

THE UNIVERSITY OF CHICAGO

GREEN JARS AND OTHER PROHIBITED RECEPTACLES IN EARLY ISLAMIC LAW

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להורי נורית וזאב

TABLE OF CONTENTS

LIST OF FIGURES	xv
LIST OF TABLES	xvi
LIST OF DIAGRAMS.....	xvii
LIST OF ABBREVIATIONS.....	xviii
ACKNOWLEDGEMENTS	xix
ABSTRACT.....	xx
Chapter 1: Introduction.....	1
1. Why green jars?.....	1
1.1 Archeology and the Literary Tradition.....	5
1.2 The Prohibition of <i>Khamr</i> and Other Intoxicants in Islam	7
1.3 Methods for the Study of Hadith.....	11
1.4 Structure of the Dissertation.....	14
Chapter 2: Green-glazed Jars and Tarred Jars in Archeology	17
2.1. Ceramics under Islam.....	17
2.2. Green-Glazed Jars	21
2.3 “Torpedo Jars”.....	28
2.4 Late Roman Amphorae 7 (LRA 7).....	31
2.5 What replaced Green Jars, Torpedo Jars, and LRA 7?	33
2.6 Summary	39
Chapter 3: The Definitions of Receptacles	40
3.1 Studies about Utensils and Receptacles	40
3.2 The Development of the Definitions of Receptacles	43
3.2.1 <i>The Influence of Dialectal Differences over the Definitions of Receptacles</i>	45
3.2.2 <i>The Influence of Legal Differences over the Definitions of Receptacles</i>	46
3.3 <i>Ḥantam</i> , Green Jars, and Other Related Terms.....	52
3.3.1 <i>Ḥantam - Introduction</i>	52
3.3.1.1 <i>Ḥantam = Green Jars</i>	56
3.3.1.2 <i>Ḥantam = White jars or Green Jars and White Jars</i>	61
3.3.1.2.1 <i>Ḥantam = White jars</i>	62
3.3.1.3 <i>Ḥantam = All Jars</i>	62

3.3.1.4	Ḥantam = <i>Wine Jars</i> (jirār khamr) → <i>Red Jars</i> (jirār ḥumr)	65
3.3.1.5	<i>Some unusual definitions of ḥantam by al-Qāḍī 'Iyād</i>	74
3.3.1.6	Ḥanātim = <i>the ḥanātim of the non-Arabs</i>	75
3.3.1.7	Ḥantam = <i>Jars made with blood and hair</i>	76
3.3.1.8	Ḥantam = <i>(green) glazed ceramics</i>	76
3.3.1.9	Ḥantam = <i>Tarred Jars</i>	77
3.3.1.10	Ḥantam ≠ <i>al-mazāda al-majbūba</i>	78
3.3.1.11	Ḥantama = <i>a small jar</i>	79
3.3.1.12	Ḥantam = <i>red jugs and green jugs</i>	79
3.3.1.13	Ḥantam <i>in Imāmī sources</i>	80
3.3.1.14	Ḥantam <i>in Zaydī sources</i>	81
3.3.1.15	Ḥantam <i>in Ibādī sources</i>	82
3.3.1.16	Ḥantam <i>summary</i>	83
3.3.2	<i>Jarr and Other Terms Denoting Ceramic Jars in General</i>	88
3.3.2.1	<i>Jarr -introduction</i>	88
3.3.2.2	<i>Jarr = Ceramic Jars and Receptacles</i>	88
3.3.2.3	<i>Jarr = jirār ḍāriya</i>	89
3.3.2.4	<i>Jarr = Non-Ceramic Receptacles</i>	90
3.3.2.5	<i>Jarr = Tarred Jars</i>	90
3.3.2.6	<i>Jarr = All Jars (or All Ceramics)</i>	90
3.3.2.7	<i>Jarr - Summary</i>	92
3.3.3	<i>al-Jarr al-akhḍar</i>	92
3.3.3.1	<i>al-Jarr al-akhḍar - Introduction</i>	92
3.3.3.2	<i>al-Jarr al-akhḍar = Green Jars</i>	93
3.3.3.3	<i>The Texture of al-Jarr al-akhḍar</i>	93
3.3.4	<i>The Provenance of al-Jarr al-akhḍar</i>	94
3.3.3.5	<i>al-jarr al-akhḍar = Tarred Jars</i>	97
3.3.3.6	<i>al-Jarr al-akhḍar -Summary</i>	97
3.4	<i>Muzaffat, Muqayyar, and Related Terms</i>	98
3.4.1	<i>Muzaffat and Muqayyar</i>	98
3.4.1.1	<i>Muzaffat = All Tarred Receptacles</i>	99
3.4.1.2	<i>Muzaffat = Tarred Waterskins</i>	100

3.4.1.3 Muzaffat = “ <i>These Receptacles</i> ”	100
3.4.1.4 Muzaffat = “ <i>Green Tarred Jars</i> ”	101
3.4.2 Dann, rāqūd, and khābiya - <i>introduction</i>	101
3.4.2.1 Dann/rāqūd/khābiya = muzaffat	104
3.4.3 Muzaffat - <i>summary</i>	105
3.5 The Definitions of the Prohibited Jars - <i>Summary</i>	105
Chapter 4: Traditions about Receptacles	107
4.1 Introduction: Regionality in Traditions about <i>Nabīdh</i>	107
4.2 The Development of Traditions about the <i>Nabīdh</i> of Receptacles	109
4.3 The Rivalry of Transmitters and the Growth of Traditions	109
4.4 The Corpus of Traditions about <i>Nabīdh</i> and Receptacles.....	116
4.5 Categorization of Traditions about <i>Nabīdh</i> and Receptacles	117
4.6 Traditions about <i>Nabīdh</i> and Receptacles.....	119
4.6.1 Muzaffat & <i>Gourds</i>	120
4.6.2 Muzaffat, <i>Gourds</i> , Ḥantam & Naqīr.....	122
4.6.3 Muzaffat, <i>Gourds</i> , & Naqīr	129
4.6.4 <i>Gourds</i> , Ḥantam, & Naqīr	129
4.6.5 <i>Only</i> Muzaffat.....	129
4.6.6 Jarr	131
4.6.7 Jarr akhḍar	134
4.6.8 Waterskins	135
4.6.9 Stone Receptacles	139
4.6.10 Lead Receptacles	140
4.6.11 Glass Receptacles	142
4.6.12 Silver and Gold Receptacles.....	144
4.7 Concessive and Anti-Concessive Traditions.....	144
4.7.1 <i>Concessive Traditions</i>	144
4.7.2 <i>Anti-Concessive Traditions</i>	150
4.7.2.1 <i>Anti-Concessive Traditions that Deny the Concession</i>	151
4.7.2.2 <i>Anti-Concessive Traditions that Downplay the Concession</i>	153
4.8 What should be done with Receptacles containing Intoxicants?	154
4.9 Summary	156

Chapter 5: The Major Law Schools on <i>Nabīdh</i> in Receptacles	158
5.1 The Ḥanafī School.....	159
5.1.1 <i>Abū Ḥanīfa, Abū Yūsuf, and al-Shaybānī</i>	159
5.1.2 <i>Later Ḥanafīs</i>	161
5.1.3 <i>Not Prohibiting the Nabīdh of Jars as Ḥanafī Orthodoxy</i>	162
5.1.4 <i>Treatment of Receptacles Containing Intoxicants</i>	165
5.1.5 <i>Summary</i>	166
5.2.1 <i>Mālik b. Anas</i>	167
5.2.2 <i>Mālik’s Students and Their Followers</i>	169
5.2.3 <i>Treatment of Receptacles Containing Intoxicants</i>	170
5.2.4 <i>Summary</i>	172
5.3 The Shāfi‘ī School.....	172
5.3.1 <i>Al-Shāfi‘ī</i>	172
5.3.2 <i>Al-Shāfi‘ī’s Students and Followers</i>	173
5.3.3 <i>Treatment of Receptacles Containing Intoxicants</i>	175
5.3.4 <i>Summary</i>	175
5.4 The Ḥanbalī School.....	175
5.4.1 <i>Ibn Ḥanbal</i>	176
5.4.2 <i>Ibn Ḥanbal’s Students and Followers</i>	177
5.4.3 <i>Treatment of Receptacles Containing Intoxicants</i>	178
5.4.4 <i>Summary</i>	181
5.5 The Imāmī School	182
5.5.1 <i>Treatment of Receptacles Containing Intoxicants</i>	183
5.5.2 <i>Summary</i>	184
5.6 The Ibādīs	184
5.6.1 <i>Summary</i>	188
5.7 The Legal Schools Compared	190
Chapter 6: Conclusion.....	191
Appendix A: ‘Umar II and the Prohibition of <i>Tilā</i> ’ and <i>Nabīdh</i>	198
0 Introduction	198
0.1 <i>‘Umar II: the Pious Umayyad</i>	203
0.2 <i>The Prohibition of Intoxicants</i>	204

1	‘Umar II and the Prohibition of <i>Ṭilā’</i>	205
1.2	<i>The Passage about Ṭilā’ in ‘Umar II’s “Fiscal Rescript” (= IAH 1)</i>	209
1.3	<i>Umayyad Fears about Ṭilā’ Leading to Catastrophe</i>	212
1.4	<i>Non-Prophetic Traditions in IAH 1</i>	216
1.5	<i>The “Every Intoxicant” Maxim, Another Umayyad Connection to IAH 1</i>	217
1.6	<i>Was Ur-IAH 1 a Response to a Tradition of al-Sha ‘bī?</i>	221
1.7	<i>“Evaporators” vs. “Thickeners”</i>	227
1.7.1	<i>How to Distinguish Thickener and Evaporator Traditions?</i>	230
1.7.2	<i>Thickener Traditions</i>	233
1.7.3	<i>Thickeners Strike Back at Evaporators</i>	236
1.8	<i>The Thickener IAH 1 vs. al-Sha ‘bī’s Evaporator Tradition</i>	239
1.9	<i>The Legacy of Ur-IAH 1</i>	243
1.10	<i>Conclusion</i>	245
2	‘Umar II and the Prohibition of <i>Nabīdh</i>	248
2.1	<i>Al-Ṣa ‘iq b. Ḥazn’s Version of the Edict (= Versions 1, 2, 3)</i>	249
2.1.1	<i>A Segment-by-Segment Analysis of Versions 1, 2, and 3 of al-Ṣa ‘iq’s Edict</i>	254
2.2	<i>Al-Balādhurī and Ibn Qutayba’s Versions of the Edict (= Versions 4 and 5)</i>	261
2.2.3	<i>Ibn ‘Abd al-Ḥakam’s Version of the Edict (= IAH 2)</i>	264
2.2.4	<i>Ibn ‘Abd Rabbih’s Version of the Edict (= Version 6)</i>	273
2.2.5	<i>Pseudo-Ibn Kathīr’s Version of the Edict (= Version 7)</i>	274
2.2.6	<i>Conclusion</i>	274
Appendix AA:	<i>Al-Sha ‘bī’s Tradition about ‘Umar I’s Missive Permitting Ṭilā’</i>	278
9.1	Group 1: <i>innī</i>	279
9.2	Group 2: <i>ammā ba ‘du fa-inna-hu/hā</i>	281
9.3	Group 3: <i>ammā ba ‘du fa-innī</i>	283
9.4	Group 4: <i>ammā ba ‘du fa-inna-hu/hā</i>	283
9.5	<i>Conclusion</i>	285
Appendix B:	<i>Other Versions of ‘Umar II’s Edict</i>	288
1	<i>The Traditions of al-Ḥasan al-Baṣrī about ‘Umar II’s Edict</i>	288
1.1	<i>Tradition HB.1</i>	289
1.2	<i>Tradition HB.2</i>	290
1.3	<i>Tradition HB.3</i>	294

1.4 Tradition <i>HB.4</i>	295
1.5 Summary: <i>The Traditions of al-Ḥasan al-Baṣrī</i>	296
2 The Tradition of Salām b. Miskīn about the Edict.....	297
2.1 Tradition <i>SbM.1</i>	297
2.2 Tradition <i>SbM.2</i>	298
2.3 Summary: <i>The Traditions of Salām b. Miskīn about the Edict</i>	298
3 The Tradition of al-Rabī‘ b. Ḥabīb about the Edict.....	299
4 Summary: The Edict in Basra.....	299
5 The Edict in Kufa.....	300
5.1 Tradition <i>IU</i>	300
5.2 Tradition <i>BM</i>	301
5.3 Tradition <i>AM</i>	303
5.4 Summary: The Edict in Kufa.....	304
Edict 6 Summary: ‘Umar II’s Edict about <i>Nabīdh</i>	304
Appendix C: The Traditions of Ibn Mughaffal.....	306
1 Tradition 1.....	307
2 Tradition 2.....	308
3 Tradition 3.....	312
4 Summary: The Traditions of Ibn Mughaffal.....	315
Appendix D: The Tradition of Fayrūz al-Daylamī and Other Syrian Traditions.....	317
1 al-Saybānī’s Tradition.....	317
2 al-Saybānī’s Inspiration: Yazīd b. Abī Ḥabīb’s Tradition.....	318
3 Al-Saybānī, al-Awzā‘ī, and al-Zuhrī.....	321
4 Summary: The Tradition of Fayrūz al-Daylamī and Other Syrian Traditions.....	322
Appendix E: The Traditions of ‘Alī b. Abī Ṭālib.....	324
1 Tradition 1: ‘Alī Distributes Jars of <i>Ṭilā</i> ’.....	324
1.1 <i>The Version of Ismā‘īl b. Abī Khālīd</i>	325
1.2 <i>The Version of Ibn Ishāq</i>	326
1.3 <i>The Version of Zubayd al-Yāmī</i>	326
1.4 <i>The Version of Yazīd b. Abī Ziyād</i>	328
1.5 <i>The Version of al-Suddī</i>	329
1.6 <i>The Version of al-Sha‘bī</i>	329

1.7 <i>The Version of Sufyān b. ‘Uyayna</i>	334
1.7 <i>Some Thickener Versions</i>	335
1.8 <i>The Version of al-Bajalī</i>	335
1.9 <i>The Version of al-Bajalī</i>	336
1.10 <i>The Version of al-Minqarī</i>	336
1.11 <i>Summary of Tradition 1</i>	337
2 Tradition 2	339
3 Tradition 3.....	340
4 Tradition 4.....	341
5 Tradition 5	344
6 Tradition 6.....	345
7 Tradition 7	346
8 Tradition 8.....	348
9 Tradition 9.....	349
10 Tradition 10.....	351
11 Summary: The Traditions of ‘Alī b. Abī Ṭālib	353
Appendix F: The Traditions of ‘Abdallāh b. Abī Awfā.....	355
1 Tradition 1: Muslim al-A‘war’s Non-Prophetic Tradition.....	355
2 Tradition 2: al-Shaybānī’s Prophetic Tradition and its Derivatives.....	355
2.1 <i>The Versions of Ibn Mushir, Shu‘ba, al-A‘mash, and al-Thawrī</i>	356
2.2 <i>The Version of Abū Mu‘āwiya</i>	357
2.3 <i>The Version of al-Taymī</i>	358
2.4 <i>The Version of ‘Abd al-Wāhid</i>	358
2.5 <i>The Version of Ibn ‘Uyayna</i>	359
2.6 <i>The Version of Abū ‘Awāna</i>	359
2.7 <i>Other Versions</i>	359
3 Summary: The Traditions of Ibn Abī Awfā.....	362
Appendix G: The Traditions of ‘Abdallāh b. Mas‘ūd.....	363
1 Traditions from Ibn Mas‘ūd’s Students	363
2 Non-Prophetic Traditions from Ibn Mas‘ūd.....	366
2.1 <i>Ibn Mas‘ūd about Jars</i>	366
2.2 <i>The Relic of Ibn Mas‘ūd</i>	370

2.3 <i>Ibn Sīrīn’s Critique of the Permissive Traditions about Ibn Mas‘ūd</i>	370
2.4 <i>Other Basran Critiques of Ibn Mas‘ūd’s Permissive Traditions</i>	373
2.5 <i>The Poem about Ibn Mas‘ūd</i>	374
3 <i>Prophetic Traditions from Ibn Mas‘ūd</i>	377
3.1 <i>A Concessive Prophetic Tradition</i>	377
3.2 <i>Prophetic Traditions Promoting the Three Concessions Doctrine</i>	378
4 <i>Summary: The Traditions of Ibn Mas‘ūd</i>	380
Appendix H: <i>The Traditions of ‘Ā’isha bint Abī Bakr</i>	382
1 <i>Kufan Traditions from ‘Ā’isha</i>	383
1.1 <i>Ibrāhīm al-Nakha‘ī’s Early Tradition</i>	384
1.1.1 <i>al-A‘mash’s Version of al-Nakha‘ī’s Early Tradition</i>	385
1.1.2 <i>Ibn Abī Sulaymān’s Version of al-Nakha‘ī’s Early Tradition</i>	385
1.1.3 <i>Manṣūr’s Version of al-Nakha‘ī’s Early Tradition</i>	386
1.1.4 <i>Mughīra’s Version of al-Nakha‘ī’s Early Tradition</i>	389
1.1.5 <i>Abū Ḥamza’s Version of al-Nakha‘ī’s Early Tradition</i>	389
1.1.6 <i>Summary of al-Nakha‘ī’s Early Tradition</i>	390
1.2 <i>‘Awn b. Ṣāliḥ’s Tradition</i>	391
1.3 <i>al-Ash‘ath’s Tradition</i>	392
1.4 <i>al-Ash‘ath’s Other Tradition</i>	392
1.5 <i>Simāk’s Tradition</i>	392
1.6 <i>Ḥakīm b. Jubayr’s Tradition</i>	393
1.7 <i>Abū Ḥayyān’s Tradition</i>	394
1.8 <i>Another Kufan Tradition</i>	395
2. <i>A Medinan Tradition from ‘Ā’isha</i>	396
4 <i>A Levantine Tradition from ‘Ā’isha</i>	400
5 <i>Basran Traditions from ‘Ā’isha</i>	401
5.1 <i>Tradition 1</i>	401
5.2 <i>Tradition 2</i>	403
5.3 <i>Tradition 3</i>	405
5.4 <i>Tradition 4</i>	407
5.5 <i>Tradition 5</i>	409
5.6 <i>Tradition 6</i>	410

5.7 Tradition 7	410
5.8 Tradition 8	411
5.9 Tradition 9	412
5.10 Tradition 10	413
5.11 Tradition 11	415
5.12 Tradition 12	416
5.13 Tradition 13	416
5.14 Tradition 14	417
5.15 Tradition 15	417
5.16 Tradition 16	418
5.17 Tradition 17	418
5.18 Tradition 18	419
5.19 Tradition 19	420
5.20 Tradition 20	421
5.21 Tradition 21	423
5.22 Tradition 22	424
5.23 Tradition 23	424
5.24 Tradition 24	425
5.25 Tradition 25	425
5.26 Tradition 26	425
6 Summary: The Traditions from ‘Ā’isha	428
Appendix I: The Traditions from Anas b. Mālik	430
1 Non-Prophetic Traditions about Anas	430
2 Prophetic Traditions about Anas	435
2.1 <i>The Tradition of al-Zuhrī</i>	435
2.2 The Tradition of Muḥammad b. Abī Ismā‘īl	436
2.3 The Tradition of al-Mukhtār b. Fulful	438
2.4 The Tradition of ‘Abdallāh	439
2.5 A Kufan Tradition Permitting Green Jars	440
2.6. The Tradition of Shu‘ba	440
2.7 Ibn Salama’s Tradition about Anas’ Cup	441
2.8 The Tradition about the Prohibition of <i>Khamr</i>	445

2.8.1 Sulaymān al-Taymī's Version	446
2.8.2 Qatāda's Version	449
2.8.3 Thābit al-Bunānī's Version	450
2.8.4 Ḥumayd al-Ṭawīl's Version	451
2.8.5 The Kufan Versions	454
2.8.6 Mālik b. Anas' Version	455
2.8.7 The Ibādī Version	458
2.8.8 'Abd al-'Azīz's Version	458
2.8.9 Some Other Versions	460
2.8.10 Summary of the Tradition about the Khamr Prohibition.....	461
2.9 Yaḥyā l-Taymī's Concessive Tradition.....	462
2.10 al-Hārith b. Nabhān's Concessive Tradition	463
3 Summary of Anas' Traditions about Nabīdh and Receptacles	463
Appendix J: The Traditions of 'Abdallāh b. 'Umar.....	466
1 Non-Prophetic Traditions of 'Abdallāh b. 'Umar	466
2 Prophetic Traditions of 'Abdallāh b. 'Umar	467
2.1 <i>The Version of Nāfi'</i>	468
2.2 <i>The Version of Thābit al-Bunānī</i>	470
2.3 <i>The Version of Sa'īd b. Jubayr</i>	471
2.4 <i>The Version of Ṭāwūs b. Kaysān</i>	476
2.5 <i>The Version of 'Abd al-Khāliq b. Salima from Ibn al-Musayyab</i>	479
2.6 <i>The Version of Muḥārib b. Dithār</i>	479
2.7 <i>The Version of Salama b. Kuhayl</i>	480
2.8 <i>Exclusive Versions of Shu'ba</i>	481
2.9 <i>The Version of Abū l-Zubayr</i>	483
2.10 <i>The Version of Ibn Jurayj on the authority of Abū Ḥāḍir</i>	484
2.11 <i>The Version of Ja'far b. Burqān on the authority of Yazīd b. Ṣhayb</i>	484
2.12 <i>The Version of Ibn Sīrīn</i>	485
2.13 <i>The Version of Aḥmad b. 'Abda</i>	486
3 Summary of the Traditions of 'Abdallāh b. 'Umar	486
Appendix K: The Traditions of 'Imrān b. Ḥuṣayn.....	488
Appendix L: The Tradition of Suwayd b. Muqarrin.....	489

Appendix M: The Tradition of ‘Abd al-Raḥmān b. Ya‘mar (Kufa).....	490
Bibliography	492

LIST OF FIGURES

Figure 2.1: Green-glazed Jar, probably Iraq, Parthian period, 2nd-3rd century CE.....	23
Figure 2.2: Green-glazed Jar, Iraq, Sasanian period, 6th–7th century CE.....	23
Figure 2.3: Green-glazed Jar, Iraq, Islamic period, 8th-9th century CE.....	23
Figure 2.4: Green-glazed Jar, Iraq, Islamic period, 8th-9th century CE.....	24
Figure 2.5: <i>Dann/rāqūd/khābiya</i> “Torpedo Jar,” Iraq, 3rd-7th century CE.....	28
Figure 2.6: Painted “Torpedo Jar,” Samarra, 3 rd /9 th century (original piece lost) CE	29
Figure 2.7: Illustration of Late Roman Amphora 7 (LRA 7), Egypt, 4th-7th century CE	32
Figure 2.8: <i>kūz al-fuqqā</i> ’/“Sphero-conical Vessel,” probably Egypt, 10th-12th century CE.....	36

LIST OF TABLES

Table 3.1: A Summary of Some of the Major Definitions of Ḥantam.....85

Table E.1: A Summary of Some of the Major Traditions about ‘Alī concerning Nabīdh etc..354

LIST OF DIAGRAMS

Diagram 3.1: The Traditions of ‘Abd al-Khāliq and Wuhayb defining <i>ḥantam</i> as “green jars.”	59
Diagram A.1: <i>Stemma edictorum</i> according to Tillier and Vanthieghem	201
Diagram A.2: <i>Stemma edictorum</i> according to the author	202
Diagram AA.1: Simplified <i>Stemma</i> of al-Sha‘bī’s Tradition about ‘Umar I	287
Diagram C.1: The Traditions of Ibn Mughaffal	315
Diagram E 1: The Tradition of al-Sha‘bī about ‘Alī	333
Diagram F.1: The Tradition of Ibn Abī Awfā	361

LIST OF ABBREVIATIONS

- DJBA* = *A Dictionary of Jewish Babylonian Aramaic*
- ECH* = *Encyclopedia of Canonical Ḥadīth*
- EI*¹ = *Encyclopedia of Islam*, 1st edition
- EI*² = *Encyclopedia of Islam*, 2nd edition
- EI*³ = *Encyclopedia of Islam*, 3rd edition
- ILS* = *Islamic Law and Society*
- JAOS* = *Journal of the American Oriental Society*
- JNES* = *Journal of Near Eastern Studies*
- JSAI* = *Jerusalem Studies in Arabic and Islam*
- Q** = Qur' ān
- (S)** = ﷺ
- ZDMG* = *Zeitschrift der Deutschen Morgenländischen Gesellschaft*

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Any errors and shortcomings in this dissertation should be attributed solely to me.

I dedicate this dissertation to my parents for their love and support.

ABSTRACT

Qur'ān 5:90 is understood as prohibiting *khamr* (wine made from grapes). However, according to Ḥadīth traditions the Prophet permitted his followers the consumption of *nabīdh* (date-wine), a potentially alcoholic beverage. Various aspects of the proper preparation of *nabīdh* were discussed in the first Islamic centuries. One of the most debated issues was which receptacles may be used for *nabīdh*. Many traditions attributed to the Prophet, his Companions, and their Successors, prohibited various receptacles, like green jars and tarred jars. This dissertation explores the development of this prohibition from its earliest traceable beginnings, through the formation of the major legal schools, and beyond. It focuses on different aspects of the prohibition of receptacles as they are reflected in the following sources: Ḥadīth literature, early Islamic legal sources, non-Islamic legal sources, and the archeological record.

There is a vast corpus of Ḥadīth traditions pertaining to this topic. The dissertation examines this corpus to track the development of the debate over prohibited receptacles and to assign different legal opinions to various times, places, and individuals. It then examines how the nascent major legal schools continued the discussion of this prohibition begun by the Hadith transmitters.

The dissertation investigates the prohibition's influence on certain ceramic jars known to archeologists. These jars were manufactured in the Near East from the Parthian era until the end of the early Abbasid period. They include the Iraqi green-glazed jars and torpedo jars, and the Egyptian Late Roman Amphorae 7 (LRA 7). It is shown that these jars correspond to various jars commonly prohibited in Hadith. It is suggested that the prohibition partly caused the decline in their production.

A series of appendices accompany the dissertation. In each appendix, traditions about the preparation of *nabīdh* in receptacles attributed to a single early authority or his or her circle are examined. Notably, Appendix A highlights the pivotal role of the Umayyad Caliph ‘Umar II in promoting the prohibition of *nabīdh* and other fermented beverages in jars.

By examining a wide variety of material, both textual and archeological, it is possible to witness the development of Islamic law in theory and in practice.

Chapter 1: Introduction

1. Why green jars?

The origin of this dissertation lies in the basement of the Oriental Institute of the University of Chicago, where several years ago I had the good fortune of attending my first class of Prof. Donald Whitcomb's course "Islamic Pottery." Up until that day, I had been a longtime student of the Islamic textual tradition but had little familiarity with archeology, Islamic or otherwise. I did not know what to expect.

At the beginning of the class, Prof. Whitcomb took out various pieces of broken pottery, or "sherds" (not "shards") as I would learn that archeologists call them. The professor chose these sherds to represent ceramic types commonly found at Islamic archeological sites. One-by-one, he held each sherd up, passed it around, and eruditely described its physical characteristics and how, when, and where ceramics of this type were manufactured and used. Various sherds were passed down to me, and I experienced a novel sensation. For the first time, I was holding in my hands objects from the day-to-day life of many of the men and women known to me only from written sources.

Despite this novelty, I, as a philologist, still found the situation foreign and perplexing. I was accustomed to texts telling stories and describing events but wondered to myself: What information do these broken pieces of pottery hold? What kind of story could they possibly tell?! Suddenly, something happened that especially excited my attention. The professor held up a thick sherd covered in a resplendent green glaze, uttering something to the effect of: "This is an

example of the famous blue-green jars that were very common in Abbasid Iraq.” The green sherd and its accompanying description shocked me. I distinctly remembered the existence of a “sound” Hadith in which the Prophet Muḥammad prohibited the use of green jars. I felt compelled to interject: “How can this be? This goes against the Hadith of the Prophet!” The professor politely dismissed my inchoate objection, assuring me that green ceramics are indeed common in many near eastern archeological dig sites. Since these green jars were in use in early Islamic times, any Hadith I may be thinking of did not seem to have had much of an impact during those times.

After I had quieted down, the professor resumed his discussion of green ceramics, adding that Near Eastern potters continuously manufactured them from pre-Islamic times and continuing into Islamic times, but that “after the early Abbasid period” they are rarely found. Here, I began wondering again if these jars are the ones mentioned in the Hadith, and if so what impact if any did the Hadith have on the prevalence of these ceramics. And so, I became interested in the study of green jars and other receptacles appearing in Hadith literature and their relation to the archeological record.

In the present dissertation, I bring together texts and material objects. By juxtaposing philology and archeology, I hope to understand the relation between belief and praxis in a manner that is unattainable when one studies each separately. My hope is that this dissertation will demonstrate the utility and importance of combining textual and archeological analysis and how both can complement each other. Furthermore, while archeologists commonly limit their use of classical texts to historical and geographical works and commercial documents, I wish to

show that other textual corpora, like the Hadith corpus, often contain information that is useful to the archeologist.

At the heart of this dissertation is a vast assortment of Hadith in which the Prophet and other prominent Muslim figures prohibit or permit the preparation of *nabīdh* (date wine) in certain receptacles. While today some may view the issue of jars and other receptacles as marginal or inconsequential, this was an extremely important topic in the early Islamic period, that affected the everyday lives of Muslims and those living under Islamic rule. The decline in its importance may be readily seen if we compare the vast number of Hadith traditions devoted to this topic which originated in the first two Islamic centuries with the relatively brief treatment of this topic in most works of jurisprudence from the 3rd/9th century and onwards.

The dissertation has at least three main objectives: Two main objectives are related to archeology: (1) identifying the receptacles mentioned in Hadith with receptacles known from material culture; (2) examining if these Hadith had any impact on material culture. (3) A third main objective, which constitutes the bulk of this dissertation, is tracing in detail the development of the prohibition in Islamic law from the early period when the Hadith was collected, through the formation of the major legal schools in the 2nd/8th and 3rd/9th centuries, and beyond. Understanding the history of the prohibition is a crucial step toward understanding the impact it had on material culture.

The dissertation is an expansion of an article that I published in *Islamic Law and Society*.¹ It is based on a much wider corpus of texts. While my main conclusions have not changed, I have emended some minor points and refined my results. I strove to note when I diverge from the article. In any case, wherever the dissertation disagrees with the article, the reader should assume that the dissertation reflects my revised position.

Since the publication of my article, Mathieu Tillier and Naïm Vanthieghem have published an article that deals with the prohibition of jars.² Their interdisciplinary article makes some useful contributions and relies on a wide range of sources, many of which I also discuss in this dissertation. However, I disagree with much of their analysis. I address aspects of their article in various places throughout this dissertation. I have also written an article in which I respond to some of their arguments.³ The first two appendices of this dissertation are a version of that article. With the publication of my articles and that of Tillier and Vanthieghem, it is exciting to see the field of “jars studies” garnering interest in the academic world. I hope that the present dissertation advances our knowledge of this topic, and that more scholars will participate in this discussion in the future.

The dissertation deals with the controversial topic of Islam’s attitude toward intoxicants. Scholars of this topic tend to gravitate toward two stereotypes. Some scholars are bent on portraying Islam as a dry society, completely intolerant of intoxicants. Others attempt to prove

¹ Harvey, “Green Jars.”

² Tillier & Vanthieghem, “Amphores rouges.”

³ Harvey, “Umar II.”

that Islam was tolerant of these beverages, focusing on various historical examples of Muslims who consumed alcohol. The truth, as is often the case, rests somewhere in between these two stereotypes, and varies according to time and place, and according to the practice of different communities and individuals.

Returning to Prof. Whitcomb's class, one important lesson that I hopefully learned since that day is that the way Islam (or any religion or belief system for that matter) is depicted in its core classical texts sometimes differs from how it was practiced by its adherents. Texts, especially religious legal texts, usually tell us how their authors expected society to behave. Material objects, like those studied by archeologists, tell us how society really behaved. Often, what you read is not what you get. However, occasionally, texts match reality, and sometimes even shape it.

1.1 Archeology and the Literary Tradition

On the archeological side, this dissertation focuses on the region of Iraq and the Persian Gulf during the Early Islamic period (roughly between the 1st/7th and 6/12th centuries) for two reasons: (1) Most Hadith on the topic of *nabīdh* and its receptacles originate in this region, particularly in Basra and Kufa, and in this time period. Consequently, they best reflect the reality of that region and time. (2) Archeologists often treat the region of Iraq and the Persian Gulf as separate region due to its relative isolation from other regions. In the Umayyad and Early Abbasid periods, this region was part of an elaborate network of maritime trade from the Horn of Africa, along the Indian Ocean, and as far as Japan. Ceramics from this region rarely ended up in Mediterranean regions like Egypt and North Africa. Having said that, I do touch briefly on the region of Egypt

in various parts of this dissertation. Ideally, other studies focusing on other regions will complement this dissertation.

Even though the Hadith traditions prohibit receptacles made of various materials (e.g., leather, glass), this dissertation focuses on ceramics and primarily on two types: (1) green-glazed jars and (2) the bitumen-lined jars known as “torpedo jars.” There are again two reasons for this focus: (1) the legal sources devote the most attention to these jars, probably due to their ubiquity and value as a commodity; (2) pottery is more durable than other materials. Wooden receptacles or those made of animal hides perish. Glass receptacles tend to shatter and disappear; and metal receptacles were often melted down and reused. Pottery, however, survives the test of time under most conditions. It is thus easier to study its prevalence over the course of history.

When I began researching the topic of jars and other receptacles in the Umayyad and Early Abbasid periods, I was surprised that I could barely find any author, in the East or West, who attempted to identify the “green jars” or “tarred jars” mentioned in Hadith literature with real jars known from archeological surveys, not even for the sake of dismissing such an identification.⁴ What is more, there are almost no studies identifying ceramic findings with utensils mentioned in texts. A systematic study of the receptacles mentioned in written sources, which address their material, shape, and usage, is a desideratum. This dissertation takes a small step toward filling this gap in our knowledge.

⁴ For literature on receptacles in literature and archeology, see §3.

While I anticipate that some scholars will be hesitant in accepting my argument that the Hadith corpus had an impact on the distribution of ceramics, my identification of various receptacles with items mentioned in Hadith traditions should be less controversial.

1.2 The Prohibition of *Khamr* and Other Intoxicants in Islam

Generally, Muslims are encouraged to avoid intoxicants for diverse reasons like maintaining good moral values, avoiding drunken brawls, avoiding financial ruin,⁵ and maintaining ritual purity.⁶ A Muslim who drinks, possesses, or sells an intoxicant may have his or her drink watered down or poured out, its container rinsed or destroyed, and he or she may receive lashes and confinement. Additionally, non-Muslims may also be punished for providing intoxicants to Muslims or even for displaying them openly in public.⁷ Drinkers are threatened with various punishments in the afterlife and those who abstain from it are promised heavenly rewards.⁸

The origins of the Islamic prohibition of intoxicants are in the Qur'ān. There, several verses condemn *khamr* (wine made from fermented grape juice without cooking).⁹ The harshest condemnation of this beverage is perhaps Q 5:90-91:

O believers, *khamr* (wine made of grapes), *maysir* (a certain game of chance), *anṣāb* (upright stones used for idol worship), and *azlām* (divination arrows) are filth of Satan's

⁵ See, e.g., Ibn Ḥanbal, *Musnad*, 17:264-5 (no. 11175); Ibn 'Abd al-Ḥakam, *Sīrat 'Umar*, 88-91.

⁶ See, e.g., al-Marrūdhī, *Wara'*, 95, 1.13; Kueny, *Rhetoric*, 45-46.

⁷ For a Shāfi'ī perspective of how to deal with *dhimmīs* with respect to alcohol and drinking, see al-Aqfahsī (d. 808/1405), *Ikrām*, 29ff.

⁸ On the divine fates of drinkers and of those who are abstinent, see, e.g., Ṭayālisī, *Musnad*, 2:454 (no. 1230); Kueny, *Rhetoric*, 41-45.

⁹ The definition of *khamr* as "anything that intoxicates" is a later interpretation.

handiwork. Avoid it (*fa-jtanibū-h*) so that you may succeed! Satan only seeks to stir up enmity and hatred among you through *khamr* and *maysir* and thereby to turn you away from mentioning God and from prayer. Will you not desist?

Based on these verses and others, the great majority of Muslim jurists understood that *khamr* is prohibited.¹⁰ However, since the Qur'ān is silent about intoxicating beverages other than *khamr*, the Qur'ān's early interpreters disagreed about their status. These interpreters may be divided into two groups: (1) One group adhered to the spirit of the law (pun intended). This group, arguing that the Qur'ān prohibited *khamr* because it intoxicates, prohibited all intoxicants for the same reason. (2) A second group took a more literal approach. They argued that since the Qur'ān explicitly prohibits only *khamr*, other intoxicants are not prohibited. Most representatives of this group agreed that intoxication is prohibited or reprehensible. However, they permitted drinking intoxicants other than *khamr* if the drinker does not succumb to drunkenness. The two groups fiercely debated each other for several centuries. Eventually, the first group prevailed and virtually all Muslim jurists came to prohibit all intoxicants.

The issue of intoxicants usually appears in Hadith and legal works under the heading of *al-Ashriba* (sgl. *sharāb*; a beverage or a beverage other than water). During the first Islamic centuries, Muslims discussed the status of various potentially intoxicating beverages. Some argued that these beverages were prohibited. Others argued that they were permitted. Each side relied on traditions on the authority of the Prophet, or his Companions, or their Successors. Two

¹⁰ Haider, "Contesting Intoxication," 87-9.

beverages were especially the subject of controversy: *nabīdh* (date wine) and *ṭilā'* (cooked grape juice [‘*aṣīr*’]).¹¹ While the discussion of *nabīdh* tended to focus on its receptacles and ingredients, the discussion of *ṭilā'* tended to focus on its cooking, there was some overlap between the beverages and jurists tended to treat them both similarly.

Nabīdh is made by placing dates (alternatively, honey, raisins, wheat, barley, and even *ṭilā'*) in a receptacle, adding water, and, according to some recipes, allowing the contents to ferment. A similar beverage is *faḍīkh* (which is made from a combination of dates in various stages of ripeness). *Nabīdh* could be either intoxicating or non-intoxicating.

Hundreds of traditions attest that the Prophet and others permitted *nabīdh*. Since many Muslims consequently held this beverage as permitted, Muslims began applying the term “*nabīdh*” to various popular beverages as a means of certifying their permissibility. They even began calling wine made from grapes *nabīdh* and this soon replaced *khamr* as the common word for this beverage. Till this day, it remains the common term for wine in most dialects of Arabic.¹² The rebranding of wine as “*nabīdh*” could not perpetually conceal its true nature. Over time, the association of “*nabīdh*” with forbidden intoxicating drinks gave any beverage bearing this name a bad reputation, even if it was non-intoxicating. And so, despite sound Prophetic Hadith traditions permitting *nabīdh*, most jurists banned it or at least disapproved of it. Ḥanafī jurists, who were initially tolerant of *nabīdh*, gradually modified their position to condemn this

¹¹ I discuss *ṭilā'* in §Edict.

¹² Goitein, *Mediterranean Society* 4:253-54. In non-juridical classical texts, it is not always clear if “*nabīdh*” refers to wine made from grapes or to date wine. Cf. Harvey, “Green Jars,” 423-4.

beverage. By the 6th/12th century, nearly all Muslim jurists discouraged or prohibited the drinking of *nabīdh* in all its varieties.¹³ Many Muslims continued to drink *nabīdh*-like beverages, but they usually did not call them by that appellation.¹⁴ “*Nabīdh*” became taboo.

Muslims were concerned about various aspects of the preparation of *nabīdh* and other similar beverages. Their concerns are evident in the Hadith traditions about this subject. One concern was to avoid preparing *nabīdh* out of a combination of two different ingredients, like raisins and dates, or ripe dates and unripe dates. *Nabīdh* prepared this way is known as *nabīdh al-khalīṭayn* (the *nabīdh* of two combined things).¹⁵ Another concern is not to let the *nabīdh* sit in its container for too long. Some Hadith traditions recommend pouring out the beverage after half a day, others allow keeping it for three days before pouring it out.¹⁶ Some Hadith traditions suggest that *nabīdh* may be watered down to make it permissible.¹⁷ The aspect of *nabīdh* preparation that is perhaps most frequently addressed in Hadith collections is in which receptacles it may and may not be prepared.¹⁸ *Nabīdh* prepared in receptacles that are known to be problematic is sometimes called *nabīdh al-aw‘iya* (the *nabīdh* of receptacles). The legal discussion surrounding the preparation of *nabīdh* in receptacles is the main subject of this dissertation.

¹³ Haider, “Contesting Intoxication.”

¹⁴ See, e.g., the drinks known as *būza* and *zabīb* mentioned by E.W. Lane, *Manners and Customs*, 82 and n.1 there. For *būza* drinking culture, see Hattox, *Coffee and Coffeeshouses*, 123-24.

¹⁵ Haider, “Contesting Intoxication,” 56; Kueny, *Rhetoric*, 36-8.

¹⁶ Haider, “Contesting Intoxication,” 56.

¹⁷ Haider, “Contesting Intoxication,” 72.

¹⁸ Harvey, “Green Jars,” 423-4, 436-42; Kueny, *Rhetoric*, 38-41.

1.3 Methods for the Study of Hadith

Here, I will allow myself to make a brief note about my methods for dating and analyzing Hadith traditions. I use the *isnād cum matn* method or a variation of it. The details of this method have been described in expert detail by various scholars,¹⁹ and there is no point repeating it here. In brief, the method utilizes both the chain of transmission of a Hadith tradition (*isnād*) and its contents (*matn*) in order to date and understand its history. I firmly believe that this method yields important insights about the provenance and development of Hadith traditions. However, this is in essence not a new or unique method. It is merely the application of regular stemmatic theory to the corpus of Hadith. Hence, I tend to avoid using the specialized scholarly terminology associated with it, except for the term “common link,” which I describe next.

In this dissertation, I often rely on the common link phenomenon.²⁰ In brief, if one collects all extant versions of a given tradition and composes a stemma based on the versions’ *isnāds*, one often finds that all versions appear to converge on a single transmitter, the common link. The common link is the earliest teacher of a tradition who has multiple known students.²¹ If the transmission of the common link’s students can be shown to be authentic, that is, if the students really heard the tradition from him, then his transmission is historically verifiable.

¹⁹ See, e.g., Pavlovitch, “Dating,” 113-24. For a comprehensive summary of the literature about this method, see Little, “The Hadith of ‘Ā’īshah’s Marital Age,” 22-147.

²⁰ On this phenomenon, see G.H.A. Juynboll, *ECH*, xxvii-xxx.

²¹ Here and elsewhere, I liberally refer to someone as a “student,” even if s/he only heard a single tradition from a “teacher.”

Often, the common link of a tradition is its originator. However, I do not rule out the possibility that a common link received his tradition from an earlier authority. I also do not rule out the possibility that the common link is the result of forgery or inaccurate transmission. Ultimately, the contents of each version of a tradition must be examined carefully to see if they contain any clues about the tradition's provenance.

In this dissertation, I employ a relatively trusting approach to identifying the common link of a tradition. Even if a tradition is extant in only two versions and their *isnāds* only converge on a relatively early transmitter, I am willing to consider the possibility that this common link is historical. Having said that, I am less inclined to identify Companions and prominent Successors as common links. My assumption is that transmitters had strong incentives to attribute traditions pseudepigraphically to such esteemed authorities but did not have such an incentive to do so for less authoritative transmitters who lived in the 2nd/8th centuries and afterwards. As a result of my approach, my dating of traditions is often earlier than that suggested by scholars, like G.H.A. Juynboll. Incidentally, the earliest tradition on the authority of the Prophet that I identify is one which Juynboll correctly attributed to the Successor Ibrāhīm al-Nakha'ī (d. ca. 96/717).²² I also discuss many non-Prophetic traditions that predate this tradition.

Most of the Hadith traditions discussed in this dissertation are short. At first glance, they may seem simple and straightforward (“so-and-so prohibited X,” “such-and-such” drank Y,”

²² See Appendix H §1.1.

etc.). But, upon closer inspection, many traditions reveal themselves to be clever literary creations that are in dialogue with other sources. Slight variations in the wordings of different versions of the same tradition often have profound implications about legal matters. It is therefore important to pay close attention to the wording of each tradition and to its chain of transmission, as they contain important clues for why transmitters began circulating the tradition.

In preparing this dissertation, I gathered more than one thousand traditions, including many variants of the same report. I did not include all the traditions and all the variants, citing only those that I deemed relevant. I often did not cite all the extant variants of the same report, preferring to cite only those that were sufficient for establishing the common link; or that contained noteworthy wording. I also cited those traditions that I thought might be difficult to locate. Therefore, I advise readers not to assume that I refer to all versions of any given tradition.²³

The textual history of different traditions varies. Some traditions are more complex than others, and each raises a set of unique philological problems. Therefore, my discussion of the various traditions often differs from tradition to tradition. Some are presented more elaborately, while others more succinctly. As a result, the presentation of my analysis is not always uniform, though my methods remain essentially the same throughout.

²³ Often when I write “see, e.g.,...” or “cf. e.g.,...,” the “e.g.” implies that there are other extant versions that I did not cite. Finding versions of the same report is easy with the help of digital databases like “al-Maktaba al-Shāmila.” I also advise readers to look at the footnotes of various Hadith collections, as these often contain references to other related variants or traditions. A work that is extremely useful for finding Companion and Successor traditions is *al-‘Atīq* by Abū Asmā’ Muḥammad b. Mubārak Ḥakīmī.

In my discussion of traditions, I sometimes include *isnād* diagrams or stemmata in order to elucidate my argument. The main purpose of these diagrams is to highlight the common link and other important paths of transmission. For the sake of clarity, I mention only information necessary for gaining a basic understanding the tradition's origin and development. The diagrams are usually not a comprehensive record of every variant of a tradition or where it is preserved.

Finally, I mention hundreds of transmitters and individuals in this study if not more. I have done my best to include their death dates and to note where they were active, when this information is available. However, due to space limitations, I was not always able to include these details for every person and not always able to cite a source for this information. In cases where it seemed pertinent, or if the information is not obvious, I strove to give proper citations. Therefore, readers are advised against citing the death dates given here without first verifying them in other sources.

1.4 Structure of the Dissertation

In addition to this introductory chapter, the Dissertation has five chapters and many appendices:

Chapter 2 focuses on two types of ceramic wares: “green-glazed jars” and “torpedo jars.” I discuss their history within the broader context of early Islamic pottery. I describe their characteristics and offer a brief outline of their history, including their unexpected and

mysterious disappearance after the Early Abbasid period. I also speculate on which receptacles replaced them.

In Chapter 3, I discuss the various terms that designate receptacles that are prohibited in the Hadith literature. I focus on terms that plausibly refer to green jars and torpedo jars. I survey the various definitions given to these terms in various literary sources. To the extent that it is possible, I trace the development of these terms. I then identify them with receptacles known from archeological sources.

Chapter 4 deals with the Hadith traditions about the preparation of *nabīdh* in jars and other receptacles. Traditions about this topic are virtually innumerable and are attributed to the Prophet, his Companions, and their Successors. I identify fundamental trends in these traditions and establish a chronology of their development.

Chapter 5 is a survey of the opinions of different major legal schools regarding the issue of *nabīdh* in jars and other receptacles. In it, I discuss the views of the four major Sunni schools: the Ḥanafī, the Mālīkī, the Shāfi‘ī, and the Ḥanbalī; one Shī‘ī school: the Imāmī; and one Khārijī school: the Ibāḍī. I discuss the opinions of the founders of the schools and explicate the traditions on which they relied. I also note any relevant diverging or evolving views within the different schools. I focus mainly on the period between the 2nd/8th century and 6th/12th century.

In Chapter 6, I juxtapose the archeological material with the evidence from Hadith literature. I suggest that the Prophet’s prohibition about using certain receptacles may have been

partly responsible for the decline of green-glazed jars and torpedo jars. I also consider alternative explanations for this decline.

The appendices that follow the dissertation's six chapters are its evidentiary foundations. In each appendix, I examine a corpus of traditions attributed to an early authority. Each appendix is a *musnad* of sorts, in which I collect all the traditions attributed to that authority and discuss their development. In this way, it is possible to see how various ideas evolved and how the legacies of different individuals were reimagined to promote various goals. Appendices A and B dealing with Umar II's prohibition of non-*khamr* intoxicants is, in my opinion, the centerpiece of this dissertation and one of its most important contributions.

There are more cross-references and repetitions in this dissertation than I would have liked. The reason for this is that various traditions in it require discussion in more than one context. Having said that, I have done my best to make each chapter and appendix stand on its own so that it may be read independently of the other chapters and appendices.

Chapter 2: Green-glazed Jars and Tarred Jars in Archeology

2.1. Ceramics under Islam

The Prophet Muhammad died in Medina in 11/632. Over the course of a little more than a century after his death, the religious movement he founded grew into a far-reaching civilization extending from the Iberian Peninsula in the west to beyond the Oxus in the east. One may expect that the rather swift emergence of Islam would have resulted in rapid changes to material culture in lands that fell under its control. However, at least with regards to the Near Eastern ceramics industry, the rise of Islam did not immediately effect any pronounced changes.¹

In Iraq and its vicinity, under the Parthians and the Sasanians (roughly between the 3rd and 7th centuries C.E.), most pottery was unglazed. At this time, glazed pottery consisted mostly of monochrome receptacles covered with a green glaze. Under the Umayyads and later the Abbasids, roughly between the 1st/7th and 3rd/9th century, potters continued making many of the same pre-Islamic artifacts with only minor alterations. A revolution in the manufacture of ceramics occurred around the 3rd/9th century, when many new types of polychrome glazed and painted ceramics began to be produced in great numbers. Subsequently, many older receptacles, including the monochrome ones, fell out of fashion. The new designs appear to have been influenced in part by ceramic imports from the Far East. Trade through land and sea expanded during the early Abbasid period, and Far Eastern products became better known in the Near

¹ The rise of Islam did not always have an immediate impact on material culture. For example, as Hugh Kennedy has argued, in “From *Polis* to *Madina*” (3-27), many features commonly associated with “the Islamic city” are the result of long processes that began before Islam.

East.² The Near Eastern imitations were technically superior to anything that had been produced in the region prior to their introduction but they were cheaper and of lower quality than the original Chinese wares which inspired them. As the Basran belletrist al-Jāhiz (d. 255/868) writes, critics chided the local Iraqi potters, saying:

If the porcelain of China (*ghaḍār al-Šīn*) did not exist on the face of the earth, you would not know [how to make] porcelain-like ceramics (*al-ghaḍār*), even though your product patently smacks of derivativity (*tawlīd*) and has less utility than the perfection of the Chinese earthenware (*tamām al-Šīnī*).³

The introduction of the new wares required new materials and bigger and more advanced kilns. Scholars have therefore speculated that this ceramic revolution was to some degree guided and financed by government sponsors.⁴ However, other factors, like religious sanctions or changing demographics, may have also contributed to this dramatic shift in pottery production.⁵

In this study, I discuss the influence of Islam over Near Eastern pottery. I focus on two types of pre-Islamic pottery that persisted into the Islamic period: (1) green-glazed jars and (2) bitumen coated “torpedo” jars. I argue that the decline in the production and distribution of these jars in the early Abbasid period is in part the result of the circulation of Ḥadīth in which the Prophet forbids the use of “green jars” and “tarred receptacles.” Based on my examination of

² A. Lane, *Early Islamic Pottery*, 10-11; Hallet, “Iraq and China,” 21-29; idem, “Pearl Cups like the Moon,” 75-81.

³ Jāhiz, *Ḥayawān* 1:83.

⁴ Hallet, “Iraq and China.”

⁵ Harvey, “Green Jars.”

both the archaeological and textual evidence, I argue that there is a general correlation between them. I aim to demonstrate that the archaeological and textual evidence inform one another and help us better understand what happened. I hope that this study will encourage other scholars to examine in tandem textual sources and archeological material.⁶

The suggestion that Hadith traditions may have influenced the production of pottery in the Islamic world is not new. Already in the early 20th century, scholars proposed that Islam may have had an impact on the production of Near Eastern pottery in the 3rd/9th century. One of the major ceramic innovations from that period was the introduction of lusterwares that vaguely resemble receptacles made of precious metals. According to various Hadith traditions, the Prophet prohibited the use of gold and silver receptacles. Therefore, some scholars suggested that Muslims introduced lusterware pottery to compensate for the prohibited silver and gold receptacles. Additionally, it was explained that the rise to power of the Abbasids, who replaced the reputedly less observant Umayyads, resulted in a stricter implementation of Islamic law, including the prohibition of gold and silver receptacles.⁷ In his pioneering study of Islamic pottery, Arthur Lane dismissed this theory. He pointed out the numerous literary accounts that describe, often approvingly, the lavish lifestyle of many Abbasids and their ownership of gold and silver receptacles. For Lane, these accounts demonstrate “how the dead hand of desert

⁶ For three notable examples, see Rice, “Deacon or Drink,” 15-33; Ghouchani and Adle, “Sphero-Conical Vessel,” 72-92; Ghouchani, “Iranian Wine Ewers,” 141-50.

⁷ Schmidt, “Ceramics,” *EI*¹. An example of the Prophetic prohibition of drinking and eating from gold and silver receptacles is found in al-Bukhārī, *Ṣaḥīḥ*, 7:113 (no. 5633). Q 9:35 threatens with punishment those who hoard gold and silver without donating it “to the cause of God.” Early Muslims disagreed if this threat applies to both Muslims and People the Book (*ahl al-kitāb*), or only to the latter. See, e.g., al-Bukhārī, *Ṣaḥīḥ*, 2:107 (no. 1406).

theologians had been forgotten” by the reign of Hārūn al-Rashīd (170–93/786–809).⁸ Similarly, Ernst Kühnel claimed that the Buyids owned many gold and silver receptacles, as is allegedly evidenced by the few surviving specimens belonging to that dynasty. He asserted that very few gold and silver utensils have survived to this day since they were melted down by later generations.⁹

Clearly, members of the elite often ignored the Prophetic prohibition of precious metals. However, the attitude of the common folk, assuming they could afford such expensive wares, may have been different. It is likely that certain communities in different times and places took the prohibition very seriously.¹⁰ Therefore, differences in praxis between the elites and the non-elites, and between various communities, must be considered when discussing the influence of Islamic law on material culture. As will be shown in later chapters, different communities adhered in various ways to the prohibition of the preparation of *nabīdh* in certain receptacles. Some were more rigorous than others. Some held as problematic receptacles permitted by others.

We have briefly discussed the history of early Islamic pottery and the impact that Islamic law may or may not have had on material culture in the Near East. We may now turn to review two types of popular ceramic receptacles that Islamic law may have affected their prevalence: (1) green glazed jars and (2) “torpedo” jars. Both jars were produced in the Near East for approximately a millennium, from the Parthian period up until the end of the Early Abbasid

⁸ A. Lane, *Early Islamic Pottery*, 10.

⁹ Kühnel, “Die Kunst Persiens,” 78-92.

¹⁰ For example, according to al-Marrūdhī, *al-Waraʿ*, 35, Ibn Ḥanbal required that a silver ewer (*ibrīq*) be broken up before being sold.

period, after which their production declined for reasons that are not totally clear. The introduction of new jar types in the Early Abbasid period may explain with what the green glazed jars and torpedo jars were replaced, but it does not explain why they were replaced. I will present each jar and its history and note the differences and similarities. This will serve as a first step toward understanding the fate of these jars and how Prophetic traditions may have affected their prevalence.

2.2. Green-Glazed Jars

Archeologists refer to the green-glazed jars discussed in this study by different appellations, often in reference to their time period, color, or design.¹¹ These appellations include “Sasanian-Islamic,” “Partho-Sasanian-Islamic;”¹² “blue-green,” “alkaline blue-glazed,” “turquoise-glazed;”¹³ “barbotine,” “appliqué decorated;”¹⁴ and *hib* [classical Arabic: *ḥubb*].¹⁵ In this study, I will call them “green-glazed jars.” As far as I have been able to ascertain, archeologists have not identified these jars with any jars mentioned in classical literary sources. However, as I have argued in a previous article¹⁶ and will argue in more detail in the next chapter, these jars were known to Hadith transmitters as *ḥantam* and *jarr akḥḍar*.

¹¹ On the appellations of green-glazed jars in scholarship, see Newton, *Landscape*, 40. An 11th or 12th century Syrian jar resembling a green-glazed jar is referred to as a *bustūqa* by Nasrallah, ed. and trans., *Treasure Trove*, 577.

¹² E.g., Whitehouse, “Excavations at Sirāf,” 7, 14; Mason and Keall, “‘Abbāsīd Glazed Wares,” 52.

¹³ E.g., Whitcomb, *Aqaba*, 20; and Kennet, *Sasanian and Islamic Pottery*, 29-31.

¹⁴ Newton, *Landscape*, 40.

¹⁵ Mason and Keall, “‘Abbāsīd Glazed Wares,” 52.

¹⁶ Harvey, “Green Jars.”

The green-glazed jar is a ceramic receptacle covered on the inside and outside with a monochrome alkali-based glaze.¹⁷ Over time and in response to environmental conditions, the green glaze on surviving jars sometimes takes on a yellowish hue. It was produced mainly in lower Mesopotamia between the 3rd century BC and the 4th/10th century, that is, in the Parthian, Sasanian, Umayyad, and early Abbasid eras.¹⁸ These jars are a subset of a larger category of green-glazed ceramics produced at this time.¹⁹ Some scholars trace the origins of this Mesopotamian ceramic tradition as far back as the Bronze age.²⁰ These jars were available in various designs that changed over time. In pre-Islamic and early Islamic times, green-glazed jars had several distinct designs (e.g., Figure 2.1: Green-glazed Jar, probably Iraq, Parthian period, 2nd-3rd century; Figure 2.2: Green-glazed Jar, Iraq, Sasanian period, 6th–7th century; Figure 2.3: Green-glazed Jar, Iraq, Islamic period, 8th-9th century).²¹

¹⁷ On green-glazed jars, see A. Lane, *Early Islamic Pottery*, 8-9; O. Watson, *Ceramics*, 156-65; Ho, "Turquoise Jars," 19-39; Fehérvári, *Ceramics*, 26; Mason, *Shine*, 23-24; Rougeulle, "Sharma Horizon," 226-27; idem, "Golfe Persique," 41-51; idem, "Les céramiques à glaçure," 237-38; Newton, *Landscape*, 40-41; Kennet, *Sasanian and Islamic Pottery*, 29-31; and Carter, "Appendix 4.1," 409-10. Day, "Mesopotamian Pottery," 239-258 is a pioneering study of green jars that is exhaustive for its time, still very informative, yet rarely cited is.

¹⁸ Simpson, "Partho-Sasanian Ceramic Industries," 74-79; O. Watson, *Ceramics*, 156-57.

¹⁹ Priestman, *Ceramic Exchange*, 2:89-91.

²⁰ Simpson, "Early Urban Ceramic Industries," 50-55. Based on fabric and design, further divisions within the category of green-glazed ceramics have been suggested by Carter, "Christianity in the Gulf," 82.

²¹ O. Watson, *Ceramics*, 158-59. The jar in Fig. 1 was likely not made in Syria, as claimed on the website of the Metropolitan Museum, but rather it was imported there from Iraq. Jars resembling the jar in Fig. 3 are often dated to Sasanian or early Islamic times.



Figure 2.1: Green-glazed Jar, probably Iraq, Parthian period, 2nd-3rd century CE

The Metropolitan Museum of Art

<https://www.metmuseum.org/art/collection/search/251458>



Figure 2.2: Green-glazed Jar, Iraq, Sasanian period, 6th-7th century CE

The Metropolitan Museum of Art

<https://www.metmuseum.org/art/collection/search/327528>



Figure 2.3: Green-glazed Jar, Iraq, Islamic period, 8th-9th century CE

Los Angeles County Museum of Art

<https://collections.lacma.org/node/229741>

At least one design, however, is attested only in the Islamic period, between the middle of the 2nd/8th and 4th/10th centuries.²² Jars with this design are commonly course, amphora-shaped, flat-based, about half a meter in height, decorated with carved or applied wavy patterns, and have small handles near the rim (Figure 2.4: Green-glazed Jar, Iraq, Islamic period, 8th-9th century). Some have an elongated body and are more than a meter in height. Even though these jars were produced for only 200 years during Islamic times, they are part of a long tradition of green-

²² Priestman, "Silk Road," 2-3.

glazed jars that had been manufactured in Iraq and distributed in the Near East for centuries before the rise of Islam.²³



Figure 2.4: Green-glazed Jar, Iraq, Islamic period, 8th-9th century CE
Department of Archaeology Museum, King Saud University, Riyadh.

https://commons.wikimedia.org/wiki/File:Al-Rabadha_Jar.jpg

Until the modern era, the great majority of Islamic pottery was unglazed.²⁴ Of all glazed-ceramics manufactured in the Muslim world up to the 3rd/9th century, green-glazed jars were the most common.²⁵ Their main center of production appears to have been the area of Basra and its port, where green-glazed ceramics were produced continuously between the 3rd century BC and

²³ Wright, “Early Seafarers,” 44; O. Watson, *Ceramics*, 160; Ho, “Turquoise Jars,” 33; and Milwright, *Introduction*, 47-48.

²⁴ O. Watson, *Ceramics*, 93-4.

²⁵ See, e.g., Kennet, *Sasanian and Islamic Pottery*, 16-8.

the 4th/10th century. However, these jars may have also been produced in other nearby areas.²⁶ Based on their size, shape, glaze, and place of origin, some archeologists have speculated that green-glazed jars were used for the storage and transport of foodstuffs, especially dates and “date-syrup” (*dibs*).²⁷ In the Islamic period, green-glazed jars circulated widely, and traces of them have been discovered in Syria, Iraq, Iran, the Persian Gulf, Oman, Yemen as well as in East Africa, India, China, Japan, and coastal areas along the Indian Ocean. Although green-glazed jars were generally not produced after the 4th/10th century, small numbers of green-glazed ceramics, including some jars, remained in use at least until the 9th/15th century.²⁸ Some of these may be receptacles manufactured in the early Islamic period that survived due to their durability.²⁹

Green-glazed jars manufactured in Iraq have been found in East and Southeast Asian sites dating between the 2nd/8th and 4th/10th centuries. According to Seth Priestman, green-glazed jars appear to be the only variety of Middle Eastern ceramics that were exported beyond the Thai-Malay Peninsula to China and Southeast Asia.³⁰ Chuimei Ho describes the importation of these wares to China and its neighbors as a “coals-to-Newcastle phenomenon,” since contemporary Far Eastern jars were of higher quality than their Near Eastern equivalents. Ho proposes that the Near Eastern jars served as containers for shipping food, including date-syrup,

²⁶ Mason and Keall, “‘Abbāsid Glazed Wares,” 52; Hill, Speakman, and Glascock, “Chemical and Mineralogical Characterization,” 597-98; Rougeulle, “Les céramiques à glaçure,” 237-38.

²⁷ Wright, “Early Seafarers,” 44; O. Watson, *Ceramics*, 160; Ho, “Turquoise Jars,” 33; and Milwright, *Introduction to Islamic Archaeology*, 47-48.

²⁸ Kennet, *Sasanian and Islamic Pottery*, 36; Carter, “Appendix 4.1,” 409-10; Mason, *Shine*, 23-24; Northedge and Kennet, “Samarra Horizon,” 21-35; at 21-22; Rougeulle, “Sharma horizon,” 226-27; idem, “Golfe Persique,” 41-51.

²⁹ Rougeulle, “Les céramiques à glaçure,” 237-38.

³⁰ Priestman, “Silk Road,” 24-5.

to the Far East. Many jars were found at sites associated with Buddhist communities. As Ho explains, members of these communities may have consumed date-syrup stored in these jars for medicinal purposes. “The Middle-Eastern expatriate community,” he adds, may also have used the jars and enjoyed their contents “for cultural or religious reasons.” Ho speculates that the importation of these jars ceased due to a decline in commerce between the Near East and the Far East between the 3rd/9th and 6th/12th centuries.³¹ In the Far East, as Oliver Watson notes, Near-Eastern green-glazed jars likely were appreciated more for their contents than for their value as receptacles.³²

The decline in the production of green-glazed jars in the Near East in the 4th/10th century may in part be related to changes in the production of Islamic pottery in the 3rd/9th century, when Abbasid potters introduced new ceramic techniques and styles.³³ The introduction of new ceramic models may have caused the green-glazed jars to fall out of favor. However, as Alastair Northedge and Derek Kennet have noted, green-glazed ceramics continued in use for a few centuries after the introduction of polychrome ceramics in the 3rd/9th century.³⁴ Thus, the introduction of the new ceramic wares does not appear to have been the main reason for the decline in the production of green-glazed jars, which were produced in large numbers until the 4th/10th century. If the new jars displaced green-glazed jars, they did so gradually.

³¹ Ho, “Turquoise Jars.” Cf. Priestman, “Silk Road,” 1-35; and Guy, “Phanom Surin Shipwreck,” 185.

³² O. Watson, *Ceramics*, 160.

³³ Northedge and Kennet, “Samarra Horizon,” 21-35.

³⁴ Northedge and Kennet, “Samarra Horizon,” 21-35.

In sum, green-glazed jars were manufactured in Iraq and distributed in the Near East from the Parthian era until the 4th/10th century, when, curiously, there is a decline in their numbers. The reason for this decline is unclear. The introduction of new ceramic types in the 3rd/9th century and the importation of wares from the Far East may have played some part in displacing the green jars. However, these do not appear to have been the sole cause of this process. Between the 3rd/9th and 6th/12th centuries, trade between the Near East and Far East was disrupted. While this disruption may explain the near disappearance of Near-Eastern green-glazed jars in the Far East, it does not explain the decline in their production in the Near East after the 4th/10th century. The question arises: Why did these jars lose their appeal?

2.3 “Torpedo Jars”

Archeologists today commonly speak of “torpedo jars,” seemingly unaware of any classical appellations for these jars.³⁵ However, already in 1958, the art historian and archeologist D.S. Rice convincingly identified these jars as the *dinān* (sgl. *dann*) and *rawāqīd* (sgl. *rāqūd*) mentioned in literary sources (Figure 2.5: *Dann/rāqūd/khābiya* “Torpedo Jar,” Iraq, 3rd-7th century).³⁶ In the next chapter, I explain that these jars were also called *khawābī* (sgl. *khābiya*).

A “torpedo jar” usually has a large cylindrical body, stands between 80 to 120 centimeters in height, and has no handles. Its base tapers ending with a pointy foot so that it cannot stand on its own. Its inside is coated with bitumen making it watertight. Its design

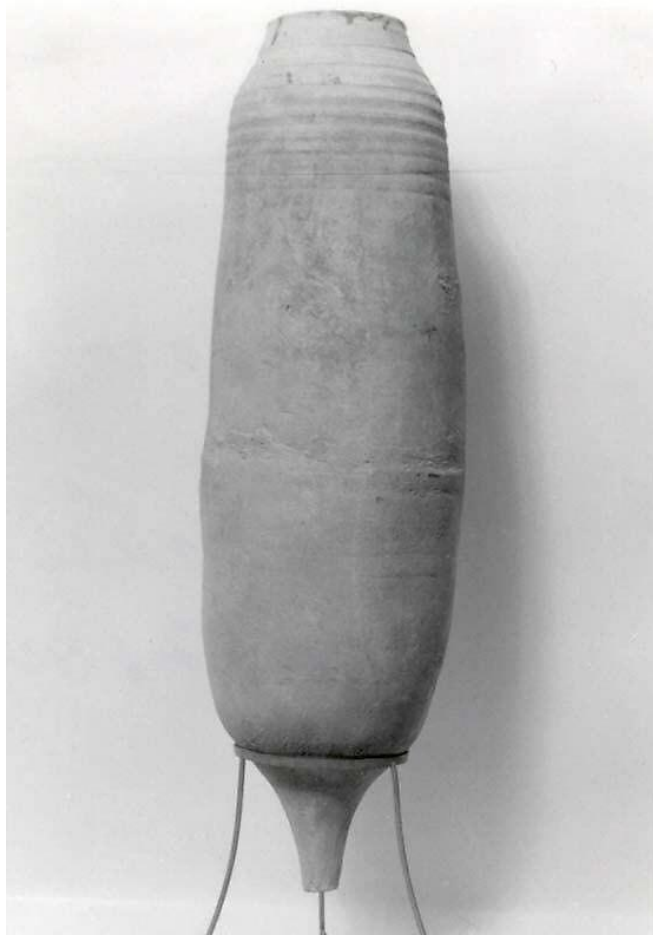


Figure 2.5: *Dann/rāqūd/khābiya* “Torpedo Jar,” Iraq, 3rd-7th century CE

The Metropolitan Museum of Art

<https://www.metmuseum.org/art/collection/search/322677>

³⁵ E.g., Kennet, *Sasanian and Islamic Pottery*, 85; idem: “[The] ancient name [of ‘torpedo jars’] is unknown [sic!].” *Kadhima*, 21-23.

³⁶ Rice, “Deacon or Drink,” 15-33.

makes it ideal for stacking with others of its kind. Its top would be sealed with plaster that would then be removed or broached with a piercing tool called a *mibzal*.³⁷

Torpedo jars were manufactured in Iraq and coastal Iran and are found from the Parthian era up until the 3rd/9th or 4th/10th century, when they mostly disappeared.³⁸ They appear to have developed from bitumen-lined “ovoid” jars that were used in Mesopotamia between the 2nd



Figure 2.6: Painted “Torpedo Jar,” Samarra, 3rd/9th century CE (original piece lost)

The Metropolitan Museum of Art

<https://libmma.contentdm.oclc.org/digital/collection/p16028coll11/id/1946>

³⁷ Rice, “Deacon or Drink,” 27-29.

³⁸ Kennet, *Sasanian and Islamic Pottery*, 85; Priestman, *Ceramic Exchange*, 2:41-44.

century BCE and the 3rd century CE.³⁹ Thus, one may date their origins to the Parthian era. In pre-Islamic times, they are often used for burials.⁴⁰ Large concentrations of broken torpedo jars have been found at Kadhima (al-Kāzima) and other coastal areas of Northern Kuwait at levels dated to the Sasanian period. Archeologists speculate that when the jars arrived at these sites, either by land or sea, the Bedouin traders discarded them, transferring their contents to waterskins and other receptacles that were easier to transport by camel.⁴¹ Torpedo jars were cheap disposable wares and markers of sedentary and urbanized culture. They were primarily used for storing and shipping foodstuffs, especially liquids, like wine, vinegar, and date syrup. At Samarra, in the Caliphal palace that was occupied between 221/836 and 279/892, a few torpedo jars that served as wine containers were found. Some of them were decorated with painted figures and wine labels (Figure 2.6: Painted “Torpedo Jar,” Samarra, 3rd/9th century CE (original piece lost)).⁴²

Perhaps due to their functional nature as mere shipping and storage containers, “torpedo jars” have until recently seldom attracted the attention of scholars who tended to be more interested in glazed ceramics and other fine wares. However, the jars have been the subject of new studies that highlight their importance in the Indian Ocean trade. The jars are found at various sites along the Indian Ocean littoral from Tanzania in the West and to Thailand in the

³⁹ Durand, “From ‘ovoid jars’ to ‘torpedo jars,’” 1-12 [advance article].

⁴⁰ Simpson and Molleson, “Old Bones Overturned,” 77-90.

⁴¹ Kennet, *Kadhima*, 21-23.

⁴² Rice, “Deacon or Drink,” 15-33. On the discovery of these jars, see Dahmani, “Painted Jars of Samarra,” 95-106.

East, and evidently enjoyed wide circulation.⁴³ Archaeologists distinguish between two major types of torpedo jars based on their fabric, one that existed between the 2nd century BCE and the mid-2nd/8th century, and another exclusively Islamic one that existed between the mid-2nd/8th century and the 4th/10th century.⁴⁴ Although the two types may have been manufactured at different times and pottery workshops they are part of the same long lasting tradition of torpedo jars that predates the rise of Islam by five hundred or more years. The reason for the decline in their production in the 3rd/9th or 4th/10th century is uncertain.

2.4 Late Roman Amphorae 7 (LRA 7)

Archeologists refer to these Egyptian receptacles as “Late Roman Amphorae 7” (LRA 7) or “Egyptian Amphorae 7” (EA 7). According to Mathieu Tillier and Naïm Vanthieghem, these amphorae were known in Iraq as “red jars” and “*ḥantam*.”⁴⁵ As will be explained in the next

⁴³ Tomber, Spataro, et Priestman, “Early Islamic Torpedo Jars,” 1-24; Connan, Priestman, et al. “Geochemical analysis,” 1-18.

⁴⁴ Priestman, *Ceramic Exchange*, 1:42-43, and 2:41-44.

⁴⁵ Tillier & Vanthieghem, “Amphores rouges,” 46-53.

chapter, their identification is incorrect. S.D. Goitein has suggested that amphorae were known in Egypt as *jarr* (sgl. *jarra*).⁴⁶ This was likely the appellation of LRA 7 in Egypt, but not in Iraq.

LRA 7 are slender amphorae with two handles near their short necks (Figure 2.7: Illustration of Late Roman Amphora 7 (LRA 7), Egypt, 4th-7th century CE.). Their bottom sections are long and carrot-shaped so that they cannot stand on their own. Their interiors are usually lined with pitch.

LRA 7 were used in Egypt since the 5th century CE and up until the 4th /10th century. They were used for shipping and storage primarily of

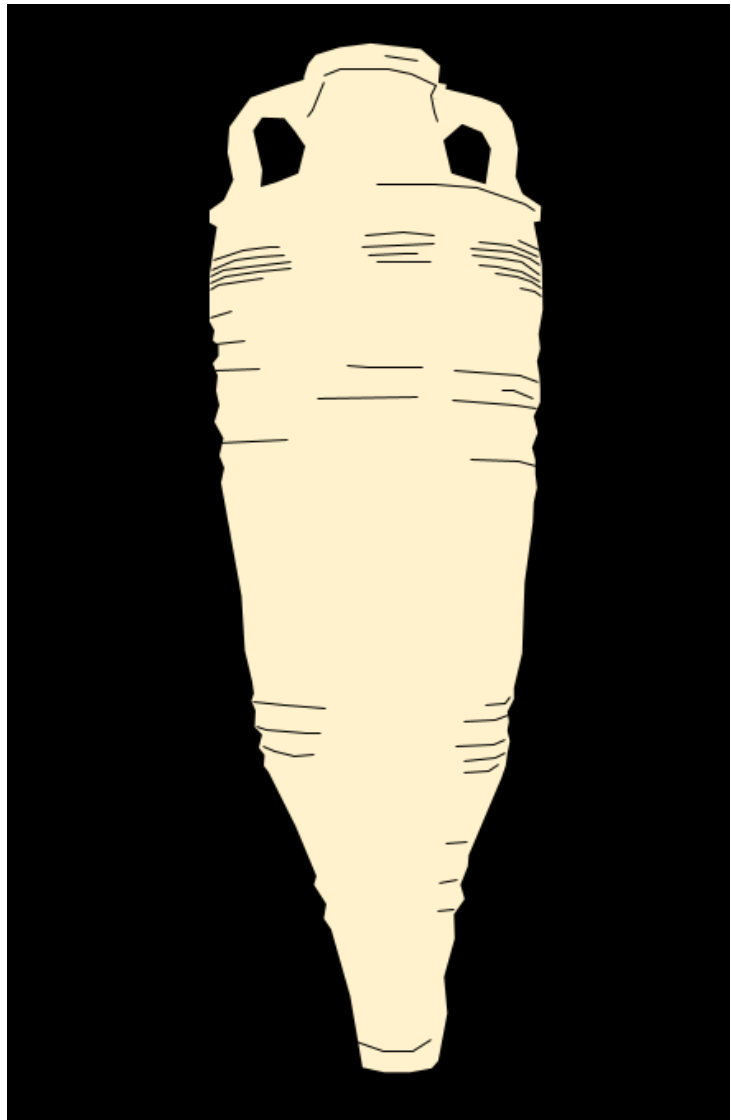


Figure 2.7: Illustration of Late Roman Amphora 7 (LRA 7), Egypt, 4th-7th century CE.

After Louvre

<https://collections.louvre.fr/en/ark:/53355/cl010041911#>

⁴⁶ Goitein, *Mediterranean Society* 4:256. Cf. Tillier & Vanthieghem, “Amphores rouges,” 38, n.173.

wine and the cooked grape juice known as *ṭilā'* or ἔψημα. The reason for the decline in their usage after the 4th/10th century is uncertain.⁴⁷

Due to their shape, lining, and usage history, they may be regarded as the Egyptian equivalent of the torpedo jars.

2.5 What replaced Green Jars, Torpedo Jars, and LRA 7?

Having examined the histories of the green jars and torpedo jars before and after the rise of Islam, it may be seen that the two types of receptacles share many obvious similarities. Both were functional wares made near Basra that were used for containing food and liquids, especially wine and date-syrup. Both were relics from the Parthian era that survived into early Islamic times. Both were used for shipping goods from the Near East across the Indian Ocean and many specimens of both types have been found in the Far East during the early Islamic period. The production of both appears to have sharply declined around the 4th/10th century. The numbers of torpedo jars appear to have dwindled more rapidly than those of green jars, which remained in limited use for several centuries later. These Iraqi jars disappeared in a manner reminiscent of the LRA 7 in Egypt.

The reason for the 4th/10th century disappearance or near-disappearance of these popular receptacles, like green jars, torpedo jars, and LRA 7 is unclear. The first step toward solving this question is identifying which receptacles, if any, replaced or could have replaced these jars, and

⁴⁷ Górecki, "Phasing out LRA 7," 113-18; Tillier & Vanthieghem, "Amphores rouges," 46-53.

then attempting to see if there is a reason why people living in the Muslim world would have preferred these receptacles over those jars.

As mentioned above, the 3rd/9th century witnessed the introduction in Iraq of new and innovative polychrome ceramic designs, possibly influenced by Chinese and other Far Eastern models. It is possible that public demand for the new designs caused the old ones to fall out of favor. However, this did not happen immediately as green jars and torpedo jars remained in production for at least a century later. Also, the new designs were mostly fine wares, whereas the green jars and torpedo jars were primarily functional, so if the former's popularity came at the expense of the latter, it was not a like-for-like substitution. The new glazed jars do not appear to have replaced the older wares in their capacity as storage and shipping containers.

Between the 2nd/8th and 4th/10th centuries, Far Eastern storage jars are commonly found at Near Eastern sites, evidence of long-distance commercial contacts in the Indian Ocean. The most common type among these jars are the ones which archeologists call "Dusun jars" made in the Guangdong province of China. These are large bulbous jars with a flat base and small handles. They are coated with an ashen or olive colored green glaze.⁴⁸ These jars were used to ship goods between the Far East and the Near East. Notably many of them are present in the cargoes of ships, including a dhow from the Persian Gulf, that sank in the South East Asian seas. Some of the jars are inscribed with Arabic or "pseudo-Arabic" writing indicating that they were intended

⁴⁸ Priestman, *Ceramic Exchange*, 2:167-68.

for a foreign market.⁴⁹ Since Dusun jars and other Far Eastern jars were sturdier and often bigger than green jars and torpedo jars, they were potentially preferable replacements for them as shipping containers.⁵⁰ However, even though they are found in almost every major Near Eastern maritime trading site, they are not present in large enough numbers that indicate that they overtook the local wares. Furthermore, their presence also appears to decline in the 4th/10th century.

The 4th/10th century witnessed the rise of the so-called “sphero-conical vessels” (Figure 2.8: *kūz al-fuqqā’* / “Sphero-conical Vessel,” probably Egypt, 10th-12th century), small round containers, usually with narrow openings, that are found in very large numbers all over the Near East. The vessels are usually unglazed barring a few exceptions.⁵¹ Since their discovery, there

⁴⁹ Krahl, “Green Wares,” 195-99. Cf. Guy, “Shipwrecks,” 146-49. As noted by Ho, “Torquoise Jars,” 29, the Far Eastern jars were very similar in shape and size to the Islamic green jars.

⁵⁰ Cf. Ho, “Torquoise Jars,” 29, 34.

⁵¹ O. Watson, *Ceramics*, 128–31. For an example of a glazed sphero-conical vessel, see *ibid.*, 132.

has been much controversy among scholars regarding their use. Various suggestions have been offered including: a sort of hand grenade,⁵² a fire starter flask,⁵³ or a container for perfume and precious unguents.⁵⁴ It appears that these vessels served multiple purposes. One of their primary uses was as drinking vessels for the fermented beverage known as *fuqqā*. Abdullah Ghouhani cogently identified these vessels as those receptacles that literary sources claim were used for that drink. A single vessel of this sort is known as a *fuqqā* 'a or *kūz al-fuqqā*.⁵⁵ Given



Figure 2.8: *kūz al-fuqqā* / "Sphero-conical Vessel," probably Egypt, 10th-12th century CE

Los Angeles County Museum of Art

<https://collections.lacma.org/node/204631>

⁵² See the discussion of the "pear-shaped bottle" in A. Lane, *Early Islamic Pottery*, 27. Lane called into question the hand-grenade theory arguing that the vessels are very durable and would not break upon impact. According to al-Damīrī, *Ḥayāt al-ḥayawān*, 2:163, a certain king, while besieging Nisbis, placed deadly scorpions in *kīzān al-fuqqā* [= sphero-conical vessels] and catapulted them into the city.

⁵³ Whitcomb, "A Note on 'Grenades,'" 179-86.

⁵⁴ A summary of interpretations of sphero-conical vessels is found in Pradines, "Sphero-conical Vessel," 153-62.

⁵⁵ Ghouhani and Adle, "Sphero-Conical Vessel," 72-92; Vigouroux, "Note," 187-93. Ghouhani refers to these ceramic vessels as "gourds," not to be confused with actual hollowed out gourds (*dubbā*) that served as receptacles for *nabīdh* and are discussed elsewhere in this study. The sphero-conical vessels may have been designed to replace the cucurbitae forbidden by the Prophet.

the differences in size, the connection between the sphero-conical vessels and the much larger green jars and torpedo jars is not obvious. Nevertheless, I would like to propose that they may have partly replaced the latter as the preferred receptacles for wine and fermented drink. People may have moved from drinking *nabīdh* from bulky glazed or bitumen-covered receptacles to drinking *fūqqā* ' in small personal-sized containers.

Another possibility is that the green jars and torpedo jars were replaced with ceramics that were unglazed or not coated with bitumen. Since the dawn of Islam and up until modern times, most pottery in the Muslim world has been unglazed. Additionally, many unglazed ceramics first appeared under Islam. For example, archeologists often identify the introduction of certain unglazed jars, which they call “eggshell ware,” as the first innovation of the Islamic ceramic tradition (Fig. 2.9).⁵⁶ Unglazed jars would have been readily available to serve as containers for wine and other liquids. However, since they are not watertight, they are not very suitable for retaining beverages. Their porousness would make them difficult to clean and would have an undesired effect on the taste of the drink.

In Egypt, LRA 7 appear to have been replaced by certain “bag shaped” ovoid ceramic bottles. Less than half of these bottles were lined with bitumen, contrary to LRA 7, of which most were lined in this way. Tomasz Górecki argued that the bottles were more durable and

⁵⁶ O. Watson, *Ceramics*, 100; Northedge and Kennet, “Samarra Horizon,” 23; Priestman, *Ceramic Exchange*, 2:33-34.

cheaper to manufacture and suggests that these may have contributed to the phasing out of LRA 7.⁵⁷

It is also possible that waterskins made from the hides of various animals served as substitutes for the green jars and torpedo jars. Due to the perishable nature of these materials, it is impossible to know if this was the case based on archeological data. Furthermore, waterskins are less durable and very lightweight and thus could not be used as shipping containers which need to withstand the long journey by sea and land and serve as ballast for the light ships conveying them.⁵⁸

Another possibility that must be considered is that green jars and torpedo jars were not replaced by any receptacle, and that there was simply less need for them. Toward the end of the 3rd/9th century, a Chinese smuggler named Huang Chao rebelled against the Tang dynasty. He sacked the port city of Guangzhou and his troops massacred the Near Eastern merchants there. This led to a precipitous drop in maritime trade between the Near East and the Far East that recovered only around the 6th/12th century.⁵⁹ This disruption of trade surely decreased the need for large storage jars, whether green or torpedo shaped. Still, the link between the decline in trade and the decline in the numbers of jars, which occurred almost a century later, is not self-evident.

⁵⁷ Górecki, "Phasing out LRA 7," 127-31.

⁵⁸ For the function of jars as ballast, see Priestman, *Ceramic Exchange*, 1:210.

⁵⁹ Ho, "Turquoise Jars," 33-34.

2.6 Summary

Green glazed jars and torpedo jars were produced in Mesopotamia in the Parthian, Sasanian, and early Islamic eras. LRA 7 were used in Egypt from the Byzantine to early Islamic era. After the 4th/10th century, there is a sharp decline in the production of these three receptacles. It is difficult to explain this decline. While different receptacles were available to replace them, it is not always evident which receptacles took their place. It is thus hard to determine why ceramic traditions that lasted for almost a millennium ended after the Early Islamic period. There are different possible explanations for the jars becoming less prevalent. For example, demand for the jars may have decreased due to the presence of cheaper alternatives or because a drop in the volume of trade made them less needed. Alternatively, there may have been a problem with the means of production, although given the technical simplicity of these jars this is less likely. It is of course very probable that a confluence of factors is behind the decline.

As I have argued in an article, a religious sanction may have influenced the prevalence of green-glazed jars and torpedo jars. Similarly, Tillier and Vanthieghem have argued that this sanction had an impact over the prevalence of LRA 7. According to numerous Hadith traditions, the Prophet prohibited the use of “green jars” and “tarred jars” as receptacles for *nabīdh*. Since these jars were commonly used for this purpose, a prohibition of this sort may have had a profound impact on their prevalence. In the following chapters, I will examine the development of this prohibition from its earliest traceable beginnings. I will attempt to determine what was meant by this prohibition and if there is any correlation between its interpretation and the prevalence of green jars, torpedo jars, and LRA 7.

Chapter 3: The Definitions of Receptacles

In Hadith literature, numerous terms designate receptacles in which *nabīdh* is prepared or contained. The most common terms are *ḥantam*, *muzaffat*, *dubbā'*, *naqīr*, *jarr*, and *jarr akḥḍar*. In this chapter, I will survey some common terms for ceramics. These include *ḥantam*, *muzaffat*, *jarr*, *jarr akḥḍar*, and other related terms like *dann* and *khābiya*. I will define each term based on its occurrence in works of Hadith, lexicography, and other genres. I identify many of these terms with “the green glazed jars” and “torpedo jars” discussed in the previous chapter. Defining these terms and identifying them with receptacles known from the archeological record is not a straightforward task. Scholars disagreed about many of these definitions and some definitions evolved or changed over time. Nevertheless, it is still possible to arrive at meaningful conclusions regarding what these terms designate.

3.1 Studies about Utensils and Receptacles

There are very few modern studies about the receptacles mentioned in classical Arabic texts in general and in Hadith literature in particular.¹ Extant studies of this sort tend to be based on limited corpora or to feature inconclusive results. I will now survey some of these studies.

Muḥammad b. Fāris al-Jamīl’s study is devoted to the receptacles “used in the era of the Prophet.”² In his study, he concisely surveys the lexicographical definitions for many terms for receptacles mentioned in nine “canonical” works of Hadith. By focusing on these works

¹ I refer to works akin to Reinhart Dozy’s *Vêtements* which is devoted to articles of clothing mentioned in classical Arabic texts.

² Al-Jamīl, “*al-Āniya wa-l-aw‘iya*,” 95-193.

exclusively, al-Jamīl ignores many receptacles that appear in non-canonical works. Furthermore, al-Jamīl’s assumption that receptacles mentioned in Hadith works are from “the era of the Prophet” can be anachronistic. Hadith transmitters occasionally included receptacles unfamiliar to the Prophet in traditions about him. For example, after a group of women asked the Prophet’s wife ‘Ā’isha about the use of various receptacles for *nabīdh*, she replied: “You ask me about receptacles many of which did not exist at the time of the Messenger of God (ﷺ).”³ Hence, it should not be taken for granted that the receptacles mentioned in Hadith traditions were used in the Hijaz during the lifetime of the Prophet.

Nawal Nasrallah has composed two useful glossaries of receptacles mentioned in two cookbooks composed in 4th/10th century Iraq and 8th/14th century Egypt respectively.⁴ They include many brief entries that offer good basic knowledge of numerous receptacles. Occasionally, she refers to receptacles known from the archeological record. However, she has misidentified at least one receptacle.⁵ Nasrallah’s glossaries are helpful but are based on two texts, with overlapping content, intended for courtly audiences. The terms found on these texts are not necessarily identical with the terms used in Hadith traditions from the Late Umayyad and Early Abbasid periods.

³ Ibn Abī Shayba, *Muṣannaḥ*, 8:80 (no. 24207); Ibn Sa’d, *Ṭabaqāt*, 10:451-52; al-Bayhaqī, *al-Sunan al-kabīr*, 17:466-67 (no. 17553). This tradition is discussed in Appendix H §1.7.

⁴ Nasrallah, ed. and trans., *Annals*, 680-98; Nasrallah, *Treasure Trove*, 576-608. For pots and cooking practices in al-Andalus, see Marín, “Pots and Fire,” 289-302.

⁵ Nasrallah, in *Annals* (682) and *Treasure Trove* (579), incorrectly identifies *ghaḍār* and *ghaḍāra* as “green-glazed” ceramics. This mistake results from a misinterpretation of a lexicographical definition. Some lexicons describe the clay of the *ghaḍār* as *akhḍar* (“green” or “of an ashy dust color”). *Ghaḍār* is green clay, not green glaze. Indeed, *ghaḍār* refers to “fine earthenware.” I translate *ghaḍār* as “porcelain” or “porcelain-like ceramics.” Cf. E. Lane, *Lexicon*, s.v. *ghaḍār*; Goitein, *Mediterranean Society* 4:145-6.

Yasemin Bağcı and Joanita Vroom attempted to identify receptacles discovered in Tarsus with some of the terms mentioned by Nasrallah. They describe their results as “far from complete” and “preliminary.”⁶

In her dissertation, Huriya Sharid presents an extensive list of detailed definitions for utensils and receptacles mentioned in Andalusī and Maghribī sources from Almoravid to Ottoman times. She identifies some of them with real-life objects.⁷ Given its focus on North Africa and al-Andalus after the 6th/12th century, her list is limited in its capacity to help understand the terms that appear in the Hadith traditions which originate mostly in 2nd/8th century Iraq.

Oleg Grabar devoted a short article to identifying receptacles mentioned in al-Jāhiz’s treatise *on Misers* with receptacles known to archeologists. Grabar tentatively identified a few items. He ultimately concluded that, if scholars wish to arrive at any meaningful conclusions, they should examine a corpus larger than al-Jāhiz’s treatise. Grabar noted S.D. Goitein’s study of receptacles mentioned in documents from the Cairo Genizah, as an exemplary study based on a large corpus.⁸ Goitein’s study is of great value for understanding material culture in Egypt. However, his study is only partly useful for understanding Hadith traditions, since most traditions were collected in Iraq and other places outside of Egypt.

⁶ Bağcı & Vroom, “Dining Habits.”

⁷ Sharīd, “*Tatawwur*,” 225-301.

⁸ Grabar, *Silks*, 197-200.

The abovementioned glossaries and lists of definitions make no attempt to trace the changing meanings of terms for receptacles. However, outlining the evolution of these terms is important for understanding the development of their use in legal traditions and discussions.

3.2 The Development of the Definitions of Receptacles

Arabic lexicography developed from two distinct genres: (1) *gharīb* works that exclusively treat unusual words found in the Hadith and the Qur'an, and (2) "regular" dictionaries that focus on the language of poetry more than that of scripture. Major compositions in both genres appeared by the end of the 2nd/8th century.⁹ The Hadith scholars and the language experts deal with different corpora. Therefore, they may define the same term differently based on the context in which they find the term. Occasionally, the Hadith scholars and language experts borrowed definitions from one another. Hence, one should consider the following when encountering a definition in the work of a Hadith expert or lexicographers: (1) The definition may not reflect actual usage. It may be an *ad hoc* definition that is meant to solve a problem in a particular text. (2) A definition given by a Hadith expert may be influenced by the definition of a language expert and *vice versa*. Thus, there is much room for caution when dealing with lexicographical definitions.

⁹ Regarding ancient dictionaries sometimes giving meanings which have their origins in exegetic or dogmatic disputes, see Seidensticker, "Lexicography," in *Encyclopedia of Arabic Language and Linguistics*.

Legal scholars intensely discussed which receptacles may or may not be used for *nabīdh*. The intensity of this discussion is reflected in the numerous definitions of these receptacles recorded in Hadith collections, Hadith commentaries, and *gharīb* works. Collectors like Ibn Abī Shayba (Kufa, d. 235/849) and al-Nasā'ī (d. 303/915) even devoted special chapters in their Hadith collections to traditions that define receptacles.¹⁰

Hadith collectors recorded numerous traditions preserving definitions of receptacles. These traditions are equipped with chains of transmission (*asānīd*; sg., *isnād*) attributed to Companions and Successors, and more rarely the Prophet. Some traditions are solely devoted to giving a definition, while others casually mention the definition as part of an account about receptacles. In many traditions, transmitters offer the definitions in response to queries from their students. The preservation of definitions with *isnāds* makes it possible to trace the provenance of some definitions and to attribute them to exact times and places or even to certain transmitters.

Occasionally, a transmitter would learn a Hadith tradition from his teacher, in which there was a word which he thought his audience will not understand. Therefore, he would replace that word with one he considered simpler. Such replacements may be identified when different versions from the same teacher are compared with one another. One or more students will appear to have preserved the original word, while one or more will appear to have changed it. The substitute word may serve as a definition of the substituted word.

¹⁰ Ibn Abī Shayba: *fī-mā fussira mina l-zurūf wa-mā hiya*. *Muṣannaf*, 8:118-19; al-Nasā'ī: *Tafsīr al-aw'īya*. *Sunan*, 5:93. Al-Nasā'ī's chapter has only a single tradition.

Different Hadith traditions often differently define the same term for a receptacle. Such a contradiction in meaning may reflect inaccurate transmission of one of the traditions. More often, the contradiction indicates that Muslims had different opinions about which receptacles may be used for *nabīdh*. The different opinions usually reflect differences in time, region, dialect, and legal practice. Two transmitters may use the same term to refer to two different objects, or they may use two different terms to refer to the same object. Definitions may thus change as they are passed down from one person to another.

3.2.1 *The Influence of Dialectal Differences over the Definitions of Receptacles*

Regional and dialectal differences between transmitters brought about differences in terminology, as is clearly illustrated in the following tradition of Shu‘ba b. al-Ḥajjāj (Basra, d. 160/776) on the authority of ‘Amr b. Murra (Kufa, d. 116–8/734–7) about an interaction between Zādhān (Kufa, d. 82/701) and ‘Abdallāh b. ‘Umar (Medina, d. 73/693):

I [viz., Zādhān] asked Ibn ‘Umar about *nabīdh* [and the receptacles that may be used to hold it]. I said: “We [viz., the Iraqis] have our own dialect (*lugha*), which is different from yours [viz., the Hijazis]. Please, clarify it [viz., the names of receptacles in your dialect] for us in our dialect. Ibn ‘Umar responded: The Messenger of God (ﷺ) prohibited the *ḥantama*, i.e., “the *jarra* (jar),” the *dubbā’*, i.e., “the *qar‘a* (gourd),” the *muzaffat*, i.e.,

“the *muqayyar* (tarred receptacle),” and the *naqīr*, i.e., “the *nakhla* (receptacle made of a palm trunk).” He instructed that *nabīdh* be prepared in *asqiya* (waterskins).¹¹

It appears that Iraqis had difficulty understanding certain terms that they viewed as originating in the Hijaz. Dialectal differences were thus an obstacle that Hadith transmitters needed to overcome in communicating with one another. Some transmitters were unfamiliar with terms from other regions. Presumably, some of their fellow transmitters took advantage of their lack of familiarity, and redefined those terms as they saw fit without being corrected.

3.2.2 *The Influence of Legal Differences over the Definitions of Receptacles*

Scholars understood the law in various ways. These different understandings were responsible for the great proliferation of definitions for receptacles. Transmitters and interpreters of Hadith traditions would often define terms so that they will fit within a larger legal framework. This is nicely demonstrated in the following tradition about two Basran Companions of the Prophet, Abū Bakra al-Thaqafī (d. 51/671) and Abū Barza al-Aslamī (d. ca. 64/684):¹²

Abū Bakra used to have *nabīdh* prepared for him in jars (*jarr*). One day, Abū Barza returned after being absent for a while. He stopped to rest at Abū Bakra’s home before continuing to his own home, but he did not find Abū Bakra there. He chanced upon a

¹¹ Ibn Abī Shayba, *Muṣannaf*, 8:103 (no. 24326). Cf. Juynboll, *ECH*, 525 (no. 6716). Juynboll suggests that “jar” refers here to a “green glazed” one, but his conjecture is unsupported.

¹² For the biographies of Abū Bakra and Abū Barza, see Houtsma et Pellat, “Abū Bakra,” *Et*²; al-Dhahabī, *Siyar*, 3:40-43.

wife of Abū Bakra, named Maysa, and asked her about Abū Bakra and how he was doing. [While talking to her], Abū Barza was looking around, when he noticed a jar, which contained *nabīdh*. He asked her: “What’s in the jar?” She replied: “*nabīdh* for Abū Bakra.” He then said: “I would prefer it if you were to place it in a waterskin (*siqā*).” After that, he left. She gave an order to transfer the *nabīdh* into a waterskin. The order was carried out and she hung up the waterskin. Abū Bakra then returned, and she told him about Abū Barza and his visit. Abū Bakra noticed the waterskin and asked: “What’s this waterskin?” She replied: “Abū Barza said *such-and-such*, and therefore I transferred your *nabīdh* into a waterskin.” Here Abū Bakra proclaimed: “I will not drink a single drop of it! By God, if you [viz., Maysa] were to put honey in a jar, would it become prohibited to me?! And if you were to put wine in a waterskin, would it be permitted to me?! We know very well what was prohibited to us. *Dubbā*’, *naqīr*, *ḥantam*, and *muzaffat* were prohibited to us.”

Abū Bakra then goes on to define these four receptacles:

“As for *dubbā*’, we, the people of Thaḳīf, used to take *dubbā*’ (gourds), and place in them grape berries that had been removed from grape clusters by passing one’s pinched fingers over their stems. We would then bury the *dubbā*’, leaving them be until [their contents] bubbled [viz., fermented] and eventually died down [viz., stopped fermenting]. As for *naqīr*, the people of Yamāma used to perforate (*yanqurūn*) the trunk of a palm tree. Then they would put pieces of ripe dates (*ruṭab*) and half-ripe ones (*busr*) into it, leaving them be until they bubbled and eventually died down. As for *ḥantam*, they are jars (*jirār*) in

which wine was brought to us [viz., the people of Medina]. As for *muzaffat*, they are these receptacles (*aw'iya*) that contain this tar (*zift*).”¹³

Abū Bakra lays down with clarity his legal outlook regarding *nabīdh* in receptacles: *Nabīdh* may be prepared in any receptacle, if it is not intoxicating. In other words, a receptacle does not render its contents prohibited or permitted. He then proceeds to define the four receptacles prohibited by the Prophet in such a way that it becomes evident that the Prophet was not prohibiting the receptacles themselves, so much as he was prohibiting beverages associated with them. And so, when the Prophet prohibited the *dubbā'* and *naqīr*, he did not prohibit all *dubbā'* and *naqīr*, for he was merely referring to two local fermented drinks made in these receptacles. And when he prohibited the jars known as *ḥantam*, he did not prohibit all *ḥantam* or all jars but merely the ones that contained wine. It is unclear which receptacles Abū Bakra considered *muzaffat*, but presumably the intended audience of his tradition were familiar with “these receptacles” and knew that they often contained intoxicating beverages. It stands to reason that (pseudo-)Abū Bakra¹⁴ defined these four receptacles to clarify that the problem was with their contents, not with them. By defining these terms in this manner, he sought to prove that, among other things, the Prophet did not prohibit the preparation of *nabīdh* in jars or green jars.

¹³ Al-Ṭayālīsī, *Musnad*, 2:207 (no. 923). Other versions are found in Abū 'Ubayd, *Gharīb*, 1:400-01 (no. 128); al-Bazzār, *Baḥr*, 9:135-36 (no. 3689); Ibn Ḥibbān, *Ṣaḥīḥ*, 12:228 (no. 5407); Ibn Abī Shayba, *Muṣannaf*, 8:93 (no. 24269).

¹⁴ By “pseudo-X,” I mean “a later transmitter who invented a tradition on the authority of X.” This person is often the “common link.” The common link of Abū Bakra’s tradition is 'Uyayna b. 'Abd al-Raḥmān b. Jawshan (Basra, d. after 148/765). He likely fabricated it. For 'Uyayna’s biography, see Ibn Sa'd, *Ṭabaqāt*, 9:271.

Another example of a tradition presenting definitions to promote a legal view is the tradition transmitted by Abū l-Ḥārith Yaḥyā b. ‘Abdallāh b. al-Ḥārith al-Taymī al-Jābir (Kufa, d. between 120/738 and 150/767)¹⁵ on the authority of his teacher Umm Ma‘bad, a *mawlāt* of Qaraḏa b. Ka‘b al-Anṣārī, a Companion of the Prophet, who settled in Kufa.¹⁶ She reportedly served Qaraḏa and other well-known Companions *nabīdh* in a *dann* (jar lined with tar) and a green jar.¹⁷ Consequently, she was challenged and asked how does serving *nabīdh* in a tarred jar agree with the Prophet’s prohibition of *nabīdh* in *muzaffat* (tarred receptacles)? The beginning of her response is as follows:

“You asked the right person (‘*alā l-khabīr saqāṭta*)! ‘The one who prohibits what God has permitted is like the one who permits what God has prohibited.’”

¹⁵ Al-Bukhārī, *Tārīkh*, 8:286 (no. 3023); Ibn Abī Ḥātim, *Jarḥ*, 9:161 (no. 667). Yaḥyā b. ‘Abdallāh, AKA Yaḥyā b. al-Ḥārith, was a bonesetter (*jābir* or *mujabbir*). According to al-Tirmidhī, *Sunan*, 2:322 (no. 1011), Yaḥyā was the *imām* of the Banū Taym Allāh. According to Abū Ya‘lā, *Musnad*, 9:87 (no. 5154), Jarīr b. ‘Abd al-Ḥamīd (110-188/728-804) was Yaḥyā’s student. Jarīr was one of his younger students. Therefore, Yaḥyā died probably between 120/738 and 150/767. Yaḥyā is the common link of several traditions in which the Prophet permits *nabīdh* in receptacles after having previously prohibited them.

¹⁶ Yaḥyā l-Jābir al-Taymī taught Umm Ma‘bad’s tradition to at least three of students: Abū l-Aḥwaṣ (Kufa, d. 179/795), ‘Abd al-‘Azīz b. Muslim (Khorasan, Basra, d. 167/783-4), and Mūsā b. Muḥammad al-Anṣārī (Kufa). The tradition has two parts: part 1 according to which she served *nabīdh* in certain jars; and part 2 in which she defines four or three receptacles. The two parts are either transmitted separately, or as a single combined report. Part 1 is preserved separately by Abū l-Aḥwaṣ in Ibn Abī Shayba, *Muṣannaf*, 8:110 (no. 24361), and by ‘Abd al-‘Azīz in Ibn al-Mu‘tazz, *Fuṣūl*, 148. Part 2 is preserved separately by Abū l-Aḥwaṣ in Ibn Abī Shayba, *Muṣannaf*, 8:119 (no. 24413); al-Ḥarbī, *Gharīb al-ḥadīth*, 666. Parts 1 and 2 are preserved as a single combined report by Mūsā in Abū Nu‘aym, *Ma‘rifā*, 3560-61 (no. 8042); al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 25:170-71 (nos. 414-419). It is possible that al-Taymī sometimes transmitted both parts separately and sometimes as a combined report.

¹⁷ Abū Nu‘aym, *Ma‘rifā*, 3560-61 (no. 8042), and 3560, n.6; Ibn Abī Shayba, *Muṣannaf*, 8:110 (no. 24361); Ibn al-Mu‘tazz, *Fuṣūl*, 148. In Abū Nu‘aym’s text, *nabīdh al-dhur* does not stand for *nabīdh al-dhura* (millet *nabīdh*) as it appears in Ibn al-Athīr’s *Uṣd al-ghāba*, but rather it must be emended to *nabīdh al-dann*. In Ibn al-Mu‘tazz’s text, “white jars” were likely originally “green jars,” and were changed under the influence of “white jars” mentioned in Ibn al-Mu‘tazz, *Fuṣūl*, 147-48.

In her view, prohibiting the *nabīdh* that is licit is a sin. She then gave the following definitions that apparently justify her use of tarred jars:

As for the *dubbā*’, they are these *qar*’ (gourds), which the Messenger of God (ﷺ) prohibited. As for the *naqīr*, they are palm trunks that have been hollowed out (*muḥaffara*), and their roots are firmly attached to the ground. As for *ḥantam*, they are the *ḥanātim* (certain jars) in the land of the non-Arabs (*ḥanātim bi-arḍ al-‘Ajam*), and these are what the Messenger of God (ﷺ) prohibited.¹⁸

Umm Ma‘bad omits here the definition of *muzaffat*, possibly because she did not think that the Prophet prohibited it, which would explain why she served the Companions *nabīdh* from tarred receptacles. However, the definition of *muzaffat* appears in another version of her definitions. In this version, she says:

As for the *ḥanātim*, they are the *ḥanātim* (certain jars) of the non-Arabs (*ḥanātim al-‘Ajam*), into which a person would climb and sweep them with a broom, wine receptacles. As for *dubbā*’, they are *qar*’ (gourds). As for *muzaffat*, they are the waterskins (*ziqāq*), the insides of which are lined with tar, and on [the exterior of] which the hairs are colored with tar, wine receptacles. As for *naqīr*, it is a palm tree, firmly rooted in the ground, thoroughly hollowed out (*manqūra naqr^{an}*).¹⁹

¹⁸ Abū Nu‘aym, *Ma‘rifā*, 3560-61 (no. 8042). Here, *mukḥarra* (verdant) must be emended to *muḥaffara* (hollowed out).

¹⁹ Ibn Abī Shayba, *Muṣannaf*, 8:119 (no. 24413).

According to this version, Umm Ma‘bad understood the Prophet’s prohibition as referring to four types of receptacles: certain large jars, gourds, certain tarred waterskins, and hollowed out date stumps. Regarding the jars and waterskins she mentions that they are “wine receptacles” seemingly indicating that this was the problem with them.²⁰ Therefore, it may be concluded that Umm Ma‘bad served *nabīdh* from tarred jars and green jars, because she held that the Prophet prohibited tarred waterskins and large jars, not tarred jars and green jars.

One may wonder if the large jars mentioned by Umm Ma‘bad were regular household items in Kufa. By singling out these unwieldy receptacles as prohibited, her tradition signals that most jars, including the *dann* are not problematic. Furthermore, even the large jars are eligible for use if they contain no wine. In sum, Umm Ma‘bad’s definitions for receptacles agree with her interpretation of the law, as those of Abū Bakra agreed with his own. The traditions of Umm Ma‘bad and Abū Bakra are but two examples of transmitters offering definitions that agree with their own legal reasoning.

I will now survey the terms *ḥantam*, *muzaffat*, and other terms closely related to them. For *ḥantam*, this includes *jarr*, and *jarr akḥḍar*. For *muzaffat*, this includes *muqayyar*, *dann*, *rāqūd*, and *khābiya*. The discussion of *ḥantam* will be significantly more elaborate than the discussion of other receptacles since the identity of this receptacle seems to have been the most controversial among the Hadith scholars.

²⁰ It may be noted that the words “wine receptacles” are missing in the abbreviated version in al-Ḥarbī, *Gharīb al-ḥadīth*, 666. While these words may have been omitted as part of this version’s abbreviation, it is also possible that they are an interpolation in Ibn Abī Shayba, *Muṣannaf*, 8:119 (no. 24413).

3.3 *Ḥantam*, Green Jars, and Other Related Terms

3.3.1 *Ḥantam* - Introduction

Ḥantam is a collective plural (sg., *ḥantama*, non-collective pl., *ḥanātim*). It is sometimes used as a singular form.²¹ Federico Corriente has suggested that *ḥantam* is derived from Syriac *məḥattam* (“sealed”).²² Corriente’s suggestion is reasonable, though I have not found this Syriac word used as a name of a wine container.²³

The word *ḥantam* is mentioned in pre-Islamic and early Islamic poetry, where it refers to (dark-colored) jars, as in the following verse by Ṭufayl b. ‘Awf al-Ghanawī:

la-hu haydab^{un} dānⁱⁿ ka-anna furūja-hu fuwayqa l-ḥaṣā wa-l-arḍi arfāḍu ḥantam.

(It [viz., a lightning bolt] is accompanied by a low-hanging cloud, the fragments of which resemble the broken pieces of *ḥantam*, [hovering] slightly above the gravel and the earth.)²⁴

²¹ E.W. Lane, *Lexicon*, s.v. *ḥantam*.

²² Corriente, “Marginalia,” 32. Note that in Q 33:40 we find *khātam* (“seal”), cognate of Syriac *ḥātmā* (“seal”). On these cognates, see Jeffery, *Foreign Vocabulary*, s.v. *khātam*. If Corriente’s proposed etymology for *ḥantam* from *ḥātmā* is correct, then the words *khātam* and *ḥantam* entered Arabic under different linguistic circumstances. Otherwise, the reflex of Syriac /ḥ/ (in *ḥātmā*) would be the same in both words, not /ḥ/ (in *ḥantam*) and /kh/ (in *khātam*). According to al-Fayyūmī, *Miṣbāḥ*, 46, s.v. *ḥ-t-m*, the root of *ḥantam* is *ḥ-t-m* and it has the pattern *fan‘al*.

²³ There is an Aramaic word that may connect the Semitic root *ḥ-t-m* (or *kh-t-m*) to a container or jar. The Targum Rishon of Esther 1:4, A text from between the 5th and 7th centuries CE, mentions *’ḤTMīn* (or *’HMTīn*) *de-nəḥasha* (copper containers). Grossfeld, ed., “The First Targum.” Grossfeld’s text may be accessed at <https://cal.huc.edu/>. I thank Joseph Witztum for turning my attention toward this word’s occurrence in the Targum. *’ḤTM* may be related to *ḥantam*, but further evidence is required to prove such a relation.

²⁴ Krenkow, ed. and trans., *Poems*, poem 44.8; and see the commentary on Ṭufayl’s verse in Ibn Sīdah, *Muḥkam*, 4:54, s.v. *ḥantam*, and 8:124, s.v. *rafād*. On Ṭufayl’s verse and other poetic uses of *ḥantam*, see Hussein, *Lightning-scene*, 210 and 228.

Here, Ṭufayl compares the scattered fragments of a rain cloud to “broken pieces of [the jars known as] *ḥantam*” (*arfād ḥantam*). In some early verses, *ḥanātim* refer to clouds or dark clouds.

For example, the *mukhaḍram* poet Abū Dhu’ayb al-Hudhalī uttered the following verse:

Saqā Umma ‘Amrⁱⁿ kulla ākhiri laylatⁱⁿ ḥanātimu sūd^{um} mā`u-hunna thajjī

(May [the abode of] Umm ‘Amr at the end of every night be irrigated by dark *ḥanātim* [clouds or dark clouds] that have flowing water!)²⁵

Arabic lexicographers saw an etymological connection between the *ḥanātim* clouds and the *ḥanātim* jars. They usually understood that the clouds were named after the jars though they differed about the reason. Some explained that the clouds had a dark color like the jars.²⁶ Others, like al-Azharī (Herat, d. 370/980), explained that the clouds were filled with water and thus resembled jars filled with a beverage.²⁷ Ibn Fāris (Rey, d. 395/1004) was the proponent of a minority view according to which the jars were named after the clouds because of their dark color.²⁸ However, Ṭufayl’s verse clearly likens clouds to jars.²⁹ Therefore, the jars were presumably named after the clouds.

²⁵ Ibn Qutayba, *Anwā’*, 171. For another example, see a verse by al-Khath‘amiyya in Ibn Sa‘d, *Ṭabaqāt*, 1:77.

²⁶ The lexicons differ about the color of the *ḥantam* jars after which the clouds were named. Some say they were “green,” others “black or green.” See, e.g., Ibn Qutayba, *Anwā’*, 171; Ibn ‘Asākir, *Tārīkh Dimashq*, 50:240; Ibn Sīdah, *Mukhaṣṣaṣ*, 9:100.

²⁷ Al-Azharī, *Tahdhīb al-lughā*, 5:330-31.

²⁸ Ibn Fāris, *Mujmal al-lughā*, 268. Alternatively, Ibn Fāris intends here that the green jars were called *ḥantam*, a word that means “dark” (not “dark clouds”).

²⁹ The likening of clouds to jars or containers is a known phenomenon in Near-Eastern literature. Cf. *Job* 38:37; Good, *Book of Job*, 458.

One verse offers a clue about the provenance of *ḥantam* or of their contents. This verse is attributed to the *mukhaḍram* poet Tamīm b. Ubayy b. Muqbil who described camels drinking in the following way:

ka-anna ḥanātima ḥāriyyat^{an} jamājimu-hā idh masisnā btilāl^{an}.

(It is as if *ḥanātīm* [jars] from al-Ḥīra are their heads when they touch the wetness [of the water].)³⁰

In this verse, Tamīm compares the heads of camels drinking from buckets to “*ḥanātīm* [jars] from al-Ḥīra (*ḥanātīm ḥāriyya*).” These jars may have been made and imported from al-Ḥīra in Iraq or contained wine from there.

The mother of the second caliph ‘Umar b. al-Khaṭṭāb (d. 23/644) was named Ḥantama bint Hishām.³¹ Her name may refer to the jar,³² and she may have been given this name because of her dark complexion³³ or some other salient physical characteristic. If so, this suggests that the *ḥantama* was an aesthetically pleasing receptacle, possibly dark-colored.³⁴ The attestations of

³⁰ Al-Ḥarbī, *Gharīb al-ḥadīth*, 667; and Türek, ed., *İbn Mukbil divanı*, poem 31.20 and n.20. According to Ḥasan, ed., *Dīwān Ibn Muqbil*, poem 31.20 and n.20, the phrase in Ibn Muqbil’s verse is not *ḥanātīm ḥāriyya* (*ḥanātīm* from al-Ḥīra), but rather *ḥanātīm ḥāriyya* [!], which the editor glosses as “dark-colored old vipers.” This proposed reading is less fitting than “jars from al-Ḥīra” in terms of context and in terms of the meter (*al-Mutaqārib*). Also, in early texts, *ḥanātīm* signify “dark-colored jars,” not “dark-colored,” a sense that only appears in relatively late sources like Ibn Fāris, *Mujmal al-luḡha*, 268.

³¹ Ibn Abī Shayba, *Muṣannaf*, 6:300 (no. 17934).

³² Cf. al-Madīnī, *al-Majmū‘ al-muḡhūth*, 1:509.

³³ Her son ‘Umar is sometimes described as *ādam* (“having a dark complexion”). See, e.g., Ibn Sa‘d, *Ṭabaqāt*, 6:236.

³⁴ Cf. the personal name Dīnār borne by many early Muslims. The Arabs considered shiny gold *dīnārs* symbols of beauty, as in the expression “as if his countenance is a Heraclian *dīnār* (*dīnār Hiraqlī*).” See Ibn Sa‘d, *Ṭabaqāt*, 7:154.

ḥantam in early poetry and onomastics are seemingly independent of legal discussions about *ḥantam* and *nabīdh*. For this reason, they may be our most dependable sources for understanding the original meaning of the word.

It is also useful to examine the occurrence of the term *ḥantam* in Hadith traditions that are not obviously related to the consumption of *nabīdh*. According to one tradition, the Prophet prohibited three things: *ḥantam*, gold rings, and silk.³⁵ The mention of *ḥantam* alongside two items of high value suggests that these receptacles were considered decadent and luxurious.

The Physician Abū Marwān ‘Abd al-Mālik b. Zuhr (Seville, d. 557/1162) noted the difference between *fakhhkhār* receptacles and *ḥantam* receptacles. He explained that *fakhhkhār* should preferably be used for cooking only once, whereas *ḥantam* may be used five times or so. His concern is that cooked food tends to settle in the pores of a receptacle and that this can lead to disease.³⁶ *Ḥantam* were apparently less prone to food settling in their pores than *fakhhkhār*. Presumably, *ḥantam* were covered with glaze that protected their pores, unlike the *fakhhkhār* which was unglazed. Ibn Zuhr is a late source so his usage of *ḥantam* may differ from its usage in earlier time periods.

Many Ḥadīth experts and jurists who encountered the word *ḥantam* in traditions about *nabīdh* sought to clarify its meaning. This led to the proliferation of definitions, many of which

³⁵ Ibn Abī Shayba: *anna l-nabiyya [...] nahā ‘ani l-ḥantami wa-l-takhattumi bi-l-dhahabi wa-l-ḥarīr. Muṣannaḥ*, 8:256 (no. 25136). Note that this tradition prohibits *ḥantam* without explicitly mentioning *nabīdh*. The original intent of this tradition may have been to promote a general prohibition of *ḥantam*. See Appendix K.

³⁶ Ibn Zuhr, *Aghdhiya*, 122-3. Cf. Sharīd, “*Taṭawwur*,” 148-9.

were attributed to Companions and Successors with *isnāds*. One may gain a sense of the large number of definitions from the rather comprehensive list of about eleven definitions recorded by al-Qāḍī ‘Iyāḍ (d. 544/1149).³⁷ To these more can be added. Most of the definitions found in lexicons appear to be based on definitions taken from Hadith literature. What follows is a survey of some of the more prominent definitions, especially those with *isnāds*.

3.3.1.1 Ḥantam = *Green Jars*

Ḥantam are green jars. The earliest datable tradition recording this definition was likely originated by Muḥammad b. Abī Ismā‘īl (Kufa, d. 142/759-60). According to this tradition, Ibn Abī Ismā‘īl’s Kufan teacher mentioned this definition to Anas b. Mālik, who dismissed it. Anas explained that the Prophet never saw a green jar in his lifetime.³⁸ Apparently, Iraqis identified *ḥantam* as “green jars” during the Late Umayyad period. Anas’ reply asserts that this Iraqi usage is anachronistic and incorrect. When Ibn Abī Ismā‘īl introduced this tradition, it is unclear if there was a tradition with an *isnād* that defined *ḥantam* as “green jars.” It may have simply been common knowledge.

I have found two traditions that appear to be the earliest ones that have an *isnād* and promote the definition of *ḥantam* as green jars. (1) One is transmitted by Bishr b. al-Mufaḍḍal (Basra, d. 186/802)³⁹ ← ‘Abd al-Khāliq b. Salima [or Salama] (Basra, d. early 2nd century/ca.

³⁷ Al-Qāḍī ‘Iyāḍ, *Mashāriq*, s.v. *ḥ-n-t-m*. Cf. Ibn Qurqūl, *Maṭāli‘*, 2:314, s.v. *ḥ-n-t-m*.

³⁸ For an in-depth discussion of this tradition, see §3.3.1.4. and Appendix I §2.2.

³⁹ Juynboll, *ECH*, s.v. “Bishr b. al-Mufaḍḍal.”

720-770)⁴⁰ ← Sa‘īd b. al-Musayyab (Medina, d. 94/713).⁴¹ (2) The other more famous tradition is transmitted by Wuhayb b. Khālid (Basra, d. 165/782)⁴² ← Suhayl b. Abī Šāliḥ (Medina, d. 138/755),⁴³ ← Abū Šāliḥ Dhakwān (Medina, d. 101/720) ← Abū Hurayra (Medina, d. 58/678).⁴⁴ The transmission of Bishr and Wuhayb is likely historical.

Even though their *isnāds* differ, Bishr and Wuhayb appear to have relied on a common source (See Diagram 3.1: The Traditions of ‘Abd al-Khāliq and Wuhayb defining *ḥantam* as “green jars.” It may be seen that Wuhayb was familiar with ‘Abd al-Khāliq’s tradition.). According to Bishr, Ibn al-Musayyab defined *ḥantama* (not the plural *ḥantam*) as “a green jar.” Bishr learned this definition from Ibn al-Musayyab’s student ‘Abd al-Khāliq. The latter was not a prolific transmitter. I have found only several Prophetic traditions transmitted by him, all on the authority of Ibn al-Musayyab. According to one of these, the Prophet prohibited *ḥantama* (not *ḥantam*).⁴⁵ Since both the tradition and the definition use the rarer singular form *ḥantama*, they were clearly transmitted together, despite being preserved separately. Bishr is the sole transmitter to preserve the definition. Remarkably, both Bishr and Wuhayb transmitted ‘Abd al-Khāliq’s tradition about

⁴⁰ For ‘Abd al-Khāliq’s biography, see al-Bukhārī, *Tārīkh*, 6:125 (no. 1916).

⁴¹ Al-Ḥarbī: *qultu li-Sa‘īd [b. al-Musayyab]: mā l-ḥantama? qāla: l-jarratu l-khaḍrā’* (I asked Sa‘īd: “what is a *ḥantama*?” He replied: “a green jar”). *Gharīb al-ḥadīth*, 667. Al-Ḥarbī learned this tradition from ‘Ubaydallāh Ibn ‘Umar (Basra, Baghdad, d. 235/849).

⁴² Juynboll, *ECH*, s.v. “Wuhayb b. Khālid.”

⁴³ For doubts about the reliability of transmission from Suhayl, see Juynboll, *ECH*, s.v. “Suhayl b. Abī Šāliḥ.” While Wuhayb seems like the inventor of the Abū Hurayra tradition that defines *ḥantam* as “green jars,” he also reportedly transmitted traditions that define *al-jarr* as “all jars.” See, e.g., in Ibn Ḥibbān, *Ṣaḥīḥ*, 12:224 (no. 5403). If he indeed transmitted such traditions, then his opinion may have evolved regarding which jars were prohibited, or he may have been able to reconcile the various traditions in some way.

⁴⁴ Al-Ṭayālīsī, *Musnad*, 4:161-62 (no. 2531); Muslim, *Ṣaḥīḥ*, 3:1577-1578 (no. 1993 [32]).

⁴⁵ *Isnād*: Yazīd b. Hārūn (Wāsit, d. 206/821) ← ‘Abd al-Khāliq ← Ibn al-Musayyab ← Ibn ‘Umar ← the Prophet. See, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:91 (no. 24258).

the Prophet's prohibition of *ḥantama*.⁴⁶ While teaching this tradition,⁴⁷ 'Abd al-Khāliq presumably taught Bishr Ibn al-Musayyab's definition of *ḥantama*.

⁴⁶ *Isnād*: ← Ibn al-Mufaḍḍal, Wuhayb, and Ismā'īl b. Ibrāhīm ← 'Abd al-Khāliq ← Ibn al-Musayyab ← Ibn 'Umar ← the Prophet. Al-Ṭabarānī: *lā tashrabū fī l-ḥantama*. *Al-Mu'jam al-kabīr*, 12:273-74 (no. 13093). Cf. an abbreviated version in Abū 'Awāna, *Mustakhraj*, 16:230-31 (no. 8498).

⁴⁷ The *isnād* from Bishr ← 'Abd al-Khāliq ← Ibn al-Musayyab appears in both traditions, the one about the definition and the one about the Prophetic prohibition. Note that both traditions use the rarer singular form *ḥantama* (and not the more common collective plural, *ḥantam*). This implies that both traditions are derived from the same source, namely Ibn al-Mufaḍḍal. The two traditions are preserved combined with an *isnād* from Mu'ādh b. al-Muthannā (Basra, d. 288/900) ← Bishr ← 'Abd al-Raḥmān b. Bujayr (Basra) [!] ← Ibn al-Musayyab, in al-Khaṭīb al-Baghdādī, *Talkhīṣ al-mutashābih*, 210. Here, the name 'Abd al-Raḥmān b. Bujayr must be replaced with 'Abd al-Khāliq. A transmitter or copyist, possibly even al-Baghdādī himself, incorrectly inserted Ibn Bujayr's name here instead of 'Abd al-Khāliq's, perhaps conflating it with a tradition found *ibid.*, 43. The correct *isnād* is preserved in al-Ṭabarānī, *al-Mu'jam al-kabīr*, 12:273-74 (no. 13093).

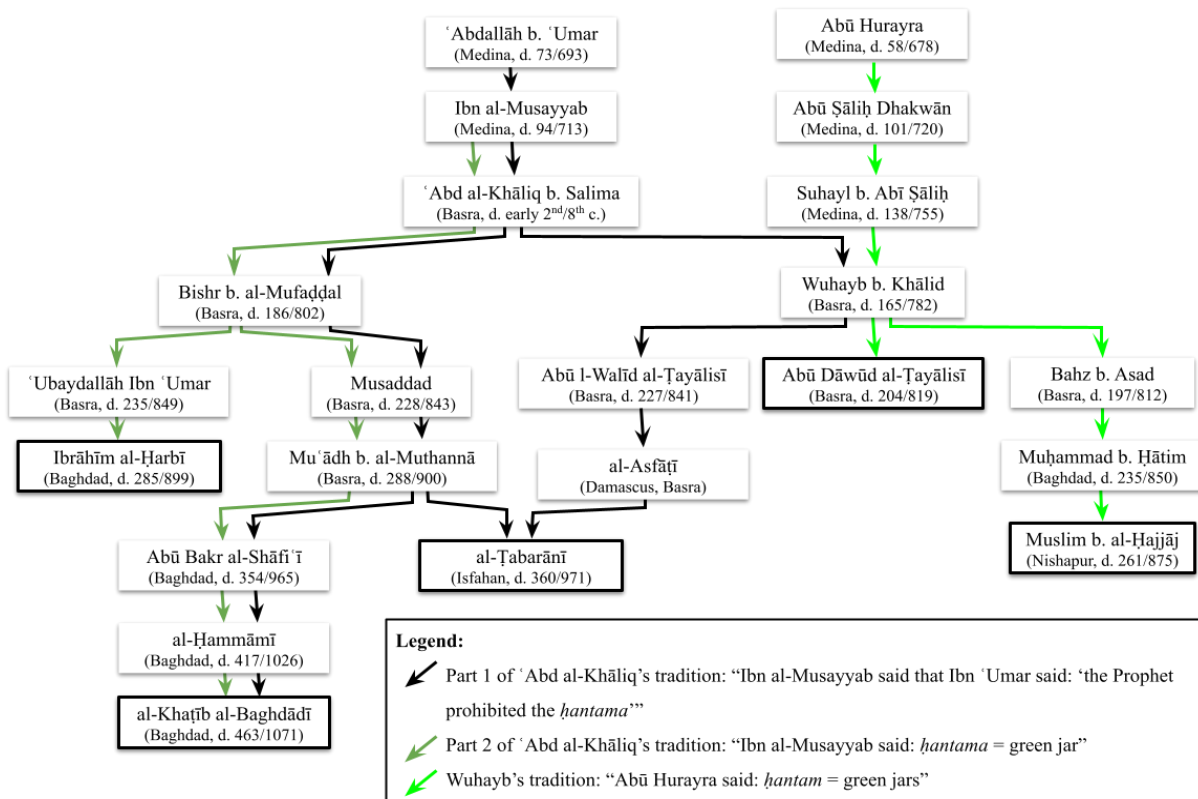


Diagram 3.1: The Traditions of 'Abd al-Khāliq and Wuhayb defining *ḥantam* as "green jars." It may be seen that Wuhayb was familiar with 'Abd al-Khāliq's tradition.

Wuhayb knew 'Abd al-Khāliq's tradition prohibiting *ḥantama*. Hence, he was likely also acquainted with his definition of *ḥantama* as a "green jar." Wuhayb likely accepted this definition but was perhaps dissatisfied with its attribution to the Successor Ibn al-Musayyab. Therefore, he attributed the definition to a more esteemed authority, the famous Companion Abū Hurayra. He claimed to have heard Abū Hurayra's definition from his teacher Suhayl.

Wuhayb's definition from a Companion was more esteemed than 'Abd al-Khāliq's definition from a Successor. Impressed with Wuhayb's tradition, Muslim b. al-Ḥajjāj (d.

261/875) included it in his collection of “sound” Hadith traditions.⁴⁸ ‘Abd al-Khāliq’s definition was not included in any canonical works, despite being earlier than Wuhayb’s tradition.

