Evolution in the Canonical Sunni Hadith Body of Literature and the Concept of an Authentic Hadith During the Formative Period of Islamic Thought as Based on Recent Western Scholarship

Adis Duderija1,2
School of Social and Cultural Studies, University of Western Australia

Abstract
The aim of this article is to trace the development of the Hadith body of literature and the concept of an authentic Hadith as defined by the classical Islamic sciences (ʿulum-ul-hadith) during the formative years of Islamic thought as based primarily on Western scholarship sources. The first part of the article will describe the semantico-contextual changes in the meaning of the term Hadith during the period under examination. The second part will present a brief chronological analysis of the development of the canonical Hadith literature and the concept of an authentic Hadith during the first four generations of Muslims. The progress of development of Hadith literature will, in particular, be traced in relation to the development of the concept of an authentic Hadith, as defined by the classical Hadith sciences.

Keywords
Hadith body of literature, Hadith development, Sunnah

1 In this article, the terms 'formative' and 'pre-classical period of Islamic thought' as well as 'post-formative' and 'classical period' will be used interchangeably. The formative period is here defined as post fourth generation of Muslims period or approximately the first 250 years of the Islamic calendar. The classical period is defined as being from the middle of the 3rd century Hijra to the middle of the 19th century Roman calendar. For more on the definition of the formative period of Islamic thought, see M.W. Watt, Formative Period of Islamic Thought (Oxford: Oneworld, 2002 (re-print)) pp. 1-4.
2 The term 'Recent' in the article title refers primarily to works written during the 20th and 21st centuries.
1. Introduction

Based on the principal of the Qurʾān’s *Deutungsbeforderigkeit*, that is, its need for interpretation,³ the theory of the hermeneutic and exegetical necessity for Sunnah, or the Prophet’s embodiment of the Qurʾānic message, arose early in Islamic thought. Since the definition and understanding of the concept of Sunnah, according to classical Islamic scholarship, considers the canonical Ḥadith body of literature as its exclusive vehicle of transmission and embodiment, a particular hermeneutic between the Qurʾānic, Sunnahic and Ḥadithic bodies of knowledge emerged during the post-formative period of Islamic thought, which resulted in an increasingly Ḥadith-dependent Qurʾāno-Sunnahic hermeneutic.⁴ Thus, the Ḥadith body of literature became one of the most important sources in sciences pertaining to Qurʾānic interpretation (tafsīr) as well as in Islamic jurisprudence (fiqh) and legal theory (*ʿusūl-ul-fiqh*).

The author has argued elsewhere,⁵ however, that, during the period of the first four generations of Muslims, the concept of Sunnah remained epistemologically independent of the Ḥadith body of literature and that the evaluation of the Sunnah compliance (or otherwise) of a certain practice or belief remained methodologically and hermeneutically independent of that of the Ḥadith corpus.

Being primarily based on Western scholarship produced in this and the previous century, the aim of this article is to provide a brief chronological overview of the development and growth of Ḥadith literature and the concept of an ‘authentic Ḥadith’ as defined by classical Ḥadith sciences during the first four generations of Muslims in order to establish at which point in time the concept of Sunnah became epistemologically and methodologically dependent upon the Ḥadith body of literature as implied by its classical definition. In other words, the aim of this article is to outline a brief chronological analysis of the development of the concept of

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³ Literally, the need for imbibing the Qurʾān with meaning or giving it meaning.
⁵ A. Duderija, “The Evolution in the concept of Sunnah during the first four generations of Muslims in relation to the development of the concept of an authentic Ḥadith as based on recent Western scholarship”, unpublished article.
Hadith-dependent Sunnah in order to answer the question as to how long the concept of Sunnah remained distinct from its classical definition by presenting a chronological analysis of the development of Ḥadith literature and the concept of an authentic Ḥadith as defined by the classical Islamic scholarship. Prior to doing this, a brief discussion on the classical definition of Sunnah is presented and the implication it has for the role and status of Ḥadith vis-à-vis the Sunnah and the Qurʾān.

2. The Classical Concept of the Definition of the Concept of Sunnah and its Implications for the Nature of the Qurʾān-Sunnah—Ḥadith Hermeneutic

According to classical Islamic scholarship as defined by the muḥaddithūn, the concept of Sunnah in terms of its authenticity is defined as comprising numerous narratives documenting Prophet Muhammad’s deeds (fiṣḥ), utterances (qawl) and spoken approval (tawāṣṣ) as embodied in various Ḥadith compendia considered as ‘authentic’ or canonical according to the standards and criteria applied by the classical sciences of Ḥadith criticism (‘ulūm-ul-ḥadīth).

This definition of the concept of Sunnah, which we here term Ḥadith-dependent Sunnah, holds several implications. Firstly, it assumes that the epistemological scope of Sunnah is epistemologically dependent upon and constrained by that of the Ḥadith body of literature, i.e. that its epistemological value is the same as that of each ‘authentic’ Ḥadith and that Ḥadith is the sole depository and vehicle of perpetuation of Sunnah. Secondly, it assumes that Sunnah is methodologically dependent upon Ḥadith. By methodologically dependent on Ḥadith it is meant that Sunnah compliance (or otherwise) of certain (legal, ethical, moral, doctrinal or theological) practices or principles is, and can only be, determined by sifting through numerous narratives reportedly going back to Prophet Muhammad. 

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6 Experts on the transmission of Ḥadith, their compiling, classification and authenticity.
7 On the difference between muḥaddithūn’s and ‘ulīyyūn’s definition of or approach to Sunnah, see pp. 7-8 in this article.
8 Some definitions also include the Prophet’s ʾifāṭ, that is, his features or physical appearance. M.M. Al-A’zami, Studies in Ḥadith Methodology and Literature (Kuala Lumpur: Islamic Book Trust) 2002, p. 6.
Muhammad via an authentic chain of narrators (isnād). Thirdly, as a corollary to the second premise, coalescing and substituting the nature and scope of the concept of Sunnah with that of a Ḥadith body of literature breaks the symbiotic and organic relationship between the concept of the Qurʾān and Sunnah as it existed during the first four generations of Muslims,10 making the Qurʾān increasingly more hermeneutically dependent upon the Ḥadith compendia. Fourthly, as a result of the above, the Sunnah’s organic and symbiotic relationship with the Qurʾān, termed by Graham as the ‘Prophetic-Revelatory event’,11 was severed, and the Qurʾān’s hermeneutic dependence upon a Ḥadith body of knowledge entrenched. Fifthly, Ḥadith’s function and purpose, as will be demonstrated below, became increasingly legalistic.

