

**IBN ḤAZM'S METHODOLOGY**

**OF *JAHĀLA* IN HIS BOOK**

***AL-MUḤALLĀ***

**BY**

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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.

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# 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 Zāhirī school and contains two chapters. Chapter 1 covers Ibn Ḥazm's personal and scholarly life, and Chapter 2 studies the Zāhirī 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-ruwāt*). Chapter 9 examines Ibn Ḥazm's judgement of narrators in his book *Al-Muḥallā* 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:

أ	ب	د	d		ض	ḍ	ك	k
ب	B	ذ	dh		ط	ṭ	ل	l
ت	T	ر	r		ظ	ẓ	م	m
ث	Th	ز	z		ع	‘	ن	n
ج	J	س	s		غ	gh	هـ	h
ح	Ḥ	ش	sh		ف	f	و	w
خ	Kh	ص	ṣ		ق	q	ي	y

### B. Vowels:

Short vowels		Long vowels	
—	a	آ / اَ / اِ	Ā
ُ	u	وُ	Ū
ِ	i	يِ	Ī

### C. Diphthongs:

أَوْ : أُوْلَى	aw : awlā
غَيْبٌ : غَيْبٌ	ay : ghayb

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## **List of Abbreviations**

**A**

- Al-Adab al-Andalusī*: Haykal, *Al-Adab al-Andalusī min al-Fatḥ ilā Suqūṭ al-Khilāfa*
- Aḥwāl al-Rijāl*: Al-Juzjānī, *Aḥwāl al-Rijāl*
- Al-Akhlāq*: Ibn Ḥazm, *Al-Akhlāq wa al-Siyar*
- A'lām al-Muwaqqi'īn*: Ibn al-Qayyim, *A'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn*.
- Ansāb*: Al-Sam'ānī, *Al-Ansāb*
- Al-Ashbāh wa al-Nazā'ir*: Al-Subkī, *al-Ashbāh wa al-Nazā'ir*

**B**

- Badā'i'*: Al-Kāsānī, *Badā'i' al-Ṣanā'i' fī Tartīb al-Sharā'i'*
- Al-Bayān wa al-Taḥṣīl*: Ibn Rushd, *Al-Bayān wa al-Taḥṣīl wa al-Sharḥ wa al-Tawjīh wa al-Ta'līl fī Masā'il al-Mustakhrāja*
- Bidāya*: Ibn Kathīr, *al-Bidāya wa al-Nihāya*
- Bidāyat al-Mujtahid*: Ibn Rushd, *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*
- Brockelmann*: Brockelmann, *Geschichte der Arabischen Litteratur*
- Bughya*: Al-Ḍabbī, *Bughyat al-Multamis fī Tārīkh Rijāl Ahl al-Andalus*
- Bunyat al-'Aql al-Arabī*: Al-Jābirī, *Bunyat al-'Aql al-'Arabī*
- Burhān*: Imām al-Ḥaramayn, *al-Burhān fī Uṣūl al-Fiqh*
- Bukhārī*: Al-Bukhārī, *Al-Jāmi' al-Ṣaḥīḥ*

**D**

- Dāwūd al-Zāhirī*: ‘Ārif Khalīl, *al-Imām Dāwūd al-Zāhirī wa Atharīh fī al-Fiqh al-Zāhirī*
- Al-Dhakhīra*: Ibn Bassām, *Al-Dhakhīra fī Maḥāsīn Ahl al-Jazīra*
- Dhikr Man Yu‘tamad*: Al-Dhahabī, *Dhikr Man Yu‘tamad Qawluh fī al-Jarḥ wa al-Ta‘dīl*
- Dirāsāt ‘an Ibn Ḥazm*: Makkī, *Dirāsāt ‘an Ibn Ḥazm wa Kitābih Ṭawq al-Ḥamāma*
- Ḍu‘afā’*: Al-Bukhārī, *al-Ḍu‘afa’ al-Ṣaghīr*
- Al-Ḍu‘afā’ al-Kabīr*: Al-‘Uqaylī, *al-Ḍu‘afā’ al-Kabīr*.

**F**

- Falsafat al-Tashrī*: Maḥmaṣānī, *Falsafat al-Tashrī fī al-Islām*
- Al-Faqīh*: Al-Khaṭīb al-Baghdādī, *Al-Faqīh 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-Ashbāḥ wa al-Nazā’ir*

**H**

<i>Al-Ḥaḍāra al-‘Arabiyya:</i>	Levi-Provencal, <i>al-Ḥaḍāra al-‘Arabiyya fī al-Andalus</i>
<i>Al-Ḥadātha:</i>	Al-Jābirī, <i>al-Turāth wa al-Ḥadātha</i>
<i>Al-Ḥawī al-Kabīr:</i>	Al-Māwardī, <i>al-Ḥawī al-Kabīr</i>
<i>Al-Ḥayat al-‘Ilmiyya:</i>	Al-Bishrī, <i>al-Ḥayāt al-‘Ilmiyya fī ‘aṣr al-Khilāfa fī al-Andalus</i>
<i>Hidāyat al-Sālik:</i>	Ibn Jamā‘a, <i>Hidāya al-Sālik ilā al-Madhāhib al-Arba‘a fī al-Manāsik</i>
<i>Al-Ḥujja:</i>	Maḥmūd ibn Imām, <i>al-Ḥujja fī Faḍl Suknā al-Madīna ‘alā Makka</i>

**I**

<i>Ibn Ḥazm Khilāl Alf ‘Ām:</i>	Abū ‘Abd al-Raḥmān, <i>Ibn Ḥazm Khilāl Alf ‘Ām</i>
<i>Ibṭāl:</i>	Ibn Ḥazm, <i>Mulakhkhaṣ Ibṭāl al-Qiyās wa al-Ra’y wa al-Istiḥsān wa al-Taqlīd wa al-Ta’līl</i>
<i>Iḍāfa:</i>	Bāzmūl, <i>al-Iḍāfa: Dirāsāt Ḥadīthiyya</i>
<i>Al-Iḥāṭa:</i>	Ibn al-Khaṭīb, <i>al-Iḥāṭa fī Akhbār Gharnāṭa</i>
<i>Iḥkām:</i>	Ibn Ḥazm, <i>al-Iḥkām fī Uṣūl al-Aḥkām</i>
<i>Ikhtīṣār:</i>	Shākir, <i>al-Bā‘ith al-Ḥathīth Sharḥ Ikhtīṣār ‘Ulūm al-Ḥadīth</i>
<i>In Pursuit of Virtue:</i>	Abū Laylah, <i>In Pursuit of Virtue</i>
<i>Irshād al-Fuḥūl:</i>	Al-Shawkānī, <i>Irshād al-Fuḥūl</i>
<i>Irshād al-Sārī:</i>	Al-Qaṣṭallānī, <i>Irshād al-Sārī li Sharḥ Ṣaḥīḥ al-Bukhārī</i>
<i>Irshād Ṭulāb al-Ḥaqā’iq:</i>	Al-Nawawī, <i>Irshād Ṭullāb al-Ḥaqā’iq Ilā Ma‘rifat Sunan Khayr al-Khalā’iq</i>
<i>Al-Iṣāba:</i>	Ibn Ḥajar, <i>al-Iṣāba fī Tamyīz al-Ṣaḥāba</i>

*Al-Istidhkar:*

Ibn ‘Abd al-Barr, *al-Istidhkār al-Jāmi‘ li Madhāhib Fuqahā’ al-Amṣār wa ‘Ulamā’ al-Aqṭār*

**J**

*Jadhwa:*

Al-Ḥumaydī, *Jadhwat al-Muqtabas*

*Jāmi‘ al-Uṣūl:*

Ibn al-Athīr, *Jami‘ al-Uṣūl fī Aḥādīth al-Rasūl*

*Al-Jarḥ wa al-Ta’dīl:*

Ibn Abī Ḥātim, *al-Jarḥ wa al-Ta’dīl*

**K**

*Kabīr:*

Al-Bukhārī, *al-Tārīkh 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*

*Kashif:*

Al-Dhahabī, *Al-Kāshif fī Ma‘rifat man lah Riwayā fī al-Kutub al-Sitta*

*Kifāya:*

Al-Khaṭīb al-Baghdādī, *al-Kifāya fī ‘Ilm al-Riwayā*

*Kitāb al-Ḥujja:*

Al-Shaybānī, *Kitāb al-Ḥujja ‘alā Ahl al-Madīna*

**L**

*The Legacy of Islam:*

Arnold, Thomas, *The Legacy of Islam*

*Lisān:*

Ibn Ḥajar, *Lisān al-Mizān*

*A Literary History:*

Nicolson, Reynold A, *A Literary History of the Arabs*

*Al-Lubāb:*

Ibn al-Athīr, *al-Lubāb fī Tahdhīb al-Ansāb*

**M**

<i>Al-Mabs ūṭ:</i>	Al-Sarakhsī, <i>al-Mabs ūṭ</i>
<i>Al-Mafq ūda:</i>	Abū ‘Abd al-Raḥmān, <i>Mu‘allafāt Ibn Ḥazm al-Mafq ūda</i>
<i>Al-Maḥṣūl:</i>	Al-Rāzī, <i>al-Maḥṣūl fī ‘Ilm Uṣūl al-Fiqh</i>
<i>Majma‘:</i>	Al-Haythamī: <i>Majma‘ al-Zawā‘id wa Manba‘ al-Fawā‘id</i>
<i>Al-Majm ū‘:</i>	Al-Nawawī, <i>al-Majm ū‘ Sharḥ al-Muhadhdhab li al-Shīrāzī</i>
<i>Al-Majr ūḥīn:</i>	Al-Bustī, <i>al-Majr ūḥīn min al-Muḥaddithīn wa al-Ḍu‘afā‘ wa al-Matr ūkīn</i>
<i>Manhaj Islāmī:</i>	Ḥamāda, <i>al-Manhaj al-Islāmī fī al-Jarḥ wa al-Ta‘dīl</i>
<i>Maqāyīs:</i>	Al-Dumaynī, <i>Maqāyīs Naqd al-Mut ūn</i>
<i>Ma‘rifat al-Sunan:</i>	Al-Bayhaqī, <i>Ma‘rifat al-Sunan wa al-Āthār</i>
<i>Matr ūkīn:</i>	Al-Nasā‘ī, <i>al-Ḍu‘afā‘ wa al-Matr ūkīn</i>
<i>Matr ūk ūn:</i>	Al-Dāraquṭnī, <i>al-Ḍu‘afā‘ wa al-Matr ūk ūn</i>
<i>Al-Mawqīza:</i>	Al-Dhahabī, <i>al-Muwqīza fī ‘Ilm Muṣṭalaḥ al-Ḥadīth</i>
<i>Maws ū‘a:</i>	Al-Kittānī, <i>Maws ū‘a Taqrīb fīqh Ibn Ḥazm al-Zāhirī</i>
<i>Mir‘āt al-Jinān:</i>	Al-Yāfī‘ī, <i>Mir‘āt al-Jinān wa ‘Ibrat al-Yaqzān</i>
<i>Mīzān:</i>	Al-Dhahabī, <i>Mīzān al-‘Iṭidāl fī Naqd al-Rijāl</i>
<i>Mughīth:</i>	Al-Sakhāwī, <i>Fatḥ al-Mughīth Sharḥ Alfīyyat al-Ḥadīth li al-‘Irāqī</i>
<i>Mudawwana:</i>	Mālik, <i>al-Mudawwana al-Kubrā</i>
<i>Mughnī:</i>	Al-Dhahabī, <i>al-Mughnī fī al-Ḍu‘afā‘</i>

<i>Mu'jam al-Udabā'</i> :	Al-Ḥamawī, <i>Mu'jam al-Udabā'</i>
<i>Al-Mu'jib</i> :	Al-Marrakushī, <i>al-Mu'jib fī Talkhīṣ Akhbār al-Maghrib</i>
<i>Munāẓarāt</i> :	'Abd al-Majīd al-Turkī, <i>Munāẓarāt fī Uṣūl al-Sharī'a</i> .
<i>Muntahā al-'Irādāt</i> :	Al-Bahūtī, <i>Sharḥ Muntahā al-'Irādāt</i>
<i>Al-Muntaqā</i> :	Abū al-Walīd al-Bājī, <i>al-Muntaqā Sharḥ Muwaṭṭa' al-Imām Mālik</i>
<i>Muqaddima</i> :	Ibn al-Ṣalāḥ, <i>'Ulūm al-Ḥadīth</i>
<i>Muslims in Spain</i> :	Dozy, Reinhart, <i>Moslems in Spain</i>
<i>Mustadrak</i> :	Al-Ḥākim, <i>al-Mustadrak 'alā al-Ṣaḥīḥayn</i>
<i>Al-Mustasfā</i> :	Al-Ghazālī, <i>al-Mustasfā min 'Ilm al-Uṣūl</i>

## N

<i>Nafḥ al-Ṭīb</i> :	Al-Miqqarī, <i>Nafḥ al-Ṭīb min Ghuṣn al-Andalus al-Raṭīb</i>
<i>Naqd al-Ḥadīth</i> :	Al-Salafī, <i>Ihtimām al-Muḥaddithīn bi Naqd al-Ḥadīth Sanadan wa Matnan</i>
<i>Naqd Ibn Ḥazm</i> :	Al-Ṣubayḥī, <i>Naqd Ibn Ḥazm li al-Ruwāt fī al-Muḥallā fī Mīzān al-Jarḥ wa al-Ta'dīl</i>
<i>Naṣb al-Rāya</i> :	Al-Zayla'ī, <i>Naṣb al-Rāya</i>
<i>Nayl al-Awṭār</i> :	Al-Shawkānī, <i>Nayl al-Awṭār Sharḥ Muntaqā al-Akhbār</i>
<i>Al-Nihāya</i> :	Ibn al-Athīr, <i>al-Nihāya fī Gharīb al-Ḥadīth</i>
<i>Al-Nubadh</i> :	Ibn Ḥazm, <i>al-Nubadh fī Uṣūl al-Fiqh al-Zāhirī</i> .
<i>Nukat</i> :	Ibn Ḥajar, <i>al-Nukat 'alā Kitāb Ibn al-Ṣalāḥ</i>

*Nuzhat al-Nazar:*

Ibn Hajar, *Nuzhat al-Nazar Sharh Nukhbat al-Fikar*

**Q**

*Qafw:*

Ibn al-Hanbalī, *Qafw al-Athar fī Ṣafw ‘Ulūm al-Athar*

*Qawā'id fiqhīyya:*

Ibn Rajab, *al-Qawā'id fī al-Fiqh al-Islāmī*

*Qawā'id Ḥadīth:*

Al-Tahānawī, *Qawā'id fī ‘Ulūm al-Ḥadīth*

*Qawā'id Taḥdīth:*

Al-Qāsimī, *Qawā'id al-Taḥdīth min Funūn Muṣṭalaḥ al-Ḥadīth*

**R**

*Al-Raf' wa al-Takmil:*

Al-Laknawī, *al-Raf' wa al-Takmil fī al-Jarḥ wa al-Ta'dīl*

*Reason and Tradition:*

Hourani, George, *Reason and Tradition in Islamic Ethics*

*Rijāl al-Bukhārī:*

Abū al-Walid al-Bājī, *al-Ta'dīl wa al-Tajrīḥ li man Kharraja lah al-Bukhārī fī al-Jāmi' al-Ṣaḥīḥ*

*The Ring of the Dove:*

Arberry, A. J, the translation of *Ṭawq al-Ḥamāma*

*Risāla:*

Al-Shāfi'ī, *al-Risāla*

**S**

*Shadharāt:*

Ibn al-'Imād, *Shadharāt al-Dhahab fī Akhbār man Dhahab*

*Al-Shāfi'ī 'īs Risāla:*

Khadduri, Majīd The translation of *al-Risāla*

*Sharḥ:*

Ibn Rajab, *Sharḥ 'Ilal al-Trmidhī*

*Al-Ṣila:*

Ibn Bashkuwāl, *al-Ṣila*

Siyar:  
*Al-Sunan al-Kubrā*:

Al-Dhahabī, *Siyar A'lām al-Nubalā*'  
Al-Bayhaqī, *al-Sunan al-Kubrā*

**T**

*Ṭabaqāt*:

Ibn Sa'd, *al-Ṭabaqāt al-Kubrā*

*Ṭabaqāt al-Ḥuffāz*:

Al-Suyūṭī, *Ṭabaqāt al-Ḥuffāz*

*Ṭabaqāt al-Shāfi'iyya*:

Al-Subkī, *Ṭabaqāt al-Shāfi'iyya al-Kubrā*

*Tadhkira*:

Al-Dhahabī, *Tadhkirat al-Ḥuffāz*

*Al-Tadhkira*:

Ibn al-Mulaqqin, *al-Tadhkira fī al-Fiqh al-Shāfi'i*

*Tadrīb al-Rāwī*:

Al-Suyūṭī, *Tadrīb al-Rāwī fī Sharḥ Taqrīb al-Nawawī*

*Taghlīq al-Ta'līq*:

Ibn Ḥajar, *Taghlīq al-Ta'līq 'alā Ṣaḥīḥ al-Bukhārī*

*Tahdhīb*:

Ibn Ḥajar, *Tahdhīb al-Tahdhīb*

*Tahdhīb al-Asmā'*:

Al-Nawawī, *Tahdhīb al-Asmā' wa al-Lughāt*

*Tahdhīb al-Kamāl*:

Al-Mizzī: *Tahdhīb al-Kamāl fī Asmā' al-Rijāl*

*Talkhīṣ al-Ḥabīr*:

Ibn Ḥajar, *Talkhīṣ al-Ḥabīr fī Takhrīj Aḥādīth al-Rāfi'ī al-Kabīr*

*Al-Tamhīd*:

Ibn 'Abd al-Barr, *al-Tamhīd li mā fī al-Muwaṭṭa' min al-Ma'ānī wa al-Asānīd*

*Taqrīb*:

Ibn Ḥajar, *Taqrīb al-Tahdhīb*

*Al-Taqrīb wa al-Īdāḥ*:

Al-'Irāqī, *al-Taqrīb wa al-Īdāḥ Sharḥ Muqaddimat ibn al-Ṣalāḥ*

*Tārīkh Baghdād*:

Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*

*Tārīkh al-Islām*:

Al-Dhahabī, *Tārīkh al-Islām wa Wafayāt al-Mashāḥir wa al-A'lām*

<i>Al-Tārīkh al-Şaghīr:</i>	Al-Bukhārī, <i>al-Tārīkh al-Şaghīr</i>
<i>Tārīkh al-Thiqāt:</i>	Al-‘Ijlī, <i>Tārīkh al-Thiqāt</i>
<i>Tawđīh:</i>	Al-Şan‘ānī, <i>Tawđīh al-Afkār li M‘ānī Tanqīh al-Anzār</i>
<i>Tawjīh al-Nazar:</i>	Al-Jazā’irī, <i>Tawjīh al-Nazar Ilā Uşūl al-Athar</i>
<i>Ṭawq al-Ḥamāma:</i>	Ibn Ḥazm, <i>Ṭawq al-Ḥamāma fī al-Ilfa wa al-Ullāf</i>
<i>Al-Thiqāt:</i>	Al-Bustī, <i>Al-Thiqāt</i>
<i>Turāth Mushtarak 1:</i>	Al-Fāsī, <i>al-Turāth al-Ḥaḍārī al-Mushtarak Bayn Ispānyā wa al-Maghrib</i>
<i>Turāth Mushtarak 2:</i>	Ibn Khuja, <i>al-Turāth al-Ḥaḍārī al-Mushtarak Bayn Ispānyā wa al-Maghrib</i>
<i>Turāth Mushtarak 3:</i>	Ibn ‘Abbūd, <i>al-Turāth al-Ḥaḍārī al-Mushtarak Bayn Ispānyā wa al-Maghrib</i>

## U

<i>‘Umdat al-Ḥuffāz:</i>	Al-Samīn al-Ḥalabī: <i>‘Umdat al-Ḥuffāz fī Tafsīr Ashraf al-Alfāz</i>
<i>Al-Umm:</i>	Al-Shāfi‘ī, <i>Al-Umm</i>
<i>Uşūl al- Tajrīh:</i>	Al-Ṭahḥān, <i>Uşūl al- Tajrīh:</i>

## W

<i>Al-Wafayāt:</i>	Ibn Qunfudh, <i>Al-Wafayāt</i>
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## Z

<i>Zafar al-Amānī:</i>	Al-Laknawī, <i>Zafar al-Amānī bi Sharḥ Mukhtaşar al-Sayyid al-Sharīf al-Jurjānī fī Muştalah al-Ḥadīth</i>
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*The Zahiris:*

Goldziher, Ignaz, *The Zahiris: their Doctrine and their History*

*Al-Zāhiriyya:*

Aḥmad Bukayr, *Al-Madrasa al-Zāhiriyya bi al-Mashriq wa al-Maghrib*

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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-Ṣubayhī and an article by Muḥammad al-'Umarī 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).<sup>1</sup> This was another indication, from a famous Ḥadīth 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 Hazm’s love story from the book *Ṭawq al-Ḥamāma (The Ring of the Dove)*.<sup>2</sup> 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.<sup>3</sup> 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.

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<sup>1</sup> *Al-Raf’ wa al-Takmīl*, 305.

<sup>2</sup> *Muslims in Spain, 577-579* (first published 1913).

<sup>3</sup> See Appendix.

Garcia Gomez (Madrid, 1952).<sup>1</sup> The Spanish scholar Asin Palacios translated *al-Fiṣal* into Spanish (Madrid, 1927-1932);<sup>2</sup> A.G. Chejne translated *Marātib al-'Ulūm* into English (Chicago, 1982); and Muḥammad Abū Laylah translated *al-Akhlāq wa al-Siyar* into English (London, 1990).

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).
2. **Ibrāhīm, Zakariyyā:** "*Ibn Ḥazm: al-Mufakkir al-Zāhirī al-Mawsū'ī*" (1966).
3. **Al-Afghānī, Sa'īd:** "*Ibn Ḥazm al-Andalusī*" (1969).
4. **Abū Zahra, Muḥammad:** "*Ibn Ḥazm: Ḥayātuhu, 'Aṣruhu, Fikruhu wa Fiqhuhu*" (1978).
5. **Raslān, Ṣalāh al-Dīn Basyūnī:** "*Al-Akhlāq wa al-Siyāsa fī Naẓar Ibn Ḥazm*" (1978).
6. **Al-Jundī, Anwar:** "*Ibn Ḥazm*" (1979).
7. **Chejne, A.G:** "*Ibn Ḥazm*" (1982).
8. **Al-Ḥājirī, Muḥammad Ṭāha:** "*Ibn Ḥazm*" (1982).
9. **Ḥamāya, Maḥmūd 'Alī:** "*Manhaj Ibn Ḥazm fī Dirāsāt al-Adyān*" (1983).

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<sup>1</sup> See Chejne, *Ibn Ḥazm*, 312; *Dirāsāt 'an Ibn Ḥazm*.

<sup>2</sup> See Chejne, *Ibn Ḥazm*, 302.

10. **Yafūt, Sālim:** “*Ibn Ḥazm wa al-Fikr al-Falsafī bi al-Maghrib wa al-Andalus*” (1986).
11. **‘Uways, ‘Abd al-Halīm:** “*Ibn Ḥazm al-Andalusī wa Juhuduhu fī al-Baḥth al-Tārīkhī wa al-Ḥaḍārī*” (1988).
12. **Abū Laylah, Muḥammad:** “*In Pursuit of Virtue*” (1990).
13. **‘Abd al-Mu‘tī, Fārūq:** “*Ibn Ḥazm al-Zāhirī*” (1992).
14. **Abū Ṣu‘aylīk, Muḥammad ‘Abd Allāh:** “*Ibn Ḥazm al-Zāhirī Imām Ahl al-Andalus*” (1995).
15. **Khalīfa, ‘Abd al-Karīm:** “*Ibn Ḥazm al-Andalusī: Ḥayātuhu wa Adabuhu* (n.d.).
16. **Sharāra, ‘Abd al-Laṭīf:** “*Ibn Ḥazm: Rā'id al-Fikr al-'Ilmī* (n.d.).
17. **Hassān, Hassān Muḥammad:** “*Ibn Ḥazm al-Andalusī: ‘Aṣruhu, Manhajuhu wa Fikruhu al-Tarbawī* (n.d.).

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:

18. **Abū ‘Abd al-Raḥmān ibn ‘Aqīl al-Zāhirī:** “*Ibn Ḥazm Khilāl Alf ‘Ām*” (1982).

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

19. **Muḥammad al-Muntaṣir al-Kittānī**: “*Mawsū‘at Taqrīb Fiqh Ibn Ḥazm al-Zāhirī*” (1993).

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

1. **Muḥammad Kurd ‘Alī**: “*Kunūz al-Ajdād*” (1950).
2. **Al-Ṣa‘īdī, ‘Abd al-Muta‘āl**: “*Al-Mujaddidūn fi al-Islām*” (1962).
3. **Goldziher, Ignaz**: “*The Zāhirīs: Their Doctrine and Their History*” (1971).
4. **Hourani, George F**: *Reason and Tradition in Islamic Ethics* (1985).
5. **Al-Takrītī, Nājī**: “*Al-Falsafa al-Akhlāqīyya al-Aflātūniyya ‘Ind Mufakkirī al-Islām*” (1988).
6. **Al-Jābirī, Muḥammad ‘Ābid**: “*Bunyat al-‘Aql al-‘Arabī*” (1990), and *al-Turāth wa al-Ḥadātha: Dirāsāt wa Munāqashāt* (1991).
7. **Watt, W. Montgomery & Pierre Cachia**: “*A History of Islamic Spain*” (1996).

## Articles

There are many articles on Ibn Ḥazm, for example:

1. **Friedlaender, Israel**: “*The Heterodoxies of Shī‘ites in the Presentation of Ibn Ḥazm*” (1907).
2. **Bayyūmī, ‘Abd al-Ḥamīd Sāmī**: “*Ibn Ḥazm: Hayātuhu wa Falsafatuhu* (1941).
3. **Al-Marāghī, ‘Abd Allāh**: “*Ibn Ḥazm*” (1948).
4. **Tritton, A.S**: “*Ibn Ḥazm: the Man and the Thinker*” (1964).
5. **‘Uthmān, M.F**: “*Ibn Ḥazm wa al-‘Adāla al-Ijtimā‘iyya*” (1965).

6. **Al-Madanī, Muḥammad Muḥammad:** “*Şūra min al-Khilāf al-Manhajī fī Uşūl al-Tashrī bayn Ibn Ḥazm wa Ibn al-Qayyim*” (1966).
7. **Abū Shuhba, Muḥammad Muḥammad:** “*Imām Ibn Ḥazm*” (1967-68).
8. **Al-Walīlī, Ibrāhīm:** “*Min Ruwwād al-Iqtisād al-Islāmī. Ibn Ḥazm al-Andalusī*” (1970).
10. **Al-Ṭarābulsī, Muḥammad al-Hadī:** “*Shi‘r Ibn Ḥazm*” (1972).
11. **Hourani, George F:** “*Reason and Revelation in Ibn Ḥazm’s Ethical Thought*” (1979).
12. **‘Umar al-Daqqāq and Salmān Ḥaṭṭāb:** “*Ibn Ḥazm al-Andalusī*” (1985).
13. **Al-Fāsī, ‘Abd al-Raḥmān:** “*Abū Muḥammad Ibn Ḥazm*” (1992).
14. **Ibn ‘Abbūd, Imḥammad:** “*Al-Thaqāfa al-Andalusiyya kamā Bayyanahā Ibn Ḥazm fī Kitābihi faḍl Ahl al-Andalus*” (1992).
15. **Ibn Khūja, Muḥammad al-Ḥabīb:** “*Al-Ḥaḍāra al-Andalusiyya min Khilāl Rasā’il Ibn Ḥazm wa al-Shaqandī*” (1992).
16. **Al-Būzīdī, ‘Allāl:** “*Ibn Ḥazm: Abraz ‘Ulamā’ al-Andalus*” (1994).
17. **Ḥassān, Ḥassān Muḥammad:** “*Malāmiḥ al-Fikr al-Tarbawī ‘inda Ibn Ḥazm*” (1994).
18. **Al-Afghānī, Sa‘īd:** “*Al-Tarbiya ‘inda Ibn Ḥazm*” (n.d.).

## 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:

1. **Abū Layla, Muḥammad:** “*The Muslim view of Christianity with special reference to the work of Ibn Hazm*”, University of Exeter, 1983.
2. **Al-Ḥamad, Aḥmad ibn Nāṣir:** “*Ibn Ḥazm wa Mawqifuhu min al-Ilāhiyyāt: ‘Arḍ wa Naqḍ*”, University of Umm al-Qura, 1988.
3. **Rif‘at, Nurshīf ‘Abd al-Raḥīm:** “*Ibn Ḥazm on Jews and Judaism*”, University of Exeter, 1988.
4. **Pulcini, Theodore:** “*Exegesis as polemical discourse: Ibn Hazm on Jewish and Christian Scriptures*”, University of Pittsburgh, 1994.

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 fī Taḥqīq Aḥādīth al-Muḥallā wa ma‘ ahu al-Ṣinā‘a al-Ḥadīthiyya ‘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 fīhim 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 “*Naqd Ibn Ḥazm li al-Ruwāt fī al-Muḥallā fī Mēzān al-Jarḥ wa al-Ta’dīl*”, in three volumes, 1,350 pages, by Muḥammad ibn Manṣūr 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-Muḥallā*, 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-Muḥallā*”, on pages 73-98.

The single article which studies Ibn Ḥazm’s reflections on Ḥadīth is “*Manhaj Ibn Ḥazm fī Riwāyat al-Ḥadīth wa Naqd al-Ruwāt*”, 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, jurist, moral philosopher, genealogist and historian, is also in fact a scholar of Ḥadīth, and that his book *al-Muḥallā* 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 Zāhiri 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 Aḥmad ibn Sa'īd ibn Ḥazm ibn Ghālib ibn Ṣālih ibn Khalaf ibn Ma'dān ibn Yazīd, and he lived from 384 to 456/994-1056.<sup>1</sup> 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.<sup>2</sup> 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,<sup>3</sup> and that he was the first in his family to embrace Islām. They say that his forefather Khalaf was the first in

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<sup>1</sup> *Lisān*, 4:198(531).

<sup>2</sup> See *al-Ḥaḍāra al-Arabiyya fī al-Andalus*, 41.

<sup>3</sup> *Jadhwa*, 277 (708).

his family to migrate to Spain with ‘Abd al-Raḥmān ibn Mu‘āwiya ibn Hishām, well-known as ‘Abd al-Raḥmān al-Dākhil, who established the Umayyad kingdom in al-Andalus in 93.<sup>1</sup> 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),<sup>2</sup> al-Ḍabbī (d.599/ 1203),<sup>3</sup> al-Dhahabī (d.748/ 1374),<sup>4</sup> Lisān al-Dīn ibn al-Khatīb (776/ 1376),<sup>5</sup> al-Yāfi‘ī (d. 768/ 1394),<sup>6</sup> Ibn Ḥajar (773-852 /1373-1449)<sup>7</sup> al-Maqqarī (d. 1632),<sup>8</sup> Ibn al-‘Imād (d.1679),<sup>9</sup> and Yāqūt al-Ḥamawī (d. 1229),<sup>10</sup>
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,<sup>11</sup> said that Ibn Ḥazm’s place of origin was Persia.<sup>12</sup>
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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<sup>1</sup> *Siyar*, 18:185(99).

<sup>2</sup> *Al-Ṣila*, 1:415(894).

<sup>3</sup> *Bughya*, 2:543(1208).

<sup>4</sup> *Siyar*, 18:184(99).

<sup>5</sup> *Al-Iḥāṭa*, 4:111.

<sup>6</sup> *Mir’āt al-Jinān*, 3:61.

<sup>7</sup> *Lisān*, 4:198(531).

<sup>8</sup> *Nafḥ al-Ṭīb*, 2:283.

<sup>9</sup> *Shadharāt*, 3:299.

<sup>10</sup> *Mu‘jam al-Udabā’*, 12:235(62); see also *al-Wafayāt*, 247.

<sup>11</sup> See *Jadhwa*, 4.

<sup>12</sup> *Jadhwa*, 277(708).

document on the back cover of one of Ibn Ḥazm's books, which had been written by Ibn Ḥazm himself.<sup>1</sup>

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

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;<sup>3</sup> Dozy, who considered his great-grandfather, Ḥazm to be the first in his family to embrace Islām;<sup>4</sup> Nicholson;<sup>5</sup> Arberry;<sup>6</sup> Imāmuddīn, who said that he had Jewish blood;<sup>7</sup> Shawqī Ḍayf<sup>8</sup> and Sālim Yafūt.<sup>9</sup> However they do not have any proof of their statements except that Ibn Ḥazm's expression of his platonic love (in his famous book *Ṭawq al-Ḥamāma* (*The*

<sup>1</sup> *Al-Mu'jib* 3:93.

<sup>2</sup> *Dīwān Ibn Ḥazm*, 67(34,35)

قريش العلى أعياصها و العنابس	سما بي ساسان و دارا و بعدهم
و لا قعدت بي عن ذرى الجند فارس	فما أخرجت حرب مراتب سؤدي
و لم يحظ أبي عليا تميم و لا كلب	و ما ضرّ شعري أنّ منوشهر والدي

*Dīwān Ibn Ḥazm*, 76(36); See *Hawliyyāt of the University of Tunisia*, No. 9, 1972, 167 (36)

<sup>3</sup> *Al-Dhakhīra*, 1-1:170, see also 1-1:167.

<sup>4</sup> *Muslims in Spain*, 575.

<sup>5</sup> *A Literary History*, 462.

<sup>6</sup> *The Ring of the Dove*, 8. See the comments of Asin Palacios on Dozy's view, *Dirāsāt 'an Ibn Ḥazm*, 156.

<sup>7</sup> *Muslims in Spain*, 149.

<sup>8</sup> *Majallat Kulliyat al-Ādāb, Jāmi'* at *Fuad al-Awwal*, vol. xiii, part 1, May 1951. pp. 41-42.

<sup>9</sup> *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.<sup>1</sup> 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;<sup>2</sup> 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.<sup>3</sup>

### **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.<sup>4</sup> 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'ān, literature and history, and helped him to memorize a large number of poems.<sup>5</sup> Close at hand were a large number of books, which were in the library of the Royal Family.<sup>6</sup> 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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<sup>1</sup> *Muslims in Spain*, 577-580.

<sup>2</sup> See *Ṭawq al-Ḥamāma*, 5, 11, 30, 31, 88, 94, 95, 96, 107, 113; *Dirāsāt 'an Ibn Ḥazm*, 153-169; *al-Ḥaḍāra al-Arabiyya*, 129.

<sup>3</sup> See for example, *Dīwān 'Antara*; *Dīwān Jamīl Buthayna*.

<sup>4</sup> *Mu'jam al-Udabā'*, 11:237.

<sup>5</sup> *Ṭawq al-Ḥamāma*, 79; *Lisān*, 4:198.

<sup>6</sup> *Siyar*, 18:186.

beard grew.<sup>1</sup> 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.<sup>2</sup>

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.<sup>1</sup> To have a general idea of the environment in which he lived, it is important to understand the political, academic and social milieu.

