

The Introduction of ḥadīth in al-Andalus*

(2nd/8th–3rd/9th centuries)

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Introduction

Western scholars like Goldziher, Schacht and more recently Juynboll, among others, maintain that *ḥadīth* literature originated at a later stage than that accepted by the classical Muslim tradition. One of the evidences adduced by Juynboll to support this hypothesis is that provided by the *awā'il* and, among them, by the *awā'il* “dealing with those people who were credited with having been the first to introduce *ḥadīth*, specified in genre as well as unspecified, into certain areas of the Islamic world”.¹⁾ On his part, Schacht has studied the impact of *ḥadīth* in the field of law, on the assumption that the origins of Islamic jurisprudence were not based on *ḥadīth*. Al-Shāfi'ī (d. 204/820) was the first to formulate the theory of the *uṣūl al-fiqh* which was to become classical and the attempts to incorporate *ḥadīth* into the field of *fiqh* had to overcome the resistance of the “ancient schools of law”. In this process a confrontation took place between the groups called by the sources *ahl al-ra'y* and *ahl al-ḥadīth*.²⁾

My aim in this article is to study when the *ḥadīth* literature and the *'ilm al-ḥadīth* were first introduced into al-Andalus, who the protagonists of this

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¹⁾ *Muslim Tradition*, p. 22.

²⁾ See particularly *Origins . . . , Part I and Part II*. Schacht's theories have been recently attacked by M. M. Azmi (*On Schacht's "Origins of Muhammadan Jurisprudence"*, Riad 1986) from a classical Muslim point of view. Schacht's method for the dating of traditions has been put to the test and opened to doubt by M. A. Cook (“Eschatology, history and the dating of traditions”, paper presented to the *Third International Colloquium "From Jāhiliyya to Islam"*, 1985). I shall come back in the conclusions to Schacht's theories.

introduction were and what the relationship between the Andalusian *ahl al-ra'y* and *ahl al-ḥadīth* was. This study is organised in the following way:

I. *Awā'il* dealing with the introduction of ḥadīth into al-Andalus

1. First phase

1.1 Mu'āwiya b. Ṣāliḥ and Ṣa'sa'a b. Sallām (c. second half 2nd/8th century)

1.2 'Abd al-Malik b. Ḥabīb (first half 3rd/9th century)

2. Second phase

2.1 Baqī b. Makhlād (d. 276/889)

2.2 Muḥammad b. Waḍḍāḥ (d. 287/900)

II. The confrontation between the *ahl al-ra'y* and the *ahl al-ḥadīth*

1. The persecution of the traditionists

2. The controversy on *raf' al-yadayn fī l-ṣalāt*

3. The coexistence of the *ahl al-ra'y* and the *ahl al-ḥadīth*

Conclusions

I. *Awā'il* dealing with the introduction of ḥadīth into al-Andalus

The scholars credited with having been the first to introduce ḥadīth into al-Andalus are the following:

– Mu'āwiya b. Ṣāliḥ al-Ḥaḍramī al-Ḥimṣī,³⁾ who left Ḥimṣ in the year 125/742, entered al-Andalus before the year 138/755 and after this date was made *qāḍī* by the first Umayyad *amīr*. According to some sources he died in the year 158/774 and according to others at a later date;

³⁾ See *Quḍāt*, p. 31/40, with the following Andalusian *isnād*: Ibn Ḥārith al-Khusḥanī < Aḥmad b. Ziyād (d. 326/937) < Muḥammad b. Waḍḍāḥ (d. 287/900) < Yaḥyā b. Yaḥyā al-Laythī (d. 234/848).

- Ṣa‘ṣa‘a b. Sallām al-Dimashqī,⁴) of Syrian origin like Mu‘āwiya. He was a *muftī* of the two first Umayyad *amīrs* and died towards the end of the 2nd/8th century (180/796, 192/807 or 202/817);
- ‘Abd al-Malik b. Ḥabīb al-Sulamī (d. 238/852),⁵) one of the leading Maliki scholars of his age.

On the other hand, two scholars who died in the second half of the 3rd/9th century are credited with having been the first to introduce the *‘ilm al-ḥadīth* into al-Andalus. They are Baqī b. Makhḷad (d. 276/889) and Muḥammad b. Waḍḍāḥ (d. 287/900), both of them *mawḷās* from Qurṭuba; thanks to their teachings *ṣārat al-Andalus dār al-ḥadīth*.⁶)

According to these *awā’il*, there were two phases in the introduction of *ḥadīth*:

1. the first phase took place in the last three quarters of the 2nd/8th century (Mu‘āwiya and Ṣa‘ṣa‘a) or in the first half of the 3rd/9th century (Ibn Ḥabīb) and in it *ḥadīth* literature (in general) was introduced;
2. the second phase took place in the second half of the 3rd/9th century (Baqī and Ibn Waḍḍāḥ) and in it the *‘ilm al-ḥadīth* was introduced.

Before undertaking the study of these two phases, it must be pointed out that the information about the presence of Companions and Successors in al-Andalus lacks in general any historical background. The *tābi ‘ūn* who actually entered al-Andalus are either not recorded as having been engaged in the transmission of *ḥadīth* or, if they did, had no Andalusian pupils.⁷) The case of Mu‘āwiya b. Ṣāliḥ, quoted by later sources as a *tābi‘ī*, will be dealt with in the next section.

⁴) See *Ta’riḫ*, n. 608; *Jadhwa*, n. 510; *Bughya*, n. 853; Ibn Sa‘id, *Mughrib*, I, 44. The date of his arrival in al-Andalus (coming from Egypt) is unknown. He was *muftī* of Abd al-Raḥmān I and Hishām I and as a follower of al-Awzā‘ī’s *madhhab* established the practice of growing trees in mosques which was later considered a peculiarity of the Andalusian Malikites: see Fierro, “Los mālikies de al-Andalus . . .”, p. 79.

⁵) See *Siyar*, XII, 106. Al-Dhahabī’s source is the Andalusian Abū ‘Abd al-Malik b. ‘Abd al-Barr (d. 338/950), author of a lost *Ta’riḫ* on which see Viguera’s article. Al-Shibli (d. 769/1367) also quotes Ibn ‘Abd al-Barr in his book on *awā’il*. I thank Prof. M. J. Kister for this information.

⁶) *Ta’riḫ*, I, 318; *Madārik*, IV, 436; *Dibāj*, II, 180; *Tadhkira*, II, 647.

⁷) See Marín, “*Ṣaḥāba . . .*”, especially, p. 22. The Egyptian sources from which the Andalusians took their information on those Companions and Successors have been studied in Makki’s article.

1. *First phase*

1.1 Mu'āwiya b. Ṣāliḥ and Ṣa'ṣa'a b. Sallām (c. second half of the 2nd/8th century)

As regards the *awā'il* that deal with the introduction of ḥadīth by Mu'āwiya and Ṣa'ṣa'a, the information they provide is not supported by external evidence: no *isnād* is recorded in which their names appear as informants of Andalusian transmitters.

In the case of Ṣa'ṣa'a b. Sallām, it is the Egyptian traditionist Ibn Yūnus (d. 347/958) that names him as the first to introduce ḥadīth into al-Andalus, without any mention as to where he took this information from or whether his source was Andalusian or Oriental.⁸⁾ Apart from this mention, Ṣa'ṣa'a is a scholar unknown outside al-Andalus. Ibn 'Asākir had to rely on Ibn Yūnus and on Andalusian sources for the biography included in his *Ta'rīkh Dimashq*⁹⁾ and I have not found the name of Ṣa'ṣa'a in the most important Oriental *rijāl* works. Ṣa'ṣa'a is also credited with having been the first to introduce the *madhhab* of al-Awzā'ī into the Iberian Peninsula.

Mu'āwiya b. Ṣāliḥ, on the other hand, is a well known traditionist in Eastern Islam. His name appears in the *isnāds* of the six books (with the exclusion of al-Bukhārī's *Ṣaḥīḥ*). He is mentioned as the teacher of famous traditionists like 'Abd Allāh b. Wahb (d. 197/912), 'Abd al-Raḥmān b. Mahdī (d. 198/813), Abū Ṣāliḥ (d. 223/838), Asad b. Mūsā (d. 212/827), al-Layth b. Sa'd (d. 175/791), al-Wāqidi (d. 207/823), Sufyān al-Thawrī (d. 161/778), Sufyān b. 'Uyayna (d. 198/813), Yaḥyā b. Sa'id al-Qaṭṭān (d. 198/813). His transmission of Ibn 'Abbās's *Tafsīr* was quoted by al-Ṭabarī. No trace, however, is left of his alleged transmissions in al-Andalus.

When the aforementioned Ibn Waḍḍāḥ made his first *riḥla* to the East (between the years 218/833 and 230/844), he studied with the 'Irāqī Yaḥyā b. Ma'in and was asked by him whether Mu'āwiya's transmissions had been collected in al-Andalus. Ibn Waḍḍāḥ's answer was that they had not, explaining that in those days the Andalusians were not interested in knowledge (*lam yakun ahlu-hā yawmā'idh ahl al-'ilm*). Muḥammad b. 'Abd

⁸⁾ The problem of the Andalusian sources used by Ibn Yūnus is far from being solved. See Fierro, "Ibn Yūnus, fuente de Ibn al-Faraḍī", *Homenaje a D. Cabanelas O. F. M.*, 2 vols. Granada 1987 I, 297-313.

