Category 21  
FORGED ḤĀDITh  
(Maʾrifat al-mawḍūʿ)

The forged ḥadīth is the fabricated, made-up ḥadīth. Be aware that the forged ḥadīth is the worst kind of the weak ḥadīth. It is not permissible under any circumstance for someone who is aware that a ḥadīth is forged to relate it, unless coupled with a declaration that it is forged. This is different from the other kinds of weak ḥadīth—which may possibly be fundamentally truthful—in as much as it is permissible to transmit the other kinds of weak ḥadīth to instil virtue and inspire fear (al-taghrīb wa-ʾl-tarḥī), as we will explain shortly, God (He is exalted) willing.

A ḥadīth can be known to be forged only by the acknowledgement of its forger or something equivalent to his acknowledgement. Sometimes scholars come to recognize a forgery by inference from the state of the transmitter or that of the report he transmits. The feebleness of the words and sense of some long ḥadīth bear witness to the fact that they were forged. Indeed, the individual who in our time collected al-Mawḍūʿ (Book of Forged Ḥadīth) in roughly two volumes did this a lot and he included many ḥadīth without proof of their having been forged. He should have mentioned them only under the general designation of weak ḥadīth.

There are different types of forgers of ḥadīth. The greatest of them in terms of the harm they do are some of those considered to be ascetics who forge ḥadīth supporting their claims in expectation of a heavenly reward. The people accept their forgeries, putting their faith in these forgers and relying on them. Later—Praise be to God!—the great critics of ḥadīth resolutely took on the task of exposing the defectiveness of these ḥadīth and obliterating their disgrace. One of the things we heard from the authority Abu Bakr al-Samʿānī is that some of the Karrāmites held the doctrine that it was permissible to forge ḥadīth for the sake of instilling virtue and inspiring fear.

The forger sometimes made up the remarks himself and related them [as a ḥadīth] and sometimes took the words of a wise man or someone else and falsely ascribed them to the Messenger of God (Peace be upon him). Sometimes someone erred and unintentionally fell into something close to forgery, as happened to the

---

1 This appears to be another reference to Abu ʿl-Farāj b. al-Jawzt and his Kitāb al-Mawḍūʿat, see Ibn Ḥajr, Nihāyat, 2:847–8 and al-Nakhwī, Aṣbāb, 164.
2 The scholar Abu Bakr Muhammad al-Samʿānī (467/1074–510/1116) was the son of Abu ʿl-Muṣaffar Mansūr, Duhah, Sīyār, 19:371–3.
3 The Karrāmites were a sect following the doctrines of Abu ʿĀshir, Allah Muhammad b. Karrām (ca. 190/806–255/860) which enjoyed prominence in Iran until the Mongol invasion; EI, 4:667–9.
ascetic Thabît b. Maṣūf in the hadîth, “The face of whoever prays much at night becomes beautiful in the day.”

Another example: We heard that Abû ʿIsâm – and he is Nâfî b. Abi Maryam – was asked, “Where did you get the hadîth from Īkrîma from Abû ʿAbbâs concerning the magical properties (jadâ’il) of each sâra of the Qur’ân?” He said, “I saw that the people had turned their backs on the Qur’ân and had come to occupy themselves with Abû Ḥanîfa’s legal doctrines and Muhammad b. Iṣâq’s stories of the Prophet’s campaigns, so I forged these hadîths as a way to gain favor with God.” The same is true of the long hadîth which is related from Ubâyy b. Ka’b from the Prophet (Peace be upon him) which describes the magical property of the Qur’ân sâra by sâra. One researcher investigated its source until he reached someone who confessed that he and a group of others had forged it; and indeed the mark of a forgery is clearly upon it. The truth is that the commentator Wahîdi and the other commentators who mention it have made a mistake in including it in their commentaries. God knows best.

4 According to Ibn Hibbân, the judge Sharîk b. ʿAbd Allâh al-Nakhrî (95/713–177/794) uttered the words in question immediately after reciting a hadîth and it was the Kufîn Abî Isâm b. Abû Ya’dîr ʿAbd Allâh (or Abû Ya’dîr) Thabît b. Maṣûf who mistakenly interpreted them as belonging to the Prophet; Kasti al-Maqâlim min al-muhaddithîn waʾl-ʿadsîl waʾl-muʾarrabîn, ed. Maḥmûd Ḳâdirîn Zâyîdîn, 3 vols (Mecca, n.d.), 1:207.
5 Abî ʿIsâm Nâfî b. Abî Maryam al-Marwâzî (d. 173/789) served as the qâdi of Murâw and was a severe critic of the Jahmites; Ibn Abî Ḥamîd, Ḳarîbîn, 4(1):484; Ibn Hibbân, Maqrîzîh, 3:48–9; Duhâbî, Maṭâhîn al-Fudûl, 4:279–80, see also 4:275–6, no. 9131; Ibn Ḥajar, Lisan al-musîmîn, 6:172–3, no. 609.
6 Abî ʿAbd Allâh Îkrîma b. ʿAbd Allâh al-Buhrâbî al-Madârîn (d. ca. 105/723) was a slave belonging to ʿAbd Allâh b. Ṭâbît; Duhâbî, Ṣiyûr, 5:12–16.
7 Abî ʿAbd Allâh Muḥammad b. Îṣâq b. Ya’âqîb b. Ya’âqîb (ca. 85/704-ca. 150/767) was the author of the most famous biography of the Prophet, commonly known as Sīrat Ibn ʿIsâq; EF, 3:810–11; Sâgin, G:5, 1:285–90.
8 Ubâyy b. Ka’b was one of the most famous Companions of the Prophet; Duhâbî, Ṣiyûr, 1:389–402.

Category 22
Mixed-up Hadîth
(Maʿrifat al-maqlûb)

An example of a mixed-up hadîth would be, for instance, a hadîth well known from ʿAbd Allâh al-Nakhrî (95/713–177/794) which was made to be from Nâfî so that it would thereby become rare and desirable. Similar to this is the account we heard of Bukhârî’s (God be pleased with him) arrival in Baghdad. Before his class some of the scholars of hadîth met together and took one hundred hadîth and mixed up their texts and isnâds. They attached the text of one isnâd to the isnâd of another and the isnâd of that text to the text of another. Then they went to Bukhârî’s class and presented the hadîth to him. When they finished presenting these mixed-up hadîths to him, Bukhârî turned to them and restored each text to its proper isnâd and each isnâd to its text. They conceded his superiority.

An example of this – and it also serves as an example of a defective hadîth (maʿalla) – is the hadîth we heard from Iṣâq b. ʿAbî Ya’dîr, ʿAbd Allâh (or Abû Ya’dîr) Thabit b. Maṣûf who mistakenly interpreted them as belonging to the Prophet; Kasti al-Maqâlim min al-muhaddithîn waʾl-ʿadsîl waʾl-muʾarrabîn, ed. Maḥmûd Ḳâdirîn Zâyîdîn, 3 vols (Mecca, n.d.), 1:207. He said, Ṭâbil b. Ḥamîd informed us from Thabit b. Anas that he said, “The Messenger of God (Peace be upon him) said, ‘When the second call to prayer is given, do not stand up until you see me.’” ʿAbî Ya’dîr said, “I went to Ḥamîd b. Ṭâbil and asked him about the hadîth. He said, ‘Abû Ṭâbil Ṭâbil b. Ḥamîd b. Anas was mistaken. We were all in the class of Thabit al-Bunînî and Ḥajîj b. ʿAbd Ṭâbil at ʿAbd Allâh b. ʿAbd Allâh al-Ṣawwâl transmitted to us from Yahîyâ b. Abî Kahir from ʿAbd Allâh b. Abî Ṭâbil from his father that the Messenger of God (Peace be upon him) said, ‘When the second call to prayer is given, do not stand up until you see me.’ Abû Ṭâbil – that is Ṭâbil b. Ḥamîd – thought that it was one of the hadîths Thabit related to us from Anas.” God knows best.

2 Abû Ṭâbil ʿAbî Ya’dîr b. Ḥamîd al-Bayrî (85/704–170/786) was an early historian and transmitter of hadîths; Sâgin, G:5, 1:310–11.
3 Abî Muḥammad Thabit b. Aslam al-Bunînî was a Follower who died in al-Baṣra around 123/741; Duhâbî, Ṣiyûr, 5:210–5.
4 Abî Isâm b. Ḥamîd b. Ṭâbil b. Ḍirham (d. 179/795) was one of the great hadîth critics in al-Baṣra; Duhâbî, Ṣiyûr, 7:456–64.
5 Ḥajîj b. Abû Ṭâbil at-Ṣawwâl was a Bayân transmitter who died in 143/760; Duhâbî, Ṣiyûr, 7:75.
6 Abî Naṣr Yahîyâ b. Abî Kahir (d. 129/747) was considered one of the great hadîth scholars of his age. His father’s isnâd was disputed; Duhâbî, Ṣiyûr, 6:27–31.
8 Abî Ṭâbil al-Ṣawwâl b. Ḍirham al-Sulami was a Companion who died in 54/674 at the age of seventy, in either Madîna or al-Ḳûf. His isnâd is alternately given as al-Nâṣrîn or ʿAmm; Duhâbî, Ṣiyûr, 2:449–56.
Section: We have now fulfilled our earlier promise to elucidate the types of weak hadith. (God be praised.) Let us now point out some important matters.

1. When you see a hadith with a weak isnâd, you should say, “This is weak,” and mean that it is weak with that isnâd. You should not say, “This is weak,” and merely on the basis of the weakness of that particular isnâd mean by this that the text is weak. For sometimes a hadith is also related with a sound isnâd of the kind which establishes a hadith as sound. Rather, the permissibility of declaring a text to be weak rests on one of the authorities of hadith ruling that it was not related with an isnâd which establishes it as sound or ruling that it really is a weak hadith — or something similar to that — and explaining the reason for impugning it. Some remarks will come — God (He is exalted) willing — about the case when an authority makes a general declaration that a hadith is weak without providing an explanation. Note this for it is an area in which mistakes are made. God knows best.

2. In the opinion of the scholars of hadith and others, some laxity is tolerated in the provision of isnâds and in the transmission of hadith from the various categories of weak hadith — with the exception of forged hadith — without bothering to explain their weakness. This applies in topics other than the characteristics of God (He is exalted) and legal rulings concerning the permitted and forbidden, and so forth. It is valid, for instance, for sermons, stories, the descriptions of the rewards associated with the performance of various religious acts, the other types of hadith inspiring virtue and instilling fear, and the hadith on matters having no connection to legal rulings and theological issues. ʿAbd al-Raḥmān b. Mādhī and Abū ʿAšrāf b. Ḥanbal (God be pleased with them) are some of those we heard from who totally forbade laxity in hadith like these.

3. If you want to relate a weak hadith without an isnâd, do not use, “The Messenger of God (Peace be upon him) said such and such,” or similar phrases that definitively indicate that the Prophet (Peace be upon him) said the words. Instead, you should say for it, “It is related from the Messenger of God (Peace be upon him), such and such,” “We read from him such and such,” “It arrived from him,” “It came from him,” “Some of them related,” or something similar to that. That is the way you should handle a hadith the soundness and weakness of which you are in doubt about. You should say, “The Messenger of God (Peace be upon him) said,” only for the hadith the soundness of which has become clear to you in the way we elucidated above. God knows best.

Category 23

The Characteristic of Those Whose Transmission Is Accepted and Those Whose Transmission Is Rejected, and the Allied Subjects of Impugning and Discrediting, and Certifying and Accrediting

(Maʿrifat sihat man tuqbalu riwayatuhu wa-man turaddu riwayatuhu wa-mā yata'alluqu bi-dhālika min qadīh wa-jarh wa-tawqih wa-wa't-dīl)

The generality of the experts in hadith and law unanimously agree on stipulating that the person whose transmission may be adduced as a proof be upright (fādīl) and accurate (zabīḥ) in what he relates. Specifically, he must be Muslim; adult; of sound mind; free of tendencies toward impiety and defects of character; alert; careful; retentive, if he transmits from memory; and accurate in handling his text, if he transmits from it. If he paraphrases his hadith in transmission (yubaddithu bi-ʾl-maʿna), it is further stipulated that he be aware of any way the sense of a text can be altered. (God knows best.) We will clarify this general statement by addressing specific issues.

1. The integrity of a transmitter is sometimes established by an explicit endorsement of his integrity (tawāda) by those who accredit him and sometimes by general acknowledgement. For those whose integrity is well known to the transmitters of hadith and other scholars like them and who are widely praised for reliability and honesty, there is no need for evidence testifying to their reliability in the form of an explicit declaration. This is held to be correct in the doctrine of Shafiʿi and it is relied upon in the field of legal theory (ṣāliḥ al-ḥiṣā). The expert Abū Bakr al-Kharthī is one of the scholars of hadith who stated this. He cited1 as examples of this [exalted status] Malīk, Shuʿba, the two Sufyāns [that is, Sufyān al-Thawrī and Sufyān b. ʿUyayna], Awzāʿī, al-Laythī, Ibn al-Mubārak, Wāḥīdī, Abū Ḥanbal, Yāḥyā b. Maʿīn, Ṭālī b. al-Madini and those who were like them in terms of renown and righteousness. The integrity of these scholars and those like

1 Kāhiyā, 86–7.
3 Abū ʿAmr al-Laythī b. ʿAbd al-Miṣr al-Fahmī (94/713–735/791) was an important Egyptian legal scholar; Ṣanīn, G.A.S.: 1:520.
them is not questioned. Those whose affair is hidden from researchers are the only ones whose reliability may be questioned. The expert Ibn 'Abd al-Barr made a sweeping declaration on this point: “Every bearer of ḥadith known to be attentive in this matter is considered to be upright and his integrity is assumed indefinitely until a reason for his discredit comes to light, because the Prophet (Peace be upon him) said, “The upright people of each succeeding generation will bear this knowledge.”” There is some unsatisfactory vagueness in what Ibn 'Abd al-Barr said. God knows best.

2. A transmitter comes to be recognized as accurate by the comparison of his transmissions with the transmissions of reliable scholars known for precision and exactitude. If we find that his transmissions are in agreement—even if only from the standpoint of sense—with their transmissions or that they are largely in agreement and disagreement is rare, then we know that he is accurate and trustworthy (thabat). If we find that he often contradicts them, we discover his imprecation and we do not adduce his hadith as proofs. God knows best.

3. According to the sound and well-known doctrine, accreditation may be accepted without any statement of a reason for it, because the reasons for accrediting a transmitter are numerous and difficult to state. To demand the reasons would require the accredder to say, “He did not do X, he did not commit Y and he did do Z,” and enumerate everything the commission or omission of which is impious, and that would be very burdensome.