3. Semantico-Contextual Changes in the Meaning of the Term Ḥadith
Ansari has pointed out several difficulties one comes across when studying the terminology used during the early period of Islamic thought. One of these problems is the fact that there is a “comparative lack of fixity in technical connotations of terms in use”12 which resulted in a gradual change in their connotations over a period of time. An important trait in these semantic changes in terminology is their increasing ‘technical’ or what the present author would describe as ‘legalistic’13 connotations. Additionally, and importantly, these terms had a multiplicity of meanings even when employed by the same author in the same work.14

Another important principle for the purposes of this study that Ansari has identified, with reference to the changes in meaning of certain words and concepts, is the notion of a significant time-gap between the usage of the conceptual and technical/legalistic aspects of terminology. Put differently,

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10 As shall be demonstrated below.
11 W.A. Graham, Divine Word and Prophetic Word in Early Islam: A Reconsideration of the Sources, with Special References to the Divine Saying or Ḥadith Qudī (Hague, 1977).
14 Ansari, Islamic Terminology, p. 270.
words prior to acquiring ‘standard technical phraseology’ had other meanings and were used in other contexts. A similar view is advocated by Calder who, when describing the development of early Muslim jurisprudence, maintains that “the transition from a discursive tradition to a hermeneutic tradition (purporting to derive the law exegetically from Prophetic sources) was a lengthy process”. In addition, the primacy of oral-based authorising tradition during the earliest development of Islamic Law is another principle one needs to be cognizant of when attempting to understand the nature and function of Ḥadīth. During the formative period of Islamic thought, the oral nature of transmission and authentication of knowledge, as well as oral-based interpretative strategies of the primary sources, were considered more authentic and were more prevalent than written-based ones. In this context Souaiaia avers that:

In the practices of scholars and jurists closest to the time of the Prophet, there seems to be an overwhelming attraction to isnād-based oral reports and momentous lack of interest in the published literature, a phenomenon that can be documented for at least one hundred years after the recording (tadwīn) era. He also convincingly argues that the processes of formulation, preservation and transmission of religious and legal knowledge was “fully and exclusively oral”. The above distinctions are of fundamental importance to this study from the point of view of understanding the evolution of the concept of an authentic Ḥadīth vis-à-vis the concept of Sunnah and its function as a source of Islamic law.

We now turn to the examination of the semantico-contextual changes in the meaning of the term Ḥadīth. This term will be analysed by examining

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15 Souaiaia, The Function of Orality, p. 94.
its etymological (pre-Qur’anic) meaning(s), Qur’anic meaning(s) and post-Qur’anic usage(s).

3.1. Etymological, Qur’anic and Post-Qur’anic Meanings of the Term Ḥadith

The etymological meaning of the word Ḥadith, according to Al-Azami, is usually translated as ‘communication’, ‘story’ or ‘conversation’; religious or secular, historical or recent. If used as an adjective, it means ‘new’.20 As such, the term Ḥadith itself implies an oral process/concept. The word Ḥadith was also used for the Qur’ān as a Revelation as shown by the following example found in Goldziher: “ʿAbd Allah b. Maṣʿūd says: The most beautiful Ḥadith is the book of Allah, and the best guidance is that of Muḥammed.”21 That the Qur’ān also describes itself as a Ḥadith is commonly known.22 Other Qur’anic connotations include tiding, talk, discourse, tale and story.23 Post-Qur’ānically, the term Ḥadith was increasingly used in the sense given to it by the collectors of Ḥadith as being the Prophet’s utterance, action, tacit approval or description of his ṣifāt (features), meaning his physical appearance. The ṣifāt of the Prophet, however, is not part of the definition used by legal experts or fuqahā’.24

By the mid-second century, Ḥadith was almost exclusively identified with the narratives from the Prophet.25 According to Ansari, this was largely due to the effects of a broader process occurring in the background applying to the overall formation of technical terminology as function of the development of Islamic jurisprudence. The major mechanism behind this process manifested itself in the increased semantic linkage of certain words (such as Sunnah and Ḥadith) in a particular context. As a result, the context merged with and became almost indistinguishable from the meaning itself.26 What this theory tells us is that the word Ḥadith was so

20 M. al-Azami, Studies, p. 3; For a detailed treatment of the semantics of Ḥadith and its various meanings, see I. Ahmed, The significance of Sunnah and Ḥadith and their Early Documentation, Edinburgh University, Ph.D. Thesis, 1974, Ch. 2.
24 Al-Azami, Studies, p. 6.
26 This applies to other words used in jurisprudence such as ʿilm, ijmāʿ, raʿy, etc. Ibid.
Semantic changes of words as function of time in the context of Qur’ān have been
frequently used in the context of the Prophet’s Sunnah that these two merged completely becoming semantico-contextually identical.

4. Sunnah as Epistemologico-Methodologically Dependent on Ḥadith: A Chronological Analysis

Our attention now turns to the evolution of ‘Ḥadith-dependent Sunnah’ as implied by the classical definition of Sunnah. This part of the article investigates, from a chronological point of view, the development of the Ḥadith body of literature in its canonised form and the concept of an ‘authentic Ḥadith’ as defined by classical Islamic scholarship. The task of this section is also to examine if the concept of an authentic Ḥadith can be considered to be conceptually representative of the pre-classical concept of Sunnah as well as to have an a priori normative legal value as some schools of thought within the Islamic tradition assert.27

In order to answer these questions, a brief discussion as to what constitutes an authentic Ḥadith according to classical Islamic Ḥadith sciences follows and how the canonical Ḥadith body of literature depicts the persona of Prophet Muhammad.

A sound Ḥadith, in its ‘post-Shafi’ classical form consisted of a matn (text) and chain of transmitters (isnād), usually but not always going back to the Prophet.28 Muhaddithūn29 have formulated an impressively elaborate and complex hierarchy of Ḥadith authenticity but not of their epistemological worth, which was the task of the Islamic legal theorists (’uṣūliyyūn) who were primarily concerned with issues pertaining to legal theory and its methodology. The evaluation of the soundness of a Ḥadith,30 expeditiously studied by T. Izutsu in God and Man in the Qur’ān: a Semantical Analysis of Qur’ānic Weltanschauung (Toronto: McGill University Press, 1964).

27 See, for one example, A. Duderija, Neo-Traditional Salafis as True Custodians of Sunnah: A Critical Analysis of the Neo-Traditional Salafi Methodology (manhāj) of Sunnah and its Underlying Epistemologico-methodological Assumptions in the Light of Most Recent Scholarship on Muslim Tradition, unpublished Honours thesis, University of Western Australia, 2004.


29 People involved in the collection, transmission, compilation, authentication, and criticism of Ḥadith.

30 Which were categorised as ṣaḥīḥ (sound), ḥasan (good), ḥaṭṭīf (weak) and other intermediate values. For more on the classification of Ḥadith, see work cited in footnote 25.
a task of the *muḥaddithūn*, were based upon the *'adilah*/uprightness of the narrators founded on certain criteria such as his/her memory and character regardless of their epistemological value.

The epistemological study of Ḥadith concerned with the number of individual chains of narrations (*iṣnād*) ranging from *ahād* to *mutawātir* Ḥadith were a part of the *fuqahāʾ*’s larger concern relating to legal methodology (*'usūl-ul-fiqh*). The *mutawātir* Ḥadith are those narrations, which have been transmitted by such a large number of people that, according to great majority of *'usuliyūn*, they yield certain or immediate (*darūri*) knowledge.\(^{31}\) It must be noted, however, that there is no consensus on either the criteria pertaining to assessment of uprightness of narrators (*ʿilm-ul-rijal*), or on how many *iṣnād* constitute and render a narration *mutawātir*.\(^{32}\) There are indeed very few *mutawātir* Ḥadith, including those that (could) relate to law.\(^{33}\)

*Ahād* Ḥadith, on the other hand, are those narrations, which do not fulfil the *mutawātir* criteria and by default do not yield certain knowledge (*yaqīn*) as stipulated by the majority of Muslim jurists,\(^ {34}\) but only *zann* or uncertainty and are thus legally not binding and cannot be considered as part of *ʿaqīdah* or Islamic creed. However, *muḥaddithūn* belonging to *'ablu-ul-hadith* movement, unlike the jurists/*fuqahāʾ* belonging to a particular school of thought, such as for example the most widely spread Ḥanafī *madhhab*, claim that even *ahād* Ḥadith are legally binding and are part of the *ʿaqīdah*.\(^ {35}\) These differences often result in polemics between the so-called Khalafi and Salafi adherents.\(^ {36}\) The *ahād* narrations, according to

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\(^{32}\) The numbers given are 4, 12, 20, 40, 70 or as large as 313. *Ibid.*, Also A. Zysow, *The Economy of Certainty: An Introduction to the Typology of Islamic Legal Theory*, Harvard University (Ph.D. Dissertation), 1984, pp. 11-31. In Ḥanafīsm an intermediate epistemological value by the name of *mashhur* or well-known Ḥadith exists. *Ibid.*, pp. 24-32.

