Ibn Ḥanbal's Reconstruction of the *Ṣaḥīfa* of 'Amr b. Shu'ayb: A Preliminary Assessment

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1 Preface

One of Gautier H.A. Juynboll's earliest articles was his 1972 contribution to *Der Islam*, "Aḥmad Muḥammad Shākir (1892–1958) and his edition of Ibn Ḥanbal's *Musnad*." In it, he provided a positive assessment of this important edition of the *Musnad* and a helpful guide to Aḥmad Shākir's commentary, especially regarding contemporary issues, that is dispersed throughout it. Juynboll's admiration for the effort and creativity in Aḥmad Shākir's hadith criticism is explicit in the article, along with his observation that Shākir did not deviate "one inch from orthodox Islamic scholarship."¹ It also was prescient for Juynboll, in 1972, to predict that "Orthodox Islamic tradition criticism may ... eventually help Western scholars in their research into Muslim traditions."²

During the 1990s the project left incomplete by Shaykh Shākir was undertaken afresh under the general editorship of Shu'ayb al-Arna'ūṭ (1928–2016) and a team of editors, which resulted in a magnificent 45-volume edition (with an additional 5 volumes of indices) of Ibn Ḥanbal's (d. 241/855) *Musnad*.³ Just as Juynboll recognised the great value of Shākir's edition, with its extensive internal and external cross-referencing, evaluation of the reliability of each hadith, and commentary, the Arna'ūṭ edition is extraordinarily useful for its unparalleled cross-referencing and commentary, drawing on myriad sources and vast erudition. Thus, in this edited volume, it seems especially appropriate to analyse a small section of this significant early collection of hadiths.

1 Gualtherus H.A. Juynboll, "Aḥmad Muḥammad Shākir (1892–1958) and his Edition of Ibn Ḥanbal's *Musnad*," *Der Islam* 49, no. 2 (1973): 222.

2 Juynboll, "Aḥmad Shākir," 247.

3 Ibn Ḥanbal, *Musnad al-Imām Aḥmad ibn Ḥanbal*, eds. Shu'ayb Arna'ūṭ et al., 50 vols. (Beirut: Mu'assasat al-Risāla, 1993–2001). I shall refer to this edition as *Musnad Aḥmad* in this study, and will cite hadiths by their number in this edition, rather than by page number. (Most of the hadiths under discussion are in volume 11 of *Musnad Aḥmad*.) The entire text is available at: <https://archive.org/details/musnadahmed> (last accessed 8 July 2018).

2 The Conspicuous *isnād*

Anyone who has spent time skimming hadith collections almost certainly has come across the following conspicuous *isnād*: ‘Amr b. Shu‘ayb (d. 118/736)← his father ← his grandfather ← the Prophet.⁴ This *isnād* has a long history of being controversial for two primary reasons. First, there was ambiguity over whether the grandfather in it is ‘Amr’s grandfather or Shu‘ayb’s grandfather. If it is ‘Amr’s grandfather, Muḥammad b. ‘Abd Allāh b. ‘Amr (d. before 63/682–683), then the *isnād* is *mursal*, because this Muḥammad never met the prophet Muḥammad. If it is Shu‘ayb’s grandfather, then the *isnād*, according to most medieval hadith critics, is uninterrupted, and the person in question is the well-known companion, ‘Abd Allāh b. ‘Amr b. al-‘Āṣ (d. 63/682–683 or 65/684–685). Most Muslim scholars ultimately held the latter position, that the grandfather was the companion ‘Abd Allāh b. ‘Amr, but a few, including even the critic Ibn ‘Adī (d. 365/976), held that the grandfather in question was Muḥammad b. ‘Abd Allāh b. ‘Amr, and the *isnād* was *mursal*.⁵

The second source of controversy, of greater interest for this study, is that ‘Amr b. Shu‘ayb did not receive the hadiths with this *isnād* orally from his father Shu‘ayb, but merely found them in a *ṣahīfa*—scroll, leaf of papyrus or parchment, notebook—perhaps in his family estate in al-Ṭā’if, from which he narrated them. Why was this controversial? As al-Dhahabī (d. 748/1348) explains, Arabic writings in ‘Amr’s day were devoid of dots and short vowels, so it was necessary to read them with a teacher to ensure the correct words and syntax were observed. Early authorities, such as Mujāhid (d. 102/720) in Mecca, Ayyūb al-Sakhtiyānī (d. 131/749) of Basra (who felt obliged to hide his face when he went to study with ‘Amr b. Shu‘ayb, presumably out of some

4 For the sake of simplicity, I will use the expression “the Prophet” even in the cases in which the *isnād* has “the Messenger of God (*rasūl Allāh*).” Juynboll, in his article on Shākir, mentions that Joseph Schacht was of the opinion that family *isnāds* in general “held no historical value,” and that Shākir adopted the generally accepted traditional explanation; Juynboll, “Ahmad Shākir,” 232–233. (The example Juynboll provides in his article is the conspicuous ‘Amr b. Shu‘ayb *isnād* under discussion in this article.)

5 Ibn ‘Adī states this explicitly in *al-Kāmil fī ḍu‘afā’ al-rijāl*, ed. Māzin al-Sarsāwī, 10 vols. (Riyad: Maktabat al-Rushd, 2013), 7:646. He mentions that many scholars avoided this *isnād*. Ibn Ḥibbān (d. 354/965) also declares it impermissible to use hadiths with this *isnād* as evidence, because it is either *mursal* or *munqaṭi‘*, since he claims Shu‘ayb never met ‘Abd Allāh b. ‘Amr, and Muḥammad b. ‘Abd Allāh wasn’t a companion; Ibn Ḥibbān, *Kitāb al-majrūhīn* (Aleppo: Dār al-Wa‘y, 1396), 2:72. Interestingly, al-Bukhārī (d. 256/870) says that he observed Ibn Ḥanbal (d. 241/855), Ibn al-Madīnī (d. 234/849), and Ibn Rāhawayh (d. 238/853) deploy hadiths with this *isnād* as evidence in jurisprudence; al-Bukhārī, *al-Tārīkh al-kabīr*, 8 vols. (Hyderabad, 1360–1377), 6:342–343.

sort of embarrassment)⁶ and al-Mughīra b. Miqṣam (d. 136/753) in Kufa, all are quoted in later sources as speaking disparagingly of this *ṣaḥīfa*.⁷ According to Ibn Sa'd (d. 230/845), this *ṣaḥīfa* was collected by 'Abd Allāh b. 'Amr, with the Prophet's permission, and it even had a name, *al-ṣādiqa*.⁸ 'Alī b. al-Madīnī (d. 234/849), Yahyā b. Ma'in (d. 233/848), and Abū Zur'a al-Rāzī (d. 264/878) all attest that, when 'Amr b. Shu'ayb narrated from his father, from his grandfather, he was narrating from this *ṣaḥīfa*. Furthermore, later hadith critics observed that this *isnād* is not found in the *Ṣaḥīḥs* of al-Bukhārī (d. 256/870) and Muslim (d. 261/875), although it is found in the four canonical *Sunan* books and the *Musnad* of Ibn Ḥanbal.