Discrediting may not be accepted without a clear explanation of the reason, because people disagree over what discredits and what does not. Sometimes a critic discredits someone on the basis of a matter that he believes to discredit, but which does not do so in reality. He must explain his reason in order that it be seen whether it is discrediting or not. This is clearly established in the fields of positive law and legal theory. The expert al-Khaṭīb said that it is the doctrine of the authorities of the experts and critics of hadith, like Bukhārī, Muslim and others. For that reason, Bukhārī added as proofs the ḥadith of a number of transmitters whom others had previously discredited, like “Ikrīma—the slave of Ibn ‘Abbas (God be pleased with them)”—Ismā‘īl b. Abī Uways, ’Aṣim b. ‘Alī, ʿAmr b. Marzūq. 6

6 b. 1:28. 59.

7 Some assert that the proper vocalization of this term is “thabat,” see, for example, Laknawi, al-Ra‘î wa-ta‘āmila fi ṣarāḥ wa-ta‘ādāl, ed. Abī al-Farrāh Abī Ghudda (Aleppo, n.d.), 66.


9 Abī ‘Abd Allāh Ismā‘īl b. Abī Uways al-Aṣbāḥī (137/756–226/841) was a nephew of the имām Mālik and a controversial transmitter of ḥadith in Mecca; Dīhāḥabī, Siyār, 10:391–3.

10 ’Aṣim b. ‘Alī b. ’Aṣim (d. 231/846) was most famous for being a transmitter from Shu‘ba b. al-Ḥājib; Dīhāḥabī, Siyār, 9:262–5.

11 Abī Uṣmān ʿAmr b. Marzūq al-Baṣrī (ca. 130/747–224/839) was a prominent but controversial transmitter in al-Baṣra; Dīhāḥabī, Siyār, 10:417–20.

and others. Muslim cited as proofs the ḥadith of Suwayd b. Sa‘dīq 12 and a number of others who were widely impugned. Abī Dāwūd al-Sūjī and the same. This indicates that they held the doctrine that discrediting is not established unless the reason for it is explained.

The views of the critics of ḥadith transmitters [regarding discrediting] are obscure and contradictory. Al-Khaṭīb composed a chapter containing some stories about those who were asked to explain why they discredited someone and gave invalid reasons for it. In one Shu‘ba was asked, “Why did you forsake the ḥadith of X?” He said, “I saw him galloping on an old nag, so I rejected his ḥadith.” In another, Abī Buṣrah b. Bīrāhim was asked about the ḥadith of al-Ṣāḥib al-Murrī. He said, “What can be done with Ṣāḥīh? One day they mentioned his name to Ḥammād b. Salama and Ḥammād blew his nose.” God knows best.

What if someone says, “For discrediting transmitters and rejecting their ḥadith, people rely on the books which the authorities in ḥadith wrote on impugning or on personality criticism in general (al-jarʿ wa-ta‘ādāl), and rarely do these authorities venture to explain their reasons in them. Rather, they confine themselves merely to saying, ‘X is weak,’ ‘Y is nothing,’ and the like, or ‘This is a weak ḥadith,’ ‘This is not a well-established ḥadith,’ and the like. So stipulating that the reason must be explained leads to the negation of [the value of their opinions] and to the invalidation of the discrediting in most cases?” The answer to this is that, even if we do not rely on these kinds of declarations to assert discreditation and pass judgement, we do rely upon them to the extent that we refrain from accepting the ḥadith of those whom they say something like that about, on the basis that these declarations have sown in our mind doubts about the transmitters of the kind which necessitate hesitation. If the doubts of the authorities about a transmitter are removed by an investigation of his state which necessitates that we trust his integrity, we accept his ḥadith without hesitation. This is the case of those whom the authors of the two Ṣaḥīhs and authors cite who were touched by this kind of discreditation from other critics. So understand that, for it is a good counter-argument. God knows best.

4. There are conflicting opinions over the question of whether a judgment of personality criticism is established as valid by the statement of a single critic, or whether two are necessary. Some maintain that two is the minimum number to
establish such a criticism, as is the case with the discreditation and accreditation of testimony in court. Some hold the opinion—and it is the correct view, which Abu Bakr al-Khaṭīb 16 and others have adopted—that it may be established by a single critic. Because no particular number of transmitters is stipulated for the acceptance of a report, 17 none is stipulated for the accrediting or discrediting of a transmitter, contrary to the case of testimony in court. God knows best.

5. If a single individual is both discredited and accredited, the discreditation takes precedence because the critic who credits him reports on his apparent state and the one who discredits him reports on a real matter which was hidden from the critic who accredited him. It is said that if the number of critics accrediting him is greater [than the number of those discrediting him], the accreditation deserves precedence. The correct view—and that held by the majority—is that the discreditation takes precedence, for the reason we gave. God knows best.

6. A declaration of accreditation made in an obscure fashion, without giving the name of the person who is being accredited, is not enough. According to what the expert al-Khaṭīb, 18 the jurist Shayrāfī [i.e., Abu Bakr al-Shāfi’ī] and others stated, when a transmitter says, “A reliable person transmitted to me,” or something similar to that, limiting himself to such a statement, it is not sufficient. This is contrary to the view of others who do accept this as sufficient. A declaration made in an obscure fashion is rejected because the individual may be reliable in the opinion of that person, while someone else may have come across something that, either in his opinion alone or by consensus, discredits him. So it is necessary for the transmitter to name his teacher so that his identity can be determined. Indeed, his avoidance of naming the transmitter is itself a suspicious act, which sows doubt about him in the heart of others. If the individual who says, “A reliable transmitter related to me,” and so forth] is a scholar, his declaration may be sufficient for those who share his views [on personality criticism], according to the opinion adopted by some thorough scholars. The expert al-Khaṭīb said, “When a scholar says, ‘Everyone I relate from is reliable, even if do not name him,’ and then relates hadith from someone whom he does not name, he is in fact vouching for that person’s blamelessness. However, we do not act on this testimony of his blamelessness.” 19 This is because of the reason we presented above. God knows best.

7. In the opinion of the majority of the scholars of hadith and others, when an upright individual relates from a transmitter and gives his name, his relation from that transmitter is not tantamount to his accreditation of him. Some of the adherents of hadith and some of the Shāfi‘ites said that this does constitute his accreditation of that individual, because his accreditation is inherent in his transmitting from him. The correct view is the first, because it is permissible for someone to relate from a transmitter who is not upright, without his relation from him entailing his accreditation of him.

In the same way, we may say that the action of a scholar or his issuance of a legal opinion in accordance with a particular hadith does not constitute a judgment from him that the hadith is sound. Likewise, his contradiction of [what is prescribed in] the hadith is not equivalent to his impugning the soundness of the hadith itself or the person who transmitted it. God knows best.

8. Concerning the relation of an unknown transmitter (maṣḥūl) for our present purposes, there are several types of unknown people:

(a). The transmitter whose apparent integrity and real integrity are both unknown: in the view of the majority, his transmissions may not be accepted. This is in accordance with the opinion to which we earlier drew attention. 20

(b). The unknown transmitter whose real integrity is unknown, although he is apparently upright and outwardly acceptable (maṣṭūr): one of our authorities has said, “The outwardly acceptable transmitter is someone who is apparently upright but whose real integrity is not known.” Some of those who reject the transmission of the first type of unknown person, adduce as proofs the transmission of this type. This is the doctrine of some of the Shāfi‘ites. One of them stated it plainly is the authority Sulaymān b. Ayyūb al-Rāzī: 21 “Because the question of reports is based on giving the transmitter the benefit of the doubt and because the transmission of reports is in the hands of those who are incapable of gaining knowledge of a transmitter’s real integrity, limit yourself in regard to reports to knowledge of the transmitter’s apparent integrity. Reports differ from testimony in court, for the latter is before judges and they are not incapable of [discovering a witness’s real integrity], so for testimony in court analyze a witness’s apparent and real integrity.” It seems that this view was acted upon in many of the famous books of hadith in regard to a number of the transmitters who lived before the authors of the books and about whom it was impossible to obtain real first-hand knowledge. God knows best.

16 Kīfūn, 96-7.
17 The reference here is to the khabār al-wāhid, the hadith related at some point in its line of transmission by a single individual. As Ibn al-Salah stated above (p. 5), it was debated, especially in the first centuries of Islam, whether such a hadith could be accepted. For a general discussion, see James Robinson, “Traditions from Individuals,” Journal of Semitic Studies, 9 (1964):332-40.
18 This would seem to be a reference to Kīfūn, 92, although the issue addressed there is not identical.
19 Kīfūn, 92.
20 This seems to be a reference to the discussion in section six.
21 Abu I-Fath Sulaymān b. Ayyūb al-Rāzī (ca. 360/971-447/1055) was a well-traveled Shāfi‘ite scholar, Dhahabi, Siyar, 17:645-7.
his sectarian doctrine (baša). Some flatly reject his transmission, arguing that he becomes a wrongdoer (fasq) because of his sectarian doctrine. [They argue that] just as the person who arrives at his false doctrine through interpretation and the person who does not are equal in sectarianism, they are also equal in wrongdoing.

Some accept the transmission of a sectarian, if he is not someone who views as licit telling lies to further his doctrine or for the sake of the adherents of his doctrine, irrespective of whether he is a proselytizer (dašiyah) for his sectarian doctrine or not. Some scholars ascribed this view to Shafi'i on the basis of his statement, “Accept the testimony of sectarians (ahl al-a wäh) except the Shiites Khatibah’s since they view as licit testifying falsely in favor of those who agree with them.”

Some people say that the sectarian’s transmission is to be accepted, if he is not a proselytizer, and it is not to be accepted, if he is a proselytizer for his sectarian belief. This is the doctrine of many, or most, scholars. One of the followers of Shafi'i (God be pleased with him) told of a disagreement among the imams’ followers over the acceptance of the transmission of a sectarian, when he does not proselytize for his sectarian doctrine. Shafi'i said, “If he is a proselytizer, there is no disagreement among them that his transmission is not to be accepted.”

Abu Haitham b. Hibbân al-Busti, one of the authorities of Hadith who wrote books, said, “According to our authorities, it is absolutely forbidden to cite the hadith of a proselytizer for sectarian doctrines. I do not know of any disagreement among them on this point.”

This third view is the most just and the most preferable. The first is unlikely and far from the one common among the authorities in Hadith. Their books overlap with the transmissions of sectarians who were not proselytizers and there are many of their hadith in the two Shafis, both as supporting attestations and primary texts.

10. The transmitter who replays from telling lies in the hadith of the people and from other forms of wrongdoing: his transmission is accepted, unless he is repenting from deliberately lying in the hadith of the Messenger of God (Peace be upon him), in which case his transmission may never be accepted, even if his repentance is sincere. This is in accord with what is repeated from several

9. There is disagreement over whether to accept the relation of a sectarian (mustadid) who does not become an infidel (la yakfaru) through his adherence to

27 Kijyasa, 88.
28 Kijyasa, 88–9.
29 See section seven.
31 Abu Abd Allah Qays b. Abi Hātim Husayn b.  Safw (d.c. 98/717) was a Kūfī Follower of the Prophet whose transmissions were considered controversial; Dhahabi, Siyar, 4:198–202.
33 See section four.
scholars, including Ahmad b. Hanbal and Abū Bakr al-Humaydī, the teacher of Bukhārī. We found that the authority Abū Bakr al-Shāfi‘ī al-Šayrāfī made a general declaration in his commentary on Shāfi‘ī’s Risāla: “We may never again accept the hadīth of any transmitter who has a report we reject because of a falsehood we found to its discredit, even if it appears that he repented. Once we rate someone’s transmission as weak, we may not deem it strong later.” He mentioned that this is one of the points where testifying in court and transmitting hadīth differ. The authority Abū l-Mu‘azzam b. al-Sam‘ānī al-Mawzāzi said that all of the hadīths which come from someone who lied in even a single report must be rejected. This is similar in sense to what Šayrāfī said. God knows best.

11. When one reliable transmitter relates a hadīth and the [alleged] teacher of the hadīth is consulted and he disavows it: the preferred way of viewing the situation is that if the teacher is unambiguous in his disavowal, saying “I did not relate it,” “He fathered a lie on me,” or something similar to that; the two definite statements [that is, the student’s ascription of the hadīth to the teacher and the teacher’s disavowal] are incompatible and the teacher who denies the hadīth is the first-hand source. Thus it is necessary to reject the hadīth of the second-hand source. This does not discredit the student in a fashion which necessitates the rejection of the rest of his hadīth, because he also calls his teacher a liar in the matter of the disputed hadīth. His teacher’s discreditation of him is not more worthy of being accepted than his discreditation of his teacher, so they both fall away.

If the teacher from whom the hadīth is related says, “I do not know it,” “I do not remember it,” or something similar to that; it does not necessitate the rejection of the transmission of his student. Among the generality of hadīth scholars, legal scholars and speculative theologians, a teacher relating a hadīth and then forgetting it does not constitute a reason not to act upon it. This is contrary to the view of some of the Ḥanafīs who hold that the hadīth must be rejected because of that.

On this they base their rejection of the hadīth of Sulaymān b. Mas‘ūd from Zuhri from Urwa from Yūsūf from the Messenger of God (Peace be upon him): “When a woman marries without the permission of her guardian, the marriage is invalid ...” That is because Ibn Jurayj said, “I met Zuhri and I asked him about this hadīth and he did not know it.”

38 Abū Bakr ʿAbd Allāh b. al-Zubayr al-Humaydī (d. 219/834) was an important transmitter of hadīth. Suyūnī, G.A.S. 1:101–2.
39 Sulaymān b. Mūsā al-Dīnāshīqi (d. 119/737) was a controversial transmitter of hadīth. Dīnāshīqi, Suyūr, 5:433–7.
The transmission of someone who is known for laxity in hearing or teaching hadith is not to be accepted. Examples are someone who is not bothered about sleeping in the audition sessions or someone who teaches hadith without a sound collated text. Also of this stripe are those who are known for accepting prompting in hadith. Furthermore, the relation of someone who has many anomalous

46 Abu Ḥātim Muhammad b. Ḫārid al-Rāzī (193/981–277/990) was one of the most respected critics of hadith of the third/ninth century. His pronouncements are preserved in the books of his son Ibn Abu Ḥātim al-Rāzī and many later works; Sargūn, G.6, 1:153.

47 Ibn Naṣīr al-Faḍl b. Dukayn al-Ṭaymī (130/758–219/834) was an important transmitter of hadith; Sargūn, G.6, 1:101.

48 Abu ʿAbd al-Āzīz b. al-Maṣrāḥī was a distinguished Islamic scholar (ca. 100/620–286/899 or 287) best known as a student of Abu ʿAbd al-Qāsim b. Saʿīd; Sargūn, G.6, 1:161; Elf, 3:407.


51 Abu ʿUmar al-Maṣṭafā b. Nāṣir al-Salīḥ al-Baghdādī (467/1074–530/1145) started out as a Shāfiʿī and Adhāri, but later became a Hanbalite. One of the most popular transmitters of his day, he taught hadith for free but charged a fee for poetry; Dāḥabī, Siyār, 20:265–71.

