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 Shuʿayb 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.

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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. Shuʿayb 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 Ahmad*.) The entire text is available at: https://archive.org/details/musnadahmed (last accessed 8 July 2018).
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. 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 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 ṣaḥīfa—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

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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 fi du‘āfī al-rijāl, ed. Māzin al-Sarsāwī, 10 vols. (Riyad: Maktabat al-Rushd, 2013), 7:646. He mentions that many scholars avoided this isnād. Ibn Hibbān (d. 354/965) also declares it impermissible to use hadiths with this isnād as evidence, because it is either mursal or munqatī, since he claims Shu‘ayb never met ‘Abd Allāh b. ‘Amr, and Muhammad b. ‘Abd Allāh wasn’t a companion; Ibn Hibbān, Kitāb al-majrūḥūn (Aleppo: Dār al-Wa‘y, 1396), 215. 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 Ṣaḥīhs 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 Ḥātim (d. 327/939), Kitāb al-jarḥ wa al-ta’dīl, 9 vols. (Hyderabad, n.d.), 6:238.
⁷ Al-Dhahabi 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. ‘Ali ‘Umar, 11 vols. (Cairo: Maktabat al-Khānjī, 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 Ahmad ibn Ḥanbal: How It Was Composed and What Distinguishes It from the Six Books,” Der Islam 82, no. 1 (2005): 37–39. Ibn Hanbal’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, Ahmad ibn Hanbal (Oxford: Oneworld, 2006).
Table 8.1  Ibn Ḥanbal's sources who narrated five or more ʿAmr b. Shuʿayb hadiths

| Ibn Ḥanbal’s source | Death date | Number of hadiths |
|---------------------|------------|------------------|
| ʿAbd al-Razzāq al-Ṣanʿānī | 211/826 | 10 |
| ʿAbd al-Ṣamad b. ʿAbd al-Wārith al- Başrī | 206 or 207/821–823 | 18 |
| ʿAbd al-Wahhāb b. ʿAṭāʾ al-Khaffāf | 204/819–820 or 206/821–822 | 5 |
| Abū Muʿāwiyā Muḥammad b. Khāzim | 195/811 | 5 |
| Abū Saʿīd mawla Banī Hāshim a | 197/813 | 5 |
| ʿAffān b. Muslim | 220/835 | 6 |
| Hāshim b. Qāsim, Abū al-Naḍr | 207/822–823 | 9 |
| Ḥūsain b. Muḥammad al-Marrūdhi | 213–214/828–830 | 6 |
| Muḥammad b. Jaʿfar Ghundar | 194/810 | 7 |
| Naṣr b. Bāb al-Khurāsāmī b | ca. 200/815 | 6 |
| Wakiʾ b. al-Jarrāḥ | 197/813 | 10 |
| Yahyā b. Saʿīd al- Ḥaqṭān | 198/813–814 | 9 |
| Yaʿqūb b. Ibrāhīm b. Saʿd | 208/823–824 | 8 |
| Yazīd b. Hārūn | 182/798 | 22 |

- a His name is ʿAbd al-Raḥmān b. ʿAbd Allāh b. ʿUbayd al- Başrī; Ibn Ḥanbal, Musnad Ahmad, ii:348.
- b Naṣr b. Bāb hailed from Marw and settled in Baghdad. He had a very poor reputation for hadith transmission, according to Ibn Saʿd; Ibn Saʿd, 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. Artāh (on whom see below) to ʿAmr b. Shuʿayb; Ibn Ḥanbal, Musnad Ahmad, 6900–6906. (The sixth isnād actually passes through the Companion Jarīr b. ʿAbd Allāh al-Bajalī, who died in 54/674, and is out of place in Musnad Ahmad.)

The section containing the musnad of ʿAbd Allāh b. ʿAmr b. al-ʾĀṣ in Ibn Ḥanbal’s Musnad consists of 627 hadiths, including repetitions, according to the numeration of the 1997 Arnaʿūṭ edition. A remarkable 195 of these hadiths (31%) have the conspicuous isnād of ʿAmr b. Shuʿayb ← 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 Wāsīt, transmitted more than twenty of them.