3 The Conspicuous *isnād* in Ibn Ḥanbal's *Musnad*

Ibn Ḥanbal's *Musnad* is a famous third/ninth-century compilation consisting of approximately 27,600 second/eighth-century hadiths.⁹ I consider it to consist of second/eighth-century hadiths (if not earlier) because most of Ibn Ḥanbal's teachers died either prior to or within two decades of the year 200/815–816, and it is extremely improbable that Ibn Ḥanbal fabricated the names of his immediate informants. Even in the latest Arna'ūṭ edition, the *Musnad* is an unwieldy book to use, although it remains an essential source for shedding light on the nature of hadith transmission during the second and early third centuries after the Hijra, on the eve of the compilation of what would become the canonical Sunni collections. And it might even shed some light on first/seventh-century hadiths, should one be willing to imagine that hadiths existed during that time.

6 This detail is found in Ibn Abī Ḥatīm (d. 327/939), *Kitāb al-jarḥ wa al-ta'dīl*, 9 vols. (Hyderabad, n.d.), 6:238.

7 Al-Dhahabī includes these opinions in his entry for 'Amr b. Shu'ayb in *Siyar a'lām al-nubalā'*, eds. Shu'ayb al-Arna'ūṭ et al., 28 vols. (Beirut: Mu'assasat al-Risāla, 2001), 5:165–180. The quote regarding defective scripts of early *ṣaḥīfas* is on p. 174.

8 Ibn Sa'd, *Kitāb al-ṭabaqāt al-kabīr*, ed. 'Alī 'Umar, 11 vols. (Cairo: Maktabat al-Khānī, 2001), 5:83 (entry for 'Abd Allāh b. 'Amr). Fuat Sezgin lists this *ṣaḥīfa* as the earliest writing on hadith in his *Geschichte des Arabischen Schrifttums* (Leiden: Brill, 1967), 1:84.

9 Christopher Melchert has a helpful discussion of the different numbers of hadiths given for the *Musnad*, along with the challenge of counting hadith in general; "The *Musnad* of Aḥmad ibn Ḥanbal: How It Was Composed and What Distinguishes It from the Six Books," *Der Islam* 82, no. 1 (2005): 37–39. Ibn Ḥanbal's son, 'Abd Allāh (d. 290/903), put the *Musnad* more or less in the form it is now. For more on Ibn Ḥanbal, see Christopher Melchert, *Aḥmad ibn Ḥanbal* (Oxford: Oneworld, 2006).

TABLE 8.1 Ibn Ḥanbal's sources who narrated five or more 'Amr b. Shu'ayb hadiths

Ibn Ḥanbal's source	Death date	Number of hadiths
'Abd al-Razzāq al-Ṣan'ānī	211/826	10
'Abd al-Ṣamad b. 'Abd al-Wārith al-Baṣrī	206 or 207/821–823	18
'Abd al-Wahhāb b. 'Aṭā' al-Khaffāf	204/819–820 or 206/821–822	5
Abū Mu'āwiya Muḥammad b. Khāzim	195/811	5
Abū Sa'īd <i>mawlā</i> Banī Hāshim ^a	197/813	5
'Affān b. Muslim	220/835	6
Hāshim b. Qāsim, Abū al-Naḍr	207/822–823	9
Ḥusayn b. Muḥammad al-Marrūdhī	213–214/828–830	6
Muḥammad b. Ja'far Ghundar	194/810	7
Naṣr b. Bāb al-Khurāsānī ^b	ca. 200/815	6
Wakī' b. al-Jarrāḥ	197/813	10
Yahyā b. Sa'īd al-Qaṭṭān	198/813–814	9
Ya'qūb b. Ibrāhīm b. Sa'd	208/823–824	8
Yazīd b. Hārūn	182/798	22

a His name is 'Abd al-Raḥmān b. 'Abd Allāh b. 'Ubayd al-Baṣrī; Ibn Ḥanbal, *Musnad Aḥmad*, 11:348.

b Naṣr b. Bāb hailed from Marw and settled in Baghdad. He had a very poor reputation for hadith transmission, according to Ibn Sa'd; Ibn Sa'd, *Kitāb al-ṭabaqāt al-kabīr*, 9:348 and 380. Interestingly, all seven hadiths that Ibn Ḥanbal acquired from Naṣr occur together in the *Musnad* and six of them trace back through Ḥajjāj b. Arṭāh (on whom see below) to 'Amr b. Shu'ayb; Ibn Ḥanbal, *Musnad Aḥmad*, 6900–6906. (The sixth *isnād* actually passes through the Companion Jarīr b. 'Abd Allāh al-Bajālī, who died in 54/674, and is out of place in *Musnad Aḥmad*.)

The section containing the *musnad* of 'Abd Allāh b. 'Amr b. al-Āṣ in Ibn Ḥanbal's *Musnad* consists of 627 hadiths, including repetitions, according to the numeration of the 1997 Arna'ūṭ edition.¹⁰ A remarkable 195 of these hadiths (31%) have the conspicuous *isnād* of 'Amr b. Shu'ayb ← his father ← his grandfather ← the Prophet. These hadiths come from 66 of Ibn Ḥanbal's teachers, most of whom narrated merely a single hadith or two with this *isnād*. Only fourteen of his teachers narrated five or more hadiths with this *isnād*, and only Yazīd b. Hārūn (d. 182/798), from Wāsiṭ, transmitted more than twenty of them.

10 It fills up almost the entire eleventh volume of this edition of *Musnad Aḥmad*.

Although I have yet to find a citation in which Ibn Ḥanbal explicitly describes this *isnād* as “the *ṣaḥīfa* of ‘Amr b. Shu‘ayb,” it is almost inconceivable that he would not have known this, given the evidence we have that his contemporary critics, Ibn al-Madīnī, Ibn Ma‘īn, and Ibn Sa‘d, all considered hadiths with this *isnād* to be coming from ‘Amr’s written *ṣaḥīfa*. Therefore, I would like to propose that Ibn Ḥanbal essentially reconstructed parts of the *ṣaḥīfa* of ‘Amr b. Shu‘ayb in his *Musnad* from his teachers, and, given ‘Amr b. Shu‘ayb’s early death date of 118/736, we have remnants of a private, late first/late seventh or early eighth-century *ṣaḥīfa* at our disposal.¹¹

There are four assumptions worthy of consideration regarding the 195 hadiths with the ‘Amr b. Shu‘ayb ← his father ← his grandfather *isnād*:

- 1) Ibn Ḥanbal did not fabricate the names of his immediate teachers who transmitted these hadiths. If this is so, then nearly all of these hadiths were in circulation during the late second/eighth century, when Ibn Ḥanbal’s teachers were alive.
- 2) Ibn Ḥanbal’s teachers actually transmitted the hadiths that ‘Amr b. Shu‘ayb taught. In nearly every case, there are only one or two teachers between Ibn Ḥanbal’s informant and ‘Amr b. Shu‘ayb, which reduces the likelihood of forgery or error in reporting the *isnāds*. ‘Amr b. Shu‘ayb died in the year 118/736 in al-Ṭā’if, so if these really are hadiths from his *ṣaḥīfa*, they must date to the late first/seventh century or the very early second/eighth century at the latest.
- 3) If ‘Amr’s father, Shu‘ayb b. Muḥammad, put these hadiths into writing in a *ṣaḥīfa*, then they would date to the mid- to late first/seventh century, because al-Dhahabī thinks that Shu‘ayb died after 80/699, during the reign of ‘Abd al-Malik b. Marwān, although he admits this is just a guess.¹²
- 4) Finally, if the companion ‘Abd Allāh b. ‘Amr actually wrote these hadiths down in a *ṣaḥīfa*, then they would date to the first half of the first/seventh century, because ‘Abd Allāh b. ‘Amr died in 63/682–683 or 65/684–685, slightly more than half a century after the prophet Muḥammad passed away.

