

A CONTROVERSY ABOUT THE AUTHORITY OF KHABAR AL-WAHID WITH SPECIAL REFERENCE TO AL-SHAFI'S VIEWS

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Abstract

This article attempts to elaborate the different views of different madhabs about the authority of khabar al-wahid in general. with special reference to al-Shafi'i's points of view.

DEFINITION

Literally, *khabar al-wahid* (pl. *akhbar al-ahad*) means a tradition or report going back to one single authority.¹ Its synonyms are *khabar al-infirad* and *khabar al-khassah*.² However, scholars of *hadith* have widened the meaning, interpreting *khabar al-wahid* as what is narrated or reported by one or two authorities from one or two authorities back to the Prophet, or what is narrated by a number less than *mutawatir*.³

Normally, the scholars of *hadith* divide reports into *mutawatir* and *ahad*. *Mutawatir hadith* is that narrated by a group of reliable and trustworthy individuals from a group of trustworthy persons going back to the Prophet. There is no exact number that institutes *tawatur*. Some say three, some say four while others say twenty. Al-Shafi'i himself refuses to specify the exact number of reporters at any particular level of the *isnad* that make a *hadith mutawatir*.⁴

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¹Al-Tahanawi, *Kashshf al-Istilahat wa al-Funun (Dictionary of the Technical Terms Used in the Sciences of the Muslims)*. 1862. Calcutta, vol. 1. p. 412; al-Jurjani, *al-Ta'rifat*. 1983. Beirut: Dar al-Kutub al-'Ilmiyyah, p. 96-7.

²G. H. A. Juynboll. "*Khabar al-Wahid*". *E. I.*, p. 896; al-Shafi'i, *Jima' al-'Ilm*. p. 46.

³Mustafa al-Siba'i, *al-Sunnah wa Makanatuha fi al-Tashri' al-Islami*. p. 167.

⁴See al-Shafi'i, *Jima' al-'Ilm*. pp. 57-8 concerning the number of *mutawatir*. His opponent fails to convince him in this matter.

However, according to the Hanafite scholars, there is a third division of reports, i.e. *mashhur*⁵ which is a tradition related by one or two Companions from the Prophet but which subsequently becomes *mutawatir*. In another words, it is in the form of *khobar al-wahid* in the first level of *isnad* (chain of transmitters) and becomes *mutawatir* by the second or third centuries⁶ such as the *hadith* “*innama al-a'mal bi al-niyyat*” - “actions are judged according to their intentions”.

SCHOLARS' VIEWS ABOUT *KHABAR AL-WAHID*

Scholars are in disagreement as to whether *khobar al-wahid* should be considered as a conclusive proof for judgement in law.⁷

Such disagreement occurs right from the time of the Companion. They would not accept a *sunnah* based on an isolated *hadith* (*khobar al-wahid*) unless they were satisfied that it came from the Prophet. Their methods were varied. For instance, Abu Bakr al-Siddiq did not accept a solitary *hadith* (*khobar al-wahid*) until two witnesses testified that they had heard it from the Prophet. Ibn Shihab al-Zuhri narrates from Qubaysah b. Dhu'ayb that a grandmother came to Abu Bakr asking for her share of inheritance. Abu Bakr said: “I do not find anything for you in the Book of Allah, and I have not heard that the Messenger of Allah said anything [about that]”. Then he asked around and al-Mughirah responded that he had heard that the Messenger of Allah gave to a grandmother one-sixth. Abu Bakr asked, “Do you have someone [to support you]?” and Muhammad b. Maslamah replied that he had also heard the same. Therefore, Abu Bakr gave one-sixth of the share of the inheritance to the grandmother.⁸

'Umar b. al-Khattab did the same. Some other Companions such as 'Ali b. Abi Talib would instead ask the transmitter of a *hadith* to swear that he had

⁵See al-Baghdadi, *al-Kifayah fi 'Ilm al-Riwayah*. n.d., al-Madinah al-Munawwarah, (n.p) pp. 18, 25, 432; al-Amidi, *al-Ihkam fi Usul al-Ahkam*. vol. II, 1985. Beirut: Dar al-Kutub al-'Ilmiyyah, pp. 273-384; Ibn Hazm, *al-Ihkam fi Usul al-Ahkam*. vol. I, 1345H. Egypt: Matba'at al-Sa'adah, pp. 119-139; Badran, *Usul al-Fiqh al-Islami*. n.d. al-Iskandariyyah: Mu'assasat Shabab al-Jami'iyah. p. 80.

