

The Principles of Hadith Criticism in the Writings of al-Shāfiʿī and Muslim

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Abstract

Modern research by Muslim and early European scholars takes it for granted that Hadith criticism as documented by classical textbooks of *muṣṭalaḥ al-ḥadīth* represents how early Hadith criticism worked. In this essay I examine the standards of Hadith criticism established by two prominent scholars whose writings are the earliest known extant works on the theories of Hadith criticism, Muḥammad b. Idrīs al-Shāfiʿī (d. 204/820) and Muslim b. al-Ḥajjāj al-Naysābūrī (d. 261/875). In doing so, I determine the extent to which Hadith criticism as defined by Muslim is consistent with the system outlined by al-Shāfiʿī. A comparison of their works reveals that there is little difference between al-Shāfiʿī and Muslim on the principles of Hadith criticism, despite differences in their respective frameworks and agendas. Early Hadith critics appear to have adhered to a consistent system of criticism that likely developed in the generation before al-Shāfiʿī.

Modern scholars of Hadith criticism assume that there was a general agreement on technical terms among Hadith specialists as presented by classical Hadith terminology rather than investigating how early critics outlined and practised Hadith criticism. Scholars such as Muhammad Zubair Siddiqi, James Robson and Mohammad Hashim Kamali have assumed that early critics were mainly concerned with personal information on Hadith transmitters, such as dates of birth and death and assessments of trustworthiness and competence.¹

1 *ET*², s.v. Ḥadīth (James Robson). Also, Muhammad Zubair Siddiqi, *Hadith literature: its origin, development and special features*, ed. Abd al-Hakim Murad (Cambridge, 1993), Chapter 7; Mohammad Hashim Kamali, *Principles of Islamic jurisprudence*, 3rd ed. (Cambridge, 2003), 93-6.

This approach has been called into question by Leonard T. Librande, who argued that technical terms were generally disputed until the time of Ibn al-Ṣalāḥ al-Shahrazūrī (d. 643/1245). For example, the terms *mursal* (loose) and *munqaṭiʿ* (interrupted) were not clearly distinguished until the fifth/eleventh century.² Similarly, for Hadith experts in the third/ninth century, the term *mutawātir* (concurrent) meant that a hadith-report ‘appeared widely’.³ Ibn al-Ṣalāḥ questioned whether there were any *mutawātir* hadith-reports.⁴

Only in the last decade or so has research shifted from focusing on Hadith terminology to examining the practice of the Hadith critics themselves. For example, in his study of early Hadith criticism as documented in Ibn Abī Ḥātim’s (d. 327/938) *Taqdima*, Eerik Dickinson notes that the authenticity of a hadith-report largely depended on the reliability of its *isnād* or *isnāds*. The critic knew the strength of a transmitter by examining the material he taught. If his hadith-reports generally contradicted or barely agreed with those of reliable scholars, then his hadith-reports were not accepted and remained unrecorded.⁵ Similarly, Jonathan A.C. Brown observes that determining the reliability of a transmitter had little to do with his character.⁶ It was ultimately the analysis of the body of his hadith-reports that determined his accuracy and thus his station.

While recent scholarship has emphasised *isnād*-analysis as the method of second/eighth and third/ninth-century Hadith critics, we still do not have a full understanding of the theoretical formulation of Hadith criticism in this early phase. In this article I seek to address this need. I compare the *Risāla, Jimāʿ al-ʿilm* and *Ikhtilāf al-ḥadīth* of al-Shāfiʿī⁷ with the introduction to the

2 Leonard T. Librande, “The supposed homogeneity of technical terms in Hadith study”, *Muslim World* 72 (1982), 37.

3 The terms *mutawātir* and *āḥād* (solitary) were first introduced in the third/ninth century as an epistemological exercise in the fields of speculative theology (*kalām*) and jurisprudence (*uṣūl al-fiqh*). See Hüseyin Hansu, “Notes on the term *mutawātir* and its reception in Hadith criticism”, *Islamic Law and Society* 16 (2009), 383-408.

4 Ibn al-Ṣalāḥ al-Shahrazūrī, *Muqaddimat Ibn al-Ṣalāḥ fi ʿulūm al-ḥadīth*, Muṣṭafa Dīb al-Bughā (Damascus, 1984), 156-7.

5 Eerik Dickinson, *The development of early Sunnite Hadith criticism: the taqdimah of Ibn Abī Ḥātim al-Rāzī* (Leiden, 2001), chapter 6.

6 Jonathan A.C. Brown, *Hadīth: Muhammad’s legacy in the medieval and modern world* (Oxford, 2009), 82-4. See also Abū Bakr Kāfi, *Manhaj al-imām al-Bukhārī fi taṣḥīḥ al-aḥādīth wa-taʿlīlīhā* (Beirut, 2000); idem, *Manhaj al-imām Aḥmad fi al-taʿlīl wa-atharuhu fi al-jarḥ wa-l-taʿdīl* (Beirut, 2005); Bashīr ʿAlī ʿUmar, *Manhaj al-imām Aḥmad fi iʿlāl al-ḥadīth* (Riyadh, 2005); Ghassan Abdul-Jabbar, *Bukhārī* (London, 2007).

7 Muḥammad b. Idrīs al-Shāfiʿī, *al-Risāla*, ed. Aḥmad Muḥammad Shākīr (Cairo, 1940); idem, *Jimāʿ al-ʿilm*, in *al-Umm*, ed. Rifʿat Fawzī ʿAbd al-Muṭṭalib, 11 vols. (Mansoura, 2008), vol. 9; idem, *Ikhtilāf al-ḥadīth*, in *al-Umm*, vol. 10.

Ṣaḥīḥ and *Kitāb al-tamyīz* of Muslim,⁸ drawing attention to their respective standards for transmitters and hadith-reports to qualify as reliable.⁹ My analysis of these works is mainly based on the *Risāla* of al-Shāfiʿī and Muslim's introduction and I occasionally refer to the other works where they provide additional lines of argumentation to the topics discussed. While Muslim was the first author to provide an outline of his critical principles and criteria for including hadith-reports in his work, al-Shāfiʿī was arguably the first author to provide a general theory of Hadith criticism.¹⁰ Their works, although different in structure and intent, are comparable in terms of their critical examination of the methodology of Hadith criticism.

Recent scholarship has demonstrated that al-Shāfiʿī was not a Hadith critic in the strict sense but a legal theorist who, as Joseph Schacht observes, introduced Hadith criticism as developed by the Hadith experts to legal methodology.¹¹ Similarly, Christopher Melchert observes that al-Shāfiʿī referred to Hadith critics as outside experts.¹² Scott Lucas notes that al-Shāfiʿī is highly praised in Hadith books although he is not recognised in them as one of the master critics.¹³ It is most likely that al-Shāfiʿī engaged with Hadith criticism as a theorist but not as a practitioner and subscribed to the methods of Hadith experts.¹⁴

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- 8 Muslim b. al-Ḥajjāj b. Muslim, *Ṣaḥīḥ Muslim*, ed. Muḥammad Fuʿād ʿAbd al-Bāqī, 5 vols. (Cairo, 1955-56, reprinted Beirut, 1991), vol. 1; idem, *Kitāb al-tamyīz*, ed. Muṣṭafa al-ʿAzamī, 2nd ed. (Riyadh, 1982).
- 9 The translations of the texts are mine, although I have consulted Joseph Lowry's translation of al-Shāfiʿī's epistle and Juynboll's translation of Muslim's introduction. Muḥammad b. Idrīs al-Shāfiʿī, *The epistle on legal theory*, ed. and trans. Joseph Lowry (New York, 2013); G.H.A. Juynboll, "Muslim's introduction to his *Ṣaḥīḥ*, translated and annotated with an excursus on the chronology of *fitna* and *bidʿa*", *Jerusalem Studies in Arabic and Islam* 5 (1984) 263-311.
- 10 Al-Shāfiʿī's *Risāla* contains a highly developed treatment of the theory and practice of Hadith criticism. Abū Dāwūd notes that, prior to al-Shāfiʿī, Hadith experts accepted *mursal* reports but al-Shāfiʿī persuaded the school of Hadith to be wary of this type of report (Abū Dāwūd al-Sijistānī, *Risāla ilā ahl Makka fī waṣf sunanih*, ed. Muḥammad al-Ṣabbāgh [Beirut, 1974], 24).
- 11 Joseph Schacht, *Origins of Muhammadan jurisprudence* (Oxford, 1953), 36.
- 12 Christopher Melchert, "Traditionists-jurists and the framing of Islamic law", *Islamic Law and Society* 8:3 (2001), 393-4.
- 13 Scott Lucas, *Constructive critics, hadith literature, and the articulation of Sunni Islam: the legacy of the generation of Ibn Saʿd, Ibn Maʿīn, and Ibn Ḥanbal* (Leiden, 2004), 153-4.
- 14 Also see Wael Hallaq, "Was al-Shāfiʿī the master architect of Islamic jurisprudence?", *International Journal of Middle Eastern Studies* 25:4 (1993), 587-605.