For the purpose of this study, let us tentatively accept just the first two assumptions, namely that the hadiths with the *isnāds* ‘Amr b. Shu‘ayb ← his father ← his grandfather, actually go back to ‘Amr b. Shu‘ayb’s *ṣaḥīfa*. The second

11 Al-Dhahabī notes that Ḍiyā’ al-Dīn al-Maqdisī (d. 643/1245) reconstructed ‘Amr b. Shu‘ayb’s (or ‘Abd Allāh b. ‘Amr’s) *ṣaḥīfa* in his *al-Mukhtāra*; al-Dhahabī, *Sīyar*, 5:183. Unfortunately, the published edition of *al-Mukhtāra* ends with the *musnad* of ‘Abd Allāh b. ‘Umar, just prior to the *musnad* of ‘Abd Allāh b. ‘Amr.

12 al-Dhahabī, *Sīyar*, 5:181.

assumption requires a minor leap of faith, because many of the 46 transmitters from 'Amr to Ibn Ḥanbal's teachers are of questionable accuracy and probity. (I will deal with two of them in some detail below.) Furthermore, many of these hadiths are not corroborated by more than one or two of 'Amr's students, which makes it less persuasive that they actually come from 'Amr or his *ṣaḥīfa*.¹³ On the other hand, and congruous with the research of Gregor Schoeler and Michael Cook, there is no evidence that this alleged *ṣaḥīfa* was transmitted from 'Amr b. Shu'ayb intact as a book or writing, as it would have been 'Amr's private memory-aid, which explains why Ibn Ḥanbal had to collect it from 66 of his teachers.¹⁴ And, I should add, the 195 hadiths with this *isnād* are dispersed throughout the *musnad* of 'Abd Allah b. 'Amr, so my claim that Ibn Ḥanbal reconstructed 'Amr b. Shu'ayb's *ṣaḥīfa* is potentially misleading, for had he wished to reconstruct it properly, he (or his son) could have put the 195 hadiths all together in a sequence within the *Musnad*.¹⁵ In short, I am arguing that Ibn Ḥanbal's *Musnad* preserves numerous fragments of 'Amr b. Shu'ayb's *ṣaḥīfa*, the contents of which must date prior to his death in 118/736.

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- 13 For the importance of corroboration—the practice of comparing large numbers of similar hadiths to each other in order to identify anomalies and inconsistencies—in early hadith criticism, see Christopher Melchert's contribution to this volume.
- 14 Michael Cook explicitly links family *isnāds*, including 'Amr b. Shu'ayb ← his father ← his grandfather, with private, rather than public, writings; Michael Cook, "The Opponents of the Writing of Tradition in Early Islam," *Arabica* 44 (1997): 478–479. Gregor Schoeler's important distinction between private records (*hypomnēma*) and literary works (*syngramma*) is highly relevant, as there is no evidence that 'Amr b. Shu'ayb's *ṣaḥīfa* ever was published as a literary work, and substantial evidence that it was a private written text that he found or inherited from his ancestors; see Gregor Schoeler, *The Oral and the Written in Early Islam*, ed. James Montgomery, trans. Uwe Vagelpohl (London and New York: Routledge, 2006), 46–48.
- 15 This is in sharp contrast with the *ṣaḥīfa* of Hammām b. Munabbih (d. 101/719), which Ibn Ḥanbal (or his son) inserted fully intact in the *musnad* of Abū Hurayra (d. 58/678) of his *Musnad*; see Ibn Ḥanbal, *Musnad Ahmad*, 13:475–547. It is obvious that this *ṣaḥīfa* is in the *Musnad* from the fact that Ibn Ḥanbal does not repeat its *isnād* after the initial hadith, except following his short interjection on page 534, and merely says "*wa-qāla rasūl Allāh (ṣ)*," followed by the Prophet's quotation. Muhammad Hamidullah noted long ago that this *ṣaḥīfa* was present intact in Ibn Ḥanbal's *Musnad*; Muhammad Hamidullah, *Sahifah Hammam Ibn Munabbih*, trans. Hossein G. Tocheport (Paris: Association des étudiants islamiques en France, 1979), 109–110.

4 An Overview of the Content of 'Amr b. Shu'ayb's Ṣaḥīfa

Let us shift from the transmission history to the content of the 195 hadiths in 'Amr b. Shu'ayb's reconstructed ṣaḥīfa. Here are some general observations:

- 1) These hadiths are overwhelmingly of a legal nature. According to my classification, 170 of them (87%) are legal, which is higher than what we should expect, according to Christopher Melchert's estimate that only 52% of the entire *Musnad's* content is legal.¹⁶ Even if we have different criteria for what "legal" means, this discrepancy is substantial. There are no apocalyptic, exegetical, or *faḍā'il*, hadiths with this conspicuous *isnād*, and just a smattering of historical ones, along with a few advocating belief in *qadar*, a well-known early, Umayyad-era theological debate.
- 2) The legal rulings frequently are very specific and random, ranging from ablutions, prayer, pilgrimage, marriage, divorce, commerce, *mukātib* slaves, and criminal laws. I count about one hundred unique legal topics or rulings among them. None of them contradicts another ruling found in the ṣaḥīfa; however, there is little topical overlap among them, too.
- 3) Many of these hadiths focus on the legal topic of indemnities for injury or death (*diya*, *'aql*), which is a prominent topic in several other very early writings of hadith, such as 'Alī's (d. 40/661) alleged ṣaḥīfa,¹⁷ the "writing (*kitāb*)" of Ṭāwūs (d. 101/719–720 or 106/724–725), from which his son Ibn Ṭāwūs (d. 132/749–750) narrated some hadiths,¹⁸ and the "Letter to Yemen" in the custody of the descendants of the companion 'Amr b. Ḥazm (d. between 51/671 and 54/674).¹⁹
- 4) Many of these hadiths report the prophet Muḥammad's speech on the occasion of the Conquest of Mecca, a speech that is not found in Ibn Hishām's (d. 218/833) recension of Ibn Ishāq's (d. 150/767) *sīra* or al-

16 Melchert, "The *Musnad* of Ahmad ibn Hanbal," 45.

17 'Alī's alleged ṣaḥīfa is mentioned in the following hadiths in Ibn Ḥanbal's *Musnad*: 615, 959, 991, 993, 1297. One of the lines of this ṣaḥīfa is nearly identical to a line from the speech on the occasion of the Conquest of Mecca in 'Amr's ṣaḥīfa: *al-mu'minūn tatakāfa'u dimā'uhum wa-yas'ā bi-dhimmatihim adnāhum wa-hum yadun 'alā man siwāhum; allā, lā yuqṭalu mu'minun bi-kāfir wa-lā dhū 'ahdin fi 'ahdihī*.

18 This writing is cited multiple times in the *Muṣannaf* of 'Abd al-Razzāq (d. 211/826), ed. Ayman al-Azharī, 12 vols. (Beirut: Dār al-Kutub al-'Ilmiyya, 2000), 9:17513, 17528, 17545, 17680, 17778, 17936, 17951, 18000.

19 This letter is preserved in *Sunan al-Nasā'i*, Kitāb al-qasāma: Bāb dhikr ḥadīth 'Amr ibn Ḥazm fi al-'uqūl wa-ikhtilāf al-nāqilin lahu; it is also cited by Mālik (d. 179/795) in the *Muwatta'a* and al-Shāfi'i (d. 204/820) in the *Umm*.