⁶Al-Jurjani, *al-Ta'rifat*. p. 96-7.

⁷See Badran Abu al-'Aynayn Badran, *Usul al-Fiqh al-Islami*. pp. 87-88.

⁸For *hadiths* of grandmother's inheritance (*mirath al-jaddah*), see Ibn Majah, (*fara'id*) 4; Abu Dawud, (*fara'id*) 5; Muwatta', (*fara'id*) 4-6.

heard it from the Prophet. In *al-Ihkam fi Usul al-Ahkam*,⁹ al-Amidi mentions that 'Ali said, "I used to hear a *hadith* from the Prophet which God made me benefit from as He wishes. However, if any one narrated to me a *hadith* in which there is no benefit for me, I would ask him to swear. Then, if he swears, I will trust him."¹⁰

It seems that the Companions had various methods of verifying before accepting reports related by a single Companion. They asked for witnesses and also a transmitter to swear an oath.

THE KHAWARIJ AND THE MU'TAZILAH

They disagreed whether *khabar al-wahid* should be considered a conclusive proof for a legal judgement. They believe that *khabar al-wahid* is not to be accepted as conclusive proof because of the possibility of its falsehood. They argue that there is no practice (*'amal*) without knowledge (*'ilm*) as stated in the Qur'an,¹¹ which also condemns following conjecture. In conclusion, they say that *khabar al-wahid* is not a proof for rulings of the *Shari'ah*, as well as for theological matters.¹²

The Mu'tazilah rationalists [theologians] argue that the Companions such as Abu Bakr, 'Umar, 'Ali and 'A'ishah did not take into account *khabar al-wahid*. One example includes Abu Bakr's decision to give one-sixth of the estate to a grandmother as mentioned earlier.¹³ Their argument is that Abu Bakr did not accept the report of al-Mughirah b. Shu'bah until it was corroborated by Muhammad b. Maslamah. Like Abu Bakr, 'Umar, 'Ali and others too did not accept *khabar al-wahid*.¹⁴

Likewise, the scholars who came after the Companions did not accept *khabar al-wahid*. In this regard, al-Shafi'i clarified that the motive of the Companions in rejecting *khabar al-wahid* was to prove that they were meticulously careful in quoting any *hadith* from the Prophet. Therefore, asking for other wit-

⁹Al-Amidi, *al-Ihkam fi Usul al-Ahkam*, vol. I., p. 175.

¹⁰Cf. Muhammad al-Khudari Bek, *Tarikh al-Tashri' al-Islami*, pp. 93-4.

¹¹Al-Isra': 26 and al-Najm: 28.

¹²Badran, *Usul al-Fiqh al-Islami*, p. 89.

¹³See p. 76.

¹⁴Zaki al-Din Sha'ban, *Usul al-Fiqh al-Islami*, p. 61.

nesses was a method of ascertaining the veracity of the *hadith*. In this regard, it is worthy to cite 'Umar's caution to Abu Musa: "I do not suspect (*tuhmah*) you [of narrating falsehood], but it is a *hadith* from the Prophet."¹⁵

AHMAD B. HANBAL, DAWUD AL-ZAHIRI AND IBN HAZM¹⁶

It is reported that Ahmad b. Hanbal, Dawud al-Zahiri¹⁷ and Ibn Hazm considered *khavar al-wahid* as engendering definitive knowledge (*'ilm*) and a conclusive proof (*'amal*). They adduce proofs that *'amal* is necessarily engendered by *khavar al-wahid*. Among them is verse 6 of al-Hujurat.¹⁸ In this passage, God asks the believers to attest the reliability of those who carry messages. Thus, it can be inferred that a report from a reliable and trustworthy man should be accepted.¹⁹

