narrators to be weak and 34 narrators to be liars. From his judgements in general, it can be said with certainty that Ibn Ḥazm was not a follower of anyone else, but was an independent and rigorous researcher of many narrators’ narrations. Thus he did not arrive at his judgements of a number of them until he had reviewed their narrations, scrutinized them and compared them with the narrations of other trustworthy narrators.

The following examples confirm this methodology.

**His uniqueness in rejecting some narrators**

1. Muḥammad ibn Ḥamza ibn ‘Amr:

   Ibn Ḥazm said he was “weak.”

   Al-Quṭb al-Ḥalabī said: “no one conduced him weak before Ibn Ḥazm.”

2. Muḥammad ibn ‘Abd al-Raḥmān ibn Thawbān:

   Ibn Ḥazm said he was “weak.”

   Ibn Ḥajar said in his comments on Ibn Ḥazm’s judgement “no one preceded him in this.”

3. Ṭalq ibn Ghannām:

   Ibn Ḥazm said that he was “weak.”

   Ibn Ḥajar said, “Abū Muḥammad ibn Ḥazm alone said that he was weak.”

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3 *Tahdhib*, 9:127(178).
4 *Al-Muhalla*, 7:372.
5 *Tahdhib*, 9:294(488).
6 *Al-Muhalla*, 7:518; 8:182.
4. Sa‘īd ibn Abī Hilāl:

Ibn Ḥazm said that he was “not strong.” Ḥajar said, “he was honest; I have not seen anyone who preceded Ibn Ḥazm in considering him weak.” Al-Dhahabī said, “He was famous for being trustworthy; his narrations are in the Six Books (that is, al-Bukhārī, Muslim, Abū Dāwūd, al-Nasā’ī, al-Tirmidhī, Ibn Majah), Ibn Ḥazm alone said that he was not strong.”

5. ‘Abd al-Malik ibn Ḥabīb al-Andalusī:

Ibn Ḥazm said, “he narrated pure lies from trustworthy sources.” In another instance he said, “he has been mentioned as a liar.” Ḥajar said, “Ibn Ḥazm said things about him which he did not deserve. He accused him of deceitfulness, even though a number of scholars pointed out that no one preceded him in accusing al-Andalusī of being a liar.” The most that can be said about Ibn Ḥabīb is that he used to narrate from other narrators’ books and make mistakes. Thus was owing to being poor at memorization. Ibn Ḥazm, however, because of his research into Ibn Ḥabīb’s strange narrations from trustworthy sources, reached this judgement of him that he was narrating lies.

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1 Tahdhib, 5:33(52).
2 Al-Muḥallā, 2:269.
3 Taqrīb, 1:307(274).
4 MJa‘īn, 2:162(3290).
5 Al-Muḥallā, 7:472.
6 Ibid., 8:386.
7 Tahdhib, 6:390(736).
8 Ibid.
9 Taqrīb, 1:518(1304).
His declared judgement of the narrator in the light of his narrations

Ibn Ḥazm declared that he based his judgement of a narrator on the scrutiny of his narrations, as he did when rejecting the narrations of ‘Abd al-Baqi ibn Qāni‘1 and Muḥammad ibn al-Qāsim ibn Sha‘bān.2 He said, “We reviewed their narrations and found them to contain pure lies and great scandals.”3

Ibn Ḥazm attributed the reason for their narrations containing the above to one of the following:

a. their memory failed;
b. their books were mixed up;
c. they intentionally narrated from every liar to no good purpose;
d. if no one of the above exists, then this tribulation is from them and it is a disaster.4

From the above it is clear that Ibn Ḥazm followed the same methodology as the early Hadith scholars in comparing the narrations of a narrator to reach his final judgement of accepting or rejecting him. Ibn Ḥazm, as al-Dhahabhī said, was an Imam in the study of Ḥadīth and his judgement of the narrators is significant.1

Ibn Hazm’s strictness in rejection

The Ḥadīth scholars divided the scholars who specialised in judging narrators into three groups:

2 Ibid., 9:57.
3 Ibid.
4 Ibid.
1. Obstinacy in rejection: This group rejected a narrator for two or three errors, for example, Shu‘ba and Ibn Ma‘in. Ḥadith scholars said that if a narrator was conduced as weak by this group, then a check should be made to see if others agreed with this judgement or not. If there was agreement and no scholar considered this narrator trustworthy, he was declared weak. If, however, any scholar considered him trustworthy, his rejection could not be accepted unless the reason for it was clarified, after an examination to ascertain whether the rejection was justified.

2. Leniency in rejection: May consider a weak narrator to be trustworthy, for example, al-Ḥākim.

3. Moderation: For example, Aḥmad and al-Dāraḍūtānī. According to Ibn Ḥazm’s judgements of rejection, it is clear that he is from the first group, indeed a prominent representative of it. This is highlighted by the following examples.

His differences with the scholars in rejecting narrators
Khuthaym ibn ‘Arāk: Ibn Ḥazm mentioned him just once and said about him “He is extremely weak.” This is typical of Ibn Ḥazm’s strictness, although there are some who agree with his judgement. Al-Azdī said that Khuthaym was a “Denounced narrator.” However, there are groups of scholars who judged Khuthaym to be trustworthy, for example, al-Nasā‘ī and Ibn Ḥībbān, while al-‘Uqaylī said that he

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1 Dhikr man Yu‘tamad, 200(565).
2 Al-Raf‘ wa al-Takmil, 283.
3 Al-Muhalla, 8:120.
was “Not a bad narrator.” Ibn Ḥajar said, “Ibn Ḥazm says that narration from him is forbidden.” I say [that is Ibn Ḥajar] it is a serious risk. Maybe the authority of those scholars who conduced him weak is what was mentioned by Abū ‘Alī al-Karābīsī in his book al-Qaḍā’ it was narrated to us by Sa‘īd ibn Zunbur and Muṣ‘ab al-Zubayrī that the prince (Amīr) of Madīna asked Mālik about something (istaftā) and Mālik did not answer him. The prince then sent someone to ask him, ‘what prevented you from answering?’ Mālik said, ‘Because you appointed (wallayt) Khuthaym ibn ‘Arāk ibn Mālik to lead the Muslims’. When he was made aware of this, he removed him.”

If this was the reason for rejecting Khuthaym, it cannot be considered enough justification for rejecting him. Mālik’s view does not indicate his judgement of him. All he did was to express his view that Khuthaym was not suitable for the position of leading the Muslims. The prerequisites for the position of a leader are not the same as those for one who can demonstrate the ability to narrate.

1. Al-Minhāl ibn ‘Amr:

Ibn Ḥazm said that he was “not strong”, “he was spoken of as weak”, “weak.” Shu‘ba abandoned him, but why? On his way to al-Minhāl’s house to narrate from him, Shu‘ba heard the sound of a mandolin from al-Minhāl’s house, so he

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1 Tahdhib, 3:136(259).
2 This statement is not in al-Muhalla, it could be in al-Īḍāl, which is one of missing books of Ibn Ḥazm.
3 Tahdhib, 3:136.
4 Al-Muḥallā, 1:22.
5 Ibid., 7:377.
6 Ibid., 10:66.
retreated and did not listen to him.\(^1\) This is not sufficient reason to reject a narrator, because listening to music is an area of dispute, especially since Ibn Ḥazm was not one of the scholars who argued that listening to music was ḥarām (prohibited).\(^2\) In addition Ibn Ma‘īn authenticated (waththaqa) al-Minhāl.\(^3\)

2. Al-Ḥārith ibn Muḥammad ibn Abī Usāma:

Ibn Ḥazm said, “his narration is neglected.”\(^4\) Al-Dhahabi said he was “knowledgeable in Ḥadith, and had a high level of chains (‘ālī al-sanad),”\(^5\) he was spoken of (that is, he was conduced as weak) without any evidence.” Al-Dāraquṭnī said, “there were differences in judging him, but to me he is honest. Some citizens of Baghdad considered him lenient, because he used to charge for his narrations.”\(^6\) Taking money for narration does not conduce the narrator weak unanimously;\(^7\) al-Dhahabī and al-Dāraquṭnī had already declared their acceptance of al-Ḥārith.\(^8\)

3. Abū Tumayla Yahyā ibn Wāḍih:

Ibn Ḥazm said he was “not strong.”\(^9\) Ibn Ma‘īn disagreed with Ibn Ḥazm and considered him trustworthy; and Aḥmad said, “he is not bad.”\(^10\)

\(^1\) Mughni, 2:679(645).
\(^2\) Al-Muḥalla, 9:55-63.
\(^3\) Mughni, 2:629.
\(^5\) Mī‘ān, 1:442(1644).
\(^6\) Ibid.
\(^7\) Tadrīb, 1:337.
\(^8\) Muqaddima, 107.
\(^9\) Al-Muḥalla, 10:398.
\(^10\) Mughni, 2:745(7062).
General weakening of some narrators, who were known to be weak in special cases

Ibn Ḥazm’s judgement of some narrators to be categorically weak, even though they were not so, supports the conclusion that he was one of the strict scholars. The following are examples of his judgement:

1. Unconditional weakening of a narrator who was weak only when narrating from a specific scholar

Asbāṭ ibn Muḥammad al-Qurashi:

Ibn Ḥazm said he was “weak.” Ibn Ḥajar said, “trustworthy, but was conducted as weak when narrating from al-Thawrī.” Ibn Ma‘īn considered him “Trustworthy.” Al-Dhahabi said he was “Famous for being trustworthy.” Ibn Sa’d said, “he possesses some weakness, but he is quite good.” Asbāṭ is therefore trustworthy, his weakness being only in what he narrates from al-Thawrī, not in his narrations in general according to Ibn Ḥajar.

2. Unconditional weakening of narrators who were weak only when narrating from scholars originating from a specific country

Ismā‘īl ibn ‘Ayyāsh:

Ibn Ḥazm said he was “unreliable, especially for what he narrated from the Ḥijāzīs”, “weak.” Although Ibn Ḥazm explained that Ismā‘īl’s weakness was in

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1 *Al-Muhalla*, 7:483.
3 *Kāshif*, 1:104.
5 *Al-Muhalla*, 1:257.
the narrations from the Ḥijāzīs, he considered him fallen categorically. This is obvious from his terminology. A number of scholars agreed with Ibn Ḥazm in his judgement, for example, al-Nasāʾī said, “Ayyāsh is weak”, Ibn Ḥibbān said, “he should not be referred to.” However, many scholars also differed with Ibn Ḥazm. For example, Ibn Maʿin said that Ismāʿīl was “Trustworthy”, Aḥmad said, “his narrations from the Shāmīs are correct, but his narrations from the Ḥijāzīs are not correct.” Al-Dhahabī said that he was “a scholar from Ḥimṣ, reliable for Shāmī narrations, very confused in Ḥijāzīs narrations.”

Ibn Ḥazm’s uniqueness in conducting scholars as weak

A typical example is ʿAbd al-Malik ibn Abī Sulaymān al-ʿArzamī: Ibn Ḥazm said that he was “unreliable”, “neglected”, “very weak.” The judgement of other scholars was different. Ibn Ḥajar said that al-ʿArzamī was “One of the famous scholars; many scholars narrated from him, for example, Shuʿba, al-Thawrī, Ibn al-Mubārak and others.” Al-Thawrī and Ibn al-Mubārak described him as a yardstick for his great ability to learn by heart and the accuracy of his writings. Aḥmad and Yaḥyā said that he was “Trustworthy.” Al-ʿIjlī said that he was “Trustworthy, and versed in Ḥadīth.” Al-Nasāʾī said that he was “Trustworthy.” Abū Zurʿa said that he was quite good. Ibn Saʿd said that he was “Trustworthy, honest, and versed in Ḥadīth.” Al-Sājī said that he was “honest.” Ibn Ḥibbān mentioned him in his book

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1 Mughnī, 1:85(697).
2 Al-Muhalla, 3:231.
3 Ibid., 6:27; 10:73.
al-Thiqāt and said, “he may have made mistakes.” Al-Tirmidhī said that he was “trustworthy and honest; we do not know anyone who rejected him other than Shu’ba.”

Shu’ba’s statement was explained by Yaḥyā ibn Ma‘īn when he was asked about the narration of ‘Aṭā’ from Jābir on al-shuf’a (the right of pre-emption). He said, “this is a narration which no one ever narrated except ‘Abd al-Malik, and scholars refused to accept it from him. Nevertheless, ‘Abd al-Malik was trustworthy and honest, and his narration should not be refused.”

Accordingly, the reason for Shu’ba’s rejection of ‘Abd al-Malik was his uniqueness in the shuf’a narration. Although he refused to accept from him this narration in particular, he did not conducge him as weak in general. Accordingly Shu’ba said, “If ‘Abd al-Malik had narrated another similar narration, I should have rejected all his narrations.” Therefore all scholars considered him trustworthy. Some scholars refused only his shuf’a narration. Ibn Ḥazm’s judgement of ‘Abd al-Malik to be “rejected”, “neglected” and “very weak”, indicates the level of his strictness.

Ibn Ḥazm’s reasons for rejecting narrators

The scholars’ scrutiny of narrators rejected by Ibn Ḥazm may be analysed as follows:

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1 Ibid., 8:267.
2 Tahdhlīb, 6:396(848).
3 Ibid.
4 Ibid.
5 Al-Muhallā, 3:231.
6 Ibid., 6:27; 10:73.
7 Ibid., 8:267.
1. Rejection of the narration of a narrator when narrating from one narrator, but acceptance of his narrations from others.

2. Judging a narrator to be weak when he narrates from a specific country, but accepting his other narrations.

3. Seeking justification not to judge a narrator to be weak if it was a question of memorization.

The reason for this careful scrutiny is the scholars’ wish to accept the narration, provided it fulfilled the acceptance criteria, lest any of the sayings of the Prophet be lost.

Although the motives of Ibn Ḥazm were the same as those of the scholars in observing the sayings of the Prophet, his attitude was different. He applied strict criteria in accepting the narration for fear of adding to the sayings of the Prophet sayings which later might be considered a ḥadīth of the Prophet. In his view, Islam, which Allāh had undertaken to preserve, was in no need of these narrations narrated by people who were not safe from being accused of weakness, even if it was only slight, or of weakness on one side and not on the other. The methodology of Ibn Ḥazm erred on the side of caution and preservation from introduced words, and not from fear of loss.

Ibn Ḥazm’s use of terminology when rejecting narrators

Every Ḥadīth scholar had his own method of selection and use of terminology when rejecting narrators. Some used expressions indicating a narrator’s weakness, for example, “he was spoken of as weak” (takallamū fīhi), “he was poor at memorization” (fī ḥifzīhi da’f). Others used decisive terms, for example, “very
weak” (ṣaʿīf jiddan), “unacceptable” (ḥālik). The terminology used by Ibn Ḥazm when rejecting narrators is clearly decisive and stern. This is shown in two ways.

Infrequent use of moderate expression

Ibn Ḥazm seldom used such expressions, which indicated the first level of rejection as well as his judgement of a narrator to be a poor memorizer, not for being a weak narrator. The following are some examples:

1. “Moderate narrator” (layyin al-hadīth): he used this only once.¹

2. “Poor at memorization” (sayyiʿ al-ḥifẓ): he used this in his judgement of two narrators, Muḥammad ibn Abī Laylā² and Māṭar al-Warrāq.³

3. “Spoken of as being weak” (mutakallam fīhī): he used this description for three narrators, Muḥammad ibn Rāshid,⁴ Fulayh ibn Sulaymān⁵ and Abū Bakr ibn Abī Uways.⁶

Prevalent use of strong expressions

Most of the expressions that he uses when judging narrators are decisive and stern in rejection. The following are examples:

¹ Ibid., 6:249.
⁴ Al-Muhalla, 10:118.
⁵ Ibid., 9:69.
1. Decisive expressions: “weak” (da‘īf),1 “very weak” (da‘īf jiddan),2 “unacceptable” (hālik),3 “rejected” (sāqiṭ),4 “spoiled” (tālīf).5 These were used in addition to other terminology.

2. Expressions indicating the scholars’ agreement in rejecting a narrator: “abandoned unanimously” (muṭṭaraḥ bi iṭṭifāq),6 “weak and unanimously abandoned” (da‘īf bi iṭṭifāq muṭṭaraḥ),7 “rejected and unanimously abandoned” (sāqiṭ muṭṭaraḥ bi‘ijmā‘),8 and “in agreement about his weakness” (muttafaq ‘alā da‘īhi).9

3. Ibn Ḥazm’s judgement of the sanctity of a narrator’s narration: “his narration should not be referred to” (lā yajūz al-iḥtiyyāq bi riwayatih),10 “narration from him is forbidden” (lā taḥill al-riwaya ‘anhu).1

Strong expressions of rejection such as these fill al-Muḥallā, in which Ibn Ḥazm makes judgement on a lot of narrators.

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5 Ibid., 9:439.
6 Ibid.
7 Ibid., 7:484.
8 Ibid., 6:61.
9 Ibid., 7:484.
10 Ibid., 7:176.
The offensiveness of Ibn Ḥazm’s judgement

Ibn Ḥazm’s rejection judgements were known to be in many cases offensive to the narrator, criticizing him far more strongly than he deserved, as shown by the following examples.

1. Yaḥyā ibn Yamān:

   Ibn Ḥazm said about him “there was general agreement about his weakness” ([*muttafaq ‘alā qa‘fihi*]).\(^2\)

   When we review the judgements by Ḥadīth scholars, we find that those of Yaḥyā’s weakness were not unanimous, although many conduced him to be weak. For example, Aḥmad said that he was “not an authoritative source” (*laysa bi ḥujja*). Ibn Ma‘īn said that he was “not accurate” (*laysa bi thabt*), and, on another occasion “I hope he is honest” (*arjū an yakīn ṣaḍūqan*), and, on a third occasion, “unobjectionable” (*laysa bihi ba‘s*). Ḥabd Allāh ibn ‘Alī ibn al-Madīnī said, “he suffered from paralysis, and then his ability to memorize altered” (*kāna falaja fa taghayyara ḥifzuh*). Ya‘qūb ibn Shayba combined the two statements, saying “he was honest in many narrations. However, many specialists criticised him for his numerous errors, and he is not an authoritative source if narrators disagree with him” (*kāna ṣaḍūqan kathīr al-ḍadīn, wa innamā ankara ‘alayhi aṣḥābunā kathrat al-ḍhalaṭ, wa laysa bi ḥujja*).

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\(^1\) Ibid., 7:303.
\(^2\) Ibid., 7:484.
idhā khūlif). Al-'Ijli said that he was “honest, but his ability to memorize altered”
(ṣadūq taghayyara ḥifzuh).¹

It is apparent from the statement by Ḥadith scholars that the uncertainty about Yaḥyā ibn Yaman was his lack of ability to memorize, not that he was weak in general. Therefore Ibn Ḥibbān considered him trustworthy.²

2. ‘Aṭiyya al-'Awwī:

Ibn Ḥazm said that he was “unacceptable” (ḥālik), ³ “weak, not an authoritative source” (ḏa‘īf lā yuḥtáq bihi), ⁴ “there is a general agreement about his weakness” (muttafaq ‘alā ḏa‘īhi).⁵ The scholars’ judgements of him varied. Ahmad said that he was a “weak narrator” (ḏa‘īf al-ḥadīth). Al-Nasā’i said, “he is weak” (ḏa‘īf). Abū Ḥātim said, “he is weak, although his narration could be written” (ḏa‘īf yuktab ḥadīthuh). Abū Zur‘a said, “he is not good in narrating” (layyin).

Ibn Ma‘īn said, “he is valid” (ṣāliḥ).¹

According to the above assessments, ‘Aṭiyya may be classed in level 2 of the rejection levels. However, Ibn Ḥazm considered him ḥālik (unacceptable), which would place him in level 4. Also there is no unanimous judgement on his weakness, since Ibn Ma‘īn said that he was valid.

¹ Tahdhib, 11:306(589).
² Ibid.
³ Al-Muḥallā,7:419, 482.
⁴ Ibid., 10: 261.
⁵ Ibid., 10:309.
3. Tawba al-‘Anbarî:

Ibn Ḥazm said that he was “weak, there was general agreement about his weakness” (da‘ī muttafaq ‘alā da‘īhi). Al-Azdî said that he was a “denounced narrator” (munkar al-ḥadîth). It is narrated that Ibn Ma‘în considered him weak. However, on the other hand Abû Ḥātim, al-Nasâ‘î and Ibn Ḥibbân considered him trustworthy.

From the above, it is clear that there was no unanimous judgement of his weakness, and that Ibn Ḥazm’s judgement of Tawba was offensive for he referred to him at a lower level than his actual status.

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1 *Tahdhib*, 7:224(413).
2 *Al-Muḥallâ*, 10:151.
3 *Tahdhib*, 1: 515(960).
Chapter Five: Ibn Hazm’s criticism of the
chain and text
The chain in the view of the Ḥadīth scholars

The chain of authority (ʿIsnād) was of great importance to the scholars’ methodology of criticizing narrations for rejection or acceptance. They therefore held detailed discussions about it, and stipulated that the chain of a valid hadith should be continuous (muttaṣil) from beginning to end. In addition, they clarified with great precision the defects that might appear in the linkage of the chain as follows:

1. **Mursal:** This is the term used by the majority of Ḥadīth scholars when a Companion is omitted from the chain, leaving a successor to say: “The Messenger of Allāh said such and such.” However, *mursal* could have a broader meaning, as was demonstrated by al-ʿĀmidī when he noted that it applies to whoever did not meet the Prophet, and he is trustworthy, the Messenger of Allāh said.

*Mursal* ʿahdīth are accepted by Mālik and Aḥmad ibn Ḥanbal. The Ḥanafītes accept the Companions’ *mursal* ʿahdīths and the *mursal* ʿahdīths of the people from the second and third century. Al-Shāfiʿī, however, did not accept *mursal* ʿahdīths except with at least one of the following conditions:

a. that the *mursal* ʿahdīth is from a Companion;

b. that it is linked by someone other than the person who narrated it as a *mursal* ʿahdīth;

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1 *Tadrīb*, 1:195.
2 *Iḥkām*, Āmidī, 2:177.
3 Ibid., 2:178.
c. that another narrator narrated it as a *mursal* ḥadīth from a *shaykh* other than the *shaykh* of the first narrator;

d. that a Companion’s statement supported it;

e. that the statements of the majority of the scholars supported it;

f. that the narrator of the *mursal* ḥadīth (*mursil*) is known to narrate (*yursil*) from trustworthy sources, such as the *marāṣīl* of Sa‘īd ibn al-Musayyib.¹

*Mursal* ḥadīths are considered weak according to the majority of Ḥadīth scholars and jurists.²

2. *Al-munqatī* (broken): This refers to the chain in which one narrator has been omitted, and is mostly used for narrations reported from the Companions by those immediately following the successors, for example, Mālik from Ibn ‘Umar.³ A group of jurists and Ḥadīth scholars, among them al-Khaṭīb and Ibn ‘Abd al-Barr, are of the opinion that a broken ḥadīth (*al-munqatī*) is one in which the chain is incomplete (*inqīṭā‘*) in any direction, whether the person omitted is a Companion or not. They also insist that *munqatī* and *mursal* are the same.⁴

¹ *Qafw*, 67.
² *Risāla*, 461-464. For further details of scholars’ views on *mursal*, see, Ḥikām, 2:177-187; Ṭadrīb, 1:195-207; Qawā'id Ḥadīth, 138-159; Qawā'id Taḥdīth, 138-141.
³ *Ṭadrīb*, 1:189
⁴ Ibid., 1:208.
⁵ Ibid., 1:207.
3. **Mu’dal**: This is the ḥadīth from whose chain two or more consecutive narrators have been omitted at any point in the chain.¹

4. **Mu’allaq** (suspended): This is a ḥadīth from the initial chain of which one or more narrators have been removed.² Al-Bukhārī uses this term many times in his authentic collection (Ṣaḥīḥ).³ It is weak in the view of Ḥadīth scholars, although they exclude the mu’allaqāt (suspensions) of al-Bukhārī, which they divide them into two groups:

a. What is mu’allaq (suspended) and yet linked elsewhere in his Ṣaḥīḥ has, according to the scholars, the status of a continuous (muttaṣīl) chain, that is, uninterrupted from beginning to end.

b. What is found to be mu’allaq and is not linked anywhere else in his Ṣaḥīḥ. This appears in two forms:

i. The narrations to which he makes a definite reference, for example, “qāla” (he said), “rawā” (he narrated), “fa’ala” (he did). The Ḥadīth scholars maintain that its status is valid.

ii. The narrations to which he makes a vague reference, for example, “qūla” (it was said), “rawiya” (it was narrated), are weak according to Ḥadīth scholars.⁴

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¹ Ibid., 1:211.
² Ibid., 1:219.
³ Ibn Hajar continued the transmission in his published book Taghīq al-Ta’līq.
⁴ Manhaj Islāmī, 261.
These four groups cover the range of defects in the marfū’ chains (narrations from the Prophet); the mawqūf chain (halted, a narration from a companion without mentioning the Prophet); and the maqtū’ chain (a narration from a successor without mentioning the Prophet); and defects affecting the chain in general, thereby making it weak.

Ibn Ḥazm’s view of mursal and munqatī’

Ibn Ḥazm explained that the reporting by trustworthy narrators of narrations with their chains right back to their links to the Prophet included the name and background of the source. Allāh (be He exalted) confined this transmission to Muslims instead of other sects. It was to be maintained continually throughout history in the north, south, east and west.¹ This transmission, which does not omit a single narrator, is the one which should be accepted and used for reference. Therefore, Ibn Ḥazm said, “The mursal ḥadīth is that from which one transmitter or more between one of its narrators and the Prophet has been omitted and it is also munqatī’. In addition, it can be neither accepted nor used as a basis for argument, because it is from an unknown source. Indeed, we state that it is forbidden to accept either narration or testimony from anyone unknown to us until we know his status.”²

It is clear that Ibn Ḥazm was in agreement with the majority of the scholars about the interpretation of mursal and munqatī’. He recognized the authority of a narration only by the links of its chain. Any break in the chain lowered it from the acceptance

¹ Fīṣal, 1:221.
² Ḥikām, 2:2.
The authority of a narration was based only on how its chain was linked to the Prophet and there was no consideration of anyone below him. Therefore, he said, "Indeed, during the Companions’ time there were hypocrites and apostates. Therefore no narration is accepted if its narrator says it was ‘from one of the Companions’ or ‘it was reported to me by one who accompanied the Messenger of Allāh’, unless he names him, and he is known to have been a virtuous Companion, whose virtue and righteousness were confirmed by Allāh. Allāh said: ‘And among the Bedouin around you, are some hypocrites, and also among the people of Madīnah; they exaggerate and persist in hypocrisy. You (O Muḥammad) do not know them. We know them. We shall punish them twice, and thereafter they shall be brought back to a great (horrible) torment.’ Indeed a slave girl who accompanied the Prophet apostatised, and so did ‘Uyayna ibn Ḥuṣn, al-As‘ath ibn Qays, al-Rajjāl and ‘Abd Allāh ibn Abī Sarḥ. For the successor of a junior Companion to have an audience is a great honour and worthy of pride. Therefore, why would he be reticent in naming him if his Companionship was good? His reticence must be for one of two reasons: either he did not know who he was and did not know the validity of his claim of Companionship, or he was from those whom we mentioned (that is, hypocrites and apostates). This is the argument of Ibn Ḥazm in his rejection of mursal, and his view is supported by the saying of Allāh: ‘Of every troop of them, a party only should go forth, that they (who are left behind) might receive instruction

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1 Surah al-Tawbah, 101.
2 Ḥikām, 2:3.
3 To understand the mursal’s defects, with its evidence by Ibn Ḥazm, see, Ḥikām, 2:5.
in Islām, and that they might warn their people when they return to them.”¹ So Ibn Ḥazm said, “Allāh (be He Exalted) made compulsory the acceptance of the vow to study religious knowledge. Allāh (be He Exalted) said: ‘O you who believe! If a rebellious evil person comes to you with a piece of news, verify it, lest you harm people out of ignorance, and afterwards you regret what you have done.’² In the world people are either just or unreliable. Allāh forbids us to accept the report of a rebellious and evil person, therefore nothing remains except justice. And it is valid that we are ordered to accept his vow.³ Indeed, Ibn Ḥazm in the above paragraphs explains his objection to the munqāṭī’, where one or more narrators are omitted from the chain, the narrator’s identity is unknown, and the narration cannot be justified.

In al-Muhalla certain other terms are also reported which are classified under inqiṭā’, [unlike munqāṭī’ or mursal] such as where the narrator says, “balāghanī (I was told)”. Balāgh (announcement) is a type of inqiṭā’ where the narrator does not mention who was between him and the one from whom he narrated, for example, Mālik’s saying, “Balāghanī (I was told) that a man came to ‘Uthmān ibn ‘Affān”.⁴ Mālik does not report the narrators who were between him and ‘Uthmān. Therefore Ibn Ḥazm said, “This balāgh is not valid.”⁵ In the statement of ʿAbd al-Malik ibn Ḥabīb al-Andalusī, “Balāghanī (I was told) from Ibn ʿUmar that he used to say such

¹ Surah al-Tawba, 122.
² Surah al-Hujurat, 6.
³ Al-Muhalla, 1:51
⁴ Ibid., 3: 88
⁵ Ibid.
and such”, Ibn Ḥabīb did not report the narrators who were between him and Ibn ‘Umar. Therefore, Ibn Ḥazm said, “It is a false balāgh from Ibn ‘Umar.” The scholars classified al-balāgh under the muʿdal.

The total number of narrations that Ibn Ḥazm judged to be munqaṭṭ in al-Muhalla are 540.

How Ibn Ḥazm proves inqīṭā (incompleteness) in the chain

Ibn Ḥazm rejected 540 narrations because of their incomplete chain. He uses various methods to show inqīṭā in the chain. From a careful scrutiny of these narrations, it is clear that his analysis of inqīṭā is based on his wide knowledge of history and on his particular familiarity with the narrators and their Shuyūkh and students. This gave him the ability to distinguish between complete and incomplete chains. The statements listed below are examples of his judgement.

Ibn Ḥazm’s complete denial that the narrator heard the narration from whom he said he did

For example:

1. None of the Ḥadīth scholars knows that Yazīd ibn Abī Ḥabīb heard narrations from Abū al-Ṭufayl.4

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1 Ibid., 8:444.
2 Ibid., 8:444. And see for more examples, 9:139, 141; 10:48.
3 Tadrīb, 1:217.
2. Ibn Sīrīn did not hear narrations from ʿUmrān ibn al-Ḥusayn.¹

3. Al-Shaʿbī did not hear narrations from ʿAlī ibn Abī Ṭālib.²

4. Makhrama ibn ʿUbayd did not hear anything from his father.³

5. ‘Aṭā’ al-Khurasānī did not hear anything from ʿAbd Allāh ibn ʿAmr ibn al-ʿĀṣ or from any of the Companions, apart from Anas.⁴

Ibn Ḥazm’s denial that the narrator heard a specific narration from whom he said he did, which weakens the validity of that narration

For example:

1. This narration is not valid, because Bakr ibn ʿAbd Allāh al-Muzanī did not hear it from Abū Saʿīd, and Allāh knows best from whom he heard it.⁵

2. We indeed demonstrated that al-Shaʿbī did not hear that narration from Kaʿb. Therefore it is munqāṭi’.⁶

3. Munqāṭi’ because Ibn Idrīs did not mention that he heard it from Ibn Isḥāq.⁷

4. As for Mujāhid’s ḥadīth from Rāfī’, there is no doubt that he did not hear it from Rāfī’.¹

¹ Ibid., 4:175.
² Ibid., 7:488; 8:164.
⁴ Ibid., 9:231.
⁵ Ibid., 5:110.
⁷ Ibid., 8:13.
Ibn Ḥazm’s denial that the narrator heard narrations from whom he said he did, except one narration which Ibn Ḥazm did not consider weak

For example:

1. The narration of al-Ḥasan from Samura is *mursal*, for he heard from him only the ḥadith about ‘*aqīqa* (birth-sacrifice, that is, the slaughter of an animal to celebrate the birth of a child).²

2. Sa‘īd ibn al-Musayyib memorized from ‘Umar Ibn al-Khaṭṭāb only the announcement from the *minbar* (pulpit) of the death of al-Nu‘mān ibn Muqrin.³

The lack of contact between supposed narrator and recipient of a narration

For example:

1. Zayd ibn al-Ḥubāb did not meet anyone who saw ‘Umar, so how could he have seen ‘Umar?⁴

2. This narration cannot be valid, because it was narrated by Makḥūl that Anas ibn Mālik said such and such, and Makḥūl did not meet Anas.⁵

3. This is a lie, because Ibrāhīm al-Nakha‘ī did not meet Ibn Mas‘ūd.⁶

4. Abū al-Zinād ‘Abd Allāh ibn Dhakwān did not meet ‘Ā’isha. Therefore it is *munqāṭī*.¹

¹ Ibid., 8:222.
² Ibid., 8:366; 9:103.
⁴ Ibid., 2:93.
⁵ Ibid., 2:244.
⁶ Ibid., 5:126.
5. This can never be valid from ‘Umar, because we narrated it from Muḥārib ibn Dithār from ‘Umar. ‘Umar and Muḥārib did not meet, and Muḥārib is trustworthy. Therefore it is mursal.²

“He did not meet him before attaining mental maturity” (Lam yudrikuh bi’aqlihi)

This is an expression Ibn Ḥazm used of many narrators. He meant that even though the narrators had met those from whom they narrated, it was when they were too young to understand what they had received. This indicates that Ibn Ḥazm was of the opinion that the young could not be relied upon for receiving a narration. Examples are as follows:

1. This is munqatū’, because Mūsā ibn Ṭalḥa was too young to understand what Muʿādh was saying (lam yudrikuhu bi’aqlihi).³

2. Abū Hurayra’s hadith is not an argument. ‘Amr ibn Dīnār never heard narrations from Abū Hurayra, and he was too young to have understood him (wa lā aḍrakahu bi’aqlihi ʾaṣlān). What he narrated was from those who lived beyond the year 70 (that is, their death was after the year seventy), for example, Ibn ‘Abbās, Ibn ‘Umar, Ibn al-Zubayr and Jābir. Abū Hurayra died before 60 (that is, 60 AH), so this narration is unreliable.⁴

¹ Ibid., 7:234.
² Ibid., 8:164.
³ Ibid., 5:222.
⁴ Ibid., 9:131.
3. The narration from Abū Mūsā al-Ash‘arī is munqāṭī. Al-Sha‘bī was too young to understand narrations from Abū Mūsā (al-Sha‘bī lam yudrik Abā Mūsā bi‘aqlihi).¹

When the narrator is born after the death of the person from whom he said he narrated

In many of the narrations, Ibn Ḥazm demonstrates the inqīṭā’ of the chain by showing that the narrator was not born until after the death of the person from whom he said he narrated. Examples are as follows:

1. As for the ḥadīth of Asmā’ bint ‘Umayr, indeed ‘Abd Allāh ibn Abī Bakr ibn ‘Amr ibn Ḥazm was not yet born the day Abū Bakr al-Ṣiddīq died, and neither was his father born.²

2. As for the two ḥadīths of al-Mughīra ibn Shu‘ba: one of them was narrated by Ibn Shihāb al-Zuhrī from al-Mughīra, and Ibn Shihāb was not born until long after the death of al-Mughīra.³

3. As for the narration of ‘Amr ibn al-‘Āṣ: Qatāda narrated it from ‘Amr ibn al-‘Āṣ, although Qatāda was not born until after the death of ‘Amr ibn al-‘Āṣ.⁴

¹ Ibid., 10:384.
² Ibid., 2:25.
³ Ibid., 2:114.
⁴ Ibid., 2:131.
4. We do not know this narration to be linked to ‘Umar. In fact, we mention it from al-Qāsim ibn Muḥammad and Ibrāhīm al-Nakha‘ī from ‘Umar, both of whom were not born until some years after the death of ‘Umar.¹

5. If they mentioned what we narrated from al-Thawrī as being from Ibn Abī Laylā from Faḍāla ibn ‘Ubayd, we say this is munqaṭī’. If this Ibn Abī Laylā is Muḥammad, he did not meet Faḍāla, and was not even born until long after the death of Faḍāla. And if this Ibn Abī Laylā is ‘Abd al-Raḥmān, al-Thawrī was not alive during his lifetime; he was not even born until some years after his (‘Abd al-Raḥmān’s) death.²

The narrator’s failure to mention the reporters between him and the source of the narration

This part contains siyagh al-ˈadā’ (the expression of execution), that is, the words used by the narrator in narrating the narration. It demonstrates how he received and heard the narration (for example, “It was reported to me”, “I was told”), where it appears that the narrator reports that he was told that so and so said such and such, without saying who told him. Examples are as follows.