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10 It fills up almost the entire eleventh volume of this edition of Musnad Ahmad.
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 isnād. ‘Amr b. Shu‘ayb died in the year 118/736 in al-Ṭā’īf, 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

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11 Al-Dhahabī notes that Diyā’ 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, Siyār, 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, Siyār, 5:381.
assumption requires a minor leap of faith, because many of the 46 transmitters from ʿAmr to Ibn Ḥanbal’s teachers are of questionable accuracy and prob-
ity. (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 stu-
ents, which makes it less persuasive that they actually come from ʿAmr or his ṣahifa.  

On the other hand, and congruous with the research of Gregor Schoeler and Michael Cook, there is no evidence that this alleged ṣahifa was transmitted from ʿAmr b. Shuʿayb 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. And, I should add, the 195 hadiths with this isnād are dispersed throughout the musnad of ‘Abd Allah b. ʿAmr, so my claim that Ibn Ḥanbal reconstructed ‘Amr b. Shuʿayb’s ṣahifa 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.  

In short, I am arguing that Ibn Ḥanbal’s Musnad preserves numerous fragments of ‘Amr b. Shuʿayb’s ṣahifa, 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. Shuʿayb ← 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. Shuʿayb’s ṣahifa 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 ṣahifa 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 ṣahifa 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-qālarasūlAllāh (ṣ),” followed by the Prophet’s quotation. Muhammad Hamidullah noted long ago that this ṣahifa was present intact in Ibn Ḥanbal’s Musnad; Muhammad Hamidullah, Sahīfah Hammam Ibn Munabbih, trans. Hossein G. Tocheport (Paris: Association des étudiants islamiques en France, 1979), 109–110.
4  An Overview of the Content of ʿAmr b. Shuʿayb’s Şahīfa

Let us shift from the transmission history to the content of the 195 hadiths in ʿAmr b. Shuʿayb’s reconstructed şahīfa. 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 faḍāʾil, 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 şahīfa; 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 ‘Ali’s (d. 40/661) alleged şahīfa,17 the “writing (kitāb)” of Tāwūs (d. 101/719–720 or 106/724–725), from which his son Ibn Tāwūs (d. 132/749–750) narrated some hadiths,18 and the “Letter to Yemen” in the custody of the descendants of the companion ʿAmr 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 Isḥāq’s (d. 150/767) sīra or al-

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16 Melchert, “The Musnad of Ahmad ibn Hanbal,” 45.
17 ‘Ali’s alleged şahīfa is mentioned in the following hadiths in Ibn Ḥanbal’s Musnad: 615, 959, 991, 993, 1297. One of the lines of this şahīfa is nearly identical to a line from the speech on the occasion of the Conquest of Mecca in ‘Amr’s şahīfa: al-muʾminūn tatakāfa’u dimā’hum wa-yasʿā bi-dhimmatihim adnāhūm wa-hum yadun ‘alā mara siwāhūm; allā, lā yuqtalū muʾminun bi-kāfir wa-lā dhī ahdīn fi ’ahdīhī.
18 This writing is cited multiple times in the Musannaf of ‘Abd al-Razzāq (d. 211/826), ed. Ayman al-Azharī, 12 vols. (Beirut: Dār al-Kutub al-ʿIlmiyya, 2000), 937513, 17528, 17545, 17680, 17778, 17936, 17951, 18000.
19 This letter is preserved in Sunan al-Nasāʾī, Kitāb al-qasāma: Bāb dhikr hadith ‘Amr ibn Ḥazm fī al-uqūl wa-ikhtilāf al-nāqilin lahu; it is also cited by Mālik (d. 179/795) in the Muwatta and al-Shāfiʿī (d. 204/823) 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-Ṭayālisī (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 sahīfa. 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 sahīfa, yet found elsewhere in Musnad Ahmad.23 On the basis of my preliminary analysis, it appears that there is very limited overlap of content between the fragments of ‘Amr’s sahīfa and the hadiths narrated by ‘Abd Allāh b. ‘Amr’s mostly-Egyptian students.

