Introduction
The Question of the Authority of Hadith as Source of Islamic Knowledge and al-Qāḍī ʿIyāḍ’s “Elucidation”

“[…] from ʿAbdallāh Ibn ʿAbbās who said: I heard ʿAlī Ibn Abī Ṭālib saying: the Messenger of God came out to us and said: ‘My God, show mercy (irḥam) to my successors (ḥulafaqā’)!’ We asked: ‘Oh Messenger of God, who are they that they are your successors?’ He answered: ‘They are those who will come after me and transmit my discourses (yarwūna aḥādīṭi) and teach them to the people’.”

This hadith is interesting for multiple reasons. First of all, it involves two of the most important authorities amongst the Prophet’s Companions in matters of Islamic knowledge. But also, what concerns the conflictual issue of political authority in formative Islam, both names, Ibn ʿAbbās and ʿAlī are obviously of the uttermost importance, since both belong to the family of the Prophet and reference to them allowed for claims of political legitimacy by

1. This version was used by al-Rāmarhurmuzī (m. 360/971), the author of the first handbook on the science of hadith, see al-Muḥaddīṭ al-fāṣil, p. 163. The isnād of ʿIyāḍ (m. 544/1149) is from Abū ʿAlī al-Ṣadafī (m. 514/1120). On al-Ṣadafī, whom ʿIyāḍ considered his most important teacher in hadith, see De la Puente, “Vivre et mourir pour Dieu, œuvre et héritage d’Abū ʿAlī al-Ṣadafī (m. 515/1120) ”.
the Abbassides and by Proto-Shi’a groups respectively. The content of the hadith corresponds somehow to the significance of its first transmitters. The hadith raises the question of succession and representation of the prophetic authority, here already very explicitly thematised through the term ḥilāfa. It thereby addresses the problem of religious authority and relates it unambiguously to a prophetic origin. This hadith expresses a vision of Islam in which religious authority is thought of in terms of its rootedness in the prophetic authority3 and in which it is the transmission of hadith which confers this religious authority of prophetic origin.4

The text of the hadith depicts a certain perplexity of the Companions regarding the question of succession and announces the challenge it will represent for the Muslim community. The Prophet’s answer visibly insists on the idea that it is the scholars who represent his authority and charisma after his death. It seems as if this hadith represents a kind of verbal investiture.5 And it is not just any scholars, but precisely those scholars who are dedicated to the transmission and teaching of hadiths. In this hadith, it is the fact of conveying the Prophet’s discourse—the transmission of hadith—which conveys the authority to those who represent the Prophet in his community after his death. The two central motifs of hadith science, the conservation (ḥifẓ) and the dissemination (našr) of the prophetic teaching, appear very clearly here. The dramatic knot of this tradition is constituted then by the persons who are summoned to succeed and represent the Prophet after his death. The important question, which urges the Prophet to come out of his house and which leaves major Companions in perplexity, is the identity, function and distinctive feature of those who are chosen for this grave responsibility. One

3. This is per se not something peculiar; even the Shī‘i tradition would subscribe to such a statement. It corresponds to the “isnad-paradigm” which, according to William H. Graham, constitutes the “traditionalism” characteristic of Islam, see “Traditionalism in Islam: An Essay in Interpretation”. What distinguishes the various Islamic traditions and theologies is how and through what or whom this prophetic authority is mediated and conferred. See Brown, Hadith. Muhammad’s Legacy, p. 123.
4. For this question from the point of view of hadith studies see Scott, Constructive Critics, p. 221; Brown, Hadith. Muhammad’s Legacy, p. 87–88. The role of the Companions (ṣaḥāba) as heirs and mediators of the Prophet’s authority is characteristic for Sunni Islam.
5. In this regard, the hadith is similar to the more known tradition “Indeed, the scholars are the inheritors of the prophets”, see Brown, Hadith. Muhammad’s Legacy, p. 166. But here we have a direct address expressed through the invocation of the Prophet and the designation of a specific activity.
might expect as answer the appointment of a privileged group, for example the members of the family of the Prophet of whom two important representatives were present, that is ʿAlī and Ibn ʿAbbās. On the other hand, one could have imagined that the Prophet designates some of his close Companions like Abū Bakr or ʿUmar. Instead, according to this hadith, the Prophet does not mention a certain group, but rather specifies a certain type of activity: the transmission and teaching of his discourse.

This hadith summarizes in a very strong way the self-understanding of Sunni hadith scholarship. It founds the authority of hadith transmission and of its scholars on the Prophet Muhammad himself. The topos of prophetic blessing is notable, too, since it expresses the idea of divine support and protection associated with hadith scholarship, as well as its soteriological value as it associates the transmission of hadith with divine mercy (raḥma). The notions of riwāya, the act of transmission, and ḥadīṯ,⁶ the object of transmission, forming the fundamental realities of the hadith tradition, are explicitly mentioned. At the same time, this tradition offers an interesting understanding of what the hadith and its transmission imply. The hadith can be defined accordingly as that which is transmitted and taught from the Prophet by those who, in virtue of this activity, represent his authority after his death and who benefit from divine support. This ‘definition’ shows how the authority of the transmitters, and thus their aptitude to embody the Prophet’s authority, is considered to be a constitutive element of the hadith. The transmission (riwāya) of the Prophet’s discourse and the representation (ḫilāfa) of his authority appear to be two interdependent functions which need to be reunited in the same person. Hadith transmission then is a way of conserving the prophetic authority present in his community after his death.

What makes this hadith further interesting is the fact that it is quoted by al-Qāḍī ʿIyāḍ al-Yaḥṣūbī⁷ (476-544/1083-1149) in his manual of hadith sciences, al-Ilmāʿ ilā maʿrifat uṣūl al-riwāya wa taqyīd al-samāʿ,⁸ (The Elucidation

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⁶ In this tradition the term of ḥadīṯ is probably to be understood in its etymological sense as “discourse”. The later technical definition of ḥadīṯ includes the Prophet’s acts and consent, too.

⁷ This hadith is not to be found in the six canonical hadith collections. Qāḍī ʿIyāḍ mentions his own chain of transmission which he received from his teacher Abū ʿAlī al-Ṣadafī (514/1120) but the hadith figures also in the earliest handbook of hadith sciences, the al-Muhaddīṭ al-fāṣīl by al-Rāmahurmuzī (p. 163), which ʿIyāḍ knew.

⁸ The most recent edition published by Aḥmad Farīd al-Mazīdī (Beirut, Dār al-Kutub al-ʿIlmiyya, 2012, 3rd edition) is based on an older edition by Aḥmad Ṣaqr (Cairo, Dār al-Turāṭ,
of the Principles of Transmission and of the Transcription of Audition), in a historical situation marked by the upcoming of divergent figures of religious authority in the Islamic West of the 6th/12th century. The “Elucidation” is one of the referential texts on the science of hadith in the Sunni tradition and, despite its being the first work of its kind in the Maghreb, it has not yet been the object of academic study in any European language. In his introductory statement, ʿIyāḍ explains that he summarized certain topics of already existing treatises, which were all written in the East, while focusing on the modalities of transmission, in particular the accuracy (ḍabṭ) of oral transmission and of the transcription (taqyīd) of hadith. The “Elucidation” stands in the continuity of writing dedicated to the methods of hadith transmission and evaluation which begins with Muslim’s Muṣaddīma and, as an independent genre, with al-Rāmahurmuzī’s al-Muḥaddid al- fils. It is situated in a phase of codification of the science of hadith in the late formative period between the works of al-Ḥaṭīb al-Bağdādī and Ibn al-Ṣalāḥ’s Introduction. The latter draws heavily on the “Elucidation” as do later hadith scholars such as al-Nawawī, Ibn Ḥaǧar, al-Sahāwī and al-Suyūṭī. Al-Qāḍī ʿIyāḍ authored a series of works on various disciplines of hadith science and in the “Elucidation” he expounds a synthesis of his own opinions on certain issues which he treated in his commentary

1978) which used three manuscripts preserved respectively in the libraries of the Hagia Sophia (no. 72), the Escorial (no. 1572/47) and the Zāhiriyya (no. 49). The latter was written by the author’s nephew in 595/1199, see al-Turābī, al-Qāḍī ʿIyāḍ wa-ǧuhūduhu fī ʿilm al-ḥadīṭ, p. 364. Various fragments are preserved in other libraries such as in the Staatsbibliothek of Berlin where a fragment of the 8th/14th century can be consulted (collection “Geschichte/Ethnographie/Geographie”, no. 56). In the recent Dār al-Kutub re-edition there is no critical apparatus though besides the references of the hadiths and of some other treatises on the science of hadith. There is some disagreement about the exact title as the author’s son Muḥammad mentions in his biography (al-Taʿrīf bi-l-Qāḍī ʿIyāḍ, p. 103) the title al-ilmāʿ ilā ḍabṭ al-riwāya wa-taqyīd al-samāʾ, see al-Turābī, al-Qāḍī ʿIyāḍ wa-ḏahīdahu fi ʿilm al-ḥadīṭ, p. 351.


10. In Arabic, see in particular al-Turābī, al-Qāḍī ʿIyāḍ wa-ḏahīdahu fi ʿilm al-ḥadīṭ, p. 351‒386.

11. See the translation and comment by Juynboll, G.H.A., “Muslim’s Introduction to His Šāhiḥ”. The most famous commentary is by al-Nawawī, who draws heavily on Qāḍī ʿIyāḍ’s own unfinished commentary on Muslim’s Šāhiḥ, the Ikmāl al-muʿallim fi šarḥ Muslim.

12. See Asma Hilali, “ʿAbd al-Raḥmān al-Rāmahurmuzī (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīṭ”.

13. The “Elucidation” was introduced to the East via Alexandria by the disciples of Qāḍī ʿIyāḍ, see al-Turābī, al-Qāḍī ʿIyāḍ wa-ḏahīdahu fi ʿilm al-ḥadīṭ, p. 353. For the works on the science of hadith which al-Qāḍī ʿIyāḍ knew see Šawwāṭ, al-Qāḍī ʿIyāḍ, ʿālim al-Maġrib wa-imām ahl al-ḥadīṭ fi waqtihi, p. 128–136.
of Muslim’s introduction to the Ṣaḥīḥ. Moreover, al-Qāḍī ʿIyāḍ is the author of a very influential treatise on prophetology, the Kitāb al-ṣifā bi-taʿrīf ḥuqūq al-Muṣṭafā (The Book of the Remedy through the Recognition of the Rights of the Chosen Prophet), the purpose of which is to show that the reconnection to the Prophet Muhammad as the sole source of religious authority and charisma represents the constitutive feature of Sunni Islam.