\(^{33}\) See Kamali, *Ḥadith Methodology*, pp. 241-249; also Hallaq, “The Authenticity”, *op.cit*.


\(^{36}\) From a neo-Traditional Salafi point of view, see *Ibid*, pp. 63-68. Khalafis are jurists who have remained faithful to their Qur’āno-Sunnahic hermeneutic school of thought rather than follow the *'abl-ul-hadith* methodology as espoused by the Salaf. One of the differences between the two ‘camps’ is the validity and epistemological value of *ahād*
Hallaq, form the large bulk of the canonical Ḥadith literature. The ʿamal, or practise-based, Ḥadith independent aspect of the Sunnah like other non-written constituents of Sunnah, as I have argued elsewhere, have a mutawātir value. The canonical collections of Sunni Ḥadith literature, the so-called ʿahl-ul-kutub-is-sitta, consist of thousands of individual reports considered as being the most authentic indicators of and therefore embodying Sunnah of the Prophet. As a whole, this body of literature presents a picture of the Prophet as issuing orders or advising the contemporary Muslim community on a vast number of issues concerning Islamic dogma, law, theology, ethics and morality, even to the extent of laying down rules concerning the most private spheres of an individual’s life. Those who uphold the a priori literal, Ḥadith-dependent Sunnah value of these narrations consider thus nearly all aspects of the Prophet’s behaviour as having a normative precedent to be blindly imitated in a spacio-temporal vacuum by ‘pious’ Muslims. This conceptualisation of Sunnah is at odds, as I have argued elsewhere, with the very nature of the Qur’ānico-Sunnahic character that prevailed during the first three or even four generations of Muslims. Does this concept of Sunnah as being Ḥadith-dependent reflect the extent, importance and nature of Ḥadith at the time of the first four Ḥadith in law and theology. Apart from these differences in Qur’āno-Sunnahic methodology the Khalaf maintain that ahad Ḥadith do not have any a priori value in the realms of belief (aqīdah) while the Salaf consider ahad narrations a priori epistemologically valid in terms of their jurisprudential and doctrinal values. W. Hallaq, “The Authenticity”, op. cit. Elsewhere I have argued that the concept of Sunnah consists of four distinct aspects: Sunnah ʿamaliyah, Sunnah fiqhiyah, Sunnah akhlaqiyyah, and Sunnah ʿaqidīyah. See footnote 4. A. Duderija, “The Evolution in the concept of Sunnah during the first four generations of Muslims in relation to the development of the concept of an authentic Ḥadith as based on recent western scholarship’, unpublished article. G.H.A Juynboll, The Authenticity of the Tradition Literature: Discussions in Modern Egypt (Leiden: Brill, 1969) p. 11. The Shi’ah Muslims have their own canonical Ḥadith corpus of literature whose authenticity is on the same, if not less authentic, level. For a brief evaluation of Shi’ah Ḥadith compendia and Shi’ism in general, see I. Goldziher, Introduction to Islamic Law and Theology, trans. A. and R. Hamori (Princeton: Princeton University Press) pp. 174-229. With various levels of authenticity ranging from da’if (weak) to saḥīḥ (most authentic). The most authentic collections in Sunni Islam are those of Al-Bukhari (d. 256 Islamic/261 Muslim calendar). See footnote 5.
generations of Muslims prior to the period when the classical definition
of Sunnah established itself? The next section addresses this question.

4.1. Hadith at the Time of the Prophet: Extent, Nature and Importance

According to Schoeler, it is difficult to determine accurately the extent to
which early transmission of tradition was oral or written in nature.44 However,
Souaiaia has recently convincingly argued that orality has from the
very genesis of Islamic thought been the primary medium for preserving
authentic transmission of knowledge.45 The transmitted knowledge (either
oral or written) consisted of short solitary report(s), which referred:

… zu einem bestimmten historischen Faktum oder Verlauf gewesen ist[sind] und nicht
(wie in anderen Kulturbereichen) die umfangreichere Darstellung grosserer Zusam-
menhaenge unter bestimmten Geschichtspunkten.46

These solitary reports were firstly transmitted orally and later put in writ-
ing in the form of small, somewhat more comprehensive, collections.47
Hallaq’s view that the number of Ḥadith up to the end of the first century
were “insufficient to constitute the basis of a substantial doctrine of posi-
tive law”,48 can be used as one approximate measurement of the extent of
the written material during the first century of Hijrah.

We argued elsewhere that the practical, non-written embodiment of
Prophetic actions, such as the ritual prayer, were adopted by the Muslim
community in Medina and could be perpetuated from one generation to
another simply by means of copying and repeating of actions (that is
without relying on written-based sources).49 This is how most Muslims

44 See G. Scholer, “Die Frage der schriftlichen oder der munndlichen Ueberlieferung der
Wissenschaften im fruehen Islam” in: Der Islam, Bd. 62 (1985), pp. 201-230. For more
on this subject in general, see G. Schoeler, Character und Authentie der muslimischen
Ueberlieferung ueber das Leben Muhammeds (Berlin: Walter de Gruyter, 1996), especially
pp. 166-171. Also F.M. Donner, Narratives of Islamic Origins: The Beginnings of Islamic
Historical Writing (Princeton: Darwin Press, 1998). For the most recent summary of the
studies pertaining to this issues, see Guenther, “Assessment of the Sources”, op.cit.
46 A. Noth, “Der Charakter der ersten grossen Sammlungen von Nachrichten zur frue-
hen Kalifenzeit”, in Der Islam, Bd. 47, 1971, p. 198.
47 Ibid., p. 199.
48 W. Hallaq, The Origins and Evolution of Islamic Law (Cambridge: Cambridge
49 See work in footnote 5.
have learnt to perform their prayer even to this day. The practical perpetuation of Sunnah was, however, not the only way the Sunnah was transmitted. Elsewhere I also argued that other non-ʿamal-based constituents of Sunnah, namely ethico-religious (Sunnah akhlaqīyah), principal or value-based Sunnah\(^{51}\) (e.g. Sunnāt al-ʿadīla or jarāt as-sunnah), and reason-compliant Sunnah could also be formulated, preserved and transmitted purely orally and independent of any written documentation.\(^{52}\)