It is also reported that the Prophet accepted the report from Salman concerning *hadiyyah* (gift) and *sadaqah* (i.e. *zakah*), even though he was the only one to report it. The Prophet also accepted the testimony of a bedouin about the appearance of a new moon. In addition, the Prophet sent 'Ali and Mu'adh to teach people about Islam in single authority. To sum up, they believe that *khavar al-wahid* does establish both *'ilm* and *'amal* as is evident from the practice of the Prophet.

THE MAJORITY OF MALIKITES, HANAFITES, SHAFI'ITES AND HANBALITES

The majority of the followers of the *Sunni madhhab* argue that *khavar al-wahid* does give the practice, not the knowledge, because there is no necessary link between the *'amal* and *'ilm* (knowledge). They argue that positive probability is sufficient in practical affairs and maintain that the conjecture referred to in

¹⁵Ibid., p. 62.

¹⁶Badran, p. 89.

¹⁷His name is Abu Sulayman Dawud b. 'Ali b. Dawud b. Khalaf al-Asfahani (d. 270H). He was the first one who to adhere to *zahir* text, holding only the Qur'an and *sunnah*, rejecting *ra'y al-qiyas*. Among his works are *kitab al-Ijma'*, *k. Ihtal al-Qiyas*, *k. Ihtal al-Taqlid*, *k. Khavar al-Wahid* and *k. al-Khavar al-Mujib li al-'Ilm*. See Ibn al-Nadim, *al-Fihrist*, p. 303.

¹⁸"O ye who believe! If an evil-liver bring you tidings, verify it, lest ye smite some folk in ignorance and afterward repent of what ye did". *Al-Hujurat* (49): 6.

¹⁹Badran, p. 87

A Controversy About The Authority Of Khabar Al-Wahid With Special Reference To Al-Shafi'i's Views
the Qur'an is conjecture on religious belief ('*aqidah*) or theological matters, not practical ones.²⁰

CONDITIONS LAID DOWN BY MADHAHIB FOR THE ACCEPTANCE OF Khabar AL-WAHID

There is no agreement among scholars on the conditions for the acceptance of *khabar al-wahid*. In fact, each school of thought lays down its own conditions.

THE HANAFITES

According to the Hanafites, the transmitter of a *hadith* should not have adopted a different practice from the one which he narrated, because he will normally not adopt a practice contrary to his own transmission unless there is a definitive proof of the narration having been abrogated. Accordingly, if he opposes his own transmission, the consideration will be on his practice, not his transmission. For that reason, the Hanafites reject the *hadith* narrated by Abu Hurayrah, "when a dog licks from one of your containers, he should wash it seven times in which one of it should be with sand". They say that it is sufficient to cleanse it three times because the transmitter's practice was contrary to what he transmitted.²¹

In addition to that, a *hadith* should not be contrary to matters of '*umum al-balwa*. '*Umum al-balwa* are matters each and every Muslim ought to know, for its ignorance may affect the validity of certain rituals in his daily life. For instance, the touching of the penis with the palms of one's hands invalidates *wudu*'. On the same basis, the Hanafites reject the *khabar al-wahid* transmitted by Abu Hurayrah concerning the recitation of the *Basmalah* aloud.²²

Thirdly, a *hadith* should not contradict what is stronger than it in terms of conclusive proof, i.e. the Qur'an, *sunnah mutawatirah* or *mashhur*.

Furthermore, a *hadith* should not contradict *qiyas* and the basic fundamentals of *Shari'ah*.

²⁰Badran, p. 91.

²¹Badran, *Usul al-Fiqh al-Islami*. p. 95-97; Sha'ban, *Usul al-Fiqh al-Islami*. p. 64.

