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A CRITICAL STUDY OF WESTERN VIEWS ON *HADITH* WITH SPECIAL REFERENCE TO THE VIEWS OF JAMES ROBSON AND JOHN BURTON

By

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**A thesis submitted to
The University of Birmingham
for the degree of
DOCTOR OF PHILOSOPHY**

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The University of Birmingham
March 2011**

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ABSTRACT

The present thesis is a critical examination of the two well-known post-Schachtian scholars of *Ḥadīth*; James Robson and John Burton. Both scholars are major contributors to modern *Ḥadīth* studies in the West. It assesses their main arguments and their methodological approaches to *Ḥadīth* literature. It also provides a historical survey of the key arguments and works of their predecessors since the rise of the modern Western debates over the reliability of *Ḥadīth* materials.

This critical study points to the conclusion that Robson and Burton were heavily influenced by the sceptical attitude of Ignaz Goldziher and Joseph Schacht towards the historicity of *Ḥadīth*. However, Robson is inclined to accept some aspects of the Muslim traditional view regarding the genesis of *Ḥadīth* and its *isnād* system (chain of transmitters). Burton, on the other hand, expresses a sceptical stance towards the historicity of *Ḥadīth* and argues that the development of *Ḥadīth* originated from the exegesis of the Qur'an, having no historical basis in the teachings of Prophet Muhammad.

Ca. 70,000 words.

DEDICATION

To my late father Sālim, who saved from the necessities of life to fund my religious education.

To my late mother Nabīlah, who taught me the meanings of love and sacrifice.

To my brothers, Fayṣal and Khālid, who tirelessly supported their brother during so many times of distress.

To my late *Shaykh* Aḥmad b. Ḍayfillah, and my noble teacher Muḥammad Muṣṭafá (Sudan) who both endeared religious studies to my soul.

To you all, I dedicate this work, asking Allah to put all efforts exerted in the record of our good deeds on the Day of Judgement, *allahumma āmīn*.

ACKNOWLEDGEMENTS

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TRANSLITERATION OF ARABIC CHARACTERS

The following conventions have been used throughout:

CONSONANTS

'	ء	dh	ذ	ẓ	ظ	n	ن	
b	ب	r	ر	'	ع	h	ه	
t	ت	z	ز	gh	غ	w	و	
th	ث	s	س	f	ف	y	ي	
j	ج	sh	ش	q	ق	ah	ة	
ḥ	ح	ṣ	ص	k	ك	al	ال	
kh	خ	ḍ	ض	l	ل			
d	د	ṭ	ط	m	م			

VOWELS

Short vowels			Long vowels		Doubled		
fatḥah	a	´	ā	آ	uwwa final	ū	ُو
ḍammah	u	ُ	ū	و	iyya final	ī	ِّي
kasrah	i	ِ	ī	ي	anna		َّن

DIPHTHONGS

aw	:	وَ
ay	:	يْ

Hamzah (') is omitted at the beginning of a word.

Final *tā' marbūṭah* (ة) is transliterated (h)

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CHAPTER ONE

INTRODUCTION

The study of *Ḥadīth* is *sine qua non* in Islam because it provides an abundant source of information about the history of pre-Islamic Arabia, early Islam, and the development of Arabic and Islamic literature. Similarly, *Ḥadīth* provided an insight into the thought processes and endeavours of early Muslim scholars. It also furnishes us with the understanding of both the culture and social framework of the times, as well as the legal and religious stipulations that operated then. *Ḥadīth* literature is considered by Muslims as one of the principal sources of information regarding the deeds and sayings of Prophet Muhammad, which is second in importance to the Qur'ān as a source of Islamic law. Moreover, the Qur'ān is the means to attain a proper understanding of Islam. Understanding the Qur'ān properly is essential if we are to grasp the true meaning of the Islamic teachings. At the same time, this could not be done without referring to *Ḥadīth* and having a clear understanding of them. Furthermore, without *Ḥadīth*, the *sīrah* (biography of Prophet Muhammad) is also meaningless, and vice-versa.

Sīrah ↔ *Ḥadīṭh*↔ Qur'ān ↔ Islam

In the West, *Ḥadīth* and its related matters are remarkably a serious academic field which some Western scholars have paid great attention to within the scope of Islamic studies. With a cursory survey of the materials produced by Western scholars concerning *Ḥadīth*, one can effortlessly

ascertain how much time has been devoted to the study of *Ḥadīth*, which has made outstanding contributions to *Ḥadīth* studies. But while some have accepted the traditional canons of *Ḥadīth* criticism as developed by Muslim scholars themselves, others have offered alternative accounts of the subject. Scholars of this school have raised some fundamental issues with regard to *Ḥadīth* literature, and have attempted to address them according to modern Western standards of literary and historical criticism.

The conclusions of Orientalists' studies appear to have spread worldwide and have been widely adopted and recognised in both the East and the West. They continue to have an ongoing impact on the students and scholars of *Ḥadīth* as well as other Islamic subjects. In the latter half of the last century, there were two renowned British scholars who contributed immensely to the ongoing debate on *Ḥadīth* and its historicity. They were James Robson (1890-1981) and John Burton (1929-?) whose works will be the core element of this critical study. My primary intention here is not to establish the authenticity of *Ḥadīth* as such, but to assess some of the most prominent elements of criticism on *Ḥadīth* employed by those two scholars, and to discuss them with regard to the direction from which they approach it.

1.1 Rationale:

The beginning of my interest in Western writings on *Ḥadīth* started since I was a teacher in the College of Islamic Studies in King Khalid University (Saudi Arabia) for nearly four years. It happened that I taught the subject 'Orientalism and *Ḥadīth*', which enabled me to become familiar with the Orientalist works on *Ḥadīth* and to know the major theories related to the

subject. These theories have a great impact on *Ḥadīth* students, particularly in the West, and have shaped a new understanding and attitude towards *Ḥadīth* challenging the traditional ones upheld by the majority of Muslim scholars. This motivated me to enhance my knowledge in this field by conducting more research at a higher level. While teaching I realised that writings produced in Arabic that discussed the theme of 'Orientalism and *Ḥadīth*' only focused on the period which ended with the major work of Schacht that was published in 1950. The main focus of such writings is to discuss the works of Ignaz Goldziher and Joseph Schacht.

The pre-Schachtian period also witnessed another wave of works on *Ḥadīth* by Orientalists who contributed significantly to the development of Western studies of *Ḥadīth* between 1951 and 2000. Among these scholars were James Robson and John Burton whose works are extensive and widely read by those who are interested in *Ḥadīth*. Robson and Burton are eminent figures in this field in the West. Robson is considered a "…scholar whose knowledge in *Ḥadīth* literature…is almost certainly greater than that of any other living Islamist in the Western world."[1] Burton is well-known for his views on the Qur'ān and is one of the best known in the West on the subject of abrogation (*naskh*) in Islam, but little is known about his views concerning *Ḥadīth*. In many cases, Burton comes through in his works on *Ḥadīth* as a scholar "…who has penetrating insight into Islamic Tradition [*Ḥadīth*]".[2]

Although they are well-known scholars, it appears their views regarding *Ḥadīth* were not discussed in detail in most modern writings of Western and Muslim researchers, as those of

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[1] David Brady, "Orientalist Libraries in Manchester", *Bulletin of British Society for Middle Eastern Studies*, 3 (1976): 36.
[2] Uri Rubin, "Review of *An Introduction to the Hadith* by John Burton", *Bulletin of the School of Oriental and African Studies*, 59 (1996): 340.

Goldziher and Schacht; a fact that provides the stimulus to carry out a study that would provide readers with an academic assessment of such views. The aim is to provide a comprehensive study of the key points of both scholars' criticism of *Ḥadīth*, and to provide a critical evaluation of such points and other issues that appear in their writings. Moreover, the thesis aims at highlighting and investigating the historical development of Orientalist studies of *Ḥadīth*, as well as the main trends that shaped the mainstream view of Western scholars.

Another motivation for the researcher to conduct this study is the fact that most students or researchers who are interested in *Ḥadīth* in the West seem to rely heavily, if not solely, in some cases, on Western studies rather than the original Arabic sources. Most of these people do not have access to the classical works of the early scholars of *Ḥadīth* because of the language barrier. So, my familiarity with Arabic enables me to access the original *Ḥadīth* literature and this is considered a helpful factor, especially when we compare the original Arabic texts, the statements and the scholarly works of Muslim scholars with how they are understood and interpreted by Western scholars. It is hoped that this will add a distinction to this critical study.

1.2 Objectives:

The main aim of this thesis is to add a novel and distinguished study to the library of *Ḥadīth*, paying special attention to the theme of the Western views on *Ḥadīth* represented in those of James Robson and John Burton. It is quite important that the research is extended in this field and to open the way for further research into the pre-Schachtian period. It is particularly important to study the works of individual writers from this period for the purpose of explaining their

methodology and analysing their contributions as well as assessing the development in Western trends in writing on *Ḥadīth*. In order for these broad aims to be achieved, the researcher seeks to accomplish the following primary objectives:

1- To illustrate the official position of *Ḥadīth* in Islam and its role in establishing Islamic jurisprudence.

2- To explain the role of the Qur'ān in confirming the status and role of *Ḥadīth*.

3- To survey the traditional Muslim account of the history of *Ḥadīth* and the development of other-related disciplines such as *Ḥadīth* Terminology and Islamic Jurisprudence.

4- To make a critical study of the theories and views on *Ḥadīth* produced by two prominent Western scholars, namely James Robson and John Burton.

5- To examine the approaches of both Robson and Burton in light of this subject.

6- To compare their conclusions to the views of the Western mainstream represented in those of Ignaz Goldziher and Joseph Schacht.

7- To compare their conclusions to the conventional account of Muslim scholars.

8- To analyse the differences in the theories and views of both scholars.

1.3 Research Questions:

To achieve the above objectives, this thesis attempts to answer the following main questions:

1- What is *Ḥadīth*, and its significance in Islam?

2- How did fabrication emerge in *Ḥadīth* transmissions, and why? And, what was the reaction of early Muslim scholars towards this phenomenon?

3- What was the process of writing down of *Ḥadīth*?

4- In what period did scholarly interest in *Ḥadīth* begin in the West? And, who were the major figures of that period?

5- What are the key arguments of those scholars regarding *Ḥadīth*?

6- To what extent did these arguments influence the subsequent generation of Orientalists?

7- What are the main critical elements of Robson and Burton concerning *Ḥadīth*, and what are the key aspects of their methodological approaches?

8- How far were their critical discussions influenced by the conclusions of the studies of Goldziher and Schacht?

1.4 Scope and Limitations:

A general look at the book '*Guide to Sira and Hadith Literature in Western Languages*'[3] as well as '*Hadith: A Selected and Annotated Guide to Materials in the English Language*'[4] one would easily gain the impression that there has been a large amount of Western work done on *Ḥadīth*. Therefore, the focus of this research will be on the theories and views found in the works of James Robson and John Burton who have discussed many points regarding *Ḥadīth*, as well as its literature, and history. This critical study will also be confined to evaluating the major elements of their criticism of *Ḥadīth*. The reason for this is that studying the major elements of their criticism brings more focus and attention to the methodological aspects of their works, thus preventing any of the methodologies from being neglected.

The fact that this thesis mainly depends on the studies of Robson and Burton does not belittle the significant contributions of other scholars who belong to the same period, but it is necessary to focus on certain views because of limitations in time and space. Moreover, other Western works on *Ḥadīth* will be considered as the discussion progresses. Narrowing down the research will assist the researcher to produce a constructive work on this topic as well as represent many of the works published.

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[3] By Munawar Aneess Ahmad and Ali N. Athar, (London: Mansell Publishing Limited, 1986).
[4] By Ahmad von Denffer (Leicester: Islamic Foundation, 1979). Also, his book: *Literature on Hadith in European languages: a bibliography* (Leicester, Islamic Foundation, 1981).

1.5 Literature Review:

The literature available for the current study is as follows:

1.5.1 Selected Materials from the Works of James Robson and John Burton.

Robson and Burton produced a significant number of academic readings related to *Ḥadīth*. From those readings the current study has found the basis for a PhD research. However, only the core materials which contain the major ideas of both scholars have been adopted for the critical study due to limitations in time and space.

James Robson published a series of academic papers, which amounts to around sixteen papers, discussing various issues concerning *Ḥadīth*. Although Robson's papers were never incorporated into a monograph, they still provide an excellent introduction to the subject, and "...on some points his work is more detailed and precise than other secondary sources in English".[5] Here is a sample of his core writings which will be utilised in the study:

1- "Tradition, the Second Foundation of Islam", *The Muslim World*, 41 (1951), 22-33.

The paper suggests that Tradition (*Ḥadīth*) was naturally important to Muslims, but did not in early Islam, form a fundamental foundation of Islam, second only to the Qur'an.[6] It is believed, according to Robson, that pious people were the first to seek guidance in Tradition, rather than those who were in power. In the time of the four-Rightly Guided Caliphates and during the Umayyad era, people were ruled according to the whims of those who were in authority. Then, it was the 'Abbasid Caliphates "…who made a show of being religious and defenders of the faith,

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[5] See: http://www-personal.umich.edu/~beh/hb/rs.html. (Accessed on 11 March 2009).
[6] Robson, "Tradition, the Second Foundation of Islam", 23.

Tradition came into its own"[7]. The thesis investigates his central argument which revolves around when and why the Prophetic Traditions became authoritative. The central arguments of this paper deserve greater attention.

2- "Tradition: Investigation and Classification", *The Muslim World*, 14 (1951), 98-112.

Immediately from the beginning of his discussion, Robson clearly sets out his view concerning the emergence of the *Sunnah* that there were "…men in different districts settled down to the study, and, one must add, the invention of traditions".[8] The idea of Muslim traditionists (scholars of *Ḥadīth*), he adds, to use the Prophetic Tradition for legislation was inspired by the story of the Law of Moses mentioned in the Old Testament. Therefore, Tradition is something that grows, rather than something which was preserved.[9] The paper covers many areas of *Ḥadīth* studies. It explains the way traditionists used to eliminate spurious *aḥādīth*, and provides an example to show that the investigation of *asānīd* (pl. of *isnād*; chain of transmitters) was the most essential process of verifying Traditions. By analyzing some points mentioned in Robson's study, one can understand the basis on which his argument is founded, and how he approached *Ḥadīth* literature and the subject of *isnād*.

3- "Muslim Tradition: The Question of Authenticity", *Memories and Proceedings of the Manchester Literary and Philosophical Society*, 39 (1951/52), 84-102.

In this paper, Robson discusses the origin of *aḥādīth* and assesses the main view of Muslims regarding the authenticity of *Ḥadīth* collections. His view on the authenticity of *Ḥadīth* is the focus of the thesis's critical discussion.

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[7] Ibid.
[8] Robson, "Tradition: Investigation and Classification", 98.
[9] Ibid.

4- "Ibn Isḥāq's use of *Isnād*", *Bulletin of the John Rylands Library*, 38 (1956), 449-465.

Ibn Isḥāq's use of *isnād* in his book '*Sīrat Ras- l-Allāh*' (biography of Prophet Muhammad) has been traced by Robson, and he found that Ibn Isḥāq did not always use the *isnād*, and if he did, he used it in different ways. Robson attempts to provide an explanation for this difference. One way of using *isnād* by Ibn Isḥāq is that he would include some anonymous people from among his authorities, e.g. a learned person, a man from the family of so and so, and so on. According to Robson, this type of usage does not mean that Ibn Isḥāq had anything to hide; rather, he did not really believe what those people reported about some incidents.[10] One of the main conclusions of this article is that the different use of *isnād* in Ibn Isḥāq's work shows his accurate method of reporting the incidents that happened during the Prophet's time. This accuracy, according to Robson's analysis, comes from the way that Ibn Isḥāq used to report somehow doubtful information about stories and events in a manner which was unique to him. Also, this method demonstrates that Ibn Isḥāq's work is a reliable and dominant source on the subject.[11]

Robson's contribution in this paper is undeniable. Unlike other scholars, Robson thoroughly investigates the *isnād* system and how it was used in early historical sources. He came up with different conclusions to what was already established by his predecessors' studies which mainly doubt the reliability of *isnād* as a warranted system to transmit accurate information, and its historicity. An evaluation of Robson's conclusions in this study is essential in the light of examining his approach to the subject.

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[10] Ibid., 452-53.
[11] Ibid., 457-58.

In terms of John Burton, although his main study is the history of Qur'ānic text and abrogation (*naskh*) in Islam,[12] he has published a few important works in which the subject of *Ḥadīth* and some of its historical issues are discussed in detail. Such works are:

1- "Notes towards a Fresh Perspective on the Islamic Sunna", *British Society for Middle Eastern Studies*, 11(1984), 3-17.

Burton argues, in this paper, that the conclusions of Goldziher and Schacht's studies about the origins of *Ḥadīth* are negative and almost put a halt to the progress of *Ḥadīth* studies.[13] Such consideration motivates him to formalise a new theory to investigate the origin of *Ḥadīth* because, to him, "…it really is time that we had a theory of Tradition"[14]. His theory suggests that in order to understand how *aḥādīth* originated and gained their significant position in Islam, one must study an equal account of three types of Islamic literature: the classical collections of *Ḥadīth* and *fiqh* (Islamic jurisprudence) that work together with the exegetical literature; *tafsīr*.[15] This theory reveals that exegesis plays a role in the generation of *aḥādīth* as well as the creation of Muslims' opinions.[16] The applications and components' of Burton's 'theory of Tradition', are better explained and understood in his last academic publication, which will be highlighted shortly, where he further details his arguments.

2- *An Introduction to the Hadith* (Edinburgh: Edinburgh University Press, 1994).

This book comprises nine chapters preceded by an eighteen-page introduction on *Ḥadīth* studies. The author addresses the mission of Prophet Muhammad and the Islamic Traditions followed by

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[12] See his book: *The Collection of the Qur'ān* (Cambridge: Cambridge University Press, 1970).
[13] Burton, "Notes towards a Fresh Perspective", 4. See: Joseph Schacht: *The Origins of Muhammadan Jurisprudence*, Oxford: Oxford University Press, 1950, and Ignaz Goldziher: *Muslim Studies* (*Muhammedanische Studien*), edited by S. M Stern; translated by S. M Stern & C R Barber (London : Allen & Unwin, 1967).
[14] Burton, "Notes towards a Fresh Perspective", 4.
[15] Ibid.
[16] Ibid., 17.

the political and theological dimension of *Ḥadīth*. In addition, he devotes two chapters to the verification of *aḥādīth* and their collections respectively. In the first chapter, he carries out a penetrating discussion on traditional criticism of *Ḥadīth* and includes a separate section on the emergence of *isnād*, while in the later chapter, he offers a summary of the discipline of *Ḥadīth* Terminology and the major works of *Ḥadīth*. The chapter entitled '*The Western Approach to the Ḥadīth*' is of two parts; the first part is about Goldziher and Schacht and there is a careful revision about their views and theories regarding *Ḥadīth*; the second part is about al-Shāfiʿī and the 'Sources of Knowledge'. The last chapter of the book is 'Conclusions: *ijmāʿ* (Consensus) versus *sunna*'. In this chapter, Burton examines the legal thought of al-Shāfiʿī, particularly the concept of *ijmāʿ*. In general, '*An Introduction to the Hadith*' sets out Burton's central views on *Ḥadīth*, and demonstrates his approach of dealing with some historical aspects of it. His major arguments in the book focus on three points; the origin of *Ḥadīth*, the concept of *Ḥadīth* and *Sunnah* in early Islam, and *isnād*. Thus, our critical study also concerns itself with examining such significant arguments.

3- *The Sources of Islamic law*: *Islamic Theories of Abrogation* (Edinburgh: Edinburgh University Press, 1990).

This nine-chapter volume is comprised of a lengthy discussion on the concept of *naskh* (abrogation) and its modes. In general, Burton stresses that *naskh* (abrogation) is a theory invented by scholars of *uṣ-l al-fiqh* (principles of Islamic jurisprudence). This theory of *naskh* was, he continues, developed as an exegetical instrument for tackling the contradictions contained in the sacred texts. As far as *Ḥadīth* is concerned, the theory of *naskh*, according to Burton's argument, was also employed by Muslim scholars to eliminate the contradictions

occurring in the *mut-n* (texts) of *Ḥadīth*. Our investigation aims at discussing the relationship between *naskh* and *Ḥadīth* as viewed by Burton. Moreover, there is a *ḥadīth* known as the *gharānīq* story analysed by Burton in a separate article, as an example to prove his point concerning the relation between *Ḥadīth* and *naskh*.[17] This example is also considered in the critical study.

The other works of Robson and Burton will also be consulted, in order to trace any changes in their views on the issues mentioned above.

1.5.2 Works on Robson and Burton:

Thus far, the researcher has not found any single work entirely devoted to a detailed study of the views of either of one of these scholars. There are, however, some works which touched very lightly upon their views or mention some of them in general without offering any critical assessment. One such work is *The Development of Exegesis in Early Islam* by Herbert Berg.[18] The purpose of Berg's book is to examine the authenticity of exegetical *aḥādīth*. In the introductory part of his work, he provides a very brief overview of Robson's stance on *Ḥadīth*, but without offering a critical review of his stance.[19] The same is true regarding Burton's works which is briefly surveyed with no further discussion. He discusses his position regarding exegetical *aḥādīth* but this is not followed by any critical or analytical comments.[20]

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[17] Burton, "Those are the high-flying cranes", *Journal of Semitic Studies*, 15 (1970): 246-265.
[18] Herbert Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* (Routledge: Curzon, 2000).
[19] Ibid., 39-40.
[20] Ibid., 92, 107.

Regardless of his main theme which is editing and studying a 7th/13th-*Ḥadīth* manuscript, Ḥākim al-Muṭairī, in his PhD thesis (2000), briefly discusses four Orientalist arguments against the authenticity of *Ḥadīth*. One of them is that of Robson's regarding the origin and use of *isnād*. He states the claims of Robson that the *asānīd* of the *aḥādīth* were fabricated throughout the second/eighth century, and made to agree with the fabricated *aḥādīth* which were linked to highly-placed personalities to ease their distribution.[21] Tracing Robson's argument throughout his main articles, as will be seen in Chapter Four, demonstrates that Robson changed his position on the origin of *asānīd* in his later articles. At first, he was entirely sceptical about the authenticity of all *asānīd* attached to *aḥādīth*. After several investigations, Robson inclined to conceive the whole system of *isnād* in a positive way, mostly agreeing with the stance of classical Muslim scholars.[22] Al-Muṭairī, in fact, only focuses on the initial sceptical view of Robson which changed in his later writings. Thus, Al-Muṭairī's critical assessment of Robson's position is inaccurate, and fails to encompass his final stance on the whole issue.

Another work which should be mentioned here is '*Ḥadīth Literature*' by Muhammad Siddiqi, who, in Appendx 2, entitled "The *Ḥadīth* and Orientalism" provides a brief account of the major views of some important Orientalists. One of them is Robson. However, there is no discussion offered by Siddiqi about any of Robson's arguments, apart from a few lines about Robson's works and how he was dissatisfied with some of Schacht's sceptical views concerning *Ḥadīth*.[23] There is no mention of Burton at all. Other materials are the reviews of the two

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[21] Ḥākim al-Muṭairī, "A Critical Edition of the Chapters on *al-Īmān,* Belief*, al-Ṭahārah*, Ritual Purification and *al-Salāh,* Prayer*, of Iḥkām al-Dharī'ah Ilá Aḥkām al-Sharī'ah* by al-Imām, Ab‐ al-Muẓaffar al-Surramarrī" (PhD thesis, University of Birmingham, Birmingham, UK, 2000), 119.

[22] See our detailed discussion on this point in Chapter Four.

[23] Muhammad Zubayr Siddiqi, *Ḥadīth Literature, its Origins, Development and Special Features*. Revised ed. (Cambridge: The Islamic Texts Society, 1993), 132.

scholars' studies. These reviews will be consulted, but they do not, of course, offer sufficient details or assessment of such important studies.

The overall lack of any attempt to give Robson and Burton their due, therefore, makes it appear useful in their context to critically evaluate their works and methodological approaches.

It is necessary to consult the original and historical sources of *Ḥadīth* compiled in Arabic in this work. These sources are of great importance in evaluating Western theories and interpretation of texts of *aḥādīth*. They serve us reference sources to examine the accuracy of Western interpretations.

1.6 Methodology:

It should be noted in the first place that this study is based on library research. The material studied consists mainly of books and academic articles, and in some cases, online material is also used. The main references will include English and Arabic sources. Content analysis is the main method used to analyse the data, because of its importance in examining historical artefacts.[24] Given that the thesis is based on selected views of Robson and Burton, the comparative method is also used to contrast these perceptions. In addition, the arguments of Robson and Burton are sometimes juxtaposed with the views of their contemporaries in order to give a more comprehensive understanding of the Western perspective of *Ḥadīth*. In both methods, an

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[24] Mark Easterby-Smith, Richard Thorpe and Andy Lowe, *Management Research: An Introduction* (London: Sage, 2002), 118.

insider/outsider approach will be utilised.[25] In this research, the insider approach refers to what

Muslims believe and advocate in their understanding of the issues in question, while the outsider

approach refers to what is believed and advocated by Orientalists in the Western literature

consulted.

The diversity found in the works and approaches of Robson and Burton, as well as other

scholars, may justify the logical adoption of all these methods. While these methods help

researchers to verify data, they remain relative in their applications, making objectivity,

especially in the field of religious studies, an aim that is very difficult to achieve although still

helpful and essential.[26] In addition, the thesis is concerned with explaining the literal and

technical meanings of the main terms discussed, such as *ḥadīth* and *Sunnah*.[27] In discussing and

criticizing these Western views, reference will be made to the views which are related to the

sunni group and their efforts to preserve *Ḥadīth* based on the fact that most critical studies and

research in the West have been carried out by *sunni* scholarship of *Ḥadīth*. Finally, attention

should also be drawn to other methodological points:

1- The capitalised terms *'Ḥadīth'* and *'Sunnah'* refer to any materials presented in the

   isnād-matn format. Both terms are used in a broad sense to refer to all reports from or

   about Prophet Muhammad recorded in *Ḥadīth* literature. *Ḥadīth*, *Sunnah*, and

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[25] Bilal Sambur, "The Insider/Outsider Problem in the Study of Islam", *Islamic Quarterly*, 46, 2002: 95-106.

[26] Jabal Muḥammad Buaben, *Image of the Prophet Muḥammad in the West: A Study of Muir, Margoliouth and Watt* (Leicester: Islamic Foundation, 1996), 328. See also, David Marshall, *God, Muhammad and the Unbelievers: A Qur'ānic Study* (Richmond: Curzon, 1999), 6.

[27] This is because, "The same term can mean different things to different people." Radwan A. Masmoudi, "Struggles Behind Words: Shariah, Sunnism, and Jihad," *School of Advanced International Studies Review*, 21 (2001): 19. Also, Yusuf Işicik, adds that "…one can understand an oral or written statement only when one is aware of the distinction between the literal and terminological senses of words and of differences in meaning over time." Yusuf Işicik, "Two Fundamental Concepts in the Qur'ān: Ta'wīl and Mutashābih," *Islamic Quarterly*, 53 (2009): 82.

Traditions are used interchangeably. When the word '*ḥadīth*' is not capitalised it refers to one single report from or about Prophet Muhammad, and its plural form is '*aḥādīth*'.

2- The system of transliteration shown in the 'Transliteration of Arabic Characters' is adopted throughout the thesis, with the exception of direct quotations from textual sources and from the Internet which will retain the transliteration found in the original text. In general, an attempt has been made to put the Arabic terms in their Arabic form and then give their translations in brackets afterwards where this was considered necessary. However, some terms are used in their transliterated form after the English translation has been given. Certain well-known terms have been given in their Arabic form only. Such terms include '*Sunnah*', '*Ḥadīth*', and '*Sharī‘ah*'. Well-known place names have been given in their English forms, e. g. Egypt, Syria and Oman, with the exceptions of 'Makkah' and 'Madīnah'. Other place names are either fully transliterated or in a compromised form.

3- In quoting the Qur'ān, I depended on the revised edition of the translation of the meanings of the Qur'ān, by Dr. Muhammad Taqi-ud Din al-Hilali and Dr. Muhammad Muhsin Khan. Infrequently, I found it favorable to amend the translation where I saw the meaning could be better reflected.

4- All the translations of *aḥādīth* and all Arabic terms and phrases are mine unless otherwise indicated.

5- In some cases I found that it is appropriate to put some expressions between square brackets for the purpose of clarity.

6- All Arabic words and phrases are transliterated according to their pronounced forms in order to help non-Arabic-speaking readers to pronounce Arabic words correctly and know how they are written.

7- Dates are generally given in this form: AH/CE. AH refers to the *hijrah* when in 622 CE Prophet Muhammad moved to Madīnah and this marks the first Muslim year in the lunar calendar.

8- The standard format for references adopted in this thesis conforms to the conventions of *The Chicago Manual of Style* as explained in *A Guide to Writing Academic Essays in Religious Studies* by Scott G. Brown.[28]

9- For the sake of abbreviation I have left out honorific, conventional statements, even in quotations, such as 'Blessed and Exalted' after the names of Allah, 'Peace be upon him' after the name of Prophet Muhammad, and 'May Allah be pleased with him' after the names of the Companions. Muslim readers are kindly requested to apply them as they read.

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[28] Scott G. Brown, *A Guide to Writing Academic Essays in Religious Studies* (London: MBG Books Ltd., 2008).

1.7 Structure of the Study:

This study consists of five chapters and a conclusion. Chapter One is the introduction presenting the objectives, literature review, and the research methodology of the thesis. Chapter Two presents various definitions of the terms '*Ḥadīth*' and '*Sunnah*' from both linguistic and technical perspectives. It also provides a brief account of the significance of *Ḥadīth* in Islam from the Muslim perspective, and traces some of its historical aspects and documentation. Chapter Three examines when the interest of Western scholars began and sheds light on the major studies conducted on *Ḥadīth* in its first stage. It also mentions briefly the impact of such studies on Western and Muslim researchers. Chapter Four examines the major views of James Robson proffered in some of his key articles. Moreover, it refers to the main aspects of his approach to *Ḥadīth* in his writings. Similarly, the views of John Burton and some aspects of his style of writings on *Ḥadīth* will be examined and analysed in Chapter Five. Finally, there is the conclusion of the work, where the summary of the research is given, and the most important results and findings of the study are stated, followed by some suggestions for further research on the subject.

CHAPTER TWO

ḤADĪTH FROM THE MUSLIM PERSPECTIVE

2.1 Introduction:

Due to the fact that the field of *Ḥadīth* is vast and encompasses various fields of knowledge and numerous sciences within its depth, this chapter will be a short account of *Ḥadīth* and some historical features of its growth from the traditional Muslim point of view. Although brief, this chapter can equip readers with a valuable outline of the subject, so they can easily understand what is necessary to be known. The chapter is generally concerned with identifying the meaning of the term '*Ḥadīth*' and its relation with its correlative word '*Sunnah*', and to recognize the difference between them. It also provides an overview of the significance of *Ḥadīth* and its religious and legal position in Islam. Then, a brief, but important discussion in relation to some historical aspects of *Ḥadīth* follow, such as the issue of fabrication, and its documentation, hoping that this would provide an idea about how *Ḥadīth* scholarship grew and became established. It may be considered helpful when writing about this topic to rely on classical and modern Muslim sources.[1] It is important to highlight this brief background of the traditional Muslim account of *Ḥadīth* before discussing the Western attitude towards the subject, in order to compare both attitudes and approaches.

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[1] The opinions held by Western scholars on *Ḥadīth* and its history will be not included in this chapter, except when it is deemed necessary for clarification.

2.2 *Ḥadīth* and *Sunnah*, Definitions and Differences:

The Arabic words '*Ḥadīth*' and '*Sunnah*' have become recognised terms in Western studies of Islam alongside their English equivalent; 'Traditions' or 'Tradition' as a singular, to refer to the whole corpus of *aḥādīth*'.[2] It would be convenient to begin this chapter by providing the linguistic and technical definitions for the words *Ḥadīth* and *Sunnah*. It is also appropriate to refer to the similarities and differences between the two terms.

2.2.1 *Ḥadīth*:

The Arabic word '*ḥadīth*' (pl. *aḥādīth*) literally refers to 'communication'; 'speech'; 'story'; or 'conversation', whether religious or secular, historical or contemporary.[3] The terminological meaning of '*ḥadīth*' is that which was narrated from or about Prophet Muhammad's sayings, deeds, and tacit approvals. Scholars of *Ḥadīth* also include the description of his physical attributes and character.[4] Due to the profound influence of Islam, the broad meaning of '*ḥadīth*' has changed. The Muslims, since the lifetime of the Prophet himself, have called reports of his sayings and actions '*ḥadīth*', and, over time, have increasingly confined the use of the word to such reports. Based on its technical definition, '*ḥadīth*' has been divided into three types, which are:

1- *Ḥadīth qawlī* (*ḥadīth* by word) which contains the words and sayings uttered by the Prophet.

2- *Ḥadīth fi'lī* (*ḥadīth* by act) which reports one or many of the Prophet's actions.

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[2] In Robson's articles, *aḥādīth* as a whole is usually referred to as 'Tradition' with capital 'T'.
[3] See: Muḥammad b. Ya'q- b Al-Fayr- zabādī, *Al-Qām- s al-Muḥīṭ*, s.v. '*ḥaddatha*', (Damascus: Dār al-Ma'm- n, 1990), 1:164. Hans Wehr, *Arabic-English Dictionary: The Hans Wehr Dictionary of Modern Written Arabic*, 4th ed. (Urbana, IL: Spoken Language Services; edition, 1993), 201-02.
[4] See: Aḥmad b. Ḥajar al-'Asqalānī, *Sharḥ Nukhbat al-Fikar* (Damascus: Dār al-Qalam, 1990), 39. Shams al-Dīn Muḥammad Al-Sakhāwī, *Fatḥ al-Mughīth,* 5th ed., (Jeddah: Maktabat al-Anṣārī, 1968), 10-11.

3- *Ḥadīth taqrīrī* (*ḥadīth* by tacit approval) which means that the Prophet was silent when statements were made or deeds were done by his Companions during his lifetime in his presence or that which he was informed about, but he remained silent and did not object to them. Implicit Prophetic approval can be confirmed by other signs, such as praising Allah, or by his facial expression which indicates his cheerfulness and contentment of what was said or done by others. This type of approval means that these acts and statements were permissible and valid.

It should also be noted that two or all of these types of *aḥādīth* mentioned above can sometimes be found in one single *ḥadīth*. Some scholars of *Ḥadīth* and *uṣ-l al-fiqh* (Principles of Islamic jurisprudence) consider total silence, whether accompanied by a facial expression or not, the only sign of unspoken approval. To jurists, the tacit agreement of the Prophet is considered legal proof for any action owing to the fact that the Prophet could never be silent when seeing or hearing wrong statements or deeds, as he had to correct them immediately.

As far as this concept of the word '*ḥadīth*' is concerned, some Muslim scholars sometimes widen it to include even the sayings and the acts of the Companions (*Ṣaḥābah;* sing. *Ṣaḥābī*) and their Successors (*Tābi'ūn; sing. Tābi'ī*). This is based on some early legal works, such as *Muwaṭṭa'* of Mālik b. Anas (d. 179/795), where the Traditions of the Prophet and those of his Companions and Successors were combined. Sometimes, the traditions of the Successors were excluded. Some Western scholars, such as Harald Motzki, maintain that this wide concept was the common practice of early Muslim scholars, and it has only been restricted to

the Traditions of the Prophet by many Muslims and some Western authors in modern times. [5] However, this opinion is actually incorrect.

According to the works of the traditionists, the term 'ḥadīth' is used with a restriction by adding another word to it when it refers to one tradition of a Companion and a Successor. Traditionists have drawn a distinct line between the Traditions of the Prophet and the traditions of the Companions and their Successors. They have added the word *mawq-f* (halted/suspended) to the word 'ḥadīth' for a tradition from any of the Companions, so it would be called (*ḥadīth mawq-f*; halted *ḥadīth*), while the term 'ḥadīth maqṭū'' (cut-off/severed *ḥadīth*) used to refer to a tradition which belonged to one of the Successors. The Traditions that came from the Prophet were denoted by the term 'ḥadīth' with no other word being used with it.

2.2.2 *Sunnah*:

The view among scholars of *Ḥadīth*, particularly the later ones such as al-Khaṭīb al-Baghdādī (d. 463/1071) and Ibn al-Ṣalāḥ al-Shahraz-rī (d. 643/1245), is that the words '*Ḥadīth*' and '*Sunnah*' are equal and synonymous. Both include the Prophet's words, deeds, affirmations, physical attributes and characteristics. Yet, looking carefully into their historical origins and the different usage in Islamic literature confirms subtle differences between the two terms, literally and technically.

Sunnah, literally, means 'the trodden or clear path' or the way and pattern of life whether it is good or bad[6]. The word '*sunnah*' occurs about sixteen times in the Qur'ān, and

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[5] Harald Motzki, *Ḥadīth*: *Origins and Development* (Burlington: Ashgate Publishing Company, 2004), xiii.

in every case it is used in the sense of an established course of rule, a law, or a mode of conduct.[7] In the Islamic context, it is applied to different juristic and non-juristic usages, which could be summarised in the following table:

Table 2.1: Different definitions for the word *Sunnah*

Discipline	*Sunnah* Definition	Note
Fiqh, (Islamic Law)	A supererogatory act (*nāfilah*) or used as a synonym of *mand-b* (a recommended act) but "…it does not necessarily mean that *sunnah* is confined to the *mand-b*".[8] Moreover, it refers to an act which is not prescribed as mandatory by *sharī'ah*. Jurists mostly refer the word *sunnah* to a recommended act.	
Uṣ-l al-Fiqh, (Principles of Islamic Jurisprudence)	The narrations about the Prophet other than the Qur'ān. It is precisely his sayings, doings, and his tacit approval of what was said or done in his presence.	It is almost identical to the definition of *Ḥadīth* with the exclusion of the physical features of the Prophet.[9]
Ḥadīth Studies	All types of narrations from and about the Prophet, before and after his mission.	The broadest meaning of *Sunnah*
'Aqīdah (Creed)	Opposite to *bid'ah* (heresy, or innovation in creed and in the foundations of Islam)	

(Adopted from Jamal al-Din Zarabozo, *The Authority and Importance of the Sunnah*, 34)

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[6] Aḥmad b. Muḥammad Al-Fayy-mī, *Al-Miṣbāḥ al-Munīr fī Gharīb al-Sharḥ al-Kabīr*, s.v. '*sanna*' (Beirut: al-Maktabah al-'Ilmīyah, 1980), 1: 312; Jamāl al-Dīn Ibn Manẓ-r, *Lisān al-'Arab* (Beirut: Dār Beirut Li-Ṭṭibā'ah wa al-Nashr, 1968), 17:89. See also: Hans Wehr, *Arabic-English Dictionary*, 380.

[7] John Penrice, *Dictionary and Glossary of the Koran*, (London: Curzon Press Ltd., 1993), 72-3.

[8] Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence*, 3rd ed., (Cambridge: The Islamic Texts Society, 2003), 61.

[9] The omission of the 'character' of the Prophet from the definition of *Sunnah* in *uṣ-l al-fiqh* is due to the fact that *Sunnah* is considered a source of Islamic legislation, and all legal rulings can be deduced from the words, deeds and affirmations of the Prophet together, but this does not fall under the physical and character descriptions of the Prophet. See: Ahmad Hassan, "*Sunnah* as a source of *fiqh*", *Islamic studies*, 39 (2000): 3-53.

The differences highlighted above in the terminology of *Sunnah* can be attributed to the difference in the various goals of each discipline. For example, scholars of *Ḥadīth* searched in the *Sunnah* for the Prophet as an excellent model of conduct for Muslims as it is mentioned in the Qur'ān (33:21). So, they reported all aspects that were related to his life; sayings, actions, Prophetic mission, and character; whether or not they convey legal rules. To the scholars of *uṣ-l al-fiqh*, the Prophet is a legislator, who sets the rules for jurists in order to deduce the law after him and demonstrate the constitution of life. Therefore, legal theorists are only interested in his words, deeds, and affirmations from which legal proofs can be determined. Scholars of *fiqh* search the actions of the Prophet for legitimate rulings for all daily actions which are categorised into: *wājib* (prescribed), *mubāḥ* (recommended), *mand-b* (permissible), *makr-h* (disliked), and *muḥarram* (unlawful).

Scholars of *'aqīdah* (creed) are concerned with the foundations of Islam and articles of faith established by the Prophet. [10] However, the *Sunnah* in its broad sense as a concept used by the *'ulamā'* (scholars) of *sharī'ah* is considered to signify the teachings and practices of Prophet Muhammad besides the practical application of injunctions at the time of the Prophet as well as the four Caliphs after him. [11] From a legal perspective, the *Sunnah* is also considered a set of laws deduced from the texts of *aḥādīth*. One single *ḥadīth* sometimes carries more than one '*sunnah*'. In other words, more than one *ḥukm* (legal ruling) can be

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[10] See: Ahmad Hassan "*Sunnah*", 3-12; Jamal al-Din Zarabozo, *The Authority and Importance of the Sunnah* (Denver: Al-Basheer company for Publications and Translations, 2000), 29-35.
[11] This meaning is taken from a *ḥadīth* which states: "Follow my way and the way of the Rightly-Guided Caliphs after me, stick to it with your teeth", Muḥammad b. Yazīd b. Mājah: *Sunan Ibn Mājah* (Beirut: Dār al-Fikr, 1980), 1: 15. For further details about this general concept of the *Sunnah* see: Hasan Abdul Ghaffar Suhaib, *Criticism of Ḥadīth among Muslims with Reference to Sunan Ibn Mājah* (London: Ta Ha Publishers Ltd., 1986), 19. 'Abdullah b. Y-suf Al-Juday', *Taḥrīr 'Ul-m al-Ḥadīth*, 1st ed., (Beirut: Mu'assasat al-Rayyān, 2004), 35.

deduced from a *ḥadīth*. *Ḥadīth* might be described in this sense as the carrier or the vehicle of the *Sunnah*. [12]

Nevertheless, a close look at the main subject of *Ḥadīth* and *Sunnah* would help the reader understand the idea around which they mainly revolve. Basically, it is Prophet Muhammad and his way of life as seen through his sayings and actions. From this perspective, the majority of the scholars, especially scholars of *Ḥadīth*, have not objected to using the two terms interchangeably as far as they both have almost the main focus. Therefore, to avoid confusion in this thesis, we shall use them as interchangeable terms, as has been the practice of the majority of Muslim scholars up until this day. Also, in this chapter, as in the others, '*Ḥadīth*' will be considered as it is defined in the discipline of *uṣ-l al-fiqh* which deals with it as a basis of law and is usually called *Sunnah*.

2.3 *Ḥadīth* and Its Authority in Legal and Theological Opinion:

The Qur'ān is considered the first and main foundation of Islam. The purpose of its revelation is to be the final divine guidance for mankind. This guidance is expressed in the form of religious beliefs, ethical principles and general laws. The Qur'ān requires that human beings transform their lives through this guidance in a practical way, and that this should be done without difficulty, in order to maintain a successful life in this world and the Hereafter. For this reason, one basically needs to gain access to the knowledge of the Qur'ān and its teachings. Without a medium to facilitate this task, the individual's comprehension and internalization of the Qur'ān will be doomed to failure. To avoid that, the Prophet, through his *Sunnah*, became the medium that showed the practical translation of Qur'ānic guidance based on his position as a connecting link between Allah and mankind, as a Messenger.

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[12] See Kamali, *Principles*, 61-60; Hasan: "*Sunnah*", 4-7.

Therefore, *Ḥadīth* became very important in the intellectual structure of Islam and its sources of theology and jurisprudence. A distinctive aspect of *Ḥadīth* is that its literature contains clear and adequate guidance concerning most aspects of life, such as: faith, beliefs, matters of worship, morality, social conduct, financial transactions as well as economic and political affairs. Hence, *Ḥadīth* does not only associate with the legitimacy of religious duties or the explanation of aspects of a Muslim's religion. It touches on some knowledge of science and humanity, whether psychological, educational, environmental, or humanitarian, and these are found in the texts of *aḥādīth*.

2.3.1 *Ḥadīth* and Islamic Law:

The other significant value which *Ḥadīth* encompasses is that it is considered the largest branch and the broadest system of the Islamic legislative sources. It is a basic foundation of Islamic jurisprudence, second only to the Qur'ān. Without it the Qur'ān cannot be fully understood and through it *fiqh* (Islamic jurisprudence) evolved.[13] In this case, the Qur'ān could be described as the root of a tree while its stem is *Ḥadīth* and its fruit is *fiqh*. Undeniably, anyone who is familiar with the Qur'ān and *Ḥadīth* finds that *Ḥadīth* has the largest impact in widening the circle of *fiqh*. There has been almost practical unanimity among Muslims that the *Ḥadīth* is a major source of Islam and its jurisprudence. Throughout the ages Muslims have quoted authentic *aḥādīth* as evidence for legal provisions and there was no disagreement that the work based on them is indispensable. Indeed, when the Prophet's statements, acts or affirmations were intended for legislation and modelling, and were transferred in an authentic manner, according to jurists, they must be a source of

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[13] See: Mannā' Khalīl Al-Qaṭṭān, *Tārīkh al-Tashrī' al-Islāmī*, 5th ed. (Cairo: Maktabat Wahbah, 2001), 34.

legislation. [14] *Fiqh* is considered the practical aspect of *sharī'ah*. [15] Based on the fact that *Ḥadīth* has provided Islamic law with a large number of rules and legal directions, *fiqh* enjoys some distinct characteristics and unique qualities differentiating it from other world laws. One of these characteristics is that the injunctions of *fiqh* are divine legislation derived from sacred sources, and Muslim jurists are restricted to deduce rulings from the texts of the Qur'ān and *Ḥadīth*.

These rulings are meant to be in harmony with the noble aim of Islam as a religion, which is to protect and preserve what is called '*al-dhar-rāt al-khams*' (the five necessities), namely; life, religion, reason, honour, and property. The five necessities, then, became the main objectives of *sharī'ah*. Furthermore, *fiqh* deals with different aspects of human life, and this feature gives it comprehensive scope. Islamic law is similar to man-made legal systems on the relation between the individual and others. However, *fiqh* even regulates the relations between the individual and his Lord who commands him to follow the teachings and law of His final Revelation and final Messenger. It also handles the relation of the individual and themselves. [16] In this sense, Islamic law with its distinctive features, is unprecedented in the history of law. In this context, it is the broadest and most comprehensive system of legislation worldwide. It was applied through various schools of thought from one end of the Muslim world to the other, both in the past and the present. [17]

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[14] See: 'Abd al-Wahhāb Khallāf, *'Ilm Uṣ-l al-Fiqh*, 55.

[15] Which is the framework of a legal system based on the Islamic principles of jurisprudence derived by Muslim jurists from the primary sources (the Qur'ān and *Ḥadīth*) and the secondary sources (e.g. *Ijmā'* and *Ijtihād*).

[16] The relationship between the individual and himself is handled by instructions dealing with dietary laws, regulating personal dress, and everything else that is legislated for the purpose of protecting the individual's mind and body.

[17] Islamic law has been recognised officially as one of the major international sources of law since The Hague conference in 1932. See: Aziz Azmah, *Islamic Law: Social and Historical Contexts* (London: Routledge, 1988) ; Enid Hill, "Al-Sanh-rī and Islamic Law: The Place and Significance of Islamic Law in the Life and Work of 'Abd al-Razzāq Aḥmad al-Sanh-rī, Egyptian Jurist and Scholar', 1895-1971, *Arab Law Quarterly*, 3 (1988), pp. 33-64.

2.3.2 *Ḥadīth* and the Qur'ān:

One of the main responsibilities of the Prophet is to explain what was revealed to him (Q. 16: 44). This is called '*bayān*' in the Qur'ānic language. It has also been emphasised that the Prophet's conduct is inspired, due to the fact that he cannot act according to his own desire (Q. 53: 3-4). This is supported by another fact about the Prophet's inability to read and write. In verse 7 chapter 157, the Prophet is described as '*ummī*' (unlettered) indicating that whatever knowledge he obtained and delivered to the people was sent to him through Divine Revelation. [18] From such verses, one can find that a high status has been attached to the Prophet in promulgating the Message. It is clearly declared in the Qur'ān that his role is not just to deliver the Message but to be an excellent example for every aspect of human life (Q. 33: 21).

Through the statements and deeds of the Prophet and all his movements throughout his life, the contents of the Qur'ān were well expounded and demonstrated in a practical way.[19] After analyzing different societies in the past and the present, Ralph Linton pointed

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[18] Regarding this verse there is another opinion expressed by some researchers such as: Y- suf Harimah, states that the Prophet was not *ummī* knowing neither writing nor reading, and what is meant by the word '*ummī*' is something else. It is to show that the Prophet had no knowledge of any previous religions and past nations and he got to know these only through the Divine Revelation sent by God to him through the angel Gabriel. See: Y- suf Harimah, "Ummīyat al-Nabī bayn al-Qur'ān wa-al-Mafh- m al-Thaqāfī", *Al-Ḥiwār al-Mutaqadim*, 1893, 2007: 22-27. However, another verse explicitly confirms the illiteracy of the Prophet, and that was for a reason. It reads: "And you did not recite before it any scripture, nor did you inscribe one with your right hand. Otherwise the followers of falsehood would have had [cause for] doubt, Rather, the Qur'ān is distinct verses [preserved] within the breasts of those who have been given knowledge. And none reject Our verses except the wrongdoers". (Q. 29: 48-49).

[19] In Islam, the revelation (*waḥī*) of which the Prophet was a recipient was of two types:
1- *waḥī matl-* ; recited, and this is the Qur'ān which was revealed in verbatim rendition, and it is miraculous in its literal structure. It is also called *waḥī jalī* (patent revelation), and the Qur'ān is the only form of this type 2- *Waḥī ghayr matl-* ; or non-recited revelation and it is also known by *waḥī khafī* (latent revelation). It includes maxims and codes which were inspired to the intellect of the Prophet who subsequently rendered them into words or actions in order to be understood by his Companions. This type of revelation is referred to as Prophetic *aḥādīth*. Accordingly, *Ḥadīth* are considered revelation-based. So, Muslims are obliged to believe in the Qur'ān and *Ḥadīth* without discriminating between them when applying legal rulings to any religious and worldly matters. This was the practice at the time of the Prophet and his Companions. The wisdom of the revelation being in two different forms; the Qur'ān and *Ḥadīth*, as Syed Gilani points out is that: "God's object was not to give a system of abstract ideas, which could only be considered and talked about. His object was to make the people practically obey His injunctions and this required concrete precedents to be laid down for every aspect of

out the significance of the conduct of the Prophet and the set of rules and concrete ideas upon which his new society was established.[20] He drew the following conclusion:

> The only cases in which new forms of societies have been established successfully have been those in which the plan for the new society has included a large body of concrete rules of behaviour. Sects in which the founder and his immediate successors exercise automatic control will acquire such a body of rules. Situations can be brought to the Prophet as they arise, and the behaviour which he prescribes in each case becomes a precedent for action in similar cases.[21]

Indeed, the Qur'ān has drawn heightened attention to the importance of *Ḥadīth* by emphasising the role of the Prophet in Muslim society and how Muslims should adhere to his *Sunnah*. More than fifty Qur'ānic verses vigorously discuss this subject from different angles.[22] This number of verses, no doubt, indicates the great care which has been focused on establishing the authority of the Prophet and his Traditions. A number of verses establish the fact that Prophet Muhammad received, not only the Qur'ān, but *'ḥikmah*, which he also taught to the people. Scholars explain that *'ḥikmah'* means the *Sunnah* of the Prophet; the way he lived and practised Islam as described in the Qur'ān as a model for the believers to follow.[23] An examination of all these verses would give a clear conclusion that *Ḥadīth* has binding authority over all Muslims for all times to come.[24]

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human life…Only abstract thought can be explained in a book. Concrete cases can only be laid down by human beings. Therefore, God entrusted this task to the Prophet (peace be upon him). [The verse reads:] "Indeed, in the Messenger of Allah (Muhammad) you have a good example to follow" (Q. 33:21). This is why the Qur'ān was revealed piecemeal". See: Syed Gilani, *Reconstruction of Legal Thought of Islam* (New Delhi: Markazi Maktaba Islami Publishers, 1982), 69-70. For more information about the nature of revelation in Islam see: Ahmad Von Denffer,: *'Ul-m al-Qur'ān*; *An Introduction to the Sciences of the Qur'ān* (Leicester: The Islamic Foundation, 1989), 11-24. W. Montgomery Watt, and Bell, Richard, *Introduction to the Qur'ān* (Edinburgh: Edinburgh University Press, 2001), 18-24. Abu Ammaar Yasir Qadhi, *An Introduction to the Sciences of The Qur'ān*, 2nd ed. (Birmingham: Al-Hidaayah Publishing and Distributing, 2003), 61-74. Bilal Philips, *Uṣool at-Tafseer; the Methodology of the Qur'ānic Explanation*, (Sharjah: Dār Al-Fataḥ, 1997), 113-164.

[20] Ralph Linton, *The Study of Man; An Introduction* (New York: Appleton Century Crofts, 1950), 91-112.
[21] Ibid., p.97.
[22] See Appendix 2.1 for these Qur'ānic verses.
[23] See Muḥammad b. Idrīs al-Shāfi'ī, *Al-Risālah*, printed as the first part of *Kitāb al-Umm* (Cairo: Dār al-Wafā', 2001), 1: 44-45.
[24] The prominent features of these verses will be highlighted in Chapter Four.

2.3.3 Categories of the Legal *Aḥādīth*:

Certainly, the people to whom the Qur'ān was revealed in their own language enjoyed a high level of eloquence which enabled them to understand the literal meaning of the Qur'ān as a whole. Nonetheless, they needed to understand exactly what Allah intended in His Book, including all the implications involved and the details required which the Prophet received through latent revelation, and which were explained through his *Sunnah*. As stated earlier, the *Sunnah* was the practical application of the Qur'ān's principles and commands. The application was expressed in the nature of a statement or an act or an unspoken agreement concerning the conduct of others. The Qur'ān lays down the broad aspects of the law and obligations, but they cannot be fulfilled without resorting to the *Sunnah*. There are about 500 Qur'ānic verses concerning legal injunctions, and about 4500 legal *aḥādīth*.[25] Looking into the content of these *aḥādīth*, each of them can fall under one of the categories described below (figure 1.1):

1- It confirms and emphasises what is stated in the Qur'ān as a command or prohibition. That means any legal ruling has two proofs; one from the Qur'ān and the other from *Ḥadīth*.

