

# Credibility of *Sunnah*

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## Abstract

*Islamic Law (Sharia) consists primarily of the Qur'an, the actual word of God revealed to Prophet Muhammad during his lifetime. The Qur'an itself is relatively short, compact and immutable. It was revealed in Classical Arabic and in a very poetic and elaborate format. Many parts of it are not easy to understand even for educated speakers of Arabic. In order to understand the meaning of some of its provisions and to be able to apply its teachings to changing times and societies, recourse is often made to other sources of Islamic law, first and foremost the Sunnah, or traditions of the Prophet Muhammad. The Sunnah consists of historic records of things the Prophet did or said in various situations during his lifetime. Because of the Prophet's exalted position as God's messenger, his words and deeds are considered supreme guidance for Muslims anywhere, as they are seeking to understand the teachings of Islam and its application to their lives. The problem with the Sunnah is, however, that the historic record of the words and deeds of the Prophet is not always clear and reliable. Therefore, giving the force of law to these words and deeds can be problematic. Distinguishing reliable and unreliable Sunnah is critically important. Muslim believe in many hadiths that may directly contradict the Qur'an, scientific evidence, fundamental principles of law and human rights, or each other. This article examines the Sunnah and the science of verifying hadith and argues that a more cautious approach should be taken and that Muslims around the world are being taught many rules that are supposedly rules of Islamic law where at the very least we cannot be sure. Instead of declaring thousands of weak hadith to be binding elements of Islamic law, we should be more discerning between strong and weak hadith and only treat those that are verifiable as binding. Other rules can still be persuasive if they meet certain conditions, in particular compatibility with the Qur'an itself, but they must not be used to impose rules on Muslims against their will, let alone against the provisions of the Qur'an.*

**Keywords:** Sunnah, Hadith, traditions of Prophet Muhammad, sources of Islamic Law, rules of Hadith acceptance.

## A Introduction

The *Sunnah* (traditions of the Prophet Muhammad) is considered the second primary source in Islamic Law, and it accounts for a large number of Islamic rulings.

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As is well known, the *Sunnah* was not written during the time of the Prophet or even during the time of his Companions. This led to the spread of fabricated narratives that have been attributed to the Prophet. The scholars then set forth rules and principles that contributed towards ensuring the credibility of any hadith that was attributed to him.

This research mainly aims at examining the credibility of the *Sunnah* by subjecting the rules and principles that were adopted by the early scholars to a stringent academic critique. It takes into consideration the importance of studying the evolution that occurred to the concept of the *Sunnah* until it became what it is today, an undoubtable and non-contested source of Islamic Law. It also seeks to discuss the issue of recording the *Sunnah* and the contradictory reports that have been transmitted in this matter to determine whether it is true that the Prophet prohibited his Companions from making written records of his words and deeds or whether he permitted it.

In this context, the author is bound to meet with resistance. Many before him have chosen to avoid the controversial issue of credibility of the *Sunnah*, especially since the subject matter has reached the point of being an undoubtable assumption in large parts of the Muslim community. The scope of Islamic Law – more broadly speaking – is a good example, where researchers, at least in the Middle East, cannot propose arguments or present claims that criticize widely accepted doctrine without triggering unscientific responses or even threats. The sources of Islamic Law are one such area of inquiry that is usually left unchallenged, even though there are crucially important matters that really ought to be discussed and put under the microscope of open-minded scientific analysis.

From the point of view of Western critique, there are typical issues that are always brought to the forefront of discussions when it comes to the topic of Islamic Law. Examples include corporal punishments, real and perceived conflicts with human rights, the treatment of women, the notion of jihad as war between Muslims and other religions, and so forth. Some Muslims then proceed to justify the Islamic rules, which lead them into dilemmas, resolved usually by pronouncing that there are misconceptions regarding the rules and that they need to be explained. This further emphasizes the need of revisiting the actual sources of Islamic Law that have been appended to the *Qur'an*, especially the *Sunnah*, in an effort to better understand what are and what are not the core elements of Islamic law beyond the *Qur'an*. In so doing, the present author hopes to make a valuable contribution and trigger an effort at distinguishing reliable and binding *Sunnah* from other elements of Islamic Law that are not historically reliable and more likely to have evolved from the consequences of political or ideological conflicts between competing Islamic doctrines.

