1848 Gustav Weil, after noting that al-Bukhārī deemed only 4,000 of his original 600,000 *ḥadīth*s to be authentic, suggests that a European critic is further required to reject without hesitation at least half of these 4,000.[10] He was soon followed by Aloys Sprenger, who also suggests that many of the *ḥadīth*s cannot be considered authentic.[11] However, that there is a debate about the authenticity of *ḥadīth* material in the West is largely due to the innovative theories of Ignaz Goldziher. The subsequent direction this debate has taken, a direction which has focussed on the role of *ḥadīth*s in the origin and development of early Muslim jurisprudence, is largely due to the work of Joseph Schacht.

I. Goldziher and the Advocacy of Scepticism

While others had expressed some doubt about the authenticity of *ḥadīth*s before Goldziher,[12] it was he who in the second volume of his *Muhammedanische Studien* first clearly articulated this scepticism. Familiarity with the vast number of *ḥadīth*s in the canonical collections induced "sceptical caution rather than optimistic trust."[13] Goldziher concluded that these *ḥadīth*s could "not serve as a document for the history of the infancy of Islam, but [served] rather as a reflection of the tendencies which appeared in the community during the maturer stages of its development."[14]

Goldziher's suspicions about the authenticity of *ḥadīth*s sprang from several observations. The material found in later collections makes no references to earlier written collections and uses terms in the *isnād*s which imply oral transmission, not written sources.[15] Moreover, the ubiquitous contradictory traditions, the apparent proliferation of *ḥadīth*s in later collections not attested to in earlier ones, and the fact that younger Companions of Muḥammad seem to have known more about him (that is, they transmitted more *ḥadīth*s) than the older Companions who presumably knew the Prophet for a greater length of time, suggested to Goldizher that large-scale fabrication of *ḥadīth*s took place.

As a result, Goldziher provides a significantly different version of the origin and development of *ḥadīth* literature. Goldziher has no trouble accepting that the Companions preserved the words and deeds of their prophet after his death, and that these might have been recorded in written form in *ṣaḥīfa*s. In this way he remains very close to the Muslim interpretation of the development of *ḥadīth* literature. He not only presumes that the Companions tried to preserve the sayings and judgments of Muḥammad, but also that some of them likely did so in written form (that is, in *ṣaḥīfa*s). And, when these Companions passed on what they had heard and recorded to the next generation of Muslims, the use of the *isnād* began.[16] But for Goldziher, the invention of and interpolation into *ḥadīth*s also began very early, for both political[17] and

paraenetic[18] reasons. And so mutually exclusive ḥadīths proliferated; "it is not surprising that, among the hotly debated controversial issues of Islam, whether political or doctrinal, there is not one in which the champions of the various views are unable to cite a number of traditions, all equipped with imposing isnāds."[19]

With the rise of the ʿAbbāsids the situation changed significantly, according to Goldziher. ʿAbbāsid rule was more theocratic than the more secular "Arab paganism" of the Umayyads.[20] Consequently, the new dynasty encouraged the development of the sharīʿa and even employed court theologians to advise the caliphs, some of whom themselves studied and participated in theological debates. This attempt to give public life a more religious character also involved giving official recognition to the sunna. The rise of the sunna had begun during the Umayyad period in part in opposition to the perceived wickedness of the time, but its supporters remained relatively ineffective until the advent of the ʿAbbāsid revolution. The report that the Umayyad caliph ʿUmar II commissioned the first collection of ḥadīths must be dismissed as untrustworthy because of the number of contradictions in the account and the absence of references to Abū Bakr ibn Ḥazm's work in later literature. For Goldziher, this claim is hagiographic, that is, "nothing but an expression of the good opinion that people had of the pious caliph and his love for the sunna."[21]

Goldziher maintains that, while reliance on the sunna to regulate the empire was favoured, there was still in these early years of Islam insufficient material going back to Muḥammad himself. Scholars sought to fill the gaps left by the Qurʾān and the sunna with material from other sources. Some borrowed from Roman law. Others attempted to fill these lacunae with their own opinions (raʾy). This latter option came under a concerted attack by those who believed that all legal and ethical questions (not addressed by the Qurʾān) must be referred back to the Prophet himself, that is, must be rooted in ḥadīths. These supporters of ḥadīths (ahl al-ḥadīth) were extremely successful in establishing ḥadīths as a primary source of law and in discrediting raʾy. But in many ways it was a Pyrrhic victory. The various legal madhhabs were loath to sacrifice their doctrines and so they found it more expedient to fabricate ḥadīths or adapt existing ḥadīths in their support. Even the advocates of raʾy were eventually persuaded or cajoled into accepting the authority of ḥadīths and so they too "found" ḥadīths which substantiated their doctrines that had hitherto been based upon the opinions of their schools' founders and teachers.[22] The insistence of the advocates of ḥadīths that the only opinions of any value were those which could appeal to the authority of the Prophet resulted in the situation that "where no traditional matter was to be had, men speedily began to fabricate it. The greater the demand, the busier was invention with the manufacture of apocryphal traditions in support of the respective theses."[23] The ṭalab journeys which followed, during which the

travellers sought to collect ḥadīths from the various centres of the Islamic empire, helped construct a more uniform corpus of extant ḥadīths out of the various disparate local collections.

Eventually, however there were reactions to this widespread fabrication of ḥadīths. Goldziher traces three such reactions to this phenomenon. Ironically, fabricated ḥadīths began to circulate in which Muḥammad is made to condemn those who would fabricate ḥadīths about him. Others simply rejected the whole corpus of ḥadīths and referred only to the Qurʾān. The third reaction was the one which arose among the traditionalists themselves and came eventually to dominate. They developed a means by which to evaluate the authenticity of any ḥadīth. This method focussed not on the actual contents of the ḥadīth (matn) but on the transmitters of the matn, that is, on the isnād. Goldziher seems to suggest that this critique was in nascent form already around 150 A.H. Even with this type of examination, forgeries continued to be made through the manipulation of the isnād in somewhat more subtle ways. According to Goldziher, ḥadīths, which originally had isnāds ending with Companions or Successors, were often extended back to the Prophet. That is aḥadīth mawqūfa were transformed into aḥadīth marfūʿa by tacking on the Prophet and any other necessary names to the end of the isnād. Isnāds were also "tampered" with by the muʿammarīn – the long-lived ones. For Goldziher these were persons who pretended to have had direct contact with Muḥammad even though this might mean that they would have to be well over a hundred years old (and at times hundreds of years old).[24]