⁹⁾ I have consulted a ms. in the Sulaymāniya Library (Damat Ibrahim Pasa n. 875, f. 422b, 6-22). Ibn 'Asākir quotes Ṣa'ṣa'a's biography by Ibn Yūnus, but the text looks defective: where it should appear *kāna awwal man adkhala l-Andalus al-ḥadīth*, this last word is missing and without it the sentence does not make much sense.

al-Malik b. Ayman (d. after 300/912), one of Ibn Waḍḍāḥ's pupils, had a similar experience during his *riḥla* (started in the year 274/879). He realized then that the transmissions by Mu'āwiya were highly valued in 'Irāq and his teacher Ibn Abī Khaythama (d. 279/892) went so far as to mention his desire of visiting al-Andalus in order to examine the *uṣūl* of Mu'āwiya's books.¹⁰) When Ibn Ayman came back to the Peninsula, he unsuccessfully looked for those books and, at the end, he was forced to conclude (like Ibn Waḍḍāḥ had been before him) that the transmissions by Mu'āwiya had been lost because of the lack of interest and knowledge of the Andalusians.¹¹)

In my monograph on Mu'āwiya,¹²) I have pointed out how difficult it is to establish what is legend and what is history in the different and often contradictory versions of his biography. Concerning the Andalusian version of his life and activity as a traditionist, my opinion is that it was created in the first half of the 3rd/9th century and that its starting point was the curiosity aroused in the Andalusian travellers when asked in the East about the transmissions of Mu'āwiya. I therefore assume that, before those travels took place, the Andalusians ignored the importance of Mu'āwiya in the transmission of *ḥadīth*: it was only after being informed of his activities in that field through Oriental sources that they reached the conclusion that Mu'āwiya must have been the first to introduce *ḥadīth* in al-Andalus.¹³) As they could not find any evidence of this, they explained the loss of his transmissions through the lack of interest in *ḥadīth* existing in those days. This

¹⁰) On Mu'āwiya's "books", see Abbott, *Studies* . . . , II, 103. Maybe one of them was Ibn 'Abbās's *Tafsīr*, taught by Mu'āwiya to his Egyptian disciple Abū Ṣāliḥ. Abbott suggests that those "books" probably remained in Egypt, especially taking into account the version that places Mu'āwiya's death there and not in al-Andalus.

¹¹) See these stories in *Quḍāt*, pp. 30–1/38–9 and *Tahdhīb*, X, 211, as well as *Ta'riḫ*, II, 14, where Ibn Ayman says that after his return to the Peninsula he found that all the Andalusian transmitters from Mu'āwiya were dead. According to these sources, there were only two of them: Shabṭūn (whom we shall meet again) and Dāwūd b. Ja'far b. al-Ṣaghīr, both Malikites. Ibn Ayman studied Mu'āwiya's *ḥadīths* with an Andalusian, but his teacher ('Abd Allāh b. Muḥammad b. Ibrāhīm b. 'Āṣim, d. after 300/912) had learnt them from an Egyptian, Abū l-Ṭāhir Aḥmad b. 'Amr b. al-Sarḥ (d. 249/863 or 255/869).

¹²) The outline of Mu'āwiya's life and career given here can be filled with the details collected in that study.

¹³) It is worth noting that the information on Mu'āwiya as the first to introduce *ḥadīth* was received by the traditionist Ibn Waḍḍāḥ from his teacher Yaḥyà b. Yaḥyà (see note 3). This last is presented in the sources as a Malikite *faqīh* not interested in *ḥadīth*. However, he could have heard of Mu'āwiya as a *muḥaddith* during his *riḥla*, as 'Abd al-Malik b. Ḥabīb probably did.

“lack of interest” is in fact supported by what we know about the first *qādīs* of al-Andalus, in the sense that none of them is recorded as having been engaged in the transmission of *ḥadīth*.¹⁴⁾ In the case of Mu‘āwiya, the few stories preserved about his activities as a *qādī* and as a *faqīh* in al-Andalus do not mention any prophetic tradition. From this one can only conclude that the presence of Mu‘āwiya in al-Andalus was of no consequence for the actual introduction of *ḥadīth* and that the role ascribed to both Ṣa‘ṣa‘a and Mu‘āwiya in it is fictitious.

At the same time, the introduction and early history of the law-schools in al-Andalus is never associated in the sources with the study of *ḥadīth*, despite the fact that, at least in the case of Malikism, this meant the reception of a certain corpus of *ḥadīth*.

The legal doctrines of al-Awzā‘ī (d. 157/774)¹⁵⁾ and of Mālik b. Anas (d. 179/795)¹⁶⁾ were introduced into al-Andalus in the second half of the 2nd/8th century. One of Mālik’s pupils, Ziyād b. ‘Abd al-Raḥmān al-Lakhmī, known as Shabtūn (d. 193/809 or 199/815), is credited with having been the first to introduce *fiqh* and *al-ḥalāl wa-l-ḥarām*¹⁷⁾ and he is not recorded as having been engaged in the transmission of *ḥadīth*.¹⁸⁾

Shabtūn was one of the first Andalusians to introduce Mālik’s *Muwatta’*, together with al-Ghāzī b. Qays (d. 199/815)¹⁹⁾ and Yaḥyà b. Yaḥyà al-Laythī (d. 234/848), whose *riwāya* attained the highest authority in Western Islam.²⁰⁾ As in the case of Shabtūn, none of the Andalusian

¹⁴⁾ See Juynboll’s study on the judges’s activity in the transmission of *ḥadīth*: *Muslim Tradition*, pp. 77–95 and particularly p. 232 on the judges of Qurtuba.

¹⁵⁾ See Makki, *Ensayo . . .*, pp. 64–7. Al-Awzā‘ī’s doctrine dealt with the law of war, including references to the Prophet’s *maghāzī* (Schacht, *Origins . . .*, p. 34). This prophetic material could have played some part in the ascription to his disciple Ṣa‘ṣa‘a of the role of being the first to introduce *ḥadīth* in al-Andalus.

¹⁶⁾ See López Ortiz, *Recepción . . .*, and Makki, *Ensayo . . .*, pp. 99–110, with a critical study of the alleged Andalusian disciples of Mālik.

¹⁷⁾ *Qudāt*, p. 50/61–2; his biography in *Ta’rikh*, n. 456; *Bughya*, n. 751; *Madārik*, III, 116–22; *Naṣḥ*, II, 45–6.

¹⁸⁾ The *matn* dealing with him as the first to introduce *fiqh* has the same *isnād* recorded in note 3, which means that *fiqh* and *ḥadīth* were considered as separate entities: see Juynboll, *Muslim Tradition*, p. 23. I have already pointed out (note 11) that Shabtūn was considered one of Mu‘āwiya’s disciples, but there is no external evidence of this relationship.

¹⁹⁾ According to Ibn al-Qūṭīya (pp. 34–5/27), he was the first to introduce the *Muwatta’* under ‘Abd al-Raḥmān I (138/756–172/788).

²⁰⁾ Yaḥyà was also Shabtūn’s disciple, and transmitted from him part of his recension of the *Muwatta’*, that dealing with *i’tikāf*. For his biography, see *Ta’rikh*,

pupils of Mālik is associated in the sources with the transmission of *ḥadīth* and, as I have already mentioned, that is so in spite of the *ḥadīth* material collected in the *Muwattaʿ*.²¹⁾ One can then conclude that the *Muwattaʿ* was not regarded in that period as a representative work of *ḥadīth* literature.²²⁾

In the first half of the 3rd/9th century, the Malikite *madhhab* was clearly established in al-Andalus as the predominant law-school,²³⁾ having replaced that of al-Awzāʿi. Its reception went together with the veneration of Mālik b. Anas,²⁴⁾ even though the Andalusians were not strict followers of his teachings as compiled in the *Muwattaʿ*. As a matter of fact, they often gave preference to the teachings of his pupils²⁵⁾ and especially to the *raʿy* of Ibn al-Qāsim.²⁶⁾ The inclination of each *faqīh* towards the teachings of one or other of Mālik's pupils aroused discrepancies and controversies among them,²⁷⁾ so that there was not a "monolithic" Malikism. However, it is worth pointing out that in those discrepancies, the degree of adequacy to *ḥadīth* of those teachings does not seem to have been adduced as the ultimate authoritative argument. There is no evidence that in the first half of the 3rd/9th century any attempt was made to discuss the role to be played by prophetic traditions as one of the sources of the law.²⁸⁾

n. 1554; *Jadhwa*, n. 909; *Bughya*, n. 1497; *Madārik*, III, 397-94; *Dībāj*, II, 352-3; *Nafh*, II, 9-12; J. López Ortiz, "Figuras de juriconsultos hispano-musulmanes. Yahya b. Yahya", *Religión y cultura*, XVI (1931), pp. 94-104.

²¹⁾ See on its number and importance *MS*, II, 202, note 7 and Schacht, *Origins* . . . , p. 22. After the 5th/11th century, the *Muwattaʿ* was included among the canonical "six books": see *MS*, II, 243-4.

²²⁾ See *MS*, II, 198-204.