1. From Ibn Jarīr: “I was told from ‘Abd Allāh ibn ‘Abd al-Raḥmān al-Anṣārī.” Ibn Ḥazm said, “This is munqaṭī’, because Ibn Jarīr did not name who was between him and ‘Abd Allāh ibn ‘Abd al-Raḥmān.”³

¹ Ibid., 7:124.
² Ibid., 7:332.
³ Ibid., 6:25.
2. Abū Dāwūd said, "Hushaym narrated this ḥadīth." Ibn Ḥazm said, "As for Ḥushaym’s ḥadīth, Abū Dāwūd did not mention who was between him and Hushaym."¹

The narrator’s confession that he did not hear the narration from whom it was being narrated

For example:

1. Ibn Ḥazm mentioned a narration apparently passed on to one of ‘Abd Allāh ibn Mas‘ūd’s sons, Abū ‘Ubayd. Ibn Ḥazm rejected it, saying, "This is nothing, because Abū ‘Ubayd ibn ‘Abd Allāh ibn Mas‘ūd was asked, ‘Do you remember anything from your father?’ He said, ‘No’.² And in reply to the possibility that someone might point out that maybe the narrator from ‘Abd Allāh ibn Mas‘ūd was one of his other sons, not Abū ‘Ubayd, Ibn Ḥazm said, ‘‘Abd Allāh had only three sons: Abū ‘Ubayd, who was the eldest; ‘Abd al-Rahmān, who was 6 when his father died; and ‘Utba, who was the youngest.’³

2. As for the ḥadīth of Jābir, indeed it is apparently from Abū al-Zubayr from Jābir. However, Abū al-Zubayr himself confessed that he did not hear it from him.¹

Then Ibn Ḥazm mentioned his chain to al-Layth ibn Sa’d who said, “Indeed Abū al-Zubayr handed me two letters. I said to myself, should I ask him if he heard all of this from Jābir? I went back to him and said, ‘Did you hear all of this from

¹ Ibid., 6:97.
² Ibid., 8:369.
³ Ibid., 8:369.
Jābir? He said, ‘Some I heard from him, and some I was told about (ḥaddīthu ‘anhu).’ I said to him, ‘Identify to me what you heard.’ So he identified to me what I have here.’² The narration that was rejected by Ibn Ḥazm was not among the narrations Abū al-Zubayr heard from Jābir.

3. Ibn Ḥazm reported a narration from al-Ḥasan al- aşrī from Abū Hurayra, and afterwards said, “Al-Ḥasan said, ‘I did not hear it from Abū Hurayra.’”³

The proof of inqīṭā’ al-sanad (incompleteness in the chain) supported by other narrations

For example:

1. Ibn Ḥazm reported to those in disagreement with him a narration from Qatāda from Bashīr ibn Nuhayk from Abū Hurayra from the Prophet. He then said, “It is munqati’ (incomplete), because Qatāda did not hear it from Bashīr ibn Nuhayk. He did, however, hear it from al-Nadr ibn Anas from Bashīr ibn Nuhayk from Abū Hurayra. This is how we narrated it from Shu’ba, Saʿīd ibn Abī ‘Arūba and al-Dastuwā’ī, all of whom took it from Qatāda, as we stated.”⁴

2. Ibn Ḥazm reported to those in disagreement with him a narration from Abū Ishāq from ‘Āṣim ibn ‘Amr al-‘Ijlī that some people asked a question of ‘Umar, who replied, “I asked the Prophet, ‘What is a man allowed to do with his wife when

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¹ Ibid., 9:11.
² Ibid., 9:11.
³ Ibid., 10:236.
⁴ Ibid., 8:179.
she is menstruating?’. The Messenger of Allah said, ‘You can do anything above the loincloth (izar), but do not go below it until she is clean.’ And the same was reported (ruwiya) from Abū Ishāq from ‘Umayr, the mawla of ‘Umar. Ibn Ḥazm said, “As for ‘Umar’s ḥadith, indeed Abū Ishāq did not hear it from ‘Umayr, the mawla of ‘Umar. This is because we narrated it from Zuhayr ibn Ḥarb who said, ‘It was narrated to us (haddathana) by ‘Abd Allāh ibn Ja‘far al-Makhramī, who said, “It was narrated to us by ‘Ubayd Allāh ibn ‘Amr al-Jazārī, from Zayd ibn Abī Anīsā, from Abū Ishāq, from ‘Āṣim ibn ‘Amr, from ‘Umayr mawla of ‘Umar, from the Prophet.” Thus he mentioned the text of this ḥadith. Its chain was broken because ‘Āṣim ibn ‘Amr did not hear it from ‘Umar. However, it was narrated, as we mentioned, incompletely from ‘Umayr. The last chain that Ibn Ḥazm mentioned proves the ingīṭā in the previous two chains:

a. Whereas the first chain shows that ‘Āṣim ibn ‘Amr indeed heard what he narrated from ‘Umar, the last chain that Ibn Ḥazm mentioned clarifies that ‘Āṣim did not hear it from ‘Umar, but rather narrated it incompletely from ‘Umayr.

b. The second chain shows that Abū Ishāq indeed heard it from ‘Umayr, servant of ‘Umar. The last chain that Ibn Ḥazm mentioned clarifies that Abū Ishāq did not hear it from ‘Umayr, but narrated it from ‘Āṣim ibn ‘Amr. Thus the break in the two chains is clearly shown.

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1 Ibid., 2:178.

2 See Āḥmad Shākir’s statement in the margin of al-Muhalla, 2:178 (no.2).
3. Ibn Ḥazm reported a linked narration (ḥadīthan muttaṣila) from the evidence of those in disagreement with him, and said that there was ṭadlis (deception) in it. He then reported his narration that proved the inqīṭā'. As for Abū Umāma’s ḥadīth, he said, “We have narrated it from Ibn Wahb from Muḥammad ibn ‘Amr al-Yāfī’ī from a man who narrated to him (ḥaddathahu) from Jaʿfar ibn al-Zubayr from al-Qāsim ibn ‘Abd al-Raḥmān from Abū Umāma.” Ibn Ḥazm said, “This contains two defects: one of them is the weakness of al-Qāsim, and the second is that Muḥammad ibn ‘Amr did not name who reported it to him from Jaʿfar ibn al-Zubayr. Indeed, some people considered it to be deceptive, saying it was from Muḥammad ibn ‘Amr from Jaʿfar. Muḥammad did not, however, meet Jaʿfar ibn al-Zubayr. So this argument collapses.”

Proof of incompleteness using arithmetical calculation

Ibn Ḥazm followed up the dates and scrutinized them carefully to check whether the narrator actually heard the narration from whom he said he did, or from someone else. This was clearly shown in Ibn Ḥazm’s critical approach, and it was typical of his scholarly personality. Ibn Ḥazm reported to those in disagreement with him a narration from Fāṭima bint al-Mundhir, from Umm Salama [the Mother of the Believers]. Then he said, “This is an incomplete narration. Fāṭima bint al-Mundhir did not hear it from Umm Salama, the Mother of the Believers, because she was 12 years older than her husband Hishām, and Hishām was born in the year 60 (that is, 60 AH). Accordingly Fāṭima was born in the year 48 and Umm Salama died in the

¹ Al-Muḥallā, 2:148.
year 59. Fāṭima was young and she did not meet her, so how could she have learnt anything from her?”¹

No exceptions to Ibn Ḥazm’s rule of rejecting incomplete narrations

When reviewing the statements of scholars who consider incomplete narrations to be weak, we find that they make exceptions to this rule. Thus al-Shāfi‘ī, who considers mursal ḥadīths to be weak, made an exception for the mursal of some of the successors and accepted them. Examples included the marāśīl of Sa‘īd ibn al-Musayyib who, as al-Shāfi‘ī explained, passed on (yursīl) only narrations from trustworthy sources.² Thus a group of scholars accepted the marāśīl of some successors, like al-Sha‘bī, Ibrāhīm al-Nakha‘ī, al-Ḥasan al-Ḍārī and Muḥammad ibn Sīrīn.³ In addition, the Ḥadīth scholars made exceptions for the mu‘allaq (suspended) ḥadīths mentioned in Ṣaḥīḥ al-Bukhārī,⁴ even though mu‘allaq ḥadīths contain an incomplete chain and are considered weak by them.

When we come to Ibn Ḥazm, we find that he differs from the other Ḥadīth scholars. Whereas they do not reject every mursal and munqati’ ḥadīth, he makes no exception for anything or anyone. So in his view the mursal was absolutely inadmissible, regardless of who transmitted it. Therefore he said very precisely and

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¹ Ibid., 10:21.
² Qawā'id Ḥadīth, 139.
³ Ibid., 148-157.
⁴ Tadrij, 1:219.
clearly, “It is not acceptable and there is no argument to support it.”

He said, “The transmissions of Sa‘īd ibn al-Musayyib, al-Ḥasan al-Baṣrī and others are similar: none of them is acceptable.” Thus he rejects any break in the chain, regardless of where it occurs (that is, munqatī’, mursal, mu‘allaq, mu‘dal), and regardless of whether scholars narrate such narrations in their books, even in the authentic collections of al-Bukhārī and Muslim, or others. Therefore, Ibn Ḥazm said, “According to al-Bukhārī, Hishām ibn ‘Ammār said, ‘Ṣadaqa ibn Khālid narrated it to us.’” Ibn Ḥazm said, “This is munqatī’, because there is no link between al-Bukhārī and Ṣadaqa ibn Khālid.”

He also rejects another narration by al-Bukhārī, saying that there is no evidence for it because ‘Amr ibn Dīnār did not mention the one who informed him about it. Therefore irsal occurred, and there was accordingly no argument against its being mursal.

Ibn Ḥazm’s methodology clearly shows that after the Qur’ān Islām is based on what is proved to have come from the Messenger of Allāh, that is, the Prophet’s narrations. Only trustworthy narrators from the first link of the chain to its end should transmit these narrations. Any break in the chain, whether at the beginning (mu‘allaq), or in the middle (munqatī’), or at the end (mursal), is not accepted. Indeed, Ibn Ḥazm repeated his statement in many places in Al-Muhalla: “There is no

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1 Ihkām, 2:2.
2 Ibid.
3 Al-Muḥalla, 9:59.
proof in munqāṭī' [ḥadīths]);¹ “There is no proof in mursal [ḥadīths]”.² When Ibn Ḥazm judged narrations to be munqāṭī’, he did not speak in a vacuum but rather supported his statement with clear evidence. His knowledge of history, the lives of the narrators, and the masters (shuyūkha) of every narrator and his student provided him with a sound basis for analysing the breaks in the narrations’ chains. However, those in disagreement with him used as an argument in many cases narrations from narrators who were born after the death of the people from whom they were supposed to have heard the narrations. Or at the time when the supposed transmitters died, the narrators were too young to have understood their narrations. This supported Ibn Ḥazm’s position concerning the impossibility of complete chain linkage. Also Ibn Ḥazm showed in many narrations that the person from whom the narrator narrated was not identified in the record of this narrator, that is, there was no indication that he received a narration from that person. Also his extensive familiarity with the narrations enabled him to seek guidance from those which contained the narrator’s announcement that he did not hear from the person whose narration Ibn Ḥazm’s critics used as an argument. All this gives a clear picture of an important facet of Ibn Ḥazm’s methodology in narration critique. It is a methodology based on precise analysis, the extensive tracing of narrations and narrators, and the use of arithmetical calculation to reach a judgement of a narration as being muttasil (linked) or munqāṭī’ (broken). The difficulty of this huge task can be felt by whoever delves into this field of science and knowledge. Ibn Ḥazm undertook this as one of

¹ Ibid., 10:28.
² Ibid., 10: 83, 168, 204, 319.
the many components that comprised his critical methodology of narrations. In using it he managed to reject 540 narrations in his book *al-Muḥallā*.

It is neither a shortcoming nor a slur that after all this hard effort Ibn Ḥazm was unsuccessful in a few cases. One example was his opinion of the rule regarding a person who intentionally postpones his prayer until its time has expired, which he held, can never be performed later. Then he referred to the evidence of those in disagreement with him, claiming that some of them misrepresented the ḥadīth he narrated from Anas: “The war intensified on the day of the Tustar victory, so they did not perform the *Fajr* prayer until after sunrise”. Ibn Ḥazm said, “This report could not be valid, because Makḥūl reports that Anas ibn Mālik said such and such, yet he (Makḥūl) did not meet Anas.”\(^1\) So Ibn Ḥazm judged the chain to be broken and therefore rejected it. Yet according to the statement by the Ḥadīth scholars, Ibn Ḥazm was clearly wrong in his assertion that Makḥūl did not meet Anas ibn Mālik. As al-Tirmidhī said, Makḥūl heard narrations from Wāthila, Anas and Abū Hind al-Dārī. Also, Ibn Ḥajar said that Makḥūl heard narrations only from those Companions listed above, that is, the ones mentioned by al-Tirmidhī.\(^2\) Thus if we maintain that Ibn Ḥazm was at fault in his judgement that this narration was broken or one of a group of narrations, it does not at all devalue his efforts or his strict methodology in judging narrations to be broken. Perfection is not a human characteristic. Indeed, that faults should be present, although the majority of cases were successfully correct, is something to be expected, for this is a natural feature of

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1 Ibid., 2:244.
2 *Tahdhib*, 10:289(509). See Ahmad Shākir’s statement in the margin of *al-Muḥallā*, 2:244 (no.3).
human work. It opens the field for scientific efforts to be corrected and deficiencies to be supplied. It is evident from the merits of Ibn Ḥazm’s critique that his methodology is the preservation and application of the rule in all relevant cases without any exception: whenever exceptions are made to the rule, its accuracy is reduced and it is weakened as a methodology established to analyse and judge the narrations.

Rejection of narrations from the criticism of the text

Ibn Ḥazm rejected many narrations as a result of his criticizing their texts. In this he adopted the methodology of scholars in their criticism of the narrations, as defined by Ibn al-Ṣalāḥ,\textsuperscript{1} al-Nawawī,\textsuperscript{2} Ibn Kathīr,\textsuperscript{3} al-Suyūṭī\textsuperscript{4} Ibn Ḥajar,\textsuperscript{5} al-Ṣa`ānī\textsuperscript{6} and others. They indicated that scholars might declare the chain to be authentic or good without applying a similar description to the text. It was possible that the chain might be valid and the ḥadīth invalid, for the text might contain *shudhūdāh* (anomalies) or an ‘illa (defect).\textsuperscript{7} A *shudhūdāh* ḥadīth, as defined by al-Shāfī‘i, is a ḥadīth with a faultless chain because it is from a trustworthy narrator but which contradicts what is narrated by a group of trustworthy narrators.\textsuperscript{1} A *ma`lūl* ḥadīth is a ḥadīth with an error but which might not be immediately obvious to the reader because on the

\textsuperscript{1} Muqaddima, 35.
\textsuperscript{2} Tadrīb, 1:161.
\textsuperscript{3} Ikhtisār, 43.
\textsuperscript{4} Tadrīb, 1:161.
\textsuperscript{5} Nukat, 1:474.
\textsuperscript{6} Tawdīḥ, 1:211
\textsuperscript{7} Muqaddima, 83.
surface the validity of an authentic ḥadīth lay in the correctness of its chain. However, it came to light when the entire pattern of narration was reviewed and the ḥadīth content scrutinized. The conditional faultless text (ṣalāmat al-matn) is an important part of Ḥadīth scholars’ methodology. This is because the analysis of narrations with regard to the reliability of their chains is not a complete methodology of narration critique. Although the chain may be valid because its narrators are known to be trustworthy, the trustworthy narrator is not perfect. He may make mistakes, or forget, or he may not have heard and understood the narration accurately, and accordingly he quoted it as he heard it. Therefore, text critique is an important part of the Ḥadīth scholars’ methodology. In his criticism of the text and consequent rejection of narrations, Ibn Ḥazm neither lists nor explains his reasons. However, when these narrations are reviewed, they may be classified as follows.

Rejection of narrations that contradict indisputable historical data

Most of the narrations whose texts are criticized by Ibn Ḥazm contradict historical data. Examples of these are as follows.

1. Ibn Ḥazm says, “The sacrificial animal (udḥliya) can be any bird or four-legged animal whose meat is lawful (ḥalāl) food, such as horses, camels, antelopes and cockerels. The best of all are the most expensive, which have plenty of testy meat.”

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1 Ibid., 68.
2 Tadrīb, 1:254.
3 See for example: Maqāyīs and Naqd al-Mutūn.
4 Al-Muḥallā, 7:370.
Ibn Ḥazm then gives his proof for this, and explains that camels and cows are better than sheep. He mentions that the proof of those who claim that sheep are better is “a narration I narrated from Abū Hurayra, that Jibrīl said to the Prophet on the day of the Greater pilgrimage, ‘O Muḥammad, a young sheep (al-jadha’a min al-qa’n, that is a yearling/ a sheep which is more then a year old) is better than a high-quality goat, and a lamb is better than a high-quality cow or a high-quality camel. If Allāh had known of anything better, He would have sacrificed it for Ibrāhīm.” Ibn Ḥazm says, “The report attributed to Abū Hurayra is an obvious lie when it states that Allāh sacrificed it for Ibrāhīm. He certainly did not sacrifice it for Ibrāhīm but for Ibrāhīm’s son Ismā’īl.”

2. Ibn Ḥazm says, “It is forbidden to eat any part of a donkey, whether wild or not. Eating zebra is permitted, whether domesticated (ta’anassat) or not. Eating horses and mules is permitted.” Then he gives his proof for this. He recalls a narration, to which he refers those who dispute with him, “from Khālid ibn al-Walīd that the Prophet prohibited the eating of horses, mules, donkeys, every beast of prey with canines (nāb) and every bird of prey with talons (mikhlab).” Ibn Ḥazm says, “There is evidence of fabrication in it because the ḥadīth contains a statement by Khālid ibn

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1 Ibid., 7:371.
2 Ibid., 7:372.
3 Ibid., 7:400.
4 Ibid., 7:408.
al-Walīd claiming that he was with the Prophet during the invasion of Khaybar.\(^1\) This is invalid because there is no doubt that Khālid did not embrace Islām until after Khaybar.\(^2\)

3. Ibn Ḥazm says regarding ‘umra,\(^3\) “It is a valid complete grant. The grantee (\textit{\text{mu’anmar}}) owns it in the same way as all his belongings. He can sell it if he wishes, it may be inherited from him and will not be returned to the grantor (\textit{\text{al-mu’ammar}}) or his inheritors, whether its return was conditional or not, the condition in this case being no longer valid.” Then he said, “This is what was said by Abū Ḥanifa, al-Shāfī‘ī, Aḥmad, their companions and some of our companions.”\(^4\) Then he gave his evidence for this with an explanation to those who disagreed with him namely, al-Qāsim ibn Muḥammad, Yaḥyā ibn Sa‘īd al-Anṣārī, Mālik and al-Layth. He referred to the proof of those who followed Malik, for example, the narration from ‘Abd al-Raḥmān ibn Muḥammad ibn Abī Bakr al-Ṣiddīq: “Ā’ishah, Mother of believers, used to grant (\textit{\text{tu’mir}}) property to her nephews in their lifetimes, and when any of them died she used to reclaim his residence. Therefore, we [‘Abd al-Raḥman and his father and his grandfather] inherited all of it from her.”\(^5\) Ibn Ḥazm said, “The report on ‘Ā’isha is false, for it is certain that ‘Abd al-Raḥmān ibn al-Qāsim, his

\(^{1}\) He may mean the detailed narration, because this information was not given in the above narration.

\(^{2}\) \textit{Al-Muḥallā}, 7:408.

\(^{3}\) The granting by one person to another the use of a piece of property during the lifetime of the grantor or the grantee. For example, a person may say, “I grant you (\textit{\text{a’martuka}}) my house, or it is yours, as long as I live (\textit{\text{'umur}}) or as long as you live (\textit{\text{'umuruka}}).” \textit{Mu’jam al-Fiqh}, 2:721.

\(^{4}\) \textit{Al-Muḥallā}, 9:164.

\(^{5}\) Ibid., 9:166
father al-Qāsim and his grandfather Muḥammad did not inherit from ʿĀʾisha. Nothing actually came to them by way of inheritance because Muḥammad was killed during her lifetime, approximately twenty years before her death. Only ʿAbd Allāh ibn ʿAbd al-Raḥmān ibn Abū Bakr inherited from her, because he was the son of her full brother (ṣhaqīq). Thus al-Qāsim ibn Muḥammad was excluded from inheriting [i.e. because he was her half brother, and half brothers are excluded from inheriting by the presence of a full brother] (ḥuṣīb). Ibn Ḥazm judged this narration to be invalid because:

a. Muḥammad, the narrator’s grandfather, ʿĀʾisha’s brother, had predeceased her by approximately twenty years.

b. The nephew who was the son of her full brother (ibn akh ṣhaqīq), ʿAbd Allāh ibn ʿAbd al-Raḥmān (both ʿAbd al-Raḥmān and ʿĀʾisha were the children of Abū Bakr and Umm Rūmān), excluded (yāḥṣīb) the nephew who was the son of her half-brother, al-Qāsim ibn Muḥammad, for Muḥammad was ʿĀʾisha’s brother through her father only. His mother, however, was Asmāʾ bint ʿUmays. Therefore, the person who inherited from her was ʿAbd Allāh ibn ʿAbd al-Raḥmān ibn Abī Bakr, not al-Qāsim ibn Muḥammad ibn Abū Bakr. This is the proof of the invalidity and falsity of this narration.

4. Ibn Ḥazm says, “The declaration of divorce by a sick man is the same as that of a healthy man; it does not make any difference whether he dies from that sickness or not. If the sick man had made three declarations, the third declaration or before he

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1 *Fiqh Islāmī*, 8:345.
resumed marital relations with the wife, he or she died before completing the 'idda or after, or if it was a revocable divorce (talaq raj 'I) and the husband did not take back the wife before he or she died after the completion of 'idda, she does not inherit anything from him, and he does not inherit from her. Also, there is no difference between the divorce of the sick by the healthy and the divorce of the sick by the sick.” Then Ibn Ḥazm discusses the views of those who disagreed with him who make a distinction between the divorce of the healthy and that of the sick. He says, “If you say that you narrate from Ja‘far ibn Muḥammad from his father that al-Ḥusayn ibn ‘Alî divorced his wife while he was sick, and she inherited from him, we would say that this narration is not valid as proof (lā ḥujjata fiḥā). First, it may be rejected because it says al-Ḥusayn divorced his wife while he was sick, and she inherited from him. Al-Ḥusayn did not die of natural causes in his bed, but was killed. So this proves that he recovered from that sickness.” Ibn Ḥazm’s argument is that this narration conflicts with historical facts, for this narration indicates that al-Ḥusayn died from an illness and his divorcee was his heiress, whereas it is well-known [without any doubt], that al-Ḥusayn was martyred on the battlefield, which indicates that this narration is invalid.

1 The period during which the divorcee or the widow cannot remarry: three months for a divorcee and four months and ten days for a widow.
2 Revocable divorce, that is, when a husband can take back his divorced wife without a new dowry or marriage contract while she is in the 'idda, or with a new dowry and marriage contract if the 'idda has elapsed.
3 Al-Muḥallā, 10:218.
Rejection of a narration for contradicting reality

Ibn Ḥazm rejected a number of narrations on the basis that their contents contradicted the reality which the people experienced in their lives. Examples are as follows:

1. Ibn Ḥazm says, “People disagree about locusts. Some says that Abū Hurayra reported that the Prophet said, ‘Locusts are the catch of the sea’. And some says that Ka’b said to ‘Umar, ‘O Amīr al-mu’minīn, locusts are scattered by the whale, who scatters them twice a year. Hunting and eating them are permitted for the pilgrim who is in a state of ritual purity.’”² Ibn Ḥazm said, “The report about this from the Messenger of Allāh is fabricated without any doubt. People witness locusts laying eggs in the desert, where the eggs hatch, and there they remain until they die. If they are dipped in fresh or salt water they die, like all other land animals. And the Messenger of Allāh never told a lie. This statement is clearly null and void. The truth is that they are land-game, the hunting of which is definitely forbidden to the pilgrim who is in a state of ritual purity and in al-Ḥaram (the holy place of Makka).”³

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1 Ibid., 10:228.
2 The pilgrim who is in a state of ritual purity is forbidden to hunt land-game but permitted to hunt water-game in accordance with the verse from the Qur’ān, sura al-Mā’ida, 96: “Lawful to you is (the pursuit of) water-game and its use for food – for the benefit of yourselves and those who travel, but forbidden is (the pursuit of) land-game as long as you are in a state of ḫirām (for Ḥajj or ‘Umrah). And fear Allāh, to Whom you shall be gathered back.”
3 Al-Muḥallā, 7:23.
4 Ibid., 7:231.
2. Ibn Ḥazm says, “Eating from the middle of the dish is not permitted, nor eating what is not before you, whether the food is of one type or of various kinds.”¹ He then made a general judgement of all the forbidden kinds of food, mentioning the views of those who differentiated between foods and their saying that eating some kind of food from anywhere in the dish was permitted. He said that their evidence was what was said by ‘Ikrāsh when he was with the Messenger of Allāh as they were presented with a plate of tharīd (thick soup). The Messenger of Allāh said, “O ‘Ikrāsh, eat from one place, it is one type of food.” Then they were brought a plate of various kinds of dates (alwān min rūqab aw tamr). The Messenger of Allāh said, “O ‘Ikrāsh, eat from wherever you like, it is not one type of food. He ‘Ikrāsh said, “Then the hand of the Prophet travelled around the plate.”² Ibn Ḥazm says, “It is not possible that the Messenger of Allāh would have said such a thing, because it is very rare to have a dish that does not consist of various ingredients. Even tharīd (thick soup) contains bread, meat, and perhaps onions and chick-peas. Broth is the same. Meat comprises fat and liver, back and chest meat. This applies to most dishes.”³

In rejecting this narration, Ibn Ḥazm refers to its contradicting reality. Since it is a fact that foods contain more than one ingredient and those which contain only one ingredient are rare, the narration is not a reliable reference. The prohibition affects all foods, and so this report is not valid.

¹ Ibid., 7:422.
² Ibid., 7:423.
³ Ibid., 7:423.
3. Ibn Ḥazm says, "If nabīḍh① is made from tamr (dried dates) or ruṭah (fresh ripe dates) or zahw (semi-ripe dates) or busr (unripe dates) or zabīb (raisins) with similar ingredients, or with different ingredients, or a nabīḍh from one of these is mixed with a similar nabīḍh or a different nabīḍh or with a different liquid except water, its consumption is forbidden, whether it intoxicates or not. However, nabīḍh made from one type of these fruits is lawful. If a nabīḍh made from one of these five fruits (dried dates, fresh ripe dates, semi-ripe dates, unripe dates or raisins) is mixed with nabīḍh made from another of these five also, or nabīḍh is made from two of these fruits, or fresh juice is mixed with nabīḍh, all of these are lawful, just like balāḥ (dates), grape juice, fig nabīḍh, honey, wheat, barley and others than those which we mentioned, without exception."

Abū Ḥanīfa endorsed the legality of any two mixtures, and his followers supported him in several narrations.② Mālik said that the mixing of any two types was forbidden during the making of the nabīḍh and afterwards, as was pressed juice, and he did not confine it to a specific ingredient.③ Among the narrations to which the Mālikites referred was one narrated from Anas: "The Messenger of Allāh forbade us from combining two things in nabīḍh, one of which would speed up the fermentation of the other to make the nabīḍh alcoholic (mimmā yabghī‘ahdumā ‘alā ẓāhībihi).

① Nabīḍh: is water in which dates and grapes are soaked, which is not yet fermented.
② Al-Muhallā, 7:508.
③ Ibid., 7:511.
④ Ibid., 7:510.
Anas used to hate mudnhib dates for fear that they were two things. Therefore we used to cut them into two.” Ibn Ḥazm said, “It is an invalid and irrational statement. It is not at all permissible to ascribe it to the Prophet, because nobody knows what is meant by yabghī aḥaduhumā ‘alā šāhibihi (one of them attacks the other) in nabūd. If it means that one of them expedites the boiling of the other, then we say that this is clearly untrue. When the dates and raisins are boiled, they are combined in the nabūd, except for the period when the raisins or the dates are boiled alone. The Prophet spoke only the truth.” Ibn Ḥazm’s rejection of this narration was due to what he saw in reality, that is, the interpretation of the word yabghī meaning ya’jal (expedite). In reality, the boiling of one of the mixtures does not expedite the boiling of the other, but the time taken to boil the two mixtures and each individually is the same.

Rejection due to contradiction in the narration

A saying is clearly invalid when its content is contradictory. Ibn Ḥazm uses this principle in his rejection of a number of narrations, for example:

1. Ibn Ḥazm says, “Both widow and a woman who has been divorced by three declarations or the third declaration of divorce may stay wherever they wish. They are not entitled to accommodation and maintenance either from the divorcer or from the heirs of the deceased husband. They may make the pilgrimage during the ‘idda

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1 A date that has begun to ripen at its tail end, so that it looks half bisr and half ruṭab.
2 Al-Muḥalliā, 7:513.
3 Ibid., 7:514.
and travel to wherever they wish. However, every divorcee with a revocable divorce is forbidden during the ‘idda from going out of the house where she lived when she was divorced, and she is entitled to maintenance and clothing. However, if there is a genuine fear for her safety or she is to be punished for a sin she committed, she may leave. In other than these circumstances she is permitted to go out only in cases of dire necessity beyond her control.”1 Ibn Ḥazm gave his evidence for each part of the foregoing. His evidence that a fully divorced woman (al-mabtūta) was not entitled to accommodation or maintenance was based on the well-known ḥadīth of Fāṭima bint Qays. The Messenger of Allāh did not authorize her accommodation and maintenance.2 However, those in disagreement with Ibn Ḥazm note that the entitlement of a fully divorced woman to accommodation is reported in a narration from ‘Ā’isha. They clarified the reason for the Prophet’s decision not to authorize accommodation by recalling that ‘Ā’isha said to Fāṭima bint Qays, “This is why you have been ousted,” meaning her tongue.3 This was an indication that Fāṭima was harming people with her tongue. Ibn Ḥazm discussed this with them and told them about another narration containing the story of Fāṭima, which greatly discredited ‘Ā’isha. ‘Ā’isha said, “Fāṭima was in a lonely place (makān wahsh) which frightened her, and therefore the Prophet permitted her to move to another house.”1 Ibn Ḥazm said, “This is invalid (bāṭil), for whoever scrutinizes this report and the preceding one will find that they contradict each other. If she was ousted owing to her sharp

1 Ibid., 10:282.
2 Ṣaḥīḥ Muslim, Bāb al-muṭallaqa thalāthan lā nafaqa lahā.
3 Al-Muḥallā, 10:294.
tongue, as in that report, it is illogical that she was living in a lonely place, which frightened her, and accordingly the Prophet permitted her to leave. There is no doubt that she was among people, whom she harmed with her tongue, therefore she was not in a lonely place. If she was in a lonely place and feared for her safety, there could not have been anyone to harm with her tongue, for which she was ousted. Allāh will expose only the liars.” Ibn Ḥazm proved the invalidity of the narration, for each narration contradicts the other. Both described the same situation, but using interpretations that could not occur together. Accordingly, both narrations were discredited, owing to their obvious in incompatibility.

2. Ibn Ḥazm says, “Whoever kills a believer in dār al-Islām (Muslim territory) or in dār al-harb (non-Muslim territory), knowing that he is a Muslim, the guardian (wāli) of the victim has the option, if he wishes, to kill him in the same way as the murderer did, or, if he wishes, to forgive him. Whether the murderer likes it or not, he has no say in the matter. The guardian’s forgiveness for the murder and his silence regarding the blood money (financial compensation payable by the murderer to guardian of the victim) do not cancel the blood money, rather it is an obligatory payment to the guardian even if he does not mention it, unless he waives his claim to the blood money also. If the guardian wishes, he may forgive him to their mutual satisfaction. However, he is not obliged to do so, especially if the murderer does not convince him, and he may demand either the qawad (retaliation) or the blood money. If the guardian insists on more than the blood money, the murderer is not obliged to

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1 Ibid.
2 Ibid.
Then Ibn Ḥazm explains the difference between scholars supporting this matter. A group, among them Abū Ḥanīfa, Sufyān al-Thawrī and Mālik said, “The guardian of the victim can choose either retaliation or forgiveness, and blood money is not obligatory unless the murderer agrees.” They referred to the following two narrations as evidence.

The first is from Wā’il ibn Ḥujr. A murderer was brought to the Messenger of Allāh, so the Prophet asked him, “can you afford to pay the blood money?” He said, “No.” The Prophet said, “Supposing I released you into the hands of influential people to collect the blood money?” He said, “No.” The Prophet said, “Did your relatives give you the blood money?” He said, “No.” The Prophet said to the guardian of the victim, “Take him.” Then he said, “If he kills him, he will be the same as he is.”