As stated earlier, Goldziher questions the traditional date at which the formal collection of ḥadīths began. It was not in the time of ʿUmar II, but with the *Muwaṭṭaʾ* of Mālik ibn Anas (d. 179/795) that the process started.[25] That is, Goldziher believes ḥadīth gathering began only towards the end of the second century A.H. (late eighth or early ninth C.E.) with fiqh works being the precursors to proper ḥadīth works.[26] These latter works came soon after, as a more a systematic arrangement of the ḥadīth material became necessary. As the insistence that legal and religious practice be rooted in ḥadīths had grown, so too had the available material. This arrangement took two forms: the musnad (arranged according to the isnāds) and the musannaf (arranged according to topic). The musannafs came to predominate, but the musnads continued to be compiled.[27] An example of a musnad is the compilation of Aḥmad ibn Ḥanbal. The first musannaf that gained prevalence was the compilation of al-Bukhārī. It, unlike the *Muwaṭṭaʾ*, is a work of ḥadīths with al-Bukhārī's contribution being one of selection and arrangement. After the compilation of the six canonical collections in the middle of the third century A.H. (second half of the ninth century C.E.), Goldziher feels, there was a decline in ḥadīth literature in the sense that, instead of being compilers of new material,

ḥadīth scholars became copyists and editors producing *mukhtaṣars*, or "abridged versions."

In summary, Goldziher sees in *ḥadīths* "a battlefield of the political and dynastic conflicts of the first few centuries of Islam; it is a mirror of the aspirations of various parties, each of which wants to make the Prophet himself their witness and authority."[28] Likewise,

> Every stream and counter-stream of thought in Islam has found its expression in the form of a ḥadīth, and there is no difference in this respect between the various contrasting opinions in whatever field. What we learnt about political parties holds true too for differences regarding religious law, dogmatic points of difference etc. Every *ra'y* or *hawā*, every sunna and *bid'a* has sought and found expression in the form of ḥadīth.[29]

And even though Muslim traditionalists developed elaborate means to scrutinize the mass of traditions that were then extant in the Muslim lands, they were "able to exclude only part of the most obvious falsifications from the ḥadīth material."[30] Goldziher, for all his scepticism, accepted that the practice of preserving *ḥadīths* was authentic and that some *ḥadīths* were likely to be authentic.[31] However, having said that, Goldziher is adamant in maintaining that:

> In the absence of authentic evidence it would indeed be rash to attempt to express the most tentative opinions as to which parts of the ḥadīth are the oldest material, or even as to which of them date back to the generation immediately following the Prophet's death. Closer acquaintance with the vast stock of ḥadīths induces sceptical caution rather than optimistic trust regarding the material brought together in the carefully compiled collections.[32]

And so it is in his advocacy of scepticism that Goldziher made his great impact on the course of *ḥadīth* studies in the West.[33]

Goldziher never went much beyond this simple scepticism about the authenticity of the bulk of the *ḥadīth* material to advance a more practical theory for determining the chronology and provenance of any specific *ḥadīth*. He limited his dating of *ḥadīths* to the general comments like "maturer stages of its development" or "first few centuries of Islam". Although he hesitated to date the traditions, the scholars who continued his work expended considerable effort in that very endeavour.

J. Schacht and Fictitious Legal Ḥadīths

Of the next generation of scholars, Joseph Schacht most prominently carried on Goldziher's tradition of scepticism[34] and his *Origins of Muhammadan Jurisprudence* in turn serves, along side Goldziher's *Muslim*

Studies, as the foundation or at least a point of departure for almost all other studies on *ḥadīths* in the West.[35]

In *Origins* Schacht's main concern is the origin of Islamic law, the sharī'a, and particularly the role of al-Shāfi'ī in its development. This traditionist and legal theorist is thought to be responsible for championing the sunna – sunna specifically understood as the model behaviour of Muḥammad as opposed to the 'living tradition' of the Muslim community which might or might not claim to have such a direct connection to Muḥammad.[36] In so doing, Schacht discusses the process of development of *ḥadīth* material (and hence its authenticity and chronology).

Schacht asserts that *ḥadīths*, particularly from Muḥammad, did not form, together with the Qur'ān, the original bases of Islamic law and jurisprudence as is traditionally assumed. Rather, *ḥadīths* were an innovation begun after some of the legal foundation had already been built. "The ancient schools of law shared the old concept of *sunna* or 'living tradition' as the ideal practice of the community, expressed in the accepted doctrine of the school."[37] And this ideal practice was embodied in various forms, but certainly not exclusively in the *ḥadīths* from the Prophet. Schacht argues that it was not until al-Shāfi'ī that 'sunna' was exclusively identified with the contents of *ḥadīths* from the Prophet to which he gave, not for the first time, but for the first time consistently, overriding authority. Al-Shāfi'ī argued that even a single, isolated *ḥadīth* going back to Muḥammad, assuming its *isnād* is not suspect, takes precedence over the opinions and arguments of any and all Companions, Successors, and later authorities. Schacht notes that:

> Two generations before Shāfi'ī reference to traditions from Companions and Successors was the rule, to traditions from the Prophet himself the exception, and it was left to Shāfi'ī to make the exception the principle. We shall have to conclude that, generally and broadly speaking, traditions from Companions and Successors are earlier than those from the Prophet.[38]