²²Abu Hanifah, *Musnad al-Imam Abu Hanifah*. pp. 55-6. *hadith* no. 99-100. He prefers (*tarjih*) the *hadith* of Hammad - Anas which tells that the Prophet, Abu Bakr and 'Umar did not say *basmalah* aloud.

THE MALIKITES

The Malikites have only one condition in accepting *khobar al-wahid*, namely, that it should not contradict *ijma' ahl al-Madinah* and their '*amal*. The justification given by them is that '*amal ahl al-Madinah* is based on the premise that it comes as a general transmission from the Prophet and that the transmission of many is better than the transmission of individuals.²³ '*Amal* is considered as a normative concept, while *khobar al-wahid* sometimes contains legal texts which are normative matters and contains unusual or purely personal types of behaviour.²⁴ Therefore '*amal* is given priority over *khobar al-wahid*.

For instance, they deny the validity of *khiyar al-majlis* which is based on certain *hadith* for the '*amal ahl al-Madinah* is contrary to it.²⁵

THE SHAFI'ITES

According to al-Shafi'i, for a *khobar al-wahid* to be accepted, it must have reliable *isnad* (*sahih al-sanad*) and have a continuous chain of authorities (*muttasil*). He does not accept a *hadith* with an interrupted chain of transmitters such as the *mursal hadith*,²⁶ unless it has one of the following conditions:²⁷

- i. that the *mursal hadith* is supported by a *hadith* which is *muttasil al-sanad* in meaning. In this case, the argument is based on that of the *muttasil*, not the *mursal*,
- ii. that the *mursal hadith* is strengthened by other *mursal hadiths* accepted by *ahl ul-'Ilm*,
- iii. that the *mursal hadith* is in agreement with the opinion of Companions, or
- iv. that *ahl al-'Ilm* accept the *mursal*.

²³Badran, p. 99.

²⁴Umar Faruq Abd Allah, *Malik's Concept of 'Amal in the Light of Maliki Legal Theory*. p. 348.

²⁵Muhammad Hasan Hitu. *al-Wajiz fi Usul al-Tashri' al-Islami*. 1983. Beirut: Mu'assat al-Risalah, p. 302.

²⁶A *mursal hadith* is a *hadith* whereby a *Sahabi* is missed from the *sanad*.

²⁷Badran, pp. 99-100.

If a *mursal hadith* meets one of these conditions and the transmitters are among the older Successors (*kibar al-tabi'in*) who have met many of the Companions, then it will be accepted. For that same reason, al-Shafi'i accepts the *mursal hadiths* of Sa'id b. al-Musayyab and al-Hasan al-Basri.

THE HANBALITES

As far as Ahmad b. Hanbal's view is concerned, he did not require any condition in order to accept *khabar al-wahid*. However, he just requires the four agreed conditions, i.e. that a transmitter must be mature, Muslim, 'adl and *dabit*.²⁸

AL-SHAFFI AND KHABAR AL-WAHID

According to al-Nawawi, al-Shafi'i was the first scholar to give a detailed written treatment of *khabar al-wahid*.²⁹ He devotes two chapters of his *al-Risalah*,³⁰ two-thirds of *Jima' al-'Ilm*³¹ and the introduction of *Ikhtilaf al-hadith*³² to *khabar al-wahid*.

The reason for devoting so much treatment to *khabar al-wahid* may well have been due to the growing ascendancy of the Mu'tazilah during the latter part of al-Shafi'i's life. In his promotion of the importance of *khabar al-wahid*, al-Shafi'i was attempting to defend the authority of the *sunnah* of the Prophet, and limited the use of reason. It is also a fact that most *hadiths* are in the form of *khabar al-wahid*.

²⁸Zaki al-Din Sha'ban, *Usul al-Fiqh al-Islami*. p. 63.