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<sup>1</sup> *Ṭawq al-Ḥamāma*, 79; *Nafḥ al-Ṭib*, 6:202.

<sup>2</sup> *Ṭawq 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".<sup>2</sup> Intellectual advancement in al-Andalus before and during Ibn Ḥazm's time was progressing. Intellectual life was mostly developed during the rule of 'Abd 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.<sup>3</sup> 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.<sup>4</sup> There was also a large number of famous scholars in al-Andalus, as Ibn

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<sup>1</sup> Ibid., 147.

<sup>2</sup> *Al-Ḥaḍāra al-Arabiyya*, 89.

<sup>3</sup> *Al-Adab al-Andalusī*, 185.

<sup>4</sup> *Nafḥ al-Ṭīb*, 3:341.

Ḥazm 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 Ḥazm grew up.<sup>1</sup>

### **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 (*Ṣaqāliba*) who were indigenous Europeans who had embraced Islām. 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 Ḥazm 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 Ḥazm explains what comforted and disturbed the people in al-Andalus in particular and human beings in general. *Al-Fiṣal*, which contains Ibn Ḥazm'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

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<sup>1</sup> *Faḍl Ahl al-Andalus; Ibn Ḥazm li Abī Zahra*, 98-102.

description of the Andalusian people is that of al-Maqqarī, 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 skilfulness 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.<sup>1</sup>

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.<sup>2</sup> He started studying the Ḥadīth when he was less than 17 years old. The earliest scholars to narrate *aḥādīth* to him were his masters Aḥmad ibn al-Jasūr (d. 401/ 1010) in 399/ 950<sup>3</sup> and al-Hamadhānī in

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<sup>1</sup> *Nafḥ al-Ṭīb*, 2:123.

<sup>2</sup> *Ṭawq al-Ḥamāma*, 79,166.

<sup>3</sup> *Al-Iḥāṭa*, 4:113; *Shadhar*, 3:299; *Bughya*, 2:543; *Ṭawq al-Ḥamāma*, 145.

401/ 1010.<sup>1</sup> At the time, however, he had not studied *fiqh* to the level required for a jurist. 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*.<sup>2</sup> His first step in seriously studying *fiqh* was Imām Mālik's book *al-Muwatta'* and his teacher was Abū 'Abd Allāh ibn Daḥūn.<sup>3</sup> However, some references say that he began his scholarly life as a Shāfi'ī jurist, although there is no evidence to support this view.<sup>1</sup> On the other hand there are many indications to show that he began his scholarly life as a Mālikī jurist. For example, among his masters, none of the Shāfi'ī school is mentioned. He studied *al-Muwatta'* with his master Ibn Daḥūn who was a Mālikī jurist. 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 Shāfi'īte. There is no information on how he became a Shāfi'īte, although it is likely that he studied Shāfi'ī jurisprudence in the books which were available in al-Andalus. Ibn Ḥazm was an

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<sup>1</sup> *Tawq al-Ḥamāma*, 79,166.

<sup>2</sup> *Ibid.*, 135.

<sup>3</sup> *Mu'jam al-Udabā'*, 11:242.

open-minded scholar. He certainly read Shāfi‘ī 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.<sup>2</sup> 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 Zāhirī methodology: his personality, and some of his masters who were inclined to the Zāhirī methodology, such as the jurist 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.<sup>3</sup>

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<sup>1</sup> *Al-Iḥāṭa*, 4:112; *Siyar*, 18:188.

<sup>2</sup> *Ibn Ḥazm li Abī Zahra*, 34.

<sup>3</sup> *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.<sup>1</sup> 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.<sup>2</sup> 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-Mu'taḍid 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-Mu'taḍid followed in his father's footsteps at the beginning, but later he tried to control everything. To validate his authority, he

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<sup>1</sup> *Ibn Ḥazm li Sharāra*, 7.

<sup>2</sup> 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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

<sup>1</sup> *Naqṭ al-‘Arūs*, 83, trans. Shawqī Ḍayf.

<sup>2</sup> *Ibn Ḥazm li Abī Zahra*, 46-49.

<sup>3</sup> *Dīwān Ibn Ḥazm*, 88;

تضمَّنه القرطاس بل هو في صدري  
و يتزل إن أنزل و يدفن في قبري  
و قولوا بعلم كي يرى الناس من يدري  
فكم دون ما تبغون لله من ستر

فإن تحرقوا القرطاس لا تحرقوا الذي  
يسير معي حيث استقلت ركائبي  
دعوني من إحراق رمد و كاغد  
و إلا فعودوا في المكاتب بدأة

see *A literary History*, 427.

<sup>4</sup> *Al-Dhakhīra*, 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.<sup>1</sup>

### **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 Rāfi‘ 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-Aḥkām*, *al-Fiṣal fī al-Milal wa al-Ahwā’ wa al-Niḥal*, *Jamharat Ansāb al-‘Arab*, *al-Durra fīmā Yajib I’tiqāduh*, *al-Nubdha fī Uṣūl al-Fiqh* and *Aṣḥāb al-futyā min al-Ṣaḥāba wa al-Tābi‘īn wa man Ba’dahum ‘alā Marātibihim fī Kathrat al-Futyā*. 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‘id al-Andalusī, one of Ibn Ḥazm’s students, said that he heard Abū Rāfi‘ say that the total number which his father wrote was around 400 volumes, containing 80,000 pages.<sup>2</sup>

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<sup>1</sup> See *al-Ḥadātha*, 188-199; *Bunyat al-‘Aql al-Arabī*, 513-528.

<sup>2</sup> *Al-Mu‘jib*, 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.<sup>1</sup>

### **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.<sup>2</sup> 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.<sup>3</sup> Ibn al-Jasūr died in 401 in his house in Balāṭ Mughīth in Cordoba.<sup>4</sup>
2. Yaḥyā ibn 'Abd al-Raḥmān ibn Mas'ūd ibn Wajh al-Janna, the friend of the famous scholar Qāsim ibn Aṣḥbagh. He died in 402/ 1011.<sup>5</sup>
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.<sup>1</sup>
4. 'Alī ibn Sa'īd ibn 'Abd al-Raḥmān ibn Muḥriz ibn Abī 'Uthmān, known by his nickname Abū al-Ḥasan al-'Abdarī, he was from Majorca.<sup>2</sup> Not only was

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<sup>1</sup> *Turāth Mushtarak* 2, 263; *al-Mafqūda*, 18.

<sup>2</sup> *Turāth Mushtarak* 3, 240.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Jadhwa*, 94(181).

<sup>5</sup> *Siyar*, 18:185; *Ibn Ḥazm li 'Abd al-Karīm Khalīfa*, 97.

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 Ḥazirī methodology, al-'Abdarī heard him teaching and accepted his ideas. Later, al-'Abdarī traveled to the Eastern Muslim countries for the Ḥajj (pilgrimage), and when he visited Baghdad and listened to the scholars there, he became a Shāfi'ite.<sup>3</sup>

5. Abū 'Umar ibn al-Ḥasūn.
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.<sup>4</sup>
7. Ḥamām ibn Aḥmad: he was a judge and a scholar of Ḥadīth from Cordoba.<sup>5</sup>
8. Muḥammad ibn Sa'īd ibn Nabāt.
9. 'Abd Allāh ibn al-Rabī' ibn 'Abd Allāh al-Tamīmī. He was from Cordoba, and listened to the lectures of the linguist Ismā'il ibn al-Qāsim al-Qālī. He died in 415/ 1024.<sup>6</sup>
10. 'Abd Allāh ibn Yūsuf ibn Nāmī.<sup>7</sup>

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<sup>1</sup> *Siyar*, 18:201; *Tārīkh al-Islām*, 406.

<sup>2</sup> *Ibn Ḥazm li al-Afghānī*, 35.

<sup>3</sup> *Ṭabaqāt al-Shāfi'iyya*, 5:257; *Ibn Ḥazm li al-Afghānī*, 37.

<sup>4</sup> *Jadhwa*, 347(910).

<sup>5</sup> *Jadhwa*, 176(395); *Tārīkh al-Islām*, 404.

<sup>6</sup> *Jadhwa*, 230(551).

<sup>7</sup> *Lisān*, 4:198; *Jadhwa*, 236(575).

11. ‘Abd al-Raḥmān ibn ‘Abd Allāh ibn Khālīd al-Hamadānī al-Wahrānī, known by the nickname Ibn al-Kharrāz. He was a scholar of Ḥadīth.<sup>1</sup>
12. Abū ‘Umar Aḥmad ibn Muḥammad al-Ṭalamankī. He was a jurist, a scholar of Ḥadīth, a famous and trustworthy narrator of *aḥādīth*, and Imām in *qirā’āt*. He died after 420/ 1029.<sup>2</sup>
13. Ibn al-Dallā’ī al-‘Udhri, scholar of Ḥadīth.
14. Abū Bakr Aḥmad ibn al-Faḍl ibn al-‘Abbās al-Dīnawarī.<sup>3</sup>
15. Mas‘ūd ibn Sulaymān ibn Muflit: he was a jurist and ascetic scholar. He inclined towards dealing with all scholars and without adherence to any one of them. He also inclined to Zāhirī doctrine. He was Ibn Ḥazm’s teacher in Zāhirī jurisprudence.<sup>4</sup>
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*.<sup>5</sup> He was killed in 400/ 1009 during the rioting of the Berbers in Cordoba.<sup>6</sup> He was one of Ibn Ḥazm’s teachers of the science of Ḥadīth.<sup>7</sup>

<sup>1</sup> *Jadhwa*, 243(604); *Bughya*, 319(1022).

<sup>2</sup> *Jadhwa*, 100(187); *Bughya*, 139(347); *Siyar*, 18:185.

<sup>3</sup> *Turāth Mushtarak*1, 240.

<sup>4</sup> *Ṭawq al-Ḥamāma*, 104; *Jadhwa*, 316(814); *Bughya*, 408(1361); *Ibn Ḥazm li al-Afghānī*, 35.

<sup>5</sup> See the Bibliography for details.

<sup>6</sup> *Jadhwa*, 223(537).

<sup>7</sup> *Ṭawq al-Ḥamāma*, 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.<sup>1</sup>

### **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 Rāfi‘ 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-Muḥallā*. He was one of the emirs and generals of al-Mu‘tamid ibn ‘Abbād, the ruler of Seville. He was killed in 479/ 1086 during the battle of al-Zallāqa.<sup>2</sup>
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-Quḍa‘ī. 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 Zāhirī 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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<sup>1</sup> Ibid., 102,155.

<sup>2</sup> *Mawsū‘a*, 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.<sup>1</sup> He wrote a number of books, and is especially well-known for two of them: *al-Jam' bayn al-Ṣaḥīḥayn* and *Jadhwat al-Muqtabas*.<sup>2</sup> Al-Ḥumaydī died in 488/ 1095.<sup>3</sup>

### 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. Ṣā'id al-Andalusī said: "Ibn Ḥazm was the most learned scholar of Islāmic studies in al-Andalus, and he was a learned scholar of rhetoric, biography and

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<sup>1</sup> *Bughya*, 106; *al-Zāhiriyya*, 56; see *Tadhkira*:1218.

<sup>2</sup> The second book was renamed by al-Ḍabbī (d. 599 AH) *Jadhwat al-Muqtabas fī Tārīkh al-Andalus* (*Bughya*, 106(257)); al-Yāfi'ī (d. 768 AH) called it *Jadhwat al-Muqtabas fī 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 fī Dhikr Wulāt 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 fī Dhikr Wulāt al-Andalus wa Asmā' Ruwāt 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).

<sup>3</sup> *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.”<sup>1</sup>

2. Al-Ḥumaydī (d. 488/ 1095) said: “Ibn Ḥazm was a scholar of Ḥadīth, a jurispudent 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.”<sup>2</sup>
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.”<sup>3</sup>
4. Al-‘Izz ibn ‘Abd al-Salām (577-660/ 1181-1262) said: “I have never seen in Islāmic books anything as good as Ibn Ḥazm’s work *al-Muḥallā* and al-Muwaffaq’s book *Al-Mughnī*.”<sup>4</sup>
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 jurispudent, scholar of Ḥadīth, theologian and writer. He was a vizier and a scholar who believed in Zāhirī doctrine.”<sup>5</sup>

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<sup>1</sup> *Lisān*, 4:199; see *al-Ṣila*.

<sup>2</sup> *Lisān*, 4:199; see *Judhwa*.

<sup>3</sup> *Lisān*, 4:201.

<sup>4</sup> *Ibid*.

<sup>5</sup> *Siyar*, 18:187.

6. Aḥmad ibn Yaḥyā ibn Aḥmad ibn ‘Umayra al-Ḍabbī (d. 599/ 1202) said: “Ibn Ḥazm was a scholar of Ḥadīth, and a jurist 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.”<sup>1</sup>
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 *Zāhirī* methodology of jurisprudence, which was based on the literal interpretation (*Zāhir*) of the Qur’ān, this was rejected by the

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<sup>1</sup> *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.”<sup>1</sup>

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.”<sup>2</sup>

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-‘Arabī, the famous Mālikī scholar. He defamed Ibn Ḥazm and ridiculed his methodology and opinions.<sup>3</sup> This Abū Bakr was the son of the vizier Ibn al-‘Arabī 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-Fiṣal*, 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.”<sup>4</sup>

Abū al-Aṣḥba‘ 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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<sup>1</sup> *Ibn Ḥazm li Zakariyyā Ibrāhīm*, 9.

<sup>2</sup> *The Legacy of Islam*, 187.

<sup>3</sup> *Tārīkh al-Islām*, 406.

<sup>4</sup> *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.”<sup>1</sup>

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-Muḥallā* (comprising 5,000 pages) and from my research into and work with the part of *al-Muḥallā* 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.<sup>1</sup> 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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<sup>1</sup> *Turāth Mushtarak*2, 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-Muḥallā* and from his other books."<sup>2</sup>

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 'Abbāsīd ruler, wanted to universalize Mālik's book *al-Muwaṭṭa'* 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

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<sup>1</sup> *Al-Muḥallā*, 2:254; 3:259; 7:82; 8:272; *Ṭawq al-Ḥamāma*, 179,180,181.

<sup>2</sup> *Al-Mughnī li Ibn Qudāma*, 1:10.

scholars in some matters, Ibn Ḥazm wrote a book called *Kitāb fīmā Khālaḡa Abū Ḥanīfa wa Mālik wa al-Shāfi‘ī Jumhūr al-‘Ulamā’ wa mā Infarada bihi kull Wāḡid*. Unfortunately, however, it is lost.<sup>1</sup>

### *Al-Muḡallā*

Ibn Ḥazm compiled four books on *fiqh*. The largest was *al-Īṣāl*, in which he annotated his book *al-Khiṣāl*. *Al-‘Iṣāl* as al-Dhahabī mentioned, consisted of 15,000 pages.<sup>2</sup> 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*.”<sup>3</sup> Unfortunately, however, it has been lost. His last book is *al-Muḡallā*, in which he annotated another book of his, *al-Mujallā*. He died before he could finish it, so his son Abū Rāfi‘ completed it from *al-Īṣāl*, thus fulfilling his father’s wish. Aḡmad Shākir’s copy of *al-Muḡallā*, 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-Muḡallā*. One is *al-Qadh al-Mu‘allā fī Ikmal al-Muḡallā*, which is written by Muḡammad ibn ‘Abd al-Malik ibn ‘Abd al-Raḡmān ibn Abī Bakr ibn Muḡammad ibn Ja‘far ibn Muḡammad

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<sup>1</sup> *Al-Muḡallā*, 9:273.

<sup>2</sup> *Tārīkh al-Islām*, 405.

<sup>3</sup> *Al-Muḡallā*, 10:415, 433; *Mawsū‘a*, 1m:24; *Jadhwa*, 277(708).

ibn Khalīl al-‘Abdarī, known as Ibn Khalīl al-Zāhirī. The other is *al-Mu‘allā Tatimmat al-Muḥallā*, but it is not known who wrote it.<sup>1</sup>

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-Mujallā*, 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.<sup>2</sup> .... I have compiled this book for ordinary people, beginners, and as a reminder for scholars.<sup>3</sup>

### **Scholars’ views of *al-Muḥallā***

The most wonderful words on *al-Muḥallā* are those of al-‘Izz ibn ‘Abd al-Salām, when he said: “I have never seen such great and brilliant Islāmic books as *al-Muḥallā* by Ibn Ḥazm and *al-Mughnī* by Muwaffaq al-Dīn.”<sup>4</sup> Al-Dhahabī agreed with al-‘Izz ibn ‘Abd al-Salām, and mentioned another two books, *al-Sunan al-Kubrā* by al-Bayhaqī and *al-Tamhīd* 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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<sup>1</sup> *Ibn Ḥazm Khilāl Alf ‘Ām*, 1:151, 153; *Mawsū‘a*, 1m:24, 25, 84.

<sup>2</sup> *Al-Muḥallā*, 1:3.

<sup>3</sup> *Ibid.*, 5:49.

<sup>4</sup> *Siyar*, 18:193.

becomes addicted to seeking knowledge, then he really is a scholar.”<sup>1</sup> Rashīd Riḍā said that when he read al-‘Izz ibn ‘Abd al-Salām’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-Salām was correct in his description of *al-Muḥallā*. Rashīd Riḍā said of *al-Muḥallā* that it was “a book of absolute *ijtihād*”. He said that if God wanted Islāmic *fiqh* to be renewed, scholars would definitely become aware of the worth of *al-Muḥallā* as al-‘Izz ibn ‘Abd al-Salām was aware of it. One day they would definitely all follow *al-Muḥallā* and what Ibn Ḥazm had said.<sup>2</sup>

### **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 tittle, a lover from the act of love, a

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<sup>1</sup> Ibid., 18:193; *Tārīkh al-Islām*, 406.

<sup>2</sup> *Al-Mughnīli Ibn Qudāma*, 1:10.

conqueror from his conquest, a reveller from his amusements [the player from his game] or a commander from giving orders.<sup>1</sup>

\* 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.<sup>2</sup>

\* 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.<sup>3</sup>

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

\* 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.<sup>5</sup>

\* 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

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<sup>1</sup> *In Pursuit of Virtue*: 121.

<sup>2</sup> *Ibid.*, 122

<sup>3</sup> *Ibid.*, 128.

<sup>4</sup> *Ibid.*, 134.

<sup>5</sup> *Ibid.*, 146.

betraying you, but the one who conceals one from you is betraying you and also mistrusting you.<sup>1</sup>

\* 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.<sup>2</sup>

\* 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.<sup>3</sup>

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<sup>1</sup> Ibid., 147.

<sup>2</sup> Ibid., 149.

<sup>3</sup> *The Ring of the Dove*: 139.

## **Chapter Two: The Zāhirī School**

## **The founder of the Zāhirī school**

Abū Sulaymān Dāwūd ibn ‘Alī ibn Khalaf’s family came from the district of Qāshān in Iṣfahān.<sup>1</sup> He was born in Kūfa and settled in Baghdād. He is also known as Dāwūd al-Zāhirī because he was the founder of the Zāhirī school of jurisprudence.<sup>2</sup>

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.<sup>3</sup> The third century is considered to have been the greatest age of intellectual development and knowledge in Islāmic civilization. Iraq was the capital of the Islāmic world and the leader of Islāmic thought, especially the cities of Baghdād, 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 Zāhirī methodology**

It is unanimously agreed that the founder of the Zāhirī School was Dāwūd al-Aṣbahānī.<sup>4</sup> He restricted the principles of Islāmic law to the texts, that is the Qur’ān and the Ḥadīth.<sup>1</sup> He rejected analogy and imitation in Islāmic jurisprudence. To understand the origin of the Zāhirī methodology and how it was established, it is

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<sup>1</sup> *Dāwūd al-Zāhirī*, 48.

<sup>2</sup> *Al-Lubāb*, 2:297; *Tahdhīb al-Asmā’*, 1:182(157); *Tārīkh Baghdād*, 8:374.

<sup>3</sup> *Tārīkh Baghdād*, 8:375; *Tadhkira*, 2:571; *Ansāb*, 4:99.

<sup>4</sup> *Tārīkh Baghdād*, 8:370; *Ibn Ḥazm li Abī Zahra*, 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."<sup>2</sup> 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."<sup>3</sup>

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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<sup>1</sup> *Ibn Ḥazm li Abī Zahra*, 260.

<sup>2</sup> *Surah al-Najm*, 3,4.

<sup>3</sup> *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.”<sup>1</sup>

This was the basis of a number of sayings by the Companions and the Successors rejecting personal opinion, for example, Abū Bakr,<sup>2</sup> ‘Umar, ‘Alī,<sup>3</sup> al-Sha‘bī, Ibn Shihāb al-Zuhrī, ‘Urwa ibn al-Zubayr, al-Awzā‘ī, al-Shāfi‘ī and Aḥmad.<sup>4</sup> 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.”<sup>5</sup>

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<sup>1</sup> *Bukhārī*, 28:44.

<sup>2</sup> *Ibn Ḥazm li Abī Zahra*, 379.

<sup>3</sup> *Al-Nubadh*, 94; *Jāmi‘ al-Uṣūl*, 7:243.

<sup>4</sup> *Al-Nubadh*, 94 footnote 4; *‘lām al-Muwaqqi‘īn*, 1:73-79.

<sup>5</sup> *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.
3. Mu‘ādh narrated that when the Prophet sent him to Yemen as a teacher and a judge, he asked him: “On what will you base your judgment?” He answered: “On the Qur’ān.” The Prophet then asked: “What if you do not find what you want in the Qur’ān?” Mu‘ādh answered: “Then on the Sunnah of the Messenger of Allāh.” The Prophet then asked: “What if you do not find what you want in the Sunnah of the Messenger of Allāh?” Mu‘ādh said: “Then I will use my personal opinion and spare no effort.” The Prophet said: “Thanks be to God Who has helped the messenger of His Messenger in achieving what satisfies the Messenger of God.”<sup>1</sup> Ibn Ḥazm rejected this narration on the basis that it was transmitted by al-Ḥārith ibn ‘Amr al-Hudhalī al-Thaqafī, 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.”<sup>2</sup> 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.<sup>3</sup>
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

<sup>1</sup> *Al-Nubadhdh*, 95; *al-Muḥallā*, 1:62; *Ibtāl al-Qiyās*, 12.

<sup>2</sup> *Ibtāl al-Qiyās*, 14; *al-Nubadhdh*, 95.

<sup>3</sup> *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*.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

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.”<sup>4</sup> 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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<sup>1</sup> *Sunan al-Dāraquṭnī*, 4:206(15); *al-Sunan al-Kubrā*, 10:115(20134); *al-Ḥujja*, 1:569; see *Fatḥ al-Bārī*, 13:298, kitāb al-I’tiṣām bi al-kitāb wa al-sunnah, bāb man shabbaha aṣḥāb ma‘lūmin bi aṣḥāb mu‘ayyan.

<sup>2</sup> *Ibtāl*, 6.

<sup>3</sup> *Ibid*.

<sup>4</sup> *Iḥkām*, 6:50; *Ibtāl al-Qiyās*, 4; *Ibn Ḥazm li Abī Zahra*, 385.

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 Kūfa 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.<sup>1</sup> His methodology principles were taken from the Qur'ān, the authentic *aḥādīth* and the actions of the people of Madīna, 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-Shāfi'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-Shāfi'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-Shāfi'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-Shāfi'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-Shāfi'ī was known as *Nāṣir 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

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<sup>1</sup> *Kifāya*, 116.

analogy had to be used it was for the lack of *aḥādīth* 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 *aḥādīth* had been collected, there was no further need for analogy.<sup>1</sup>

Dāwūd (200-270/ 815-884) grew up in a Ḥanafī family,<sup>2</sup> read many books and had a number of teachers. In Baṣra his teachers were famous trustworthy Ḥadīth scholars such as ‘Abd Allāh ibn Maslama al-Qa‘nabī and Musaddad ibn Musarhad.<sup>3</sup> In Baghdād he was taught by Abū Thawr Ibrāhīm ibn Khālīd, who was a famous jurispudent and was one of the greatest scholars of Ḥadīth. Dāwūd followed him closely and learned Shāfi‘ī *fiqh* from him.<sup>4</sup> 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.<sup>5</sup> After this he travelled to Nishapur to seek knowledge from Ishāq ibn Rāhūya (161-238/ 777-852).<sup>6</sup> It is true that Ishāq 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.<sup>7</sup> In

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<sup>1</sup> *Dāwūd al-Zāhirī*, 39.

<sup>2</sup> *Al-Zāhirīyya*, 16.

<sup>3</sup> *Dāwūd al-Zāhirī*, 48,51.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ṭabaqāt al-Shāfi‘īyya*, 1:343.

<sup>6</sup> *Dāwūd al-Zāhirī*, 52.

<sup>7</sup> *Ibid.*, 71.

Nishapur Dāwūd's own opinions became clear and he began to follow his Zāhirī 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-Qur'ān*. Dāwūd was a friend of the Imām's son 'Abd Allāh ibn Aḥmad ibn Ḥanbal, so he asked him to mediate. Although 'Abd Allāh did his best, his father refused to meet Dāwūd.<sup>1</sup>

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-Shāfi'ī was because the latter was strongly committed to the Ḥadīth. As we have noted, al-Shāfi'ī was known as Nāṣir al-Sunnah (the defender of the Sunnah), for he challenged *aṣḥāb al-ra'y* 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,<sup>2</sup> among them famous scholars such as Ibn Jarīr 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."<sup>3</sup> 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-Shāfi'ī accepted it?" He replied: "The same

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<sup>1</sup> *Mẓān*, 2:115; *Tārīkh Baghdād*, 8:374; *Ṭabaqāt al-Shāfi'iyya*, 2:42.

<sup>2</sup> *Mẓān*, 2:15.

<sup>3</sup> *Dāwūd al-Zāhirī*, 53; *Ṭabaqāt al-Shāfi'iyya*, 2:191.

evidence that al-Shafi‘i used to invalidate *istiḥsān* in fact invalidates analogy.”<sup>1</sup> This was the declaration of a new methodology which became known as *al-madhhab al-Zāhirī*. In view of this, Dāwūd’s position changed in the scholars’ estimation. The more effective Shāfi‘īte 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 Zāhirīes* (*al-Radd ‘alā al-Mukhālifīn min Ahl al-Ra’y wa Ahl al-Zāhir*), rejecting Dāwūd’s opinions and reasoning.<sup>2</sup> 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 Baghdād 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.<sup>3</sup> 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.<sup>4</sup> Dāwūd was very famous for *aḥādīth*, although the

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<sup>1</sup> *Ibn Ḥazm li Abī Zahra*, 258.

<sup>2</sup> *Dāwūd al-Zāhirī*, 53.

<sup>3</sup> *Ibid.*, 57; *Tārīkh Baghdād*, 8:373.

<sup>4</sup> *The Zahiris*, 30,103.

narrations that were transmitted from him were very few.<sup>1</sup> 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 Naḥḥawayh. Zakariyyā ibn Yaḥyā al-Sājī and ‘Abd Allāh ibn al-Mughallis 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.<sup>2</sup>

### **The spread of the Zāhirī methodology**

The Zāhirī 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.<sup>3</sup>

Dāwūd suffered greatly following his statement that he believed in the Zāhirī 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 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

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<sup>1</sup> *Tadhkira*, 1-2:572(597).

<sup>2</sup> *Tahdhib al-Asmā’*, 1:184; *Al-Lubāb*, 2:297; *Dāwūd al-Zāhirī*, 105,107,108,109.

<sup>3</sup> *Dāwūd al-Zāhirī*, 125.

surprised the audience, who were made fully aware of his ability.<sup>1</sup> Dāwūd had compiled a large number of books containing his ideas, and after his death his son and his students promoted them until the Zāhirī methodology was embraced by the Bahariyya government in Sind (Pakistan) from 247/ 861 to 417/ 1026.<sup>2</sup>

It has been said that the Zāhirī 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 Zāhirī school with the Ḥanbalī 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.<sup>3</sup> However, while Zāhirī followers were becoming fewer in the East, there was beginning to be an upsurge in Zāhiri methodology in the West in al-Andalus.

The first methodology of jurisprudence to be known by the Andalusians was that of al-Awzā‘ī, which entered al-Andalus with the Umayyads, who came from Syria (*al-Shām*), al-Awzā‘ī’s homeland.<sup>4</sup> Ibn Ḥazm stated that al-Awzā‘ī’s jurisprudence had come to al-Andalus with Ṣa‘ṣa‘a ibn Salām, the Syrian

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<sup>1</sup> Ibid., 109.

<sup>2</sup> *Falsafat al-Tashrī*, 72.

<sup>3</sup> *Dāwūd al-Zāhirī*, 145.

<sup>4</sup> At the early AH centuries it was called Shām, which included Syria, Palastyne, Jurdon and Lebanon. Awzā‘ī is part of Lebanon, which still exists.

jurisprudent, who was one of al-Awzā'ī's companions.<sup>1</sup> 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.<sup>2</sup>

The Zāhirī methodology was brought to al-Andalus by a group of scholars. 'Abd Allāh ibn Muḥammad ibn Qāsim ibn Hilāl (d. 272/ 885), the Mālikīte Andalusian scholar who was familiar with al-Shāfi'ī's methodology, was a pupil of Dāwūd the founder of the Zāhirī school. He had heard him giving readings from his books and had brought the books to Andalus.<sup>3</sup> 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 Zāhirī 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 Waḍḍāḥ ibn Bāziq (d. 286/ 899), and Qāsim ibn Aṣṣbagh (d. 340/ 951), the student of Baqī ibn

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<sup>1</sup> *Tārīkh 'Ulamā' al-Andalus*, 168(610); *Jadhwa*, 214(510); *al-Ḥayāt al-'Ilmiyya*, 36; *al-Ḥaḍāra al-'Arabiyya fī al-Andalus*, 59, 149-163.

<sup>2</sup> *Al-Ḥayāt al-'Ilmiyya*, 37.

<sup>3</sup> *Al-Zāhiriyya*, 32.

Makhlad and Ibn Waḍḍāḥ.<sup>1</sup> However, Andalus was prepared for the Zāhirī methodology in the fourth/ ninth century by a group of Andalusian scholars who travelled to the East, among them Mundhir ibn Sa'īd al-Ballūṭī, the judge of Cordoba, the imam of the prayers and the presenter of the Friday sermon in al-Zahrā' Mosque. Al-Zahrā' was the city of the Caliph, the princes and the viziers.<sup>1</sup> Al-Ballūṭī travelled to Makka for the Ḥajj (pilgrimage) in 308. There he met scholars and embraced the Zāhirī 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 Zāhirīte. Another scholar who travelled to the East, and was the most important of those who prepared al-Andalus to accept the Zāhirī methodology, was Abū al-Khayār Mas'ūd ibn Sulaymān ibn Muflit. 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 Zāhirī 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 Zāhirī methodology with the large number of books that he wrote. He saved the Zāhirī 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 Zāhirī methodology comes from Ibn Ḥazm's books. Ibn Ḥazm became aware of Zāhirī methodology from books and from his teacher Abū al-Khayār Mas'ūd ibn

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<sup>1</sup> Ibid.

Sulaymān ibn Muflit.<sup>2</sup> Whenever the name al-Zāhirī is read or heard it is mostly through Ibn Ḥazm. A large part of the 80,000 pages that he wrote was about Zāhirī 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 Zāhirī 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 Zāhirī 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 Qur'ān and the Ḥadīth, and so all the rulers of the Almohad dynasty followed his call. This system of Islāmic jurisprudence continued to spread until the governor of the Almohad state, Ya'qūb 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

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<sup>1</sup> *Al-Zāhiriyya*, 33; *Ibn Ḥazm li Abī Zahra*, 271; *Nafḥ al-Ṭīb*, 2:16.

<sup>2</sup> *Dāwūd al-Zāhirī*, 147.

great need of him.”<sup>1</sup> With the end of the Almohad dynasty the Zāhirī methodology lost its greatest support.

Nevertheless, Zāhirī methodology survived through the ages from its establishment in the third/ eighth century until the present. ‘Abd 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.<sup>2</sup> 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 Zāhirī methodology, which has interested scholars both past and present, was one of Ibn Ḥazm’s gifts to scholarship. The interest of Western scholars’ in Zāhirī 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 orientalist who tried to shed some light on the ahl al-zāhir.”<sup>3</sup> Some of Ibn Ḥazm’s books have been translated into European languages, such as *Ṭawq al-Ḥamāma* (The Ring of the Dove), which has been translated into German, Spanish, French, English, Italian and Russian.<sup>4</sup> 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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<sup>1</sup> Ibid., 148; *Nafḥ al-Ṭīb*, 4:222.

<sup>2</sup> *Mawsū‘a*, 1m:18.

<sup>3</sup> *The Zahiris*, 2.

<sup>4</sup> *Ibn Ḥazm*, Chejne, 12; *Ṭawq 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.”<sup>1</sup>

### **The principles of Zāhirī methodology**

Zāhirī 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.<sup>2</sup> 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 Zāhirī 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-Shāfi‘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.<sup>3</sup>

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<sup>1</sup> *Al-Akhlāq*, 7.

<sup>2</sup> *Al-Nubadh*, 114.

<sup>3</sup> *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."<sup>1</sup> 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."<sup>1</sup>

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-dalīl* (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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<sup>1</sup>Ibid., 117.

those who disagreed with the Zāhirītes. He explained that the Qur'ān was revealed in the Arabic language. Therefore, whoever interprets any word of the Qur'ān beyond its outward meaning in that language without supporting evidence from the texts (the Qur'ān and the Ḥadīth), from unanimous agreement or from *ḍar'ūrāt al-'aql* (self-evidence), is deemed to be a falsifier.<sup>2</sup>

### **The Qur'ān**

Ibn Ḥazm said,

It has become clear from evidence and miracles that the Qur'ān 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 Qur'ān, which is known all over the world, should be acted upon. All the orders which the Qur'ān contains must be obeyed.<sup>3</sup>

### **The Sunnah**

Ibn Ḥazm stated that the Qur'ān 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."<sup>4</sup> Thus revelation comprised two parts: the Qur'ān, 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 Qur'ān: "And We have also sent down unto you the Qur'ān, that you may explain

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<sup>1</sup> Ibid., 118,119.

<sup>2</sup> *Iḥkām*, 3:39-44.

<sup>3</sup> Ibid., 1:95.

<sup>4</sup> *Surah al-Najm*, 4.

clearly to people what is sent down to them.”<sup>1</sup> 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.”<sup>2</sup> 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.”<sup>3</sup> 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.<sup>1</sup>

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 (*naql*) 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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<sup>1</sup> *Surah al-Naḥl*, 44.

<sup>2</sup> *Surah al-Nisā’*, 59.

<sup>3</sup> *Surah al-Nisā’*, 59; *Iḥkām*, 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.<sup>2</sup>

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*.<sup>3</sup>

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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<sup>1</sup> *Iḥkām*, 1:98.

<sup>2</sup> *Ibid.*, 1:104-108.

<sup>3</sup> *Ibid.*, 108,119.