2- It provides an explanation of the commands of the Qur'ān which are phrased as concise, general, or absolute. It also provides details for those which are concise, while it limits the general, and restricts the absolute.

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[25] See: Muḥāmmad b. Qayyim Al-Jawzīyah, *'Ilām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* (Beirut: Dār al-Jīl, 1973), 2: 307-316. 'Abd al-Wahhāb Khallāf, *Khulāṣat Tārīkh al-Tashrī' al-Islāmī* (Kuwait: Dār al-Qalam, 1881), 26-29.

3- It establishes particular rules for some new matters which were not addressed by the Qur'ān. [26]

Figure 2.1: *Ḥadīth* in relation to the Qur'ān
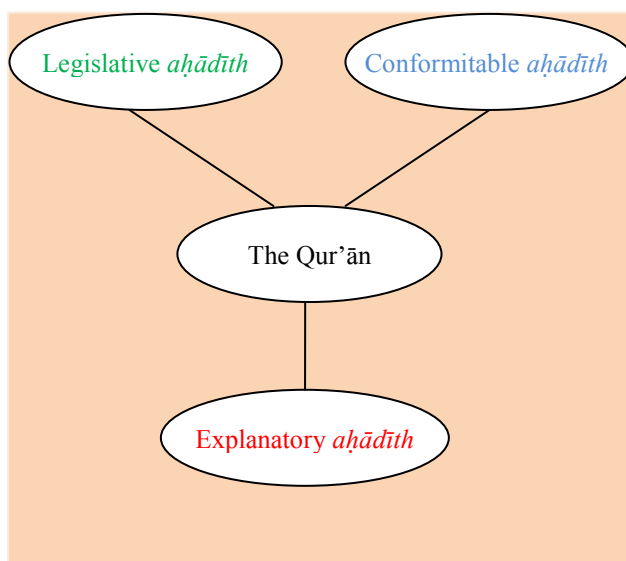
It could be concluded that *Ḥadīth,* through its relation with the Qur'ān, has an unequivocally authoritative position in Islam.

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[26] For detailed information and examples regarding these types of legal *aḥādīth* see: Hasan: *Sunnah*, 18-33. Al-Shāfiʻī, *Al-Risālah*, 117-122. Wahbah Al-Zuḥaylī, *Uṣ- l al-Fiqh al-Islāmī*, 2nd ed. (Damascus: Dār al-Fikr, 1998), 1:461-464.

2.4 Important Aspects of the History of *Ḥadīth* and Its Development:

There is no single comprehensive work within classical *Ḥadīth* literature that covers all matters pertaining to the history of *Ḥadīth*, and how it developed throughout time. However, the existing written materials, for example, *Ḥadīth* collections, works of *Ḥadīth* methodology, and *sīrah* sources, are essential to serve this purpose. The history of *Ḥadīth* centres around what was reported from and about Prophet Muhammad. In addition, it comprises the recording of the *aḥādīth*, their reception and delivery, rules for evaluating them and those who report them, and other related matters. *Ḥadīth* grew, developed, and reached its completion and maturity in a period of 300 hundred years. In the same period, its science and associated disciplines were methodically established.

Before embarking on this, it is beneficial to point out that the study of this subject is broad, making it difficult to gain familiarity with all aspects of the subject in such a short discussion. Nevertheless, we will endeavour to address important issues in order to draw attention to some prominent historical features of *Ḥadīth*. Therefore, this part of the discussion will briefly address the following historical aspects:

2.4.1 *Ḥadīth* Collection (*Jamʿ*) and Documentation (*Tadwīn*):

Assembling *Ḥadīth* materials in written form passed through several historical stages. From the year 1/622 to 73/692, a number of the Companions who knew how to write, had recorded numerous memorable statements and actions of the Prophet during his lifetime and after his death on *Ṣaḥāʾf* (sing. *Ṣaḥīfah*/a small notebook) consisting of papyrus, parchment, and cruder substances, such as those of Jābir b. ʿAbd Allāh, ʿAlī b. Abī Ṭālib, and Ab-

Hurayrah.[27]   Some of those Companions were more active in amassing, memorising, and writing the *aḥādīth* than others. It is also reported that the Prophet himself dictated some *Ṣaḥā'if* such as the *Ṣaḥīfah* of *al-Ṣadaqah* (alms) which he dictated before he died. In it, he detailed the amounts of the obligatory charity (*zakāh*) in regards to wealth, its *Jibāyah* (levying of taxes), and how to collect them.[28]   This *Ṣaḥīfah* remained with the first Caliph Ab- Bakr (d. 13/634) who made copies of it, carrying Muhammad's seal, and sent to the *jubāt* (people who usually would take and collect the *zakāh*). It was later kept by the second Caliph 'Umar b. al-Khaṭṭāb (d. 23/644) and his family. The traditionist Ibn Shihāb al-Zuhrī (d. 124/742) was able to make a copy of it after gaining access to it through Sālim b. 'Abd Allāh b. 'Umar b. al-Khaṭṭāb.[29]

This sort of *Ṣaḥīfah* and other letters and pacts that were ordered by the Prophet to be written, mostly included a lot of criminal, economic and political legislations and were the first stage of recording the *Sunnah* of the Prophet.[30]   Studying such *Ṣaḥā'if*, it is easy to realise that they contain very important and necessary matters connected to people's lives, and that was why Muhammad was very concerned to have these legislations written and preserved in order to protect the rights of the individual, and to avoid contradictions and disputes. This is unlike other religious obligations such as Prayers, Fasting, and Pilgrimage, because they were constantly and daily monitored and performed exactly by the Companions as Muhammad did them, so there did not seem to be any need to have them written down.

Around the year 70/689, a movement of *jam'* (collection) of *aḥādīth* began. Scholars from the Successors, who were the students of many Companions, began to collect the scattered *aḥādīth* that had been preserved on paper and leather, as well as those which were

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[27] Munāzir Aḥsan al-Kaylānī, *Tadwīn al-Ḥadīth* (Beirut: Dār al-Gharb al-Islāmī, 2004), 46-52.
[28] Muḥammad b. Sa'd, *Al-Ṭabaqāt al-Kubrá*, (Beirut: Dār Ṣādir, n.d.), 1: 198-221.
[29] Ibid.
[30] Al-Kaylānī, *Tadwīn*, 87.

stored in the memory of the Companions. This scientific movement included all Muslim cities where the Companions had settled. According to Shams al-Dīn al-Dhahabī, it was in about the year 100/718, when the scholars started to author books.[31] It started with Makḥ-l (d. 113/731) and al-Zuhrī (124/742), and ended with Rabīʿah b. ʿAbd al-Raḥmān (d. 136/753).[32] These were the students of some Companions. The denomination of *Ḥadīth* after the movement of the collection entered a new phase which developed into organising *Ḥadīth* books in accordance to juristic chapters. This is called *al-taṣnīf* which means the classification and arrangement of books according to juristic topics and chapters. The period of *al-taṣnīf* occurred between the year 120/737 to the year 150/767, and this type of documentation appeared in many regions and cities far away from each other, in Madīnah, Makkah, Yemen, Syria, Iraq and Egypt.[33] A number of *maws- ʿāt* books (encyclopaedias) started to emerge such as *al-muṣannafāt* like *Al-Muwaṭṭaʾ* of Abū Dhiʾb (d. 158/774) which is larger than *al-Muwaṭṭaʾ* of Mālik b. Anas (d. 179/795), and *Al-Jāmiʿ* from the eminent traditionist Muʿammar b. Rāshid (d. 152/769).[34]

From the middle of the second/eighth century to approximately 240/864, books of *Ḥadīth* became numerous with great variation in their subjects, classification, styles and volumes. During this period, scholars of *Ḥadīth* relied on the books which appeared in the previous period.[35] During this period, most authoritative and famous *Ḥadīth* books appeared such as the six canonical books, and the *Ṣiḥāḥ* (sing. *Ṣaḥīḥ*/ authentic) books which were

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[31] Muḥammad b. Aḥmad Shams al-Dīn al-Dhahabī, *Tadhkirat al-Ḥuffāẓ* (Beirut: Dār Iḥiyāʾ al-Turāth al-ʿArabī, 1956), 1: 160.
[32] Ibid.
[33] Ab- Bakr Aḥmad b. ʿAlī al-Khaṭīb al-Baghdādī, *Taqyīd al-ʿIlm* (Damascus: Dār Iḥyāʾ al-Sunnah al-Nabawīyah, 1975), 105.
[34] Muḥammad b. Isḥāq b. al-Nadīm, *Al-Fihrist* (London: Mūʾssasat al-Furqān, 2007), 2: 86-88.
[35] Ismāʿīl Aḥmad ʿUthmān, "Dirāsah ʿIlmīyah li-Marwīyāt Ḥammād b. Salamah" (MA diss., Omdurman Islamic University, 1998), 99-112; Muḥammad Muṣṭafá al-Aʿẓamī, *Dirasāt fī al-Ḥadīth al-Nabawī* (Beirut: al-Maktab al-Islāmī, 1985), 1: 221-325.

confined to the *aḥādīth* about whose soundness the traditionists had agreed on, such as *Ṣaḥīḥ* of al-Bukhārī (d. 259/872), and *Ṣaḥīḥ* Muslim (d. 264/877).[36]

At a later stage during this period, a new type of book of *Ḥadīth* began to appear in order to fulfil the need of jurists, and make it easy for them to know the *aḥādīth* they needed in their specialised field, without having to burden themselves with looking through the countless and vast books of *Ḥadīth*. These books are known as *kutub aḥādīth al-aḥkām* (books of the legal-ruling *aḥādīth*).[37] By the end of this period, all the narrated *aḥādīth* of Prophet Muḥammad had been recorded in books and circulated after being copied many times by thousands of students of *Ḥadīth* around the Muslim world at that time. From the fourth/tenth century onwards, all *Ḥadīth* literature became subject to revision and edition.

2.4.2 The Phenomenon of *Waḍ'* (Fabrication) in *Ḥadīth*:

Ḥadīth literature contains thousands of Traditions which are considered by Muslims as descriptions of the words, deeds, and approvals of Prophet Muhammad, therefore, a fabricated *ḥadīth* is a report which does not reflect the true words and deeds of the Prophet, but is, nevertheless, falsely ascribed to him. Fabricated *aḥādīth* are believed to have been introduced to *Ḥadīth* collections to be circulated among people, decades after the Prophet's death, by the fabricators themselves, through forging the statements and invented chains of transmission from Prophet Muhammad to themselves from their own imagination, in order to add

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[36] Ibid.
[37] Al-Aʿẓamī, *Dirasāt*, 1: 244.

legitimacy to their so-called *aḥādīth*.[38] In terms of the emergence of fabrication on a large

scale, it is very difficult to determine the precise beginning of this phenomenon. However, it

seems that the majority of Muslim historians maintain that *aḥādīth* started to be fabricated

around the year 41/661, after the assassination of the third Rightly-Guided Caliph, 'Uthmān b.

'Affān (d. 35/656). This was the watershed after which the Muslim nation became divided

into a number of schools of thought and parties.[39] This trend in *waḍ'* (fabrication) initially

came to serve these divisions, and support the declared motives, and diverse political opinions

of each school of thought. However, *waḍ'* developed after that to achieve other aims. Each

time newer motives evolved and this began with the merits of the Companions, ending with

ambitions of personal gain, and in so doing negatively affected all aspects of both public and

personal lives.

2.4.1.1 Types of Fabrication:

It is worth mentioning that in the recognised books on sciences of *Ḥadīth* there is hardly any

mention about types of *waḍ'* (fabrication). However, looking into the compilations that

collected fabricated narratives and the reasons for introducing lies as *aḥādīth*, we may say that

there are two categories of fabrication, based on whether this was done intentionally or

unintentionally:

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[38] Shams al-Dīn Muḥammad al-Sakhāwī, *Fatḥ al-Mughīth*, 5th ed. (Jeddah: Maktabat al-Anṣārī, 1968), 3: 66-159.

[39] More information is brought on this issue in Chapter Four.

(a). Intentional fabrication:

This is when the fabricator invents a text, *matn*, then attaches a chain of reporters of *isnād* to it, and narrates it as an authentic report. Alternatively, the text may be the words of wise people, common parables, and traditions of the Companions, which the fabricator then attributes to the Prophet. Wahb al-Qāḍī, for example, whom the scholars unanimously agreed in their verdicts as one of the *majruḥ- n* (sing. *majr- ḥ*/untrustworthy) narrators, was famous for inventing false traditions by attaching counterfeit *isnād*, and then reporting them to the public.[40]

(b). Unintentional fabrication:

This may occur as an error by a reporter, either because of delusion, or forgetfulness as he/she was reporting, for instance, on the perished nations thinking that these were the words of Prophet Muhammad, or the scribe of this reporter might introduce false *aḥādīth* into his books, and then report these as though they are his; this is due to laxity and negligence. The majority of this type of reporter are not accused of untrustworthiness or lack of ability; however, the *aḥādīth* they reported were discarded because they failed to fulfil some criteria of narration that is considered essential by scholars of *Ḥadīth*.[41] These rules required precision and alertness while undertaking the task of transmitting *aḥādīth*. The reason for this failure was lack of awareness, or laxity on the part of the narrators.[42]

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[40] See: Ab- Aḥmad ʻAbd Allah b. ʻUday, *Al-Kāmil fī al-Ḍuʻafāʼ* (Beirut: Dār al-Kutub al-ʻIlmīyah, 1988), 5: 297; Al-Dhahabī, Ab- ʻAbd Allāh Shams al-Dīn, *Mīzān al-ʻItidāl fī Naqd al-Rijāl*, ed. Muḥammad al-Bijāwī, (Cairo: ʻIsā al-Bābī al-Ḥalabī, 1955), 2: 108.
[41] Al-Sakhāwī, *Fatḥ al-Mughīth*, 3: 72-76.
[42] The historical reasons for fabricated *aḥādīth* and their emergence can be briefly divided into two types, namely; principal reasons, and secondary or supplementary reasons. There are several principal reasons, for instance: 1) Supporting parties and political ambitions 2) Supporting various theological schools 3) *Zandaqah* (Heresy) 4) Blind loyalty to clan, town or scholar 5) The intention to reform people, and encourage them to adopt asceticism 6) Storytelling and admonition. It is believed that the second type (supplementary reasons) is that there were secondary factors conducive to the fabrication of *aḥādīth*. For instance, 1) The spread of the

2.4.1.2 Methodology of *Muḥaddith-n* (Scholars of *Ḥadīth*) in Identifying Fabricated *Aḥādīth*:

Due to the utmost importance of the *Sunnah* to Muslims as the second main source of law, and the life of Muhammad as a model which ought to be followed irrespective of time and place, *muḥaddith-n* realised the need for preserving the Prophetic Traditions and encountering the spread of fabricated traditions presented in the name of Muhammad. For this reason, they devised various methods to ensure accuracy in preserving the real Prophetic words and deeds by sifting through the false reports from transmitted *aḥādīth*. This methodology passed through three stages:

2.4.1.2.1 The First Stage:

This could be called the identification stage for the veracity of reported *aḥādīth*, especially during the period of oral transmission, which preceded the official documented inscription of the *Sunnah* around the year 70/689. This stage was primary in combating fabrications in *Ḥadīth*, and the dissemination of such lies. This took place in two steps:

Companions in the liberated lands. Due to the spread of the Companions in various lands, fabricators began to deceive the people, and fabricate whatever they wished. Iraq was the first environment where fabrication emerged, followed by Syria. Even then, Iraq was more prolific, since it was the scene of sad incidents, resulting from disputes and political division. This affected the reputation of the Iraqis in terms of credibility, from an early time, and was called by Imām Mālik b. Anas as *dār al-ḍarb*, 'the mint house', i.e. where traditions were produced and promulgated to people, in the same way that coins were minted and distributed 2) The leniency of some Caliphs towards fabricators 3) Introducing fabrications into the books of narrators of *Ḥadīth*, or during revision. For more details about these reasons and the whole phenomenon of fabrication in *Ḥadīth* see: Aḥmad 'Abd al-Slām b. Taymīyah, *Minhāj al-Sunnah al-Nabawīyah*, ed. Muḥammad Rashād Sālim, (Riyadh: Matba'at Jami'at al-Imām Muḥammad b. Sa'ūd, 1975), 3:105; Muḥammad b. Muḥammad Ab- Shahbah, *Al-Wasīṭ fī 'Ul- m wa Muṣṭalaḥ al-Ḥadīth* (Jeddah: 'Ālam al-Ma'rifah, 1983); Jalāl al-Dīn Al-Suy-ṭī, *Al-Lā'āli' al-Maṣnū'ah fī al-Aḥādīth al-Mawḍū'ah* (Cairo: Dār al-Kutub al-Miṣrīyah, 1899), 165; Muḥammad 'Alī Al-Shawkānī, *Al-Fawā'id al-Majmū'ah fī al-Aḥādīth al-Mawḍū'ah* (Damascus: Dār al-Maḥabbah, 1960), 245.

Step 1: <u>Travel in quest of verification of reported *aḥādīth*</u>.

When lies concerning *Ḥadīth* appeared, people resorted to the Companions, many of whom lived to quite an advanced age,[43] and jurists, so people consulted them first, and asked their opinion on what they had heard in terms of *aḥādīth*, or sayings attributed to the Prophet. For this purpose, many journeys were made by the Successors, and indeed some Companions from one land to another, in order to hear the *aḥādīth* from their original reporters and verify them directly.   In this context, Jābir b. 'Abd Allāh (d. 78/697) travelled to *Al-Shām* (Levant/historical Syria), and Ab- Ayy- b al-Anṣārī (d. 54/674) to Egypt, in order to hear some *aḥādīth*. Saʿīd b. al-Musayyib (d. 94/713) stated:

> "I would walk for nights and days in the pursuit of one *ḥadīth*"[44].

This is affirmed by the statement of Ab- 'Āliyah (d. 112/730):

> "We would hear a *ḥadīth* referring to the Companions, and would not be satisfied until we rode to them, in order to hear it firsthand."[45]

Step 2: <u>Consideration for *asānīd*</u>

No *ḥadīth* was accepted without *isnād* (chain of narration), and if not, it was considered void. The Companions and Successors were rigorous and stringent in acquiring *isnād* from reporters, and they themselves upheld this method in their reporting.[46] This was because the

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[43] The last Companion of the Prophet to die was 'Āmir b. Wāthilah. He died in year 107/725. See: Ismā'īl b. Kathīr, *Al-Bidāyah wa-al-Nihāyah* (Beirut: Maktabat al-Ma'ārif, 1992), 9: 73.

[44] Ibn 'Abd al-Barr, *Jāmi' Bayān al-'Ilm wa-Faḍlih* (Dammam, Saudi Arabia: Dār Ibn al-Jawzī, 1994), 1:41.

[45] Ibid., 1:105. Al-Khaṭīb al-Baghdādī compiled accounts of those who had travelled in order to hear a single *ḥadīth* from the Companions and the generation after, in a section in his work *Al-Riḥlah fī Ṭalab al-Ḥadīth* (*Travelling in Search of Ḥadīth*).

[46] Al-Ḥākim al-Naysāb- rī, *Ma'rifat 'Ul- m al-Ḥadīth* (Beirut: Dār al-Kutub al-'Ilmīyah, 1977) 1: 80.

relationship of *isnād* to *matn*, was like family lineage to a person. One can see, in reviewing the accounts related to *isnād*, that providing *isnād* was no longer a simple matter, rather *isnād* had become one of the two cornerstones of Prophetic *Ḥadīth*, and one of the important issues of the religion.[47] Therefore, we find 'Abd Allāh b. al-Mubārak (d. 181/797) saying:

"*Isnād* is part of the religion, and were it not for *isnād,* anyone could say anything."[48]

This rigour and stringency in requiring *isnād* was not only restricted to the environment of scholars and students of knowledge, rather it became commonly accepted amongst normal people as well.[49]

2.4.1.2.2 The Second Stage:

Scholars of *Ḥadīth* documented the traits by which to distinguish *ḥadīth al-mawḍūʿ* (a fabricated *ḥadīth*). They derived these from researching, and pursuing arrays of fabricated *aḥādīth*. These guidelines included investigating the *rāwī* (transmitter/reporter), as well as the *marwī* (reported text), as follows:

(a) Signs of *Waḍʿ* (fabrication) in *Isnād* :

1- Confession by the fabricator that he had invented *aḥādīth*. For example, the case of Ab-'Iṣmah N- ḥ al-Jāmiʿ, who confessed to having fabricated Traditions related to the merits of

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[47] Ibid.
[48] Ibid., 1: 89.
[49] Al-Khaṭīb al-Baghdādī, *Al-Kifāyah fī ʿUl- m al-Riwāyah* (Hyderabad: Dāʾirat al-Maʿārif al-ʿUthmānīyah, 1938), 404.

the individual *suwar* (chapters of the Qur'ān), which he then attributed to Ibn 'Abbās. Similarly, 'Umar b. Ṣubḥ al-Taymī fabricated a sermon, which he attributed to the Prophet.[50]

2- The existence of sound and concrete proof, tantamount to a confession. For example, where a reporter narrates a *ḥadīth* claiming to have heard it directly from a particular *shaykh* (scholar or teacher of *Ḥadīth*), whereas it is evident that he never met the person concerned, or may even have been born after the death of that scholar. Alternatively, to report a *ḥadīth* taken from a *shaykh* who resides in a land to which he had never travelled, like Ma'm- n al-Harawī who purported to have heard Traditions from Hishām b. 'Ammār. He was questioned by Ibn Ḥibbān: When did you go to al-Shām? He replied: in the year 250/864. Ibn Ḥibbān responded: Hishām, whom you claim to have heard, died in 245/859. [51] No doubt that the criterion in this case is history; the births of narrators, their residences, travels, teachers, and deaths. Therefore, the knowledge of generations and the biographies of scholars was a discipline in itself, of which *Ḥadīth* critics could not do without. Sufyān al-Thawrī (d. 161/778) said: "When narrators used lies, we used history against them."[52]

3- When a single narrator, known for lying, uniquely narrates a *ḥadīth*, and no other trustworthy person narrates that *ḥadīth*, then his narration is judged as fabricated. *Muḥaddith- n* also concerned themselves with identifying fabricators, the biographies of fabricators, and following up their lies, and compiling most of their fabricated narrations.

4- Identifying fabrication from the state of a narrator, and his psychological motivation. This was the case of Sa'd b. Ṭarīf, when his son came back crying. He asked him: What happened?

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[50] Ibn Qayyim al-Jawzīyah, *Al-Manār al-Munīf fī al-Ṣaḥīḥ wa-al-Ḍa'īf,* (Aleppo: Maktab al-Maṭbū'āt al-Islāmīyah, 1994), 134.
[51] Muḥammad b. Aḥmad Al-Dhahabī, *Mīzān al-I'tidāl fī Naqd al-Rijāl*, (Cairo: 'Isā al-Bābī al-Ḥalabī, 1955), 4: 11.
[52] Ibid., 12.

His son replied: The teacher beat me. Sa'd said: I will shame them today; and he fabricated the following *ḥadīth*: 'Ikrimah told me, on the authority of Ibn 'Abbās, raised to the Prophet:

"The teachers of your children are the most evil, being the least merciful towards the orphan, and the most harsh towards the poor."[53]

(b) Signs of Fabrication in the *Matn* (Text):

1- Weakness of expression, and corrupt meaning in the reported *ḥadīth*, such that a person competent in Arabic can appreciate that this does not match the fluent and rich style of the Prophet. This is the case when the narrator specifically states that these are the exact words of Muhammad. However, if the narrator does not make such a specific statement, then, one should look out for weaknesses affecting the meaning of the *ḥadīth*. Wherever this is the case, it is evidence indicating fabrication, even if the language and style are judged as appropriate. The *Muḥaddith- n* set this rule as a result of close and extended contact with the language and style of Muhammad, and this gave them a pronounced intuitive ability to identify what may, or may not be considered his words.[54]

Ḥadīth critics give due attention to weakness in meaning, even before looking into weakness in style or language, since corrupt meaning is the clearest evidence of fabrication. *Ḥadīth* scholar, Ibn Ḥajar, however, argued that weakness in expression is not a sufficient evidence of fabrication in *ḥadīth* text, due to the fact that the *ḥadīth* may have been reported in meaning and not in the exact words of the Prophet. He states:

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[53] Jalāl al-Dīn 'Abd al-Raḥmān al-Suy- ṭī, *Tadrīb al-Rāwī Sharḥ Taqrīb al-Nawwawī* (Cairo: Maktabat al-Qāhirah, 1959), 263.
[54] This is confirmed by al-Balqīnī who states: "…the proof is that if someone serves another for many years and so comes to know his likes and dislikes, such that when any claim that his master hated something, which he knew was not the case; he will immediately call it a lie." Ab- al-Fayḍ Muḥammed Al- Fārisī, *Jawāhir al-Uṣūl fī 'Ilm Ḥadīth al-Ras- l*, (Bombay, n.p., 1947), 85.

In the issue of weakness, the emphasis is on that of meaning. Whenever present, it is proof of fabrication; even if it is not joined by weakness in style and language,... as for weakness in language alone, this is no proof, given the possibility that the reporter may report the *ḥadīth* in meaning, and thus, render this meaning using weaker expressions...[55]

2- Contradicting the *qaṭ'ī* [specific and unambiguous] prescription of the Qur'ān, or that of a *ḥadīth* that is *mutawātir*[56] (consecutive), or *ṣaḥīḥ* (authentic), with no avenue for reconciliation between them. The result is that each narrative gives the impression of corruption and cannot be reconciled through *ta'wīl* (interpretation) and so is considered a lie.[57]

Indeed, it is the rule that the prescriptions of *ṣaḥīḥ* and *mutawātir* Traditions do not contradict the fundamentals of the Qur'ān and its teachings. However, many fabricated narratives are full of contradictory matters; as in the following examples: "The person born out of wedlock, i.e. *zinā*, does not enter Paradise"[58], which contradicts the following Qur'ānic verse: "...no bearer of burdens shall bear the burden of another" (Q. 39:6).[59]

3- A *ḥadīth* contradicts unequivocal issues, e.g. defies logic, or includes something that is rejected by sense and experience, like the so-called *ḥadīth*:

> "The ark of Noah circumambulated the *Ka'bah* seven times and then performed *ṣalāh*, Prayer at the end, behind the *maqām*."[60]

Or,

> "Aubergine is a cure for all diseases."[61]

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[55] Al-'Asqalānī, *Sharḥ Nukhbat al-Fikr*, 58.

[56] Considering mode of delivery; where a group of reporters hears it from another in every *ṭabaqah* i.e. generation of reporters, such that conspiracy to lie is impossible.

[57] Tāj al-Dīn 'Abd al-Wahhāb Al-Subkī, *Jam' al-Jawāmi'* (Beirut: Dār al-Kutub al-'Ilmīyah, 2001), 71.

[58] 'Abd al-Raḥmān b. 'Alī b. al-Jawzī, *Al-Mawḍū'āt* (Beirut: Dār al-Kutub al-'Ilmīyah, 2000), 2: 299.

[59] Another example is "Whoever calls his newborn son *Muḥammad*, he and his son are in Paradise" [Muḥammad b. Abī Bakr al-Zar'ī al-Dimashqī, *Naqd al-Manq- l wa-al-Maḥak al-Mumayyiz bayna al-Mard- d wa-al-Maqb- l* (Beirut: Dār al-Qādrī, 1990), 1: 51]. This violates what is well-known and prescribed in the Qur'ān that entry into Paradise is the fruit of *imān* (belief) and good deeds, not a name or title. For more discussions on this type of so-called *aḥādīth* see: 'Alī b. Muḥammad b. al-Qaṭṭān al-Fasī, *Bayān al-Wahm wa-al-Ihām fī Kitāb al-Aḥkām* (Riyadh: Dār Ṭaybah, 1997), 4: 522.

[60] 'Alī b. Muḥammad al-Kinānī, *Tanzīh al-Sharī'ah al-Marfū'ah 'an al-Akhbār al-Shanī'ah al-Mawḍū'ah* (Beirut: Dār al-Kutub al-'Ilmīyah, 1987), 1: 250. *Maqām* is a small structure erected by Prophet Abraham in order to raise the height of the *Ka'bah*, while building.

4- Every *ḥadīth* that contradicts historical facts marking events during the time of the Prophet, or is linked to evidence proving it is unfounded.

5- The *ḥadīth* supports the position of the narrator, who is known to be a zealous partisan or extremist in favour of a *bidʿah* (innovation in religion) or an idea he is keen on disseminating.

(c) Publications dealing with fabricators and their works:

In order to preserve *aḥādīth* and guard them from fabrication, scholars have followed up and investigated fabricators; exposing, naming and shaming them, while they are teaching people who have gathered to gain knowledge. Moreover, they embarked on greater enterprise and massive effort, by authoring books about these fabricators and the narratives they invented. This is supported by the intellectual arguments in such books.

Many scholars composed books specifically on *al-ḍuʿafāʾ* [sing. *ḍaʿīf*: weak] and *al-matrūkīn* [sing. *matrūk*: discarded] narrators of *Ḥadīth*, in which they included the names of *waḍḍāʿūn* [sing. *waḍḍāʿ*: fabricator], their description, and how scholars criticized them. Examples are: *al-Ḍuʿafāʾ* by al-Bukhārī (d. 259/869), *Al-Kāmil fī al-Ḍuʿafāʾ* by ʿAbd Allāh b. ʿAddī al-Jurjānī (d. 365/975).

The scholars also included the *waḍḍāʿūn* (fabricators) in historical texts that compiled names and accounts of individuals, e.g. *al-Tārīkh al-Kabīr*, *al-Awsaṭ*, and *al-Ṣaghīr* by al-Bukhārī; *Tarīkh Baghdād* by al-Khaṭīb al-Baghdādī (d. 463/1070); *Tarīkh Jurjān* by Ḥamzah al-Jurjānī (d. 484/1091); *Tarīkh Dimashq* by Ibn ʿAsākir (d. 571/1776). They were followed by al-Ḥāfiẓ al-Dhahabī (d. 748/1347), who authored *Mīzān al-Iʿtidāl fī Naqd al-Rijāl*, a book

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[61] Ibn al-Jawzī, *Al-Mawḍūʿāt*, 2: 203.

compiled in 4 huge volumes, containing accounts of fabricators as well as those accused of fabrication. There are also around 40 publications containing fabricated narratives. The most important are the following books:

♦ *Tadhkirat al-Mawḍūʿāt* by Muḥammad b. Ṭāhir al-Maqdisī.

♦ *Al-Mawḍūʿāt min al-Aḥādīth al-Marfūʿāt*, by Abū ʿAbd Allāh al-Ḥusayn al-Jawzaqānī.

♦ *Al-Mawḍūʿāt*, by Abū al-Faraj ʿAbd al-Raḥmān b. al-Jawzī.[62]

2.4.1.2.3 The Third Stage:

Establishing general rules for classification and verification of *aḥādīth*, like classifying them according to different considerations, *qabūl* (acceptance) and *radd* (rejection). These rules were established to identify the *aḥādīth* that are *maqbūl* (accepted), which include 'ṣaḥīḥ' (authentic/sound) or 'ḥasan' (good/fair)[63], while *mardūd* (rejected) include *al-aḥādīth al-ḍaʿīfah* (weak *aḥādīth*) of all types, and also *al-aḥādīth al-mawḍūʿah* (fabricated *aḥādīth*). *Ḥadīth* transmitters were also studied deeply, and the narrations of each one was thoroughly examined. In general, *Ḥadīth* studies were developed in this stage into two major categories which are a) *ʿilm dirāyat al-Ḥadīth*, i.e. the scientific study of the methodology of *Ḥadīth* criticism b) *ʿilm riwāyat al-Ḥadīth*, i.e. the scientific study of the techniques of transmitting the *aḥādīth*.[64]

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[62] This is one of the largest and most renowned books on the subject. It became the focus of attention for several follow-up works, for example, *Al Durar al-Maṣnūʿāt fī al-Aḥādīth al-Mawḍūʿāt* by Muḥammad b. Muḥammad al-Safārīnī.

[63] *Ḥasan ḥadīth* is a *ḥadīth* whose *matn* (text) is accepted, but whose reporters do not pass the test of complete reliability. See: Kamali, *Principles*, 228.

[64] For more information regarding these categories see: Nūr al-Dīn ʿItr, *Manhaj al-Naqd fī ʿUlūm al-Ḥadīth* (Damascus: Dār al-Fikr, 1979); Al-Judayʿ, *Taḥrīr ʿUlūm al-Ḥadīth*, 2004.

The fruit of this scientific movement to combat fabrication and preserve the genuine *aḥādīth* was the emergence and development of some intellectual disciplines which were introduced to serve the study of *Ḥadīth* and its transmission, such as:

(a) *Muṣṭalaḥ al-Ḥadīth* (*Ḥadīth* Terminology):

It is the discipline which studies the methodology of *Ḥadīth* criticism. It is also called Principles of *Ḥadīth*. This discipline was developed with the standards introduced by the scholars during their effort to combat fabrication, in which they classified *Ḥadīth* into different types, as we have previously discussed. These were the beginnings of the discipline of '*muṣṭalaḥ al-Ḥadīth*' whose rules aimed at establishing the authenticity of whatever was transmitted in the name of Muhammad.[65]

Muṣṭalaḥ al-Ḥadīth investigates and divides reports into *maqb- l* (accepted) and *mard- d* (rejected), articulating the conditions required to be fulfilled by '*rāwī*' (transmitter) and his or her narrations. It also recounts what may affect such narrations in terms of '*ilal* (sing. '*illah*, defect), *idṭirāb* (confusion in narrations), and *shudh- dh* (contradicting other more trustworthy reports). In addition, this discipline studies whatever leads to a rejection of narrations, and those which are considered unaccepted until other factors reinforce them. It deals equally with the methodology of receiving *aḥādīth*, delivering them, and maintaining their trustworthiness.[66]

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[65] A contemporary historian, Asad Rustum, published a book on the fundamentals of historical narrative which he entitled *Muṣṭalaḥ al-Tārīkh*, in which he adopted the rules of *Muṣṭalah al-Ḥadīth*, stating that these were the most correct scientific method to authenticate reports and news. The author is a former Professor of History at the American University in Beirut, and is a Christian, who has recently devoted himself to the reports of the Orthodox Church. See his book *Muṣṭalaḥ al-Tārīkh*, 2nd ed., (Beirut: al-Maktabah al-'Aṣrīyah, 2002), 67-83.

[66] 'Ajjāj al-Khaṭīb, *Uṣ- l al-Ḥadīth: 'Ul- muh wa-Muṣṭalaḥahu* (Beirut: Dār al-Fikr al-Ḥadīth, 1968), 19-21.

Moreover, *musṭalaḥ al-Ḥadīth* brought together miscellaneous studies and criteria which had resided in the intellect and intuition of the scholars in early Islam, until these were compiled, organised and published in the same way as other Islamic sciences in their evolution and development.[67] The first to publish in this discipline systematically, whereby all chapters and studies were collated into a single text, was Ab- Muḥammad al-Ramahur- azī (d. 360/970) in a book entitled *al-Muḥaddith al-Fāṣil bayna al-Rāwī wa-al-Sāmiʿ*. However, this book did not encompass all aspects of this discipline, and was followed by many other works on the subject.[68]

(b) *Al-Jarḥ wa-al-Taʿdīl* (Impugnment and Validation):

This is a discipline which investigates the state of narrators, their trustworthiness, their moral and integrity, trustworthiness, and competence in rendering *Ḥadīth*, in addition to the opposite of all this; lying, inattentiveness, or forgetfulness. It is an important branch of study borne out of the scholarly efforts of *Ḥadīth* specialists who were keen on grading *Ḥadīth* reports in order to establish the grade of every reported *ḥadīth*. Those specialists used to test their own contemporaries and inquire about earlier reports, declaring their verdicts about each one without hesitation, because, to them, this was part of ensuring that only authentic *aḥādīth* are attributed to the Prophet.[69] The observer of the statements of the specialists of *al-jarḥ wa-al-taʿdīl*, can readily note that they do not mention the reasons for judging a narrator as trustworthy, because there are many reasons for this and it would be onerous to mention them all, and so they would simply state: trustworthy, or truthful. In contrast to *jarḥ*, where in the

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[67] Ibid.

[68] Such as: '*Maʿrifat ʿUl- m al-Ḥadīth*' by al-Ḥākim, which covered fifty classifications of the *Ḥadīth*, but still left some points untouched which Ab- Nuʿaym al-Iṣbahānī (d. 430/1044) completed some of the missing parts to this work.

[69] Muḥammad Luqmān al-Salafī, *Ihtimām al-Muḥaddithīn bi-Naqd al-Ḥadīth Sanadan wa-Matnan* (Riyadh: Dār al-Rāʿī, 1999), 97-107.

majority of cases, they would base their judgment of a narrator being untrustworthy on the basis of his inattentiveness, the fact that he imagines things, confuses things or simply lies, and so on. In their view, mentioning a single reason that damages the reputation of a narrator or his rendering was sufficient to regard them as untrustworthy, and his *aḥādīth* would be rejected.[70]

(C) *'Ilm Tārīkh al-Ruwāh* (Biographies of *Ḥadīth* transmitters):

It is sometimes referred to as *ṭabaqāt al-ruwāh* (classes of transmitters). Scholarly efforts to serve the study of *Ḥadīth* gave special attention to the identification of *Ḥadīth* transmitters. Scholars were concerned with biographical data, chronology, and the biography of each transmitter.[71] So, a new discipline named *Asmā' al-Rijāl* came into being as a unique branch of study in Islam. Aloys Sprenger in his introduction to the book of Ibn Ḥajar '*Al-Iṣābah fī Tamyīz al-Ṣaḥabah'* points out that no community has ever been successful in establishing a branch of knowledge similar to that of *asmā' al-rijāl*, which has given us the biography of no less than five hundred thousand people.[72] Scholars of *Ḥadīth* were committed to establish the truth about *Ḥadīth* transmitters. Therefore, any information about their characters, manners, habits, and whatever is relevant to assigning each of them their grades of reliability was studied; such as how accurate and meticulous they were in their reporting, piety, knowledge, memory and so on.[73] In this case, this discipline is interrelated with that of *al-jarḥ wa-al-ta'dīl*.

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[70] The most prominent books of *al-jarḥ wa-al-ta'dīl* include: *Kitāb al-Thiqāt* by Ibn Ḥibbān, *Al-Thiqāt* by Qāsim b. Qalṭubghā, *Al-Jah wa al-Ta'dīl* by Ibn Abī Ḥātim al-Rāzī, and *Al-Takmīl fī Ma'rifat al-Thiqāt wa al-Ḍu'afā' wa al-Majāhīl* by Ibn Kathīr, where *Thiqāt* [sing. *thiqah*] referred to trustworthy narrators.
[71] Al-Salafī, *Ihtimām al-Muḥaddithīn*, 167-72.
[72] Aḥmad b. Ḥajar al-'Asqalānī, *Al-Iṣābah fī Tamyīz al-Ṣaḥābah*, Aloys Sprenger (ed.) (Calcutta, India, n.p, 1856), ii-iii.
[73] N- r al-Dīn 'Itr, *Manhaj al-Naqd*, 142-157.

2.5 Conclusion:

In this chapter, the word '*Ḥadīth*' and '*Sunnah*' are linguistically and technically defined. Both words generally have the same meaning within the contextual study of *Ḥadīth* and are used interchangeably in classical and modern Muslim literature. *Ḥadīth* basically refers to the words and actions of Prophet Muhammad, and his tacit approval of people's actions, in addition to all the reports which describe his physical looks and character. However, in the legal realm, *Ḥadīth* is only used by jurists and legal theorists to indicate the above-mentioned definition aside from the last part which is related to the Prophet's physical appearance and character.

It is clear from this short survey of the status of *Ḥadīth* in Islamic law that *Ḥadīth* is second only to the Qur'ān in the Islamic hierarchy of authoritative texts. Since the *Ḥadīth* contains the words and deeds of Muhammad, and since the Qur'ān requires all Muslims to follow his example, "…the *Ḥadīth* was invested with a semi-sacred aura".[74] For its role and relation with the Qur'ān, the *Ḥadīth* either affirms or elucidates the commands of the Qur'ān. In some cases, *Ḥadīth* can provide new rulings for matters that were not addressed in the Qur'ān. In terms of the accuracy and authenticity of *Ḥadīth*, great care was taken to verify the narrations of the Prophet especially when fabricated *aḥādīth* started to appear, especially for political and theological reasons. Scholars, who were trained for such careful examination, would trace back any statement through a chain of transmitters (*isnād*) until it ended up with the Prophet himself. Scholars of *Ḥadīth* set criteria to accept any chain of transmitters as well as the content of their narrations (*matn*). The outcome of these examination activities was the

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[74] Ira G. Zepp, *A Muslim Primer: Beginner's Guide to Islam*, 2nd ed. (London: Sheed and Ward Ltd., 1992), 81.

establishment of new disciplines called *muṣṭalaḥ al-Ḥadīth, al-Jarḥ wa-al-taʿdīl,* and *ʿilm tārīkh al-ruwāh* which deal with scrutinising all aspects of both parts of any *ḥadīth*; *isnād* and *matn*. Therefore, to all Muslims, the normative legacy of the Prophet is preserved to a large extent of accuracy in *Ḥadīth* collections.

As far as the recording of the *aḥādīth* is concerned, we have seen that throughout the first three centuries of Islam, the writing down of *aḥādīth* passed through different stages. Since the Prophet's time there was interest to have some *aḥādīth* written, then towards the end of the first/seventh century to up to the half of the third/ninth century, the *Sunnah* had been systemically collected and recorded in various ways and styles. This resulted in a considerable numbers of books of *Ḥadīth* that have been available ever since.

CHAPTER THREE

MAJOR WESTERN WORKS AND VIEWS ON *ḤADĪTH* FROM 1890 To 1950

3.1 Introduction:

Before attempting to discuss the works of James Robson and John Burton in the following two chapters, it is essential to have a brief historical glance at the major scholarly views on *Ḥadīth* literature by the early Orientalists who preceded these two scholars. Unlike *Ḥadīth* studies, any researcher tracing the history of the Western scholarship of the Qur'ān and its developments over time, finds no difficulty in locating many works available in English conducted for this purpose.[1] Literature on the history of the Western studies of *Ḥadīth*, on the other hand, is difficult to find autonomously, and can only be done through navigating a considerable number of Western writings and collecting information on the subject and piecing them together. This chapter, therefore, is an attempt to fill this gap and demonstrate a concise chronology of modern Western interest in *Ḥadīth* while highlighting its beginning and the phases it went through.

A discussion of the most prominent works written in this period will be followed by focusing on two influential studies, as will be discussed later in this chapter. One of the main

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[1] See for example, Andrew Rippin, "Western Scholarship and the Qur'ān," in *The Cambridge Companion to the Qur'ān*, ed. Jane Dammen McAuliffe, (Cambridge: Cambridge University Press, 2006), 235-251; Mohammad Khalifa, *The Sublime Qur'ān and Orientalsim* (London: Longman Group, 1982); M. Mohar, *Orientalist Studies and the Qur'ān, A Historical Survey* (Medina: Mujamma' al-Malik Fahad, 2006).

objectives of this chapter is to give readers an insight into the outcomes of early Western

investigations on the subject in order to compare them with those reached by Robson and Burton.

Another objective is to briefly bring to the reader's attention the impact of early Orientalist

scholarship of *Ḥadīth* in both academic worlds; Muslim and Western.[2]

3.2 Modern Academic Writings of Western scholars on *Ḥadīth*: Beginnings and Nature:

Modern Western interest in *Ḥadīth* began towards the mid-19th century. The central theme of this

interest was to study the formative period of Islam. Although the scholarly approach towards

Ḥadīth did not actually start until the 19th century, a growing interest in the transmissions and

collections of *Ḥadīth* had been noticed since the late 17th century.[3] However, probing *Ḥadīth*

literature to determine the historical origins of Islam, unlike the Qur'ān, did not seem to be a

priority for Orientalists in their 17th and 18th century academic studies. The reason for that could

be associated with two general facts: First, the negative attitude towards Islam and its Prophet

had been dominant in Europe since medieval times and had influenced some leading Orientalists,

among them was the French philosopher, Barthélemy d'Herbelot (1625-1695), who was the first

to offer some critical observations on *Ḥadīth* literature in his encyclopaedic work '*Bibliotheque*

Orientale'.[4] Besides his sceptical views on all the Prophetic Traditions, he sometimes depicts

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[2] The terms 'Muslim' and 'Western' are being used loosely here. This is because there are quite a number of Muslims living in the West who have the same academic orientation like the so-called 'Westerners'. Bilal Sambur, "The Insider/Outsider Problem in the Study of Islam", *Islamic Quarterly*, 46 (2002): 95-106.

[3] See: Barthélemy d'Herbelot**:** *Bibliotheque Orientale*: *ou Dictionnaire universel* (Paris: par la Compagnie des Libraires, 1697), 416.

[4] According to Herbert Berg and Wael Hallaq, the first Western scholar to critically comment on *Ḥadīth* was Gustav Weil (1808-1889) as early as 1848 in his *Geschichte der Chaliphen* (*History of the Caliphate*). In fact, d'Herbelot preceded him by more than a century, as we have seen above. Some of d'Herbelot's opinions were lately adopted by some Orientalists in the early 1930s. See, Herbert Berg, *The Development of Exegesis in Early Islam, The*

Muhammad as a *'false Prophet'*.[5]   This attitude might have led to an impression that the Prophetic Traditions were of no value in terms of historical exploration. Second, it could be due to several views held by some influential historians such as Ernest Renan (1823-1892) who suggested that *Ḥadīth* deserve less attention than the Qur'ān, because it was less historical.[6]   Both factors could have possibly contributed to slowing down intellectual zeal for studying *Ḥadīth* in a more vigorous and academic manner for more than a century until the Western study of *Ḥadīth* was taken up again after these observations.[7]

3.2.1 Beginnings:

The first modern studies on the subject of *Ḥadīth* were stimulated by the growing interest of Western scholars in the life events of Muhammad that are found in his Traditions, which opened their eyes to the importance of the Prophetic Traditions besides the Qur'ān. This led them to critiquing the reliability of these events as well as investigating the legal institutions of Islamic history. They laid their approach on the basis of the origin and development of Islam and its characteristic features. Therefore, early critical remarks on *Ḥadīth* can be traced back to the

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Authenticity of Muslim Literature from the Formative Period, (Great Britain, 2000); Wael Hallaq, "The Authenticity of Prophetic *Ḥadīth*: A Pseudo-problem," *Studia Islamica*, 89 (1999): 75.

[5] '*Bibliotheque Orientale*' was published in 1697 by A. Galland. Herbelot spent around 30 years to finish this pioneering Orientalist encyclopaedia which embraced most aspects of the Muslim East. About *Ḥadīth*, Herebelot wrote some entries on the definition of the Prophetic Traditions, their contents and origins. He attempted to give readers an overview of *Ḥadīth*. D'Herbelot believed that *Ḥadīth* literature such as the Six Canonical Collections were derived, to a large extent, from the Torah. See, Barthélemy d'Herbelot, *Bibliotheque Orientale*, 416, 827. Parts of these entries were translated by Ahmad Von Denffer in *Literature on Hadith in European languages: A Bbibliography* (Leicester: Islamic Foundation, 1981), 12-14, and Akram Ḍiyā' al-'Umarī in *Mawqif al-Istishrāq min al-Sīrah wa-al-Sunnah al-Nabawīyah* (Riyadh: Dār Ishbīlīyā, 1997), 33-35.

[6] See: Ernest Renan: *Life of Jesus* (London: Kegan Paul, Trench, Trubner & Co., 1903), 1-30.

[7] It seems from the *Ḥadīth* and *Sunnah* entries in Herbelot's work that there was good knowledge of the history of *Ḥadīth* and some of its technical features, such as the ways of *Ḥadīth* transmission, during that time. However, why there was a gap after Herbelot's comments and the beginning of the modern scholarship of *Ḥadīth* in Europe is not fully clear. An attempt to answer this question in full is beyond the scope of this study, but the two reasons given above could be helpful in giving a sense of this lack of scholarly interest.

writings of historians who were concerned with the reconstruction of the biography of Muhammad, such as; Gustav Weil (1808-1889) and Aloys Sprenger (1813-1856).[8] After careful investigation of other Islamic sources, William Muir (1819-1905) in his *The life of Mahomet* considered *Ḥadīth*, alongside the Qur'ān, the chief material for the biography of Muhammad. He also sought to lay down some criteria in order to identify reliable Traditions to be used for this purpose.[9] These early remarks and discussions managed to draw the attention of a wider readership in the West to the subjects of *Ḥadīth*, which are considered to be the gateways to more well-structured scholarly works that came later.

Other than historians, the significance of the Traditions as a subject of scholarly research was also realised by another group of Orientalists. In the 1870s, specialists in Islamic law became aware of the position of *Ḥadīth* in Islam when they attempted to answer the question of the origins of Islamic law and its development. It was understood that the *aḥādīth* were a prime legal source for Islamic law after the Qur'ān. Eduard Sachau, a German Orientalist, (1845-1930) was probably one of the first in the 19th century to identify the strong relation between *Ḥadīth* and Islamic law by recognising its significance, alongside the Qur'ān, in forming the basis from where *sharī'ah* derives its values and ordinances.[10] In order to adequately show the progress which Orientalist studies of *Ḥadīth* started, it is useful here to divide this historical period into two main phases. These two phases are:

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[8] See: Aloys Sprenger: 'On the Origin and Progress of Writing down Historical Facts among the Musulmans', *Journal of the Asiatic Society of Bengal*, 25 (1856): 375-81; Gustav Weil, *Mohammed der Prophet, sein Leben und seine Lehre* (Stuttgart: Verlag der J. B. Metzler'schen Buchhandlung, 1843).

[9] In his work, it is stated that he "…will endeavour to lay down some principles which may prove useful to the historical inquirer in separating the true from the false in Mahometan Tradition." *The life of Mahomet: With Introductory Chapters on the Original Sources for the Biography of Mahomet* (London: Smith, Elder and co., 1861), 1: lii, xxviii-lxxxvii.

[10] Harald Motzki, *The Origins of the Islamic Jurisprudence: Meccan Fiqh before the Classical Schools* (Leiden, Brill, 2002), 2.

(a) Preliminary Remarks:

This phase extends from 1840 to 1889. *Ḥadīth* during this phase, as seen earlier, was not discussed on a full-scale level. It was dealt with within the Orientalists' broad discussions of the early history of Islam together with the *sīrah* (biography of Muhammad) and the Islamic legal system. Interest in locating reliable historical materials for the origins of Islam and the life of Muhammad led Orientalists to look into the Islamic Traditions in order to evaluate them and hence, determine whether or not they can be considered as a valid textual source. The remarks of some scholars of this phase, such as Weil, Reinhart Dozy (1820-1883), Sprenger, and Muir, were generally dubious about the genuineness of *Ḥadīth* literature, though they varied in one way or another in terms of their scepticism.

(b) Independent Studies:

Since the 1890s and until the present, *Ḥadīth* studies have been an entirely independent discipline in the Western scholarship of Islam, which has become more scholarly and has gained more maturity than in the past. For a better understanding of this historical phase, it would be appropriate to divide it into two major historical periods:

The first began in 1890 until 1950 with the publishing of major studies that led to the foundations of modern Western attitudes towards *Ḥadīth*. This new epoch began with the publication of *Muhammedanische Studien* (*Muslim Studies*)[11], the prominent work of Ignaz

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[11] For the remaining discussion in this chapter, the abbreviation '*MS*' is used, unless otherwise indicated. Viewing that only volume 2 of this monograph has been consulted, I will not write the volume number but rather give the page number directly.

Goldziher. It ended with *The Origins of Muhammadan Jurisprudence* by Joseph Schacht in 1950. Both *magnum opuses* by the two authors, as will be elaborated later, are still regarded as the most authoritative studies on the subject until the present time. Ever since that time, the comprehensive study of *Ḥadīth* evolved as an independent subject in Western academia when almost all aspects of *Ḥadīth* were subjected to intensive study by specialists who attempt to achieve a better understanding of the early stage of Islam. Although one must focus on the works written during this period, the works prior to this era cannot be completely ignored. The second period starts from 1950 until the present time, which began with the works of James Robson.

The reason for dividing this stage into two periods is that each of them has its own distinctive characteristics in relation to the progress of *Ḥadīth* studies in the West, on the one hand, and Western thought of *Ḥadīth*, on the other.

For limitation purposes, this chapter is concerned with the first period (1890-1950) aiming to give an introductory historical account of early modern views regarding *Ḥadīth*. This is because knowing these views gives one the chance to trace the main developments and major changes in the line of Orientalist thoughts on the subject.

3.2.2 Nature:

As noted earlier, Muslim Traditions initially became a subject of study for those searching for any secondary historical records after the Qur'ān that could help them, alongside *sīrah* books, in their project of forming a critical biography of the life of Muhammad, as well as the history of the early Muslim community. Western historians when studying early Islam use any available

sources in this field, and apply different historical-analytical methods to attain possible certainty by examining such sources to see if what is alleged to have happened, actually did happen. Their first goal is to present a corpus of fact in order to answer the questions; 'what really happened, and why?'[12] For this reason, the Traditions needed to be examined to determine their possible utility as a trustworthy source for this academic project. So, they were mainly studied from a historical perspective which brought their attention to *Ḥadīth* literature in the first place. Based on that, it is clear that the chief objective of Western research on *Ḥadīth* was set to explore and describe the origin, growth, and development of *Ḥadīth* literature in an attempt to verify its authenticity.

This interest in the historicity of *Ḥadīth* is still behind most of the works on the subject to date, which have undoubtedly become very valuable to *Ḥadīth* studies and indeed to other disciplines of Islamic studies. This Orientalist endeavour was immense and much appreciated by the scholarly community who work not only on *Ḥadīth* but on other Islamic subjects as well.[13] The method that they employ is historical criticism. For the historical critic, if a *ḥadīth* cannot be shown coming from the Prophet, then at least it will prove to be interesting as a source of thought, theories and developments that took place after the death of the Prophet.

Historical criticism is an art to distinguish the truth from the false concerning the facts of the past.[14] As soon as a historical critic puts his hands on a work from the past, immediately

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[12] See: Van Austin Harvey, *The Historian and the Believer: The Morality of Historical Knowledge and Christian Belief* (New York: University of Illinois Press, 1996), 39-42; Edgar Krentz, *The Historical-Critical Method* (Oregon: Wipf and Stock Publishers, 2002), 35.