52 Abu ʿUmar al-Maṣṭafā b. Nāṣir al-Salīḥ al-Baghdādī (381/991–470/1075) in transmitting several desirable hadith works and therefore was in the position to charge his students for his services; Dāḥabī, Siyār, 18:372–4.

53 Abu Ḥātim Muhammad b. ʿAbd al-Āzīz al-Shāfiʿī (393/1003–476/1083) came to Baghdad in 415/1024 from his hometown of Fīrāzahb and became one of the most renowned Shāfiʿī jurists in the city; Dāḥabī, Siyār, 18:452–62.

54 Taḥfīṣ here refers to the practice ascribed to unscrupulous and usually unnamed students of tricking a teacher who could no longer remember which hadith he once taught—most often because old age had destroyed his memory or because he could no longer consult his notes, since he had either lost them or gone blind—into acknowledging certain hadith as his own, although in actuality he had never heard them before.

and unfamiliar hadith may not be accepted. It is reported that ʿUṣbah b. ʿUmar (624/681) said, "Anomalous hadith come only from anomalous men." The relation of someone who is known for extreme negligence in his transmissions may not be accepted when he does not transmit from a sound text. All of this undermines one's faith in a transmitter and his accuracy because of the guarantee of the hadith's authenticity.

It is reported that Ibn al-Mubārk, ʿAbdān b. ʿAbdān b. Ḥanbal, [Abū Bakr] al-Humaydī and others maintained that the transmissions of someone who makes a mistake in a hadith become void and he becomes unfit to have his hadith recorded, if when the mistake is explained to him, he does not recant but instead continues to insist on relating that hadith. There is some doubt about this. The practice is not reprehensible, if it appears that it is merely a case of stubbornness on his part or something similar. God knows best.

14. In these recent times, people have turned away from taking into consideration the totality of the standards for the transmitters and teachers of hadith which we have elucidated. They have not been bound by them in their transmissions, on account of the inability to fulfill them at the level which their predecessors attained in the past. The reason for that is, as we explained in the beginning of this book of ours (see above p. 4), that the aim in using isnāds ultimately goes back to the preservation of the special quality of this Community and vigilance against the interruption of the continuity of the isnāds. So, in regard to the aforementioned standards, let us take into consideration only those appropriate for attaining this aim in its barest form and let it suffice to qualify a teacher that he be a Muslim, adult, of sound mind and not manifestly wrong-doing or stupid. In regard to his accuracy (qālī), let it suffice that one find the documentation that he heard the text (sammātī) recorded in the handwriting of an unimpeachable individual and that he relate from it a text conforming to the text of his teacher.

The hadith expert and jurist Abū Bakr al-Bayḥaqī (God—He is exalted—bless him) said something like this earlier. He said, according to what we heard, that there has been an increase in the type of student who extensively attends the hadith classes of some of the transmitters of his time who do not memorize their hadith, recite them properly from their books or recognize what is recited to them when the original of their own audition is recited to them. He justified this on the basis that the hadith which have been established as sound or which fall between soundness and sickness have been recorded and written down in the comprehensive collections which the authorities in hadith put together. It is not conceivable that any of these hadith escaped the attention of all of these authorities—even if it is possible that some of these hadith escaped the attention of some of the authorities—because of the guarantee of the legislator (al-sharīʿa) [that is, the Prophet] that they will be preserved. Bayḥaqī said, "So today when someone brings a hadith unknown to all of these authorities, it may not be accepted from him. When someone brings a hadith known to them, then he is not alone in transmitting what he relates and the proof value of his hadith is in actuality based on it being related by the others." The point of his relating
the ḥadith and his hearing it is the continuous transmission of the ḥadith with ‘He transmitted to us’ and ‘He informed us’ and the continuance of this blessing which God specially granted this community as a token of honor to our chosen Prophet (Peace be upon him and his family).” God knows best.

15. Concerning the explanation of the terms the practitioners of this discipline employ in personality criticism: Abū Muḥammad ʿAbd al-Raḥmān b. Abī Ḥātim al-Raḍī54 ranked them in his book on personality criticism. He did this well and made a good job of it. We will rank them in the same way, giving what he said and adding to it the relevant material we read in other sources, God – He is exalted – willing. The terminology of accreditation has several levels.

(a). Ibn Abī Ḥātim said, “If it is said of someone that he is ‘reliable’ (ṣhiqa) or ‘exact’ (maṣṣīn), his ḥadith may be cited as proofs.” The same is true if he is called “trustworthy” (ṣabīḥah) or a “proof” (ṣawja) and it is also the case if it is said about an upright transmitter (ṣalīl) that he is “retentive” (ḥafīz) or “accurate” (ḏāḥīhi). God knows best.

(b). Ibn Abī Ḥātim said, “If it is said that a transmitter is ‘veracious’ (ṣudāmit), ‘his station is veracity’ (maḥdul-liḥiṣ-sudā), ‘there is nothing wrong with him’ (la ḥaṣa baḥa), he is someone whose ḥadith may be written down and examined. This is the second rank.” What he said is correct because these expressions do not imply the stipulation of accuracy. The ḥadith of this kind of transmitter are examined and investigated to determine the level of his accuracy. The way to do this was explained in the beginning of this Category.55 If we cannot make an exhaustive examination (i.e., all of his ḥadith) to determine whether he is essentially absolutely accurate yet we desire to adduce one of his ḥadith as a proof, we must – in the fashion described in Category 15 – analyze that very ḥadith and see whether it has an original version (ṣabil) in the transmission of someone else.

It is well known that ʿAbd al-Raḥmān b. Mahdī, the model in this matter, transmitted a ḥadith and said, “Abū Khalīd” transmitted to us.” He was asked, “Was he reliable?” He said, “He was veracious, honest and charitable” – or, in one version: “excellent.” The reliable transmitters are Ṣuhrā and Ṣufyān. That is contrary to what came down from Ibn Abī Khayyāma. He said, “I said to Yahyā b. Maʿān, 54 Ibn Abī Ḥātim al-Raḍī (240/854–327/938) wrote a number of important works on ḥadith and is best known for preserving the critical judgments of his father Abī Ḥātim al-Raḍī and his mentor Abū Zuraʿ al-Raḍī; Segin, GAS, 1:178–9. The following discussion is adapted from Jarḥ, 1(1):37.
55 See the second section.
57 Abī Bakr Ahmad b. Zayhār b. Ḥarīb-Ṭāʾirī (185/801–279/982), known as Ibn Abī Khayyāma, was an important scholar with a special interest in ḥadith. Only a small portion of his famous Tārikh seems to have survived; Segin, GAS, 1:319–20.
58 The ḥadith of Abū Jaʿfar Ahmad b. Sinān al-Wastāfī al-Qaṭṭān (d. 236/850) were cited by a number of scholars of the next generation; Dhahabi, Sīrāj, 12:244–6.
60 Kīf yā, 22.
AN INTRODUCTION TO THE SCIENCE OF THE HADITH

Abū Bakr b. Abī al-Muṣām al-Sādī al-Furāwī informed us through recitation to him in Nishapur: Muhammad b. Ismā‘īl al-Fārisī informed us: the expert Abū Bakr Abīmad b. al-Ḥusayn al-Bayḥaqī informed us: Abū l-Ḥusayn b. al-Faḍl informed us: Abū ʿAbd Allāh b. Ja‘far informed us: Ya‘qūb b. Sufyān told us, he said: I heard Abīmad b. Sādī say, “A transmitter’s hadith are not rejected until everyone agrees that they are to be rejected. It may be said, ‘X is weak.’ However, it may not be said, ‘X is abandoned,’ unless everyone agrees on rejecting his hadith.”

Some terms employed in this matter which Ibn Abī Ḥātim and others have not explained are “X, people have related from him,” “X is middling” (waṣaf), “X is mediocre in hadith” (muqārīb al-ḥadīth), “X is disturbed in regard to hadith” (muṣṭafir al-ḥadīth), “X is not cited as an authority” (la yuyuqta hāth), “X is unknown” (maḥfūẓ), “X is nothing” (lā shay), “X is not approved” (layṣa bi-dhāk). Sometimes it is said, “He is not so strong” (layṣa bi-dhāk ‘l-qaww), “There is a weakness in X” or “in the hadith of X,” and this expression is less serious in discredit than saying, “X is weak in hadith,” and “X, I do not know anything wrong about him.” In accrediting, this last expression is inferior to saying, “There is nothing wrong with him.” All of these phrases and the others like them have analogues which we have explained or which follow a principle that we have established. We will – God (He is exalted) willing – point them out. God knows best.

Category 24
THE METHODS OF HEARING AND RECEIVING HADITH, AND THE MANNER OF REGISTERING THESE
(Ma‘rifat kāfiyat samī‘ al-ḥadīth wa-taḥammulihī wa-ṣifat ḍabīthī)

Be aware that the ways to convey and receive hadith take various forms. Let us preface our exposition of them with the discussion of a few issues.

1. An individual may validly receive hadith before he possesses the qualifications [necessary to transmit them]. The transmission of someone who received his hadith before his conversion to Islam and transmitted them afterwards may be accepted. The same is true of the relation of someone who heard hadith before attaining adulthood and related them afterwards. Some people forbade that and they were wrong to do so, because people accepted the transmission of the young Companions – like al-Hasan b. ‘Alī, Ibn Abība, ‘Urwā b. al-Zubayr, al-Nu‘man b. Bashir and their fellows – without making any distinction between the hadith they received before reaching adulthood and those they received after. Furthermore, from early times until now people have continued to bring young boys to classes devoted to the transmission and audition of hadith and they credit their transmission of the hadith they heard at that age. God knows best.

2. Abū ‘Abd Allāh al-Zubayrī, said, “It is recommended that the student begin to write hadith at the age of twenty, because that is when the intellect is formed. I like the student younger than that to occupy himself with learning the Qur’an and his religious duties.” It is reported that Sufyān al-Thawrī said, “A man who wants to study hadith should first serve God twenty years.” Mūsā b. Ishāq was asked, “How is it that you did not write hadith from Abū Nu‘aym (al-Faḍl b. Dukayn)!” He said, “The Kūfīans did not send their young sons to study hadith until they completed their twentieth year.” Mūsā b. Hārūn said, “The Baṣrans

62 Furūtāt (ca. 522/1128-608/1212) was a teacher of Ibn Abī al-Sādī who transmitted a number of important books. He had three kaṣīras, all of whom Ibn Abī al-Sādī uses in the course of this work; Duhābāt, Sīyār, 21:494–6.
63 Abū ‘Al-Ḥusayn Muhammad b. Muhammad al-Sāfīrī (448/1056-539/1144) was a prominent student of Bayḥaqī, Duhābāt, Sīyār, 20:93.
64 Abū l-Ḥusayn Muhammad b. Muhammad b. al-Faḍl al-Qāṭaṭa (335/947-415/1024) was primarily known for having transmitted Ya‘qūb b. Sufyān’s Tārīkh from Abīd Allāh b. Ja‘far, Duhābāt, Sīyār, 17:331–2.
65 Abū Muhammad Abīd Allāh b. Ja‘far b. Durustawāl al-Fārisī (258/872-347/958) was an early grammarian who worked extensively in hadith; EF, 2:758; Sīyār, G:AS, 8:106–8, 9:96–8.
67 Abī Ja‘far Abīmad b. Sādī al-Ma‘ṣīḥ (730/787-748/862) was a controversial transmitter of hadith, Duhābāt, Sīyār, 12:160–77.

1 Abīd Allāh b. ‘Alī (3/625-49/669) was the beloved grandson of the Prophet. His father was the third caliph ‘Alī and the Prophet’s daughter Fātima. He posed a threat to the Umayyad caliph Mu‘awiya until he was persuaded to renounce his claims. He died in Medina; EF 3:240–43.
2 Abū ‘Abd Allāh Abūd Allāh Muhammad b. Naṣr b. Bashīr b. Sād al-Khazrajī was born around the time of the Prophet’s emigration to Medina and served as a governor under the Umayyads. He died late in 64/685; Duhābāt, Sīyār, 3:411–12.
3 Abīd Allāh al-Zubayrī b. Abīd Allāh al-Muṣafir al-Jawzā’ī (d. 317/929) was a blind Shāfi‘ī who wrote a number of works on legal topics; Sīyār, G:AS, 1:495.
4 Abī Bakr Mūsā b. Ishāqī (ca. 200/815-207/909) was a Shāfi‘ī scholar who served as a judge in Nishapur and al-ibrary; Duhābāt, Sīyār, 13:579–81.
5 Abī Ṣa‘īd Mūsā b. Hārūn al-Hammānī (214/829-294/907) was considered one of the greatest experts in hadith of his era; Duhābāt, Sīyār, 12:116–19.
write ḥadith at ten years of age, the Kūfīs at twenty and the Syrians at thirty.” (God knows best.)

When the preservation of the continuity of the isnād is taken into account, it becomes clear that one should take a child to hear ḥadith as soon as his audition becomes valid. Children may [later] occupy themselves with writing, acquiring, registering and recording ḥadith when they become qualified and ready for that. This varies from person to person and it is not confined to any particular age, as a number of people before us have stated. God knows best.

3. There is some disagreement over the earliest time valid for a child’s audition of ḥadith. We have heard that Mūsā b. Ḥarrūn al-Ḥammāl – one of the great experts and critics of ḥadith – was asked, “When should a boy hear ḥadith?” He said, “When he becomes able to distinguish between a cow and a riding animal” – or according to another relation, “between a cow and a donkey.” We heard that Ḥāmid b. Ḥanbal (God be pleased with him) was asked, “When does it become permissible for a boy to hear ḥadith?” He said, “When he can understand and comprehend.” He was told that someone had said, “The audition of a boy is not permitted until he reaches fifteen.” He rejected that statement and said, “What a bad thing to say!” The teacher Abū Muhammad Abū al-Rahmān b. Ḥālid Allāh al-Asadī informed me from Abū Muhammad Abū Allāh Abū Maḥmūd al-Asfārī that the expert al-Qādi ʿIyāq b. Mūsā al-Sabti al-Yāḥashī said, “For the audition of ḥadith, the experts have set as the youngest age that of Maḥmūd b. al-Rabī,’” and he quoted with Bukhārī’s isnād the relation Bukhārī included in his Sahih under the heading “When Does the Audition of a Child Become Valid?” from Maḥmūd b. al-Rabī: “I was cognizant of a jet of water the Prophet (Peace be upon him) spurted in my face from a bucket when I was five years old.” In another relation, his age is given as four. The threshold of five is the one on which the practice of the modern scholars of ḥadith has settled. They write for a boy five and over, “He heard” (samāʿa) and for someone who has not yet reached five, “He attended” (ḥadara) or “He was brought” (udhārīa). In this

6 Ibn al-Uṣūdah (534/1139–623/1226) was an Aleppian Shafīʿite who heard ḥadith from many of the prominent transmitters of the day; Dahabī, Siyar, 22:303–4.
7 Asbīrī (d. 561/1166) was a Mālikī expert in hadith from North Africa; Dahabī, Siyar, 20:466–7.
8 Al-Qādi ʿIyāq (476/1083–544/1149) was one of the most prominent scholars of his era in hadith and fiqh. His book al-Imām was one of the principal sources Ibn al-Sabtī consulted in the composition of the Muqaddamah; Brackmann, G-H, 1:455–6; Suyūṭī, 1:630–2, 2:4, 4:289–90.
9 The Companion Abū Muhammad (or “Abū Nuʿaym”) Maḥmūd b. al-Rabī al-Khaṭṭārizī (d. ca. 99/718) seems to have been best known for his role in the incident described here; Dahabī, Siyar, 3:519–20.
11 ʿIlm, 62–3.

matter we should consider the case of each child individually. If we find that the child is more advanced than the state of one who lacks the mental development to understand what is said to him or to give an answer to what is asked of him, and the like, we regard his audition as valid, even if he is younger than five. If this is not the case, we do not regard his audition as valid, even if he is five or, indeed, fifty.