Based on these conclusions, Schacht offers the following schema of the growth of legal *ḥadīths*. The ancient schools of law had a 'living tradition' (*sunna*) which was largely based on individual reasoning (*ra'y*). Later this sunna came to be associated with and attributed to the earlier generations of the Successors and Companions. Later still, *ḥadīths* with *isnāds* extending back to Muḥammad came into circulation by traditionists towards the middle of the second century. Finally, the efforts of al-Shāfi'ī and other traditionists secured for these *ḥadīths* from the Prophet supreme authority.[39] However, the development of prophetic tradition did not cease at this point. In fact, as a result of the new authority conferred upon them, Schacht suggests that a large number of the *ḥadīths* preserved in the classical collections originated both during and after

al-Shāfi'ī's time. That is, most Prophetic *ḥadīth*s in the collections of Bukhārī, Muslim, and the others originated, not with Muḥammad, but circa the middle of the second century A.H., while *ḥadīth*s citing the opinions of Companions and other authorities originated somewhat earlier. In one of his most emphatic statements, Schacht concludes that "... every legal tradition from the Prophet, until the contrary is proved, must be taken not as an authentic or essentially authentic, even if slightly obscured, statement valid for his time or of the time of the Companions, but is the fictitious expression of a legal doctrine formulated at a later date."[40] Schacht therefore dismisses Muslim scholarship on *ḥadīth*s, which itself is based on the study and criticism of *isnād*s as "irrelevant for the purpose of historical analysis."[41]

Although Schacht offers a far more refined argument than Goldziher, he has not yet gone far beyond him in his theories. This Schacht does, however, in the methods for determining the provenance of specific *ḥadīth*s which he develops. His unique contribution lies in his alternative to the "irrelevant" methods of Muslims; he suggests that the date of a *ḥadīth* can be ascertained from its first appearance in the legal discussion, from its relative position in the history of the problem with which it is concerned, and from certain indications in the text and the *isnād*.

What is meant by 'its first appearance in the legal discussion' is obvious. If a particular *ḥadīth* is adduced in one text but is not to be found in an earlier text in which that same *ḥadīth* would have been of crucial importance, then it is safe to assume that the *ḥadīth* was not yet extant and was invented sometime after the writing of the earlier one. This is essentially an argument from silence, but quite a compelling one.

By 'its relative position in the history of the problem' Schacht means to suggest that *ḥadīth*s were frequently fabricated in a polemical context. That is to say, they were designed specifically to refute certain pre-existing doctrines or practices. A new *ḥadīth* or set of *ḥadīth*s would then provoke the supporters or practitioners of the attacked doctrine or practice to manufacture *ḥadīth*s to both defend it and to undermine the refuting *ḥadīth*s. Their opponents would then respond with more and usually more elaborate *ḥadīth*s. Thus, by juxtaposing various parallel or related *ḥadīth*s and comparing their *matn*s, one may be able to reconstruct the chronology of the *ḥadīth*s surrounding a particular controversy. The doctrine or practice being attacked is, of course, chronologically prior to the *ḥadīth* countering it. A *ḥadīth* defending the practice or doctrine is likely to be after the counter-*ḥadīth*.[42]

'Indications in the text' means looking at the authority cited in a *ḥadīth*. In the course of polemical discussions, each group was forced to project its doctrine to increasingly higher authorities. That is, teachings once ascribed to Successors become those of Companions, and the latter in turn become the words of the Prophet himself. Schacht argues that:

Whenever we find, as frequently happens, alleged opinions of Successors, alleged decisions of the Companions, and alleged traditions from the Prophet side by side, we must, as a rule and until the contrary is proved, consider the opinions of the Successors as the starting point, and the traditions from the Companions and from the Prophet as secondary developments, intended to provide higher authority for the doctrine in question.[43]

Closely related to these textual indications are the 'indications in the *isnād*,' by which Schacht means his the backward growth of *isnād*s. This theory is summed up in his famous dictum: "The more perfect the *isnād*, the later the tradition."[44] Thus, Schacht sees the *isnād*s as the most arbitrary part of the *ḥadīth*s, but because their fabrication and development follows certain patterns, they nevertheless allow the *ḥadīth*s to be dated in many cases.
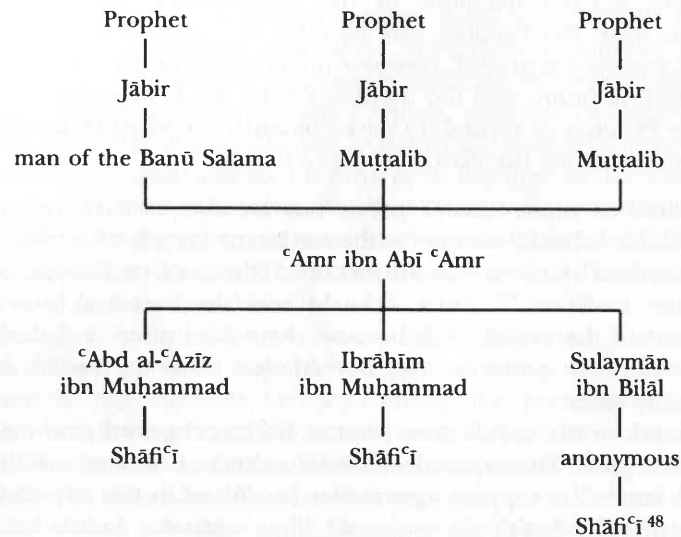
As the depth of the *isnād*s grew (that is, backward growth), so too did their breadth grow. This 'spread of *isnād*s' occurred because additional *isnād*s were created to support a particular *ḥadīth* and in this way obviated the charge that the *ḥadīth* was 'isolated.' Thus *mutawātir ḥadīth*s have no more claim to authenticity than do other *ḥadīth*s. Schacht argues that:

> Any typical representative of the group whose doctrine was to be projected back on to an ancient authority, could be chosen at random and put into the *isnād*. We find therefore an number of alternative names in otherwise identical *isnād*s, where other considerations exclude the possibility of the transmission of a genuine old doctrine by several persons.[45]

Because of the arbitrariness of this *isnād* manufacture, Schacht feels that it would be pointless to attempt to reconstruct the opinions and doctrinal positions of the Companions. "[T]hey are the products of schools of thought which put their doctrines under the authority of the Companions."[46] He also dismisses the claim to genuineness of the *ḥadīth*s with family *isnād*s (that is, those that were transmitted exclusively within several generations of one family). For Schacht "the existence of a family *isnād* [is] not an indication of authenticity but only a device for securing its appearance."[47]

Schacht observed another phenomenon that he feels can be employed in determining the provenance of report. He notes that in many cases, the *isnād*s of *ḥadīth*s with similar or related contents often contain the same transmitter somewhere in the middle of the *isnād*. Schacht's own example (see Diagram 1) of this phenomenon shows 'Amr ibn Abī 'Amr as the common link or common transmitter for three instances of the same *matn*. For Schacht, this is a case where a report has been put into circulation by a traditionist or by someone using his name. As the report