However, this does not mean that no written documentation of Sunnahic precepts and practices existed. The Prophet, as an ultimate authority and spiritual figure with the highest prestige among his devout followers, was always at the centre of attention in the Muslim community of Medina. The general body of written literature as a whole concerning the Prophet, such as the sira,\(^{53}\) maghāzī\(^{54}\) and Ḥadith texts demonstrates that those close to him were eager to spend as much time in the Prophet's company observing his actions, asking for his advice and, in their absence from the Prophet, wishing to find out what he did and said often in an ad hoc manner.\(^{55}\) Thus, it would be reasonable to argue that some written form(s) of proto-Ḥadith\(^{56}\) existed in the earliest days of the Muslim community, including the Prophet's time itself.\(^{57}\)

Indeed, the works of Abbott, Sezgin and Al-Azami have argued with some success that, against those authorities who questioned the existence and writing down of Ḥadith during the earliest time of the Muslim

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\(^{50}\) Learning how to perform the prayer based entirely on ahādīth presents us with numerous difficulties, as there are a number of contradicting pieces of evidence as to the performance of individual elements of the Prophet's prayer or some of them are not mentioned. See, e.g., Bukhari's Sahih chapters on characteristics of as-salat. M. Al-Bukhari, Sahih al-Bukhari, trans. M.M. Khan, 9 vol., Lahore, 1979.

\(^{51}\) Based on the objective nature of ethical value.

\(^{52}\) A. Duderija, “The role of Sunna and its evolution in the development of early Islamic jurisprudence”, article under review.

\(^{53}\) Usually translated as biography of Prophet's life.

\(^{54}\) Pertaining to military operations in which the Prophet was involved.


\(^{56}\) By the term ‘proto-Ḥadith’ I mean a form of a written narrative about Prophet Muhammad that did not fulfil the latter established Ḥadith criticism criteria such as (continuous) a chain of narrators. C.F. Guenther, Assessing the Sources, op.cit.

community, the process of writing down proto-Ḥadith started during the Prophet’s own time. Regardless of the value of the work of these scholars, Goldziher’s following remarks express the reasonableness of existence of written recordings of Prophetic activity while the Prophet was alive:

“There is nothing against the assumption that the Companions and disciples wished to keep Prophet’s sayings and rulings from being forgotten by reducing them in writing” and that “it can be assumed that the writing down of Ḥadith was a very ancient method of preserving it.”

At the time of the Prophet, writing down the Ḥadith, however, was rather a random and individualised undertaking. The number of Ḥadith must have been rather limited, for Rahman writes, “the only need for which it [Ḥadith] would be used was the guidance in the actual practice of the Muslims and this need was fulfilled by the Prophet himself.” Similarly the actual nature and concept of Prophetic authority as a whole, in fact, was not conducive to proliferation of Ḥadith. In this context, Rahman points out that:

“... the overall picture of Prophetic biography—if we look behind the colouring supplied by the Medieval legal mass—has tendency to suggest the impression of the prophet as a pan-legist neatly regulating the fine details of human life from administration to those of ritual purity. The evidence, in fact, strongly suggests that the Prophet was primarily a moral reformer of mankind and that, apart from occasional decisions,

60 For a useful summary on the debates over the value and usefulness of the works of these scholars, see H. Berg (Ed.), Method and Theory in the Study of Islamic Origins (Leiden: Brill, 2003).
61 Goldziher, Muhammedan Studies, p. 22.
which had the character of ad hoc cases; he seldom resorted to general legislation as a means of furthering the Islamic cause.64

In addition, given the circumstances of the Prophet’s mission, a large body of written documentation was not warranted. In this context Rahman avers:

… that the Prophet, who was, until his death, engaged in a grim moral and political struggle against the Makkans and the Arabs and in organising his community-state, could hardly have found time to lay down rules for the minutiae of life…

It was only on major policy decisions with regards to religion and state and on moral principles that the Prophet took formal action but even than the advice of his major Companions was sought and given publicly and privately.65

At this point in time, and for most of the first two centuries of the Islamic calendar, the nature of the concepts of the Sunnah and Qurʾān were essentially seen as a coherent whole existing in a unitary, symbiotic, hermeneutic relationship that Graham called the ‘Prophetic-Revelatory event’.66 Furthermore, the overall life and circumstances under which Prophetic embodiment of the Qurʾānic message manifested itself, as reflected in the Qurʾānic content itself, suggests that many Qurʾāno-Sunnahic principles were also socio-culturally and situationally embedded and are to be understood in terms of general ethico-religious principles rather than in a literal all-comprehensive manner.67 In other words, the Sunnah was conceptualised in values or objective-based parameters rather than an all-embracing source of positive law.68 It is because of these factors that there was no urgency and need felt for a large-scale written documentation of Prophetic words or deeds at this period of time in Muslim history.

64 Ibid., p. 136.
65 Ibid., p. 137; For the most up-to-date summary on the nature and extent of written/oral transmission of the earliest traditional material, see H. Berg, Method and Theory in the Study of Islamic Origins, (Leiden: Brill, 2003). Also works by G. Schoeller as cited in footnote 41.
67 See A. Duderija, “The Importance of recognizing Qurʾānic assumptions as evident in its text in Developing a Qurʾānic Hermeneutic and Islamic Legal Theory”, under review.
68 This is how, in many cases, Hadith literature depicts the Prophet. For more on this see A. Duderija, The Role of Sunnah in Early Islamic jurisprudence, article under review.
4.2. Hadith at the Time of the Companions and Earliest Successors

With the death of the Prophet, Hadith attained a semi-formal status.69 The main purpose of Hadith, as mode of Sunnahic transmission, was, according to Rahman, for practical reasons “as something, which could be generated and be elaborated into the practice of the community”.70 Its random writing down marked the development of Hadith during this period of time in simple notebooks usually referred to as sahifal-suhruf.71 Nonetheless, judging by their own involvement in making decisions based upon them, the importance given to Hadith at the time of the Caliphs was not great. Juynboll asserts that:

It is safe to say that Abu Bakr, the first caliph, cannot be identified with Hadith in any extensive way. This may show that during his reign examples set by the prophet or his followers did not play a decisive role in Abu Bakr's decision making. With regards to second Caliph's [Umar] use of word Sunnah 'the term is usually use to mean: the normative behaviour of a good Muslim in the widest sense of the word' [rather than a Hadith].72 In case of the Uthman's [third Caliph] view of Hadith in conducting of community's affairs Uthman seems to have relied solely on his judgement.73

From all the different sources74 on which the juristic decisions of Ibn Abbas's (d. 68) disciples such as Ata b. Abi Rabah were based, only a small number of Prophetic Hadith were used.75 By the same token, the importance given to Hadith during the entire period of the Umayyad Caliphate (ending in 132 AH/750 CE) was ‘a

