THE NOBLE HADĪTH IN THE EARLY DAYS OF ISLAM

A Critical Study of a Western Approach

FATHIDDIN BEYANOUNI

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Contents

Key to Transliteration

A- Constants:

ا	' (Not shown initially)	ض	Ḍ
ب	B	ط	Ṭ
ت	T	ظ	Ẓ
ث	TH	ع	'
ج	J	غ	GH
ح	Ḥ	ف	F
خ	KH	ق	Q
د	D	ك	K
ذ	DH	ل	L
ر	R	م	M
ز	Z	ن	N
س	S	ه	H
ش	SH	و	W
ص	Ṣ	ي	Y

B- Vowels:

◌َ	a	ـَا / ـَى	ā
◌ِ	i	ـِي	ī
◌ُ	u	ـُو	ū

Abbreviations

A- Periodicals

BJRL..*Bulletin of the John Ryland Library*. Manchester.

BSOAS...............*Bulletin of the School of Oriental and African Studies*. London.

IC...*Islamic Culture*. Hyderabad.

JRAS..*Journal of the Royal Asiatic Society*. London.

JSS..*Journal of Semitic Studies*. Manchester.

MW..*The Muslim World*. Hartford.

TGOS.........*Transactions of the Glasgow University Oriental Society*. Glasgow.

ZDMG.....*Zeitschrift der Deutschen Morgenlèndischen Gesellschaft*, Stuttgart.

B- Other works

A.....................................*Musnad al-Imām Aḥmad b. Ḥanbal*, by Aḥmad b. Ḥanbal.

A.D...*Sunan Abī Dāwūd*, by Abū Dāwūd al-Sijistānī.

B1..The text of *Ṣaḥīḥ al-Bukhārī* as represented by al-'Asqalānī in *Fatḥ al-Bārī*.

B2..............*The translation of the meaning of Ṣaḥīḥ al-Bukhārī*, by M. M. Khan.

D.....................Sunan al-Dārimī, by 'Abd-Allah b. 'Abd al-Raḥmān al-Dārimī.

Dh...al-Dhahabī, Muhammad b. Aḥmad.

E.I.(1)................................*The Encyclopaedia of Islām*, first edition, 1913-38.

E.I.(2)....................................*The Encyclopaedia of Islām*, new edition, 1960.

H..al-Ḥākim al-Naysābūrī.

I.B..Ibn 'Abd al-Barr al-Andalusī.

I.H..al-'Asqalānī, Aḥmad b. 'Alī b. Ḥajar.

I.M...............Sunan Ibn Mājah, by Muhammad b. Yazīd al-Qazwīnī (Ibn Mājah).

Kh..al-Khaṭīb al-Baghdādī.

M1...Ṣaḥīḥ Muslim, by Muslim b. al-Ḥajjāj al-Naysābūrī.

M2..Ṣaḥīḥ Muslim, by al-Naysābūrī, English translation, by 'Abd al-Ḥamīd Ṣiddīqī.

Mishkat..*Mishkāt al-maṣābiḥ*, by al-Khaṭīb al-Tibrīzī, (English translation with explanatory notes, by James Robson).

N...*Sunan al-Nasā'ī* by Aḥmad b. Shu'ayb al-Nasā'ī

Robson (1-18).............Robson's articles on Ḥadīth as listed in the bibliography.

Su...al-Suyūṭī, Jalāl al-Dīn 'Abd al-Raḥmān.

T...Ṣaḥīḥ al-Tirmidhī, by Muḥammad b.'Isā al-Tirmidhī.

Table of Terminology[1]

Adhān	Call for prayer
Āḥād	A ḥadīth with a relatively small number of transmitters in each stage of its *isnād*, not enough to make it *mutawātir*
Fiqh	Law.
Fuqahā'	Doctors of law.
Ḥadīth	An account of what the Prophet Muhammad 🕌 said or did, or of his tacit approval of something said or done in his presence
'Iddah	Waiting period for a divorced or widowed women
Iḥrām	A specific status of someone who intends to perform pilgrimage [*Ḥajj*]
Ijtihād	Systematic reasoning by which a scholar can reach a decision
Isnād	Chain of authorities who transmit a particular *ḥadīth*
Istiḥsān	Approval
Janābah	A state of ceremonial impurity.
Jizyah	Head-tax
Li'ān	Mutual imprecation between married couple
Al-Maṣāliḥ al-mursalah	Unconsidered benefits
Mīqāt	Appointed place which one who intends to perform *Ḥajj* or *'Umrah* should not pass without entering the state of *iḥrām*
Mu'adhdhin	The one who calls for prayer
Mursal	A ḥadīth in which a Successor quotes the Prophet 🕌 directly
Musāqāh	Corp sharing contract over the lease of a plantation
Musnad	1- A ḥadīth with a connected *isnād* traced back to the Prophet 🕌.
	2- A book of Ḥadīth in which ḥadīths are arranged according to their transmitters of the Companion

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Mutawātir	A ḥadīth with so many transmitters in each link or stage of its *isnād*, that there could be no collusion
Muttaṣil	A ḥadīth with a connected *isnād* traced back to the source
Qiblah	Ka'bah direction
Qiyās	Analogical reasoning
Rajm	Stoning to death of a married person who commits adultery
Rak'ah	Prayer unit
Ramal	Haste
Rukū'	Bowing down in prayer
Ṣā'	A measure of capacity equals 3261 grams according to the *Ḥanafī* School, and 2172 grams according to others
Sa'y	Hastening between the mount of Ṣafā and the mount of Marwah near the Ka'bah in Makkah
Ṭawāf	Going round the Ka'bah
'Umrah	The Lesser Pilgrimage

Preface

This work is devoted to illustrate the actual status that Hadīth, i.e. the *Sunnah* of the Prophet Muhammad 🕮, occupied in the eyes of Muslims during the early days of Islam (up to 150 A.H.).

The study consists of an introduction, two chapters and a conclusion. The introduction indicates the motive that lies behind choosing the issue of the status of Hadīth as a subject for this study, and demonstrates the method according to which the thesis is undertaken.

The first chapter is assigned to the issue of the importance of Hadīth in the early days of Islam. It points out - after an examination of a recent western approach to the subject - the idea of the Prophet Muhammad 🕮 amongst his people and demonstrates the nature of the Prophet's sayings and deeds, the motives behind the considerable interest - shown by the people in the early days of Islam - in them and the main objectives by which such interest was generated.

The second chapter deals with the question of the beginning of the recognition of Hadīth as a basic source of guidance. After a close investigation of James Robson's hypothesis on this issue, this chapter will address this question, in details, in the light of the Quran, the Hadīth and statements of the early scholars who lived during the first century and the first half of the second century of *Hijrah*. It points out the way according to which Muslims at that time dealt with the *Sunnah* of the Prophet 🕮, at both formal and informal levels. It also refutes some arguments adduced by those who belief in the delay of the adoption of the *Sunnah*, as a basic source of guidance, until the time of al-Imam al-Shāfiʿī.

Finally, the conclusion presents the findings that the present project has reached.

Introduction

Praise be to Allah ﷻ, and peace and blessings be upon His final
Messenger, Muḥammad ﷺ, and upon all the Messengers who were
sent before him for the sake of guidance to mankind.

The question of the recognition of Ḥadīth as a basic source of
guidance in the early days of Islam is one of the controversial topics
between Muslim scholars and western writers on the one hand, and
between Muslims in general and those newborn heretical parties
who adopted the Qur'ān and neglected the *Sunnah* of the Prophet
ﷺ on the other hand.

As far as western writers on Islamic studies are concerned, it
seems that they generally believe that Ḥadīth was by no means a
matter of importance in the early decades of Islam. Prof. J. Robson[1]
is of the idea that, in those days, stories about the Prophet
Muḥammad ﷺ would be related for the mere interest.[2] He says:
"People who knew him would be asked to tell stories about him,
not for the purpose of laying down a supply of material for the
guidance of future generations, but merely to satisfy natural curiosity
about a great man."[3]

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1   Professor James Robson (1890-1981) is a Scottish orientalist, who wrote the article of
    Ḥadīth and other articles related to the subject in the *Encyclopaedia of Islam* (new edition),
    and in other learned journals. He was a professor of Arabic in the University of Manchester
    (1949-58). See *Who was Who*, vol. Viii, (1981-1990); *Who's Who*, an annual biographical
    dictionary, London, 1991; The Writer Directory, (1974-76), London / New York, 1973.
    The present writer performed a close examination to his approch to Ḥadīth in his Ph.D.
    thesis, in the Faculty of Arts, the University of Glasgow, 1994.
2   Cf. J. Robson, "Tradition, the second foundation of Islam," pp. 24f.
3   Cf. J. Robson, "Muslim Tradition, the question of authenticity," p. 86.

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They also believe that there was a delay in the recognition of Ḥadīth as a basic source of guidance. Joseph Schacht suggests that Ḥadīth from the Prophet do not form, together with the Qur'ān, the original basis of the Islamic law, "but an innovation begun at a time when some of its foundations already existed."[4] James Robson claims that: "In the early decades of Islam the Koran was thus the only official source of guidance, and what was not specifically laid down, there had to be determined some other way."[5] He confirms: "A truer appreciation of the development of the system makes one understand that only in 'Abbasīd times did Tradition come to be recognised as one of the fundamental bases for the government of the community."[6]

In regard to the newborn heretical views, one encounters a party called *al-Qur'āniyyon*. It was founded at the beginning of the twentieth century by Ghulām Aḥmad Barwīz from India. This party dismisses Ḥadīth altogether and claims that the Qur'ān is the only basis of Islam. Its founder, Barwīz, declares that the Qur'ān enjoins us to perform prayer, but the manner according to which the prayer should be performed is left to be determined by the head of state and his counsellors in a way that suits the time and place they live in.[7]

Rashād Khalīfah (1935-1990), the head of Tucson Centre in Arizona, U.S.A., is another source of such heretical views. He does not accept Ḥadīth as an integral basis of Islam, disapproving the effort made by the scholars of Ḥadīth in collecting, criticising and studying Ḥadīth. In 1988, he claimed the Prophecy, asking people to believe in him as a Messenger of Allah ﷻ. He was assassinated

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4   Schacht, p. 40. Joseph Schacht (1902-1969) is a German orientalist who specialized in Islamic law and whose thoughts have a great effect in his successors. He was a lecturer of Islamic studies in Oxford University, the Algerian University and other Western and Arabic universities. See Badawī, p. 252; al-Salafī, pp. 433f.

5   J. Robson, "Muslim Tradition, the question of authenticity," p. 87.

6   Ibid.; cf. Robson, "Tradition, the second foundation of Islam," p. 23.

7   See al-A'zamī, 1, p. 29; cf. al-Salafī, p. 457.

in 1990 and subsequently his followers formed a party called *al-Muslimūn al-Muwaḥḥidūn* [Monotheists].[8]

The primary intention of the present study is to demonstrate the importance of Ḥadīth in the eyes of early Muslims and their common view towards it, and to determine the beginning of the recognition of Ḥadīth as a basic source of guidance for the Muslim community at large.

As far as the importance of Ḥadīth in the early days of Islam is concerned, the study will firstly examine Robson's approach to it and secondly demonstrate the idea of the Prophet Muhammad ﷺ amongst his people, (i.e. the Companions), pointing out the nature of the Prophet's teachings and the categories of His deeds and sayings. It will also elucidate the motives and objectives of Muslims' interest in Ḥadīth

As for the issue of the recognition of Ḥadīth as a basic source of guidance, Robson's hypothesis on the subject will be closely investigated, and afterwards, the issue will be dealt in detail in the light of the Qur'ān, the Ḥadīth and other materials related to the period before al-Imam al-Shāfi'ī in order to chronicle the commencing of the recognition of Ḥadīth as a basic source of guidance. A number of arguments related to this issue will be discussed and refuted.

There are also few points to which attention should be drawn:

1) The present study is a part of a thesis submitted by the present writer for the degree of Ph.D. in the Faculty of Arts at the University of Glasgow in 1994.

2) In quoting the Qur'ān, I am dependent on the revised edition of the *English translation of the meaning*, by 'Abd-Allah Yūsuf 'Alī, published in Madinah in 1410 A.H.

3) As far as Ḥadīths are concerned, I often use the translation of *Ṣaḥīḥ al-Bukhārī*, by Muhammad Muḥsin Khān, that of *Ṣaḥīḥ*

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8   See *al-Nūr* magazine, 1&15 of Rabī' al-Ākhir, 1413/1992, Morocco; cf. *al-Qabas* newspaper, no. 4390, 3/8/1984, Kuwait.

Muslim by 'Abdul Ḥamīd Ṣiddīqī and that of *Mishkāt al-Maṣābīḥ* by James Robson. Occasionally, I found it necessary to amend these translations, whenever it seems to me, they do not convey the exact meaning of the original text; in such cases, I prefix 'see' or 'cf.' to my reference to the translations.

4) In referring to books in the footnotes, the name of the author is given, and followed by a number, when the author has more than one book quoted in this research. This number indicates the book cited, according to its order in the bibliography. In referring to articles, the name of the author is followed by the complete or short title of his article.

5) For convenience, Robson articles on Ḥadīth will be cited as 'Robson 1-18,' according to the order in the account given in the bibliography.

6) For the system of transliteration, the reader is requested to refer to "Key to Transliteration."

I

The Importance of Ḥadīth

In Ḥadīth terminology, Ḥadīth, in its most general meaning, is identified as what is ascribed to the Prophet Muḥammad ﷺ including his sayings, deeds, tacit agreement and moral and physical characteristics, and what is attributed to the Companions and the Successors i.e. *Mawqūf* and *Maqūf* respectively.[1] However, in this chapter as in the others, Ḥadīth will be considered as defined by scholars of *Uṣūl al-Fiqh* [principles of law] who deal with it as a basis of law and usually call it *Sunnah*, being "an account of what the Prophet [ﷺ] said or did, or of his tacit approval of something said or done in his presence."[2]

In fact, the question of the importance of Ḥadīth, in this sense is not completely new; it has its roots since early Islamic history, as Muslim scholars throughout the centuries considered this issue, briefly or at length.[3] It has also been dealt with from the beginning of this century by western scholars interested in the subject, who have discussed it from their own perspective. The present study, however, is devoted to the investigation of this question during the early days of Islam shortly after the death of the Prophet

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1   Cf. 'Itr. pp. 26-29.

2   The *Encyclopaedia of Islam*, new edition, vol. 3, p. 23; cf. al-Kafawī, p. 370; Fallātah, vol. 1, p. 42.

3   See, for example, *al-Risālah* of al-Shāfi'ī (d. 204 A.H.), *Ta'wīl mukhtalif al-ḥadīth* of Ibn Qutaybah 276), *al-Sunnah* of Muḥammad b. Naṣr al-Marwazi (d. 294 A.H.); *Minhāj al-Sunnah* of Ibn Taymiyyah (d.778 A.H.); *al-Rawḍ al-bāsim fī al-dhabb 'an sunnat Abī al-Qāsim* of al-Wazīr al-Yamānī (d. 840 A.H.); *Miftāḥ al-Jannah fī al-Iḥtijāj bi al-Sunnah* of al-Suyūṭī (d. 911 A.H.); *al-Sunnah wa makānatuhā fī al-tashrī' al-Islāmī* of Muṣṭafā al-Sibā'ī; *Ḥujjiyyat al-Sunnah* of 'Abd al-Ghanī 'Abd al-Khāliq.

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Muḥammad 🕮, as the present writer beliefs that most of the arguments of those who did not agree on the importance of Ḥadīth refer to this period and to the way according to which early Muslims dealt with Ḥadīth

1   Survey of a western approach

Consulting biographical works regarding the Prophet Muḥammad 🕮, one will recognise the considerable interest, shown by Jews, Christians and Pagans as well as by Muslims, in Muhammad 🕮 and in the way he led his life - not only after he started his mission but even before.[4] That is probably the reason which made Robson conclude: "It may safely be assumed that from the very beginning, Muslims were interested in what the Prophet said and did, and that after his death, when Islam spread widely, new converts would be anxious to hear about him. Those who associated with him would be listened to eagerly as they told about him, and in course of time a great amount of material became current."[5]

However, there is an important question, which is: what were the motives and the ultimate goal behind this interest in his sayings and deeds? To answer this question, Robson's opinion concerning this issue as it appears from his writings on Ḥadīth will first be highlighted, and secondly his approach will be discussed based on sources available to us. As far as the motives that made people interested in the stories related to the Prophet Muḥammad 🕮 are concerned, Robson adduces the following:

1)   Muḥammad's striking personality. He states: "That Muḥammad was a very striking personality, there can be no doubt

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4   See Ibn Hishām, vol. 1, the story of the Monk Baḥīrā, pp. 180-183; Jews, Christians and Arabs predict mission of Muhammad 🕮, pp. 211-214; the Apostle's public preaching and the response, pp. 264-67; the second pledge at al-ʿAqabah, pp. 438-48 and *passim*; and see these articles in Ibn Isḥāq, English ed., pp. 79-81; 90-95; 117-21; 201-6, and *passim*.

5   Robson in his introduction to *Mishkat*, p. ii.

whatsoever. It must therefore have been natural for people to talk about him. This would happen in his lifetime... It would happen all the more after he died."[6]

2) The instrument of the great development. He says: "People were bound to ask for information about the extraordinary man who had set this great development in motion...."[7]

With regard to the goals observed of this interest, Robson thinks that the stories about the Prophet would merely be retailed for the mere interest.[8] Elsewhere he is more specific: "People who knew him would be asked to tell stories about him, not for the purpose of laying down a supply of material for the guidance of future generations, but merely to satisfy natural curiosity about a great man."[9] These are the main motives and goals I have identified in Robson's writings for the interest of the people at that time in accounts connected with the Prophet Muḥammad ﷺ. This conclusion seems to be a natural result of his belief that "It is not at all clear that Tradition as we know it was considered a matter of importance from the beginning. Indeed, it would hardly be necessary in the early period after Muḥammad's death."[10]

In his view, the idea that Ḥadīth is a type of revelation is only the result of a late development when Ḥadīth was adopted as a main source of guidance. At that period, which Robson dates as the time of al-Imām al-Shāfiʿī towards the end of the second century, it was believed "that through Muḥammad, humanity is provided with a double revelation. The Koran, the actual word of God, is the higher type... The lower type is Tradition; but it is slightly inferior, for the Prophet is believed to have been inspired by God continuously."[11]

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6   Robson 6, p. 85; cf. *The Encyclopaedia of Islam*, new edition, vol. 3, p. 23.
7   Robson, Id., p. 86.
8   Cf. Robson 2 , p. 24f.
9   Robson 6, p. 86.
10 Robson 2, p. 23.
11 Robson 6, p. 84.

This is what the reader of Robson's articles on the subject will comprehend regarding the nature and the importance of Ḥadīth amongst the Muslims in the early days of Islam. To discuss Robson's view on this issue, it seems to me that there are two significant questions, whose answers will play a crucial part in comprehending the nature and the extent of the interest in the Prophet's sayings and actions, and in determining the motives and the goals of such an interest. The two questions are:

(a) What was the idea of Muḥammad 鬱 amongst his people?

(b) What was the nature of his teachings?

2 The idea of Muḥammad 鬱 amongst his people

As far as this issue is concerned, the following questions may be raised: Was Muḥammad 鬱 an ordinary man? Was he a great reformer? Was he a Messenger of Allah 鬱, who had a certain divine message to deliver? And so on. To answer such questions, there are several approaches, but the one that concerns us, is the Islamic approach, as it is shown through the Qur'ān, Ḥadīth and the statements of Muslim scholars.

The Qur'ān, the basic source of guidance, makes the answers to these questions very distinct, as there are verses stating that Muḥammad 鬱 is an ordinary human being who was chosen by Allah 鬱 as His final Messenger to mankind. In one verse we read: ⟨Say: "I am but a man like yourselves, (but) the inspiration has come to me, that your God is one God⟩,[12] and in another verse we are told: ⟨Muḥammad is not the father of any of your men, but (he is) the Messenger of Allah and the seal of the Prophets: and Allah has full knowledge of all things⟩.[13]

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12 xviii, 110; cf. xli. 6; xvii. 93.
13 xxxiii, 40; cf. iii, 144.

Other verses ask people to believe in Allah ﷻ and His Messenger ﷺ: ❨O Ye who believe! believe in Allah and His Messenger and the scripture which He hath sent His Messenger, and the scripture which He sent to those before (him). Any who denieth Allah, His angels, His Books, His Messengers, and the Day of Judgement, hath gone far, far away❩.[14]

There are verses in which we are told that the Prophet Muḥammad ﷺ has been receiving divine revelation, just as those Messengers sent before him: ❨We have sent thee Inspiration, as We sent it to Noah and the Messengers after him; We sent Inspiration to Abraham, Ismāʿīl, Isaac, Jacob, and the tribes, to Jesus, Job, Jonah, Aaron, and Solomon, and to David We gave Psalms❩.[15]

Another set of verses states that the Prophet ﷺ is always under divine guidance and following only what is revealed to him from his God ﷻ: ❨Say: I tell you not that with me are the treasure of Allah nor do I know what is hidden nor do I tell you I am an angel; I follow but what is revealed to me❩.[16]

Hadīth also confirms this fact. There is an account in which Anas b. Mālik ؓ says: "While we were sitting with the Prophet ﷺ in the mosque, a man came riding on a camel. He made his camel kneel down in the mosque, tied its foreleg and then said: 'Who amongst you is Muḥammad?' At that time the Prophet ﷺ was sitting amongst us (his companions) leaning on his arm. We replied: 'This white man reclining on his arm.' The man then addressed him: 'O son of ʿAbd al-Muṭṭalib.' The Prophet ﷺ said: 'I am here to answer your question.' The man said to the Prophet: 'I want to ask you something and will be hard in questioning, so do not get angry.' The Prophet ﷺ said: 'Ask whatever you want.' The man said: 'I ask you by your lord, and the lord of those who came before you, has Allah sent you as an Apostle to all the [sic] mankind?' The Prophet ﷺ replied, 'By Allah, yes....' The man went on asking the

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14   iv. 136; cf. xxiv. 62; xlviii. 9; lvii. 7, 28, lxi. 11; lxiv. 8.
15   iv. 163; cf. xviii. 110.
16   vi. 50; cf. vii. 203; x. 15.

Prophet 🌼 about the five daily prayers, fasting during the month of Ramaḍān, paying alms, and then said: 'I believe in all that with which you have been sent, and I have been sent by my people as a messenger, and I am Ḍimām bin Thaʿlabah.'[17]

To the Companions, may Allah be pleased with them, the fact that the Prophet Muḥammad 🌼 was a messenger of Allah and receiving divine revelation was beyond question. "Jābir b. ʿAbd-Allah related that he once asked the Prophet 🌼: 'O Allah's Apostle! How should I spend my wealth?' But the Prophet 🌼 did not give me any reply till the verse of the laws of inheritance was revealed."[18]

In another account we are told that the wife of Saʿd b. al-Rabīʿ 🌼 came with his two daughters to the Prophet 🌼 and said: "O Apostle of Allah, these are the daughters of Saʿd who was killed in the battle of Uḥud. Their uncle took all the inheritance and there was nothing left for them...." The prophet said: "Allah will give His verdict." The verses regarding the laws of inheritance were revealed and the Prophet 🌼 asked their uncle to give them two thirds, their mother an eighth and to take for himself what was left.[19] In these two narrations it is clear that as the Prophet 🌼 had no answer regarding the issues in question, he waited for guidance from his Creator 🌼 in order to give a judgement.

The Companions' belief that the Prophet 🌼 was receiving divine revelation is indicated by the following statement of Ibn ʿUmar 🌼: "We used to avoid chatting leisurely and freely with our wives in the time of Allah's Apostle, lest some divine inspiration might be revealed concerning us, but when Allah's Apostle had died we started chatting leisurely and freely (with them)."[20] There is another story of Salamah b. Ṣakhr al-Anṣārī 🌼 in which a similar feeling is expressed by the Companions.[21]

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17 B2., vol. 1, pp. 54f, (n. 63).
18 Id., vol. 9, p. 307f, (n.412).
19 T., vol. 2, p. 11.
20 See B2., vol. 7, p. 81, (n. 115); cf. H., 3, vol. 4, p. 37.
21 See T., vol. 2, p. 226; H., 3, vol. 2, p. 203.

From the preceding statements, one would infer that Muslims, from the early days of Islam, believed:

i)   That Muḥammad ﷺ was the final Messenger of Allah ﷻ and the bearer of His message to mankind, in whom Allah ﷻ enjoins people to believe.

ii) That he was under divine guidance and receiving divine revelation.

iii) That he was following what was revealed to him and giving his judgements according to it.

3   The nature of the Prophet's teachings

The belief that Muḥammad ﷺ was a Messenger of Allah ﷻ receiving divine revelation from Him, would give rise to another question, as to what was the nature of his sayings and actions?

There is no doubt whatsoever, from the Muslim's perspective, that the Qur'ān is the absolute Word of Allah ﷻ with which people, including the Prophet ﷺ, have nothing to do; 〈As for thee, thou receivest the Qur'ān from One All-Wise, All-Knowing〉,[22] 〈That this is indeed a Qur'ān most honourable. In a book well-guarded. Which none shall touch but those who are clean: a Revelation from the Lord of the Worlds〉.[23] Another verse says: 〈Your companion is neither astray nor being misled, nor does he say (aught) of (his own) desire. It is no less than inspiration sent down to him〉.[24]

The Prophet's sayings and actions which has a religious nature were also considered as having a divine nature. This is understood from the verse adduced above on which Ibn Kathīr comments that it means that the Prophet ﷺ only says what he is instructed to say, and conveys it to the people without any addition or diminution.[25]

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22 xxvii. 6.
23 lvi. 77-80.
24 3 liii. 2-4.
25 Ibn Kathīr, 2, vol. 4, p. 247; cf. al-Qurṭubī, vol. 17, pp. 84f.

It is also indicated by the following account reported by 'Abd-Allah b. 'Amr ﷺ to the effect that he wrote down words spoken by the Prophet ﷺ, whereupon Quraysh objected on the grounds that the Prophet was a human being and therefore liable to speak under the influence of some emotion. Accordingly 'Abd-Allah consulted the Prophet ﷺ and he allowed him to write as he never spoke anything but the truth.[26]

That the Prophet's teachings, other than in the Qur'ān, have a divine nature as reflected by a Ḥadīth in which the Prophet ﷺ is reported to have been taught the fixed times of the five daily prayers - the matter which is not precisely determined in the Qur'ān - by Gabriel, who acted as Imam, while he offered prayers with him five times. Having reported this incident, the Prophet ﷺ said: "This is how I have been ordered to do."[27] It is also indicated by a statement of Ḥassan b. Aṭiyyah al-Muḥāribī[28] to the effect that Gabriel conveyed the Sunnah to the Prophet ﷺ, just as he did with the Qur'ān, and he taught him the Sunnah as he taught him the Qur'ān.[29]

Notwithstanding, Muslim scholars believe that the Prophet ﷺ occasionally used his own judgement without direct guidance from the revelation. There is a hadīth in which the Prophet ﷺ says: "I only use my own judgement where there is no revelation."[30] As far as this issue is concerned, al-Sakhāwī is of the opinion that when the Prophet ﷺ faced a certain matter for which there is no direct guidance in the Qur'ān, he waited for an appropriate period before giving a judgement; if no revelation was received, he gave his own decision by practising Ijtihād.[31] Other scholars including Mālik, al-Shāfi'ī and Aḥmad b. Ḥanbal,

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26 A.D., vol. 4, pp. 60f.