According to another Basran tradition, likely originating in the late Umayyad or early Abbasid periods, ‘Ā’isha once saw a woman passing by with a green jar and identified it with the *ḥantam* prohibited by her husband the Prophet.⁴⁹ The original audience of this tradition would have surely recognized ‘Ā’isha’s *ḥantam* with green jars that were common at their time. The attribution of the tradition to ‘Ā’isha was perhaps meant to surpass the tradition attributed to Abū Hurayra.

According to the Basran philologist al-Mubarrad (d. 286/900), the Arabic experts (*ahl al-luġha*), but not al-Aṣma‘ī (d. 213/828), whose opinion I will discuss below,⁵⁰ held that *ḥantam* are green ceramics (*al-khazaf al-akhḍar*).⁵¹

A prominent Hadith collector, al-Nasā’ī, may have also defined *ḥantam* as green jars since he lists a tradition about *ḥantam* under the subheading “Green Jars” (*al-jarr al-akhḍar*).⁵² Alternatively, he may have considered *ḥantam* a more general term referring to both green jars and other jars.

⁴⁸ Muslim, *Ṣaḥīḥ*, 3:1577 (no. 1993 [32]).

⁴⁹ Ibn Ḥibbān, *Thiqāt*, 5:301. This tradition is discussed in Appendix H §5.19.

⁵⁰ See §3.3.1.3.

⁵¹ Al-Mubarrad, *al-Kāmil*, 3:69. Cf. al-Māwardī, *al-Hāwī*, 13:397. Al-Māwardī reversed the opinions of al-Aṣma‘ī and the others, attributing to al-Aṣma‘ī the opinion that *ḥantam* are green jars and to the others the opinion that they are all jars. Given that al-Māwardī preferred the definition *ḥantam* = all jars, he may have consequently made “green jars” the minority view of al-Aṣma‘ī.

⁵² Al-Nasā’ī, *Sunan*, 5:86 (no. 5113).

In sum, Iraqis commonly defined *ḥantam* as “green jars” during the Late Umayyad period and possibly even before that. The Kufan Ibn Abī Ismā‘īl, who died ten years after the Abbasid Revolution, claimed that Anas b. Mālīk considered this definition anachronistic, since the Prophet was unaware of green jars. A contemporary of Ibn Abī Ismā‘īl, the Basran ‘Abd al-Khāliq b. Salima, or less likely Ibn Salima’s student Bishr b. al-Mufaḍḍal, introduced a tradition that defined *ḥantam* as “green jars.” Ibn Salima may have learned this definition from his teacher Ibn al-Musayyab, whom he cited as his source. Alternatively, he or Bishr may have attributed the tradition to the trustworthy Ibn al-Musayyab to counter a tradition like that of Ibn Abī Ismā‘īl which denied the definition of *ḥantam* as “green jars.” Wuhayb likely learned Ibn al-Musayyab’s tradition from Ibn Salima or Bishr. Consequently, he was inspired to transmit a tradition promoting this definition on the authority of the Companion Abū Hurayra. His tradition would later be included in a canonical Hadith collection. The Arabic experts of Basra reportedly also espoused this definition. They were preserving a popular Basran definition, of which many of their local Hadith experts and transmitters presumably approved.

3.3.1.2 Ḥantam = *White jars or Green Jars and White Jars*

Ḥantam are green jars and white jars. As far as I have been able to ascertain, the earliest tradition recording this definition is the one that attributes it to Ibn al-Mughaffal (Basra, d. 60/680).⁵³

⁵³ *Isnād*: ‘Aṣim b. Sulaymān al-Aḥwal (Basra, d. ca. 142/759) ← Fuḍayl b. Zayd al-Raqāshī (Basra, d. 95/714). See al-Ṭayālīsī, *Musnad*, 2:233 (no. 960); Ibn Ḥanbal, *Musnad*, 27:350 and 361-62 (nos. 16795 and 16807); al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 5:268 (no. 5280). See Appendix C.

‘Āṣim b. Sulaymān al-Aḥwal (Basra, d. *ca.* 142/759), who taught this tradition to several of his students, popularized it and may have even invented it. This definition is more elaborate than the definition “green jars.”

This definition may be a synthesis of traditions defining *ḥantam* as “green jars” with those defining them as “white jars.” The definition can be understood in three ways: (1) *Ḥantam* refers exclusively to white jars and green jars. (2) *Ḥantam* refers to all glazed (or coated) jars and Ibn al-Mughaffal mentioned white jars and green jars only as examples of such wares. (3) *Ḥantam* refers to all jars and he mentioned white jars and green jars only as examples of such wares.⁵⁴

3.3.1.2.1 Ḥantam = *White jars*

Ḥantam are white jars. This definition is associated primarily with the Kufan transmitter Muḥammad b. Fuḍayl (d. *ca.* 195/811),⁵⁵ though it may predate his life.

3.3.1.3 Ḥantam = *All Jars*

Ḥantam are jars (*jarr* or *jirār*) in general. The earliest traditions recording this definition are probably the ones that attribute it to Sa‘īd b. Jubayr (Kufa, d. 95/714),⁵⁶ the Prophet’s wife ‘Ā’isha bint Abī Bakr (d. 58/678),⁵⁷ and, more famously, ‘Abdallāh b. ‘Umar (Medina, d.

⁵⁴ Cf. the definition of *ḥantam* as “ceramics whether green or white,” in Ibn Ḥabīb, *Tafsīr*, 1:429; and the interpretation of and reaction to Ibn Ḥabīb’s definition in al-Bāḥī, *al-Muntaqā*, 3:149.

⁵⁵ See §3.3.1.4.

⁵⁶ *Isnād*: Wakī’ (Kufa, d. 197/812) ← Shu‘ba (Basra, d. 160/776) ← Abū Bishr [Ja‘far b. Iyās] (Basra, Wāsiṭ, d. 124/742) ← Ibn Jubayr. Ibn Abī Shayba: *al-ḥantamu l-jirāru kullu-hā*. *Muṣannaf*, 8:116 (no. 24416).

⁵⁷ Ibn Ḥanbal, *Musnad*, 41:198 (no. 24656); al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:224 (no. 6500). This tradition is discussed in Appendix H §5.13.

73/693). Ibn ‘Umar’s definition is preserved in two separate versions attributed to two different students of his, Zādhān (Kufa, d. 82/701), whose tradition was mentioned above,⁵⁸ and Jabala b. Suḥaym (Kufa, d. 125/742-3).⁵⁹ Zādhān’s version is unique in implying that *ḥantam* is a Hijazi term meaning “jars.” All these versions, including those of Ibn Jubayr and ‘Ā’isha, are exclusively transmitted by Shu‘ba (Basra, d. 160/776) through Kufan *isnāds*. G.H.A. Juynboll has suggested that by “jar” Shu‘ba refers here to a “green glazed” one,⁶⁰ but his conjecture is unsupported. Shu‘ba seems to have been keenly invested in promoting the definition of *ḥantam* as “all jars” and may have even invented many or all early traditions supporting this view.⁶¹

A few other similar definitions appear in traditions not attributed to Shu‘ba. These include definitions attributed to Nāfi‘ the *mawlā* of Ibn ‘Umar (Medina, d. 117/735),⁶² and to Ibn ‘Abbās.⁶³ These definitions were composed by the corruption of earlier traditions, in which they did not originally appear. They show no indication of Shu‘ba’s direct influence.

⁵⁸ See §3.2.1. Cf. Juynboll, *ECH*, 525 (no. 6716).

⁵⁹ Juynboll, *ECH*, 524-25 (no. 6670). The *isnād* of this tradition is Shu‘ba ← Jabala. A transmitter other than Shu‘ba seemingly transmitted Jabala’s tradition in al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 13:117 (no. 13773). However, I suspect that al-Ṭabarānī’s tradition is derived from Shu‘ba’s without proper attribution to him.

⁶⁰ Juynboll, *ECH*, 524-25 (nos. 6670 and 6716).

⁶¹ On Shu‘ba’s ideological invention of traditions, see Juynboll, “Shu‘ba,” 187-226.

⁶² According to Ibn Ḥanbal, *Musnad*, 9:489-90 (no. 5678), Nāfi‘ ostensibly agreed to the explanation of ‘Uqba b. Abī l-Ṣahbā’ (Basra, d. 167/783-4) that *jarra* = *ḥantama* = *qulla* (jar). Either ‘Uqba or his student Abū l-Naḍr Hāshim b. al-Qāsim (Khorasan, Baghdad, d. 207/823) originated the ascription of this definition to Nāfi‘. See the discussion ‘Uqba’s tradition in §Appendix J §2.1. A *qulla* is a general term that may be applied to ceramic receptacles of various sizes but often means “a large jar.” See Nasrallah, *Annals*, 694; Nasrallah, *Treasure Trove*, 581; al-Māwardī, *al-Hāwī*, 1:329.

⁶³ Al-Ṭabarānī: ...*qultu mā l-ḥantam qāla kull madar*. *Al-Mu‘jam al-kabīr*, 12:85 (no. 12555). This tradition is clearly derived from an Ibn ‘Abbās traditions in which he defines *jarr* = all ceramic receptacles. This definition is discussed in §3.3.2.6.

The Basran philologist al-Aṣma‘ī (d. 213/828)⁶⁴ may provide a further connection between Shu‘ba and the definition of *ḥantam* as all jars. According to al-Mubarrad, the Arabic experts (*ahl al-lughā*) said that “*ḥantam* are green ceramics” (*al-ḥantamu l-khazafu l-akhḍar*), and al-Aṣma‘ī contradicted them saying that “all ceramics are *ḥantam*” (*kullu khazafⁱⁿ ḥantam*).⁶⁵ The use of *khazaf* here in both definitions is unusual and may be a corruption.⁶⁶ The original text may have had “*ḥantam* are green jars” (*al-ḥantamu l-jarru l-akhḍar*), and “all jars are *ḥantam*” (*kullu jarrⁱⁿ ḥantam*). In any case, the difference between the meaning of “jars” and “ceramics” is not great in this context. Interestingly, al-Aṣma‘ī was a student of Shu‘ba,⁶⁷ and even though he was younger than him by three or four decades, the latter consulted with him regarding the meaning of some difficult words found in Hadith traditions.⁶⁸ Hence, Shu‘ba may have influenced al-Aṣma‘ī or *vice versa* to adopt the definition of *ḥantam* as “all jars.”

In an edition of his lexicon, Abū ‘Amr al-Shaybānī (Kufa, d. *ca.* 206/821) writes: “*ḥantam* are jars” (*wa-l-ḥantamu l-jirāru*).⁶⁹ But when the lexicographer Ibrāhīm al-Ḥarbī (Baghdad, d. 285/899) cites Abū ‘Amr’s definition, he writes: “*ḥanātīm* are certain jars” (*al-ḥanātīmu jirār^{um}*).⁷⁰ Al-Ḥarbī’s omission of the definite article before the predicate is potentially

⁶⁴ For his biography, see B. Lewin, “al-Aṣma‘ī,” *EP*.

⁶⁵ Al-Mubarrad, *Kāmil*, 3:69.

⁶⁶ In Arabic script without diacritics, *al-jarr* can be changed to *al-khazaf* by adding a single letter, *fā’*.

⁶⁷ Abū ‘Ubayd, *Gharīb*, 4:344.

⁶⁸ Abū ‘Ubayd: *qāla l-Aṣma‘īyyu sa’ala-nī Shu‘batu... Gharīb*, 4:329, 337, and 5:73. According to al-Khaṭīb al-Baghādādī, in *Tārīkh Baghdād* (12:157), Shu‘ba, during one of his teaching sessions, deferred to the opinion of his student al-Aṣma‘ī regarding the meaning of a word in a Hadith tradition.

⁶⁹ Abū ‘Amr, *al-Jīm*, 1:205.

⁷⁰ Al-Ḥarbī cites ‘Amr, the son of Abū ‘Amr, as his source in *Gharīb al-ḥadīth*, 667. Al-Ḥarbī also cites there a different verse as a proof-text for *ḥantam* than the one cited in the previous note.

significant, since it may imply, as I have translated, that *ḥantam* are not all jars, but only a subset of jars. However, the difference between the two versions of Abū ‘Amr’s definition may be unintentional, and Abū ‘Amr’s edition may better represent his opinion. In al-Ḥarbī’s text, the phrase *al-ḥanātimu jirār^{mn}* appears a few lines prior to his citation of Abū ‘Amr’s definition. This may have confused him or a copyist by way of dittography. This is also the likely explanation for why al-Ḥarbī writes *ḥanātim* where Abū ‘Amr writes *ḥantam*.

A later lexicographer Ibn al-Athīr al-Jazarī (Mosul, d. 606/1210) explains that *ḥantam* originally referred to green jars but its meaning was then expanded to include all ceramics.⁷¹ Al-Jazarī’s explanation reconciles the competing definitions that *ḥantam* are either jars or green jars.

Shu‘ba’s traditions defining *ḥantam* as jars were influential. They are included in the canonical collections of Muslim,⁷² al-Tirmidhī,⁷³ and al-Nasā’ī.⁷⁴

3.3.1.4 Ḥantam = *Wine Jars* (jirār khamr) → *Red Jars* (jirār ḥumr)

There is a series of traditions that define *ḥantam* as “jars” (*jirār* or more rarely *qilāl*) imported to Medina from Egypt (or more rarely the Levant). These traditions are attributed to Companions and Successors, including Anas b. Mālīk (d. ca. 91-95/709-713), Ibrāhīm al-Nakha’ī (d. ca.

⁷¹ E.W. Lane, *Lexicon*, s.v. *ḥantam*.

⁷² Muslim, *Ṣaḥīḥ*, 3:1583 (no. 1997 [56 and 57]). Muslim lists the definition “jars” after the definition “green jars,” which may indicate that he considered the latter to have been recorded in a more reliable Hadith tradition. On the hierarchy of traditions in Muslim’s *Ṣaḥīḥ*, see Abdul-Jabbar, “Collections,” 145.

⁷³ Al-Tirmidhī, *Sunan*, 3:445 (no. 1868).

⁷⁴ Al-Nasā’ī, *Sunan*, 5:84 (no. 5107), 91 (no. 5130), 93 (no. 5135).

96/717), ‘Abd al-Raḥmān b. Abī Laylā (d. ca. 83/702), ‘Ā’isha, and Abū Bakra (d. 51/671).

Even though these traditions are attributed to various authorities, they appear to originate from a common source, as is evident from their common wording. These traditions are preserved in multiple versions but the exact relation between some of them is hard to reconstruct.

In a previous article of mine, I argued that the earliest versions of these traditions prohibited “wine jars” (*jirār khamr*); and later versions changed these jars to “red jars” (*jirār ḥumr*) by altering the diacritical marks.⁷⁵ Mathieu Tillier and Naïm Vanthieghem challenged my argument, suggesting that “red jars” is the original reading. They added that the meaning “red jars” predates the meaning “green jars.”⁷⁶ In what follows, I will restate my argument. I will explain it in more depth than I did in my article while refuting some of Tillier and Vanthieghem’s claims.

The earliest of the abovementioned traditions is probably transmitted by Muḥammad b. Abī Ismā‘īl (Kufa, d. 142/759-60), ← ‘Umāra b. ‘Āṣim (Kufa), ← Anas (one of the younger authorities to whom this definition is attributed). According to one representative version of it, Anas said:

Ḥantam are wine jars (*jirār khamr*) that used to come to us [viz., the people of Medina] from Egypt.⁷⁷

⁷⁵ Harvey, “Green Jars,” 431-2.

⁷⁶ Tillier & Vanthieghem, “Amphores rouges,” 42-4.

⁷⁷ Ibn Abī Shayba: *al-ḥantam jirār khamr kānat ta`ī-nā min Miṣr. Muṣannaf*, 8:118 (no. 24411).

In another longer version of this tradition, Anas explicitly denies that *ḥantam* are green jars.⁷⁸ The creator of this tradition, likely Ibn Abī Ismā‘īl, wanted his Iraqi audience to know that *ḥantam* are not contemporary local green jars, but merely jars from a distant time and place that had contained wine. In other words, if jars called *ḥantam* were ever prohibited, they were not green and they were prohibited not because of any inherent characteristic, but only because they were used as wine containers. Potentially, if the *ḥantam* could be washed clean of any wine residue, they could be used. If not, similar jars that did not contain wine could be used.

The notion that the Prophet and his community were familiar with wine jars was appalling to some later transmitters and copyists. This may explain why the word wine was often changed to something else, usually graphically similar. For example, in the previously mentioned long version of Ibn Abī Ismā‘īl’s tradition, “wine jars” were changed to “green jars.”⁷⁹

Such reverent considerations by transmitters and copyists may explain the appearance of red jars in many versions of these traditions. In Arabic script, the phrase “wine jars” (*jirār khamr*) is identical to the phrase “red jars” (*jirār ḥumr*), when *jirār* is in the nominative (or genitive) case and when both words are written without vowel signs or diacritical marks. Thus, one phrase can easily be conflated with the other.

⁷⁸ Abū Ya‘lā, *Musnad*, 7:305-6 (no. 4344). Abū Ya‘lā cites Ibn Abī Shayba as his source for this tradition, but it differs from what is found in Ibn Abī Shayba’s extant *Muṣannaḥ*. Cf. Ibn Abī Shayba, *Muṣannaḥ*, 8:86 (no. 24237) and 118 (no. 24411).

⁷⁹ *Ibid.* The change from “wine jars” to “green jars” creates an inconsistency: Anas claims that he never saw “green jars” until after the death of the Prophet, but then claims that *ḥantam* are green jars that were brought to Medina [during the time of the Prophet].

This ambiguity between “wine” and “red” can be resolved by rewording the tradition. This appears to be the case in the following unambiguous tradition of Muḥammad b. Fuḍayl (Kufa, d. *ca.* 195/811)⁸⁰ ← Mughīra b. Miqsam (Kufa, d. *ca.* 136/753)⁸¹ ← al-Nakha‘ī ← ‘Ā’isha:

Ḥantam are jars (*jirār*) that were brought from Egypt, in which wine was transported [or: “prepared”] (*yuḥmalu* [or: *yu‘malu*] *fī-hā l-khamr*).⁸²

Here, the ambiguous phrase *jirār khamr/ḥumr* (“wine jars” or “red jars”) is broken up and replaced with the unambiguous phrase *jirār... yuḥmalu fī-hā l-khamr* (“jars... in which wine is transported”).

There is another probably later version of Ibn Fuḍayl’s tradition in which the jars are described as “white.”⁸³ With the notable exception of Ibn Mughaffal’s abovementioned tradition, white jars rarely appear in traditions about *nabīdh* in jars. They do appear in another tradition also transmitted by Ibn Fuḍayl about ‘Alī b. Abī Ṭālib drinking *nabīdh* from white jars.⁸⁴ Two other versions of ‘Alī’s tradition not transmitted by Ibn Fuḍayl present ‘Alī drinking from green jars.⁸⁵ Apparently, “white jars” were closely associated with Ibn Fuḍayl’s traditions.⁸⁶

⁸⁰ Juynboll, *ECH*, s.v. “Muḥammad b. Fuḍayl.”

⁸¹ For his biography, see Ibn Sa‘d, *Ṭabaqāt*, 8:456 (no. 3335); al-Bukhārī, *Tārīkh*, 7:322 (no. 1371).

⁸² Ibn Abī Shayba, *Muṣannaf*, 8:87-88 (no. 24244). This tradition appears to have partly influenced the wording of a tradition attributed to Anas in al-Ḥarībī: *kānati l-ḥanātīm qilāl^{an} yujā’ bi-hā min Miṣra muqayyarāt al-ajwāf. Gharīb al-ḥadīth*, 666.

⁸³ Ibn Ḥanbal, *Ashriba*, 48 (no. 57).

⁸⁴ Ibn Abī Shayba: *kāna* [yunbadhu] li-‘Aliyyⁱⁿ zabīb^{im} fī jarratⁱⁿ bayḍā’ a fā-yashrabu-hu. *Muṣannaf*, 8:98-99 (no. 24301). Cf. Ibn al-Mu‘tazz, *Fuṣūl*, 147-48. The source of Ibn al-Mu‘tazz’s tradition is likely Ibn Fuḍayl.

⁸⁵ Ibn Sa‘d, *Ṭabaqāt*, 8:364; al-Mukhalliṣ, *Mukhalliṣiyyāt*, 2:354 (no. 1732).

⁸⁶ For a Kufan tradition defining *ḥantam* as “red jars and white jars,” see Ibn ‘Adī, *Kāmil*, 2:70 (no. 1762).

Some traditions mention “red jars,” as in the following tradition of al-Ṣalt b. Bahrām (Kufa, d. mid-2nd/8th c.) from al-Nakha‘ī:

[*Ḥantam*] are red jars (*jirār ḥumr*), covered with tar (*muqayyara*)⁸⁷ that were brought from the Levant.⁸⁸

The definition of al-Ṣalt’s tradition notes that the *ḥantam* were coated with tar and does not mention if they contained wine. Since tarred jars were known to be problematic,⁸⁹ the definition implies that *ḥantam* were problematic or prohibited because they were tarred, and not because they contained wine.

Theoretically, one may read in al-Ṣalt’s tradition “wine jars” instead of “red jars,” if one ignores the diacritic marks and vowel signs. There is, curiously, another version of al-Ṣalt’s tradition that is unambiguously worded. According to this version, al-Nakha‘ī said:

[*Ḥantam*] were (*kānat*) wine jars (*jirār khamr*), covered with tar (*muqayyara*) that were brought from the Levant, and called *ḥantam*.⁹⁰

In this version, the verb *kānat* is inserted before *jirār khamr* making it the *ḵabar* of *kānat*.

Consequently, the reading “red jars” is impossible here since it would have to be written *jirār^{an}*

⁸⁷ For the translation of *muqayyar* (covered with pitch/tar), see §3.4.1.

⁸⁸ *Isnād*: ‘Ubaydallāh Ibn ‘Umar (Basra, Baghdad, d. 235/849) ← Ibn Numayr (Kufa, d. 199/815) ← al-Ṣalt b. Bahrām ← al-Nakha‘ī. Al-Ḥarbī: [*al-ḥantamu*] *jirār^{an} ḥumr^{an} muqayyara^{an} yu ‘tā bi-hā mina l-Shām*. *Gharīb al-ḥadīth*, 667. This tradition, or a version of it, seems to have inspired the definition of *ḥantam* in Ibn Ḥibbān, *Ṣaḥīḥ*, 12:228 (no. 5407).

⁸⁹ See §4.6.1.

⁹⁰ *Isnād*: Ibn Numayr and Wakī‘ (Kufa, d. 197/812) ← al-Ṣalt b. Bahrām ← al-Nakha‘ī. Ibn Abī Shayba: *kānat* [*al-ḥanātimu*] *jirāra khamrⁱⁿ muqayyara^{an} yu ‘tā bi-hā mina l-Shām*. *Muṣannaf*, 8:118-19 (no. 24412).

ḥumr^{an} with two additional *alifs* marking the *tanwīn*. Even though “wine” has been reinstated in this version, the jars are still described as “covered with tar.” In other words, this version mentions two problematic aspects of *ḥantam*: (1) they contained wine; and (2) they were coated with tar. The inclusion of both aspects may be seen as redundant.

The following is another closely related tradition from Abū l-Aḥwaṣ (Kufa, d. 179/795)
← Muslim al-Aʿwar (Kufa) ← Ibn Abī Laylā:

Ḥanātim are red jars (*jirār ḥumr*), covered with tar (*muzaffata*), which were conveyed from Egypt, and which are not the green jars.⁹¹

This version does not mention that the red jars were used for wine, implying that the problem with them may lie in their being lined with tar. It also stresses that the jars were red not green.

In another version of Abū l-Aḥwaṣ’s tradition, the verb *kānat* was inserted before the noun:

Ḥanātim were (*kānat*) red jars (*jirār^{an} ḥumr^{an}*), covered with tar (*muzaffata*), which were conveyed from Egypt, and which are not the green jars.⁹²

Here, the addition of the verb protects the reading “red jars.” Tillier and Vanthieghem see in this version proof that the original reading is “red jars” and not “wine jars” or “green jars.”⁹³

However, unambiguous readings are generally later than ambiguous readings. This text critical

⁹¹ Al-Harbī, *Gharīb al-ḥadīth*, 667.

⁹² Ibn Abī Shayba, *Muṣannaḥ*, 8:119 (no. 24414).

⁹³ Tillier & Vanthieghem, “Amphores rouges,” 43-4.

principle is related to the principle *lectio difficilior potior*. Furthermore, there is no reason to prefer this tradition's reading *kānat... jirāran ḥumran* (“[they] were red jars”) over the reading *kānat jirār khamr* (“[they] were wine jars”) of the abovementioned version of al-Ṣalt's tradition. If anything, the latter reading should be preferred because it is more controversial implying the consumption of intoxicants by the Companions.

Shu‘ba transmits a similar tradition from his teacher al-Ḥakam b. ‘Utayba (Kufa, d. 114-115/732-733) on the authority of Ibn Abī Laylā, saying:

Ḥantam are red jars (*jirār ḥumr*) which were conveyed from Egypt.⁹⁴

In one variant, he adds that these jars contained wine.⁹⁵ This tradition defines *ḥantam* as “red jars.” Shu‘ba's transmission of this tradition is surprising. As noted above, he transmitted many traditions, which he probably invented, that define *ḥantam* as “jars.”⁹⁶ Since the definition “red jars” does not agree with his understanding of the law, he must have learned it from another source, namely his teacher, al-Ḥakam. Shu‘ba's traditions with the definition “jars” were more widely circulated than his tradition with the definition “red jars.” Their greater popularity is due in part to their being attributed to the likes of Ibn ‘Umar and ‘Ā’isha, who were more esteemed than Ibn Abī Laylā.

⁹⁴ Abū l-Faḍl al-Zuhrī: *wa-l-ḥantamu jirār^{um} ḥumr^{um} kāna yu'tā bi-hā min Miṣr. Ḥadīth*, 121 (no. 59).

⁹⁵ Ibn Abī Shayba, *Muṣannaḥ*, 8:119 (no. 24415). In this version, the jars are “green” not “red.” This change was perhaps made by a copyist or transmitter.

⁹⁶ See §3.3.1.3.

An attempt to reconcile the two readings, “wine jars” and “red jars” is found in a version of the abovementioned tradition of Abū Bakra. Abū ‘Ubayd (d. 224/838) and al-Bazzār (d. 292/905) record this version with a Basran *isnād*. According to this version, Abū Bakra said:

As for *ḥantam*, they are red jars (*jirār ḥumr*) which were brought to us [viz., the people of Medina] containing wine (*khamr*).⁹⁷

According to a relatively late tradition recorded by al-Ṭabarānī (d. 360/971), the Kufan al-Aswad b. Yazīd (d. 75/694) once asked ‘Ā’isha if *ḥantam* are “these green jars.” He was likely referring to certain green jars commonly used in Iraq. Be that as it may, she responded:

Ḥantam are red jars in which tar and wine were brought from Egypt to Medina.⁹⁸

Later Muslims who encountered these traditions were embarrassed by the image of wine jars being imported to Medina during the time of the Prophet. It was inappropriate to insinuate that he and his community had anything to do with wine. To overcome this embarrassment, they preferred the reading “red jars” to “wine jars,” or to alter the tradition in other ways. For example, when Ibn al-Athīr (Mosul, d. 606/1210) cites Abū ‘Ubayd’s abovementioned definition of *ḥantam* as “wine jars,” he adds that the “wine” was made of ripe dates and half-ripe ones (*al-ruṭab wa-l-busr*).⁹⁹ In other words, according to Ibn al-Athīr’s version, the “wine” of the

⁹⁷ *Isnād*: ‘Uyayna b. ‘Abd al-Raḥmān (Basra, d. after 148/765) ← his father, ‘Abd al-Raḥmān b. Jawshan (Basra) ← Abū Bakra. See Abū ‘Ubayd, *Gharīb*, 1:400-01 (no. 128); al-Bazzār, *Baḥr*, 9:135-36 (no. 3689). Cf. Tillier & Vanthieghem, “Amphores rouges,” 43-4.

⁹⁸ Al-Ṭabarānī: *qultu: fa-mā hādhihi l-jirāru l-khuḍr? Hiya l-ḥantam? Qālat: lā! hiya l-jirāru l-ḥumru kāna yuḥmalu fī-hā zift^{um} wa-kāna yuḥmalu fī-hā khamr^{um} min Miṣra ilā l-Madīna. Al-Mu’jam al-awsaṭ*, 3:222 (no. 2977).

⁹⁹ Ibn al-Athīr, *Shāfi*, 5:322. In this version, the jars are not described as “red.”

Companions was *faḍīkh* (a type of *nabīdh*) and not wine made from grapes. Likewise, the Hadith expert al-Baghawī (d. 516/1122) presents the following bowdlerized version of Abū ‘Ubayd’s definition:

[*Hantam*] are green jars, in which vinegar was brought to Medina.¹⁰⁰

Here, the aging of the tradition led to “wine” turning into “vinegar.”

Finally, to reconcile the conflicting reports that *ḥantam* were either “green” or “red,” the lexicographer al-Layth b. al-Muẓaffar (d. ca. 184/800) said that *ḥantam* are green jars and reddish-[green] jars.¹⁰¹ Following him, Ibn Sīdah (d. 458/1066) records the opinion that they were “reddish green.”¹⁰²

In sum, the definition of *ḥantam* referring to “wine jars,” which were allegedly imported to Medina from Egypt (or Syria) in the time of the Companions, was introduced in Kufa before 142/759-60, the year of Ibn Abī Ismā‘īl’s death. The originator of this definition, probably Ibn Abī Ismā‘īl or his teacher, was probably a proponent of using green jars. He likely did not have a particular Egyptian or Levantine ceramic jar in mind. He merely intended to counter the popular Iraqi definition of *ḥantam* as “green jars.”

¹⁰⁰ Al-Baghawī: *qāla Abū ‘Ubayd* [= *al-Qāsīmu b. Salāmi: al-ḥantamu*] *hiya jirār^{um} khuḍr^{um} kānat yuḥmalu fī-hā l-khall ilā l-Madīna. Sharḥ al-sunna*, 11:366.

¹⁰¹ Al-Khalīl, *‘Ayn*, 3:336; al-Azharī: *al-ḥantamu mina l-jirāri l-khuḍru wa-mā yaḍribu lawnu-hu ilā l-ḥumra. Tahdhīb al-lughā*, 5:330. For Ibn al-Muẓaffar’s role as the author of *al-‘Ayn*, see R. Sellheim, “al-Layth b. al-Muẓaffar,” *EP*.

¹⁰² Ibn Sīdah: *wa-l-ḥantamu jirār^{um} khuḍr^{um} taḍribu ilā l-ḥumra. Muḥkam*, 4:54, s.v. *ḥantam*. Cf. al-Madīnī, *al-Majmū‘ al-mughūth*, 1:508.

Some transmitters and scribes, perhaps wishing to avoid associating Companions with wine, changed “wine jars” to the graphically similar “red jars.” The proponents of green jars had no qualms about accepting this change. If anything, it further proved that *ḥantam* were not green jars. However, since they removed “wine” from the tradition, they needed a new reason for why these jars were problematic. And so, they explained that the “red jars” were lined with tar. Jars lined with tar were a category of ceramics known to have been prohibited by the Prophet. Tillier and Vanthieghem assertion that the “red jars” in these traditions are certain Egyptian amphorae (LRA 7) is untenable. Proponent of green jars in Kufa invented the definition of *ḥantam* as “red jars.” Their aim was to refute the definition of the opponents of green jars, who held that the *ḥantam* prohibited by the Prophet are “green jars.”

3.3.1.5 Some unusual definitions of *ḥantam* by al-Qāḍī ‘Iyāḍ

Many of the definitions discussed in the previous section are preserved in the lexicon of al-Ḥarbī (Baghdad, d. 285/899).¹⁰³ The Andalusī al-Qāḍī ‘Iyāḍ (d. 544/1149) relied on this lexicon in his own super-commentary on the *Ṣaḥīḥ* of Muslim (d. 261/875). Al-Qāḍī ‘Iyāḍ cites some of these definitions with interesting additions and changes. Regarding Ibn Abī Laylā’s definition that *ḥantam* “are red jars (*jirār ḥumr*), covered with tar, which were conveyed from Egypt, and which are not the green jars.” Al-Qāḍī ‘Iyāḍ adds that *ḥantam* “are not the long green [jars],” and explains that *ḥantam* were prohibited “because their mouths were narrow, and wine used to be

¹⁰³ Al-Ḥarbī, *Gharīb al-ḥadīth*, 666-67.

transported in them (*ḍayyiqat afwāhi-hā yusāq fī-hā l-khamr*).” He adds that ‘Ā’isha defined *ḥantam* as “red jars whose necks are on their sides (*a ‘nāqu-hā fī junūbi-hā*), in which wine was brought from Egypt.” He also claims that Ibn Abī Laylā said that *ḥantam* were jars “whose mouths were on their sides (*afwāhu-hā fī junūbi-hā*),” “in which wine was brought from al-Ṭā’if,” and “in which people used to prepare *nabīdh* [which] they made to resemble wine.” Al-Qāḍī ‘Iyāḍ also attributed to Ibn al-Musayyab the view that *ḥantam* were “tarred [jars] that were brought from the Levant,” and that “later, these green [jars] appeared (*fa-ḥadathat hādhihi l-khuḍr*), and some people drank from them [viz., the green jars] while others found them reprehensible.”¹⁰⁴ It is not stated explicitly, but presumably Ibn al-Musayyab’s words here mean that those who found green jars reprehensible did so by anachronistically labeling them *ḥantam*. It is unclear on what sources, besides al-Ḥarbī, al-Qāḍī ‘Iyāḍ is relying here.

3.3.1.6 Ḥanātīm = *the ḥanātīm of the non-Arabs*

Ḥanātīm are “the *ḥanātīm* (certain jars) of the non-Arabs or Persians (*ḥanātīm al-‘Ajām*), into which a person would climb and sweep them with a broom, wine receptacles,” as reportedly defined by Umm Ma‘bad in the abovementioned tradition. Yaḥyā l-Jābir (Kufa, d. early 2nd/8th century) appears to have popularized this tradition which he may have invented. Umm Ma‘bad’s definition is in line with the other abovementioned Kufan definitions that define *ḥantam* as jars that had contained wine.

¹⁰⁴ Al-Qāḍī ‘Iyāḍ, *Ikmāl al-mu‘lim*, 1:232.

3.3.1.7 Ḥantam = *Jars made with blood and hair*

Ḥantam are jars made of a clay mixed with hair and blood. Al-Qāḍī ‘Iyāḍ attributed this definition to a certain ‘Aṭā’ (presumably ‘Aṭā’ b. Abī Rabāḥ [Mecca, d. 114/733 or 732]). Even though al-Qāḍī ‘Iyāḍ records this tradition without an *isnād*, he was likely relying on an earlier source. It is explained that hair and blood are two ritually unclean substances that rendered the use of jars made from them problematic.¹⁰⁵

3.3.1.8 Ḥantam = *(green) glazed ceramics*

As noted by ‘Abd al-Qādir al-Maghribī in 1951, medieval Arabic speakers gradually expanded the definition of *ḥantam* so that it referred not only to “green jars” but to any “green or blue ceramic.” He provides an example from al-Nuwayrī (d. 733/1333) who, writing in the Mamluk period, uses it in this sense.¹⁰⁶ Over time, *ḥantam* became a general term meaning “green glaze” or “glaze.”¹⁰⁷ The development of these definitions is a testament to the popularity of the notion that *ḥantam* means green jars.

¹⁰⁵ Al-Qāḍī ‘Iyāḍ, *Ikmāl al-mu‘lim*, 1:233; idem, *Mashāriq al-anwār*, 1:203.

¹⁰⁶ Al-Maghribī, “*Taṣḥīḥ nihāyat al-arab*,” 562.

¹⁰⁷ Al-Qāḍī ‘Iyāḍ: [*al-ḥantam*] *huwa mā ṭuliya bi-l-ḥantami l-ma‘lūmi mina l-zujāji wa-ghayri-h* ([*ḥantam*] refers to what has been coated with the *ḥantam* known to be made of glass and other materials). *Mashāriq*, 1:202-03. Cf. al-Bājī, *Muntaqā*, 3:149. On *ḥantam* as “glaze” or “varnish,” see Dozy, *Supplément*, s.v. *ḥantam*.

3.3.1.9 Ḥantam = Tarred Jars

Ḥantam are tarred jars. This definition appears in several 2nd/8th century Kufan traditions which were discussed in §3.3.1.4.¹⁰⁸

Al-Qāḍī ‘Iyāḍ records the opinion that the jars known as *ḥantam* were black because they were covered in tar, but that people referred to them as “green” jars.¹⁰⁹ This opinion takes for granted a linguistic phenomenon, namely, that the Arabs would call a black thing “green.”¹¹⁰ Al-Qāḍī ‘Iyāḍ invokes this linguistic phenomenon to explain why *ḥantam* jars were thus named. Curiously, Ibn Qutayba is the earliest author that I found who cited a similar phenomenon in relation to the word *ḥantam* or *ḥanātim*. However, he cited it to explain the term *ḥanātim* meaning “clouds,” and not the term *ḥantam* meaning “jars.” According to him, [the Arabs] referred to what is green as “black.” And so, they called *ḥanātim* ([grayish green] rainclouds) “black” (*sūd*). Similarly, they called Iraq “the *Sawād* (The Blackness)” due to the greenness of its vegetation.¹¹¹ In other words, in relation to *ḥantam*, Ibn Qutayba described the phenomenon of calling green things “black” centuries before al-Qāḍī ‘Iyāḍ described the phenomenon of calling black things “green.” Ibn Qutayba was discussing clouds, whereas al-Qāḍī ‘Iyāḍ was

¹⁰⁸ Cf. al-Ḥakīm al-Tirmidhī: *wa-ka-dhālika l-ḥantam wa-hiya jirār muqayyara. Manhiyyāt*, 233.

¹⁰⁹ Al-Qāḍī ‘Iyāḍ, *Mashāriq al-anwār*, 1:202-03. Cf. al-Madīnī, *al-Majmū‘ al-mughūth*, 1:508.

¹¹⁰ On the conflation of “black” and “green” in classical Arabic, see Morabia, *Recherches*, 73-6, 78-80. The identification of colors in classical texts can be a complex matter, especially regarding “green” and “black,” two colors that were often employed to refer to a variety of gray or dark colors. Be that as it may, concerning the discussion of *ḥantam*, *jarr akḥḍar*, and *muzaffat/muqayyar*, the matter is more straightforward in my opinion. In the early Islamic period, most glazed pottery was green. While some unglazed ceramics may have had a greenish gray fabric, it is almost inconceivable that these unglazed wares would be described as “green,” when the green glazed ceramics were so prominent. Additionally, jars that were coated with tar were usually coated only on their insides. It is therefore unlikely that people would refer to these jars as “black,” when their exteriors were usually unglazed.

¹¹¹ Ibn Qutayba, *al-Anwār*, 171.

discussing jars. Apparently, the latter appealed to this linguistic phenomenon to explain why *ḥantam* are tarred jars.

Al-Qāḍī ‘Iyāḍ was a Mālikī and Mālikīs generally held that tarred jars were prohibited but that green jars were not.¹¹² Al-Qāḍī ‘Iyāḍ may have learned this definition from a Mālikī source, or he invented it himself. Whoever came up with this definition sought to define the prohibited *ḥantam* not as green jars, but as tarred jars.

3.3.1.10 Ḥantam ≠ al-mazāda al-majbūba

According to a Prophetic tradition found in the *Ṣaḥīḥ* of Muslim, *al-ḥantam* is *al-mazāda al-majbūba*.¹¹³ This is said to be a type of leather bag.¹¹⁴ Be that as it may, al-Qāḍī ‘Iyāḍ correctly argues that this definition is the result of a mistake (*waham*). A copyist made an error in the *Ṣaḥīḥ* of Muslim: Instead of writing *anhā-kum ‘ani [...l]-ḥantami [...]* *wa-l-mazādati l majbūba* (“I prohibit to you [...] *ḥantam* [...] and the *mazāda majbūba*), the copyist mistakenly inserted the word *ḥantam* again. Consequently, Muslim’s text reads *anhā-kum ‘ani [...l]-ḥantami [...]*

¹¹² See §5.2.

¹¹³ Muslim, *Ṣaḥīḥ*, 3:1578 (no. 1993 [33]), and n.1 there.

¹¹⁴ According to al-Qāḍī ‘Iyāḍ, *Ikmāl al-mu‘lim*, 6:456; idem, *Mashāriq*, 1:139, *al-mazāda al-majbūba* is a leather bag the head of which was lobbed off [and sewn shut] so that it cannot be tied up and one cannot inspect its contents to see if they have fermented. According to Abū ‘Ubayd al-Harawī, *Kitāb al-gharībayn*, 310-11, *al-mazāda al-majbūba* or *al-jubb* is a sewn leather bag that has absorbed the *nabīdh* which was prepared in it. According to al-Khaṭṭābī, *Ma‘ālim al-Sunan*, 4:268–69, *al-mazāda al-majbūba* is a leather bag that does not have a spout on its bottom, so that its owner cannot inspect its contents.

wa-l-ḥantamu l-mazādatu l majbūba (“I prohibit to you [...] *ḥantam* [...] and *ḥantam* is the *mazāda majbūba*).¹¹⁵

3.3.1.11 Ḥantama = a small jar

The lexicographer Abū ‘Amr Ishāq b. Mirār al-Shaybānī (d. ca. 206/821) records the expression *ka-anna baṭna-hu ḥantama* (“as if his belly is a *ḥantama*”), explaining that *ḥantama* refers here to “a small jar.”¹¹⁶ I have not found this expression in context, so it is difficult to gauge if *ḥantama* really means here “small jar.”

3.3.1.12 Ḥantam = red jugs and green jugs

The Abbasid philologist Muḥammad b. Ḥabīb al-Baghdādī (d. 245/859) commented on the following verse of the Umayyad poet Jarīr b. ‘Aṭīyya (d. 110/728-29):

wa-idhā l-muṭawwaqu bāda fī arjā’i-hā ḥusibat naqā’idu-hu fulāqa l-ḥantam

(when the dove lays eggs on the side of it [viz. a previously mentioned well], her broken pieces [of eggshells] look like broken pieces of *ḥantam*)

Ibn Ḥabīb explained that *ḥantam* here are “red jugs and green jugs” (*al-kīzān al-ḥumr wa-l-khudr*).¹¹⁷ This definition appears to be based on the abovementioned definitions of *ḥantam* as

¹¹⁵ Al-Qādī ‘Iyād, *Mashāriq*, 1:139. Cf. Ibn Ḥanbal, *Musnad*, 16:242 (no. 10373).

¹¹⁶ Abū ‘Amr, *al-Jīm*, 1:148 and 175.

¹¹⁷ Muḥammad b. Ḥabīb, *Dīwān Jarīr*, 1:69.

red jars or green jars. The size of a *kūz* (pl. *kīzān*) varies and it may refer to a mug or small jug. It may be ceramic.¹¹⁸ It is reported that *nabīdh* was prepared for a boy in a *kūz* during the time of the Prophet.¹¹⁹

3.3.1.13 *Ḥantam* in *Imāmī* sources

Until now, I have surveyed definitions for *ḥantam* found in Sunni sources. To these, may be added some definitions found in non-Sunni sources. There is some overlap between Sunni and non-Sunni definitions, but a few definitions are found exclusively in non-Sunni sources. I will now mention some of these definitions.

The *Imāmī* scholar, Muḥammad b. Ya‘qūb al-Kulaynī (Qomm, Baghdad, d. 329/941), records two definitions of *ḥantam*. He attributes one to Ja‘far al-Ṣādiq (d. 148/765), who reportedly said that *ḥantam* are “green jars.”¹²⁰ The other appears as an explanation for *ḥantam* in a tradition of al-Ṣādiq, but it is unclear if this definition is uttered by him or by some other transmitter. According to this definition, *ḥantam* are *ghaḍār*.¹²¹ *Ghaḍār* likely refers to porcelain or porcelain-like ceramics.¹²²

¹¹⁸ For *kūz* as “cup,” see Nasrallah, *Annals*, 802; Nasrallah, *Treasure Trove*, 583. For *kūz* as a “jug,” see Rosen Ayalon, “Themes of Sasanian origin,” 360. For *kūz* as a “sphero-conical vessel,” see Ghouchani and Adle, “Sphero-Conical Vessel,” 72–92.

¹¹⁹ ‘Abd al-Razzāq, *Muṣannaf*, 9:204 (no. 16941). The Prophet ordered to pour the contents of the *kūz* out and to break it.

¹²⁰ Al-Kulaynī: *wa-l-ḥantamu jirār^{um} khudr^{um}*. *Kāfi*, 12:741–42 (no. 12329).

¹²¹ Al-Kulaynī: *al-ḥantam ya‘nī l-ghaḍār*. *Kāfi*, 12:738–39 (no. 12327).

¹²² Goitein, *Mediterranean Society* 1:111; Dozy, *Supplément*, s.v. *ghaḍār*; E.W. Lane, *Lexicon*, s.v. *ghaḍār*. *Ghaḍār* also refers to clay that is “cohesive” and “green,” and to pottery made of such clay. It is not green glazed pottery. Cf. al-Ḥillī, *Mukhtalaf al-Shī‘a*, 9:195. Here, *mughaddar* may mean “covered with a porcelain-like glaze.”

These definitions are recorded also in the Hadith collection of Abū Ja‘far al-Ṭūsī (d. 459/1067), but his version replaces “green jars” with “blue jars.”¹²³ According to Ibn Bābawayh (Khorasan, Baghdad, d. 381/991), Ja‘far al-Ṣādiq defined *ḥantam* as “the jars of al-Arzan.”¹²⁴ Al-Arzan is a place near Shiraz.¹²⁵ According to another version of his definition, *ḥantam* are “the jars of al-Urdunn (Jordan).”¹²⁶ In Arabic script, al-Arzan and al-Urdunn are orthographically similar. One was confused with the other. Al-Ṭūsī, in a different work, defines *ḥantam* as a “small jar.”¹²⁷ He is probably influenced by the abovementioned definition of Abū ‘Amr al-Shaybānī.

3.3.1.14 Ḥantam in Zaydī sources

The Imām of the Zaydīs, Zayd b. ‘Alī (d. 122/740), reportedly defined *ḥantam* as *barānī* (sgl., *barniyya*).¹²⁸ This definition is recorded in the *Musnad* attributed to Zayd. The *Musnad* was edited in the 4th/10th century and seems to reflect early Kufan and Yemeni Law more than it does Zayd’s actual words.¹²⁹

¹²³ Al-Ṭūsī: *wa-l-ḥantamu l-jirāru l-zurq. Tahdhīb al-aḥkām*, 9:133-34 (nos. 234 and 235).

¹²⁴ Ibn Bābawayh: *wa-l-ḥantam jirāru l-arzan. Al-Khiṣāl*, 251.

¹²⁵ Yāqūt, *Mu‘jam al-buldān*, s.v. *Arzan*.

¹²⁶ Ibn Bābawayh: *wa-l-ḥantam jirāru l-Urdunn. Ma‘ānī l-akhbār*, 2:50-51.

¹²⁷ Al-Ṭūsī, *al-Mabsūt*, 8:60. Cf. al-Kalwadhānī, *al-Hidāya*, 543. Al-Kalwadhānī appears to be relying on al-Ṭūsī or both are derived from a common source.

¹²⁸ Griffini, ed., *Corpus iuris di Zaid Ibn ‘Alī*, 141 (no. 524).

¹²⁹ Ahmad Pakatchi, “Abū Khālid al-Wāsiṭī,” in *Encyclopedia Islamica*, ed. Wilferd Madelung et Farhad Daftary (Brill Online); Wilfred Madelung, “Zayd b. ‘Alī b. al-Ḥusayn,” *IEP*.

What did Zayd mean by this definition? *Barniyya* (pl. *barānī*, *barniyyāt*), a word probably of Persian origin, is a receptacle described variously in classical lexica. According to some definitions, it refers to a large (or bulky) green (or glazed) ceramic receptacle.¹³⁰ However, according to others it may refer to a small wide-mouthed receptacle that may be made of different materials.¹³¹ Ḥakīm b. Jubayr reportedly saw a *barniyya* of *nabīdh* at the home of Ibrāhīm al-Nakha‘ī (Kufa, d. 97/715-16).¹³² Given the context, *barniyya* in Zayd’s definition likely means a large ceramic jar, possibly green-glazed.

3.3.1.15 Ḥantam in *Ibādī sources*

The Ibādī Imām al-Rabī‘ b. Ḥabīb al-Azdī al-Farāhīdī (Basra, d. ca. 180/796) reportedly defined *ḥantam* as “green jars” (*al-qilāl al-khuḍr*).¹³³ This definition is recorded in the Hadith collection of the North African Ibādī scholar Abū Ya‘qūb Yūsuf b. Ibrāhīm al-Warjalānī (d. 570/1174). In his collection, he appears to have taken traditions from Sunni collections and equipped them with chains of transmission attributed to al-Rabī‘, a trusted Ibādī authority.¹³⁴ Even though the

¹³⁰ E.W. Lane, *Lexicon*, s.v. *barniyya*; Dozy, *Supplément*, s.v. *muḥantam*.

¹³¹ E.W. Lane, *Lexicon*, s.v. *barniyya*; Nasrallah, *Annals*, 680; Nasrallah, *Treasure Trove*, 576. According to al-Tanūkhī, *Nishwār al-muḥāḍara*, 1:178, a piece of a broken glass *qadah* (“cup”) was once repurposed as a *barniyyat ghāliya* (“perfume jar”). According to *ibid.*, 1:342, there was a *barniyya* that fit 3,000 dinars. An image of a small 13th century green-glazed jar from Iran is labelled *barniyya* in Nasrallah, *Treasure Trove*, 294. For this jar, see C. Wilkinson, *Nishapur*, 267, no. 23, and 280, no. 23. According to the 1943 article, Ettinghausen, “The Bobrinski ‘Kettle,’” 195, “Small buckets [...] (called *burniya* or *barniya*) are still used by peddlers of sour milk and cheese in modern Syria, while large wide-mouthed ones serve for milking cows or for drawing water from the well.”

¹³² *Isnād*: Muḥammad b. Ismā‘īl al-Tamīmī (Isfāhan, d. 297/910) ← Ismā‘īl b. [‘Amr al-Bajalī] (Kufa, Isfāhan, d. 227/842) ← Ja‘far b. Ziyād (Kufa, d. 167/784) ← Ḥakīm b. Jubayr (Kufa). Abū l-Shaykh, *Ṭabaqāt*, 3:485.

¹³³ Al-Warjalānī, *al-Jāmi‘*, 2:54 (no. 631). On the authorship of the Musnad of al-Rabī‘, see Cilardo, “Musnad al-Imām al-Rabī‘,” 107–18.

¹³⁴ On Ibādī Ḥadīth, see J. Wilkinson, *Ibādism*, 432–37.

attribution of this definition to him is likely unfounded, it still may reflect older Ibādī views that were prevalent in Basra.

3.3.1.16 Ḥantam *summary*

In sum, in the dialect of the Hijazis, the word *ḥantam*, possibly borrowed from Syriac, originally referred to certain jars, that may have been dark-colored. The Hijazis seem to have used it to describe a type of jar imported from abroad, perhaps from al-Ḥīra or other parts of Iraq. The word appears in Ḥadīth, although its meaning was contested early on. While Hadith transmitters generally understood this term as referring to jars, it was unclear which exactly. In the Late Umayyad Period, Iraqis popularly interpreted *ḥantam* as “green jars,” and this may have been its original meaning. Around this time, transmitters began circulating various definitions for it (See TABLE 3.1). Many of these definitions may be traced to the first half of the 2nd/8th century. Basrans promoted traditions defining *ḥantam* as “green jars.” Kufans presented competing traditions defining *ḥantam* as certain wine jars imported to Medina in the time of the Prophet. The transmitter Shu‘ba, who moved from Kufa to Basra, was particularly invested in promoting a third definition, namely that *ḥantam* were jars in general. These different definitions likely reflect different legal opinions: The Basrans held the Prophet prohibited green jars. The Kufans held that he did not prohibit green jars. And Shu‘ba held that he had prohibited all jars.

Two definitions gained the most traction in Sunni works: “green jars” and “jars.” The definition “green jars” seems to have also been adopted by the Ibādīs, the Imāmīs, and possibly the Zaydīs. Over time, the definition “green jars” gained the most traction, at least, according to the following testimony of the Ḥadīth commentator al-Nawawī (d. 676/1277):

As for *ḥantam*, there was disagreement over its meaning. The most correct and cogent opinion is that they are green jars. This explanation is firmly documented in “The Chapter on Drinks” in the *Ṣaḥīḥ* of Muslim in a tradition on the authority of Abū Hurayra. The Companion ‘Abdallāh b. Mughaffal also held this opinion. Additionally, this is the opinion of most or many of the Arabic language experts, those who specialize in the difficult vocabulary of Ḥadīth, the Ḥadīth scholars, and the jurists.¹³⁵

¹³⁵ Al-Nawawī: *wa-ammā l-ḥantam fa-khtulifa fī-hā fa-aṣaḥḥu l-aqwāl wa-aqwā-hā anna-hā jirār khudr [...] wa-bi-hi qāla l-aktharūn aw kathīrūn min ahl al-lughā wa-gharībi l-ḥadīth wa-l-muḥaddithīn wa-l-fuqahā*. *Sharḥ*, 1:185. Al-Nawawī’s text appears to be based on al-Qāḍī ‘Iyāḍ, *Ikmāl al-mu’lim*, 1:232-33. According to al-Nawawī, Ibn Mughaffal said that *ḥantam* are “green jars,” but according to al-Qāḍī ‘Iyāḍ, he said that they are “green jars and white jars.” Cf. al-Ṭayālīsī, *Musnad*, 2:233 (no. 960), where Ibn Mughaffal defines *ḥantam* as “green jars and white jars.”

Definition	Affiliation	Early Verifiable Source	Authority	Provenance
Green jars	Sunni	ʿAbd al-Khāliq b. Salima (Basra, d. early 2 nd c./ca. 720-770)	Saʿīd b. al-Musayyab (Medina, d. 94/713)	Basra
Green jars	Sunni	Wuhayb b. Khālid (Basra, d. 165/782)	Abū Hurayra (Medina, d. 58/678)	Basra
Green Jars	Lexicography	al-Mubarrad (Basra, d. 286/900)	“The Arabic Experts”	Basra
Green jars	Imāmī	al-Kulaynī (Qomm, Baghdad, d. 329/941)	Jaʿfar al-Šādiq (d. 148/765)	Baghdad
Green jars	Ibādī	al-Warjalānī (North Africa, d. 570/1174).	al-Rabīʿ b. Ḥabīb (Basra, d. ca. 180/796)	Basra
Green jars & white jars	Sunni	ʿĀṣim b. Sulaymān (Basra, d. ca. 142/759)	Ibn al-Mughaffal (Basra, d. 60/680)	Basra

Table 3.1: A Summary of Some of the Major Definitions of *Ḥantam*. “Affiliation” refers to the affiliation of the author of the work (or works) in which the definition is found. In this column, “lexicography” refers to definitions found in lexicons and other philological works not primarily concerned with Hadith. “Early Verifiable Source” refers to the earliest transmitter or author that I have been able to verify as a source of this definition. This is often the “common link” for definitions recorded with isnāds. It is possible that earlier (or later) sources can be found. “Authority” refers to the earliest person who allegedly gave the definition. Bear in mind that the earlier and more esteemed an authority is the more likely it is that the definition attributed to him or her is late. “Provenance” refers to my assessment of the general geographical origin of the definition. This is usually based on an analysis of the isnād (or isnāds) of the definition or the transmission history of the work in which the definition is found.

Definition	Affiliation	Early Verifiable Source	Authority	Provenance
Jars	Sunni	Shu‘ba b. al-Ḥajjāj (Kufa, Basra, d. 160/776)	Sa‘īd b. Jubayr (Kufa, d. 95/714)	Basra
Jars	Sunni		Zādhān (Kufa) ← ‘Abdallāh b. ‘Umar (Medina, d. 73/693)	Basra
Jars	Sunni		Jabala (Kufa) ← ‘Abdallāh b. ‘Umar (Medina, d. 73/693)	Basra
Jars	Sunni		‘Ā’isha (d. 58/678)	Basra
Jars	Sunni	Abū l-Naḍr (Baghdad, d. 207/823)	Nāfi‘ (Medina, d. 117/735)	Baghdad
Jars	Sunni/ Lexicography	al-Mubarrad (Basra, d. 286/900)	al-Aṣma‘ī (Basra, d. 213/828)	Basra
Jars	Sunni/ Lexicography	Abū ‘Amr al-Shaybānī (Kufa, d. ca. 206/821)	Abū ‘Amr al-Shaybānī (Kufa, d. ca. 206/821)	Kufa
“ <i>Barānī</i> ” (jars)	Zaydī	Abū Khālid al-Wāsiṭī (d. 4th/10th)	Zayd b. ‘Alī (d. 122/740)	Kufa/Yemen

Table 3.2: continued.

Definition	Affiliation	Early Verifiable Source	Authority	Provenance
Egyptian wine jars	Sunni	Ibn Abī Ismā‘īl (Kufa, d. 142/759-60)	Anas b. Mālik (d. ca. 91-95/709-713)	Kufa
Egyptian wine jars	Sunni (Shi‘i)	Muḥammad b. Fuḍayl (Kufa, d. ca. 195/811)	Ibrāhīm al-Nakha‘ī (d. ca. 96/717)	Kufa
Tarred Syrian wine jars [or red jars]*	Sunni	al-Ṣalt b. Bahrām (Kufa, d. mid-2nd/8th c.)	Ibrāhīm al-Nakha‘ī (d. ca. 96/717)	Kufa
Tarred Egyptian red jars	Sunni	Abū l-Aḥwaṣ (Kufa, d. 179/795)	Ibn Abī Laylā (d. ca. 83/702)	Kufa
Egyptian red jars	Sunni	Shu‘ba b. al-Ḥajjāj (Basra, d. 160/776)	Ibn Abī Laylā (d. ca. 83/702)	Kufa
Egyptian red jars for wine	Sunni	‘Uyayna b. ‘Abd al-Raḥmān (Basra, d. after 148/765)	Abū Bakra al-Thaqafī (d. 51/671)	Basra
Green jars & reddish-green jars	Sunni/ Lexicography	al-Layth b. al-Muẓaffar (Kufa, d. ca. 184/800)	al-Layth b. al-Muẓaffar (Kufa, d. ca. 184/800)	Kufa
“The <i>ḥanātīm</i> of the non-Arabs”	Sunni	Yahyā al-Jābir (Kufa, d. early 2nd/8th century)	Umm Ma‘bad (Kufa, fl. 1 st /7 th century)	Kufa
Jars made with blood & hair	Sunni	al-Qāḍī ‘Iyāḍ (al-Andalus, d. 544/1149)	‘Aṭā’ [b. Abī Rabāḥ?] [Mecca, d. 114/733 or 732]	?
Small jar	Lexicography	Abū ‘Amr al-Shaybānī (Kufa, d. ca. 206/821)	Abū ‘Amr al-Shaybānī (Kufa, d. ca. 206/821)	Kufa

Table 3.1: continued.

3.3.2 Jarr and Other Terms Denoting Ceramic Jars in General

3.3.2.1 Jarr -introduction

Al-jarr is a collective plural (sg., *jarra*, diminutive, *jurayra*, non-collective pl., *jirār*). It is usually translated as “jars.”¹³⁶ As noted above in the tradition of Zādhān and Ibn ‘Umar, this word was more intelligible to Iraqis than the Hijazi *ḥantam*.¹³⁷ It may refer to jars in general or only to a subset of jars.

3.3.2.2 Jarr = Ceramic Jars and Receptacles

Commonly *jarr* denote ceramic jars. They are sometimes used synonymously with terms meaning “ceramics” or “pottery,” like *fakhhār*,¹³⁸ or *khazaf*,¹³⁹ or said to be made of “clay,” i.e., *madar*¹⁴⁰ or *tīn*.¹⁴¹

¹³⁶ E.W. Lane, *Lexicon*, s.v. *jarra*.

¹³⁷ See §3.2.1.

¹³⁸ For example, in Ibn Ḥanbal, *Musnad*, 15:206-07 (no. 9354), the Basran transmitter Ibn Sīrīn is unsure if his informants said *jarr* or *fakhhār* (cf. al-Bazzār, *Baḥr*, 17:255-56 [no. 9940]). The term *fakhhār*, a term of Syriac origin, appears once in Q 55:14, where its meaning is debated. It refers there either to “pottery” or “a potter.” For its origin, see Lidzbarski, “Zu arabisch *fahḥār*,” 189-92. For *fakhhār* meaning “potter,” see Fischer, “Zu arabisch *fahḥār*,” 328-39. Cf. <https://corpuscoranicum.de/en/verse-navigator/sura/55/verse/14/intertexts/191>.

¹³⁹ For example, al-Khalīl, ‘*Ayn*, 4:210, defines *khazaf* as *jarr*. See also E.W. Lane, *Lexicon*, s.v. *khazaf*. Ibn Abī ‘Āṣim records a tradition in *al-Āḥād wa-l-mathānī* (5:257 [no. 2783]), where *al-khazaf* and *al-jarr* are listed beside each other, as if they are two separate things.

¹⁴⁰ E.W. Lane, *Lexicon*, s.v. *madar*.

¹⁴¹ Ibn Sīdah: *al-ma‘rūfu ‘inda l-‘Arabi [anna l-jarra] mā ttukhidha mina l-tīn*. *Muḥkam*, 7:146.

A ceramic receptacle or piece is sometimes known as a *fakhhāra*.¹⁴² According to a tradition with a Basran *isnād*, someone once told Ibn ‘Umar that a certain beverage is prepared by taking dates and putting them in a *fakhhāra*.¹⁴³

The shape of the *jarr* is not usually described, but it is often distinguished from *dann*.¹⁴⁴ This may indicate that it was often a flat-based jar. In Egypt, *jarr* may have referred to pointy-based amphorae.¹⁴⁵

3.3.2.3 Jarr = jirār ḍāriya

Commenting about traditions prohibiting *nabīdh al-jarr*, the lexicographer al-Azharī (Herat, d. 370/980) explains that *al-jarr* are *al-jirār al-ḍāriya* and that *ḥantam* are jars belonging to this category.¹⁴⁶ The term *al-jirār al-ḍāriya* probably refers to jars that have absorbed or are prone to absorbing some of their previous contents.¹⁴⁷

¹⁴² E.W. Lane, *Lexicon*, s.v. *fakhhār*.

¹⁴³ *Isnād*: Ma‘mar b. Rāshid (Basra, Yemen, d. 152/769) ← Ayyūb al-Sakhtiyānī (Basra) ← Muḥammad b. Sīrīn (Basra, d. 110/729). See ‘Abd al-Razzāq, *Muṣannaf*, 9:205 (no. 16946). In his reply, Ibn ‘Umar implied that such a beverage is *khamr*.

¹⁴⁴ See, e.g., Ibn Ḥanbal, *Ashriba*, 54 (no. 89). On *dann*, see §3.4.2.

¹⁴⁵ Goitein, *Mediterranean Society* 4:256. Cf. Tillier & Vanthieghem, “Amphores rouges,” 38, n.173.

¹⁴⁶ For example, al-Azharī, *Tahdhīb al-lughā*, 10:473. According to ‘Abd al-Razzāq, *Muṣannaf*, 9:224 (no. 17016), the Prophet was careful not to drink beverages in *al-inā’ al-ḍārī* (a receptacle [or waterskin] that had absorbed some of its previous contents).

¹⁴⁷ Cf. E.W. Lane, *Lexicon*, s.v. *ḍārīn*; al-Azharī, *Tahdhīb al-lughā*, 12:55. Al-Azharī mentions that *al-inā’ al-ḍārī* might refer to “a receptacle that has a leak”; or that *al-nabīdh al-ḍārī* might refer to “strong *nabīdh*.” However, he dismisses both these definitions.

3.3.2.4 Jarr = Non-Ceramic Receptacles

Usually *jarr* means ceramic jars, but very rarely they are said to be made of other materials like copper or glass. When this is the case, it is stated explicitly.¹⁴⁸ These containers were likely thus called because their shape resembled popular ceramic models.

3.3.2.5 Jarr = Tarred Jars

Anas b. Mālik, according to a Basran tradition, explained that the *jarr* which the Prophet prohibited are “tarred jars” (*al-jarr al-muzaffat*).¹⁴⁹

3.3.2.6 Jarr = All Jars (or All Ceramics)

Even though the literal meaning of *jarr*, as ceramic jars, was usually known, its meaning in the context of traditions about *nabīdh* was open to different interpretations. Theoretically, it could refer to jars in general, or only to certain jars (e.g., green jars). This ambiguity in meaning is discernable in the following Basran tradition about the Kufan Sa‘īd b. Jubayr. When Ibn Jubayr heard the Companion Ibn ‘Umar state that the Prophet prohibited the *nabīdh* of jars (*al-jarr*), he then went to another Companion ‘Abdallāh b. ‘Abbās (d. 68/687-8) to get a second opinion. Ibn ‘Abbās confirmed Ibn ‘Umar’s testimony and, after being asked, clarified that *al-jarr* refers to

¹⁴⁸ See, for example, ‘Abd al-Razzāq: *jarra min raṣāṣ aw jarra min qawārīr*. *Muṣannaf*, 9:208 (no. 16958).

¹⁴⁹ Al-Bukhārī, *Tārīkh*, 1:434 (no. 1397).

“everything made of clay (*al-madar*).”¹⁵⁰ Clearly, some Kufans found it difficult to accept that the Prophet had prohibited *nabīdh* in *all* jars, and needed to have the prohibition stated explicitly. In response, Basrans living in the early 2nd/8th century introduced the Ibn Jubayr tradition that clearly stated that *jarr* means all ceramic receptacles.

According to a similar tradition that may have originated with Mayyāḥ b. Sarī‘ (Basra, d. mid-2nd/8th century), “a Kufan man” once asked Ibn ‘Abbās about the *nabīdh* of jars. Ibn ‘Abbās placed two fingers on his own ears and said:

“May both these [ears of mine] go deaf, if I ever tell a lie about the Messenger of God (ﷺ)! I heard him say: “all pottery is prohibited (*al-madaru kullu-hu ḥarām*), whether white or red or black or green.”¹⁵¹

¹⁵⁰ There are many versions of Ibn Jubayr’s tradition about Ibn ‘Umar and Ibn ‘Abbās, but only some of these versions, most of which have Basran *isnāds*, include the definition of *jarr* as “anything made from clay.” These versions include: (1) A version by two Basran students (Hammām b. Yaḥyā [Basra, d. 164/790] and Jarīr b. Ḥāzīm [Basra, d. 175/791]) ← Ya‘lā b. Ḥakīm (Mecca, Basra, d. early 2nd/8th century) ← Ibn Jubayr, in Ibn Ḥanbal, *Musnad*, 10:81 (no. 5819), 148 (no. 5916), and 464 (no. 6416). (2) A version by Sa‘īd b. Abī ‘Arūba (Basra, d. 156-7/773-4) ← Qatāda b. Di‘āma (Basra, d. 117/735) ← ‘Azra b. ‘Abd al-Raḥmān (Kufa) ← Ibn Jubayr, in al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 12:43 (no. 12420). (3) A version from Abān b. Yazīd (Basra, d. ca. 164/780) [← Qatāda, possibly] ← Ibn Jubayr, in Ibn Ḥanbal, *Musnad*, 10:170 (no. 5954) and Abd al-Razzāq, *Muṣannaf*, 9:205 (no. 16945). (4) A version from Hishām al-Dastuwā‘ī (Basra, d. 152-4/769-71) ← [Qatāda, possibly] ← Ayyūb al-Sakhtiyānī (Basra, d. 131/749) ← Ibn Jubayr, in al-Nasā‘ī, *Sunan*, 5:85 (no. 5109). (5) A version from Ibn ‘Ulayya (Kufa, Basra, d. 193/809) ← Ayyūb ← Ibn Jubayr, in Ibn Ḥanbal, *Musnad*, 9:108 (no. 5090). (6) A version from two Basrans, Muhammad b. Bakr al-Bursānī (d. 203/818-9) and Rawḥ b. ‘Ubāda (d. ca. 205/820) ← Ibn Jurayj (Mecca, Iraq, d. 150/767) ← Abū Ḥāḍir ‘Uthmān b. Ḥāḍir (Basra, d. early 2nd/8th century), in Ibn Ḥanbal, *Musnad*, 5:306 (no. 3257) and 462 (no. 3518). For many of these versions, there are corroborating versions that I did not cite.

¹⁵¹ Mayyāḥ b. Sarī‘, the common link of this tradition, taught it to at least two students who preserved versions of it. For the version of Abū Ma‘shar al-Barrā’ (Basra), see al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 5:240-41 (no. 5201), = idem, *al-Mu‘jam al-kabīr*, 11:101-02 (no. 11176). For the version of al-Bursānī (Basra, d. 203/818-9), see Ibn ‘Asākir, *Mu‘jam al-Shuyūkh*, 888-89. In al-Bursānī’s version, the Kufan asks about “green jars” not “jars.” Also, before asking Ibn ‘Abbās he asks Ibn ‘Umar. These are likely additions by al-Bursānī or a later transmitter.

Once again, Ibn ‘Abbās explains to a Kufan that it is prohibited to prepare *nabīdh* in all jars.

Both Ibn ‘Abbās traditions likely reflect a 2nd/8th century divide that existed between some Kufan and Basran jurists. The Kufans held that only some jars (or no jars) were prohibited and their Basran counterparts held that all jars were prohibited.

3.3.2.7 Jarr - *Summary*

The term *jarr* could refer to ceramic jars in general. It could also refer to a subset of jars that was distinct from the pointy-based tarred jars known as *dann/rāqūd/khābiya*. In this sense, *jarr* may have designated untarred jars with a flat base, glazed or unglazed. Hadith transmitters and scholars appear to have understood this term in these and other ways.

3.3.3 al-Jarr al-akhḍar

3.3.3.1 al-Jarr al-akhḍar - *Introduction*

Al-jarr al-akhḍar is a noun-adjective phrase. It is a collective plural (sg., *jarra khadrā*, non-collective pl., *jirār khudr*). It may be translated as “green jars” or as “green-glazed jars.” It is sometimes used as a singular form referring to a single “green jar.”

3.3.3.2 al-Jarr al-akhḍar = *Green Jars*

The Andalusī jurist al-Qāḍī ‘Iyāḍ (d. 544/1149) mentions the opinion that *al-jarr al-akhḍar* are green jars. As noted by him, this view is supported by Ḥadīth like the following, in which green jars are contrasted with jars of other colors:¹⁵²

The Prophet (ﷺ) said: “O people of the *wādī*, I prohibit you the [*nabīdh*] that is in red jars, or green ones, or white ones, or black ones.”¹⁵³

The simplest explanation is that *al-jarr al-akhḍar* were glazed green, probably on their exterior and, as shall be seen next, their interior as well.

3.3.3.3 *The Texture of al-Jarr al-akhḍar*

Information about the texture of green jars is preserved in two traditions with Kufan *isnāds*.

According to one tradition, Ḥabīb b. Abī ‘Amra (Kufa, d. 142/759-60) once brought a green jar to Sa‘īd b. Jubayr (Kufa, d. 95/714) and asked him if *nabīdh* may be prepared in it. After feeling its interior with his hand, Ibn Jubayr permitted its use, explaining that it is “like a glass receptacle (*bi-manzilati l-qārūra*).”¹⁵⁴ There is a similar Kufan tradition where Ibn Jubayr is replaced with his more authoritative teacher Ibn ‘Umar.¹⁵⁵ Presumably, Ibn Jubayr and Ibn

¹⁵² Al-Qāḍī ‘Iyāḍ: *wa-l-jarru l-akhḍar [...] huwa min khudrati l-lawni l-ma‘lūma [...]. Mashāriq*, 1:244, s.v. *kh-ḍ-r*. Cf. Ibn Qurqūl, *Maṭāli‘*, 2:469.

¹⁵³ ‘Abd al-Razzāq: *al-jarr al-aḥmar wa-l-akhḍar wa-l-abyaḍ wa-l-aswad. Muṣannaf*, 9:207 (no. 16949). I have omitted the beginning and the end of this tradition.

¹⁵⁴ Ibn Abī Shayba, *Muṣannaf*, 8:122 (no. 24433).

¹⁵⁵ *Ibid.*, 8:121 (no. 24429).

‘Umar regarded the smooth texture of green ceramics reminiscent of glass. The smooth texture is likely due to glazing. Their traditions clearly prove that green jars were indeed glazed.

3.3.4 *The Provenance of al-Jarr al-akhḍar*

Some sources inform us about the provenance of “green jars.” The Kufan Ibn Abī Ismā‘īl reports that the Companion Anas b. Mālik (d. *ca.* 91-95/709-713) was asked about the green jars that people use for *nabīdh*. Anas responded by asserting that he never saw such jars before the Prophet’s death.¹⁵⁶ In other words, Anas claimed that the green jars that were found in Umayyad Iraq were not present in the Hijaz during the lifetime of the Prophet. Anas’ testimony seemingly contains information that may be useful for an archeologist. Nevertheless, his testimony should be ignored since it was likely invented to establish the permissibility of using green jars.¹⁵⁷

Traditions in which green jars are mentioned matter-of-factly, without any relation to the debate about *nabīdh* and receptacles, are worthy of special attention, as they might offer unbiased information about these jars. Such a tradition is found in the *Kitāb al-aghānī* of Abū l-Faraj al-Isfahānī (d. 356/967) with an *isnād* on the authority of Khiyār al-Kātib (d. first half of the 3rd/9th century):

¹⁵⁶ Abū Ya‘lā: *mā ra’aytu jarr^{an} akhḍara ḥattā dhahaba Rasūlu Llāh. Musnad*, 7:305-6 (no. 4344). Cf. al-Dāraquṭnī: *wa-kayfa yuḥarrimu-hu* [viz., *yuḥarrimu Muḥammad^m al-jarra aw nabīdha l-jarr*]?! *wa-Llāhi mā ra’ā-hu ḥattā māt. Ḥadīth Ibn Ḥayyawayh*, fol. 130v, l.8 (with marginal note).

¹⁵⁷ See Appendix I §2.2.

Abū l-‘Atāhiya and Ibrāhīm al-Mawṣilī were both from the people of al-Madhār. Abū l-‘Atāhiya and his family used to manufacture green jars (*ya ‘malūna l-jirāra l-khuḍr*). They [viz., Abū l-‘Atāhiya and Ibrāhīm] moved to Baghdad. Afterwards, they split up. Ibrāhīm al-Mawṣilī settled down in Baghdad and Abū l-‘Atāhiya settled down in al-Ḥīra. A similar report was relayed on the authority of [Abū l-Faḍl al-‘Abbās b. al-Faraj] al-Riyāshī (d. 257/870), who added that Abū l-‘Atāhiya’s father took him (*naqala-hu*) to Kūfa.¹⁵⁸

Abū l-‘Atāhiya (d. 211/826), the famed poet, was also a potter.¹⁵⁹ This report adds a detail unmentioned elsewhere, namely, that he specialized in making “green jars” in the Iraqi town of al-Madhār, midway between Wāsiṭ and Basra.

The connection between al-Madhār and green jars has already been noted by Ṭāhā al-Ḥājirī in his edition of al-Jāhiz’s *Kitāb al-bukhalā’* (*Book of Misers*). There, he mentioned the following invective verse of the poet al-Buḥturī (d. 284/897). Mocking a man appointed governor of that town, the poet said:

Laysa l-Madhāru bi-jālibⁱⁿ la-ka su`dad^{an} ghayra l-jirāri l-khuḍri wa-l-kīzān

(Al-Madhār bestows upon you no glory, only green jars and jugs)

¹⁵⁸ *Isnād*: al-Ḥasan b. ‘Alī [al-Admī or al-Khaffāf] ← Muḥammad b. al-Qāsim b. Mihrawayh [= Mihrūya] ← Abū ‘Awn Aḥmad b. al-Munajjim [= Aḥmad ibn Abī l-Najm] ← Khiyār al-Kātib. Abū l-Faraj, *Aghānī*, 4:4. Cf. the *isnād*: al-Ḥasan b. ‘Alī ← Ibn Mihrawayh ← Ibn al-Munajjim, *Ibid.*, 14:201. Here, “Abū ‘Umar” should be emended to “Abū ‘Awn.” The *isnād* of al-Ḥasan b. ‘Alī ← Ibn Mihrawayh is frequent in *al-Aghānī*. On this *isnād*, see Zolondek, “Approach,” 218, n.15.

¹⁵⁹ Creswell, “Abū l-‘Atāhiya,” *EP*. Cf. Fischer, “Zu arabisch *fahḥār*,” 336-37.

Al-Ḥājirī cites this verse in relation to al-Jāḥiẓ’s description of a person who was so miserly that he refused to cool water in “the jars of al-Madhār” because they would “sweat.”¹⁶⁰ If the jars in this anecdote were green-glazed, it is possible that their glaze insufficiently reduced their porosity. A better explanation is that this person’s miserliness was so extreme that even the relatively watertight green jars could not satisfy him, since they let a few drops get away.

The Andalusian Ḥadīth expert Ibn Qurqūl (d. 569/1173) preserves an early source that states that green jars were closely associated with Basra even in pre-Islamic times:

Al-Baṣra is named after *al-biṣr*, or *al-baṣr*, or *al-buṣr*, that is, *al-kadhdhān* (soft stones) that were there [viz., at Basra] when it was founded. The singular forms [of *al-baṣr* and *al-biṣr*] are *baṣra* and *biṣra*. Some say al-Baṣra means *al-ṭīn al-‘alik* (sticky clay). Others said it means *al-arḍ al-ṭayyiba al-ḥāmra’* (good red earth). The author of *al-Jāmi’ fī l-lughā*, [viz., al-Qazzāz al-Qayrawānī],¹⁶¹ said: “*al-biṣr*, or *al-baṣr*, or *al-buṣr* means *ḥijārat al-arḍ al-ghalīza* (“stones on rugged ground,” or “the rugged stones on the ground”). [Al-Baṣra] is also called al-Buṣayra, Tadmur, and al-Mu’tafika (“The Overturned”) because it was overturned [by God] with its inhabitants (*i’tafakat bi-ahli-*

¹⁶⁰ For al-Jāḥiẓ’s anecdote and al-Ḥājirī’s comment, see al-Jāḥiẓ, *Bukhalā’*, 38 & 277-8. Cf. Serjeant, *Misers*, 35, n.157. Serjeant must be relying here on al-Ḥājirī, whose edition he generally consulted. Grabar, in *Silks* (199), commenting on Serjeant, notes: “Serjeant understood the image [of a sweating jar] to reflect the green colour of commonly used green-glazed ceramics, which is a possible but not entirely convincing explanation.” Grabar implies that Serjeant saw a connection between the glaze of the jars and their porosity. However, Serjeant only mentions the jars’ green color, not their being glazed, and it is unclear if Serjeant had in mind actual glazed ceramics known from the archeological record.

¹⁶¹ Al-Qazzāz’s lexicon is extant in fragments, which do not appear to contain the section about al-Baṣra. Cf. al-Qazzāz, *al-Jāmi’ fī l-lughā*.

hā) in an early generation.¹⁶² For this reason, it is also called al-Khurayba (“The Little Ruin”). It is reported that when they, [viz., Muslims at al-Baṣra], dug up the foundations of the mosque of al-Baṣra, they found green jars and other receptacles used by people.¹⁶³

According to this report, which is partly based on the earlier work of al-Qazzāz (d. 412/1021), Muslims built Basra over the ruins of a previous settlement. When they excavated the site, they unearthed some ceramics, including green jars. If this report is accurate, green ceramic jars were present at the site of Basra before its foundation by Muslims. Local potters may have produced these jars using the clay of Basra’s soil.

3.3.3.5 al-jarr al-akhḍar = *Tarred Jars*

According to another opinion mentioned by al-Qāḍī ‘Iyāḍ, *al-jarr al-akhḍar* are jars that have been smeared with tar or pitch and are therefore black.¹⁶⁴ This interpretation synthesizes between traditions prohibiting green jars and those prohibiting tarred jars. It is likely derived from the definition discussed in §3.3.1.9. It reflects Mālikī law that prohibits tarred jars, but permits green ones.

3.3.3.6 al-Jarr al-akhḍar -*Summary*

In sum, green jars were used in Kufa and Basra in the 1st/7th and 2nd/8th centuries. The jars were glazed on their inside and outside, whence they got their name. The reports recorded by Abū l-

¹⁶² For these names of Basra, see Ibn Abī Shayba, *Muṣannaḥ*, 13:305 (no. 38423); Ibn ‘Abd Rabbi-h, *al-‘Iqd al-farīd*, 4:146 and 5:72.

¹⁶³ Ibn Qurqūl, *Maṭāli‘ al-anwār*, 1:587. Cf. Edward William E.W. Lane, *Lexicon*, s.v. *baṣra*.

¹⁶⁴ Al-Qāḍī ‘Iyāḍ: *qīla [ma‘nā l-jarri l-akhḍari] l-muzaffatu l-aswadu min ajli dhālika*. *Mashāriq*, 1:244, s.v. *kh-ḍ-r*; Ibn Qurqūl, *Maṭāli‘*, 2:469.

Faraj and Ibn Qurqūl indicate that green jars were closely associated with Basra, even before its foundation. The famed poet Abū l-‘Atāhiya in the 3rd/9th century is said to have produced green jars in the vicinity of Basra. These green jars are likely the abovementioned, green-glazed jars known from the archeological record.

3.4 *Muzaffat*, *Muqayyar*, and Related Terms

3.4.1 *Muzaffat* and *Muqayyar*

Muzaffat, a passive participle of the second form, signifies “covered with *zift* (tar, pitch, bitumen).” Its synonym is *muqayyar*, “covered with *qīr* or *qār* (tar, etc.).”¹⁶⁵ According to the abovementioned tradition about Zādhan and Ibn ‘Umar, *muzaffat* is in the Hijazi dialect, whereas *muqayyar* is its Iraqi equivalent.¹⁶⁶ Properly, a distinction can be made between *zift* (tar) and *qīr* (pitch), the latter being more viscous than the former.¹⁶⁷ However, as far as I have been able to ascertain, *muzaffat* and *muqayyar* are mostly used interchangeably.¹⁶⁸ Therefore, in this study, I

¹⁶⁵ E.W. Lane, *Lexicon*, s.vv. *muzaffat* and *qayyara*; *zift* and *qīr*. Cf. Muslim, *Ṣaḥīḥ*, 3:1579 (no. 1995 [38]).

¹⁶⁶ See, e.g., Ibn Abī Shayba: *nahā Rasūlu Llāh [...]* ‘*ani l-muzaffati wa-hiya l-muqayyar*. *Muṣannaḥ*, 8:103 (no. 24326). Cf. al-Bayhaqī, *al-Sunan al-kabīr*, 17:411-12 (no. 17456), where Ibn ‘Abbās asks if *muqayyara* means *muzaffata*. Anās b. Malik reportedly defined *muzaffata* as *muqayyara* in a Kufan tradition. See, e.g., Ibn Ḥanbal, *Ashriba*, 78 (no. 190). In another version of this tradition, Anas’ definition was attributed to the Prophet. See Ibn Ḥanbal, *Musnad*, 20:33 (12568).

¹⁶⁷ Juynboll, *ECH*, 522, n.2. Cf. Brand, *Ceramics*, 502 [in Hebrew]. According to Forbes in *Early Petroleum History* (150-52), the word *qīr* is derived from Greek κηρός (sealing-wax).

¹⁶⁸ For possible exceptions, where a distinction may exist between *muzaffat* and *muqayyar*, see Ibn Ḥanbal, *Musnad*, 16:304 (no. 10510); al-Ḥakīm al-Tirmidhī, *Manhiyyāt*, 233. Cf. Abū Muḥammad al-Qayrawānī: *wa-l-naqīr* [= *wa-l-muqayyar*] ‘*inda-hu* [viz., ‘*inda Mālik*] *ka-l-muzaffat*. *Nawādir*, 14:290, = Ibn Yūnus al-Mālikī, *Jāmi’*, 22:517.

do not distinguish between tar, pitch, and bitumen in reference to the terms *muzaffat* and *muqayyar*.

Although both *muzaffat* and *muqayyar* are morphologically singular, they are sometimes treated as plural in meaning and in agreement with other words.¹⁶⁹ Thus, *muzaffat* and *muqayyar* may be translated as “tarred receptacle,” or “tarred receptacles.”

In the Late Antique world, receptacles would often be covered with tar to reduce their porosity or to repair them.¹⁷⁰

3.4.1.1 Muzaffat = All Tarred Receptacles

There are various opinions regarding which tarred receptacles are included in this category.¹⁷¹ One common interpretation was that the term refers to any receptacle coated with tar, e.g., jars, glass bottles, waterskins, etc. According to the abovementioned Basran tradition of ‘Āṣim b. Sulaymān, Ibn al-Mughaffal (Basra, d. 60/680) said that *muqayyar* refers to any receptacle covered in tar, whether a waterskin or some other receptacle.¹⁷² In a Kufan tradition on the authority of al-Mukhtār b. Fulful (Kufa, d. ca. 140/758),¹⁷³ Anas prohibits any receptacle “that

¹⁶⁹ Al-Ṭayālīsī: *wa-ammā l-muzaffat fa-hiya hādhihi l-aw‘iya allatī fī-hā hādhā l-zift*. *Musnad*, 2:207 (no. 923); Ibn Abī Shayba: *nahā Rasūl Allāh [...] ‘ani [...] l-muzaffat wa-hiya l-muqayyar*. *Muṣannaḥ*, 8:103 (no. 24326); Abū Ya‘lā: *wa-l-muzaffat wa-hiya jirār khudr muzaffata yujā’ bi-hā min Miṣr*. *Musnad*, 7:442 (no. 4466).

¹⁷⁰ Safraī, *Kelim*, 21.

¹⁷¹ See, e.g., al-Qāḍī ‘Iyāḍ, *Mashāriq*, 1:312, s.v. *z-f-t*.

¹⁷² Al-Ṭayālīsī, *Musnad*, 2:233 (no. 960); Ibn Ḥanbal, *Musnad*, 27:350 and 361-62 (nos. 16795 and 16807); al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 5:268 (no. 5280).

¹⁷³ For Ibn Fulful’s biography, see al-Dhahabī, *Siyar*, 6:123 (no. 34).

has been tarred, be it a *dann* or a waterskin or a gourd or a jar.”¹⁷⁴ Under the category of *muzaffat*, Mālik b. Anas (Medina, d. 179/795) reportedly included tarred gourds, tarred waterskins, tarred ceramics, and “any tarred receptacle.”¹⁷⁵ As far as I have been able to ascertain, the idea that *muzaffat* refers to all tarred receptacles is very prevalent and not confined to any region or school.

3.4.1.2 Muzaffat = *Tarred Waterskins*

According to the Kufan tradition mentioned in §3.2.2., Umm Ma‘bad defined *muzaffat* as “the waterskins (*ziqāq*), the insides of which are lined with tar, and on [the exterior of] which the hairs are colored with tar, wine receptacles.”¹⁷⁶ As noted in that section, this definition excludes the jars known as *dinān* from the category of *muzaffat*. *Ziqq* (pl. *ziqāq*) is a type of waterskin that is often mentioned as a tarred receptacle.¹⁷⁷

3.4.1.3 Muzaffat = “*These Receptacles*”

As noted above, Abū Bakra (Basra, d. 51/671) reportedly said that *muzaffat* are “these receptacles that have tar in them,”¹⁷⁸ referring to some receptacles known in Basra probably used for wine.

¹⁷⁴ Ibn Abī Shayba, *Muṣannaf*, 8:90-91 (no. 24257). Cf. *ibid.*, 8:80 (no. 24206).

¹⁷⁵ Saḥnūn, *Mudawwana*, 6:273.

¹⁷⁶ Ibn Abī Shayba, *Muṣannaf*, 8:110 (no. 24361); Ibn al-Mu‘tazz, *Fuṣūl*, 148. Cf. al-Baghawī, *Sharḥ*, 11:366.

¹⁷⁷ Cf. E.W. Lane, *Lexicon*, s.v. *ziqq*.

¹⁷⁸ Al-Ṭayālīsī, *Musnad*, 2:207 (no. 923); Ibn Ḥibbān, *Ṣaḥīḥ*, 12:228 (no. 5407); Abū ‘Ubayd, *Gharīb*, 1:400-01 (no. 128); al-Bazzār, *Baḥr*, 9:135-36 (no. 3689).

3.4.1.4 Muzaffat = “Green Tarred Jars”

According to a tradition likely originated by Ḥammād b. Salama (Basra, d. 167/784),¹⁷⁹ ‘Ā’isha defined the prohibited *muzaffat* as “green jars that were brought from Egypt coated with tar.”¹⁸⁰ In other words, *muzaffat* are green jars that happen to be coated with tar. Note that here the jars do not appear to receive their green color from the tar. This stands in stark contrast to the abovementioned explanation that jars that are black from tar are termed “green.”¹⁸¹

3.4.2 Dann, rāqūd, and khābiya - introduction

The term *dann* (pl., *dinān*) signifies a tall jar, smeared inside with tar, with a tapering bottom, that cannot stand without one’s digging a hole for it. The lexicographer Ibn Durayd (d. 321/933) said that it is a genuine Arabic word,¹⁸² but it seems to be derived from Assyrian *dannu* (large storage jar for beer, wine, or dates),¹⁸³ perhaps through Syriac *danā* (a jar for wine).¹⁸⁴ It may

¹⁷⁹ Juynboll, *ECH*, s.v. “Ḥammād b. Salama.”

¹⁸⁰ Abū Ya‘lā, *Musnad*, 7:442 (no. 4466); al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:224 (no. 6495). In al-Ṭaḥāwī, the *Isnād* should be emended as follows: Ḥammād [b. Salama ← Ḥammād b. Abī Sulaymān] ← Ibrāhīm. This definition is influenced by the traditions discussed in §3.3.1.4.

¹⁸¹ Cf. §3.3.1.9.

¹⁸² E.W. Lane, *Lexicon*, s.v. *dann*. In modern Egyptian Arabic, *dinn* signifies “a wooden cask,” see Hinds and Badawī, *Dictionary*, s.v. *dinn*.

¹⁸³ Gelb et al. (ed.), *CAD*, 3:99a, s.v. *dannu*.

¹⁸⁴ Fränkel, *Aramäischen Fremdwörter*, 169.

also be related to Greek δῖνος (a type of jar).¹⁸⁵ The *dann* is said to be equivalent to the *rāqūd* (pl., *rawāqīd*) or a larger version of it.¹⁸⁶ According to a Babylonian *gaon*, what was called *dann* in Arabic was called *rāqūd* in Aramaic.¹⁸⁷ The foot of the *dann/rāqūd* allows its user to twirl it around with ease. The Abbasid writer Ibn al-Mu‘tazz (d. 296/908) portrays the *dann* as a “dancer” or “whirler” in the following verse:

Wa-dinānⁱⁿ ka-mithli ṣaffi rijālⁱⁿ qad uqīmū li-yarqūṣū l-dastabandā

("And *dinān* [standing] like a row of men drawn up to dance the *dastaband*).¹⁸⁸

The Aramaic root *r-q-d* can denote “whirling.”¹⁸⁹

Khābiya (pl. *khawābī*), or *Khābi’ā* (pl. *khawābī’*),¹⁹⁰ is a type of jar that is said to have a similar shape to that of the *dann* and the *rāqūd*. Some claim that it is synonymous with *rāqūd*,

¹⁸⁵ Brand, *Ceramics*, 103-06; W. Watson, “Ugaritic Terms,” 84. For the δῖνος (or δεῖνος) as a receptacle “made of terra-cotta, [...] large enough to contain wine for a family[,], round, with a wide mouth, [terminating] in a pointed or rounded foot,” see Birch, *Ancient Pottery*, 370. Commonly, δῖνος and *dann* do not seem to have referred to the same jar, the *dann* better resembling the πίθος or ἀμφορεύς. Interestingly, according to Καραποτόσογλου in “Κυπριακά έτυμα” (16-17), the Arabic word *dann* found its way back into (Cypriot) Greek as δάνη (a large ceramic jar).

¹⁸⁶ E.W. Lane, *Lexicon*, s.vv. *dann* and *rāqūd*.

¹⁸⁷ Rice, “Deacon or Drink,” 26, n.4; Epstein, ed., *Perush ha-Ge’onim*, 149, l.8. In Aramaic, the jars known as *reqūdei* [= *rawāqīd*] are often called *deqūrei*. Cf. Fränkel, *Aramäischen Fremdwörter*, 165. The word *dann* is attested in a verse by the pre-Islamic poet al-Muraqqish al-Aṣghar, as documented by Lyall, ed., in *The Mufaḍḍalīyāt* (495, l.9). See Sokoloff, *DJBA*, s.v. *RQWD*. See also the relevant entry in “the Lexicon” at <https://cal.huc.edu/>.

¹⁸⁸ Rice, “Deacon or Drink,” 27. *Dastaband* is a type of dance.

¹⁸⁹ *Rāqūd* may be a translation of δῖνος (literally: “whirling”). For this Greek word’s etymology, see Ussing, *De nominibus vasorum*, 82. According to Krenzel, *Hausgerät*, 52, n.14, *deqūrei* derives from the Assyrian *diqaru* (a large jar).

¹⁹⁰ E.W. Lane, *Lexicon*, s.v. *khābi’ā*. It may also be derived from the root *kh-b-’* (to conceal).

while others define it as a large *dann*.¹⁹¹ The word is derived from Aramaic *ḥabīta* (a type of jar with a tapering bottom).¹⁹²

The *dann/rāqūd/khābiya* was used for the storage and shipment of wine and *nabīdh*. Already in the 4th century CE, “relatively small and narrow” jars called in Aramaic *deqūrei* (likely the same as *reqūdei* [= *rawāqīd*]) were produced in Neharpanya [= Nahr Abān near Kufa]. In the Islamic period, *dinān* were produced in al-Khuṣūṣ near Kufa,¹⁹³ marking a long tradition of production of this pottery in the region. During the caliphate of ‘Alī b. Abī Ṭālib, “small *dinān*” filled with *ṭilā’* were brought from ‘Ānāt in upper Mesopotamia.¹⁹⁴ According to several Ḥadīth, the Prophet and his Companions prohibited the use of *dinān/rawāqīd* for *nabīdh*.¹⁹⁵ As noted in the previous chapter, the *dinān* should likely be identified with what contemporary archeologists call “torpedo jars.” While some authors distinguished between the *dann*, *rāqūd*, and *khābiya* as differing in size and shape, others used them interchangeably. It was

¹⁹¹ Ibn al-Shajarī: *al-rāqūdu mā yuj’alu fī-hi l-khallu wa-yusammā l-khābiya*. *Amālī*, 1:84; Ibn Sīdah: *wa-mā aẓuma mina l-dināni fa-hiya khābiya*. *Mukhaṣṣaṣ*, 11:84; Al-Qāḍī ‘Iyāḍ: [*al-dinānu*] *l-ḥibābu llatī tusammī-hā l-‘ammatu l-khawābiya*. *Mashāriq*, 1:258. In a poem recorded by Abū l-Faraj in *al-Aghānī* (5:416-7), Ishāq b. Ibrāhīm al-Mawṣilī (155–235/772–850) refers to a *dann* as a *khābiya*.

¹⁹² Fränkel, *Aramäischen Fremdwörter*, 168; Brand, *Ceramics*, 111ff; Sokoloff, *DJBA*, s.v. *ḥabīta*. See also the relevant entry in “the Lexicon” at <https://cal.huc.edu/>.

¹⁹³ Oppenheimer, Isaac, and Lecker, *Babylonia Judaica*, 294-300; especially at 299-300. Oppenheimer et alii do not make the connection between *dequre* and *rawāqīd*. In Aramaic, *requde* and *dequre* can be easily confused because they are orthographically similar.

¹⁹⁴ Ibn Zanjawayh, *Amwāl*, 2:560 (nos. 922 and 923).

¹⁹⁵ See e.g., Ibn Abī Shayba: *sam’itu ‘Ā’isha taqūl: lā tashrabna fī l-rāqūd wa-lā jarra wa-lā qar’a*. *Muṣannaf*, 8:95 (no. 24277); Ibn Bābawayh, *al-Khiṣāl*, 251; idem: *nahā Rasūlu Llāh [...] ‘ani l-dubbā’ wa-l-muzaffat wa-l-ḥantam wa-l-naqīr [...] wa-l-muzaffatu l-dinān*. *Ma’ānī l-akhbār*, 2:50-51; Nasrallah, *Annals*, 685; Nasrallah, *Treasure Trove*, 582.

generally understood that the three terms referred to jars that were tarred on their insides and had a foot on their bottom so that they could not stand on their own.

3.4.2.1 Dann/rāqūd/khābiya = muzaffat

Since the *dann/rāqūd/khābiya* were tarred, it is expected that these receptacles would be included in the category of “tarred receptacles.” Indeed, there are traditions about fermented drinks in which a *dann* or *rāqūd* is described as *muzaffat* or *muqayyar*. These include a Kufan tradition about Anas b. Mālik,¹⁹⁶ a tradition from Raqqa about Ibn ‘Abbās,¹⁹⁷ and a Basran or Khorasani tradition about Nāfi‘.¹⁹⁸ The Imām Ja‘far al-Ṣādiq (d. 148/765) reportedly said that *muzaffat* are *dinān*.¹⁹⁹ In these cases, *dann* and *rāqūd* are qualified as *muzaffat* or *muqayyar*, seemingly implying the existence of untarred versions of these receptacles. Nevertheless, I suspect that the qualification of these receptacles as tarred is redundant since they are virtually always discovered tarred. Their qualification as such must therefore be for emphasis or clarification.

¹⁹⁶ *Isnād*: Fuḍayl b. ‘Abd al-Wahhāb (Kufa, Baghdad) ← Sharīk (Kufa, d. 177/793–4) ← Abū Ishāq al-Shaybānī (Kufa, d. between 138/756 and 142/760) ← al-Walīd b. ‘Ayzār (Kufa). Al-Bukhārī, *Tārīkh*, 8:148 (no. 2514).

¹⁹⁷ Ibn Hibbān, *Ṣaḥīḥ*, 12:204 (no. 5384); Abū ‘Awāna, *Mustakhrāj*, 16:270-71 (no. 8566); al-Bayhaqī, *al-Sunan al-kabīr*, 17:411-12 (no. 17456). The *isnād* of this tradition hinges on ‘Ubaydallāh b. ‘Amr al-Raqqī (d. 180). Cf. Muslim, *Ṣaḥīḥ*, 3:1589 (no. 2004 [83]), which may represent an earlier version of ‘Ubaydallāh’s tradition.

¹⁹⁸ Ibn Ḥanbal, *Musnad*, 9:489-90 (no. 5678).

¹⁹⁹ Ibn Bābawayh, *al-Khiṣāl*, 251; idem: *wa-l-muzaffatu l-dinān. Ma‘ānī l-akhbār*, 2:50-51. Cf. Ibn Abī Shayba: *fa-yasqī-hi [= fa-yasqī Qarazatu l-nabīdha] aṣḥāba Muḥammadⁱⁿ [...] fī l-danni l-muzaffati wa-l-jarri l-akhḍar. Muṣannaḥ*, 8:110 (no. 24361).

3.4.3 Muzaffat -summary

It seems that 2nd/8th century Muslims often interpreted *muzaffat* (or its Iraqi equivalent *muqayyar*) in its literal sense, applying it to any tarred receptacle. They commonly used it in reference to tarred waterskins and to the tarred jars known as *dann/rāqūd/khābiya*. At least one Kufan transmitter attempted to exclude jars from this category. This view however was not widespread. Muslims usually understood tarred jars as being included in the *muzaffat* category that the Prophet reportedly prohibited.

3.5 The Definitions of the Prohibited Jars -Summary

The Hadith traditions prohibiting the preparation of *nabīdh* in certain receptacles mention various terms that 2nd/8th century Hadith scholars interpreted as referring to ceramic jars. These include *ḥantam*, *jarr*, *jarr akḥḍar*, and *muzaffat*. Some Basran scholars interpreted these terms as referring to “all jars,” and others, to “green jars.” Kufan scholars tended to interpret these terms as “wine jars.” It was generally agreed that the term *muzaffat* applies to any tarred receptacle. This would have primarily included tarred jars, like the *dann* and *rāqūd*.

It is possible to identify the “green jars” and the “tarred jars” with jars that archeologists have dated to the Umayyad and Early Abbasid period. Since most pottery of that period was unglazed and since that which was glazed was mostly glazed green, “green jars” are likely the green jars mentioned in the previous chapter. Based on their shape and their bitumen coating, the tarred jars are likely the *dann/rāqūd/khābiya*, i.e., the “torpedo jars” described in the previous

chapter. The glaze or tar coating of these jars reduced their porosity rendering them suitable for fermenting beverages. In Egypt, the category of *muzaffat* was probably applied to certain amphorae (LRA 7).

Chapter 4: Traditions about Receptacles

4.1 Introduction: Regionality in Traditions about *Nabīdh*

In the late Umayyad and early Abbasid periods, regional differences characterized the legal discussion of *nabīdh*. One account recorded by al-Khaṭīb al-Baghdādī (d. 463/1071) illustrates these differences well. According to this account, ‘Alī b. Khashram (Merv) saw the Kufan born Basran traditionist Ibn ‘Ulayya (d. 193/809) drinking so much *nabīdh* to the extent that others had to load the incapacitated Ibn ‘Ulayya upon his ass and someone had to guide him and the ass back home. When Ibn Khashram told this to the Kufan transmitter Wakī‘ b. al-Jarrāh (d. 197/812),¹ the latter said:

If you see a Basran drinking, censure him! But if you see a Kufan drinking, do not censure him!

Wakī‘ then clarified his discriminating statement, saying:

A Kufan drinks [*nabīdh*] out of religiosity (*tadayyun^{an}*), and a Basran refrains from [drinking] it for the same reason (*tadayyun^{an}*).²

¹ Juynboll, *ECH*, s.v. “Wakī‘ b. al-Jarrāh.”

² Al-Khaṭīb, *Tārīkh Baghdād*, 7:207-08. Cf. the claim of Ibn Idrīs, a Kufan who prohibited *nabīdh*, that “the best Kufans” are the majority who drink *nabīdh* because that is where their knowledge led them, in Ibn ‘Abd Rabbi-h, *al-Iqd al-farīd*, 8:75.

Ibn ‘Ulayya’s inebriation was perhaps invented or exaggerated for polemical reasons.³ In any case, this account reveals a stark contrast between the teetotaling Basrans and the bibulous Kufans. While the former tended to prohibit non-*khamr* intoxicants, including *nabīdh*, the latter were more tolerant of consuming such beverages if intoxication was avoided.⁴ While Ibn Khashram’s account does not explicitly mention jars or receptacles, a similar attitude generally existed between the Basrans who usually objected to the *nabīdh* of jars and the Kufans who tolerated it.

Accounts like that of Ibn Khashram give us a sense of the reputations that different regional legal schools had at certain times, but they are mere anecdotes that do not necessarily reflect the reality of which views existed in those cities among scholars and layfolk. They also do not tell us if the regional views evolved over time. A more complete picture of the regional schools may be gained by studying the transmission history of some of the countless Hadith traditions about *nabīdh* and receptacles. These traditions, by my estimate, number in the thousands and are recorded in hundreds of compilations.⁵

In this chapter, I will examine the provenance and development of many of these traditions. I will survey traditions from Basra, Kufa, and other religious centers, identify the

³ In al-Khaṭīb, *Tārīkh Baghdād*, 16:284, a tradition with an identical *isnād* on the authority of Ibn Khashram depicts two prominent Kufan transmitters, Ḥafṣ b. Ghiyāth (d. 194/809) and Ibn Abī Shayba (d. 235/849), unabashedly drinking intoxicating *nabīdh*. Both Ibn Khashram traditions present the Kufan scholars as drunkards. Al-Dhahabī, *Siyar*, 9:117-18, thought the accusation of intoxication regarding Ibn ‘Ulayya was unfounded. For the negative stigma associated with drinking among Hadith scholars, see Sadeghi, *Logic*, 135-36.

⁴ For the Kufans mitigating interpretation of the prohibition of *khamr*, see Goldziher, *Introduction*, 59-63.

⁵ For a sense of the large number of Ḥadīth devoted to receptacles and *nabīdh*, see Harvey, “Green Jars,” 424, n.33.

views that were associated with those centers, and note some noteworthy trends and developments that may be seen in them.

4.2 The Development of Traditions about the *Nabīdh* of Receptacles

The various traditions about *nabīdh* and receptacles are attributed to the Prophet, his Companions, and their Successors. According to the traditional Islamic view, many of these traditions represent the genuine opinion or practice of the authorities to whom they are attributed, and the rest of the traditions were invented or ill-preserved. Muslim Hadith critics generally determine the soundness of each tradition by examining its *isnād* to verify if its transmitters are reliable and if they met each other.

Following Joseph Schacht, I assume that by and large Successor traditions represent an earlier stage in the development of Islamic law, Companion traditions, a later stage, and Prophetic traditions, an even later stage. There are of course exceptions to this, and every case must be separately assessed based on the existing evidence. By carefully studying the traditions of Successors, Companions, and the Prophet, it is possible to reconstruct the progression of the discussion about *nabīdh* and receptacles.

4.3 The Rivalry of Transmitters and the Growth of Traditions

How did traditions grow and develop? First, a transmitter would introduce a tradition that promoted a certain view. This transmitter would cite an early authority, like a Successor or a Companion. Then, a rival would introduce a counter tradition. The rival usually attributed this

counter tradition to a more esteemed authority. This process would often be repeated. In this way, transmitters attempted to outdo one another. The following Basran account describes an attempt of this sort:

Jamīl one of the Banū l-‘Adawiyya⁶ said — that is — to ‘Ikrima: “Ibn Mas‘ūd used to drink the *nabīdh* of jars.” ‘Ikrima responded: “[He did] not, by the One who possesses ‘Ikrima’s soul in his hand! However, you (pl.) wanted to contradict ‘Ikrima and to reject his Hadith (*aradtum an tukhālifū ‘Ikrimata wa-taruddū ḥadītha-hu*).”⁷

‘Ikrima (d. ca. 104/722) was a Basran successor.⁸ In this account, he accuses his rivals of fabricating a tradition about the Kufan Companion Ibn Mas‘ūd (d. 32/653) permitting the *nabīdh* of jars. The account describes the following sequence of events. First, ‘Ikrima prohibited the *nabīdh* of jars. Then, Kufans introduced a counter tradition in which the more esteemed Ibn Mas‘ūd permitted this *nabīdh*. Finally, ‘Ikrima accused the Kufans of inventing Ibn Mas‘ūd’s tradition.

This account about ‘Ikrima is likely an invention. Even so, there is some historical truth behind it. ‘Ikrima probably prohibited the *nabīdh* of jars, or Basrans claimed that he had done so. Then, Kufans introduced a tradition about Ibn Mas‘ūd permitting this *nabīdh*. Finally, ‘Ikrima or other Basrans accused the Kufans of inventing Ibn Mas‘ūd’s tradition. In any case, this account

⁶ The Banū l-‘Adawiyya (or Bal‘adawiyya), a tribe of the Banū Tamīm.

⁷ *Isnād*: ‘Abd al-Ṣamad (Basra, d. 207/822) ← Thābit b. Yazīd (Basra, d. 169/786) ← ‘Āṣim al-Aḥwal (Basra, d. ca. 142/759). See Ibn Ḥanbal, *Ashribā*, 55 (no. 92).

⁸ For ‘Ikrima as a Basran transmitter, see Juynboll, *Muslim Tradition*, 55-57. Despite being well-traveled, the Basran ‘Ikrima is not known for studying under the Kufan Ibn Mas‘ūd. Nevertheless, the inclusion of ‘Ikrima’s testimony here is likely meant to impress Basrans who rated him above the Kufan students of Ibn Mas‘ūd.

demonstrates how transmitters outdid their rivals: They attributed traditions to authorities earlier than those relied upon by their rivals. Just as they attributed spurious traditions to Ibn Mas‘ūd, they could attribute them to the Prophet. By doing so, one side of the discussion would attempt to gain a polemical advantage over the other.⁹

In the previous account, the transmitter ‘Ikrima discredited a tradition by claiming that it was a forgery. However, it was not always possible to discredit traditions in such a way. A tradition would often attain a certain level of public acceptance. Critics then had difficulty challenging its authenticity. Occasionally, two “authentic” traditions attributed to two esteemed authorities contradicted each other. Critics could claim that one was genuine, and that the other was forged. To resolve such contradictions, they could appeal to a hierarchy between transmitters. Such an appeal appears in the following Basran account:

Some people from among them [i.e., probably the Kufans] said that Ibn Mas‘ūd used to permit drinking the *nabīdh* of jars. Abū Mijlaz challenged them: “Is ‘Umar better or Ibn Mas‘ūd?” They answered: “‘Umar!” He replied: “Well, ‘Umar prohibited it.”¹⁰

‘Umar I reportedly prohibited the *nabīdh* of jars, whereas Ibn Mas‘ūd permitted it. Abū Mijlaz Lāḥiq b. Ḥumayd (Basra, d. before 110/728)¹¹ settled this contradiction, arguing that the former Caliph’s example should be followed because he is the more respected authority. It is evident

⁹ For examples of traditions multiplying by being attributed to earlier esteemed authorities, see the appendices of this dissertation.

¹⁰ *Isnād*: Abū Sa‘īd *mawlā Banī Hāshim* (Basra, d. 197/812-3) ← Thābit (Basra, d. 169/786) ← ‘Āṣim (Basra, d. ca. 142/759). Ibn Ḥanbal, *Ashriba*, 55 (no. 94).

¹¹ Ibn Sa‘d, *Ṭabaqāt*, 9:215 (no. 3923).

from this account that transmitters seeking to promote certain doctrines were incentivized to find and even invent traditions from prominent authorities.

In some cases, both sides of the debate would adduce contradictory “authentic” traditions attributed to the same authority. It was then impossible to claim that one tradition was more authoritative than the other. Resolving this deadlock was a difficult task. For example, the Kufans and the Medinans once introduced contradictory traditions on the authority of ‘Umar I. The Kufans claimed that he permitted drinking *nabīdh* that is intoxicating in large quantities. The Medinans claimed that he prohibited this *nabīdh*. ‘Abdallāh b. Idrīs (Kufa, 115-192/733-807)¹² was faced with these conflicting traditions. He likened this situation to “a commodity being held by two individuals, with each one claiming ownership over it but with neither of them providing any proof.” He explained:

The ruling in [such a case] is that [the commodity] be split in half.¹³ Therefore, I will not say [that it is] permitted [to drink that *nabīdh*] and I will not say [that it is] prohibited.”

He remained silent on the matter.¹⁴

Here, Ibn Idrīs resorts to agnosticism to resolve the contradiction between both sides.

¹² For his biography, see Tsafirir, “Semi-Ḥanafīs,” 69. According to Ibn ‘Abd Rabbi-h, *al-‘Iqd al-farīd*, 8:75, Ibn Idrīs was a Kufan who contrary to his fellow Kufans reputedly prohibited the drinking of *nabīdh*. He seems to have been influenced by Medinan doctrines.

¹³ For similar legal problems, see, e.g., ‘Abd al-Razzāq: *bāb fī l-rajulayni yadda ‘iyāni l-sil‘ata yuqīmu kullu wāḥid^m min-humā l-bayyina*. *Muṣannaḡ*, 8:276-80. Cf. Babylonian Talmud, *Tractate Baba Meṣi‘a*, 2a.

¹⁴ Al-Silafī, *al-Ṭuyūriyyāt*, 2:343-44 (no. 293).

One logical conclusion of Ibn Idrīs' reasoning is to avoid drinking controversial beverages altogether. "Since a controversial beverage may turn out to be prohibited," one may argue, "why risk drinking it?! It is better to err on the side of caution and to adhere to water and other 'safe' drinks." This variation of Pascal's Wager is encapsulated in a maxim that appears in some traditions dealing with *nabīdh* and its receptacles:

Set aside what causes you to have doubt in favor of what does not (*da' mā yarību-ka ilā mā lā yarīb*)!¹⁵

In other words, one should avoid controversial beverages and receptacles.

Proponents of drinking intoxicants were threatened by the prospect of shutting down the discussion by avoiding all controversial receptacles. They responded to this threat with a maxim of their own. One of the earliest instances of this maxim is attributed to the Kufan Abū 'Ubayda b. 'Abdallāh b. Mas'ūd (d. 81/700). After he drank controversial *nabīdh* from a green jar, he reportedly said:

The one who prohibits what God has permitted is like the one who permits what God has prohibited (*inna muḥarrima mā aḥalla Llāhu ka-mustaḥilli mā ḥarrama Llāh*).¹⁶

¹⁵ See, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:122 (no. 24432); Ibn Qutayba, *Asrhiba*, 133. On this maxim, see E. Lane, *Lexicon*, s.v. *rāba-nī*. The maxim is reminiscent of the modern English maxim "when in doubt, throw it out!" It is applied also to other legal topics unrelated to *nabīdh* and its receptacles.

¹⁶ Ibn Abī Shayba, *Muṣannaf*, 8:113 (no. 24384). In the context of the *nabīdh* of jars, this maxim is also attributed to Umm Ma'bad. See §3.2.2. In the context of *nabīdh* in general, the maxim is also attributed to Māhān al-Ḥanafī (Kufa, executed by al-Ḥajjāj) by idem (8:108 [no. 24350]). The maxim is likely inspired by verses like Q 5:87.

In other words, prohibiting the *nabīdh* of jars, even for the sake of erring on the side of caution, is potentially sinful. Therefore, one should not prohibit this *nabīdh* without solid evidence, i.e., without citing trustworthy traditions prohibiting it. In the absence of such evidence, *nabīdh* is permissible. This maxim may have deterred some opponents of *nabīdh*, if they lacked confidence in the evidence supporting the prohibition. Those opponents that were not intimidated by this maxim could rely on another maxim. The Basran Shu‘ba attributed this maxim to Ibn ‘Abbās. The maxim is as follows:

Whoever prohibits what God and His Messenger have prohibited, must prohibit *nabīdh*
(*man kāna muḥarrim^{an} mā ḥarrama Llāhu wa-Rasūlu-hu fa-l-yuḥarrimi l-nabīdh*)!¹⁷

Ibn ‘Abbās’ saying is clearly a response to the Kufan maxim since both use similar language. A notable difference is that the Kufan maxim mentions the authority of God only, whereas the Basran tradition mentions that of the Prophet as well. On the one hand, the formulator of the Kufan maxim likely held that the opponents of *nabīdh* did not have any convincing Prophetic traditions supporting their claims. In his view, the Qur’an prohibited wine, leaving other fermented beverages permissible by default. On the other hand, the formulator of the Basran maxim was familiar with Prophetic traditions prohibiting *nabīdh* and was willing to rely on them as binding legal prooftexts. The Kufan maxim must have first appeared when Prophetic traditions were not well-known or well-regarded. The Basran maxim is likely the product of a

¹⁷ See, e.g., al-Ṭayālīsī, *Musnad*, 4:462-63 (no. 2867); Ibn Abī l-Dunyā, *Dhamm*, 32 (no. 5); Ibn Ḥanbal, *Musnad*, 1:316-17 (no. 185), 3:470-71 (no. 2027), and 5:246 (no. 3157). Shu‘ba is the clear common link of the maxim, though other parts of the tradition may be attributed to an earlier source.

later time. The originator of this maxim, probably Shu‘ba, introduced it after Prophetic prohibitive traditions were already well integrated into the debate.

Non-Prophetic traditions were still valuable even when Prophetic traditions were extant. The Hanafi jurist Abū Ja‘far al-Ṭaḥāwī (Egypt, d. 321/933) records two accounts with *isnāds* about Anas b. Mālik drinking the *nabīdh* of green jars.¹⁸ Al-Ṭaḥāwī makes the following observation about these accounts:

Here is Anas b. Mālik preparing *nabīdh* in “the [‘prohibited’] receptacles,” despite being one of those who narrated the prohibition of preparing *nabīdh* in them on the authority of the Messenger of God (ﷺ). This proves the validity of the abrogation of that [prohibition].¹⁹

Anas’ drinking from green jars seemingly contradicts his tradition about the Prophet prohibiting drinking from these jars and other receptacles.²⁰ His drinking agrees with traditions about the Prophet abrogating this prohibition. According to al-Ṭaḥāwī, Anas’ behavior validates the prohibition’s abrogation. Otherwise, Anas would not have used those receptacles. Al-Ṭaḥāwī’s interpretation nicely exemplifies how a non-Prophetic tradition could potentially be used to verify a Prophetic tradition.

¹⁸ Al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:229 (nos. 6548 & 6549).

¹⁹ Al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:229.

²⁰ E.g., al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:213-14 (nos. 6427-6430).

Prophetic traditions about a certain topic did not always render non-Prophetic traditions about the same topic irrelevant. Nevertheless, when the traditions about Anas permitting green jars were first introduced, they may not have been used, as al-Ṭahāwī suggests, to confirm the Prophetic abrogation. They may have simply served as evidence for the permissibility of green jars, perhaps to rebuff other non-Prophetic traditions that prohibited their use.

There is an abundance of conflicting non-Prophetic traditions regarding the *nabīdh* of jars. This abundance is likely the product of a fierce discussion between the opponents of this *nabīdh* and its proponents. Each side of the discussion would introduce a tradition supporting their own side. In response, the other side would introduce counter traditions. To gain an advantage, transmitters searched for traditions with more impressive credentials than those of their rivals. Some were even drawn to invent them. Consequently, transmitters attributed various opinions to numerous early and prominent authorities while their rivals attributed the opposite opinions to those same authorities. Ultimately, this “arms race” between different factions of Hadith transmitters led to the introduction of Prophetic traditions. These too were often seemingly contradictory.

4.4 The Corpus of Traditions about *Nabīdh* and Receptacles

Traditions about *nabīdh* and receptacles are preserved in hundreds of Hadith collections and other works. In those Hadith works that are arranged by topic, the bulk of relevant traditions usually appear in a section called *Kitāb al-ashriba* (The Book of Beverages). This section is

often divided into smaller units which may deal with receptacles or certain receptacles. Two notable examples are the lengthy *Kitāb al-ashriba* sections in the *Muṣannaf* (the *Classified Hadith collection*) of Ibn Abī Shayba and that of ‘Abd al-Razzāq al-Ṣan‘ānī.²¹ Some scholars, like Ibn Ḥanbal and Ibn Qutayba, composed independent works titled *Kitāb al-ashriba* dealing exclusively with beverages.

The abovementioned works of Ibn Abī Shayba, ‘Abd al-Razzāq, and Ibn Ḥanbal are especially important for the study of the early development of the law regarding *nabīdh* and receptacles because they contain many non-Prophetic traditions that are not preserved elsewhere. Early biographical works, like the *Ṭabaqāt* of Ibn Sa‘d and the *Tārīkh* of al-Bukhārī are also good repositories for traditions of this sort. Relevant traditions are found of course in many other works. Thanks to large digital databases like *al-Maktaba al-Shāmila*, a vast corpus of Islamic works can be searched quickly.

4.5 Categorization of Traditions about *Nabīdh* and Receptacles

Most traditions about *nabīdh* and receptacles fall into four categories: (1) permissive traditions, (2) prohibitive traditions, (3) concessive traditions, and (4) anti-concessive traditions.

(1) In permissive traditions, an authority permits the use of a receptacle or certain receptacles for the preparation or storage of *nabīdh*. These traditions can be Prophetic, that is, on

²¹ Ibn Abī Shayba, *Muṣannaf*, 8:77-168; ‘Abd al-Razzāq, *Muṣannaf*, 9:199-269.

the authority of the Prophet, or non-Prophetic, that is on the authority of a Companion or Successor.

(2) In prohibitive traditions, an authority prohibits or deems reprehensible the use of a receptacle or certain receptacles for the preparation or storage of *nabīdh*. These traditions can be Prophetic or non-Prophetic. Note that “prohibitive” is a somewhat inaccurate term, because the category of “prohibitive” traditions includes traditions that deem certain receptacles reprehensible. If a receptacle is deemed reprehensible, it is not prohibited. Its use is merely unrecommended. For the sake of convenience, I categorize such traditions with traditions that prohibit the use of receptacles.

Some traditions may be prohibitive and permissive simultaneously in that they prohibit some receptacles but permit others. For example, if a tradition mentions only tarred jars as prohibited, it may be permitting green jars. If I describe such a tradition as “prohibitive,” then I mean that is prohibitive regarding the use of tarred jars.

(3) Concessive traditions assert that the Prophet gave a concession regarding the use of a receptacle or certain receptacles for the preparation or storage of *nabīdh*. In other words, he permitted it after he had previously prohibited it.

(4) Anti-concessive traditions deny that the Prophet issued a concession regarding the use of a receptacle or receptacles for the preparation or storage of *nabīdh*.

Traditions from the four categories can generally be dated relatively too each other. Non-Prophetic permissive or prohibitive traditions belong to the earliest layer of traditions.

Permissive traditions were commonly produced in response to prohibitive traditions and *vice versa*. To the next stage, belong prohibitive and permissive Prophetic traditions. These traditions also developed in response to each other. Concessive traditions are a synthesis of the permissive and prohibitive Prophetic traditions and therefore belong to a later stage. Anti-concessive traditions reject the synthesis offered by concessive traditions, and thus belong to the latest stage of traditions.

The emergence of permissive and prohibitive traditions, followed by the introduction of concessive and anti-concessive traditions occurred multiple times in the Late Umayyad and Early Abbasid periods. There is a similar pattern of traditions for many different Companions. For each of these Companions, there are non-Prophetic traditions on his or her authority. These are permissive or prohibitive, and often both. Then there are Prophetic traditions on this authority. These are permissive or prohibitive, and sometimes both. Often, there are also concessive traditions on his or her authority, and more rarely also anti-concessive traditions.²²

4.6 Traditions about *Nabīdh* and Receptacles

There are various receptacles that recur in traditions about *nabīdh*. The definitions of some of them were discussed in the previous chapter. These include four receptacles that are commonly mentioned: *muzaffat* (and/or *muqayyar*), gourds (*dubbā`* or *qar`*), *ḥantam*, and *naqīr*.

²² See, e.g., Appendix C.

Additionally, traditions often mention “jars” (*jarr*) and “green jars” (*jarr akhḍar*). Waterskins commonly appear as permitted receptacles, as well as stone basins (singular: *tawr min hijāra*).

It should be noted that scribes and transmitters often changed their received traditions for various reasons. For example, “jars” and “green jars” would be confused with each other through the addition or omission of the adjective. *Muqayyar* and *naqīr* were often confounded due to their similar Arabic orthography. Receptacles would be added to lists or removed from them. Such changes are often unintentional, but sometimes they reflect the legal leanings of a transmitter or scribe. These changes can often be detected when multiple variants of the same tradition are compared with each other.

Traditions may mention one or more receptacles in various combinations (usually to prohibit them). Some combinations recur and may be associated with certain transmitters and regional practices. In what follows, I will survey some of the more frequent and salient combinations and note various regions and transmitters, with which they are associated.

4.6.1 Muzaffat & Gourds

Muzaffat and *dubbā'* (gourds) are a pair of receptacles that are often prohibited together in traditions, especially Prophetic ones. Some non-Prophetic traditions prohibit *muzaffat* and gourds separately. For example, according to a Kufan tradition, Saʿīd b. Jubayr proclaimed:

I would sooner drink the urine of an ass than drink from a *muzaffat*.²³

Another Kufan tradition attributes a similar saying to a slightly earlier Successor, ‘Abd al-Raḥmān b. Abī Laylā.²⁴ The third caliph ‘Uthmān b. ‘Affān reportedly flogged a person for possessing a gourd filled with *nabīdh* and smashed it.²⁵ As far as I have been able to ascertain, there is no non-Prophetic tradition in which they appear together. According to some traditions, the Prophet prohibited *muzaffat*.²⁶

Prophetic traditions prohibiting *muzaffat* and gourds are quite common and appear to have been disseminated primarily by Medinan and Kufan transmitters. Ibrāhīm al-Nakha‘ī (Medina, Kufa, d. ca. 96/717) probably propagated one of the earliest Prophetic traditions on the authority of ‘Ā’isha.²⁷ He was followed by Nāfi‘ (Medina, d. 117/735) ← Ibn ‘Umar ← an anonymous Companion;²⁸ Sulaymān al-A‘mash (Kufa, d. ca. 147/764) ← ... ← ‘Alī,²⁹ Muḥammad b. Abī Ismā‘īl (Kufa, d. 142/759-60) ← ... ← Anas b. Mālik,³⁰ Mālik b. Anas (Medina, d. 179/795) ← ... ← Abū Hurayra;³¹ ‘Abdallāh b. al-Mubārak (Khorasan, d. 181/797)

²³ *Isnād*: Yaḥyā b. [Abī] Bukayr (Kufa) ← Isrā‘īl (Kufa) ← ‘Ammār [al-Duhnī not] al-RHBī (Kufa). See Ibn Ḥanbal, *Ashriba*, 46 (no. 47). For the *isnād* from Ibn Abī Bukayr to al-Duhnī, see, e.g., al-Dāraqūṭnī, *‘Ilal*, 4:167 (no. 1523).

²⁴ Ibn Abī Shayba, *Muṣannaḥ*, 8:90 (no. 24251).

²⁵ ‘Abd al-Razzāq, *Muṣannaḥ*, 9:227-8 (nos. 17026 & 17027). Abū Wā‘il who transmits a version of this tradition is probably the Yemeni Abū Wā‘il al-Qāṣṣ ‘Abdallāh b. Baḥīr. On him, see, e.g., al-Khaṭīb al-Baghdādī, *Talkhīṣ al-mutashābih*, 193. Abū Wā‘il claims to have heard it from Hānī’ a *mawlā* of ‘Uthmān. The Basran Ma‘mar also cites Hānī’ as his indirect source for this tradition.

²⁶ See §4.6.5.

²⁷ See Appendix H §1.1.

²⁸ See Appendix J §2.1.

²⁹ See Appendix E §8.

³⁰ See Appendix I §2.2.

³¹ See, e.g., Mālik, *Muwatta’* (al-Zuhrī Recension), 2:51 (no. 1834). Mālik is the common link here.

← Wiqā' b. Iyās (Kufa) ← ... ← Samura b. Jundub;³² and Shabāba b. Sawwār (Ctesiphon, d. 204/819-20) ← Shu'ba (Basra) ← Bukayr b. 'Atā' (Kufa) ← 'Abd al-Raḥmān b. Ya'mar (Kufa).³³

The prohibition of these two receptacles alone may have originally characterized Medinan traditions, which were then spread to other regions, gaining special traction in Kufa. A Hijazi origin is supported by the reports suggesting that *muzaffat* and *dubbā'* are Hijazi terms, glossed by Iraqis as *muqayyar* and *qar'*.³⁴

4.6.2 Muzaffat, Gourds, Ḥantam & Naqīr

At a certain point, transmitters began adding *ḥantam* and *naqīr*, either together or separately to traditions prohibiting *muzaffat* and gourds, and sometimes instead of one of them. The terms *ḥantam* and *naqīr* are respectively analogous to *muzaffat* and gourds. *Ḥantam* and *muzaffat* are often applied to jars, whereas *dubbā'* and *naqīr* refer to receptacles made of plants.

Ḥantam and *naqīr* must have appeared together or separately in non-Prophetic traditions prior to their appearance in Prophetic ones. According to one tradition, 'Umar I's governor in Maysān (in southeastern Iraq) composed a poem about drinking an intoxicant from glass

³² See, e.g., Ibn Ḥanbal, *Musnad*, 33:355-6 (nos. 20186 & 20187). Wiqā' 's student, Ibn al-Mubārak (Khorasan, d. 181/797), is the common link. Given its contents, Ibn al-Mubārak probably learned it from a Kufan, presumably Wiqā', who also taught him another tradition about *nabīdh*. Cf. al-Nasā'ī, *Sunan*, 5:68 (no. 5053). For Wiqā' 's biography, see al-Bukhārī, *Tārīkh*, 8:188 (no. 2650).

³³ See Appendix M.