The *Sunnah* (traditions of Prophet Muhammad) as the second source of the Islamic Law has broad authority amongst Islamic scholars, and most of the Islamic rulings come from it. Therefore, studying the credibility of what has been transmitted as traditions attributed to the Prophet is an essential step in the procedure of renewal of Islamic Law.

### I Research Questions

The present study attempts to answer the following main question: to what extent is the *Sunnah* credible as a source of Islamic Law? From the main question, the following sub-questions arise:

- 1 What does the term 'Sunnah' refer to? What developments did the *Sunnah* undergo during the early years of Islam?
- 2 Did the Prophet record his *Sunnah* or even permit his Companions to do so? Did his Companions write it down after his death? When did the documentation of *Sunnah* begin?
- 3 What are the general rules that the hadith scholars have adopted to assess the credibility of a hadith? How have those rules changed and developed over time?
- 4 Is the 'Science of Criticism and Praise' sufficient to assess the status of the hadith narrators?

### II Aims of the Research

The aims of the study can be summarized as follows:

- 1 The primary aim is to examine the credibility of *Sunnah* that has been attributed to the Prophet Muhammad by examining the rules and principles that have been adopted by the scholars since the earliest period of Islam.
- 2 Second, it aims to provide a comprehensive examination of the developments that the concept of *Sunnah* underwent in the first three centuries of Islam.
- 3 Third, it aims to examine the contradictory hadiths whereby some indicate that the Prophet prohibited documenting his *Sunnah* and others indicate the contrary, and it examines how the practices of his Companions after his death affirm the prohibition.

### III Importance of the Research

In contrast to the *Qur'an*, the *Sunnah* as representation of the traditions of the Prophet Muhammad was not written under his supervision. On the contrary, he prohibited his Companions from recoding it until he died. The *Sunnah* was actually transmitted orally for more than 100 years after the Prophet's death and then the hadith scholars started writing it down in the middle of the second Islamic century. Within the first three Islamic centuries, many people had spread fabricated hadiths that were incorrectly attributed to the Prophet. Therefore, the hadith scholars decided to set requirements in order to accredit someone's reports of words or deeds of the Prophet. The scholars claimed that by virtue of those rules and principles, they would be able to distinguish the reliable *Sunnah* from the unreliable.

The most important contribution the present study aims to make is to expose the shortcomings of those widely accepted rules and principles and to prove by careful analysis their inability to recognize the authenticity of any hadith. As an essential step, the study begins by examining the developments that occurred in relation to the concept of 'Sunnah' and how it has become a sacred source that is now beyond discussion in Muslim communities. It also studies the contradictory reports that address the issue of whether the Prophet forbade or permitted his

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Companions from documenting his *Sunnah*. Finally, it seeks to demonstrate the serious flaws in what is usually called the ‘Science of Criticism and Praise’ that is utilized by scholars as a fundamental tool in discerning the hadith narrators’ integrity. Essentially, the study seeks to challenge long-accepted norms about hadith methodology by returning to the primary sources and by examining the way that *Sunnah* developed, especially in the first three centuries of Islam.

#### *IV Research Methodology*

The author will use three research methods in order to answer the questions that have been mentioned earlier.

First, the research will use a ‘critical literature review methodology’ to study the developments that the *Sunnah* experienced as a legislative source in Islamic Law, and this will be done by focusing on the opinions of early Islamic Scholars. The reason for adopting this approach is that within the first three centuries, the general concepts and principles of hadith authentication were framed by the hadith Scholars and they are still considered to be sound by contemporary scholars.

Second, the research will also adopt a traditional ‘black letter law methodology’ by examining the primary sources of Islamic Law, namely the *Qur’an* and the *Sunnah*, to determine the credibility of the latter. The research will closely examine the way in which the *Sunnah* as a source of law has developed over time. It will also use some examples of hadith to ascertain the meaning, differences and contradictions between hadith themselves and between hadith and the *Qur’an*.

Third, the research will adopt a ‘comparative methodology’ in order to expose some contradictions between selected scholars’ hadith methodologies used to accredit a narrative attributed to the Prophet. This methodology will also expose the extent to which the judgements given by the narrators were based on their personal intuitions and sometimes influenced by ideological factors.