27 M2., vol. 1, p. 299, (n. 1269); cf. B2., vol. 1, p. 297, (n. 500).

28 He is Abū Bakr al-Dimashqī, a trustworthy, pious scholar who died 120-130 A.H.; see I.H., 4, vol. 2, p. 251.

29 See Kh., 3, p. 12; cf. D., vol. 1, p. 145; I.B., 1, vol. 2, p. 191; al-Qurṭubī, vol. 1, p. 39.

30 A.D., vol. 4, p. 14.

31 Ijtihād is a process of a systematic reasoning in the light of the main sources, by which a scholar can reach a judicial decision.

are of the opinion that in dealing with matters for which there is no answer in the Quran, the Prophet ﷺ took a decision without waiting for a revelation at all.

At any rate, such a decision is accepted as a definite authority as long as there is no revelation reported to have been sent by way of correction.[32] Therefore, the outcome of these two opinions does not result in any important difference, as even this kind of decision was also considered equivalent to divine revelation, because the Prophet ﷺ is believed to be always under divine guidance and his decisions to be preserved by Allah ﷻ, Who will not leave him alone if he makes an incorrect decision regarding his mission; unlike others who are not under direct divine guidance.[33] 'Umar b. al-Khaṭṭāb ؏ is reported as saying: "The Prophet's judgements are always right, as he was continuously guided by Allah, while our decisions are fallible."[34]

Therefore, if it happened that the Prophet ﷺ made a decision which was not in accordance with Allah's Will, the revelation would descend and convey to him the decision which should have been taken.[35] The story of Ibn Umm Maktūm ؏, in which, although the Prophet ﷺ did not make a serious mistake, he was blamed, may serve as an example of this. The story tells us that once 'Abd-Allah b. Umm Maktūm ؏, the blind, poor Companion, came to the Prophet ﷺ who paid no attention to him, resenting the interruption, as he was deeply and earnestly engaged in trying to explain the holy Qur'ān to a group of Quraysh's leaders, hoping that they would accept his call and follow the right path to which he was summoning the people.[36] Because of that Allah's revelation was sent to the Prophet ﷺ blaming him for such an action. The

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32 See al-'Umarī, Nādiyah, pp. 43f; cf. al-Bukhārī 'Abd al-'Azīz, vol. 3, pp. 205f.
33 See al-Bukārī 'Abd al-'Azīz, vol. 3, pp. 209f; al-Shāṭibī, vol. 4, p. 21; al-Dahlawī, vol. 1, p. 271; al-Qāsimī, p. 59; Drāz, p. 11.
34 A.D., vol. 4, p. 14.
35 See Abū al-Naṣr, pp. 40f; cf. Ibn Ḥazm, 1, vol. 4, pp. 47, 53.
36 See 'Alī's translation, p. 1896; cf. Ibn Kathīr, 2, vol. 3, p. 599; Ibn Hishām, vol. 1, pp. 363f.

incident is recorded in the Qur'ān[37] and "reflects the highest honour on the Prophet's sincerity in Revelations that were vouchsafed to him even if they seemed to reprove him for some natural zeal that led him to a false step in his mission according to his own high standards."[38]

On another occasion and out of compassion for his people, the Prophet ﷺ decided to perform funeral prayers for the hypocrite, 'Abd-Allah b. Ubayy b. Salūl, whereupon the following verse was revealed deterring him from doing that: ⟨Nor do thou ever pray for any of them that dies, nor stand at his grave; for they rejected Allah and His Messenger, and died in a state of perverse rebellion⟩.[39]

At another time, after failing to convince his uncle to embrace Islam, the Prophet ﷺ said that he would keep asking Allah to forgive him as long as he was not forbidden to do so. The incident is narrated by Sa'īd b. al-Musayyib to the effect that when the time of Abu Ṭālib's death approached, Allah's Apostle ﷺ went to him and found Abu Jahl bin Hishām and 'Abdullah bin Abī Umaiya bin Al-Mughīra by his side. Allah's Apostle said to Abū Ṭālib, "O uncle! Say: None has the right to be worshipped but Allah, a sentence with which I shall be a witness (i.e. argue) for you before Allah. Abū Jahl and 'Abdullāh bin Abī Umaiya said, "O Abū Ṭālib! Are you going to denounce the religion of 'Abdul Muṭṭalib?." Allah's Apostle kept on inviting Abū Ṭālib to say it (i.e. 'None has the right to be worshipped but Allah'), while they (Abū Jahl and 'Abdullah) kept on repeating their statement till Abū Tālib said as his last statement that he was on the religion of Abdul Muṭṭalib and refused to say, 'None has the right to be worshipped but Allah.'

Then Allah's Apostle ﷺ said, "I will keep on asking Allah's forgiveness for you unless I am forbidden (by Allah) to do so. So

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37 lxxx. 1-10.
38 'Alī, p. 1896.
39 ix. 84; see B2., vol. 6, pp. 153-55; al-Qurṭubī, vol. 8, pp. 218f. For other incidents, in which the revelation revised the Prophet's decisions, see verses ix. 43; lviii. 1-4, and al-Qurṭubī, vol. 8, pp. 154f and vol. 17, pp. 269ff respectively.

Allah revealed (the verse) concerning him, i.e. ❨It is not fitting, for the Prophet and those who believe, that they should pray for forgiveness for Pagans, even though they be of kin, after it is clear to them that they are companions of the Fire❩.[40]

4   Categories of the Prophetic deeds and sayings

Generally speaking, what is ascribed to the Prophet ﷺ is divided into two sections:

The first belongs to his mission as a Messenger of Allah ﷻ who has particular teachings to convey to the people; this section is considered the *Sunnah*, to which the following verse refers: ❨Take what the Messenger gives you, and refrain from what He prohibits you❩.[41] Teachings in this section can either be received directly from divine revelation or they can be the result of the Prophet's own *Ijtihād* [systematic reasoning].

The second section includes what is not related to his prophetic mission, such as his decisions regarding medical advice which he acquired by his own experience or some other means, unless there is a clear indication that a particular decision is related to divine revelation. This section also includes what he did according to his human nature or to customs prevailing in his lifetime.

There is a ḥadīth in which the Prophet ﷺ makes a clear distinction between his sayings that relate to religion and other kinds of sayings. Once, he saw people fertilising palm-trees and suggested that there was no need to do this. Being informed of this, the people refrained from doing so. The incident resulted in making trees yield less fruit. Having been told that, the Prophet ﷺ said: "If there is any use of it, then they should do it, for it was only my personal opinion, and do not blame me for my opinions;[42] but when

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40   ix. 113; for the incident see B2., vol. 6, p. 158.

41   lix. 7.

42   The Arabic version reads: 'innamā ẓanantu ẓann-an, falā tu'ākhidhūnī bi al-ẓann', see M1., vol. 15, pp. 116f.

I say to you anything on behalf of Allah, then do accept it, for I do not attribute lies to Allah[43] the Exalted and Glorious." In another narration the Prophet 🕌 is reported as saying: "I am a human being, so when I command you about a thing pertaining to religion, accept it, and when I command you about a thing out of my personal opinion, keep it in mind that I am a human being."[44]

Al-Nawawī points out that His personal opinions apply to matters related to worldly affairs, and not concerning religious enactments.[45] Moreover, in yet another narration, the Prophet 🕌 is reported as stating: "You have better knowledge, as far as the affairs of your own world are concerned [antum a'lam bi amr dunyākum]."[46]

These preceding ḥadīths refer to the second section, which is not connected with divine revelation and is completely influenced by the Prophet's human nature.[47]

Al-Qāḍī 'Iyāḍ points out that occasionally, as far as decisions regarding non-religious matters are concerned, the Prophet 🕌 may not reach the right conclusion, and adduces the story of fertilising the palm-tree as an example. He continues with another story related to the Battle of Badr, in which the Prophet 🕌 is reported to have chosen a certain location for his army to camp. One of his companions, al-Ḥubāb b. al-Mundhir ؓ inquired him whether this particular location was assigned by Allah 🕮, in which case they would have to stick to it, or was it his own choice? When the Prophet 🕌 replied that it was his own choice, al-Ḥubāb suggested

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43 As the Prophet 🕌 is by no means expected to tell lies against his God, it seems that what he means by this expression is that he does not make mistakes, as far as matters connected with his mission are concerned, unlike decisions that do not have a religious nature and, accordingly fallible.

44 See M2., vol. 4, p. 1259, (nos. 5830-31); cf. Ibn Khaldūn, vol. 1, pp. 918f; Abū al-Naṣr, pp. 51f.

45 See al-Nawawī, 1, vol. 15, p. 116.

46 M1., vol. 15, pp. 117f; cf. M2., vol. 4, pp. 1259f, (n. 5832).

47 For this division see al-Dahlawī, vol. 1, pp. 271f; al-Qāsimī, pp. 269f; al-Ashqar, 2, vol. 1, pp. 17f. For other ḥadīths that assert his human nature, see M2., vol. 4, p. 1372, (nos. 6287, 6293).

another location for the army to form camp whereupon the Prophet 🕋 himself declared: "You have made the right suggestion," [*Ashart bi al-ra'y al-ṣa'ib*], and did as al-Ḥubāb 🕋 suggested.[48]

Al-Qāḍī 'Iyāḍ adduces another example regarding the truce between the Prophet 🕋 and his enemies on the day of al-Khandaq in which the Prophet revised his decision after a consultation with his Companions. Commenting on these incidents, he confirms that in these events and others similar to them, which are unrelated to religious matters, the Prophet 🕋 may give his decision according to what appears to him to be right, although in fact it is not. This, however, has nothing to do with his status as a Messenger of Allah 🕋.[49]

A similar attitude is expressed by Ibn Khaldūn in the Introduction to his thesis on history. He states that what is ascribed to the Prophet 🕋 concerning some medical prescriptions is mainly based on a limited experience of the medicine's effect on some patients rather than on scientific principles. This practise is something that Arabs are accustomed to and bears no relation to divine revelation. Such a practice is ascribed to the Prophet 🕋 in the same way as the deeds resulting from his human nature or from the custom of the people at that time. He concludes that the Prophet 🕋 is sent to teach us religious matters and not to instruct us in medicine-related issues or other things of a customary nature.[50] Nevertheless, one should state that this rule applies, as understood from Ibn Khaldūn's discussion,[51] as long as there is no indication of any kind that a particular medical prescription or a certain custom is connected to divine revelation, and hence to be dealt with entirely as a religious matter.

The judgement of the Prophet 🕋 between adversaries is also considered as having no relation to divine revelation. In this

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48   See Ibn Hishām, vol. 1, p. 620.
49   See al-Andalusī, 2, vol. 2, pp. 163f; Abū al-Naṣr, pp. 51-54.
50   Ibn Khaldūn, vol. 1, pp. 918f; cf. Abū al-Naṣr, pp. 55f.
51   Id., Ibn Khaldūn, vol. 1, p. 919.

situation the Prophet ﷺ is believed to have followed what appears to him a right decision, according to confessions and testimonies represented to him.[52]

This is confirmed by a ḥadīth in which the Prophet ﷺ is reported as saying: "I am only a human being, and opponents come to me (to settle their problems); maybe someone amongst you can present his case more eloquently than the others, whereby I may consider him true and give a verdict in his favour. So, if I give the right of a Muslim to another by mistake, then it is really a portion of (Hell) fire, he has the option to take or give up."[53]

Attention may be drawn to another classification put forward by al-Qarāfī on a different basis. He divides the Prophet's actions into four sections:[54]

- What he did as a leader of the people [*Imām*]: such as the distribution of the booty, and implementing prescribed punishments [*ḥudūd*]. This kind of actions should be carried out only by rulers or under their supervision.

- What he did as a judge: such as ending a marriage by separation [*faskh*], which is the task of judges only.

- What he did as a Messenger of Allah who has teachings to convey to people; what comes under this section is what should be followed and observed by all Muslims until the Day of Judgement.

- Actions of an indeterminate capacity, and about which scholars have different views.

  For a more detailed classification, deeds attributed to the Prophet ﷺ may be categorised as follows:[55]

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52 See al-Qarāfī, p. 23; al-Dahlawī, vol. 1, p. 272; al-'Arūsī, pp. 174-77.

53 B2., vol. 3, p. 381, (n. 638).

54 See al-Qarāfī, pp. 24-28.

55 See al-'Arūsī, pp. 145-174; Hītū, pp. 272-276; cf. al-Asnawī, vol. 3, pp. 16-34; al-Shāṭibī, vol. 4, pp. 55-58; al-Khuḍarī, pp. 261f; al-Ashqar, 2, vol. 1, pp. 219-381.

- What he did according to his human nature, such as moving, standing, sitting and so on. To this section the question of following or not does not apply.

- What he did according to the custom prevailing at that time, such as customs regarding eating, drinking, sleeping and clothing. He is for example reported as eating barley and having a mat or something special to sleep on. Practising such things indicates that they are lawful [Mubāḥ] for him and for others alike, and whoever follows him in these deeds, intending to adhere to the Prophet's customs, is exposing himself to Allah's Blessing because of his good intention. The Companion, 'Abd-Allah b. 'Umar ﷺ is one of those who are reported to have done their best in following the Prophet's actions to a great extent.

- Actions which have no indication whether it was performed by the Prophet ﷺ as a custom ['Ādah] or a religious worship ['Ibādah]; such as going by one way to the Prayer of 'Īd and returning by another. As far as such actions are concerned, Muslim scholars are of different opinions, and doctors of law [al-Fuqahā are inclined to believe that they are recommended to be followed [Mandūb or Mustaḥabb].

- Actions which serve as an execution or explanation of particular commands; such as performing prayers or pilgrimage which are in fact implementations of the enactments enshrined in the Qur'ān; ❨And be steadfast in prayer: give Zakat, and bow down your heads with those who bow down (in worship)❩,[56] and ❨Pilgrimage thereto is a duty men owe to Allah, - those who can afford the journey;...❩[57] respectively. This kind of deeds has the same status as the enactments they are intended to observe or explain.

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56 ii. 43.
57 iii. 97.

- Actions which are considered to be related to the Prophet's privileges [khaṣā'iṣ] and not applicable to his followers, such as fasting for more than one day without breaking the fast which the Prophet 🏵 practised. When his Companions tried to follow him, he did not give them permission, pointing out the difference between him and them.[58] It is, however, worthy of note that a recognised authority should be adduced for determining that a particular action is one of the Prophet's privileges, as such actions are exceptions, while the general rule is: ❨Ye have indeed in the Messenger of Allah an excellent exemplar, for him who hopes in Allah and the final day, and who remember [sic] Allah much❩.[59]

As far as sayings of the Prophet 🏵 are concerned, three types may be distinguished:

(1) Divine [qudsī] ḥadīths that consist of ḥadīths whose sense was received by the Prophet 🏵 from his God 🏵; he, in turn, transmitted them by using his own words.[60] Here are two examples:

- Abū Dharr 🏵 reported the Prophet 🏵 as saying that Allah, the Exalted and Glorious, said: "My servants, I have made oppression unlawful for Me and unlawful for you, so do not commit oppression against one another...."[61]

- There is a ḥadīth in which the Prophet 🏵 said: "Allah revealed to me that we should be humble amongst ourselves and none should show pride upon the others. And it does not behove one to do so...."[62]

(2) Prophetic ḥadīths to which the majority of ḥadīths belong. They consist of two kinds; The first includes ḥadīths which are in

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58 Cf. B2., vol. 3, p. 105 (n. 185), for another example see xxxiii. 50, and al-Qurṭubī, vol. 14, pp. 211-13.

59 xxxiii. 21.

60 Cf. al-Jurjānī, p. 74.

61 M2., vol. 4, p. 1365, (n. 6246).

62 Id., vol. 4, p. 1489, (n. 6856).

fact divine ḥadīths, but as there is no indication that they have a divine nature one cannot identify them, they are merely called Prophetic ḥadīths - as far as one can tell; the second are ḥadīths which contain enactments and decisions of the Prophet 🕮 which he decided in the light of what he received from Allah 🕮.[63]

(3) Sayings which are not connected with religious matters, and have no relation with divine revelation; those sayings originated from his own experience, or they were natural human reaction, such as his advice with regard to fertilising the palm-tree discussed earlier.

Accordingly, as far as religious matters are concerned, Ḥadīth or *Sunnah* with its three divisions, i.e. sayings, deeds and tacit agreements, has been considered as a type of revelation, from the time of the Prophet 🕮. It refers to divine revelation either through direct teaching or through Allah's approval of the Prophet's decisions, or lastly through abrogation.[64] This was simply a result of the Muslims' belief that Muhammad 🕮 is a Messenger of Allah 🕮 and the bearer of His message to mankind.

Therefore, Robson's hypothesis that before the time of al-Imam al-Shāfi'ī there was no suggestion that Ḥadīth was a type of revelation,[65] cannot be accepted as portraying the actual belief of Muslims at that time.

5   Motives and objects of Muslims' interest in Ḥadīth

We shall now turn to examine, in the light of the discussion presented above, Robson's opinion regarding the motives and the goals of people's interest in Ḥadīth in the early days of Islam. Although no one would dismiss the considerable general interest in sayings and deeds of the Prophet Muhammad 🕮, in his life-time or even after his death, there is some disagreement with respect to

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63 See al-Shāṭibī, vol. 4, p. 21; Drāz, pp. 9-11; al-Ṣabbāgh, pp. 135-37.
64 See Drāz, p. 11.
65 See Robson 6, p. 84.

the motives or the reasons behind, and the goals of this interest. In my opinion the reasons mentioned by Robson above are natural enough for all those who were aware of the Prophet Muḥammad 繇; believers and unbelievers alike, and something more should be said as far as believers are concerned.

Considering the motives for the Muslims' particular interest in stories about the Prophet 繇 and his sayings, a number of sources have to be consulted. The first of these is the Holy Qur'ān, because, as Robson admits, it is "universally recognised as coming from Muhammad繇."[66] He personally acknowledges its historical value without necessarily accepting its divine origin, when he says: "What can be traced to the Prophet is found in the Koran and in the Koran alone."[67] It should be noted that Muslims believe in the Qur'ān as the actual Word of Allah 繇; nevertheless, Robson's belief in the level of its historical value forms a suitable ground for adopting it as a genuine document that represents the actual teachings of the Prophet 繇. Therefore I will depend mainly on the Qur'ān while dealing with the view of Robson presented earlier.

The second source to be consulted is the works of Ḥadīth from which I will quote a number of texts that express the same ideas as that of the Qur'ān, since this may testify to some extent to their authenticity in Robson's view.[68]

Examining these two sources, one encounters many verses and ḥadīths regarding the obligation of the obedience to Allah 繇 and His Messenger 繇 which is one of the main aspects of Islamic teaching. From these statements, I have been able to identify six different methods by which the Qur'ān encourages people to observe this obedience:

1   Using the form of a command such as 'obey' and 'follow.' In one verse we are told: ﴾Take what the Messenger gives you, and

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66   Robson 6, p. 94.
67   Id., p. 102; cf. Robson 11, p. 464.
68   See Robson 12, p. 47.

refrain from what He prohibits you❩.[69] Although this verse has a special reason, it has - as Commentators on the Qur'ān say - a general meaning and refers to everything that is ordered or prohibited by the Apostle of Allah.[70] This is indicated by the way in which 'Abd-Allah b. Mas'ūd ⁕ is reported to have quoted this verse. He adduced it as an authority for prohibiting people from practicing certain actions which were interdicted by the Prophet ⁕ and had no direct reference in the Qur'ān.[71]

Another verse says: ❨We sent not a Messenger, but to be obeyed, in accordance with the leave of Allah❩.[72] This verse indicates that the main duty of people towards the Messengers sent to them by Allah ⁕ is to offer them obedience and to observe their enactments.[73] There is a verse in which Muslims are instructed: ❨O ye who believe! Obey Allah and obey the Messenger, and those charged with authority [Ulū al-Amr] among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger. If ye do believe in Allah and the Last Day: that is best, and most suitable for final determination❩.[74]

Mujāhid b. Jabr (d. 104 A.H.), a prominent Successor and an early commentator on the Qur'ān, is reported to have interpreted "referring to Allah and His Messenger" as referring to the Book of Allah ⁕ and to the *Sunnah* of His Prophet ⁕.[75] 'Atā another scholar of the Successors (d. 114 or 115 A.H.) is reported as having a similar interpretation; he says that the obedience to Allah ⁕ and his Prophet ⁕ is accomplished by the following of the Qur'ān and the *Sunnah*.[76] Mujāhid, Qatādah (d. 117, 118 A.H.) and al-A'mash are reported as saying that referring to the Prophet ⁕ is

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69 lix. 7.
70 See. al-Qurṭubī, vol. 18, p. 17.
71 See Id., vol. 18, pp. 17f.
72 iv. 64.
73 Ibn Kathīr, 2, vol. 1, p. 519.
74 iv. 59, cf. iii. 32, 132; v. 92; viii. 1, 20, 24,46; xxiv. 54, 56; xlvii. 33; lviii. 13; lxiv. 12.
75 See Su., 1, p. 53.
76 See I.B., 1, vol. 2, pp. 28f.

accomplished by referring to him in his lifetime and to his *Sunnah* after his death.[77]

Commenting on the above-mentioned verse, Ibn al-Qayyim points out that Allah 🕮 orders the Believers to obey Him and His Messenger 🕮, and He repeats the verb 'obey' to confirm that, along with obedience to Him, obedience to the Prophet 🕮 has to be observed independently. That is to say: what is enjoined by the Prophet 🕮 is to be followed whether there is something to the same effect in the Qur'ān or not. He remarks that although the injunction of obedience is also applied to *Ulū al-Amr*, the verb 'obey' is not repeated before them, but instead they are simply linked with the Prophet 🕮. This indicates that their enactments should be obeyed as long as they are in keeping with what is enjoined by Allah 🕮 and His Prophet 🕮, and that no obedience should be given to any one who orders people to act in contrary to the Qur'ān and the *Sunnah*.[78]

As regards having recourse in matters of conflict to Allah and His Apostle, he says that *'Shay''* from *"fa in tanāza 'tum fī shay'-in,"* is an indefinite noun within a conditional sentence; accordingly it includes every matter of dissension among the believers. He comes to the conclusion that Muslims unanimously agreed that "referring to Allah 🕮" is accomplished by referring to His Book, and "referring to the Prophet 🕮" is accomplished by referring to Prophet 🕮 personally during his lifetime and to his *Sunnah* afterwards.[79]

The order to follow the *Sunnah* of the Prophet 🕮 is also found in a ḥadīth in which al-'Irbāḍ b. Sāriyah 🕮 said that the Messenger of Allah 🕮 led them in prayer one day then faced them and gave them a lengthy exhortation... A man asked him to give them an injunction. He said: "I enjoin you to fear Allah, and to hear and

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77 al-Qurṭubī, vol. 5, pp. 261f.
78 See Ibn Qayyim, 1, vol. 1, p. 48.
79 Id., pp. 49f.

obey, even if it be an Abyssinian slave; for those of you who live after me will see great disagreement. You must therefore follow my *Sunna* and that of the rightly guided Caliphs. Hold to it and stick fast to it. Avoid novelties, for every novelty is an innovation and every innovation is error."[80] The Prophet 🕮 is also reported as saying: "If I forbid you to do something, then keep away from it; and if I order you to do something, then do of it as much as you can."[81]

'Ubādah b. al-Ṣāmit 🕮 reported that he, along with a group of people gave the pledge of allegiance to the Prophet 🕮, who said to them: "I take your pledge on the condition that you (1) will not join partners in worship with Allah (2) and will not disobey me when I order you to do good...."[82]

2 Offering a reward for those who obey the Prophet 🕮, and stating that they will be those who triumph on the day of Judgement. One verse says: ⟨Those who obey Allah and His Messenger will be admitted to Gardens with rivers flowing beneath, to abide therein (for ever) and that will be the supreme achievement⟩.[83] In another we read: ⟨He that obeys Allah and His Messenger, has already attained the great victory⟩.[84]

These verses and several others to the same effect exhort people to obey Allah 🕮 and His Messenger Muhammad 🕮 by showing them the honour they would obtain by observing this obedience. To these verses, many others, which go into details in describing the Paradise and the blessings it contains, can be adduced. In *Sūrah* no. 76, one reads: ⟨And because they were patient and constant, He will reward them with a Garden and (garments of) silk. Reclining

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80 Mishkat. vol. 1, p. 44; cf. H., 3, vol. 1, pp. 95f.
81 B2., vol. 9, pp. 289f, (n. 391).
82 Id., vol. 9, p. 420, (n. 560).
83 iv. 13; cf. iv. 69; xlviii. 17.
84 xxxiii. 71; cf. xxiv. 52, 54.

in the (Garden) in raised couches, they will see there neither the sun's (excessive heat) nor excessive cold. And the shades of the (Garden) will come low over them, and the bunches (of fruit), there, will hang low easy to reach. And amongst them will be passed round vessels of silver and goblets of crystal... Verily this is a Reward for you, and your Endeavour is accepted and recognised⟩.[85] This promise and its elaborated description had an enormous effect on the Companions, as their biographies show, which made them follow the Prophet 🕮 step by step, in order to attain this great assurance.

3   Warning people on the consequences of disobeying the Prophet 🕮 or turning away from his commands. ⟨For any that disobey Allah and his Messenger, for them is Hell; they shall dwell therein for ever⟩.[86] Another verse says: ⟨Let those beware who withstand the Messenger's order, lest some trial befall them or a grievous chastisement be inflicted on them⟩.[87] This threat should be sufficient to prevent those, who devoted themselves to the obedience of Allah 🕮, from disobeying His Messenger; and if we add to these verses those which portray some of the chastisements which the people of Hell will suffer,[88] we will recognise the great effect of this warning for those who may think of disobeying Allah or His Messenger.