Diagram 1

```
       Prophet              Prophet              Prophet
          |                    |                    |
        Jābir                Jābir                Jābir
          |                    |                    |
man of the Banū Salama      Muṭṭalib            Muṭṭalib
          |_____|_____|
                              |
                      ʿAmr ibn Abī ʿAmr
          |_____|_____|
          |                   |                   |
    ʿAbd al-ʿAzīz         Ibrāhīm             Sulaymān
    ibn Muḥammad        ibn Muḥammad          ibn Bilāl
          |                   |                   |
       Shāfiʿī             Shāfiʿī            anonymous
                                                  |
                                              Shāfiʿī [48]
```

was passed on to others, represented in the diagram by the names below ʿAmr's, the "real part of the *isnād*" would branch out into several strands. The *isnād* would not terminate with the one who put the *matn* in circulation, for he would have fabricated an *isnād* reaching back to an authority such as a Companion or the Prophet. This is represented in the diagram by the names above ʿAmr's and is for Schacht the "fictitious part of the *isnād*." It would often acquire additional branches to improve its authority. The existence of this common link, Schacht suggests, would be a strong indication in favour of its having originated in or after the time of the aforementioned traditionist, in this case ʿAmr's, and so fix a *terminus a quo* for the appearance of the *ḥadīth*.[49]

Schacht's examination of the development of *isnāds* is also premised on his hypothesis that legal *ḥadīths* go back only as far as 100 A.H., that is, in the last years of the Umayyad rule – when, according to him, Islamic legal thought began.[50] This concurs with the statement, attributed to Ibn Sīrīn, that interest in *isnāds* began from the time of the *fitna* (strife) after which people could not be trusted to give non-partisan reports. For Schacht, the *fitna* began with the murder of the Caliph Walīd ibn Yazīd (d. 126/744). Schacht points out that Ibn Sīrīn died in 110 A.H. (728 C.E.), so the tradition is obviously spurious, but nevertheless accepts the dating implied because he sees no evidence of the regular use of *isnāds* prior to 100 A.H.[51]

E. Stetter and Topoi and Schemata in Ḥadīths

In his 1965 dissertation Eckart Stetter examines the *topoi* and *schemata* in *ḥadīths* using a representative segment from Bukhārī's *Ṣaḥīḥ*. By a *topos*, Stetter means a narrative cliché which provides circumstantial details, such as the exact place and/or time Muḥammad is to have said or done something, that imply intimate, personal contact. For example, *ḥadīths* often mention that the first transmitter heard Muḥammad while he was speaking from the *minbar* or describe what he was wearing. These typified situations and stereotypical figures of speech are superfluous comments, found almost exclusively at the beginning of the *matn*. These *topoi* do not just exist to facilitate the flow of the narrative; rather, the motivation behind them was to provide "authentic" detail.[52]

The *schemata* are also narrative forms that serve to fill lacunae and to connect, associate and organize materials. These forms include the repetition (often in threes) of phrases, the use of parallelism (both of form and content), the use of assonance and rhyme, and so forth. This schematization may also serve a mnemonic purpose, useful, no doubt, in oral transmission.[53]

Stetter credits unknown redactors (unknown both individually and collectively) with the influx of these *topoi* and *schemata* into preliterary materials. Whether such elements could have entered the preliterary material as oral formulae used by storytellers is a possibility left unaddressed by Stetter. The touches of authenticity, such as circumstantial details about Muḥammad, would certainly be necessary for any fabricator of *ḥadīths*, and the ready-made *topoi* and *schemata* would provide them in both the content and form of the *matns*. Stetter does not draw on the works of Goldziher or Schacht directly, and in that sense his thesis stands somewhat apart from the authenticity debate. Nevertheless his observations about the presence of these narrative motifs certainly raise questions about the authenticity or, at the very least, the reliability of the *ḥadīth* literature in a manner independent of, though not uncongenial to, the doubts raised by Goldziher and Schacht.[54]

Goldziher introduced scepticism about *ḥadīths*. Schacht and Stetter suggest plausible mechanisms for the creation of false *ḥadīths*. Because this scepticism strikes at the very foundation of early Islamic literature, the rest of the edifice begins to crumble. The very piece of evidence that is meant to guarantee genuineness of the *matn*, the *isnād*, is being summarily dismissed as a fabrication. Therefore, to non-sceptics the conclusions of Goldziher and Schacht are wrong because they are based on a misunderstanding of the transmission system. In other words, their (false) assumptions about the nature of *ḥadīths* has led then to (false) conclusions. And so, their arguments seem contrived, circular, and contrary to reason to those who disagree with them.

indeed significantly undermined many of Schacht's conclusions. Certainly many of the examples adduced by Schacht were done so incorrectly or inappropriately. Yet, the dismissal of a few examples does not necessarily weaken the overarching patterns suggested by Schacht, especially since many of Azami's conclusions, like those of Abbott and Sezgin, rest on complete faith in the historicity of the source material.

This faith, of course, is the problem for sceptics. The arguments of Abbott, Sezgin, and Azami rely on biographical materials that were produced symbiotically with the *isnād*s they seek to defend. These sources are not independent. And so their arguments seem no less contrived, circular, and contrary to reason as those of the sceptics seem to their opponents. As a result, we are left with two seemingly diametrically opposed theories for the origin and development of *hadīth*s and, hence, of early Islam itself.

THE SEARCH FOR MIDDLE GROUND

Many scholars have found merit in the arguments and theories of Goldziher and Schacht, *and* in those of Abbott, Sezgin, and Azami. While the scepticism of the former two seems largely justified, these other scholars are loath to accept the full implications of the doubts raised. They are not willing to resign themselves to such uncertainty. Nor are they willing to accept what appears at times to be the seemingly naïve position of the latter three. The use of simple ascription is historically untenable to them. And so these other scholars have tried to find an intermediate position between belief and unbelief in the historicity and authenticity of the *hadīth* literature.