Prophet's silent approval can be used as proof that the matter is compulsory, recommendable or permissible.<sup>1</sup>

### ***Ijmā'* (unanimous agreement)**

The Zāhirī 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.<sup>1</sup>

### ***Dalīl* (proof)**

Some scholars, among them al-Khaṭīb al-Baghdādī, say that because the Zāhirī scholars rejected analogy as a principle in *uṣūl 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:

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<sup>1</sup> *Ibn Ḥazm li Abī Zahra*, 291.

1. *Dalīl* based on *ijmā'*:

a. *Istiṣhāb*:

This means that every judgement proved by the text would remain unchanged unless there was evidence that it had been changed.<sup>2</sup> Ibn Ḥazm believed that everything is permissible unless another judgement proves the contrary. He stated that this was supported by the Qur'ān: "On earth will be a dwelling place for you and an enjoyment for a time."<sup>3</sup> The Zāhirī methodology, which had been regarded as narrow, in fact created a firm foundation for the theory of *istiṣhāb*, 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.<sup>4</sup> Ibn Ḥazm explains *istiṣhāb* 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.<sup>5</sup>

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<sup>1</sup> *Iḥkām*, 4:147,172,202.

<sup>2</sup> *Ibid.*, 5:2.

<sup>3</sup> *Surah al-Baqara*, 36.

<sup>4</sup> *Ibn Ḥazm li Abī Zahra*, 370.

<sup>5</sup> *Iḥkām*, 5:3.

He adds that certainty is the foundation and doubt is occurrence, and certainty will not be removed by doubt.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

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 relates only to a particular Muslim.<sup>4</sup> 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

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<sup>1</sup> Ibid., 5:4.

<sup>2</sup> Ibid., 5:106.

<sup>3</sup> *Iḥkām*, 5:106; *Ibn Ḥazm li Abī Zahra*, 364.

<sup>4</sup> *Iḥkām*, 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.<sup>1</sup>

2. *Dalīl* 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 ḥadīth 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'ānic verse: "if they cease disbelieving, their past will be forgiven".<sup>2</sup> 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'ānic verse: "Verily Abraham invoked Allāh with humility, glorified Him and remembered Him

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<sup>1</sup> *Iḥkām*, 3:88.

<sup>2</sup> *Surah al-Anfāl*, 38.

much, and was forbearing”.<sup>1</sup> 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 *istiṣḥāb*.<sup>2</sup>

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:

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<sup>1</sup> *Surah al-Tawba*, 114.

<sup>2</sup> *Ibn Ḥazm li Abī Zahra*, 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.<sup>1</sup>

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

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<sup>1</sup>*Iḥkām*, 5:105-108.

**Part Two: Ibn Ḥazm's Rejection of Narrations  
for Reasons Other than *Jahāla***

### **Chapter Three: Ibn Ḥazm'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.<sup>1</sup>

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-nās*), "most truthful people" (*awthaq al-nās*).
2. Terms confirming acceptability by one or two of the qualities of verification. For example, "truthful truthful" (*thiqa thiqa*), "reliable and consistent" (*thiqa thabt*), "truthful authority" (*thiqa ḥujja*).
3. Terms indicating verification without confirmation. For example, "truthful" (*thiqa*), "authority" (*ḥujja*), "consistent" (*thabt*).

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

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<sup>1</sup> *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” (*laysa 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” (*ḍa’if*).

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 yuḵtab ḥadīḥuhu*), “narrations from him are forbidden” (*lā taḥill al-riwāya ‘anhu*), “very weak” (*ḍa‘īf jiddan*), “his narrations were discarded” (*ṭaraḥū ḥadīḥahu*).
4. Terms that indicate accusations of lying. For example, “accused of being a liar” (*muttaḥam bi al-kadhib*), “accused of being a fabricator” (*muttaḥam bi al-waḍ‘*), “abandoned” (*ṣāqiṭ*), “untrustworthy” (*laysa bi thiqa*), “neglected” (*matrūk*), “unacceptable” (*ḥālik*), “untrustworthy” (*ghayr thiqa*).
5. Terms describing a narrator as a liar. For example, “a liar” (*kadhḥāb*), “fabricator” (*waḍḍā‘*).
6. Terms indicating excessiveness in lying. This is the worst category of rejection. For example, “the biggest liar” (*akḍḥab al-nās*), “promoter of falsehood” (*rukḥ 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.<sup>1</sup>

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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<sup>1</sup> *Uṣūl al-Takhrīj*, 163-166; see *al-Raf‘ wa al-Takmīl* 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-Muḥallā*, 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:

‘Abd al-Wahhāb ibn Najda,<sup>1</sup> Ḥarām ibn Ḥakīm,<sup>2</sup> Muḥammad ibn Ḥamza ibn ‘Amr,<sup>3</sup> Māhān al-Ḥanafī,<sup>4</sup> Muḥammad ibn ‘Abd al-Raḥmān ibn Thawbān,<sup>5</sup> Ṭalq ibn Ghannām<sup>6</sup> and Mūsā ibn A‘yun.<sup>7</sup>

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*.”<sup>8</sup>
2. Muḥammad ibn Ḥamza ibn ‘Amr: “Ibn Ḥazm weakened him, but al-Quṭb al-Ḥalabī criticized Ibn Ḥazm and said, ‘No one considered him weak before.’”<sup>9</sup>
3. Ṭalq ibn Ghannām: “Only Ibn Ḥazm judged him to be weak.”<sup>10</sup>
4. Muḥammad ibn ‘Abd al-Raḥmān ibn Thawbān: “If he weakened Muḥammad, there was no one before him who did so.”<sup>11</sup>

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

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<sup>1</sup> *Al-Muḥallā*, 1:265.

<sup>2</sup> *Ibid.*, 2:180. He named him a second time as Ḥuzām (حزام), 10:77.

<sup>3</sup> *Ibid.*, 6 :250.

<sup>4</sup> *Ibid.*, 7:37.

<sup>5</sup> *Ibid.*, 7:372.

<sup>6</sup> *Ibid.*, 7:518, 8:182.

<sup>7</sup> *Ibid.*, 9:58.

<sup>8</sup> *Tahdhīb*, 2:222(411).

<sup>9</sup> *Ibid.*, 9:111.

<sup>10</sup> *Ibid.*, 5:33(52).

<sup>11</sup> *Tahdhīb*, 9:294(488).

accept his narration.”<sup>1</sup> He named him on another occasion Ḍamra, and described him as useless.<sup>2</sup>

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. Yazīd ibn ‘Abd Allāh ibn Qusayṭ

Ibn Ḥazm said that Mālik described him as an unacceptable narrator.<sup>3</sup>

b. ‘Ikrima ibn Khālid

Ibn Ḥazm said of him, “weak”,<sup>4</sup> and elsewhere “not strong”.<sup>5</sup> Ibn Ḥajar said, “Ibn Ḥazm in his judgement followed al-Sājī.”<sup>6</sup>

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<sup>1</sup> *Al-Muḥallā*, 9:381.

<sup>2</sup> *Ibid.*, 10:346.

<sup>3</sup> *Ibid.*, 5:109.

<sup>4</sup> *Ibid.*, 5:277.

<sup>5</sup> *Ibid.*, 7:303.

<sup>6</sup> *Tahdhīb*, 7:259(471).

c. Tawba al-‘Anbarī

Ibn Ḥazm said, “He is weak unanimously.”<sup>1</sup> Ibn Ḥajar said, “Only al-Azdī said that Tawba’s narration is denounced.”<sup>2</sup> It has been said that Ibn Ma‘īn considered Tawba to be weak.<sup>3</sup>

It is worth mentioning that Ibn Ḥazm relied in his judgements on the sayings of al-Azdī and Ibn Ma‘īn about narrators.<sup>4</sup> 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 Ḥātim, al-Nasā’ī and Ibn Ḥibbān.<sup>5</sup>

2. Ibn Ḥazm’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 Ḥazm, were considered to be weakening.

a. ‘Alī ibn al-Ja‘d: a famous scholar and the author of the published book *Musnad Ibn al-Ja‘d*.<sup>6</sup>

Ibn Ḥazm said, “not strong.”<sup>7</sup> Ibn Ḥajar said, “trustworthy, versed in Shī‘ism and accused of being a Shī‘ite.”<sup>8</sup>

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<sup>1</sup> *Al-Muḥallā*, 10:151.

<sup>2</sup> *Tahdhīb*, 1:515(960).

<sup>3</sup> *Ibid.*

<sup>4</sup> See page 93 of this research.

<sup>5</sup> *Tahdhīb*, 1:515.

<sup>6</sup> See the bibliography, *Ibn al-Ja‘d*.

<sup>7</sup> *Al-Muḥallā*, 5:126.

<sup>8</sup> *Taqrīb*, 2:33(303).

b. Fiṭr Ibn Khalīfa

Ibn Ḥazm said, “weak”.<sup>1</sup> Ibn Ḥajar said, “honest (*ṣadūq*), accused of being a Shī‘īte.”<sup>2</sup>

c. Ibrāhīm ibn Ṭahmān

Ibn Ḥazm said, “weak.”<sup>3</sup> Ibn Ḥajar said, “trustworthy, Murji‘īte.”<sup>4</sup>

As this study will later clarify, Ibn Ḥazm and some other scholars rejected certain narrators for being Shī‘īte or Murji‘īte.<sup>5</sup>

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”,<sup>6</sup> “weak.”<sup>7</sup> Ibn Ḥajar said, “trustworthy, good at writing, poor at learning by heart.”<sup>8</sup>

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<sup>1</sup> *Al-Muḥallā*, 9:148.

<sup>2</sup> *Taqrīb*, 2:114(77).

<sup>3</sup> *Al-Muḥallā*, 10:277.

<sup>4</sup> *Taqrīb*, 1:36(215).

<sup>5</sup> See page 114, 117 of this research.

<sup>6</sup> *Al-Muḥallā*, 5:223.

<sup>7</sup> *Ibid.*, 7:377.

<sup>8</sup> *Taqrīb*, 1:456(686).

b. Qays ibn al-Rabī‘ al-Asadī

Ibn Ḥazm said, “not strong.”<sup>1</sup> Ibn Ḥajar said, “honest” (*ṣadūq*), 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.”<sup>2</sup>

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 Ḥadīth, 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. Usāma ibn Zayd al-Laythī

Ibn Ḥazm said, “We do not trust him, nor accept him in our favour, or as an opponent.”<sup>3</sup> Elsewhere he said, “very weak”,<sup>4</sup> “weak”.<sup>5</sup> ‘Abd Allāh ibn Aḥmad narrated from his father that he said, “Al-Laythī narrated rejected narrations from Nāfi’.” 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.”<sup>6</sup>

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<sup>1</sup> *Al-Muḥallā*, 7:298, 10:379.

<sup>2</sup> *Taqrīb*, 2:128(139).

<sup>3</sup> *Al-Muḥallā*, 6:258.

<sup>4</sup> *Ibid.*, 7:360,530.

<sup>5</sup> *Ibid.*, 9:131.

<sup>6</sup> *Tahdhīb*, 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.”<sup>1</sup>

b. Ziyād ibn ‘Abd Allāh al-Bakkā’ī

Ibn Ḥazm said, “weak”,<sup>2</sup> “not strong”.<sup>3</sup> Ibn Ḥibban said, “He made many mistakes; if he is the only source of a narration, it should not be accepted.”<sup>4</sup> Ibn Ma‘īn said, “He is not bad in *maghāzī* (military) narrations, but on other subjects his narrations should not be accepted.”<sup>5</sup> Aḥmad said, “Not bad; his narrations are those of trustworthy people.”<sup>6</sup> Abū Zur‘a and Abū Dāwūd said, “honest (*ṣadūq*).”<sup>7</sup> Abū Ḥātim said, “His narrations could be written, but not used as a reference.”<sup>8</sup>

c. Zuhayr ibn Muḥammad

Ibn Ḥazm said, “weak”.<sup>9</sup> Ibn Ma‘īn said, “He is good, not bad.”<sup>10</sup> 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.”<sup>11</sup> Abū Ḥātim said, “He is honest” (*ṣadūq*).<sup>12</sup>

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<sup>1</sup> Ibid.

<sup>2</sup> *Al-Muḥallā*, 4:86; 8:74; 9:504.

<sup>3</sup> Ibid., 10:369.

<sup>4</sup> *Tahdhīb*, 3:375(685).

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> *Al-Muḥallā*, 2:194; 4:132; 10:33.

<sup>10</sup> *Tahdhīb*, 3:348(645).

<sup>11</sup> Ibid.

<sup>12</sup> 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 Yūsuf al-Qāḍī, the famous student of Abū Ḥanīfa

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

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<sup>1</sup>*Al-Muḥallā*, 8:179.

Hārūn and Aḥmad ibn Ḥanbal.<sup>2</sup> Al-Fallās said about Abū Yūsuf, “He is honest (*ṣadūq*), with many mistakes.”<sup>3</sup> Abū Ḥātim said, “His narration could be written.”<sup>4</sup> Al-Bukhārī said he was neglected.<sup>5</sup> It has been narrated that Ibn Ma‘īn considered him to be feeble.<sup>6</sup>

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

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.<sup>8</sup> He also mentioned that Ibn Qāni‘ was a narrator of lies.<sup>9</sup> 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.”<sup>10</sup> Al-Burqānī said, “He is trustworthy in the view of the people of Baghdad, but to me he is weak.”<sup>11</sup> Al-Dāraqūṭnī said, “He used to learn by heart, but he used to make errors and insist on

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<sup>1</sup> Ibid., 10:295.

<sup>2</sup> Ibid.

<sup>3</sup> *Mughnī*, 2:756(7176).

<sup>4</sup> Ibid.

<sup>5</sup> *Mĕān*, 4:447(9794).

<sup>6</sup> Ibid.

<sup>7</sup> *Al-Muḥallā*, 6:168, foot note one.

<sup>8</sup> Ibid., 6:168.

<sup>9</sup> Ibid., 6:173; 7:38; 9:36; 10:62, 379.

<sup>10</sup> Ibid., 6:168, foot note one.

<sup>11</sup> *Taḥkīrā*, 3:883(851).

them.”<sup>1</sup> Ibn Ḥajar acknowledged that he was confused and therefore avoided him.<sup>2</sup>

3. ‘Abd al-Malik ibn Ḥabīb al-Andalusī, 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.<sup>3</sup>

Ibn Ḥazm mentioned Ibn Ḥabīb many times in his *Muḥallā* and considered him weak using various expressions, as listed below:<sup>4</sup>

rejected (*sāqit*)

unacceptable (*hālik*)

neglected (*matrūk*)

untrustworthy (*la yuwthaq bihi*)

denounced (*munkar al-ḥadīth*)

weak (*ḍa’if*)

he is nothing (*lā shay’*)

In addition he described him using other expressions, which will be detailed later in this study.<sup>5</sup>

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<sup>1</sup> Ibid.

<sup>2</sup> *Lisān*, 3:440 (4942).

<sup>3</sup> *Al-Fikr al-Falsafī*, 98.

<sup>4</sup> *Al-Muḥallā*, 2:39, 189, 247; 5:221, 223; 7:60, 123, 518; 9:47, 58, 61, 176, 310; 10:80, 113, 349.

<sup>5</sup> 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-Dhahabī said: “‘Abd al-Malik ibn Ḥabīb al-Qurṭubī is one of the Imāms and the author of *al-Wāḍiḥa* with many mistakes.”<sup>1</sup> Abū Bakr ibn Sayyid al-Nās, in the history book of Aḥmad ibn Sa‘īd al-Ṣadafī, mentioned the weakness of Ibn Ḥabīb, and that his knowledge of Ḥadīth was limited.<sup>2</sup> Ibn al-Faraḍī 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*.”<sup>3</sup> Abū Bakr ibn Abī Shayba mentioned that he was weakened by more than one scholar.<sup>4</sup>

#### 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-Bāqī ibn Qānī’ of the Ḥanafīs.”<sup>5</sup> He mentioned him once only, and did not comment on him any more than the above. Therefore al-Dhahabī said, “Muḥammad ibn al-Qāsim ibn Sha‘bān Abū Ishāq al-Miṣrī al-Mālikī, the jurist (*al-faqīh*), was weakened by Abū Muḥammad Ibn Ḥazm, and I do not know why.”<sup>6</sup> I have not found any other comments by other scholars on this man.

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<sup>1</sup> *MĒān*, 2:652(5195); *Mughnī*, 2:404(3803).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Tahdhīb*, 6:390(736).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Al-Muḥallā*, 9:57.

<sup>6</sup> *MĒān*, 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**

<b>Narrators' characteristics</b>	<b>No. of narrators</b>	<b>%of narrators</b>
Those on whom scholars' views could not be verified.	6	2.03
The Companion	1	0.33
Unanimously trustworthy.	7	2.37
Those on whom scholars had different views.	123	41.69
Those about whose weakness Ibn Ḥazm and other scholars were in agreement.	158	53.55

The 6 narrators whose characteristics could not be verified are as follows:

Al-‘Alā’ ibn Badr<sup>1</sup>

Al-Ḥasan ibn Wāqid<sup>2</sup>

Ibn Abī Nāfi<sup>3</sup>

‘Abd Yazīd Abū Rakāna<sup>4</sup>

Ibn Abī Yaḥyā Ibrāhīm<sup>5</sup>

Abū Ishāq<sup>6</sup>

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.

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<sup>1</sup> *Al-Muḥallā*, 9:347.

<sup>2</sup> *Ibid.*, 9:246.

<sup>3</sup> *Ibid.*, 7:123.

<sup>4</sup> *Ibid.*, 10:60.

<sup>5</sup> *Ibid.*, 6:137, 8:517.

<sup>6</sup> *Ibid.*, 1:100.

Abū ‘Amr al-Ḍabbī (أبو عمرو الضبي)

Ibn Ḥazm said that if he was not Abū ‘Amr al-‘Āyidhī he was unknown and therefore weak.<sup>1</sup> 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.<sup>2</sup>

‘Ikrima ibn Khālīd

Ibn Ḥazm rejected a narration from ‘Ikrima saying it was weak.<sup>3</sup> In reality Ibn Ḥazm thought that this narrator was ‘Ikrima ibn Khālīd 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.<sup>4</sup> In fact, the ‘Ikrima ibn Khālīd that Ibn Ḥazm judged was a different narrator, and his actual full name was ‘Ikrima ibn Khālīd ibn al-‘Āṣ ibn Hishām ibn al-Mughīra ibn ‘Abd Allāh ibn ‘Umar ibn Makhzūm al-Qurashī. Other scholars, such as Ibn Ma‘īn, Abū Zur‘a, al-Nasā‘ī, Ibn Ḥibbān, al-Bukhārī and Ibn Sa‘d considered ‘Ikrima al-Qurashī to be trustworthy.<sup>5</sup>

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<sup>1</sup> Ibid., 10:364.

<sup>2</sup> *Taqrīb*, 2:454(166). A minute error in Arabic as shown, makes such a big difference, which in this case Ibn Ḥazm failed to notice.

<sup>3</sup> *Al-Muḥallā*, 5:277.

<sup>4</sup> *Tahdhīb*, 7:259(471).

<sup>5</sup> 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.<sup>1</sup>

### **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)<sup>2</sup>
2. Ayyūb al-Sakhtiyānī (d. 131/ 748)<sup>3</sup>
3. Abū Ḥanīfa al-Nu‘mān ibn Thābit (80- 150/ 699-767)<sup>4</sup>
4. Sufyān ibn Sa‘īd al-Thawrī (d. 161/ 777)<sup>5</sup>
5. ‘Abd Allāh ibn Idrīs Abū Muḥammad al-Awdī (d. 192/ 807)<sup>6</sup>
6. Abū Usāma Ḥammād ibn Usāma (d.201/ 816)<sup>7</sup>
7. Abū Nu‘aym al-Faḍl bn Dukayn (d. 219/ 834)<sup>8</sup>
8. ‘Affān ibn Muslim Abū ‘Uthmān al-Anṣārī (d. 220/ 835)<sup>1</sup>

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<sup>1</sup> Ibid., 7:259(471). Aḥmad Shākir indicated this in *al-Muḥallā*, 5:277, foot note 2.

<sup>2</sup> *Al-Muḥallā*, 10:296; *Tadhkira*, 1:317(289).

<sup>3</sup> *Al-Muḥallā*, 2:168; *Tadhkira*, 1:131(117).

<sup>4</sup> *Al-Muḥallā*, 5:234.

<sup>5</sup> *Al-Muḥallā*, 10:234; *Tadhkira*, 1:203(198).

<sup>6</sup> *Al-Muḥallā*, 10:296; *Tadhkira*, 1:282(262).

<sup>7</sup> *Al-Muḥallā*, 7:241; *Tadhkira*, 1:321(301).

<sup>8</sup> *Al-Muḥallā*, 10:296; *Tadhkira*, 1:372( 369).

9. ‘Amr ibn ‘Alī al-Fallās Abū Ḥafṣ al-Bāhilī (d. 249/ 863)<sup>2</sup>

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

#### **Scholars mentioned more than once**

11. Shu‘ba ibn al-Ḥajjāj ibn al-Ward Abū Bisṭām al-Azdī (d. 160/ 776): seven times.

12. Mālik ibn Anas (93-179/ 711-795). It should be noted that he mentions Mālik five times,<sup>4</sup> 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.

13. ‘Abd Allāh ibn al-Mubārak (118-181/ 736-797):<sup>5</sup> three times.

14. Wakī‘ ibn al-Jarrāḥ (131- 196/ 748-811):<sup>6</sup> three times.

15. ‘Abd al-Raḥmān ibn Maḥdī (d.198/ 813):<sup>7</sup> three times.

16. Yaḥyā ibn Sa‘īd al-Qaṭṭān (d. 198/ 813): eleven times.

17. Yaḥyā ibn Ma‘īn (157-233/ 773-847): nine times.

18. Aḥmad ibn Ḥanbal (164-241/ 780-855): fourteen times.

19. Muḥammad ibn Ismā‘īl al-Bukhārī (194-256/ 809-869):<sup>8</sup> five times.

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<sup>1</sup> *Al-Muḥallā*, 10:379; *Tadhkira*, 1:379(378).

<sup>2</sup> *Al-Muḥallā*, 3:136; *Tadhkira*, 1:487(502).

<sup>3</sup> *Ibid.*, 6:182.

<sup>4</sup> *Ibid.*, 7:305, 9:419, 6:137, 8:517, 5:109, 2:217, 5:163, 8, 517.

<sup>5</sup> *Al-Muḥallā*, 1:226, 7:241, 10:296; *Tadhkira*, 1:274(260).

<sup>6</sup> *Al-Muḥallā*, 6:11, 10:397.

<sup>7</sup> *Al-Muḥallā*, 8:482, 9:11, 10:379; *Tadhkira*, 1:329(313).

<sup>8</sup> *Al-Muḥallā*, 2:36, 6:182, 7:339,518, 10:234.

20. Al-Sājī Abū Yaḥyā Zakariyyā ibn Yaḥyā (d. 307/ 919):<sup>1</sup> state twice.

In addition to the 20 scholars listed above, Ibn Ḥazm relied on the judgement of a narrator called Abū ‘Āṣim al-Ḍaḥḥāk ibn Makhlad ibn al-Ḍaḥḥāk al-Shaybānī. This narrator weakened another narrator from whom he narrated, which is why Ibn Ḥazm relied on his judgement.<sup>2</sup>

### **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” (*ḍa‘īf*), “rejected” (*sāqit*), “neglected” (*matrūk*), “unacceptable” (*hālik*),<sup>3</sup> and others consisting of two words, for example, “not strong” (*laysa bi al-qawī*), “very weak” (*ḍa‘īf jiddan*).<sup>4</sup> 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

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<sup>1</sup>*Al-Muḥallā*, 1:143, 10:234; *Tadhkira*, 1:709(727).

<sup>2</sup>*Al-Muḥallā*, 10:234; *Tahdhīb*, 4:450(783).

<sup>3</sup>*Al-Muḥallā*, 2:32, 7:485, 10:155.

<sup>4</sup>*Ibid.*, 7:396, 9:12.

repetitive, for example, “he is nothing” (*laysa bi shay’ , lā shay’*),<sup>1</sup> “untrustworthy” (*laysa bi thiqa - ghayr thiqa*),<sup>2</sup> “extremely weak” (*fī ghāyat al-ḍa’f wa al-tark , ḍa’f jiddan matrūk al-ḥadīth*).<sup>3</sup>

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” (*fī ghāyat al-suqūṭ la taḥīl al-riwāya ‘anhu*).<sup>4</sup>
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 Shī’ite” (*mujarraḥ, quṭi’at ‘urqubāh fī al-tashayyu’*).<sup>5</sup>
  - b. The term follows the explanation, for example, “since he is one of Ḥajjāj’s tyrants, his narration cannot be accepted” (*ẓālim min ẓalamat al-Ḥajjāj lā ḥujjata fī riwāyatihī*).<sup>6</sup>
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 jamī’ ahl al-naql; muttafaq ‘alā tark al-riwāya ‘anhu, yarwī al-mawḍū’ā*).<sup>7</sup> The first and

<sup>1</sup> Ibid., 5:116, 6:209.

<sup>2</sup> Ibid., 5:163, 2:217.

<sup>3</sup> Ibid., 8:120

<sup>4</sup> Ibid., 9:495.

<sup>5</sup> Ibid., 9:388.

<sup>6</sup> Ibid., 8:368.

<sup>7</sup> 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” (*ḍa‘īf, lā yuḥtajju bihi*), which is mentioned five times.<sup>1</sup>
  
2. He uses 22 forms containing three words, which are never repeated except in five- instances, these are:
  - a. “Very weak” (*fī ghāyat al-ḍa‘f*): seven times.<sup>2</sup>
  - b. “Weak, his ḥadīth is denounced” (*ḍa‘ī munkar al-ḥadīth*): six times.<sup>3</sup>
  - c. “Useless” (*lā khayra fīhi*): six times.<sup>4</sup>
  - d. “Unanimously weakened” (*muttafaq ‘alā ḍa‘fīhi*): five times.<sup>5</sup>
  - e. “Extremely rejected” (*fī ghāyat al-suqūṭ*): five times.<sup>6</sup>

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<sup>1</sup> Ibid., 1:262, 10:261,394

<sup>2</sup> Ibid., 5:223, 8:120, 10:62.

<sup>3</sup> Ibid., 1:227, 2:35,206, 6:127, 10:158.

<sup>4</sup> Ibid., 9:177, 10:180,346.

<sup>5</sup> Ibid., 2:108, 7:484, 10:309.

<sup>6</sup> Ibid., 4:154, 7:357, 9:495.

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 3.2 Scholars' descriptions of unacceptable narrators**

Type of weakness	No of times used	Level of rejection	Transliteration	Meaning
Not strong	27	First	<i>Laysa bi Al-qawī</i>	Narrator's poor ability
Nothing	18	First	<i>Lā shay'</i>	Narrator's poor ability
Weak	161	Second	<i>ḍa fī</i>	Rejection of narrator
Denounced hadith	8	Second	<i>Munkar Al-ḥadīth</i>	rejection of narrator
Very weak	17	Third	<i>ḍa if jiddan</i>	Narration should not be written
Abandoned	9	Third	<i>Muṭṭarah</i>	Narration should not be written
Rejected	31	Fourth	<i>Sāqiṭ</i>	narrator indicted as a liar
Unacceptable	19	Fourth	<i>Hālik</i>	narrator indicted as a liar
Total	290			

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*),<sup>1</sup> poor at memorizing (*sayyi 'al-ḥifẓ*),<sup>2</sup> criticized (*mutakallam fīhi*).<sup>3</sup>

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 come across are as follows:

1. More disreputable than all the disreputable narrators, abandoned unanimously (*asqaṭ min kull sāqiṭ, muttafaq 'alā iṭṭirāḥihi*).<sup>4</sup>
2. Ibn Sha'bān among the Mālikīs is of the same as 'Abd al-Bāqī Ibn Qāni' among the Ḥanafīs (*Ibn Sha'bān fī al-Mālikiyyīn naẓīr 'Abd al-Bāqī ibn Qāni fī al-Ḥanafīyyīn*).<sup>5</sup>
3. Ibn Lahī'a's narrations are of the disreputable level and should be ignored (*Riwāyāt Ibn Lahī'a asqaṭ min an yushtaghal bihā*).<sup>6</sup>

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<sup>1</sup> Ibid., 1:258.

<sup>2</sup> Ibid., 5:223.

<sup>3</sup> Ibid., 9:69.

<sup>4</sup> Ibid., 5:232.

<sup>5</sup> Ibid., 9:57. For more details on 'Abd al-Bāqī Ibn Qāni' See page 75 of this research .

<sup>6</sup> Ibid., 9:313.

4. He is vilified, being a strong Shī'īte (*mujarraḥ quṭī 'at 'urqub āh fī al-tashayyu*).<sup>1</sup>

5. Now the weakness of this chain has increased (*al' ān zāda wahy hādhā al-isnād*).<sup>1</sup>

### **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-Muḥallā*.

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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<sup>1</sup> 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,<sup>2</sup> using different terms, for example, “nothing” (*lā shay'*), “abandoned” (*muṭṭarah*). Mālik ibn Anas said he was “a liar”. Aḥmad “considered him unreliable” (*jarraḥah*), “extremely unreliable” (*sāqiṭ al-battata*). Ibn al-Qaṭṭān al-Fāsī and Abū Ḥātim said, “cannot be used as an argument” (*lā yuḥtajj bihi*). Al-Nasā'ī said, “He is not strong” (*laysa bi al-qawī*). Al-Dāraquṭnī said that there was inconsistency in some of his narrations” (*fī ba'ḍ 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 rubbamā akḥṭa'a*). Ibn 'Adī said, “To me,

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<sup>1</sup> Ibid., 10:295. The reason for using the word **now** is due to the existence of Abū Yūsuf in the chain.

<sup>2</sup> Ibid., 1:88; 2:90; 6:72; 7:37,440; 11: 9, 61, 210, 317, 486, 530.

he is honest” (*huwa ‘indī ṣadūq*). Ibn Ma‘īn said, “his narration is good” (*ṣāliḥ al-ḥadīth*).

b. Kathīr Ibn Zayd<sup>1</sup>

Ibn Ḥazm referred to him once and said, “He has been mentioned as a liar” (*madhkūr bi al-kadhib*).<sup>2</sup> Al-Nasā‘ī said, “weak” (*ḍa‘īf*). Abū Zur‘a said, “honest with feebleness” (*ṣadūq fīhi līm*). Ibn Ḥajar said, “honest, but makes mistakes” (*ṣadūq yukhṭi*).

2. Narrators whom scholars judged to be weak

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

a. Abū Bakr ibn Abī Maryam

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

b. Jābir al-Ju‘fī

Ibn Ḥazm mentions him in twenty places<sup>1</sup> and judges him using different terms, for example, “liar”, “a liar and a famous believer in the return of ‘Alī, may Allāh be pleased with him” (*al-kadhdhāb al-mashhūr bi al-qawl bi raj‘at ‘Alī raḍīya*

<sup>1</sup> Will be mentioned again in page 106 under those whom he was confused about.

<sup>2</sup> *Al-Muḥallā*, 2:186.

<sup>3</sup> *Ibid.*, 1:231; 8:341.

<sup>4</sup> *Taqrīb*, 2:398(52).

<sup>5</sup> *Kāshif*, 2:411.

*Allāh 'anh*), “nothing”, “disreputable”, “Abū Ḥanīfa was the first to declare him a liar.” Ibn Ḥajar said, “a weak *Rāfiḍī*”.<sup>2</sup> Al-Dhahabī said, “one of the greatest Shī‘ite 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 shadhdha, wa tarakah al-ḥuffāz*).<sup>3</sup> Al-Nasā‘ī said, “He is neglected.”<sup>4</sup> Al-Bukhārī said, “Yaḥyā ibn Ma‘īn neglected him.”<sup>5</sup>

c. Al-Ḥārith al-A‘war<sup>6</sup>

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 Rāfiḍī, and in his narrations there were weaknesses” (*kadhhabah al-Sha‘bī fī ra’yihī, wa rumiya bi al-rafḍ, wa fī ḥadīthih ḍa’f*).<sup>7</sup> Al-Dhahabī said, “a weak Shī‘ite” (*shī‘īyyun layyin*). Al-Nasā‘ī said, “not strong”.<sup>8</sup>

d. Al-Jarrāḥ ibn al-Minhāl

Ibn Ḥazm said, “a liar”,<sup>9</sup> “a liar famous for hadith fabrication.”<sup>1</sup> Al-Bukhārī said, “a denounced narrator.”<sup>2</sup> Al-Nasā‘ī said, “a neglected narrator.”<sup>3</sup>

<sup>1</sup> *Al-Muḥallā*, 2:204; 3:62, 242; 7:176, 255, 357, 360; 9:87, 125, 133, 207, 294, 413; 10:61, 121, 242, 378, 379.

<sup>2</sup> *Taqrīb*, 1:123(17).

<sup>3</sup> *Kāshif*, 1:288.

<sup>4</sup> *Matrūkūn*, 163(98).

<sup>5</sup> *Ḍu‘afā*, 29(49).

<sup>6</sup> *Al-Muḥallā*, 5:21; 6:70; 7:55, 375, 484; 9:322; 10:180, 396.

<sup>7</sup> *Taqrīb*, 1:141(40).

<sup>8</sup> *Kāshif*, 1:303.

<sup>9</sup> *Al-Muḥallā*, 6:61.

e. Ṭalḥa ibn ‘Umar al-Makkī

Ibn Ḥazm said, “a liar”,<sup>4</sup> “notorious for outrageous lies” (*mashhūr bi al-kadhib al-fāḍih*),<sup>5</sup> “one of the promoters of lies” (*rukn min arkān al-kadhib*).<sup>6</sup>

Ibn Ḥajar said, “neglected”.<sup>7</sup> Al-Dhahabī said, “He is considered weak”, “He was a great memorizer”.<sup>8</sup> Aḥmad said, “nothing”, “a neglected narrator.”<sup>9</sup> Ibn Ma‘īn and al-Dāraquṭnī said, “weak.”<sup>10</sup>

f. Siwār ibn Muṣ‘ab

Ibn Ḥazm said, “mentioned as a liar.”<sup>11</sup> Al-Nasā’ī said, “a neglected narrator.”<sup>12</sup> Al-Bukhārī said, “a denounced narrator”.<sup>13</sup>

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

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

h. Yazīd ibn Sinān

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<sup>1</sup> Ibid., 10:216.

<sup>2</sup> *Ḍu‘afā’*, 30(51); *Kabār*, 2:228(2289).

<sup>3</sup> *Matrūkūn*, 163(103).

<sup>4</sup> *Al-Muḥallā*, 8:

<sup>5</sup> Ibid., 7:384.

<sup>6</sup> Ibid., 9:355.

<sup>7</sup> *Taqrīb*, 1:379(37).

<sup>8</sup> *Kāshif*, 1:514.

<sup>9</sup> *Mughnī*, 1:316(2957).

<sup>10</sup> Ibid.

<sup>11</sup> *Al-Muḥallā*, 7:482.

<sup>12</sup> *Matrūkūn*, 187(258).

<sup>13</sup> *Ḍu‘afā’*, 58(155).

<sup>14</sup> *Al-Muḥallā*, 8:386.

<sup>15</sup> Ibid., 7: 472. For the details on Ibn Ḥabīb see page 76 of this research.