Sa'īd b. al-Mussayyib, a prominent scholar of the Successors at Madinah (d. 94 A. H.), is reported to have advised a man, who performed more than two *Rak'ahs* [prayer units] after *Adhān* [the call for prayer] of the Fajr prayer, to abandon this particular action as it contradicts with the *Sunnah*. The man asked if he would be punished for doing that, and Sa'īd answered: "I am afraid that Allah

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85 lxxvi. 12-22; cf. xiii. 35, xxxvi. 55-58, lvi. 10-38, lxxxviii, 10-16, and many others.
86 lxxii. 23; cf. iv. 14; xxxiii. 66.
87 xxiv. 63; cf. viii. 13; xxxiii. 36; xlviii. 17.
88 See lvi. 42-44, 51-56, lxxviii. 22-26, lxxxviii. 4-7, and many others.

will punish you for abandoning the *Sunnah*."[89] Abū al-Zinād[90] states that the *Sunnah* is an unopposable authority.[91]

In Ḥadīth, it is declared that anyone who acts in contrary to the *Sunnah* of the Prophet , or even applies it in an extreme case cannot be considered as his follower. Anas b. Mālik reported that a group of three men came to the houses of the wives of the Prophet to ask how the Prophet worshipped (Allah), and when they were informed about this, they seemed to find it inadequate for themselves, and said: 'How can we compare ourselves with the Prophet , since his past and future sins have been forgiven.' Then one of them said: 'I will offer prayers throughout the night forever.' The second said: 'I will fast throughout the year and will not break my fast'. The third said: 'I will keep away from women and will never marry.' The Apostle of Allah came to them and said: "Are you the people who said so-and-so? By Allah I am more submissive to Allah and more afraid of him than you; yet I fast and break my fast, I sleep and I also marry women. So he who does not follow my tradition [*Sunnatī*] in religion is not of me (not one of my followers)."[92]

This indicates that anyone who refrains from the *Sunnah* of the Prophet , believing that other practices are better than it, is not considered to be one of his followers.[93]

4   Making submission to the Prophet's judgement a sign of faith. (But no by the Lord, they can have no (real) faith. Until they make thee judge in all disputes between them. And find in their souls no resistance against thy decisions, but accept them with the fullest conviction).[94] Accordingly, anyone who considers himself a believer should have no other choice, after the Judgement of Allah or His

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89 Kh., 1, vol. 1, p. 147; cf. D. vol. 1, p. 116.

90 He is 'Abd-Allah b. Dhakwān (d. 130, 131 A.H.).

91 Kh., 1, vol. 1, p. 152.

92 See B2., vol. 7, pp. 1f, (n. 1).

93 Cf. I.H., 1, vol. 9, pp. 105f.

94 iv. 65; cf. iv. 59, and the comment on it in Ibn al-Qayyim, 1, vol. 1, p. 50; xxiv. 51.

Apostle is known, than their judgements. 'Abd-Allah b. 'Abbās ⬥,
one of the Companions, asked the Successor Ṭāwūs not to perform
two *Rak'ahs* [prayer units] after the 'Aṣr prayer, since the Prophet
⬥ had prohibited doing this, and he quoted the following verse:
❨It is not fitting for a believer, man or woman, when a matter has
been decided by Allah and His Messenger, to have any option about
their decision❩.[95]

These verses are clear in stating that there is no true belief
without an entire submission to the judgement of Allah ⬥ and
His Apostle ⬥.

5   Making non-submission to the Prophet's commands a sign of hypocrisy.

Speaking about the hypocrites, the Qur'an says: ❨When
they are summoned to Allah and His Messenger, in order that He
may judge between them, behold, some of them decline (to
come)❩.[96]

Those who incline to accept judgements other than that of the
Prophet ⬥ were denounced in the following verse: ❨Hast thou not
turned to those who declare that they believe in the revelations that
have come to thee and to those before thee? Their (real) wish is to
resort together for judgement (in their disputes) to the Evil (Tagut)
though they were ordered to reject him. But Satan's wish is to lead
them astray far away (from the Right)❩.[97] This verse is said to be
connected with a story to the effect that Bishr, a hypocrite, was in
dispute with a Jew who suggested to him to go to the Prophet ⬥ in
order to judge between them, but Bishr refused and asked him to
go to Ka'b b. al-Ashraf, a prominent Jew. Eventually they agreed
to go to the Prophet ⬥ who gave his judgement in favour of the
Jew. Bishr was unsatisfied and went to 'Umar b. al-Khaṭṭab ⬥ who
in his turn killed him on the account of his refusal of the Prophet's

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95 xxxiii. 36. For the anecdote see D., vol., 1, p.115; al-Shāfi'ī 1, p. 443; I.B., 1, vol. 2, p.
    189.
96 xxiv. 48; cf. iv. 60.
97 iv. 60.

judgement.[98] However that may be, the verse denounces all those who deviate from the verdict of the Qur'ān and the *Sunnah* of the Prophet Muḥammad 🕮 and prefer to accept the decisions of any other sources.[99]

6   Stating that anyone who obeys the Prophet 🕮 is obeying Allah 🕮 and that the way towards the obedience to Allah I and the attainment of His love is the following of the Prophet 🕮; ❨He who obeys the Messenger, obeys Allah; but if any turns away We have not sent Thee to watch over them❩.[100] There is another verse that states: ❨Say: 'if ye do love Allah, follow me: Allah will love you and forgive you your sins: for Allah is Oft-Forgiving, Most Merciful'❩.[101] al-Azharī remarks that to love Allah 🕮 and his Apostle 🕮 is to obey them and to observe their enactments, and that the love of Allah I towards His people is granting them His forgiveness.[102]

In Ḥadīth, we encounter something to the same effect. Abū Hurayrah reports the Prophet 🕮 as saying: "Whoever obeys me, obeys Allah, and whoever disobeys me, disobeys Allah."[103]

To sum up, one would conclude that, during the Prophet's lifetime, Muslims were enjoined to follow the *Sunnah* of the Prophet 🕮 by observing the enactments he taught, whether it was received from Allah 🕮 directly, or a result of his own *Ijtihād* [systematic reasoning] and by emulating the example he set for them, as long as there is no indication that a particular action is one of the Prophet's privileges. Nevertheless, certain actions practised by the Prophet 🕮 as a ruler or a judge cannot be implemented, as al-Qarāfī points out,[104] without the existence of such authorities.

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98   al-Qurṭubī, vol. 5, pp. 263f.
99   See Ibn Kathīr, 2, vol. 1, p. 519.
100 iv. 80.
101 iii. 31; cf. vii. 158.
102 al-Qurṭubī, vol. 4, p. 60.
103 B2., vol. 9, p. 189, (n. 251).
104 al-Qarāfī, pp. 25f.

At any rate, the verses mentioned above, attested by a number of ḥadīths, indicate that the interest in the Prophet's sayings and deeds in the early days of Islam, as far as Muslims are concerned, could not be only a result of the reasons put forward by Robson, namely: Muḥammad's striking personality and the instrument of the great development set in motion by the Prophet Muḥammad 🕮.

In fact there was one main reason other than these mentioned above, which is the observance of the command prescribed in the Qurʾān and Hadīth, requiring people to follow the Prophet 🕮 and obey his orders, since he is the example that must be followed by every Muslim; ❨Ye have indeed in the Messenger of Allah an excellent exemplar, for him who hopes in Allah and the final day, and who remember [sic.] Allah much❩.[105] Therefore, with regard to Muslims, although reasons other than this could be given, one cannot but feel that this last reason is the most important one, and all others are secondary.

In order to execute this command, early Muslims felt that it was necessary for them to study Ḥadīth, and made a remarkable effort to memorise it, preserve it and hand it down to the coming generation, observing the command of their God 🕮 to convey the Islamic teachings enshrined in the Qurʾān and the *Sunnah* to others; ❨It is not for the Believers to go forth together: if a contingent from every expedition go forth to devote themselves to studies in religion, and admonish the people when they return to them, - that thus they (may learn) to guard themselves (against evil)❩.[106] Another verse states: ❨Say thou: This is my way; I do invite unto Allah, - with a certain knowledge I and whoever follows me...❩.[107]

The Prophet 🕮 himself also attached a good deal of importance to the knowledge of his own hadīths by asking his Companions to convey his teachings and make them as widely known as possible.[108]

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105 xxxiii. 21.
106 ix. 122.
107 xii, 108.
108 See Ṣiddīqī, p. 7.

Once after he addressed his Companions, he concluded: "It is incumbent on those who are present to inform those who are absent."[109] 'Abd-Allah b. 'Amr ﷺ reported him as saying: "Convey (my teachings) to the people, even if it were a single sentence."[110]

Accordingly, the interest of the believers, as Ṣiddīqī states, "was naturally greater than that of his foes. They had accepted him as their sole guide and Prophet... All his actions served them as a precedent (*Sunnah*), every word falling from his lips was a law to them and all his actions were virtuous in their eyes, which they wanted to follow as faithfully as they could."[111] Esposito reaches a similar conclusion, when he says: "Both during his lifetime and throughout the following centuries, Muhammad has served as the ideal model for Muslim life, providing the pattern that all believers are to emulate."[112]

As far as **the ultimate goals** of this interest is concerned, one may conclude, in the light of the previous discussion, that there were two main objectives that generate this interest.

The first was to obtain guidance to the right path, in this life, according to Allah's Will: ❨If ye obey Him, the Messenger, ye shall be on the right guidance❩.[113] The Prophet ﷺ is reported to have said: "I have left among you two things, as long as you hold fast to which, you will not go astray: Allah's Book and the *Sunnah* of His Prophet."[114]

The second was to receive Allah's rewards and to avoid His punishments in the Hereafter: ❨Those are limits set by Allah; those who obey Allah and His Messenger will be admitted to Gardens with rivers flowing beneath, to abide therein (for ever) and that will be the supreme achievement. But those who disobey Allah and

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109 B2., vol. 1, p. 83, (n. 105).
110 Id., vol. 4, p. 442, (n. 667); cf. T., vol. 2, p. 111; *Mishkat.* vol. 1, p. 50.
111 Ṣiddīqī, p. 4.
112 *Islam*, p. 13.
113 xxiv. 54; cf. vii.158.
114 H., 3, vol. 1, p. 93; cf. *Mishkat.* vol. 1, pp. 47f.

His Messenger and transgress His limits will be admitted to a Fire, to abide therein, and they shall have a humiliating punishment❩.[115]

The Prophet 🕌 is reported as saying: "All my followers will enter Paradise except those who refuse." The Companions said: "O Allah's Apostle! Who will refuse?" "Whoever obeys me will enter Paradise, and whoever disobeys me is the one who refuses," the Prophet answered.[116] Al-Kirmānī in his commentary on Ṣaḥīḥ al-Bukhārī states clearly that the ultimate object of the study of Ḥadīth is to obtain happiness both in this life and in the Hereafter.[117]

The reasons and the objects suggested above will enable us to understand the eagerness of the Companions not to miss any of the Prophet's sessions or addresses, and the considerable interest shown both during his lifetime and after his death, not only in his sayings and deeds but also in everything connected with him.

'Umār b. al-Khaṭṭāb 🜪 (d. 22 A.H.) says: "My Anṣārī neighbour from Banī Umaiyah,... and I used to visit the Prophet by turns; he used to go one day and I another day. When I went I used to bring the news of that day regarding the divine Inspiration and other things, and when he went he used to do the same for me...."[118]

Even women at that time took a noticeable interest in Ḥadīth. Al-Bukhārī reported that a woman came to the Prophet 🕌 and said: "O Allah's Apostle! Men (only) benefit by your teachings, so please devote to us from (some of) your time, a day on which we may came to you so that you may teach us of what Allah has taught you." He replied: "gather on such-and-such a day at such-and-such a place." They gathered and the Prophet 🕌 came to them and taught them....[119]

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115 iv. 13-14.

116 2 See B2., vol. 9, p. 284, (n. 384); cf. p. 286, (n. 387).

117 Su., 2, vol. 1, p. 41; cf. B2., vol. 9, p. 268, (n. 387), where the Prophet is reported to set an example for those who obey him and those who disobey the truth he has brought.

118 B2., vol. 1, p. 73-74 (n.89); cf. Kh., 3, p. 31, where the statement reads: "regarding divine Inspiration and other things about the Messenger."

119 See B2., vol. 9, p. 308, (n. 413).

If this had not been the case, Muslims would not have gone to such lengths in collecting and searching for minute details concerning the Prophet ﷺ. The determination of 'Abd-Allah b. 'Amr b. al-'Āṣ to write down every thing he heard from the Prophet ﷺ,[120] the fact that "some fifty Companions and almost as many early Followers are said to have possessed manuscripts, then called *ṣuḥuf* (sing. *Ṣaḥīfah*)"[121] and the painstaking effort made by 'Abd-Allah b. 'Abbās ﷜ to collect hadīths from the Companions shortly after the death of the Prophet ﷺ[122] gives an indication of the serious interest of the Companions and the Successors.

"It is said to have been a common practice among the friends of Muhammad that whenever any two of them met, one of them enquired from the other whether there was any Hadīth (The news of the sayings and the doings of the Prophet), and the other in his reply reported some sayings and doings of the Prophet."[123]

In addition to this, journeys for pursuing knowledge were undertaken from the very beginning; Abū Ayyūb al-Anṣārī Khalid b. Zayd ﷜ (a Companion, d. 50 A.H.) travelled from Madinah to Egypt in order to meet 'Uqbah b. 'Āmir ﷜ (another Companion, d. 58 A.H.), simply to check one of the hadīths he had heard from the Prophet ﷺ.[124] Jābir b. 'Abd-Allah ﷜ (a Companion, d. 78 A.H.) also made a journey to Damascus to hear a hadīth from 'Abd-Allah b. Unays al-Anṣārī ﷜ (another Companion, d. 54 A.H.), because he had not had the chance to hear it directly from the Prophet ﷺ.[125] Indicating the difficult task of travelling for collecting hadīths, 'Abd-Allah b. 'Umar ﷜ says: "Let the searcher for knowledge [i.e. Hadīth], have iron shoes."[126]

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120 Cf. A.D., vol. 4, pp. 60f; see above, p. 12.
121 Abdul Rauf, "The development of the science of Hadīth," p. 271.
122 H., vol. 1, pp. 160f; Ibn Sa'd, vol. 2, pp. 367f ; see below, p. 97.
123 Ṣiddīqī, p. 6.
124 H., 2, pp. 7f; see. pp. 8f. For a similar story ascribed to Jābir b. Abd-Allah; cf. Su., 1, p.42.
125 See Kh., 2, vol. 2, pp. 336f; cf. B2., vol. 1, p. 65; Su., 1, pp. 43f.
126 H., 2, p. 9.

Regarding the immediate Successors, we find stories to the same effect. Saʿīd b. al-Musayyib (d. 94 A.H.) says: "I have travelled days and nights for the sake of one hadīth."[127]

Abū al-ʿĀliyah al-Riyāḥī (d. 93 A.H.) says: "Whenever we heard a hadīth on the authority of the Companions, we would not be satisfied until we had travelled to them in order to hear it from them."[128] al-Shaʿbī stated that he had not known anyone who searched for knowledge all over the world more than Masrūq b. al-Ajdaʾ (a prominent Successor d. 63 A.H.).[129] Abū Qilābah (ʿAbd-Allah b. Zayd al-Baṣrī d. 104 A.H.) reported that he stayed in Madinah for three days to do nothing but wait for a transmitter of a certain hadīth in order to hear it from him.[130]

If the reasons and the objects had been only those mentioned by Robson above, it would have been enough for the students of Hadīth at that time to restrict themselves to sources close at hand instead of undertaking long, burdensome journeys.

The fact that they did undertake such journeys will support the suggestion that there was another, more cogent reason behind the interest in Hadīth, which is the observance of the command prescribed in the Quran and Hadīth, requiring people to follow the Prophet 🕮 and obey his orders, since he is the example that must be followed by every Muslim. And the ultimate goals were: 1) to obtain guidance to the right path in this life and 2) to receive Allah's reward (the Paradise) and to avoid His punishment (the Hell). It certainly could not only be the one that Robson offered.

6   Ḥadīth as an integral source of guidance

Before we come to the end of this chapter, there is one more argument that may serve as evidence for the fact that Ḥadīth was a

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127 Id., p. 8; cf. Kh., 2, vol. 2, p. 339; I.B., 1, vol. 1, p. 94; Dh., 3, vol. 1, p. 52.

128 Abū Zahū, p. 112. Abū al-ʿĀliyah is Rufayʾ b. Mihrān, one of the great Successors.

129 See I.B., 1, vol. 1, p 94.

130 Kh., 2, vol. 2, p. 340. For more incidents see *al-Riḥlah* of al-Khaṭīb al-Baghdādī and al-Aʿzamī, 2, p. 14, (footnote no. 32).

matter of importance from the early days of Islam, and that people found it an essential source of guidance, without which the observation of Quranic teaching cannot be accomplished.

In the Quran there are many passages which order people to observe the Prayer, to perform *Zakāh* and to do other things; but it is not at all clear, in the Quran, how to execute these commands. To do so, one must have recourse to Hadīth, where he will find a detailed elucidation, since one of the main tasks of the Prophet Muhammad 🕮, as a bearer of Allah's Message, was to teach people the Quran, and how to observe its commandments; ❨Allah did confer a great favour on the Believers when He sent among them a Messenger from among themselves, rehearsing unto them the Signs of Allah, purifying them, and instructing them in Scripture and Wisdom, while, before that, they had been in manifest error❩.[131]

This was the argument of 'Imrān b. Ḥusayn 🕮 (a Companion d. 52 A.H.), when someone asked him to teach only the Quran. He said: "If you confine yourself to the Quran, how can you know that the Noon Prayer consists of four *Rak'ahs* [prayer units], that the Sun-set Prayer consists of three *Rak'ahs*, in two of which one recites aloud, and that both *ṭawāf* [going round the Ka'bah] and *sa'y*[132] consist of seven *ashwāṭ* [units of *ṭawāf* or *sa'y*]. Oh people, take from us [sc. Hadīth or the *Sunnah* of the Prophet]; otherwise you will go astray."[133] In al-Ḥākim's version, 'Imrān says to the man: "But I was present at the time of the Prophet 🕮, while you were absent," whereupon the man expresses his gratitude to him for the useful teachings that he is transmitting.[134] In another source 'Imrān is reported as saying: "The Quran was revealed, and the Prophet 🕮 enacted the *Sunnah*," and concluding: "Follow us! If you do not follow us, you will go astray."[135]

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131 iii. 164.
132 *Sa'y* is hastening between the mount of al-Ṣafā and the mount of al-Marwah near the Ka'bah in Makkah.
133 Kh., 3, p. 15; cf. al-Shāṭibī, vol. 4, p. 26; al-Ḥajawī, vol. 1, pp. 42-44.
134 H., 3, vol. 1, pp. 109f; cf. I.B., 1, vol. 2, p. 191; Su., 1, pp. 19f.
135 A., vol. 4, p. 445.

'Umar ﷺ, the second Caliph, is reported as declaring that the time will come when some people will argue on the bases of verses which have inconclusive meanings [*bi shubuhāt al-Qur'ān*], and advising Muslims to refer them to the *Sunnah*; reminding them that those who have the knowledge of the *Sunnah* are more well versed in the Qur'ān.[136] Makḥūl, a prominent scholar (d. 113 A.H.), emphasises this point by stating: "The Qur'ān is more in need of the Ḥadīth than the Ḥadīth is of the Qur'ān."[137] Ibn 'Abd al-Barr remarks that Makḥūl indicates that the *Sunnah* determines what is meant by Qur'ānic statements and clarifies the teachings of the Qur'ān.[138]

7   The relationship between the Qur'ān and Ḥadīth

It is instructive to have a quick glance at the relationship between the Qur'ān and Ḥadīth that implies the importance of Ḥadīth as an integral source of Islam, and reflects the great need the Qur'ān has for it. Ḥadīth has, in relation to the Qur'ān, four categories:[139]

(I)   Ḥadīths that are in agreement with the Qur'ān, and confirm its teachings; such teachings have two bases, the first from the Qur'ān and the second from Ḥadīth. The obligations of performing Prayer, offering *Zakāh* and undertaking Pilgrimage are a few examples.

(II) Ḥadīths that give an elucidation of some teachings of the Qur'ān, inasmuch as it is the Prophet's task to clarify to the people what is revealed to them; ❨...and We have sent down unto thee (also) the Message; that thou mayest explain clearly to men what is sent for them, and that they may give thought❩.[140] This category includes:

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136 D., vol. 1, pp. 49.
137 Kh., 3, p. 14; cf. I.B., 1, vol. 2, p. 191.
138 See al-Shāṭibī, vol. 4, p. 26.
139 See Abū Zahū, pp. 37-40; Khallāf, pp. 39f; al-Subkī, pp. 67f.
140 xvi. 44; cf. al-Qurṭubī, vol. 10, p. 109.

(1) Ḥadīths that serve as an explanation of how certain enactments in the Qur'ān should be observed [tabyīn al-mujmal], like Ḥadīths that teach Muslims how and when to perform the five daily prayers, Zakāh, Ḥajj and other obligations about which there are no further details in the Quran.

(2) Ḥadīths that serve as a clarification of the meaning of certain verses [tawḍīḥ al-mushkil]; there is a report in which 'Adī b. Ḥātim is reported to have asked the Prophet ﷺ about the verse which allows Muslims to eat and drink, during the month of Ramaḍān, until the white string can be distinguished from the black, enquiring whether the strings are to be taken literally. The Prophet ﷺ answered: "No, it is the darkness of the night and the whiteness of the day."[141]

(3) Ḥadīths that serve as a limitation of the unrestricted [taqyīd al-muṭlaq]; verse (v. 38) states that if someone commits theft, his hand is to be cut off; but it is only the Sunnah that specifies how and when that should be carried out.[142]

(4) Ḥadīth that serve as a particularisation of the general [takhṣīṣ al-'āmm], like a hadīth in which the Prophet ﷺ is reported to have particularised the general implication of verse (vi. 82), by stating that the meaning of ẓulm, which is mentioned in the verse, is joining partners with Allah ﷻ [shirk].[143]

(III) Ḥadīth that provide Muslims with some enactments, about which nothing is said in the Qur'ān, like the prohibition of marriage to those with whom one has a foster relationship, inasmuch as there is a hadīth in which the Prophet ﷺ says:

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141 B2., vol. 6, p. 29, (n. 37). The verse about which the Companion inquired is ii. 187.
142 See al-Qurṭubī, vol. 6, pp. 159-75; I.H., 1, vol. 12, pp. 96-108.
143 See B1., vol. 8, p. 236; al-Qurṭubī, vol. 7, p. 30.

"Fosterage makes unlawful what consanguinity makes unlawful."[144] The prohibition of wearing gold rings for men is another example; Abū Hurayrah reported that the Prophet 🕮 forbade the wearing of a gold ring.[145] However it has been argued that such enactments have their indirect origins in the Qur'ān.[146]

(IV) Hadīth which are said to have abrogated some commands of the Qur'ān, like a hadīth that states: "Allah gives each one his fair share, therefore a legal heir has no right to inherit through a will."[147] This hadīth is said to abrogate the order understood from the following verse: ❨It is prescribed, when death approaches any of you, if he leave any good, that he make a bequest to parents and next of kin❩.[148] Nevertheless, not everyone agrees about this category, inasmuch as some scholars suggest that the Qur'ān itself abrogates such enactments.[149]

8   Summing up

It is now clear that Hadīth was considered as a great source of guidance and that the people's interest, generally speaking, in Hadīth in the early days of Islam, was due to two reasons: the first is the striking personality of the Prophet 🕮, the second is the great development which had been set in motion by him. But as far as Muslims are concerned, we have to add another motive, which is the main reason for their interest, namely the observance of the

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144 M2., vol. 2, p. 737, (n. 3396); cf. B2., vol. 3, p. 493, (n. 813).

145 See B2., vol. 7, p. 501, (n. 754).

146 Abū Zahū, pp. 40-45.

147 See B2., vol. 4, p. 6, where it is quoted as a name of a *bāb*. Tirmidhī transmitted this hadīth on the authority of 'Amr b. Kharijah and said : "It is a *hasan ṣaḥīḥ,*" and on the authority of Abū Umāmah al-Bāhilī and said: "It is *hasan,*" cf. A.D., vol. 3, pp. 290f; I.M., vol. 2, p. 83.

148 Ii. 180.

149 See Ibn Ḥazm, 2, vol. 4, pp. 477-83.

command that people should follow and obey the enactments of the Prophet 鑫, who lived perpetually under divine guidance and was the example to be emulated by every Muslim; a command that is enshrined in the Qur'ān and confirmed by the teachings of the Prophet himself. This observance was generated by two main objectives, namely to attain guidance to the right path in this life according to Allah's Will, and to obtain Allah's Blessings and avoid His punishment in the Hereafter. Taking this into account, we will be able to understand how serious and effective this interest was.

Thus, it is difficult to accept Robson's claim that it is not at all clear that Hadīth was considered a matter of importance from the early days of Islam and the same applies to the ultimate goal of the interest in Hadīth suggested by him. As far as the reasons behind the people's interest in Hadīth are concerned, one feels that although the reasons adduced by Robson can be accepted in general for Muslims and others alike, they cannot account satisfactorily for the great interest of the Muslims in materials connected with the Prophet Muḥammad 鑫.

II

Ḥadīth as a Basis of Islam

It has already been shown that Ḥadīth was a matter of importance and was considered as a type of revelation from the time of the Prophet Muhammad ﷺ. This chapter is devoted to the issue of the adoption of Ḥadīth as a main source of guidance in the early days of Islam, with reference to Robson's approach to this particular issue.

1   Survey of Robson's view

Robson admits that without any doubt many people wrote down some of the accounts about the Prophet Muhammad ﷺ and his sayings for their own guidance.[150] However, he does not recognise Ḥadīth as a source of Islam from the beginning, as the following representation of his theory will illustrate.

He claims: "In the early decades of Islam the Koran was thus the only official source of guidance, and what was not specifically laid down there had to be determined some other way."[151] At the beginning of the same article he says: "the system of Islam is based fundamentally on the Koran which is believed to be the eternal word of God, and to be uncreated. But the Koran does not give all the guidance necessary for the conduct of life, and

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150 See Robson 6, p. 86; cf. *E.I.*(2), vol. 3, p. 24. In Robson 15, p. 459, he uses the word
   "use" instead of "guidance" cf. his introduction to *Mishkat.* pp. ii-iii. However, he
   might be referring to his claim that the pious were the only people to seek guidance
   in Ḥadīth, in Robson 2, p. 23.
151 Robson 6, p. 87.

therefore some additional authority was required. This was eventually found in Tradition."[152]

Throughout Robson's articles there are two arguments on which he seems to depend. The first is: "at that time [after the Prophet's death and during the quick spreading of Islam] there was no idea that Tradition was second in authority to the Kor'ān, because there was no collected body of traditions."[153] The second is the method adopted by al-Imam Mālik in his *Muwaṭṭa.'* He says: "That Tradition did not in the early days hold the prominence which it later attained is indicated by the fact that in his *Muwaṭṭa'* Mālik b. Anas (d.179/795) included only, at the most, over 800 traditions traced to the Prophet, and a large number traced back only to Companions or Followers; and, further, that he was often content to quote his own opinion... If Tradition had early been recognised as normative, Mālik could not have produced his work on the principle which he adopted."[154]

This is not to say that Hadīth was neglected completely, as far as guidance was sought after; Robson's view is that "those who sought guidance in Tradition were not in the first place those who were in authority. They were rather pious people who were distressed by the methods of government and longed for a state ruled by the principles of Islam."[155] Robson concludes that adopting Ḥadīth as a basis of Islam is the result of a later development. He suggests two reasons for such an adoption:

(1) The development of the community. He says: "to begin with the community had the Qur'ān as guide, but as it developed this was found to be insufficient. New situations arose on which the Qur'ān gave no guidance or insufficient guidance, and so something else had to be found. And it is not surprising

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152 Id., p. 84.
153 *E.I.* (2), vol. 3, p. 23; cf. *A Dictionary of Comparative religion*, p. 316.
154 Robson 2, pp. 23f.
155 Ibid.

that men should have felt that next to the Qur'ān, the example of the Prophet must supply all that was needed."[156] On another occasion, he states: "But when the Muslim conquests spread throughout the world problems not met within Arabia had to be faced, and some source of guidance was required for circumstances about which the Qur'ān did not provide regulations. Eventually Tradition came to be recognised as a second basis of Islam."[157]

(2) The need for authority. He remarks: "Matters should not be dealt with according to the discretion of rulers or magistrates; there must be some authority on which they should base their judgements."[158] Therefore a secondary source was required and this was found, after a lengthy process,[159] in Ḥadīth (Tradition).