The second is from Anas ibn Mālik. A man brought to the Messenger of Allāh the murderer of the person to whom he acted as guardian. The Prophet said to him, “Forgive him,” but he refused. The Prophet said, “Accept the blood money,” but he refused. Then the Prophet said, “Go and kill him, for you are like him.”

Those in dispute with Ibn Ḥazm said that in Wā’il’s ḥadīth the Prophet consulted the murderer about paying the blood money. If it was obligatory, he would not have consulted with him about it. Anas’s ḥadīth showed the difference between

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1 Ibid., 10:360
2 Ibid.
3 Ibid.
4 Ibid., 10:360.
5 Ibid.
forgiveness and accepting the blood money. If blood money was obligatory despite forgiveness, even if the guardian did not mention it, the Prophet would have dispensed with reiterating it.\(^1\) Ibn Ḥazm said, “There is no doubt that they are both fabricated reports. They contain from the Messenger of Allāh what he would not say: namely, that the punishment of hell would be meted out to the one who exercised the right given to him by the Messenger of Allāh, and whom the Prophet ordered to do so; and the guardian kills someone whom he was forbidden to kill. This is in contradiction to the authority of Allāh, Who is far above His Messenger.”\(^1\) Ibn Ḥazm refers to the last sentence of each narration: “If he kills him, he will be the same as he is”; “Go and kill him for you are like him”. The two aspects of the point of law to which the two narrations are referring completely contradict each other:

a. Killing the murderer was the right of the guardian, and the Messenger of Allāh gave the guardian that right.

b. Affirmation of the punishment of hell for the guardian if he killed the murderer:
   “he will be the same as he is”; “you are like him”.

c. The killing of the murderer by the guardian in accordance with the Prophet’s order “take him”; “go and kill him”.

d. The Prophet forbade killing the murderer: “if he kills him, he will be the same as he is”; “you are like him”. They contain a warning not to kill him.

The argument of Ibn Ḥazm was that since this contradiction could not have been made by a rational person, then how could it have come from the Prophet? Therefore, it decisively underlines the falsity of the two narrations.

\(^1\) Ibid., 10:362.
Rejection of narrations containing wide exaggeration

Ibn Ḥazm rejected many narrations because the texts contained widely exaggerated expressions and unacceptable ideas. The following are typical examples.

1. Ibn Ḥazm says, “Whoever sells a commodity for a known price, to be paid immediately, or soon after or later, can buy back that commodity from the person to whom he sold it at the original price or for more or less, to be paid immediately or on an agreed date before or after or on the original day of payment. All of those transactions are lawful and acceptable unless the same contract is conditional. If the contract is conditional, then it is forbidden and must be revoked or it becomes exploitation (ghaṣb). This is the statement of al-Shāfī‘i and Abū Sulaymān and their companions. Abū Ḥanīfa and Mālik had different views. Abū Ḥanīfa said, ‘It is not permissible for someone to buy a commodity for a price and collect the commodity, then sell it back to the vendor for less than the original price before he pays the original price.’ Mālik said, ‘It is not permissible for someone to buy an article at a specified price to be paid on a certain date, and then to sell it back to the vendor for less than the original price or in exchange for a commodity worth less than that price in cash, to be paid on a certain date either before the originally agreed date or on the same day.’ Their evidence is based on what was narrated by the wife of Abū Ishāq, Who said, ‘We visited ‘Ā’isha, the Mother of the Believers, and an umm walad (the

1 Ibid., 10:365.
2 Ibid., 9:47.
3 Ibid., 9:48.
slave woman who became pregnant by her master) of Zayd ibn Arqam. The boy’s mother (the umm walad) said, “I sold a boy to Zayd ibn Arqam for 800 dirhams to be paid on a certain date, and bought him back for 600.” 'A’isha said, “Inform Zayd that he has invalidated his jihād with the Messenger of Allāh, unless he repents. The way in which you bought and sold was unlawful.” She said, “Supposing I take only my capital?” ‘A’isha said. “Those who have received guidance from their Creator and withdraw, may keep the proceeds.”1 Those who forbid this type of financial dealing do so because it is considered to be ribā (usury), accomplished by tricks and deception, intentionally or otherwise. Ibn Ḥazm said, “The obvious proof of the falsity and fabrication of this report, which can never be authenticated is its content, which was ascribed to the Mother of the Believers. It was said that she informed Zayd that his jihād with the Messenger of Allāh was invalid if he did not repent. Zayd missed going out with the Messenger of Allāh for only two battles, Badr and Uhud. He witnessed with the Prophet all his battles undertaken before al-Fāṭih (triumphal entry into Makka). He fought for and witnessed Bay’at al-Riḍwān (the Riḍwān covenant) under the tree in al-Ḥudaybiya. The Qur’ān mentioned him, and Allāh confirmed his truthfulness and that he would go to heaven on his Messenger’s word that no one who made the covenant under the tree would go to hell. The Qur’ān declared that Allāh was pleased with him and with his companions who pledged their

1 Ibid., 9:48. ‘A’isha meant that what Umm Walad had done was ribā (usury), referring to surah al-Baqarah, 275.
homage to him under the tree.” Ibn Ḥazm continued, “I swear by Allāh (that none of these things that Zayd had done) will be invalidated by an offence of any type except 
\textit{al-ridda} (apostasy) from Islām. And Allāh (be He exalted) protected him (\textit{aʿādhahu}) by being pleased with him, and protected (\textit{aʿādh}) the Mother of the Believers from 
saying such a falsehood. What also makes this clearly a lie is that if it were true that 
Zayd had committed the great offence of blatant usury, which he did not know was 
forbidden, that ignorance would have been a redeeming factor, and it would not have been sinful.\footnote{Al-Muhalla, 9:55.}

It is obvious that Ibn Ḥazm rejected this narration, because it was based on the expression reported from the tongue of the Mother of the Believers, ‘Āʾisha, with regard to Zayd: “you invalidated your jihād.” This phrase contains a wide exaggeration in commenting on Zayd’s action. One cannot imagine it, therefore, enamating from the Mother of the Believers, and it cannot refer to someone like Zayd, who possessed that great balance in Islām that cannot be erased or invalidated, as Ibn Ḥazm says, except by apostasy from Islām. Far be it from Zayd to commit apostasy, for Allāh protected him and declared His pleasure with him and with his brothers, may Allāh be pleased with them.

\footnote{1 Be He Exalted saying: “Indeed Allāh was pleased with the believers when they gave their \textit{bayʿa} (pledge) to you under the tree, He knew what was in their hearts, and He sent down \textit{as-sakinah} (calmness and tranquillity) upon them, and He rewarded them with a near victory” (Sura al-Fath, 18).}

\footnote{2 Referring to the saying of the Prophet, “If the ruler has judged diligently and is proved to be right, he has two rewards, and if he has made a mistake, he has one reward “.\textit{Ṣahīh Muslim}, 2: 1342 (15).}
2. Ibn Ḣazm says, "Selling chess sets, flutes, lutes, stringed instruments and mandolins, is all permitted. Whoever breaks any of these has to pay compensation to its owner." Then Ibn Ḣazm mentions the views of those who forbade chess, discusses them all, and gives his response. Among these arguments is what was reported from ‘Uqba ibn ‘Āmir al-Juhanī who said, "I should rather worship an idol instead of Allah (be He exalted) than play chess." Ibn Ḣazm said, "This is a pure lie. Allah forbid that a Companion should say that worshipping idols instead of Allah (be He Exalted) is equivalent to any other sin. How can unbelief (kufr) be less serious than this?" Ibn Ḣazm’s argument in rejecting this narration is the use by the Companion of the wildly exaggerated expression “worship an idol” against playing chess. Even if we consider chess to be forbidden, its illegality cannot in any way be greater than worshipping an idol, which is the equivalent of disbelief. Therefore, it cannot be reasonable for a Companion to consider disbelief to be less serious than playing chess.

Rejection of narrations on the basis of language

Among the criteria on which Ibn Ḣazm based his criticism of texts was the aspect of language. Whenever the language can prove that the narration did not originate from the Prophet, that narration should not be accepted. Ibn Ḣazm’s linguistic conclusions may be divided into two sections:

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1 Ibid., 9:55
2 Ibid., 9:61.
1. Linguistic analysis

Ibn Ḥazm said regarding *al-shuf'a* (preemption), "Where a party does not offer his partner first refusal before the sale of the party's share, the partner has the right of pre-emption, whether he was informed or not of his right by a third party, whether he attended the sale or not, and whether he witnessed the event or not. He may take his share whenever he wishes, even after eighty years or more. If he pronounces his withdrawal, then he loses his right. His right is not invalidated by the offer of any other than the first party or his representative." Ibn Ḥazm then mentions statements by Abū Ḥanīfa, Mālik and al-Shāfi‘ī and give a general response to them, except the second statement by al-Shāfi‘ī. According to al-Shāfi‘ī, if the partner has delayed making the request without a good reason for a period of time, he loses his right. If he has delayed it for a good reason he reforms his right, whether it has taken a long or short time. Ibn Ḥazm said, "We examined this opinion but could not find any evidence for it except that some falsifiers brought fabrications ascribed to the Messenger of Allah, that he said, 'Pre-emption is like untying a knot (*ka nashṭat ‘iqāl*) and pre-emption is for whoever asks for it (*li man wāḥahahā*)." Ibn Ḥazm says, "As far as *al-shuf’a li man wāḥahahā* is concerned, what does not occur to us now is mentioning its chain, but it has no benefit in any case. As for the expression *li man wāḥahahā*, it is invalid, for it is not permissible to attribute something like this

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2. The right of one partner to purchase for the original selling price the share of the other partner which was sold without the first partner's knowledge.
to the Messenger of Allâh. The statement by the transmitter *al-shu‘a li man wâthabahâ* (pre-emption is for whoever asks for it), obliges the partner to make the request at the time of the sale, not afterwards, because *muwâthaba* is an action by two actors. His request must be made at the time of the sale and not afterwards, because a delay in the request (*al-wathb*) is not called *muwâthaba*.1 Ibn Hazm links his analysis of the expression mentioned in the narration *li man wâthabahâ* and the religious interpretation of *shu‘a* (pre-emption) and reaches the conclusion that it is impossible to utilize this word with *shu‘a* (pre-emption) for the following reasons:

a. *Shu‘a* (pre-emption) in Islamic law is the right of the co-sharer to buy the share that has passed from his partner to a third party without the co-sharer’s knowledge. Accordingly, the right of *shu‘a* does not exist until after his partner has completed the sale of his share from the partnership to a third party.

b. *Shu‘a*, in accordance with this interpretation in Islamic law, is an act by one party, that is, the co-sharer who did not know about the sale made by his partner.

c. The term *wâthabahâ* indicates in Arabic that it is the act of two parties.

d. The act performed by the two parties, takes place at the time of the sale, when one party sells and the other buys.

From this linguistic analysis, the word *muwâthaba* cannot be part of the religious interpretation of *shu‘a*, as in the above narration, and this is proof of the fabrication of that narration and its falsity.

1 Ibid., 9:91.
2. Rejection of a text on account of one word

Ibn Ḥazm says, “Both Abū Ḥanīfa and Mālik prohibited praying two rak‘ās (prostrations) after the ‘Aṣr (afternoon) prayer. As for al-Shāfi‘ī, he said, ‘He who misses the two prostrations before or after the Zuhūr (noon) prayer may perform them after the ‘Aṣr (afternoon) prayer. If he performs them after ‘Aṣr, he may fix doing them at that time and never abandon them. ‘Ahmad ibn Ḥanbal said, ‘I do not perform them but I do not reject those who have ever performed them.’ Abū Sulaymān said, ‘They are praiseworthy (mustaḥsan).’” Ibn Ḥazm discussed everyone’s evidence and rejected all of it, mentioning from it what was reported from ‘Abd al-Rahmān ibn Abī Sufyān, that Mu‘āwiya sent to ‘Ā‘ishah, asking her about the two sajdas (prostrations) after the ‘Aṣr (noon) prayer. She said, “the Prophet did not do them in my house. However, Umm Salama informed me that he did do them in her presence.” Then Mu‘āwiya sent to Umm Salama. She said, “The Messenger of Allāh did perform them in my house. I never saw him doing them before or after that. He said, “these are two prostrations which I usually used to do after the noon prayer. On one occasion some young camels from the sadaqa (alms) were brought to me, and I forgot the prostrations until I did the ‘Aṣr (afternoon) prayer and then I remembered them. I disliked doing them in the Mosque with people looking at me, therefore I did them in your house.”’ Ibn Ḥazm says, “This is a fabricated report without any doubt, because it contains an expression which the

1 Ibid., 9:91.
2 Ibid., 2:264.
3 Ibid., 2:267.
Prophet could not possibly have used. That was: 'I disliked doing them in the Mosque with people looking at me, therefore I did them in your house'. It should be known that not doing them does not mean that it is makrūḥ (unpleasant) or ḥarām (forbidden) or mubah ḥasan (good and permissible). If it were forbidden or unpleasant, then whoever accused the Messenger of Allāh of hiding the forbidden is a kāfir (disbeliever) for declaring the Messenger of Allāh to have gone astray when he was ordered to read out to the people: ‘I do not wish, in apposition to you, to do that which I forbid you to do’.\(^1\) It is also impossible that the Prophet would have encouraged an unacceptable prayer for which there was no reward. This is the essence of what Allāh (be He Exalted) ordered him to say about it: ‘Nor am I one of the mutakallifīn [fabricators]\.\(^2\)\ Allāh (be He Exalted) forbade the Prophet to do anything that did not draw him closer to his Lord. Allāh may have made him forget something, and so there is no benefit in it for us, to make us closer to our Lord.'\(^1\) Ibn Ḥazm rejects this narration because the text contains the phrase “therefore I disliked”. Either the action brings one closer to Allāh and the Prophet did not dislike performing it in front of other people and setting an example to them, or the action contravenes the shari‘a (Islamic law), and therefore he disliked performing it in front of other people. The latter does not be-fit the rank of the Prophet and his infallibility protected him from such behaviour. Accordingly the narration is fabricated without any doubt.

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1 Surah Ḥād, 88.
2 Surah al-Zumar, 86.
Rejection of a narration which contradicts a fixed fundamental of Islamic law

Ibn Ḥazm rejects any narration whose text contradicts any principle derived from clear Islamic teachings, which are supported by Qur’ānic verses, or a fundamental approved by the shari‘a and established in Muslim life. These Islamic principles and fundamentals are many. The following examples are from several reports whose text were criticized by Ibn Ḥazm.

1. That injustice is forbidden is a fixed fundamental in the shari‘a. Indeed, the whole of Islam is aimed at promoting the welfare of people in this life and the hereafter, and the elimination of injustice in its various forms from people’s lives. Injustice may be personal, such as when one person commits an injustice against another, or group injustice like the injustice of one group against another, or an individual against a group, or a group against an individual. It is narrated that Allāh (be He Exalted) said: “My worshippers! I forbid injustice from myself and forbid it among you, so do not be unjust to one another.”

Ibn Ḥazm says, “If the parents are in need of the services of the son or the daughter, married or not, the son and the daughter are not permitted to leave home, nor to cause the alienation of the parents in any way. Their right has priority over that of the wife or husband. If the parents are not in need of this care, the husband may take his wife wherever he wishes, as long as it is not against their interests.”

Ibn Ḥazm then mentions that there are different views on this matter and that some

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1 Al-Muhalla, 2:270.
2 Šahih Muslim, 4:1994, chapter on the forbidding of injustice.
scholars give the husband a right over that of the parents and over that which a husband has been given by the shari'a. He discusses all the views and comments on the evidence. Among the evidence is that which is narrated from Ibn 'Umar that the Messenger of Allāh was asked about the right of the husband over his wife. He said that she was not to go out of her house without his permission, and if she did, the angels of Allāh, the angels of mercy and the angels of punishment would curse her until she returned home or repented. Someone then said, “O Messenger of Allāh, even if he was unjust to her?” He said, “Even if he was unjust to her.” Ibn Ḥazm said, “Allāh forbid that the Messenger of Allāh should permit injustice. It is a fabricated addition.”

2. Islām’s clear encouragement of marriage and reproduction is a fixed fundamental, legislated in the Qurʾān and the Sunna, and unanimously agreed on. Allāh (be He Exalted) said: “Then marry (other) women of your choice, two or three or four.”

Three Companions visited the Prophet’s house, asking about his life. One of them decided not to get married, the second decided to fast every day, and the third decided to pray all night. When the Prophet heard what they had decided, he said, “I fear Allāh more than you, and I am devoted to Him more than you, but I fast and eat, I pray and sleep, and I marry women, and whoever dislikes my Sunna is not one of

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1 Ibid., 10:331.
2 Ibid., 10:332.
3 Ibid., 10:332.
4 Surah al-Nisā', 3.
my companions.”

It is narrated that the Prophet said: “Marry the most fertile, and the Muslim community will be increased by you before the other communities on the Day of Resurrection.”

Ibn Ḥazm says, “It is obligatory for every able man to have marital intercourse if he has found someone to marry; if he is unable, then he must fast regularly.” Then he mentions the evidence of dissenters, for example, that the Prophet said, “The best among you in the year 200 will be al-khaṭṭāt al-ḥādd, [one who does not have much in life], who has no relatives and no children.” And another example from Ḥudhayfa was that he said, “If it is the year 105, you would do better to grow a poppy than produce a child.” Ibn Ḥazm said, “These two reports are fabricated. Their fabrication is obvious from the fact that if people adhered to the policy of not having children Islam, jīhād and religion would certainly become null and void, and the disbelievers would be in the majority. Also it contains the permission to breed dogs.”

3. The fixed fundamentals of the punishment system in the shari‘a are known as ḥudūd (singular, ḥadd). These are established punishments for certain crimes for which, according to the divine right of Allāh, intercession is not permitted before the

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1 Bukhārī, 5:1949; al-Sunan al-Kubrā, 7:77.
2 Al-Sunan al-Kubrā, 7: 8.
3 Al-Muhalla, 9:440.
5 Ibid., 9:441.
judge. Examples are the hadd for robbery, and the hadd for fornication, but they do not include a hadd for the one who tells lies or says bad things (yahdhi).

Ibn Ḥazm says, “The divorce of the drunk is not obligatory, nor of anyone who is out of his mind without having taken alcohol. The measurement of intoxication is that his speech is confused, so that what he says is incomprehensible and would be said only by the intoxicated. As for someone who has a speech defect, walks with a limp, and is noisy but does not talk nonsense, he is not intoxicated. The proof for that is the saying of Allāh: ‘O believers! Do not come to prayers when you are drunk until you understand what you are saying.’ So Allāh made it clear that an intoxicated person does not know what he is saying, so someone who does not know what he is saying is therefore drunk, and someone who does know what he is saying is not drunk. Whoever mixes what is rational with what is not is drunk, because he does not know what he is saying. Allāh reported that one who he does not know what he is saying is not bound by any of the rules, be it divorce or anything else, because it is not applicable to him, for he is not in his right mind.”

Ibn Ḥazm then clarifies the scholars’ disagreement over this, and those who permit divorce declared by a drunk. They include al-Shāfi‘i in one of his two statements, and Mālik and Abū Ḥanīfa. He discussed their evidence and comments on it, saying, “Indeed an intoxicated person who does not know what he is saying is certainly insane because confused language is that of one who is out of his mind. Someone who does not

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1 Surah al-Nisā’, 43.
2 Al-Muḥallā, 10:208.
know what he is saying, is out of his mind, and so he is insane by any standard.”¹ He then mentions their evidence invalidating his statement, which is what is reported from ‘Alī and ‘Abd al-Raḥmān ibn ‘Awf in the presence of the Companions, that if a person drinks alcohol he will become intoxicated, and if he becomes intoxicated he will speak irrationally, and if he speaks irrationally, he will tell slanders and lies, and if he tells slanders he should be whipped eighty times.”² This was when they wanted to specify the ḥadd punishment for someone who drinks alcohol, as this narration clarifies.

Ibn Ḥazm says, “This is a false report. Allāh already deemed ‘Alī and ‘Abd al-Raḥmān to be far above such a thing because its chain is invalid and also because of the extreme contradiction of its content, imposing the ḥadd on whoever is delirious (ḥadhā). There is no ḥadd penalty for the delirious in the Shari‘a. Why do not you say, “And if he is delirious, he will become a kāfir (disbeliever), and if he becomes a kāfir he should be put to death”?³

4. Indeed, the confirmation of the Companions’ approval in general and the approval of the orthodox caliphs in particular is a fixed fundamental supported by verses from the Qur‘ān,¹ Prophetic traditions and the unanimous agreement of the Muslim community. The history of the Companions is full of encouragement to do what is right and to uphold the religion. Indeed, their deep concern to follow closely the

¹ Ibid., 10:210.
² Ibid., 10:211.
³ Ibid., 10:211.
guidance of the Prophet is self-evident to whoever has any connection with Islam and its history and culture.

Ibn Ḥazm says, “The Imam should say the takbīr and the congregation should join in with the Imam’s takbīr at the funeral (al-janāza) no more than five times. If they say at least four takbīrs, this is good. The hands are raised only for the first takbīr. When these takbīrs are completed, the Imam says al-salām ‘alaykum twice (sallama taslīmatayn) and the congregation also says the salām. If the Imam makes seven takbīrs, we dislike it, but follow him, also if he makes three takbīrs. If he makes more than seven takbīrs we do not follow him, and if he makes fewer than three takbīrs we do not respond to his greeting, but complete the takbīrs.”

Ibn Ḥazm then mentions the argument of those who prohibit more than four takbīrs. Abū Wā’il said, “‘Umar ibn al-Khaṭṭāb gathered (jama‘a) the people and consulted them about the takbīrs at a funeral. They said, ‘The Prophet made seven, five and four takbīrs.’ So ‘Umar decided (jama‘ahum) to do four takbīrs.” They said, ‘So this is unanimous and should not be contradicted.’” Ibn Ḥazm said, “This is of extreme invalidity, and Allāh forbid that ‘Umar (may Allāh be pleased with him) should consult in creating a religious obligation contrary to what the Messenger of Allāh did, or in prohibiting some of what the Prophet did, which was permissible until he died, and then made

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1 Ibid., 10:211.
2 Ibid., 5:124.
3 Ibid., 5:124.
unlawful afterwards. Only an ignorant person has doubts about ‘Umar and his position in Islām.¹

Rejection of narrations that contradict the Qur’ān and Sunnah

One of the criteria used by Ibn Ḥazm in his criticism of narrations was that the text contradicted a verse of the Qur’ān, or a fully authenticated Sunna widely followed by the Muslim community. Examples are as follows.

1. Ibn Ḥazm says, “The Qur’ān is that which is in the copy (mushaf) in the possession of Muslims in the east and west. So what is contained in these copies (masāḥif) from the beginning of the Qur’ān to the last two chapters (mu‘awwidhatayn), are the words of Allāh and His revelation (wahy), which He revealed to his Prophet Muḥammad. Whoever rejects just one word of it, is a disbeliever (man kafara bi ḥarfīn wāḥidin minhu fa huwa kāfirun).”² Then he said, “Everything that has been narrated from Ibn Mas‘ūd about the mu‘awwidhdatayn and Umm al-Qur’ān (the first verse of the Qur’ān) not being in his mushaf is a fabricated lie and not valid. Furthermore, ‘Āṣim’s qirā’a (recital) from Zirr ibn Ḥubaysh from Ibn Mas‘ūd is valid from him, and it contains Umm al-Qur’ān and the mu‘awwidhatayn.”³

¹ Ibid., 5:125.
² Ibid., 1:13.
³ Ibid., 1:13.
2. Ibn Ḥazm says, “As for the two prostrations (rak`atān) after the ‘Aṣr (afternoon) prayer, Abū Ḥanīfa and Mālik prohibited doing them. As for al-Shāfi`ī, he said, “Whoever misses two prostrations before or after the Zuhr (noon) prayer may do them after the ‘Aṣr prayer. If he do them after ‘Aṣr, he may fix doing them at that time and never abandon them.” Al-Ḥamad ibn Ḥanbal said, “I do not do them but I do not prohibit those who do them doing so.” Abū Sulaymān said, “They are praiseworthy (mustaḥsana).”\(^1\) He then mentions the evidence of scholars, one of whom, Mūsā ibn Ṭalḥa, said, “When Mu`āwiyah went on Ḥajj (pilgrimage), we went to see him, and he asked Ibn al-Zubayr about the two prostrations (al-rak`atayn) after the ‘Aṣr prayer: whether the Messenger of Allāh performed them. He said, “That is what `A’isha reported to me.” So Mu`āwiyah sent al-Miswar ibn Makhrama to `A’isha, and he asked her, “Did the Messenger of Allāh perform them in your house?” She said, “No, but Umm Salama informed me that he performed them in her house.” So Mu`āwiyah sent al-Miswar to Umm Salama to ask her. She said, “The Messenger of Allāh entered my house once after the ‘Aṣr prayer and performed two prostrations. I said, ‘Messenger of Allāh, I see you performing today a prayer which I have not seen you performing before.’ He said, ‘A dissenter occupied me. They were two prostrations which I used to perform before the ‘Aṣr prayer, so I decided to perform them now.’” She said, “I did not see the Messenger of Allāh perform them before that day or afterward.”\(^1\) Ibn Ḥazm said, “This narration was fabricated without any doubt, because it contains `A’isha’s denial that the Prophet performed them in\(^1\)

\(^1\) Ibid., 2:264.
her house, and it has been narrated by tawātir² from ‘Ā’isha that the Prophet continued to perform them in her house.”³

3. Ibn Ḥazm says, “If the parents are in need for the services of the son or the daughter, married or not, the son and the daughter are not permitted to leave, nor to cause the alienation of the parents in any way. Their right has priority over that of the wife or husband. If the parents are not in need of this care, the husband may take his wife wherever he wishes, as long as it is not against their interests. The proof for this is the saying of Allāh: ‘Give thanks to me and to your parents’.⁴ So Allāh joined thanking them with thanking Him. And Allāh also says: ‘But if they (both) strive with you to make you join in worship of Me others of whom you have no knowledge, then do not obey them, but treat them kindly in this world’.⁵ Allāh imposed the kind treatment of parents, even if they are disbelievers (kāfirayn) inviting one to disbelieve. And Allāh says, regarding those who hurt them and do not treat them kindly: ‘and be dutiful to your parents. If one or both of them attain old age in your lifetime, do not speak to them a word of disrespect, nor shout at them but address them in terms of honour. And lower to them the wing of submission and humility

¹ ibid., 2:266.
² “In the science of tradition, a tradition (or in general, any report) with so many transmitters that there could be no collusion, all being known to be reliable and not being under any compulsion to lie”(The encyclopedia of Islam, Glossary and index of technical terms, Mutawātir).
³ Al-Muḥallā, 2:270. See Ṣahih Muslim, 1:229,230.
⁴ Surah Luqmān, 14.
⁵ Surah Luqmān, 15.
through mercy'. Ibn Ḥazm says: “we have mentioned earlier [in the al-Muḥalla] the question of the man who said to the Messenger of Allāh, ‘Who has the strongest claim to good companionship?’, and he replied, ‘Your mother, then your mother, and then your father.’” He also said, ‘Disobedience to parents (‘uquq) is one of the great sins (kaba‘ir).’ Ibn Ḥazm then says, “Already some scholars have disagreed with what we have mentioned, and used as an argument discarded narrations to support their view, for example, that ‘Ā’isha, the Mother of the Believers, said, ‘I asked the Prophet who has the greatest authority over a woman?’ He said, ‘Her husband.’ I said, ‘So who has the greatest authority over a man?’ He said, ‘His mother.’” Ibn Ḥazm said, “The Qur’ān as we have demonstrated, and competent transmitters from the Messenger of Allāh as we have mentioned, invalidate this.”

4. Ibn Ḥazm mentions the narration that is ascribed to the Messenger of Allāh, who said, “The teachers of your sons are your worst.” Ibn Ḥazm said, “This is an absolute lie, for the truth of the saying of the Messenger of Allāh is that the best among you is he who has learned the Qur’ān and taught it.”

These seven reasons why Ibn Ḥazm rejects narrations form his methodology in criticizing texts. In addition, Ibn Ḥazm rejects a number of narrations without giving a clear reason for doing so. He may have discussed them in detail in his book:

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2. Al-Muḥalla, 10:331.
3. Ibid., 10:334.
4. Ibid., 10:334.
al-İsāl, his largest work, which is lost. The following are examples of these narrations.

1. Ibn Ḥazm said, “They mention a fabricated ḥadīth, which states that the Prophet performed the afternoon prayer before the redness of the last disappeared sunset (ghurūb al-shafāq). If this were true, Allāh forbid, it would only indicate permission to perform the prayer before it is due, and this contradicts what they say and what we say.”

2. Ibn Ḥazm says, “If it is said that Ibn Ābās ordered his slave to return to his slavegirl (al-‘ama) wife after he had divorced her twice because he did not recognize divorce among slaves, we say, that Allāh protected (a‘ādāh) Ibn Ābās from lying and cheating.”

3. Ibn Ḥazm says, ‘Then they went astray even more, and they used in their defense a fabricated report that the Prophet said, ‘The hands are not cut on a journey.’”

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1 Ibid., 10:333.
2 See the margin note, al-Muḥalla, 3:194.
3 Al-Muḥalla, 3:194.
5 Ibid., 10:370.
Part Three: Ibn Ḥazm’s Methodology in

*al-Jahāla*
Chapter Six: ʿadīla and jahīla according to the scholars
The scholars’ definition of ‘adāla

In carrying out their task of classifying traditions, the Ḥadīth scholars examined narrations in order to decide whether they were authentic or spurious. To this end they adopted a clear methodology. Thus they accepted the narrations of those narrators who proved or were known to be just (‘adl) and ḍābīt, meaning that they were individuals of impeccable character who possessed outstanding honour and integrity and displayed exceptional honesty.¹ In the following paragraphs I shall examine ‘adāla and related matters.

There is general agreement among the scholars of fiqh and Ḥadīth that ‘adāla is a vital prerequisite for the acceptance of a narrator’s narration.² Whenever the term ‘adāla is used in relation to fiqh and Ḥadīth it refers to the reliable acceptance of testimony or a narration attributed to the Prophet Muḥammad. Accordingly a narrator has to be honest, religious, and inspired by a sense of honour (murū’a) and piety. These qualities are considered basic assets that would enable the narrator to be trusted and considered reliable. The concept of ‘adāla could be realized by the avoidance of major sins (kabā‘ir) and abstention from lesser sins (ṣaghā‘ir).³ In this context it should be noted that the notion of infallibility (‘iṣna) is not a condition demanded by the scholars for the narrators of ahādīth. Honesty was determined by judging the narrator. If he was generally of good character, his narrations were

¹ Tamhīl, 1: 28.
² Muqaddima, 94.
³ Iḥkām, Āmidī, 2:108.
acceptable. The guiding rule, therefore, is that the narration of whoever proved to be a liar is automatically rejected.¹

Notwithstanding this broad understanding of ʿadāla, the fuqahāʾ and Ḥadīth scholars further emphasized five criteria in their discussions on ʿadāla. These were: Islam, puberty (bulūgh), sanity, avoiding sinful and unlawful acts, and a sense of honor.² According to Ibn al-Ṣalāḥ’s explanation, it appears that these criteria may be divided into two broad categories

1. Al-ʿadāla al-ẓāhira:

This incorporates the prerequisites of responsibility.

Islām:

The narration of an unbeliever (kāfir) could not be accepted. Al-Ghazālī wrote: “There is no disagreement among the scholars about the narration of an unbeliever being unacceptable, because he is of a different religion.” Although Abū Ḥanīfa rejected their narrations, he, noted, however, that their testimony was accepted in situations related to their own affairs. This rejection is based on the unanimous agreement among the scholars that this religious status could not be bestowed upon an unbeliever because he is not qualified for the position, even though he might be trustworthy in his own religion.³

¹ Mahṣūl, 1-2:571.
² Mahṣūl, 1-2:563; Irshād Ṭullāb al-Ḥaqaʿiq, 1:274.
³ Mustasfā, 1:156; Mahṣūl, 1-2:567.
If this is the situation of an original unbeliever (*kāfir aslī*), one can well imagine what would be the case of the people of Islām (*ahl al-qibla*) who do wrong and engage in forms of interpolation. Because of their peculiar understanding of certain issues, they are often accused of disbelief by others. Despite their belief in Islām and their respect and honor for it, this group of people do not know that they are actually *kāfir*, nor do they admit to being *kāfir*, for they always abstain from committing sins. The question, therefore is: should their narrations be accepted or not? The fact which should not be ignored here is that narrations are meant to be followed, for they constitute what is permissible and forbidden. Thus their validity must be established through Muslims. Therefore the scholars agreed that the narration of a *kāfir* must be rejected.

In effect, this does not mean that those who were considered to be *kāfir* because of their interpretation (*ta’wīl*) are not actually so, even though they neither knew of it nor accepted being called *kāfir*. Saying that they are not committing sins—even though the original *kāfir* might cease committing certain sins, such as lying—does not render their narrations acceptable. One can not overlook the consensus (*ijmā’*) of opinion of scholars such as al-Ghazālī,1 al-Qādī Abū Bakr and al-Qādī ‘Abd al-Jabbār2 that these narrations are to be rejected.

Significantly, al-Rāzī does not view an original *kāfir* and a *kāfir* by interpretation (*muta’awwil*) in the same way. He considers an original *kāfir* to be

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worse than a kāfir by interpretation (ta'wil).¹ The issue, which he examines in relation to a kāfir by interpretation, was not the kāfir's disbelief per se, but rather his lying. If he believes that it is lawful to lie, his narration will be rejected; but if he believes that lying is unlawful, then his narrations may be accepted. This is also the view held by Abū al-Ḥusayn al-Ṭāṣrī.²

**Puberty:**

To be considered sufficiently responsible, a person must have reached puberty. Puberty has some known features: for a male, one of the signs is nocturnal emission; for a female, it is the commencement of her menstruation (ḥayd). Before this stage the individual is not responsible in religious matters. Accordingly, the majority of scholars reject the narrations of children under the age of puberty, because their speech can not be trusted and there is nothing to prevent them from lying.³ Even after recognizing the distinction between the age of discretion (sinn al-tamyīz) and puberty, al-Rāzī and al-Juwaynī nevertheless reject the narrations of a child whether he has reached the age of discretion or not.⁴

Some Shāfi‘ite scholars accept the narrations of those who have reached the age of discretion if they have never observed them telling lies.⁵ The majority of scholars accept the narrations of a child who has reached the age of discretion in

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¹ Ibid., 1-2:570.
² Ibid., 1-2:567.
³ Musta’sfīa, 1:156.
⁴ Mahṣūl, 1-2:564; Burhān, 1:612.
⁵ Manhaj Islāmi, 155.
things that he has seen and reported, but they reject his narration of *ahādīh*.\(^1\) The narrations of a child who has not reached the age of discretion are rejected totally.\(^2\)

**Sanity:**

Those who are insane are not responsible for their actions. The Prophet said: “There are people who do not have responsibilities: a sleeper until he wakes up, a madman until he becomes sane, and a child until he reaches puberty.”\(^3\) Hence their narrations are rejected by consensus (*ijmāʿ*).