In fact, we read that Ibrahim b. Saʿīd al-Jawhari said, “I saw a boy of four years – and he had been brought to the caliph al-Maʿmūn – who recited the Qurʾān and looked into the question of the plausibility of human reasoning. Yet, when he became hungry, he still cried.” We heard that the judge Abū Muḥammad Abū Allāh Muḥammad al-Īṣābānī said, “I learned the Qurʾān when I was five years old. I was brought to Abū Bakr b. al-Muqarrī to hear hadith from him when I was four [sic] and one of those in attendance said, ‘Do not credit him with the audition (la tasammāʿa laḥt) of what is recited, for he is too young.’ Ibn al-Muqarrī said to me, ‘Recite Sūrat al-Kāfūrān,’ and I recited it. Then he said, ‘Recite Sūrat al-Takathur,’ and I recited it without an error. Ibn al-Muqarrī said, ‘Grant him audition. The responsibility is mine.’”

The hadith of Maḥmūd b. al-Rabī indicates the validity of the audition of a five-year-old like Maḥmūd and does not indicate the lack of validity for someone younger than five or the validity of it for someone five years old who has not attained the discernment of Maḥmūd (God be pleased with him). God knows best.

An Examination of the Types of the Means of Conveying and Receiving Ḥadith

There are eight types in total.

1. “Audition of the speech of the teacher” (al-samāʿ min lafẓ al-shaykh): this may be subclassified into dictation (imāl) of the ḥadith and transmitting the ḥadith without dictation. It makes no difference whether the teacher recites from memory or from his book. This means of transmission is the most elevated in the eyes of the masses.

12 Abū ʿAbd Allāh Saʿīd al-Jawhari al-Baghdadī (d. ca. 250/864) is best known for the maqām described to him; Dahabī, Siyar, 12:149–51.
13 Al-Maʿmūn was the son of Hārūn al-Rashīd and the seventh ʿAbbāsid caliph. He ruled from 198/813 until 201/817; EI, 6:331–9.
14 This seems to be a reference to Ibn al-Labībīn, a respected scholar who died in Isfahān in 446/1054; Dahabī, Siyar, 17:633–4.
15 Abū Bakr Muḥammad b. Ḥarith b. ʿAbd Allāh al-Muqarrī (285/898–381/991) was a scholar of hadith who, it is surprising to note, served as the librarian of al-Sabīb b. ʿAbbāsid; Dahabī, Siyar, 16:398–402.
One of the things we hear from al-Qadi ‘Iyad b. Mūsā al-Sabti — a well-informed modern scholar — is the statement: “There is no dispute that in reference to this form of taking up ḥadith it is permissible for the student who heard the teacher to say, ‘He transmitted to us’ (ḥaddathuna), ‘He informed us’ (abhharonā), ‘He told us’ (anheca’ana), ‘I heard X saying’ (samnuna fašilam yagūla), ‘X said to us’ (qala lana fāla’ana) and ‘X mentioned to us’ (dha’akara lana fāla’ana).’”

There is in fact some doubt about this. Because some of these terms have come to be widely used for specifically indicating material not heard from the speech of the teacher — as we will show, God (He is exalted) willing — they should not be applied without qualification to material heard from the speech of the teacher, since they can cause misunderstanding and confusion. (God knows best.) The expert Abū Bakr al-Khaṭābī said, “For this form of reception, the highest of these expressions is ‘I heard,’ followed by ‘He transmitted to us’ and ‘He transmitted to me.’” One rarely says ‘I heard’ for a hadith received through licensing or correspondence (ṣaḥādat al-ṣāza wa-l-mukātabah), or for the misrepresentation (ta’dīs) of hadith one did not actually hear.117

Actually, some of the scholars of hadith did use to say, “He transmitted to us,” for material licensed to them. It is related that al-Ḥasan18 used to say, “Abū Hurayra transmitted to us.” This is interpreted to mean that Abū Hurayra transmitted to the people of Medina and al-Ḥasan was there at that time. However, he did not personally hear anything from Abū Hurayra. On the other hand, some scholars have asserted that al-Ḥasan did hear hadith from him. God knows best.19

The phrase “He informed us” (abhharonā) comes next. It is used extensively, to the point that a number of scholars — including Hāmid b. Salama, ‘Abd Allāh b. al-Mubarak, Hushaym b. Bashir, Ubayy Allāh b. Mūsā, Abū al-Razzāq b. Hāmām, Yazid b. Ḥārūn,20 Amr b. ‘Awān,21 Yahyā b. Yahyā al-Tamimi,22 Iṣāq b. Ṣaywah, Abū Naṣrī Allāh b. al-Furat al-Razi,23 ‘Abd Allāh Muhammad b. Aṣyūbī al-Raziī24 and others — almost never reported the hadith they heard from the speech of someone who transmitted to them with anything but the phrase “He informed us.” Al-Khaṭābī stated25 that ‘Abd Allāh b. Ṣa’dī26 said, “Abū al-Razzāq used to say, ‘He informed us’; until ‘Abd Allāh b. Hanaba and Iṣāq b. Ṣaywah came and said to him, ‘Say, ‘He transmitted to us.’” So for everything I [viz. ‘Abd Allāh b. Ṣa’dī] heard with them, he said, ‘He transmitted to us’; while for his earlier transmissions he said, ‘He informed us.’” Al-Khaṭābī al-Baghdādī also stated27 that the expert ‘Abd Allāh b. Ṣa’dī28 said, “Hushaym, Yazid b. Ḥārūn and Abū al-Razzāq say only, ‘He informed us.’ When you find ‘He transmitted to us,’ it is an error of the copyist.” (God knows best.) All of this was before it became common to restrict “He informed us” to material recited to the teacher.

The terms “He told us” (anheca’ana) and “He communicated to us” (nabha’ana) — both of which are rarely used [for material heard from the speech of the teacher] — come after “He informed us.”

“‘He transmitted to us’ and ‘He informed us’ are more elevated than ‘I heard’ in another respect. This is that ‘I heard’ contains no indication that the teacher related the hadith to the student or addressed it to him. ‘He transmitted to us’ and ‘He informed us’ do contain an indication that the teacher addressed the hadith to the student and related it to him, or that he was among those to whom this was done. The expert Abū Bakr al-Khaṭābī asked his teacher, the jurist and hadith expert Abū Bakr al-Barqūqī (God — He is exalted — bless him), about the secret reason for his saying, ‘I heard,’ — rather than ‘He transmitted to us’ and ‘He informed us’ — for the hadith he related to them from Abū ʿIyāsī Allāh b. Ḥārūn al-Jurjānī al-Abdanīī.29 Barqūqī told him that Abū ʿIyāsī, for all his reliability and righteousness, was restrictive in regard to relating hadith. Barqūqī used to sit where Abū ʿIyāsī could not see him or detect his presence so that he could hear from him the hadith he was transmitting to the person inside with him. For that reason,

16 ‘Iyāsī, 69.
17 Khayyā, 286.
18 Abū ʿAlī al-Ḥasan b. Abī ʿIyāsī Yasir al-Baqrī (21/642–110/728) was a renowned preacher and one of the most significant early transmitters of hadith; Sezgin, EF, 2:245–8; Sezgin, G:5, 1:391–4.
19 Like most of this discussion, this passage seems to have been taken from al-Khaṭābī’s Khayyā (p. 284) but there it concludes, “This is interpreted to mean that Abū Hurayra transmitted to the people of al-ṣāza and al-Ḥasan was one of them, although he was in Medina at that time. So al-Ḥasan did not hear anything from him and did not use the phrase ‘I heard’ for any of that.”
20 Abū Khālid Yazid b. Ḥārūn (118/736–206/821) was a Qur’ān commentator from Wāsiti; Sezgin, G:5, 1:340.
21 Abū ʿAlī al-Salāḥī Amir b. ʿAwān b. Asw al-Salāḥī (d. 225/840) was a well-respected transmitter of hadith; Dibchābī, Siyar, 10:450–1.
22 Abū Zakariyyā Yahyā b. Yahyā b. Bakair al-Tamīmī al-Ṣaḥīḥ (142/759–226/840) was a prominent expert in hadith; Dibchābī, Siyar, 10:512–19.
23 Abū Ṣa’dī Ahmad b. al-Furat al-Razi (ca. 180/796–258/872) was a well-traveled scholar of hadith who settled in Isfahān; Dibchābī, Siyar, 12:680–88.
24 Ibn al-Durayḥī (200/816–294/906) was a scholar of hadith who wrote the book Fad’il al-Qurarān; Sezgin, G:5, 1:43.
25 Khayyā, 286.
26 Abū ʿAlī Allāh Muhammad b. Abī ʿIyāsī al-Qurayshī (ca. 170/786–245/860) was an important scholar of hadith; Dibchābī, Siyar, 12:214–18.
27 Khayyā, 286.
30 Abdanīī (274/887–368/978) was a prominent transmitter in his day; Dibchābī, Siyar, 16:261–3.
Barqānī says, “I heard,” and not “He transmitted to us” or “He informed us,” because Abu ʿl-Qassim’s intention was to transmit only to the person inside with him.

“X said to us” (ṣila ʿala fidān) or “X mentioned to us” (dhakara ʿala fidān) are like “X transmitted to us.” However, they are appropriate for the hadīth the transmitter heard from someone in a study session (mudākhara) and are more suitable for this than “He transmitted to us.” In the discussion of “suspension” (iṣlaḥ) at the end of Category 11 (see above, p. 45 ff.), we recounted that many of the scholars of hadīth use these expressions to designate the hadīth which passed between them in study sessions and competitions (manāzarat). The most self-efficacious of the expressions for this is “X said” or “X mentioned,” without saying “to me” or “to us,” and the like. As we said above, in the section on the iṣlaḥ with “from,” scholars interpreted these and similar expressions as indicating audition, when it is known in general that the student met the teacher and heard hadīth from him, especially when it is known of the student that he used “X said” only for the hadīth he actually heard from the teacher.

Ḥajji b. Muḥammad al-ʿAwarī used to relate Ibn Jurayj’s books from him, saying for them, “Ibn Jurayj said.” People took these books from him and cited his relations as proofs. He was known to have related only what he had heard.

The expert Abū Bakr al-Khaṭṭāb restricted interpreting the phrase “X said” as indicative of audition solely to those whose custom was known to be similar to this. The well-documented and well-known view is the one we gave above. God knows best.

II “Recitation to the teacher” (al-qirāʿa ʿala ʿl-shaykh) is the second means of taking and receiving hadīth. Most of the transmitters of hadīth call it “presentation” (ʿard) since the reciter “presents” the hadīth he recites to the teacher, just as the reciter “presents” the Qur’ān to the Qur’ān instructor. It makes no difference whether you are the reciter or someone else recites while you listen. You may recite from a book or from your memory. The teacher may have memorized the material recited to him or not. In the latter case he or some other reliable individual should hold his text. There is no disagreement that this is a valid form of transmission; that is, with the exception of the views recounted from some of those whose disagreement is not taken into account. God knows best.

There is a disagreement as to whether “recitation to the teacher” is equivalent to “audition of the speech of the teacher” in terms of rank or whether it is inferior

or superior. Abū Ḥanīfa, Ibn Abī Dhibī and others are said to have preferred “recitation to the teacher” to “audition of his speech,” and that is related from Malīk as well. Malīk and others are said to have regarded them as equal. It is said that equating them is the doctrine of most of the scholars of the Hejaz and al-Ṭufa‘a, the doctrine of Malīk, his followers and his Medinese teachers and the doctrine of Bukhārī and others. The correct view is to give preference to “audition of the speech of the teacher” and to rate “recitation to him” on a second rank. It is said that this is the doctrine of the majority of scholars in the eastern lands. God knows best.

The ways of expressing “recitation to the teacher” when transmitting on the basis of it are on several levels. The best and safest is “I recited to X” – or “It was recited to X while I was listening” – “and he acknowledged it” (qarit aʿalā fidān wa qaṣira ʿala fidān wa-anu ʿaṣma u fa-ṣarrū bīhi). This is unquestionably valid. The expressions validly applied in unqualified form to “audition of the speech of the teacher” come next, provided that, when they are used in this case, they are qualified by the student saying, “I transmitted to us by means of recitation to him” (ṣaddathāna fidān qirāʿat an-ṣalāhī) or something similar. In the same way, “He declared to us by means of recitation to him” (anshadanā qirāʿat an-ṣalāhī) may be used for verse.

There are several different views about the unqualified application of “He transmitted to us” and “He informed us” to an instance of “recitation to the teacher.” Some scholars of hadīth forbid both of them. It is said that this was the doctrine of Ibn al-Mubārak, Yahyā b. Yahyā al-Tamīmī, ʿAbd b. Ḥanbal, Nasrī and others.

Some hold the opinion that it is licit. They maintain that “recitation to the teacher” is like “audition of the speech of the teacher” in regard to the permissibility of the unqualified application of “He transmitted to us,” “He informed us” and “He told us.” It is said that this was the doctrine of most of the Ḥajjazians and Kufān; the view of Ṣund, Malīk, Sufyān b. ʿUyayna, Yahyā b. Saʿd al-Qaṭānī – as well as other ancient authorities; and it was the doctrine of Bukhārī – the author of the ʿṢaḥīḥ – as well as a number of other transmitters. Some of these also permitted the student to say, “I heard X,” for “recitation to the teacher.”

A third doctrine differentiates between the two phrases in this regard, forbidding the unqualified application of “He transmitted to us” and permitting the unqualified application of “He informed us.” This is the doctrine of Shāfī`ī and his followers. It is also transmitted from Muslim – the author of the ʿṢaḥīḥ – and many of the scholars of the east. The author of Kitāb al-Insāf (The Book of

31 See above, p. 46.
32 Some considered Abū Muḥammad Ḥajji b. ʿAwarī (d. 206/821) to be the best student of Ibn Jurayj; Duhayli, Sīyar, 9:147–50.
33 Kiyāya, 289.
34 Abū ʿl-Harīth Muḥammad b. ʿAbd al-Raḥmān b. al-Mughāṭra al-Qaṭānī (80/699–1778) was an early scholar famed for his asceticism and piety; Duhayli, Sīyar, 7:139–49.
35 Abū Saʿd Yahyā b. Saʿd al-Qaṭānī al-Tamīmī (120/738–198/813) was one of the greatest critics of Ḥadīthists; Duhayli, Sīyar, 9:173–88.
the Fair View), Muḥammad b. al-Ḥasan al-Ṭamīmī al-Jawhart al-Miṣrī, said, "This is the doctrine of the countless majority of the scholars of hadith. They made 'He informed us' a symbol occupying the place of the statement, 'I recited it to him; he did not utter it to me.' Abū ʿAbd Allāh al-Rāhmān al-Nasāʾī, among a number of other authorities like him who transmitted ḥadith to us, was one of those in our time who used to advocate this view."

