

THE *MUSNAD* OF AHMAD IBN HANBAL: A *HUJJAH*¹ OR NOT?

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ABSTRACT

The *Musnad* of Ahmad ibn Hanbal (164/780-241/855) is one of the largest compilations of ḥadīth in *Sunnī* Islām. Scholars of ḥadīth have differed regarding whether all of its contents may be regarded as probative evidence in issues of law (*fiqh*) as its compiler's claims suggest. This paper seeks to explore the authoritative status (*hujjyyah*) of the *Musnad* in *Fiqh*. In doing so, this paper will analyse the opinions of certain classical as well as contemporary ḥadīth scholars such as Jonathan Brown, G.H.A Juynboll and Christopher Melchert. The primary focus of the paper, in this respect, will be an enquiry into the authenticity of the narrations contained in the *Musnad* as well as Ibn Hanbal's use of these narrations for legal reasoning or support.

INTRODUCTION

The *Musnad* (lit “supported”, here intended as compilation or collection) of Ahmad ibn Hanbal (d. 241/855) is an important ḥadīth⁴ compilation and, although it is not the

¹ The *Lisān al-‘Arab* defines *hujjah* as: *burhān* (proof/evidence) that which is used to repel opponents (Ibn Manẓūr 2003: 2,328). Scholars of ḥadīth have used the term *hujjah* linguistically to mean probative evidence.

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⁴ Ḥadīth (pl. ‘*aḥadīth*’, ‘ḥadīth’ or ‘ḥadīths’) literally means a piece of information

earliest,⁵ is one of the first and most extensive collections to have survived. The *Musnad*'s ḥadīth are numbered at 27 647 with repetitions in the edition of Shu'ayb al-'Arna'ūṭ (2000).⁶ His *Musnad* predates the *Ṣaḥīḥ* (lit. "sound" or "authentic") compilations of Muḥammad ibn Ismā'il al-Bukhārī (d. 256/870)⁷ which is now regarded by Sunni Muslims as the most authoritative ḥadīth collection followed by that of Abu'l-Husayn Muslim ibn al-Ḥajjāj (d. 261/875). These two *Ṣaḥīḥ* works – jointly referred to as *Al-Sahihayn* – have attained a status in Sunni traditional scholarship unlike any other work; "they tend to be spoken of as the second only to the Qur'an" (Burton 1994:123) and their contents are regarded as probative evidence (*ḥujjah*) in the field of *fiqh* (Islamic law).

In traditional Sunni scholarship, the term *ḥujjah* usually refers to that which

transmitted either in a small quantity or large quantity or the transmitted speech of a person. In Sunni Islam it refers to a narration, saying, act of tacit approval or disapproval ascribed - validly or invalidly - to the Prophet Muhammad (570-632). When referring to a particular narration or narrations it is spelt without a capital letter and when referring to the discipline, genre or corpus it spelt with a capital letter. Shi'is generally refer to Ḥadīth as *Akhbar* (Reports).

⁵ The earliest surviving *Musnad* work is that of Abū Dāwūd al-Ṭayālīsī (d. 204/818) (Brown 2009:30).

⁶ Ḥadīth collection and collation have gone through a number of stages, all of these invariably difficult to demarcate with any precisions. Broadly speaking, the following delineation with categorization may be discerned: a) The most rudimentary *Sahifah* (pages) collections which was already evident during the life of Muhammad and which were largely for personal usage by his Companions and those who succeeded them. b) The *Musannaf*, thematic and largely related to topics of law, collections which commenced in the early to middle second Hijri century. The most famous of these collections are the *Muwatta* of Malik ibn Anas (d. 179). c). The *Musnad* compilations were the first to systematically connect the content way back to of the Ḥadīth with its chain of narrators all the way back to the Prophet. This stage began in the latter half of the second Hijri century and the pre-eminent example of this is the *Musnad* of Ahmad ibn Hanbal, the subject of this article. d) *Sahih*. This marked the final stage of the early development of Ḥadīth collection and compilation. While the *Sahih* collections gave a much more central role to the veracity of all the narrators in the chain, thus according the field of enquiry into veracity/integrity of the narrators greater weight in evaluating the authenticity of a ḥadīth (*ʿIlm al-Asma al-Rijal*) not all the ḥadīths contained in them had an equal level of authenticity, nor did all the ḥadīth in the other types of compilations which preceded the *Sahih* not contain authentic ḥadīth, as we shall prove later in regard to *Musnad* of Ahmad (cf. Kamalie 2002:27-29). e) *Sunan*: These ḥadīth collections are somewhat specialized largely focus of legal traditions. While the f) *Jami*' (lit. "collective") collections present a much more comprehensive list of themes. Bukhari and Al-Tirmizi's work may also be said to fall into this category.

⁷ The first dates cited in this article are the Hijri calendar and the second the Gregorian ones.

qualifies as evidence for extrapolating *fiqh* (law).⁸ The way the term *hujjah* is employed in books of Islamic legal theory clarifies what the term means and these works are replete with titles such as *Hujjiyyat al-Qur'ān* (The Eligibility [Qualification] of the Qur'ān as Evidence) and *Hujjiyyat al-Sunnah* (The Eligibility [Qualification] of the *Sunnah* as evidence).⁹ The contemporary Syrian ḥadīth scholar Nūr al-Dīn Iṭr says “according to the *Ijmā'*” (consensus) of the scholars of ḥadīth, those who are counted amongst the *fuqahā'* (scholars of Islamic law) and the *uṣūliyyūn* (scholars of Islamic legal theory), the category of *ṣaḥīḥ* (authentic) ḥadīth is a *hujjah* and implementing it is a mandatory religious duty” (1981:244).