2. *Al-ʿadila al-bāţina*

**Abstention from grave sin (fisq):**

This is especially clear in *Sūrat al-Ḥujurāt*: “O you who believe! If a rebellious evil person [fāsiq] comes to you with news, verify it, lest you harm people in ignorance, and afterwards you regret what you have done.”\(^1\) Allāh ordered us to reject the testimony of the grave sinner, because there is always doubt about whatever is narrating or saying by him. Thus we understand that it is obligatory to accept what is contrary to this. That is to accept the testimony of just (ʿadl). Allāh says: “O you who believe! Do not kill game while you are in a state of *iḥrām* [for *hajj* or *ʿumra*], and for whosoever of you kills it intentionally, the penalty is an offering, brought to the Kaʿba, of an edible animal equivalent to the one he killed, as adjudged by two

\(^1\) *Al-Taqyid wa al-Idāh*, 173.
\(^2\) *Mughāl*, 1:292.
\(^3\) *Musnad Ahmad ibn Hanbal*, 1:246(940); 9:398(24748).
just men among you".\(^2\) And He says elsewhere regarding women about to be finally divorced after a period of negotiation: "Then when they are about to fulfil their appointed term, either take them back with kindness or part with them with kindness. And take for witness two just persons from among you [Muslims]."\(^3\)

A grave sinner (fāsiq) is not anyone who commits sin, since there is no-one capable of absolute obedience to Allāh, or complete disobedience to Allāh. For this reason a fāsiq is someone who commits a major sin (kabīra), or who persistently indulges in lesser sins (ṣaghā'ir),\(^4\) although al-Shawkānī says that persistent indulgence in lesser sins is a lesser sin (ṣaghīra).\(^5\) Muslim said: "The previous verses (which are Surat al-Mā‘īdah, 95 and Surat al-Ṭalāq, 2) confirm that the narrations of a grave sinner are not acceptable." Similarly, he rejects the testimony of the unjust. Although the meaning of shahāda sometimes varies in some aspects, the scholars generally agree on its overall meaning of the ability to convey the truth of what has been narrated.\(^6\)

Having proceeded thus far, we may now attempt to answer the following question. Which form of fīsāq harms the credibility of the narrators? Al-Shāfī‘ī said: "It is compulsory (wājib) for us not to reject the narrations of any narrator, nor to

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\(^1\) Surah al-Ḥujurāt, 6.
\(^2\) Surah al-Mā‘īdah, 95.
\(^3\) Surah al-Ṭalāq, 2.
\(^4\) Mughīth, 1:291.
\(^5\) Irshād al-Fuhūl, 53.
\(^6\) Muqadimah Shahīh, al-Imām Muslim, CD.
reject his testimony, for a sin which he has committed, except when the scholars have agreed that the sin which he has committed is itself a cause for rejection.\textsuperscript{1}

The scholars agree, furthermore, that not all sins render a narrator unacceptable, for there are differences about the kinds of sin which cause the rejection of ‘\textit{adāla}.\textsuperscript{2} If a narrator intentionally commits a sin (\textit{fisq}), knowing that it is a sin, then his narration is rejected by consensus.\textsuperscript{3} If, on the contrary, the narrator commits a sin (\textit{fisq}) without knowing or believing it to be a sin, his action may be classified in one of two categories: either clear \textit{fisq}, or \textit{fisq} with doubt. There is no unanimity among the scholars on this point.

The opinions of the scholars concerning this matter are divided into three categories:

a. Some scholars, among them al-Qāḍī Abū Bakr and al-Jubbā‘i, contend that unbelief and \textit{fisq} lower the level of \textit{ahliyya}, and, since the narration of an unbeliever (\textit{kāfir}) is rejected, so too are the narrations of a \textit{fāsiq}.\textsuperscript{4}

b. Abū Ḥanīfa for his part argues that a \textit{kāfir} and a \textit{fāsiq} do have \textit{ahliyya}, but they also provoke accusations of dishonesty, and as a consequence he accepts the testimony of the \textit{ahl al-dhimma} in their own affairs.

c. Both al-Shaf‘ī and al-Ghazālī differentiate between \textit{kufr} and \textit{fisq}. They consider \textit{kufr} to be a deficiency, which lowers the \textit{ahliyya} of a person, whereas

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\begin{itemize}
\item \textsuperscript{1} \textit{Kifāya}, 81.
\item \textsuperscript{2} \textit{Furū‘}, 4:66.
\item \textsuperscript{3} \textit{Maḥṣūl}, 1-2:572.
\item \textsuperscript{4} \textit{Iḥkām}, Amidī, 2:118; \textit{Mustaṣfā}, 1:160.
\end{itemize}
**fisq** is a cause for lack of confidence in the narrator, which eventually leads to the rejection of his narration.¹

In the light of these explanations, it is noted that those who adopt the first opinion reject the narrations of a **fāsiq**, regardless of whether he has committed a clear sin (**fisq maqtūt**) or a doubtful sin (**fisq maẓnūn**). Those who reject the narration of a **fāsiq** because of an accusation (**tuḥma**), say that if his **fisq** is only presumed (**maẓnūn**), then his narration will be accepted. In this context al-Shāfi’ī remarked: “I accept the testimony of a Ḥanafite if he drinks *nablīh*, but I will punish him with the compulsory sentence (**ḥadd**).”² If the **fisq** is known and committed and the narrator views lying as a lawful part of his religion, then his narrations are rejected. Al-Shāfi’ī declared: “I accept the narration of the **ahl al-’Āhwā’** except the section of the Rāfiḍītes known as al-Khattābiyya, since they deem false testimony to be lawful for their followers.”³ On another level, al-Shāfi’ī, his followers, and the majority of **fuqahā’**, among them Ibn Abī Laylā, Abū Ḥanīfah, Abū Yūsuf and Sufyān al-Thawrī, all believe that if a narrator does not lie or consider lying to be part of his religion, his narration is acceptable.⁴

Al-Rabī² narrated that he heard al-Shāfi’ī say, “Ibrāhīm ibn Abī Yaḥyā was a **Qadarī** [a believer in free will].” Al-Rabī² was asked, “Why did al-Shāfi’ī accept his

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¹ *Mustasfā*, 1:160.
² *Maḥṣūl*, 2-1:572.
³ Ibid., 2-1:573.
narration?” He replied, “Al-Shāfī‘ī used to say: ‘For Ibrāhīm, it was better to fall from a high place and die than to lie; he was trustworthy.’” As a consequence al-Shāfī‘ī narrated from him, and he used to say: “A trustworthy individual narrated to us, even though he was accused in his religion.¹ A notable example were the Khārijītes, who conquered the people and their land, killed their children and women, and yet considered that lawful. They (the Khārijītes) were fasaqa by interpretation, but the Companions and the Successors accepted their narrations because they were not accustomed to lying and they were ignorant of their fisq.

Thus the narration of a trustworthy fāsiq, whose religion did not include lying, was accepted by the majority of scholars. This indeed was the method adopted by al-Bukhārī and Muslim in their authentic collections. They narrated from a number of narrators who had been accused on previous occasions.² Although al-Dhahabi noted that Abān ibn Taghlib was a committed Shi‘ite, he nevertheless recognized his truthfulness. Thus he accepted his truthful narrations and yet rejected his innovation (bid‘a).

‘Abd al-Raḥmān ibn Ṣāliḥ al-Azdī al-‘Atākī narrated from a number of scholars, among them ‘Abd Allāh ibn al-Mubārak. And a number of scholars likewise narrated from him, such as Abū Zūr‘a, Abū Ḥātim, Abū Bakr ibn Khaythama and ‘Abd Allāh ibn Aḥmad ibn Ḥanbal. Ya‘qūb ibn Yūṣuf al-Muṭṭawi‘ī also narrated: “‘Abd al-Raḥmān ibn Ṣāliḥ was a Shi‘ite who used to visit Aḥmad ibn

¹ Kifāya, 125.
² Muqadima, 104; Mughīḥ, 331-333.
Hanbal, and Ahmad used to bring him close to him and treat him with kindness. When someone questioned Ahmad about that, he replied: “Subhān Allāh! He is a man who loves a group of people among the relatives of the Prophet, and he is trustworthy.”\(^1\)

Yaḥyā ibn Ma‘īn used to say: “A man comes from Kūfa, whose name is ‘Abd al-Raḥmān ibn Ṣāliḥ, and he is a trustworthy Shi‘ite. It would be easier for him to fall from the sky and die rather than to lie about a letter of the alphabet.”\(^2\)

Admittedly, it is possible to assess fisq from another angle. That is the standpoint of innovation, where scholars have to decide whether the innovator is inviting others to follow his innovation or not. However it is clear that some scholars accept the narrations of an innovator, regardless of this condition, provided that lying is not part of his religion. ‘Alī ibn al-Madīnī said: “If I were to denounce and reject the narrations of the people of Baṣra because of their statements about qadar, and if I were to reject the narrations of the people of Kūfa because of their Shi‘ism, all books would be destroyed.”\(^3\) Another group regard innovation as a sufficiently valid reason to reject any narration, whether the innovator is inviting others to support it or not. This was the opinion of Mālik, even though al-Qādī ‘Abd al-Wahhāb believed that Mālik accepted the narrations of the innovator who did not call others to support his innovation (bid‘a), but al-Qādī ‘Iyāḍ disagreed with him, recalling that Mālik

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\(^1\) Tahdhib, 6:197(398).
\(^2\) Ibid.
\(^3\) Kifāya, 129.
rejected their narrations.\textsuperscript{1} This opinion was also corroborated by al-Khaṭīb al-Baghdādī,\textsuperscript{2} al-Ḥākim, and Mālik in \textit{al-Mudawwana}. Mālik’s students also followed him in this regard. Indeed, his view was even adopted by Abū Bakr al-Bāqillānī and al-Āmidī, who narrated it from many others. Ibn al-Ḥājib himself substantiated this opinion.\textsuperscript{3}

Many scholars admittedly differed about innovators who call others to support their innovation and those who do not. Well-known figures like Ahmad ibn Ḥanbal rejected the narrations of the former and accepted those of the latter.\textsuperscript{4} ‘Abd Allāh ibn Ahmad recalled: “I said to my father: ‘You narrate from Abū Muʿāwiyah al-Ḍarīr and he was a \textit{Murjiʿī} and you do not narrate from Shabāba ibn Suwār and he was a \textit{Qadarī}. My father replied: ‘Because Muʿāwiya was not calling people to \textit{irfā}, but Shabāba was calling to \textit{qadar}.’”\textsuperscript{6} This was also the opinion of ‘Abd al-Rahmān ibn Mahdī and Yaḥyā ibn Maʿīn.\textsuperscript{7} Ibn al-Ṣalāḥ says that this opinion is the best and most accurate, thus disagreeing with those who reject the narrations of innovators without distinguishing between them. Moreover, he considered that to be the

\textsuperscript{1} \textit{Mughūḥ}, 1:331.  
\textsuperscript{2} \textit{Kifāya}, 120.  
\textsuperscript{3} \textit{Mughūḥ}, 1:327.  
\textsuperscript{4} \textit{Kifāya}, 121.  
\textsuperscript{5} One who believes that faith is more important than action, and therefore suspends judgment of serious criminals.  
\textsuperscript{6} \textit{Mughūḥ}, 1:330.  
\textsuperscript{7} \textit{Kifāya}, 126,127
opposite of what the Ḥadīth scholars wrote, since their books were full of the narrations of innovators who did not call others to follow their innovation in their both important and minor *ahādīth.* Ibn Ḥajar required, besides truthfulness and no invitation to follow an innovation, that the innovator’s narration could not be accepted if it supported his innovation and made it seen reasonable. This endorsed the view of Ibn Daqīq al-Īd. Ibn Ḥajar said: “This condition was approved by Abū Ishāq Ibrāhīm ibn Ya‘qūb al-Juzjānī, the teacher of al-Nasā’ī.”

**Khawārīn al-Murū’a:**

*Murū‘a* is the ideal state of adulthood. It comprises a sense of honour and good behaviour, which makes a person respectful according to the customs of a society. It may not necessarily be related only to religion but also custom and tradition (*‘urf).* Ibn al-Ṣalāḥ rejects the claim that there is no consensus that *murū‘a* was a condition of *‘adāla*, and that it is required only by al-Shāfi‘ī and his followers. Al-‘Irāqī, however, notes that the scholars who consider *‘adāla* to be a condition also require *murū‘a*. They comprise the majority of scholars. Mālik and his followers were among those who requested *‘adāla* without specifically mentioning *murū‘a*.  

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1 *Muqaddīma*, 104.
2 *Mughāl*, 1:331.
4 *Al-Taqīld wa al-‘Idāh*, 136.
How ‘adāla is confirmed

‘Adāla is confirmed by the pronouncement (tanṣiš) of two scholars, and it can be confirmed by fame (istifāda). There are also those whose ‘adāla was confirmed after a group of scholars had narrated from them.

Narrating from narrators

Al-Bazzār in his Musnad confirmed the ‘adāla for whom a group narrated.⁠¹ Al-Dhahabī adopted the same procedure in his book al-Mīzān. Like the majority, he favoured the condition that the narrators should not say things which could be refused by others.⁠² Ibn Ḥajar held a similar opinion, though specifically for those who were well known for their Ḥadīth studies. However, he disagreed with al-Dhahabī concerning the majority, which he believed only ibn Ḥibbān supported.⁠³ It should be recalled here that ibn al-Qaṭṭān followed the same method in his book Bayān al-Wahm wa al-Īhām. This was exemplified in his comments about the Ḥadīth which discusses the cutting down of a tree known as Sidr.⁠⁴

In this context al-Dhahabī recalled that when he wrote the biography of Mālik ibn al-Khayr al-Zabādī, ibn al-Qaṭṭān claimed his ‘adāla was not established,

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¹ Mughīhī, 1:296.
² Mīzān, 3:426.
³ Mughīhī, 1:296.
⁴ Ibid.
meaning that no one had considered him trustworthy. One may deduce from ibn al-Qāṭṭān’s statement and the commentary of al-Dhahābī that ibn al-Qāṭṭān required the confirmation of ‘adāla.

Tanṣīṣ

To confirm ‘adāla by tanṣīṣ required the confirmation of one or more scholars.

1. Abū ‘Ubayda said that confirmation of ‘adāla can not be accepted from fewer than three scholars.¹

2. Some fuqahā‘ observed that the confirmation of ‘adāla can not be accepted from fewer than two. This is the view of Muḥammad ibn al-Ḥasan and al-Ṭahāwī.² Al-Qāḍī Abū Bakr al-Bāqillānī and most of the fuqahā‘ from al-Madīna also held this opinion.³

3. A large number of scholars believed that the confirmation of ‘adāla by one person is enough. Al-Khaṭīb is one of those who followed this opinion, though he preferred to have two as a precautionary measure.¹

¹ Meṣān, 3: 426 (7015).
² Mughīḥ, 1:249.
³ Al-Taqyīd wa al-Ẓāhīh, 142.
⁴ Mughīḥ, 1:294.
Fame (Istifâda)

This concerns those whose 'adâla has become well-known and has been praised by the scholars. It was not necessary that the 'adâla of such a person be confirmed. Al-Shâﬁ‘î followed this method, and ibn al-Ṣalâh remarked: “This is a reliable way in ustîl al-fiqh.” This opinion was supported by al-Khaṭîb al-Baghdâdî, pointed out the examples of Mâlik ibn Anas, Sufyân al-Thawrî, Sufyân ibn ‘Uyayna, Shu‘ba ibn al-Ḥajjâj, Abû ‘Amr al-Awzâ‘î, al-Layth ibn Sa‘d, Ḥammâd ibn Zayd, ‘Abd Allâh ibn al-Mubârak, Yaḥyâ ibn Sa‘îd al-Qâṭṭân, ‘Abd al-Raḥmân ibn Mahdî, Wâkî ibn al-Jarrâh, Yazîd ibn Hârûn, ‘Affân ibn Muslim, Âḥmad ibn Ḥanbal, ‘Alî ibn al-Madînî, Yaḥyâ ibn Ma‘în and others like them who became famous for their trustworthiness, honesty, knowledge and understanding. Accordingly, there is no need to ask about their 'adâla, but rather about the ‘adâla of those who are not well known.

This was also the way of Âḥmad ibn Ḥanbal, for when he was asked about Ishâq ibn Râhûya, he replied: “How can you ask about someone like Ishâq? Ishâq in our view is one of the imâms of the Muslims.”

Yaḥyâ ibn Ma‘în was yet another exponent of this methodology. When he was asked about narrating from Abû ‘Ubayd, he said: “How can someone like me be asked about Abû ‘Ubayd? Abû ‘Ubayd is the one who should be asked about.

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1 Kifâya, 96.
2 Muqadima, 95.
3 Kifâya, 86.
This indicates that he was famous for his honesty and ‘adāla. Al-Qāḍī Abū Bakr al-Bāqillānī was also a representative of this method. He showed this by saying that well-known ‘adāla is stronger than the confirmation of ‘adāla by one or two people who could make mistakes, lie, or be prejudiced. He further argued that the confirmation of one or two people could only show what is hidden about the narrator, and this could be known by fame (istifaḍa), which is stronger than tanṣīṣ.

Ibn ‘Abd al-Barr’s method

Ibn ‘Abd al-Barr is known to be somewhat different in confirming ‘adāla. He states that every famous scholar that is knowledgeable is considered to be ‘adl until the opposite is proven.

In the light of this, the following question may be asked: Is the narration of ‘udūl from a man a confirmation of his ‘adāla? The fact is that the majority of the Ḥadīth scholars do not consider it to be a confirmation of the narrator’s ‘adāla, and this is the view of ibn al-Ṣalāḥ when he says: “This is right, because it is permissible to narrate from a non ‘adl.” This is also the opinion of al-Khaṭīb in his explanation that the truthful used to narrate aḥādīth from people who were known to be weak

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1 Ibid., 87.
2 Ibid.
3 Ibid.
4 Muqadima, 100.
and liars. They often claim that they receive their *ahādīth* from others, stating, “I was told by so and so, and he is a liar.”\(^1\)

If a scholar, having said that he would narrate only from trustworthy narrators, narrates from a named person, he is considered to be ‘adl. ‘Abd al-Raḥmān ibn Mahdī followed this method. However, if such a person narrates from someone without giving his name, it is not acceptable as a confirmation of ‘adāla. Al-Khaṭīb explains the reason for this: “We do not accept this kind of recommendation, because if he was named we might know he was weak.”\(^2\)

If a scholar acts upon the ḥadīth which is narrated from a specific narrator, this is a confirmation of the narrator’s ‘adāla, because the scholar would not follow his narration unless he considered him to be ‘adl. His action therefore replaces his verbal confirmation.\(^3\)

**Jahāla according to the scholars**

**Definition of jahāla**

*Majhūl* (unknown) narrator is anyone who is not known by scholars to be seeking knowledge, and his ḥadīth is known by only one narrator.\(^4\) According to the Ḥanafīs,

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\(^1\) *Kifāya*, 89.

\(^2\) Ibid., 92.

\(^3\) Ibid.

\(^4\) Ibid., 88.
he is defined as someone who narrates one or two ahādīth, and his 'adāla is not known, whether or not one or more scholars narrate from him.¹

The reasons for jahāla

There are different reasons for a narrator's jahāla, and these can be summarized as follows:

1. A variety of attributes: name, kunya, surname, description, lineage (nasab). He then becomes famous by one of these. Thus when he is mentioned using names by which he was not famous for, he becomes unknown.

2. If the narrator is not famous and narrates few ahādīth, fewer scholars will quote from him; and if only one narrator quotes from him, he becomes unknown to those who do not narrate from him.

3. The narrator may not be named because of the abridgement of the chain that narrates from him. Hence he may say: “I was informed by so and so, a man informed me, some people informed me, or the son of so and so informed me.”

This type of narrator is known to the Ḥadīth scholars as mubham.²

Categories of majhūl

According to the Ḥadīth scholars, there are three categories of majhūl:

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¹ Qafw, 86.
² Nuzhat al-Nagar, 49.
1. As mentioned above if the narrator’s name is not mentioned, he is called *mubham*.

2. If the narrator’s name is mentioned and only one person narrates from him, he is called *majhūl al-‘ayn*.

3. If the narrator’s name is mentioned and more than one person narrates from him without establishing the narrator’s ‘*adāla*, he is called *majhūl al-ḥāl* or concealed (*mastūr*).

**How to remove jahāla from the narrator**

*Ibḥām* can not be removed from a narrator unless his name is mentioned by other scholars, although *jahalat al-‘ayn* can be removed from a narrator if two or more narrators transmit from him, provided they are well known for their knowledge. As for an unknown person from whom only weak narrators narrate, his *jahāla* can not be removed.

Al-Khaṭīb notes that *jahalat al-‘ayn* can be removed by the narration of two famous scholars, though this does not confirm ‘*adāla*. However, al-Dāraquṭnī says:

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1 *Ibid; Muqaddima, 101.*
2 *Nuzhat al-Naẓar, 50; Muqaddima, 100.*
3 *Nuzhat al-Naẓar, 50; Muqaddima, 101.*
4 *Kifāya, 88.*
5 *Majrūḥūn, 2:193.*
6 *Kifāya, 88.*
“If two trustworthy persons narrate from him, his *jahāla* is removed and his *ʿadāla* is confirmed.¹

The removal of *jahālat al-ḥāl* means the confirmation of *ʿadāla*, and this is by agreement. *ʿAdāla* is confirmed for narrators in different ways, which have been mentioned previously.²

**The operative rule for the narration of a *majhūl***

The acceptance or the rejection of a *majhūl*’s narration is based on the judgement (*ijtiham*) of scholars. They held different views on this matter. The majority of the Ḥadīth scholars reject a *mubham* narrator.³ The Ḥanafis accept a *mubham* narrator, even if he is not confirmed by the word *thiqa* (a trustworthy transmitter), on condition that he had lived sometime during the first three centuries of Islam.⁴ A *majhūl al-ʿayn* is rejected by the majority of scholars.⁵ Ibn al-Mawwāq states that there is no dispute among the Ḥadīth scholars about the rejection of a *majhūl* from whom only one scholar has narrated.⁶ This is the opinion of al-Shāfiʿī, who says:

“The narration of a *majhūl* is not acceptable. We must study his situation, both

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¹ *Mughīḥ*, 1:322.
² See page 209 of this research.
³ *Nuzhat al-Nazar*, 49.
⁴ *Qaṣīf*, 85.
⁵ *Muqaddima*, 100.
⁶ *Mughīḥ*, 1-44-45, see *Idāfa* 121.
private and public, to make sure that he is ‘adl.‘¹ Ibn Ḥajar notes that the narration of a majhūl al-‘ayn is unacceptable.² The Ḥanafīs do not require any conditions for a narrator except that he be Muslim.³ For this reason they accept the narrations of a majhūl narrator whether or not one or more people have narrated from him.⁴ This is the opinion of those who say that the narration of an ‘adl from any narrator is a confirmation of his ‘adāla. Al-Nawawī in the introduction of Ṣaḥīḥ Muslim says that this is the opinion of many scholars. Ibn Khuzayma says that jahālat al-‘ayn is removed by the narration of one famous scholar. This view is endorsed by ibn Ḥibbān who says: “An ‘adl is one who has not been found fault with” (lam yujarrah).⁵ Ibn al-Ṣalāḥ says that the narrating by an ‘adl narrator from a named person is not a confirmation of his ‘adāla from the narrator. This is the criterion of most Ḥadīth scholars, even though some, including a group of Shāfi‘ites, regard that as a confirmation of the narrator’s ‘adāla.¹ Some scholars stipulate that to accept someone’s narrations, those who narrate from him should be known to only narrate from an ‘adl. Ibn ‘Abd al-Barr says that for a narration to be accepted, the narrator must be famous for other things, such as bravery, kindness and the renunciation of worldly pleasures. Abū al-Ḥasan al-Qaṭṭān says that for a narration to be accepted,

¹ Maḥṣūl, 1-2:576.
² Nuzhat al-Nāgar, 50.
³ Qawā'id Ḥadīth, 206.
⁴ Mughīth, 1:317.
⁵ Ibid.
the narrator’s ‘adāla must be confirmed by a Ḥadīth scholar other than the one who quoted from him. This opinion was considered correct by Ibn Ḥajar and al-Khaṭīb.

With regard to the majhūl al-ḥal, the Ḥadīth scholars are hesitant to accept his narration, and indeed, the majority of them reject it, as do the scholars of 'usūl. This is also the opinion of al-Shāfi‘ī, Aḥmad, Ibn Sīrīn and al-Nakha‘ī. Al-Shāfi‘ī said: “I did not see or find any of the Ḥadīth scholars or other scholars opposing this opinion.” This opinion is supported by al-Ghazālī, al-Ṭāhir, and al-Āmīdī.

From another statement by al-Shāfi‘ī, it may be understood that by rejecting the narration of a majhūl al-ḥal, he was not levelling an accusation but merely trying to obtain clarification about the narrator until his weakness or trustworthiness was

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1 Muqaddima, 100.
2 Qawā‘id Ḥadīth, 206.
3 Tadrīb, 210.
4 Kifāya, 96.
5 Mughīth, 1:323.
6 Nuzhat al-Nāzir, 50.
7 Mughīth, 1:323.
8 Ḳām, Āmīdī, 2:110.
9 Sharḥ, 2:577.
10 Ibid.
11 Mustāsfa, 1:158.
12 Maḥṣūl, 1-2:578.
13 Ḳām, 2:114.
proven.\textsuperscript{1} Abū Ḥanīfa and his followers accept the narration of a *majhūl al-ḥāl*, explaining that Islam is enough for accepting any narrator on condition that he should not prove to be a grave sinner (*fāsiq*)\textsuperscript{2}. Ibn al-Ṣalāḥ reports that some Shāfiʿīites accept the narration of a *majhūl al-ḥāl*, which is confirmed by Sulaym ibn Ayyūb al-Rāzī.\textsuperscript{3} Al-Nawawi also accepts narrations of such a person.\textsuperscript{1}

**The *jahāla* implied by the scholars’ use of *majhūl***

Having described the various kinds of *jahāla* and the rules that govern its acceptance and rejection, I shall now explain what the scholars mean by the term *majhūl*. To answer this, *jahāla* must be confined to two kinds only: *jahālat al-ʿayn* and *jahālat al-ḥāl*, for it is clear that when the scholars describe a narrator as *mubham* they do not use the term *majhūl*, they use the term *jahāla* only when they are referring to *jahālat al-ʿayn* or to *jahālat al-ḥāl*.

Accordingly, when the scholars use the term *jahāla* with reference to a narrator they mean that he is *majhūl al-ʿayn*, which means that when they want to mention *jahālat al-ḥāl* they describe the narrator by the term *majhūl al-ḥāl*. This is clear in the Ḥadīth scholars’ definition of *majhūl*. Al-Khaṭīb states: “A *majhūl* is someone whose Ḥadīth has been narrated by one narrator only. Therefore this *jahāla*

\textsuperscript{1} Mustasfi, 1:158.
\textsuperscript{2} Maḥṣūl, 1-2:567; Ḥikām, 2:110.
\textsuperscript{3} Muqaddima, 101.
can only be removed when at least two famous scholars narrate from him.”\(^2\)

Likewise, when Ibn al-Ḥanbalī defines *majhūl* differently from the Ḥanafīs, it is clear that he means *majhūl al-‘ayn*.\(^3\) Al-Tahānawī’s explanation clarifies the meaning of *majhūl* when used by scholars to be *majhūl al-‘ayn*.\(^4\)

We can conclude, therefore, that this is the rule when the scholars use the term *majhūl*. Yet the statement of al-Tahānawī suggests that some scholars do not mean *jahālat al-‘ayn*. Abū Ḥātim supports this view when he comments about Dāwūd ibn Yazīd al-Thaqafī al-Bāṣrī. He says “all of the following narrated from Dāwūd ibn Yazīd: Qutayba ibn Sa‘īd, Hishām ibn ‘Ubayd Allāh al-Rāzī, Muḥammad ibn Abī Bakr al-Maqdāmī and al-Ḥakam ibn al-Mubārak al-Khāshīfī.” Then he said: “Dāwūd ibn Yazīd is an unknown *shaykh* (*shaykh majhūl*).”\(^5\) Abū Ḥātim referred likewise to ‘Abd al-Rahīm ibn Kurdu ibn Urtubān. He said, “all of the following narrated from ‘Abd al-Rahīm: Abū ‘Āmir al-‘Aqādī, Abū Usāma, Mu‘allā ibn Asad and Ibrāhīm ibn al-Ḥajjāj al-Sāmī.” Then he said: “‘Abd al-Rahīm is unknown (*majhūl*).”\(^6\) Thus al-Dhahabī says: “The above indicates that a

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1 *Al-Taqyīd wa al-Īḍāh*, 145.
2 *Kifāya*, 88.
3 *Qawā'id Ḥadīth*, 207.
4 *Qawā'id Ḥadīth*, 207.
5 *Al-Jarḥ wa al-Ta'dīl*, 3:428.
6 Ibid., 5:339.
man may be majhūl according to Abū Ḥātim, even if a group of trustworthy people narrate from him, which means that he is of unknown character (majhūl al-ḥāl)."\textsuperscript{1}

\textsuperscript{1} Mughīth, 1:320.
Chapter Seven: unknown narrators
The opinions of Ibn Ḥazm and other scholars

Ibn Ḥazm had a reputation among scholars for his judgement that many famous narrators, scholars, and even Companions were unknown (majhūl). A review of books like *Tahdīb al-Tahdīb*, *Lisān al-Mīzān* and *Mīzān al-Iʿtīdāl* identifies many narrators’ names whom Ibn Ḥazm judged to be unknown. Among the “unknown” scholars were Abū ʿIsā al-Tirmidḥī, the writer of *al-Jāmiʿ*, Abū al-Qāsim al-Baghawī and Abū al-ʿAbbās al-Aṣamm. Al-Laknawī mentioned them, pointing out that Ibn Ḥazm considered them to be unknown. Ibn Kathīr made an error when he said that Ibn Ḥazm judged al-Tirmidḥī to be unknown in *al-Muḥallā*.2 The fact is, however, that there is no such indication in Ibn Ḥazm’s book *al-Muḥallā*, although it is possible that he mentioned them in his book *al-Īṣāl*. Al-Dhahabī’s statement supports this, for he declares that Ibn Ḥazm judged al-Tirmidḥī to be unknown in *al-Īṣāl*.3 ʿAbd al-Fattāḥ Abū Ghudda mentions twenty-one narrators whom Ibn Ḥazm judged to be unknown.4 Among them was Ibn Māja, the author of *al-Sunan*, although there is no reference to him in *al-Muḥallā* at all. Ibn Ḥazm may also have mentioned him in *al-Īṣāl*. Indeed, of the twenty-one narrators listed by ʿAbd al-Fattāḥ Abū Ghudda, only fifteen are mentioned in *al-Muḥallā*.

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1 *Al-Raf* wa *al-Takmīl*, 292.
3 *Mīzān*, 4:678.
4 *Al-Raf* wa *al-Takmīl*, 296, margin 1.
This study is confined to those narrators whom Ibn Ḥazm mentions in *al-Muḥallā*. Fifty-eight *mubham* narrators are mentioned in *al-Muḥallā*, while 413 narrators are judged to be unknown. The statements of scholars about these narrators vary. They agree with the ruling of Ibn Ḥazm on certain narrators. Some of them were judged to be weak, some provoked opinions varying between trustworthy and weak, and others were unanimously considered to be acceptable. Also among them are those whom the majority of scholars declare to be well known, whether they are considered trustworthy or weak, however, some scholars agree with Ibn Ḥazm’s judgement. The findings are set out in Table 7.1

**Table number 7.1 Scholars’ assessment of narrators mentioned in *al-Muḥallā***

<table>
<thead>
<tr>
<th>Type of narrators</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Unknown: unanimous agreement</td>
<td>166</td>
<td>35.2</td>
</tr>
<tr>
<td>2 Famous: majority agree but minority support Ibn Ḥazm</td>
<td>23</td>
<td>4.9</td>
</tr>
<tr>
<td>3 Weak: unanimous agreement</td>
<td>39</td>
<td>8.3</td>
</tr>
<tr>
<td>4 Variable: considered trustworthy by some and weak by others</td>
<td>45</td>
<td>9.6</td>
</tr>
<tr>
<td>5 Trustworthy: unanimous agreement</td>
<td>89</td>
<td>18.9</td>
</tr>
<tr>
<td>6 <em>Mubham</em></td>
<td>58</td>
<td>12.3</td>
</tr>
<tr>
<td>7 Unidentifiable</td>
<td>51</td>
<td>10.8</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>471</td>
<td></td>
</tr>
</tbody>
</table>
Mubham narrators

Scholars are agreed on the rejection of mubham narrators, unless there is a narration that clearly identifies the narrator. Examples of vagueness that appear in al-Muhalla are: “from a man”,1 “from a shaykh of the Kināna tribe”,2 “from an Anṣāri man”,3 “from a man who was a neighbour of Shu‘ba”,4 “so and so from his father”,5 “from people from Ṣafwān ibn Umayyā”,6 “from knowledgeable men”,7 “from a good man from Madīnā”8 and “from more than one of the Anṣār”.9 From all these descriptions, it is impossible to know whether the narrator was trustworthy or not. Therefore, Ibn ʿArabī is correct in his view about them.

Narrators whom scholars agree are unknown

The majority (which is the total of 47.5% of unknown narrators, and 10.8% of the unidentifiable narrators) of the 413 narrators fall into this category. Examples of these narrators are: Ibrāhīm ibn Muḥammad ibn Yaḥyā al-ʿAdawi al-Bukhārī,10 Abū Muḥammad al-Azdi,11 al-Aswād ibn Thaʿlabā,12 Ayyūb ibn ʿAbd Allāh,13 al-Barāʾ

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1 Al-Muhalla, 2:180; 5:242; 6:153; 7:123.
2 Ibid., 6:256.
3 Ibid., 7:211, 415.
4 Ibid., 7:512.
5 Ibid., 8:182.
6 Ibid., 9:171.
7 Ibid., 9:229; 10:16, 227.
8 Ibid., 10:325.
9 Ibid., 10:327.
10 Ibid., 7:60; MEān, 1:63(198).
11 Al-Muhalla, 5:47; MEān, 1:255(972); Lisān, 1:449; Mughnī, 1:89(738).
12 Al-Muhalla, 8:196; 9:499; MEān, 1:256(980); al-Jarḥ wa al-Taʿdīl, 2:293(1071).
13 Al-Muhalla, 2:36; MEān, 1:290(1085).
ibn bint Anas,² Bahīsa,² Jubayr ibn Abī Šāliḥ,³ Ḥabīb ibn Nujayḥ,⁴ Dāwūd ibn Jubayr⁵ and others. Ibn Ḥazm’s judgement of this group as unknown agrees with that of the majority of scholars, which reduces Ibn Ḥazm’s image of dissenter compared with other scholars.