[13] Muhammad Zubayr Siddiqi, *Ḥadīth Literature: Its Origin, Development and Special Features* (Cambridge: The Islamic Texts Society, 2008), 124.

[14] Ernst Troeltsch, *Religion in History*, trans. James Luther Adams and Walter F. Bense (Minneapolis, MN: Fortress Press, 1991), 11-32.

questions relating to its authenticity, integrity, meaning and authority are raised. For example, does the work really come from the time it claims to come from or is it a later work? These can be solved by using the auxiliary sciences of history such as paleography, orthography, sigillography, diplomatics and sphragistics, and also by looking at intrinsic evidence such as anachronisms.[15] The authenticity of a text can be established by looking at extrinsic evidence also, for example if Ibn Nadīm, Ḥājji Khalīfah, Ibn Ḥajar and al-Dhahabī all referred in their works to a book by Muʻammar called *Al-Jāmiʻ*, then this should yield some historicity for the book, especially if all of them quote passages from the book and all of their quotations are in harmony with each other.

Broadly speaking, Most of Western scholars assessed the *Ḥadīth* materials as historical sources, as they need to be assured about their reliability in order to establish which historical period they reflect. [16]

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[15] Morton Smith, "Historical method in the Study of Religion," *History and Theory*, 8 (1968): 10-13.

[16] Motzki, *Ḥadīth*, xxviii-xxix.

3.3 Major Works and Views of Early Orientalists on *Ḥadīth* from 1890 to 1950:

Of the many academic works published throughout this period concerning *Ḥadīth*, only two major works are worthy of consideration. The first is Ignaz Goldziher's *Muhammedanische Studien* (*Muslim Studies*)[17] which coincided with the beginning of this era. Interestingly, the era also ended with the publication of a second important work; that is, Joseph Schacht's *The Origins of Muhammadan Jurisprudence*.[18] The discussion of early Western views in this section will revolve around these two works. This choice can be justified for the following reasons:

First, many Western writings on the subject of *Ḥadīth* and other Islamic subjects are largely dependent upon the results of both studies. This is due to the fact that the conclusions of Goldziher and Schacht constitute "…a point of departure for almost all other studies on *Ḥadīth* in

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[17] Born on 22nd June 1850 in Sthulweissen, Ignaz Goldziher was a Hungarian Orientalist of Jewish origin. He studied under two of the foremost leading Orientalists; the French, de Sacy and the German, Fleischer. Goldziher travelled to various Arab countries such as Egypt, Syria, and Palestine. In 1873, he was admitted as the first European to study at al-Azhar in Cairo where he attended many lectures by al-Azhar's Sheikhs. Since he was appointed at Budapest University, he became more specialised in medieval Judeo-Arabic and Islamic studies. By producing many scholarly investigations on Islamic religious traditions and law, he was hailed as a founder of the modern scholarship of Arabic-Islamic studies in the West. Goldziher died on 13th November 1921. See, Raphael Patai, *Ignaz Goldziher and His Oriental Diary: A Translation and Psychological Portrait* (Detroit: Wayne State University Press, 1987).

[18] Born on 15 March 1902 in Ratibor, Poland, Joseph Schacht attended the high school in that town where he acquired his first interest in oriental languages. Later, he studied classical and then oriental philology at the Universities of Breslau and Leipzig. In 1925, he received his first academic appointment at the University of Freiburg in Breisgau, and in 1929 was appointed full professor of Oriental Languages at the unprecedented age of 27. Between 1926 and 1933, Schacht travelled extensively throughout the Middle East and North Africa, and in 1930 served as a visiting professor at what was then known as the Egyptian University in Cairo. In 1946, he was appointed to a teaching post at the University of Oxford, two years later he was appointed Reader in Islamic studies at the same University. The first field of study to which Schacht gave his attention was that of Islamic law and it remained one of his principal concerns til the end of his days in U.S.A. He died in 1967. See, Bernard Lewis, "Obituary: Joseph Schacht," *Bulletin of the School of Oriental and African Studies*, 33 (1970): 378-381.

the West." [19] Second, they are still considered as main references on Islam in the West by students and specialists in Islamic studies.[20] Third, the most important Western encyclopaedias such as '*Encyclopaedia of Islam*' and '*Encyclopaedia Britannica*', adopt their conclusions with regard to two entries; '*Ḥadīth*' and '*Sunnah*'. Fourth, the views embraced in both works are still dominant in the West,[21] and only a few scholars have scientifically challenged some of them, such as G.H.A Juynboll, H. Motzki, and Mustafa Azami. Fifth, on many occasions, Robson and Burton refer to them in their studies; something which adds more value to discussing them here, in view of the focus of this thesis. Sixth, other Orientalist researches on the subject in this period have not brought about substantive changes in the line of Western thought regarding *Ḥadīth* studies.[22]

For these reasons, the key arguments related to *Ḥadīth* and its history found in the works of Goldziher and Schacht will be highlighted here as representative of the Western views on *Ḥadīth* up to the second half of the twentieth century. By sketching out both studies, the reader, it is hoped, will gain a historical background of the leading works and observations made on the subject in its early stages.

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[19] Herbert, *Development of Exegesis*, 13. See also, Motzki, *Ḥadīth*, xxi, xxiv.
[20] It is hard to find any modern research on *Ḥadīth* which escapes reference to these two authors.
[21] See the section devoted to the discussion of the impact of their studies, especially in the West, at the end of this chapter.
[22] Herbert, *Development*, 13.

3.4 Outline of the Views of Goldziher and Schacht:

3.4.1 Ignaz Goldziher's Views:

At the end of the 19th century, Ignaz Goldziher published his renowned two-volume book entitled *'Muhammedanische Studien'* in 1889 and 1890, which was later translated into English by C. R. Barber and S. M. Stern under the title *'Muslim Studies'*.[23] After its publication, the book was acclaimed as a masterpiece and regarded as "…nineteenth-century Europe's great breakthrough in Islamic studies".[24] The second volume was devoted entirely to the subject of *Ḥadīth*.[25] This was a pioneering academic work that determined the course of the study of *Ḥadīth* in the Western scholarship of Islam ever since. Goldziher's book formed the very basis for further research in the field where many later scholars, such as Henri Lammens (1862-1937), and David Samuel Margoliouth (1858-1940), established their studies on its findings, thereby extending his ideas. Importantly, Goldziher attempted in the second volume to give a complete image of the history of *Ḥadīth* during the early period of Islam.

He discusses, in an all-embracing approach, the origins and development of *Ḥadīth* by focusing on its status during the era of the Umayyad and Abbasid Caliphates as well as its relation to partisan and theological conflicts. Then, he analyses the reaction of traditionists towards incidents of forgery in *Ḥadīth*, and dedicates two chapters towards the end of his study to

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[23] The first part of '*Muslim Studies*' was translated by C. R. Barber and S. M. Stern into English in 1967 after its publication in German. Four years later the second part was translated.

[24] Martin Kramer, ed., *The Jewish Discovery of Islam: Studies in Honor of Bernard Lewis* (Tel Aviv: Tel Aviv University, 1999), 14. For this professional study, Goldziher received the large Gold Medal presented to him by King Oscar II of Sweden in the Stockholm International Congress of Orientalism in 1889.

[25] The first German version contained only eight chapters. Later on a few essays such as 'Veneration of Saints of Islam' which is related to Sufism, not to *Ḥadīth,* were attached to the book. In its French translation, the translator, Leon Bercher, has only kept the eight chapters without adding the extra attachments.

discussing the issue of recording *Ḥadīth*. Applying a critical and historical-analytical approach, Goldziher, in *MS*, introduces the story of *Ḥadīth*, its origins and evolution in a version which seems to be completely, in almost all aspects, different from the one that is agreed-upon in Muslim classic sources. In the preface, he states that there is no scientific guarantee that supports the notion believed by Muslims that the amount of Traditions attributed to the Prophet that are found in classic *Ḥadīth* compilations reflect his real words, deeds and some aspects of the early life of the first Muslim generations. Instead, he thinks this bulk of *aḥādīth* were in fact the result of the social and religious growth that occurred in the early Muslim community. He claims:

> The *Ḥadīth* will not serve as a document for the history of the infancy of Islam, but rather as a reflection of the tendencies which appeared in the community during the mature stages of its development. It contains invaluable evidence for the evolution of Islam during the years when it was forming itself into an organised whole from powerful mutually opposed forces.[26]

This quotation clearly indicates Goldziher's unique contribution to the gradual evolution of Islam. He reached this general conclusion after several reflections and observations while studying *Ḥadīth* literature, especially those concerning the amount of Prophetic narrations. He realised that in early times they were less in number than those recorded in later eras. For example, what was narrated through the young Companions was, by and large, more than those which were recounted by the senior Companions who are supposed to have known more about the Prophet and his *Sunnah*. Also, it was found that the number of *aḥādīth* in later works is much more than what was documented in the earlier ones. This indicates to him, that a large proportion originated after the time of the Prophet and his Companions. This suggests to Goldziher that an

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[26] *MS*, 19.

early large-scale fabrication of *aḥādīth* took place. At this point, Goldziher differed in his interest of studying *Ḥadīth* from his predecessors, especially the biographers of the Prophets' life who sought to extract actual historical information from the Traditions to aid them in their task. Instead, he was interested in the forged Traditions which reflect the problems of the post-Prophetic era.[27]

The book is replete with many findings which were the first of their kind in modern Islamic studies in the West. Viewing that it is impractical to review all the results and discussions mentioned in this book, for the purposes of limitation, the most important ones will be briefly referred to as follows:

1- The essence of the *Sunnah* was primarily "the ancient customs of patriarchal times" of early Islam which existed in Madīnah, the stronghold of the *Sunnah*, where the pious circles helped theoretically and practically in its rise and growth so that it prevailed beyond the borders of their city.[28]

2- What the *Ṣaḥābah* (Prophet's Companions) handed on to those who came after the Prophet's death was the basic material of *Ḥadīth*. The Companions added to this basic material some salutary sayings and these were considered legitimate to be ascribed to the Prophet. The core material of Traditions was largely extended during the succeeding generations. [29]

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[27] Motzki, *Ḥadīth*, xviii.
[28] Ibid., 25-32.
[29] Ibid.

3- *Ḥadīth* should be regarded as a mirror reflecting the changes and developments of different aspects of the Muslim society during the formative period of Islam, not "the infancy of Islam".[30]

4- It is not accurate to presume that the first systematic compilations of *Ḥadīth* started with Muḥammad b. Shihāb al-Zuhrī (d. 124/741) by the instruction of 'Umar II (d. 101/719).[31]

5- It was during the period of the theocratic Abbasid Caliphate, however, that *Ḥadīth* began in a large-scale proliferation which gave way to the organisation of a systematic arrangement of *Ḥadīth* starting with the *Muwaṭṭa'* of Mālik b. Anas (d. 179/795). The 'invention' of the *aḥādīth* was encouraged by the Abbasid government when they were faced with the need for more *aḥādīth* in order to fill the gap that the Qur'ān left as being insufficient for their project of developing the *sharī'ah* as a base for public life. This was the starting point that necessitated the existence of *Ḥadīth* literature and led to the recognition of the *Sunnah* as a fundamental source of Islamic law.[32]

6- Muslim *Ḥadīth* criticism focused more on *isnād* (chain of *Ḥadīth* transmitters) and paid little attention to the study of *matn* (text), which is why a great deal of contradictions can be found among the Traditions. Therefore, Muslim criticism was subject to failure in terms of eliminating and distinguishing the fabricated ones from the original, which would explain

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[30] Ibid., 19.
[31] Ibid., 159.
[32] Ibid., 59-88, 196-204. The implication of this view is clear that writing down *Ḥadīth* was a later development compared to the works of *fiqh*, so, to Goldziher, the notion that *Ḥadīth* serve as a point of departure for legal literature is invalid.

why "…Muslim critics have no feeling of even the crudest anachronisms provided that the *isnād* is correct".[33]

7- The main factors that contributed to the emergence of the fabrication of *aḥādīth* were the personal disputes and factional rivalries between groups of Muslim scholars, or among scholars of one individual group regarding some legal issues.[34] Also, it was due to a tussle between pious scholars and secular Umayyad rulers,[35] animosity between Umayyads and

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[33] Ibid., 144.

[34] Ibid., 43-130.

[35] Goldziher considers the Umayyad dynasty as "secular" or ruled by the spirit of "Arab paganism", whereas its successor, the Abbasids, formed a "religious state". Regarding the *Sunnah*, he states that the Umayyad rulers did not consider the *Sunnah* to be a measurement tool for social conduct and the law, because those rulers "…were little concerned about the religious life of the population. As true Arabs, they paid little attention to religion either in their own conduct or in that of their subjects." (*MS*, 38-39) This was the case, he continues, with all the Umayyads with the exception of 'Umar b. 'Abd al-'Azīz who was motivated by some religious "forms and aims". (Ibid., 38). On the contrary, the Abbasids established their own government on a religious basis; something which was later enhanced and developed by the influence of non-Arabs (the Persian *mawālī*) who managed to insert foreign elements from their culture and laws into the Islamic circles including the *Sunnah*. *MS*, 38-44, 59-62. It can be observed here that Goldziher connects the carelessness of the Umayyads towards religion with the fact that they were Arabs whose true nature, as claimed by him, was paganism. But, did the Arabs use to pay little attention to religion? In fact, we find that the Arabs, even in the pre-Islamic era, were religious and believed in one Supreme Being, i.e. Allah. The Qur'ān recorded this fact and used it to argue against their practice of worshiping partners beside Him, while they admitted and recognised that the creator is Allah Alone, with no partners or associates. He is also the Creator of heavens and earth, and others were created by Him and subjugated to Him (Q. 25-26). In *Jāhilīyah* (the pre-Islamic state of ignorance), "…it found in Arabia not only human values but also religious values…" Merlin L. Swartz, *Studies on Islam* (New York: Oxford University Press, 1981), 15. Regarding the issue of the 'irreligiousness of the Umayyad House' raised by Goldziher, the one who reads the history of the Umayyad dynasty will effortlessly notice that this claim is historically invalid. One simple example of the religious aspects of the rulers of this dynasty was the great attention they paid to the places of worship. In this era, a number of rulers began to build "…a series of great mosques [which] were designed to meet the needs of ritual prayer", as well as to become institutions for acquiring religious knowledge. See, Albert Hourani, *A History of the Arab Peoples* (London: Faber and Faber Limited, 2005), 28. According to *Al-'Iqd al-Farīd*, one of the sources Goldziher used, the Caliph 'Abd al-Malik b. Marwān took a personal interest in the religious education of the princes by bringing to the royal palace some scholars such as al-Zuhrī and al-Sha'bī to teach *Ḥadīth* and *Maghāzī*. See, Aḥmad b. 'Abd Rabbih al-Andalusī, *al-'Iqd al-Farīd* (Cairo: Lajnat al-Ta'līf wa-al-Tarjamah wa-al-Nashr, 1940), 1: 272. The Caliph al-Walīd I, for instance, was known for his enthusiasm for taking care of mosques and their architecture. In his time, the Prophet's Mosque in Madīnah was repaired and refurbished, and the Grand Mosque of Damascus was built. The Umayyad Mosque is regarded as one of the largest and oldest mosques in the world. Ibid., 26. See also, 'Alī b. al-Athīr al-Jazarī, *Al-kāmil fī al-Tārīkh* (Beirut: Dār al-Kutub al-al-'Ilmīyah, 1998). The care of the Umayyads went beyond Mosques to include the houses of worship of non-Muslims under their rule. They permitted Christians to erect new churches; a fact recorded by Christian historians themselves. During the period of 'Abd al-Malik, for example, a fine church was allowed to be built in Cairo by a wealthy Christian named Athanasius who also built a number of churches and monasteries in al-Fusṭāṭ. See, Thomas Arnold, *The Spread of Islam in the World: A History of Peaceful Preaching* (New Delhi: Goodword Books, 2005), 66-68.

Abbasids, and the tension between *aṣḥāb al-ra'y* (rationalists) and *aṣḥāb al-Ḥadīth* (traditionists) that forced each group to support their claims and attitudes by inventing *aḥādīth* for their own interests.

By these results, Goldziher became the first Western critic who systematically questioned the historicity and authenticity of the entire contents of *Ḥadīth*. One of the overall goals of *MS* was to study the development of *Ḥadīth* and assess the role it played in the historical development of Islam. He understands *Ḥadīth* literature as a repository holding only a few narrations about the real life and teachings of Muhammad. Instead, it is seen as a rich source of historical facts and evidence which reveal the transformational stages in the legal and religious thought of the Muslim society which occurred in its early time.[36]

Throughout the entire work, Goldziher builds his study on analysing and examining the contents of *Ḥadīth* texts, and he never considers probing the chains of authorities attached to them as a useful tool in determining the dating or the reliability of *Ḥadīth*. This is justified by his notion that investigating any *isnād* must depend on the traditionist critical works of the narrators and their verdicts. This, to him, is problematic because there was no scientific ground and rigorous standards which all *Ḥadīth* authorities can be checked against, but rather their assessment and credibility were based on individual traditionist's "*dhawq*" (taste).[37] By focusing only on the texts, he also attempts to explore them further by transcending the written text to detect the tendencies and thoughts of different groups, which were expressed and concealed in a form of *aḥādīth*. His objective is to formulate a comprehensive image of the reality of life in the

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[36] *MS*, 19.
[37] Ibid., 144.

formative period as much as possible, and to discover how *Ḥadīth* developed over time and how it influences other branches of Islamic knowledge.

Nevertheless, Goldziher's methodology, regardless of its practical sophistication, has invited different critical responses from some specialists in the field. Johann Fueck, who is less sceptical about the authenticity of *Ḥadīth,* considers the methods used in Goldziher's study and other Orientalists influenced by him were to promote "…unlimited scepticism which opened the flood gates to caprice."[38] This was, in Fueck's view, caused by the difficulty of finding admissible criteria to deal with the authenticity of *Ḥadīth* literature.[39] Another scholar, Nabia Abbott, in her second volume of *Studies of Arabic Literary Papyri*, argues against some of Goldziher's theories relating to the history of *Ḥadīth*. She states that *Ḥadīth* passed through the early generations of Muslims in written form alongside the oral form of *Ḥadīth*.[40] Based on that, *Ḥadīth* collections contain a large amount of authentic Traditions. She bases her argument on the fact that literacy was common in the Prophet's life among his people.[41]

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[38] Johann Fueck, "The Role of Traditionalism in Islam," in *Ḥadīth*, ed. H. Motzki, 15.
[39] Ibid.
[40] Nabia Abbott, *Studies in Arabic Literary Papyri: Quranic Commentary and Tradition* (Chicago: University of Chicago Press, 1967), 2: 1-15.
[41] Ibid., 19-25.

3.4.1.1 Goldziher and the Religious Evolution Theory:

The problematic features of Goldziher's analysis of *Ḥadīth* as illustrated by his critics as seen above, can be better understood if one pays sufficient attention to one of Goldziher's basic concepts regarding the nature of religion in general. This concept is rarely touched upon by critics, as a major factor in the intellectual mechanism of Goldziher's discussion with respect to the history of religion. With this in mind, it would be the key with which one can attempt to understand the basis of how Goldziher treats Muslim Traditions. From his early university studies, there were some Orientalists who greatly influenced the development of his intellectual thought and research methodology in the area of Arabic and Islamic studies. One of them was Alfred Von Kremer (1828-1889) whose works; *Culturgeschichte Des Orients Unter Den Cahlifen* (*History of the Culture of the Orient under Caliphs*) and *Geschichte der herrschenden Ideen des Islam* (*History of the Governing Ideas of Islam*) influenced Goldziher's universal view of religion and history to a great extent. After the departure of Kremer, Goldziher wrote a letter to his friend V. Rosen expressing his grief for his death mentioning Kremer's great impact on his personality and thought which considerably contributed to the development of his approach and view regarding Islam.[42]

Beside the emphasis on the relative independence of ideas, the most influential elements of Kremer's thought on Goldziher was his theory of religious evolution, i.e. the developmental process that comprehensively occurs in all historical aspects of religion. From this point, Goldziher started to believe passionately in this trend of ideas which later controlled his study of Judaism and Islam. Himself a Jew, Goldziher applied this theory of the evolving process, to the

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[42] Patai, *Ignaz Goldziher*, 1987.

Old Testament to find out how the religious texts of the Torah evolved. For that purpose, he examined the historical origins of some Patriarchs' tales concluding that each tale was based on a myth, and the notion of each myth developed later "…either into religion or into history".[43] This developmental process in the texts of the Torah was seen as an outcome of the psychological and imaginative practice of the Jewish mind expressed in various linguistic forms.[44]

In the light of this theory, Goldziher perceives Islam as "…faith in constant evolution"[45] whose basis was established right from the beginning on borrowed materials from Judaism.[46] In terms of *Ḥadīth* literature, he is not entirely convinced that the literature is without any grain of truth about the sayings and deeds of the Prophet. They possibly, he continues, contain some amount but it is very little and was later enhanced and developed by different worldly and religious-minded functionaries who produced the largest proportion of *Ḥadīth* materials.[47] The reason for this textual evolution in *Ḥadīth* as explained in *MS* was to fulfill the legal need of the growing Muslim society, which was surrounded by different social and political challenges when the Qur'ān did not specifically mention these issues. To Goldziher, Islamic law and dogma was not based, as believed by Muslims, on firm-divine principles and pure Prophetic communications.[48]

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[43] I. Goldziher, *Mythology among the Hebrews and Its Historical Development*, (London: Longmans Green 1877), 249.

[44] Ibid.

[45] Martin, *Jewish Discovery*, 14.

[46] He describes Islam as "…simply a system of borrowed building stones which serves the Prophet [Muhammad] in the construction of his message". Goldziher, *Mohammed and Islam* (New Haven: Yale University Press, 1917), 6. As a result, Islam as seen by him could be called 'the Judaized Meccan cult' or as "an intellectual outgrowth of Judaism". Hamid Dabashi, *Post-Orientalism: Knowledge and Power in Time of Terror* (Edison, NJ: Transaction Publishers, 2009), 43.

[47] *MS*, 22.

[48] Ibid.

The ambiguity and contradictions noticed in his analyses of *Ḥadīth* can be better explained by associating his belief in the theory of textual evolution and how he applied it to *Ḥadīth* literature. In fact, his *MS* was to show the readers the "…history of the development of the Muhammedan religion".[49] Probing some of his analyses and interpretations as evidence of his study would reveal the enforcement of personal readings and interpretations of some important historical texts and incidents which do not necessarily warrant this sort of understanding. On some occasions, he consults non-authoritative sources to pick some unreliable proofs or takes some statements out of context seemingly just to support his view on the subject. Moreover, one of his major flaws is the use of a methodology that rarely questions the historical credibility of the texts he uses. Although it is not the purpose of this chapter to examine and evaluate the proofs and conclusions offered in *MS* in this limited space, presenting one example will illustrate Goldziher's method of using and understanding the history of the Prophetic Traditions in the light of his theory of evolution.

Goldziher claims that the *ḥadīth* which restricts setting out on journeys only to the Three Mosques, among them being al-Masjid al-Aqṣá in Jerusalem, was made up by al-Zuhrī (d. 124/742).[50] This forgery, according to Goldziher, was requested by the Umayyad Caliph 'Abd al-Malik who sought to divert the Muslims to al-Masjid al-Aqṣā for *ḥajj* (pilgrimage) instead of

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[49] *MS* was in fact written under the title *Islam: Studies on the History of the Muhammedan Religion*. Five years later it was intensively revised and published as *Muslim Studies*. Lawrence I. Conrad**,** "A New Volume of Hungarian Essays by Ignaz Goldziher," *Journal of the Royal Asiatic Society* 17 (2007): 369. See also, Martin, *Jewish Discovery*, 151.

[50] *MS*, 44-46. The *ḥadīth* reads: "One should not undertake journeys except to the Three Mosques: al-Masjid al-Ḥarām (in Makkah), al-Masjid al-Aqṣā (in Jerusalem), and my Mosque (the Prophet's Mosque in Madīnah)" Muḥammad b. Ismā'īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* (Damascus: Dār Ibn Kathīr, 1987), 1: 398. Al-Aqṣá Mosque is the focal point of Bayt al-Maqdis (Islamicjerusalem). For an accurate understanding of Islamicjerusalem and its geographical boundaries see the sophisticated work of Khalid El-Awaisi, *Mapping Islamicjerusalem: A Rediscovery of Geographical Boundaries* (Dundee: Al-Maktoum Institute Academic Press, 2007).

Makkah which was under the control of his political opponent, Ibn al-Zubayr.[51] Therefore, *Qubbat al-Ṣakhrah* (Dome of the Rock) was built on the Rock merely to serve this purpose. Goldziher based his view on what was reported by Aḥmad al-Yaʿqūbī in his *Tārīkh*. The report states that the Syrians were prevented by ʿAbd al-Malik from going to Makkah to perform *ḥajj* because he was worried that his opponent, who ruled Makkah at that time, ʿAbd Allāh b. al-Zubayr would take the pledge of allegiance that had been given to him. The people were enraged by this and asked the Caliph how he could prevent them from performing *ḥajj* while it is a religious duty imposed by Allah upon them. He then convinced them by referring to what al-Zuhrī, who was allegedly present, had narrated on this matter. Then, ʿAbd al-Malik told the pilgrims that al-Aqṣā stands for al-Masjid al-Ḥarām and the Rock, on which he built a dome, replaces *al-Kaʿbah*. According to the report, the people later were seen making *ṭawāf* (circumambulation) around it. [52]

This story has been cited by Goldziher as a sign that *Ḥadīth* forgery occurred in the Umayyad regime for political purposes using *Ḥadīth* as a means to that end.[53] The problem of citing such a story is related to its unreliability which could be easily checked from the same source that Goldziher quoted. This incident was not recorded by any of the authoritative historians such as: Aḥmad b. Yaḥyá al-Balādhurī (d. 297/892), Ibn Jarīr al-Ṭabarī (d. 311/923), and Muḥammad al-Maqdisī (d. 380/990), a native of Jerusalem, who were also concerned about the details of the conflict between the Umayyad and Ibn al-Zubayr. It is only reported by the historian Aḥmad al-Yaʿqūbī (d. 284/898) who was a Shiʾi and despised the Umayyads. One

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[51] *MS*, 44.
[52] Aḥmad b. Abī Yaʿqūb al-Yaʿqūbī, *Tārīkh al-Yaʿqūbī* (Beirut: Dār Ṣādir, 1983), 2: 261.
[53] *MS*, 44-45.

major problem with this report is that there is a clear contradiction of al-Yaʿqū bī's account of what happened which weakens the authenticity of the entire alleged event.

It is understood from al-Yaʿqū bī's report that performing *ḥajj* in Makkah was forbidden during the Umayyad regime when it was captured by Ibn al-Zubayr from the year 66/685 to 73/692. Alternatively, people were instructed to perform *ḥajj* in Jerusalem at al-Aqṣā Mosque, and they accepted this peculiar instruction and started to perform *ṭawāf* around the Dome of the Rock which was not completed until the year 72/692. This clearly contradicts what al-Yaʿqūbī himself says just a few pages after mentioning this incident. He points out that in the year 68/687 there were four camps established in Arafat in Makkah during the *ḥajj* including those of Ibn al-Zubayr's and the Umayyad's.[54] This means the Umayyads performed *ḥajj* during the rule of Ibn al-Zubayr which covered the period between 66/685 to the year 73/692, and this contradicts what al-Yaʿqū bī stated before that the Umayyads prevented people from performing *ḥajj* in Makkah when was captured by Ibn al-Zubayr.[55]

Importantly, had this peculiar incident taken place, it would not have been passed unnoticed by historians concerned with the history of Islam. From these contradictory accounts of al-Yaʿqū bī himself, it is strongly suggested that the incident did not take place and the reason for erecting the Dome of the Rock would have been for a purpose other than that claimed by al-Yaʿqū bī.[56] The choice of this historical incident to show how the *Ḥadīth* was forged is to explain

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[54] Ibid.

[55] Ibid.

[56] It has been reported that the Dome of the Rock was built by order of ʿAbd al-Malik who, in one of his visits to Jerusalem, saw the magnificent structure of the Church of the Holy Sepulchre's building and its dome. He decided to compete against that and ordered that the Dome be built. See, Muḥammad b. ʿAbd al-Wāḥid al-Maqdisī, *Faḍāʾil Bayt al-Maqdis* (Damascus: Dār al-Fikr, 1985). As regards al-Yaʿqū bī, he was an outspoken *Shiite* devotee whose

how Goldziher was willing to be uncritical about any report regardless of its validity as long as it can fit his designed historical framework of *Ḥadīth* development.

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historical writings carry some bias against *Sunni* Umayyad rulers. Historically, it is evident that there were some Abbasid historians who wrote in an unfavourable tone towards the Umayyad Caliphate. In his study regarding the Umayyads, Goldziher relied heavily on such sources written by *Shiite* authors including al-Iṣfahānī, the author of *al-Aghānī*, and al-Masʿūdī the author of *Mur- j al-Dhahhab* who were hostile to the Umayyads. So, one can now consider the motive of the construction of the Dome as recounted by al-Yaʿq- bī as part of "…the propaganda machine of the Shiite and Abbasid opposition attempt[ed] to show the Umayyads as enemies of the faith". Oleg Grabar, *Studies in Medieval Islamic Art* (London: Variorum, 1976), 22.

3.4.2 Joseph Schacht's Work and Views:

The appearance of Goldziher's work *MS* II in 1890 paved the way for a number of specialised writings on *Ḥadīth* literature and their origin, such as those of Snouck Hurgronje (1857-1936),[57] Henri Lammens (1862-1937),[58] and David Samuel Margoliouth (1858-1940).[59] However, as stated earlier in the beginning of this chapter, in most of these writings the ideas of Goldziher were taken up or extended without making new premises that could take the arguments to a higher level of thought. In this period of time, there was one notable exception of the Orientalists, namely Johann Fueck (1894-1974), who criticises the sceptical approach of his predecessors, arguing that *Ḥadīth* literature contains many authentic Traditions.[60] Goldziher's attempt to date the historical origins of *Ḥadīth* was quite broad and at times rudimental. He never goes beyond his simple scepticism about the authenticity of the bulk of *Ḥadīth* materials, and he limits his dating of *aḥādīth* to general comments like 'mature stages of its development' or 'first few centuries of Islam'.[61] That was why Western scholars felt that there was a dominant need for a further step to "…discover a reliable method of positive *Ḥadīth*-criticism"[62] in order to structure a "…practical theory for determining the chronology and provenance of any specific *ḥadīth*".[63]

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[57] Christiaan Snouck Hurgronje, *Mohammedanism; Lectures on Its Origin, Its Religious and Political Growth, and Its Present State* (New York: G. P. Putnam's Sons, 1916).
[58] Henry Lammens, *Islam Beliefs and Institutions*, trans. Denison Ross (London: Methuen Co. & Ltd., 1929).
[59] D. S. Margoliouth, "On Moslem Traditon", *The Muslim World*, 2 (1912), 113-121.
[60] Johann Fueck, "The Role of Traditionalism in Islam", in *Ḥadīth: Origins and Developments*, ed. Harald Motzki (Aldershot: Ashgate Publishing, 2004), 100.
[61] Berg , *Development*, 12.
[62] H. A. R. Gibb, "Review of *the Origins of Muhammadan Jurisprudence* by Joseph Schacht", *Journal of Comparative Legislation and International Law*, 33 (1951) 113.
[63] Berg, *Development*, 12.

According to those scholars, this was accomplished 60 years later by Joseph Schacht in his influential study entitled '*The Origins of Muhammadan Jurisprudence*' which carries four major themes. They are: the development of legal theory in early Islam, the growth of legal *aḥādīth*, the transmission of legal doctrine in the Umayyad time and conflicts within the legal schools, and finally the development of technical legal thought. Schacht's work was highly appreciated by scholars in Western learned circles, especially those who were interested in the origin of Islamic law. J. N. D. Anderson in his review of Schacht's book states that Schacht was eagerly awaited by specialists in the field.[64] In the same breath, H. Ritter concludes in his review of the same book, saying:

> This thorough methodical and highly original book has considerably advanced our knowledge of the early development of one of the most important branches of the history of Islamic thought and has established a methodical base for investigations of this kind.[65]

The whole thesis of Schacht was set to answer the question of the origin of Islamic legislation, and trace the development of the ancient legal schools of Muslims into what is currently known as '*al-Madhāhib al-Arba'ah*', (Four Juristic Schools).[66] The importance of his work was to know the original basis that Muslim law was mainly established upon in the first Islamic century. Historical and sociological approaches were applied in his study rather than theological and

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[64] J. N. D. Anderson, "Review of *the Origins of Muhammadan Jurisprudence*, by Joseph Schacht", *Die Welt des Islams* 2 (1952): 136.

[65] H. Ritter, "Review of *the Origins of Muhammadan Jurisprudence*, by Joseph Schacht," *Oriens* 4 (1951): 312.

[66] For more on the history and evolution of the Four Juristic Schools and their founders see, Muḥammad Ab- Zahrah, *The Four Imams: The Lives and Teaching of Their Founders* (London: Dār al-Taqwā, 2001). See also, Mawil Izzi Dien, *Islamic Law: From Historical Foundations to Contemporary Practice* (Edinburgh: Edinburgh University Press, 2004), 13-25; Majid Khadduri, "Nature and Sources of Islamic Law", *George Washington Law Review*, 22 (1953-1954): 10-20.

juristic. Islamic jurisprudence was viewed in *Origins* as historical phenomenon whose roots grew out of the context of social reality.[67]

He investigates the validity of the classic notion that Islamic jurisprudence was established on four main elements: the Qur'ān, *Ḥadīth*, *ijmā'* (consensus), and *qiyās* (analogical reasoning). The result of the investigation was that this traditional thought held by Muslims was not historically the initial structure of Muslim law; but rather a secondary stage product developed during the transmission of the legal system which began at the end of the first century. As a result, the Qur'ān and *Ḥadīth* were not believed to be the chief sources of *sharī'ah* until the middle of the second century A.H..[68] In terms of the Qur'ān, Schacht suggests that the Qur'ān as a whole was not the prime foundation from the beginning; although, he acknowledges that some Qur'ānic rules related to family law, inheritance, cult and rituals were elements found in the Islamic legal structure from the beginning.[69] Therefore, he aims to analyse the legal Traditions to

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[67] See, Bernard Lewis, 'Obituary: Joseph Schacht,' *Bulletin of the School of Oriental and African Studies*, 33 (1970): 378, and Aharon Layish, "Notes on Joseph Schacht's Contribution to the Study of Islamic Law," *British Society for Middle Eastern Studies*, 9, (1982): 133.

[68] Schacht maintains that "…the traditions from the Prophet do not form, together with the Koran, the original basis of Muhammadan law, but an innovation begun at a time when some of its foundations already existed." Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1967), 40.

[69] He says: "…many rules of Islamic law, particularly in family law and the law of inheritance, not to mention worship and ritual, were based on the Koran from the beginning" (*Origins*, 225). Astonishingly, a few lines after stating this idea he straight away contradicts himself by expressing that some norms derived from the Qur'ān were introduced into Islamic law almost invariably at ***a secondary stage***. This applies, he emphasises, to "…not only to those branches of law which are not covered in detail by the Koranic legislation ... but to ***family law, the law of inheritance, and even cult and ritual.***" Ibid., 226. [Emphasis added]. This self-contradiction in his position has been noted by some critics such as David Powers. See, David S. Powers, *Studies in Qur'ān and Ḥadīth: The Formation of the Law of Inheritance* (Berkeley, CA: University of California Press, 1986), 7. Ze'ev Maghen remarks on this point in a rather humorous way by saying: "Which of these Schachtian positions is, as it were, *nasikh*, and which is *mansukh*?" Ze'ev Maghen, "Dead Tradition: Joseph Schacht and the Origins of "Popular Practice"," *Islamic Law and Society*, 10 (2003): 296.

provide a framework by which he could understand the process of how Muslim jurisprudence developed.

According to Schacht's thesis, the legal *aḥādīth* found in the six canonical collections emanated after the Prophet's time by more than 100 years. So, during this time legislative rules were derived from the local customs enhanced by the Umayyad administrative regulations and popular practices. These practices were largely based on *ra'y* (personal reasoning) which was later embodied by the jurists into "…traditions from the Companions and Successors, [to] interpret them in the light of their own 'living tradition' and allow them to be superseded by it."[70] The contents of these traditions were the opinions and *fatāwá* (legal verdicts, edicts) of the Companions and the Successors. Before 150/767, some Prophetic Traditions started to be circulated by traditionists who opposed the use of *ra'y*.[71] This trend was strongly opposed by the people of the ancient schools of *fiqh*, until it was gradually accepted by a new theory created by al-Shāfiʿī, which advocated the idea of the four main sources of Islamic jurisprudence. Al-Shāfiʿī's position with the support of *ahl al-Ḥadīth* gave the Prophetic *Sunnah* an overriding authority over *ra'y*, which has no priority even over a single and isolated *ḥadīth* with a good *isnād* traced back to the Prophet.[72] So, it can be concluded that "…traditions from the Companions and Successors are earlier than those from the Prophet."[73] Based on this conclusion, most of the legal *aḥādīth* were originated during and after al-Shāfiʿī's time until a large

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[70] Schacht, *Origins*, 4.

[71] Schacht describes that as "…the natural reaction of the early specialists on law against the introduction of a new element." *Origins*, 87.

[72] In this regard, Schacht says: "Two generations before Shāfiʿī, reference to traditions from the Companions and Successors was the rule, to traditions from the Prophet himself was the exception, and it was left to Shāfiʿī to make the exception his rule". *Origins*, 3.

[73] Ibid., 3.

proportion of them settled in the classic collections.[74] It was in this period and under this new

fashion that different conflicting groups and competing schools of law became aware of the

necessity of supporting their legal views and doctrines of their schools by *aḥādīth* from the

Prophet in order to possess more legal power and gain more followers. To do so, they revised the

materials and legal maxims acquired from the Successors and projected them to the Companions,

then to the Prophet.[75] This gives an idea of how *isnād* was initially introduced into any *ḥadīth*

narration system. Successors' opinions and their arguments were, in fact, the "starting point" for

the growth of legal *aḥādīth* in its conventional form, *isnād* and *matn*.[76]

In the light of this view, Schacht's thesis followed what Goldziher had previously

initiated about the origin of *Ḥadīth*. Their theses have advocated the theory that the largest part

of *aḥādīth* was created at a much later date than it was asserted by the early traditionists. Both

believe that the significance of *Ḥadīth* as an authoritative guide for Muslims and an authoritative

interpretation of the Qur'ān's applications had evolved over time, and during the first 90 years, at

least, after the Prophet, there was only the *sunnah* (composed of the ancient practice of the old

community) as the basis for legal codes. Those codes were not the same with the *Sunnah* which

al-Shāfiʿī regarded to be a synonym of *Ḥadīth* by his scholarly arguments.[77] As a result, the law

was first and *Ḥadīth* came later as justification.

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[74] Ibid., 140.
[75] Schacht states that "…the reference to the Successor preceded reference to the Companion, and it was only a consequence of theoretical consideration that the authority was transferred backwards from the Successor to the Companion, just as it was later…transferred from the Companion to the Prophet." *Origins*, 33. Later, he notes that "…there is no reason to suppose that the regular practice of using *isnāds* is older than the beginning of the second century A.H." *Origins*, 37.
[76] *Origins*, 156.
[77] It is clear from this argument that there was a gap of almost a century after the Prophet, and during this gap, according to Schacht's argument, the ancient schools of law relied on laws derived, not from the Qur'an and the

However, Schacht in his analysis goes beyond his predecessors' by attempting to give an approximate date as to when the *aḥādīth* initially started to appear, and when they began to be proliferated. In this direction, Schacht's unique contribution lies in advancing a practical method to date the provenance of any specific legal *ḥadīth* through certain indications in *matn* and *isnād*. He developed a technique to identify the period in which the manufacture of any legal *ḥadīth* is associated with. It is suggested by Schacht that the date of a *ḥadīth* can be known for certain through its first appearance in legal discussion. To be clear, if there are, for example, two legal sources, one of which was older than the other, and both of them discuss a legal matter, and if only in the latter source one *ḥadīth* or more are added since they are related to the matter, then, that means this *ḥadīth* was (these *aḥādīth* were) fabricated sometime after the writing of the earlier source.[78]

Many examples are cited by Schacht to prove this point. For instance, he refers to al-Shāfiʿī's opinion in his treatise *al-Umm* that there was no explicit Tradition regarding the fact that triple divorce, pronounced in one session could be counted as one divorce. However, in a later period there was a Tradition related to this matter found in *Musnad* of Ibn Ḥanbal narrated through Ibn ʿAbbās stating that the triple divorce in one session was considered as "…a single

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Prophetic *sunnah*, which was a later innovation. Nevertheless, some specialists in Islamic jurisprudence such as Noel Coulson, who praises Schacht's theory as "irrefutable in its broad essentials", may consider this argument of Schacht as unrealistic, due to the fact that this vacuum will lead to a conclusion that the legal problems addressed and created by the terms of the Qurʾān had been ignored by Muslims for approximately a century. So, from a practical standpoint, this vacuum is difficult to accept by Coulson. N. J. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), 65.

[78] Ibid., 140.

divorce and is revocable."[79] This type of conclusion by Schacht is known as an argument from silence (*e silentio*).[80]

Unlike Goldziher who totally dismisses *isnād* as unworthy of attention to be used for examining the historicity of the *Ḥadīth*, *isnād* was seen by Schacht as a useful tool for dating the Traditions. According to Schacht, there is no ground to take it for granted that "…the regular practice of using *isnāds* is older than the beginning of the second century"[81], which had then reached an apogee in the third century. These *asānīd*, he argues, had been attached to the Traditions in a random way, so they should be considered as fictitious. Through his *isnād*-analysis method, he claims that many *aḥādīth* had a few or many *asānīd*, and the *aḥādīth* with similar or related contents had one transmitter in their *asānīd*, who is considered to be the common link and appeared somewhere in the middle of each *isnād*. This transmitter (the common link), Schacht argues, is the creator of the earlier part of that *isnād* which went back to the Prophet, whereas the latter part was genuine.[82]

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[79] Ibid., 146.

[80] A good critical discussion made on this type of argument used by Schacht is that of Zafar Ishaq Ansari in his paper entitled: "The Authenticity of Traditions: A Critique of Joseph Schacht's Argument *e silentio*," *Hamdard Islamicus*, 7 (1984): 51-61. What is suggested by Schacht here is that if some *aḥādīth* were not used by a *fiqh* scholar, it is considered proof of their non-existence. There could be various reasons why some Traditions have not been quoted in the given issues. One of them is that not every one of those scholars had access to a complete knowledge of the Prophetic *aḥādīth*. Perhaps some of them did not hear of some of them, or probably they considered them as weak, or they might have been forgotten at that time. Al-Shāfiʿī in his *al-Risālah* states that: "…I dislike quoting a *ḥadīth*, which I did not memorise well. I lost some of my books but have verified what I remember from what is known to scholars. I have aimed at conciseness so as not to make my work too long…" al-Shāfiʿī, *Al-Risālah*, printed as the first part of *Kitāb al-Umm*, (Cairo: Dār al-Wafāʾ, 2001), 43. Such reasons contributed to establishing what is known as *ʿilm al-ikhtilāf* or the (Discipline of Disagreement), which studies and explains the causes (*asbāb*) of the disagreement among the experts of Islamic law in terms of their judgments on and interpretations of some legal issues. There are many books produced on this matter, see for example, *Ikhtilāf al-Fuqahāʾ* of Ibn Jariīr al-Ṭabarī, *Ikhtilāf al-Aʾimmah al-ʿUlamāʾ* of Ibn Hubayrah al-Shaybānī, and *Al-Inṣāf fī Bayān Sabab al-Ikhtilāf fī al-Aḥkām al-Fiqhīyah* by Walī-Allāh Aḥmad al-Dahlawī.

[81] *Origins*, 37.

[82] Ibid., 160-164.

With this analysis, he is considered to be the first critic who divided *isnād* into two parts, genuine and invented. His objective of studying *asānīd* was to discover the history of the invention of any *isnād*. Claiming that this situation of the common link is a frequent occurrence in *Ḥadīth* literature, Schacht managed to give only one example on this matter. An *isnād* of a legal *ḥadīth* chosen from al-Shāfiʿī's *Ikhtilāf al-Ḥadīth* wa*s* highlighted concerning this issue. This *ḥadīth* was transmitted in *Origins* as in the following diagram[83]:

Figure 3.1: Schacht's version of al-Shāfiʿī's *isnād* of a *ḥadīth*
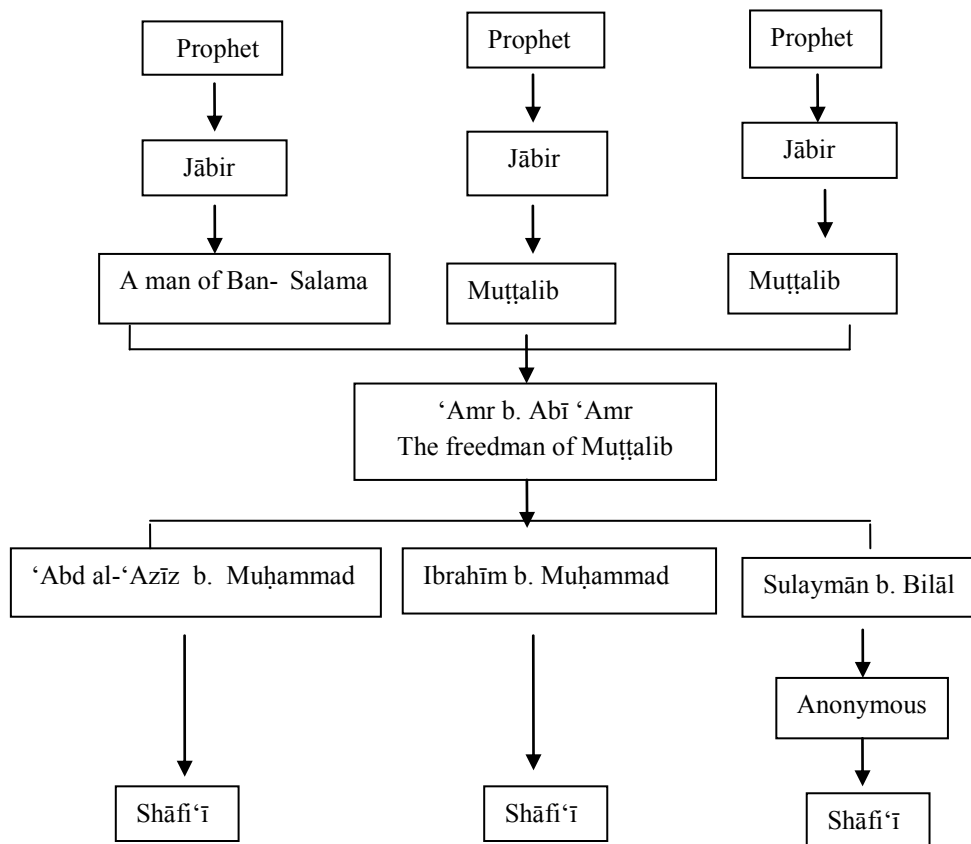
(Source: *Origins*, 172)

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[83] *Origins*, 172.

In this diagram, as drawn by Schacht, it is 'Amr b. Abī 'Amr who is regarded by Schacht as the common link (CL) to put this report into circulation. In view of that, it shows that the CL belonged to the younger Successors' generation; and as a result it is a good indication of fabricating the Traditional text.

Nevertheless, Muhammad Azami rightly argues that this explanation of the *isnād* proposed by Schacht as a case of CL transmitter is not accurate. Azami points out that there is only one chain from the Prophet to 'Amr, who transmitted it to three of his students. So, the correct version of this *isnād* in conformity with al-Shāfi'ī's discussion will be as follows:[84]

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[84] M. M. Azami, *Studies in Early Ḥadīth Literature: With a Critical Edition of Some Early Texts* (Burr Ridge, US: American Trust Publications, 2001), 233-235. Schacht also assumes that this common link is a phenomenon observed, though not recognised by its implications, by most traditionists, then he cites al-Tirmidhī as an example. *Origins*, 172. Schacht may refer to what is known in *Ḥadīth* Terminology as *Madār al-Ḥadīth* (pivot of a *ḥadīth* i.e. the link around which the chain revolves). In fact, there are significant differences between the common link meant by Schacht and the *Madār* used by classic scholars of *Ḥadīth* in their discussions. These differences are well-explained in Halit Ozkan's paper "The *Common Link* and Its Relation to the Madār," in *Islamic Law and Society*, 2 (2004): 42-77. Ozkan's discussion is aimed in fact to reevaluate G.H.A. Juynboll's view of the common link. Juynboll, who refined some aspects of Schacht's theory, both share the main concept of the theory of the common link. See, G. H. A. Juynboll, *Muslim Tradition: Studies in Chronology, Provenance and Authorship of Early Hadith* (Cambridge: Cambridge University Press, 1983).