Other than the *Ṣaḥīḥ* compilations of al-Bukhārī and Muslim, it is unusual to find an entire compilation of ḥadīth being referred to as a *hujjah*. A single compilation of ḥadīth usually contains several categories or varying levels of authenticity, some of which are not regarded as suitable for evidence by a significant number of other scholars' standards.¹⁰ The *Sunans* of Abū Dāwūd and al-Tirmidhī have been well regarded by Sunnis from all four *madhahib* (schools of jurisprudence). It is, however, widely acknowledged that these books included a number of unreliable ḥadīths. (Kamalie 2004:47. cf. Brown 2009:67-122) The *Ṣaḥīḥ* works of al-Bukhārī and Muslim were only regarded as *hujjah* because their contents were accepted as the pinnacle of the authentic ḥadīth category by Sunni scholars in general. Ibn Ḥanbal, however, claimed that his *Musnad* is a *hujjah*. As a result some scholars have cited the ḥadīth contained therein as such, while others have argued against it being a *hujjah*. Some others attempted to understand his claim in the light of the authenticity of the *Musnad's* contents. The question of whether the *Musnad* may be cited as a *hujjah* or not requires some investigation. This paper will explore this question by shedding light on Ibn Ḥanbal's view of his *Musnad*, the status and function of weak ḥadīth in the *Ḥanbalī madhhab* and some classical and contemporary scholars' responses to the *Musnad*.

⁸ In Shi'i theology the term means the proof of God and is applied to a figure seen as embodying God's “proof” to humanity. Abu Hamid al-Ghazali, not known to be Shi'i scholar was also referred to *Hujjat al-Islam* (the Proof of Islam) (Hunt 2006:83).

⁹ E.g., Abdul Aziz `Abd al-Khaliq (n.d.) *Hujjiyyah al-Sunnah*, Cairo. Dar al-Wafa. In other contexts a *hujjah* is also referred to a person with a high degree of erudition whose knowledge of ḥadīth is comprehensive and insightful. Some have stipulated that a *hujjah* needs to have memorised at least 3 000 000 ḥadīth along with their chains of narrators (Kamalie 2002:92).

¹⁰ There are usually at least a few ḥadīth considered fabricated within most compilations.

AHMAD IBN ḤANBAL AND THE *MUSNAD*

Descended from the Arab tribe of Shaybān, Ibn Ḥanbal was born in the Khurasani city of Marw in 780-855 C.E. His father died while he was an infant and he was subsequently raised by his mother who took him to Baghdad. He began to study ḥadīth at the age of sixteen and memorised copious numbers of ḥadīth. He studied under Abu Yusuf (d. 798) the famous student and companion of Abu Hanifah (767), the founder of the Hanafi school in Baghdad and later under Muḥammad ibn Idrīs al-Shāfi'ī (d. 204/820), the eponymous founder of the Shāfi'ī school of legal thought. Ibn Hanbal's approach to interpreting Islamic law was based on remaining close to ḥadīths and other proof texts, and his body of rulings eventually formed the basis for the Ḥanbalī *madhhab*. Ibn Ḥanbal is especially known and respected amongst Sunni Muslims for his painful incarceration during the *miḥna* under the Abbasids and for his refusal to succumb to the demands that he revise his views on the nature of Qur'an.¹¹

The most important work of Ibn Ḥanbal's contribution to the genre of ḥadīth is his magnum opus, *Musnad* ḥadīth collection (Melchert 2006).

The *musnad* ḥadīth literature emerged in the late eighth and early ninth centuries C.E. and its distinguishing feature was that ḥadīth was arranged according to the *isnād* (chains of narration). All the ḥadīth narrated by a certain Companion of the Prophet were collected together under the Companion's name in one chapter and the following chapter for another Companion. A distinguishing feature of the *Musnad* literature was that it focused "almost entirely on Muhammad's ḥadīths and included the Companions' (*sahabah*) or the generation that followed them – known as the "Successors" (*tabi'un*) - opinions only as occasional commentaries" (Brown 2009:29). One of the most celebrated of these works is the *Musnad* of Ibn Ḥanbal (Brown 2009:30).¹²

The claims of Ibn Ḥanbal regarded to value of his own *Musnad* as *hujjah* have

¹¹ The controversy on the createdness of the Qur'an reached feverish heights during the reign of Abu'l-`Abbas al-Ma'mun (813-833) (Watt 1950) who instituted the *miḥnah*, a kind of public inquisition, in 833. Most leading officials and other prominent personalities were forced to publicly profess that the Qur'an was created and failure to do so led to persecution and even to death. With a few exceptions, most theologians submitted publicly. The most prominent among them was Ibn Ḥanbal (d. 855) who was flogged and imprisoned for his beliefs (Patton 1897; Madelung 1985).

¹² Some argue that Al-Shāfi'ī's insistence that the direct ḥadīths of Muhammad should be the primary supplement of the Qur'an as the second source of law, contributed significantly to the rise to this genre of ḥadīth (Brown 2009:29).

been approached in various ways. Some of the leading contemporary scholars of ḥadīth such as Jonathan A.C. Brown (1977-), G.H.A. Juynboll (1935-2010) and Christopher Melchert (1955-) have addressed some aspects of the life of Ibn Ḥanbal and the nature of his *magnum opus*, the *Musnad*. In light of the author's own claims and these scholars' analysis of this work, this paper will attempt to analyse the different opinions regarding the question as to whether the *Musnad* a *ḥujjah* (probative evidence) for issues in Islamic law or not?

AḤMAD IBN ḤANBAL'S VIEW OF HIS *MUSNAD*

Did Ibn Ḥanbal consider all 27 647 ḥadīth in his book as reliable evidential basis for *fiqh*?¹³ If this was indeed the case, then can one assume that he meant that all the ḥadīth contained in the *Musnad* are authentic? To assume that is to claim that Ibn Ḥanbal only regarded authentic ḥadīth as reliable evidence in *fiqh*. There are a few statements attributed to him Ḥanbal from which we may glean the probative *ḥujjah* value that he assigned to it.