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70 Rahman, Living Sunna, p. 150.
71 F. Sezgin, Die Geschichte des arabischen Schriftentums (Leiden, 1967) Vol. 1, p. 55. Sezgin gives a number of sahifal-suhruf' written by Companions including those of Amr b. Al-As (b. 7 BH, d. 65), Gundab (d. 60 AH), Al-Hazragi (b. 16 BH, d. 78 AH) and others from this period, pp. 84-86.
73 Ibid., p. 28. For more on this, see ibid., pp. 25-30.
74 According to Motzki, other sources included the Qur’an, his teacher’s teachings (which played a dominanat role), the decisions taken by Caliph Umar and other Companions; H. Motzki, Die Anfaenge der islamischen Jurisprudenz (Deutsche Morgenlaendische Gesellschaft, Franz Steiner Verlag, 1991) p. 257.
75 Ibid.
marginal phenomenon'. The early religious epistles studied by Van Ess and Cook, suggest that the term Sunnah "has nothing to do with Ḥadith" and that in them Ḥadith are rarely, if at all, cited but that this "lack of Ḥadith did not betray any hostility towards the notion of Sunnah". Again, these statements must be understood in the context that the understanding of the word Sunnah at that time, as we demonstrated earlier, was ethico-religious in nature, permitting a large scope for exercising of one's own judgement so that Ḥadith was "interpreted by the rulers [of that time] and the judges freely according to the situation at hand." An indication that practice-based, non-written Sunnah was considered superior to that of Ḥadith is found in the chapter of Iyad's book entitled On What Has Been Related from the First Community and the Men of Knowledge Regarding the obligation of Going Back to the Practice (ʿamal) of the People of Medina, and Its Being a Conclusive Proof (hujja) in Their Opinion, even if it is Contrary to Ḥadith (al-athar). Elsewhere Iyad notes that Umar Ibn al-Khattab [second caliph] once said on the mimbar (pulpit), "By Allah, I will make things difficult for any man who relates a Ḥadith which is contrary to ʿamal." Another factor which leads us to conclude that Ḥadith literature did not enjoy a great deal of importance in legal matters, and that it was quite restricted in scope in the first century, is the fact that the nature of legal literature from that period deals overwhelmingly with issues that the Qurʾān addresses directly such as inheritance, marriage and divorce, injury and compensation, rather than those aspects of the Prophet’s life that were not directly

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76 Crone and Hinds, God’s Caliph, p. 73.
77 The actual dating of epistles is disputed as opinions differ regarding their authenticity. If they cannot be dated back to the 1st century Hijrah, as Cook suggests (see fn 252), it is reasonable to suggest that they are the product of the writings from the 2nd century Hijrah.
78 J. Van Ess, Zwischen Ḥadith und Theologie (Berlin, 1975); Anfaenge Muslimischer Theologie (Broschert: F. Steiner Verlag, 1977). For Cook, see the next footnote.
79 The list of them can be found in M. Cook, Early Muslim Dogma: A Critical Source Study (Cambridge: Cambridge University Press, 1981) pp. 6-7.
80 Ibid., pp. 16-18.
81 cf. Cook, Early Muslim, bottom p. 17 and top of p. 18.
82 Ibid., p. 150.
84 Ibid.
alluded to by the Qur’ān. J. van Ess’ examination of first century Muslim literature led him to conclude that the use of Ḥadith and their importance in these works was practically non-existent.

The earliest indications that Ḥadith literature was spreading are the stories about the fāḍā’il (merit) of the Companions which are likely to have originated during the caliphate of Abu Bakr, that is during the first two years after the Prophet’s death giving rise to what can be termed as politically motivated Sunnah. Another genre of early Ḥadith literature is the awā’il/anecdotes of the qussās (preachers) originating at about 40 AH. The subject matter of these Ḥadith/stories predominantly dealt with edification of the Prophet and the first generation Muslims termed tarḥīb wa targaḥīb. Another early genre of written literature to emerge was that of rudimentary tafsīr which was, however, not recorded during the Prophet’s time. The ḥalāl–ḥaram genre of Ḥadith (i.e. those which have a legal value) “must have been extremely limited in scope and were mainly the products of individual judgement on the part of the first legal minds Islam produced.”

In terms of isnād development, the second element in the ‘authentic Ḥadith’ equation, is only towards the end of the period under examination (70 AH) that the first consistent usage of isnād was put into practice. Modes of transmission were both oral and written in nature and included reading from a Ḥadith book by a teacher to students (sama’a), reading by

85 M. Al-Azmi, On Schacht’s Origins of Muhammadan Jurisprudence (Riyadh: King Saud University, 1985) pp. 24-25. 86 J. van Ess, Ḥadith and Theologie, p. 122. 87 See author’s article “Ahādīth and Early Muslim Community Politics” at http://www.understanding-islam.com/related/text.asp?type=rarticle&raid=332 88 Juynboll, Muslim Tradition, p. 11. 89 Souaiaia, The Function of Orality, p. 41. 90 Ibid., p. 17. 91 Al-Zuhri (50/60-120 AH) is accredited with this title; see Juynboll, Muslim Tradition, p. 18; cf. Lucas, Constructive Critics, who when talking about the period under examination asserts the following: There is very little evidence of Ḥadith being written at this point, and the employment of isnād would have been utterly unnecessary for the simple reason that it would have been cast for each tabī’i (Successor) to recall whether their šaḥabi teachers had heard their prophetic reports from the Prophet himself or from another šaḥabi, pp. 340-341; cf. Guenther, ‘Assessing the Sources’, op.cit. On origins of isnād, see G.H.A. Juynboll, ‘Some Notes on Islam’s First Fuqahā’ Distilled from Early Ḥadith Literature’, Studies on the Origins and Uses of Islamic Ḥadīth (Ashgate: Variorum, 1996) pp. 287-314, 290-292.
students from books to teachers (ʿard/qirāʿa) and written correspondence (wasīyah).

Towards the end of this period, coinciding with the establishment of regional schools of thought and regional Sunnah, most of the Ḥadith were regional in character, having regional isnāds based on the Companion's interpretation of Prophetic Sunnah. The isnād of Ḥadith stopped at the level of the Companions (or Successors) supporting the broader principle of the schools' general concept that Companions were in the best position to internalise and be living proponents of Prophetic Sunnah. This was reflected in their overall Sunnahic hermeneutic we referred to elsewhere as as-sunnah al-maʾrūfa and/or regional Sunnah.

4.3. Ḥadith at the Time of Successors and Early Successors: Successors up until 130 AH

The previous discussion led us to conclude that most of the Companions and early Successors had died before the importance of 'standardised Ḥadith' came into being and that 'ʿamal and oral-based Sunnah still enjoyed more credence than Ḥadith. The end of the first and beginning of the second century saw a significant growth of Ḥadith as a result of the talab ul-ʿilm/rihla phenomenon96 so that Ḥadith acquired more currency.97

As argued elsewhere, two broad mechanisms were responsible for this development. Firstly, the general perception among some influential and reputable Successors that the expanding Muslim empire would become organically detached from the Qurʾānic and Sunnahic teachings was becoming widespread. Secondly, a change in political fortunes and subsequent rise of the Abbasid dynasty (132 AH), which used the argument of being custodians of the Prophet's Sunnah through his uncle's cousin Abbas to justify and legitimise their political power, along with partisan tensions that emerged within the nascent Muslim community fighting for religious...
legitimacy, created an ever greater impetus for a more systematic collection of, and searching for, Sunnah in any form.98 These two trends resulted firstly in the practice-based Sunnah being increasingly clad in the mantle of written-based Sunnah, and secondly in the development of more stringent mechanisms to establish its authenticity of written—especially in terms of the mode of its transmission, i.e. ʿulum-ul-insād.