## **B Chapter I: An Overview of the Primary Sources of Islamic Law**

### *I Introduction*

Islamic legal theory has changed and evolved since the early days of the *Qur’an*’s revelation. Islamic Law has passed through different stages from the time of its establishment until the ninth century, especially regarding the legislative sources. The four Islamic legislative sources (the *Qur’an*, *Sunnah*, *Ijma’a* and *Qiyas*) have become approved and undoubtable postulates in the view of the majority of Islamic scholars. However, researchers who are interested in Islamic Law are required to study and observe how Islamic Law evolved in order to fully conceive of the legal theory and the controversies that surround it. This chapter aims to give a brief overview of the four sources that have been adopted by the majority of Islamic scholars.

## II The *Qur'an*

The *Qur'an* is considered the highest legislative source in Islamic Law,<sup>1</sup> and all other sources are under its authority. Therefore, Islamic scholars have taken care of the *Qur'an* since the death of Prophet Muhammad, in terms of compiling, interpreting and studying it.

Prior to discussing the legislative content of the *Qur'an*, it is important to consider the definition. The word 'Qur'an' in Arabic means 'what is recited', and it is derived from the root 'qara'a' which means 'read'.<sup>2</sup> Several *Qur'anic* verses indicate this meaning. For example, in chapter 75, verse 18, the *Qur'an* states, "Then, when We have recited it, follow its recitation."<sup>3</sup> However, the *Qur'an*, in Islamic terminology, is defined as "the word of God revealed to Prophet Muhammad by Jibreel, and transmitted in the mus'haf by means of tawtur"<sup>4,5</sup>

Historical studies indicate that the *Qur'an* was revealed to Prophet Muhammad in the seventh century, beginning in 610,<sup>6</sup> and all Islamic scholars agree that the *Qur'an* came down to him fragmented, not all at once; some verses came down in Mecca in the beginning of his prophecy, and others came down after his migration to Al-Madinah.<sup>7</sup> According to the reports, Prophet Muhammad took care of the *Qur'anic* verses to be written immediately after they came down. However, since he was illiterate, he assigned to several of his Companions the task of writing the verses of the *Qur'an* pursuant to his dictation. The Companions were Ubay ibn Ka'b, Zayd ibn Thabit, Muadh ibn Jabal and others. In regard to this matter, al-Tirmidhi narrated that Uthman bin Affan said,

A long time might pass upon the Messenger of Allah without anything being revealed to him, and then sometimes a Surah with numerous verses might be revealed. So when something was revealed, he would call for someone who could write, and say: 'Put these verses in the Surah which mentions this and that in it.'<sup>8</sup>

He also narrated that Zaid bin Thabit said, "We were with the Messenger of Allah collecting the *Qur'an* on pieces of cloth."<sup>9</sup> Although there were numerous Companions memorizing the verses of the *Qur'an* by heart right after they came down, these reports evidently point out the Prophet's concern about the writing of the *Qur'an* in order to safeguard it from being distorted.

1 In practice, *Sunnah* has the same authority of the *Qur'an*, and this statement will be proved in Chapter 2.

2 M. Attyyar, *Almuhar'rar Fi' Ulom Al-Quran*, 2nd ed., Imam Shatibi Institute, 2008, p. 21.

3 *The Qur'an* 75:18.

4 Meaning transmitted by an unspecified large number of narrators.

5 M. ad-Din Ibn Qudama Al-Maqdisi, *Rawdat an-Nadir*, Vol. 1, 2nd ed., 2002, p. 200.

6 S.R. Mubarkpuri, *The Sealed Nectar Biography of the Prophet*, 1st ed., Maktaba Dar-us-Salam Publishers and Distributors, 1996, p. 68.

7 Manna'a al-Quttan, *The History of Islamic Legislation* (Arabic version), 5th ed., Maktabat Wahbah, 2001, p. 38.

8 M. Ibn Isa at-Tirmidhi, *Jami' at-Tirmidhi*, Vol. 5, 1st ed., Dar al-Gharb al-Islami, 1998, p. 123, Hadith 3086 (translation provided by <www.Sunnah.com>).

9 *Id.* Hadith 3954.