It is said that the first to make a distinction between these two terms was Ibn Wahb in Egypt. This is refuted by the fact that this is also said of Ibn Jurayj and Awāzī [who were earlier]—Abū Bakr al-Khaṭṭāb related it about them—unless what is meant is that Ibn Wahb was the first to do this in Egypt. God knows best.

Differentiating between "He transmitted to us" and "He informed us" has become widespread, predominating among the scholars of hadith. The attempt to justify the differentiation from the standpoint of linguistic usage is labored and contrived. The best that may be said for it is that it is a convention among the scholars of hadith who sought by observing it to discriminate between the two means of receiving hadith. The first is specified by the term "He transmitted to us" because of its strong implication of pronunciation and oral communication.

One of the best things that is related about someone who subscribed to this doctrine is what the expert Abū Bakr al-Bargānī related to the effect that Abū Ḥātim Muḥammad b. Yaḥyā al-Ḥarrānī—one of the chief scholars of hadith in Khurāsān—was reciting the Šāḥīb of Bukhārī to a teacher from Farābī and for each hadith he said to his teacher, "Farābī transmitted to you." When he completed the book, he heard his teacher say that he had heard the book from Farābī by means of recitation to him. So Abū Ḥātim repeated the recitation of the entire book and he said to his teacher for all of it, "Farābī informed you." God knows best.

Subsidiary Issues

(a). When during the recitation to the teacher his text is in the hands of someone else and this person may be relied upon, is attentive to what is recited and is qualified for this: if the teacher knows the material recited to him, it is as if his text were in his own hand, only better because of the cooperation of the mind of two people on it. If the teacher does not know the material recited to him, there is some disagreement about [the validity of the transmission, when he is not holding his text]. One of the authorities in legal theory held that this form of audition is not valid. The preferred opinion is that it is valid and most of the teachers and scholars of ḥadith act upon it. When the teacher's text is in the hands of the reciter and he is someone who may be relied upon in regard to his religion and knowledge, the verdict on it is the same; and it is in fact more deserving of being considered valid. When the teacher does not know the material recited to him and his text is in the hands of someone who may not be relied upon to hold it and whose neglect of what is recited may not be guaranteed against, it is the same whether he is the reciter or no, for it is not an audition which may be credited. God knows best.

(b). When the reciter says to the teacher, "X informed you," or "You said, 'X informed you,'" or something similar to that while the teacher remains silent, listening attentively to it, comprehending it and not objecting to it; then this behavior is sufficient to [establish the accuracy of the recitation]. Some of the Ṣażīrites and others have imposed the condition that the teacher must verbally assent to it. The Ṣúfīe jurists Abū Ḥāṣṣāq al-Shīrāzī, Abū ʿIyāq al-Ṣaḥḥāt, Abū Ḥāṣṣāq al-Shīrāzī, and Abū Naṣr b. al-Ṣaḥḥāt stated this unequivocally. Abū Naṣr said, "The student may not say, 'He transmitted to me' or 'He informed me,' [without his teacher's verbal assent]. He may act in accordance with what was recited to him, and, if he wants to relate it from his teacher, he should say, 'I recited to him'—or 'It was recited to him'—while he was listening (qaraṭu 'alayhi wa qara'tu 'alayhi wa-ha wa-ha wa-ha)." In contrast, it is related from some writers that one of the Ṣażīrites stipulated that the teacher must express his assent upon the completion of the audition through the reciter asking him, "Is it as I recited to you?" and his saying yes. The correct view is that this is not necessary. The obvious implications suffice and the silence of the teacher in the aforementioned fashion takes the place of his explicit endorsement of the reciter. This is the doctrine of the majority of the scholars of hadith, jurists and others. God knows best.

(c). According to what we hear, the expert Abū ʿAbd Allāh al-Hākim (God bless him) said, "In transmission, the procedure I prefer and the one I saw most of my teachers and the authorities of my era adhering to is for the student to say for the material he took verbally from the speech of the transmitter while he was alone, 'X transmitted to me,' and for the material he took from his speech in the presence of others, 'X transmitted to us.' For the material he personally recited to the transmitter, he should say, 'X informed me,' and for what was recited while he was merely present, 'X informed us.'" We indeed heard something...
similar to that from 'Abd Allah b. Wahb, the disciple of Mâlik (God be pleased with them).” It is extremely good.

If a transmitter has doubts regarding something in his possession as to whether it falls under the heading of “He transmitted to us” or “He informed us” or under the heading of “He transmitted to me” or “He informed me,” because of his uncertainty over whether he was alone or with others at the time of the reception and the audition, it is possible for us to say: Let him say, “He transmitted to me,” or “He informed me,” because the absence of others is presumed.

However, the authority ʿAli b. ʿAbd Allah al-Madini stated from his teacher, the authority Yahyā b. Saʿīd al-Qatān, that the transmitter should say, “X transmitted to us,” for the material regarding which he is uncertain whether his teacher said, “X transmitted to me” or, “X transmitted to us.” This would require that the transmitter himself say, “He transmitted to us,” when he is in doubt over his own audition in such a case. In my opinion, this is possible because “He transmitted to me” is more complete in terms of rank and “He transmitted to us” is more defective. So, when the transmitter is in doubt, let him limit himself to the defective form, because the absence of the additional person[s] is presumed. This is a fine point. I found that the expert ʿAbd illāh ibn al-Bayhaqī (God bless him) had chosen the view I presented above [that is, the preference for “me”], after quoting the statement of [Yahyā b. Saʿīd] al-Qatān.

Making this distinction [between “me” and “us”] on the principle of [ʿAbd illāh ibn al-Hakim] is desirable but not mandatory. Al-Kharīb related this view from all of the scholars of hadith. Thus, it is permissible for the student, when he hears ʿadāth by himself, to say, “He transmitted to us,” or something similar, because in the speech of the Arabs that is permissible for a single individual. Furthermore, he is permitted, when he hears hadith as a part of a group, to say, “He transmitted to me,” because the teacher did transmit to him as well as transmitting to the others. God knows best.

(d). We heard that ʿAbī ʿAbd illāh Ahmad b. Ḥanbal (God be pleased with him) said, “Follow the speech of the teacher in regard to his saying, ‘He transmitted to us,’ ‘He transmitted to me,’ ‘I heard,’ and ‘He informed us,’ and do go beyond it.”

For the material you find in the books composed of the transmissions of people earlier than you, you may not change the hadith indicated with “He informed us” in that very book to “He transmitted to us,” and the like. That is because, if there exists a disagreement over putting one term in the place of the other and there exists a precedent for making a distinction between them, it is possible that the person using one of them is one of those who do not regard them as equivalent. If you were to find an ʾismā of that description and you knew that its transmitters regarded the terms as equivalent, then your replacing one of them with the other would come under the heading of permitting transmission by paraphrase. This would be true, even if there were a well-known difference [between the terms, observed by others]. We think it best to avoid doing anything along these lines in regard to changing the contents of books and collections of ʿadāth, as we will (God – He is exalted – willing) discuss below.

What ʿAbī Bakr al-Khaṭīb said in his ʿUṣūl about doing that is disputed and in our view it refers to the ʿadāth a student hears from the speech of a transmitter and not something recorded in a written composition. God knows best.

(e). Scholars disagree over the soundness of the audition of someone who copies at the time of the recitation. It is reported that the authority Ibrāhīm al-Harbi,54 the expert ʿAbī ʿAbd illāh Ahmad b. ʿAbī ʿAbd illāh ʿUṣūl,55 the professor ʿAbī ʿAbd illāh al-Ṣaḥābī,56 the expert in practical and theoretical law and – others rejected it. We heard that ʿAbī Bakr Akram b. ʿAbī ʿAbd illāh al-Ṣaḥābī – one of the authorities of the Shāfiʿites in Khurasan – was asked about the student who writes during audition. He said, “He should say, ‘I attended’ (ṣaḥāfa), and not, ‘He transmitted to us,’ or, ‘He informed us.’” It is reported that Muḥammad b. Ḥārūn al-Ḥannām permitted copying during the audition and that ʿAbī Ḥātim al-Razi said, “I wrote in ʿAlī’s class while he was reciting and I wrote in ʿAmr b. Marzūq’s class while he was reciting.” It is also reported that one text was recited to ʿAbī Bakr al-Mubarak while he copied another. There is no difference between the copying of the auditor and the copying of the person who validates the audition (muṣammir). Making a distinction is superior to these blanket declarations. Our opinion is that the audition is not valid when the copying is such that the student cannot comprehend what is being recited, so that sound which reaches his ears is like background noise. The audition is valid if, while copying, comprehension is not impossible for him, as was the case in what we heard regarding the ʿadāth expert and scholar ʿAbī ʿAbd illāh al-Darrāqūnī. In his youth, he attended the class of Ṣaḥāḥ al-Ṣaḥābī. He copied a volume in his possession while Ṣaḥāḥ al-Ṣaḥābī was 54 ʿUṣūl, 309–10.
55 ʿAbī ʿAbd illāh Ahmad b. ʿAbī ʿAbd illāh ʿUṣūl (198/813–280/894) was an expert in ʿadāth and law who is perhaps best known for having written a book on the rare words appearing in the ʿadāth (gharrāb al-ʿadāth); Dabāhī, Siyār, 13:356–72.
57 ʿAbī ʿAbd illāh Ibrāhīm b. Muḥammad b. Ibrāhīm al-Ṣaḥābī (d. 1184) was the most prominent Shāfiʿite of his era; Dabāhī, Siyār, 17:353–5.
58 ʿAlī’s (258/872–342/953) combined expertise in law and ʿadāth; Dabāhī, Siyār, 15:941–3.
59 ʿAlī’s (ca. 140/757–224/839), whose real name was ʿAbī ʿAlī-Nāṣir Muḥammad b. ʿAbī ʿAlī al-Sadna, was a prominent transmitter of ʿadāth whom ʿAbī Ḥātim al-Razi studied with in 234/849; Dabāhī, Siyār, 10:265–70.
60 ʿAbī ʿAbd illāh Ahmad b. Muḥammad al-Baghdādī ʿAfṣafār (247/861–341/952) was a transmitter of ʿadāth also known for his knowledge of the Arabic language; Dabāhī, Siyār, 15:440–1.
dictating. One of those in attendance said to him, “Your audition is not valid while you copy.” Dārāqūṭi replied, “My comprehension of the dictation is different from yours.” Then Dārāqūṭi said to the man, “Do you recall how many ḥadīth the teacher has dictated until now?” He said no. Dārāqūṭi said, “He has dictated eighteen,” and the hadith were counted and found to be as he said. Then Dārāqūṭi said, “The first ḥadīth was from X from Y and its text read such and such. The second was from A from B and its text was such and such.” He kept giving the isnāds and texts of the ḥadīth in the order they were dictated until he reached the last of them. The people were astonished by him. God knows best.

(f) The distinction which we described in regard to copying applies equally to the cases when the teacher or the auditor is holding a conversation, or the reciter speaks too quickly or murmurs so that some of the words are inaudible, or the auditor is too far from the reciter, and similar cases. It is obvious that in, each of these cases, missing a small amount – a word or two – may be excused. [If this is the case,] it is recommended that the teacher permit all of the auditors to transmit the entire volume or book which they heard, even if the term “audition” (ṣama‘) is to be applied to all of it. When he grants his written authorization (khāfīf) for that book to one of them, he should write: “He heard this book from me and I hereby give him permission to relate it from me,” or something like this, just as some of the earlier teachers used to do. One of the things we hear from the Andalusian jurist Abū ʿAbd Allāh Muhammad b. Abī ʿAbd Allāh ʿAṭṭāb was that his father (God be pleased with both of them) said, “In audition licensing is indispensable, because sometimes the reciter makes mistakes and the teacher ignores it; or the teacher makes mistakes, if he is reciting, and the auditor ignores it. So the portion the student missed is restored to him by the licensing.” What we have mentioned is an excellent solution. Indeed, we heard that ʿAlīyy b. ʿAbd Allāh b. ʿAbd Allāh b. Ṣa‘īd (God bless them) said, “I said to my father, ‘When the teacher slurs a word – it is known to be such and such – this is not understood from him – do you think that the student should relate the correct wording from him?’ He said, ‘I hope that there will be no difficulty in his doing that.’”

On the other hand, we read that Khalīf b. Sālim al-Mukharrimī said, “I heard Ibn ʿUyayna saying, ‘ʿAmr b. ʿUqba to us (ṣa‘īd ʿAmr ibn ʿUqba), meaning ‘ʿAmr b. ʿUqba transmitted to us’ (ḥaddāthānā); however he

limited himself to the nām and ʿalif of ḥaddāthānā. When he was told, ‘Say, ‘ʿAmr transmitted to us,”’ he said, ‘I will not say it, because I did not hear three letters of his utterance of ḥaddāthānā and – and they were ḥaddātha – on account of the great crowd.”

The crowds in the classes of many of the greatest transmitters of ḥadīth used to be very large, sometimes reaching thousands and thousands. Repetitors (mustāminūn) conveyed the ḥadīth from the teachers to the crowds so the students actually wrote the ḥadīth down from the teachers through the intermediary of the conveyance of the assistants. More than one of the experts permitted students to relate that material from the dictator [without mentioning the intervening repetitor]. We heard that al-ʿAmash (God be pleased with him) said, “We were attending the class of Ibrāhīm al-Nakhaʾī and the teaching circle became very large. Many times he related a ḥadīth and those at a distance from him could not hear it, so they asked one another what he had said. Then they related these ḥadīth [directly from him] as well as those they actually did hear from him.” We heard that a man asked Ḥamām b. Zayd about a similar situation, saying, “Abū Ismāʿīl, what is your opinion?” He said, “Ask those around you.” We also heard that the repetitor Abū Muslim said to Ibn ʿUyayna, “Many of the people cannot hear the ḥadīth.” He said, “Can you hear them?” He said yes and Ibn ʿUyayna replied, “Then make them hear.”