Figure 3.2: Azami's version of al-Shāfiʻī's *isnād*

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┌─────────────┐
│   Prophet   │
└──────┬──────┘
       │
┌──────▼──────┐
│    Jābir    │
└──────┬──────┘
       │
┌──────▼──────┐
│   Muṭṭalib  │
└──────┬──────┘
       │
┌──────▼──────┐
│    ʻAmr     │
└──────┬──────┘
```

| ʻAbd al-ʻAzīz | Ibrāhīm | Sulaymān |
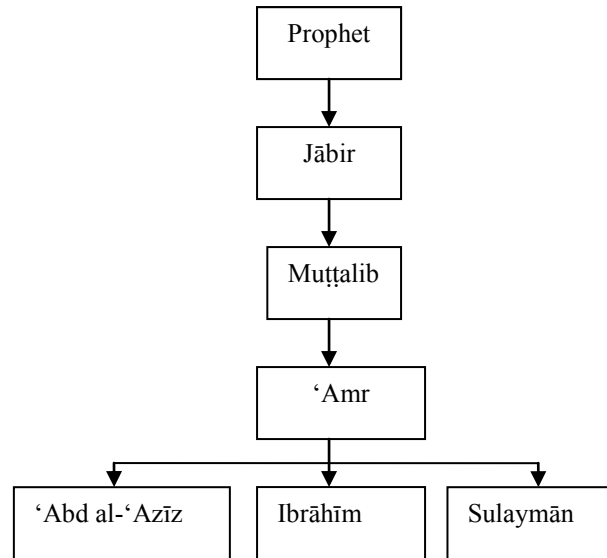
(Source: *Studies in Early Ḥadīth Literature*, 234)

The overall purpose that Schacht wants to achieve through his analytical approach to *isnād* is to prove that the common link theory is the most adequate method that enables people to know where and when many individual Traditions were coined. Moreover, he confidently argues that the results of using this method in conjunction with the other results of his study are not limited to juridical *aḥādīth* but are also applicable to the other genres of *aḥādīth* of a theological and historical nature.[85]

As will be discussed shortly, the theories and premises of Schacht regarding the provenance of Islamic law and the Prophetic Traditions have been, on the one hand, greatly influential. His methodology and theories, on the other, are also prone to wide criticism. One of the major criticisms of Schacht's claim is that no genuine reports belonged to the Prophet and his

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[85] Ibid.

Companions in the first century. This claim has been refuted by scholars such as David Powers, Noel Coulson, Fuat Sezgin, and Nabia Abbott.[86] They assert that Schacht's methodology failed to distinguish between the form and content of a *ḥadīth*. The form of any *ḥadīth* found in *Ḥadīth* literature was developed after the first half of the second century/eighth century until it reached its final shape around the beginning of the third/ninth century. The original content "…may go back to an earlier time" [87] perhaps even towards the middle of the first century. [88]

A range of particular points and conclusions in Schacht's study are also disputed by some specialists, but the most comprehensive critical work on Schacht was done by Azami who constructed some critical writings covering important aspects of the *Origins*.[89]

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[86] See: Powers, *Studies*, 1986. Also, Noel J. Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964). Fuat Sezgin, *Geschichte Des Arabischen Schrifttums* (*History of Arabic Scholarly Writings*) (Leiden: Brill, 1975) v. 2. Nabia Abbott, *Studies in Arabic Literary Papyri*, vol. 2.

[87] Motzki, *Ḥadīth*, xxiv, see also S. G. Vesey-Fitzgerald, 'Nature and Resources of the Sharīʻah,' in Majid Khadduri and Herbert J. Lienbesny, eds, *Law in the Middle East*: *Origin and Development* (Washington, DC: Middle East Institute, 1955), 1: 93-94.

[88] See, Josef Van Ess, *Zwischen Hadit und Theologie: Studien zum Entstehen Pradestinatianischer Uberlieferung* (*Between Hadith and Theology: Studies Concerning the Traditions on Predestination*) (Berlin: De Gruyter, 1975); Gregor Schoeler, *The Oral and the Written in Early Islam* (Oxon, Routledge, 2006); Harald Motzki, *The Origins of Islamic Jurisprudence: Meccan Fiqh before the Classical Schools* (Leiden, Brill, 2002). See also: Muhammad Hamidullah, *Sahifah Hammam Ibn Munabbih by Hammam Ibn Munabbih* (Luton, England: Apex Books Concern, 1979); Muṣṭafá al-Sibāʻī, *Al-Sunnah wa-Makānatuhā fī al-Tashrīʻ al-Islāmī* (Beirut: al-Maktab al-Islāmī, 1976).

[89] M. M. Azami, *On Schacht's 'Origins of Muhammadan Jurisprudence'* (Cambridge: Islamic Texts Society, 1996); idem, *Studies in Early Ḥadīth Literature*.

3.5 The Scholarly Impact of the Studies of Goldziher and Schacht:

As far as *Ḥadīth* and its historical development are concerned, the writings of the majority of non-Muslim researchers in the West have been influenced, to a large extent, by the views and theories of Goldziher and Schacht. After the appearance of *MS* and *The Origins*, the Western scholarship of *Ḥadīth* became an independent subject for research. Both works are considered to be standard sources in Western investigations of all Islamic materials. The impact they created has been felt deeply for a long period of time, and indeed their observations became the basis of any study on *Ḥadīth* in the West.[90]

Goldziher was the real founder of modern Western scholarship of Islamic studies as a whole, and his studies, especially on *Ḥadīth*, had an immense impact on scholars of his generation as well as his successors. For instance, Goldziher's close friend Theodore Noldeke, who was generally recognised as the father of Western Qur'ānic criticism, was the first researcher to implement Goldziher's methods in *MS* to examine some historical reports regarding the prominent figures of early Islam.[91] In a letter written to Goldziher after the second volume of *MS* was published, Noldeke stated that his scepticism about the originality of *Ḥadīth* was awakened by Goldziher.[92] In his letter to Goldziher, he put it even more plainly: "Who on earth has a better

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[90] Herbert, *Development*, 13. See also, Motzki, *Ḥadīth*, xxi, xxiv.

[91] This is according to Noldeke's student Friedrich Zacharias Schwally in his introduction of the second edition of *Geschichte des Qorans* (*History of the Qur'ān*) second volume. Schwally was entrusted to enlarge the book for a second edition under the request of Noldeke. See, Theodor Noldeke, *Tārīkh al-Qur'ān (Geschichte des Qorans)*, translated into Arabic and published by Georges Tamer (Berlin: Konrad-Adenauer, 2004), 409-411.

[92] He says in a letter sent to him: "After all I must tell you that you are a terrible man. With all your doubts about the originality of *Ḥadīth* you have awakened my suspicion too. Eventually, I will be more suspicious than you are! You have completely upset my simple soul." Robert Simon, *Ignac Goldziher: His Life and Scholarship as Reflected in his Works and Correspondence* (Leiden: Brill, 1986), 101-02.

understanding of *Ḥadīth* than you? Not even Snouck can compete with you".[93] Some Orientalists such as C. H. Becker, expressed the same attitude as Noldeke in their personal letters to Goldziher while the majority of his successors adopted his views without criticism and incorporated them in their various studies on Islam. Sometimes, they improved these views and enlarged them to be applied to other historical materials. Such scholars included Leone Caetani, Henry Lammens, David Margoliouth and Alfred Guillaume.

The same is true for Schacht, who himself was Goldizher's prominent successor, and was influenced by his methodology of studying *Ḥadīth*. No doubt that Schacht carried out his *Ḥadīth* analysis based on Goldziher's observations and theories to establish a critical and interpretive system for the study of Islam.[94] The theories and premises put forward by Schacht in his work were the corner stones which could not be ignored by subsequent researchers studying Islamic law or *Ḥadīth*. Accordingly, they have to define their positions in relation of those of Schacht.[95] Most Orientalists reacted to *Origins* positively and accepted Schacht's thesis as a solid structure which is "…not likely to be impugned on any but a priori grounds."[96]

To the majority of Western scholars, the methodological approaches of both scholars represent the introduction of critical historical approaches to materials whose meaning had become obfuscated by the dogmatic approach of the Muslim scholars.[97]

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[93] See his letter of 24. Oct, 1890 and 13 Nov., 1890, Ibid. Other appreciations are listed in J. D. Pearson, *Index Islamicus* 1906-1955 (Cambridge, 1958), 11.
[94] *Studia Islamica*, xxxi, *voluminis memoiriae J. Schacht*.
[95] Motzki, *Ḥadīth*, xxiv.
[96] Gibb, "Review of *the Origins*," 114.
[97] J Brown, *Hadith*, 121.

The studies of both Goldziher and Schacht stretched their impact to an unexpected end; the Muslim world. Since the dawn of modernity, the sceptical conclusions drawn by Orientalists about the reliability of *aḥādīth* had posed epistemological and theological challenges to many Muslims. This trend generated various responses from Muslim scholars. Those responses ranged from total acceptance of the Western criticism of *Ḥadīth* to a total rejection of it.

Among the majority of Muslims scholars, the style of *Ḥadīth* study represented in the works of Goldziher and Schacht has generated either ridicule or suspicion. They have regarded the scepticism of both scholars concerning *Ḥadīth* materials as a result of ignorance, or as an expression of 'Orientalism' manifested in a desire to prove that documentations for much of Islamic belief is forged.[98] Others, nevertheless, have been influenced by such arguments and have embraced the whole sceptical views regarding the origins of *Ḥadīth*.

For instance, in nineteenth-century India, Muslims encountered, for the first time, powerful arguments questioning the integrity of all Traditions in a systematic and logical way. The arguments and questions were brought to the awareness of Muslims through the intellectual activities of Christian missionaries and some European polemicists who tried to show the "irrationality" of Islam by presenting what they thought were some problematic issues and contradictory elements found in *Ḥadīth*. Some of these issues were the nature of the *jinn* as represented in the *Ḥadīth* texts as other beings who inhabit the earth with humans, and also the *ḥadīth* of the Fly.[99] Some Muslim thinkers, especially those who had close contact with those

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[98] Khalid Al-Dirayyis, *Al-Radd 'alá Akhṭā' Goldziher wa-Schacht al-Manhajīyah* (Madinah: Mujammaʿ al-Malik Fahad li-Ṭibāʿat al-Muṣḥaf al-Sharīf, 2006), 9.

[99] The *ḥadīth* reads: "If a fly falls into one of your containers [of food or drink], immerse it completely before removing it, for under one of its wings there is venom and under another there is (its) antidote". *Ṣaḥīḥ al-Bukhārī*, 4: 123. There was a heated debate over the content of this *ḥadīth* especially by the *Qur'ānīy- n* who saw it as irrational

people in India, reacted intellectually to the arguments in defence of Islam. The reaction was unprecedented in Muslim history in its kind of response. The cost was that the entire *Sunnah* as a legal *sharī'ah* proof was denied.

They struggled to find appropriate answers for each argument; however, they found themselves at last convinced by the Western arguments. So, some Indian figures including Sir Sayed Ahmad Khan, Chiragh 'Alī, and Khawaja Ahmad Armistari turned to the Qur'ān to solve the dilemma and proclaimed that only the Qur'ān could be entirely trusted as a perfect source of Islam which has to be followed exclusively. They treated the *Sunnah* literature as an untrue representation of the Prophet's life and message that is full of paradoxes. These ideas against the *Ḥadīth* then spread widely among Indian Muslims, and attracted a number of followers. One of them was Mistri Ramadan who attacked the criticism of early Muslim *Ḥadīth* as a pointless methodology because, according to him, all *asānīd* were forged so that the methodology could not be used to verify the Traditions.[100] One of the goals set by this movement was to abandon the use of *Ḥadīth* literature in deriving legal laws and rely only on the Qur'ān. Armistari, for instance, authored a book on the Qur'ān to show how the laws pertaining to the Islamic law of inheritance, for example, could be extracted from the Qur'ān alone.[101]

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and against modern medical science so it could not be possible to be the words of the Prophet. Surprisingly, there are recent scientific researches whose results seem to support this narration. See for example: Dharne, M.S. et al. "Antibacterial activities of multi drug resistant Myroides odoratimimus bacteria isolated from adult flesh flies (Diptera: Sarcophagidae) are independent of metallo beta-lactamase gene," *Braz. J. Microbiol.*, 39 (2008): 397-404. See the online version of this article at: http://www.scielo.br/scielo.php?script=sci_arttext&pid=S151783822008000200035&lng=en&nrm=iso Also see, O. Lung, L. Kuo and M.F. Wolfner. Drosophila males transfer antibacterial proteins from their accessory gland and ejaculatory duct to their mates, *Journal of Insect Physiology*, 47 (2001): 617-622. Also, an article entitled *The new buzz on antibiotics* was published online in http://abc.gov.au/science/articles/2002/10/01/689400.htm.

[100] Daniel W. Brown, *Rethinking Tradition in Modern Islamic Thought* (Cambridge: Cambridge University Press, 1999), 98.

[101] Ibid., 46-47.

The arguments of those who reject *Ḥadīth* became the foundation of a later movement called "*al-Qur'āniy-n/Qur'anists*". In modern times, the new '*Qur'anists*' in different parts of the world carry out the same mission and views maintained by their forefathers. One of the basic current works that supports this argument is authored by the Malaysian researcher, Kassim Ahmad, entitled '*Ḥadīth: A Re-evaluation*'.[102] In this work, the critical remarks made by influential Western researchers who criticised and questioned the authenticity of *Ḥadīth* and its legal status were clearly embraced to shore up the original theme of the book which was dedicated entirely to rejecting *Ḥadīth* and only accepting the Qur'ān as a sacred source. The evolution of *Qur'anist* ideas about the Traditions and their religious status as Daniel Brown identifies, was affected by Orientalist ideologies mainly created by Goldziher and Schacht, which were also recruited as polemical missionary literature.[103] It is obvious that the foundation of this movement could be traced to the criticism and scrutiny by Western scholars of Islam which later influenced some Muslim scholars who believed that *Ḥadīth*, unlike the Qur'ān, could not stand up to criticism.[104] Thus, it made them look back on the *Ḥadīth* to examine its basis and origins in Islam.

The anti-*Ḥadīth* trend was not only prevalent in India; it found its way to impact on other terrain in the Arab world, namely; Egypt. In the early 19[th]-century, some Arab intellectuals or modernists began to espouse some of the arguments of Goldziher and those of the Orientalists who were influenced by him. Goldziher's views were first introduced to Arab Muslims through the translation of an English digest for the work of Goldziher published by a Christian

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[102] Kassim Ahmad: *Ḥadīth: A Reevaluation* (Kuala Lumpur: Media Indah, 1986), 8-9. This book was banned by the Malaysian Home Ministry on 8 July 1986.
[103] Brown, *Rethinking*, 34.
[104] Ibid., 43-44.

missionary, and then published in Arabic in an obscure missionary journal in Egypt called "*al-Shraq wa al-Gharb*".[105] This was not the only channel of how Western critical studies of *Ḥadīth* came to Egypt. It was also through students (an example will be given shortly) who were sent to study in Europe. One of the important early 19th-century Arab modernists was Aḥmad Amīn who discussed some issues related to *Ḥadīth* transmission and documentation in his popular book "*Fajr al-Islām*".[106] During the discussions contained in the book, he supported his claims by referring to Goldziher's opinions on the historical development of *Ḥadīth*. However, he usually expressed Goldziher's thoughts as his own without mentioning the source of those views.[107]

There are also some scholars who openly challenged the orthodox views of Muslims about the position of *Ḥadīth*, and admired the works done by Orientalists in this regard. In 1939, 'Alī 'Abd al-Qādir, who obtained his doctoral degree from Germany, was appointed as a teacher in al-Azhar University on the subject of Islamic legislation and history. According to some of his students, he declared that after 14 years of studying in al-Azhar he had not gained a true understanding of Islam, but only attained this after studying in Germany.[108] While teaching his students, he used to quote from the *MS* and use Goldziher's views as established facts.[109]

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[105] Al-Ṣiddīq Bashīr Naṣr, *Al-Ta'līqāt al-Naqdīyah 'alá Kitāb Dirasāt Muḥammadīyah* (London: Markaz al-'Ālam al-Islāmī li-Dirāsat al-Istishrāq, 2008), 72-74.
[106] Aḥmad Amīn, *Fajr al-Islām* (Cairo: Maktabat al-Nahḍah al-Miṣrīyah, 1965). He wrote two sections in chapter six related to *Ḥadīth* and its documentation, and its relation to Islamic legislation.
[107] According to Maḥm- d Shākir, it was a common practice of Arab modernists during that era such as Ṭāhā Ḥusayn, Aḥmad Amīn, to plagiarise the Orientalists' opinions such as, those of Goldziher and Margoliouth, on many occasions without giving any credit to them. See, Maḥm- d Muḥammad Shākir, *Al-Mutanabbī* (Cairo: Maṭba'at al-Madanī, 1978) 156-167.
[108] One of his students was the renowned scholar Muṣṭafá al-Sibā'ī. See his account on this point in his book, *Al-Istishrāq wa-al-Mustashriq- n: Mā la-hum wa-mā 'Alayhim*, 2nd ed. (Beirut: al-Maktab al-Islāmī, 1979), 8-13.
[109] Al-Sibā'ī, *Al-Istishrāq*, 10.

In the same period of time, there was an influential thinker named Maḥm d Ab Rayyah whose focus on *Ḥadīth* criticism was aimed at disproving the validity and authenticity of the major content of *Ḥadīth* compilations. For this purpose, he wrote a monograph entitled *Aḍwā' 'alá al-Sunnah al-Muḥammadīyah*. He only kept the *mutawātir* (recurrent) *aḥādīth*, which existed in small quantities, as valuable, while the rest were judged as mere forgeries. [110] Generally, his arguments reflected more or less the Orientalist views especially those of Aloys Sprenger, Von Kremer, and Goldziher. Most of the sources he consulted in his work were used by Goldziher in *MS*.

In comparison with the *Qur'anist* movement in India, Arab modernists did not hold the 'Qur'ān-only' position in their arguments, and if they did, they did it implicitly. Nevertheless, most of their early arguments were not in favour of total rejection of the entire *Sunnah* literature. On the contrary, they could accept *aḥādīth* if they matched the criteria set by them for the acceptance of any *ḥadīth*. They argue that if any *ḥadīth* was classified as *mutawātir,* or not contradictory to the Qur'ān, or compatible to modern reason, it would be worthy of consideration, otherwise it must have been fabricated. [111] In the last few decades, the notion of 'Qur'ān-only' in the Muslim world has become prevalent among those who embraced the anti-*Ḥadīth* thoughts of the previous modernists mentioned above. This might be primarily based on the *Qur'anist* movement which has become more methodological and systematic since the movement of *Tolu-*

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[110] Maḥm d Ab Rayyah, *Aḍwā' 'alá al-Sunnah al-Muḥammadīyah*, 3rd ed. (Cairo: Dār al-Ma'ārif, 1967), 258-261.
[111] Aziz Ahmad, *Islamic Modernism in India and Pakistan, 1857-1964* (London: Oxford University Press, 1967), 48-49. Also, Ab Rayyah, *Aḍawā',* 350-51.

e-Islam (Resurgence of Islam) led by Ghulam Ahmed Parvez (1903-1985)[112], and the establishment of United Submitters International (USI) founded by Rashad Khalifa (1935-1990) in the United States of America.[113]

From the discourse of the *Qur'anists* and modernists, it is understandable that their move against the role of the *Sunnah* in Islamic thought was an attempt to go beyond the sanctifying look at the Islamic heritage and intend to re-consider the postulates rooted in the religious conscience concerning the Prophetic Traditions. This critical position on *Ḥadīth* was basically, as stated by Muḥammad Ḥamzah, the fruit of two factors. First, it was the study of other opinions of *Mu'tazilī* and *Shī'ī* intellectual arguments on *Ḥadīth* which challenged the mainstream dogma. Second, it was the effects of studying the Orientalist opinions and their methods of criticism, which consequently led some modern Muslim thinkers to question the legal and religious status of the role of the *Sunnah* in Muslim thought.[114]

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[112] He was a scholar of the Qur'ān and one of the most influential and controversial figures in 20th-century Pakistan. Through his writings and speeches, he tried to promote the thesis held by the *Ḥadīth*-deniers as to the doctrine of the sufficiency of the Qur'ān. He emphasized the notion that the Prophet's mission was solely to transmit the revealed text to him, and his *Sunnah* was intended to be valid for his time only. In 1938, Parvez became the leading voice of *Ahl Al-Qur'ān* especially when he established a journal which was named after his movement *Tolu-e-Islam*. Moreover, he founded a country-wide network for spreading his ideas of the Qur'ānic teachings called *Bazm-e-Tolu-e-Islam*. Around 40 books were written by Parvez on various topics of the Qur'ān. Such books include '*Mafhum-ul-Qur'ān*' (Exposition of the Holy Qur'ān) in 8 volumes, '*Lugh'at-ul-Qur'ān*' (Dictionary of the words and Concepts of the Qur'ān) in 4 volumes, and '*Niz'am-e-Rabubiyyat*' (Qur'ānic Economic Order). In these publications, he produced a number of sophisticated arguments against *Ahl al-Ḥadīth* supporting his own views. For more details see: Brown, *Rethinking Tradition*, 45, 54-57, 90-91, 100. See also, http://www.tolueislam.com/index.htm (accessed May 06, 2010).

[113] The main specific beliefs of the United Submitters International (USI) group are the dedication of all worship practices to Allah alone, upholding the Qur'an alone, and rejecting the traditional *aḥādīth* as fabrications and lies attributed to Prophet Muhammad by his enemies. The founder Rashad Khalifa was murdered in 1990 in Tucson, USA in suspicious circumstances. For more information on their critical evaluation of *Ḥadīth* see, http://submission.org/hadith/hadith2.html (accessed February 13, 2010).

[114] Muḥammad Ḥamzah, *al-Ḥadīth al-Nabawī*, 346-347.

The new school of thought led by modernists and *Qur'anists* was, and still is, rejected by mainstream religious schools whose scholars see this modern intellectual attack on the *Sunnah* and its role in Islam as a result of the pressure of modernity and Western civilisation, and is not based on sound scholarship. Most of those opponents belong to traditionalists or *salafī* scholarly groups. In the traditionalist view, the attitude of modern thought concerning *Ḥadīth* was formed in accordance with Western criticism of *Ḥadīth*. So, titles like "*mustaghrib-n*" "Occidentalists" and "imitators of the Orientalists" were frequently repeated in traditionalist discourse describing the modernists when discussing their anti-*Ḥadīth* views.[115] For the *salafī* scholars, the real revival and prosperity of the Muslim *ummah* (community of Muslims worldwide) is in adherence to the Prophetic *Sunnah* with sincere implementation of its teachings in one's life.

In the midst of these debates, a moderate approach to the subject was offered to reconsolidate the two parties. The leading figure of this trend was the Pakistani scholar Fazlul Rahman Malak.[116] In principle, Rahman agreed with the general conclusions of Goldziher and Schacht. After summarising Goldziher's scientific study of *Ḥadīth*, he states that the Traditions "…must be regarded as being on the whole unreliable as a source of the Prophet's own teaching and conduct."[117] Regarding Schacht, Rahman admired his extensive and systematic comparison

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[115] See, for example, the introduction of Muḥammad Nāṣir al-Dīn al-Albānī in his, *Mukhtaṣar Ṣaḥīḥ al-Imām al-Bukhārī*, to such scholars, adherence to the *Sunnah* and affirming their confidence in the classic *Ḥadīth* collections means also relying on the Muslim critical approaches of authenticating the Traditions. The late Egyptian scholar Muḥammad al-Ghazālī (1917–1996) says there is no equivalence in the history of human culture in terms of establishing a set of principles of verification resembling those of the early traditionists. Al-Ghazālī, *Al-Sunnah al-Nabawīyah*, 13th ed. (Cairo: Dār al-Shur-q, 2005), 19. However, to them this does not mean this confidence in the principles of verification will stop them from carrying out the same critical practice to classic *Ḥadīth* compilations. They believe that criticism of *Ḥadīth* did not end by the fourth century A.H., and was consigned to books. Al-Albānī asserts that "…religious knowledge cannot fall into rigidity". Al-Albānī, *Ṣaḥīḥ al-Targhīb wa-al-Tarhīb*, 1: 4.
[116] Famously known as Fazlur Rahman.
[117] Fazlur Rahman, *Islamic Methodology in History* (Karachi: Central Institute of Islamic Research, 1965), 44.

of legal Traditions and praised it as indisputable and methodically sound.[118] He supported

Schacht's observation that the concept of the *Sunnah* of the Prophet was not part of the first

century, and that it was al-Shāfiʻī who first introduced this concept around two centuries after the

Prophet's death. Nevertheless, he believed that Schacht's observation was not completely

correct, because, according to Rahman, he failed to differentiate between the content of the

Sunnah and the concept of the *Sunnah*. The content is the normative exemplary action of the

Prophet, whereas the concept is its interpretation, the actual 'silent' practice of the community.

In Rahman's view, the Prophet was not a pan-legist but a religious reformer. His actions and

sayings could not cater for the needs of the ever-expanding Muslim empire. Therefore, his

Sunnah was interpreted according to the demands of the time, and it was called the *Sunnah*

because its roots were taken from the apostolic model. This was, to Rahman, a form of high

intellectual creativity that the early generations of Muslims exercised through *ijtihād*[119]

(intellectual reasoning to understand laws), and because of that the *Ḥadīth* collections, at least, is

believed to breathe the spirit of the Prophet and maintain religious values.[120] Due to this fact,

Rahman seemed to be utterly convinced that no part of the *Ḥadīth* literature should be discarded

outright.

From the discussion above it is obvious that the critical studies conducted by Goldziher

and Schacht, which influenced their fellow Orientalists, had a strong impact on the Muslim world

too, where many thinkers not only echoed the Orientalist sceptical views on *Ḥadīth* but also

created a new movement calling for a new approach to Islam based on the premises of "the

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[118] Ibid., 47-48.

[119] See Wael B. Hallaq, "Was the Gate of *Ijtihād* Closed?", *International Journal of Middle Eastern Studies*, 16 (1984): 3-4.

[120] Rahman, *Islamic Methodology*, 44-45.

Qur'ān-only" ideology. The true impact of Orientalist works on the Muslims was through the introduction of modern historical research methods to Muslim thought, and it had a tremendous impact on modernist Muslim minds. It is also a fact that the modern attitude to *Ḥadīth* benefited from the non-*Sunni* views which were introduced through Orientalist works as logical tools of argument against the Traditions. The common denominator of those recent groups of Muslims mentioned above and their counterparts in the West is that all of them are directly or indirectly indebted, in varying degrees, to the scholarly premises on the origins of *Ḥadīth* literature formulated by Goldziher and Schacht.

3.6 Conclusion

It has become clear from the discussion in this chapter that since 1890, the role of *Ḥadīth* has grasped the attention of Orientalists who sought to identify the origins of Islam and its legal and religious institutions. The question of authenticity and authority was at the heart of their investigations. Until the end of the first half of the 20[th] century, two major leading scholars; namely Goldziher and Schacht, were the only prominent figures who successfully attempted to answer this question by subjecting the Traditions to historical criticism which were very much inspired by the development in critical-textual studies and source-criticism methods witnessed during the 19[th] century. The investigations of both scholars conclude that the contents of *Ḥadīth* contain evidence of much later periods, and the majority of Traditions were falsely attributed to the Prophet. By this conclusion, they methodologically advocated a sceptical attitude toward the entire *Ḥadīth* literature. Significantly, the review of the works of both scholars reveal that

Goldziher, on the one hand, makes general observations and does not present any methodological tools to work with, while Schacht, on the other hand, is more technical and sophisticated in his arguments. Regardless of the views of their opponents, Goldziher and Schacht had a profound impact, not only on the West, but also on the East where heated debates arose in response to the question of the authenticity of the whole corpus of *Ḥadīth*.

CHAPTER FOUR

JAMES ROBSON'S VIEWS ON *ḤADĪTH*

4.1 Introduction:

After highlighting the general views of the most influential Orientalists regarding *Ḥadīth* represented in the studies of Ignaz Goldziher and Joseph Schacht from 1890 to 1950, the views of James Robson, whose writings appear after 1950, will be evaluated in this chapter. Robson's discussions in his articles devoted to the study of *Ḥadīth*, cover a wide range of topics which are not possible to be all included in this discussion. For this reason, only certain themes, which are related to major issues, such as the origin and authenticity of the *aḥādīth* and their *asānīd*, have been selected and critically assessed.

4.2 Brief Intellectual Biography of James Robson:

James Robson was born in 1890, and was educated in Inverness Royal Academy, Sterling High School and Glasgow University at Trinity College.[1] He obtained the degree of D.Litt. from

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[1] The biographical information of James Robson is taken from the following references: *Who's Who: An Annual Biographical dictionary* (London: A. and C. Black, 1981), 15-18; *Who Was Who, Volume VIII, 1981-1990* (London: A. and C. Black, 1991), 103; and
http://special.lib.gla.ac.uk/manuscripts/search/detailp.cfm?NID=5118&DID=20348&AID (29/11/2010).

Glasgow University and an honorary degree of D. D. from St. Andrews University. He passed away in January, 1981. Throughout his active life, he held several positions; missionary and educational. These positions are as follows:

(a) Assistant to Hebrew Professor at Glasgow University, 1915-16.

(b) Served the YMCA (Young Men's Christian Association) in Mesopotamia and India, 1916-18.

(c) Lecturer in English at Forman Christian College in Lahore, 1918.

(d) Missionary at Sheikh Othman, Aden, 1919-26.

(e) Minister at Shandon in Dunbartonshire, 1926-28.

(f) Lecturer in Arabic at Glasgow University, 1928-48.

(g) Professor of Arabic in the University of Manchester, 1949-58.

Robson is considered to be one of the highly-acclaimed Western writers on Islamic subjects in the twentieth century. He was a prolific writer. He published many works, which varied from entries in encyclopaedias to monographs, on various aspects of Islam and Arabic.[2] Cultural aspects were also included such as Arabic musical instruments.[3] In terms of *Ḥadīth*, he wrote several articles on *Ḥadīth* and its principles for the *Encyclopaedia of Islam* in its new edition as

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[2] Some of his works are: "Aden and its People", in *Transactions of the Glasgow University Oriental Society*, 5 (1923/28), 7-9 ; "Does the Bible speak of Muhammad", in *The Muslim World*, 25 (1935), 17-26 ; "An Arabic usage", in the *Journal of the Royal Asiatic Society*, (1937), 314-315 ; articles in The *Encyclopaedia of Islam* [new edition] such as 'Ab- Da'ūd al-Sidjistānī' and (1960)1: 114, 'al-Dārimī'. (1965) 2: 159 ; articles in *A Dictionary of Comparative Religion*, in this work which is edited by S. G. F. Brandon and published in 1970, Robson wrote all the materials related to Islam.

[3] See, for example, his book *Ancient Arabian Musical Instruments* (Glasgow: The Civic Press, 1938).

well as other learned journals, and he translated and edited a number of books on the subject. The translation of al-Tabrīzī's *Mishkāt al-Maṣābīḥ* by Robson is considered the most competent English rendition of a large book of *Ḥadīth* collections.[4] He also made the first and, so far, the only translation of a classical manual on *Ḥadīth* criticism: the *Madkahl* of al-Ḥākim al-Naysāb- rī.[5]

His various works on *Ḥadīth* reflect the considerable interest that he had in the subject; thus, he was one of the most prominent Orientalists interested in this genre in Britain. He was chosen to edit a number of articles on *Ḥadīth* and other relevant fields, by the editorial committee of the new edition of the *Encyclopaedia of Islam*. In his articles, Robson's approach appears to be more sophisticated and sometimes different from others, in terms of science and objectivity. Sometimes, his discussions attempt to question the validity of several hypotheses and conclusions which are taken for granted by leading Western scholars in the field, particularly Goldziher and Schacht.

One of the characteristics of Robson's studies which distinctly distinguishes him from most Orientalists is his interest in the discipline of *uṣ- l al-Ḥadīth* (principles of *Ḥadīth*) and *muṣṭalaḥ al-Ḥadīth (Ḥadīth* terminology) and separate papers were devoted to the discussion of some of aspects of these areas.

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[4] It is translated in four volumes with explanatory notes, and published in Lahore, 1963-65.
[5] *An Introduction to the science of Tradition, being al-Madkhal ilá Ma'rifat al-IKlīl*, by al-Ḥākim Abū 'Abd Allāh Muḥammad b. 'Abd Allāh al-Naysāb- rī, edited with an introduction, translation and notes, (London: The Royal Society of Great Britain and Ireland, 1953). See also: M. Z. Siddiqi, *Ḥadīth Literature, its Origins, Development and Special Features* (Revised ed. Cambridge: The Islamic Texts Society, 1993), 132.

4.3 Discussion of Robson's Views:

As previously highlighted, Robson discusses a wide range of themes in his scholarly studies related to *Ḥadīth*, so only some of his key views will be considered in the discussion. The selected views will shed light on Robson's general understanding of *Ḥadīth* and its history.

Selected Themes:

4.3.1 *Ḥadīth* in Early Islam:

This part is devoted to the status of *Ḥadīth* as seen by Robson, during the early days of Islam after the death of Prophet Muhammad.[6] Two main points will be dealt with: One deals with the motive and the interest of the early Muslims in *Ḥadīth*, and the second deals with the question of when *Ḥadīth* began to be recognised as a basis of guidance at both formal and informal levels.

4.3.1.1 Interest in *Ḥadīth*:

According to Robson, there was considerable interest among Muslims in the life of Muhammad since he started his mission, and this only increased after his death. He observes that:

> …from the very beginning, Muslims were interested in what the Prophet said and did, and that after his death, when Islam spread widely, new converts would be anxious to hear

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[6] It is important to refer to the fact that the current discussion on the point of the early interest in *Ḥadīth* benefits from the broad outlines of Fathiddin Beyanouni's analysis related to Muslim adherence to the *Sunnah* in early period of Islam as presented in his work '*Ḥadīth and Its Pricaiples in the Early Days of Islam*'[University of Glasgow, 1994] . Through applying historical-critical method (HCM), however, our discussion provides more detailed analysis and utilises more early historical sources which brings more supporting historical evidence for our arguments.

about him. Those who associated with him would be listened to eagerly as they told about him and in the course of time a great amount of material became current.[7]

The motives behind this interest, as Robson relates, was mainly for one distinguishable factor; namely, Muhammad's striking personality. He states that "…Muhammad was a very striking personality. There can be no doubt whatsoever. It must therefore have been natural for people to talk about him. This would happen in his lifetime…It would happen all the more after he died".[8] With regard to the purpose of this interest, Robson thought that the enquiry of those people about "…what the Prophet said and did"[9] had no connection with "…laying down a supply of material for the guidance of future generations, but merely to satisfy natural curiosity about a great man."[10]

Robson's idea concerning people's interest in the life of Muhammad as a striking personality seems natural enough for all those who were aware of Muhammad at that time, Muslims and non-Muslims alike.[11] This historical fact has been recognised in most Western studies which observe that the life of the founder of the new religion (Islam) was a central topic in most daily conversations during his time, and this custom continued and intensified after his

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[7] Robson in his introduction to *Mishkāt al-Maṣābīḥ* of ʿAbd Allāh b. Muḥammad al-Tabrīzī (Lahore: Sh. Muhammad Ashraf, 1964), 1: ii.

[8] Robson, "Muslim Tradition: The question of authenticity", *Memories and Proceedings of the Manchester Literary and Philosophical Society*, 39 (1951/52), 85. Also see: *Encyclopaedia of Islam* (2), 3: 23. He also says: "People were bound to ask for information about the extraordinary man who had set this great development in motion…" Ibid, 86.

[9] Robson, in introduction to *Mishkāt al-Maṣābīḥ*, 1:ii.

[10] Ibid., 86.

[11] Regarding non-Muslims (i.e. Jews, Christians, and pagans), it is shown in traditional biographical and historical works that interest in the way Muhammad led his life was recognised. It also shows the prediction of his mission as in the story of the monk Baḥīrá. See: ʿAbd al-Malik b. Hishām, *Al-Sīrah al-Nabawīyah* (Beirut: Dār al-Jīl, 1993), 1: 319. See also: Beyanouni, *Ḥadīth*, 19 .

death.[12] However, Robson's suggestion that the motive and goal of the attention paid to the Prophet's stories as well as his sayings and deeds was "…merely retailed for mere interest"[13] needs to be examined. To Robson, it was not until the second half of the second century that Ḥadīth was recognised as a source of guidance.[14]

It would be appropriate here to use the Qur'ān as a main source in assessing Robson's view, because the Qur'ān, to Robson, is universally recognised as coming from Muhammad.[15] Although he does not believe in its divine character as Muslims do,[16] he acknowledges its historicity as a genuine document which reflects the true teachings of Muhammad. He states that "…what can be traced to the Prophet is found in the Koran and in the Koran alone".[17] Also, he recognises that Islam, from its early days, is fundamentally based on Qur'ānic teachings.[18]

In the Qur'ān, there is a major theme concerning Prophet Muhammad and his followers. This theme is obedience to the Prophet, which is always associated with obedience to Allah.[19] According to the Qur'ān, it is obligatory that Muslims observe this obedience.   The Qur'ān expressed this matter using different methods, the most significant of which are:

(1) The command to 'obey' and 'follow' the Prophet. One verse reads: "Take what the Messenger [Muḥammad] gives you, and refrain from what he prohibits you" (Q. 59:7). Another

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[12] Harald Motzki (editor), *Ḥadīth*: *Origins and Development*, (Burlington: Ashgate Publishing Company, 2004), xiv.
[13] Robson, "Muslim Tradition", 85.
[14] This point will be discussed further in the following sections.
[15] Robson, "Muslim Tradition", 94.
[16] Robson says: "While the non-Muslim does not doubt that the Qur'ān was Muhammad's composition, the Muslim believes that he was merely the channel through whom it was conveyed to the world, and that he had nothing to do with its composition…". Robson, "Tradition, the second foundation of Islam", *The Muslim World* 41 (1951): 22.
[17] Ibid., 102, and Robson, "Ibn Isḥāq's use of the isnād", *Bulletin of John Rylands Library* 38 (1956): 464.
[18] Robson, "Muslim Tradition", 84.
[19] Beyanouni, *Ḥadīth*, 21-22.

verse says: "We sent not a Messenger, but to be obeyed, in accordance to the leave of Allāh" (Q.

4:64). This verse indicates that the main duty of people towards the Messengers sent to them by

Allāh is to offer them obedience and to observe their enactments.[20]   Also, there is a verse in

which Muslims are instructed: "O you who believe! Obey Allāh and obey the Messenger, and

those charged with authority [ulī al-amr] among you.   If you differ in anything among

yourselves, refer it to Allāh and His Messenger, if you do believe in Allāh and the Last Day; that

is best and most suitable for your determination" (Q. 4: 59). According to Mujāhid b. Jabr (d.

104/722), a Successor and an early exegete of the Qur'ān,[21] the reference to the Messenger in this

āyah (verse) was understood by the Companions to refer to the Prophet in his life and to his

Sunnah after his death.[22]   An interesting point has been observed by many scholars about the verb

'obey' mentioned in the verse.   Muḥyī al-Dīn al-Ṭā'ī (d. 638/1240) and Ibn Qayyim al-Jawzīyah

(d. 751/1349), for instance, point out that the believers in this verse are ordered by Allah to obey

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[20] Muḥammad ʿAlī al-Ṣāb- nī, *Mukhtaṣar Tafsīr Ibn Kathīr* (Beirut: Dār al-Maʿārif , 1986), 1: 409.

[21] He was born in Makkah in 21/643, and was a Qur'ān recite (*qāri'*). He was also a scholar learned in jurisprudence and *Ḥadīth*, making him a *faqīh* (jurist) and *muḥaddith* (scholar of *Ḥadīth*). However, his principal expertise was *tafsīr* (exegesis). His most celebrated teacher was the Companion ʿAbd Allāh b. ʿAbbās (d. ca. 68/687). For his biography see for example: Shams al-Dīn Ab- al-Khayr al-Jazarī, *Ghāyat al-Nihāyah fī Ṭabaqāt al-Qurrā'* (Baghdad: Maktabat al-Muthanná, 1970), 1: 293. According to Fuat Sezgen, Mujāhid's *Tafsīr* is veritably a book by Mujāhid in the recension of Ibn Abī Najāḥ (d. 131/748). See Sezgen, *Geschichte Des Arabischen Schriftttums* [*History of Arabic Scholarly Writings*] (Leiden: Brill, 1967), 1: 29. In terms of the *aḥādīth* recorded in it, two independent studies conducted by Georg Stauth and Fred Leemhuis proved that they were transmitted by Mujāhid and not invented and attributed to him at a later time. See: Georg Stauth, "*Die Überlieferung des Korankommentars Mugahid b. Gabr's*" (Ph.D. thesis, University of Giessen (Germany), 1969), 290-308, a summary of Stauth's attitude is found in H. Motzki, "The *Muṣannaf* of ʿAbd al-Razzāq Al-Ṣanʿānī as a Source of Authentic *Aḥādīth* of The First Century A.H.", *Journal Of Near Eastern Studies*, 50 (1991): 2; Fred Leemhuis, "Ms. 1075 Tafsīr of the Cairene Dār al-Kutub and Mujāhid's *Tafsīr*," in *Proceedings of the Ninth Congress of the Union Europeenne des arabisants et islamisants* (Amstrdam, 1978), ed. R. Peters (Leiden: Brill, 1981), 169-180. The same result reached by Heribert Horst in his study on the transmission of Mujāhid's *Tafsīr* and the role of the *isnād*. A summary of Horst's study is provided in Michael Cook, *Early Muslim Dogma: A Source-Critical Study* (Cambridge: Cambridge University Press, 1981), 204; and Mehmet Akif Koc, "Isnād and Rijāl Expertise in the Exegesis of Ibn Abī Ḥātim (327/939)," *Der Islam*, 82 (2005): 149-50.

[22] Mujāhid b. Jabr al-Makhz- mī, *Tafsīr Mujāhid* (Beirut: al-Mansh- rāt al-ʿArabīyah, 1999), 1: 162. See also: Jalāl al-Dīn ʿAbd al-Raḥmān al-Suy- ṭī, *Miftāḥ al-Jannah fī al-Iḥtijāj bi-al-Sunnah* (Madinah: al-Jāmiʿah al-Islāmīyah, 1978), 1: 53. The same interpretation is reported to have been said by the Successor ʿAṭā' b. al-Sā'ib (d. 114/732) and the exegete Muqātil b. Sulaymān (d. 150/767). See: Muḥammad b. Aḥmad al-Qurṭubī, *Al-Jāmiʿ li-Aḥkām al-Qur'ān* (Cario: Dār al-Shaʿb, n.d.), 5:260.

Him and His Messenger, and He repeats the word 'obey' to confirm that, along with obedience to Him, and obedience to the Prophet has to be observed independently.[23] Both also remark that although the injection of obedience is also applied to '*ul- al-amr*' (rulers), the verb 'obey' is not repeated before them, but instead they are simply linked with the Prophet.[24] This indicates that they should be obeyed as long as they are in keeping with what is enjoined by Allah and the Prophet. This is clear from the end of the verse where referring disputes only to Allah and the Prophet is mentioned. In other words, only the Qur'ān and the Prophetic Traditions are the final authority. In the Qur'ān, there are many verses in which the command to obey the Messenger is always associated with that of Allah Himself.[25] Yet, on many other occasions the need to obey the Messenger is ordained separately with its underlying objective and aimed purpose. For instance, a verse reads: "And keep up prayer and pay the poor-rate and obey the Messenger, so that mercy may be shown to you" (Q. 24: 56).

In another verse, the authority of the Prophet has been asserted where it has been made quite clear that those who do not believe in his orders and decisions are not actual believers. The verse reads: "But no, by your Lord! They believe not until they make you a judge of what is in dispute between them, then find not any straitness in their hearts as to that which you decide and submit, with full submission" (Q. 4: 65).[26] It has been agreed upon by renowned scholars of Islam that this verse was revealed in connection with a land watering dispute between a local of Madīnah and al-Zubayr b. al-'Awwām in which the Prophet gave a decision in favour of the

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[23] Muḥyī al-Dīn b. 'Alī al-Tā'ī, *Al-Fut- ḥāt al-Makkīyah fī Ma'rifat al-Asrār al-Malakīyah* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1998), 1: 334 ; Muḥammad b. Abī Bakr b. Qayyim al-Jawzīyah, *I'lām al-Muwaqqi'īn 'an Rabb al-'Ālamīn* (Beirut: Dār al-Jīl, 1973), 10-13
[24] Al-Tā'ī, *al-Futuḥāt*, 1: 334; Ibn Qayyim al-Jawzīyah, *I'lām al-Muwaqqi'īn*, 13.
[25] See for example: Q. (4: 80), (5: 92), (8: 1), and (47: 33).
[26] All the details of this incident can be found in Muqātil b. Sulaymān al-Balkhī, *Tafsīr Muqātil* (Beirut: Dār al-Kutub al-'Ilmīyah, 2003), 1: 239.

latter, with which the former was not satisfied. This decision is a *sunnah* (ruling) laid down by Prophet Muhammad.

(2) Reward for those who obey and follow the Prophet's decisions. There are several verses which exhort people to obey Allah and His Messenger by showing them the honour that they will attain if this obedience is observed. It is stated in the Qur'ān that those who follow the Prophet will triumph on the Day of Judgment. One verse says: "Those who obey Allāh and His Messenger will be admitted to Gardens with rivers flowing beneath, to abide therein (for ever) and that will the supreme achievement" (Q. 4: 13).[27]

(3) Emphasising the danger, and warning of the consequences of disobeying the Prophet or abandoning his commands.   This is clearly stated in the Qur'ān as in this verse: "If anyone contends with the Messenger even after guidance has been plainly conveyed to him, and follows a path other than that becoming to men of Faith, We shall leave him in the path he has chosen, and land him in Hell,- what an evil refuge!" (Q. 4: 115).[28] The warning and threat contained in this verse should be sufficient to prevent those who devoted themselves to obeying Allah, from disobeying the Prophet. The jurist, Ab- al-Zinād b. Dhakwān (d. 130/747), deduced from such verses and from the Companions' attitudes toward the Prophet's conduct, that the *Sunnah* is not an opposable authority.[29] Also, it could be logically argued that by being the sole recipient of

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[27] See also: Q. (4: 69), (48: 17), (33: 71), and (24: 52, 54).
[28] See: Q. (72: 23), and (24: 63).
[29] Aḥmad b. ʿAlī al-Khaṭīb al-Baghdādī, *Al-Faqīh wa-al-Mutafaqqih* (Riyadh: Dār Ibn al-Jawzī, 2000), 1: 155.

the Revelation, the way the Prophet lived his life was seen as "…the practical implementation of the Divine Word".[30]

(4) Making submission to the Prophet's judgement a sign of faith as mentioned earlier in the verse (Q. 4: 65). On the contrary, failing to submit to the Prophet's commands is a sign of hypocrisy and lack of faith.[31]

(5) For Muslims, the sublime goal of life is to attain the love of Allah. According to the Qur'ān, this goal can be achieved through being subservient to adherence to the example of the Prophet as declared in the following verse: "Say: if you love Allah, follow me; Allah will love you, and grant you protection from your sins. And Allah is Forgiving and merciful" (Q. 3:31).

According to the above-mentioned verses, it is self-evident that interest in Muhammad's sayings and actions in the early days of Islam, as far as Muslims are concerned, was far more than mere interest in knowing some stories about a great person as suggested by Robson.   It was observance of the command prescribed in the Qur'ān that required people to follow the Prophet and obey his orders, since he is the example that must to be followed by every Muslim; "Indeed in the Messenger of Allāh you have a good example to follow for him who hopes in Allāh and the Last Day, and remembers Allāh much." (Q. 33: 21).   The Qur'ān, as an authentic historical document in Robson's point of view, makes it clear from the beginning that following the Prophet's example and obeying his commands are not a matter of choice for Muslims.[32] Obeying

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[30] S. M. Yusuf, *An Essay on the Sunnah, its Importance, Transmission, Development, and Revision* (Lahore: Institute of Islamic Culture, 1977), 13.
[31] See: Q. (24: 48) and (4: 60).
[32] It says in the Qur'ān: "It is not for a believer, man or woman, when Allāh and His Messenger have decreed a matter (for them) that they should have any option in their decision. And whoever disobeys Allāh and His

the Prophet has its invaluable rewards and disobedience results in grave consequences. In light of the Qur'ānic perspective on this issue, the ultimate goal of the early Muslims' interest was to obtain guidance to the right path, and to receive Allah's rewards and avoid His punishments in the Hereafter.[33]

That was why the Companions and the two following generations of Successors strongly adhered to the *Ḥadīth*, and were keen on applying its teachings in their daily life. The following example will show how people were ready to change their attitudes and adjust their behaviour in accordance to the *Sunnah* whenever they heard a *ḥadīth*. The judge Abū Yūsuf (d. 182/798), *ṣāḥib* (companion) of *al-imām* Abū Ḥanīfah, (d. 150/767), reports in his book '*al-Kharāj*'[34], about Zayd b. Ḥibbān al-Shar'ī (d. ca. 158/775) who narrated that there was a man from his people who settled in the land of the Romans, and there were people planting crops around the place where he lived. He, then, prevented them from doing so. A man from the *muhājirūn* (early Companions who migrated with Muhammad from Makkah to Madīnah) saw that, and then told him to refrain from doing this to the farmers but the man refused to listen to him. The Companion then told him that he participated in battles three times along with the Prophet, and during those times he heard him saying: "People have a common share in three (things): grass, water and fire".[35] When the man heard the name of the Prophet, his heart softened, and he

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Messenger, he has indeed strayed in to a plain error" (Q. 33: 36). See also verses 45 ad 46 in which the Prophet is described among other things as a '*sirājan munīrā*' (a lamp spreading light).
[33] Beyanouni, *Ḥadīth*, 35-44.
[34] One of the earliest surviving works related to the issue of tax on agricultural lands.
[35] Sulaymān b. al-Ash'ath Abū Dāwūd, *Sunan* (Beirut: Dār al-Fikr, 1998), 3: 278.

apologised to the Companion and allowed the people to continue growing their crops around his place.[36]

In light of the discussion and evidence presented above, it is difficult to completely agree with Robson's argument regarding what was behind the people's interest in *Ḥadīth* in the early stage of Islam, especially after the death of the Prophet. While it was true that the charisma and integrity of the new founder of Islam was a reason for such interest as Robson asserts, it could not be the sole reason which led the early Muslims and converts to eagerly pay attention to his sayings and deeds. As far as Muslims are concerned, Muhammad's *Sunnah* as embodied in *Ḥadīth* was considered from the beginning as a great source of guidance due to the Qur'ān urging Muslims to obey and follow the Prophet's enactments. This, according to the Qur'ān, is to attain guidance to the right path (Q. 33: 46) in this life, and to obtain Allah's blessings and avoid His punishment in the Hereafter (Q. 33: 36). The Qur'ān, as shown above, has set the life of Muhammad as an example to be emulated by all Muslims. Because of these Qur'ānic facts, his *Sunnah* had "…its constant impact on the life of believers throughout the centuries".[37]

Taking this into account, we will be able to understand how serious and effective this interest was. If Muslims took the Qur'ān seriously and adopted it to be the system of their life, they would also take its commands seriously. Therefore, what is claimed by Robson that the motive of the Muslim's interest was due to mere curiosity, cannot satisfactorily account for the great interest of the Muslims in materials connected with their Prophet. Further evidence of the

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[36] Ibrāhīm b. Yaʿqūb Abū Yūsuf, *Kitāb al-Kharāj* (Beirut: Dār al-Maʿrifah, 1979), 96.
[37] John Fueck, "The Role of Traditionalism in Islam", in *Ḥadīth: Origins and Developments*, ed. Harald Motzki (Aldershot: Ashgate Publishing, 2004), 100. See also: Siddiqi, *Ḥadīth Literature*, 4 and John L. Esposito, *Islam: The Straight Path* (Oxford: Oxford University Press, 1991), 13

importance of *Ḥadīth* among Muslims in the first century will be revealed in the following discussion.

4.3.1.2 *Ḥadīth* as a Basis of Islam:

Robson admits that without any doubt many people wrote down some of the stories about Muhammad and his sayings for their own guidance.[38] However, he does not recognise *Ḥadīth* as a source of Islam from the beginning, but asserts that it was the result of later developments when new situations "…arose on which the Qur'ān gave no guidance or insufficient guidance, and so something else had to be found."[39] Robson maintains that *Ḥadīth* was taken up as the second source of Islam during the Abbasid period, and that was due to al-Shāfiʿī's struggle to establish that. He declares "…only during the Abbasid time did the Tradition come to be recognised as one of the fundamental bases for the government of the community."[40] He says more specifically: "Shāfiʿī…made a strong fight to establish Tradition as a supreme source of authority after the Koran"[41], and that was by "…referring to the Qur'ānic phrase: 'the Book and the Wisdom' (2, 146; 3: 158). He says that the Book is the Qur'ān and the Wisdom is the Prophet's *Sunnah*."[42] To Robson, the Qur'ān, in the early days of Islam, was the only and officially recognised source of guidance for the community.[43] This is not to say that *Ḥadīth* was neglected completely, as far as guidance was sought. In his view, people who searched for guidance in Tradition "…were not in the first place those who were in authority. Rather, they were pious

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[38] Robson, "Muslim Tradition", 86 ; *Encyclopaedia*, 3: 24.
[39] "Tradition: Investigation and Classification", *the Muslim World*, 41 (1951), 98.
[40] "Muslim Tradition", 87; Robson, "Tradition: the second foundation of Islam", *The Muslim World*, 41 (1951): 23.
[41] "Muslim Tradition", 88; Robson, "al-Ghazālī and the *Sunna*", *The Muslim World*, 45 (1955), 324.
[42] "Tradition: investigation", 98.
[43] "Muslim Tradition", 87.