It is recorded that his son, Abd Allāh ibn Aḥmad ibn Ḥanbal (d. 290 H), asked him [Ibn Ḥanbal] why he disapproved of the compilation of books despite his own compilation of the the *Musnad*? Ibn Hanbal responded saying, "I compiled this book as a guide (*imāman*) for when the people differ about the *Sunnah* of the Messenger of God, they should refer to it" (Ibn Abī Ya 'lā 1999:2.13). The statement is vague since it does not explain what Ibn Hanbal meant by "when the people differ". One its own this statement is insufficient as evidence that he regarded every ḥadīth within it as a reliable *ḥujjah* (evidence). A possible conclusion that may be drawn from this statement is that Ibn Ḥanbal intended that *musnad* be used as a reference or criterion when disputes arise regarding the *Sunnah*.

Muslim scholars of ḥadīth such as Abū Bakr Ibn 'Abd al-Ghanī al-Baghdādī (d. 629/1243), commonly known as Ibn Nuqṭah, and Shams al-Dīn al-Dhahabī (d. 748/1348) state that Ibn Ḥanbal claimed this about his *Musnad*:

I [Ibn Ḥanbal] compiled and selected this book from 750 000 (ḥadīth) so

¹³ There is evidence that suggests that Ibn Ḥanbal was selective of the contents of the *Musnad*. Abū Mūsā al-Madīnī (d. 581), in the *Ṭabaqāt al-Shāfi'iyyah al-Kubrā* was reported as saying, "he did not cite [ḥadīth], except from those whose truthfulness and piety were well known to him" (al-Subkī 1964:2:31).

whatever the Muslims differ in, regarding the ḥadīth of the Messenger of God, they should refer to it. If they do not find it there, then it is not a proof (*ḥujjah*). If they do, [then it is] (Ibn Nuqṭah 1983:182) (cited in al-Dhahabī 1992-1998:11:329).

This putative statement of Ibn Ḥanbal clarifies the previous statement since it explains how the *Musnad* intended to solve disputes and clarifies what was meant by the term *Sunnah* by specifically mentioning ḥadīth. When there is a need to ascertain whether a ḥadīth may be used as a *ḥujjah* or not, then its inclusion in the *Musnad* means that it is suitable for evidence and its exclusion means that it is not. He regarded the *Musnad* as an exclusive reference of ḥadīth which may be used as evidence for *fiqh*.

Based on these statements, it is clear that Ibn Ḥanbal had regarded the *Musnad* as a *ḥujjah*. However these statements alone are insufficient to ascertain whether he also regarded the contents of the *Musnad* in its entirety as authentic. There is a possibility that he also accepted other categories of ḥadīth as *ḥujjah* and thus included them in the *Musnad*.

There is another statement attributed to Ibn Ḥanbal in which he clearly states that he did include ḥadīth in the *Musnad* which he did not regard as authentic although these could still be regarded as suitable for evidence. Ibn Ḥanbal reportedly told his son, Abd Allāh, about his method in the compilation of the *Musnad*. He said:

[In compiling this] I intended the famous (*mashhūr*) ḥadīth in the *Musnad* and I left the people under Allāh's care, if I had intended only that which is authentic according to me, I would not relate from this *Musnad* except some of it (*shay' ba'da shay'*), but you, my dear son, know my method with ḥadīth. I do not go contrary to a weak ḥadīth when there is nothing on the topic contradicting it (al-Madīnī 2000:31).¹⁴

This statement also provides some insight into Ibn Ḥanbal's criteria regarding what qualifies as valid evidence in *fiqh*. He states his view regarding weak ḥadīth; when there is a lack of authentic evidence on a legal matter, he is willing to employ weak

¹⁴ Abū Mūsā al-Madīnī, who relates this quote, does not believe it to be authentically ascribed to Ibn Ḥanbal. Al-Madīnī says that under the discussion, there are, in fact, other ḥadīth on the topic which contradict the weak ḥadīth. Perhaps this is because al-Madīnī did not believe there to be any weak ḥadīth in the *Musnad*. He says weak ḥadīth might have existed in the *Musnad* initially and then it subsequently removed during the compiler's lifetime. (Ibn Ḥanbal 2000:31)

ḥadīth as evidence. The most explicit and the earliest recorded statement attributed to Ibn Ḥanbal regarding his methodology of employing weak ḥadīth is that “any ḥadīth that does not contradict the Qur’ān or the *Sunna* and whose *ta’wil* (interpretation or meaning) does not violate the *ijma’* (scholarly consensus) of the community should be accepted and implemented” (al-Makkī 2005:300).¹⁵

Some traditional Muslim scholars have generally considered *da’if* (weak) ḥadīth as reliable evidence on condition that no authentic ḥadīths on the subject are available and that they are not very weak.¹⁶ This corresponds to the view held by Ibn Ḥanbal from whom the contemporary Syrian ḥadīth scholar, Nūr al-Dīn Itr reports, “weak ḥadīth are more favorable to him than opinions of men because he would not employ *qiyās* (analogy) except after no clear text (*naṣ*) could be found” (1981:292-293).¹⁷ The existence of *da’if* (weak) ḥadīth in the *Musnad* thus does not negate Ibn Ḥanbal’s claim about the *Musnad* given his position opinion that *da’if* (weak) ḥadīth are reliable as evidence (as a *ḥujjah*).

The contemporary American ḥadīth scholar, Jonathan Brown, states that “Ibn Ḥanbal himself had identified unreliable ḥadīths in his *Musnad*” (2009:259-285).¹⁸ Brown refers to Muwaffaq al-Dīn Ibn Qudāma’s (d. 620/1223) book, *al-Muntakhab min al-ḥal li al-Khallāl*.¹⁹ Ibn Ḥanbal is reported to have said that all 28 narrations of the famous ḥadīth in which the Prophet tells ‘Ammār ibn Yāsir that he will be killed by the rebellious party (*al-fi’a al-Bāghiyah*) are unauthentic (*laysa fihā ḥadīthun ṣaḥīḥun*).²⁰ Despite this, Ibn Ḥanbal included several of these narrations in his *Musnad*

¹⁵ Abū Ṭālib al-Makkī, the reporter of this statement of Ibn Ḥanbal, died in the year 386 H/ 996 C.E. which is 145 years after the death of Ibn Ḥanbal.