At this time, the largely regional character of the Hadith body of literature, due to increased inter-regional contact, now became 'mixed', that is, it consisted of local/regional and inter-regional Ḥadith.99 It is at this point in time that the scattered Ḥadith were now increasingly gathered together and compiled into books.100 Modes of Ḥadith transmission, apart from those already in operation,101 included munawalah (handing book to a student without samāʿ or qirāʿ), ijazah (giving permission to teach Ḥadith contained in a book) and wasīyah (entrusting a book for transmission).102 Nonetheless, while the importance of Ḥadith was slowly gaining more ground, the transmission, compilation and normalization of Ḥadith was still not widespread at this point in time. For example, the first public statement containing a prophetic Ḥadith (without an isnād) for governmental purposes was only instituted at the time of Caliph Al-Mahdi in the year 159 AH/776 CE.103 Moreover, Motzki argues in the context of the role and importance of Ḥadith as sources of legal doctrine in Mecca during the period under examination that: “Propheten-abādīth spielten als Rechtsquellen nur eine bescheidene Rolle”.104 Furthermore, most of the Ḥadith during this

98 Duderija, The Evolution in the concept of Sunnah’, p. 31. Abbott has identified a number of other specific factors which favoured the recording of Ḥadith including the socio-economic ambitions of the non-Arabs attained by their involvement in religious sciences, the threat and fear of heresy and religious innovation (bidaʾah) creeping into the tradition, the firm establishment of family isnād, the expansion of journeys (rihlah, talab) aimed for collection of reports and of the profession of the warraq (bookseller/publisher, the increase in student population and the progressive lengthening of isnād. Abbott, Studies, p. 56.

99 Sezgin, Die Geschichte, p. 55.

100 Ibid. This stage of development of writing down of Ḥadith is usually referred to as tadwīn al-hadīth.

101 See pp. 16-17 in this article.

102 Al-Azmi, Studies, pp. 24-31; Sezgin, Die Geschichte, pp. 55-84.

103 Crone and Hinds, God’s Caliph, p. 83ff.

104 Motzki, Die Anfaenge, p. 258.
period were still going back to the Companions and Successors rather than to the Prophet himself and had incomplete chains of transmission.\(^{105}\)

Whilst it is difficult to accurately generalise the usage of \textit{isnād} in all major centres of learning, the following assertion by Motzki made in the context of the status of \textit{isnād} usage in the Meccan School of jurisprudence during the first two centuries of Hijrah is likely to be indicative of the level of \textit{isnād} development in general:

\[\ldots \text{im 1. Jahrhundert [war] die Angabe eines \textit{isnād} ehe Ausnahme als die Regel [und] dass sich seit dem Begin des 2. Jahrhunderts aber der Gebrauch des \textit{isnād} mehr und mehr durchsetzte. Das ist nur als eine Tendenz zu verstehen.}^{106}\]

Mathnee, in the context of critiquing Rahman’s living Sunnah that extended right up to the Shafi’i period, considers this living Sunnah to have been used in an arbitrary fashion without reference to a particular authority and that it was susceptible to continuous change. He maintains furthermore that the Sunnah could refer either to a practice or tradition or combination of both and with multiple equivalent authorities.\(^{107}\)

\textbf{4.4. Hadith at the Time of Successors up to and including Shafi’i (130-200 AH): Extent, Nature and Importance}

Above we have briefly noted the reasons for increased ‘Hadithification’ of the concept of Sunnah.\(^{108}\) We refer to these as the forces of traditionalisation that were responsible for the paradigm shift in the way in which not only the concept of Sunnah came to be understood but also the entire subsequent Islamic thought. The process of traditionalisation is defined here as those social, political and jurisprudential mechanisms that throughout the second century of Hijrah contributed to:

1. the gradual shift in formulation, preservation and transmission of knowledge from the oral to the written mode in general and, as a corollary, the continued growth and proliferation of Hadith;


\(^{108}\) See p. 18.
2. the increased perceived importance given to Ḥadīth at the cost of the ethico-moral and ʿamal-based concept of Sunnah;
3. the absorption of practical and oral-based Sunnah into Ḥadīth;
4. the increased application of Ḥadīth in Qurʾānic and Sunnahic sciences such as tafsīr, ʿusūl-ul-fiqh and ʿusūl-as-sunnah including theology and ʿaqīdah; and
5. the development of hierarchical, literal legal hermeneutic models that were entirely textually based (i.e. based on the Qurʾān and Ḥadīth) and the marginalisation of non-textually based epistemologico-methodological tools of Sunnah (and Qurʾān) such as notions about of nāʿī and ijṭihād.

However, this process of traditionalisation during the first half of the second century of Hijrah still did not appear to be dominant. For example, according to Motzki who analysed the content of Abdarrazaq’s (d. 211 AH) Musannaf which contains materials from Ibn Abbas (d. 68 AH) and his disciples, only 14% of Ibn Juraij’s (d. 150 AH) text collections were based on Prophetic ahādīth, not all of which were considered binding but only those which were seen to be in accordance with the established Meccan tradition.109 In this context he argues that:

Propheten ahādīth haben [daher] auch in der ersten Hälfte des 2. Jahrhunderts im mekkischen Fiqh nur eine untergeordnete Rolle gespielt.110

It is also worth mentioning that of those 14%, less then one half of the Ḥadīth going back to the Prophet had a complete isnād and for those ahādīth whose chain of narrators stopped at the level of the Companions had even a lesser number of complete isnād.111

It is during the last half of the second century that the above-stated traditionalisation forces started to be felt more markedly. Therefore, this period can be rightfully described as a period of transition between regional non-Ḥadīth-dependent concept of Sunnah and emerging concept of Ḥadīth-based Sunnah. What was the attitude of major authorities on law towards this phenomenon, especially with regard to Ḥadīth-based Sunnah proliferation?

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110 Ibid.
111 Ibid.
When talking about the same period under examination in terms of Ḥadith-independent Sunnah, the opinion of Abu Yusuf was quoted as to his attitude with regard to the problem of ever-expanding Ḥadith literature. This methodology is also repeated in another passage found in Abu Yusuf’s work al-Radd ʿalā Siyar al-Awzaʿi in which he states:

Ḥadith multiplies so much so that some Ḥadith are traced back through chains of transmission are not well known to legal experts, nor do they conform to Qurʾān and Sunnah. Beware of solitary Ḥadith and keep close to the collective spirit of Ḥadith.112

The use of words well-known is highly significant here because it suggests that the well-known Sunnah was still conceptually different from Ḥadith and was used as a methodological tool, along with the Qurʾān, to divorce Sunnah from Ḥadith.

Having examined the use of Ḥadith in Malik’s Muwatta, al-Shaibani’s Kitab al-Siyar and writings of Awzaʿi Rahman makes an important conclusion in saying that:

Awzaʿi regards the Ḥadith of the Prophet as being endowed with fundamental obligatoriness but the Sunnah or the living practice113 is of same importance to him. His appeals to the practice of the Community or its leaders are to judge from the extinct materials, the most regular feature of his legal argumentation. Malik adduces Ḥadith (not necessarily Prophetic Ḥadith) to vindicate the Medinise Sunnah but regards Sunnah in terms of actual importance, as being superior to the Ḥadith.114 As for Abu Yusuf and Shaybani, very few of whose legal Ḥadith go back to the Prophet at all, they interpret the Ḥadith with [a] freedom . . . The Iraqi school recognize the supreme importance of Ḥadith but the Ḥadith, according to it, must be situationally interpreted in order that law may be deduced from it.115

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113 We use the expression practical/amal-based Sunnah as per Malik.
114 This opinion is shared by Dutton who quotes a number of instances in Malik’s Muwatta which validate this assertion, e.g. Abu Yusuf said (to Malik) “you do the adhan with tarji, but you have no Ḥadith from the prophet about this. Malik turned to him and said, Subhān Allah! I have never seen anything more amazing than this! The call to the prayer has been done [here] every day five times a day in front of witnesses, and sons have inherited it from their fathers since the time of Messenger of Allah, may Allah bless him and grant him peace. Does this need ‘so-and-so from so-and-so’? This is more accurate in our opinion than Ḥadith.”, Dutton, The Origins, p. 43, also pp. 41-52.
Sadeghi makes a similar assertion by asserting that “for Abu Hanifa and Al-Shaybani not only were the Ḥadith not a primary source of law in practice but that they were also possibly not always binding in theory either.”  