These preliminary considerations already indicate that the “Elucidation” can provide us with precious insights into a question which occupies a central place amongst the widely discussed issues in contemporary Islamic thought and theology, namely the question of the authority of hadith as source of Islamic knowledge and its historical emergence in the formative period of Islam. If in academic research on hadith the question of the authority of hadith has been raised primarily in terms of a methodology and in view of the issue of historical authenticity, recent research offers a differentiated understanding of the relation between the authenticity and the authority of hadith in pre-modern hadith scholarship. In the present study, we will attempt to escape the “epistemological methodologism” and focus more specifically on the issue of authority in its own terms. Instead of considering al-Qāḍī ʿIyāḍ’s “Elucidation” by analysing its theory of authenticity, we will interrogate the text about its conception of the authority of hadith in order to allow for an interpretative reading of its view of hadith scholarship. The

15. See in particular Brown, “Did the Prophet Say It or Not?” and Hilali, “The Notion of Truth in Hadith Sciences”. Asma Hilali remarks that “the authors of hadith-sciences have not the project to reconstruct what happened during the transmission of ḥadīṭ, but their task is to justify the authority of existing texts. Their aim is not authenticity of ḥadīṭ but authority of ḥadīṭ. Authenticity is the argument of the authority” (unpublished, but consultable online).
16. The question whether a methodology alone is sufficient to establish the truth of a certain assertion, as postulated by the epistemology of modern science since Descartes and his methodological doubt, has been discussed in the contemporary Western context by the founder of philosophical hermeneutics Hans-Georg Gadamer in his now classical Wahrheit und Methode.
17. Scott, Constructive Critics; Dickinson, The Development of Early Sunnite Hadith Criticism; Hilali, “Abd al-Raḥmān al-Rāmahurmuzī (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīṭ”.
18. The term interpretation is meant here in view to the compilational structure of hadith literature which uses narrations in order to illustrate and exemplify a non-defined abstract concept which designates the theme of a section. Stefan Sperl explains that “Ḥadith as a literary form thus lends itself to the exploration of abstract categories by way of concrete and wide-ranging illustration as well as exemplification of the web of relationships that exist
leading question which will guide our study of the “Elucidation” is accordingly as follows: what was al-Qāḍī ʿIyāḍ’s conception of the authority of hadith and how did he elaborate and reason his conception? As authority is a relational category and implies its recognition by somebody, it is necessary to ask what is recognized, according to the author, when one recognizes the authority of hadith as source of Islamic knowledge? Why and in virtue of what is authority attributed to hadith? The example of the hadith al-ḫulafāʾ quoted in the beginning of the “Elucidation” already suggests that in order to understand the view of al-Qāḍī ʿIyāḍ, the question of the authority of hadith cannot be separated from specific conceptions of religious authority and of the nature and meaning of transmission. This consideration informs the hypothesis of this study: to regard the authority of the hadith as being founded on a purely methodological postulate leads to a reductionist and inadequate understanding of hadith transmission and scholarship in pre-modern Sunni Islam. In order to analyse these questions and to respect the structure of the “Elucidation”, this study proceeds by distinguishing five thematical sections concerning respectively the epistemological foundation of hadith transmission, its functional purpose, the techniques and conditions of its authoritativeness and the significance of its ethos. Besides aiming at clarifying the question of the authority of hadith and some of its implications, a further purpose of this study is to present al-Qāḍī ʿIyāḍ as an eminent scholar of hadith and author of an influential but yet unstudied work in this field.

between them. It follows that, in the canonical Ḥadīth compendia, narrative is used as an exploratory device, as a signifier the signified of which is not the story-line, but an abstract, non-narrative reality which binds different stories to each other and which is the reader’s task to comprehend”, in “Man’s ‘Hollow Core’”, p. 101‒102. Interpretation thus means to make intelligible the meanings that the author/compiler associated with a concept by exploring the relationships between the concept-theme of a section and the various narrations he mentioned in it.

20. This is an aspect of his personality and scholarship which so far has been utterly neglected in western academia compared to his role as a jurist and representative of the Maliki establishment. See Kassis, “Qāḍī ‘Iyāḍ’s Rebellion”; Serrano, “Legal Practice in an Andalusī-Maghribī Source”; Gómez-Rivas, “Qāḍī ‘Iyāḍ”; Fierro, “El tratado sobre el Profeta del cadí ʿIyad y el contexto almohade”; Nagel, Allahs Liebling, p. 135‒146; Iruela, Veneración y polémica.
1. Knowledge of Prophetic Revelation or the Epistemological Meaning of Hadith Transmission and its Theological Autonomy

The first chapter, titled “Concerning the Obligation of Seeking the Science of Hadith and the Prophetic Practices and the Accomplishment of this and its Precision, Safeguard and Grasp”, already addresses very directly the issue of the authority of hadith, its transmission and the science which is responsible for determining its principles and conditions. Qāḍī ʿIyāḍ builds his demonstration on epistemology and the question of the source of religious knowledge: “The source and principle of the revealed religion (aṣl al-ḥarāmat) through which we worship God is delivered by our Prophet and received from him (mutalaqqāt min gūdh al-nabīna).” In this concise preliminary statement, the author expresses the view that knowledge of revelation is obtained through the Prophet only. While there is nothing unusual about such a statement from a scholar like al-Qāḍī ʿIyāḍ, it is interesting in view of the argumentative structure of the “Elucidation” for several reasons. Firstly, because it means that the Prophet’s authority is given precedence over any other form of authority and secondly, because it implies that religious knowledge is defined as that which is transmitted by the Prophet Muhammad, and from him. So, in the outset, when addressing the raison-d’être of the transmission and the science of hadith, al-Qāḍī ʿIyāḍ raises the issue of revelation and prophecy. Accordingly, questions and considerations about the origin and meaning of the hadith tradition have to start for him from the fact of divine revelation and of divinely instituted prophecy. This simple principle may seem self-evident, but if taken seriously it actually says a lot about the way the authority of hadith is conceived and constructed by an author like Qāḍī ʿIyāḍ. It grounds the argumentation about the primary cause of the transmission of hadith on theology, and not on a contingent historical phenomenon like the appearance


22. The reasons for this precedence are not only theological. From the beginning of Islam, the figure of the Prophet Muhammad crystallises the various and changing facets of Islamic identity. As Uri Rubin has shown, this was particularly determining for the development of Ṣūra writing. See The Eye of the Beholder. In his study of early Islamic religiosity Josef van Ess remarks: “It is interesting that the person of the Prophet seems to have precedence over scripture as symbol of identity”, Theologie und Gesellschaft, vol. I, p. 14.

23. For al-Ṣāḥī’s (204/820) influential ideas on the relation between revelation and hadith see Lowry, Early Islamic Legal Theory, p. 170–205, and Musa, Hadith as Scripture, p. 31–68, who discusses also Ibn Qutayba’s approach.
of the falsification of hadith (waḍʿ al-ḥadīth). The historical occasion of the emergence of hadith transmission and its functional purpose do not explain why hadith transmission and science do exist in the first place. For al-Qāḍī ʿIyāḍ the root and origin of hadith transmission then are prophetic and its necessity results from the advent of divine revelation.

Thematising revelation and prophecy in this first chapter does not only aim at arguing for the legitimacy of hadith scholarship. It seeks to establish the epistemological authority of hadith as a source, too. However, the author presents no proof of the epistemological superiority of the hadith transmission over other sources of religious knowledge (besides the Quran of course) as the person of the Prophet. This implies that no guarantee other than the one constituted by the credibility of the person of the Prophet himself is needed. The guarantee and certitude, which are given with the recognition of his prophetic authority, are considered sufficient. This recognition means to acknowledge that God’s absolute and unquestionable authority is revealed in the Prophet’s person, as manifested by his acts, words, qualities etc., and through it. The Prophet is represented as the truthful witness of revelation, and as its content, at the same time. In this way, he becomes the sole criteria by which the hadith and its authority are to be evaluated and determined. As a consequence, criteria such as historical accuracy, rational plausibility or empirical evidence can only have a secondary value, that is, they are decisive only as far as they clarify whether the transmission of a certain hadith is congruent with the reality personified by the Prophet. Here revelation as it is embodied and guaranteed by the Prophet, is less the object of critique than

24. A famous quote of Ibn Sirīn (33-110/653-729) explains in this way the emergence of the isnād as means to verify the authority of religious knowledge: “They did not use to ask about the isnad [of a hadith]. When the fitna [“strife”] took place, they asked about it. They used to look at the adherents of the sunna (ahl al-sumna) and their ḥadīths were accepted, and at the people of innovators (ahl al-bidʿa) and their ḥadīths were rejected”, translated by Dickinson, *The Development of Early Sunnite Hadith Criticism*, p. 48.

25. In al-Ḥaṭīb al-Baġdādī mentions a tradition from the important Kufan hadith transmitter Sufyān Ibn ʿUyayna (198/815) which illustrates this principle: “The Messenger of God is the supreme scale (al-mīzān al-akbar) to the effect that the affairs are confronted to him, to his characters, his conducts and his manners; whatever conforms to it is true (ḥaqq) and whatever contradicts it is naught (bāṭil)”, *al-Ǧāmiʿ li-ahl al-rāwī*, p. 9.

26. This is a general principle which underlies the earliest reflections on the theory of hadith transmission, as shows the study of Asma Hilali: “Indeed, al-Rāmahurmuzī repeatedly asserts that the notion of sunna makes it possible to measure the authenticity of the meaning transmitted from ḥadīth”: “Abd al-Raḥmān al-Rāmahurmuzī (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīt”, p. 134.
it is its subject—it has a critical task vis-à-vis claims of Islamic orthodoxy, or simply claims of authenticity.\(^{27}\)

From his preliminary statement, it becomes already apparent how ʿIyāḍ seeks to ground his vision of the hadith transmission on purely theological grounds and to establish the theological autonomy of the hadith tradition and science with regard to purely rational or historical criteria. The decision whether a tradition is to be accepted as a reliable representation of the prophetic teaching remains ultimately a theological one, that is a decision based on principles established by revelation. Dogmatics precedes hadith transmission and evaluation, and it constitutes the framework in which it ought to be practiced. Al-Qaḍī ʿIyāḍ’s ashʿarite orientation, according to which religious knowledge is ultimately of prophetic origin, is very explicit.\(^{28}\)

Having identified the conception that revelation is known through the Prophet Muhammad as an axiom on which Islamic knowledge is based, ʿIyāḍ goes on to distinguish between two modalities of this source. Firstly, the “Word of our Lord, which is the Qurʾān”, and on the subject of which there is, according to the author, no doubt because of the divine safeguard (ḥifẓ) promised in the verse “Verily, We revealed the remembrance and it is Us who preserve it” (Q XV, 9). In ʿIyāḍ’s conception, this divine guarantee is historically manifested through mass transmission, tawātur, of the Quran which is considered to exclude any possibility of ambiguity (labs) or falsification. “There is”, ʿIyāḍ insists, “no divergence among the Muslims about a single letter of it”.\(^{29}\)

The case is somehow different for the second modality of revelation transmitted by the Prophet: his own teaching and practice, the sunna. Here, ʿIyāḍ argues, the responsibility for assuring the access to this modality of revelation lies on the Muslim community, and more precisely on its scholars. Human activity and engagement is required and, unlike with the Quran, there

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27. This somehow reminds of Ibn Ḥazm’s rejection of forms of religious authority other than the Prophet by declaring that “[…] the only source of authority was the Prophet Muhammad, who had brought God’s book, and whose behaviour was divinely inspired”: Adang, “A Zāhirī Conception of Religious Authority”, p. 19.


is, at least in theory, the possibility of failure and doubt.\textsuperscript{30} This is an important point. Putting things in this way allows ʿIyāḍ to present the activity of the hadith scholars in parallel and in analogy to the divine safeguard of the Quranic text. Whereas the word of God is preserved directly by God himself, the teaching of the Prophet, a human being, is preserved by human effort. The transmission and examination of hadith, constituting the activity of the \textit{muḥaddīṭūn}, are in this way integrated into the history of salvation. They are part, in fact, of God’s will and providence.\textsuperscript{31}

There is another aspect to ʿIyād’s demonstration of the necessity of hadith scholarship which deserves mention here. The hadith is presented as the conclusive and necessary phase of a three-layered process consisting of the communication of prophetic revelation: Firstly, there is the fact of divine revelation itself, secondly the event of the prophetic words, acts, conduct, etc. through which this revelation is communicated by the Prophet to his contemporaries, and thirdly the transmission of this communicated revelation in form of a textual testimony, i.e. the hadith. Following this vision, it is only in virtue of the hadith that revelation, at least in its prophetic aspect, becomes knowable and accessible as a source of knowledge beyond and after the historical existence of the Prophet. Accordingly, the hadith tradition is not to be considered as the fact of a later development which appeared as a solution to a contingent historical challenge, i.e. the appearance of falsification, but it is the necessary completion of the proclamation of revelation. As a consequence, hadith transmission is understood to be the conclusion and continuation of revelation. Revelation and hadith transmission cannot be separated, there is a necessary continuity between the two. They represent two necessary elements of the same process, the communication and actualisation\textsuperscript{32} of revelation to mankind.\textsuperscript{33}

\textsuperscript{30.} Al-Qāḍī ʿIyāḍ’s teacher, the Qāḍī Abū Bakr Ibn al-ʿArabī al-Maʿāfirī (469-546/1076-1148), establishes a similar distinction between the qurʾanic and the prophetic aspects of revelation and their respective treatment in view of their transmission. See Serrano, “La diffusion de l’ashʿarisme”, p. 88-89.

\textsuperscript{31.} The reference to God’s providence is not something unusual in this context. Abū Ḥātim al-Rāzī for example seeks to prove in his Taqdîma “that God has bestowed upon certain individuals the status of ḥadīth critic” by showing the consensus of early scholars of Islam. See Dickinson, \textit{The Development of Early Sunnite Hadith Criticism}, p. 53.

\textsuperscript{32.} The \textit{iḥyāʾ al-sunna}, the “vivification of the prophetic teaching and practice”, to which we will come back later.