¹⁶ The difference between weak (*da’if*) and very weak (*ashaddu al-da’if*) ḥadīth is that the former contains one or more narrators who had some minor defects in their transmission while the latter contains one or more narrators who had major defects as narrators of ḥadīth (Itr 1981:276-291), or were regarded liars (*kaddhabun*) and forgers (*wadda’un*).

¹⁷ Itr reports that most Muslim traditional scholars of Ḥadīth hold that weak ḥadīth are only accepted for the *faḍāil al-ā’māl* (virtues of devotional acts) whilst they have generally agreed that *mawḍū’* (fabricated) ḥadīth are completely unreliable (1981:292-293).

¹⁸ It should be noted that Brown does not make a distinction between unreliable (that which cannot be relied upon as evidence) and forged ḥadīth.

¹⁹ Ibn Qudāmah (d. 620/1223) is a well-known Ḥanbalī scholar who is held in high esteem in the school.

²⁰ Some scholars disagreed that these 28 narrations are weak. Shu‘ayb al-Arnā’ūt, ‘Ādil Murshid and the other editors of their edition of the *Musnad*, graded thirteen of these narrations as *ṣaḥīḥ* (authentic), two as *ḥasan* (good or acceptable) and two as *da’if* (weak). Six of these narrations are recorded in the compilations of Muslim and one in the compilation of al-Bukhārī. The opinions of these scholars regarding the level of authenticity

(Ibn Qudāma 1997:222).²¹

These statements by Ibn Ḥanbal paved the way for much debate amongst scholars of ḥadīth and *Fiqh*, especially from the Ḥanbali school of legal thought. Not only does Ibn Ḥanbal allegedly regard the entire *Musnad* as a *ḥujjah*, but also as an exclusive *ḥujjah* even while he admits to including weak ḥadīth in the *Musnad* and employing them in his *fiqh* (law).

Even in the last four decades, there are scholars who quote from the *Musnad* as an unrestricted *Ḥujjah* (authority or proof) in issues of *Fiqh*. The contemporary Moroccan ḥadīth scholar, Aḥmad ibn Ṣiddīq al-Ghumārī (d. 1960), for example, wrote in defense of Abū Ṭufayl'Āmir ibn Wāthila, a Companion of the Prophet, who narrated a ḥadīth suggesting one may combine two prayers without any immediate necessity or journey. One of his arguments is that because Aḥmad ibn Ḥanbal included this ḥadīth in his *Musnad*, it is a *ḥujja* (proof) (al-Ghumārī 2009).

WEAK ḤADITH IN THE *MUSNAD* AND THE *ḤANBALĪS*

We now consider the responses of the scholars of the *Ḥanbalī Madhhab* to Ibn Ḥanbal's utilization of weak ḥadīth. Some of them developed alternative theories to understand the position of their school's founder. The Ḥanbalī scholar Taqī al-Dīn ibn Taymīyyah (d. 728/1328)²² argued that Ibn Ḥanbal actually intended to refer to the *ḥasan* (good) category of ḥadīth when he said that he relies on the *ḍa'if* (weak) ḥadīth category because, according to Ibn Taymiyyah, the *ḥasan* category was included in the term *ḍa'if*, given that the term *ḥasan* was only coined much later by Muhammad ibn

of these narrations are in conflict with the claim of Ibn Hanbal's in *al-Muntakhab* that they are all weak. This conflict may either be attributed to an error by Ibn Ḥanbal, a difference of opinion regarding the grading of these narrations or some discrepancy of whether Ibn Ḥanbal actually made the statement in the *al-Muntakhab*.

²¹ These narrations are listed according to volume number and page numbers: V 11:42; 96; 522; 523, V 17:53; 257; 319, V 18:368, V 29:301; 316, V 36:198, V 37:297; 298, V 44:83; 189; 255; 279 (al-Arnā'ūt 2000).

²² The Syrian Ḥanbalī scholar, Taqī ad-Din Ahmad ibn Taymiyyah (1263-1328), often described as '*Shaykh al-Islām*' by his supporters, is regarded by many traditional Muslim scholars as both an erudite scholar and a controversial figure because of his mission to "return" Islām to its earliest interpretations and away from *Madhhabī* and Sūfī influences. This has also made him influential in the contemporary *Salafī* movement. Ibn Taymiyyah's works form some of the most important references in the *Ḥanbalī Madhhab* to this day (Nadawee 1974:24).

‘Īsā al-Tirmidhī (d 279/892). Ibn Taymiyyah says,

those who narrate from Aḥmad that he regarded [actual] weak ḥadīth as probative evidence and was not, in reality, referring to *ṣaḥīḥ* (authentic) nor *ḥasan* (good), is highly mistaken (*fa qad ghalata ‘alayhi*). It was well known that according to Ibn Ḥanbal and the ḥadīth scholars before him, that ḥadīth was divided into two categories. These were the *ṣaḥīḥ* (authentic) and *da ‘if* (weak) categories. The category of *da ‘if*, according to these scholars, was further divided into weak which should be abandoned and is unsuitable as probative evidence (*da ‘if matrūk lā yuḥtajju bihi*) and weak, but good enough for evidence (*da ‘if ḥasan*). The first scholar to define the three categories of ḥadīth; *ṣaḥīḥ*, *ḥasan* and *da ‘if*, was al-Tirmidhī in his *Jāmi ‘al-Ṣaḥīḥ*. He defined the term *ḥasan* as that ḥadīth which has several chains, with narrators free from being accused of lying and that the ḥadīth is free from anomalies. This type of ḥadīth is what Aḥmad named *da ‘if* and used as probative evidence (Ibn Taymīyyah 1999:135).²³

If Ibn Taymīyyah’s theory is true, then there would only be *ḥasan* (good) and *ṣaḥīḥ* (authentic) ḥadīth in the *Musnad*, but this is not the case.²⁴ With the contemporary definitions of *ḥasan* and *da ‘if* taken into consideration, the *Musnad* contains ḥadīth which are still categorized as *da ‘if*.