²³⁾ On the reason for this predominance and for the absence of Ḥanafism, see Idris's article and Aguadé, "Some remarks . . .", pp. 58-62.

²⁴⁾ See Turki's article.

²⁵⁾ See Makki, *Ensayo* . . . , pp. 124-140 and Fierro, "Los mālikies de al-Andalus . . .".

²⁶⁾ His influence increased after the introduction of Saḥnūn's *Mudawwana*: see Fórneas's article. According to Ibn Shuhayd, the inhabitants of Qurṭuba only accepted as judges those who followed the *raʿy* of Ibn al-Qāsim: E. García Gómez, *Andalucía contra Berbería* (Barcelona 1979), p. 127.

²⁷⁾ One of the best known enmities was that existing between Yaḥyà b. Yaḥyà and ʿAbd al-Malik b. Ḥabīb, because of the latter's introduction of the teachings of the Mālikite Aṣḥab b. al-Faraj: see Fierro, *La heterodoxia* . . . , appendix 2.

²⁸⁾ See Brunschvig's article and Turki's *Polémiques* . . . The role played by *ḥadīth* in early Andalusian Malikite *fiqh* can now be studied in texts like the *ʿUtbīya*, preserved in the commentary by Ibn Rushd al-Jadd, *K. al-bayān*.

1.2. 'Abd al-Malik b. Ḥabīb (first half of the 3rd/9th century)

With 'Abd al-Malik b. Ḥabīb we are on firmer ground. He was very likely of *mawlā* origin²⁹) and stands out as one of the most important Andalusian scholars of the first half of the 3rd/9th century, especially due to the role he played in the introduction into al-Andalus of Oriental transmissions. His informants were Medinese and Egyptians, as Ibn Ḥabīb did not visit 'Irāq during his *riḥla*, started in the year 208/823. What we know about his production allows us to consider him a polygraph in the style of Ibn Qutayba or Ibn Abī l-Dunyā.³⁰) His activity was mainly focussed on three fields: history, *fiqh* and ascetism. As a historian, he was the compiler of one of the oldest universal histories that have been preserved; in his *Ta'riḫh*, he quotes transmissions from Wahb b. Munabbih and from al-Wāqidi.³¹) In the field of *fiqh* he was the author of a legal work, *al-Wāḍiḥa fī l-sunan wa-l-fiqh*, in which he collected transmissions from Medinese Malikites like Muṭarrif b. 'Abd Allāh (d. 214/829) and Ibn al-Mājishūn (d. 212/827 or 214/829); at the same time he included transmissions from the Egyptian traditionists al-Layth b. Sa'd (d. 175/791), Ibn Lahī'a (d. 174/790) and Asad b. Mūsā (d. 212/827).³²) In the field of ascetism he wrote works on *al-tarḡīb wa-l-tarḥīb*, a *K. fasād al-zamān*, a *K. makārim al-akhlāq* and a *K. al-wara'*, which is greatly indebted to the transmissions from Asad b. Mūsā and in all likelihood to his *K. al-zuhd wa-l-'ibāda wa-l-wara'*.³³) All these works were studied and transmitted in al-Andalus.

Turning to the role of *ḥadīth* in his works, those that have survived do contain *ḥadīth* material. This aspect was underlined by Schacht in the case

²⁹) His life and works have been studied by Aguadé in various articles and especially in his Ph. D., "*El Ta'rīj* de 'Abd al-Malik b. Ḥabīb", Universidad Autónoma de Madrid 1986 forthcoming.

³⁰) He was described as *faqīh*, *shā'ir*, *ṭabīb*, *khaṭīb* (*Madārik*, IV, 125); *naḥwī*, *'arūḍī*, *ḥāfiẓ li-l-akḥbār wa-l-ansāb wa-l-ash'ār*, *muṭaṣarrif fī funūn al-'ilm* (*Ta'riḫh*, n. 814). He was also called *'ālim al-Andalus*, while Yaḥyā b. Yaḥyā was *'aqlu-hā* and 'Īsā b. Dīnār *faqīhu-hā*. Ibn Ḥabīb's works are listed in *Ta'riḫh*, n. 814 and *Madārik*, IV, 127–9 (see the study by López Ortiz in *Recepción . . .*, p. 88): they deal with *fiqh*, *ṭabaqāt*, history, medicine, astrology, Qur'ān and *Muwatta'* commentaries . . . For references of those preserved see GAS, I, 362; III, 230; VII, 346, 374; VIII, 251; IX, 220.

³¹) See Aguadé, "De nuevo sobre 'Abd al-Malik b. Ḥabīb", p. 13. His *Ta'riḫh* has been edited in the Ph. D. mentioned in note 29.

³²) See Muranyi, *Materialien . . .*, pp. 14–29. The existing fragments are not yet published; there are also manuscripts of other legal works.

³³) See Aguadé, "*El libro del escripulo religioso . . .*"; an edition of this *K. al-wara'* has been prepared by Aguadé.

of the *Wāḍiḥa*.³⁴) However, the predominant role still played in this work by the *ra'y* of Mālik's pupils does not allow us to consider it a *muṣannaḥ* like, for example, the one collected in the same period by al-Bukhārī (d. 256/870).³⁵) Ibn Ḥabīb is said to have written works dealing exclusively with *ḥadīth*, but these works have been lost.³⁶)

On the other hand, it is worth pointing out that his Andalusian biographers did not consider him a good traditionist and criticised the numerous faults to be found in his transmissions. For instance, Abū 'Abd al-Malik b. 'Abd al-Barr, even though he credited him with having been the first to introduce *ḥadīth* in al-Andalus (see note 5), remarked: "he did not know its methods, made many mistakes in the names, used objectionable *ḥadīths* as arguments, the people of his age (*ahl zamāni-hi*) accused him of mendacity and they were not satisfied with him".³⁷) "*Ahl zamāni-hi*" must not be understood as referring to "the scholars of his generation", all of them more ignorant than Ibn Ḥabīb in the field of *ḥadīth*,³⁸) it seems to refer to the traditionists belonging to the generation of Ibn Ḥabīb's pupils: they had studied in 'Irāq with experts on '*ilm al-rijāl* and '*ilm al-ḥadīth*, learning the techniques of *ḥadīth* criticism; after their return to al-Andalus, they were

³⁴) See Muranyi, *Materialien* . . . , p. 23. It would be interesting to establish the percentage of *ḥadīths* in Ibn Ḥabīb's works and their function in his legal thinking. Ibn Ḥabīb made use of *ḥadīth* material in the *fatwās* given in favour of his brother Hārūn, accused of blasphemy: see Fierro, *La heterodoxia* . . . , 5.5.

³⁵) See *MS*, II, 216–26.

³⁶) Ibn al-Faraḍi says that Ibn Ḥabīb collected *ḥadīth al-nabī wa-l-ṣaḥāba wa-l-tābi'in*. Ibn Ḥabīb also wrote a book entitled *Gharīb al-ḥadīth* in order to emulate the homonymous work by Abū 'Ubayd (d. 223/837): see Makki, *Ensayo* . . . , p. 266.

³⁷) *wa-kāna lā yafshamu ṭuruqa-hu wa-yuṣaḥḥifu l-asmā' wa-yaḥtaḡḡu bi-l-manākīr wa-kāna ahl zamāni-hi yansubūna-hu ilā l-kadhīb wa-lā yarḍawna-hu*. See also *Madārik*, IV, 129–31 for more critical remarks, referring mainly to his carelessness in the formal aspects of learning (*kāna yatasāhalu fī samā' i-hi wa-yaḥmilu 'alā ṭarīq al-ijāza akthar riwāyati-hi*).

³⁸) Almost all of Ibn Ḥabīb's contemporaries are described in this way: *lā 'ilm la-hu bi-l-ḥadīth*; they were however experts in *fiqh*, *masā'il*, *shurūṭ* . . . The exceptions are: Muḥammad b. 'Īsā al-A'shā (d. c. 221/835) who studied with Ibn 'Uyayna and Waki' (*Ta'rikh*, n. 1100; *Bughya*, n. 212; *Madārik*, IV, 114–6); 'Abbās al-Mu'allim, who transmitted from Abū Ṣāliḥ (*Ta'rikh*, n. 877); Dāwūd b. Ja'far b. al-Ṣaghīr, already mentioned (see note 11 and *Ta'rikh*, n. 423; *Jadhwa*, n. 430; *Bughya*, n. 735; *Madārik*, III, 346; *Dibāj*, I, 359). Two people are remembered specifically for their transmission of a *ḥadīth*: Duḥaym, who studied with Ādam b. Abī Iyās al-'Asqalānī (d. 220/835) and who taught Ibn Waḍḍāḥ a *ḥadīth* on the excellences of the *ribāṭ* of 'Asqalān (*Ta'rikh*, n. 429); and Yaḥyā b. Yazid al-Azdi, who taught the same Ibn Waḍḍāḥ a *ḥadīth al-wara'* (*Ta'rikh*, n. 1552).

able to compare what they had learnt to Ibn Ḥabīb's transmissions and the latter's weaknesses were then noticed. For example, Ibn Waḍḍāḥ, one of Ibn Ḥabīb's pupils, criticised the latter's way of transmitting from Asad b. Mūsā, way that implied that *qirā'a* or *samā'* had taken place, when Asad had not even granted the *ijāza* to Ibn Ḥabīb.³⁹⁾ It seems that Ibn Waḍḍāḥ did not transmit from his teacher on account of this and similar faults.⁴⁰⁾