5 ‘Amr b. Shu‘ayb’s Sahīfa 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 sahīfa; see below.
21 al-Ṭayālisī, Musnad Abī Dāwūd al-Ṭayālisī, ed. Muhammad ‘Abd al-Muḥsin al-Turkī, 2 vols. (Cairo: Hajar, 1999), 216–25.
22 Ibn Ḥanbal, Musnad Ahmad, 6477. The editors enumerate the forty partial and full repetitions of this hadith at Ibn Ḥanbal, Musnad Ahmad, 11:31.
23 Ibn Ḥanbal, 6553, 6791, 6974, 7003.
Dhahabī, and served as judge of Basra.\textsuperscript{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 (\textit{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.\textsuperscript{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\?).\textsuperscript{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 (\textit{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 Isḥāq has only a slightly better reputation for transmission than does Ḥajjāj.\textsuperscript{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 Isḥāq] was a man who longed for hadith, so he took them from people’s writings (\textit{kutub al-nās}) and put them in his own

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

\textsuperscript{25} Ibn Ḥanbal’s teacher and early hadith critic, Yahyā al-Qtṭān (d. 198/813), allegedly considered Ḥajjāj to have been the worst transmitter of all time, and he refused to transmit hadiths narrated by Ibn Isḥāq. However, the Basran master scholar Shu‘ba b. al-Hajjāj (no relation; d. 160/776) is reported to have encouraged students to write the hadiths of both Ḥajjāj and Ibn Isḥāq.

\textsuperscript{26} al-Dhahabi, \textit{Sīyār}, 7:70. Interestingly, Ibn Ḥanbal also accuses Ḥajjāj of narrating from al-‘Arzamī in his \textit{Musnad}, but only on one occasion, in which he narrates an “incorrect” hadith. In al-‘Arzamī’s entry in \textit{Tahdhib al-tahdhib}, Ibn Ḥanbal is quoted as saying that “everyone (\textit{al-nās}) abandoned his hadiths,” and al-Bukhārī mentions that both Ibn al-Mubārak and Yahyā al-Qtṭān did too; Ibn Ḥajar, \textit{Tahdhib al-tahdhib fi rijāl al-hadīth}, eds. ‘Adil ‘Abd al-Mawjud and ‘Ali Mu‘awwaq (Beirut: Dār al-Kutub al-‘Ilmiyya, 2004), 5725–726. Waki‘ states that al-‘Arzamī was a pious man (\textit{sāliḥ}), 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-Mansūr’s caliphate (ruled 136–158/754–775).

\textsuperscript{27} Melchert mentions there are 600 hadiths from Ibn Isḥāq in the \textit{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 \textit{Musnad} of Ibn Ḥanbal,” 46.
writings.” Ibn Ḥanbal took as a sign of sincerity Ibn Isḥāq’s practice of saying “wa-dhakara” when he did not hear a hadith directly from his teacher, and this observation helps explain the isnād in Ibn Isḥāq’s very long hadith concerning diya that we shall be discussing below.

When we look at the content of hadiths from Ḥajjāj and Ibn Isḥāq of Ṭamr b. Shuʿayb’s reconstructed śahīfa, 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 hadd penalty of amputation.

There are at least four plausible explanations for this absence of topical overlap between these two students of Ṭamr b. Shuʿayb:

1) Each transmitter from Ṭamr only heard (or was interested) in part of his śahīfa, so they transmitted different sections of it.

2) One or both of the transmitters forged or erroneously ascribed hadiths to Ṭamr that they did not actually hear from him.

3) These two students of Ṭamr heard more or less the same hadiths from him, but their students transmitted different selections from this corpus.

4) Ṭamr’s students and their transmitters did hear the entire corpus of the śahīfa, but Ibn Ḥanbal did not hear from his teachers the hadiths that were shared in common by Ḥajjāj and Ibn Isḥāq 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 Ṭamr b. Shuʿayb’s reconstructed śahīfa narrated by these two men.

Eight of Ḥajjāj’s hadiths are corroborated in the Musnad as coming from Ṭamr b. Shuʿayb by at least one additional student of Ṭamr:30

[1] I saw the Prophet (ṣ): 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

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28 al-Nūrī, al-Razzāq ʿĪd and Khalīl, Mawsūʿat aqwāl al-Imām Ahmad ibn Ḥanbal, 4 vols. (Beirut: ʿĀlam al-Kutub, 1997), 3:238.
29 al-Nūrī, al-Razzāq ʿĪd and Khalīl, Mawsūʿat aqwāl, 3:240. It is tempting to imagine that when Ibn Isḥāq 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 Ahmad, 6783. All four rulings are corroborated by Husayn al-Muʿallim.
God added a prayer for you, and it is witr.\textsuperscript{32}
He who takes back his gift is like a dog who takes back his vomit.\textsuperscript{33}
A mukātib remains a slave until his contract is fully paid off.\textsuperscript{34}
A mutilated slave is freed and is a client of God.\textsuperscript{35}
The testimony of a traitor (khāʾin) and a servant against his employer’s family is prohibited.\textsuperscript{36}
You and your wealth belong to your father.\textsuperscript{37}
The minimum value of a stolen good necessitating the penalty of amputation is ten dirhams.\textsuperscript{38}