Narrators about whom scholars had divided views

This is a group of twenty-three narrators, whose assessment caused a sharp division among the scholars. Although the majority of scholars declared that these narrators are famous, it should be noted that there is a minority who agree with Ibn Ḥazm’s judgement that they are unknown. Therefore he was not alone in his judgement. Abū Ḥanīfa agrees with Ibn Ḥazm in his judgement that Zayd ibn Abī ‘Ayyāsh was unknown.⁶ Al-Shāfi‘ī and Ibn al-Madīnī agree with him in his judgement of Hānī.⁷ Ahmad agrees with him in his judgement of Qays ibn Ḥabtar al-Nahshali.⁸ Abū Ḥātim agrees with him in his judgement of many narrators such as Ibrāhīm ibn Zakariyyā al-Wāṣiṭī,⁹ Abū ‘Amr ibn Ḥamās,¹⁰ Sufyān ibn Abī al-‘Awjā,¹¹ Taql ibn

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¹Al-Muḥallā, 7:519; al-Jarḥ wa al-Ta’dīl, 2:400(1573); MZhūn, 1:103(1139).
²Al-Muḥallā, 9:55; Tahdhib, 12: 404(2745).
³Al-Muḥallā, 8:487; al-Jarḥ wa al-Ta’dīl, 2:514(2122); MZhūn, 1:388(1441).
⁴Al-Muḥallā, 6:16; al-Jarḥ wa al-Ta’dīl, 3:110(504); MZhūn, 1:456(1715).
⁵Al-Muḥallā, 7:122, 123 footnote 3; MZhūn, 2:6(2601).
⁶Al-Muḥallā, 8:462,466; Tahdhib, 3:423(774).
⁷Al-Muḥallā, 10:326; Tahdhib, 11:22(48).
⁸Al-Muḥallā, 7:484; Tahdhib, 8:389(690).
⁹Al-Muḥallā, 8:169; al-Jarḥ wa al-Ta’dīl, 2:101(280).
¹¹Al-Muḥallā, 10:367; Tahdhib, 4:117(204); al-Jarḥ wa al-Ta’dīl, 4:219(956); MZhūn, 2:169(3326).

**Narrators whom scholars judged to be weak**

This is a group of narrators about whom Ibn Ḥazm was incorrect in his judgement of them as unknown, for the scholars had known them. However, the scholars unanimously agreed that they were weak and therefore rejected their narrations. Among these narrators are Ismāʿīl ibn ʻAbd al-Malik al-Asadi, al-Ḥarīth ibn Abī al-Zubayr al-Madani, al-Ḥarīth ibn al-Nuṭmān, al-Ḥasan ibn al-Faḍl, Khālid ibn al-Farz, Rūḥ ibn Ghaṭīf and Muṭaṣārah ibn Yazīd.

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3 *Al-Muḥalla*, 9:64; *Mān*, 1:270(1010).
4 *Al-Muḥalla*, 10:364; *Mān*, 2:200(3448); *al-Jaḥr wa al-Taʿdīl*, 4:110(486); *Tahdhib*, 4:189(321).
5 *Al-Muḥalla*, 1:176; *al-Jaḥr wa al-Taʿdīl*, 4:122(531); *Mān*, 2:211(3476); *Tahdhib*, 4:197(334).
7 *Al-Muḥalla*, 9:212; *Mugḥnī*, 2:487(4687).
8 *Al-Muḥalla*, 2:35; *Talkhīṣ al-Ḥabīb*, 1:86.
10 *Al-Muḥalla*, 9:47; *al-Jaḥr wa al-Taʿdīl*, 3:75(346); *Mān*, 1:433(1616).
11 *Al-Muḥalla*, 7:482; *Mān*, 1:444(1650).
14 *Al-Muḥalla*, 5:47; *al-Jaḥr wa al-Taʿdīl*, 3:495(2245); *Mān*, 2:60(2809).
Narrators about whom scholars had variable opinions

Ibn Ḥazm was incorrect in his judgement that this group is unknown, for they are indeed well known. However, the scholars could not agree on their trustworthiness and the acceptability of their narrations. Some scholars accepted them and others rejected them. Accordingly, although Ibn Ḥazm was incorrect in his judgement of these narrators, there were those who agreed with him that their narrations should be rejected for whatever reason. Among these narrators are Shuraḥbīl ibn Muslim, whom Aḥmad considered trustworthy but Yahyā ibn Ma‘īn considered weak.² As for Rabi‘a ibn ‘Uthmān, Yahyā ibn Ma‘īn and al-Nasā‘ī considered him trustworthy, but Abū Ḥātim and Abū Zur‘a considered him weak.³ ‘Attāb ibn Bashīr al-Jazārī is considered trustworthy by Ibn Ma‘īn, Ibn Ḥibbān and al-Dāraquṭnī, but is considered weak by al-Nasā‘ī, Ibn Sa‘d and Ibn Mahdī.⁴ ‘Uthmān ibn Wāqīd, is considered trustworthy by Aḥmad and Ibn Ma‘īn, but considered weak by Abū Dāwūd.⁵ Al-Mushma‘īl ibn Miḥān is considered trustworthy by Aḥmad, Ibn Ma‘īn and Ibn Ḥibbān, but considered weak by al-Dāraquṭnī.⁶

Narrators whom scholars considered trustworthy

Ibn Ḥazm seems to have made a clear mistake in his judgement of this group of narrators. He rejected many narrations, basing this on his judgement that the

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¹ Al-Muḥallā, 9:58; Tahdhīb, 10:171(322).
² Al-Muḥallā, 8:319; al-Jarḥ wa al-Ta‘dīl, 4:340(1495); Mīzān, 2:267(3685).
³ Al-Muḥallā, 10:334; Mīzān, 2:44(2754).
⁴ Al-Muḥallā, 6:79; Tahdhīb, 7:90(192).
⁵ Al-Muḥallā, 7:365; Tahdhīb, 7:158(313).
⁶ Al-Muḥallā, 7:482; Tahdhīb, 10:157(298).
narrators were unknown, whereas in reality they were trustworthy. The term trustworthy is not used here to mean the result of preference between the statements of scholars, but the unanimous agreement of scholars regarding the ‘adīla of these narrators. Thus Ibn Ḥazm is alone in his judgement. This is a serious mistake, which seems to be the result of Ibn Ḥazm’s self-confidence, his knowledge, and his tendency to jump to rapid conclusions in his studies. Although Ibn Ḥazm had the right to be self-confident, one feels that he should have taken more responsibility for his judgement, and said, for example: “I do not know this narrator, and therefore cannot make a general judgement but I consider him unknown.” Many of those whom he judged to be unknown are famous scholars and Companions who are described below in the forthcoming groups 1, 2 and 3.

1. Companions

The knowledge of the Companions is important, for upon this is based the linkage of the aḥādīth to the Prophet. Ibn Ḥazm mistakenly judged a number of Companions to be unknown. Among them are the following.

a. Bint Abī Tujrāt:¹

She is a Companion and her name is Ḥabība. Ibn Sa’d mentioned her and narrated from her the narration for which Ibn Ḥazm rejected her.² She had a sister called Barra, who was also a Companion and narrated from the Prophet.¹

¹ Al-Muhallā, 7:98.
² Tabaqāt, 8:247.
b. ‘Ujayr, father of Nāfi’:

He is another Companion whom Ibn Ḥazm judged to be unknown.² The Prophet gave him some of the date produce of Khaybar. He was the brother of Rakāna who fought with the Prophet before his prophethood. Abū Dāwūd quoted from him in his Sunan. Ibn ʿAbd al-Barr, a contemporary of Ibn Ḥazm, described him as one of shuyūkh of Quraysh.³

c. Ghālib ibn Dīj:

Ibn Ḥazm said: “It is not known who he is”.⁴ He was Ghālib ibn Abjar, a Companion from Kūfa who narrated from the Prophet. Abū Dāwūd quoted from him in his Sunan, and al-Bukhārī mentioned him in his Ṣaḥīḥ.⁵

d. Al-Miqdām ibn Maʿdikarib:

Ibn Ḥazm said he was “unknown”.⁶ He was also a Companion. He narrated from the Prophet, Muʿādh and Abī Ayyūb al-Anṣārī.⁷

2. Famous scholars

It has already been mentioned that scholars such as al-Dhahabī and Ibn Kathīr stated that Ibn Ḥazm judged al-Tirmidhī and Ibn Mājah to be unknown. Although there is no indication of this in al-Muḥallā, there are other scholars

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¹ Ibid., 8:246.
² Al-Muḥallā, 10:191, 326.
³ Tahdhib, 7:162(326).
⁴ Al-Muḥallā, 7:408.
⁵ Tahdhib, 8:241(442).
⁶ Al-Muḥallā, 7:408.
⁷ Tahdhib, 10:287(505).
whom Ibn Ḥazm judged to be unknown. This judgement is another serious mistake which counts against him. In *al-Muḥallā* Ibn Ḥazm mentions Abīd ibn ‘Alī ibn Muslim, saying he is unknown. He was incorrect, for this person is Abū al-ʿAbls al-Abbār, the trustworthy scholar of Baghdād, who died in 290. Ibn Ḥazm also judged ‘Abd Allāh ibn Shawdhab to be an unknown narrator. Again he was incorrect, for he is a famous scholar, who narrated from many narrators such as Thābit al-Bunānī, al-Ḥasan al-Ḵāṣṣī, Mālik ibn Dīnār, Makhlūl al-Shāmī and others. Many trustworthy narrators such as ʿIbrāhīm ibn Adham, ‘Abd Allāh ibn al-Mubārak, ʿIsā ibn Yūnūs and others narrated from him. Among those who also narrated from him were the writers of the *Sunan*, Abū Dāwūd and al-Nasāʿī. Al-Bukhārī narrated from him in *al-Adab al-Mufrad*. Several scholars considered him trustworthy, including Yaḥyā ibn Maʿīn and al-Nasāʿī. Ḥazm ruled that Ismāʿīl ibn Muḥammad al-Ṣaffār was unknown. This was incorrect, for he was the famous trustworthy grammarian who accompanied al-

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5 *Tahdhib al-Kamāl*, 3734 CD.
Mubarrad\(^1\) and was known to have learned from him. Al-Dāraquṭnī and al-
Ḥākim narrated from him and considered him trustworthy. Al-Ṣaffār died in 314
at the age of 94.\(^2\)

3. **Trustworthy narrators**

There were many trustworthy narrators whom Ibn Ḥazm judged to be unknown.

The following are some examples.

a. Abān ibn Ẓāliḥ:

Ibn Ḥazm said that he was not famous (as a narrator).\(^3\) He was not correct, for he
was famous. The scholars knew him, and many of them judged him to be
trustworthy, among them Abū Ḥātim, Abū Zur‘a, Yahyā ibn Ma‘īn, Ḥāmid ibn
Ḥanbal, al-‘Ijli, Ya‘qūb ibn Shayba, al-Nasā‘ī and Ibn Ḥībbān.\(^4\)

b. Unays ibn Yahyā:

Ibn Ḥazm said that it was not known who he was.\(^5\) This was not correct, for the
narrator was well known and considered trustworthy by many scholars, such as
Sa‘d, Abū Dāwūd, Ibn Abī Khaythama and al-Khalīlī.\(^6\)

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\(^1\) He is also called al-Mubarrid. See *siyar*, 13:576.
\(^2\) *Lisān*, 1:432.
\(^3\) *Al-Muhalla*, 1:198.
\(^4\) *Al-Jarḥ wa al-Ta‘dīl*, 2:297(109); *Su‘dūr Abū Dāwūd li Aḥmad*, 301(367); *Tahdhīb*, 1:94(168).
\(^5\) *Al-Muḥallā*, 7:286.
\(^6\) *Tahdhīb*, 1:380(693).
c. Ḥusayn ibn Qubayṣa:

Ibn Ḥazm said he was unknown. This was not correct, for al-Bukhārī mentioned him and said he narrated from ʿAlī ibn Abī Ṭālib and ʿAbd Allāh ibn Masʿūd. Accordingly he was one of the Successors, who have been mentioned as trustworthy by al-ʿIjlī, Ibn Saʿd and Ibn Ḥībān.

d. ʿAbd Allāh ibn al-Daylāmī:

Ibn Ḥazm said he was unknown whereas he was quite a famous trustworthy scholar who lived in Jerusalem. Ibn Maʿīn, al-ʿIjlī, Ibn Ḥībān and Abū Zurʿa considered him trustworthy.

e. ʿAbd Allāh al-Alhānī:

Ibn Ḥazm said he was unknown. He was incorrect, for he was a trustworthy successor from Syria (Shām). Al-ʿIjlī, al-Dāraquṭnī, Ibn Ḥībān and Abū Dāwūd considered him trustworthy.

Narrators who could not be identified

From the total number of narrators whom Ibn Ḥazm considered unknown, fifty-one could not be identified in the books of al-Jarḥ wa al-Taʿdīl. Among them were

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1 Al-Muḥallā, 10:61.
2 Kabīr, 3:5(13).
3 Tārīkh al-Thiqāt, 122(299); Tabaqāt, 6:180; Tahdhib, 2:387(671).
4 Al-Muḥallā, 7:333.
5 Tahdhib, 5:358(615).
6 Al-Muḥallā, 7:37.
7 Tahdhib, 5:354(606).
Sulafa, the slave of Ḥafṣa,¹ Salmā bint al-Nāḍr al-Khuḍariyya,² Sulaymān ibn Sulaymān,³ ʿUmar, the slave of ʿAnbasa,⁴ Māʾīz father of Mālik,⁵ Muḥammad ibn Bakkār,⁶ Muḥammad ibn ʿUqba,⁷ Muḥammad ibn Marwān,⁸ Muḥammad ibn Yūnūs,⁹ Yazīd ibn ʿAbd al-Ṣamad¹⁰ and others.

Ibn Ḥazm’s confusion between narrators

The similarity of narrators’ names and the confusion and mistakes in their transcription are an obvious issue in Ḳlām al-Rijāl (the science which studies the names of narrators). It is one of the difficulties that researchers have to face in the precise identification and recognition of narrators, and can lead the researcher to a wrong result and incorrect judgement. The mistake could have been made either by the transcriber who wrote the name or by the narrator who pronounced it. Ibn Ḥazm misjudged a number of narrators owing to the confusion in their names. He rejected a narration he mentioned in al-Muhalla because of a narrator in the chain of the narration called ʿAbd Allāh ibn ʿAmr ibn Luwaym. Ibn Ḥazm said that he was

¹Al-Muhalla, 7:530.
²Ibid., 7:408.
³Ibid., 3:214.
⁴Ibid., 7:298.
⁵Ibid., 7:377.
⁶Ibid., 7:38.
⁷Ibid., 3:214.
⁸Ibid., 8:333.
⁹Ibid., 3:279; 4:132.
¹⁰Ibid., 9:57.
unknown. In fact, Ibn Ḥajar had earlier clarified that this 'Abd Allāh ibn Luwaym was a Companion. However, Ibn Ḥazm was confused about the name and referred to another person who had his first, second and third name. Ibn Ḥazm said that 'Umar ibn Ṭalḥa did not exist, not knowing that Ṭalḥa had a son called 'Umar. Ibn Ḥazm was correct, except that the name was incorrect and should have been 'Imrān ibn Ṭalḥa. He was famous and Ibn Mājah quoted from him in his Sunan. Similarly Ibn Ḥazm said that al-Mustawrid ibn Rifā‘a was unknown. His misjudgement was due to a mistake in the name, as was clarified by al-Quṭb al-Ḥalabī, the correct name being al-Miswar ibn Rifā‘a. He was famous and Ibn Ḥibbān mentioned him in his Thiqāt.

Narrators with few narrations

It was pointed out earlier that one of the reasons for declaring a narrator unknown was that he had few narrations, and therefore did not become famous among narrators and scholars. Thus Ibn Ḥazm may be excused for judging a group of narrators to be unknown for this reason, even if they were known by some scholars and considered trustworthy by them. One such narrator was ‘Uqba ibn Aws, who Ibn

1 Ibid., 7:407.
2 Līsān, 3:321; al-Īṣāba, 2:352.
3 Al-Muḥallā, 2:194.
4 Tahdhib, 7:465(773).
5 Al-Muḥallā, 10:62.
6 Tahdhib, 10:150(286).
Hazm said was “unknown.” Ibn Sa’d said, however, that “he was trustworthy with few narrations.” Ibn Hazm described ‘Umara ibn Khuzayma ibn Thābit, as “unknown”, yet Ibn Sa’d said: “He was trustworthy with few narrations.” Umar ibn Shaqiq, Ibn Hazm said of him: “It is not known in this world who he is.”

However, the scholars considered him trustworthy, and Ibn ‘Adi said: “he has few narrations.”

Although Ibn Hazm did not know these narrators, it would have been more appropriate to admit his ignorance and say “I do not know them”, instead of making a general statement and misjudging them in the way that he did.

The scholars on whom Ibn Hazm based his judgement

Ibn Hazm judged 413 narrators as unknown, and he did not clarify if he relied on other scholars’ views on them, except in two cases and with two narrators only. He mentioned in each case the view of one of the Ḥadith scholars on whom he relied in order to judge the narrator. These two scholars are:

1. Yahyā ibn Ma’in (158-233/ 774-847)

   He was one of the great Ḥadith scholars from Baghdād. He learned from the most famous scholars of his time such as al-Muẓaffar ibn Mudrak al-Khurāsānī,

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1 See page 204.
2 Al-Muhalla, 10:381.
3 Tahdhīb, 7:237(428).
4 Al-Muhalla, 8:348.
5 Tahdhīb, 7:416(674).
6 Al-Muhalla, 5:125.

2. ‘Alī ibn al-Madīnī (161-234/777-848)

He was one of Islām’s great scholars of Ḥadīth from Baṣra. He learned from the most famous scholars of his time such as Ḥammād ibn Zayd, Sufyān ibn ‘Uyayna, Yaḥyā ibn Sa‘d al-Qāṭṭān and many others. Great scholars such as Aḥmad ibn Ḥanbal, Muḥammad ibn Ismā‘īl al-Bukhārī and others studied under him. The scholars agreed unanimously on his important position in the science of Ḥadīth. Ibn Ḥazm relied once on his view, when he judged al-Aswād ibn Tha‘labā.

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1 Tahdhīb, 7:463(770).
2 Tahdhīb al-Asmā‘, 2:156(246); Tadhkira, 2:429(437).
3 Al-Muḥallā, 10:364.
4 Tahdhīb al-Asmā‘, 1:350(431); Tadhkira, 2:428(436).
5 Al-Muḥallā, 8:196; 9:499.
Thus, although Ibn Ḥazm judges 413 individuals to be *majhūl*, in the overwhelming majority of cases (411) his judgement would seem to be an independent one without any obvious reference to any other scholar.
Chapter Eight: Ibn Ḥazm’s method of assessing ‘adāla
Knowing a scholar’s view of ‘adāla¹ and its related issues is a major step in understanding his view of jahāla.² This is why it is necessary to present Ibn Ḥazm’s opinion of the concept of ‘adāla as an introduction to understanding his view of jahāla.

Establishment and verification of a narrator’s ‘adāla

Ibn Ḥazm rejects anyone proved to be untrustworthy in his religion and his memorizing.³ To accept a narrator, it is not sufficient that he is not proved to be invalid, and someone whose status of trustworthiness or untrustworthiness is not clear is also rejected. Only the narrator whose trustworthiness is proved is accepted. Therefore, in Ibn Ḥazm’s view, knowing and assessing a narrator is essential in order to accept the narration of the ‘adl narrator and reject the narration of the fāsiq (a person of a corrupt conduct). Moreover, he does not accept a narrator’s report only on the basis of his ‘adāla: he sees the importance of distinguishing an ‘adl jurist (al-‘adl al-mutafaqqih) from the lay ‘adl (ghayr al-mutafaqqih). Narrations are accepted from the former but not from the latter.⁴

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¹ ‘Adāla is a fundamental condition of a witness who brings evidence, and an ‘adl person is someone who is moral and truthful.
² Jahāla is the anonymity of the narrator, this fact that he cannot be identified.
³ Al-Muḥallā, 1:50.
⁴ Ihkām, 5:124.
1. **Fāsiq narrator:** Regarding the fāsiq, Muslims are required by Allāh to check his reputation with other people. Allāh Almighty says: “O you who believe! If a rebellious evil person [Fāsiq] comes to you with a piece of news, verify it, lest you harm people in ignorance.” Accordingly, Ibn Ḥazm rejects the narration of the fāsiq. However, this Qur’ānic verse does not indicate whether the narration of the ‘adl narrator should be accepted or not.

2. **‘Adl narrator:** Ibn Ḥazm establishes his view on the ‘adl narrator on two premises and a conclusion, that is, what he calls al-dalīl (the evidence). The first premise is the above verse that forbids accepting the narrations of the fāsiq. The second premise is the Almighty’s statement: “Of every troop of them, a party only should go forth, that they [who are left behind] may receive instruction in the [Islamic] religion, and that they may warn their people when they return to them.” This verse requires Muslims to go out in quest of religious knowledge in order to impart it to their people after their return. This implies that the narration of a religious knowledgeable person should be accepted, otherwise it is meaningless to order people to go out to seek religious knowledge if their sayings are not accepted thereafter. These two verses are premises: the first forbids accepting the narration of the fāsiq, and the second requires the acceptance of the sayings of the faqīh (jurist). As the narrator is either a fāsiq or

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1. *Al-Muḥallā, 1:51.* Fāsiq in Islamic law is a person not meeting the legal requirement of righteousness.
2. *Surah al-Ḥujurat, 6.*
3. *Iḥkām, 1:111.*
4. Ibid., 5:106.
an 'adl, the decisive inference from these two preludes is the requirement to accept the narration of the 'adl narrator.²

Is a Muslim 'adl unless proved otherwise?

Ibn Ḥazm refuses to confirm the 'adāla of a Muslim until it is proved. Other scholars disagree with him and consider a Muslim to be 'adl unless he is proven otherwise.

Ibn Ḥazm states that those who disagree with him argue that the human child is considered to be innocent and sinless. On reaching maturity, the fact that he is a Muslim confirms his good character, for Islam combines all goodness, and accordingly he is considered 'adl until it is established that he is otherwise.

Ibn Ḥazm rejected this logic, explaining that on maturity a Muslim becomes responsible: his good deeds are recorded on the good side of the balance and his sins are recorded on the evil side. The human being is not perfect for he does commit sins. This is proved by Almighty Allāh’s statement: “And if Allāh were to seize mankind for its wrong-doing, he would not leave on it [the earth] a single animate creature.”³ In another verse Allāh says: “And if Allāh were to punish men for that which they earned, he would not leave an animate creature on the surface of the earth.”⁴ These two texts clarify that there is nobody who has not already been unjust and has not committed a sin. Given this certainty, a Muslim’s narration is not to be accepted pending an investigation into his personal record. If he is classified as fāsiq,

¹ Surah al-Tawba, 122.
² Ḩikām, 1:111; al-Muḥallā, 1:51.
³ Surah al-Naḥl, 61.
⁴ Surah Fāṭr, 45.
then he is considered to be untrustworthy and thus his narration is rejected. However, if he is found to have committed minor sins and "spent" them by either tawba (repentance) or by the avoidance of major sins, such a person is, by Allâh’s will, secured from being a fâsîq. Accordingly that person is considered to be among the 'udîl; certainly, his narration should be accepted. Ibn Ḥazm’s opinion joins that of the majority of the Mâlikîte and Shâfi‘îte scholars, who say that it cannot be proved that the narrator is 'adl without the scholars considering him to be so. This is contrary to the opinion of the Ḥanafîtes, who state that it is enough for a narrator to be a Muslim to be considered ‘adl.

Ibn Ḥazm’s criteria for ‘adîla

Ibn Ḥazm does not differ from the other scholars in his criteria for a narrator to be considered ‘adl. Even though some of his statements could at first connote a difference, scrutiny, however, reveals that this is a difference in expression only, without any practical impact in reality.

Ibn Ḥazm imposes the following criteria for a narrator to be ‘adl:

1. Islam: the narrator must be a Muslim who practises all the obligations prescribed by Allâh. However, he emphasizes an important point: it is essential that the narrator is a Muslim at the time of reporting the narration to others, but not necessarily so at the time of hearing and receiving a narration from others.

   Therefore, if a non-Muslim heard a narration from the Prophet Muḥammad, then

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1 Al-Muḥalla: 9:394.
2 Al-Râf’ wa al-Takmîl: 110, footnote 2.
embraced Islam, and afterwards narrated it and is found to be 'adl, his narration must be accepted.2

2. **Puberty:** I have not come across, in the books of Ibn Ḥazm that I reviewed, any declaration for puberty to be a prerequisite in a narrator. However, in practice he does consider this to be essential, since he rejects a narration by Fāṭima bint al-Mundhir on the authority of Umm Salama states that Fāṭima bint al-Mundhir was born in 48 AH and Umm Salama had died in 59 AH. Thus, Fāṭima was 11 years old when Umm Salama passed away. At this age a person understands what he/she hears, but Ibn Ḥazm considered her too young and did not accept her narration.3

3. **Being clear of fisq (grave sins):** Ibn Ḥazm rejects a fāsiq’s narration. Moreover, he states that fisq occurs when the narrator commits a major sin or announces his minor sins, or commits them in public. However, Ibn Ḥazm did not take into account the scholars’ argument over the definition of sin, where the sinner did not believe that what he did was fisq, and where he was not faced by evidence that he was in the wrong.1

4. **Sanity:** Ibn Ḥazm did not mention sanity as a prerequisite in a narrator because it is an obvious condition that is not worth stating: an insane person is not obliged to fulfil the duties of the sharī’ah, and does not understand what he hears or says. Obviously, if Ibn Ḥazm rejected many narrations because one of the

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1 *Iḥkām*, 1:144.
2 Ibid., 2:83.
narrators in the chain of authorities had a weak memory, it was more appropriate for him to reject the narration of the insane.

As for al-Shāfi‘ī’s statement that the narrator’s khawārīm al-murū‘a (chastity) is a precondition, Ibn Ḥazm’s response is that the narrator’s chastity cannot be considered an independent condition: a depraved character falls either into the realm of sin or not. If it does, then it is covered by the condition of freedom from the causes of fisq. If, on the other hand, it does not, then it is not a sin, and therefore it cannot be considered a condition at all.²

The methods of proving a narrator’s ‘adāla

Ibn Ḥazm believes that the narrator’s ‘adāla can be proved by one of three methods:

1. **Ruling by a Ḥadīth scholar**

   Ibn Ḥazm shows in many instances that a narrator’s integrity can be proved if a scholar rules either to declare him ‘adl or to disqualify him.³

2. **Fame**

   Ibn Ḥazm accepts a narrator whose ‘adāla becomes famous. He accepts him even if he had been judged by a famous scholar to be unreliable (jarrahahu).⁴

   One of those upon whose comments Ibn Ḥazm relied regarding disqualification in many instances is Yaḥyā ibn Ma‘īn. In spite of this Ibn Ḥazm says: “The

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¹ *Iḥkām*, 1:149; *al-Muḥalla*, 9:393.
³ *Iḥkām*, 1:146.
⁴ The Arabic verb *jarāha* means, according to the context, reject, disparage, discredit, defame or disqualify.
sayings of Yahyā ibn Ma‘īn and others are accepted if they weaken whoever is not famous as an ‘adl.”¹ This means that Ibn Ḥazm considers the fame of a narrator’s integrity more significant than the ruling by a scholar who disqualifies him. This is so even if Ibn Ḥazm does not accept a narrator whose integrity has been proven by a scholar’s ruling, but who has been discredited by another scholar.²

3. Narration of two trustworthy transmitters

If two trustworthy transmitters report a narration from a particular narrator, then this proves his ‘adāla. This is inferred from Ibn Ḥazm’s statement about al-‘Āliya bint Ayfa’ ibn Sharāḥīl.³

The acceptance of the ‘adl narrator

The ‘adl narrator according to Ibn Ḥazm is whoever fits the above descriptions, although there is a further criterion to be considered. Ibn Ḥazm classifies the ‘udūl narrators into ‘adl jurist (‘adl faqīḥ) and ‘adl non-jurist (‘adl ghayr faqīḥ).

Ibn Ḥazm argues that an ‘adl narrator who is not a jurist (ghayr faqīḥ) is not skilled in memorization and is not precise in what he quotes from his own writings; so his reports are full of mistakes. Therefore, his narration is not acceptable because it does not meet the condition of proficiency in Islāmic jurisprudence as stipulated in

¹Al-Muḥallā, 6:9.
²Iḥkām, 1:146.
³Al-Muḥallā, 9:49.
the Qur’an:1 “Of every troop of them, a party only should go forth, that they [who are left behind] may receive instruction in the [Islamic] religion.”2 As for the ‘adl narrator who is a jurist (al-‘adl al-faqih), his narrations are to be accepted because he can memorise and he is precise when quoting from his writings owing to his jurisprudential knowledge, which is the condition for accepting the narration of al-nāfīr [that is those who devote themselves to Islamic studies].3

Ibn Ḥazm states that the fiqh (jurisprudence) embodied by the above verse indeed includes preservation and accuracy. This is corroborated by the hadith:

“Indeed, the true religion and knowledge with which Allāh has sent me is like the rain that has fallen on an area of land, of which there is a good part which has absorbed the water, and therefore produced plenty of grass. And another, infertile area has held the water, so Allāh has made it beneficial for people, and they can use it for drinking, irrigation and pasture. The rain has fallen on another area, indeed it is a land (qī‘ān) which neither holds the water nor does it grow grass. The good part of the land is like a person who is a jurist in the religion of Allāh, and Allāh has benefited him with that which Allāh has sent me, so he has become knowledgeable and passed on this knowledge. The land which neither holds the water nor does it grow grass is like a person who has not benefited from that and has not accepted the true religion of Allāh with which I have been sent.”4

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1 Ḥikām, 1:138.
2 Surah al-Tawba, 122.
3 Ḥikām, 5:121.
4 Ibid., 1:139.
Ibn Ḥazm infers from this ḥadīth two categories of 'udūl narrators whose narrations are to be accepted:

1. A narrator who is skilful at memorizing narrations and is accurate in quoting from his books. Also, he is to have a standard of knowledge which enables him to understand the meaning of what he narrates, and to discuss the points at issue among scholars. Finally, he should be able to support his statements with the Qurʾān and the Ḥadīth.

2. A narrator who memorizes the reports he has heard, or records them in writing, and then narrates them as they are without any alteration. However, he does not understand the meaning of what he narrates, nor does he have the practical ability to discuss the jurists’ various opinions and provide supporting evidence from the Qurʾān and the Ḥadīth. According to the Prophet Muḥammad, people do have varying degrees of knowledge. He says: “There may be an informed person who is more knowledgeable than the receiver.” Ibn Ḥazm likens this to an infertile land that holds water for irrigation. So whoever memorizes what he has heard or records it in writing is an ‘adl jurist (al-‘adl al-faqīḥ) whose narration is to be accepted. Conversely, whoever does not memorize what he has heard and does not record it in writing, is like neither the fertile land, nor the infertile land that holds the water, and therefore he is not among those whose narration is acceptable.1

Disqualification of a narrator

Ibn Ḥazm rejects narrators on the basis of four factors:

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1 Ibid., 1:140.
1. Committing a major sin which is clearly classified as a major sin.

2. Committing what the narrator believes to be unlawful, even if he is wrong in his view (that is, where evidence proves that the act is lawful), but prior to the time when it has become clear to him that the act is lawful.

3. To declare publicly one’s minor sins, which are proved to the offender to be religiously unlawful.

4. Where a narrator cannot recall accurately the narrations that he has memorized nor quotes accurately from his writings.¹

Proving the mistakes of a trustworthy narrator

Ibn Ḥazm puts forward three ways of proving mistakes in the narration of a trustworthy reporter:

1. The narrator verifies and admits that he has made an error in his narration.

2. An ‘adl narrator testifies that he has heard the narration with a trustworthy narrator, and that this narrator has made a mistake in transmitting the narration.

3. The narration contains statements which contradict public knowledge; this necessarily indicates that the narrator must have made a mistake in what he has heard and narrated.¹

The establishment of a narrator’s infallibility

Ibn Ḥazm differs greatly from the rest of the scholars on this matter. The majority of scholars accept the narration of an ‘adl narrator whose integrity is not in doubt and

¹ Ibid., 1:147.
who is considered to be accurate. However, they do not rule out the possibility that mistakes may occur in his narration without his being aware of them. However, a narrator whose ʿadāla and jurisprudential conditions of memorization and accuracy have been established, and whose weakness has not proved by the above-mentioned three methods, is considered by Ibn Ḥazm to be free from error and lies in his narration.\(^2\) This is so because from Ibn Ḥazm’s point of view Allāh undertook to preserve the Islamic religion, and the Prophet’s traditions, being the second source after the Qur’ān, clarify Islām. These traditions are preserved by Allāh and are therefore infallible and immune from falsehood, except where revelation from Allāh corrected the Prophet’s errors, like distraction (sahw) while at prayer (when the Prophet prayed two or three rak’as instead of four). So, the final firm judgement, either in proving the ʿadāla of the narrator or his lack of integrity is infallible from error and is preserved by Allāh.

This is what Ibn Ḥazm mentions regarding the infallibility of the narrators whose ʿadāla is proved, and whose lack of trustworthiness is not proved. However, Ibn Ḥazm considers only narrators whose ʿadāla is generally accepted among scholars.\(^1\)

**The invalidity of a narration**

Pursuant to the previous case, Ibn Ḥazm also differs from the rest of the scholars in judging a narration from a narrator known for errors, poor memorization, and

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\(^1\) Ibid., 1:136.

\(^2\) Ibid., 1:130.
inaccuracy. The scholars reject the narration of such a person because of the strong probability that his narration is not true. Ibn Ḥazm, however, argues that any narration whose chain of transmission is broken, or which is narrated by someone whose skill in memorization or accuracy is not known, so that the narration is false and fabricated. According to Ibn Ḥazm this category includes narrators the rejection of whose narrations is confirmed, Jābir al-Ju'fī among others.