Despite the fact that Ibn Ḥabīb fell short of the standards of classical *ḥadīth* criticism, he must be recognized as the actual introducer of *ḥadīth* literature into al-Andalus. Thanks to his activity, by the end of the first half of the 3rd/9th century a good amount of prophetic traditions were known in al-Andalus. This *ḥadīth* material was of a not strictly legal nature unlike that found in the *Muwatta'*.⁴¹⁾

2. Second phase

The *corpus* of *ḥadīth* introduced in the first half of the 3rd/9th century came from Egyptian and Medinese traditionists. There is no evidence that in this period direct contact with 'Irāq took place, which is worth pointing out as 'Irāq was the most active centre in the *'ilm al-ḥadīth*.⁴²⁾ Ibn Ḥabīb and his contemporaries, as well as the previous generations, limited their *riḥla* to Egypt and the Ḥijāz. The reason might be sought in the hostile relationship between the Umayyad emirate in al-Andalus and the 'Abbāside caliphate,⁴³⁾ a situation that started to change in the days of 'Abd al-Raḥmān

³⁹⁾ See *Ta'rīkh*, I, 226–7; *Madārik*, IV 129–31; *MS*, II, 177. Ibn Waḍḍāḥ's criticism was not directed to the contents but to the "form" of the transmission: in al-Shāṭibī's *al-I'tiṣām* (2 vols., Beirut s. d.), II, 16, there is a transmission Ibn Ḥabīb < Asad, which corresponds exactly to Ibn Waḍḍāḥ's *K. al-bida'*, III, 1, with the *isnād* Ibn Waḍḍāḥ < Ibn Abi Maryam < Asad b. Mūsā.

⁴⁰⁾ See *Madārik*, IV, 129 and cf. *Tahdhīb*, VI, 390. Only three of Ibn Ḥabīb's works are mentioned by Ibn Khayr in his *Fahrasa*, I, 202, 265, 290.

⁴¹⁾ It is worth noting that al-Andalus seems to have lacked the *quṣṣāṣ* who were so active in other parts of the Islamic world. This fact struck al-Muqaddasī in the 4th/10th century. It would seem that legal works were the first to be introduced in al-Andalus to judge by the research started by M. Marín and myself on intellectual activity in al-Andalus during the Umayyad period: see a preview in our "La production intellectuelle dans al-Andalus: ouvrages et transmissions (ss. II/VIII–IV/X)", forthcoming.

⁴²⁾ Juynboll, *Muslim Tradition*, pp. 45–66.

⁴³⁾ I wonder if the importance of Asad b. Mūsā's teachings during this period in al-Andalus was due to his Umayyad genealogy (he was a descendant of the caliph al-Walid b. 'Abd al-Malik). His transmissions seem to have dealt mainly with ascetic and eschatological matters: were some of the latter related to the fall of the

II when al-Andalus was opened to 'Irāqī influences.⁴⁴) It was in fact under 'Abd al-Raḥmān II that Baqī b. Makhlad and Ibn Waḍḍāḥ (contemporaries of the authors of the six books) made their *riḥla* to the East and met the 'Irāqī traditionists.

2.1. Baqī b. Makhlad (d. 276/889)⁴⁵

Baqī b. Makhlad (a *mawlā* from Qurṭuba) travelled twice to the East, staying away from al-Andalus for thirty five years (from 218/833 to 253/867). During this period, he studied with about 284 teachers, half of them 'Irāqīs⁴⁶) and among them the great names of the 'ilm al-ḥadīth like Aḥmad b. Ḥanbal, Yaḥyā b. Ma'īn, Abū Bakr b. Abī Shayba . . . When he returned to al-Andalus in the days of the *amīr* Muḥammad (238/852–273/886), Baqī brought with him several Eastern works: al-Shāfi'ī's writings (the *Risāla* and the *K. al-fiqh al-kabīr*, probably including the *K. ikhtilāf Mālik wa-l-Shāfi'ī*⁴⁷), Ibn Abī Shayba's *Muṣannaf*,⁴⁸) the *Sīrat 'Umar b. 'Abd al-'Azīz* written by Aḥmad b. Ibrāhīm al-Dawraqī (d. 246/860) and Khalīfa b. Khayyāṭ's *Ta'riḫ* and *Ṭabaqāt*. Baqī also transmitted Mālik's *Muwatta'*, but he gave preference to the Eastern *riwāyas* by Abū Muṣ'ab (d. 242/856) and Yaḥyā b. 'Abd Allāh b. Bukayr (d. 231/845), disregarding the *riwāya* by Yaḥyā b. Yaḥyā al-Laythī. Al-Laythī's sons, 'Ubayd Allāh and Yaḥyā, who were among the leading Malikite *fuqahā'*, resented Baqī's attitude and became his enemies.

Baqī was more than a mere transmitter. Among the works he wrote, Ibn Ḥazm, in his *Risāla*,⁴⁹) particularly praised the *Tafsīr al-Qur'ān* and the *Musnad*. This latter work was actually a *Musnad/Muṣannaf*: the traditions

Umayyads and their future uprising? Traditions in this sense seem to have been used by 'Abd al-Raḥmān III in order to give support to his adoption of the caliphal title; unfortunately, they are not preserved: see Fierro, "Sobre la adopción del título califal por 'Abd al-Raḥmān III", *Sharq al-Andalus*, forthcoming.

⁴⁴) See HEM, I, 254–78 and Makki, *Ensayo . . .*, pp. 172 and 178–208.

⁴⁵) His life and works have been recently studied by Marín, al-'Umari and Avila.

⁴⁶) See the list of these teachers in Avila, "Nuevos datos . . .", pp. 339–67, data obtained from the ms. of Ibn Ḥārith al-Khushani's *Akḥbār*. Ibn Ḥabīb is not mentioned.

⁴⁷) See Brunschvig, "Polémiques . . .", pp. 75–82.

⁴⁸) The quotations of Baqī by Ibn Ḥazm seem to come all of them from this *Muṣannaf*: see those quotations in al-'Umari's work, pp. 169–78. Baqī's *riwāya* is preserved in some mss. of Ibn Abī Shayba's *Muṣannaf* like, for instance, the ms. Laleli n. 626 in Sulaymāniya Library.

⁴⁹) *Naḥḥ*, III, 168–9, trans., pp. 75–6.

were arranged both according to the Companions who transmitted them (*'alà l-rijāl*) and according to the chapters of the law (*'alà l-abwāb*). Ibn Ḥazm states that Baqī was the first to use this system, which does not seem very useful for practical purposes: maybe this was one of the reasons accounting for its lack of success even among the Andalusians.⁵⁰) Apparently, only the index of the *Musnad* has been preserved. It contains the names of the Companions quoted by Baqī, as well as the number of their transmissions.⁵¹) The scope of this work can be valued through the following figures:

1,013 Companions quoted (according to Ibn Ḥazm they were more than 1,300) with a total amount of 30,969 ḥadīths; as examples, one can mention that the transmissions from Abū Hurayra were 5,374, 2,210 from 'Ā'isha, 142 from Abū Bakr, 537 from 'Umar b. al-Khaṭṭāb, 164 from 'Uthmān, 586 from 'Alī, 163 from Mu'āwiya b. Abī Sufyān.

It was therefore on a sound basis that Ibn al-Faraḍī could say that Baqī *mala'a l-Andalus ḥadīthan wa-riwāyatan*. On his part, Abū 'Abd al-Malik b. 'Abd al-Barr pointed out: *kāna Baqī auwal man kaththara l-ḥadīth bi-l-Andalus wa-nashara-hu*.⁵²) Baqī was in fact considered, more than any other of his contemporary traditionists, the foremost representative of the *ahl al-ḥadīth* of his age; his *Musnad/Muṣannaf* shows that his aim was to build the legal system on ḥadīth, in the same way that the Shāfi'ites and the Ḥanbalites had started to do. It is thus not surprising that Baqī's name was included in the Shāfi'ite and Ḥanbalite *ṭabaqāt*, whilst being absent from the Malikite *ṭabaqāt*.

2.2. Muḥammad b. Waḍḍāḥ (d. 287/900)⁵³)

The biography of Ibn Waḍḍāḥ, the other scholar credited with having introduced the *'ilm al-ḥadīth* into al-Andalus, has several points of coincidence with Baqī's. Like him, he was of *mawlā* origin (his grandfather was a *mawlā mu'taq* of the first Umayyad *amīr*) and travelled twice to the East.

⁵⁰) According to Ibn Khayr's *Fahrasa*, I, 140, the only disciple of Baqī who transmitted this work was 'Abd Allāh b. Yūnus (d. 330/941). Another one, 'Abd Allāh b. Muḥammad b. Ḥusayn, known as Ibn Akhī Rabi' (d. 318/930), wrote its *Mukhtaṣar*.

⁵¹) See Marín, "Baqī . . .", pp. 204–8 for a list of the extant mss. and al-'Umarī's edition, with a comparison between Baqī's and Ibn Ḥanbal's works.

⁵²) *Sīyar*, XIII, 291.