The following fourteen hadiths are uncorroborated in Ibn Ḥanbal’s Musnad, meaning there is no additional evidence that they were in ʿAmr b. Shuʿayb’s saḥīfa. 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.

If the circumcised parts touch, then the major ablution (ghusl) is necessary.\textsuperscript{39}
Prayer without recitation [of the fātiḥa] is defective.\textsuperscript{40}
The Prophet combined prayers during expeditions or journeys.\textsuperscript{41}
[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 *ihrām*.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 ‘Umar.
44 Ibn Ḥanbal, 6685, 6686. According to ʿĀʾisha and Ibn ‘Umar, 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-āmmā abūkafa-lawkānaaqarrabi’tawḥīdfasumtawatāṣaddaqta‘anhu, naфа‘ahu dhalīk*.
47 Ibn Ḥanbal, 6665. The editors note that, according to hadiths found in the *Ṣaḥīḥ* 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 Muhammad b. ‘Ubayd 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 ʿĀʾisha (d. 58/678) and the opinions of Mālik and al-Shāfiʿī, that the minimum value for amputation of the hand of the thief is a quarter dinār, 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 ʿAmr b. Shuʿayb 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 “tawḥīd,” an important word in early Muslim theology, but absent from the Qur’ān and most hadiths.

Ibn Isḥāq’s 19 narrations from ‘Amr’s reconstructed šaḥīfa 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 ʿAmr b. Shuʿayb.

The following seven hadiths narrated by Ibn Isḥāq from ‘Amr b. Shuʿayb ← his father ← his grandfather ← the Prophet, are corroborated internally. Four of them are short:

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

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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 Isḥaq 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. Shuʿayb: Layth b. Abī Sulaým (6672); Muhammad b. ‘Ajlān (6675); and ‘Abd al-Ḥamīd b. Jaʿfar (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 Isḥāq 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 Isḥāq 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.

55 Ibn Ḥanbal, *Musnad Ahmad*, 6937, 6935. It is corroborated by ‘Abd al-Raḥmān 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 *sahīfa* 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 *sahīfa* of ‘Amr b. Shu‘ayb.

57 Ibn Ḥanbal, 6932. This hadith is corroborated in the reconstructed *sahīfa* by Sa‘īd b. Abī ‘Arūba ← Maṭar b. Tahmān 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. Abī al-Ṣamad ← Maṭar (6781): “Divorce, sale, manumission, and fulfilling a vow are not permissible regarding that which [a man] does not own;” and ‘Āmir 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 Isḥāq ← ‘Amr b. Shu‘ayb are those of Ya‘lāb b. ‘Ubayd Allāh (6683) and Yazīd b. Hārūn (6936). The narrations of Ibn Idrīs (6891) and ‘Abd al-Raḥmān 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 (harīsa)?

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 ajrānīhī)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 (ʿāmira)?

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

[6] The Speech at the Victory of Mecca

This is a complex cluster of hadiths. Ibn Iṣḥāq’s version of it consists of seven rulings, while ʿAbd al-Raḥmān b. al-Ḥārith’s (d. 143/760) narration contains nine. Short fragments of this hadith are narrated by the grandfather of the famous historian, Khalīfa b. al-Khayyāṭ (d. 240/756–757). All of these narrations are from Medinan narrators, whereas the narration of the Basran, al-Ḥusayn b. Dhakwān al-Muʿallim (d. 145/762), from ʿAmr b. Shuʿayb, is entirely different.

The Prophet said, on the step of the Kaʿba, in the Year of Victory:

a) The oath (ḥilf) taken in jāhiliyya is only strengthened by Islam, though there is no ḥilf in Islam.

b) Muslims are like a single hand over non-Muslims (man siwāhum), their blood is equal.

c) The closest among them gives safe conduct [to a non-Muslim].