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Historical studies agree that the Prophet Muhammad died before providing supervision of the *Qur'an's* compilation into a single book, 'mus'haf'. In fact, the first compilation of the *Qur'an* occurred in 623, during the time of the Caliph Abu Bakr, and that was after the Battle of Yamama in which a huge number of the prophet's Companions, including many who had memorized the *Qur'an*, were killed.<sup>10</sup> Because of this serious situation, Umar, the second in command in the Islamic State during that time, suggested that the Caliph begin compiling the *Qur'an* to be in one *mus'haf*. Abu Bakr was hesitant at first, but he was eventually convinced. Thereafter, Abu Bakr commenced collecting the *Qura'nic* verses from patches of leather and orally from the memorizers of the *Qur'an*.<sup>11</sup> From the vantage point of Islamic scholars, this act is deemed one of the most important acts done by Abu Bakr during his caliphate.

After the expansion of the Islamic State, the way of reading the *Qur'an* was a very weighty issue in the period of Caliph Uthman bin Affan, due to the method of writing Arabic letters without dots. Therefore, this issue led to conflicts between people in how the *Qur'an* should be read. Several Companions hastened to discuss this issue with the Caliph before it became more serious since the political conditions were unbearable for such conflicts. After that, Caliph Uthman began the process of the official version 'mus'haf' of the *Qur'an* by burning any other mus'hafs that did not conform with the agreed versions.<sup>12</sup>

In essence, the *Qur'an* as a book is composed of legal rules and provisions, faith aspects, ethics, stories of previous nations and rewards and punishments. As far as legal rules are concerned, the *Qur'an* contains rules and provisions that relate to general financial concepts, family issues, inheritance, the law of war and criminal punishments. Some scholars have pointed out that the *Qur'an* has 500 verses that deal with Islamic *legal* aspects.<sup>13</sup>

### III The Sunnah

Even though the text of the *Qur'an* is described as a divine text, its readers still face potential difficulties in terms of understanding and interpretation, the same as occurs with any other legal text. For that reason, understanding the text of the *Qur'an* often requires recourse to other authoritative sources of Islamic law, so the progressive interpretations of the *Qur'an* become more authoritative. In this regard, Ibn Taymiyyah<sup>14</sup> claimed that Prophet Muhammad illuminated the meanings of the whole verses of the *Qur'an* to his Companions, and he relied on a *Qur'anic* verse which says, "and We revealed to you the message that you may make clear to the people what was sent down to them."<sup>15</sup> In addition, a narrative

10 M. Ibn Ismael Al-Bukhari, *Sahih Al-Bukhari*, Vol. 6, 1st ed., Dar Tawq al-Najat, 2001, p. 186, Hadith 4986.

11 *Id.*

12 S. ad-Din al-Dhahabi, *Si'yar A'alam an-Noba'la*, Vol. 28, 3rd ed., Resalah Institution, 1985, p. 15.

13 W.F. Menski, *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*, 2nd ed., Cambridge, Cambridge University Press; 2006, p. 294, n. 39.

14 A. Ibn Taymiyyah, *Majmo'a al-fatawa*, Vol. 13, King Fahd Glorious Quran Printing Complex, 2004, p. 331.

15 *The Qur'an* 16:44.

on the authority of Uthman bin Affan, Abdullah bin Mas'ud and others said, "They were learning ten verses from Prophet Muhammed, and they would not move to the next ten until they thoroughly understood and exercised them."<sup>16</sup> However, according to the Companions' interpretations of the *Qur'an* reported by scholars, they indeed differed significantly in their interpretations and understanding of the *Qur'anic* verses. Thus, the claim that Prophet Muhammad interpreted the whole text of the *Qur'an* is obviously incorrect, but based on the narratives in the books of *hadith* (sayings of the Prophet Muhammad) and *tafsir* (commentary),<sup>17</sup> there are some prophetic interpretations transmitted by some of his Companions, regardless of their credibility.

As is well known, there are several doctrines within the Islamic religion, such as *Sunni*, *Shi'a* and others. In the *Sunni* perspective, the *Sunnah* is defined as "all that has been related from the Prophet Muhammed in terms of his speech, action, or approval".<sup>18</sup> On the other hand, from the *Shi'a* perspective, the *Sunnah* is defined more broadly as "all that has been related from the infallible in terms of his speech, action, and approval";<sup>19</sup> 'infallible' means Prophet Muhammad, and the twelve Imams in which the *Shi'a* believe.