²⁹Juynboll, "*Khabar al-Wahid*", *E.I.*, p. 896. Also see al-Nawawi, *Sharh Sahih Muslim*. Cairo 1349. vol. I, p. 131. Cf. Ahmad Hasan, *The Early Development of Islamic Jurisprudence*. pp. 181-2.

³⁰*Al-Risalah* deals with *khabar al-khassah* or *khabar al-Wahid*, pp. 369-471.

³¹Al-Shafi'i devotes the second chapter of *Jima' al-'Ilm* to dealing with those who reject only *khabar al-khassah*.

³²The last of the three books in chronological order in which al-Shafi'i uses the same method to adduce the proofs why *khabar al-khassah* or *khabar al-wahid* should be accepted. A repetitive method is obvious in al-Shafi'i's writings. It could be that he lived in the time when *khabar al-khassah* was no longer being accepted. Or it could be that regional practises had undermined the *sunnah* of the Prophet. Details of this can be found in J. Schacht, *The Origins of Muhammadan Jurisprudence*.

In the chapter on the *Khabar al-wahid* of the *al-Risalah*, al-Shafi'i debates with an unnamed opponent. The discussions are about the authority of *khabar al-wahid*. There are strict conditions laid down by al-Shafi'i regarding the acceptance of *hadiths*. This includes the acceptance of reports only from reliable men (*thiqat*). He makes a distinctive comparison between the acceptance of *hadith* and the acceptance of legal testimony (*shahadah*).

In another chapter, i.e. *al-Hujjah fi Tathbit Khabar al-Wahid*, al-Shafi'i adduces a variety of proofs to show the validity of *khabar al-wahid* and that its acceptance has had a basis from the early period of Islam. For instance, the Messenger of Allah used to send a single messenger to Muslim territories as *qadi* (judges) or preacher. If they were not a *hujjah*, the Prophet would not have sent them to the people. As an example, a man came to the people of Quba' while they were performing *salah*.³³ He told them that the direction of the *qiblah* had been changed. Spontaneously, they turned to the new direction. According to al-Shafi'i, this shows that reports of reliable persons should be accepted by Muslims. In *Early Development of Islamic Jurisprudence*, Ahmad Hasan comments that the way al-Shafi'i adduces his arguments does not establish the validity of *khabar al-wahid*. On the contrary, it proves that *hadith* as a whole must be accepted, not just the *khabar al-wahid*.³⁴

Al-Shafi'i argues that a *khabar al-wahid* only constitutes a decisive proof (*hujjah*) if there is a reliable transmitter (*thiqah*) at every stage of the *isnad*. His reliability is dependent on the following six conditions:³⁵

1. that the reporter should have a strong faith;
2. that he should be known for his veracity in transmitting *hadith*;
3. that he must be able to grasp the meaning of what he transmits;
4. that he should pay heed to the exact wording;
5. that he should transmit from memory, and
6. that he should be free from *tadlis*, that is claiming to transmit what he had not in fact heard from the *rawi* he names.

³³Cf. al-Shafi'i, *al-Sunan al-Ma'thurah*. pp. 132-2, *hadith* no. 35.

³⁴Ahmad Hasan, *The Early Development of Islamic Jurisprudence*. p. 182.

³⁵Al-Shafi'i, *al-Risalah*. p. 370.

THE AUTHORITY OF *KHABAR AL-WAHID*

In order to examine what al-Shafi'i writes about the authoritativeness of *khabar al-wahid* and the necessity for accepting such *hadiths*, it is hereby vital to make a comparative study of al-Shafi'i's works *al-Risalah*,³⁶ *Ikhtilaf al-hadith*³⁷ and *Jima' al-'Ilm*.³⁸

According to al-Shafi'i, the minimum proof for a *hadith* to be binding proof upon *ahl al-'Ilm* is that it is related by one person from another until it reaches the Prophet, or one next to the Prophet. Such a *khabar al-wahid* will not be a binding proof unless certain conditions are fulfilled.³⁹ These are as follows;