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63 Ibn Ḥanbal, Musnad Ahmad, 6692. Ibn Ḥanbal obtained this hadith from Yazīd b. Ḥārūn, who heard it from Ibn Iṣḥāq.

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 dower.)

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

66 The long versions of this hadith are narrated by Yaḥyā al-Qaṭṭān (6681) and Yazīd b. Ḥārūn (6933). The topics covered in Husayn’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 (ʿaṭīyya) save with the permission of her husband.

67 This ruling is corroborated by another hadith from ʿAbd al-Raḥmān b. al-Ḥārith ← ʿAmr b. Shuʿayb; see Ibn Ḥanbal, Musnad Ahmad, 6917.

68 This ruling and the following one are further corroborated by Khalīfa; Ibn Hanbal, 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 Diya72

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 Isḥāq states “wa-dhakara ʿAmr b. Shuʿayb.” It is tempting to imagine that he copied this from ʿAmr’s ṣaḥīfa, although he may have obtained it from one of ʿAmr’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 Qadārī sympathies.74 Interestingly, in

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69 Khalīfa’s corroborating narrations include the important addition that the (non-Muslim) confederate of Muslim (dāh ‘ahd) 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 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 ʿIbrāhīm b. Saʿd ← Ibn Isḥāq: Musnad Ahmad, 7024. Khalīfa’s corroborating hadith (6973) adds the ruling that there are no supererogatory prayers after the afternoon prayer until the sun sets, or after the daybreak prayer prior to sunrise. (This ruling is found in Ḥusayn b. Dhakhwān’s account of the Victory Speech, as was mentioned above.)

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

73 Ibn Ḥajar, Tahdhib al-tahdhib, 3:60–61. He was considered one of the best pupils of Makhūl (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 (thiqā). Ibn Ḥajar, Tahdhib al-tahdhib, 5:575–576. He was known for his piety and also heard hadiths from Makhūl. Ibn Ḥibbān (d. 354/965) did not trust his hadiths.
al-Nasāʾī's (d. 303/915) *Sunan*, Sulaymān's narrations from ‘Amr concerning the *diya* appear in a single hadith, roughly half the length of Ibn Isḥāq’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 (*awliyāʾ*) 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-ʿamd*) 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 makhāḍ*, 30 *ibnat labūn*, 30 *ḥiqqa*, and 10 *bakāra bani labūn dhukūr*.80

e) For the townspeople, [the *diya*] is 400 *dīnār* 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 [*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 *dīnār*, 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

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75 al-Nasāʾī, *Sunan*, Kitāb al-qasāma: Bāb dhikr al-ikhtilāf ‘alā Khālid al-Ḥadhhdhā’ (4819).
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 Hanbal, *Musnad Ahmad*, 6717.
78 Corroborated by Sulaymān b. Mūsā; Ibn Hanbal, 6718, 6742, 7088.
79 Corroborated by Sulaymān b. Mūsā; Ibn Hanbal, 6724, 6742, 7088.
80 Corroborated by Sulaymān b. Mūsā; Ibn Hanbal, 6663, 6719, 6743, 7090. The *ibnat makhāḍ* 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 bani labūn dhukūr* are two year-old male camels.
81 Corroborated by Sulaymān b. Mūsā; Ibn Hanbal, 7090.
82 Corroborated by Sulaymān b. Mūsā; Ibn Hanbal, 7090.
83 Corroborated by Sulaymān b. Mūsā; Ibn Hanbal, 7090.
84 Corroborated by Sulaymān b. Mūsā; Ibn Hanbal, 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 maʾmūma wound 87 is compensated with one third of the ‘aql: 33 camels (ibl) or its equivalence in gold or silver or cows or sheep.

l) The jāʾifā wound 88 is compensated with one third of the ‘aql.

m) The munaqqila wound 89 is compensated with 15 camels.

n) The mūḍiḥa wound 90 is compensated with 5 camels. 91

o) The teeth are [worth] 5 camels. 92

6 Conclusion

Did Ibn Ḥanbal reconstruct the ṣahīfa 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 ṣahīfa, 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 Isḥāq, narrate totally different reports from this reconstructed ṣahīfa. 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 Isḥāq did not.