Ibn Taymiyyah was contested by later scholars of ḥadīth (and, indeed, even a few earlier ones including Ibn Diḥya (d. 633/1235) and Ibn al-Jawzī (d. 597/1201) such as the contemporary Ḥanafī ḥadīth scholar Muḥammad ‘Awwāmah,²⁵ who presents an

²³ Al-Tirmidhī’s definition of *ḥasan* differs from the accepted standard definition of traditional Ḥadīth scholars. *Ḥasan* is a ḥadīth with a fully linked chain of trustworthy narrators without any hidden defects and not being anomalous, but one or more narrators are not always accurate in their transmission of ḥadīth. According to this approach, a ḥadīth which is termed *ḥasan* by al-Tirmidhī’s definition may still be categorized as weak by the standard accepted definition of traditional scholars of ḥadīth.

²⁴ Ibn Taymiyyah denies that Ibn Ḥanbal truly relied on weak ḥadīth and claims that he was actually referring to the *ḥasan* category, which had not yet been coined at that time. Therefore in the contemporary (or post-Tirmidhī) usage of the terms, there should only be *ḥasan* and *ṣaḥīḥ* ḥadīth in the *Musnad*.

²⁵ The contemporary *Ḥanafī* and Syrian born ḥadīth scholar, Muḥammad al-‘Awwāmah (b. 1940) is regarded as one of the most erudite ḥadīth scholars of the twentieth century. He edited and reprinted many books in the genre of ḥadīth and his editions and editorial notes are regarded as some of the foremost seminal works amongst traditional ḥadīth scholars

argument that the term *ḥasan* (acceptable) was used by al-Tirmidhī's predecessors and that they clearly distinguished it from the term *da ʿif* (al-Tahānawī 1984:100-108).

ʿAwwāmah's study firstly divides the term *da ʿif* (weak), into four categories:

1. The weak ḥadīth which has its weakness removed by supporting evidence. In its chain one [or more] of its narrators are "lax" with ḥadīth (*layyin al-ḥadīth; fīhi layyin*). This ḥadīth takes the form of the *ḥasan* (good) category from one angle and still retains its status as *da ʿif* (weak) from another. It is closer to the *ḥasan* (good) category though.
2. The middle level weak ḥadīth – in which at least one of the narrators are regarded as *da ʿif al-ḥadīth* (weak in ḥadīth) or *mardūd al-ḥadīth* (the narrator's ḥadīth is not accepted) or *munkar al-ḥadīth* (abominable in ḥadīth).
3. The very weak ḥadīth – in which at least one of the narrators are *muttahaḥam* (accused of lying) or *matrūk* (the narrator's ḥadīth is to be abandoned).
4. *Mawḍū'* - fabricated

ʿAwwāmah argues that Ibn Taymīyyah and his student Ibn al-Qayyim al-Jawzīyyah (1292–1350), the Ḥanbalī scholar, considered Ibn Ḥanbal's usage of the term *da ʿif* (weak) to be interpreted as the first of the aforementioned categories, but according to ʿAwwāmah, Ibn Ḥanbal intended the second category. ʿAwwāmah observed that Ibn Taymīyyah depended on the notion that ḥadīth according to the scholars of the period before al-Tirmidhī categorized ḥadīth into only *ṣaḥīḥ* (authentic) and *da ʿif* (weak). The *ḥasan* (good) category was coined by al-Tirmidhī, according to Ibn Taymīyyah, and he is reported to have claimed scholarly consensus upon this matter (*Ijmā'*) (al-Sakhāwī 1968).

ʿAwwāmah shows that there were a number of ḥadīth scholars before al-Tirmidhī (d. 279 H), including Ibn Ḥanbal, who used the category *ḥasan* (good), to classify ḥadīth as well as narrators. ʿAwwāmah then cites over fifteen cases in which these scholars explicitly use the term *ḥasan* (good), with its well-known contemporary meaning²⁶ to categorize various ḥadīth.²⁷

(Ahmad 2007:1-4).

²⁶ Refer to footnote 21

²⁷ The scholars whom ʿAwwāmah refers to are, ʿAlī b. al-Madīnī (778- 849) (the first to use the term *ḥasan* according to ʿAwwāmah), al-Bukhārī (d. 256/870), Ibn Ḥanbal, Muḥammad ibn ʿAbd Allāh ibn Numayr (d. 814) Yaʿqūb ibn Shaybah al-Sadūsī (d. 262 /876), Abū Ḥātim al-Rāzī (d. c 277/933), Muḥammad b. Idrīs al-Shāfiʿī (d. 204/820) and Abū Zurʿah al-Rāzī (d. 264/878).

'Awwāmah cites three cases for Ibn Ḥanbal's employment of the term *ḥasan*.²⁸ 'Awwāmah has therefore convincingly shown that the term *ḥasan* was in fact used before al-Tirmidhī and that Ibn Ḥanbal himself had employed the term, distinguishing it from the term *ḍa'if*. This demonstrates that Ibn Taymīyyah was incorrect in his analysis of Ibn Ḥanbal's usage of the term *ḍa'if*, because if he had intended *ḥasan* thereby, he would have said so.

'Awwāmah argues that there would be no benefit for Ibn Ḥanbal to state that he prefers *ḥasan* ḥadīth over analogy (*qiyās*) and opinion (*ra'y*). It is well known among scholars of Islamic law, that the *ḥasan* category of ḥadīth is probative evidence for all areas of Islamic law. Therefore, 'Awwāmah concludes that Ibn Ḥanbal's statement, that he accepts weak ḥadīth, should be understood in its common apparent (*dhāhir*) sense, which is defined as the second category of *ḍa'if* (weak) above (al-Tahānawī 1984:100-108).