G. H. A. Juynboll and the Refinement of Schacht's Methods

Gautier H. A. Juynboll, like Azami, has delved deeply into the issues of origin and authenticity of the *hadīth* material as raised by Schacht. But unlike Azami, Juynboll embraces Schacht's work and is in many respects his successor, even though he differs from him on several significant points. That is, Juynboll defends and considerably refines Schacht's theories, but he also retreats from his complete scepticism about the authenticity of *hadīth*s.[90] On the whole, he is just as distrustful of the historical value of *isnād*s, but pushes the date for their appearance to not earlier[s] than the end of the first century, which is several very significant decades earlier than Schacht places it.

Juynboll sees himself in the line of Goldziher and Schacht, not Abbott, Sezgin, and Azami. The former two are referred to as his predecessors and, while he castigates Schacht's tone and style, he openly acknowledges his debt to his theories.[91] The latter three do not fare as well. Juynboll says:

> Something which always struck me in the work of Sezgin, Azmi and also in that of Abbott ... is that they do not seem to realize that, even if a manuscript or a papyrus is unearthed with an allegedly ancient text, this text could easily have been forged by an authority who lived at a time later than the supposedly oldest authority given in its *isnād*. *Isnād* fabrication occurred ... on just as vast a scale as *matn* fabrication.[92]

From the above it may seem that Juynboll is hardly seeking "middle ground." However, he believes that the early reports regarding the origins of *hadīth* material, while obviously not all true, do, when taken as a whole, converge on a fairly reliable and historically accurate description. He adds, "I think that a generous lacing of open-mindedness, which dour sceptics might describe as naïveté, is an asset in the historian of early Islamic society rather than a shortcoming to be overcome and suppressed at all costs."[93] In addition to this qualified credulity of his, Juynboll finds middle ground in many of his conclusions about the origins and authenticity of the *hadīth* material and sciences, which he largely bases on the *awāʾil* literature – anecdotes about who was the first to do something or when and where certain institutions were first established.[94]

According to the *awāʾil* sources, after Muhammad's death the first to spread stories about him (in a deliberate manner) were the storytellers (*quṣṣāṣ*), who told stories of an edifying nature. *Isnād*s proper were not attached to these "prophetic" utterances. It is reported that Shaʿbī (d. 103–10/721–8) was the first person to question someone about an authority and that Shuʿba ibn al-Ḥajjāj (d. 160/777) was the first to examine every *isnād*. And so, systematic *rijāl* criticism began about 130/747. Hence, *isnād*s did not appear as early as many Muslim scholars believe. For Juynboll, the *fitna* to which Ibn Sīrīn alluded was the war between the Umayyads and Zubayrids.[95] This scenario, which places the origin of the *isnād* around the year 70/690 (as opposed to 35/656), makes the *awāʾil* account of the first *isnād* critics much more plausible.

Juynboll outlines his tentative chronology of the growth of *hadīth*s in the following manner. He does not dispute that Muslims began to record things about their prophet during his lifetime, but there is nothing to suggest that this was practised on a significant scale. His examination of the *awāʾil* evidence on the introduction of *hadīth*s to various parts of the Islamic world and on the collection of such material indicates a relatively late growth. He suggests that "the earliest origins of standardized *hadīth*[s] cannot be traced back earlier than, at most, to the seventies or eighties of the first century. What had preceded this was ... still unstructured and still unstandardized material of edifying contents ... or with a political slant...".[96] Juynboll further supports this conclusion through an examination of the limited use of *hadīth*s in the initial years after Muhammad's

death and the relatively late development of the concept of prophetic sunna and *ḥadīth* centres. Juynboll notes that the first three caliphs relied on their own judgement and rarely invoked the example of the Prophet. The concept of sunna as sunna of the Prophet (only), developed toward the end of the first century, though a more vague concept of sunna that included Muḥammad and his most respected Companions predates this more specific sunna. He credits ᶜUmar II with the first organized attempt to apply the sunna of the Prophet. In the Ḥijāz, Egypt, Syria, and Iraq interest increased in *ḥadīth*s in the last decades of the first century. During this period *isnād*s were localized and only in the first few decades of the second century do *isnād*s of 'mixed' origin appear.

Within this historical framework, Juynboll attempts to answer in a general way the question of where and when *ḥadīth*s originated and who brought them into circulation. Because the Successor-Companion link in an *isnād* is the hardest to establish and because of the regional character of the first few transmitters below the Companion in the *isnād*, Juynboll concludes that the point of origin is likely the region where the transmitter mentioned at the Successor level resided.[97] Furthermore, since some of the Companions are credited with such incredibly large numbers of *ḥadīth*s (many of which are obvious fabrications) and since most were dead when the use of *isnād*s became mandatory (near the end of the first century), it is unlikely that they would be responsible for the *ḥadīth*. So it is the Successor named in the *isnād* who is the earliest candidate for bringing a tradition into circulation, but since the first major growth of *ḥadīth*s occurred several decades after the first century, the Successors to the Successors are the more likely candidates. Nor is it, Juynboll adds, necessarily the case that the Successor (or whoever first circulated a *ḥadīth*) is responsible for having raised the *isnād* to the level of the Prophet. This may well be a later modification.

Juynboll believes that there was large-scale fabrication of *matn*s, some clearly using the preserved memories of what Muḥammad had said and done as a basis, some clearly in the quranic spirit, and many others not so. The *isnād* system, born in the 70's, did not develop into a full-fledged science for another half-century. By that time it was too late to evaluate adequately the growing *ḥadīth* literature: sound *isnād*s could be invented in their entirety, and no method had been developed for evaluating the *matn*s. Yet, Juynboll maintains, as a whole the *ḥadīth*s do reflect reasonably accurately Muḥammad's words and deeds:

> [I]t seems likely that at least part of the prophetic tradition listed in one or more canonical – or even non-canonical – collections deserves to be considered as a fair representation of what the prophet of Islam did or said, or might have done or said, but surely it is unlikely that we will ever find even a moderately successful method

of proving with incontrovertible certainty the historicity of the ascription of such to the prophet but in a few isolated instances.[98]

And so Juynboll, while seemingly as sceptical as Schacht, offers at least the possibility of genuine material being present in the canonical collections.