Ṭabarī's (d. 310/923) *History*, even though Ibn Ishāq is one of the narrators of it from 'Amr b. Shu'ayb.²⁰

- 5) Several of these hadiths are long and contain multiple rulings, which supports the assumption that they were written down prior to Ibn Ḥanbal's *Musnad*.
- 6) Ten of the rulings transmitted by 'Amr b. Shu'ayb in Ibn Ḥanbal's *Musnad* are found in hadiths in the earlier *Musnad* of al-Ṭayālīsī (d. 203/819).²¹
- 7) With few exceptions, 'Abd Allāh b. 'Amr ("his grandfather") serves merely as a transmitter of a prophetic statement or ruling, rather than a personality involved in the report. This is in sharp contrast to many of the hadiths ascribed to him in Ibn Ḥanbal's *Musnad* that do not trace through 'Amr b. Shu'ayb, especially the one (6477), in which 'Abd Allāh refuses to engage in marital relations with his new bride and insists on praying and fasting all the time, which earns the Prophet's stern rebuke. Ibn Ḥanbal records this hadith (and variations of it) *forty-one* times in his *Musnad*, and not once does it have the *isnād* 'Amr b. Shu'ayb ← his father ← his grandfather.²² There are also several apocalyptic hadiths narrated by 'Abd Allāh b. 'Amr that are not found in the reconstructed *ṣaḥīfa*. Even the legal hadith, in which 'Abd Allāh b. 'Amr claimed the Prophet ordered the death sentence in place of a fourth flogging for the repeat imbibers of wine is absent from 'Amr b. Shu'ayb's reconstructed *ṣaḥīfa*, yet found elsewhere in *Musnad Aḥmad*.²³ On the basis of my preliminary analysis, it appears that there is very limited overlap of content between the fragments of 'Amr's *ṣaḥīfa* and the hadiths narrated by 'Abd Allāh b. 'Amr's mostly-Egyptian students.

5 'Amr b. Shu'ayb's *Ṣaḥīfa* according to Ḥajjāj and Ibn Ishāq

Two of the most prominent transmitters of hadiths with the conspicuous *isnād* in Ibn Ḥanbal's *Musnad* are Ḥajjāj b. Arṭāh (d. 145/762) and Muḥammad b. Ishāq. Ḥajjāj was an Arab scholar who acted as mufti in Kufa, according to al-

20 There are two very different reports of this speech found in 'Amr's reconstructed *ṣaḥīfa*; see below.

21 al-Ṭayālīsī, *Musnad Abī Dāwūd al-Ṭayālīsī*, ed. Muḥammad 'Abd al-Muḥsin al-Turkī, 2 vols. (Cairo: Hajar, 1999), 2:16–25.

22 Ibn Ḥanbal, *Musnad Aḥmad*, 6477. The editors enumerate the forty partial and full repetitions of this hadith at Ibn Ḥanbal, *Musnad Aḥmad*, 11:11.

23 Ibn Ḥanbal, 6553, 6791, 6974, 7003.

Dhahabī, and served as judge of Basra.²⁴ He became part of the inner circle of the future caliph al-Mahdī (ruled 158–169/775–785) and joined him on trips to Khurāsān, which explains why he died in Rayy, on his return from one of these trips. Ḥajjāj has a generally poor reputation for accuracy in hadith transmission, on account of his tendency to suppress his immediate informants (*tadlīs*), so it is surprising that he is by far Ibn Ḥanbal's largest source of 'Amr's hadiths, with a total of 34 narrations, which can be reduced to 22 hadiths by eliminating repetitions.²⁵ Both 'Abd Allāh b. al-Mubārak (d. 181/797) and Yaḥyā b. Ma'īn (d. 233/848) state explicitly that Ḥajjāj suppressed his immediate source of 'Amr b. Shu'ayb's hadiths, who was his contemporary Kufan, the widely-repudiated transmitter Muḥammad b. 'Ubayd Allāh al-'Arzamī (d. 155/771?).²⁶ It seems quite likely that Ḥajjāj heard or copied some (or all) of his hadiths from al-'Arzamī, who relied solely upon his memory after he lost his notebooks (*kutub*), which led him to narrate many dubious hadiths, including ones that he claimed to have heard from 'Amr but which were not transmitted on the latter's authority.

Ibn Ishāq has only a slightly better reputation for transmission than does Ḥajjāj.²⁷ Here the flaw appears to be his habit of combining and mixing narrations he received from multiple sources. Ibn Ḥanbal allegedly said to Abū Dāwūd al-Sijistānī (d. 275/888), "[Ibn Ishāq] was a man who longed for hadith, so he took them from people's writings (*kutub al-nās*) and put them in his own

24 Most of the information here regarding Ḥajjāj is found in al-Dhahabī, *Sīyar*, 7:68–75. Al-Dhahabī mentions that he narrated about 600 hadiths in total, and highlights Ḥajjāj's arrogance, along with his *tadlīs*. He also quotes al-Aṣma'ī's claim that Ḥajjāj was the first judge in Basra to accept bribes.

25 Ibn Ḥanbal's teacher and early hadith critic, Yaḥyā al-Qaṭṭān (d. 198/813), allegedly considered Ḥajjāj to have been the worst transmitter of all time, and he refused to transmit hadiths narrated by Ibn Ishāq. However, the Basran master scholar Shu'ba b. al-Ḥajjāj (no relation; d. 160/776) is reported to have encouraged students to write the hadiths of both Ḥajjāj and Ibn Ishāq.

26 al-Dhahabī, *Sīyar*, 7:70. Interestingly, Ibn Ḥanbal also accuses Ḥajjāj of narrating from al-'Arzamī in his *Musnad*, but only on one occasion, in which he narrates an "incorrect" hadith. In al-'Arzamī's entry in *Tahdhīb al-tahdhīb*, Ibn Ḥanbal is quoted as saying that "everyone (*al-nās*) abandoned his hadiths," and al-Bukhārī mentions that both Ibn al-Mubārak and Yaḥyā al-Qaṭṭān did too; Ibn Ḥajar, *Tahdhīb al-tahdhīb fī rijāl al-ḥadīth*, eds. 'Adil 'Abd al-Mawjūd and 'Alī Mu'awwad (Beirut: Dār al-Kutub al-Ilmiyya, 2004), 5:725–726. Waki' states that al-'Arzamī was a pious man (*ṣāliḥ*), but that he narrated suspicious hadiths after he lost his writings. Ibn Sa'd mentions that he died near the end of Abū Ja'far al-Manṣūr's caliphate (ruled 136–158/754–775).

27 Melchert mentions there are 600 hadiths from Ibn Ishāq in the *Musnad*. He also makes the important point that Ibn Ḥanbal relied more on hadith corroboration than just the reputations of the narrators in the *isnāds*; Melchert, "The *Musnad* of Ibn Hanbal," 46.

writings.”²⁸ Ibn Ḥanbal took as a sign of sincerity Ibn Ishāq’s practice of saying “*wa-dhakara*” when he did not hear a hadith directly from his teacher,²⁹ and this observation helps explain the *isnād* in Ibn Ishāq’s very long hadith concerning *ḍiḥā* that we shall be discussing below.

When we look at the content of hadiths from Ḥajjāj and Ibn Ishāq of ‘Amr b. Shu‘ayb’s reconstructed *ṣaḥīfa*, we immediately encounter a problem. There simply is no overlap between them, with the exception of a single hadith related to the minimum value of a stolen good that necessitates the *ḥadd* penalty of amputation.