Others rejected that. We heard that Khalīf b. Tamīm said, “I heard about ten thousand ḥadīth from Sufyān al-Thawrī and I used to ask my companion in class [for the ones I did not hear clearly]. I told that to Ẓahīra and he said to me, ‘Transmit from these ḥadīth only what you have preserved with your heart and heard with your own ears.’ So I cast them away.” We also heard that Abū Nuʿaym al-Fāḍil b. Dukayn felt it necessary to transmit from his fellow students the ḥadīth from Sufyān and al-ʿAmash from which he missed a single word or name he had to ask his fellows for, not thinking that anything else was possible for him. The first view represents an extreme lack of rigor. Indeed, we heard that the expert Abū ʿAbd Allāh b. Manda al-Iṣḥābānī said to one of his students, “X, for you smelling a ḥadīth is enough for audition!” This statement should either be interpreted [to refer to something else] or be left with the person who said it. I found from the expert Abū al-ʿAbd b. Saʿīd from the expert Ḥanbālī b. Muḥammad

52 Abū Muhammad ʿAbd al-Rahmān b. Abī ʿAbd Allāh Muḥammad b. ʿAṭṭāb al-Qurtubi (433/1041–520/1126) was one of the great ḥadīth transmitters of the Andalus; Dhubabi, Siyar, 19:514–13.
53 Abū ʿAbd Allāh Muḥammad b. ʿAṭṭāb b. Muḥsin (383/994–1062/1069) was an expert in a number of disciplines; Dhubabi, Siyar, 18:328–38.
54 Abū ʿUqba ʿAlī b. Fadlāl ʿAlī (203/818–265/878) was one of the two talented sons of the Imam ʿAlī b. Ḥanbal who played a large role in the propagation of his teaching; Sezgin, G.A.S., 1:510.
55 Abī Muḥammad Ḥakīm b. Sālim al-Mukharrīmī al-Baghḍādī (d.231/846) was considered to be an expert in ḥadīth; Dhubabi, Siyar, 11:148–50.
57 Abī ʿAbd al-Rahmān Khalīf b. Tamīm at-Tamīmī al-Kūfi (d. 213/828) was a well-respected transmitter of ḥadīth; Dhubabi, Siyar, 10:23–1.
58 Ibn al-Saḥīḥ seems to have in mind here the views of Ibrāhīm al-Nakhaʾī and Ḥamām b. Zayd, who, it would appear, allowed the student to transmit any amount of material directly from the teacher without mentioning the intermediary when he had to consult.
59 Abī Muḥammad ʿAbd al-Ghānī b. Saʿīd al-Aṣhārī al-Misrī (322/944–407/1018) appears to have been a very important figure in the history of ḥadīth scholarship, although none of his surviving works have been published yet; Sezgin, G.A.S., 1:223–5.
60 Abī Muḥammad Ḥanbālī b. Muḥammad al-Kāfī (275/888–357/968) was a scholar of ḥadīth born in Egypt; Sezgin, G.A.S., 1:192–3.
asked the professor Abū ʿIsḥāq al-Ịsfārāyīn (God bless both of them) about the transmitter who intends his audition for a particular group and someone else comes and hears hadīth from him without his knowledge of it: “Is it permissible for that unintended student to transmit the hadīth from him?” He answered that it is permissible and that even if the transmitter had said, “I am informing you and I am not informing X,” it would not harm X. God knows best.

III Licensing (jāza) is the third means of conveying and receiving hadīth. It takes several forms.

(a) Licensing a specific text to a specific person: for instance, the teacher says, “I hereby license book X” – or “the contents of this book list of mine (fihrist)” – “to you.” This is the highest form of licensing lacking the transference of the text (mumāshā). Some claim that there is no dispute regarding the permissibility of this form of licensing and that the Zāhirītes did not dispute it; rather their dispute was over some other type of transmission. The judge Abu ʿl-Walīd al-Bāṭī al-Malikī went further and categorically denied the existence of any dispute. He said, “There is no dispute regarding the permissibility of transmitting by license among the forebears of this Community or their successors,” and he asserted that there was total unanimity on this. He then mentioned the dispute over whether one could act upon the material transmitted this way. God knows best.

This is false. Large numbers of hadīth scholars, jurists and legal theorists have indeed held contradictory opinions over the permissibility of transmitting by license. The view which holds licensing as invalid is represented in one of the two transmissions from Shāfiʿī (God be pleased with him) on that topic. It was related that his disciple al-Raḥīm b. Sulaymān stated, “Shāfiʿī did not use to allow licensing for hadīth, and I disagree with Shāfiʿī on that.” A number of other Shāfiʿī schools, including the judges Ḥusayn b. Muḥammad al-Marwānī and Abu ʿl-Ḥasan al-Mawāridī, regarded licensing as invalid. Mawāridī stated as much unequivocally in his al-Ḥuti and traced it back to the doctrine of Shāfiʿī.

61 Fihrist, faqas, thabat and barrāmat were names applied to the works listing the books a scholar was permitted to transmit and the teachers from whom he received them; EF, 2,743–4, s.v. Fihrist.
62 Sulaymān b. Ḥanafī b. ʿAbd Allāh b. Saʿd (403/1013–474/1081) was a renowned Andalusi scholar who wrote works in a number of disciplines, including hadīth and law; Dhaḥabi, Siyar, 18,338–45.
63 Al-Qādī ʿYāqūt, Ḥanafī, 99.
64 Abu Muḥammad al-Ịsfārāyīn b. Sulaymān al-Murtadī (ca. 174/790–270/884) was one of the pupils of Shāfiʿī most responsible for preserving his teachings; Dhaḥabi, Siyar, 12,587–91.
65 Abu ʿl-Ḥasan b. Muḥammad al-Marwānī (d. 462/1069) was one of the great Shāfiʿī scholars of Khurāsān; Dhaḥabi, Siyar, 18,266–9.
66 The career of Abu ʿl-Ḥasan al-Mawāridī b. Muḥammad b. Ḥabīb al-Mawāridī (364/974–450/1058) reached its apex when he was appointed the chief judge of Baghdad. Among his works on Shāfiʿī law is Khāṭab al-Aḥkām al-ṣulḥānīya, a seminal work on public law; Dhaḥabi, Siyar, 18,64–7.
Both of them said, “If licensing were licit, traveling to collect hadith would become pointless.” This expression is also related from Shu‘ba and others. The authority Ithbthm b. Iṣḥaq al-Ḥarbi, Abū Muḥammad Abū Ḍllah b. Muḥammad al-Iṣbahanī - nicknamed “Abū I-Shaykh” - and the expert Abū Naṣr al-Wāʿilī al-Sijzi were among the scholars of hadith who regarded licensing as invalid. Abū Naṣr related declarations of its incorrectness from a number of those he met, saying “I heard a number of scholars saying, ‘The implication of a transmitter saying, ‘I hereby license you to relate from me,’ is it hereby license you to do something which is not allowed by the law, because the law does not permit the transmission of material which was not heard.’” Similar to this is what Abū Bakr Muḥammad b. _TIbāt al-Khujiwādi - one of the Shaḥīfites who regarded licensing as invalid - related from Abū Tāhir al-Dabbās b. Iṣḥaq whom the ‘Ulama of the Hanafites. He said, “When someone says to someone else, ‘I hereby license you to relate from me what you did not hear,’ it is like his saying, ‘I hereby license you to ascribe lies to me.’”

The established practice and the doctrine of large numbers of scholars of hadith and others are in favor of permitting licensing and allowing transmission on the basis of it. However, there is some obscurity in the argument made for this. We may say: when the teacher licenses the student to relate his transmissions from him, he has communicated them to him collectively (jumlatan), and it is the same as if he had communicated them to him word by word (afsālan). As in the case discussed above regarding “recitation to the teacher,” the validity of the teacher’s communicating his transmissions to his students does not rest upon his explicit verbal declaration. Rather, the aim is for the teacher to make the student understand [that this is the material he transmits] and for the student to comprehend this; and that occurs through the act of licensing which creates this understanding. God knows best.

Just as relation on the basis of licensing is permitted, acting upon the material transmitted that way is necessary. This is in conflict with the doctrine of those Zāhirites and the others who have followed them that it is not necessary to act upon it, and that a hadith transmitted this way is the same as a loose hadith (muraḍ). This is incorrect, because there is nothing in the act of licensing that impairs the cohesiveness or trustworthiness of the material transmitted in this way. God knows best.

71 Abū I-Shaykh (1974/1987–369/997) was one of the greatest scholars of hadith of the fourth/tenth century, Sezgin, G/S, 1:1094–1095.
73 Abū Tāhir Muḥammad b. Muḥammad b. Sufyān al-Dabāī (d. ca. 340/951) was one of the most prominent Hanafīs in Iraq; Lakhawī, Fawā'id, 187.
74 See p. 103.
75 See Sakhāwī, Fath al-Maghīth, 2:64.
76 Bī-shaykh: It is difficult to determine what this phrase refers to. Noawī omits it in his abridgement and most commentators ignore it. Sakhawī suggests that it is “the stipulation of licensing” (shar al-jāza) to be discussed below; Sīkhawī, Fath al-Maghīth, 2:66 (and repeated in Zakaryyāʾ al-Āmārī, Fath al-Bāgi, 2:64). This would appear to be the stipulation - which Ibn al-Salībī rejects (see below, p. 117) - that licensing is valid only when “the licensor is knowledgeable regarding what he is licensing and the licensee is a scholar.”
78 Abū Ḍll-Tāvirī Tāhir b. Abū Ḍll al-Ṭabarī (348/959–450/1058) was an important Shāfiʿite jurist; EI, 10:15–16; Sezgin, G/S, 1:1502; EI, 2:1390.
79 Ḣāfīz, 80.
80 Abū Muḥammad Abū Ḍll Abū Ḍll al-Sanāḥīnī al-Qurṭubī was a respected transmitter of hadith who spent a number of years in Mecca. He died in Cordova in 436/1045; Ibn Bishārāwi, Kīṭāb al-Sīla, 2 vols (Cairo, 1966), 1:271–3.
81 Abū Bakr Muḥammad b. Muḥammad b. Ḥumayd al-Haytānī (548/1153–581/1185) was a Shāfiʿite who settled in Baghdad. He specialized in hadith and his most famous works may be Kīṭāb al-Nāṣīḥah wa-l-muṣāfahā wal-ṣuṣ al-ḥaṣāna; Dihābī, Siyar, 21:167–72.
82 Abū I-Abī al-Ḥasan b. Ahmad b. al-Ḥasan al-Hamadhānī (488/1095–509/1173) was an expert in hadith and in several other religious sciences; Dihābī, Siyar, 21:40–7.
worthy of emulation actually using this form of licensing and relating by it, not even the small group of late-comers who viewed it as valid. Licensing in principle is a weakness. By this extension and relaxation, it becomes a much greater weakness which should not be tolerated. God knows best.

(d). Licensing an unknowable person (majhūl) or an unknowable text, and the question of an act of licensing bearing a condition, are appended to this discussion: for instance, the teacher says, “I hereby license Muhammad b. Khālid al-Dimashqī,” and at that time there are a number of people who share this name (ism) and lineage (nasab) and the one being licensed is not specified. Or the teacher says, “I hereby license X to relate from me Kitāb al-Sunan (The Book of Sunnas),” and he transmits a number of books of sunnās known by this title and he does not specify which is meant. This is a defective and worthless form of licensing.

This is not the same as the case when someone licenses a number of people whose name and lineage are specified, while he is ignorant of their identity and is not acquainted with them. That does not impair the validity of the licensing, just as a teacher not knowing a student who attended his class does not affect the validity of that student’s audition. (God knows best.) Even if the teacher licenses those whose names are designated in a letter requesting licensing (istijāza) and he is ignorant of their identity and their lineage, not even knowing how many of them there are and without having scrutinized their names one by one; the licensing should also be considered valid. This is analogous to the validity of the audition of those who attended a teacher’s class to hear hadith from him, even if the teacher does not know them at all, does not know how many of them there are and does not scrutinize their persons one by one.

When the teacher says, “I hereby license whomever X wants,” or the like, it contains unknowability (jahāla) [in regard to the identity of the individuals being licensed] and the stipulation of a condition. So the presumption is that it is not valid. The judge Abu ‘l-Taqīyyīb al-Tābarī al-Shāfi’ī gave a legal opinion to that effect, when the expert al-Khaṭṭāb asked him about this.83 He reasoned that it is licensing an unknowable person and it is as if he had said, “I hereby license some people,” without any specification. Sometimes it is argued that it is invalid because it also bears a condition. Whatever is vitiated by unknowability is also vitiated by the stipulation of a condition, according to what is known to be the opinion of some people. The Shāfi‘īs al-Khaṭṭāb related that Abu ‘l-Fadl b. al-Farrā’ al-‘Jānabī84 and Abu ‘l-Fadl b. ‘Umar b. al-Mālikī85 permitted this form of licensing and these three were leaders of their respective schools at that time in Baghdad.86 The unknowability in this form of licensing arises in the second part of the clause due to the presence of volition, in contrast to unknowability occurring in the case when the teacher licenses “some people.” When the teacher says, “I hereby license whoever wants it,” it is the same as if he had said, “I hereby license whomever X wants.” (God knows best.) Rather, the former contains more unknowability and is more diffuse from the standpoint that – in contrast to the latter – it is conditional on the volition of innumerable people. This is also true in the case where the teacher licenses whoever wants to be licensed by him.

If the teacher licenses whoever desires to transmit from him, this is closer to being permissible because the delegation of transmission by the license to the volition of the licensee is a necessary component of every act of licensing. Despite the fact that this formula is in the form of a stipulation, it is merely a clarification of what is necessary to carry out the transmission and a description of the circumstance, and in reality there is no imposition of a condition.

For this reason, some Shāfi‘ī authorities permit the seller to say in a commercial transaction, “I hereby sell you this for such-and-such price, if you desire,” with the purchaser saying, “I hereby accept.”

The following was found in the handwriting of the expert Abu ‘l-Faṭḥ Muhammad b. al-Husayn al-Azdī al-Mawṣūlī: “I hereby license the transmission of that to everyone who wants to transmit it from me.” When the teacher says, “I hereby license such and such to X, if he desires to transmit it from me,” or “to you, if you desire,” or “you like,” or “you want,” the most obvious and strongest view is that this is permissible, since the element of unknowability and the reality of the imposition of a stipulation have disappeared and only their form remains. Knowledge belongs to God (He is exalted).

(e). Licensing a yet-to-be-born person (muṣfīm), and let us discuss along with this the licensing of young children: this is a type of licensing which some modern scholars have discussed extensively and they have disagreed over its permissibility. An example of it is when you say, “I hereby license whoever will be born to X.” If he links the yet-to-be-born person to a living person (majhūl) by saying, “I hereby license X and whoever will be born to him,” or “I hereby license you, your sons and your descendants for as long as they continue to reproduce,” it is closer to being permitted than the first example. For a similar reason, the Shāfi‘īs permit the second kind and not the first in the establishment of a charitable trust (waqf). The Mālikites and Ḥanafīs – or at least some of them – permit both kinds in a charitable trust. Abū Bakr b. Abū Dāwūd al-Siṣistānī

84 Abū ‘l-Fadl Muhammad b. al-Husayn b. Muhammad al-Farrā’ (380/990–458/1066) was a very prominent Hanbalīe legal scholar in Baghdad; Dīwān, Siyar, 18:89–91.
85 Abū ‘l-Fadl Muhammad b. ‘Ubayd Allāh b. ‘Umar b. al-Mālikī (372/983–452/1060) was one of the leading Mālikite scholars in Baghdad; Dīwān, Siyar, 18:73–4.
86 Jāza’, 82.
87 Abū ‘l-Faṭḥ Muhammad b. al-Husayn al-Azdī al-Mawṣūlī (d. 374/985) wrote works on a number of aspects of the study of hadith; Sezgin, G, 85, 1:199–200.
was one of the early hadith scholars who performed this second kind of licensing. We heard that he was asked for licensing and said, ‘I hereby license you, your children and the offspring of the offspring,’ meaning those who had not yet been born.