Ibn Ḥazm said, “a well-known liar”.<sup>1</sup> Ibn Ḥajar said, “weak”.<sup>2</sup> Al-Dhahabī said, “Aḥmad considered him weak.”<sup>3</sup>

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

Ibn Ḥazm said, “mentioned as a liar.”<sup>4</sup> Ibn Ḥajar said, “a weak narrator” (*layyin al-ḥadīth*).<sup>5</sup> Al-Bukhārī said, “There were strong suspicions about his narrations” (*fī ḥadīthihi naẓar lā yuḥtamal*).<sup>6</sup> Al-Nasā’ī said, “weak.”<sup>7</sup>

j. Abū Bakr al-Hudhalī

Ibn Ḥazm said, “a notorious liar.”<sup>8</sup> Ibn Ḥajar said, “a story-teller”, “a neglected narrator.”<sup>9</sup> Al-Dhahabī said, “one of the neglected.”<sup>10</sup>

k. Yaḥyā ibn Abī Anīsa

Ibn Ḥazm said, “liar.”<sup>11</sup> Ibn Ḥajar said, “weak.”<sup>12</sup> Al-Dhahabī said, “spoiled.”<sup>13</sup>

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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<sup>1</sup> Ibid., 9:416.

<sup>2</sup> *Taqrīb*, 2:366(265).

<sup>3</sup> *Kāshif*, 2:383.

<sup>4</sup> *Al-Muḥallā*, 10:314.

<sup>5</sup> *Taqrīb*, 1:340(599).

<sup>6</sup> *Ḍu‘afā’*, 57(151).

<sup>7</sup> *Matrūkūn*, 187(259).

<sup>8</sup> *Al-Muḥallā*, 10:354.

<sup>9</sup> *Taqrīb*, 2:401(94).

<sup>10</sup> *Mughnī*, 2:773(7339).

<sup>11</sup> *Al-Muḥallā*, 10:337.

<sup>12</sup> *Taqrīb*, 2:343(19).

<sup>13</sup> *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:

1. Yaḥyā ibn 'Anbasa: Ibn Ḥazm said, "notorious for narrating lies."<sup>1</sup>
2. Ibrāhīm ibn Muḥammad ibn Abī Laylā: Ibn Ḥazm said, "mentioned as a liar."<sup>1</sup>

**Table 3.3 Comparison of Ibn Ḥazm's and other scholars' judgements**

Judgement of narrators	No. of narrators	%
Ibn Ḥazm: "liars" (unidentifiable)	2	5.88
Ibn Ḥazm: "liars" Scholars: various judgements	2	5.88
Ibn Ḥazm: "liars" Scholars: "weak"	11	32.35
Ibn Ḥazm: "liars" Scholars: "liars"	19	55.88

<sup>1</sup> *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.<sup>2</sup> 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‘īn 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*.<sup>3</sup>

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<sup>1</sup> Ibid., 10:204.

<sup>2</sup> Ibid., 2:186.

<sup>3</sup> *Tahdhīb*, 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.

Aḥmad said, “a denounced narrator, he is nothing.” ‘Abd Allāh ibn Aḥmad 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 (*wāhī*) 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-Madīnī and al-Sājī considered him weak. Ibn ‘Abd al-Barr said, “His weakness is unanimous.”<sup>1</sup>

Ibn Ḥazm was obviously mistaken and thought Kathīr ibn Zayd al-Aslamī 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-Aslamī: 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.<sup>2</sup>

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<sup>1</sup> Ibid., 8:421(751).

<sup>2</sup> See the sayings of Ibn Ḥajar in *Tahdhīb* 8:414. And the sayings of Aḥmad 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-Ju'fī to be liar, “The first scholar that judged him as a liar was Abū Ḥanīfa.”<sup>1</sup> 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. ‘Abd Allāh ibn Ziyād ibn Sam‘ān:

Ibn Ḥazm said that Mālik and others considered him to be a liar.<sup>2</sup>

2. Ibrāhīm ibn Muḥammad ibn Abī Yaḥyā:

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

3. Yaḥyā ibn Ayyūb:

Ibn Ḥazm said, “Mālik judged him to be liar.”<sup>4</sup>

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<sup>1</sup> *Al-Muḥallā*, 10:378.

<sup>2</sup> *Ibid.*, 9:419.

<sup>3</sup> *Ibid.*

<sup>4</sup> *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."<sup>1</sup> Mālik said, "We used to accuse him of being a liar."<sup>2</sup>

2. Al-Ḥusayn ibn 'Abd Allāh ibn Ḍamīra:

Ibn Ḥazm described him as a liar.<sup>3</sup> Mālik considered him to be a liar.<sup>4</sup>

3. Yazīd ibn Ayyūb ibn Ju'duba

Ibn Ḥazm said, "a liar", "mentioned as a liar."<sup>5</sup> Mālik considered him to be a liar.<sup>6</sup>

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:

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<sup>1</sup> Ibid., 1:142; 4:217.

<sup>2</sup> *Mẓān*, 3:617(7826).

<sup>3</sup> *Al-Muḥallā*, 1:216.

<sup>4</sup> *Lisān*, 2:289.

<sup>5</sup> *Al-Muḥallā*, 7:123; 8:487; 9:322; 10:61,181.

<sup>6</sup> *Taqrīb*, 2:369(305).

1. “One of the promoters of lies” (*‘amūd min a‘midat al-kadhib*): used for one narrator.<sup>1</sup>
2. “Notorious for lying” (*mashhur bi al-kadhib*): used for 10 narrators.<sup>2</sup>
3. “Liar” (*kadh dhāb*): used for 10 narrators.<sup>3</sup>
4. “Known to be a liar” (*‘urifa bi al-kadhib*): used for 3 narrators.<sup>4</sup>
5. Mentioned as a liar (*ittuhima bi al-kadhib*): used for 18 narrators.<sup>5</sup>

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-Muḥallā* 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

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<sup>1</sup> *Al-Muḥallā*, 9:355.

<sup>2</sup> *Ibid.*, 1:261; 2:32, 204; 3:62, 242; 7:176, 255, 357, 360; 8:171; 9:87, 125, 133, 207, 294, 413; 10:61, 121, 242, 378, 379; 7:379; 9:495; 7:384; 9:355; 7:485; 8:178, 263; 10:354; 6:61, 10:216.

<sup>3</sup> *Ibid.*, 1:142; 4:217; 2:186; 7:286, 287; 4:217, 7:4, 272, 485; 9:6, 207, 419; 10:48, 209, 293; 5:21; 6:70; 7:55; 9:322; 10:180, 396; 7:123; 8:487; 9:322; 10:61, 181; 9:87, 419; 10:234, 269, 298, 377.

<sup>4</sup> *Ibid.*, 2:12, 2:35, 9:416.

<sup>5</sup> *Ibid.*, 1:231; 8:341; 1:265; 2:75, 150; 7:472; 8:414; 9:176; 2:183; 7:372, 472; 8:386; 7:482; 10:203, 204.

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. **Yaḥyā ibn Ayyūb**: Ibn Ḥazm often describes him as weak.<sup>1</sup> However, when he classifies him as a liar, he uses Mālik's statement without indicating his agreement with this judgement.<sup>2</sup> 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,<sup>3</sup> and often refers to him as weak.<sup>4</sup>

From the above two examples we can conclude that he may be excused in his judgement of Yaḥyā 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.

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<sup>1</sup> Ibid., 1:88, 6:72, 7:37.

<sup>2</sup> Ibid., 7:440; 9:11,486,530.

<sup>3</sup> Ibid., 7:472, 8:386.

<sup>4</sup> Ibid., 2:39, 189, 247; 5:221, 223; 7:60, 123, 518; 9:47, 58, 61, 176, 310; 10:80, 113, 349.

**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 Shī'īte

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

1. Abū 'Abd Allāh al-Jadhālī: Ibn Ḥazm said, "the leader of the troops of an unbeliever (*al-kāfir*), al-Mukhtār, his narration is unreliable."<sup>1</sup> This phrase from Ibn Ḥazm means that he considers Abū 'Abd Allāh to be a strict Shī'īte.<sup>2</sup>
2. Jābir al-Ju'fī: Ibn Ḥazm said, "the famous liar in saying that 'Alī ibn Abī Ṭālib will come back,"<sup>3</sup> "famous as a liar, his religion is corrupt; he says that 'Alī will come back."<sup>4</sup>
3. Abū Yaḥyā Muṣadda' al-A'raj: Ibn Ḥazm said, "vilified, strongly Shī'īte."<sup>5</sup>

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<sup>1</sup> Ibid., 2:89: a number of scholars considered him trustworthy, for example, Aḥmed and Ibn Ma'in..

<sup>2</sup> 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-Mukhtār ibn Abī 'Ubayd, who was the Amīr of al-Kūfa. He sent him troops under the leadership of Abī 'Abd Allāh al-Jadhālī 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. *Tahdhīb*, 12:148 (706).

<sup>3</sup> *Al-Muḥallā*, 3:62.

<sup>4</sup> Ibid., 10:61.

<sup>5</sup> Ibid., 9:388.

4. Al-Ḥārith ibn Ḥaṣīra: Ibn Ḥazm said, “rejected, and this Ibn Ḥaṣīra is a Shī‘īte and says ‘Alī will come back to this world.’”<sup>1</sup>

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 *Shī‘īes*. Such as:

1. Ibrāhīm ibn Abī Yaḥyā: Ibn Ḥazm said, “mentioned as a liar”, “a liar.”<sup>2</sup> Al-Dhahabī said, “A number of scholars abandoned him and others considered him to be weak for being *Shī‘īe* and *Qadarīe*.”<sup>3</sup>
2. Al-Ḥārith al-A‘war: Ibn Ḥazm said, “liar”, “mentioned as a liar.”<sup>4</sup> Ibn Ḥajar said, “accused of being a Shī‘īte.”<sup>5</sup> Al-Dhahabī said, “mild *Shī‘īe*.”<sup>6</sup>
3. ‘Alī ibn ‘Āṣim: Ibn Ḥazm said, “He is nothing.”<sup>7</sup> Ibn Hajar said, “honest, insists on his mistakes, accused of being a *Shī‘īe*.”<sup>8</sup>
4. ‘Alī ibn al-Ja‘d: Ibn Ḥazm said, “He is not strong.”<sup>9</sup> Ibn Ḥajar said, “He is trustworthy, accused of being a Shī‘īte.”<sup>10</sup>

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<sup>1</sup> Ibid., 10:316.

<sup>2</sup> Ibid., 2:714.

<sup>3</sup> *Mughnī*, 1:4 (157).

<sup>4</sup> *Al-Muḥallā*, 5:21; 6:70; 7:55, 375, 484; 9:322; 10:180, 396.

<sup>5</sup> *Taqrīb*, 1:141(40).

<sup>6</sup> *Kāshif*, 1:303.

<sup>7</sup> *Al-Muḥallā*, 5:116.

<sup>8</sup> *Taqrīb*, 2:39(366).

<sup>9</sup> *Al-Muḥallā*, 5:126.

<sup>10</sup> *Taqrīb*, 2:33(303).

5. Ajlaḥ ibn ‘Abd Allāh ibn Ḥujayya: Ibn Ḥazm said, “He is not strong.”<sup>1</sup> Ibn Ḥajar said, “He is an honest *Shī‘īte*.”<sup>2</sup>
6. Muḥammad ibn al-Sā’ib al-Kalbī: Ibn Ḥazm said, “He is a famous liar.”<sup>3</sup> 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.”’<sup>4</sup>
7. Ibn Abī Sabra: Ibn Ḥazm said, “He is famous for Ḥadīth fabrication and lying.”<sup>5</sup> Muṣ‘ab al-Zubayrī said, “He was knowledgeable, deeply *Shī‘īte*.”<sup>6</sup>
8. Fiṭr ibn Khalīfa: Ibn Ḥazm said, “He is weak.”<sup>7</sup> Ibn Ḥajar said, “He is honest, accused of being a *Shī‘īte*.”<sup>8</sup>
9. ‘Aṭīyya al-‘Awfī: Ibn Ḥazm said, “He is weak, should not be referred to, his weakness is unanimous.”<sup>9</sup> Ibn ‘Adī said, “He was considered to be with the *Shī‘ītes of al-Kūfa*.”<sup>1</sup>

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

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<sup>1</sup> *Al-Muḥallā*, 7:396.

<sup>2</sup> *Taqrīb*, 1:49(323).

<sup>3</sup> *Al-Muḥallā*, 5:485.

<sup>4</sup> *Tahdhīb*, 9:178(266).

<sup>5</sup> *Al-Muḥallā*, 8:263.

<sup>6</sup> *Taqrīb*, 2:397(51).

<sup>7</sup> *Al-Muḥallā*, 9:148.

<sup>8</sup> *Taqrīb*, 2:114(77).

<sup>9</sup> *Al-Muḥallā*, 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."<sup>2</sup> Ibn Ḥajar said, "He is honest, poor at memorization, accused of being a *Qadarī*."<sup>3</sup>
2. 'Abd al-Ḥamīd ibn Ja'far: Ibn Ḥazm said, "He is not strong."<sup>4</sup> Ibn Ḥajar said, "He is honest, accused of being a *Qadarī*."<sup>5</sup> Al-Dhahabī said, "He is trustworthy, but al-Thawrī accused him of being a *Qadarī*."<sup>6</sup>
3. Ibrāhīm ibn Ṭahmān: Ibn Ḥazm said, "He is weak."<sup>7</sup> Ibn Ḥajar said, "He is trustworthy with strange speech, a *Murji'ī*, and it is said that he abandoned *al-irjā'*."<sup>8</sup> Al-Dhahabī said, "He is one of Islam's scholars, *Murji'ī*, Aḥmad and Abū Ḥātim considered him to be trustworthy."<sup>9</sup>

### 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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<sup>1</sup> *Tahdhīb*, 7:22(413).

<sup>2</sup> *Al-Muḥallā*, 1:231.

<sup>3</sup> *Taqrīb*, 2:331(34).

<sup>4</sup> *Al-Muḥallā*, 5:89.

<sup>5</sup> *Taqrīb*, 1:467(807).

<sup>6</sup> *Kāshif*, 1:614.

<sup>7</sup> *Al-Muḥallā*, 10:277.

<sup>8</sup> *Taqrīb*, 1:36(215).

<sup>9</sup> *Kāshif*, 1:214.

1. Al-Ḥajjāj ibn Arṭa'a: Ibn Ḥazm mentioned him 41 times.<sup>1</sup> He judged him in different terms, for example, "unacceptable" (*hālik*), "rejected" (*sāqit*), "weak." It was narrated about al-Ḥajjāj ibn Arṭa'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.<sup>2</sup> It is obvious that Ibn Ḥazm passed judgement on al-Ḥajjāj ibn Arṭa'a for his conceit, even though he was a judge.<sup>3</sup>
2. 'Abd al-Raḥmān 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."<sup>1</sup> 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 Hazm'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

<sup>1</sup> *Al-Muḥallā*, 2:13; 5:37, 219, 243; 6:182; 7:4, 37, 115, 138, 166, 178, 272, 302, 360, 365, 486; 9:192, 229, 322, 359, 398, 403, 412, 414, 432, 434, 469, 496, 501, 533; 10:61, 135, 209, 229, 345, 397, 399.

<sup>2</sup> *Ibid.*, 7:486.

<sup>3</sup> *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 khayr fīhim*). 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

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<sup>1</sup>*Al-Muḥallā*, 8:368.

the above is rejected because he was unjust, a cheater of the Muslims by allowing himself to commit this sin.<sup>1</sup>

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. Yaḥyā ibn Abī Kathīr: Ibn Ḥazm rejected his narration and said that he was “*mudallis* (deceitful).”<sup>2</sup> Despite his high position, Ibn Ḥajar said that he was “Trustworthy (*thiqa*), versed (*thabt*), but he used to deceive.”<sup>3</sup>
2. Abū Janāb Yaḥyā ibn Abī Ḥayya al-Kalbī: Ibn Ḥazm said, “Yaḥyā al-Qaṭṭān and ‘Abd al-Raḥmān ibn Maḥdī refused narrating from him, and declared him weak and mentioned that he was *mudallis*.”<sup>4</sup>
3. Abū al-Zubair: Ibn Ḥazm said that he was “*mudallis*, his narration from Jābir is false (*Mudallis fī Jābir mā lam yaqulh*).”<sup>5</sup> 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.”<sup>1</sup> Ibn Ḥazm repeated this statement many times. He explained that if Abū al-Zubayr had narrated this narration from

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<sup>1</sup> *Iḥkām*, 1:141-2.

<sup>2</sup> *Al-Muḥallā*, 1:258; 7:513.

<sup>3</sup> *Taqrīb*, 2:356(158).

<sup>4</sup> *Al-Muḥallā*, 8:482.

<sup>5</sup> *Ibid.*, 2:39; 7:364, 395, 396, 408, 419; 9:11, 102, 305, 310, 451; 10:97.

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.<sup>2</sup> Notwithstanding this, he referred to a narration of Abū al-Zubayr from Jābir containing a declaration of having heard it.<sup>3</sup>

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

1. Baqiyya ibn al-Walīd: Ibn Ḥazm said about him “he is weak, not strong.”<sup>4</sup> Ibn Ḥibbān said that he was “trustworthy, honest (*ma'mūn*), but was deceptive.”<sup>5</sup> Ibn Ḥajar said that he was “honest, with abundant deception from the weak narrators.”<sup>6</sup>
2. ‘Alī ibn Ghurāb: Ibn Ḥazm said that he was “weak.”<sup>7</sup> Ibn Ḥajar described him as deceitful.<sup>8</sup>

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<sup>1</sup> Ibid., 2:39.

<sup>2</sup> Ibid., 7:364, 395, 408, 419; 9:11, 102, 305, 310, 451; 10:97.

<sup>3</sup> Ibid., 7:408.

<sup>4</sup> Ibid., 1:231; 2:71,181; 5:232; 6:11; 7:379; 9:310, 499; 10:77, 203.

<sup>5</sup> *Tahdhīb*, 1:473(878).

<sup>6</sup> *Taqrīb*, 1:105(108).

<sup>7</sup> *Al-Muḥallā*, 9:458.

<sup>8</sup> *Taqrīb*, 2:42(394).

3. Ḥajjāj ibn Arṭa'a: Ibn Ḥazm said that he was “*hālik* (unacceptable)”,<sup>1</sup> “*sāqiṭ* (rejected)”,<sup>2</sup> “weak.”<sup>3</sup> Ibn Ḥajar said that he was “honest with many mistakes and much deception.”<sup>4</sup>
4. Mubārak ibn Faḍāla: Ibn Ḥazm said about him “he is not strong.”<sup>5</sup> Ibn Ḥajar said that he was “honest but *mudallis*.”<sup>6</sup>
5. Abū Khālid al-Dālānī: Ibn Ḥazm said about him “he is not strong.”<sup>7</sup> Ibn Hajar said that he was “honest, but makes many mistakes and is *mudallis*.”<sup>8</sup>

### **Refusal to accept a narrator who accepted *talqīm* (prompting)**

*Talqīm* (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.”<sup>9</sup> Ibn Ḥazm said: “If someone is proved to have accepted prompting even once, his narrations cannot be accepted”.<sup>10</sup> In the *al-Muḥallā* only one narrator is mentioned whom Ibn Ḥazm describes as having accepted prompting,

<sup>1</sup> *Al-Muḥallā*, 7:365; 8:414; 9:192, 229.

<sup>2</sup> *Ibid.*, 2:13; 7:4,115, 272, 360.

<sup>3</sup> *Ibid.*, 7:166.

<sup>4</sup> *Taqrīb*, 1:152(145).

<sup>5</sup> *Al-Muḥallā*, 8:182.

<sup>6</sup> *Taqrīb*, 2:227(904).

<sup>7</sup> *Al-Muḥallā*, 1:226.

<sup>8</sup> *Taqrīb*, 2:416(4).

<sup>9</sup> *Iḥkām*, 1:142.

<sup>10</sup> *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 ‘Ikrima.<sup>1</sup>
2. Two narrations whose chain were not mentioned by Ibn Ḥazm.<sup>2</sup>
3. Six narrations had narrators other than rejected by Ibn Ḥazm.<sup>3</sup>
4. One narration was judged as having an incomplete chain<sup>4</sup>.
5. One narration was narrated by Abū al-Aḥwaṣ from Samāak from ‘Alqama ibn Wā’il ibn Ḥujr.<sup>5</sup>
6. Finally, one narration was narrated by Shu‘ba from Sammāk from ‘Alqama ibn Wā’il.<sup>6</sup>

Ibn Ḥazm rejected all of these narrations because Sammāk had accepted *talqīm* (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-Nasā’ī 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 Ma‘īn was asked, what was wrong with him. He

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<sup>1</sup> *Al-Muḥallā*, 1:214; 6:237; 9:63.

<sup>2</sup> *Ibid.*, 7:482,489.

<sup>3</sup> *Ibid.*, 7:452, 471, 488.

<sup>4</sup> *Ibid.*, 7:303.

<sup>5</sup> *Ibid.*, 9:390.

<sup>6</sup> *Ibid.*, 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 *muḍṭarib* (shaky).” Ya‘qūb ibn Shayba said, “His narration from ‘Ikrima in particular is *muḍṭarib*, although valid from others than ‘Ikrima, and he is not a verifier (*laysa min al-mutathabbitīn*). Whoever heard from him in the past, such as Shu‘ba and Sufyān, their narrations from him are valid.<sup>1</sup>

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,<sup>2</sup> who described Sammāk as accepting prompting. Shu‘ba narrated that narration from Sammāk because he

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<sup>1</sup> *Tahdhīb*, 4:232(395).

<sup>2</sup> *Al-Muḥallā*, 7:175.

knew that it was before Sammāk's memory failed and he started to accept prompting.<sup>1</sup>

### **Mental refusal**

The methodology of Ibn Ḥazm in his Judgement of a mentally disturbed narrator (*al-mukhtaliṭ*) 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. 'Abd al-Bāqī ibn Qāni': Ibn Ḥazm said about him: "he became mentally confused one year before his death."<sup>2</sup>
2. 'Aṭā' ibn al-Sā'ib: Ibn Ḥazm rejected all that he mentioned from him, because he judged him to be mentally confused, commenting as follows: "Jarīr ibn 'Abd al-Ḥamīd did not hear any narrations from 'Aṭā' until after 'Aṭā' became mentally confused; this is known by Ḥadīth scholars";<sup>3</sup> Ibn Fuḍayl did not hear any

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<sup>1</sup> 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-Ṭayālisī, Aḥmad and Ibn Mājah. See *al-Muḥallā*, 1:175(2).

<sup>2</sup> *Al-Muḥallā*, 6:168.

<sup>3</sup> *Ibid.*, 2:268.

narrations from ‘Aṭā’ ibn al-Sā’ib until after he became mentally confused”;<sup>1</sup> “Ibn Jurayj did not hear any narrations from ‘Aṭā’ ibn al-Sā’ib until after ‘Aṭā’ became mentally confused.”<sup>2</sup>

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”.<sup>3</sup> 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.”<sup>4</sup>

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.<sup>5</sup> He commented, “We do not know anyone who criticized Hilāl ibn Khabbāb except that Yaḥyā 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 Yaḥyā, therefore, without any doubt Hushaym’s meeting with Hilāl was before Hilāl became mentally confused.”<sup>1</sup>

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

### **His independence in judging narrators**

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<sup>1</sup> Ibid., 7:396.

<sup>2</sup> Ibid., 9:248.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., 7:423.

<sup>5</sup> Ibid., 5:278.

In his book *al-Muḥallā* 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.”<sup>2</sup> Al-Quṭb al-Ḥalabī said: “no one conduced him weak before Ibn Ḥazm.”<sup>3</sup>

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

Ibn Ḥazm said he was “weak.”<sup>4</sup> Ibn Ḥajar said in his comments on Ibn Ḥazm's judgement “no one preceded him in this.”<sup>5</sup>

3. Ṭalq ibn Ghannām:

Ibn Ḥazm said that he was “weak.”<sup>6</sup> Ibn Ḥajar said, “Abū Muḥammad ibn Ḥazm alone said that he was weak.”<sup>1</sup>

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<sup>1</sup> Ibid., 5:279.

<sup>2</sup> Ibid., 6:250

<sup>3</sup> *Tahdhīb*, 9:127(178).

<sup>4</sup> *Al-Muḥallā*, 7:372.

<sup>5</sup> *Tahdhīb*, 9:294(488).

<sup>6</sup> *Al-Muḥallā*, 7:518; 8:182.

4. Sa'īd ibn Abī Hilāl:

Ibn Ḥazm said that he was “not strong.”<sup>2</sup> Ibn Ḥajar said, “he was honest; I have not seen anyone who preceded Ibn Ḥazm in considering him weak.”<sup>3</sup> 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.”<sup>4</sup>

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

Ibn Ḥazm said, “he narrated pure lies from trustworthy sources.”<sup>5</sup> In another instance he said, “he has been mentioned as a liar.”<sup>6</sup> Ibn 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.”<sup>7</sup> The most that can be said about Ibn Ḥabīb is that he used to narrate from other narrators' books and make mistakes.<sup>8</sup> Thus was owing to being poor at memorization.<sup>9</sup> 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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<sup>1</sup> *Tahdhīb*, 5:33(52).

<sup>2</sup> *Al-Muḥallā*, 2:269.

<sup>3</sup> *Taqrīb*, 1:307(274).

<sup>4</sup> *Mīzān*, 2:162(3290).

<sup>5</sup> *Al-Muḥallā*, 7:472.

<sup>6</sup> *Ibid.*, 8:386.

<sup>7</sup> *Tahdhīb*, 6:390(736)

<sup>8</sup> *Ibid.*

<sup>9</sup> *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-Bāqī ibn Qāni<sup>1</sup> and Muḥammad ibn al-Qāsim ibn Sha‘bān.<sup>2</sup> He said, “We reviewed their narrations and found them to contain pure lies and great scandals.”<sup>3</sup>

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.<sup>4</sup>

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-Dhahabī said, was an Imam in the study of Ḥadīth and his judgement of the narrators is significant.<sup>1</sup>

### **Ibn Hazm’s strictness in rejection**

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

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<sup>1</sup> *Al-Muḥallā*, 6:168, 173; 7:38; 9:36, 231; 10:62, 165, 379.

<sup>2</sup> *Ibid.*, 9:57.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

1. **Obstinacy in rejection:** This group rejected a narrator for two or three errors, for example, Shu‘ba and Ibn Ma‘īn. Ḥadīth scholars said that if a narrator was conducted 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-Dāraquṭnī.<sup>2</sup> 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.”<sup>3</sup> 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 Ḥibbān, while al-‘Uqaylī said that he

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<sup>1</sup> *Dhikr man Yu‘tamad*, 200(565).

<sup>2</sup> *Al-Raf‘ wa al-Takmīl*, 283.

<sup>3</sup> *Al-Muḥallā*, 8:120.

was “Not a bad narrator.”<sup>1</sup> Ibn Ḥajar said, “Ibn Ḥazm says that narration from him is forbidden.”<sup>2</sup> 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 (*Amr*) 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.”<sup>3</sup>

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”,<sup>4</sup> “he was spoken of as weak”,<sup>5</sup> “weak.”<sup>6</sup>

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

<sup>1</sup> *Tahdhīb*, 3:136(259).

<sup>2</sup> This statement is not in *al-Muḥallā*; it could be in *al-Īṣāl*, which is one of missing books of Ibn Ḥazm.

<sup>3</sup> *Tahdhīb*, 3:136.

<sup>4</sup> *Al-Muḥallā*, 1:22.

<sup>5</sup> *Ibid.*, 7:377.

<sup>6</sup> *Ibid.*, 10:66.

retreated and did not listen to him.<sup>1</sup> 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).<sup>2</sup> In addition Ibn Ma‘īn authenticated (*waththaqa*) al-Minhāl.<sup>3</sup>

2. Al-Ḥārith ibn Muḥammad ibn Abī Usāma:

Ibn Ḥazm said, “his narration is neglected.”<sup>4</sup> Al-Dhahabī said he was “knowledgeable in Ḥadith, and had a high level of chains (*‘ālī al-sanad*)”,<sup>5</sup> he was spoken of (that is, he was conducted 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.”<sup>6</sup> Taking money for narration does not conduce the narrator weak unanimously;<sup>7</sup> al-Dhahabī and al-Dāraquṭnī had already declared their acceptance of al-Ḥārith.<sup>8</sup>

3. Abū Tumayla Yaḥyā ibn Wāḍiḥ:

Ibn Ḥazm said he was “not strong.”<sup>9</sup> Ibn Ma‘īn disagreed with Ibn Ḥazm and considered him trustworthy; and Aḥmad said, “he is not bad.”<sup>10</sup>

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<sup>1</sup> *Mughnī*, 2:679(645).

<sup>2</sup> *Al-Muḥallā*, 9:55-63.

<sup>3</sup> *Mughnī*, 2:629.

<sup>4</sup> *Al-Muḥallā*, 2:195; 4:67; 7:519, 520; 9:171.

<sup>5</sup> *MẒān*, 1:442(1644)

<sup>6</sup> *Ibid.*

<sup>7</sup> *Tadrīb*, 1:337.

<sup>8</sup> *Muqaddima*, 107.

<sup>9</sup> *Al-Muḥallā*, 10:398.

<sup>10</sup> *Mughnī*, 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-Qurashī:

Ibn Ḥazm said he was "weak."<sup>1</sup> Ibn Ḥajar said, "trustworthy, but was conducted as weak when narrating from al-Thawrī."<sup>2</sup> Ibn Ma'īn considered him "Trustworthy."<sup>3</sup> Al-Dhahabī said he was "Famous for being trustworthy." Ibn Sa'd said, "he possesses some weakness, but he is quite good."<sup>4</sup> 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",<sup>5</sup> "weak."<sup>6</sup> Although Ibn Ḥazm explained that Ismā'īl's weakness was in

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<sup>1</sup> *Al-Muḥallā*, 7:483.

<sup>2</sup> *Taqrīb*, 1:53(361).

<sup>3</sup> *Kāshif*, 1:104.

<sup>4</sup> *Mughnī*, 1:66(521).

<sup>5</sup> *Al-Muḥallā*, 1:257.

<sup>6</sup> *Ibid.*, 1:265; 5:176; 7:303, 377, 396, 485, 489; 9:131, 172, 403, 505; 10:37.

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-Nasā'ī said, “Ayyāsh is weak”, Ibn Ḥibbān said, “he should not be referred to.” However, many scholars also differed with Ibn Ḥazm. For example, Ibn Ma‘īn said that Ismā‘īl 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.”<sup>1</sup>

### **Ibn Ḥazm’s uniqueness in conducting scholars as weak**

A typical example is ‘Abd al-Malik ibn Abī Sulaymān al-‘Arzamī: Ibn Ḥazm said that he was “unreliable”,<sup>2</sup> “neglected”,<sup>3</sup> “very weak.”<sup>1</sup> The judgement of other scholars was different. Ibn Ḥajar said that al-‘Arzamī was “One of the famous scholars; many scholars narrated from him, for example, Shu‘ba, 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-‘Ijlī said that he was “Trustworthy, and versed in Ḥadīth.” Al-Nasā'ī said that he was “Trustworthy.” Abū Zur‘a said that he was quite good. Ibn Sa‘d 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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<sup>1</sup> *Mughnī*, 1:85(697).

<sup>2</sup> *Al-Muḥallā*, 3:231.

<sup>3</sup> *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.”<sup>2</sup>

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.”<sup>3</sup>

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 condescend to 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.”<sup>4</sup> 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”,<sup>5</sup> “neglected”<sup>6</sup> and “very weak”,<sup>7</sup> 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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<sup>1</sup> Ibid., 8:267.

<sup>2</sup> *Tahdhīb*, 6:396(848).

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> *Al-Muḥallā*, 3:231.

<sup>6</sup> Ibid., 6:27; 10:73.

<sup>7</sup> 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, Islām, 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 ḥifẓihi ḍa'f*). Others used decisive terms, for example, "very

weak” (*ḍa‘f jiddan*), “unacceptable” (*hālik*). 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-ḥadīth*): he used this only once.<sup>1</sup>
2. “Poor at memorization” (*sayyi’ al-ḥifẓ*): he used this in his judgement of two narrators, Muḥammad ibn Abī Laylā<sup>2</sup> and Māṭar al-Warrāq.<sup>3</sup>
3. “Spoken of as being weak” (*mutakallam fīhi*): he used this description for three narrators, Muḥammad ibn Rāshid,<sup>4</sup> Fulayh ibn Sulaymān<sup>5</sup> and Abū Bakr ibn Abī Uways.<sup>6</sup>

### **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:

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<sup>1</sup> Ibid., 6:249.

<sup>2</sup> Ibid., 5:223; 10:66, 356, 362, 397, 399; 9: 201, 469; 7: 23, 138, 360, 377, 419, 489; 6: 71.

<sup>3</sup> Ibid., 5:110; 10:306, 391.

<sup>4</sup> *Al-Muḥallā*, 10:118.

<sup>5</sup> Ibid., 9:69.

<sup>6</sup> Ibid., 3:273; 4:137; 7:384.

1. Decisive expressions: “weak” (*ḍa‘if*),<sup>1</sup> “very weak” (*ḍa‘if jiddan*),<sup>2</sup> “unacceptable” (*hālik*),<sup>3</sup> “rejected” (*sāqit*),<sup>4</sup> “spoiled” (*tālif*).<sup>5</sup> These were used in addition to other terminology.
2. Expressions indicating the scholars’ agreement in rejecting a narrator: “abandoned unanimously” (*muṭṭarah bi ittifāq*),<sup>6</sup> “weak and unanimously abandoned” (*ḍa‘if bi ittifāq muṭṭarah*),<sup>7</sup> “rejected and unanimously abandoned” (*sāqit muṭṭarah bi’ijmā’*),<sup>8</sup> and “in agreement about his weakness” (*muttafaq ‘alā ḍa‘fih*).<sup>9</sup>
3. Ibn Ḥazm’s judgement of the sanctity of a narrator’s narration: “his narration should not be referred to” (*lā yajūz al-iḥtijāj bi riwāyatih*),<sup>10</sup> “narration from him is forbidden” (*lā taḥill al-riwāya ‘anhu*).<sup>1</sup>

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

<sup>1</sup> Ibid., 1:231, 265; 2:13, 71, 180; 3:62, 214; 4:13, 217; 5:84, 165; 6:79, 120; 7:23, 419; 8:74, 182; 9:57, 69, 246; 10:37, 319.

<sup>2</sup> Ibid., 2:13; 7:488; 8:178; 9:215.

<sup>3</sup> Ibid., 2:13; 7:231, 433; 9:439.

<sup>4</sup> Ibid., 1:116; 2:189; 3:231; 4:154; 7:402; 8:7; 9:409.

<sup>5</sup> Ibid., 9:439.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., 7:484 .

<sup>8</sup> Ibid., 6:61.

<sup>9</sup> Ibid., 7:484.