people who were distressed by the methods of government and longed for a state ruled by the principles of Islam."[44]

The above brief survey of Robson's claim concerning the authoritative status of *Ḥadīth* after the death of Muhammad till the Abbasid era depends on two key arguments. First, the rulers were not interested in *Ḥadīth* as a source of guidance for their community. Second, it was al-Shāfi'ī (d. 204/820) who fought for *Ḥadīth* to be adopted as second to the Qur'ān in authority. Having said so, the discussion of Robson's claim will deal with these two arguments separately, from the historical point of view. A number of historical and biographical works will be utilised for this purpose. Among them is the '*Sīrah*' by Ibn Isḥāq (d. 150/767), which, according to Robson, is "…the earliest considerable source which we possess".[45] He considers Ibn Isḥāq as a biographer for whom "…there is every reason to believe that he tried to be as accurate as possible."[46] Historical works are presumably reliable in general to Robson since he himself was assured that early Muslims were interested in the Prophet's life, a view that should be based on history rather than conjecture.

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[44] "Tradition", 23.
[45] "Ibn Isḥāq", 541.
[46] Robson, "Review of *The Life of Muhammad: A Translation of Ibn Isḥāq's Sīrat Ras- l Allāh* by A. Guillume", *The Muslim World*, 46 (1956): 272. Jabal Buaben has observed that Ibn Isḥaq's biographical writings are trustworthy according to the general view of Western scholars. Buaben, *Image of the Prophet Muhammad in the West: A Study of Muir, Margoliouth and Watt* (Leicester: Islamic Foundation, 1996), 144.

4.3.1.2.1 Rulers and *Ḥadīth* after the Prophet's Death:

In this part of this discussion, we will deal briefly with a number of statements and actions of *al-Khulafā' al-Rāshid- n* (Rightly-Guided Caliphs),[47] the Umayyad Dynasty and the community at large, in order to show whether or not the idea of the *Sunnah* as a basic source of Islam was well-established.[48]

A- *Ḥadīth* in the Time of the Rightly-Guided Caliphs:

After the death of Prophet Muhammad, Ab- Bakr al-Ṣiddīq (d. 13/634) became the leader of the community. In his inaugural speech after assuming the office of Caliphate, he stated clearly that the Qur'ān was revealed and that the Prophet enacted the *Sunnah*. Then he declared that he was merely a follower, who observed the teachings of both. He asked the people to cooperate with him to achieve this task and to correct him whenever he diverted from the right path, and he concluded by saying: "Obey me so long as I obey Allāh and His Messenger. But if I disobey them, you owe me no obedience."[49] It is also reported that when the Prophet's daughter, Fāṭimah asked Ab- Bakr to give her inheritance from what her father left, Ab- Bakr replied by quoting a *ḥadīth* from the Prophet in which he said: "Our property will not be inherited, whatever we (i.e. Prophets) leave is to be used for charity".[50] Then he refused to give her

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[47] This title was given to the first four Caliphs of Muslims, as far as *sunni* Muslims are concerned.
[48] Beyanouni, *Ḥadīth*.
[49] 'Abd al-Malik b. Hishām, *Al-Sīrah al-Nabawīyah* (Beirut: Dār al-Jīl, 1993), 6: 82.
[50] Muḥammad b. 'Umar al-Shāfi'ī, *Sīrat al-Nabī al-Mukhtār* (Beirut: Dār al-Ḥāwī, 1998), 1: 393.

anything, saying: "I will not leave anything that the Messenger of Allāh used to do, because I am afraid that if I neglected any of his orders I would go astray".[51]

In terms of his judicial procedure which he adopted in dealing with matters of law, Maym-n b. Mahrān reported that when advisories came to Ab- Bakr he used to consult the Qur'ān for guidance; if he found something relevant he would follow it. If no direct Qur'ānic guidance was found, and he knew of a *sunnah* (pl. *sunan*) of the Prophet he would give his decision according to it; otherwise, he would inquire of the Muslims if they were aware of any decision taken by the Prophet in a similar case. If neither the Qur'ān nor the *Sunnah* provided an answer for the matter in question he would summon the learned and most scholarly people to an assembly and consult them and take a decision according to the conclusion they reached.[52]

Although Robson incidentally admits that the second Caliph, 'Umar b. al-Khaṭṭāb (d. 23/644), "…endeavoured to make his governors keep to the simple practice common in Madīnah"[53], he does not mention that 'Umar, like his predecessor, adhered strictly to the *Sunnah* as a legal reference after the Qur'ān. This is clearly manifested in his celebrated letter to the governor of Basra at that time, Ab- M-sá al-Ash'arī (d. 42/662). This letter is of prime importance in the history of Islamic Law. In it, 'Umar laid down the principles of juridical procures when matters were brought before the *quḍāh* (sing. *qāḍī*; judge). He instructed them to

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[51] Ibid. See also: Aḥmad b. Ḥanbal, *Musnad* (Cairo: Mu'assasat Qurṭubah, 2001), 1: 5-6.
[52] See: 'Abd Allāh b. 'Abd al-Raḥmān al-Dārimī, *Sunan al-Dārimī* (Beirut: Dār al-Kitāb al-'Arabī, 1991), 1: 69. This reported procedure is supported by the following anecdote, in which a grandmother came to Ab- Bakr asking him for her share of an inheritance, he said: "There is nothing said to be for you either in the Book of Allāh (the Qur'ān) or in the *Sunnah* of Messenger of Allāh; however, I will ask the people". When he asked some people, al-Mughīrah b. Shu'bah said that he was present with the Prophet when he gave her a sixth of the inheritance. Ab-Bakr asked if there was anyone else who heard the Prophet saying so, and Muḥammad b. Maslamah al-Anṣārī confirmed what al-Mughīrah said; whereupon Ab- Bakr gave the grandmother her share, the sixth. Muḥammad b. Aḥmad Shams al-Dīn al-Dhahabī, *Tadhkirat al-Ḥuffāẓ* (Beirut: Dār Iḥiyā' al-Turāth al-'Arabī, 1956), 1: 2.
[53] "Muslim Tradition", 87.

begin by first consulting the Qur'ān and the *Sunnah* before giving their own judgments.   He says: "…use your wisdom about matters that perplex you and to which neither the Qur'ān nor the *Sunnah* of the Prophet seem to apply. Study similar cases and evaluate the situation through analogy with those similar cases".[54] His injunction to Shurayḥ b. al-Ḥārith the judge (d. 78/697) is also of equal importance. He recommended that he give his decision in accordance with the Book of Allah, and if there was no guidance, then according to the *Sunnah* of the Prophet.[55]

It is worthy to mention that 'Umar was the first to think about preserving *Ḥadīth* in its written form. According to Ibn Shihāb al-Zuhrī (d. 124/742), reporting on the authority of the most early illustrious jurist and historian 'Urawh b. al-Zubayr (d. 94/712), 'Umar wanted to write down the practices of the Prophet, and consulted the Companions with regard to it, and most of them indicated that this is possible; so 'Umar considered this issue for a whole month but eventually he determined not to do so.[56] There was a reason for this; he thought that if he had *Ḥadīth* to be recorded, people might have devoted themselves to it and abandoned or mix up the Qur'ān.[57]

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[54] Mu'ammar b. Rāshid al-Azdī, *Al-Jāmi'*, as an appendix of *al-Muṣannaf* of 'Abd al-Razzāq al-Ṣan'ānī, (Beirut: al-Maktab al-Islāmī, 1983), 10: 284; Muḥammad b. al-Ḥasan al-Shaybānī, *Al-Ḥujjah 'alá Ahl al-Madīnah* (Beirut: 'Ālam al-Kutub, 1984), 2: 570; 'Umar b. Shabbah al-Namīrī, *Tārīkh al-Madīnah al-Munawwarah* (Beirut: Dār al-Turāth, 1990), 311; al-Jāḥiẓ, *Al-Bayān wa-al-Tabyīn* (Beirut: Dār Ṣa'b, 1996), 1: 237; Muḥammad Ḥamīd Allāh, *Majmū'at al-Wathā'iq al-Sīyāsīyah lil-'Ahd al-Nabawwī wa-al-Khilāfah al-Rāshidah* (Beirut: Dār al-Nafā'is, 1987), 428 ; D. S. Margoliouth, "Omar's Instruction to the *Cadi*," *Journal of the Royal Asiatic Society*, (1910), 307-326. For further details about this letter see: Aḥmad 'Umar Bazam- l, *Risālt 'Umar b. al-Khaṭṭāb ilá Abī M- sá al-Ash'arī: Riwāyah wa-Dirāyah* (Makkah: al-Ri'āsah al-'Āmmah li-Shu'ūn al-Masjid al-Ḥarām, 2000); Saleh Said al-Mamari, "A Study of the Principles of the Institutions of Al-Qaḍā': the Administration of Justice, in the Light of 'Umar b. al-Khaṭṭāb's (d. 23 ah/644 ce) Letter to Ab- M- sá al-Ash'arī (d. 42 ah/662 ce)" (Ph.D. thesis, University of Birmingham (UK), 2008), 139-155.
[55] Ab- Nu'aym Aḥmad al-Iṣbahānī, *Ḥilyat al-Awliyā' wa-Ṭabaqāt al-Aṣfiyā'* (Beirut: Dār al-Kitāb al-'Arabī, 1986), 4: 136.
[56] Mu'ammar, *Al-Jāmi'*, 11: 257.
[57] Ibid.

When the third Caliph 'Uthmān b. 'Affān (d. 35/656) was elected as a leader of the Muslim community after 'Umar, he declared in the oath of allegiance that he would follow Allah's laws and the Traditions of the Prophet.[58] He was also known, according to Muḥammad b. Sīrīn (d. 110/729), for his expertise in the rites of *ḥajj* (Pilgrimage) as performed by the Prophet.[59] There are many incidents which indicate that 'Uthmān followed the Traditions during his rule. For instance, there was a female slave who had committed adultery and given birth, and she was presented to him to judge regarding her child. He stated that in her case he would follow the judgment of the Prophet which was to the effect that the child belonged to the bed (where he was born).[60] He also reported to have reminded the people that the Prophet prohibited fasting on the day of *al-Fiṭr* and *al-Naḥr*.[61] Moreover, it is reported that al-Walīd b. 'Uqbah was brought to 'Uthmān to be sentenced after he had drunk wine. 'Uthmān ordered 'Alī b. Abī Ṭālib to flog him with 40 lashes according to the Prophet's judgment for such a case.[62]

The last Caliph 'Alī b. Abī Ṭālib (d. 40/661) was not different from his predecessors concerning the way he sought guidance from the Qur'ān and the *Sunnah*. In one of his speeches, he said: "I am neither a prophet nor receiving revelation. I am conducting my life according to the Book of Allāh and the *Sunnah* of His Messenger as much as I can".[63] Regarding the matter of wiping the upper-side of one's shoes (*al-masḥ 'alá al-khuffayn*), instead of washing one's feet in

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[58] Aḥmad b. Yaḥyá al-Balādhurī, *The Ansāb al-ashrāf of al-Balādhurī* edited by (Jerusalem: Magnes Press, The Hebrew University, 1971), 5: 16-18. This point will be discussed further in the next chapter when assessing John Burton's argument about the use of the term *Sunnat Ras-l Allāh* (the *Sunnah* of the Prophet) in the first century.

[59] Muḥammad b. Aḥmad Shams al-Dīn al-Dhahabī, *Siyar 'Alām al-Nubalā'* (Beirut: Mu'ssasat al-Risālah, 1996), 10: 298.

[60] Ḥanbal, *Musnad*, 1: 65.

[61] Ibid., 1: 59.

[62] Al-Namīrī, *Tārīkh al-Madīnah*, 395. For more such incidents see: Majdī Fathī al-Sayyid, *Ṣaḥīḥ al-Tawthīq fī Sīrat wa-Ḥayāt dhī al-Nūrayīn 'Uthmān b. 'Affān* (Tanta, Egypt: Dār al-Ṣaḥābah, 1996), 75.

[63] Ḥanbal, *Musnad*, 1: 160.

ablution, he is reported to have said: "…if it is left to one's own discretion, then to wipe the sole of one's shoes is more reasonable than to wipe the top of them; but I have seen the Messenger of Allāh wiping the top of his shoes".[64] Therefore, he advised his people on many occasions to take the Qur'ān and the recognised *Sunnah* as their guide (*imāman wa-qā'idan*) and to draw analogies from them in matters which are not elucidated in them.[65]

An example of how the early Muslims during the time of 'Alī used the Qur'ān and the *Sunnah* of the Prophet to resolve their disputes is the Ṣiffīn arbitration agreement. In the year 37/657 some developments occurred in the civil war between 'Alī and Mu'āwīyah b. Abī Sufyān which was brought to an end during the confrontation at Ṣiffīn. One of these developments was made by drawing up a *wathīqah* (document) between both parties for the purpose of settling their disputes. This document mentioned that some arbiters were required to reach decisions in the guidance of *Kitāb Allāh* (the Qur'ān) and *Sunnat Ras- l Allāh* (*Sunnah*).[66]

Having knowledge of the statements and actions of the first four Caliphs, one will be justified to infer that directly after the Prophet's death, the principles of the judicial process were distinctly determined, and that Islamic legislation at this early time was based on the Qur'ān, the *Sunnah*, and *ijtihād*.

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[64] Mālik b. Anas al-Aṣbaḥī, *Al-Mudawwanah al-Kubrá: Riwāyat Saḥn- n b. Sa'īd al-Tan- khī 'an 'Abd al-Raḥmān b. Qāsim* (Beirut: Dār al-Kutub al-'Ilmīyyah, 1994), 1:39.

[65] Muḥammad b. al-Ḥasan al-Tha'ālibī Al-Ḥajawī, *Al-Fikr al-Sāmī fī Tārīkh fī Tārīkh al-Fiqh al-Islāmī* (Rabat: Maṭba'at Dār al-Ma'ārif, 1922), 1: 49.

[66] See: 'Abd Allāh b. Qutaybah al-Dinwarī, *Al-Imāmah wal-al-Sīyāsah* (Beirut: Dār al-Kutub al-'Ilmīyah, 1997), 1: 107 ; al-Balādhurī, *Ansāb al-ashrāf*, 1: 332. For more analysis of this document see: Martin Hinds, *Studies in Early Islamic History* (Princeton: The Darwin Press, INC., 1996), 64-77.

B- *Ḥadīth* and the Umayyad Rulers:

Robson suggests that during the Umayyad period those who wished to follow the practice of the Prophet were not suppressed by the rulers, "…but rather that in their day [the Umayyads] the idea of Tradition as a basis for regulating the community had not yet been developed".[67] It seems that, to a degree, Robson shares the same opinion of Schacht; that the Umayyad rulers did not use the *Sunnah* as a tool of measurement for social conduct and law.[68] In this part of the discussion, we shall examine Robson's opinion to see the relation between *Ḥadīth* and the Umayyads; how they perceived and dealt with it.

Based on numerous biographical accounts of the Umayyad Caliphs, it seems that many Caliphs were interested in and adherent to the Traditions of the Prophet. The following examples should clarify this point:

(h) Muʿāwiyah b. Abī Sufiyān (ruled from 40/661-60/679): he was one of the Prophets' Companions who became a Muslim approximately three years before the death of the Prophet in 11/632.[69] He was also the founder of the Umayyad Caliphate. He is reported to have written to the governor of Iraq, al-Mughīrah b. Shuʿbah (d. 50/670): "Write to me what you have heard from Allāh's Apostle", and subsequently al-Mughīrah wrote to him.[70] According to Nabia Abbott's analysis of classic historical records concerning the Umayyads, Muʿāwiyah wrote some *aḥādīth* from Muhammad, and used to cite them in "…his mosques' speeches and court

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[67] "Muslim Tradition", 87.
[68] Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1967), 38-39. Also see Chapter Three.
[69] Al-Dhahabī, *Siyar*, 3: 119-130.
[70] *Musnad*, 4: 97; Muḥammad b. al-Najjār al-Baghdādī, *Dhayl Tārīkh Baghdād* (Beirut: Dār al-Kutub al-ʿIlmīyah, 1997), 17: 133.

sessions".[71] He was also listed as a narrator of *Ḥadīth*, from whom a number of the Successors received *aḥadīth*.[72] His observance of the practice of Prophet Muhammad is reflected in a number of stories. For instance, he once entered upon some people, and one of them stood up to greet him. Mu'āwiyah did not like this, and asked that person to sit down advising him not to do so again and he quoted the saying of the Prophet in which he warns those who like people to stand up for them.[73] In another story while he was performing *ḥajj* (Pilgrimage), he is reported to have rebuked a group of people in Madīnah for their divergence from a practice of Muhammad. He said: "O people of Madīnah where are your learned men? I heard the Prophet forbidding such a thing as this".[74]

(ii) Marwān b. al-Ḥakam (ruled from 64/683-65/684): he was the governor of Madīnah. One of his actions which shows his ardent desire to follow the *Sunnah* was that he used to consult the Companions of the Prophet to seek any Prophetic guidance regarding the issues he was dealing with, and then he acted accordingly.[75] Also, there are some incidents indicating his adherence to the *Sunnah*. In one of them he is reported by Sulaymān b. Yasār (d. 94/712), one of the seven prominent jurists of Madīnah, to have been criticised by the Companion, Ab-Hurayrah, for permitting a certain type of financial transaction to take place. Ab- Hurayrah

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[71] Nabia Abbott, *Studies in Arabic Literary Papyri. II: Qur'ānic Commentary and Traditions* (Chicago: The University of Chicago Press, 1967), 69.
[72] Ismā'īl b. 'Umar b. Kathīr, *Al-Bidah wa-al-Nihāyah* (Beirut: Maktabat al-Ma'ārif, 1992), 8: 117.
[73] Ibid., 126.
[74] Al-Dhahabī, *Siyar*, 3: 121.
[75] Muḥammad b. Sa'd, *Al-Ṭabaqāt al-Kubrá* (Beirut: Dār al-Kutub al-'Ilmīyah, 19979), 5: 39-43.

reported a *ḥadīth* in which the Prophet prohibits such a thing. Based on this *ḥadīth*, Marwān

banned what he had previously allowed.[76]

(iii) ‘Abd al-Malik b. Marwān (ruled from 65/684-86/705): he was well-known for his

interest in religious knowledge. His court scholars included some outstanding learned men who

were well-versed in *Ḥadīth* and *fiqh* such as Saʿīd b. al-Musayyab (d. ac. 94-5/713-14), ‘Urwah b.

al-Zubayr (d. 94/713), and ‘Āmir al-Shaʿbī (d. 104/722). According to some historical reports,

‘Abd al-Malik once saw one of his sons (probably Sulaymān) reading some materials related to

al-maghāzī (account of Campaigns). He took them away and advised him to devote his time to

the recitation of the Qur’ān and learning the Prophetic *Sunnah*.[77] He also used to send some

letters to ‘Urawh b. al-Zubayr asking him for details about some aspects of the Prophet’s *sīrah*, to

which ‘Urwah responded in writing.[78] When people were asked to pay homage to ‘Abd al-Malik,

‘Abd Allāh b. ‘Umar (d. 73/692) wrote to him: “I swear allegiance to you in that I will listen and

obey what is in accordance to Kitāb Allāh [the Qur’ān] and the *Sunnah* of His Messenger as

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[76] According to Mālik b. Anas, it was the Companion Zayd b. Thābit along with another Companion who advised Marwān to stop such transactions. Mālik relates in his *al-Muwaṭṭā’* that receipts/cheques were given to people during the time of Marwān b. al-Ḥakam for the produce of the market at al-Jar. People bought and sold the receipts among themselves before they took delivery of the goods. Zayd b. Thābit and one of the Companions went to Marwān and said, “Marwān! Do you make usury *ḥalal* (lawful)?” He said, “I seek refuge with Allāh! What is that?” They said, “These receipts which people buy and sell before they take delivery of the goods. The Prophet has prohibited this”. Marwān therefore sent a guard to follow them and take them from people’s hands and return them to their owners. Mālik b. Anas, *Al-Muwaṭṭa’* [riwāyat Yaḥyá b. Yaḥyá al-Laythī] (Cairo: Dār Iḥyā’ al-Turāth al-‘Arabī, 1951), 2: 641, see also: *Musnad*, 2: 349.
[77] Al-Balādhurī, *Ansāb*, 11: 172.
[78] Most of these letters were collected in Ab- Ja‘far Muḥammad b. Jarīr al-Ṭabarī (d. 311/924), *Tārīkh al-Umam wa-al-Mul- k* (Beirut: Dār al-Kutub al-‘Ilmīyah, 1992), 1: 546, 2: 158, 212, 3: 352.

much as I can".[79] This indicates the way the rulers should lead their people as expected from them.

iv) 'Umar b. 'Abd al-'Azīz (ruled from 99/717-101/720): he was considered the fifth Rightly-Guided Caliph because of his great piety and justice. He was himself one of the students of the Companions. When he was very young his father sent him, in about 78/697, to Madīnah to study and learn from the scholars there.[80] When he became the ruler of Madīnah (86/705), he used to conscript the scholars there and ask them to write all that they knew about the *Sunnah*.[81] According to one source, 'Umar wrote to 'Urawh b. al-Zubayr inquiring about the best way to judge between people. In 'Urwah's reply, four steps were pointed out which have to applied ever since. First, is following what is stated in the Qur'ān, then giving judgments according to the *Sunnah*. Third, is consulting the decisions of the early pious scholars, and the final step is consulting *dhawī al-'ilm wa-al-ra'y* (the learned people).[82] He was also interested in teaching people the *Sunnah*. According to Ibn Ṣa'd, the Successor Nāfi', the servant and student of the Companion Ibn 'Umar, was sent by Caliph 'Umar II to Egypt to teach the *Sunnah*.[83] 'Umar was historically known for his remarkable interest in *Ḥadīth*, and his aim was to make *Ḥadīth* available and preserved for studying and consulting. He was the first one to officially order *aḥādīth* to be collected and recorded on a large scale. For this great mission, two eminent scholars of *Ḥadīth* were assigned; namely, the governor of Madīnah Ab- Bakr Muḥamaad b.

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[79] Y- suf b. 'Abd Allāh b. 'Abd al-Barr, *Al-Tamhīd li-mā fī al-Muwaṭṭa' min al-Ma'ānī wa-al-Asānīd* (Rabat: Wazārat 'Um- m al-Awaqāf al-Islāmīyah, 1985), 16: 347.
[80] *Siyar*, 5: 114-118.
[81] Ibid.
[82] Y- suf b. 'Abd Allāh b. 'Abd al-Barr, *Jāmi' Bayān al-'Ilm wa-Faḍlih* (Dammam, Saudi Arabia: Dār Ibn al-Jawzī, 1994),), 2: 24.
[83] *Ṭabaqāt*, 5: 343. Also see: Abu al-Ḥajjāj Al-Mizzī, *Tahdhīb al-Kamāl fī Asmā' al-Rijāl* (Beirut: Mu'ssasat al-Risālah, 1990), 29: 304.

Ḥazm (d. 120/738) and Muḥammad b. Shihāb al-Zuhrī (d. 124/742). At the beginning of this task, al-Zuhrī, according to one of his companions Muḥammad b. Dhakwān Abū al-Zinād (d. 130/748), used to go around with his boards and parchment and write everything that he heard from the *shuyūkh (Ḥadīth* transmitters/teachers).[84]

From the above examples of the Ummayads, there are two points that should be highlighted. The first one is the matter of paying homage to the Umayyad Caliphs. This was, as seen in some of the examples, done on the condition that they held fast to the guidance of the Qur'ān and the *Sunnah* of Muhammad. Bozena-Gajane Strzyzewska also emphasises this fact in the findings of his study of the history of Islamic jurisprudence at the time of the Umayyads.[85] This is important evidence which shows that both the Qur'ān and the *Sunnah* were perceived as main sources of guidance for the early Muslim community at large. This is not to deny the fact that some of the Ummayd Caliphs and governors, such as al-Walīd b. Yazīd (d. 126/744) and the notorious leader al-Ḥajjāj al-Thaqafī (d. 95/714), did not retain their commitment, and behaved against the original spirit of Islam.[86] Nevertheless, this does not nullify the early recognition of the *Sunnah* as a basis of Islam along with the Qur'ān. One should be cautious when dealing with the history of the Umayyad dynasty, as there are a number of literary works that were compiled because of the encouragement of the Abbasids who saw the Ummayds as their bitter enemies.[87]

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[84] *Ṭabaqāt*, 8: 480 ; Abū Yūsuf Ya'qūb b. Sufyān al-Fasawī, *Al-Ma'rifah wa-al-Tārīkh* (Bayrūt: Dār al-Kutub al-'Ilmīyah, 1999), 1: 639 ; Mālik, *Muwaṭṭa'*, 330 ; 'Abd al-Raḥmān b. Abī Ḥātim al-Rāzī, *Al-Jarḥ wa-al-Ta'dīl* (Hyderabad: Dā'irat al-Ma'ārif al-'Uthmānīyah, 1952), 1: 21. For more scholarly analysis of the mission of the collection and recording the *aḥādīth* by those scholars see: Abbott, *Studies*, 249; Gregor Schoeler, *The Genesis of Literature in Islam from the Aural to the Read* (Edinburgh: Edinburgh University Press, 2002), 54-56.
[85] Bozena-Gajane Strzyzewska, *Tārīkh al-Tashrī' al-Islāmī* (Beirut: Dār al-Āfāq al-Jadīdah, 1980), 130-32.
[86] See: al-Fasawī, *Ma'rifah*, 1:400-06, 3: 350; Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 6: 248-49.
[87] See Chapter Three. Beyanouni, *Ḥadīth*.

The second point is about the judicial system during the Umayyad period. Considering the Qur'ān and the *Ḥadīth* to be the prime basis for any legal decisions, as concluded from the statements and incidents presented earlier, does not mean that the judicial process was greatly developed as it became a century later. Without doubt it was still in its primary stage as it was during the time of the Rightly-Guided Caliphs. Judges at that time were not restricted to a certain school of *fiqh* (law). They practised *ijtihād* (legal reasoning) in the light of the Qur'ān and the *Sunnah* of the Prophet.[88]

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[88] See Strzyzewska, *Tārīkh*, 133.

4.3.1.2.2 Al-Shāfi'ī and His Role in the Recognition of the *Sunnah*:

We shall now consider Robson's second proof concerning the status of *Ḥadīth* that al-Shāfi'ī was the first to establish a solid foundation for *Ḥadīth* in Islamic law through his intellectual debates with the opponents of *Ḥadīth* as they appear in his writings. This opinion of Robson is, in principle, similar to those of the early Orientalists, such as Goldziher and Schacht.[89] In response to this argument, it is clear from the previous discussions and historical evidence, that Muslims in the first century were aware of the importance of the Prophetic *Sunnah* as an exemplary model to follow, and as an essential means for understanding their religion. Prominent scholars, who came before al-Shāfi'ī, held a similar attitude. Qatādah al-Sad- sī (d. 118/736), for instance, is reported as saying: "If someone abandons the *Sunnah* of the Prophet he will destroy himself. So follow it and avoid innovations."[90]

A similar statement is ascribed to Ibn Shihāb al-Zuhrī (d. 124/742) in which he reported on the authority of his predecessors that "…salvation was in holding fast to the *Sunnah*, and that (religious) knowledge will vanish soon…".[91] Mālik is also reported to have said to his students "…look at my opinions and if they accord with the Book of Allāh and the *Sunnah* of the Prophet, take them, and, if not, leave them".[92] He was once asked about some of his terms and opinions in his book (*al-Muwaṭṭa'*). One of his statements in his response was that "…such interpretations

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[89] In Western arguments regarding the origin of *Ḥadīth* and the usage of some Islamic terms, al-Shāfi'ī (204/820) is always credited with the determination of the term '*Sunnah*' as reference to the practice of the Prophet, and the insistence on using it as an authoritative source for legal cases. See Chapter Three.
[90] Ibn Kathīr, *Bidāyah*, 9: 313.
[91] Al-Dārmī, *Sunan*, 1: 58.
[92] *Mudawwanah*, 1: 86.

and judgments on my part, however, are based on the *Sunnah* of al-Nabī (Prophet) Muḥammad".[93] Al-Shāfiʿī himself points out that he did not know of any of the Companions, Successors or great scholars of Islam who would decline to follow any transmitted *ḥadīth* and recognise it as *Sunnah*.[94] However, Robson's argument about the recognition of *Ḥadīth* as a basis of Islam and its legislation before al-Shāfiʿī's time was based on al-Shāfiʿī's arguments with others in his writings about the status of the *Sunnah*. In al-Shāfiʿī's works '*al-Risālh*' and '*al-Umm*' he presents some arguments in which he responds to groups of people who had a certain attitude towards the implementation of the *Sunnah*. But do these arguments actually support Robson's claim?

To clarify this point, it is important to identify the groups who al-Shāfiʿī debates with, and the reason behind such arguments. The people who are referred to in al-Shāfiʿī's works can be divided into two groups; 1) certain people who totally rejected the *Ḥadīth* 2) and *ahl al-ra'y* (partisans of legal reason). In terms of the first party, their attitude toward *Ḥadīth* is difficult to find in any surviving literature of its own. It is only found in al-Shāfiʿī's '*al-Umm*'.[95] So, it seems that they were a very minor group who was only known to a few scholars including al-Shāfiʿī who encountered them and disputed their view.[96] One of their main objections to relying on *Ḥadīth* alongside the Qur'ān in legal matters was that taking their religion from reports transmitted merely by ordinary men was unacceptable.[97] This was a function fit for something as

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[93] Aḥmad b. Yaḥyá al-Wanshar-sī, *Al-Miʿyār al-Muʿrib wa-al-Jāmiʿ al-Mughrib ʿan Fatāwá ʿUlamā' Ifrīqīyah wa-al-Andalus wa-al-Maghrib* (Beirutt: Dār al-Gharb al-Islāmī, 198), 6:360. For more discussion regarding Mālik and his position from *Ḥadīth* see the next chapter.
[94] Al-Suyuṭī, *Miftāḥ al-Jannah*, 40.
[95] See: Muḥammad b. Idrīs al-Shāfiʿī, *Kitāb al-Umm*, (Cairo: Dār al-Wafā', 2001), 9: 5-19.
[96] Azami, *On Schacht*, 73-74.
[97] Ibid., 6-7.

historically reliable as the Qur'ān.[98] Al-Shāfi'ī confronted this argument by stating many facts,

most importantly that if *aḥādīth* are to be rejected how could Muslims know the details of prayer

or the fast of Ramadan?[99] In spite of the extreme position of the group towards *aḥādīth* it

vanished in classical *Sunnī* and *Shi'ī* literature alike.[100]

This group is usually identified from early *mu'tazilah* or *alh al-kalām* (partisans of

speculative theology) which represents the intellectual school of thought.[101] However, Azami

persuasively argues that it is highly questionable to identify them as *mu'tazilah* who did not

develop any legal school in the early centuries, and many of them, who belonged to the first half

of the second century, were traditionists such as al-Ḥasan al-Baṣrī (d. 110/728) and Sa'īd b. Abī

'Ar- bah (d. 155/771). [102] This can be shown in the early *mu'tazilī* writings and theories recorded

by Ab- al-Ḥusayn al-Khayyāṭ (d. 300/912) that contain much evidence that they used *aḥādīth*,

especially the *mutawātir* genre on theological issues.[103] This is also the case with the later

mu'tazilah who differed in many issues related to the belief of *ahl al-Sunnah*. When it came to

fiqh, on the other hand, they all used to adhere to the legal school of Ab- Ḥanīfah, Mālik or al-

Shāfi'ī who rely on the *Sunnah* as a second legal source. For example, al-Zamakhsharī (d.

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[98] Ibid., 8-10.

[99] Ibid.

[100] Al-Ṭablāwī Maḥm- d Sa'īd, "Al-Difā' 'an al-Sunnah al-Nabawīyah wa-Ṭuruq al-Istidlāl," *Majallat al-Buḥ- th al-Islāmīyah*, 28 (1993), 299.

[101] This is the opinion held by some Western scholars such as Schacht and some modern Muslim researchers such as Muṣṭafā al-Sibā'ī in his *Al-Sunnah wa-Makanatuha fī al-tashrī' al-Islāmī* (Damascus: al-Maktab al-Islāmī, 1985),155 and Muḥammad Khuḍarī Bik in his book *Tārīkh al-Tashrī'' al-Islāmī* (Beirut: Dār al-Ma'rifah, 1996), 185.

[102] Azami, *On Schacht*, 74.

[103] Ab- al-Ḥusayn 'Abd al-Raḥīm al-Khayyāṭ al-Mu'tazilī, *Al-Intiṣār wa-al-Radd 'alá Ibn al-Rawāndī al-Mulḥid* (Beirut: Awrāq Sharqīyah, 1993), 17, 39, 147, 157-59.

467/1074) was *ḥanafī*,[104] and al-Qāḍī ‘Abd al-Jabbār al-Mu‘tazilī (d. 415/1025) and al-Qāḍī al-Māwardī (450/1058) were both *shafi‘ī*.[105]

The other group (*ahl al-ra’y*) are the Iraqis who depended on *qiyās* (analogical reasoning), and their master was Ab- Ḥanīfah (d. 150/767). Al-Shāfi‘ī argued with some of his followers such as Ibn al-Ḥasan al-Shaybānī (d. 189/805). Before dealing with the disagreement between al-Shāfi‘ī and this group, it is essential to know the general view of *ahl al-ra’y* concerning *Ḥadīth*. The portrayal of *ahl al-ra’y*, particularly their master, as those who dismissed *Ḥadīth*, is the outcome of deficient investigation. In principle, they accepted the compelling power of *Ḥadīth*. Ab- Ḥanīfah (d. 148/768) said to his followers to leave his opinion when he found it to be in disagreement with the Qur’ān or the *Sunnah* of the Prophet.[106] He was one of the Successors who met the Companion Anas b. Mālik and narrated a number of *aḥādīth* from him. He was also known to narrate many *aḥādīth* that were directly connected to the Prophet. These *aḥādīth* were compiled into a single work entitled ‘*Kitāb al-Āthār*’[107] by one of his leading pupils Ibn al-Ḥasan al-Shaybānī (d. 189/805) who also studied under Mālik. Ab- Ḥanīfah is sometimes accused of preferring *qiyās* to *Ḥadīth*, to which he responded by saying:

> Whoever says that we prefer our own legal reasoning (*qiyās*) to a text from the Prophet has lied, by Allāh, and defamed us. For what need is there for legal reasoning in the presence of such a text?[108]

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[104] *Siyar*, 20: 151.
[105] *Siyar*, 18: 64 and Aḥmad b. ‘Alī al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād* (Beirut: Dār al-Kutub al-‘Ilmiyah, 1992), 11: 13.
[106] Ṣāliḥ b. Muḥammad al-‘Umarī al-Fullānī, *Īqāẓ Himam Ūlī al-Abṣār* (Kujranwalah, Pakistan: Dār Nashr al-Kutub al-Islāmīyah, 1975), 50.
[107] This work is already available and published. It includes around 226 *aḥādīth* which are mostly connected back to the Prophet. These *aḥādīth* were narrated from Ab- Ḥanīfah. Al-Shaybānī divided the book into many sections, then provided some explanatory materials which shows that the *aḥādīth* narrated are proofs for his legal opinion in certain matters. Muḥammad b. Al-Ḥasan al-Shaybānī, *Al-Āthār* (Damascus: Dār al-Nawādir, 2008), 1: 9, 11, 17.
[108] ‘Abd al-Wahhāb al-Sha‘rānī, *Kitāb al-Mīzān* (Beirut: ‘Ālam al-Kutub, 1989), 224.

Reading the legal works of *ḥanafī* scholars, it appears that it is common that scholars do not seek

recourse to *qiyās* unless there is no narrated *ḥadīth* dealing with the matter under study. An

example to illustrate this point is Abū Yūsuf (d. 182/798), one of Abū Ḥanīfah's leading students,

and the first to occupy the post of *Qāḍī al-Quḍāt* (chief judge) in the Islamic state. He sometime

disagreed with the judgments of his teacher on a number of issues. The reason for such

disagreement is because there were *aḥādīth* that reached him later, of which his master was not

aware. Abū Yūsuf once had a meeting with Mālik, where both debated and discussed several

legal issues. At the end of their discussion, he had no other choice but to refrain from holding on

to his views and said as a result: "If my friend [Abū Ḥanīfah] was aware of what I came to know

he would have returned".[109] That is, if Abū Ḥanīfah knew about the *Sunnah* in these issues he

would, consequently, act upon it, and leave his *ijtihād*.[110]

If this was the case with *ahl al-ra'y* that *Ḥadīth* was a basis of law, what is the crux of the

disagreement between them and the traditionists represented in al-Shāfiʿī as expressed in his

writings? The disagreement is related to the different views held by both parties concerning the

way *Ḥadīth* should be adopted. Each party introduced different conditions for the use of *aḥādīth*

in law, and which *ḥadīth* is accepted for legal decisions. For example, al-Shāfiʿī accepted all

types of reliable *āḥād* (solitary) *aḥādīth*[111] in fixing law and ritual, while other scholars of *ra'y*

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[109] *Siyar*, 8: 75.

[110] Aḥmad b. ʿAbd al-Ḥalīm b. Taymīyah, *Majmūʿ Fatāwá Shaykh al-Islām Ibn Taymīyah* (Madinah: Mujammaʿ al-Malik Fahad li-Ṭibāʿat al-Muṣḥaf al-Sharīf, 2004), 20: 304, and 232-250 in respect to finding excuses for the jurists who did not act upon the *Sunnah* in some issues.

[111] An *aḥād ḥadīth* is not massively transmitted as those that are *mutawātir* (continuous). It has three categories: *mashhūr* (well-known): a *ḥadīth* which became famous during the first three generations, *ʿazīz* (less than available) *ḥadīth* with at least two chains of transmission, and *gharīb* (strange): a *ḥadīth* which is reported by only one narrator at any level of its *isnād*. See: Muhammad Hashim Kamali, *Ḥadīth Studies; Authenticity, Compilation, Classification and Criticism of Ḥadīth* (Leicestershire, UK: The Islamic Foundation, 2005), 62, 164, 169, 166.

only accepted *mash-r* (well-known) *aḥādīth*.[112]   In some cases, they dismissed any individual *ḥadīth* when it is related to a matter that should be known to the majority of the people, since the people are expected to ask a lot of questions about such a matter, and it is hardly conceivable that it should only be transmitted by one or two transmitters. Thus, if this was the case, it would tend to indicate that this particular *ḥadīth* was not sound.[113]   Al-Shāfiʿī, however, preferred the *aḥād* narrations over *qiyās* in every case. He endeavoured to justify this in his work by citing a large number of *aḥādīth* in which the reports of single individuals were accepted by the Prophet himself, and, after him, by many Companions.[114]

Regardless of these different views, what is relevant to this work is the fact that *Ḥadīth* was recognised as a binding authority by prominent scholars before al-Shāfiʿī. This is a fact that al-Shāfiʿī himself, who disagrees with some of the criteria presented earlier, declares that "…there is not one person of *ahl al-ʿilm* (knowledge) who considers Allāh's order to follow the Prophet and submit to his judgments as an issue to oppose".[115]   In his study of the attitude of early *ahl al-Kalām* and *ahl al-raʾy* towards the *Sunnah*, Daniel Brown concludes that neither of them rejected the authority of the Prophet in theory. He observes that each of them "…believed itself to be acting according to the legacy of the Prophet; they were not fighting over *whether* to follow the Prophet, but rather over *how* to follow him."[116]   Moreover, one could conclude that systematic reasoning (*raʾy* or *ijtihād*) was resorted to by the scholars at that time only in cases

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[112] Al-Shāfiʿī, *Al-Umm*, 9: 85-170.
[113] Muḥammad Ḥasan Hīt- , *Al-Wajīz fī Uṣ- l al-Tashrīʿ al-Islāmī* (Beirut: Dār al-Fikr, 1997), 302-304.
[114] Al-Shāfiʿī, *Al-Risālah*, printed as the first part of *Kitāb al-Umm*, (Cairo: Dār al-Wafāʾ, 2001), 1: 170-219.
[115] Ibid., 1: 284.
[116] Daniel Brown, *Rethinking Tradition in Modern Islamic Thought* (Cambridge: Cambridge University Press, 1996), 14.

when there was no answer to the matter they were dealing with in the Qur'ān or the authoritative *aḥādīth* of which they were aware.

From the above results, the emergence of the opposition of some types of *aḥādīth* or those who completely rejected it, appears to be the exception rather than the rule. Al-Shāfi'ī in dealing with such attitudes in his work does not aim to constitute *Ḥadīth* or *Sunnah* as a main source of guidance; rather, it aims to re-establish its authority, as far as those who dismissed it are concerned, and, on the other hand, to debate certain opinions and conditions regarding the adoption of individual *aḥādīth* put forward by some of his predecessors and contemporaries. Therefore, the theory of Robson which states that *Ḥadīth* was not recognised as a basic authority until the time of al-Shāfi'ī is not warranted, as it has no cogent premises.

The authority of the *Sunnah* and its significant status before al-Shāfi'ī can also be supported by the arguments of most Orientalists; that not long after the Prophet's death a large number of *aḥādīth* were forged by all the political, sectarian and other Muslim parties in support of what they asserted. If *Ḥadīth* were not accepted by all the Muslims as an authority, there would be no sense in forging *aḥādith* for any purpose.[117] The works of al-Shāfi'ī seem to be misunderstood by some Orientalists who followed Schacht without further examination, an issue realised by R. Brunschvig who advises his fellow-researchers by suggesting that: "If we could free ourselves from the hold of al-Shāfi'ī, whose ingenious synthesis has falsified our perspectives for a long time, indeed…we would perhaps be able to see the origins of *fiqh* with new eyes."[118]

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[117] Siddiqi, *Ḥadīth Literature*, 110-112.
[118] R. Brunschvig, "Polemiques medievales autour du rite de Malik", *Andalus*, 15 (1950): 413. The quotation is cited in: Yasin Dutton, *The Origins Of Islamic Law: The Qur'ān, The Muwaṭṭa' And Madinan 'Amal* (Richmond, Surrey: Curzon Press, 1999), 5.

4.3.2 The Genesis of *Ḥadīth*:

Regarding the debate around the origin of *Ḥadīth* in Western scholarship, Robson, through his study of *Ḥadīth* and *isnād* materials, appears to have a milder position from his predecessors, particularly Goldziher and Schacht who systematically doubts the attribution of the *Ḥadīth* to Muhammad. This mild position was a development that resulted from several investigations made by Robson. In his early writings, Robson seems to have adopted the idea that the *Ḥadīth* materials reflect tendencies of the later generations rather than represent the actual sayings and actions of the Prophet. This belief is expressed in an article published in early 1951, in which he declares that *Ḥadīth* literature "…cannot be regarded as a possession of the community from the time of the Prophet. It is presented as if it was, but is something which grew, rather than something which was preserved".[119] Then in a following article he published at the end of the same year (1951/52) he expresses his own uncertainty about the matter after dealing with the views of those who hold less radical views, and believe in the existence of an authentic nucleus, like D. Santillana, Vesey-Fitzgerald, and Hamilton Gibb. He states that "It may be that there are some genuine materials embedded in the mass of the Tradition, but one does not have the right to declare that it exists, unless one can show good reason for saying so".[120]

Notwithstanding this scepticism, he seems, in his later researches, to have taken a different line on the subject, since he comes to believe that the genuine core of *aḥādīth*, particularly those that are historical, must have been more extensive than is generally realised. In this regard, Robson reached the same conclusion as Montgomery Watt and suggests that the solid

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[119] "Tradition", 98.
[120] "Muslim Tradition", 94-96.

core of *aḥādīth* is "…the distinctive feature of the historical element in the Tradition about Muhammad".[121]

This last stance of Robson can be realised from his views which are reviewed in the first section when he suggests that after the death of the Prophet, his sayings and actions were the focus of Muslims' interest, especially newcomers to the fold of Islam. From the impression of the personality of the Prophet that he made on his followers, Robson concludes that "…we cannot believe that the picture of him [Muhammad] given in Tradition is purely a late development".[122] This view takes him a step closer to the orthodox Muslim view, and a step away from the stances of Goldziher and Schacht. He is clearly in favour, to a large extent, of utilising *Ḥadīth* literature as a historical source. That is why, despite the fact that he broadly accepts Schacht's conclusions, he expresses his reservations by confining them primarily to the legal Traditions where Schacht's argument "…may apply more closely than elsewhere, as changing conditions and the development of legal thought must have demanded new regulations".[123] Elsewhere, he states that "…we may provisionally accept his [Schacht] argument as proved so far as legal traditions are concerned".[124] In general, Robson exempts the majority of historical *aḥādīth* from scepticism about the authenticity of *Ḥadīth* materials.

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[121] Robson, "The Isnād in Muslim Tradition", *Transactions of the Glasgow University Oriental Society*, 15 (1953-54): 20. See also: W. Montgomery Watt, "The Condemnation of the Jews of Banu Qurayzah", *The Muslim World*, 42 (1952): 171.

[122] Ibid. 20, see also: *Encyclopaedia*, 3: 27.

[123] Robson, "The Isnād", 20. He also says: "Even if we allow the force of Schacht's argument regarding the invention and documentation of legal traditions, it is difficult to believe that all the materials regarding the life of the Prophet is on the same level". Ibid.

[124] Robson, "Ibn Isḥāq", (1956): 450.

Besides his logical argument concerning the impact of the Prophet's charisma, other factors may also have enhanced Robson's view regarding the reliability and origin of *Ḥadīth*. The most important ones are:

1- There are small amounts of *aḥādīth* that were collected individually in the first century for, at least, personal use and guidance.[125]

2- The *asānīd* of historical *aḥādīth* when analysed do sometimes inform us "…how information about the early days of Islam was transmitted".[126] This point will be explained further when discussing Robson's view about *isnād*.

Broadly speaking, Robson feels that the claims made by earlier Orientalists regarding the origin of *Ḥadīth*, though in part convincing, need to be tempered. He is adamant that despite the fictitious material introduced into the body of Tradition, there remains "some genuine early material".[127]

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[125] "Muslim Tradition", 86, and he uses the word 'use' instead of guidance in "Standards applied by Muslim traditionists", *Bulletin of John Rylands Library*, 43 (1961): 459.
[126] Ibid., 26.
[127] Robson, "The Isnād", 25.

4.3.3 *Isnād* System:

The subject of *isnād* (pl. *asānīd*: chains of narrators) has been studied at some length by Robson in his works. His views can be discussed according to the following points:

A) Origin of *asānīd*:

In an early article, he agrees with the hypothesis put forward by Schacht with reference to when the custom of a transmitter to name their sources or information began.[128] Schacht claims that *isnād* emerged in the second century around the year 126/744. The evidence that Schacht based his claim on is the word (*fitnah*) in the statement of the Successor Muḥammad b. Sīrīn (d. 110/728), a leading student of the Companion Anas b. Mālik, in which he says: "In the early period no one would ask about the *isnād*, but when civil strife (*fitnah*) arose they said, 'Name for us your men [i.e. sources].' Those who followed the *Sunnah* were considered and their traditions accepted; and those *ahl al-bid'ah* (people of Heresy) could be looked at and their traditions were ignored."[129] Schacht interpreted '*fitnah*' to refer to the time of the killing of the Caliph al-Walīd b. Yazīd; towards the end of the Umayyad Caliphate; a view that makes Schacht conclude that the statement could not be genuinely attributed to Ibn Sīrīn, who died in 110/728.[130] Based on Schacht's attitude, Robson discredits Ibn Sīrīn's statement, on which he comments:

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[128] "Tradition, the second foundation of Islam" (1951), 30.
[129] It is reported in the introduction of *Ṣaḥīḥ Muslim* (Dār Iḥiyā' al-Turāth al-'Arabī, n.d.), 1: 15.
[130] Schacht, *The Origins*, 36, 72.

> This would throw the system of insisting on irreproachable *isnāds* back to a very early period when it is hardly likely that any regular method of transmitting traditions had developed. Indeed, one is inclined to feel that a statement of this kind is an attempt to give early authority for a practice which flourished later.[131]

However, this doubt about Ibn Sīrīn's statement and the firm belief in Schacht's opinion changed in subsequent articles. In 1953, he published an article which was entirely devoted to the study of *isnād* in Muslim Tradition. In it, Robson argues that the *asānīd* of the Traditions cannot be totally discarded as fictitious, and they "…deserve consideration".[132]

As far as the word '*fitnah*' mentioned in the early statement is concerned, Robson started to express grave doubts about Schacht's dating of the *fitnah* to the time of Caliph al-Walīd, because there certainly was a civil war at the time mentioned but it was not the first.[133] In this article, he suggests that the *fitnah* is more likely to refer to the civil war which arose when 'Abd Allāh b. al-Zubayr (d. 73/692) set himself up as Caliph. The circumstances of this *fitnah*, according to Robson, would fit the year 64/683 or 72/691 when 'Abd Allāh was besieged in Makkah, and as "… Ibn Sīrīn is said to have been born in 33/651, he would be old enough to speak with authority on what happened in that period".[134]

Nevertheless, in a later article he is hesitant and seems to have changed his mind to some extent. He reconsiders the statement in question and states that there were two serious civil wars before that occurred in 126/743; the one which broke out between 'Alī b. Abī Ṭālib (d. 40/661) and Mu'āwiyah b. Abī Sufyān (d. 60/679) and the other between 'Abd Allāh b. al-Zubayr and the

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[131] "Tradition, the second foundation of Islam", 30.
[132] "The Isnād", 26.
[133] Ibid. 21.
[134] Ibid., 21.

Umayyads,[135] allowing the possibility that the reference may be to either of them. Either way, he feels that the use of *asānīd* stems from the second half of the first/seventh century.[136]

Broadly speaking, the interpretation of the *fitnah* here as a civil war could refer to any of the wars mentioned above by Robson. There is also another opinion held by some scholars such as Akram Ḍiyā' al-'Umarī who consider that the *fitnah* mentioned in Ibn Sīrīn's tradition referred to the assassination of the third Rightly-Guided Caliph 'Uthmān b. 'Affān in 35/655, when *waḍ'*, fabrication appeared, and divisions became prominent.[137] Nonetheless, it might be more possible to be interpreted as the civil war between 'Alī and Mu'āwiyah 37/658 which occurred roughly two years after 'Uthmān's assassination. This can be supported by another statement by Ibn Sīrīn in which he used the word '*fitnah*' to refer to the Battle of Ṣiffīn.[138] He says: "*Fitnah* flared up, the Companions numbered 10, 000, of which only 40 men excluded themselves [i.e. did not participate in the ensuing war]. 'Ammār b. Yāsir and more than 240 veterans of the Battle of Badr sided with 'Alī...".[139] In this battle 'Ammār was killed.

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[135] "Standards" (1961), 640.

[136] Beyanouni, *Ḥadīth*.

[137] Akram Ḍiyā' al-'Umarī, *Tārīkh al-Sunnah al-Musharafah* (Beirut: Dār al-Ma'rifah, 1997), 44.

[138] According to some historical sources, this civil war lasted for more than one hundred days, and around 70,000 people were killed. See: Kamāl al-Dīn 'Umar b. Aḥmad al-Ḥalabī, *Zubdat al-Ḥalb min Tārīkh Ḥalab* (Beirut: Dār al-Kutub al-'Ilmīyah, 1996), 1: 21.

[139] 'Abd al-Razāq, *Muṣannaf*, 11: 357.

B) Genuineness of the *asānīd*:

The issue of whether the *asānīd* attached to *aḥādīth* is genuine or fabricated has been discussed by Robson. He recognises the validity of many *asānīd*.[140] The tendency seen among some Western scholars who consider *asānīd* with great caution, if not downright scepticism, did not affect Robson and made him deny the genuineness of all *isnāds*.[141] Therefore, he hesitates to take Schacht's argument about the fabrication of *asānīd* for granted and "…wonders whether the argument is not too sweeping".[142] Having devoted an article to Ibn Isḥāq's use of *insād* in his *sīrah* narratives, Robson places particular trust in the *asānīd* adduced from studying such historical narratives. For instance, to illustrate the point that Ibn Isḥāq's *asānīd* are preserved, in later works he shows some examples such as the Tradition of 'Umar b. al-Khaṭṭāb's objection to the Prophet praying over the grave of Ibn Ubay. He finds that the same *isnād* with this Tradition whose wording is very closely similar is recorded in Ibn Hishām's *Sīrah*, and Ṣaḥīḥ of al-Bukhāri.[143] From such examples drawn from his investigation of Ibn Isḥāq's *asānīd*, Robson declares that: "My inclination is to accept as genuine lines of transmission the *isnāds* which go back from Ibn Isḥāq to Companions or to the Prophet".[144]

Regardless of Robson's optimistic view about the reliability of the early *isnād* system, he also observed that the *isnād* is no guarantee of the authenticity of the Traditions.[145] He points out that this observation is not wholly due to his or other Western critical approaches, but on the view

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[140] Robson, "The Form of Muslim Tradition", *Transactions of the Glasgow University Oriental Society*, 16 (1955-56), 39.
[141] Ibid.
[142] "The Isnād", 20
[143] "Ibn Isḥāq": 462.
[144] Ibid., 464.
[145] "The Isnād", 25.

of early Muslim scholars of *Ḥadīth* who "…were not misled by seemingly sound *isnāds*".[146] He

refers as an example to the works of al-Ḥākim (d. 404/1013) who gives some illustration of this

in his *'Ma'rifat 'Ul-m al-Ḥadīth'* where he sometimes quotes an *isnād* whose men are all

trustworthy, but points out that the Tradition attached has an inaccuracy.[147]

As far the Muslim criticism of *Ḥadīth* is concerned, Robson notices that traditionists have

drawn attention to certain men who have a reputation for taking *aḥādīth* which only go to the

Companions and Successors, giving them complete *asānīd* back to the Prophet. To him, this

indicates that those traditionists were working within a methodology which "…had certain

principles to establish".[148] This view would be more valuable if it was supported with textual

evidence which illustrates such scholastic practice. Many examples can be quoted regarding this

case. For instance, the *athar* (report of a Companion) of 'Abd Allāh b. 'Umar which shows that

paying *zakāh* (alms giving) is not due till the year ends.[149] This *athar* is accepted by all jurists

with other Prophetic Traditions as a basis for *zakāh* taxation.[150] It is always attributed to Ibn

'Umar by transmitters as his statement, and this type of narration is called *mawq-f*

(suspended).[151] However, there is a transmitter named 'Abd al-Raḥmān b. Ziyād who transmitted

Ibn 'Umar's *athar* as going back to the Prophet. After comparing the notes of different students

of Ibn Ziyād's teacher and tracing them back and comparing their materials, Ibn Ziyād's

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[146] Ibid., 25-26.
[147] Ibid. Al-Ḥākim's work has been translated into English by Robson as mentioned earlier in this chapter.
[148] "Muslim Tradition", 100.
[149] *Mudawwanah*, 2: 272; *Muṣannaf*, 4: 77.
[150] Ab- 'Ubayd al-Qāsim b. Sallām, *Kitāb al-Amwāl* (Beirut: Dār al-Fikr, 1988), 1: 505.
[151] *Mawq-f* (suspended/halted) is a *ḥadīth* that is attributed to a Companion; it may consist of words, actions, or tacit approval, but its *isnād* stops at that level and falls short of reaching the Prophet himself. See: 'Uthmān b. 'Abd al-Raḥmān b. al-Ṣalāḥ al-Shahraz-rī, *An Introduction to the Science of the Ḥadīth* (*Kitāb Ma'rifat Anwā' 'Ilm al-Ḥadīth*), trans. Eerik Dickinson, (Reading (UK): Garnet Publishing Limited, 2006), 33.

elevation of Ibn 'Umar's tradition to the Prophet was rejected by many *Ḥadīth* critics such as

Ḥammād b. Salamah (d. 167/783) who charged him with *'adam al-ḍābṭ* (imprecision).[152]

Comparing the disciples' narrations to their teachers (*shuy- kh*) to measure the accuracy of

any *ḥadīth* transmitter is one of the basic practices followed by the scholars of *Ḥadīth* in order to

know where a mistake is coming from, and to specify its source. It is true that a *mawq- f ḥadīth* is

not attributed to the Prophet, and only expresses a Companion's opinion but it still needs to be

verified. However, there is a variety of *mawq- f aḥādīth* wherein a Companion does not speak of

their own opinion or *ra'y* but something that can be presumed to have been authorised by the

Prophet.[153] It can provide in this case a valid proof or basis of judgment. Therefore, the rules of

uṣ- l al-Ḥadīth, according to the traditionists, should be applied to the *asānīd* of this type of report

in order to determine the strength and weakness therein.[154]

The above example is the first of the two types which are considered erroneous by

scholars of *Ḥadīth*, and the error in the *isnād* was unintentional.   The other type is when the

transmitter deliberately equips existing *aḥādīth* with his own *asānīd* or entirely constructs new

chains of transmission. This was known as *sariqat al-ḥadīth* (stealing *aḥādīth*) or *tarkīb al-

asānīd* (rigging *asānīd*).[155] The *ḥadīth* which is attached with one of the two types of *asānīd* is

termed as *munkar* (unacceptable) (figure 4.1).

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[152] Yaḥyá b. Maʿīn, *Tārīkh Ibn Maʿīn* [Riwāyat al-D- rī] (Makkah: Markaz al-Baḥth al-ʿIlmī, 1979), 3: 10.
[153] Ṣubḥī Ṣāliḥ, *'Ul- m al-Ḥadīth* (Beirut: Dār al-ʿIlm lil-Malāyīn, 1996), 208.
[154] Ibid.