\textsuperscript{33.} In the preliminary oration of Qāḍī ʿIyād’s biographical dictionary of Maliki scholars, there is a very similar description of a three-structured process of revelation and transmission:
In the next passage, ʿIyāḍ specifies which types of activity are required: “All this is reached (yūṣalū ilayhi) and known (yuʿrafdū) by quest (taṭallub) and transmission (riwāya), by examination (baḥṭ), verification (tanqīr) and authentication (taṣḥīḥ).” Here ʿIyāḍ visibly emphasises that the hadith is the result of a dynamic process which requires and involves human agency. He specifies two types of procedures which make possible the access to this second modality of revelation. Firstly, the procedure of reaching and literally going back, the īṣāl, to the prophetic revelation. Here we have in fact a process of reconnection to the source from which revelation is received, namely the Prophet himself. Secondly, the procedure of getting acquainted of the prophetic teaching and practice and of obtaining knowledge of it, a maʿrifā. It is possible that Qāḍī ʿIyāḍ is not using the term ʿilm here, in order to emphasize the concrete nature of this knowledge: it is not simply the fact of receiving a cognitive information, but of becoming actively acquainted with the object of knowledge and of engaging personally with it. Reconnection and knowledge are then the two interrelated processes required in order to establish the access to this source of revealed religion which is the prophetic revelation in form of his teaching and practice. Establishing the connection to the Prophet and thereby assuring the continuity of transmission yields knowledge of the prophetic revelation and knowledge of the prophetic revelation means establishing a connection to the Prophet. Both facts are not to be separated, they are interdependent.

Here we can already see that for Qāḍī ʿIyāḍ the hadith involves much more than the historical accuracy of the information it contains. It involves first of all a process of reconnection which makes possible the acquisition firstly, God elects prophets in order to reveal His guidance and to make manifest the distinction between the way of the blessed and the way of the damned; secondly, the prophets make manifest this guidance to mankind through their mission, especially the Prophet Muhammad whose mission has a conclusive and privileged significance; and thirdly, the scholars after him complete and continue his mission of guidance by verifying, preserving and explaining the religious knowledge and practice transmitted from him. These “guides (aʿimma) of the Muslims” are believed to be elected (iḥtiyār) by God which means that they inherit the prophetic authority and charisma. In contrast to the “Elucidation” though, the argument of this work identifies the scholars in question primarily as the scholars of Medina, in accordance with the doctrine of Malikism. See Tartīb al-madārik, vol. I, p. 3–5.

34. Al-Ilmāʾ, p. 7.
35. With the concept of trustworthiness of the transmitter or ṭiya, the concept of continuity of transmission or ittiṣāliyya constitutes the pillar on which classical hadith scholarship is founded. For the significance of the ittiṣāliyya see Graham, “Traditionalism in Islam: An Essay in Interpretation”, p. 501.
of this knowledge of prophetic origin and nature. The hadith is defined in these terms. Rather than a fixed text, the hadith appears to be the result of an activity consisting of a reconnection, ṣila, and of a knowledge, maʿrifā. This interpretation seems to be confirmed by the rest of the work which in fact seeks to expound how this can be achieved. The various types of acts he mentions in the quotation above—quest (taṭallub), transmission (riwāya), examination (baḥṭ), verification (tanqīr) and authentication (taṣḥīḥ)—constitute the means through which this reconnection and the knowledge produced by it, are achieved. These various activities constitute actually the transmission of hadith on which, as we will see, Qāḍī ʿIyāḍ focuses in his treatise. By highlighting the necessity of a human effort for the preservation of prophetic revelation, he underlines the responsibility of the Muslim community and of its elite to engage in this effort.

2. The Preservation of the Prophet’s Islam, the Unity of the Muslim Community and the Functional Purpose of Hadith Transmission

In the next passage we can see how al-Qāḍī ʿIyāḍ tries to show that the meaning and function of the transmission of hadith is not to be reduced to its epistemological dimension only. He explains that it is the transmission of hadith, as conducted by the hadith scholars—he mentions explicitly the “adherents of hadith and their jurists (ahl al-ḥadīṯ wa-fuqahāʾuhum)—which preserves the Muslim community from its fragmentation into sects. The “loss of the prophetic sunna” caused by the negligence of hadith transmission leads to the impossibility of theological deduction (iṣṭinbāṭ) and deliberation (iʿtibār) and thus to the creation of new “normative systems” (qawānīn). He mentions what he considers to be the negative example of the Khawārij, the Muʿtazila

36. Al-Ilmā’, p. 7. This is a common argument in the discourse of hadith scholars. For Ibn Abī Ḥātim, Eerik Dickinson remarks that “like all the critics, he was horrified by what he perceived as the transformation of the Muslim community from a single unity into a welter of competing sects. The critics of ḥadīṯ ascribed this pernicious absence of uniformity [sic] within the Muslim community to the inconsistent exploitation of the sources of religious doctrine. It was their view that, if Muslims were to confine themselves to drawing their religious doctrines in a systematic fashion from the two indisputable bases of Muslim thought, the Qurʾān and hadith, the community’s internal doctrinal conflicts would disappear”, The Development of Early Sunnite Hadith Criticism, p. 127.
and the “weak amongst the adherents of personal judgment” (daʿafat ahl al-ra’y). Al-Qāḍī ʿIyāḍ mentions here various rationalist tendencies within Islam which are classically credited of having opposed the authority of hadith transmission, and consequently, relativized the probative force of hadith in normative or dogmatic deduction. As common use in hadith manuals, the first chapter of the “Elucidation” has both a technical and a polemical aspect. At first sight it appears that the author adopts the usual ahl al-ḥadīth stance. However, it seems as if the author, at least indirectly, refers the question of why the riwāyat al-ḥadīṭ is indispensable to the situation of his time and region. The collapse of Almoravid rule, the rise of divergent socio-religious groups such as the Shiite Fatimides and the messianic Almohads, and the loss of Muslim dominance in Spain must have made a tremendous impression on a scholar like al-Qāḍī ʿIyāḍ whose sensitivity for the well-being and unity of the Muslim community shines through his writings and his biography.

The designation of “the weak amongst the adherents of personal judgement” is interesting, because of its ambiguity. One can remark in the first place that al-Qāḍī ʿIyāḍ does not seek to condemn the ahl al-ra’y as such, since his own Maliki tradition emerged from this movement, but only a certain “weak” fraction of them without naming them explicitly. In the discourse of hadith scholarship, these are classically identified as the Hanafites, but one may ask whether the author means those scholars amongst his own Maliki tradition who do not accept the epistemological authority of hadith preferring to confide themselves exclusively to the opinions of the great Maliki authorities. However, the offensive stance in favour of the ahl al-ḥadīṭ is remarkable as al-Qāḍī ʿIyāḍ is one of the foremost scholars of Malikism, a maghāb which, especially in its Almoravid configuration, manifested a certain mistrust towards the prophetic hadith as a primary source for Islamic jurisprudence and ritual norms. As we will discuss later, the authority of the “normative practice of the people of Medina” (ʿamal ahl al-Madīna), and especially of the Maliki

38. See Dickinson, The Development of Early Sunnite Hadith Criticism, p. 1–5. See also van Ess, Josef, “L’autorité de la tradition prophétique dans la théologie muʿtazilite”.
40. For the ahl al-ḥadīṭ view on the representatives of rationalist approaches to Islamic practice and doctrine see Brown, Jonathan, “How We Know that Early Hadith Critics Did Matn Criticism”, p. 164–171.
41. Al-Ilmāʾ, p. 7.
42. See The Development of Early Sunnite Hadith Criticism, p. 3.
scholars who transmitted and interpreted it, was valued higher than a text the authority of which relied in its being attributed to the Prophet through a chain of transmission without having been validated within a certain juridical tradition or madhab. As has been shown by Maribel Fierro, the influence of the thought of Šāfiʿī and his uṣūl al-fiqh approach, which was imported by Andalusian scholars who travelled to the East in the 11th/12th century, were decisive for this development as the study of hadith was introduced comparatively late into al-Andalus. Many of these scholars, whom Maribel Fierro calls “reformed Malikis”, were teachers of al-Qaḍī ʿIyāḍ such as Abū Bakr al-Maʿāfirī who met al-Ġazālī in Jerusalem, and Abū ʿAlī al-Ṣadafī who came in contact with oriental hadith scholars during his extensive travelling in the metropoles of the Muslim East. This development, to which al-Qaḍī ʿIyāḍ and his “Elucidation” actively contributed, prepared the ground for the advent of the Almohad’s project of a return to the scriptural sources in the religious sciences.

The emphasis on the sectarian perspective and the topic of the fragmentation of the Muslim community reminds of Ibn Ḥazm (384-456/994-1064) who certainly exercised a strong influence on the milieu from which Qāḍī ʿIyāḍ received his religious education. As Thomas Potthast has shown, Ibn Ḥazm portrayed the fragmentation of the ‘People of the Book’ and of other religions in his al-Faṣl fī al-milal wa-l-ahwāʾ wa-l-nihal in order to show what may happen to Islam if the Muslim scholars do not stick to the revealed scriptural sources. The resultant construction of figures of charisma which competed with the prophetic charisma was for Ibn Ḥazm the cause of the political and intellectual crisis of Islam in al-Andalus. The neglect of transmission and of its evaluation through an isnād is one of Ibn Ḥazm’s major arguments against

43. We may remind that Qāḍī ʿIyāḍ himself wrote a reference work on precisely this argument, the Tartīb al-madārik. We will come back to this later.
44. See “Proto-Malikis, Malikis and Reformed Malikis”. The author speaks of a “traditionalization” of the Andalusi Maliki school” in which Ibn ʿAbd al-Barr and Maliki scholar with “Shafiʿi tendencies”, played a crucial role (see p. 71–72).
45. See Fierro, “The Introduction of ḥadīth in al-Andalus”.
47. According to Maribel Fierro “one of the major figures in the renovation of ḥadīth literature and asceticism in al-Andalus”; “Spiritual Alienation and Political Activism”, p. 241.
50. See Fierro, “Why Ibn Ḥazm became a Ẓāhirī”. 
the authenticity of the Jewish and Christian scriptures.\textsuperscript{51} It seems that al-Qāḍī ʿIyāḍ somehow transposes this argumentation into his own Maliki perspective. It is interesting though that Qāḍī ʿIyāḍ does not mention the Almohads here, whom he opposed as leader of the rebellion of Sebta.\textsuperscript{52} Neither the Andalusian philosophers are mentioned who were certainly considered to be the rationalists per excellence in the milieu of hadith scholars. This may indicate that his purpose here was really to denounce the explicit and systematic criticism of hadith transmission and the questioning of its authority on which the theological positions of these groups were based.

In order to strengthen the argument of the necessity of hadith scholarship, al-Qāḍī ʿIyāḍ pursues the chapter with a whole section with hadiths showing that the Prophet himself encouraged and demanded the transmission of his teaching and practice to the following generations, for example: “Do narrate from me (ḥaddīṯū ʿannī) as you have heard it; is it not that he who voluntary fabricates a lie against me without possessing knowledge may prepare his seat in hellfire?”\textsuperscript{53} or “May God enlighten the man who heard from us a discourse (ḥadīṯ) and preserves it (ḥafizahu) in order to transmit it (yuballiğahu) from us as he had heard it; perhaps the one who receives it (hāmil) at first sight has not the understanding (fiqh) of it”\textsuperscript{54} These hadiths are visibly meant to prove the prophetic origin of hadith transmission. The perspective al-Qāḍī ʿIyāḍ seeks to develop suggests that not only the transmitted content is of prophetic origin, but the very act of transmission itself has its roots in the Prophet’s sunna. This series of prophetic traditions mentioned after ʿIyāḍ’s own explanations have nothing innovative though. They represent the classical discourse of hadith scholarship legitimizing their own discipline.\textsuperscript{55} But in view of ʿIyāḍ’s preliminary considerations, these traditions appear in a certain light. They present the activity of the hadith scholars described above as being willed

\textsuperscript{51} See Würtz, “Ibn Ḥazm: Göttliche Rechtleitung und menschliche Verfälschung”, p. 103‒104.
\textsuperscript{52} See Kassis, “Qāḍī ʿIyāḍ’s Rebellion”.
\textsuperscript{53} \textit{Al-Ilmā'}, p. 9. This narration is a version of the famous hadith prohibiting the false attribution to the Prophet. Several versions are also to be found in Buhārī, \textit{Ṣaḥīḥ}, “Bāb ʾilm man kaḏaba ʿalā al-Nabī”, nos. 106‒109, and a very similar version in the \textit{Ǧāmiʿ al-bayān}, p. 450. Al-Qāḍī ʿIyāḍ’s own transmission is from al-Qāḍī Abū ʿAbdallāh b. Ṭīmāmah b. Ṭanashīd b. Ṭāmīmah (501/1107), his teacher from Sebta from whom he received most of his hadith compilations. See \textit{Ṣawwāṭ}, al-Qāḍī ʿIyāḍ, \textit{ʾālim al-Maghrib}, p. 96.
\textsuperscript{54} \textit{Al-Ilmā'}, p. 10. Various versions of this famous hadith are to be found in the canonical hadith collections. Al-Qāḍī ʿIyāḍ transmits this hadith from al-Ṣadafī.
and preannounced by the Prophet Muhammad during his lifetime. In this way, the activity of the hadith scholars appears as the implementation of this prophetic assignment and is charged with prophetic authority. The “quest (taṭallub), transmission (riwāya), examination (baḥṭ), verification (tanqīr) and authentication (taṣḥīḥ)” of the hadith scholars continue the prophetic mission and undertaking. Their activity is thus portrayed as being particularly significant in view of the guidance of the Muslim community. Al-Qāḍī ʿIyāḍ’s mention of the famous ḥadīṯ al-ṭaqalayn (“the hadith of the two burdens”) is particularly speaking in this regard: “O people, verily I left you two burdens: the book of God and my practice (sunnatī), so do not corrupt it! Your eyes will not go blind, your feet will not slip away and your hands will not become short as long as you take hold of these twol!”