⁵³) His life and work have been studied by Mu'ammār in his monograph (see my review in *Sharq al-Andalus* III (1986), pp. 261–5) and by myself as an introduction to a new edition of his *K. al-bida'*.

The aim of his first *rihla* was to collect information about the ascetics and in its course he became interested in *ḥadīth*. His second *rihla* had the only aim of learning *ḥadīth* and he took it seriously, as we are told that he studied with 265 teachers, sharing many of them with Baqī; unlike the latter, however, Ibn Waḍḍāḥ did not visit Baṣra. After his return to al-Andalus (towards the year 245/859), Ibn Waḍḍāḥ, like Baqī, transmitted many Oriental works, the most important being the *Muṣannaḥ* by Waki' b. al-Jarrāḥ (d. 197/812), *al-Jāmi' al-kabīr* by Sufyān al-Thawrī (d. 161/778), the *Musnad* by Ibn Abī Shayba (d. 235/849),⁵⁴ the *K. al-siyar* by al-Fazārī,⁵⁵ the *K. faḍl al-jihād* by Ibn al-Mubārak (d. 181/797).

But the importance of Ibn Waḍḍāḥ as a transmitter lies (and in this respect the similarity with Baqī stops) in his *riwāyas* of Malikite works, especially Mālik's *Muwatta'* (in the recension by Yaḥyā b. Yaḥyā) and Saḥnūn's *Mudawwana*. His *riwāya* of the latter was crucial in the spreading of Saḥnūn's work in al-Andalus.⁵⁶ As opposed to Baqī, Ibn Waḍḍāḥ has an outstanding place in the Malikite *ṭabaqāt*; his training as a traditionist enabled him to correct the faults found in the *isnāds* of Yaḥyā b. Yaḥyā's *riwāya* of the *Muwatta'*.⁵⁷ It is in fact in the field of the *'ilm al-rijāl* that Ibn Waḍḍāḥ seems to have excelled, being quoted as an expert by Ibn Ḥajar al-'Asqalānī. Also, as opposed to Baqī, he is not remembered as the compiler of a *Musnad* or a *Muṣannaḥ*; he wrote mainly biographical works like the *K. al-'ubbād wa-l-'awābid*, the *Tasmiyat rijāl 'Abd Allāh b. Wabb*, the *Manāqib Mālik b. Anas* and the *Sīrat 'Umar b. 'Abd al-'Azīz*, all of them lost. His only works preserved are his *K. al-bida'*, where he collected transmissions from the Umayyad traditionist settled in Egypt Asad b. Mūsā (d. 212/827), and his *K. al-naẓar ilā Allāh ta'ālā*.⁵⁸

As opposed again to Baqī, his knowledge of *ḥadīth* was considered suspect, especially by his pupil Aḥmad b. Khālid (d. 322/934), who accused Ibn Waḍḍāḥ of rejecting many *ḥadīths* in cases where their authenticity was well established; he was also accused of making many mistakes which spread under his authority (*wa-kāna Ibn Waḍḍāḥ kathīran mā yaqūlu*

⁵⁴) This *Musnad* is preserved in Topkapı Library, ms. M. 290; in the *riwāya*, Ibn Waḍḍāḥ does not appear.

⁵⁵) See M. Muranyi, "Das *Kitāb al-Siyar* von Abū Ishāq al-Fazārī", *JSAI* VI (1985), pp. 63–97: the ms. studied contains Ibn Waḍḍāḥ's *riwāya*.

⁵⁶) See Fórneas's article.

⁵⁷) These corrections have been preserved in the ms. of Ibn Ḥārith al-Khushanī's *Akhbār*: see Mu'ammār, *Muḥammad b. Waḍḍāḥ . . .*, pp. 347–8.

⁵⁸) See on the extant ms. M. Muranyi, "Fragmente aus der Bibliothek des Abū l-'Arab al-Tamīmī (st. 333/944–5) in der Handschriftensammlung von Qairawān. Qairawāner miscellaneen I", *ZDMG* 136 (1986), pp. 512–35.

laysa hādihā min kalām al-nabī fī shay' huwa thābit min kalāmi-hi wa-la-hu khaṭa' kathīr maḥfūz 'an-hu). This criticism may be associated with the ambiguity of Ibn Waḍḍāḥ's position among the *ahl al-ḥadīth* and with his conciliatory attitude towards the Malikiite *ahl al-ra'y*. As we shall see, this position influenced his behaviour during the process carried out by the Malikites against Baqī. This ambiguity is also evident in the fact that, although a traditionist, Ibn Waḍḍāḥ was against al-Shāfi'ī, having transmitted in al-Andalus that he was *ghayr thiqa*.

In spite of all the differences between Baqī and Ibn Waḍḍāḥ, both of them appear to have been the first scholars to introduce the *'ilm al-ḥadīth* into al-Andalus and, as in the case of 'Abd al-Malik b. Ḥabīb, the *awā'il* granting them this pioneering role must be accepted as true statements.

II. The confrontation between the *ahl al-ra'y* and the *ahl al-ḥadīth*

1. The persecution of the traditionists

The Malikiite *fuqahā'* contemporaries of Baqī and Ibn Waḍḍāḥ are described in the following ways:

- “people of the *ra'y* and of the imitation who refused to have anything to do with *ḥadīth*, did not use the sciences of the verification and were against the enlargement of knowledge”;⁵⁹⁾
- “among the Andalusians the *ra'y* of Mālik and his pupils prevailed, together with the study of the *responsa* found in the *Mudawwana*; they displayed enmity against the traditionists and did not accept them”;⁶⁰⁾
- “the imitation became their religion and the emulation their conviction. Whenever someone came from the East with (new) knowledge, they prevented him from spreading it and humiliated him, unless he went into hiding among them acting as a Malikiite and put his knowledge in a position of subordination”.⁶¹⁾

⁵⁹⁾ “*aṣḥāb al-ra'y wa-l-taqlīd al-zāhidūn fī l-ḥadīth al-fārrūn an 'ulūm al-taḥqīq al-muqṣirūn 'an al-tawassu' fī l-ma'rifa*”: Ibn Ḥayyān, *Muqtabas*, p. 248 and Ibn 'Idhārī, *Bayān*, II, 109–10; cf. *Siyar*, XIII, 290–1: *kāna 'ilmu-hum bi-l-masā'il wa-madhhab Mālik wa-kāna Baqī yuftī bi-l-athar*.

⁶⁰⁾ “*wa-innamā kāna l-ghālib 'alā ahli-hā . . . ra'y Mālik wa-aṣḥābi-hi wa-l-tafaqquh fī l-masā'il al-mudawwanīya wa-kānū yanṣubūna li-ahl al-ḥadīth wa-lā yardawna-hum*”: Ibn Ḥayyān, *Muqtabas*, p. 264 and cf. Turki, *Polémiques . . .*, pp. 14–8 and 48–9.

⁶¹⁾ “*fa-šāra l-taqlīd dīna-hum wa-l-iqtidā' yaqīna-hum wa-kullamā jā'a aḥad min al-Mashriq bi-'ilm dafa'ū fī ṣadri-hi wa-ḥaqqaru min amri-hi illā an yastatira 'inda-*

One of the scholars who aroused the antagonism of the Malikites was Baqī b. Makhlād, because of his introduction of “transmissions in disagreement with the (Malikite) *ra’y*” (*al-riwāyāt al-mukhtalifa li-ra’yi-him*),⁶² because of his loathing of *taqlīd* (*lā yuqallidu aḥadan min ahl al-‘ilm*)⁶³ and because of his adherence to the *madhhab al-ḥadīth wa-l-naẓar*.⁶⁴ None of these attitudes is ascribed to Ibn Waḍḍāḥ. Among the transmissions introduced by Baqī that won him the hostility of the Malikites, the sources emphasized al-Shāfi‘ī’s *Risāla* and Ibn Abī Shayba’s *Muṣannaf*. The reaction against this latter work was very strong: one of the leading Malikites of Qurṭuba, Aṣḥab b. Khalīl (d. 273/886), went so far as to say that he had rather be buried with a pig head than with Ibn Abī Shayba’s *Muṣannaf*. This Aṣḥab b. Khalīl was a staunch follower of Ibn al-Qāsim’s *ra’y* (*kāna muta’aṣṣiban li-ra’y aṣḥāb Mālīk wa-li-bn al-Qāsim min bayni-him*). He was without doubt one of the Malikites who started the persecution against Baqī presenting charges of *bid‘a*, *ilhād* and *zandaqa* and asking for the death penalty. Several witnesses supported these accusations and, among them, Ibn Waḍḍāḥ accused Baqī of transmitting *manākīr*. In fear for his life, Baqī went into hiding and planned to escape from al-Andalus. Eventually, however, the support given to him by the *amīr* Muḥammad saved his life and he remained in Qurṭuba.⁶⁵

Baqī was not the only persecuted traditionist. A friend of his, Muḥammad b. ‘Abd al-Salām al-Khushanī (d. 286/899), a descendant from the Companion Abū Tha‘laba al-Khushanī, went through a similar experience. He had studied in the East with pupils of al-Aṣma‘ī (d. 213/829) and Abū ‘Ubayd al-Qāsim b. Sallām (d. 224/838) and he introduced several works into al-Andalus like the *Muṣannaf* by Sufyān b. ‘Uyayna, the *Sīra* by Ibn Hishām, the *Ta’rīkh* by al-Fallās and the *K. nāsikh al-Qur’ān wa-mansūkhīhi* by Abū ‘Ubayd. He was imprisoned because of this latter work:⁶⁶ accused of stating that some Qur’ānic verses had been abrogated by other verses and some *ḥadīths* had also been abrogated by other *ḥadīths*, al-Khushanī tried to make the *ṣāhib al-sūq* understand that this doctrine was

hum bi-l-mālīkiya wa-yaj‘ala mā ‘inda-hu min ‘ulūm ‘alā rasm al-taba‘īya: Ibn al-‘Arabī, *‘Awāṣim*, II, 490–1.