- i. that those who relate the *hadith* must be *thiqah* (truthworthy) in religion;
- ii. that they must be known to be truthful (*sidq*) in their *hadith*;
- iii. that they must comprehend (*'aqilan*) what they transmit;
- iv. that they must be conversant with any term which might change (*ihalat al-ma'na*) the meaning of the *hadith*;
- v. that they must be capable of transmitting the *hadith* word for word as they heard it and not merely transmitting its meaning in their own words, for if they transmit only the meaning and are unaware of what might alter the sense, they might unknowingly change the lawful (*halal*) into the unlawful (*haram*). If they transmit word for word there remain no grounds for fearing a change of meaning;
- vi. that they should have learned the *hadith* by heart (*hafiz*). If they relate it from memory (*hifz*) and they should have memorized the written text (*kitab*) if they relate it in written form; when they share a *hadith* with others [of *ahl al-hifz*], that which

³⁶See al-Shafi'i, *al-Risalah*. Ed. Ahmad Muhammad Shakir. 2nd ed. Cairo: Dar al-Turath, 1979/1399.

³⁷The first part of *Ikhtilaf al-hadith* is devoted to arguments about tathbit *khabar al-wahid*. See al-Shafi'i, *Ikhtilaf al-hadith*. Ed. Muhammad Ahmad 'Abd al-'Aziz. 1987. Beirut: Dar al-Kutub al-'Ilmiyyah, pp. 11-40.

³⁸The second chapter of *Jima' al-'Ilm* deals with *khabar al-khassah*. See al-Shafi'i, *Jima' al-'Ilm*. Ed. Ahmad Muhammad Shakir, 1940. Egypt: Matba'at al-Ma'arif, pp. 46-101.

³⁹*Al-Risalah*. p. 369.

they relate must agree;

vii. that they must not be guilty of *tadlis*, i.e. claiming to relate *hadiths* from those whom they met without actually having heard the *hadiths* from them.⁴⁰

Al-Shafi'i makes some sort of a comparison between accepting *khobar al-wahid* and accepting testimony (*shahadah*), for the one to whom al-Shafi'i had spoken might be familiar with the procedure of a testimony. That is, when witnesses are considered as trustworthy in the eyes of a judge, their testimonies should be accepted. Thus, to make it clear in his opponent's mind, al-Shafi'i makes the comparison to deliberate how the authoritativeness of *khobar al-wahid* is to be accepted.

PROOFS OF THE ACCEPTABILITY OF *KHABAR AL-WAHID*

In al-Shafi'i's view, the authoritativeness of *khobar al-wahid* is strong enough not to need comparisons with anything else. Indeed, it is *sui generis*⁴¹ (*asl fi nafsih*), not needing other kinds of proof to make it acceptable. Once it has been firmly established that the *khobar al-wahid* comes from the Prophet, it becomes a binding proof (*hujjah*) upon Muslims. Thus, it cannot be rejected unless there is an indication of it being abrogated or there exists a mistake.⁴² No questions of either "why" (*lima*) or "how" (*kayfa*) should be asked concerning reports from the Prophet.⁴³

When posing the question as to why *khobar al-wahid* should be accepted in legal frameworks, al-Shafi'i lays down a few sources to prove it. They could be categorised into Qur'an, *ijma'*, *hadith*, *qiyas*, the practice of Companions and the *sunnah* of the Prophet.

Qur'an

Al-Shafi'i quotes many Qur'anic⁴⁴ passages which showed that Allah had

⁴⁰*Al-Risalah*. paras. 1000-1001.

⁴¹*Al-Risalah*. paras. 1051, 1166; *Ikhtilaf al-Hadith*. p. 20.

⁴²*Ikhtilaf al-Hadith*. p. 24.

⁴³*Ikhtilaf al-Hadith*. p. 21.