**The timing of a narrator's 'adāla**

According to Ibn Ḥazm, the condition of 'adāla is required at the time a narration is passed onto others. It is not required from the transmitter at the time he himself hears the narration. So if a fāsiq hears a narration, later repents, leads a morally upright life and becomes known to be 'adl, and then passes on the narration, that narration is to be accepted. Ibn Ḥazm gives the example of one category of invalidation, namely kufr. He says that if a kafir heard the Prophet making a statement, later embraced Islam and became 'adl, and then narrated what he had heard from the Prophet when he, the narrator, was a kafir, his narration is to be accepted as correct.²

**The ‘adāla of the Prophet’s Companions**

The ‘adāla of the Prophet’s Companions belongs to the realm of issues already settled by scholars. The Companions are all taken to be ‘udūl, according to Allāh’s references to them in the Qur’ān and as mentioned in many aḥādīth. Ibn Ḥazm

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¹ Ibid., 1:136.
² Ibid., 2:83.
agrees with the scholars here on specific issues and disagrees with them on others. He agrees with the scholars that not everyone who has seen the Prophet is considered to be a Companion, otherwise Abū Jahl would have been included. He also agrees with the scholars that not everyone who lived during the Prophet’s time and embraced Islam either before or after his death, but did not actually meet him, is considered to be a Companion. Ibn Ḥazm refers specifically to ‘Alqama and al-Aswad. The scholars do not consider these two among the Companions, despite their merit and position, their social standing and their honourable scholarly lives during the reign of ‘Umar ibn al-Khaṭṭāb, for both had embraced Islām during the Prophet’s time but had not seen him.

Ibn Ḥazm disagrees with the scholars, however, regarding whether everyone who embraced Islām and saw the Prophet is a Companion. He argues that an ‘adl Companion is as defined in the Qur’ānic verse: “Muḥammad is the messenger of Allāh, and those who are with him are severe against disbelievers, and merciful among themselves,”¹ and whose merit and position were proved. Ibn Ḥazm supports his argument by pointing out that during the Prophet’s time there were, among those who had seen him and embraced Islam, some hypocrites (munāfīqūn) and those whose status could not be accepted. They included Hīt al-Mukhannath (the effeminate), who was expelled on the Prophet’s orders, and al-Ḥakam ibn Abī al- ‘Aṣ, whom the Prophet drove out of Madīna. Such people are not considered to be among the Companions, although they were Muslims and saw the Prophet.²

¹ Surah al-Fāṭh, 29.
² Ḥikām, 2:82.
Whoever scrutinizes Ibn Ḥazm’s approach, compares it with that of the scholars, and then reviews the narrations, will in fact not see any practical contradictions, for the people mentioned by Ibn Ḥazm and those like them are not accepted as narrators by any of the scholars, and, moreover, no reliable aḥādīth were reported by them. However, the dispute between Ibn Ḥazm and the other scholars will be revealed clearly when covering the subject of the obscurity of a Companion (jahālat al-ṣaḥābī).
Chapter Nine: Ibn Ḥazm’s approach to jahāla
It is obvious from the judgement of Ibn Ḥazm on the obscurity/unknownness of the narrator that he views unknown narrators in the same way as the Ḥadīth scholars do, namely that an unknown narrator is whoever is not famous as a learned person and whose narration is reported by just one narrator. While he agrees with the scholars on this issue, he nevertheless has specific views on some details pertaining to jahāla.

**Ibn Ḥazm’s categorization of majhūl**

Ibn Ḥazm does not specify clearly the various categories of majhūl. However, they can be inferred from the review and analysis of the phrases he uses when dealing with majhūl narrators. Accordingly, it can be said that Ibn Ḥazm divides unknown narrators into three types:

1. **Absolute jahāla**

This category implies that the narrator is non-existent. He is only a name unrelated to a genuine person; or if the name does relate to an existing person, this relationship has no value, for nobody knows who he is. The terminology Ibn Ḥazm uses in this respect includes:

a. “Not created, for Ṭalḥa is not known to have a son called ‘Umar.”¹

b. “Anas is not known to have a nephew named Ḥafṣ.”²

c. “Nobody knows of his existence in the whole of creation.”³

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¹ *Al-Muḥalla*, 2:194.
² Ibid., 10:333.
³ Ibid., 7:303; 9:47.
d. “Nobody knows who he is.”

Ibn Ḥazm applied these and similar descriptions to 125 narrators out of a total of 413. It seems that although he was correct in his judgement of 67 narrators, he was incorrect on the remaining 58. Among those about whom he made an error of judgement were a large number of weak narrators who were in fact well-known. These include al-Ḥārith ibn Abī al-Zubayr al-Madānī, about whom Ibn Ḥazm said: “Nobody knows of his existence in the whole of creation.” In fact he is well-known, although scholars acknowledge his weakness with regard to the narration of aḥādīth. Another example is Muḥammad ibn ‘Abd al-Raḥmān ibn al-Raddād, to whom Ibn Ḥazm refers as “majhūl, no one knows him”. However, he is well-known by scholars, although they all agree on his weakness. There are other trustworthy narrators, such as Ḥafṣ the nephew of Anas ibn Mālik, about whom Ibn Ḥazm said: “Anas is not known to have a nephew called Ḥafṣ.” The reality is that he is well-known and that Abū Ḥātim and al-Dāraquṭnī considered him to be trustworthy. Yāsī’ al-Kindī is yet another reporter whom Ibn Ḥazm mentions, saying: “majhūl, no

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1 Ibid., 1:240; 10:326.
2 Ibid., 9:47.
3 Mīzān, 1:433(1616); al-Jārḥ wa al-Ta’dīl, 3:75(346).
4 Al-Muḥalla, 7:287.
5 Lisān, 5:251(7711); al-Jārḥ wa al-Ta’dīl, 7:315(1705); Kāmil, 7:400(1666).
6 Al-Muḥalla, 10:333.
7 Tahdīb, 2:421(731).
one knows who he is." Here again, in reality he is well-known; ‘Ali ibn al-Madini knew him, and al-Nasā‘ī and Ibn Hībbān considered him to be trustworthy.²

It appears from the narrators that Ibn Ḥazm listed in the category of absolute jahāla that either they narrated from weak or unknown narrators, or those narrators who used them as a source of Ḥadīth are themselves weak or unknown narrators. Examples of these are:

a. Ibrāhīm ibn Muḥammad al-Anbārī, about whom Ibn Ḥazm says: “nobody knows of his existence in the whole of creation.” When reviewing the chain in which Ibrāhīm was mentioned by Ibn Ḥazm, one realizes that the source whom Ibrāhīm narrated from is referred to as “some people”³.

b. Ibn Muṣbih, about whom Ibn Ḥazm says: “nobody knows him in the whole creation of Allāh.” When the chain of narration in which Ibn Muṣbih was mentioned is reviewed, it appears that the person who narrated from Ibn Muṣbih is ‘Abd al-Jabbār ibn ‘Amr al-Ayyāl. Ibn Ḥazm said that the latter was sāqīt, that is, rejected. The person who in turn narrated from ‘Abd al-Jabbār is Ṭalq ibn al-Samḥ, whom about Ibn Ḥazm says: “nobody knows him in the whole creation of Allāh.” And the person who narrated from Ṭalq is ‘Abd al-Malik ibn Ḥabīb. Ibn Ḥazm said that he is also sāqīt.⁴

¹ Al-Muhallā, 10:352.
² Tahdhib, 11:380(740).
³ Al-Muhallā, 7:303.
⁴ Ibid., 9:46-47.
This view applies, in our opinion, to the majority of narrators. There are, however, exceptions, since Ibn Ḥazm listed in this category some narrators who did not narrate from weak or unknown narrators, or who were not a source for reports narrated by weak or unknown narrators such as Yaṣīʿ al-Ḵīnī.¹

2. Ḥālā
dThis category is one degree below the previous absolute ḥālā that describes the narrator. It does not indicate that the narrator does not exist. However, it describes him as not known among Ḥadīth scholars for his ḍāla, but that some may know him. In describing the narrators listed under this category, Ibn Ḥazm uses the word ṭūl (unknown), a term that appears frequently in his writings. Ibn Ḥazm judged as “unknown” 249 narrators, that is, 60 per cent of the total of 413. Ibn Ḥazm is correct in his judgement of 110 narrators, whom he found to be ṭūl, but he is not correct regarding 19 others, whose true status is ṭūl al-ḥāl, not simply ṭūl. ṭūl al-ḥāl is the third category according to Ibn Ḥazm (see the next paragraph).

He is wrong in his judgement of 120 narrators. He describes them as ṭūl when they are in fact well-known by scholars, even though there are among them scholars described as weak or liars; others, however, are trustworthy and even famous imams and Companions.

¹ Ibid., 10:352.
3. *Jahālat al-ḥāl*

This means that their status is unknown. This category is yet another lesser degree of *jahāla*. It indicates that the narrator does exist and is known by other people. However, his ‘*adēla* is unknown either by fame or by scholars’ testimony (*fīnsīs*).

Ibn Ḥazm listed the following 7 narrators in this category:

a. Arqam ibn Shurabīl. Ibn Ḥazm says about him: “*layṣa bi-mashhūr al-ḥāl*”, that is, he is not of well-known status.1

b. Saʿd ibn Isḥāq. Ibn Ḥazm passes the same judgement on him as the previous narrator.2

c. ‘Abd al-Rahmān al-Wabisi. Ibn Ḥazm says about him: “*la yuʿlam ḥāluh*”, that is, his status is unknown.3

d. ‘Abd al-Salām ibn ‘Abd al-Rahmān al-Wabisi, son of the previous narrator. Ibn Ḥazm passes the same judgement on him as he did on his father.4

e. ‘Abd Allāh ibn Thaʿlabā. Ibn Ḥazm judges him to be *majhūl al-ḥāl*, that is, of unknown status.5

f. Al-Khāṣib ibn Nāṣih al-Ḥarīthi. Ibn Ḥazm judges him as *la yuʿlam ḥāluh*, that is, his status is unknown.6

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4 *Ibid*.
g. Sulaymān ibn Dāwūd al-Jazārī. Ibn Ḥazm says that he is majhūl al-ḥāl, or of unknown status.¹

Ibn Ḥazm is only correct in his judgement on Shurahbīl and ‘Abd al-Raḥmān al-Wābiṣī. The status of the remaining narrators is not as described by Ibn Ḥazm. Ibn Ḥazm’s judgement, in any case, does not apply to ‘Abd Allāh ibn Tha‘labā, who is one of al-Bukhārī’s narrators in his Ṣaḥīḥ.²

4. The mubham narrator [that is a narrator whose name is unspecified]

The mubham narrator is one who is not mentioned by name. For example, if a narrator reports a ḥadīth “from a man” or “from a woman”, his source is considered to be a “mubham” narrator. In al-Muhalla the mubham narrators are mentioned 58 times. Ibn Ḥazm refers to as: “a good man, a citizen of al-Madīna,”³ or “a man from Banī Sulaym”.⁴ In al-Muhalla Ibn Ḥazm does not use the term mubham but majhūl (unknown) to refer to the mubham narrator. He says for example, concerning the mawlā (servant) of Nāfī‘ ibn ‘Alqama: “majhūl, his name is not mentioned, therefore he is not known”.⁵

¹ Ibid., 10:364.
² Rijāl al-Bukhārī, 2:798(769); Tahdhib, 5:165(284).
³ Al-Muḥallā, 10:325.
⁴ Ibid., 7:175.
⁵ Ibid., 7:409.
Ibn Ḥazm’s attitude towards the narration of an unknown narrator

From the above it is clear that Ibn Ḥazm does not accept a narrator’s ‘adāla unless it is proved by fame, by scholars’ testimony (tamṣīṣ) or if a trustworthy narrator reports from him. Similarly, he rejects equally firmly the narration of an unknown narrator in all the categories of jahāla because the narrator’s obscurity means that it cannot be clarified whether he is ‘adl or not. Also, it is not clear whether he is a fāsiq or not. Accordingly, Ibn Ḥazm rejects the narrations of an unknown narrator unless later becomes known and his ‘adāla is proved. Ibn Ḥazm considers an unknown reporter to be a non-existent entity, and thus rules that his narrations should not be used until his status has been clarified.

The practical result of Ibn Ḥazm’s categorization of jahāla

In the course of their research in the science of Ḥadīth the scholars exercised great precision in differentiating between similar cases. Among those which they discussed in detail is the jahāla of the narrator. They divide majhūl into mubham, majhūl al-‘ayn (the unidentified narrator) and majhūl al-ḥāl (of unknown status) in accordance with their definition of each category. Some scholars accept someone who is majhūl al-‘ayn if a trustworthy reporter narrates from him and if he himself narrates from a trustworthy person before him. Some of them reject someone who is majhūl al-‘ayn, although they accept the narrations of someone who is majhūl al-ḥāl, because in their opinion ‘adāla in a Muslim is a fundamental of Islām. Meanwhile some

1Iḥkām, 2:2,70.
scholars accept someone who is *majhūl al-ḥāl* if the reporter is famous in a field other than the narration of *ahādīh*, for example, asceticism and worship. All these detailed categories require that the narrator be described precisely. But although Ibn Ḥazm uses his own categories in his judgement of narrators, the practical result, however, is the same in his view. He rejects the narrations of everyone who is considered unknown, irrespective of the level of *jahāla*.

Ibn Ḥazm sometimes uses more than one term to describe one narrator. However, this does not lead him into confusion when passing judgement because he rejects the narrators classified under all levels of *jahāla*. There are two examples of term mixing by Ibn Ḥazm:

1. The wife of Abū Ishāq: Ibn Ḥazm says that she is *majhūlat al-ḥāl* (of unknown status).\(^1\) And in another instance he says about her: “unknown, no one knows who she is”.\(^2\) The first judgement indicates that she is known as a person, although her *ʿadāla* has not been proved. The second comment indicates that she is altogether unknown as a person.

2. ʿAbd Allāh ibn Thaʿlab: In one instance Ibn Ḥazm says that he is *majhūl al-ḥāl* (of unknown status).\(^3\) In another instance he says that he is unknown.\(^4\) There is an obvious difference between the first and the second judgements: whereas the second judgement implies the general *jahāla* of the man, the first one confines the *jahāla* to not knowing his *ʿadāla*.

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\(^1\) Al-Muḥalla, 9:49.
\(^2\) Ibid., 10:295.
\(^3\) Ibid., 6:121.
\(^4\) Ibid., 6:122.
Ibn Ḥazm’s meaning of maḥḥūl

It was explained earlier\(^1\) in the discussion of the scholars’ general approach that describing a narrator as maḥḥūl means maḥḥūl al-ʿayn. The exception is Abū Ḥatim—as shown above—who uses maḥḥūl to mean maḥḥūl al-ḥāl.\(^2\) As for Ibn Ḥazm, al-Muḥallā shows that he does not use the term maḥḥūl al-ʿayn even once. However, we shall see the connotation of the expression maḥḥūl al-ʿayn as it existed in Ibn Ḥazm’s mind and that there is ample evidence that the difference between maḥḥūl al-ḥāl and maḥḥūl al-ʿayn was quite clear to Him.

1. When assessing the status of al-ʿĀliya bint Ayfa’ ibn Sharāḥīl, Ibn Ḥazm said:

“You are in a state of unknown status, nobody narrated from you except your husband and son Yunus.”\(^3\) This detail from Ibn Ḥazm indicates that if the narration of a narrator is passed on by two people, then he enters a specific level of jahāla, that is, jahālat al-ḥāl. This is the view of the majority of scholars, who believe that if two or more reporters narrate from an individual without testifying to his ‘adāla, that individual falls within jahālat al-ḥāl. It appears, then, that maḥḥūl al-ʿayn (i.e., only one person narrates from him) is tacit in Ibn Ḥazm’s thought, although he does not use this phrase.

2. The confirmation that he means maḥḥūl al-ʿayn when he writes maḥḥūl is the fact that in other instances, when assessing narrators, he uses the term maḥḥūl (unknown) or “not known who he is”, which tallies with maḥḥūl al-ʿayn

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\(^1\) See page 221 of this research.

\(^2\) Muḥḥīh, 1:319-320.

\(^3\) Al-Muḥallā, 9:49.
(unidentified narrator) rather than with majhūl al-ḥāl who is a known narrator, although his 'adāla is not proved. Examples of people whom Ibn Ḥazm describes either as “unknown” or as “not known who he is” are Abū al-Nu‘mān al-Azdi,1 al-Sabi‘ī,2 al-Makfūf,3 Umm Muḥammad bint Abī Yahyā4 and al-Milqām ibn al-Talb.5

3. When Ibn Ḥazm judged Abū Marhūm ‘Abd al-Raḥīm ibn Maymūn, he said that he was majhūl, and then clarified the meaning of this judgement by saying: “We do not know anybody who narrated from him except Sa‘īd ibn Abī Ayyūb.”6 A person from whom only one reporter narrates is majhūl al-‘ayn.

To summarize, it can be said that Ibn Ḥazm in fact means majhūl al-‘ayn when only using the term majhūl. And here he agrees with the majority of scholars.

Method of eliminating jahāla from a narrator

Ibn Ḥazm does not clearly define how jahāla may be eliminated from a narrator. However, his method can be extracted from his writings and judgements on narrators as follows:

1. A mubham narrator remains classified as such until his identity is proved and his status clarified.

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1 Ibid., 7:472; 9:499.
2 Ibid., 2:189; 10:80.
3 Ibid.
4 Ibid., 7:357,365.
5 Ibid., 7:339,406.
6 Ibid., 5:67.
2. *Jahālat al-'ayn* is eliminated if two narrators report from such a narrator, even if one of them is weak. There is the example of al-‘Āliya bint Ayfa' ibn Sharāḥil, as mentioned above, who is described by Ibn Ḥazm as “majhūlat al-ḥāl (of unknown status); her husband and her son Yūnus relate from her, and Yūnus is considered weak by Shu‘ba, Yaḥya al-Qaṭṭān and Āḥmad ibn Ḥanbal.”

3. One can conclude from the previous example that *jahālat al-ḥāl* is removed from a narrator if two trustworthy narrators narrate from him. Ibn Ḥazm classifies al-‘Āliya bint Ayfa' as *majhūlat al-ḥāl* because her son, who narrates from her, is weak, which means that his narration from her cannot be relied upon. If, however, he was trustworthy, his narration would have been reliable and *jahālat al-ḥāl* would have been removed from al-‘Āliya. This means that if *jahālat al-ḥāl* is eliminated from a narrator, he enters the level of *‘adāla*.

4. If one Ḥadīth scholar, or one of the famous trustworthy reporters, narrates from any narrator, this would eliminate *jahālat al-ḥāl* from such a narrator and allow him to enter the level of *‘adāla*. This can be inferred from Ibn Ḥazm’s writings. For example, he says about ‘Abd al-Raḥmān ibn ‘Alī ibn Shaybān al-Ḥanafī:

“We do not know anybody who refuted ‘Abd al-Raḥmān for any other reason than that only ‘Abd Allāh ibn Badr narrated from him, and this is not invalidation.”

Ibn Ḥazm describes ‘Abd Allāh ibn Badr as “famous for being

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1. Ibid., 9:49.
2. *Al-Muḥalla*, 4:53; *Tahdhib*, 1:492(1054); *Ṭarīkh al-Thiqāt*, 296(969).
trustworthy.”1 The confirmation of this methodology was reiterated when Ibn Ḥazm said, referring to Ibrāhīm ibn ‘Ubayd: “They allege that Ibrāhīm ibn ‘Ubayd, who narrates from ‘Ali, is majhūl, but they lie, [because] he is famous as a trustworthy reporter; Muslim and others narrated from him.”2 It is obvious, therefore, that when famous Ḥadīth authorities narrate from a given narrator, this eliminates jahāla from him and confirms his ‘adāla. By this methodology Ibn Ḥazm is of the same opinion as al-Bukhārī and Muslim, who reported in their Sahīh (Authentic Collections of Ḥadīth) from a group of narrators from whom only one person has narrated.3

Inconsistency in Ibn Ḥazm’s method

When reviewing the narrators judged by Ibn Ḥazm, it becomes obvious that he contradicts his own method. Contrary to what he said earlier about some narrators, he judges as unknown several narrators from whom al-Bukhārī and Muslim narrate in their Sahīh (Authentic Collections of Ḥadīth). For example, in his Sahīh Muslm narrates from ‘Abd al-Salām ibn ‘Abd al-Rahmān al-Wābiṣī,4 Yahyā ibn ‘Abd Allāh ibn ‘Abd al-Rahmān ibn Sa‘d ibn Zurārah,5 al-Walīd ibn Hishām al-Mu‘ayṭī,6

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1 Al-Muḥallā, 4:53.
2 Ibid., 9:531.
3 Muqaddima, 102.
4 Al-Muḥallā, 4:49; Tahdhīb, 6:322(618).
5 Al-Muḥallā, 6:26; Tahdhīb, 11:241(393).
6 Al-Muḥallā, 1:258; Tahdhīb, 11:156(259).
Muḥammad ibn ‘Abd al-Raḥmān ibn Labība and ‘Abd Allāh ibn Wāqid. For his part, al-Bukhārī narrates in his Ṣaḥīḥ from al-Sabī‘ī, Sālim ibn Aswad ibn Ḥanẓala, ‘Abd Allāh ibn Tha‘labah (a known Companion of the Prophet Muḥammad), ‘Abd al-Wāhid al-Naṣrī and Muḥammad ibn ‘Abd al-Raḥmān. Other scholars such as Abū Dāwūd and al-Nasā’ī also narrate from these very narrators.

An ‘adl narrator claiming a trustworthy source

If an ‘adl narrator considers his source to be trustworthy (thiqā) or invalid, then his judgement is to be accepted. However, Ibn Ḥazm does not accept the opinion of a ‘adl narrator if he does not identify his trustworthy source. This kind of judgement is called al-tawthīq ‘alā al-ibhām, and refers to when an ‘adl narrator says “a trustworthy person narrated to me” but does not name him. Ibn Ḥazm mentions a narration containing the phrase “from al-Layth ibn Sa‘d, who said: ‘A person whom I trust narrated to me’. Although al-Layth ibn Sa‘d judged his source to be trustworthy, he did not mention his name; therefore, Ibn Ḥazm said: “This is an unacceptable hadīth because al-Layth ibn Sa‘d did not name the person from whom he narrated.”

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1 Al-Muḥallā, 8:223, Tahdhib, 9:301(500).
2 Al-Muḥallā, 6:72; Tahdhib, 6:65(129).
3 Al-Muḥallā, 2:189; 8:386; 10:80; Rijāl al-Bukhārī, 3:976(1105).
4 Al-Muḥallā, 7:108; Rijāl al-Bukhārī, 3:1151(1373).
5 Al-Muḥallā, 6:121,122; Rijāl al-Bukhārī, 2:798(769); Tahdhib, 5:165(284).
6 Al-Muḥallā, 8:275; Rijāl al-Bukhārī, 2:911(980); Tahdhib al-Kamāl, 4/4708 CD.
7 Al-Muḥallā, 6:31,72; Rijāl al-Bukhārī, 2:659(531); Tahdhib, 9:295(490).
8 Ibid., 8:262.
Ibn Ḥazm takes this view because the ‘adl person, here al-Layth ibn Saʿd, may make a mistake in judging his source as trustworthy. He may not have vetted his integrity in reporting, something which others may have found wanting. So, if he does not identify his source, the status of such a person becomes uncertain in the eyes of other people. On the other hand, if such a person is identified and if he is said to be trustworthy, then he becomes well known and it can be ascertained if any scholar has judged him to be weak. Ibn Ḥazm’s evidence is that a given trustworthy narrator or scholar may accept a narrator without being aware of that narrator’s untrustworthiness. For example, Ibn Ḥazm says that Sufyān al-Thawrī judged Jābir al-Juʿfī to be trustworthy, whereas, according to Ibn Ḥazm, Jābir is a famous liar. Yet this was not obvious to Sufyān, who testified to his being trustworthy. It is worth noting that other scholars knew that Jābir was a liar, and so invalidated his narration. Invalidation, as explained by Ibn Ḥazm, takes precedence over ‘adāla.¹

**Position of the Companion as a majhūl narrator**

Ibn Ḥazm’s view of the ‘adāla of the Companions has been discussed already.² What is the position, however, when jahāla is applicable to a Companion? An example is where a trustworthy person among the Successors (Ṭābiʿīn) says that one of the Companions narrated to him that the Prophet said or did such and such. Ibn Ḥazm mentions in *al-Muḥallā* cases of this kind of narration but rejects them. A typical case is that of Ṣafwān al-Ṭāʾī, who said: “from a man among the Prophet’s

¹*Iḥkām*, 2:2.
²See page 250 of this research.
Companions...” Ibn Ḥazm clarifies his position on this report, indicating that during the Prophet’s time there were hypocrites and apostates, and those whose status was not good. Therefore, a narration cannot be accepted if its narrator says “One of the Companions narrated to me”, or “A person who accompanied the Messenger of Allāh reported to me ...”, Admittedly, this could exclude those whose identity is known and who are found to have been good men/women among the Companions, to whom Allāh promised great reward. Ibn Ḥazm supports his view with Allāh’s statement: “And among the bedouins around you are hypocrites, and among the people of al-Madīna; they exaggerate and persist in hypocrisy. You (O Muḥammad) do not know them, but We know them. We shall punish them twice, and thereafter they shall be brought back to a great (horrible) torment.”

Ibn Ḥazm further argues that apostasy was confirmed when some of the Prophet’s Companions, including ‘Uyayna ibn Ḥuṣn, al-Ash’ath ibn Qays, al-Rajjāl and ‘Abd Allāh ibn Abī Sarḥ turned away from Islam. Furthermore, Ibn Ḥazm refers to those who did not accompany the Prophet in reality, but claimed companionship. Their claimed status deceived whoever narrated from them. Ibn Ḥazm resorts to a further argument, namely that it is an honour for a Successor to meet one of the Companions. So why do the Successors refrain from naming him if his companionship is a source of pride? Ibn Ḥazm says that there are two reasons: either they do not ascertain that he is indeed a Companion, or that he is known to be a Companion but one of bad status. Ibn Ḥazm points out that there are reports

1 *Al-Muḥalla*, 8:333.
confirming the existence of lies in the Companions’ time. Therefore, Ibn Ḥazm’s approach to the protection of the narrations impels him to accept narrations only from those whose identity is confirmed, and whose ‘adāla and skill in memorization are known.¹

The characteristics of al-Jahāla according to Ibn Ḥazm

In the study of the terminology used by Ibn Ḥazm when judging narrators as unknown, and in the study of the narrators whom he judges to be majhūl, one can draw many characteristics of the jahāla as distinguished by Ibn Ḥazm’s methodology. The following are examples:

1. Clarity of terminology

The expressions used by Ibn Ḥazm in his judgement of narrators in the jahāla category vary. This is an aspect which we have dealt with previously when discussing the narrators whom Ibn Ḥazm judged to be weak. When judging a narrator to be majhūl, he often repeats the judgement, saying: “Unknown, not known who he is, and no one knows him, and his narration from anyone is not valid.”² The word “unknown” is enough to give the desired meaning for the phrases that follow. However, Ibn Ḥazm repeats the meaning for confirmation. It appears that Ibn Ḥazm passes a judgement and clarifies the reason, saying “Unknown, his name is not

¹Iḥkām, 2:3.
²Al-Muḥallā, 5:84.
mentioned, therefore, it is not known who he is.”¹ It is worth noting that these expressions do not form a large proportion of the terminology used by Ibn Ḥazm.

However, the expressions Ibn Ḥazm uses can be said to be part of his terminology; they are precise semantically, although repetitive (see Table 9.1).

Table 9.1 Terms used by Ibn Ḥazm

<table>
<thead>
<tr>
<th>Series</th>
<th>Terminology</th>
<th>No. of times</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unknown <em>(majhūl)</em></td>
<td>249</td>
</tr>
<tr>
<td>2</td>
<td>Not known who he is</td>
<td>103</td>
</tr>
<tr>
<td>3</td>
<td>No one knows who he is</td>
<td>22</td>
</tr>
<tr>
<td>4</td>
<td>Of unknown Status <em>(majhūl al-ḥāl)</em></td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>I do not know who he is, I do not know him</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>Not famous</td>
<td>12</td>
</tr>
</tbody>
</table>

2. The power of the expressions

Ibn Ḥazm’s judgement of narrators is clear-cut and much to the point. The terms he uses most are “unknown” *(majhūl)* and “not known” *(lā yu’raf)*. In many instances Ibn Ḥazm uses more powerful and more severe expressions of the sort: “no one knows who he is in the whole creation of Allāh *ta’ālā*”,² “not one of the creatures of

¹ Ibid., 7:409.
² Ibid., 8:193; 9:47.
Allāh ta‘ālā knows who he is”, ¹ “not in existence”. ² Those expressions, even though not frequently used by Ibn Ḥazm, give a powerful description of the strength of his feelings.

3. Ibn Ḥazm’s generalization in passing judgement

Ibn Ḥazm’s use of Jahāla in his judgement of narrators turns out to be a generalization. All the expressions mentioned in the previous paragraph clearly indicate that his judgement of the narrators as majhūl is also the view of other scholars. In reality Ibn Ḥazm was not correct in labelling many narrators as majhūl. It would have been more appropriate, when he did not know a particular narrator, to specify that his decision on a narrator was his alone – not that of other scholars. But Ibn Ḥazm resorted to generalization in all cases except ten, when he said: “I do not know him”, “I do not know who he is”. These ten narrators are: ‘Abd al-Rahmān ibn Abī ‘Amra,³ Abū Yazīd al-Ḍabbī,⁴ Ismā‘īl ibn ‘Ubayd Allāh,⁵ Ḥassān ibn Abī Sinān,⁶ Abū Dāwūd Sulaym ibn Sālim,⁷ Āṣim ibn ‘Amr,⁸ Nūḥ ibn Abī Hilāl,⁹

¹ Ibid., 5:264; 7:176.
² Ibid., 2:194.
³ Ibid., 7:519.
⁴ Ibid., 9:209.
⁵ Ibid., 8:414.
⁶ Ibid., 9:59.
⁷ Ibid.
⁸ Ibid.
⁹ Ibid., 8:447.
Kidām ibn ‘Abd al-Raḥmān,1 Abū Shu‘ayb ibn Wāqīd2 and al-Ḥārith ibn ‘Amr.3

Five of these ten narrators are in fact known to scholars and are mentioned by them as 'udūl narrators.

It is of importance to point out here that there is a semantic difference among Ḥadīth scholars between “unknown” and “I do not know him”. Judging a narrator to be “unknown” implies that this judgement is based on knowledge. It means that Ibn Ḥazm knows the narrator whom he judged, that he investigated his case, and then discovered that he is of unknown status. On the other hand, the statement “I do not know him” implies neither case study nor knowledge. In other words, Ibn Ḥazm did not know the narrator and was not aware of his case. As mentioned earlier, the difference between the terms “unknown” (majhūl) and “I do not know him” (lā a’rifuhu) is twofold:

a. “Unknown” implies knowledge and study, and “I do not know him” means lack of personal acquaintance.

b. To say “Unknown” means giving a specific description of a narrator, and that is al-Jahāla, which implies that the rest of the scholars also view him similarly. However, “I do not know him” implies that the responsibility of “not knowing” is confined only to the scholar who made that statement. So it would have been more appropriate for Ibn Ḥazm to use the phrase “I do not know him” when judging a narrator whose case he had not studied. One can conclude from the majority of his judgements of al-Jahāla that whenever he did not know a

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1 Ibid., 7:365.
2 Ibid., 2:254.
3 Ibid., 1:62.
particular narrator, he did not hesitate to label him as *majhūl*, that is, "unknown". For instance, he says about Abū Marḥūm ‘Abd al-Raḥīm ibn Maymūn: "Unknown, no one narrated from him except Sa‘īd ibn Abī Ayyūb."¹ He describes Ḥafṣ ibn Ghaylān as "unknown". ² On another occasion he says: "We do not know him, so it is more appropriate that he be classified as unknown and not reliable."³ I have come to the conclusion that there is no difference between Ibn Ḥazm saying someone is "unknown" or his saying “I do not know him”. In his mind both terms carry the same meaning, that is to say the narrator so labelled is among the “unknown” people who are not to be relied upon in reporting *ahādiḥ*. This lack of semantic precision is one of the reasons why Ibn Ḥazm makes so many mistakes. It would have been more appropriate to keep to prevailing meaning of the Ḥadīth scholars’ terminology, and to comment on whoever he did not know by saying “I do not know him”, until he becomes aware of his true status, instead of generalizing his judgement. I have found such an attitude in *al-Muḥallā* in only one instance where Ibn Ḥazm comments on the Ḥadīth of the Prophet: “Whoever drinks from a golden or silver container, or from a glass which is decorated with a little gold or silver, is taking into his stomach the fire of hell.” Ibn Ḥazm comments: “If this is an authentic narration, we shall act upon it.” Then he said: “Verily, we shall wait before accepting it because Zakariyyā ibn Ibrāhīm is not known to us as either ‘*adl* or

¹ Ibid., 5:67.
² Ibid., 7:37.
³ Ibid., 9:197.
untrustworthy.”

It would have been more appropriate for Ibn Ḥazm to have applied this method to every narrator he did not know personally. However, he does not.

4. Judgement of a narrator of doubtful identity

From Ibn Ḥazm’s clear descriptions when judging narrators, one realizes that he may sometimes judge a narrator as majhūl without ascertaining his identity. For example, he says about Abū ‘Amr al-Ḍabbī: “He is either al-‘Āyidhī the unknown narrator, or another weak person.” Ibn Ḥazm is wrong in his judgement because al-Ḍabbī is not al-‘Āyidhī and he is acceptable according to Ibn Hajar. Moreover, Ibn Ḥazm says about Aḥmad ibn Muḥammad ibn Gḥālib: “If he is the servant of Khalīl, then he has been accused [of untrustworthiness], and if he is someone else, then he is unknown.” He also said about Ismā‘īl ibn Umayya al-Dharrā‘, “If he is the little Qurashī al-Baṣrī, then he is weak, and if he is someone else, then he is unknown.” Ibn Ḥazm contradicted himself when commenting on the identity of Ismā‘īl ibn Umayya al-Dharrā‘, for he said decisively on another occasion that he is “The little Qurashī without doubt”, which means that he abandoned the possibility of Qurashī being someone else. Regardless of this, he rejected him in both cases. Furthermore, Ibn Ḥazm says about ‘Amr ibn ‘Abd al-Jabbār: “If he is al-Sakhāwī, then he is weak,
and if he is someone else, then he is unknown.”² Yet again, he says about al-Faḍl ibn Qatāda: “If he is Ibn Dulhum, then he is rejected, and if he is someone else, then he is unknown.”¹ Ibn Ḥazm repeats this with other narrators. This is a further indication of Ibn Ḥazm’s attitude in rejecting narrators that he deems somewhat doubtful, especially when he is not able to confirm their identity.