<sup>10</sup> 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 ḍa'fihī*).<sup>2</sup> When we review the judgements by Ḥadīth scholars, we find that those of Yaḥyā's weakness were not unanimous, although many concluded 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 yakūn ṣadūqan*), and, on a third occasion, "unobjectionable" (*laysa bihi ba's*). 'Abd Allāh ibn 'Alī ibn al-Madīnī said, "he suffered from paralysis, and then his ability to memorize altered" (*kāna falaja fa taghayyara ḥifẓuh*). 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 ṣadūqan kathīr al-ḥadīth, wa innamā ankara 'alayhi aṣḥābunā kathrat al-ghalaṭ, wa laysa bi ḥujja*

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<sup>1</sup> Ibid., 7:303.

<sup>2</sup> Ibid., 7:484.

*idhā khūlif*). Al-‘Ijlī said that he was “honest, but his ability to memorize altered”

(*ṣadūq taghayyara ḥifzuh*).<sup>1</sup>

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

## 2. ‘Aṭīyya al-‘Awfī:

Ibn Ḥazm said that he was “unacceptable” (*hālik*),<sup>3</sup> “weak, not an authoritative source” (*ḍa ‘if lā yuḥtajj bihi*),<sup>4</sup> “there is a general agreement about his weakness”

(*muttafaq ‘alā ḍa fīhi*).<sup>5</sup> The scholars’ judgements of him varied. Aḥmad said

that he was a “weak narrator” (*ḍa ‘if al-ḥadīth*). Al-Nasā’ī said, “he is weak”

(*ḍa ‘if*). Abū Ḥātim said, “he is weak, although his narration could be written”

(*ḍa ‘if yuktab ḥadīthuh*). Abū Zur‘a said, “he is not good in narrating” (*layyin*).

Ibn Ma‘īn said, “he is valid” (*ṣāliḥ*).<sup>1</sup>

According to the above assessments, ‘Aṭīyya may be classed in level 2 of the rejection levels. However, Ibn Ḥazm considered him *hālik* (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.

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<sup>1</sup> *Tahdhīb*, 11:306(589).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Al-Muḥallā*, 7:419, 482.

<sup>4</sup> *Ibid.*, 10: 261.

<sup>5</sup> *Ibid.*, 10:309.

3. Tawba al-‘Anbarī:

Ibn Ḥazm said that he was “weak, there was general agreement about his weakness” (*ḍa‘īf muttafaq ‘alā ḍa‘īfihi*).<sup>2</sup> Al-Azdī said that he was a “denounced narrator” (*munkar al-ḥadīth*). It is narrated that Ibn Ma‘īn considered him weak. However, on the other hand Abū Ḥātim, al-Nasā’ī and Ibn Ḥibbān considered him trustworthy.<sup>3</sup>

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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<sup>1</sup> *Tahdhīb*, 7:224(413).

<sup>2</sup> *Al-Muḥallā*, 10:151.

<sup>3</sup> *Tahdhīb*, 1: 515(960).

**Chapter Five: Ibn Ḥazm's criticism of the  
chain and text**

## The chain in the view of the Ḥadīth scholars

The chain of authority (*isnād*) 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."<sup>1</sup> However, *mursal* could have a broader meaning, as was demonstrated by al-Āmidī when he noted that it applies to whoever did not meet the Prophet, and he is trustworthy, the Messenger of Allāh said.<sup>2</sup>

*Mursal aḥādīth* are accepted by Mālik and Aḥmad ibn Ḥanbal.<sup>3</sup> The Ḥanafītes accept the Companions' *mursal* ḥadīths and the *mursal* ḥadīths of the people from the second and third century.<sup>1</sup> Al-Shāfi'ī, however, did not accept *mursal* ḥadīths except with at least one of the following conditions:

- a. that the *mursal* ḥadīth is from a Companion;
- b. that it is linked by someone other than the person who narrated it as a *mursal* ḥadīth;

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<sup>1</sup> *Tadrīb*, 1:195.

<sup>2</sup> *Iḥkām*, Āmidī, 2:177.

<sup>3</sup> *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 *marāsīl* of Sa'īd ibn al-Musayyib.<sup>2</sup>

*Mursal ḥadīths* are considered weak according to the majority of Ḥadīth scholars and jurists.<sup>3</sup>

2. *Al-munqaṭī'* (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.<sup>4</sup> 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-munqaṭī'*) is one in which the chain is incomplete (*inqiṭā'*) in any direction, whether the person omitted is a Companion or not. They also insist that *munqaṭī'* and *mursal* are the same.<sup>5</sup>

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<sup>1</sup> *Qafw*, 67.

<sup>2</sup> *Risāla*, 461-464. For further details of scholars' views on *mursal*, see, *Iḥkām*, 2:177-187; *Tadrīb*, 1:195-207; *Qawā'id Ḥadīth*, 138-159; *Qawā'id Taḥdīth*, 138-141.

<sup>3</sup> *Tadrīb*, 1:189

<sup>4</sup> *Ibid.*, 1:208.

<sup>5</sup> *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.<sup>1</sup>
4. *Mu'allaq* (suspended): This is a ḥadīth from the initial chain of which one or more narrators have been removed.<sup>2</sup> Al-Bukhārī uses this term many times in his authentic collection (*Ṣaḥīḥ*).<sup>3</sup> 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 (*muttaṣil*) 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, “*qāla*” (it was said), “*ruwiya*” (it was narrated), are weak according to Ḥadīth scholars.<sup>4</sup>

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<sup>1</sup> Ibid., 1:211.

<sup>2</sup> Ibid., 1:219.

<sup>3</sup> Ibn Ḥajar continued the transmission in his published book *Taghlīq al-Ta'līq*.

<sup>4</sup> *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 *maqṭū'* 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 *munqaṭi'***

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.<sup>1</sup> 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 *munqaṭi'*. 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."<sup>2</sup>

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

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<sup>1</sup> *Fiṣal*, 1:221.

<sup>2</sup> *Iḥkām*, 2:2.

level. 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.’<sup>1</sup> Indeed a slave girl who accompanied the Prophet apostatised, and so did ‘Uyayna ibn Ḥuṣn, al-Ash‘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).<sup>2</sup> This is the argument of Ibn Ḥazm in his rejection of *mursal*,<sup>3</sup> 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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<sup>1</sup> *Surah al-Tawbah*, 101.

<sup>2</sup> *Iḥkām*, 2:3.

<sup>3</sup> To understand the *mursal*'s defects, with its evidence by Ibn Ḥazm, see, *Iḥkām*, 2:5.

in Islām, and that they might warn their people when they return to them.”<sup>1</sup> 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.’<sup>2</sup> 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.<sup>3</sup> Indeed, Ibn Ḥazm in the above paragraphs explains his objection to the *munqaṭi‘*, where one or more narrators are omitted from the chain, the narrator’s identity is unknown, and the narration cannot be justified.

In *al-Muḥallā* certain other terms are also reported which are classified under *inqiṭā‘*, [unlike *munqaṭi‘* or *mursal*] such as where the narrator says, “*balaghanī* (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, “*Balaghanī* (I was told) that a man came to ‘Uthmān ibn ‘Affān”.<sup>4</sup> Mālik does not report the narrators who were between him and ‘Uthmān. Therefore Ibn Ḥazm said, “This *balāgh* is not valid.”<sup>5</sup> In the statement of ‘Abd al-Malik ibn Ḥabīb al-Andalusī, “*Balaghanī* (I was told) from Ibn ‘Umar that he used to say such

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<sup>1</sup> *Surah al-Tawba*, 122.

<sup>2</sup> *Surah al-Ḥujurāt*, 6.

<sup>3</sup> *Al-Muḥallā*, 1:51

<sup>4</sup> *Ibid.*, 3: 88

<sup>5</sup> *Ibid.*

and such”,<sup>1</sup> 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.”<sup>2</sup> The scholars classified *al-balāgh* under the *mu‘ḍal*.<sup>3</sup>

The total number of narrations that Ibn Ḥazm judged to be *munqaṭi‘* in *al-Muḥallā* are 540.

### **How Ibn Ḥazm proves *inqiṭā‘* (incompleteness) in the chain**

Ibn Ḥazm rejected 540 narrations because of their incomplete chain. He uses various methods to show *inqiṭā‘* in the chain. From a careful scrutiny of these narrations, it is clear that his analysis of *inqiṭā‘* 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.<sup>4</sup>

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<sup>1</sup> Ibid., 8:444.

<sup>2</sup> Ibid., 8:444. And see for more examples, 9:139, 141; 10:48.

<sup>3</sup> *Tadrīb*, 1:217.

<sup>4</sup> *Al-Muḥallā*, 3:174.

2. Ibn Sīrīn did not hear narrations from ‘Umrān ibn al-Ḥusayn.<sup>1</sup>
3. Al-Sha‘bī did not hear narrations from ‘Alī ibn Abī Ṭālib.<sup>2</sup>
4. Makhrama ibn ‘Ubayd did not hear anything from his father.<sup>3</sup>
5. ‘Aṭā’ al-Khurāsānī did not hear anything from ‘Abd Allāh ibn ‘Amr ibn al-‘Āṣ or from any of the Companions, apart from Anas.<sup>4</sup>

**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 ‘Abd Allāh al-Muzanī did not hear it from Abū Sa‘īd, and Allāh knows best from whom he heard it.<sup>5</sup>
2. We indeed demonstrated that al-Sha‘bī did not hear that narration from Ka‘b. Therefore it is *munqaṭī‘*.<sup>6</sup>
3. *Munqaṭī‘* because Ibn Idrīs did not mention that he heard it from Ibn Ishāq.<sup>7</sup>
4. As for Mujāhid’s ḥadīth from Rāfi‘, there is no doubt that he did not hear it from Rāfi‘.<sup>1</sup>

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<sup>1</sup> Ibid., 4:175.

<sup>2</sup> Ibid., 7:488; 8:164.

<sup>3</sup> Ibid., 9:210; 10:346.

<sup>4</sup> Ibid., 9:231.

<sup>5</sup> Ibid., 5:110.

<sup>6</sup> Ibid., 7:210.

<sup>7</sup> 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 ḥadīth about *'aqīqa* (birth-sacrifice, that is, the slaughter of an animal to celebrate the birth of a child).<sup>2</sup>
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.<sup>3</sup>

**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?<sup>4</sup>
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.<sup>5</sup>
3. This is a lie, because Ibrāhīm al-Nakha'ī did not meet Ibn Mas'ūd.<sup>6</sup>
4. Abū al-Zinād 'Abd Allāh ibn Dhakwān did not meet 'Ā'isha. Therefore it is *munqaṭi'*.<sup>1</sup>

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<sup>1</sup> Ibid., 8:222.

<sup>2</sup> Ibid., 8:366; 9:103.

<sup>3</sup> Ibid., 5:126; 8:43; 9:207, 439; 10:60, 151, 271.

<sup>4</sup> Ibid., 2:93.

<sup>5</sup> Ibid., 2:244.

<sup>6</sup> 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*.<sup>2</sup>

**“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 *munqaṭi‘*, because Mūsā ibn Ṭalḥa was too young to understand what Mu‘ādh was saying (*lam yudrikuhu bi‘aqlihi*).<sup>3</sup>
2. Abū Hurayra’s ḥadīth is not an argument. ‘Amr ibn Dīnār never heard narrations from Abū Hurayra, and he was too young to have understood him (*wa lā adrakahu bi‘aqlihi aṣlan*). 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.<sup>4</sup>

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<sup>1</sup> Ibid., 7:234.

<sup>2</sup> Ibid., 8:164.

<sup>3</sup> Ibid., 5:222.

<sup>4</sup> Ibid., 9:131.

3. The narration from Abū Mūsā al-Ash‘arī is *munqaṭī‘*. Al-Sha‘bī was too young to understand narrations from Abū Mūsā (*al-Sha‘bī lam yudrik Abā Mūsā bi‘aqlihi*).<sup>1</sup>

**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 *inqiṭā‘* 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 ‘Umays, 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.<sup>2</sup>
2. As for the two ḥadīths of al-Mughīra ibn Shu‘ba: one of them was narrated by Ibn Shihāb al-Zuhrī from al-Mughāra, and Ibn Shihāb was not born until long after the death of al-Mughīra.<sup>3</sup>
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.<sup>4</sup>

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<sup>1</sup> Ibid., 10:384.

<sup>2</sup> Ibid., 2:25.

<sup>3</sup> Ibid., 2:114.

<sup>4</sup> 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.<sup>1</sup>
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.<sup>2</sup>

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

This part contains *ṣiyagh al-’adā* (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.”<sup>3</sup>

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<sup>1</sup> Ibid., 7:124.

<sup>2</sup> Ibid., 7:332.

<sup>3</sup> 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.”<sup>1</sup>

**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’.<sup>2</sup> 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-Raḥmān, who was 6 when his father died; and ‘Utba, who was the youngest.”<sup>3</sup>
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.<sup>1</sup> 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

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<sup>1</sup> Ibid., 6:97.

<sup>2</sup> Ibid., 8:369.

<sup>3</sup> Ibid., 8:369.

Jābir?’ He said, ‘Some I heard from him, and some I was told about (*ḥuddithtu ‘anhu*).' I said to him, ‘Identify to me what you heard.’ So he identified to me what I have here.”<sup>2</sup> 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-Baṣrī from Abū Hurayra, and afterwards said, “Al-Ḥasan said, ‘I did not hear it from Abū Hurayra.’”<sup>3</sup>

### **The proof of *inqiṭā’ 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 Nuḥayk from Abū Hurayra from the Prophet. He then said, “It is *munqaṭi’* (incomplete), because Qatāda did not hear it from Bashīr ibn Nuḥayk. He did, however, hear it from al-Naḍr ibn Anas from Bashīr ibn Nuḥayk from Abū Hurayra. This is how we narrated it from Shu‘ba, Sa‘īd ibn Abī ‘Arūba and al-Dastuwā‘ī, all of whom took it from Qatāda, as we stated.”<sup>4</sup>
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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<sup>1</sup> Ibid., 9:11.

<sup>2</sup> Ibid., 9:11.

<sup>3</sup> Ibid., 10:236.

<sup>4</sup> Ibid., 8:179.

she is menstruating?’ The Messenger of Allāh said, ‘You can do anything above the loincloth (*izār*), but do not go below it until she is clean.’” And the same was reported (*ruwiya*) from Abū Ishāq from ‘Umayr, the *mawlā* of ‘Umar.<sup>1</sup> Ibn Ḥazm said, “As for ‘Umar’s ḥadīth, 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 (*ḥaddathanā*) by ‘Abd Allāh ibn Ja‘far al-Makhrāmī,<sup>2</sup> who said, “It was narrated to us by ‘Ubayd Allāh ibn ‘Amr al-Jazarī, from Zayd ibn Abī Anīsa, from Abū Ishāq, from ‘Āṣim ibn ‘Amr, from ‘Umayr *mawlā* of ‘Umar, from the Prophet.” Thus he mentioned the text of this ḥadīth. 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 *inqiṭā‘* 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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<sup>1</sup> Ibid., 2:178.

<sup>2</sup> See Aḥmad Shākir’s statement in the margin of *al-Muḥallā*, 2:178 (no.2).

3. Ibn Ḥazm reported a linked narration (*ḥadīthan muttaṣīlan*) from the evidence of those in disagreement with him, and said that there was *tadlīs* (deception) in it. He then reported his narration that proved the *inqiṭā'*. As for Abū Umāma's ḥadīth, he said, "We have narrated it from Ibn Wahb from Muḥammad ibn 'Amr al-Yāfi'i from a man who narrated to him (*ḥaddathahu*) from Ja'far 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 Ja'far ibn al-Zubayr. Indeed, some people considered it to be deceptive, saying it was from Muḥammad ibn 'Amr from Ja'far. Muḥammad did not, however, meet Ja'far ibn al-Zubayr. So this argument collapses."<sup>1</sup>

### **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

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<sup>1</sup> *Al-Muḥallā*, 2:148.

year 59. Fāṭima was young and she did not meet her, so how could she have learnt anything from her?”<sup>1</sup>

### **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 *marāsīl* of Sa‘īd ibn al-Musayyib who, as al-Shāfi‘ī explained, passed on (*yursil*) only narrations from trustworthy sources.<sup>2</sup> Thus a group of scholars accepted the *marāsīl* of some successors, like al-Sha‘bī, Ibrāhīm al-Nakha‘ī, al-Ḥasan al-Baṣrī and Muḥammad ibn Sīrīn.<sup>3</sup> In addition, the Ḥadīth scholars made exceptions for the *mu‘allaq* (suspended) ḥadīths mentioned in *Ṣaḥīḥ* al-Bukhārī,<sup>4</sup> 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 *munqaṭi‘* 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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<sup>1</sup> Ibid., 10:21.

<sup>2</sup> *Qawā'id Ḥadīth*, 139.

<sup>3</sup> Ibid., 148-157.

<sup>4</sup> *Tadrīb*, 1:219.

clearly, “It is not acceptable and there is no argument to support it.”<sup>1</sup> He said, “The transmissions of Sa‘īd ibn al-Musayyib, al-Ḥasan al-Baṣrī and others are similar: none of them is acceptable.”<sup>2</sup> Thus he rejects any break in the chain, regardless of where it occurs (that is, *munqaṭi‘*, *mursal*, *mu‘allaq*, *mu‘ḍal*), 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 Khālīd narrated it to us.” Ibn Ḥazm said, “This is *munqaṭi‘*, because there is no link between al-Bukhārī and Ṣadaqa ibn Khālīd.”<sup>3</sup> 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 *irsāl* occurred, and there was accordingly no argument against its being *mursal*.<sup>4</sup>

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 (*munqaṭi‘*), or at the end (*mursal*), is not accepted. Indeed, Ibn Ḥazm repeated his statement in many places in *Al-Muḥallā*: “There is no

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<sup>1</sup> *Iḥkām*, 2:2.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Al-Muḥallā*, 9:59.

<sup>4</sup> *Ibid.*, 9:485.

proof in *munqaṭi* ‘ [ḥadīths]’,<sup>1</sup> “There is no proof in *mursal* [ḥadīths]”.<sup>2</sup> When Ibn Ḥazm judged narrations to be *munqaṭi*, 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 (*shuyūkh*) 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 *muttaṣil* (linked) or *munqaṭi* (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

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<sup>1</sup> Ibid., 10:28.

<sup>2</sup> 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.”<sup>1</sup> 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.<sup>2</sup> 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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<sup>1</sup> Ibid., 2:244.

<sup>2</sup> *Tahdhīb*, 10:289(509). See Aḥmad Shākīr’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,<sup>1</sup> al-Nawawī,<sup>2</sup> Ibn Kathīr,<sup>3</sup> al-Suyūṭī<sup>4</sup> Ibn Ḥajar,<sup>5</sup> al-Ṣan'ānī<sup>6</sup> 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 *shudhūd* (anomalies) or an *'illa* (defect).<sup>7</sup> A *shādh* ḥadīth, as defined by al-Shāfi'ī, 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.<sup>1</sup> A *ma'lūl* ḥadīth is a ḥadīth with an error but which might not be immediately obvious to the reader because on the

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<sup>1</sup> *Muqaddima*, 35.

<sup>2</sup> *Tadrīb*, 1:161.

<sup>3</sup> *Ikhtisār*, 43.

<sup>4</sup> *Tadrīb*, 1:161.

<sup>5</sup> *Nukat*, 1:474.

<sup>6</sup> *Tawḍīḥ*, 1:211

<sup>7</sup> *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.<sup>2</sup> The conditional faultless text (*salāmat 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.<sup>3</sup> 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 (*uḍḥiya*) 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."<sup>4</sup>

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<sup>1</sup> Ibid., 68.

<sup>2</sup> *Tadrīb*, 1:254.

<sup>3</sup> See for example: *Maqāyīs* and *Naqd al-Mutūn*.

<sup>4</sup> *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-ḍa’ n*, that is a yearling/ a sheep which is more than 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.”<sup>1</sup> 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.”<sup>2</sup>

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’annasat*) or not. Eating horses and mules is permitted.”<sup>3</sup> 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*).”<sup>4</sup> Ibn Ḥazm says, “There is evidence of fabrication in it because the ḥadīth contains a statement by Khālid ibn

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<sup>1</sup> Ibid., 7:371.

<sup>2</sup> Ibid., 7:372.

<sup>3</sup> Ibid., 7:400.

<sup>4</sup> Ibid., 7:408.

al-Walīd claiming that he was with the Prophet during the invasion of Khaybar.<sup>1</sup> This is invalid because there is no doubt that Khālīd did not embrace Islām until after Khaybar.<sup>2</sup>

3. Ibn Ḥazm says regarding *'umra*,<sup>3</sup> “It is a valid complete grant. The grantee (*mu'ammār*) 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 (*al-mu'ammir*) 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-Shāfi'ī, Aḥmad, their companions and some of our companions.”<sup>4</sup> 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 Mālik, for example, the narration from 'Abd al-Raḥmān ibn Muḥammad ibn Abī Bakr al-Ṣiddīq: “'Ā'isha, Mother of believers, used to grant (*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.”<sup>5</sup> Ibn Ḥazm said, “The report on 'Ā'isha is false, for it is certain that 'Abd al-Raḥmān ibn al-Qāsim, his

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<sup>1</sup> He may mean the detailed narration, because this information was not given in the above narration.

<sup>2</sup> *Al-Muḥallā*, 7:408.

<sup>3</sup> 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 (*a'martuka*) my house, or it is yours, as long as I live (*'umurī*) or as long as you live (*'umuruka*).” *Mu'jam al-Fiqh*, 2:721.

<sup>4</sup> *Al-Muḥallā*, 9:164.

<sup>5</sup> *Ibid.*, 9:166

father al-Qāsim and his grandfather Muḥammad did not inherit from ‘Ā’isha. Nothing actually came to them by way of inheritance because Muḥammad was killed during her lifetime, approximately twenty years before her death. Only ‘Abd Allāh ibn ‘Abd al-Raḥmān ibn Abū Bakr inherited from her, because he was the son of her full brother (*shaqīq*). 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] (*ḥujib*).”<sup>1</sup> Ibn Ḥazm judged this narration to be invalid because:

- a. Muḥammad, the narrator’s grandfather, ‘Ā’isha’s brother, had predeceased her by approximately twenty years.
- b. The nephew who was the son of her full brother (*ibn akh shaqīq*), ‘Abd Allāh ibn ‘Abd al-Raḥmān (both ‘Abd al-Raḥmān and ‘Ā’isha were the children of Abū Bakr and Umm Rūmān), excluded (*yaḥjib*) the nephew who was the son of her half-brother, al-Qāsim ibn Muḥammad, for Muḥammad was ‘Ā’isha’s brother through her father only. His mother, however, was Asmā’ bint ‘Umayy. Therefore, the person who inherited from her was ‘Abd Allāh ibn ‘Abd 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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<sup>1</sup> *Fiqh Islāmī*, 8:345.

resumed marital relations with the wife, he or she died before completing the *'idda'*<sup>1</sup> or after, or if it was a revocable divorce (*talāq raj'ī*)<sup>2</sup> 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.”<sup>3</sup> 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 ‘Alī 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 fīhā*). 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.”<sup>1</sup> 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.

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> *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.’”<sup>2 3</sup> 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).”<sup>4</sup>

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<sup>1</sup> Ibid., 10:228.

<sup>2</sup> 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 *iḥrām* (for Ḥajj or ‘Umrah). And fear Allāh, to Whom you shall be gathered back..

<sup>3</sup> *Al-Muḥallā*, 7:23.

<sup>4</sup> 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.”<sup>1</sup> 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 ruṭab 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.”<sup>2</sup> 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.”<sup>3</sup>

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.

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<sup>1</sup> Ibid., 7:422.

<sup>2</sup> Ibid., 7:423.

<sup>3</sup> Ibid., 7:423.

3. Ibn Ḥazm says, “If *nabīdh*<sup>1</sup> is made from *tamr* (dried dates) or *ruṭab* (fresh ripe dates) or *zahw* (semi-ripe dates) or *busr* (unripe dates) or *zabīb* (raisins) with similar ingredients, or with different ingredients, or a *nabīdh* from one of these is mixed with a similar *nabīdh* or a different *nabīdh* or with a different liquid except water, its consumption is forbidden, whether it intoxicates or not. However, *nabīdh* made from one type of these fruits is lawful. If a *nabīdh* made from one of these five fruits (dried dates, fresh ripe dates, semi-ripe dates, unripe dates or raisins) is mixed with *nabīdh* made from another of these five also, or *nabīdh* is made from two of these fruits, or fresh juice is mixed with *nabīdh*, all of these are lawful, just like *balaḥ* (dates), grape juice, fig *nabīdh*, honey, wheat, barley and others than those which we mentioned, without exception.”<sup>2</sup>

Abū Ḥanīfa endorsed the legality of any two mixtures, and his followers supported him in several narrations.<sup>3</sup> Mālik said that the mixing of any two types was forbidden during the making of the *nabīdh* and afterwards, as was pressed juice, and he did not confine it to a specific ingredient.<sup>4</sup> Among the narrations to which the Mālikītes referred was one narrated from Anas: “The Messenger of Allāh forbade us from combining two things in *nabīdh*, one of which would speed up the fermentation of the other to make the *nabīdh* alcoholic (*mimmā yabghī aḥaduhumā ‘alā ṣāhibihī*).

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<sup>1</sup> *Nabīdh*: is water in which dates and grapes are soaked, which is not yet fermented.

<sup>2</sup> *Al-Muḥallā*, 7:508.

<sup>3</sup> *Ibid.*, 7:511.

<sup>4</sup> *Ibid.*, 7:510.

Anas used to hate *mudhnib*<sup>1</sup> dates for fear that they were two things. Therefore we used to cut them into two.”<sup>2</sup> 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 aḥaduhum ā ‘alā ṣāhibihi* (one of them attacks the other) in *nabīdh*. 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 *nabīdh*, except for the period when the raisins or the dates are boiled alone. The Prophet spoke only the truth.”<sup>3</sup> 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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<sup>1</sup>A date that has begun to ripen at its tail end, so that it looks half *bisr* and half *ruṭab*.

<sup>2</sup> *Al-Muḥallā*, 7:513.

<sup>3</sup> *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.”<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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 waḥsh*) which frightened her, and therefore the Prophet permitted her to move to another house.”<sup>1</sup> 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

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<sup>1</sup> Ibid., 10:282.

<sup>2</sup> *Ṣaḥīḥ Muslim*, Bāb al-muṭallaqa thalāthan lā nafaqa lahā.

<sup>3</sup> *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.”<sup>2</sup> 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 incompatibility.

2. Ibn Ḥazm says, “Whoever kills a believer in *dār al-Islām* (Muslim territory) or in *dār al-ḥarb* (non-Muslim territory), knowing that he is a Muslim, the guardian (*walī*) 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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<sup>1</sup> Ibid.

<sup>2</sup> Ibid.

add to it.<sup>1</sup> 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.”<sup>2</sup> 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.”<sup>3</sup>

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.”<sup>4</sup>

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.<sup>5</sup> Anas’s ḥadīth showed the difference between

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<sup>1</sup> Ibid., 10:360

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., 10:360.

<sup>5</sup> 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.<sup>1</sup> 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.”<sup>1</sup> 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.

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<sup>1</sup> 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-Shāfi‘ī and Abū Sulaymān and their companions.<sup>2</sup> 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.’<sup>3</sup> 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.’<sup>4</sup> 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

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<sup>1</sup> Ibid., 10:365.

<sup>2</sup> Ibid., 9:47.

<sup>3</sup> Ibid., 9:48.

<sup>4</sup> 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." 'Ā'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?" 'Ā'isha said. " Those who have received guidance from their Creator and withdraw, may keep the proceeds."<sup>1</sup> 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 Uḥud. He witnessed with the Prophet all his battles undertaken before *al-Fatḥ* (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

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<sup>1</sup> Ibid., 9:48. 'Ā'isha meant that what Umm Walad had done was *ribā* (usury), referring to *surah al-Baqarah*, 275.

homage to him under the tree.”<sup>1</sup> 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 *al-ridda* (apostasy) from Islām. And Allāh (be He exalted) protected him (*a‘ādḥahu*) by being pleased with him, and protected (*a‘ādḥa*) 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,<sup>2</sup> and it would not have been sinful.<sup>3</sup>

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, ‘Ā’isha, 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.

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<sup>1</sup> Be He Exalted saying: “Indeed Allāh was pleased with the believers when they gave their *bay‘a* (pledge) to you under the tree, He knew what was in their hearts, and He sent down *as-sakinah* (calmness and tranquillity) upon them, and He rewarded them with a near victory” (Sura al-Faṭḥ, 18).

<sup>2</sup> 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 “, *Ṣaḥīḥ Muslim*, 2: 1342 (15).

<sup>3</sup> *Al-Muḥallā*, 9:55.

2. Ibn Ḥazm 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.”<sup>1</sup> Then Ibn Ḥazm 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 Allāh (be He exalted) than play chess.”<sup>2</sup> Ibn Ḥazm said, “This is a pure lie. Allāh forbid that a Companion should say that worshipping idols instead of Allāh (be He Exalted) is equivalent to any other sin. How can unbelief (*kufīr*) be less serious than this?”<sup>1</sup> Ibn Ḥazm’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 Ḥazm 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 Ḥazm’s linguistic conclusions may be divided into two sections:

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<sup>1</sup> Ibid., 9:55

<sup>2</sup> Ibid., 9:61.

## 1. Linguistic analysis

Ibn Ḥazm said regarding *al-shuf'a* (preemption),<sup>2</sup> “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.”<sup>3</sup> 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.<sup>4</sup> 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 Allāh, that he said, ‘Pre-emption is like untying a knot (*ka nashṭat ‘iqāl*) and pre-emption is for whoever asks for it (*li man wāṭhabahā*)’.”<sup>1</sup> Ibn Ḥazm says, “As far as *al-shuf'a li man wāṭhabahā* 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 wāṭhabahā*, it is invalid, for it is not permissible to attribute something like this

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<sup>1</sup> Ibid., 9:61.

<sup>2</sup> 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.

<sup>3</sup> *Al-Muḥallā*, 9:89.

<sup>4</sup> Ibid., 9:90.

to the Messenger of Allāh. The statement by the transmitter *al-shuf'a li man wāthabahā* (pre-emption is for whoever asks for it), obliges the partner to make the request at the time of the sale, not afterwards, because *muwāthaba* 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 *muwāthaba*.<sup>1</sup> Ibn Ḥazm links his analysis of the expression mentioned in the narration *li man wāthabahā* and the religious interpretation of *shuf'a* (pre-emption) and reaches the conclusion that it is impossible to utilize this word with *shuf'a* (pre-emption) for the following reasons:

- a. *Shuf'a* (pre-emption) in Islāmic 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 *shuf'a* does not exist until after his partner has completed the sale of his share from the partnership to a third party.
- b. *Shuf'a*, in accordance with this interpretation in Islāmic 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 *wāthabahā* 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 *muwāthaba* cannot be part of the religious interpretation of *shuf'a*, as in the above narration, and this is proof of the fabrication of that narration and its falsity.

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<sup>1</sup> 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‘as* (prostrations) after the ‘*Aṣr*’ (afternoon) prayer. As for al-Shāfi‘ī, he said, ‘He who misses the two prostrations before or after the *Zuhr* (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. Aḥmad 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 (*mustahṣan*).’”<sup>2</sup> Ibn Ḥazm discussed everyone’s evidence and rejected all of it, mentioning from it what was reported from ‘Abd al-Raḥmān ibn Abī Sufyān, that Mu‘āwiya sent to ‘Ā’isha, 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 *ṣadaqa* (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.””<sup>3</sup> Ibn Ḥazm says, “This is a fabricated report without any doubt, because it contains an expression which the

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<sup>1</sup> Ibid., 9:91.

<sup>2</sup> Ibid., 2:264.

<sup>3</sup> 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 *makrūh* (unpleasant) or *ḥarām* (forbidden) or *mubāḥ 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’.<sup>1</sup> 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].<sup>2</sup> 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.’<sup>1</sup> 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 *sharī‘a* (Islāmic 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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<sup>1</sup> *Surah Hūd*, 88.

<sup>2</sup> *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 sharī'a and established in Muslim life. These Islāmic 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 sharī'a. Indeed, the whole of Islām 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."<sup>2</sup>

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."<sup>1</sup> Ibn Ḥazm then mentions that there are different views on this matter and that some

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<sup>1</sup> *Al-Muḥallā*, 2:270.

<sup>2</sup> *Ṣaḥīḥ 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 sharī‘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.”<sup>2</sup> Ibn Ḥazm said, “Allāh forbid that the Messenger of Allāh should permit injustice. It is a fabricated addition.”<sup>3</sup>

2. Islām’s clear encouragement of marriage and reproduction is a fixed fundamental, legislated in the Qur’ān and the Sunna, and unanimously agreed on. Allāh (be He Exalted) said: “Then marry (other) women of your choice, two or three or four.”<sup>4</sup> 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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<sup>1</sup> Ibid., 10:331.

<sup>2</sup> Ibid., 10:332.

<sup>3</sup> Ibid., 10:332.

<sup>4</sup> *Surah al-Nisā’*, 3.

my companions.”<sup>1</sup> 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.”<sup>2</sup>

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.”<sup>3</sup> Then he mentions the evidence of dissenters, for example, that the Prophet said, “The best among you in the year 200 will be *al-khafīf 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.”<sup>4</sup> 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 Islām, jihād and religion would certainly become null and void, and the disbelievers would be in the majority. Also it contains the permission to breed dogs.”<sup>5</sup>

3. The fixed fundamentals of the punishment system in the sharī‘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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<sup>1</sup> *Bukhārī*, 5:1949; *al-Sunan al-Kubrā*, 7:77.

<sup>2</sup> *Al-Sunan al-Kubrā*, 7: 8.

<sup>3</sup> *Al-Muḥallā*, 9:440.

<sup>4</sup> *Ibid.*, 9:440.

<sup>5</sup> *Ibid.*, 9:441.

judge. Examples are the *ḥadd* for robbery, and the *ḥadd* for fornication, but they do not include a *ḥadd* for the one who tells lies or says bad things (*yahdhī*).

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.’<sup>1</sup> 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.”<sup>2</sup> Ibn Ḥazm then clarifies the scholars’ disagreement over this, and those who permit divorce declared by a drunk. They include al-Shāfi‘ī 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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<sup>1</sup> *Surah al-Nisā*, 43.

<sup>2</sup> *Al-Muḥallā*, 10:208.

know what he is saying, is out of his mind, and so he is insane by any standard.”<sup>1</sup> 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.”<sup>2</sup> 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 (*hadhā*). There is no *ḥadd* penalty for the delirious in the Sharī‘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”?”<sup>3</sup>

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,<sup>1</sup> 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

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<sup>1</sup> Ibid., 10:210.

<sup>2</sup> Ibid., 10:211.

<sup>3</sup> Ibid., 10:211.

guidance of the Prophet is self-evident to whoever has any connection with Islām and its history and culture.

Ibn Ḥazm says, “The Imām should say the *takbīr* and the congregation should join in with the Imām’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 Imām says *al-salām ‘alaykum* twice (*sallama taslīmatayn*) and the congregation also says the *salām*. If the Imām 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*.”<sup>2</sup> 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*.<sup>3</sup> 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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<sup>1</sup> Ibid., 10:211.

<sup>2</sup> Ibid., 5:124.