56. Al-Ilmāʿ, p. 8.

57. This term actually became a technical term in the science of hadith meaning the fact of receiving a hadith transmission or more generally the process of hadith transmission from teacher to student. Al-Qāḍī ʿIyāḍ himself uses it in the title of chapter six concerning the “modalities of transmission” (anwāʿ al-aḥḏ). This part of the “Elucidation” will be discussed below.

58. Al-Ilmāʿ, p. 11. There are various versions of this hadith which is regularly cited in order to justify theological agendas or reform movements, see Fierro, “Spiritual Alienation and Political Activism”, p. 233. For the modern times, see Riexinger, “Muḥammad b. ʿAbd al-Wahhābs Prophetenbiographie”.

59. “Spiritual Alienation and Political Activism”.

60. Ibn ʿAbd al-Barr cites the same version, but substitutes islām by ʿilm (science), see Fierro, “Spiritual Alienation and Political Activism”, p. 238, who explains that “Mālikite scholars like

The prophetic order of “taking-hold” (al-aḥḏ) can be understood as another definition of the activity of the hadith scholars; it is this activity which will preserve the Muslim community from going astray through intellectual confusion, religious misguidance and political weakness expressed symbolically in the hadith as “blindness”, “slipping of the feet” and “shortening of hands”.

The heresiological dimension of ʿIyāḍ’s consideration about the meaning of hadith transmission is further emphasized in a hadith that he quotes in the second chapter: “Islam began as a stranger (ɡarīban) and shall return to being a stranger just as it began. Thus, blessed be the strangers (al-ģurabāʾ)! We asked him: ‘Who are these strangers, oh Messenger of God?’ He said: ‘They are those who vivify my sunna after me and who teach it to the people.’”

"Spiritual Alienation and Political Activism".
hadith as those who “keep alive the sunna” through their transmission and teaching. This “vivification of the sunna” (iḥyāʾ al-sunna) is to be understood here as the actualisation of prophetic Islam which constitutes the condition for the unity and spiritual wellbeing of the Muslim community.

The critical meaning and task of hadith transmission as intended by one of its scholars becomes visible here. The transmission of hadith is presented as the scale or criterion on which the prophetic substance of Muslim theologies and normative claims is measured and critically verified. It allows therefore for the distinction between ‘true’ or ‘original’ Islam as it was revealed to the Prophet and taught by him, and manipulated interpretations of Islam which result from historical contingencies and ideological or political interest.  

ʿIyāḍ’s mention of the ḥadīṯ al-ḡurabāʾ and his theological considerations are obviously in continuity with a discourse which was prominent in Andalus already in the 4th/10th century. A scholar like Ibn Waḍḍāḥ al-Qurtubī (d. 287/900) sought to show in his influential Kitāb al-bidʿa (“The book about reprehensible innovation”) “that after the Prophet’s death, the Muslim community was condemned to undergo a process of corruption and degradation, the same process that happened earlier to Jews and Christians”.  

The idea that theological rationalism leads to the destruction of the unity of the Muslim community and to sectarianism is a common discursive motif of hadith scholarshi.  

Despite his prudence with regard to the explicit mention of religiopolitical movements of his times, al-Qāḍī ʿIyāḍ visibly seeks to situate his presentation of the science of hadith in the context of theological considerations about the situation of the Muslim community in the Islamic West. In this way he undermines the necessity of hadith transmission not only from an epistemological and normative point of view, but also with regard to the destiny of the local Muslim community and the danger of its fragmentation.

him were considered strangers by those other scholars of the same school who practiced taqlīd, contended themselves with following antiquated legal thinking and were not willing to renovate Mālikism” (ibid.). Something similar could be said of al-Qāḍī ʿIyāḍ and of how he probably felt about his situation.

61. This idea can be found already in the saying attributed to Ibn Sirīn quoted above. In this classical passage it is the fact of asking for the isnād which establishes the distinction between the Sunnis and other Islamic identities.


63. This argument was used as early as Ibn Qutayba (213/828–276/889) as Dickinson explains: “In the minds of the adherents of ḥadīṯ, submission to the authority of the Prophet as embodied in the ḥadīṯ provided the only escape from this variance and contradiction”: The Development of Early Sunnī Hadith Criticism, p. 4.
3. The Authority of the Transmitter and the Embodiment of the Sunna

The authority of the hadith relies on the authority of an activity which ʿIyāḍ describes as gaining access and knowledge of the revelation conveyed by the Prophet to his community. This activity implies the existence of actors who perform it, the transmitters of hadith. In the next chapter, the authority of the transmitters and their science, treated quite typically in terms of “nobility and dignity” (ṣaraf)⁶⁴ and “standing” (makān) of the hadith scholars, ensues from the necessity of hadith transmission and its origin in revelation. ʿIyāḍ offers no additional explanation and simply presents a series of hadith classically quoted in this context and, at the end of the chapter, some verses poetry by his teachers and by himself. This construction obviously represents a hermeneutical cycle: hadith prove that the authority of hadith is based on the prophetic revelation which is transmitted in the form of hadith. Again, the logical ground of this argumentation is to be sought in the authority that the Prophet himself represents. This prophetic authority guarantees the authority of the transmission of hadith which he initiated and whose bearers he invested.⁶⁵

This becomes even clearer when we consider the two terms which establish the thematic frame of the chapter, ṣaraf and makān, and of the hadiths ʿIyāḍ has chosen. The term of nobility or dignity raises the question of the quality or feature that ennobles the scholars of hadith and their science. Considering the hadiths that ʿIyāḍ mentions in this chapter, several functions and activities appear as relevant. The succession and representation (ḥilāfa) of the Prophet has already been mentioned in the beginning, as well as the function of preserving original Islam in times of alienation (ġurba). We have

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⁶⁴. Al-Qāḍī ʿIyāḍ’s oriental predecessor al-Ḫaṭīb al-Baġdādī devoted a whole book to the Šaraf aṣḥāb al-hadīt.
⁶⁵. Al-Qāḍī ʿIyāḍ responds to the question how the transmitters themselves are to be evaluated in his commentary of Muslim’s Ṣaḥīḥ (Ikmāl al-muʿallim, vol. I, p. 90‒94) where he discusses various hierarchies of transmitters. He gives preference to the hierarchy of his teacher Abū ʿAlī al-Ǧassānī (519/1125) who distinguishes seven categories of transmitters (ṭabaqāt). The first category of the accepted transmitters consists of “the imams of hadith and their guardians (ḥuffāẓihi)” (p. 92) whom are given the status of a ḥuǧǧa or criteria vis-à-vis the other categories. Their authority has prevalence over those who differ with their transmission (man ḥalafahum). This example shows again how the criteria of authority is represented by persons, and consequently based on the guarantee that these persons represent whereas questions of formal accuracy or methodological consistency seem secondary.
seen that in both cases it is the act of transmitting the prophetic legacy which characterizes those who are in charge of these two crucial functions. Several hadiths, and their interpretation by authoritative hadith scholars, express the same topos, as for example the following tradition: “The Messenger of God said: ‘There will be a faction of my community that will not cease to uphold the command of God’. Aḥmad [Ibn Ḥanbal] said: ‘If this faction is not the people of hadith I do not know who they are!’ And Abū ‘ Abdallāh al-Buḫārī said: ‘They are the people of the science’.66 These passages express a certain vision of history determined by a fundamental challenge to the Muslim community: the preservation of the prophetic teaching and practice, which constitute the substance of Islam, from the degeneration of time and the increasing distance from the period of the Prophet’s earthly presence.67 Again al-Qāḍī ʿIyāḍ adopts here the classical stance of the ahl al-ḥadīṯ who “sacralised the isnād as the only means to guarantee a pure understanding of the Prophet’s Islam and rise above the heresies of the human mind”.68

There are two versions of a hadith which add an eschatological dimension to the significance of hadith transmission: “He who preserves for my community forty hadiths concerning its religion (dīn), God will resurrect him at the Day of Resurrection among the scholars and jurists” and “he who preserves for my community forty hadiths concerning the sunna I will be his intercessor from the fire [of hell]”.69 These hadith disclose the inner reality and value of the act of hadith transmission which will become fully manifest in the next world. Here we can see how for a scholar like ʿIyāḍ the transmission of hadith implies much more than the conveyance of a juridically relevant text.


67. William Graham (“Traditionalism in Islam: An Essay in Interpretation”, p. 505–507) has discussed the concept of fasād al-zamān or “corruption of time” and its significance for the “isnād-paradigm”. See also the famous hadith “The best of generations is the one in which I was sent, then that which follows, then that which follows” discussed in Brown, Hadith. Muhammad’s Legacy, p. 87. For Rāmahurmuzī see Hilali, “Abd al-Raḥmān al-Rāmahurmuzī (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīṭ”, p. 137.

68. Brown, “How We Know Early Hadith Critics Did Matn Criticism”, p. 165. There is a discussion in recent research whether prophetic hadith actually did play a prominent role in the legal practice of the ahl al-ḥadīṯ movement. See Lucas, “A study of the Musannaf of Ibn Abī Shayba”. This suggests that it is not the use of hadith as such which characterizes the ahl al-ḥadīṯ stance, but the reliance on transmission and the reference to the isnād which documents it.

69. Al-Ilmāʿ, p. 12. For the significance of these two narrations regarding the origin of the genre of 40 hadiths, see Schöller, Das Buch der Vierzig Hadithe, p. 308–309.
It is a sacred activity the meaning and significance of which lie beyond the contingencies of human history and rationality.

Very interesting is the motif of prophetic intercession evoked in the second version of the hadith. As in other traditions, the transmitter of hadith benefits from a privileged relationship to the Prophet and is associated to him. As mentioned above, with the Healing ʿIyāḍ has devoted a whole work on the soteriological meaning of the believer’s relationship to the Prophet Muhammad.70 For this argument, the transmission of hadith plays a certain role as one of the major means through which the community remains spiritually connected to the Prophet after his death.71 The privileged makān or standing and position of hadith scholars which al-Qāḍī ʿIyāḍ mentions in the title of the second chapter in the “Elucidation” is to be understood from this background. The hadith and its transmission allow for the hadith scholars to enjoy a unique proximity to the Prophet Muhammad72 which will become apparent in the hereafter. They embody,73 by their very persons, the Prophet’s presence and authority in the midst of their community after the death of the Prophet74 and are the guarantee of its safeguard in times of discord and confusion, the ġurba.