[155] ʿUmar Ḥasan Fallātah, *Al-Waḍʿ fi al-Ḥadīth* (Damascus: Maktabat al-Ghazālī, 1981), 2: 39-49 ; ʿUmar Īmān Ab-Bakr, *Al-Ta'sīs fi Funn Dirāsat al-Asānīd* (Riyadh: Maktabat al-Maʿārif, 2001), 42-48.

Figure 4.1: Types of errors and forgeries in *isnād*
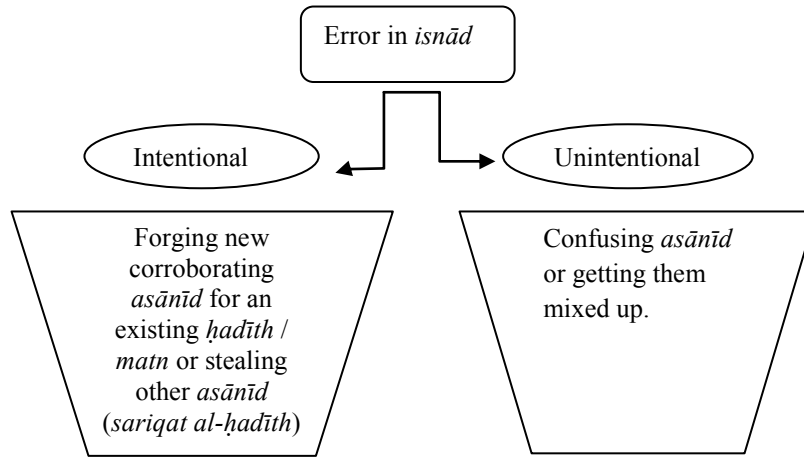
An example to explain the second type is the following *ḥadīth*: "He who carries weapons against us [Muslims] is not one of us".[156] This *ḥadīth* is known to be authentic among the traditionists. It was once narrated by 'Amr b. 'Ubayd (d. 144/761), who belonged to the camp of the *al-mu'tazilah*, from his teacher al-Ḥasan al-Baṣrī (d. 110/728), from the Prophet in one of his debates with the traditionists. Thus, he was attacked by the traditionists for lying in his narration saying that this *ḥadīth* was from al-Ḥasan who actually did not transmit it from the Prophet. *Ḥadīth* critics showed that 'Amr heard the report from somewhere else and tried to use it to support the *mu'tazilī* position; that committing grave sins assured Muslims a place in Hell. But he did not have his own *isnād* for it, so he manufactured one from his teacher al-Ḥasan so it could be used in his debates.[157] 'Amr b. 'Ubayd did this because the practice of scholars in any scholastic dispute or debate at that time was that it was not acceptable for debaters to cite any

[156] *Musnad*, 2: 239.
[157] 'Abd al-Raḥmān b. Muḥammad al-Rāzī, *'Ilal al-Ḥadīth* (Beirut: Dār al-Ma'rifah, 1984), 2: 342.

ḥadīth without providing their own firm *isnād* for it. Otherwise, the debater would be considered unreliable, and thus he could not credibly present his *ḥadīth* in any discussion.[158] For this reason, forging a new *isnād* was considered a solution.

c) Authoritative *Isnād*:

Another point that Robson had an opportunity to deal with is the authoritative *isnād* represented in the *isnād*: 'Mālik from Nafiʿ from Ibn ʿUmar'. This type of *isnād* is discussed in response to Schacht's opinion towards it. In fact, the *isnād* of 'Mālik from Nāfiʿ from Ibn ʿUmar' is regarded by traditionists as the soundest and one of the more highly authoritative of the *asānīd*. This chain is called 'the golden chain' by those who deal with *Ḥadīth* criticism.[159] Robson questions Schacht's distrust of this particular *isnād*, who considers it as fabricated on the ground that Mālik was too young to have heard it directly from Nāfiʿ.[160] In response to this point, Robson challenges Schacht's claim regarding Mālik's age. By consulting some biographical accounts, Robson suggests that Mālik would have been 24 years old by the time Nāfiʿ died, i.e. old enough to have received *aḥādīth* from him.[161] "Even though", he adds, "he was born a few years later he

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[158] Ibid.

[159] See: Maḥm- d al-Ṭaḥḥān, *Taysīr Muṣṭalaḥ al-Ḥadīth* (Riyadh: Dār al-Maʿārif, 1999), 37.

[160] Schacht, *Origins*, 176-177. This view has also been adopted by Juynboll. Briefly, he maintains that the *aḥādīth* with the isnād Nāfiʿ – Ibn ʿUmar in the canonical collections of *Ḥadīth* do not go back to Nāfiʿ, but for the most part they go back to Mālik b. Anas. Juynboll cast doubts on Nāfiʿ as a historical figure. See G. H. A. Juynboll, "Nāfiʿ, the *Mawlá* of Ibn ʿUmar, and his position in Muslim *Ḥadīth* literature" *Der Islam* 70 (1993), 207-244. A detailed, yet, persuasive review of Juynboll's arguments and methods of *isnād* analysis is found in the work of Harald Motzki who concludes that Juynbolls' conclusions are not tenable. See: Harald Motzki, *Analysing Muslim Traditions: Studies in Legal, Exegetical and Maghāzī Ḥadīth* (Leiden: Brill, 2010), 47-122.

[161] "The Isnād", 22. Nāfiʿ b. Sarjis Ab- ʿAbd Allāh al-Daylamī was one of the outstanding jurists and reliable transmitters of *Ḥadīth*. He was also one of "the people of *fatāwá*." See: al-Dhahabī, *Siyar*, 5: 98 - 8: 107 ; Khalīfah b. Khayīyāṭ al-Laythī, *Tārīkh Ibn Khayīyāṭ* (Damascus: Dār al-Qalam, 1980), 1: 206

would still have been old enough to have heard Traditions from Nāfi'...".[162] Moreover, Robson

points out that in *al-Muwaṭṭa'*, Mālik occasionally states that he received his information by word

of mouth from Nāfi', and this "…indicate[s] that Mālik really did meet and hear from Nāfi'".[163]

Robson, in his discussion on the issue of Mālik's age raised by Schacht, attempts to prove

historically the association between Mālik b. Anas (d. 179/795) and his teacher Nāfi' b. Sarjis (d.

117/735). Robson's argument against Schacht is justifiable in the light of historical sources. In

establishing his point, Schacht uses the date of death of Nāfi' (117/735) and that of Mālik

(179/795) to show that the latter at the time of the death of the former was, at the most generous

estimate, little more than a boy.[164] Hence, he was not able to learn from Nāfi'. It would be more

appropriate if Schacht gave the birth date of Mālik to show how old he was when Nāfi' died. The

year in which Mālik was born, according to the majority of biographical works, is 93/711.[165] It is

also reported that Mālik stated himself that he was born in that year.[166] So, as shown by Robson,

Mālik's age would be 24. A few scholars put Mālik's date of birth at 97/715, and no one put it

later than this date. Even if the date which was suggested later is taken into account, Mālik

would have been 20 years old when Nāfi' died, which means he was still able to seek knowledge

of the *Sunnah* from his teacher.[167]

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[162] Ibid.
[163] Ibid., 23.
[164] Schacht, *Origins*, 176.
[165] See: Y- suf b. 'Abd al-Barr al-Qurṭubī, *Al-Intiqā' fī Faḍā'il al-A'immah al-Thalāthah al-Fuqahā'* (Beirut: Dār al-kutub al-'Ilmīyah, 1996), 1: 10; 'Iyāḍ b. M- sá al-Sabtī, *Tartīb al-Madārik wa-Taqrīb al-Masālik li-Ma'rifat A'lām Madhhab Mālik*, (Rabat, Morocco: al-Silsilah al-Tarīkhīyah, 1966), 1: 49; Jalāl al-Dīn al-Suy- ṭī, *Tazyīn al-Mamālik bi-Manāqib al-Imām Mālik* (Casablanca: Dār al-Rashād al-Ḥadīthah, 2010), 24; Aḥmad b. Muḥammad b. Khallikān, *Wafiyāt al-'Ayān wa-Anbā' Abnā' al-Zamān* (Beirut: Dār al-Thaqāfah, 1985), 4: 135.
[166] Al-Suy- ṭī, *Tanzīh*, 24.
[167] See: M. M. Azami, *Studies in Early Ḥadīth Literature* (Burr Ridge: American Trust Publications, 2001), 245. In early Islam, students of knowledge used to be encouraged to attend classes held in the mosques and sit with

The fact drawn by Robson that Mālik in his work declares at times that he heard some Traditions from Nāfiʻ can be supported by other statements from Mālik which emphasise the fact that he maintained a particularly close connection with Nāfiʻ, and joined him very early on. Mālik relates to us about this, saying:

> I used to go to Nāfiʻ, the *mawlā* [servant] of Ibn ʻUmar, while I was still a lad. He came down to me from his ladder, and his slave guided him after he went blind, and went from his house at al-Baqīʻ [a cemetery in al-Madīnah] to the Mosque of the Prophet, where I would ask him questions and relate *aḥādīth* from him.[168]

In another source, he is quoted as saying: "When I listened to the *Ḥadīth* of Nāfiʻ b. Sarjis, from Ibn ʻUmar, I did not use to care for anyone except him".[169] This indicates that Mālik had a high opinion of Nāfiʻ. Having consulted some biographical works, it seems highly probable that Mālik heard and learned from Nāfiʻ, and there is no strong reason to discredit his *isnād* of 'Nāfiʻ - Ibn ʻUmar' which could be historically proven to be genuine as argued by Muslims scholars and Robson.

Overall, the general views of Robson discussed above are more plausible and balanced than his predecessors in terms of the authenticity of the *isnād* system and its use in early Muslim scholarship. This is due to his approach in utilising main historical sources and analysing *Ḥadīth* texts and *asānīd* from original sources, such as Ibn Isḥāq's work. In doing so, Robson, in my opinion, is taking a step forward in the field of *isnād*, which deserves further consideration,

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prominent scholars from early age, even before they reached ten years old. Al-Shāfiʻī is reported to have read *al-Muwaṭṭaʼ* to Mālik from his memory when he was 15 years old. See: Aḥmad b. al-Ḥusayn al-Bayhaqī, *Manāqib al-Shāfiʻī* (Beirut: Dār al-Turāth, n.d.) 1: 78-88.
[168] *Siyar*, 5: 98.
[169] Khayīyāṭ, *Tārīkh*, 1: 207.

inasmuch as he recognises the existence of this sort of structure from the early days of Islam. Robson's observations are rarely offered by scholars before Robson, such as Schacht who totally considered all *asānīd* as fictitious, a view which is widely accepted in modern Western scholarship.[170] This fact is one of the reasons behind choosing Robson for this study.

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[170] See: Jonathan Brown, *Hadith: Muhammad's Legacy in the Medieval and Modern World* (Oxford: Oneworld Publications, 2009), 213; Uri Rubin, *The Eye of the Beholder: The life of Muhammad as viewed by the early Muslims* (Princeton, NJ: Darwin Press, 1995), 235. One of those who accept Schacht's theory about *isnād* is Michael Cook, though he does not consider himself from the Schachtian school. See: Michael Cook, *Early Muslim Dogma* (Cambridge: Cambridge University Press, 1981), 108-117.

4.3.4 Evidence of Fabrication of *Ḥadīth* in the late Umayyad Period:

Regardless of his opinion of the existence of a genuine core of *Ḥadīth* materials, Robson portrays the Muslim community in the later days of the Umayyad reign as if it was engaging in both studying and inventing *aḥādīth*. In his view, the activity of invention applies, without any exception, to all parties at that time who started to invent reports in order to uphold the views they wished to propagate.[171] Robson focuses more on the Traditions that seem to be directed against the Umayyads, and others whose purpose, he believes, is to uphold the Abbasid cause which had arisen at that time.[172]

The fabrication of a number of *aḥādīth* by different political or religious groups was already recognised by Muslim scholars from the beginning of the phenomenon of circulating forged *aḥādīth* after the time of the *fitnah,* as explained earlier. That was why the demand to use *isnād* was introduced among the students of *Ḥadīth*, and systematic documentation of *Ḥadīth* began.[173] Moreover, it was presented in our previous discussion how *Ḥadīth* was taken care of by the Umayyad rulers and the community. Therefore, the image presented by Robson that the whole society was fabricating *aḥādīth* is imprecise and an overgeneralization. Concerning the evidence upon which Robson based his argument, it is connected with one of the statements of Ibn Shihāb al-Zuhrī's (d. 124/742). Robson says:

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[171] "Tradition, investigation", 98-99.
[172] Robson, "The Material of Tradition II", *The Muslim World* 41 (1951), 267-68.
[173] N- r al-Dīn 'Itr, *Manhaj al-Naqd fī 'Ul- m al-Ḥadīth* (Damascus: Dār al-Fikr, 1979) 38-66; see also our discussion about the fabrication occurred in *Ḥadīth* in Chapter Two.

There can be no doubt that such traditions have been fabricated to support particular points of view. Al-Zuhrī is said to have accused the Umayyads of compelling people to forge traditions, a statement which may possibly be quite true…[174]

For this understanding of al-Zuhrī's statement, Robson is in debt to Guillaume, whose text reads:

If any external proof were needed of the forger of traditions in the Umayyad period, it may be found in the express statement of al-Zuhrī: 'These princes have compelled us to write hadith'. Undoubtedly the hadith exalting the merit of the pilgrimage to the qubbatu-l-Sakhra at Jerusalem is a survival of the traditions al-Zuhrī composed.[175]

It is instructive to know that even Guillaume refers to other writers, namely Aloys Sprenger (1813-1856) and William Muir (1819-1905) for this statement, and it seems that he did not have the chance to refer to the originals. It should also be noted that this very idea is held by Goldziher, who comments that the statement of al-Zuhrī can only be understood on the assumption of his "…willingness to lend his name, which was in general esteemed by the Muslim community, to the government's wishes".[176]

At any rate, Robson might be expected, due to his familiarity with Arabic sources and being a professor of Arabic, to refer to the original source from which the statement was cited, an action that would have helped him to find out whether or not the statement was presented correctly. Nevertheless, he is content with citing his predecessor, Guillaume, adopting his comprehension of such a statement, and he is, moreover, inclined to accept its genuineness.[177]

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[174] Ibid., 267.

[175] Alfred Guillaume, *The Traditions of Islam* (oxford: Clarendon Press, 1924), 50. In fact, Guillaume's translation of al-Zuhrī's statement, as Azami noticed, is rather strange. The text makes it quite clear that the statement in question has no relation with forgery. See: Azami, *Studies*, 285. In terms of the claim mentioned by Guillaume that al-Zuhrī forged the *ḥadīth* of the Dome of the Rock, it is has been already dealt with in Chapter Three and shown that this claim lacks a sound historical basis.

[176] Ignaz Goldziher, *Muslim Studies*, trans. by C. R. Barber and S. M. Stern (London: Allen & Unwin, 1971), 2: 47.

[177] See also Beyanouni, *Ḥadīth*.

By consulting original sources, one will discover that there is no connection between the statement of al-Zuhrī and the forgery of *aḥādīth*. The Arabic text quotes al-Zuhrī as saying:

> We used to disapprove of writing down knowledge [i.e. *Ḥadīth*] until these *Umarā'* (rulers) compelled us to do so. Then we decided that we should not withhold it from any of the Muslims.[178]

From tracing the historical context of al-Zuhrī's statement, we find that it was connected to a special occasion. It is reported that al-Zuhrī was entrusted with educating and teaching *Ḥadīth* to two sons of the Caliph Hishām b. 'Abd al-Malik (reigned from 105/723-125/743), the tenth Umayyad Caliph. One day, the Caliph requested al-Zuhrī to write some Traditions for his sons, but the latter, like some of his contemporaries, refused to do so. Hishām then insisted on that and sent two of his scribes to al-Zuhrī to record some of his *aḥādīth*. Hence, around 400 *aḥādīth* were dictated to the Caliph's sons. Accordingly, al-Zuhrī decided to accept any request from others to do so.[179] One of al-Zuhrī's students named Ab- al-Mulayḥ said that the students of *Ḥadīth* did not aspire to write al-Zuhrī's Traditions until he was pressed by Hishām.[180] This is what Muslim scholars, long before Goldziher and Guillaume understood from this statement, and accordingly Ibn 'Abd al-Barr adduces it under a subject devoted to the permissibility of committing *aḥādīth* to writing (*Bāb Dhikr al-Rukhṣah fī Kitāb al-'Ilm*).[181] It seems Robson neglects this fact, of which he should have been aware, and understands the statement in the same way as it was understood by other Orientalists.

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[178] [*Kunnā nakrah kitāba al-'ilm ḥattá akrahanā 'alayhi ha'ulā' al-umarā', fa ra'ayna an la-namna'ahu aḥadan min al-muslimīn*]. Mu'ammar b. Rāshid, *Al-Jāmi'*, 11: 258; *Ṭabaqaāt*, 2: 288-9; Ab- Bakr Aḥmad b. 'Alī al- Khaṭīb al-Baghdādī, *Taqyīd al-'ilm* (Damascus: Dār Iḥyā' al-Sunnah al-Nabawīyah, 1975), 107.
[179] Ibid.
[180] Ibn Kathīr, *Bidāyah*, 9: 341.
[181] Ibn 'Abd al-Barr, *Jāmi' Bayān*, 1: 298.

Before concluding this point, it is worth noting that the attitude of al-Zuhrī regarding the writing down of *Ḥadīth* seems to have been changed gradually. At the beginning, al-Zuhrī, like other Successors, did write down a good deal of *aḥādīth* for his own use. His close friend Ṣāliḥ b. Kaysān reported that he and al-Zuhrī sought knowledge together and used to say "…to each other, 'Let us write down the *Sunnah*', then we wrote that which came from the Prophet."[182] However, he was not in favour of making these written materials of the *Sunnah* public. For the students of *Ḥadīth*, his general teaching policy was that if students want to learn, they must strive, and they should not be given any ready-made knowledge in the shape of books or regular dictations.[183] This attitude influenced one of his prominent students, Mālik b. Anas who used to dislike giving *ijāzah* (permission of transmission) to his students, because they would gain knowledge in a short period of time without exerting much effort.[184] However, this teaching policy changed completely after the demand of Caliph Hishām to have some *aḥādīth* written for his sons as we have just seen above. Also, this was the case with other scholars in other disciplines such as *Tafsīr*. Such scholars were reluctant to allow their students to write down the *Tafsīr* materials.

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[182] *Muṣannaf*, 11: 258.

[183] Al-Baghdādī, *Taqyīd al-'ilm*, 106.

[184] Aḥmad b. 'Alī al-Khaṭīb al-Baghdādī, *Al-Kifāyah fī 'Ul- m al-Riwāyah* (Hyderabad: Dā'irat al-Ma'ārif al-'Uthmānīyah, 1938), 316. *Ijāzah* is an authorisation by a certain scholar, sometimes granted by a letter, to a student to transmit his/her *aḥādīth* or book in which case the student need not read or have read the authorised *aḥādīth* or book. See: M. M. Azami, *Studies in Hadith Methodology and Literature* (Burr Ridge, USA: American Trust Publication, 1977), 20.

4.3.5 Number of *Aḥādīth* in *Ṣaḥīḥ* of al-Bukhārī:

A number of *aḥādīth* were collected by Muḥammad b. Ismāʿīl al-Bukhārī (d. 256/870), and that

which he deposited in his *Ṣaḥīḥ* are discussed by Robson. Al-Bukhārī, in the course of his wide

travels in search of *aḥādīth*, collected around 600,000; but when he compiled his *Ṣaḥīḥ*, he only

used 7,275, and when the repetitions are accounted for, the total is around 4000.[185] According to

Robson, the *aḥādīth* included in the *Ṣaḥīḥ* means that al-Bukhārī "…rejected the vast majority"

of what he had collected.[186] He states that "It is rather alarming to think that out of 600,000 only

4,000 were considered sufficiently reliable to be included".[187] He then concludes that this

selection of *aḥādīth* indicates that authorities such as al-Bukhārī were dissatisfied with the

enormous bulk of the Traditions which they had amassed.[188]

Regarding the issue of the number of the Traditions in the '*Ṣaḥīḥ*' of *al-Bukhārī*, there

are some important points related to this issue that should be explained and clarified in order to

evaluate Robson's view. It is important to deal with this issue because the same view of Robson

was expressed by some scholars such, Gustav Weil,[189] William Muir, [190] and R. A. Nicholson.[191]

Therefore, our discussion will examine the Orientalists' view in the light of the al-Bukhārī's

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[185] Ibn al-Ṣalāḥ, *An Introduction*, 15.
[186] "Tradition, investigation", 100.
[187] Ibid.
[188] Ibid., 101.
[189] Gustav Weil, *Mohammed der Prophet, sein Leben und seine Lehre* (Stuttgart: Verlag der J. B. Metzlerschen Buchhandlung, 1843), 45.
[190] William Muir, *The life of Mahomet: With Introductory Chapters on the Original Sources for the Biography of Mahomet* (London: Smith, Elder and Co., 1861), 1: xxxvii.
[191] Reynold A. Nicholson, *A Literary History of the Arabs* (Cambridge: Cambridge University Press, 1962), 146. A similar idea is still voiced by some Christian missionaries in their discussions about the issue of the authenticity of *Ḥadīth* in Islam. See for example: A. A. Shorrosh, *Islam Revealed: A Christian Arab's View Of Islam* (Nashville: Thomas Nelson Publishers, 1988), 22; N. L. Geisler and Abd al-Saleeb, *Answering Islam: The Crescent In The Light Of The Cross* (Grand Rapids (MI): Baker Books, 1993), 165; J. Ankerberg and J. Weldon, *Fast Facts On Islam* (Eugene (OR): Harvest House Publishers, 2001), 50-51.

scholarship and the traditionists' practice of transmission of *aḥādīth*, and thereby ascertain its actual worth.

Before embarking on the nature of al-Bukhārī's work, *al-Ṣaḥīḥ*, a number of issues should first be clarified. According to the disciplines of *Ḥadīth* studies, the practice of the early traditionists in counting the number of transmitted *aḥādīth* was that every independent channel of transmission is counted as a separate *ḥadīth*.[192] In other words, if there is a *matn* (text) of a *ḥadīth* with ten chains of transmission it is not regarded as one *ḥadīth* but rather as ten *aḥādīth*, even though the text attached to each chain is the same in every case.

An example of this practice is the narration of 'Abd al-Raḥmān b. Mahdī (d. 198/814), a great Basran *Ḥadīth* critic, concerning *al-masḥ 'alá al-khuffayn* (wiping the upper-side of one's shoes). He says: "I have thirteen Traditions regarding *al-masḥ 'alá al-khuffayn* from al-Mughīrah [b. Shu'bah, a Companion] transmitted from the Prophet."[193] What al-Mughīrah narrated, in fact, is one single action of the Prophet, which he happened to see. This single action was reported to Ibn Mahdī from thirteen independent channels which he counted as thirteen Traditions. Likewise, Muḥammd b. Khuzaymah (d. 311/932) in his *Ṣaḥīḥ* collected thirty *aḥādīth* in one chapter regarding the matter of cleansing cloth.[194] The texts of these *aḥādīth* are not different from each other; they all revolve around 'Ā'ishah speaking of the matter of cleansing, but with thirty different *asānīd*. So, it was obviously regarded by Ibn Khuzaymah as

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[192] Al-Qāsimī, *Qawā'id al-Taḥdīth*, 61.
[193] Ibn Abī Ḥātim al-Rāzī, *Al-Jarḥ wa-al-Ta'dīl*, 1: 261.
[194] Muḥammad b. Isḥāq b. Khuzaymah, *Ṣaḥīḥ Ibn Khuzaymah*, ed. Muḥammad Muṣṭafá al-A'ẓamī (Beirut: al-Maktab al-Islāmī, 1970), 179-181.

thirty *aḥādīth*. Meanwhile, there might have been many other chains of transmissions of which he was unaware.

Similarly, the *mutawātir* (consecutive) *ḥadith* "Whoever lies against me intentionally then let him take his seat in the Fire"[195] was signalled out in a separate treatise by Sulaymān al-Ṭabarānī (d. 360/970). In this work, al Ṭabarānī produces around 180 chains of transmission from 60 Companions for this and other similarly worded *ḥadīth* or *ḥadīth* with the same meaning. In this way, he makes around 180 *aḥādīth* out of these channels. This is best illustrated in the following:

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[195] *Ṣaḥīḥ Muslim*, 1: 10.

Ab- Bakr — Jābir   Muḥammad   al-Qāsim   ‘Ammār   al-Siqṭī
            al-Ḥabrānī   Talīd   ‘Ammār   Ibrāhīm b. Hāshim

‘Umar — Aslam   al-Dujayn   Muslim   Ab- Muslim
         ‘Ubayd Allāh   Yaḥyá   Khālid   Qays   Ibn Dāw- d al-Makkī
         Qaraẓah   Ash‘ath   Ibn Idrīs   Aḥmad al-Aḥwāl   Ibn Abī Shaybah

‘Uthmān — Sa‘īd   al-Ṣāi’gh   Sulaymān   ‘Alī b. ‘Abd al-‘Aziz
           ‘Ālī   ‘Amr   Abū Ja‘far   al-Firyābī   Asad   al-Miqdām
           ‘Āmir   Ibn Abī al-Zinād   ‘Abd al-Raḥmān   Yḥyā   al-Tusturī

Prophet

Rib’ī — Manṣ- r — Shu‘bah   ‘Amr   Aḥmad al-Makkī
                  Shurayk   ‘Alī   ‘Abd Allāh b. Ḥanbal
                  Qays   Jandal   Ibn Abī Shaybah
                  Kuhayl   Muḥammad   Ḥassān   al-Azraq

        Abī Burdah — Qays   Yazīd   Ab- Zuhayr   al-Ḥusayn
                      Al-Haytham   Muḥammad   al-Ṭabbā‘

Tha‘labah   Ḥabīb   al-A‘mash — Fuḍayl   Dāw- d   ‘Abd Allāh
                                           Muḥammad
                                  Jarīr   Isḥāq   ‘Alī
                                  ‘Abthar   ‘Uthmān   al-Ḥusayn

‘Alī — ‘Abd al-Raḥmān   al-Ḥakam   al-A‘mash   Muḥammad   ‘Uthmān
                                                  ‘Ubayd Allāh   Isḥāq   ‘Alī
                                                  ‘Alī   Ab- Bakr   ‘Ubayd
                                                  ‘Abd Allāh   Yaḥyá   al-Ḥusayn

      Abī ‘Abd al-Raḥmān   ‘Abd al-A‘lá   Ab- ‘Uwānah   Ḥammād   Musá
                                                                    Muḥammad

      ‘Amr   Abī ‘Ammār   Ṭalḥah   al-‘Amash   Mu‘āwiyah   Yaḥyá   Muḥammad

      Qays   al-Ḥasan   Rāshid   al-Rabī‘   al-Dārmī   ‘Abd Allāh

      ‘Abd Allāh   Jābir   Abī Ḥamzah   Aḥmad   Isḥāq   Ab- Sa‘ad

Figure 4.2: The first four lines of the 180 channels of al-Ṭabarānī’s transmission of the *ḥadīth*: “*Man kadhaba*”.

If a particular count limits itself to the chains and narrators for the above wording alone, according to al Ṭabarānī's work, this specific wording is reported verbatim from not less than thirty-seven Companions.[196]

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[197] Azami, *Studies in Hadith*, 33-34.
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[207] Aḥmad b. 'Alī b. Ḥajar al-'Asqalānī, *Hadī al-Sārī Sharḥ Ṣaḥīḥ al-Bukhārī* (Riyadh: Ṭaybah lil-Nahsr, 2005), 22.

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replied that 'it was not *Sunnah*, so we should not write it'. Thus, he wrote and I did not, so he succeeded and I lost."[240]

Let us now consider the nature of al-Bukhārī's collection of *aḥādīth* in the light of the facts discussed above. It should be clear by now that the massive number of 600,000, although in another source it was 300,000,[241] collected by al-Bukhārī is meant to be an account of the texts of the *aḥādīth* with their multiple attached *asānīd*, including the traditions of the Companions and Successors. This huge number of collected transmissions should come as no surprise because al-Bukhārī collected the Traditions for 16 years from a considerable number of transmitters. He is quoted as saying: "I have written down what I heard from more than 1000 men".[242]

As far as *al-Ṣaḥīḥ* is considered, the aim of al-Bukhārī was to compile a manual of *aḥādīth* in response to the request of his teacher Isḥāq b. Rāhawayh (d. 238/852) who wished for a scholar who would assemble a short but comprehensive book containing genuine *aḥādīth* from the Prophet only.[243] He then selected a portion from his vast collection of *aḥādīth* and arranged them according to their subjects, and his intention was to include all the authentic *aḥādīth* he had known. For this purpose, al-Bukhārī states that: "I have only included in my book *al-Jāmiʿ* [Comprehensive Collection, i.e. his *Ṣaḥīḥ*] what was established as authentic *aḥādīth*, and I left out many authentic ones for fear of prolixity [*wa-taraktu min al-ṣiḥāḥ makhāfat al-ṭ- l*]".[244]

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[240] *Muṣannaf*, 11: 258. See also: *Ṭabaqāt*, 5: 352.

[241] Aḥmad b. ʿAlī b. Ḥajar al-ʿAsqalānī, *Hadī al-Sārī Sharḥ Ṣaḥīḥ al-Bukhārī* (Riyadh: Ṭaybah lil-Nahsr, 2005), 22.

[242] *Tadhkirat,* 2: 134.

[243] *Siyar*, 12: 405; al-Baghdādī, *Tārīkh Baghdād*, 2: 9.

[244] *Tārīkh Baghdād*, 2: 8-9; Tāj al-Dīn b. ʿAlī al-Subkī, *Ṭabaqāt al-Shāfiʿīyah al-Kubrá* (Ahsa, Saudi Arabia: Hajar lil-Ṭibāʿah wa-al-Nashr, 1992), 2: 221.

This is also made clear in the original title of his work, which is: *al-Jāmiʿ, al-Musnad, al-Ṣaḥīḥ, al-Mukhtaṣar, min Umūr Rasūl Allāh wa-Sunanihi wa-Ayyāmihi* (*The Comprehensive Collection of Supported Sound Ḥadīth Summarised from the Affairs, the Practices and the Times of the Messenger of Allāh*).[245] The collection of al-Bukhārī is better known as *al-Jāmiʿ al-Ṣaḥīḥ* or *Ṣaḥīḥ al-Bukhārī*. According to Ibn al-Ṣalāḥ, al-Bukhārī and Muslim did not take in "…all of the sound *Ḥadīth* in their *Ṣaḥīḥayn* [pl. of *Ṣaḥīḥ*] and they did not take it upon themselves to do that".[246]

In the light of the above discussion, Robson's view about the number of *aḥādīth* selected by al-Bukhārī in his *Ṣaḥīḥ* is indeed an erroneous interpretation of al-Bukhārī's statement and scholarship. As seen above, al-Bukhārī did not attempt to produce an inclusive collection of all the sound Traditions that reached him. From al-Bukhārī's statement, it is clear that his *Ṣaḥīḥ* is a partial collection of authentic *aḥādīth*. The collected *aḥādīth* of al-Bukhārī amounts to 600,000 and this is a large number which reflects the channels and sources of the transmission, and not the actual number of the texts or subjects (*mutūn*) of the Traditions.

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[245] Ibn Ḥajar al-ʿAsqalānī, *Hadī al-Sārī*, 18. Emphasis added.
[246] Ibn al-Ṣalāḥ, *An Introduction*, 9.

4.5 CONCLUSION:

The above discussion deals with some key arguments of Robson concerning a number of issues related to *Ḥadīth*. Robson believed that *Ḥadīth* was not important as guidance or a source of law for the early Muslim community. It was more than a century later when al-Shāfiʿī's theory of law found a place for its usage with the Qurʾān in Muslim legal thought. Only the Qurʾān, according to Robson, was the basis of the Islamic system after the death of Muhammad. However, according to the Qurʾān itself there are ample verses which command Muslims to follow the example of the Prophet and his decisions, and show that the only way to achieve salvation is following the path of the Prophet because it leads to Paradise in the Hereafter. This is supported by many historical sources which show that the *Sunnah* was at the heart of early Muslim practices as outlined earlier.

The genesis of *Ḥadīth* and *isnād* is another subject which has been discussed in this chapter. From Robson's point of view, there are authentic *aḥādīth* which are believed to have originated at the time of the Prophet. In terms of *isnād*, his final verdict after a period of hesitation is that it originated in the first/seven century, earlier than what other Orientalists thought. He initially agreed with Schacht that the *isnād* system started to be used in the second/eighth century, but after considering many *asānīd* of Ibn Isḥāq in his *Sīrah* as well as Ibn Sīrīn's statement about the time the first demand of *isnād* began, he changed his mind and almost agreed with the general view held by Muslim scholars regarding this issue.

Regardless of his position about the existence of a genuine core of *aḥādīth*, he suggests that fabrication in *Ḥadīth* started early and was proliferated in the time of Umayyad rulers who forced scholars of *Ḥadīth* to forge *aḥādīth* for them. Regarding this point, Robson relies on Guillaume's understanding of al-Zuhrī's statement which declares that writing down *aḥādīth* occurred under the pressure of rulers. By analysing al-Zuhrī's statement and its historical context, we found that the statement was not understood properly. The practice of the traditionists in al-Zuhrī's time was not to allow their students to recorded *aḥādīth* from them or to encourage them to study and memorise first what they have learnt, because their educational policy was not to provide students with ready-made knowledge. One day, al-Zuhrī, however, was forced by one of the Umayyad Caliphs to write down some of the *aḥādīth* he had taught his sons, and since then his policy changed, and traditionists became flexible about the issue of writing down *aḥādīth* by their students. Based on that, it is clear that the statement has no connection with the fabrication of *Ḥadīth* as understood by Robson and some of his predecessors.

Another supporting idea for the occurrence of large scale fabrication was that Robson's reference to the number of *aḥādīth* recorded in al-Bukhārī's *Ṣaḥīḥ*. He states that from around 600,000 *aḥādīth* al-Bukhārī only selected 4000 and rejected the rest as unreliable, an action which raises great suspicion in Robson's eyes, about the reliability of a large quantity of *aḥādīth*. This practice of al-Bukhārī and other traditionists, as seen above, has been misunderstood by Orientalists. Al-Bukhārī himself stated that faced with the huge number of authentic *aḥādīth* (*al-Ṣiḥāḥ*) he collected a fraction, yet comprehensive, which were deposited in his collection in order to avoid unnecessary length. Also, this point is further illustrated by giving an explanation for such a huge number of *aḥādīth*, and shows that each *ḥadīth* is counted with its number of *asānīd*,

i.e. if one *matn* was transmitted through ten *asānīd*, it was considered by scholars of *Ḥadīth* as ten *aḥādīth*.

Using the Qur'ān as a standard to examine *aḥādīth* might be considered one of the unique aspects of Robson's approach to *Ḥadīth*. Many *aḥādīth* were accepted as historically reliable by Robson based on this standard because they were in agreement with the Qur'ān. Based on this standard, however, the authenticity of other *aḥādīth*, namely those related to the miracles of Muhammad, was rejected even if they were authenticated by the traditionists. The justification is that Muhammad was not described in the Qur'ān as performing miracles. Although such *aḥādīth* are generally in line with the Qur'ānic teachings as we have discussed earlier, it is not a good justification from the Muslims' perspective to dismiss those *aḥādīth* merely because the Qur'ān is silent about a certain matter. Muslims believe if the *aḥādīth* contradict the main concepts of the Qur'ān, they should be rejected, but if they agree with them and passed the traditionists's critical examination, then they should be accepted. The Qur'ān, in fact, does not speak about every matter in detail; rather, it establishes broad principles through which many issues can be judged accordingly.

Finally, the chapter ends with the four main features of the writings of Robson on the subject of *Ḥadīth* and its principles. They include some elements of his agreement and disagreement with his predecessors, especially Goldziher and Schacht, about certain points. The other features include his appreciation of some aspects of the principles of *Ḥadīth*, and his dependence on the original sources throughout his studies.

CHAPTER FIVE:

JOHN BURTON'S VIEWS ON *ḤADĪTH*

5.1   Introduction:

This chapter aims at critically assessing the scholarly views held by John Burton in his writings regarding *Ḥadīth* literature. In his numerous works related to the Qur'ān, *naskh* (abrogation), and *fiqh* (Islamic jurisprudence), Burton connects the emergence and development of *Ḥadīth* literature with the development of these three elements. During his studies, he dealt with many aspects regarding *Ḥadīth* and attempted to explain the origin of *aḥādīth*, and the part they played in promoting the religious and legal system in Islamic thought. However, the focus of our discussion will be on the key elements which compose his arguments as well as his attitude toward *Ḥadīth*.

5.2 John Burton's Intellectual Biography:

John Burton was a professor of Islamic studies and Chairman at the Department of Arabic Studies, University of St Andrews.[1] He was born in 1929. From the time he began to conduct research, Burton intended to inculcate a new method in the notion of interpreting Islamic

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[1] All efforts to trace biographical data on Burton have failed. We only have scant information that is provided here.

narrations. In the beginning, he mainly focused on investigating Muslim traditional accounts of the compilation of the Qur'ān. The conclusion of this investigation was rather surprising; it states that the Qur'ān was not complied by the Companions, but by the Prophet himself, so the Qur'ān as we have it today is that of Muhammad. Although the conclusion is unusual coming from an Orientalist, Burton's approach to the subject was largely disputed by experts, especially those who are concerned with the early period of Islam such as Uri Rubin and Daniel Brown. Burton built his study on the notion that all Muslim historical accounts of the compilation of the Qur'ān were pure forgery. He published his major thesis about the Qur'ān in the first of his three famous books in 1977 entitled '*The Collection of the Qur'ān*'. His two later publications analysed this theory in more intricate detail. His works are also renowned for their study of the concepts of *naskh* (Abrogation) and its use of Islamic Law as well as the theory of *Ḥadīth*.

Burton was influenced by a number of academics in his study of the Qur'ān, and the narrations of the Prophet. However, there were three scholars who had direct influence on his works namely; Ignaz Goldziher Joseph Schacht and John Wansbrough. He based the development of his perceptions of Islam on their theories. He was a student of John Edward Wansbrough, born on February, 1928 and died June, 2002.[2] Wansbrough was an American historian who taught at the University of London's School of Oriental and African Studies (SOAS). He caused a furore in the 1970s when his research on early Islamic manuscripts, including the analysis of the repeated use of monotheistic Judeo-Christian imagery found in the Qur'ān led him to posit that the rise of Islam was a mutation of what was originally a

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[2] Malcolm Yapp, "Professor J. E. Wansbrough," *Bulletin of the School of Oriental and African Studies* 57 (1994), 1-13.

Judeo-Christian sect trying to spread in Arab lands. Wansbrough's research and subsequent book '*Quranic Studies*' suggests that a great deal of the traditional history of Islam appeared to be a fabrication of later generations seeking to forge and justify a unique religious identity.[3] Within this context, Wansbrough suggests that the character of Muhammad could be seen as a manufactured myth created to provide the Arab tribes with their own Arab version of the Judeo-Christian prophets.[4] Whilst such a view of a mythical Muhammad was not shared by Burton and a more realistic perception was accepted, Burton did, however, consider the change from Judaism in his text; '*The Sources of Islamic Law*'. Here, Rippin suggests that Burton ultimately sees it "…all boiling down to a change from Judaism to Islam"[5], a key perception of Wansbrough.

In terms of the impact of his predecessors, Ignaz Goldziher and Joseph Schacht, Burton was influenced by their theories, as will be seen shortly, which showed how *Ḥadīth* reflected the legal and doctrinal controversies of the two centuries after the death of Muhammad, rather than the words of Muhammad himself. Much of Burton's works and methodology encompassed that of Schacht, particularly his views on the development of Islamic law and the theories of *isnād*. This formed the foundation of Burton's thesis and was used in his research and subsequent works. However, he criticised some of their positions related to *aḥādīth* as will be explained later.

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[3] He states in his book: "By the very achievement of canonicity the document of revelation was assured a kind of independence, both of historical traditions commonly adduced to explain its existence and of external criteria recruited to facilitate its understanding". John Wansbrough, *Quranic Studies: Sources and Methods of Scriptural Interpretation*, (Oxford: Oxford University Press, 1977), 1. For more comments on Wansbrough's study see: Carool Kersten, "Review of *Quranic Studies: Sources and Methods of Scriptural Interpretation* by John Wansbrough," *The American Journal of Islamic Social Sciences* 23 (2004):118.

[4] Wansbrough, *Quranic Studies*, 45.

[5] Andrew Rippin, "Review of *The Sources of Islamic Law: Islamic Theories of Abrogation* by John Burton," *Bulletin of the School of Oriental and African Studies*, 54 (1991), 363.

Burton has produced a number of academic works which made him a key contributor to the studies of the Qur'ān, Islamic law, and *Ḥadīth*.[6] His works examine the intricate details of Traditions, *isnād* and the *uṣ- l al-fiqh* (principles of Islamic law). These works have been praised and criticised by various academics and have encouraged intellectual debates on different topics related to Islamic studies.

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[6] Burton's major works are: *The Collection of The Qur'an*, (Cambridge: Cambridge University Press, 1977); Edition of *Kitāb al-Nāsikh wa-l-Mans- kh* of Ab- 'Ubayd Al-Qāsim B. Sallām (Cambridge: Gibb Memorial Trust, 1987); *The Sources of Islamic Law: Islamic Theories of Abrogation* (Edinburgh: Edinburgh University press, 1990); *An Introduction to the Hadith* (Edinburgh: Edinburgh University press, 1995); "Those are the High-Flying Cranes", *Journal of Semitic Studies*, 15 (1970), 246-265; "The Meaning of Iḥṣān", *Journal of Semitic Studies*, 19 (1974), 47-75; "Notes towards a Fresh Perspective on the Islamic *Sunna*," *British Society for Middle Eastern Studies*, 11 (1984), 3-17; "The Vowelling of Q 65:1." *Journal of Semitic Studies*, 29 (1984), 267-283; "The Qur'ān and the Islamic Practice of *wuḍū'*." *Bulletin of the School of Oriental and African Studies*, 5 (1988), 21-58; "Linguistic Errors in the Qur'ān." *Journal of Semitic Studies*, 33 (1988), 181-196

5.3 Critical Discussion of Burton's Views:

In his analyses of the collection of the Qur'ān and the sources of Islamic law, Burton discussed different points related to *Ḥadīth*. However, the focus of our critical discussion will be on his key arguments which are: the concept of the *Sunnah* and *Ḥadīth* in early Islam, the source of *Sunnah* in Mālik and his *Muwaṭṭā'*, the theory of the origin of *Ḥadīth*, and finally *Ḥadīth* and its relation to the Islamic concept of *naskh* (abrogation). These four points are the general pillars around which Burton's argument concerning the *Ḥadīth* revolve. It is believed that through assessing them, the main stance of Burton on *Ḥadīth* compared to other scholars will be revealed.

5.3.1 The Terms of '*Sunnah*' and '*Ḥadīth*' and their Concepts before 150/767:

In Muslim scholarship, both classical and modern, the word '*Sunnah* of the Prophet' or '*al-Sunnah*'[7] and the word '*Ḥadīth*' were used to refer primarily to the sayings, deeds, approvals, and other life events of Muhammad during his career as a Prophet.[8] In this regard, '*Sunnah* of the Prophet' and '*Ḥadīth*', as term and concept, were mostly recognised and utilised by the early Muslim generations since the Prophet's death.[9] However, Burton claims that in early Islam, especially the first 150 years, the term '*Sunnah* of the Prophet' was not used, and only the word '*sunnah*' or '*sunnah* of Muslims' was prevalent and used to mean something else with no connection to the practice of Muhammad.

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[7] It is used in this research as '*Sunnah*' without the definite article '*al*'.
[8] See Chapter Two.
[9] Ibid., see Omar Kasir, *Studies in Hadith literature* (London: Firdous Ltd., 2005), 4-19; Azami, *Studies in Hadith Methodology and Literature* (Burr Ridge, US: American Trust Publications,1992), 183-99.

Depending on the conclusions of his predecessors' studies, Goldziher and Schacht,[10] he argues that the use of the term '*Sunnah*' from early Islam until the second half of the second/eighth century bore the original meaning of pre-Islamic usage which referred to "…the tribal tradition transmitted of the approved manners and customs of their ancestors and forbears to serve as the unquestioned basis and sanction of the conduct of the succeeding generations."[11] The term, he continues, was gradually narrowed down in Islamic usage to refer only to the living traditions of Muslims or '*sunnah* of Muslims' which meant the adherence to the views and ways of local communities upon which the foundation of *fiqh* was laid down.[12] Hence, there were so-called '*sunnah* of Madīnah', '*sunnah* of K-fah', and so on, and each *sunnah* had no relation with the actual *Sunnah* of the Prophet.[13] When discussing the term '*Sunnah* of the Prophet' or '*Sunnat-u-al-Nabbī*', Burton asserts that this term started to be in use after the year 150/767. He states that "The term *sunna* retained its original general sense…which was still in use in the second half of the second Islamic century and can still be distinguished from the term 'the *sunna* of the Prophet' which was just beginning to appear alongside it."[14] The emergence of the '*Sunnah* of the Prophet' as a term and concept in that time, according to Burton, was due to the intellectual efforts of al-Shāfi'ī (d. 204/820) who endorsed the general sense of the term '*sunnah*' to be specifically associated with the Prophet's legal and religious practices and Traditions.[15]

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[10] Briefly, their studies, as explained in Chapter Three, conclude that the great majority of the Traditions from the Prophet contained in the classic collections are documents not of the time which they claim to belong, but of the successive stages of development of regional doctrines during the first centuries of Islam.

[11] *Sources*, 12; *Hadith*, 49.

[12] *Sources*, 12, 13, 142.

[13] Ibid.

[14] *Hadith*, 49.

[15] *Sources*, 40.

Regarding the term '*Ḥadīth*', Burton claims that it generally shared the elements of 'continuity of practice', and 'the way of the ancestors', or 'the pious forebears'.[16] However, towards the end of the second century, he argues, '*Ḥadīth*' became synonymous with the term '*Sunnah* of the Prophet'.[17]

Generally speaking, Burton's argument is that the understanding of the words '*Sunnah*', and '*Ḥadīth*' by later Muslims was not the same as that of the earlier ones, and had no association with the Prophet in the time of the first Muslim generations; it was only a late development that occurred in the middle period of the second/eighth century.[18]

To discuss Burton's view, it is essential here to refer to our discussion of the status of *Ḥadīth* in early Islam in Chapter Three. According to the analysis of some early historical materials, we have seen that the *Sunnah* had an authoritative status in early Islam, and the early Muslim community was very interested in following, learning, and disseminating the Traditions of the Prophet. To early Muslims, the *Sunnah* was a source of guidance and legislation along with the Qur'ān. Therefore, the concept of *Sunnah*, as referred to the Prophet's words and actions, was recognised in the early period of Islam. Hence, based on this fact the argument of Burton is invalid.

It can also be proved that the emergence of the term '*Sunnah* of the Prophet' was a very early Islamic term; i.e. it existed from the first century onwards. This can be achieved by checking some early Islamic sources which predated the canonical literature which appeared in

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[16] Ibid.
[17] *Hadith*, 49.
[18] Ibid., xx.

the third/ninth century. In these early sources, there are some textual pieces of evidence which prove the early use of the term of '*Sunnah* of the Prophet'. Here are some examples of this textual evidence:

1- *Sīrat Ras-l Allāh*[19] by Ibn Isḥāq (d. 151/768), in the recension of Ibn Hishām (d. 213/828):

"…and people [of Ban- al-Ḥārith] converted to Islam…and Khālid b. al-Walīd stayed there teaching them the Book of Allāh and the ***Sunnah of the Prophet***…"[20]

2- *Al-Maghāzī* by M- sá b. 'Uqbah (d. 141/758):

"…'Abd al-Raḥmān b. 'Awf addressed 'Alī [b. Abī Ṭālib] and said: "If you are elected as the Caliph do you undertake to follow the Qur'ān and ***the Sunnah of the Prophet***…and he called 'Uthmān b. 'Affān and the same question was put to him, ['Uthmān] said: Yes, we will."[21]

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[19] It is called also '*Sīrat Ibn Isḥāq*'. It famously stands as a plateau among the early writings and oral narratives in Prophetic literature. It is, in fact, the oldest Muslim historical monograph in Arabic which has come down to us. See: Earl H. Waugh, 'The Popular Muḥammad; Models in the Interpretation of an Islamic Paradigm' in *Approaches to Islam in Religious Studies*, Richard C. Martin (ed.), (Oxford: Oneworld Publications, 2003), 49.

[20] 'Abd al-Malik b. Hishām, *Al-Sīrah al-Nabawīyah* (Beirut: Dār al-Jīl, 1993), 5: 291.

[21] M- sá b. 'Uqbah, *Al-Maghāzī* edited by Muḥammad b. al-Ḥusayn Bāqshīsh (Akadir, Morocco: Jāmi'at Ibn Zuhr, 1994), 180. The report briefly recounts how 'Uthmān (d. 35/656) was elected as a third caliph of the Muslims after the Caliph 'Umar b. al-Khaṭṭāb (d. 23/644). This incident is also reported in 'Umar b. Shabbah, *Tārīkh al-Madīnah al-Munawwarah* (Beirut: Dār al-Turāth, 1990); Aḥmad b. Yaḥyā Balādhurī, *The Ansāb al-Ashrāf of al-Balādhurī* edited by Max Schloessinger (Jerusalem: Magnes Press, The Hebrew University, 1971), 5: 16-18. A similar story is mentioned in the book of an Arab Christian author named Gregory Bar Hebraeus Ab- al-Faraj b. al-'Ibrī (Bar-Hebraeus) in his book *Mukhtaṣar Tārīkh al-Duwal*, (Beirut: Dār al-Rā'id, 1994), (ed. A. Ṣalḥanī), 21.

3- *Risālah fī al-Ṣaḥābah* (Epistle on Courtiers) by Ibn al-Muqaffaʻ (d. 139/756):

"…and the prescribed penalties should be executed in accordance of Kitāb Allāh [the Qur'ān] and **Sunnat Nabīyyhi** [*Sunnah* of the Prophet]" [22].

These three examples show that the term '*Sunnah* of the Prophet' was in use from early Islam, before the time of al-Shāfiʻī, and it was essential to be followed in one's life and in governmental authority.

The word '*Ḥadīth*' was also a term, regardless of its other linguistic meanings, and was regularly used for the reports about the Prophet in the first/seventh century. Again, from our earlier investigation of some classical historical and biographical accounts of the Umayyad rulers in Chapter Three, it is can be said that the rulers were generally interested in *Ḥadīth*, such as Muʻāwiyah b. Abī Sufyān (d. 60/679) who asked a Companion to write to him all that he had heard from the Prophet. Also, the famous Umayyad Caliph ʻUmar b. ʻAbd al-ʻAzīz (d. 101/720) who officially ordered two scholars to collect and record the *aḥādīth* of the Prophet on a large scale.[23] The use of such biographical reports to prove this point is justifiable because by and

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[22] It is a letter in which Ibn al-Muqaffaʻ addressed the Caliph Ab- Jaʻfar al-Manṣ-r (d. 158/775). The letter is included in ʻAbd Allāh b. al-Muqaffaʻ, *Āthār Ibn al-Muqaffaʻ* (Beirut: Dār al-Kutub al-ʻIlmīyah, 1989), 312. Regarding the concept of the *Sunnah* in this letter, M. M. Azami says: "If Ibn al-Muqaffaʻ's *Risālah fī al-Ṣaḥābah* is taken as a whole, it is evident that in his opinion the Caliph is bound to act according to the Qur'ān and the *Sunna* of the Prophet, and that anything for which there is no precedent from the time of the Prophet or the Rightly-Guided Caliphs cannot be accepted as *Sunnah*. Moreover, the Caliph was responsible for making arrangements to teach the Qur'ān and the *Sunnah* to the people…[and] he states explicitly that the Caliph must follow what has been established in the Qur'ān and the *sunnah*." M. M. Azami, *On Schacht's 'Origins of Muhammadan Jurisprudence'* (Cambridge: Islamic Texts Society, 1996), 42-43. See also, Joseph E. Lowry, "The first Islamic legal theory: Ibn al-Muqaffaʻ on interpretation, authority, and the structure of the law," *The Journal of the American Oriental Society*, 1 (2008) 25-40.

[23] See the section '*Ḥadīth* and the Umayyad Rulers' in Chapter Three.

large the biographical details and reports of early authorities contained in the vast literature, regardless of the errors and possible biases, are internally consistent.[24]

Beside these historical sources, there is a group of early neutral sources where many *aḥādīth* were cited which indicate that the *Ḥadīth* of the Prophet was in use from an early age. These sources are called neutral based on the fact that their original themes have no direct relation with any religious or *Ḥadīth* issues, such as the books related to the subject of the Arabic grammar. Here are two examples in which some *aḥādīth* were utilised for linguistic purposes:

1- Philologist al-Khalīl b. Aḥmad al-Farāhīdī (d. ca. 160/776) in his '*Kitāb al-ʿAyn*'[25] cited around 248 *aḥādīth*. For instance, he mentions a *ḥadīth* to support his view on the root of the word '*khanaʿa* ; خَنَعَ' (immorality). He says: "…in a **ḥadīth** of the Prophet: "The vilest name [*akhnaʿu ismin* :أَخْنَعُ اسمٍ] in Allāh's sight is Malik al-Amlāk (King of Kings)".[26]

2- Linguist ʿAmr b. ʿUthmān Sībawayh (d. 180/798) in his monumental work '*Al-Kitāb*', which is a comprehensive study of the classical Arabic language, cites a number of *aḥādīth* in his book. The way he did this was to quote only the statement or phrase from the *matn* (text) of a *ḥadīth* which he needed to substantiate a linguistic matter. One characteristic of his writing style is that he does not attribute what he quotes or

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[24] For more information about the value and the credibility of the traditional biographical works of Muslims see: Motzki, *The Origins*, 285.
[25] It is considered to be the first dictionary of the Arabic language.
[26] Al-Khalīl b. Aḥmad al-Farāhīdī, *Kitāb al-ʿAyn* (Cairo: Dār al-Hilāl, n.d.), 1: 121. Emphasis added. This *ḥadīth* is reported also in *Ṣaḥīḥ Muslim*, (Dār Iḥiyaʾ al-Turāth al-ʿArabī, n.d.), 3: 1688.

cites to the sources including the verses of Arab poets and the *aḥādīth*.[27] Examples of

the *aḥādīth* fragments cited by Sībawayh are: 1. ‘لا يدخل الجنة إلا نفس مسلمة’ (None will

enter Paradise but a believer)[28] 2. ‘لا ينبغي لأحد أن يقول: مُطرنا بنوء كذا’ (No one should say:

we have had rainfall due to the rising of such and such (i.e. star).[29]

In these two philological works, the word ‘*ḥadīth*’ is used to refer to a statement of the Prophet as

in ‘*Kitāb al-‘Ayn*’, and in ‘*al-Kitāb*’ many *aḥādīth* were cited, and this is indicative of the

widespread usage of the *aḥādīth* and familiarity of its concept of the early Muslims who came

before al-Shāfi‘ī. Moreover, *Ḥadīth* was not only used for the legal matters or religious guidance

but was helpful in establishing some grammatical rules.

To conclude, it is quite clear from above discussion that ‘*Ḥadīth*’ and ‘*Sunnah*’ were

familiar terms to earlier generations of Islam, and were meant to be in most cases, especially in

the legal sphere, a reference to the Prophet’s actions and statements. It is also observed that

Burton sometimes gets confused with the Muslim usage of the word ‘*Sunnah*’. Moreover, there

is an important point should be clarified in terms of the different meanings that ‘*sunnah*’, as a

general term, was referred to in traditional literature by classical jurists and traditionists. To

clarify this point, there are two aspects of the word should be differentiated between; literal sense

and conceptual sense (figure 5.1).

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[27] This is probably the reason why it has not been observed by Burton when mentions Sībawayh, a contemporary of
Mālik b. Anas (179/795), saying that “…Sībawayh quotes Kur’ān verses alongside the verses of the Arab poets to
illustrate the Arabic usage he is engaged in describing…” [Burton, *Sources*, vii] He has not noticed the *Ḥadīth*
materials being cited as well.

[28] ‘Amr b. ‘Uthmān Sībawayh, *Al-Kitāb* (Beirut: Dār al-Jīl, 1990), 3: 237. See also: Muḥammad b. Ismā‘īl al-
Bukhārī, *Ṣaḥīḥ* (Beirut: Dār Ibn Kathīr, 1987), 3: 1114.

[29] *Al-Kitāb*, 2: 47. It is reported also in Aḥmad b. Ḥanbal, *Musnad* (Cairo: Mu’ssasat Qurṭubah, 2001), 4: 117.
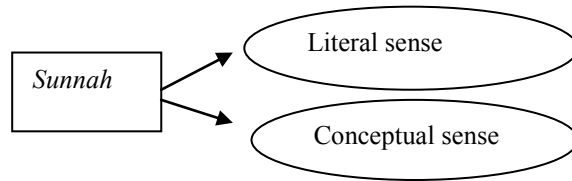
Figure 5.1: Elements of the definition of the term '*Sunnah*'.

Briefly, '*Sunnah*' literally refers to a number of meanings such as: way, rule, course, mode, and conduct of life. This use is found both in pre-Islamic and Islamic contexts. The Qur'ān also refers generally to such meanings.[30] In the early Islamic context, '*Sunnah*' was used also in its literal sense. In addition to the '*Sunnah* of the Prophet, it was used by jurists and traditionists to indicate other technical meanings; for instance, it was used to refer to 'obligation' (*wājib*) by Ab-Hanīfah (d. 150/767), while it was used to mean 'desirable' (*mand- b*) by others such as Sa'īd b. al-Musayib (d. 94/715).[31] Moreover, it may mean any ruling (*ḥukm*) which can be analogically inferred from a saying or an action of the Prophet. Historians also used the word '*Sunnah*' to refer to complete conduct of life (*sīrah 'āmmah*), as it was used by Ibn Isḥāq in his work '*Sīrat Ras- l Allāh*'.

The other aspect of the word is its conceptual reference. Based on the written evidence in the early sources discussed earlier, the concept of '*Sunnah*' that refers to the conduct of the Prophet was clearly evident even during the Prophet's life as illustrated in the historical report of Ibn Isḥāq. Through a number of historical proofs, it has been strongly suggested that from the