To justify the high status which Ḥadīth would attain, Robson says: "It is therefore not surprising that the community came to accept Tradition as its second basis, for when a secondary authority was sought, no higher one could be found than the record of the words and deeds which were traced back to the Prophet."[160] As far as the time taken by the community to recognise Ḥadīth as a source of guidance is concerned, Robson suggests: "It took Islam a long time to settle on Tradition as a guide second in importance to the Qur'ān."[161]

In another article he states: "A truer appreciation of the development of the system makes one understand that only in 'Abbāsid times did Tradition come to be recognised as one of the fundamental bases for the government of the community."[162] He

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156 Robson 3, p. 98.
157 Robson 15, p. 459; cf. Robson 2, p. 23; *E.I.*(2), vol. 3, p. 23.
158 Introduction to *Mishkat*. p. ii.
159 See *E.I.*(2), vol. 3, p. 23.
160 Robson in his introduction to *Mishkat*. p. ii; cf. Robson 2, p. 23; Robson 3, p. 98.
161 Robson 2, p. 23; cf. *E.I.*(2), vol. 3, p. 23.
162 Robson 6, p. 87; cf. Robson 2, p. 23. The Abbāsid dynasty ruled from 132 A.H.

becomes more specific: "Shāfi'ī, the third of the four famous doctors, made a strong fight to establish Tradition as a supreme source of authority after the Koran."[163] He "argues very ingeniously in favour of the establishment of the *Sunna* in the Prophet's life-time by referring to the Qur'ānic phrase: "the Book and the Wisdom" (ii, 146; iii, 158). He says that the Book is the Qur'ān and the Wisdom is the Prophet's *Sunna*."[164] Largely as a result of his work the opponents of Ḥadīth lost the battle.[165]

His conclusion concerning this issue is: "for a period of time many people rejected Tradition, but in course of time it came to be recognised as a source of law, second in importance to the Qur'ān."[166] Therefore the study of Ḥadīth at first was "almost a kind of underground movement. Ideas were still fluid and different views were held."[167]

Robson's claims regarding Ḥadīth as a basis of Islam can be summed up as follows:

(1) Ḥadīth came to be recognised as a second basis of Islam during the 'Abbāsid period and this was basically as a result of al-Imam al-Shāfi'ī's struggle. Therefore in the early decades of Islam the Qur'ān was the only, officially recognised, source of guidance for the community. This does not mean that Muslim scholars before al-Shāfi'ī belittled Ḥadīth, but rather that in their time it had not attained the position it later gained.[168] His arguments to prove this were the absence of a collection of Ḥadīth and the method applied in *al-Muwaṭṭa'* of al-Imam Mālik.

(2) As new problems arose, because of the development of the community and the spread of Islam, they were dealt with,

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163 Id., Robson 6, p. 88; cf. Robson 10, p. 324; *E.I.*(2), vol. 3, p. 24.
164 Robson 3, p. 98; cf. Robson 15, p. 459.
165 See Robson's introduction to *Mishkat*. p. ii.
166 Robson 15, p. 459.
167 Robson 2, p. 23.
168 Robson 6, p. 88.

apart from the Qur'ān, without a fixed source of guidance; therefore "for many a day the state was ruled according to the desire of those who were in authority."[169]

(3) Many people rejected Ḥadīth before al-Imam al-Shāfi'ī (150-204 A.H.), and the pious were the only ones to seek guidance in Ḥadīth; although for long they were merely one party among many, they always considered themselves to represent the community.[170]

To discuss these claims I will deal with the status of Ḥadīth, from the historical point of view, consulting materials related to the Prophet's lifetime and to the time shortly after his death, in order to explain how Hadīth was considered by the Prophet himself, the Rightly Guided Caliphs, the Umayyad dynasty and the community at large, concluding with an investigation of the opposition to Hadīth during this period. Due to Robson's claim that the adoption of Ḥadīth as a main source of Islam was first recognised in the time of al-Imam al-Shāfi'ī, who was born in 150 A.H., and onward, the discussion will be confined to authorities who died not later than the end of the first half of the second century.

2   Ḥadīth in the Prophet's lifetime

In this section incidents and statements that indicate that Ḥadīth was considered as a main source of guidance during the Prophet's lifetime will be quoted and analysed. Hadīth works provide us with a number of hadīth that require people to follow the *Sunnah* of the Prophet Muhammad 🕮.

In one Ḥadīth the Prophet 🕮 says: "I have left among you two things, as long as you hold fast to which, you will not go

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169 Robson 2, p. 23.
170 Robson 3, p. 102; cf. Robson 2, p. 23; Robson's introduction to *Mishkat*, pp. i-ii;
    E.I.(2), vol. 3, p. 24.

astray: Allah's Book and the *Sunnah* of His Prophet."[171] Another hadīth states: "I have indeed been brought the Qur'ān and something like it along with it, yet the time is coming when a man replete on his couch will say: 'Keep to this Qur'ān; what you find in it to be permissible treat as permissible, and what you find in it to be prohibited treat as prohibited' but what God's Messenger has prohibited is like what God has Prohibited."[172]

Paying homage to the Prophet 🕌 the Companions used to promise to observe his orders; in one story we are told that 'Ubādah b. al-Ṣāmit said that he, along with a group of people, gave the pledge of allegiance to the Apostle of Allah 🕌, who said: "I take your pledge on the condition that you: (1) will not join partners in worship with Allah... (6) and will not disobey me when I order you to good."[173] In another story Jābir b. 'Abd-Allah said: "I gave the pledge of allegiance to the Prophet that I would listen and obey...."[174]

These statements show us the high status attributed by the Prophet 🕌 himself to his *Sunnah*, to the extent that he appointed it, along with the Qur'ān, as the main source of guidance to which Muslims should resort whenever they deal with the matters of law or religion in general. Moreover, he made it clear that what was enacted by him had the same authority as that enjoined by the Qur'ān, and accordingly, it should be sincerely observed.

As far as the eagerness of the community to emulate the Prophet's example - to learn from him and to observe his enactments - is concerned, one encounters a number of anecdotes. In one Abd-Allah b. 'Umar 🕌 says: "The Prophet wore a gold ring and then the people followed him and wore gold rings too. The Prophet 🕌 said: "I had this golden ring made for myself."

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171 H., 3, vol. 1, p. 93; cf. *Mishkat*. vol. 1, pp. 47f.
172 *Mishkat*. vol. 1, pp. 43f; cf. H., 3, vol. 1, p. 109; T., vol. 2, p. 111; I.M., vol. 1, pp. 5f.
173 B2., vol. 9, p. 420, (n. 560), and vol. 1, p. 21, (n. 17); cf. Qur. lx. 12.
174 Id., vol. 9, p. 237, (n. 311); cf. p. 327, (n. 309), for a hadīth from Ibn 'Umar 🕌 to the same effect.

He then threw it away and said: "I shall never put it on." Thereupon the people also threw their rings away."[175] In another, we are told that the Companions made an effort to follow the Prophet 🕮 when he fasted continuously without breaking his fast, and they did not refrain until he enjoined them to do so, explaining to them that this was one of his privileges. 'Ā'ishah (the Prophet's wife, may Allah be pleased with her) said: "Allah's Apostle forbade al-wiṣāl out of mercy to them. They said: 'But you practice al-wiṣāl?' He said: "I am not like you, for my Lord gives me food and drink."[176]

Furthermore, three of the Companions are reported to have gone to the wives of the Prophet and asked them about the way in which the Prophet worshipped Allah 🕮. Having received the answer, they were not satisfied and felt that in order to attain Allah's Blessings and avoid His punishment, they had to do more, since they were not like the Prophet 🕮, whose sins are forgiven. Having been informed about them, the Prophet 🕮 hindered them from doing so, telling them that they were not asked to do more than his *Sunnah*.[177]

Rāfi' b. Khadīj 🕮 is reported as saying: "We used to give on rent land during the lifetime of Allah's Messenger. We rented it on the share of one-third or one-fourth of the (produce) along with a definite quantity of corn. One day a person from among my uncles came to us and said: Allah's Messenger forbade us this act which was a source of benefit to us, but the obedience to Allah and to His Messenger is more beneficial to us...."[178] In another account al-Nawwās b. Sam'ān 🕮 told us that he stayed with the Prophet 🕮 for one year, and remarked: "What obstructed me to migrate was (nothing) but (persistent) inquiries from him (about Islam)." He pointed out that it was common practice that when someone travelled to Madinah, he would stay with the Prophet 🕮

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175 Id., vol. 9, pp. 295f, (n. 401).
176 See id., vol. 3, p. 105, (n. 185). *Al-Wiṣāl* means to fast more than one day without breaking the fast.
°177 See id., vol. 7, pp. 1f, (n. 1); cf. above p. 26; Ṣiddīqī, pp. 4f.
178 M2., vol. 3, p. 813, (n. 3742).

for some time in order to inquire of him about many issues and learn from him.[179]

Before sending Muʿādh b. Jabal 🙵 to Yemen, the Prophet 🙲 asked him: "How are you going to judge the matters?" He said: "I will judge according to Allah's book." "What are you going to do if you find nothing (about the matter you are dealing with) in Allah's Book," the Prophet 🙲 asked? Muʿādh 🙵 answered: "I will judge in accordance with the *Sunnah* of Allah's Apostle." The prophet 🙲 asked: "what the situation will be if there is nothing neither in Allah's book nor in the *Sunnah*?." Muʿādh's reply was: "I will try to do my best to form an opinion and spare no pains." Whereupon the Prophet 🙲 expressed his satisfaction by tapping him on the breast and said: "Praise be to Allah who disposed my Messenger to what Allah and His Apostle are pleased with."[180] Anas b. Mālik 🙵 reported that when the people of Yemen came to the Prophet 🙲, they asked him to send them someone in order to teach them the Qurʾān and the *Sunnah*, so he appointed Abū ʿUbaydah 🙵 for the purpose.[181]

These stories indicate evidently that the idea of the Qurʾān and the *Sunnah* as basic sources of Islam was well established; which is, in fact, the belief one would expect to be prevalent among those to whom the Qurʾān constituted the absolute basic rules, and the Prophet 🙲 the ideal exemplar to be followed. This conclusion is in agreement with the conclusion of Esposito, who states that the impact of the Prophet "on Muslim life cannot be overestimated, since he served as both religious and political head of Medina: Prophet of God, ruler, military commander, chief judge, lawgiver. As a result, the practice of the Prophet, his *sunna* or example, became the norm for community life."[182]

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179 See Id., vol. 4, pp. 1358f, (n. 6196).
180 See *Mishkat*. vol. 2, p. 794; cf. D., vol. 1, p. 60; A., vol. 5, p. 236; A.D., vol. 4, pp. 18f; Ibn Saʿd, vol. 2, pp. 347f.
181 A., vol. 3, pp. 212, 286.
182 Esposito, p. 13.

3   Ḥadīth after the Prophet 🕌

This section will deal with a number of statements or actions of the Rightly-Guided Caliphs, the Umayyad dynasty and the community at large, in order to show whether or not the idea of the *Sunnah* as a basic source of Islam was well established.

A   Ḥadīth and the Rightly-Guided Caliphs

Abū Bakr al-Ṣiddīq 🕌. (The first Caliph, d. 13 A.H.).

Abū Bakr al-Ṣiddīq 🕌 was the first Caliph after the Prophet. Therefore, the method he adopted to deal with matters he faced will indicate what Muslims believed to be the right method in dealing with matters of law, directly after the death of the Prophet Muhammad 🕌. In his inaugural speech, he stated clearly that the Qur'ān was revealed and that the Prophet 🕌 enacted the *Sunnah*; then declared that he was merely a follower, who observed the teaching of these two authorities, asking people to co-operate with him to achieve such painstaking task, and to put him straight whenever he departed from the right path.[183]

al-Bukhārī reported that 'Āishah, one of the Prophet's wives, told 'Urwah b. al-Zubayr that Fāṭimah, the Prophet's daughter, asked Abū Bakr to give her inheritance from what her father had left. He replied by quoting a hadith from the Prophet 🕌: "Our property will not be inherited, whatever we (i.e. Prophets) leave is to be used for charity," and refused to give her anything saying: "I will not leave anything Allah's Apostle used to do, because I am afraid that if I neglected something of his orders, then I would go astray."[184]

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183 Ibn Sa'd, vol. 3, pp. 182f.
184 B2., vol. 4, pp. 208f, (n. 325); cf. A., vol. 1, p. 4.

As far as his judicial procedure is concerned, Maymūn b. Mihrān (d. 117 A.H.) reported that when adversaries came to Abū Bakr 🙵 he used to consult Allah's Book for guidance and if he found something relevant he would follow it. If there was no direct guidance in the Qur'ān and he knew of a *Sunnah* of the Prophet 🙶 he would give his decision according to it. Otherwise, he would inquire of the Muslims if they were aware of any decision taken by the Prophet 🙶 in a similar case. A number of the Companions sometimes came to him reporting something regarding the matter on the authority of the Prophet 🙶. Accordingly he would follow it and praise Allah 🙶 that there were some people who memorised hadīths of the Prophet 🙶. If neither the Qur'ān nor the *Sunnah* provided an answer for the matter in question he would summon the learned and the most scholarly to an assembly in order to consult them and take a decision according to the conclusion they had reached.[185]

This reported procedure is supported by the following anecdote, in which we are told that when a grandmother came to Abū Bakr 🙵 asking for her share of an inheritance, he said: "There is nothing said to be for you either in the Qur'ān or in the *Sunnah* of Allah's Apostle; however, I will ask the people." He asked the people, and al-Mughīrah b. Shu'bah 🙵 said that he was present when the Prophet 🙶 gave her a sixth of the inheritance. Abū Bakr asked if there was anyone else who saw the Prophet 🙶 doing so, and Muhammad b. Maslamah al-Anṣārī 🙵 said the same as al-Mughīrah; whereupon Abū Bakr gave the grandmother her share, the sixth.[186]

'Umar b. al-Khaṭṭāb 🙵. (The second Caliph, d. 23 A.H.)

This Caliph, like his predecessor, adhered strictly to Hadīth even though it might occasionally go against his own reasoning and

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185 See D., vol. 1, p. 58.
186 T., vol. 2, p. 12; cf. Kh., 3, p. 26; H., 2, p. 15.

the only justification for him to follow it was that it was the order or the practice of the Prophet 🌸. Once he addressed al-Ḥajar al-Aswad (the black stone at the corner of the Ka'bah), saying: "By Allah! I know that you are a stone and can neither benefit nor harm. Had not I seen the Prophet 🌸 touching (and kissing) you, I would never have touched (and kissed) you," Then he kissed it.[187] Concerning *ramal* [haste] in *ṭawāf* [going round the Ka'bah] he says: "There is no reason for us to practise *ramal* (during *ṭawāf*), except that we wanted to show off before the Pagans, and now Allah has destroyed them." He added: "Nevertheless, the Prophet 🌸 did that and we do not want to leave it, i.e. *ramal*."[188]

In one of his Mosque speeches 'Umar 🟤 said: "Now then I am going to tell you something... So whoever understands and remembers it must narrate it to others wherever his mount takes him; but if somebody is afraid that he does not understand it, then it is unlawful for him to tell lies about me. Allah sent Muhammad 🌸 with the truth and revealed the holy book to him. Among what Allah 🟤 revealed was the verse of the *Rajm* [stoning to death of a married person who commits adultery], and we did recite this verse, understand and memorise it. Allah's Apostle did carry out the punishment of stoning and so did we after him. I am afraid after a long time has passed, someone will say: 'By Allah, we do not find the verse of the *Rajm* in Allah's Book,' and thus they will go astray by leaving an obligation, which Allah has revealed...."[189]

His method in judging matters is said to be the same as that reported about his predecessor, viz. Abū Bakr 🟤; the only difference is that he is reported to have followed Abū Bakr decisions if he could find no direct guidance in the Qur'ān or the *Sunnah*.[190] However, this was not always the case, as he is reported - as Strzyzewska points out - to have disagreed with some of Abū

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187 B2., vol. 2, pp. 394f, (n. 675).
188 See ibid.; cf. I.M., vol. 2, pp. 115f.
189 B2., vol. 8, pp. 539f, (n. 817); cf. A., vol. 1, p. 55.
190 See al-Subkī, pp. 87.

Bakr judgements, and acted according to the outcome of his own *Ijtihād*,[191] whenever he felt that his own decision was right.[192]

He is reported to have inquired of his fellow Companions if they knew of anything on the authority of the Prophet 🕮 regarding the matter he faced, in order to follow it and give an appropriate judgement. Once he asked the people about a woman who had a miscarriage because of having been beaten on her abdomen, saying: "Who among you has heard anything about it from the Prophet 🕮?" al-Mughīrah ⁕ said: "I heard the Prophet 🕮 say: "Its *Diyah* (blood money) is either a male or a female slave." 'Umar said: "Do not leave till you present a witness in support of your statement."So al-Mughīrah went and brought Muhammad b. Maslamah ⁕, who confirmed that he heard the Prophet 🕮 say just that.[193]

In another report, we are told that he did not collect the *Jizyah* [head-tax] from the Magians until 'Abd al-Rahmān b. 'Awf ⁕ told him that the Prophet 🕮 did take it from them.[194] Hearing Fāṭimah b. Qays's statement that after her divorce, the Prophet 🕮 said to her: "There is no accommodation or maintenance allowance for you," 'Umar ⁕ said: "We are not going to abandon the Book of Allah and the *Sunnah* of our Prophet 🕮 because of the statement of a woman, concerning whom we do not know whether she has remembered accurately (what she has reported) or forgotten." He subsequently ordered a divorced woman to be provided with accommodation and maintenance by her husband.[195]

He is also reported as saying to someone who killed his son: "If I had not heard the Prophet 🕮 say: "The father is not to be killed because of killing his son," I would kill you."[196] There is

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191 *Ijtihād* is a process of a systematic reasoning in the light of the main sources, by which a
    scholar can reach a judicial decision.
192 See Strzyzewska, p. 44, where a number of examples are adduced.
193 See Id., B2., vol. 9, pp. 313f, (n. 420); cf. p. 33, (n. 42); M2., vol. 3, p. 906, (n. 4174).
194 See Kh., 3, p. 27.
195 See M2., vol. 2, p. 772, (n. 3524); T., vol. 1, p. 221; cf. Kh., p. 83.
196 A., vol. 1, p. 49.

another version which says: "Were it not that I heard the Prophet say: "There is nothing for the killer," I would give you the inheritance (from your son)."[197] In another story we are told that on hearing a hadīth reported by Ubayy b. Ka'b 🙵, 'Umar revised his decision regarding forcing al-'Abbās to sell his house or giving it as a charity, in order to expand the mosque.[198]

His order to Shurayḥ the Judge is well-known. He recommended him to give his decision in accordance with Allah's Book, and if there was no guidance, then according to the *Sunnah* of the Messenger of Allah. If he did not find any guidance in either of them, 'Umar asked him to follow the decision of the learned pious people.[199] As for entirely new incidents with which no one had been known to have dealt, he gave him permission to apply *Ijtihād* [systematic reasoning] and give his own judgement.[200] His letter to Abū Mūsā al-Ash'arī 🙵 is of equal importance; it indicates distinctly that judges, considering matters brought before them, should begin by consulting the Qur'ān and the *Sunnah* before giving their own decisions.[201]

'Uthmān b. 'Affān 🙵 . (The third Caliph, d. 35 A.H.)

To invest 'Uthmān b. 'Affān 🙵 as Caliph, 'Abd al-Raḥmān b. 'Awf 🙵 said to him: "I gave the oath of allegiance to you on condition that you will follow Allah's Laws and the traditions of Allah's Apostle and the traditions of the two Caliphs after him [*Ubāyi'uk 'lā sunnat Allah wa rasūlih wa al-khalīfatayn min ba'dih*]."[202] As far as the rites of the Pilgrimage are concerned,

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197 Ibid.
198 Ibn Sa'd, vol. 4, pp. 21f.
199 D., vol. 1, p. 60; N., vol. 8, p. 231.
200 See Ibn Qayyim, 1, vol. 1, p. 84. It is worthy of note that although 'Umar 🙵 allowed shurayḥ to apply *Ijtihād* in certain cases, he advised him not to do so, and to report the matter to him instead.
201 See Id., p. 85f; al-Ḥajawī, vol. 1, pp. 237-39.
202 B2., vol. 9, pp. 238-40, (n. 314).

Ibn Sīrīn points out that 'Uthmān ⚬ was the most expert, and that Ibn 'Umar ⚬ came after him.[203]

When the matter of a woman slave, who had committed adultery and given birth, was presented to him, he stated that he would follow the judgement of the Prophet ﷺ and gave his decision to the effect that the child belonged to the bed (where he was born) and that the adulterer received nothing but the stone (i.e. deprivation).[204] He is also reported to have reminded the people that the Prophet ﷺ prohibited fasting on the day of al-Fiṭr and that of al-Naḥr.[205]

Once, after eating meat and performing a prayer, he remarked that he did exactly the same as the Prophet ﷺ had done.[206]

On another occasion, he is reported to have performed ṭawāf [going round the Ka'bah] with Ya'lā b. Umayyah, whom he deterred from touching the west corner of the Ka'bah, (the one after the corner of the Black Stone), and asked him whether he had ever performed ṭawāf with the Prophet ﷺ. Having received a positive reply, 'Uthmān ⚬ asked if he had ever seen him touching the two western corners. When Ya'lā answered in the negative, 'Uthmān ⚬ said to him: "Do you not have in the Prophet ﷺ a good example."[207]

As a funeral passed him, Abān, a son of 'Uthmān, stood and said that his father had once stood when he saw a funeral and told them that the Prophet ε had done the same.[208]

A sister of Abū Sa'īd al-Khudrī reported that 'Uthmān ⚬ sent for her, asking about what she had transmitted, on the authority

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203 See Dh., 4, vol. 3, p. 474.

204 A., vol. 1, p. 65, 59. For the judgement of the Prophet ﷺ see B2., vol. 4, p. 5, (n. 8), and vol. 8, p. 529, (nos. 807-8).

205 Id., A., vol. 1, pp. 60f.

206 Id., pp. 62, 67. See a similar example regarding the ritual ablution in B2., vol. 1, p. 115, (n. 165).

207 Id., pp. 70f. See how he rebuked Muḥammad b. Ja'far b. Abī Ṭālib because of wearing a garment dyed with safflower during performing the pilgrimage, on the account that the Prophet ﷺ prohibited wearing them, id., p. 71.

208 Id., p. 64; cf. pp. 68, 73.

of the Prophet, to the effect that he had enjoined her, after her husband's death, to spend her *'iddah* [waiting period] in her home. She subsequently stated that when she had told him about this injunction, he followed it and gave his judgement according to it.[209]

Alī b. Abī Ṭālib ﷺ. (The fourth Caliph, d. 40 A.H.)

In the *Musnad* of *al-Imām* Aḥmad he is reported as saying: "I am neither a prophet nor receiving revelation. I am conducting my life according to the Book of Allah ﷻ and the *Sunnah* of His Prophet ﷺ as much as I can. Whatever I have asked you to do, which is in accordance with the Will of Allah ﷻ, you have to do it whether you like it or not."[210] He advised people to have the Qur'ān and the recognised *Sunnah* as their guide [*Imām-an wa qā'id-an*] and to follow them and to draw analogy from them, in matters which have no direct guidance in them.[211]

Regarding the matter of wiping the upper side of one's shoes [*al-mash 'alā al-khuffayn*], instead of washing one's feet in ablution, he is reported to have said: "If it is left to one's own discretion, then to wipe the sole of one's shoes is more reasonable than to wipe the top of them; but I have seen the Apostle of Allah ﷺ wiping the top of his shoes."[212] Once, when he drank water while he was standing and people who saw him seemed to disapprove of such an action, he told them that he had seen the Apostle of Allah ﷺ drinking water in both positions, i.e. standing and sitting.[213] al-Sha'bī reported that when 'Alī ﷺ stoned a woman to death, he said: "I have stoned her according to the tradition (the *Sunnah*) of Allah's Messenger."[214]

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209 T., vol. 1, p. 227.
210 A., vol. 1, p. 160.
211 See al-Ḥajawī, vol. 1, p. 49.
212 A.D., vol. 1, pp. 114f.
213 See A., vol. 1, pp. 101, 114.
214 B2., vol. 8, pp. 526f.

Having knowledge of these statements and actions of the first four Caliphs, one will be justified in inferring that, directly after the death of the Prophet Muhammad 銮, the principles of the judicial process were distinctly determined, and that Islamic legislation at this early time was based on the Qur'ān, the *Sunnah* and *Ijtihād* [systematic reasoning] which was applied by one or more of the prominent scholars. Whenever a matter faced the Caliphs, they used to consult first the Qur'ān and second the *Sunnah*, but if they found nothing relevant in either of them, they had recourse to *Ijtihād* in the light of the two main sources.[215]

However, some statements indicate that before applying *Ijtihād*, one should follow the judgements of the learned, pious scholars, as long as one thinks that they are appropriate. This act is reported on the authority of 'Umar b. al-Khaṭṭāb 銮 who is said to have followed the judgement of his predecessor, and which was clearly suggested by him to his judge Shurayḥ. Nevertheless, if a judge feels that he can reach a better judgement, he should follow his own decision, as 'Umar is reported to have done, or refer the matter to other scholars whom he thinks are more qualified to deal with it. It seems that as 'Umar had in Madinah a number of learned scholars around him, whom he used to consult on important issues or new problems that emerged at that time, he recommended his judge Shurayḥ to inform him whenever he met such new problems.