⁴⁴Nuh: 1; Hud: 25; al-Mu'minin: 23; al-'Ankabut: 14; al-Nisa': 163; al-A'raf: 65; Hud: 50; al-A'raf: 73; Hud: 61; al-A'raf: 85, Hud: 83; al-'Ankabut: 36; al-Shu'ara': 160-3; al-Nisa': 163; and Ali 'Imran: 144.

sent single messengers to certain nations. This demonstrates that they are a proof, and whatever they delivered from God is authentic and authoritative and no one can reject it on the premise that they are single individuals.⁴⁵

Ijma'

According to al-Shafi'i, the people of knowledge⁴⁶ agreed on the necessity of accepting *khabar al-wahid* in practical matters. It is said that they accept it and also issue *fatwa* based on it.

Hadith

Al-Shafi'i cites a *hadith* which reads as follow;

“God will grant prosperity to a servant of His who hears my words, remembers them, guards them, and hands them on. It might be that a transmitter of *fiqh* is not a *faqih*, and it might be that a transmitter of *fiqh* may transmit to others are more versed in *fiqh* than himself. The heart of a Muslim will never harbour vindictive feelings against three: sincerity in working for God; faithfulness to Muslims; and conformity to the community of believers-their call will protect [the believers] and guard them from delusion”.⁴⁷

Al-Shafi'i comments on the above *hadith* by saying that since the Prophet urged men to listen to his words, guard them, and hand them on, and since the transmitter who hands them is mentioned in the singular, this indicates that the Prophet ordered that no one should transmit anything from him unless proof was established to the person to whom it was transmitted, because what is transmitted is something lawful to be observed or unlawful to be avoided, a punishment to be inflicted, a property to be taken or paid, and an advice in matters relating to religion and worldly life.⁴⁸

The Practice of the Companions

In *al-Risalah*, al-Shafi'i gathered together many examples which show that even though a *hadith* is related by a single person, whether a man or a woman, it

⁴⁵*Al-Risalah*, pp. 435-7.

⁴⁶*Al-Risalah*, paras. 1247-9.

⁴⁷*Al-Risalah*, para. 1102.

⁴⁸*Al-Risalah*, para. 1103.

becomes a proof for those who hear it, on condition that the transmitters are reliable and trustworthy.

There are several *hadiths* related by only one person which are used in Islamic jurisprudence. Examples include the *hadith* of Umm Salamah about kissing during Ramadan, the changing of the *qiblah* and *tahrim al-khamr* (the banning of alcoholic drinks). These demonstrate that *hadiths* related by a single person were taken as proof by those who heard them. Thus, a person has no right to reject it on the grounds that it is a solitary *hadith*.

To support the *khobar* reported by a single transmitter, al-Shafi'i uses the example of the Prophet's anger with a man who had doubted his own wife's report from Umm Salamah that kissing during the fast was permitted.⁴⁹

In another case, Abu Talhah and others destroyed immediately all their wine when a messenger told them that wine had been forbidden to Muslims. Al-Shafi'i demonstrates that in this case and in others, the Companions did not query the authority of a single transmitter. They did not raise the argument that they would not accept the *hadith* until many transmitters had related it or they had heard it directly from the Prophet himself.⁵⁰

Therefore, when discussing transmitters, al-Shafi'i lays emphasis on their quality. If they are reliable and truthful, their reports should be accepted.

CASES WHEN COMPANIONS CHANGED DECISIONS WHEN A HADITH CAME TO THEM.

Al-Shafi'i quotes many occasions where some Companions changed decisions which they had made earlier when a *hadith* related by a single authority came to their notice. In this regard, a *hadith* from the Prophet takes precedence whenever it contradicts decisions made based on personal opinion (*ijtihad*). 'Umar b. al-Khattab for instance, changed his decision on *diyat al-asabi'* (bloodmoney or compensation that should be paid to the victim whose damages or injury involved the fingers)⁵¹ when he was about to give a judgement based on

⁴⁹*Al-Risalah*, paras. 1109-1111.

⁵⁰*Al-Risalah*, paras. 1120-3.