Both doctrines, *Sunni* and *Shi'i*, believe that the *Sunnah* is considered the second source of Islamic Law and the first step in understanding and explaining the text of the *Qur'an*. Moreover, the *Sunnah*, in their perspective, is not restricted to interpreting and making clear the text of the *Qur'an*, but it is also deemed as an independent legislative source. Accordingly, the *Sunnah* could legalize provisions and rules that do not exist in the *Qur'an*, and, in fact, the provisions and rules in the *Sunnah* are even more numerous than those found in the *Qur'an*.<sup>20</sup>

#### IV Consensus or 'Ijma'a'

The *Qur'an* consists of a number of provisions and rules as previously discussed, but many of these were rather specific to the events that occurred during the time the *Qur'anic* verses were sent down to Prophet Muhammad. As societies develop, it is natural that new incidents that are not covered by the text of *Qur'an* will happen. In such cases, Islamic scholars move to the second source, the *Sunnah*, seeking whether they are covered by Prophetic hadiths or whether rules can be deduced by other means. When a new incident or novel situation occurs, which is discussed explicitly neither in the text of the *Qur'an* nor *Sunnah*, Islamic scholars need to undertake independent reasoning or diligence (*ijtihad*) in establishing a new rule in order for it to be applied.

Consensus, or 'Ijma'a', is considered the third source of Islamic Law, in the majority of Islamic scholars' views. In fact, Muhammad ibn Idris Shafi'i (d.820) had the upper hand in establishing and consolidating the concept of *Ijma'a*, and

16 A. al-Haythami, *Mujamm'a Alzawa'id*, Vol. 1, Maktbat al-Kudsi, 1994, p. 165, Hadith 752.

17 The books of interpreting the *Qur'an*.

18 M. as-Siba'ee, *Sunnah and Its Role in Islamic Legislation*, International Islamic Publishing House, 2008, p. 73.

19 G. Haddad Adel, M. Jafat Elmi & H. Taromi-Rad (Eds.), *Hadith: An Entry from Encyclopedia of the World of Islam*, London, EWI Press, 2012, p. 6.

20 The topic of 'Sunnah' will be discussed in detail in next chapters.

he relied on a *Qur'anic* verse and Prophetic hadiths to support and give more authority to his concept of *Ijma'a*. The *Qur'anic* verse that he employed in inferring the concept of *Ijma'a* is, "And whoever contradicts and opposes the Messenger after the right path has been shown clearly to him, and follows other than the believers' way. We shall keep him in the path he has chosen, and burn him in Hell – what an evil destination."<sup>21</sup> Shafi'i believed that the phrase "follows other than the believers' way", indicates to the infallibility of their consensus; thus, their agreements must be followed. On the other side, he provided hadith that emphasizes his interpretation. For example, it is reported that the Prophet said, "There are three things because of which hatred does not enter the heart of a Muslim: Sincerity in doing an action for the sake of Allah; being sincere towards the rulers of the Muslims; and adhering to the Jama'ah (group of the Muslims)."<sup>22</sup>

Shafi'i pointed out that when Prophet Muhammad commanded adherence to the Jama'ah or Ummah, this proved that consensus of the Muslim scholars must be followed.<sup>23</sup>

Nonetheless, Islamic scholars have greatly disagreed in determining the essence of *Ijma'a*<sup>24</sup> and that disagreement is the cause of some ambiguity regarding the concept of *Ijma'a* that Shafi'i established. Shafi'i discussed the concept of *Ijma'a* in his books, and he wrote different definitions of it; some are general and others are detailed.<sup>25</sup> Regardless of this disagreement, contemporary scholars define *Ijma'a* as "an agreement between all contemporary Islamic scholars that occurs after the death of Prophet Muhammed on a matter with respect to an Islamic ruling".<sup>26</sup> For instance, Islamic scholars prohibit the building of non-Muslim places of worship in any Islamic state, and this prohibition is based on agreement (*Ijma'a*) of Islamic scholars, not on a specific *Qur'anic* verse or Prophetic hadith.<sup>27</sup>

It should be noted that there are some scholars who disagree with the concept of *Ijma'a* in the way that Shafi'i established it. For example, Ibn Hazm believed that *Ijma'a* as a legislative source of Islamic law is restricted to the period of the Companions of Prophet Muhammad, transmitted via a credible and accurate way, and related to the essential rulings of the religion. Otherwise, *Ijma'a* is impossible in strict accordance with scholars' conditions. Moreover, Ibrahim an-

21 *The Qur'an* 4:115.