³⁴ See §3.2.1.

receptacles and *ḥantam*. Upon hearing about this poem, ‘Umar I immediately relieved him of his gubernatorial duties and vowed to never again appoint him over anything. The former governor pled that he merely sang about drinking but did not actually drink. However, his pleas failed to convince the caliph to reinstate him.³⁵ Al-Barā’ b. ‘Āzib (Medina, Kufa, d. ca. 72/691-2) reportedly recalled that ‘Umar I ordered him to announce on the day of the battle of al-Qādisiyya, ca. 14/635, that *nabīdh* may not be prepared in gourds, *ḥantam*, and *muzaffat*.³⁶ According to Salām b. Miskīn (d. 167/784), ‘Umar II prohibited the use of the four receptacles in an edict he sent to Basra.³⁷

A few traditions directly acknowledge the addition of *ḥantam* and *naqīr* to *muzaffat* and gourds. Ibn Shihāb al-Zuhrī (Medina, Syria, d. 124/742) noted that Abū Hurayra added these items to the Prophet’s tradition.³⁸ The Kufan Ibn Abī Ismā‘īl claimed that Anas b. Mālik denied the addition of *ḥantam* to the prohibited *muzaffat* and gourds.³⁹ Al-Aswad allegedly refused to add *ḥantam* to *muzaffat* and gourds despite the insistence of his student al-Nakha‘ī.⁴⁰ The

³⁵ See, e.g., Ibn Sa‘d, *Ṭabaqāt*, 4:130-1. Muḥammad b. Ishāq (Medina) is said to be the source of this tradition. Cf. Kueny, *Rhetoric*, 153, n.82.

³⁶ *Isnād*: ‘Abdallāh b. Idrīs (Kufa) ← Ḥuṣayn b. ‘Abd al-Raḥmān (Kufa) ← Sa‘d b. ‘Ubayda al-Sulamī (Kufa). See Ibn Abī Shayba, *Muṣannaḥ*, 8:90 (no. 24253), = 11:260 (no. 34331).

³⁷ See Appendix B §2.2.

³⁸ See, e.g., Abū ‘Awāna, *Mustakhraj*, 16:258 (no. 8549). In most versions, e.g., *ibid.*, 16:261 (no. 8554); al-Bukhārī, *Ṣaḥīḥ*, 7:105-06 (no. 5587); Muslim, *Ṣaḥīḥ*, 3:1577 (no. 1993 [31]), it is unclear if Abū Hurayra made the addition spontaneously or if he was repeating the words of the Prophet. If the addition is Abū Hurayra’s own initiative, then the prohibition of *ḥantam* and *naqīr* may be seen as less binding than the prohibition of gourds and *muzaffat*, the two receptacles prohibited by the Prophet.

³⁹ See Appendix I §2.2.

⁴⁰ See Appendix H §1.1.3.

addition of these receptacles is also recognized in Imāmī sources. Muḥammad b. Muslim al-Kūfī (d. 150/767) reportedly narrated:

I asked him [viz., either the fifth Imām Muḥammad al-Bāqir (d. ca. 117/735) or the sixth Imām Ja‘far al-Ṣādiq (d. 148/765)] about the receptacles [in which *nabīdh* may not be prepared]? He replied: “The Messenger of God (Ṣ) prohibited gourds and *muzaffat*. And you (pl.) added *ḥantam* [...]”⁴¹

The Imām’s response may imply a negative view of the addition.

Eventually, transmitters disseminated traditions prohibiting the four receptacles without noting that one or two receptacles were added. For example, when Ma‘mar b. Rāshid taught the abovementioned tradition of his teacher al-Zuhrī in Yemen, he smoothened it out by listing all four prohibited receptacles as equals. He did not acknowledge that two of the items were added.⁴²

Thus, traditions prohibiting different receptacles proliferated. This proliferation troubled some early Hadith critics. They wondered if the Muslim community failed to document the Prophet’s instructions. The following Basran tradition addresses this problem. According to this tradition, a Successor named Abū l-Waddāk recalled:

⁴¹ Al-Kulaynī, *Kāfī*, 12:738-9 (no. 12327): *nahā Rasūl Allāh (Ṣ) ‘ani l-dubbā’ wa-l-muzaffat wa-zidtum antumu l-ḥantam*.

⁴² See, e.g., ‘Abd al-Razzāq, *Muṣannaḥ*, 9:200 (no. 16926); Ibn Ḥanbal, *Musnad*, 13:175 (no. 7752).

A friend of mine and I disagreed about *ḥantam*. We went to Abū Sa‘īd al-Khudrī and told him: “Narrate to us a report that you heard from the Messenger of God (ﷺ) about *ḥantam*!” He replied: “If you ask that [then I will tell you].⁴³ “During the lifetime of the Messenger of God (ﷺ), it occasionally occurred that some of us were present and available to hear from him, while others were busy with work. [Those who were busy] would sometimes show up, after the Messenger of God (ﷺ) had already gotten up [to leave]. They would then ask: ‘what did he say?’ and so we would inform them about what [he] said.

One day, they brought before him a drinker, slapping him around and pelting him with shoes.” [The drinker] begged: ‘O Messenger of God, by God, I did not drink any wine.’ ‘What then did you drink?’ enquired [the Messenger of God]. He answered: ‘All I did was take some dates and raisins and placed them in a gourd of mine.’ Then, the Messenger of God (ﷺ) prohibited the mixing of dates and raisins in gourds and in *muzaffat*.’⁴⁴

From this tradition, two explanations may be derived for why traditions about *nabīdh* and receptacles (and traditions in general) were inconsistent.

⁴³ Arabic: *la-in qulta dhāka* (“if you say that”). Cf. the occurrence of a similar expression in Ibn Ḥanbal, *Musnad*, 39:118-9 (no. 23713).

⁴⁴ Abū Ya‘lā, *Musnad*, 2:487 (no. 1322). Cf. *ibid.*, 2:311 (no. 1041); Ibn Ḥanbal, *Musnad*, 17:399 (no. 11297). The common link of this tradition is probably Abū l-Tayyāḥ (Basra, d. 128/746). The frame story about Abū l-Waddāk and al-Khudrī is present only in the version of ‘Affān b. Muslim (Basra, d. 220/835) ← Ḥammād b. Salama ← Abū l-Tayyāḥ. Even so, this frame story was likely present in Abū l-Tayyāḥ’s original tradition. Other transmitters omitted the story, as it does not depict the Prophet’s words or actions.

(1) First, Companions were sometimes absent and could not hear pronouncements of the Prophet. Indeed, al-Khudrī assured his young interlocutor that the Companions strove to catch up on the teachings they missed when they were absent. Yet, it stands to reason that not everyone succeeded in staying fully informed.

(2) Second, the Prophet would sometimes make his pronouncements *ad hoc*, producing varying traditions. For example, when he encountered a case involving gourds, he prohibited gourds (and *muzaffat*).⁴⁵ On another occasion, he may have encountered a case involving *ḥantam*, so he prohibited *ḥantam*. On a third occasion, he prohibited *ḥantam*, *muzaffat*, and gourds. And so forth. In this way, Hadith critics reconciled the existence of traditions that might seem inconsistent or incomplete.

Abū Jamra (Basra, d. *ca.* 127/745) transmitted a very developed Prophetic tradition prohibiting the four receptacles. This tradition is on the authority of his teacher Ibn ‘Abbās. According to one version of this tradition, Ibn ‘Abbās said:

A delegation from the tribe of ‘Abd al-Qays came [from Baḥrayn] to the Prophet (ﷺ) [in Medina] and said: “The Polytheists of Muḍar stand between us and you, and we can only reach you during the holy months [when fighting is prohibited]. Therefore, please provide us with a concise summary of commandments (*mur-nā bi-jumal mina l-amr*), so that, if we follow [these commandments], we will enter heaven. We will also call upon our

⁴⁵ The mention of *muzaffat* here is probably an addition unique to ‘Affān b. Muslim’s version of this tradition. This element is absent in other versions. See, e.g., Abū Ya‘lā, *Musnad*, 2:311 (no. 1041); Ibn Ḥanbal, *Musnad*, 17:399 (no. 11297).

people back home (*man warā' a-nā*) to observe them!” The Prophet replied: “I will command you to do four things, and I will prohibit four things. I command you (1) to believe in God, to utter the *shahāda* “there is no deity except God,” (2) to perform the prayers, (3) to give alms, and (4) to allot a fifth of the spoils [in accordance with Q 8:41].⁴⁶ I prohibit four things: Do not drink [*nabīdh*] in (1) gourds, (2) *naqīr*, (3) tarred receptacles, or (4) a *ḥantama!*”⁴⁷

Abū Jamra’s tradition places the Prophet’s prohibition of the four receptacles in a specific historical context, during the visit of the ‘Abd al-Qays delegation to Medina. The tradition’s author likely modeled it after earlier traditions about this delegation which did not mention receptacles.⁴⁸

In the ‘Abd al-Qays tradition, the Prophet prohibits the use of the four receptacles. Note that the four prohibited receptacles correspond to four positive commandments. Three of these

⁴⁶ The list of “four” commandments varies in the different versions of this tradition. In some versions, it may appear as if the Prophet, who promises four commandments, enumerates five. Transmitters and exegetes resolved this seeming inconsistency in various ways. For example, in the version cited here, one commandment “to believe in God” is combined with another “to utter the *shahāda*,” both forming a single commandment. Cf. Ibn Baṭṭāl, *Sharḥ*, 118-9; al-Nawawī, *Sharḥ*, 1:184.

⁴⁷ Al-Bukhārī, *Ṣaḥīḥ*, 9:161 (no. 7556). Cf. Harvey, “Green Jars,” 437. Juynboll, *ECH*, 522-3 (no. 6524), suspects that this tradition originated not with Abū Jamra, but with his student Shu‘ba, who transmits a version of the tradition. He suggests that Ḥammād b. Zayd and ‘Abbād b. ‘Abbād, two other students of Abū Jamra, invented their versions of this tradition. In my opinion, Juynboll’s mistrust of these two students is unwarranted, as their versions most likely originate with Abū Jamra. Other students of Abū Jamra who reportedly transmit versions of this tradition include: Qurra b. Khālīd (Basra, d. 154/771), Abū l-Tayyāḥ, and Abū Hilāl al-Rāsībī (d. 167/783-4). See, e.g., al-Bukhārī, *Ṣaḥīḥ*, 1:20 (no. 53), 1:29 (no. 87), 1:111 (no. 523), 2:105 (no. 1398), 4:81 (no. 3095), 4:181 (no. 3510), 5:168-9 (nos. 4368 & 4369), 8:41 (no. 6176), 9:90 (no. 7266).

⁴⁸ For examples of such traditions, see Ibn Sa‘d, *Ṭabaqāt*, 1:271-2, 8:118-9, 9:84-5. On ‘Abd al-Qays and its delegation, see Anthony, *Muḥammad and the Empires*, 81, n.92.

four commandments overlap with the five pillars of Islam.⁴⁹ The four commandments are a precursor of these five fundamental requirements of the religion. Thus, the prohibition of the four receptacles and the four positive commandments are an abridgment of all Islamic law. According to this tradition, the prohibition of *nabīdh* in receptacles is one of the fundamental requirements of Islam.

In sum, al-Zuhrī's tradition is one of the first traditions to add *ḥantam* and *naqīr* to the already prohibited *muzaffat* and gourds. Al-Zuhrī may have been one of the first major proponents of the prohibition of the four receptacles. Alternatively, he sought to explain why some traditions prohibited *muzaffat* and gourds, while others prohibited four receptacles. He explained that Abū Hurayra added two receptacles to the two prohibited by the Prophet. Al-Zuhrī may have held that the Prophet's prohibition was more binding than Abū Hurayra's prohibition. Traditions prohibiting the four receptacles were very popular in Iraq. There they were met with some resistance. Transmitters like the Kufan Ibn Abī Ismā'īl promoted traditions that denied the addition of receptacles *muzaffat* and gourds. However, over time the notion that four receptacles were prohibited became more prevalent. Transmitters, like Ma' mar, saw no need in differentiating between *muzaffat* and gourds and *ḥantam* and *naqīr*. All four receptacles were equally prohibited.

⁴⁹ Two "pillars" that are noticeably absent here are fasting and performing the pilgrimage. Fasting is mentioned, likely as an addition, in some versions of this tradition. See, e.g., al-Bukhārī, *Ṣaḥīḥ*, 1:20 (no. 53). Some exegetes speculated that the Prophet omitted the pilgrimage because it had not yet been designated as a religious requirement. See al-Nawawī, *Sharḥ*, 1:184. On some primitive variations of the pillars or principal duties of Islam, see Goldziher, *Introduction*, 14, n.13. Goldziher's reference to al-Bukhārī's "*Tafsīr*" is probably al-Bukhārī, *Ṣaḥīḥ*, 6:115 (no. 4777).

4.6.3 Muzaffat, Gourds, & Naqīr

Al-Zuhrī's contemporary, Abū l-Zubayr (Mecca, d. 128/746) transmitted a tradition on the authority of his teacher Jābir b. 'Abdallāh, according to which the Prophet prohibited *muzaffat*, gourds, and *naqīr*.⁵⁰

4.6.4 Gourds, Ḥantam, & Naqīr

'Abd al-Khālīq b. Salima (Basra, d. early 2nd century/ca. 720-770) is responsible for a tradition prohibiting gourds, *ḥantam* (green jars), & *naqīr*, but not *muzaffat*.⁵¹

4.6.5 Only Muzaffat

Abū Hurayra, as one Basran tradition asserts, prohibited *muzaffat*.⁵² According to a Kufan tradition, when asked about *ṭilā'* [served or prepared] in a *muzaffat*, 'Abdallāh b. 'Umar said: “do not drink it in a *muzaffat*!”⁵³ According to the Basran Abū Hārūn al-'Abdī (d. 134/751), the

⁵⁰ See, e.g., Ibn Ḥanbal, *Musnad*, 23:137 (no. 14843); Ibn Abī Shayba, *Muṣannaf*, 8:87 (no. 24239); Muslim, *Ṣaḥīḥ*, 3:1583 (no. 1998 [59]); Abū 'Awāna, *Mustakhraj*, 16:266 (no. 8559). Some transmitters of this tradition added or omitted items to its list of prohibited receptacles. See, e.g., al-Ṭayālīsī, *Musnad*, 3:301 (no. 1845); Ibn Ḥanbal, *Musnad*, 22:168 (14267) & 23:142 (no. 14851), 296 (nos. 15059 & 15060), & 333 (no. 15122).

⁵¹ See §3.3.1.1.

⁵² *Isnād*: Sahl b. Yūsuf (Basra, d. after 190/805) ← Sulaymān al-Taymī (Basra, d. 143/760) ← Abū Mijlāz (Basra, d. ca. 109/727) ← anonymous ← Abū Hurayra. Ibn Abī Shayba, *Muṣannaf*, 8:90 (no. 24255).

⁵³ *Isnād*: 'Alī b. Mushir (Kufa, d. 189/805) ← [Abū Ishāq] al-Shaybānī (Kufa, d. 138-142/756-760) ← 'Abd al-Malik b. Nāfi' [al-Shaybānī] ← Ibn 'Umar. Ibn Abī Shayba, *Muṣannaf*, 8:90 (no. 24254).

Prophet prohibited *muzaffat*.⁵⁴ From these traditions, it is unclear if other receptacles are prohibited in addition to *muzaffat*.

An Egyptian report clarifies that only *muzaffat*, and not gourds, were prohibited by the Prophet. According to this tradition, Abū Ishāq the *mawlā* of the Banū Hāshim narrated that on one occasion, they [= members of Banū Hāshim] were discussing in which [receptacles] *nabīdh* may be prepared and they had a disagreement about gourds (*qar*). Abū Ayyūb al-Anṣārī passed by them, and they sent over to him a person who asked him: “Abū Ayyūb, what is your opinion of gourds?” He responded: “I heard the Messenger of God (ﷺ) prohibiting the preparation of *nabīdh* in every tarred receptacle (*muzaffat*). [The person] repeated: “[what about] gourds?” And Abū Ayyūb repeated his first response.⁵⁵

The originator of this tradition, likely its common link Abū Umayya ‘Amr b. al-Ḥārith (Egypt, d. ca. 147/764),⁵⁶ held that tarred receptacles, including tarred gourds and tarred jars, are prohibited. Notably, he did not mention *ḥantam* or green jars.

⁵⁴ Ibn Abī Shayba, *Muṣannaḥ*, 8:90 (no. 24252). Ibn Abī Shayba cites Wakī‘ as his informant for this tradition. However, there is no reason to suspect that either of these Kufan transmitters known for their tolerance of drinking *nabīdh* would invent such a tradition. The tradition may have originally prohibited other receptacles in addition to *muzaffat*.

⁵⁵ *Isnād*: ‘Amr b. al-Ḥārith ← Bukayr b. ‘Abdallāh b. al-Ashajj (Medina, Egypt) ← Abū Ishāq. See Ibn Ḥanbal, *Musnad*, 38:495 (no. 23512); = idem, *Ashriba*, 61 (no. 115). Cf. al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 4:158-9 (no. 4000).

⁵⁶ ‘Amr b. al-Ḥārith, who studied under al-Zuhrī and others, immigrated from Medina to Egypt to tutor the sons of the ‘Abbasid official Ṣāliḥ b. ‘Alī. See al-Bukhārī, *Tārīkh*, 6:320-1 (no. 2521); Ibn Sa‘d, *Ṭabaqāt*, 9:522 (no. 4893). Ṣāliḥ b. ‘Alī governed Egypt intermittently between 133/750 and 137/755). See A. Grohmann, “Ṣāliḥ b. ‘Alī,” *EF*².

4.6.6 Jarr

Nabīdh al-jarr is one of the most common terms in traditions about *nabīdh* and its receptacles. It is almost emblematic of the entire discussion. Traditions about *jarr* are very early. As Juynboll proposed, the “issue of which vessels were forbidden is an ancient one and there are numerous *mursalāt* and *mawqūfāt* with one or more types of vessels identified as unsuitable, the oldest of which may have been the ban of *nabīdh* in the common earthenware pot, the *jarra* (or the collective: *jarr*).”⁵⁷ Traditions about *jarr* are very old, though they may have developed in parallel with traditions about *muzaffat*.

There are many non-Prophetic traditions about the *nabīdh* of jars. Of these, the permissive ones are mostly Kufan, and the prohibitive ones are mostly Basran.

Many Successors are said to have consumed or permitted the *nabīdh* of jars, including: al-Ḍaḥḥāk b. Muzāḥim (Kufa, d. 105/723),⁵⁸ Masrūq b. al-Ajda’ (Kufa, d. 63/682),⁵⁹ and numerous students of Ibn Mas’ūd.⁶⁰ The same is true regarding many Companions, including: Ibn Mas’ūd (Kufa, d. 32/653),⁶¹ Abū Mas’ūd (d. after 41/661),⁶² Usāma b. Zayd (d. ca. 54/674),⁶³ and Abū l-Dardā’ (the Levant, d. 32/652).⁶⁴ A significant number of Basrans were also said to have permitted the *nabīdh* of jars, including: Abū Barza (d. ca. 64/684),⁶⁵ Ma’qil b. Yasār

⁵⁷ Juynboll, *ECH*, 239.

⁵⁸ Al-Raqīq, *Quṭb*, 888.

⁵⁹ Ibn Abī Shayba, *Muṣannaf*, 8:112 (no. 24376).

⁶⁰ See Appendix G §1.

⁶¹ See Appendix G §2.

⁶² Ibn Abī Shayba, *Muṣannaf*, 8:111 (no. 24369).

⁶³ *Ibid.*

⁶⁴ *Ibid.*, 8:105 (no. 24336).

⁶⁵ *Ibid.*, 8:110 (no. 24362).

(d. after 60/679),⁶⁶ ‘Imrān b. Ḥuṣayn (d. ca. 52/672),⁶⁷ and even Anas b. Mālīk.⁶⁸ Some of these traditions represent Kufan attempts to claim Basran authorities as supportive of the consumption of the *nabīdh* of jars. Other traditions suggest that in the earliest generations many Basrans consumed *nabīdh* prepared in jars.

Both Kufans and Basrans remembered that ‘Umar II issued an edict prohibiting the *nabīdh* of jars. The edict likely did not cite the Prophet as the authority of this prohibition.⁶⁹ Likewise, Anas b. Mālīk reportedly never heard the Prophet say anything about the topic of the *nabīdh* of jars.⁷⁰

Abū Jamra (Basra, d. ca. 127/745) claimed that his teacher the Companion Ibn ‘Abbās remarked about the *nabīdh* of jars:

Do not drink it even if it is sweeter (*aḥlā*) than honey!⁷¹

Abū Jamra likely cited this tradition in response to Kufan traditions that claimed that the *nabīdh* of jars can be consumed if it is sweet (*ḥulw*), not sour (*khāmiḍ*) or strong (*shadīd*).⁷²

⁶⁶ Ibn Abī Shayba, *Muṣannaf*, 8:115 (no. 24392).

⁶⁷ See, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:112-3 (nos. 24375 & 24381).

⁶⁸ See Appendix I §1.

⁶⁹ See §edict.

⁷⁰ See Appendix I §2.6.

⁷¹ See, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:208 (no. 16954); Abū l-Faḍl al-Zuhrī, *Ḥadīth*, 106 (no. 39); Ibn Qutayba: Abū Ḥamza [!] [= Jamra]. *Ashriba*, 115. Shu‘ba transmits an expanded version of this tradition, e.g., in Ibn Abī Shayba, *Muṣannaf*, 8:94 (no. 24274); al-Nasā’ī, *Sunan*, 5:110 (no. 5181); Ibn al-Ja‘d, *Musnad*, 584-5 (no. 1319). Abū Jamra’s transmission from Ibn ‘Abbās is seemingly corroborated by a tradition from Ja‘far b. Burqān ← Maymūn b. Mihrān preserved in Ibn Abī Shayba, *Muṣannaf*, 8:95 (no. 24280). However, Ibn Burqān or another transmitter may have invented this tradition.

⁷² About the distinction between sweet and non-sweet *nabīdh*, see, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:204 (no. 16943); Appendix H §5.2.

Prophetic traditions prohibiting the *nabīdh* of jars (*jarr*) were probably introduced or popularized after the promulgation of ‘Umar II’s edict *ca.* 101/720. The Basran Thābit al-Bunānī introduced one of the earliest traditions of this sort before 106/724.⁷³ Half a century later, the Basran Shu‘ba b. al-Ḥajjāj transmitted many traditions prohibiting *jarr*, even claiming that the prohibited *ḥantam* are *jarr*.⁷⁴ The Medinan Mālik b. Anas is likely responsible for the wording of a famous Prophetic tradition promoting the breaking of *jirār* filled with a beverage made of dates. This tradition became the *locus classicus* for the injunction to destroy jars of *nabīdh*.⁷⁵ Mālik’s use of the term *jirār* is perhaps due to an Iraqi influence.

The Basran-Kufan divide regarding the *nabīdh* of jars is nicely encapsulated in a report about two groups of women, one Basran and the other Kufan, who met with Ṣafiyya, one of the wives of the Prophet. The Basran transmitter of this report, Ṣuhayra bint Jayfar, recalls:

We went on pilgrimage and then we went to Medina and visited Ṣafiyya bint Ḥuyayy. When visiting her, we met a group of Kufan women. They said to us: “if you want, we will ask questions and you will listen, or, if you want, you will ask questions and we will listen.” We said: “Ask away!” [The Kufan women] proceeded to ask about matters related to wives and their husbands and to menstruation. And they asked about the *nabīdh* of jars. [Ṣafiyya] said: “You have asked too much about the *nabīdh* of jars, O Iraqi women! The Messenger of God (Ṣ) prohibited the *nabīdh* of jars. Each one of you is

⁷³ See §Appendix J §2.2. and §Appendix J §3.

⁷⁴ See, e.g., §3.3.1.3 & §Appendix J §2.5-8.

⁷⁵ See Appendix I §2.8.6.

obliged to cook her dates, press them, refine them, place them in her waterskin, and tie it up at the mouth. Finally, when they are good, she may drink them and serve them to her husband.”⁷⁶

By interrogating Ṣafiyya about the *nabīdh* of jars, the Kufan women presumably hoped that she would permit under certain conditions the preparation of this beverage which was a favorite of their fellow city folk. Ṣafiyya impatiently dismissed these women’s inquiries.⁷⁷ As far as she was concerned, the matter was settled when the Prophet prohibited this beverage.

4.6.7 Jarr akhḍar

Traditions about green jars are an Iraqī phenomenon. There are many non-Prophetic traditions of this kind. As with the traditions about *jarr*, the prohibitive traditions about green jars are mostly Basran, and the permissive mostly Kufan.⁷⁸ Prophetic traditions about green jars seem to have appeared relatively late, though they were likely preceded by traditions prohibiting *ḥantam*.

⁷⁶ Ibn Abī Shayba, *Muṣannaf*, 8:94-5 (no. 24276). Cf., e.g., Ibn Ḥanbal, *Musnad*, 44:432, 434-5 (nos. 26862, 26864, & 26865); al-Ṭabarānī, *al-Muʿjam al-kabīr*, 24:76 (no. 199). Either Jarīr b. Ḥāzīm (Basra, d. 175/791) or his teacher Yaʿlā b. Ḥakīm (Basra) is the likely originator of this tradition. Asma Sayeed briefly discusses this tradition in *Women* (64-5).

⁷⁷ Ibn ʿAbbās appears to have similarly lost his patience with a Kufan who asked him about the *nabīdh* of jars. See §3.3.2.6.

⁷⁸ Harvey, “Green Jars,” 434-5.

During the first decades of the 2nd/8th century H, Ḥakīm b. Jubayr introduced what may be one of the earliest Prophetic traditions permitting green jars.⁷⁹ Similarly, other Kufans like Muḥammad b. Abī Ismā‘īl and Isrā’īl introduced Prophetic traditions permitting green jars.⁸⁰

The Basran Mayyāḥ b. Sarī‘ introduced a Prophetic tradition prohibiting green jars.⁸¹ Abū Ishāq al-Shaybānī (Kufa, d. 138-142/756-760) introduced a similar tradition on the authority of Ibn Abī Awfā. However, there was some disagreement between the transmitters citing al-Shaybānī if his tradition prohibited other jars or glazed jars in addition to green jars.⁸²

Basrans tended to prohibit green jars while Kufans tended to permit them. However, some Kufans, like al-Shaybānī, prohibited green jars.

4.6.8 Waterskins

In traditions about receptacles, a leather waterskin is often called a *siqā’* (pl. *asqiya*). Other terms in use include: *zarf*, *qirba*, *aftqa*, *su‘n*, *ziqq*, *juff*, *mazāda*, *rāwiya*, etc. The difference between these various terms is not always clear and may reflect different dialects or usage. However, there appear to have been some distinctions. For example, a *ziqq* is often described as a tarred waterskin,⁸³ whereas a *juff* is a large waterskin hanging on a contraption with three feet.⁸⁴

⁷⁹ See Appendix H §1.6.

⁸⁰ See Appendix I §2.2 and Appendix I §2.5.

⁸¹ See Appendix H §5.19.

⁸² See Appendix F §2.

⁸³ See, e.g., Ibn Ḥanbal, *Ashriba*, 57-8 (no. 101).

⁸⁴ See, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:104 (no. 24330).

Many traditions permit the preparation of *nabīdh* in waterskins, often presenting them as permissible alternatives to the prohibited receptacles. These traditions mostly come from Basra, where jars were commonly prohibited. Successors and Companions are said to have approved of waterskins.⁸⁵ The Prophet is also said to have approved of them.⁸⁶

Even though waterskins were cheaper than jars, the public still resisted their use. Once, someone asked al-Ḥasan al-Baṣrī about ceramic green jars, lead jars, and glass jars. Al-Ḥasan replied that each of these receptacles is prohibited. He then criticized the great lengths people go to avoid using waterskins, when they may be bought “for half a dirham.”⁸⁷

In Mecca, there was a large waterskin known as the *siqāya*, from which pilgrims would drink *nabīdh*. This institution predated Islam. It fell into desuetude by the end of the 4th/10th century. Many traditions claim that the Prophet drank its *nabīdh*. Some considered it an inseparable part of the pilgrimage.⁸⁸ When ‘Abdallāh b. al-Zubayr (d. 73/692) ruled Mecca, he reportedly wanted to remove the *siqāya* from the holy shrine, but Ibn ‘Abbās dissuaded him.⁸⁹ He may have desired its removal because he considered it an intoxicant. The *siqāya* was covered with tar in the time of ‘Aṭā’ (Mecca, d. 114/732). Yet, he claimed that it was not so during the time of the Prophet. He attributed this innovation to al-Ḥajjāj’s rule,⁹⁰ i.e., after the ousting of

⁸⁵ See, e.g., Ibn Ḥanbal, *Ashriba*, 35 (no. 15), 38 (no. 21), 49 (no. 60), 64 (no. 49), 50 (no. 71), 74 (nos. 175 & 176).

⁸⁶ See, e.g., Ibn Ḥanbal, *Musnad*, 4:279-30 (no. 2476), 38:55 (no. 22958).

⁸⁷ Ibn Ḥanbal, *Ashriba*, 38 (no. 21).

⁸⁸ Ibn Abī Shayba, *Muṣannaf*, 5:211-3 (*fī l-shurb min nabīdh al-siqāya*); P. Heine, “*Nabīdh*,” *EP*; Gaudesroy-Demombynes, *Pèlerinage*, 90-101.

⁸⁹ ‘Abd al-Razzāq, *Muṣannaf*, 5:118 (no. 9126).

⁹⁰ ‘Abd al-Razzāq, *Muṣannaf*, 9:202 (no. 16931).

Ibn al-Zubayr. As an old man, ‘Aṭā’ lamented the “strong” *nabīdh* served to the pilgrims. He fondly remembered that in his youth the *nabīdh* was so sweet it would glue his lips together. He blamed this change on the careless “slaves” who took over the *siqāya* from the “free folk.”⁹¹ Drinking from the *siqāya* was a well-established custom. This custom may explain why many jurists agreed to the use of (untarred) waterskins for the preparation of *nabīdh*. The decline of this custom may be attributed to the prohibition of intoxicants.

Many traditions specify that one should prepare *nabīdh* in a waterskin, the mouth of which can be tied up. Tying up waterskins is an additional restriction concerning their use. Reports promoting this restriction are often attributed to Basran authorities, like ‘Ikrima and Qatāda, or transmitted with Basran *isnāds*.⁹²

Why do Muslim sources insist on or prefer the preparation of *nabīdh* in waterskins that can be tied up? This question is especially puzzling if we consider that tying up a receptacle makes it more watertight and thus more conducive to fermentation. Hence, we might have expected that waterskins that cannot be tied up would be preferred. Instead, the traditions insist on the opposite.⁹³

Hadith commentators offered competing solutions. In the west, Abū Muḥammad al-Qāsim b. Thābit al-Saraqustī (Saragossa, d. 302/914) explained that tied up waterskins are easy

⁹¹ Ibn Ḥanbal, *Ashriba*, 68 (no. 151). Cf. Gaudefroy-Demombynes, *Pèlerinage*, 97.

⁹² See, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:204 (no. 16942); Ibn Ḥanbal, *Ashriba*, 74 (nos. 175 & 176); al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 9:276-77 (no. 9185).

⁹³ One tradition goes as far as specifying that the *nabīdh* in the tied up waterskin should not have “room to breathe.” See Ibn Ḥanbal, *Ashriba*, 49 (no. 64)

to open. They allow their users to inspect their contents for signs of fermentation.⁹⁴ In the east, Abū Sulaymān al-Khaṭṭābī (Bost, d. 388/998) claimed that such waterskins were very delicate; and so they would tear open if their contents fermented. In this way, they protected their users from consuming intoxicants.⁹⁵ Recently, Mathieu Tillier and Naïm Vanthieghem weighed in on why jurists preferred waterskins to jars. According to Tillier and Vanthieghem, waterskins, when tied up, were not hermetically sealed. Other receptacles, like tarred jars covered with a lid, were seen as more watertight. Hence, jurists believed that *nabīdh* in waterskins was less likely to ferment.⁹⁶ The explanations of al-Saraqusṭī, al-Khaṭṭābī, and Tillier and Vanthieghem agree that tying up waterskins reduces fermentation, but they disagree about how this reduction is achieved.

Contrary to the abovementioned opinions, the preference of tied up waterskins originally had little to do with preventing fermentation. As many traditions attest, the Prophet and other early Muslims encouraged the covering of receptacles and the tying up of waterskins. Their recommendation applied to all beverages, including non-intoxicants. The reason for doing so was

⁹⁴ Al-Saraqusṭī, *Dalā'il*, 10. Cf. al-Qāḍī 'Iyāq, *Mashāriq*, 1:139; Ibn Qurqūl, *Maṭāli'*, 2:86-7. The notion that the *nabīdh* in a waterskin should be easily exposable is supported by traditions that require that a waterskin should have two openings: (1) a mouth that may be tied up on the top, and (2) a spout ('*azlā*', pl. '*azālī*' or '*azālīn*') on the bottom. See, e.g., the tradition of 'Abd al-Wahhāb al-Thaqafī (Basra, d. 194/810) in Muslim, *Ṣaḥīḥ*, 3:1590 (no. 2005 [85]); Abū Ya'lā, *Musnad*, 7:361-2 (no. 4396).

⁹⁵ Al-Khaṭṭābī, *Ma'ālim al-Sunan*, 4:268–69.

⁹⁶ Tillier & Vanthieghem, "Amphores rouges," 60. Tillier & Vanthieghem claim that tying a waterskin did not provide sufficient sealing. Their claim is debatable. They also claim that «le Prophète aurait [...] recommandé [...] le recours à des contenants que l'on refermait à l'aide d'une attache (*yūkā 'alay-hā*) ou d'un tissu noué autour de son orifice (*yulāthu 'alā afwāhi-hā*). Their translation is inaccurate. Both Arabic phrases refer to tying up the mouth of a waterskin with a cord. A.J. Wensinck translated *yulāthu 'alā afwāhi-hā* as "the mouthpieces of which are smeared with pitch." See A.J. Wensinck, "*Khamr*," *EP*. Wensinck's translation is unsupported.

to prevent demons or pestilence from entering the beverage.⁹⁷ To this end, placing a stick over the mouth of a jar, i.e., barely covering it, was a sufficient phylactery.⁹⁸ In other words, there was an injunction to cover every receptacle containing any drink. There were also traditions permitting the preparation of *nabīdh* in waterskins. Hadith transmitters inserted that injunction into those traditions. Later Hadith critics encountered the traditions permitting the preparation of *nabīdh* in waterskins that can be tied up. They reinterpreted the tying up of these waterskins as a measure to reduce fermentation, not to ward off evil.

Many traditions, especially ones from Basra, require or recommend hanging up the waterskin containing *nabīdh*.⁹⁹ The reason for hanging it up is presently unclear to me. Generally, hanging a waterskin helps cool its contents and protect them.

4.6.9 Stone Receptacles

According to a tradition transmitted by Abū l-Zubayr (Mecca, d. 128/746), when the Prophet had no access to a waterskin he would have *nabīdh* prepared for him in a stone receptacle (*tawr min hijāra* or *tawr min birām*).¹⁰⁰ Another Hijazi tradition claims that the Prophet's wife Ṣafiyya

⁹⁷ Ibn Abī Shayba, *Muṣannaf*, 8:166-7 (*fī takhmīr al-sharāb wa-īkā' al-siqā'*); Muslim, *Ṣaḥīḥ*, 3:1594-97 (*bāb al-amr bi-taghīyat al-inā'* etc.). Cf. Mishna, tractate Terumot, 8:4. The Mishna prohibits three kinds of liquids if they are left uncovered in their receptacle: milk, water, and wine. Its concern appears to be that a snake (or other pest) may drink from the receptacle.

⁹⁸ Ibn Abī Shayba, *Muṣannaf*, 8:102 (no. 24321); Muslim, *Ṣaḥīḥ*, 3:1595 (no. 2012 [97]). Cf. Juynboll, *ECH*, 81-2 (no. 2233).

⁹⁹ See, e.g., Ibn Ḥanbal, *Ashriba*, 49 (no. 64), 57-8 (nos. 100 & 101).

¹⁰⁰ See, e.g., Ibn Ḥanbal, *Ashriba*, 43 (no. 37), *idem*, *Musnad*, 22:382 (no. 14499), 'Abd al-Razzāq, *Muṣannaf*, 9:203 (no. 16935); al-Nasā'ī, *Sunan*, 5:94 (nos. 5137 & 5138). This tradition is often transmitted together with the one mentioned in §4.6.3.

served in his presence *nabīdh* prepared in a stone receptacle.¹⁰¹ It seems that stone receptacles were promoted in the Hijaz as a permitted alternative in addition to waterskins.

4.6.10 Lead Receptacles

Receptacles made of lead (*raṣāṣ*) are rarely mentioned in traditions about the preparation of *nabīdh*. However, after the four receptacles, they are one of the receptacles most frequently mentioned.

Traditions permitting lead receptacles are primarily Kufan, even though they sometimes cite non-Kufan authorities. These include traditions on the authority of Successors and Companions. The permissive Successor traditions are on the authority of al-Ḥakam b. ‘Uṭayba (Kufa, d. 114-115/732-733),¹⁰² Abū Qilāba ‘Abdallāh b. Zayd (Basra, d. ca. 104/722),¹⁰³ Ibrahim al-Nakha‘ī (Kufa), Khaythama b. ‘Abd al-Raḥmān (Kufa), and al-Musayyib b. Rāfi‘ (Kufa).¹⁰⁴

¹⁰¹ Ibn Sa‘d, *Ṭabaqāt*, 10:121. This tradition may originate with ‘Abd al-Ḥamīd b. Sulaymān (Medina), who lived a generation or so after Abū l-Zubayr.

¹⁰² *Isnād*: Abū Khālid, but not [the Kufan] al-Aḥmar (?) ← Shu‘ba (Kufa, Basra) ← al-Ḥakam (Kufa). Ibn Abī Shayba, *Muṣannaf*, 8:121 (no. 24426). Shu‘ba probably transmitted this permissive tradition, after having learned it from al-Ḥakam in Kufa. Later in his career, Shu‘ba became invested in promoting traditions, especially Prophetic ones, prohibiting the preparation of *nabīdh* in jars and other receptacles. For another permissive tradition transmitted by Shu‘ba on the authority of al-Ḥakam, see §3.3.1.4.

¹⁰³ *Isnād*: Ibn ‘Ulayya (Kufa, Basra) ← Khālid al-Ḥadhdhā’ (Basra, d. 141/758) ← Abū Qilāba. Ibn Abī Shayba, *Muṣannaf*, 8:120 (no. 24424). This tradition permits preparing *nabīdh* in a waterskin and then moving it to a lead receptacle. It implies that preparing *nabīdh* in lead receptacles is prohibited. The Kufan born Ibn ‘Ulayya had a reputation for drinking intoxicants. See §4.1.

¹⁰⁴ *Isnād*: Ḥafṣ b. Ghiyāth (Kufa) ← al-‘Alā’ b. al-Musayyib (Kufa) ← Ibrāhīm, Khaythama, and al-Musayyib. Ibn Abī Shayba, *Muṣannaf*, 8:120 (no. 24423). Ibn Abī Shayba and his teacher Ḥafṣ reportedly drank intoxicants. See al-Khaṭīb, *Tārīkh Baghdād*, 16:284.

The permissive Companion traditions are on the authority of Ibn Mas‘ūd (Kufa),¹⁰⁵ Anas b. Mālik (Basra),¹⁰⁶ Ibn ‘Umar (Medina),¹⁰⁷ and Ibn ‘Abbās (Medina).¹⁰⁸

Traditions that prohibit lead receptacles or deem them reprehensible are primarily Basran. These include traditions on the authority of Successors, Companions, and the Prophet. The prohibitive Successor and Companion traditions are on the authority: Qatāda (Basra),¹⁰⁹ al-Ḥasan al-Baṣrī (Basra),¹¹⁰ Muḥammad b. Sīrīn (Basra),¹¹¹ and ‘Ikrima (Basra).¹¹² The latter reportedly had especially strong opinions against the *nabīdh* of lead receptacles. Someone once told ‘Ikrima: “I prepared *nabīdh* in a waterskin and poured it into a lead receptacle.” ‘Ikrima replied: “You have poured it into a devil.”¹¹³ According to another tradition, he said that the *nabīdh* of lead receptacles is “worse” (*akhbath aw asharr*) than the *nabīdh* of jars.¹¹⁴ ‘Ikrima is said to have

¹⁰⁵ *Isnād*: Ibn Jurayj (Mecca, Iraq) ← ‘Aṭā’ (Mecca) ← unnamed people ← Ibn Mas‘ūd. ‘Abd al-Razzāq, *Muṣannaf*, 9:199 (no. 16925). ‘Aṭā’ mentions the claim that Ibn Mas‘ūd drank from lead receptacles, but he does not appear to endorse Ibn Mas‘ūd’s actions, certainly not enthusiastically.

¹⁰⁶ *Isnād*: ‘Abdallāh b. Idrīs (Kufa) ← Ibn Fulful (Kufa) ← Anas. See Appendix I §2.3. Here, Anas permits using lead receptacles, but recommends not using them if there is doubt that their contents may be intoxicating.

¹⁰⁷ *Isnād*: al-Faḍl b. Dukayn (Kufa) ← Abū Khalda Khālīd b. Dīnār (Basra) ← Ghaylān b. ‘Umayra ← Ibn Umar. Ibn Abī Shayba, *Muṣannaf*, 8:120-1 (no. 24425). The Kufan Ibn Dukayn is the prime suspect for inventing this tradition. However, it cannot be ruled out that he heard it from Abū Khalda.

¹⁰⁸ *Isnād*: Muḥammad b. Yazīd (Wāsit) ← Abū l-Ashhab Ja‘far b. al-Ḥārith al-Nakha‘ī (Kufa) ← “his father” ← “his grandfather” ← Ibn ‘Abbās. Ibn Abī Shayba, *Muṣannaf*, 8:120-1 (no. 24422). Abū l-Ashhab is probably the originator of this tradition which he cites with a family *isnād*.

¹⁰⁹ *Isnād*: Ma‘mar ← Qatāda. ‘Abd al-Razzāq, *Muṣannaf*, 9:204 (no. 16939). This tradition has another *isnād*: Ma‘mar ← someone ← ‘Ikrima. According to this tradition, Qatāda and ‘Ikrima considered glass receptacles and lead receptacles prohibited.

¹¹⁰ Ibn Abī Shayba, *Muṣannaf*, 8:120 (no. 24421); Ibn Ḥanbal, *Ashriba*, 38 (no. 21).

¹¹¹ *Isnād*: Muḥammad b. Yazīd (Wāsit) ← Sufyān b. Ḥusayn (Wāsit) ← Ibn Sīrīn & al-Ḥasan al-Baṣrī. Ibn Abī Shayba, *Muṣannaf*, 8:119 (no. 24418); Ibn Ḥanbal, *Ashriba*, 55 (no. 93).

¹¹² Ibn Ḥanbal, *Ashriba*, 55 (no. 91); ‘Abd al-Razzāq, *Muṣannaf*, 9:204 (no. 16939).

¹¹³ Ibn Ḥanbal, *Ashriba*, 49 (no. 60).

¹¹⁴ Ibn Abī Shayba, *Muṣannaf*, 8:120 (no. 24420).

transmitted a tradition in which the Prophet prohibited all receptacles, including ones made from lead, except for waterskins that can be tied up at their mouths.¹¹⁵

The relatively small number of Prophetic and non-Prophetic traditions about lead receptacles may indicate that very few people were interested in promoting these receptacles. Alternatively, the discussion of these receptacles may have originated at a late date, when it was more difficult to introduce new traditions about the Prophet and others without raising suspicion.

4.6.11 Glass Receptacles

Like lead receptacles, receptacles made of glass are also rarely mentioned in traditions about the preparation of *nabīdh*. However, after the four receptacles, they are one of the most frequently mentioned receptacles in such traditions. Terms used to refer to glass receptacles include *zujāj* and the Qur'anic term *qawārīr* (sgl. *qarūra*).

According to Q 76:15-16, those who dwell in Paradise will drink from goblets made of glass, or clear like glass. This Qur'anic description is probably a major reason why some early Muslims avoided drinking any drink from glass receptacles. Presumably, they held that such receptacles ought to be exclusively reserved to the heavenly realm. For example, Ibn 'Umar reportedly refused to drink water from a glass cup.¹¹⁶ However, a competing tradition claims that the Prophet used to drink from a glass cup given to him as a gift.¹¹⁷

¹¹⁵ 'Abd al-Razzāq, *Muṣannaḡ*, 9:208 (no. 16958).

¹¹⁶ Ibn Sa'd, *Ṭabaqāt*, 4:145 (*istasqā-nī Bnu 'Umar* etc.); & 4:160 (*istasqā Bnu 'Umar* etc.).

¹¹⁷ Ibn Māja, *Sunan*, 1136 (no. 3435).

Traditions that permit *nabīdh* prepared or served in glass receptacles are primarily Iraqi. They are attributed to various authorities like: Bakr b. ‘Abdallāh al-Muzanī (Basra, *ca.* 106/725),¹¹⁸ al-Ḥasan al-Baṣrī (Basra),¹¹⁹ Anas b. Mālīk (Basra),¹²⁰ Ibrāhīm al-Nakha‘ī (Kufa),¹²¹ Sa‘īd b. Jubayr (Kufa),¹²² Sa‘d b. Ibrāhīm (Medina),¹²³ and Ibn ‘Umar (Medina).¹²⁴

Traditions that prohibit *nabīdh* prepared or served in glass receptacles or declare it reprehensible are few. Qatāda and ‘Ikrima are said to have considered the preparation of *nabīdh* in glass receptacles reprehensible.¹²⁵ According to another tradition, ‘Ikrima held that glass receptacles are worse than gourds, which are considered prohibited or reprehensible.¹²⁶ Similarly, when al-Ḥasan al-Baṣrī was asked about *nabīdh* in glass receptacles and receptacles made of other materials, he could not understand why people found it difficult to use waterskins instead.¹²⁷ The Companion Abū Barza reportedly considered drinking *nabīdh* in glass receptacles reprehensible.¹²⁸ As noted above, ‘Umar reportedly relieved his governor of his duties for merely singing about drinking an intoxicant from glass receptacles and *ḥantam*.¹²⁹

¹¹⁸ Ibn Abī Shayba, *Muṣannaf*, 8:121 (no. 24427).

¹¹⁹ Ibn Abī Shayba, *Muṣannaf*, 8:121 (no. 24428). Note that this very same *isnād* precedes *ibid.*, 8:119 (no. 24421), a tradition prohibiting lead receptacles. In other words, according to this tradition, al-Ḥasan al-Baṣrī held that glass receptacles are a permitted alternative to lead receptacles.

¹²⁰ *Isnād*: ‘Abdallāh b. Idrīs (Kufa) ← Ibn Fulful (Kufa) ← Anas. See Appendix I §2.3. Here, Anas permits using glass receptacles, but recommends not using them if there is doubt that their contents may be intoxicating.

¹²¹ Ibn Abī Shayba, *Muṣannaf*, 8:122 (no. 24434).

¹²² Ibn Abī Shayba, *Muṣannaf*, 8:122 (no. 24433). Cf. §3.3.3.3.

¹²³ Ibn al-Ja‘d, *Musnad*, 660 (no. 1579). This tradition implies the permissibility of preparing *nabīdh* in a waterskin (*shakwa*) and serving it in a glass receptacle.

¹²⁴ Ibn Abī Shayba, *Muṣannaf*, 8:121 (no. 24429).

¹²⁵ ‘Abd al-Razzāq, *Muṣannaf*, 9:204 (no. 16939).

¹²⁶ Ibn Ḥanbal, *Ashriba*, 55 (no. 92).

¹²⁷ Ibn Ḥanbal, *Ashriba*, 38 (no. 21).

¹²⁸ Ibn Abī Shayba, *Muṣannaf*, 8:121-2 (no. 24431).

¹²⁹ See, e.g., Ibn Sa‘d, *Ṭabaqāt*, 4:130-1.

Outside of Basra, there was mostly a consensus that glass receptacles were permitted for the consumption of *nabīdh*.

4.6.12 Silver and Gold Receptacles

According to Q 43:71 and Q 76:15-16, those who dwell in Paradise will drink from gold and silver receptacles. Qur’anic descriptions of this sort are probably one of the main reasons why some early Muslims avoided drinking any drink from receptacles made of these precious metals.¹³⁰ Presumably they held that such receptacles should be reserved exclusively for the hereafter. The reluctance of Muslims to drink from these receptacles seems unrelated to the discussion about *nabīdh* and other intoxicants. For clarity’s sake, it is mentioned here.

4.7 Concessive and Anti-Concessive Traditions

4.7.1 Concessive Traditions

As noted above, in concessive traditions, the Prophet issues a concession (*rukḥṣa*). He permits the preparation of *nabīdh* in the prohibited receptacles. These traditions harmonize the permissive and prohibitive traditions. They acknowledge the existence of a prohibition, but also that it is no longer valid.

The Prophet’s concession implies that the prohibited receptacles do not render their contents illegal. Otherwise, he would never permit their use. Many non-Prophetic permissive traditions, forerunners of the concessive traditions, express this idea. According to these traditions, receptacles have no effect on the legality of their contents. One may prepare *nabīdh* in

¹³⁰ See, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:151-2 (*fī l-shurb min āniyati l-dhahab wa-l-fidda*).

any receptacle, if he or she avoids intoxicants or intoxication. These traditions are transmitted on the authority of early figures, like Shurayḥ, Ibn ‘Umar, and Ibn ‘Abbās.¹³¹ According to one early tradition, al-Sha‘bī said:

The *nabīdh* prepared in *al-MZR* is more potent than the *nabīdh* prepared in a tarred jar (*dann*). Indeed, a receptacle neither renders [its contents] prohibited nor does it render [them] permitted.”¹³²

The word *al-MZR* probably refers to a receptacle known to be permitted.¹³³ In his statement, al-Sha‘bī highlights the absurdity of prohibiting *nabīdh* in tarred jars, when *nabīdh* prepared in unprohibited receptacles is often more intoxicating. He held that it was the drink that mattered, not the receptacle.

Yaḥyā l-Jābir (Kufa) transmits one of the first concessive traditions. According to one version of his tradition, a certain person named al-Rasīm (or al-Rusaym) described how he and his fellow tribesmen met the Prophet:

¹³¹ Ibn Abī Shayba, *Muṣannaḥ*, 8:117-8 (nos. 24405, 24406, 24408, 24409)

¹³² *Ibid.*, 8:118 (no. 24407).

¹³³ Instead of *nabīdh al-MZR*, it is tempting to read here *nabīdh al-madar* (*nabīdh* made in [unglazed] ceramic jars). Nevertheless, this emendation makes little sense for two reasons: (1) First, the *nabīdh* of jars was very controversial, whereas the *nabīdh al-MZR* is supposed to be uncontroversial. (2) Second, if *nabīdh al-MZR* refers to *nabīdh* prepared in an unglazed ceramic jar, then this *nabīdh* should be less potent than *nabīdh* prepared in a *dann*, a more watertight receptacle. But according to the tradition, it is more potent. Therefore, *al-MZR* probably stands for a waterskin or some other uncontroversial receptacle.

Alternatively, one should read here *nabīdh al-mizr* (*nabīdh* made of millet) with the *textus receptus*. In that case, we must understand that millet *nabīdh* was known to have been prepared in certain permitted receptacles. This does not affect the general meaning of al-Sha‘bī’s statement.

We came as a delegation to the Prophet (ﷺ) and asked him about receptacles. He prohibited them. Later, we returned and said: “Messenger of God, our land is insalubrious.” In response, the Messenger of God (ﷺ) said: “Drink from whatever you like! If someone wants, he can tie up the mouth of his waterskin closing sin inside it (*man shā`a awkā siqā`a-hu`alā ithm*).¹³⁴

Some versions identify this delegation as being from ‘Abd al-Qays. The original version may have intended another tribe.

In Yahyā l-Jābir’s tradition, the Prophet’s concession is justified for health considerations. The delegation’s tribe relied on *nabīdh* prepared in certain receptacles. This beverage helped them survive in the harsh climate of their land. Because of this, the Prophet issued the concession about receptacles. In another version of this tradition, the Prophet issues the concession for a different reason. People lacked the permitted receptacles, namely waterskins.¹³⁵ Due to this shortage, the Prophet permitted the use of all receptacles.

The tradition cited above does not mention how much time elapsed between the Prophet’s prohibition and his concession. A few traditions supply this information. One Kufan

¹³⁴ Ibn Sa‘d, *Ṭabaqāt*, 8:180. Cf. Ibn Ḥanbal, *Musnad*, 25:296 (no. 15948); Ibn Abī Shayba, *Muṣannaf*, 8:117 (no. 24402); Abū Nu‘aym, *Ma‘rifā*, 1124 (no. 2824). Yahyā al-Jābir’s tradition also appears with a slightly different *isnād*. See, e.g., Ibn Ḥanbal, *Musnad*, 25:297-8 (no. 15949); Abū Nu‘aym, *Ma‘rifā*, 2275-6 (no. 5640); al-Bukhārī, *Tārīkh*, 7:106 (no. 472).

The Prophet’s final words in this tradition (*man shā`a* etc.) are perhaps best understood as ominous. The general sense may be: “if a person wishes to store an intoxicant in a container out of foolishness or some other reason, let him do so at his own risk.” Cf. al-Sharīf al-Raḍī, *Majāzāt*, 351-2 (no. 315); al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 5:77 (no. 4634). For *ithm* as representing intoxicants, see Q 2:219.

¹³⁵ See, e.g., Ibn Ḥanbal, *Musnad*, 11:561 (no. 6979).

tradition claims that a year passed between them.¹³⁶ A tradition of unknown provenance asserts that the prohibition lasted only a week.¹³⁷ The short interval minimizes the importance of the initial prohibition.

In concessive traditions, the Prophet often delineates the limitations of the concession, that is, he explains the permissible method of drinking *nabīdh* from receptacles. These limitations usually concern the avoidance of intoxicants or intoxication. They provide important clues about the tradition's legal outlook. Some traditions are more liberal, while others more conservative. Simāk b. Ḥarb (Kufa, d. 123/741) narrated that the Prophet said: "I prohibited the receptacles to you. Now, drink from whatever you like, but do not become intoxicated (*lā taskarū*)!"¹³⁸ The Prophet's words imply that drinking intoxicants is permitted if one avoids intoxication. Another Kufan tradition gives more details. According to this tradition, 'Umar I asked the Prophet what he meant by saying "do not become intoxicated." The Prophet explained: "Drink, but if you fear [that you are about to become intoxicated], then stop!"¹³⁹

In a tradition transmitted by 'Alqama b. Marthad, the Prophet orders: "Drink, but do not drink a *muskir*!"¹⁴⁰ The word *muskir* can mean "an intoxicant." Yet, it may also mean "the final

¹³⁶ Ibn 'Adī, *Kāmil*, 10:151 (no. 16558). This tradition probably originates with al-Mushma'ill b. Milhān (Kufa, Baghdad) or his teacher al-Naḍr b. 'Abd al-Raḥmān (Kufa).

¹³⁷ Abū Muḥammad al-Qayrawānī, *Nawādir*, 14:290. Ibn Ḥabīb al-Sulamī (al-Andalus, 174-238/790-853) allegedly recorded this tradition.

¹³⁸ Al-Dāraquṭnī, *Sunan*, 5:466-67 (no. 4677). Cf. *ibid*, 5:466-67 (nos. 4676 & 4678); al-Ṭayālīsī, *Musnad*, 2:710 (no. 1466); Ibn Ḥanbal, *Musnad*, 38:124 (no. 23017). Simāk is the obvious common link of this tradition. He transmits it on the authority of Abū Burda, a likely corruption of Ibn Burayda. Cf. al-Dāraquṭnī, *Ilal*, 3:14 (no. 955).

¹³⁹ Ibn 'Adī, *Kāmil*, 10:151 (no. 16558). This tradition probably originates with al-Mushma'ill (Kufa, Baghdad) or his teacher al-Naḍr (Kufa). Cf. al-Jaṣṣās, *Sharḥ*, 6:367. Here, emend "Mish'al b. Miljān" to "Mushma'ill b. Milhān."

¹⁴⁰ Abū Yūsuf, *Āthār*, 225 (no. 996); Ibn al-Ja'd, *Musnad*, 808 (no. 2170). 'Alqama may have received this tradition from Ibn Burayda.

cup that causes intoxication.”¹⁴¹ If one understands *muskir* in this way,¹⁴² ‘Alqama’s tradition permits drinking intoxicants. But one must make sure to stop drinking before that final intoxicating cup. Presumably, this was ‘Alqama’s intent. His student Abū Ḥanīfa must have understood the tradition this way when he transmitted a version of it.¹⁴³

In various traditions, the Prophet uses other expressions with the word *muskir* to limit the preparation of *nabīdh*. These include: “every *muskir* is prohibited,”¹⁴⁴ “beware of every *muskir*!”¹⁴⁵ and “avoid *muskir* (*ijtanibū l-muskir*)!”¹⁴⁶ These expressions are commonly found in traditions by Basran, Hijazi, and Levantine transmitters. Originally, they were probably meant to prohibit intoxicants entirely. However, since *muskir* may refer to “the final gulp or cup that causes intoxication,” these expressions could be understood as permitting intoxicants. More conservative transmitters attempted to resolve this ambiguity. For example, one transmitter narrates that the Prophet said: “Avoid every *muskir* and do not become intoxicated!”¹⁴⁷ Assuming that the Prophet is not being redundant, then he meant: “Avoid every intoxicant and do not become intoxicated!”

¹⁴¹ Al-Dāraquṭnī, *Sunan*, 5:450-51 (nos. 4632, 4633, 4634, 4635, 4636); Ibn Qutayba, *Ashriba*, 111; Haider, “Contesting Intoxication,” 83. In Ibn Qutayba, read *inna l-muskir* instead of *inna l-sukr*.

¹⁴² Cf. al-Raqīq, *Qutb*, 894.

¹⁴³ Alternatively, he may have interpreted the imperative “do not drink!” as a recommendation rather than an order.

¹⁴⁴ See, e.g., Ibn Ḥanbal, *Musnad*, 38:122-23 (no. 23016); Muslim, *Ṣaḥīḥ*, 3:1585 (no. 1999 [64]). This is Sufyān al-Thawrī’s version of ‘Alqama’s tradition. He uses *kull muskir ḥarām* instead of the less forceful *lā tashrabū muskir^{am}*.

¹⁴⁵ See, e.g., Ibn Ḥanbal, *Musnad*, 2:398 (no. 1237).

¹⁴⁶ See, e.g., Ibn Ḥanbal, *Musnad*, 2:397-98 (no. 1236). Cf. The Prophet’s call to “avoid *muskir*” resembles the call of Q 5:90-91 to avoid *khamr* and other vices. In other words, this tradition views *muskir* as akin to *khamr*.

¹⁴⁷ See, e.g., al-Dāraquṭnī, *Sunan*, 5:465 (nos. 4673).

The Companion, Ibn Mas‘ūd reportedly accused other Companions of forgetting about the concession, or, in another version, of being absent when the Prophet issued it.¹⁴⁸ Ibn Mas‘ūd statements are meant to explain why some Companions continued prohibiting *nabīdh* in the “prohibited” receptacles. If they seemed oblivious of the Prophet’s concession, it is because they were.

Another famous and early concessive tradition is transmitted by ‘Abdallāh b. Burayda (d. 115/733) or his twin brother Sulaymān b. Burayda (d. 105/723-4).¹⁴⁹ This tradition is on the authority of their father, Burayda, a Companion of the Prophet. According to one representative version of this tradition, Burayda recalled the Prophet declaring:

I prohibited to you three things: [1. I prohibited] visiting graves, but now you may visit them! [... 2.] I prohibited eating the meat of your [pilgrimage] sacrifices after the third day [since the sacrifice], but now you may eat it and hold on to it as much as you like! [3.] Finally, I prohibited beverages in the receptacles, but now you may drink from any receptacle you like, but do not drink any intoxicants!¹⁵⁰

Here, the Prophet’s concession about receptacles appears with two other concessions. One is about visiting graves and the other about storing the meat of the pilgrimage sacrifice.¹⁵¹ I refer to

¹⁴⁸ See Appendix G §3.1.

¹⁴⁹ Ibn Sa‘d, *Ṭabaqāt*, 9:220; al-Bukhārī, *Tārīkh*, 4:4 & 5:51.

¹⁵⁰ Ibn Ḥanbal, *Musnad*, 38:111 (no. 23003). While some versions of the tradition cite either Sulaymān or ‘Abdallāh b. Burayda, many versions cite “Ibn Burayda” without specifying which brother is the transmitter. While the tradition appears to originate with one or both, it is doubtful that they heard it from their father, as its contents appears quite developed.

¹⁵¹ On these concessions, see Juynboll, *ECH*, 215 (no. 2453), 297 (2936), 393-4 (no. 17901), 429-30 (no. 13439), 711 (no. 10663); Kister, “Concessions,” 92.

the combination of these three concessions in a single tradition as “the three-concession doctrine.” Originally this doctrine may have implied that these were the only concessions issued by the Prophet. Over time, the Islamic tradition came to recognize many more concessions.¹⁵² Ibn Burayda’s tradition is thus a combination of three different reports each dealing with a different concession issued by the Prophet.

In sum, concessive traditions originated in Kufa. Transmitters like Yaḥyā l-Jābir, Ibn Burayda, and Simāk b. Ḥarb played important roles in disseminating these traditions.

4.7.2 *Anti-Concessive Traditions*

The opponents of *nabīdh* in receptacles disagreed with the concessive traditions. In response, they introduced anti-concessive traditions in various forms. At first, they tried to deny the veracity of concessive traditions. An early vocal denier was al-Zuhrī. He, according to his student al-Awzā‘ī, denied that the Prophet issued a concession regarding the prohibition of the *nabīdh* of jars. He added: “I revile anyone who spuriously claims that.”¹⁵³ Presumably, al-Zuhrī denied the concession about all receptacles, not just jars.

Al-Zuhrī and other critics may have hoped that the concessive traditions would be dismissed as forgeries. However, these traditions continued to gain popularity. They were there

¹⁵² For many examples of Prophetic concessions, see Kister, “Concessions,” 89-107.

¹⁵³ Abū Dāwūd: *anna-hu sami‘a l-Zuhriyyu yunkiru anna l-Nabiyya (Ṣ) rakhkhaṣa fī nabīdhi l-jarri ba‘da nahyi-hi wa-asubbu man yaz‘umu dhālika. Marāsīl*, 327 (no. 468). The final imprecation can be understood as al-Awzā‘ī’s words and not those of his teacher.

to stay. And so, many opponents of *nabīdh* in receptacles realized that they must address the Prophet’s alleged concession. They began transmitting various anti-concessive traditions. In these traditions, they either denied that a concession occurred, or nominally accepted it, while downplaying its scope.

4.7.2.1 *Anti-Concessive Traditions that Deny the Concession*

Ibn Jurayj narrated on the authority of al-Khudrī that the Prophet prohibited the ‘Abd al-Qays delegation gourds, *naqīr*, and *ḥantam*. Someone asked al-Khudrī: “did you drink the *nabīdh* of jars after that?” He replied: “God forbid (literally: *subḥāna ‘Llāh*)! [would I do such a thing] after the prohibition of the Messenger of God (S)?!”¹⁵⁴ In his answer, al-Khudrī implies that no concession occurred. The Prophet’s prohibition remained valid. Additionally, al-Khudrī’s answer appears to confirm that jars fall under the category of *ḥantam*.

Another anti-concessive tradition is transmitted by Hishām b. Ḥassān (Basra, d. ca. 148/765) on the authority of Abū Hurayra. It is as follows:

When the ‘Abd al-Qays delegation came to the Prophet (S), he prohibited to them *ḥantam*, *naqīr*, *muzaffat*, and *al-mazāda al-majbūba* (a type of leather bag). He added: “prepare *nabīdh* in your waterskin, tie it up, and drink it sweet and wholesome!”

¹⁵⁴ ‘Abd al-Razzāq, *Muṣannaḥ*, 9:201-02 (no. 16930).

Someone then said: “Messenger of God, please give me permission to drink this much.

The Prophet said: “If so, you will drink this much, [...] then you will drink *this* much.”¹⁵⁵

According to Hishām, the Prophet accompanied this tradition with a hand gesture, indicating that the second “*this* much” is greater than the first “this much.”¹⁵⁶ In other words, the Prophet refused to grant a concession to drink even a very small amount of *nabīdh* prepared in a receptacle other than a waterskin. Granting such a concession would be a slippery slope and may lead to Muslims drinking inappropriately.

Sa‘īd b. Abī ‘Arūba (Basra, d. 156-7/773-4) transmits a similar tradition on the authority of al-Khudrī. In this tradition, the people complain to the Prophet that they cannot use waterskins because rodents constantly eat them. They ask the Prophet to allow the use of other receptacles. He refuses because only waterskins are permitted, adding “even if rodents eat them, even if rodents eat them, even if rodents eat them!”¹⁵⁷ These traditions affirm that the people asked the Prophet for a concession. On this point, they agree with concessive traditions. But they disagree by claiming that the Prophet refused to grant any concession.

The anti-concessive traditions that totally deny the concession are primarily Basran.

¹⁵⁵ Ibn Ḥanbal, *Musnad*, 16:242 (no. 10373). Cf. al-Ṭahāwī, *Sharḥ ma ‘ānī l-āthār*, 4:226 (no. 6523); al-Nasā‘ī, *Sunan*, 5:93-4 (no. 5136). Hishām b. Ḥassān is the clear common link of this tradition. He probably based his tradition on one transmitted by Ibn Sīrīn, that did not include the Prophet’s denial of the concession. See, e.g., Muslim, *Ṣaḥīḥ*, 3:1578 (no. 1993 [33]).

¹⁵⁶ Perhaps we should understand here the difference between a pinched finger vs. two palms of the hands spread apart.

¹⁵⁷ See, e.g., Ibn Ḥanbal, *Musnad*, 17:264-5 (no. 11175); Muslim, *Ṣaḥīḥ*, 1:48-9 (no. 18 [26, 27]). Ibn Abī ‘Arūba is undoubtedly the common link of this tradition. Cf. A.J. Wensinck, “*Khamr*,” *EP*.

4.7.2.2 *Anti-Concessive Traditions that Downplay the Concession*

Some opponents of *nabīdh* in receptacles could not deny that the Prophet issued a concession concerning this matter. They acknowledged that he did so but claimed that his concession did not permit the prohibited receptacles. For example, Usāma b. Zayd reported on the authority of al-Khudrī that the Prophet said:

I prohibited to you *nabīdh*, but now you may drink! I do not permit intoxicants.¹⁵⁸

According to Usāma's tradition, the Prophet prohibited *nabīdh* and then issued a concession about it. The concession had nothing to do with receptacles. If the Prophet prohibited the use of certain receptacles, then that prohibition remains in effect. Mālik b. Anas recorded a similar tradition on the authority of al-Khudrī.¹⁵⁹ Ibn 'Uyayna narrated on the authority of 'Amr b. Abī l-'Āṣ that the Prophet's concession consisted of permitting the use of untarred jars.¹⁶⁰ Untarred jars, due to their porousness, were virtually useless for fermenting *nabīdh*.

Acknowledging a concession, yet prohibiting receptacles, was primarily a Hijazi phenomenon.

¹⁵⁸ Ibn Ḥanbal, *Musnad*, 17:428 (no. 11329). Cf. al-Ṭahāwī, *Mushkil al-āthār*, 12:181 (no. 4744). Usāma b. Zayd is the common link of this tradition. He may have heard it from his teacher Muḥammad b. Yaḥyā b. Ḥibbān al-Māzinī (Medina, d. 121 / 739). Cf. al-Dāraqūṭnī, *ʿIlal*, 5:472 (no. 2309).

¹⁵⁹ Mālik, *Muwattaʿa* (al-Zuhrī Recension), 2:190 (no. 2137). Mālik cites his teacher Rabīʿ a b. 'Abd al-Raḥmān ← al-Khudrī ← the Prophet. Mālik is the common link of this tradition and its likely creator. Cf. Saḥnūn, *Mudawwana*, 6:274; Ibn Rushd, *Bidāyat al-mujtahid*, 1222-24.

¹⁶⁰ See, e.g., Ibn Ḥanbal, *Musnad*, 17:264-5 (no. 6497); a-Ḥumaydī, *Musnad*, 1:495 (no. 593). Ibn 'Uyayna is the common link of this tradition and its likely originator.

4.8 What should be done with Receptacles containing Intoxicants?

Many traditions depict the Prophet and his Companions destroying receptacles filled with *khamr* (wine).¹⁶¹ These traditions suggest that it was permitted or required to destroy such receptacles. Other traditions suggest that the receptacles may be reused if they are emptied,¹⁶² or if their contents are rendered unintoxicating.¹⁶³ This debate was also extended to receptacles containing intoxicants other than *khamr*.

According to an early Basran tradition, after the prohibition of *khamr* was first announced, Anas b. Malik poured out receptacles containing the *nabīdh*-like beverage *faḍīkh* belonging to his patron Abū Ṭalḥa. Half a century later, the Medinan Mālik b. Anas transmitted an updated version of this tradition, in which Anas broke the jars containing this beverage.¹⁶⁴ This tradition was the main proof-text used by Mālikīs and others to justify the destruction of receptacles. Their reliance on this late tradition suggests that initially there were very few traditions about destroying receptacles containing non-*khamr* intoxicants.

Apparently, Basrans were heavily involved in transmitting traditions about the destruction of receptacles. Yaḥyā b. Saʿīd al-Qaṭṭān transmitted such a tradition on the authority of the Companion Rāfiʿ b. Khadij.¹⁶⁵ Maʿmar b. Rāshid transmitted three such traditions, one on the authority of ʿUthmān, and the two on the authority of the Prophet.¹⁶⁶ Shuʿba transmitted

¹⁶¹ See, e.g., Ibn Zanjawayh, *Amwāl*, 1:271-2 (no. 408); Ibn Ḥanbal, *Musnad*, 24:25 (no. 14656).

¹⁶² See, e.g., Ibn Zanjawayh, *Amwāl*, 1:283-4 (no. 428).

¹⁶³ See, e.g., *ibid.*, 1:283 (no. 426).

¹⁶⁴ See Appendix I §2.8.6.

¹⁶⁵ Ibn Abī Shayba, *Muṣannaf*, 8:93 (no. 24267). Cf. Harvey “Green Jars,” 446.

¹⁶⁶ ʿAbd al-Razzāq, *Muṣannaf*, 9:204 (nos. 16940 & 16941) & 9:227 (no. 17026).

three: one on the authority of ‘Alī and two on the authority of the Prophet.¹⁶⁷ One Kufan Abū Ishāq al-Shaybānī transmits a tradition about the Prophet destroying a jar with *nabīdh*.¹⁶⁸ Two Syrian transmitters Zayd b. Wāqid and al-Awzā‘ī transmit a similar tradition about the Prophet requesting the destruction of a receptacle.¹⁶⁹

According to Muḥammad b. Jarīr al-Ṭabarī (d. 310/923), when Umayyad troops stationed in Soghd drank ‘*aṣīr* (a type of *nabīdh*) and became intoxicated, their commander ‘Abd al-Raḥmān al-Bāhilī (d. 32/652) ordered a *mawlā* of his tribe, Abū Marḍiyya, to prevent them from drinking this beverage. Abū Marḍiyya beat the drinkers, smashed their receptacles, and poured out their *nabīdh*. In response, one of the soldiers composed this verse:

*Ammā l-nabīdhu fa-lastu ashrahu-hu akhshā Abā Marḍiyyata l-kalb
muta ‘assif^{am} yas ‘ā bi-shikkati-hi yatawaththabu l-ḥīṭāni li-l-sharb*

(As for *nabīdh*, I do not drink it, / for I fear Abū Marḍiyya the dog, acting aggressively, rushing fully armed, / jumping over walls, [in search] of drinkers)¹⁷⁰

Muslims may have practiced breaking receptacles containing non-*khamr* intoxicants from an early period, but the traditions about the Prophet or Companions were introduced in the middle of the 2nd/8th century in Basra and other places.

¹⁶⁷ Ibn Abī Shayba, *Muṣannaḥ*, 8:92-3 (nos. 24262 & 24268); Ibn Qānī‘, *Mu‘jam*, 1:336 (no. 418).

¹⁶⁸ See, e.g., Ibn Ḥanbal, *Ashriba*, 70 (no. 159); Ibn Abī l-Dunyā, *Dhamm*, 37-8 (no. 12).

¹⁶⁹ See, e.g., Ibn Ḥanbal, *Ashriba*, 68-9 (no. 153); Ibn Abī l-Dunyā, *Dhamm*, 37 (no. 11).

¹⁷⁰ Al-Ṭabarī, *Annales*, 2:1229. Cf. Hinds (trans.), *The History of al-Ṭabarī, volume XXIII*, 176. Hinds translates *sharb* as “drink” not “drinkers.”

4.9 Summary

Transmitters introduced traditions about the Prophet prohibiting the preparation of *nabīdh* in receptacles before the death of Ibrāhīm al-Nakha‘ī, *ca.* 96/717. Two major classes of traditions emerged early on. According to one class, the Prophet prohibited gourds and *muzaffat*. This class was popular in Medina and Kufa. The other class includes traditions in which the Prophet prohibits *jarr* (jars). This class was popular in Basra. Transmitters tended to edit traditions belonging to these classes by adding and omitting certain receptacles. One popular class of traditions claimed that the Prophet prohibited four receptacles: gourds, *muzaffat*, *naqīr*, and *ḥantam*. Another popular class claimed that the Prophet prohibited *jarr akhḍar* (green jars).

There also appeared traditions permitting various receptacles especially in Kufa. These traditions contradicted the prohibitive traditions. Transmitters introduced concessive traditions to resolve this contradiction. According to these traditions, the Prophet issued a concession concerning the use of the prohibited receptacles. Ibn Burayda transmitted a developed concessive tradition. He died between 105/723 and 115/733. In other words, in a span of ten to twenty years after al-Nakha‘ī’s death, there was a large influx of traditions against and in favor of *nabīdh* in certain receptacles. This influx reflects an intensive legal debate between the opponents and proponents of this beverage. This debate was likely exacerbated by ‘Umar II’s promulgation of an edict prohibiting *nabīdh* in jars. ‘Umar II probably. ‘Umar II probably did not explicitly cite the Prophet as the source of the prohibition. The edict likely led to the introduction of many more traditions about the prohibition of *nabīdh* in receptacles. They continued circulating some of the early traditions, updating them as needed.

Some transmitters tried to reject the concessive traditions in various ways. They either claimed that these traditions were false or interpreted them as being prohibitive. Over time, the concessive traditions continued to grow in popularity. The notion of a concession entered the mainstream. This is evident in the six Sunni canonical collections, all of which include concessive traditions.¹⁷¹ Even though most agreed that the Prophet issued a concession concerning receptacles, the matter was not settled. Many continued to consider certain receptacles, like green and tarred jars, as prohibited or reprehensible. Even if the prohibition had been lifted, the once prohibited receptacles were treated with suspicion by many.

¹⁷¹ See, e.g., al-Bukhārī, *Ṣaḥīḥ*, 7:106 (no. 5592); Muslim, *Ṣaḥīḥ*, 3:1585 (no. 1999 [64]); Ibn Māja, *Sunan*, 1127 (no. 3405); Abū Dāwūd, *Sunan*, 5:538 (no. 3698); al-Tirmidhī, *Sunan*, 3:359 (no. 1869); al-Nasā'ī, *Sunan*, 5:95 (no. 5141).

Chapter 5: The Major Law Schools on *Nabīdh* in Receptacles

In this chapter, I will survey the attitudes of various legal schools toward the issue of *nabīdh* and its receptacles. The survey will encompass the four major Sunnī *madhhabs*: the Ḥanafīs, Mālikīs, Shāfi‘īs, and Ḥanbalīs; one Shī‘ī school, the Imāmīs; and one Khārijī school, the Ibādīs. For each school, I will attempt to trace the development of law, starting with the founder. I will then proceed to examine how some of the founder’s later followers interpreted the law. The survey will end roughly around the 7th/13th century, when the law appears to crystalize, and the legal discussion appears to fall into irrelevance.

The analysis of the various schools will be based on the writings of their founders (if extant), their students, and their followers. Occasional reference will be made to medieval sources that describe how members of a certain school behaved, if these sources are relevant or illuminating.

If one seeks to understand the views of the different school founders about the use of receptacles (or any given topic), a good starting point is identifying which Hadith traditions they cite and deem legally pertinent to the topic at hand. These traditions usually form the basis of the law, which is then passed on to later scholars.

In my analysis, I will focus on two major aspects of the law: (1) Which receptacles are prohibited? (2) What should be done with receptacles, especially jars, containing intoxicating *nabīdh*? It will be seen which receptacles would have been considered problematic and how the

law would expect to deal with them. This information may be relevant for understanding the prevalence of tarred jars and green jars in the Islamic world.

5.1 The Ḥanafī School

The Ḥanafīs are famous for their lenient attitude toward the consumption of *nabīdh* and other non-*khamr* intoxicants. They allowed the consumption of these beverages if intoxication is avoided. As Najam Haider has shown they gradually moved away from this view abandoning it by the 6th/12th century.¹ The Ḥanafī lenience extended also to the issue of receptacles. They generally approved of the preparation and storage of *nabīdh* in all receptacles.

5.1.1 *Abū Ḥanīfa, Abū Yūsuf, and al-Shaybānī*

The founder of the school, Abū Ḥanīfa (Kufa, d. ca. 150/767), has not left any legal writings. To understand his legal view, one must rely on his students' recollection of his teachings.

Our most dependable sources for Abū Ḥanīfa's thought are the extant collections of his Hadith recorded by his students. The traditions in these collections are usually legally consistent. Hence, it is quite certain that Abū Ḥanīfa endorsed their contents.

The early collection of Abū Yūsuf Ya'qūb b. Ibrāhīm al-Anṣārī (Kufa, d. 182/798) is important due to its early dating. Under the chapter devoted to beverages (*Ashriba*), Abū Yūsuf

¹ Haider, "Contesting Intoxication."

records various relevant Hadith traditions on the authority of Abū Ḥanīfa. Traditions about receptacles appear mostly in the chapter's beginning and precede traditions that address other aspects of intoxicants and intoxication. Their precedence in the chapter may indicate the importance of the issue of receptacles in Abū Yūsuf's view. The traditions are all lenient. They include non-Prophetic traditions permitting the use of green jars,² *khawābī* [i.e., tarred jars],³ and waterskins covered in tar (both externally and internally).⁴ It also includes two traditions in which the Prophet issues a concession and permits the use of all receptacles. Both traditions explicitly mention that gourds, *muzaffat*, and *ḥantam* are no longer prohibited.⁵

In his collection, Muḥammad b. al-Ḥasan al-Shaybānī (Kufa, d. 189/804-5) devotes a chapter to the receptacles that may be used for *nabīdh*. He includes some of the same traditions mentioned by Abū Yūsuf, including the concessive traditions. He explicitly notes that these traditions reflect Abū Ḥanīfa's rulings.⁶

According to a later collector al-Ḥaṣkafī (d. 650/1252), Abū Ḥanīfa transmitted a tradition about the Prophet prohibiting gourds and *ḥantam*.⁷ This is the only prohibitive tradition that I found transmitted by Abū Ḥanīfa. If this tradition is authentic, then Abū Ḥanīfa taught a

² Abū Yūsuf, *Āthār*, 223-4 (nos. 991 & 992). In the first of these traditions, Abū Ḥanīfa's teacher Ḥammād b. Abī Sulaymān is hesitant to drink *nabīdh* from green jar. He changes his mind when he learns that Ibn Mas'ūd drank *nabīdh* this way. This tradition demonstrates that the permissive attitude to *nabīdh* in green jars was not yet established in Kufa in the generation of Abū Ḥanīfa's teachers.

³ Ibid., 224 (no. 994).

⁴ Ibid., 224 (no. 995).

⁵ Ibid., 225-26 (nos. 996-997).

⁶ Al-Shaybānī, *Āthār*, 704, 712-4 (nos. 830, 838, 839).

⁷ Al-Ḥaṣkafī, *Musnad*, 580 (no. 418). Here, the Prophet prohibits gourds and *ḥantam*. However, in most other versions of this tradition from Nāfi' ← Ibn 'Umar, the Prophet prohibits gourds and *muzaffat*. See Appendix J §2.1.

tradition that seemingly contradicted his legal view.⁸ Be that as it may, if he deemed this Hadith tradition reliable, he considered it abrogated by the Prophet's concession.

5.1.2 *Later Ḥanafīs*

Later Ḥanafīs continued to permit *nabīdh* in all receptacles if intoxication is avoided. They did not deviate significantly from Abū Ḥanīfa's teachings. Some of them addressed why the Prophet specified certain receptacles, like gourds, as prohibited.

According to al-Qudūrī (Baghdad, d. 428/1037), there was nothing inherently wrong with using the controversial receptacles. The Prophet merely prohibited them because they caused their contents to become intoxicating,⁹ that is, if they were used improperly. Therefore, one may use these receptacles, even for intoxicants, if intoxication is avoided. Shams al-A'imma al-Sarakhsī (d. ca. 490/1096) also describes the prohibited receptacles as prone to causing their contents to be highly intoxicating. The Prophet temporarily prohibited these receptacles to restrain the people who were used to drinking from them. He then abrogated this prohibition and permitted drinking from them if intoxication is avoided.¹⁰ In other words, the Prophet prohibited non-*khamr* intoxicants and their receptacles to educate his followers who were unaccustomed to the new ban on intoxication. Ḥanafī authors who came after al-Qudūrī and al-Sarakhsī repeated

⁸ Critics of Abū Ḥanīfa often condemned him for his lack of knowledge in Hadith. Cf. Dickinson, "Aḥmad b. al-Ṣalt," 407.

⁹ Al-Qudūrī, *Tajrīd*, 6097.

¹⁰ Al-Sarakhsī, *Mabsūt*, 24:10, 12-13. On p. 10, read *al-awānī al-mughtalima* instead of *al-awānī al-mutalaththima*. Cf. Al-Bābartī, *Ināya*, 4:373.

earlier Ḥanafī claims about *nabīdh* and receptacles or ignored this issue altogether. Presumably, the issue became irrelevant when the Ḥanafīs shifted toward a prohibition of *nabīdh*.

5.1.3 Not Prohibiting the Nabīdh of Jars as Ḥanafī Orthodoxy

Not prohibiting *nabīdh*, especially the *nabīdh* of jars, became a hallmark of the Ḥanafī school.

Their association with this beverage is evident in the following tradition. It is on the authority of Abū 'Iṣma Nūḥ b. Abī Maryam (Merv, d. 173/789-90) who said:

I asked Abū Ḥanīfa: “who are the orthodox Muslims (*ahl al-jamā'a*)?”¹¹ He replied [with seven things]: “[1.] those who rank Abū Bakr and 'Umar above all [other Companions]; [2.] who are loyal to 'Alī and 'Uthmān; [3.] who believe in God's decree, whether it is good or bad; [4.] who do not declare any believer an infidel over a single sin. [5.] who do not contemplate anything [illicit] about God; [6.] who perform ablution over their shod feet; [7.] and who do not forbid *nabīdh al-jarr*.”¹²

Here, Abū Ḥanīfa offers a set of seven acts which every orthodox Muslim should perform. This set is an addendum of sorts to the Five Pillars of Islam, five obligations of all Muslims.

¹¹ The phrases *ahl al-jamā'a* and *ahl al-sunna wa-l-jamā'a* famously refer to Sunnī Muslims in later usage. Here, I translate this phrase as “orthodox Muslims,” because it appears to exclude Muslims who would commonly be considered Sunnī.

¹² al-Ṣaymarī, *Akhbār Abī Ḥanīfa*, 89. Cf. Ibn 'Abd al-Barr, *Intiqā'*, 163; al-Bayhaqī, *al-Qaḍā' wal-qadar*, 327 (no. 564); Abū l-Faḍl al-Muqrī', *Aḥādīth*, 77-8. Ibrāhīm b. Rustum (d. 211/826) may have originated this tradition, even though he does not appear in Ibn 'Abd al-Barr's *isnād*. The list of orthodox acts differs in the various versions of this tradition. Some omit not prohibiting the *nabīdh* of jars (which was probably part of the original tradition).

The seven acts mentioned in this tradition delineate confessional boundaries. Whoever compiled this list, probably a later follower of Abū Ḥanīfa, perceived them as fundamental. The boundaries tell us whom he wanted to exclude from the orthodox camp. Modern scholars looking at this list will instantly recognize known doctrinal divides that have been studied extensively. Loyalty toward some or all of the first four Caliphs distinguishes groups like the Shī‘a, the ‘Uthmaniyya, the Khawārij, etc.¹³ Contemplating God in an unbecoming manner is a heresy often associated with the *mutakallimūn* and philosophers.¹⁴ Declaring a Muslim an infidel on account of a single sin is an oft criticized Khārijī tenet.¹⁵ Performing ablution over shod feet is a famous shibboleth that separates the Sunnīs from the Shī‘īs who prohibit this practice.¹⁶ Contrary to these six acts, not prohibiting “the *nabīdh* of jars” is a surprising marker of orthodoxy. Furthermore, it sharply contrasts the tradition of Abū Jamra, in which the Prophet mentioned the prohibition of the four receptacles as a marker of orthodoxy.¹⁷

Not prohibiting the *nabīdh* of jars makes sense as a marker of the early Ḥanafī school. If orthodoxy requires not prohibiting this *nabīdh*, then groups that prohibit it, even if they permit *nabīdh* in waterskins, like the Mālikīs, cannot be considered orthodox. It seems that the author of the tradition sought to establish that only Ḥanafīs were orthodox.

¹³ W. Madelung, “Shī‘a,” *EP*; Patricia Crone, “‘Uthmāniyya,” *EP*; G. Levi Della Vida, “Khārijītes,” *EP*. Al-Māwardī, in *al-Ḥāwī al-kabīr* (16:53), mentions a group that out of the Prophet’s Companions permitted the *taqlīd* (blind imitation) only of Abū Bakr and ‘Umar.

¹⁴ L. Gardet, “‘Ilm al- Kalām,” *EP*; and R. Arnaldez, “Falsafa,” *EP*.

¹⁵ Levi Della Vida, “Khārijītes,” *EP*. Cf. the Mu‘tazilī view of the sinner in D. Gimaret, “Mu‘tazila,” *EP*.

¹⁶ Ch. Pellat, “*al-Mash‘ alā ‘l-khuffayn*,” *EP*; Howard, “Shī‘ī theological literature,” 26; Macdonald, “Faith,” 117.

¹⁷ See §4.6.2.

Later Ḥanafīs found it odd that Abū Ḥanīfa stipulated that not prohibiting the *nabīdh* of jars as a major orthodox requirement. Al-Sarakhsī explained Abū Ḥanīfa’s reasoning for including this stipulation. According to him, Abū Ḥanīfa abstained from prohibiting the *nabīdh* of jars for two reasons: (1) to avoid calling into question the reliability of many traditions about the Companions drinking *nabīdh* from such jars, (2) and to avoid disparaging the Prophet’s Companions. If one were to prohibit the *nabīdh* of jars, then many Companions are sinners on account of the numerous reliable traditions that seem to incriminate them. In addition, al-Sarakhsī cited an unnamed early authority who said: “I would rather fall from the sky and split into two pieces, than prohibit the *nabīdh* of jars.”¹⁸

Concerning *nabīdh*, Badr al-Dīn al-‘Aynī (Cairo, d. 855/1451) attributed to Abū Ḥanīfa the following saying: “I do not prohibit it due to religious reasons (*diyānat^{an}*), but I do not drink it due to manly virtue (*murū’at^{an}*).”¹⁹ It appears that later Ḥanafīs were somewhat embarrassed by their founder permitting and seemingly promoting *nabīdh*. They justified his behavior by explaining that he did not prohibit it for pious reasons and that he himself abhorred this beverage.

Najm al-Dīn al-Nasafī (Bukhāra, d. 537/1142) composed his own version of the requirements of orthodoxy. His list is longer and more detailed than Abū Ḥanīfa’s concise response to Ibn Abī Maryam. Al-Nasafī appears to have been familiar with that tradition. Like

¹⁸ Al-Sarakhsī, *Mabsūt*, 24:12.

¹⁹ Al-‘Aynī, *Bināya*, 12:386.

Abū Ḥanīfa, he lists not prohibiting “*nabīdh*” as one of the orthodox obligations. Interestingly, al-Nasafī speaks of *nabīdh* in general, not the “*nabīdh* of jars,” of which Abū Ḥanīfa spoke. What is the reason for this difference? The omission of the jars is perhaps a sign that the issue of *nabīdh* in receptacles had fallen into obscurity. Al-Nasafī lived at a time when almost no Muslims drank *nabīdh* except Ḥanafīs. There was no longer need to distinguish between those who drank the *nabīdh* of jars and those who did not drink it but drank *nabīdh* in other receptacles. In the generations following Abū Ḥanīfa’s death, the Ḥanafīs gradually became the only Sunni group that permitted *nabīdh* of any kind. They too eventually gave it up.²⁰

5.1.4 Treatment of Receptacles Containing Intoxicants

The Ḥanafīs usually did not require the destruction of receptacles containing intoxicating *nabīdh* or wine. Such receptacles could be cleaned and used for lawful purposes. One notable exception is al-Shaybānī, who did not always allow for the jar to be cleaned. If the jar was old, i.e., if it contained a legal beverage before it contained an intoxicant, then it could be washed. However, if it was brand new, then it had to be discarded. He held that new jars have a greater propensity to absorb their contents than old ones do. Abū Yūsuf allowed for all jars to be cleaned.²¹

²⁰ Al-Nasafī, *Pillar of the Creed*, 5 [in the second pagination]. Macdonald, “Faith,” 117. Cf. Abū l-Faraj al-Iṣfahānī, *Maqātil*, 468. Here, al-Iṣfahānī mentions that the Zaydī sect known as the Butriyya do not prohibit *nabīdh*. Zaydī law is famously inspired by Ḥanafī law.

²¹ Al-Marghinānī, *Hidāya*, 7:301-02. There were different opinions regarding the proper manner of rinsing a receptacle. Usually it was sufficient to rinse it thrice.

If a jar containing an intoxicating beverage came into the possession of a Muslim, the Ḥanafīs allowed him to turn the wine into vinegar by adding salt or some other method.²² In other words, the receptacle and its contents could be preserved.

Those Muslims who advocated for destroying receptacles usually relied of the tradition in which Abū Ṭalḥa (d. 34/654) instructs Anas b. Mālīk to smash jars containing *faḍīkh* (a type of *nabīdh*). Commenting on this tradition, the Ḥanafī jurist al-Sarakhsī asserted that the law did not require Abū Ṭalḥa and Anas to destroy the jars, as it is wasteful. Al-Sarakhsī concluded that Abū Ṭalḥa’s decision to destroy them was a symbolic gesture. The jars he smashed had no other use except for wine and could not be repurposed. By destroying them, Abū Ṭalḥa made it known that he was no longer a wine drinker. Al-Sarakhsī similarly interpreted a tradition about the Prophet ordering that *dinān* be smashed and waterskins ripped open.²³

5.1.5 Summary

Initially, the Ḥanafīs did not prohibit the *nabīdh* of jars and were proud of this. They seem to have had no problems with any receptacles, though some of them held that the contents of green jars, tarred jars, and other formerly prohibited receptacles were more prone to becoming intoxicating. They usually did not require the destruction of receptacles that contained

²² Al-Shaybānī, *Hujja*, 3:8-19; al-Marghinānī, *Hidāya*, 7:302-04.

²³ Al-Sarakhsī, *al-Mabsūt*, 10:167.

intoxicants, deeming it wasteful. In the centuries following Abū Ḥanīfa's death, they gradually adopted a more prohibitive approach toward *nabīdh* prepared in jars or any other receptacle.

5.2 The Mālikī School

Mālik b. Anas (d. 179/796) the founder of the Mālikī school held that the law must be formulated based on the practice (‘*amal*’) of the people of Medina. He claimed that the citizens of the Prophet's home town best preserved his teachings. At its core, Mālikī law relies on the Medinan Hadith traditions which Mālik recorded in his collection known as the *Muwaṭṭa’* (*The Well-trodden Path*). The Mālikīs were known for their strict approach toward intoxicants and intoxication.²⁴ Regarding the receptacles used for *nabīdh*, they were especially opposed to gourds and *muzaffat*.

5.2.1 Mālik b. Anas

The origins of the Mālikī rulings about *nabīdh* in receptacles are found in Mālik's *Muwaṭṭa’*. In this work, there is a section devoted to intoxicants. Mālik includes there two traditions about the Prophet prohibiting gourds and *muzaffat*.²⁵ Mālik may have invented one of these traditions, the

²⁴ Haider, “Contesting Intoxication,” 55-64.

²⁵ Mālik, *Muwaṭṭa’* (al-Zuhrī Recension), 2:47-8 (nos. 1832 & 1834).

one on the authority of Abū Hurayra. The other one on the authority of Nāfi‘ from Ibn Umar is corroborated by other students of Nāfi‘.²⁶

In the section about intoxicants, Mālik also cites his famous tradition about Anas b. Mālik carrying out Abū Ṭalḥa’s orders and destroying jars containing *faḍīkh*.²⁷ It seems that Mālik created this tradition basing it on an earlier tradition about pouring away the contents of jars filled with intoxicants. Mālik likely sought to establish that destroying receptacles containing intoxicants was permitted, if not required.

In another section of the *Muwaṭṭa’*, Mālik cites a tradition on the authority of al-Khudrī in which the Prophet issues a concession concerning *nabīdh*. According to this tradition, after the Prophet prohibited the preparation of *nabīdh*, he issued a concession permitting it. This tradition does not address the issue of receptacles.²⁸ Mālik appears to have created this tradition probably to show that the Prophet never cancelled the “prohibition” of *gourds* and *muzaffat*.²⁹

Based on the traditions in his *Muwaṭṭa’*, Mālik opposed using *muzaffat* and gourds as receptacles for *nabīdh*. He was in favor of breaking jars and other receptacles containing intoxicants.

²⁶ See §Appendix J §2.1.

²⁷ Mālik, *Muwaṭṭa’* (al-Zuhrī Recension), 2:51-2 (no. 1842). See Appendix I §2.8.6.

²⁸ Mālik, *Muwaṭṭa’* (al-Zuhrī Recension), 2:190 (no. 2137).

²⁹ See §4.7.2.

5.2.2 Mālik's Students and Their Followers

Saḥnūn (d. 240/854), who helped popularize the Mālikī school in the west, further elaborates Mālik's opinions about *nabīdh* in receptacles. In his *Mudawwana*, he cites his teacher 'Abd al-Raḥmān b. al-Qāsim who studied under Mālik. According to Ibn al-Qāsim, Mālik did not prohibit the use of any receptacles. However, he did label gourds and *muzaffat* reprehensible. He defined *muzaffat* as any receptacle covered with tar, be it a jar, or waterskin, or something else.

Saḥnūn asked Ibn al-Qāsim if Mālik's tradition on the authority of al-Khudrī refers to a concession regarding receptacles. Ibn al-Qāsim reiterated that despite this tradition the use of gourds and tarred receptacles is reprehensible.³⁰ In other words, there was no concession regarding receptacles. While the traditions in the *Muwaṭṭa*' may lead one to think that Mālik prohibited the use of *muzaffat* and *gourds*, Saḥnūn clarifies that Mālik merely found it reprehensible. It unclear if this was Mālik's intent.

Later Mālikīs generally accepted that the preparation of *nabīdh* in gourds and *muzaffat* is reprehensible. Ibn 'Abd al-Barr (Cordoba, d. 463/1070) explained that the law singled out these receptacles because the *nabīdh* placed in them would quickly become intoxicating.³¹ Ibn 'Abd al-Barr also said that the Prophet never prohibited the use of any receptacle. He only deemed it reprehensible. Therefore, the Prophet's "prohibition" of receptacles should be understood as a

³⁰ Saḥnūn, *Mudawwana*, 6:273-4.

³¹ Ibn 'Abd al-Barr, *Tamhīd*, 3:221-22. Ibn 'Abd al-Barr, *Kāfi*, 443-44. Cf. Ibn Rushd, *Bidāyat al-mujtahid*, 1222-24.

strong recommendation against using them; and the Prophet’s “concession” to use them should be understood as a statement that their use is permitted, though not recommended.³²

The Iraqi Ibn al-Jallāb (Basra, d. 378/988) labelled the use of *muzaffat*, gourds, *ḥantam*, and *naqīr* as reprehensible.³³ He differed from his fellow Mālikīs by adding *ḥantam* and *naqīr* to the list of two reprehensible receptacles. The Egyptian scholar al-Qarāfī (d. 684/1285) speculated that Ibn al-Jallāb made this addition under the influence of traditions prohibiting them, and because these receptacles accelerate the fermentation of their contents. Al-Qarāfī clarified that *ḥantam* are green jars but added that some say that they are red ones or that they are jars in general.³⁴ It is possible that Ibn al-Jallāb’s Iraqi environment influenced him to include *ḥantam* and *naqīr* in his list of reprehensible receptacles. In al-Andalus and other lands, where the Mālikī school was virtually unchallenged, the Mālikīs viewed only tarred receptacles and gourds as prohibited or reprehensible.

5.2.3 Treatment of Receptacles Containing Intoxicants

Mālik recorded the abovementioned tradition about Abū Ṭalḥa and Anas that promotes the destruction of jars containing intoxicating beverages.³⁵ Later Mālikī sources clearly state that if a

³² Ibn ‘Abd al-Barr, *Tamhīd*, 3:219-21.

³³ Ibn al-Jallāb, *Tafīrī*, 1:322-23, 410-11 (*bāb mā yukrahu mina l-ashriba wa-mā yaḥillu*).

³⁴ Al-Qarāfī, *Dhakhīra*, 4:118.

³⁵ Mālik, *al-Muwatta’*, 846-47 (no. 13).

jar containing an intoxicant is found in the possession of a Muslim, then its contents must be poured out and its receptacle must be shattered.³⁶

Al-Jāhiz (Baghdad, d. 255/868) offers an interesting criticism of his contemporaries in Medina, who were presumably Mālikīs. He writes:

The people of Medina [...] flog a person for possessing an empty *ziqq* (waterskin), because they claim that it is “the instrument of wine.” And so, one of their critics retorted: “Why don’t they flog themselves!? After all, every single one of them possesses the ‘instrument of fornication.’”³⁷

The *ziqq* is a waterskin that is often described as being lined with tar. It would therefore fall under the category of *muzaffat* prohibited by the Mālikīs and others. Al-Jāhiz’s words imply that in his days Mālikīs viewed certain receptacles as problematic and suspected their owners of drinking intoxicants, even if the receptacles were. Al-Jāhiz may be exaggerating. However, Mālikīs may have focused on receptacles as a means of identifying drinkers. For example, Ibn ‘Abd al-Barr wrote that according to Mālik, receptacles containing intoxicants should be broken to discipline their owner.³⁸

³⁶ Saḥnūn, *Mudawwana*, 2:475, 4:276, & 437; Ibn al-Jallāb, *Tafīr*, 1:409. A person who converts to Islam while having wine jars in his possession is exempt from having the jars destroyed, and merely needs to pour out their contents. See Ibn ‘Abd al-Barr, *al-Kāfi*, 444.

³⁷ Al-Jāhiz, *Rasā’il*, 4:277; Colville (trans.), *Sobriety and Mirth*, 142.

³⁸ Ibn ‘Abd al-Barr, *Kāfi*, 444.

5.2.4 Summary

The Mālikīs deemed the use of gourds and tarred receptacles reprehensible. Some later Mālikīs, especially in Iraq, added *ḥantam* and *naqīr* to the list of reprehensible receptacles. They were generally not fond of intoxicants and intoxication and were known for destroying receptacles used for containing them and for corporally punishing their owners.

5.3 The Shāfiʿī School

Mālik's student Muḥammad b. Idrīs al-Shāfiʿī (d. 205/820) is known for being one of the first scholars to systematize Islamic law. He established a legal system that incorporates the Qur'an, the Hadith, communal consensus, and reason, in that order. The Shāfiʿī school was generally intolerant of intoxicants.³⁹ This intolerance was also applied to the issue of *nabīdh* and receptacles.

5.3.1 Al-Shāfiʿī

Al-Shāfiʿī's approach to intoxicants and their receptacles resembles that of his teacher Mālik. However, he goes beyond the opposition of gourds and *muzaffat* to oppose other receptacles as well.

³⁹ Haider, "Contesting Intoxication," 65-71.

In his *Kitāb al-umm*, al-Shāfi‘ī has a short chapter about beverages. The chapter comprises thirty-one traditions and is mostly devoid of commentary.⁴⁰ In that chapter, he records eight traditions about receptacles on the authority of two of his teachers Mālik b. Anas and Sufyān b. ‘Uyayna. These include traditions prohibiting gourds and *muzaffat*,⁴¹ as well as traditions prohibiting other receptacles, including green jars, white jars, red jars, *ḥantam*, and *naqīr*.⁴² There is one concessive tradition, in which the Prophet permits untarred jars after having prohibited all jars.⁴³ Another tradition permits the use of waterskins and stone basins.⁴⁴ The tradition about Abū Ṭalḥa and Anas breaking jars of *faḍīkh* is the first tradition about receptacles in this chapter.⁴⁵ In sum, al-Shāfi‘ī opposed the preparation of *nabīdh* in most receptacles, green jars and tarred jars included. It is unclear if he deemed the use of these receptacles reprehensible or prohibited.

5.3.2 *Al-Shāfi‘ī’s Students and Followers*

Abū Bakr al-Bayhaqī (Nishapur, d. 458/1066) noted al-Shāfi‘ī’s lack of commentary about the traditions concerning *nabīdh* and receptacles. He remarked that “it is as if it was omitted from the original text.” He added that according to the book of al-Buwayṭī (Egypt. d. 231/846), al-Shāfi‘ī said:

⁴⁰ Al-Shāfi‘ī, *Umm*, 7:438-49.

⁴¹ Ibid., 7: 441-4 (nos. 2863, 2864, 2867, 2868), 449 (no. 2886).

⁴² Ibid., 7: 440-42 (nos. 2861, 2863).

⁴³ Ibid., 7: 441 (no. 2862). Cf. §4.7.2.

⁴⁴ Ibid., 7:443 (no. 2866).

⁴⁵ Ibid., 7:439-40 (no. 2859).

I do not consider any receptacle reprehensible, if the beverage [inside it] does not intoxicate, [except for a thing] that has been specified.⁴⁶

In other words, if the Prophet prohibited a receptacle, then it is reprehensible to use it for any beverage, including water. This would mean that the use of *ḥantam*, *muzaffat*, gourds, and *naqīr* is reprehensible.

Al-Māwardī (d. 450/1058) attributes two opinions to al-Shāfi‘ī regarding the receptacles that the Prophet prohibited: (1) an earlier opinion from when he taught in Baghdad (*fi l-qadīm*), and (2) a later one from after his move to Egypt (*fi l-jadīd*). His earlier opinion was to consider the use of these receptacles reprehensible. His later opinion was to allow their use. Al-Māwardī explains this change as resulting from al-Shāfi‘ī recognizing that the Prophet’s concession permitted all receptacles.⁴⁷ Al-Bayhaqī appears to have recognized the authority of the concessive traditions as well.⁴⁸ It is unclear if al-Shāfi‘ī adopted a more lenient approach to the preparation of *nabīdh* in receptacles, as some of his later followers claimed.

⁴⁶ Al-Bayhaqī, *Ma‘rifā*, 13:46. The quote attributed to al-Shāfi‘ī appears here corrupt. I have reconstructed it based on al-Jaṣṣās, *Mukhtaṣar*, 4:367. I have been unable to locate this quote in the extant work of al-Buwayṭī. Cf. Harvey, “Green Jars,” 444.

⁴⁷ Al-Māwardī, *al-Ḥāwī al-kabīr*, 13:405. Read *fa-man dhahaba ilā anna-hā [ghayr] mansūkha*.

⁴⁸ Al-Bayhaqī, *Ma‘rifā*, 13:46-47.

5.3.3 *Treatment of Receptacles Containing Intoxicants*

Al-Shāfi‘ī considered the breaking of jars containing intoxicants wasteful: If Muslims came to possess such jars, they were required to empty them out. Once the empty jars were thoroughly rinsed, they could be reused for lawful purposes.⁴⁹

5.3.4 *Summary*

In sum, al-Shāfi‘ī considered all receptacles, except waterskins, untarred jars, and stone basins, reprehensible or prohibited. He may have adopted a more lenient position after moving to Egypt. His later followers appear to have been more lenient. They recognized that the Prophet issued a concession permitting the use of all receptacles.

5.4 The Ḥanbalī School

The Ḥanbalī school are known for their strong emphasis on the Qur’an and the Sunna of the Prophet. Their approach toward the consumption of intoxicants is strict.⁵⁰ They generally did not tolerate *nabīdh* and other similar beverages and sought to remove intoxicants from the public sphere.

⁴⁹ Al-Shāfi‘ī, *Umm*, 5:647-48.

⁵⁰ Haider, “Contesting intoxication,” 49, n.1.

5.4.1 *Ibn Ḥanbal*

The founder of the Ḥanbalī school Aḥmad b. Ḥanbal (Baghdad, d. 241/855) composed a lengthy work on beverages, his *Book of Drinks (Ashriba)*. The work comprises only Hadith traditions. It includes more than two-hundred and forty Prophetic and non-Prophetic traditions about intoxicants and intoxication. Ibn Ḥanbal's work is devoid of commentary and he never explains his criteria for selecting the traditions he includes in it. However, a closer examination of these traditions reveals that they are all in agreement, and thus reflect Ibn Ḥanbal's own legal view.⁵¹ His staunch opposition of intoxicants and intoxication is evident from his work.

Among the traditions included in Ibn Ḥanbal's work on beverages are many traditions about *nabīdh* and its receptacles. These traditions are generally prohibitive and unfavorable of jars and other problematic receptacles. For example, his work includes four traditions about green jars, all of which are unfavorable to them.⁵² A few traditions mention that Ibn Mas'ūd permitted *nabīdh* in jars but do so only to dismiss his permissive opinion.⁵³ These strict traditions notwithstanding, Ibn Ḥanbal mentions two concessive traditions.⁵⁴ Ibn Ḥanbal emphasized that the Prophet and many of his Companions and their Successors had a negative view of various receptacles, but he also acknowledged that the Prophet's prohibition of these receptacles was abrogated.

⁵¹ Ibn Ḥanbal's *Book of Drinks* stands in sharp contrast to Ibn Abī Shayba's *Book of Drinks* in his *Muṣannaf*. While Ibn Abī Shayba portrays both sides of the discussion about the *nabīdh* of jars, Ibn Ḥanbal mostly presents the prohibitive side. Cf. Harvey, "Green Jars," 435-6.

⁵² Ibn Ḥanbal, *Ashriba*, 38 (no. 21), 43 (no. 38), 57-58 (no. 101), and 79 (no. 192).

⁵³ Ibn Ḥanbal, *Ashriba*, 55 (nos. 92 and 94) and 72 (no. 169).

⁵⁴ Ibn Ḥanbal, *Ashriba*, 81 (nos. 201 & 202).

5.4.2 Ibn Ḥanbal's Students and Followers

According to Ibn Maṣṣūrah al-Kawsaj (Khorasan, d. 251/865), Ibn Ḥanbal said that it is reprehensible to use the receptacles which the Prophet prohibited, namely: gourds, *ḥantam*, and *naqīr* (or *muqayyar*). Ibn Ḥanbal adds that he prefers that people be careful with all receptacles.⁵⁵ When Abū Dāwūd al-Sijistānī asked Ibn Ḥanbal about *nabīdh* in jars, he replied: “the only receptacle I like is a waterskin that can be tied up.”⁵⁶

Later Ḥanbalīs disagreed about Ibn Ḥanbal's position. Abū l-Khaṭṭāb al-Kalwadhānī (d. 510/1116) presented two received opinions of Ibn Ḥanbal: (1) According to one, the use of *ḥantam*, *muzaffat*, gourds, and *naqīr* is reprehensible; and (2) according to the other it is allowed. Al-Kalwadhānī stated that the latter opinion is correct.⁵⁷ Ibn Qudāma (Jerusalem, d. 620/1223) claimed that the use of the four receptacles is reprehensible, because the Prophet prohibited them. He noted that *ḥantam* are “jars.”⁵⁸ Ibn Qayyim al-Jawziyya (d. 751/1350) also presented two opinions: according to the majority, the Prophet abrogated the prohibition of the receptacles, and according to the other opinion, he never abrogated the prohibition. After weighing both opinions, Ibn al-Qayyim concluded in favor of the abrogation. He explained that the Prophet's

⁵⁵ Al-Kawsaj, *Masā'il*, 2:381 (no. 2879): ...*wa-aḥabbu ilayya an tuttaqā l-aw'iyatu kullu-hā*.

⁵⁶ Abū Dāwūd, *Masā'il*, 346 (no. 1657): ...*lā yu'jibu-nī mina l-aw'iyati illā siqā^{um} yuwakka'u*.

⁵⁷ Al-Kalwadhānī, *Hidāya*, 543.

⁵⁸ Ibn Qudāma, *Mughnī*, 12:514-15.

prohibition of receptacles was a temporary measure to help the early Muslims, who were unused to abstaining from alcohol.⁵⁹

5.4.3 Treatment of Receptacles Containing Intoxicants

In his *Book of Drinks*, Ibn Ḥanbal records various traditions about the Prophet and his Companions destroying receptacles filled with intoxicants.⁶⁰ However, Ibn Ḥanbal's position on the matter is unclear and various opinions are attributed to him. He reportedly told al-Kawsaj that Muslims may destroy wine that belongs to those conquered by them.⁶¹ It is unclear if the destruction of wine involves breaking wine receptacles or emptying them. Abū Dāwūd offers a clearer answer. He asked Ibn Ḥanbal if Muslims should break or empty tarred wine jars (*dinān*) which they find in Byzantine lands. Ibn Ḥanbal replied that they should empty them.⁶² According to al-Marrūdhī (d. 275/888), Ibn Ḥanbal required that a receptacle containing an intoxicant should be broken, if it is discovered visible in a public space.⁶³ 'Abdallāh the son of Ibn Ḥanbal claimed that his father said that if a Muslim wrongfully breaks a wine receptacle owned by a Jewish *dhimmī*, the Muslim should compensate the *dhimmī* for the receptacle, but not for the wine.⁶⁴

⁵⁹ Ibn al-Qayyim, *Zād al-ma'ād*, 3:531-32.

⁶⁰ See, e.g., Ibn Ḥanbal, *al-Ashriba*, 63 (no. 159), and 69 (no. 186).

⁶¹ Al-Kawsaj, *Masā'il*, 2:345 (no. 2768).

⁶² Abū Dāwūd, *Masā'il*, 329 (no. 1574).

⁶³ Al-Marrūdhī, *Wara'*, 93.

⁶⁴ 'Abdallāh b. Aḥmad b. Ḥanbal, *Masā'il*, 317 (no. 1176).

Abū l-Faraj al-Shīrāzī (Jerusalem, d. 486/1093) reportedly stated in his *Mubhij* that wine can be washed clean from tarred receptacles (*muzaffat*), but not from untarred ones. As he explained, the tar coating prevents the wine from seeping into the fabric of the receptacle.⁶⁵

Ibn Qudāma mentions two received opinions of Ibn Ḥanbal concerning a Muslim who breaks the wine receptacle of a *dhimmī*. According to one, the Muslim must compensate the receptacle's owner. According to the other, he is not required to compensate.⁶⁶ Elsewhere, Ibn Qudāma noted that if Muslim conquerors find wine receptacles, they must pour their contents out. If the receptacles are useful [for storing anything other than wine], the Muslims may use them, but if they are not useful, they must break them so that they will not be reused.⁶⁷

Ibn al-Najjār al-Baghdādī (d. 643/1245) preserves an anecdote that demonstrates how Ḥanbalīs may have treated receptacles containing intoxicants toward the end of the Early Abbasid period. This anecdote is about a certain 'Umar b. Aḥmad b. al-Kawwāz (d. 543/1148),⁶⁸ an ascetic follower of Ibn Ḥanbal who had a following. Ibn al-Najjār writes:

Ibn al-Kawwāz and his companions would not allow anyone carrying wine or *nabīdh* to pass by them without pouring it out. This was in the days of the sultan Mas'ūd [Abū l-Faṭḥ Ghiyāth al-Dunyā wa-l-Dīn, r. 529-547/1134-1152], when there were many Persians (*al-a'ājim*) and their followers, soldiers (*al-askariyya*), and slave soldiers (*ghilmānu-*

⁶⁵ Ibn Qudāma, *Mughnī*, 1:81-82.

⁶⁶ Ibn Qudāma, *Mughnī*, 13:428-9.

⁶⁷ Ibn Qudāma, *Mughnī*, 13:130-1.

⁶⁸ A *kawwāz* is a person who makes *kīzān* (ceramic jugs or mugs).

hum) in Baghdad. Ibn al-Kawwāz's hostility against them intensified and increased until they complained about this to the sultan. One day, the sultan was in one of his places of assembly overlooking the Tigris, and set before him were fruits, sweet smelling herbs, waterskins containing wine, and singing girls. He was minding his own business, when a ship arrived at the riverbank with Ibn al-Kawwāz and his companions onboard. They had just returned from a pilgrimage to the tomb of Aḥmad b. Ḥanbal.⁶⁹ One of the people in the assembly said to the sultan: "That's Ibn al-Kawwāz who's been harassing us!" The sultan ordered that Ibn al-Kawwāz be brought before him, and this order was promptly carried out. [The sultan] told him: "O Shaykh, you only pick on powerless boys and insignificant and pitiful muleteers (*kharbanda*), who possess nothing of real worth (*mā ma'ahu qīmat shay'*). If you want to do something of worth and value, pick on us and pour out what is in our assembly and in the assemblies of those powerful men who serve us! If you do not, then your actions are meaningless." [Ibn al-Kawwāz] said: "O sultan, I am hostile towards them only because they are on my level. As for the mountains, "My Lord will utterly pulverize them, then He will leave them a levelled flat surface, so that you will not see in them any depression or elevation [Q 20:105-7]." At this, the sultan burst into tears and said: "I have given you permission to pour out what is here." [Ibn al-Kawwāz] then poured it all into the Tigris. The assembly broke up and its attendees went

⁶⁹ On the tomb of Ibn Ḥanbal, see Le Strange, *Baghdad*, 158-9.

their separate ways. Ibn al-Kawwāz returned to his companions as one who disputes ably (*jadil^{an}*).⁷⁰

It is noteworthy that Ibn al-Kawwāz does not break the receptacles containing intoxicants, but merely pours out their contents. His practice accords with a common interpretation of Ḥanbalī law, which did not require the breaking of receptacles. This anecdote also shows that vigilantes spontaneously enforced the prohibition of intoxicants and that sometimes they would operate with the backing of the ruler.

5.4.4 Summary

In sum, Ibn Ḥanbal considered the use of *ḥantam* for *nabīdh* reprehensible. Some of his later followers also found their use reprehensible or prohibited it, while others saw no problem with it.

Ḥanbalīs strictly enforced the prohibition of intoxicants, but they usually did not break the receptacles containing the intoxicants. Instead, they preferred to empty their contents. Some Ḥanbalīs were open to the possibility of reusing tarred jars (and perhaps glazed jars), after they had been rinsed.

⁷⁰ Ibn al-Najjār al-Baghdādī, *Dhayl Tārīkh Baghdād*, 5:44–45 (no. 324).

5.5 The Imāmī School

The Imāmī or Twelver Shī‘ī school also addresses the issue of the preparation of *nabīdh* in receptacles. Concerning this matter, the Imāmīs cite various Hadith traditions on the authority of the *imāms* or their supporters.

Among the four canonical Imāmī Hadith collections, *al-Kāfī* written by al-Kulaynī (Qomm, Baghdad, d. 329/941) contains the most important traditions about *nabīdh* in receptacles. There, al-Kulaynī cites three prohibitive traditions, that disagree about which receptacles are prohibited. One tradition is transmitted by Muḥammad b. Muslim al-Kūfī (d. 150/767) on the authority of either the fifth Imām Muḥammad al-Bāqir (d. ca. 117/735) or the sixth one Ja‘far al-Ṣādiq (d. 148/765). According to this tradition, the Prophet prohibited gourds and *muzaffat* (defined here as tarred waterskins and jars). However, contrary to the claim of some Iraqis, he did not prohibit *ḥantam* (defined here as porcelain or porcelain-like ceramics). The *imām* adds that there is no problem with green jars and lead receptacles. According to another tradition, Ja‘far al-Ṣādiq prohibited *naqīr* and gourds. According to a third tradition also on the authority of al-Ṣādiq, the Prophet prohibited gourds, *muzaffat* (*dinān* jars), *ḥantam* (green jars), and *naqīr* (hollowed out pieces of wood used in pre-Islamic times).⁷¹ Al-Kulaynī does not cite any concessive traditions.

The Imāmī jurist Ibn al-Junayd al-Iskāfī (d. ca. 381/991) reportedly preferred that *nabīdh* be prepared only in waterskins the mouths of which can be tied up, and he preferred that it will

⁷¹ Al-Kulaynī, *al-Kāfī*, 12:738-42 (nos. 12327, 12328, 12329).

not be prepared in other receptacles, including jars of various types. However, al-‘Allāma al-Ḥillī (d. 726/1325) explained that *nabīdh* may be prepared in any receptacle, if it is not intoxicating.⁷² According to him, the Prophet’s prohibition of the preparation of *nabīdh* in certain receptacles is probably a “precautionary prohibition” (*nahy tanzīh*), i.e., a recommendation, not an actual prohibition.⁷³

5.5.1 Treatment of Receptacles Containing Intoxicants

The Imāmīs are known for their emphasis on ritual cleanliness. Since intoxicating beverages are unclean, Imāmī jurists discuss in detail the cleanliness of jars that contained intoxicants. Ja‘far al-Ṣādiq reportedly said that a single drop of an intoxicant could render the entire contents of a jar unclean, necessitating emptying out its contents.⁷⁴ However, he also said that washing a jar can render it clean.⁷⁵

The jurist al-Ḥillī distinguished between two classes of receptacles. The first class consists of receptacles that are made of firm materials, like lead, brass, and stone receptacles and coated jars. According to al-Ḥillī, all scholars agree that receptacles of this sort can be cleaned because they do not absorb the intoxicant. The second class consists of receptacles made of wood or uncoated ceramics. Al-Ḥillī claims that scholars disagreed about these receptacles. On the one

⁷² Al-Ḥillī, *Mukhtalaf al-Shī‘a*, 9:195.

⁷³ Al-Ḥillī, *Muntahā l-maṭlab*, 3:350-1.

⁷⁴ Al-Kulaynī, *al-Kāfī*, 12:714 (no. 12300): *muskir [...] lā qaṭrata taqturu min-hu fī ḥubb^m illā uhrīqa dhālika l-ḥubb*.

⁷⁵ Al-Kulaynī, *al-Kāfī*, 12:768 (no. 12370): *‘ani l-danni yakūnu fī-hi l-khamru [...] idhā ghusila fa-lā ba’s*.

hand, al-Ṭūsī (d. 460/1067) and others held that the use of these receptacles, after they have been washed, is reprehensible. On the other hand, Ibn al-Junayd held that their use is prohibited, because they can never be cleaned of the wine particles. Al-Ḥillī sided with al-Ṭūsī.⁷⁶

5.5.2 Summary

In sum, Imāmī scholars generally considered the prohibition of the preparation of *nabīdh* in certain receptacles valid. Most scholars interpreted this prohibition as a call to avoid preparing *nabīdh* in those receptacles. However, they did not require the destruction of jars that contained intoxicants. Instead, they allowed for jars to be washed. Some scholars seem to have held that green jars and tarred jars had an advantage as they could be cleaned with relative ease.

5.6 The Ibādīs

The Ibādīs, like other Khārijī sects, were known for their strict attitude towards intoxicants and intoxication. One Sunni tradition about Anas b. Mālīk attests to their stern reputation outside their community. According to this tradition, Anas, perhaps in jest, accused the Kufan al-Walīd b. ‘Ayzār of being “one of the Ḥarūriyya,” i.e. one of the Khawārij, for expressing some reservation about drinking *ṭilā*’ from a *dann muqayyar* (tarred jar).⁷⁷ Avoiding receptacles was considered an overly stern practice of the extreme Khawārij.

⁷⁶ Al-Ḥillī, *Muntahā l-maṭlab*, 3:350-1.

⁷⁷ Al-Bukhārī, *Tārīkh*, 8:148 (no. 2514). This tradition is discussed in §3.4.2.1.

The extant Ibādī legal manuals affirm the Ibādīs' strict attitude toward intoxicants and their receptacles.⁷⁸ These manuals do not cite the authority of the Prophet. Instead, they rely on rulings attributed to Ibādī *imāms*. Sometimes, they mention a ruling without noting its author, and this is perhaps meant to represent Ibādī consensus. The Ibādī sources often call for the destruction of receptacles. They go into detail regarding the exact circumstances in which jars need to be shattered, and explicitly name green jars, but not *dinān*, as problematic.

One of the earliest Ibādī reports is on the authority of Maḥbūb b. al-Ruḥayl/al-Raḥīl, who was the *imām* in Basra during the late 2nd/8th century. He reportedly said that “green jars and other jars” containing *nabīdh* should be smashed.⁷⁹ Ibrahim ben Ali Boularwah lists this tradition under “tasks performed by the *muḥtasib*,”⁸⁰ speculating that breaking these illicit jars was state policy. Maḥbūb's ruling treats green jars the same as all other jars. However, the fact that they are singled out hints that these jars were commonly used or commonly discussed in relation to the prohibition of intoxicants.

Several manuals note that *nabīdh* is permitted only in a *dann*, a *qirba* (a type of waterskin), and a *mish'al* (a type of waterskin on stilts). They stipulate that the latter waterskins (and perhaps all waterskins) must be tied at their mouths or have a covering, and they must be

⁷⁸ See, e.g., al-Faḍl b. al-Ḥawārī, *Jāmi'*, 3:222-27; al-Kadmī, *Jāmi'*, 2:112-13; Abū Zakariyyā, *Īdāh*, 4:77-82; al-Kindī, *Bayān al-shar'*, 29:93-8. These sources mostly rely on one another often reproducing the same text without significant variation. The text of some of these traditions is corrupt.

⁷⁹ *Isnād*: al-Faḍl b. al-Ḥawārī (Oman, d. ca. late 3rd/9th century) ← Abū 'Abdallāh Muḥammad b. Maḥbūb ← Abū Ṣufra (d. early 3rd/9th century) ← Maḥbūb. See al-Faḍl b. al-Ḥawārī, *Jāmi'*, 3:227; al-Kindī, *Bayān al-shar'*, 29:94. In Ibn al-Ḥawārī, *jirār* 'L-ḤṢR must represent *jirār al-khuḍr*.

⁸⁰ Būlrāwah, *Min jāmi' Abī Ṣufra*, 148 (no. 104).

made of a single hide of a sheep or a goat, but not of a camel, a cow, or an ass. The manuals also prohibit the preparation of *nabīdh* in jars, gourds, and glass receptacles. If they contain intoxicants, jars and gourds must be broken, but glass receptacles should only be emptied of their contents. One Ibādī jurist said that green jars should be treated like glass receptacles, i.e., they should not be broken, but have their contents spilled.⁸¹

Abū ‘Abdallāh Muḥammad b. Maḥbūb (Oman, d. 260/873) affirmed his father’s view that jars containing *nabīdh* should be destroyed, stating that if an Ibādī finds jars “or other ceramics or porcelain-like ceramics” with *nabīdh* inside them, he must empty the contents of the receptacle and break it. In some cases, the Ibādīs were uncertain about the permissibility of breaking a jar. For example, what to do if the jar belongs to a man or a woman who is unaware that it was being used for *nabīdh*? Or what if the owners of the receptacle intended to make vinegar, but accidentally made *nabīdh*? The response of Abū ‘Abdallāh Ibn Maḥbūb to such cases may be summed up as follows: On the one hand, it is lawful to destroy a jar that belongs to a Muslim who knowingly possesses *nabīdh* or consumes it, or if it belongs to a non-Muslim who knowingly causes Muslims to consume *nabīdh*. On the other hand, if a jar is unlawfully destroyed, the owner of the jar must be compensated.⁸²

Muḥammad b. al-Musabbih (Oman, fl. late 3rd/9th century) reportedly required the smashing of green jars belonging to “the *nabīdh* merchants (*al-sakkārīn*) and known drinkers.”

⁸¹ Al-Faḍl b. al-Ḥawārī, *Jāmi* ‘, 3:222; al-Kindī, *Bayān al-shar* ‘, 29:94-5; al-Kadmī, *Jāmi* ‘, 2:112-13. Al-Kadmī attributed the prohibition of *nabīdh* in gourds, jars, and glass receptacles to Muḥammad b. al-Musabbih.

⁸² Al-Faḍl b. al-Ḥawārī, *Jāmi* ‘, 3:223-24; Abū Zakariyyā, *Īdāh*, 4:77; al-Kindī, *Bayān al-shar* ‘, 29:93.

However, he exempted the green jars found in private homes.⁸³ Here, the jars which Ibn al-Musabbih demands their destruction appear to be empty ones found in public spaces and belonging to known offenders.

According to Muḥammad b. al-Ḥawārī (d. early 4th/10th century) on the authority of Nabḥān b. ‘Uthmān (*fl.* late 3rd/9th century), Abū ‘Abdallāh prohibited making *nabīdh* in jars, but he allowed transferring *nabīdh* made in a waterskin into a jar, if one made sure that no illicit fermentation occurred in the jar after the transferal.⁸⁴

Abū Sa‘īd al-Kadmī (Oman, *fl.* late 3rd/9th century) asserted that “the Sunna” prohibited the *nabīdh* of jars, gourds, *naqīr*, and *muzaffat*, while permitting it in waterskins, made of goat or sheep hides, the mouths of which can be tied up. He added that whoever drinks *nabīdh* from the prohibited receptacles, even if it is not intoxicating, is an apostate.⁸⁵

The Hadith collector Abū Ya‘qūb Yūsuf b. Ibrāhīm al-Warjlānī (North Africa, d. 570/1174) introduced Prophetic traditions in support of the Ibāḍī view. He appears to have taken traditions found in Sunnī collections and equipped them with Ibāḍī *isnāds*. He gathered these traditions in a single Hadith collection which he attributed to the Baṣran *imām* al-Rabī‘ b. Ḥabīb (d. ca. 180/796).⁸⁶ Under the chapter devoted to beverages, namely “wine and *nabīdh*,” al-Warjlānī includes two traditions that are especially pertinent to the issue of *nabīdh* and

⁸³ Al-Kadmī, *Jāmi‘*, 2:113.

⁸⁴ Abū l-Ḥawārī, *Jāmi‘*, 1:119.

⁸⁵ Al-Kadmī, *Istiḳāma*, 3:179.

⁸⁶ On the collection of Prophetic Ibāḍī Ḥadīth, see Wilkinson, *Ibāḍism*, 432-37. On the authorship of the *Musnad* of al-Rabī‘, see Cilaro, “*Musnad al-Imām al-Rabī‘*.”

receptacles. One of these is a version of the tradition about Abū Ṭalḥa (d. 34/654) and Anas (d. ca. 91-95/709-713) in which they smash jars containing *nabīdh*.⁸⁷ This tradition is influenced in part by a tradition of Mālik b. Anas.⁸⁸ According to another tradition, the Prophet prohibited gourds, *muzaffat*, *naqīr*, and *ḥantam*. Al-Warjlānī reports that al-Rabī' explained that *muzaffat* is what is covered in tar, *naqīr* is stone (*ḥajar*) [!], and *ḥantam* are “green jars” (*al-qilāl al-khudr*).⁸⁹

5.6.1 Summary

Ibādī legal works devote a lot of attention to the destruction of receptacles containing intoxicants. Their emphasis on this subject is unparalleled in other legal schools, where it is treated with less depth. For the Ibādīs, the treatment of receptacles containing intoxicants was not merely a theoretical matter but also a practical one. In Ibādī society, the confiscation of receptacles and their destruction were common enough to warrant precise legal discussions about how and when to destroy them. The Ibādīs understood the prohibition of *nabīdh* in certain receptacles as valid and binding.

In their discussions of intoxicants, the Ibādīs focus on several receptacles. They were tolerant of certain waterskins but stipulated that the waterskins be made of sheep or goats, not of

⁸⁷ Al-Warjlānī, *Jāmi'*, 2:54 (no. 628).

⁸⁸ See Appendix I §2.8.7.