B   Ḥadīth and the Umayyad Dynasty

As regards the relation between Ḥadīth and the Umayyad dynasty, Robson suggests: "we should not think of the Umayyads suppressing those who wished to follow the practice of the Prophet, but should rather realise that in their day the idea of Tradition as a basis for regulating the community had not been developed."[216] In this

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215 Cf. Strzyzewska, pp. 36, 39.
216 Robson 6, p. 87.

section I will consider the questions: how did the Umayyad rulers deal with Ḥadīth? And what did it mean to them?

Muʿāwiyah b. Abī Sufyān 🙵. (Ruled from 40-60 A.H.)

Muʿāwiyah b. Abī Sufyān 🙵, the founder of the Umayyad dynasty, was very interested in Ḥadīth. He is reported to have written to al-Mughīrah b. Shuʿbah:[217] "Write to me what you have heard from Allah's Apostle," and subsequently al-Mughīrah wrote to him.[218] He transmitted hadīths on the authority of the Prophet 🙵 and from whom a number of the Companions and the successors received hadīths.[219] ʿAbd-Allah b. al-Mubārak and al-Muʿāafā b. ʿImrān are reported as preferring him even to the pious Caliph ʿUmar b. ʿAbd al-ʿAzīz, on the grounds that he is one of the Companions who transcribed what was revealed to the Prophet Muhammad 🙵 (viz. al-Waḥī).[220]

His adherence to the *Sunnah* is reflected in a number of stories. In one he is reported to have repeated the words of the *Adhān* [call for prayer] after the *muʾadhdhin* [the one who calls for prayer] until the latter said: "*hayya ʿalā al-ṣalāh and hayya ʿalā al-falāh*," when Muʿāwiyah said: "*lā hawl wa lā quwwah illā bi Allah*," and commented: "I have heard the Prophet 🙵 say that."[221] Once, as he went in to Ibn ʿĀmir and Ibn al-Zubayr, the former stood to greet him while the latter did not. Muʿāwiyah asked Ibn ʿĀmir to sit and said: "I have heard the Prophet 🙵 say: Whoever likes people to stand for him, let him take his chair in Hell-Fire."[222]

In another story he is reported to have rebuked the people of Madīnah for their divergence from an enactment of the Prophet 🙵.

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217 A Companion appointed by Muʿāwiyah as a governor of Iraq, in which he died in 50 A.H., see Ibn Saʿd, vol. 6, pp. 20f.

218 B2., vol. 9, p. 292, (n. 395); cf. M1., vol. 11, pp. 12f.

219 Ibn Kathīr, I, vol. 8, p. 117; cf. I.H., 4, vol. 10, 207.

220 See Id., Ibn Kathīr, p. 139.

221 A., vol. 4, pp. 91, 92, 98.

222 Ibn Kathīr, I, vol. 8, p. 126. The author points out that this hadīth is transmitted by al-Tirmidhī and Abū Dāwūd; cf. A. vol. 4, p. 93.

Ḥumayd b. 'Abd al-Rahmān reported that Mu'āwiyah, in the year in which he performed the Pilgrimage, took a wig and said: "O people of Madina, where are your learned men? I heard the Prophet ﷺ forbidding such a thing as this and he used to say, "The Isrāelīs were destroyed when their ladies practised this habit."[223] He is also reported to have addressed the people saying: "You offer a prayer (two *rak'ahs* [prayer units] after the 'Aṣr prayer) which, although we accompanied the Prophet ﷺ, we never saw him perform it, and (moreover) he prohibited it."[224]

Having seen Ibn 'Abbās ؓ touching all corners of the Ka'bah during the *ṭawāf* [going round the Ka'bah], Mu'āwiyah ؓ said: "I have seen the Prophet ﷺ touching only the two Yemenite corners." Ibn 'Abbās replied to the effect that none of its corners should be left out.[225] In another account, he is reported to have offered two prostrations at the end of his prayer, as a compensation for his forgetfulness while offering a prayer, and to have pointed out that he had heard the Prophet ﷺ say that whoever forgot something while performing a prayer should offer these two prostrations.[226]

Marwān b. al-Ḥakam. (Ruled: 64-65 A.H.)

Before becoming a ruler of the Umayyad dynasty, Marwān b. al-Ḥakam was appointed as a governor of Madinah by Mu'āwiyah. He used to invite a number of the Prophet's Companions to consult them in matters he was dealing with and act according to their judgement[227] - an action that indicates his keen intention to adhere to the *Sunnah*.

He was engaged in transmitting hadīths and investigating their transmitters. Abū al-Zu'ayzi'ah, Marwān's scribe, says:

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223 B2., vol. 4, p. 449, (n. 674).
224 Ibn Kathīr, I, vol. 8, p. 123; cf. B2., vol. 5, p. 74; A. vol. 4, pp. 99, 100.
225 A. vol. 4, pp. 94f, 98.
226 Id., vol. 4, p. 100. See pp. 95, 100, and 101, for other statements that indicate his adherence to the *Sunnah* of the Prophet ﷺ.
227 See Ibn Sa'd, vol. 5, p. 43; I. H., 4, vol. 10, pp. 91f.

"Marwān invited Abū Hurayrah and asked me to hide and write
ḥadīths the latter would transmit; so I did. In the following year
Marwān invited Abū Hurayrah again and asked him to re-transmit
the same ḥadīths in order to compare them with what he had
transmitted a year before." Abū al-Zu'ayzi'ah remarks that Abū
Hurayrah neither added nor omitted (with regard to what he had
transmitted before).[228]

His adherence to the *Sunnah* is shown by the following story,
in which Sulaymān b. Yasār reported that once upon a time, Abū
Hurayrah 🕮 criticised Marwān for allowing a particular transaction
to be practised, quoting a ḥadīth in which the Prophet 🕮 is reported
to have prohibited such a proceeding. Having heard this, Marwān
addressed the people and banned what he had allowed before.[229]

'Abd al-'Azīz b. Marwān. (Governor of Egypt, 60-85 A.H.)

'Abd al-'Azīz b. Marwān had a considerable interest in Ḥadīth.
This can be seen from his initiative when he commissioned the
Syrian Kathīr b. Murrah, who met seventy of the Companions
who participated in the battle of Badr, to make a written collection
of ḥadīths transmitted by the Companions, except that of Abū
Hurayrah, of which he had a copy.[230] It is noteworthy that 'Abd
al-'Azīz himself was a transmitter of ḥadīths; both Ibn Sa'd and
al-Nasā'ī declare him to be trustworthy, and Ibn Ḥibbān mentions
him among the reliable transmitters in *al-Thiqāt*.[231]

'Abd al-Malik b. Marwān. (Ruled: 65-86 A.H.)

As a Caliph, "he was patron of outstanding scholars who, as a
group, covered the several branches of the religious sciences. The
list of his court scholars included Sa'īd b. al-Musayyib, 'Urwah

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228 H., 3, vol. 3, p. 510; cf. Ibn Kathīr, 1, vol. 8, p. 106; Dh., 2, vol. 2, p. 598.
229 A., vol. 2, p. 349.
230 Ibn Sa'd, 7, p. 448.
231 I.H., 4, vol. 6, p. 356; cf. Ibn Sa'd., vol. 5, p. 236.

b. al-Zubayr, Abū Bakr b. 'Abd al-Raḥmān b. al-Ḥārith, and Abū 'Amr 'Amir al-Sha'bī,"[232] who were all well-versed in Ḥadīth and *Fiqh* [law].

To pay homage, 'Abd-Allah b. 'Umar 🕮 wrote to him: "I swear allegiance to you in that I will listen and obey what is in accordance with laws of Allah 🕮 and the *Sunnah* of His Apostle 🕮 as much as I can."[233] This statement gives an indication of the way according to which the rulers should lead their people.

It is pertinent to know that 'Abd al-Malik himself was a devoted man, who accompanied the learned (*al-Fuqahā'*) and transmitted a number of hadīths.[234] He is reported to have written to his notorious governor al-Ḥajjāj, ordering him to follow the instruction of 'Umar 🕮, who was well-known for his strict adherence to the *Sunnah* of the Prophet Muḥammad 🕮, during their journey to perform *Hajj*.[235]

'Umar b. 'Abd al-'Azīz. (Ruled: 99-101 A.H.)

'Umar b. 'Abd al-'Azīz was the most pious of the Umayyad rulers, to the extent that he was considered to be the fifth of the Rightly-Guided Caliphs. His keen interest in Ḥadīth is shown by his commissioning of the scholars of Ḥadīth to compile hadīths and make them as widely spread as they could. He is reported to have asked Abū Bakr b. Ḥazm (the governor of Madinah and its judge) and Ibn Shihāb al-Zuhrī to undertake this important task. Al-Bukhārī states: "And 'Umar bin 'Abdul 'Azīz wrote to Abu Bakr bin Ḥazm, 'Look for the knowledge of Ḥadīth and get it written, as I am afraid that religious knowledge will vanish and the religious learned men will pass away (die). Do not accept anything save the hadīths of the Prophet. Circulate knowledge and teach the ignorant, for knowledge does not vanish except when it is

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232 Abbott, "Collection and transmission of Hadīth," p. 292.
233 B2., vol. 9, p. 281, (n. 377); cf. p. 237, (n. 310); Dh., 2, vol. 3, p. 231.
234 I.H., 4, vol. 6, p. 422.
235 See B2., vol. 2, pp. 424f, (n. 724).

kept secretly (to oneself)."[236] However, it seems that the latter was the first to carry out this mission, in response to 'Umar's instruction.[237] This remarkable interest in Ḥadīth was mainly for the sake of preserving its material and making it handy for study and consultation.

In his inaugural speech, he is reported as saying: "O people! There is no Prophet after the Muhammad 🕮 and there is no (revealed) Book after the Qur'ān. I am not a prescriber but an administrator; I am not an inventor but a follower... No one should be obeyed if ordering others to act to the contrary of Allah's enactment.[238]

In another version he is reported as saying that Allah 🕮 did not send any Prophet after this Prophet Muhammad 🕮 and He did not reveal any book after this Book was revealed to him (viz. the Qur'ān). Therefore what was pronounced by the Prophet 🕮 to be lawful was lawful, and what was declared to be prohibited was prohibited until the Day of Judgement takes place. He concluded: "I am only an administrator (of what is prescribed by Allah 🕮 and His Apostle 🕮); I am not an inventor but a follower...."[239]

On one occasion, he addressed the people, telling them that no decision [ra'y] could be given against the Qur'ān, that the scholars' own decisions were only taken in matters regarding which there was nothing in the Qur'ān or in the *Sunnah* of the Prophet 🕮 and that it was not permissible for anyone to give his own decision against a *Sunnah* enacted by the Prophet 🕮.[240]

He wrote a letter to one of his governors, instructing him to fear Allah 🕮, to follow the *Sunnah* of His Messenger 🕮 and to avoid fabrication of those who waged war against the *Sunnah*.[241]

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236 B2., vol. 1, (n. 98).
237 I.H., 1, vol. 1, p. 168.
238 Ibn Kathīr, 1, vol. 9, p. 199.
239 D., vol. 1, p. 115.
240 See D., vol. 1, p. 114; cf. I.B., 1, vol. 2, p. 34; al-Marwazī, p. 26.
241 Ibn Kathīr, 1, vol. 9, p. 216; cf. P. 217, for another statement regarding the adherence to the *Sunnah* of the Prophet 🕮 and his rightly-guided Caliphs.

He is also reported to have written to 'Urwah who had inquired of him about the principles to be followed in judging between adversaries. In this letter, he pointed out four steps, which have to be followed one after the other:

—   First, to follow what is in the Book of Allah ﷻ.

—   Second, to give judgements according to the *Sunnah* of the Messenger of Allah.

—   Third, to give judgements according to the decisions of the pious scholars.

—   Fourth, to consult the learned [*dhawī al-'ilm wa al-ra'y*].[242]

Dealing with the history of Islamic law during the Umayyad period, Strzyzewska states that paying homage to the Umayyad dynasty was done on the condition that they had to act in accordance to Allah's Book and to the *Sunnah* of His Prophet Muhammad ﷺ. She also indicates how some Caliphs deviated from that and followed their own discretion.[243] What concerns us is the formula of the paying of homage to the rulers, which is one of the important pieces of evidence that shows the real status of both the Qur'ān and the *Sunnah* as main sources for the guidance of the community at large.

The fact that we encounter with some Umayyad Caliphs who did not keep their commitment does not affect the fact pointed out regarding the recognition of the Qur'ān and the *Sunnah* as main sources of Islam, particularly if we bear in mind the following two aspects:

The first is that those Caliphs were ordinary men and could make mistakes even in religious matters. They might be tempted by worldly attractions or by any other means to deviate, occasionally, from the teachings of the Qur'ān and the *Sunnah*. In

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242 See I.B., 1, vol. 2, p. 24.
243 Op. cit. p. 130.

addition to these Caliphs, there were others who were notorious for their impious actions, and did not reach the standard that Caliphs are supposed to have.

The second aspect is that a number of works of literature that deals with Umayyad history were compiled under, and encouraged by, the Abbasids, who considered the Umayyads as their bitter enemies. Accordingly, one should be cautious of the picture that portrays the Umayyads as irreligious, since this possibly originates from the hostility between these two rival dynasties.[244]

However, it seems to me that the previous incidents and statements, regarding the founder of the Umayyad dynasty and some of its rulers, are sufficient to show that Muslim rulers, at that early time, considered the Book of Allah ﷻ (i.e. the Qur'ān) and the *Sunnah* of the Prophet ﷺ as the main sources of guidance for the whole community.

As far as the judicial process during the Umayyad period is concerned, it seems that it was, as Strzyzewska concludes, still in a primary stage as it was in the reign of the four Rightly-Guided Caliphs. Judges did not restrict themselves to a certain school of law. They applied their own *Ijtihād* [systematic reasoning] or referred to the opinions of the scholars at that time. She adds that the Umayyad rulers gave their judges the freedom to practise *Ijtihād* in the light of the Qur'ān, the *Sunnah* of the Prophet ﷺ and the judgements of the Companions, deciding what was the best for their time.[245]

C Hadīth and the community

In this section, statements and anecdotes that show that the prominent scholars of the Companions and the Successors (who died before 150 A.H.) recognised Hadīth as an important source of guidance will be adduced.

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244 See a discussion of the idea that the Umayyad rulers were irreligious in al-Ṣadīq, "Mulāḥaẓāt...," pp. 231-34.

245 Strzyzewska, pp. 133f.

'Abd-Allah b. Mas'ūd ☙. (d. 32 A.H.)

'Abd-Allah b. Mas'ūd ☙ is reported as saying: "When someone has a matter to judge, he should judge according to the Book of Allah; if he finds no answer to the matter there, he should follow a judgement of the Prophet 繪; but if the matter is not among those with which the Prophet 繪 dealt, he should follow the judgement of the learned. If the matter is completely new, he should study the matter carefully and make a decision; he should not say: 'I am afraid (of making decisions) and I fear,' inasmuch as what is lawful is clearly distinct from what is forbidden. However, there are some confusing matters, in considering which you should put aside what you doubt, in favour of what you are sure about [*Da' mā yarībuk ilā mā lā yarībuk*]."[246]

The following anecdotes testify to the judicial method he adopted. It is reported that when a matter regarding a married woman, who died before her *mahr* (bride-price) was fixed, was brought to him, he inquired of the people if they knew of any judgement regarding this particular matter having been reported on the authority of the Prophet 繪. Having received the answer in the negative, he said: "I will give my own decision, and if it is right, it is due to Allah's guidance."[247] Thus, when nothing was available, Ibn Mas'ūd ☙ would use *Ijtihād* [systematic reasoning] and make his own decision in the light of the general principles and enactments enshrined in the Qur'ān and the *Sunnah*, whereas, on another occasion, he is reported as saying, before giving his judgement on a certain issue: "I will give a judgement to the same effect as that of the Prophet 繪."[248]

He, once, cursed a woman who practised specific deeds, whereupon a woman, called Umm Ya'qūb, was surprised and asked

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246 D., vol. 1, p. 59; cf. N., vol. 8, pp. 230f.

247 N., vol. 6, p. 121; cf. A., vol. 4, p. 280.

248 A., vol. 1, p. 389; cf. p. 466, where another example is recorded. al-Nu'mān b. Bashīr, a Companion d. 64 A.H., is also reported as giving a similar statement, before pronouncing a judgement on a matter brought to him, see A.D., vol. 4, pp. 604f.

how he dared to do this; his answer was: "Why should not I curse those who were cursed by Allah's Apostle, and it is stated in the Qur'ān. The woman said: "I have read all the Qur'ān, but I have not found any such thing!;" he replied: "By Allah if you had read it (carefully), you would have found it. Allah 🕮 says: [Take what the Messenger gives you, and refrain from what he prohibits you] (lix. 7)."[249]

His adherence to the *Sunnah* is also indicated by an incident in which he is reported as exhorting people with him to perform prayers in Mosques, saying: "If you perform your prayer in your houses as this man does, you will be abandoning your Prophet's *Sunnah*; and if you abandon your Prophet's *Sunnah*, you will go astray...."[250]

Abū Hurayrah 🕮. (d. 57, 59 A.H.)

Abū Hurayrah 🕮 is one of the famous Companions who was engaged in learning hadīth from the Prophet 🕮 and later in transmitting a considerable number of them. His adherence to the *Sunnah* of the Prophet 🕮 is indicated by an account in which he is reported as saying: "The prayer which the Messenger of Allah recited aloud, we have also recited aloud for you, and the prayer which he recited inwardly we have also recited inwardly for you (to give you a practical example of the prayer of the Prophet 🕮)."[251]

'Abd-Allah b. Mughaffal 🕮. (d. 57 A.H)

'Abd-Allah b. Mughaffal 🕮 is one of the ten scholars of the Companions whom 'Umar sent to Iraq to instruct its people.[252]

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249 See B2., vol. 7, pp. 535f, (n. 822); M2., vol. 3, p. 1166, (n. 5301); A.D., vol. 4, pp. 397-99; I.B., 1, vol. 2, p. 188; Su., 1, p. 28.
250 A., vol. 1. pp. 382, 415, 455.
251 See M2., vol. 1, p. 217, (n. 778).
252 I.H., 4, vol. 6, p. 42.

Once, when he saw a man throwing small stones with two fingers, he asked him to stop doing this, as the Messenger of Allah had forbidden or discouraged such action. Afterwards, he saw the same man throwing stones, whereupon he said to him: "I tell you that the Allah's Messenger forbade or discouraged throwing stones (in such a way), yet you are throwing stones! I shall not talk to you for such-and-such a period."[253]

'Abd-Allah b. 'Abbās ﷺ. (d. 68 A.H)

'Ikrimah said that some irreligious men (*Zanādiqah*) were brought to the Caliph 'Alī b. Abī Ṭālib ﷺ and he burnt them. When the news of this incident reached Ibn 'Abbās ﷺ, he said: "If I had been in his place, I would not have burnt them; inasmuch as the Apostle of Allah forbade doing this, saying: "Do not punish anybody with Allah's punishment". I would rather have killed them according to the statement of the Apostle of Allah: "Whoever changes his religion, kill him."[254]

Once, he advised Ṭāwus not to perform a prayer after the 'Aṣr prayer, on the ground that the Prophet ﷺ prohibited it, and Allah ﷻ said: [It is not fitting for a believer, man or woman, when a matter has been decided by Allah and His Messenger, to have any option about their decision] (xxxiii. 36).[255]

Ṭāwus is also reported to have asked Ibn 'Abbās ﷺ about a certain action he was practising in his prayer. Ibn 'Abbās said ﷺ: "This is the *Sunnah*." When Ṭāwus expressed his disapproval, he confirmed this, saying: "It is the *Sunnah* of your Prophet ﷺ."[256] These incidents show us how keen Ibn Abbās ﷺ was to follow the *Sunnah* of the Prophet ﷺ and adhere to it.

The way according to which he used to judge matters brought to him is reported by 'Ubayd Allah b. Abī Yazīd who pointed out

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253 See B2., vol. 7, pp. 282f, (n.388); cf. D., vol. 1, p. 117.
254 See Id., B2., vol. 9, p. 45, (n. 57).
255 D., vol. 1, p. 115; cf. Abū Zahū. pp. 44f.
256 Ml., vol. 5, pp. 18f; cf. A., vol. 1, p. 313.

that when Ibn 'Abbās was asked to give his decision on a particular matter, he would act as follows: if there was an answer to it in the Book of Allah, he would follow it, but if he found nothing there, he would look for a dictum, first from the Prophet 🕮, then from Abū Bakr al-Ṣiddīq 🕮 and 'Umar b. al-Khaṭṭāb 🕮. If the matter was not dealt with by any of the preceding sources, he would do his best in considering the matter and giving his own decision.[257]

His reliance on Hadīth is indicated in a story in which we are told that while he was an Emir of Iraq, he gave his verdict regarding usury; the verdict which was not in accordance with a hadīth transmitted by Ibn 'Umar and Abū Sa'īd al-Khudrī on the authority of the prophet 🕮. Having learnt of this hadīth he retracted his verdict, had recourse to this hadīth and asked for Allah's forgiveness, pointing out that this verdict was his own decision.[258]

'Abd-Allah b. 'Umar 🕮. (d. 74 A.H.)

'Abd-Allah b. 'Umar 🕮 is one of the Companions who lived for a considerable time under the Umayyad dynasty. He was well known for his strict adherence to Hadīth even in matters that were not obligatory.[259] He is reported as saying: "I have never missed the touching of these two stones of Ka'ba (the black stone and the Yemenite corner) both in the presence and the absence of crowds, since I saw the Prophet (peace be upon him) touching them."[260]

In one story we are told that he used to rent out plantations, until he heard that the Prophet 🕮 interdicted this act, after which he refrained from it.[261] In another we are told that he rebuked someone by saying: "You have heard me say that the Prophet 🕮

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257 D., vol. 1, p. 59; H., 3, vol. 1, p. 127; cf. Ibn Sa'd, vol. 2, p. 366.
258 Kh., 3, p. 28.
259 See Dh., 2, vol. 33, p. 213; Su., 1, p. 59; al-Haythamī, vol. 1, pp. 174f.
260 B2., vol. 2, p. 395, (n. 676).
261 Kh., 3, p. 28.

said: "Do not prevent women going to Mosques," but you say: "I will prevent them;" then he left angrily.[262]

Having mentioned a particular action of the Prophet 🕌 during the Pilgrimage (Hajj), he says: "The Sunnah of Allah 🕌 and His Apostle 🕌 is to be followed rather than the Sunnah of so and so."[263] Whenever he was asked to give his decision regarding a certain matter, he would usually mention an action or a saying of the Prophet 🕌 and quote the following verse from the Qur'ān: ❨Ye have indeed in the Messenger of Allah an excellent exemplar...❩.[264]

Once someone said to him: "We find the prescription for the normal prayer (ṣalāt al-ḥadar) and that for the prayer at a time of fear (ṣalāt al-khawf) in the Quran, whereas we do not find the prescription for the prayer while travelling (ṣalāt al-safar)." Ibn 'Umar replied: "Allah sent us Muhammad 🕌 when we knew nothing; therefore we act as we have seen him acting."[265] Another version has Ibn 'Umar 🕌 saying: "This is the Sunnah of the Messenger of Allah 🕌."[266]

In a recent work dealing with Ibn 'Umar's opinions on various aspects of Islamic law, it is pointed out that the procedure which he adopted in judging matters was similar in essentials to that of his father.[267] Nevertheless, he seems to restrict himself to the statements of the Qur'ān and the Sunnah of the Prophet 🕌 and to apply Ijtihād [systematic reasoning] far less frequently than his father or other scholars, like 'Abd-Allah b. Mas'ūd, who applied Ijtihād to a great extent. This is confirmed by an account in which

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262 H., 2, p. 182; cf. D., vol. 1, pp. 117f.
263 A., vol. 2, pp. 56f.
264 xxxiii, 21; see A., vol. 2, pp. 15, 65, 154, 156; B2., vol. 3. p. 13 (n. 20); T., vol. 1, p. 94.
    'Umar, the second Caliph, and 'Ā'ishah, the Prophet's wife, are also reported as quoting
    the same verse, when giving their judgements, see A., vol. 4, p. 222, and vol. 6, pp. 174,
    192, respectively.
265 A., vol. 2, p. 94.
266 Id., pp. 20, 31.
267 Qal'ahjī, 1, pp. 27f.

Ibn 'Umar is reported to have advised Jābir b. Zayd al-Jawfī, a judge from al-Basrah, to restrict his fatwas to what is recorded in the Qur'ān or known from the *Sunnah*.[268]

Abū al-'Āliyah al-Riyāhī. (d. 90, 93 A.H.)

Abū al-'Āliyah al-Riyāhī is one of the prominent Successors. He is reported to have advised people to learn (the teachings of) Islam, to hold fast to them... and to follow the *Sunnah* of the Prophet 🕮 and what the people used to do before the killing of their fellow Companion (i.e. the third Caliph 'Uthmān).[269]

Sālim b. 'Abd-Allah b. 'Umar. (d. 106 A.H.)

Sālim b. 'Abd-Allah is reported as saying that 'Umar, his grandfather, used to prohibit using perfume before the adoption of *Ihrām*,[270] in order to perform the Pilgrimage (*Hajj*) or the *'Umrah* [the Lesser Pilgrimage]; but 'Ā'ishah said that she applied perfume to the Prophet 🕮 with her hands before he adopted *ihrām* and again when he put it off, before he had offered *tawāf* [going round the Ka'bah]. Having reported this, Sālim declared that the *Sunnah* of the Prophet 🕮 was to be followed, abandoning his grandfather's opinion.[271]

It is noteworthy that, on several occasions, early scholars adduced a hadīth as a fatwa, when they were asked their opinion on certain issues, without pointing out that it was a hadīth from the Prophet 🕮. This is evident from the fact that, on another occasion, they transmitted the same statement as a hadīth.[272] Therefore, a number of statements that appear as legal decisions

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268 Dh., 3, vol. 1, p. 68.
269 al-Marwazī, p. 8.
270 *Ihrām* is a specific status of someone who intends to perform pilgrimage [*Hajj*].
271 See Su., 1, pp. 40f; cf. B2., vol. 2, p. 469, (n. 809); M2., vol. 2, p. 586, (n. 2681).
272 See Kh., 3, p. 417; cf. Al-JarAllah, pp. 193-99, where several examples relating to early scholars, like Abū Sa'īd al-Khudrī, Sa'īd b. Jubayr, Qatādah al-Sadūsī, al-Hasan al-Basrī and others, are adduced.

are in fact either actual hadīths or paraphrases of hadīths - another feature which proves that Hadīth was considered as a source of guidance for the community at large.

In any case, although other statements will be adduced in the coming discussion, I think that the preceding examples are enough to show the belief of early Muslims in Ḥadīth as a basic source of Islam.