⁶²) Avila, “Nuevos datos . . .”, p. 333.

⁶³) Ibid., p. 331.

⁶⁴) Ibid. The followers of al-Shāfi‘ī are described in the Andalusian biographical dictionaries as followers of the *madhhab al-ḥujja wa-l-naẓar*.

⁶⁵) See a detailed account of this trial in my *La heterodoxia . . .*, 6.2.

⁶⁶) It looks as if the Andalusian *‘ulamā’* were not yet acquainted with the doctrine of *al-nāsikh wa-l-mansūkh*; however, ‘Abd al-Malik b. Ḥabīb is said to have written a *K. al-nāsikh wa-l-mansūkh*.

found in the same Qur'ān, quoting the verse II, 100/106, but without success. Again it was only through the *amīr* Muḥammad's support that he was set free after spending three days in jail.⁶⁷⁾

2. The controversy on *raf' al-yadayn fī l-ṣalāt*

The persecution against Baqī and Ibn 'Abd al-Salām al-Khushanī shows that the introduction of the works and the doctrine of the *ahl al-ḥadīth* was held to be a threat to the Malikite doctrine predominant in al-Andalus and it was so because of the divergences between both of them. We have information on a specific case of *ikhtilāf* between the Andalusian *ahl al-ra'y* and *ahl al-ḥadīth* and it concerns the raising of one's hands during the prayer (*raf' al-yadayn fī l-ṣalāt*). The practice adopted in al-Andalus was based on the doctrine of Ibn al-Qāsim: according to him, it was lawful to raise one's hands only at the beginning of prayer (in the *takbīrat al-īhrām*); he based this doctrine on the authority of Mālik without adducing any *ḥadīth* in its support. The same doctrine of Ibn al-Qāsim is held by the Ḥanafites and it can be backed by some *ḥadīths* (with Kūfan *isnāds*) that were quoted by Saḥnūn in his *Mudawwana* as transmissions from Ibn Wahb and Waki'. The traditionists from Qurṭuba Baqī b. Makhlad, Ibn 'Abd al-Salām al-Khushanī and Qāsim b. Muḥammad (d. 277/890),⁶⁸⁾ however, used to raise their hands in each *takbīr* of the *rukū'*, as the Shāfi'ites and the Ḥanbalites do on the authority of a *ḥadīth* transmitted by the Companion 'Abd Allāh b. 'Umar, according to which the Prophet raised his hands in those moments as well as in the *takbīrat al-īhrām*. This *ḥadīth* was quoted, among others, by Sufyān b. 'Uyayna and by Mālik in his *Muwatta'*. This latter fact, no doubt, must have been emphasized by the aforementioned traditionists, together with the fact that many Companions were known to have acted according to Ibn 'Umar's *ḥadīth*; on the other hand, this *ḥadīth* was considered the abrogant of the *ḥadīths* with Kūfan *isnāds* in which the Prophet did not raise his hands in the prayer except once (*illā marra*).

The polemic between the *ahl al-ḥadīth* and the Malikites seems to have been very harsh. One of the latter, the already mentioned Aṣḥab b. Khalīl, went so far as to forge a *ḥadīth* which ascribed the limitation of the raising of the hands to the *takbīrat al-īhrām* not only to the Prophet but also to the first four caliphs. Both *matn* and *isnād* of this forgery were very defective and Aṣḥab was mocked without mercy.

It is worth remarking the fact that both the position of the *ahl al-ra'y* and that of the *ahl al-ḥadīth* could be supported by *ḥadīth*. It is therefore

⁶⁷⁾ See a detailed account of this trial in my *La heterodoxia . . .*, 6.3.

⁶⁸⁾ On this descendant of a *mawlā* of al-Walīd b. 'Abd al-Malik see note 75.

more striking that Aṣḅagh felt the need to forge one in order to give strength to the doctrine of Ibn al-Qāsim, of whom he was a convinced follower. This fact seems to point out that Aṣḅagh knew that doctrine only as an opinion (*ra'y*) of the Egyptian Malikite, unaware of the *ḥadīths* collected in the *Mudawwana*, and as a matter of fact Aṣḅagh is not credited with its transmission. Having realized how difficult it was to oppose the Prophet's authority with the authority of a Malikite scholar, he tried to reinforce the latter's doctrine ascribing it to the Prophet. As Aṣḅagh knew nothing of the *standards* of the *'ilm al-ḥadīth*, his forgery could not escape the criticism of the experts. Despite this failure, the doctrine of Ibn al-Qāsim was not abandoned: it lasted in al-Andalus until the Naṣrite period with occasional reappearances of the polemic that did not succeed in putting an end to the Andalusian Malikite practice.⁶⁹⁾

3. The coexistence of the *ahl al-ra'y* and the *ahl al-ḥadīth*

From the moment in which the *amīr* Muḥammad decided to support Baqī and al-Khushanī onwards, there is no evidence that the Malikites tried to persecute the traditionists again. The reasons of the *amīr*'s decision are not clear. It is possible to understand it as a means to weaken the power of the Malikite *fuqahā'*, which had been increasing since the days of 'Abd al-Raḥmān II.⁷⁰⁾ Some sources tend to present the *amīr* Muḥammad as being in favour of the doctrine of the *ahl al-ḥadīth*; however, he did not make any attempt at replacing the Malikites by the traditionists, neither as *ḥukkām* nor as *fuqahā' mushāwarūn*. The same situation can be observed during the rule of the *amīrs* 'Abd Allāh and 'Abd al-Raḥmān III⁷¹⁾ with only two exceptions: a *ṣāhib al-wathā'iq* and a *qāḍī*, both of them Shāfi'ites, though acting as Malikites in their offices.⁷²⁾ This duality appears very neatly in the activity of two scholars of this period.

One of them is Ibn Waḍḍāḥ. We have already seen that in spite of his training as a traditionist and notwithstanding the similarity of his back-

⁶⁹⁾ See Fierro, "La polémique a propos de *raf' al-yadayn fī l-ṣalāt . . .*".

⁷⁰⁾ See Monés's article.

⁷¹⁾ The *fuqahā' mushāwarūn* during the Umayyad emirate were Malikites: see M. Marín, "Šrā et *ahl al-šūrā* dans al-Andalus", *Studia Islamica* LXII (1985), pp. 25-51.

⁷²⁾ The former will be dealt with in the following pages; for the latter, Aslam b. 'Abd al-'Azīz (d. 319/931), see *Ta'riḫ*, n. 278; *Jadhwa*, n. 322; *Bughya*, n. 571; *Qudāt*, pp. 155-60/225-37. The case of Mundhir b. Sa'īd al-Ballūṭī, judge of Qurṭuba in the days of the caliph 'Abd al-Raḥmān III and credited with having been a Zāhirite and a Mu'tazilite, even a Shi'ite, is worth being studied in a monograph.

ground with Baqī's he was ready to witness against him during his trial. This attitude could be explained as originating from the fear of being himself prosecuted or from a likely rivalry or envy towards Baqī. But it can also be explained as the attitude of a "moderate" traditionist who was at the same time a Malikite and who did not want to put an end to the legal practice predominant in al-Andalus. This latter explanation seems to be supported by the following portrait of Ibn Waḍḍāḥ made by one of his pupils: "I can not think of a better comparison for Ibn Waḍḍāḥ than this: he was like the good doctor who faces every disease with the best treatment in each case. In fact, when the *ahl al-ra'y* came to Ibn Waḍḍāḥ, he gave them an answer in agreement with the *ra'y*, but if it was the *ahl al-ḥadīth* who came to him, he gave them an answer in agreement with the *ḥadīth*".⁷³⁾

The second example concerns Qāsīm b. Muḥammad b. Qāsīm b. Sayyār, already mentioned as having taken part in the polemic on *raf' al-yadayn fī l-ṣalāt* as a member of the *ahl al-ḥadīth*. An Umayyad *mawlā* from Qurtuba, he travelled twice to the East, being absent from al-Andalus for eighteen years. During this period, he studied, among others, with the Egyptian pupils of al-Shāfi'ī, al-Muzanī and al-Rabī' b. Sulaymān. He was considered a Shāfi'ite by his biographers, but Ibn Abī Dulaym (d. 351/962) included his name in his Malikite *ṭabaqāt*,⁷⁴⁾ explaining this decision on the grounds that Qāsīm delivered his legal opinions in agreement with the Malikite *madhhab* and only acted otherwise when asked for a legal opinion in agreement with the Shāfi'ite *madhhab*. Qāsīm justified this attitude, stating that he felt obliged to follow the *madhhab* predominant in al-Andalus.⁷⁵⁾ Thus, for instance, being *ṣāhib al-wathā'iq*, the *amīr* 'Abd Allāh asked his advice on the penalty of the heretic (*qatl al-zindīq*); two other scholars were also asked, Baqī b. Makhḥad and the Malikite Muḥammad b. Sa'īd b. al-Mulawwan. Baqī delivered an opinion in favour of granting the *zindīq* the possibility of repentance (*istitāba*), an opinion that was against the doctrine of Mālik in the *Muwatta'*. The Malikite Ibn al-Mulawwan agreed with

⁷³⁾ "mā kuntu ushabbīhu Muḥammad b. Waḍḍāḥ . . . illā bi-l-ṭabīb al-'ayn allādhī yuqābilu kull dā' bi-mā yuṣliḥu-hu min al-dawā' kāna ya'ti-hi ahl al-ra'y fa-yufiduhum fī bāb al-ra'y wa-ya'tihī ahl al-ḥadīth fa-yufiduhum fī bāb al-ḥadīth": Ibn Hārith al-Khushanī, *Akhhār*, fs. 154a-154b; cf. Mu'ammār, *Muḥammad b. Waḍḍāḥ . . .*, p. 93.