The importance given to what can be termed situational interpretation of Ḥadith in the light of the Qurʾān and well-known Sunnah was due to the formulation and projection of many theologico-politically sectarian and moralo-legal Ḥadith to that on to the Prophet himself that were taking place at the time. Many of these reports found their way into the Sahih Ḥadith books such as those complied by Bukhari (d. 256 AD) and Muslim (d. 261 AH). Also it is at this time that Musnad Ḥadith books came into existence. Musnad books contain Ḥadith which have uninterrupted chains of transmission up to the level of the Companions and are ordered according to the Companions’ names. As such, they were not collected with an aim of being used as tools for jurisprudentic purposes, as in the case of Bukhari and Muslim.

As we have seen from the above, this methodology of non-literal interpretation and conceptual differentiation of Sunnah and Ḥadith was still evident throughout most of the second century. Rather than accepting Ḥadith, even ‘authentic Ḥadith’, in an a priori fashion, the concept of as-sunnah al-maʿrfah was used, as a filter to distinguish between Ḥadith, which could potentially embody Sunnah, and those, which did not.

With regard to the development of isnād, it is during the third decade of the second century that birth of the ‘classical’ sciences of criticism of informants (rijal) started. In additional, it should be pointed out that the bulk of Ḥadith put into wider circulation took place at the level of Successors’ Successors early during the second century and, according to Juynboll, no foolproof method in terms of discerning authentic from inauthentic Ḥadith at the isnād level of Companions can be developed since the majority of Companions died prior to isnād science being systemati-

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117 For a description of this projection of isnād from level of successors and companions to that of Prophet, see Juynboll, Muslim Tradition, pp. 16-17, 19, 32, 42, 53, 70, 82.
119 Cf. Lucas, Constructive Critics, p. 358.
120 Juynboll, Muslim Tradition, p. 20.
4.5. Hadith at the Time of Shafi’i, Ahmed Ibn Hanbal and Beyond

The increase in volume and importance of Hadith in the theological and legal interpretation of the Qur’an and Sunnah induced in the coming generations a frame-of mind in which it was expected that “ever new Hadith should continue to come into existence in new situations to face novel problems—social, moral, religious.” The champion and proponent of this Hadith-based Qur’ânico-Sunnahic hermeneutic was Shafi’i.

Shafi’i’s insistence on Sunnah being only in a written form with an authentic isnâd going (in most cases) back to the Prophet diminished the value of the ijtihād–ijmāʿ element inherent in the concept of ‘amal- and oral-based Sunnah, and its overall importance in evolution of legal

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123 In Duderija, ‘The Evolution in the Concept of Sunnah’ I present a summary of the reasons why Hadith-based Sunnah was gaining an upper hand over the earlier regional/ Sunnah al-maṣrafa or ‘amal-based Sunnah. I argue: ‘The epistemological promise’, of having access to the actual words of the Prophet himself in a documented form was much more attractive and ‘logical’ than the regional concept of Sunnah. One could argue that it was considered superior to it for several reasons by many of those who accepted its epistemologicomethodological premises. Firstly, the oral and then written in nature of proliferating ‘Sunnah’ was more tangible than one based on a vague behaviourally practical concept. Secondly, written-based Sunnah was more voluminous as it was collected across all regions of the Muslim empire rather than being limited to just one. Thirdly, it was more specific and dealt with a broader subject matter than a practice-based Sunnah, which was often based on the spirit of Qur’an and Sunnah and was more difficult to verify. Fourthly, most of the reports were claimed to be going back to the Prophet, while the immediate source of practice-based Sunnah were the Successors and the practice of the community at the time. Fifthly, the practice of the regional community as a source of Sunnah was sometimes problematic because not all community practices were Sunnah-based so that scepticism about all of the community practices started to slowly creep in. Lastly, rather than relying on the general practice of the entire community, many of whom were ignorant of the complexities pertaining to the value and preservation of Sunnah, one was presented with a chain of several transmitters, many of whom were held in high esteem and were said to have had an unbroken ‘link’ to the Prophet himself and, as such, qualified as Sunnah’s custodians.”., pp. 32-33.
125 The regional or ‘amal-based Sunnah, according to Rahman, constantly re-defined and re-crystallised based as it was on two methodological tools: ijtihād–qiyās (personal
hermeneutic development, and substituted it with that of Ḥadith-based one.\textsuperscript{126} Noticing this conceptual shift in Sunnah, Rahman asserts that:

Whereas Sunnah was largely and primarily a practical phenomenon, Ḥadith became the vehicle not only of legal norms but of religious beliefs and principles as well.\textsuperscript{127}

In other words, the largely ‘\textit{ʿamal}-based, ethico-religious or value-objective-based and non-written-dependent concept of Sunnah that existed at the time of the first three generations of Muslims now became increasingly viewed as being qualitatively and quantitatively identical to specific, edified and static view of the Sunnah as reflected in proliferating Ḥadith. This process was, however, not entirely complete. Shafi‘i madhhab indeed differed from the ‘\textit{ahl-ul-hadith} movement (as well as Ḥanafi and Maliki madhhab) spear-headed by Ahmed ibn Ḥanbal on several hermeneutic principles so that the former was described as semi-traditionalist whilst latter was referred to as traditionalist.\textsuperscript{128} Maliki and Ḥanafi madhab were usually referred to as rationalist.\textsuperscript{129}

Ibn Ḥanbal, the major proponent of ‘\textit{ahl-ul-hadith} movement’s purely Ḥadith-based Sunnīc hermeneutic restricted the scope of non-textual and non-literal interpretations of the Sunnah (and the Qur‘ān) which still featured to some extent in Shafi‘i thought even further. His approach to the concept of Sunnah is clearly demonstrated in his treatise \textit{Tābāgatul-Ḥanaabilah}\textsuperscript{130} in which he states:

And the Sunnah with us are the a\textsuperscript{\textit{athar}}\textsuperscript{131} (narrations) of the Prophet” (\textit{wa-s-sunnatu ‘indana atharu rasulillah}). Moreover, in terms of epistemologico-methodological value opinion thought to be in accordance with the broad, general concept of regional Sunnah termed \textit{as-sunnah al-ma\textsuperscript{\textit{raf̣a}}} and \textit{ijmā} whose ultimate anchoring point was the Prophet, p. 140.