It becomes clear in this chapter that for a western Maliki scholar as al-Qāḍī ʿIyāḍ the transmitter is not simply the passive conveyer of an information, but, in fact, an active and constitutive element of the hadith. He is therefore in continuity with the ahl al-ḥadīṯ for whom the matn or text of the hadith alone

70. See Vimercati Sanseverino, “Normativität der prophetischen Tradition und Gnadenfüllung”.
71. In his ʿṢifā al-Qāḍī ʿIyāḍ stresses the normative character of the veneration (iḥtirām, taʿẓīm, tawqīr) of the Prophet Muhammad after his death “as if he were in front of you” (p. 245, in the transl. p. 477) and devotes a whole chapter to the role of hadith transmission in this regard (see “fi taʿẓīm riwāyat al-ḥadīṯ”, p. 246–248, in the transl. p. 480–483).
72. The first manual of hadith sciences, al-Rāmahurmuzī’s al-Muḥaddith al-fāṣil, develops even more explicitly the role of the hadith scholars as representatives of the Prophet Muhammad: “Regarding the nobility of the hadith scholar it shall suffice to you to consider the fact that his name is associated to the name of the Prophet, and his remembrance connected to the remembrance of the Prophet, his family and his Companions” (p. 131–132).
73. We will see what this implies for the behaviour and attitude of the scholar of hadith according to al-Qāḍī ʿIyāḍ in the chapter about adab and the notion of taḥalluq the meaning of which comes very near to the term of “embodiment”.
74. John Burton writes in this sense that “the significance of the [Hadith-]Tradition is thus the sense that it preserves the Prophet alive in the midst of the believers, available still to be consulted on any and every question. In this light, Muhammad’s death became irrelevant”: An Introduction to the Hadith, p. 21. About conceptions of the spiritual presence of the Prophet Muhammad after his death see Meier, “Eine auferstehung Mohammeds bei Suyūṭī”.

has no theological value on itself; it is the isnād, that is the documentation of a transmission going back the origin of the matn, the Prophet Muhammad, which confers the authority to the matn and transforms the matn into a hadith, that is, a textual testimony of revelation. Al-Qāḍī ʿIyāḍ classically states in the chapter concerning the “elevation of the isnād”\(^{75}\) that “the pivot (mudār) of the hadith is the isnād in it; through it the authenticity (ṣiḥḥatihi) [of the hadith] and its continuity (ittiṣālihi) are made manifest”. In other words, the authority of the hadith as a reliable representation of the prophetic teaching and practice is not merely a question of the historical adequacy of its content. Its authority depends on those who vouch, with their trustworthiness as the Prophet’s representatives, for the prophetic origin of the text and of its transmission. The idea that “the criteria of the accomplishment of the status of Companion do not include the priority of the transmission of prophetic words, but a certain relationship with the Prophet”\(^{76}\) holds for the hadith transmitter and scholar in general. In a way, the isnād does nothing else than testifying to this relationship between the transmitter and the Prophet. The technical and ethical conditions the hadith scholar has to fulfil in order to be apt to carry this heavy responsibility are addressed in the remaining chapters of the “Elucidation”. Al-Qāḍī ʿIyāḍ concludes this chapter with a poem attributed to the Andalusian Ibn ʿAbd al-Barr (368-463/978-1071) which closes with the following verse: “There is no better on earth than a hadith/enlightened by a trustworthy isnād!”\(^{77}\)

4. **The Techniques and Conditions of Authoritative Transmission**

The largest part of the “Elucidation” is dedicated to various practical issues of hadith transmission of which some are discussed in great detail. These questions probably arose of his own experience as a student and a teacher of hadith in al-Andalus and in Morocco.\(^{78}\) This is further confirmed by the

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\(^{75}\). *Al-Ilmāʿ*, p. 84‒85. On this issue see also Dickinson, “Ibn Salāḥ al-Shahrazūrī and the Isnād”.

\(^{76}\). Hilali, “Abd al-Rahmān al-Rāmahurmuzī (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīṭ”, p. 143.

\(^{77}\). *Al-Ilmāʿ*, p. 85. The original textual source of this poem remains unknown.

\(^{78}\). The author explains that a student of his asked him to write the book (see p. 5). It is true that this is a common topos of introducing a book in Islamic writing, but in the case of the “Elucidation” it may very well correspond to a concrete reality.
pedagogical outlook of the “Elucidation”. It is visibly intended as a practical manual for students of hadith as several chapters are explicitly addressed to the tālib al-ḥadīṯ or in particular to the tālib al-samāʿ (“the one who seeks audition of hadith”). At the same time, the variety of the issues gives us a very precise picture about the discussions which shaped the practice of hadith transmission in the Islamic West during the early 12th century. One of the most central questions seem to concern the relationship between oral and written transmission and the need to guarantee the accuracy and reliability of the hadith corpora used in the Maghreb. The dissemination of hadith collections imported from the East as well as of oral transmissions, both from scholars who collected these materials during their travels in Egypt, Syria, Iraq and the Hijaz might explain this caution. Al-Qāḍī ʿIyāḍ’s focus on the modalities of transmission has equally to be considered from the background of his agenda to counteract the fragmentation of the Muslim community. As Gregor Schoeler explains, discourses about the preservation of oral transmission of hadith can be related to a context of “factional strive”.

The “Elucidation” responds to the need to standardize for scholarship of the Maghreb the means to determine the authoritativeness of transmissions. But at the same time, al-Qāḍī ʿIyāḍ, as the foremost Maghreb hadith scholar of his generation, apparently felt no need to write a new complete manual, since there existed already various works which covered a wide range of topics of the science of hadith. His purpose in writing the “Elucidation” was rather to resume certain issues and, in this way, to propose solutions to some specific points which are adapted to the particular situation of hadith transmission in al-Andalus and Morocco. The scope of the “Elucidation” does indeed correspond to a period when the hadith tradition became increasingly formalised and officialised in the juridical scholarship of the Maghreb.

79. See the chapters 8–9, p. 57–61, about the question of the conditions under which a transmission of hadith from books is accepted. For the significance of the oral and the written for the transmission of hadith and the acquisition of religious knowledge see Schoeler, “Oral Torah and Hadith”, especially p. 123–135 about the reasons for the preference of oral transmission, and Leder, “Spoken Word and Written Text”, where riwāya is defined as “the transmission of a written text through oral expression” and “this functioning of riwāya, based on the great value testimony” is explained a being “at the core of a number of recognized methods of transmission” (p. 1).

80. See for example the chapters 11–13, p. 69–76, and the chapters 15–16, p. 79–83.

81. See Fierro, “Proto-Malikis, Malikis and Reformed Malikis”.

82. “With a flexible ‘oral teaching’, the danger of providing a rallying point for schismatic movements was significantly smaller”, Schoeler, “Oral Torah and Hadith”, p. 132.
Al-Qādi ʿIyāḍ discusses the modalities of transmission in great detail in the chapter “The Modalities of Reception (anwāʿ al-aḥḍ) and the Principles of Transmission (uṣūl al-riwāya)”. This chapter represents the most noted part of the “Elucidation” and the reason why it is cited as one of the founding texts of the science of hadith transmission. He distinguishes eight modalities of transmission and to my knowledge al-Qādi ʿIyāḍ is the first scholar to enumerate these eight modalities in a systematic and sequential way. The samāʿ or “audition” is listed as the first modality although al-Qādi ʿIyāḍ mentions the divergence between the general opinion and the scholars of Hijaz like Mālik who considered the “recitation to the teacher” as a higher form of transmission. The modality of “licence” (iǧāza) given by a teacher to his student to transmit a certain corpus of hadith and its six aspects (wuḵūh) occupies by far the largest part of the chapter. The sixth aspect, concerning the licence for hadiths that the teacher has not yet transmitted, is particularly interesting as according to al-Qādi ʿIyāḍ, nobody in the Islamic West has treated this issue before him, although this type of transmission is practiced by certain of his contemporaries. The difference between the

83. Al-Ilmāʿ, p. 76‒79.
84. See for example Ibn al-Ṣalāḥ (Muqaddima, p. 161; in the translation p. 98 and p. 115), who mentions al-Qādi ʿIyāḍ always in a very honorific manner, for instance as “one of the illustrious figures of his age in the Maghreb” (p. 161).
85. For a general overview of these see Siddiqi, Hadith Literature, p. 84‒89, where a passage from the “Elucidation” is translated, and also Leder, “Spoken Word and Written Text” and Brown, Hadith. Muhammad’s Legacy, p. 43‒46.
86. Al-Ilmāʿ, p. 30‒31. For the significance of oral transmission from the perspective of the science of hadith, see Hilali, “ʿAbd al-Raḥmān al-Rūmahurūmūzī (m. 360/971) à l’origine de la réflexion sur l’autenticité du ḥadīth”, p. 138‒139. She remarked very perceptively that “if the hadith is safeguarded through writing, the life (hayāt) of the hadith depends precisely on its oral transmission. The preservation of knowledge, the vivification of the hadith through its oral transmission are more important than the mere scriptural conservation, for the two techniques are included in the theoretical scheme of the safeguard of the authentic ḥadīth. [...] Oral transmission is realized in the frame of the master’s teaching to his student. The process of transmission [...] depends in its entirety on the quality of the relationship between teacher and student” (p. 138). A similar conception can be found in the transmission of Rabbinic texts where “reading and hearing was the ancient way to propose and accept the authoritative actualisation of the effective tradition”, Veltri, “On Editing Rabbinic Texts”, p. 71.
87. Al-Ilmāʿ, p. 38‒48. For the practice of this modality of transmission, see Leder, “Spoken Word and Written Text”, p. 8, where iǧāza is translated as “certificates of audition”. For its significance as authoritative reconnection to the Prophet, see Graham, “Traditionalism in Islam: An Essay in Interpretation”, p. 511‒514.
88. This passage is actually quoted by Ibn al-Ṣalāḥ in his Muqaddima, p. 161 (translation, p. 115).
approaches and practices of hadith transmission of “the ancients and the moderns (al-mutaqqaddimūn wa-l-mutaʾaḥḥirūn)” becomes particularly visible in these passages of the “Elucidation". It appears as if al-Qāḍī ʿIyāḍ valorizes the attitude and practice of early hadith scholars and considers these new developments as a deterioration of hadith scholarship of which he wants to preserve the Maghreb and al-Andalus.

The “Elucidation” has to be read in view of the fact that Mālik used to be considered by his Andalusian and Maghrebi followers above all as a scholar of fiqh who inherited the “normative practice of the people of Medina (ʿamal ahl al-Madīna)”. Our author visibly integrates and highlights the opinions of Mālik with the endeavour to present the founder of the Maliki school as one of the founders of the science and transmission of hadith. Al-Qāḍī ʿIyāḍ himself was amongst those who formulated principles regarding the relationship between the ʿamal ahl al-Madīna and the ḥadīṯ which are not mass transmitted and how to deal with cases of contradiction.

He appears to have developed a differentiated approach to this relationship which attempts to harmonize the Maliki “Medinese” and the “diffusionist” model of the ahl al-ḥadīṯ. For him the Medinese practice serves as a criterion of judging the preference between two contradictory hadiths and it has precedence if a not widely diffused (āḥād) hadith contradicts it. This does, however, not diminish the value of hadith as a source; the precedence of the ʿamal is of a hermeneutical nature, since it is a form of consensus (iǧmāʿ).

It indicates, according the ʿIyāḍ’s Maliki stance, the contextualized practical implementation of the sunna validated by the authority of a legal tradition. Whereas the hadith does not explain how a specific element of the sunna is to be understood and implemented and its

89. The known hadith scholar Šams al-Dīn al-Ḏahabī (673-748/1247-1348) seems to be the first to explicitly thematise this issue. He identifies the period of transition at the beginning of the 4th/10th century. See Mizān al-iʿtidāl, vol. I, p. 115.


91. “These models […] were put into juxtaposition in the famous epistolary exchange between Mālik and al-Layth b. Saʿd d. Mālik advocated the Medinese model, asserting that the knowledge of the Prophet was embodied in the ḥadīṯ and practice of the people of Madina. […] Al-Layth b. Saʿd maintained that the doctrines of the Prophet were dispersed throughout the Islamic world by the migrations of his Companions during the conquests”, Dickinson, The Development of Early Sunnite Hadith Criticism, p. 46.