5. Judging a narrator by Jahāla and weakness

The expressions of invalidation used by Ḥadīth scholars carry, as explained earlier, a precise connotation. All the phrases used to express weakness and lying, including “weak”, “not strong”, “not trustworthy”, “rejected”, “liar”, as well as other expressions, indicate that whoever uses them in passing judgement knows the narrator. Precise knowledge must have enabled him to recognize his status and to become aware of his weakness. On the other hand, using expressions of Jahāla such as “unknown”, “of unknown status”, “not known”, indicate that the narrator is of an unknown identity, or of unknown ‘adāla. This means that even if the identity of a narrator is known, he is not actually confirmed to be ‘adl. This agreement between Ḥadīth scholars over the terminology of weakness and that of jahāla implies that it is impossible to apply two contradictory descriptions to one narrator. Indeed, the terminology of weakness indicates that the narrator is known, whereas the terminology of jahāla indicates that the narrator is not known. Admittedly, one can find in the Ḥadīth books that a scholar may apply two contradictory descriptions to a

¹ Ibid., 10:164,170.
² Ibid., 9:36.
particular narrator on two different occasions. This happens where the scholar does not know the narrator, and so deems him to be majhīl. Later, when the narrator becomes known to him, the scholar judges him by what he now knows about him. In this case there is no contradiction but updating of information. For example, Ibn Ma‘īn said about Sulaymān al-Shaybānī “I do not know him,” because he did not have any information about him and was not aware of his narrations. When he later obtained information about him, he described him as he knew him and so said that he was “trustworthy (ṭiqa ḥujja)”. On another occasion al-Dāraquṭnī said of ‘Abd Allāh ibn al-Ḥakam al-Balawī: “Not famous”. Later on, after knowing him, he described him as “not strong”.

We have seen that Ibn Ḥazm judges certain narrators on one occasion as weak, and on another occasion as unknown. Included among these are Mūsā ibn A ‘yun, ‘Attāb ibn Bashīr al-Jazārī, Bahz ibn Ḥakīm, Ḥafṣ ibn ‘Umar ibn Maymūn and Abān ibn Ṣāliḥ. It could be said that Ibn Ḥazm takes a similar line to that taken by Ibn Ma‘īn and al-Dāraquṭnī. The former described a narrator as majhīl, and then after having received information about him, described him as “weak.” Such a shift in opinion is logical. From these examples and the places where they were mentioned

1 Ibid., 9:103.
2 Māzūn, 2:211(3476).
3 Tahdīb, 4:197(334); Tārīkh Yahyā ibn Ma‘ūn, 1:119-125.
4 Līsān, 3:276.
5 Al-Muḥalla, 8:317; 9:58.
6 Ibid., 6:79; 7:419.
7 Ibid., 6:57; 8:169.
8 Ibid., 8:302; 9:355.
in al-Muhalla, it becomes clear that in all these cases Ibn Ḥazm first judged narrators by jahāla and then by “weakness” in the same book. Although Ibn Ḥazm could have abrogated his initial judgement about a given narrator at the time of revision, he did not. From my study of al-Muhalla it has become clear to me that Ibn Ḥazm does not change what he has recorded, but simply adds his revised judgement of the narrator. For instance, when writing about tayammum (washing with clean sand or earth where water is unavailable), he says: “If one acts upon the apparent meaning of the Qur’ān and begins with the face, this is acceptable; and if one adopts ’Ammār’s ḥadith and begins with the hands before the face, it is also acceptable.” Later in the book, he specifies: “Then I became aware of the ḥadith which says, ‘Begin with that which Allāh began’, and so it became compulsory to begin with the face and then the hands.”¹ Ibn Ḥazm records his new judgement and could have abrogated his initial opinion, but he does not. When writing about lochia in women,² he said: “Lochia prohibits what menstruation prohibits, as agreed by the scholars - except circumambulating the Ka’ba [which is allowed], because the prohibition concerns [women’s] menstrual periods, not the women in confinement, for Allāh says ‘And your Lord was not oblivious.’” Afterwards, he says that then he learnt that confinement is a true menstrual period, the rule governing it is the same as with menstrual periods in every respect, because of the Prophet’s using nasāʿ (confinement) in lieu of hayd (period) when he said to ‘Ā’isha: “Were you in confinement? She answered: “Yes.” Here the Prophet used confinement” to mean

¹ Ibid., 1:198; 7:137.
² Ibid., 2:161.
Here too, Ibn Ḥazm has stated his new opinion on the subject, and although he was in a position to abrogate his earlier judgement, he did not. In these cases, as in his judgement of narrators, Ibn Ḥazm retained both the first and second opinions.

Ibn Ḥazm’s approach in judging these narrators can be understood. However, there are other examples that do not make sense and cannot be accepted. Ibn Hazm cannot be excused here since he used in his judgement of the narrator both jahāla and weakness in one instance. This is unusual for Ibn Ḥazm, for a person cannot be known and unknown simultaneously. He says that Ayyūb ibn ‘Abd al-Raḥmān was “weak unknown”;3 that Sulaymān ibn Dāwūd al-Jazarī was a “weak narrator, of unknown status”;4 that ‘Abd al-Malik ibn Nāfī’ was “unknown and weak”;5 and that Yasār Mawlā Ibn ‘Umar was “unknown and mudallis”.6 Finally, he says of ʿAbd al-Raḥmān ibn Ṣalīh al-Ṭalḥī: “cannot be trusted and it is not known who he is”1

6. Ibn Ḥazm’s Independence in judging narrators

Independently Ibn Ḥazm’s judgement of narrators as majhul is his own for he decides and judges by himself, without relying on the judgement of other scholars. This is true for the majority of narrators that he judges and there is much evidence to

1 This takes place during the confinement.
2 Al-Muḥalla, 2:184.
3 Ibid., 9:69.
4 Ibid., 10:364.
5 Ibid., 7:483.
6 Ibid., 3:33.
prove this. In *al-Muḥallā* Ibn Ḥazm judges 413 narrators as *majhūl*, quoting only twice from earlier scholars. He also exercises his own judgement on 124 narrators whom he describes as *majhūl*, whereas other scholars consider them to be *ʿudūl*. He also judges 46 narrators as unknown, whereas other scholars consider them to be well-known, although weak. The scholars’ views vary on 22 narrators: Ibn Ḥazm considers them to be *majhūl*, whereas the other scholars judge them as *ʿudūl* or weak. This difference between Ibn Ḥazm and other scholars gives a clear picture of Ibn Ḥazm’s independence in the vast majority of his judgements on narrators as being *majhūl*.

It is perhaps Ibn Ḥazm’s knowledge of genealogy and narrators that gave him strong grounds for his independent judgement, as detailed below:

a. Ibn Ḥazm’s knowledge of narrators, their masters and students

Ibn Ḥazm judged al-Khaṣīb ibn Nāṣīḥ as *majhūl*, and rejected his narration by saying: “This ḥadīth is not what was narrated from Ḥammād ibn Salama by his trustworthy companions. Moreover, al-Khaṣīb’s status is unknown, and he is not famous as one of Ḥammād ibn Salama’s companions.”¹ This judgement by Ibn Ḥazm is a result of his knowledge of Ḥammād ibn Salama, the people who narrated from him, and the scholars from whom he had narrated.

b. Ibn Ḥazm’s knowledge of the Prophet’s Companions and narrators

Ibn Ḥazm passed judgement on a group of narrators as “unknown” on the basis of his knowledge of the Companions, his knowledge of narrators and their

¹ Ibid., 5:221.
families. For example, he said about Zayd ibn Ka‘b ibn ‘Ujra: “Unknown; Ka‘b ibn ‘Ujra is not known to have a son called Zayd.” Ibn Ḥazm was correct in his statement. He also said about Ḥafṣ, nephew of Anas ibn Mālik: “Anas is not known to have had a nephew called Ḥafṣ. Moreover, Anas had no brother expect al-Barā‘ ibn Mālik through his father and ‘Abd Allāh bin Abī Ṭalḥa through his mother; and neither of them is known to have had a son called Ḥafṣ.” So Ibn Ḥazm’s judgement is based on his personal knowledge of Anas ibn Mālik and his family, even though many scholars accepted the existence of Ḥafṣ and said that he was trustworthy. In another instance, Ibn Ḥazm said about ‘Umar ibn Ṭalḥa: “Does not exist; Ṭalḥa is not known to have had a son called ‘Umar.” Ibn Ḥazm is correct, since Ṭalḥa ibn ‘Ubayd Allāh did not have a son by the name of ‘Umar. However, the reality is that Ṭalḥa did have a son, but his name has been reported wrongly, since his name is ‘Umran, not ‘Umar. The hadith that Ibn Ḥazm rejected owing to his judgement on ‘Umar ibn Ṭalḥa is presented by Ibn Mājah in his Sunan. However, Ibn Ḥazm was not aware of Ibn Mājah’s Sunan, which did not reach al-Andalus until after his death.

1 Ibid., 9:504.
2 Ibid., 10:115.
3 Tahdhib, 10:333.
4 Ibid., 2:421(731).
5 Al-Muhalla, 2:194.
6 Tahdhib, 7:765(773).
7 Siyar, 18:202.
Ibn Ḥazm’s knowledge of the narrators and their precise background

Ibn Ḥazm mentions a ḥadīth narrated by ‘Abd Allāh ibn al-Mubārak from ‘Anbasa ibn Sa‘īd from al-Sha‘bī. Ibn Ḥazm rejects the ḥadīth and considers it weak because he judges ‘Anbasa to be “unknown”, although a certain ‘Anbasa ibn Sa‘īd was a famous narrator and declared trustworthy even by Ibn Ḥazm himself. Ibn Ḥazm proves that the ‘Anbasa mentioned as the reporter of the previous ḥadīth is not the trustworthy ‘Anbasa: he is a different person and he is unknown. The evidence is that ‘Anbasa ibn Sa‘īd the trustworthy lived before ‘Abd Allāh ibn al-Mubārak and did not meet him.1 A similar example is that of Abū Maymūna, whose narration was reported by Hilāl ibn Abī Maymūna. Ibn Ḥazm rejects this narration, saying: “Abū Maymūna is unknown, and he is not the father of the Hilāl who narrates from him.”2

Another proof of Ibn Ḥazm’s independence of judgement of narrators by jahāla is his decisive judgement on a narrator as unknown, in a case where scholars did not agree on his exact name. For example, he rejected a ḥadīth narrated by ‘Ā’isha, arguing: “In its chain there exists an unknown man whom Shu‘ba calls ‘Amr ibn Abī Wahb but whom Umayya ibn Khālid calls ‘Imrān ibn Abī Wahb.”3 Another proof of his independence of opinion is his judgment on Ḥafṣ ibn Ghaylān, about whom he said: “We do not know him, so it is more appropriate that he be considered

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1 Al-Muḥalli, 10:377.
2 Ibid., 10:326.
3 Ibid., 9:197.
unknown, it be relied upon."¹ An even stronger proof of Ibn Ḥazm’s independence of view is his judgment of a narrator as unknown when he himself points out that some scholars know the narrator and consider him trustworthy. For instance, he says about Bashīr ibn Thābit: "No one we know narrates from him except Abū Bishr. But Abū Bishr narrates only this ḥadīth from him. Indeed he is considered trustworthy by some scholars but others consider him to be weak, although he is closer to being unknown."²

From the above examples, it is clear that Ibn Ḥazm, in his judgement of narrators as unknown, draws on his special knowledge of the narrators, their life histories, their families, teachers and students. This gives him a wide margin of independence in passing judgement on narrators and their narrations.

¹ Ibid., 9:197.
² Ibid., 3:181.
Chapter Ten: The impact of Ibn Ḥazm’s judgement of “unknown” upon his jurisprudence
Zāhirī jurisprudence is very close to the jurisprudence of the traditional school of thought (ahl al-ḥadīth). The Zāhirīyya is a school of thought which accepts only texts as sources and rejects analogy.

As mentioned previously, Ibn Ḥazm is very strict in his judgement of narrators, and does not accept them readily. As a result, he rejects many narrations by judging their narrators as unknown. A large number of the narrations rejected by Ibn Ḥazm are important evidence for several legal matters. Therefore, an important question arises: to what degree does Ibn Ḥazm’s methodology for judging narrators to be unknown impact upon his jurisprudence and to what degree is his disagreement with other scholars a result of this methodology?

The part of Ibn Ḥazm’s book al-Muḥallā that this study deals with ends with case number 2024, which discusses semi-premeditated murder. The reason for not referring to the whole book is because the remainder is not written by Ibn Ḥazm himself but by his son Abū Rāfī’. Ibn Ḥazm died before completing the book, therefore Abū Rāfī’ continued the work by adding the unfinished cases from another book of his father’s, al-Īṣāl, after editing them to match the methodology followed by Ibn Ḥazm himself in al-Muḥallā. The cases are discussed in al-Īṣāl in great detail and therefore I have omitted this part from my study.

Ibn Ḥazm judged 413 narrators in his book al-Muḥallā to be unknown (majhūl) and the total number of their narrations is 325. There are also 58 narrations transmitted by mubham (unspecified) narrators. The 325 narrations rejected by Ibn Ḥazm cover 194 cases. Thus Ibn Ḥazm’s fiqh in 194 of 2024 cases is based on his
judgement of narrators as being unknown. It is worth mentioning that a large number of those narrations rejected owing to the transmitters' anonymity are also unacceptable for other reasons, for example, that some of the transmitters are weak or liars, or that the chain is incomplete.

Therefore, to provide readers with an approximate picture of these issues, Table 10.1 shows the number of cases, in every area of jurisdiction, where Ibn Ḥazm disagreed with the scholars. It also shows the number of narrators that he judged to be unknown in each area and the number of narrations that he rejected.
### Table 10.1 Ibn Ḥazm’s Jurisdiction

<table>
<thead>
<tr>
<th>AREA OF JURISPRUDENCE</th>
<th>NO. OF UNKNOWNN NARRATORS</th>
<th>NO. OF NARRATIONS</th>
<th>NO. OF CASES</th>
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<td>Decisions of the terminally ill</td>
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Disagreement between Ibn Ḥazm and scholars: *majhūl* narrators

The juristic position is the practical result of judging the narration and the judgement of the narration is linked with that of the narrator. If Ibn Ḥazm is correct in judging a narrator as unknown, then of course he is equally correct in rejecting his narration. However, if Ibn Ḥazm judges a narrator as unknown although that narrator is both
known and considered trustworthy by others, then he is certainly not correct in rejecting his narration. Ibn Ḥazm said about this situation: “If it were proved that the narrator was trustworthy, I would be the first person to accept his narration.”

There are also narrators that Ibn Ḥazm incorrectly judges as unknown since are well-known to others. However, although they are well-known to others, their narrations are weak and Ibn Ḥazm is correct in rejecting them because of their weakness. This last division gives us picture of Ibn Ḥazm’s methodology of viewing narrator and narration. Some narrations were known by scholars to be weak and Ibn Ḥazm rejected them, although he could not clearly explain the point of weakness. But, whereas the scholars rejected the narration because they judged the narrator to be weak, Ibn Ḥazm did so because he did not know the narrator and judged him to be unknown.

Ibn Ḥazm’s position in judging the narrator and the narration and his juristic judgement may be divided into four categories.

1. **Where Ibn Ḥazm is not correct in judging the narrator to be unknown, but is correct in rejecting the narration for other reasons.**

An example of this category is “The rule of the Friday ghusl (bath).”

Ibn Ḥazm said: “The Friday ghusl is an obligation for every mature man and woman.”¹ Indeed, two statements are reported from Imām Aḥmad: one considering the Friday ghusl to be obligatory, and the other considering it to be recommended.²

¹ *Al-Muhalla*, 2:8.
The majority of scholars said that it was recommended, such as the *aṣḥāb al-raʿy* (followers of the opinion), Mālik,¹ al-Shāfiʿī,² al-Awzāʿī, al-Thawrī³ and al-Bukhārī.⁴ Al-Tirmidhī said: “Indeed, the fact that it is considered to be recommended and not obligatory is well known by the scholars of the Companions and the successors.” Ibn ʿAbd al-Barr said: “The Muslim scholars agreed unanimously in the past and they agree in present that the Friday ghusl is not obligatory.”⁵

Ibn Ḥazm discusses the justification of those in disagreement with him, and rejects them all. Among the narrations that he rejects is one which al-Shāfiʿī accepted as an authority, that is, the saying of the Prophet: “The one who has performed ablution is acceptable, and so is the one who has taken a bath (*ightasal*), but the bath is better.”⁶

Ibn Ḥazm maintains that this narration is reported from various sources: Samura, Anas, al-Ḥasan, Jābir, ʿAbd al-Raḥmān ibn Samura, Abū Hurayra and Yazīd ibn ʿAbd Allāh ibn al-ʿAlāʾ. Ibn Ḥazm says that these sources are all weak: either they are *mursal* or their narrators are weak or known to be liars. Then he mentions that this narration from Jābir has reached us by three chains, which are all rejected. He says that the second chain is narrated by Abū Sufyān from Jābir: Abū

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4 *Ṣaḥīḥ al-Bukhārī*, 5:7.
Sufyān is weak and among the narrators there is Muḥammad ibn al-Šalt, who is unknown.¹

However, Muḥammad ibn al-Šalt is not majhūl but well-known, for al-Bukhārī narrates from him in his Ṣaḥīḥ.² Furthermore, a number of scholars narrate from him, and al-Dāraquṭnī and Ibn Ḥibbān consider him trustworthy.³ Nevertheless, Abū Zur‘a said about him: “He is honest, although he used to dictate the Qur’ān from memory and he may have made mistakes.” Abū Ḥātim said about him: “He is honest.”⁴ Al-Dhahabī said about him: “He is honest, but makes mistakes.”⁵ Ibn Ḥajar said about him: “He is honest, and well-known, but was considered to be weak.”⁶ Accordingly it is clear that Muḥammad ibn al-Šalt was well-known as an honest character, but his memory was faulty, and mistakes arose because of this. Therefore the scholars described him, as “Honest”, which meant that he was ‘adl but not accurate.

In the light of the above I conclude that Ibn Ḥazm was not correct in describing Muḥammad ibn al-Šalt as majhūl, although he was correct in rejecting the narration. Since the narration was weak, it could not be taken as an authority.⁷ However, the statements of those who said that the Friday ghusl was recommended

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1 Al-Muhalla, 2:13. See Tahdhīb, 5:26(44); Taqrīb, 1:380(42); Tārīkh al-Thiqāt, 237(727).
2 Ṣiṣāl al-Bukhārī, 2:650(67).
3 Tahdhīb, 9:233(368).
4 Al-Jarḥ wa al-Ta’dīl, 7:289(1568).
5 Mughni, 2:594(5639).
6 Taqrīb, 2:172(225).
7 Fath al-Bārī, 5:14; Talkhīṣ al-Ḥabīr, 2:67(655).
were supported by other indications, such as the ḥadīth from Abī Hurayra that the Prophet said: “Whoever has performed ablution correctly, then attended the Friday prayer, listened and kept silent, will have his sins of a week plus three days forgiven. And whoever touched the stone has chatted (*faṣad laghā*)[his Friday prayer is not acceptable].”

2. Where Ibn Ḥazm is not correct in judging the narrator to be unknown, but is correct in rejecting the narration and successful in his juristic position.

An example of this category is “The preference for Makka over al-Madīnā.”

Ibn Ḥazm said: “Makka is the best land of Allāh, followed by the city of the Prophet and then Bayt al-Maqdis (Jerusalem).” Here he agreed with the majority of scholars, including Abū Ḥanīfa, al-Shāfi‘ī, Aḥmad, Dāwūd, and Ibn Wahb and Ibn Ḥabīb from among the Mālikītes. However, Mālik and some of the Shāfi‘ītes preferred al-Madīnā over Makka.

Ibn Ḥazm discussed the question with those who preferred al-Madīnā. He reported their evidence, which was correct, but pointed out that they did not have any authority on the issue, nor did they indicate their view. Then he mentioned the weak narrations to which they referred as authoritative and explained their points of

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1 Ṣaḥīḥ Muslim, 2:588(27); Talkhīṣ al-Ḥābīr, 2:67(655). See for more details, Al-Muḥallā, 2:9; Fath al-Bārī, 5:14.
2 Al-Muḥallā, 7:279.
3 Bidāya, 3:205.
5 Al-Majmū‘, 7:466.
6 Al-Muḥallā, 7:279; Faḍā’il al-Madīnā li Mulla Khājīr, 1:171.
weakness. These were two narrations that he rejected as a result of his judgement of the narrators by al-jahāla:

a. It is reported that the Prophet said about a dead man who was being buried: “Buried in the soil from which he was created.” Ibn Ḥazm says: “So they say that the Prophet is buried in al-Madīna. Since he is created from its soil, and he is the best creature, so al-Madīna is the best location.”¹ This narration contains three deficiencies at the first source, as seen by Ibn Ḥazm:

i. It is a narration with an incomplete chain (mursala).

ii. There is the presence of Muḥammad ibn al-Ḥasan ibn Zabāla in the chain, and he is weak.²

iii. It is from Unays ibn Yaḥyā, about whom Ibn Ḥazm says: “It is not known who he is.”³

Ibn Ḥazm is not correct in his judgement of Unays ibn Yaḥyā as majhūl, for he is well-known and trustworthy. Ibn Maʿīn, Abū Ḥātim, al-Nasāʾi, al-Ḥākim, al-ʿIjī, Ibn Saʿd, Ibn Abī Khaythama, al-Khalīlī,⁴ Ibn Ḥībbān⁵ and Ibn Ḥajar⁶ consider him trustworthy. Accordingly, Unays is not majhūl, for he is well-known to be trustworthy. It is true that this narration is narrated by Muḥammad ibn al-Ḥasan ibn

¹ Al-Muṭṭalī, 7:285.
² Ibid., 7:286.
³ Ibid., 7:286.
⁴ Tahdīb, 1:380 (693).
⁵ Thiqāt, 6:81.
⁶ Taqrij, 1:85 (647).
Zabāla, who has been judged unanimously to be weak. However, al-Ḥākim reports the same ḥadīth in another chain and judges it to be sound, and al-Dhahabī agrees with his judgement. Al-Ḥākim says:

Abū al-Naḍr al-Faqīḥ and Aḥmad ibn Muḥammad al-ʿAnāzī informed us, saying: “Uθmān ibn Saʿīd al-Dārimī told us that Yahyā ibn Șāliḥ al-Waḥāzī told them that ‘Abd al-ʿAzīz ibn Muḥammad told him that Unays ibn Abī Yaḥyā, the mawla of the Aslamī heard from his father who heard from Abū Saʿīd al-Khudrī, who said: ‘The Prophet passed by a funeral procession at a grave, so he said: “Whose grave is this?” They answered: “So and so from Ethiopia (al-Habasha).” So the Messenger of Allāh said: “No God but Allāh, no God but Allāh, transferred from his land and sky to the soil from which he was created from.”’

Al-Ḥākim says:

This is a ḥadīth with a valid chain, but al-Bukhārī and Muslim did not include it in their authentic collection. Unays ibn Abī Yaḥyā al-Aslamī is the uncle of Ibrāhīm ibn Abī Yaḥyā and Unays is a trustworthy and reliable narrator. This ḥadīth is supported by many other narrations, most of which are sound.

Al-Haythami reports many narrations; however, he mentions that they are all weak.

In the light of the above, the narration in question is acceptable, except that it does not indicate a general preference for al-Madīna al-Munawwara. It correctly indicates, as Ibn Ḥazm said, only the preference for the Prophet’s grave, because in al-Madīna the Hypocrites are also buried. Ibn Ḥazm said:

1 Al-Muḥallā, 7:286; Kāmil, 7:370(1655).
2 Mustadrak, 1:521(1356).
3 Ibid.
If the preference was due to the burial place of the Prophet, the same preference would have been given to Syria (al-Shâm), specifically the city of al-Khâlîl in Palestine, where the Prophets Abraham, Isaac, Jacob, Moses, Aaron, Solomon and David, peace be upon them all, were buried. But it is not reported in the statements of any of the Muslim scholars that Palestine is better than Makka.²

Ibn Ḥazm reported the same narration with another chain, from Abû Khâlid from Yaḥyâ al-Bakkâ’, and he said about Abû Khâlid: “He is unknown”,³ and about Yaḥyâ al-Bakkâ’: “He is weak.”⁴

b. It was reported that the Prophet said: “Al-Madîna is better than Makka.” Ibn Ḥazm presented this hadîth with three chains. The first one was narrated by al-Ḥasan ibn Zabâla, the second by Muḥammad ibn ‘Abd al-Raḥmân al-Raddâd, and the third by Mâlik’s companion, ‘Abd Allâh ibn Nâfî’ al-Ṣâyîgh, whom Ibn Ḥazm judged to be unanimously weak.⁵ Also the third chain contained Muḥammad ibn ‘Abd al-Raḥmân ibn al-Raddâd, whom Ibn Ḥazm judged by saying: “He is majhûl: no one knows him.”⁶

Ibn Ḥazm was not correct in judging Muḥammad ibn ‘Abd al-Raḥmân al-Raddâd to be majhûl, for he was well-known by the scholars, although they agreed

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¹ Majma‘, 3:42.
² Al-Muhalla, 7:286.
³ I could not identify Abû Khâlid.
⁴ Al-Muhalla, 7:286.
⁵ Ibid., 5:223; 7:377.
⁶ Ibid., 7:287.
that he was weak. Al-Azdī said about him: “His ḥadīth is not valid.”\(^1\) According to Abū Ḥātim: “He is not strong, so his ḥadīth is not valid.” Abū Zur‘a described him as “a weak narrator from al-Madīna.”\(^2\) Ibn ‘Adī said about him: “His narrations from whomever he narrated are not known by scholars.”\(^3\) Al-Dhahabī said: “He was considered weak.”\(^4\) Ibn ‘Adī and Ibn Ḥajar, while mentioning Muḥammad ibn ‘Abd al-Raḥmān ibn al-Raddād’s biography, reported the same narration that was rejected by Ibn Ḥazm. Ibn ‘Adī commented after reporting the narration, by saying: “This narration is narrated by Yaḥyā ibn Sa‘īd with this chain: no one but Ibn al-Raddād narrated it and most of what Ibn al-Raddād narrates is not known by scholars.”\(^5\) Ibn Ḥajar said after reporting the narration: “It is not sound, and indeed there are other sound narrations which state the opposite meaning of Makka [that is, the preference of Makka over al-Madīna].”\(^6\) Ibn ‘Abd al-Barr commented on the same narration by saying: “It is weak, for it is not taken as an authority and is said to be fabricated.”\(^7\) Furthermore, when Ibn Ḥazm reported the same narration with a valid chain, he excluded the sentence: “al-Madīna is better than Makka.”\(^8\) The same narration, as Ibn Ḥazm reported (i.e., excluded the sentence: “al-Madīna is better than Makka”), had

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\(^1\) Lisān, 5:251(7711).
\(^2\) Al-Jarḥ wa al-Ta‘dīl, 7:315.
\(^3\) Kāmil, 7:400(1666).
\(^4\) Mughni, 2:606(5747).
\(^5\) Kāmil, 7:401.
\(^6\) Lisān, 5:251(771).
\(^7\) Hidāyat al-Sālik, 1:47.
\(^8\) Al-Muḥallā, 7:287.
been narrated by Imām Muslim in his .handleClick(90,326,242,343)Sahih\textsuperscript{1}. Accordingly Ibn Ḥazm was right in rejecting the narration that contained “al-Madīna is better than Makka”, because Muḥammad ibn ‘Abd al-Raḥmān ibn al-Raddād was unanimously regarded as weak and Muslim’s narration is the sound version. Accordingly, whoever said that al-Madīna was better than Makka had no valid evidence.\textsuperscript{2}

3. Where Ibn Ḥazm is not correct in judging the narrator, nor in rejecting the narration nor in his juristic position.

An example of this is “The rule regarding shortening the prayer on a journey.”

Ibn Ḥazm says that shortening the quadruple prayers [that is, the ẓuḥr, ‘asr and ‘ishā’ prayers] to two rak‘as (prostrations) when travelling is obligatory. The person who prays four rak‘as intentionally, knowing that it is not allowed, invalidates his prayer. If he prays four rak‘as owing to inattention (kān sāhiyan), he is to prostrate for inattention (yasjud li al-sahw) after al-salām.\textsuperscript{3} Scholars’ statements varied on this matter. Abū Ḥanīfa agrees with Ibn Ḥazm that shortening is obligatory on a journey.\textsuperscript{4} Mālik says that shortening prayers when travelling is a certain Sunnah, and whoever completes the full prayer must re-do it immediately.\textsuperscript{5} However, if the prayer time had passed, then his prayer is correct. As for al-Shāfi‘ī, he says that shortening

\textsuperscript{1} Sahih Muslim, 9:491(457).

\textsuperscript{2} For more details see, Faḍā’il al-Madīna li Mullā Khāṭīr, 1:171-180; Faḍā’il al-Madīna al-Munawwara li al-Ṣāḥīḥ, 105-113; al-Iḥjāj.

\textsuperscript{3} Al-Muhalla, 4:269.

\textsuperscript{4} Faṭḥ al-Qadīr, 2:31.

\textsuperscript{5} Al-Istidhkhār, 6:65.
the prayers is permissible: it is a matter of concession (*rukhsā*), and whoever wish to complete the full prayer can do so.\(^1\) Aḥmad also says that a traveller can either shorten the prayer or do it in full.\(^2\)

Ibn Ḥazm discusses with the followers of al-Shāfi‘ī their statement that the traveller can choose between the shortened prayer and the full prayer and he rejects their evidence. Among their evidence is the narration of ‘Ā’isha: “She performed *‘Umra* with the Messenger of Allāh from al-Madīna to Makka. When she arrived in Makka, she said: “Oh Messenger of Allāh, you shortened [the prayer] and I performed it in full; you ate and I fasted.” The Prophet said: “Well done, ‘Ā’isha.” Ibn Ḥazm says: “This narration has been narrated only by al-‘Alā’ ibn Zuhayr al-Azdī and he is *majhūl.*”\(^3\)

Ibn Ḥazm is not correct in his judgement of al-‘Alā’ ibn Zuhayr being *majhūl*, for the scholars know him and mention him in their books, although it is known that Ibn Ḥibbān consider him weak.\(^4\) However, Ibn Ḥibbān is contradictory in his view, for he mentions him in his *Thiqāt.*\(^5\) Yahyā ibn Ma‘īn said about him: “He is trustworthy.”\(^6\) Al-Dhahabī said, after reporting the statements of Ibn Ḥibbān and Yahyā ibn Ma‘īn: “The crucial factor is the authentication of Yahyā.”\(^7\)

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1 *Al-Umm*, 1:313; *al-Majmū‘*, 4:209; *al-Ḥāwī al-Kabīr*, 2:358.
3 *Al-Muḥallā*, 4:269.
5 *Al-Thiqāt*, 7:265; see *Kabīr*, 6:515(3166).
7 *Meḥān*, 5:124 (5737).
Nasā‘ī narrated two hadiths from al-‘Ālā’ ibn Zuhayr, one of them about shortening the prayer, being the same hadith from ‘Ā’isha: “Al-‘Ālā’ ibn Zuhayr al-Azdi said: “‘Abd al-Rahmān ibn al-Aswad, narrated to me that he heard from ‘Ā’isha that she performed ‘Umra with the Messenger of Allāh from al-Madīna to Makka. When reached Makka, she said: “Oh, Messenger of Allāh, you shortened [the prayer] and I performed it is full, you ate and I fasted.” The Prophet said: “Well done, ‘Ā’isha.” ‘Ā’isha said: “He did not criticize me.”

‘Abd al-Haqq al-Ishbīlī rejected Ibn Ḥazm’s judgement on al-‘Ālā’ ibn Zuhayr being majhūl. ‘Abd al-Haqq said: “Al-‘Ālā’ ibn Zuhayr is a famous trustworthy person, and the ḥadīth that he narrated on shortening the prayer is correct.”

Accordingly, I consider al-‘Ālā’ to be trustworthy and his narration to be sound. Therefore, the traveller may shorten the quadruple prayers and he may also perform them in full. However, shortening them is certainly Sunnah and better according to the many texts referring to this practice by the Prophet when travelling, and it was also the practice of the Companions.

4. Where Ibn Ḥazm is correct in judging the narrator, in rejecting the narration and in his juristic position.

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1 Sunan al-Nasā‘ī, 3:138(1455); see Sahih Muslim, 5:317(3).
2 Tahdīb, 8:161.
3 See Ma‘rifat al-Sunan wa al-Āthār, 2:414-417.
An example of this is “Ibn Ḥazm’s juristic position on the minimum size of the congregation for the Friday prayer, especially his rejection of the narration which relied on those who decreed a minimum congregation of 30 people.”

Ibn Ḥazm says that the Friday prayer can be performed with two or more people.¹ Scholars’ statements on this differ. Al-Ṭabarî,² al-Ḥasan ibn Šāliḥ, Abū Thawr³ and al-Nakha’ī⁴ agree with Ibn Ḥazm. Abū Ḥanîfa,⁵ al-Layth ibn Sa’d and al-Muzanî say that the Friday prayer can be performed with 3 people, the imām being the fourth. Al-Awzâ‘î, al-Zuhri, Rabî’a and Muḥammad ibn al-Ḥasan say: “The Friday prayer is performed with twelve men.”⁶ Al-Shāfi‘î and Aḥmad require the Friday prayer to be performed by 40 people.⁷ Some scholars do not lay down a condition for any number of people, saying that it can be performed with fewer than 40, but not with 3 or 4. This was Mālik’s view (madhhab), because he says that the crucial factor is local conditions, so those whose houses are close to one another, thus creating a village with a market and a mosque, must perform the Friday prayer.⁸

¹ Al-Muḥalla, 5:45. Ibn Ḥajar said that Ibn Ḥazm stated that the Friday prayer could be performed by one person. Fatḥ al-Bârî, 5:91. I could not find in al-Muḥalla what Ibn Ḥajar had mentioned, yet Ibn Ḥazm clearly states that if one prayed alone on Friday afternoon, one must pray four rak‘as, because it was not counted as a Friday prayer but as an afternoon prayer (salāt al-zuhr). Unless Ibn Ḥajar did not count the imām, which is a total of two persons.
² Bidāyat al-Mujtahid, 1:158.
³ Al-Ḥawî al-Kabîr, 2:409.
⁴ Fatḥ al-Bârî, 5:91.
⁵ Al-Mabsūṭ, 2:24.
⁶ Al-Ḥawî al-Kabîr, 2:409.
⁸ Bidāyat al-Mujtahid, 1:158; Al-Ḥawî al-Kabîr, 2:409.
This multiplicity of opinions is based on either the reliance on various narrations or the difference in specifying the minimum number that can be called a group, and whether the imam is included or not.