Muḥammad b. Idrīs al-Shāfi‘ī

Al-Shāfi‘ī outlines the basis on which a hadith-report can be accepted, the qualifications of a reliable transmitter, and the circumstances to be kept in mind by a critic when determining which hadith-reports to record and which to discard. He defines the least authoritative type of report as that which is transmitted by a single informant at every level of transmission up to its author, be it the Prophet or someone else below him.¹⁵

The proof for such a report is not established unless it possesses certain qualifications. He who narrates it should merit confidence in his religion, be known for his truthfulness in his speech, aware of what he reports and knowledgeable about how different wordings can result in distortion of the meaning of the hadith-report. He should transmit the hadith-report verbatim as he heard it and not in his own words; because if he transmits it paraphrastically and is unaware of what might alter its meaning, he would not know whether or not he has naively made the lawful unlawful. But if he narrates it verbatim, there is no ground for fearing a change of the meaning of the hadith-report. [The transmitter] should be a good memoriser if he transmits from his memory, and he should preserve his notes carefully if he narrates from his notes. If he possesses the same hadith-report as [do] eminent transmitters, his hadith-report should be in agreement with theirs. He should be above suspicion of *tadlīs* (false ascription),¹⁶ that is, reporting on the authority of those whom he has met that which he has not heard from them, or reporting on the authority of the Prophet something that differs from that which trusted reporters transmit. Each transmitter preceding him must possess the same qualifications all the way up [the chain of transmitters] until the hadith-report reaches the Prophet or whomever it reaches below him.¹⁷

According to this passage a reliable transmitter must be (1) of firm faith and proven integrity, (2) well-versed in the method of transmitting hadith-reports, (3) have a solid memory, (4) have a good command of the language of the

¹⁵ Al-Shāfi‘ī, *al-Risāla*, 369-70.

¹⁶ Two types of *tadlīs* are described by al-Shāfi‘ī here. In addition, *tadlīs* may signify deception, that is, when a transmitter refers to his informants by different names and makes it difficult to identify them. I prefer to use the Arabic term because current translations such as “interpolation” or “deception” do not cover all of its connotations.

¹⁷ Al-Shāfi‘ī, *al-Risāla*, 370-2.

hadith-report and its content, transmitting the report verbatim as he hears it, (5) fully aware of his notes when he uses them in transmitting hadith-reports, and (6) must not be a *mudallis* or a transmitter of material that contradicts that of reliable transmitters. Although al-Shāfi'ī stresses verbatim transmission, he allows a transmitter to use his own words so long as he possesses a good command of language and is careful not to change the actual meaning of the hadith-report.¹⁸

Al-Shāfi'ī highlights the importance of determining the reliability of every informant in the *isnād* chain in order to ascertain the reliability of the transmission. The probity of the immediate transmitter does not affect the veracity of his informants and it is not sufficient to rely on his attestation to the credibility of his informants. Hence, the Hadith critic is required to check the status of each transmitter in the *isnād* chain. This is explained in the following lines:

... One may meet another in whom he sees the mark of goodness, with the result that he accepts the hadith-report from him without knowing about his status [in probity and accuracy in the transmission of Hadith]. Thus, he relates that 'a man called so-and-so transmitted such-and-such to me', either because he hopes to find some knowledge about the hadith-report with a trustworthy [transmitter] in order to be able to accept it from him; or to report it despite his surprise and disapproval of it; or because he is careless in relating the hadith-report from him. I do not think I have ever met anyone who did not transmit [hadith-reports] from both a trustworthy, accurate transmitter and one who is not [trustworthy and accurate].¹⁹

Al-Shāfi'ī approves of indirect transmission (*al-riwāya bi-l-'an'ana*)²⁰ from reliable transmitters on the condition that they are not known to have performed *tadlīs* (*dallasa*). Denouncing the spread of *tadlīs* in his time, al-Shāfi'ī warns that a critic must be cautious of the hadith-material of a *mudallis* and outlines the criterion for dealing with such material.²¹ If the transmitter is known for practising *tadlīs* on at least one occasion, all his indirect transmissions become questionable; only those transmissions he acquired through direct narration

18 Verbatim transmission was debated in classical works. A full account of this debate can be found in 'Abd al-Raḥmān al-Suyūṭī, *Tadrīb al-rāwī fī sharḥ taqrīb al-Navāwī*, 'Abd al-Wahhāb 'Abd al-Laṭīf, 2 vols. in 1 (Medina, 1972), 2:92-124.

19 Al-Shāfi'ī, *al-Risāla*, 376-7.

20 Indirect transmission occurs when the transmitter does not explain if he heard the hadith-report directly from his informant. For example, A related from B, without specifying whether A acquired the report directly from B or through an intermediate.

21 Al-Shāfi'ī, *al-Risāla*, 378-9.

are acceptable. This criterion is applied only to the material of reliable transmitters who are accused of *tadlīs*. According to al-Shāfiʿī:

Muslims who are upright are upright and reliable in themselves; their situation as it affects themselves is different from their situation as it pertains to others.... What they say about their own transmission and their mention of [their informants'] names are considered probative until the contrary is evident. If this is the case, then, we become cautious of [the reports] in which their deeds do not comply with what was incumbent upon them.... It was the same to [early scholars] whether a man says "I heard So-and-so say 'I heard So-and-so'" or "So-and-so transmitted to me from So-and-so". They transmit only what they have actually heard from the informants whom they have met. We accept from [transmitters] who we know [to have participated] in this way the form: "So-and-so transmitted to me from So-and-so".²² Whomever we come to know as having once practised *tadlīs* in transmission has exposed his fault in his transmission to us. This fault constitutes neither falsehood, which would cause us to reject all of his hadith-reports, nor truth, which would cause us to accept from him what we accept from those who speak the truth. We do not accept a hadith-report from a *mudallis* unless he says "[So-and-so] told me" or "I heard [such and such]".²³

Al-Shāfiʿī reiterates the importance of verbatim transmission to emphasise that probity must be accompanied by accuracy. If a truthful man is unaware of the language of the hadith-report and its meaning, he might convey it inaccurately.²⁴ The hadith-reports of those who commit several errors in their transmissions and have no reliable written source (which might serve as an alternate source for their transmission) are not acceptable.²⁵ This stress on verbatim transmission reflects the importance of content (*matn*) criticism to early critics, even though it shows that *matn*-criticism was more about the precision of the transmission than about the content itself.

Al-Shāfiʿī then discusses the ranks of Hadith transmitters, emphasising that those who are prominent and well-versed in Hadith are preferable in transmis-

22 I have used 'Abd al-Muṭṭalib's edition of *al-Risāla* here (*al-Umm*, 1:174). It makes more sense than Shākir's edition.

23 Al-Shāfiʿī, *al-Risāla*, 378-80.

24 *Ibid.*, 380-1.

25 *Ibid.*, 382.

sion to those who are less knowledgeable in cases in which both are narrating inconsistent hadith-reports.