Von Kremer, in his *Orient under the Caliphs*, reaches a similar conclusion: "The life of the Prophet, his discourses and utterances, his actions, his silent approval and even his passive conduct constituted next to the Qur'ān the second most important source of law for the young Muslim empire,"[273] and in a more recent work, Esposito points out that Muslims "look to Muhammad's example for guidance in all aspects of life: how to treat friends as well as enemies, what to eat and drink, how to make love and war."[274]

As far as the judgements of the scholars in the early days of Islam are concerned, one would infer that they were based on the following sources:

(1) The Qur'ān, the supreme source of guidance.

(2) Hadīth or the *Sunnah* of the Prophet Muhammad 鑿, as long as they were aware of it and it was transmitted to them in a recognisable manner.

(3) *Ijtihād* [systematic reasoning], which they applied, in a general sense, in the light of the two main sources, namely the Qur'ān and the Hadīth.

Dealing with the nature of Islamic law during the time of the Companions, al-Khuḍarī reaches a similar conclusion, except that he suggests the third basis to be analogical reasoning (*Qiyās*)[275]

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273 Ṣiddīqī, p. 7.
274 Esposito, p. 13.
275 For the elucidation of this term see Khallāf, pp. 52-60; cf. Esposito, p. 83.

which at that time called *ra'y*.[276] It seems that *Qiyās* was only one aspect of the process of *Ijtihād*, which the Companions applied in a general sense, including *istiḥsān* [approval], *al-maṣāliḥ al-mursalah* [unconsidered benefits] and other aspects as well.[277] Therefore, it seems preferable to identify this basis as *Ijtihād* rather than as *Qiyās*.

4   Disagreement among early scholars

Considering the judgements of the Companions or other early scholars, one will discover that they sometimes disagree on the same issue. Accordingly, the question as to the reasons behind this disagreement, although they adopted the same principles, may be raised. It seems that although the above-mentioned principles of the judicial procedure, i.e. the Qur'ān, Ḥadīth, and *Ijtihād*, were agreed upon, they were, in some aspects, behind the disagreement of early scholars.[278]

(i)   Regarding the Qur'ān, there are two reasons that can be mentioned:

a.   Verses of an unspecific significance

In the Qur'ān there are verses that are not conclusive in their significance, and they are classified under what is called *ẓannī al-dalālah*, accordingly, these verses can be comprehended in different ways. For example in the verse that states that a divorced woman has to wait for three *qurū'*;[279] the word *qur'* [pl. *qurū'*] has two meanings: the first is the monthly period of a woman,

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276 al-Khuḍarī, pp. 127-29.
277 See al-Subkī, p. 86, citing Ibn al-Qayyim; cf. Strzyzewska, p. 36. For the significance of the terms adduced above see Khallāf, pp. 79-83, 84-88, respectively.
278 The following account is derived mainly from al-Dahlawī, vol. 1, pp. 296-303; al-Khuḍarī, pp. 131-40; al-Subkī, pp. 102-9; al-Qāsimī, pp. 323-30; Strzyzewska, pp. 136f.
279 ii. 228.

which is *ḥayd*, and the second is the days between two monthly periods, which is *ṭuhr*.[280]

Based on this uncertainty regarding the significance of this verse, the Companions were split into two opinions; the four Rightly-Guided Caliphs and 'Abd-Allah b. Mas'ūd - may Allah be pleased with them - identified *qur'* with the monthly period, while 'Ā'shah, Ibn 'Umar and Zayd b. Thābit - may Allah be pleased with them- are reported to have chosen the other meaning; both groups had authorities to enhance their views.[281] However, the outcome of this disagreement is that a divorced woman will terminate her waiting period [*'iddah*], when she finishes her third monthly period, according to the former opinion, or when her third monthly period starts according to the latter.[282]

b.   The seeming contradiction between verses.

There are also verses that seem to contradict each other. This seeming contradiction may be the reason behind the disagreement of the scholars. The different opinions reported on the authority of the Companions regarding the compulsory waiting period [*'iddah*] for a pregnant widow is a result of the seemingly contradictory verses that deal with it. There are two verses: the first states: ❨If any of you die and leave widows behind; they shall wait concerning themselves four months and ten days...❩,[283] the other states: ❨...For those who are pregnant, their period is until they deliver their burdens...❩.[284]

Dealing with this question, 'Ali b. Abī Ṭālib 🌸 and Ibn 'Abbās 🌸 held the opinion that a pregnant widow would have to wait for the longer of these two periods. Accordingly, her waiting period should not be less than four months and ten days, while

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280 Ibn Manẓūr, vol. 1, p. 43; cf. al-Rāzī, Muḥammad b. Abī Bakr, p. 220.

281 See al-Shāfi'ī, 1, p. 562.

282 See al-Qurṭubī, vol. 3, pp. 15f.

283 ii. 234.

284 lxv. 4.

the most of the scholars are of the opinion that her waiting period finishes directly after delivery, even if it happens a short time after her husband's death, maintaining that the second verse particularises the generality of the first.[285]

(ii)   With regards to Ḥadīth, there are various reasons that can be adduced:

a.   The variation in the knowledge of Ḥadīths

As there was no specific collection of Ḥadīths, the early scholars depended on what they were aware of or what was reported to them, which varies from one to another. This variation in the knowledge of Ḥadīths was one of the main causes of their disagreement, a phenomenon which became more widespread and more noticeable when the learned Companions, from the time of the second Caliph, began to migrate to the newly conquered countries, in order to become teachers and judges.

'Abd-Allah b. Mas'ūd 🙵, for example, was sent to Kūfah,[286] 'Imrān b. Ḥusayn 🙵 was sent to Baṣrah to instruct its people,[287] and al-Ḥasan al-Baṣrī reported that 'Abd-Allah b. Mughaffal 🙵 was one of the ten scholars whom 'Umar sent to them for the same purpose.[288] 'Umar is reported to have written to the people of Kūfah: "I have sent you 'Ammār b. Yāsir as a governor and Ibn Mas'ūd as an instructor... Follow and obey them; I have (indeed) favoured you with Ibn Mas'ūd over myself."[289]

Bearing in mind the fact that communications among the early scholars in various countries were so difficult, one can appreciate the extent to which this circumstance affected their decisions.[290]

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285 See al-Qurṭubī, vol. 3, pp. 174f.
286 See Ibn Sa'd, vol. 6, pp. 13f.
287 See Dh., 3, vol. 1, p. 28.
288 I.H., 4, vol. 6, p. 42.
289 Dh., 3, vol. 1, p. 14. This statement is reported by Ḥārithah b. Muḍarrib al-Kūfī.
290 Cf. Strzyzewska, pp. 134f.

Indeed, some of them tried to overcome this difficulty by travelling in search of knowledge; an action that helped to narrow down the gap among them. In any case, each scholar would give his judgement according to hadīths at his disposal, and naturally, what was known to one of them might not be known to the other.

Dealing with problems brought to them, some scholars were obliged, by their unawareness of certain hadīths on the subject, to have recourse to *Ijtihād* [systematic reasoning] and take a decision, which may have differed of that reported from the Prophet, but as soon as they knew of an authoritative hadīth on the matter, they would follow it.[291]

Al-Imam al-Shāfi'ī points out that he had not known of any one of the Companions or the Successors who would decline to follow any hadīth transmitted to him and recognise it as a *Sunnah*.[292]

A number of examples can be presented which elucidate the effect of this reason. 'Umar b. al-Khaṭṭāb ⁂ used to hold the opinion that the wergild of a dead man was to be given to his *'āqilah* (i.e. his paternal relatives, who are responsible, along with the killer, for paying the wergild of unwitting murder,)[293] and that nothing of it to be given to his wife, until al-Ḍaḥḥāk b. Sufyān informed him that the Prophet ⁂ bequeathed the wife of Ashyam al-Ḍibābī from his wergild; whereupon 'Umar revised his judgement and followed what was reported by al-Ḍaḥḥāk.[294] In another version 'Umar is reported as saying: "Had we not heard this, we would have given another judgement; we have almost judged the matter according to our own opinion [ra'y]."[295]

291 See a number of anecdotes in which the Companions are reported to have revised their own decisions, as hadīths were reported to them, in Kh., 1, vol. 1, pp. 138-41; Su., 1, p. 37; cf. Ṣiddīqī, p. 196.
292 See Su., 1, p. 40.
293 al-Rāzī Muḥammad b. Abī Bakr, p. 188.
294 A.D., vol. 3, pp. 339f; cf. T., vol. 2, p. 14; I.M., vol. 2, p. 74.
295 Su., 1, pp. 36f.

Abū Mūsā al-Ash'arī ⬥ is reported to have revised his decision regarding an issue of inheritance to a daughter, a son's daughter and a sister, as he was told that Ibn Mas'ūd ⬥ gave a different decision on the same issue, saying: "I will give my judgement to the same effect as that of the Prophet ﷺ." He is reported as saying: "Do not ask me for verdicts, as long as this learned man is amongst you." [296]

Abū Hurayrah ⬥ is reported to have retracted what he used to say regarding fasting, if someone was in a state of seminal emission [janābah], when he was informed that 'Ā'ishah and Umm Salamah (the two wives of the Prophet ﷺ) reported something different on the authority of the Prophet ﷺ, pointing out that they had better knowledge.[297] Once it was conveyed to 'Ā'ishah that Ibn 'Amr ⬥ ordered women who took a bath for ritual purification, to undo their hair plaits; she commented: "How strange it is for Ibn 'Amr that he orders women to undo the plaits of their heads while taking a bath; why he does not order them to shave their heads? I and the Messenger of Allah ﷺ took a bath from one vessel. I did no more than this that I poured three handfuls of water over my head."[298] This incident shows us that while 'Ā'ishah was aware of the Prophet's approval of such an action, Ibn 'Amr ⬥ was not, and accordingly gave a contrary opinion concerning it.

b.   The following of an abrogated Ḥadīth

It may be that one scholar followed a Ḥadīth abrogated by another, because of his unawareness of the latter, while others, being aware

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296 B2., vol. 8, pp. 480f, (n. 728); see al-Subkī, p. 110. See another example regarding taking a bath after sexual intercourse, in B2., vol. 1, pp. 174-76.

297 M2., vol. 2, p. 539, (n. 2451); cf. B2., vol. 3, pp. 81f, (n. 148).

298 M2., vol. 1, p. 187, (n. 646). See vol. 3, p. 813, (n. 3741), for an example of Ibn 'Umar refraining from renting lands on account of a ḥadīth reported to him by Rāfi' b. Khadīj.

of it, followed the abrogating Ḥadīth. Demonstrating the way according to which the prayer should be performed as it was taught to them by the Prophet 🕌, ‘Abd-Allah b. Mas‘ūd ⚔ pointed out that during *rukū‘* [bowing down in the prayer] the Prophet 🕌 practised *tatbīq* [putting both hands between one’s legs]. Having heard this, Sa‘d b. Abī Waqqās ⚔ remarked that Ibn Mas‘ūd told the truth: “We did that first, then we were ordered to hold our knees with our hands instead.”²⁹⁹

c.   Having doubt about a particular transmission

While some scholars may dismiss certain transmission of a hadīth, because they have some doubts regarding it or its transmitters, there are others who may accept this particular transmission, as they have no doubt about it.

We have already come across an anecdote in which ‘Umar b. al-Khaṭṭāb ⚔, the second Caliph, is reported to have rejected a Ḥadīth transmitted by Fāṭimah b. Qays on account of the uncertainty he had of her precision.³⁰⁰ ‘Ā’shah, the wife of the Prophet 🕌, is also reported as casting doubt on this particular Ḥadīth.³⁰¹ ‘Alī b. Abī Ṭālib ⚔, the fourth Caliph, dismissed another Hadīth reported by Ma‘qil b. Sinān al-Ashja‘ī, and had recourse to *Qiyās* [analogical reasoning] instead. He justified his dismissal by revealing his doubt on its transmitter.³⁰²

Pointing out that the Companions, on some occasions, may not follow a particular Ḥadīth, Ṣiddīqī comments: “a close scrutiny of all these cases shows that the Hadīth of the Prophet was not rejected altogether. It was either differently interpreted, or the

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299 N., vol. 2, pp. 184f. See ibid. for another story in which Sa‘d ⚔ pointed out the abrogation
   of the old practice; cf. B2, vol. 1, pp. 419f, (n. 756).
300 See above p. 50.
301 al-Qāsimī, pp. 326.
302 al-Subkī, pp. 95f; cf. pp. 107f. For the transmission of Ma‘qil b. Sinān, see N., vol. 6, p.
   121.

memory and the understanding of the reporters were questioned."[303]

d.   Determining the nature of an action of the Prophet 🕌

Determining whether a certain action of the Prophet 🕌 has a religious character or not is another cause of divergence. An example of this is the disagreement of scholars with regard to an action of the Prophet 🕌 during the Pilgrimage (*Hajj*); Ibn 'Umar 🕌 and Abū Hurayrah 🕌 are of the opinion that this particular action has a religious character and hence it should be observed, while 'Ā'ishah is of the opinion that it is an ordinary action, which has no religious nature.[304]

e.   Interpreting a particular Ḥadīth in a different way

The way according to which Muslim scholars comprehend a certain sayings or action of the Prophet 🕌 is another reason that accounts for divergence among the early scholars' judgements.

There is an incident that happened during the Prophet's lifetime in which the Companions were divided into two groups in executing an order of the Prophet 🕌. 'Abd-Allah b. 'Umar 🕌 reported that when the Prophet 🕌 returned from the battle of al-Aḥzāb, he said: "No one is to offer 'Aṣr prayer but at Banī Quraiẓa." To some of the Companions the 'Aṣr prayer was due on the way. Some of them decided not to pray but at Banī Quraiẓa, while some others decided to pray on the spot and said that the intention of the Prophet 🕌 was not what the former party had understood. And when that was told to the Prophet 🕌 he did not rebuke any one of them.[305] In this report we find that while the

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303 Ṣiddīqī, p. 196.
304 al-Dahlawī, vol. 1, pp. 300f. The action refers to the Prophet's stopping at al-Abṭaḥ (*al-taḥṣīb*).
305 See B2., vol. 2, pp. 34f.

first group understood the Prophet's command literally, the second understood it as a metaphor that urged them on to their destination as quickly as possible, and that both understandings were acknowledged.[306]

Identifying the motivation [al-'illah] of a certain action of the Prophet ﷺ may also account for the disagreement amongst the decisions of Muslim scholars. The Prophet ﷺ is reported to have said: "Whenever you see a funeral procession, stand up until it has passed you."[307] Scholars were of two opinions regarding this particular issue; some believed that the Prophet ﷺ stood in order to show consideration for death; accordingly, they recommended doing so for all funerals, of believers and unbelievers alike. Others held another view and, therefore, restricted this recommendation to funerals of Muslims only.[308]

f.   The seeming contradiction between Ḥadīths

Scholars, some times, encounter Ḥadīths on a particular issue that seem to contradict each other. In facing this seeming contradiction scholars have different approach. The short-lived marriage [nikāḥ al-mut'ah] was one of the controversial issues, because the Prophet ﷺ is reported to have allowed it first, and to have forbidden it later. Ibn 'Abbās ؓ is said to be of the opinion that this kind of marriage had been permitted in case of necessity, while most of scholars held that the later action of the Prophet ﷺ abrogated the earlier permission altogether.[309]

The issue regarding facing the Qiblah [Ka'bah direction] while answering a call of nature is another controversial issue

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306 Cf. I.H., I, vol. 7, p. 410.
307 See B2., vol. 2, p. 222, (n. 394). It is worthy of note that Bukhārī transmitted other hadīths in which the Prophet ﷺ is reported as ordering the Companions to stand, when a funeral of a Jew passed them, see id., vol. 2, p. 224.
308 See al-Qāsimī, pp. 328.
309 See al-Qāsimī, p. 328.

about which scholars have different opinions, because of the outward contradiction of hadīths related to it.[310]

(iii) *Ijtihād* [systematic reasoning] is an important reason that accounts for disagreement amongst scholars in their verdicts regarding the same issue. It was a common practice of judges, whenever they met new problems, to practice *Ijtihād* and give their own decision [*ra'y*] in the light of the teachings of the Qur'ān and the *Sunnah*. As scholars naturally differed in their knowledge, faculties and mental capabilities, different views were to be expected. As far as the Companions are concerned, Masrūq b. al-Ajda', (a prominent successor d. 63 A.H.), described the Companions as springs of water which differ in their abundance; some quench the thirst of only one or two, some satisfy ten or even one hundred and some can satisfy the world's population.[311]

These are the main reasons that resulted in disagreement among early scholars. It is worthy of note that there is no indication, as far as I have been able to discover, that this disagreement could be a result of neglecting Hadīth as a main source of guidance.

Concerning the phenomenon of disagreement amongst the early scholars,[312] attention should be drawn to the following points:

- The early scholars unanimously agreed about fundamental issues; they disagreed only on secondary issues.[313]

- The disagreement on secondary issues was an element of richness for the Islamic Law. It enabled the Islamic Law to survive and answer the need of the community in all countries and throughout the centuries. It was also of great benefit for

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310 See al-Dahlawī, vol. 1, pp. 302f; al-Bayānūnī, M., pp. 54-56.
311 al-Subkī, p. 90.
312 For a comprehensive study regarding this phenomenon, see al-Bayānūnī, Muhammad in *Dirāsāt fī al-ikhtilāfāt al-fiqhiyyah*.
313 Cf. al-Bayānūnī, M., pp. 32f.

Muslims, as they were at ease in following one of the different opinions regarding a certain matter. Pointing out the advantage of such disagreement, 'Umar b. 'Abd al-'Azīz (d. 101A.H.) is reported as saying: I do not like that the Companions of Prophet Muhammad 🕊 unanimously agreed on all issues, because if this was the case, people would be in difficult situation. They are Imāms whose opinions should be followed, and one can freely follow one of their opinions.[314]

- Early scholars dealt with this kind of disagreement with mutual respect and tolerance. Having being asked about reading (the *Sūrah* of al-Fātiḥah) while performing a secret prayer with an Imam, al-Qāsim b. Muhammad b. Abī Bakr (a prominent Successor, d. 106 A.H.) points out: Whether you read or not, you are following some of the Companions of the Prophet 🕊.[315]

5 Hadīth and its opponents

To sum up the practice of Muslims regarding the way in which they judge matters, al-Bukhārī says: "After the Prophet Muhammad 🕊, Muslims used to consult the honest, religious, learned men in matters of law so that they might adopt the easiest, but if the Book (the Qur'ān) and the *Sunna* (Hadīth) gave a clear, definite statement about a certain matter, they would not seek any other verdict. In that they used to imitate the way of the Prophet 🕊."[316]

    In sources available to us, there is no indication, particularly during the time of the Rightly-Guided Caliphs, of any opposition to Hadīth. The first reference I have come across is the statement in which 'Imrān b. Ḥusayn 🕊 (a Companion d. 52 A.H.) was asked

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314 Id., P. 74, citing I.B.,l.
315 Ibid.
316 B2., vol. 9, p. 341.

to teach only from the Qur'ān.[317] Then there is another story in which a man said to Muṭarrif b. 'Abd-Allah (a great Successor d. 95 A.H.): "Teach us only from the Qur'ān." Muṭarrif replied: "By Allah, we do not seek to replace the Qur'ān with anything else, but we are quoting the one who is more well versed in it than we are [sc. the Prophet 🕮]."[318]

Qatādah al-Sadūsī (d. 118 A.H.) is reported as saying: "If someone abandons the *Sunnah* of his Prophet 🕮, he will destroy himself. So follow the *Sunnah* and avoid innovations."[319] Another statement is ascribed to Ibn Shihāb al-Zuhrī (d. 124 A.H.) in which he reported on the authority of his predecessors. He said: "Our masters used to say that salvation was in holding fast to the *Sunnah*, and that (religious) knowledge would vanish soon. The revival of knowledge would result in the revival of religion and the world, and the cessation of knowledge would cause the cessation of them both."[320] There is another statement made by Abū Ayyūb al-Sakhtiyānī (d. 131 A.H.) in which he considered the tendency of abandoning Hadīth and restriction to the Qur'ān as a sign of going astray and innovation; he is reported as saying: "If you convey a *Sunnah* to someone, then he says: 'Leave this and tell me from the Qur'ān (only),' you should know that he has gone astray."[321]

These statements lead one to conclude that although some kind of opposition to Ḥadīth existed in the second half of the first century, or even at the end of the first half, as the statement ascribed to 'Imrān b. Ḥuṣayn 🕮 indicates, it hardly existed in an organised manner until the beginning of the second century of Islam. It was the exception rather than the rule, as we will see later in this chapter.

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317 See Kh., 3, p. 15.
318 I.B., 1, vol. 2, p. 191; cf. al-Shāṭibī, vol. 4, p. 26.
319 Su., 1, p. 70.
320 D., vol. 1, p. 45; cf. Su., 1, p. 56.
321 Kh., 3, p. 16; cf. H., 2, p. 65; Su., 1, p. 41.

Nevertheless, in order to sustain his argument that in the early days of Islam Ḥadīth was not considered a basic source of guidance, Robson says: "That the party which upheld Tradition had much to contend with is shown very clearly by Ibn Qutayba (213-276 / 828-889) in his *Kitāb Ta'wīl mukhtalif al-ḥadīth*, in which he deals at length with the arguments adduced against the upholders of Tradition by different groups."[322]

A thorough examination of this reference points out the fact that Ḥadīth was recognised as a basis of Islam from the very beginning, and indicates that there were doubts being expressed by some groups who had recently developed. This view is reflected in the introduction of the work, in which the author says, responding to a correspondent: "You have written to me in order to let me know how *Ahl al-Kalām*, in their books, disparage and rebuke *Ahl al-Ḥadīth*."[323] He starts by dealing with doubts raised by al-Naẓẓām, refuting them one after the other,[324] then he introduces a number of people, among them Abū al-Hudhayl al-'Allāf, pointing out some of their errors and innovations. Later he mentions *Ahl al-Ra'y*, quoting a statement of Isḥāq b. Rāhūyah that criticises them for abandoning the Book of Allah and the *Sunnah* of His Messenger 🕋, and adhering to analogical reasoning [*Qiyās*].[325] He then returns to *Ahl al-Kalām* once again, dealing first with al-Jāḥiz.[326]

However, Ibn Qutaybah is dealing with two main parties, namely, *Ahl al-Kalām* and *Ahl al-Ra'y*.[327] *Ahl al-Kalām* seems to be a nickname for the Mu'tazilah, to which both al-Naẓẓām (d. 221/ 836) and his student al-Jāḥiz (d. 255/869) belong, as do also to Bishr b. al-Mu'tamir the founder of the Mu'tazilah in Baghdad

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322 Robson 3, p. 101.
323 Ibn Qutaybah. p. 2.
324 Id., pp. 21-53.
325 Id., p. 65.
326 Id., p. 71.
327 As he states clearly before dealing with their arguments, see p. 15.

(d. 210/825), and Abū al-Hudhayl al-'Allāf (d. 227/841).[328] *Ahl al-Ra'y* is the name of the Iraqis, and their master is al-Imam Abū Ḥanīfah (d. 150 A.H.) the founder of the *Ḥanafī* School.

To investigate the tendency of the opposition to the Hadīth phenomenon, the views of the two main parties mentioned above and others that arose in the early days of Islam (up to 150 A.H.) will be examined.

Ahl al-Ra'y

The portrayal of *Ahl al-Ra'y*, and particularly their master al-Imam Abū Ḥanīfah, as those who dismiss Hadīths is the result of deficient investigation. Abū Ḥanīfah himself is reported to have warned people against giving decisions in religious matters on their own discretion, and to have said: "Follow the *Sunnah*, since whoever deviates from it will go astray."

Once, a man from Kūfah joined his session, while he, along with his students, were studying Hadīth, and the man asked them to abandon it. Al-Imam Abū Ḥanīfah rebuked him and pointed out: "Were it not for the *Sunnah*, no one would be able to understand the Qur'ān." He is also reported as saying that the people would be rightly guided as long as they studied Hadīth; once they acquired knowledge apart from it, they would be misguided.[329]

As far as the method he adopted in giving judgements is concerned, he is reported to have said: "I follow the Book of Allah, and then the *Sunnah* of His Prophet 鱹. If there is no answer to the matter in question in either of them, I follow one of the Companions' decisions restricting myself to them. But when the matter is only dealt with by Ibrāhīm, al-Sha'bī, Ibn Sīrīn, al-Ḥasan or other scholars of the Successors who applied *Ijtihād* [systematic

reasoning] and took decisions according to it, I will apply my own *Ijtihād* as they did."[330]

Ibn al-Qayyim remarks that the companions of al-Imam Abū Ḥanīfah unanimously agreed that he was of the opinion that weak Ḥadīths are preferable to *Qiyās* (analogical reasoning) as far as matters of law [*Aḥkām*] are concerned.[331] Therefore, he adhered to a Ḥadīth regarding laughing loudly during performing prayer, and gave his verdict according to it, invalidating not only the prayer performed, in this case, but also the ritual ablution. It is the common doctrine of the *Ḥanafī* scholars that one should not have recourse to *Qiyās* (analogical reasoning) unless there is no Ḥadīth dealing with the matter under investigation.[332]

It is well-known that Abū Yūsuf, a prominent student of al-Imam Abū Ḥanīfah, disagrees with the decision of his master on a number of issues. Some of these disagreements were because of Ḥadīths transmitted later to him, of which his master was not aware. This is attested by a statement of Abī Yūsuf that if this particular Ḥadīth had reached his master, he would have followed it.

Such statements confirm that the matter of recognition of Ḥadīth as a basis of Islam was beyond question, although there were different views regarding the way according to which it should be adopted. For example, the *Ḥanafī* School, or some of its scholars, dismisses an individual Ḥadīth [*Āḥād*][333] in three cases:[334]

(1) If it is related to a matter which should be known to the majority of the people [*mā ta'umm bih al-balwā*], since people are expected to ask a lot about such a matter, and it is hardly

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330 Su., I, p. 53; cf. al-Ḥajawī, vol. 1, p. 354; Strzyzewska, p. 164.

331 Ibn Qayyim, 1, vol. 1, p. 77.

332 See the annotation on al-Shāṭibī, vol. 3, p. 23.

333 *Āḥād* is a hadith with a relatively small number of transmitters in each stage of its *isnād*, not enough to make it *mutwātir*. Cf. *E.I.*(2), vol. 3, p. 25.

334 See Hītū, pp. 302-4; cf. al-Ashqar, 1, pp. 83f.

conceivable that it should be transmitted only by one or two transmitters. If this were the case, it would indicate that this particular hadīth was not sound.

(2) If the transmitter who transmitted a particular hadīth, acted or gave his judgement to its contrary, unless he did so before having knowledge of it, in which case, it would not affect the authority of the hadīth. However, this rule seems to be confined to the Companions and the learned authorities of the Successors, as they are not expected to transmit a hadīth and act contrary to it, unless they know that it is abrogated, or for any other valid reason.

(3) If it is not in keeping with the analogy, provided that its transmitter is not known as a doctor of law [*Faqīh or Mujtahid*].