92. He distinguishes between the ʿamal ahl al-Madīna as “consensus based on transmission” (iǧmāʿ naqlī) and the “consensus based on reasoning” (iǧmāʿ iǧtihādī) of later scholars. See Dutton, The Origins of Islamic Law, p. 35; Gómez-Rivas, “Qāḍī ʿIyāḍ”, p. 333–335.
normative relevance has not been validated by the authority of a *maḏhab*. A further reason for the precedence of the Medinese practice is its large transmission by “a majority of people from a majority of people (*al-ḡumhūr ‘an al-ḡumhūr*)”\(^{93}\) since the time of the Prophet, which is not the case for *āḥād* hadith. This means, according to ‘Iyāḍ, that the latter do not yield definitive knowledge (*ʿilm qaṭʿi*) as does the transmitted practice of Medina.\(^{94}\) Al-Qāḍī ‘Iyāḍ defends Mālik from accusations of neglecting the authority of hadith. He seeks to show, probably to both critiques of Malikism among the hadith scholars, in particular the Žāhiris of al-Andalus,\(^{95}\) and hadith sceptics among Maliki *fuqahāʾ*, that Mālik promoted a differentiated and judicious dealing with hadith corpora.

In the “Elucidation” any considerations of this kind pertaining to the domain of *fiqh* are absent. Even the issue of *tawātūr-āḥād* or quantitative evaluation of hadith transmission and its epistemological strength, which concerns both the theory of *fiqh* (*ūsūl al-fiqh*) and the science of hadith, is not systematically developed. Al-Qāḍī ‘Iyāḍ sticks very strictly to the conceptual framework of early hadith scholarship. He writes as a scholar of hadith interested in the dynamics of transmission, whereas in his biographical dictionary of Maliki scholars he wrote as a scholar and historian of *fiqh* interested in issues of normative practice and their conservation in the Maliki tradition. However, if both viewpoints are not to be intermingled,\(^{96}\) they share the common concern for the question of the transmission of the prophetic teaching, the sunna.

Besides highlighting the significance of Mālik in his discussions of issues of hadith transmission, al-Qāḍī ‘Iyāḍ expresses singular opinions which distinguish him from other hadith authors. An example is the issue of “combined collation” (*al-muqābala*) of what the student heard and transcribed with the original source (*aṣl al-samāʿ*) fixed in the written record of his teacher (*nusḫa*) from which the latter dictated.\(^{97}\) Al-Qāḍī ‘Iyāḍ appears to be stricter than his great predecessor al-Ḫaṭīb al-Baġdādī.\(^{98}\) For the author of the “Elucidation”, this procedure, which has to be applied “letter after letter”, is an obligation

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\(^{95}\) Mālik was harshly criticised by Ibn Ḥazm for neglecting hadith in favour of his own legal reasoning (*raʾy*). See Adang, “A Žāhirī Conception of Religious Authority”, p. 38–40.

\(^{96}\) For this issue see Hallaq, “The Authenticity of Prophetic Hadith”, p. 83.

\(^{97}\) On this procedure, see Leder, “Spoken Word and Written Text”, p. 8–10.

for the student and a condition for the validity of his transmission. It is necessary in order to generate “trust and certitude”, but also because even minor differences in narration and its transcription like varying vowels or points can have consequences on legal interpretation. A similar approach, aiming at eliminating any ambiguity and incertitude in transmission, is visible in ‘Iyāḍ’s treatment of the issue of “verification” (taḥqīq) concerning the question whether a person may transmit a hadith that he has not yet memorized or written down. He underlines the principle that “one may only transmit those hadith which one has verified (lā yuḥaddīt ʾillā bi-mā ḥaqqaqa)” arguing that otherwise the transmission risks to become “a hadith by opinion only (ṣāra ḥadīṭuhu bi-l-ẓann), and this is the most lying sort of hadith (akḍab al-ḥadīṯ)”. On the other hand, he relates the case of “those who are lenient” with this sort of transmission and states the diffusion of this practice in his time without openly criticizing it.

The important and controversial question of paraphrastic transmission (al-riwāya bi-l-maʾnā) and its relation to verbatim transmission (al-riwāya bi-l-lafẓ) is treated in chapter fourteen. As the majority of his predecessors, he allows the paraphrastic transmission only to an experienced and knowledgeable scholar. He cites various traditions showing that this transmission was permitted by the Prophet and practiced by the Companions. The stringency (tašaddud) attributed to Mālik in this regard is discussed in length. Qāḍī ‘Iyāḍ

99. P. 67. On the notion of certitude in hadith scholarship see Brown, “The Literal, Historical, and Effective Truth of Ḥadīths”, p. 266–267. The author remarks that “it was generally concluded by Sunni analysts from the fifth/eleventh century onward that the certainty referred to by the Partisans of Ḥadīth was discursive or acquired certainty” (p. 266, footnote 36).
100. Al-Ilmāʾ, p. 64–65. The author gives several examples and shows how normative differences between the juridical traditions can have their origin in this.
101. Al-Ilmāʾ, p. 57.
103. Al-Ilmāʾ, p. 58.
104. Al-Ilmāʾ, p. 76–78. Al-Ḥaṭṭīb al-Bağdādī discussed this issue in great detail by mentioning the divergent opinions and practices and presented an argumentation in favour of the permissibility of the riwāya bi-l-maʾnā, see al-Kifāya, vol. I, p. 433–439. See also al-Sayāǧī, Manāhiǧ al-muḥaddidīn.
105. He specifies the required qualities as follows: “[...] being acquainted with religious science, being able to distinguish the various aspects of the variations of wordings, possessing science of its meanings and purposes”, Al-Ilmāʾ, p. 77.
106. Al-Ilmāʾ, p. 77–78. Mālik’s opinion is mentioned in the Čāmiʾ al-bayān, p. 111. Its author Ibn ʿAbd al-Barr is more permissive than al-Qāḍī ‘Iyāḍ with regard to the paraphrastic transmission
agrees with the common position of Maliki fuqahāʾ that the founder of their school did not prohibit the riwāya bi-l-maʿnā, but that he preconised a preference (istihbāb) for the exact wording whenever this is possible. But for Qāḍī ʿIyāḍ there is a difference to be made between the Companion’s practice of paraphrastic transmission and the practice of the scholars succeeding them. The Companions are credited a priori with an undoubtable knowledge and acquaintance of the prophetic sunna as “they witnessed the correspondences (qarāʾin) of these words and the circumstances (asbāb) of the hadith, and they understood their meanings in truth and articulated them according to the common expressions so that their word constitute a translation of the meanings they guarded from their witness”. Thus, for al-Qāḍī ʿIyāḍ, their practice of transmitting the meaning does not represent a problem regarding the authority of hadith. In this argumentation, aiming at upholding the reliability of the hadith tradition, the author of the “Elucidation” does not mention any particular group, but it is possible that he reacts to hadith sceptics amongst either rationalist theologians, Maliki fuqahāʾ or even to certain Shiʿite tendencies in North Africa. In any case, unlike the Companions, scholars should stick exactly to the wording “which they heard” and practice the riwāya bi-l-maʿnā only under certain conditions. For Qāḍī ʿIyāḍ transmitting only the meaning (maʿnā) of a hadith may be practiced by a “scholar immerged in the meanings (al-ʿālim al-mutabaḥḥir maʿnāhu) [of hadith]” as a way to confirm other transmissions (istišhād) or to practice the memorization (muḍākara) or to argue legal cases (huǧǧa), but the attempt to verify the exact wording, if it is possible, is always preferable.

and the rectification of laḥn, see the chapter “The Instruction to Rectify Language Mistakes and Errors in the Hadith, and to Follow its Wording and its Meaning”, al-Ilmāʾ, p. 108–112.

107. The way hadith scholars understood the relation between the wording and the meaning of hadith is well explained by Asma Hilali: “The ‘sunna’ is the reference which allows the search for the meaning of ḥadīth; it is not the support of this search, this support is, let me underline it, the literality of the text: the literality of the transmission conditions the search for the meaning of ḥadīth” (“ʿAbd al-Raḥmān al-Rāmahurmuzī (m. 360/971) à l’origine de la reflexion sur l’authenticité du ḥadīṭ”, p. 134).

108. Al-Ilmāʾ, p. 78.

109. Even if al-Qāḍī ʿIyāḍ here forwards rational reasons for the Companion’s unique status, the theological perspective from which our author considers hadith transmission is again particularly visible in this case. For “The Collective Accreditation of the Earliest Muslims” see Dickinson, The Development of Early Sunnite Hadith Criticism, p. 120–123; Scott, Constructive Critics, p. 221–283; Brown, Hadith. Muhammad’s Legacy, p. 87–88.


111. Al-Ilmāʾ, p. 78.
A large space of the treatise is dedicated to the transcription of hadith and the way to deal with errors, incoherencies and divergences in transmission. This is of course a classical theme of hadith handbook and one can find similar sections in Ibn ʿAbd al-Barrʾs Ġāmiʿ bayān al-ʿilm\textsuperscript{112} from which al-Qāḍī ʿIyāḍ certainly drew. In chapter 15 “Concerning the Correction of Errors (khaṭaʾ) and the Rectification of Formal Language Mistakes (laḥn)” he begins by mentioning the authorities who were not in favour of engaging in correction or rectification of transmitted hadiths. But he mentions also those who engaged in rectification, even for hadiths which are found in al-Buḫārīʾs Ṣāḥīḥ collection, like Abū Sulaymān al-Ḫaṭṭābī (319-388/931-998).\textsuperscript{113} Al-Qāḍī ʿIyāḍ himself takes a pragmatic stance when he advises his readers to stick to the transmitted version and to alert at the same time about the laḥn by a written note or an oral comment, if possible by reference to other versions of the hadith.\textsuperscript{114} His argument is that the “protection of the door of rectification and modification has precedence”.\textsuperscript{115} As with paraphrastic transmission, the modification of transmissions is considered a Pandora’s box the access to which needs to be controlled in order to prevent “the attribution to the Prophet of what he did not say” by those who do not possess the necessary qualifications to handle ambiguities in transmission.\textsuperscript{116}

Having in mind that the technical Arabic term for transmitter al-rāwī originally denoted the transmitter of poetry in the pre-Islamic Arabic culture, it is interesting to note that the rāwī was expected to improve the rhyme, grammar and scheme of the poems he transmitted.\textsuperscript{117} From this background, the discussion of whether transmitted hadith are to be corrected or improved stands in a sharp contrast to the transmission of poetry. The dogmatic principle

\textsuperscript{112} Al-Ilmāʾ, p. 88–112.
\textsuperscript{113} For this author and his critique of the most important hadith collection of Sunni Islam, see Tokatly, “The Ilm al-ḥadīth of al-Khaṭṭābī”.
\textsuperscript{114} Al-Ilmāʾ, p. 80–81. In the al-Muhaddīṯ al-fāṣil there is a much longer chapter with a very similar title (p. 540–546), but unlike al-Qāḍī ʿIyāḍ its author does not give any practical instructions. According to Asma Hilali’s interpretation, al-Rāmahurmuzi took a more permissive stance towards grammatical rectification, as “the rules of grammar participate in the quest for the meaning [of the hadith]”: “Abd al-Raḥmān al-Rāmahurmuzi (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīṯ”, p. 134.
\textsuperscript{115} Al-Ilmāʾ, p. 81.
\textsuperscript{116} Al-Ilmāʾ, p. 81.
\textsuperscript{117} See Schoeler, The Oral and the Written, p. 65–66.
that “the Messenger does not make formal language mistakes (lā yulḥin)\textsuperscript{118}” expressed by al-Nasāʾī (215-303/830-915), author of one of the six canonical hadith collections,\textsuperscript{119} insists on the qualitative difference between prophetic word and poetic word, between a testimony of revelation and a document of human culture. Transmitting hadith is not comparable to transmitting poetry, even if one considers the crucial cultural and religious function of poetry in Arabic societies.

The fact that he does not mention in any way textual criticism or matn criticism is not in itself unusual,\textsuperscript{120} but it raises the question how he approached this controversial issue. In his \textit{Healing}, he does practice textual criticism regarding the hadith of the so-called “satanic verses”.\textsuperscript{121} But he refutes the contents of these traditions only after having stated that their transmissions are not reliable.\textsuperscript{122} The actual reason for his rejection of the anecdote is certainly that it does not conform to his conception of Muhammad’s prophethood. So again, we can see how for al-Qāḍī ʿIyāḍ dogmatics constitutes the horizon in which the science of hadith is to be practiced. Unlike the Mu’tazilites, the axiomatic ground of theological principles is not the logical consistency of human reason, but the guarantee that the prophetic person of Muhammad represents in virtue of divine revelation. Al-Qāḍī ʿIyāḍ’s silence about matn criticism means also that for him the authority of hadith is to be evaluated in terms of the authority of the transmitter. We will see later that the transmitter vouches, with his moral personality and his conformity to a certain ethos, for the text he transmits. Al-Qāḍī ʿIyāḍ reaffirms for the context of the Islamic West a conception of hadith transmission which is based on what William Graham calls the isnād-paradigm. As the latter explains, “what is crucial here is the fundamental presupposition that truth does not reside in

\textsuperscript{118.} The term of \textit{lām} refers to the phenomenon of barbarism or solecism meaning a corrupted form of language through the influence of dialect. The quote of Nasāʾī goes on and explains that linguistic inconsistencies in certain hadith are due to the fact that the Prophet used to speak to the Bedouins in their own language.