Hadith transmitters vary: Some are well known for their knowledge of Hadith, making every effort in acquiring it, hearing from their fathers, uncles, relatives, and friends, and for spending long periods of time in the company of experienced scholars (*ahl al-tanāzu*) in the field. Such people stand at the forefront of memorisation [and accuracy]. If [their transmission is] contradicted by someone who is lower than them, it is better to accept their hadith-report [and discard that of the latter]. Transmitters of Hadith are evaluated [according to the following considerations]: If they are jointly transmitting hadith-reports handed down by a certain man, their competence in retention is determined by their agreement with those whose precision merits confidence, and [likewise] their incompetence in retention is determined by their disagreement with those who merit confidence in memorisation [and accuracy]. If two (or more) narrations are inconsistent, we determine what is accurate and what is faulty in this manner and by other means that signify truthfulness, accuracy and errors, as we have highlighted earlier.²⁶

According to al-Shāfiʿī, a transmitter is reliable if his transmissions are generally consistent with those of distinguished transmitters, but unreliable if they are generally inconsistent. The level of reliability varies according to the level of consistency. In this way, al-Shāfiʿī proposes, one may determine the accuracy of the transmission and the authenticity of the report. The ancillary elements referred to by al-Shāfiʿī here are most likely to be the necessary qualifications of a reliable transmitter, as previously outlined. Information pertaining to the qualities of the transmitter or his Hadith trips may be important supplementary means of verification.²⁷

Al-Shāfiʿī provides a comparison between the transmission of Hadith – with reference to the validity of solitary reports (*akhbār al-āḥād*) – and testimony.²⁸ According to al-Shāfiʿī, transmitters have a special religious obligation and responsibility because they communicate the source of faith and law.²⁹ Al-Shāfiʿī

²⁶ Ibid., 382-3.

²⁷ Manuals such as al-Bukhārī's *al-Tārīkh al-kabīr* are crucial for identifying Hadith transmitters, mainly for the purpose of *isnād*-analysis. See Christopher Melchert, "Bukhārī and early Hadith criticism", *Journal of the American Oriental Society* 121 (2001), 7-19, esp. 12.

²⁸ Al-Shāfiʿī, *al-Risāla*, 383-94.

²⁹ Ibid., 394.

provides a similar discussion in *Jimā' al-ʿilm*,³⁰ where he cites verses from the Qurʾān to support the validity of solitary transmission: “[...call in to witness...] those you approve as witnesses (2:282)”, “call in to witness two men of equity from among yourselves (65:2), and “...to be determined by two men of equity from among yourselves... (5:95).”³¹ On the basis of these verses, al-Shāfiʿi argues that it is a duty upon scholars to accept solitary reports on the same basis they accept testimony.³²

Early Muʿtazilis are likely to have supported the idea that assessing Hadith transmitters is equivalent to assessing witnesses. Ibrāhīm b. ʿUlayya (d. 218/833), a Muʿtazilī jurist, was reported to have equated transmission with testimony and maintained that solitary hadith-reports are accepted if they are transmitted by a minimum of two persons.³³ Ahmed El Shamsy has shown that Ibrāhīm b. ʿUlayya is likely to have engaged in debates with al-Shāfiʿi himself.³⁴ Abū ʿAlī al-Jubbāʿī (d. 303/915-16) is quoted as saying that a hadith-report transmitted by two reliable persons is acceptable but a report transmitted by one reliable person must be attested by the practice of the Companions, by *ijtihad* (personal reasoning) or by the practice of scholars.³⁵ He also maintained that solitary hadith-reports may be accepted only on the basis of the Qurʾān, consensus, and reason, not on the basis of the *isnād*.³⁶

Al-Shāfiʿi focuses on the similarities and differences between transmission and testimony while insisting that Hadith transmission may be accepted through a single transmitter.³⁷ Subsequently, al-Shāfiʿi cites hadith-reports about the transmission of spurious information, warning against the severe implications of fabricating hadith-reports.³⁸ Thus, a hadith-report must not be

30 Al-Shāfiʿi, *Jimā' al-ʿilm*, 13-4.

31 Ibid., 41. See also *Ikhtilāf al-ḥadīth*, where al-Shāfiʿi reports the same verses in his own wording, saying “and [God] made it a condition that witnesses be upright and satisfy us [as witnesses]” (al-Shāfiʿi, *Ikhtilāf al-ḥadīth*, 6).

32 Ibid., 5-8, 41.

33 Al-Suyūṭī, *Tadrīb al-rāwī*, 1:72.

34 Ahmed El Shamsy, *The canonization of Islamic law: a social and intellectual history* (New York, 2013), 55-63. On Ibn ʿUlayya's debates with al-Shāfiʿi, see al-Khaṭīb al-Baghdādī, *Tārīkh baghdād*, ed. Bashshār ʿAwwād Maʿrūf, 17 vols. (Beirut, 2001), 6:512-4.

35 Abū al-Ḥusayn al-Baṣrī, *al-Muʿtamad fī uṣūl al-fiqh*, ed. Muḥammad Ḥumaydalla et al, 2 vols. (Damascus, 1964), 2:622.

36 Al-Qāḍī ʿAbd al-Jabbār, *Faḍl al-iʿtizāl wa-ṭabaqāt al-muʿtazila*, ed. Fuʿād Sayyid (Tunis, 1974), 289. Also see Racha El-Omari, “Accommodation and resistance: classical Muʿtazilites on Hadith”, *Journal of Near Eastern Studies* 71 (2012), 246.

37 Al-Shāfiʿi, *al-Risāla*, 372-4.

38 Ibid., 394-9.

recorded unless the personal probity of all who are represented in the *isnād* chain is established.³⁹

In most cases one infers the veracity or spuriousness of hadith-reports by means of the veracity or untruthfulness of the informant, except in the case of a few hadith-reports. In these cases, veracity or spuriousness can be inferred when the informant transmits something the like of which is inconceivable, or something that is contradicted by what is better authenticated and more indicative of the truth.⁴⁰

Thus, in most cases the critic must rely on the reliability of his informants, or their lack thereof, to determine the validity of a hadith-report. In a few special cases the spuriousness of a hadith-report can be identified if the transmitter relates something that cannot possibly be true, or contradicts more reliable sources.

Following a list of reports in support of the validity of solitary hadith-reports,⁴¹ al-Shāfi'ī specifies the instances in which it is permissible for a critic to request another line of transmission to substantiate a solitary hadith-report related to him. First, he may do so as a precaution, for the narration of two transmitters is stronger than that of one, even though one is sufficient.⁴² Second, the transmitter may be unknown to the critic, in which case the critic requires a recognisable transmitter to confirm that hadith-report.⁴³ Since hadith-reports should be accepted only from transmitters whose reputations are known, any hadith-report related on the authority of an unidentified person (*majhūl*) is rejected.⁴⁴ Third, the critic may regard the informant as unreliable, in which case his hadith-report is rejected until it is obtained from an acceptable source.⁴⁵ It is permissible to reject a solitary hadith-report only if the critic possesses a hadith-report contradicting it and if the source of the latter is more trustworthy in his view than that of the hadith-report in question.⁴⁶ Moreover, the critic may reject the hadith-report if he considers the person who transmitted it, or the person above him in the *isnād*-chain, to have been

39 Ibid., 398.

40 Ibid., 399.

41 Al-Shāfi'ī devotes 71 pages to his discussion of the validity of solitary hadith-reports (*al-Risāla*, 401-71). Also, al-Shāfi'ī, *Ikhtilāf*, 8-21.