Al-Imām Mālik b. Anas, the founder of another school of law in Madinah, has a different approach. He is reported to have recognised the authority of individual Hadīths, as long as they do not contradict what the people of Madinah agree upon or their common practice.[335] Accordingly, he does not accept a Hadīth stating the impurity resulting from a dog drinking from a vessel, and rejects another giving the choice to a seller and a buyer to invalidate the selling procedure, since both Hadīths are opposed to the common practice of the people of Madinah,[336] who learned how to lead their lives from the Prophet Muhammad ﷺ and handed down this knowledge from one generation to another. To him, this contradiction indicates that these Hadīths have some defect, and, therefore, do not constitute a binding authority, and the

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335 See id., p. 302.
336 See I.B., 2, vol. 1, p. 3. Cf. al-Asbaḥī, 2, p. 466, where al-Imam Mālik quotes a hadīth that allows such a choice, pointing out that he does not know a limit for this choice and that there is no practice regarding it. Al-Suyūṭī in his *Tanwīr al-ḥawālik* comments: this is one of the hadīths which al-Imam Mālik transmitted in his *Muwaṭṭa'*, but he did not work according to them. Cf. Al-Suyūṭī, 4, vol. 2, p. 161.

consensus of the people of Madīnah upon a certain practice is stronger than an individual ḥadīth.[337]

Whether other scholars agree with these views is another issue that does not concern us here. What is relevant to us is the fact that all the recognised scholars, even before al-Imām al-Shāfiʿī, recognised Ḥadīth (i.e. the *Sunnah* of the Prophet 鑾) as a binding authority and that they may only differ in the way according to which they accept transmissions. Therefore, al-Shāfiʿī himself, who disagrees with some of the criteria displayed earlier, declares that there is not one person of knowledge [*Ahl al-ʿilm*] who considers Allah's command to follow the Prophet 鑾 and to submit to his judgements as a controversial issue.[338]

He also states that Muslims are in unanimous agreement that as long as the recognised *Sunnah* exists, it should not be abandoned in favour of a statement from any other authority, and that the outward deviation from Ḥadīth is due to the fact that:

(1) They were not aware of the ḥadīth which their judgement contradicted.

(2) They were aware of it, but they dismissed it because of the weakness of its transmitter or any other defect they discovered, which, in the eye of other scholars, would have no effect on its authority.

(3) They had a ḥadīth to the contrary of that which reached the other scholars.[339]

In any case, one concludes that Muslim scholars in the early days of Islam resorted to systematic reasoning [*Raʾy or Ijtihād*] only in cases when there was no answer to the matter they were dealing with in the Qurʾān or the authoritative Ḥadīths of which they were aware.

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337 Cf. al-Andalusī, 1, vol. 1, p. 224.
338 Cf. al-Shāfiʿī, 2, vol. 7, p. 273; cf. al-Qāsimī, p. 277.
339 See al-Subkī, p. 182.

– The two types of *ra'y* and the emergence of *Ahl al-Ḥadīth* and *Ahl al-ra'y*

It is instructive to know that *ra'y* (opinion) is considered to be of two types:[340]

(1) *Ra'y* which is mere discretion and not based upon any recognised authority. This type of *ra'y* is disapproved of by the Companions and the Successors, and all disapproving remarks regarding *ra'y* refer to it.

'Umar b. al-Khaṭṭāb ﷺ is reported to have put Muslims on their guard against *ra'y* in religious matters, pointing out that the companions of *ra'y* are the enemies of the *Sunnah*. They found the *Sunnah* hard to memorise and comprehend; therefore, they gave their own decisions in religious matters, contradicting the *Sunnah*.[341] He also reported that on the day of the truce of al-Ḥudaybiyah, it happened that he opposed what the Prophet ﷺ intended to do, because he used his own discretion.[342] He was regretful to the extent that he performed a lot of pious deeds hoping that this would atone for the sin he had committed.[343]

Regarding the same incident, Sahl b. Ḥunayf says: "O people! You should suspect your personal opinions concerning your religion. I remember myself on the day of Abū Jandal;[344] if I had the power to refuse the order of Allah's Apostle, I would have refused it."[345]

(2) *Ra'y* which means *Ijtihād*; that is to say, studying the matter in question carefully in the light of the statements of the two main

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340 See Ibn Qayyim, 1, vol. 1, pp. 83-85.

341 Id., p. 55.

342 Id., pp. 55f.

343 See Ibn Hishām, vol. 2, pp. 316f.

344 Abū Jandal is the son of Suhayl b. 'Amr, who ratified the accord with the Muslims; he came to the Prophet ﷺ on that day and was sent back with his father, according to the accord. See Ibn Hishām, vol. 2, pp. 318f.

345 See B2., vol. 9, pp. 306f, (n. 411); cf. B2., vol. 6, p. 347f, (n. 367); M2., vol. 3, pp. 980-82, (nos. 4405-8).

sources, i.e. the Qur'ān and the *Sunnah* of the Prophet Muhammad
🌸, in order to take a decision. As far as this type of *ra'y* is
concerned, one finds that the Companions and the Successors were
of two tendencies.

   The first tendency is of those who followed the outward
significance of the statements of the Qur'ān and the Ḥadīth they
were aware of, and rarely resorted to *Ijtihād*. Most of the scholars
of Madīnah represent this tendency, since they were surrounded
by a considerable number of the Companions, who are said to
amount to some ten thousand, while all the other provinces are
said to have had only two thousand. These Companions were able
to provide them with many Ḥadīths because of their direct
association with the Prophet🌸. Along with that, they were
provided with the judgements of the four Caliphs and other learned
Companions, which helped them to overcome new problems not
considered in the Qur'ān or the Ḥadīth.

   This abundance of material encouraged them to depend on
what they had heard from, or what had been reported to them on
the authority of, the Prophet 🌸 and other prominent scholars,
accordingly *Ijtihād* was applied only occasionally.[346] Moreover,
some of them were reluctant to do anything but to restrict
themselves to these authorities. A good example is 'Abd-Allah
Ibn 'Umar ⬥, who is considered a typical representative of this
tendency.

   He is reported to have declared that knowledge consisted of
three things: the Book of Allah [*Kitāb nāṭiq*], the recognised
Sunnah [*Sunnah māḍiyah*] and the saying: 'I do not know' [*Lā
a'lam*].[347] He is well-known for his strict adherence to the *Sunnah*
of the Prophet 🌸 and for his observance of accuracy in
transmitting his Ḥadīths. We have already seen how he used to
adduce sayings or actions of the Prophet 🌸 as an answer to the

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346 See Strzyzewska, p. 140.
347 al-Haythamī, vol. 1, p. 172.

questions he faced. The following example is typical of his method in dealing with questions brought to him.

A man asked him about the touching of the Black Stone, and Ibn 'Umar ﷺ replied that he saw the Apostle of Allah ﷺ touching and kissing it. The man asked: "Do you think I should still try to do that even if it was very crowded and the people overwhelmed me?" Ibn 'Umar answered: "Leave the question 'Do you think [ara'ayta]' in Yemen! I saw the Apostle of Allah ﷺ touching and kissing it."[348] It seems that because of such a tendency, 'Āmir al-Shaʿbī characterised him as good at Ḥadīth but not at Fiqh [law], whose piety and fear of Allah ﷺ restricted him from giving any fatwa not based upon the Quran and the Ḥadīth.[349] al-'Abbās b. 'Abd al-Muṭṭalib ﷺ (d. 33 A.H), Abū Hurayrah ﷺ (d. 57 A.H.) and 'Abd-Allah b. 'Amr b. al-'Āṣ ﷺ (d. 68 A.H.) are other Companions who are also reckoned to belong to this school of law.[350]

There are a number of the Successors who followed Ibn 'Umar ﷺ in his tendency; his son Sālim, a learned Successor (d. 106 A.H.), is said to have had the same inclination. Once, he was asked about a certain matter, and he replied that he had not heard anything about it. Having being asked to come up with his own decision, he refused and said: "I am afraid that I may change my decision after your departure and I could not find you then."[351]

Saʿīd b. al-Musayyib (d. 94 A.H.) is also considered to belong to this school, as he is reported to have obtained numerous Ḥadīths, plus a large number of the fatwas of Abū Bakr, 'Umar and other versed Companions.[352] Muhammad b. Sīrīn (d. 110 A.H.), along with most of the Ḥijazi scholars,[353] represent the tendency of

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348 See B2., vol. 2, p. 397, (n. 680); cf. id., vol. 2, pp. 402f, (n. 690).

349 al-Subkī, pp. 130f; cf. Ibn Saʿd, vol. 2, p.373.

350 Id., al-Subkī, p. 178.

351 Id., p. 179.

352 Id., p. 178. See p. 182, for a typical example that shows his method in dealing with questions brought to him.

353 See al-Khuḍarī, pp. 155-57; al-Ḥajawī, vol. 1, pp. 315f.

following authorities [nuṣūṣ], rather than using Ijtihād, inasmuch
as he is reported to have restricted himself to what he heard.[354]

Unlike his fellow Iraqi scholars, 'Āmir al-Sha'bī is reported
to have warned people of using analogy, as, according to his view,
it led to make what is forbidden lawful and vice versa; he
recommended people to restrict themselves to acting according
to what was conveyed to them by the Companions, who got what
they heard from the Prophet 🕊 by heart.[355] He is also reported as
advising people to accept from Ahl al-Ra'y only what they
transmitted on the authority of the Companions, and to dismiss
their own decisions [ra'y].[356]

The second tendency is that, generally speaking, of the Iraqi
scholars who, unlike the Ḥijazis, applied Ijtihād [systematic
reasoning] widely in the light of the main sources whenever there
was no direct guidance regarding the matter they were dealing
with in the Qur'ān or in the Sunnah of which they were aware.
They may also dismiss some individual Ḥadīth if they contradicted
clear analogical reasoning [al-qiyās al-jalī],[357] as this contradiction
indicates the existence of some defect in the narration.

The wide practice of Ijtihād can be traced back to the two
first Caliphs, namely Abū Bakr and 'Umar, who as we have seen
above applied Ijtihād and made their own decisions whenever the
need arose. In his letter regarding judicial procedure to Abū Mūsā
al-Ash'arī 🕊, the second Caliph 'Umar 🕊 makes it clear that one's
own decision should be based upon the Qur'ān and the Sunnah.[358]
The Companion 'Abd-Allah b. Mas'ūd 🕊 (d. 32 A.H.), a prominent
figure of this school, advised judges, in cases where the Quran

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354 See D., vol. 1, p. 47.
355 See ibid.
356 See al-Subkī, p. 181.
357 al-Shahrastānī, vol. 3, pp. 6-8.
358 See Ibn Qayyim, 1, vol. 1, pp. 85f. This idea can be understood from the following words:
    [qāyis al-umūr 'ind dhālik wa i'rif al-amthāl], which come after the mention of the Quran
    and the Sunnah.

and the *Sunnah* gave no direct guidance, to apply *Ijtihād* carefully, and to take appropriate decisions.[359]

Of the Successors, Ibrāhīm al-Nakha'ī (d. 96 A.H.) is reckoned as belonging to this school of law,[360] as well as the Madīnī, Rabī'ah b. Abī 'Abd al-Raḥmān (d. 136 A.H.), who - owing to his usage of *Ra'y* - was called Rabī'at al-Ra'y.[361] However, it is said that this tendency, which most Iraqi scholars followed, is an effect of the judicial method adopted by the fourth Caliph 'Alī b. Abī Ṭālib ﷺ, and the Companion 'Abd-Allah b. Mas'ūd ﷺ, who migrated to and settled in Iraq.

Accordingly, one will infer that this type of *ra'y* was not just mere discretion; it was in fact dependent on a recognised authority. Therefore, although some of the early scholars inclined not to resort to it or in fact restricted it to a few occasions, there were others who approved of it and moreover encouraged judges to make use of it, as being the only way to overcome new problems. Nevertheless, the scholars at this time were very cautious in keeping their own decisions distinct from the *Sunnah*, as the former were apt to be wrong, unlike the *Sunnah*, which was believed to be infallible.

'Umar b. al-Khaṭṭāb ﷺ is reported to have said: "The *Sunnah* is only what was enacted by the Prophet Muhammad ﷺ, therefore, (keep your own decisions distinct and) do not make erroneous decisions a *sunnah* for the Community [*Lā taj'alū khaṭa' al-ra'y sunnah li al-ummah*].[362] On another occasion, having given his decision regarding a particular issue, he asked his clerk to write: "This is what 'Umar has decided."[363]

These two tendencies were the starting points of what were later called *Ahl al-Ḥadīth* and *Ahl al-Ra'y*. Those who restricted

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359 See above p. 64.
360 See al-Subkī, p. 180.
361 He is a prominent scholar, who transmitted a lot of ḥadīths and died in 136 A.H., see I.H., 4, vol. 3, pp. 258f.
362 Ibn Qayyim, 1, vol. 1, p. 54.
363 Id., p. 61.

themselves mainly to authorities [al-nuṣūṣ] were the nucleus of the former, and those who applied Ijtihād widely were the nucleus of the latter. Towards the beginning of the second century, the distinction between the two parties became evident and misunderstanding arose among them, to the extent that they began to suspect and denounce each other. Ahl al-Hadīth accused the others of abandoning Ḥadīth and resorting to their own decisions, while Ahl al-Ra'y claimed that their opponents were narrow-minded and unable to practice Ijtihād.

Both parties, in fact, adopted a similar approach in the essentials, i.e. following the Qur'ān and the Sunnah of the Prophet 鷨, and practising Ijtihād in matters not dealt with by either of them. Even Ibn 'Umar, who is looked on as the father of the school of Ahl al-Hadīth, is reported to have applied Ijtihād and used analogy.[364] The only difference between the two schools is that, while Ahl al-Ra'y were at ease in using Ijtihād in order to meet new problems, the others, Ahl al-Hadīth, restricted themselves mainly to the Qur'ān and transmissions on the authority of the Prophet 鷨 and the learned Companions, and applied Ijtihād only occasionally.

It seems that the nature of the community to which each party belonged had an effect on their approach. Ahl al-Hadīth belonged, generally speaking, to the area of al-Ḥijaz, the same community in which the Prophet Muhammad 鷨 led his live and executed his divine mission. Accordingly, the new questions and problem that faced the scholars in this area would be relatively limited. To the contrary the majority of Ahl al-Ra'y settled in Iraq, a country of a different culture and civilization; consequently, the scholars of this area encountered different kinds of issues and problems that had no direct guidance in the Qur'ān or the Ḥadīth. This situation led them to practice Ijtihād widely and gave their own decisions on new matters they faced, bearing in mind the relative shortage

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364 See Qal'ahjī, 1, pp. 27f, where a number of examples of his Ijtihād are presented.

of authoritative hadīths available to them. This shortage of authoritative hadīths is due to two factors. The first is that only a few Companions migrated to them, and the second is the strict standards they put forward for criticising hadīths.

Notwithstanding, the dispute between these two schools of thought continued, until the time of al-Imam al-Shāfiʿī (150-204 A.H.), who pointed out that all Muslims unanimously agreed that as long as an authoritative *Sunnah* was known, it should not be abandoned in favour of any other authority, and that *ra'y*, which was based on the main principles, was necessary to deal with matters about which there was no direct guidance in the Qur'ān and the Hadīth. The initiative was acknowledged by Ahmad b. Ḥanbal, the founder of the fourth school of law, who is reported as saying: "We, *Ahl al-Hadīth*, used to execrate *Ahl al-Ra'y*, and they did the same to us, until al-Shāfiʿī came and made peace between us."[365]

The term of al-Muḥaddithūn & al-Fuqahā'

It is important, however, to differentiate between the academic study of Ḥadīth and the recognition of Ḥadīth as a basis of Islam. Although almost all the community recognised Ḥadīth as an important source of Islam from the beginning, there was a certain group who indulged more than others in the study of Ḥadīths, holding sessions and travelling from one place to another in order to compile them. These people are called the scholars of Hadīth (*al-Muḥaddithūn*). Owing to the nature of their work, they were more interested in Ḥadīth than others and had certain ideas that in one way or another differed from others, but they were by no means the only party to adopt Ḥadīth as a basic source of Islam.

al-Muḥaddithūn could be divided into two groups: those whose task was merely to collect Hadīths from different districts

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and to transmit them afterwards, and those whose task was also, as critics of Ḥadīths, to distinguish between genuine and spurious Ḥadīths. Although a number of these authorities existed in each generation, they were naturally less in number than the former group.

Along with the scholars of Ḥadīth (al-Muḥaddithūn), there was another group, who specialised in matters of law, called jurists or doctors of law (Fuqahā'); they had a good knowledge of Ḥadīth, but they were more interested in studying the Qur'ān and the Ḥadīth and identifying the law within them.

Abū Yūsuf, Ya'qūb b. Ibrāhīm, (a student of Abū Ḥanīfah, d. 182 A.H.), reported that al-A'mash, Sulaymān b. Mihrān, (a famous critic of Ḥadīths, d. 148 A.H.), asked him about a particular matter, and he gave him an answer. When al-A'mash interrogated him about his authority, Abū Yūsuf pointed out that his authority was a hadīth transmitted to him by al-A'mash himself, whereupon al-A'mash commented that he had known this particular Ḥadīth even before Abū Yūsuf's parents got married, but he had not fully understood its significance before this moment. In another version al-A'mash is reported to have used doctors and druggists as examples for Jurists and scholars of Ḥadīth respectively.[366]

This did not mean that there were no scholars who had a tremendous knowledge in both Ḥadīth and Fiqh [law] such as al-Imam Abū Ḥanīfah (d. 150 A.H.), al-Imam Mālik b. Anas (d. 179 A.H.), al-Imam al-Shāfi'ī (d. 204 A.H) and al-Imam Aḥmad b. Ḥanbal (d. 241 A.H.), the founders of the four Islamic School, and others. The further back we go, the more such learned scholars we find. Therefore, the terminology 'al-Muḥaddithūn' or the scholars of Ḥadīth has nothing to do with the recognition of Hadīth as a basis of Islam, and all early Muslim scholars were unanimously of the opinion that every hadith from the Prophet 鐕 which was proved to be reliable according to the canons laid down by them

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366 See I.B., 1, pp. 130f.

and was of religious character, was of great legal importance, second only to that of the Qur'ān.[367]

Ahl al-Kalām or the Mu'tazilah

As mentioned above, *Ahl al-Kalām* seems to be a nickname for the Mu'tazilah. The Mu'tazilah party, founded at Baṣrah by Wāṣil b. 'Aṭā' (d. 131/748),[368] was a new heresy that emerged at the beginning of the second century of Islam.

It is useful to note that al-Imām al-Shāfi'ī, in *al-Risālah* and *al-Umm*, deals in detail with those who are said to have rejected ḥadīths, and al-Khuḍarī points out that al-Shāfi'ī's discussion shows that those whose ideas were discussed, rejected only individual ḥadīths which did not constitute absolute knowledge, and that they did not abandon the *Sunnah* if it was reported to them in a way which constituted absolute knowledge. It is stated that the ones who upheld this particular view belonged to Baṣrah, the place from which the Mu'tazilah emerged, and accordingly, this view is more likely ascribed to them.[369]

Thus, it seems that even the Mu'tazilah, or at least most of them, did not refuse to accept the importance of Ḥadīth as a basis of Islam, but they had their special standards for criticising Ḥadīths, and according to their own intellectual doctrine and standards, preferred the outcome of their own reasoning to individual [*Āḥād*] Ḥadīths. Moreover, they did not accept this kind of Ḥadīth in matters connected with the creed [*al-'aqīdah*].[370]

This doctrine led them to dismiss a considerable number of Ḥadīths, which are accepted according to the conventional doctrine

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367 Cf. Ṣiddīqī, p. 197.

368 *E.I.*(2), vol. 7, p. 783; cf. Esposito, p. 72..

369 See al-Khuḍarī, pp. 195-97.

370 See al-'Abdah, p. 82. For more information about the doctrine of the various sects of the Mu'tazilah, see Ibn Ḥazm, 1, vol. 5, pp. 33-46; al-Shahrastānī, vol. 1, pp. 65-176. *Āḥād* is a hadīth with a relatively small number of transmitters in each stage of its *isnād*, not enough to make it *mutwātir*. Cf. *E.I.*(2), vol. 3, p. 25.

of the Muslims, on account of their outward contradiction of the reason.[371] Inasmuch as most Ḥadīths, particularly those upon which the Islamic law is based, are considered as individual and only some of them are considered as *Mutawātir*,[372] only a small number of Ḥadīths were left for the Mu'tazilah to make use of.

Dealing with the Mu'tazilah approach to Ḥadīth, al-A'ẓamī points out that they adopted Ḥadīth as a basis of Islam and accepted its binding authority, but they, at the same time, rejected only those Ḥadīths that contradict with their doctrine.[373]

It is worthy to note that scholars of the Mu'tazilah disagree with the conventional doctrine regarding the reliability of the Companions of the Prophet ﷺ, particularly those who participated in the dissention between 'Alī ﷺ and Mu'awiyah ﷺ, after the killing of the third Caliph 'Uthman ﷺ. Some consider them as impious, while others accuse some of them of lie and ignorance and doubt their reliability. Accordingly, they reject considerable number of Ḥadīths transmitted by them.[374]

However, there is no need to consider the validity of the Mu'tazilah's doctrine as this lies outside the scope of this thesis. It is sufficient to draw attention to the following:

(1) That this particular school emerged in the first half of the second century, and enjoyed its golden age during the reign of the Abbasid Caliph, al-Ma'mūn (ruled 198-218 A.H.), who devoted himself to this doctrine and forced people to adopt it; later followed by al-Mu'taṣim (ruled 218-227 A.H.) and his son al-Wāthiq (ruled 227-232 A.H.). It was not until the coming of al-Mutawakkil - a son of al-Mu'taṣim who had a

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371 See Ibn Qutaybah, pp. 176, 351, 450.

372 *Mutawātir* is a ḥadīth with so many transmitters in each link of its *isnād* [chain of authority] that there could be no collusion. For the definition of this term and different views held about it see Su., 2, vol. 2, pp. 176-179.

373 Cf. al-A'ẓamī, 1, vol. 1, p. 25.

374 Cf. Abū Lubābah, p. 87, citing al-Sibā'ī in his *al-Sunnah wa makānatuha fī al-tashrī' al-Islāmī*, P. 208.

considerable interest in the *Sunnah* - in 232 A.H. that the Sunni doctrine prevailed again.[375]

(2) That despite their intellectual tendency, the Mu'tazilah, generally speaking, recognised Muhammad 🕮 as a Messenger of Allah I and accepted his *Sunnah* as long as it was reported in a way that met their own conditions. Ibn Qutaybah himself, in his book mentioned above, points out that even those who disagree with *Ahl al-Hadīth*, are in agreement that whoever holds fast to the *Sunnah* of the Prophet 🕮 is the one who follows the right path and the way of guidance, despite their heresy.[376]

al-Shī'ah & al-Khawārij

For a more comprehensive picture, I would like to consider briefly the approach of another two main parties, namely the Shī'ah and al-Khawārij, who emerged during the dissension between the fourth Caliph 'Alī b. Abī Ṭālib 🕮 and Mu'āwiyah b. Abī Sufyān 🕮.

As far as the **Shī'ah** is concerned, one finds that they accepted Ḥadīths, as long as they were transmitted by their Imams or by those who adopted their doctrine. They dismissed all other transmitters since they - as they believed - did not support 'Alī's cause and, accordingly, were not considered trustworthy. It is noteworthy that they believed that all the Companions, excluding a few of them like al-Miqdād b. al-Aswad, Abū Dharr al-Ghifārī and Salmān al-Fārisī, became infidels after the death of the Prophet Muhammad 🕮, inasmuch as they denied the right of 'Alī 🕮 to become Caliph directly after the Prophet 🕮.[377] Due

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375 See al-'Abdah, pp. 17ff.
376 See op. cit. p. 103; cf.
377 See Zahīr, pp. 49f; Su., 1, pp. 16f.

to this heretical doctrine, they rejected a large number of ḥadīths which are reported by the most of the Companions.

al-Khawārij were another main party that emerged in the early days of Islam, the direct cause of whose emergence was the agreement of ʿAlī ﷺ and Muʿawiyah ﷺ, during the Battle of Ṣiffīn in 37 A.H., on two referees who would pronounce judgement according to the Qurʾān. While the majority of ʿAlī's army accepted the proposal, a group of warriors vigorously protested against it; they moved to Ḥarūrāʾ and elected ʿAbd-Allah b. Wahb al-Rāsibī as their leader.[378]

As far as their attitude to Ḥadīth is concerned, they are said to have accepted Ḥadīths which were transmitted by the Companions whom they trusted, excluding those who were declared infidels by them, such as ʿAlī, ʿUthmān, al-Zubayr, ʿĀʾishah and Ibn ʿAbbās. They are also reported as rejecting a number of Ḥadīths, which are accepted by Sunni Muslims, in that they contradict the Qurʾān, such as those that prescribe the stoning of a married person who commits adultery, and, to the contrary of the common doctrine, they believed that the hand of a burglar must be cut off regardless the amount he stole was tiny or large.[379]

They are said to depend only on Ḥadīths known before *al-fitnah*, i.e. the dissension between ʿAlī ﷺ and Muʿawiyah ﷺ after the killing of the third Caliph ʿUthmān ﷺ.[380] Their recognition of the *Sunnah* as a binding authority is implied in a statement of ʿAlī ﷺ in which he advised Ibn ʿAbbās ﷺ to debate with them using Ḥadīths (*al-Sunan*), in that their teachings were more specific than that of the Qurʾān.[381] If they had not been adopting Ḥadīth as a binding authority, ʿAlī would not have asked Ibn ʿAbbās to use it as an argument against their opinions.

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378 See *E.I.*(2), vol. 4, pp. 1074f.
379 al-Ashqar, 1, pp. 15f.
380 See al-Shahrastānī, vol. 2, pp. 32f; al-Khuḍarī, p. 210. For more details about the doctrine of al-Khawārij, see Ibn Ḥazm, 1, vol. 5, pp. 29-33; al-Shahrastānī, vol. 2, pp. 23-58.
381 See al-Ashqar, pp. 21f, citing Su., 1.

From the preceding discussion, one may conclude that, generally speaking, all parties and schools in the early days of Islam recognised Ḥadīth or the *Sunnah* of the Prophet 🕋 as a main source of guidance, but that they differ from each other in the conditions they put forward for the acceptance of Ḥadīths, and in the way according to which they considered them. This recognition is reflected in the fact that all these parties believed that Muḥammad 🕋 was a Messenger of Allah 🕋 and that they unanimously agreed on several issues which are known only from Ḥadīth, such as the number of *rakʿahs* [prayer units] in the five daily prayers.

With regard to those who are reported to have asked authorities to abandon Ḥadīths and teach only the Qurʾān, it seems to me that this inclination was merely a result of certain views held by the parties discussed earlier, rather than a result of the absence of the recognition of the *Sunnah* as a main source of guidance. Moreover, al-Aʿẓamī suggests that this tendency emerged only in Iraq, as it was reported by scholars from Baṣrah; it was no more than an isolated incident by some ignorant individuals.[382] This conclusion is attested by the fact that, at that time, there was not, as far as I have been able to discover, any recognised party who abandoned the *Sunnah* altogether and denied its binding authority. It was a question of authenticity rather than a question of recognition.