⁷⁴⁾ This work is lost: see Pons, *Ensayo . . .*, p. 391.

⁷⁵⁾ See *Ta'riḫ*, n. 1047; *Jadhwa*, n. 1293; *Madārik*, IV, 446-8, particularly p. 447: kāna yuftī bi-madhhab Mālik . . . qāla Aḥmad b. Khālīd qultu la-hu arā-ka tuftī l-nās bi-mā lā ta'taqīdu ḥādḥā lā yaḥillu la-ka qāla innamā yas'alūna-nī bi-madhhab jarā fī l-balad fa-'arāftu fa-aftaytu-hum bi-hi wa-law sa'alū-nī 'an madhhabī akhbartu-hum bi-hi.

Baqī. Qāsīm, on the contrary, delivered an opinion against the *istitāba*, agreeing therefore with Mālik and disagreeing with al-Shāfi‘ī.⁷⁶⁾ Baqī strongly disapproved of this behaviour, even though a similar compromising attitude is ascribed to him by some sources.⁷⁷⁾

These examples show that there was a sort of compromise between theory and practice on the part of the traditionists.⁷⁸⁾ There is no evidence however that attempts were made to reconcile the doctrines of the *ahl al-ra’y* and the *ahl al-ḥadīth*.⁷⁹⁾ The traditionists found themselves forced to accept their inability to change the predominant ‘amal based on the doctrines of Mālik’s pupils, not always in agreement with those of the teacher. The Malikites, on the other hand, stopped persecuting the traditionists once they had abandoned any attempt to change the legal practice. This compromise was perhaps helped by the fact that it seems that in the field of dogma there were not discrepancies between them: for example, Baqī b. Makhlad and the Malikite ‘Ubayd Allāh b. Yaḥyà b. Yaḥyà al-Laythī fought the Mu‘tazilite doctrines that had started to flourish in the days of the *amīr* Muḥammad.⁸⁰⁾

The presence of Shāfi‘ites towards the end of the 3rd/9th century did not stimulate any noticeable activity in the field of the refutation of al-Shāfi‘ī’s doctrine by the Malikites.⁸¹⁾ This can be explained by the scarcity of those Shāfi‘ites and by the sparse spreading of al-Shāfi‘ī’s works in al-Andalus.⁸²⁾ On the other hand, the Malikites could not avoid recognising the increasing authority won by the traditions of the Prophet: the case of Aṣḥab b. Khalīl and his failed attempt at forging a *ḥadīth* must be remembered in this context. So, we find the Andalusian Malikites getting interested in the *ḥadīth* material of the *Muwatṭa’* and writing books like these: one

⁷⁶⁾ See a detailed account of this *mushāwara* in my *La heterodoxia . . .*, 7.1.

⁷⁷⁾ See Avila, “Nuevos datos . . .”, pp. 331 and 323.

⁷⁸⁾ The *fatwā* of the Malikite Ibn al-Mulawwan in favour of the *istitāba* shows that some of the Malikites too were predisposed to the compromise.

⁷⁹⁾ No effort was made by the Malikites in the field of *uṣūl al-fiqh* till the end of the 4th/10th century: see Turki’s study in his *Polémiques . . .*

⁸⁰⁾ See Fierro, *La heterodoxia . . .*, 6.4.

⁸¹⁾ We only know of a *radd ‘alā l-Shāfi‘ī* written by Yūsuf b. Yaḥyà al-Maghāmi (d. 288/900), the most important transmitter of Ibn Ḥabīb’s *Wāḍiḥa*, and he wrote it during his stay in North Africa, as did another Andalusian, Yaḥyà b. ‘Umar (died in the same year), who lived in Qayrawān. The ‘ulamā’ of Ifriqiya were more active writing against al-Shāfi‘ī: see the recent edition of Muḥammad b. al-Labbād al-Qayrawāni’s (d. 333/944) *K. al-radd ‘alā l-Shāfi‘ī*, Tunis 1404/1986.

⁸²⁾ Ibn Khayr only knows one of al-Shāfi‘ī’s works, his *K. mukhtalif al-ḥadīth: Fāhrasa*, I, 196. It was transmitted by Aslam b. ‘Abd al-‘Azīz (see note 72).

K. rijāl al-Muwattaʿ,⁸³) two *Musnad ḥadīth al-Muwattaʿ*,⁸⁴) one *K. gharāʾib ḥadīth Mālik b. Anas mimmā laysa fī l-Muwattaʿ*,⁸⁵) titles all of them absent in the previous production.

Neither do the Andalusian traditionists appear very active in writing refutations of their opponents. We only know of a work written by Qāsim b. Muḥammad, entitled *al-Īdāḥ fī l-radd alā l-muqallidīn*; he also wrote a tract on the *khābar al-wāḥid*, a polemical issue between the Shāfiʿites and the Malikites.

If the polemical activity does not seem very important, there was, conversely, a great activity in the introduction of ḥadīth literature. The works of Abū Dāwūd and al-Nasāʾi were already known in the beginning of the 4th/10th century. The *Sunan* of the former was very much appreciated⁸⁶) and was used as a model by Muḥammad b. ʿAbd al-Malik b. Ayman (d. 330/941) and by Qāsim b. Aṣḥab (d. 340/951) when they wrote their *Muṣannafs*, now lost.⁸⁷) Two Andalusians studied directly from al-Nasāʾi his *Sunan*, the Umayyad Ibn al-Aḥmar (d. 358/968) and Muḥammad b. Qāsim b. Muḥammad b. Sayyār (d. 328/939). In one of Ibn al-Aḥmar's *riwāyas*, the *Faḍāʾil ʿAlī b. Abī Ṭālib* were missing and maybe this omission should be related not only to his being an Umayyad, but also to the fact that in the same year in which he studied the *Sunan* (297/909) in Egypt, the Fāṭimides became the new masters of Ifrīqiya.⁸⁸) The works of al-Bukhārī, Muslim and al-Tirmidhī were not introduced until the second half of the 4th/10th century. Al-Tirmidhī's *Sunan* were not so much appreciated as the other works: Ibn Ḥazm, in his *Risāla*, only mentions the collections of al-Bukhārī, Muslim, Abū Dāwūd and al-Nasāʾi, stating that the *Musnad/Muṣannaf* of Baqī could well compete with them.

We have seen that in the second half of the 3rd/9th century the *Muṣannafs* of Wakīʿ b. al-Jarrāḥ, Ibn Abī Shayba and Sufyān b. ʿUyayna had already been introduced. Later on, those of ʿAbd al-Razzāq,⁸⁹) Ḥammād b.

⁸³) Written by Yaḥyā b. Ibrāhīm b. Muzayn (d. 259/873): see *Fahrāsa*, I, 92-3; Makki, *Ensayo . . .*, p. 137; GAS, I, 473.

⁸⁴) Written by Aḥmad b. Khālīd (d. 322/934) and Muḥammad b. ʿAbd Allāh b. ʿAyshūn (d. 341/952): see *Madārik*, IV, 174-8 and VI, 172-3, also Makki, *Ensayo . . .*, pp. 200-1.

⁸⁵) Written by Qāsim b. Aṣḥab (d. 340/951): see Ibn Ḥazm, *Risāla in Naḥḥ*, III, 169, trans., pp. 77-8.

⁸⁶) See *Fahrāsa*, I, 103-7 and Makki, *Ensayo . . .*, p. 204, note 1.

⁸⁷) See Ibn Ḥazm, *Risāla in Naḥḥ*, III, 169, trans., pp. 77-8.

⁸⁸) See *Fahrāsa*, I, 110-7.

⁸⁹) It was introduced by Aḥmad b. Khālīd: see *Fahrāsa*, I, 127-31.