42 Al-Shāfi'ī, *al-Risāla*, 433.

43 Ibid., 433.

44 Ibid., 434.

45 Ibid.

46 Ibid., 458.

inaccurate in his transmission or untrustworthy.⁴⁷ Finally, if the hadith-report has two possible meanings, the critic may accept one interpretation in preference to the other.⁴⁸ In short, solitary hadith-reports should be treated the same as hadith-reports that are transmitted by more than one transmitter, even though their authority is less binding than that of the Qur'an and the agreed-upon Sunna.⁴⁹

On the question of whether interrupted hadith-reports are binding, al-Shāfi'i states:

Interrupted (*munqaṭi'*) hadith-reports are of various [types]. A Successor who saw the Companions of the Prophet and attributed a hadith-report to the Prophet with an interrupted transmission must be evaluated according to the following considerations. One consideration is to investigate his *mursal* (interrupted)⁵⁰ hadith-reports. If trustworthy masters (*ḥuffāz*) also transmit it, with a full chain of transmission all the way back to the Prophet, with a similar meaning, then that is an indication of the credibility and accuracy of those from whom the Successor in question accepted it. If, however, he is transmitting a *mursal* hadith-report and [his transmission] is not corroborated by others who transmit it with a full chain of transmission, his version may still be accepted, if it is as just described. In such a case, however, one must investigate whether his *mursal* version is corroborated by *mursal* versions from reliable transmitters other than the individuals from whom he accepted it. If such a report is found, then that is an indication that strengthens his *mursal* hadith-report, though it is weaker than the first situation [mentioned above]. If such a report is not found, however, then one investigates what opinions have been narrated from some of the Companions of the Prophet. If such an opinion is found to agree with what is narrated from the Prophet, then that is an indication that the Successor in question accepted such reports from a credible source. Another indication [of credibility] is when a number of scholars are found to have given rulings consistent with what has been narrated [in an interrupted way] from the Prophet. Another consideration is whether he names those from whom he transmits and does not name any unknown persons or persons whose transmissions are

47 Ibid.

48 Ibid., 459.

49 Ibid., 461.

50 The terms '*mursal*' and '*munqaṭi'*' are used by al-Shāfi'i and Muslim to signify an interrupted hadith-report that has a missing link on any level of the *isnād* chain.

undesirable. This consideration may be used to draw inferences about the transmitter's credibility in regard to what he narrates. [It must also be considered that] if the transmitter has a hadith-report in common with one of the masters, he should not contradict him, but if he contradicts him, and his version [of the hadith-report] is found to be shorter (*anqaṣa*) [than that of the master],⁵¹ then this is an indication of the credibility of the source of his hadith-report.⁵²

Al-Shāfi'ī concludes that if the transmitter's *mursal* hadith-report does not fulfil these criteria, the hadith-report is negatively affected and may not be accepted.⁵³ Although al-Shāfi'ī maintains that *mursal* hadith-reports may be accepted under certain conditions and only from Successors who had contact with Companions of the Prophet, he admits that suspicion cannot be dismissed. Thus, he maintains that such a report would be less binding than hadith-reports with uninterrupted *isnāds*.⁵⁴ The interruption in the transmission means that the hadith-report may have been taken from someone whose narration would be considered unreliable had he been named.⁵⁵ Also, even if the *mursal* version is corroborated by similar versions, its source might be the same, and thus also unreliable, had it been named.⁵⁶ The transmitter may have assumed that the Companion's opinion, or the legal decision of some scholars, was derived from the opinion of the Prophet, for which reason he related it back to him.⁵⁷ Finally, *mursal/munqaṭi'* hadith-reports may be accepted only from senior Successors.⁵⁸

51 '...wa-yakūnu idha sharika aḥad^{an} mina al-ḥuffāzi lam yukhālīfih; fa-in khālafahu, wujida ḥadīthuhu anqaṣa, kānat fī hādhihi dalā'ilu 'alā ṣiḥḥati makhraji ḥadīthihī' (al-Shāfi'ī, *al-Risāla*, 463). The word *anqaṣa* may mean 'defective' or 'shorter'; the context does not support the former. The Arabic means that if the transmitter's version of the hadith-report is shorter and contains less information than that of the master, it may indicate that his information is from a reliable source because the version of the master provides more details and the transmitter in question does not give any new information that one may suspect.

52 Al-Shāfi'ī, *al-Risāla*, 461-3.

53 Ibid., 464.

54 Ibid.

55 Ibid.

56 Ibid.

57 Ibid., 465. Al-Shāfi'ī refers to the practice of attributing the opinions of Companions and Successors to the Prophet. On this phenomenon, see Jonathan A.C. Brown, "Critical rigor vs. juridical pragmatism: how legal theorists and Hadith scholars approached the back-growth of *isnāds* in the genre of 'ilal al-ḥadīth', *Islamic Law and Society* 14:1 (2007), 1-41.

58 Al-Shāfi'ī, *al-Risāla*, 465.

The *Risāla* contains a lengthy chapter that deals extensively with inconsistent hadith-reports. Al-Shāfi'ī asserts that authentic hadith-reports should be consistent because prophetic teachings cannot be contradictory. However, authentic hadith-reports may appear to be inconsistent for a number of reasons. First, one hadith-report may abrogate the other.⁵⁹ According to *Ikhtilāf al-ḥadīth*, abrogation may only be known through a hadith-report, a saying from the person who heard the report or the masses (*al-'amma*), or a chronological consideration that may constitute a proof that one hadith-report comes after the other.⁶⁰ Second, the inconsistency may be due to either incomplete transmission or to a transmitter's error.⁶¹ In any case, the critic may, by close examination, clarify the conflict and harmonise the inconsistency.⁶² Third, if two hadith-reports are in obvious disagreement, then one of them must possess more validity,⁶³ e.g. because it is consistent with the Qur'ān or other hadith-reports. In that case, the hadith-report that is supported by these sources is accepted.⁶⁴

Here al-Shāfi'ī outlines techniques other than *isnād*-analysis. In the *Risāla*, al-Shāfi'ī recounts a debate with an interlocutor in which he states that according to his own and his opponent's methodology, if two hadith-reports are inconsistent, the one to be accepted is that which is consistent with the Qur'ān, the Sunna, the practice of the Companions, consensus (*ijmā'*), or the one better attested by analogical reasoning (*qiyās*) or *isnād* chains. His interlocutor confirms this by saying 'this is what we say'.⁶⁵ The first five principles constitute the basis of Mu'tazilī Hadith criticism. To be accepted, a hadith-report should not contradict these principles.⁶⁶ Al-Shāfi'ī dismisses the principle that a report must be consistent with the practice of Companions.⁶⁷ He argues against this principle in his *Ikhtilāf al-ḥadīth*.

59 Ibid., 212-3. Al-Shāfi'ī compares the Sunna with the Qur'ān in its application of abrogation (Qur'ān, 2:106). Thus, one hadith-report may abrogate another.

60 Al-Shāfi'ī, *Ikhtilāf*, 40-1.

61 Al-Shāfi'ī, *al-Risāla*, 216.

62 Ibid. On inconsistent hadith-reports, see, for example, 'Abd Allāh b. Qutayba, *Kitāb ta'wīl mukhtalif al-ḥadīth: fī al-radd 'alā 'adā' ahl al-ḥadīth wa-l-jam' bayna al-akhbār allatī idda'aw 'alayhā al-tanāquḍ wa-l-ikhtilāf*; ed. Muḥammad Zuhri al-Najjār (Cairo, 1966).

63 Al-Shāfi'ī, *al-Risāla*, 216.

64 Ibid., 216-7.

65 Ibid., 283-5.

66 As mentioned by Abū al-Qāsim al-Ka'bī, *Qabūl al-akhbār wa-ma'rifat al-rijāl*, ed. al-Ḥusaynī b. 'Abd al-Raḥīm, 2 vols. (Beirut, 2000), 1:17. Also see El-Omari, "Accommodation", 240-1, 246-7.

67 Al-Shāfi'ī, *Jimā' al-'ilm*. 35.

A hadith-report is sufficiently authenticated if it is transmitted by trustworthy [transmitters] on the authority of the Prophet. We may not authenticate a report merely because some of the Prophet's Companions agree with it, and we may not reject it because some Companions' practice differs from it. The reason is that the Companions and all Muslims are in need of the ruling (*amr*) of the Prophet and must follow it. [It cannot be that] what they [i.e. the Companions] say according to what has been transmitted from him strengthens its validity or what they say in disagreement with him weakens what has been transmitted from him by reliable [transmitters]. It is compulsory upon them and upon people to follow his command.⁶⁸

Al-Shāfi'ī adds that one may not claim that the Companion's practice must have been based on a report from the Prophet unless the Companion had said so. If not, one may only report this practice as the Companion's own opinion.⁶⁹

In *Jimā' al-'ilm*, al-Shāfi'ī recounts a debate with an interlocutor in which al-Shāfi'ī argues that a scholar may not give an opinion without proof from the Qur'ān, the Sunna or consensus. One may not reason on the basis of juristic preference (*istihsān*) or what he feels in his heart unless based on analogy while striving to acquire reliable reports.⁷⁰ Al-Shāfi'ī also reports that the majority of scholars whom he debated on the validity of solitary reports generally upheld that what constitutes a binding proof is what comes through the Qur'ān, the agreed-upon Sunna, or what people have been unanimous about.⁷¹ Furthermore, al-Shāfi'ī adds that one interlocutor suggests that only concurrent reports are binding proofs. When al-Shāfi'ī inquired about the number of transmitters needed to attain *tawātur*, his interlocutor responded that it is four people from different regions transmitting from four different people to preclude the possibility that they would have conspired to lie. The number of transmitters must be at least four in every level of transmission.⁷² Al-Shāfi'ī dismisses this stipulation as impossible to achieve and argues that those transmitters could err since they solitarily transmit the hadith-report.⁷³