Amongst the classical scholars who defended the status of the ḥadīth in the *Musnad* there are those who admit to the existence of *ḍa'if* (weak) ḥadīth therein. Aḥmad ibn 'Alī ibn Ḥajar al-Asqalānī (d. 852/1448), the *Shāfi'ī* scholar and commentator of *ḥadīth* says,

The truth is that most of the *Musnad's* ḥadīth are good and he [Ibn Ḥanbal] narrates the weak ḥadīth in it for supportive evidence (*li al-mutāba'āt*²⁹) and there are few singular chained weak ḥadīth (*al-ḍi'āf al-*

²⁸ These three instances are not from Ibn Ḥanbal's *Musnad*, but from various sources of his writing and commentary. Ibn Ḥanbal did not provide rulings for the status of his *Musnad's* ḥadīths. The first instance is Ibn Ḥanbal's categorization of the narrator Muḥammad ibn Ishāq (d. 150 H), the well-known transmitter of the Prophet's biography. In his *Mizān al-Iidāl fī Naqd al-Rijāl*, al-Dhahabī reports that Ibn Ḥanbal graded Ibn Ishāq as *ḥasan al-ḥadīth* (good in ḥadīth) (1963 3:469). The second case 'Awwāmah cites is from Ibn Taymīyyah himself. In his book *al-Risālah fī Tafdīl Abī Bakr 'alā 'Alī*, Ibn Taymīyyah reports that both Ibn Ḥanbal and al-Tirmidhī graded the ḥadīth, "Whomsoever I am the guardian of, then 'Alī is also his [her] guardian", as *ḥasan* (good). The third case in which Ibn Ḥanbal employs the term *ḥasan* (good), is in Ibn al-Qayyim al-Jawzīyyah's book, *I'lām al-Muwaqqi'īn 'an Rabb al-Ālamīn*. Al-Jawzīyyah reports that Ibn Ḥanbal graded the ḥadīth of Rukānah, regarding his three-fold divorce of his wife in one sitting, as "indeed Imām Aḥmad [ibn Ḥanbal] has authenticated this chain and he has graded it as good (*wa qad saḥaḥa al-imām Aḥmad hādihā al-isnād wa ḥassanahu*)" (4:379).

²⁹ *Al-Mutāba'ah* (supportive evidence) are narrations which originate from the same teacher, but from different students and support each other's content. This form is called complete supportive evidence [*al-mutāba'ah tāmmah*], when it concurs with a teacher above their teacher (or further up in the chain), it is called imperfect supportive evidence [*al-mutāba'ah al-qāshirah*] (Itr 1981:418)

gharā'ib al-afṛād) which he eliminated one at a time and from which, some remained (1996:240-241).³⁰

FABRICATED ḤADĪTH IN THE *MUSNAD*

Considering Ibn Ḥanbal's position on weak ḥadīth one should examine his claim of the *Musnad's* reliability in light of fabricated ḥadīth. As none of the scholars of ḥadīth regarded fabrications as evidence for anything, therefore based on Ibn Ḥanbal's view of the *Musnad's* reliability, there should be no *mawdu'* (fabricated) ḥadīth therein.

Brown claims that the *Musnad* contains “numerous ḥadīths that generations of Muslim scholars have considered forgeries” (2009:257). As examples, he quotes two ḥadīths. The first is “Asqalān is one of the two queens, from whom God will resurrect seventy thousand souls on the Day of Judgment free of account” and the second ḥadīth is the account that an animal ate part of a crucial copy of the Qur'ān and left the revelation permanently truncated (2009:259-285).³¹

In al-Arnā'ūt's edition of the *Musnad*, the first ḥadīth Brown quoted is graded as fabricated (2000. 21:66), but Aḥmad Muḥammad Shākīr (d. 1958 C.E.)³² graded the same ḥadīth as merely *ḍa'if* (1995. 11:157).³³ Al-Arnā'ūt, however, graded the second

³⁰ Ibn Ḥanbal compiled the *Musnad* over a number of years. Christopher Melchert mentions one source which quotes 'Abdullah [Ibn Ḥanbal's son] as stating, “my father composed the *Musnad* after coming from 'Abd al-Razzāq [al-Ṣan'ānī, compiler of the Ḥadīth compilation called *al-Mussannaḥ*]” which was from about 204/819-20 and presumably continued editing it till shortly before his death (Melchert 2006:41).

³¹ Brown provides the references for both ḥadīth in the *Musnad*, (3:225) for the first ḥadīth and (6:269) for the second. The ḥadīth regarding the animal consuming a portion of a copy of the Quran makes no mention of the revelation being left truncated. 'Āishah states in the ḥadīth, “the verses of stoning and milk-nursing an adult ten times were indeed revealed and kept on a page under a bed in my house, then the Prophet neared his death (*ishtakā*) and we were kept occupied with him whilst one of our animals entered and ate it.”

³² The traditional Egyptian ḥadīth scholar and Sharī'ah judge, Aḥmad Shākīr, is regarded as the leading contemporary scholar in the genre of ḥadīth. He graduated and taught from Al-Azhar University and has edited and reprinted a number of major classical works in Islām. Many of which are influential in the field of ḥadīth (Alī 2007).