Salama⁹⁰⁾ and Sa'īd b. Manṣūr⁹¹⁾ followed. As regards the *Musnads*, the first to be introduced were those of Ibn Abī Shayba (already mentioned) and Asad b. Mūsā.⁹²⁾ Ibn Ḥanbal's work was not introduced until the end of the 4th/10th century.⁹³⁾ Among the *Musnads* devoted to collecting the transmissions of a single traditionist, the case of the *mu'ammār* Abū l-Dunyā 'Alī b. 'Uthmān b. Khaṭṭāb is interesting:⁹⁴⁾ in the year 311/923, he taught *ḥadīth* in Qayrawān to an Andalusian, Tamīm b. Muḥammad b. Aḥmad b. Tamīm (d. 369/979), pretending to be 365 years old then, so that he could easily transmit directly from Abū Bakr, 'Umar, 'Uthmān and 'Alī. Tamīm does not seem to have found any problem in accepting this claim and after his return to al-Andalus he transmitted the traditions studied with such a long-lived teacher without hesitation.⁹⁵⁾

The works on *gharīb al-ḥadīth* by Ibn Qutayba (d. 276/889) and Abū 'Ubayd were introduced into al-Andalus by two pupils of Ibn Waḍḍāḥ.⁹⁶⁾ Among the Andalusians who wrote works of this genre we may count Muḥammad b. 'Abd al-Salām al-Khushanī⁹⁷⁾ as well as Qāsim b. Thābit and his father Thābit b. Ḥazm (d. 313/925), from Saraquṣṭa, who wrote a much praised *K. al-dalā'il*.⁹⁸⁾

In the first half of the 4th/10th century, the *Ṭabaqāt* of Ibn Sa'd,⁹⁹⁾ the *K. da'īf al-rijāl* of al-Fallās¹⁰⁰⁾ and the *Ta'rikhs* of Ibn Abī Khaythama¹⁰¹⁾

⁹⁰⁾ It was also introduced by Aḥmad b. Khālid: see *Fahrāsa*, I, 134.

⁹¹⁾ It was introduced by Muḥammad b. Aḥmad b. Muḥammad b. Yaḥyā b. Mufarrij (d. 380/990): see *Fahrāsa*, I, 135–6. He also introduced the transmissions of Wahb b. Munabbih: see M. J. Hermosilla, "Una versión inédita del *Kitāb bad' al-jalq wa-qīṣaṣ al-anbiyā'* en el Ms. LXIII de la Junta", *Al-Qanṭara* VI (1985), pp. 43–77, especially pp. 63–7.

⁹²⁾ It was introduced by Sa'īd b. 'Uthmān al-A'nāqī (d. 305/917): see *Fahrāsa*, I, 141–2, and the study by R. G. Khoury in his edition of Asad b. Mūsā's *K. al-zuhd*, Wiesbaden 1976.

⁹³⁾ See *Fahrāsa*, I, 139–40; there is no evidence of an earlier introduction.

⁹⁴⁾ On him see *MS*, II, 161.

⁹⁵⁾ See *Fahrāsa*, I, 169–72.

⁹⁶⁾ The former was introduced by Qāsim b. Aṣḥab, and the latter by Aḥmad b. Khālid: see *Fahrāsa*, I, 187–8 and 186.

⁹⁷⁾ See *Fahrāsa*, I, 195.

⁹⁸⁾ See *Madārik*, V, 248 and *Fahrāsa*, I, 191–4. There is still no edition of this work.

⁹⁹⁾ This work was introduced by Aḥmad b. Khālid: see *Fahrāsa*, I, 224–5.

¹⁰⁰⁾ It was introduced by Muḥammad b. Qāsim b. Muḥammad b. Sayyār (d. 328/939): see *Fahrāsa*, I, 212.

¹⁰¹⁾ It was introduced by Qāsim b. Aṣḥab and Muḥammad b. 'Abd al-Malik b. Ayman: see *Fahrāsa*, I, 206.

and Yahyà b. Ma'īn¹⁰²) were also introduced. One of the scholars who introduced the latter's *Ta'rikh*, Aḥmad b. Sa'īd b. Ḥazm (d. 350/961), wrote on his turn one of the first biographical dictionaries of Andalusian traditionists.¹⁰³) Before him, Abū 'Abd al-Malik b. 'Abd al-Barr had paid attention to them in his lost *Ta'rikh*; we have already met him as the transmitter of *awā'il* concerning the introduction of ḥadīth into al-Andalus. Abū 'Abd al-Malik b. 'Abd al-Barr was suspected to be a Shāfi'ite, which accounts for his interest in ḥadīth. He was a close friend of one of the sons of the caliph 'Abd al-Raḥmān III, called 'Abd Allāh, who is also said to have been a Shāfi'ite. This 'Abd Allāh was accused of plotting against his father the caliph and against the latter's heir, the future al-Ḥakam II. After being imprisoned, he was beheaded in the year 338/950. In the same year, Abū 'Abd al-Malik b. 'Abd al-Barr, imprisoned under the same charges, died.¹⁰⁴) Taking into account the few available data, it is difficult to ascertain the role played by their Shāfi'ism in these events and whether one of the aims of the plot was to change the legal *madhhab* of al-Andalus. If so, their failure goes together with the failure of Shāfi'ism in al-Andalus: its followers were always a minority and a few years after 'Abd Allāh's death, 'Abd al-Raḥmān III openly proclaimed Malikism as the "official" doctrine of the Peninsula; afterwards, the caliph al-Ḥakam II thought it worthwhile doing the same.¹⁰⁵)

'Abd Allāh was the author of a work entitled *al-Muskita fī faḍā'il Baqī b. Makhlad wa-l-radd 'alā Muḥammad b. Waḍḍāḥ*. His refutation of the latter was as unsuccessful as his plot. The biographies of the scholars active between the end of the 3rd/9th century and the beginning of the 4th/10th century show that the majority of them were the pupils of Ibn Waḍḍāḥ, while the number of Baqī's pupils is considerably smaller.¹⁰⁶) These figures were without doubt influenced by the fact that the Malikite scholars forbade their pupils to study with Baqī. In my study on the activities of 145 out of the 216 pupils of Ibn Waḍḍāḥ, it appears that 50% devoted themselves to *fiqh* and only 13% to ḥadīth. It then follows that it was not Baqī, a

¹⁰²) It was introduced by Muḥammad b. 'Abd Allāh b. 'Ayshūn and Aḥmad b. Sa'īd b. Ḥazm: see *Madārik*, VI, 172–4 and *Fahrāsa*, I, 228–9.

¹⁰³) See Pons, *Ensayo . . .*, pp. 67–8 and Ibn Ḥazm, *Risāla in Naḥḥ*, III, 170, trans., p. 79.

¹⁰⁴) See Viguera's article with a detailed account of these events.

¹⁰⁵) See Fierro, *La heterodoxia . . .*, 8.4. and 9.1.

¹⁰⁶) Ibn Waḍḍāḥ had 216 disciples and Baqī only 85; both of them appear as the top teachers of their age: see my study on Ibn Waḍḍāḥ, pp. 44–57 and M. Marín, "La transmisión del saber en al-Andalus (hasta 300/912)", *Al-Qanṭara* VIII (1987), pp. 87–97.

“pure” traditionist, but Ibn Waḍḍāḥ, more a Maliki than a traditionist, who eventually led the way in the introduction of the *‘ilm al-ḥadīth* into al-Andalus.

Conclusions

The Iberian Peninsula was conquered towards the end of the 1st century (year 93/711) and it is only a century later when we have evidence of the actual introduction of *ḥadīth* literature into it. Claims relating to its earlier introduction are, as we have seen, to be disregarded. The material introduced by ‘Abd al-Malik b. Ḥabīb was far from meeting the requirements of classical *‘ilm al-ḥadīth*, especially as regards the formal aspects of the transmission. He was for this reason criticised by the protagonists of the second phase of the reception of *ḥadīth* (second half of the 3rd/9th century), Baqī b. Makhlad and Ibn Waḍḍāḥ, who, trained with ‘Irāqī teachers, introduced into al-Andalus not only new material but also its science. Until that moment, *fiqh* (introduced in the second half of the 2nd/8th century) and *ḥadīth* were seen as separate and different entities: the scholars who introduced *fiqh* (mainly Maliki *fiqh*) are not mentioned in the sources as traditionists. The reception of *ḥadīth* as a structured *corpus* of legal material, over and above the limited amount of *ḥadīth* embedded in Maliki works, aroused the opposition of the Andalusian Malikites because of the threat it represented to their doctrinal teachings and to the legal practice established in al-Andalus. If the persecution of Baqī did not lead to his execution, that must be attributed to the intervention of the *amīr*, who played the role of umpire between the two groups of the *ahl al-ra’y* and the *ahl al-ḥadīth*, without replacing the former with the latter. Between the end of the 3rd/9th century and the first half of the 4th/10th century, the Shāfi‘ites had a certain weight in the intellectual milieu; nevertheless, they did not succeed either in establishing their doctrine or in replacing the Malikites. The latter were, in turn, forced to pay more attention to *ḥadīth*, but they did so without introducing any substantial change in their doctrine and practice. It is only from the end of the 4th/10th century onwards that we have evidence of Maliki activity in the field of the *uṣūl al-fiqh*.

The picture drawn fits quite neatly in Schacht’s study on the secondary role played by *ḥadīth* in the law-schools prior to al-Shāfi‘ī, on the tensions aroused in them by the growing importance attached to prophetic traditions as the second source of law and on their final acceptance of this principle without it implying a change of their already established doctrine and practice.

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