Ibn Ḥazm rejects all the narrations used as an authority by the scholars who disagree with him. He explains that they are either sound narrations, but which contained no logical basis for their adopters, such as the narration used by al-Shāfī‘ī in his statement that the Friday prayer cannot be performed with fewer than 40 people. Or they are narrations transmitted by weak narrators, for example, those which rely on those who say that the Friday prayer cannot be performed with fewer than 50 people. The following are narrations that Ibn Ḥazm rejects after judging some of their narrators to be majhūl: narrations used by those who require 4 worshippers, such as Abū Ḥanīfa; the narration used by those who require 30 worshipers, such as al-Qāsim ibn Muḥammad;¹ and the narration used by those who require 200 worshippers.²

The view of the necessity of 4 worshippers

The evidence of the supporters of this statement that 4 worshippers are necessary is narrated by Mu‘āwiya ibn Yaḥyā from Mu‘āwiya ibn Sa‘īd from al-Zuhrī from Umm ‘Abd Allāh al-Dawsiyya, who lived at the time of the Prophet. She said that the Prophet said: “The Friday prayer is obligatory in every village even if there are

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¹ Mudawwana, 1:152; al-Muhalla, 5:46; Bidāyat al-Mujtahid, 1:158.
² Ibn Ḥazm did not mention who were those scholars.
only four men.” Ibn Ḥazm says: “This cannot be taken as an authority, because Muʿāwiya ibn Yaḥyā and Muʿāwiya ibn Saʿīd are unknown.”

Ibn Ḥazm is not correct in his judgement. Muʿāwiya ibn Saʿīd is indeed well known. Ibn Ḥibbān mention him in his Thiqāt and Ibn Ḥajar describes him as “acceptable.” Muʿāwiya ibn Yaḥyā is well known also, although there are two people with the same name. Ibn Ḥibbān is wrong when he refer to both of them as one person. He says: “Muʿāwiya ibn Yaḥyā al-Ṣadafi al-ʿAṭrābulṣi is a very objectionable narrator (munkar al-ḥadīth jiddan) who used to buy books and narrate from them [that is, without hearing them from their narrators]. Then his memory failed, and he used to make mistakes.” The reality is, as described by scholars such as al-Bukhārī, al-Dhahabi, Ibn Ḥajar and others, that Muʿāwiya ibn Yaḥyā al-Ṣadafi was not the same person as Muʿāwiya ibn Yaḥyā al-ʿAṭrābulṣi. However, they are both weak. The one reported by Ibn Ḥazm is in fact Muʿāwiya ibn Yaḥyā al-Dimashqī Abū Muṭṭiya al-ʿAṭrābulṣi. Ibn Maʿīn says about both Muʿāwiya al-Ṣadafi and Muʿāwiya al-ʿAṭrābulṣi: “They are weak.” Ibn Maʿīn said about al-Ṣadafi when

1  Al-Muḥallā, 5:47.
2 Tahdīb, 10:206(384).
3 Taqrīb, 2:259(1227).
4 Al-Majrūḥān, 3:3.
5 Kaḥīr, 7:336(1446,1447).
6 Mughni, 2:667(6325,6326).
7 Tahdīb, 10:219(402); 220(403).
8 Kālam Abī Zakariyyā, 112(359).
he was asked about him: "He is nothing." Al-Baghawi and al-Daraqutni describe Mu‘awiya ibn Yaḥyā al-Aṭrābulsi as a weak narrator. Abū Ḥātim says that he is "honest". Some scholars such as Abū Zur‘a and Abū ‘Alī al-Naysābūrī consider him trustworthy. However, it is more probable from the statements of the majority of the scholars that he is weak. Accordingly, this narration is unacceptable, and cannot be considered an authority for those who require at least 4 worshippers for the Friday prayers.

The view of the necessity of 30 worshippers

The evidence of the supporters of this view is a narration with an incomplete chain from Abū Muḥammad al-Azdi that the Prophet said: "If thirty men are gathered, they are to nominate a leader to be their imām in performing the Friday prayer." Ibn Ḥazm says: "Abū Muḥammad al-Azdi is unknown." In his book al-Jarḥ wa al-ta’dīl Ibn Abī Ḥātim introduces him as Abū Muḥammad al-Azdi and mentions that his name is Ismā‘īl ibn Yusuf ibn Ṣadaqa, and that Abū Zur‘a believed him to be from Syria. However, al-Dhahabi confirms that Ismā‘īl ibn Yusuf is majhūl.

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1 *Tarikh ‘Uthmān ibn Sa‘īd al-Dārimi*, 204(752); *Aḥwāl al-Rijāl*, 167(298); *Matrūkīn*, 362(511); *Mughnī*, 2:667(6325); *Mī‘ān*, 4:138(8635).
2 *Mī‘ān*, 4:139(8636); *Tahdhīb*, 10:220(403).
4 *Tahdhīb*, 10:220(403); *al-Jarḥ wa al-Ta’dīl*, 8:34(1754).
5 *Mudawwana*, 1:152. What Ibn Wahb related to al-Qāsim ibn Muḥammad was not in fact "thirty men" but "thirty householder".
6 *Al-Muḥallāt*, 5:47.
7 *Al-Jarḥ wa al-Ta’dīl*, 2:204(691).
8 *Mī‘ān*, 1:255(972); *Mughnī*, 1:89(738).
Therefore Ibn Ḥajar does not confirm whether the person whom Ibn Abī Ḥātim mentioned to be from Syria is the same person whom al-Dhahabī judged to be majhūl, or whether they are two different people.¹ From this evidence, it becomes clear that Ibn Ḥazm is not alone in considering Abū Muḥammad al-Azdi to be majhūl, for al-Dhahabī agrees with him. As is well known, al-Dhahabī is one of the most famous scholars in this field. Therefore I give preference to the statements of Ibn Ḥazm and al-Dhahabī. It is worth mentioning that al-Azdi is not considered trustworthy by any scholar. As for Abū Zurʿa he indicates only that he is from Syria, so he knows him, although he does not mention from whom he narrates except Iṣḥāq ibn Ibrāhīm ibn al-ʿAlāʾ.² This mention by Abū Zurʿa does not remove the jahāla from him. Accordingly, this narration is not acceptable, for al-Azdi is majhūl. Furthermore, Ibn Ḥazm and the majority of the scholars do not accept a narration with an incomplete chain, therefore this narration is not acceptable because its chain is broken.

The view of the necessity of 200 worshippers

The evidence of the supporters of this view is the narration of Rawḥ ibn Ghuṭayf: “When they [the Companions] comprised two hundred people, the Prophet performed the Friday prayer.” Ibn Ḥazm says: “This ḥadīth is unacceptable and Rawḥ ibn Ghuṭayf is majhul.”³

¹ Lisān, 1:499.
² Al-Jarḥ wa al-Taʿdīl, 2:204(691).
³ Al-Muḥalla, 5:47.
Ibn Ḥazm is not correct in judging Rawḥ ibn Ghuṭayf as majhūl. I do not find any scholar who concurs with him in his judgement, although scholars are agreed that he is not acceptable as a narrator. Al-Bukhari says about him: “His narrations are deniable (munkar al-hadīth).”  

Abū Ḥātim says: “He is not strong, his narrations are very deniable.” Ibn Maʿīn considers him weak. Al-Nasāʿī says about him: “He is abandoned.”

It is worth pointing out that Imām al-Bukhari, in his comprehensive book al-Šahīḥ, does not approach the issue of the minimum number of worshippers for the Friday prayer because not even one narration can be considered sound in his view. ‘Abd al-Ḥaqq al-Iṣbīlī says in his book al-ʿAḥkām: “There is not a single narration that is sound (ṣahīḥ) in explaining the requirement of the number of people for the Friday prayers.”

From the above it becomes clear that Ibn Ḥazm is correct in considering some narrators to be majhūl, but not correct concerning others, except in rejecting the narrations already mentioned because the narrators are weak. He is also correct in his jurisprudence position, which says: the Friday prayers, similar to other prayers, can be performed by two people.

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1 Kabīr, 3:308(1047).
2 Al-Jarḥ wa al-Taʿdīl, 3:495(2245).
3 Mžān, 2:60(2809); Mughnī, 1:234(2146).
4 Naṣb al-Rāya, 2:197.
Conclusion
Under its Muslim rulers, al-Andalus, where Ibn Ḥazm lived, set a shining example of a civilized and enlightened state. It was a society in which different races and believers of different religions - Islam, Christianity and Judaism - lived together in a wonderful and peaceful harmony. It was a society with a number of public libraries, which fed the minds of scholars. It was a society which surpassed other societies in having a large number of women as scholars, writers and poets.

Ibn Ḥazm, a man of wisdom, was the greatest scholar in Islam for the number of the books that he wrote with his own hand. The total number of his works was around 400 volumes containing 80,000 pages. He was a scholar in many fields: he is the acknowledged founder of the science of comparative religion, a scholar of Ḥadith, a theologian, a jurisprudent, a moral philosopher, a historian and a genealogist.

His book al-Muḥallā is a book of absolute ijtiḥād and it is one of the greatest books in Islamic jurisprudence.

Ibn Ḥazm had a good upbringing and a good education. The entire group taking care of him and educating him consisted of women. The intellectual milieu at Ibn Ḥazm’s time had great vitality. Close at hand were a large number of books, in the library of the Royal Family. There were also many famous and learned scholars in al-Andalus. Both of these influences created the mature intellectual milieu in which Ibn Ḥazm grew up. Early subjects of study for him, in addition to what he was taught by the women, were philosophy and logic, but not Ḥadith, as was stated by Muḥammad al-‘Umarī. Ibn Ḥazm began studying the Ḥadīth when he was younger.
than 17 years old. His earliest Ḥadīth teacher was Āḥmad ibn al-Jasūr (d. 401/1010) in 399/1008.

His first step in seriously studying fiqh was Imām Mālik’s book al-Muwaffa’a and his teacher was Abū ‘Abd Allāh ibn Daḥūn. He began his scholarly life as a Mālikī, then became a Shafi‘ī and finally a Zāhirī. Ibn Ḥazm was impressed by Shafi‘ī’s methodology because of its adherence to the Qur’ān and the Ḥadīth and its rejection of istiḥsān (personal opinion). There were two reasons behind Ibn Ḥazm’s embracing the Zāhirī methodology: his personality, and some of his teachers who were inclined to the Zāhirī methodology, such as Ibn Mufliḥ. Ibn Ḥazm reached the level required for a jurisprudent in 407 as a Zāhirī scholar.

One of Ibn Ḥazm’s most important debates was with Abū al-Walīd al-Bājī on the island of Majorca around 440; unfortunately, however, these debates are lost.

Ibn Ḥazm suffered greatly from both scholars and rulers. In Seville, Ibn ‘Abbād, the ruler, collected Ibn Ḥazm’s books in 455, and burned them publicly.

Ibn Ḥazm’s very peaceful life was to be disturbed for the first time by a political problem, when he was 18 years old.

Ibn Ḥazm participated in politics and became a vizier more than once in the Umayyad kingdom. After being imprisoned several times, he abandoned politics during the last 34 years of his life (that is, from 422/1030 to 456/1069), and devoted himself to knowledge and scholarly events. Ibn Ḥazm died in 456/1069 in a small town called Labla.
The methodology of rejecting narrators and narrations

An examination of Ibn Ḥazm’s methodology of rejecting narrators shows that it is based on six criteria. He refuses to accept a narrator for (1) being a Shi‘ite; (2) innovation; (3) his conduct; (4) tadlīs (deception); (5) receiving talqīn (prompting); and (6) being mentally disturbed (al-mukhtalif).

For Ibn Ḥazm to accept a narrator, it is not sufficient that his invalidity could not be proved. Any narrator whose status of trustworthiness or untrustworthiness is not clear is rejected. He accepts only the narrator whose trustworthiness is proved. He accepts the narration of the ‘adl narrator and rejects that of the fāsiq. Moreover, he does not accept a narrator’s report only on the basis of his ‘adāla: he sees the importance of distinguishing the ‘adl jurist (al-‘adl al-mutafaqqih) from the lay ‘adl (ghayr al-mutafaqqih). He accepts narrations from the former but not from the latter.

While some scholars consider a Muslim to be ‘adl until he is proven otherwise, Ibn Ḥazm refuses to confirm the ‘adāla of a Muslim unless it is proved. The scholars regarded the human child as innocent and sinless. When the child reaches maturity, the fact that he is a Muslim confirms his good character, for Islām combines all goodness, and accordingly he is considered ‘adl until it is established that he is otherwise. Ibn Ḥazm rejected this logic, explaining that on maturity a Muslim becomes responsible: his good deeds are recorded on the good side of the balance and his sins are recorded on the evil side. He emphasizes that there is nobody who has not already been unjust and has not committed a sin. Therefore, a
Muslim's narration can not be accepted until his 'adāla is proved. Here Ibn Ḥazm agrees with the majority of the Mālikīte and Shāfiʿīte scholars.

Ibn Ḥazm does not differ from the other scholars in his criteria for a narrator to be considered 'adl. His requirements are: Islam, puberty, freedom from fisq, and sanity. His only disagreement is with al-Shāfiʿī who requires chastity ('adam khawārim al-muruʿa) for a narrator to be 'adl. Ibn Ḥazm's response is that the narrator's chastity cannot be considered separately: a depraved character either falls into the realm of sin or he does not. If he does so, then he infringes the condition of freedom from the causes of fisq. If, on the other hand, he does not, then it is not a sin, and therefore there is no infringement.

Ibn Ḥazm requires the condition of 'adāla at the time when a narration is passed on to others, but not when the transmitter hears the narration.

Ibn Ḥazm believes that the narrator's 'adāla can be proved by the ruling of a Hadīth scholar, fame or the narration of two trustworthy transmitters.

He rejects a narrator who has committed a major sin, or what the narrator believes to be unlawful, who has declared publicly his minor sins, or who could not recall accurately the narrations that he had memorized or quotations from his writings.

He states that mistakes in the narration of a trustworthy reporter could be known if

1. the narrator verifies and admits that he made an error in his narration;
2. if an 'adl narrator testifies that he heard the narration with a trustworthy narrator, and that that narrator has made a mistake in transmitting the narration;
3. if the narration contains statements which contradict public knowledge.

Ibn Ḥazm uses various methods to show a break in the chain. It is clear that Ibn Ḥazm’s analysis of the incomplete chain is based on his wide knowledge of history and his particular familiarity with the narrators and their teachers and students. This gave him the ability to distinguish between complete and incomplete chains.

Although scholars reject the narration with an incomplete chain and consider it to be weak, we find that they do make exceptions to this rule. For example, al-Shāfi‘ī made an exception for the mursal of Sa‘īd ibn al-Musayyib. Ibn Ḥazm, however, makes no exception for anyone. In his view a mursal ḥadīth is absolutely inadmissible, regardless of who transmitted it.

The criticism of the text is an obvious part of Ibn Ḥazm’s methodology of rejection and is based on seven criteria. He rejects a narration which (1) contradicts indisputable historical data; (2) contradicts reality; (3) contradicts itself; (4) contains wild exaggeration; (5) contains confusing language; (6) contradicts a fixed fundamental of Islamic law; or (7) contradicts the Qur’ān and Sunnah.

Ibn Ḥazm divides jahāla into four types:

1. Absolute jahāla: This category implies that the narrator is nonexistent. He uses different terms in this respect, such as “Not created” and “Nobody knows who he is.”
Ibn Ḥazm applied these and similar descriptions to 125 narrators out of a total of 413. He was correct in his judgement of 67 narrators, but incorrect regarding the remaining 58. Among those whom he judged incorrectly were a large number of weak narrators. It appears that either they transmitted from weak or unknown narrators, or the narrators who used them as a source of Ḥadīth reporting were themselves weak or unknown narrators.

2. **Jahāla**: This category is one degree below absolute jahāla. It does not indicate that the narrator does not exist. However, it describes him as not known among Ḥadīth scholars for his ʾadāla, although some people may know him. In describing the narrators listed in this category, Ibn Ḥazm uses the word majhūl (unknown), a term that appears frequently in his writings.

   Ibn Ḥazm judges as “unknown” 249 narrators, that is, 60 per cent of the total of 413. Ibn Ḥazm is correct in his judgement of 110 narrators, whom he found to be majhūl, but he is not correct regarding 19 others, whose true status is majhūl al-ḥāl, not simply majhūl. He is wrong in his judgement of 120 narrators, whom he describes as majhūl although they are well-known by scholars. There are among them narrators whom the scholars described as weak or liars, but there are others who are trustworthy and famous imams and Companions.

3. **Jahālat al-ḥāl**: This means that the narrator’s status is unknown. This category is yet another lesser degree of jahāla. It indicates that the narrator does exist and is known by other people. However, his ʾadāla is unknown either by fame
or by scholars’ testimony (tanṣīṣ). Ibn Ḥazm listed only 7 narrators in this
category and is correct in his judgement of two of them.

4. The mubham narrator: This is one who is not mentioned by name, such as
saying “from a man”. In al-Muhalla a mubham narrator is mentioned 58 times,
although Ibn Ḥazm does not use the term mubham but majhūl to refer to this
type of person.

Ibn Ḥazm rejects the narration of an unknown narrator in all the categories
of jahāla unless he becomes known and his ‘adāla is proved.

Ibn Ḥazm does not use the term majhūl al-‘ayn even once. However, it
exists in his mind and the difference between majhūl al-ḥāl and majhūl al-‘ayn is
quite clear to him.

Ibn Ḥazm’s method of the elimination of jahāla from a narrator is as
follows:

1. A mubham narrator remains classified as such until his identity is proved and
his status investigated.

2. Jahālat al-‘ayn is eliminated from a narrator if two narrators report from him,
even if one of them is weak.

3. Jahālat al-ḥāl is eliminated from a narrator if two trustworthy narrators narrate
from him.

4. If a Ḥadīth scholar, or one of the famous trustworthy reporters narrates from
any narrator, that would eliminate jahālat al-ḥāl from that narrator. However,
it appears that Ibn Ḥazm did not stick to this method when judging some
narrators to be majhūl.
Ibn Ḥazm does not accept the principle of *al-tawthīq ‘alā al-ibhām*, which describes an ‘*adl* narrator who says: “It is narrated by a trustworthy person”, without naming him. He is in agreement with the scholars on this point. Nevertheless, the scholars accept a *mubham* narrator if he is a Companion. However, Ibn Ḥazm does not accept him, even if he is a Companion.

The characteristics of *jahāla* as distinguished by Ibn Ḥazm’s methodology are as follows:

1. Clarity of terminology.
2. The power of the expressions used.
3. Ibn Ḥazm’s generalization in passing judgement.
5. Judging a narrator by *jahāla* and weakness.
6. Ibn Ḥazm’s independence in judging narrators.

**Ibn Ḥazm’s agreement and disagreement with other scholars**

It is often considered that Ibn Ḥazm was a scholar who had lack of respect for the four orthodox imāms. What can be concluded here is that Ibn Ḥazm did respect the four orthodox imāms. As we have noted, he believed that each of them was a great scholar. It is true that he often attacked directly the four orthodox imāms as a group or as individuals. This, however, was to show their fanatical followers that these imāms were human beings and therefore not infallible, and that they should

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be followed when they had the evidence to support their judgement, but not when the evidence clearly supported the judgements of others.

In history Ibn Ḥazm is known to be a scholar having many differences and disagreements with other scholars. It is true that he differs from other scholars in many respects, although this view about Ibn Ḥazm is greatly generalized, to the point that he is regarded as a scholar who dissents from other scholars. This view about Ibn Ḥazm is due to many reasons:

1. Ibn Ḥazm’s personality: The truth was the aim of Ibn Ḥazm’s life. He made a vow to spend his life searching for the truth and nothing else. He struggled for what he believed to be the truth, regardless of whether it was accepted by others or not. He had no hesitation in directly confronting any individual or idea that he believed to be wrong. He struggled and argued with scholars with his sharp tongue and forceful writings. He was a fearless fighter, a frank and straightforward person who stood up to scholars and individuals who did not support him in his beliefs. Thus, he brought much trouble upon himself and was regarded as a scholar who differed greatly from other scholars.

2. His strictness: Ibn Ḥazm applied strict criteria in accepting a narration for fear of adding to the sayings of the Prophet Muḥammad words which later might be considered part of the aḥādīth of the Prophet. His methodology erred on the side of caution and avoidance of additions, and not from fear of loss. Therefore, he was very strict in judging narrators and rejecting them. The terms he used when rejecting narrators were also clearly decisive and stern.

3. His independence: Ibn Ḥazm rejected many narrators in his book al-Muḥallā. He judged 413 narrators to be unknown, 295 narrators to be weak and 34
narrators to be liars. He relied on other scholars’ opinions when judging 2 narrators to be unknown, 39 narrators to be weak and 3 narrators to be liars: a total of 44 out of 742 or only 5.9 per cent. It means that he was fully independent in the vast majority of his judgements: 698 out of 742 or 94.1 per cent.

4. His weakening of a large number of narrators: Ibn Ḥazm decisively rejected a large number of narrators and described them very clearly as weak, whereas other scholars’ judgements of the same narrators differed. Some scholars accepted certain narrators that were rejected by others, and some scholars accepted certain narrators in one context and rejected the same narrators in other contexts.

5. His weakening of scholars: Ibn Ḥazm’s decisive weakening of some trustworthy narrators and his judgement of scholars, and even Companions, to be unknown further strengthened the common view of his dissension from the ranks of the scholars.

It is true that Ibn Ḥazm differs, in many respects from other scholars, in particular on two points:

1. The majority of scholars accept the narration of an ‘adl narrator whose integrity is not in doubt and who is considered to be accurate. However, they do not rule out the possibility that mistakes may occur in his narration without his being aware of them. On the other hand, a narrator whose ‘adīla and jurisprudential conditions of memorization and accuracy have been established, and whose fallibility is not proved by the above-mentioned three methods, is considered by Ibn Ḥazm to be infallible from error and lies in his narration.
2. The scholars reject the narration of a narrator known for errors, poor memorization and inaccuracy, because of the strong probability that his narration is not true. Ibn Ḥazm, however, judges any narration narrated by someone whose skill in memorization or accuracy is not known to be false and fabricated without any doubt.

He also disagrees with the scholars that everyone who embraced Islam and saw the Prophet is a Companion and is therefore 'adl, and he argues that an 'adl Companion is one whose merit and status are proved.

Therefore, it can be concluded from this research that, regardless of his disagreement with other scholars on these points, Ibn Ḥazm does not differ greatly from them, for he is in agreement with the majority of Ḥadīth scholars in their methodology of rejecting narrations. And he is in agreement with the majority of scholars in his judgement of narrators. This can be clarified as follows:

Ibn Ḥazm judged 295 narrators to be weak. In comparison with other scholars' judgements of the same narrators, it seems that the controversy between Ibn Ḥazm and other scholars is over only 8 narrators, including a Companion, out of the total number of 295. It can be concluded, therefore, that this is negligible, since no scholar is expected to have a judgement identical to that of the others.

Therefore, Ibn Ḥazm cannot be considered different from other scholars in his weakening of the overwhelming majority of the narrators (281), being 95.2 per cent of the total of 295.

There are 34 narrators whom Ibn Ḥazm judges to be liars. From a review of the Ḥadīth scholars' statements about these narrators, it is clear that there is not a
single narrator on whose trustworthiness the scholars are agreed. Ibn Ḥazm cannot be regarded as dissenting when judging the narrators as liars, for he and the other scholars are in agreement in classification of the majority of the narrators.

He is in agreement with the scholars on the rejection of *mubham* narrators. He is correct in his view, because when someone reports from a narrator by saying “from a man” without naming him, it is impossible to know whether the narrator is trustworthy or not.

Ibn Ḥazm agrees with the Ḥadīth scholars in their view of the *majhūl* narrator, namely that the *majhūl* narrator is whoever was not famous as a learned person and that just one narrator reported his narration.

In *al-Muḥallā*, Ibn Ḥazm judges 413 narrators to be unknown. The statements of scholars about these narrators vary. Scholars agree unanimously that 166 narrators (35.2 per cent) are unknown. There is a group of 23 narrators (4.9 per cent), whose assessment caused a sharp division among the scholars. Although the majority of scholars declare that these narrators are famous, there are some who agree with Ibn Ḥazm’s judgement that they are unknown. There is another group of 39 narrators (8.3 per cent) whom Ibn Ḥazm judges incorrectly as unknown, for the scholars have known them. However, the scholars unanimously agree that they are weak and therefore reject their narrations.

Ibn Ḥazm is in agreement with the majority of the scholars for rejecting any narration with an incomplete chain.

The majority of the terms used by Ibn Ḥazm were well-known and had been used by other scholars.
Therefore, Ibn Ḥazm is not a scholar who differed greatly from other scholars. On the contrary, in his methodology of rejecting narrations and in most of his views he agrees with the majority of scholars. Where he differs—and where he can be said to be ẓahirite—is in his attitude toward qīyās. But where he deals with ḥadīth, which in a sense has become more important as a source for arriving at judgements since qīyās is no longer available, he is remarkably similar in methodology to his predecessors.

The impact of Ibn Ḥazm’s judgement of unknown narrators upon his jurisprudence

It is clear that Ibn Ḥazm’s judgement of unknown narrators had a marked impact upon his jurisprudence. In his book al-Muḥalla Ibn Ḥazm judges 413 narrators to be majhūl. The total number of narrations which are transmitted by these narrators is 325 narrations and they discuss 194 cases. Thus, Ibn Ḥazm’s fiqh in 194 out of 2,024 cases, that is, 9.58 per cent, is based on his judgement of narrators as being unknown.

From the cases studied, it can be concluded that Ibn Ḥazm’s position in judging the narrator and the narration and the juristic judgement comes under one of the following four categories:

1. Ibn Ḥazm is not correct in judging the narrator to be unknown, but is successful in rejecting the narration for other reasons. However, he is not successful in his juristic position for other evidence.

2. Ibn Ḥazm is not correct in judging the narrator to be unknown. However, he is successful in rejecting the narration and in his juristic position.
3. Ibn Ḥazm is not correct in judging the narrator to be unknown, nor in rejecting the narration, nor in his juristic position.

4. Ibn Ḥazm is correct in judging the narrator as being unknown, in rejecting the narration and in his juristic position.

However, it is impossible to give any clear “values” to these categories without studying these 194 examples and that is the subject of another thesis.

Ibn Ḥazm the man and the scholar

Ibn Ḥazm had a very clear, fixed attitude. His methodology of a Ḥadīth scholar was mutually supportive. As a Zāhirī jurist, he rejected imitation because he believed that a person who imitated someone else was influenced by an individual opinion without any supporting evidence. He rejected analogy because, in his view, it was based on a supposition. Ibn Ḥazm did not accept the authority of anyone except Allāh and His Messenger Muḥammad. He believed that no one should be followed except Allāh and His Messenger Muḥammad, as laid down in the teachings of the Qur’ān and Ḥadīth. In his methodology of Ḥadīth, he would not accept any narration unless it was proved that all the narrators were ‘udūl and accurate and that there was an unbroken chain of narration from the transmitter to the Prophet. Therefore, he had very strict criteria for accepting narrators.

It may be thought that there was a contradiction between Ibn Ḥazm being a Zāhirī scholar and his rejection of a number of narrations because their content conflicted with reality, that is, Ibn Ḥazm rejected them on the basis of logic. Therefore, it is important to clarify that, for Ibn Ḥazm, Zāhirī methodology did not
mean the rejection of common sense. Rather, he regarded it as an intellectual revolution against imitation, against avoiding common sense and following others without any proof. In short, it was a call for *ijtihād*. Ibn Ḥazm’s rejection of analogy was based on common sense. He said that it was clear that analogy could not be used to support any judgement because it was based on cause and effect; the reality was that no one could guarantee that he knew the reason for God’s commands. The fact was that different scholars could state different reasons, all contradicting one another, for a specific command. Therefore, the limited meaning of the Žāhirī methodology, that is the literal interpretation of the narration, does not show us the complete picture of Ibn Ḥazm’s methodology. It is true that the Žāhirī methodology for Ibn Ḥazm meant the literal interpretation of the narration, provided that the case was based on a narration and there was no contradictory evidence. However, Ibn Ḥazm also based the Žāhirī methodology on common sense where that was applicable, and the theory of *Dalīl* explains this very clearly. Therefore, if it is stated in the texts that A is bigger than B and B is bigger than C, then certainly A is bigger than C, and any narration stating that C is bigger than A is logically unacceptable. On the basis of the above explanation there is no contradiction between Ibn Ḥazm’s Žāhirī methodology and his methodology of criticizing narrations on the basis of common sense and judging them to be weak logically.

I hope that this thesis will succeed in clarifying Ibn Ḥazm’s reasoning when he rejected narrations. I hope also that this thesis will succeed in changing the view that

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1 See al-Muḥallā, 7:480; 8:29, 193; 9:359.

2 See pages 64-69.
Zāhiri methodology is only a literal interpretation of the text without any basis of common sense. However, I believe that, to clarify this aspect of Ibn Ḥazm’s thought and to explain in depth the exact meaning of the Zāhir, a specialized study of Ibn Ḥazm’s methodology of usūl al-fiqh needs to be made, in addition to this thesis, which has clarified his methodology of Ḥadīth.

I hope also that this thesis will give the real picture of Ibn Ḥazm, and remove mistaken ideas about him, which are widespread:

1. Ibn Ḥazm should not be regarded as an aggressive and rigid personality who differed greatly from other scholars. His general agreement with the methodology of the majority of Ḥadīth scholars in criticizing narrations clearly proves otherwise. He should be regarded as one of the greatest scholars in al-Andalus, as one of the greatest scholars in the struggle for the freedom of thought, for the freedom of the soul and for freedom in general. We should remember his statement that whenever any case was proved to be the truth, he would be the first to follow it without any hesitation.

2. Philosophy and logic, being the early subjects of study for Ibn Ḥazm, had a strong influence on his thinking. Therefore, he became a Zāhiri scholar who based his judgements on common sense and rejected analogy likewise. He argued logically that no one who based his judgement on analogy could guarantee that that was the reason for Allāh’s will and command. In each case a different analogy could be stated by different scholars, all at variance with one another.
3. Ibn Ḥazm’s main criticism was focused on the methodology of scholars and later on the results.\(^1\) It is clear that Ibn Ḥazm was a scholar who adhered to his methodology, and that exceptions were rare and not counted.

4. There is a great need to understand Ibn Ḥazm’s methodology of criticism and to follow in his footsteps. He certainly had a spiritual motive for criticizing everything and not accepting anything unless it was proved beyond all doubt to be sound and true. Therefore, I hope we succeed in regarding Ibn Ḥazm as a wise man with expert knowledge of the human psyche, a scholar who struggled for the freedom from being influenced by any idea or ruled by any individual without clear and sound evidence.

5. Ibn Ḥazm was a scholar who respected the four orthodox scholars,\(^2\) for he believed that they were calling for the freedom that he demanded. They did their best to understand God’s will, and to teach people what they thought to be the truth. None of them asked anyone to follow him without clear evidence, for al-Shāfi‘ī explained that if anyone found that his opinion contradicted the narration, then he must adhere to the narration and reject his opinion. Ibn Ḥazm believed that the four orthodox scholars were to be respected, however they were not infallible. Therefore, they should not be followed unless there was clear evidence supporting their

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\(^2\) See page 313.
opinion. He believed that the only holy texts that we should follow were the Qurʾān and the sound aḥādīth of the Prophet Muḥammad.

6. Ibn Ḣazm believed that everything was permissible unless another judgment proved the contrary. Ibn Ḣazm, who has been regarded as a narrow-minded scholar, in fact created a firm foundation for the theory of istiṣḥāb, meaning that the activities of life were originally permissible. Thus the Ṣāhīrī methodology has become easier to apply than that of the other schools, which accept analogy.

Finally, Ibn Ḣazm should be regarded by both eastern and western scholars of Islām, as a scholar who struggled for the truth, a pious man who was very keen to acquire knowledge which he believed led to the truth, who acted upon what he believed to be the truth, and who never argued or disagreed with others from a desire to be different: his arguments were always based on his hunger for the truth and nothing but the truth.

Ibn Ḣazm’s book al-Muhalla, which is regarded as an ordinary book of jurisprudence, should rather be appreciated as an extraordinary work which argued the views of other scholars in all the cases that he mentioned, especially those of Abū Ḥanīfa, Mālik and al-Shāfi‘ī, and concluded the argument with a clear judgement supported by sound and logical evidence. As Ibn Ḣazm himself stated, al-Muhalla is a book which enables readers to understand the differences among scholars and guides them to a supported judgement of propositions over which scholars have

1 See page 65.
Al-Muhalla should be respected as one of the most important books on Islamic jurisprudence, a book of comparative jurisprudence. This, as mentioned previously, was the view of one of the most famous Shafi’ite scholars, al-‘Izz ibn ‘Abd al-Salām, who said: “I have never seen such great and brilliant Islamic books as al-Muhalla by Ibn Ḥazm and al-Mughni by Muwaffaq al-Dīn.”

Al-Muhalla should also be recognized as a book of Ḥadīth, for it contains a huge number of the Prophet’s ahādīth with the chain of transmission and Ibn Ḥazm’s judgement of whether they are sound or weak. It also includes numerous sayings of the Companions and Successors. It should be regarded as a book of al-jarh wa al-ta‘dīl, for it contains Ibn Ḥazm’s judgement of a large number of narrators, whether they were to be accepted as trustworthy or rejected as weak.

I hope this thesis succeeds in clarifying the importance of al-Muhalla and that scholars of Islamic studies in general and the Ḥadīth scholars, fuqahā’, scholars of usūl al-fiqh in particular become aware of the worth of this work, as were al-‘Izz ibn ‘Abd al-Salām and Rashīd Riḍā when he said: “If God wanted Islamic fiqh to be renewed, scholars would definitely become aware of the worth of al-Muhalla.”

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1. See page 38.
2. Ibid.
3. See page 38,39.
Appendix
Ibn Ḥazm’s printed works

It is a fact that Ibn Ḥazm greatly suffered and that number of his books, as previously mentioned, has been burned in Seville and that there still a number of his books, some of his master writings such as al-Īṣāl, are lost. However it is also a fact that a number of Ibn Ḥazm’s books survived and been published. Brockelmann mentions 36 titles, all of which have been published except al-Īṣāl and Dhikr awqāt al-umārā’ wa ayyāmihim bi al-Andalus, which are lost, fī mas’alat al-kalb, which is, to the best of my knowledge, a manuscript, and the three titles Aswāq al-‘Arab, Masā’il uṣūl al-fiqh and qaṣīde, which I have not been able to identify.

Below is a complete list of the books of Ibn Ḥazm which have been published. [Note: (B) between brackets refers to titles which have been mentioned by Brockelmann. The small number after the B, e.g. B3, refers to the number given to the title by Brockelmann.3]


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1 See page 23.
2 See *Rasa’il*, b (7); al-Akhlaq wa al-siyar, 53.
3 Brockelmann, Vol 1,692-697 (5).
4 I have listed the contents of volume 2, 3 and 4. Although volume 1 exists, I have not had access to it, and so cannot list its contents.


41. Ṭawq al-Ḥamāma fī al-Ilfā wa al-Ullāf, ed. al-Ṭāhir Ṭāhir Ahmad Makkī (Cairo,1993). It has been translated into English, see The Ring of the Dove. (B1).


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