\textsuperscript{119.} P. 79.

\textsuperscript{120.} In this respect he follows rather Ibn ʿAbd al-Barr than al-Ḥaṭīb al-Baġdādī who mentions the Quran and human reason as criteria for the evaluation of the texts of hadith, even if he does not himself apply this method, as Jonathan Brown has shown: “How We Know Early Hadith Critics Did Matn Criticism”, p. 150–153.

\textsuperscript{121.} On this topic see Shahab, \textit{Before Orthodoxy: The Satanic Verses in Early Islam}.

\textsuperscript{122.} \textit{Kitāb al-šifāʾ}, p. 294–299 (in the transl. p. 593–609). Jonathan Brown tries to explain why this was common practice amongst the \textit{ahl al-ḥadīṯ}, see “How We Know Early Hadith Critics Did Matn Criticism”, p. 172–184.
documents, however authentic, ancient, or well-preserved, but in authentic human beings and their personal connections with one another. Documents alone, without a line of persons possessed of both knowledge and righteousness to teach and convey them across the years, are useless as instruments of authoritative transmission”.¹²³ This explains why in the view of a hadith scholar like al-Qādi ʿIyāḍ the matn has no authority on itself and consequently cannot be the object of an evaluation independently from its transmission.

The specific approach of the Andalusian practice of hadith transmission is visible in the question of how to deal with divergences in the transmissions of hadith corpora (ḍabb iḥtiḥal al-riwāyāt). Al-Qādi ʿIyāḍ recommends in great detail practical solutions to various problems and warns of negligence in this matter. He further remarks that “the scholars of al-Andalus have in this matter a precision (daḥṭ) that no one else has (fihi yad laysat li-ġayrihim)”¹²⁴ and that in his time, the foremost scholar in this respect was his own teacher Abū ʿAlī al-Ṣadafī. The concern for the harmonisation of variations in transmitted hadith collections appears to be a characteristic of Andalusian hadith scholarship and al-Qādi ʿIyāḍ visibly seeks to conserve this expertise. On the other hand, it shows that these variations of hadith corpora that were introduced from the East raised a challenge to the scholars of al-Andalus. The “Elucidation” again appears as a measure for restoring order into the handling of hadith in the scholarship of the Islamic West by setting standards and establishing formal procedures.

5. The Ethos of Hadith Scholarship and its Discursive Authority

Besides the theological foundation and meaning of hadith transmission and science, and the discussion of various of techniques of authoritative transmission, the adab represents the third major topic of the “Elucidation”. Two chapters, one at the beginning and one at the end, are devoted to this topic. Chapter three of the treatise, entitled “The Etiquettes of the Student of

¹²⁴. Al-Ilmāʾ, p. 83. Concerning “precision”, Asma Hilali has shown in her study of the al-Muḥaddīṭ al-fāṣīl how it corresponds to a procedure aiming at reestablishing the integral text of the hadith: “Abd al-Raḥmān al-Rāmahurmuzī (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīṭ”, p. 137–138.
Hadith”, the ādāb ṭālib al-samāʾ, begins with a functional argumentation and sets the tone for the more formal aspects of hadith transmission which he discusses in the following sections. Al-Qādī ʿIyāḍ explains that every science (ʿilm) has its adab and that in order to succeed in the acquisition of a science, one needs to adopt its adab: “At first, it is incumbent upon every student of a science before engaging with it to assimilate the traits (taḥalluq) of its people, to embellish himself with their fashions and to adopt the manners (adab) of its bearers.”125 This passage, and the whole content of the chapter, make clear that the student does not merely receive a text when he receives transmissions of hadith; in reality, he is supposed to receive a religious education implying a certain attitude and behaviour.

Al-Ḫaṭīb al-Baġdādī and others have devoted complete treatises on this subject.126 In its ethical sense, the term adab appears very early in the hadith literature. Already al-Buḫārī (194-256/810-880) authored a hadith collection with the title al-Adab al-mufrad127 (“The singular etiquette”). Here the notion of adab is used to denote the manners and ethical teachings of the Prophet Muhammad. In hadith scholarship, quite analogously to its use in courtly culture, adab came to denote the attitude and behaviour that the student of hadith, defined as “he who seeks the audition [of hadith]”, is expected to adopt. One could suppose that this type of topic represents a purely moral appeal seeking to underline the religious integrity of hadith scholars. In reality, as we will see, the adab has a very technical sense here and constitutes one of the foundations of authoritative hadith transmission.

125. Al-Ilmāʾ, p.19.
126. See al-Ǧāmiʿ li-aḥlāq al-rāwī wa ādāb al-sāmiʾ, and later al-Samʿānī’s (m. 562/1166), Adab al-imlāʾ wa-l-istimlāʾ. See also Melchert, where the author focuses on exterior manners like how to sit and to dress when teaching or hearing hadith. Regarding the progressive codification of these rules for proper teaching, the author remarks: “[...] once the sound hadith had been sorted out and the law justified on their basis, the main point of studying hadith was to reproduce the experience of virtuous Muslims in the past, or at least to establish oneself at the end of a chain of virtuous Muslims reaching back to the Prophet. It was religiously satisfying to hear prophetic hadith in just the manner the Companions’ hearing it”: “The Etiquette of Learning”, p. 42.
127. The work has been rendered into English by Adil Salahi: al-Adab al-mufrad with Full Commentary. As Stefan Sperl has remarked, “five of the six canonical Ḥadīth collections contain chapter headings including the term adab or its plural ādāb [...]”, where it serves “to illustrate the beneficial role in interpersonal relations of commendable speech and action”: “Man’s ‘Hollow Core’”, p. 97–98.
The topic of *adab* as a technique is possibly inspired by the Abbasside ādāb al-kātib literature where it denotes an ethical ideal but also a set of cultural techniques especially of linguistic nature that a court secretary needs to master. The *adab* represents a sort of ‘formative culture’ which reminds of the German notion of ‘Bildung’ and it reminds of the association of “moral competence” with expertise and knowledge in the notion of *ethos* in Aristotle’s ethics and rhetoric. Originally meaning “custom” or “character”, *ethos* is defined as “the distinguishing character, sentiment, moral nature, or guiding beliefs of a person, group, or institution” and comes to mean in rhetoric “the image that the orator constructs of himself in his discourse in order to exercise an influence on his listener”. Accordingly, the *ethos* founds the discursive authority of a person within the community that upholds it as binding.

Without pushing the analogy too far, the notion of *adab* in hadith manuals can be read along similar lines as the *ethos* of hadith scholarship which consists of the virtues and manners taught and practiced by the Prophet Muhammad and transmitted from him. In his “Elucidation”, al-Qāḍī ʿIyāḍ outlines an ideal of piety characterised by awe of God (*taqwā*), detachment from worldly affairs (*zuhd*) and diligence or scrupulousness in religious practice (*waraʿ*) which

128. Ibn Qutayba’s (m. 276/889) *Adab al-kātib* and his *ʿUyūn al-aĥbār* are the most known works of this genre. The first was well known in al-Andalus as has been shown by Soravia, “Ibn Qutayba en al-Andalus”, p. 539–565. Christopher Melchert stresses the contrast of this courtly *adab* with the ideal of piety of hadith scholars, see “The Piety of the Hadith Folk”, p. 432–434. Stefan Sperl, on the other hand, analyses the shared features of the hadith compilations and the *adab* anthologies (“Man’s ‘Hollow Core’”, p. 90–118). He concludes that “if literary *adab*, as aptly stated by Kilpatrick ‘bears essentially upon behaviour within a given social group, which it both reflects and defines’, *adab* in Ḥadīth, by reflecting the words and deeds of the Prophet, aims at nothing less than defining the basic behavioural standards of the Muslim community as a whole”: ibid., p. 102.

129. For this notion and its meaning for the relation between ethics and knowledge, see Gadamer, *Wahrheit und Methode*, p. 15–24. Tarif Khalidi explains that “*adab* presupposes that there can be no true erudition without the polished character that goes with it” and proposes as the “happiest synonym so far suggested [the] Greek *Paideia*, Kennedy, “Preface”, p. xiii.

130. See Smith, “Ethos Dwells Pervasively”, p. 2–5. The very complex notion of *ethos* suggests amongst other things the “constitution of the self with a political community or a social group”, see Woerther, *L’èthos aristotélicien*, p. 21. In this way the *ethos* founds a discursive authority. The notion of *adab* has a similar meaning for the student aspiring to become the member of the community of hadith scholars.


133. In the case of Ibn Abī Ḥātim al-Rāzī’s *Taqdīma*, Dickinson mentions the pair *zuhd* and *waraʿ* and remarks: “[…] the reasons why Ibn Abī Ḥātim and his colleagues were preoccupied with
is characteristic of the ethos of Muslim ascetics, the zuhhād. Our author portrayed many of these Andalusian ascetics in his biographical dictionary of Maliki scholars and he is himself portrayed by his biographers as a man of piety and ascetism. The technical meaning of virtues has been alluded to by Asma Hilali in her study of the al-Muḥaddīḥ al-fāṣīl. She remarks that “humility allows the student of ḥadīṭ to adhere to a shared form of knowledge which is harmonious with the precepts of the sunna”. It is easy to see why the virtue of diligence is necessary for a scholar who is responsible for the exactitude and precision in transmission. Detachment from worldly affairs is equally important for somebody who is supposed to be immune against political interference, social advantages or economic enrichment with the regard to the manipulation of prophetic traditions. This last point is particularly evident in the next chapter, dealing with “what is incumbent upon the quest of hadith concerning the purity of intention”, ihlās al-niyya. The niyya, which Ignaz Goldziher called the “supreme principle” and “the guiding thought of all religious action” in Islam, denotes the inner disposition and motivation of the transmitter and is to be understood in this moral and technical sense, too. The authority of the hadith carries over its scholar and thus beguiles him into abusing his position and into manipulating the transmission of hadith in order to satisfy personal or other party’s interests.

zuḥd and waraʿ remains uncertain”. The Development of Early Sunnite Hadith Criticism, p. 59. We will see that it is altogether possible to ascertain a meaningful relation between these spiritual virtues and hadith transmission.


135. See for example in Marin, “Abū Saʿīd ibn al-Aʿrābī et le développement du soufisme en al-Andalus”, where ʿIyāḍ’s work constitutes one of the principal sources. His son states that “promoted the remembrance of reports about virtuous people (ṣāliḥīn) and their conduct as well as the Sufis and their schools”, ʿIyāḍ (m. 575/1179), al-Taʿrīf bi-l-Qāḍī ʿIyāḍ, p. 6.

136. See for example ʿIyāḍ (m. 575/1179), al-Taʿrīf bi-l-Qāḍī ʿIyāḍ, p. 6.

137. “Abd al-Raḥmān al-Rāmahurmūzī (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīṭ”, p. 135.


140. One has to remind that the intention has a normative meaning in Maliki fiqh in that it is a condition for the validity of certain rites. For this aspect of intention see Powers, “Interiors, Intentions, and the ‘Spirituality’ of Islamic Ritual Practice”.
In a way, the discourse on the purity of intention suggests the idea that the transmission of hadith requires a correspondence between the finality of the transmission and the religious and eschatological finality of its content. The virtues which constitute the ethos of hadith scholarship are meant to attest to the trustworthiness of the hadith scholar as transmitter and representative of the sunna.141

The notion of taḥalluq mentioned in the passage above expresses very clearly the idea that there needs to be a correspondence between the agent of transmission, the rāwī, and its content, the sunna. The notion of adab means the implementation of the ethical and ascetical content of the hadith. The ethos confers authority to the scholar of hadith as the representative of the sunna within the Islamic community. In order to understand the meaning of the correspondence between the personality of the transmitter and the content of transmission we need to consider what the hadith actually implies for a scholar like al-Qāḍī ʿIyāḍ. If we take seriously the idea he explained in his introduction, namely that the sunna is revelation, we need to consider the sunna as an event in which something happens: the Prophet Muhammad speaks, acts and behaves in a certain way, in a certain time and place, and through this happening revelation is made accessible to mankind. The testimony of this event is precisely what is reported in the hadith. Considered from this angle, it is possible to understand why the transmission of hadith represents to ʿIyāḍ much more than the conveyance of a text with a certain information; it implies the assimilation of the ethical and theological content of hadith and the connection to its origin, the Prophet Muhammad. This is necessary in view of the actualisation of the sunna, thematized, as we have seen above, in terms of ‘vivification’, the ḥiyāʾ al-sunna mentioned in the ḥadīṯ al-ġurabāʾ. The scholars of hadith not only transmit the sunna, they ensure, through their ethos, that it remains a living and lived reality. The text of the hadith has to be made to speak through the personality and teaching of its scholars.