There are at least four plausible explanations for this absence of topical overlap between these two students of ‘Amr b. Shu‘ayb:

- 1) Each transmitter from ‘Amr only heard (or was interested) in part of his *ṣaḥīfa*, so they transmitted different sections of it.
- 2) One or both of the transmitters forged or erroneously ascribed hadiths to ‘Amr that they did not actually hear from him.
- 3) These two students of ‘Amr heard more or less the same hadiths from him, but *their* students transmitted different selections from this corpus.
- 4) ‘Amr’s students and their transmitters did hear the entire corpus of the *ṣaḥīfa*, but Ibn Ḥanbal did not hear from his teachers the hadiths that were shared in common by Ḥajjāj and Ibn Ishāq on account of his itinerary—he only had finite time with each of his teachers, and was constrained by what they were teaching at the time of his visit with them, because he needed to hear each hadith in his *Musnad* directly from its narrator.

Let us look carefully at the content of the hadiths found in ‘Amr b. Shu‘ayb’s reconstructed *ṣaḥīfa* narrated by these two men.

Eight of Ḥajjāj’s hadiths are corroborated in the *Musnad* as coming from ‘Amr b. Shu‘ayb by at least one additional student of ‘Amr:³⁰

- [1] I saw the Prophet (ﷺ) depart to his right and to his left after prayer; drink while standing and sitting; pray barefoot and in sandals; fast and break his fast while traveling.³¹

28 al-Nūrī, al-Razzāq ‘Īd and Khalīl, *Mawsū‘at aqwāl al-Imām Aḥmad ibn Ḥanbal*, 4 vols. (Beirut: ‘Ālam al-Kutub, 1997), 3:238.

29 al-Nūrī, al-Razzāq ‘Īd and Khalīl, *Mawsū‘at aqwāl*, 3:240. It is tempting to imagine that when Ibn Ishāq uses this expression, he copied the material from a written source, but it might just mean that he heard it from another narrator.

30 What follows below are summaries of the content of these hadiths, rather than precise translations of them, in most cases, because each narration is usually a little different.

31 Ibn Ḥanbal, *Musnad Aḥmad*, 6783. All four rulings are corroborated by Husayn al-Mu‘allim

- [2] God added a prayer for you, and it is *witr*.³²
- [3] He who takes back his gift is like a dog who takes back his vomit.³³
- [4] A *mukātib* remains a slave until his contract is fully paid off.³⁴
- [5] A mutilated slave is freed and is a client of God.³⁵
- [6] The testimony of a traitor (*khā'in*) and a servant against his employer's family is prohibited.³⁶
- [7] You and your wealth belong to your father.³⁷
- [8] The minimum value of a stolen good necessitating the penalty of amputation is ten dirhams.³⁸

The following fourteen hadiths are uncorroborated in Ibn Ḥanbal's *Musnad*, meaning there is no additional evidence that they were in 'Amr b. Shu'ayb's *ṣaḥīfa*. However, as the editors of the *Musnad* note, they are in agreement frequently with the teachings of sound hadiths that trace back through other companions of the Prophet.

- [9] If the circumcised parts touch, then the major ablution (*ghusl*) is necessary.³⁹
- [10] Prayer without recitation [of the *fātiḥa*] is defective.⁴⁰
- [11] The Prophet combined prayers during expeditions or journeys.⁴¹

(6679, 6928, 7021) and Maṭar (6660). Another corroborating hadith from Ḥusayn (6627) lacks the clause "fast and break his fast while traveling."

- 32 Ibn Ḥanbal, 6693, 6941 (identical *isnād* and *matn*). The narration of al-Muthannā b. al-Ṣabbāḥ (6919) adds, "so make sure you do it," and a note that 'Amr b. Shu'ayb was of the opinion that missed *witr* prayers needed to be made up, even a month later.
- 33 Ibn Ḥanbal, 6943. 'Āmir al-Aḥwal's corroborating hadith (6705) adds the exception for the case of a parent who takes back his gift to his child; Usāma b. Zayd's hadith (6629) phrases it as: "Like a dog who vomits and then eats it."
- 34 Ibn Ḥanbal, 6666, 6923, 6949; corroborated by 'Abbās al-Jazarī (should be al-Jurayrī; 6726).
- 35 Ibn Ḥanbal, 7096 (castrated). This hadith is corroborated by Ibn Jurayj (6710), although with "his nose was cut off by his owner" instead of "castrated."
- 36 Ibn Ḥanbal, 6640; corroborated by Sulaymān b. Mūsā (6698), who adds, "and one who harbors rancor against his brother" in hadiths 6899 and 7102.
- 37 Ibn Ḥanbal, 6902; corroborated by 'Ubayd Allāh b. al-Akhnas (6678) and Ḥabīb al-Mu'allim (7001).
- 38 Ibn Ḥanbal, 6900; corroborated by Ibn Ishāq (6687), who reports that the value of a round shield at the time of the Prophet was ten dirhams.
- 39 Ibn Ḥanbal, 6670; it is found also in Muslim's *Ṣaḥīḥ* from 'Ā'isha.
- 40 Ibn Ḥanbal, 6903, 7016.
- 41 Ibn Ḥanbal, 6682, 6694, 6906.

- [12] The Prophet exhorted two Yemeni women to give their gold jewelry as alms.⁴²
- [13] I saw the Prophet stand longer at the second *jamra* [on the hajj] than the first; he stoned the third one without stopping.⁴³
- [14] The Prophet made three *ʿumras* and said *labbayka* until he reached the Black Stone.⁴⁴
- [15] The Prophet identified the places or stations for pilgrims from Medina, Syria, Yemen and the Tihāma, Ṭāʾif, and Iraq (*sic*) to get in *iḥrām*.⁴⁵
- [16] Fulfilling vows of deceased non-Muslim parents is of no use to their children; had they been monotheists, it would have helped.⁴⁶
- [17] A man spends three consecutive nights with a new virgin bride [if he has multiple wives].⁴⁷
- [18] It is permissible to engage in sexual activity with one's wife when away from home in the absence of water.⁴⁸
- [19] The Prophet returned his daughter to Abū al-ʿĀṣ b. al-Rabīʿ (d. 12/634) with a new marriage contract [after he converted to Islam].⁴⁹
- [20] One must maintain relations with difficult or abusive blood relatives.⁵⁰
- [21] Whoever builds a mosque will receive a vastly larger house in Paradise.⁵¹

42 Ibn Ḥanbal, 6667, 6901, 6939.

43 Ibn Ḥanbal, 6669, 6782; it is found also in al-Bukhārī's *Ṣaḥīḥ* from Ibn ʿUmar.

44 Ibn Ḥanbal, 6685, 6686. According to ʿĀʾisha and Ibn ʿUmar, the Prophet made four *ʿumras*, the last of which he combined with his Farewell Pilgrimage; see Ibn Ḥanbal, 11:279–280.

45 Ibn Ḥanbal, 6697. There were no Muslims in Iraq during the lifetime of the Prophet, so this *matn* contains an anachronism.

46 Ibn Ḥanbal, 6704. Note that this hadith includes the word “*tawḥīd*,” which is very unusual in hadiths: *fa-ammā abūka fa-law kāna aqarra bi'l-tawḥīd fa-ṣumta wa taṣaddaqtā ʿanhu, nafaʿahu dhalik*.