These discussions in *Jimā' al-'ilm* suggest that al-Shāfi'ī addressed the methods of *Ahl al-ra'y*, some of whom might have been Mu'tazili Ḥanafis. *Istihsān* is

68 Al-Shāfi'ī, *Ikhtilāf*, 107.

69 Ibid., 107-8.

70 Al-Shāfi'ī, *Jimā' al-'ilm*, 14.

71 Ibid., 20.

72 Ibid., 32-3.

73 Ibid., 33-5.

a Ḥanafī legal methodology.⁷⁴ Also, in *Ikhtilāf al-ḥadīth*, al-Shāfiʿī reports a debate between himself and a Ḥanafī, who cites the opinion of al-Qāḍī Abū Yūsuf (d. 182/798), Abū Ḥanīfa's (d. 150/767) disciple.⁷⁵ The number of transmitters needed to attain *tawātur* is a Muʿtazilī stipulation.⁷⁶ It appears that al-Shāfiʿī debated with Muʿtazilī and Ḥanafī scholars, not only arguing against their methods of Hadith criticism, that mostly addressed the *matn*, but also aiming to convince them of the methods of the Hadith experts.⁷⁷

Muslim b. al-Ḥajjāj al-Naysābūrī

Muslim starts his introduction to the *Ṣaḥīḥ* by addressing an anonymous correspondent to whom he outlines his book's objective and methodology. He provides several hadith-reports traced back to the Prophet as well as other early authorities to support his arguments.⁷⁸ He expounds the criteria of his compilation by dividing hadith-reports and the transmitters of such reports into three groups.⁷⁹ The first group includes reports that have no defects, the transmitters of which are persons of precision and integrity, and whose transmissions are free from obvious contradictions and confusion.⁸⁰ The second group includes hadith-reports that are transmitted by reliable persons who do not manifest the same level of precision as those in the first category.⁸¹ The third group includes hadith-reports that are reported by transmitters suspected of

74 On *istiḥsān*, see Satoe Horii, "Judicial authority and private person in Ḥanafī legal thought: A Discussion on *Istiḥsān*", *Orient* 40 (2005), 105-23.

75 Al-Shāfiʿī, *Ikhtilāf*, 89-93.

76 El-Omari, "Accommodation", 234.

77 On the *Risāla*'s polemical context, see Norman Calder, "*Ikhtilāf* and *ijmāʿ* in al-Shāfiʿī's *Risāla*", *Studia Islamica* 58 (1983), 55-81; George Makdisi, "The juridical theology of al-Shāfiʿī: origins and significance of *uṣūl al-fiqh*", *Studia Islamica* 59 (1984), 5-47; Joseph Lowry, *Early Islamic legal theory: the Risāla of Muḥammad b. Idrīs al-Shāfiʿī* (Leiden, 2007), Chapter 6.

78 In his translation of Muslim's introduction, Juynboll occasionally misinterprets the text. For example, '*Thumma innā in shāʾa Allāhu muḥtadīʾūna fī takhrījī mā saʾalta wa-taʾlīfihī ʾalā sharīʿatīn sawfa adhkuruḥā laka*' (Muslim, *Ṣaḥīḥ*, 4). Juynboll understood this statement as meaning that the anonymous correspondent must accept a certain condition in order for Muslim to proceed with compiling his book: Juynboll, "Muslim's introduction," 266. However, the text means that Muslim compiled his book according to a certain methodology.

79 Muslim, *Ṣaḥīḥ*, 5.

80 Ibid.

81 Ibid.

fabrication, those whose unreliability was known to the majority of Hadith experts, or those whose transmission was faulty.⁸² Muslim vows not to include hadith-reports that fall into this category.

Similar to the *Ṣaḥīḥ*, the introduction to *Kitāb al-tamyīz* addresses an anonymous correspondent who appears to have asked Muslim to explain to him the art of Hadith criticism.⁸³ In this short introduction, Muslim reiterates the categories of transmitters he discusses in the *Ṣaḥīḥ*, explaining what distinguishes reliable transmitters from unreliable ones. What follows this short introduction is a list of reports emphasising the importance of accuracy in Hadith transmission and warning against transmitting unreliable reports.⁸⁴

According to Muslim, the main characteristic of a transmitter's objectionable hadith-material is that his transmission contradicts, or barely corresponds to, transmissions by those who are recognised as reliable and accurate. If the majority of his hadith-reports are of this type, then his transmissions are rejected.⁸⁵ Muslim reports that Hadith experts accept solitary reports of a single transmitter if his transmission is known to be consistent with that of other reliable transmitters.⁸⁶ If so, and he happens to add more information not related by his fellow transmitters, then his addition (*ziyāda*) is accepted.⁸⁷ The reason for accepting the addition, as Muslim highlights in *Kitāb al-tamyīz*, is that a trustworthy transmitter who adds more information is similar to a witness who has firmer memories from his witness than others.⁸⁸ However, if a transmitter relates from renowned scholars, such as Ibn Shihāb al-Zuhrī (d. 124/742)

82 Ibid., 7.

83 Muslim, *al-Tamyīz*, 169-70.

84 Ibid., 172-5.

85 Muslim, *Ṣaḥīḥ*, 7.

86 Ibid. '...an yakūna qad shāraka al-thiqāti min ahli al-'ilmi wa-l-ḥifẓi fi ba'di mā rawaw wa-am'ana fi dhālika mina al-muwāfaqati lahum.' Juynboll translates this text as '[this one transmitter] will have to devote all his efforts to having his traditions (hadith-reports) correspond with theirs' (Juynboll, "Muslim's introduction," 269). According to his translation, this transmitter should seek corroboration from other transmitters. However, Muslim's statement means that the critic should examine the hadith-reports of such a transmitter and accept them if they agree with what other transmitters report.

87 Muslim, *Ṣaḥīḥ*, 7. Muslim appears to add a condition to this rule: one may accept additions from trustworthy transmitters who are not known for inaccuracies in transmission (*al-Tamyīz*, 189).

88 Muslim, *al-Tamyīz*, 199. Note that al-Bukhārī also accepts the additions of reliable transmitters (al-Bukhārī, *Ṣaḥīḥ*, ed. Muḥammad Fu'ād 'Abd al-Bāqī et al, 4 vols. [Cairo, 1980], *Kitāb* 24: *Bābs* 55, 56).

and Hishām b. ‘Urwa (d. 146/763),⁸⁹ hadith-reports that none of their established pupils know, and this transmitter is not known to relate the same reliable hadith-reports the pupils have, then one may not accept hadith-reports of such a transmitter. This is because the hadith-reports of prominent scholars are well-known and shared by Hadith experts and it is possible that the transmitter attributed false statements to these scholars.

We have elucidated some of the rules of the school of Hadith and its experts for those who want to follow their methods and who [may] receive heavenly guidance for that [purpose]. We shall add comments and clarifications in [some] passages in this book when defective hadith-reports are mentioned, where such comments and elucidations are suitable.⁹⁰

Muslim mentions his intention to explain rules of Hadith criticism for whoever is eager to study the methods of Hadith experts. I examined the *Ṣaḥīḥ* to determine whether or not Muslim discusses other rules elsewhere in the book, but he only includes clarifications of certain defects concerning some hadith-reports.

Muslim criticises the practice of some Hadith collectors who, he argues, pose as Hadith experts and employ certain improper methods in the collection and transmission of Hadith:

They [are neglectful of the fact that they] should refrain from collecting weak and objectionable (*munkar*) hadith-reports,⁹¹ and they do not confine themselves to authentic and well-known hadith-reports that have been transmitted by trustworthy [transmitters] known for their veracity and credibility. They [insist on this practice] even after it has come to their knowledge and [after] they have confirmed in their own

89 Muslim, *Ṣaḥīḥ*, 7. ‘...*wa-ḥadīthuhumā ‘inda ahli al-‘ilmi mabsūṭ^{un} mushtarak^{un}*. Juynboll translates this as ‘Traditions from both are scattered in, or [at least] correspond with, [the collections made by] the experts’ (Juynboll, “Muslim’s introduction,” 269-70). The text means that their hadith-reports are widespread and shared by almost all Hadith experts.