³³ The difference in their grading revolves around the narrator Abū Iqāl Hilāl ibn Zayd. Shākīr says that most of the scholars have regarded him as weak. However Aḥmad ibn Ḥajar al-'Asqalānī (d. 852 H), in his *Tahdhīb al-Tahdhīb*, has assessed the opinions of the scholars of ḥadīth and graded him as *matrūk* (abandoned i.e. his narrations are to be abandoned) (1984.11:70). Shams al-Dīn al-Dhahabī (d. 1274-1348), in his *al-Kāshif fī ma rifah man lahu riwāyah fī al-kutubi al-sittah*, has also assessed Abu Iqāl as a narrator who narrates

ḥadīth as *ḍa'if* (2000. 43:343) whilst Shākir graded it as *ṣaḥīḥ* (1995.18:188).³⁴ Whilst their grading of these two ḥadīth differ, they still cast doubt on the claim that generations of Muslim ḥadīth scholars have considered them forgeries, as Brown observed.

G.H.A. Juynboll claims that he discovered weak ḥadīth in the *Musnad* after careful scrutiny. Juynboll holds that it was really Ibn al-Jawzī (d. 597/1200) who first offered serious objections of the presence of fabricated ḥadīth in the *Musnad* (1996:221-247). In Juynboll's assessment, Ibn al-Jawzī labeled thirty eight ḥadīth in the *Musnad* as *mawḍū'* (fabricated), but later scholars rejected this.³⁵ Juynboll concludes that after the refutation of Ibn al-Jawzī's allegations by these later scholars, the term *mawḍū'* (fabricated) no longer applied to them. Juynboll relates that Shākir recorded only one instance (in the *Musnad*) where contemporary traditional scholars labelled a ḥadīth *mawḍū'* (fabricated).

Ibn Ḥajar al-Asqalānī explains his defense of the *Musnad's* ḥadīth against Ibn al-Jawzī's claims of fabrication. He [Ibn Ḥajar] says, "it became clear from this [his research in the *al-Qawl al-Musaddad*] that most of the ḥadīth in the *Musnad* is good (*jiyād*) and that there has been no case of definite fabrication (*al-qat' bi al-waḍ'*) with any part of it nor that any ḥadīth in it is *mawḍū'*, except a few isolated cases (*al-fard al-nādir*) in which there is a strong possibility of its defense" (1996:241).³⁶

manākīr (strange narrations) (1992. 2:340).

³⁴ 'Arna'ūt identified the weak narrator as Muḥammad ibn Ishāq, the well known author of the Prophet's biography, scholars such as Ibn Ḥajar (1984. 1:25) and al-Dhahabī (1992. 1:28) differed regarding the status of this narrator. Ibn Ḥajar regards him as *Ṣadūq* (truthful which technically makes his narrations *ḥasan*) and al-Dhahabī regards him as *thiqatun walākinnahu laysa bi ḥujjatīn* (reliable, but not [to be used as] evidence).

³⁵ 'Abd al-Raḥīm ibn al-Ḥusayn Zayn al-Dīn al- Irāqī (d. 806/1404) defended nine of these thirty eight ḥadīth against Ibn al-Jawzī's claims as reported by Irāqī's student, Aḥmad ibn 'Alī b. Ḥajr al-'Asqalānī in his *al-Qawl al-Musaddad fī al-dhahabb 'an al-Musnad li al-Imām Aḥmad* (1985. 32-71) Furthermore, Ibn Ḥajar added a rebuttal for fifteen ḥadīth which he held Ibn al-Jawzī had wrongfully labelled *mawḍū'* (fabricated) (1985. 72-102). Juynboll also mentions the works of Jalāl al-Dīn al-Suyūṭī (d. 911/1505), namely his *Al-Nuqat al-badī'āt (alā al-mawḍū'āt)* and its abridgment entitled, *al-La'āl' al-maṣnū'a fī al-ḥadīth (al-akḥbār) al-mawḍū'a*, in which he too wrote a refutation of Ibn al-Jawzī's allegations. Lastly, Juynboll mentions the short treatise written in (1279 H/1862 C.E.) by the Indian scholar, Muḥammad Ṣibghat Allāh al-Madrāsī, in which he commented upon the fourteen of the thirty eight ḥadīth of Ibn al-Jawzī, which Irāqī and Ibn Ḥajr did not. This treatise was published with Ibn Ḥajr's *al-Qawl al-Musaddad*. Juynboll claims that his reading of Madrāsī's treatise showed that he only adduced eleven of the fourteen ḥadīth and did not comment upon the remaining three.

³⁶ Ibn Ḥajar and al-Suyūṭī maintained such high opinions of the ḥadīth in the *Musnad*, after

Juynboll seems to be satisfied with the research of these scholars who defended the *Musnad's* ḥadīth against the claims of Ibn al-Jawzī. Juynboll has accepted that there are perhaps only a few isolated cases of ḥadīth which traditional scholars deemed *mawḍū'* (fabricated) and he reports that Shākir recorded only one instance (Juynboll 1996:221-247).

The following is a list of the various categories found in the most recent edition of the *Musnad*, edited by the contemporary ḥadīth scholar, Shu'ayb al-'Arna'ūt (2000):

Total ḥadīth count: 27 647 (some of the grading overlap)

- *Sahīh* (authentic): 18 528
- *Sahīh li ghayrihī* (authentic due to supportive chains): 2 024
- *Hasan* (good or acceptable): 516
- *Hasan li ghayrihī* (good/acceptable due to supportive chains): 766
- *Isnāduhu jayyid* (its chain is good): 91
- *Da ṭf* (weak): 6 183
- *Da ṭf jiddan* [at times with *matnuhu munkar*] (very weak, its text is strange [usually contrary to authentic ḥadīth]): 172
- *Da ṭf jiddan* with the addition *shibhu mawḍū' in* (resembling a fabrication): 8
- *Munkar* (strange, usually meaning contrary to authentic ḥadīth): 5
- *Mawḍū'* (fabricated): 2