What evidence do we have that Ibn Isḥāq’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-Ṣanʿānī (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-Ṭāʾif). Every single one of the rulings concerning diya in Ibn Isḥāq’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 Isḥāq’s isnād in the Musnad, along with subtle textual differences between many of the hadiths, makes it unlikely that Ibn Isḥāq 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 Isḥāq 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.

Bibliography

‘Abd al-Razzāq al-Ṣanʿānī. Al-Muṣannaf. Edited by Ayman al-Azhari. 12 vols. Beirut: Dār al-Kutub al-‘Ilmiyya, 2000.
al-Bukhārī, Muḥammad b. Ismā‘īl. al-Tārīkh al-kabīr. 8 vols. Hyderabad, 1360–1377.
Cook, Michael. “The Opponents of the Writing of Tradition in Early Islam.” Arabica 44 (1997): 437–530.
al-Dhahabī, Shams al-Dīn. Sīyar a’lām al-nubalā’. Edited by Shu‘ayb al-Arna’ūṭ et al. 28 vols. Beirut: Mu’assasat al-Risāla, 2001.
Hamidulllah, Muhammad. Sahīfah Hammam Ibn Munabbih. Translated by Hossein G. Tocheport. Paris: Association des étudiants islamiques en France, 1979.
Ibn Abī Ḥātim, ‘Abd al-Raḥmān b. Muḥammad. Kitāb al-jarḥ wa al-taʿdīl. 9 vols. Hyderabad, n.d.
Ibn ʿAdī, ‘Abd Allāh al-Jurjānī. al-Kāmil fī ʿuṣfāʾ al-rijāl. Edited by Māzin al-Sarsāwī. 10 vols. Riyad: Maktabat al-Rushd, 2013.
Ibn Ḥajar al-ʿAsqalānī, Aḥmad b. ‘Alī. Tahdhib al-tahdhib fī ṭārīkh al-hadīth. Edited by ʿĀdil ‘Abd al-Mawjūd and ‘Alī Mu‘awwaḍ. 7 vols. Beirut: Dār al-Kutub al-‘Ilmiyya, 2004.
Ibn Ḥanbal, Aḥmad. *Musnad al-Imām Ahmad ibn Hanbal*. Edited by Shu‘ayb Arna‘ūt et al. 50 vols. Beirut: Mu‘assasat al-Risāla, 1993–2001.

Ibn Ḥibbān, Abū Ḥātim Muḥammad al-Bustī. *Kitāb al-majrūhin*. 3 vols. Aleppo: Dār al-Wa‘y, 1396.

Ibn Sa‘d, Muḥammad. *Kitāb al-ṭabaqāt al-kabīr*. Edited by ʿAlī ʿUmar. 11 vols. Cairo: Maktabat al-Khānji, 2001.

Juynboll, Gualtherus H.A. “Aḥmad Muḥammad Shākir (1892–1958) and his edition of Ibn Ḥanbal’s *Musnad*.” *Der Islam* 49, no. 2 (1973): 221–247.

Lane, Edward W. *An Arabic-English Lexicon*. 8 vols. London: Williams and Norgate, 1863.

Melchert, Christopher. “The *Musnad* of Aḥmad ibn Ḥanbal: How It Was Composed and What Distinguishes It from the Six Books.” *Der Islam* 82, no. 1 (2005): 32–51.

Melchert, Christopher. *Aḥmad ibn Ḥanbal*. Oxford: Oneworld, 2006.

al-Nasāʾī, Aḥmad b. Shu‘ayb. *Sunan al-Nasāʾī*. 8 vols. in 4. Beirut: Dār al-Fikr, 1995.

al-Nūrī, Abū al-Mu‘āṭī, Aḥmad ʿAbd al-Razzāq ʿĪd and Maḥmūd Muḥammad Khalil. *Mawsūʿat aqwāl al-Imām Ahmad ibn Hanbal*. 4 vols. Beirut: ʿĀlam al-Kutub, 1997.

Schoeler, Gregor. *The Oral and the Written in Early Islam*. Edited by James Montgomery, translated by Uwe Vagelpohl. London and New York: Routledge, 2006.

al-Ṭayālisī, Abū Dāwūd. *Musnad Abī Dāwūd al-Ṭayālisī*. Edited by Muḥammad ʿAbd al-Muḥṣin al-Turkī. 2 vols. Cairo: Hajār, 1999.