⁸⁹ Al-Warjlānī, *Jāmi'*, 2:54 (no. 631). Here, *ḥajar* may be a corruption of *khashab* (wood) or *shajar* (trees). In other words, *naqīr* are wooden receptacles.

larger animals like camels. Perhaps, they sought to limit the size of the waterskins. They also required that the mouths of waterskins be tied up or covered. A similar requirement is found in many Sunni traditions from Basra.⁹⁰

The Ibādīs generally prohibited or frowned upon the use of ceramic receptacles for intoxicants. They often required their destruction. Some jurists held that green jars should be smashed, while others were satisfied with emptying their contents. Perhaps, their smooth glasslike glaze, which made them easy to clean, exempted them from destruction. The Ibādīs approved of *dinān*. This term usually refers to tarred ceramic jars. If the Ibādīs approved of these jars, then they stood apart from other schools that considered “tarred receptacles” prohibited or problematic.

It seems that the Ibādīs were primarily concerned with receptacles of intoxicants found in the public sphere. They often destroyed receptacles or disposed of their contents to discourage the consumption of intoxicants. However, they also recognized that receptacles were valuable objects, and did not destroy them unless necessary or if they could be thoroughly cleaned. They made sure to compensate those who had their jars unjustly destroyed.

⁹⁰ See §4.6.8.

5.7 The Legal Schools Compared

The four Sunni *madhhabs*, the Imāmīs, and the Ibādīs recognized traditions prohibiting the preparation of *nabīdh* in receptacles as authentic. All schools, except for the early Mālikīs, the Imāmīs, and the Ibādīs, also recognized the authority of the concessive traditions abrogating the prohibition of receptacles. Despite this, representatives of all schools, except for the lenient Ḥanafīs, expressed some intolerance toward receptacles. They either found their use reprehensible or downright prohibited it. This usually meant that the contents of these receptacles needed to be poured out. Some, like the Mālikīs and the Ibādīs, often required the destruction of the receptacles. The various schools disagreed about which receptacles were most problematic. For example, the Mālikīs opposed tarred jars, but permitted green jars, whereas the Ibādīs held the opposite view. Schools based in Iraq generally found green jars and tarred jars equally reprehensible.

Chapter 6: Conclusion

During the Umayyad and early Abbasid periods, Muslim transmitters disseminated a multitude of traditions about the receptacles in which *nabīdh* and similar beverages may be prepared and stored. At first, they attributed these traditions to Successors and Companions, and later they primarily attributed them to the Prophet himself. One of the earliest Prophetic traditions was transmitted in Kufa by Ibrāhīm al-Nakha‘ī (d. ca. 96/717). ‘Umar II’s prohibition of intoxicating *nabīdh* and *ṭilā*’ likely exacerbated the already heated discussion and led to the introduction of many new traditions about the preparation of these problematic drinks in various receptacles.

Nabīdh was a popular beverage and Muslims wanted to know from which receptacles they were permitted to consume it. There was however a great deal of disagreement. Transmitters introduced many competing traditions promoting the prohibition of different receptacles. These traditions were often contradictory, mentioning the same receptacles as prohibited and permitted. Traditional critics reconciled these contradictions in various ways. For example, some claimed that the Prophet prohibited different receptacles on different occasions. Others claimed that the traditions only seemed contradictory because they used different terms to refer to the same prohibited receptacle. However, for the critic, the simplest way to reconcile these contradictions is to recognize them as reflecting different conceptions of the law, e.g., different understandings of which receptacles were prohibited and permitted.

Depending on time and place, different individuals or communities held that different receptacles were prohibited and introduced traditions in support of their view. These local

traditions evolved into the rulings of the different law schools. A few notable examples of different traditions will be mentioned next.

Ibrāhīm al-Nakha‘ī and Nāfi‘ the *mawlā* of Ibn ‘Umar transmitted traditions prohibiting two items, gourds and *muzaffat*. These traditions spread from Medina to Kufa. Based on these traditions, the Mālikīs prohibited these two types of receptacles.

Adding two other receptacles, Ibn Shihāb al-Zuhrī (Medina, Syria, d. 124/742) and others transmitted traditions prohibiting gourds, *muzaffat*, *naqīr*, and *ḥantam*. Initially, the term *ḥantam* probably referred to green jars. Despite some attempts to redefine it, the definition “green jars” mostly stuck. Traditions prohibiting these four receptacles became very popular in Iraq and were eventually adopted by the Shāfi‘īs and at least one Iraqi Mālikī, Ibn al-Jallāb (d. 378/988).

Iraqis, like Qatāda b. Di‘āma, Ayyūb al-Sakhtiyānī, and Shu‘ba b. al-Ḥajjāj transmitted traditions prohibiting *jarr* (jars). Others transmitted traditions prohibiting *jarr akḥḍar* (green jars). The Ibādīs in Basra and Oman prohibited green jars, but not tarred jars.

Some, Iraqis especially in Kufa, opposed the prohibition of receptacles. Transmitters, like Ibn Burayda, introduced traditions in which the Prophet issued a concession overturning the prohibition. The Ḥanafīs famously embraced these traditions, as did others.

The “green jars” or *ḥantam* of Hadith literature may be identified with the green-glazed jars known to archeologists. Under the category of *muzaffat* (tarred receptacles), the jars known as *dinān*, *rawāqīd*, and *khawābī*, were likely included. These probably correspond to the “torpedo jars” of the archeologists. In Egypt, the term *muzaffat* was used to refer to the Late

Roman Amphorae 7 (LRA 7). The green-glazed jars, the torpedo jars, and LRA 7 predate Islam by several centuries. The torpedo jars declined after the 3rd/9th century and the green glazed jars and LRA 7 after the 4th/10th century.

It is a reasonable conjecture to attribute the decline of these jars to the influence of the Prophetic traditions prohibiting them. Many jurists ruled on the basis of those traditions that preparing *nabīdh* in these receptacles was prohibited or reprehensible. Generally, a Muslim who drinks, possesses, or sells an intoxicant ran the risk of having the drink poured out, its receptacle destroyed, and he or she could be punished with lashes or confinement. Therefore, owning a problematic jar was a potential source of trouble. It stands to reason that some people replaced these jars with others that were not controversial.

Some of the prohibited jars were exported as containers to the Far East, where they were sold for a low price or given away for free to the local populace. As replacements, Muslims may have turned to receptacles that were not coated with glaze or bitumen, like the “eggshell wares” or the “sphero-conical vessels.” The latter were little ceramic receptacles that had thick walls that made them suitable for fermentation, from which Muslims often drank a type of beer. These little receptacles did not violate the prohibition of *ḥantam* or *muzaffat*. One could imagine a Muslim concealing one of these receptacles under his robe to avoid detection by those who objected to the consumption of fermented drinks.

Even though some traditions and jurists call for the destruction of receptacles containing intoxicants, jars were valuable objects and jurists from most legal schools did not require their

destruction. Instead, they allowed for jars to be cleaned of any intoxicant and reused. Some even considered the green-glazed jars with their smooth glass-like interior especially suited to be cleaned.

If the prohibition did have a marked impact, other factors must also be considered. The size of the Muslim population would have been important. Initially, the Muslims ruled as a minority over a non-Muslim majority. Under such conditions, it is unlikely that Islamic law could have had an immediate and discernable impact on the ceramics industry. Nevertheless, by 4th/10th century Muslims had become a majority and their influence over material culture increased. Even non-Muslims may have adhered to the prohibition of receptacles in order to minimize any friction that might occur in a religiously diverse society.

Differences between the legal schools must also be considered. The Mālikīs were tolerant of green jars, but intolerant of torpedo jars. The Ibādīs were tolerant of torpedo jars, but intolerant of green jars. If so, we might expect to find green jars in lands where the Mālikī school was dominant, and torpedo jars in lands where the Ibādī school was dominant. Given the presently available archeological data, it is difficult to detect such patterns. Perhaps, future evidence will provide confirmation.

Opposition to certain receptacles need not have pervaded the entire Muslim world so that the production of these receptacles would be disrupted. For example, green jars were manufactured primarily in Iraq. If the opposition to these jars was concentrated in Iraq and its

trading ports, they could apply pressure on local pottery workshops and merchants. In this way, they may have had an impact on the production of green glazed jars.

It is of course possible that the prohibition of receptacles had a marginal impact on the ceramics industry. The 4th/10th century was a period of political upheaval in the Near East. With the rise of the Buyids and Fatimids, the center of the empire shifted from Iraq and was split between Iran and Egypt, where new ceramic industries developed. Additionally, following the rebellion of Huang Chao against the Tang dynasty toward the end of the 3rd/9th century, international maritime trade was disrupted, only recovering around the 6th/12th century. The reduction in trade may have decreased the need for functional ware like the torpedo jars and green-glazed jars. Large geo-political events such as these could have had a significant impact on the production of pottery.

In this dissertation, I have argued that Ḥadīth traditions contributed to a decline in the production of green-glazed jars and other receptacles. My goal in part was to demonstrate the utility of examining archeological and textual evidence side-by-side. Archaeologists who seek to corroborate their findings with textual evidence often turn to historical and geographical accounts. However, it is important not to overlook valuable information included in religious and jurisprudential texts, like the Ḥadīth literature. After all, human behavior is motivated not only by political and economic considerations, but also by religious ones.

Introductory Note to Appendices A and B: The Edict of ‘Umar II about *Nabīdh*

The Umayyad caliph ‘Umar (II) b. ‘Abd al-‘Azīz (r. 99–101/717–20) is said to have issued an edict in which he prohibited *nabīdh*. This edict is important for three reasons: (1) It marks one of the earliest attempts by a Muslim ruler to impose a uniform legal ruling in the Muslim world regarding *nabīdh* in receptacles. (2) Since ‘Umar II’s caliphate was relatively short, it allows us to assign an accurate date to a tradition about receptacles. (3) The edict allows us to see if ‘Umar II made use of any Prophetic and non-Prophetic traditions, and to establish a relative chronology for such traditions.

Numerous reports about the edict, often equipped with *isnāds*, are recorded in multiple sources. Some of the reports purport to preserve the actual text of the edict, while others describe its contents in general terms. The reports come primarily from Basra and Kufa, two cities where the legality of *nabīdh* was heavily discussed. The reports are somewhat conflicting and the differences between them most likely reflect the different legal practices of scholars who transmitted these reports. Therefore, an examination of the reports can teach us no less about the edict’s reception than about the edict itself. A study of the edict’s history allows us to see developments in Islamic law in different times and places.

The discussion here of ‘Umar II’s edict will be divided into two appendices: (1) This appendix, Appendix A, deals with a series of traditions that purport to preserve the text of an edict or edicts attributed to ‘Umar II. It is followed by Appendix AA, which deals with a related tradition. These sections correspond to my forthcoming article in ILS. (2) Appendix B is devoted to other traditions that refer to his edict without reproducing its exact text.

Appendix A: ‘Umar II and the Prohibition of *Ṭilā*’ and *Nabīdh*

0 Introduction

In a recent article in *ILS*, Matthieu Tillier and Naim Vanthieghem call attention to the pivotal role of the Umayyad Caliph ‘Umar II in promoting an Islamic prohibition of intoxicants other than *khamr* (grape wine). In their article, they examine a wide range of literary, documentary, and archeological data, including both Muslim and Christian primary sources, many of which have not previously been examined by Western scholars.¹ They make compelling historical arguments about the consumption of intoxicants in early Islamic Egypt.² In the present article, I examine some of the same sources, offering different interpretations.

Tillier and Vanthieghem draw attention to a series of Abbasid texts that purport to preserve one or more edicts issued by ‘Umar II prohibiting certain intoxicants.³ One of these texts is a passage (= IAH 1) prohibiting *ṭilā*’ (cooked grape juice). IAH 1 is part of ‘Umar II’s so-called “fiscal rescript,” an edict recorded by the Egyptian Mālikī scholar Ibn ‘Abd al-Ḥakam in his biography of ‘Umar II.⁴ The other texts include edicts devoted to the prohibition of intoxicants, all closely related in wording, and recorded by various authors who lived more than

¹ Tillier & Vanthieghem, “Amphores rouges,” 1-64 (pagination not final).

² I find several of their arguments compelling, e.g., their discussion of the technical aspects of *ṭilā*’ and wine making, their identification of *ṭilā*’ with ἔψημα, and their identification of *muzaffat* in the Egyptian context with certain Late Roman amphorae (LRA 7). See *ibid.*, 8-16, 46-53.

³ One of the first studies devoted to these edicts is that of Abu Safieh, “Umayyad Epistolography,” 75-80. Abu Safieh, who discussed only three versions of the edict, concluded that they were likely heavily redacted “by the *fuqahā*’.” Several of the edicts were collected by Ibn Shaqīr, *Fiqh ‘Umar*, 2:168-72.

⁴ Ibn ‘Abd al-Ḥakam, *Sīrat ‘Umar*, 86.

a century after ‘Umar II’s death. The longest and most detailed of these edicts (= IAH 2) is also recorded by Ibn ‘Abd al-Ḥakam in the biography.⁵

Tillier and Vanthieghem remark: “Il serait vain de rechercher un ‘original’ dans les diverses versions du décret qui nous sont parvenues.”⁶ Be that as it may, they describe how these edicts are related to each other genealogically. Their conclusions may be summed up as follows (See Diagram A.1: *Stemma edictorum* according to Tillier and Vanthieghem (constructed based on their article): All extant edicts, including IAH 1, are descended from an original lost edict or edicts of ‘Umar II, albeit with changes introduced by later transmitters and copyists. IAH 2 most closely resembles an original lost edict sent by ‘Umar II. The other extant edict, except IAH 1, are truncated iterations of this lost edict. ‘Umar II may have sent [ur-]IAH 1 as a follow-up to [ur-]IAH 2.⁷

According to Tillier and Vanthieghem, IAH 1 is a minor supplement to IAH 2 and the other edicts. Against this view, I will argue that IAH 1 preserves the core of a no longer extant passage by ‘Umar II prohibiting *ṭilā*’ (= ur-IAH 1) and that the authenticity of IAH 2 and the other edicts is doubtful (See Diagram A.2: *Stemma edictorum* according to the author). The article is divided into two parts. In Part 1, I discuss IAH 1 and the prohibition of *ṭilā*. I marshal evidence for the authenticity of IAH 1. I argue *inter alia* that ‘Umar II prohibited *ṭilā*’ in part because of an eschatological anxiety that God would punish the entire Muslim community for the

⁵ Ibid., 88-91.

⁶ Tillier & Vanthieghem, “Amphores rouges,” 32.

⁷ Ibid., 22-36.

transgressions of the Muslim drinkers of *ṭilā*'. I also situate 'Umar II's edict within the early legal discussions of *ṭilā*'. In Part 2, I discuss IAH 2, the other edicts, and the prohibition of *nabīdh*. I examine the transmission history of IAH 2 and the edicts and argue that they originated in 2nd/8th century Iraq. By clarifying the history of 'Umar II's edicts, I seek to deepen our knowledge of his caliphate and to contribute to a more accurate evaluation of his legacy.

It will be helpful to begin with some brief prefatory remarks about ‘Umar II and the prohibition of intoxicants in Islam.

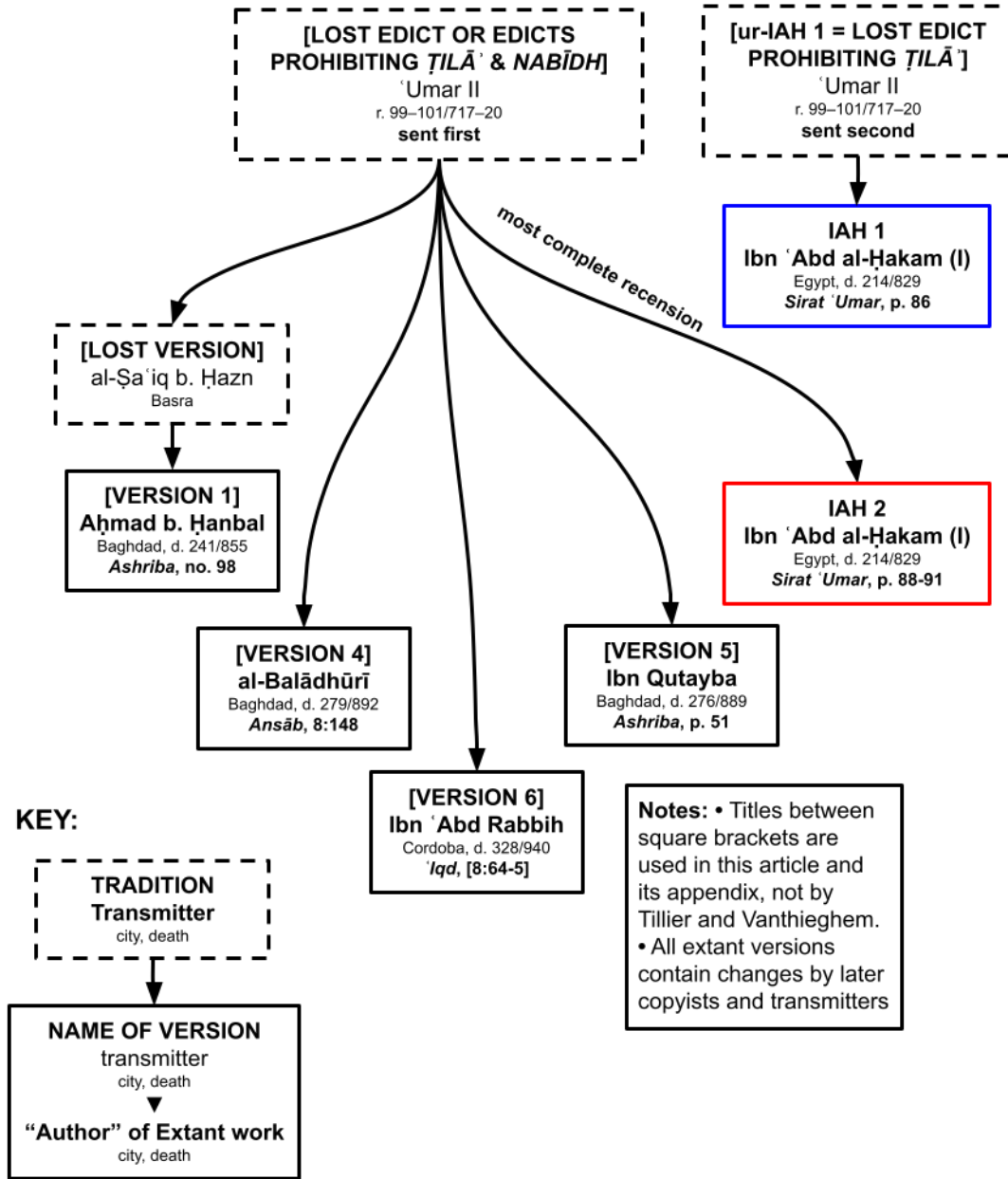


Diagram A.1: *Stemma edictorum* according to Tillier and Vanthieghem (constructed based on their article)

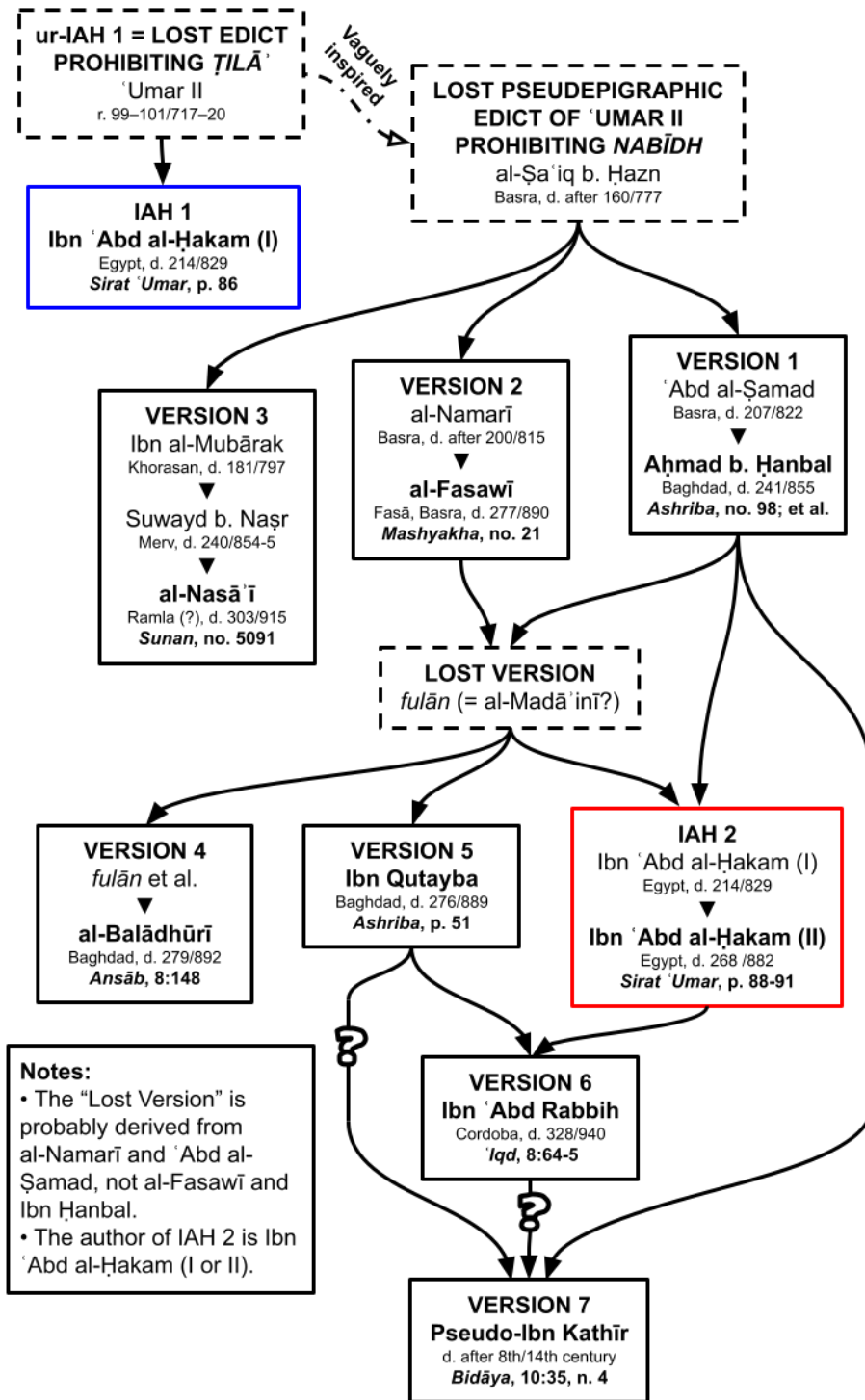


Diagram A.2: *Stemma edictorum* according to the author

0.1 *ʿUmar II: the Pious Umayyad*

ʿUmar (II) b. ʿAbd al-ʿAzīz (r. 99–101/717–20) was a member of the Marwānid branch of the Umayyad family. His namesake, his maternal great-grandfather, was the second caliph ʿUmar b. al-Khaṭṭāb, and he was often seen as a second ʿUmar. He was raised in Medina where he studied the *sunna* of the Prophet with its scholars. His cousin, Sulaymān b. ʿAbd al-Malik (r. 96-9/715-17) appointed him as his successor, preferring him over his brothers. ʿUmar II is remembered as a pious leader who sought to strengthen religious observance among Muslims. He made a failed attempt to besiege Constantinople. Because of his piety, Abbasid era writers, as well as many modern historians, consider him an exception among the Umayyad caliphs, who reputedly prioritized matters of state over those of faith. It has sometimes been suggested that those writers exaggerated ʿUmar II’s probity in order to vilify the other Umayyads by contrast. However, his promotion of religious observance is well documented in the sources. He dispatched emissaries to the provinces to instruct the local populace on how to be proper Muslims.⁸ He also sent edicts to his governors in which he enacted religious policies and reforms. However, the exact content of these edicts is unclear and the degree to which they were implemented is difficult to assess.⁹ Umar II’s brief reign coincided with the advent of the first Islamic century (*ca.* December 3, 718), a moment that had major eschatological significance for Muslims. Both Antoine Borrut

⁸ Goldziher, *Muslim Studies*, 2:[29]; Anthony, *Muḥammad and the Empires of Faith*, 129-31; Juynboll, *Muslim Tradition*, 34-8; Borrut, *Entre mémoire et pouvoir*, 283-320.

⁹ ʿUmar II’s edicts have recently been discussed by Lev, “Islamization and Acculturation,” 13-16; Tillier, “Califes, émirs et cadis,” 147-90.

and Christian Sahner have argued that ‘Umar II’s public turn to piety may have been motivated by unarticulated anxieties about this moment.¹⁰ In Part 1, I present additional support for their suggestion.

0.2 *The Prohibition of Intoxicants*

The prohibition of wine and intoxicants is commonly regarded as a distinctive marker of the Muslim world. Some verses in the Qur’ān (especially, Q 5:90-91) appear to prohibit the consumption of *khamr*, a term that originally referred to wine made from grapes. The great majority of Muslims thus consider grape wine to be prohibited, and many Muslims extend this prohibition to other fermented drinks. However, in the first Islamic centuries, many Muslims contested the illegality of such drinks, especially the potentially intoxicating beverages known as *ṭilā’* and *nabīdh*.¹¹

Ṭilā’ (literally: something that is smeared, like an unguent or cream) is a type of cooked grape juice that has been identified by Tillier and Vanthieghem as identical to the late antique beverage known as ἔψημα.¹² Similar or related Arabic terms include *bukhtaj* (from Persian: *pukhta*, “cooked”), and *bādhaq* or *bādhiq* (from Persian: *bāda*, “wine”). In the Hadith, this beverage is often associated with Syria, where Muslim conquerors first encountered it, but it appears to have been consumed in Iraq as well. It was potentially intoxicating, as fermentation could occur before or after it was cooked. Cooking caused some of the original contents of *ṭilā’*

¹⁰ Borrut, *Entre mémoire et pouvoir*, 291-7; Sahner, “First Iconoclasm, 34-5. Sahner, *ibid.*, n. 89, remarks that he “owes this idea to David Cook.” He does not cite Borrut. Cf. Cook, “Messianism and Astronomical Events,” 38.

¹¹ On intoxicants in Islamic law, see A.J. Wensinck, “Khamr,” *EI²*; Haider, “Contesting Intoxication.”

¹² Tillier & Vanthieghem, “Amphores rouges,” 10-12, 17-22.

to evaporate. Many scholars held that evaporation reduces *ṭilā'*'s ability to intoxicate. After *ṭilā'* has been cooked, it is referred to as: (1) *muthallath*, if two-thirds of its original contents have evaporated and only a third remains; (2) *munaṣṣaf*, if half of its original contents have evaporated. Muslim jurists commonly asked if these levels of evaporation are sufficient to render *ṭilā'* lawful, or if evaporation has any effect on this drink's permissibility. According to one report, the second Caliph 'Umar b. al-Khaṭṭāb drank *ṭilā'*.¹³

1 'Umar II and the Prohibition of *Ṭilā'*

Why did 'Umar II prohibit intoxicants other than *khamr*? A Medinan report recorded by Ibn Sa'd (d. 230/845) in his *Ṭabaqāt* suggests an answer to this question. According to this report, Muhājir b. Yazīd recalled:

['Umar II] would never [unnecessarily] renovate structures. I once saw that a threshold of a door of his became damaged, and someone suggested to him that it should be repaired. He said [to his *mawlā*]: "O Muzāḥim, should we not leave this [threshold] as it is, and then exit this world without having renovated any [material] thing." He prohibited *ṭilā'* in all the land.¹⁴

¹³ On *ṭilā'* and similar beverages, see Haider, "Contesting Intoxication," 53; Tillier & Vanthieghem, "Amphores rouges," 17-22. On *bādhaq*, see 'Abd al-Razzāq, *Muṣannaḥ*, 9:223-4 (no. 17014); Abū 'Ubayd, *Gharīb al-ḥadīth*, 1:395-6.

¹⁴ *Isnād*: al-Wāqidī (Medina, 130-207/747-822) ← Ibn Abī Dhī'b (Medina, d. 159/776) ← Muhājir (Medina). Ibn Sa'd, *Ṭabaqāt*, 7:341-2. Instead of *bi-nā*, read *binā'*. The text quoted here in translation is preceded by other examples of 'Umar II's piety.

This report portrays ‘Umar II as an ascetic ruler with little regard for the comforts of this world. Instead of renovating a material structure, he attempts to “renovate” people’s souls by outlawing a notorious beverage. Here, his implied motivation for prohibiting *ṭilā*’ was to leave this world a better place spiritually than when he entered it.

‘Umar II’s prohibition of all intoxicants left a strong impression on non-Muslims. Theophilus of Edessa (d. *ca.* 785 CE), an astrologer with ties to the Abbasid court, probably noted this prohibition in his now lost chronicle.¹⁵ The contents of this chronicle can be partly reconstructed based on the chronicles of three authors who are known to have relied on him: Theophilus the Confessor, Agapius of Hierapolis, and Dionysius of Tellmahre. The latter’s work, also no longer extant, can be reconstructed based on the chronicle of Michael the Syrian and the anonymously authored *Chronicle of 1234*.

Under the entry for *Anno Mundi* 6210 (717-18 CE), the Byzantine chronicler Theophanes the Confessor (d. 818 CE) writes: “In the same year, a violent earthquake having hit Syria, ‘Umar banned wine (οἶνον) in the cities...” Theophanes mentions a few other actions taken by ‘Umar II, including the forced conversion of Christians.¹⁶ His account insinuates that ‘Umar II’s prohibition of wine, as well as his other actions, were motivated by the earthquake.

¹⁵ See Hoyland, *Theophilus*, 215-7; Tillier & Vanthieghem, “Amphores rouges,” 23.

¹⁶ Theophanes the Confessor, *Chronographia*, 1:399, l. 20. For a translation, see Mango and Scott, *The Chronicle of Theophanes*, 550. Cf. Tillier & Vanthieghem, “Amphores rouges,” 23. On the earthquake of 717 CE and its aftershocks, see Ambraseys, *Earthquakes*, 225-6.

The account of Agapius of Hierapolis (d. 942-3/329) resembles that of Theophanes regarding the year when ‘Umar II became caliph: “In that year, a terrible earthquake occurred, destroying many places. ‘Umar displayed asceticism (*al-nusuk*) and piety (*al-wara*). He expelled from his realm those who were corrupt and he banned the Muslims from drinking [wine]¹⁷ and fermented drinks (*al-anbidha*).”¹⁸

In both accounts, an earthquake is closely followed by ‘Umar II’s prohibition of all intoxicants. There is one significant difference. Whereas Theophanes implies that the earthquake motivated ‘Umar II’s prohibition, Agapius does not. He does, however, mention the earthquake immediately before describing ‘Umar II’s “ascetic” and “pious” behavior, which may suggest a chronological connection between the earthquake and his actions.

The West Syrian patriarch Michael the Syrian (d. 1199 CE) dedicates a section of his Syriac chronicle to the reign of ‘Umar II (99–101/717–20). He divides this section, as is his custom, into three columns devoted to three topics: ecclesiastical affairs, natural phenomena, and civil history. In the column devoted to natural phenomena, he notes that there was a large earthquake in *Anno Graecorum* 1029 (717-18 CE). In the column devoted to civil history, he writes that ‘Umar II forbade the Arabs to drink wine and fermented grape juice.¹⁹ Michael

¹⁷ The word between square brackets is illegible, but likely represents a prohibited beverage. Possible emendations include *al-muskirāt* (intoxicants), as suggested by P.L. Cheikho in his edition of Agapius, *Historia*, 358; or *al-khamr* (wine); or *al-khumūr* (varieties of wine). The illegible word and *al-anbidha* are likely a merism meaning “all intoxicants.”

¹⁸ Agapius, *Historia*, 357-8; idem, “*Kitab al-‘unvan*,” 502-3.

¹⁹ Michael the Syrian, *Chronique*, 2:489 & 490; 4:455 & 456. Hoyland, *Seeing Islam*, 490 & n. 127, mistakenly claims that Michael mentions neither the earthquake nor the ban on wine.

reportedly relied on the lost work of Dionysius of Tellmahre (d. 845 CE), editing and rearranging its contents so that they would fit the themes of his three columns.²⁰ Thus, even if Michael learned about the earthquake and the ban on intoxicants from Dionysius, he cannot serve as a witness for the manner in which Dionysius himself presented these events.

The anonymous Edessan author of the Syriac *Chronicle of 1234* (the year in which this chronicle stops) also relied on Dionysius. However, he mentions neither the earthquake nor the prohibition of all intoxicants.²¹ Dionysius may not have mentioned these events and Michael the Syrian may have learned about them from another source. Alternatively, these events may have been part of Dionysius' original account and were omitted by the anonymous author. The absence of both events in his chronicle, but not other events that likely were part of Dionysius' lost account, suggests that they originally may have appeared in proximity to each other. As Hoyland notes, the anonymous author tended to include long accounts from Dionysius, while omitting short ones.²² Did he perhaps omit a short account about a prohibition introduced following an earthquake? Be that as it may, if Dionysius did mention these events, it is impossible to know if he claimed that one caused the other.

Based on his analysis of the abovementioned reports of the four chroniclers, Robert Hoyland concluded that the earthquake and the prohibition of intoxicants were part of Theophilus' original report, but that there was no causal link in it between them. According to

²⁰ Hoyland, *Theophilus*, 12.

²¹ Cf. Anonymous, *Chronicon ad annum Christi 1234 pertinens* (1920); idem, *Chronicon ad annum Christi 1234 pertinens* (1952).

²² Hoyland, *Theophilus*, 13.

Hoyland, Theophanes was the first chronicler to mention such a link when he abbreviated Theophilus' report. Hoyland claims that Theophilus, as he appears in Theophanes, "has been substantially abbreviated and his notices have sometimes been amalgamated, thus creating a causal link between events that seem originally to have been unconnected." He gives one other example of such a putatively spurious link.²³ However, this example is not conclusive. Given Michael's likely reworking of the text of Dionysius and the silence of the author of the *Chronicle of 1234*, Hoyland's reconstruction of the text of Theophilus is based on his preference for the prolix Agapius over the concise Theophanes. *Pace* Hoyland, I will argue below that Muslim sources strongly suggest that Theophanes reliably preserves a causal link that was present in Theophilus' original text; and that 'Umar II banned the consumption of intoxicants as a consequence of his understanding of certain seismic disturbances as a sign of God's displeasure.

1.2 *The Passage about Ṭilā' in 'Umar II's "Fiscal Rescript" (= IAH 1)*

We have seen two possible motivations attributed to 'Umar II's prohibition of intoxicants other than *khamr*. The Medinan report in Ibn Sa'd hints that 'Umar II imposed the prohibition to improve the world before his death. Theophanes, possibly relying on Theophilus, asserts that an earthquake spurred 'Umar II to prohibit intoxicants. Does either of these narratives preserve 'Umar II's primary motivation?

²³ Ibid., 10, no. 31, & 215-7; = Hoyland, *Seeing*, 432, & n. 141, & 654, & n.141. Cf. Tillier & Vanthieghem, "Amphores rouges," 23.

An answer to this question is found in a long edict that ‘Umar II sent to his governors and that H.A.R. Gibb dubbed “the fiscal rescript.” This name is misleading since the edict contains some twenty passages devoted to diverse topics, not all of which are fiscal. Additionally, it is not a “rescript” in the strict Roman sense of the term.²⁴ However, since Gibb’s appellation has been widely accepted, I will use it here. One passage in the rescript (= IAH 1) concerns a ban on *ṭilā*. The sole attestation of this edict is found in Ibn ‘Abd al-Ḥakam’s (d. 214/829) biography of ‘Umar II, where it is cited without an *isnād*.²⁵ Gibb described the rescript as bearing “every indication of genuineness in its content and linguistic style.”²⁶ Most scholars have accepted Gibb’s view. However, G.R. Hawting suggests that it may have been edited in a later period or may not go back to ‘Umar II;²⁷ and Yaacov Lev has raised similar concerns, questioning if the rescript existed “as one long letter written by the caliph,” or if it is “a collage of fragments from the caliph’s correspondence put together by Ibn ‘Abd al-Ḥakam.” Lev adds that when Ibn ‘Abd al-Ḥakam edited this correspondence, he may have altered it so that ‘Umar II’s views were no longer ascertainable.²⁸ Both Hawting and Lev are right to counsel caution, warning that the rescript may contain some changes and interpolations. In what follows, I will argue that Gibb, Hawting, and Lev are all partly correct. The core of a passage from the rescript (= IAH 1) goes

²⁴ Crone & Hinds, *God’s Caliph*, 46, n. 23.

²⁵ Ibn ‘Abd al-Ḥakam, *Sīrat ‘Umar*, 82-88. Discussed in Gibb, “Fiscal Rescript,” 1-16; Guessous, “Fiscal Rescript,” 241-64.

²⁶ Gibb, “Fiscal Rescript,” 1-2.

²⁷ Hawting, *The First Dynasty of Islam*, 77-8.

²⁸ Lev, “Islamization,” 13-6.

back to a lost edict issued by ‘Umar II (= ur-IAH 1). At the same time, IAH 1 contains a later interpolation.

I translate IAH 1 as follows:

Furthermore, *ṭilā*’ is not good for Muslims. It is wine (*khamr*), which is [inappropriately] called *ṭilā*’. God has supplied ample means of avoiding it (*mandūḥa*) [in the form of] diverse wholesome beverages (*ashriba kathīra ṭayyiba*).

And I know that some people say: “‘Umar [b. al-Khaṭṭāb] (may God be pleased with him) held it lawful, and that some of our best people (*min khiyāri-nā*) of the former generations drank it.”

Verily, a beverage of this sort was given to ‘Umar. It had been cooked until it became thick. When it was given to him, he asked: “Is this *ṭilā*’?” referring to the tar that is smeared on camels (*ṭilā’ al-ibil*). After tasting it, he said: “There is no harm in this.” On account of this, people were led into confusion about it (*udkhila l-nāsu fī-hi*) after ‘Umar’s death. As for those of your righteous men (*min ṣāliḥī-kum*) who drank it, they did so only before it became intoxicating (*qabla an yuttakhadha muskir^{am}*).²⁹ Indeed, the Messenger of God (Ṣ) said: “Prohibited is every intoxicant to every believer (*ḥarām kull muskir ‘alā kull mu`min*).”

²⁹ “Before it became intoxicating,” i.e., “before fermentation made it intoxicating” or “before its prohibition.”

I do not think it proper that a sinner should deceive a pious person. We consider that Muslims universally should keep themselves free of [this intoxicant] and should regard it as unlawful, since it is one of the most comprehensive of gates by which sins enter in, and since it is what I fear most, lest by reason of it there should afflict the Muslims a calamity (*jā`iḥa*) that would destroy all of them.³⁰

The end of the passage is relevant for the matter at hand. The author of this passage, reportedly ‘Umar II, gives two reasons for the prohibition of *ṭilā`* and other intoxicants: (1) Consuming them causes drinkers to commit other sins. (2) If Muslims continue to drink intoxicants, all Muslims will suffer a collective punishment in the form of a divinely ordained calamity. It is not stated explicitly but this calamity may signal the approach of the apocalypse. This second reason echoes Theophanes’ abovementioned claim that an earthquake prompted ‘Umar II to prohibit “wine.” If IAH 1 is authentic, ‘Umar II’s main reason for prohibiting *ṭilā`* was a fear of divine retribution. But was ‘Umar II the author of this passage?

1.3 Umayyad Fears about *Ṭilā`* Leading to Catastrophe

The author of IAH 1 is concerned that the consumption of *ṭilā`* by some Muslims portends a catastrophe for *all* Muslims. Why does the author think this will happen? And, following

³⁰ Ibn ‘Abd al-Ḥakam, *Sīrat ‘Umar*, 86. Note: Ibn ‘Abd al-Ḥakam’s editor added to IAH 1 the subheading *al-khamr wa-l-nabīdh*, which is not part of Ibn ‘Abd al-Ḥakam’s original text. My translation is partly inspired by Gibb, “Fiscal Rescript,” 5-6. Gibb used an earlier edition of the *Sīra*. For a French translation of IAH 1, see Tillier & Vanthieghem, “Amphores Rouges,” 26.

Hawting and Lev, how can we be certain that the author is ‘Umar II? The answer to these questions is found in two Syrian Hadith traditions that establish a causal relationship between *ṭilā’* and an impending earthquake that will destroy all Muslims. One tradition is attributed to Mālik b. Abī Maryam,³¹ who reported:

We were discussing *ṭilā’* when ‘Abd al-Raḥmān b. Ghanm³² entered, and we proceeded to discuss it with him. He said: Abū Mālik al-Ashja‘³³ narrated to me that the Messenger of God (ﷺ) proclaimed: “People from my nation will drink wine but will call it by another name, while their heads are being pounded by [the sounds of] musical instruments and singing girls. God will make the earth swallow them and will turn them into monkeys and pigs^{34!}”³⁵

This tradition on the authority of the Prophet confirms the contents of IAH 1 in two ways: (1) It affirms that some Muslims inappropriately call *khamr* “*ṭilā’*”; (2) it threatens these people with a calamity that includes being swallowed by the earth. It would have been very advantageous for ‘Umar II to cite this tradition, yet he does not do so, perhaps because it did not yet exist in his

³¹ This Syrian transmitter is otherwise unknown. Cf. al-Bukhārī, *Tārīkh*, 7:307 (no. 1309).

³² ‘Umar I sent ‘Abd al-Raḥmān b. Ghanm (d. 78/697) to Syria as a legal instructor. See Ibn Sa‘d, *Ṭabaqāt*, 9:444 (no. 4640); al-Bukhārī, *Tārīkh*, 5:247.

³³ As may be seen here, Abū Mālik al-Ashja‘ī was a Companion of the Prophet.

³⁴ The transformation of sinners, usually Jews or Christians, into monkeys and pigs is a common punishment in the Qur’ān. See Ch. Pellat, “Maskh,” *EP*.

³⁵ Ibn Abī Shayba, *Muṣannaf*, 8:81 (no. 24212). Cf. al-Bukhārī, *Tārīkh*, 1:305; Ibn ‘Asākir, *Tārīkh Dimashq*, 56:495-96. Mu‘āwiya b. Ṣāliḥ of Homs appears to be the earliest confirmable transmitter of this tradition and its likely originator. Another Syrian, Hishām b. ‘Ammār (Damascus, d. 245/859) transmitted a tradition that seems to corroborate Mu‘āwiya’s tradition from Ibn Ghanm. See al-Bukhārī, *Ṣaḥīḥ*, 7:106 (no. 5590); Ibn ‘Asākir, *Tārīkh*, 67:188-89. However, Hishām’s tradition was likely modeled after that of Mu‘āwiya. I thank Asad Uz Zaman for alerting me to Hishām’s tradition.

lifetime. Indeed, his “rescript” may have inspired the creation of this tradition, as its transmission history suggests. The various versions of the tradition all appear to originate with one Mu‘āwiya b. Ṣāliḥ, a man from Ḥimṣ, with close ties to the Marwānids, who left that city in 125/743.³⁶ He was a student of ‘Umar II narrating several traditions on his authority, sometimes directly and sometimes through an intermediary.³⁷ Thus, it is plausible that he circulated this tradition, which is consistent with ur-IAH 1 issued by his mentor, ‘Umar II.

According to another tradition, the Prophet’s beloved wife ‘Ā’isha narrated that her husband said: “The first thing that will overturn Islam, like a receptacle that is overturned on its head, is a drink called *ṭilā’*.”³⁸ The overturning of Islam may refer to moral corruption that will plague the Muslims,³⁹ or to a natural catastrophe, as mentioned in Mu‘āwiya b. Ṣāliḥ’s tradition. God’s overturning (root: *k-f-*’ or *k-f-w/y*) the earth on the Day of Judgment is a recurring trope in the Hadith.⁴⁰ In this tradition, ‘Ā’isha characterizes *ṭilā’* as the source of a calamity that will strike the entire Muslim community. The provenance of the tradition is also Syrian; it apparently originated with Ja‘far b. Burqān al-Kilābī (Raqqā, d. 154/772-3),⁴¹ a contemporary of Mu‘āwiya b. Ṣāliḥ. Like the latter, Ibn Burqān transmitted traditions on the authority of ‘Umar II directly or

³⁶ Al-Dhahabī, *Siyar*, 7:158-63; Juynboll, *ECH*, s.v. “Mu‘āwiya b. Ṣāliḥ al-Ḥaḍramī”; Fierro, “The Introduction of *ḥadīth* in al-Andalus,” 69, 71-3. Mu‘āwiya b. Ṣāliḥ fled with the Marwānids to al-Andalus following the Abbasid revolution. He may have made the pilgrimage to Mecca before his death in 158/775. Mu‘āwiya reported that the Companion Abū Umāma drank *ṭilā’*. See Ibn Abī Shayba, *Muṣannaf*, 8:126 (no. 24457); al-Karābīsī, *al-Asāmī wa-l-kunā*, 4:259 (no. 3350). If Mu‘āwiya adhered to ‘Umar II’s rulings, he probably intended that Abū Umāma’s *ṭilā’* was thick and non-intoxicating.

³⁷ See, e.g., Ibn Sa‘d, *Ṭabaqāt*, 7:346, 390, & 396.

³⁸ Ibn Rāhawayh, *Musnad*, 2:377 (no. 923). Cf., e.g., Ibn Abī Shayba, *Muṣannaf*, 8:84 (no. 24230); al-Qushayrī, *Tārīkh al-Raqqā*, 101 (no. 175).

³⁹ Cf. a similar phrase in Ibn Ḥibbān, *Ṣaḥīḥ*, 2:414-15 (no. 647).

⁴⁰ See, e.g., al-Bukhārī, *Ṣaḥīḥ*, 8:108-9 (no. 6520).

⁴¹ Ibn Sa‘d, *Ṭabaqāt*, 9:487-8 (no. 4792).

through an intermediary.⁴² Ibn Burqān's tradition surpasses Mu'āwiya b. Ṣāliḥ's tradition in two ways: first, whereas Mu'āwiya b. Ṣāliḥ relies on the obscure Companion Abū Mālik al-Ashja'ī, Ibn Burqān relies on a venerated wife of the Prophet; second, in Mu'āwiya b. Ṣāliḥ's tradition, *ṭilā'* is mentioned only in the frame story about 'Abd al-Raḥmān b. Ghanm, not in the saying of the Prophet, whereas in Ibn Burqān's tradition the Prophet explicitly mentions *ṭilā'*. For this reason, Ibn Burqān's tradition is likely later, if only slightly so, than Mu'āwiya b. Ṣāliḥ's tradition. In a debate over *ṭilā'*, Ibn Burqān's tradition would have been more persuasive, due to its attribution to 'Ā'isha and to the unequivocal condemnation of *ṭilā'* by the Prophet himself.⁴³

Ibn Burqān transmits another relevant tradition, in which 'Umar II piously reacts to an earthquake. Following an earthquake in the Levant, 'Umar II wrote to the Muslims, saying, "This earthquake is something by which God... punishes the worshipers." He ordered them to go out on a designated day [to pray] and to recite certain Qur'ānic verses. He added that those who are financially capable should give alms.⁴⁴ 'Umar II thus held that earthquakes are divinely ordained collective punishments and that they may be prevented by the good deeds performed by the entire Muslim community.

⁴² Ibid., 7:354, 359, 364, 368.

⁴³ If one understands the overturning of Islam in Ibn Burqān's tradition as referring to a moral crisis and not to an actual earthquake or catastrophe, then the tradition is perhaps reinterpreting the threat of an earthquake in Mu'āwiya b. Ṣāliḥ's tradition in a less literal manner.

⁴⁴ See, e.g., Abū Nu'aym, *Hilyat al-awliyā'*, 5:304-5; Ibn Abī Shayba, *Muṣannaf*, 3:84 (no. 8413); Ibn 'Abd al-Ḥakam, *Sīra*, 64. Cf. 'Abd al-Razzāq, *Muṣannaf*, 3:87-8 (no. 4903), where the desire to avert an earthquake is replaced by a request for rain.

In sum, it seems that both Prophetic traditions linking *ṭilā* to a seismic catastrophe originated among Syrian transmitters affiliated with the Marwānid ‘Umar II. One of these transmitters claimed in another tradition that earthquakes spurred ‘Umar II to promote pious behavior among his community. These traditions are consistent with IAH 1 and are corroborated by Christian authors. They suggest that IAH 1’s provenance is also Marwānid. If so, there is little reason to doubt that ‘Umar II is the author of ur-IAH 1.

‘Umar II was concerned that *ṭilā* drinking would incur a collective divine punishment. The source of his concern is unclear. He may have been influenced by certain eschatological prophecies, like the ones mentioned above. These prophecies would have been current among Syrian transmitters and after his death they transmitted them with *isnāds*.

1.4 *Non-Prophetic Traditions in IAH 1*

In IAH 1, ‘Umar II refers to two claims made about prominent Companions and Successors. The two claims, he asserts, are repeated by unnamed people: (1) ‘Umar I drank *ṭilā*’ and (2) many prominent Muslims drank this beverage. He responds with two counterclaims: (1) ‘Umar I indeed drank “*ṭilā*,” but this “*ṭilā*” was not the intoxicating beverage that people think. Rather this “*ṭilā*” was a beverage that was cooked until it was very thick, i.e., non-intoxicating. People mistook the prohibited *ṭilā*’ for the permitted “*ṭilā*’.” (2) The prominent Muslims who drank *ṭilā*’ drank a non-intoxicating version of this beverage. ‘Umar II does not cite any *isnād* for these traditions. Presumably, as the great-grandson of ‘Umar I, he had access to reliable family

traditions about his ancestor. In any case, prior to the publication of ur-IAH 1, Muslims were already discussing the legality of *ṭilā'* and the proponents of drinking this beverage were spreading traditions, possibly with *isnāds*, in support of their cause. 'Umar II's claims that 'Umar I and other pious Muslims did not drink the *ṭilā'* that was intoxicating may be one of the first attempts by opponents of *ṭilā'* to counter the traditions of its proponents. When ur-IAH 1 was first put into circulation, there were no well-known Prophetic traditions about *ṭilā'*; otherwise, it is difficult to explain why such traditions are not mentioned in IAH 1.

1.5 *The "Every Intoxicant" Maxim, Another Umayyad Connection to IAH 1*

IAH 1 includes one statement attributed to the Prophet, the second of two such statements that appear in the "rescript." It is the maxim: "prohibited is every intoxicant to every believer (*ḥarām kull muskir 'alā kull mu'min*)." This appears to be an expanded version of a better known and more concise maxim: "Every intoxicant is prohibited (*kull muskir ḥarām*)." The long maxim and the short maxim appear to have the same meaning.⁴⁵ Discussing the short maxim, G.H.A. Juynboll noted that it is "well-known" and that it "developed out of the ancient debate triggered by the Qur'ānic prohibition [of *khamr*]."⁴⁶ Miklos Muranyi has noted that some transmitters attributed this maxim in its concise formulation to Companions like 'Abdallāh b. 'Umar (Medina, d. 73/693), or Successors like 'Aṭā' b. Abī Rabāḥ (Medina, d. 114/732), not to the

⁴⁵ The short and long maxims have a similar meaning, if *mu'min* is a synonym of Muslim. However, if *mu'min* also refers to other "believers," including Jews and Christians, then the long maxim originally prohibited intoxicants for both Muslims and non-Muslims. According to Donner, *Muhammad and the Believers*, 203-04, beginning in the reign of 'Abd al-Malik b. Marwān (r. 65-86/685-705), *mu'min* gradually ceased to refer to Christians and Muslims.

⁴⁶ Juynboll, *ECH*, 171.

Prophet.⁴⁷ This maxim was very important to the early prohibitionists since it indicated that intoxicants other than *khamr* were prohibited.⁴⁸ Prohibitionists would often tack this maxim onto traditions about beverages.⁴⁹ The purpose of this insertion was to clarify that beverages must not be intoxicating.

Initially, the maxim had a major flaw: it was not attributed to the Prophet.⁵⁰ Only later, it was attributed to him. For this reason, the inclusion of a version of this maxim in IAH 1 and its attribution to the Prophet are significant. Ur-IAH 1 may have been one of the earliest sources claiming that the Prophet prohibited all intoxicants. But the inclusion of the maxim in IAH 1 raises several questions: Was the maxim part of ur-IAH 1? If so, to whom was it attributed? To ‘Umar II or to the Prophet?

In addition to IAH 1, there is another tradition that suggests that ‘Umar II’s edict both prohibited *ṭilā’* and mentioned the maxim. This tradition is transmitted on the authority of ‘Abd al-Malik b. al-Ṭufayl al-Jazarī, about whom not much is known. Based on his *nisba*, “the man from al-Jazīra” appears to have belonged to an upper-Mesopotamian community that received this edict. He reportedly remembered it as follows: “‘Umar b. ‘Abd al-‘Azīz wrote to us saying:

⁴⁷ Muranyi, “Untersuchungen zu ‘Šarī‘a-Rechtlichen’ Entwicklungen der Gegenwart,” 249-50, n. 81. Miklos Muranyi mentions other authorities for this maxim. A relatively late authority to which the maxim is attributed is Makḥūl (Damascus, d. 112-16/730-4). See Ibn Ḥanbal, *Ashriba*, 48 (no. 58).

⁴⁸ Proponents of drinking intoxicants (if intoxication is avoided) interpret *muskir* here as referring to the last drop of an alcoholic drink that causes intoxication. In response, its opponents defined *muskir* as anything that causes intoxication, even if it does so only in large amounts. Cf. Haider, “Contesting Intoxication,” 59-60.

⁴⁹ See, e.g., al-Nasā’ī (d. 303/915), *al-Sunan al-kubrā*, 5:76 (no. 5079).

⁵⁰ The Kufan jurist Ibrāhīm al-Nakha’ī (d. 96/714) reportedly stated: “The [popular] saying of the people ‘every intoxicant (*muskir*) is prohibited’ is wrong. What they meant to say is that intoxication (*sukr*) is prohibited. See Abū Yūsuf, *al-Āthār*, 227 (no. 1003). The spellings of *muskir* and *sukr* differ in a single letter, *mīm*. Cf. Ibn Qutayba, *Ashriba*, 111-12.

‘Do not drink *ṭilā*’ until two-thirds of it has evaporated and only one-third remains; and ‘every intoxicant is prohibited.’”⁵¹ In al-Jazarī’s tradition, ‘Umar II’s edict has two elements, both of which have clear parallels in IAH 1. The first element allows the drinking of *ṭilā*’ if it is cooked until only one-third remains. This element recalls the report in IAH 1 that ‘Umar I allowed drinking *ṭilā*’ if it is cooked until it becomes thick. The second element is the short maxim “every intoxicant is prohibited,” attributed to ‘Umar II. This element parallels IAH 1’s long maxim attributed to the Prophet. In his doctoral dissertation, Jaser Khalil Salem Abu Safieh speculates that the brief edict in al-Jazarī’s tradition “could be the genuine one that was sent by ‘Umar II,” and that IAH 1 may include interpolations “by the *fuqahā*’.”⁵² Indeed, the redactor of IAH 1 may have composed it by expanding a short missive like the one reported by al-Jazarī. However, as will be explained below, al-Jazarī’s tradition is likely a polemical reimagining of ‘Umar II’s prohibition intended to counter certain Kufan claims.⁵³ Al-Jazarī’s version of the edict appears to support the inclusion of the maxim in ur-IAH 1. It is noteworthy that al-Jazarī mentions the short version of the “every intoxicant” maxim and does not attribute it to the Prophet.⁵⁴ The absence of Prophetic attribution in al-Jazarī’s version may indicate that ur-IAH 1 presented the maxim without such attribution.

⁵¹ *Isnād*: Suwayd b. Naṣr (Merv, d. 240/854-5) ← ‘Abdallāh b. al-Mubārak (Khorasan, d. 181/797) ← al-Jazarī. Al-Nasā’ī (d. 303/915), *al-Sunan al-kubrā*, 5:79 (no. 5090). The *isnād* from Suwayd ← Ibn al-Mubārak recurs hundreds of times in al-Nasā’ī’s *Sunan*, preserving Ibn al-Mubārak’s words with some degree of accuracy. On Ibn al-Mubārak, see Juynboll, *ECH*, s.v. “‘Abdallāh b. al-Mubārak.”

⁵² Abu Safieh, “Umayyad Epistolography,” 77-8.

⁵³ On the disagreement between “evaporators” and “thickeners,” see Appendix A §1.7.

⁵⁴ The maxim’s non-prophetic attribution is likely intentional in al-Jazarī’s version. Cf. al-Nasā’ī, *Sunan*, 5:74 (no. 5072), where a similar *isnād* (Suwayd ← Ibn al-Mubārak) is prefixed to a tradition presenting the maxim as the words of the Prophet.

Apart from IAH 1, the long version of the maxim (“prohibited is every intoxicant to every believer”) is found, sometimes with slight variations in word order, in only one other tradition. It is a Prophetic tradition on the authority of the Umayyad caliph Mu‘āwīya b. Abī Sufyān (d. 60/680), preserved in several versions. The Hadith scholar Ibn Māja (d. 273/887) described it as a local tradition of the people of Raqqa.⁵⁵ One version of this tradition states: “Mu‘āwīya b. Abī Sufyān [said:] Had we wanted to say [something] similar to what they said,⁵⁶ we would say: ‘I heard the Messenger of God (ﷺ) saying: “Every intoxicant to every believer is prohibited.”’”⁵⁷ Here, Mu‘āwīya appears to be responding to accusations that he and other Syrians reported the “every intoxicant” maxim without a proper *isnād*. His response to this accusation is asserting that he in fact heard this maxim in its long version directly from the Prophet. The association of the long maxim with two different Umayyad caliphs, Mu‘āwīya and ‘Umar II, is likely not coincidental. It appears that later Syrian transmitters, and possibly ‘Umar II, were accused of transmitting the “every intoxicant” maxim without attribution to the Prophet. To counter these accusations, the Syrians claimed that Mu‘āwīya heard it from the Prophet in its long form. Even though there is no apparent difference in meaning between the short maxim and the long one, the latter is clearly associated with the Umayyads.

⁵⁵ Ibn Māja, *Sunan*, 1124 (no. 3389).

⁵⁶ Cf. Q 8:31.

⁵⁷ Ibn Sam‘ūn (d. 387/997), *Amālī*, 220-21 (no. 217); al-Khila‘ī, *Fawā’id*, 245-46 (no. 608). Cf. Ibn ‘Asākir, *Tārīkh*, 43:258-59. Some versions of this tradition omit Mu‘āwīya’s introduction (“had we wanted to say... we would have said”). See, e.g., al-Bukhārī, *Tārīkh*, 3:145 (no. 491); al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 19:388 (no. 909). The common link of this tradition is Khālid b. Ḥayyān (Raqqa, d. 191/806), who may have heard it from his teacher Sulaymān b. ‘Abdallāh b. al-Zibriqān, who cites Ya‘lā b. Shaddād ← Mu‘āwīya.

Ur-IAH 1 likely included the “every intoxicant” maxim since both IAH 1 and al-Jazarī’s tradition mention it. IAH 1 presents the long version of the maxim as a saying of the Prophet. The long version is associated with Mu‘āwiya. Hence, ur-IAH 1 came from an Umayyad context, arguably, from ‘Umar II. However, if al-Jazarī’s tradition is accurate, ur-IAH 1 may have included the short maxim, not the long one, as a non-Prophetic saying. The tradition about Mu‘āwiya also suggests that the maxim was originally non-Prophetic. Therefore, one may make the following conjecture: if the maxim was part of ur-IAH 1 (which it may not have been), then it likely appeared as the short maxim and unattributed to the Prophet. After ur-IAH 1’s promulgation, it reached a Syrian redactor, who was familiar with the tradition about Mu‘āwiya. This redactor altered the text of ur-IAH 1. He transformed the short maxim into the long one and he attributed it to the Prophet. There are no indications that he altered other parts of ur-IAH 1. Finally, Ibn ‘Abd al-Ḥakam recorded this redacted formulation as IAH 1. In short, the Prophetic tradition in IAH 1 is likely an interpolation. The ur-fiscal rescript had very little, if any, Prophetic material.

1.6 Was Ur-IAH 1 a Response to a Tradition of al-Sha‘bī?

As explained above, ‘Umar II responds in IAH 1 to claims that ‘Umar I drank intoxicating *ṭilā*’ by claiming that he drank a different beverage known as “*ṭilā*” that was cooked until it was thick, i.e., non-intoxicating. Tillier and Vanthieghem suggest that ‘Umar II may have had in

mind an account in which the Kufan transmitter al-Sha‘bī (d. between 103/721 and 110/728)⁵⁸ relates a tradition about ‘Umar I permitting the consumption of *ṭilā*. They discuss this account, in which al-Sha‘bī teaches this tradition to Abū l-Hayyāj Ḥayyān b. Ḥuṣayn al-Asadī.⁵⁹ There is, however, a scribal error in the text they cite. According to the correct reading, al-Sha‘bī teaches it to Ibn Abī l-Hayyāj, the son of Abū l-Hayyāj.⁶⁰ According to this tradition, the son said:

[The Umayyad governor of Iraq] al-Ḥajjāj summoned him and told him: “Show me the missive that ‘Umar [I] wrote to [the governor of Kufa] ‘Ammār [b. Yāsir]⁶¹ about *ṭilā*!” He left [this encounter] dejected. Al-Sha‘bī met him by chance and asked him [why he was dejected]. He told him what al-Ḥajjāj had said to him. Here, al-Sha‘bī intervened: “Fetch a piece of parchment and an inkwell! By God, I heard this tradition from your father [viz., Abū l-Hayyāj] only once!” Afterwards, he began dictating: “In the name of God, the Merciful and the Compassionate, from the Commander of the Believers to ‘Ammār b. Yāsir. Verily, a drink from the Levant was given to me and I inquired about its preparation. They told me that they cook it until two-thirds of it disappear and one third remains. Once this is done, its dizzying effect disappears, as well as its tantalizing smell. Its bad part goes away, while its good part remains, [...] as does its wholesome

⁵⁸ Juynboll, *ECH*, s.v. “Sha‘bī, ‘Āmir b. Sharāḥīl (ash-)”; Judd, *Religious Scholars*, 41-51.

⁵⁹ On Abū l-Hayyāj, see Ibn Sa‘d, *Ṭabaqāt*, 8:342 (no. 3048); al-Bukhārī, *Tārīkh*, 3:53-4 (no. 203). ‘Alī b. Abī Ṭālib is the main teacher of Abū l-Hayyāj.

⁶⁰ Muḥammad b. ‘Abdallāh al-Qannās already suggested this emendation in his edition of al-Saraqustī, *Dalā’il*, 460, n.4. This Kufan son of Abū l-Hayyāj, who learned the tradition from al-Sha‘bī, may be ‘Abdallāh b. Abī l-Hayyāj or a brother of his.

⁶¹ H. Reckendorf, “‘Ammār b. Yāsir,” *EF*.

part. When this letter of mine reaches you, issue an order to those under your watch and let them consume it liberally along with their beverages [of choice]. Farewell!”⁶²

According to Tillier and Vanthieghem, this tradition was “favorable to the prohibitionists” because it proves that al-Sha‘bī fabricated a tradition permitting the consumption of *ṭilā’*. They add that al-Sha‘bī may have sincerely believed that ‘Umar I authorized the consumption of *ṭilā’*. And they conclude that ‘Umar II, in IAH 1, may have had in mind this story of al-Sha‘bī’s “forgery” when he accuses his opponents of writing “apocryphal stories” about his homonymous predecessor.⁶³

The analysis of Tillier and Vanthieghem has several problems:

First, Tillier and Vanthieghem claim that ‘Umar II accuses his opponents of fabricating traditions about ‘Umar I and other Companions. However, ‘Umar II makes no such accusation. Rather, he accuses them of transmitting authentic traditions that lack the full context, thereby causing the public to think, mistakenly, that *ṭilā’* is permitted. Tillier and Vanthieghem’s claim largely rests on a difficult phrase used by ‘Umar II, *fa-lā arā an yattakhidha l-fājiru l-bārra dulsat^{am}*. Tillier and Vanthieghem translate this phrase, as “C’est pourquoi je ne permettrai pas que le débauché trompe l’homme pieux par des récits apocryphes.”⁶⁴ They understand *dulsa* as referring to “apocryphal stories.” Indeed, this term is related to *tadlīs*, which refers to the deceptive transmission of a Hadith tradition by concealing defects in its *isnād*. However, this

⁶² Ibn Abī Shayba, *Muṣannaf*, 8:128-9 (no. 24469). See “the third group” in Appendix AA.

⁶³ Tillier & Vanthieghem, “Amphores rouges,” 21-2.

⁶⁴ *Ibid.*, 26.

meaning is inappropriate in the context of IAH 1, where ‘Umar II criticizes the contents of the tradition about ‘Umar I, not its chain of transmission. Both *dulsa* and *tadlīs* come from Greek δόλος (trick, deceit) and *dulsa* has a similar meaning.⁶⁵ The expression *ittakhadha [fulān^{an}]* *dulsat^{an}* appears only in IAH 1. It probably denotes “to deceive [someone].”⁶⁶ Accordingly, I translate ‘Umar II’s phrase as “Wherefore I do not hold it right that a sinner should deceive a pious person.” This deception cannot refer to the spread of “apocryphal” or “forged” tales, but to the spread of “true but misleading” tales.

Second, Tillier and Vanthieghem assert that Ibn Abī l-Hayyāj’s tradition is favorable to the opponents of *ṭilā’* because it supposedly proves that al-Sha‘bī forged ‘Umar I’s missive in support of this beverage. In fact, the opposite is the case. A proponent of *ṭilā’* introduced this tradition in order to defend al-Sha‘bī and the permissive view. A major clue is found in the relationship between al-Sha‘bī and the notorious Umayyad governor al-Ḥajjāj b. Yūsuf (d. 95/714), who demands that Ibn Abī l-Hayyāj reproduce the lost missive.⁶⁷ Al-Sha‘bī does not forge the tradition at the behest of this stern governor. Rather, he helps a fellow Muslim fulfil al-Ḥajjāj’s unfair demand. While al-Sha‘bī’s actions may arouse the suspicion of some modern readers, they were not meant to do the same for their original audience. The tradition never

⁶⁵ M.Y. Izzī Dien, “*Tadlīs* (1),” *EP*²; G.H.A. Juynboll, “*Tadlīs* (2),” *EP*².

⁶⁶ Cf. the Qur’ānic phrase *ittakhadha-hu sukhriyy^{an}* (Q 23:110, 38:63, & 43:42), which means “to mock someone.” Ibn al-Musayyab reportedly used a phrase related to *ittakhadha [fulān^{an}]* *dulsat^{an}*, saying: *law lam yanha [‘Umar] ‘ani l-mut‘a la-ttakhadha-hā l-nās dawlasīyy^{an}*. See al-Khaṭṭābī, *Gharīb al-ḥadīth*, 3:42-3. Cf. Izzī Dien, “*Tadlīs* (1),” *EP*².

⁶⁷ Al-Sha‘bī’s relation with al-Ḥajjāj and the Umayyads was turbulent, but he ultimately collaborated with them. See Judd, *Religious Scholars*, 41-51. On the portrayal of al-Ḥajjāj in Hadith and attempts to rehabilitate his reputation, see Pamela Klasova, “A Tyrant’s Legacy in Medieval Syria,” 133-66.

accuses al-Sha‘bī of forgery. Rather, it portrays him as doing what a good Hadith transmitter does, namely, remembering accurately a tradition his teacher taught him. Al-Sha‘bī’s memory was legendary, as evidenced by this tradition and others.⁶⁸

The most reasonable explanation of Ibn Abī l-Hayyāj’s tradition is that it is an etiological tale. It is meant to explain how al-Sha‘bī learned about the correspondence between ‘Umar I and his governor ‘Ammār b. Yāsir (d. 37/657), two Companions who died when al-Sha‘bī was less than twenty years old or, more plausibly, before he was even born.⁶⁹ Many traditions claim that al-Sha‘bī narrated that ‘Umar I sent a missive to ‘Ammār in which he permitted *ṭilā*.⁷⁰ However, some of these traditions show that al-Sha‘bī did not always disclose how he learned about this old missive.⁷¹ The missing link between al-Sha‘bī and ‘Ammār raised questions: who was al-Sha‘bī’s source? And why did no-one else remember this missive in Kufa? These questions were answered by the introduction of the abovementioned tradition about Ibn Abī l-Hayyāj and al-Ḥajjāj. The tradition’s Kufan common link, ‘Abd al-Malik b. ‘Umayr (d. 136/754),⁷² probably introduced it. The subtext of this tradition may be summed up as follows: “Al-Sha‘bī is a reliable transmitter. Abū l-Hayyāj taught him about ‘Umar I’s missive only once, and he remembered it

⁶⁸ Al-Sha‘bī reportedly said: “I never wrote down anything (*mā katabtu sawdā’ fī bayḍā’ qatt*) and whenever someone narrated a *ḥadīth* to me, I never had to ask him to repeat it.” See Ibn Sa‘d, *Ṭabaqāt*, 8:368. Cf. Kister, “...*Lā taqra’ū l-qur’āna ‘alā l-muṣḥafiyīn*,” 132.

⁶⁹ On al-Sha‘bī’s year of birth, see Juynboll, *Muslim Tradition*, 19-20.

⁷⁰ See Appendix AA.

⁷¹ See, e.g., Abū Nu‘aym, *Ṭibb*, 703-4 (no. 787); Ibn Ḥazm, *Muḥallā*, 8:274, l. 4; al-Nasā’ī, *Sunan*, 5:119 (no. 5207). See Appendix AA.

⁷² He was said to be a centenarian. See Ibn Sa‘d, *Ṭabaqāt*, 8:433-4 (no. 3240); al-Bukhārī, *Tārīkh*, 5:426-7 (no. 1386); Judd, *Religious Scholars*, 170.

perfectly, while Abū l-Hayyāj's own son forgot about it or never heard it. Al-Shaʿbī's impeccable memory helped placate the wrathful al-Ḥajjāj.”

Al-Shaʿbī's tradition never explains why al-Ḥajjāj wanted to see ʿUmar II's missive. Perhaps he was opposed to *ṭilā* and refused to accept claims that ʿUmar I permitted it without evidence. Such a portrayal of al-Ḥajjāj may be anachronistic, as he is not known to have been opposed to intoxicants. Ibn ʿUmayr, who redacted this tradition, may have projected ʿUmar II's prohibition of non-*khamr* intoxicants back to the time of al-Ḥajjāj.

In IAH 1, ʿUmar II accuses his opponents of misrepresenting ʿUmar I's approval of a beverage called “*ṭilā*.” As Tillier and Vanthieghem have proposed, ʿUmar II may be responding to al-Shaʿbī's tradition about ʿUmar I's missive. In support of their proposal, it may be added that al-Shaʿbī's tradition appears to be one of the earliest and most popular extant traditions about ʿUmar I's permitting *ṭilā*. If it existed before ur-IAH 1, and if ʿUmar II knew about it, he likely would have responded to it. More likely, al-Shaʿbī's tradition, which is more polished than ur-IAH 1, may be a response to it. Whereas ur-IAH 1 does not cite any source for its account about ʿUmar I, al-Shaʿbī's tradition claims that this information was found in an official missive. Perhaps al-Shaʿbī hoped that an “official document” from ʿUmar I would impress people more than the official document from ʿUmar II. Furthermore, since Ibn Abī l-Hayyāj's tradition is probably fictitious, there is no guarantee that al-Shaʿbī's tradition circulated during the governorship of al-Ḥajjāj (d. 95/714), several years before ʿUmar II's reign, or even during al-

Sha‘bī’s lifetime.⁷³ Hence, al-Sha‘bī (or a student of his) may have introduced his tradition after the publication of ur-IAH 1.

1.7 “Evaporators” vs. “Thickeners”

Both IAH 1 and al-Sha‘bī’s tradition depict ‘Umar I approving of a cooked beverage called *ṭilā*’.

However, each provides a different recipe for the beverage. According to IAH 1, one should cook the *ṭilā*’ until it is “thick”; according to al-Sha‘bī’s tradition, one should cook it until two-thirds of its original contents have evaporated. At first glance, the two recipes appear to reflect two sides of the same coin: if you boil away two-thirds of a beverage, it becomes thicker.

However, upon closer inspection, the two recipes reflect opposing legal views regarding *ṭilā*’.

These views were held by two camps, which I call “thickeners” and “evaporators.” Thickeners want to make sure that the *ṭilā*’ is “thick,” whereas evaporators want to make sure that a certain amount, usually two-thirds or one-half of the *ṭilā*’s original contents, has evaporated. The distinction between these two camps is clearly seen in the following tradition. After a certain Dāwūd b. Ibrāhīm asked the Successor Ṭāwūs b. Kaysān (Yemen, d. 106/724) about *munaṣṣaf*, *muthallath*, and other similarly cooked juices, Ṭāwūs replied:

⁷³ Regarding Ibn Abī l-Hayyāj’s tradition, one of the reviewers for *ILS* suggested to me that al-Sha‘bī’s asking for “a piece of parchment and an inkwell” may be anachronistic. According to the reviewer, parchment was expensive in 1st/7th century Kufa. The reader adds: “No one would use parchment to jot down a single tradition, be it a letter by ‘Umar b. al-Khaṭṭāb. The inkwell-and-parchment story reflects the life setting of a *ḥadīth* scholar used to cheap and easily accessible writing materials.”

You see this [liquid] that is [thick] as honey? If you wish, you can eat it on your bread and if you wish, you can mix it with water and drink it. However, anything that is less [thick] than that, don't drink it, don't sell it, and don't derive any benefit from its value!⁷⁴

In other words, Ṭāwūs was a thickener who required that *ṭilā'* be thick as honey. He considered the *ṭilā'* that is cooked until one-half or two-thirds of it evaporate insufficiently thick.

The thickener and evaporator camps both agreed that cooking a prohibited beverage can render its contents permissible. In this, they disagreed with a third camp that held that cooking does not render a prohibited beverage permissible.⁷⁵ The thickener and evaporator camps disagreed about the extent to which a beverage must be cooked to guarantee its permissibility. The heart of their disagreement is as follows: While evaporating away half or two-thirds of a beverage makes it thicker, it does not necessarily render it non-intoxicating. As Tillier and Vanthieghem have demonstrated by studying antique recipes, *ṭilā'* may still become intoxicating, even after the evaporation of two-thirds.⁷⁶ Essentially, evaporators permitted intoxicating *ṭilā'* (if intoxication is avoided), whereas thickeners prohibited it.

Initially, evaporators were divided into two factions: (1) those who required the evaporation of one-half of the original contents and (2) those who required the evaporation of two-thirds. Discussing the *Muṣannaf* of Abū Bakr Ibn Abī Shayba (d. 235/849), Tillier and

⁷⁴ Ibn Abī Shayba, *Muṣannaf*, 8:129 (no. 24471). Cf. 'Abd al-Razzāq, *Muṣannaf*, 9:254 (no. 17118); Tillier & Vanthieghem, "Amphores rouges," 21. This tradition may be traced to Dāwūd and perhaps to Ṭāwūs.

⁷⁵ The views of this third camp are represented in a few Hadith traditions, e.g., in Ibn Abī Shayba, *Muṣannaf*, 8:127 (no. 24462); al-Nasā'ī, *Sunan*, 5:122-3 (nos. 5219 & 5220).

⁷⁶ See Tillier & Vanthieghem, "Amphores rouges," 10-11. It should be noted that Muslim jurists may have incorrectly estimated the effect of cooking on a beverage's capacity to intoxicate.

Vanthieghem briefly alluded to the distinction between these two factions. They noted that the one-half faction were popular in Iraq, particularly in Kufa; and that the Medinan Sa'īd b. al-Musayyab (d. 94/713) reportedly belonged to the two-thirds faction.⁷⁷ Tillier and Vanthieghem's observation is sound but can be further elaborated.

Ibn Abī Shayba devotes a chapter to each of these factions in his *Muṣannaf*. In each chapter, he collects non-Prophetic traditions in support of each faction. An examination of these traditions and their *isnāds* gives us some idea of where each evaporator faction was dominant. The one-half faction relied primarily on Kufan Companions and Successors.⁷⁸ One notable exception was the Basran Anas b. Mālik (d. ca. 91-95/709-713), who reportedly drank *munaṣṣaf*.⁷⁹ The two-thirds faction relied on Kufan authorities, but also on Basrans and Levantines.⁸⁰ In both factions, Kufans appear to have been involved with the transmission of most of these traditions.⁸¹ They probably falsely attributed their opinions to some authorities from outside their city. However, it is also possible that the Kufans originally tended to advocate

⁷⁷ Tillier & Vanthieghem, "Amphores rouges," 20-21.

⁷⁸ Ibn Abī Shayba, *Muṣannaf*, 8:134-5 (*man rakkhaṣa fī shurb al-ṭilā' 'alā l-niṣf*). In this chapter, Ibn Abī Shayba collects, thirteen non-prophetic traditions. Based on their *isnāds*, eleven of the thirteen are of Kufan provenance, and two (nos. 24496 & 24500) appear to be of Basran provenance. Two Kufans, al-A'mash (d. ca. 147/764) and Muḥammad b. Fuḍayl (d. ca. 195/811) appear to have been particularly interested in transmitting traditions promoting *munaṣṣaf*.

⁷⁹ See, e.g., *ibid.*, 8:134 (no. 24496); Abū Yūsuf, *Āthār*, 227 (no. 1005). Ibn Ḥanbal reportedly erased reports about Anas drinking *munaṣṣaf* whenever he encountered them in manuscripts. See al-'Uqaylī, *Ḍu'afā'*, 2:200.

⁸⁰ Ibn Abī Shayba, *Muṣannaf*, 8:124-9 (*fī l-ṭilā' man qāla idhā dhahaba thuluthā-hu fa-shrab*). In this chapter, Ibn Abī Shayba collects twenty-eight non-prophetic traditions. Seventeen of these are not explicitly about the evaporation of two-thirds. Of the remaining eleven, five are Kufan (nos. 24449, 24450, 24452, 24453, 24469); four are Basran (nos. 24445, 24446, 24451, 24472); and two are Syrian (nos. 24447, 24448). This is a tentative classification and some of the "Basran" and "Syrian" traditions may be reclassified as Kufan. According to al-Nasā'ī, *al-Sunan al-kubrā*, 5:121 (no. 5213), the Medinan Ibn al-Musayyab approved of *muthallath*.

⁸¹ The high rate of Kufan transmitters is of course partly because Ibn Abī Shayba was a Kufan and had greater access to his fellow townsfolk. Nevertheless, he had many non-Kufan teachers.

for the evaporation of one-half, and that under the influence of Basra and other religious centers, they increasingly advocated for the evaporation of two-thirds. Be that as it may, the evaporators were clearly centered in Kufa and Basra, those in Kufa being more permissive.

The debate between the two evaporator factions probably predates ‘Umar II’s edict and continued after his reign. Over time, the more conservative faction, which required the evaporation of two-thirds, prevailed. They may have triumphed by appealing to more impressive authorities, like the caliphs ‘Umar I and ‘Alī, and the prophet Noah. The one-half faction may have been too permissive and could not contend with the teetotaling thickeners. The two-thirds faction could present themselves as a sober compromise between the strict thickeners and the lenient one-half faction. Abū Ḥanīfa (Kufa, Baghdad, d. 150/767) and his early followers were evaporators from the two-thirds faction.⁸² The Mālikīs and the Shāfi‘īs were thickeners.⁸³

1.7.1 *How to Distinguish Thickener and Evaporator Traditions?*

Members of both camps circulated traditions on the authority of early Muslims in support of their preferred *ṭilā*’ recipe. One may distinguish between a thickener tradition and an evaporator tradition in the following ways.

Evaporator traditions promote the evaporation of two-thirds or one-half of the *ṭilā*’s original contents. They usually do not refer to the beverage’s consistency and avoid the subject of intoxication.

⁸² Al-Shaybānī, *Āthār*, 707-10 (*bāb al-bukhtaj wa-l-‘aṣīr*). Cf. Haider, “Contesting Intoxication,” 71-7.

⁸³ *Ibid.*, 55-71.

Thickener traditions promote the consumption of *ṭilā'* if it is “thick.” They do not always explicitly state that the beverage must be thick. Some traditions describe the dark color of the beverage. Others compare its consistency to a highly viscous substance, like honey, molasses, or tar. In some traditions, someone sticks his fingers in the *ṭilā'* to establish its thickness. Other traditions report that *ṭilā'* is used as a condiment, implying that it is neither a beverage nor alcoholic. Some traditions emphasize that the *ṭilā'* must not be intoxicating. Thickener traditions have a few recurring tropes that expose a conservative attitude toward *ṭilā'*. According to one trope, if someone approves of *ṭilā'*, he only does so as a compromise due to lack of options, e.g., because water is scarce or because honey (mixed with water) is said to be insufficiently nourishing. Sometimes traditions require that water be added to the *ṭilā'* in order to dilute it. The addition of water signifies that the *ṭilā'* is so thick it must be diluted in order to drink it. Alternatively, the added water reduces the *ṭilā'*'s alcohol content. Thickener traditions may call for the evaporation of two-thirds (but not one-half) of a beverage's original contents. The thickener traditions will however qualify the evaporation of two-thirds in other ways to guarantee that the beverage is sufficiently thick and non-intoxicating.

It is not always easy to distinguish between evaporator and thickener traditions, because evaporator traditions and thickener traditions often borrow elements from one another. A careful examination of a tradition and its comparison to others may help clarify if it represents evaporators or thickeners.

Many of the evaporator and thickener traditions are transmitted on the authority of 'Umar I. The traditions revolve around similar themes mentioned in IAH 1 and al-Sha'bī's tradition,

including: ‘Umar I’s tasting *ṭilā*’ for the first time (usually in the Levant), his approval of it, and his instruction to pay the troops or Muslims with this beverage. In what follows, I will survey ‘Umar I traditions from both camps. By examining these traditions, I hope to demonstrate the distinction between evaporator and thickener traditions and how they evolved over time.

1.7.2 *Evaporator Traditions*

Muḥammad b. Sīrīn (d. 110/728) or his brother Anas appears to have disseminated in Basra an early tradition that supported the “two-thirds” faction. According to this tradition, the Devil and the prophet Noah engaged in negotiations over the division of a grapevine. Noah received one-third and the Devil two-thirds. This meant that the Devil’s share, two-thirds, must be evaporated when cooking grape juice. An angel congratulated Noah for successfully negotiating with the Devil.⁸⁴ In one version, Ibn Sīrīn notes that Noah’s agreement with the Devil is consistent with ‘Umar I’s missive.⁸⁵

Many Kufans disseminated traditions about ‘Umar I’s permitting the consumption of *ṭilā*’ after two-thirds of it have evaporated. Maṣṣūr b. al-Mu‘tamir (Kufa, d. 132/750)⁸⁶ promulgated a tradition in which ‘Umar I instructs his governors, or one of them, or ‘Ammār b. Yāsir, to pay

⁸⁴ See, e.g., Ibn ‘Asākir, *Tārīkh*, 62:259-61. Cf. Kueny, *Rhetoric of Sobriety*, 59-62. Originally, Noah’s one-third of the grapevine and the Devil’s two-thirds may have signified that mankind may consume the grapevine’s fruit in *three* modes: (1) as grapes, (2) as raisins, and (3) as grape juice, the latter of which must be consumed within *three* days of its preparation. See Ibn Abī Ḥātim, *Tafsīr*, 2030 (no. 10868). Here, emend *akhafta*, *bi-ḥisāb*, and *dhabīb^{an}* to *aḥsanta*, *miḥsān*, and *zabīb^{an}*.

⁸⁵ ‘Abd al-Razzāq, *Muṣannaḥ*, 9:254-5 (no. 17119). The story of Noah and the Devil (or the demon Asmodeus) sharing a vineyard is Rabbinic. See Bereshit Rabba, *Noah*, par. 36.3, *ad* Genesis 9:20; Midrash Tanḥuma, *Noah*, par. 13, *ad* Genesis 9:20. The Midrashim are available with translation on the Sefaria website: <https://www.sefaria.org/texts>.

⁸⁶ Juynboll, *ECH*, s.v. “Maṣṣūr b. al-Mu‘tamir.”

the troops with *ṭilā*’ cooked in this way.⁸⁷ This may be the earliest tradition about ‘Umar I giving people *ṭilā*’ as a payment (*rizq*). Maṣṣūr appears to have based his tradition on similar traditions about ‘Alī b. Abī Ṭālib.⁸⁸ The elevation of a tradition from the fourth caliph to the second arguably served to increase its authority and to appeal to Muslims who venerated ‘Umar I more than ‘Alī.

Abū Ḥanīfa (Kufa, d. 150/767) transmitted a version of ‘Umar I’s missive to ‘Ammār.⁸⁹ ‘Abd al-Raḥīm b. Sulaymān (Kufa, d. 184/800) transmitted two traditions about ‘Umar I permitting the consumption of this *ṭilā*’, and in one he added that ‘Umar I was the first person to permit this beverage.⁹⁰

1.7.2 Thickener Traditions

Ur-IAH 1 may be the earliest thickener tradition about ‘Umar I. After ur-IAH 1, one of the first thickeners was the Hijazi-born Syrian transmitter and jurist Ibn Shihāb al-Zuhrī (d. 124/742), who had close ties to the Umayyads.⁹¹ He circulated two traditions about ‘Umar I and *ṭilā*’.

⁸⁷ ‘Abd al-Razzāq, *Muṣannaf*, 9:255 (no. 17121); al-Nasā’ī, *Sunan*, 5:118-9 (no. 5205); al-Balādhurī, *Ansāb al-ashraf*, 10:317. Cf. *ibid.*, 10:398. Although this last tradition transmitted by al-Madā’inī (Baghdad, d. ca. 228/843) appears to corroborate Maṣṣūr b. al-Mu‘tamir’s tradition, its extremely short *isnād* is a clear sign that it is a later forgery.

⁸⁸ See, e.g., Ibn Zanjawayh, *Amwāl*, 2:560 (nos. 923 & 924). The numerous traditions about ‘Alī distributing *ṭilā*’ are discussed in Appendix E §1. In “Amphores Rouges” (19-20, 22-4), Tillier and Vanthieghem suggest that the distribution of *ṭilā*’ to troops may have been a continuation of the Byzantine distribution of wine to soldiers as part of the *annona militaris*. It should be added that while Umayyad armies surely paid their troops with *ṭilā*’, the likely pseudographical traditions mentioned here do not allow us to confirm that ‘Umar I and ‘Alī paid their troops in this way. Presently, the most we may say is that around the beginning of the 2nd/8th century some Kufans had no reservations about claiming that ‘Umar I and ‘Alī paid their troops with intoxicants.

⁸⁹ Abū Yūsuf, *Āthār*, 227 (no. 1004). See Appendix AA.

⁹⁰ Ibn Abī Shayba, *Muṣannaf*, 8:124 (no. 24446) & 12:318 (no. 36901). For ‘Abd al-Raḥīm’s biography, see Ibn Sa’d, *Ṭabaqāt*, 8:515 (no. 3548).

⁹¹ Lecker, “Biographical Notes,” 21-63.

According to one, when ‘Umar I was in al-Jābiya, he was served *ṭilā*’ that was as thick as molasses (‘*aqīd al-rubb*’) and had to be stirred with a special instrument called a *mikhwad*. He declared: “This is the most [thin] that this beverage may be,”⁹² i.e., “*ṭilā*’ may not be thinner than this.” According to the other tradition, ‘Umar I discovered that his son ‘Ubaydallāh reeked of a certain drink. Upon questioning, the son claimed that it was *ṭilā*’. The father said that he would examine this drink, and if it were intoxicating, he would punish his son with the *ḥadd* punishment for drinking *khamr*. ‘Umar I was later seen punishing his son with lashes.⁹³ Unsurprisingly, al-Zuhrī held that people should be punished with lashes if their breath merely smelled of intoxicants.⁹⁴

The Kufan Isrā’īl b. Yūnus (Kufa, d. ca. 162/779) circulated at least two thickener traditions. According to one, the Successor Shaqīq b. Salama (Kufa, d. 82/701)⁹⁵ offered the following testimony to a student: “‘Umar [I] gave us *ṭilā*’ as payment. We used to stir it into our oatmeal (*sawīq*) to eat with our condiments and our bread. It is not your wretched *bādhaq* (cooked grape juice).”⁹⁶ Shaqīq clarifies that ‘Umar I’s *ṭilā*’ was not consumed as an intoxicating beverage, but rather as a condiment or side dish. According to Isrā’īl’s other tradition, ‘Abdallāh

⁹² ‘Abd al-Razzāq, *Muṣannaf*, 9:254 (no. 17116); al-Nasā’ī, *Sunan*, 6:296 (no. 6830); Abū Ja‘far al-Ṭaḥāwī, *Sharḥ mushkil al-āthār*, 8:393.

⁹³ ‘Abd al-Razzāq, *Muṣannaf*, 9:228 (no. 17028); al-Balādhurī, *Ansāb*, 10:379-80; Abū Ja‘far al-Ṭaḥāwī, *Sharḥ ma‘ānī l-āthār*, 4:222 (nos. 6480 & 6481). Some transmitters do not identify the drinker as ‘Umar I’s son, probably due to embarrassment. See, e.g., Mālik’s tradition, *ibid.*, 4:222 (no. 6481) [al-Ṭaḥāwī’s editor misnumbered the traditions]. Al-Ṭaḥāwī understands that ‘Umar I punished the drinker for drinking too much intoxicating *ṭilā*’, not for merely drinking it. *Ibid.*, 4:222 (no. 6482). His interpretation is inconsistent with al-Zuhrī’s original intent. Sulaymān b. Bilāl (Medina, d. 172/788) transmitted a tradition that resembled that of al-Zuhrī but equipped it with a different *isnād*. See Ibn Ḥanbal, *Ashriba*, 83-4 (no. 85); al-Ṭaḥāwī, *Sharḥ ma‘ānī l-āthār*, 3:158 (no. 4917).

⁹⁴ *Kāna Bnū Shihābīn yaḍribu fī-l-rīḥi wa-kāna ashadda-hum qawl^m fī-hi*. See al-Marrūdhī, *al-Wara’*, 95-6.

⁹⁵ Juynboll, *ECH*, s.v. “Abū Wā’il Shaqīq b. Salama.”

⁹⁶ Ibn Zanjawayh, *Amwāl*, 2:560-1 (no. 925); ‘Abd al-Razzāq, *Muṣannaf*, 9:254 (no. 17117).

b. ‘Umar distinguished between two beverages called *ṭilā*’: One *ṭilā*’ resembles molasses (*rubb*) and is therefore permitted. It is what his father, ‘Umar I, drank and gave his troops. The other *ṭilā*’, which is prepared by cooking, resembles *khamr* and is therefore prohibited.⁹⁷ The distinction between these two beverages, both called *ṭilā*’, echoes the distinction in IAH 1. Notably, Isrā’īl, like al-Zuhrī before him, compares *ṭilā*’ to molasses.⁹⁸ It stands to reason that Isrā’īl endorsed the contents of the two traditions he transmitted, though this is uncertain.⁹⁹ He may have belonged to a thickener minority in Kufa.

‘Abd al-Ḥamīd b. Ja‘far (Medina, d. 153/770) and Ibn Lahī‘a (Egypt, 97-174/715-790) transmit a thickener tradition about ‘Umar I on the authority of Yazīd b. Abī Ḥabīb (Egypt, d. 128/745).¹⁰⁰ ‘Umar II appointed Ibn Abī Ḥabīb alongside two others as *mufīīs* in Egypt. Ibn Abī Ḥabīb was considered the first person in Egypt to teach religious knowledge (*aḏhara l-‘ilm*) and the first teacher of law there. Prior to his arrival, it is said, the Egyptians only transmitted traditions about eschatology and the afterlife. Tillier and Vanthieghem have suggested that he played an important role in promoting ‘Umar II’s legal program, including the prohibition of

⁹⁷ Ibid., 4:541 (no. 8792). *Khamr* here means “a prohibited intoxicant,” as in the maxim *kull muskir khamr*. According to Tillier & Vanthieghem, “Amphores rouges,” 18 & 20, ‘Abd al-Razzāq’s tradition is about *ṭilā*’ that is like *rubb* (“*premier jus d’un fruit, que l’on fait épaissir*” or “moût à peine fermenté”) and *ṭilā*’ which is made of cooked wine (*khamr*) [and not cooked grape juice]. I find their interpretation unlikely. Here, *khamr* refers to *ṭilā*’ after it is cooked, not to its main ingredient, which was probably grape juice. In sum, ‘Abd al-Razzāq’s tradition cannot serve as evidence that *ṭilā*’ was made from wine.

⁹⁸ Ibn Burqān transmitted a tradition that prohibited even thick molasses (*rubb*) as potentially intoxicating. See al-Qushayrī, *Tārīkh al-Raqqā*, 101 (no. 175).

⁹⁹ Isrā’īl reportedly transmitted an evaporator tradition on the authority of Ibrāhīm al-Nakha‘ī. See Ibn Abī Shayba, *Muṣannaḥ*, 8:125 (no. 24453).

¹⁰⁰ Ibn Zanjawayh, *Amwāl*, 2:545-6 (no. 895); Al-Fasawī, *Ma‘rifa*, 1:464-5.

non-*khamr* intoxicants.¹⁰¹ If Ibn Abī Ḥabīb taught this thickener tradition, it was likely in accordance with ‘Umar II’s edict.

1.7.3 Thickeners Strike Back at Evaporators

Thickeners considered evaporator traditions inadequate. Even though the evaporation of two-thirds made *ṭilā’* thicker, it did not guarantee that it would be non-intoxicating. Therefore, some thickeners tried to deny the veracity of evaporator traditions. For example, according to a Ḥimṣī tradition, ‘Umar I entreated with the Almighty: “God, people have [falsely] attributed to me three things, of which I am most innocent before You. [(1) ..., (2)] They claimed that I permitted them to drink *ṭilā’*, even though it is *khamr*. I am most innocent before You of that. [(3) ...].”¹⁰²

At some point, thickeners realized that evaporator traditions could not be ignored or denied. This realization led them to synthesize thickener and evaporator traditions. One of the first transmitters of a synthesizing tradition was al-Zuhrī’s student, Mālik b. Anas (d. 179/795). In his *Muwatta’*, he includes a tradition in which ‘Umar I, during a visit to the Levant, approved of the consumption of *ṭilā’* that has been cooked until two-thirds of its original contents have evaporated. However, the tradition adds at least three other restrictions: (1) unless one must drink *ṭilā’* for health reasons, drinking honey is preferable; (2) the *ṭilā’* must not be intoxicating; (3)

¹⁰¹ Tillier, “Local Tradition,” 148-9; Tillier & Vanthieghem, “Amphores rouges,” 33-4.

¹⁰² *Isnād*: Ibrāhīm b. Abī Dāwūd (Egypt) ← ‘Alī b. ‘Ayyāsh (Ḥimṣ) ← Shu‘ayb b. Abī Ḥamza (Ḥimṣ, d. 162/779) ← Zayd b. Aslam (d. 136/753) ← Aslam a *mawlā* of ‘Umar I. Al-Ṭaḥāwī, *Sharḥ ma‘ānī l-āthār*, 4:311 (no. 7078). The other two actions misattributed to ‘Umar I are: (1) his fleeing from the plague and (2) his permitting *maks* (customs duty). On traditions about ‘Umar I’s flight from the plague, see Conrad, “‘Umar at Sargh,” 488-528. For a tradition about ‘Umar I’s collection of *maks*, see ‘Abd al-Razzāq, *Muṣannaḥ*, 6:95 (no. 10112).

and after the *ṭilā'* has been cooked, it should be so viscous that one could pick it up with one's hand. At the end of the tradition, someone says to 'Umar I that he "permitted" *ṭilā'*, to which the caliph responds: "Certainly not, by God! God, I will not permit them anything of what You have prohibited them, and I will not prohibit them anything that You have permitted them."¹⁰³

If one follows the recipe for *ṭilā'* in Mālik's tradition, it is nearly impossible to concoct an intoxicating beverage. This strict recipe partly explains why later Mālikīs do not discuss in any detail the nuances of preparing *ṭilā'*, focusing instead on establishing culpability and determining punishments for drinkers.¹⁰⁴ Mālik's student Ibn al-Qāsim (Egypt, d. 191/806) elegantly summed up his teacher's position. According to Saḥnūn (Qayrawān, d. 240/855), Ibn al-Qāsim said:

I asked Mālik about cooked grape juice (*maṭbūkh*). He said: "what I heard [is that it is permitted] if two-thirds of it evaporate and one-third remains." [...] I then asked: "And how do you define it?" [Mālik] answered: "My definition is [that it is permitted] if it is cooked until it does not intoxicate. Al-Qāsim added: I never saw Mālik show any concern about 'a third' or 'two-thirds.'"¹⁰⁵

¹⁰³ Mālik b. Anas, *Muwatta'*, 2:51 (no. 1841). Mālik is the likely originator of this tradition.

¹⁰⁴ See Haider, "Contesting Intoxication," 71. The Egyptian Mālikī Ibn 'Abd al-Ḥakam I, in his *al-Mukhtaṣar al-ṣaḥīr*, 201-2, permits cooking "fruit juice" (*'aṣīr* [read: *'aqīd*]). He stipulates that after the beverage has been cooked, it must be non-intoxicating, and that at least two-thirds of its contents must have evaporated. N.B. he does not call this beverage *ṭilā'*. Cf. Tillier & Vanthieghem, "Amphores rouges," 56.

¹⁰⁵ Saḥnūn, *Mudawwana*, 6:273-74. Cf. Haider, "Contesting Intoxication," 55-7.

As a true thickener, Mālik did not care about how much of a beverage's original contents evaporated. His only concern was that the beverage was not an intoxicant.

One thickener tradition was apparently created by someone who considered Mālik's tradition insufficiently strict. According to this tradition, which includes elements from the abovementioned Ḥimṣī tradition, 'Umar I permitted *ṭilā*' under conditions similar to those mentioned in Mālik's tradition and he gave Muslim soldiers this beverage as payment. Additionally, 'Umar I poured water on the *ṭilā*' before drinking it. The tradition takes an unexpected turn when a Muslim becomes inebriated and is pelted with shoes by his coreligionists. The accused Muslim begs for his life, explaining that he merely drank what 'Umar I gave him as payment. When he is brought before 'Umar I, the latter stands up and says:

People, I am merely a mortal. I cannot permit you what is prohibited, and I cannot prohibit what is permitted. God has taken away his Prophet (ﷺ) and removed revelation. (['Umar I] then added): Truly, I am most innocent before God of this, of permitting you a prohibited thing. Abstain from it [viz., *ṭilā*']! I fear that people will become confused about it. I heard the Messenger of God say (ﷺ): "Every intoxicant is prohibited."

The tradition concludes by noting that when ‘Uthmān (r. 23-35/644-55) became caliph he banned the consumption of *ṭilā*’.¹⁰⁶ It seems that permitting some forms of *ṭilā*’ confused the public and led people to drink intoxicants. This tradition calls for a total ban of *ṭilā*’ to avoid this confusion.

In sum, thickeners and evaporators transmitted traditions about Umar I and *ṭilā*’. The thickener traditions apparently arose as a Syrian-Medinan response to the Kufan evaporator traditions. However, the thickener traditions failed to oust the evaporator traditions from the public conversation. For this reason, thickeners introduced synthesizing traditions in which they adopted a key element of evaporator traditions, the required evaporation of two-thirds of *ṭilā*’s original contents. Simultaneously, they added other elements that were consistent with the strict thickener view. By adding these elements, thickeners ensured that if the remaining one-third is intoxicating, it must be further evaporated until it is non-intoxicating.

1.8 *The Thickener IAH 1 vs. al-Sha‘bī’s Evaporator Tradition*

Having distinguished between thickeners and evaporators, we may now discuss IAH 1 and al-Sha‘bī’s tradition about ‘Umar I’s missive as representatives of these two camps. Al-Sha‘bī’s tradition is extant in numerous versions. Its exact original wording is difficult to reconstruct. However, the wording of one version appears to be more archaic than those of most other versions. This version will stand here for al-Sha‘bī’s original tradition, and some notable variants

¹⁰⁶ Ibn ‘Asākir, *Tārīkh*, 21:361. ‘Abdallāh b. Yazīd Abū ‘Abd al-Raḥmān al-Muqri’ (Basra, Mecca, d. 213/828) may have originated this tradition, which is based on a tradition of ‘Abd al-Raḥmān b. Ziyād b. An‘am (Tunisia, 156/773). It is influenced by Mālik’s tradition and the Ḥimṣī tradition. Cf. al-Ḥarbī, *Gharīb*, 673.

found in other versions will be mentioned as needed. Let us compare ‘Umar I’s description of *ṭilā’* in IAH 1 and in the archaic version of al-Sha‘bī’s tradition:

IAH 1	Al-Sha‘bī’s Tradition (archaic version)
<p>[‘Umar II writes:] Verily, a beverage of this sort was given to ‘Umar [I] (<i>wa-inna ‘Umar inna-mā utiya min-hu bi-sharāb</i>). It had been cooked until (<i>tubikha ḥattā</i>) it became thick. When it was given to him, he asked: “Is this <i>ṭilā’</i>?” referring to the tar that is smeared on camels (<i>ṭilā’ al-ibil</i>). After tasting it, he said: “There is no harm in this.”</p>	<p>[‘Umar I writes:] Verily, a drink from the Levant was given to me (<i>innī utītu bi-sharāb</i>). It had been cooked until (<i>qad ṭubikha ḥattā</i>) two-thirds of it disappear and one third remains. Once this is done, its devil and its tantalizing smell disappears. Its wholesome part (<i>ṭayyibu-hu</i>) and its permitted part remain. Issue an order to the Muslims under your watch and let them consume it liberally along with their beverages [of choice]!¹⁰⁷</p>

Both descriptions share common syntax and vocabulary (e.g., *utiya/utītu bi-sharāb*). They are clearly related. One may be responding to the other. In addition to the different cooking instructions, there are some interesting differences between them that will be discussed in what follows.

IAH 1 includes an element that is absent in al-Sha‘bī’s tradition. In IAH 1, ‘Umar I compares the beverage served to him to “the tar that is smeared on camels” (*ṭilā’ al-ibil*). The

¹⁰⁷ Ibn Ḥazm, *Muḥallā*, 8:274, l. 4. See Appendix AA.

comparison of *ṭilā'* and tar is likely a folk etymology invoked to prove that permitted *ṭilā'* is a thick beverage. The absence of this comparison in al-Sha‘bī’s tradition may indicate that it is an evaporator tradition, because an evaporator would usually avoid implying that a beverage’s consistency is thick. Be that as it may, there are versions of al-Sha‘bī’s tradition that include this comparison.¹⁰⁸ If the comparison of *ṭilā'* and tar is an original part of al-Sha‘bī’s tradition, then he must have borrowed it from a thickener tradition, perhaps from IAH 1.

In al-Sha‘bī’s tradition, ‘Umar I describes the process of evaporation and its results: Two-thirds evaporate and one-third remains. Concomitantly, the “devil” of the beverage, i.e., its capacity to intoxicate, and “its tantalizing smell” disappear, and what is “wholesome” and “permitted” remains. Other versions of al-Sha‘bī’s tradition convey a similar idea. When two-thirds evaporate they take with them bad elements of the beverage. As for the good elements, they stay in the remaining third. In other words, evaporating two thirds of a beverage’s volume makes it permissible. This is a justification for the standard evaporator position.

A thickener encountering al-Sha‘bī’s tradition may object that a beverage reduced to one-third of its original volume may still be intoxicating (even if it has lost some of its smell and potency). Thickener transmitters of al-Sha‘bī’s tradition recognized this problem and reinterpreted his tradition. In a Basran version of the tradition, ‘Umar I tells his governor that *ṭilā'* must be cooked until its “two bad thirds” (*thuluthā-hu l-akhbathān*) evaporate. He explains

¹⁰⁸ Abū Nu‘aym, *Ṭibb*, 703-4 (no. 787); ‘Abd al-Razzāq, *Muṣannaf*, 9:255 (no. 17120); al-Nasā’ī, *Sunan*, 5:119 (no. 5207). See Appendix AA.

that one bad third takes the beverage’s “[bad] smell” (*rīḥi-hi*) and the other bad third takes “its evil” (*baghyi-hi*),¹⁰⁹ i.e., its capacity to intoxicate. That is, the evaporation of two “thirds” does not refer to the evaporation of two-thirds of a beverage’s volume, but rather to the removal of two of its bad aspects, its aroma and its capacity to intoxicate.¹¹⁰ In another version, after the evaporation of “two thirds” (*thuluthān*), only a ninth (*thuluth al-thuluth*) remains.¹¹¹ Thus, thickener transmitters who received al-Sha‘bī’s evaporator tradition modified its wording to support their legal position.

In IAH 1, ‘Umar I notes that “there is no harm” in consuming the thick “*ṭilā*’.” In al-Sha‘bī’s tradition, ‘Umar I orders his governor to notify the Muslims that they may consume evaporated *ṭilā*’ liberally along with “their drinks [of choice]” (*ashribati-him*).¹¹² In other words, while IAH 1 merely notes that “*ṭilā*’” is not prohibited, al-Sha‘bī’s tradition encourages Muslims to consume *ṭilā*’. The tradition’s exhortation recalls ‘Umar II’s assertion in IAH 1 that God has provided Muslims with numerous alternatives to *ṭilā*’ in the form of “diverse wholesome beverages” (*ashriba kathīra ṭayyiba*). Curiously, al-Sha‘bī’s tradition, at least in its archaic version, notes that what remains of the *ṭilā*’ after the cooking process is wholesome (*ṭayyib*).

¹⁰⁹ Al-Nasā’ī, *Sunan*, 5:119 (no. 5207). Another Basran tradition may have a similar meaning, though its text is confused. See ‘Abd al-Razzāq, *Muṣannaf*, 9:255 (no. 17120). See Group 2 in Appendix AA.

¹¹⁰ Cf. the comment of Nūr al-Dīn al-Sindī (d. 1138/1726) in al-Nasā’ī, *Sunan*, 5:119, n. 3.

¹¹¹ See Abū Nu‘aym, *Ṭibb*, 701 (no. 783). The calculation here is confusing. Presumably, after two-thirds have evaporated, two-thirds of the remaining one-third should be evaporated. See Group 4 in Appendix AA.

¹¹² Abū Nu‘aym, *Ṭibb*, 703-4 (no. 787); Ibn Ḥazm, *Muḥallā*, 8:274, l. 4. The original phrase was likely *fa-l-yatawassa ‘ū bi-hi fī ashribati-him*, but this phrase was simplified in other versions, see, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:255 (no. 17120); al-Nasā’ī, *Sunan*, 5:119 (no. 5207).

To sum up, al-Sha‘bī’s original tradition seems to contain literary allusions to IAH 1. These allusions suggest that al-Sha‘bī, or a student of his, introduced his tradition in response to ur-IAH 1. If so, then ‘Umar II’s criticism in ur-IAH 1 is directed at a tradition about ‘Umar I drinking *ṭilā*’ that is no longer extant. In any case, it is certain that al-Sha‘bī’s tradition was put into circulation shortly before or after ‘Umar II’s promulgation of ur-IAH 1 and that one is reacting to the other. Ur-IAH 1 represents the thickener position of the opponents of intoxicating *ṭilā*’ in Syria, Medina, and later Basra, whereas al-Sha‘bī’s tradition represents the evaporator position of its proponents in Kufa.

1.9 *The Legacy of Ur-IAH 1*

Evaporators and thickeners argued over ur-IAH 1’s prohibition of *ṭilā*’. Each camp introduced traditions supporting their method for preparing this beverage. According to a thickener tradition with a Ramlan *isnād*, when the Basran jurist Ibn Sīrīn (d. 110/728) was asked about *ṭilā*’, he replied: “A righteous *imām* – referring to ‘Umar II – prohibited it.”¹¹³ As noted above, Ibn Sīrīn circulated an important evaporator tradition about Noah and the Devil. Showing that such a prominent Iraqi authority adhered to ‘Umar II’s prohibition was potentially advantageous for the thickeners. According to another Syrian tradition, ‘Umar II prohibited “the *ṭilā*’ of which two-thirds of its original contents have evaporated.” This statement astonished his companions in Syria, who challenged him: “‘Umar [I] has permitted it, yet you prohibit it?!” ‘Umar II justified himself saying: “I prohibited cooking it entirely so that prohibited [*ṭilā*’] would be

¹¹³ See, e.g., Abū Nu‘aym, *Ḥilya*, 5:257; Ibn ‘Asākir, *Tārīkh*, 45:189-90.

abandoned.”¹¹⁴ Here, ‘Umar II prohibits the *ṭilā*’ of the evaporators as a precaution to prevent the consumption of intoxicants. Presumably, he did not trust people to follow the *ṭilā*’ recipe of the evaporators, or he considered their recipe unreliable. Similarly, in al-Jazarī’s abovementioned tradition, ‘Umar II prohibits *ṭilā*’ unless two-thirds of its contents have evaporated. He then adds that “every intoxicant is prohibited.”¹¹⁵ In other words, if the remaining one-third of the *ṭilā*’ is intoxicating, then it is prohibited.

Evaporators responded to thickener traditions about ‘Umar II. According to a tradition of Muḥammad b. Fuḍayl (Kufa, d. ca. 195/811), ‘Umar II considered *munaṣṣaf* reprehensible, and he sent an edict prohibiting it to the garrison towns.¹¹⁶ In other words, *munaṣṣaf* is permitted and ‘Umar II’s prohibition was precautionary. Ibn Fuḍayl’s tradition suggests that ‘Umar II did not consider *muthallath* reprehensible. The Egyptian transmitter ‘Abdallāh b. Wahb (d. 197/812) relates that ‘Umar II asked Sālim, the grandson of ‘Umar I, if it is permissible to consume *ṭilā*’. Sālim told him that his father, Ibn ‘Umar, drank this beverage.¹¹⁷ The detail that Sālim and Ibn ‘Umar consumed *ṭilā*’ in Ibn Wahb’s report appears to contradict IAH 1’s prohibition of *ṭilā*’, although it is possible that the *ṭilā*’ consumed by them was non-intoxicating. Nevertheless, it is more likely that his report responds to ur-IAH 1 by portraying ‘Umar II as unfamiliar with the practice of notable descendants of ‘Umar I.

¹¹⁴ Ibn ‘Asākir, *Tārīkh*, 31:234. Cf. Tillier & Vanthieghem, “Amphores rouges,” 53.

¹¹⁵ Al-Nasā’ī (d. 303/915), *Sunan*, 5:79 (no. 5090).

¹¹⁶ Ibn Abī Shayba, *Muṣannaḥ*, 8:129 (no. 24470).

¹¹⁷ Ibn Wahb, *Jāmi*’, 44 (no. 45).

Following the promulgation of ur-IAH 1, ‘Umar II’s prohibition of *ṭilā*’ had a tumultuous afterlife. On the one hand, thickeners transmitted traditions establishing the prohibition’s legitimacy and adapted its details to make new legal points against their opponents. On the other, evaporators introduced traditions disparaging the legitimacy of the prohibition and adapted its details to promote their own position. The reliance of both sides on the authority of ‘Umar II is a testament to the nearly universal admiration that this caliph enjoyed after his death.

1.10 *Conclusion*

In Part 1, I examined IAH 1, the passage prohibiting intoxicating *ṭilā*’ (cooked grape-juice) in the fiscal rescript of the Umayyad caliph ‘Umar II. I argued that the core of IAH 1 goes back to an edict issued by this caliph. The prophetic maxim “prohibited is every intoxicant to every believer” is probably a later addition to ur-IAH 1. If this maxim was part of ur-IAH 1, it likely appeared without attribution to the Prophet, possibly in its short version: “every intoxicant is prohibited”.

The main arguments in favor of an early dating of ur-IAH 1 include the following: (1) IAH 1 is part of ‘Umar II’s “fiscal rescript,” an archaic document that scholars generally consider as originating with that caliph. (2) In ur-IAH 1, ‘Umar II expresses the fear that if some Muslims drink intoxicants, divine catastrophe will strike the entire community; and this fear echoes sentiments that both Muslim and Christian writers attribute to ‘Umar II. (3) Transmitters with ties to ‘Umar II and the Umayyads transmit traditions that echo the doctrine of IAH 1; thus

ur-IAH 1 was probably an Umayyad document as well. (4) IAH 1 does not cite any *ḥadīth* from the Prophet, except perhaps for the “every intoxicant” maxim; and the near-absence of prophetic traditions indicates that ur-IAH 1 was created at an early date, prior to the popularization of relevant prophetic traditions about *ṭilāʿ*. The early dating is more strongly confirmed if indeed ur-IAH 1 did not attribute the maxim to the Prophet or omitted it entirely. (5) Ur-IAH 1 is part of a long legal discussion about *ṭilāʿ* between evaporators and thickeners that began in the 1st/7th century. Ur-IAH 1 may even be one of the earliest known thickener traditions. Many other traditions explicitly or implicitly react to ur-IAH 1. Considering all these arguments, ‘Umar II is the likely author of ur-IAH 1.

IAH 1 and many other passages in the fiscal rescript appear to be authentic. However, caution is in order. The other passages may contain later interpolations, and some of the passages may be fabricated. Also, there is no guarantee that the rescript was not compiled from smaller textual units. A thorough study of each passage and its original literary and legal context is required to establish the provenance of the rescript and its various components.

The discussion of *ṭilāʿ* (and other intoxicating beverages not explicitly prohibited in the Qurʾān) probably began during the early Islamic conquests, following the creation of garrison towns that developed regional legal practices. The legal scholars in Basra and especially in Kufa were known for their tolerance of this drink. Nevertheless, some Iraqi scholars sought to regulate the preparation of this drink by requiring that a certain percentage of its contents, one-half or two-thirds, must be evaporated. The Iraqis may have been responding to Medinese and Syrian scholars who opposed this drink.

Prior to ‘Umar II’s caliphate, proponents of intoxicating *ṭilā*’ circulated traditions in support of their position, claiming that early authorities, chief among them the caliph ‘Umar I, drank this beverage. The consumption of *ṭilā*’ was sufficiently widespread in Muslim society that ‘Umar II prohibited it. His prohibition appears to be the first significant attempt to impose on the people of Iraq the opinion of the scholars of Medina and Syria regarding intoxicants. ‘Umar II considered the evaporation of two-thirds of the original contents inadequate because it did not preclude the possibility of intoxication. Hence, he ordered that *ṭilā*’ should be cooked until it is “thick.” He added that the *ṭilā*’ consumed by ‘Umar I was this thick beverage.

The impact of ‘Umar II’s prohibition appears to have been limited. For at least a century, scholars continued to discuss what he and ‘Umar I meant. To this end, Medinese and Syrians transmitted traditions against *ṭilā*’ on the authority of ‘Umar I, ‘Umar II, and others, while their Kufan counterparts transmitted traditions in its favor on the same authority.

The preceding analysis of the Arabic, Greek, and Syriac sources sheds light on an important aspect of ‘Umar II’s caliphate. One of his major edificatory reforms, the prohibition of all intoxicants, was motivated in part by his fear that if some Muslims drank *ṭilā*’, a cataclysmic event would befall the entire Muslim community. If the apocalypse were to come, he wanted to make sure that his community was as ready as it could be. In his view, failure to observe scriptural law would have consequences not only for the individual believer but also for the entire Islamic community.

2 ‘Umar II and the Prohibition of *Nabīdh*

In addition to IAH 1, there are eight other texts recorded by eight different authors that allegedly preserve an edict of ‘Umar II concerning intoxicants. Whereas IAH 1 focuses primarily on *ṭilā*, these texts focus on *nabīdh*. One makes *nabīdh* by placing dates (alternatively, honey, raisins, wheat, barley, or *ṭilā* itself) in a receptacle, adding water, and allowing the contents to ferment. Due to the potential of *nabīdh* to become intoxicating, legal scholars expressed concerns regarding its preparation. One concern relates to the receptacle used for the preparation of this beverage. According to many Hadith traditions, *nabīdh* is prohibited if it is prepared or stored in jars, hollowed out gourds, or receptacles lined with tar; and it is permitted if it is prepared or stored in waterskins. Another concern relates to the preparation of *nabīdh* from a combination of two different species, e.g., dates and raisins, or dates in different stages of ripeness.¹¹⁸

The juristic discussion of *nabīdh* appears to have been centered in Iraq. According to Basran and Kufan sources, ‘Umar II sent an edict prohibiting *nabīdh* prepared in jars, although a Kufan tradition adds that he allowed its preparation in waterskins.¹¹⁹ There is no reason to doubt that he issued such a prohibition, although its exact details may be disputed.¹²⁰

¹¹⁸ On *nabīdh*, see Harvey, “Green-Glazed Jars,” 423-4; Haider, “Contesting Intoxication,” 51-2. On the preparation of *nabīdh* from *ṭilā* or *bukhtaj*, see Ibn Abī Shayba, *Muṣannaḥ*, 8:135-6 (*fī l-ṭilā’ yunbadhu wa-l-bukhtaj*).

¹¹⁹ For examples of a Basran tradition and a Kufan one about ‘Umar II, see al-Bukhārī, *Tārīkh*, 7:17 (no. 75); Ibn Sa‘d, *Ṭabaqāt*, 7:365.

¹²⁰ See A.J. Wensinck: “Even the common people could not always and everywhere refrain from their national drink, date wine of several kinds; the caliph ‘Umar b. ‘Abd al-‘Azīz deemed it necessary to promulgate a special edict in order to abolish this custom.” “Khamr,” *EP*²; Goldziher: “Even such a pious caliph as ‘Umar II is reported to have declared that *nabīdh* was permitted.” *Introduction*, 60. Cf. Jack Tannous, *The Making of the Medieval Middle East: Religion, Society, and Simple Believers* (Princeton: Princeton University Press, 2018), 281-2.

Tillier and Vanthieghem examined five of the abovementioned eight edicts and concluded that they preserve, with different formulations, the wording of a lost edict of ‘Umar II. They suggested that the longest of these edicts (= IAH 2) represents the fullest record of the lost ur-edict. However, I will argue that all eight of the edicts descend from a common mid-2nd/8th century source, an edict pseudepigraphically attributed to ‘Umar II; and that IAH 2 contains many changes that are further departures from the original pseudepigraphical text. In what follows, the edicts will be discussed from the earliest to the latest.

2.1 *Al-Ṣa‘iq b. Ḥazn’s Version of the Edict (= Versions 1, 2, 3)*

Of the extant edicts, three are attributed with an *isnād* to al-Ṣa‘iq b. Ḥazn b. Qays al-‘Ayshī (Basra, d. after 160/777).¹²¹ Although al-Ṣa‘iq’s original text is lost, there is no reason to doubt that the extant edicts originated with him. The three extant edicts are versions of a text that al-Ṣa‘iq taught to three of his students:

¹²¹ Not much is known about al-Ṣa‘iq. In his *Tārīkh al-Islām*, 4:415, Shams al-Dīn al-Dhahabī estimates that he died between 161/778 and 170/787. According to idem, *Siyar*, 10:265-6, one of al-Ṣa‘iq’s younger students, ‘Ārim Ibn al-Faḍl, was born after 140/758. If ‘Ārim was fifteen when he first studied under al-Ṣa‘iq, then the latter must have been alive in 155/772. Al-Dhahabī’s estimation is thus reasonable.

Version 1 is recorded by Aḥmad b. Ḥanbal (Baghdad, 164-241/780-855) on the authority of ‘Abd al-Ṣamad b. ‘Abd al-Wārith (Basra, d. 207/822) ← al-Ṣa‘iq.¹²²

Version 2 is recorded by al-Fasawī (Fasā, Basra, d. 277/890) on the authority of Ḥātim b. ‘Ubaydallāh al-Namarī (Basra, Isfahan, d. after 200/815) ← al-Ṣa‘iq.¹²³

Version 3 is recorded in abbreviated fashion by al-Nasā’ī (215-303/830-915) on the authority Suwayd b. Naṣr ← ‘Abdallāh b. al-Mubārak (Khurasan, d. 181/797) ← al-Ṣa‘iq.¹²⁴

Versions 1 and 2 are close in wording albeit with differences that become apparent when the texts are placed side by side. In the following translation, I have divided the texts into corresponding segments, that are numbered to facilitate comparison:

Version 1	Version 2
[1] Al-Ṣa‘iq b. Ḥazn reported to us: I witnessed the reading out of the edict (<i>kitāb</i>) of ‘Umar b. ‘Abd al-‘Azīz that was sent to [the Basran governor] ‘Adī [b. Arṭāt] and the people of Basra.	[1] Al-Ṣa‘iq b. Ḥazn reported to us: I heard the secretary (<i>kātib</i>) of ‘Umar b. ‘Abd al-‘Azīz reading out on the pulpit (<i>minbar</i>) of Basra: From the Servant of God, ‘Umar, the

¹²² Ibn Ḥanbal, *Ashriba*, 56-57 (no. 98); al-Marrūdhī, *Wara‘*, 98-99; Ibn al-Jawzī, *Manāqib ‘Umar*, 66-67. These sources preserve three variants of the same version transmitted on the authority of Ibn Ḥanbal. They contain minor differences in wording. Even though the Ḥanbalī Ibn al-Jawzī omits the full *isnād*, he almost certainly copied his version from a manuscript of *al-Ashriba* or *al-Wara‘*. The translation here is based on a reconstruction of Ibn Ḥanbal’s tradition based on these three sources. I note significant textual variants in the footnotes of my translation with reference to the three sources: *Ashriba*, Marrūdhī, and Ibn al-Jawzī. For a German translation, see Pitschke, *Skrupulöse Frömmigkeit*, 229. On ‘Abd al-Ṣamad, see Ibn Sa‘d, *Ṭabaqāt*, 9:301.

¹²³ Al-Fasawī, *Mashyakha*, 47-48 (no. 21). On al-Namarī, see Abū Nu‘aym, *Dhikr akhbār Aṣbahān*, 1:296-97.

¹²⁴ Al-Nasā’ī, *Sunan*, 5:79 (no. 5091).

	Commander of the Believers to ‘Adī b. Artāt and the people of Basra.
[2] <i>Ammā ba ‘d</i>	[2] <i>Ammā ba ‘d</i>
[3] Because of this beverage (<i>al-sharāb</i>), something has occurred among the people that ruined their piety (<i>ri ‘atu-hum</i>) ¹²⁵ and made them engage (<i>ghashū fī-hā</i>) ¹²⁶ in transgressions that they committed after they lost their judgment (<i>dhahāb ‘uqūli-him</i>), and their minds became light witted.	[3] It has reached me that some people are drinking a beverage (<i>sharāb^{an}</i>) that they claim is permitted. By my life! Often that which resembles what is prohibited and leads to these transgressions is a big problem and a grave sin.
[4] [These transgressions] brought them [to violate] prohibited blood, prohibited pudenda, and prohibited property. Most of the people who consume that drink wake up the next morning saying: “We drank (<i>sharibnā</i>) a drink with which there is no problem.” By my life! Anything that causes (<i>hamala ‘alā</i>) these transgressions and resembles what is prohibited is a big problem.	[4] [These transgressions] brought them [to violate] prohibited blood, prohibited property, and prohibited pudenda, while they say (<i>wa-hum yaqūlūn</i>): “We are drinking (<i>nashrabu</i>) a drink with which there is no problem.” By my life! Often that which resembles what is prohibited is a big problem and a grave sin (<i>ithm ‘azīm</i>).

¹²⁵ Ibn al-Jawzī & Marrūdhī: *ri ‘atu-hum*; Ashriba: *raghbatu-hum*.

¹²⁶ Ashriba & Ibn al-Jawzī: *ghashū fī-hā*; Marrūdhī: *‘asaw fī-hā*.

[5] God, exalted be He, has supplied ample means of avoiding it (*mandūḥa*) and a breadth [of alternatives] (*wa-sa 'a*), in the form of diverse wholesome beverages (*ashriba kathīra ṭayyiba*), that leave nothing (*ḥāja*) to be desired:¹²⁷ sweet fresh water, milk, honey, and oatmeal. Whoever prepares *nabīdh* should prepare it only in leathern waterskins (*asqiyat al-adam*) that have no tar in them (*allatī lā zift fī-hā*).

[5] God, exalted be He, has supplied ample means of avoiding it (*mandūḥa*) and a breadth [of alternatives] (*wa-sa 'a*), in the form of diverse wholesome beverages (*ashriba kathīra ṭayyiba*), that leave nothing (*ḥāja*) to be desired: sweet fresh water, milk, oatmeal, honey, *nabīdh* made from raisins and dates (*nabīdh al-zabīb wa-l-tamr*) in leathern waterskins (*asqiyat al-adam*).

[6] It has reached us that the Messenger of God (S) prohibited the *nabīdh* of jars, gourds, and tarred receptacles (*al-ḡurūf al-muzaffata*), and it is said (*wa-kāna yuqālu*)¹²⁸: “Every intoxicant is prohibited.”

[6] It has reached us that the Messenger of God (S) said: “Every intoxicant is prohibited.”

[7] Therefore, take what God, exalted be He, has permitted to you as a substitute for what he has prohibited. Indeed, whoever we find drinking these drinks, after our warning to

[7] Therefore, take what God, exalted be He, has permitted to you as a substitute for what he has prohibited. Indeed, whoever we find drinking these drinks, we will subject him to a

¹²⁷ *Ashriba: ḥāja*; Ibn al-Jawzī: *jā`iḥa*; Marrūdhī: *mujāja*.

¹²⁸ Ibn al-Jawzī & Marrūdhī: *wa-kāna yuqālu*; *Ashriba: wa-kāna yaqūlu*.

him, we will subject him to a severe and painful punishment. Whoever conceals [his drinking from us], God’s punishment “and chastisement are worse” [Qur’ān 4:84]. My intention in this edict of mine is to present legal proofs that will be held against you today and any time after today. I ask God, exalted be He, to increase the rectitude of those of us and those of you who are upright and to endeavor to turn those of us and those of you who are sinful towards repentance, with lenience and forgiveness from Him.

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[8] Peace be upon you!

[8] Peace be upon you, and God’s mercy and his blessings!

Version 3, the abbreviated one, corresponds to two segments in Versions 1 and 2. It reads as follows:

[1] Al-Ṣa‘īq b. Ḥazn told us: ‘Umar b. ‘Abd al-‘Azīz wrote to ‘Adī b. Arṭāt: [6] “Every intoxicant is prohibited (*kull muskir ḥarām*).”

2.1.1 A Segment-by-Segment Analysis of Versions 1, 2, and 3 of al-Ṣa‘iq’s Edict

Segment 1: Versions 1 and 2 agree that the edict was addressed to the Basran governor ‘Adī b. Artāt and the people of Basra. Version 3 mentions only Ibn Artāt.

Segment 2: *Ammā ba ‘d* (“And now to the heart of the matter”) is a formula that appears at the beginning of a letter signaling a shift from the salutations and blessings to the main contents. It is often omitted in translations.

Segment 3: Version 2 repeats elements found in segment 4 of Versions 1 and 2 (e.g., “By my life!”). This redundancy suggests that Version 1 better preserves al-Ṣa‘iq’s original wording than does Version 2.

Note that this segment mentions a “beverage” (*sharāb*) and does not use the term *nabīdh* used in segments 5 and 6. This inconsistency in terminology suggests that segment 3 and segments 5 and 6 were originally separate textual units originating in different sources.¹²⁹

Segment 4: Here, drinkers of intoxicants claim that they are drinking a licit beverage. A similar depiction was found in ur-IAH 1, which probably served as a source.

Segment 5: The phrases “ample means of avoiding it” (*mandūḥa*) and “diverse wholesome beverages” (*ashriba kathīra ṭayyiba*), found in Versions 1 and 2, also occur in ur-IAH 1, from which they evidently were borrowed. Al-Ṣa‘iq’s version of the edict adds the more common word *sa‘a* (breadth) as a synonym for the rare word *mandūḥa*; and it gives an example

¹²⁹ Cf. Tillier & Vanthieghem, “Amphores rouges,” 32-3.

of “diverse wholesome beverages,” e.g., water and milk. These additions indicate that al-Ṣa‘iq’s version was influenced by ur-IAH 1 and not *vice versa*.

In this segment, Version 2 notes that *nabīdh* can be prepared from raisins and dates, but there is no mention of this in Version 1. The reference to *nabīdh* made from raisins and dates presumably refers to the difference of opinion regarding the permissibility of preparing *nabīdh* from a combination of two different fruits. The advocates of a strict prohibition of combinations prohibited even the combination of ripe and less ripe dates. Version 2 apparently reflects a lenient approach. It permits the combination of raisins and dates.

Another significant difference here between Versions 1 and 2 concerns the preparation and storage of *nabīdh* in waterskins. Version 1 permits only untarred waterskins, while Version 2 permits all waterskins. Version 1 is thus more conservative than Version 2 regarding the use of waterskins.

Version 1 is more conservative than Version 2 in its prohibition of tarred waterskins. Version 2 embraces the permissive position that allows the preparation of *nabīdh* from two types of fruit. Similar differences are also found in the next segment.