90 Muslim, *Ṣaḥīḥ*, 8.

91 ‘...*fīmā yalzamuhum min ṭarḥi al-aḥādīthi al-ḍa‘īfa wa-l-riwāyati al-munkara*.’ Juynboll translates this sentence as ‘they overlook the weak and *munkar* [features] of [certain] traditions’. He explains in a footnote that the literal meaning of the Arabic sentence is ‘they disregard weak and *munkar* traditions’ (Juynboll, “Muslim’s introduction,” 270). However, the meaning of this sentence is that those collectors ought to avoid weak and objectionable hadith-reports.

words that much of what they convey to ignorant people [unacquainted with Hadith] is objectionable and related from unacceptable transmitters whose transmissions are condemned by masters of Hadith such as Mālik b. Anas [d. 179/795], Shu‘ba b. al-Ḥajjāj [d. 160/777?], Sufyān b. ‘Uyayna [d. 198/814], Yahyā b. Sa‘īd al-Qaṭṭān [d. 198/813], ‘Abd al-Raḥmān b. Mahdī [d. 198/814] and other masters.⁹²

Muslim criticises the spread of hadith-reports falsely attributed to the Prophet and collected by numerous transmitters from people whose incompetence had been identified by earlier masters of Hadith criticism. He mentions that this practice of spreading objectionable hadith-reports with weak and unknown *isnāds* was the impetus for the compilation of his *Ṣaḥīḥ*.⁹³ He adds:

Know that the duty of anyone who knows how to distinguish between genuine and weak transmissions and between reliable and suspect transmitters is that he may relate only that material of which he knows the genuineness of its provenance and the reliability⁹⁴ of its transmitters. He should avoid all material from suspect transmitters or obstinate innovators (*al-mu‘ānidīna min ahli al-bida‘*).⁹⁵

According to Muslim, transmitters and collectors should transmit and collect only reliable hadith-reports from reliable sources and should discard all hadith-reports of doubtful origin or whose informants are unreliable. His position is that the hadith-reports of persistent innovators are not to be recorded. However, there is little disagreement among commentators on the *Ṣaḥīḥ* that Muslim himself related material from sectaries who advocated their doctrines, yet did not transmit hadith-reports in support of their dogma.⁹⁶ It is likely that ‘obstinate innovators’ refers to those who *did* relate information supportive of their thought. In *Kitāb al-tamyīz*, Muslim dismisses the version of a hadith-report transmitted by a certain Murjī‘ī individual because his addition

92 Muslim, *Ṣaḥīḥ*, 8.

93 Ibid.

94 Juynboll translates ‘*al-sitārata*’ as ‘protection against sin’ (Juynboll, “Muslim’s introduction,” 270). “Reliability” is more plausible. If someone is *mastūr al-ḥāl*, we know nothing about him that may damage his reputation. The phrase “protected against sin” may refer to infallibility (*‘iṣma*), which does not fit the context of Hadith transmitters. See also Muḥammad b. Manẓūr, *Lisān al-‘Arab*, 15 vols. (Beirut, 1955-6), 4:343-4, s.v. *ṣatara*.

95 Muslim, *Ṣaḥīḥ*, 8.

96 Kāfi, *Manhaj al-imām al-Bukhārī*, 105.

supported his thought.⁹⁷ Al-Nawawī reports that al-Shāfi‘ī accepted the testimony of anyone except those who would falsify their testimonies in favour of their fellow men.⁹⁸ The fact that he often compares Hadith transmission to testimony may suffice to treat this as al-Shāfi‘ī’s opinion. Note that al-Shāfi‘ī also protested that pseudo-scholars collected unreliable hadith-reports and discarded reliable ones based on whether these reports supported their legal opinions.⁹⁹

The proof that what we have said in this respect is [our] obligation¹⁰⁰ is God’s words: “O you who believe, if a disreputable man brings you news, check it first, lest you harm a people unwittingly and then regret what you have done (49:6), and: “[...call in to witness...] those you approve as witnesses (2:282)”, and “call in to witness two men of equity from among yourselves (65:2).” The verses that we mentioned establish that hadith-reports from disreputable people should be rejected.¹⁰¹

Like al-Shāfi‘ī, Muslim compares the transmission of hadith-reports to giving testimony in legal matters and he uses verses from the Qur’ān to support his position that Hadith, like testimony, should be taken only from upright people. This emphasis on the importance of personal probity as a self-evident qualification of a reliable transmitter shows why, whenever Muslim uses the term ‘reliability’, he is referring to trustworthiness and accuracy in transmission. Muslim’s own analysis is largely based on *isnād* comparison, but he also accepts assessments by earlier authorities about transmitter reliability. Those critics may have applied *isnād*-analysis themselves or may have had contact with the transmitters in question.

While al-Shāfi‘ī and Muslim cite the same two verses in their comparisons between testimony and transmission, their purposes are different. Both insist on the significance of Hadith transmission, but al-Shāfi‘ī argues that solitary

97 Muslim, *al-Tamyīz*, 198-200. On the exclusion of sectaries from the Sunni community, see Christopher Melchert, “Sectaries in the Six Books: evidence for their exclusion from the Sunni community”, *Muslim world* 82:3-4 (1992), 287-95.

98 Al-Nawawī, *Ṣaḥīḥ Muslim bi-sharḥ al-Nawawī al-musammā al-minḥāj sharḥ ṣaḥīḥ Muslim b. al-Ḥajjāj*, ed. Khalil Ma’mūn Shīḥā, 18 vols. (Beirut, 1995), 1:21.

99 Al-Shāfi‘ī, *al-Risāla*, 466-7.

100 ‘*Wa-l-dalīlu ‘alā anna al-ladhī qulnā huwa al-lāzimu dūna mā khālafahu, qawlu Allāhi*’ Juynboll translates this as ‘proof of what we have said in this respect is self-evident not to mention God’s words....’ (Juynboll, “Muslim’s introduction,” 271). His translation is not exact.

101 Muslim, *Ṣaḥīḥ*, 9.

reports must be accepted on the same principle used by scholars to accept the testimony of an upright person or two. Muslim, however, argues that transmitter-criticism is a duty upon Hadith experts to protect the transmission of the religion. He responds to scholars who oppose transmitter-criticism as mere slandering of righteous predecessors, arguing that a critic must scrutinise hadith-reports and may only accept such reports from reliable transmitters.¹⁰² This difference in intent suggests a chronological development. Al-Shāfiʿī championed Hadith-based legal thought and therefore aimed to convince his opponents of the supremacy of Hadith in law. Muslim was concerned with the spread of spurious Hadith literature and thus insisted that it is the religious duty of Hadith experts to distinguish the authentic from the unreliable and that is only possible through the medium of transmitter-criticism.

Muslim cites hadith-reports to elucidate the gravity of attributing spurious hadith-reports to the Prophet.¹⁰³ He also provides a list of reports attributed to a number of early authorities and critics to emphasise the importance of the *isnād* system and demonstrate earlier critics' techniques of Hadith criticism.¹⁰⁴ It is indispensable to disclose the defects of the transmitters of Hadith because they relate information concerning the faith.¹⁰⁵

If a transmitter of such [material] is not naturally predisposed to veracity and honesty, and if someone else proceeds to transmit on his authority, someone who knows him but who does not give further information to those who do not know him, then [this second transmitter] commits a sin in so doing and misleads the majority of Muslims. Such material might be falsifications that lack any foundation, while authentic [hadith-] reports transmitted by trustworthy and satisfactory transmitters are so numerous that one is not compelled to turn to materials transmitted by unreliable or unsatisfactory transmitters.¹⁰⁶

Muslim denounces the practice of some transmitters who rely on weak hadith-reports and unknown *isnāds* despite their knowledge of its inaccuracy and unreliability.¹⁰⁷ In criticising this practice, Muslim suggests that the only reason that those collectors transmit such hadith-reports and rely on them is their

102 Muslim, *al-Tamyīz*, 169-70.

103 Muslim, *Ṣaḥīḥ*, 9-11.

104 *Ibid.*, 12-27.