The expert Abū Bakr al-Khaṭṭāb deemed it permissible to license a yet-to-be-born individual in the first instance without any link to a living person." He said that he heard Abū Ya‘lā b. al-Farrā‘ al-Ḥanbali and Abū ‘l-Ḥaḍr b. ‘Umrān al-Malikī permitting that."

The jurist Abū Naṣr b. al-Ṣabbāḥ also related the permissibility of that. He said, “Some people are of the opinion that it is permissible to license someone not yet created. This is the opinion only of those who believe that licensing is the granting of permission (adhān) to transmit and not an instance of face-to-face communication (muḥādātha).”

Al-Khaṭṭāb al-Baghdādī then explained the argument for invalidating this kind of licensing, and this was the view his teacher, the judge and authority Abū ‘l-Ṭayyib al-Ṭabarī, settled on. That is the correct view and no other is appropriate, because licensing falls under the heading of communicating the licensed material collectively, as we said above in the discussion of the validity of the general principle of licensing. Just as communicating information to a yet-to-be-born person cannot be valid, licensing a yet-to-be-born person cannot be valid. If we had judged licensing to be granting permission, that would still not be valid for a yet-to-be-born person, just as granting permission in regard to the deputation of a yet-to-be-born person is not valid, because the yet-to-be-born person is in a state in which the act permitted was not valid from him.

This also necessarily renders void the licensing of a young child whose audition is not valid. Al-Khaṭṭāb said, “I asked the judge Abū ‘l-Ṭayyib al-Ṭabarī about licensing a small child: ‘Is the child’s age or his capacity for discrimination taken into consideration for determining its validity in the way they are taken into consideration in determining the validity of his audition?’ He said, ‘They are not taken into consideration.’ I then said to him, ‘One of our colleagues said, “Licensing is not valid for those whose audition is not valid.”’ He said, ‘Sometimes it is valid for the teacher to license someone who is absent while that person’s audition would not be valid.’” Al-Khaṭṭāb cited as evidence for the validity of licensing a child the fact that licensing is only the licensor allowing the licensee to transmit from him, and it is valid to allow someone who has reached the age of reason and someone who has not. He said, “In accordance with this, we saw all of our teachers licensing children who were absent, without inquiring about their age and level of discrimination. We never saw them under any circumstance license anyone who was not yet born.” It seems that they regarded a child fit for this way of receiving hadith so that he could validly transmit on the basis of it after he had attained the qualifications necessary for transmitting. This arose from their desire to expand the means of perpetuating the isād—which has been granted to this Community alone—and to bring the child closer to the Messenger of God (Peace be upon him). God knows best.

(f.) Licensing something the licensor has not yet heard or received at all to a licensee to relate when the licensor afterward receives it: someone who reported from the judge ʿYād b. Mītās—one of the illustrious figures of his age in North Africa—informed me that he said, “I have not seen any of the teachers of old speak about this and I saw some of the modern scholars and our contemporaries doing it. It is said that Abū ‘l-Walīd Yūnūs b. Mughṭīh— the judge of Cordova—who was asked to license all of the material he had related up to that date and all of what he would later relate, and he refused. The person who asked him became angry and one of his colleagues said to him, ‘He should give you something he has not taken! That is impossible!’” ‘Yād said, ‘This is the correct view.’"

This view can be supported whether licensing is judged to be communicating the licensed material collectively or to be granting permission. If licensing is considered to be communication, this kind of licensing is not valid, because how can a person communicate something he has no information about? If licensing is considered to be granting permission, the invalidation rests upon the dispute over the validation of granting permission in deputation for something that the person giving the permission—the deputizer—does not yet possess. An instance of this would be someone appointing an agent to sell a slave which he intends to buy. Indeed, some Shāfi`ites permitted that. The correct view is that this kind of licensing is invalid. So, it is incumbent on whoever wants to transmit by license from a teacher who has granted him license for, in fact, all of what he has heard to undertake an investigation in order to ascertain that the material he wants to transmit from him is something which the teacher heard before the date of the licensing.

When the teacher says, “I hereby license you to everything I heard which seems valid to you and will seem valid to you” (ajāzū laka ma taḥṭa wa-yasīghu ‘udāka min masā‘aṣī), it is not like the above case. Indeed, Dārāqūṭī and others did do this. It is permissible for the student to transmit from his teacher by virtue of that formula whatever after the granting of the license becomes established in his mind as being something the teacher heard before the licensing. That is permitted, even if the teacher

88 Iḥāṣa, 81.
89 Iḥāṣa, 81.
90 Iḥāṣa, 80-81.
91 Kāfira, 325.
92 Kāfira, 326.
93 Abū ‘l-Walīd Yūnūs b. Mughṭīh al-Qurtubī (338/949-429/1038) held a number of positions of religious authority in Muslim Spain; Dhahabi, Siyār, 17:569-70.
94 Iḥāṣa, 106.
saying only, “everything which seems valid to you,” without, “and will seem valid.” This is because what is meant is, “I hereby license you to transmit from me everything which seems valid to you,” and the point to be taken into consideration in that case is the validity of that material in the student’s mind at the time he relates it. God knows best.

(g) Licensing previously licensed material: For instance, the teacher says, “I hereby license you the materials licensed to me,” or, “I hereby license you to transmit everything I was licensed to transmit.” Some modern scholars whose views are not taken into consideration have forbidden this. The correct view – and the one which is followed in practice – is that it is permissible. It is not comparable to the forbidden practice of deputizing an agent without the permission of the original deputizer. I read that the North African expert Abu ‘Amr al-Sa‘fāqūsī said, “I heard the expert Abu Nu‘aym al-Iṣbahānī say, ‘Licensing on the basis of licensing is effective and permissible.’” The expert al-Khaṭīb related that the hadith expert and authority Abu ‘l-Ḥasan al-Dāraquṭnūt, the expert Abu ‘l-‘Abbās – known as Ibn ‘Uqāl al-Kuṭbī – and others permitted it. The jurist and ascetic Naṣr b. Ibrāhīm al-Maqdīsī used to transmit by licensing from licensing, sometimes to the extent of putting together three consecutive licences in his transmission.

The student who transmits previously licensed material on the basis of a license should study the particulars and dictates of the licensing granted by the teacher of his teacher in order that he does not transmit by it something that does not properly come under it. When, for example, the licensing of the teacher’s teacher takes the form, “I hereby license to him everything I heard which seems valid to him,” and the student has seen some of the material heard by the teacher of his teacher, he may not transmit this material from his own teacher from his teacher until it becomes clear that it is something which in the view of his teacher belonged to the material heard by the teacher who licensed him. The mere fact that the material now seems valid to the student is not enough to fulfill the words

96 Abu Nu‘aym Ahmad b. ‘Abd Allāh al-Iṣbahānī (336/947–430/1038) was one of the great scholars of hadith. He is best known for his biographical dictionary of the scholars of hadith, Dīwān abdallāh Iṣbahānī (ed. S. Dederer, 2 vols., Leiden, 1931), and his work on the most prominent Sufis, Ibtāsul-awqaf wa-ta’līf al-asafar (Cairo, 1351/1932–1357/1938); EF, 1:142–3; Ef, 1:354–5.
97 Abu ‘l-‘Abbās Ahmad b. Muḥammad b. Sa‘d b. ‘Uqāl al-Kuṭbī (249/863–333/944) was a hadith expert famous for his Shi‘ite leanings; Sezgän, G.45, 1:182.
98 Kifṣaya, 349–50.
99 Naṣr b. Ibrāhīm al-Maqdīsī al-Nabulusī (before 410/1019–490/1096) was a very prominent Shi‘ite who ended his career in Damascus; Dhahabi, Siyās, 19:536–41.

and stipulation of his teacher’s teacher. The blunders of those who do not understand this and similar matters will be many. God knows best.

These are the types of licensing which require explanation, and other types can be derived from them. Those who study the matter will be able to figure out how the other types should be dealt with on the basis of what we have dictated, God (He is exalted) willing. We will now draw attention to some other matters.

1. We heard that the author and litterateur Abu ‘l-Ḥasan Ahmad b. Fāris (God bless him) said, “The meaning of: ‘licensing’ (ja`za’ in the speech of the early Arabs is derived from ‘the giving of a quantity of water’ (ja`az al-mā`ād) whereby the livestock and crops in someone’s possession may be watered. It is said, ‘I asked X to give me a quantity of water’ (ja`azatu X) and he gave me a quantity of water (ja`azan),’ when he gives you water for your land and your livestock. In the same fashion, the student asks the scholar ‘to give him a drink’ of his knowledge and he ‘gives him a drink’ of it.” In accordance with this interpretation, the licensor should say, “I hereby license X everything I heard” or “everything I relate” (ja`azatu fulān mumti`āt aw marwāyātī), making it transitive, without any preposition, there being no need to mention the phrase “the transmission of” or anything similar. Those who equate “licensing” with allowing, granting permission or authorizing need to do that; and that is recognized. The licensor should then say, for instance, “I hereby license to X the transmission of everything I heard” (ja`azatu fulān mumi`āt), making it transitive after all, with some indication, “I hereby license to him everything I heard” (ja`azatu fulān mumi`āt). This is a form of ellipse the like of which is not observed. God knows best.

2. Licensing is recommended only when the licensor is knowledgeable regarding what he is licensing and the licensee is a scholar, because licensing is a facilitation and a concession suitable for scholars because of the pressing need for it. Some of them have gone too far in this regard and made this recommendation a stipulation (shart) for licensing. Abu ‘l-‘Abbās al-Walīd b. Bakr al-Malikī related such a view from Malik (God be pleased with him). The expert Abu Qamar [b. Abu ‘l-Harr] said, “The correct view is that licensing is only permitted for the person skilled in the craft and for something specific, without problems in its isnād.” God knows best.

3. When the licensor writes his license, he should pronounce it out loud. If he merely writes it, it is still a permissible form of licensing when it is coupled with the intention of licensing. However, it is inferior in status to the license
spoken out loud. Reckoning that kind of licensing as sound is not far-fetched, because merely writing the license belongs to the same class of transmission as “recitation to the teacher” which – although the teacher does not pronounce the material recited to him – has been made tantamount to his communicating to the student the material recited to him, as was explained above. God knows best.

IV Transference (munāwala) is the fourth means of receiving and taking up ḥadith. It has two forms.

(a) Transference coupled with licensing: this is the absolutely highest kind of licensing. It takes several forms. One of them is the teacher handing the student the original text of his audition or a copy collated against it, saying, “This is my audition” – or “my transmission” – “from X. Transmit it from me” – or “I hereby license you to relate it from me,” and then placing it in his possession; or the teacher saying, “Take it, copy it, collate your copy against it and then return it to me,” or something similar.

Another form is the student bringing the teacher a book or personal collection of his ḥadith and presenting it to him. The teacher – assuming he is cognizant and alert – examines it and returns it to him, saying to him, “I have read what is in this and they are my ḥadith from X” – or “my transmission from my teachers is in it” – “so transmit it from me” – or “I hereby license you to transmit it from me.” Several of the authorities in ḥadith have called this “presentation” (fard). In our earlier discussion of “recitation to the teacher,” we said that it is also called “presentation.” So let us call that “presentation by recitation” (fard al-qirāʿa) and let us call this “presentation by transference” (fard al-munāwala). God knows best.

This transference coupled with licensing occupies the place of audience in the opinion of Mālik and a number of the authorities in ḥadith.

The expert Abū ʿAbdāllah al-Ḥakim al-Nasabīrī related from many of the early scholars that the aforementioned “presentation by transference” is equal to audition. This applies as well to similar forms of transference coupled with licensing. Among those from whom al-Ḥakim related this view were a number of Medinees, including Ibn Shihāb al-Zuhārī, Rābiʿat al-Rāy, Yahyā b. Saʿd al-Anṣārī and the imām Mālik b. Anas; some Meccans, including Muḥāhid, Abū l-Zubayr [al-Makki] and Ibn Uyyāna; some Kūfis, including ʿAlqama [b. Qays] al-Nakhaʿī, ʿIbrāhīm al-Nakhaʿī and Shaḥbī; a group of Bahrahs, including Qatāḍa, Abū l-ʿAlīya103 and Abū l-Mutawakkil al-Nāṣṣīi; a number of Egyptians, including Ibn Ibn Abū l-ʿAlīya Rufaylī b. Mīrāz al-Riyāṭī converted to Islam in the caliphate of Abū Bakr and became one of the great experts in the proper recitation of the Qurʿan. The sources date his death variously between 90/709 and 106/724; Dāhhabī, Siyār, 4:207–13.

103 Abū l-ʿAlīya Rufaylī b. Mīrāz al-Riyāṭī converted to Islam in the caliphate of Abū Bakr and became one of the great experts in the proper recitation of the Qurʿan. The sources date his death variously between 90/709 and 106/724; Dāhhabī, Siyār, 4:207–13.

104 Abū l-Mutawakkil Abī b. Dāwūd al-Nāṣṣī was an obscure transmitter who died in 102/720; Dāhhabī, Siyār, 5:28–9.

105 Abū ʿAbdāllah Abū l-Rahmān b. Abī Qāsim al-Uṭaṣa (132/749–191/806) was a Mālikī legal scholar whose views were recorded in a madaʿwaruna; Sezgin, G-IS, 1:465–6.

106 Abū ʿAmr Abī ʿAmr al-ʿAṣīr al-Qaysī (145/762–204/819) was an important Egyptian Mālikī legal scholar; Sezgin, G-IS, 1:466–7.

107 Uṭaṣa, 257–8.

108 Abū Yaḥyā Yūsuf b. Yaḥyā al-Buwaytī (d. 231/845) was one of the students of the imām Shafiʿī responsible for the spread of his teachings; Sezgin, G-IS, 1:491.

109 Abū ʿIyāb Ṭanāṣī b. Yaḥyā al-Muṣṭaṣirī (175/992–264/877) was a disciple of the imām Shafiʿī and his Muṣṭaṣirī is one of the fundamental works of Shafiʿī law; Sezgin, G-IS, 1:492–3.