\textsuperscript{126} Ibid., p. 180.
\textsuperscript{127} Ibid., p. 160.
\textsuperscript{128} Ch. Melchert, \textit{The Formation of the Sunni Schools of Law in the 9th-10th centuries} (Leiden: Brill, 1997) p. 69. Also see Ch. 1 in his work on the relationship between ‘\textit{ahl-ul-hadith} and ‘\textit{ahl-ar-ra’y}.
\textsuperscript{129} Ibid.
\textsuperscript{130} This treaties is found in or attributed to A. Ibn Ḥanbal, \textit{The Foundations of the Sunnah}, trans. A. Ibn M. Rafiq, Salafi Publ., 2003.
\textsuperscript{131} \textit{Aithar} is usually a synonym for Ḥadith, generally going back to the Prophet but also to the time of the Companion, see Ansari, \textit{Islamic Terminology}, p. 256.
and interpretational tool of Ḥadith, Ḥanbal maintains that: “the Sunnah (i.e. athar/Hadith) explains and clarifies the Qurān (wa-r-sunnetu’tufassiru-l-qur’ān) . . . there is no analogical reasoning in the Sunnah and the examples are not to be made for it” (wa laisat fi-r-sunneti qiyyas, wa la tudhrebu laha al-amthah).

Nor is it [Sunnah] grasped and comprehended by the intellects or the desires (wa la tudreke bi-l-ʿuquli wa la-l ahwaʾ).

Thus, Sunnah was epistemologically and methodologically self-identified with Ḥadith/athar and was considered as supreme commentary upon the already earlier discussed deutungsbeduerfigkeit of the Qurān.

This period also witnessed for the first time the ordering of Ḥadith books solely according to legal subjects going back to the Prophet, such as Bukhari’s and Muslim’s Šahībaysn (pl. of Šahīb). The criticism of Ḥadith literature, however, has since continued so that the science of ʿulum-ul-ḥadith saw its efflorescence in the works of later authorities such as Al-Baghdadi (d. 463 AH), Al-Salah (d. 643 AH) and Al-Nawawi (d. 676 AH). It may therefore not come as a surprise to note that the most authentic Ḥadith compendia, such as those of Bukhari and Muslim, contain Ḥadith that were subsequently identified as weak (daqʿīf) or which did not fulfill some of the pre-requisites of authenticity for a Šahīb Ḥadith.

The major juristic works of this time still did not exhibit the purely Ḥadith-based Sunnah hermeneutic. Indeed, Calder argues that all of the early Ḥanafi texts on law (based on the writings of Abu Ḥanifa, Abu Yusuf and Shaybani) Kitab-ulʿ-Asl or Mabsūt “displays a minimum quantity of Prophetic Ḥadith.” Additionally, “a real systematic interest in the hermeneutic argument based on appeal to Prophetic Ḥadith can hardly be demonstrated for the Ḥanafi tradition prior to the corpus of works ascribed to Al-Tahtawi (d. 321 AH).”

132 The word ‘Sunnah’ is used here rather than Ḥadith but given the previous statement it is to be understood in the sense of Athar/Ḥadīth.

133 As cited in Ibn Ḥanbal, The Sunnah, pp. 11-12.

134 See page one.

135 Yusuf al-Qaradawi, one of the most distinguished, contemporary, traditional scholars has called for an ambitious initiative to compile an encyclopaedia of all aspects of ʿulum-ul-ḥadith in order to isolate genuine from ingenuous Ḥadīth based on the works of previous and modern scholars and provide new commentaries so as to clarify the facts, elucidate the complexities and false attributions, Kamali, Ḥadith Methodology, pp. 308-311.

136 Ibid., p. 288.

137 Calder, Origins, p. 55.

138 Ibid., p. 146.
Calder’s analysis of Sahnun’s (160–240 AH) *Mudawwana*, a juristic work from the Maliki school of law, also lead him to the following conclusion:

Of material or literary forms which suggest that the law is hermeneutically derived from the Prophetic Ḥadith there are only hints throughout the *Mudawwana*. . . Prophetic Ḥadith are relatively few and it is difficult to accept that there was a widespread recognition of the authority of Prophetic Ḥadith for legal purposes.139

The same author based on the study of Muzan’s (d. 264 AH) *Mukhtasar*, a Shafiʿī school of law juristic composition, asserts that the author “refers to Ḥadith but rarely in full and never gives an isnād.”140 Lucas in this context asserts that “prior to the mid-third century the majority of the material found in the sunnan books was not prophetic reports and consisted instead of sahabi and tabiʿi athar ….”141

5. Conclusion

This article attempts to present a brief chronological analysis of the development of the Sunni Ḥadith literature and the concept of an authentic Ḥadith. The article has focused in particular on the question as to what extent the classical definition of the concept of Sunnah can be seen to embody the concept of Sunnah as it was understood during the formative period of Islamic thought. Relevant, recent Western scholarship found in literature was used in order to shed light on this issue. In this context, the extent, importance and nature of Ḥadith literature as well as the developmental stages of an authentic Ḥadith, during the first four generations of Muslims, have been investigated. The findings presented herein suggest that the writing of Prophetic reports probably took place even during the Prophet’s time, although the conditions for its widespread writing, transmission and proliferation were not favourable, not only in relation to circumstances surrounding the Prophet’s life but also on the basis of cultural preferences for oral transmission of knowledge. This led Juynboll to assert that the volume of Ḥadith literature remained very small during

139 *Ibid.*, pp. 12, 18. In relation to this work, Wheeler quotes Sahnun who maintains that only those reports were adopted and supported by practice (ʿamal) are considered by the Medinese as authoritative, Wheeler, p. 31.


141 Lucas, *Constructive Critics*, p. 368.
the first century.142 Moreover, its importance during this period of time as
source of law against the regional concepts of Sunnah was negligible. A
marked growth in the corpus of Ḥadīth literature, although still not in its
‘authentic form’, took place from the middle of the second century. It was
during this period of transition that an epistemologico-methodological
shift in the concept of Sunnah was becoming ever more prominent. Con-
sequently, this resulted in its more frequent semantic association with Ḥadīth.

However, as Souaiaia demonstrated in relation to Islamic inheritance
laws during the formative period of Islamic thought, spanning the first
two and one half centuries or so, traditions from the Prophet in form of Ḥadīth
as defined by classical ʿilm-ul-ḥadīth sciences could not alone
produce an adequate framing of inheritance laws.143 As such, even towards
the end of the second century, Sunnah and Ḥadīth were seen as concept-
ually different terms. Due to his effort to bring more uniformity into the
largely divergent legal theories in various regions of the Muslim empire,
Shafīʿi was the first second-century-born jurist to narrow down the con-
cept of Sunnah to that of an ‘authentic Ḥadīth’ usually going back to the
Prophet. This conceptual alteration in Sunnah provided by Shafīʿi was
brought to its logical extreme, accepted and further consolidated by
Ahmed ibn Ḥanbal.

It is his literal, decontextualised, reason-condemning bilā kaifa (‘with-
out asking how’) approach to ‘authentic Ḥadīth’ as sole repository, con-
veyor and ultimate interpretational tool of Sunnah that is implied by the
muhaddithīn’s classical definition of the concept of Sunnah which did
not correspond to the way the concept of Sunnah was understood by the
first four generations of Muslims but is still prevalent in the majority
mainstream Muslim community.

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142 Juynboll, *Muslim Tradition*, pp. 11-23, 73.