Segment 6: This segment includes two traditions or one. One of these traditions is the “every intoxicant” maxim. Version 1 includes a prophetic tradition prohibiting tarred receptacles, jars, and gourds and a non-prophetic tradition, namely, the “every intoxicant” maxim. Version 2 includes a prophetic tradition, namely, the maxim. Version 3 includes a non-Prophetic tradition,

namely, the maxim. Two questions arise: (1) originally, how many traditions were there? (2) to whom were they attributed?

That the prophetic tradition prohibiting receptacles is found only in Version 1 could suggest that it is an addition there. Note, however, Version 3's abbreviated nature. Al-Nasā'ī lists this version under a subheading devoted to "the prohibition of every beverage that intoxicates." Under this subheading he lists several traditions that contain iterations of the "every intoxicant" maxim.¹³⁰ Al-Nasā'ī's teacher Suwayd b. Naṣr likely taught him a more complete version of al-Ṣa'iq's tradition, from which he removed all elements unrelated to the maxim, so that it would fit the theme of the subheading. Thus, the prophetic tradition about receptacles may have originally been a part of Version 3.

Versions 1 and 3 cite the "every intoxicant" maxim as a general statement, whereas Version 2 attributes it to the Prophet. These two versions, which agree with one another, better preserve al-Ṣa'iq's original text. As we have seen,¹³¹ the maxim was originally a non-prophetic saying. Its attribution in Version 2 to the Prophet reflects a later development.

Version 2's attribution of the maxim to the Prophet is best explained as follows. Al-Ṣa'iq's original version included a prophetic tradition followed by a non-prophetic tradition. This sequence is accurately preserved in Version 1, which states: "It has reached us that the Messenger of God (Ṣ) {prohibited the *nabīdh* of jars [etc.], and it is} said: 'every intoxicant is

¹³⁰ Al-Nasā'ī, *Sunan*, 5:75-9 (*taḥrīm kull sharāb askara*).

¹³¹ See the discussion of the "every intoxicant" maxim in Appendix A §1.5.

prohibited.”” A redactor of Version 2 omitted the words between curly brackets. Due to this omission, the *isnād* on the authority of the Prophet was prefixed to the non-Prophetic tradition. Hence, Version 2 reads: “It has reached us that the Messenger of God (ﷺ) said: ‘every intoxicant is prohibited.’” In this way, the “Every intoxicant” maxim, originally presented as a general adage, became a statement of the Prophet.

In short, al-Ṣa‘iq’s original version of the edict probably included two traditions: (1) a prophetic tradition prohibiting jars, gourds, and tarred receptacles; and (2) a non-prophetic tradition (the “every intoxicant” maxim). The maxim may have been borrowed from ur-IAH 1, where it was non-prophetic and appeared in its short version. Version 2’s redactor probably omitted the contents of the Prophetic tradition because he was not interested in the status of *nabīdh* in receptacles.

The prophetic tradition prohibits jars (*al-jarr*), gourds (*al-dubbā’*), and tarred receptacles (*al-zurūf al-muzaffata*). This unusual combination of prohibited items reflects a combination of Iraqi and Hijazi traditions. Whereas the term *jarr* was used primarily in Iraq, *dubbā’* and *muzaffat* are Hijazi terms.¹³² Furthermore, many early traditions prohibit *dubbā’* and *muzaffat* as a pair.¹³³ However, several traditions point to a secondary development. Transmitters commonly

¹³² According to a tradition transmitted by Shu‘ba, *ḥantama*, *dubbā’*, *muzaffat*, and *naqīr* in the dialect of the Medinan Ibn ‘Umar are equivalent to *jarra*, *qar’*, *muqayyar*, and *nakhla* in the dialect of the Kufan Zādhān. See, e.g., Ibn Abī Shayba, *Muṣannaḥ*, 8:103 (no. 24326); cf. Harvey, “Green Jars,” 431, 433. The term *jarr* may have been used in Iraq and other places outside the Hijaz.

¹³³ According to Juynboll, *ECH*, 239 (no. 15936), one of the oldest traditions prohibiting *dubbā’* and *muzaffat* was transmitted by Ibrāhīm al-Nakha‘ī (Medina, Kufa, d. ca. 96/717) on the authority of ‘Ā’isha. See e.g., al-Nasā‘ī, *Sunan*, 5:87 (no. 5116), & 6:288-9 (nos. 6798, 6799, 6800, & 6801).

added two Hijazi terms, *ḥantam* (green jars or jars)¹³⁴ and *naqīr* (hollowed out tree stumps), to this pair. In this way, they formed a list of four prohibited items.¹³⁵ Sometimes, transmitters added the Iraqī term *jarr* to this pair.¹³⁶

The term *al-ẓurūf al-muzaffata* means “tarred receptacles.” It is clearly an exegetical expansion of *muzaffat*, which may refer to “tarred receptacles,” “tarred jars,” or “tarred waterskins.”¹³⁷

In addition to al-Ṣa‘īq’s tradition, the unusual list of jars, gourds, and tarred receptacles appears in a prophetic tradition that likely originates with al-Awzā‘ī (Beirut, d. 157/774).¹³⁸ It is tempting to situate this list in a Syrian or Umayyad milieu. However, since both traditions are late, it is unlikely that ‘Umar II is their direct source. Another transmitter, Sufyān b. ‘Uyayna (d. 198/814), citing his father, reported that ‘Umar II’s edict to Kufa prohibited [“gourds” and]

¹³⁴ On *ḥantam* as “green jars” or “jars,” see Harvey, “Green-glazed Jars,” 428-33. I also discuss there some Kufan traditions that claim that *ḥantam* are “red jars” (*jirār ḥumr*). I argue that this is a corruption of “wine jars” (*jirār khmr*). Against my argument, Tillier & Vanthieghem, “Amphores rouges,” 43-4, insist that the definition of *ḥantam* as “red jars” has an archaeological basis, and they identify these jars with certain Egyptian amphorae (LRA 7). In §3.3.1.4, I explain in detail why Tillier & Vanthieghem’s claims are incorrect. Here, I will say that Kufan transmitters invented the definitions of *ḥantam* as “wine jars” and then “red jars” to deny that the prohibited *ḥantam* are “green jars.” See, e.g., al-Khaṭīb al-Baghdādī, *Mūdiḥ*, 2:359-60; Ibn Abī Shayba, *Muṣannaf*, 8:118 (no. 24411). Here, Anas defines *ḥantam* as “wine jars” (or “red jars”) to discredit the definition of *ḥantam* as “green jars.” And so, the Egyptian LRA 7 are not *ḥantam*, though they are *muzaffat* because of their bitumen lining.

¹³⁵ See, e.g., al-Khaṭīb al-Baghdādī, *Mūdiḥ*, 2:359-60; al-Bukhārī, *Ṣaḥīḥ*, 7:105-06 (no. 5587); al-Kulaynī, *Kāfī*, 12:738-9 (no. 12327).

¹³⁶ See, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:203 (no. 16934).

¹³⁷ Cf. Harvey, “Green-glazed Jars,” 433-4.

¹³⁸ *Isnād*: al-Awzā‘ī ← Yahyā b. Abī Kathīr (Basra, al-Yamāma, d. 129-32/747-50) ← Abū Salama ← Abū Hurayra ← the Prophet. See, e.g., al-Nasā‘ī, *Sunan*, 5:89-90 (no. 5125); al-Ṭaḥāwī, *Sharḥ ma‘ānī l-āthār*, 4:226-27 (nos. 6525 & 6527).

“tarred receptacles” (*al-ẓurūf al-muzaffata*).¹³⁹ In the decades following ‘Umar II’s death, some Muslims remembered that he prohibited “gourds” and “tarred receptacles.” This memory may have inspired al-Ṣa‘īq, al-Awzā‘ī, and Ibn ‘Uyayna. However, it is unlikely that ‘Umar II used the Iraqi term *jarr*.

‘Umar II was generally unfamiliar with prophetic traditions.¹⁴⁰ The citation of a prophetic tradition suggests that he was not the author of this edict.

Segment 7: Here, both Versions 1 and 2 mention two punishments for drinkers: one will be inflicted by ‘Umar II or his agents in this world, and the other by God in the Hereafter. By contrast, IAH 1 mentions only a divinely ordained “calamity” that will strike all Muslims in this world. ‘Umar II’s caliphate lasted less than three years. There is no indication that ‘Umar II’s eschatological anxieties subsided during this brief period. His immediate successor, Yazīd b. ‘Abd al-Malik (r. 101-105/720-24), appears to have inherited these anxieties.¹⁴¹ Since ‘Umar II’s reign was ideologically consistent, the two different conceptions of punishment in IAH 1 and in al-Ṣa‘īq’s edict are best explained as products of two different time periods. The punishment in IAH 1 reflects ‘Umar II’s fear of an eschatological catastrophe *ca.* 100/718, whereas the punishments in al-Ṣa‘īq’s version of the edict reflect a period when such fears were no longer current. Threats of disaster tend to lose some of their force over time if the disaster never

¹³⁹ Al-Fasawī, *Ma‘rifā*, 2:226; idem, “*al-Ma‘rifā wa-l-tārīkh*,” MS 2391, Esad Efendi, Süleymaniye Kütüphanesi, Istanbul, 65v, l. 1. The manuscript has *KDY wa-‘an* which the editor emended to *kadhā aw ‘an*. However, *KDY* should be emended to *al-DBY*, i.e., *al-dubbā* (gourds). See Appendix B §5.1. Cf. Tillier & Vanthieghem, “Amphores rouges,” 24-5, where Sufyān b. ‘Uyayna is misidentified as Sufyān al-Thawrī.

¹⁴⁰ Crone & Hinds, *God’s Caliph*, 77-80; Juynboll, *Muslim Tradition*, 34-8.

¹⁴¹ Sahner, “First Iconoclasm,” 34-8.

materializes. The punishments cited in al-Ṣaʿīq's version were likely meant to serve as deterrents in perpetuity at a time when there was no concern over an imminent apocalypse. The long-term nature of these punishments is accentuated by the assertion that the prohibition of *nabīdh* is forever and not limited to the caliphate of ʿUmar II. For these reasons, it is highly unlikely that the two punishments cited in al-Ṣaʿīq's version reflect ʿUmar II's concerns. A later redactor, most likely al-Ṣaʿīq, pseudepigraphically attributed them to ʿUmar II.

Segment 8: Ending a letter with “Peace be upon you!,” as in Version 1, is Umayyad chancery practice.¹⁴²

In sum, the preceding analysis of al-Ṣaʿīq b. Ḥazn's version of the edict suggests a late date of composition that makes the attribution of this version to ʿUmar II unlikely. The Basran al-Ṣaʿīq, the first person known to have transmitted it, is most likely its author. In composing the edict, al-Ṣaʿīq appears to have drawn upon ur-IAH 1. He may have also relied upon other sources, perhaps even a lost edict of ʿUmar II. However, the most substantial parts of al-Ṣaʿīq's version of the edict, which deal with crime and punishment, were almost certainly introduced by al-Ṣaʿīq in Basra decades after ʿUmar II's death. Al-Ṣaʿīq taught versions of this edict to three students. Of these, ʿAbd al-Ṣamad b. ʿAbd al-Wārith appears to have most faithfully preserved his edict. The original edict likely prohibited *nabīdh* prepared in “jars, gourds, and tarred receptacles,” and permitted it in untarred waterskins. In addition, the *nabīdh* must be non-intoxicating, no matter in which receptacle it was prepared. The edict threatened drinkers with

¹⁴² Abu Safieh, “Umayyad Epistolography,” 43 and 80, n. 16.

punishment in this world if they are caught, or in the Hereafter if they evade punishment in this world.

2.2 Al-Balādhūrī and Ibn Qutayba’s Versions of the Edict (= Versions 4 and 5)

Two other versions of ‘Umar II’s edict share a close affinity with each other: Version 4 recorded by al-Balādhūrī (Baghdad, d. 279/892) in his *Ansāb al-ashrāf*,¹⁴³ and Version 5 recorded by Muslim b. Qutayba al-Dīnawārī (Baghdad, d. 276/889) in his *Kitāb al-ashriba*.¹⁴⁴

Al-Balādhūrī introduces Version 4 with the verb *qālū* (“they said”), suggesting that he learned about the edict from three or more informants and that he combined their reports into a single edict. A couple of pages earlier, when introducing another edict of ‘Umar II, unrelated to intoxicants, al-Balādhūrī says, “*al-Madā’inī wa-ghayru-hu qālū*” (“al-Madā’inī and others said”).¹⁴⁵ The Basran *akhbārī* ‘Alī b. Muḥammad al-Madā’inī (ca. 135-228/752-843)¹⁴⁶ may have been one of the sources for Version 4 as well. Ibn Qutayba cites Version 5 without indicating its provenance.

Whereas Version 4 identifies the recipients of ‘Umar II’s edict as his “governors,” Version 5 identifies the recipient as Ibn Artāt, the same Basran governor who was named as the

¹⁴³ Al-Balādhūrī, *Ansāb*, 8:148. Here, *al-ḥantam* was likely originally *al-jirār*. Al-Balādhūrī or a copyist may have changed *jirār* to *ḥantam*. Cf. Tillier & Vanthieghem, “Amphores rouges,” 61, n. 286.

¹⁴⁴ Ibn Qutayba, *Ashriba*, 51. Here, instead of *al-dinān*, read *al-dubbā’* as noted in one manuscript. The word *dubbā’* (collective plural) was changed to *dinān* (plural), probably to make it analogous to *jirār* (plural) which follows it.

¹⁴⁵ Al-Balādhūrī, *Ansāb*, 8:146.

¹⁴⁶ Ilkka Lindstedt, “al-Madā’inī,” *EF*³.

recipient in al-Ṣaʿīq's version. Version 5 adds that ʿUmar II sent the edict after hearing about many cases of people drinking intoxicating beverages while citing [fallacious] legal justifications (*ʿalā l-taʿwīl*). Whereas Version 5 ends abruptly after the Qurʾānic paraphrase “God’s punishment and chastisement are worse,” Version 4 continues in a manner similar to that found in Versions 1 and 2. Version 4 is probably independent of the truncated Version 5. The opposite seems also to be true.

Versions 4 and 5 resemble al-Ṣaʿīq's version of the edict. Indeed, they appear to be derived from a common source that combines Versions 1 and 2 (or unknown texts closely resembling them). If we examine segments 4 and 5 of Versions 1 and 2, we find that some elements are unique to Version 1 and others are unique to Version 2. When we examine the corresponding segments in Versions 4 and 5, we find the unique elements of Versions 1 and 2 combined in Versions 4 and 5.

In segment 4, the verbs *sharibnā* (first person, plural, perfect) and *ḥamala ʿalā* (third person, singular, perfect) appear in Version 1, but are absent in Version 2. In the corresponding segment, Versions 4 and 5 have *sharibnā* and *ḥamala ʿalā* (or *ḥamala... ʿalā*). In segment 4, the phrases *wa-hum yaqūlūn* and *ithm ʿaẓīm* are present in Version 2, but absent in Version 1. In the corresponding segment, Versions 4 and 5 have *wa-hum yaqūlūn* and *ithm ʿaẓīm* (or *al-ʿaẓīm... al-ithm*).

In segment 5, the phrase *allatī lā zift fī-hā* appears in Version 1, but is absent in Version 2. This phrase appears in the corresponding segment of Versions 4 and 5. In segment 5, the

phrase *nabīdh al-zabīb wa-l-tamr* appears in Version 2, but is absent in Version 1. In the corresponding segment, Versions 4 and 5 have a similar phrase, *nabīdh al-tamr wa-l-zabīb*.

These examples strongly suggest that Versions 4 and 5 are derived from a common source that collated Versions 1 and 2 (or unknown texts closely resembling them). Version 4, which al-Balādhūrī cites on the authority of several informants, contains some minor additions that may have been derived from other sources. However, the bulk of Version 4 closely resembles Version 5. The lost common source of these versions can be reconstructed with great accuracy. Here, it will be noted only that this source mentioned that the Prophet prohibited “tarred receptacles,” “gourds,” and “jars” (*jirār*). It also presented the “every intoxicant” maxim as a common saying unattributed to the Prophet. The identity of the author of this common source is a mystery. He may be the abovementioned al-Madā’inī, from whom al-Balādhūrī learned other traditions about ‘Umar II. Ibn Qutayba is known to have relied in a separate work on al-Madā’inī,¹⁴⁷ and may have relied on him for Version 5. As a Basran, al-Madā’inī likely would have been familiar with ‘Abd al-Ṣamad, al-Namarī, and other Basran students of al-Ṣa‘īq. Thus, al-Madā’inī may have served as a mediator between al-Balādhūrī and Ibn Qutayba and the students of al-Ṣa‘īq.

In sum, Versions 4 and 5 are derived from a lost source that combined Versions 1 and 2.

¹⁴⁷ See, e.g., Ibn Qutayba, *Gharīb al-ḥadīth*, 2:572 & 573.

8.2.3 *Ibn ‘Abd al-Ḥakam’s Version of the Edict (= IAH 2)*

The Egyptian Abū Muḥammad ‘Abdallāh b. ‘Abd al-Ḥakam (I) (d. 214/829),¹⁴⁸ who is closely associated with the Mālikī school, records the longest known version of the edict (= IAH 2) in his biography of ‘Umar II.¹⁴⁹ The biography is extant only in the recension of Ibn ‘Abd al-Ḥakam I’s son, Abū ‘Abdallāh Muḥammad b. ‘Abdallāh b. ‘Abd al-Ḥakam (II) (d. 268/882). Jonathan Brockopp suspects that Ibn ‘Abd al-Ḥakam II may have made some substantial revisions to this work of his father.¹⁵⁰ Ibn ‘Abd al-Ḥakam (I or II) cites this long edict immediately after citing the fiscal rescript that includes IAH 1. He is the sole known authority for the rescript and IAH 2. As in the case of IAH 1, he presents IAH 2 without an *isnād*. Muslim scholars sometimes criticized Ibn ‘Abd al-Ḥakam I for omitting *isnāds*. In the introduction to his biography of ‘Umar II, he remarks that he heard all the book’s material from his teachers, naming nine of them while noting other unnamed informants. He adds that each of his teachers narrated to him a portion of the material, presumably with chains of transmission, and he gathered it all together.¹⁵¹

As mentioned, according to Tillier and Vanthieghem, IAH 2 represents the most detailed and reliable record of ‘Umar II’s edict, albeit with some changes and interpolations. In their view, Versions like Versions 1, 4, and 5 are abbreviated variations of [ur-]IAH 2 sent to different

¹⁴⁸ Brockopp, *Early Mālikī Law*, 1-65.

¹⁴⁹ Ibn ‘Abd al-Ḥakam, *Sīrat ‘Umar*, 88-91.

¹⁵⁰ Brockopp, “Early Mālikī Law,” 24-6, 62.

¹⁵¹ Ibn ‘Abd al-Ḥakam, *Sīrat ‘Umar*, 23. On criticisms of Ibn ‘Abd al-Ḥakam for omitting *isnāds*, see Brockopp, “Early Mālikī Law,” 37-9.

addressees. They also claim that ‘Umar II may have issued [ur-]IAH 1 to clarify [ur-]IAH 2.¹⁵² As we have seen, however, IAH 1 faithfully preserves the core of ur-IAH 1; and Versions 1, 2, 3, 4, and 5, are all derived from an edict that the Basran al-Ṣa‘iq pseudepigraphically attributed to ‘Umar II. In what follows, I will demonstrate that IAH 2 is also derived from al-Ṣa‘iq’s version of the edict.

What follows is a translation of IAH 2, divided into numbered segments corresponding to those used above in Versions 1, 2, and 3:

[1] From the Servant of God ‘Umar b. ‘Abd al-‘Azīz the Commander of the Believers to Ayyūb b. Shuraḥbīl and to the Believers and Muslims of Egypt, men and women: Peace be upon you!

[2] *Ammā ba‘d*. I praise to you God, besides whom there is no god.¹⁵³

Ammā ba‘d [sic!].

God has revealed three verses regarding *khamr* in three *sūras* of the Qur’ān.

When the first two were revealed, people drank [*khamr*], but when the third was revealed, it became prohibited to them and the prohibition was firmly established. In the first one, God, blessed and exalted be He, said speaking the truth: “They ask you about *khamr* and gambling. Tell them: In both, there is a grave sin, but also some utility for the people.

¹⁵² Tillier & Vanthieghem, “Amphores rouges,” 32.

¹⁵³ On these opening formulae, see Abu Safieh, “Umayyad Epistolography,” 41-43; Qutbuddin, *Arabic Oration*, 65-75.

Their sin is greater than their utility” [Q 2:219]. Because of this [revelation], the people drank it due to this mentioned utility. Then God revealed the second verse, saying: “O Believers, do not approach prayer, while you are drunk, until you know that which you utter [...]” [Q 4:43]. Because of this [revelation], the people drank it, when it was not prayer time, and they avoided intoxication when it was prayer time. Finally, God revealed the third verse, saying: “O Believers, *khamr*, gambling, idols, and divining arrows are filth of Satan’s handiwork. Avoid it so that you may succeed! The Devil seeks only to sow enmity and hatred between you by means of wine and gambling and to prevent you from mentioning God and from praying. Will you desist?! Obey God, obey the Messenger, and beware! If you turn away, know that the message of our Messenger is clear!” [Q 5:90-1].

[3] Afterwards, because of this drink (*al-sharāb*), something occurred that ruined the piety of many people (*ri‘at kathīr mina l-nās*). Consequently, they engaged in activities prohibited by God thereby accumulating many things that are forbidden to them, after they lost their judgment and their minds became light witted (*dhahāb ‘uqūl-him*). [4] It reached the point that, in their eyes, prohibited blood (*ḥattā... al-dam al-ḥarām*), devouring prohibited property, and prohibited pudenda became permitted. Most¹⁵⁴ of the people who consume that drink wake up the next morning with only one excuse, saying: “There is no problem with us drinking *ṭilā’* (*lā ba’sa ‘alaynā fī shurbi-*

¹⁵⁴ The text has *kull* but it should probably be emended to *jull*. The meaning is the same.

hi).” By my life! Any food or drink or other thing that resembles *khamr* must be avoided. Those who drink this drink, which they permit, only do so with the help of Christians, who easily divert Muslims from their religion and cause them to engage in what is prohibited to them. There is high demand for their merchandise, and they easily meet it. There is no excuse for any Muslim to drink any drink that resembles drinks that have no good in them.

[5] God has supplied abundant means of avoiding it (*ghin^{an}*) and a breadth [of alternatives] (*wa-sa ‘a*) in the form of fresh water and beverages that leave nothing to be desired: honey, milk, oatmeal, and *nabīdh* from raisins and dates (*nabīdh al-zabīb wa-l-tamr*). However, whoever prepares *nabīdh* from honey or raisins or dates should prepare it only in waterskins (*asqiya*) that have no tar in them (*allatī lā zift fī-hā*). [6] It has reached us on the authority of the Messenger of God (ﷺ) that he prohibited drinking that which has been placed in jars (*jirār*), gourds, and tarred receptacles (*al-zurūf al-muqayyara*). Whoever drinks *ṭilā’* knows that it is prepared in tarred receptacles (*al-zurūf al-muzaffata*), be they jars (*qilāl*) or waterskins (*ziqāq*), due to a single benefit, that [*ṭilā’* prepared in these receptacles] intoxicates. We heard that the Messenger of God (ﷺ) said: “Every intoxicant is prohibited.”

[7] Therefore, take what God has permitted to you as a substitute for what he has prohibited or what resembles it. Truly, of all the drinks, only this one drink resembles it. Indeed, whoever we find drinking any of these drinks after our warning to him, we will subject him to a painful punishment, financially and corporally (*bi-māli-hi wa-naḥsi-hi*),

and we will make an example of him for others (*nakāl^{an} li-ghayri-hi*). Whoever conceals this [viz., his drinking] from us, God’s punishment, “torment, and chastisement are worse” [Q 4:84]. By issuing this prohibition of drinking *khamr*, the *ṭilā’* that resembles it, and [beverages] contained in gourds, jars, and tarred receptacles (*al-zurūf al-muzaffata*), my intention is to present legal proofs that will be held against you today and any time after today. Whoever obeys, it will be good for him, and whoever violates what has been prohibited, we will punish him publicly, and make an example of him to others. God will take care of anything that is hidden from us, for he is “watchful over all things” [Q 33:52] and “vigilant over all things” [Q 5:117 et al.]. I ask God to supply us and you with substitutes for what he has prohibited, to increase the rectitude and good-guidance of those of us and those of you who are upright, and to endeavor to turn the sinful to repentance with forgiveness. [8] Peace¹⁵⁵!

In segment 2 of this edict, the repetition of the *ammā ba ‘d* formula is a result of disorganized composition. According to Tillier and Vanthieghem, this clumsy opening as well as other features of this edict are signs of later editing. But they did not consider these inelegant features of IAH 2 sufficient criteria for dismissing the edict in its entirety as a later forgery.¹⁵⁶ In fact, IAH 2 is clearly a composite tradition cobbled together from multiple sources. With its combined

¹⁵⁵ The printed edition has “Peace be upon you and God’s mercy and blessings!”

¹⁵⁶ Tillier & Vanthieghem, “Amphores rouges,” 26-9.

prohibition of *ṭilā'* and *nabīdh*, it appears to be based on IAH 1 as well as on al-Ṣa'iq's version of the edict.

IAH 2 is closely related to Versions 4 and 5: It possesses narrative elements that are unique to those versions and absent in Versions 1 and 2. In segment 4, IAH 2 has the sequence *ḥattā... al-dam al-ḥarām*. In the corresponding segment, Versions 4 and 5 have the same sequence. What is important in this sequence is the use of *ḥattā* as a connective particle, an element absent in Versions 1 and 2. In segment 6, IAH 2 has the broken plural *jirār*. In the corresponding segment, Version 5 uses the same plural. By contrast, Versions 1 and 2 use the collective plural *jarr*. IAH 2 is evidently relying on the common source of Versions 4 and 5.

IAH 2 also appears to be influenced by Version 1 (or a non-extant version closely resembling it). Both IAH 2 and Version 1 use the phrase *dhahāb 'uqūli-him* in segment 3 and the phrase *aṣbaḥa jull/kull man yuṣību min dhālika l-sharāb* in segment 4. These phrases are absent in Versions 2, 4, and 5. Apparently, IAH 2 is an eclectic version of the edict attributed to 'Umar II; it was influenced by at least three sources.

Its muddled composition notwithstanding, IAH 2 methodically lays out the origin of the prohibition of all intoxicants, the threat drinking poses to the Muslim community, the prohibition of all intoxicants, and the punishments for transgressors.

Compared to al-Ṣa'iq's version of the edict, IAH 2 is more apologetic, a quality that indicates the lateness of IAH 2. It subtly downplays the magnitude of the drinking epidemic among Muslims in 'Umar II's generation. While al-Ṣa'iq's version of the edict states that

drinking intoxicants ruined the piety (*riʿa*) of “the people” (*al-nās*), IAH 2 states that it ruined the piety of “many people” (*kathīr mina l-nās*). Furthermore, IAH 2 shifts some of the blame from Muslim drinkers, placing it on their Christian enablers and accomplices. Without the Christians, IAH 2 asserts, Muslims would not have easy access to forbidden drinks. In al-Ṣaʿiq’s version of the edict, there is no such excuse. Muslims are solely to blame. Finally, whereas in al-Ṣaʿiq’s version, ʿUmar II asks God “to endeavor to turn those of us and those of you who are sinful towards repentance,” in IAH 2, he asks God “to endeavor to turn the sinful to repentance,” without attributing sin to ʿUmar II and other respectable Muslims. IAH 2 portrays ʿUmar II and contemporary Muslims more favorably than al-Ṣaʿiq’s version of the edict. IAH 2 is thus more hagiographical, a sign that it was composed later.

In segment 5, IAH 2 notes that *nabīdh* made of “raisins and dates” is a permissible alternative to intoxicants. This element originates in Version 2. However, in IAH 2 the probable meaning is “raisins *or* dates,” whereas in Version 2 the probable meaning is “raisins mixed with dates.” The redactor of IAH 2, who likely was intolerant of such combinations, is careful to add that *nabīdh* may be prepared from “honey *or* raisins *or* dates.” While Version 2 permits the preparation of *nabīdh* from a combination of types of fruit, IAH 2 does not appear to permit it. *Nabīdh* prepared from combinations, especially dates and raisins, is prohibited in the Mālikī school,¹⁵⁷ to which Ibn ʿAbd al-Ḥakam (I and II) adhered. The father or the son may be responsible for the reservations in IAH 2 concerning combinations.

¹⁵⁷ Cf. Mālik, *Muwaṭṭaʿ*, 2:47-8 (nos. 1833 & 1835).

IAH 2 addresses crime and punishment in more detail than al-Ṣa‘īq’s version of the edict. In the latter, ‘Umar II threatens that he will punish drinkers (*awja ‘nā-hu ‘uqūba*), providing no details about this punishment. However, in IAH 2, he names three ways in which he will punish them: financially, corporally (*fī māli-hi wa-nafsi-hi*), and as a public example to others (*nakāl^{an}*). The financial punishment may refer to breaking receptacles. The corporal punishment may refer to lashes and confinement. The public punishment may refer to a ruler’s prerogative to punish drinkers publicly as a deterrent to others. Note that these three punishments are mentioned by Ibn ‘Abd al-Ḥakam I in his *al-Mukhtaṣar al-kabīr fī l-fiqh*. If there is any doubt that IAH 2 and the *Mukhtaṣar* are speaking in one voice, it is removed by the fact that both use of the Qur’ānic term, *nakāl*, to denote exemplary punishment.¹⁵⁸ It seems that Ibn ‘Abd al-Ḥakam (I or II) used a heavy hand to fashion the contents of IAH 2 in his *Sīra* of ‘Umar II. He based IAH 2 on existing traditions but modified them so that they would better fit within his Mālikī legal framework.

IAH 2 opens with an introduction listing three Qur’ānic verses that form the basis of the laws prohibiting intoxicants. This element is not found in other versions of the edict and is unique to IAH 2. Such use of Qur’ānic quotations is rare in the Umayyad era,¹⁵⁹ suggesting that IAH 2 is not an authentic Umayyad document.

Another edict in Ibn ‘Abd al-Ḥakam’s biography of ‘Umar II opens with Qur’ānic verses that form the basis of a law. This edict concerns the treatment of Christians and other non-

¹⁵⁸ Ibn ‘Abd al-Ḥakam, *al-Mukhtaṣar al-kabīr*, ed. Aḥmad b. ‘Abd al-Karīm Khubayb (Dublin: Najībwayh, 2011), 437-9.

¹⁵⁹ Potthast, “Qur’ān Quotations,” 59–65; Abu Safieh, “Umayyad Epistolography,” 82, 133; Tillier & Vanthieghem, “Amphores rouges,” 27-9.

Muslims under Islamic rule.¹⁶⁰ Like IAH 2, it is an eclectic composition containing elements borrowed from different traditions.¹⁶¹ Luke Yarbrough has argued that this edict is an example of “pseudepigrapha composed by Muslim officials for an audience of ‘Abbāsīd ruling elites.”¹⁶² It seems that Ibn ‘Abd al-Ḥakam (I or II) regularly composed new ‘Umar II edicts by combining elements from different reports with his own additions. He sometimes prefaced these edicts with relevant Qur’ānic quotations. In this way, he introduced many new traditions that reflect his own legal outlook and have tenuous ties to ‘Umar II. Additional examples of edicts composed in this way are likely to be found in Ibn ‘Abd al-Ḥakam’s biography of ‘Umar II. The fiscal rescript may also contain interpolations by Ibn ‘Abd al-Ḥakam (I or II). Generally, Ibn ‘Abd al-Ḥakam’s *Sīra* of ‘Umar II should not be read merely as a work of historiography but also as a systematic Abbasid legal treatise. We are likely to learn from it no less about Ibn ‘Abd al-Ḥakam (I or II) than about ‘Umar II.

As mentioned, IAH 2 accuses Christians of causing Muslims to drink intoxicants, a charge that is not found in earlier versions of the edict. It is noteworthy that both IAH 2 and the edict discussed by Yarbrough adopt a pejorative attitude toward Christians in particular. This attitude seems to reflect an anti-Christian bias of Ibn ‘Abd al-Ḥakam (I or II).

¹⁶⁰ Ibn ‘Abd al-Ḥakam, *Sīrat ‘Umar*, 140.

¹⁶¹ See, e.g., al-Balādhurī: *wa-an yunzilū-hum bi-manzilati-him* etc. *Ansāb*, 8:196; Abū Yūsuf: *wa-lā yarkabanna [...] naṣrānī* etc. *Al-Kharāj*, 127-8. Parallels between the edict and other sources are discussed by Yarbrough, “Did ‘Umar,” 182-4.

¹⁶² Yarbrough, “Did ‘Umar.” Yarbrough does not identify Ibn ‘Abd al-Ḥakam as the potential creator of this edict. Since Ibn ‘Abd al-Ḥakam (I or II) likely created the long edict about intoxicants (= IAH 2), he likely also created the edict discussed by Yarbrough.

In sum, IAH 2 does not represent an edict of ‘Umar II. It is based on diverse sources that are often inconsistent with the known views of ‘Umar II. It is an adaptation of existing material by a later author, most probably Ibn ‘Abd al-Ḥakam I or his son. The adaptation testifies to the more developed legal doctrine of the father or the son in Egypt in the early Abbasid period.

8.2.4 *Ibn ‘Abd Rabbih’s Version of the Edict (= Version 6)*

Version 6 is recorded by Ibn ‘Abd Rabbih (Cordoba, d. 328/940).¹⁶³ According to Tillier and Vanthieghem, Version 6 may be a version of ‘Umar II’s edict sent to the western part of the Muslim empire.¹⁶⁴ In fact, this version is clearly derived from two eastern sources: Version 5 and IAH 2. In his doctoral dissertation, Abu Safieh argues that Version 6 contains many alterations and interpolations and is not a genuine letter from ‘Umar II.¹⁶⁵ Walter Werkmeister suggests that Version 6 is likely based on Version 5 but that it diverges from it in many ways.¹⁶⁶ The influence of Version 5 on Version 6 is apparent: both end abruptly with the Qur’ānic paraphrase “God’s punishment and chastisement are worse.” Werkmeister does not identify a source that would account for Version 6’s divergence from Version 5. It is now clear that this divergence is due to the influence of IAH 2, with which Version 6 shares many distinctive phrases, including: *lā ba’sa ‘alay-nā fī shurbi-hi* and *nu’āqib-hu fī* (or *‘alā*) *l-‘alāniya*, neither of which appears in any

¹⁶³ Ibn ‘Abd Rabbih, *al-‘Iqd al-farīd*, 8:64-5. For a translation, see Abu Safieh, “Umayyad Epistolography,” 75-76. This edict is addressed to the *ahl al-amṣār* and not to ‘Adī and the people of Basra.

¹⁶⁴ Tillier & Vanthieghem, “Amphores rouges,” 33.

¹⁶⁵ Abu Safieh, “Umayyad Epistolography,” 75-80.

¹⁶⁶ Werkmeister, *Quellenuntersuchungen*, 126-7.

other version of the edict. Ibn ‘Abd Rabbih probably created Version 6, basing it on Ibn Qutayba’s *Ashriba* and Ibn ‘Abd al-Ḥakam’s *Sīra*.

8.2.5 *Pseudo-Ibn Kathīr’s Version of the Edict (= Version 7)*

One of the manuscripts of *al-Bidāya wa-l-nihāya* by the Damascene historian Ibn Kathīr (d. 774/1373) contains a long section that appears to be the work of a later author.¹⁶⁷ This author, to whom I refer as Pseudo-Ibn Kathīr, records Version 7, a short redaction of the edict of ‘Umar II.¹⁶⁸ Like Versions 5 and 6, this redaction ends with the Qur’anic paraphrase “God’s punishment ‘and chastisement are worse.’” Thus, it appears to be based on either Version 5 or Version 6. Version 7 appears to be based on Version 1, since both include the phrase *dhahāb ‘uqūli-him*. In sum, Version 7 is recorded in a very late work and is derived from earlier versions.

8.2.6 *Conclusion*

An examination of the extant versions of an edict attributed to ‘Umar II prohibiting *nabīdh* reveals that it originated with the Basran al-Ṣa‘īq b. Ḥazn, who died after 160/777 (See Diagram A.2). Al-Ṣa‘īq copied some elements from ‘Umar II’s passage prohibiting *ṭilā’* (= ur-IAH 1) and perhaps from other unidentified sources. Be that as it may, the contents of al-Ṣa‘īq’s version of the edict reflect his time and place rather than those of ‘Umar II. Unlike ‘Umar II, al-Ṣa‘īq was

¹⁶⁷ Ibn Kathīr, *al-Bidāya wa-l-nihāya*, 10:35, n. 4.

¹⁶⁸ *Ibid.*, 10:39-40, n. 4.

not worried that the Muslim world was on the eve of destruction. He was concerned about the long term. He held that drinkers in every generation must be punished by agents of the caliph, and that if they evade capture in this world, God will punish them in the Hereafter. Al-Ṣaʿīq's version of the edict also addressed contemporary debates regarding the preparation of *nabīdh* in receptacles. In accordance with contemporary Basran law, it prohibited *nabīdh* prepared in virtually all receptacles, except waterskins that are not lined with pitch.

Al-Ṣaʿīq taught his edict to at least three students: ʿAbd al-Ṣamad, al-Namarī, and Ibn al-Mubārak, whose versions were preserved respectively by Ibn Ḥanbal, al-Fasawī, and al-Nasāʿī. The version of al-Namarī/al-Fasawī (= Version 2) departs radically from al-Ṣaʿīq's original tradition, permitting the use of waterskins lined with pitch instead of prohibiting it and allowing *nabīdh* made of a combination of dates and raisins.

A collector of traditions, possibly al-Madāʿinī, combined the versions of al-Namarī and ʿAbd al-Ṣamad (or ones closely resembling them) into a single version. This composite version has survived in three recensions recorded by two Baghdadis, al-Balādhurī and Ibn Qutayba, and by one Egyptian, Ibn ʿAbd al-Ḥakam (I or II). Al-Balādhurī's version (= Version 4) may have been influenced by other sources as well.

The Egyptian Ibn ʿAbd al-Ḥakam's version (IAH 2) contains many interpolations and changes that make it the longest version descended from al-Ṣaʿīq's tradition. It is influenced not only by al-Ṣaʿīq's tradition, but also by other sources, including IAH 1. IAH 2 reflects Ibn ʿAbd al-Ḥakam's world view, or possibly that of his son. It has little connection with the perspectives

of al-Ṣa‘iq or ‘Umar II. In IAH 2, it is stated that Christians are to be blamed for facilitating the consumption of intoxicating beverages by Muslims. This charge is not found in earlier versions of the edict and seems to reflect the anti-Christian sentiment of Ibn ‘Abd al-Ḥakam (I or II). IAH 2 focuses on prohibiting the preparation of *nabīdh* and *ṭilā’* in any receptacle lined with pitch, whether jar or waterskin. IAH 2’s description of crime and punishment matches that of Ibn ‘Abd al-Ḥakam, as he expresses it in his legal compendium.

Ibn ‘Abd Rabbih of al-Andalus recorded a version that combines the versions of Ibn Qutayba and Ibn ‘Abd al-Ḥakam, whereas Pseudo-Ibn Kathīr recorded a version that combines the versions of Ibn Qutayba (or Ibn ‘Abd Rabbih) and ‘Abd al-Ṣamad.

With the important exception of the core of IAH 1, we do not have the text of an edict sent by ‘Umar II to the provinces prohibiting intoxicants. This does not mean that no such edict was sent, but only that we do not know its details. In addition to prohibiting *ṭilā’*, ‘Umar II apparently prohibited the consumption of *nabīdh* prepared in jars, encouraging the use of waterskins instead.

Reconstructing the transmission history of Islamic traditions is not merely an exercise in textual criticism and stemmatic theory. It is a necessary step toward gaining a more complete understanding of early Islamic intellectual history. Transmitters of religious knowledge were not merely parroting the traditions they received from their teachers. For many of them, the transmission of traditions was a critical endeavor. First, transmitters had to determine if a tradition was worthy of transmission. If so, they would examine its contents, and if something

appeared incorrect or objectionable, they emended it. To this end, they often compared the received tradition with similar traditions received from other sources, and emended it accordingly. Transmitters did not always acknowledge the collation process. In addition, it is important to remember that handwritten Islamic texts are subject to the same rules of textual criticism as Homer's *Iliad* or the New Testament. The task of a critic of Islamic texts is rendered easier, since the texts are often accompanied by *isnāds* that give precious clues about their provenance. Finally, when examining traditions, it is important to bear in mind Ignaz Goldziher's valuable observation that Islamic traditions may teach us no less about the times in which they were transmitted than about the events documented in them.¹⁶⁹ Goldziher was referring to traditions with *isnāds*, but the same is true for many traditions without them.

¹⁶⁹ Goldziher, *Muslims Studies*, 2:[5].

Appendix AA: Al-Sha‘bī’s Tradition about ‘Umar I’s Missive Permitting *Ṭilā*’

In Part 1 of Appendix A, I discussed al-Sha‘bī’s tradition about ‘Umar I’s missive to his governor ‘Ammār b. Yāsir permitting *ṭilā*’ after two thirds of its original content have evaporated. In what follows, I will outline the transmission history of this tradition. I have found twenty relevant versions of this tradition preserved in numerous works. An analysis of the textual variations of these different versions and their paths of transmission allows us to construct a stemma of the tradition’s transmission history (See Diagram AA.1: *Simplified stemma of al-Sha‘bī’s Tradition about ‘Umar I*). This stemma suggests that al-Sha‘bī is this tradition’s originator. In what follows, I will discuss the various versions and how they relate to each other.

The extant versions may be divided into four groups based on two criteria: (1) their *isnāds* and (2) a stylistic element, ‘Umar I’s opening words in his missive. In the first group, ‘Umar I opens with *innī*. In the second group, he opens with *ammā ba‘du fa-inna-hu/hā*. In the third group, he appears to combine the openings of the first and second groups: *ammā ba‘du fa-innī*. In the fourth group, he opens with: *ammā ba‘du fa-inna*. While this division is arbitrary, it yields four distinct groups that represent four different stages in the textual evolution of the tradition.

Before analyzing the different versions of al-Sha‘bī’s tradition, I will describe some of the textual methods of criticism upon which I rely for dating these versions. My methods may be divided into two:

(1) *Isnād* critical methods: Given two versions with competing *isnāds*, the version with the less impressive *isnād* is likely to be earlier.¹⁷⁰ For example, as noted in Part 1, al-Sha‘bī’s tradition sometimes includes Abū l-Hayyāj as a mediator between him and ‘Ammār b. Yāsir. The addition of this mediator is likely an attempt to improve the *isnād* by filling in a gap. Versions that have Abū l-Hayyāj in the *isnād* are generally later than those that do not.

(2) Content critical methods: A version that is more polished or developed than another version is likely later. If one version uses simpler or less ambiguous language than another, the simpler version is later. For example, al-Sha‘bī’s tradition includes a missive. Some versions present the missive without any opening or closing formulae that are characteristic of Arabic epistolography. Other versions include such formulae. Transmitters tended to add these formulae to lend the tradition an air of authenticity. The versions without these formulae are more likely earlier.

9.1 Group 1: *innī*

In this group, ‘Umar I’s missive opens with *innī*. The group may be divided into two sub-groups. In one sub-group, the missive opens with *innī utītu bi-sharāb*. In the other, it opens with *innī qadimtu l-Shām*. The formulation *innī utītu bi-sharāb* is probably earlier.

In the first sub-group, there is only one known version with an *isnād* from al-Sha‘bī. It is recorded by Ibn Ḥazm (Cordoba, d. 456/1064) on the authority of Ḥuşayn ← Ibn Abī Laylā ←

¹⁷⁰ This principle for dating traditions was first formulated by Schacht, *Origins*, 33.

al-Sha‘bī. Ibn Ḥazm omits the later part of the *isnād*.¹⁷¹ Ibn Ḥazm’s version is “the archaic version” discussed in Part 1. It does not mention Abū l-Hayyāj and it presents the missive without any epistolary formulae, like *ammā ba‘d*. Ibn Ḥazm’s uncorroborated version may not inspire confidence in the minds of some Hadith critics, who require that a report be corroborated by multiple transmitters on every level of transmission. Indeed, other versions of al-Sha‘bī’s tradition are attested in greater numbers (See Diagram AA.1). However, this distribution of versions is exactly what we should expect. Later versions represent improved versions of the original. Transmitters likely preferred to transmit the improved ones due to the greater clarity of their language or more mature doctrine.

The phrase *innī utītu bi-sharāb* appears in at least two other early versions that are not attributed to al-Sha‘bī: (1) a version transmitted by Abū Ḥanīfa¹⁷² and (2) a version recorded by al-Ṭabarī.¹⁷³ These versions are likely “dives” intended to corroborate or surpass al-Sha‘bī’s tradition.¹⁷⁴

¹⁷¹ Ibn Ḥazm, *Muḥallā*, 8:274, l. 4. Typically, this *isnād* refers to Ḥuṣayn b. ‘Abd al-Raḥmān al-Sulamī (Kufa, d. 136/753) ← ‘Abd al-Raḥmān b. Abī Laylā (Kufa, d. ca. 83/702). However, it is unlikely that Ibn Abī Laylā transmitted traditions from his junior al-Sha‘bī. If the *isnād* is not completely corrupt, then Ibn Abī Laylā may be Muḥammad b. ‘Abd al-Raḥmān b. Abī Laylā (Kufa, d. 148/765), a known student of al-Sha‘bī’s. In any case, this odd *isnād* lacks corroboration. It cannot serve as proof that ‘Umar II’s missive existed before Ibn Abī Laylā’s death. Its dubious *isnād* notwithstanding, the contents of this version appear to be archaic.

¹⁷² Abū Yūsuf, *Āthār*, 227 (no. 1004). Abū Ḥanīfa may have learned this tradition from his teacher Ḥammād b. Abī Sulaymān (d. ca. 119/737), but the attribution to Ibrāhīm al-Nakha‘ī (d. 96/714) is doubtful. Abū Ḥanīfa and Ḥammād were rivals of al-Sha‘bī. See Judd, *Religious Scholars*, 46-9. Perhaps this rivalry prevented them from citing his tradition.

¹⁷³ Al-Ṭabarī, *Annales*, 1.5: 2409-10; idem, *the History of al-Ṭabarī, volume XII*, trans. Yohanan Friedmann, 197. Al-Ṭabarī cites Anas b. Mālīk as his source. Cf. Kueny, *Rhetoric*, 85-6.

¹⁷⁴ On diving *isnāds*, see Juynboll, *ECH*, xxii-xxvi.

There are three versions in the second sub-group. Two versions descend from the recension of Shu‘ba b. al-Ḥajjāj (Kufa, Basra, d. 160/776).¹⁷⁵ The other version is recorded by Abū Nu‘aym.¹⁷⁶

The relation between the two sub-groups is unclear. One may be derived from the other or each may represent a separate formulation by the same author. In any case, the group appears to be archaic.

The versions in this group convey the standard evaporator position: cooked grape juice is permitted after two thirds of its original contents have been boiled away.

9.2 Group 2: *ammā ba‘du fa-inna-hu/hā*

This group may be divided into two sub-groups. Versions in the first sub-group have the sequence *ṭilā’ al-ibil... yaṭbukhūna-hu*. Versions in the second sub-group have the sequence *ṭilā’ al-ibil qad ṭubikha*. The first sub-group appears to originate with Sulaymān al-Taymī (Basra, d.

¹⁷⁵ *Isnād*: Shu‘ba ← ‘Abd al-Raḥmān al-Aṣbahānī (Kufa, d. 105-20/723-38) ← al-Sha‘bī ← Abū l-Hayyāj. Ibn Zanjawayh, *Amwāl*, 2:559 (no. 920); al-Khaṭīb al-Baghdādī, *Talkhīṣ al-mutashābih*, 584 (no. 970). In Ibn Zanjawayh, read *al-Asadī* instead of *al-Azdī*. Shu‘ba’s version was contaminated by other traditions. He inserted Abū l-Hayyāj into the *isnād* likely under the influence of the third group. He also added that Christians break their fast on cooked juice. This detail is ultimately borrowed from a source resembling Ibn Abī Shayba, *Muṣannaḥ*, 8:126-7 (no. 24460).

¹⁷⁶ *Isnād*: al-Ghiṭrīfī ← al-‘Adawī ← al-Shālanjī al-Kisā’ī (Tabaristan, d. 230/844-5) ← Jarīr b. ‘Abd al-Ḥamīd (Kufa, Rey, 110-188/728-804) ← Mughīra b. Miqṣam (Kufa, d. ca. 136/753) ← al-Sha‘bī. Abū Nu‘aym, *Ṭibb*, 703-4 (no. 787). In this version, ‘Umar I compares the beverage to “the tar of camels.”

143/760) ← Abū Mijlāz Lāḥiq b. Ḥumayd (Basra, d. ca. 109/727) ← al-Sha‘bī.¹⁷⁷ The versions in the second sub-group appear to descend from two recensions: (1) Two versions descend from the recension of Qatāda (Basra, d. 117/735) ← Abū Mijlāz Lāḥiq b. Ḥumayd, who omits al-Sha‘bī’s name.¹⁷⁸ (2) A single version descends from the recension of Ma‘mar b. Rāshid (Basra, Yemen, d. 152/769) ← ‘Āṣim b. Sulaymān al-Aḥwal (Basra, d. ca. 142/759) ← al-Sha‘bī.¹⁷⁹

Group 2 clearly originates in Basra. Abū Mijlāz is its likely originator, although it cannot be ruled out that it began with his students Sulaymān al-Taymī or Qatāda. While the *isnād* of Ma‘mar’s version may suggest that this group originates with al-Sha‘bī, it is more likely that this *isnād* is inaccurate. Ma‘mar’s version resembles Qatāda’s. Therefore, it probably originated with Qatāda or Abū Mijlāz. Whoever introduced the ur-version of this group was likely responding to the evaporator tradition attributed to al-Sha‘bī.

In this group, ‘Umar I’s missive begins with the words *ammā ba‘d*. At first glance, the tradition appears to promote the standard evaporator view. However, it notes that the permitted

¹⁷⁷ Al-Nasā’ī, *Sunan*, 5:119 (no. 5207), = 6:296 (no. 6828); Ibn Ḥajar, *Fath al-Bārī*, 19:275-6. Here, “‘Āmir b. ‘Abdallāh” is al-Sha‘bī. See al-Bukhārī, *Tārīkh*, 6:450 (no. 2961). In al-Nasā’ī’s version, Abū Mūsā appears instead of ‘Ammār b. Yāsir. Ibn Ḥajar found his own version in a now lost text of Sa‘īd b. Maṣūm (Mecca, d. 227/841) on the authority of Abū Mijlāz. Ibn Ḥajar omits the transmitters in the *isnād* between Ibn Maṣūm and Abū Mijlāz. A search for “Abū Mijlāz” or “Lāḥiq b. Ḥumayd” in extant writings of Ibn Maṣūm (I used al-Maktaba al-Shāmīya) reveals that Ibn Maṣūm often cited Abū Mijlāz through the recension of Sulaymān al-Taymī. Also, the versions of al-Nasā’ī and Ibn Ḥajar are similar in wording. Thus, it is highly likely that they both relied on al-Taymī. The wording of al-Taymī’s version may be influenced by Group 3.

¹⁷⁸ Al-Nasā’ī, *Sunan*, 6:296 (no. 6829); Al-Salīmī, *Early Islamic Law in Basra*, 174-5. Al-Nasā’ī omits the contents of his version. However, there is no reason to assume that they were radically different from what is preserved in the *Aqwāl* attributed to Qatāda. Even though the *Aqwāl* is an Ibādī work, its *isnād* has transmitters upon whom *Ahl al-Sunna* often rely. The version in the *Aqwāl* may be based on the transmission of Sa‘īd b. Abī ‘Arūba mentioned in al-Nasā’ī’s version.

¹⁷⁹ ‘Abd al-Razzāq, *Muṣannaḥ*, 9:255 (no. 17120), = Abū Nu‘aym, *Ṭibb*, 703 (no. 785). The *matn* of this version is very confused. Its *isnād* may be as well.

beverage resembles “the tar of camels.” It also implies that evaporating two-thirds is not sufficient if the beverage’s capacity to intoxicate and its potent smell are not removed as well.

This group represents a conservative or thickener reinterpretation of al-Sha‘bī’s tradition.

9.3 Group 3: *ammā ba‘du fa-innī*

This group originates with ‘Abd al-Malik b. ‘Umayr (Kufa, d. 136/754), who cited it on the authority of al-Sha‘bī.¹⁸⁰ I discussed one version from this group in Part 1. Ibn ‘Umayr formulated this tradition as an improved version of the original evaporator tradition attributed to al-Sha‘bī (the first group). He added the story about al-Ḥajjāj and Ibn Abī l-Hayyāj that explains how al-Sha‘bī heard about ‘Umar I’s missive. He also prefixed the formula *ammā ba‘du* to the beginning of the missive to make it appear more credible. This addition may have been influenced by the second group. Ibn ‘Umayr also appended to the missive a farewell blessing (*wa-l-salām*).

9.4 Group 4: *ammā ba‘du fa-inna-hu/hā*

This group may be divided into two sub-groups based on their paths of transmission. (1) One sub-group descends from Abū ‘Alī al-Ḥasan b. Mūsā al-Ashyab (Baghdad, Rey, d. 209/824) ← Abū Mu‘āwiya Shaybān b. ‘Abd al-Rahmān (Baghdad, d. 164/781) ← Ash‘ath b. Sulaym Abī l-

¹⁸⁰ Ibn Abī Shayba, *Muṣannaf*, 8:128-9 (no. 24469); Ibn Ḥanbal, *al-‘Ilal*, 3:341-2 (no. 5510); Abū Ismā‘īl al-Azdī, *Futūḥ al-Shām*, 230. In Ibn Abī Shayba, read *‘an Ibn Abī l-Hayyāj* instead of *‘an Abī l-Hayyāj*. In Ibn Ḥanbal, read *‘Abd al-Malik b. ‘Umayr* instead of *‘Abdallāh b. ‘Umayr*. Al-Azdī’s version does not have an *isnād* but its contents are unmistakably similar to those of Ibn Abī Shayba’s version. Al-Azdī lived in mid-2nd/8th century Basra and had many Kufan teachers. He may have studied under Ibn ‘Umayr.

Sha‘thā’ (Kufa, d. 120-26/738-44) ← al-Sha‘bī ← Abū l-Hayyāj.¹⁸¹ (2) The other sub-group descends from Muḥammad b. ‘Alī (Mecca) ← Sa‘īd b. Maṣṣūr (Mecca, d. 227/841) ← [Abū Mu‘āwiya] ← Ash‘ath ← al-Sha‘bī ← Abū l-Hayyāj.¹⁸² Shaybān appears to be the common link.

Shaybān’s tradition is highly developed. He seems to have been influenced by Ibn ‘Umayr’s tradition. He not only mentions Abū l-Hayyāj as al-Sha‘bī’s source but also explains that Abū l-Hayyāj saw ‘Umar I’s missive with his own eyes and acted upon it. The tone of Shaybān’s tradition is apologetic. For example, whereas in the other groups, ‘Umar I consumes the cooked juice himself, in Shaybān’s tradition, one of ‘Umar I’s governors drinks it. Furthermore, in this group, ‘Umar I reluctantly approves of the beverage: According to ‘Umar I’s governor, Muslims had difficulty finding potable water and could hardly afford to drink honey [mixed with water]. Due to this constraint, ‘Umar I permits the beverage. Notably, ‘Umar I

¹⁸¹ This sub-group may be divided into two recensions: (1) al-Ashyab, *Juz’ fī-hi aḥādīth*, 49 (no. 23), = Abū Nu‘aym, *Ṭibb*, 701 (no. 783). The versions of “al-Ashyab” and “Abū Nu‘aym” are almost identical and share the same *isnād* from Abū Nu‘aym (Isfahan, d. 430/1038) ← [...] ← Bishr b. Mūsā (Baghdad, d. 288/900) ← al-Ashyab.

(2) Al-Qudūrī, *al-Tajrīd*, ed. Sirāj (Cairo: al-Salām, 2004), 6099; al-Jaṣṣāṣ, *Mukhtaṣar ikhtilāf al-fuqahā’*, 4:366. The versions of al-Qudūrī (Baghdad, d. 428/1037) and al-Jaṣṣāṣ (Rey, d. 370/981) both descend from al-Ṭaḥāwī (Egypt, d. 321/933). Al-Qudūrī does not cite al-Ṭaḥāwī as his source here. However, he is a Ḥanafī and appears to be relying on the same source as the Ḥanafī al-Jaṣṣāṣ, namely, the lost *Ikhtilāf al-‘ulamā’* of al-Ṭaḥāwī. Al-Qudūrī’s text more completely preserves al-Ṭaḥāwī’s lost text, while al-Jaṣṣāṣ informs us that al-Ṭaḥāwī is the source. Al-Jaṣṣāṣ omits the names of the transmitters between al-Ṭaḥāwī and al-Sha‘bī. Given the similarity between al-Ṭaḥāwī’s tradition and that of Bishr b. Mūsā ← al-Ashyab, they are reasonably closely related. A search for “al-Ashyab” in al-Ṭaḥāwī’s extant works reveals that he cited multiple traditions on the authority al-Ashyab. Al-Ṭaḥāwī probably received al-Sha‘bī’s tradition from an Egyptian teacher who studied under al-Ashyab.

¹⁸² Al-Saraqṣṭī, *Dalā’il*, 459 (no. 250). Al-Saraqṣṭī records this version with an *isnād* through Muḥammad b. ‘Alī ← Sa‘īd b. Maṣṣūr ← Abū ‘Awāna (Wāsiṭ, d. 176/792) ← Ash‘ath. This is a known *isnād* that recurs in many works. If this *isnād* is correct, then Ash‘ath is the common link of the versions in Group 4. However, given the developed contents of the versions in this group, Ash‘ath is not a believable common link, because he is too early. It is more likely that “Abū ‘Awāna” is a corruption of “Abū Mu‘āwiya.” Al-Saraqṣṭī records the *isnād* of Muḥammad b. ‘Alī ← Sa‘īd b. Maṣṣūr ← Abū Mu‘āwiya, elsewhere in the same work. See, e.g., *ibid.*, 541 (no. 293), 758 (no. 408), 886 (no. 477). The *isnād* of Abū Mu‘āwiya ← Ash‘ath is known, e.g., from Ibn Sa‘d, *Ṭabaqāt*, 2:184; al-Bukhārī, *al-Ṣaḥīḥ*, 8:151 (no. 6734). If this “Abū Mu‘āwiya” is the correct reading, then Abū Mu‘āwiya Shaybān is the common link.

stipulates, in one version, that after the juice is cooked one-ninth of the original contents should remain.¹⁸³

In sum, the fourth group represents Shaybān's more conservative reinterpretation of the evaporator tradition attributed to al-Sha'bī by Ibn 'Umayr and others.

9.5 Conclusion

The four groups of versions of al-Sha'bī's tradition examined in this appendix represent four stages in the development of his tradition about 'Umar I's missive. In the first stage, al-Sha'bī (d. between 103/721 and 110/728), or a student of his, transmitted an evaporator tradition in Kufa on the authority of 'Umar I. In the second stage, Abū Mijlaz (d. ca. 109/727), or a student of his, reinterpreted this tradition in Basra as a thickener tradition. In the third stage, the Kufan Ibn 'Umayr (d. 136/754) reaffirmed the Kufan evaporator tradition by improving its *isnād* and alleging its existence in the time of al-Ḥajjāj. In the fourth stage, Shaybān b. 'Abd al-Rahmān (d. 164/781) offered his own conservative or thickener reinterpretation of al-Sha'bī's tradition.

Al-Sha'bī's tradition must have been circulating before Ibn 'Umayr's death in 136/754. By that time, it had traveled in Kufa and Basra. The tradition may have begun with al-Sha'bī; alternatively, his students may have attributed it to him. One might object: Just as Ibn 'Umayr and others attributed to al-Sha'bī elements that were absent in the original tradition, someone

¹⁸³ Note that the reading *thuluth al-thuluth* (one-ninth) is found only in Bishr b. Mūsa's version in al-Ashyab, *Juz'*, 49 (no. 23), = Abū Nu'aym, *Ṭibb*, 701 (no. 783). Al-Ṭaḥāwī has *thuluthu-hu* ("its third"). See al-Qudūrī, *al-Tajrīd*, 6099; al-Jaṣṣāṣ, *Mukhtaṣar*, 4:366. The reading *al-thuluth* (the third) appears in al-Saraqusṭī, *Dalā'il*, 459 (no. 250). It would make sense that al-Ṭaḥāwī would revert to the standard Ḥanafī position that requires the evaporation of only two-thirds.

may have fabricated al-Sha‘bī’s tradition entirely. To this, I respond: There are two good reasons to accept al-Sha‘bī’s status as a common link and to view him as the originator of this tradition. First, Kufans and Basrans agreed that al-Sha‘bī transmitted this tradition. Notably, the Basrans, who modified the contents of the original Kufan tradition, did not deny al-Sha‘bī’s role as transmitter. Second, Ibn ‘Umayr sought to improve al-Sha‘bī’s *isnād* by naming his informant as Abū l-Hayyāj. If someone had fabricated al-Sha‘bī’s tradition, the fabricator would have equipped it with an impressive *isnād*. The fact that the *isnād* had to be improved indicates that this tradition was introduced at an early period when *isnāds* were not yet required or in common use,¹⁸⁴ i.e., in al-Sha‘bī’s lifetime.

Al-Sha‘bī likely transmitted the tradition about ‘Umar I’s missive. Obviously, the historicity of his transmission does not mean that ‘Umar I’s missive is authentic. Al-Sha‘bī may well have invented it with the intention of countering ‘Umar II’s edict.

¹⁸⁴ See Pavlovitch, “The Origin of the *Isnād*,” 17-48. While Hadith transmitters may have only begun to require *isnāds* in the aftermath of al-Mukhtār’s revolt (66-7/685-7), *isnāds* or their primitive equivalents may have been in limited use since the time of the Companions.

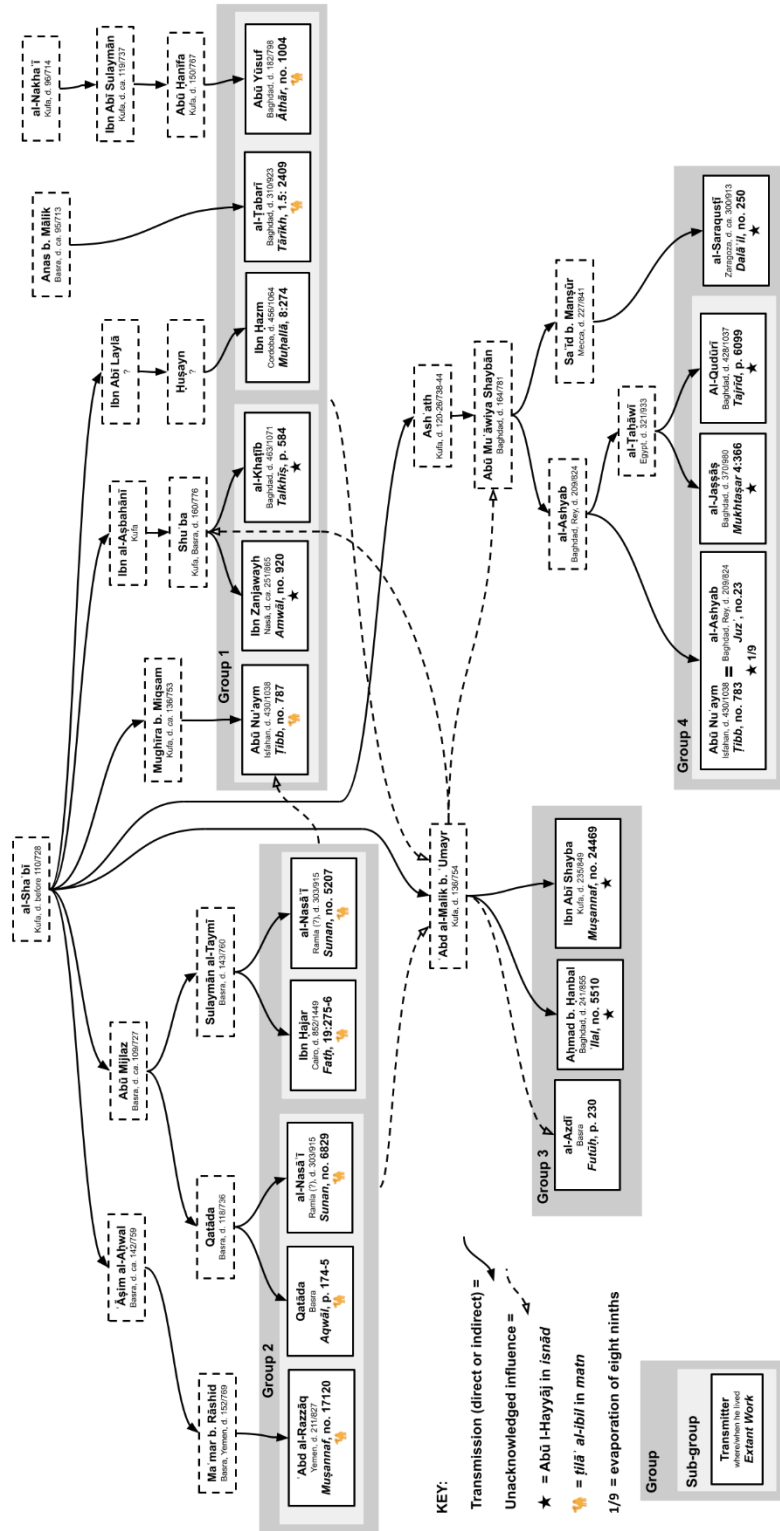


Diagram AA.1: Simplified stemma of al-Sha'bi's Tradition about 'Umar I

Appendix B: Other Versions of ‘Umar II’s Edict

In Appendix A, I discussed the version of ‘Umar II’s edict transmitted by al-Ṣa‘iq b. Ḥazn. I argued that al-Ṣa‘iq introduced that version or was heavily involved in shaping its contents. In this appendix, I will discuss other traditions from Basra and other cities about the edict. These traditions are attributed to al-Ḥasan al-Baṣrī (d. 110/728), Salām b. Miskīn (d. 167/784), and others.

1 The Traditions of al-Ḥasan al-Baṣrī about ‘Umar II’s Edict¹

Abū Sa‘īd al-Ḥasan b. Abī l-Ḥasan al-Baṣrī was a famous preacher and theologian from Basra, who is considered one of the most prominent early Islamic mystics. However, scholars have challenged this notion. Recently, Suleiman Ali Mourad argued that our knowledge of al-Ḥasan al-Baṣrī’s life is based on sources that are difficult to verify. He suggested that members of later generations are largely responsible for creating al-Ḥasan’s prevailing image.² While al-Ḥasan is usually remembered for his piety and mystic teachings, he was also a jurist, and, as we shall see, later scholars also used a heavy hand in shaping his juridical legacy.

Al-Ḥasan served as the *qāḍī* of Basra for a brief period under ‘Umar II and for another term after the latter’s death. He reportedly asked to be relieved of his responsibilities due to his old age.³ Given that he was part of the ‘Umar II administration that issued the edict about *nabīdh*

¹ I presented a version of this section at the Middle East History and Theory (MEHAT) workshop at the Center for Middle Eastern Studies (CMES) in the University of Chicago. I thank the respondent Mehmet Emin Gulecyuz and the other participants for their helpful comments.

² Mourad, *Early Islam*.

³ Sourdel, “Les cadis de Baṣra,” 112; Judd, *Religious Scholars*, 178; Melchert, “al-Hasan al-Basri,” 121-27.

and receptacles, he would have been expected to judge according to it. Hence, it is not surprising that people sought to document his opinion of the edict. There are four independent short traditions about him that mention the edict [Tradition HB.1-4]. Each tradition is fitted with a Basran *isnād*. The traditions are as follows:

1.1 Tradition HB.1

Al-Bukhārī records Tradition HB.1 on the authority of Mūsā b. Ismā‘īl (Basra, d. 223/838) ← ‘Awn b. Mūsā (Basra), who said:

Sulaym Abū l-Yasa‘, *mawlā* of Abū Khalīfa l-‘Abdī said: When al-Ḥasan was at our place, I asked him about the *nabīdh* of jars. He answered: “‘Umar prohibited it. He is the leader; we obey him (*huwa l-imām yuṭā*).”⁴

The “‘Umar” mentioned in this tradition is likely ‘Umar II. The exchange depicted probably took place after ‘Umar II’s caliphate. In the tradition, Abū l-Yasa‘ learns that al-Ḥasan concurs with the relatively recent edict prohibiting *nabīdh*. It may be noted that in his response al-Ḥasan does not appeal to the authority of the Prophet or any other Companion or Successor. The wording of this tradition implies that al-Ḥasan did not have a strong opinion about the *nabīdh* of jars until ‘Umar II’s edict came along. The tradition does not clearly address if the prohibition existed before ‘Umar II’s edict, or if it should exist after his caliphate.

⁴ Al-Bukhārī, *Tārīkh*, 7:17 (no. 75).

1.2 Tradition HB.2

Ibn Qutayba records Tradition HB.2 on the authority of Muḥammad b. Yaḥyā al-Quṭaʿī (d. 253/867-8) ← al-Ḥajjāj b. Minhāl (d. 217/832) ← Ḥammād b. Salama (d. 167/784):

On the authority of Ḥumayd [al-Ṭawīl] on the authority of al-Ḥasan who said: “When you enter as a guest of your fellow Muslim (*akhī-ka*), eat what he gives you to eat and drink what he gives you to drink!” [Ḥumayd said:] “O Abū Saʿīd, they prepare *nabīdh* in jars [at these events]!” [Al-Ḥasan] said: “They really do that?! I would never imagine that anyone would do such a thing after ʿUmar b. ʿAbd al-ʿAzīz’s edict (*kitāb*).”⁵

This tradition is about the proper etiquette for a Muslim invited to a meal by a fellow Muslim. Some Muslims were concerned that some of their brethren were not adequately adhering to Muslim dietary laws. This was a source of tension as Muslims sometimes had to choose between consuming potentially *ḥarām* food and drink, and insulting their hosts.⁶ In this tradition, al-Ḥasan instructs people to eat and drink whatever they are served. He assumed that his community generally observed the law well. Apparently, his young interlocutor, Ḥumayd al-Ṭawīl (d. 142-3/759-60),⁷ had greater familiarity with the drinking habits of contemporary Basrans and was therefore surprised that al-Ḥasan would seemingly approve of *nabīdh* in jars.

⁵ Ibn Qutayba, *Ashriba*, 52. All transmitters are Basrans. Cf. Tillier & Vanthieghem, “Amphores rouges,” 59.

⁶ For traditions about this matter, see Ibn Abī Shayba, *Muṣannaf*, 8:108-109 (no. 24355 and 24356) and 212-13 (*man qāla idhā dakhalta ʿalā akhī-ka fa-kul min taʿāmi-h* [“Those who said: When you are your Brother’s guest, eat his food!”]); Al-Salimi, *Early Islamic Law*, 258-9. On different early Muslim attitudes to drinking intoxicants, see Tannous, *Making*, 278-87.

⁷ Juynboll, *ECH*, s.v. “Ḥumayd b. Abī Ḥumayd aṭ-Ṭawīl.”

As it turns out, al-Ḥasan was mistakenly convinced that ‘Umar II’s edict had eradicated the consumption of this beverage.

Al-Ḥasan’s exhortation to eat at the tables of other Muslims was a known statement attributed to him. However, it was open to being understood as *carte blanche* to drink *nabīdh*, including the notorious *nabīdh* of jars. Therefore, transmitters introduced traditions that variously clarified al-Ḥasan’s intent. Tradition HB.2 is one of these traditions. It explains that al-Ḥasan issued his exhortation under a false assumption and not because he approved of the *nabīdh* of jars. The tradition implies that Muslims should not blindly follow al-Ḥasan’s exhortation.

In addition to Tradition HB.2, other transmitters circulated other traditions that resolved the controversy surrounding al-Ḥasan’s exhortation. Two of these anecdotes, unlike Tradition HB.2, assume that al-Ḥasan was fully aware of the types of beverages being served at banquets. These anecdotes present two diverging explanations for how he expected guests to behave.

One Basran anecdote relates that al-Ḥasan once attended a wedding feast (*walīma*) for the daughter of the Basran Anas b. Sīrīn (d. 118/736).⁸ After the food was served, we are told the following:

While [al-Ḥasan] was eating, there was a man beside him with an ewer (*ibrīq*) filled with *nabīdh*. Al-Ḥasan ordered him: “Pour me a drink!” As this man was pouring the drink

⁸ Anas is the younger brother of the famous transmitter Muḥammad b. Sīrīn. See Ibn Sa‘d, *Ṭabaqāt*, 9:206; al-Dhahabī, *Siyar*, 4:622-23.

from the ewer into his cup, another man said: “O Abū Sa‘īd, it’s *nabīdh* of jars!” Al-Ḥasan snapped: “May you not have a father! who put you in charge!?! Who asked you!?! ‘When you enter as a guest of your fellow Muslim, eat what he gives you to eat and drink what he gives you to drink!’” [Al-Ḥasan] did not drink.⁹

In this anecdote, al-Ḥasan allows for the *nabīdh* of jars to be poured in his cup, but he does not drink it. Presumably he never intended to drink it, allowing for it to be poured as a mere courtesy to his host.¹⁰ A second Basran anecdote offers an alternative way of resolving al-Ḥasan’s controversial advice. According to this anecdote, al-Ḥasan said:

When you enter as a guest of your fellow Muslim, ask him about his beverage! If it is the *nabīdh* of waterskins, drink!¹¹

In other words, guests should verify the nature of the *nabīdh* being served. If it is the benign *nabīdh* of waterskins, then it may be consumed.

⁹ *Isnād*: Bishr b. Mu‘ādh (Basra) ← al-Ḥasan b. Salm. See Ibn Abī l-Dunyā (d. 281/894), *Ishrāf*, 178 (no. 158). *Isnād*: ‘Īsā [b. Aḥmad al-‘Asqalānī] (Balkh, d. 268/882) ← Abū Mu‘āwiya [‘Abd al-Raḥmān b. Qays al-Za‘farānī] (Wāsiṭ, Basra) ← al-Ḥasan b. Muslim [= Salm] b. Šālīḥ al-‘Ijlī. See al-Shāshī (d. 335/946), *Musnad*, 2:99-100 (no. 625). Both versions are attributed to al-Ḥasan b. Salm al-Wāsiṭī. His identification as Ibn Šālīḥ al-‘Ijlī may be erroneous. For Ibn Salm, see Ibn Abī Ḥātim, *Jarḥ*, 3:16-17 (no. 61).

¹⁰ A less likely interpretation of al-Ḥasan’s behavior is that he intended to drink the *nabīdh*, perhaps in a moderate quantity, but refrained to do so because he was publicly called out.

¹¹ *Isnād*: Yazīd b. Hārūn (Wāsiṭ, d. 206/821) ← Hishām b. Ḥassān (Basra, d. ca. 148/765). Ibn Abī Shayba, *Muṣannaḥ*, 8:109 (no. 24356). Here, *nabīdh suḡiya* should be emended to *nabīdh siqā’*. If one insists on reading *suḡiya*, then the meaning of the anecdote is that al-Ḥasan expected people to drink the “*nabīdh*” served at feasts. In this case, the meaning resembles that of the anecdote cited in the next note.

A third anecdote, from Kufa, resolves al-Ḥasan's exhortation in a radically different manner. This anecdote states that al-Ḥasan would drink the *nabīdh* served to him at weddings.¹² This likely included the *nabīdh* of jars. Tradition HB.2 and the two other Basran anecdotes were perhaps pushing back against permissive Kufan traditions like this one and *vice versa*.

Tradition HB.2 and the three discussed anecdotes offer four competing solutions to the same problem: Did al-Ḥasan mean that guests should consume problematic food and drinks served by their hosts to avoid insulting them? The existence of four conflicting solutions indicates that three or even all four are later fabrications. Al-Ḥasan's statement that one should eat and drink what one is served is likely genuine, or at least attributed to him very early on. Based on the analysis of his statement and related anecdotes, al-Ḥasan had a relaxed opinion about the *nabīdh* of jars popularly drunk at weddings and other festive meals. Later Basran scholars redefined his opinion making it more conservative.

In sum, a famous statement of al-Ḥasan caused an exegetical problem. Tradition HB.2 is a late literary invention that invokes 'Umar II's edict to solve this problem. Despite this tradition's fabricated nature, four important pieces of historical information may be extracted from it: (1) Early on, al-Ḥasan was not known to have objected to the *nabīdh* of jars and may have even promoted drinking it at weddings. (2) In the decades following the edict's publication, many Basran jurists developed a more hard-lined position toward the *nabīdh* of jars and

¹² *Isnād*: Abū Usāma (Kufa, d. 201/816-7) ← Abū Ḥayyān al-Taymī (Kufa, d. before 145/762) ← Yūnus b. 'Ubayd (Basra, d. 139/756). Ibn Abī Shayba, *Muṣannaf*, 8:107 (no. 24347).

projected it back unto al-Ḥasan. (3) The edict did not deter the common Basran folk who continued drinking it. (4) Finally, this tradition does not mention if the edict included any statement on the authority of the Prophet or his Companions, a sign that such traditions may not have been well known or well regarded in the generations following al-Ḥasan's death.

1.3 Tradition HB.3

Ibn Ḥanbal records Tradition HB 3 on the authority of 'Abd al-Ṣamad (Basra, d. 207/822) ← Thābit b. Yazīd (Basra, d. 169/786), who said:

'Āṣim [b. Sulaymān al-Aḥwal (Basra, d. ca. 142/759)] reported on the authority of al-Ḥasan that he used to prohibit [the *nabīdh* of] jars before the caliphate (*imra*) of 'Umar b. 'Abd al-'Azīz and before the time of the person who appointed 'Umar governor.¹³

The Umayyad caliph al-Walīd b. 'Abd al-Malik (b. ca. 54/674 in Mu'āwiya's reign) appointed 'Umar II governor of Medina. Al-Ḥasan's intent in this tradition is that he always prohibited *nabīdh*, even before the lifetime of al-Walīd. While Tradition HB.1 makes it appear as if al-Ḥasan did not have a strong opinion regarding the *nabīdh* of jars prior to 'Umar II's edict, Tradition HB.3 firmly establishes that al-Ḥasan had staunchly opposed this *nabīdh* before it was official policy. According to this tradition, al-Ḥasan had no need for a bureaucratic caliphal decree to teach him how to be a Muslim. The tradition rehabilitates al-Ḥasan's image by portraying him as an independent jurist, not as a rubber stamp for the Umayyads.

¹³ Ibn Ḥanbal, *Ashriba*, 56 (no. 96). Cf. Tillier & Vanthieghem, "Amphores rouges," 59, n.276.

Tradition HB.3 may also reflect an evolving belief that the prohibition of *nabīdh* in jars is not merely a temporary political imposition by ‘Umar II, but a well-grounded religious requirement for every generation. Given that al-Ḥasan’s reputation as a pious mystic only grew with time, it seems less likely that his depiction as an unassertive scholar predates his depiction as an assertive one. Finally, it is again noteworthy that in Tradition HB.3, al-Ḥasan relies neither on the authority of the Prophet nor on that of his Companions.

1.4 Tradition HB.4

Tradition HB.4 is recorded by Ibn Ḥanbal on the authority of Ibrāhīm b. Sa‘d (d. 183/799), who said:

Al-Rabī‘ b. Ṣabīḥ said: I asked al-Ḥasan and Muḥammad b. Sīrīn about *nabīdh* –I think he said “the *nabīdh* of jars”–, and they both said it was reprehensible and prohibited (*fakarihā-hu wa-nahayā-nī ‘an-hu*). Then, ‘Umar b. ‘Abd al-‘Azīz’s edict (*kitāb*) arrived, prohibiting it.¹⁴

This tradition, like Tradition HB.3, asserts that al-Ḥasan prohibited the *nabīdh* of jars independently of ‘Umar II’s edict. Additionally, al-Ḥasan is said to have had the same opinion as another prominent jurist, Ibn Sīrīn. Tradition HB.4 thus aims to solidify the prohibition of the *nabīdh* of jars as predating ‘Umar II’s edict. A later transmitter appears to have invented

¹⁴ *Isnād*: Ibn Ḥanbal ← Ibrāhīm b. Sa‘d (d. 183/799) ← al-Rabī‘ b. Ṣabīḥ. See al-Marrūdhī, *Wara‘*, 96. Ibn Ḥanbal met Ibrāhīm b. Sa‘d in 182 a year before his death, learning from him another tradition about *nabīdh*. It has an *Isnād* from ← Ibn Sa‘d ← al-Rabī‘ b. Ṣabīḥ ← [...] ← the Prophet. See al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 4:323-24 (no. 4330).

Tradition HB.4, attributing it to al-Ḥasan and Ibn Sīrīn and basing its *isnād* and contents on another tradition unrelated to the *nabīdh* of jars.¹⁵

1.5 Summary: *The Traditions of al-Ḥasan al-Baṣrī*

The four traditions attributed to al-Ḥasan are all in agreement that ‘Umar II issued an edict prohibiting the *nabīdh* of jars. This fact is likely historical. Be that as it may, there is reason to doubt the genuineness of other details in these traditions due to various inconsistencies. While Tradition HB.1 portrays al-Ḥasan as merely following Umayyad orders, Traditions HB.3 and HB.4 portray him as an independent jurist who forms his own opinions. In Tradition HB.1, the prohibition of the *nabīdh* of jars can seem like a temporary Umayyad ordinance, whereas Traditions HB.3 and HB.4 imply that this *nabīdh* should always and forever be prohibited. From Tradition HB.2, it may be learned that some interpreted al-Ḥasan’s exhortation to drink what is served at banquets as permission to drink the *nabīdh* of jars. It may also be seen that the edict failed to remove that beverage completely from the homes of Basrans. Apparently, al-Ḥasan was not known to have had a strong opinion regarding the *nabīdh* of jars and may have even allowed or tolerated it. Later transmitters attributed to him a prohibitive stance, which he likely never held.

¹⁵ This is a tradition on the authority of Muḥammad b. Yazīd al-Wāsiṭī (d. 188-90/802-04) ← Sufyān b. Ḥusayn al-Wāsiṭī (d. 150-59), who said: “I asked al-Ḥasan and Muḥammad b. Sīrīn about *nabīdh* in lead receptacles (*al-nabīdh fī l-raṣāṣ*)”–, and they both said it was reprehensible and prohibited (*fa-karihā-hu wa-nahayā-nī ‘an-hu*).” See Ibn Ḥanbal, *Ashriba*, 55 (no. 93); Ibn Abī Shayba, *Muṣannaḥ*, 8:119 (no. 24418). The words “*wa-nahayā-nī ‘an-hu*” are absent in Ibn Abī Shayba’s version.

2 The Tradition of Salām b. Miskīn about the Edict

Salām b. Miskīn (d. 167/784) was a Basran who transmitted traditions on the authority of al-Ḥasan al-Baṣrī and others.¹⁶ He too claimed to have heard ‘Umar II’s edict about *nabīdh*. Two of his students preserve his account of the edict. The first is the Basran ‘Abd al-Ṣamad, who transmitted many traditions about receptacles, and the second is the Kufan ‘Abdallāh b. Ṣāliḥ al-‘Ijlī (d. 211/826).¹⁷ Their versions of his account resemble each other, yet seem to be independent of each other, two separate recollections of the same source.

2.1 Tradition SbM.1

According to Ibn Ḥanbal, ‘Abd al-Ṣamad said on the authority of Ibn Miskīn:

I witnessed the reading out of the edict (*kitāb*) of ‘Umar b. ‘Abd al-‘Azīz to the people of Basra in which he prohibited them to drink from gourds, *naqīr*, and *muzaffat*.¹⁸

According to a variant of this tradition, ‘Umar II only mentions *ḥantam* as prohibited,¹⁹ and according to another variant, he only mentions *muzaffat* as prohibited.²⁰ It is possible that all four items, gourds, *naqīr*, *muzaffat*, and *ḥantam* were originally included Tradition SbM.1. The tradition was then broken up into smaller variants so that they could address specific legal queries.

¹⁶ Al-Dhahabī, *Siyar*, 7:414-15.

¹⁷ Ibid., 10:403-05.

¹⁸ Ibn Ḥanbal, *Ashriba*, 47 (no. 53).

¹⁹ Ibid., 47 (no. 52).

²⁰ Ibid., 70 (no. 158).

2.2 Tradition Sbm.2

According to al-Balādhurī, ‘Abdallāh b. Šāliḥ reported on the authority of Ibn Miskīn:

‘Umar b. ‘Abd al-‘Azīz wrote to ‘Adī and the people of Basra, prohibiting them from practicing tax-farming (*al-qabāla*),²¹ exchanging dirhams for dirhams unless if they are of the same value,²² wearing silk, and [making and possessing] figural representations (*tamāthīl*), and [prohibiting] the four receptacles: gourds, *naqīr*, *ḥantam*, and *muzaffat*.²³

The edict in this tradition is reminiscent of IAH 1 and the rest of “the fiscal rescript” in that it combines several disparate legal issues into one document. Either this reflects a single original document sent by ‘Umar II, or it has been pieced together from various edicts and commandments attributed to ‘Umar II.

2.3 Summary: The Traditions of Salām b. Miskīn about the Edict

Salām b. Miskīn reportedly recalled that ‘Umar II prohibited drinking *nabīdh* in the four receptacles: gourds, *naqīr*, *ḥantam*, and *muzaffat*. It is possible that Ibn Miskīn’s tradition did not originally include all four receptacles. Even though his tradition was recorded by transmitters from two different cities, Basra and Kufa, there does not seem to be any significant disagreement between them regarding *nabīdh* and receptacles. There is no indication in this tradition that ‘Umar II cited any Prophetic or Companion traditions in his edict.

²¹ On the practice of *qabāla*, often considered usurious, see Claude Cahen, “Ḳabāla,” *EF*²; Haque, “Metayage,” 219-37.

²² This was considered a usurious practice.

²³ Al-Balādhurī, *Ansāb*, 8:165.

3 The Tradition of al-Rabī‘ b. Ḥabīb about the Edict

In an Ibādī exegetical work inconclusively attributed to the scholar Abū l-Ḥawārī (d. 4th/10th century), the author claims on the authority of the *imām* al-Rabī‘ b. Ḥabīb (Basra, d. ca. 180/796) that ‘Umar II prohibited the *nabīdh* of jars and that in his edict he claimed that the Prophet prohibited it.²⁴ The claim that ‘Umar II relied on the authority of the Prophet is likely ahistorical, since it is conspicuously absent in other Basran traditions about the edict.

4 Summary: The Edict in Basra

‘Umar II issued an edict about the preparation of *nabīdh* in receptacles. This edict left a strong impression on the people of Basra, who recorded multiple accounts of this edict. Some of these accounts were clearly invented or heavily redacted after ‘Umar II’s death. Based on these accounts, especially those about al-Ḥasan al-Baṣrī, Basrans understood the edict as prohibiting “the *nabīdh* of jars.” The edict likely did not cite the example of the Prophet to justify the prohibition. Transmitters of some accounts of the edict mentioned various receptacles as prohibited and added mention of the Prophet.

²⁴ Abū l-Ḥawārī, *Dirāya*, 1:167-8. On the uncertain authorship of this work, see al-Kharusi, “Overview,” 272. Al-Kharusi notes that this work is heavily dependent on an earlier one attributed to Muqātil b. Sulaymān, to which the author added some additions and modifications that reflect Ibādī doctrine. I would add that many of these changes may have been borrowed from earlier Sunni works, perhaps those of Ibn Ḥanbal.

5 The Edict in Kufa

‘Umar II reportedly sent an edict about *nabīdh* and receptacles to Kufa. It is preserved in three traditions attributed to three different transmitters.

5.1 Tradition IU

Ya‘qūb b. Sufyān al-Fasawī (Persia, d. 277/890) preserves Tradition IU on the authority of Ibn Yūnus (Kufa)²⁵ ← al-Ḥumaydī (Mecca, d. 219/834)²⁶ ← Sufyān b. ‘Uyayna (Kufa, Mecca, d. 198/811)²⁷ ← His father ‘Uyayna (Kufa)²⁸:

I heard Muḥammad b. ‘Abd al-Raḥmān *mawlā* Āl Ṭalḥa²⁹ reading the edict (*kitāb*) of ‘Umar b. ‘Abd al-‘Azīz prohibiting [gourds] and tarred receptacles (*al-ẓurūf al-muzaffata*).³⁰

This tradition, transmitted by al-Ḥumaydī from his teacher Ibn ‘Uyayna, prohibits “gourds” and tarred receptacles. It is however not found in the extant *Musnad* of al-Ḥumaydī, which mainly contains traditions from Ibn ‘Uyayna. The *Musnad* does include six Prophetic traditions by Ibn ‘Uyayna about receptacles: In three, the Prophet prohibits gourds and *muzaffat*.³¹ In a fourth, he

²⁵ The text here reads “Ibn Yūnus” but it may be a corruption of “Abū Yūsuf [al-Fasawī]. If the text is corrupt in this way, then al-Fasawī heard this tradition directly from al-Ḥumaydī. See al-Fasawī, *Ma‘rifā*, 2:226, n.3.

²⁶ Al-Dhahabī, *Siyar*, 10:616-21.

²⁷ Sectorsky, “Sufyān b. ‘Uyayna,” *EF*²; Juynboll, *ECH*, s.v. “Sufyān b. ‘Uyayna;” Pavlovitch, *Kalāla*, 81, n.38, & 82, n.40.

²⁸ Ibn ‘Uyayna often transmits directly from Muḥammad b. ‘Abd al-Raḥmān, without his father’s mediation, e.g., in al-Ḥumaydī, *Musnad*, 1:227 (no. 136).

²⁹ Al-Bukhārī, *Tārīkh*, 1:146 (no. 437). *Mawlā* Āl Ṭalḥa was from Kufa.

³⁰ Al-Fasawī, *Ma‘rifā*, 2:226. The manuscript on which this edition is based has here *yanhā* ‘an *KDY wa-l-ẓurūf al-muzaffata*. I emend كدى here to الدبى (an alternative form of *al-dubbā*). This emendation is based on other traditions of Ibn ‘Uyayna discussed in this section.

³¹ Al-Ḥumaydī, *Musnad*, 1:562-3 (no. 725) & 2:248 (no. 1112) & 2:303 (no. 1219).

prohibits gourds and jars,³² but in a fifth, he concedes and permits non-tarred jars.³³ In a sixth, he permits waterskins and stone basins.³⁴ Tradition IU is thus consistent with other known traditions from al-Ḥumaydī from Ibn ‘Uyayna. The latter probably transmitted all these traditions and may have originated some of them. He seems to have held that only gourds and tarred receptacles are prohibited.

5.2 Tradition BM

The main narrator of Tradition BM is one Abū l-‘Alā’ Bayyā’ al-Mashājib, a seller of the racks known as *mashājib* (sg., *mishjab*). A *mishjab* consists of a piece or pieces of wood and is used for suspending waterskins for cooling.³⁵ His occupation may explain why he transmitted the following tradition about *nabīdh* and waterskins:

The edict (*kitāb*) of ‘Umar b. ‘Abd al-‘Azīz, may God have mercy upon him, was read to us in the mosque of Kufa, while I was listening. [It was as follows]: “Whoever has been entrusted with something (*la-hu amāna*) and cannot pay it back, give him money from the treasury of God (*min māli Llāh*) [so that he may pay it back]! Whoever has married a woman and cannot pay her dower, give him money from the treasury of God [so that he may pay it back]! *Nabīdh* is permitted. Drink it in a waterskin (*al-su ‘n*)!” He [= probably

³² Ibid., 1:562 (no. 724).

³³ Ibid., 1:495 (no. 593).

³⁴ Ibid., 2:348 (no. 1320).

³⁵ E.W. Lane, *Lexicon*, s.v. *mishjab*. It is described as a group of sticks bound together at the top and spread apart on the bottom.

Abū l-‘Alā’] added: All the people drank it. Then Abū l-‘Alā’ said: “Whenever there was a wedding party (‘*urs*), they used to set up a waterskin, the size of ten jars (*khawābī*).³⁶

This tradition takes the glass half-full approach to ‘Umar II’s prohibition of *nabīdh* in receptacles. While al-Ṣa‘iq’s tradition, for example, emphasized that *nabīdh* is prohibited except in waterskins,³⁷ this tradition emphasizes that *nabīdh* is permitted and can (or should or must) be drunk in waterskins. It does not explicitly confirm or deny that *nabīdh* is always prohibited in receptacles that are not waterskins. Thus, this tradition reflects a liberal attitude toward *nabīdh*, which is further underscored by Abū l-‘Alā’’s testimony that *nabīdh* was universally consumed, especially at weddings.

The tradition depicts the extensive drinking of *nabīdh* in the past, possibly indicating that drinking declined since the time of the edict. In this tradition, Abū l-‘Alā’, who sold racks for waterskins for a living, encourages drinking *nabīdh* in waterskins. Even though he stood to gain financially from denigrating the *nabīdh* of jars, his criticism of jars is veiled and moderate.

According to this tradition, ‘Umar II’s prohibition of *nabīdh* was incorporated in a longer edict that addressed various legal matters, of which not all are related to drinking. The tradition relies neither on the example of the Prophet nor his Companions.

³⁶ *Isnād*: Aḥmad b. ‘Abdallāh b. Yūnus (Kufa, d. 227) ← Abū l-‘Alā’. See Ibn Sa‘d, *Ṭabaqāt*, 7:365. For Ibn Yūnus’ biography, see al-Dhahabī, *Siyar*, 10:457-59.

³⁷ See Appendix A §2.1.

5.3 Tradition AM

Abū l-Mughīra ‘Abdallāh b. Abī l-Hudhayl al-‘Anzī was a Kufan who transmitted traditions directly from famous Companions like ‘Umar I and Ibn Mas‘ūd.³⁸ Some of his legal opinions have been recorded by Ibn Abī Shayba.³⁹ One of these opinions is preserved in a tradition about ‘Umar II’s edict. The tradition is on the authority of Wakī‘ b. al-Jarrāh (Kufa, d. 197/812)⁴⁰ ← ‘Abd al-A‘lā b. Kaysān⁴¹ ← Ibn Abī l-Hudhayl:

I personally have nothing against the *nabīdh* of jars, save that ‘Umar b. ‘Abd al-‘Azīz prohibited it, and he was a just leader (*imām ‘adl*).⁴²

According to this tradition, Ibn Abī l-Hudhayl was unaware of any prohibition about the *nabīdh* of jars until ‘Umar II prohibited it. The tradition calls to mind Tradition HB.1. It is liberal, leaving the door open for future jurists to permit the *nabīdh* of jars, overturning ‘Umar II’s prohibition.

This tradition probably originated with Wakī‘’s teacher ‘Abd al-A‘lā b. Kaysān or his teacher Ibn Abī l-Hudhayl.

³⁸ Al-Bukhārī, *Tārīkh*, 5:222-23 (no. 727).

³⁹ See, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:95 (no. 24279)

⁴⁰ Juynboll, *ECH*, s.v. Wakī‘ b. al-Jarrāh. According to al-Bukhārī, *Qurrat al-‘aynayn*, 38, Wakī‘ once said: “Whoever seeks out *ḥadīth* as they are available, is on a righteous path (*ṣāhib sunna*), and whoever seeks out only *ḥadīth* that support his whims is an innovator (*ṣāhib bid‘a*).” Wakī‘ seems to have lived up to this standard, at least, regarding the traditions that he recorded about the *nabīdh* of jars. In his *Muṣannaf*, Ibn Abī Shayba records several of these traditions. Some of which prohibit *nabīdh* in jars, while others permit it. It seems that both Wakī‘ and his student Ibn Abī Shayba were interested in recording the traditions that were available, even if they were contradictory. Wakī‘’s transmission from the unknown ‘Abd al-A‘lā b. Kaysān is thus historical.

⁴¹ This transmitter is unknown.

⁴² Ibn Abī Shayba, *Muṣannaf*, 8:95 (no. 24279); Ibn Ḥanbal, *Ashriba*, 52 (no. 79); Ibn ‘Asākir, *Tārīkh*, 45:189.

5.4 Summary: The Edict in Kufa

No detailed version of ‘Umar II’s edict sent to Kufa prohibiting *nabīdh* in receptacles exists. In the tradition attributed to Ibn ‘Abd al-Raḥmān Mawlā Āl Ṭalḥa, it is vaguely recalled that the edict prohibited gourds and tarred receptacles. Abū l-‘Alā’ did not remember the prohibition as being the main subject of an edict, as it is for example in al-Ṣa‘īq’s Basran tradition, but as one of several articles dealing with various subjects. Additionally, he did not see in the edict a prohibition of *nabīdh*, but rather permission to consume it preferably in waterskins. Similarly, Ibn Abī l-Hudhayl acknowledged that ‘Umar II prohibited the *nabīdh* of jars, but he personally did not consider this drink problematic. Presumably, he considered ‘Umar II’s prohibition to be a temporary ordinance limited to his caliphate, and not a forever binding commandment. None of the Kufan traditions claimed that ‘Umar II based the prohibition on the example of the Prophet. In sum, if the extant Kufan traditions are representative of 2nd/8th century Kufan law and practice, ‘Umar II’s edict was tepidly received by the Kufans and did not leave a strong impression on them. It did not persuade them to prohibit unequivocally the *nabīdh* of jars and other receptacles.

Edict 6 Summary: ‘Umar II’s Edict about *Nabīdh*

In the middle of the 2nd/8th century, both Basrans and Kufans remembered that ‘Umar II had sent an edict prohibiting the consumption of *nabīdh* prepared or stored in “jars” (*jarr*). He likely sent an edict of this sort, but it is unclear if it prohibited all jars, or tarred jars, or some jars, and if it

prohibited other receptacles as well. Different traditions that claim to preserve the text or meaning of the edict mention various receptacles. The reference to these receptacles probably reflects later legal views concerning which receptacles are prohibited.

The edict was received differently in Basra and Kufa. While the Basran jurists held that the prohibition is universal and ever-binding, their Kufan peers held that it was temporary, while emphasizing that *nabīdh* is permitted in waterskins and other receptacles.

‘Umar II probably did not cite any tradition on the authority of the Prophet to justify the prohibition. However, some later transmitters claimed that he did.

In the century following the edict’s publication, it does not seem to have left much of an impression on the general populace. In Basra, people kept drinking at weddings. In Egypt, Muslims procured illicit drink from their Christian neighbors. Consumption of *nabīdh* was probably even more rampant in Kufa, where jurists were relatively tolerant of drinking intoxicants. Nevertheless, later scholars invoked the authority of ‘Umar II’s edict in hope that people will quit drinking and honor this pious leader’s example.

Appendix C: The Traditions of Ibn Mughaffal

‘Abdallāh b. Mughaffal b. ‘Abd Ghanm (or ‘Abd Nahm) al-Muzanī (d. 60/680) was a Medinan companion of the Prophet who settled in Basra (established 14/635). Al-Ḥasan al-Baṣrī reportedly said that Ibn Mughaffal was one of ten people whom ‘Umar b. al-Khaṭṭāb (r. 13-23/634-44) sent to Basra to instruct the people in religious law (*yufaqqihūna l-nās*).¹ He is the source of many legal opinions.² Several of his traditions on the authority of the Prophet are included in canonical Sunni collections.³

There are three different traditions attributed to Ibn Mughaffal regarding the *nabīdh* of jars, which I call Traditions 1, Tradition 2, & Tradition 3 (See Diagram C.1: The Traditions of Ibn Mughaffal): Tradition 1 is a record of his own opinion. In Traditions 2 and 3, he cites the Prophet. Whether these three traditions accurately reflect Ibn Mughaffal’s words and practice is uncertain, but they demonstrate that members of later generations appealed to his authority concerning the *nabīdh* of jars. These traditions are a record of competing legal opinions. The traditions appear to have been introduced at different times and places in support of certain legal points of view. Careful analysis of the *isnāds* of these traditions and their contents shows how the discussion about *nabīdh* in jars evolved over time.

¹ Ibn ‘Abd al-Barr (d. 463/1071), *al-Isṭī‘āb*, 996-97 (no. 1667).

² In the *Muṣannaf* of Ibn Abī Shayba, there are about 50 non-Prophetic traditions about or from Ibn Mughaffal. See, e.g., Ibn Abī Shayba, *Muṣannaf*, 1:176 (no. 1102) and 192 (no. 1211).

³ See, e.g., Juynboll, *ECH*, 532-33 (nos. 9656, 9663, 9665, and 9666).

1 Tradition 1

This non-prophetic tradition is likely the earliest tradition attributed to Ibn Mughaffal. Ibn Ḥanbal (Baghdad, d. 241/855)⁴ solely preserves it on the authority of Surayj b. al-Nu‘mān (Baghdad, d. 217/832)⁵ ← Ḥammād b. Zayd (Basra, d. 179/795)⁶ ← Muḥammad b. Wāsi‘ (Basra, d. 123 or 127/740 or 744)⁷ ← Ḥakīm b. Duraym (Basra).⁸ According to this tradition, Ḥakīm said:

When Ibn Mughaffal was asked about the *nabīdh* of jars, he prohibited it. He used to order [the consumption] of the *nabīdh* of waterskins.⁹

The *isnād* and *matn* of Ibn Ḥanbal’s tradition are not corroborated by other sources. The *isnād* includes the obscure transmitter, Ibn Duraym. The absence of reports corroborating this *isnād* notwithstanding,¹⁰ three factors point to Tradition 1 being earlier than Traditions 2 and 3. First, Tradition 1 appeals to the authority of Ibn Mughaffal, unlike the other traditions in which Ibn Mughaffal cites the example of the Prophet. As noted by Schacht, when the same tradition is

⁴ Holtzman, “Aḥmad b. Ḥanbal,” *EP*³.

⁵ Al-Dhahabī, *Siyar*, 10:219-20.

⁶ Juynboll, *ECH*, s.v. “Ḥammād b. Zayd.”

⁷ Al-Dhahabī, *Siyar*, 6:119-23.

⁸ Al-Bukhārī, *Tārīkh*, 3:17 (no. 70). Ibn Duraym was apparently from Basra based on his association with Basrans like Ibn Wāsi‘ and Ghaylān b. Jarīr (d. 129/746-7).

⁹ Aḥmad b. Ḥanbal, *Ashriba*, 51 (no. 78). In the *isnād*, “Shurayḥ” must be emended to “Surayj.” Cf. Ibn Ḥanbal, *Musnad*, 21:176 (no. 13545). It is possible that in *al-Ashriba*, “Ibn Mughaffal” is a corruption of “Ibn Ma‘qil,” i.e., ‘Abdallāh b. Ma‘qil b. Muqarrin. However, given that Ibn Ma‘qil mostly lived in Kufa and Ibn Mughaffal was Basran, the latter is more fitting here. On conflating Ibn Mughaffal with Ibn Ma‘qil, see al-Harawī, *al-Mu‘jam*, 178.

¹⁰ While this tradition about the *nabīdh* of jars is attested only by Ibn Ḥanbal, its *isnād* from Surayj ← Ḥammād b. Zayd is attested twelve times in the *Musnad* of Ibn Ḥanbal. See, e.g., Ibn Ḥanbal, *Musnad*, 21:75 (no. 13370). The *isnād* of Surayj ← Ḥammād b. Zayd ← Ibn Wāsi‘ is attested in Abū Bakr Muḥammad b. al-Ḥusayn al-Ājurrī, *Sharī‘a*, 435 (no. 113).

attributed to a Successor, a Companion, and the Prophet, it is likely that the Successor traditions are more ancient than the Companion ones, which are more ancient than Prophetic ones. This is because transmitters attempted to best one another by attributing traditions to earlier, and thus more authoritative, transmitters.¹¹ Second, the *isnād* of Tradition 1 is not very prestigious. A transmitter in the 2nd/8th century would have very little incentive to attribute a tradition to the unremarkable Ibn Duraym. Someone forging a tradition would gain very little by citing Ibn Duraym. Third, the doctrine of Tradition 2 is less mature than that of the other two traditions which, as we shall see, are more detailed. In sum, Tradition 1 prohibits the preparation of *nabīdh* in all jars but allows it in waterskins. It is very early going back at least The tradition originates at least with Ibn Wāsi‘ (d. 123 or 127/740 or 744) and perhaps goes back even earlier.

2 Tradition 2

This is one of two Prophetic traditions attributed to Ibn Mughaffal regarding which receptacles may be used for *nabīdh*. It has a Basran *isnād* from ‘Āṣim b. Sulaymān al-Aḥwal (Basra, d. ca. 142/759)¹² ← Fuḍayl b. Zayd al-Raqāshī (Basra, d. 95/714)¹³ ← Ibn Mughaffal. ‘Āṣim is the common link of this tradition having passed it down to at least two of his students: Abū Zayd Thābit b. Yazīd (Basra, d. 169/786)¹⁴ and ‘Abd al-Wāḥid b. Ziyād al-‘Abdī (Basra, d. 176/792).¹⁵

¹¹ Schacht, *Origins*, 33.

¹² Juynboll, *ECH*, s.v. “‘Āṣim b. Sulaymān al-Aḥwal.”

¹³ Ibn Sa‘d, *Ṭabaqāt*, 9:129; and Khalīfa b. Khayyāt: *al-Fuḍayl b. Yazīd [= Zayd]. Ṭabaqāt*, 199-200.

¹⁴ Al-Dhahabī, *Siyar*, 7:305-06.

¹⁵ *Ibid.*, 9:7-9.

If the attribution of this tradition to ‘Āṣim is fictitious, then surely it originated with either Thābit or ‘Abd al-Wāḥid. However, the reports of Thābit and ‘Abd al-Wāḥid are plausibly derived from a single source, namely ‘Āṣim. Ma‘mar b. Rāshid (Basra, Yemen, d. 152/769) reportedly also heard this tradition from ‘Āṣim,¹⁶ but the attribution to Ma‘mar is difficult to corroborate.

Thābit and ‘Abd al-Wāḥid passed ‘Āṣim’s tradition down to several of their students. Thābit taught it to ‘Affān b. Muslim (Basra, d. 220/835),¹⁷ Sulaymān b. Dāwūd al-Ṭayālīsī (Basra, d. 204/819),¹⁸ ‘Abd al-Ṣamad b. ‘Abd al-Wārith (Basra, d. 207/822),¹⁹ and Abū l-Nu‘mān ‘Ārim b. al-Faḍl (Basra, d. 224/838).²⁰ ‘Abd al-Wāḥid taught it to ‘Affān,²¹ Yūnus b. Muḥammad al-Mu‘addib (Baghdad, d. 207/822),²² and Musaddad (Basra, d. 228/843).²³ Despite some minor differences in wording, the versions attributed to these students are mostly in agreement regarding their contents. It will suffice to cite a representative version of ‘Āṣim’s tradition. According to this version, ‘Āṣim said:

¹⁶ Al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 5:268 (no. 5280). For Ma‘mar’s biography, see Juynboll, *ECH*, s.v. “Ma‘mar b. Rāshid al-Azdī.”

¹⁷ Ibn Ḥanbal, *Ashriba*, 57-58 (no. 101), = idem: *in-nī ktafaytu* [= *ayi ktafaytu*]. *Musnad*, 27:361-62 (no. 16807); Muḥammad b. Hārūn al-Ruwayānī, *Musnad*, 2:91-92 (no. 881). In Ibn Ḥanbal (no. 16807), *al-naqīr* is probably an addition to ‘Affān’s version. For ‘Affān’s biography, see al-Dhahabī, *Siyar*, 10:242-55.

¹⁸ Al-Ṭayālīsī, *Musnad*, 2:233 (no. 960); Ibn Ḥanbal: *in-nī ktafaytu* [= *ayi ktafaytu*]. *Musnad*, 34:184-85 (no. 20577). For al-Ṭayālīsī’s biography, see Juynboll, “al-Ṭayālīsī,” *EF*².

¹⁹ Ibn Ḥanbal, *Musnad*, 34:184-85 (no. 20577). This is a joint tradition from ‘Abd al-Ṣamad, whose name is awkwardly inserted in the *isnād*, and al-Ṭayālīsī. Its contents may reflect al-Ṭayālīsī’s tradition.

²⁰ Al-Dāramī: *wa-l-naqīr* [= *wa-l-muqayyar* (?)]. *Musnad*, 1342 (no. 2158). For ‘Ārim’s biography, see al-Dhahabī, *Siyar*, 10:265-70.

²¹ Abū Nu‘aym, *Hilya*, 3:103.

²² Ibn Ḥanbal, *Musnad*, 27:350 (no. 16795); Ibn Abī Shayba, *Muṣannaḥ*, 8:89 (no. 24249). For Yūnus b. Muḥammad’s biography, see al-Dhahabī, *Siyar*, 9:473-76.

²³ Al-Būṣīrī, *Ithāf*, 4:352-53 (no. 3732.2). For Musaddad’s biography, see al-Dhahabī, *Siyar*, 10:591-95.

[Fuḍayl al-Raqāshī] came to ‘Abdallāh b. Mughaffal and said: “Tell me which of these drinks were prohibited to us (*akhbir-nī bi-mā ḥurrima ‘alay-nā min hādihā l-sharāb*)!” [Ibn Mughaffal] replied: “Wine.” [Fuḍayl] responded: “That’s in the Qur’ān!” [Ibn Mughaffal then said:] “Shall I not tell you [what] I heard Muḥammad the Messenger of God (or ‘the Messenger of God Muḥammad’) (ﷺ) [say about this]?” —[Ibn Mughaffal] either first mentioned his [= Muḥammad’s] personal name or his being a messenger of God— Fuḍayl said: “*shar ‘ī*,” i.e., “I am satisfied.” [Ibn Mughaffal] related: “He [= the Messenger] prohibited *al-dubbā’*, *al-ḥantam*, *al-naqīr*, and *al-muqayyar*.” [Fuḍayl] said: “What are *al-ḥantam*?” Ibn Mughaffal explained: “[*al-ḥantam* are *al-jarr*] *al-akhḍar wa-l-abyaḍ* (green jars and white jars).” Fuḍayl asked: “What is *al-muqayyar*?” [Ibn Mughaffal] explained: “[*Al-muqayyar* is] any receptacle that has been smeared with *al-qār* (pitch or tar), be it a waterskin or some other receptacle.” Fuḍayl said: “I then immediately went to the market and bought myself an *afīqa* (“a type of waterskin”), and it is still hanging in my home.”²⁴

In this version of Tradition 2, the Prophet prohibits four receptacles: gourds, *ḥantam*, *naqīr*, and *muqayyar*. Nevertheless, based on the other extant versions, ‘Āṣim’s original tradition likely included only three receptacles: gourds, *ḥantam*, and *muqayyar* (or *al-muzaffat*).

Three elements lend this tradition an air of authenticity: (1) Fuḍayl’s doubt regarding how exactly Ibn Mughaffal called the Prophet, (2) The use of the possibly dialectal phrase *shar ‘ī*

²⁴ Ibn Ḥanbal, *Musnad*, 27:361-62 (no. 16807).

(“I am satisfied”), (3) and the vivid image of an old waterskin hanging in Fuḍayl’s home.

However, I suspect that these elements are embellishments designed to give the impression of a punctiliously transmitted tradition.

Tradition 2 establishes that Ibn Mughaffal heard the Prophet prohibiting *nabīdh* prepared in certain receptacles, but that he would not spontaneously share this information. Fuḍayl was only able to extract it from him after persistent inquiry. Ibn Mughaffal interpreted the Qur’ānic prohibition of *khamr* as a prohibition of all intoxicants. Hence, he thought it sufficient to tell Fuḍayl that the prohibited drink is *khamr*. After a further prompt by Fuḍayl, he finally added that the Prophet prohibited *nabīdh* prepared in *dubbā’*, *ḥantam*, and *muḡayyar*. Ibn Fuḍayl’s reluctance to mention the Prophetic prohibition of *nabīdh* prepared in these receptacles may be a literary device intended to explain why no-one except Fuḍayl mentioned this prohibition on the authority of Ibn Mughaffal. The latter allegedly divulged it to Fuḍayl on a rare occasion, and only after some prodding. Tradition 2 thus provides an almost perfect alibi for its emergence as a tradition transmitted by ‘Āṣim alone.

Ibn Mughaffal clarifies that *ḥantam* are “green jars and white jars.” As noted above, this may be interpreted in three different ways: (1) only green jars and white jars, (2) all glazed or coated jars, and (3) all jars. Tradition 2 may thus agree with Tradition 1 in prohibiting all jars, or it may only be prohibiting certain glazed jars and tarred jars. However, given that Fuḍayl buys a waterskin in response to Ibn Mughaffal’s tradition. Tradition 2 likely means to prohibit or discourage the use of all jars.

Tradition 2 is more prestigious than Tradition 1 because it cites the authority of the Prophet. Its contents are also more mature, as they address in a more nuanced fashion which receptacles are prohibited. It also explains why very few of Ibn Mugaffal's students heard this tradition from him. In light of these reasons, Tradition 2 is probably a later invention. Its common link, 'Āṣim, or perhaps his students, Thābit or 'Abd al-Wāḥid, created it in the middle of the 2nd/8th century attributing it to his teacher Fuḍayl.

3 Tradition 3

This is the second non-prophetic tradition attributed to Ibn Mugaffal. It has an *isnād* from Abū Ja'far al-Rāzī 'Īsā (Merv, Rey, Kufa d. 160)²⁵ ← al-Rabī' b. Anas (Basra, Merv, d. 139/756)²⁶ ← Abū l-'Āliya al-Riyāḥī (Basra, d. 90/708-9 or 96/714)²⁷ or someone else. Abū Ja'far is the common link, having transmitted the tradition to six of his students: Wakī' b. al-Jarrāḥ (Kufa, d. 197/812),²⁸ Abū Nu'aym al-Faḍl b. Dukayn (Kufa, 130-219/748-834),²⁹ al-Ḥasan b. Qutayba al-Khuzā'ī (Ctesiphon, Baghdad, d. ca. 215),³⁰ Ishāq b. Sulaymān al-Rāzī (Rey, Kufa, d.

²⁵ According to Ibn Sa'd, *Ṭabaqāt*, 9:384; Ibn al-Ja'd, *Musnad*, 1066-1067 (nos. 3082-3085), Abū Ja'far al-Rāzī was born in Burz near Merv, where he met al-Rabī' b. Anas who emigrated from Basra. Abū Ja'far travelled to Baghdad and Kufa. However, according to Ibn Abī Ḥātim, *Jarḥ*, 6:280-81 (no. 1556); al-Dhahabī, *Siyar*, 7:346-49, Abū Ja'far was born in Basra. According to al-Ḥākim, *Ma'rifaṭ 'ulūm al-ḥadīth*, 544, Abū Ja'far was a Kufan who settled in Rey. The claims that he was originally Iraqi are probably incorrect.

²⁶ Al-Dhahabī, *Siyar*, 6:169-70.

²⁷ Juynboll, "Abū l-'Āliya al-Riyāḥī," *EF*.

²⁸ Ibn Ḥanbal, *Ashriba*, 81 (nos. 202-203); Ibn Ḥanbal, *Musnad*, 27:359 (no. 16804); al-Ruwayānī, *Musnad*, 2:100-01 (no. 903); Ibn Abī Shayba, *Muṣannaf*, 8:82 (no. 24218).

²⁹ Al-Ruwayānī, *Musnad*, 2:103-04 (no. 909); Ibn Bashrān, *Amālī* 2, 215 (no. 1370); al-Ṭaḥāwī, *Ma'ānī l-āthār*, 4:229 (no. 6546). For Ibn Dukayn's biography, see Rosenthal, "Abū Nu'aym," *EF*.

³⁰ Al-Haythamī, *Bughya*, 2:588 (no. 546). For al-Ḥasan b. Qutayba's biography, see al-Khaṭīb, *Tārīkh Baghdād*, 8:416-18.

200/816),³¹ and Mālik b. Sulaymān al-Harawī (Herat, d. 214/829).³² Despite some minor differences in wording, the versions of his students are mostly in agreement in terms of their contents. It will therefore suffice to cite one version as representative of Abū Ja‘far’s tradition:

[Ibn Mughaffal] said: I witnessed the Messenger of God (ﷺ) prohibiting the *nabīdh* of jars, and I witnessed him giving a concession allowing it. He said: “Avoid intoxicants (*ijtanibū l-muskir*)!”³³

According to this tradition, the Prophet abrogated the prohibition of the *nabīdh* of jars by allowing the use of all receptacles. The Prophet’s call to “avoid intoxicants” is reminiscent of the prohibition of *khamr* in Q 5:90. According to Tradition 3, Muslims were prohibited from drinking intoxicants, not from using certain receptacles. The tradition appears to be a reaction to Traditions 1 and 2, in which *nabīdh* prepared in some or all jars is prohibited.

Tradition 3 may also be responding to the following tradition about Abū l-‘Āliya which has an *isnād* that resembles that of Tradition 2 from ‘Abd al-Ṣamad ← Thābit ← ‘Āṣim al-Aḥwal:

[‘Āṣim] said: I asked Abū l-‘Āliya about the *nabīdh* of jars when we were at the home of al-Naḍr b. Anas [b. Mālik].³⁴ [Abū l-‘Āliya] answered: “We have no need for it [= the

³¹ Al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 1:270 (no. 880); Ibn Abī Ḥātim, *‘Ilal*, 3:359-60 (no. 933) and 4:464 (no. 1596). For Ishāq b. Sulaymān’s biography, see al-Khaṭīb, *Tārīkh Baghdād* 7:333-35.

³² Al-Ḥākim, *Ma‘rifat ‘ulūm al-ḥadīth*, 543 (no. 503). For Mālik b. Sulaymān’s biography, see al-Harawī, *Mu‘jam*, 243; al-Dhahabī, *Tārīkh*, 5:457.

³³ Ibn Ḥanbal, *Musnad*, 27:359 (no. 16804).

³⁴ Al-Naḍr b. Anas b. Mālik, appointed as Qadi of Basra in 75/695. See Sourdel, “Les cadis de Baṣra,” 112; Judd, *Religious Scholars*, 176-77; Ibn Sa‘d, *Ṭabaqāt*, 9:190-1.

nabīdh of jars] (*lā ḥāja la-nā fī-h*).” His [= al-Naḍr’s] wife said: “What are you saying (*mā taqūlu*)?” [Abū l-‘Āliya] explained: “The Messenger of God (ﷺ) prohibited it [= the *nabīdh* of jars] when Khaybar was raided.”³⁵

This tradition portrays Abū l-‘Āliya as holding an unfavorable view of the *nabīdh* of jars.

Although he did not consider it prohibited, he still preferred to avoid it since the Prophet had once prohibited it. He makes no reference to Tradition 3 or to the Prophet’s issuing a concession on this matter. While these traditions from Abū l-‘Āliya are not necessarily contradictory, their meanings are very different. One implies that the *nabīdh* of jars was problematic, the other that it was not. It may be seen that both the proponents of the *nabīdh* of jars and its opponents invoked the memory of Abū l-‘Āliya in support of their cause.

While the *isnāds* of Tradition 1 and Tradition 2 were decisively Basran, Tradition 3 appears to be Khorasani or Kufan. Abū Ja‘far al-Rāzī, the common link of the tradition, was born in Merv, where he reportedly met his informant al-Rabī‘ b. Anas, who moved there from Basra. Thus, Abū Ja‘far could portray himself as having exclusive access to the traditions of a Basran transmitter. One of these traditions is Tradition 3. Abū Ja‘far passed it down to various students in Khorasan, Baghdad, and Kufa. Compared to the prohibitive Traditions 1 and 2, Tradition 3 is very lenient allowing the use of all receptacles, including jars, for *nabīdh*. This likely reflects the practice of Abū Ja‘far in Khorasan and Kufa.

³⁵ Ibn Ḥanbal, *Ashriba*, 54-5 (no. 90).

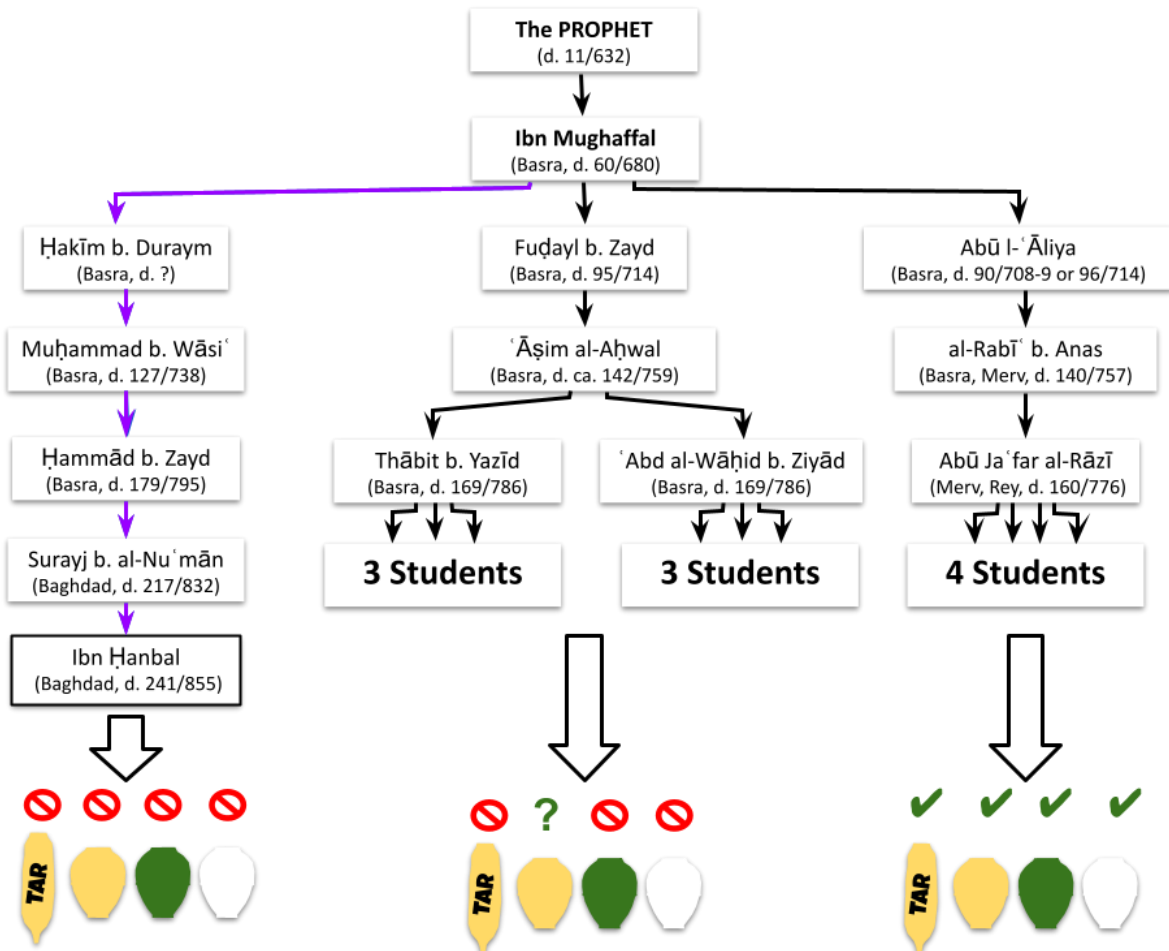


Diagram C.1: The Traditions of Ibn Mughaffal

4 Summary: The Traditions of Ibn Mughaffal

Ibn Mughaffal appears in three different traditions about *nabīdh* in receptacles. The earliest is Tradition 1, according to which Ibn Mughaffal prohibited *nabīdh* in jars, but permitted it in waterskins. This tradition may preserve Ibn Mughaffal's actual opinion, or an early opinion attributed to him. Tradition 1 did not cite the authority of the Prophet.

ʿĀṣim al-Aḥwal (Basra, d. *ca.* 142/759) was probably familiar with Tradition 1 and sought to show that Ibn Mughaffal's ruling was based on the example of the Prophet. He therefore introduced Tradition 2, according to which Ibn Mughaffal said that the Prophet prohibited green jars, tarred jars, gourds, and *naqīr* and that he himself learned and permitted waterskins. When compared to Tradition 1, Tradition 2 is more authoritative and has a more detailed list of prohibited receptacles.

Following Tradition 2, the Khorasani Abū Jaʿfar al-Rāzī introduced Tradition 3 in the middle of the 2nd/8th century. Tradition 3 is a concessive tradition that permits the use of all receptacles. Abū Jaʿfar was probably familiar with Tradition 1 or Tradition 2 and disagreed with their prohibition. By introducing Tradition 3, he hoped to abrogate their prohibitive legal ruling.

Appendix D: The Tradition of Fayrūz al-Daylamī and Other Syrian Traditions

1 al-Saybānī's Tradition

Fayrūz [b.] al-Daylamī (d. between 23/644 and 35/655), who settled in Yemen, was a Persian Companion of the Prophet.¹ His tradition about *nabīdh* and receptacles is transmitted with an *isnād* from Abū Zur'a Yahyā b. Abī 'Amr al-Saybānī (Jerusalem, d. 148/765),² ← Fayrūz's son 'Abdallāh Abū Busr (Syria) ← Fayrūz.³ Al-Saybānī appears to be the originator of this Syrian/Palestinian tradition. He reportedly taught it to at least five students: (1) his cousin al-Awzā'ī (Beirut, d. 157/774),⁴ (2) Ḍamra b. Rabī'a (Ramla, d. 202/818),⁵ (3) Abū 'Utba 'Abbād b. 'Abbād (Arsūf),⁶ (4) 'Abdallāh b. Wahb (Egypt, d. 197/812),⁷ and (5) Ismā'īl b. 'Ayyāsh al-Ḥimṣī (Homs, d. 181/798).⁸

The versions of al-Saybānī's tradition from al-Daylamī display some variation in their contents, but they mostly agree on the following: A Yemeni delegation presented themselves as grape growers and asked the Prophet what they should do given the prohibition of wine. The

¹ Ibn Sa'd, *Ṭabaqāt*, 6:317-18; 8:93-95.

² Ibn 'Asākir, *Tārīkh*, 64:159-168. Al-Saybānī was a paternal cousin of al-Awzā'ī.

³ Ibn 'Asākir, *Tārīkh*, 31:402-08.

⁴ For his biography, see Judd, *Religious Scholars*, 71-77; Juynboll, *ECH*, s.v. "al-Awzā'ī, 'Abd ar-Raḥmān b. 'Amr." He was a famous Levantine jurist. For his tradition, see, e.g., Abū 'Ubayd, *Amwāl*, 1:195 (no. 313); Ibn Zanjawayh, *Amwāl*, 1:288-89 (no. 440); al-Karābīsī, *Asāmī*, 204-05; al-Nasā'ī, *Sunan*, 5:123-24 (no. 5225). Cf. Kueny, *Rhetoric*, 72.

⁵ Juynboll, *ECH*, s.v. "Ḍamra b. Rabī'a al-Filasīnī." For his tradition, see, e.g., Ibn Abī 'Āsim, *Al-Āḥād wa-l-mathānī*, 5:142 (no. 2681); al-Karābīsī, *Asāmī*, 5:203-04; al-Nasā'ī, *Sunan*, 5:124 (no. 5226). Cf. Kueny, *Rhetoric*, 149, n.48.

⁶ For Ibn 'Abbād's tradition, see Ibn Mandah, *Ma'rifa*, 547. Here, emend 'Abdallāh bni Busr to 'Abdallāh Abī Busr. For a discussion of a tradition with a similar *isnād* by Ibn 'Abbād, see Luz, "Construction," 46.

⁷ Juynboll, *ECH*, s.v. "'Abdallāh b. Wahb." For his tradition, see al-Karābīsī, *Asāmī*, 5:205-06.

⁸ Al-Dhahabī, *Siyar*, 8:312-28. For Ibn 'Ayyāsh's tradition, see, e.g., Ibn Abī l-Dunyā, *Dhamm*, 34-35 (no. 9); al-Ṭabarānī, *al-Mu'jam al-kabīr*, 18:329-30 (no. 846); al-Ṭahāwī, *Sharḥ ma'ānī l-āthār*, 4:227 (no. 6531).

Prophet told them that they may turn the grapes into raisins, and that they may make *nabīdh* from the raisins. He gave them exact directions about its proper preparation: “Prepare it in the morning and drink it in the evening!” (or *vice versa*) and “prepare it in waterskins (*shinān*; sgl. *shann*), not in jars (*qilāl/qulal*)!” In some versions, the Prophet also prohibits its preparation in “gourds” (*dubbā*). In other words, *nabīdh* should be prepared in waterskins and cannot be allowed to ferment for more than half a day.