47 Ibn Ḥanbal, 6665. The editors note that, according to hadiths found in the *Ṣaḥīḥs* of al-Bukhārī and Muslim, a man with multiple wives should spend seven nights with his new virgin bride, and three days with his previously-married bride.

48 Ibn Ḥanbal, 7097; corroborated by al-Bukhārī's *Ṣaḥīḥ*.

49 Ibn Ḥanbal, 6938. Ibn Ḥanbal interjects: “This is absolutely weak! Ḥajjāj heard it from Muḥammad b. ʿUbayd Allāh al-ʿArzamī, whose hadiths are totally worthless. The sound hadith is that [the Prophet] returned her to him on the basis of the original marriage contract,” Ibn Ḥanbal, 11:530.

50 Ibn Ḥanbal, 6700, 6942 (identical *isnād* and *matn*).

51 Ibn Ḥanbal, 7056. I do not consider this to be a legal hadith because it merely encourages a virtuous act.

- [22] The Prophet wrote a document between the Emigrants and Helpers regarding indemnities for injury or death, ransoming prisoners, and peace among the Muslims.⁵²

These hadiths overwhelmingly are concerned with acts of worship, especially prayer and pilgrimage, while the one criminal ruling [8] supports the opinion of Ḥajjāj's Kufan colleague, Abū Ḥanīfa (d. 150/767), which is opposed by the famous hadith of 'Ā'isha (d. 58/678) and the opinions of Mālik and al-Shāfi'ī, that the minimum value for amputation of the hand of the thief is a quarter dīnār, which for them equaled 3 dirham. Overall, they are laconic and hardly controversial. Ḥajjāj's hadith regarding the *witr* prayer [2], which supports the unique Ḥanafī position that it is *wājib*, or obligatory, has the fascinating addition that 'Amr b. Shu'ayb held the *witr* prayer to be obligatory, and went so far as to require making it up whenever it was neglected, even a month after the event.⁵³ Two of these hadiths [21, 22] are not legal, in my opinion, and one of them [22] makes reference to the document that we call today the Constitution of Medina, without providing many details. Finally, there are virtually no obscure Arabic words in these hadiths, and there is one atypical word in one of them [16] that may be an anachronism, namely "*tawhīd*," an important word in early Muslim theology, but absent from the Qur'ān and most hadiths.

Ibn Ishāq's 19 narrations from 'Amr's reconstructed *ṣaḥīfa* in Ibn Ḥanbal's *Musnad* differ significantly in content, length, and specificity from Ḥajjāj's hadiths. By eliminating duplicates, we can reduce these nineteen hadiths to twelve, seven of which are corroborated by other students of 'Amr b. Shu'ayb.

The following seven hadiths narrated by Ibn Ishāq from 'Amr b. Shu'ayb ← his father ← his grandfather ← the Prophet, are corroborated internally. Four of them are short:

- [1] The Messenger of God forbade plucking grey hairs.⁵⁴

52 Ibn Ḥanbal, 6904. I do not consider this to be a legal hadith because it does not include any details of the rulings contained in the document.

53 Ibn Ḥanbal, 11:516–517 (6919).

54 Ibn Ḥanbal, 6924. Yazīd's narration (6937) from Ibn Ishāq adds: "It is the light of the believer. He continued: No man grows grey hairs in Islam save that God elevates him a level and wipes away a bad deed and has a good deed written in its place. He said: He who does not respect our old and have mercy on our young is not one of us." This hadith is corroborated, with different wordings, by three additional students of 'Amr b. Shu'ayb: Layth b. Abī Sulaym (6672); Muḥammad b. 'Ajlān (6675); and 'Abd al-Ḥamīd b. Ja'far (6962). For more on the topic of hair color, see Ahmed El Shamsy's contribution to this volume.

- [2] Whoever fails to recognise the claims of our elderly or be merciful to the young is not one of us.⁵⁵
- [3] The Prophet granted ‘Abd Allāh b. ‘Amr permission to write down whatever he said.⁵⁶
- [4] Divorce, manumission, and something else are invalid without ownership [of them].⁵⁷ The Prophet said: There is no divorce of those whom you (pl.) do not own; there is no manumission of those whom you (pl.) don’t own; there is no vow for what you (pl.) do not own; there is no vow for an act of disobedience of God.

The following three corroborated hadiths that Ibn Ishāq narrates from ‘Amr b. Shu‘ayb are lengthy, complex, and, in one case include the expression *wa-dhakara* that Ibn Ḥanbal said means that Ibn Ishāq did not hear the hadith directly from his teacher.

- [5] “The Man from Muzayna”⁵⁸

This hadith consists of a series of six questions posed by an unidentified man from the tribe of Muzayna that relate to the status of property that is found or taken, and thus adumbrates the boundary between theft and legal acquisition of a good in the absence of a sale. It reads like an early *fiqh* text, with the Prophet answering a series of questions in a manner akin to that of a master jurist. It also contains more rare Arabic words than the shorter hadiths.

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- 55 Ibn Ḥanbal, *Musnad Ahmad*, 6937, 6935. It is corroborated by ‘Abd al-Rahmān b. al-Ḥārith’s narration (6733), along with a hadith (7073) that Ibn Ḥanbal quotes in the *musnad* of ‘Abd Allāh b. ‘Amr that is not part of the reconstructed *ṣaḥīfa* of ‘Amr b. Shu‘ayb.
 - 56 Ibn Ḥanbal, 6930, 7020. It is corroborated by ‘Amr b. Shu‘ayb’s unknown student, Duwayd al-Khurāsānī (7018), as well as in a slightly longer hadith (6510 and 6802) that Ibn Ḥanbal quotes in the *musnad* of ‘Abd Allāh b. ‘Amr outside of the reconstructed *ṣaḥīfa* of ‘Amr b. Shu‘ayb.
 - 57 Ibn Ḥanbal, 6932. This hadith is corroborated in the reconstructed *ṣaḥīfa* by Sa‘īd b. Abī ‘Arūba ← Maṭar b. Ṭahmān al-Warrāq (6769): “A man has no ability to divorce someone he doesn’t own, or manumit someone he doesn’t own, or sell what he doesn’t own;” by ‘Abd al-‘Azīz b. ‘Abd al-Ṣamad ← Maṭar (6781): “Divorce, sale, manumission, and fulfilling a vow are not permissible regarding that which [a man] does not own;” and ‘Amir al-Aḥwal (6780): “The son of Adam cannot manumit someone he doesn’t own, or divorce someone he doesn’t own or make an oath regarding something he doesn’t own.”
 - 58 The two most complete narrations of this hadith from Ibn Ishāq ← ‘Amr b. Shu‘ayb are those of Ya‘lā b. ‘Ubayd Allāh (6683) and Yazīd b. Hārūn (6936). The narrations of Ibn Idrīs (6891) and ‘Abd al-Rahmān b. al-Ḥārith (6746) have five of the six topics discussed in the complete narrations.

His grandfather [ʿAbd Allāh b. ʿAmr] said: I heard a man from Muzayna ask the Messenger of God (ṣ) [the following questions].

He said: O Messenger of God, I came to ask you about a stray camel.

He replied: It has its feet and water supply, shrubs for eating and drinking water, so leave it alone until its owner (*bāghīhā*) comes looking for it.

He said: What about a stray sheep?

He replied: It belongs to you, your brother, or the wolf. Hold on to it until its owner comes.

He said: What about a stolen sheep or goat (*ḥarīsa*)?