105 *Ibid.*, 28.

106 *Ibid.*

107 *Ibid.*

ambition to present themselves as great collectors and compilers who know vast numbers of hadith-reports.¹⁰⁸

Muslim deals with contradictory hadith-reports by means of *isnād*-analysis. Although he does not propose a theory of harmonisation, as al-Shāfiʿī did, he is aware of abrogation.¹⁰⁹ If abrogation is not detectable, he deals with inconsistency by means of *isnād*-comparison. He accepts the hadith-report supported by a better *isnād* or *isnāds* and suppresses the one that comes with inferior lines of transmission.¹¹⁰ This difference suggests that al-Shāfiʿī's theories were more advanced than Muslim's. Muslim's lack of interest in legal hermeneutics may be explained in his own words as he believed that the study of Hadith, as an act of religious piety and duty, is above the study of any other discipline. He explains this in *Kitāb al-tamyīz*:

Know that the art of Hadith [study] and the knowledge of [sifting] between its authentic and unreliable [reports] is specifically for *Ahl al-ḥadīth* because they are the memorisers and the only knowledgeable [group of scholars] about the transmissions of people (*riwāyāt al-nās*). [This is] because the source (*aṣl*) they rely on for their faith is the Sunna and reports transmitted (*al-sunan wa-l-āthār al-manqūla*) from one generation to the next, from the time of the Prophet to our time. Thus, there is no way for those who oppose them or disagree with their thought (*madhhab*) to know Hadith or the scholars of different regions in the past eras who were the transmitters of hadith-reports.¹¹¹

Muslim adds that only Hadith experts know the art of transmitter-criticism, clarifying the art of Hadith criticism to those whose objective is to acquaint themselves with the study of Hadith.¹¹² Therefore, Muslim appears to specifically address Hadith circles. A survey of the titles of his works demonstrates that he wrote particularly on Hadith and for Hadith experts and students.

The final part of the introduction to the *Ṣaḥīḥ* is a refutation of an unnamed critic who did not accept hadith-reports without confirming direct communication between the transmitter and the informant. The identity of

¹⁰⁸ Ibid.

¹⁰⁹ On a number of occasions Muslim mentions that one hadith-report abrogates the other. See for example *Ṣaḥīḥ*, *Kitāb* 3: *Bābs* 22, 24 *Kitāb* 5: *Bāb* 54; *Kitāb* 11: *Bāb* 25; *Kitāb* 13: *Bāb* 25.

¹¹⁰ Muslim, *al-Tamyīz*, 172; also, for examples of Muslim's *isnād*-analysis, 181-7, 190-1.

¹¹¹ Ibid., 218.

¹¹² Ibid., 218-9.

this anonymous figure has been the subject of speculation.¹¹³ Juynboll hesitantly ventured to suggest that this pseudo-Hadith critic was Ḥusayn b. ‘Alī al-Karābīsī (d. 245/859?) because he was contemporaneous to Muslim, was more critical than most of Hadith experts, and was acquainted with Mu‘tazilī thought.¹¹⁴ Indeed, Muslim’s description of this critic fits al-Karābīsī’s reputation among Hadith specialists. Here I provide more evidence to establish that Juynboll was correct. Muslim points out in the introduction that the scholar in question upholds the notion that solitary hadith-reports yield necessary knowledge and are binding for action (*ḥujjat^{un} yalzamu bihi al-‘amalu*). Al-Karābīsī is reported to have maintained that solitary hadith-reports yield necessary knowledge and are binding for action (*yūjibu al-‘ilma al-zāhira wa-l-‘amala jamī^{‘an}*).¹¹⁵ Muslim also cites this interlocutor’s reason for requesting that *samā’* (hearing hadith-reports) be established between each transmitter and his informant. Muslim argues that this reason – the fear of *irsāl* (transmitting hadith-reports with interrupted *isnāds*) without confirming contact with informants – is feeble because a *mursal* hadith-report does not constitute a binding proof according to the majority of Hadith experts.¹¹⁶ Al-Karābīsī was also puzzled by the *tadlīs* phenomenon. His book *al-Mudallisūn*, now lost, was criticised by several scholars, including Aḥmad b. Ḥanbal (d. 241/855),

113 One widely accepted assumption that probably originated with al-Qāḍī ‘Iyād (d. 544/1149) is that al-Bukhārī (d. 256/870) and ‘Alī b. al-Madīnī (d. 234/849) were meant by Muslim’s critique (al-Qāḍī ‘Iyād, *Ikmāl al-mu‘lim bi-fawā’id Muslim*, ed. Yahyā Ismā‘īl [Cairo, 1998], 1:164). This assumption is questionable not only because it is based on later sources but also because we do not have reliable evidence that Muslim referred to al-Bukhārī in his critique. If Muslim omitted the names of al-Bukhārī and al-Madīnī out of respect, then how are we to explain Muslim’s harsh attitude, describing his opponent as a pseudo scholar, ignorant and deviant? This indeed fits al-Karābīsī’s image in Hadith circles in the third/ninth century. It is more convincing to suggest that Muslim followed the practice of his generation in anonymously referring to the opponent; al-Shāfi‘ī is an obvious example. In his study of the canonisation of al-Bukhārī and Muslim, Jonathan A.C. Brown reports this assumption, seemingly hesitant to accept it. He cites ‘Abd al-Fattāḥ Abū Ghudda’s argument that the person in question cannot be al-Bukhārī since they only met when al-Bukhārī came to Nishapur in 250/864. If Muslim wrote his introduction before he completed the book, he could not have met al-Bukhārī at the time (al-Dhahabī, *al-Mūqīza fi ‘ulūm muṣṭalah al-ḥadīth*, ed. ‘Abd al-Fattāḥ Abū Ghudda [Aleppo, 1984], 122-40); Jonathan A.C. Brown, *The canonisation of al-Bukhārī and Muslim: the formation and function of the Sunni hadith canon* (Leiden, 2007), 82, note 119.

114 Juynboll, “Muslim’s introduction,” 293-4.

115 Abū ‘Umar b. ‘Abd al-Barr, *al-Tamhīd li-mā fi al-muwatta’ min al-ma‘āni wa-l-asānīd*, ed. Muṣṭafa al-‘Alawī and Muḥammad al-Bakrī, 24 vols. (Casablanca, 1867), 1:8.

116 Muslim, *Ṣaḥīḥ*, 30.

because it discredits some prominent Hadith transmitters on the grounds that their *samāʿ* from certain informants was not established, notably Sulaymān b. Mihrān al-Aʿmash (d. 149/766?), who was known to be a *mudallis*.¹¹⁷ In his *Qabūl al-akhbār*, Abū al-Qāsim al-Kaʿbī (d. 319/931) cites al-Karābīsī's book to attack the school of Hadith. Given the collective evidence presented here, al-Karābīsī is most likely the scholar to whom Muslim refers in the introduction.

Although Muslim does not discuss *mursal* hadith-reports in detail, he maintains that they are not accepted by him or by Hadith experts.¹¹⁸ He uses the term in reference to *munqaṭiʿ* hadith-reports. Muslim reports that his opponent alleged that one must reject every hadith-report in which a transmitter uses only the term *ʿan* (on the authority of) without explicitly mentioning that he heard the report from his informant.¹¹⁹ Muslim adds:

[This is the case] even if it has been established [without any doubt] that both transmitters lived during the same time-period and it is possible that the one transmitter, who transmitted the hadith-report from the other, heard it from him and spoke to him about it in person. [The only concern is that] we do not know [for certain] that the one transmitter heard [the hadith-report] from the other, and there is no indication in the transmitted material that they ever met or spoke to one another about hadith-reports. [This man] will maintain that every hadith-report transmitted in this way does not constitute a binding proof (*ḥujja*) unless it becomes known to him that the [transmitters], during their lifetimes, came together on one or more occasions or spoke to one another in person about hadith-reports, or until a report emerges that explicitly attests to an encounter or a meeting [in which the transmitter heard hadith-reports from his informant] on one or more occasions during their lifetimes.¹²⁰

Muslim refutes this position on a number of points. First, he reports a general agreement among Hadith experts that when a reliable man transmits a hadith-report from an equally reliable man, and it is possible that the former has met

117 Al-Dhahabī, *Tārīkh al-islām wa-wafayāt al-mashāhīr wa-l-aʿlām*, ed. ʿUmar al-Tadmūrī, 52 vols. (Beirut, 1993), 18:84-5.