22 M. Ibn Yazid ibn Majah, *Sunan ibn Majah*, Vol. 1, 1st ed., Resalah Institution, 2009, p. 156, Hadith 230 (translation provided by <www.Sunnah.com>).

23 S.M. Hilal, *Consensus in Shafi'i's Perspective: Between Fundamental Theorization and Jurisprudential Application* (Arabic), Umm al-Qura University, 2003.

24 Often translated as 'consensus' (see M.C. Bassiouni, *The Shari'a and Islamic Criminal Justice in Time of War and Peace*, Cambridge, Cambridge University Press, 2014, p. xv) or 'consensus among those learned in the law' (see F.A. Hassan, "The Sources of Islamic Law", *Am. Soc'y Int'l L. Proc.*, Vol. 76, 1982, p. 65, at 67).

25 M.O. Farooq, "The Doctrine of Ijma: Is There a Consensus?", 2006, available at: <<https://www.scribd.com/document/61771935/The-Doctrine-of-Ijma-Is-there-concensus-by-Dr-Mohammad-Omar-Farooq>>.

26 M. al-Shinqiti, *Muzakirat Usul Alfiqh Ala Rawdat an-Nadir*, Al-Rayan Institution, 2005, p. 231.

27 M. Ibn Muflih, *Al-froo'a*, Vol. 10, Resalah Institution, 2003, p. 338.



Nazzam (d.845) denied that *Ijma'a* is one of the Islamic Law sources, and he was considered as the first scholar who disbelieved in *Ijma'a*.<sup>28</sup>

*Ijma'a* faces many obstacles in order to become a source of Islamic Law, and as previously said, scholars have disagreed in each issue with regard to *Ijma'a* including its definition, conditions, and the possibility of ascertaining a consensus of all contemporary scholars, especially after the spread of scholars around the world. In addition, some academic studies have discussed the topic of *Ijma'a* and concluded with the impossibility of considering *Ijma'a* as a source of Islamic Law.<sup>29</sup>

#### V Analogical Reasoning (*Qiyas*)

Analogical reasoning (*Qiyas*) is a logical process that enables scholars to infer rules for new situations and events from rules applied to similar situations and events in the past. Some reports indicate that *Qiyas* as a method of deducing new rules was utilized in the time period of the Companions of Prophet Muhammad (the *Sahaba*). To emphasize this point, Abudulrazzaq al-Sun'ani (d.826) reported that:

Umar ibn al-Kattab consulted with people about the punishment for drinking alcohol, and he said: 'people have drunk and dared to it'. Then Ali ibn Abi Talib said to him: 'the drunkard while he is intoxicated, he will confusedly talk, and when he talks confusedly, he will slander; therefore, make it the same as the punishment for slandering'. Then, Umar made the punishment the same as the punishment for slandering.<sup>30</sup>

In this report, Ali deduced the punishment for drinking alcohol, which does not have a specific rule in *Qur'an* or *Sunnah*, by comparing it to the punishment for slandering, which has a specific rule derived from *Qur'anic* verse and *hadith*. Ali used the method of analogical reasoning by analysing what may happen after 'drinking alcohol' which often leads the drunkard to slander others. From this point, he linked the punishment for drinking alcohol with the punishment for slandering. In the course of using the analogy, scholars of Iraq were famous in utilizing the analogical reasoning due to their difficult conditions in accepting hadiths.

However, Abdul-Jawad Yassin, a former Egyptian judge, believes that *Qiyas* was not seen as 'a source of law' by Prophet Muhammad's Companions and early Islamic scholars, in terms of being an independent binding source. In fact, *Qiyas*, in the way it was practiced by the early scholars, was merely a means of thinking and inferring, used along with other logical means. Nevertheless, *Qiyas*, in terms of terminological meaning, was crystallized by Shafi'i in his book, *Al-Risala*, in

28 A.M. al-Juwayni, *Al-Burhan*, Vol. 1, Dar al-Kotob al-Ilmiyah, 1997, p. 261.

29 See A. al-Dabbash, *The Authority of Ijma'a in the Islamic Thought*, 2010, or see H. Thowab, *A Critical Review of Ijma'a: Between Theory and Practice* (Arabic), 2013.