In his comprehensive study, Esposito concludes: "For Muslims throughout the centuries, the message of the Qurʾān and the example of the Prophet Muḥammad have constituted the formative and enduring foundation of faith and belief. They have served as the basic source of Islamic law and reference points for daily life."[383]

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382 Cf. al-Aʿẓamī, 1, vol. 1, pp. 21f.
383 Op. cit., p.33.

6   Hypothesis on the delay in the recognition of Ḥadīth as a basis of Islam

I shall now consider the two arguments with which Robson supports the hypothesis of the delay in the recognition of Ḥadīth as a basis of Islam and as an important source of guidance, namely, the lack of a compiled body of Ḥadīth, and the method adopted by al-Imam Mālik in his *al-Muwaṭṭa'*.

As far as the first argument is concerned, it is well-known that - in the early days of Islam- Muslims or Arabs in general, were - at the beginning - dependent on their retentive memories[384] rather than on collected materials and that those who could write or read were relatively few. Nevertheless, Muslims, at the time of the Prophet 🕌, paid considerable attention to the Qur'ān, the Word of Allah 🕌, in order to reduce it to writing, as it was the most important source of guidance with which they, including the Prophet 🕌, had nothing to do. At the same time, however, there were a number of written copies of Ḥadīths kept by the Companions and the Successors.[385]

After the death of the Prophet 🕌, Muslims felt that it was necessary to collect the scattered pieces of wood and other materials, which were used for writing down the Qur'ānic verses at the time, and the task was accomplished during the time of the first Caliph, Abū Bakr 🕮, and under his patronage.[386] The direct reason for the compilation of the Qur'ān was the death of a great number of people, who knew it by heart, on the battlefields;

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384 Reading through biographical works regarding the student of Hadith during that period, one encounters a number of them who were very famous for their sharp and retentive memories; for example, Ibn 'Abbās 🕮 is said to have got by heart a hadith or even a long poem by hearing them once, not to mention Abū Hurayrah 🕮 whose memory proved to be unchallengeable. Of the Successors, Nāfi' and al-Zuhrī were also noted for their good memories. See M. A. al-Khaṭīb, p. 136.

385 *E.I.*(2), vol. 3, p. 24; cf. Robson 6, p. 86; Robson 15, p.459. For detailed information see M. 'Ajāj al-Khaṭīb, pp. 343-357; al-A'zamī in his *Dirāsāt fī al-Ḥadīth al-nabawī*, vol. 1, pp. 92ff.

386 See B2., vol. 6, pp. 477f, (n.509).

otherwise Muslims might have not felt the necessity for such an action until a later time. Abū Bakr ⬥ said to Zayd b. Thābit ⬥: "To me has came 'Umar and said that a great number of the learned (*Qurrā'*) were killed in the battle of al-Yamāmah, and he was afraid that the casualties among them might increase on other battlefields thereupon a large part of the Qur'ān could be lost. Therefore he ('Umar ⬥) considered it advisable that I should have the Qur'ān compiled...."[387]

Regarding Ḥadīth, there were many people who heard the Prophet 🌸 say or saw him do something. Moreover, there were others, like Abū Hurayrah ⬥, who were interested in knowing and learning everything about him and associated with him as much as possible and, like 'Abd-Allah b. 'Amr ⬥, who occupied themselves with writing down his sayings.

It seems that the necessity of compiling Ḥadīth or *Sunnah* out of fear of losing them was not felt until the time of the second Caliph, 'Umar ⬥ (d. 23 A.H.), who is the first, according to the materials available, to think formally and seriously about committing Ḥadīths to writing. Nevertheless, he refrained - although the Companions whom he consulted approved such an initiative - out of fear that people would not pay sufficient attention to the Qur'ān, which was still mainly preserved by memory, and that they would engage themselves too fully in studying such a collection.[388]

Next we come across an individual initiative by Ibn 'Abbās ⬥ (d. 68 A.H.) who felt the necessity of compiling Ḥadīths. He is reported to have said: "After the Apostle of Allah 🌸 died, I said to one of al-Anṣār: 'Let us ask the Prophet's Companions (in order to collect hadīths from them) as there are still lots of them'. As the Anṣārī did not realise the importance of such a work, Ibn

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387 See Id., vol. 9, pp. 228-230, (n.301).
388 Ibn Sa'd, vol. 3, pp. 286f. It was under the third Caliph, 'Uthmān ⬥, that the Quran was written down in a form of book, and a number of copies were sent to various districts. See B2., vol. 6, pp. 478-480, (n. 510); vol. 4, p. 466, (n. 709).

'Abbās left him and started doing the job himself.[389] His books are said to have amounted to a Camel-load.[390]

Another attempt is attributed to 'Abd al-'Azīz b. Marwān, the ruler of Egypt (60-85 A.H.), who wrote to Kathīr b. Murrah al-Ḥaḍramī asking him to write down what he had heard from the Companions of the Prophet 鑿 except for hadīths of Abū Hurayrah, which were already known to him. However, we are not sure about the outcome of this attempt.[391]

al-Suyūṭī suggests three reasons to account for the absence of formal Ḥadīth collections at the time of the Companions and the first generation of the Successors (kibār al-Tābi'īn). First, the good memory that they possessed at that time; second, the prohibition of writing down Ḥadīths, at the beginning, out of fear of confusing their materials with those of the Qur'ān; and third, the fact that a lot of them were illiterate.[392]

It was not until the end of the first century of Islam, that the first formal attempt to fulfil its goal was undertaken at the order and under the patronage of the Umayyad Caliph, 'Umar b. Abd al-'Azīz (ruled: 99-101 A.H), who was afraid of the perishability of al-'Ilm (Hadīth). He wrote to Abū Bakr b. Ḥazm: "Look for the knowledge of Ḥadīth and get it written, as I am afraid that religious knowledge will vanish and the learned scholars will pass away (die). Do not accept anything exept hadīths of the Prophet (Peace be upon him). Circulate the knowledge and teach the ignorant, for knowledge does not vanish except when it is kept secretly (to oneself)."[393]

Al-Imam Mālik reported the compilation of several books by Abū Bakr b. Ḥazm, which 'Umar asked to be sent to him, but he died before receiving any of them.[394] It seems, however, that

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389 H., vol. 1, pp. 106f; Ibn Sa'd, vol. 2, pp. 367f.
390 Ibn Sa'd, vol. 5, p. 293, in the biography of Kurayb b. Abī Muslim.
391 See M. 'Ajāj al-Khaṭīb, pp. 373-375.
392 Su., 2, vol. 1, p. 88.
393 B2., vol. 1, p. 79; cf. M. 'Ajāj al-Khaṭīb, pp. 328-332.
394 See I.B., 2, vol. 1, pp. 80f.

'Umar had the chance to see some of the fruits of his initiative; Ibn Shihāb al-Zuhrī is reported to have said that when 'Umar commissioned them to collect *al-Sunan*, they wrote several copies, and he sent a copy to every province under his power.[395]

In any case, the early Caliphs used to have a council that consisted of learned people who were well-informed concerning the Qur'ān and the Ḥadīth. Ibn 'Abbās says: "*The Qurrā'* (learned men knowing Quran by heart) were the people of 'Umar's meetings and his advisers whether they were old or young."[396] Another method used by Caliphs and some early scholars was to ask people if they knew any hadīth from the Prophet 🕌 regarding the matter they were dealing with, as we have seen above.[397] These two methods helped them to compensate, to some extent, for the absence of a compiled body of Ḥadīth.

As far as the method adopted in *al-Muwaṭṭa'* is concerned, it seems to be rather an argument for the recognition of Ḥadīth as a basis of Islam. This idea is attested by the fact that al-Imam Mālik (d. 179) uses Ḥadīth as a basis for his decisions in many cases, as Robson admits;[398] his *al-Muwaṭṭa'* is said to contain around 822 hadīths, 600 of which have complete *isnāds* [chains of authorities], while 222 are in the form of *mursal*[399] which, according to the opinion held by al-Imam Mālik, are of an equal authority to the *musnad* ones, as long as they are transmitted by trustworthy transmitters.[400]

As for hadīths which al-Imam Mālik reported by saying: "It has reached me [*balaghanī*]," or "On the authority of a trustworthy person [*'an al-thiqah*]," Ibn 'Abd al-Barr, who devoted a book to presenting the complete *isnāds* [chains of authorities] for hadīths

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395 See I.B., 1, vol. 1, p. 76.

396 B2., vol. 9, pp. 287f, (n. 389).

397 See pp. 51f.

398 Cf. Robson 2, p. 24, where he says that in his *al-Muwaṭṭa'* Mālik includes "only, at the most, over 800 traditions traced to the Prophet."

399 See Su., 4, vol. 1, p. 9.

400 See I.B., 2, vol. 1, pp. 2f.

which al-Imam Mālik adduced with defective ones, states that all these hadīths, which amount to 61, are transmitted with a connected *isnād* [chain of authorities] by other transmitters with the exception of four, which are not known.[401]

As far as the rest of his work is concerned, one should note the following:

(1) With regard to legal statements or practices of the Companions and the Successors,[402] one should note that al-Imam Mālik includes them on the basis that he considers them legal authorities, inasmuch as the practices or the opinions of the Companions and even the Successors are believed to be based on sayings or actions of the Prophet 📿 which they followed scrupulously after due consideration;[403] or they were the result of the *Ijtihād* [systematic reasoning] they applied in the light of the Qur'ān and the *Sunnah* of the Prophet 📿.[404]

(2) His producing the common practice of the people of Madinah in his book as an authority is due to his belief that such recognised practices do not need to be supported by Ḥadīths, since they are more authoritative than an (individual) Ḥadīth. He states this belief distinctly in a discussion with Abū Yūsuf regarding the way in which the call for prayer [*Adhān*] is performed.[405]

(3) Regarding his own opinions that he includes, he is reported as saying that he is an ordinary human being and apt to make mistakes, and asked people to consider his opinions; to accept

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401 Su., 4, vol. 1, p. 8.
402 These reports, called *Mawqūf and Maqtū'*, according to the assessment of Abū Bakr al-Abharī, amount to 613 and 285 respectively, see Su., 4, vol. 1, p. 9.
403 Cf. Ṣiddīqī, p. 197.
404 Cf. al-Shāṭibī, vol. 1, pp. 4f.
405 al-Andalusī, 1, vol. 1, p. 224; see ibid. for another declaration of this doctrine, when he was asked about *Ṣā'* [A measure of capacity equals 3261.5 grams according to the *Ḥanafī* School, and 2172 grams according to others].

what is in accordance with the Book of Allah and the *Sunnah*, and to abandon what is not in accordance with them.[406]

His recognition of Ḥadīth as a main source of legal decisions is shown by a number of anecdotes. Once, while speaking to the Caliph Hārūn al-Rashīd, al-Imam Mālik stated clearly that Allah 🕮 sent to us Muhammad 🕮, and enjoined us to obey him and follow his *Sunnah*.[407] Muṭarrif reported that whenever a certain person who held a heretical doctrine was mentioned in front of al-Imam Mālik, he used to point out that 'Umar b. 'Abd al-'Azīz said that the Prophet 🕮 and the rulers after him enacted certain practices, which when held to, would accomplish the following of the Book of Allah 🕮 ...; no one should change them or consider something that disagrees with them.[408]

On another occasion he was asked about someone who assumed the state of *Ihrām*[409] from Madinah, he replied to the effect that this was a divergence from the command of Allah 🕮 and His Apostle 🕮, who enjoined Muslims to initiate *Ihrām* from *al-Mīqāt*,[410] and he expressed his fear, to the effect that such a man was exposing himself to tribulation in this life, and to severe punishment in the Hereafter, quoting the following verse: ❨...then let those beware who withstand the Messenger's order, lest some trial befall them or a grievous chastisement be inflicted on them❩(xxiv. 63).[411]

It is important to note that this book is a handbook of law rather than a book of Ḥadīth; this is indicated by a statement of al-Mufaḍḍal b. Muhammad b. Ḥarb to the effect that 'Abd al-'Azīz al-Mājishūn (d. 164 A.H.) was the first to compile a book of

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406 Id., vol. 1, pp. 146f; cf. I.H., 4, vol. 10, p. 9.

407 Id., al-Andalusī,1, vol. 1, p. 159; see his reverence for Hadīth, pp. 153-62.

408 Id., vol. 1, p. 172.

409 *Ihrām* is a specific status of someone who intends to perform pilgrimage [*Hajj*].

410 *Mīqāt* is an appointed place which one who intends to perform *Hajj* or *'Umrah* should not pass without entering the state of *ihrām*.

411 Id., vol. 1, pp. 171f; see another anecdote p. 226.

a similar nature of that of *al-Muwaṭṭa'*, pointing out that this book did not contain Ḥadīths at all.[412] This kind of book aims mainly to provide the community with verdicts and decisions, regarding various matters, according to Islamic law. Such books might adduce, from time to time, some statements that sustain the ideas included, but this is not necessary.

A quick glance at al-Imam Mālik's work will attest this claim. Sometimes, one finds that Mālik is content to adduce Ḥadīths or statements of the Companions or the Successors regarding the matter in question without any comments.[413] In other occasions, he gives his judgement supporting it with a verse or a Ḥadīth,[414] and sometimes the judgement of al-Imam Mālik is reported without presenting any authority at all.[415] Mālik himself points out that his *al-Muwaṭṭa'* contains Ḥadīths from the Prophet ﷺ, statements of the Companions and the Successors, and some opinions [*ra'y*] which consists of the unanimity of the people of Madinah.[416]

One should not think, however, that these statements are the only ones that the author has obtained, unless he states that he is going to adduce all the authorities that he has, for the matters he is dealing with. As al-Imam Mālik does not state his intention as such, and as the nature of his book does not prove this, one cannot justifiably conclude that he was content to establish the law only on the authorities he had provided, or even at his own discretion.[417] Following Robson's argument, are we to infer that the Qur'ān was not considered as a source of guidance at that time, since al-Imam Mālik does not mention certain verses regarding all the matters he deals with? One is inclined to conclude that he is neither expected to present all the authorities or statements [*adillah*] he

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412 See I.B., 2, vol. 1, p. 86.
413 al-Aṣbaḥī, 2, the transmission of Yaḥyā al-Laythī, pp. 112-124, and *passim*.
414 See id., pp. 388, concerning the matter of *li'ān*, [mutual imprecation of a married couple] and 469, concerning *musāqāh* [Corp sharing contract over the lease of a plantation].
415 See id., pp. 269, 289, 384, 412, 486-93 and *passim*.
416 al-Andalusī, 1, vol. 1, p. 192; cf. p. 193.
417 Cf. Robson 2, pp. 24f.

has, nor to include all the Hadīths that were available at that time. This view is supported by the following: .

(1) When Abū Ja'far al-Manṣūr suggested attaching *al-Muwaṭṭa'* to the Ka'bah and forcing people to observe its legal verdicts, al-Imam Mālik prevented him from doing so on the grounds that Muslims of all provinces had hadīths of the Prophet 🕮 and legal statements [*aqāwīl*] of their own scholars, from the Companions and others, which they had learned and followed. He pointed out to him that it was not practical, and even too difficult to force them to abandon what they believed, and asked him to leave them to follow what they chose for themselves.[418]

(2) Mālik's work survived in different versions through his disciples; these versions vary in the way in which the hadīths are arranged, and more importantly in the number of hadīths they include. For example, the version of Abū Muṣ'ab al-Zuhrī is said to have contained one hundred hadīths more than the others.[419] The editors of this version remark that: (a) it has fifteen *musnad*[420] hadīths and six *mursal*[421] ones which do not exist in Yaḥyā's version, (b) it has two connected [*muttaṣil*][422] hadīths which are transmitted in *mursal* form in Yaḥyā's version, (c) it has a *musnad*, which is transmitted in Yaḥyā's version in the form of *balāgh*,[423] and (d) it has nine hadīths in the form of *mursal* and one in the form of *balāgh*, which have completed *isnāds* [chains of authorities] in Yaḥyā's version.[424]

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418 al-Andalusī, 1, vol. 1, p. 193; cf. al-Qinnawjī, p. 278; al-Qāsimī, p. 332.

419 See Su., 4, vol. 1, p. 9.

420 *Musnad* is a hadīth with a connected chain of authorities traced back to the Prophet 🕮.

421 *Mursal* is a hadīth in which a Successor quotes the Prophet 🕮 directly.

422 *Muttaṣil* is a hadīth with a connected chain of authorities traced back to the source.

423 It is a hadīth transmitted by saying: "It has reached me" [*balaghanī*].

424 al-Aṣbaḥī, 1, the transmission of Abū Muṣ'ab al-Zuhrī, vol. 1, pp. 41f; for other differences among the various versions, see al-Qinnawjī, pp. 280-88.

"A comparison of the Caliph's material in the two versions of *al-Muwaṭṭa'* which are available to us now, that of Yaḥyā b Yaḥyā [al-Laythī] and that of al-Shaybānī, is instructive. The only hadīth of Abū Bakr in the former version does not appear in the latter, and while there are three Prophetic hadīths on the authority of 'Uthmān in Yaḥyā's version, only one is found in al-Shaybānī's version."[425]

(3) Having being asked about the absence of some authorities, like 'Alī b. Abī Ṭālib ⚔ and 'Abd-Allah b. 'Abbās ⚔, al-Imam Mālik replied to the effect that they did not settle in the province/city where he settled and that he did not meet their students who transmitted Hadīths on their authority.[426]

(4) It is pointed out that all transmitters on whose authority Mālik transmits hadīths in his *al-Muwaṭṭa'* are from Madīnah, excluding six men; Abū al-Zubayr from Makkah, Ayyūb al-Sakhtiyānī and Ḥumayd al-Ṭawīl from Baṣrah, 'Aṭā' b. 'Abd-Allah from Khurāsān, 'Abd al-Karīm from the Peninsula and Ibrāhīm b. Abī 'Ablah from Damascus.[427] This would account for the absence of other hadīths on the authority of many other transmitters from various districts.

7 Summing up

From the previous discussion, one would conclude the following:

(1) In the early days of Islam, during the Prophet's lifetime and also after his death, the idea of the Hadīth or the *Sunnah* of the Prophet as one of the two main sources of Islam was well-established and recognised by almost all the community.

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425 al-JarAllah, pp. 58f.
426 See Su., 4, vol. 1, p. 7.
427 Id., p. 10.

(2) This recognition was on both formal and informal levels, i.e. it was a source of guidance for the rulers as well as for judges and scholars who were dealing with matters of law regarding all aspects of life. That is to say that the state was not ruled according to the desire of those who were in authority, and that the pious were not the only ones to seek guidance in Hadīth.

(3) In cases where there is no direct guidance either in the Qur'ān or in Hadīth, the early, qualified scholars used to adopt the opinions of learned scholars, particularly those of the Companions, or to have recourse to *Ijtihād* [systematic reasoning], the process in which they would study the matter carefully using analogical reasoning [*Qiyās*] or other means, in order to make a decision.

(4) In the course of time, the opposition to certain kinds of Hadīths began to emerge; this was a natural result of the development of new doctrines, like that of the Shī'ah or the Khawārij. Nevertheless, the opposition was an exception rather than a rule, and, therefore, those who uphold Hadīth as a basic source of Islam were considered to represent the community.

(5) Although al-Imam al-Shāfi'ī deals with those who are said to reject Hadīth and refutes their arguments, his work does not aim to constitute Hadīth or the *Sunnah* as a main source of guidance; it rather aims to re-establish its authority and to debate certain opinions and conditions regarding the adoption of individual Hadīths put forward by some of his predecessors, pointing out what appeared to him as a divergence from the *Sunnah* in the early schools of law. He was in fact a great advocate of the conventional doctrine, i.e. the recognition of the Qur'ān and Hadīth as main sources of guidance, and he argued ingeniously to support this recognised doctrine.

III

Conclusion

Although the hypothesis that, in the early days of Islam, Ḥadīth was not a matter of importance and that, at the very beginning, Muslims only had the Qur'ān as a source of guidance, does not hold true, as far as the real situation is concerned, it seems that it constitutes the starting point from which Robson and other western scholars proceed in their approach to Ḥadīth. Accordingly, they rule out any suggestion that the interest shown by early Muslims, at that time, in stories related to the Prophet Muhammad ﷺ was a result of their recognition of Ḥadīth as one of the important bases of Islam.

Robson, for example, suggests two reasons for such interest: first is the striking personality of the Prophet ﷺ, and second is the great development which he set in motion. In his opinion, the ultimate aim of such interest was merely to satisfy the natural curiosity about such a great man.

A detailed discussion of this idea, in the first chapter, reveals that in dealing with this subject, Robson neglects the implications of the Qur'ān, although he admits that it is a genuine document that represents the time in question.[1] By identifying the different methods in the Qur'ān and Ḥadīth which enjoin Muslims to observe the enactments of the Prophet Muhammad ﷺ and warn them against turning away from his commands, and by demonstrating the great extent to which Muslims went at that time in the pursuit of reports about the Prophet ﷺ, it becomes clear that although the reasons and the aims suggested by Robson can be accepted as common

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1   Robson 6, pp. 94, 102.

motives for the interest of Muslims and non-Muslims alike, they cannot justifiably account for the Muslims' particular interest.

In fact, there is one main reason that accounts for the Muslims' interest in Ḥadīth, which is the observance of the command, prescribed in the Qur'ān and the Ḥadīth, that enjoins the believers to follow the Prophet Muhammad 🕮 and obey his instructions. This observance was generated by two objetives, namely to attain guidance to the right path in this world, and to obtain Allah's blessings in the Hereafter.

In my opinion, Robson's view is an outcome of the common belief amongst western writers that the Prophet Muhammad 🕮 was by no means a Messenger of Allah who was given a particular message to deliver - a belief which contradicts what was held by Muslims from the very beginning of Islam.

A consideration of the common belief amongst Muslims during the Prophet's lifetime and directly after his death, proves that the prevailing idea is that Muhammad was a Messenger of Allah and the bearer of His message to mankind, who lived perpetually under divine guidance, and accordingly, his sayings and actions which had a religious nature were connected with divine revelation, in one way or another. It is also pointed out that Ḥadīth constituted, in the eyes of the early Muslims, a significant, integral source of guidance, without which many commandments in the Qur'ān could not be observed, and of which Muslims must have been in great need.

The question of the delaying of complete recognition of Ḥadīth as a basis of Islam second to the Qur'ān, until the time of al-Imam al-Shāfi'ī is, also dealt with. The findings confirm that this recognition started as early as the time of the Prophet 🕮 himself, and it was clearly shown, after his death, by the statements and actions of a number of early rulers and scholars from the Companions and the Successors.

Accordingly, the claim that in the early days of Islam, Muslims had only the Qur'ān for guidance and that those who were in

authority dealt with new matters, apart from the Qur'ān, without a fixed source of guidance, cannot be accepted. On the contrary, the present research confirms that matters facing the rulers and the scholars, at that time, were dealt with according to three main principles: The Qur'ān, the Ḥadīth and *Ijtihād*[2] which was applied in the light of the first two - a process which enabled the scholars to take decisions concerning matters about which there was no specific guidance.

An elaborated consideration of judicial schools and other parties that emerged at that time, dismisses the claim that many people before al- Imam al-Shāfi'ī rejected Ḥadīth, and assures us that, generally speaking, all these parties and schools recognised Ḥadīth as a basic source of guidance, although they differed in their conditions for accepting hadīths, and in the nature of the standards of their criticism - a matter that led them to dismiss a larger or smaller number of hadīths. It seems that it was a question of authenticity, rather than a question of recognition.

The terminology of *Ahl al-Ḥadīth* had nothing to do with the recognition of the main body of Hadīth as a source of Islam. It is rather a term which was applied to identify those who depended on statements available to them and preferred to restrict themselves to them, hardly having any recourse to *Ijtihād*. In contrast the terminology of *Ahl al-Ra'y* did not imply whatsoever that those who were identified with it did not recognise Hadīth as a source of guidance, or used to neglect hadīths of the Prophet 🕮 in their judicial judgements. What it really implied was that the scholars of this school felt free more than others to have recourse to *Ijtihād*, whenever they confronted matters about which the Qur'ān and the Hadīth remained silent.

To sustain his claim with regard to the delaying of the recognition of Ḥadīth, Robson adduces two arguments: the first is

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2   *Ijtihād* is a process of a systematic reasoning in the light of the main sources, by which a
     scholar can reach a decision.

the absence of a compiled body of Ḥadīth at that time, and the second is the method adopted by al-Imam Mālik in his *Muwaṭṭa'*, but neither of these seems to constitute a cogent argument.

The first argument does not necessarily mean that Ḥadīth was not adopted as a source of guidance, particularly if we bear in mind the large number of written copies of hadīths at that time, and the availability of several authorities who had first-hand knowledge of Ḥadīth, and whom the Caliphs used to consult whenever they faced a problem about which they were not aware of any statements in the two main sources.

The second argument seems to be one in favour of the recognition of Ḥadīth rather than in favour of the contrary, inasmuch as al-Imam Mālik is not expected in such a brief work of law to present all the authorities he has for each judgement he includes. It is sufficient for us to know that in many cases he presents hadīths as authorities for his judgements.

It is also pointed out that the work of al-Imam al-Shāfi'ī was in fact to re-establish the conventional doctrine regarding the recognition of Ḥadīth as an important source of guidance, and to refute recently developed opinions of some parties or schools of law that had appeared in his lifetime or shortly before it.

Finally, the issues discussed in this study indicate that the question as to the nature of the Prophet Muhammad 🕋 and that of his hadīths constitute a turning point in the subject, which has to be addressed before one deals with the issues of the recognition of Ḥadīth as a basis of Islam, inasmuch as without reaching an agreement on the above question, it is unimaginable that those dealing with Ḥadīth will reach a conclusion acceptable to all of them.

There are two ways according to which Ḥadīth is approached:

One is based on the concept that Muhammad 🕋 was a Messenger of Allah 🕋 and the bearer of His Message to mankind, who lived perpetually under divine guidance. This approach is held by Muslim scholars and has led them to deal with hadīths from the

Prophet 🕋 in a way that suits their nature and to assign to them the status they deserve.

The second approach is based on the concept that the Prophet Muhammad 🕋 was an eminent Arabic leader, who had no relation with divine revellation. This approach is commonly held by western scholars and naturally enough, has made them reach different conclusions regarding Ḥadīth.

These two approaches are completely different and it seems impossible to achieve conciliation between them, because what can be said in one of them cannot be accepted in the other. Thus, understanding the Islamic concept of the Prophet Muhammad 🕋 and his hadīths is crucial, since it enables us to have a truer appreciation of the status of Ḥadīth in Islam and of the effort made by early Muslims for preserving it and holding fast to it.

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