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[30] Muhammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge: The Islamic Texts Society, 2003), 58-59.

[31] Moḥammad Ibrāhīm al-Ḥifnāwī, *Al-Fatḥ al-Mubīn fī Ḥall Rum- z Mṣtalaḥāt al-Fuqahā' wa-al-Uṣ- līyīn* (Cairo: n.p., n.d.), 46; Abdr Rahim, *The Principles of Muhammadan Jurisprudence according to the Hanafi, Maliki, Shafi'i and Hanbali Schools* (Lahore: Civil and Criminal Law Publication, 1986), 54.

early decades of Islam the phrase 'Sunnah of the Prophet' was given a definitive and fixed meaning which revolved around the personal practice of the Prophet himself and not the customary norms of the community. The oath of office which candidates had to swear by when elected to be the caliph as in the case of 'Uthmān b. 'Affān (d. 35/656) is clear-cut proof of the significance of acting upon the Sunnah of the Prophet.[32] This indicates that 'Sunnah' was already clear and defined to people, and 'Uthmān was willing to follow it as were his two previous Caliphs.

From all the textual and historical evidence presented earlier, it could be concluded that each of the terms 'Sunnah of the Prophet' and 'Ḥadīth' that refer to the Prophetic statements and deeds is "…a very early and genuine Islamic idea and that it cannot be considered as based on later doctrinal considerations."[33]

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[32] Azami, On Schacht's. 40.
[33] M. M. Bravmann, The Early Background of Early Islam (Leiden: Brill, 1972), 168.

5.3.2 *Sunnah* of the People of Madīnah in *Muwaṭṭa*' of Mālik b. Anas (179/795):

According to Burton, *Muwaṭṭā'* of Mālik was one of the earliest surviving pieces of Muslim literature. He dates it back to the third quarter of the second century.[34] He describes the main theme of Mālik's book as a reference to the *sunnah* which was the 'practice and conduct of the Muslims in Madīnah'.[35] To Burton, Mālik was concerned with putting down the legal decisions and rulings of his contemporary and past personalities and authorities of Madīnah. However, Burton points out that Mālik, on one hand, was impressed by the agreed practice of the Madīnan people, but on the other hand, regarding the origin of this Madīnan practice he "…might not always able to say precisely where it had come from, but [instead] it was spoken of as 'the *sunna* of the Muslims', or simply 'the *sunna*'".[36] This is to suggest that in Mālik's time the *sunnah* of the people of Madīnah was recognised and valid as a legal source, and was not the normative practice of the Prophet, yet, the source of this *sunnah* was not clearly known to Mālik. This was why, he argues, the "…*Muwaṭṭā'* contains quite lengthy sections of legal reasoning with no *hadiths* whatsoever."[37]

Before examining Burton's claim, it is important to declare Burton's position with regards to the authenticity of the authorship of *Muwaṭṭa'* to Mālik. Burton, like Goldziher and Schacht, seems to be comfortably convinced that the *Muwaṭṭa'* originated with Mālik.[38] This is a positive attitude among Western scholars who, in most cases, are highly critical of Muslim literature and

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[34] *Sources*, vii.
[35] Ibid.
[36] *Hadith*, 157.
[37] Ibid., 117.
[38] *Sources*, vii.

traditions, such as John Wansbrough.[39] Hence, this will allow us to focus on the core of Burton's

argument which will be discussed in two main points:

First, it is about the date that the *Muwaṭṭa'* was written. Burton presumes that it was

penned in the second half of the second century.[40] This may seem possible since Mālik died in

179/795. However, the *Muwaṭṭa'* can be dated earlier than 150/767. According to some

historical sources, the first one to introduce *Muwaṭṭa'* to the Muslim West (e.g. Tunisia,

Morocco) was 'Alī b. Ziyād al-'Absī (d. 183/799).[41] He was one of Mālik's earliest students.[42]

After he studied with Mālik and heard the *Muwaṭṭa'* he returned to Tunisia around the year

150/767. This is also supported by some historians' reports, such as al-Fasawī and al-Ṭabarī, that

during the revolt of Muḥammad b. 'Abd Allāh (known as al-Nafs al-Zakīyah) in Madīnah around

145/762, Mālik retreated to his house for a few years where he edited his writings and then

produced his book; i.e. *Al-Muwaṭṭa'*.[43] So, the basic text of *Muwaṭṭa'* was in place by the year

150/767, before 'Alī b. Ziyād returned to his home in North Africa. Nevertheless, after that the

book underwent various editorial changes over the next thirty years which are reflected in the

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[39] According to Wansbrough, it is difficult for historians to use Muslim tradition (i.e. traditional Muslim literature) as a source of evidence. See: John Wansbrough, *The Sectarian Milieu: Content and Composition of Islamic Salvation History* (Oxford: Oxford University Press, 1978), 98-100. Regarding the *Muwaṭṭa'*, Norman Calder has produced a radical argument regarding the dating of the work. He maintains that the *Muwaṭṭa'* was not written until a century later, around 270/883 in Spanish Cordoba. See: Norman Calder, *Studies in early Muslim jurisprudence* (Oxford: Clarendon Press, 1993), 20-38. For counter arguments see: Harald Motzki, "The Prophet and the Cat: on Dating Mālik's *Muwaṭṭa'* and Legal Traditions," *Jerusalem Studies in Arabic and Islam*, 22 (1998), 18-83.

[40] *Sources*, vii.

[41] Khalīl b. Aybak al-Ṣafadī, *Kitāb al-Wāfī bi-al-Wafayāt* (Visbadin : Dār al-Nashr Franz Shtaynar, 1974), 21: 119, and see Ali b. Hibat Allāh b. Makulā, *Al-Ikmāl fī Raf' al-Irtiyāb 'an al-Mu'talif wa-al-Mukhtalif fī al-Asmā' wa-al-Kuná* (Beirut : Dār al-Kutub al-'Ilmīyah, 1990), 1:524. Fragments of his narration of *Muwaṭṭa'* were discovered and recently edited and published in 1980 by Dār al-Gharb al-Islāmī in Beirut.

[42] To avoid any confusion here, it should be noted that there was another student of Mālik also named 'Alī b. Ziyād who was Egyptian.

[43] Ab- Y-suf Ya'q-b b. Sufyān al-Fasawī, *Al-Ma'rifah wa-al-Tārīkh* (Beirut: Dār al-Kutub al-'Ilmīyah, 1999), 1:683, and Muḥammad b. Jarīr al-Ṭabarī, *Tārīkh al-Rusul wa-al-Mul- k* (Beirut: Dār al-Kutub al-'Ilmīyah, 1987), 3:200.

different transmissions that have survived to this day.[44] This is to indicate that the *Muwaṭṭa'* was earlier than what Burton supposed.

Second, Burton clearly suggests that Mālik did not know, in most cases, the source of the *sunnah* of the Madīnan community on which law in his work largely rested. This suggestion is derived from his observance of Mālik's reliance in his book on *'amal ahl al-Madīnah* (the established practice of the people of Madīnah).[45] Burton is correct in his observance; Mālik did use the actions and consensus of the people of Madīnah as evidence for his legal reasoning. To Mālik, *'amal* was significant because it represented the *ijmā'* (consensus) of Madīnah on many legal issues. He sometimes expressed it in different terms such as 'past practice', 'agreed-upon practice' or the '*sunnah* of *ahl* al-Madīnah'. But, it was often referred to as *'amal*, which includes the actions, legal opinions and decisions of the Prophet's Companions, their successors, and some later authorities. This *'amal* is considered as a legal source by Mālik whose *fatāwá* (legal judgments) were also based on it. Therefore, in order to examine Burton's suggestion it is important to investigate the origin of *'amal* and to find out if it had any connection with the *Sunnah* of the Prophet.

One of the possible ways to find out is by examining the reason why Mālik considered the *'amal* of Madīnah authoritative. To do so, it is necessary to first look into Mālik's own writings

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[44] Yasin Dutton, *The Origin Of Islamic Law: The Qur'ān, the Muwaṭṭa' And Madinan 'Amal* (Richmond, Surrey: Curzon Press, 1999), 22. Qāḍī 'Īyāḍ in his *Tartīb al-Madārik* reports the statement of Sulaymān b. Bilāl: "When Mālik wrote the *Muwaṭṭa'*, it included four thousand *aḥādīth*. When he died, it contained one thousand and some *aḥādīth*, as he screened it the year after according to what he believed fulfils the interest of the Muslims and that of the religion." 'Īyāḍ b. M- sá al-Sabtī, *Tartīb al-Madārik wa-Taqrīb al-Masālik li-Ma'rifat A'lām Madhhab Mālik*, (Rabat, Morocco: Silsilah al-Tarīkhīyyah, 1966), 2:73. Also see Muḥammad b. 'Abd al-Bāqī al-Zurqānī, *Sharḥ 'ala Ṣaḥīḥ al-Muwaṭṭa' li-Mālik ibn Anas* (Cairo: al-Maṭbaʿh al-Khayrīyah,1893), 1:8.
[45] *Hadith*, 157.

which may help to provid a clue to his legal thought. In one of his letters addressing the jurist al-Layth b. Sa'd, Mālik clearly expresses his view regarding the origin of the practice and traditions of Madīnah. The following passage is the important part of this letter:

> All people are subordinate (*taba'*) to the people of Madīnah. To it the *Hijrah* was made and in it the Qur'ān was revealed, the lawful *(ḥalāl)* was made lawful and the forbidden *(ḥarām)* was made forbidden. The Messenger of Allāh was living amongst them and they were present during the very time of revelation. He would tell them to do things and they would obey him, and he would institute *sunan* for them and they would follow him, until Allāh took him to Himself…Then there rose up after him those who were given authority after him and who, of his community, were the ones who followed him most closely. When matters arose about which they had knowledge, they put that knowledge into practice [*anfadh- h*]. If they did not have the requisite knowledge, they would ask others and would go by what they considered to be the most valid opinion according to their own personal reasoning (*ijthād*) and their recent experience of when the Prophet was alive (*ḥadāthat 'ahdihim*). If someone disagreed with them, or said anything that was more valid and more worthy of being followed, they would leave aside their own opinion and act according to the other, stronger opinion. After them the Successors trod the same path and followed the same *sunan.*[46]

Some important points can be drawn from this passage:

a) The significance of Madīnah to Mālik as a centre is because it was where the *Sunnah* of the Prophet was instituted and acted upon by the Companions and the succeeding generations.

b) *'Amal* is very important due to the fact that it was transmitted and accepted by the majority of people, starting with the generation of Companions. So, the practice of Madīnah was agreed-upon by consensus.

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[46] Mālik b. Anas al-Aṣbaḥī, *Al-Mudawwanah al-Kubrá: Riwāyat Saḥn- n b. Sa'īd al-Tan- khī 'an 'Abd al-Raḥmān b. Qāsim* (Bayr- t: Dār al-Kutub al-'Ilmīyah, 1994), 1:64-5; al-Fasawī, *Al-Ma'rifah,* 1:695-7.

c) Most importantly is Mālik's conviction that the Companions followed the Prophet's *Sunnah* very closely and their *ijtihād* had special value because of their knowledge of what the Prophet had taught and their proximity to the Prophet's life. For reasons such as this, Mālik regarded the *athār*[47] (sing. *athar*) and *fatāwá* of the Companions in all types of matters to be potential sources of the *Sunnah* of the Prophet.[48]

d) Mālik makes a distinction between two types of *sunnah* of Madīnah or *'amal*. First, the practice that was instituted by the *Sunnah* of the Prophet which was followed by his Companions and Successors. This type of *'amal* is called (*'amal naqlī*); i.e it was transmitted in actual form from the time of the Prophet.[49] Second, post-Prophet *sunnah* which was derived from the *ijtihād* of later authorities (early Companions and Successors) when there was no established precedent in the Prophetic period. This type of *'amal* was based on the Companions' understanding of the *Sunnah* of the Prophet.[50] Another term for this part is *'amal ijtihādī*; i.e. based on *ijtihād* (independent reasoning).[51]

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[47] Deeds and precedents of the Companions of the Prophet.

[48] Muḥammad Ab- Zahrah, *Mālik: Ḥayātuhu wa-'Aṣruhu wa-Fiqhuhu* (Cairo: al-Maktabah al-Angl- al-Miṣrīyah, 1963), 315.

[49] For example, the measures of the *ṣā'* and the *mudd* and the fact that the Prophet collected *zakāh* (obligatory charity) from people using these measures; the way of calling to prayer the *adhān* and the *iqāmah*. This type of *'amal*, according to Ibn Taymīyah and al-Qāḍī 'Īyāḍ, the majority of scholars see this *'amal* as a conclusive proof and definitive which should be followed. This is based on the fact that this category of *'amal* was common knowledge to all the people of Madīnah, having been transmitted by a great number of people from a great number of people since the time of the Prophet. See: Aḥmad b. 'Abd al-Ḥalīm b. Taymīyah, *Ṣiḥḥat Uṣ- l Madhhab ahl al-Madīnah* (Cairo: Maṭba'at al-Imām, 1964), 25; *Mudawwanah*, 1:244-5.

[50] In his preference of the people of Madīnah, especially the Companions, Mālik was reported to say: "About so many thousand Companions came with the Messenger of Allāh…from a certain expedition at such-and-such a time. About 10,000 of them died in Madīnah, and the rest split up in the cities. Which would you prefer to follow and whose words would you prefer to take? Those in whose presence the Prophet died with his Companions I mentioned, or the one who died with one or two of the Companions of the Prophet…", al-Qāḍī 'Īyāḍ, *Tartīb al-Madārik*, 1:64, Muḥammad al-Rā'ī al-Andalusī, *Intiṣār al-Faqīr al-Sālik li-Tarjīḥ Madhab al-Imām Mālik* (Bierut: Dār al-Gharb al-Islāmī, 1981), 205.

[51] The *'amal ijtihādī* category of *'amal*, according to Mālik and later *mālikī* scholars, is of a lesser degree than the previous one in its authority. Not all the matters related to this type are conclusive and binding, because they were

It is very clear that Mālik preferred the *sunnah* of the people who lived in Madīnah up until his time because it originated either directly or indirectly from the *Sunnah* of the Prophet, which is, according to this division, an integral part of the *'amal* (figure 5.2).
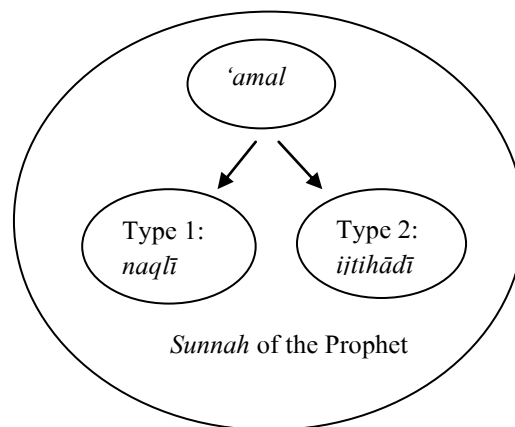
Figure 5.2: Relation between '*Sunnah'* and ''*Amal'*.

Mālik's conception of the authoritativeness of the Madīnan *'amal* is unmistakably clear from his letter to al-Layth. He described Madīnan *'amal* as that criterion which is sure to bring salvation and *najāḥ* (success) if one adheres to it.[52] This is obvious from his emphasis on the point that all Muslims are '*taba''* (subordinate/dependant) to *'amal* of the people of Madīnah in matters of religious knowledge by virtue of the unique relationship of the Madīnans with the Prophet and

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based on *ijtihād* or *istidlāl* (intellectual reasoning and inference). Al-Andalusī, *Intiṣār*, 218-19. See also Dutton, *The Origin*, 36-37.

[52] That is why he warns al-Layth that he should fear God because of having departed from it in some legal matters. See: Mālik, *Al-Mudawwanah*, 1:64.

the extent to which they adhered to his teachings.[53] In the conclusion of the letter, Mālik points

out that the cumulative legacy of the people of Madīnah is one that cannot be claimed by *ahl al-*

amṣār (the inhabitants of other regions of Islamic empire).[54]

With regard to Burton's point about the absence of *aḥādīth* in many legal discussions in

Muwaṭṭa', it is important to begin by stating that, based on Mālik's biographical sources, he

studied *Ḥadīth* at a very early age, so he received extensive knowledge of *Ḥadīth*.[55] It is reported

that he possessed numerous notebooks containing *aḥādīth* from his prominent scholars especially

al-Zuhrī, one of Mālik's primary teachers.[56] He used to advise his student Ibn Wahb that "The

knowledge of *Ḥadīth* constitutes our religion, so consider carefully those from whom you take

it."[57] He was conferred upon the honorary title of *Amīr al-Mu'minīn fī al-Ḥadīth* (Commander of

the Believers of *al-Ḥadīth*) by many traditionists.[58] This title is given to any traditionist who

committed a vast amount of *Ḥadīth* to memory and understood their contents well.[59]

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[53] Ibid.

[54] Mālik says: "Whenever a matter [of Islamic law] is *ẓāhir* (predominant) in Madīnah and followed in *'amal*, I do not believe that anyone has the prerogative to oppose it on the basis of the limited part of this same legacy which they possess; this legacy which none may take for himself or lay claim to." *Al-Mudawwanah*, 1:66.

[55] Ab- Zahrah, *Mālik*, 16-17.

[56] 'Iyāḍ, *Tartīb*, 1: 158; Aḥmad b. Muḥammad b. Khallikān, *Wafīyāt al-'Ayān wa-Anbā' Abnā' al-Zamān*. (Beirut: Dār al-Thaqāfah, 1985), 1:451.

[57] 'Iyāḍ, *Tartīb*, 1: 123; Yūsuf b. 'Abd Allāh b. 'Abd al-Barr, *Al-Intiqā' fī Faḍā'il al-Thalāthah al-A'mmah al-Fuqahā'* (Beirut: Dār al-kutub al-'Ilmīyah, 1996), 16.

[58] *Tartīb*, 1: 132.

[59] Muḥammad 'Ajjāj al-Khaṭīb, *Uṣ- l al-Ḥadīth: 'Ulūmuh wa-Muṣṭalaḥahu* (Beirut: Dār al-Fikr al-Ḥadīth, 1968), 446. Also, Mālik's family was a family of knowledge. His father Anas and uncle Nāfi' were known as a transmitter of *Ḥadīth*. His immediate grandfather; Mālik b. 'Āmir, went to Madīnah in the time of the Caliph 'Umar b. al-Khaṭṭāb and settled there and began to seek knowledge from the Companions. He was also credited as having been one of the Qur'ān copyists during the time of 'Uthmān b. 'Affān. In terms of Mālik's respect of the Prophetic *Sunnah* and *Ḥadīth*, it is reported that he was among those great *imams* (scholars) who, whenever the Prophet was mentioned in their presence were overwhelmed by reverence, humbleness, stillness, and dignity. Mālik was not known for holding the *Ḥadīth* of the Prophet in such reverence that he never narrated anything nor gave a *fatwá* unless in a state of ritual purity. This is to say it is not surprising that Mālik took interest in learning and transmitting the *Sunnah* of the Prophet. Especially if he was the narrator of the following *ḥadīth*: "The Prophet in his last sermon,

If this was the case, why then were there many sections in *Muwaṭṭa'* that contain no single

ḥadīth as observed by Burton. The answer is that according to Mālik's methodology there are

several reasons for doing so. However, the most obvious one is that most of these sections in his

book include precepts which were fundamental and well-known parts of the established practice

in Madīnah, and they were sufficiently well-known and followed in practice, so for this reason it

seemed redundant and unnecessary to Mālik to cite *aḥādīth* about them. He believed that the

recognised practices of Madīnan people do not need to be supported by textual evidence, since

they are more authoritative than an individual *ḥadīth*. This belief is stated distinctly by him in a

discussion with Abū Yūsuf regarding the way in which *adhān* (calling for Prayer) is performed.[60]

Yet, when there were some less common and well-known precepts, or there was a need to

indicate the continuity over the generations of various *'amal* precepts, he often cites legal texts

(*aḥādīth* and *athār*).[61]

Contrary to what Burton assumed, it has been now made clear that Mālik preferred to rely

on the practice (*'amal*) of the people of Madīnah and used it as a legal source because they were

based on the *Sunnah* of the Prophet. To Mālik, the original practice of the Madīnan community

reflected the actual Prophetic *Sunnah*, so it cannot be validly opposed and that every Muslim

should follow it, as stated in his letter to al-Layth.

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told us that he leaves us two things upon which we should hold on firmly; *Kitāb* Allāh [the Qur'ān] *wa-Sunnatī* [my *Sunnah*]". *Al-Muwaṭṭa'*, 2: 899. For more biographical information of Mālik see: Jalāl al-Dīn al-Suyūṭī, *Tazyīn al-Mamālik fī Manāqib al-Imām Mālik* (Cairo :al-Maṭba'ah al-Khayrīyah, n.d.); 'Abd al-Ḥayy al-Laknawī, *Rijāl: Narrators of Muwaṭṭa' al-Imām Muḥammad* (London: Ta-Ha Publishers Litd., 2004), 1-8.

[60] Abū Yūsuf met Mālik when came to Madīnah, and discussed some issues including how *adhān* performed in Madīnah. Abū Yūsuf noticed that Mālik had not referred to a *ḥadīth*. Mālik then said: "This is the *adhān* of the city of the Prophet where 10,000 Companions died, and this is the *adhān* we have been hearing since we were little children and the Companions heard it themselves and the Successors heard it… so does this need a *ḥadīth* to prove it? This is *aṣaḥḥ* (sounder) in our opinion than a *ḥadīth*" *Tartīb*, 1: 224.

[61] Ibn 'Abd al-Barr, *Al-Intiqā'*, 28; Abū Zahrah, *Mālik*, 109.

5.3.3 Origin of *Ḥadīth*:

Burton entirely agrees with Goldziher and Schacht that almost none of the corpus of the *aḥādīth* is genuine, and that all that belonged to the Prophet was apocryphal materials dating from a later period of the second century.[62] He believes that the issue of the purported attribution of the *aḥādīth* to Muhammad was "courageously", "boldly", and "fearlessly" fronted and tackled by Goldziher and Schacht.[63] However, he disagrees with the aforementioned scholars regarding the issue of the 'origin' of these *aḥādīth*, and offers a new theory. His theory is embedded amongst the criticisms leveled against Goldziher and Schacht in this regard and is not found independently, therefore, it must be picked out individually and pieced together. His thesis revolves around the assumption that the origin of *Ḥadīth* lies in the exegesis of the Qur'ān, therefore has to be seen as an "…academic exercise, a paper war whose raw materials had been supplied by the exegesis of a document, the Noble Qur'ān".[64]

This implies that the Prophetic *Sunnah* is to be seen as emerging from the effort of the Muslims to reach an understanding of the Qur'ān. If this is the case, then it must be conceded that *Ḥadīth* does spring from a primitive (Qur'ān) exegesis. He says: "…*Ḥadīth* at least could be said to reach back to the first attempts to understand the book of God."[65] So, the contents of *aḥādīth* are seen by Burton "…have no historical basis", [66] but contain theoretical or ideal

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[62] *Hadith*, xi.
[63] Ibid., xxiii. .
[64] Ibid.
[65] Ibid., 181.
[66] "Those are the High-Flying Cranes", 265.

elements that originated from the academic discussions on the implications of Qur'ānic verses.[67]

This leads him to criticise the amount of effort exerted by scholars, including Goldziher and

Schacht, to find the historical origin of *Ḥadīth*.[68] Burton's thesis on *Ḥadīth* stems from his

previous studies of the Qur'ān, and the importance he ascribes to the looming presence of the

Qur'ān in all the other disciplines of Islam.

Viewing *Ḥadīth* texts as rather academic exercises, Burton basically argues that they do

not refer to the actual historical practice of Muhammad or the Companions and in this sense are

not genuine. He suggests that the early exegeses and arguments which are derived from them

constitute the ancient Muslim *fiqh* (or *sunnah*) doctrines, that were then projected back to the

Prophet himself, thus, documented in *Ḥadīth* literature.[69] This false attribution to the Prophet,

according to Burton, took place in the second half of the second/eighth century, and was due to

the demand of al-Shāfi'ī and other traditionists for strict documentation of the *Sunnah* of the

Prophet.[70]

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[67] *Sources*, 13, 213. He also says: "…they [*aḥādīth*] sprang from the words and the lay-out of the Qur'ān." John Burton, *Kitāb al-Nāsikh wa-l-Mans- kh of Ab- 'Ubayd Al-Qāsim B. Sallām* (Cambridge: Gibb Memorial Trust, 1987), 32.

[68] Goldziher and Schacht saw *Ḥadīth* as a historical reality, which must have a historical origin. If this historical origin does not lie with Muḥammad then it must be looked for elsewhere. They showed what the *Sunnah* is not and where it did not come from. As seen in Chapter Three, Goldziher traced its roots to political opposition, differences in opinions and inter-party propaganda. While Schacht showed that *fiqh* (Islamic law) did not have its foundation in the *Sunnah*; on the contrary it was born out of the late Umayyad practices in 100/718. Burton says in criticism of Schacht and Goldziher: "A major weakness detected in the work of both these pioneers was their failure to take adequate account of the underlying pressure exerted on all branches of Islamic intellectual activity in the earliest period by the looming presence of the Qur'ān, or, rather, of the preparatory work on the interpretation of the sacred texts that had already reached quite advanced positions on questions of cult, ritual and theological attitudes and even legal questions, before the appearance of what Schacht called 'the ancient schools of law'." *Hadith.*, xii.

[69] *Sources*, 13

[70] Ibid.

By arguing that *Ḥadīth* materials have no historical grounding, and were the product of literary activity (i.e. fictional literature), Burton himself, however, could not escape 'history' in his discussions. In his work '*An Introduction to the Hadith*', after a promising critical theory of the origin of the *Ḥadīth* contents illustrated in the introduction, he provides a sketchy biographical account of Muhammad and the first Muslim community in the following chapter entitled 'The mission of the Prophet'.[71] Some events that occurred in the beginning of the Prophet's mission have been chronologically outlined. For instance, his marriage, the meetings with the Anṣār (People who embraced Islam from Madīnah in the early time of Islam) in al-'Aqabah in Makkah, and also other events in the Madīnan period.[72]

Burton, in his exposition of the Prophetic mission, refers explicitly to the Qur'ān as if it is the only source which could supply all the necessary information about Muhammad and his Message. However, some of the historical information provided in his account was not sufficiently clear concerning the sources from which they are taken from. For instance, there is mention made of a conversation that occurred between the Prophet and some people of Madīnah (al-Anṣār). This conversation has been incorporated in his historical survey as recorded by al-Bukhārī in his *Ṣaḥīḥ*.[73] This shows that he relies on some *Ḥadīth* sources to help with making a brief historical survey of the mission of the Prophet. Yet, this is not plainly referred to as *Ḥadīth* information in his survey. In general, Burton does not show clearly in the main text that he using non-Qur'ānic data taken from other historical records, i.e. *Ḥadīth* literature. This has been

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[71] *Hadith*, 1-16.

[72] Historical events were also a source of legal rulings. For instance, in the first meeting with the Anṣār, the Prophet pronounced some acts as prohibited such as theft, lie, and murder which Muslims have to avoid.

[73] *Hadith*, 15.

noticed by some scholars such as Daniel Brown who describes Burton in this particular point as "…disingenuous about the sources of his account".[74]

The major thesis of his book is to provide a critical reading of the origins of *aḥādīth* as illustrated in the introductory chapter. Yet, he does not engage in any critical analysis of the historical information supplied in his outlines of the aspects of the Prophet's life. Burton's historical survey was basically composed from the evidence of *Ḥadīth* literature.[75] The way he demonstrates this indicates that he takes *Ḥadīth* information –at least in the case of Muhammad's career - as not reflecting Qur'ānic exegesis "…but rather, the absolute truth itself, i.e. authentic documentation of historical events of the Prophet's own time."[76]

This will lead one to ask about the historical *aḥādīth*: How were they influenced by the Qur'ānic interpretation in regard to their emergence? It seems difficult to answer this through Burton's theory, because there is no concrete criteria provided in Burton's works that would enable researchers to identify methodologically the genesis of any *ḥadīth*. What could be deduced from his approach to the subject is that if there is any mention of some Qur'ānic vocabulary or ideas in the texts of *aḥādīth* they should be considered as an element of the exegetical origin. Nonetheless, there is a considerable number of *aḥādīth* that had no relation with the interpretation of the Qur'ān. This is because many of them by nature show independence from the Qur'ān and any interpretive opinions of its verses, or show that they were not involved

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[74] Daniel Brown, "Review of *An Introduction to the Hadith*, by John Burton," *International Journal of Middle East Studies* 31 (1999): 275.

[75] Events such as the *Hijrah*, some aspects of performing *'umrah*, are included in his account as described in *sīrah* and *Ḥadīth* sources. See: *Hadith*, 1-16.

[76] Uri Rubin, Review of '*An Introduction to the Hadith*' by John Burton, *Bulletin of the School of Oriental and African Studies* 59 (1996): 340. See also, Uri Rubin, *The Eye of the Beholder: the life of Muhammad as viewed by the early Muslims* (Princeton, NJ: Darwin Press, 1995), 189-214.

in exegetical or legal disputes. Actually, it seems to be difficult to apply Burton's theory to all genres of *aḥādīth* because it does not offer a practical approach to explain their historicity. Burton might be aware of this issue due to the fact that many *aḥādīth* cited in his book are left without explanation or critique which may leave readers to wonder why they are cited, an issue that has been also realised by some of reviewers of his work.[77]

In his treatment of the genesis of *aḥādīth*, Burton ignores one of the significant source materials of *Ḥadīth*, namely *asānīd*. There are two major sources for the formative period of Islam; transmitted texts (*aḥādīth*) and the names combined with these texts (*asānīd*). These *asānīd* were used by early traditionists to document the path of transmission and ultimately to confirm the origin of the texts in question. Studying only the *mut-n* of the Traditions is insufficient if it is not combined with the study of *asānīd* which may be a helpful tool to examine the origin of *aḥādīth*. There are extensive Western studies that have investigated both elements (*isnād* and *matn*) and which see them as important pieces of evidence, and that studying them together can give more secure judgments about the origin of *aḥādīth*.[78] They have also advocated, as Robson did, the opinion that the *isnād* system had an early origin probably dating back from the latter half of the first/seven century, thus, the Traditions must have originated earlier than that.[79] Nevertheless, Burton considers the system of *isnād* as a literary device which

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[77] See for example, Brown, "Review", 276. As a sample of the Traditions cited by Burton and are left without critique see *Hadith*, 92-103.

[78] Motzki, *Ḥadīth*, xxxv.

[79] See for example: Josef Horovitz, "Alter und Ursprung des Isnād", *Der Islam* 8 (1918), 128-47. A translation of this article is found in '*Ḥadīth*' ed. H. Motzki under the title 'Further on the origin of *Isnād*', 159-162; Johann Fueck, "The Role of Traditionalism in Islam," in *Ḥadīth*, ed. H. Motzki, 3-26; Nabia Abbott, *Studies in Arabic Literary Papyri: Quranic Commentary and Tradition* (Chicago: University of Chicago Press, 1967), 2: 1-15, 72; Fuat Sezgin, "Ḥadīth" in his *Geschichte Des Arabischen Schrifttums* [*History of Arabic Scholarly Writings*] (Leiden: Brill, 1967) 1: 53-223; James Robson, "The *Isnād* in Muslim Tradition", *Transactions of the Glasgow University Oriental*

was fashioned as a whole to respond to the demands of the Tradition movement; to attribute *aḥādīth* to the Prophet in the late second/eighth century.[80] One wonders how he arrived at this negative conclusion concerning *asānīd*. It is not self-evident. He neither provides any detailed discussions related to the practice of attaching an *isnād* to a *ḥadīth*, nor does he engage in any type of critical analysis of a group of *asānīd*.[81] As a result, it could be difficult for his broad judgment about *isnād* to be accepted or justified.

Tackling the issue of the origin of *Ḥadīth* texts, one should incorporate more and different types of historical sources and critically analyse them in order to reach secure judgments. If these different sources are not considered, we will be left with only one source of evidence, i.e. the texts of the Traditions themselves. Scholars such as Goldziher, Wansbrough and Burton, who limited their investigations to the texts, were faced with the problem of dating *aḥādīth* solely on one type of historical source, hence, their conclusions usually tend to be very general, speculative, and arbitrary.[82]

To avoid such conclusions, two types of historical sources should be utilised which are neglected by Burton in his study of *Ḥadīth*: 1) internal sources which include the works of

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Society, 15 (1953), 15–26; Lawrence I. Conrad, "Portents of the Hour: *Ḥadīth* and History in the First Century AH" in papers presented at the colloquium on *Ḥadīth* and history, Cambridge 1986.

[80] *Sources*, 13.

[81] His judgment perhaps is inspired by Schacht's investigation of the *asānīd*. Burton states: "Schacht's brilliant investigations have shown that the attribution [*isnād*] itself was an innovation called into being at successive stages in the development of a prolonged and many-sided polemic waged between the scholarly representatives of the ancient Islamic communities of Iraq and Ḥijāz." *Hadith*, xx.

[82] Motzki, "The Question of the Authenticity of the Muslim Traditions Reconsidered," in Herbert Berg (ed.) *Method and Theory in the Studies of Islamic Origins* (Leiden: Brill, 2003): 243-44. The theories that emerge from John Wansbrough's analysis, for instance, are described in his own words as "conjectural", "provisional", and "tentative and emphatically provisional". Nevertheless, the implications are enormous: neither the Qur'ān nor Islam are connected to Muhammad or even Arabia, almost 200 years later "early" Muslim literature began to be written by the Mesopotamian clerical elite. See: Wansbrough, *The Sectarian Milieu*, x; *Qur'anic Studies*, xi, ix.

Muslims 2) external sources which include the works of non-Muslims. These historical sources date back to the first 150 years of Islam. This period of time is called by Burton the 'gap era' because, as he believes, the oldest surviving works of Islamic literature reached us, apart from the Qur'ān, "…dated only from the second half of the second century *hijri*",[83] an opinion that could be proved invalid as will be shown soon. Therefore, it is essential to use any type of source that emerged during this era to evaluate Burton's judgment about the genesis of *Ḥadīth*.

In terms of internal sources, earlier we used some early non-legal books that cited some *aḥādīth* such as *Kitāb al-'Aayn* by the philologist al-Farāhīdī (d. ca. 160/776), and this time we will use purely *Ḥadīth* works that originated in the first half of the second/eighth century, i.e. before Mālik's *Muwaṭṭa'* which was, according to Burton, the "…first expression known to us…of 'Islamic consciousness'."[84]

According to recent discoveries, a number of *Ḥadīth* manuscripts have been found and edited. Among them were some of the earliest *Ḥadīth* collections. For instance:

1- <u>*Saḥīfah* of Hammām b. Munabbih (d. 110/728)</u> [85]:

It is conceivably one of the earliest known *Ḥadīth* collections. It contains 138 narrations related by Ibn Munabbih from his *shaykh* Ab- Hurayrah (b. 57/676), the Prophet's Companion, and is

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[83] *Sources*, ii.
[84] Ibid., vii.
[85] It was edited by Muhammad Hamidullah and published under the title *Ṣaḥīfah Hammām ibn Munabbih: The Earliest Extant Work on the Ḥadīth'* in 1960. The book is a critical edition of two manuscripts that were discovered; one in a Damascus (Ẓahirīyah library) and the other in Berlin library.

believed to "…have been written around the mid-first/seventh century."[86] These 138 *aḥādīth*

were witnessed in later *Ḥadīth* collections such as 'Ṣaḥīḥ al-Bukhārī' and 'Ṣaḥīḥ Muslim' which

contain 98 *aḥādīth* of them, and almost all of the *Ṣaḥīfah*'s *aḥādīth* are found in the *Musnad* of

Aḥmad b. Ḥanbal (d. 241/855).   Using this *Ṣaḥīfah* as a 'control group', R. Marston Speight

compared between its *aḥādīth* and about the 1500 variant readings of the same *aḥādīth* found in

the collections of Ibn Ḥanbal (*Musnad*), al-Bukhārī (*Ṣaḥīḥ*), and Muslim (*Ṣaḥīḥ*) which all date

from third/ninth century. Speight observes:

> ...the texts in Hammām and those recorded in Ibn Ḥanbal, Bukhārī and Muslim with the
> same *isnād* show almost complete identity, except for a few omissions and interpolations
> which do not affect the sense of the reports.[87]

He further comments:

> "...I have found practically no sign of careless or deceptive practices in the variant texts
> common to the *Ṣaḥīfah* of Hammām bin Munabbih."[88]

2- Fourteen early *Ḥadīth* papyri:

These 14 early documents containing *aḥādīth* were edited and painstakingly analysed by the

prominent scholar Nabia Abbott. She studied the documents in relation to many works on

Ḥadīth, e.g. 'ul- m al-*Ḥadīth* (the sciences of *Ḥadīth*) and the standard *Ḥadīth* collections. One of

the papyri was on a Qur'ānic commentary based on *aḥādīth* by Muqātil b. Sulaymān al-Balkhī (d.

150/767). Her analysis of the contents and *asānīd* found in the papyri lead her to conclude that:

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[86] Muḥammad Abdul Rauf, '*Ḥadīth* literature – I: The Development of the Science of *Ḥadīth*' in *Arabic Literature to The End of Ummayyad Period*, A. F. L. Beeston…*et al* (eds.) (Cambridge: Cambridge University Press, 1983), 272.
[87] R. M. Speight, "A Look at Variant Readings in The *Ḥadīth*", *Der Islam*, 77 (2000), 170.
[88] Ibid., 174.

> …oral and written Tradition went hand in hand almost from the start, that traditions traced to the Prophet by his Companions and their Successors were, as a rule, scrupulously scrutinized at each step of the transmission.[89]

This is to show that the writing down of *Ḥadīth* was not a late development, but it began with the Companions of the Prophet.[90] Regarding the value of Nabia's study, it is considered, according to the Harvard University scholar John Alden Williams, to be "…the most important Orientalist scholarship on…*Ḥadīth* since…Ignaz Goldziher, and is of a level scarcely encountered in these times".[91] James Robson also praises her work, seeing it as not merely an important contribution to the *Ḥadīth* subject, but also as a "…model of how such work should be done".[92] The majority of *aḥādīth* contained in the papyri was also found in the major third-century collections of the *Sunnah*.

A conclusion can be drawn from such studies of Marston Speight on *Ṣaḥīfah* of Hammām, and Abbott on the 14 Papyri is that the earliest *Ḥadīth* collections and manuscripts were adapted in the larger compilations later. As far as the authenticity of the above *Ḥadīth* materials, scholars who studied them show that they came from the period which are ascribed to, i.e. authorities in the first/seventh century. This also shows that what is suggested by Burton that *aḥādīth* became associated to the Prophet only towards 200/815 is not correct, otherwise, the *aḥādīth* materials mentioned earlier which combined at the beginning of the second/eighth century would not be related to the Prophet. Regarding these materials, Burton does not mention

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[89] Abbott, *Studies*, 2.
[90] John Alden Williams, "Review of *Studies in Arabic Literary Papyri. II: Qur'ānic Commentary and Traditions* by Nabia Abbott", *Journal of the American Oriental Society*, 93, (1973), 102.
[91] Ibid., 102,
[92] James Robson, "Review of *Studies in Arabic Literary Papyri. II: Qur'ānic Commentary and Traditions* by Nabia Abbott", *Journal of Near Eastern Studies*, 27 (1968), 144.

any of these early sources or the studies conducted on them. It is not clear why he does not make any reference to them.[93]

The other type of source is the writings of non-Muslims, such as early Christian literature. Medieval Christian writings (dating from 1/622-200/815) on Prophet Muhammad and Muslims are used here as external sources to the Muslim accounts of early Islam. It is found that in some of these writings the practices of the early Muslims were recorded. This is an important point for our task because they will help us to know whether the traditional Muslim views about the significance of the Prophet's *Sunnah* in the first century of Islam can be historically attested by early non-Muslim accounts in order to see if the Traditions originated from historical reality.

By consulting some early Christian sources, it is found that early Christians realised that Muhammad was not only a prophet but a lawgiver. Writing in the year 67/686, John bar Penkaye[94], a monk of northern Mesopotamia, calls Muhammad a 'guide' and 'instructor' for his people. About the Arabs he observes that:

> They [Arabs] had received, as I said, from the man who was their guide [Muhammad], an order in favour of the Christians and the monks…they were so attached to the tradition of Muhammad who was their leader, that they inflicted the death penalty on anyone who seemed not to obey his commands.[95]

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[93] Burton is mostly concerned with the works of Goldziher and Schacht and rarely refers to other scholars in his discussions.

[94] He was a seventh century East Syriac Christian writer (late first century A.H.). He lived at the time of fifth Caliph of the Umayyad dynasty 'Abd al-Malik b. Marwān (d. 86/705). See: Sebastian Brock, *A Brief Outline of Syriac Literature* (Kottayam; Kerala, India: Moran Etho, 1997), 56-57, 135.

[95] John bar Penkay, *Ktaba Rrish melle* [Summary of World History], book 15, [online version: http://www.tertullian.org/fathers/john_bar_penkaye_history_15_trans.htm#Book14]. Sebastian Brock translated some passages from book 14 which are related to the rise of Islam into English in his article "North Mesopotamia in

The expression "the tradition of Muhammad" used by John bar Penkaye may suggest something like a defined corpus of rulings was handed down, but most likely John is simply passing on the message given out by the Muslims themselves that they adhered to the example of their Prophet.[96]

Also, John of Damascus (d. 131/749)[97] gives an example of some of the laws which Muhammad endorsed for his followers. He states:

> He [Muhammad] prescribed that they be circumcised, women as well, and he commanded neither to observe the Sabbath nor to be baptised, to eat those things forbidden in the law and to abstain from others. Drinking of wine he forbade absolutely.[98]

Moreover, in '*The Zuquin Chronicler*' by Dionysus of Tel Mahre (d. 233/848)[99], who incorporated some information from earlier Christians sources, a description of the emergence of Muhammad and the Arab conquest of Syria was provided. What concerns us here is his observation of Muslims in his historical account up until the year 98/717. In it, he remarks that

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the Late Seventh Century: Book XV of John Bar Penkaye's *Rish Melle*", *Jerusalem Studies in Arabic and Islam*, 9 (1987), 51-75.

[96] See: Robert G. Hoyland, "The Earliest Christian Writings on Muhammad: An Appraisal", in *The Biography of Muhammad: The Issue of Sources*, ed. H. Motzki (Leiden: Brill, 2000), 291.

[97] His Arabic name is Manṣ- r b. Sarj- n al-Taghlibī. He was the last of the Greek Fathers, and the son of a Christian official at the court of the Muslim caliph 'Abdul Malik (d. 86/705). He succeeded to his father's office. He was the first scholar to enter the field of polemics against the Muslims. See, Catholic Encyclopaedia: http://www.newadvent.org/cathen/08459b.htm. (Accessed on November 2010)

[98] See his chapter on Islam in his book *De Haeresibus* which has been edited and translated by Daniel J. Sahas in *John of Damascus on Islam: The 'Heresy of the Ishmaelites'* (Leiden: Brill, 1972), 139.

[99] He was the supreme head of the Syrian Orthodox Church (202/818 - 233/848). He was born at Tell-Mahre (currently in Irāq). For more biographical information see: Sources of Pseudo-Dionysius for the Third Part of his *Chronicle*," *Orientalia Suecana* 40 (1991), 252-55.

Muhammad "…laid down laws for them [i.e. Arabs]".[100] He also states that any law instituted by Muhammad "…they hold to it saying: 'This was appointed by the Prophet and Messenger of God, and moreover, it was charged to him thus by God'."[101] It could be adduced that it was important for early Muslims to act upon the Prophetic legal orders, and this fact was obvious even to non-Muslims who noticed this adherence through their interaction with the Muslims.

There is also another testimony regarding an aspect of the *Sunnah* that was referred to in some of these sources. It is the *qiblah* (direction) which Muslims face in prayer. In response to a question about why the Jews pray facing toward the south, Jacob who was bishop of Edessa (d. 89/708) and first/seven century- writer, refers to the *qiblah* of the Muslims as well. In his answer he states the following fact:

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[100] Dionysius of Tel-Mahre, *The Zuqnin Chronicle*, translated by Witold Witakowski (Uppsala: Studia Semitica Upsaliensia, 1987), 149-50.

[101] Ibid. The quotation indicates that whatever the Prophet said or did was taken seriously by the Companions and the new followers as divinely inspired from Allah. This is a fact that is testified by the Qur'ān as in the verse which reads: "Your companion [Muhammad] is neither astray nor being misled, nor does he say (aught) of (his won) desire. It is no less than inspiration sent down to him" (Q. 53: 2-4). There is no doubt whatsoever, from the Muslim's perspective, that the Prophet's sayings and actions have a religious nature and divine origin as can be understood from this verse. The Companions even differentiated between two types of the Prophet's decisions. The first is related to his Prophetic mission as a Messenger of Allah who has a particular message to convey. The other one belongs to what he did according to his human nature or to customs prevailing during his lifetime, such as decisions regarding medical or farming advice which he acquired by his own experience or some other means, unless there is a clear indication that a particular decision is related to divinity. Sometimes, the Companions would make sure about some decisions which were connected to some worldly affairs by asking him whether his instruction was inspired or his personal opinion. In the Battle of Badr, for instance, when the Prophet chose a certain location for his army to set up camp, one of his Companions called al-Ḥubāb b. al-Mundhir asked him: Is this a place assigned by Allāh, in which case we have no right to leave and advance forward, or is it your opinion and war and stratagem? He replied: No, it is verily an opinion and war and stratagem. He then suggested another location for the army to asset up camp, whereupon, the Prophet himself declared: "You have made the right suggestion", and then he applied al-Ḥubāb's advice. See: Ibn Hishām, *al-Sīrah*, 3: 167. See also: Ibrāhīm b. Musá al-Shāṭibī, *Al-Muwāfaqāt fī Uṣ- l al-Sharī'ah* (Beirut: Dār al-Ma'rifah, 1975), 4: 21.

The Jews who live in Egypt, and also the Muslims there, as I saw with my own eyes…prayed toward the east…the Jews towards Jerusalem and the Muslims towards the Ka'bah.[102]

Direction in prayer, according to *Ḥadīth* literature, is a serious matter. It is highly significant on the level of identity and belief. Early Muslims perceived it as a sign of *walā'* (allegiance) to Islam. Their slogan was "Whoever prays like us, faces our *qiblah*, and eats our slaughtered animals is a Muslim and under the protection of Allāh and His Apostle."[103] The Muslim community is always termed the 'people of the *qiblah*'.[104]

From these early-dated texts above, Muslims were depicted by non-Muslim writers of the first/seventh and early second/eighth century as the followers of Muhammad who was their 'guide' and 'instructor' whose 'traditions' and 'laws' they fiercely upheld. Furthermore, some aspects of the Prophet's teachings such as circumcision (*khitān*) was practised by the early Muslims, and this sort of teaching is not documented in the Qur'ān, but it is found in the Prophetic Traditions.[105] Robert Hoyland from his studies of some seventh and eighth-century Christian and Jewish texts, written in Syriac and other ancient languages, has concluded that the image of Muhammad as a guide and legislator who laid down laws which were implemented by his followers was very common in Christian writings.[106]

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[102] Jacob of Edessa, *Letter to John the Stylite*, summarised and translated by William Wright in the *Catalogue of Syriac Manuscripts in the British Museum acquired since the year 1838* (London, 1871), 2: 603.

[103] *Mukhtaṣar Ṣaḥīḥ al-Bukhārī*, (Beirut: Dār Ibn Kathīr, 1987), 1: 153.

[104] *Tafsīr Sufyān al-Thawrī* (Beirut: Dār al-Kutub al-'Ilmīyah, 1982), 1: 134.

[105] Abū Hurayrah reported that Prophet Muhammad said: "Five are the acts of *fiṭrah* [human nature]: circumcision, shaving the pubic hair, clipping the moustache, trimming the nails, plucking the hair under the armpits" (*Ṣaḥīḥ Muslim*: 1: 221).

[106] Robert G. Hoyland, "The Earliest Christian Writings on Muhammad", 284-85. Hoyland's '*Seeing Islam as Others Saw It*' is could be the most comprehensive work in recent times dealing with the Muslim and non-Muslims accounts of the rise of Islam and Muhammad. He is the first scholar to systematically collect all the non-Muslim evidence concerning the rise of Islam. His methodical approach in dealing with non-Muslim texts has established

Concerning the historical grounding of the *Ḥadīth*, it can be said that non-Muslim texts emphasise Muhammad's centrality for the early Muslims, and they provide some form of corroboration of Muslim accounts which reflect the historical reality of the first-century Muslims and their attachment to the *Sunnah*. Therefore, it would be difficult to agree with Burton's argument about the origin of the *Sunnah,* assuming it was not historical but fictional.

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that they "furnish us with an enriched and expanded vision of the Middle East in the early Islamic times." Robert G. Hoyland which are *Seeing Islam as Others Saw It: A Survey and Evaluation of Christian, Jewish and Zoroastrian Writings on Early Islam* (Princeton, New Jersey: The Darwin Press, 1997), 598.

5.3.4 Abrogation and *Ḥadīth*:

The doctrine of *naskh*[107] (abrogation) has attracted Burton's attention in his discussion in connection with the question of the date at which the Qur'ān was compiled as well as the development of Islamic jurisprudence.[108] Burton asserts that the concept of *naskh* was invented by the legal theorists (*uṣ-līy-n*) whose aim for such invention was to tackle: [109]

1- Contradictions between the texts of the Qur'ān, or between the Qur'ān and *Sunnah*.

2- Contradictions between the texts of the *Sunnah*.

3- Contradictions between the local practices of Muslims and the Qur'ān.

It is beyond the scope of our study to discuss all the points raised by Burton in relation with these three reasons. What concerns us here is the relation between the *Ḥadīth* texts and *naskh* from Burton's perspective.

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[107] *Naskh* literally means obliteration. It has been defined as the suspension or replacement of one *Sharī'ah* ruling by another. In Muslim literature concerning this subject, in order for *naskh* to occur there must have previously existed an Islamic ruling on exactly the same subject which was then abrogated by a later ruling. The rule that is abrogated (*mans-kh*) must originate in the Qur'ān or *Sunnah*; *naskh* (abrogation) cannot occur with respect to *ijmā'* (consensus) or *qiyās* (analogy). This is due to the fact that *naskh* can only occur during the lifetime of the Prophet. See: 'Abd al-Qāhir b. Ṭāhir b. Muḥammad al-Baghdādī, *Al-Nāsikh wa al-Mans-kh*, ed. Hilmī Kāmil As'ad 'Abd al-Hādī (Amman: Dār al-'Adawī, n.d), 39-85 ; Abu Ammar Yasir Qadhi, *An Introduction to the Sciences of the Qur'an* (Birmingham : Al-Hidaayah Publishing and Distribution, 1999), 210-18.

[108] See '*The sources of Islamic Law*', 10-20.

[109] *Sources*, 15, and see also: "Those are high-flying cranes", 250, and John Burton. "Abrogation". *Encyclopedia of the Qur'ān*. General editor: Jane Dammen MeAuliffe, Georgetown University, Washington DC, Brill 2006. Brill online. http://www.brillonline.nl/public/abrogation. This means that the theory of *naskh* (abrogation) emerged after the Qur'ān and *Ḥadīth* reached a definite form as texts accepted by all Muslims to be the twin chief legal sources which the law can be derived from.

Before focusing on this relation, there is a point worth mentioning that was first related to the invention of the concept of abrogation (*naskh*). Burton considers *naskh* (abrogation) to be exclusively an *uṣ-lī* topic,[110] and argues that its concept was invented by the *uṣ-līy-n* (sing. *uṣ-lī* ; legal theorists) or as he sometimes calls them as 'lawyers'. He also maintains that al-Shāfiʿī (204/819) was the first lawyer (*uṣ-lī*) who created the legal theory of the sources of Islamic law.[111] This opinion indicates that the doctrines of abrogation and its applications emerged towards the end of the second/eighth century; which is, in fact, an untenable idea. A closer examination of the literature that has addressed either the number or content of abrogation cases shows that the doctrine of naskh was known to early scholars and was in use before the time of al-Shāfiʿī; for instance, *Nāsikh al-Qur'ān* by Muḥammad b. Shihāb al-Zuhrī (124/742). This work was carefully studied by Andrew Rippin[112] whose analysis of various literary and historical traits of the work would "…indicate an early date of origin for the text…" which perhaps dates back "…even at the time of al-Zuhrī."[113] If the attribution is correct, al-Zuhrī's text would be one of the earliest known systematic treatments of the *naskh* phenomenon.[114] Even if Burton does not believe there was no original work that can be attributed to any authorities before the year 150/767, comparison of the two treatises of al-Zuhrī and Ab- ʿUbayd would have shed important light on the emergence of the genre.

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[110] *Sources*, 205.

[111] See: *Hadith*, xx ; "The High-Flying Cranes", *Journal of Semitic Studies*, 15 (1970), 250.

[112] Rippin, "al-Zuhrī, *Naskh al-Qur'ān* and the Problem of Early *tafsīr* Texts", in *Bulletin of the School of Oriental and African Studies*, 47 (1984), 22–43

[113] Ibid., 43.

[114] Rippin's article was published three years earlier than Burton's edited work *Abu ʿUbaid al-Qāsim b. Sallām's* "*K. al-Nāsikh wa-l- Mans-kh*" (Cambridge, Eng.: Trustees of the E. J. W. Gibb Memorial Trust, 1987), and four years than *The Sources of Islamic Law: Islamic Theories of Abrogation* published in 1990. Yet, he fails to refer to them in his both studies.

Moreover, in *Muwaṭṭa'* of Mālik (179/795), it is recorded that Ibn 'Abbās said that during the lifetime of the Prophet, the Companions used to go by the most recent practice of the Prophet.[115] This presupposes that a certain judgment could be, and was, superseded by others, and this is the phenomenon of abrogation. This is evident in Mālik's work. He overtly refers to this concept on many occasions such as in the chapter on 'Bequests to Heirs' where he mentions the verse: (Q. 2: 180) was abrogated by the verses (Q. 4: 11, 12 and 176).[116] Therefore, it could be safe to say that the phenomenon of abrogation to Mālik was not in question.[117] This is beside the fact that the concept of *naskh* typically involves replacement (*tabdīl*) and complete suppression (*izālah*) and derives its roots from the Qur'ān itself (Q. 7:154, 45:29, 22:52, and 2:106).