The terms *qilāl* (and not *jirār*) and, especially, *shinān* (and not *asqiya*, *zurūf*, etc.) are uncommon in the context of traditions about *nabīdh* and may reflect Jerusalemite or Levantine terminology.

2 al-Saybānī’s Inspiration: Yazīd b. Abī Ḥabīb’s Tradition

Al-Saybānī’s abovementioned tradition is based on a similar tradition transmitted by Yazīd b. Abī Ḥabīb (Egypt, d. 128/745). Ibn Abī Ḥabīb was one of three *muftīs* whom ‘Umar II appointed in Egypt. Some considered him a pioneer who was the first person to teach legal Hadith in Egypt.⁹

Ibn Abī Ḥabīb was presumably tasked with promoting ‘Umar II’s prohibition of intoxicants, and likely did so by teaching prohibitive traditions. One of these traditions is the one which he transmitted on the authority of Marthad b. ‘Abdallāh al-Yaznī (Egypt, d. 90/708–9) ←

⁹ Ibn Sa‘d, *Ṭabaqāt*, 9:520 (no. 4885); Ibn Yūnus al-Ṣadafī, *Tārīkh*, 1:509-10 (no. 1292).

al-Daylam (equivalent to al-Daylamī).¹⁰ In this tradition, which appears to have inspired al-Saybānī, the following is described: A delegation presented themselves to the Prophet as a hailing from a cold country, where they toil hard. They asked him if they may drink an intoxicating wheat (*qamḥ*) beverage which helps them overcome the cold and the difficulties of hard labor. The Prophet told them not to drink it. After verifying the Prophet’s response three or so times, they came back and told the Prophet that people are not giving up this beverage. The Prophet ordered them: “If people do not give it up, kill them!”¹¹

The traditions of al-Saybānī and Ibn Abī Ḥabīb share some common features.¹² Most notably they are both about a delegation from a faraway land that includes someone named Daylam or al-Daylamī that comes to the Prophet and asks him a question or a series of questions about intoxicants which they used to consume. The traditions are thus related. As a resident of

¹⁰ On the conflation of Fayrūz al-Daylamī and Daylam, see Ibn Sa’d, *Ṭabaqāt*, 6:317-18; 8:93; al-Bukhārī, *Tārīkh*, 3:248 (no. 856).

¹¹ Ibn Abī Ḥabīb taught this tradition to at least three students: Muḥammad b. Ishāq (Medina, Egypt, Iraq, d. 151/768), ‘Abd al-Ḥamīd b. Ja’far (Medina, d. 153/770), and Ibn Lahī’a (Egypt, 97-174/715-790). For Ibn Ishāq’s version, see, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:78 (no. 24196); Ibn Ḥanbal, *Musnad*, 29:569-70 (no. 18035); Abū Dāwūd, *Sunan*, 5:525 (no. 3683); Abū Nu’aym, *Ma’rifā*, 1011 (no. 2573). For ‘Abd al-Ḥamīd’s version, see, e.g., Ibn Sa’d, *Ṭabaqāt*, 6:317-18; 8:93; Ibn Ḥanbal, *Ashriba*, 82-83 (nos. 209 & 210). For Ibn Lahī’a’s version, see, e.g., ‘Abd al-Raḥmān Ibn ‘Abd al-Ḥakam, *History*, 3:303; al-Bayhaqī, *al-Sunan al-kabīr*, 17:405 (no. 17443); Abū Nu’aym, *Ma’rifā*, 1011 (no. 2574). Note that in Ibn Ishāq’s version, the Prophet expresses the prohibition to drink the wheat-beverage using the phrase *fa-jtanibū-h* (cf. Q: 5:90-91). Cilaro, in *Kalāla*, 24-25, identified Ibn Abī Ḥabīb as a common link of a tradition about inheritance (also from Marthad). Pavlovitch, in *Kalāla*, 150-61, due to his mistrust of the transmitter Ibn Lahī’a, dismissed Cilaro’s chronology and argued that a later transmitter is the common link. I find Pavlovitch’s chronology to be too conservative. While traditional Hadith experts often criticized Ibn Lahī’a as a transmitter (perhaps with some justification), their criticism should not tempt us to dismiss his traditions always. As may be seen from an examination of the versions mentioned in this note, Ibn Lahī’a likely authentically transmitted at least one tradition (about drinking) from Ibn Abī Ḥabīb. Considering this, Pavlovitch’s estimation of Ibn Lahī’a’s tradition about inheritance should be reevaluated, and, in my opinion, Cilaro’s estimation should be favored.

¹² Al-Karābīsī (d. 378/988), in *Asāmī*, 5:206-07, already noted the similarity between Ibn Abī Ḥabīb’s tradition and versions of al-Saybānī’s tradition.

Palestine, al-Saybānī probably met his Egyptian elder Ibn Abī Ḥabīb and heard his tradition. He then adapted this tradition, adding, among other things, a reference to receptacles.

Al-Saybānī's tradition is more compromising and nuanced than that of Ibn Abī Ḥabīb, and this is perhaps the best proof for it being later. Ibn Abī Ḥabīb's tradition includes a harsh commandment to kill serial drinkers. Al-Saybānī's tradition replaces this harsh commandment with a more compromising permission to prepare *nabīdh* with certain restrictions. While at first blush al-Saybānī's tradition may seem strict for prohibiting all receptacles except waterskins, it is quite lenient when compared to Ibn Abī Ḥabīb's tradition that calls for capital punishment and offers no alternative beverage to the public.

Discussing a version of al-Saybānī's tradition, Kathryn Kueny recognized that it characterizes the Prophet as anticipating "an economic crisis that would certainly befall the upper-class, wine-producing Syrian community" as a result of the Qur'an's prohibition of wine. However, she considered the Prophet's order to produce raisins "vague" and not "a concrete, practical solution."¹³ Her assessment is reasonable, but it does not consider the pragmatic nature of al-Saybānī's tradition *vis-à-vis* its source of inspiration, Ibn Abī Ḥabīb's strict tradition. While the latter would have subjected the cliental of the wine-producers to capital punishment, the former allows them to continue growing grapes by instructing them how to make a permitted drink out of them.

¹³ Kueny, *Rhetoric*, 72. She does however add that the narrative of the tradition allows "for wine-producers to secure an alternative future for their vineyards[.]"

3 Al-Saybānī, al-Awzā‘ī, and al-Zuhrī

Al-Saybānī’s abovementioned tradition is one of the clearest examples of a Levantine tradition about fermented drink and receptacles. This tradition is doubly important since it was transmitted by the prominent jurist of Beirut al-Awzā‘ī. No works of al-Awzā‘ī survive, if they ever existed.¹⁴ Therefore, his teachings can only be reconstructed from later sources preserving his opinions and traditions transmitted by him.

I have not found any clear reference to al-Awzā‘ī view of *nabīdh* and receptacles. However, there are several traditions on the matter which may be safely attributed to him, some of which he likely originated. These traditions do not contradict each other. Therefore, these traditions likely reflect his opinion. In a tradition, which he appears to have originated on the authority of Abū Mūsā l-Ash‘arī (d. mid-1st/7th century),¹⁵ the Prophet, after being offered (slightly) fermented *nabīdh* in a jar, ordered that the jar be smashed, proclaiming: “This is the drink of those who do not believe in God and the Last Day.”¹⁶ In another tradition, which al-Awzā‘ī transmits on the authority of Abū Hurayra, the Prophet prohibits the *nabīdh* of jars, gourds, and tarred receptacles.¹⁷ In a very interesting report, al-Awzā‘ī said that his famed

¹⁴ Mikati, in “Missives,” studied short missives by al-Awzā‘ī extant in the works of later authors.

¹⁵ Abū Mūsā, according to a Basran, tradition said: “It does not please me (*mā yasurru-nī*) to drink the *nabīdh* of jars.” See Ibn Ḥanbal, *Ashriba*, 37 (no. 19); Ibn Sa‘īd, *Ṭabaqāt*, 4:102-03. However, a Kufan report claims that Abū Mūsā’s son Abū Bakr (d. between 105/724 and 120/738) consumed *nabīdh* from jars (*al-khawābī*). See in Abū Yūsuf, *Āthār*, 224 (no. 994). In these early reports about Abū Mūsā and his son, they do not prohibit the *nabīdh* of jars.

¹⁶ See, e.g., Ibn Ḥanbal, *Ashriba*, 89 (no. 239); al-Bazzār, *Baḥr*, 8:167-68 (nos. 3191-3193); Abū Nu‘aym, *Ḥilya*, 6:84 and 147; Ibn ‘Asākir, *Tārīkh*, 56:84-89; al-Dāraqutnī, *‘Ilal*, 3:392-93 (no. 1316).

¹⁷ See, e.g., al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:226-27 (nos. 6525 and 6527). In the version of Muḥammad b. Muṣ‘ab al-Qirqisānī (Baghdad, d. 228/843), the Prophet prohibits the *nabīdh* of “jars, gourds, *muṣaffat*, and all receptacles.” See Ibn Abī Shayba, *Muṣannaf*, 8:89 (no. 24248); Ibn Ḥanbal, *Musnad*, 16:570 (no. 10971).

teacher Ibn Shihāb al-Zuhrī (Medina, Syria, d. 124/742) denied that the Prophet had issued a concession regarding the *nabīdh* of jars after its prohibition and added: “I revile anyone who spuriously claims that.”¹⁸ Based on these traditions, al-Awzā‘ī prohibited the preparation of *nabīdh* in jars and other receptacles. His prohibition resembles that of his cousin and teacher al-Saybānī. Due to their kinship, it is unsurprising that they both held the same view about the *nabīdh* of jars.¹⁹

4 Summary: The Tradition of Fayrūz al-Daylamī and Other Syrian Traditions

The traditions of al-Saybānī and al-Awzā‘ī surveyed in this section, express similar views regarding *nabīdh* and receptacles. They all appear to prohibit the preparation of *nabīdh* in most or all receptacles, except waterskins. Given the close ties between these scholars, this is expected. We may consider them, alongside al-Zuhrī, representatives of the common view in Syrian jurisprudence. Both al-Zuhrī and al-Awzā‘ī were affiliated with the Umayyads,²⁰ and their view of the *nabīdh* of jars and other receptacles probably mirrors Umayyad policy. It may also be noted that while al-Zuhrī was known for being tough on *nabīdh* drinkers, al-Saybānī, a

¹⁸ Abū Dāwūd: *anna-hu sami‘a l-Zuhriyyu yunkiru anna l-Nabiyya (S) rakhkhaṣa fī nabīdhi l-jarri ba‘da nahyi-hi wa-asubbu man yaz‘umu dhālika. Marāsīl*, 327 (no. 468). The final imprecation can be understood as al-Awzā‘ī’s words and not those of his teacher.

¹⁹ The transmission of al-Saybānī to his relative al-Awzā‘ī may be considered a “family *isnād*.” Joseph Schacht claimed that “we are justified in considering the existence of a family *isnād* not an indication of authenticity but only a device for securing its appearance.” See Schacht, *Origins*, 170. Schacht is probably correct about many or most family *isnāds*. However, al-Awzā‘ī’s family *isnād* from al-Saybānī appears to be genuine. Al-Awzā‘ī’s transmission from al-Saybānī is corroborated by other students of al-Saybānī. Additionally, al-Saybānī and al-Awzā‘ī were close in age. Al-Awzā‘ī had little incentive to invent a tradition on the authority of a contemporary. Had he wanted to he could have invented an authority who lived closer to the lifetime of the Prophet. For criticism of Schacht’s skepticism about family *isnāds*, see Motzki, *Origins*, 149.

²⁰ For al-Zuhrī and al-Awzā‘ī’s Umayyad ties, see Lecker, *Zuhrī*; Judd, *Religious Scholars*, 71-77. Note also that al-Bukhārī, *Tārīkh*, 1:113 (no. 324) mentions that an Umayyad *mawlā* was a student of al-Saybānī.

generation later, seems to have been more compromising. Realizing that the general public would not abide a near-total prohibition of *nabīdh*, he put forth a tradition that clearly explained how to prepare *nabīdh* legally, in waterskins, not jars, and without allowing it to ferment for more than half a day.

Appendix E: The Traditions of ‘Alī b. Abī Ṭālib

‘Alī b. Abī Ṭālib (d. 40/660), the fourth caliph, is one of the most contested figures in early Islamic history. He was venerated by legions of believers and despised or ignored by others like the Umayyads and the Khārijīs. Traditions from him were especially popular in Kufa, where many of his followers resided. As will be shown below, the Kufan proponents of the *nabīdh* of jars were the first to turn to his example. The opponents of *nabīdh*, inside and outside Kufa, retaliated in kind by also relying on his authority. As a result, there are numerous traditions attributed to him concerning various receptacles, a testament to the formidable authority he commanded in later generations. Each side wanted to claim him as their own. I will now survey these traditions.

1 Tradition 1: ‘Alī Distributes Jars of *Ṭilā*’

According to this tradition, ‘Alī distributed jars with *ṭilā*’ (cooked grape juice) or some other commodity to his soldiers or among his community. As will be shown, the tradition is one of the earliest traditions about beverages attributed to ‘Alī. It originated in Kufa around the beginning of the 2nd/8th century. Multiple versions of it hail from that city and it eventually migrated to other cities. There are at least ten different versions attributed to ten different students of ‘Alī. While multiple people could have witnessed ‘Alī’s distribution of goods, perhaps even on multiple occasions, this large number of informants is probably due to later transmitters co-opting the tradition and reshaping it for various ends. Many of these versions and their variants are clearly responding to one another. This tradition was controversial, and many transmitters

wanted to determine how it should be interpreted. I will now discuss several major noteworthy versions of this tradition.

1.1 *The Version of Ismā‘īl b. Abī Khālid*

Ismā‘īl b. Abī Khālid (Kufa, d. 146/763)¹ transmitted one of the earliest versions of this tradition on the authority of his father, Abū Khālid (Kufa).² Ismā‘īl taught his version to at least four students, who transmitted variants of it.³ According to one variant, Abū Khālid testified:

‘Alī used to pay (*yarzuqu*) the people with *ṭilay* [viz., *ṭilā*] in small *dinān* that would come to him from ‘Ānāt [in upper Mesopotamia].⁴

In other words, ‘Alī handed out tarred jars (*dinān*)⁵ filled with *ṭilā*’ as regular payment to his soldiers. This tradition is controversial for two reasons: First, it implies that *ṭilā*’ is permitted. Second, it implies that it is permissible to place a beverage in a tarred jar. The image of ‘Alī handing out problematic receptacles filled with intoxicants troubled transmitters of this tradition. Hence, when teaching it to their students, they variously and creatively altered the tradition to

¹ Juynboll, *ECH*, s.v. “Ismā‘īl b. Abī Khālid”; Ibn Sa‘d, *Ṭabaqāt*, 8:463-64 (no. 3358). He was a *mawlā* of the Bajīla tribe.

² Abū Khālid al-Bajālī’s name may be “Hurmuz” or “Sa‘d” or “Kathīr.” See al-Dhahabī, *Siyar*, 6:176.

³ The four students are Muḥammad b. ‘Ubayd (Kufa, d. 204/819), ‘Īsā b. Yūnus (Kufa, d. 187-8/803-4), Wakī‘ b. al-Jarrāḥ (Kufa, d. 197/812), and Yaḥyā b. Sa‘īd al-Umawī (d. 194/809). For the variant of Ibn ‘Ubayd, see Ibn Zanjawayh, *Amwāl*, 2:560 (no. 923). For the variant of ‘Īsā, see Abū Nu‘aym, *Ṭibb*, 705 (no. 789). For the variant of Wakī‘, see Ibn Abī Shayba, *Muṣannaf*, 11:83 (no. 33481); Ibn al-Khallāl, *Sunna*, 2:414 (no. 614). For the variant of al-Umawī, see Ibn Abī Khaythama, *Tārīkh*, 1:92 (no. 34). In Ibn Abī Shayba’s text, *ghābāt* is a corruption of ‘Ānāt. In Ibn al-Khallāl’s text, *danānīr* and *i‘ānāt* are corruptions of *dinān* [*ṣiḡhār?*] and ‘Ānāt. Not all variants mention that the jars were small.

⁴ Ibn Zanjawayh, *Amwāl*, 2:560 (no. 923).

⁵ On *dann*, see §4.2.

clear the names of ‘Alī and his community of any wrongdoing. In what follows, I will discuss some of the apologetic renditions of this tradition.

A pious consideration may explain why a transmitter or copyist of one of the variants of Ibn Abī Khālid’s version omits the word *ṭilā*. In this variant, ‘Alī simply gives away *dinān*.⁶

1.2 *The Version of Ibn Ishāq*

In another late version transmitted by Ya‘lā b. ‘Ubayd (Kufa, d. 209/825)⁷ from Ibn Ishāq (Egypt, Iraq, d. 151/768)⁸ ← ‘Umar [or ‘Amr] b. Ka‘b al-Ma‘āfirī (Egypt),⁹ ← his father Ka‘b (Egypt, Iraq), there is no mention of jars.¹⁰ Since the name *ṭilā* could be applied to a permissible beverage, the omission of the controversial tarred jars from ‘Alī’s tradition seemingly solves the problem. As shall be seen, in some versions it is undeniable that *ṭilā* is an intoxicant.

1.3 *The Version of Zubayd al-Yāmī*

There are at least two variants of an early version transmitted by Zubayd al-Yāmī (Kufa, d. 122/740)¹¹ from his teacher Zādhān (Kufa, d. 82/701). Al-Faḍl b. Dukayn (Kufa, 130-219/748-834) transmits one of these variants on the authority of Muḥammad b. Ṭalḥa b. Muṣarrif al-Yāmī (Kufa, d. 167/783)¹² ← Zubayd ← Zādhān, who said:

⁶ Ibn Abī Khaythama, *Tārīkh*, 1:92 (no. 34). The omission can of course be an honest mistake.

⁷ Ibn Sa‘d, *Ṭabaqāt*, 8:520 (no. 3563). Zubayd “had Shī‘ī tendencies” and permitted drinking *nabīdh* according to al-Fasawī, *Ma‘rifā*, 3:178.

⁸ Juynboll, *ECH*, s.v. “Muḥammad b. Ishāq.”

⁹ Al-Bukhārī, *Tārīkh*, 6:365 (no. 2653).

¹⁰ Ibn Zanjawayh, *Amwāl*, 2:560 (no. 924). Here, the distribution of *ṭilā* with honey takes place “in Iraq.”

¹¹ Ibn Sa‘d, *Ṭabaqāt*, 8:426-27 (no. 3217).

¹² Ibn Sa‘d, *Ṭabaqāt*, 8:497 (no. 3475); al-Dhahabī, *Siyar*, 7:35 (no. 1123). His father was a maverick Kufan who staunchly opposed *nabīdh*. This is not reflected in the son’s tradition.

‘Alī b. Abī Ṭālib paid the people with *ṭilā*’. My *mawlā* got a small *dann* (*dunayna*). We used to eat using [the *ṭilā*’ as a condiment] and to drink from it.¹³

Zādhān received one of the *ṭilā*’ jars distributed by ‘Alī as payment. The members of his household consumed and enjoyed its contents. The consumption of the *ṭilā*’ as a condiment is a thickener trope. It suggests that the *ṭilā*’ was thick and non-intoxicating. A different thickener trope appears in another variant of Zādhān’s tradition. This variant has an *isnād* from Yaḥyā b. Yaḥyā al-Tamīmī (Nishapur, d. 224/839)¹⁴ [←]¹⁵ Abū Khaythama Zuhayr b. Mu‘āwiya (Kufa, d. ca. 172/789)¹⁶ ← Zubayd ← Zādhān. In this variant, Zādhān recalls:

‘Alī [was] dividing *dinān* of *ṭilay* [!]. We got a *rāqūd* from among these. We used to pour water on it and then drink it.¹⁷

Here too, Zādhān is rewarded with a small *dann* (AKA a *rāqūd*) of *ṭilā*’. However, he does not use it as a condiment, but rather dilutes it with water. Diluting the beverage suggests that it is thick and non-intoxicating.

¹³ Ibn Sa‘d, *Ṭabaqāt*, 8:298.

¹⁴ Al-Bukhārī, *Tārīkh*, 8:310 (no. 3131).

¹⁵ The text of Ibn Zanjawayh has “Yaḥyā b. Yaḥyā Abū Khaythama” as if it was one name. However, I have been unable to find any trace of this person. The *isnād* “Yaḥyā b. Yaḥyā ← Abū Khaythama ← Zubayd” is prefixed to a tradition about *nabīdh* in Muslim, *Ṣaḥīḥ*, 2:672 (no. 977 [106]). The *isnād* “Yaḥyā b. Yaḥyā ← Abū Khaythama” is also well attested, e.g., *ibid.*, 1:228 (no. 273 [73]).

¹⁶ Juynboll, *ECH*, s.v. “Abū Khaythama Zuhayr b. Mu‘āwiya.”

¹⁷ Ibn Zanjawayh, *Amwāl*, 2:559-60 (no. 921).

1.4 The Version of Yazīd b. Abī Ziyād

Both variants of Zādhān's version suggest that 'Alī's *ṭilā'* was thick but demonstrate its thickness in two different ways: One claims that the *ṭilā'* was a condiment, the other claims that it needed to be diluted with water. Both demonstrations are found combined in a version transmitted by Yazīd b. Abī Ziyād (Kufa, d. 137/754),¹⁸ from Abū Juḥayfa (Kufa, d. between 73/692 and 75/695).¹⁹ Two students of Ibn Abī Ziyād preserve variants of this version.²⁰ In one variant, Abū Juḥayfa claims:

'Alī paid us with honey. It was kneaded [with other edible substances and made into *ṭilā'*] and then a *dann* of *ṭilā'* was delivered (*bu 'itha*) to us.

When asked about the nature of this *ṭilā'*, Abū Juḥayfa explained:

We used to eat it with bread and mix it with water.²¹

This variant of Abū Juḥayfa's version, like one variant of Zādhān's version, mentions that the *ṭilā'* was consumed as a condiment; and, like the other variant of Zādhān's version, mentions that the *ṭilā'* was diluted with water.

The variant of Abū Juḥayfa's version downplays 'Alī's involvement in the distribution of *ṭilā'*. It portrays him as giving away honey, not *ṭilā'*. This honey is then turned into *ṭilā'* and

¹⁸ Juynboll, *ECH*, s.v. "Yazīd b. Abī Ziyād."

¹⁹ Ibn Sa'd, *Ṭabaqāt*, 6:550.

²⁰ The two students are 'Alī b. Mushir (Kufa, d. 189/805) and 'Abdallāh b. Idrīs (Kufa, 115-192/733-807). For Ibn Mushir's variant, see al-Balādhurī, *Ansāb*, 2:373-74. For Ibn Idrīs's variant, see Ibn Abī Shayba, *Muṣannaf*, 8:125 (no. 24455). In Ibn Idrīs's variant, Abū Juḥayfa is co-transmitter together with Ibn Abī Laylā.

²¹ Al-Balādhurī, *Ansāb*, 2:373-74.

placed in the jars, possibly without his knowledge.²² It is also unclear from the wording of the variant if the *ṭilā* was prepared in the jar or merely stored in it.

In the other variant of Abū Juḥayfa's version, 'Alī gives away *ṭilā*' with no mention of honey, jars, and making *ṭilā* from the honey.²³

1.5 The Version of al-Suddī

According to a version transmitted by Sharīk (Kufa) ← al-Suddī (Kufa, d. 127/745) ← a Ḥaḍramī shaykh, 'Alī sent the people a cup (*qadah*) of *ṭilā*', which was then consumed as a condiment.²⁴ Notably, no jar is mentioned here only a small cup.

1.6 The Version of al-Sha'bī

There are at least three variants of a version attributed to al-Sha'bī (Kufa, d. between 103/721 and 110/728).²⁵ The contents of the variants are quite different from one another, and each is transmitted through a unique *isnād* from three different students of al-Sha'bī (See Diagram E.1: The Tradition of al-Sha'bī about 'Alī.). However, they share several common elements, chief among them, a sequence of four words.²⁶ Therefore, they may ultimately derive from a common source,

²² Al-Balādhurī's text is open to different grammatical interpretations. If one reads *bu'itha* in the passive, as I do in my translation, then 'Alī may not have known that *ṭilā* was sent in his name. If one reads *ba'atha* in the active, then he knew.

²³ Ibn Abī Shayba, *Muṣannaf*, 8:125 (no. 24455). Here, read *na'tadimu bi-hi* for *na'tarimu-hu*.

²⁴ For another late version where *ṭilā* is used as a condiment, see Ibn Abī Shayba, *Muṣannaf*, 8:127 (no. 24466). In this version, 'Alī sends a cup (*qadah*), not a *dann*, filled with *ṭilā*.

²⁵ Juynboll, *ECH*, s.v. "Sha'bī, 'Āmir b. Sharāḥīl (ash-)." On another tradition probably originating with al-Sha'bī, See Appendix AA.

²⁶ The sequence is *kāna 'Aliyyum yarzuqu l-nās*.

namely, al-Sha‘bī.²⁷ The most archaic variant is transmitted by Ya‘lā b. ‘Ubayd (Kufa, d. 209/825) on the authority of Bukayr b. ‘Āmir (Kufa) ← al-Sha‘bī, who testified:

We still have *dinān* from ‘Ānāt (*dinān^{an}* ‘Āniyyat^{an}), with which ‘Alī used to pay the people and which were filled with *ṭilā’*.²⁸

Al-Sha‘bī or his descendants may have possessed tarred jars which they claimed were a gift from ‘Alī. These jars could serve as material evidence meant to lend an air of authenticity to al-Sha‘bī’s story. In any case, this variant claims that ‘Alī handed out tarred jars filled with *ṭilā’*.

The second variant, transmitted by ‘Abd al-Raḥīm b. Sulaymān (Kufa, d. 184/800)²⁹ on the authority of Mujālid b. Sa‘īd (Kufa, d. 144/761),³⁰ repeats this claim, but adds important context. According to this variant, al-Sha‘bī said:

‘Alī used to pay the people with *ṭilā’* in small jars (*dinān ṣighār*). A man got drunk from this, and ‘Alī punished him with eighty lashes. [...] People then testified before ‘Alī that

²⁷ When arranged in a stemmatic diagram according to their chains of transmission, the three variants attributed to al-Sha‘bī form what Juynboll calls a “spider.” In other words, the common link, al-Sha‘bī, is the only transmitter in the diagram who reportedly transmitted his tradition to more than one student. Juynboll usually interpreted a spider as the product of later transmitters copying from one another, and therefore considered its common link ahistorical. However, al-Sha‘bī’s spider demonstrates that this is not always the case. The three variants comprising this spider show no obvious signs of copying from one another, and the differences between them are more readily explained as being the result of a natural transmission process from al-Sha‘bī, than the result of a conspiracy. For “spiders,” see Juynboll, *ECH*, xxii-xxiii. For criticism of Juynboll, see Pavlovitch, “Dating,” 118-120.

²⁸ Ibn Zanjawayh, *Amwāl*, 2:560 (no. 922).

²⁹ Ibn Sa‘d, *Ṭabaqāt*, 8:515 (no. 3548).

³⁰ Ibn Sa‘d, *Ṭabaqāt*, 8:468 (no. 3378).

he got drunk from that with which [‘Alī] paid them. ‘Alī then proclaimed: “Why did he drink from it until he got drunk?!”³¹

The transmitter responsible for the wording of this variant, likely either ‘Abd al-Raḥīm or Mujālid, clearly sought to exonerate ‘Alī from the charge of promoting intoxication when he supplied his men with alcohol. This variant explains that ‘Alī intended his soldiers to drink responsibly and in moderation; and that in fact, unlike more lenient jurists, he punished *ṭilā*’ drinkers as severely as he would punish wine drinkers.

The third variant of al-Sha‘bī’s version is strangely worded but ingeniously vindicates ‘Alī. The Hadith collector al-Nasā’ī (d. 303/915) records it under the subheading “mention of which *ṭilā*’ is permitted to drink and which is prohibited.” It is on the authority of Suwayd b. Naṣr (Merv, d. 240/854-55) ← ‘Abdallāh b. al-Mubārak (Khorasan, d. 181/797) ← Jarīr b. Ḥāzim (Basra, d. 175/791)³² ← Mughīra b. Ḥakīm (Yemen).³³ According to this variant, al-Sha‘bī reminisced:

‘Alī used to pay the people with *ṭilā*’ [that was so thick] that if a fly (*dhubāb*)³⁴ would land in it, it could not get out.³⁵

³¹ Ibn Abī Shayba, *Muṣannaf*, 9:290 (no. 28979).

³² Juynboll, *ECH*, s.v. “Jarīr b. Ḥāzim.”

³³ Al-Bukhārī, *Tārīkh*, 7:317 (no. 1351).

³⁴ About flies in food in Hadith, see Zinger, “Tradition and Medicine,” 89-117.

³⁵ Al-Nasā’ī, *Sunan*, 5:120 (no. 5209).

The vivid description of the thickness of the *ṭilā*’ conveys that it was not an intoxicating beverage, but rather some sort of non-intoxicating syrup or jam.³⁶ Connoisseurs of *nabīdh* considered the beverage sufficiently potent if its fumes could knock out flies mid-air preventing their approach.³⁷ ‘Alī’s *ṭilā*’ was the exact opposite: If flies landed in it, they got stuck. Orthographically, “fly” (*dhubāb*) and “tarred jars” (*dinān*) can be very similar when written without diacritical marks. The transmitter responsible for the wording of this variant interpreted the “tarred jars” in al-Sha‘bī’s version as “fly.”³⁸ Building on this interpretation, he argued that ‘Alī served thick unintoxicating *ṭilā*’, thereby dismissing the allegations that ‘Alī distributed intoxicants. Unsurprisingly this variant, which latently prohibits tarred jars, comes from Basra and Yemen, two places where these jars were generally disliked or prohibited.

³⁶ Cf. the interpretation of this tradition in Ibn Ḥazm, *Muḥallā*, 8:274.

³⁷ The poet Abū l-Baydā’ once said:

idhā mā Abū l-Baydā’i rammat ‘izāmu-hu fa-sarra-ka an yaḥyā fa-hāti nabīdh^{an}
nabīdh^{an} idhā marra l-dhubābu bi-danni-hi tafattara [or taqatta ‘a] aw kharra l-dhubābu waqīdh^{an}
 (If ever Abū l-Baydā’’s bones become old and decayed and you wish to revive him, give him *nabīdh*, of the sort that when a fly passes by its *dann* [tarred jar], it disintegrates or drops dead!)

See Ibn Qutayba, *Ashriba*, 31-2; Ibn al-Jarrāḥ, *Waraqa*, 70. Both al-Thawrī and al-A‘mash reportedly held that good *nabīdh* needs no covering to protect it from flies because its fumes should be able to repel them. See Ibn ‘Abd Rabbi-h, *Iqd*, 8:59-60.

³⁸ One may posit that the original tradition included the words *kāna ‘Alī yarzuqu l-nās ṭilā’ fī dinān* (cf. Ibn Abī Shayba, *Muṣannaf*, 9:290 [no. 28979]), and that the transmitter misread it as *kāna ‘Alī yarzuqu al-nās ṭilā’ fī-hi dhubāb* (or *dhibbān* [“flies”]), which is spelled identically to *dinān* without diacritics). Cf. a similar mistake in al-Bandanījī (d. 284/897), *Taqfiya*, 145, where *al-rawāqīd* are mistakenly said to be *al-dhibbān al-ṣighār* (small flies) instead of *al-dinān al-ṣighār* (small *dinān*). Al-Bandanījī’s editor does not comment on this.

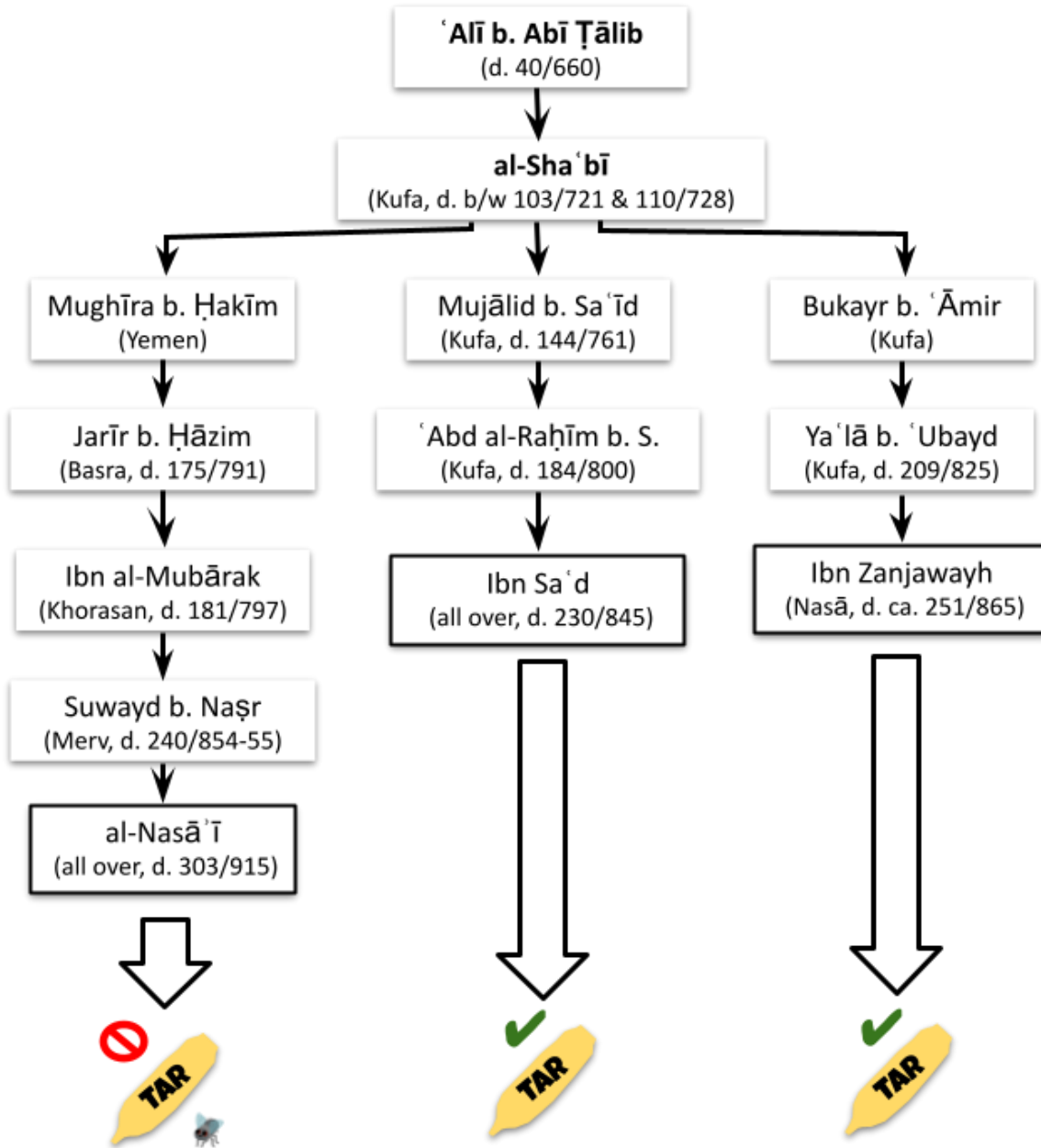


Diagram E.1: The Tradition of al-Sha'bi about 'Ali.

1.7 The Version of Sufyān b. ‘Uyayna

The tone of this version is also apologetic. Sufyān b. ‘Uyayna (Kufa, Mecca, d. 198/811) transmitted it on the authority of Sa‘īd b. Sinān (Kufa, Rey)³⁹ ← a *shaykh* of Ibn Sinān’s folk. Ibn ‘Uyayna taught it to at least three non-Kufan students who preserved their own variants.⁴⁰ In one variant, for example, the *shaykh* recalled:

‘Alī divided among the people these *dinān* filled with *maṭbūkh*. He ordered the people to share the divided portions with all the orphans so that they will come forth and lick [it] with their fingers. The *shaykh* remarked: “I was a boy back then, and I wished that I had been an orphan.”⁴¹

This is a child friendly version of the tradition about ‘Alī giving away jars. Here, the beverage in question is the syrup-like and permissible *maṭbūkh* which has been cooked so that it is not intoxicating. Orphans, not soldiers, are the primary recipients of this delicious bounty. Al-Mu‘ammal b. Ismā‘īl (d. 206/821-822),⁴² a Basran student of Ibn ‘Uyayna, transmits an even

³⁹ Ibn Sa‘īd, *Ṭabaqāt*, 9:384 (no. 4509).

⁴⁰ There are three variants attributed to Ibn ‘Uyayna’s three students. For the variant of ‘Alī b. Ḥarb (Mosul, d. 265/879), see al-Kharā’iṭī, *Makārim al-akhlāq*, 1517 (no. 201). For the variant of Sa‘dān al-Bazzāz (Baghdad, d. 265/879), see Sa‘dān, *Juzu’*, 28 (no. 79). For the variant of al-Mu‘ammal b. Ismā‘īl (Basra, d. 206/821-822), see Ibn Zanjawayh, *Amwāl*, 2:561 (no. 926); al-Balādhurī, *Ansāb*, 2:373.

⁴¹ Al-Kharā’iṭī, *Makārim al-akhlāq*, 1517 (no. 201); Sa‘dān, *Juzu’*, 28 (no. 79). In the *isnād* of al-Kharā’iṭī, read “Sa‘īd b. Sinān” instead of “Sa‘īd b. Sinān.”

⁴² Al-Bukhārī, *Tārīkh*, 8:49 (no. 2107).

more sanitized variant of his teacher's version. In it, 'Alī gives away honey (not *maṭbūkh* or *ṭilā'*) in waterskins (*ziqāq*; not *dinān*).⁴³

1.7 Some Thickener Versions

Other versions also emphasized the thick and wholesome nature of 'Alī's *ṭilā'*. One version is transmitted by 'Umar b. Shabba (Basra, Baghdad, d. 262/878)⁴⁴ ← al-Faḍl b. Dukayn (Kufa, 130-219/748-834) ← Muḥammad b. [Abī] Ayyūb Abū 'Āṣim al-Thaqafī (Kufa)⁴⁵ ← his grandfather, Abū 'Ā'isha (Kufa). The latter states that the *ṭilā'* was thick like honey.⁴⁶

1.8 The Version of al-Bajalī

According to Ibn Fuḍayl (Kufa, d. ca. 195/811) ← 'Aṭā' b. al-Sā'ib (Kufa, d. 137/755)⁴⁷ ← Abū 'Abd al-Raḥmān al-Sulamī (Kufa, d. ca. 74/693),⁴⁸ the *ṭilā'* was "black," so that "one could scoop it up with his finger."⁴⁹

⁴³ *Isnād*: al-Mu'ammal (Basra, Mecca) ← Sufyān b. 'Uyayna ← Sa'īd b. 'Ubayd al-Tā'ī (Kufa) ← a *shaykh* called al-Ḥakam. See Ibn Zanjawayh, *Amwāl*, 2:561 (no. 926); al-Balādhurī, *Ansāb*, 2:373. In the beginning of this variant, 'Alī gives away pomegranates. This variant seems to combine two separate Ibn 'Uyayna traditions about 'Alī's probity in dividing spoils, one concerning pomegranates, and another concerning drink/honey for orphans. Cf. the pomegranate tradition by itself in Ibn Abī Shayba, *Muṣannaf*, 11:83 (no. 33480); Ibn al-Khallāl, *Sunna*, 2:414 (no. 616); al-Balādhurī, *Ansāb*, 2:374.

⁴⁴ S. Leder, "'Umar b. Shabba," *EL*.

⁴⁵ Ibn Abī Ḥātim, *Jarḥ*, 7:198 (no. 1117).

⁴⁶ Al-Balādhurī, *Ansāb*, 2:373. Cf. Ibn Abī Ḥātim, *Jarḥ*, 9:417 (no. 2038).

⁴⁷ Juynboll, *ECH*, s.v. "'Aṭā' b. al-Sā'ib."

⁴⁸ Nacim Pak, "'Abū 'Abd al-Raḥmān al-Sulamī,'" in *Encyclopedia Islamica* (Brill Online).

⁴⁹ Ibn Abī Shayba, *Muṣannaf*, 9:128 (no. 24468). Cf. the *isnād* in al-Ṭaḥāwī, *Ma'ānī l-āthār*, 3:154 (no. 4899).

1.9 *The Version of al-Bajalī*

Abān b. ‘Abdallāh al-Bajalī (Kufa, d. between 136/754 – 158/775)⁵⁰ said that Karīm (or Kuraym) b. Abī Hāzim (Kufa) said that the *ṭilā*’ was of the kind of which “two thirds were boiled away, only a third remaining.”⁵¹ This is a standard evaporator tradition.

1.10 *The Version of al-Minqarī*

Shī‘ī or pro-‘Alid authors also had to contend with the tradition about ‘Alī. Notably, the historian al-Minqarī (Kufa, Baghdad, d. 212/827) cites a missive from ‘Alī to one of his governors concerning the distribution of *ṭilā*’. In this missive, after a short introduction denouncing the fickle and fleeting nature of this world and its pleasures, ‘Alī commands:

Cook *ṭilā*’, two thirds of which had evaporated, for the Muslims under your care! For our sake, treat the soldiers kindly as much as possible and bestow it [= the *ṭilā*’] upon them as part of the payment owed to the army (*arzāq al-jund*)!⁵²

The missive establishes that the *ṭilā*’ served by ‘Alī was of the kind approved by the evaporators who would drink it after two-thirds of its original contents disappeared. It portrays ‘Alī as a generous leader who cares for the wellbeing of his soldiers.

⁵⁰ Ibn Sa’d, *Ṭabaqāt*, 8:474 (no. 3404).

⁵¹ Ibn Abī Shayba, *Muṣannaf*, 9:124-25 (no. 24450); al-Bukhārī, *Tārīkh*, 7:244 (no. 1039).

⁵² Al-Minqarī, *Ṣiffīn*, 106. Cf. Tillier & Vanthieghem, “Amphores rouges,” 19-20. Tillier and Vanthieghem fail to note that this version promotes non-intoxicating *ṭilā*’.

1.11 Summary of Tradition 1

‘Alī’s distribution of a potentially alcoholic beverage to his men embarrassed members of later generations. This is evident from the several competing explanations marshalled by later transmitters. They justified ‘Alī’s alleged behavior by altering the tradition. Generally, transmitters employed two major approaches to exonerate him:

(1) The first approach is admitting that ‘Alī distributed intoxicants, while emphasizing that he opposed intoxication. Under this approach, we may classify the explanations that the Muslims diluted this drink with water before consuming it, or that ‘Alī expected people to drink it in moderation, harshly punishing transgressors.

(2) The second approach is denying that ‘Alī distributed intoxicants. Under this approach, we may classify the traditions that omit problematic words, like *ṭilā*’ and *dinān*, or replace them with innocuous ones, like “honey” and “waterskins.” To this approach also belong the traditions clarifying that the *ṭilā*’ was non-intoxicating and suitable for young children.

The first approach is that of the primarily Kufan proponents of drinking the *nabīdh* of jars. The second is that of its primarily Basran opponents. If any early Hadith critics denied the historicity of the report about ‘Alī distributing jars with intoxicants, their opinions have not survived in writing. Since completely denying it was not an option, a more practical approach was to transmit versions of the tradition modified in accordance with the “correct” legal opinions.

The latest date for the initial introduction of this tradition is between the years 103/721 and 110/728, when al-Sha‘bī, who transmitted a version of this tradition, died. It may have entered circulation after ‘Umar II (r. 99–101/717–20) published his edicts prohibiting *ṭilā*’ and the *nabīdh* of jars. Such official prohibitions likely spurred one or more seasoned war veterans, opponents of this prohibition, to recall that ‘Alī used to remunerate the soldiers with jars filled with such beverages. Al-Sha‘bī, Zubayd, Abū Khālid, and others helped promote these claims.

As Tillier and Vanthieghem have demonstrated by citing papyri, Umayyads paid their troops with *ṭilā* / ἔψημα. Based on the versions of al-Minqarī and others, Tillier and Vanthieghem added that ‘Umar I and ‘Alī paid their troops similarly.⁵³ While their arguments regarding the Umayyads are very convincing, it cannot be known with certainty if ‘Umar and ‘Alī truly paid their soldiers in this form. The traditions about them doing so were composed half a century or more after their activity and they may have been fabricated. It is certainly striking that Kufans around 101/720 had no reservations about claiming that ‘Alī gave his troops *ṭilā*’ which they gladly consumed. This assertion could have only been made in a society where drinking alcohol was very common, among the general populace and especially among the military ranks. Not only did soldiers consume alcohol, a phenomenon attested in various Muslim armies throughout history, but they were paid with intoxicants that were the spoils of war.

After the initial propagation of this tradition in Kufa, it became increasingly unacceptable to portray early Muslims, let alone ‘Alī, as consumers of intoxicants. Already in the second half

⁵³ Tillier & Vanthieghem, “Amphores rouges,” 19-20.

of the 2nd/8th century, we find transmitters, like Ibn ‘Uyayna, who assured their audience that ‘Alī and the other *salaf* behaved according to orthodoxy. Collectors and transmitters recorded versions of the tradition, but only some preserved its problematic elements. Most made changes. About two centuries after the tradition was first popularized in Kufa, the Hadith scholar al-Nasā’ī chose to include a version of it in his would-be canonical collection. By then, its original form was barely recognizable, and its meaning had completely changed. It now asserted that ‘Alī had nothing to do with intoxicants or tarred jars.

2 Tradition 2

This is a permissive tradition. It is on the authority of al- A‘mash (Kufa, d. 147/764 or 148/765)⁵⁴ ← Mūsā b. Ṭarīf al-Asadī (Kufa)⁵⁵ ← his father Ṭarīf.⁵⁶ Four students are said to have heard this tradition from al- A‘mash: Shu‘ba (Kufa, Basra, d. 160/776), Ṣāliḥ b. ‘Umar (Wāsiṭ, Ḥulwān near Iraq, d. ca. 186/802),⁵⁷ Muḥammad b. Fuḍayl (Kufa, d. ca. 195/811), and Abū Mu‘āwiya (Kufa, d. 194-5/810-1).⁵⁸ According to Shu‘ba and Ṣāliḥ, ‘Alī used to drink *nabīdh* from a green jar. Ṣāliḥ explicitly mentions that the *nabīdh* was prepared in the jar especially for him.⁵⁹ The

⁵⁴ Juynboll, *ECH*, s.v. “A‘mash.”

⁵⁵ Ibn ‘Adī, *Kāmil*, 9:528ff. (no. 1824). Mūsā is famous for transmitting that ‘Alī said: *anā qasīmu l-nār* (“I possess one half [of mankind] and Hell possess the other half”), i.e., ‘Alī’s followers are in Heaven and those who do not follow him are in hell.

⁵⁶ Ṭarīf served as treasurer for ‘Alī according to Ibn Sa‘d, *Ṭabaqāt*, 8:364.

⁵⁷ Al-Dhahabī, *Tārīkh*, 4:864 (no. 153).

⁵⁸ Juynboll, *ECH*, s.v. “Abū Mu‘āwiya Muḥammad b. Khāzim.”

⁵⁹ For Shu‘ba’s version, see Ibn Sa‘d, *Ṭabaqāt*, 8:364. This is one of the few permissive traditions transmitted by Shu‘ba. He may have transmitted it early on in his career. For Ṣāliḥ’s version, see al-Mukhalliṣ, *Mukhalliṣiyyāt*, 2:354 (no. 1732), where “Ṣāliḥ b. ‘Amrān” likely stands for “Ṣāliḥ b. ‘Umar.”

other two students, Ibn Fuḍayl and Abū Mu‘āwiya (Kufa, d. 194-5/810-1),⁶⁰ report that ‘Alī used to drink *nabīdh* from a white jar. Ibn Fuḍayl explicitly mentions that the *nabīdh* was prepared in it especially for him.⁶¹

It is possible that al-A‘mash transmitted two different versions of his ‘Alī tradition, mentioning green jars in one, and white jars in the other. Alternatively, Ibn Fuḍayl changed the green jars in al-A‘mash’s tradition to white jars, and Abū Mu‘āwiya’s version is influenced by Ibn Fuḍayl’s version. Mention of white jars is uncommon in traditions about the receptacles of *nabīdh*. They are mentioned in an ‘Ā’isha tradition transmitted by Ibn Fuḍayl.⁶² For this reason, Ibn Fuḍayl should be suspected of changing al-A‘mash’s tradition.

In sum, this tradition permits green jars or white jars. It came out of Kufa and al-A‘mash is its likely originator.

3 Tradition 3

The abovementioned Ibn Fuḍayl transmits another permissive tradition about ‘Alī on the authority of Mughīra b. Miqṣam (Kufa, d. 136/753),⁶³ ← Umm Mūsā, a concubine slave of

⁶⁰ Juynboll, *ECH*, s.v. “Abū Mu‘āwiya Muḥammad b. Khāzim.”

⁶¹ For Ibn Fuḍayl’s version, see Ibn Abī Shayba: *kāna [yunbadhu] li-‘Aliyyin zabīb^{um} fī jarra^{im} bayḍā’a fa-yashrabu-hu. Muṣannaf*, 8:98-99 (no. 24301). Cf. Ibn al-Mu‘tazz, *Fuṣūl*, 147-48. For Abū Mu‘āwiya’s version, see Ibn ‘Adī, *Kāmil*, 9:529 (no. 15579). “Abū Mu‘āwiya” may have been inserted in this *isnād* instead of “Ibn Fuḍayl.”

⁶² See, e.g., Ibn Ḥanbal, *Ashriba*, 48 (no. 57). According to this tradition, the [prohibited] *ḥantam* are white jars in which wine was imported from Egypt.

⁶³ Ibn Sa‘d, *Ṭabaqāt*, 8:456 (no. 3336); al-Dhahabī, *Siyar*, 6:10-13.

‘Alī,⁶⁴ who recalled: “I used to prepare *nabīdh* for ‘Alī in a green jar.”⁶⁵ This is another permissive tradition transmitted with a Kufan chain of transmission.

4 Tradition 4

The Zāhirī Andalusī Hadith scholar Ibn Ḥazm (Cordoba, d. 456/1064) appears to be the sole author to preserve this tradition. Ibn Ḥazm likely found it in an earlier work. Like many traditions discussed here, it probably originated in the 2nd/8th century. Ibn Ḥazm presents the tradition with an *isnād* from Sa‘īd b. Maṣṣūr (Marw, Iraq, d. 227/842) ← al-Mu‘tamir b. Sulaymān (Basra, d. 187/803) ← his father Sulaymān al-Taymī (Basra, d. 143/760).⁶⁶ Its contents are as follows:

The Kufans asked [Sulaymān al-Taymī]: “Did ‘Alī drink the *nabīdh* of jars?” Sulaymān replied: “This Abū Ishāq al-Hamdānī narrates that ‘Alī b. Abī Ṭālib, after being notified that it was the *nabīdh* of jars, constrained himself to vomit it.”⁶⁷

In this tradition, Sulaymān is responding to Kufan reports, like Tradition 2 and Tradition 3, which claim that ‘Alī drank the *nabīdh* of jars. Sulaymān does not deny the veracity of these reports but rather he excuses ‘Alī’s drinking the *nabīdh* as an accident. He reassures his audience that ‘Alī made sure to expel it from his body once he found out.

⁶⁴ Al-Dāraqūṭnī, *Su‘ālāt*, 75 (no. 585). According to al-Ṭabarī, *Tahdhīb*, 168 (no. 22), Umm Mūsā was the *umm walad* of al-Ḥasan b. ‘Alī and she was also the mother-in-law of Mughīra b. Miqsam, perhaps her only known student taught.

⁶⁵ Ibn Abī Shayba, *Muṣannaf*, 8:110 (no. 24364).

⁶⁶ Juynboll, *ECH*, s.v. “Sulaymān b. Ṭarkhān at-Taymī.”

⁶⁷ Ibn Ḥazm, *Muḥallā*, 9:95 = 8:273.

Sulaymān relies here on the testimony of Abū Ishāq al-Sabī‘ī al-Hamdānī (d. 127/745),⁶⁸ a prominent Kufan transmitter of Yemeni descent. The Basran Sulaymān hoped to convince the Kufans by invoking the authority of one of their own. The tradition of Abū Ishāq cited by Sulaymān is apparently not extant, but this does not mean that Sulaymān invented it. On the contrary, he takes it for granted that his audience would be familiar with it, not bothering to cite it with a proper *isnād*. Sulaymān or whoever introduced the tradition about him was likely familiar with such a tradition. There are other related traditions by Abū Ishāq that show that he took part in the debate about *nabīdh* and receptacles.

Proponents of the *nabīdh* of jars also relied on the authority of Abū Ishāq al-Sabī‘ī to support their view. For instance, al-A‘mash (Kufa, d. 147/764 or 148/765) reported that Abū Ishāq told him that at his own wedding some companions of ‘Alī and some of Ibn Mas‘ūd drank *nabīdh* served to them from *khawābī* (tarred jars). After al-A‘mash asked if these companions saw the jars, Abū Ishāq replied that they were staring right at the jars as the *nabīdh* was being poured from it into smaller serving jars (*dawāriq*).⁶⁹ Presumably, ‘Alī’s companions consumed the *nabīdh* of jars in accordance with ‘Alī’s teachings.

⁶⁸ Juynboll, *ECH*, s.v. “Abū Ishāq ‘Amr b. ‘Abd Allāh as-Sabī‘ī.”

⁶⁹ Ibn Abī Shayba, *Muṣannaf*, 8:107-08 (no. 24348), = al-Fasawī, *Ma‘rifa*, 2:617, = 2:624. The *dawāriq* are mentioned only in al-Fasawī. The version cited is that of Abū Mu‘āwiya (Kufa, d. 194-5/810-1) from al-A‘mash, the likely originator of this tradition, who taught it to at least one other student, Ibn Numayr (Kufa, d. 199/815). Ibn Numayr’s version is recorded in Ibn Abī Shayba, *Muṣannaf*, 8:107 (no. 24345). Notably, this variant does not mention ‘Alī’s companions being at the wedding, but I suspect these may have been omitted under the influence of an Abū Ishāq tradition about the companions of ‘Ubayd or Ibn Mas‘ūd drinking *nabīdh* from al-Qādisiyya. Cf. Ibn Abī Shayba, *Muṣannaf*, 11:263 (no. 34343); Ibn Abī Khaythama, *Tārīkh*, 3:161 (no. 4276).

The traditionist al-Fasawī (Persia, d. 277/890) was shocked by the problematic account of the companions of ‘Alī and Ibn Mas‘ūd drinking. He noted: “Praise be to God! This is very odd. Perhaps [what they drank] was something sweet,”⁷⁰ viz., non-intoxicating. Al-Fasawī’s confusion exemplifies the chasm between his understanding of the law in the 3rd/9th century and the social norms that existed in Kufa, when this tradition first came into existence in the first half of the 2nd century/8th century.

Abū Ishāq’s tradition about ‘Alī’s companions was also used as part of internal Kufan polemics about the legality of *nabīdh*. Ṭalḥa b. Muṣarrif (d. 112/730) was a Kufan successor, who was reportedly considered the best Qur’ān reciter in his town, a title which he disliked and wished to pass on to al-A‘mash.⁷¹ He stood out in Kufa primarily for two reasons: (1) He was an ‘Uthmānī, and (2) he prohibited *nabīdh* and went as far as considering this drink as bad as wine.⁷² In the following tradition which has a Kufan *isnād* from Sufyān al-Thawrī, Abū Ishāq responds to Ṭalḥa’s prohibitive opinion, saying:

We mentioned Ṭalḥa’s opinion about *nabīdh* in the presence of Abū Ishāq, who responded: “I served the companions of ‘Alī and those of ‘Abdallāh [b. Mas‘ūd *nabīdh*] in jars (*khawābī*) before Ṭalḥa was even born.”⁷³

⁷⁰ Al-Fasawī, *Ma‘rifā*, 2:617

⁷¹ Juynboll, *ECH*, s.v. “Ṭalḥa b. Muṣarrif;” Ibn al-Ja‘d, *Musnad*, 975-981 (nos. 2812-2844).

⁷² Al-Fasawī, *Ma‘rifā*, 3:178; al-Tha‘labī, *Kashf*, 5:505-06 (no. 474). Ibn al-Ja‘d, *Musnad*, 977-979 (nos. 2826, 2833-2836).

⁷³ *Isnād*: Abū Bakr al-Jawzaqī (Nishapur, 306-388/918-998) ← Abū Aḥmad ‘Abd al-Wāhid b. Muḥammad al-Arghiyānī (Nishapur) ← Muḥammad b. Ismā‘īl al-Aḥmasī (Kufa, d. ca. 260/874) ← Ismā‘īl b. Muḥammad b. Juḥāda (Kufa) ← Sufyān al-Thawrī (Kufa, 97-161/716-78). See al-Tha‘labī, *Kashf*, 5:506-08 (no. 475).

Here, Abū Ishāq appeals to his familiarity with senior early Muslims to demonstrate that Ṭalḥa's prohibitive stance is a baseless innovation.

In sum, the figure of Abū Ishāq al-Sabī'ī is featured in several traditions about 'Alī and the *nabīdh* of jars. Both proponents and opponents of this beverage, be they Kufan or Basran, appealed to this successor who had alleged ties to 'Alī's students. While the tradition about 'Alī purging his body of the *nabīdh* of jars appears to contradict the tradition about his companions drinking such *nabīdh*, all the traditions may still derive from the same source, namely Abū Ishāq. He may have changed his position over time or was somehow able to resolve the contradictory reports about 'Alī and his students.

5 Tradition 5

According to Ghundar Muḥammad b. Ja'far (Basra, d. 193/809)⁷⁴ ← Shu'ba (Basra, d. 160/776) ← Ḥuṣayn b. 'Abd al-Raḥmān (Kufa, d. 136/753),⁷⁵ a woman of the Banū Shaybān narrated that her husband came to them and told them that “the Commander of the Believers, 'Alī,” declared the *nabīdh* of jars prohibited to them. When they heard this, they smashed a jar [containing *nabīdh*] which they had in their possession.⁷⁶

⁷⁴ Al-Dhahabī, *Siyar*, 9:98-102. He was considered Shu'ba's top student.

⁷⁵ Juynboll, *ECH*, s.v. “Ḥuṣayn b. 'Abd ar-Raḥmān as-Sulamī.”

⁷⁶ Ibn Abī Shayba, *Muṣannaf*, 8:93 (no. 24268).

This family's choice to break the jar instead of emptying its illicit contents may reflect the extreme position that jars cannot be purified of intoxicants by cleaning them. Alternatively, the jar in question was designed for single use and could not be repurposed once opened.

If 'Alī's prohibition of the *nabīdh* of jars is historical, then it preceded 'Umar II by more than half a century. However, it is more likely that this prohibition was invented by one of the transmitters of this tradition, like Ḥuṣayn or Shu'ba.

6 Tradition 6

Transmitters adduced the practice of 'Alī to negate the practice of companions considered less authoritative than him. Thus, Ibn Jurayj (Mecca, Iraq, d. 150/767)⁷⁷ reported on the authority of “someone whom [he] trusts”⁷⁸

that a man came to Ibn Mas'ūd, and he poured for him [a beverage] from a jar. [This man or Ibn Jurayj's unnamed informant] said: “I later went to 'Alī. He asked to have [a beverage] poured for him and it was poured from a jar. 'Alī then asked the person who poured [the beverage] for him: ‘Whence did you pour [the beverage] for me?’ He answered: ‘from the jar.’ [‘Alī] said: ‘Bring it to me!’ It was brought forth. [‘Alī] took the

⁷⁷ Juynboll, *ECH*, s.v. “Ibn Jurayj.”

⁷⁸ Motzki, in *Origins* (242-44), saw in Ibn Jurayj's transmission from unnamed informants a sign of the authenticity of his transmission. Motzki convincingly argued that Ibn Jurayj would have had no problem inventing names to fill the gaps in his *isnads*, and the fact that he did not proves him a credible transmitter. Motzki assumes that Ibn Jurayj was *compos mentis*, but it is possible that he was not and that the missing names reflect his inability to recall names properly.

jar, struck it [against something], and it broke. [‘Alī] said: ‘Had I not prohibited it more than once or twice (*law lam anha ‘an-hu illā marrat^{an} aw marratayn*)!’”⁷⁹

‘Alī’s closing remark (“Had I not prohibited it more than once or twice”) is a protasis without an apodosis. The remark’s general meaning is probably “Because I prohibited the *nabīdh* of jars on multiple occasions, I incorrectly assumed that the one serving me drinks was abiding by the prohibition.”

Like Tradition 5, this tradition claims that ‘Alī prohibited the *nabīdh* of jars. Additionally, it establishes that ‘Alī’s prohibition was not well known, not to his fellow Kufan Ibn Mas‘ūd and not even to ‘Alī’s own personal drink-server. The tradition explains why so many Kufans drank *nabīdh*. It argues that they were oblivious to a legitimate prohibition that had not been properly circulated. Ibn Jurayj or his unnamed informant invented this tradition in part to show that those who drink *nabīdh* from jars are ill-informed.

7 Tradition 7

According to al-Dhahabī (Damascus, d. 748/1348), Abū l-Faṭḥ al-Azdī (Mosul, d. 374/985)⁸⁰ recorded this tradition, with a Kufan *isnād*, in his no-longer extant work devoted to weak transmitters. Its contents are as follows:

⁷⁹ ‘Abd al-Razzāq, *Muṣannaf*, 9:208-09 (no. 16959). For the sequence *law... lam... illā marrat^{an} aw marratayn*, cf. *ibid.*, 1:52 (no. 154).

⁸⁰ Al-Dhahabī, *Siyar*, 16:347-50.

‘Alī was staying at Maskin [near Kufa]. He ordered *nabīdh* and it was prepared in jars (*khawābī*). He drank from it and gave his companions to drink from it. A man became drunk. People seized him so that [‘Alī] may punish him with lashes. The man said: “O Commander of the Believers, you punish me with lashes on account of a beverage that you poured for me? [‘Alī] replied: I am not punishing you on account of the beverage, but only on account of intoxication.”⁸¹

In a variant of this tradition recorded by Ibn Ḥajar al-‘Asqalānī (Cairo, d. 852/1449), ‘Alī adds in the end: “The Messenger of God (ﷺ) ordered us to drink, while making sure we avoid intoxication.”⁸²

The mention of *khawābī* and ‘Alī’s “companions” makes it clear that Tradition 7 is influenced by Abū Ishāq al-Sabī‘ī’s tradition about serving ‘Alī’s “companions” from *khawābī*.⁸³ ‘Alī’s punishing a drinker for becoming intoxicated from a beverage he himself supplied may be influenced by ‘Abd al-Raḥīm b. Sulaymān’s variant of Sha‘bī’s version.⁸⁴ Tradition 7 is thus a late composite tradition, influenced by at least two separate sources. It likely originated in Kufa in the second half of the 2nd/8th century. It was perhaps further edited with the addition of a Prophetic statement at its end.

⁸¹ *Isnād*: Abū Kurayb (Kufa, d. 248/862) ← Mūsā b. Ṭālib (Kufa) ← his father Ṭālib b. ‘Abdallāh (Kufa) ← ‘Atā’ b. al-Sā’ib (Kufa, d. 137/755) ← Abū Ṣāliḥ Maysara (Kufa). See al-Dhahabī (Damascus, d. 748/1348), *Mizān*, 2:333-334; = Ibn Ḥajar, *Lisān*, 4:345 (no. 3977).

⁸² Ibn Ḥajar, *Lisān*, 8:204 (no. 8009). Other differences include the tradition taking place in Mecca (instead of Maskin) and ‘Alī requesting *ṭilā’* which is found to be unavailable, and then ordering *nabīdh*.

⁸³ On this tradition, see Appendix E §4.

⁸⁴ On this variant, see Appendix E §1.6.

8 Tradition 8

As seen in the previous tradition, transmitters eventually narrated traditions in which ‘Alī explicitly relies on the authority of the Prophet. Tradition 8 belongs to this category of Prophetic traditions. It is transmitted by Sulaymān al-A‘mash (Kufa, d. ca. 147/764) ← Ibrāhīm b. Yazīd al-Taymī (Kufa, d. 92/710-711) ← al-Ḥārith b. Suwayd (Kufa) ← ‘Alī. The tradition survives through four main paths of transmission from al-A‘mash: (1) Jarīr b. ‘Abd al-Ḥamīd (Kufa, Rey, 110-188/728-804)⁸⁵; (2) Yaḥyā b. Sa‘īd al-Qaṭṭān (Basra, 120-198/738-812)⁸⁶ ← Sufyan al-Thawrī (Kufa); (3) Sa‘īd b. ‘Amr al-Ash‘athī (Kufa) ← ‘Abthar (Kufa); and (4) Ghundar (Basra, d. 193/809) ← Shu‘ba (Basra, d. 160/776). All versions of Tradition 8 going through these various paths agree that ‘Alī said that the Prophet prohibited gourds and *muzaffat*.⁸⁷

Ibn Ḥanbal said about this tradition: “In Kufa there is no Hadith tradition on the authority of ‘Alī more authentic than this one.”⁸⁸ What prompted Ibn Ḥanbal to make this statement? Perhaps the integrity of this tradition was called into question. In any case, Juynboll correctly identified al-A‘mash as a plausible common link of this tradition.⁸⁹

⁸⁵ Juynboll, *ECH*, s.v. “Jarīr b. ‘Abd al-Ḥamīd.”

⁸⁶ Juynboll, *ECH*, s.v. “Yaḥyā b. Sa‘īd al-Qaṭṭān.”

⁸⁷ For versions from Jarīr, see, e.g., al-Bukhārī, *Ṣaḥīḥ*, 7:107 (no. 5594b); al-Bazzār, *Baḥr*, 3:47 (no. 801); Abū Ya‘lā, *Musnad*, 1:442 (no. 589). For versions from Yaḥyā b. Sa‘īd, see Ibn Ḥanbal, *Musnad*, 2:66 (no. 634); al-Bukhārī, *Ṣaḥīḥ*, 7:107 (no. 5594a); al-Nasā‘ī, *Sunan*, 5:87 (no. 5117); Abū Ya‘lā, *Musnad*, 1:409 (no. 538). For versions from al-Ash‘athī, see Muslim, *Ṣaḥīḥ*, 3:1578 (no. 1994 [34]), = 1579 (no. 1995 [36]). For versions from Ghundar, see *ibid.* (no. 1994 [34]); Ibn Ḥanbal, *Musnad*, 2:371 (no. 1180).

⁸⁸ Ibn Ḥanbal: *laysa bi-l-Kūfa ‘an ‘Alī Ḥadīth aṣaḥḥ min hādihā. Musnad*, 2:67.

⁸⁹ Juynboll, *ECH*, 239.

9 Tradition 9

Another Prophetic tradition attributed to ‘Alī is transmitted by Ismā‘īl b. Sumay‘ [or Samī‘] (Kufa)⁹⁰ usually on the authority of Mālik b. ‘Umayr (Kufa)⁹¹ ← Ṣa‘ṣa‘a b. Ṣūḥān (d. between 41/661 and 60/680).⁹² Ibn Sumay‘ appears to have originated this tradition, teaching it to at least seven students, including: Marwān b. Mu‘āwiya (Kufa, d. 193/809),⁹³ Isrā‘īl (Kufa, 100- ca. 162/718- ca. 779),⁹⁴ ‘Alī b. ‘Āṣim (Wāsiṭ, d. 201/816),⁹⁵ ‘Abbād b. al-‘Awwām (Wāsiṭ, d. ca. 185/801),⁹⁶ Khālīd b. ‘Abdallāh (Wāsiṭ, d. ca. 179/795),⁹⁷ Shu‘ba (Basra, d. 160/776), and ‘Abd al-Wāḥid b. Ziyād (Basra, d. 176/792). One representative version of this tradition is as follows:

Ṣa‘ṣa‘a b. Ṣūḥān came to ‘Alī and said: “Prohibit us what God’s Messenger (Ṣ) has prohibited you.” [‘Alī] said: “God’s Messenger (Ṣ) prohibited gourds, *ḥantam*, *naqīr*, and *ji‘a* (wheat beer), and he prohibited gold rings, wearing silk, wearing *qassī* (a type of fabric), and *al-mūthara al-ḥamrā‘* (the red saddle cloth).”⁹⁸

⁹⁰ Al-Bukhārī, *Tārīkh*, 1:356 (no. 1124); Ibn ‘Adī, *Kāmil*, 2:71 (no. 123).

⁹¹ Al-Bukhārī, *Tārīkh*, 7:304 (no. 1293). He was reportedly born in the pre-Islamic era.

⁹² Ibn Sa‘d, *Ṭabaqāt*, 8:340-41 (no. 3040).

⁹³ Juynboll, *ECH*, s.v. “Marwān b. Mu‘āwiya.”

⁹⁴ Al-Bukhārī, *Tārīkh*, 2:56 (1669); Juynboll, *ECH*, s.v. “Isrā‘īl b. Yūnus b. Abī Ishāq as-Sabī‘ī.” I discuss his grandfather Abū Ishāq in Appendix E §4.

⁹⁵ Al-Dhahabī, *Siyar*, 9:249-62.

⁹⁶ Al-Dhahabī, *Siyar*, 8:511-12.

⁹⁷ Juynboll, *ECH*, s.v. “Khālīd b. ‘Abd Allāh.”

⁹⁸ Al-Nasā‘ī, *Sunan*, 8:365 (no. 9409). This is the version of Marwān b. Mu‘āwiya. For the version of Isrā‘īl, see *ibid.*, 8:365 (no. 9408). For the version of ‘Alī b. ‘Āṣim, see Ibn Ḥanbal, *Musnad*, 2:269-70 (no. 963). For the version of ‘Abbād, see Ibn Abī Shayba, *Muṣannaf*, 8:85 (no. 24233); Abū l-Faḍl al-Zuhrī, *Ḥadīth*, 106-07 (no. 40); Ibn ‘Asākir, *Tārīkh*, 24:80. For the version of Khālīd b. ‘Abdallāh, see *ibid.*, 24:81. For the version of Shu‘ba, see Ibn Ḥanbal, *Musnad*, 2:363 (no. 1162). For the version of ‘Abd al-Wāḥid, see *ibid.*, 2:363 (no. 1163); Abū Dāwūd, *Sunan*, 5:537 (no. 3697); al-Nasā‘ī, *Sunan*, 8:366 (no. 9410). The different versions are mostly in agreement, although some omit or include various prohibited items. There is also some slight variation regarding the *isnād* cited by Ibn Sumay‘. The composite nature of the tradition is always evident. In the end of the versions of ‘Alī b. ‘Āṣim, Khālīd, and Shu‘ba, there is an addition about the Prophet bestowing a silk garment on Fāṭima.

This is clearly a composite tradition bringing together several items prohibited by the Prophet in various traditions. Ibn Sumay‘ formed it based on traditions with which he was familiar.⁹⁹

Ibn Sumay‘ was reportedly a seller of *sābirī* (a type of fabric),¹⁰⁰ which some considered reprehensible or prohibited.¹⁰¹ He thus may have had an ulterior motive in propagating a tradition prohibiting fabrics sold by his competitors, like silk and *qassī*.¹⁰² One of Ibn Sumay‘’s contemporaries accused him of holding *khārijī* views.¹⁰³ The Khārijīs generally held very strict views regarding *nabīdh* and various luxuries and would have likely found the contents of Ibn Sumay‘’s tradition legally sound. If *ḥantam* means “green jars,” then Ibn Sumay‘’s prohibition of *ḥantam* (but not tarred jars) agrees with Ibādī dogma.¹⁰⁴

⁹⁹ A likely source of influence over Ibn Sumay‘’s tradition is a tradition transmitted by Abū Ishāq al-Sabī‘ī (Kufa, d. 127/745) ← Hubayra b. Yarīm ← ‘Alī, according to which the Prophet prohibited *qassī* garments, beer, gold rings, and [red] saddle cloths (or a similar combination of one or all of these). See, e.g., Ibn Ḥanbal, *Musnad*, 2:126 (no. 722), 2:311 (no. 1049), 2:341 (no. 1113), 2:362 (no. 1158); idem, *Ashriba*, 60-61 (no. 114); al-Nasā‘ī, *Sunan*, 8:364 (nos. 9404, 9405, & 9406); Ibn Abī Shayba, *Muṣannaf*, 8:82 (no. 24219). Hubayra’s name is replaced with that of Ibn Šūḥān in a version transmitted by Yaḥyā b. Ādam (Kufa, d. 203/818) ← ‘Ammār b. Ruzayq (Kufa, d. ca. 159/776) ← Abū Ishāq al-Sabī‘ī ← Ibn Šūḥān ← ‘Alī ← the Prophet. See, e.g., al-Bukhārī, *Tārīkh*, 4:319 (no. 2979); al-Nasā‘ī, *Sunan*, 5:82 (no. 5101). Ibn Sumay‘’s tradition conceivably inspired the insertion of Ibn Šūḥān into this *isnād*. Cf. al-Nasā‘ī, *Sunan*, 8:365 (no. 9409).

¹⁰⁰ Al-Bukhārī: *Ismā‘īl b. Sumay‘ [...] bayyā‘ al- sābirī. Tārīkh*, 1:356 (no. 1124).

¹⁰¹ See, e.g., Ibn Abī Shayba, *Muṣannaf*, 7:393 (no. 22269).

¹⁰² Evidence of direct competition between *sābirī* and silk is found in ‘Aṭā’’s statement that he prefers the latter to the former. See Ibn Abī Shayba, *Muṣannaf*, 7:393 (no. 22271).

¹⁰³ Ibn ‘Adī: *kāna Ismā‘īlu bnu Sumay‘ⁱⁿ yarā ra‘ya l-khawārij. Kāmil*, 2:71 (no. 123). Given his active promotion of a Hadith transmitted by ‘Alī, Ibn Sumay‘ was likely not a *khārijī*. His strict view of the *nabīdh* of jars could have led some of his fellow Kufans to view him as “a *khārijī*.” Ibn Sumay‘’s *khārijī* reputation may also derive from a tradition attributed to him about ‘Alī and the Khawārij. Cf. a version of this tradition in Ibn Abī Shayba, *Muṣannaf*, 13:449-50 (no. 38914).

¹⁰⁴ See §5.6.

In sum, Ibn Sumay‘ held views that were more prohibitive than those normally associated with his fellow Kufans. He originated a Prophetic tradition by ‘Alī prohibiting *nabīdh* in *ḥantam* and in other receptacles. He also prohibited other luxury items, like certain garments.

10 Tradition 10

This Prophetic tradition promotes the three concessions doctrine.¹⁰⁵ It marks a developed stage in the evolution of traditions by ‘Alī concerning the *nabīdh* of jars. It exists in two main versions:

(1) One with an *isnād* from Ḥammād b. Salama (Basra, d. 167/784) ← ‘Alī b. Zayd (Basra, d. 129/747 or 131/749)¹⁰⁶ ← Rabī‘ a b. al-Nābigha (Kufa) ← his father ← ‘Alī,¹⁰⁷ and (2) the other with an *isnād* from ‘Abd al-Wārith (Basra, d. 180/796)¹⁰⁸ ← ‘Alī b. Zayd (Basra) ← al-Nābigha b. Mukhāriq ← his father ← ‘Alī.¹⁰⁹ Both versions represent the same tradition of ‘Alī b. Zayd despite the disagreement about his sources.¹¹⁰ Ibn Zayd appears to be the originator of this

¹⁰⁵ See §4.7.1.

¹⁰⁶ Juynboll, *ECH*, s.v. “‘Alī b. Zayd b. Jud‘ān.”

¹⁰⁷ Ḥammād b. Salama taught this version to at least four students: Yazīd b. Hārūn (Wāsiṭ, 118-206/736-821), ‘Affān b. Muslim (Basra, d. 220/835), Ḥajjāj b. Minhāl (Basra, d. 217/832), Ibrāhīm b. al-Ḥajjāj (Basra, ca. d. 231/846), and Asad b. Mūsā (Egypt, d. 212/827). For Yazīd’s variant, see, e.g., Ibn Abī Shayba, *Muṣannaḥ*, 8:83 (no. 24224), = 8:116 (no. 24401); Ibn Ḥanbal, *Musnad*, 2:397-98 (no. 1236). For ‘Affān’s variant, see, e.g., *ibid.*, 2:398 (no. 1237); al-Zayn, ed., *Aḥādīth*, 424 (no. 311). For Ibn Minhāl’s variant, see, e.g., al-Fasawī, *Ma‘rifā*, 3:125; al-Ṭaḥāwī, *Sharḥ ma‘ānī l-āthār*, 4:185 (no. 6268), and 4:227 (no. 6534); Tamām, *Fawā‘id*, 2:118 (no. 1308); Ibn ‘Abd al-Barr, *Tamhīd*, 3:226-27. For Ibrāhīm b. al-Ḥajjāj’s variant, see, e.g., al-Nasā‘ī, *Sunan*, 5:96 (no. 5144); Ibn ‘Asākir, *Tārīkh*, 60:136. For Asad’s variant, see al-Ṭaḥāwī, *Sharḥ ma‘ānī l-āthār*, 4:185 (no. 6267), and 4:227 (no. 6533).

¹⁰⁸ Juynboll, *ECH*, s.v. “‘Abd al-Wārith b. Sa‘īd.”

¹⁰⁹ ‘Abd al-Wārith taught this tradition to at least three students: Abū Ma‘mar ‘Abdallāh b. ‘Amr (Basra, d. 224/838), Muḥammad b. Ziyād al-Ziyādī (d. 250/864), Musaddad (Basra, d. 228/843). For the variant of Abū Ma‘mar, see al-Fasawī, *Ma‘rifā*, 3:125-6; al-Ṭaḥāwī, *Sharḥ ma‘ānī l-āthār*, 4:185 (no. 6266), and 4:227 (no. 6532). For the variant of al-Ziyādī, see Ibn Shāhīn, *Nāsikh*, 413 (no. 548). For the variant of Musaddad, see al-Khaṭīb, *Muttafiq*, 1577-78 (no. 1021).

¹¹⁰ Some traditional Hadith critics preferred the *isnād* of ‘Abd al-Wārith’s version. See, e.g., al-Fasawī, *Ma‘rifā*, 3:126.

tradition. Alternatively, either Ibn Salama or ‘Abd al-Wārith originated this tradition and the other copied from him.

This composite tradition combines three different concessions of the Prophet about three topics: visiting graves, storing the meat of sacrificial animals, and drinking *nabīdh* from certain receptacles. Transmitters and compilers when recording variants of Tradition 10 often omitted one or two of these topics. One unabbreviated variant, for example, states:

God’s Messenger (ﷺ) prohibited visiting graves, storing the meat of sacrificial animals for more than three days, and [drinking *nabīdh* from] the receptacles. Afterwards, he issued a concession regarding these, proclaiming: “I prohibited visiting graves to you, but now visit them and they will remind you of the afterlife! I prohibited storing the meat of sacrificial animals for more than three days, but now store them for as long as you see fit! I prohibited [drinking *nabīdh* from] the receptacles, but now, drink from them but beware of every intoxicant!”¹¹¹

The reference to drinking in this variant and others may imply that drinking from jars is permitted, but preparation is not. In other variants of this tradition, drinking is replaced with the less ambiguous preparation.¹¹² In sum, the Basran ‘Alī b. Zayd appears to have originated a concessive tradition permitting the use of all receptacles for *nabīdh*. He based this tradition on others promoting the three concessions doctrine.

¹¹¹ Al-Zayn, ed., *Aḥādīth*, 424 (no. 311).

¹¹² See, e.g., al-Nasā’ī, *Sunan*, 5:96 (no. 5144).

11 Summary: The Traditions of ‘Alī b. Abī Ṭālib

The first traditions on the authority of ‘Alī b. Abī Ṭālib regarding the *nabīdh* of jars came into prominence in Kufa probably slightly before or after the year 100/717. It may have come as a response to ‘Umar II’s edict. Such traditions quickly became a coveted resource and transmitters began finding many more examples of them. These traditions were initially used for internal debates within Kufa, but over time they migrated to Basra and other cities. Many Kufans relied on traditions of ‘Alī to justify the use of various types of receptacles, especially tarred jars and green jars.

The more archaic Kufan traditions on ‘Alī’s authority generally exhibit a remarkable level of tolerance towards the consumption of *nabīdh* from jars. Such tolerance became increasingly rarer with the passage of time, especially outside Kufa. Many of the later transmitters who encountered permissive traditions emended so that they would agree with later orthodoxy. Others introduced new prohibitive traditions that were meant to render the correct the older ones or to make them obsolete.

Within a few decades, transmitters introduced Prophetic traditions attributed to ‘Alī, probably to compete with Prophetic traditions attributed to other Companions of the Prophet. Interestingly, one of these traditions was formulated by the Basran ‘Alī b. Zayd (d. 129/747 or 131/749) or one of his students. This is a concessive tradition that demonstrates that even outside of Kufa there were pockets of supporters for the drinking of the *nabīdh* of jars.

Tradition	Permissive/ Prohibitive	Receptacle	Early Verifiable Source	‘Alī’s student	Authority
1	permissive	<i>dinān</i>	al-Sha‘bī (Kufa, d. ca. 110/728)	al-Sha‘bī (Kufa, d. ca. 110/728)	‘Alī
2	permissive	Green jars (or White jars)	al- A‘mash (Kufa, d. ca. 147/764)	Ṭarīf al-Asadī (Kufa)	‘Alī
3	permissive	Green jars	Ibn Fuḍayl (Kufa, d. ca. 195/811)	Umm Mūsā (Kufa)	‘Alī
4	prohibitive	Jars	al-Mu‘tamir b. Sulaymān (Basra, d. 187/803)	Abū Ishāq al-Sabī‘ī (Kufa, d. 127/745)	‘Alī
5	prohibitive	Jars	Ḥuṣayn b. ‘Abd al-Rahmān (Kufa, d. 136/753)	A Shaybānī woman	‘Alī
6	prohibitive	Jars	Ibn Jurayj (Mecca, Iraq, d. 150/767)	So-and-so	‘Alī
7	permissive	<i>khawābī</i>	‘Aṭā’ b. al-Sā‘ib (Kufa, d. 137/755)	Abū Ṣāliḥ Maysara (Kufa)	‘Alī
8	prohibitive	gourds & <i>muzaffat</i>	al- A‘mash (Kufa, d. ca. 147/764)	al-Ḥārith b. Suwayd (Kufa)	Prophet
9	prohibitive	gourds, <i>ḥantam</i> , & <i>naqīr</i>	Ismā‘īl b. Sumay‘ (Kufa)	Ibn Ṣūḥān (d. after 41/661)	Prophet
10	concessive	All receptacles	‘Alī b. Zayd (Basra, d. ca. 129/747)	Mukhāriq or al-Nābigha	Prophet

Table E.1: A Summary of Some of the Major Traditions about ‘Alī concerning Nabīdh and Receptacles.

Appendix F: The Traditions of ‘Abdallāh b. Abī Awfā

‘Abdallāh b. Abī Awfā (d. 86-7/705-6) was said to be the last Companion of the Prophet to die in Kufa.¹ He reportedly died at a very old age, which some say defies belief.² There are two traditions on his authority related to the *nabīdh* of jars. One is about his own practice. The other is a Prophetic tradition.

1 Tradition 1: Muslim al-A‘war’s Non-Prophetic Tradition

According to this Kufan tradition with the *isnād* from Abū l-Aḥwaṣ (Kufa, d. 179/795) ← Muslim al-A‘war (Kufa), Ibn Abī Awfā used to drink *nabīdh* from green jars.³

2 Tradition 2: al-Shaybānī’s Prophetic Tradition and its Derivatives

Ibn Abī Awfā is the only known Companion from whom Abū Ishāq al-Shaybānī (Kufa, d. 138-142/756-760)⁴ transmits traditions.⁵ One of these traditions concerns receptacles. Al-Shaybānī appears to be the originator of this tradition. However, there are a few traditions with unconvincing diving *isnāds* that offer alternative paths of transmission to Ibn Abī Awfā, and these will be discussed later (See Diagram F.1: The Tradition of Ibn Abī Awfā).

Al-Shaybānī taught his tradition to at least nine students: ‘Alī b. Mushir (Kufa, d. 189/805), Shu‘ba (Basra, d. 160/776), al-A‘mash (Kufa, d. 147/764 or 148/765), al-Thawrī

¹ Ibn Sa‘d, *Ṭabaqāt*, 5:206-07 (no. 867); al-Bukhārī, *Tārīkh*, 5:24 (no. 40); al-Dhahabī, *Siyar*, 3:428-30.

² On the alleged longevity of many early transmitters, see Juynboll, “Mu‘ammarūn,” 155-75.

³ Ibn Abī Shayba, *Muṣannaf*, 8:110 (no. 24363).

⁴ I briefly discuss this tradition in Harvey, “Green Jars,” 437-38.

⁵ Juynboll, *ECH*, s.v. “Abū Ishāq Sulaymān b. Abī Sulaymān ash-Shaybānī.”

(Kufa, d. 161/778), Abū Mu‘āwiya (Kufa, d. 194-5/810-1), Abū ‘Awāna (Wāsiṭ, d. 176/792),⁶ Sulaymān al-Taymī (Basra, d. 143/760), ‘Abd al-Wāḥid b. Ziyād al-‘Abdī (Basra, d. 176/792), and Ibn ‘Uyayna (Kufa, Mecca, d. 198/811). Their traditions mostly corroborate each other although some of them contain minor differences in wording often resulting in significant legal ramifications. It will suffice to examine several representative versions that showcase important developments in the reception of al-Shaybānī’s tradition.

2.1 *The Versions of Ibn Mushir, Shu‘ba, al-A‘mash, and al-Thawrī*

Four versions have the greatest claim to represent accurately the words of al-Shaybānī because they corroborate each other. These are the versions of Ibn Mushir,⁷ Shu‘ba,⁸ al-A‘mash,⁹ and al-Thawrī.¹⁰ Ibn Mushir’s version can serve as a representative for the others. According to his version, Ibn Abī Awfā said:

The Messenger of God (ﷺ) prohibited green jars [for *nabīdh*]. [Al-Shaybānī added:] I asked: “What about white [jars]?” He replied: “I do not know.”¹¹

⁶ Juynboll, *ECH*, s.v. “Abū ‘Awāna al-Waḍḍāḥ b. ‘Abd Allāh.”

⁷ Ibn Abī Shayba, *Muṣannaf*, 8:92 (no. 24265)

⁸ See, e.g., Ibn Ḥanbal, *Musnad*, 31:450 (no. 19103), 31:482 (19142), and 32:141 (no. 19397); al-Ṭayālīsī, *Musnad*, 2:158 (no. 852). In al-Ṭayālīsī’s variant, “red jars” are mentioned instead of “green ones.” See editor’s note there.

⁹ For al-A‘mash’s version, see the variant of Wakī‘ (Kufa) in Ibn Ḥanbal, *Musnad*, 31:452 (no. 19106); the variant of Qays b. al-Rabī‘ (Kufa, d. 65/782 and 168/785) in Ibn Ṣā‘id, *Juzu’*, 132 (no. 38), = Ibn ‘Adī, *Kāmil*, 9:442-43 (no. 15299; an abbreviated version). Qays omits the question in the end about the white jars and more crucially he omits al-Shaybānī’s mediation between al-A‘mash and Ibn Abī Awfā. As in most cases, the longer *isnad* must be preferred.

¹⁰ See ‘Abd al-Razzāq, *Muṣannaf*, 9:200 (no. 16928), = Ibn Ḥanbal, *Musnad*, 31:483 (19144); Ibn Ḥazm, *Iḥkām*, 8:30.

¹¹ Ibn Abī Shayba, *Muṣannaf*, 8:92 (no. 24265).

Ibn Abī Awfā did not know if the Prophetic prohibition of green jars extended to white ones. Here, the prohibition of white jars in addition to green jars may represent the prohibition of all glazed or coated jars or maybe even of all jars.

Ibn Ḥazm (Cordoba, d. 456/1064), a proponent of scriptural literalism, addressed one of these versions. While criticizing analogical legal reasoning (*qiyās*), he noted Ibn Abī Awfā's refusal to draw an analogy between green jars and white ones. Ibn Ḥazm stated: "Had Ibn Abī Awfā permitted analogical reasoning, he would have said 'what's the difference between green and white jars?!'¹² [...] However, he did not stray beyond the text [of the Hadith tradition]. And this [viz., not straying from the text] is the only thing that is permitted."¹³ The version of Ibn Mushir and others is agnostic. It prohibits green jars yet is unsure if other types of jars are also prohibited.

2.2 *The Version of Abū Mu'āwiya*

The element of doubt is also present in Abū Mu'āwiya's version from al-Shaybānī, in which Ibn Abī Awfā says that the Prophet prohibited "the *nabīdh* of jars." Al-Shaybānī then asks him: "which jars?" to which Ibn Abī Awfā responds that he does not know.¹⁴ Abū Mu'āwiya's version prohibits some jars but is unsure which ones exactly.

¹² I.e., they both should be prohibited.

¹³ Ibn Ḥazm, *Iḥkām*, 8:30-31.

¹⁴ Al-Bazzār, *Baḥr*, 8:265 (no. 3326). Cf. Ibn al-Muqri', *Mu'jam*, 156 (no. 464). Whereas the variant of al-Bazzār is agnostic about which jars exactly are prohibited, the variant of Ibn al-Muqri' determines that green jars are prohibited. Al-Bazzār's less decisive version likely better represents Abū Mu'āwiya's original words.

2.3 The Version of al-Taymī

A greater degree of certainty is found in a version of al-Taymī, where Ibn Abī Awfā recalls that the Prophet prohibited “the *nabīdh* of jars.” Al-Shaybānī (or Ibn Abī Awfā) then adds that he thinks they were “green.”¹⁵ Thus, al-Taymī’s version prohibits green jars.

2.4 The Version of ‘Abd al-Wāḥid

Uncertainty is summarily rejected in the version of ‘Abd al-Wāḥid which states:

Al-Shaybānī reported to us, saying: I heard ‘Abdallāh the son of Abī Awfā (may God be pleased with both) saying: The Prophet (ﷺ) prohibited green jars [for *nabīdh*]. I asked: “May we drink [*nabīdh*] from white [jars]?” He replied: “No.”¹⁶

Here, ‘Abd al-Wāḥid changed “I don’t know” (*lā adrī*) to “no” (*lā*). By removing a single Arabic word, he dramatically altered al-Shaybānī’s agnostic tradition to an unequivocal one. Instead of explicitly prohibiting only green jars, this modified version prohibits green jars and white jars, which may even represent a prohibition of all glazed or coated jars.

This version is particularly important since al-Bukhārī chose to include it in his collection of “sound” Hadith traditions. He would have surely been familiar with the agnostic versions but preferred this one likely due to its decisiveness.

¹⁵ Ibn Bashrān, *Amālī* 1, 379 (no. 867). This is the variant of Thābit b. Yazīd (Basra, d. 169/786). For the variant of Ḥammād b. Mas‘ada (Basra, d. 202/817), see al-Bazzār, *Baḥr*, 8:267 (no. 3327). Al-Taymī’s transmission from his contemporary Abū Ishāq al-Shaybānī is odd, but probably authentic since no-one would bother inventing such a lengthy *isnād*. Thābit’s variant prohibits jars of some sort, probably green jars. Ibn Mas‘ada’s variant, if it indeed resembles the preceding report, *ibid.*, 8:265 (no. 3326), prohibits jars generally or certain jars. Al-Taymī’s original version clearly prohibited jars generally, followed by some doubt.

¹⁶ Al-Bukhārī, *Ṣaḥīḥ*, 7:107 (no. 5596). Cf. al-Bayhaqī, *al-Sunan al-kabīr*, 17:460 (no. 17538).

2.5 The Version of Ibn 'Uyayna

Ibn 'Uyayna also recorded an unambiguous version of al-Shaybānī's tradition from Ibn Abī Awfā. According to this version, the Prophet prohibited "green jars, white jars, and red jars."¹⁷ Ibn 'Uyayna added the reference to red jars, implying that at least three types of glazed ceramics are equally prohibited. With this addition, Ibn 'Uyayna resolved the ambiguity differently from 'Abd al-Wāhid. Be that as it may, they both reached the same conclusion that all glazed jars, no matter their color, (and maybe even all jars) are prohibited.

2.6 The Version of Abū 'Awāna

According to Abū 'Awāna's version of al-Shaybānī's tradition, the Prophet prohibited green jars.¹⁸ There is no ambiguity in this version.

2.7 Other Versions

As noted above, there are a few diving traditions that bypass al-Shaybānī and offer an alternative path of transmission to Ibn Abī Awfā. One clear example is a version originated by Sukayn b. 'Abd al-'Azīz (Basra)¹⁹ which he transmitted on the authority of Manṣūr al-Kūfī from Ibn Abī

¹⁷ Al-Shāfi'ī, *Umm*, 7:440-41 (no. 2861). Cf. al-Ḥumaydī, *Musnad*, 1:567 (no. 732). In al-Ḥumaydī's version, Ibn 'Uyayna says that the Prophet prohibited green jars, white jars, and a third type of [jar] which Ibn 'Uyayna forgot. It is unclear if al-Shāfi'ī or al-Ḥumaydī better preserves Ibn 'Uyayna's tradition. They both agree that three types of jars or receptacles were prohibited.

¹⁸ Ibn Ḥibbān, *Ṣaḥīḥ*, 12:223-23 (no. 5402).

¹⁹ Al-Bukhārī, *Tārīkh*, 4:199 (no. 2485); Ibn 'Adī, *Kāmil*, 6:89-93 (no. 8735).

Awfā. In Sukayn’s version, the Prophet prohibits “the *nabīdh* of jars.”²⁰ Sukayn introduced this version likely because he wanted to extend al-Shaybānī’s tradition prohibiting green jars so that it will prohibit all jars.

A version resembling Sukayn’s is transmitted on the authority of Ḥammād b. Salama (Basra, d. 167/784) ← ‘Abd al-Malik b. ‘Umayr (Kufa, d. 136/753)²¹ ← Ibn Abī Awfā.²² This uncorroborated version is probably influenced by Sukayn’s version.

There is an agnostic version where al-Shaybānī’s name is transparently replaced with that of Fā’id Abū Warqā’ (Kufa).²³

In another version, Muḥammad b. Juḥāda (Kufa)²⁴ cites the authority of Ibn Abī Awfā without naming the intermediary person from whom he heard Ibn Abī Awfā’s tradition. According to Ibn Juḥāda’s version, the Prophet prohibited green jars.²⁵

²⁰ Sukayn taught this tradition to at least two students: Ibrāhīm b. al-Ḥajjāj (Basra, d. 231/845-6) and Shurayḥ b. Maslama (Kufa). For their variants, see, e.g., Ibn Ṣā’id, *Juzu’*, 144 (nos. 45 & 46); Ibn ‘Adī, *Kāmil*, 6:90 (no. 8735). In Ibn ‘Adī’s version, “jars” were changed to “green jars” likely due to the influence of al-Shaybānī’s tradition.

²¹ Juynboll, *ECH*, s.v. “‘Abd al-Malik b. ‘Umayr.”

²² For Ibn Salama’s version, see Ibn Ṣā’id, *Juzu’*, 139 (no. 42).

²³ For Fā’id’s version, see Abū Nu’aym, *Awālī l-Ḥārith*, 44 (no. 42). It is of course highly improbable that both al-Shaybānī and Fā’id recalled with the same exact words a question they asked Ibn Abī Awfā and his answer.

²⁴ Ibn Sa’d, *Ṭabaqāt*, 8:454 (no. 3331).

²⁵ For Ibn Juḥāda’s version, see al-Qāṭi’ī, *Juzu’*, 277 (no. 181).

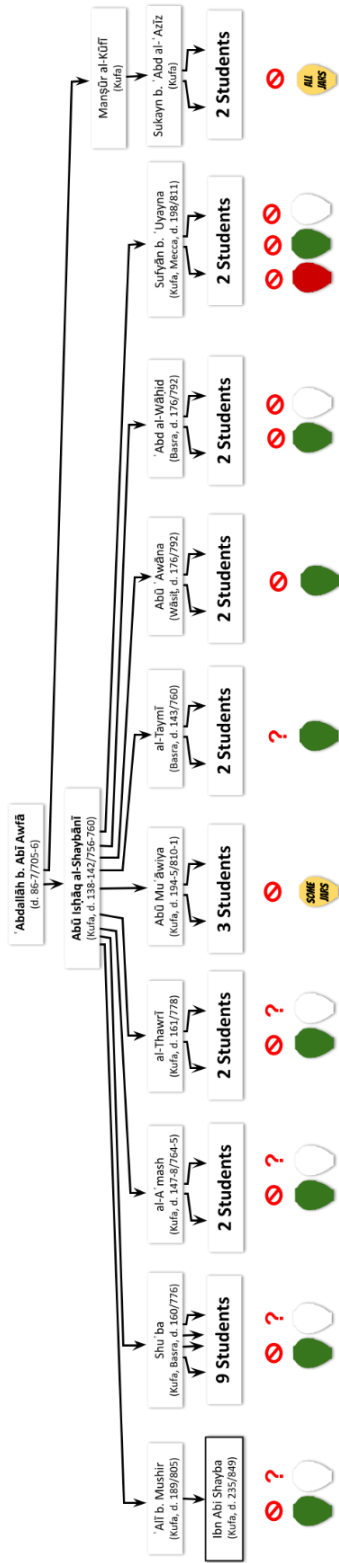


Diagram F.1: The Tradition of Ibn Abī Awfā

3 Summary: The Traditions of Ibn Abī Awfā

Early Kufans transmitted traditions associating Ibn Abī Awfā with green jars. According to Tradition 1, he used to drink *nabīdh* from green jars. In the early 2nd century/between *ca.* 720 and 760, Abū Ishāq al-Shaybānī introduced Tradition 2, a Prophetic tradition from Ibn Abī Awfā prohibiting green jars and expressing doubt if white jars (and other jars) are also included in this prohibition. The exact relation between these two traditions is unclear. Tradition 1 may have inspired al-Shaybānī to create Tradition 2. Alternatively, someone introduced Tradition 1 in response to Tradition 2 to prove that Ibn Abī Awfā held that the Prophet cancelled the prohibition of green jars.

Some later transmitters did not agree with Tradition 2's agnostic approach towards non-green jars. They resorted to making the tradition less ambiguous by altering its wording. In some cases, they also altered its chain of transmission. Instead of only prohibiting green jars with certainty, the new versions prohibited all glazed jars or all jars. Many of these new versions can be traced to non-Kufan transmitters, like the Basrans 'Abd al-Wāḥid and Sukayn, and the Meccan Ibn 'Uyayna. Prohibiting green jars appears to have been an early compromising Kufan position. Outside of Kufa, many transmitters wanted more restrictive traditions that prohibited all glazed jars or all jars.

Appendix G: The Traditions of ‘Abdallāh b. Mas‘ūd

‘Abdallāh b. Mas‘ūd, AKA ‘Abdallāh b. Umm ‘Abd, (d. 32/653) is a famed Companion of the Prophet. He served as the governor of Kufa. Many Kufans remembered traditions on his authority and his teachings are closely associated with their town. There are many non-Prophetic traditions on the authority of his students and his authority. The traditions about his students likely predate the traditions about him. The non-Prophetic traditions were probably followed by the many Prophetic traditions reportedly transmitted by Ibn Mas‘ūd.

1 Traditions from Ibn Mas‘ūd’s Students

Many non-Prophetic traditions are extant that record the practice and opinions of Ibn Mas‘ūd’s students regarding *nabīdh* and receptacles. These are probably some of the earliest traditions on the matter and all or most of them likely predate the traditions about his practice.

The reports about Ibn Mas‘ūd’s students include the following: Ibn Mas‘ūd’s son Abū ‘Ubayda (Kufa, d. 81/700)¹ reportedly drank *nabīdh* from a green jar.² Abū Wā’il Shaqīq b. Salama (d. 82/701)³ drank *nabīdh* from green jars in his own home.⁴ Masrūq (Kufa, d. 63/682-3)

¹ Ibn Mas‘ūd was very old when his son Abū ‘Ubayda was born. The latter barely knew his father. See Ibn Sa‘d, *Ṭabaqāt*, 8:329 (no. 3012); al-Dhahabī, *Siyar*, 4:363 (no. 141).

² *Isnād*: Ibn Mushir (Kufa, d. 189/805) ← al-Shaybānī (Kufa, d. between 138-142/756-760) ← Ghaylān b. Yazīd (Kufa) ← ‘Abdallāh b. Yazīd (Kufa). See Ibn Abī Shayba, *Muṣannaf*, 8:113 (no. 24384). “‘Abdallāh b. Yazīd” may be an interpolation in the *isnād*. Cf. the *isnād* *ibid.*, 8:161 (no. 24657).

³ Juynboll, *ECH*, s.v. “Abū Wā’il Shaqīq b. Salama.”

⁴ *Isnād*: Ibn Fuḍayl (Kufa, d. ca. 195/811) ← Ḥuṣayn b. ‘Abd al-Raḥmān (Kufa, d. 136/753). See Ibn Abī Shayba, *Muṣannaf*, 8:112 (no. 24377). Ḥuṣayn also saw other prominent Kufans Ibrāhīm al-Nakha‘ī, al-Sha‘bī, Hilāl b. Yasāf, and Sa‘īd b. Jubayr drinking from green jars at their homes.

reportedly drank the *nabīdh* of jars.⁵ Abū Ḥuşayn (Kufa) claimed that he witnessed Zirr b. Ḥubaysh (d. 82/701) drinking the *nabīdh* of *khawābī*.⁶ Other companions of Ibn Mas‘ūd are said to have done the same.⁷ The transmitters of these traditions appear to cite the example of these companions approvingly.

One tradition seemingly strikes a more judgmental tone towards the companions of Ibn Mas‘ūd and their consumption of *nabīdh* from jars. The Basran Ḥammād b. Zayd (d. 179/795) reported that ‘Āşim b. Bahdala Abī l-Najūd (Kufa, d. 127-8/744-5) said:

I came across people who used to stay up all night (*yattakhidhūna hādha l-layla⁸ jamal^{an}*) drinking the *nabīdh* of jars, while wearing clothes dyed with safflower.⁹ Among these, were Zirr and Abū Wā’il.¹⁰

One version explicitly identifies these all-night drinkers as “companions of Ibn Mas‘ūd.”¹¹ The expression *yattakhidhūna hādha l-layla jamal^{an}* (literally: “treating this night as if it were a

⁵ *Isnād*: Ghundar (Basra, d. 193/809) ← Shu‘ba (Basra, d. 160/776) ← Ibrāhīm b. Muḥammad b. al-Muntashir ← his father, a nephew of Masrūq. See Ibn Abī Shayba, *Muṣannaf*, 8:112 (no. 24376).

⁶ *Isnād*: Abū l-Aḥwaş (Kufa, d. 179/795) ← Simāk b. Ḥarb (Kufa, d. 123/741), ← Abū Ḥuşayn (Kufa). See Ibn Abī Shayba, *Muṣannaf*, 8:106 (no. 24339). Abū Ḥuşayn may be ‘Uthmān b. ‘Āşim (d. ca. 127/745). See al-Dhahabī, *Siyar*, 5:412-17. For Simāk, see Juynboll, *ECH*, s.v. “Simāk b. Ḥarb.”

⁷ See the tradition discussed in Appendix E §4.

⁸ Literally: “this night.” I suspect that *hādha* is not used here in its usual demonstrative sense. Nevertheless, it is possible that it refers to some specific night, maybe *Laylat al-Qadr*.

⁹ Arabic: *al-mu‘aşfar*. Some considered fabrics dyed this way effeminate or problematic in some other way. See Ibn Abī Shayba, *Muṣannaf*, 8:265-270.

¹⁰ Ibn Abī Shayba, *Muṣannaf*, 8:115 (no. 24394), = 8:266 (no. 25200). For other examples of this tradition, see al-Fasawī, *Ma‘rifā*, 2:777; Ibn ‘Asākir, *Tārīkh*, 19:28-29. Ḥammād b. Zayd appears to have transmitted this tradition, but it is likely that the tradition goes back to ‘Āşim himself.

¹¹ Ibn al-Muqri‘, *Mu‘jam*, 174 (no. 534), = Ibn ‘Asākir, *Tārīkh*, 19:28. Salām b. Abī Muḥī‘ (d. 164/780-81), not Ḥammād b. Zayd, transmits this tradition from ‘Āşim. Salām either corroborates Ibn Zayd or is copying from him. Further corroboration of ‘Āşim’s tradition is possibly provided by Sufyān [al-Thawrī] in Ibn Abī Khaythama, *Tārīkh*, 3:162-63 (no. 4284), but this tradition is about the “*nabīdh* of weddings,” not “the *nabīdh* of jars.”

camel”) is used here to denote “staying up all night.” According to the lexicographer al-Khalīl, this is an expression of the Arabs that means “to travel for the entire night.”¹² Possibly commenting on ‘Āṣim’s tradition, the Basran Arabic expert al-Aṣma‘ī reportedly explained that this expression refers to staying up all night praying or performing other [pious] activities.¹³ Al-Aṣma‘ī’s definition may be apologetically motivated. He may have wanted to portray Zirr and Abū Wā’il as engaging in a pious activity, and not merely as drinkers of controversial beverages and wearers of problematic garments. Ibn Qutayba, in his version of this tradition, seemingly corroborates al-Aṣma‘ī. He states:

I came across people who used to stay up all night even though they used to drink the *nabīdh* of jars and wear clothes dyed with safflower.¹⁴

Here, staying up all night is a positive activity that contrasts the controversial activities of drinking *nabīdh* and wearing those dyed clothes.

In sum, numerous predominantly Kufan traditions attest that Ibn Mas‘ūd’s students used to drink *nabīdh* from jars. It is difficult to date these traditions, but their great number implies early dissemination, probably before ‘Umar II’s edict prohibiting the *nabīdh* of jars.

¹² Al-Khalīl, *‘Ayn*, 6:142, s.v. *j-m-l*. Cf. E.W. Lane, *Lexicon*, s.v. *jamal*.

¹³ Abū ‘Ubayd, *Gharīb*, 5:538.

¹⁴ Ibn Qutayba, *Ma‘ārif*, 449. Cf. Ibn Qutayba, *Ashriba*, 72.

2 Non-Prophetic Traditions from Ibn Mas‘ūd

Transmitters introduced traditions about Ibn Mas‘ūd’s practice regarding *nabīdh* and receptacles. These were perhaps meant to supersede traditions about the practice of his students. These traditions were often transmitted by or attributed to descendants of Ibn Mas‘ūd and members of his household, especially wives and female servants, who were customarily tasked with preparing and serving *nabīdh*. After all, who could be a better source than those closest to him?!

2.1 Ibn Mas‘ūd about Jars

One tradition about Ibn Mas‘ūd is transmitted by Abū l-Aḥwaṣ ← Simāk b. Ḥarb ← Ibn Mas‘ūd’s grandson al-Qāsim b. ‘Abd al-Raḥmān (Kufa, d. 120/738).¹⁵ According to this tradition, the grandson narrated:

Umm Abī ‘Ubayda (or Umm ‘Ubayda)¹⁶ told me that they [= her household] used to prepare *nabīdh* in green jars. ‘Abdallāh [b. Mas‘ūd] saw them [doing that] and did not prohibit it.¹⁷

Here, Ibn Mas‘ūd tacitly approves of preparing *nabīdh* in green jars. There is no indication that Ibn Mas‘ūd drank this beverage, only that he gave his tacit approval.

According to another version of that tradition with an *isnād* from Isrā’īl (Kufa) ← Simāk ← al-Qāsim ← Umm Abī ‘Ubayda, the latter narrates:

¹⁵ Ibn Sa’d, *Ṭabaqāt*, 8:420 (no. 3200).

¹⁶ Umm ‘Ubayda is the wife of the abovementioned Abū ‘Ubayda. It is unlikely that she met her father-in-law Ibn Mas‘ūd.

¹⁷ Ibn Abī Shayba, *Muṣannaf*, 8:114-115 (no. 24391).

I used to prepare *nabīdh* for ‘Abdallāh [b. Mas‘ūd] in a green jar, while he watched, and he drank it.¹⁸

Isrā‘īl’s version is less ambiguous than that of Abū l-Aḥwaṣ which may be closer to Simāk’s original tradition. Isrā‘īl explicitly narrates that Ibn Mas‘ūd drank the *nabīdh* of green jars, whereas Abū l-Aḥwaṣ does not mention his drinking.

Other traditions also depict Ibn Mas‘ūd drinking *nabīdh* from jars. The abovementioned grandson, al-Qāsim, reportedly said that his grandfather Ibn Mas‘ūd drank *nabīdh* from jars in which dregs (‘*akar*) were inserted.¹⁹ Al-Qāsim’s younger brother, Ma‘n b. ‘Abd al-Raḥmān (Kufa),²⁰ reportedly also said that his grandfather drank *nabīdh* from jars.²¹

There are a few traditions about Ibn Mas‘ūd on the authority of Ibrāhīm al-Nakha‘ī. Al-A‘mash, citing the authority of al-Nakha‘ī, claimed that the Companions Ibn Mas‘ūd, Abū Mas‘ūd al-Anṣārī,²² and Usāma b. Zayd²³ drank the *nabīdh* of jars.²⁴ Ibn Fuḍayl, citing al-A‘mash ← al-Nakha‘ī ← Hammām b. al-Ḥārith (Kufa, d. ca. 65/685),²⁵ claimed that both Ibn

¹⁸ ‘Abd al-Razzāq, *Muṣannaf*, 9:207-08 (no. 16953).

¹⁹ *Isnād*: Marwān b. Mu‘āwiya (Kufa, d. 193/809) ← al-Naḍr b. Muṭarrif (Kufa) ← al-Qāsim b. ‘Abd al-Raḥmān. See Ibn Abī Shayba, *Muṣannaf*, 8:122 (no. 24435).

²⁰ Ibn Sa‘d, *Ṭabaqāt*, 8:421 (no. 3201).

²¹ *Isnād*: Ibn Ibn Ḥanbal ← his father ← Shabāba b. Sawwār (Ctesiphon, d. 204/819–20) ← Shu‘ba (Basra) ← Ma‘n. See al-Dhahabī, *Siyar*, 9:516. Ibn Ḥanbal, according to his son, disaffirmed (*kāna... yunkiru*) this tradition. Note that Shu‘ba did not commonly transmit material in favor of the *nabīdh* of jars. If the attribution of this permissive tradition to him is authentic, then he likely heard it from Ma‘n, since he probably would not invent such a permissive tradition.

²² Ibn Sa‘d, *Ṭabaqāt*, 4:359-62 (no. 670).

²³ V. Vacca, “Usāma b. Zayd,” *EP*.

²⁴ Al-A‘mash taught this tradition to at least three students: Wakī‘, Shu‘ba, and al-Thawrī. For their variants of this tradition, see Ibn Abī Shayba, *Muṣannaf*, 8:111 (no. 24369); ‘Abd al-Razzāq, *Muṣannaf*, 9:208 (nos. 16955 & 16956).

²⁵ Al-Dhahabi, *Siyar*, 4:284-84.

Mas‘ūd and Usāma b. Zayd would each drink *nabīdh* which was prepared for each of them in a green jar.²⁶ According to Ibn al-Mubārak, citing Sulaymān Abū l-Rabī‘ al-Hamdānī (Kufa),²⁷ al-Nakha‘ī said:

A slave girl of Abū Mas‘ūd and a slave girl of Ibn Mas‘ūd met. Each told the other that her master used to drink the *nabīdh* of jars or of a green jar.

The doubt in the end reflects Ibn al-Mubārak’s uncertainty if the tradition was about jars or green jars.²⁸ According to Ibn Wahb, al-Nakha‘ī, citing his uncle al-Aswad b. Yazīd (d. 75/694), said that Ibn Mas‘ūd drank from a green jar.²⁹ Ḥammād b. Abī Sulaymān (Kufa, d. ca. 120/738)³⁰ reports:

I entered the home of Ibrāhīm [al-Nakha‘ī] while he was eating, and I joined him in eating. He ordered some *nabīdh* for me. When he saw that I was hesitating about [drinking] it, he narrated to me on the authority of ‘Alqama [b. Qays]³¹ that he entered the home of Ibn Mas‘ūd, may God be pleased with him, while he was eating, and he joined him in eating. *Nabīdh* was served to them, which his *umm walad*, Sīrīn,³² prepared in a green jar. Ibn Mas‘ūd and ‘Alqama both drank from it.³³

²⁶ Ibn Abī Shayba, *Muṣannaf*, 8:111 (no. 24367).

²⁷ Al-Bukhārī, *Tārīkh*, 4:12.

²⁸ Al-Dūlābī, *Kunā*, 543 (no. 980). Al-Dūlābī cites al-Nasā‘ī as his source.

²⁹ Ibn Wahb, *Jāmi‘*, 36 (no. 30).

³⁰ Al-Dhahabī, *Siyar*, 5:231ff.

³¹ He died in Kufa in ca. 61/681. See al-Dhahabī, *Siyar*, 4:54ff.

³² According to Ibn Ḥazm, *Muḥallā*, 8:255, Sīrīn is Umm Abī ‘Ubayda.

³³ Abū Yūsuf, *Āthār*, 223 (no. 991). Ḥammād b. Abī Sulaymān’s status as the common link is confirmed by al-Taḥāwī, *Ma‘ānī l-āthār*, 4:220 (nos. 6476), = Ibn Ḥazm, *Muḥallā*, 8:255.

Ibn Abī Sulaymān’s narrative adds the circumstances in which al-Nakha‘ī disclosed this tradition, perhaps to make it more believable. It also adds that al-Nakha‘ī learned about Ibn Mas‘ūd’s practice from a mediator ‘Alqama. These additions suggest that Ḥammād’s tradition is probably later than the other traditions by al-Nakha‘ī.

Transmitters transmitted various traditions from al-Nakha‘ī about Ibn Mas‘ūd’s consumption of the *nabīdh* of jars or green jars. Al-Nakha‘ī may have plausibly transmitted such a tradition. Nevertheless, his different sources for this tradition, may reflect attempts by him or a later transmitter to produce traditions that were more authoritative.

Other traditions also report that Ibn Mas‘ūd drank from a green jar. These include traditions attributed to Shaqīq,³⁴ ‘Amr b. Ḥurayth,³⁵ and al-Sha‘bī’s uncle, Qays b. ‘Abd.³⁶ Even

³⁴ Ibn Abī Shayba, *Muṣannaf*, 8:111 (no. 24368), with an *isnad* from Ibn Fuḍayl (Kufa) ← al-Ḥasan b. ‘Amr al-Fuqaymī (Kufa, d. after. 136/754) ← Shaqīq; ‘Abd al-Razzāq, *Muṣannaf*, 9:207 (no. 16951), with an *isnad* from Isrā‘īl (Kufa) ← ‘Āmir b. Shaqīq b. Jamra (Kufa) ← Shaqīq (no relation). Shaqīq or a student of his may have originated this tradition.

³⁵ Ibn Abī Shayba, *Muṣannaf*, 8:109 (no. 24359); Ibn Qutayba, *Ashriba*, 33. Abū Ishāq al-Sab‘ī (Kufa, d. 127/745) transmitted this tradition, which he may have received from Ibn Ḥurayth, possibly through the mediation of Mujālid b. Abī Rāshid (Kufa), as mentioned in Ibn Abī Shayba. Originally Mujālid’s tradition may have been about *nabīdh* in general, not the *nabīdh* of green jars. Cf. al-Bukhārī, *Tārīkh*, 8:9 (no. 1952).

³⁶ For Qays’ biography, see Ibn Sa‘d, *Ṭabaqāt*, 8:299 (no. 2934). His tradition about Ibn Mas‘ūd is found in al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 9:197 (no. 8876). This tradition has two parts: (1) one is about Ibn Mas‘ūd’s praying and fasting habits and (2) the other is about his drinking *nabīdh* from green jars. All versions of this tradition may be traced back to Mujālid b. Sa‘īd (Kufa, d. 144/761), who may have learned it from al-Sha‘bī. Only al-Ṭabarānī’s version mentions the second part about *nabīdh*. The second part was either originally included in the tradition but was omitted by later transmitters due to controversy; or it is an addition by Mujālid or a transmitter between him and al-Ṭabarānī. For the other versions of the tradition, see *ibid.*, 9:197 (nos. 8877 and 8878); ‘Abd al-Razzāq, *Muṣannaf*, 3:80 (no. 4875). Cf. also other versions not from Mujālid in *ibid.*, 4:310 (no. 7902); al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 9:196-97 (no. 8874); al-Nasā‘ī, *Sunan*, 3:234 (no. 2860).

al-Ḥasan al-Baṣrī, according to one Kufan tradition, admitted that Ibn Mas‘ūd drank *nabīdh* from green jars.³⁷

2.2 *The Relic of Ibn Mas‘ūd*

Ibn Mas‘ūd’s alleged fondness of the *nabīdh* of jars was purportedly corroborated by a relic in his hometown. Al-Ḍaḥḥāk (d. ca. 105/723-24)³⁸ testified that Abū ‘Ubayda showed him the green jar in which *nabīdh* was prepared for his grandfather.³⁹ Shaqīq reportedly also claimed to have seen such a jar during Ibn Mas‘ūd’s lifetime.⁴⁰ Since al-Ḍaḥḥāk speaks of the jar in the past tense, it was likely missing, if it ever existed, by the year 82/701, after the death of Abū ‘Ubayda and Shaqīq.

2.3 *Ibn Sīrīn’s Critique of the Permissive Traditions about Ibn Mas‘ūd*

Suspecting the reports about the green jar relic, the Basran Muḥammad b. Sīrīn (d. 110/729) is said to have conducted his own investigation. He went to Kufa, where he could not find a single

³⁷ *Isnād*: ‘Alī b. ‘Abd al-‘Azīz b. al-Marzubān al-Baghawī (Mecca) ← Abū Nu‘aym Ibn Dukayn (Kufa, 130-219/748-834) ← ‘Īsā b. ‘Abd al-Rahman al-Sulamī (Kufa, d. between 136/754-158/775). See al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 9:276-77 (no. 9185).

³⁸ Ibn Sa‘d, *Ṭabaqāt*, 8:417-419 (no. 3198); al-Dhahabī, *Siyar*, 4:598f. He is known for transmitting from Ibn ‘Abbās, despite likely not meeting him.

³⁹ *Isnād*: Abū Ḥanīfa (Kufa, d. 150/767) ← Muzāḥim b. Zufar (Kufa) ← al-Ḍaḥḥāk b. Muzāḥim (Kufa). See Abū Yūsuf, *Āthār*, 224 (no. 992).

⁴⁰ ‘Abd al-Razzāq, *Muṣannaf*, 9:207 (no. 16951).

trace of this jar.⁴¹ He reportedly searched for it, when Shurayḥ (d. ca. 76/695-6)⁴² and ‘Abīda (d. ca. 72/ 691-2),⁴³ were in Kufa.⁴⁴ The results of Ibn Sīrīn’s investigation are meant to imply that Ibn Mas‘ūd’s jar was not real, and that hence the reports about Ibn Mas‘ūd may also be untrue.

The Kufans Shurayḥ and ‘Abīda, whom Ibn Sīrīn mentions, were said to be Companions of the Prophet. Presumably, they could have informed Ibn Sīrīn about Ibn Mas‘ūd’s practice. Indeed, we find that ‘Abīda reportedly told Ibn Sīrīn that Ibn Mas‘ūd said:

People have invented all sorts of drinks which I have no idea what they are. For twenty, or forty, years now, the only drinks I have consumed are water and *sawīq* (oatmeal).

[‘Abīda] added: “He [= Ibn Mas‘ūd] did not mention *nabīdh*.”⁴⁵

Here, Ibn Mas‘ūd’s avoidance of *nabīdh* is certainly a fictional invention created to discount traditions in which he approves of this beverage. Moreover, Ibn Mas‘ūd is a late addition to this

⁴¹ *Isnād*: Wakī‘ (Kufa, d. 197/812) ← Abū Ḥātim al-‘Aṭṭār (Basra) ← Ibn Sīrīn. See Ibn Ḥanbal, *‘Ilal*, 3:46-47 (no. 4103). The identity of the transmitter al-‘Aṭṭār is uncertain. See *ibid.*, 3:46, n.3. Wakī‘ often cited al-Rabī‘ b. Ṣabīḥ as his source for Ibn Sīrīn’s traditions. See, e.g., Ibn Abī Shayba, *Muṣannaf*, 1:179 (no. 1123). Al-Rabī‘ transmits the other version of Ibn Sīrīn’s search for the Kufan jar, cited below. Wakī‘ may have learned this tradition from al-Rabī‘, who may have originated it, not from al-‘Aṭṭār.

A 4th/10th century Ibādī author Abū l-Ḥawārī, in *Dirāya* (1:168), a work dubiously attributed to him, retells a version of this tradition, awkwardly replacing Ibn Sīrīn with the Ibādī *Imām* al-Rabī‘ b. Ḥabīb (Basra, d. ca. 170/786). The text here is corrupt: Notably, *HRH b. Muslim* should probably be emended to *jarrat Ibn Mas‘ūd*.

⁴² E. Kohlberg, “Shurayḥ,” *EP*. Some place his death as late as 99/717-8.

⁴³ Al-Dhahabī, *Siyar*, 5:40ff; Juynboll, *ECH*, 238, n.2.

⁴⁴ *Isnād*: Abū Qaṭan ‘Amr b. al-Haytham (Basra) ← al-Rabī‘ b. Ṣabīḥ (Basra) ← Ibn Sīrīn. See Ibn Ḥanbal, *Ashriba*, 72 (no. 169).

⁴⁵ *Isnād*: Abū Bakr b. ‘Alī al-Marwazī (Homs) ← al-Qawārīrī (Basra, Baghdad) ← al-Mu‘tamir b. Sulaymān (Basra, d. 187/803) ← his father Sulaymān al-Taymī (Basra, d. 143/760) ← Ibn Sīrīn (Basra) ← ‘Abīda (Kufa) ← Ibn Mas‘ūd (Kufa). See al-Nasā’ī, *Sunan*, 5:129 (no. 5246), = 6:293 (no. 6817). According to Ibn Ḥazm, *Muḥallā*, 8:286, al-Mu‘tamir attributed this tradition to Ibn Mas‘ūd, also when he taught it to Sa‘īd b. Maṣṣūr (Marw, Iraq, d. 227/842). However, according to ‘Abd al-Razzāq, *Muṣannaf*, 9:226 (no. 17020), al-Mu‘tamir did not mention Ibn Mas‘ūd.

tradition. Originally, as the Syrian Hadith expert al-Mizzī (d. 742/1341) has noted,⁴⁶ Ibn Sīrīn presented these words as those of ‘Abīda, not Ibn Mas‘ūd. Ibn Sīrīn taught this tradition without Ibn Mas‘ūd’s name to several students.⁴⁷ A later transmitter elevated the tradition from ‘Abīda to Ibn Mas‘ūd, probably as a means of combating the reports about Ibn Mas‘ūd’s consumption of the *nabīdh* of jars and other problematic beverages. By the 2nd/8th century, Ibn Mas‘ūd had come to symbolize the Kufan permission to drink this *nabīdh*, and ‘Abīda’s example fell to the wayside. Therefore, the latter’s tradition was updated to reflect Ibn Mas‘ūd’s prominence in the discussions about *nabīdh*.

Ibn Sīrīn appears in another tradition where he seemingly debunks the Kufan reports about Ibn Mas‘ūd. Hishām al-Dastuwā’ī (Basra, d. 152-54/769-71)⁴⁸ reportedly said:

I witnessed Ibn Sīrīn when Abū Ma‘shar⁴⁹ was at his home. [...] Abū Ma‘shar mentioned the *nabīdh* of jars, adding: “Ibn Mas‘ūd found nothing reprehensible about it.” Ibn Sīrīn lifted his head and stated: “Man, we met the companions of Ibn Mas‘ūd, and they denied what you say about him, two or three times.”⁵⁰

⁴⁶ Al-Mizzī, *Tuhfa*, 6:361 (no. 9408) and 12:403-404 (no. 19000).

⁴⁷ For other versions of this tradition not attributed to Ibn Mas‘ūd, see, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:226 (no. 17020); Ibn Abī Shayba, *Muṣannaf*, 8:82 (no. 24215); Ibn Abī Khaythama, *Tārīkh*, 3:137 (no. 4156); Ibn Sa‘d, *Ṭabaqāt*, 8:215; al-Nasā’ī, *Sunan*, 5:129-130 (no. 5247), = 6:295 (no. 6827). For versions with somewhat different wording, see, e.g., *ibid.*, 6:293 (no. 6818); Ibn Abī l-Dunyā, *Dhamm*, 53 (no. 37).

⁴⁸ Juynboll, *ECH*, s.v. “Hishām b. Abī ‘Abd Allāh ad-Dastuwā’ī.”

⁴⁹ The editor identifies him as Najīh al-Sindī. He is, however, more likely Ziyād b. Kulayb (Kufa, d. 129-32/741-49), a student of Ibrāhīm al-Nakha’ī. On him, see Ibn Sa‘d, *Ṭabaqāt*, 8:449 (no. 3318); al-Nasā’ī, *Sunan*, 3:139.

⁵⁰ *Isnād*: ‘Abd al-Wahhāb b. ‘Aṭā’ (Basra, Baghdad, d. 204/820) ← Hishām al-Dastuwā’ī. See Ibn Ḥanbal, *‘Ilal*, 3:46 (no. 4102). Regarding my translation, the adverbial expression “two or three times” may alternatively refer to the number of times Ibn Sīrīn uttered his response to Abū Ma‘shar.

Jarīr b. Ḥāzīm (Basra, d. 175/791) reportedly related a similar story.⁵¹ Either al-Dastuwā'ī and Jarīr both witnessed Ibn Sīrīn's refutation of Abū Ma'shar, or what is more likely, the account of one of them influenced that of the other.

The reports about Ibn Mas'ūd drinking the *nabīdh* of jars and green jars troubled the people of Basra, who could not fathom that such an upstanding authority would approve of such a beverage. To discredit these reports, they relied on the figure of Muḥammad b. Sīrīn. According to their claims, he exposed the myth of Ibn Mas'ūd's jar and personally interviewed students of Ibn Mas'ūd who denied his approval of the *nabīdh* of jars. Ibn Sīrīn's tradition from 'Abīda about Ibn Mas'ūd is evidently an invention, and it is likely that the other traditions about him are as well. Basran transmitters invoked Ibn Sīrīn to set the record straight and to establish that Ibn Mas'ūd did not drink *nabīdh*, and certainly not from jars.

2.4 Other Basran Critiques of Ibn Mas'ūd's Permissive Traditions

In addition to Ibn Sīrīn, other primarily Basran transmitters reportedly denied Ibn Mas'ūd's consumption of the *nabīdh* of jars. 'Ikrima claimed that permissive traditions were invented on Ibn Mas'ūd's authority to invalidate 'Ikrima's own prohibitive opinion.⁵² Similarly, according to a Basran report, 'Abdallāh b. 'Utba b. Mas'ūd (Kufa) denied the reports about his uncle

⁵¹ *Isnād*: 'Alī b. Ma'bad b. Nūḥ (Baghdad, Egypt, d. 259/873) ← Shādhān al-Aswad (Baghdad, d. 208/823) ← Jarīr. See al-Dūlābī, *Kunā*, 375-76 (no. 674).

⁵² See the tradition about Jamīl [al-'Adawī] in §4.3.

[permitting] the *nabīdh* of jars, testifying by oath: “They [= the Kufans?], by God, are lying on his [= Ibn Mas‘ūd’s] authority.”⁵³

Others did not deny the permissive reports about Ibn Mas‘ūd but claimed that his example should not be followed since other more authoritative Companions, like ‘Umar b. al-Khaṭṭāb and ‘Alī b. Abi Talib, clearly prohibited the *nabīdh* of jars.⁵⁴

2.5 The Poem about Ibn Mas‘ūd

An anonymous poet composed a couple of verses immortalizing Ibn Mas‘ūd’s permissive view of *nabīdh*. Ibn Qutayba (Baghdad, d. 276/889) is one of the earliest authors to record these verses:

man dhā yuḥarrimu l-muzna khālaṭa-hu fī jawfī khābiyatⁱⁿ mā`u l-`anāqīd

innī la-akrahu tashdīda l-ruwwāti la-nā fī-hā wa-yu`jibu-nī qawlu bni Mas‘ūd

Who would prohibit the water of the cloud when it is intermingled inside receptacles with the water of grapes?!

I detest the severe measures imposed on us by the transmitters of the law, but I like Ibn Mas‘ūd’s opinion.