<sup>3</sup> Ibid., 5:124.

unlawful afterwards. Only an ignorant person has doubts about ‘Umar and his position in Islām.<sup>1</sup>

### **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 (*muṣḥaf*) in the possession of Muslims in the east and west. So what is contained in these copies (*maṣāḥif*) from the beginning of the Qur’ān to the last two chapters (*mu‘awwidhatayn*), are the words of Allāh and His revelation (*waḥy*), 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*).”<sup>2</sup> Then he said, “Everything that has been narrated from Ibn Mas‘ūd about the *mu‘awwidhdhatayn* and *Umm al-Qur’ān* (the first verse of the Qur’ān) not being in his *muṣḥaf* 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*.”<sup>3</sup>

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<sup>1</sup> Ibid., 5:125.

<sup>2</sup> Ibid., 1:13.

<sup>3</sup> 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.” Aḥmad 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*).”<sup>1</sup> He then mentions the evidence of scholars, one of whom, Mūsā ibn Ṭalḥa, said, “When Mu‘āwiya 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 ‘Ā’isha reported to me.” So Mu‘āwiya sent al-Miswar ibn Makhrama to ‘Ā’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‘āwiya 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.”<sup>1</sup> Ibn Ḥazm said, “This narration was fabricated without any doubt, because it contains ‘Ā’isha’s denial that the Prophet performed them in

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<sup>1</sup> Ibid., 2:264.

her house, and it has been narrated by *tawātur*<sup>2</sup> from ‘Ā’isha that the Prophet continued to perform them in her house.”<sup>3</sup>

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’.<sup>4</sup> 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’.<sup>5</sup> 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

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<sup>1</sup> Ibid., 2:266.

<sup>2</sup> “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 encyclopaedia of Islam, Glossary and index of technical terms, Mutawatir*).

<sup>3</sup> *Al-Muḥallā*, 2:270. See *Ṣaḥīḥ Muslim*, 1:229,230.

<sup>4</sup> *Surah Luqmān*, 14.

<sup>5</sup> *Surah Luqmān*, 15.

through mercy'.<sup>1</sup> Ibn Ḥazm says: "we have mentioned earlier [in the *al-Muḥallā*] 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 (*'uqūq*) is one of the great sins (*kaba'ir*)."<sup>2</sup> 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.'<sup>3</sup> Ibn Ḥazm said, "The Qur'ān as we have demonstrated, and competent transmitters from the Messenger of Allāh as we have mentioned, invalidate this."<sup>4</sup>

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."<sup>1</sup>

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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<sup>1</sup> *Surah al-Isrā'*, 23,24.

<sup>2</sup> *Al-Muḥallā*, 10:331.

<sup>3</sup> *Ibid.*, 10:334.

<sup>4</sup> *Ibid.*, 10:334.

*al-Īṣāl*, 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-shafaq*).<sup>2</sup> 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.”<sup>3</sup>
2. Ibn Ḥazm says, “If it is said that Ibn ‘Abbās 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'ādḥ*) Ibn ‘Abbās from lying and cheating.”<sup>4</sup>
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.’”<sup>5</sup>

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<sup>1</sup> Ibid., 10:333.

<sup>2</sup> See the margin note, *al-Muḥallā*, 3:194.

<sup>3</sup> *Al-Muḥallā*, 3:194.

<sup>4</sup> Ibid., 10:235.

<sup>5</sup> Ibid., 10:370.

**Part Three: Ibn Ḥazm's Methodology in**

*al-Jahāla*

**Chapter Six: ‘*adāla* and *jah āla* 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 *ḍābiṭ*, meaning that they were individuals of impeccable character who possessed outstanding honour and integrity and displayed exceptional honesty.<sup>1</sup> 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.<sup>2</sup> 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*).<sup>3</sup> In this context it should be noted that the notion of infallibility (*iṣma*) 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

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<sup>1</sup> *Tamhīd*, 1: 28 .

<sup>2</sup> *Muqaddima*, 94.

<sup>3</sup> *Iḥkām, Āmidī*, 2:108.

acceptable. The guiding rule, therefore, is that the narration of whoever proved to be a liar is automatically rejected.<sup>1</sup>

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

#### 1. *Al-'adāla al-zāhira*:

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.<sup>3</sup>

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<sup>1</sup> *Maḥṣūl*, 1-2:571.

<sup>2</sup> *Maḥṣūl*, 1-2:563; *Irshād Ṭullāb al-Ḥaqā'iq*, 1:274.

<sup>3</sup> *Mustasfā*, 1:156; *Maḥṣūl*, 1-2:567.

If this is the situation of an original unbeliever (*kāfir aṣlī*), 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,<sup>1</sup> al-Qāḍī Abū Bakr and al-Qāḍī 'Abd al-Jabbār<sup>2</sup> 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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<sup>1</sup> *Mustaṣfā*, 1:157.

<sup>2</sup> *Maḥṣūl*, 1-2:567.

worse than a *kāfir* by interpretation (*ta'wīl*).<sup>1</sup> 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-Baṣrī.<sup>2</sup>

### **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 (*ḥayḍ*). 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.<sup>3</sup> Even after recognizing the distinction between the age of discretion (*sinn al-tamyēz*) and puberty, al-Rāzī and al-Juwaynī nevertheless reject the narrations of a child whether he has reached the age of discretion or not.<sup>4</sup>

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

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<sup>1</sup> Ibid , 1-2:570 .

<sup>2</sup> Ibid , 1-2:567.

<sup>3</sup> *Mustaṣfā* , 1:156.

<sup>4</sup> *Maḥṣūl* , 1-2:564; *Burhān* , 1:612.

<sup>5</sup> *Manhaj Islāmī* , 155.

things that he has seen and reported, but they reject his narration of *ahādīh*.<sup>1</sup> The narrations of a child who has not reached the age of discretion are rejected totally.<sup>2</sup>

### **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.”<sup>3</sup> Hence their narrations are rejected by consensus (*ijmāʿ*).

## **2. *Al-ʿadāla al-bāṭina***

### **Abstention from grave sin (*fīsq*):**

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.”<sup>1</sup> 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 *ḥajj* 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

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<sup>1</sup> *Al-Taqyīd wa al-Īdāh*, 173.

<sup>2</sup> *Mughāh*, 1:292.

<sup>3</sup> “رفع القلم عن ثلاثة : عن النائم حتى يستيقظ ، و عن المجنون حتى يفيق ، و عن الصبي حتى يبلغ” , *Musnad Aḥmad ibn Ḥanbal*, 1:246(940); 9:398(24748) .

just men among you”.<sup>2</sup> 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].”<sup>3</sup>

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*),<sup>4</sup> although al-Shawkānī says that persistent indulgence in lesser sins is a lesser sin (*ṣaghīra*).<sup>5</sup> Muslim said: “The previous verses (which are *Sūrat al-Mā'idah*, 95 and *Sūrat 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.<sup>6</sup>

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

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<sup>1</sup> *Surah al-Ḥujurāt*, 6.

<sup>2</sup> *Surah al-Mā'idah*, 95.

<sup>3</sup> *Surah al-Ṭalāq*, 2.

<sup>4</sup> *Mughīh*, 1:291.

<sup>5</sup> *Irshād al-Fuḥūl*, 53.

<sup>6</sup> *Muqadimat Ṣaḥīḥ*, 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.”<sup>1</sup>

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 ‘*adāla*.<sup>2</sup> If a narrator intentionally commits a sin (*fisq*), knowing that it is a sin, then his narration is rejected by consensus.<sup>3</sup> If, on the contrary, the narrator commits a sin (*fisq*) without knowing or believing it to be a sin, his action may be classified in one of two categories: either clear *fisq*, or *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’ī, contend that unbelief and *fisq* lower the level of *ahliyya*, and, since the narration of an unbeliever (*kāfir*) is rejected, so too are the narrations of a *fāsiq*.<sup>4</sup>
- b. Abū Ḥanīfa for his part argues that a *kāfir* and a *fāsiq* do have *ahliyya*, but they also provoke accusations of dishonesty, and as a consequence he accepts the testimony of the *ahl al-dhimma* in their own affairs.
- c. Both al-Shāfi‘ī and al-Ghazālī differentiate between *kufir* and *fisq*. They consider *kufir* to be a deficiency, which lowers the *ahliyya* of a person, whereas

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<sup>1</sup> *Kifāya*, 81.

<sup>2</sup> *Furūq*, 4:66.

<sup>3</sup> *Maḥṣūl*, 1-2:572.

<sup>4</sup> *Iḥkām, Āmidī*, 2:118; *Mustaṣfā*, 1:160.

*fisq* is a cause for lack of confidence in the narrator, which eventually leads to the rejection of his narration.<sup>1</sup>

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 maqtū'*) or a doubtful sin (*fisq maẓnūn*). Those who reject the narration of a *fāsiq* because of an accusation (*tuhma*), 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 Ḥanafīte if he drinks *nabīdh*, but I will punish him with the compulsory sentence (*ḥadd*)."<sup>2</sup> 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-'Ahwā'* except the section of the Rāfiḍītes known as *al-Khaṭṭābiyya*, since they deem false testimony to be lawful for their followers."<sup>3</sup> On another level, al-Shāfi'ī, his followers, and the majority of *fuqahā'*, among them Ibn Abī Laylā, Abū Ḥanīfa, 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.<sup>4</sup>

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

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<sup>1</sup> *Mustasfā*, 1:160.

<sup>2</sup> *Maḥṣūl*, 2-1:572.

<sup>3</sup> *Ibid.*, 2-1:573.

<sup>4</sup> *Iḥkām*, 2:118; *Mughūth*, 1:329.

narration?” He replied, “Al-Shāfi‘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-Shāfi‘ī narrated from him, and he used to say: “A trustworthy individual narrated to us, even though he was accused in his religion.<sup>1</sup> 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.<sup>2</sup> Although al-Dhahabī noted that Abān ibn Taghlib was a committed Shī‘īte, 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-‘Atakī 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 Zur‘a, Abū Ḥātim, Abū Bakr ibn Khaythama and ‘Abd Allāh ibn Aḥmad ibn Ḥanbal. Ya‘qūb ibn Yūsuf al-Muṭṭawī‘ī also narrated: “‘Abd al-Raḥmān ibn Ṣāliḥ was a Shī‘īte who used to visit Aḥmad ibn

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<sup>1</sup> *Kifāya*, 125.

<sup>2</sup> *Muqadima*, 104; *Mughīth*, 331-333.

Ḥanbal, and Aḥmad used to bring him close to him and treat him with kindness. When someone questioned Aḥmad about that, he replied: “*Subḥān* Allāh! He is a man who loves a group of people among the relatives of the Prophet, and he is trustworthy.”<sup>1</sup>

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 Shī‘īte. It would be easier for him to fall from the sky and die rather than to lie about a letter of the alphabet.”<sup>2</sup>

Admittedly, it is possible to assess *fiṣq* 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 Shī‘ism, all books would be destroyed.”<sup>3</sup> 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-Qāḍī ‘Abd al-Waḥhāb believed that Mālik accepted the narrations of the innovator who did not call others to support his innovation (*bid‘a*), but al-Qāḍī ‘Iyāḍ, disagreed with him, recalling that Mālik

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<sup>1</sup> *Tahdhīb*, 6:197(398).

<sup>2</sup> *Ibid.*

<sup>3</sup> *Kifāya*, 129 .

rejected their narrations.<sup>1</sup> This opinion was also corroborated by al-Khaṭīb al-Baghdādī,<sup>2</sup> al-Ḥākim, and Mālik in *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-Ḥājjib himself substantiated this opinion.<sup>3</sup>

Many scholars admittedly differed about innovators who call others to support their innovation and those who do not. Well-known figures like Aḥmad ibn Ḥanbal rejected the narrations of the former and accepted those of the latter.<sup>4</sup> ‘Abd Allāh ibn Aḥmad recalled: “I said to my father: ‘You narrate from Abū Mu‘āwiya al-Ḍarīr and he was a *Murji’ī*<sup>5</sup> and you do not narrate from Shabāba ibn Suwār and he was a *Qadarī*. My father replied: ‘Because Mu‘āwiya was not calling people to *irjā’*, but Shabāba was calling to *qadar*.’”<sup>6</sup> This was also the opinion of ‘Abd al-Raḥmān ibn Maḥdī and Yaḥyā ibn Ma‘īn.<sup>7</sup> 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

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<sup>1</sup> *Mughūth*, 1:331.

<sup>2</sup> *Kifāya*, 120.

<sup>3</sup> *Mughūth*, 1:327.

<sup>4</sup> *Kifāya*, 121.

<sup>5</sup> One who believes that faith is more important than action, and therefore suspends judgment of serious criminals.

<sup>6</sup> *Mughūth*, 1:330.

<sup>7</sup> *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*.<sup>1</sup> 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-ʿĪd. Ibn Ḥajar said: "This condition was approved by Abū Ishāq Ibrāhīm ibn Ya'qūb al-Juzjānī, the teacher of al-Nasā'ī."<sup>2</sup>

### ***Khawārim 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*).<sup>3</sup> 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-ʿIrāqī, 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*.<sup>4</sup>

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<sup>1</sup> *Muqaddima*, 104 .

<sup>2</sup> *Mughīh*, 1:331.

<sup>3</sup> *Ibid.*, 1:291.

<sup>4</sup> *Al-Taqyīd wa al-Īdāh*, 136.

### How *'adāla* is confirmed

*'Adāla* is confirmed by the pronouncement (*tanṣīṣ*) of two scholars, and it can be confirmed by fame (*istifāḍa*). 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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*.<sup>4</sup>

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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<sup>1</sup> *Mughāh*, 1:296 .

<sup>2</sup> *Mīzān*, 3:426.

<sup>3</sup> *Mughāh*, 1:296.

<sup>4</sup> *Ibid*.

meaning that no one had considered him trustworthy.<sup>1</sup> One may deduce from ibn al-Qaṭṭān's statement and the commentary of al-Dhahabī that ibn al-Qaṭṭān 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.<sup>2</sup>
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.<sup>3</sup> Al-Qāḍī Abū Bakr al-Bāqillānī and most of the *fuqahā'* from al-Madīna also held this opinion.<sup>4</sup>
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.<sup>1</sup>

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<sup>1</sup> *Mẓān*, 3 : 426 (7015).

<sup>2</sup> *Mughīh*, 1:249.

<sup>3</sup> *Al-Taḥyīd wa al-Īdāh*, 142.

<sup>4</sup> *Mughīh*, 1:294.

## **Fame (*Istifāḍa*)**

This concerns those whose *'adāla* has become well-known and has been praised by the scholars. It was not necessary that the *'adāla* of such a person be confirmed. Al-Shāfi'ī followed this method, and ibn al-Ṣalāḥ remarked: "This is a reliable way in *usūl al-fiqh*."<sup>2</sup> This opinion was supported by al-Khaṭīb al-Baghdādī, pointed out the examples of Mālik ibn Anas, Sufyān al-Thawrī, Sufyān ibn 'Uyayna, Shu'ba ibn al-Ḥajjāj, Abū 'Amr al-Awzā'ī, al-Layth ibn Sa'd, Ḥammād ibn Zayd, 'Abd Allāh ibn al-Mubārak, Yaḥyā ibn Sa'īd al-Qaṭṭān, 'Abd al-Raḥmān ibn Maḥdī, Wakī' ibn al-Jarrāḥ, Yazīd ibn Hārūn, 'Affān ibn Muslim, Aḥmad ibn Ḥanbal, 'Alī ibn al-Madīnī, Yaḥyā ibn Ma'īn and others like them who became famous for their trustworthiness, honesty, knowledge and understanding. Accordingly, there is no need to ask about their *'adāla*, but rather about the *'adāla* of those who are not well known.<sup>3</sup>

This was also the way of Aḥmad ibn Ḥanbal, for when he was asked about Ishāq ibn Rāhūya, he replied: "How can you ask about someone like Ishāq? Ishāq in our view is one of the imāms of the Muslims."<sup>1</sup>

Yaḥyā ibn Ma'īn was yet another exponent of this methodology. When he was asked about narrating from Abū 'Ubayd, he said: "How can someone like me be asked about Abū 'Ubayd? Abū 'Ubayd is the one who should be asked about

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<sup>1</sup> *Kifāya*, 96.

<sup>2</sup> *Muqadima*, 95.

<sup>3</sup> *Kifāya*, 86.

others.”<sup>2</sup> 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*.<sup>3</sup>

### **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*.”<sup>4</sup> 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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<sup>1</sup> Ibid., 87.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> *Muqadima*, 100.

and liars. They often claim that they receive their *aḥādīth* from others, stating, “I was told by so and so, and he is a liar.”<sup>1</sup>

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 Maḥdī 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.”<sup>2</sup>

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.<sup>3</sup>

### ***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.<sup>4</sup> According to the Ḥanafīs,

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<sup>1</sup> *Kifāya*, 89.

<sup>2</sup> *Ibid.*, 92.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, 88.

he is defined as someone who narrates one or two *aḥādīth*, and his '*adāla*' is not known, whether or not one or more scholars narrate from him.<sup>1</sup>

### **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 *aḥādīth*, 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*.<sup>2</sup>

### **Categories of *majhūl***

According to the Ḥadīth scholars, there are three categories of *majhūl*:

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<sup>1</sup> *Qafw*, 86.

<sup>2</sup> *Nuzhat al-Nazar*, 49.

1. As mentioned above if the narrator's name is not mentioned, he is called *mubham*.<sup>1</sup>
2. If the narrator's name is mentioned and only one person narrates from him, he is called *majhūl al-'ayn*.<sup>2</sup>
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*).<sup>3</sup>

### **How to remove *jahāla* from the narrator**

*Ibhām* can not be removed from a narrator unless his name is mentioned by other scholars, although *jahālat al-'ayn* can be removed from a narrator if two or more narrators transmit from him, provided they are well known for their knowledge.<sup>4</sup> As for an unknown person from whom only weak narrators narrate, his *jahāla* can not be removed.<sup>5</sup>

Al-Khaṭīb notes that *jahālat al-'ayn* can be removed by the narration of two famous scholars, though this does not confirm *'adāla*.<sup>6</sup> However, al-Dāraquṭnī says:

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<sup>1</sup> Ibid; *Muqaddima*, 101.

<sup>2</sup> *Nuzhat al-Nazar*, 50; *Muqaddima*, 100.

<sup>3</sup> *Nuzhat al-Nazar*, 50; *Muqaddima*, 101.

<sup>4</sup> *Kifāya*, 88.

<sup>5</sup> *Majrūḥīn*, 2:193.

<sup>6</sup> *Kifāya*, 88.

“If two trustworthy persons narrate from him, his *jahāla* is removed and his *‘adāla* is confirmed.<sup>1</sup>

The removal of *jahālat al-ḥāl* means the confirmation of *‘adāla*, and this is by agreement. *‘Adāla* is confirmed for narrators in different ways, which have been mentioned previously.<sup>2</sup>

### **The operative rule for the narration of a *majhūl***

The acceptance or the rejection of a *majhūl*'s narration is based on the judgement (*ijtihād*) of scholars. They held different views on this matter. The majority of the Ḥadīth scholars reject a *mubham* narrator.<sup>3</sup> The Ḥanafīs 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 Islām.<sup>4</sup> A *majhūl al-‘ayn* is rejected by the majority of scholars.<sup>5</sup> 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.<sup>6</sup> This is the opinion of al-Shāfi‘ī, who says: “The narration of a *majhūl* is not acceptable. We must study his situation, both

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<sup>1</sup> *Mughūh*, 1:322.

<sup>2</sup> See page 209 of this research.

<sup>3</sup> *Nuzhat al-Nazār*, 49.

<sup>4</sup> *Qafw*, 85.

<sup>5</sup> *Muqaddima*, 100.

<sup>6</sup> *Mughūh*, 1-44-45, see *Iḍāfa* 121.

private and public, to make sure that he is ‘*adl*.’<sup>1</sup> Ibn Ḥajar notes that the narration of a *majhūl al-‘ayn* is unacceptable.<sup>2</sup> The Ḥanafīs do not require any conditions for a narrator except that he be Muslim.<sup>3</sup> For this reason they accept the narrations of a *majhūl* narrator whether or not one or more people have narrated from him.<sup>4</sup> 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 yujarraḥ*).<sup>5</sup> 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‘ītes, regard that as a confirmation of the narrator’s ‘*adāla*.<sup>1</sup> 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,

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<sup>1</sup> *Maḥṣūl*, 1-2:576.

<sup>2</sup> *Nuzhat al-Nāẓar*, 50.

<sup>3</sup> *Qawā'id Ḥadīth*, 206.

<sup>4</sup> *Mughāh*, 1:317.

<sup>5</sup> *Ibid*.

the narrator's *'adāla* must be confirmed by a Ḥadīth scholar other than the one who quoted from him.<sup>2</sup> This opinion was considered correct by Ibn Ḥajar<sup>3</sup> and al-Khaṭīb.<sup>4</sup>

With regard to the *majhūl al-ḥāl*, the Ḥadīth scholars are hesitant to accept his narration,<sup>5</sup> and indeed, the majority of them reject it,<sup>6</sup> as do the scholars of *'usūl*.<sup>7</sup> This is also the opinion of al-Shāfi'ī, Aḥmad,<sup>8</sup> Ibn Sīrīn and al-Nakha'ī.<sup>9</sup> Al-Shāfi'ī said: "I did not see or find any of the Ḥadīth scholars or other scholars opposing this opinion."<sup>10</sup> This opinion is supported by al-Ghazālī,<sup>11</sup> al-Rāzī,<sup>12</sup> and al-Āmidī.<sup>13</sup>

From another statement by al-Shāfi'ī, it may be understood that by rejecting the narration of a *majhūl al-ḥāl*, 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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<sup>1</sup> *Muqaddima*, 100.

<sup>2</sup> *Qawā'id Ḥadīth*, 206.

<sup>3</sup> *Tadrīb*, 210.

<sup>4</sup> *Kifāya*, 96.

<sup>5</sup> *Mughūh*, 1:323.

<sup>6</sup> *Nuzhat al-Nāzir*, 50.

<sup>7</sup> *Mughūh*, 1:323.

<sup>8</sup> *Iḥkām, Āmidī*, 2:110.

<sup>9</sup> *Sharḥ*, 2:577.

<sup>10</sup> *Ibid*.

<sup>11</sup> *Mustasfā*, 1:158.

<sup>12</sup> *Maḥṣūl*, 1-2:578.

<sup>13</sup> *Iḥkām*, 2:114.

proven.<sup>1</sup> Abū Ḥanīfa and his followers accept the narration of a *majhul al-ḥāl*, explaining that Islām is enough for accepting any narrator on condition that he should not prove to be a grave sinner (*fāsiq*)<sup>2</sup>. Ibn al-Ṣalāḥ reports that some Shāfi‘ites accept the narration of a *majhūl al-ḥāl*, which is confirmed by Sulaym ibn Ayyūb al-Rāzī.<sup>3</sup> Al-Nawawī also accepts narrations of such a person.<sup>1</sup>

### **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-‘ayn* 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-‘ayn* 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-‘ayn*, 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*

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<sup>1</sup> *Mustasfā*, 1:158.

<sup>2</sup> *Maḥṣūl*, 1-2:567; *Iḥkām*, 2:110.

<sup>3</sup> *Muqaddima*, 101.

can only be removed when at least two famous scholars narrate from him.”<sup>2</sup>

Likewise, when Ibn al-Ḥanbalī defines *majhūl* differently from the Ḥanafīs, it is clear that he means *majhūl al-‘ayn*.<sup>3</sup> Al-Tahānawī’s explanation clarifies the meaning of *majhūl* when used by scholars to be *majhūl al-‘ayn*.<sup>4</sup>

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-Baṣrī. 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-Maqdamī and al-Ḥakam ibn al-Mubārak al-Khāshitī.” Then he said: “Dāwūd ibn Yazīd is an unknown *shaykh* (*shaykh majhūl*).”<sup>5</sup> Abū Ḥātim referred likewise to ‘Abd al-Raḥīm ibn Kurdum ibn Urṭubān. He said, “all of the following narrated from ‘Abd al-Raḥīm: Abū ‘Āmir al-‘Aqadī, Abū Usāma, Mu‘allā ibn Asad and Ibrāhīm ibn al-Ḥajjāj al-Sāmī.” Then he said: “‘Abd al-Raḥīm is unknown (*majhūl*).”<sup>6</sup> Thus al-Dhahabī says: “The above indicates that a

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<sup>1</sup> *Al-Taḥqīd wa al-Īdāh*, 145.

<sup>2</sup> *Kifāya*, 88.

<sup>3</sup> *Qafw*, 207.

<sup>4</sup> *Qawā'id Ḥadīth*, 207.

<sup>5</sup> *Al-Jarḥ wa al-Ta'dīl*, 3:428.

<sup>6</sup> *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*).”<sup>1</sup>

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<sup>1</sup> *Mughāh*, 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 *Tahdhīb al-Tahdhīb*, *Lisān al-Mẓān* and *Mẓān al-I'tidāl* identifies many narrators' names whom Ibn Ḥazm judged to be unknown. Among the "unknown" scholars were Abū 'Isā al-Tirmidhī, the writer of *al-Jāmi'*, Abū al-Qāsim al-Baghawī and Abū al-'Abbās al-Aṣamm. Al-Laknawī mentioned them, pointing out that Ibn Ḥazm considered them to be unknown.<sup>1</sup> Ibn Kathīr made an error when he said that Ibn Ḥazm judged al-Tirmidhī to be unknown in *al-Muḥallā*.<sup>2</sup> 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-Tirmidhī to be unknown in *al-Īṣāl*.<sup>3</sup> 'Abd al-Fattāḥ Abū Ghudda mentions twenty-one narrators whom Ibn Ḥazm judged to be unknown.<sup>4</sup> 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 'Abd al-Fattāḥ Abū Ghudda, only fifteen are mentioned in *al-Muḥallā*.

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<sup>1</sup> *Al-Raf' wa al-Takmil*, 292.

<sup>2</sup> *Bidāya*, 11:66.

<sup>3</sup> *Mẓān*, 4:678.

<sup>4</sup> *Al-Raf' wa al-Takmil*, 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***

	Type of narrators	Number	%
1	<b>Unknown: unanimous agreement</b>	166	35.2
2	<b>Famous: majority agree but minority support Ibn Ḥazm</b>	23	4.9
3	<b>Weak: unanimous agreement</b>	39	8.3
4	<b>Variable: considered trustworthy by some and weak by others</b>	45	9.6
5	<b>Trustworthy: unanimous agreement</b>	89	18.9
6	<i>Mubham</i>	58	12.3
7	<b>Unidentifiable</b>	51	10.8
	<b>TOTAL</b>	471	

## **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-Muḥallā* are: “from a man”,<sup>1</sup> “from a *shaykh* of the *Kināna* tribe”,<sup>2</sup> “from an Anṣārī man”,<sup>3</sup> “from a man who was a neighbour of Shu‘ba”,<sup>4</sup> “so and so from his father”,<sup>5</sup> “from people from Ṣafwān ibn Umayya”,<sup>6</sup> “from knowledgeable men”,<sup>7</sup> “from a good man from *Madīna*”<sup>8</sup> and “from more than one of the *Anṣār*”.<sup>9</sup> From all these descriptions, it is impossible to know whether the narrator was trustworthy or not. Therefore, Ibn Ḥazm 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-‘Adawī al-Bukhārī,<sup>10</sup> Abū Muḥammad al-Azdī,<sup>11</sup> al-Aswad ibn Tha‘laba,<sup>12</sup> Ayyūb ibn ‘Abd Allāh,<sup>13</sup> al-Barā’

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<sup>1</sup> *Al-Muḥallā*, 2:180; 5:242; 6:153; 7:123.

<sup>2</sup> *Ibid.*, 6:256.

<sup>3</sup> *Ibid.*, 7:211, 415.

<sup>4</sup> *Ibid.*, 7:512.

<sup>5</sup> *Ibid.*, 8:182.

<sup>6</sup> *Ibid.*, 9:171.

<sup>7</sup> *Ibid.*, 9:229; 10:16, 227.

<sup>8</sup> *Ibid.*, 10:325.

<sup>9</sup> *Ibid.*, 10:327.

<sup>10</sup> *Ibid.*, 7:60; *MĒān*, 1:63(198).

<sup>11</sup> *Al-Muḥallā*, 5:47; *MĒān*, 1:255(972); *Lisān*, 1:449; *Mughnī*, 1:89(738).

<sup>12</sup> *Al-Muḥallā*, 8:196; 9:499; *MĒān*, 1:256(980); *al-Jarḥ wa al-Ta’dīl*, 2:293(1071).

<sup>13</sup> *Al-Muḥallā*, 2:36; *MĒān*, 1:290(1085).

ibn bint Anas,<sup>1</sup> Bahīsa,<sup>2</sup> Jubayr ibn Abī Ṣāliḥ,<sup>3</sup> Ḥabīb ibn Nujayḥ,<sup>4</sup> Dāwūd ibn Jubayr<sup>5</sup> 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 note 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.<sup>6</sup> Al-Shāfi'ī and Ibn al-Madīnī agree with him in his judgement of Hānī.<sup>7</sup> Aḥmad agrees with him in his judgement of Qays ibn Ḥabtar al-Nahshalī.<sup>8</sup> Abū Ḥātim agrees with him in his judgement of many narrators such as Ibrāhīm ibn Zakariyyā al-Wāṣiṭī,<sup>9</sup> Abū 'Amr ibn Ḥamās,<sup>10</sup> Sufyān ibn Abī al-'Awjā',<sup>11</sup> Ṭalq ibn

<sup>1</sup> *Al-Muḥallā*, 7:519; *al-Jarḥ wa al-Ta'dīl*, 2:400(1573); *MĒān*, 1:103(1139).

<sup>2</sup> *Al-Muḥallā*, 9:55; *Tahdhīb*, 12: 404(2745).

<sup>3</sup> *Al-Muḥallā*, 8:487; *al-Jarḥ wa al-Ta'dīl*, 2:514(2122); *MĒān*, 1:388(1441).

<sup>4</sup> *Al-Muḥallā*, 6:16; *al-Jarḥ wa al-Ta'dīl*, 3:110(504); *MĒān*, 1:456(1715).

<sup>5</sup> *Al-Muḥallā*, 7:122, 123 footnote 3; *MĒān*, 2:6(2601).

<sup>6</sup> *Al-Muḥallā*, 8:462,466; *Tahdhīb*, 3:423(774).

<sup>7</sup> *Al-Muḥallā*, 10:326; *Tahdhīb*, 11:22(48).

<sup>8</sup> *Al-Muḥallā*, 7:484; *Tahdhīb*, 8:389(690).

<sup>9</sup> *Al-Muḥallā*, 8:169; *al-Jarḥ wa al-Ta'dīl*, 2:101(280).

<sup>10</sup> *Al-Muḥallā*, 5:235; *Tahdhīb*, 12:178(845).

<sup>11</sup> *Al-Muḥallā*, 10:367; *Tahdhīb*, 4:117(204); *al-Jarḥ wa al-Ta'dīl*, 4:219(956); *MĒān*, 2:169(3326).

al-Samḥ<sup>1</sup> and al-Walīd ibn ‘Abda.<sup>2</sup> Ibn ‘Adī agrees with him in his judgement on Aṣḥabgh ibn Zayd al-Juhanī.<sup>3</sup> Ibn Ma‘īn agrees with him in his judgement of Sulaymān ibn Dāwūd al-Jazarī<sup>4</sup> and Sulaymān al-Shaybānī.<sup>5</sup> Al-Dhahabī agrees with him in his judgement of Abū Sufyān<sup>6</sup> and ‘Amr ibn ‘Isā al-Qurashī al-Asadī.<sup>7</sup> Ibn Ḥajar agrees with him in his judgement of al-Walīd ibn Zawrān.<sup>8</sup>

### **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 Ismā‘īl ibn ‘Abd al-Malik al-Asadī,<sup>9</sup> al-Ḥārith ibn Abī al-Zubayr al-Madanī,<sup>10</sup> al-Ḥārith ibn al-Nu‘mān,<sup>11</sup> al-Ḥasan ibn al-Faḍl,<sup>12</sup> Khālīd ibn al-Farz,<sup>13</sup> Rūḥ ibn Ghaṭīf<sup>14</sup> and Muṭarrāh ibn Yazīd.<sup>1</sup>

<sup>1</sup>*Al-Muḥallā*, 8:193; 9:47; *Tahdhīb*, 5:32(50).

<sup>2</sup>*Al-Muḥallā*, 7:483; *Tahdhīb*, 11:141(235).

<sup>3</sup>*Al-Muḥallā*, 9:64; *Mĕān*, 1:270(1010).

<sup>4</sup>*Al-Muḥallā*, 10:364; *Mĕān*, 2:200(3448); *al-Jarḥ wa al-Ta’dīl*, 4:110(486); *Tahdhīb*, 4:189(321).

<sup>5</sup>*Al-Muḥallā*, 1:176; *al-Jarḥ wa al-Ta’dīl*, 4:122(531); *Mĕān*, 2:211(3476); *Tahdhīb*, 4:197(334).

<sup>6</sup>*Al-Muḥallā*, 9:107; *Mĕān*, 4:531(10248).

<sup>7</sup>*Al-Muḥallā*, 9:212; *Mughnī*, 2:487(4687).

<sup>8</sup>*Al-Muḥallā*, 2:35; *Talkhīṣ al-Ḥabār*, 1:86.

<sup>9</sup>*Al-Muḥallā*, 9:376; *Mĕān*, 1:237(911).

<sup>10</sup>*Al-Muḥallā*, 9:47; *al-Jarḥ wa al-Ta’dīl*, 3:75(346); *Mĕān*, 1:433(1616).

<sup>11</sup>*Al-Muḥallā*, 7:482; *Mĕān*, 1:444(1650).

<sup>12</sup>*Al-Muḥallā*, 9:296; *Mĕān*, 1:517(1929).

<sup>13</sup>*Al-Muḥallā*, 7:298; *al-Jarḥ wa al-Ta’dīl*, 3:346(1563); *Mĕān*, 1:637(2450).

<sup>14</sup>*Al-Muḥallā*, 5:47; *al-Jarḥ wa al-Ta’dīl*, 3:495(2245); *Mĕān*, 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 Yaḥyā ibn Ma‘īn considered weak.<sup>2</sup> As for Rabī‘a ibn ‘Uthmān, Yaḥyā ibn Ma‘īn and al-Nasā’ī considered him trustworthy, but Abū Ḥātim and Abū Zur‘a considered him weak.<sup>3</sup> ‘Attāb ibn Bashīr al-Jazarī 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.<sup>4</sup> ‘Uthmān ibn Wāqid, is considered trustworthy by Aḥmad and Ibn Ma‘īn, but considered weak by Abū Dāwūd.<sup>5</sup> Al-Mushma‘ill ibn Milḥān is considered trustworthy by Aḥmad, Ibn Ma‘īn and Ibn Ḥibbān, but considered weak by al-Dāraquṭnī.<sup>6</sup>

## **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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<sup>1</sup> *Al-Muḥallā*, 9:58; *Tahdhīb*, 10:171(322).

<sup>2</sup> *Al-Muḥallā*, 8:319; *al-Jarḥ wa al-Ta‘dīl*, 4:340(1495); *Mẓān*, 2:267(3685).

<sup>3</sup> *Al-Muḥallā*, 10:334; *Mẓān*, 2:44(2754).