The longest and conclusive chapter of the “Elucidation”, “The Comprehensive Compilation of Beneficial Traditions Laudable Manners (ādāb hamīda)”, opens with a saying attributed to al-Zuhārī,142 one of the forefathers of hadith

141. Asma Hilali remarks that “piety and the observance of religious practices are indispensable qualities of the transmitter for in theory they imply the absence of passion or innovative thinking, which are two attributes that are banned from the moral axe of transmission”: “Abd al-Raḥmān al-Rāmahurmuzi (m. 360/971) à l’origine de la réflexion sur l’authenticité du ḥadīṯ”, p. 144.

transmission: “This science is God’s education (adab Allāh) with which He educated His Prophet and with which the Prophet educated his community; it is God’s charge (amāna) to His Messenger that he may deliver it to whom he has to deliver it; whosoever receives [lit. “hears”] something of this science, he shall let himself be guided by it [lit. “put it in front of himself”] and apply it as a criteria (ḥuǧǧa) for his relationship with God [“put it between God and himself”].”143 What al-Zuhrī intended by ʿilm is not clear in this tradition, but it is evident that for al-Qāḍī ʿIyāḍ it corresponds to the science and content of tradition. In this way, he highlights the theological significance of hadith transmission qualified as guidance which assures the right orientation of the Muslim community, and as the criteria which allows to critically verify whether Muslims truly conform to God’s revelation. According to the view expressed in this tradition, transmitting hadith is not like simply transmitting a conventional information or text; it means pursuing the process of revelation and participating in the guidance of the Muslim community.

It is striking that there is nothing in the “Elucidation” about the attitude and behaviour to be adopted towards political power. Al-Qāḍī ʿIyāḍ could have mentioned the known example of Mālik, as did for example Ibn Abī Ḥātim al-Rāzī in his Taqdimā in the section “Mālik speaking the truth to political power”.145 Eerik Dickinson’s remark that “in the writings of the scholars of ʿḥadīth we find little interest in contemporary political affairs and certainly nothing resembling a political manifesto” seems to be congruent with the “Elucidation”. The first and the last chapters can effectively be read as an appeal for the autonomy of hadith scholarship from politics.146

Al-Qāḍī ʿIyāḍ also mentions a tradition which reports how the second calif ʿUmar criticised major companions for divulging prophetic hadith.147

143. Al-Ilmā, p. 91.
144. For the understanding of ʿilm in early hadith scholarship see Brown, “Did the Prophet Say It or Not?”, p. 265–266.
145. See Dickinson, The Development of Early Sunnite Hadith Criticism, p. 73, and for the issue of “The Critics and Political Authorities” in general, p. 71–78. He concludes that “clearly Ibn Abī Ḥātim regards the defiance or avoidance of the political authorities as a characteristic of the critics of ʿḥadīth, but why this is so is difficult to determine. The reports are vague about what it is the critics were supposed to dislike about the political authorities. In the writings of the scholars of ʿḥadīth we find little interest in contemporary political affairs and certainly nothing resembling a political manifesto” (p. 76).
146. One should not forget that al-Qāḍī ʿIyāḍ was very directly involved in politics as leader of the rebellion of Sebta against the Almohads.
147. Al-Ilmā, p. 93.
Several sayings develop the warning against an inappropriate vulgarisation of hadith. This common *topos* of discourse on hadith scholarship presents the hadith as a precious charge which is to be protected from the non-specialists. This underlines the claim that the transmission of hadith is a prerogative of the hadith scholars. Not only do they possess the necessary expertise concerning techniques of transmission and evaluation, but they are also the legitimate representatives of the prophetic *sunna*. Their specific ethos, which al-Qāḍī ʿIyāḍ expounds in the rest of the chapter, testifies to their ability to fulfil this important function and to constitute a religious elite. In his study “The piety of the hadith folk”, Christopher Melchert has analysed the religious ideal of Eastern hadith scholars as a “moralistic” conception of the Muslim community and has highlighted the important influence this ideal had on Islamic scholarship and piety. The *topos* of *adab* indeed allowed al-Qāḍī ʿIyāḍ to present the hadith scholars as forming a “moralistic community” in the sense of a community characterized by a prophetic ethos. This founds the discursive authority of the hadith scholars as those who both transmit and represent the Prophet’s revelation and who thus act as the guardians of original Islam. These considerations show that the spiritual ideal of the hadith scholar, consisting of the conformity to the prophetic model of behaviour and attitude, is to be considered as being part of a discourse on the authority of hadith. The ethos of the scholars who are responsible for the transmission of hadith founds, beyond questions of technical accuracy and historical reliability, the authority of the hadith. Text and transmitter are interrelated and form the two constitutive and indispensable elements of the process which constitutes the hadith.

Conclusion

Transmission, Transmitter and the Transmitted

The “Elucidation” represents a condensation of eastern writing on hadith transmission intended to standardise hadith scholarship in the Islamic West. Al-Qāḍī ʿIyāḍ continues the project of his predecessors like Ibn ʿAbd al-Barr who saw “the role of the theorist of hadith as consisting in justifying the installation of the canonical hadith corpus from the Orient into Muslim

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Spain, and more precisely into the milieu of jurists who are required to use the prophetic tradition as source of juridical norms”. Al-Qāḍī ʿIyāḍ does not present a definition of what constitutes authoritative transmission, but he expounds what are for him the most important conditions which determine it and the criteria which allow to measure it. As his predecessors, he describes historical examples of the practice of hadith transmission and then, in most cases, develops his own practical considerations. Hence, his theory of hadith transmission really emerges out of its constantly evolving practice: “The usage establishes the terminological definition.” As such, the science of hadith and its methodology are conceived less as a fixed set of rules than as a dynamic elaboration which has to be constantly appropriated by scholarly traditions, and this is precisely what the “Elucidation” is supposed to achieve for the Maliki tradition in the Muslim West.

Qāḍī ʿIyāḍ resumes many of the issues that his predecessors treated in their handbooks, but he chooses and highlights some of them and expresses his own stance with regard to controversial questions such as the possibility of paraphrastic transmission. Unlike other previous treatises, the “Elucidation” focuses on the activity of transmission and the conditions which validate it. The propaedeutic significance of adab for the acquisition of the profession of hadith transmission plays a major role in the “Elucidation”, too. The mise-en-scene of Mālik as a founding father of the science of hadith aims at sensitizing students of Malikism to this discipline and to the significance of hadith transmission. The pedagogical and practical outlook of the work shows al-Qāḍī ʿIyāḍ’s endeavour to train them in controversial issues and offer them solutions adapted to the context of al-Andalus and the Maghreb. The question whether al-Qāḍī ʿIyāḍ belonged to the “commentator” or to the “critic” of hadith has to be responded by the latter. In his “Elucidation” he displays a stringent critical thinking, but at the same time his writing is the expression of...
of an attitude of profound confidence into transmission, its agents and the
canon that was produced by them.

The endeavour to re-connect the umma to its founder and to overcome in
this way its fragmentation is indeed common to the major works of al-Qāḍī
ʿIyāḍ, such as his prophetological treatise and his history of Malikism and the
same holds for his manual on hadith transmission. The science of hadith as
expounded in the “Elucidation” is presented as the means to overcome the
“loss of the sunna” that threatens the Muslim community in the West. It is
the way to conserve the connection to the prophetic origin of Islam which
is conserved in the hadith. The techniques of transmission and the ethos of
hadith scholarship emerge from the prophetic origin of hadith and the tem-
poral remoteness from it. Hence, for al-Qāḍī ʿIyāḍ, the transmission of hadith
fulfils a necessary function in the history of revelation, religion and salvation.

The study of the “Elucidation” has shed light on the relationship between
the technical and the ethical dimension of hadith scholarship. Asking about
the authority of hadith means asking about the authority of an activity, and
it implies asking about the reliability of the agents of this activity and the
accurateness of its performance. That is why the science of hadith, such as
it is presented by al-Qāḍī ʿIyāḍ, selects certain aspects of the transmitter’s
identity which it considers to be decisive in view of the content (the sunna)
and purpose of transmission (the guidance of the Muslim community). The
transmitter’s ability to assimilate and to represent, we can say to embody, the
content of transmission, that is the sunna, are constitutive of his authority.
This requirement is explicated by al-Qāḍī ʿIyāḍ through the notion of adab in
its both ethical and technical meaning. The accurateness of the performance
of transmission is assured by techniques of transmission and measured by
the extent to which these techniques have been applied. The “principles of
transmission” (uṣūl al-riwāya) which the author mentions in the title of the
“Elucidation” are the result of this interrelatedness between revelation,
techniques of transmission, prophetic ethos and the destiny of the Muslim
community.

153. Gadamer’s indications about the relation between the authority of knowledge and the
ethical dimension of the problem of methodology in scientific activity could prove a useful
approach to further our understanding of the importance of the personality of the transmitter
and of his moral and religious integrity. See Wahrheit und Methode, p. 317–320.
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**Abstract / Résumé / ملخص**

In a historical situation marked by the upcoming of divergent figures of religious authority in the Islamic West of the 6th/12th century, the influential Moroccan scholar al-Qāḍī ʿIyāḍ al-Yaḥṣubī (476-544/1083-1149) authored a manual of hadith sciences, the *al-Ilmāʿ ilā maʿrifat uṣūl al-riwāya wa-taqyīd al-samāʿ* (The Elucidation of the Principles of Transmission and of the Transcription of Audition). The “Elucidation” is one of the referential texts on the science of hadith in the Sunni tradition and, despite its being the first work of its kind in the Maghreb, it has not yet been the object of academic study in any European language. This study interrogates the text about its conception of the authority of hadith in order to allow for an interpretative reading of its view of hadith transmission. It proceeds by distinguishing five thematical sections in the text concerning respectively the epistemological foundation of hadith transmission, its functional purpose, the techniques and conditions of its authoritativeness and the significance of its ethos. Besides aiming at clarifying the question of the authority of hadith and some of its implications, a further purpose of this study is to present a so far neglected aspect of al-Qāḍī ʿIyāḍ’s scholarship.

**Keywords**: al-Qāḍī ʿIyāḍ, hadith, Sunna.

Dans une situation historique marquée par l’apparition de figures divergentes de l’autorité religieuse dans l’Occident islamique du viiie/xiiie siècle, l’influ ent savant marocain al-Qāḍī ʿIyāḍ al-Yaḥṣubī (476-544/1083-1149) rédige
un manuel des sciences du hadîth, le al-ilmāʾ ilā maʿrifat usūl al-riwāya wa-taqyīd al-samâʾ (L’élucidation des principes de transmission et de transcription de l’audition). L’Élucidation est l’un des textes de référence sur la science du hadîth dans la tradition sunnite et, bien qu’il s’agisse du premier ouvrage de ce type au Maghreb, il n’a pas encore fait l’objet d’études académiques dans aucune langue européenne. Cette étude interroge le texte sur sa conception de l’autorité du hadîth afin de permettre une lecture interprétative de sa vision de la transmission du hadîth. Il procède en distinguant cinq sections thématiques dans le texte concernant respectivement le fondement épistémologique de la transmission du hadîth, sa finalité fonctionnelle, les techniques et les conditions déterminant son autorité et la signification de son ethos. Outre la clarification de la question de l’autorité du hadîth et de certaines de ses implications, un autre objectif de cette étude est de présenter un aspect jusqu’à présent négligé de l’œuvre d’al-Qâdi ʿIyâd.

Mots clefs : al-Qâdi ʿIyâd, hadîth, Sunna.