Juynboll's research regarding the *mawḍū'* (fabricated) ḥadīth in the *Musnad*, based on the work of Ibn Ḥajar and others fits in well with Shu'ayb al-'Arnā'ūt's grading of the *Musnad's* ḥadīth. There are very few *mawḍū'* (fabricated) ḥadīth in it (two in the count above). Based on these findings, our interpretation of Ibn Hanbal's opinion of the *Musnad's* ḥadīth is that all of its contents could serve as a *ḥujjah* (proof) by his standards. This includes the weak ḥadīth therein, because that is how he treated them. Ibn Ḥanbal held that there were no fabrications within the *Musnad* (and was mistaken in at least two instances). He also believed that he managed to collect all the available, reliable ḥadīth and therefore held that any content not in the *Musnad* was not worthy of being a *ḥujjah* (proof). Regarding this last section we refer to what al-Dhahabī is reported to have said. In the editor's introduction of the *al-Qawl al-Musaddad*, he [Dhahabī] says, "this [Ibn Ḥanbal's] claim applies only to most instances, because

having researched the book's contents so meticulously. In the introduction of his *Jāmi' al-Kabīr*, al-Suyūfī says, "everything in the *Musnad* of Aḥmad is accepted (*maqbul*) as the weak ḥadīth therein is almost [regarded as] good or acceptable (*hasan*) ḥadīth" (1970. 1:3-4).

there are strong (*qawiyyah*) ḥadīth in the *Ṣaḥīḥayn* (the ḥadīth compilations of al-Bukhārī and Muslim), the *Sunan* (the ḥadīth compilations of Abū Dāwūd, al-Nasā'ī, al-Tirmidhī and Ibn Mājah) and other works which are not in the *Musnad*" (Ibn Ḥajar 1985:26).

IBN ḤANBAL AND THE *MUSNAD'S* ḤADITH IN LAW

Given Ibn Ḥanbal, it appears that he believed that there were no reliable ḥadīth, except that which is in the *Musnad* he would probably would not have used any ḥadīth outside of the *Musnad* in his practical application of ḥadīth in Islamic law.

Christopher Melchert discusses his comparisons of the *Musnad* to the *Masā'il*³⁷ collections which are collections of Ibn Ḥanbal's juridical opinions. He has found that "Ibn Ḥanbal did not hold everything in the *Musnad* to be highly respectable nor did he include in the *Musnad*, everything which he did respect."³⁸

Melchert took 34 ḥadīths from the first volume of the *Masā'il* literature of Ishāq ibn Ibrāhīm ibn Hāni' al-Naysābūrī (d.275 H/888 CE) and found only 30 of them in the *Musnad*, some of those not in the *Musnad* are declared as unsound by Ibn Ḥanbal which explains their exclusion. According to Melchert's research, four of the ḥadīth were not in the *Musnad*, some of which (he does not say how many) were purposefully excluded for being unsound by Ibn Ḥanbal.

Melchert found that Ibn Ḥanbal endorsed a ḥadīth that was not in the *Musnad* and disparaged one that is. As an example Melchert quotes Ibn Ḥanbal's reply, from the *Masā'il*, to a question about a ḥadīth of Ḥamna over menstruation and the ritual prayer, "In my opinion, it is nothing. The ḥadīth of Fāṭima is stronger, in my opinion, and has a sounder *Isnād*." Melchert explained that despite his opinion, the ḥadīth of Ḥamna is in the *Musnad* and not that of Fāṭima (2005:32-51).

Melchert's comparative research of the *Masā'il* literature with the *Musnad* shows that Ibn Ḥanbal was wrong or, at least, inconsistent in his claim that all content not in the *Musnad* is not suitable for probative evidence, since Ibn Ḥanbal had in fact used ḥadīth outside of his *Musnad*. This is not fanciful since it is known that scholars changed their opinions during the course of their lives.

³⁷ The *Masā'il* literature are a series of works in *Ḥanbalī Fiqh*.

³⁸ "Respectable" is a vague term and is not usually employed as a technical term in the science of ḥadīth. Melchert makes no indication of what exactly he intended thereby.

One may attribute these inconsistencies which Melchert shows to simple mistakes on the part of Ibn Ḥanbal (since only one case was presented as an example) or it may reveal that Ibn Ḥanbal was only mostly correct in claiming that any ḥadīth not found in the *Musnad* will not serve as probative evidence (a *ḥujjah*). This espouses what al-Dhahabī said regarding Ibn Ḥanbal's claim, "this [Ibn Ḥanbal's] claim pertains to most instances, because there are strong (*qawiyyah*) ḥadīth in the *Ṣaḥīḥayn* (the ḥadīth compilations of al-Bukhārī and Muslim), the *Sunan* (the ḥadīth compilations of Abū Dāwūd, al-Nasā'ī, al-Tirmidhī and Ibn Mājah) and other works which are not in the *Musnad*" (Ibn Ḥajar 1985:26).

CONCLUSION

Ibn Ḥanbal claimed that his *Musnad* was composed as a reference for all the ḥadīth of the Prophet which was suitable for usage as evidence in Islamic law. He held that any ḥadīth in the *Musnad* is a *ḥujjah* (probative evidence) and that if it is not in the *Musnad*, then it is not a *ḥujjah*.

Initially Ibn Ḥanbal's claim seems overly ambitious, since the *Musnad* comprises of approximately 30 000 ḥadīth. When one considers that the *Musnad* predates most well-known ḥadīth compilations and that the author accepted weak ḥadīth as probative evidence (with certain conditions), then the claim appears less absurd. Fabricated ḥadīth were never really considered to be ḥadīth let alone suitable as evidence. Except in [at least] two cases, Ibn Ḥanbal has managed to safeguard the *Musnad* from fabrications.

Considering Ibn Ḥanbal's standards for what passes as probative evidence, we may conclude that the *Musnad* is in fact a *ḥujjah* for Ibn Ḥanbal, but not necessarily for others. Sometimes Ibn Ḥanbal used ḥadīth which he did not include in the *Musnad* and there are a number of highly authentic ḥadīth in later compilations which were also not included in the *Musnad*. Therefore Ibn Ḥanbal was incorrect in his claim that any ḥadīth not in the *Musnad* is not a *ḥujjah*.

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