⁵³ *Isnād*: ‘Ārim (Basra, d. 224/838) ← Mu‘tamir b. Sulaymān (Basra, d. 187/803) ← his father Sulaymān al-Taymī (Basra, d. 143/760) ← a man ← Ibn ‘Utba. See Ibn Ḥanbal, *Ashriba*, 72-3 (no. 170).

⁵⁴ For Abū Mijlaz’s tradition about Umar, see §4.3. For a tradition about ‘Alī, see Appendix E §6.

Ibn Qutayba explained that this poem is about *ṭilā'*, which was cooked until two thirds evaporated and which the Kufans would drink.⁵⁵ It is however more likely about an intoxicating drink. According to Goldziher, this poem is of the type that would be recited at the literary gatherings of the Caliph al-Mu'taṣim (r. 218-227/833-842), where wine and intoxicants were frequently discussed. "On such occasions expression was even given to views of the most radical opposition to religious restrictions, and those who held such views went to the point of making fun of the devout who upheld those restrictions."⁵⁶ The poem of course predates al-Mu'taṣim's time and may even go back to the 2nd century H or even earlier. Ibn al-Mu'tazz attributed it to one of the Successors.⁵⁷ The poem refers to the opinion of Ibn Mas'ūd, not the Prophet, and so may have originated at a time when Prophetic traditions about *nabīdh/ṭilā'* and receptacles were not well known or very influential.

Some denied that the poem was about the famous Ibn Mas'ūd, offering an alternative historical context. As al-Balādhurī (Baghdad, d. ca. 279/892) would have it, the poem was not about 'Abdallāh b. Mas'ūd b. Ghāfil, the famous Companion of the Prophet, but rather about 'Āmir b. Mas'ūd b. Umayya, a Zubayrid governor of Kufa. During his brief one-year term ca. 64/683-84, he reportedly delivered a sermon to the Kufans, saying:

Every people have their drinks and sources of pleasure, so seek them where you would expect to find them! You are encouraged to [drink] what is good and permissible from

⁵⁵ Ibn Qutayba, *Ashriba*, 65. Instead, of *khābiya* (jar), some manuscripts have *āniya* (receptacles). Another possible reading is *bāṭiya* (receptacle for wine). My translation is inspired by Goldziher, *Introduction*, 60-61.

⁵⁶ *Ibid.*

⁵⁷ Ibn al-Mu'tazz, *Fuṣūl*, 151.

among these! But dilute your drink with water and protect yourselves from me by raising these barriers!

In response to this sermon, the abovementioned poem was supposedly uttered, as well as another poem by ‘Abdallāh b. Hammām al-Salūlī:

Ishrab sharāba-ka wa-n ‘am ghayra maḥsūdⁱⁿ wa-ksir-hu bi-l-mā’i lā ta ‘ṣi bna Mas ‘ūd

Inna l-amīra la-hu fī l-khamri ma ‘rubat^{um} fa-shrab hanī^{an} marī^{an} ghayra taṣrīd

Drink your drink and delightfully relax uncriticized! Dilute it with water! Don’t disobey Ibn Mas ‘ūd!

The *amīr* has a desire for wine! Drink up with joy and health and without end!

When ‘Āmir b. Mas ‘ūd heard al-Salūlī’s words, he cursed him: “May God cut off the tongue of this ass-like person! For he has spoken ill.”⁵⁸ This detailed narrative is clearly designed to exonerate the famous ‘Abdallāh b. Mas ‘ūd from the crime of permitting the *nabīdh* of jars by shifting the blame onto a different Ibn Mas ‘ūd.⁵⁹ It remains to be seen if this narrative reflects the hagiographical tendencies of al-Balādhurī or the author of the source he relied on. Whoever it was, his efforts were only marginally successful. Writing several centuries later, the Egyptian Encyclopedist al-Nuwayrī (d. 733/1333) retold al-Balādhurī’s account of ‘Āmir b. Mas ‘ūd with the accompanying poems. Following this, al-Nuwayrī claimed that many people mistakenly

⁵⁸ Al-Balādhurī, *Ansāb*, 6:344-45.

⁵⁹ Cf. the less detailed accounts ‘Āmir b. Mas ‘ūd in al-Balādhurī, *Ansāb*, 6:11, 6:367, 6:379, and 7:7.

identified the “Ibn Mas‘ūd” mentioned in these poems as “‘Abdallāh b. Umm ‘Abd, the Companion of the Messenger of God (ﷺ).”⁶⁰ Al-Nuwayrī was perhaps convinced by al-Balādhurī’s explanation, but many more were not.

3 Prophetic Traditions from Ibn Mas‘ūd

Transmitters eventually promulgated traditions in which Ibn Mas‘ūd explicitly cites the example of the Prophet. I have found only three traditions, all of which are concessive. We may speculate why there are so few traditions. Perhaps, Ibn Mas‘ūd was such an important figure in the discussion of the *nabīdh* of jars, that very few transmitters could get away with introducing new traditions about him without arousing suspicion. Alternatively, the Ibn Mas‘ūd traditions may have been outclassed by traditions appealing to more authoritative figures, like ‘Alī.

3.1 A Concessive Prophetic Tradition

Ibn Qutayba records a Prophetic tradition by Ibn Mas‘ūd, in which he addresses certain unnamed opponents of drinking *nabīdh*, saying:

I witnessed the prohibition [of *nabīdh* and you witnessed it as well]. I witnessed [its] being permitted, and you were absent.⁶¹

⁶⁰ Al-Nuwayrī, *Nihāya*, 20:511-12.

⁶¹ Ibn Qutayba, *Ashriba*, 64.

Ibn Qutayba cites this tradition without an *isnād*, but the Ḥanafī jurist al-Qudūrī (d. 428/1037)⁶² cites a version of it with a partial *isnād* from Juwaybir b. Sa‘īd (Kufa, d. after 140/757)⁶³ ← al-Ḍaḥḥāk ← Ibn Mas‘ūd ← the Prophet. Al-Qudūrī’s version features a slightly different conclusion, where Ibn Mas‘ūd remarks:

I remembered it and you forgot about it.⁶⁴

This tradition acknowledges that the Prophet issued a concession about *nabīdh* after having prohibited it, but it develops this theme: When the Prophet issued the concession, many of his followers were not present to witness it or later forgot about it. This tradition conveniently explains why the Muslim community became divided over a matter, which the Prophet supposedly clarified in public. Juwaybir, or perhaps a later transmitter, originated this tradition. It may also be influenced by Abū Ja‘far al-Rāzī’s tradition on the authority of Ibn Mughaffal.⁶⁵

3.2 Prophetic Traditions Promoting the Three Concessions Doctrine

There are two traditions on the authority of Masrūq that promote the three concessions doctrine.⁶⁶ One tradition is transmitted by Ḥammād b. Zayd (Basra, d. 179/795) ← Farqad b. Ya‘qūb al-Sabakhī (Basra, d. 131/748-49) ← Jābir b. Yazīd (Kufa, d. 128/745) ← Masrūq ← Ibn Mas‘ūd ← the Prophet. Ibn Zayd conceivably originated this tradition having taught it to at least

⁶² M. Ben Cheneb, “al-Qudūrī,” *EP*.

⁶³ Ibn Ḥajar, *Taqrīb*, 205 (no. 994).

⁶⁴ Al-Qudūrī, *Tajrīd*, 6102.

⁶⁵ See Appendix C §3.

⁶⁶ On the three concessions doctrine, see §4.7.1.

three students: Yazīd b. Hārūn (Wāsiṭ, d. 206/821),⁶⁷ Abū Kāmil al-Jahḍarī (Basra),⁶⁸ and ‘Amr b. Ḥuṣayn al-Kilābī (Basra).⁶⁹ This tradition appears in shorter and longer forms. In its longer form it promotes the three concessions doctrine, which includes permitting the consumption of *nabīdh* from certain prohibited receptacles.

The other tradition about the three concessions is transmitted by Ibn Jurayj (Mecca, Iraq, d. 150/767) who also cites the authority of Masrūq ← Ibn Mas‘ūd ← the Prophet. He, however, does not mention how he got this information from Masrūq, merely indicating that there was some mediator or mediators between them. Ibn Jurayj likely originated this tradition having taught it to at least four students: ‘Abdallāh b. Wahb (Egypt, d. 197/812),⁷⁰ ‘Abd al-Majīd b. Abī Rawwād (Mecca),⁷¹ ‘Abd al-Razzāq al-Ṣan‘ānī (Yemen, d. 211/827),⁷² and Muḥammad b. Ju‘shum (Yemen).⁷³ Ibn Wahb inserts Ayyūb b. Hānī’ as a mediator between Ibn Jurayj and Masrūq. This insertion is probably a conjecture to fill in the gap in the *isnād*.

⁶⁷ For Yazīd b. Hārūn’s version of Ibn Zayd’s tradition, see, e.g., Ibn Ḥanbal, *Musnad*, 7:342; al-Ḥakīm al-Tirmidhī, *Manhiyyāt*, 234; Ibn Abī Shayba, *Muṣannaf*, 4:501 (no. 11923) + 8:117 (no. 24404), = idem, *Musnad*, 1:212 (no. 312). The variants of the version in Ibn Abī Shayba are slightly different from other variants. This may reflect a change made by Yazīd b. Hārūn.

⁶⁸ For al-Jahḍarī’s version of Ibn Zayd’s tradition, see al-Dāraqūṭnī, *Sunan*, 5:467-68 (no. 4679).

⁶⁹ For ‘Amr’s version, see, e.g., Ibn Ḥajar, *Maṭālib*, 5:336 (no. 836).

⁷⁰ For Ibn Wahb’s version of Ibn Jurayj’s tradition, see, e.g., al-Shāshī, *Musnad*, 1:395-96 (no. 397), Ibn Māja, *Sunan*, 1128 (no. 3406); al-Ḥakīm al-Tirmidhī, *Manhiyyāt*, 234-35; al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 10:193 (no. 10304); al-Bayhaqī, *al-Sunan al-kabīr*, 7:518-19 (no. 7277). Al-Shāshī is the only source preserving the long variant of Ibn Wahb’s version. Other sources offer abbreviated variants.

⁷¹ For Ibn Abī Rawwād’s version of Ibn Jurayj’s tradition, see al-Azraqī, *Akhbār*, 830-31 (no. 1043).

⁷² For his version of Ibn Jurayj’s tradition, see ‘Abd al-Razzāq, *Muṣannaf*, 3:572-73 (no. 6714).

⁷³ For Ibn Ju‘shum’s biography, see al-Bukhārī, *Tārīkh*, 1:113 (no. 325). For his version of Ibn Jurayj’s tradition, see al-Fākihī, *Akhbār*, 4:52-53 (no. 2372).

Masrūq is seemingly the common link of the traditions of Ibn Zayd and Ibn Jurayj, and therefore one may suspect that he is the originator of these traditions. However, the attribution to him is false. Having died in 63/682-3, the incentive to attribute traditions to such an early figure would have been very great. Ibn Zayd must have copied his tradition from Ibn Jurayj's tradition or *vice versa*. Ibn Zayd, who died later, is the more likely culprit since his *isnād* is more complete. By teaching his tradition, Ibn Zayd probably tried to outdo Ibn Jurayj's broken *isnād*. It is possible, though unlikely, that one of them may have received this tradition from a slightly earlier authority who originated this tradition in the first half of the 2nd/8th century.

Above,⁷⁴ we saw a tradition depicting Masrūq's consumption of the *nabīdh* of jars, presumably in accordance with the practice of his teacher Ibn Mas'ūd. This tradition likely inspired a later transmitter, like Ibn Jurayj, to invent a tradition from Masrūq ← Ibn Mas'ūd ← the Prophet, permitting the consumption of *nabīdh* in all receptacles.

4 Summary: The Traditions of Ibn Mas'ūd

The students of Ibn Mas'ūd in Kufa were widely known as drinkers of the *nabīdh* of jars and green jars, possibly already before 101/720. Over time, his students and their students began propagating traditions that Ibn Mas'ūd himself drank *nabīdh* from such receptacles. Discussing the permissive reports attributed to Ibn Mas'ūd, Ibn Qutayba keenly observed that these reports “grew in number, became well-known, and were widely promulgated. The Kufan Successors (*al-*

⁷⁴ See Appendix G §1.

Kūfiyyūn al-tābi‘ūn) followed him in this. They made him their greatest proof (*a‘zam hujajihim*).⁷⁵ Ibn ‘Abd Rabbi-h, adapting Ibn Qutayba’s words, explained that “the Kufan Successors” who followed Ibn Mas‘ūd in this were the *hoi polloi* (*‘āmmat al-tābi‘īn mina l-Kūfiyyīn*).⁷⁶ Nevertheless, it is more likely that these Kufans represented the mainstream view in their town. Ibn ‘Abd Rabbi-h changed Ibn Qutayba’s text to make it seem like permitting the *nabīdh* of jars was a fringe view in Kufa.

The Kufans also claimed to have had a relic proving their claims, a green jar from which Ibn Mas‘ūd drank *nabīdh*. The primarily Basran opponents of the *nabīdh* of jars countered the permissive traditions about Ibn Mas‘ūd by spreading various traditions in which Ibn Sīrīn (d. 110/729) and others debunked the Kufan claims. Ibn Mas‘ūd was revered even by the Basrans, who generally avoided criticizing him. Instead, they opted to accuse his followers of misrepresenting and lying about his character. Finally, *ca.* 150/767, transmitters like Ibn Jurayj brought forth traditions in which Ibn Mas‘ūd justified the position of the drinkers by appealing to the authority of the Prophet. The Kufans did not deny that the Prophet prohibited the *nabīdh* of jars. Instead, they held that he had issued a concession on the matter, and that Ibn Mas‘ūd was one of the select few who remembered this concession and acted upon it.

⁷⁵ Ibn Qutayba, *Ashriba*, 64-65.

⁷⁶ Ibn ‘Abd Rabbi-h, *al-Iqd al-farīd*, 8:72.

Appendix H: The Traditions of ‘Ā’isha bint Abī Bakr

‘Ā’isha bint Abī Bakr (d. 58/678), the beloved wife of the Prophet, was the daughter of the first Caliph. Her lineage and her marriage to the Prophet made her a very authoritative transmitter. There are many traditions attributed to her regarding the topic of *nabīdh* and receptacles, both Prophetic and non-Prophetic.¹ The traditions are transmitted by more than twenty-five different students. A few of these students are males, usually ‘Ā’isha’s relatives, like her nephew al-Qāsim b. Muḥammad. The rest of the students are female.²

“The Mother of the Believers” may have indeed had many female students. Alternatively, male transmitters may have invented these women students as a means of attributing traditions to ‘Ā’isha. Women tended to have longer lifespans than men and their interaction with men outside their family was often very limited. Taking advantage of these phenomena, a male transmitter living in the 2nd/8th century could easily fabricate a tradition from ‘Ā’isha. He could claim that a certain female relative of his was ‘Ā’isha’s student. Other men, who were unrelated to this alleged student, could not gain an audience with his female relative, even if she was still alive. Therefore, they could not verify her transmission from ‘Ā’isha. In this way, male transmitters had the perfect alibi to explain how they have come to transmit traditions from ‘Ā’isha unknown to anyone else. On account this, material on the authority of ‘Ā’isha multiplied.

¹ For example, Ibn Rāḥawayh lists around nineteen traditions about *nabīdh* and receptacles in his *Musnad* of ‘Ā’isha, cited passim below.

² Cf. Goldziher: “It is not surprising that occasion-ally ḥadīth which were preserved by female authorities are passed on again by women.” *Muslim Studies*, 2:[405].

‘Ā’isha still had many male students, including non-relatives, with whom she regularly conversed.³ However, with the passage of time, social norms became more conservative. Consequently, later transmitters were increasingly less inclined to imagine a wife of the Prophet interacting with other men, and so they were likely drawn to invent female students of ‘Ā’isha.⁴

Due to the great number of ‘Ā’isha traditions, I divide the discussion of their development according to region. In this way, the development of the traditions in each city may be seen, although the influence of one region over the other will be slightly obscured. I will discuss the traditions according to four groups: Kufa, Medina, Levant, and Basra. Following that, I will discuss the relation between the traditions of the various regions.

1 Kufan Traditions from ‘Ā’isha

Even though the people of Kufa are not known for their fondness of ‘Ā’isha, they still preserve several traditions about *nabīdh* and receptacles on her authority, including an early Prophetic tradition.

³ Relying on a Prophetic precedent, ‘Ā’isha reportedly allowed certain non-relative males to enter her private quarters by having her sister or nieces engage in the procedure known as *riḍā’ al-kabīr* (“breast-feeding an adult”). Contrary to her, the Prophet’s other wives refrained from employing this procedure. Asma Sayeed in *Women* (30-34), posits that this may explain why ‘Ā’isha, who was “in high demand for her religious knowledge,” seemingly interacted with more non-relative males than her fellow wives. ‘Ā’isha’s adoption of this procedure may be historical. However, I suggest that it may be a later invention partly intended to explain how non-relative males were able to gain an audience with her. As shall be seen, her direct interaction with unrelated males was variously explained, e.g., some explained that she spoke to such males from behind a veil. See, e.g., Appendix H §5.17.

⁴ On the involvement of women in early Muslim society vs. their treatment in later generations, see Goldziher, *Muslim Studies*, 2:[295-98].

1.1 *Ibrāhīm al-Nakha'ī's Early Tradition*

One of the earliest Prophetic traditions about *nabīdh* and receptacles has an *isnād* from Ibrāhīm al-Nakha'ī (Kufa, d. ca. 96/717) ← al-Aswad b. Yazīd al-Nakha'ī (Kufa) ← 'Ā'isha ← the Prophet. Juynboll has identified Ibrāhīm as “the plausible common link of this tradition,” calling his tradition “one of the oldest versions from a huge [*matn* cluster] on vessels forbidden for making *nabīdh*.” He explained that Ibrāhīm taught it to at least three students: al-A'mash (Kufa, d. 147/764 or 148/765), Ḥammād b. Abī Sulaymān (Kufa, d. ca. 120/738), and Manṣūr b. al-Mu'tamir (Kufa, d. 132/750).⁵

Juynboll's dating of this tradition is accurate. However, he does not mention the differences between the students' versions of this tradition. For example, he mentions that this tradition has a “preamble” but does not clarify that it is found only in Manṣūr's version. His discussion of the tradition is very brief, and he does not describe the nuances of how it was received in later generations. He also ignores traditions by two other students of Ibrāhīm: Mughīra b. Miqsam and Abū Ḥamza. What follows is a more detailed analysis of this tradition and its legacy, which both confirms Juynboll's findings and adds to them.

The versions of Ibrāhīm's tradition attributed to his students generally agree that 'Ā'isha said that the Prophet prohibited two things, gourds (*dubbā'*) and *muzaffat*. The original wording of the tradition was ambiguous and did not specify if the prohibition was restricted only to those

⁵ Juynboll, *ECH*, 239. For Manṣūr's biography see *ibid.*, s.v. “Manṣūr b. al-Mu'tamir.”

two things. In some instances, transmitters added other items, like *ḥantam* or *jarr*, to this list, or omitted an item. Such additions or omissions do not reflect the earliest iterations of this tradition.

1.1.1 *al-A‘mash’s Version of al-Nakha‘ī’s Early Tradition*

Sulaymān al-A‘mash reportedly taught Ibrāhīm’s tradition to at least five students: Abū Zubayd ‘Abthar (Kufa, d. 178/794–5),⁶ Sulaymān b. Qarm (Kufa),⁷ Abū Kudayna (Kufa),⁸ Shu‘ba (Basra, d. 160/776),⁹ and Sufyān al-Thawrī (Kufa, 97-161/716-78).¹⁰ It prohibits gourds and *muzaffat*.

1.1.2 *Ibn Abī Sulaymān’s Version of al-Nakha‘ī’s Early Tradition*

Ḥammād b. Abī Sulaymān reportedly taught Ibrāhīm’s tradition to three students, Shu‘ba (Basra, d. 160/776), Sufyān al-Thawrī (Kufa), Ḥammād b. Salama (Basra, d. 167/784). Shu‘ba and Sufyān al-Thawrī appear to have transmitted the tradition without significant changes, that is, prohibiting gourds (*dubbā‘*) and *muzaffat*.¹¹ Ḥammād b. Salama noticeably altered the tradition. According to his version of the tradition, ‘Ā’isha said that the Prophet prohibited gourds (*qar‘*) and *muzaffat*. Ibn Salama’s version then defines *muzaffat* as “green jars that were brought from

⁶ For his version of al-A‘mash’s tradition, see Ibn Ḥanbal, *Musnad*, 41:469 (no. 25011); Muslim, *Ṣaḥīḥ*, 3:1579 (no. 1995 [36]).

⁷ For his version of al-A‘mash’s tradition, see, e.g., Abū Ya‘lā, *Musnad*, 8:43 (no. 4557).

⁸ For his version of al-A‘mash’s tradition, see al-Dāraquṭnī, *Ḥadīth Ibn Ḥayyawayh*, fol. 131v, l.-4.

⁹ For his version of al-A‘mash’s tradition, see, e.g., al-Ṭayālīsī, *Musnad*, 3:9 (no. 1473).

¹⁰ For his version of al-A‘mash’s tradition, see, e.g., al-Nasā‘ī, *Sunan*, 6:288 (nos. 6800 & 6801).

¹¹ For Shu‘ba’s version of Ibn Abī Sulaymān’s tradition, see, e.g., al-Ṭayālīsī, *Musnad*, 3:19 (no. 1488); Ibn Ḥanbal, *Musnad*, 42:240 (no. 25390). For al-Thawrī’s version, see, e.g., *idem*, 42:444-45 (no. 25669).

Egypt coated with tar.”¹² His version is more developed than those of Shu‘ba and al-Thawrī and uses simpler language (namely, *qar‘* instead of *dubbā‘*).¹³

By defining *muzaffat* as tarred green jars, Ibn Salama synthesized between the prohibition of tarred receptacles and the prohibition of green jars. He may have held that only green tarred jars are prohibited. Alternatively, he held that tarred receptacles, or, what is less likely, green jars, were prohibited.

1.1.3 *Manṣūr’s Version of al-Nakha‘ī’s Early Tradition*

Manṣūr b. al-Mu‘tamir reportedly taught Ibrāhīm’s tradition to at least six students: Jarīr b. ‘Abd al-Ḥamīd (Kufa, 110-188/728-804),¹⁴ Zā‘ida (Kufa, d. 161/778),¹⁵ ‘Abīda b. Ḥumayd (Kufa, d. 190/805-6),¹⁶ Shu‘ba (Basra),¹⁷ Sufyān al-Thawrī (Kufa),¹⁸ and Ziyād b. ‘Abdallāh al-Bakkā‘ī (Kufa, d. 183/799-800).¹⁹ Manṣūr transmitted a version of the tradition that was longer than those transmitted by al-A‘mash and Ḥammād b. Abī Sulaymān. His version, according to some variants of it, nestled ‘Ā’isha’s Prophetic tradition in a frame story, including a preamble, about

¹² This version of Ibn Abī Sulaymān’s tradition is discussed in §3.4.1.4.

¹³ See the discussion of Zādhān’s tradition in §3.2.1.

¹⁴ For Jarīr b. ‘Abd al-Ḥamīd’s version of Manṣūr’s tradition, see, e.g., al-Bukhārī, *Ṣaḥīḥ*, 7:107 (no. 5595); Muslim, *Ṣaḥīḥ*, 1578 (no. 1995 [35]); Abū l-Faḍl al-Zuhrī, *Ḥadīth*, 108 (no. 41); Ibn Rāhawayh, *Musnad*, 3:874-75 (no. 1543).

¹⁵ For his biography, see Juynboll, *ECH*, s.v. “Zā‘ida b. Qudāma.” For his version of Manṣūr’s tradition, see Ibn Ḥanbal, *Musnad*, 41:336 (no. 24840).

¹⁶ For ‘Abīda’s biography, see al-Bukhārī, *Tārīkh*, 6:86 (no. 1788). For his version of Manṣūr’s tradition, see Ibn Abī Shayba, *Muṣannaḥ*, 8:91 (no. 24261).

¹⁷ For his version of Manṣūr’s tradition, see, e.g., al-Ṭayālīsī, *Musnad*, 3:9 (no. 1473); al-Nasā‘ī, *Sunan*, 6:287-88 (nos. 6799); Ibn al-Ja‘d, *Musnad*, 479-80 (no. 906); al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:224 (no. 6497).

¹⁸ For his version of Manṣūr’s tradition, see, e.g., Ibn Abī Shayba, *Muṣannaḥ*, 8:91 (no. 24260), = Abū Ya‘lā, *Musnad*, 7:439 (no. 4462); al-Nasā‘ī, *Sunan*, 5:87 (nos. 5116).

¹⁹ For Ziyād’s biography, see Ibn Sa‘d, *Ṭabaqāt*, 8:518 (no. 3558). For his version of Manṣūr’s tradition, see Ibn Ḥanbal, *Musnad*, 43:390-91 (no. 26373).

the circumstances in which Ibrāhīm heard the tradition from al-Aswad. According to one variant, Ibrāhīm said:

I said to al-Aswad: “Did you ask ‘Ā’isha Mother of the Believers which [receptacles] are considered reprehensible for the preparation of *nabīdh* in them? He replied: “Yes! I said [to her]: ‘O Mother of the Believers, which [receptacles] did the Prophet (ﷺ) prohibit that *nabīdh* be prepared in them?’ and she replied: ‘Regarding this, [the Prophet] prohibited us, the People of the House, to prepare *nabīdh* in gourds and *muzaffat*.’” [Ibrāhīm] said: “did she not mention jars and *ḥantam*?” [Al-Aswad] replied: “I report to you only what I heard. Should I report something which I did not hear?!”²⁰

This frame story adds crucial information about how one should view the Prophet’s “prohibition” of gourds and *muzaffat*. First, Ibrāhīm’s loaded question assumes the reprehensibility of the use of these receptacles, not its prohibition. Second, al-Aswad clearly states at the end that only these two receptacles were “prohibited” not any others.

Another significant addition to ‘Ā’isha’s tradition here is her qualification of the “prohibition” as applying only to the members of the Prophet’s household. This may imply that the “prohibition” was directed only to that limited group and not to the rest of the Muslim community. Overall, Manṣūr’s tradition mitigates the Prophetic prohibition of gourds and *muzaffat* by making it merely reprehensible and establishing the permissibility of certain jars.

²⁰ Al-Bukhārī, *Ṣaḥīḥ*, 7:107 (no. 5595; a variant by Jarīr).

A lone variant, recorded by Ibn Rāhawayh, appends the following anecdote about al-Aswad to the tradition:

Al-Aswad got married and had his wife conducted to him on the occasion of the marriage. People said to him: “Shall we prepare *nabīdh* in [*al-khawābī*]²¹ for this celebration?” He said: “I will not let them [= my guests] drink from that which I do not drink.” They went and borrowed some large jars (*hibāb*) from the market and prepared *nabīdh* in them.²²

This anecdote further solidifies that (pseudo-)al-Aswad interpreted the Prophetic “prohibition” as applying only to tarred jars, like the *khawābī*, and not to untarred jars, like the *hibāb*. Notably, al-Aswad never says that drinking *nabīdh* prepared in tarred jars is prohibited. He merely states that he does not drink it and would not serve it to his guests. This is a further indication that he may have considered the Prophet’s “prohibition” a mere recommendation. Ibn Abī Shayba preserves a related anecdote claiming that Ibrāhīm said that al-Aswad served *nabīdh* from green jars at his own wedding. The anecdote adds that Ibrāhīm acted similarly.²³

²¹ *Al-khawābī* [= الخوابي] is my emendation for the diplomatic reading *al-JR'Y* [= الجرای]. Editors at Markaz al-Buḥūth wa-Taḥqīyat al-Ma'lūmāt emended *al-JR'Y* to *al-jirār* (jars) in *al-Musnad lil-imām [...] Ibn Rāhawayh* (165, n.1). This however makes little sense since there is usually no distinction between *jirār* and *hibāb* (except maybe that the latter are larger). Their emendation thus fails to explain why al-Aswad would prefer one jar over the other. For *khawābī* as tarred jars, see §3.4.2.

²² Ibn Rāhawayh, *Musnad*, 3:874-75 (no. 1543; a variant by Jarīr).

²³ Ibn Abī Shayba, *Muṣannaf*, 8:112 (no. 24378).

1.1.4 Mughīra's Version of al-Nakha'ī's Early Tradition

Ibrāhīm may have taught his tradition to a fourth student, Mughīra b. Miqsam (Kufa, d. ca. 136/753). He in turn reportedly taught this tradition to two students: Muḥammad b. Fuḍayl (Kufa, d. ca. 195/811)²⁴ and Shu'ba (Basra).²⁵ The attribution to Shu'ba is not sufficiently corroborated so the tradition may originate with Ibn Fuḍayl. According to Mughīra's version, the Prophet prohibited gourds, *ḥantam*, and *muzaffat*. This addition of *ḥantam* to gourds and *muzaffat* seemingly makes this tradition more prohibitive. However, Ibn Fuḍayl's version adds a definition of *ḥantam* that makes the tradition more permissive. He explains that *ḥantam* were wine jars that were imported to Egypt. By defining *ḥantam* in this manner, Ibn Fuḍayl ensured that no-one could argue that some jars are categorically prohibited. Green jars, for example, would be permitted, if they had no wine residue in them.

1.1.5 Abū Ḥamza's Version of al-Nakha'ī's Early Tradition

Another student, who reportedly learned this tradition from Ibrāhīm is a certain Abū Ḥamza (Kufa).²⁶ His version, like Mughīra's version, adds items to the list of Prophetically prohibited receptacles. His list consists of gourds, *ḥantam*, *naqīr*, and *muzaffat*. In the version, 'Ā'isha denies that *ḥantam* are "these green jars," likely referring to Iraqi green jars. Instead, she defines

²⁴ For his tradition from Mughīra, see Ibn Abī Shayba, *Muṣannaf*, 8:87-88 (no. 24244); Ibn Ḥanbal, *Ashriba*, 48 (nos. 56 & 57). Mughīra omits here al-Aswad as a mediator between Ibrāhīm and 'Ā'isha.

²⁵ For his tradition from Mughīra, see Abū Nu'aym, *Geschichte*, 2:3.

²⁶ Abū Ḥamza is possibly Maymūn al-A'war. For his name, see al-Nasā'ī, *Sunan*, 3:180.

ḥantam as imported Egyptian jars that used to contain tar and wine.²⁷ Once again, the addition of *ḥantam* to the list of prohibited receptacles is accompanied with a clarification that it does not refer to jars used in Iraq. Abū Ḥamza’s version is not corroborated by any other sources, so it cannot be known if he or a later transmitter from him is the one who originated these changes in Ibrāhīm’s tradition.

1.1.6 Summary of al-Nakha‘ī’s Early Tradition

In sum, early on, Kufans transmitted a tradition from ‘Ā’isha, in which the Prophet forbade the preparation of *nabīdh* in gourds and *muzaffat* (tarred receptacles or jars). Ibrāhīm al-Nakha‘ī appears to have originated this tradition. One of his students, Manṣūr b. al-Mu‘tamir portrayed this tradition in a more permissive manner by emphasizing that “the prohibition” applied only to gourds and *muzaffat* and that other receptacles, like untarred jars, are permitted. Furthermore, he insinuated that the “prohibition” was in fact a recommendation, one limited to the Prophet’s household. In this way, he mitigated the prohibition of jars, and opened the door for permitting the preparation of *nabīdh* in tarred jars and other receptacles. An even later transmitter, the Basran Ḥammād b. Salama explained that *muzaffat* referred to tarred green jars. In this way, he made it possible to argue that either green jars or tarred jars are permitted. Ibn Fuḍayl (or Mughīra) and (pseudo-)Abū Ḥamza added *ḥantam* to the list of prohibited receptacles but clarified that *ḥantam* were jars not regularly used in Iraq. They explained the Prophet’s

²⁷ *Isnād*: Ibn al-Ḥasan al-Khaffāf (Egypt) ← Zuhayr b. ‘Abbād (Kufa) ← Yazīd b. ‘Atā’ (Wāsit) ← Abū Ḥamza (Kufa) ← al-Nakha‘ī ← al-Aswad ← ‘Ā’isha ← the Prophet. See al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 3:222 (no. 2977).

prohibition as having nothing to do with the jars themselves but with their having contained wine. In this way, a tradition that seemed to prohibit tarred jars was transformed into a tradition that permitted jars and, possibly, even tarred ones. The fact that Kufan transmitters in later generations altered this tradition's contents to accommodate Kufan dogma lends credence to its early attribution to al-Nakha'ī.

1.2 'Awn b. Ṣāliḥ's Tradition

This tradition is transmitted by Suwayd b. Naṣr (Merv, d. 240/854-55) ← 'Abdallāh b. al-Mubārak (Khorasan, 118-181/736-797) ← 'Awn b. Ṣāliḥ al-Bāriqī (Kufa, d. after 129/746)²⁸ ← two Bāriqī women, Zaynab bint Naṣr (Kufa)²⁹ and Jamīla bint 'Abbād (Kufa)³⁰ ← 'Ā'isha ← the Prophet. 'Awn allegedly heard this tradition from two of his tribeswomen. According to the tradition, the Prophet prohibited “every drink prepared in gourds, or *ḥantam*, or *muzaffat*, except for olive-oil or vinegar.”³¹ This tradition suggests that some people applied the prohibition of receptacles to other liquids besides *nabīdh*. This tradition clarifies that only *nabīdh* is intended.

²⁸ 'Awn was a teacher of Wakī' (Kufa, 129-197/746-812) and a student of 'Atīyya l-'Awfī, two Kufans. See Ibn Abī Shayba, *Muṣannaḥ*, 3:191 (no. 6788).

²⁹ A Kufan woman named “Zaynab bint Naṣr” is a student of 'Ā'isha in Abū 'Ubayd, *Amwāl*, 1:482 (no. 890). Zaynab is probably related to 'Abd al-Raḥīm b. Naṣr al-Bāriqī, who met Zayd b. 'Alī b. al-Ḥusayn (d. 122/740), mentioned in al-Shajarī, *Amālī*, 2:260.

³⁰ Jamīla is a relative of Ḥabība bint 'Abbād al-Bāriqiyya, whose mother met 'Ā'isha. See, e.g., Ibn Sa'd, *Ṭabaqāt*, 10:70. Alternatively, “Jamīla” may be a corruption of “Ḥabība.”

³¹ Al-Nasā'ī, *Sunan*, 5:90 (no. 5126).

1.3 *al-Ash‘ath’s Tradition*

This tradition is transmitted by al-Ash‘ath b. Sulaym Abī l-Sha‘thā’ al-Muḥāribī (Kufa, d. 129-32/746-49)³² ← ‘Abdallāh b. Ma‘qil al-Muḥāribī (Kufa)³³ ← ‘Ā’isha ← The Prophet. According to this tradition, the Prophet prohibited gourds, *muzaffat*, and *ḥantam*.³⁴ Al-Ash‘ath may have originated this one as well as the one discussed in the next section.

1.4 *al-Ash‘ath’s Other Tradition*

This tradition is transmitted by Sulaymān b. Qarm (Kufa) ← al-Ash‘ath (Kufa) ← Ḥabba l-‘Uranī ← ‘Ā’isha ← The Prophet. According to this tradition, the Prophet prohibited gourds, *ḥantam*, and *muzaffat*.³⁵ Al-Dāraqūṭnī (Baghdad, d. 385/995) astutely suggested that Sulaymān’s tradition may be a corruption of the one mentioned in the previous section.³⁶

1.5 *Simāk’s Tradition*

This tradition is transmitted by Isrā’īl (Kufa, d. ca. 162/779) ← Simāk b. Ḥarb (Kufa, d. 123/741) ← his paternal female cousin Qirṣāfa (Kufa) ← ‘Ā’isha. According to this tradition, a woman asked ‘Ā’isha about *nabīdh*, saying:

³² Ibn Sa‘d, *Ṭabaqāt*, 8:437 (no. 3253); al-Bukhārī, *Tārīkh*, 1:430 (no. 1384). His father is sometimes mistakenly called “Sulaymān” instead of “Sulaym.”

³³ Ibn Ma‘qil (not Mughaffal) is likely the same one who taught ‘Ubayd b. Ḥusayn (Kufa) a tradition about ‘Ā’isha and the Prophet. See, e.g., Ibn Ḥanbal, *Musnad*, 43:306-307 (no. 26268). Al-Mizzī (*Tahdhīb*, 16:169-70 [no. 3586] and 171 [no. 3588]) held that these were two separate individuals named Ibn Ma‘qil.

³⁴ Al-Ash‘ath taught this tradition to at least three students. For the version of Shaybān Abū Mu‘āwiya al-Naḥwī (Iraq, d. 164/781), see, e.g., Ibn Ḥanbal, *Musnad*, 41:54 (no. 24507), & 41:209 (no. 24671). For the version of Abū ‘Awāna (Wāsiṭ, d. 176/792), see, e.g., *ibid.*, 41:402-403 (no. 24922). For the version of ‘Amr b. Abī Qays, see al-Dāraqūṭnī, *‘Ilal*, 14:376-77 (no. 3724).

³⁵ Sulaymān taught this tradition to at least two students. For the version of Ḥusayn b. Muḥammad Abū Aḥmad al-Mu‘addib (Merv, Baghdad, d. ca. 213/828-29), see Ibn Ḥanbal, *Musnad*, 41:318 (no. 24814). For the version of Abū Dāwūd al-Ṭayālīsī (Basra, d. 204/819), see al-Ṭahāwī, *Ma‘ānī l-āthār*, 4:224 (no. 6501).

³⁶ Al-Dāraqūṭnī, *‘Ilal*, 14:376-77 (no. 3724).

We place a date inside a *kūz*. Then, we cook it, make it into a *nabīdh*, and then drink it.

‘Ā’isha told her:

Drink [this beverage], but do not drink intoxicants.³⁷

A *kūz* is a small jug or mug, often ceramic.³⁸ ‘Ā’isha permits here the use of such receptacles, if one makes sure the beverage does not become intoxicating. Unsurprisingly, this permissive non-Prophetic ‘Ā’isha tradition comes from Kufa. Isrā’īl or Simāk introduced it.

1.6 Ḥakīm b. Jubayr’s Tradition

The *isnād* from Ibrāhīm al-Nakha‘ī ← al-Aswad (Kufa) ← ‘Ā’isha ← the Prophet, mentioned in §1.1 of this appendix, was very successful and inspired imitators. Ḥakīm b. Jubayr (Kufa)³⁹ used this *isnād* to preface a Prophetic tradition, which he likely originated during the first third of the 2nd/8th century. Ḥakīm reportedly taught this tradition to at least seven students: al-‘Alā’ b. al-

³⁷ ‘Abd al-Razzāq, *Muṣannaf*, 9:207 (no. 16952).

³⁸ See §3.3.1.12.

³⁹ Al-Bukhārī, *Tārīkh*, 3:16 (no. 65).

Musayyab (Kufa),⁴⁰ al-Ḥasan b. Šālih (Kufa, d. 169/786),⁴¹ al-Ḥasan b. Ḥakīm (Basra),⁴² al-Thawrī (Kufa, 97-161/716-78), Layth b. Abī Sulaym (Kufa, d. ca. 143/761),⁴³ Isrā'īl b. Yūnus (Kufa, d. ca. 162/ 779) and Abū Isrā'īl (Kufa, 84-162).⁴⁴ According to this tradition, the Prophet consumed *nabīdh* prepared in a green jar.

1.7 Abū Ḥayyān's Tradition

This tradition is transmitted by Abū Ḥayyān Yaḥyā b. Sa'īd al-Taymī (Kufa, d. 145/762)⁴⁵ ← his father, Sa'īd b. Ḥayyān (Kufa)⁴⁶ ← Maryam bint Ṭāriq (Kufa)⁴⁷ ← 'Ā'isha ← the Prophet. Abū

⁴⁰ For al-'Alā's biography, see al-Bukhārī, *Tārīkh*, 6:512 (no. 3153). Four students of al-'Alā preserve versions of his tradition. For the version of al-Ḥārith b. Nabhān (Basra), see Ibn Wahb, *Jāmi'*, 36 (no. 30); al-Mukhalliṣ, *Mukhalliṣiyyāt*, 1:418-19 (no. 728). For the version of Warqā' b. 'Umar (Kufa), see Abū Bakr al-Shāfi'ī, *Ghaylāniyyāt*, 355 (no. 368) = 364-65 (no. 380). For the version of Khalaf b. Khalīfa (Kufa, d. 181/797), see, e.g., Ibn Abī Shayba, *Muṣannaḥ*, 8:114 (no. 24388). For the version of Junāda b. Salm, see al-Dāraquṭnī, *Ilal*, 8:84 (no. 3437). The versions of Ibn Nabhān and Warqā' do not include Ḥakīm as a mediator between al-'Alā and Ibrāhīm al-Nakha'ī. Al-'Alā often cites a mediator, sometimes unnamed, when transmitting from Ibrāhīm. See, e.g., 'Abd al-Razzāq, *Muṣannaḥ*, 1:92 (no. 315).

⁴¹ For al-Ḥasan b. Šālih's biography, see al-Dhahabī, *Siyar*, 7:361ff. For al-Ḥasan's version of Ḥakīm's tradition, see, e.g., Ibn Rāhawayh, *Musnad*, 3:875-76 (no. 1544); al-Ṭabarānī, *al-Mu'jam al-awsaṭ*, 7:255 (no. 7432); Ibn al-Muqri', *Mu'jam*, 343-44 (no. 1143); Ibn 'Adī, *Kāmil*, 3:492-93 (no. 5004). The latter three sources are transmitted by Ibn Arqam (Kufa). He seems to have added Ibrāhīm b. Muhājir (Kufa) to the *isnād*, either as a mediator between al-Ḥasan b. Šālih and Ḥakīm, or, as a co-transmitter with al-Ḥasan from Ibrāhīm al-Nakha'ī. If the latter option is correct, which is highly dubious, then Ḥakīm may not be the originator of this tradition.

⁴² For al-Ḥasan b. Ḥakīm's biography, see al-Bukhārī, *Tārīkh*, 2:291 (no. 2508). For al-Ḥasan's version of the tradition of Ḥakīm b. Jubayr (no relation), see Ibn 'Adī, *Kāmil*, 3:493 (no. 5005).

⁴³ The versions of al-Thawrī and Ibn Abī Sulaym are not extant but are described in al-Dāraquṭnī, *Ilal*, 8:84 (no. 3437).

⁴⁴ For Abū Isrā'īl's biography, see al-Bukhārī, *Tārīkh*, 1:346 (no. 1091). For his and Isrā'īl's joint version of Ḥakīm's tradition. See e.g., al-Ṭabarānī, *al-Mu'jam al-awsaṭ*, 7:204 (no. 7278). This version's *isnād* is Ismā'īl b. 'Amr al-Bajālī (Kufa, Isfahan) ← Isrā'īl & Abū Isrā'īl ← Ḥakīm ← Sa'īd b. Jubayr ← Ibn 'Abbās ← 'Ā'isha ← the Prophet. The *isnād* is clearly a corruption of the *isnād* used by Ḥakīm's other students, from Ḥakīm ← al-Nakha'ī ← al-Aswad (Kufa) ← 'Ā'isha ← the Prophet. Ibn Jubayr or al-Bajālī is likely responsible for this corruption.

⁴⁵ Ibn Ḥibbān, *Thiqāt*, 7:592.

⁴⁶ Al-Bukhārī, *Tārīkh*, 3:463 (no. 1539). His son appears to have been his only student.

⁴⁷ She was reportedly still alive when Abū Ḥayyān al-Taymī learnt her tradition from his father, according to Ibn Sa'd, *Ṭabaqāt*, 10:452.

Ḥayyān taught this tradition to several mostly Kufan students,⁴⁸ and he is its likely originator.

According to one representative version, Maryam narrated:

I entered the presence of ‘Ā’isha, during a pilgrimage of mine, together with a group of women from the Anṣār.⁴⁹ They began asking her about the receptacles in which *nabīdh* may be prepared. She said: “You ask me about receptacles many of which did not exist at the time of the Messenger of God (Ṣ). Therefore, be fearful of God! Anything that intoxicates you-- let her avoid it! If the water of her jar intoxicates, let her avoid it! Every intoxicant is prohibited.”⁵⁰

This tradition permits the use of all receptacles under the provision that one makes sure that their contents, even if they are water, do not intoxicate.

1.8 Another Kufan Tradition

This tradition is transmitted by Abū Yaḥyā ‘Abd al-Raḥmān [b. Muḥammad] b. Salm al-Rāzī (Isfahan, d. 291/904) ← Muḥammad b. ‘Ubayd al-Muḥāribī (Kufa) ← Qabīṣa b. Layth (Kufa) ←

⁴⁸ Several students of Abū Ḥayyān al-Taymī preserve versions of this tradition. For the version of Yaḥyā al-Qaṭṭān (Basra, 120-198/738-812), see Ibn Ḥanbal, *Ashriba*, 87 (nos. 226 + 227); al-Bayhaqī, *al-Sunan al-kabīr*, 17:466-67 (no. 17553). For the versions of the Kufan brothers Ya‘lā b. ‘Ubayd (d. 209/825) and Muḥammad b. ‘Ubayd (d. 204/819), see Ibn Sa‘d, *Ṭabaqāt*, 10:451-52. For the version of Ibn ‘Ulayya (d. 193/809), see Ibn Abī Shayba, *Muṣannaḥ*, 8:80-81 (no. 24203 & 24207). For the version of ‘Īsā b. Yūnus (Kufa, d. 187-8/803-4), see Ibn Rāḥawayh, *Musnad*, 3:953 (no. 1660); Abū l-Faḍl al-Zuhrī, *Ḥadīth*, 119-20 (no. 56). For the version of Ibn ‘Uyayna (Kufa, Mecca, d. 198/811), see *ibid.*, 120 (no. 57). For the version of ‘Abdallāh b. Idrīs (Kufa, 115-192/733-807), see Ibn Rāḥawayh, *Musnad*, 3:953 (no. 1661). For the version of Jarīr b. ‘Abd al-Ḥamīd (Kufa, 110-188/728-804), see al-Ḥākim, *Mustadrak*, 5:204-205 (no. 7320). The tradition is sometimes transmitted in two parts: one about *nabīdh* and receptacles, and another about the “every intoxicant” maxim. The tradition is occasionally accompanied by a tradition related to the molestation of women during the pilgrimage.

⁴⁹ Some versions have here *amṣār* (garrison towns) instead of Anṣār. See, e.g., Ibn Ḥanbal, *Ashriba*, 87 (no. 226). One version has *al-Muhājirāt*. See al-Ḥākim, *Mustadrak*, 5:204-205 (no. 7320).

⁵⁰ Ibn Sa‘d, *Ṭabaqāt*, 10:451-52.

Yazīd b. Abī Ziyād (Kufa, d. 137/754) ← Umm Thalja ← ‘Ā’isha. According to this tradition, Umm Thalja said:

I entered the place where ‘Ā’isha was and a man called her from behind the separating barrier (*min warā’i l-ḥijāb*). He asked her about *nabīdh*. She Said the Messenger of God (ﷺ) prohibited gourds and *muzaffat*.⁵¹

The description of ‘Ā’isha interacting with a male with a physical barrier standing between them reflects a later tendency from a time period when it was deemed inappropriate to depict the Prophet’s wives conversing face-to-face with non-related males. This tradition may also be responding to a Basran tradition that depicts a barrier between ‘Ā’isha and her male interlocutor.⁵² This tradition agrees with other Kufan traditions prohibiting gourds and *muzaffat*.

2. A Medinan Tradition from ‘Ā’isha

This tradition is transmitted by al-Qāsim b. Muḥammad (Medina, d. 106/725)⁵³ ← his paternal aunt ‘Ā’isha ← the Prophet. Al-Qāsim reportedly taught this tradition to two students: ‘Abdallāh b. al-‘Alā’ b. Zabr (Syria, d. 164/780)⁵⁴ and ‘Abdallāh b. Muḥammad b. ‘Aqīl (Medina, d. before 145/762).⁵⁵

⁵¹ Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 5:85 (no. 4744).

⁵² See Appendix H §5.17.

⁵³ Ibn Sa‘d, *Ṭabaqāt*, 7:186-93 (no. 1562).

⁵⁴ Ibn Ḥibbān, *Thiqāt*, 7:27; al-Dhahabī, *Siyar*, 7:350-51 (no. 130).

⁵⁵ Ibn Sa‘d, *Ṭabaqāt*, 7:481-82 (no. 1965).

Ibn Zabr's version is extant only through a single report transmitted by Abū Dāwūd Sulaymān b. Sayf (Ḥarrān, d. 272/886)⁵⁶ ← Muḥammad b. Sulaymān b. Abī Dāwūd (Ḥarrān, d. 213/828)⁵⁷ ← Ibn Zabr (Syria) ← al-Qāsim (Medina)⁵⁸ ← 'Ā'isha ← the Prophet. According to this Syrian version, the Prophet said:

Do not prepare *nabīdh*, not in gourds, not in *muzaffat*, and not in *naqīr*! Every intoxicant is prohibited (*kullu muskirⁱⁿ ḥarām*).⁵⁹

The transmission from Ibn Zabr is not corroborated by other sources.

Ibn 'Aqīl taught al-Qāsim's tradition to at least two students: 'Ubaydallāh b. 'Amr (Raḡqa, d. 180/796-97)⁶⁰ and Zuhayr b. Muḥammad al-'Anbarī (Khorasan, Basra).⁶¹ When compared to Ibn Zabr's version, Ibn 'Aqīl's version contains two significant additions to al-Qāsim's tradition in terms of its *isnād* and contents. First, it adds a parallel line of transmission

⁵⁶ Al-Dhahabī, *Siyar*, 13:147-48 (no. 78).

⁵⁷ Ibn 'Asākir, *Tārīkh*, 53:120-22 (no. 6416).

⁵⁸ Ibn Sa'd, *Ṭabaqāt*, 7:186-93 (no. 1562).

⁵⁹ Al-Nasā'ī, *Sunan*, 5:76 (no. 5080).

⁶⁰ Al-Dhahabī, *Siyar*, 8:310-12 (no. 1253). For 'Ubaydallāh's version of Ibn 'Aqīl's tradition transmitted by Aḥmad b. 'Abd al-Malik (Ḥarrān, d. 221/836), see Ibn Ḥanbal, *Musnad*, 44:407-408 (nos. 26824-26825). The term *muḡayyar* here was changed from *muzaffat* in Ibn 'Aqīl's original version.

⁶¹ Al-Bukhārī, *Tārīkh*, 3:427 (no. 1420). At least three of Zuhayr's students preserved versions of his tradition. For the version of Abū 'Āmir al-'Aqadī (Basra, d. 204/819), see, e.g., Ibn Rāhawayh, *Musnad*, 2:397 (no. 948), = 5:213-14 (no. 2019); Ibn Abī l-Dunyā, *Dhamm*, 45-46 (no. 24); al-Mukhalliṣ, *Mukhalliṣiyyāt*, 1:295-97 (nos. 441, 442, & 444). For the version of 'Abd al-Raḥmān b. Maḥdī al-'Anbarī (Basra, 135-198/752-814), see Ibn Ḥanbal, *Musnad*, 44:406 (no. 26823), = idem, *Ashriba*, 34 (no. 10). For the version of Abū Ḥudhayfa al-Nahdī (Basra, d. 220/835), see al-Mukhalliṣ, *Mukhalliṣiyyāt*, 1:296-97 (no. 443); al-Ṭabarānī, *al-Mu'jam al-kabīr*, 23:439 (no. 1063). In Zuhayr's version, the "every intoxicant" maxim appears as *kullu sharābⁱⁿ askara/muskirⁱⁿ fa-huwa ḥarām*. This formulation of the maxim is apparently borrowed from a tradition of al-Zuhrī. See, e.g., Ibn Ḥanbal, *Musnad*, 40:99 (no. 24082), 42:369 (no. 25572), and 43:69 (no. 25891).

from Sulaymān b. Yasār (d. ca. 103/721)⁶² or from his brother ‘Aṭā’ b. Yasār (d. 94/712-13)⁶³ ← Maymūna, the Prophet’s youngest wife (Sarif, d. 61/681),⁶⁴ ← the Prophet. This parallel line is meant to corroborate ‘Ā’isha’s tradition. Second, Ibn ‘Aqīl’s version adds “jars” (*jarr* or *jirār*) to the list of prohibited receptacles in addition to gourds, *muzaffat* (or *muqayyar*), and *naqīr*.

Based on the extant versions of al-Qāsim’s tradition it is difficult to determine with certainty who is its originator. The crux of the matter is if Ibn Zabr truly received this tradition from al-Qāsim. There are three possibilities regarding the originator that I find most likely:

(1) Al-Qāsim is the originator of the tradition. The main difficulty with this possibility is that al-Qāsim was one of ‘Ā’isha’s closest students and one might expect that his tradition would be more popular, especially considering that many other traditions on the matter cite relatively unknown women as her students. A tradition from al-Qāsim should have been a highly sought-after commodity. However, it is suspiciously extant only through the versions of two not very well-known students.

(2) Ibn ‘Aqīl is the originator of the tradition and Ibn Zabr’s version is based on his. However, since the *isnād* and contents of Ibn ‘Aqīl’s version appear to be more developed than Ibn Zabr’s this seems less likely.

⁶² Ibn Sa’d: *Sulaymānu bnu Yasār^m mawlā Maymūnata Binti l-Hārith [...] wa-yuqālu [inna-hu] kāna mukātab^{an} la-hā. Ṭabaqāt, 7:172-73 (no. 1544).*

⁶³ Ibn Sa’d: *‘Aṭā’u bnu Yasār^m mawlā Maymūnata. Ṭabaqāt, 7:171-72 (no. 1544).*

⁶⁴ Fr. Buhl, “Maymūna Bint al-Hārith,” *EP*.

(3) Ibn Zabr is the originator of the tradition and Ibn ‘Aqīl’s version is based on his with some additions and modifications. This possibility after the first one is most plausible, though it is uncertain.

In sum, this is a Medinan or Syrian tradition from before 145/762, and perhaps even 106/725. It originally prohibited gourds, *muzaffat*, and *naqīr*, to which Ibn ‘Aqīl added jars.

3 Ibn Abī Mulayka’s Meccan Tradition from ‘Ā’isha

This tradition likely originated with Abū Bakr b. Abī Mulayka (Mecca, d. 117/735-6),⁶⁵ who taught it to several students. There was however some disagreement regarding who was his authority for this tradition and what were its exact contents. A few of his students reportedly said that he heard it from ‘Ā’isha ← the Prophet.⁶⁶ There is some disagreement regarding the transmission of another student, the Meccan ‘Abd al-Jabbār b. al-Ward. According to al-Dāraquṭnī, ‘Abd al-Jabbār did not mention ‘Ā’isha or any other transmitter as a mediator between Ibn Abī Mulayka and the Prophet.⁶⁷ However, according to al-Ṭabarānī, ‘Abd al-Jabbār included her as a mediator.⁶⁸ When the Basran Ayyūb al-Sakhtiyānī reportedly enquired with Ibn

⁶⁵ Al-Bukhārī, *Tārīkh*, 5:137-8 (no. 412).

⁶⁶ Al-Dāraquṭnī, in his *Ilal* (8:362-63 [no. 3709]), lists three students who reportedly heard this tradition from Ibn Abī Mulayka ← ‘Ā’isha. At least, two versions attributed to two of Ibn Abī Mulayka’s students are extant. For the version of Bisṭām b. Muslim (Basra) ← Abū l-Tayyāh (Basra, d. 128/746) ← Ibn Abī Mulayka, see, e.g., Ibn Rāhawayh, *Musnad*, 3:655 (no. 1247); Abū Ya’lā, *Musnad*, 8:284 (no. 4871). For the version of Ibn Abī l-Kannāt (Mecca), see al-Bukhārī, *Tārīkh*, 6:247 (no. 2302). Only Bisṭām’s version can be confirmed as likely being about *nabīdh* and receptacles. For the version of Ibn Jurayj, overlooked by al-Dāraquṭnī and mentioning neither *nabīdh* nor receptacles, see, e.g., al-Bazzār, *Baḥr*, 18:215 (no. 214).

⁶⁷ Al-Dāraquṭnī, *Ilal*, 8:362. The insertion of al-‘Alā’ as ‘Abd al-Jabbār’s father is probably a mistake here.

⁶⁸ Al-Ṭabarānī, *al-Mu’jam al-kabīr*, 5:243 (no. 5209). This is the only version from Ibn Abī Mulayka that explicitly mentions *muzaffat*, *ḥantam*, and *naqīr*. ‘Ā’isha’s name may have been inserted here by a later transmitter.

Abī Mulayka about his informant for the tradition, he replied that he heard it from Abū l-Zinād (Medina, d. 130/747-8)⁶⁹ who heard it from “one of the Kufans.”⁷⁰ Almost three centuries after the death of Ibn Abī Mulayka, al-Dāraqūṭnī concluded that his transmission from ‘Ā’isha is a fiction.⁷¹

According to Ibn Abī Mulayka’s tradition, the Prophet issues a concession regarding three things he prohibited: the use of certain receptacles for *nabīdh*, visiting graves, and storing the meat of sacrificial animals.⁷² In sum, Ibn Abī Mulayka transmitted a tradition, which he may have learned in Kufa, that promotes the three concessions doctrine.

4 A Levantine Tradition from ‘Ā’isha

This tradition is recorded by Ibn Ḥanbal in his *Kitāb al-ashriba* on the authority of Muḥammad b. Yazīd al-Kilā’ī (Wāsiṭ, d. 188-90/802-04) ← al-Nu‘mān b. al-Mundhir (Damascus, d. 132/750)⁷³ ← Makḥūl (Damascus, d. 112-16/730-4)⁷⁴ ← Abū Sa‘īd al-Khudrī (d. between 63/682 & 74/693), Bilāl (d. ca. 17/638), and ‘Ā’isha. According to this tradition, these three Companions considered the *nabīdh* of jars reprehensible.⁷⁵

⁶⁹ Al-Dhahabī, *Siyar*, 5:445-51. According to al-Haythamī, *Bughya*, 1:379-80 (no. 282), Abū l-Zinād reported that the Prophet permitted *nabīdh* after having prohibited it.

⁷⁰ See, e.g., al-Bukhārī, *Tārīkh*, 2:125 (no. 1919).

⁷¹ Al-Dāraqūṭnī, *Ilal*, 8:362-63.

⁷² See, e.g., Abū Ya‘lā, *Musnad*, 8:284 (no. 4871).

⁷³ Ibn Sa‘īd, *Ṭabaqāt*, 9:466 (no. 4717).

⁷⁴ Ibn Sa‘īd, *Ṭabaqāt*, 9:456-58 (no. 4681).

⁷⁵ Ibn Ḥanbal, *Ashriba*, 50 (no. 70).

Ibn Ḥanbal cites the same *isnād* from Ibn Yazīd to Makḥūl twice more in the same work, once before a tradition about Abū Hurayra prohibiting the *nabīdh* of jars,⁷⁶ and once more before a tradition in which Makḥūl does not hold the preparation of *nabīdh* in waterskins reprehensible.⁷⁷ Since these traditions share the same Damascene *isnād* and since they all express a consistent view of the *nabīdh* of jars, they likely all originate from the same transmitter, who is potentially Makḥūl.

5 Basran Traditions from ‘Ā’isha

5.1 Tradition 1

This tradition is transmitted by Ḥawshab b. ‘Aqīl (Basra)⁷⁸ ← Ghunayya bint al-Raḍī (probably Basra)⁷⁹ ← ‘Ā’isha. Ḥawshab transmitted it to at least two students: Wakī‘ (Kufa, 129-197/746-812) and Sukayn b. ‘Abd al-‘Azīz (Basra).⁸⁰ Wakī‘’s version is non-Prophetic. Sukayn’s version is Prophetic. The contents of both versions are also quite different and could represent two different traditions. Nevertheless, since both versions have the same rare *isnād* and deal with *nabīdh* and receptacles, I discuss both together.

According to Wakī‘’s version, Ghunayya narrated:

⁷⁶ Ibn Ḥanbal, *Ashriba*, 50 (no. 68).

⁷⁷ Ibn Ḥanbal, *Ashriba*, 50 (no. 71).

⁷⁸ According to Ibn Abī Shayba, *Muṣannaf*, 2:494-45 (no. 5133), his *nisba* was al-‘Abdī, i.e., from ‘Abd al-Qays; and according to Ibn Ḥibbān, *Thiqāt*, 8:213, it was al-Jarmī.

⁷⁹ Her *nisba* was *al-jarmiyya*, according to Ibn Ḥanbal, *Ashriba*, 62 (no. 120). She is thus a relative of Ḥawshab.

⁸⁰ Sukayn probably held that the *nabīdh* of jars was prohibited. See Appendix F §2.7.

‘Ā’isha was asked [by a woman] about a child to whom was prescribed *nabīdh* in a small little jar (*jurayra ṣaghīra*). [‘Ā’isha] responded: “With what do you wish to cure [him]?! No! It [= *nabīdh* in a jar] is a disease.”⁸¹

This version establishes that the *nabīdh* of jars is prohibited even if it is used as children’s medicine. Since Wakī’ was a proponent of drinking the *nabīdh* of jars,⁸² there is no reason to doubt that he heard this tradition from Ḥawshab.⁸³

According to Sukayn’s version, Ghunayya narrated:

I entered the presence of ‘Ā’isha with a group of women from ‘Abd al-Qays and we asked her about *nabīdh*. [‘Ā’isha] responded: “May God not bring any benefit to you on account of *nabīdh*, O ‘Abd al-Qays! The Messenger of God prohibited *ḥantam*, gourds, and *naqīr*.” She added: “But drink [your beverages] in all waterskins (*udum*) or in [waterskins] that you can tie up or hang up!”⁸⁴

This version appears to prohibit *nabīdh* in all receptacles except waterskins, especially ones that are tied up and hung up. The opinion that *nabīdh* may be made in waterskins that are tied up and hung up is associated with Basra, particularly with the figure of Muhammad b. Sīrīn.⁸⁵ Like the version of Wakī’, it presents ‘Ā’isha responding to a query about *nabīdh*. Sukayn’s version

⁸¹ Ibid. Cf. al-Bukhārī, *Tārīkh*, 3:100 (no. 348).

⁸² Al-Dhahabī, *Siyar*, 9:143-44, 150-51, and 155.

⁸³ For another example of Wakī’'s accurate transmission of a tradition from Ḥawshab, cf. Ibn Ḥanbal, *Musnad*, 13:401 (no. 8031) and 15:473 (no. 9760).

⁸⁴ Abū Ya’lā, *Musnad*, 7:428-29 (no. 4450).

⁸⁵ Ibn Ḥanbal, *Ashriba*, 49 (no. 64); Ibn Abī Shayba, *Muṣannaf*, 8:104 (no. 24329). Cf. *ibid.*, 8:108 (no. 24352).

incorporates elements from other traditions like the delegation of ‘Abd al-Qays asking about *nabīdh*, which is found in several traditions,⁸⁶ and ‘Ā’isha recommending waterskins that are covered and hung up, which is found in another tradition about ‘Ā’isha.⁸⁷

Sukayn’s version is perhaps a heavily reworked adaptation of Ḥawshab’s tradition, which is likely well-preserved through Wakī’s version. Sukayn’s version is more compromising than Ḥawshab’s tradition. Whereas the latter prohibited *nabīdh* in all receptacles, the former permits it in certain waterskins. Ḥawshab’s tradition was non-Prophetic. By elevating the tradition from ‘Ā’isha to the Prophet, Sukayn increased its authoritativeness.

5.2 Tradition 2

This tradition is transmitted by Hishām al-Dastuwā’ī (Basra, d. 152-54/769-71), who taught it to at least two students: al-Ṭayālīsī (Basra, ca.131-204/ca. 749-819), and ‘Abd al-Ṣamad (Basra, d. 207/822). There is some disagreement between their versions of the tradition regarding the *isnād* cited by al-Dastuwā’ī, but they both agree that he heard it from an ‘Ubaydallāh al-‘Abdī, likely the same one, relying on the testimony of a woman who heard ‘Ā’isha. Their versions mostly agree otherwise. However, ‘Abd al-Ṣamad’s version is more developed than that of al-Ṭayālīsī in terms of its *isnād* and contents.

⁸⁶ On the ‘Abd al-Qays traditions, see §4.6.2.

⁸⁷ See Appendix H §5.10.

Al-Ṭayālīsī's version is on the authority of 'Ubaydallāh al-Aḥmar al-'Abdī (Basra)⁸⁸ ← a woman [of the 'Abd al-Qays], who narrates that

She said to 'Ā'isha, may God be pleased with her: "My family render me plump by serving me *nabīdh*, the *nabīdh* of jars. What is your opinion?" ['Ā'isha] answered: "the sweet variety of it [= *nabīdh*] and the sour variety of it are prohibited."⁸⁹

This version prohibits *nabīdh* in all its varieties, whether "sweet," i.e., less intoxicating, or "sour," i.e., more intoxicating, and even if it is consumed for the sake of nourishment and not intoxication.

'Abd al-Ṣamad's version is on the authority of 'Ubaydallāh b. [Abī] Jirwa (Basra)⁹⁰ ← al-Ḥasan b. Nāfi' ← Umm Iyās bint 'Amr b. Sabra, who narrated that

She came to 'Ā'isha, may God be pleased with her, who then approached her saying: "Do you need anything?" [Umm Iyās] said: "My family render me plump by preparing *nabīdh* for me in a jar in the morning, and then I drink it in the evening; or they prepare it in the evening, and then I drink it in the morning." ['Ā'isha] answered: "the sweet variety of it and the sour variety of it are prohibited."⁹¹

⁸⁸ Al-Bukhārī, *Tārīkh*, 5:374 (no. 1187).

⁸⁹ Ibn Ḥanbal, *Ashriba*, 47 (no. 51).

⁹⁰ Al-Bukhārī, *Tārīkh*, 5:376 (no. 1198).

⁹¹ Ibn Ḥanbal, *Ashriba*, 41-42 (no. 31). Here, 'Ubaydallāh b. Ḥizwa must be emended to 'Ubaydallāh b. [Abī] Jirwa.

This version, like al-Ṭayālīsī's version, prohibits all *nabīdh*. It has a more complete and more seemingly plausible *isnād*. Its contents are also more developed as it asserts that *nabīdh* is prohibited, even if it is consumed half a day after its preparation. Some believed that if *nabīdh* was prepared this way it was permissible.⁹²

In sum, Hishām al-Dastuwā'ī transmitted this tradition and may have originated it. 'Abd al-Ṣamad transmits a further developed version of this tradition. The tradition seemingly prohibits all *nabīdh* or all *nabīdh* prepared in jars. It does not mention the possibility of preparing *nabīdh* in waterskins. Theoretically, the tradition may allow this, though it is unlikely given its uncompromising tone.

5.3 Tradition 3

Shumaysa Umm Salama al-'Atakiyya was reportedly a long-lived student of 'Ā'isha who resided in Basra.⁹³ She primarily had two students, her fellow tribesmen Shu'ba b. al-Ḥajjāj al-'Atakī (Basra, d. 160/776) and Hishām b. Ḥassān al-Qurdūsī (Basra, d. *ca.* 148/765).⁹⁴ For both she served a convenient direct link to the Prophet's beloved wife. Both claimed to have learned from her a tradition on the authority of 'Ā'isha concerning *nabīdh* and receptacles. Shu'ba's tradition is non-Prophetic. Hishām's is Prophetic.

⁹² See, e.g., Appendix D §1.

⁹³ Baḥshal, *Tārīkh*, 109-10; Ibn Ḥanbal, *ʿIlal*, 2:140 (no. 1805), = 3:274 (5216).

⁹⁴ Al-Bukhārī: ...*kāna [Hishām] minā l-'Atīk. Tārīkh*, 8:197-8 (no. 2689); Juynboll, *ECH*, s.v. "Hishām b. Ḥassān al-Qardūsī [!]."

Shu‘ba’s tradition is transmitted by Wakī‘ (Kufa) ← Shu‘ba ← Shumaysa ← ‘Ā’isha. According to this tradition, ‘Ā’isha said:

Do not drink in a *rāqūd*, or in a jar (*jarra*), or in a gourd (*qar‘a*)!⁹⁵

This tradition uses the Iraqi terms *jarra* and *qar‘a*, which appear in another tradition by Shu‘ba as alternatives for *ḥantam* and *dubbā’*.⁹⁶ The *rāqūd* may be considered an interpretation of the term *muzaffat*, if it refers to tarred jars. This tradition was plausibly transmitted by Shu‘ba because it uses his terminology. Additionally, there is no reason to suspect the Kufan Wakī‘ of inventing a prohibitive tradition. Hence, Shu‘ba likely originated this tradition that prohibits the use of all jars for *nabīdh*.

Hishām’s tradition has an *isnād* from Shumaysa ← ‘Ā’isha ← the Prophet. Hishām transmitted it to at least four students, and their versions of this tradition are mostly in agreement. In one representative version, Shumaysa says:

I was at ‘Ā’isha’s place, and a man stood up and asked her: “What is your opinion of the *nabīdh* of jars?” She replied: “The Messenger of God (ﷺ) prohibited the *nabīdh* of jars.”⁹⁷

⁹⁵ Ibn Abī Shayba, *Muṣannaf*, 8:95 (no. 24277).

⁹⁶ See the tradition discussed in §3.2.1.

⁹⁷ Ibn Rāhawayh, *Musnad*, 3:775 (no. 1399). This is the version of al-Naḍr b. Shumayl (Basra, Khorasan, d. 204/819). For the versions of ‘Abd al-Wāḥid (Basra, d. 176/792), Rawḥ b. ‘Ubāda (d. ca. 205/820), and Muḥammad b. Abī Bukayra (Basra), see, respectively, Ibn Ḥanbal, *Musnad*, 43:124 (no. 25978), & 187-88 (nos. 26073 & 26074).

This tradition resembles another Prophetic tradition that Hishām likely originated on the authority of Abū Sa‘īd al-Khudrī prohibiting the *nabīdh* of jars.⁹⁸

In sum, both Shu‘ba and Hishām are the likely originators of their respective traditions from Shumaysa. While they both may have known Shumaysa, it cannot be shown that she met ‘Ā’isha or taught a tradition about receptacles on her behalf. Hishām’s Prophetic tradition may be based on Shu‘ba’s non-Prophetic tradition. Both transmitters appear to have considered all jars prohibited.

5.4 Tradition 4

This non-Prophetic tradition is transmitted by ‘Alī b. al-Mubārak al-Hunā’ī (Basra, Kufa, d. after 129/746)⁹⁹ ← Karīma bint Hammām¹⁰⁰ ← ‘Ā’isha. ‘Alī b. al-Mubārak taught it to at least two students: Wakī‘ (Kufa, 129-197/746-812) and ‘Abdallāh b. al-Mubārak (Khorasan, 118-181/734-797). The tradition can be divided into three parts. ‘Abdallāh b. al-Mubārak transmits all three together. Wakī‘ transmits only two parts separately.

According to ‘Abdallāh b. al-Mubārak, ‘Ā’isha said, addressing a group of men or a group of men and women (the three parts are marked with numbers):

[1] “Gourds have been prohibited to you (*nuhītum ‘ani l-dubbā’*). *Ḥantam* have been prohibited to you. *Muzaffat* have been prohibited to you.” [‘Ā’isha] then went to the

⁹⁸ See, e.g., Ibn Ḥanbal, *Musnad*, 18:178 (no. 11633); al-Nasā’ī, *Sunan*, 6:289-90 (nos. 6806 & 6807). This is a prophetic tradition by Hishām from Ibn Sīrīn. Originally, Ibn Sīrīn’s tradition was likely non-Prophetic. See, e.g., ‘Abd al-Razzāq, *Muṣannaḡ*, 9:206 (no. 16947); al-Bukhārī, *Adab*, 833-5 (no. 1077).

⁹⁹ Al-Bukhārī, *Tārīkh*, 6:295 (no. 2452).

¹⁰⁰ According to al-Ṭayālīsī in *Musnad* [3:146 (no. 1672)], she was from the tribe of Ṭayyi’.

women and said to them: [2] “Beware the green jars (*ıyyā-kunna wa-l-jarra l-akhḍar*)!

[3] If the water of your jars (*mā’ ḥubbi-kunna*) intoxicates you, then do not drink it!”¹⁰¹

The first part of the tradition is unique to ‘Abdallāh b. al-Mubārak. Its lack of corroboration notwithstanding, it still may have been part of ‘Alī b. al-Mubārak’s original tradition. Wakī‘ or his students may have omitted it since similar traditions exist with better *isnāds* going all the way to the Prophet. The second part is extant in two variants by Wakī‘. One variant confirms ‘Abdallāh b. al-Mubārak’s version.¹⁰² The other variant replaces “green jars” with “jars.”¹⁰³ Thus, ‘Alī b. al-Mubārak’s original tradition may have originally mentioned “green jars.” The third part as transmitted by Wakī‘ mostly agrees with its equivalent in ‘Abdallāh b. al-Mubārak’s version.¹⁰⁴

Even though the Prophet is not mentioned in the first part, ‘Ā’isha’s words may be alluding to a Prophetic prohibition of gourds, *ḥantam*, and *muzaffat*. In the second part, ‘Ā’isha’s warning about green jars or jars may be interpreted as a prohibition of these jars, though it may also represent a recommendation against them. In the third part, ‘Ā’isha’s concern that “water” may become intoxicating in a jar is also open to interpretation. She may be saying that not only is *nabīdh* prohibited in jars, but water may also become prohibited in one (perhaps if the jar

¹⁰¹ Al-Nasā’ī, *Sunan*, 5:107 (no. 5171).

¹⁰² Ibn Abī Shayba: *ıyyā-kum wa-nabīdha l-jarri l-akhḍar. Muṣannaḥ*, 8:95 (no. 24278). ‘Ā’isha’s addressees are masculine, but they were likely originally feminine, as in the other variant and version.

¹⁰³ Ibn Ḥanbal: *ıyyā-kunna wa-nabīdha l-jarr. Ashriba*, 82 (no. 206). Cf. idem, *Musnad*, 42:493 (no. 25760), where another tradition is found from ‘Alī b. al-Mubārak ← Karīma ← ‘Ā’isha, who says: “Beware of peeling the skin of your face!” (*ıyyā-kunna wa-qashra l-wajh*). This tradition may have inspired ‘Ā’isha’s warning about green jars (or *vice versa*).

¹⁰⁴ Ibn Ḥanbal: ...on the authority of ‘Ā’isha: “If [one of you] thinks that the water of her jar (*māja-hā* emended here to *mā’a ḥubbi-hā*) is intoxicating, then she should not drink it.” *Ashriba*, 82 (no. 205).

contains some alcoholic residue). Alternatively, her intent is that one may place liquids in jars, but one must make sure the liquids do not become intoxicating. When taken together, the three parts of this tradition imply that the receptacles it mentions are prohibited for *nabīdh* or that one should at least be very careful when using them. The tradition is perhaps also establishing that *ḥantam* are jars (*ḥubb* or *jarr*) and green jars (*al-jarr al-akhḍar*).

5.5 Tradition 5

‘Abdallāh b. al-Mubārak (d. 181/797) transmits another tradition, one on the authority of Ṭawd b. ‘Abd al-Malik al-Qaysī (Basra)¹⁰⁵ ← his father ‘Abd al-Malik ← Hunayda (Basra).¹⁰⁶ This is a prohibitive non-Prophetic tradition. Here, ‘Ā’isha prohibits *‘akar* (dregs); recommends making *nabīdh* in the evening and drinking it in the morning and using only receptacles the mouths of which can be tied up; and prohibits gourds, *naqīr*, *muzaffat*, and *ḥantama*.¹⁰⁷ This is a composite tradition combining various elements found separately in other traditions about *nabīdh*.

¹⁰⁵ Al-Bukhārī, *Tārīkh*, 4:367 (no. 3172). He is found only in this tradition by ‘Abdallāh b. al-Mubārak.

¹⁰⁶ Her name is said to be “Hunayda (or Hind) bint Sharīk b. Zabbān.” She may be the “Hunayda bint Qays” mentioned *ibid.*, 4:190 (no. 2442).

¹⁰⁷ Al-Nasā’ī, *Sunan*, 5:91-92 (no. 5131). Cf. al-Bukhārī, *Tārīkh*, 4:190 (no. 2442). The traditions of al-Nasā’ī and al-Bukhārī may represent the same tradition from Hunayda, assuming one or both *isnāds* are jumbled. Note the similarity between “Sharīk b. Zabbān” and “Sumay’ b. Zādhān.” These two names might represent the same name, which has been misplaced in one of the *isnāds*. If both traditions represent the same tradition, Hunayda’s student may be the common link.

5.6 Tradition 6

Abū Sa‘īd Mawlā Banī Hāshim (Basra, d. 197/812-3)¹⁰⁸ ← Abū Zayd Thābit (Basra, d. 169/786) ← ‘Āṣim al-Aḥwal (Basra, d. ca. 142/759) ← ‘Amra Ukht Banī Ghaylān ← ‘Ā’isha. According to this tradition, ‘Ā’isha addressed a group of women saying:

You enter the length of a fingernail into hellfire over [not using] a waterskin you can buy for a single dirham.¹⁰⁹

Apparently, some Muslims found it difficult to comply with the prohibition of jars, finding the permitted alternative, waterskins, inadequate. This tradition promotes the use of waterskins instead of jars, noting their affordability and the great punishment that will befall those who insist on using jars and other prohibited receptacles. ‘Āṣim, who transmitted at least one other tradition promoting the use of waterskins,¹¹⁰ is plausibly the originator of this tradition.

5.7 Tradition 7

This tradition is transmitted by Bahz b. Asad (Basra, d. 202/817) ← Ḥammād b. Salama (Basra, d. 167/784) ← ‘Alī b. Zayd b. Jud‘ān (Basra, d. 129/747 or 131/749) ← Umm Muḥammad

¹⁰⁸ Al-Bukhārī, *Tārīkh*, 5:316 (no. 1001).

¹⁰⁹ Ibn Ḥanbal, *Ashriba*, 56 (no. 95).

¹¹⁰ See Appendix C §2.

(Basra)¹¹¹ ← ‘Ā’isha. According to this tradition, ‘Ā’isha would take a portion of the hide of the animal she sacrificed (*udḥiyyati-hā*) and would make a waterskin for *nabīdh* out of it.¹¹²

Like the previously discussed tradition, this Basran tradition also encourages the use of waterskins for *nabīdh*. A waterskin requires almost no additional expenses if it is taken from the hides of sacrificed animals. Generally, the hides and other byproducts of sacrificial victims should not be sold for profit, but some traditions permit employing them for personal use.¹¹³ The recommendation to use these hides as waterskins for *nabīdh* shows that jurists compromised regarding certain aspects of the law to dissuade people from drinking *nabīdh* from jars. ‘Alī b. Zayd is the likely originator of this tradition.¹¹⁴

5.8 Tradition 8

This tradition is transmitted by al-Mu’ammal (Basra, Mecca, d. 206/821-822) ← Sufyān al-Thawrī (Kufa, 97-161/716-78) ← Salama b. Kuhayl (Kufa, d. ca. 121/738)¹¹⁵ ← Abū l-Ḥakam ‘Imrān al-Sulamī (Kufa), who, after asking ‘Ā’isha, was told by her that the Prophet prohibited the *nabīdh* of jars and gourds.¹¹⁶ A tradition from Ibn Kuhayl with a similar *isnād* features

¹¹¹ Abū Dāwūd, in *Sunan* (7:259 [no. 4898]), writes that Umm Muḥammad was married to ‘Alī b. Zayd’s father. Her name may have been Umayya bint ‘Abdallāh. Her first name may not have been Umayya, but rather Āmina or Umayna, and it was occasionally corrupted to *ummi-hi* ([‘Alī’s] mother). See al-Mizzī, *Tahdhīb*, 35:132-33 (no. 7792).

¹¹² Ibn Ḥanbal, *Ashriba*, 35 (no. 15). Here, emend *wasq^{an}* to *siqā^{an}*.

¹¹³ For a tradition permitting the use of the hides of victims for personal needs or for charity, see Ibn Ḥanbal, *Musnad*, 26:147-48 (no. 16210).

¹¹⁴ This tradition inspired the tradition discussed in Appendix H §5.20.

¹¹⁵ Al-Dhahabī, *Siyar*, 5:228-300.

¹¹⁶ Ibn Rāhawayh, *Musnad*, 3:946 (no. 1649).

various companions telling an enquiring Sulamī that gourds and jars are prohibited.¹¹⁷ Al-Mu'ammal's tradition is the only instance of 'Ā'isha being listed as one of these companions. He is perhaps responsible for adding her to this Kufan tradition.¹¹⁸

5.9 Tradition 9

This prohibitive Prophetic tradition is transmitted by Ishāq b. Suwayd al-'Adawī (Basra, d. 131/748-9)¹¹⁹ ← Mu'ādha al-'Adawiyya (Basra)¹²⁰ ← 'Ā'isha ← the Prophet. Ibn Suwayd taught this tradition to several students including: Ibn 'Ulayya (Basra, d. 193/809),¹²¹ al-Mu'tamir b. Sulaymān (Basra, d. 187/803),¹²² 'Abd la-Wahhāb b. 'Abd al-Majīd al-Thaqafī (Basra, d. 194/810),¹²³ and 'Alī b. 'Āṣim (Wāsiṭ, d. 201/816).¹²⁴ At its basic form, this Prophetic tradition prohibits four receptacles: gourds, *ḥantam*, *naqīr*, and *muzaffat* (sometimes changed to *muqayyar*). Ibn Suwayd often transmitted this tradition together with another tradition from Hunayda (Basra)¹²⁵ ← 'Ā'isha ← the Prophet. In Hunayda's tradition, *ḥantam* are replaced by

¹¹⁷ See, e.g., Ibn Ḥanbal, *Musnad*, 1:430 (no. 360); 3:470 (no. 2028). Ibn Kuhayl cites Abū l-Ḥakam al-Sulamī as his informant.

¹¹⁸ For al-Mu'ammal's version of al-Sulamī's tradition without 'Ā'isha, see Ibn Ḥanbal, *Musnad*, 1:369 (no. 260).

¹¹⁹ Ibn Sa'd, *Ṭabaqāt*, 9:241 (no. 4005).

¹²⁰ Ibn Sa'd, *Ṭabaqāt*, 10:447 (no. 5504); al-Dhahabī, *Siyar*, 4:508 (no. 200). She was known for her piety much like her fellow tribeswoman Rābi'a l-'Adawiyya.

¹²¹ For his version of Ibn Suwayd's tradition, see, e.g., Ibn Ḥanbal, *Musnad*, 40:238 (no. 24201).

¹²² For his version of Ibn Suwayd's tradition, see, e.g., *ibid.*, 40:25 (no. 24024); al-Nasā'ī, *Sunan*, 5:91 (no. 5130).

¹²³ For his version of Ibn Suwayd's tradition, see, e.g., Ibn Rāhawayh, *Musnad*, 3:773-774 (nos. 1396+1397). Cf. Kueny, *Rhetoric*, 73.

¹²⁴ For his version of Ibn Suwayd's tradition, see al-Khaṭīb, *Muttafiq*, 439 (no. 223). This version only prohibits "jars" (*al-jarr*).

¹²⁵ This "Hunayda" is apparently not the one discussed in Appendix H §5.5.

jirār (jars). Ibn Suwayd then reconfirms with Hunayda if she indeed heard ‘Ā’isha explicitly saying “*jirār*” and she affirms her original testimony.¹²⁶

The inconsistency between the traditions of Mu‘ādha and Hunayda can be explained as the result of two divergent traditions transmitted from two different female students of ‘Ā’isha. Nevertheless, it is far more likely that Ibn Suwayd, the lone authority for both traditions, invented one or both of them, intending that one tradition serve as a commentary on the other. Apparently, Ibn Suwayd held that *ḥantam*, the receptacles which the Prophet prohibited, were jars in general.¹²⁷

5.10 Tradition 10

Another prohibitive Prophetic tradition is transmitted by al-Qāsim b. al-Faḍl (Basra, d. 167/784)¹²⁸ ← Thumāma b. Ḥazn (Basra)¹²⁹ ← ‘Ā’isha ← the Prophet. Al-Qāsim b. al-Faḍl, whom Juynboll identified as the common link of this tradition,¹³⁰ taught it to several students including: al-Ṭayālīsī (Basra, d. 204/819),¹³¹ al-Faḍl b. Dukayn al-Mulā’ī (Kufa, 130-219/748-834),¹³² ‘Affān (Basra, d. 220/835),¹³³ Wakī‘ (Kufa, d. 197/812),¹³⁴ Shaybān b. Farrūkh (al-

¹²⁶ Ibn Rāhawayh, *Musnad*, 3:773-774 (nos. 1396+1397). In other versions, it is unclear if *jirār* replaces *ḥantam* or is added to the list as a fifth item.

¹²⁷ For the definition *ḥantam* = jars, see §3.3.1.3.

¹²⁸ Al-Dhahabī, *Siyar*, 7:290-291. According to Ibn Abī Ḥātim, *Jarḥ*, 5:314 (no. 1493), he was a student of ‘Ubaydallāh [al-Aḥmar] al-‘Abdī, a possible transmitter of the prohibitive non-Prophetic tradition mentioned in Appendix H §5.2.

¹²⁹ Al-Bukhārī, *Tārīkh*, 2:176 (no. 2114).

¹³⁰ Juynboll, *ECH*, 240.

¹³¹ For his version from al-Qāsim, see al-Ṭayālīsī, *Musnad*, 3:121 (no. 1635).

¹³² For his version from al-Qāsim, see Ibn Rāhawayh, *Musnad*, 3:762 (no. 1377).

¹³³ For his version from al-Qāsim, see Ibn Ḥanbal, *Musnad*, 41:461-62 (no. 25000).

¹³⁴ For his version from al-Qāsim, see, e.g., *ibid.*, 41:507 (no. 25058), + Ibn Rāhawayh, *Musnad*, 3:774 (no. 1398).

Ubullā, d. 140-235/757-850),¹³⁵ ‘Abdallāh b. al-Mubārak (Khorasan, d. 181/797),¹³⁶ and ‘Alī b. al-Ja‘d (Baghdad, 136-230/753-844).¹³⁷ The tradition has two parts which are not always transmitted together. According to one representative version, Thumāma said:

I met ‘Ā’isha and asked her about *nabīdh*. She answered: “The Messenger of God (ﷺ) prohibited gourds, *muzaffat*, *naqīr*, and *ḥantam*.” She called an Abyssinian slave woman over and told [Thumāma]: “ask this one, for she used to prepare *nabīdh* for the Messenger of God (ﷺ). [The woman] said: “I used to prepare *nabīdh* for him in a waterskin, tie it up, and hang it up [in the evening]. He would wake up the next morning and drink it.”¹³⁸

This tradition goes into detail regarding the proper preparation of *nabīdh*. It prohibits four receptacles, singling out waterskins as permitted. Its mature doctrine points to it being the creation of a later transmitter, namely al-Qāsim. The inclusion of the Abyssinian slave in the narrative gives the tradition an air of authenticity. It may also reflect an increasing difficulty which members of later generations had in imagining ‘Ā’isha engaging in menial household labor. For many, the wives of the Prophet may have become so respected that they could not be portrayed as *nabīdh* preparers.

¹³⁵ For his biography, see al-Dhahabī, *Siyar*, 14:101-103. For Shaybān’s version from al-Qāsim, see, e.g., Muslim, *Ṣaḥīḥ*, 3:1579 (nos. 1995 [37]), + 3:1590 (nos. 2005 [84]).

¹³⁶ For his version from al-Qāsim, see al-Nasā’ī, *Sunan*, 5:90 (no. 5127), + 6:293 (no. 6819).

¹³⁷ For his version from al-Qāsim, see Ibn al-Ja‘d, *Musnad*, 1168-69 (no. 3510).

¹³⁸ Al-Ṭayālīsī, *Musnad*, 3:121 (no. 1635). Other versions present the Prophet’s prohibition as a response to a query about *nabīdh* from the ‘Abd al-Qays delegation. See, e.g., Ibn Rāhawayh, *Musnad*, 3:762 (no. 1377).

5.11 Tradition 11

This tradition is transmitted by Yaḥyā b. Abī Kathīr (Basra, d. 129-32/747-50)¹³⁹ ← Thumāma b. Kilāb [or Kilāb b. ‘Alī] ← Abū Salama b. ‘Abd al-Raḥmān (Medina, d. 94/713 or 104/722) ← ‘Ā’isha ← the Prophet. Ibn Abī Kathīr taught this tradition to at least two students: ‘Alī b. al-Mubārak (Basra),¹⁴⁰ and Ḥarb b. Shaddād (Basra, d. 161/778).¹⁴¹ According to Ibn al-Mubārak’s version, the Prophet prohibited *ḥantam*, gourds, *muzaffat*, and, in one version, *naqīr*. According to another version, he also permitted the use of waterskins, if one makes sure to dilute potent drinks with water. He also prohibited mixing dates and raisins when preparing *nabīdh*.¹⁴² In Ḥarb’s version, the Prophet only prohibits mixtures and there is no mention of receptacles.¹⁴³ As alluded to by al-Bayhaqī,¹⁴⁴ Ibn Abī Kathīr’s original tradition dealt only with mixtures, not receptacles, and was attributed to Abū Qatāda, not ‘Ā’isha.¹⁴⁵ Ibn al-Mubārak thus seems to have added the prohibition of receptacles.

¹³⁹ Juynboll, *ECH*, s.v. “Yaḥyā b. Abī Kathīr.”

¹⁴⁰ Ibn al-Mubārak transmits a non-Prophetic prohibitive tradition discussed in Appendix H §5.4.

¹⁴¹ Al-Dhahabī, *Siyar*, 7:194.

¹⁴² See, e.g., Ibn Ḥanbal, *Musnad*, 43:177 (no. 26057); Ibn Rāhawayh, *Musnad*, 3:656 (no. 1248); al-Bukhārī, *Tārīkh*, 2:178 (no. 2121), = 7:235 (no. 1010).

¹⁴³ See, e.g., al-Nasā’ī, *Sunan*, 6:279 (no. 6771).

¹⁴⁴ Al-Bayhaqī, *al-Sunan al-kabīr*, 17:439. Al-Bayhaqī mentions the contents of Ibn al-Mubārak’s tradition without mentioning his name.

¹⁴⁵ On this tradition, see Juynboll, *ECH*, s.v. 659 (no. 12107).

5.12 Tradition 12

This tradition is transmitted by Yaḥyā al-Qaṭṭān (Basra, 120-198/738-812) ← Jābir b. Ṣubḥ (Basra)¹⁴⁶ ← his paternal aunts, Unaysa and Zaynab ← ‘Ā’isha ← the Prophet. According to this tradition, ‘Ā’isha said:

I do not permit *ḥantam*, *naqīr*, gourds, and *muzaffat*, and I prohibit only what God has prohibited.¹⁴⁷

This is a Basran tradition opposing the use of four receptacles.

5.13 Tradition 13

This tradition is transmitted by Shu‘ba (Basra) ← ‘Ubaydallāh b. ‘Imrān¹⁴⁸ ← ‘Abdallāh b. Shammās ← ‘Ā’isha ← the Prophet. According to this tradition, the Prophet prohibited *ḥantam* (explained as “jars”), gourds, *muzaffat*, and *naqīr*.¹⁴⁹ This tradition includes Shu‘ba’s signature definition of *ḥantam* as jars.¹⁵⁰ He may have heard this tradition from his informant without the definition, adding it himself.

¹⁴⁶ Al-Bukhārī, *Tārīkh*, 2:207 (no. 2207).

¹⁴⁷ Ibn Ḥibbān, *Thiqāt*, 4:64, = 4:272; Abū Ya‘lā, *Musnad*, 8:230 (no. 4801). Based on the available versions of this tradition, it cannot be determined with certainty that Yaḥyā b. Sa‘īd and not a later student is the common link. The wording of this tradition (*lā uḥillu... wa-lā uḥarrimu...*) echoes a wording used in another tradition transmitted, and possibly originated, by Yaḥyā b. Sa‘īd. Cf., for example, al-Shāfi‘ī, *Umm*, 2:176-77 (no. 155); Ibn Sa‘d, *Ṭabaqāt*, 2:191, and 2:224.

¹⁴⁸ Al-Bukhārī, *Tārīkh*, 5:394 (no. 1270).

¹⁴⁹ Shu‘ba taught this tradition to at least two students. For the version of Ghundar (Basra, d. 193/809), see, e.g., Ibn Ḥanbal, *Musnad*, 41:198 (no. 24656). For the version of Rawḥ (Basra, d. ca. 205/820), see, e.g., al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:224 (no. 6500). Al-Ṭaḥāwī records some doubt regarding the exact name of ‘Ubaydallāh b. ‘Imrān.

¹⁵⁰ Cf. §3.3.1.3.

5.14 Tradition 14

This tradition is transmitted by Shu‘ba (Basra) ← Mālik b. ‘Urfuṭa ← ‘Abd Khayr al-Khaywānī (Kufa)¹⁵¹ ← ‘Ā’isha ← the Prophet. According to this tradition, the Prophet prohibited gourds, *ḥantam*, and *muzaffat*.¹⁵² Ibn Ḥanbal and other Hadith critics claimed that Shu‘ba misidentified his informant here, arguing that Mālik b. ‘Urfuṭa ought to be replaced with Khalid b. ‘Alqama. They also noted that Abū ‘Awāna (Wāsiṭ, d. 176/792) transmitted the tradition “correctly” from Ibn ‘Alqama.¹⁵³ Shu‘ba plausibly learned this tradition in Kufa from Ibn ‘Urfuṭa or Ibn ‘Alqama.

5.15 Tradition 15

This tradition is transmitted by Muslim [b. Ibrāhīm] (Basra, ca. 135-221/753-836)¹⁵⁴ ← Muḥammad b. Maymūn al-Sammān¹⁵⁵ ← his mother, Maymūna ← her mother, Umm Sirḥān ← ‘Ā’isha ← The Prophet. According to this tradition the Prophet prohibited jars.¹⁵⁶ This tradition, with its unimpressive *isnād*, was probably transmitted by Ibn Maymūn in Basra during the middle third of the 2nd century/ca. 753-783.

¹⁵¹ Ibn Sa‘d, *Ṭabaqāt*, 8:341 (no. 3041); al-Bukhārī, *Tārīkh*, 6:133 (no. 1939).

¹⁵² See, e.g., Ibn Ḥanbal, *Musnad*, 42:245 (no. 25397); Ibn Rāhawayh, *Musnad*, 3:1023 (no. 1771), = 3:1037 (no. 1791).

¹⁵³ Ibn Ḥanbal, *Musnad*, 43:187 (no. 26072); al-Bukhārī, *Tārīkh*, 3:163 (no. 557); Ibn Abī Ḥātim, *‘Ilal*, 4:454-55 (no. 1563), = 4:473-74 (no. 1578). Abū ‘Awāna’s tradition is found in Abū l-Faḍl al-Zuhrī, *Ḥadīth*, 119 (no. 55).

¹⁵⁴ Ibn Ḥibbān, in *Thiqāt* (9:49), misidentified this “Muslim” as “Muslim b. Ibrāhīm al-Umawī.” According to Ibn Abī Ḥātim, *Jarḥ*, 8:81 (no. 339), Abū Ḥātim called him “Muslim Abū Yaḥyā.” However, al-Bukhārī’s teacher was Muslim b. Ibrāhīm al-Farāhīdī. On him, see al-Dhahabī, *Siyar*, 10:314-18.

¹⁵⁵ This individual and his female relatives are otherwise unknown.

¹⁵⁶ Al-Bukhārī, *Tārīkh*, 1:234 (no. 736).

5.16 Tradition 16

This tradition is transmitted by Qays b. Ḥafṣ (Basra, d. ca. 227/842)¹⁵⁷ ← Maslama b. ‘Alqama (Basra) ← Sa‘īd b. Iyās al-Jurayrī (Basra, d. 144/762)¹⁵⁸ ← Iyās b. Bayhas (Basra, d. after 96/715)¹⁵⁹ ← [his mother] the paternal aunt of Qutayba [b. Muslim al-Bāhilī] ← ‘Ā’isha ← The Prophet. According to this tradition, the Prophet prohibited jars. Additionally, Iyās asked Anas b. Mālīk (d. ca. 91-95/709-713) about this tradition and the latter confirmed its veracity and explained that “jars” are “tarred jars.”¹⁶⁰

Reacting to traditions prohibiting jars in general, this tradition singles out only tarred jars as prohibited. The originator of this tradition is probably al-Jurayrī or Iyās.

5.17 Tradition 17

This tradition is transmitted by ‘Abd al-Ṣamad (Basra, d. 207/822) ← al-Rabī‘ b. Ḥabīb al-Ḥanafī (Basra)¹⁶¹ ← Abū Sa‘īd al-Raqāshī (Basra)¹⁶² ← ‘Ā’isha ← The Prophet. According to this tradition, Abū Sa‘īd asked ‘Ā’isha about the *nabīdh* of jars. In response, she extended a jar (*jarra*) out from behind the separating barrier (*min warā’i l-ḥijāb*) and said:

The Messenger of God considered what was made in these reprehensible.¹⁶³

¹⁵⁷ Al-Bukhārī, *Tārīkh*, 7:156 (no. 703).

¹⁵⁸ Juynboll, *ECH*, s.v. “Al-Jurayrī, Sa‘īd b. Iyās.”

¹⁵⁹ Al-Ṭabarī: *Iyās b. Bayhas b. ‘Amr ibn ‘amm Qutayba. Annales*, 2:1294, and 1295-96. He fled the scene when his cousin, the Umayyad commander Qutayba b. Muslim al-Bāhilī, was killed in 96/715. See C.E. Bosworth, “Qutayba b. Muslim,” *EP*.

¹⁶⁰ Al-Bukhārī, *Tārīkh*, 1:434 (no. 1397). This tradition is discussed in §3.3.2.5.

¹⁶¹ Al-Bukhārī, *Tārīkh*, 3:277 (no. 946).

¹⁶² Ibn Sa‘īd, *Ṭabaqāt*, 9:211 (no. 3918); al-Maḥāmīlī, *Amālī*, 212 (no. 432).

¹⁶³ Ibn Ḥanbal, *Musnad*, 43:238 (no. 26144).

Note that ‘Ā’isha addresses the non-male relative from behind a veil in accordance with Q 33:53.¹⁶⁴ The absence of this barrier in other traditions may indicate that it was not always enforced.¹⁶⁵ Its inclusion here may reflect a certain Late Umayyad or Early Abbasid attempt to enforce this barrier retroactively. The formulator of this tradition, likely al-Rabī’ b. Ḥabīb, considered all jars, whether tarred or untarred, glazed or unglazed, reprehensible for the preparation of *nabīdh*.

5.18 Tradition 18

Hammām b. Yaḥyā (Basra, d. 164/790)¹⁶⁶ transmits this tradition on the authority of Qatāda b. Di‘āma (Basra, d. 117/735),¹⁶⁷ who cites “four men” who heard the Companion Abū Sa‘īd al-Khudrī and “five women” who heard ‘Ā’isha. Both reportedly said that the Prophet prohibited jars. Hammām taught this tradition to four students,¹⁶⁸ and he appears to be its originator.

Qatāda’s unnamed women informants possibly include some of the women transmitters mentioned in various traditions attributed to ‘Ā’isha. However, these informants, together with

¹⁶⁴ Abū Sa‘īd al-Raqāshī, who transmits this tradition, reportedly met ‘Ā’isha, when she came to Basra and was staying at Qaṣr Banī Khalaf. There he learned Prophetic traditions from her with a barrier (*hijāb*) standing between them. See al-Maḥāmili, *Amālī*, 212 (no. 432).

¹⁶⁵ Cf. Ibn Abī ‘Āṣim, *Sunna*, 599 (no. 1327), where there appears to be no barrier between al-Raqāshī and ‘Ā’isha.

¹⁶⁶ Juynboll, *ECH*, s.v. “Hammām b. Yaḥyā b. Dīnār.”

¹⁶⁷ Juynboll, *ECH*, s.v. “Qatāda b. Di‘āma.”

¹⁶⁸ There are three versions from three students of Hammām. For the version of ‘Affān (Basra, d. 220/835), see Ibn Ḥanbal, *Musnad*, 18:265 (no. 11737), + 41:193 (no. 24649), = idem, *Ashriba*, 59 (nos. 107 & 108). For the version of ‘Abd al-Ṣamad (Basra, d. 207/822), see Abū Ya‘lā, *Musnad*, 2:418 (no. 1211). For the version of Abū ‘Umar al-Ḥawḍī, see al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:224 (no. 6499).

Qatāda’s unnamed male informants from al-Khudrī, are likely the invention of Hammām or Qatāda.

5.19 Tradition 19

This tradition is transmitted by Ibn Bujayr ‘Umar b. Muḥammad al-Hamdānī (Samarqand, 223-311/838-923) ← Aḥmad b. al-Miqdām (Basra, d. 253/867) ← Muḥammad b. Bakr al-Bursānī (Basra, d. 203/819) ← Mayyāḥ b. Sarī‘ (Basra, d. mid-2nd/8th century) ← Fukayha bint Kilāb al-Muḥāribiyya ← ‘Ā’isha ← the Prophet. Fukayha narrates:

I was in the presence of ‘Ā’isha, when a women passed by carrying a green jar. Upon this, ‘Ā’isha said: “This is the *ḥantam* in which the Messenger of God (Ṣ) prohibited that *nabīdh* be prepared.¹⁶⁹

This tradition prohibits green jars and identifies them as *ḥantam*. Mayyāḥ is its likely originator. He appears to have originated another tradition prohibiting the *nabīdh* of all jars.¹⁷⁰ If Mayyāḥ originated both traditions,¹⁷¹ the question arises why do the traditions appear contradictory? One option is that he believed that *ḥantam* are green jars, but that all jars are prohibited. Alternatively, he transmitted two slightly inconsistent traditions, one against green jars and one against all jars, perhaps due to his opinion evolving.

¹⁶⁹ Ibn Ḥibbān, *Thiqāt*, 5:301.

¹⁷⁰ This tradition is discussed at the end of §3.3.2.6.

¹⁷¹ It is possible that one of Mayyāḥ’s students originated one of the traditions, and that this resulted in contradictory traditions attributed to him.

5.20 Tradition 20

This tradition is transmitted by Sulaymān b. Ṭarkhān al-Taymī (Basra, d. 143/760) ← Umayma (or Umayna or Umayya)¹⁷² ← ‘Ā’isha ← the Prophet. Sulaymān, who taught this tradition to at least four students, appears to be its originator. According to this tradition, ‘Ā’isha scolded a group of women saying:

Is it so difficult for each one of you to make a waterskin (*siqā’*) out of the hide of the animal she sacrificed (*uḍḥiyati-hā*) each year?!

‘Ā’isha then added that the Prophet prohibited jars and two or so other receptacles, whose names Sulaymān reportedly failed to remember.¹⁷³ This tradition exhorts people to use waterskins instead of the prohibited receptacles for the preparation of *nabīdh*. It reminds people that waterskins are a cheap alternative, often requiring no additional expenditures.

This Prophetic tradition is clearly based on the non-Prophetic tradition from ‘Ā’isha discussed in §5.6 of this appendix, since both traditions endorse using the hides of sacrificial animals as waterskins. The Prophetic tradition is transmitted by Umayma (or Umayya or a similar name), whereas the non-Prophetic tradition is transmitted by Umm Muḥammad whose name may have been Umayya (or something similar). Since the transmitters of both traditions

¹⁷² In various versions, the name of this unknown woman appears differently.

¹⁷³ At least four students of Sulaymān al-Taymī preserve versions of his tradition. For the version of Yazīd b. Hārūn (Wāsiṭ, d. 206/821), see Ibn Abī Shayba, *Muṣannaf*, 8:92 (24264), = 8:103 (no. 24327). For the version of Sulaymān’s son, Mu’tamir (Basra, d. 187/803), see ‘Abd al-Razzāq, *Muṣannaf*, 9:210 (no. 16964); Ibn Māja, *Sunan*, 1128 (no. 3407). For the version of ‘Abd al-Wahhāb al-Khaffāf (Basra, Baghdad, d. 204/820), see Ibn Ḥanbal, *Musnad*, 41:212 (no. 24676). For the version of Thābit (Basra, d. 169/786), see Jarrār, ed., *Majmū’*, 203 (no. 440). In Māja, ‘Ā’isha’s student is called “Rumaytha” due to a false conjecture.

may share a similar name and transmit similar material, they are perhaps meant to be the same person.¹⁷⁴

The identification of this transmitter as “Umayya” is supported by a parallel Prophetic tradition transmitted by al-Faḍl b. Dukayn al-Mulā’ī (Kufa, 130-219/748-834) ← Umm Nahār al-Qaysiyya ← Umayya bint ‘Abdallāh al-Qaysiyya ← ‘Ā’isha ← the Prophet. According to this tradition, after Umayya asked ‘Ā’isha about *nabīdh*, she replied that the Prophet prohibited [the *nabīdh* prepared in] a *ḥantama*, in *naqīr*, and in gourds, and every intoxicant. Umayya, who may have been unsatisfied with this answer, continued asking ‘Ā’isha more questions about this topic. ‘Ā’isha, possibly somewhat impatiently, said to Umayya:

“Do you not sacrifice animals?” Umayya replied: “of course!” [‘Ā’isha] said: “Make a waterskin (*siqā’*) out of the hide of your [sacrificed] sheep, prepare *nabīdh* in it, and tie it up tightly. Then, you may drink from it.”¹⁷⁵

This parallel tradition seemingly confirms that a certain woman, named Umayya or similarly named, transmitted a tradition from ‘Ā’isha prohibiting the *nabīdh* of jars, and allowing the *nabīdh* of waterskins, even if they are made of sacrificial animals. However, as far as I have been able to ascertain, al-Mulā’ī’s tradition lacks corroboration, and its attribution to Umayya, and even to her student Umm Nahār, cannot be certified.

¹⁷⁴ This possibility was suggested by Ibn Ḥajar in his *Ta’jīl al-manfa’a (Accelerating the Benefit)*, as mentioned in Ibn Ḥanbal, *Musnad*, 41:212, n.2.

¹⁷⁵ Ibn Rāhawayh, *Musnad*, 3:782 (no. 1411). The tradition has a continuation unrelated to *nabīdh*.

In sum, Sulaymān al-Taymī is the likely originator of this Prophetic tradition, modeling it after the non-Prophetic tradition discussed in §5.6 of this appendix. A similar Prophetic tradition is transmitted by al-Mulā'ī and is likely derived from al-Taymī's tradition. Alternatively, the traditions of al-Taymī and al-Mulā'ī are both ultimately derived from a woman named Umayya or a similar name. Given the trope of attributing traditions to female students of 'Ā'isha, it is more likely that al-Taymī created this tradition.

5.21 Tradition 21

This tradition has an *isnād* from 'Abd al-Wahhāb b. 'Abd al-Majīd al-Thaqafī (Basra, d. 194/810)¹⁷⁶ ← Yūnus b. 'Ubayd (Basra, d. 139/756) ← al-Ḥasan al-Baṣrī ← his mother¹⁷⁷ ← 'Ā'isha. According to this tradition, 'Ā'isha said that they used to prepare *nabīdh* for the Prophet in a waterskin that can be tied up at its top and that also had a spout [on its bottom]. The Prophet would consume this *nabīdh* within half a day of its preparation.¹⁷⁸ 'Abd al-Wahhāb is the likely originator of this detailed and developed tradition, though an earlier originator cannot be totally ruled out.

¹⁷⁶ 'Abd al-Wahhāb transmitted another tradition on the authority of 'Ā'isha prohibiting the four receptacles including all jars. See Appendix H §5.9.

¹⁷⁷ On al-Ḥasan's mother, see Mourad, *Early Islam*, 20-21. On al-Ḥasan and 'Ā'isha, see *ibid.*, 27-28.

¹⁷⁸ See, e.g., Muslim, *Ṣaḥīḥ*, 3:1590 (no. 2005 [85]); Abū Ya'ālā, *Musnad*, 7:361-2 (no. 4396); al-Ṭabarānī, *al-Mu'jam al-Awsaṭ*, 5:144 (no. 2745) & 7:297-8 (no. 7546). Cf. al-Dāraqūṭnī, *ʿIlal*, 8:437-8 (no. 3785). Here, al-Dāraqūṭnī notes that Ash'ath b. 'Abd al-Malik (Basra, d. ca. 145/762) seemingly corroborated 'Abd al-Wahhāb's *isnād* from Yūnus ← al-Ḥasan. He prefers 'Abd al-Wahhāb's report because its *isnād* is more complete. 'Abd al-Wahhāb may have based his tradition on that of Ash'ath.

5.22 Tradition 22

This tradition has an *isnād* from ‘Āṣim al-Aḥwal (Basra, d. ca. 142/759) ← Bunāna (or Tabāla) bint Yazīd al-‘Abshamiyya ← ‘Ā’isha. According to this tradition, ‘Ā’isha said that they used to prepare *nabīdh* for the Prophet in a waterskin from a handful of dates or raisins mixed with water. The Prophet would consume this *nabīdh* within half a day of its preparation.¹⁷⁹ ‘Āṣim, the common link of this tradition, or perhaps one of his students, is the originator of this tradition.

5.23 Tradition 23

This tradition has an *isnād* from al-Mu‘tamir b. Sulaymān al-Taymī (Basra, d. 187/803) ← Shabīb b. ‘Abd al-Malik al-Taymī (Basra)¹⁸⁰ ← Muqātil b. Ḥayyān (Khorasan, d. 135/752 or before 150/767)¹⁸¹ ← his paternal aunt ‘Amra ← ‘Ā’isha. According to this tradition, ‘Ā’isha said that they used to prepare *nabīdh* for the Prophet in waterskin. The Prophet would consume this *nabīdh* within half a day of its preparation. She noted that they would neither cover this waterskin, nor did they place dregs inside it. After every use of the waterskin, they would empty any of its remaining contents and wash it before reuse. In total, they would wash it twice every day.¹⁸² This tradition appears to originate with al-Mu‘tamir or his teacher Shabīb.¹⁸³

¹⁷⁹ See, e.g., Ibn Ḥanbal, *Musnad*, 40:234 (no. 24198); Ibn Māja, *Sunan*, 1126 (no. 3398).

¹⁸⁰ The Basran Shabīb reportedly studied under Muqātil in Khorasan. See Ibn Abī Ḥātim, *Jarḥ*, 4:359 (no. 1571).

¹⁸¹ For the death date, see Crone, “Muqātil,” 242-3.

¹⁸² See, e.g., Ibn Ḥanbal, *Musnad*, 41:407-8 (no. 24930), = Ashriba, 35-6 (no. 16); Ibn ‘Asākir, *Tārīkh*, 60:101-2.

¹⁸³ Al-Mu‘tamir’s tradition from Shabīb is seemingly corroborated by a tradition of Abū Zayd Thābit b. Yazīd (Basra, d. 169/786) from Shabīb, as recorded by al-Bukhārī, *Tārīkh*, 4:232-3. Shabīb is quite possibly the common link, though the exact contents of his tradition cannot be known with certainty.

5.24 Tradition 24

This tradition is transmitted by Mūsā b. Ismā‘īl (Basra, d. 223/838) ← ‘Abd al-Salām b. Sulaymān (Basra)¹⁸⁴ ← ‘Abdallāh b. Abī l-Rayyān ← Umm Jundub ← ‘Ā’isha. According to this tradition, the Prophet prohibited gourds, *ḥantam*, and *naqīr*.¹⁸⁵

5.25 Tradition 25

This is transmitted by Mūsā b. Zakariyyā al-Tustarī (Basra, d. before 300/912) ← Muḥammad b. Mūsā al-Ḥarashī (Basra, d. 248/862) ← Muḥammad b. Fuḍayl (Kufa)¹⁸⁶ ← Furāt b. Aḥnaf (Kufa) ← Salāma bint Nāfī¹⁸⁷ ← ‘Ā’isha. According to this tradition, the Prophet prohibited gourds, *ḥantam*, and *naqīr*.¹⁸⁸ Even though this tradition has a mixed Basran-Kufan *isnād*, its contents appear to be Basran.

5.26 Tradition 26

This is one of the later traditions attributed to ‘Ā’isha about the *nabīdh* of jars. It is transmitted by Yūsuf b. Sa‘īd b. Muslim (al-Maṣṣīṣa, d. 271/884)¹⁸⁹ ← ‘Alī b. Bakkār (Basra, al-Maṣṣīṣa, d. 203/823)¹⁹⁰ ← Abū Bishr, a *shaykh* (Basra) ← Mu‘ādha al-‘Adawiyya (Basra) ← ‘Ā’isha ← the

¹⁸⁴ Al-Bukhārī, *Tārīkh*, 6:66 (no. 1727).

¹⁸⁵ *Ibid.*, 5:91-2. Some manuscripts omit *ḥantam* and *naqīr*.

¹⁸⁶ Muḥammad b. Fuḍayl probably defined *ḥantam* as white jars. See §3.3.1.4.

¹⁸⁷ This Kufan woman’s name is probably a corruption of “Salāma bint Af‘ā.” Cf. Ibn Abī Shayba, *Muṣannaḥ*, 2:550 (nos. 5517 & 5518).

¹⁸⁸ Al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 8:167 (no. 8291).

¹⁸⁹ Al-Dhahabī, *Siyar*, 12:622-23 (no. 245).

¹⁹⁰ Ibn Sa‘īd, *Ṭabaqāt*, 9:496 (no. 4826).

Prophet. Yūsuf b. Sa‘īd is the common link of this tradition.¹⁹¹ According to one representative version, Abū Bishr recalled:

I was on familiar terms with Mu‘ādha al-‘Adawiyya and she used to suffer from a dry stomach. One day, when I came to her, she said: “Let me tell you something odd! I drank medication for [improving] my digestion, and my stomach began cramping, and the *nabīdh* of jars was prescribed for me [to ease the pain]. [Hand me a cup (of *nabīdh*)!]” [Abū Bishr said:] I handed her a cup. She asked for her table to be brought and she placed the cup on it. Then she said: “God, if you know that I heard ‘Ā’isha, the Mother of the Believers, saying: ‘I heard the Messenger of God (S) prohibiting the *nabīdh* of jars, then replace this cup with whatever you will!’” [Abū Bishr said:] At that, the cup overturned and spilled its contents, and then it returned to its [upright] position without anyone touching it. Abū Bishr added: I was present when this happened. Additionally, God made any pain in her stomach go away.¹⁹²

This tradition, like the tradition discussed in §5.9 of this appendix, is on the authority of ‘Ā’isha’s student, Mu‘ādha al-‘Adawiyya, who became well known for her piety. As seen in the traditions discussed in §5.1 and §5.2 of this appendix, this tradition prohibits the *nabīdh* of jars, even if it is prescribed for medical or nutritional purposes. The biggest innovation of this

¹⁹¹ At least three students of Yūsuf preserve versions of this tradition. For the version of al-Dūlābī (224-300/836-913), see al-Dūlābī, *Kunā*, 396-97 (no. 702). For the version of Yahyā b. Muḥammad b. Šā‘id (Kufa, 228-318/843-930), see Ibn ‘Asākir, *Tārīkh*, 43:300. For the version of Abū Nu‘aym al-Jurjānī (Astarābād, 242-323/857-935), see *ibid.* In the *isnād* of Ibn Šā‘id’s version, ‘Umāra b. Bishr appears instead of ‘Alī b. Bakkār.

¹⁹² Al-Dūlābī, *Kunā*, 396-97 (no. 702). Instead of *fa-bu’itha* read *fa-nu’ita*.

tradition is its introduction of an alleged miracle that confirms ‘Ā’isha’s prophetic prohibition of the *nabīdh* of jars. Some people may have been skeptical of her tradition and the legend of this miracle attempts to convince them of its veracity.

Who is the originator of this tradition? Is it Yūsuf b. Sa‘īd of al-Maṣṣīṣa or one of the earlier Basran transmitters, like ‘Alī b. Bakkār? The answer to this question may be found in a parallel tradition depicting Mu‘ādhā’s miracle. The parallel tradition has a longer *isnād* including completely different transmitters. According to this tradition, a certain ‘Abdallāh b. ‘Umar al-Raqāshī recalled:

Mu‘ādhā al-‘Adawiyya suffered from pain in her stomach. A doctor was brought to her and prescribed for her *nabīdh*. [Al-Raqāshī] said: [The prescribed *nabīdh*] was brought to her, and she placed it in the palm of her hand. She then said: “God, if you know that it is permitted for me, make me drink it, thereby healing me! But if it is not so, then avert it away from me!” [Al-Raqāshī] said: Then the cup cracked, and its contents spilled out.¹⁹³

This parallel tradition differs from Yūsuf b. Sa‘īd’s tradition in several ways. It mentions “*nabīdh*” and not “the *nabīdh* of jars.” It omits ‘Ā’isha’s prophetic tradition. Its miracle is slightly less extravagant, and its language simpler. When judged by its *isnād*, the parallel tradition likely originates in Basra. Yūsuf b. Sa‘īd’s tradition seems to have developed from this

¹⁹³ *Isnād*: Abū Muḥammad al-Ṣābūnī [read: al-Sābūrī] (Basra, d. 388/998) ← Ibn Maḥmūyah [or Miḥammawayh?] (Basra) ← ‘Abd al-Kabīr b. Muḥammad (Basra, d. 291/904) ← Muḥammad b. ‘Abdallāh (?) ← his father ‘Abdallāh (?) ← Salama b. al-Muthannā (?) ← ‘Abdallāh b. ‘Umar al-Raqāshī (?) ← Mu‘ādhā. See al-Khaṭīb, *Zuhd*, 115 (no. 93). The transmitters in the earlier levels of this *isnād*, from Muḥammad b. ‘Abdallāh to al-Raqāshī, are difficult to identify and their names may have been corrupted.

Basran tradition. Therefore, ‘Alī b. Bakkār must have brought this tradition from Basra to al-Maṣṣīṣa.

6 Summary: The Traditions from ‘Ā’isha

Traditions from ‘Ā’isha about *nabīdh* and receptacles were introduced and developed in different cities. In Kufa, Ibrāhīm al-Nakha‘ī’s early tradition claimed that the Prophet prohibited gourds and *muzaffat*. Some Kufan recipients of this tradition, like ‘Awn b. Ṣālīḥ and al-Ash‘ath, increased its prohibitive nature by adding *ḥantam* to these prohibited items. Others, like Maṣṣūr b. al-Mu‘tamir, made it less prohibitive by asserting that the prohibition was merely a recommendation.

Another Kufan, Abū Ḥayyān, introduced Prophetic tradition that permitted the use of all receptacles, if their contents are non-intoxicating. Ḥakīm b. Jubayr’s tradition permitted green jars.

Since Prophetic traditions from ‘Ā’isha were transmitted early on in Kufa, there were very few non-Prophetic traditions attributed to her there. One exception is Isrā’īl or Simāk’s tradition that deals with a new theme: the permissibility of preparing *nabīdh* in a *kūz* for medicinal purposes.

In Basra, non-Prophetic ‘Ā’isha traditions prohibiting jars were promulgated in the first quarter of the second century AH. They were followed by Prophetic traditions similarly prohibitive of jars and by traditions prohibiting four receptacles: gourds, *muzaffat*, *naqīr*, and

ḥantam (or jars). The latter traditions were likely derived from traditions, like the ones disseminated in Kufa, prohibiting only gourds and *muzaffat*. The traditions often mentioned waterskins as permitted alternatives.

Appendix I: The Traditions from Anas b. Mālik

Abū Ḥamza Anas b. Mālik died in Basra in 93/712. His mother Umm Sulaym and her husband, Anas' stepfather, Abū Ṭalḥa, were companions of the Prophet and Anas often cites them in his traditions. When Anas died, he was quite old and was considered the last Companion of the Prophet in Basra. He became a sought-after authority being one of the last-remaining direct links to the Prophet. It is unclear if he really met the Prophet. A symbol of Basran law, Anas is sometimes contrasted with Ibn Mas'ūd of Kufa.¹ Transmitters cited traditions by him that related to the debate about *nabīdh* in receptacles. These include Prophetic and non-Prophetic traditions.

1 Non-Prophetic Traditions about Anas

Numerous non-Prophetic traditions purport to preserve Anas' opinion of *nabīdh* prepared in jars. These traditions are not easily dateable, but most of them likely predate the Prophetic traditions on Anas' authority. Most of them claim that Anas approved of or used to drink *nabīdh* from various jars. Some of these traditions have Kufan or non-Basran *isnāds*, as may be expected from permissive traditions. More surprisingly some permissive traditions have Basran *isnāds*. Few traditions, mostly Basran, attribute to Anas a negative attitude to *nabīdh*.

Some traditions portray Anas as approving of "the *nabīdh* of jars." Reportedly, after 'Abd al-Ḥamīd b. Maḥmūd (Basra or Kufa) asked Anas about the *nabīdh* of jars, he replied: "Drink!"²

¹ Juynboll, *ECH*, s.v. Anas b. Mālik.

² *Isnād*: Mūsā b. Ismā'īl (Basra) ← Ḥamza b. 'Abd al-Ḥamīd b. Maḥmūd (Basra) ← his father 'Abd al-Ḥamīd ← Anas. See al-Bukhārī, *Tārīkh*, 3:52 (no. 195). Al-Bukhārī listed 'Abd al-Ḥamīd as Basran, but al-Dāraquṭnī claimed that he was Kufan. See al-Mizzī, *Tahdhīb*, 16:458 (no. 3728).

Similarly, Abū Jamra al-Ḍuba‘ī (Basra, d. ca. 127/745) noted that Anas drank the *nabīdh* of jars.³ According to another Basran tradition, Anas said: “one may prepare *nabīdh* in a jar.”⁴

In other traditions, Anas permits the *nabīdh* of tarred jars. Abū Ḥanīfa (Kufa, d. 150/767) reportedly heard Ḥammād b. Abī Sulaymān (Kufa, d. ca. 120/738) say that when Anas would visit Abū Bakr b. Abī Mūsā l-Ash‘arī (d. between 105/724 and 120/738)⁵ in Wāsiṭ, the latter would fetch *nabīdh* in *khawābī* from the market to serve the former.⁶ This tradition is set in the liminal town of Wāsiṭ. This setting conveniently explains how Kufans managed to gain access to a tradition of Anas unknown to his fellow Basrans.⁷ Likely in response to such Kufan traditions, the Basran ‘Āṣim al-Aḥwal reportedly narrated:

Abū l-Sawwār asked Mūsā b. Anas [b. Mālik], when we were in Wāsiṭ, if [his father] Abū Ḥamza drank [*nabīdh*] from a *dann*. Mūsā answered: “God forbid (literally: *ma ‘ādha Llāh*)!”⁸

By making their own narrative incursion into Wāsiṭ, the Basrans attempted to reclaim Anas and to portray him as an opponent of the *nabīdh* prepared in jars.

³ ‘Abd al-Razzāq, *Muṣannaḥ*, 9:208 (no. 16954). Together with this permissive tradition about Anas, Abū Jamra transmits a prohibitive tradition about Ibn ‘Abbās. The transmission of contradictory traditions together indicates that at least one tradition, if not both, are authentic.

⁴ *Isnād*: Mūsā b. Ismā‘īl (Basra) ← ‘Abd al-Mu‘min b. ‘Abdallāh al-Sadūsī (Basra) ← Akhshan al-Sadūsī (Basra) ← Anas. See al-Bukhārī: *yunbadhu fī l-jarr. Tārīkh*, 2:65 (no. 1702). Some additional words follow this tradition, but appear to be unrelated, perhaps part of another tradition. Regarding these words, cf. Ibn Ḥanbal, *Musnad*, 21:146 (no. 13493).

⁵ Ibn Sa‘d, *Ṭabaqāt*, 8:387 (no. 3147).

⁶ Abū Yūsuf, *Āthār*, 224 (no. 994).

⁷ Cf. al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:229 (no. 6549), where Anas permits green jars in Wāsiṭ.

⁸ *Isnād*: ‘Abd al-Ṣamad (Basra) ← Abū Zayd Thābit (Basra) ← ‘Āṣim. See Ibn Ḥanbal, *Ashriba*, 75 (no. 179).

Another tradition contrasts Anas' allegedly permissive opinion with the strict practice of the Khārijīs. Al-Walīd b. 'Ayzār (Kufa) related:

I visited Anas b. Mālik, and he served me *ṭilā* from a *dann muqayyar* (tarred jar). I said: "What's this?" [Anas] responded: "What [are you], one of the Ḥarūriyya?!"⁹

In this Kufan tradition, Anas expresses his disdain for the strict Khārijī sect known as the Ḥarūriyya who were apparently famous for prohibiting beverages prepared in tarred jars.

Some Anas traditions permitted green jars. The Basran Ṣabīḥ (or Ṣubayḥ) Abū l-'Alā' reportedly saw Anas with a green jar, in which *nabīdh* was prepared for him with dregs (*thajīr*).¹⁰ Likewise, Ḥammād b. Salama reportedly heard Ḥammād b. Abī Sulaymān's eye-witness testimony that Anas had a green jar in which *nabīdh* was prepared for him in Wāsiṭ.¹¹ Similar accounts about Anas are attributed to Tha'laba,¹² Mishāj b. Mūsā (Kufa),¹³ and al-Rabī' (Basra).¹⁴

Some traditions variously justify Anas' consumption of the *nabīdh* of jars. Kathīr b. Sulaym (Ctesiphon) claimed that Anas' students told him that Anas used to drink thick *nabīdh*

⁹ Al-Bukhārī, *Tārīkh*, 8:148 (no. 2514). This tradition is discussed in §3.4.2.1.

¹⁰ *Isnād*: Mūsā b. Ismā'īl (Basra, d. 223/838) ← Ḥammād b. Salama (Basra, d. 167/784) ← Ṣabīḥ (Basra). See al-Ḥarbī, *Gharīb al-ḥadīth*, 1179; al-Bukhārī, *Tārīkh*, 4:325 (no. 2998). Al-Bukhārī's version is shorter and does not mention the dregs or that the jar was green.

¹¹ *Isnād*: Muḥammad b. Khuzayma (Basra, Egypt, d. 276/889) ← al-Ḥajjāj b. Minhāl (Basra) ← Ḥammād b. Salama (Basra) ← Ḥammād b. Abī Sulaymān (Kufa). See al-Ṭahāwī, *Ma'ānī l-āthār*, 4:229 (no. 6549).

¹² *Isnād*: Muḥammad b. Fuḍayl (Kufa, d. ca. 195/811) ← Yazīd b. Abī Ziyād (Kufa, d. 137/754) ← Tha'laba ← Anas. See Ibn Abī Shayba, *Muṣannaf*, 8:111 (no. 24366).

¹³ *Isnād*: Ibn Fuḍayl (Kufa) ← Mishāj b. Mūsā (Kufa) ← Anas. See Ibn Abī Shayba, *Muṣannaf*, 8:115 (no. 24393).

¹⁴ *Isnād*: Fahd b. Sulaymān (Egypt, d. 275/888) ← Abū Nu'aym al-Faḍl b. Dukayn (Kufa, 130-219/748-834) ← Abū Ja'far al-Rāzī 'Īsā (Merv, Rey, Kufa d. 160) ← al-Rabī' b. Anas (Basra, Merv, d. 139/756) ← Anas. See al-Ṭahāwī, *Ma'ānī l-āthār*, 4:229 (no. 6548).

(*al-nabīdh al-ṣulb*) out of *khawābī*.¹⁵ The specification of the *nabīdh* as thick mitigates Anas' use of tarred jars. Anas' daughter Ḥafṣa told al-ʿAbbās b. Ṭalḥa that her father was a sickly man, that [to treat his illness] he drank water mixed with honey, and that he did not hold the *nabīdh* of jars reprehensible.¹⁶ According to another tradition, the Medinan Saʿīd b. al-Musayyab strongly advised against the *nabīdh* of jars. When he was told that his contemporary Anas drank such *nabīdh*, he said:

[Anas] is wiser and better versed in matters of jurisprudence than that. I suspect that he had [the *nabīdh*] prepared in a receptacle other than a jar; and that afterwards, if he wanted, he moved [the receptacle's contents] to a jar.¹⁷

According to this tradition, Anas did not approve of the preparation of *nabīdh* in jars but did allow its storage in them.