30 A. Razzak al-sun'ani, *al-Musannaf*, Vol. 7, al-Maktab al-Islami Printing and publishing, 1982, p. 377, Hadith 13542.

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which *Qiyas* has become a binding legislative source and it is essential to depend upon it in any case where the texts are silent.<sup>31</sup>

Following the consolidation of the concept of *Qiyas* by Shafi'i, it has become the fourth source of Islamic Law in the opinion of the majority of Muslim scholars. It is defined as a process of linking a new case that is not mentioned in the texts with a case that has a specific text because they share similar facts and circumstances.<sup>32</sup> For a simple example, illicit drugs are forbidden under Islamic Law by *Qiyas* because there is no specific text that provides a specific ruling about drugs. Islamic scholars deduced the ruling about illicit drugs by seeking the closest case that has similar facts to drugs; drinking alcohol is the closest case because both share the fact that the substance has a mind-altering effect, known as intoxication with respect to alcohol. Since illicit drugs have the same effect as drinking alcohol, consuming them is similarly prohibited.

It is worth noting that there are some scholars who deny *Qiyas* as being a source of Islamic Law. One of these scholars was ibn Hazm, and in this regard, he wrote a book called *Assadi'e Fee Ibtal al Qiyas*, where he discussed the scholars' arguments that support *Qiyas* as being a source of Islamic Law. On the other hand, the majority of previous and contemporary scholars put forward claiming that ibn Hazm's arguments in his book were weak.<sup>33</sup>

## VI Conclusion

In this chapter, we briefly highlighted some matters in respect of the four primary sources of Islamic Law. After the death of Prophet Muhammad, political issues arose between his Companions, and one of these issues concerned the compilation and way of reading the *Qur'an*. However, scholars from all Islamic doctrines agree without dispute that the *Qur'an* is the highest source. In contrast, the political, ideological and intellectual conflicts played a role in establishing, crystallizing and determining the other sources. Shafi'i, however, played an essential role in entrenching these concepts in Islamic thought.

## C Chapter II: The Concept of *Sunnah*

### I Introduction

Studying the concept of *Sunnah*, and knowing its indications by focusing on the early period of Islam when the concept was framed, is a crucial step in determining the transformation that it subsequently underwent. In order to provide effective observations on the evolution of the meaning of 'Sunnah', the study will address different aspects of it. Therefore, this chapter is divided into five sections; this introduction is considered Section I. Section II examines the concept of *Sunnah* linguistically. Section III examines the concept during the time before

31 A.J. Yasein, *As-Sul'tah Fi' Al-Islam*, 3rd ed., Arab cultural center, 2008, p. 63.

32 A.W. Khalaf, *Usul Alfiqh*, 8th ed., Maktabt al-Da'wa al-Islamyah, 1956, p. 52.

33 Several academic studies have discussed both sides of the debate. See Yasein, 2008, *see also* H. Thowab, *Controversy between Islamic Principles and Reality* (Arabic).

Shafi'i. Section IV examines the concept of *Sunnah* established by Shafi'i. Section V provides a conclusion of the chapter.

## II *The Linguistic Meaning of Sunnah*

Understanding the Arabic language is crucial in order to conceive of how the Islamic rules and terminologies have been constructed, and this importance is attributed to the fact that the *Qur'an* was revealed to the Prophet Muhammad in Arabic.<sup>34</sup> This is explicitly set out in the *Qur'an*: "Indeed. We have sent it down as a *Qur'an* in Arabic, so that you may understand."<sup>35</sup>

The Islamic literature emphasized the significance of understanding Arabic since the early days of Islam.<sup>36</sup> When scholars discuss the requirements of diligence or 'ijtihad', they almost all agree that understanding Arabic is one of the main requirements for being a diligent 'mujtahid' (the person who carries out *ijtihad*). In this regard, Shatibi (d.1388), who was a Maliki scholar, stated that if we assume that someone is a beginner in understanding Arabic, he is also a beginner in understanding Shari'a or 'Islamic Law', and if someone reaches the end of understanding Arabic, the same will apply to his understanding of Shari'a.<sup>37</sup> In addition to that, Toffi (d.1316), who was a Hanbali scholar, pointed out that knowing Shari'a cannot occur without knowing the Arabic language and its grammar.<sup>38</sup>