Regarding Burton's view about the relation between *Ḥadīth* and *naskh*, Burton points out that Muslim scholars admitted and recognised that there was a considerable amount of visible contradictions in the Traditions which caused "embarrassment" and "immense problems" to them.[118] Therefore, he continues that their solution to eliminate and tackle these embarrassing contradictions was through introducing the theory of *naskh*; the latter supersedes the earlier pronouncement.[119] Hence, he considered that the concept of *naskh* "…was the Muslim's ingenious response to the stimulus of embarrassment."[120] which also contributed in the creation of more *aḥādīth*.[121]

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[115] *Muwaṭṭa'*, 1: 215.
[116] Idid., 2: 133.
[117] See also: Dutton, *The Origin*, 121-124.
[118] *Sources*, 15-17.
[119] Ibid., 3-4.
[120] Ibid., 4.
[121] Ibid.

To examine Burton's argument and to see the extent of its accuracy, we should investigate how the whole issue was dealt with from the Muslim perspective, and this will be done by answering the following questions:

1- What was the amount of the contradicting statements in *Ḥadīth* literature which were recognised by Muslim scholars?

2- What was the scholarly reaction of those scholars towards the contradictions in *Ḥadīth*?

The answers to these questions can be briefly provided in the following points:

First: In their textual investigation of the texts of *aḥādīth*, scholars generally realised that there were some *aḥādīth* that could be considered as having confusing statements. This subject was mostly dealt with under the title 'conflict in *Ḥadīth*' or 'conflict in evidence'. It is found in the works devoted to criticism of *Ḥadīth* as well as the principles of Islamic jurisprudence (*uṣ- l al-fiqh*). Conflict (*ta'āruḍ*) in *Ḥadīth* is discussed as a branch of *Ḥadīth* studies, and it is also known as '*mukhtalif al-Ḥadīth*'.[122] In terms of the size of the contractions, it would be realised from the treatment of the subject by such scholars that this issue did not occupy a large space of their scholarship due to the fact that the number of contradictory *aḥādīth*, based on their textual studies, was not enormous. This can be known from the number of the *aḥādīth* discussed in the works devoted to the contradictory *aḥādīth* alone, which include '*Ikhtilāf al-Ḥadīth*' by al-Shāfi'ī

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[122] It should be noted that there is often, especially in modern writings on *Ḥadīth*, confusion between the term *mukhtalif al-Ḥadīth* and the term *mushkil al-Ḥadīth*. They are often mentioned together as synonyms of each other. In fact, *mushkil al-Ḥadīth* is different from *mukhtalif al-Ḥadīth*. *Mushkil* is most concerned with *aḥādīth* whose *mut- n* (texts) include unfamiliar, and difficult or problematic words or meanings which need clarification even there are no other conflicting *aḥādīth*. See: Kamali, *Principles*, 110.

and 'Ta'wīl Mukhtalif al-Ḥadīth' by Ibn Qutaybah (d. 276/889). Studies on abrogation in Ḥadīth are also considered as a part of the discussion on the issue of conflict in Ḥadīth. One major work that represents this genre of study is 'Kitāb al-I'tibār' of Muḥammad al-Hamadhānī (d. 548/1153). All these works are used as main sources in Burton's analysis of the abrogation and conflict in Ḥadīth. It should be highlighted here that the work of al-Hamadhānī is the most cited source by Burton.

In order to examine Burton's claim about the amount of conflict in Ḥadīth that is recognised by Muslims, it is helpful if the traditional works just mentioned above are used as a testing tool. This is due to the fact that the original aim of these books was to collect and discuss the reports that were argued about as containing contradictory information.[123] The focus will be on the number of aḥādīth in these books, then, this number of aḥādīth will be compared to the total number of aḥādīth recorded in the major Ḥadīth collections. The purpose of this comparison is to see the actual size of contradictions in the Traditions which the early Muslims recognised. This can be shown in the following table:

Table 5.1 Group A: number of Contradictory Aḥādīth (CA) as recorded in three early sources[124]

Book	Number of Contradictory Aḥādīth (CA)
Ikhtilāf al-Ḥadīth	235
Ta'wīl Mukhtalif al-Ḥadīth	66
Kitāb al-I'tibār	428
Total	729

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[123] Aḥmad b. Ḥajar al-'Asqalānī, *Nukhbat al-Fikar fī Muṣṭalaḥ Ahl al-Athar* -included in the introduction of *Subul al-Salām*- (Beirut: Dār Iḥiyā' al-Turāth al-'Arabī, 1999), 1: 33.

[124] It should be noted that most of the *aḥādīth* mentioned in the first two books (*Ikhtilāf* and *Ta'wīl*) are included in the last one (*al-I'tibār*). One of the goals of al-Hamadhani's book is to study the Traditions which were discussed by the previous scholars. However, this fact is ignored in the comparison above for the sake of argument.

Now, the total number of contradictory *aḥādīth* (CA) as indicated in the table above (table 5.1, labelled as Group A) should be compared to the total number of the *aḥādīth* found in *Ḥadīth* collections. For a reason to be explained soon, the number of the most authentic *aḥādīth* (AA) recorded in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim* in table 5.2 (labelled as group B), will be used in this comparison. Based on the fact that *Ṣaḥīḥ* of al-Bukhārī and *Ṣaḥīḥ* of Muslim (both books known as *al-Ṣaḥīḥayn*) are considered the major sources of the most authentic Traditions according to the view of *sunnī* scholars, the total number of their *aḥādīth* will be used in the comparison. The total number without repetition is roughly 2,980 *aḥādīth*.[125]

Table 5.2 Group B (AA): total number of the *aḥādīth* excluding the repeated ones in the *Ṣaḥīḥayn*.

Book	Number of Authentic *Aḥādīth* (AA) without repetition
Ṣaḥīḥ al-Bukhārī *Ṣaḥīḥ Muslim*	2, 980

Comparing the two figures will reveal that the contradictory *aḥādīth* (group A) almost composes about a quarter of the total amount of *aḥādīth* in group B (Figure 5.4).

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[125] See: Aḥmad b. Ḥajar al-ʿAsqalānī, *Al-Nukat ʿalá Ibn Al-Ṣalāḥ* (Riyadh: Dār al-Rāiyah, 1994), 2: 992.

Figure 5.4: Total number of CA in group A compared to total number of AA in group B
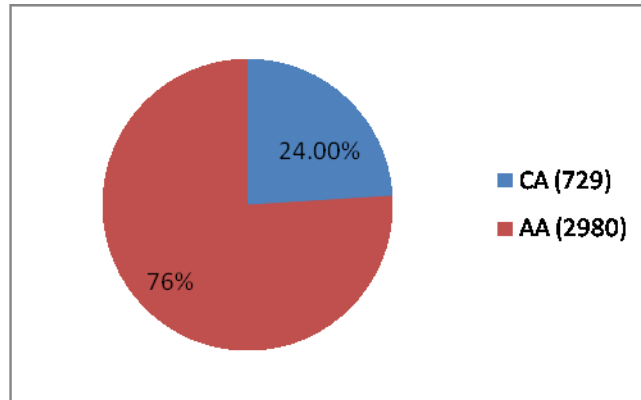
It is illustrated from this result that what is recognised by Muslims as disagreements found in *Ḥadīth* is a small amount and does not match what is implied by Burton as an issue affecting a large part of *Ḥadīth* corpus.

Second: There are two facts concerning the nature of the scholars' works on contradictory *Ḥadīth*:

i) To specialists of *fiqh* and *Ḥadīth*, contradiction which should draw concern is that which occurs between accepted *aḥādīth* of equal strength (i.e. *ṣaḥīḥ* or *ḥasan aḥādīth*).[126] A conflict is thus not expected to arise between a valid *ḥadīth* and a weak or spurious one, because the latter would not merit serious attention anyway.[127] That

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[126] Kamali, *Ḥadīth Studies: Authenticity, Compilation, Classification of Ḥadīth* (Leicestershire, UK: The Islamic Foundation, 2005), 108-109.

[127] Ibid., 109.

was why we have chosen the number of the *aḥādīth* in the books of al-Bukhārī and Muslim in the above comparison.

ii) Scholars have maintained the view that whenever a contradiction is observed between some *aḥādīth* it is deemed to be only apparent and lacking in reality and substance. This is because a genuine contradiction does not, in fact, arise between strong and authentic evidence.[128] Some *Ḥadīth* specialists such as Muḥammad b. Kuzaymah (d. 311/923) were confident about the impossibility that there could be two genuinely antithetical (*mutaḍāddayn*) *aḥādīth* with sound *asānīd* that were related to the Prophet.[129] This is why, the works on *mukhtalif al-Ḥadīth*, as in group A, was originally meant to respond to those who misunderstood or misinterpreted some authentic *aḥādīth* and claimed they provided contradictory information. So, these specialists' writings were written to prove the contrary.[130]

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[128] Kamali, *Principles of Islamic Jurisprudence*, 456.

[129] 'Uthmān b. 'Abd al-Raḥmān b. al-Ṣalāḥ al-Shahraz- rī, *An Introduction to the Science of the Ḥadīth*, trans. Eerik Dickinson, (Reading, UK: Garnet Publishing Limited, 2006), 204.

[130] Certain movements, such as Mu'tazilah and Khawārij, expressed doubts and controversies about the import and meaning of some Traditions. Ibn Qutaybah, for instance, in his work engaged in disputation with such people who, as he believed, sought to widen the scope of conflict in *Ḥadīth* by highlighting spurious conflicts that were actually more apparent rather than real. He addressed the alleged contradictions and attempted reconciliation between them by providing effective responses to such claims. See: 'Abd Allāh b. Qutaybah, *Ta'wīl Mukhtalif al-Ḥadīth* (Beirut: al-Maktab al-Islāmī, 1999), 47-138.

Third: To resolve the apparent contradictions in Traditions, a set of methods were proposed by experts of *Ḥadīth* and *fiqh*, as follows:

a) Reconciliation (*jam' al-tawfīq*). This could be done through recourse to interpretation (*ta'wīl*), or certain linguistic and circumstantial considerations.

b) Abrogation (*naskh*). If the reconciliation was not possible between two reports and the chronological order was identified, the rules of abrogation would apply to them and one of them will abrogate the other. *Naskh* can occur only in the case of a clear conflict between two *aḥādīth*.

c) Preference (*tarjīḥ*). When two Traditions cannot be reconciled and the chronology is not ascertained, only one of the two is retained in preference to the other. This can be determined by numerous grounds of *tarjīḥ*.[131]

d) Suspension (*tawaqquf*). If none of the above methods are possible, then the scholars advise *tawaqquf,* and both of the contradictory texts are abandoned.

From this four-tiered procedure, abrogation was clearly not the only course of action to be taken, as envisaged by Burton, to deal with contradiction in the texts of *Ḥadīth*. It was one of the methods that was normally resorted to when harmonising proved to be unfeasible. This is a fact which seems to be overlooked in Burton's discussion, particularly, when it is mentioned that some modes of abrogation were elaborated by al-Shāfi'ī. Burton points out that through

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[131] Most of these grounds are related to the reliability of the narrators of the *aḥādīth*, and to the clarity and strength of the wording of the texts of the *aḥādīth*. A *ḥadīth* might be given preference to another one if, for instance, its narrators are stronger in terms of a variety of factors such as their knowledge, their retentiveness, their number, and proximity or otherwise to the source. For more details on this point see Jalāl al-Dīn 'Abd al-Raḥmān al-Suy-ṭī, *Tadrīb al-Rāwī Sharḥ Taqrīb al-Nawwawī* (Cairo: Maktabat al-Qāhirah, 1959), 338-341.

abrogation al-Shāfiʿī in his "…*Ikhtilāf al-Ḥadīth* was applying his considerable talents to resolving the serious problem of discrepancies between…certain *ḥadīths* and others…"[132] However, this is not how al-Shāfiʿī in his *Ikhtilāf* tends to resolve *Ḥadīth* conflicts. To do so, he generally stipulates one of three basic conditions:

1- There exists a certain amount of latitude on the issue and the various *aḥādīth* define its permissible boundaries.

2- One of the *aḥādīth* applies in one particular circumstance and the other(s) elsewhere.

3- One of the *aḥādīth* abrogated the other(s).[133]

It is evident from al-Shāfiʿī's work that *naskh* was a method that could help to harmonise the apparently contradictory texts when reconciliation fails. When *naskh* was generally resorted to, al-Shāfiʿī and other scholars in their studies of *mukhtalif al- aḥādīth* first demand identification of *naskh*.[134] Then, for this process to be done accurately they require a rigorous and detailed knowledge of *Ḥadīth* disciplines, *sīrah*, and history as well as the views that the Companions and other scholars held on the circumstances surrounding the origins and interpretations of the *aḥādīth* in question. [135] As recorded in works of *uṣ-l al-fiqh*, historiographic techniques were employed, and hence, enabled jurists to investigate the possibility that one of the apparent

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[132] "Those are the High-Flying Cranes", 250.

[133] In each of the three cases the authenticity of all *aḥādīth* is maintained. Even when abrogation is postulated, the authenticity of the *Ḥadīth* is not challenged, although the ruling it contains is no longer held to be valid. See: Muḥammad b. Idrīs al-Shāfiʿī, *Ikhtilāf al-Ḥadīth* (Beirut: Muʾasasat al-Kutub al-Thaqāfīyah1985), 2-15. See also: Usāmah Khayāṭ, *Mukhtalif al-Ḥadīth bayn al-Muḥaddithīn wa-al-Uṣ- liyīn al-Fuqahāʾ* (Riyadh: Dār al-Falāḥ, 2001), 343. Eerik Dickinson, *The Development of Early Sunnite Ḥadīth Criticism* (Leiden: Brill, 2001), 7.

[134] M. Z. Siddiqi, *Ḥadīth Literature, its Origins, Development and Special Features* (Revised ed. Cambridge: The Islamic Texts Society, 1993), 40, 126.

[135] Ibid., 40, 126.

inconsistent texts was subject to formal abrogation by another.[136]   A prerequisite to recognise

incidents of *naskh* in *Ḥadīth* is to know the dates.[137]

This can be achieved, as stated earlier, through establishing the chronological order

between two contradictory *aḥādīth* to examine if one of them has a later origin than the other. For

instance, there are two sound *aḥādīth* which were considered in conflict in terms of their legal

rulings. The first *ḥadīth* is narrated by Shaddād b. Aws in which the Prophet said: "Cupping

breaks the fast of both the cupper and the cupped.",[138] and the second is of Ibn ‘Abbās stating that

"the Prophet cupped while he was fasting."[139] Dealing with the two texts, al-Shāfi‘ī found there

was a genuine conflict between them, and the rulings given by them could not be reconciled or

would be preferred to the other, and both were of equal strength.[140] Al-Shāfi‘ī sought, then, for a

possibility of the occurrence of abrogation.

Through a careful chronological analysis, he examined the historical sequences of the

events in both *aḥādīth*. Then he came up with the following conclusion: the first *ḥadīth* had been

abrogated by the second one.[141] This is because the *ḥadīth* of Ibn Abbās was pronounced in the

Farewell Pilgrimage in the year 10 *hijrah*, whereas the first one is known to have been uttered

earlier on the occasion of the Conquest of Makkah in the year 8 *hijrah*.[142] In this case, the latter

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[136] See: Muḥammad b. Idrīs al-Shāfi‘ī, *Al-Risālah* (printed as the first part of *Kitāb al-Umm*, Cairo: Dār al-Wafā’, 2001), 1: 59-63 ; ‘Alī b. Muḥammad al-Āmidī, *Al-Iḥkām fī Uṣ- l al-Aḥkām* (Riyadh: Dār al-Sumay‘ī, 2003), 3: 223-225.

[137] For more details on this point see: Sha‘bān Ismā‘īl, *Naẓarīyat al-Naskh* (Cairo: Dār al-Salām, 1988), 120-24.

[138] Ab- Bakr ‘Abd al-Razzāq al-Ṣan‘ānī, *Al-Muṣṣannaf* (Beirut: al-Maktab al-Islāmī, 1982), 4: 209, and Muḥammad b. ‘Isá al-Tirmidhī, *Al-Jāmi‘ al-Ṣaḥīḥ* (Beirut: Dār Iḥiyā’ al-Turāth al-‘Arabī, 1996), 3: 145.

[139] Mālik b. Anas, *Al-Mudawwanah*, 1:270.

[140] Al-Shāfi‘ī, *Ikhtilāf*, 10.

[141] Ibid., 11, see also: al-Shāfi‘ī, *Al-Umm*, 2: 97.

[142] Al-Shāfi‘ī, *Ikhtilāf*, 10.

took place after the former, and therefore takes precedence over it. Based on al-Shāfiʿī's finding, the *'ulamā'* (scholars) are in agreement that cupping does not annul the fast.[143]

From the brief discussion above we find that the view of Burton shows that contradictions in *Ḥadīth* were recognised as a huge problematic phenomenon by scholars whose response was to invent abrogation as a solution was inaccurate. As seen from some early Muslim works devoted to this issue, contradictions in *Ḥadīth* were considered serious if they were only detected in reliable Traditions. To them, the issue of conflict in *Ḥadīth* was limited, and in most cases it was only apparent and not serious. Such conflict, in their view, was resolvable through different methods such as reconciliation and preference. In some cases, obvious and actual contradictions were recognised, and a possibility of the incidence of abrogation was considered. Distinguishing the abrogating *ḥadīth* from the abrogated was not arbitrary and based on the scholar's caprice. From the example of al-Shāfiʿī's treatment of such case, knowledge of the necessary historical data of each *ḥadīth* was required to determine their chorological order. If this approach was not successful and *naskh* was not recognised, the *'ulumā'* would opt to abandon both *aḥādīth* and suspend acting upon their legal information.

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[143] Ibn al-Ṣalāḥ al-Shahraz-rī, *An Introduction to the Science of the Ḥadīth*, 200.

5.3.4.1 Discussion of Burton's Example:

As stated earlier, Burton maintains that *naskh* was also used to fabricate more *aḥādīth* by Muslims scholars, and also most of the *naskh aḥādīth* are exegetical in origin. One favourite example that Burton provides to support his view is the *ḥadīth* of *al-gharānīq* which is known in Islamic literature as '*qiṣṣat al-gharānīq*' (story of the cranes).[144] He devotes a separate article to discuss this *ḥadīth*. He shows that the *ḥadīth* is historically baseless and was a later fabrication.[145] In terms of the motive for such fabrication, he states that there is a compelling theoretical motive behind the invention of this *ḥadīth*, which was to "…maintain the argument that *naskh* means to remove with a specific reference to the wording of a verse. This provided Qur'ānic evidence for the formula *naskh al-ḥukm wa-al-tilāwah* [abrogating both wording and ruling of a verse]…"[146] He supports his point by pointing out that al-Ṭabarī introduced this infamous *ḥadīth* in the discussion of the verse 22:52[147], rather than in the discussion of 53:19-20

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[144] It is reported in this story that Prophet Muhammad longed to convert the idolaters in Makkah. One day, he went to the Ka'bah where he recited to the gathering of believers and non-believers s‑rah al-Najm (chapter 53) which is said to have been revealed at that time. In the course of its recitation and when he uttered the verse 19-20 "Do you see al-Lāt and al-'Uzzá and the other third Manāt? [Three goddesses were worshiped by the pagans in Makkah]" Satan tempted him to utter the following lines after verses 19 and 20: "Those are the swans exalted; verily their intercession is to be desired". The Prophet then completed the s‑rah and at the end of it performed prostration in accordance with the last verse. All those present there, the believers and non-believers also did so. Afterwards, in the evening Jibrīl (the angel) came to the Prophet and drew his attention to the mistake he had made by reciting verses which were never revealed to him. At this, the Prophet became very sad and apprehensive of Allah's wrath. Thereupon two separate passages, 17:73-75 and 22: 52 were revealed to reassure the Prophet, and the "satanic verses" were repealed. Historically, the first mention of the incident is not in legal or exegetical sources. It is first narrated by the historian Muḥammad b. 'Umar al-Wāqidī (d. 207/822) as recorded by his secretary Muḥammad b. Sa'd (d. 230/845) in his *Ṭabaqāt*. See: Muḥammad b. Sa'd, *Al-Ṭabaāt al-Kubrá*, (Beirut: Dār al-Kutub al-'Ilmīyah, 1997), 1: 205-06. See also: Ab‑ Ja'far Muḥammad b. Jarīr al-Ṭabarī, *Tārīkh al-Umam wa-al-Mul‑k* (Beirut: Dār al-Kutub al-'Ilmīyah, 1992), 1: 55.

[145] Ibid., 249.

[146] Ibid., 264.

[147] The verse reads: "Never did We send a Messenger or a Prophet before you, but; when he did recite the revelation or narrated or spoke, Satan threw (some falsehood) in it. But Allah abolishes that which Satan throws in, and Allah will confirm (and establish) His Signs: for Allah is full of knowledge and wisdom".

which the *ḥadīth* was alleged to be connected to.[148] This was because in the former Qur'ānic passage there is a mention of *naskh* (abrogation). He continues by saying that Muslim exegetes selected this verse to represent their concept of abrogation in the various Islamic theories on '*al-nāsikh* and *al-mans-kh.*'[149] That was why, Burton argues, al-Ṭabarī included such fabrication under the verse (22:52) in order to adduce a Qur'ānic proof for the legitimacy of abrogation.[150]

As far as the incident of *al-gharānīq* is concerned, it is surprising that the position of early Muslim exegetes regarding the historicity of the incident is absent in Burton's discussion. The absence of this matter may give readers of Burton's argument the impression that this *ḥadīth* was accepted and utilised as evidence in many Muslim works. This, however, was not the case in early Muslim scholarship. Writing on the issue of the so-called 'satanic verses', Michael Fischer and Mehdi Abedi have noticed that almost all exegetes and traditionists in the past dismissed the whole account of the story of *al-gharānīq*.[151] The response of Muslim scholars was basically to reject the historicity of the 'satanic verses' incident. [152] This was on the basis of two fundamental principles: first, the incident contradicted the theological principle of infallibility in the transmission of Divine revelation, thereby calling into question the integrity of the text of the Qur'ān. Jabal Buaben points out that "Throughout the history of Muhammad, the most dominant theme has been his inexorable stand against idolatry."[153] This indicates the historical

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[148] Ibid., 252. The verses read: "Have you seen al-Lāt and al-'Uzzá (19) And (goddess) Manāt, the other the third?".
[149] Ibid., 249.
[150] Ibid., 252.
[151] M. M. J. Fischer & M. Abedi, "Bombay Talkies, The Word and The World: Salman Rushdie's Satanic Verses", *Cultural Anthropology*, 5, 1990: 127.
[152] See: Muḥammad Nāṣir al-Dīn al-Albānī, *Naṣb al-Majānīq li-Nasf Qiṣṣat al-Gharānīq*, 3rd Ed. (Beirut: al-Maktab al-Islāmī, 1996), 4.
[153] Jabal Muhammad Buaben, *Image of the Prophet Muhammad in the West: A Study of Muir, Margoliouth and Watt* (Leicester: Islamic Foundation, 1996), 69.

improbability of the incident. Second, the *isnād* (chain of transmitters) of the *ḥadīth* which narrated the incident were insufficient according to Muslim *Ḥadīth* criticism for the narratives to be validated.[154] As a result, it is hard for this *ḥadīth* to be found in the majority of the discussions of the prominent scholars of *Ḥadīth*, *tafsīr* and *uṣ- l al-fiqh*.[155]

We can see that there is agreement between the view of the majority of Muslims and the opinion of Burton regarding the authenticity if this *ḥadīth* which is regarded by both as spurious. However, to Burton there is no difference between this type of *ḥadīth* and the rest of the *aḥadīth* in terms of soundness. All share the same level of uncertainty and inauthenticity. Such attitude already makes Burton oblivious of the efforts of early Muslim works of *Ḥadīth* criticism and their methodological efforts in establishing the historical reliability of narrations. This is clearly a gaping hole in his treatment of *Ḥadīth* as appears in dealing with the story of *al-gharānīq*.

Regarding al-Ṭabarī's use of *ḥadīth* in his *Tafsīr*, we can understand the reason for his citation of the *ḥadīth* in his *Tafsīr* by referring to his *Tārīkh* where he mentions the incident of *al-gharānīq* as transmitted to him from some sources. He reports that it was believed that the

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[154] Al-Albānī, *Naṣb al-Majānīq*, 35-36. See also: Ṣāliḥ Aḥmad al-Shāmī, *Al-Gharānīq: Qiṣṣatun Dakhīlatun 'alá al-Sīrah al-Nabawīyah* (Beirut: al-Maktab al-Islāmī, 1998), 38-46. Both works of al-Albānī and al-Shāmī show the arguments of early scholars concerning the invalidity of the story from the viewpoint of *isnād*, *matn*, and chronology. One of their strong and conclusive arguments is that *s- rah* 53 (al-Najm) in which the disputed (*gharānīq*) verses were purported to belong, was revealed in one whole in the 5th year of Prophethood (i.e. before *hijrah*) in the month of Ramaḍān after a small group of the Companions had migrated to Abyssinia. However, the verse that supposedly abrogated the 'satanic revelation' was revealed in the first year *hijrī*, which is approximately 8 years after the incident. If the *gharānīq* story were true for approximately eight years that would mean that the Quraysh would have believed that the Muslims were pagan worshippers. So, if the Quraysh did believe so, then why did they keep on persecuting the Muslims for their beliefs, which is the reason why the *hijrah* took place anyway? See: the commentaries of Syed Ab- al-'Ala Maududī on *s- rah* 17, 22, and 53 in the following website: http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslim/maududi. (Accessed on 08 December 2010).

[155] Al-Shāmī, *Al-Gharānīq*, 19-20.

incident of the *al-gharānīq* was *sabab al-nuz- l* (cause of the revelation) of the verse 22:52, i.e. the occasion for which this Qur'ānic passage was revealed. This is why he cites the *gharānīq* tale with other narrations related to Q. 22: 52. This is not to say that al-Ṭabarī by citing this *ḥadīth* in his work he believed in its reliability. One of the methodological aspects of al-Ṭabarī's writings in his *Tarīkh* is to cite as many narrations as possible which had connections with the point he is discussing, regardless of their reliability. By doing so, he rarely indicates the degree of the reliability of such narrations, or offers comments on their *asānīd*. This seems to be a rule he followed in his book, *Tārīkh*. In the introduction, he states:

> If I mention a report …which the reader or listener finds objectionable or worthy of censure because he can see no aspect of truth nor any factual substance therein, let him know that this is not to be attributed to us but to those who transmitted it to us and we have merely passed this on as it has been passed on to us.[156]

According to this statement, he faithfully attempted in his book to display the accounts of many incidents in the exact manner through which he received them. This means he has simply refused accountability by avoiding the task of historical criticism. Therefore, any spurious accounts are not to be attributed to him. The same methodology was also applied in his *Tafsīr* work.[157]

Furthermore, al-Ṭabarī regarding Q. 22: 52 does not engage in any kind of theological argument related to *naskh* and he does not attempt to prove a certain view related to the definition of *naskh* in the Qur'ān as implied from Burton's claim. He basically cited many reports related to this verse; among them was the *gharānīq* story which was narrated to him as the cause of the revelation of the verse. G.R. Hawting does not agree with Burton in his manner of linking this

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[156] Al-Ṭabarī, *Tārīkh,* 1: 8.
[157] See: 'Umar Muḥyī al-Dīn Ḥ- rī, *Manhaj al-Tafsīr 'inda al-Imām al-Ṭabarī* (Damscus: Dār al-Fikr, 2008), 39-41.

incident with the theories of abrogation. He points out that the *gharānīq ḥadīth* does not serve to justify or exemplify a theory that God reveals something and later replaces it himself with another true revelation.[158]

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[158] G.R. Hawting, *The Idea of Idolatry and the Emergence of Islam (*Cambridge University Press, 1999), 134-135.

5.4 General Observations on Burton's Writings on *Ḥadīth*:

There is no doubt that Burton has been largely influenced by Goldziher and Schacht. He based his major arguments about *Ḥadīth* on both scholars' studies, especially his views on two points; the attribution of the *aḥādīth* to Muhammad, and the origin and use of *isnād* in *Ḥadīth*. As seen above, he adopts their general conclusions about the inauthenticity and unreliability of *aḥādīth* as historical source for the Prophetic period, regardless of his dispute with them concerning the origin of these *Ḥadīth* materials. In addition, there are some other observations which can be made while reading Burton's works. However, our observations primarily focus on his last publication '*An introduction to the Hadith*' where his major views on *Ḥadīth* are put together. The aim here is to highlight some problematic aspects of Burton's writings on the subject, which can be summarised in the following points:

1- General absence of reference to prominent Western scholars: Apart from Goldziher and Schacht, there is only one single reference to Nabia Abbott in the body of the main text. Even in a chapter entitled *'The Western Approach to Ḥadīth'*, divided into two parts, reference is made only to Goldziher and Schacht in the first part, while in the other part carrying the heading 'Shāfi'ī and Sources of Knowledge' no Westerner is mentioned there at all. [159]

2- Negligence of most recent studies on the subject: Prior to the publication of his book there were many recent studies which supply fresh ideas about the origin of *Ḥadīth*, and also challenge some of the core conclusions of Goldziher and Schacht especially

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[159] See: *Hadith*, 148-56.

those related to the historicity of *aḥādīth* and their *asānīd*. Such studies are represented in the works of David Powers,[160] G.H.A Jyunboll,[161] Michael Cook,[162] and Harald Motzki.[163] Burton makes no reference nor provides any refutations for some of their persuasive arguments. This also means that his book, which is devoted entirely to *Ḥadīth*, does not give the slightest guide to the current state of research concerning the study of *Ḥadīth*.

3- No reference to the availability of new pre-canonical *Ḥadīth* materials: There is no mention or detailed analysis provided in his work for new source materials which were discovered in the second half of last century such as *Muṣannaf* of ʿAbd al-Razzāq (d. 211 /827), and *Muṣannaf* of Ibn Abī Shaybah (d. 235/849). It is essential to study such new sources in order to make a secure judgment about the origin of *Ḥadīth*, especially when Goldziher and Schacht had no access to them before publishing their works, because they were discovered and edited later on.[164]

4- Long quotations of *Ḥadīth* texts with almost no intervening explanations and comments: This style of writing is a common feature in his work. For example, the

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[160] David Stephan Powers, *Studies in Qur'an and Hadith: The Formation of the Islamic Law of Inheritance* (Berkeley, California: University of California Press, 1986).

[161] G.H.A Juynboll, "Some *Isnād*-analytical Methods Illustrated on the Basis of Several Women Demeaning Sayings from *Ḥadīth* Literature," *Al-Qantara*, 10 (1989): 343-83.

[162] Michael Cook, *Early Muslim Dogma: A Source Critical Study* (Cambridge: Cambridge University Press, 1981). See especially chapter 11 where his approach to *isnād* is illustrated.

[163] Harald Motzki, *Die Anfange der islamischen Jurisprudenz* (Stuttgart: Deutsche Morgenlandische Gesellschaft, 1991). It was translated later to English as the *The origins of Islamic jurisprudence: Meccan fiqh before the classical schools*. By reviewing the early legal texts, Motzki provides a serious challenge to Schacht's criticism of *Ḥadīth* and the origins of Islamic law.

[164] In terms of *Muṣannaf* of ʿAbd al-Razzāq, it was edited by Ḥabīb al-Raḥmān al-Aʿẓamī and published in Beirut by al-Majlis al-ʿIlmī in 1972, while *Muṣannaf* of Ibn Abī Shaybah was edited by ʿAbd al-Khāliq Khān al-Afghānī and published in Bombay in 1989.

section "The Use of Dyestuffs"[165] and the chapter "The Theological Dimension of *Ḥadīth*"[166] are full of completely translated *aḥādīth* which are literarily accompanied by no significant critical comments, although they are referred to as examples of *aḥādīth* having exegetical sources. In many occasions, there are no hints provided to show his actual points of listing such a number of *aḥādīth* and Qur'ānic verses. If these *aḥādīth* are cited to support his theory, there should be an explanation and a methodology shown to prove his point. This may leave the reader without coherent structure or argument.

5- Broad generalisation: In Burton's discussions and conclusions, there is always an element of broad generalisations in his judgments regarding *Ḥadīth* with no limit. He often characterizes collections of *Ḥadīth*, for instance, as full of contradictions, conflicting views, embarrassing problems, indifferences and chaotic disarray on many issues discussed in them.[167] The whole *asānīd* are also seen by him as fictitious without any exception.

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[165] *Hadith*, 45.
[166] Ibid., 68.
[167] See for example: *Hadith*, x, xiii, 27.

5.5 The Implication of Burton's Arguments:

If the sceptical views of Burton about *Ḥadīth* literature were thoroughly accepted, their implication would be quite startling. It would mean that Muhammad's lifetime, and aspects of Islam cannot be established from *Ḥadīth* literature which, from Burton's perspective, establish no historical reality at all because they simply grew out of the need to interpret the Qur'ān. Therefore, to look for historical facts in this sort of literature would be a meaningless research endeavour.

Moreover, his arguments would imply that early Muslim legal and exegetical scholars were busy propagating forgeries and attributing the exegetical opinions of the ancient scholars falsely to the Prophet. This would indicate that such fabrication and false attribution occurred on a mass-scale, and those medieval Muslim scholars "…are a devious lot and that they have betrayed the Qur'ān and, one might will suggest, Islam itself".[168] It could be rightly said that Burton's reconstruction of the early Islamic account of the origin of *Ḥadīth* is based on a massive conspiracy facilitated by the silent approval of all the scholars of that time. Thus, the works of those scholars on *Ḥadīth*, *sīrah*, and *tafsīr* cannot be confidently used for discovering what Muhammad himself said or did.

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[168] Andrew Rippin, "Review", 364.

5.6 CONCLUSION:

The above discussion shows that Burton mainly depended in his views on *Ḥadīth* on the studies of Goldziher and Schacht as is clear from his discussions of their arguments in his works. In this chapter, four key arguments of Burton concerning *Ḥadīth* have been assessed. The chapter first discusses his opinion about the semantic transition of the concept of *Sunnah* and *Ḥadīth* during the intellectual activities of Muslim legal and religious scholarship. He argues that the concept of the *Sunnah* associated with the practice of the Prophet emerged after the establishment of al-Shāfiʿī's legal theory for the sources of Islamic Law in the late second/eighth century. Before that it meant the traditions of regional cultures and customs. However, our discussion proves the opposite of his claim based on numerous pre-literary phase materials and textual evidence of non-legal sources which originated before or around the year 150/767. They show that *Sunnah* and *Ḥadīth* were familiar terms to early Muslims who used to refer to the Prophetic Traditions and practices. This is clear even from the existence of the term '*Sunnat al-Nabī*' (the *Sunnah* of the Prophet) as appeared in early historical writings such as, *Sīrat Ras-l Allāh* by Ibn Isḥāq.

The interesting point about such sources is that they also show how significant the *Sunnah* was as it was acted upon by all Muslims; proof of early use and understanding of the '*Sunnah* of the Prophet' since the early days of Islam. The same applies to the term '*Ḥadīth*' as it refers to the words and actions of the Prophet. Muslim scholars of the early second/eighth century found the *aḥādīth* of the Prophet important for establishing not only legal rulings but also for linguistic rules as recorded in early philologist works such as '*Kitāb al-ʿAyn*' of al-Farāhīdī (d. ca. 160/776), the first dictionary of the Arabic language.

Burton advanced his argument about the concept of the *Sunnah* in early Islam by referring to its use in the *Muwaṭṭa'* of Mālik, claiming the *fiqh* in *Muawaṭṭa'* was established on the Madīnan *'amal* (the local practice of the people of Madīnah) which had nothing to do with the Prophet's practice. By examining the works and methodology of Mālik, it is demonstrated that Mālik relied upon the *'amal* (practice) of the people of Madīnah on his legal judgments because he believed their actions and legal decisions were based on the *Sunnah* of the Prophet who died among them. This was plainly illustrated in a letter he sent to one of his students.

The chapter also deals with the central theme of Burton's theory. Burton presupposes that the majority of the *aḥādīth* attributed to the Prophet originated in the demands of Qur'ānic exegesis which formed the *fiqh* doctrines of ancient schools of law for the first 150 years. According to Burton, after accepting only Traditions from the Prophet in legal discussions as endorsed by the traditionists in the second half of the second/eighth century, these exegetical-based doctrines were falsely ascribed to the Prophet in *ḥadīth* form (*isnād-matn*). Burton took this to mean that these *aḥādīth* did not reflect a historical reality because the ancient Muslim exegeses were emerged as academic activities. Regarding this point, Burton again fails to pay attention to the early sources which originated before 150/767 which Schacht, whose arguments largely influenced Burton, did not have a chance to study. A few early *Ḥadīth* materials were unearthed during the last century and were studied by some prominent scholars such as Nabia Abott and Harald Motzki whose analyses of the contents of the *aḥādīth* contained in these materials indicate the high probability of their authenticity and historicity. Other sources which prove this fact were the non-Muslim writings which originated in the first/seventh century that clearly described the

significance of the *Sunnah* of Muhammad to the Muslims who interacted with at that time. This shows that *Ḥadīth* in general have a valid historical basis.

The phenomenon of *naskh* (abrogation) in Islam and its relation with *Ḥadīth* as viewed by Burton is also highlighted in the chapter. According to his view, the *naskh* theory was an invention which was used by Muslim scholars to tackle the sheer amount of contradictions which occurred in the Traditions. This view, as proved through the empirical test, is an overgeneralization, because what was recognised by Muslims as contradictory statements of *Ḥadīth* is a small number and most of them did not contain real conflict (*taʿāruḍ*) but only appeared to be so. Scholars also established a set of approaches to deal with this issue, and among them was *naskh*. When conciliation did not work to resolve the conflicting *aḥādīth*, scholars resorted to the chronological orders of each *ḥadīth* to determine which one was first and which one was the latter. In this case, the latter abrogated the former, and its ruling must be considered as the only valid one. Therefore, *naskh* appeared to be the last solution for the issue of *Ḥadīth* conflict, that was based on historical contexts, and was not arbitrary as may be implied by Burton's discussion.

It can be concluded from the above discussion that the findings of the study of John Burton concerning *Ḥadīth* as critically evaluated in this chapter, are formed on modest and weak assumptions. One of the major drawbacks of his study is that he did not take into consideration other historical sources, such as *isnād*. He limited his analysis to only the texts of the Traditions, and ignored the significance of the *asānīd* attached to them, and other early historical materials. Throughout his works, which have been consulted so far in this study, there is no given example of *asānīd* that he systematically scrutinized to prove that they are fictitious and unworthy of

consideration as he assumes. *Ḥadīth* collections consist of two parts; *matn* (text) and *isnād* (chain of narrators), which are both considered to be historical sources and pieces of evidence that should be examined. Furthermore, no other historical sources, especially those from non-Muslims, were studied or referred to by him. These are also historical evidence, and disregarding any of them raises the risk of unreliable conclusions. This is because it is a general principle of scholarly research that as much evidence should be examined as possible.[169]

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[169] C. Behan McCullagh, *The Truth of History* (London: Routledge, 1998), 111-144; Larry D. Roberts, *Evaluating Historical Materials* (Fort Leavenworth, Kan.: Combat Studies Institute, U.S. Army Command and General Staff College, 1990), http://purl.access.gpo.gov/GPO/LPS71573.

GLOSSARY

APPENDIX

BIBLIOGRAPHY

Glossary:[1]

aḥād or *khabar al-wāḥid*	solitary *ḥadīth*, report by a single person or odd individuals
Ahl al-ra'y	partisans or opponents of Tradition (*Ḥadīth*)
'ālim (pl. *'ulamā'*)	Muslim scholar
'amal	act, practice, precedent
asbāb al-nuz-l	causes or occasions of revelation
athar (pl. *athār*)	lit. impact, trace, vestige; also deeds and precedents of the Companions of the Prophet
da'īf	weak, as opposed to strong and reliable; a complex term that generally denoted an unreliable *ḥadīth*
dirāyah	the meaning and purport of *ḥadīth* as opposed to its transmission or *riwāyah*
fi'lī	actual, as opposed to verbal
fitnah	turmoil, tumult
faqīh (pl. *fuqahā'*)	jurist, one who is learned in *fiqh*
fatwá	legal verdict, legal opinion
fiqh	Islamic jurisprudence
fitnah	sedition, turmoil, tumult
ḥadīth (pl. *aḥādīth*):	narratives and reports of the sayings, deeds and tacit approvals of the Prophet Muhammad
ḥadīth maqṭū'/ munqaṭi'	cut-off/ severed: a *ḥadīth* from a Successor
ḥadīth mawq-f	suspended, a *ḥadīth* that stops at the level of a Companion and does not reach the Prophet himself

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[1] See: Kamali, *Principles*, 522-526, and see also *Ḥadīth Studies*, 227-331.

ḥasan	lit. good, far; a reliable *ḥadīth* whose narrator might have been suspected of poor retention
ijāzah	the permission to transmit a *ḥadīth* or book
ijmāʿ	general consensus of scholars and jurists over a juridical ruling
ijtihād	legal reasoning; original thinking, independent interpretation by a qualified scholar who obtains a legal ruling from the sources of *sharīʿah*
ikhtilāf	juristic disagreement
isnād (pl. *asānīd*)	lit. support, with reference to *ḥadīth*, it is the chain of transmission which supports the *ḥadīth*
jarḥ	lit. wounding, or impugnment, as opposed to validation of a *ḥadīth*
madhhab	legal school
mans-kh	abrogated
matn	text or contents of a *ḥadīth* as opposed to its chain of transmission
mawḍūʿ	a fabricated *ḥadīth*
muḥaddith (pl. *muḥaddith-n*)	scholar of *Ḥadīth*
mukhtalif al-Ḥadīth	conflict in *Ḥadīth*
mushkil	difficult, also refers to a category of unclear words
musnad	a *ḥadīth* with a continuous chain of transmitters
mutawātir	recurrent, a *ḥadīth* that is so widely transmitted that there can be no possibility of it being forged
naqlī	transmitted
nāsikh	abrogating
naskh	abrogation

qiyās	analogy
Qur'āniy- n (*ahl al-Qur'ān*)	a twentieth-century Muslim school of thought particularly prominent in India, which advocated the rejection of *aḥādīth* and a reliance on the Qur'ān alone
riwāyah	narration, transmission
rāwī (pl. *ruwāh*)	narrator, transmitter
ṣaḥābah (sing. *Ṣaḥābī*)	companions, the founding generation of Muslims who knew and lived with the Prophet
ṣaḥīḥ	authentic, *ḥadīth* which fulfils all the requirements of authenticity
Sunnah	the normative precedent of the Prophet
ta'āruḍ	conflict of evidence
ta'wīl	allegorical interpretation
Tābi'ī (pl. *Tābi'ūn*)	a Successor/Follower; that is, one who belongs to the generation following the Companions
ta'dīl	validation
tarjīḥ	preference of one of the two conflicting pieces of evidence over the other
tawaqquf	suspension
thiqah	reliable, trustworthy
uṣ- l al-fiqh	principles of Islamic jurisprudence
waḍ' al-Ḥadīth	*Ḥadīth* forgery
wḥaī	divine revelation
wājib	obligatory, often synonymous with *farḍ*

Appendix (2.1):

Selected verses referring to the obedience and the authority of the Prophet. They are arranged in the order of the Qur'ān.[2]

No	*S-rah* (Chapter)	Verse	Text
1	2	129	"Our Lord! Send amongst them a Messenger of their own (and indeed God answered their invocation by sending Muhammad Peace be upon him), who shall recite unto them Your Verses and instruct them in the Book (this Qur'ān) and Al-Hikmah (full knowledge of the Islamic jurisprudence or wisdom or Prophethood, etc.), and sanctify them. Verily! You are the All-Mighty, the All-Wise".
2	2	151	A similar (favour have ye already received) in that We have sent among you Messenger of your own, rehearsing to you Our Signs, and sanctifying you, and instructing you in Scripture and Wisdom, and in new knowledge.
3	2	231	…Do not treat Allah's Signs as a jest, but solemnly rehearse Allah's favours on you, and the fact that He sent down to you the Book and Wisdom, for your instruction. And fear Allah, and know that Allah is well acquainted with all things.
4	3	31	Say: "If ye do love Allah, Follow me: Allah will love you and forgive you your sins: For Allah is Oft-Forgiving, Most Merciful."
5	3	32	Say: "Obey Allah and His Messenger. But if they turn back, Allah love not those who reject Faith.
6	3	132	And obey Allah and the Messenger. That you may obtain mercy.
7	3	164	Allah did confer a great favour on the believers when

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[2] It is adopted with modification from *Importance Of The Sunnah* By J. M . Zarabozo.

He sent among them an apostle from among themselves, rehearsing unto them the Signs of Allah, sanctifying them, and instructing them in Scripture and Wisdom, while, before that, they had been in manifest error.

8	4	13	Those are limits set by Allah. Those who obey Allah and His Messenger will be admitted to Gardens with rivers flowing beneath, to abide therein (for ever) and that will be the supreme achievement.
9	4	14	But those who disobey Allah and His Messenger and transgress His limits will be admitted to a Fire, to abide therein: And they shall have a humiliating punishment.
10	4	42	On that day those who reject Faith and disobey the apostle will wish that the earth Were made one with them: But never will they hide a single fact from Allah.
11	4	59	O you who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination.
12	4	61	And when it is said to them: "Come to what God has sent down and to the Messenger (Muhammad)," you (Muhammad) see the hypocrites turn away from you (Muhammad) with aversion.
13	4	64	We sent not an apostle, but to be obeyed, in accordance with the will of Allah. If they had only, when they were unjust to themselves, come unto thee and asked Allah's forgiveness, and the Messenger had asked forgiveness for them, they would have found Allah indeed Oft-returning, Most Merciful.
14	4	65	But no, by the Lord, they can have no (real) Faith, until they make your judge in all disputes between them, and find in their souls no resistance against Thy decisions, but accept them with the fullest conviction.
15	4	69	All who obey Allah and the apostle are in the company

of those on whom is the Grace of Allah,- of the prophets (who teach), the sincere (lovers of Truth), the witnesses (who testify), and the Righteous (who do good): Ah! what a beautiful fellowship!

16	4	80	He who obeys the Messenger, obeys Allah. But if any turn away, We have not sent thee to watch over their (evil deeds).
17	4	113	…For Allah hath sent down to thee the Book and wisdom and taught thee what thou Knewest not (before): And great is the Grace of Allah unto thee.
18	4	115	If anyone contends with the Messenger even after guidance has been plainly conveyed to him, and follows a path other than that becoming to men of Faith, We shall leave him in the path he has chosen, and land him in Hell,- what an evil refuge!
19	5	92	Obey Allah, and obey the Messenger, and beware (of evil): if you do turn back, know you that it is Our Messenger's duty to proclaim (the message) in the clearest manner.
20	7	157	Those who follow the apostle, the unlettered Prophet, whom they find mentioned in their own (scriptures),- in the law and the Gospel;- for he commands them what is just and forbids them what is evil; he allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure); He releases them from their heavy burdens and from the yokes that are upon them. So it is those who believe in him, honour him, help him, and follow the light which is sent down with him,- it is they who will prosper.
21	7	158	Say (O Muhammad): "O mankind! Verily, I am sent to you all as the Messenger of God -- to Whom belongs the dominion of the heavens and the earth. *Lā ilāha illā Huwa* (none has the right to be worshipped but He); It is He Who gives life and causes death. So believe in God and His Messenger, the Prophet who can neither read nor write (i.e. Muhammad) who believes in God and

His Words [(this Qur'ān), the Torah and the Gospel and also God's Word: "Be!" -- and he was, i.e. 'Iesá (Jesus) son of Maryam (Mary),], and follow him so that you may be guided. "

22	8	12-13	Remember thy Lord inspired the angels (with the message): "I am with you: give firmness to the Believers: I will instil terror into the hearts of the Unbelievers: smite you above their necks and smite all their finger-tips off them. This because they contended against Allah and His Messenger. If any contend against Allah and His Messenger, Allah is strict in punishment.
23	8	20	O you who believe! Obey Allah and His Messenger, and turn not away from him when ye hear (him speak).
24	8	24	O you who believe! Answer God (by obeying Him) and (His) Messenger when he calls you to that which will give you life, and know that God comes in between a person and his heart (i.e. He prevents an evil person to decide anything). And verily to Him you shall (all) be gathered.
25	9	71	The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil: they observe regular prayers, practise regular charity, and obey Allah and His Messenger. On them will Allah pour His mercy: for Allah is Exalted in power, Wise.
26	16	44	(We sent them) with Clear Signs and Scriptures; and We have sent down unto you (also) the Message; that you may explain clearly to men what is sent for them, and that they may give thought.
27	24	48-52	When they are summoned to Allah and His apostle, in order that He may judge between them, behold some of them decline (to come). But if the right is on their side, they come to him with all submission. Is it that there is a disease in their hearts? or do they doubt, or are they in fear, that Allah and His Messenger will deal unjustly with them? Nay, it is they themselves who do wrong. The answer of the Believers, when summoned to Allah

and His Messenger, in order that He may judge between them, is no other than this: they say, "We hear and we obey": it is such as these that will attain felicity. It is such as obey Allah and His Messenger, and fear Allah and do right, that will win (in the end).

28	24	54	Say: "Obey Allah, and obey the Messenger. But if you turn away, he is only responsible for the duty placed on him and ye for that placed on you. If ye obey him, ye shall be on right guidance. The Messenger's duty is only to preach the clear (Message).
29	24	56	So establish regular Prayer and give regular Charity; and obey the Messenger. That you may receive mercy.
30	24	62	Only those are believers, who believe in Allah and His Messenger. When they are with him on a matter requiring collective action, they do not depart until they have asked for his leave; those who ask for your leave are those who believe in Allah and His Messenger. So when they ask for your leave, for some business of theirs, give leave to those of them whom thou wilt, and ask Allah for their forgiveness: for Allah is Oft-Forgiving, Most Merciful.
31	24	63	Deem not the summons of the Messenger among yourselves like the summons of one of you to another. Allah doth know those of you who slip away under shelter of some excuse; then let those beware who withstand the Messenger's order, lest some trial befall them, or a grievous penalty be inflicted on them.
32	27	79	So put your trust in Allah; surely, you (O Muhammad) are on manifest truth.
33	33	21	You have indeed in the Messenger of Allah a beautiful pattern (of conduct) for any one whose hope is in Allah and the Final Day, and who engages much in the Praise of Allah.
34	33	34	And recite what is rehearsed to you in your homes, of the Signs of Allah and His Wisdom: for Allah

understands the finest mysteries and is well-acquainted (with them).

35	33	36	It is not fitting for a Believer, man or woman, when a matter has been decided by Allah and His Messenger to have any option about their decision: if any one disobeys Allah and His Messenger, he is indeed on a clearly wrong Path.
36	33	66	The Day that their faces will be turned upside down in the Fire, they will say: "Woe to us! Would that we had obeyed Allah and obeyed the Messenger."
37	33	71	That He may make your conduct whole and sound and forgive you your sins: He that obeys Allah and His Messenger, has already attained the highest achievement.
38	36	3-4	Truly, you (O Muhammad) are one of the Messengers. On the Straight Path.
39	42	52-53	And thus We have sent to you (O Muhammad) *R-ḥan* (an Inspiration, and a Mercy) of Our Command. You knew not what is the Book, nor what is Faith? But We have made it (this Qur'ān) a light wherewith We guide whosoever of Our slaves We will. And verily, you (O Muhammad) are indeed guiding (mankind) to the Straight Path (i.e. God's religion of Islamic Monotheism).
40	47	33	O you who believe! Obey Allah, and obey the Apostle, and make not vain your deeds!
41	48	10	Verily those who plight their fealty to thee do no less than plight their fealty to Allah. The Hand of Allah is over their hands: then anyone who violates his oath, does so to the harm of his own soul, and anyone who fulfils what he has covenanted with Allah,- Allah will soon grant him a great Reward.
42	48	17	…But he that obeys Allah and his Messenger,- (Allah) will admit him to Gardens beneath which rivers flow; and he who turns back, (Allah) will punish him with a

grievous Penalty.

43	49	1-2	O You who believe! Put not yourselves forward before Allah and His Messenger. But fear Allah. For Allah is He Who hears and knows all things. O you who believe! Raise not your voices above the voice of the Prophet, nor speak aloud to him in talk, as ye may speak aloud to one another, lest your deeds become vain and ye perceive not.
44	53	2-4	Your Companion is neither astray nor being misled. Nor does he say (aught) of (his own) Desire. It is no less than inspiration sent down to him.
45	58	5	Those who resist Allah and His Messenger will be humbled to dust, as were those before them: for We have already sent down Clear Signs. And the Unbelievers (will have) a humiliating Penalty,-
46	58	9	O ye who believe! When ye hold secret counsel, do it not for iniquity and hostility, and disobedience to the Prophet; but do it for righteousness and self- restraint; and fear Allah, to Whom ye shall be brought back.
47	59	7	…So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah. For Allah is strict in Punishment.
48	62	2	It is He Who has sent amongst the Unlettered an apostle from among themselves, to rehearse to them His Signs, to sanctify them, and to instruct them in Scripture and Wisdom,- although they had been, before, in manifest error.
49	64	12	So obey Allah, and obey His Messenger. But if you turn back, the duty of Our Messenger is but to proclaim (the Message) clearly and openly.
50	72	23	"(Mine is) but conveyance (of the truth) from Allah and His Messages, and whosoever disobeys Allah and His Messenger, then verily, for him is the Fire of Hell, he shall dwell therein forever.

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