⁵¹*Al-Risalah*, paras. 1160-1171.

his opinion.⁵² Sa'id b. al-Musayyab reported that 'Umar's initial decision was based on the beauty and the utility of the fingers. However, he changed his mind when he found a letter of 'Amr b. Hazm's family which stipulated that the Prophet had given a verdict of ten camels for each finger.⁵³

Other instances of 'Umar's changing his judgements on the basis of *hadith* from one transmitter are the cases of *diyat al-'aqilah*,⁵⁴ and the taking of *jizyah* (polltax) from the Magians.⁵⁵

In the case of *diyat al-'aqilah*, Sufyan relates on the authority of al-Zuhri, that Sa'id b al-Musayyab said, "'Umar b. al-Khattab was saying that *diyah* should be paid to the *'aqilah*, and a wife cannot inherit from the *diyah* of her husband; but al-Dahhak b. Sufyan told 'Umar that the Apostle had written to him ordering him to permit the wife of Ashyam al-Dibabi⁵⁶ to inherit the *diyah* of her husband. So, 'Umar changed his opinion".⁵⁷

In the case of the Magians, Ja'far al-Sadiq b. Muhamad al-Baqir said, "Upon mentioning the Magians, 'Umar said: I do not know what we should do with regard to them." Thereupon 'Abd al-Rahman b. 'Awf said: "I bear witness that I heard the Prophet said: Follow the same usage with them as you do with the People of the Book (*ahl al-Kitab*)".⁵⁸ In this case, 'Umar was reported as not having collected *jizyah* from the Magians except after 'Abd al-Rahman b. 'Awf had told him what the Prophet did.

It is interesting to examine why, in cases of a single transmitter, 'Umar asked for others who knew those *hadiths*. In justifying this, al-Shafi'i gives three reasons. First, 'Umar might have been cautious, for even though a *khabar al-wahid* is a proof, a *khabar* related by two or three persons is better. Second, he might not have known the transmitter, so he suspended judgement before ac-

⁵²*Al-Risalah*. para. 1175.

⁵³*Al-Risalah*. paras. 1160-1165

⁵⁴*Al-Risalah*. paras. 1172-1180.

⁵⁵*Al-Risalah*. paras. 1182-1186.

⁵⁶Ashyam al-Dibabi is a Companion who had mistakenly been killed during the time of the Prophet. See Shakir's edition of *al-Risalah*. p. 427.

⁵⁷Cf. Majid Khadduri, *Islamic Jurisprudence*. p. 263.

⁵⁸Al-Shafi'i, *al-Risalah*. p. 430.

cepting it until someone else has testified to the personality of the transmitter. Thirdly, it might be that 'Umar would not accept the transmitter's *hadith*, until he had found someone else whose *hadith* he would accept.⁵⁹

This statement can be referred to Abu Musa's case of *isti'dhan* in which 'Umar asked him if he has anyone else to support him.

THE SUNNAH OF THE PROPHET

Al-Shafi'i argues that the Prophet had sent many Companions to different territories to teach them about Islam on the basis that those Companions were *thiqah* and truthful in his eyes and in the eyes of those to whom they had been sent. Therefore, if a *hadith* related by a single Companion is not considered as a proof, the Prophet would not have sent single Companions.

The authoritativeness of one *thiqah* transmitter can be seen in the event of the changing of the direction of the *qiblah*. While the congregation were performing prayer at Quba', a messenger came to them telling that the direction of the *qiblah* had been changed. They immediately turned to the new direction. Al-Shafi'i repeats this anecdote frequently emphasising that the Companions did not refuse to accept this *hadith* simply because it was reported to them by only one person, or argued whether it had been reported by numerous people, or even preconditioned that if they had heard it themselves, they would accept it.

CONCLUSION

Having discussed arguments advanced by al-Shafi'i in favour of *khobar al-wahid*, we can conclude that the acceptance of *khobar al-wahid* is necessary upon each and every muslim when it is definitely confirmed as coming from the Messenger of Allah.

⁵⁹*Al-Risalah*. paras. 1188-1198.