<sup>4</sup> *Al-Muḥallā*, 6:79; *Tahdhīb*, 7:90(192).

<sup>5</sup> *Al-Muḥallā*, 7:365; *Tahdhīb*, 7:158(313).

<sup>6</sup> *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 *'adāla* 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:<sup>1</sup>

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.<sup>2</sup> She had a sister called Barra, who was also a Companion and narrated from the Prophet.<sup>1</sup>

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<sup>1</sup> *Al-Muḥallā*, 7:98.

<sup>2</sup> *Ṭabaqāt*, 8:247.

b. ‘Ujayr, father of Nāfi‘:

He is another Companion whom Ibn Ḥazm judged to be unknown.<sup>2</sup> 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 ‘Abd al-Barr, a contemporary of Ibn Ḥazm, described him as one of *shuyūkh*s of Quraysh.<sup>3</sup>

c. Ghālib ibn Dīj:

Ibn Ḥazm said: “It is not known who he is”.<sup>4</sup> 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*.<sup>5</sup>

d. Al-Miqdām ibn Ma‘dīkarīb:

Ibn Ḥazm said he was “unknown”.<sup>6</sup> He was also a Companion. He narrated from the Prophet, Mu‘ādh and Abī Ayyūb al-Anṣārī.<sup>7</sup>

## 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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<sup>1</sup> Ibid., 8:246.

<sup>2</sup> *Al-Muḥallā*, 10:191, 326.

<sup>3</sup> *Tahdhīb*, 7:162(326).

<sup>4</sup> *Al-Muḥallā*, 7:408.

<sup>5</sup> *Tahdhīb*, 8:241(442).

<sup>6</sup> *Al-Muḥallā*, 7:408.

<sup>7</sup> *Tahdhīb*, 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 Aḥmad ibn ‘Alī ibn Muslim, saying he is unknown.<sup>1</sup> He was incorrect, for this person is Abū al-‘Abbās al-Abbār, the trustworthy scholar of Baghdād, who died in 290.<sup>2</sup> Ibn Ḥazm also judged ‘Abd Allāh ibn Shawdhab to be an unknown narrator.<sup>3</sup> Again he was incorrect, for he is a famous scholar,<sup>4</sup> who narrated from many narrators such as Thābit al-Bunānī, al-Ḥasan al-Baṣrī, Mālīk ibn Dīnār, Makḥūl al-Shāmī and others. Many trustworthy narrators such as Ibrāhīm ibn Adham, ‘Abd Allāh ibn al-Mubārak, ‘Isā ibn Yūnūs and others narrated from him. Among those who also narrated from him were the writers of the *Sunan*, Abū Dāwūd and al-Nasā’ī. Al-Bukhārī narrated from him in *al-Adab al-Mufrad*. Several scholars considered him trustworthy, including Yaḥyā ibn Ma‘īn and al-Nasā’ī. Aḥmad said about him: “Ibn Shawdhab was from Balkh. He settled in Baṣra, listened to lectures in ḥadīth, *fiqh* and wrote some books. Later he travelled to Syria (Shām) and settled there. He was a trustworthy person.”<sup>5</sup> Ibn Ḥazm ruled that Ismā‘īl ibn Muḥammad al-Ṣaffār was unknown.<sup>6</sup> This was incorrect, for he was the famous trustworthy grammarian who accompanied al-

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<sup>1</sup> *Al-Muḥallā*, 6:168.

<sup>2</sup> *Tadhkira*, 2:639(662).

<sup>3</sup> *Al-Muḥallā*, 10:365.

<sup>4</sup> *Mĕān*, 2:440(4382).

<sup>5</sup> *Tahdhīb al-Kamāl*, 3734 CD.

<sup>6</sup> *Al-Muḥallā*, 9:296.

Mubarrad<sup>1</sup> and was known to have learned from him. Al-Dāraqūṭnī and al-Ḥākim narrated from him and considered him trustworthy. Al-Ṣaffār died in 314 at the age of 94.<sup>2</sup>

### 3. Trustworthy narrators

There were many trustworthy narrators whom Ibn Ḥazm judged to be unknown.

The following are some examples.

#### a. Abān ibn Ṣāliḥ:

Ibn Ḥazm said that he was not famous (as a narrator).<sup>3</sup> 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, Yaḥyā ibn Ma‘īn, Aḥmad ibn Ḥanbal, al-‘Ijlī, Ya‘qūb ibn Shayba, al-Nasā’ī and Ibn Ḥibbān.<sup>4</sup>

#### b. Unays ibn Yaḥyā:

Ibn Ḥazm said that it was not known who he was.<sup>5</sup> This was not correct, for the narrator was well known and considered trustworthy by many scholars, such as ‘Alī ibn al-Madīnī, Ibn Ma‘īn, Abū Ḥātim, al-Nasā’ī, al-Ḥākim, al-‘Ijlī, Ibn Sa‘d, Abū Dāwūd, Ibn Abī Khaythama and al-Khalīlī.<sup>6</sup>

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<sup>1</sup> He is also called al-Mubarrid. See *siyar*, 13:576.

<sup>2</sup> *Lisān*, 1:432.

<sup>3</sup> *Al-Muḥallā*, 1:198.

<sup>4</sup> *Al-Jarḥ wa al-Ta’dīl*, 2:297(109); *Su’ālāt Abū Dāwūd li Aḥmad*, 301(367); *Tahdhīb*, 1:94(168).

<sup>5</sup> *Al-Muḥallā*, 7:286.

<sup>6</sup> *Tahdhīb*, 1:380(693).

c. Ḥusayn ibn Qubayṣa:

Ibn Ḥazm said he was unknown.<sup>1</sup> This was not correct, for al-Bukhārī mentioned him and said he narrated from ‘Alī ibn Abī Ṭālib and ‘Abd Allāh ibn Mas‘ūd.<sup>2</sup> Accordingly he was one of the Successors, who have been mentioned as trustworthy by al-‘Ijlī, Ibn Sa‘d and Ibn Ḥibbān.<sup>3</sup>

d. ‘Abd Allāh ibn al-Daylamī:

Ibn Ḥazm said he was unknown.<sup>4</sup> whereas he was quite a famous trustworthy scholar who lived in Jerusalem. Ibn Ma‘īn, al-‘Ijlī, Ibn Ḥibbān and Abū Zur‘a considered him trustworthy.<sup>5</sup>

e. ‘Abd Allāh al-Alhānī:

Ibn Ḥazm said he was unknown.<sup>6</sup> He was incorrect, for he was a trustworthy successor from Syria (Shām). Al-‘Ijlī, al-Dāraqūṭnī, Ibn Ḥibbān and Abū Dāwūd considered him trustworthy.<sup>7</sup>

### **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-Jarh wa al-Ta’dīl*. Among them were

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<sup>1</sup> *Al-Muḥallā*, 10:61.

<sup>2</sup> *Kabīr*, 3:5(13).

<sup>3</sup> *Tārīkh al-Thiqāt*, 122(299); *Ṭabaqāt*, 6:180; *Tahdhīb*, 2:387(671).

<sup>4</sup> *Al-Muḥallā*, 7:333.

<sup>5</sup> *Tahdhīb*, 5:358(615).

<sup>6</sup> *Al-Muḥallā*, 7:37.

<sup>7</sup> *Tahdhīb*, 5:354(606).

Sulafa, the slave of Ḥafṣa,<sup>1</sup> Salmā bint al-Naḍr al-Khuḍariyya,<sup>2</sup> Sulaymān ibn Sulaymān,<sup>3</sup> ‘Umar, the slave of ‘Anbasa,<sup>4</sup> Mā‘iz father of Mālik,<sup>5</sup> Muḥammad ibn Bakkār,<sup>6</sup> Muḥammad ibn ‘Uqba,<sup>7</sup> Muḥammad ibn Marwān,<sup>8</sup> Muḥammad ibn Yūnūs,<sup>9</sup> Yazīd ibn ‘Abd al-Ṣamad<sup>10</sup> 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 *‘Ilm 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-Muḥallā* because of a narrator in the chain of the narration called ‘Abd Allāh ibn ‘Amr ibn Luwaym. Ibn Ḥazm said that he was

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<sup>1</sup> *Al-Muḥallā*, 7:530.

<sup>2</sup> *Ibid.*, 7:408.

<sup>3</sup> *Ibid.*, 3:214.

<sup>4</sup> *Ibid.*, 7:298.

<sup>5</sup> *Ibid.*, 7:377.

<sup>6</sup> *Ibid.*, 7:38.

<sup>7</sup> *Ibid.*, 3:214.

<sup>8</sup> *Ibid.*, 8:333.

<sup>9</sup> *Ibid.*, 3:279; 4:132.

<sup>10</sup> *Ibid.*, 9:57.

unknown.<sup>1</sup> 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.<sup>2</sup> Ibn Ḥazm said that ‘Umar (عمر) ibn Ṭalḥa did not exist, not knowing that Ṭalḥa had a son called ‘Umar.<sup>3</sup> Ibn Ḥazm was correct, except that the name was incorrect and should have been ‘Imrān (عمران) ibn Ṭalḥa. He was famous and Ibn Mājah quoted from him in his *Sunan*.<sup>4</sup> Similarly Ibn Ḥazm said that al-Mustawrid (المستورد) ibn Rifā‘a was unknown.<sup>5</sup> His misjudgement was due to a mistake in the name, as was clarified by al-Quṭb al-Ḥalabī, the correct name being al-Miswar (المسور) ibn Rifā‘a. He was famous and Ibn Ḥibbān mentioned him in his *Thiqāt*.<sup>6</sup>

### **Narrators with few narrations**

It was pointed out earlier<sup>1</sup> 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

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<sup>1</sup> Ibid., 7:407.

<sup>2</sup> *Lisān*, 3:321; *al-Iṣāba*, 2:352.

<sup>3</sup> *Al-Muḥallā*, 2:194.

<sup>4</sup> *Tahdhīb*, 7:465(773).

<sup>5</sup> *Al-Muḥallā*, 10:62.

<sup>6</sup> *Tahdhīb*, 10:150(286).

Ḥazm said was “unknown.”<sup>2</sup> Ibn Sa‘d said, however, that “he was trustworthy with few narrations.”<sup>3</sup> Ibn Ḥazm described ‘Umāra ibn Khuzayma ibn Thābit, as “unknown”,<sup>4</sup> yet Ibn Sa‘d said: “He was trustworthy with few narrations.”<sup>5</sup> ‘Umar ibn Shaqīq, Ibn Ḥazm said of him: “It is not known in this world who he is.”<sup>6</sup> However, the scholars considered him trustworthy, and Ibn ‘Adī said: “he has few narrations.”<sup>1</sup>

Although Ibn Ḥazm 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 Ḥazm based his judgement**

Ibn Ḥazm 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 Ḥadīth scholars on whom he relied in order to judge the narrator. These two scholars are:

#### **1. Yaḥyā ibn Ma‘īn (158-233/ 774-847)**

He was one of the great Ḥadīth scholars from Baghdād. He learned from the most famous scholars of his time such as al-Muḥaffar ibn Mudrak al-Khurāsānī,

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<sup>1</sup> See page 204.

<sup>2</sup> *Al-Muḥallā*, 10:381.

<sup>3</sup> *Tahdhīb*, 7:237(428).

<sup>4</sup> *Al-Muḥallā*, 8:348.

<sup>5</sup> *Tahdhīb*, 7:416(674).

<sup>6</sup> *Al-Muḥallā*, 5:125.

Abū Salama al-Khurāsānī, Abū Sahl al-Haytham ibn Jamīl, Sufyān ibn ‘Uyayna, ‘Abd al-Raḥmān ibn Maḥdī, Wakī‘ ibn al-Jarrāḥ, ‘Abd Allāh ibn al-Mubārak and others. Many eminent scholars studied under him, among them, Aḥmad ibn Ḥanbal, Abū Khaythama Zuhayr ibn Ḥarb, Muḥammad ibn Ismā‘īl al-Bukhārī, Muslim ibn al-Ḥajjāj, Abū Dāwūd, Muḥammad ibn Sa‘d and others. Many scholars attested to his leadership. Aḥmad ibn Ḥanbal said about him, “Ibn Ma‘īn was the most knowledgeable of men among us.”<sup>2</sup> Yet, for the purpose of *jahāla*, Ibn Ḥazm mentions Ibn Ma‘īn in only one case, when he was discussing Sulaymān ibn Dāwūd al-Jazarī.<sup>3</sup>

## 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‘īd al-Qaṭṭān 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.<sup>4</sup> Ibn Ḥazm relied once on his view, when he judged al-Aswad ibn Tha‘laba.<sup>5</sup>

<sup>1</sup> *Tahdhīb*, 7:463(770).

<sup>2</sup> *Tahdhīb al-Asmā’*, 2:156(246); *Tadhkira*, 2:429(437).

<sup>3</sup> *Al-Muḥallā*, 10:364.

<sup>4</sup> *Tahdhīb al-Asmā’*, 1:350(431); *Tadhkira*, 2:428(436).

<sup>5</sup> *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 *'adāla*<sup>1</sup> and its related issues is a major step in understanding his view of *jahāla*.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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<sup>1</sup> *'Adāla* is a fundamental condition of a witness who brings evidence, and an *'adl* person is someone who is moral and truthful.

<sup>2</sup> *Jahāla* is the anonymity of the narrator, this fact that he cannot be identified.

<sup>3</sup> *Al-Muḥallā*, 1:50.

<sup>4</sup> *Iḥkām*, 5:124.

1. *Fāsiq* narrator:<sup>1</sup> 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.”<sup>2</sup> 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.<sup>3</sup>
  
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).<sup>4</sup> 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 [Islāmic] religion, and that they may warn their people when they return to them.”<sup>1</sup> 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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<sup>1</sup> *Al-Muḥallā*, 1:51. *Fāsiq* in Islāmic law is a person not meeting the legal requirement of righteousness.

<sup>2</sup> *Surah al-Ḥujurāt*, 6.

<sup>3</sup> *Iḥkām*, 1:111.

<sup>4</sup> *Ibid.*, 5:106.

an *'adl*, the decisive inference from these two precludes is the requirement to accept the narration of the *'adl* narrator.<sup>2</sup>

### **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."<sup>3</sup> 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."<sup>4</sup> 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*,

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<sup>1</sup> *Surah al-Tawba*, 122.

<sup>2</sup> *Iḥkām*, 1:111; *al-Muḥallā*, 1:51.

<sup>3</sup> *Surah al-Naḥl*, 61.

<sup>4</sup> *Surah Fāṭir*, 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 Allāh’s will, secured from being a *fāsiq*. Accordingly that person is considered to be among the ‘*adūl*’; certainly, his narration should be accepted.<sup>1</sup> Ibn Ḥazm’s opinion joins that of the majority of the Mālikīte and Shāfi‘īte scholars,<sup>2</sup> 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 Ḥanafītes, who state that it is enough for a narrator to be a Muslim to be considered ‘*adl*’.

#### **Ibn Ḥazm’s criteria for ‘*adāla*’**

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 Allāh.<sup>1</sup> 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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<sup>1</sup> *Al-Muḥallā*, 9:394.

<sup>2</sup> *Al-Raf‘ wa al-Takmīl*:110, footnote 2.

embraced Islam, and afterwards narrated it and is found to be *'adl*, his narration must be accepted.<sup>2</sup>

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.<sup>3</sup>
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.<sup>1</sup>
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'a*, and does not understand what he hears or says. Obviously, if Ibn Ḥazm rejected many narrations because one of the

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<sup>1</sup> *Iḥkām*, 1:144.

<sup>2</sup> *Ibid.*, 2:83.

<sup>3</sup> *Al-Muḥallā*, 10:21.

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 *khawārim 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.<sup>2</sup>

### **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.<sup>3</sup>

#### **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 (*jarraḥahu*).<sup>4</sup>

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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<sup>1</sup> *Iḥkām*, 1:149; *al-Muḥallā*, 9:393.

<sup>2</sup> *Al-Muḥallā*, 9:395.

<sup>3</sup> *Iḥkām*, 1:146.

<sup>4</sup> The Arabic verb *jarraḥa* means, according to the context, reject, disparage, discredit, defame or disqualify.

sayings of Yaḥyā ibn Ma‘īn and others are accepted if they weaken whoever is not famous as an ‘*adl*.’<sup>1</sup> 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.<sup>2</sup>

### 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.<sup>3</sup>

#### 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 faqīh*) and ‘*adl* non-jurist (‘*adl ghayr faqīh*).

Ibn Ḥazm argues that an ‘*adl* narrator who is not a jurist (*ghayr faqīh*) 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

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<sup>1</sup> *Al-Muḥallā*, 6:9.

<sup>2</sup> *Iḥkām*, 1:146.

<sup>3</sup> *Al-Muḥallā*, 9:49.

the Qur'ān:<sup>1</sup> “Of every troop of them, a party only should go forth, that they [who are left behind] may receive instruction in the [Islamic] religion.”<sup>2</sup> As for the ‘*adl*’ narrator who is a jurist (*al-‘adl al-faqīh*), 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-nāfir* [that is those who devote themselves to Islāmic studies].<sup>3</sup>

Ibn Ḥazm states that the *fiqh* (jurisprudence) embodied by the above verse indeed includes preservation and accuracy. This is corroborated by the ḥadīth: “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.”<sup>4</sup>

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<sup>1</sup> *Iḥkām*, 1:138.

<sup>2</sup> *Surah al-Tawba*, 122.

<sup>3</sup> *Iḥkām*, 5:121.

<sup>4</sup> *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 Qur'ān 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 Qur'ān 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-faqīh*) 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.<sup>1</sup>

### **Disqualification of a narrator**

Ibn Ḥazm rejects narrators on the basis of four factors:

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<sup>1</sup> 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.<sup>1</sup>

### **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.<sup>1</sup>

### **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

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<sup>1</sup> 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 *'adāla* 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.<sup>2</sup> This is so because from Ibn Ḥazm's point of view Allāh undertook to preserve the Islāmic 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 *'adāla* 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 *'adāla* is proved, and whose lack of trustworthiness is not proved. However, Ibn Ḥazm considers only narrators whose *'adāla* is generally accepted among scholars.<sup>1</sup>

### **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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<sup>1</sup> Ibid., 1:136.

<sup>2</sup> 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 *kufir*. He says that if a *kāfir* 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 *kāfir*, his narration is to be accepted as correct.<sup>2</sup>

### **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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<sup>1</sup> Ibid., 1:136.

<sup>2</sup> 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,"<sup>1</sup> 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 (*munāfiqūn*) 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.<sup>2</sup>

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<sup>1</sup> *Surah al-Fatḥ*, 29.

<sup>2</sup> *Iḥkām*, 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."<sup>1</sup>
- b. "Anas is not known to have a nephew named Ḥafṣ."<sup>2</sup>
- c. "Nobody knows of his existence in the whole of creation."<sup>3</sup>

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<sup>1</sup> *Al-Muḥallā*, 2:194.

<sup>2</sup> *Ibid.*, 10:333.

<sup>3</sup> *Ibid.*, 7:303; 9:47.

d. "Nobody knows who he is."<sup>1</sup>

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-Madanī, about whom Ibn Ḥazm said: "Nobody knows of his existence in the whole of creation."<sup>2</sup> In fact he is well-known, although scholars acknowledge his weakness with regard to the narration of *aḥādīth*.<sup>3</sup> Another example is Muḥammad ibn ‘Abd al-Raḥmān ibn al-Raddād, to whom Ibn Ḥazm refers as "*majhūl*, no one knows him".<sup>4</sup> However, he is well-known by scholars, although they all agree on his weakness.<sup>5</sup> 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."<sup>6</sup> The reality is that he is well-known and that Abū Ḥātim and al-Dāraquṭnī considered him to be trustworthy.<sup>7</sup> Yasī‘ al-Kindī is yet another reporter whom Ibn Ḥazm mentions, saying: "*majhūl*, no

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<sup>1</sup> Ibid., 1:240; 10:326.

<sup>2</sup> Ibid., 9:47.

<sup>3</sup> *Mẓān*, 1:433(1616); *al-Jarḥ wa al-Ta’dīl*, 3:75(346).

<sup>4</sup> *Al-Muḥallā*, 7:287.

<sup>5</sup> *Lisān*, 5:251(7711); *al-Jarḥ wa al-Ta’dīl*, 7:315(1705); *Kāmil*, 7:400(1666).

<sup>6</sup> *Al-Muḥallā*, 10:333.

<sup>7</sup> *Tahdhīb*, 2:421(731).

one knows who he is.”<sup>1</sup> Here again, in reality he is well-known; ‘Alī ibn al-Madīnī knew him, and al-Nasā’ī and Ibn Ḥibbān considered him to be trustworthy.<sup>2</sup>

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”.<sup>3</sup>
- b. Ibn Muṣbiḥ, about whom Ibn Ḥazm says: “nobody knows him in the whole creation of Allāh.” When the chain of narration in which Ibn Muṣbiḥ was mentioned is reviewed, it appears that the person who narrated from Ibn Muṣbiḥ is ‘Abd al-Jabbār ibn ‘Amr al-Aylī. Ibn Ḥazm said that the latter was *sāqiṭ*, 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 *sāqiṭ*.<sup>4</sup>

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<sup>1</sup> *Al-Muḥallā*, 10:352.

<sup>2</sup> *Tahdhīb*, 11:380(740).

<sup>3</sup> *Al-Muḥallā*, 7:303.

<sup>4</sup> *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 Yasī‘ al-Kindī.<sup>1</sup>

## 2. *Jahāla*

This category is one degree below the previous absolute *jahāla* 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 *‘adāla*, but that some may know him. In describing the narrators listed under this category, Ibn Ḥazm uses the word *majhūl* (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 *majhūl*, but he is not correct regarding 19 others, whose true status is *majhūl al-ḥāl*, not simply *majhūl*. *Majhūl 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 *majhūl* 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.

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<sup>1</sup> 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 *‘adāla* is unknown either by fame or by scholars’ testimony (*tanṣīṣ*).

Ibn Ḥazm listed the following 7 narrators in this category:

- a. Arqam ibn Shuraḥbīl. Ibn Ḥazm says about him: “*laysa bi-mashhūr al-ḥāl*”, that is, he is not of well-known status.<sup>1</sup>
- b. Sa‘d ibn Ishāq. Ibn Ḥazm passes the same judgement on him as the previous narrator.<sup>2</sup>
- c. ‘Abd al-Raḥmān al-Wābiṣī. Ibn Ḥazm says about him: “*lā yu‘lam ḥāluh*”, that is, his status is unknown.<sup>3</sup>
- d. ‘Abd al-Salām ibn ‘Abd al-Raḥmān al-Wābiṣī, son of the previous narrator. Ibn Ḥazm passes the same judgement on him as he did on his father.<sup>4</sup>
- e. ‘Abd Allāh ibn Tha‘laba. Ibn Ḥazm judges him to be *majhūl al-ḥāl*, that is, of unknown status.<sup>5</sup>
- f. Al-Khaṣīb ibn Nāṣih al-Ḥārithī. Ibn Ḥazm judges him as *la yu‘lam ḥāluh*, that is, his status is unknown.<sup>6</sup>

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<sup>1</sup> Ibid., 3:68.

<sup>2</sup> Ibid., 3:273.

<sup>3</sup> Ibid., 4:49.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., 6:121.

<sup>6</sup> Ibid., 9:504.

g. Sulaymān ibn Dāwūd al-Jazarī. Ibn Ḥazm says that he is *majhūl al-ḥāl*, or of unknown status.<sup>1</sup>

Ibn Ḥazm is only correct in his judgement on Shuraḥbīl 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‘laba, who is one of al-Bukhārī’s narrators in his *Ṣaḥīḥ*.<sup>2</sup>

#### 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-Muḥallā* the *mubham* narrators are mentioned 58 times. Ibn Ḥazm refers to as: “a good man, a citizen of al-Madīna,”<sup>3</sup> or “a man from Banī Sulaym”.<sup>4</sup> In *al-Muḥallā* 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 Nāfi‘ ibn ‘Alqama: “*majhūl*, his name is not mentioned, therefore he is not known”.<sup>5</sup>

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<sup>1</sup> Ibid., 10:364.

<sup>2</sup> *Rijāl al-Bukhārī*, 2:798(769); *Tahdhīb*, 5:165(284).

<sup>3</sup> *Al-Muḥallā*, 10:325.

<sup>4</sup> Ibid., 7:175.

<sup>5</sup> 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 (*tanṣīṣ*) 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.<sup>1</sup>

### **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

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<sup>1</sup> *Iḥkām*, 2:2,70.

scholars accept someone who is *majhūl al-ḥāl* if the reporter is famous in a field other than the narration of *aḥādīth*, 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).<sup>1</sup> And in another instance he says about her: “unknown, no one knows who she is”.<sup>2</sup> The first judgement indicates that she is known as a person, although her *‘adāla* has not been proved. The second comment indicates that she is altogether unknown as a person.
2. ‘Abd Allāh ibn Tha‘laba: In one instance Ibn Ḥazm says that he is *majhūl al-ḥāl* (of unknown status).<sup>3</sup> In another instance he says that he is unknown.<sup>4</sup> 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 *‘adāla*.

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<sup>1</sup> *Al-Muḥallā*, 9:49.

<sup>2</sup> *Ibid.*, 10:295.

<sup>3</sup> *Ibid.*, 6:121.

<sup>4</sup> *Ibid.*, 6:122.

## Ibn Ḥazm's meaning of *majhūl*

It was explained earlier<sup>1</sup> in the discussion of the scholars' general approach that describing a narrator as *majhūl* means *majhūl al-'ayn*. The exception is Abū Ḥatim— as shown above— who uses *majhūl* to mean *majhūl al-ḥāl*.<sup>2</sup> As for Ibn Ḥazm, *al-Muḥallā* shows that he does not use the term *majhūl al-'ayn* even once. However, we shall see the connotation of the expression *majhūl al-'ayn* as it existed in Ibn Ḥazm's mind and that there is ample evidence that the difference between *majhūl al-ḥāl* and *majhūl al-'ayn* was quite clear to Him.

1. When assessing the status of al-'Āliya bint Ayfa' ibn Sharāḥīl, Ibn Ḥazm said: “*Majhūlat al-ḥāl* (of unknown status), nobody narrated from her except her husband and her son Yūnus.”<sup>3</sup> 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 *majhūl al-'ayn* (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 *majhūl al-'ayn* when he writes *majhūl* is the fact that in other instances, when assessing narrators, he uses the term *majhūl* (unknown) or “not known who he is”, which tallies with *majhūl al-'ayn*

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<sup>1</sup> See page 221 of this research.

<sup>2</sup> *Mughūh*, 1:319-320.

<sup>3</sup> *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-Azdī,<sup>1</sup> al-Sabī‘ī,<sup>2</sup> al-Makfūf,<sup>3</sup> Umm Muḥammad bint Abī Yahyā<sup>4</sup> and al-Milqām ibn al-Talb.<sup>5</sup>

3. When Ibn Ḥazm judged Abū Marḥūm ‘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.”<sup>6</sup> 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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<sup>1</sup> Ibid., 7:472; 9:499.

<sup>2</sup> Ibid., 2:189; 10:80.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid., 7:357,365.

<sup>5</sup> Ibid., 7:339,406.

<sup>6</sup> 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 Aḥmad ibn Ḥanbal.”<sup>1</sup>
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.”<sup>2</sup> Ibn Ḥazm describes ‘Abd Allāh ibn Badr as “famous for being

<sup>1</sup> Ibid., 9:49.

<sup>2</sup> *Al-Muḥallā*, 4:53; *Tahdhīb*, 1:492(1054); *Tārīkh al-Thiqāt*, 296(969).

trustworthy.”<sup>1</sup> 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 ‘Alī, is *majhūl*, but they lie, [because] he is famous as a trustworthy reporter; Muslim and others narrated from him.”<sup>2</sup> 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 *Ṣaḥīḥ* (Authentic Collections of Ḥadīth) from a group of narrators from whom only one person has narrated.<sup>3</sup>

### **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 *Ṣaḥīḥ* (Authentic Collections of Ḥadīth). For example, in his *Ṣaḥīḥ* Muslim narrates from ‘Abd al-Salām ibn ‘Abd al-Raḥmān al-Wābiṣī,<sup>4</sup> Yaḥyā ibn ‘Abd Allāh ibn ‘Abd al-Raḥmān ibn Sa‘d ibn Zurāra,<sup>5</sup> al-Walīd ibn Hishām al-Mu‘ayṭi,<sup>6</sup>

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<sup>1</sup> *Al-Muḥallā*, 4:53.

<sup>2</sup> *Ibid.*, 9:531.

<sup>3</sup> *Muqaddima*, 102.

<sup>4</sup> *Al-Muḥallā*, 4:49; *Tahdhīb*, 6:322(618).

<sup>5</sup> *Al-Muḥallā*, 6:26; *Tahdhīb*, 11:241(393).

<sup>6</sup> *Al-Muḥallā*, 1:258; *Tahdhīb*, 11:156(259).

Muḥammad ibn ‘Abd al-Raḥmān ibn Labība<sup>1</sup> and ‘Abd Allāh ibn Wāqid.<sup>2</sup> For his part, al-Bukhārī narrates in his *Ṣaḥīḥ* from al-Sabī‘ī,<sup>3</sup> Sālim ibn Aswad ibn Ḥanzala,<sup>4</sup> ‘Abd Allāh ibn Tha‘laba (a known Companion of the Prophet Muḥammad),<sup>5</sup> ‘Abd al-Wāhid al-Naṣrī<sup>6</sup> and Muḥammad ibn ‘Abd al-Raḥmān.<sup>7</sup> 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 (*thiqa*) 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 ḥadīth because al-Layth ibn Sa‘d did not name the person from whom he narrated.”<sup>8</sup>

<sup>1</sup> *Al-Muḥallā*, 8:223, *Tahdhīb*, 9:301(500).

<sup>2</sup> *Al-Muḥallā*, 6:72; *Tahdhīb*, 6:65(129).

<sup>3</sup> *Al-Muḥallā*, 2:189; 8:386; 10:80; *Rijāl al-Bukhārī*, 3:976(1105).

<sup>4</sup> *Al-Muḥallā*, 7:108; *Rijāl al-Bukhārī*, 3:1151(1373).

<sup>5</sup> *Al-Muḥallā*, 6:121,122; *Rijāl al-Bukhārī*, 2:798(769); *Tahdhīb*, 5:165(284).

<sup>6</sup> *Al-Muḥallā*, 8:275; *Rijāl al-Bukhārī*, 2:911(980); *Tahdhīb al-Kamāl*, 4/4708 CD.

<sup>7</sup> *Al-Muḥallā*, 6:31,72; *Rijāl al-Bukhārī*, 2:659(531); *Tahdhīb*, 9:295(490).

<sup>8</sup> *Ibid.*, 8:262.

Ibn Ḥazm takes this view because the ‘*adl*’ person, here al-Layth ibn Sa‘d, 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-Ju‘fī 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. Invalidating, as explained by Ibn Ḥazm, takes precedence over ‘*adāla*’.<sup>1</sup>

### **Position of the Companion as a *majhūl* narrator**

Ibn Ḥazm’s view of the ‘*adāla*’ of the Companions has been discussed already.<sup>2</sup> What is the position, however, when *jahāla* is applicable to a Companion? An example is where a trustworthy person among the Successors (*Tābi‘īn*) 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-Ṭā‘ī, who said: “from a man among the Prophet’s

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<sup>1</sup> *Iḥkām*, 2:2.

<sup>2</sup> See page 250 of this research.

Companions...”<sup>1</sup> 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.”<sup>2</sup>

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

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<sup>1</sup> *Al-Muḥallā*, 8:333.

<sup>2</sup> *Sūrat al-Tawba*, 101.

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.<sup>1</sup>

### **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."<sup>2</sup> 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

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<sup>1</sup>*Iḥkām*, 2:3.

<sup>2</sup>*Al-Muḥallā*, 5:84.

mentioned, therefore, it is not known who he is.”<sup>1</sup> 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**

Series	Terminology	No. of times
1	Unknown ( <i>majhūl</i> )	249
2	Not known who he is	103
3	No one knows who he is	22
4	Of unknown Status ( <i>majhūl al-ḥāl</i> )	7
5	I do not know who he is, I do not know him	10
6	Not famous	12

## 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*”,<sup>2</sup> “not one of the creatures of

<sup>1</sup> Ibid., 7:409.

<sup>2</sup> Ibid.,8:193; 9:47.

Allāh ta‘ālā knows who he is”,<sup>1</sup> “not in existence”.<sup>2</sup> 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-Raḥmān ibn Abī ‘Amra,<sup>3</sup> Abū Yazīd al-Ḍabbī,<sup>4</sup> Ismā‘īl ibn ‘Ubayd Allāh,<sup>5</sup> Ḥassān ibn Abī Sinān,<sup>6</sup> Abū Dāwūd Sulaym ibn Sālim,<sup>7</sup> ‘Āṣim ibn ‘Amr,<sup>8</sup> Nūḥ ibn Abī Hilāl,<sup>9</sup>

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<sup>1</sup> Ibid., 5:264; 7:176.

<sup>2</sup> Ibid., 2:194.

<sup>3</sup> Ibid., 7:519.

<sup>4</sup> Ibid., 9:209.

<sup>5</sup> Ibid., 8:414.

<sup>6</sup> Ibid., 9:59.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid., 8:447.

Kidām ibn ‘Abd al-Raḥmān,<sup>1</sup> Abū Shu‘ayb ibn Wāqid<sup>2</sup> and al-Ḥārith ibn ‘Amr.<sup>3</sup>

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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<sup>1</sup> Ibid., 7:365.

<sup>2</sup> Ibid., 2:254.

<sup>3</sup> 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.”<sup>1</sup> He describes Ḥafṣ ibn Ghaylān as “unknown”.<sup>2</sup> On another occasion he says: “We do not know him, so it is more appropriate that he be classified as unknown and not reliable.”<sup>3</sup> 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 *aḥādīth*. 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

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<sup>1</sup> Ibid., 5:67.

<sup>2</sup> Ibid., 7:37.

<sup>3</sup> Ibid., 9:197..

untrustworthy.”<sup>1</sup> 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.”<sup>2</sup> Ibn Ḥazm is wrong in his judgement because al-Ḍabbī is not al-‘Āyidhī and he is acceptable according to Ibn Ḥajar.<sup>3</sup> Moreover, Ibn Ḥazm says about Aḥmad ibn Muḥammad ibn Ghālib, “If he is the servant of Khalīl, then he has been accused [of untrustworthiness], and if he is someone else, then he is unknown.”<sup>4</sup> 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.”<sup>1</sup> 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,

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<sup>1</sup> Ibid., 7:421.

<sup>2</sup> Ibid., 10:364.

<sup>3</sup> *Taqrīb*, 2:454(166).

<sup>4</sup> *Al-Muḥallā*, 9:296.

and if he is someone else, then he is unknown.”<sup>2</sup> 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.”<sup>1</sup> 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

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<sup>1</sup> Ibid., 10:164,170.