110 Uṭaṣa al-ḥadīth, 259–60.
[by itself] is impermissible and invalid. If the information and the knowledge of the student may be trusted, it is permissible to rely on him in that regard. This is a permissible form of licensing, just as reliance on a student is permissible in “recitation to the teacher” to the extent that he may be the one reciting from the original text, when he is someone whose knowledge and religion may be trusted. Abū Bakr al-Khaṭīb (God bless him) said, “If the teacher were to say, ‘Transmit the contents of this book from me, if they are my hadith. I am not responsible for any error or misapprehension,’ that would be permissible and good.” 111 God knows best.

(b). Transfer without licensing: here the teacher transfers the book to the student – as described above in the beginning – merely saying, “These are my hadith,” or “my audition,” without saying, “Transmit it from me,” or “I hereby license you to transmit it from me,” or something similar. This is a defective form of transmission and is by itself not permissible. More than one of the jurists and legal theorists have found fault with the transmitters of hadith who permitted it and allowed transmission by it. Al-Khaṭīb related that a number of scholars regarded it as sound and allowed transmission by it. We will mention – God (He is praised and exalted) willing – the opinion of those who permitted transmission on the basis of the teacher’s mere declaration (fī ṭamār) to the student that a particular book is what he heard from X. This form of transmission is better than the declaration by itself and it is superior because of the element of transference it contains, since the act of transference itself is not devoid of the implication that the teacher is granting permission to transmit the text. God knows best.

Remarks on the way a transmitter should express transference and licensing

It is related that some early scholars and some of those who came after them permitted the unqualified application of “He transmitted to us” (khaddahāna) and “He informed us” (akhbarānā) to transmission by transference. That is related from Zuhri, Malik and others. It is in accordance with the doctrine of all of the scholars cited above who made “presentation by transference” coupled with licensing equivalent to audition. Something similar was also related from some people in regard to transmission by licensing. The expert Abū Naʿām al-Iṣḥābānī – the author of many works on the science of hadith – used to apply “He informed us” without qualification to the hadith he related by license. We heard that he said, “When I say, ‘He transmitted to us’ it is audition. When I say, ‘He informed us,’ without further qualification, it is an instance of licensing, even if I do not say, ‘by licensing’ (iṯṭāzatan), ‘by writing’ (kištākatan), ‘he wrote to me’ (kātabu ḏayya), or, ‘he granted me permission to transmit from him’ (aḏhina li fi ‘l-ṭawāya ʿanhu).” The historian Abū ʿUbayd Allah al-Marzubānī 112 – the author of a number of works of secular history – used to relate most of the material in his books by license without audition and he used to say for licensing, “He informed us,” without further elucidation. According to al-Khaṭīb, that was something for which Marzubānī was criticized.

The sound and preferred view which the majority follow in practice and which the earnest and scrupulous have adopted is to forbid the unqualified application of “He transmitted to us,” “He informed us” and similar expressions to material received by transference or licensing and to designate that material with qualified versions of these expressions which indicate the true situation. The transmitter should say, “X informed us” – or “transmitted to us” – “by transference and by license” (munāwālatan wa-iṯṭāzatan), “He informed us by license,” “He informed us by transference,” “He informed us by granting permission (idhān),” “Under his grant of permission is” (iṯṭākāna), “One of the things he granted me permission for is” (iṯṭākāna aḏhina li ḍhabīḥ), or “One of the things which he gave me leave to transmit from him is” (iṯṭākāna aḏhina li ṭawāyatah ʿanhu). Or he should say, “X licensed me to” (iṯṭāzatan li ḍhabīḥ), “X licensed me such and such” (ṣūrah fī ṭawāya kāfū ṭawāya ʿanhu), “X transferred to me” (nāwālāna fī ḍhabīḥ) and similar expressions.

Some people have designated licensing with terms which have not kept them safe from misrepresentation or at least a trace of it. Examples are someone saying for licensing, “He informed us verbally (muṣḥakhātān),” when the teacher had only spoken the license out loud to him; or, saying “X informed us by writing” – or “in what he wrote to me,” or “in his letter” (iṯṭākāna) – when the teacher had only written out the license for him. Even if a number of modern hadith scholars have employed these expressions technically, they are still not free of a trace of misrepresentation on account of the ambiguity they contain and their similarity to what a student says when the teacher writes the hadith themselves to him in a letter.

It is reported that Awaḍ’s designated licensing by saying, “He apprised us” (iḥtarānā) and he designated recitation to him by saying, “He informed us.” Many modern scholars have adopted the convention of applying “He told us” (aḏhāna) without further qualification to licensing, and that is the preference of al-Walīd b. Bakr – the author of al-Wajāza fi ṭajjīz al-iṯṭāz (The Epitome in [declaring] Licensing [to be Valid]). In earlier times people viewed “He told us” as the same as “He informed us.” The exacting expert Abū Bakr al-Bayhaqī inclined toward this when he used to say, “X told me by licensing” (aḏhāna fī ṭawāya iṯṭāzatan), and this also complies with the convention of modern scholars. (God knows

111 Kūfīya, 328.
112 Abū ʿUbayd Allah Muhammad b. ʿIyān b. Mūsā al-Marzubānī (298/983–384/994) was a Muʿtazilite scholar from Baghdad who composed a vast number of books on historical and literary subjects; Brockmann, O.A.I., Suppl. 1: 190; ET, 653–5.
best.) We heard that the expert Abū ʿAbd Allah al-Ḥākim (God bless him) said, “The view I prefer and the one which I saw most of my teachers and the authorities of my age following is for the student to say, “X told me,” for the material which was presented to the transmitter and which the transmitter orally licensed the student to transmit. The student should say, “X wrote to me,” for the material which the transmitter sent to him from another city without orally licensing him. We heard that Abū ʿAmr b. Abī Jaʿfar b. Ḥamdān al-Nisabūrī116 said, “I heard my father saying, ‘Whenever Buhārī says, “X said to me,” it is an instance of presentation and transference.’” It is reported that some transmitters expressed licensing by saying, “X informed us that (anna) Y transmitted to him” – or “Y informed him.” We read that the authority Abū Sulaymān al-Khaṭṭābī preferred this or related it. This is terminology that does not even remotely indicate licensing. It is more appropriate for when the student hears only the inād from the teacher and the teacher licenses to him the text which follows it. The word “that” in the phrase, “X informed me that Y informed him” implies the presence of the principle of communication, even if the informant treated the material collectively and did not mention it word by word.

Modern transmitters often indicate an instance of licensing which took place in the transmission of someone above the teacher who granted the audition to them with the word “from” (fan). So when one of them is given audition by a teacher on the basis of his license from his teacher, he says, “I recited to X from Y.” If the student heard hadith from his teacher on the basis of his teacher’s license from his teacher and there was no audition [between the student’s teacher and his teacher or] the student is in doubt [as to whether the transmission between his own teacher and his teacher was audition or merely licensing117], application of the word “from” is reasonable. “From” may be applied with equal accuracy to both audition and licensing. God knows best.

Be aware that the impermissibility of the unqualified application of “He transmitted to us” and “He informed us” to licensing is not negated by the licensor granting permission to apply it, as some teachers are wont to do. When granting a license to someone, they say, “If the student wishes, he may say, ‘He transmitted to us’ and if he wishes, he may say, ‘He informed us’.” So let that be known. Knowledge belongs to God (He is blessed and exalted).

V Correspondence (mukātāba) is the fifth means of conveying and taking up hadith. It consists of the teacher sending some of his hadith in his own handwriting to an absent student, or the teacher writing them for him while he is present. Associated with this is the case when the teacher orders someone else to send the hadith from him to the student. This means of receiving hadith also takes two forms. One of them is correspondence without licensing. The second is correspondence coupled with licensing, with the teacher sending the hadith to the student and saying, “I hereby license to you the material I wrote for you” (ajāza laka ṭāḥā kātabaktu laka) – or “the material I sent to you” (ma kātabu bīhi tālaya), or some other expression of licensing similar to this.

Many early and modern scholars, including Ayyūb al-Sakhriyānī, Maṃṣūr [b. al-Muṭamīr] and al-Layth b. Saʿd, permitted transmission by means of the first type of correspondence – and it is the case when the teacher limits himself to correspondence [that is, without licensing]. A number of the Shafiʿīs subscribed to that opinion and one of them, Abu ʿl-Muẓaffar al-Samʿānī, rated correspondence by itself stronger than licensing. Some legal theorists have also adopted this view. A number of others rejected it. Among the Shafiʿīs, the judge Mawārī adopted the latter view and stated it unequivocally in his book al-ʿIḥāṣ. The first doctrine is the correct one and it is well known among the adherents of hadith. Often in their hadith collections and writings one finds them saying, “X wrote to me (kātaba tālaya fī man).” He said, “X transmitted to us,”118 by which is meant correspondence. In their opinion, this is effective and the hadith transmitted this way are connected supported (al-muṣnad al-mansūj). Correspondence itself contains a strong implication of licensing. Even if it is not explicitly coupled with licensing, it does imply the substance of licensing.

In the case of correspondence, it is enough that the student to whom the hadith are sent recognize the handwriting of the correspondent, even if no clear proof that it actually is his handwriting exists. There are some people who say, “One person’s handwriting looks like another’s so it is not permissible to rely on that.” This is unsatisfactory, because it is rare that one person’s handwriting does resemble someone else’s. The presumption is that one person’s handwriting does not resemble anyone else’s and that there is no ambiguity about it.

More than one of the learned and leading scholars of hadith, including al-Layth b. Saʿd and Maṃṣūr, subscribed to the doctrine that it is permissible to apply “He transmitted to us” and “He informed us” without qualification to transmission by correspondence. The preferred position is the doctrine of those who say for it, “X wrote to me. He said, ‘X transmitted to us such and such.’” This is the correct view and the one appropriate for those possessing earnestness and probity. It would be equally valid if they had said, “He informed me of it by correspondence” (muḫāṭatubān) – or “in writing” or some other similar expression. Correspondence coupled with an explicit license is comparable to transference with licensing in terms of validity and efficacy. God knows best.

VI The sixth means of taking and conveying hadith is the declaration of the transmitter (iḥāṣ al-rāwi) to the student that a particular hadith or a particular book is his audition or his transmission from X, merely saying that without going
on to say, “Transmit it from me,” “I hereby give you permission to transmit it,” or the like. In the eyes of many, this is a permissible way to relate and convey such material. This view was related from Ibn Jurayj and certain other transmitters of hadith, jurists, legal theorists and Zahirites. The Sha fiite Abi Nasr b. al-Sabbagh stated it unequivocally and preferred it. Abi ‘Abd Allah Muhammad b. al-Walid b. Bakr al-Ghamri al-Maliki supported him in his book al-Waj ita fi tajziya al-isba. The judge Abi Muham mad b. Khalil ad-Ramahurmuzi 116– the author of the book al-Fas il bayn al-rum araq-l-waqt – related that one of the Zahirites subscribed to this doctrine and argued for it. He added, “If his teacher were to say to him, ‘This is my relation, but do not transmit it from me,’ he could still transmit it from him. Just as it would not affect him if he were to hear a hadith from him and afterward he said to him, ‘Do not transmit it from me,’ or, ‘I do not license it to you.’”

The justification for the doctrine of these people is that they consider “declaration of the transmitter” to be equivalent to “recitation to the teacher.” When the student recites some of the teacher’s hadith to him and the teacher silently assents that it is his transmission from X b. Y, it is permissible for the student to transmit the hadith from him, even if he did not hear the hadith from his teacher’s lips and the teacher did not say to him, “Transmit it from me” or “I hereby grant you permission to relate it from me.” God knows best.

The preferred view is the one ascribed to a number of the scholars of hadith and others to the effect that transmission on this basis is not permitted. The Sha fiite teacher Abi ‘Abd Allah al-Tusi 117 stated this unequivocally and did not mention any other possibility. This is because the material may be something the teacher heard and transmitted, but he does not grant permission for it to be transmitted from him, because he does not view its transmission as permissible on account of a defect he knows it to contain. His enunciation of the material is not present, nor anything equivalent to his enunciation of it. It is because of the enunciation of the reciter to him, while he is listening and silently assenting to it, that the transmitter from him who heard that may truthfully say, “He transmitted to me,” or, “He informed us,” even if the teacher did not grant him permission for that. Rather, in the case of “declaration of the transmitter” the transmitter is like a witness. When he gives testimony outside of the courtroom regarding some matter, it is not valid for someone who heard it to bear witness regarding his testimony, when he neither grants him permission to do so nor deputizes him to bear witness for him. This is one of the instances in which testifying in court and transmission are alike, because their substance unites them in that regard, even if they differ in other respects. Nevertheless, when the isna d is sound, the student must act in accordance with whatever his teacher mentions to him, even if his transmission from the teacher is not permitted. This is because the soundness of the hadith in themselves is sufficient for that. God knows best.

VII Bequeathing books (al-waj ita bi-l-ktub) is the seventh of the categories of taking and receiving hadith. It consists of a transmitter upon his death or upon his departure for a journey bequeathing to someone a book which he relates. It is related that some of the forebears (God be pleased with them) permitted the legitimate to transmit such material from the bequeathing transmitter on that basis. This is highly implausible. It is either a lapse on the part of those scholars or interpreted to mean that they were referring to transmission by way of discovery (wjada), which will be explained (God – He is exalted – willing). One scholar argued for the validity of this form of transmission and likened it to declaration and transference, 118 but that is not correct. There is a justification, which we mentioned, for the doctrine of those who permit transmission solely on the basis of declaration and transference. Nothing similar applies here and bequeathing is not close to either in that respect. God knows best.

VIII Discovery (wjada).

Wjada, the verbal noun of wajada – wajada, is a neologism unknown to the early Arabs. We heard from al-Mu aw fi b. Zakariya fi al-Nahrawani 119 – the great expert in a number of sciences – that later writers coined the word wjada for reference to the knowledge taken from a written source (satifa) without audition, licensing or transference. This was done on the basis of the distinctions the early Arabs made between the various verbal nouns of wajada to discriminate between the different meanings of the verb. That is, when the early Arabs said, “He came across his camel which had strayed,” the verbal noun is wjada; when they said, “He found the thing he was seeking,” the verbal noun is wjada; for anger, the verbal noun is manjada; for wealth, wjada; and for love, wjada. 120

116 Abu Muhammad al-Husayn b. ‘Abd al-Rahman b. Khalil ad-Ramahurmuzi (d. ca. 360/970) was a judge in Khuzestan who was an expert in hadith and literature. His most famous work, al-Mah adith al-j bil, is generally considered to be the first comprehensive work written in the genre of waj al-hadith; Sezgin, G.A.S., 1:193-4.

117 Mahadith al-j bil, 452.


119 Al-Qady ‘Abd ad-Din said this in Jami‘, 115.

120 Abu ‘I-Faraj al-Mu‘tah b. Zakariya fi al-Nahrawani (305/917-390/1000) was a Baghdadi judge. He was the most prominent exponent of the legal doctrines of Tabari of his time; Sezgin, G.A.S., 1:522-3.

121 For a more complete discussion of this, see Edward Lane, Lexicon, 8:2924.