Having discussed the chronology and provenance of *ḥadīth*s in general, Juynboll spends considerable effort refining and employing Schacht's common-link theory in order to the same for individual *ḥadīth*s. In *Muslim Tradition*, he merely gives what seems to be a defence of the theory against Azami's critique. He explains the non-universal nature of the common-link phenomenon by suggesting that during the early stages of *ḥadīth* evolution, its frequency must have been much higher. Juynboll explains:

> It is because of insertions, interpolations, deletions and simplifications in the *matn*s that additional *isnād*s supporting these alterations became so complex and variegated that the initial *isnād* or proto-*isnād*, clearly showing up a common-link, supporting the *ḥadīth* without accretions was no longer separately discernible.[99]

That is, the common link of many *ḥadīth*s has been irrevocably obscured by the sheer number and complexity of fabricated *isnād*s. However, in his articles, Juynboll is less tentative in his use[100] and elaboration[101] of the common-link theory.

One of Juynboll's most interesting contributions comes in his distinction between the common-link *isnād*, in which there is a single strand of three to five transmitters and then a branching out of the chains at the common link, and the inverted common link, in which the common link stands at the end of several chains of transmitters beginning with different eyewitnesses and continues from the common link along a single chain. Compare Diagrams 3 and 4. These two patterns correspond to those found in legal *ḥadīth*s and historical *ḥadīth*s respectively. While Juynboll suggests that the common link of the former likely invented the single strand from himself to the Prophet or Companion, the common link of the latter did not.

> The single strand from the cl [common link] down to the prophet does not represent the transmission path taken by a prophetic saying, a path which has a claim to (a measure of) historicity, but is a path invented by the cl in order to lend a certain saying more prestige by means of the first and foremost authentication device of his days: the *isnād marfūᶜ*.[102]

One would expect, especially for important *ḥadīth*s, that the *isnād*s would begin to fan out after the Prophet, or perhaps the Companion, but not after four or more generations. On the other hand,
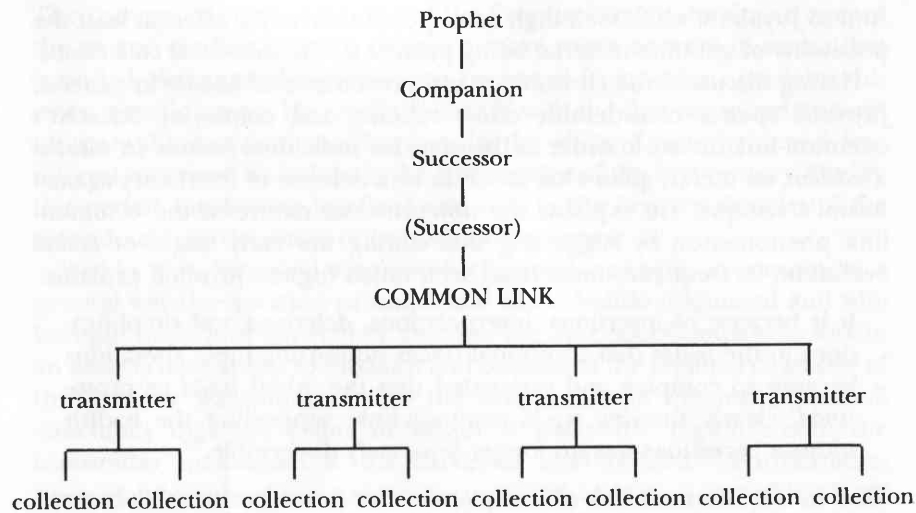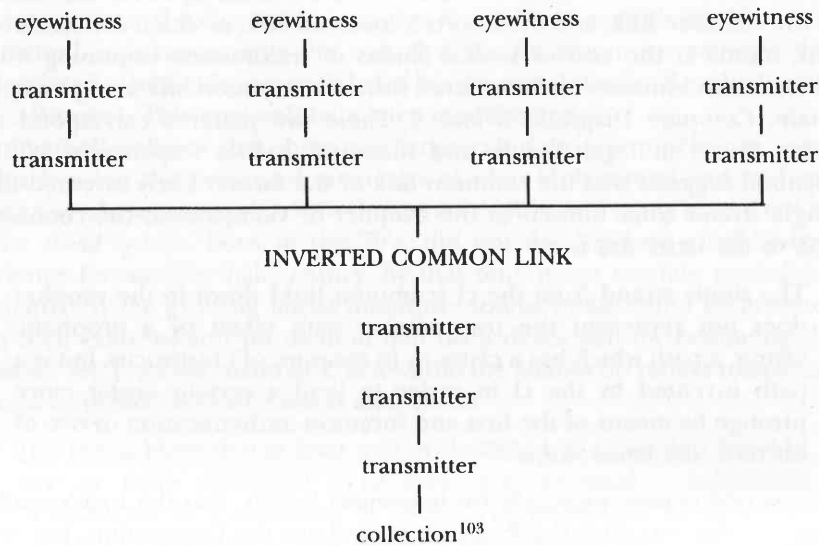
Diagram 3

```
Prophet
   |
Companion
   |
Successor
   |
(Successor)
   |
COMMON LINK
```

transmitter   transmitter   transmitter   transmitter

collection collection collection collection collection collection collection collection

Diagram 4

eyewitness   eyewitness   eyewitness   eyewitness
   | | | |
transmitter   transmitter   transmitter   transmitter
   | | | |
transmitter   transmitter   transmitter   transmitter

INVERTED COMMON LINK

```
transmitter
   |
transmitter
   |
transmitter
   |
collection[103]
```