He replied: The owner receives double its value and [the thief] is struck as a warning to others. Whatever is taken from its watering place or place where it lies down (*min ʿaṭanihi*), then the thief's hand should be cut off if the value of what was taken is the value of a shield.⁵⁹

He said: O Messenger of God, what about the fruits and the husks (*akmām*) of the palm blossom that are taken?

He replied: He who takes it and eats it without putting it in his sleeve or pocket, there is no penalty. He who carries it away [from the garden] owes double the value, and is to be struck as a warning to others. He who takes it from the places where dates are dried (*min ajrānihi*)⁶⁰ is to have his [hand] amputated if the value of what is taken is the value of a shield.⁶¹

He said: O Messenger of God, what about lost property (*luqṭa*) found on the road near a settled town (*ʿāmirā*)?

He replied: Announce it for a year, and if its owner is found, give it to him. Otherwise, it is yours.⁶²

59 The wording of ʿAbd al-Raḥmān's narration (6746) for this topic deviates significantly from the wording of the other three narrations.

60 Singular, *jurn*. According to *Tāj al-ʿarūs*, *jurn/ajrān* is the Egyptian dialect; Edward W. Lane, *An Arabic-English Lexicon* (London: Williams and Norgate, 1863), j-r-n.

61 This question and answer is found only in the narrations of Yaʿlā and Yazīd, from Ibn Ishāq (6683, 6936).

62 This question and answer is missing from ʿAbd al-Raḥmān b. al-Ḥārith's corroborating narration (6746).

He said: What if it is found in a wasteland, uninhabited since the time of 'Ād?

He replied: The one-fifth tax (*khums*) is due on it and on buried treasure (*al-rikāz*).

[6] The Speech at the Victory of Mecca⁶³

This is a complex cluster of hadiths. Ibn Ishāq's version of it consists of seven rulings, while 'Abd al-Raḥmān b. al-Ḥārith's (d. 143/760) narration contains nine.⁶⁴ Short fragments of this hadith are narrated by the grandfather of the famous historian, Khalifa b. al-Khayyāṭ (d. 240/845), whose name also is Khalifa b. al-Khayyāṭ (d. 160/776–777).⁶⁵ All of these narrations are from Medinan narrators, whereas the narration of the Basran, al-Ḥusayn b. Dhakwān al-Mu'allim (d. 145/762), from 'Amr b. Shu'ayb, is entirely different.⁶⁶

The Prophet said, on the step of the Ka'ba, in the Year of Victory:

- a) The oath (*ḥilf*) taken in *jāhiliyya* is only strengthened by Islam, though there is no *ḥilf* in Islam.⁶⁷
- b) Muslims are like a single hand over non-Muslims (*man siwāhum*), their blood is equal.⁶⁸
- c) The closest among them gives safe conduct [to a non-Muslim].

63 Ibn Ḥanbal, *Musnad Ahmad*, 6692. Ibn Ḥanbal obtained this hadith from Yazīd b. Hārūn, who heard it from Ibn Ishāq.

64 Ibn Ḥanbal, 7012. The two extra rulings are: 1) There is no emigration (*hijra*) after the Victory of Mecca; and 2) There is no *shighār* in Islam. (*Shighār* was a pre-Islamic practice in which two families each married one of their daughters to one of the sons of the opposing family in lieu of paying each bride a dowry.)

65 Ibn Ḥanbal, 6690, 6796, 6797, 6827, 6970.

66 The long versions of this hadith are narrated by Yahyā al-Qaṭṭān (6681) and Yazīd b. Hārūn (6933). The topics covered in Ḥusayn's version of the Victory Speech include: 1) No more retaliation [for earlier grievances] after today; 2) The worst person is he who sheds blood in the sanctuary; 3) Paternity claims are void in Islam, and the child belongs to the bed in which he is born; 4) The indemnity for fingers is ten [camels], and for the wound that exposes the bone, five; 5) There are no supererogatory prayers after the daybreak prayer prior to sunrise or after the afternoon prayer; 6) The marriage of a woman who is married off by her aunt, paternal or maternal, is invalid; 7) A woman may not spend of her allowance (*atṭiya*) save with the permission of her husband.

67 This ruling is corroborated by another hadith from 'Abd al-Raḥmān b. al-Ḥārith ← 'Amr b. Shu'ayb; see Ibn Ḥanbal, *Musnad Ahmad*, 6917.

68 This ruling and the following one are further corroborated by Khalifa; Ibn Ḥanbal, 6797, 6970.

- d) [Spoils of war] are shared with the distant ones and those who stayed behind.
- e) A Muslim is not killed in retaliation for [killing] a disbeliever.⁶⁹
- f) The blood money (*diya*) paid for a disbeliever is half the *diya* of a Muslim.
- g) Collection of alms from a distance is prohibited, nor must people move their property a long distance [to be assessed] (*lā jalaba wa-lā janaba*);⁷⁰ *ṣadaqa* is only to be taken from [Muslims'] houses.⁷¹

[7] The *Diya*⁷²

This hadith consists of 15 discrete rulings concerning indemnities for death or injury, known as *diya* or *ʿaql*. It is a single, long hadith, in whose *isnād* Ibn Ishāq states “*wa-dhakara* ‘Amr b. Shuʿayb.” It is tempting to imagine that he copied this from ‘Amr’s *ṣaḥīfa*, although he may have obtained it from one of ‘Amr’s students. The corroborating hadiths for 12 of its 15 rulings are from the Syrian hadith narrator, Sulaymān b. Mūsā (d. 115/733 or 119/737), who has a good reputation for transmission,⁷³ although they pass exclusively through his Syrian student, Muḥammad b. Rāshid al-Makḥūlī (d. after 160/776–777), who settled in Basra and was known for his Qadarī sympathies.⁷⁴ Interestingly, in

69 Khalifa’s corroborating narrations include the important addition that the (non-Muslim) confederate of Muslim (*dhū ʿahd*) is not to be killed in retaliation for the killing of a disbeliever; Ibn Ḥanbal, 6970, 6690, 6796, 6827. Sulaymān b. Mūsā’s corroborating narration (6662) does not mention the confederate of a Muslim.

70 According to Lane, this expression means: “The owner of cattle shall not be required to drive them, or bring them, to the town, or country, in order that the collector may take from them the portion appointed for the poor-rate, but this shall be taken at the waters; and when the cattle are in the yards, they shall be left therein, and not brought forth to the place of pasture, for the collector to take that portion;” *Lexicon*, “j-l-b.”

71 This final clause is corroborated in a short hadith from Ibrāhīm b. Saʿd ← Ibn Ishāq; *Musnad Aḥmad*, 7024. Khalifa’s corroborating hadith (6970) adds the ruling that there are no super-erogatory prayers after the afternoon prayer until the sun sets, or after the daybreak prayer prior to sunrise. (This ruling is found in Ḥusayn b. Dhakwān’s account of the Victory Speech, as was mentioned above.)

72 Ibn Ḥanbal 7033. Ibn Ḥanbal heard this long hadith from Yaʿqūb b. Ibrāhīm b. Saʿd ← his father ← Ibn Ishāq ← ‘Amr b. Shuʿayb.

73 Ibn Ḥajar, *Tahdhīb al-tahdhīb*, 3:60–61. He was considered one of the best pupils of Makḥūl (d. between 112/730 and 118/736) and “the jurist in Syria in his day.” Al-Bukhārī claimed he narrated suspect hadith, and al-Nasāʾī was negative too. Most critics said he was reliable (*thiqa*).