At least two traditions deny Anas' consumption of *nabīdh*. Ḥammād b. Zayd (Basra, d. 179/795) reported that Thābit b. Aslam al-Bunānī (Basra, d. 123/741 or 127/745) and ʿAbd al-ʿAzīz b. Ṣuhayb al-Bunānī (Basra, d. 130/747-8) recalled:

¹⁵ *Isnād*: Shabāba b. Sawwār (Ctesiphon) ← ʿAmr b. Ḥumayd (Dīnawar) ← Kathīr b. Sulaym (Ctesiphon) ← students of Anas. See Ibn Qutayba, *Ashriba*, 33. ʿAlī b. al-Madīnī (Basra, d. 234/849) described Kathīr as a student of Anas, who narrated “very few” traditions on his authority, “five or so,” adding that these multiplied into one hundred traditions [through false attribution]. See al-Mizzī, *Tahdhīb*, 24:119 (no. 4943). Kathīr often transmits directly from Anas, e.g., in Ibn Saʿd, *Ṭabaqāt*, 1:351. His transmission here from “students of Anas” may hint that he really taught such a tradition, since a later forger would have likely omitted the mediators between him and Anas.

¹⁶ Ṭālūt, *Nuskha*, 27 (no. 24).

¹⁷ *Isnād*: Muḥammad b. Yaḥyā al-Quṭaʿī (d. 253/867-8) ← al-Ḥajjāj b. Minhāl (Basra) ← Abū Hilāl [al-Rāsibī] (Basra, d. 167/784) ← Shihāb b. ʿAbbād. See Ibn Qutayba, *Ashriba*, 115.

We dined at Anas' table countless times. We never saw *nabīdh* at his place. We were served milk, we were served honey, we were served water.¹⁸

Thumāma b. 'Abdallāh b. Anas b. Mālik also reported that in thirty years he never once saw his grandfather drink *nabīdh*.¹⁹ These traditions seemingly contradict the previously mentioned traditions about Anas' approval of the *nabīdh* of various jars. One tradition reconciles this contradiction. According to this tradition, when Umm al-Faḍl enquired about the *nabīdh* of jars, Anas said that his son al-Naḍr has *nabīdh* prepared for him in the morning, which he drinks in the evening.²⁰ Note that Anas gives his son, not himself, as an example. The reader of this tradition is likely meant to understand that even though Anas was not a drinker of *nabīdh*, he tolerated its consumption, even among his family members. The earliest transmitter of this tradition was probably familiar with traditions about Anas not drinking *nabīdh*. Nevertheless, he concluded that Anas did not prohibit this beverage.

In sum, not long after his death in 93/712, transmitters circulated many reports claiming that Anas approved of the *nabīdh* of jars, especially tarred ones and green ones. Some even went as far as claiming that he drank from them. Kufans especially propagated these reports. The Basrans mostly did not deny this, but some of them promoted traditions that offered various mitigating explanations for Anas' behavior ("he consumed the beverage for medicinal purposes,

¹⁸ *Isnād*: Sulaymān b. Ḥarb (Basra, d. 224/238-9) ← Ḥammād b. Zayd ← etc. See Ibn Sa'd, *Ṭabaqāt*, 5:333.

¹⁹ *Isnād*: Ibn Ibn Ḥanbal (Baghdad) ← Ibrāhīm b. al-Ḥajjāj al-Sāmī (Basra, d. 231/845-6) ← 'Abdallāh b. al-Muthannā (Basra) ← his uncle Thumāma. See al-Ṭabarānī, *al-Mu'jam al-kabīr*, 1:241 (no. 670).

²⁰ *Isnād*: Suwayd b. Naṣr (Merv) ← 'Abdallāh b. al-Mubārak (Khorasan) ← Sulaymān al-Taymī (Basra, d. 143/760) ← Abū 'Uthmān ← Umm al-Faḍl. See al-Nasā'ī, *Sunan*, 5:126 (no. 5234).

“he did not allow the beverage to ferment for too long,” “he never prepared *nabīdh* in jars, only stored it in them,” etc.). Those that argued that Anas never drank *nabīdh*, were met with traditions claiming that he still permitted it despite not being a drinker. The opponents of the *nabīdh* of jars could not suppress the popular rumors that Anas was tolerant of this beverage and possibly fond of it. The best they could do was issue traditions that offered mitigating explanations for his alleged approval of this drink.

2 Prophetic Traditions about Anas

Transmitters eventually introduced Prophetic traditions related to the issue of *nabīdh* and receptacles on the authority of Anas.

2.1 *The Tradition of al-Zuhrī*

The famous traditionist al-Zuhrī (Medina, Syria, d. 124/742) claimed to have heard this Prophetic tradition from Anas. He apparently taught it to numerous students, including: Ma‘mar b. Rāshid (Basra, Yemen, d. 152/769),²¹ Sulaymān b. Kathīr (Basra, d. 133/750),²² Sufyān b. ‘Uyayna (Kufa, Mecca, d. 198/811),²³ Shu‘ayb b. Abī Ḥamza (Ḥims, d. 162/779),²⁴ Muḥammad b. al-Walīd al-Zubaydī (Ḥims, d. 148/765),²⁵ Ishāq b. Rāshid (Syria),²⁶ Ayyūb b. Mūsā (Mecca,

²¹ For Ma‘mar’s version, see, e.g., ‘Abd al-Razzāq, *Muṣannaḥ*, 9:199 (no. 16924); Ibn Ḥanbal, *Musnad*, 20:115 (no. 12684); Abū ‘Awāna, *Mustakhraj*, 16:259 (no. 8550).

²² For Ibn Kathīr’s version, see, e.g., al-Bazzār, *Baḥr*, 12:363-64 (nos. 6287).

²³ For Ibn ‘Uyayna’s version, see, e.g., Muslim, *Ṣaḥīḥ*, 3:1577 (no. 1992 [31]); al-Ḥumaydī, *Musnad*, 2:303 (no. 1219); al-Shāfi‘ī, *Umm*, 7:442 (no. 2864); Ibn Ḥanbal, *Musnad*, 19:127 (no. 12071)

²⁴ For Shu‘ayb’s version, see, e.g., al-Dāramī, *Musnad*, 1340 (no. 2156); Bukhārī, *Ṣaḥīḥ*, 7:105-06 (no. 5587); Abū ‘Awāna, *Mustakhraj*, 16:261 (no. 8553).

²⁵ For al-Zubaydī’s version, see, e.g., Abū ‘Awāna, *Mustakhraj*, 16:261 (no. 8554).

²⁶ For Ishāq’s version, see al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 2:41 (no. 1177).

d. 133/750),²⁷ Mālik b. Anas (Medina, d. 179/795),²⁸ al-Layth b. Sa‘d (Egypt, 94-175/713-791),²⁹ and Muḥammad b. Ishāq (Medina, Egypt, Iraq, d. 151/768).³⁰ Al-Zuhrī is the likely source of this tradition, which was propagated primarily in Syria and Egypt, but also in Iraq. The extant versions of this tradition are mostly in agreement and allow for reconstructing its contents. According to this tradition, the Prophet prohibited gourds and *muzaffat*.

2.2 The Tradition of Muḥammad b. Abī Ismā‘īl

This is perhaps the most important tradition for understanding the historical meaning of *ḥantam*. It has the *isnād* Muḥammad b. Abī Ismā‘īl, AKA Muḥammad b. Rāshid, (Kufa, d. 142/759-60), ← ‘Umāra b. ‘Āṣim (or ‘Āṣim b. Abī ‘Amra or a similar name), ← Anas. Ibn Abī Ismā‘īl taught this tradition to at least three students: ‘Abdallāh b. Numayr (Kufa, d. 199/815),³¹ Abū Mu‘āwiya

²⁷ For Ayyūb’s version, see, e.g., al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 1:120 (no. 374).

²⁸ For Mālik’s version, see, e.g., Abū Nu‘aym, *Ḥilya*, 6:332; Abū ‘Awāna, *Mustakhraj*, 16:261-62 (no. 8555). The attribution to Mālik is dubious, since this tradition is not found in the *Muwatta‘a* and is known only through one student, Ishāq al-Farwī (Medina).

²⁹ For al-Layth’s version, see, e.g., Muslim, *Ṣaḥīḥ*, 3:1577 (no. 1992 [30]); Abū ‘Awāna, *Mustakhraj*, 16:260 (no. 8552).

³⁰ For Ibn Ishāq’s version of al-Zuhrī’s tradition, see, e.g., al-Ṭaḥāwī, *Sharḥ ma‘ānī l-āthār*, 4:226 (no. 6515); al-Bazzār, *Baḥr*, 13:20-21 (nos. 6318 & 6319). ‘Abd al-A‘lā b. ‘Abd al-A‘lā (Basra, d. 189/804–805) is possibly the sole student of Ibn Ishāq who preserves his version, which differs from other versions in two major ways: (1) it specifically prohibits *al-zurūf al-muzaffata* (tarred receptacles) instead of the more ambiguous *al-muzaffat*. (2) It adds the “every intoxicant is prohibited” maxim. ‘Abd al-A‘lā, the common link, is perhaps responsible for these changes.

³¹ For Ibn Numayr’s version, see Abū Ya‘lā, *Musnad*, 7:305-6 (no. 4344); Ibn Abī Shayba, *Muṣannaḥ*, 8:86 (no. 24237) + 118 (no. 24411); Ibn Ḥanbal, *Musnad*, 20:130-31 (no. 12707); al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 2:152 (no. 1550). Abū Ya‘lā’s version, reportedly derived from Ibn Abī Shayba is the most complete of all versions. However, it contains some textual corruptions.

Muḥammad b. Khāzim (Kufa, d. 194-5/810-1),³² and Abū Zuhayr ‘Abd al-Raḥmān b. Maghrā’ (Kufa, Rey).³³ While the extant versions of these students contain some variations and a few textual corruptions, they are mostly in agreement. It will suffice to cite Abū Zuhayr’s version as representative of Ibn Abī Ismā‘īl’s now lost original.

[‘Ammār (= ‘Umāra) b. ‘Āṣim] said: I entered the home of Anas and said to him: “What do you say regarding *nabīdh*.” And he said: “the Prophet (ﷺ) prohibited gourds and *muzaffat*,” repeating this three times. I said: “...and *ḥantam*?” He said: “You have gone too far [by saying] ‘...and *ḥantam*.’ What is *ḥantam*, anyway?” I answered: “green jars.” Then, [Anas] asked for a green jar to be brought in and he served me [*nabīdh*] from it. Following that, he proclaimed: “*Ḥantam* are red jars (*jirār ḥumr*) [read: wine jars (*jirār khamr*)] that used to come to us [viz., the people of Medina] from Egypt.

Traditions like Anas’ tradition prohibiting gourds and *muzaffat* mentioned in the previous section left some wondering if these were the only receptacles prohibited and if traditions prohibiting *ḥantam* (green jars) had any merit. Ibn Abī Ismā‘īl’s tradition resolves this issue by clearly establishing that only gourds and *muzaffat* are prohibited. According to this tradition, if the Prophet prohibited “*ḥantam*,” he was not referring to Iraqi green jars but to Egyptian jars containing wine.

³² For Abū Mu‘āwiya’s version, see al-Dāraquṭnī, *Hadīth Ibn Ḥayyawayh*, fol. 130v, l.8 (with marginal note); idem, *‘Ilal*, 12:129 (no. 2519). In *Ibn Ḥayyawayh*, *nabīdh al-jarr* was likely originally *nabīdh al-jarr al-akhḍar*. The *‘Ilal* misleadingly depicts Ibn Abī Ismā‘īl’s tradition as prohibiting *ḥantam*, which it does not.

³³ For al-Maghrā’’s version, see al-Khaṭīb al-Baghdādī, *Mūḍih*, 2:359-60; al-Dāraquṭnī, *‘Ilal*, 12:129 (no. 2519).

2.3 The Tradition of al-Mukhtār b. Fulful

This tradition apparently originated with al-Mukhtār b. Fulful (Kufa, d. *ca.* 140/758), who claimed to have been a student of Anas. Ibn Fulful taught this tradition to at least three Kufan students: Muḥammad b. Fuḍayl (d. *ca.* 195/811),³⁴ ‘Abdallāh b. Idrīs (d. *ca.* 115-192/733-807),³⁵ and Zuhayr b. Mu‘āwiya (d. *ca.* 172/789).³⁶ The tradition may have started as a non-Prophetic tradition, as it appears in Ibn Fuḍayl’s version:

[Al-Mukhtār b. Fulful] said: I asked Anas about *nabīdh*. He replied: “Avoid its intoxicating varieties in anything [i.e., in any receptacle] and avoid everything else [i.e., non-intoxicating varieties of *nabīdh* (and possibly other beverages as well)] in any receptacle that has been tarred, be it a *dann* or a waterskin or a gourd or a jar!”

In the other versions, Anas says that the Prophet prohibited only “tarred receptacles,” without enumerating the various types of tarred receptacles. The version of Ibn Idrīs has additional sections that are not preserved by Ibn Fuḍayl and Zuhayr.³⁷ In these sections, Ibn Fulful asks more questions related to *nabīdh* and drinking, which Anas answers. In his replies,

³⁴ For Ibn Fuḍayl’s version, see Ibn Abī Shayba, *Muṣannaf*, 8:90-91 (no. 24257); Ibn ‘Abd al-Barr, *Tamhīd*, 15:332. Ibn ‘Abd al-Barr’s version is differently worded so that it prohibits tarred receptacles and gourds [even untarred ones]. This is likely a change made to Ibn Abī Shayba’s text, Ibn ‘Abd al-Barr’s named source, so that it will fit Mālikī law.

³⁵ For Idrīs’ version, see, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:80 (no. 24206), + 119 (no. 24419), + 122 (no. 24432); Ibn Ḥanbal, *Ashriba*, 78 (no. 190); idem, *Musnad*, 19:149 (12099) & 231 (no. 12196); Ibn Abī l-Dunyā, *Dhamm*, 44-5 (no. 23).

³⁶ For the version of Zuhayr, see Ibn Ḥanbal, *Musnad*, 20:33 (12568).

³⁷ One of these sections is preserved by al-Qāsim b. Mālik (Kufa, d. after 191/806), a student of Ibn Fulful, in al-Bazzār, *Baḥr*, 14:52 (no. 7494). Al-Qāsim may have learned other sections of the tradition from Ibn Fulful.

Anas notes that glass receptacles and lead receptacles are permitted, but that if there is doubt one should refrain from using them, and that even the smallest amount of an intoxicant is prohibited.

In sum, Ibn Fulful taught Ibn Fuḍayl a non-Prophetic tradition on the authority of Anas prohibiting intoxicants and tarred receptacles. It seems that according to this tradition, all non-tarred receptacles are permitted if their contents are non-intoxicating. Ibn Fulful seems to have updated this tradition by having Anas cite the Prophet as his authority. Ibn Fulful taught the tradition sometime between *ca.* 115/738, the year Ibn Idrīs was born, and his own death, *ca.* 140/758.

2.4 The Tradition of ‘Abdallāh

The *isnād* of this tradition is Ibrāhīm al-Ḥarbī (Baghdad, d. 285/899) ← ‘Abdallāh³⁸ ← ‘Abd al-Wārith b. Sa‘īd (Basra, d. 180/796) ← Abū l-Tayyāh (Basra, d. 128/746) ← Bakr b. ‘Abdallāh (Basra, d. 108/727) ← Anas. In this tradition, Anas defines *ḥanātīm* as jars (*qilāl^{an}*) that were imported to Medina from Egypt, “their insides coated with tar” (*muqayyarāt al-ajwāf*).³⁹ This tradition shares the same legal outlook as Muḥammad b. Abī Ismā‘īl’s tradition. Both oppose tarred jars, while likely tolerating green ones. Both agree that in the time of the Prophet, *ḥantam* may have been prohibited and that *ḥantam* were not green jars. However, Ibn Abī Ismā‘īl’s explains that *ḥantam* were red jars or jars containing wine, whereas this tradition explains that

³⁸ The identity of this “‘Abdallāh” is unclear. One option is that he is Abū Ma‘mar ‘Abdallāh b. ‘Amr (Basra, d. 224/839), who often transmits from ‘Abd al-Wārith b. Sa‘īd. Another conceivable option is that he is ‘Abdallāh b. Ṣāliḥ al-‘Ijlī (Kufa, d. 211/826), who is mentioned in the following tradition in al-Ḥarbī, *Gharīb al-ḥadīth*, 666.

³⁹ Al-Ḥarbī, *Gharīb al-ḥadīth*, 666.

ḥantam were tarred jars. This tradition is probably later than Ibn Abī Ismā‘īl’s tradition, but it is difficult to determine who exactly is responsible for its wording.

2.5 A Kufan Tradition Permitting Green Jars

The *isnād* of this tradition is Ibn al-A‘rābī (Basra, ca. 246-340/860-952) ← al-Ḥasan b. ‘Alī b. ‘Affān (Kufa) ← al-Ḥasan b. ‘Aṭīyya (Kufa, d. ca. 211/826) ← Isrā‘īl (Kufa, d. ca. 162/779) ← Jābir ← Ibrāhīm ← Anas. According to this tradition, Anas’ mother Umm Sulaym prepared *nabīdh* in a green jar and served it to the Prophet, who drank it.⁴⁰ The tradition is clearly Kufan, but due to the absence of corroborating traditions it is difficult to date. Isrā‘īl’s transmission may be historical, because a tradition with a similar *isnād* can be traced back to him with much certainty.⁴¹ Isrā‘īl is also the transmitter of other traditions permitting the *nabīdh* of green jars.⁴²

2.6. The Tradition of Shu‘ba

According to Shu‘ba (Basra, d. 160/776),⁴³ his teacher Qatāda b. Di‘āma (Basra, d. 117/735) said:

I asked Anas about the *nabīdh* of jars. He said: “I did not hear the Messenger of God (ﷺ) say anything about this matter.”

⁴⁰ Ibn al-A‘rābī, *Mu‘jam*, 694 (no. 1403). Here, *JRā’ KhDR* must be emended to *jarr akḥḍar*. Cf. al-Raḳīq, *Quṭb*, 887.

⁴¹ Ibn al-A‘rābī, *Mu‘jam*, 690-91 (no. 1397). Isrā‘īl’s transmission is corroborated by al-Sarrāj, *Ḥadīth*, 2:374 (no. 1551).

⁴² See, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:207-08 (nos. 16951 & 16953); al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 7:204 (no. 7278).

⁴³ Shu‘ba transmits many traditions prohibiting *jarr*, i.e., “all jars.” See §3.3.1.3.

Qatāda then added that Anas considered this *nabīdh* reprehensible.⁴⁴

This tradition denies that Anas knew any Prophetic traditions against all jars. If Anas found these jars reprehensible, as the tradition states, then he did so due to his own reasoning or preference. Both Shu‘ba and Qatāda transmit many traditions in which the Prophet prohibits *jarr* and seem to have agreed with these traditions. They could have easily claimed that Anas heard a Prophetic tradition prohibiting “all jars.” Since they do not claim this, the tradition (or at least the denial of the Prophet’s prohibition of all jars) may genuinely go back to Anas

2.7 Ibn Salama’s Tradition about Anas’ Cup

Numerous traditions describe a cup (*qadah*) which was in the possession of Anas, who claimed that the Prophet drank from it. “The cup of the Messenger of God,” as it was sometimes known, remained with Anas’ descendants in Basra, who, as noted by al-Jāhiz (d. 255/868), considered it an apotropaic relic.⁴⁵

According to one tradition, Anas served the Prophet *nabīdh* in this cup. This tradition is transmitted by Ḥammād b. Salama (Basra, d. 167/784) on the authority of Thābit al-Bunānī and, in some versions, Ḥumayd al-Ṭawīl. Ibn Salama taught this tradition to at least fifteen [!]

⁴⁴ Shu‘ba taught this tradition to two students: al-Ṭayālīsī (Basra, d. 204/819) and Ḥirmī b. ‘Umāra (Basra). For al-Ṭayālīsī’s version, see Ibn Ḥanbal, *Musnad*, 21:376 (no. 13937) and 391 (no. 13967); al-Bazzār, *Baḥr*, 13:424-45 (no. 7161). For Ḥirmī’s version, see Abū Ya‘lā, *Musnad*, 5:442 (no. 3145). Ḥirmī’s version mentions *nabīdh* not the *nabīdh* of jars and does not note Anas’ reprehensible view of this *nabīdh*. Al-Ṭayālīsī’s longer version better reflects Shu‘ba’s dislike of the *nabīdh* of jars.

⁴⁵ Jāhiz, *Burṣān*, 125. On relics, see Goldziher, *Muslim Studies*, 2:[356-68].

students.⁴⁶ Given the large number of students, Ibn Salama indubitably transmitted it and possibly originated it. The versions of the students are mostly in agreement, some minor variations notwithstanding. According to one version of Ibn Salama's tradition, Anas said:

I served the Messenger of God (ﷺ) in this cup of mine all beverages [including], honey, *nabīdh*, milk, and water."⁴⁷

According to another version, Anas took out the cup and showed it to Thābit and other students.⁴⁸ Other versions claim that this cup belonged to Anas' mother Umm Sulaym and that she or Anas used it to serve the Prophet *nabīdh* and other beverages.⁴⁹

Four generations after Anas' death, his descendants in Basra still possessed his cup or one matching its description. Muḥammad b. 'Abdallāh al-Anṣārī, a Basran judge and great grandson of Anas, apparently showed this cup to Ibn Sa'd the famous biographer of Hadith transmitters (168-230/784-845). He boasted that all the elders agree about its authenticity. Citing a family *isnād*, al-Anṣārī claimed that Anas saw the Prophet drink from this cup more than one hundred times. And, following an inquiry by Ibn Sa'd, he clarified that the cup belonged to Umm Sulaym, who let the Prophet drink from it. Finally, Ibn Sa'd asked if this was the cup in which

⁴⁶ For some of the versions attributed to the students Ibn Salama, see Abū 'Awāna, *Mustakhraj*, 16:258-9 (nos. 8572 & 8573); al-Baghawī, *Sharḥ*, 11:361 (no. 3020); Ibn Ḥibbān, *Ṣaḥīḥ*, 12:216 (no. 5394); Abū l-Shaykh, *Akhḫlāq*, 3:393 (no. 699); Abū Nu'aym, *Hilya*, 3:103; Abū Ya'lā, *Musnad*, 6:221-2 (no. 3503) = 6:464-5 (no. 3868) & 6:421 (no. 3788). Other versions are mentioned in the following notes.

⁴⁷ See, e.g., Ibn Sa'd, *Ṭabaqāt*, 5:328; Ibn Ḥanbal, *Musnad*, 21:201 (no. 13580). This is the version of 'Affān b. Muslim (Basra, d. 220/835).

⁴⁸ Al-Ṭayālīsī, *Musnad*, 3:517 (no. 2143). The wording of this tradition (*akhraja ilay-nā* etc.) is perhaps influenced by another tradition. Cf. al-Bukhārī, *Ṣaḥīḥ*, 4:83 (no. 3107).

⁴⁹ See, e.g., al-Nasā'ī, *Sunan*, 5:129 (5244); al-Ḥākim, *Mustadrak*, 5:143 (no. 7175).

Anas served the Prophet “all beverages [including], water, honey, and milk.” Al-Anṣārī gave an affirmative response.⁵⁰ In other words, al-Anṣārī identified the heirloom cup with the one mentioned in Ibn Salama’s tradition as a receptacle for *nabīdh*. When citing Ibn Salama’s tradition in the presence of al-Anṣārī, Ibn Sa’d omits the mention of *nabīdh*. By this omission, he may have intended to avoid controversy.

Apparently, Ibn Salama’s original tradition did not contain any information about the material of the cup. However, other traditions not transmitted by Ibn Salama provide some relevant information, if we assume that they are referring to the same cup. Several traditions report that the cup was made of wood.⁵¹ Some add that it broke and was mended with iron.⁵² Others, with silver. It was unclear if the Prophet or Anas was the one who mended it.⁵³ According to some traditions, the cup had an iron rim or ring, which Anas considered replacing with one made of a precious metal. Following the advice of his stepfather, he gave up on this idea to avoid altering a cup touched by the Prophet.⁵⁴

The traditions about Anas’ cup were important for the discussion about the permissibility of drinking from receptacles made of silver or ornamented with silver. This discussion is mostly

⁵⁰ Ibn Sa’d, *Ṭabaqāt*, 5:328.

⁵¹ Al-Bukhārī: *qadah jayyid ‘arīḍ min nuḍār* (“a nice broad cup made of wood/tamarisk”). *Ṣaḥīḥ*, 7:113-4 (no. 5638).

⁵² See, e.g., al-Baghawī, *Sharḥ*, 11:370 (no. 3033).

⁵³ See, e.g., Ibn Sa’d, *Ṭabaqāt*, 1:417; al-Ṭaḥāwī, *Mushkil al-āthār*, 4:40 (no. 1412); Ibn Ḥanbal, *Musnad*, 19:403-04 (nos. 12410 & 12411).

⁵⁴ See, e.g., al-Bukhārī, *Ṣaḥīḥ*, 7:113-4 (no. 5638); Abū l-Shaykh, *Akhlāq*, 3:393 (no. 699). In Abū l-Shaykh’s version, the description of Anas’ desire to alter the cup is a secondary addition.

unrelated to the debate about *nabīdh* and receptacles.⁵⁵ However, all traditions agree that the cup was wooden. Therefore, wooden receptacles could be understood as permitted.

According to numerous traditions, Anas or his mother served the Prophet a beverage in a cup. At some point, a real-life cup was identified as this cup. It is unclear when exactly this happened. Anas may have bequeathed such a cup to his descendants. Alternatively, his descendants were inspired to identify a random cup as the famous one used by the Prophet. The cup was certainly in Basra in the first half of the 3rd/9th century, when it is mentioned by authors like Ibn Sa'd and al-Jāhīz. The various traditions generally agree that the cup was made of wood. Initially, the traditions about the cup seem to have been unrelated to the issue of *nabīdh*.

The first person to connect the cup to *nabīdh* may have been Ḥammād b. Salama who introduced the tradition about Anas serving the Prophet *nabīdh* and other beverages in a cup. His audience or a slightly later one would have surely identified the cup in his tradition as the wooden one in Basra. Through this identification, they could argue that drinking *nabīdh* is permitted in wooden receptacles. Opponents of ceramic receptacles could see this tradition as supporting, or at least not contradicting, their claims against the use of ceramic receptacles for *nabīdh*. It should be added that Ibn Salama's tradition deals exclusively with serving *nabīdh*, and not with the more controversial issue of its preparation.

⁵⁵ On the problematic nature of gold and silver receptacles, see §4.6.12.

2.8 The Tradition about the Prohibition of *Khamr*

This originally Basran tradition takes place in Medina when *khamr* was first prohibited by revelation. After Anas and some Companions hear about this prohibition, they react by disposing of a date-based beverage of theirs, usually a beverage made of two types of dates. The tradition thus communicates that the term *khamr* can apply to beverages other than wine made from grapes. In addition to some differences in wording and content, versions of this tradition differ on several key points: who were the Companions that were with Anas; which beverage were they consuming; in which receptacles was the beverage stored; how did Anas and the Companions learn about the prohibition; and how were the beverages disposed. Since some noteworthy versions of this tradition describe the storage of a *nabīdh*-like beverage in jars or other receptacles it is important for this study.

Juynboll analyzed versions of this tradition and concluded that it originated with Mālik b. Anas (Medina, d. 179/795) and Muqātil b. Sulaymān (Basra, d. 150/767).⁵⁶ However, as I will show below, Juynboll's assessment of the data is inaccurate and overly conservative. The tradition's provenance is much earlier. Additionally, Kueny discussed three different versions of the tradition and noted some of the variants between them.⁵⁷ She focuses on a relatively small sample and makes no attempt to establish a chronology of the variants. In what follows, I will offer a more extensive and accurate analysis of the tradition than those of Juynboll and Kueny.

⁵⁶ Juynboll, *ECH*, 290 (no. 207). For Muqātil's biography, see *ibid.*, s.v. "Muqātil b. Sulaymān."

⁵⁷ Kueny, *Rhetoric*, 69-71.

Anas reportedly transmitted this famous tradition to many students, including: Sulaymān al-Taymī (Basra, d. 143/760), Qatāda (Basra, d. 117/735), Thābit al-Bunānī (Basra, d. 123/741 or 127/745), Ḥumayd al-Ṭawīl (d. 142-3/759-60), Ishāq b. ‘Abdallāh b. Abī Ṭalḥa (Medina, d. 132/749), ‘Abd al-‘Azīz b. Ṣuhayb al-Bunānī (Basra, d. 130/747-8), *et alii*. A few of Anas’ students taught it to multiple students. Due to the high number of students and students of students, who reportedly transmitted this tradition, Anas is conceivably its originator. However, given that some versions of the tradition appear to be responding to earlier ones, a false attribution to Anas should not be ruled out.

As noted above, Anas’ tradition is preserved in countless versions. A fully detailed study of these versions could constitute its own monograph. For the present study, I will focus only on a few representative examples that highlight some major trends in the development of this tradition and its importance to the discussion of the *nabīdh* of jars.

2.8.1 Sulaymān al-Taymī’s Version

Sulaymān al-Taymī’s version may be one of the earliest examples of Anas’ tradition. He is said to have taught it to at least nine students, including: his son Mu‘tamir (Basra, d. 187/803),⁵⁸ Yaḥyā b. Sa‘īd al-Qaṭṭān (Basra, 120-198/738-812),⁵⁹ ‘Abd al-Wahhāb b. ‘Aṭā’ (Basra, Baghdad,

⁵⁸ See, e.g., Muslim, *Ṣaḥīḥ*, 3:1571 (no. 1980 [6]); Bukhārī, *Ṣaḥīḥ*, 7:105 (no. 5583).

⁵⁹ Ibn Ḥanbal, *Ashribā*, 75 (no. 180).

d. 204/820),⁶⁰ Yazīd b. Hārūn (Wāsīt, d. 206/821),⁶¹ Ibn ‘Ulayya (Basra, d. 193/809),⁶² Jarīr b. ‘Abd al-Ḥamīd (Kufa, Rey, 110-188/728-804),⁶³ Ibn al-Mubārak (Khorasan, d. 181/797),⁶⁴ Mu‘ādh b. Mu‘ādh (Basra, 119-196/737-813),⁶⁵ and Muḥammad b. ‘Abdallāh al-Anṣārī (Basra, 118-215/736-830), who was a descendant of Anas.⁶⁶ Their versions are mostly in agreement. According to one representative variant of Sulaymān al-Taymī’s version, Anas said:

I used to have a duty within the tribe, as I would serve *faḍīkh* to my paternal uncles, being the youngest of them all. Then it was said “*khamr* has been prohibited!” [Someone from my tribe] said: “overturn them [= the receptacles containing the *faḍīkh*]!” And we did. [Sulaymān al-Taymī] asked Anas “what was their beverage?” He answered “[a beverage made of] ripe dates and half-ripe dates.” Abū Bakr b. Anas then interjected: “[this] was their *khamr*.” Anas did not deny this. [Sulaymān added:] One of my companions told me that he heard Anas saying: “[this] was their *khamr* during that time period.”⁶⁷

This tradition establishes that the prohibition of *khamr* applies also to the fermented date juice *faḍīkh*, a beverage combining dates in different stages of ripening. Anas’ and his tribe are portrayed as pouring out this beverage immediately upon hearing of the revelation prohibiting *khamr*. It is not stated which receptacles they used for containing this *nabīdh*-like beverage.

⁶⁰ Abū ‘Awāna, *Mustakhraj*, 16:139-40 (no. 8349).

⁶¹ *Ibid.* 16:140-141 (no. 8351).

⁶² See, e.g., Ibn Ḥanbal, *Musnad*, 20:289 (no. 12973); Muslim, *Ṣaḥīḥ*, 3:1571 (no. 1980 [5]).

⁶³ Abū Nu‘aym, *Ṭibb*, 723-4 (no. 816). This variant prohibits half-ripe and dried dates.

⁶⁴ See, e.g., al-Nasā’ī, *Sunan*, 6:277 (no. 6764). This variant prohibits half-ripe and dried dates.

⁶⁵ Abū ‘Awāna, *Mustakhraj*, 16:141-42 (no. 8352); al-Dhahabī, *Tārīkh*, 3:881.

⁶⁶ Abū ‘Awāna, *Mustakhraj*, 16:140 (no. 8350).

⁶⁷ Al-Bukhārī, *Ṣaḥīḥ*, 7:105 (no. 5583).

Apparently, the Kufans considered the prohibition of this beverage problematic, as may be seen in the following anecdote. Mu‘ādh b. Mu‘ādh, a Basran judge, reported that he heard Sulaymān al-Taymī say:

When I came to Kufa, I went to the study session of al-A‘mash and sat down to listen to him. Someone said: “This here is Sulaymān al-Taymī. He heard [traditions] from Anas b. Mālik. Al-A‘mash then turned to me: “You’re Sulaymān al-Taymī?” to which I replied: “Yes.” “You heard [traditions] from Anas b. Mālik and have come to sit down and listen to me?! It would have been [more] appropriate if you were to sit in a house in the farthest part of Kufa, so that we would come to you. Come now, narrate to me [something] on the authority of Anas!” [Sulaymān said]: I said in my mind: “I will narrate to you something that you will find reprehensible (*la-uḥaddithanna-ka bi-mā takrahu*).” I began: “Anas b. Mālik narrated to me, saying: ‘I used to have a responsibility toward the tribe, as I would serve my paternal uncles...’ Al-A‘mash interrupted: “I don’t want this Hadith tradition. Narrate to me a different one!” I repeated it to him once more. Then, I narrated a different one to them.⁶⁸

According to this anecdote, the great Kufan jurist al-A‘mash objected to al-Taymī’s tradition from Anas. He probably disapproved of it because it implies that non-*khamr* intoxicants, like *nabīdh*, are legally equivalent to *khamr*. Whether the anecdote is historical or

⁶⁸ Abū ‘Awāna, *Mustakhraj*, 16:141-42 (no. 8352); al-Dhahabī, *Tārīkh*, 3:881.

not, it reveals that the Basrans saw in Anas' tradition an important proof-text in their debate with the Kufans about non-*khamr* intoxicants.

2.8.2 Qatāda's Version

Qatāda reportedly taught his version of Anas' tradition to at least four students: Hishām al-Dastuwā'ī (Basra, d. 152-54/769-71),⁶⁹ Sa'īd b. Abī 'Arūba (Basra, d. 156-7/773-4),⁷⁰ Hammām b. Yaḥyā (Basra, d. 164/790),⁷¹ 'Amr b. al-Ḥārith (Egypt, d. ca. 149/765),⁷² Ma' mar b. Rāshid,⁷³ and 'Abbād b. Rāshid (Basra, d. ca. 160/777).⁷⁴ Qatāda's version does not diverge significantly from that of al-Taymī's. Qatāda may have indeed transmitted it. Its main point is that a beverage made of half-ripe dates and dried ones is considered *khamr*.

⁶⁹ See, e.g., al-Bukhārī, *Ṣaḥīḥ*, 7:108 (no. 5600); Abū 'Awāna, *Mustakhraj*, 16:144 (no. 8355); al-Bazzār, *Baḥr*, 13:431 (no. 7176); Muslim, *Ṣaḥīḥ*, 3:1572 (no. 1980 [...]); Ibn Ḥanbal, *Ashriba*, 21:75-76 (no. 181). Cf. Kueny, *Rhetoric*, 70-71.

⁷⁰ Ibn Ḥanbal, *Ashriba*, 21:78-79 (no. 187); Muslim, *Ṣaḥīḥ*, 3:1571-72 (no. 1980 [7]); al-Nasā'ī, *Sunan*, 5:62 (5033); Abū 'Awāna, *Mustakhraj*, 16:143 (no. 8354).

⁷¹ See, e.g., Ibn Ḥanbal, *Musnad*, 19:371-2 (no. 12378), 20:422 (no. 13196), & 21:227 (no. 13627).

⁷² See, e.g., Ibn Wahb, *Jāmi'*, 32-3 (no. 22). Ibn Wahb is the earliest confirmable source of this version. For the relation between Ibn Wahb and 'Amr b. al-Ḥārith, see Juynboll, *ECH*, s.v. "'Abd Allāh b. Wahb."

⁷³ See, e.g., 'Abd al-Razzāq, *Muṣannaf*, 9:211-12 (no. 16970). In his version, Ma' mar combines the versions of Qatāda, Thābit, and Abān b. Abī 'Ayyāsh. For Thābit's version, see Appendix I §2.8.3. For Abān's tradition, see Ibn Wahb, *Jāmi'*, 52-3 (no. 61).

⁷⁴ *Isnād*: Abū Bakr 'Abd al-Kabīr b. 'Abd al-Majīd al-Ḥanafī (Basra, d. ca. 204/820) ← 'Abbād b. Rāshid ← Qatāda ← Anas. See, e.g., al-Bazzār, *Baḥr*, 13:472-3 (no. 7288); al-Ṭabarī, *Tafsīr*, 8:666, *ad* Q 5:95; al-Fasawī, *Ma'rifa*, 2:633-4. Abū Bakr al-Ḥanafī originated the wording of this variant of Anas' tradition, basing it on other versions, like those of Mālik, Ḥammād b. Zayd, and Ibn 'Ulayya. Cf. Appendix I §2.8.4, Appendix I §2.8.6, and Appendix I §2.8.8.

2.8.3 Thābit al-Bunānī's Version

Another early version of Anas' tradition is transmitted by Thābit b. Aslam al-Bunānī (Basra, d. 123/741 or 127/745), who taught it to six students: Yūnus b. 'Ubayd (Basra, d. 139/756),⁷⁵ Ja'far b. Sulaymān (Basra, d. 178/794-5),⁷⁶ Ḥammād b. Salama (Basra),⁷⁷ Ma'mar b. Rāshid (Basra),⁷⁸ Ḥammād b. Zayd (Basra),⁷⁹ and Mubārak b. Fuḍāla (Basra, d. 166/782).⁸⁰ These transmitters preserve six variants that are mostly in agreement. They do not differ significantly from the versions of Sulaymān and Qatāda. However, the variant of Ḥammād b. Zayd contains an interesting addition that appears to be responding to the version of Ḥumayd al-Ṭawīl and will be discussed in the next section. Thābit's version prohibits combining half-ripe and dried dates.

⁷⁵ *Isnād*: Aḥmad b. Yūnus (Kufa) ← Abū Shihāb 'Abd Rabbi-h b. Nāfi' (Kufa) ← Yūnus b. 'Ubayd. See al-Bukhārī, *Ṣaḥīḥ*, 7:105 (no. 5580). *Isnād*: Aḥmad b. Maṣṣūr (Baghdad) ← Ibn Yūnus ← Abū Shihāb ← Yūnus. See al-Bazzār, *Baḥr*, 13:338 (no. 6959). *Isnād*: Ibn Manī' 'Abdallāh al-Baghawī al-Manī'ī (Baghdad) ← Aḥmad b. Maṣṣūr (Baghdad) and two others ← Ibn Yūnus ← Abū Shihāb ← Yūnus. See al-Bayhaqī, *al-Sunan al-kabīr*, 17:399 (no. 17432). *Isnād*: Hishām b. Bahrām (Madā'in) ← Abū Shihāb ← Yūnus. See Ibn Akhī Mīmī, *Fawā'id*, 217-8 (no. 469). All-Bazzār is the only source preserving the part of the tradition describing the spilling of the intoxicants.

⁷⁶ *Isnād*: Ibn Manī' 'Abdallāh al-Baghawī (Baghdad) ← Qaṭan b. Nusayr (Basra) ← Ja'far b. Sulaymān. See al-Mukhalliṣ, *Mukhalliṣiyyāt*, 3:33 (no. 1947), = 440 (no. 2872).

⁷⁷ *Isnād*: Ibrāhīm b. Marzūq (Basra, Egypt, d. 270/883-4) ← 'Affān b. Muslim (Basra, d. 220/835) ← Ibn Salama. See al-Ṭaḥāwī, *Sharḥ ma'ānī l-āthār*, 4:213-14 (no. 6429). *Isnād*: two people ← 'Affān ← Ibn Salama. See Abū 'Awāna, *Mustakhraj*, 16:144-5 (no. 8356). *Isnād*: Hudba b. Khālid (Basra, d. ca. 236/851) ← Ibn Salama. See Abū Ya'lā, *Musnad*, 6:100-01 (no. 3361). *Isnād*: 'Abd al-A'lā b. Ḥammād (Basra) ← Ibn Salama. See Ibn Ḥibbān, *Ṣaḥīḥ*, 12:186 (no. 5363). In his version, Ibn Salama combines the traditions of Thābit and Ḥumayd al-Ṭawīl, for which, see Appendix I §2.8.4.

⁷⁸ 'Abd al-Razzāq, *Muṣannaf*, 9:211-12 (no. 16970). For this combined version, see Appendix I §2.8.2.

⁷⁹ See, e.g., Ibn Ḥanbal, *Musnad*, 21:78-79 (no. 13376); al-Bukhārī, *Ṣaḥīḥ*, 3:132 (no. 2464) & 6:54 (no. 4620); Muslim, *Ṣaḥīḥ*, 3:1570-71 (no. 1980 [3]). Ibn Zayd's version contains an additional ending not found in the versions of Thābit's other students. It relates to the circumstances of the revelation of Q 5:93. Cf. Kueny, *Rhetoric*, 69-70.

⁸⁰ *Isnād*: Mīqdām b. Dāwūd (Egypt) ← Asad b. Mūsā (Egypt) ← Mubārak. See al-Ṭabarānī, *al-Mu'jam al-awsaṭ*, 8:366 (no. 8892); Ibn al-Ja'd, *Musnad*, 1126 (no. 3317). Al-Ṭabarānī incorrectly claims that only Asad heard this tradition from Mubārak. He was perhaps unaware of Ibn al-Ja'd's relatively truncated version from Mubārak.

2.8.4 Ḥumayd al-Ṭawīl's Version

Ḥumayd al-Ṭawīl reportedly taught this version of Anas' tradition to at least five students: Yazīd b. Hārūn Wāsiṭ, (d. 206/821),⁸¹ Muḥammad b. Abī 'Adī (Basra, d. 194/810),⁸² Yaḥyā b. Ayyūb al-Ghāfiqī (Egypt),⁸³ Ismā'īl b. Ja'far (Medina, Baghdad, d. 180/796),⁸⁴ Yaḥyā b. Sa'īd al-Qaṭṭān (Basra, 120-198/738-812),⁸⁵ Ibn al-Mubārak (Khorasan, d. 181/797),⁸⁶ 'Abdallāh b. Bakr al-Sahmī,⁸⁷ Ḥammād b. Salama,⁸⁸ and Sulaymān b. Ḥayyān (Kufa, d. 189/805).⁸⁹ These students transmit variants of Ḥumayd's version that are mostly in agreement. According to one representative variant, Anas narrated:

We were at Abū Ṭalḥa's home, when he hosted Ubayy b. Ka'b, Abū 'Ubayda b. al-Jarrāḥ, and Suhayl b. Bayḍā' and I was serving them a beverage of theirs, until it almost started to influence them. At some point, a Muslim was crying: "*Khamr* has been prohibited!" [Anas] added: By God, they did not wait so that they may know [for sure] or ask about that. [Anas] continued: They [immediately] said: "Anas, turn over what is in your receptacle!" They never consumed it again until they met God. On that day, their beverage was made of half-ripe dates and dried ones.⁹⁰

⁸¹ Ibn Abī Shayba, *Muṣannaf*, 8:133 (no. 24490).

⁸² Ibn Ḥanbal, *Ashriba*, 65 (no. 136).

⁸³ Ibn Wahb, *Jāmi'*, 58-9 (no. 74).

⁸⁴ See, e.g., al-Ṭaḥāwī, *Ma'ānī al-āthār*, 4:213 (no. 6427).

⁸⁵ See, e.g., Ibn Ḥanbal, *Musnad*, 20:234-5 (no. 12869).

⁸⁶ Al-Nasā'ī, *Sunan*, 5:62-3 (no. 5034).

⁸⁷ Al-Ṭaḥāwī, *Ma'ānī al-āthār*, 4:213 (no. 6428); Abū Nu'aym, *Ma'rifa*, 1322 (no. 3328).

⁸⁸ Ibn Salama combines Ḥumayd's tradition with Thābit's. See Appendix I §2.8.3.

⁸⁹ See, e.g., al-Dāraqutnī, *Sunan*, 5:273 (no. 4305).

⁹⁰ Ibn Ḥanbal, *Ashriba*, 65 (no. 136).

Ḥumayd’s version resembles the previously discussed versions of Sulaymān, Qatāda, and Thābit. It contains one important addition, Anas’ insistence that they did not hesitate to comply with the announcement of the prohibition and that they did not seek to verify it. This addition emphasizes the great piety of Abū Ṭalḥa and Anas and their unquestioning devotion to the faith. It also shows that one may rely on an isolated report attributed to the Prophet. Abū Ṭalḥa and Anas accepted the announcement of the prohibition without verifying if the person making the announcement was indeed relaying the Prophet’s words. Later Hadith critics pointed to Anas’ tradition as proof that isolated reports (singular: *khbar al-wāḥid*) are a valid source of religious knowledge.⁹¹ It is quite possible that Ḥumayd understood his own version of Anas’ tradition as proving the validity of isolated reports.

Here, it is appropriate to mention Ḥammād b. Zayd’s variant of Thābit’s version of Anas’ tradition. According to this variant, Anas said:

I was the people’s drink server on the day that *khamr* was prohibited. [...] Some of Abū Ṭalḥa’s companions were gathered at his home. Then, a person came and said: “*Khamr* has been prohibited.” [...] Abū Ṭalḥa turned to me saying: “Go outside and see what’s going on (*ukhruj fa-nzur*)!” [...] I went outside and looked around. I then heard a crier making an announcement: “*khamr* has been prohibited.” I [went back inside and] notified

⁹¹ See, e.g., al-Shāfi‘ī, *Umm*, 1:188, & 10:8-9; al-Dāraqūṭnī, *Sunan*, 5:273 (no. 4305).

[Abū Ṭalḥa]. And so, he ordered me: “Go and pour it [viz., Abū Ṭalḥa’s *khamr*]!” I went outside and I poured it away.⁹²

This variant is likely responding to Ḥumayd’s version. While that version underscores that Abū Ṭalḥa displayed no sign of hesitation in complying with the Prophet’s orders, this variant emphasizes that Abū Ṭalḥa did not accept the prohibition without first confirming it. Instead, he sends Anas to seek corroboration for the announcement of the prohibition.

In sum, Ḥumayd’s version claims that Abū Ṭalḥa did not hesitate to comply with the Prophet’s decree even though he learned about it from a single source. Ḥumayd may have heard his version from Anas,⁹³ though it is doubtful if Anas’ original tradition explicitly mentioned Abū Ṭalḥa’s lack of hesitation. In response to Ḥumayd’s version, Ḥammād b. Zayd’s variant of Thābit’s version claims that Abū Ṭalḥa did hesitate and sought to verify the Prophet’s words.

⁹² Ibn Ḥanbal, *Musnad*, 21:78-79 (no. 13376). Cf. Muslim, *Ṣaḥīḥ*, 3:1570-71 (no. 1980 [3]); Abū ‘Awāna, *Mustakhraj*, 16:146 (no. 8357). Not all renditions of Ḥammād b. Zayd’s variant portray Abū Ṭalḥa and Anas receiving the Prophet’s tradition from two different people. However, most renditions portray Abū Ṭalḥa as hesitating before implementing the prohibition and sending Anas to verify it.

⁹³ Some early Hadith critics claimed that Ḥumayd al-Ṭawīl often omitted the name of Thābit as mediator between him and Anas. See Juynboll, *ECH*, 205.

2.8.5 The Kufan Versions

There are some versions of Anas' tradition that appear to have originated in Kufa. Two are attributed to Anas' students, Burayd b. Abī Maryam (Basra)⁹⁴ and Yazīd b. Abī Šāliḥ (Basra)⁹⁵ but preserved by Kufan transmitters. When written without diacritics, "Burayd" and "Yazīd" are spelled the same. Therefore, "Ibn Abī Maryam" may have been conflated with "Ibn Abī Šāliḥ" or *vice versa*. That these traditions share a common source is further underscored by the fact that they both include the uncommon word *ahraqnā-humā* ("we poured out both [viz., the half-ripe dates and the dried ones]").⁹⁶ The version or versions of Burayd/Yazīd generally agree with that of al-Taymī.

The contents of a third Kufan version attributed to Maṭar b. Maymūn (Kufa) are further developed.⁹⁷ Maṭar's version may be derived from that of Burayd/Yazīd.⁹⁸ Conceivably, Burayd/Yazīd and possibly Maṭar heard this tradition from Anas. However, all versions, derive from a common Kufan source.

⁹⁴ *Isnād*: Abū l-Aḥwaṣ (Kufa, d. 179/795) ← Abū Ishāq al-Sabī'ī (d. 127/745) ← Burayd ← Anas. See, e.g., Ibn Abī Shayba, *Muṣannaḥ*, 8:129 (no. 24473). Cf. al-Ṭaḥāwī, *Ma'ānī al-āthār*, 4:213 (no. 6426).

⁹⁵ *Isnād*: Aḥmad b. Ishāq (Isbahan) ← Abū Yaḥya al-Rāzī (Khorasan, d. 291/903) ← Rustah (Kufa, d. 250/864-5) ← 'Abd al-Raḥmān b. Maḥdī (Basra, Kufa, 135-198/752-814) ← Ibn Abī Šāliḥ ← Anas. See Abū Nu'aym, *Ḥilya*, 9:61-62.

⁹⁶ The use of the dual here may imply the prohibition of *nabīdh* made of moist dates and *nabīdh* made of dried ones, even if they are unmixed.

⁹⁷ *Isnād*: Abū Kurayb (Kufa, d. 248/862) ← Yūnus b. Bukayr (Kufa, d. 199/814) ← Maṭar ← Anas. See al-Bazzār, *Baḥr*, 14:72-3 (no. 7532). This version prohibits *nabīdh* made of a mixture of figs and dates. It contains some lines of verse which do not appear in the earlier versions of the Anas' tradition.

⁹⁸ Maṭar's version uses the rare word *akhlatnā-humā* which is the same pattern as the rare word *ahraqnā-humā* used in Burayd/Yazīd's version. Other words in this pattern are not found in other versions of Anas' tradition.

2.8.6 Mālik b. Anas' Version

As noted by Juynboll, Mālik b. Anas is the originator of this version of Anas' tradition,⁹⁹ which Mālik cited with an *isnād* from Ishāq b. 'Abdallāh b. Abī Ṭalḥa (Medina) from his "uncle" Anas, the *mawlā* of his grandfather. Relying on this Medinan *isnād*, Mālik retold the events depicted in the Basran versions of Anas' tradition. According to Mālik's version, Anas said:

I was serving Abū 'Ubayda b. al-Jarrāh, Abū Ṭalḥa al-Anṣārī, and Ubayy b. Ka'b, a beverage consisting of *faḍīkh* and dried dates [!], when someone came and said: "*khamr* has been prohibited." Then, Abū Ṭalḥa said: "Rise up, Anas, go towards those jars (*hādhihi l-jirār*), and break them!" [Anas] said: I rose, went to a stone basin we had there, and bashed the jars against its lower part so that they broke.¹⁰⁰

Mālik's version significantly develops the tradition of Anas. It introduces new elements absent in earlier versions. Whereas a few sporadic variants claim that the *nabīdh*-like beverage was stored in waterskins,¹⁰¹ most versions do not identify the receptacles used. Mālik's version, however, notes that the receptacles were jars. In the other versions, Anas empties the receptacles without destroying them. However, in Mālik's version, Anas breaks the jars. By adding these elements,

⁹⁹ Juynboll, *ECH*, 290 (no. 207).

¹⁰⁰ See, e.g., Mālik, *Muwaṭṭa'* (al-Zuhrī Recension), 2:51-2 (no. 1842); al-Bukhārī, *Ṣaḥīḥ*, 7:105 (no. 5582) and 9:88 (no. 7253); Muslim, *Ṣaḥīḥ*, 3:1571 (no. 1980 [9]). In Mālik, the phrase *faḍīkh wa-tamr* ("*faḍīkh* and dates") is a bit odd, since *faḍīkh* is usually made of dates. Instead of this phrase, al-Bukhārī (no. 7253) has *faḍīkh wa-huwa tamr* ("*faḍīkh*, i.e., dates"). According to al-Bukhārī (no. 5582), the phrase is *faḍīkh zahw wa-tamr* ("*faḍīkh* made of ripening dates and dried ones"). Since *faḍīkh* usually contains two sorts of dates, the latter may be the original reading. Cf. Mālik: *anna Rasūla Llāh (Ṣ) nahā 'an yushraba l-tamr wa-l-zabīb jamī'an wa-l-zahw wa-l-ruṭab jamī'an*. *Muwaṭṭa'* (al-Zuhrī Recension), 2:48 (no. 1835).

Notably, Muslim lists Mālik's version of Anas' tradition as the eighth of nine versions of this tradition, possibly indicating that he considered it less reliable than those listed prior to it.

¹⁰¹ Al-Bazzār: *mazāda. Baḥr*, 13:431 (no. 7176); Ibn Wahb: *rāwiya. Jāmi'*, 52-3 (no. 61).

Mālik transformed a tradition focusing on the prohibition of mixing dates into a tradition permitting or requiring the destruction of jars.

Juynboll correctly identified Mālik as the originator of this version's wording. However, he was wrong in suggesting that this version is older than other versions of Anas' tradition. He argued that those versions are "invariably supported by [single strands] and late spiders."¹⁰² However, as may be seen in the above examples,¹⁰³ the versions of transmitters like al-Taymī, Qatāda, and Thābit, who lived two generations prior to Mālik, are massively corroborated.

Juynboll pointed to a version of Anas' tradition cited without an *isnād* in the *Tafsīr* of Muqātil b. Sulaymān (Basra, d. 150/767), as a possible source for Mālik's version.¹⁰⁴ However, Muqātil's version is more likely Basran, perhaps based on the versions of Thābit, Qatāda, and al-Taymī.¹⁰⁵

Al-Bukhārī cites many versions of Anas' tradition. Among these, he cites a variant of Mālik's version like the one discussed above.¹⁰⁶ He also includes another particularly interesting variant of this version transmitted by Mālik's sororal nephew Ismā'īl b. 'Abdallāh Ibn Abī Uways (Medina, d. ca. 226/840). According to it, Abū Ṭalḥa ordered Anas to spill the contents

¹⁰² Juynboll, *ECH*, 290 (no. 207).

¹⁰³ See Appendix I §2.8.1-3.

¹⁰⁴ Juynboll, *ECH*, 290 (no. 207). Cf. Muqātil, *Tafsīr*, 1:502, *ad* Q 5:91.

¹⁰⁵ Note, for example, the use of the word *yawma'idh*ⁱⁿ which appears in the versions of Muqātil. This word appears in versions attributed to Thabit, Qatāda, and al-Taymī, but is absent in most other versions of Anas' tradition. Muqātil lists Qatāda as one of thirty teachers, from whom he derived material for his *Tafsīr*. See Muqātil, *Tafsīr*, 1:25-6. As an exegete, Muqātil was justifiably accused of borrowing his material about "the Children of Israel" from Jewish and Christian sources. However, as may be seen here, Muqātil, was well versed in the legal Hadith of Basra, the city where he died.

¹⁰⁶ Al-Bukhārī, *Ṣaḥīḥ*, 9:88 (no. 7253).

of the receptacles containing the *faḍīkh*.¹⁰⁷ This variant mentions neither jars, nor their destruction. Ibn Abī Uways' variant conforms with the Basran versions of Anas' tradition and may be influenced by them. Alternatively, it may preserve Mālik's version in its original form.¹⁰⁸

Another tradition may have inspired Mālik to insert the element of the destruction of jars. This tradition is also on the authority of Anas b. Mālik and Abū Ṭalḥa and it was probably originated by Layth b. Abī Sulaym (Kufa, d. *ca.* 143/761). According to this tradition, the Prophet instructed Abū Ṭalḥa to break jars (*dinān*) containing wine (*khamr*).¹⁰⁹ However, since Mālik and Layth use different terms for jars (*jirār* vs. *dinān*), the similarity between their traditions may be coincidental.

In sum, Mālik's version is based on Basran versions of Anas' tradition. Mālik introduced the theme of the *nabīdh*-like beverage being stored in jars and the destruction of said jars. This version became very influential. Scholars often cited it as proof that the Prophet ordered the destruction of jars containing intoxicants.

¹⁰⁷ Al-Bukhārī, *Ṣaḥīḥ*, 7:105 (no. 5582). For Ibn Abī Uways' biography, see al-Bukhārī, *Tārīkh*, 1:364 (no. 1152).

¹⁰⁸ A thorough comparison of Ibn Abī Uways' versions of his uncle Mālik's traditions with those of Mālik's other students may reveal to what extent he accurately preserves his uncle's traditions.

¹⁰⁹ See, e.g., al-Tirmidhī, *Sunan*, 2:566 (no. 1293); Ibn Zanjawayh, *Amwāl*, 1:284-5 (no. 429). Layth's original tradition may have originally not called for the breaking of jars. Cf. Ibn Ḥanbal, *Musnad*, 21:276 (no. 13732); Ibn Zanjawayh, *Amwāl*, 1:285 (no. 430).

2.8.7 The Ibādī Version

The Ibādī Hadith collector Abū Ya‘qūb Yūsuf b. Ibrāhīm al-Warjalānī (North Africa, d. 570/1174) recorded a version of Anas’ tradition in his collection of traditions attributed to the Basran Imām al-Rabī‘ b. Ḥabīb (d. ca. 180/796).¹¹⁰ This version is clearly based on Mālik’s version, which al-Warjalānī fitted with an Ibādī *isnād*. His tendency to appropriate traditions in this way is well known.¹¹¹

2.8.8 ‘Abd al-‘Azīz’s Version

‘Abd al-‘Azīz b. Ṣuhayb reportedly taught a version of Anas’ tradition to two students: Ibn ‘Ulayya (Basra, d. 193/809) and Hushaym b. Bashīr (Wāsiṭ, d. 183/799). They transmitted variants of his version. The variants differ from each other in content and appear to be derived from other sources. Therefore, ‘Abd al-‘Azīz’s status as the originator of this version is uncertain.

Ibn ‘Ulayya taught his variant of ‘Abd al-‘Azīz’s version to at least three students: Ibn Ḥanbal (Baghdad),¹¹² Ya‘qūb b. Ibrāhīm al-Dawraqī (Baghdad, 166-252/782-866),¹¹³ and Yaḥyā b. Ayyūb (Egypt).¹¹⁴ According to a representative variant of Ibn ‘Ulayya’s variant, Anas narrated:

¹¹⁰ Al-Warjalānī, *Jāmi‘*, 2:54 (no. 628). On the authorship of the *Musnad* of al-Rabī‘, see Cilaro, “Musnad.”

¹¹¹ J. Wilkinson, *Ibādism*, 432-37.

¹¹² Ibn Ḥanbal, *Ashriba*, 69-70 (no. 156).

¹¹³ Al-Bukhārī, *Ṣaḥīḥ*, 6:53 (no. 4617).

¹¹⁴ Muslim, *Ṣaḥīḥ*, 3:1571 (no. 1980 [4]).

The only *khamr* we had [in Medina at the time of prohibition] was this *faḍīkh* of yours, i.e., that which you call *faḍīkh*. I was standing up, serving [this beverage] to Abū Ṭalḥa and so-and-so and so-and-so, when a man came by, saying: “Has the announcement reached you?” They asked: “And what would that be?” He said: “*khamr* has been prohibited.” They then ordered me: “pour those jars (*hādhihi l-qilāl*), Anas!” [Anas] added: “They did not ask about it and they did not try to overturn it after the man’s announcement.”¹¹⁵

In Ibn ‘Ulayya’s variant, as in Mālik’s version, the *faḍīkh* is stored in jars, but, unlike in Mālik’s version, the jars are emptied of their contents, not destroyed. Ibn ‘Ulayya’s phrase *hādhihi l-qilāl* may be derived from Mālik’s *hādhihi l-jirār*. Ibn ‘Ulayya’s variant also emphasizes that Abū Ṭalḥa and his associates did not hesitate in their compliance with the prohibition of *khamr*, a likely response to Thābit’s version. In sum, Ibn ‘Ulayya’s variant is influenced by various earlier versions.

Hushaym’s variant is preserved in an isolated report by Zakariyyā b. Yaḥyā (Wāsīt). It seemingly corroborates Ibn ‘Ulayya’s variant from ‘Abd al-‘Azīz. However, based on its contents, Hushaym, or Zakariyyā, created it drawing on other traditions like that of al-Taymī (§2.8.1 in this appendix) and that of al-Qaṭṭān (§2.8.4 in this appendix).¹¹⁶

¹¹⁵ Al-Bukhārī, *Ṣaḥīḥ*, 6:53 (no. 4617). Cf. Kueny, *Rhetoric*, 69.

¹¹⁶ Abū Ya‘lā, *Musnad*, 7:10-12 (no. 3903).

2.8.9 Some Other Versions

There are a few other versions of Anas' tradition that are not recorded in many sources and that generally appear to be derived of versions mentioned above. For the sake of near completion, they will be mentioned here briefly. These versions are transmitted by 'Abd al-Ḥamīd b. Ja'far (Medina, d. 153/770) from his father Ja'far;¹¹⁷ by Sa'īd b. 'Ubaydallāh (Basra) on the authority of Bakr b. 'Abdallāh al-Muzanī (Basra, d. 108/727);¹¹⁸ by Bahz (Basra, d. 202/817) on the authority of Abū l-Tayyāḥ (Basra, d. 128/746);¹¹⁹ by Ibn Mardawayh (Isfahan, 323-410/935-1019) on the authority of 'Īsā b. Ṭahmān (Basra, Kufa);¹²⁰ by 'Aṭīyya b. Bahrām (Basra) on the authority of Shaybān al-Yashkarī (Basra);¹²¹ by two transmitters on the authority of al-Ḥasan al-Baṣrī;¹²² by two transmitters on the authority of 'Āṣim b. Sulaymān al-Aḥwal (Basra, d. ca. 142/759),¹²³ and by Muḥammad b. 'Abd al-Malik b. Abī l-Shawārib (Basra, d. 244/858) on the authority Abū Rāfi' (Medina, Basra, d. ca. 95/714).¹²⁴

¹¹⁷ *Isnād*: Abū Bakr al-Ḥanafī ← 'Abd al-Ḥamīd. See Muslim, *Ṣaḥīḥ*, 3:1572 (no. 1982 [10]); Ibn Ḥibbān, *Thiqāt*, 4:106-07. *Isnād*: Bakr b. Bakkār ← 'Abd al-Ḥamīd. See Ibn al-Muqri', *Mu'jam*, 363 (no. 1212).

¹¹⁸ Al-Bukhārī, *Ṣaḥīḥ*, 7:105 (no. 5584); Abū Ya'lā, *Musnad*, 7:178-9 (no. 4157); al-Bazzār, *Baḥr*, 13:247-8 (no. 6761); Ibn Ḥajar, *Fath*, 19:222. In this version, Anas kicks over the receptacles containing the beverage and then announces to the Companions that *khamr* has been prohibited. Anas' role is thus more active here than his role in the earliest versions of his tradition, where he is ordered by someone else to dispose of the beverage. Cf. a similar tradition from Bakr in Ibn Abī Shayba, *Muṣannaḥ*, 7:351 (no. 22031).

¹¹⁹ Ibn Ḥanbal, *Ashriba*, (no. 17).

¹²⁰ Ibn Ḥajar, *Fath*, 19:221.

¹²¹ Al-Bukhārī, *Tārīkh*, 4:253 (no. 2708). All that is known about this abbreviated tradition is that it mentioned *faḍīkh*.

¹²² Al-Bazzār, *Baḥr*, 13:201 (no. 6665) & 215 (no. 6691). The wording of both these versions is too different to draw meaningful conclusions about their possible common origin.

¹²³ Al-Bazzār, *Baḥr*, 13:109 (no. 6481); al-Ṭabarānī, *al-Mu'jam al-awsaṭ*, 7:206 (no. 7285). The wording of both these versions is too different to draw meaningful conclusions about their possible common origin. Al-Ṭabarānī's version is probably influenced by Ibn Ḥanbal, *Ashriba*, 75 (no. 180).

¹²⁴ See, e.g., Ibn 'Adī, *Kāmil*, 7:393 (no. 11193). According to this late Basran tradition, Abū Ṭalḥa explained that the Prophet prohibited mixing dates and raisins temporarily and *ad hoc* ('*inda l-'awaz*). After the circumstances have changed, he allowed it.

2.8.10 Summary of the Tradition about the Khamr Prohibition

Originally this tradition portrayed Anas and other Companions pouring away a beverage made of two types of dates in compliance with the then recent prohibition of *khamr*. The Basrans considered the tradition as an important piece of evidence that proves that date-based intoxicants are equivalent to *khamr*. They expected to cite this tradition in their polemics with the Kufans. In the Late Umayyad period, Basran transmitters like Sulaymān al-Taymī, Qatāda b. Di‘āma, and Thābit al-Bunānī, taught versions of this tradition, which they may have learnt directly or indirectly from Anas. Versions of this tradition even wound up in Kufa.

Medinan Mālik b. Anas is responsible for perhaps the most dramatic change to Anas’ tradition. Originally, Anas’ tradition did not mention in which receptacles the date-based beverage was stored, while a few sporadic versions identify the receptacles as waterskins. In addition, Anas’ tradition depicted the beverage being poured out without destroying the receptacle. Mālik, however, determined that the receptacles were jars and that they were broken when their contents were disposed.

Anas’ tradition enjoyed great popularity. Versions of this tradition are included in five Sunni canonical collections. Hadith theorists found in it proof that isolated reports (*khabar al-wāḥid*) are valid. This is because some versions of this tradition depict Abū Ṭalḥa accepting the Prophet’s prohibition based on an isolated report from the Prophet’s crier. Mālik’s version of Anas’ tradition was especially celebrated. It is included in the *Ṣaḥīḥān*, and it inspired a prominent Ibādī version. Mālik’s version is perhaps the best-known Prophetic tradition about destroying jars and other receptacles containing non-*khamr* intoxicants.

2.9 Yaḥyā l-Taymī's Concessive Tradition

Eventually, Anas' name was attached to a concessive tradition. The *isnād* of this tradition is Abū l-Ḥārith Yaḥyā b. 'Abdallāh b. al-Ḥārith al-Taymī al-Jābir (Kufa, d. early 2nd/8th century) ← 'Amr b. 'Āmir al-Anṣārī (Kufa) ← Anas ← the Prophet. Yaḥyā l-Jābir taught this tradition to four students: 'Abd al-Raḥīm b. Sulaymān (Kufa, d. 184/800),¹²⁵ Ibn Ishāq (Egypt, Iraq, d. 151/768),¹²⁶ Abū l-Aḥwaṣ (Kufa, d. 179/795),¹²⁷ and 'Abd al-'Azīz b. Muslim (Khorasan, Basra, d. 167/783-4).¹²⁸ Ibrāhīm b. al-Ṭahmān (Nishapur, d. ca. 163/780) may have also been familiar with Yaḥyā l-Taymī's tradition, even though he does not cite him as his source.¹²⁹ Al-Taymī's tradition promotes the doctrine of the three concessions: visiting graves, storing the meat of sacrificial animals, and drinking *nabīdh* from certain receptacles.¹³⁰

¹²⁵ Ibn Abī Shayba, *Muṣannaf*, 8:116 (no. 24397); Abū Ya' lā, *Musnad*, 6:371-3 (nos. 3705 & 3706).

¹²⁶ Ibn Ḥanbal, *Musnad*, 21:141 (no. 13487); Abū Ya' lā, *Musnad*, 6:373 (no. 3707). Ibn Ishāq adds 'Abd al-Warīth Anas' *mawla* as a co-transmitter with 'Amr b. 'Āmir. This is either Ibn Ishāq's innovation or an addition made by Yaḥyā l-Taymī, when he taught Anas' tradition to Ibn Ishāq.

¹²⁷ Ibn Ḥanbal, *Musnad*, 21:222-3 (no. 13615); Ibn Abī Shayba, *Muṣannaf*, 8:116 (no. 24399); al-Ḥakīm al-Tirmidhī: *Yaḥyā b. al-Taymī* [= corruption of *Yaḥyā al-Taymī*]. *Manhiyyāt*, 234; al-Ḥakīm, *Mustadrak*, 1:709 (no. 1428).

¹²⁸ *Ibid.*, 1:711 (no. 1434); Ibn Bashrān, *Amālī 1*, 152-3 (no. 350).

¹²⁹ *Isnād*: Ibrāhīm ← Yaḥyā b. Sa'īd al-Kūfī ← 'Umar [= 'Amr] b. 'Āmir and 'Abd al-Waḥhāb [= al-Wārīth] ← Anas. See Abū Bakr al-Shāfi'ī, *Ghaylāniyyāt*, 567-8 (no. 731). *Isnād*: Ibrāhīm ← Yaḥyā b. 'Abbād ← Anas. See al-Ḥakīm, *Mustadrak*, 1:710-11 (no. 1433). *Isnād*: Ibrāhīm ← 'Amr b. 'Āmir and 'Abd al-Warīth ← Anas. See al-Bayhaqī, *Sunan*, 7:519 (no. 7278). As may be seen, there is some confusion regarding Ibrāhīm b. al-Ṭahmān's source for this tradition. His informant is Yaḥyā b. Sa'īd/'Abbād. He is probably meant to be Yaḥyā l-Taymī. Cf. al-Dāraquṭnī, *ʿIlal*, 12:224 (no. 2649). Ibrāhīm's *isnād* cites both 'Amr b. 'Āmir and 'Abd al-Warīth. The citation of both these transmitters is a prominent feature of Ibn Ishāq's *isnād*. Ibrāhīm was Ibn Ishāq's student, as may be seen in al-Bayhaqī, *Sunan*, 19:338. Hence, Ibrāhīm probably learned this tradition from Ibn Ishāq ← Yaḥyā ← 'Amr and 'Abd al-Warīth ← Anas.

¹³⁰ On the three concessions doctrine, see §4.7.1.

2.10 al-Ḥārith b. Nabhān's Concessive Tradition

Another concessive tradition is transmitted by al-Ḥārith b. Nabhān (Basra), ← Ḥanzala b. 'Ubaydallāh al-Sadūsī (Basra) ← Anas. Ibn Nabhān taught this tradition to two students Ibn Wahb (Egypt, d. 197/812),¹³¹ and Muslim b. Ibrāhīm al-Farāhīdī (Basra, ca. 135-221/753-836).¹³² This tradition espouses the three concessions doctrine. Even though al-Ḥārith was Basran, he transmitted a tradition in favor of green jars.¹³³ He likely held that the Prophet issued a concession, which included green jars.

3 Summary of Anas' Traditions about Nabīdh and Receptacles

The figure of Anas had a prominent role in the discussion about *nabīdh* and receptacles. Early traditions, perhaps from people who met him, stated that Anas approved of the *nabīdh* from different receptacles, including green jars and tarred jars. Kufans as well as Basrans transmitted such traditions. In response, some Basrans denied Anas' consumption of this *nabīdh*, while others explained that if he approved of it, he did so under special or mitigating circumstances (e.g., for medicinal purposes). The Kufan claim that Anas approved of drinking may be explained in one of two ways: (1) Either Anas' opinion about *nabīdh* in receptacles was vague or unknown, or (2) he approved of it. It is almost inconceivable that the Kufans would be so audacious as to attribute such an opinion to a famous Basran, if his position on the matter was well documented in Basra.

¹³¹ Ibn Wahb, *Jāmi'*, 36 (no. 28).

¹³² Al-Bazzār, *Baḥr*, 13:518 (no. 7366).

¹³³ Ibn Wahb, *Jāmi'*, 36 (no. 30).

In the first half of the 2nd/8th century, transmitters began introducing Prophetic traditions on behalf of Anas. One of the first to do so, the Medinan al-Zuhrī claimed that Anas said that the Prophet prohibited *muzaffat* and gourds. Anas became associated with Prophetic traditions prohibiting *muzaffat*, and many transmitters introduced traditions that elaborated this theme. For example, in response to those who wanted to add *ḥantam*, i.e., green jars, to the two prohibited items, the Kufan Muḥammad b. Abī Ismā‘īl introduced a tradition, in which Anas explicitly denied such an addition, reiterating that only *muzaffat* and gourds are prohibited. According to another Kufan al-Mukhtār b. Fulful, Anas, possibly citing the authority of the Prophet, explained that any tarred receptacle, be it a jar, a waterskin, a gourd, *etc.* is prohibited. In other words, according to Ibn Abī Ismā‘īl and Ibn Fulful, green jars are permitted, whereas tarred ones are prohibited. A Kufan tradition from Anas, possibly transmitted by the Kufan Isrā’īl, explicitly claims that the Prophet drank *nabīdh* from a green jar.

The Basran Shu‘ba cited his teacher Qatāda who claimed that Anas never heard the Prophet express his opinion about the *nabīdh* of jars. This may be a genuine responsum from Anas, though it is unclear if he considered the *nabīdh* of jars reprehensible.

Anas’ descendants in Basra had a wooden cup, in which they claimed Anas served the Prophet beverages. The initial importance of this cup stemmed from its being a relic touched by the Prophet. However, after Ḥammād b. Salama claimed that the Prophet drank *nabīdh* from this cup, the cup could serve as proof that wooden receptacles may be used as *nabīdh* receptacles.

The cup disappeared some time after the 3rd/9th century.

The Medinan Mālik b. Anas introduced an important tradition, according to which the Companions, presumably with the approval of the Prophet, broke jars that contained a *nabīdh*-like beverage. This tradition is based on an earlier one which mentioned neither that the beverage was contained in jars, nor that Anas *et al.* broke them.

Yahyā al-Taymī al-Jābir (Kufa, d. early 2nd/8th century) and al-Ḥārith b. Nabhān (Basra) transmitted concessive Prophetic traditions on the authority of Anas. These traditions were likely meant to counter prohibitive ones like that of al-Zuhrī.

Appendix J: The Traditions of ‘Abdallāh b. ‘Umar

Abū ‘Abd al-Raḥmān ‘Abdallāh b. ‘Umar b. al-Khaṭṭāb (Medina, d. 74/693), son of the second caliph, was an important transmitter and legal authority from Medina. He was reportedly a young Companion of the Prophet, which, given his year of death, has caused some modern critics to question how well did he know the Prophet, if at all.¹ There are many traditions attributed to him regarding the *nabīdh* of receptacles. A few of these are non-Prophetic, and most of them are Prophetic. The Prophetic traditions are quite numerous and many of them can be traced to people who claimed to be Ibn ‘Umar’s students. At first glance, the Prophetic traditions of these students appear to represent the same tradition attributed to Ibn ‘Umar with some variations. However, upon closer inspection it may be seen that these variations often reflect differing legal views that transmitters projected onto Ibn ‘Umar.

1 Non-Prophetic Traditions of ‘Abdallāh b. ‘Umar

There are relatively few traditions about *nabīdh* and receptacles attributed to Ibn ‘Umar on his own authority, not that of the Prophet. Perhaps, he was not very involved in this legal discussion or transmitters overlooked his opinion for some reason.

According to a Basran tradition transmitted by Ibn Sīrīn,² a person with digestive problems once asked Ibn ‘Umar if it is permissible to prepare *nabīdh* in a jar [for medicinal purposes]. Ibn ‘Umar replied to him, saying: “I prohibit intoxicants to you in small and large

¹ See, e.g., Juynboll, *ECH*, s.v. “‘Abdallāh b. ‘Umar b. al-Khaṭṭāb.”

² Probably, Anas b. Sīrīn (Basra, d. 118/736), and less likely his brother Muḥammad.

amounts.” He thrice added that God is his witness for this prohibition.³ This tradition unconditionally prohibits the *nabīdh* of jars. It was likely issued in response to those who acknowledged a prohibition but sought an exemption for health reasons.

The Kufan Abū l-Sha‘thā’ al-Kindī [al-Muḥāribī] (d. between 75-95/694-714) narrated that Ibn ‘Umar said: “Receptacles do not render anything [viz., any beverage] permitted or prohibited.⁴ Another Kufan tradition claims that Ibn ‘Umar permitted green jars because of their smooth glasslike texture, but this anecdote is likely modeled after an earlier tradition about Ibn ‘Umar’s student Ibn Jubayr.⁵

Based on these extant traditions, Ibn ‘Umar’s opinion about receptacles cannot be known. However, as may be expected, Basrans attributed to him prohibitive opinions, whereas Kufans attributed to him permissive ones.

2 Prophetic Traditions of ‘Abdallāh b. ‘Umar

There are many versions of a Prophetic tradition or traditions attributed to multiple students of Ibn ‘Umar. The transmission of some of these students appears to be authentic and verifiable which may lead some to conclude that the students indeed heard a single tradition from Ibn ‘Umar. However, the versions of the different students contain some variations, the likely result of transmitters intentionally changing the tradition. Another theme that is common to many of

³ ‘Abd al-Razzāq, *Muṣannaf*, 9:221 (no. 17003). Other versions of this tradition emphasize ingredients used for preparing *nabīdh*. See, e.g., *ibid.*, 9:205-6 (no. 16949); Ibn Abī Shayba, *Muṣannaf*, 8:85 (no. 24232). Ibn Sīrīn originated the wording of this tradition, but its exact contents are difficult to reconstruct.

⁴ *Ibid.*, 8:117-8 (no. 24406).

⁵ See §3.3.3.3.

these traditions is the imputation that Ibn ‘Umar did not hear this tradition directly from the Prophet. Such imputations hint that people doubted the veracity of the tradition attributed to Ibn ‘Umar. I will now survey some of the more noteworthy traditions attributed to Ibn ‘Umar.

2.1 *The Version of Nāfi‘*

Nāfi‘ the *mawlā* of Ibn ‘Umar (d. 117-20/735-8) is one of the most famous students of his patron.⁶ At least nine students of his, including Mālik b. Anas, reportedly heard this tradition from him and their versions are generally in agreement.⁷ According to one representative version, Nāfi‘ narrated that Ibn ‘Umar said:

I entered the mosque and saw the Prophet (ﷺ) surrounded by people. I hastened to hear what he was saying, but the people were already dispersing by the time I arrived [...]. I asked one of them: “What did the Messenger of God (ﷺ) say?” He responded: “He prohibited *muzaffat* and gourds.”⁸

This tradition conveys the standard “Medinan” prohibition of *muzaffat* and gourds.⁹

There is an interesting narrative element in most versions of Nāfi‘’s tradition. Ibn ‘Umar admits that he did not hear this tradition directly from the Prophet. This is a sign of authenticity.

⁶ Juynboll, e.g., in *ECH* (s.v. “Nāfi‘”), cast doubts about the authenticity of Nāfi‘’s traditions from Ibn ‘Umar. His criticisms have summarily been refuted by Motzki, “Whither.” The tradition about receptacles, which is corroborated by multiple independent sources, further confirms Nāfi‘’s role as a historical transmitter.

⁷ See, e.g., Mālik, *Muwaṭṭa‘* (al-Zuhri Recension), 2:47 (no. 1832); Ibn Ḥanbal, *Musnad*, 8:37 (no. 4465) & 181 (no. 4574), & 9:110 (no. 5092) & 150 (no. 5156), & 10:60 (no. 5789); Muslim, *Ṣaḥīḥ*, 2:1581 (no. 1997 [48-49]). Mālik mentions that this took place during one of the Prophet’s raids, which may explain why many of his followers did not hear about this tradition.

⁸ Ibn Ḥanbal, *Musnad*, 9:342 (no. 5477).

⁹ See §4.6.1.

Inserting an unnamed mediator between Ibn ‘Umar and the Prophet diminishes Ibn ‘Umar’s testimony. It makes him a secondhand witness. Nāfi‘ could have easily claimed that Ibn ‘Umar heard this tradition directly from the Prophet. He does so in countless other traditions. Why did Nāfi‘ include this mediator here? There are two options: (1) Nāfi‘ repeated Ibn ‘Umar’s words. (2) Alternatively, Nāfi‘ anticipated that his audience would have doubts that Ibn ‘Umar heard this tradition from the Prophet. He preemptively added the mediation to avoid such criticisms. In either case, it is doubtful that Ibn ‘Umar preserves the words of the Prophet. If the second case is true, Nāfi‘ may not have heard this tradition from Ibn ‘Umar.

One interesting variant of Nāfi‘’s version differs significantly from the other variants. Abū l-Naḍr Hāshim b. al-Qāsim (Khorasan, Baghdad, d. 207/823) transmits this variant on the authority of ‘Uqba b. Abī l-Ṣahbā’ (Basra, d. 167/783-4). According to this version, the Prophet prohibited gourds and *naqīr* explicitly noting that jars and tarred receptacles are not prohibited.¹⁰ Abū l-Naḍr or ‘Uqba probably held that no jars were prohibited and changed Nāfi‘’s version to reflect this.

¹⁰ Ibn Ḥanbal, *Musnad*, 9:489-90 (no. 5678).

2.2 The Version of Thābit al-Bunānī

Thābit al-Bunānī (Basra)¹¹ taught a version of Ibn ‘Umar’s tradition to at least five students, including Ma‘mar b. Rāshid and Shu‘ba.¹² According to one representative version, Thābit narrated:

I asked Ibn ‘Umar about the *nabīdh* of jars, to which he replied: “[It is] prohibited.” I then asked: “Did the Messenger of God (ﷺ) prohibit [this]?” Ibn ‘Umar said: ““They claim that (*yaz ‘amūna dhālik*).”¹³

According to a more elaborate version, Thābit narrated:

I asked Ibn ‘Umar, saying: “Has the *nabīdh* of jars been prohibited?” to which he replied: “They claim that (*qad za ‘amū dhāk*). I asked: “Who claimed that? The Prophet (ﷺ)?” He said: “They claim that.” I further asked: “O Abū ‘Abd al-Raḥmān, did *you* hear this from the Prophet (ﷺ)?” He replied: “They claim that.” After this day, by God’s decree, I never saw him [viz., Ibn ‘Umar] again.

Following this, Thābit offers a general observation:

¹¹ He is the transmitter of a tradition discussed in Appendix I §2.8.3.

¹² See, e.g., Muslim, *Ṣaḥīḥ*, 2:1581 (no. 1997 [50]); Ibn Ḥanbal, *Musnad*, 9:311 (no. 5423); al-Nasā’ī, *Sunan*, 6:291 (no. 6810). See the next two notes, as well.

¹³ ‘Abd al-Razzāq, *Muṣannaf*, 9:204 (no. 16938); = Ibn Ḥanbal, *Musnad*, 8:513 (no. 4915).

Whenever one of them [viz., one of the Companions] would be asked “did you hear this from the Prophet (ﷺ)?” He would become angry and be on the verge of sparring with him [viz., with the person who asked the question].”¹⁴

Thābit’s version of Ibn ‘Umar’s tradition prohibits the *nabīdh* of jars. Thābit portrays Ibn ‘Umar as reluctant to divulge that the Prophet prohibited the *nabīdh* of jars, only sharing this information after being asked. There are two ways of interpreting Ibn ‘Umar’s reluctance: (1) Ibn ‘Umar did not hear this tradition directly from the Prophet and was embarrassed by this. (2) Ibn ‘Umar heard this tradition from the Prophet but regularly cited it without explicitly naming his source. He would become upset if people questioned his having heard it from the Prophet. Whatever the case, Ibn ‘Umar’s transmission of this Prophetic prohibition of jars was evidently met with skepticism from his students or theirs.

2.3 The Version of Sa‘īd b. Jubayr

Sa‘īd b. Jubayr was a prominent Kufan jurist whom al-Ḥajjāj b. Yūsuf executed in 95/714. In his lifetime, he probably participated in the discussion about *nabīdh* and receptacles. Transmitters attributed to him opinions against jars but also in their favor. Yazīd b. Hārūn (Wāsiṭ, d. 206/821) said that Ibn Jubayr considered *nabīdh* in green jars reprehensible.¹⁵ A Kufan report states that he

¹⁴ Ibn Ḥanbal: ...*hamma bi-ṣāḥibi-h. Musnad*, 9:96 (no. 5074). Cf. *ibid.*: ...*hamma yukhāṣimu-h. 9:347* (no. 5486).

¹⁵ *Isnād*: Yazīd b. Hārūn ← ‘Abd al-Malik b. Abī Sulaymān (Kufa, d. 145/763). See Ibn Ḥanbal, *‘Ilal*, 3:46 (no. 4101). Abbreviated versions of this tradition are found in *idem*, *Ashriba*, 43 (no. 38); Ibn Abī Shayba, *Muṣannaḥ*, 8:93 (no. 24271).

preferred drinking the urine of an ass over drinking from a *muzaffat*.¹⁶ Others claimed that he permitted these receptacles.¹⁷

Ibn Jubayr is said to have heard a Prophetic tradition from Ibn ‘Umar about *nabīdh* and receptacles. He reportedly taught this tradition to eight students, including: Qatāda (Basra, d. 117/735),¹⁸ Ayyūb al-Sakhtiyānī (Basra, d. 131/749),¹⁹ Abān b. Yazīd (Basra, d. ca. 164/780),²⁰ Ya‘lā b. Ḥakīm (Mecca, Basra, Syria, d. in or before 131/749),²¹ Maslama (or Salama) b. Abī ‘Aṭā’,²² Abū Bakr al-Hudhalī (Basra),²³ and al-Qāsim al-A‘raj.²⁴

At first glance, Ibn Jubayr’s tradition appears well attested. His students are said to preserve it in many variants. A closer inspection reveals that the testimony of his students is dubious. Among the different variants, the variants of Qatāda, Ayyūb, Abān, and Ya‘lā are best corroborated, i.e., their transmission to their students is probably historical. Be that as it may, evidence suggests that they did not hear the tradition directly from Ibn Jubayr. Aswad said that Abān heard the tradition from Qatāda.²⁵ Sa‘īd b. Abī ‘Arūba (Basra) said that Qatāda heard the

¹⁶ Ibn Ḥanbal, *Ashriba*, 46 (no. 47).

¹⁷ Ibn Jubayr approved of drinking from green jars according to Ibn Abī Shayba, *Muṣannaf*, 8:122 (no. 24433). Ibn Jubayr drank from *khawābī* according to Ibn ‘Adī, *Kāmil*, 2:55 (no. 1700), = al-Raḳīq, *Quṭb*, 887.

¹⁸ Ibn Ḥanbal, *Musnad*, 10:170 (no. 5954).

¹⁹ Al-Nasā‘ī, *Sunan*, 5:85 (no. 5109); Ibn Ḥanbal, *Musnad*, 9:108 (no. 5090).

²⁰ Abd al-Razzāq, *Muṣannaf*, 9:205 (no. 16945).

²¹ Ibn Ḥanbal, *Musnad*, 10:81 (no. 5819), 148 (no. 5916), and 464 (no. 6416).

²² Al-Bazzār, *Baḥr*, 11:317 (no. 5125); al-Ṭabarānī, *al-Mu‘jam al-awsaṭ*, 2:147 (no. 1529); idem, *al-Mu‘jam al-kabīr*, 12:85 (no. 12555). The earliest confirmable transmitter of this tradition is Abū ‘Āṣim al-Nabīl (Basra, 122-212). For his biography, see Ch. Pellat, “Abū ‘Āṣim al-Nabīl,” *EP*.

²³ Al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 13:91 (no. 13730).

²⁴ Abū Nu‘aym, *Dhikr akhbār Aṣbahān*, 2:159.

²⁵ Ibn Ḥanbal, *Musnad*, 10:170 (no. 5954).

tradition from ‘Azra b. ‘Abd al-Raḥmān (Kufa).²⁶ Al-Nasā’ī suggested that there was an unnamed mediator between Ayyūb and Ibn Jubayr.²⁷ When Shu‘ba heard this tradition from Qatāda, he asked him who was his source. Qatāda replied that it was Ayyūb. Shu‘ba then went and asked Ayyūb who told him that Abū Bishr [Ja‘far b. Iyās (Basra, Wāsiṭ)] was his informant. Abū Bishr then confirmed this to Shu‘ba.²⁸ As far as I have been able to ascertain, no Hadith scholar has doubted if Ya‘lā heard Ibn Jubayr. Yet, he was a close friend of Ayyūb,²⁹ and corresponded with Qatāda on legal matters.³⁰ Conceivably, he learned this tradition from Ayyūb or Qatāda but refrained from mentioning them in his *isnād*. Ayyūb and Qatāda are two of the most prominent Basran transmitters of their generation. If their transmission from Ibn Jubayr is spurious, so is the transmission of others. Ibn Jubayr’s tradition seems to have emerged within a small circle of Basran transmitters. Thence other transmitters copied it. Ibn Jubayr likely never narrated such a tradition.

According to a representative version of Ibn Jubayr’s tradition, Ibn ‘Umar told an enquiring student that the Prophet prohibited the *nabīdh* of jars. Ibn Jubayr, who was present, found it difficult to believe. He went to Ibn ‘Abbās to get a second opinion. Ibn ‘Abbās

²⁶ See, e.g., al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 12:43 (no. 12420).

²⁷ Al-Nasā’ī, *Sunan*, 5:85 (no. 5110).

²⁸ See, e.g., Abū ‘Awāna, *Mustakhraj*, 16:239-40 (nos. 8516 & 8517). Yaḥyā b. Kathīr (Basra, d. 205/821) is the common link.

²⁹ Ibn Sa’d, *Ṭabaqāt*, 9:250; Ibn ‘Asākir, *Tārīkh*, 74:192-4; Juynboll, *ECH*, 399. Cf. Muslim, *Ṣaḥīḥ*, 1181 (no. 1548 [113]).

³⁰ Ibn ‘Asākir, *Tārīkh*, 74:192-3. Note that the primary aim of this tradition is to call attention to Sa‘īd b. Abī ‘Arūba’s nearly impeccable knowledge of Qatāda’s teachings. Ya‘lā b. Ḥakīm’s correspondence with Qatāda is mentioned as a background detail, and thus likely authentic.

confirmed Ibn ‘Umar’s Prophetic tradition. He further explained that jars are any ceramic receptacle.³¹

One may interpret Ibn Jubayr’s consultation with Ibn ‘Abbās as a sign of his meticulousness as a scholar. Such an interpretation is questionable. As noted above, the attribution of this tradition to Ibn Jubayr is doubtful. Thus, his consultation is a rhetorical device employed by the tradition’s Basran redactor.³² The redactor likely saw that some people had difficulty accepting that the Prophet prohibited *nabīdh* in all ceramic receptacles. He sought to combat their skepticism, explaining that even Ibn Jubayr was skeptical when he first heard Ibn ‘Umar’s tradition. But his skepticism disappeared after Ibn ‘Abbās confirmed Ibn ‘Umar’s tradition.

Qatāda and the other Basrans are not the only transmitters of variants of Ibn Jubayr’s tradition. One Kufan claimed to have heard a variant directly from Ibn Jubayr. He is Manṣūr b. Ḥayyān,³³ who taught this variant to three students: Yazīd b. Hārūn (Wāsiṭ, d. 206/821),³⁴ Marwān b. Mu‘āwiya (Kufa, Damascus, d. 193/809),³⁵ and ‘Abd al-Wāḥid b. Ziyād (Basra, d.

³¹ Ibn Ḥanbal, *Musnad*, 9:108 (no. 5090). This version of the tradition preserves most of the original’s major elements. Other versions omit certain elements.

³² Ibn Jubayr’s consultation with his teachers echoes Shu‘ba’s consultation with his teachers when transmitting Ibn Jubayr’s tradition. See, e.g., Abū ‘Awāna, *Mustakhrāj*, 16:239-40 (nos. 8516 & 8517). The echo is likely coincidental.

³³ On him, see al-Bukhārī, *Tārīkh*, 7:246 (no. 1494).

³⁴ See, e.g., Ibn Ḥanbal, *Musnad*, 5:329 (no. 3300). The inclusion of Q 59:7 characterizes Yazīd b. Hārūn’s version. Here, this verse emphasizes that the Prophet’s prohibition of certain receptacles is an ever-binding prohibition.

³⁵ See, e.g., Muslim, *Ṣaḥīḥ*, 2:1580-1 (no. 1997 [46]). Note that Muslim lists Manṣūr b. Ḥayyān’s variant as the first of many variants of Ibn ‘Umar’s tradition. He likely esteemed it as very authentic. In my opinion, Manṣūr’s variant is not even the most authentic variant of Ibn Jubayr’s version of Ibn ‘Umar’s tradition.

176/792).³⁶ His variant resembles the other Basran variants with one significant difference. In his variant, the Prophet does not prohibit “jars.” Instead, he prohibits the four receptacles: *naqīr*, gourds, *muzaffat*, and *ḥantam*. The meaning of Manṣūr’s variant depends on the interpretation of *muzaffat* and *ḥantam*. If these two terms represent “all jars,” then his variant is stricter than the Basran variants. Those variants prohibit all jars, and his variant prohibits all jars as well as *naqīr* and gourds. Alternatively, *muzaffat* may refer to “tarred jars,” and *ḥantam* to “green glazed jars.” If so, then his variant is more lenient than the Basran variants. They prohibit all jars, whereas his variant prohibits only some jars.

Manṣūr may have disliked tarred jars. In another tradition, he narrates that Ibn Jubayr prohibited aging raisins in a *dann* or *khābiya*,³⁷ i.e., in tarred jars. Others transmit a similar tradition about Ibn Jubayr, but they do not mention the receptacles used for aging the raisins.³⁸ Manṣūr may have added the tarred jars to Ibn Jubayr’s report. In any case, Manṣūr’s variant prohibiting the four receptacles did not catch on in Kufa. Manṣūr’s non-Kufan students and their students are mostly responsible for preserving it.

In sum, Qatāda, Ayyūb, or Ya‘lā, introduced a tradition in Basra on the authority of Ibn Jubayr. According to this tradition, Ibn ‘Umar said that the Prophet prohibited the preparation of

³⁶ See Abū Dāwūd, *Sunan*, 5:531-2 (no. 3690).

³⁷ Ibn Abī Shayba, *Muṣannaf*, 8:100 (no. 24306). Here, I emend *jābiya* (watering trough) to *khābiya*. Manṣūr’s tradition is likely derived from an actual legal opinion of Ibn Jubayr. He reportedly prohibited an aged beverage prepared of raisins.

³⁸ *Ibid.*, 8:97-98 (nos. 24294, 24297, & 24298); Abū Yūsuf, *Āthār*, 228 (no. 1011); al-Bukhārī, *Tārīkh*, 2:113-4 (no. 1877); al-Ṭahāwī, *Sharḥ ma‘ānī l-āthār*, 4:215 (no. 6433). Layth b. Abī Sulaym projected Ibn Jubayr’s opinion onto his teacher Ibn ‘Umar. See Ibn Abī Shayba, *Muṣannaf*, 8:98 (no. 24296); Ibn Ḥanbal, *Ashriba*, 62-3 (no. 125). Ibn Jubayr may have prohibited drinking from a *muzaffat/muqayyar*. See *ibid.*, 46 (no. 47).

nabīdh in any jar. The Basran redactor of the tradition anticipated that his audience might reject this tradition. On account of this, he added that the more authoritative Ibn ‘Abbās confirmed Ibn ‘Umar’s tradition. Others imitated their tradition. Notably, the Kufan Maṣūūr b. Ḥayyān introduced a variant of this tradition, in which the Prophet prohibits the four receptacles.

2.4 The Version of Ṭāwūs b. Kaysān

Ṭāwūs b. Kaysān (d. 106/724) was a *mawlā* and prominent *faqīh* in Yemen.³⁹ He claimed to have heard a tradition from Ibn ‘Umar about *nabīdh* and receptacles. He taught his version to seven students: Ḥasan b. Muslim b. Yannāq (Mecca, d. in or before 106/724),⁴⁰ Khallād b. ‘Abd al-Raḥmān (Yemen),⁴¹ ‘Abdallāh b. Ṭāwūs (Yemen, Mecca, d. ca. 132/749),⁴² Ibrāhīm b. Maysara (Ṭā’if, Mecca, d. 127-132/744-50),⁴³ Ḥanzāla b. Abī Sufyān al-Jumaḥī (Mecca, d. 151/768),⁴⁴

³⁹ Juynboll, *ECH*, s.v. “Ṭāwūs b. Kaysān.” Ṭāwūs held conservative views about intoxicants. For example, he only permitted *ṭilā’* if it was thick like honey. See Ibn Abī Shayba, *Muṣannaf*, 8:129 (no. 24471); ‘Abd al-Razzāq, *Muṣannaf*, 9:254 (no. 17118). However, according to Ibn Sa’d, *Ṭabaqāt*, 2:164, he considered the consumption of the *nabīdh* of the *siqāya* a rite of the pilgrimage. On the *siqāya*, see §4.6.8.

⁴⁰ See, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:202 (no. 16932); al-Mukhalliṣ, *Mukhalliṣiyyāt*, 1:435 (no. 766). Ibn Jurayj is the common link of this tradition, but there is no reason to doubt that he heard it from Ḥasan b. Muslim b. Yannāq. For the latter’s biography, see Ibn Sa’d, *Ṭabaqāt*, 8:40 (no. 2399).

⁴¹ *Isnād*: Bakkār b. [fulān] ← Khallād. See ‘Abd al-Razzāq, *Muṣannaf*, 9:209 (no. 16962). There is no reason to doubt this *isnād*. This Bakkār, whose father’s name has not been deciphered by the editor, is probably Bakkār b. ‘Abdallāh b. Sahūk (Yemen), mentioned in Ibn Sa’d, *Ṭabaqāt*, 8:106 (no. 2596); al-Bukhārī, *Tārīkh*, 2:121 (no. 1901). Cf. ‘Abd al-Razzāq, *Muṣannaf*, 3:318 (no. 5784).

⁴² See, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:202-3 (no. 16933); Ibn Ḥanbal, *Musnad*, 8:511-2 (no. 4913) & 10:49 (no. 5764); Abū ‘Awāna, *Mustakhrāj*, 16:235-6 (nos. 8508, 8509, 8510, & 8511).

⁴³ See, e.g., al-Ḥumaydī, *Musnad*, 1:562 (no. 724); Ibn Ḥanbal, *Musnad*, 10:173-4 (no. 5960); Abū ‘Awāna, *Mustakhrāj*, 16:234-5 (nos. 8506 & 8507). Ibn ‘Uyayna and Shu’ba appear to be the only students of Ibn Maysara to preserve his tradition. In Muslim, *Ṣaḥīḥ*, 2:1582 (no. 1997 [53]), *muzaffat* is added to the prohibited gourds and jars.

⁴⁴ See, e.g., Ibn Ḥanbal, *Musnad*, 9:95 (no. 5072) & 10:477 (no. 6441).

Layth b. Abī Sulaym (Kufa, d. *ca.* 143/761),⁴⁵ and Sulaymān al-Taymī (Basra, d. 143/760).⁴⁶

Each student preserves a variant of Ṭāwūs' version.

The variant of Ḥasan b. Muslim, a contemporary of Ṭāwūs, may be the earliest since it is non-Prophetic. According to his variant, Ibn 'Umar prohibited jars and gourds.⁴⁷

According to most of the other variants, after Ibn 'Umar was asked if the Prophet prohibited gourds and jars, he responded affirmatively.

One notable exception is Sulaymān al-Taymī who omits gourds from his tradition.⁴⁸ He adds another element: Ṭāwūs' insistence by taking an oath that he heard this tradition from Ibn 'Umar.⁴⁹

Juyboll examined variants of Ṭāwūs' version and noted that

Ṭāwūs b. Kaysān [...] has beside a *mawqūf* [...] also in a certain bundle several believable [partial common links] which establish his position as [common link...].

Ṭāwūs' repeated insistence that he had heard about the prohibition from Ibn 'Umar is perhaps historical, but whether or not this companion had heard the Prophet express

⁴⁵ *Isnād*: Ibn Aḥmad b. Ḥanbal (Baghdad) ← al-Qawārīrī (Basra, Baghdad) ← 'Abd al-Wārith b. Sa'īd (Basra) ← Layth. See al-Ṭabarānī, *al-Mu'jam al-kabīr*, 12:394 (no. 13455). Even though this *isnād* cannot be corroborated, its Basran origin seems likely.

⁴⁶ See, e.g., Ibn Ḥanbal, *Musnad*, 8:450 (no. 4837), 9:166 (no. 5187), & 10:173-4 (no. 5960); Muslim, *Ṣaḥīḥ*, 2:1582 (no. 1997 [50]); Abū 'Awāna, *Mustakhraj*, 16:233-4 (nos. 8502, 8503, 8504, & 8505).

⁴⁷ See, e.g., 'Abd al-Razzāq, *Muṣannaf*, 9:202 (no. 16932).

⁴⁸ There is one other exception: The tradition attributed to Layth b. Abī Sulaym similarly omits the gourds, prohibiting only the jars. See al-Ṭabarānī, *al-Mu'jam al-kabīr*, 12:394 (no. 13455).

⁴⁹ See, e.g., Ibn Ḥanbal, *Musnad*, 8:450 (no. 4837).

himself in this manner depends on whether or not one grants credence to any account of his alleged contacts with Muḥammad.⁵⁰

Juynboll's assessment of Ṭāwūs' version is useful but somewhat impressionistic. He accurately noticed Ḥasan b. Muslim's *mawqūf*, i.e., his non-Prophetic variant, and he correctly identified Ṭāwūs as the common link and originator of the wording of his version. His comment about "Ṭāwūs' repeated insistence" likely refers to Ṭāwūs' oath found only in al-Taymī's variant. In his comments, Juynboll was probably suggesting that Ṭāwūs may have adapted a non-Prophetic tradition into a Prophetic one. He thought that Ṭāwūs may have heard this tradition from Ibn 'Umar but doubted if the latter heard this tradition or any tradition from the Prophet.

I suggest that Juynboll was perhaps too trusting here of Ṭāwūs, who in turn appears to have invented his transmission from Ibn 'Umar. Juynboll failed to notice the differences between Ṭāwūs' version and versions of other students of Ibn 'Umar. Ṭāwūs' version prohibiting gourds (*dubbā'*) and jars (*jarr*) mixes Hijazi and Iraqī terms.⁵¹ Its eclectic terminology suggests that it combines two sources. (1) One source may resemble Nāfi''s version that prohibits gourds (*dubbā'*) and *muzaffat*. (2) The other source may resemble the Iraqī versions of Thabit or Ibn Jubayr that only prohibit jars (*jarr*). By combining two sources, Ṭāwūs' version prohibits gourds and all jars but allows for tarred non-ceramic receptacles.

⁵⁰ Juynboll, *ECH*, 239.

⁵¹ See §3.2.1.

2.5 The Version of ‘Abd al-Khāliq b. Salima from Ibn al-Musayyab

‘Abd al-Khāliq b. Salima (Basra, d. early 2nd/8th century) claimed to have heard Sa‘īd b. al-Musayyab (Medina, d. 94/713) teach a version of Ibn ‘Umar’s tradition. ‘Abd al-Khāliq taught this tradition to at least five students: Yazīd b. Hārūn (Wāsiṭ),⁵² Ismā‘īl b. ‘Ulayya (Basra),⁵³ Wuḥayb (Basra), Bishr b. al-Mufaḍḍal (Basra),⁵⁴ and Shu‘ba (Basra).⁵⁵ The extant variants of this version suggest that the Prophet prohibited gourds, *naqīr*, and *ḥantam* (green jars), but explicitly not *muzaffat*, and that Ibn ‘Umar may have considered *muzaffat* reprehensible. ‘Abd al-Khāliq is the likely originator of this tradition.⁵⁶

2.6 The Version of Muḥārib b. Dithār

Muḥārib b. Dithār (Kufa, d. 116/734) reportedly heard a Prophetic tradition about *nabīdh* and receptacles directly from Ibn ‘Umar. He is said to have taught it to two students: Shu‘ba (Basra)⁵⁷ and Abū Ishāq al-Shaybānī (Kufa, d. 138-142/756-760).⁵⁸ Shu‘ba may have learnt this tradition from al-Shaybānī, because he is known to have transmitted from him.⁵⁹ If so, then al-

⁵² See, e.g., Ibn Abī Shayba, *Muṣannaḥ*, 8:91 (no. 24258), = Muslim, *Ṣaḥīḥ*, 3:1583 (no. 1997 [58]); Abū ‘Awāna, *Mustakhraj*, 16:230-1 (no. 8497); Abū Ya‘lā, *Musnad*, 9:463-4 (no. 5612).

⁵³ Ibn Ḥanbal, *Musnad*, 8:250 (no. 4629), = al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 12:273-4 (no. 13093).

⁵⁴ Ibid.; Abū ‘Awāna, *Mustakhraj*, 16:230-31 (no. 8498); al-Khaṭīb al-Baghdādī, *Talkhīṣ al-mutashābih*, 210.

⁵⁵ Al-Nasā‘ī, *Sunan*, 6:288 (no. 6802); Abū ‘Awāna, *Mustakhraj*, 16:230 (no. 8496); Ibn Ḥanbal, *Musnad*, 9:355-6 (no. 5494). The latter source is more textually corrupt than the other two. Shu‘ba, perhaps intentionally, does not define *ḥantam* in his tradition.

⁵⁶ This tradition is discussed in §3.3.1.1.

⁵⁷ See, e.g., Ibn Ḥanbal, *Musnad*, 9:57 & 183 (nos. 5015 & 5224); al-Ṭayālīsī, *Musnad*, 3:443 (no. 2046). In al-Ṭayālīsī’s version, *jarr* appears instead of *naqīr*.

⁵⁸ Muslim, *Ṣaḥīḥ*, 3:1582 (no. 1997 [54]); Abū ‘Awāna, *Mustakhraj*, 16:228 (no. 8493).

⁵⁹ For an example of Shu‘ba transmitting from al-Shaybānī, see Appendix F §2.1.

Shaybānī, not Muḥārib, should be viewed as the common link of this tradition. According to the tradition attributed to Muḥārib, the Prophet prohibited gourds, *muzaffat*, *ḥantam*, and possibly *naqīr*.

2.7 The Version of Salama b. Kuhayl

Salama b. Kuhayl (Kufa, d. ca. 121/738) is the likely originator of a version which he claims to have heard from Abū l-Ḥakam ‘Imrān al-Sulamī (Kufa) ← Ibn ‘Umar. Ibn Kuhayl taught this version to two students Sufyān al-Thawrī (Kufa)⁶⁰ and Shu‘ba (Basra).⁶¹ Alternatively, Sufyān or Shu‘ba originated this version, the one copying from the other.⁶²

In this version, the Prophet prohibits gourds and jars. Abū l-Ḥakam confirms the Prophet’s words with various Companions including Ibn ‘Umar, Ibn ‘Abbās, ‘Abdallāh b. al-Zubayr, Abū Sa‘īd al-Khudrī, and, in one variant, ‘Ā’isha. Ibn ‘Umar cites his father ‘Umar as a mediator between him and the Prophet.

⁶⁰ Ibn Ḥanbal, *Musnad*, 1:369 (no. 260). This is the longest extant version of al-Thawrī’s tradition. Parts of his tradition are found in Ibn Rāhawayh, *Musnad*, 3:946 (no. 1649); al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 142:238 (no. 14867). Al-Thawrī taught this tradition or parts of it to at least two students: al-Mu‘ammal b. Ismā‘īl (Basra) and Abū Ḥudhayfa Mūsā b. Mas‘ūd (Basra).

⁶¹ Ibn Ḥanbal, *Musnad*, 1:316-7 (no. 185); al-Ṭaḥāwī, *Ma‘ānī l-āthār*, 4:223-4 (no. 6492). These are the longest extant versions of Shu‘ba’s tradition. Parts of his tradition are found, e.g., in Ibn Ḥanbal, *Musnad*, 1:430 (no. 360), 3:470 (no. 2028), & 5:246 (no. 3157); al-Ṭayālīsī, *Musnad*, 1:19-20 (no. 16) & 4:462-3 (no. 2867); al-Nasā’ī, *Sunan*, 6:291 (no. 6811); al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 142:239 (no. 14868). In some of these traditions, Shu‘ba or one of his students added *muzaffat* instead or alongside the jars. Shu‘ba likely added Ibn ‘Abbās’ claim that “Whoever prohibits what God and His Messenger have prohibited, must prohibit *nabīdh*” (discussed in §4.3).

⁶² Al-Thawrī and Shu‘ba transmit on the authority of Ibn Kuhayl a tradition about returning a found object to its owner. Juynboll suggested that one may have copied the other. See Juynboll, *ECH*, 471. Juynboll’s assessment of this tradition is too conservative in my opinion. Other students of Ibn Kuhayl corroborate the traditions of al-Thawrī and Shu‘ba. Ibn Kuhayl likely transmitted it. See Ibn Ḥanbal, *Musnad*, 35:95-102 (nos. 21166-21170).

Structurally, Ibn Kuhayl's version resembles the version attributed to Sa'īd b. Jubayr.⁶³ In both versions, Ibn 'Umar's student confirms his teacher's Prophetic tradition with Ibn 'Abbās. Ibn Kuhayl's version expands this theme. It adds other Companions who validate Ibn 'Umar's words. The legal contents of Ibn Kuhayl's version resemble the contents of the version attributed to Ṭāwūs.⁶⁴ Both traditions prohibit gourds and jars. The addition of 'Umar as his son's source is another indication that this is a late tradition. In sum, Ibn Kuhayl or one of his students created his version of 'Umar's tradition. In its creation, he combined elements found in the versions attributed to Ibn Jubayr and Ṭāwūs.

2.8 Exclusive Versions of *Shu'ba*

In the previous three sections, *Shu'ba*'s transmission of a version on the authority of Ibn 'Umar is corroborated by the transmission of fellow students who learnt the same version from the same teacher. In four other versions, *Shu'ba* appears to be the common link. These versions share certain commonalities, which likely reflect *Shu'ba*'s own legal opinion. He transmitted three of these versions citing different Kufan students of Ibn 'Umar: Zādhān, Jabala b. Suḥaym, and 'Uqba b. Ḥurayth. In Zādhān's tradition, the Prophet prohibits the four receptacles, whereas in Jabala's tradition he only explicitly prohibits *ḥantam*. In both traditions, *ḥantam* are defined as

⁶³ See §Appendix J §2.3.

⁶⁴ See §Appendix J §2.4.

jars.⁶⁵ In ‘Uqba’s tradition, the Prophet prohibits jars, gourds, and *muzaffat*, while permitting waterskins.⁶⁶

Additionally, al-Nasā’ī preserves a uniquely worded version, which Shu‘ba reportedly transmitted on the authority of ‘Uqba b. Ḥurayth. This tradition seemingly justifies the addition of jars to the list of prohibited receptacles. According to this tradition, ‘Uqba recalled:

We were sitting in the presence of a man named Sa‘īd b. al-Musayyab and Ibn ‘Umar’s tradition about jars was mentioned to him. [Ibn al-Musayyab] replied: “The Messenger of God (ﷺ) did not prohibit them, but then his Companions came across the jars of Khaybar and he pronounced them forbidden.”⁶⁷

The Prophet, as this tradition claims, did not explicitly prohibit the *nabīdh* of jars, when he initially prohibited *nabīdh* in receptacles. However, jars soon became a pertinent issue once members of his community encountered them after the conquest of Khaybar in 7/628.⁶⁸ At that time, the Prophet officially added them to the list of prohibited receptacles.

In sum, Shu‘ba propagated traditions which prohibit *nabīdh* in all jars. In these traditions, he promoted the prohibition of all jars in two ways: by defining *ḥantam* as jars and by claiming

⁶⁵ These traditions are discussed in §3.3.1.3.

⁶⁶ See, e.g., al-Ṭayālīsī, *Musnad*, 3:424 (no. 2023); Ibn Ḥanbal, *Musnad*, 9:70, 315, & 407 (nos. 5030, 5429, & 5572); Muslim, *Ṣaḥīḥ*, 3:1582 (no. 1997 [55]); Abū ‘Awāna, *Mustakhraj*, 16:228-9 (no. 8494). Al-Ṭayālīsī’s version has *naqīr* instead of gourds.

⁶⁷ Al-Nasā’ī, *Sunan*, 6:289 (no. 6805).

⁶⁸ Muslims encountering alcohol in Khaybar is a motif found in several Basran traditions, e.g., Abd al-Razzāq, *Muṣannaf*, 9:204 (no. 16940); Ibn Ḥanbal, *Ashriba*, 54-5 (no. 90).

that the Prophet explicitly prohibited jars. Shu‘ba also opposed *nabīdh* in other receptacles, except waterskins.

2.9 The Version of Abū l-Zubayr

Abū l-Zubayr Muḥammad b. Muslim b. Tadrus (Mecca, d. 128/746)⁶⁹ reportedly heard Ibn ‘Umar and taught a version of his tradition to two students: Ibn Jurayj (Mecca, Iraq) and Abū Khaythama Zuhayr b. Mu‘āwiya (Kufa, d. 172-177/789-794).

According to Ibn Jurayj’s version, Abū l-Zubayr claimed that Ibn ‘Umar said that the Prophet prohibited two items: gourds and *muzaffat*,⁷⁰ or, as some variants state, gourds and tarred jars (*al-jarr al-muzaffat*).⁷¹ Alternatively, some variants claim that he prohibited three items: jars, *muzaffat* (*al-jarr wa-l-muzaffat*), and gourds.⁷² Abū l-Zubayr contrasted Ibn ‘Umar’s words with those of Jābir b. ‘Abdallāh (Medina, d. ca. 77-8/696-7) who said that the Prophet prohibited three items: gourds, tarred jars (*al-jarr al-muzaffat*), and *naqīr*.⁷³

⁶⁹ Juynboll, in “Non-Arabs” (367-8), was very skeptical of Abū l-Zubayr’s role as a common link in general. In the traditions, I discuss here he appears to be a historical common link, though he likely invented his traditions from Ibn ‘Umar or Jābir. For an example of a tradition traced back to Abū l-Zubayr, see Boekhoff-van der Voort, “Untangling,” §2.2.

⁷⁰ Abū ‘Awāna, *Mustakhraj*, 16:237 (no. 8513).

⁷¹ *Isnād*: al-Dabarī ← ‘Abd al-Razzāq ← Ibn Jurayj. See al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 13:49-50 (no. 13671). On other variants of ‘Abd al-Razzāq’s tradition, see the editor’s first note on p.50.

⁷² See, e.g., ‘Abd al-Razzāq, *Muṣannaf*, 9:203 (nos. 16934 & 16935); Abū ‘Awāna, *Mustakhraj*, 16:237 (no. 8512). I suspect that originally Ibn Jurayj had Ibn ‘Umar prohibit two items *al-jarr al-muzaffat wa-l-dubbā*, but that he or a later transmitter transformed these into three items by adding a *wāw*: *al-jarr wa-l-muzaffat wa-l-dubbā*. In any case, the inclusion of the three words, *jarr*, *muzaffat*, and *dubbā* in Ibn Jurayj’s tradition likely reflects an attempt to reconcile traditions prohibiting *muzaffat* and *dubbā* (see, e.g., §Appendix J §2.1) with traditions prohibiting *jarr* or *jarr* and *dubbā* (see, e.g., §Appendix J §2.2, §Appendix J §2.4 & §Appendix J §2.10).

⁷³ Ibn Jurayj’s tradition is best preserved in al-Nasā’ī, *Sunan*, 5:94 (no. 5137); al-Ṭahāwī, *Sharḥ ma‘ānī l-āthār*, 4:225 (no. 6513). Cf. Abū ‘Awāna, *Mustakhraj*, 16:266 (no. 8559). According to ‘Abd al-Razzāq, in his *Muṣannaf* (9:203 [nos. 16934 & 16935]), Jābir’s list of prohibited items included *al-jarr wa-l-muzaffat wa-l-dubbā*. Ibn Jurayj or a later transmitter appears to have added a *wāw* between *al-jarr* and *al-muzaffat*, while simultaneously omitting the gourds.

According to Abū Khaythama's version, Abū l-Zubayr said that Ibn 'Umar and Jābir stated that the Prophet prohibited three items: gourds, *muzaffat*, and *naqīr*.⁷⁴ In contrast to Ibn Jurayj's version, there is no disagreement between Ibn 'Umar and Jābir in Abū Khaythama's version. Since the latter is smoother than the former, it stands to reason that it constitutes a later rendition of Abū l-Zubayr's tradition. Abū Khaythama may have even based his version on that of Ibn Jurayj and may have never heard this tradition from Abū l-Zubayr.

2.10 *The Version of Ibn Jurayj on the authority of Abū Ḥāḍir*

Ibn Jurayj is the likely originator of a tradition which he claimed to have heard from Abū Ḥāḍir, an alleged student of Ibn 'Umar.⁷⁵ In this tradition, the Prophet prohibits jars. This tradition includes the element of Ibn 'Umar's student seeking confirmation of the tradition with Ibn 'Abbās. Ibn Jurayj thus modeled this tradition on the tradition attributed to Sa'īd b. Jubayr.⁷⁶

2.11 *The Version of Ja'far b. Burqān on the authority of Yazīd b. Ṣuhayb*

Ja'far b. Burqān al-Kilābī (Raḡqa, d. 154/772-3) is the likely originator of a tradition which he claimed to have heard from Yazīd b. Ṣuhayb al-Faḡīr from Ibn 'Umar. According to this tradition, the Prophet prohibited jars, gourds, *muzaffat*, and *naqīr*.⁷⁷

⁷⁴ See, e.g., al-Ṭayālīsī, *Musnad*, 3:428 (no. 2029); Ibn Ḥanbal, *Musnad*, 10:212 (no. 6012); Muslim, *Ṣaḥīḥ*, 3:1583 (no. 1998 [59]); Abū 'Awāna, *Mustakhraj*, 16:237-8 (no. 8514). Al-Ṭayālīsī's text had *muḡayyar* instead of *naqīr*.

⁷⁵ Ibn Ḥanbal, *Musnad*, 5:306 & 462 (nos. 3257 & 3518).

⁷⁶ See §Appendix J §2.3.

⁷⁷ Al-Dūlābī, *Kunā*, 814 (no. 1418); al-Ṭabarānī, *al-Mu'jam al-awsaṭ*, 5:165 (no. 4959); Ibn 'Asākir: Yazīd al-Aṣamm [!] [= Yazīd b. Ṣuhayb]. *Tārīkh*, 23:403.

2.12 *The Version of Ibn Sīrīn*

The version of Muḥammad b. Sīrīn (Basra, d. 110/729) from Ibn ‘Umar is on the authority of his father ‘Umar, not the Prophet. It is however often coupled with a Prophetic tradition from Abū Hurayra. Ibn Sīrīn reportedly taught this tradition to at least four students: Yazīd b. Ibrāhīm al-Tustarī (Basra, Bāhila, d. 161),⁷⁸ ‘Āṣim al-Aḥwal (Basra, d. ca. 142/759),⁷⁹ Ayyūb al-Sakhtiyānī (Basra),⁸⁰ and Yazīd al-Naḥwī (Merv).⁸¹

The extant variants of Ibn Sīrīn’s version make it difficult to reconstruct the contents of his original tradition. Nevertheless, his version probably claimed that both ‘Umar, according to his son, and the Prophet, according to Abū Hurayra, prohibited certain receptacles, but that there may have been some incongruity between the receptacles prohibited by ‘Umar and those prohibited by the Prophet. Either ‘Umar or the Prophet prohibited tarred waterskins (*ziqāq*) — or tarred receptacles —, gourds, and *ḥantam*; and Abū Hurayra prohibited the same receptacles but substituted jars or pottery for *ḥantam*. The juxtaposition of both prohibitions is perhaps meant to signal that *ḥantam* means “all jars” or “all ceramics.”⁸² In sum, Ibn Sīrīn’s version prohibited all jars, tarred and untarred, gourds, and tarred waterskins.

⁷⁸ Ibn Ḥanbal, *Musnad*, 15:206-7 (no. 9354).

⁷⁹ Al-Bazzār, *Baḥr*, 17:255-6 (no. 9940).

⁸⁰ Abū ‘Awāna, *Mustakhrāj*, 16:255-7 (nos. 8543, 8544, 8545, & 8546).

⁸¹ Al-Nasā’ī, *Sunan*, 6:290-1 (nos. 6808 & 6809). Yazīd’s tradition only prohibits jars.

⁸² A similar juxtaposition occurs in a tradition discussed in Appendix H §5.9.

2.13 *The Version of Aḥmad b. ‘Abda*

Aḥmad b. ‘Abda al-Ḍabbī (Basra, d. 245/860), the common link, likely originated this tradition on the authority of Abū Khālid Yazīd b. Abān (?) ← ‘Amr b. Dīnār (Mecca, d. 126/744) ← Sālim b. ‘Abdallāh (Medina) ← his father Ibn ‘Umar.⁸³ This is a concessive tradition featuring the three concessions doctrine.⁸⁴

3 Summary of the Traditions of ‘Abdallāh b. ‘Umar

A few traditions purportedly preserve Ibn ‘Umar’s opinion about *nabīdh* in receptacles without appealing to Prophetic authority. There are various reasons to suspect their authenticity. Some of the traditions are contradictory and it is unlikely that they represent the opinion of a single person, unless he changed his mind drastically. At least one tradition prohibiting green jars is clearly modeled after another tradition, suggesting that perhaps other traditions may have been similarly created.

Several transmitters claiming to be Ibn ‘Umar’s students transmitted, or were said to have transmitted, traditions in which the Prophet prohibits certain receptacles. Even though these Prophetic traditions are quite abundant, there are good reasons to suspect their authenticity. First, given the spurious nature of the non-Prophetic material attributed to Ibn ‘Umar, there is good reason to suspect also the authenticity of the Prophetic material attributed to him. Second,

⁸³ Al-Ṭabarānī, *al-Mu‘jam al-kabīr*, 12:320 (no. 13235). This Yazīd b. Abān is not al-Raqāshī.

⁸⁴ On the three concessions doctrine, see §4.7.1.

various sources emphasized that Ibn ‘Umar did not hear the tradition directly from the Prophet, but rather through the mediation of his father or some other Companion, a likely sign that Ibn ‘Umar’s Prophetic traditions were met with skepticism. Third, the traditions of the different students disagree and appear to reflect legal differences, which later transmitters projected onto Ibn ‘Umar.

The differences in the various traditions attributed to Ibn ‘Umar are largely regionally based. Basran transmitters tended to attribute to him a prohibition of the *nabīdh* of jars. Of these transmitters, Thābit al-Bunānī is one of the earliest transmitters, as well as Qatāda and Ayyūb al-Sakhtiyānī. According to the Medinan Nāfi‘, Ibn ‘Umar prohibited the *nabīdh* of gourds and *muzaffat*. The Yemeni Ṭāwūs b. Kaysān offered a synthesis suggesting that Ibn ‘Umar prohibited the *nabīdh* of gourds and jars. If his tradition is indeed responding to those of Thābit and Nāfi‘, then they must have transmitted their traditions before 106/724, when Ṭāwūs died.

Later transmitters added *naqīr* and/or *ḥantam* to the prohibited receptacles. Some transmitters explained the meaning of the term *ḥantam* to clarify which jars were prohibited. The Basran ‘Abd al-Khāliq b. Salima, who did not list *muzaffat* as prohibited, explained that *ḥantam* are “green jars,” whereas his student Shu‘ba explained that they are “jars.” Even though more and more transmitters were adopting the prohibitions of *muzaffat* and *ḥantam*, it was still possible to interpret the tradition as prohibiting some or all jars.

Appendix K: The Traditions of ‘Imrān b. Ḥuṣayn

‘Imrān b. Ḥuṣayn (d. *ca.* 52/672) was a Companion who settled in Basra. Umm Ḥafṣ, his slave and the mother of his child, reportedly prepared *nabīdh* for him in a jar or a green jar.¹ According to a later tradition, ‘Imrān claimed that the Prophet prohibited *ḥantam*, gold rings, and wearing silk. This tradition appears to originate with Abū l-Tayyāḥ (Basra, d. 128/746).² Based on the traditions attributed to him, ‘Imrān was first known for tolerating the preparation of *nabīdh* in jars but was then associated with its prohibition.

¹ Ibn Abī Shayba, *Muṣannaf*, 8:112-3 (nos. 24375 & 24381); al-Bukhārī, *Tārīkh*, 3:199 (no. 677). This tradition originates with Umm Ḥafṣ or with one of her students Ḥumrān b. ‘Abd al-‘Azīz or Abū Khālid Khulayd.

² See, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:256 (no. 25136); Ibn Ḥanbal, *Musnad*, 33:73 (no. 19838), 190-91 (nos. 19980 & 19981). Abū l-Tayyāḥ is the clear common link. He probably based this tradition on a report about ‘Imrān’s signet ring transmitted by a *mawlā* of ‘Imrān’s clan, Ibrāhīm b. ‘Aṭā’. See Ibn Abī Shayba, *Muṣannaf*, 8:333 (no. 25595). Bahz’s tradition, in Ibn Ḥanbal, *Musnad*, 33:82 (no. 19849), is probably based on that of Abū l-Tayyāḥ.

Appendix L: The Tradition of Suwayd b. Muqarrin

According to Shu‘ba b. al-Ḥajjāj, the Companion Suwayd b. [‘Amr] b. Muqarrin [al-Muzanī] (Kufa)³ presented the Prophet with a jar filled with *nabīdh*. The Prophet prohibited this, and Suwayd broke the jar.⁴ Shu‘ba may have originated this tradition. In any case, Shu‘ba likely agreed with this tradition’s strong opposition to the preparation of *nabīdh* in jars.⁵ The tradition promotes the destruction of receptacles containing *nabīdh*, like Mālik’s tradition on the authority of Anas.⁶ However, it appears to have been less popular, as it is not included in any canonical collections and because it is rarely mentioned in legal discussions. Mālik’s tradition may have been preferred because it was attributed to a more famous Companion and because it was based on a known tradition.

³ For Suwayd, see Ibn Sa‘d, *Ṭabaqāt*, 5:146; = 8:142. He and his brothers are said to have participated in the Battle of the Ditch (5/627). He settled in Kufa.

⁴ See, e.g., al-Ṭayālīsī, *Musnad*, 2:593 (no. 1360); Ibn Abī Shayba, *Muṣannaf*, 8:92 (nos. 24262); Ibn Ḥanbal, *Musnad*, 24:473 (no. 15704), 39:151-2 (no. 23743). Shu‘ba is the clear common link of this tradition.

⁵ For Shu‘ba’s opposition of the *nabīdh* of jars, see §3.3.1.3 & §4.8.

⁶ See Appendix I §2.8.6.

Appendix M: The Tradition of ‘Abd al-Raḥmān b. Ya‘mar (Kufa)

‘Abd al-Raḥmān b. Ya‘mar, a Companion of the Prophet, settled in Kufa.¹ There is a single tradition about *nabīdh* and receptacles attributed to him with a long *isnād* from Shabāba b. Sawwār (Ctesiphon, d. 204/819-20) ← Shu‘ba (Basra) ← Bukayr b. ‘Aṭā’ (Kufa) ← ‘Abd al-Raḥmān b. Ya‘mar (Kufa). According to this tradition, the Prophet prohibited gourds and tarred receptacles.² Shabāba is the common link of this tradition and its likely originator.

Shabāba cites Shu‘ba here, but his tradition does not seem to agree with the majority of Shu‘ba’s traditions about receptacles that tend to prohibit all jars.³ Later Hadith critics, like al-Bukhārī and al-Tirmidhī, doubted the authenticity of Shabāba’s uncorroborated transmission of this tradition from Shu‘ba.⁴

Shabāba transmitted another controversial tradition on the authority of Shu‘ba. According to this other tradition, Ibn Mas‘ūd drank *nabīdh* prepared in jars. This tradition also lacked corroboration. Ibn Ḥanbal disaffirmed (*kāna... yunkir*) this tradition.⁵ In other words, Shabāba transmitted two traditions from Shu‘ba about *nabīdh* and receptacles that were uncorroborated and called into question. Shabāba studied under Mālik,⁶ who famously held that only gourds and

¹ Abū Nu‘aym, *Ma‘rifā*, 1835 (no. 1844).

² See, e.g., Ibn Abī Shayba, *Muṣannaf*, 8:87 (no. 24243), = al-Fasawī, *Ma‘rifā*, 1:286; al-Nasā’ī, *Sunan*, 5:87-8 (no. 5118). This *isnād* is known from another tradition of Shu‘ba. Cf. Abū Nu‘aym, *Ma‘rifā*, 1835 (no. 1844).

³ See, e.g., §3.3.1.3.

⁴ Al-Bukhārī, *Tārīkh*, 2:111 (no. 1872); al-Tirmidhī, *Sunan*, 6:254-5.

⁵ Al-Dhahabī, *Siyar*, 9:516; al-‘Uqaylī, *Ḍu‘afā’*, 2:196. In al-‘Uqaylī, emend *Mus‘ir* to *Ma‘n*.

⁶ Ibn Sa‘d, *Ṭabaqāt*, 2:130.

tarred receptacles are prohibited. Shabāba's traditions appear to agree with Mālik's teachings. He may have been influenced by him.

Shabāba's suspicious transmission notwithstanding, it cannot be ruled out that Shabāba's tradition originated in Kufa with Bukayr. In any case, the attribution to Ibn Ya'mar is very unlikely.

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