as a rule the (i)cl [inverted common link] did NOT invent the multiple strands down to various eyewitnesses, he did NOT invent the contents or the gist of the report, and even if it is conceded that he edited several different accounts of the same event and moulded them into one narrative, the gist of the historical event is not the product of his own imagination.[104]
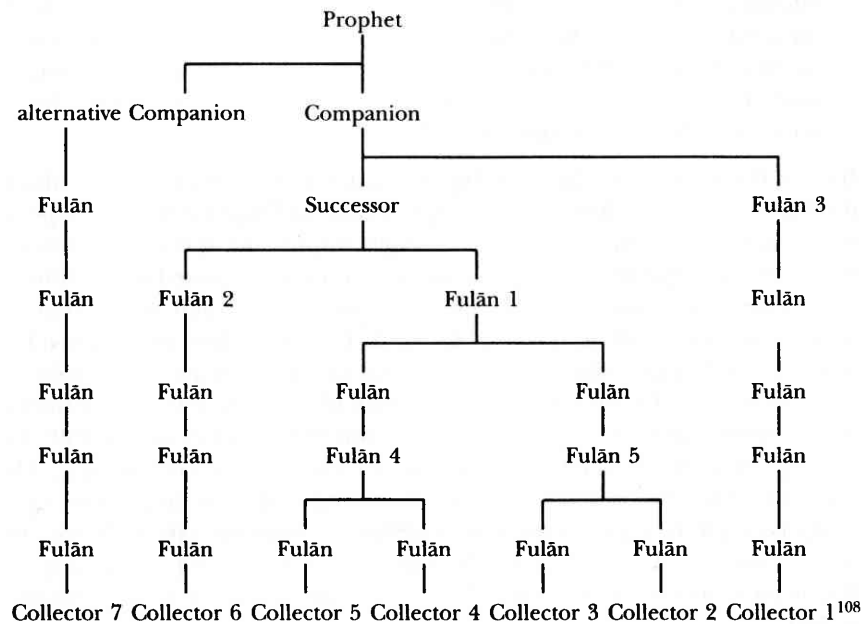
It is for this reason that he feels that the authenticity of legal *ḥadīths*, which display the common-link pattern (represented in Diagram 3), are suspect, while historical *ḥadīths* (or *akhbār*), which display the inverted common-link pattern (represented in Diagram 4) are to be accepted as reliable.

Another important phenomenon detected by Juynboll is the one in which a relatively late transmitter seems to have an independent *isnād* for a *ḥadīth* that bypasses the common link and merges with the other *isnād*s at the Successor or Companion level. Juynboll refers to this as "diving under the common link," because in his diagrams the Prophet appears at the bottom. (I have inverted his diagrams for the sake of consistency). He suggests that the practice of circumventing the common links is a comparatively late phenomenon, originating towards the endo of the second century A.H. But these dives are useful for dating to: the higher the bypass above the common link, later the origin of that particular strand.[105]

Juynboll observes that in the canonical *ḥadīth* literature, *ḥadīths* displaying common links are in fact relatively rare – just a few hundred. On the other hand there are thousands of traditions, which, when their *isnād*s are charted, display a spider pattern. That is, it first appears that there is an early common link, the Prophet, a Companion, or a Successor, but upon closer observation almost all the fanning out occurs in single strands – no transmitter having more than one or two alleged students. See Diagram 5. Juynboll suggests that these spiders should be interpreted as having developed not downwards, but upwards: "the later transmitters/collectors invented single strands bridging the time gap between themselves and a suitably early, fictitious or historical, [person]."[106] For these spiders, Juynboll notes, it is impossible to draw conclusions about their chronology, provenance, or authorship. There is one major problem with the conclusions Juynboll draws from the spider pattern. If a report from the Prophet were in fact genuine and faithfully transmitted, its transmission pattern might well resemble the spider pattern. Clearly, one's assumptions on the nature of *isnād*s can dictate how one interprets this pattern.

In elaborating and refining Schacht's methods and theories, Juynboll has made considerable advances in determining the chronology, provenance, and authorship of specific *ḥadīths*. He has found a way to salvage historical information from at least part of the *isnād*.[107] Yet the methods developed by Juynboll allow only relatively few *ḥadīths* to be fully

Diagram 5

```
                          Prophet
              ┌──────────────┤
alternative Companion     Companion
        │                     │
        │          ┌──────────┴──────────────────────┐
      Fulān      Successor                         Fulān 3
        │          │                                  │
        │    ┌──────┴─────────────┐                    │
      Fulān  Fulān 2          Fulān 1               Fulān
        │      │          ┌──────┴──────┐              │
        │      │          │             │              │
      Fulān  Fulān      Fulān         Fulān          Fulān
        │      │          │             │              │
        │      │          │             │              │
      Fulān  Fulān      Fulān 4       Fulān 5         Fulān
        │      │      ┌────┴────┐    ┌────┴────┐        │
        │      │      │         │    │         │        │
      Fulān  Fulān  Fulān     Fulān Fulān    Fulān    Fulān
        │      │      │         │    │         │        │
```

Collector 7 Collector 6 Collector 5 Collector 4 Collector 3 Collector 2 Collector 1[108]

analyzed in this manner. For the others, perhaps the majority, he, like Goldziher and Schacht before him, simply resigns himself to being uncertain.

F. Rahman and an Attempt to Save the Sunna

Fazlur Rahman stands in a somewhat unique position. On the one hand, he has accepted some of the general conclusions reached by Goldziher: *ḥadīth*s are by and large not historical. On the other hand, as a Muslim, he hesitates to dismiss the *ḥadīth*s in the canonical collections and the Prophet's sunna as spurious. His theory on the origin and development of *ḥadīth*s suggests that, while the *isnād* of a *ḥadīth* may well be fabricated and perhaps even the wording of the *matn*, the gist of the *matn* is still prophetic and therefore normative for Muslims.

In his book, *Islam*, Rahman begins his chapter on *ḥadīth*s and the sunna by examining the work of Goldziher, Margoliouth, Lammens and Schacht. He credits Goldziher with seeing the difference between the normative conduct of the community and the actual practice of the community: the former is the sunna and the latter the actual state of affairs. It is this distinction according to Rahman that was overlooked by the other three

and leads them to a logical contradiction. They combine the two and define sunna to be the normative practice of the Muslim community. Rahman asks, "what sense does it make to say that the normative quality was sought to be conferred on the actual practice by *making* it the Sunna of the Prophet?"[109] Rahman's goal in highlighting what he perceives to be a contradiction is to undermine the claim of Margoliouth, Lammens, and Schacht that sunna (the practice of the community) preceded by nearly a century its embodiment in *ḥadīth*s. At least according to his reading of Goldziher, he and Goldziher see the two as having a common origin and being consubstantial.

Rahman then criticizes Schacht's suggestion – that *ḥadīth*s with *isnād*s reaching back to the Prophet originated not before the middle of the second century – as being too simple and causing insoluble problems. For Rahman, the sunna varied from place to place. Al-Shāfiʿī simply introduced the concept of the sunna of the Prophet into Muslim jurisprudence in a systematic way. He cannot be used as evidence that such was not the case from the very beginning of Islam in at least some places or in some less systematic way. On the other hand, Rahman has words of praise for Schacht's method of comparing different versions of *ḥadīth*s and for his conclusions that some *ḥadīth*s did not exist in the early period and that later versions tend to contain more information than earlier ones. Like Azami, he cautions that one should be careful with this method since it is possible that earlier reports of a *ḥadīth* might be less complete simply because the full details only became available with wider contact with Companions and Successors.