74 Ibn Ḥajar, *Tahdhīb al-tahdhīb*, 5:575–576. He was known for his piety and also heard hadiths from Makḥūl. Ibn Ḥibbān (d. 354/965) did not trust his hadiths.

al-Nasā'ī's (d. 303/915) *Sunan*, Sulaymān's narrations from 'Amr concerning the *diya* appear in a single hadith, roughly half the length of Ibn Ishāq's long hadith in the *Musnad*.⁷⁵

- a) In the case of the deliberate killing of a believer, the matter is referred to the closest relatives (*awlīyā'*) of the victim. They can choose to kill [the murderer] or take the *diya*, which is 30 *ḥiqqa*, 30 *jadh'a*, and 40 *khalifa* camels.⁷⁶ Anything else they agree upon [in addition to this] is for them, and that is the severe '*aql*.⁷⁷
- b) The '*aql* for manslaughter (*shibh al-'amd*) is severe, like the '*aql* for deliberate killing, except one may not kill the killer [in retaliation]; otherwise Satan would stir up trouble among the people ...⁷⁸
- c) Whoever bears arms against us is not one of us, and there is no ambush on the road.⁷⁹
- d) Whoever is killed unintentionally, the *diya* is 100 camels: 30 *ibnat makhād*, 30 *ibnat labūn*, 30 *ḥiqqa*, and 10 *bakāra banī labūn dhukūr*.⁸⁰
- e) For the townspeople, [the *diya*] is 400 *dīnārs* or its equivalent in silver. [The Prophet] would base the value on the price of camels, so if their value increased, the value of the [the *diya*] increased, and if it diminished, the value of [the *diya*] diminished, in accordance with the time. During the time of the Prophet, [the *diya*] fluctuated between 400 and 800 *dīnārs*, and its equivalence in silver was 8,000 dirhams.⁸¹
- f) He decreed for those whose '*aql* was cows, it was 200 cows.⁸²
- g) He decreed for those whose '*aql* was sheep, it was 2,000 sheep.⁸³
- h) He decreed that for one whose nose was entirely cut off, the complete '*aql* is due. If only part of the nose is cut off, then half the *diya* is due.⁸⁴

75 al-Nasā'ī, *Sunan*, Kitāb al-qasāma: Bāb dhikr al-ikhtilāf 'alā Khālid al-Ḥadhdhā' (4810).

76 The *ḥiqqa* is a three year-old she camel (i.e., in its fourth year); the *jadh'a* is a four year-old male camel; and the *khalifa* is a pregnant camel.

77 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, *Musnad Aḥmad*, 6717.

78 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 6718, 6742, 7088.

79 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 6724, 6742, 7088.

80 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 6663, 6719, 6743, 7090. The *ibnat makhād* is a one year-old she camel; the *ibnat labūn* is a two year-old she camel; the *ḥiqqa* is a three year-old she camel; and *bakāra banī labūn dhukūr* are two year-old male camels.

81 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 7090.

82 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 7090.

83 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 7090.

84 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 7092.

- i) He decreed that for one eye half the *'aql* is due: 50 camels or its equivalence in gold or silver; or 100 cows; or 1,000 sheep.⁸⁵
- j) He decreed half the *'aql* for a foot, and half the *'aql* for a hand.⁸⁶
- k) The *ma'mūma* wound⁸⁷ is compensated with one third of the *'aql*: 33 camels (*ibl*) or its equivalence in gold or silver or cows or sheep.
- l) The *jā'ifa* wound⁸⁸ is compensated with one third of the *'aql*.
- m) The *munaqqila* wound⁸⁹ is compensated with 15 camels.
- n) The *mūḍiḥa* wound⁹⁰ is compensated with 5 camels.⁹¹
- o) The teeth are [worth] 5 camels.⁹²

6 Conclusion

Did Ibn Ḥanbal reconstruct the *ṣaḥīfa* of 'Amr b. Shu'ayb? From the *isnād* evidence, we have seen that he was able to amass 195 hadiths with the family *isnād* 'Amr b. Shu'ayb ← his father ← his grandfather, which, in Ibn Ḥanbal's day, was known to indicate a *ṣaḥīfa*, allegedly written by 'Amr's great-grandfather, 'Abd Allāh b. 'Amr. From the evidence of the contents of these 195 hadiths, there is modest corroboration for the numerous rulings they contain. Two of the more prominent transmitter-students of 'Amr, Ḥajjāj b. Arṭāh and Ibn Ishāq, narrate totally different reports from this reconstructed *ṣaḥīfa*. This discrepancy may be due to the fact that Ḥajjāj acquired some (or all) of these hadiths from the rejected Kufan narrator, al-'Arzamī, while Ibn Ishāq did not.

What evidence do we have that Ibn Ishāq's hadiths really go back to 'Amr b. Shu'ayb? To answer this question, we must turn to one exceptionally valuable source that is earlier than Ibn Ḥanbal's *Musnad*—the *Muṣannaf* of 'Abd al-Razzāq al-Ṣan'ānī (d. 211/826). One of 'Abd al-Razzāq's most prominent teachers was Ibn Jurayj (d. 150/767) and Ibn Jurayj, who lived in Mecca, narrated from his older neighbor, 'Amr b. Shu'ayb (who lived in al-Ṭā'if). Every single one of the rulings concerning *diya* in Ibn Ishāq's long hadith, mentioned above, is narrated by Ibn Jurayj from 'Amr in the *Muṣannaf* of 'Abd al-Razzāq. What is even more striking is that Ibn Jurayj's *isnād* leaves out the "his father, from

85 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 7092.

86 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 7092.

87 A head wound laying bare the cerebral membrane.

88 A wound on the body that reaches an inner cavity.

89 A wound whereby the bone is displaced.

90 A wound that lays bare the bone.

91 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, *Musnad Ahmad*, 6711.

92 Corroborated by Sulaymān b. Mūsā; Ibn Ḥanbal, 6711.

his grandfather” part of the *isnād*, and merely states “‘Amr b. Shu‘ayb, on the authority of the Prophet.” This significant divergence from Ibn Ishāq’s *isnād* in the *Musnad*, along with subtle textual differences between many of the hadiths, makes it unlikely that Ibn Ishāq copied these hadiths from Ibn Jurayj, although that possibility exists. Ibn Jurayj’s *isnād* is intriguing, though, and given its early date raises the question whether subsequent scholars inserted “his father ← his grandfather” into the *isnād* to make it uninterrupted. (In his other narrations from ‘Amr, Ibn Jurayj sometimes includes the father ← grandfather part of the *isnād*.) Ibn Jurayj’s defective *isnād* supports my argument that some of these hadiths really do trace back to ‘Amr b. Shu‘ayb, at least in the case of the Ibn Ishāq material. Given that ‘Amr died in 118/736, I think it is reasonable to conclude that some of the hadiths with the conspicuous family *isnād* found in the *Musnad* of Ibn Ḥanbal, especially those concerning indemnities, were in circulation by the end of the first/beginning of the eighth century. This finding is significant because it means that there were legal hadiths ascribed to the Prophet in circulation long before the lives of the eponyms of the four Sunni schools of law and al-Shāfi‘ī’s famous *Risāla*. The identification of *which* hadiths bearing this conspicuous *isnād* actually were part of ‘Amr’s personal *ṣaḥīfa*, as it is preserved in the third/ninth century *Musnad* of Ibn Ḥanbal, is a far more ambitious project that lies beyond the scope of this study.

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