<sup>2</sup> 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 *majhūl*. 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,”<sup>2</sup> 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 (*thiqa ḥujja*)”.<sup>3</sup> 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”.<sup>4</sup>

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,<sup>5</sup> ‘Attāb ibn Bashīr al-Jazarī,<sup>6</sup> Bahz ibn Ḥakīm,<sup>7</sup> Ḥafṣ ibn ‘Umar ibn Maymūn<sup>8</sup> and Abān ibn Ṣāliḥ.<sup>1</sup> 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 *majhūl*, 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

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<sup>1</sup> Ibid., 9:103.

<sup>2</sup> *MĒān*, 2:211(3476).

<sup>3</sup> *Tahdhīb*, 4:197(334); *Tārīkh Yaḥyā ibn Ma‘īn*, 1:119-125.

<sup>4</sup> *Lisān*, 3:276.

<sup>5</sup> *Al-Muḥallā*, 8:317; 9:58.

<sup>6</sup> Ibid., 6:79; 7:419.

<sup>7</sup> Ibid., 6:57; 8:169.

<sup>8</sup> Ibid., 8:302; 9:355.

in *al-Muḥallā*, 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-Muḥallā* 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 ḥadīth and begins with the hands before the face, it is also acceptable.” Later in the book, he specifies: “Then I became aware of the ḥadīth which says, ‘Begin with that which Allāh began’, and so it became compulsory to begin with the face and then the hands.”<sup>2</sup> Ibn Ḥazm records his new judgement and could have abrogated his initial opinion, but he does not. When writing about lochia in women,<sup>1</sup> 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 *nasā’* (confinement) in lieu of *ḥayḍ* (period) when he said to ‘Ā’isha: “Were you in confinement? She answered: “Yes.” Here the Prophet used confinement” to mean

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<sup>1</sup> Ibid., 1:198; 7:137.

<sup>2</sup> Ibid., 2:161.

“period.”<sup>2</sup> 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”;<sup>3</sup> that Sulaymān ibn Dāwūd al-Jazarī was a “weak narrator, of unknown status”;<sup>4</sup> that ‘Abd al-Malik ibn Nāfi‘ was “unknown and weak”;<sup>5</sup> and that Yasār Mawlā Ibn ‘Umar was “unknown and *mudallis*”.<sup>6</sup> Finally, he says of ‘Abd al-Raḥmān ibn Ṣalih al-Ṭalḥī: “cannot be trusted and it is not known who he is”<sup>1</sup>

## 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

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<sup>1</sup> This takes place during the confinement.

<sup>2</sup> *Al-Muḥallā*, 2:184.

<sup>3</sup> *Ibid.*, 9:69.

<sup>4</sup> *Ibid.*, 10:364.

<sup>5</sup> *Ibid.*, 7:483.

<sup>6</sup> *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 *‘udūl*. 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 *‘udūl* 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 Nāṣiḥ 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.”<sup>1</sup> 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

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<sup>1</sup> 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.”<sup>2</sup> Ibn Ḥazm was correct in his statement. He also said about Ḥafṣ, nephew of Anas ibn Mālīk: “Anas is not known to have had a nephew called Ḥafṣ. Moreover, Anas had no brother except al-Barā’ ibn Mālīk 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.”<sup>3</sup> So Ibn Ḥazm’s judgement is based on his personal knowledge of Anas ibn Mālīk and his family, even though many scholars accepted the existence of Ḥafṣ and said that he was trustworthy.<sup>4</sup> In another instance, Ibn Ḥazm said about ‘Umar ibn Ṭalḥa: “Does not exist; Ṭalḥa is not known to have had a son called ‘Umar.”<sup>5</sup> 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 ‘Umrān, not ‘Umar. The ḥadīth that Ibn Ḥazm rejected owing to his judgement on ‘Umar ibn Ṭalḥa is presented by Ibn Mājah in his *Sunan*.<sup>6</sup> However, Ibn Ḥazm was not aware of Ibn Mājah’s *Sunan*, which did not reach al-Andalus until after his death.<sup>7</sup>

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<sup>1</sup> Ibid., 9:504.

<sup>2</sup> Ibid., 10:115.

<sup>3</sup> *Tahdhīb*, 10:333.

<sup>4</sup> Ibid., 2:421(731).

<sup>5</sup> *Al-Muḥallā*, 2:194.

<sup>6</sup> *Tahdhīb*, 7:765(773).

<sup>7</sup> *Siyar*, 18:202.

c. 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.<sup>1</sup> 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."<sup>2</sup>

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 Khālīd calls 'Imrān ibn Abī Wahb."<sup>3</sup> 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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<sup>1</sup> *Al-Muḥallā*, 10:377.

<sup>2</sup> *Ibid.*, 10:326.

<sup>3</sup> *Ibid.*, 9:197.

unknown, it be relied upon.”<sup>1</sup> 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.”<sup>2</sup>

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.

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<sup>1</sup> Ibid., 9:197.

<sup>2</sup> 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 Zāhiriyya is a school of thought which accepts only texts as sources and rejects analogy.

As mentioned previously,<sup>1</sup> 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 Rāfi'. Ibn Ḥazm died before completing the book, therefore Abū Rāfi' continued the work by adding the unfinished cases from another book of his father's, *al-Īṣā*, after editing them to match the methodology followed by Ibn Ḥazm himself in *al-Muḥallā*. The cases are discussed in *al-Īṣā* 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.

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<sup>1</sup> See page 129 of this research.

**Table 10.1 Ibn Ḥazm's jurisdiction**

AREA OF JURISPRUDENCE	NO. OF UNKNOWN NARRATORS	NO. OF NARRATIONS	NO. OF CASES
Fundamentals of <i>fiqh</i>	1	1	1
Purity	39	33	20
Prayers	38	29	21
Prayer for the dead	2	2	2
Seclusion	1	1	1
Almsgiving	28	17	12
Fasting	11	9	8
Pilgrimage	31	19	12
Jihad	17	12	8
Animal sacrifice	17	10	4
Permitted foods	16	11	7
Slaughter	1	1	1
Hunting	5	5	3
Drinks	26	21	4
Sacrifice for a newborn child ( <i>'Aqīqa</i> )	1	1	1
Oaths	1	1	1

Pawning	1	1	1
Application of criminal Law	3	2	2
Bankruptcy	3	3	3
Hire and rental	11	11	1
Rewards	1	1	1
Founded property	7	4	3
Foundlings	11	1	1
Guardianship	3	3	3
Duress	3	2	1
Trade	62	41	22
Pre-emption ( <i>Shuf'a</i> )	4	3	2
Borrowing against a crop ( <i>Salam</i> )	4	1	1
Borrowing of household items	2	2	1
Manumission	4	4	4
Inheritance	9	5	2
Last will and testament	2	2	2
Decisions of the terminally ill	1	1	1

Litigation	2	2	2
Witness	7	5	4
Marriage	13	12	6
Impotence	7	4	1
Married couple's rights	5	5	2
The wearing of silk and gold	3	3	1
Living expenses	2	2	2
Divorce	9	8	5
Post-marital waiting period	5	3	3
Proof of current non-pregnancy	1	1	1
Custody of children	10	7	2
Requital	15	13	8
Total		<b>325</b>	<b>194</b>

### **Disagreement between Ibn Ḥazm and scholars: *majh ūl* 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.”<sup>1</sup> Indeed, two statements are reported from Imām Aḥmad: one considering the Friday *ghusl* to be obligatory, and the other considering it to be recommended.<sup>2</sup>

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<sup>1</sup> *Al-Muḥallā*, 2:8.

<sup>2</sup> *Al-Mughnī li Ibn Qudāma*, 2:200.

The majority of scholars said that it was recommended, such as the *aṣḥāb al-ra'y* (followers of the opinion), Mālik,<sup>1</sup> al-Shāfi'ī,<sup>2</sup> al-Awzā'ī, al-Thawrī<sup>3</sup> and al-Bukhārī.<sup>4</sup> 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 ‘Abd al-Barr said: “The Muslim scholars agreed unanimously in the past and they agree in present that the Friday *ghusl* is not obligatory.”<sup>5</sup>

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-Shāfi'ī 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.”<sup>6</sup>

Ibn Ḥazm maintains that this narration is reported from various sources: Samura, Anas, al-Ḥasan, Jābir, ‘Abd al-Raḥmān ibn Samura, Abū Hurayra and Yazīd ibn ‘Abd Allāh ibn al-‘Alā’. 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

<sup>1</sup> *Al-Tamhīd*, 10:79; 16:211-216; *al-Muntaqā*, 1:186; *Fatḥ al-Bārī*, 5:13.

<sup>2</sup> *Al-Ḥāwī al-kabīr*, 2:427; *al-Majmū'*, 4:351.

<sup>3</sup> *Al-Mughnī li Ibn Qudāma*, 2:200.

<sup>4</sup> *Ṣaḥīḥ al-Bukhārī*, 5:7.

<sup>5</sup> *Al-Mughnī li Ibn Qudāma*, 2:200.

<sup>6</sup> *Al-Ḥāwī al-kabīr*, 2:427. See *al-Muntaqā*, 1:186; *al-Mughnī li Ibn Qudāma*, 2:200.

Sufyān is weak and among the narrators there is Muḥammad ibn al-Ṣalt, who is unknown.<sup>1</sup>

However, Muḥammad ibn al-Ṣalt is not *majhūl* but well-known, for al-Bukhārī narrates from him in his *Ṣaḥīḥ*.<sup>2</sup> Furthermore, a number of scholars narrate from him, and al-Dāraquṭnī and Ibn Ḥibbān consider him trustworthy.<sup>3</sup> 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.”<sup>4</sup> Al-Dhahabī said about him: “He is honest, but makes mistakes.”<sup>5</sup> Ibn Ḥajar said about him: “He is honest, and well-known, but was considered to be weak.”<sup>6</sup> Accordingly it is clear that Muḥammad ibn al-Ṣalt 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-Ṣalt as *majhūl*, although he was correct in rejecting the narration. Since the narration was weak, it could not be taken as an authority.<sup>7</sup> However, the statements of those who said that the Friday *ghusl* was recommended

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<sup>1</sup> *Al-Muḥallā*, 2:13. See *Tahdhīb*, 5:26(44); *Taqrīb*, 1:380(42); *Tārīkh al-Thiqāt*, 237(727).

<sup>2</sup> *Rijāl al-Bukhārī*, 2:650(67).

<sup>3</sup> *Tahdhīb*, 9:233(368).

<sup>4</sup> *Al-Jarḥ wa al-Ta’dīl*, 7:289(1568).

<sup>5</sup> *Mughnī*, 2:594(5639).

<sup>6</sup> *Taqrīb*, 2:172(225).

<sup>7</sup> *Fatḥ 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 (*faqad laghā*) [his Friday prayer is not acceptable].”<sup>1</sup>

## 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-Madīna.”

Ibn Ḥazm said: “Makka is the best land of Allāh, followed by the city of the Prophet and then Bayt al-Maqdis (Jerusalem).<sup>2</sup> Here he agreed with the majority of scholars,<sup>3</sup> including Abū Ḥanīfa, al-Shāfi‘ī, Aḥmad, Dāwūd,<sup>4</sup> and Ibn Wahb and Ibn Ḥabīb from among the Mālikītes.<sup>5</sup> However, Mālik and some of the Shāfi‘ītes preferred al-Madīna over Makka.<sup>6</sup>

Ibn Ḥazm discussed the question with those who preferred al-Madīna. 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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<sup>1</sup> *Ṣaḥīḥ Muslim*, 2:588(27); *Talkhīṣ al-Ḥabīr*, 2:67(655). See for more details, *al-Muḥallā*, 2:9; *Fatḥ al-Bārī*, 5:14.

<sup>2</sup> *Al-Muḥallā*, 7:279.

<sup>3</sup> *Bidāya*, 3:205.

<sup>4</sup> *Al-Muḥallā*, 7:290; *Faḍā'il al-Madīna li Mullā Khāṭir*, 1:172.

<sup>5</sup> *Al-Majmū'*, 7:466.

<sup>6</sup> *Al-Muḥallā*, 7:279; *Faḍā'il al-Madīna li Mullā Khāṭir*, 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.”<sup>1</sup> 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.<sup>2</sup>
- iii. It is from Unays ibn Yaḥyā, about whom Ibn Ḥazm says: “It is not known who he is.”<sup>3</sup>

Ibn Ḥazm is not correct in his judgement of Unays ibn Yaḥyā as *majhūl*, for he is well-known and trustworthy. Ibn Ma‘īn, Abū Ḥātim, al-Nasā‘i, al-Ḥākim, al-‘Ijlī, Ibn Sa‘d, Ibn Abī Khaythama, al-Khalīlī,<sup>4</sup> Ibn Ḥibbān<sup>5</sup> and Ibn Ḥajar<sup>6</sup> 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

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<sup>1</sup> *Al-Muḥallā*, 7:285.

<sup>2</sup> *Ibid.*, 7:286.

<sup>3</sup> *Ibid.*, 7:286.

<sup>4</sup> *Tahdhīb*, 1:380(693).

<sup>5</sup> *Thiqāt*, 6:81.

<sup>6</sup> *Taqrīb*, 1:85(647).

Zabāla, who has been judged unanimously to be weak.<sup>1</sup> 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-Faqīh and Aḥmad ibn Muḥammad al-‘Anazī informed us, saying: “‘Uthmān ibn Sa‘īd al-Dārimī told us that Yaḥyā ibn Ṣāliḥ al-Waḥāzī told them that ‘Abd al-‘Azīz ibn Muḥammad told him that Unays ibn Abī Yaḥyā, the *mawlā* of the Aslamī heard from his father who heard from Abū Sa‘īd 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-Ḥabasha*).” 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.”’”<sup>2</sup>

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.<sup>3</sup>

Al-Haythamī reports many narrations; however, he mentions that they are all weak.<sup>1</sup>

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:

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<sup>1</sup> *Al-Muḥallā*, 7:286; *Kāmil*, 7:370(1655).

<sup>2</sup> *Mustadrak*, 1:521(1356).

<sup>3</sup> *Ibid.*

If the preference was due to the burial place of the Prophet, the same preference would have been given to Syria (*al-Shām*), specifically the city of al-Khalīl 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.<sup>2</sup>

Ibn Ḥazm reported the same narration with another chain, from Abū Khālid from Yaḥyā al-Bakkā', and he said about Abū Khālid: "He is unknown",<sup>3</sup> and about Yaḥyā al-Bakkā': "He is weak."<sup>4</sup>

b. It was reported that the Prophet said: "Al-Madīna is better than Makka." Ibn Ḥazm presented this ḥadīth with three chains. The first one was narrated by al-Ḥasan ibn Zabāla, the second by Muḥammad ibn 'Abd al-Raḥmān al-Raddād, and the third by Mālik's companion, 'Abd Allāh ibn Nāfi' al-Ṣāyigh, whom Ibn Ḥazm judged to be unanimously weak.<sup>5</sup> Also the third chain contained Muḥammad ibn 'Abd al-Raḥmān ibn al-Raddād, whom Ibn Ḥazm judged by saying: "He is *majhūl*: no one knows him."<sup>6</sup>

Ibn Ḥazm was not correct in judging Muḥammad ibn 'Abd al-Raḥmān al-Raddād to be *majhūl*, for he was well-known by the scholars, although they agreed

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<sup>1</sup> *Majma'*, 3:42.

<sup>2</sup> *Al-Muḥallā*, 7:286

<sup>3</sup> I could not identify Abū Khālid.

<sup>4</sup> *Al-Muḥallā*, 7:286.

<sup>5</sup> *Ibid.*, 5:223; 7:377.

<sup>6</sup> *Ibid.*, 7:287.

that he was weak. Al-Azdī said about him: “His ḥadīth is not valid.”<sup>1</sup> 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.”<sup>2</sup> Ibn ‘Adī said about him: “His narrations from whomever he narrated are not known by scholars.”<sup>3</sup> Al-Dhahabī said: “He was considered weak.”<sup>4</sup> 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.”<sup>5</sup> 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].”<sup>6</sup> 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.”<sup>7</sup> Furthermore, when Ibn Ḥazm reported the same narration with a valid chain, he excluded the sentence: “al-Madīna is better than Makka.”<sup>8</sup> The same narration, as Ibn Ḥazm reported (i.e, excluded the sentence: “al-Madīna is better than Makka”), had

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<sup>1</sup> *Lisān*, 5:251(7711).

<sup>2</sup> *Al-Jarḥ wa al-Ta’dīl*, 7:315.

<sup>3</sup> *Kāmil*, 7:400(1666).

<sup>4</sup> *Mughnī*, 2:606(5747).

<sup>5</sup> *Kāmil*, 7:401.

<sup>6</sup> *Lisān*, 5:251(771).

<sup>7</sup> *Hidāyat al-Sālik*, 1:47.

<sup>8</sup> *Al-Muḥallā*, 7:287.

been narrated by Imām Muslim in his *Ṣaḥīḥ*.<sup>1</sup> 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.<sup>2</sup>

### 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 *zuhr*, ‘*aṣr* 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*.<sup>3</sup> Scholars’ statements varied on this matter. Abū Ḥanīfa agrees with Ibn Ḥazm that shortening is obligatory on a journey.<sup>4</sup> Mālik says that shortening prayers when travelling is a certain Sunnah, and whoever completes the full prayer must re-do it immediately.<sup>5</sup> However, if the prayer time had passed, then his prayer is correct. As for al-Shāfi‘ī, he says that shortening

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<sup>1</sup> *Ṣaḥīḥ Muslim*, 9:491(457).

<sup>2</sup> For more details see, *Faḍā’il al-Madīna li Mullā Khāṭir*, 1:171-180; *Faḍā’il al-Madīna al-Munawwara li al-Ṣāliḥī*, 105-113; *al-Ḥujja*.

<sup>3</sup> *Al-Muḥallā*, 4:269.

<sup>4</sup> *Fatḥ al-Qadīr*, 2:31.

<sup>5</sup> *Al-Istidhkār*, 6:65.

the prayers is permissible: it is a matter of concession (*rukḥṣa*), and whoever wish to complete the full prayer can do so.<sup>1</sup> Aḥmad also says that a traveller can either shorten the prayer or do it in full.<sup>2</sup>

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*.”<sup>3</sup>

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.<sup>4</sup> However, Ibn Ḥibbān is contradictory in his view, for he mentions him in his *Thiqāt*.<sup>5</sup> Yaḥyā ibn Ma‘īn said about him: “He is trustworthy.”<sup>6</sup> Al-Dhahabī said, after reporting the statements of Ibn Ḥibbān and Yaḥyā ibn Ma‘īn: “The crucial factor is the authentication of Yaḥyā.”<sup>7</sup> Al-

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<sup>1</sup> *Al-Umm*, 1:313; *al-Majmū’*, 4:209; *al-Ḥāwī al-Kabīr*, 2:358.

<sup>2</sup> *Muntahā al-Irādāt*, 1:292.

<sup>3</sup> *Al-Muḥallā*, 4:269.

<sup>4</sup> *Mughnī*, 2:69 (4181).

<sup>5</sup> *Al-Thiqāt*, 7:265; see *Kabīr*, 6:515(3166).

<sup>6</sup> *Al-Jarḥ wa al-Ta’dīl*, 6:355.

<sup>7</sup> *MẒān*, 5:124 (5737).

Nasā'ī narrated two ḥadīths from al-'Alā' ibn Zuhayr, one of them about shortening the prayer, being the same ḥadīth from 'Ā'isha: "Al-'Alā' ibn Zuhayr al-Azdī said: "Abd al-Raḥmān 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 in full, you ate and I fasted." The Prophet said: "Well done, 'Ā'isha." 'Ā'isha said: "He did not criticize me."<sup>1</sup> 'Abd al-Ḥaqq al-Ishbīlī rejected Ibn Ḥazm's judgement on al-'Alā' ibn Zuhayr being *majhūl*. 'Abd al-Ḥaqq said: "Al-'Alā' ibn Zuhayr is a famous trustworthy person, and the ḥadīth that he narrated on shortening the prayer is correct."<sup>2</sup>

Accordingly, I consider al-'Alā' 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.<sup>3</sup>

#### **4. Where Ibn Ḥazm is correct in judging the narrator, in rejecting the narration and in his juristic position.**

<sup>1</sup> *Sunan al-Nasā'ī*, 3:138(1455); see *Ṣaḥīḥ Muslim*, 5:317(3).

<sup>2</sup> *Tahdhīb*, 8:161.

<sup>3</sup> 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.<sup>1</sup> Scholars’ statements on this differ. Al-Ṭabarī,<sup>2</sup> al-Ḥasan ibn Ṣāliḥ, Abū Thawr<sup>3</sup> and al-Nakha‘ī<sup>4</sup> agree with Ibn Ḥazm. Abū Ḥanīfa,<sup>5</sup> al-Layth ibn Sa‘d and al-Muzanī say that the Friday prayer can be performed with 3 people, the imām being the fourth. Al-Awzā‘ī, al-Zuhrī, Rabī‘a and Muḥammad ibn al-Ḥasan say: “The Friday prayer is performed with twelve men.”<sup>6</sup> Al-Shāfi‘ī and Aḥmad require the Friday prayer to be performed by 40 people.<sup>7</sup> 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.<sup>8</sup>

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<sup>1</sup> *Al-Muḥallā*, 5:45. Ibn Ḥajar said that Ibn Ḥazm stated that the Friday prayer could be performed by one person, *Fatḥ al-Bārī*, 5:91. I could not find in *al-Muḥallā* 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 (*ṣalāt al-ẓuhr*). Unless Ibn Ḥajar did not count the imām, which is a total of two persons.

<sup>2</sup> *Bidāyat al-Mujtahid*, 1:158.

<sup>3</sup> *Al-Ḥāwī al-Kabīr*, 2:409.

<sup>4</sup> *Fatḥ al-Bārī*, 5:91.

<sup>5</sup> *Al-Mabṣūṭ*, 2:24.

<sup>6</sup> *Al-Ḥāwī al-Kabīr*, 2:409.

<sup>7</sup> *Bidāyat al-Mujtahid*, 1:158; *Irshād al-Sārī*, 2:167; *Sharḥ al-Nawawī li Ṣaḥīḥ Muslim*, 4:157; *Nayl al-Awṭār*, 3:261; *Mudawwana*, 1:153; *al-Mabṣūṭ*, 2:24; *Kitāb al-Tamām*, 1:228; *al-Mughnī li Ibn Qudāma*, 2:171; *al-Tadhkira*, 63.

<sup>8</sup> *Bidāyat al-Mujtahid*, 1:158; *al-Ḥāwī al-Kabīr*, 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-Shāfi‘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 worshippers, such as al-Qāsim ibn Muḥammad;<sup>1</sup> and the narration used by those who require 200 worshippers.<sup>2</sup>

### **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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<sup>1</sup> *Mudawwana*, 1:152; *al-Muḥallā*, 5:46; *Bidāyat al-Mujtahid*, 1:158.

<sup>2</sup> Ibn Ḥazm did not mention who were those scholars.

only four men.” Ibn Ḥazm says: “This cannot be taken as an authority, because Mu‘āwiya ibn Yaḥyā and Mu‘āwiya ibn Sa‘īd are unknown.”<sup>1</sup>

Ibn Ḥazm is not correct in his judgement. Mu‘āwiya ibn Sa‘īd is indeed well known. Ibn Ḥibbān mention him in his *Thiqāt*<sup>2</sup> and Ibn Ḥajar describes him as “acceptable.”<sup>3</sup> Mu‘āwiya 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: “Mu‘āwiya ibn Yaḥyā al-Ṣadafī al-Aṭrābulsī 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.”<sup>4</sup> The reality is, as described by scholars such as al-Bukhārī,<sup>5</sup> al-Dhahabī,<sup>6</sup> Ibn Ḥajar<sup>7</sup> and others, that Mu‘āwiya ibn Yaḥyā al-Ṣadafī was not the same person as Mu‘āwiya ibn Yaḥyā al-Aṭrābulsī. However, they are both weak. The one reported by Ibn Ḥazm is in fact Mu‘āwiya ibn Yaḥyā al-Dimashqī Abū Muṭī‘ al-Aṭrābulsī. Ibn Ma‘īn says about both Mu‘āwiya al-Ṣadafī and Mu‘āwiya al-Aṭrābulsī: “They are weak.”<sup>8</sup> Ibn Ma‘īn said about al-Ṣadafī when

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<sup>1</sup> *Al-Muḥallā*, 5:47.

<sup>2</sup> *Tahdhīb*, 10:206(384).

<sup>3</sup> *Taqrīb*, 2:259(1227).

<sup>4</sup> *Al-Majrūhīn*, 3:3.

<sup>5</sup> *Kabīr*, 7:336(1446,1447).

<sup>6</sup> *Mughnī*, 2:667(6325,6326).

<sup>7</sup> *Tahdhīb*, 10:219(402); 220(403).

<sup>8</sup> *Kalām Abī Zakariyyā*, 112(359).

he was asked about him: “He is nothing.”<sup>1</sup> Al-Baghawī and al-Dāraqūṭnī describe Mu‘āwiya ibn Yaḥyā al-Aṭrābulsī as a weak narrator.<sup>2</sup> Abū Ḥātim says that he is “honest”.<sup>3</sup> Some scholars such as Abū Zur‘a and Abū ‘Alī al-Naysābūrī consider him trustworthy.<sup>4</sup> 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-Azdī that the Prophet said: “If thirty men are gathered, they are to nominate a leader to be their imām in performing the Friday prayer.”<sup>5</sup> Ibn Ḥazm says: “Abū Muḥammad al-Azdī is unknown.”<sup>6</sup> In his book *al-Jarḥ wa al-ta’dīl* Ibn Abī Ḥātim introduces him as Abū Muḥammad al-Azdī and mentions that his name is Ismā‘īl ibn Yūsuf ibn Ṣadaqa, and that Abū Zur‘a believed him to be from Syria.<sup>7</sup> However, al-Dhahabī confirms that Ismā‘īl ibn Yūsuf is *majhūl*.<sup>8</sup>

<sup>1</sup> *Tārīkh ‘Uthmān ibn Sa‘īd al-Dārimī*, 204(752); *Aḥwāl al-Rijāl*, 167(298); *Matrūkīn*, 362(511); *Mughnī*, 2:667(6325); *MĒān*, 4:138(8635).

<sup>2</sup> *MĒān*, 4:139(8636); *Tahdhīb*, 10:220(403).

<sup>3</sup> *Mughnī*, 2:667(6326).

<sup>4</sup> *Tahdhīb*, 10:220(403); *al-Jarḥ wa al-Ta’dīl*, 8:34(1754).

<sup>5</sup> *Mudawwana*, 1:152. What Ibn Wahb related to al-Qāsim ibn Muḥammad was not in fact “thirty men” but “thirty householder”.

<sup>6</sup> *Al-Muḥallā*, 5:47.

<sup>7</sup> *Al-Jarḥ wa al-ta’dīl*, 2:204(691).

<sup>8</sup> *MĒān*, 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.<sup>1</sup> From this evidence, it becomes clear that Ibn Ḥazm is not alone in considering Abū Muḥammad al-Azdī 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-Azdī is not considered trustworthy by any scholar. As for Abū Zur‘a he indicates only that he is from Syria, so he knows him, although he does not mention from whom he narrates except Ishāq ibn Ibrāhīm ibn al-‘Alā’.<sup>2</sup> This mention by Abū Zur‘a does not remove the *jahāla* from him. Accordingly, this narration is not acceptable, for al-Azdī 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 Ghutaḥf: “When they [the Companions] comprised two hundred people, the Prophet performed the Friday prayer.” Ibn Ḥazm says: “This ḥadīth is unacceptable and Rawḥ ibn Ghutaḥf is *majhūl*.”<sup>3</sup>

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<sup>1</sup> *Lisān*, 1:499.

<sup>2</sup> *Al-Jarḥ wa al-Ta’dīl*, 2:204(691).

<sup>3</sup> *Al-Muḥallā*, 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-Bukhārī says about him: “His narrations are deniable (*munkar al-ḥadīth*).”<sup>1</sup> Abū Ḥātim says: “He is not strong, his narrations are very deniable.”<sup>2</sup> Ibn Ma‘īn considers him weak. Al-Nasā‘ī says about him: “He is abandoned.”<sup>3</sup>

It is worth pointing out that Imām al-Bukhārī, in his comprehensive book *al-Ṣaḥīḥ*, 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-Ishbīlī says in his book *al-Aḥkām*: “There is not a single narration that is sound (*ṣaḥīḥ*) in explaining the requirement of the number of people for the Friday prayers.”<sup>4</sup>

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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<sup>1</sup> *Kabīr*, 3:308(1047).

<sup>2</sup> *Al-Jarḥ wa al-Ta’dīl*, 3:495(2245).

<sup>3</sup> *MĒān*, 2:60(2809); *Mughnī*, 1:234(2146).

<sup>4</sup> *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 - Islām, 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 Islām 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 Ḥadīth, a theologian, a jurispudent, a moral philosopher, a historian and a genealogist.

His book *al-Muḥallā* is a book of absolute *ijtihād* and it is one of the greatest books in Islāmic 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 Ḥadīth, 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 Aḥmad ibn al-Jasūr (d. 401/ 1010) in 399/ 1008.

His first step in seriously studying *fiqh* was Imām Mālik's book *al-Muwaṭṭa'* and his teacher was Abū 'Abd Allāh ibn Daḥūn. He began his scholarly life as a Mālikīte, then became a Shafī'īte and finally a Zāhirīte. Ibn Ḥazm was impressed by Shāfi'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 Muflit. Ibn Ḥazm reached the level required for a jurist in 407 as a Zāhirīte 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 Shī'īte; (2) innovation; (3) his conduct; (4) *tadlīs* (deception); (5) receiving *talqīn* (prompting); and (6) being mentally disturbed (*al-mukhtaliḥ*).

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 Shāfi'īte scholars.

Ibn Ḥazm does not differ from the other scholars in his criteria for a narrator to be considered *'adl*. His requirements are: Islām, puberty, freedom from *fisq*, and sanity. His only disagreement is with al-Shāfi'ī who requires chastity (*'adam khawārim al-murū'a*) 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 Ḥadīth 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 Islāmic 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 *'adāla*, 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 *'adāla* 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-Muḥallā* 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.
4. Judgement of the narrator of doubtful identity.
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.<sup>1</sup> 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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<sup>1</sup> See *al-Muḥallā*, 2:295, 3:259; *al-Nubadh*, 114.

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 *'adāla* 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 Islām 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 *q̄yās*. But where he deals with *ḥadīth*, which in a sense has become more important as a source for arriving at judgements since *q̄yās* 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-Muḥallā* 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 Ṣāhirīte and that of a Ḥadīth scholar were mutually supportive. As a Ṣāhirīte 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 Ṣāhirīte 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, Ṣāhirī 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 *Zāhirī* methodology, that is the literal interpretation of the narration, does not show us the complete picture of Ibn Ḥazm's methodology.<sup>1</sup> It is true that the *Zāhirī* 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 *Zāhirī* methodology on common sense where that was applicable, and the theory of *Dalīl* explains this very clearly.<sup>2</sup> 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 *Zāhirī* 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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<sup>1</sup> See *al-Muḥallā*, 7:480; 8:29, 193; 9:359.

<sup>2</sup> See pages 64-69.

Zāhirī 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 *uṣūl 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 Zāhirī 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.<sup>1</sup> 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,<sup>2</sup> 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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<sup>1</sup> See for example *al-Muḥllā*, 5:75, 107, 131, 271; 6:11, 14, 113, 123, 131, 137, 184; 7:29, 112, 379; 10:309.

<sup>2</sup> See page 313.

opinion. He believed that the only holy texts that we should follow were the Qur'ān and the sound *aḥādīth* of the Prophet Muḥammad.

6. Ibn Ḥazm believed that everything was permissible unless another judgment proved the contrary. Ibn Ḥazm, who has been regarded as a narrow-minded scholar, in fact created a firm foundation for the theory of *istiḥāb*,<sup>1</sup> meaning that the activities of life were originally permissible. Thus the Zāhirī methodology has become easier to apply than that of the other schools, which accept analogy.

Finally, Ibn Ḥazm 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 Ḥazm's book *al-Muḥallā*, 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 Ḥazm himself stated, *al-Muḥallā* 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

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<sup>1</sup> See page 65.

differed.<sup>1</sup> *Al-Muḥallā* should be respected as one of the most important books on Islāmic jurisprudence, a book of comparative jurisprudence. This, as mentioned previously, was the view of one of the most famous Shāfi‘īte scholars, al-‘Izz ibn ‘Abd al-Salām, who said: “I have never seen such great and brilliant Islāmic books as *al-Muḥallā* by Ibn Ḥazm and *al-Mughnī* by Muwaffaq al-Dīn.”<sup>2</sup>

*Al-Muḥallā* should also be recognized as a book of Ḥadīth, for it contains a huge number of the Prophet’s *aḥādīth* 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-jarḥ 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-Muḥallā* and that scholars of Islāmic studies in general and the Ḥadīth scholars, *fuqahā*, scholars of *uṣūl 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 Islāmic *fiqh* to be renewed, scholars would definitely become aware of the worth of *al-Muḥallā*.”<sup>3</sup>

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<sup>1</sup> See page 38.

<sup>2</sup> Ibid.

<sup>3</sup> 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,<sup>1</sup> has been burned in Seville and that there still a number of his books, some of his master writings such as *al-Īṣāʾil*, 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-Īṣāʾil* and *Dhikr awqāt al-umarā' wa ayyāmihim bi al-Andalus*, which are lost, *fī mas'alat al-kalb*, which is, to the best of my knowledge, a manuscript,<sup>2</sup> 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. B<sub>3</sub>, refers to the number given to the title by Brockelmann.<sup>3</sup> ]

1. *Risāla fī Alam al-Mawt wa Ibṭālihi*, ed. Iḥṣān 'Abbās in *Rasā'il Ibn Ḥazm* (Maktabat al-Khānjī, Egypt & Maktabat al-Muththannā, Baghdad, c. 1956), 105-106; also in *Rasā'il Ibn Ḥazm*,<sup>4</sup> ed. Iḥṣān 'Abbās (1983), vol 4, 359- 360. (B<sub>34</sub>).

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<sup>1</sup> See page 23.

<sup>2</sup> See *Rasā'il*, b (7); *al-Akhlāq wa al-siyar*, 53.

<sup>3</sup> *Brockelmann*, Vol 1,692-697 (5).

<sup>4</sup> 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.

2. *Risālat al-Alwān*, ed. Yaḥyā Maḥmūd al-Sa'ātī & Maḥjūb 'Ubayd Ṭāha & Abū 'Abd al-Raḥmān ibn 'Aqīl al-Zāhirī, with an Introduction by 'Abd al-Fattāḥ Abū Ghudda (Riyadh, 1983).
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4. *Aṣḥāb al-Futyā min al-Ṣaḥāba wa man Ba'dahum 'alā Marātibihim fī Kathrat al-Futyā*, ed. Iḥsān 'Abbās & Nāṣir al-Dīn Asad & Aḥmad Muḥammad Shākir in *Jawāmi' al-Siyar wa Khams Rasā'il Ukhrā* (Egypt, Dār al-Ma'ārif, c. 1956), 319-335. Also published under the title *Aṣḥāb al-Futyā min al-Ṣaḥāba wa al-Tābi'in wa man Ba'dahum 'alā Marātibihim fī Kathrat al-Futyā*, ed. Sayyid Kisrawī Ḥasan (Beirut, 1995).
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