118 Muslim, *Ṣaḥīḥ*, 30. Note that Muslim's reference to a consensus among Hadith experts tends to confirm Abū Dāwūd's observation that al-Shāfiʿī's argument against the *mursal* report was successful.

119 Ibid., 29.

120 Ibid.

the latter and heard hadith-reports from him, because they lived in the same era, the transmission should be considered as firmly established unless there is evidence pointing to the contrary – that the transmitter did not meet the informant or hear hadith-reports from him.¹²¹ Second, if such a condition is a requirement, it must be applied to every pair of transmitters in the *isnād*.¹²² Third, even if it is known that the transmitters have transmitted hadith-reports to one another on one or more occasions, it cannot be conceded that every hadith-report that one transmits from the other is a reflection of actual *samāʿ*; it is conceivable that the transmitter related it from an intermediate person.¹²³ Muslim then cites a number of hadith-reports to support his argument that indirect transmission has been practised by prominent critics without the confirmation of *samāʿ*.¹²⁴ The main reason why Hadith experts inquire about *samāʿ*, Muslim maintains, is to eliminate suspicion of *tadlīs* when a *mudallis* is mentioned in the *isnād*.¹²⁵

Concluding Remarks

My examination of al-Shāfiʿī and Muslim allows us to draw a number of conclusions regarding the early phase of Hadith criticism.

Al-Shāfiʿī and Muslim consider any hadith-report that goes back to the Prophet as acceptable if related by trustworthy and accurate transmitters. Al-Shāfiʿī requires that the transmitter must possess certain personal and intellectual characteristics in order to be considered reliable. These characteristics include probity and accuracy, which Muslim emphasises in less detail than al-Shāfiʿī. Both maintain that Hadith criticism relies on the *isnād* system. To determine whether or not a transmitter is reliable, both apply *isnād*-analysis to identify whether this transmitter agrees with other reliable transmitters in the majority of what he relates. If he is found to be generally in agreement with them, he is considered reliable and his hadith-reports are accepted and recorded. If not, the transmitter is considered untrustworthy and his hadith-reports unreliable. The transmitter's unreliability may be due to his mendacity, carelessness or incompetence. To illustrate this, a critic collects all versions of the hadith-report in question to observe the history of its transmission.

¹²¹ Ibid., 29-30.

¹²² Ibid., 30, 32.

¹²³ Ibid., 31.

¹²⁴ Ibid., 31-5.

¹²⁵ Ibid., 33.

Comparison of these variants and their *isnāds* allows the critic to determine which transmission is accurate and which is erroneous.

Al-Shāfi'ī and Muslim permit indirect transmission (*an'ana*) so long as the transmitter is not suspected of *tadlīs*. Both emphasise the uprightness of transmitters and endorse their credibility when they report indirectly from their informants until the contrary becomes evident. If, however, a transmitter is suspected of *tadlīs*, al-Shāfi'ī and Muslim then check the *isnād* to verify the *samā'* in order to eliminate the suspicion. Neither accepts interrupted (*mun-qati'*) hadith-reports, which they also refer to as *mursal* hadith-reports. While both accept indirect transmission unless by a *mudallīs*, Muslim rejects the principle that indirect transmission may only be accepted if verified by information establishing *samā'* between the transmitter and his informant on at least one occasion.

Al-Shāfi'ī and Muslim reject transmitters who frequently err in their transmissions. Al-Shāfi'ī stresses the significance of verbatim transmission. While Muslim gives little consideration to verbatim transmission in the introduction, he pays frequent attention to the issue in the *Ṣaḥīḥ* itself, when highlighting different versions of a hadith-report.

Both al-Shāfi'ī and Muslim compare the transmission of Hadith with testimony, analysing the serious consequences of attributing false statements to the Prophet. Both cite almost the same verses from the Qur'ān and include lists of hadith-reports to stress the importance of personal probity. Muslim does not permit transmission from sectaries who propagate their thought through hadith-reports, and al-Shāfi'ī is said to have held a similar view.

If two hadith-reports are inconsistent, al-Shāfi'ī requires an attempt to harmonise them. If harmonisation is unachievable, the hadith-report with the inferior *isnād* should be disregarded. Thus, al-Shāfi'ī discusses ancillary methods by which one may eliminate contradictions between hadith-reports. Muslim, who does not refer to harmonisation, deals with contradictory hadith-reports by means of *isnād*-analysis. He may consider the hadith-report with the inferior *isnād* as unreliable and accept the one with the most lines of transmission. Al-Shāfi'ī's principles appear to be more advanced. This is probably because of his interest in legal theory and hermeneutics.

Al-Shāfi'ī devotes a large section to the validity of solitary hadith-reports whereas Muslim discusses this topic only briefly. Al-Shāfi'ī and Muslim differ here because their audiences and objectives are different. Al-Shāfi'ī's discourse was directed at some *Ahl al-ra'y* and Mu'tazilīs, who, in this early phase, rejected solitary hadith-reports. Hence, al-Shāfi'ī's main objective was to assert their authority, unlike Muslim, whose audience was mainly Hadith experts and students, who unanimously accepted solitary reports.

Muslim's lack of interest in legal hermeneutics may explain his lack of interest in al-Shāfi'ī's work. Muslim's work is mostly concerned with Hadith and al-Shāfi'ī subscribed to the methods of Hadith experts. Both discuss similar topics and use the same sources but Muslim does not cite al-Shāfi'ī. This may be because he did not consider al-Shāfi'ī a Hadith critic – the majority of Hadith scholars did not hold al-Shāfi'ī as one; neither did al-Shāfi'ī himself. Although al-Shāfi'ī was neither a Hadith collector nor a critic, he was concerned with the criteria for recording hadith-reports, mainly because their authenticity and ranking determine their probative value. The objective of the authentication process is the difference between him and Hadith critics, who were concerned only with the reliability of hadith-reports. Al-Shāfi'ī's formulation of the idea that the Sunna of the Prophet is the exclusive supplement to the Qur'an may have inspired the pious pursuit of collecting and preserving prophetic hadith-reports, which is different from the task of formulating criteria for legal reasoning and legal interpretation, the basis of much of al-Shāfi'ī's writings.¹²⁶

In summary, al-Shāfi'ī's and Muslim's principles of Hadith criticism are technically consistent but al-Shāfi'ī's legal thinking is more advanced than Muslim's, whose writings do not display a legal background. Both also differ in their objectives and frameworks. If al-Shāfi'ī was discussing the techniques of his time and Muslim of his, then there does not seem to have been much development from the beginning to the middle of the third/ninth century. The tradition suggests that Hadith criticism developed already in the generation before al-Shāfi'ī, as confirmed by the highly developed level of Hadith criticism in the *Risāla*. Šālih Jazara (d. 293/906?) is quoted by Ibn Ḥajar (d. 852/1449) as saying, 'The first to speak about men was Shu'ba. Al-Qaṭṭān followed him, then Aḥmad and Yaḥyā,' meaning Shu'ba b. al-Ḥajjāj, Yaḥyā b. Sa'īd al-Qaṭṭān, Aḥmad b. Ḥanbal and Yaḥyā b. Ma'īn (d. 233/848).¹²⁷ Šālih's chronology is also supported by Muslim's concise list of Hadith experts.¹²⁸ Regrettably, we have little documentary evidence of second/eighth-century Hadith criticism prior to the *Ilal* works written in the third/ninth century.

126 One may also argue that Muslim did not have access to al-Shāfi'ī's writings because of their supposed late composition, but this is uncertain, particularly because his contemporary, al-Bukhārī appears to have been very familiar with al-Shāfi'ī's writings and legal thought.

127 Ibn Ḥajar al-ʿAsqalānī, *Tahdhīb al-tahdhīb*, 12 vols. (Hyderabad, 1908), 4:345.

128 On the significance of Muslim's list of Hadith experts see Lucas, *Constructive critics*, 116.