With this critique of the Western position, Rahman then moves to his own theory. In terms of being sceptical about the literal authenticity of *ḥadīth*s, he is not much less so than Goldziher and Schacht and certainly not significantly less so than Juynboll. He states:

> Prophetic Sunna, outside the fundamental matters touching the religious and the social and moral life of the Community, could not have been very large, let alone being of such titanic inclusiveness of all the details of daily life as medieval law and Ḥadīth literature make out to be the case.[110]

Muḥammad had made pronouncements in an ad hoc manner, not in a systematic way as suggested by the canonical collections. Yet that does not mean Rahman doubts that the activities and sayings of Muḥammad were not preserved in some manner as the Qurʾān itself and other documents were, especially since these words and actions were (as the Qurʾān itself attests) considered normative. Hence, an informal tradition can be assumed during the lifetime of the Muḥammad.[111]

A slightly more formal tradition developed after the death of Muḥammad in that new Muslims would naturally enquire about the

words and deeds of Muḥammad. *Isnād*s, which are for Rahman a sign of the formalized discipline of *ḥadīth*, appeared much later, around the turn of the first century (though the informal use of *ḥadīth*s began somewhere between the years 60 and 80).[112]

A unique contribution from Rahman is his theory of the "silent" transmission of Prophetic sunna. That is, many early Muslims simply lived out the words and acts of Muḥammad. And this silent, living tradition, the tradition of what Muslims actually did, is the sunna. And so Rahman states, "that the Sunna and Ḥadīth were coeval and consubstantial in the earliest phase after Muḥammad and that both were directed towards and drew their normativity from him."[113] However, as time passed the succeeding generations of Muslims made additions to both the sunna and the *ḥadīth* and this led to a disharmony between them (though in general, they were uniform). Eventually this situation led to a need to standardize practices, and the manner in which this was accomplished was the codification of *ḥadīth*s. At first *ḥadīth*s were referred back only to Companions because they embodied the words and acts of Muḥammad and because the discipline of the *isnād* had not yet fully developed. Rahman credits al-Shāfiᶜī for the place achieved by *ḥadīth*s in the hearts of Muslims. But the resultant codification and attempt to bring the sunna under the aegis of the sunna of the Prophet (read: prophetic *ḥadīth*s) led to a massive fabrication of *ḥadīth*s. And according to Rahman, Muslims were largely successful in bringing the whole of the living tradition (*sunna*) into the sunna. And thus *ḥadīth*s (sunna of the Prophet) and *sunna* (the silent living tradition also rooted in the acts and words of the Prophet) were consubstantial in content once again.[114] As a result, the sunna as currently embodied in *ḥadīth*s remains normative (though somewhat more flexible).

Clearly his goal is to save the sunna, not to devise a new method of *isnād* criticism. For Rahman the very charge made by the Western sceptics, that *ḥadīth*s are merely an attempt to give the actual practice of the Community prophetic authority, is irrelevant. The actual practice of the Community was already prophetic, at least in spirit if not always in detail. So while the *isnād*s may well be fabricated and in some sense the *matn*s as well, the *ḥadīth*s nevertheless remain prophetic.[115]

G. Schoeler and the Oral/Written Distinction

Despite the attempts by Abbott and Sezgin to lay the issues of oral versus written transmission of early Islamic "texts" to rest, the debate continues. Their arguments, while perhaps quite convincing to some, are not consistent with the evidence supplied by these texts as we have received them. The fact is that there are significant, and at times even startling, variances between different recensions of the teachings of a particular

early Muslim authority. Certainly Sezgin's optimism that earlier, original texts could be reconstructed from later compilations seems unjustified. But does this fact also mean that the written transmission argument put forward by Abbott and Sezgin has been refuted? No, says Gregor Schoeler. In a series of four articles he presents an alternate conception of the mode of transmission of knowledge in the various branches of the Islamic sciences. By suggesting a mixed mode of oral and written transmission, he attempts to preserve the authenticity of the material as it exists today, while still accounting for the observed variances.[116]

Schoeler begins with the question of whether or not written texts of *ḥadīth*s were prevalent prior to the collections of al-Bukhārī and Muslim. Goldziher would say not, Sezgin yes. Schoeler argues against Goldziher's interpretation that encomia, such as *mā raᵓaytu fī yadi-hi kitāban qaṭṭu* (I never saw a book/something written in his hands), of early scholars meant that they shunned the use of written materials. Just because they did not employ written notes during their public lectures, does not mean that they did not have recourse to such written materials privately.

Even if the shaykh did not use notes, his students likely did, and so ways in which they preserved and further transmitted the work contributed to the development of different recensions. The students either recorded the content of the lecture in written form during its presentation or later (when they themselves wished to transmit it) from memory or according to another source, such as that of an exemplary copy of the teachings from the shaykh's circle of students. (Of course, if one student recorded the teachings using another student's copy, the former would feel no obligation to cite the author of that copy in his own *isnād*.) Furthermore, a shaykh, over the years of lecturing, might well present the material differently at different times, thus providing another point of departure for the existence of differing transmissions or recensions of a work. This process of diversification of an authority's teaching was further aided by several factors, according to Schoeler. For a time many scholars did not write and publish their own works, but preferred to leave that task to their students. The *Muwaṭṭaᵓ* of Mālik ibn Anas is a good example of this practice. Therefore, it is not always possible to distinguish between author and transmitter during the early centuries of Islam.

Thus Schoeler has argued for a different understanding of the transmission of early Islamic material. He has tried to mitigate the strict distinction between oral and written transmission of materials and thus, "seen correctly, it appears that here writing and orality are more complimentary than mutally exclusive."[117] This theory accounts for the variation observed in different recensions of the teachings of a particular authority. Yet at the same time the authenticity of each recension is maintained. Moreover, not only does the variation itself preclude any attempt to reconstruct the "original" (in the manner advocated by