The concepts and terminologies that have been established in the *Qur'an* or Islamic literature are based on Arabic linguistic meanings,<sup>39</sup> that is, the linguistic meanings are utilized as bases for building specific concepts or terms. For example, in the *Qur'an*, Muslims are commanded to fast or 'sawm' during the month of Ramadan from sunrise to sunset.<sup>40</sup> The word 'sawm' linguistically means to abstain from doing something, for example, eating, drinking, speaking and so forth. The *Qur'an* uses the linguistic meaning 'abstention' as a base to draw up a specific meaning, which is, to abstain from eating, drinking and having sex in a fixed month and for a fixed period of time (between sunrise and sunset). From this example, we can clearly see the relationship between the linguistic meaning and the Islamic concept derived from it. By recognizing the linguistic meaning, which has been used to build an Islamic concept or terminology, we will be able to determine whether it has been distorted over the years.<sup>41</sup> Therefore, this section examines the word 'Sunnah' linguistically by reviewing the early linguistic dictionaries to find out what 'Sunnah' refers to.

Early linguists discussed the word 'Sunnah' and described how Arabs used it within their classical language. Arabic linguistic scholars had different definitions

34 M. Al-Harbi, *Masa'el al-fiqhyah al-lati banaha Ibn Hazem ala al-logah*, 2007, p. 61.

35 *The Qur'an* 12:2.

36 M. Ibn Idris Shafi'i, *Al-Risala*, edited by M. Khadduri, 2nd ed., 1961, p. 67.

37 I. Shatibi, *Al-Mowafakat*, Vol. 4, 1st ed., Dar al-Ma'rifah, 1994, p. 67.

38 S. Toffi, *Shar'h Mukhtasar al-Rawadah*, Vol. 1, 2nd ed., 1998, p. 486.

39 M. ad-Dean Al-Firuz Abadi, *Al-Qa'mus Al-Muh'it*, Vol. 1, 8th ed., Resalah Institution, 2005, p. 1131.

40 *The Qur'an* 2:183-185, 187.

41 M. Al-Jabri, *Bon'yat al-Ak'kil al-Arabi*, 9th ed., Center for Arab Unity Studies, 2009, p. 15.

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in determining the original meaning of 'Sunnah', beginning with Ibn Faris, who lived in the tenth and eleventh centuries, who was one of the most famous linguists. The importance of Ibn Faris is that as a linguistic scholar he cared very much about tracing any word to its original meaning. He elucidated the original meaning for the word 'Sunnah' by stating that it is basically derived from a root 'san'na', and it literally means the flow and continuation of a thing.<sup>42</sup> Al-Azhari, another famous linguist no less important than Ibn Faris, who lived in the tenth century, defined it as the praiseworthy and straight way of acting.<sup>43</sup> More comprehensively, Ibn Mandour, who came three centuries later, elaborated upon it in several pages and he included many different meanings for the word. One such meaning differs from what has already been mentioned is his explanation that 'Sunnah' means the way of acting whether described as good or bad.<sup>44</sup> This definition was likely inspired by a Hadith narrated by Ibn Majah that Prophet Muhammad said,

Whoever introduces a good practice that is followed after him, will have a reward for that and the equivalent of their reward, without that detracting from their reward in the slightest. Whoever introduces an evil practice that is followed after him, will bear the burden of sin for that and the equivalent of their burden of sin, without that detracting from their burden in the slightest.<sup>45</sup>

Despite the apparent differences between the various definitions mentioned earlier, what emerges is that the term 'Sunnah' refers to how to do or practice something which occurs continuously or habitually.

It is worth noting that the word 'Sunnah' is mentioned in the *Qur'an* sixteen times.<sup>46</sup> Considering the verses that include 'Sunnah' in their context will contribute towards understanding the linguistic meaning, which has already been stated. After examining the verses, it appears that there are only two contexts that deal with the word. First, 'Sunnah' is associated with the word 'Allah' and becomes a compound word 'snn'ant Allah'. For instance, "This is the Sunnah [established way] of Allah with those who passed on before; and you will not find in the Sunnah [way] of Allah any change."<sup>47</sup>

Second, 'Sunnah' is associated with the word 'al-awal'ien'. For example,

Say to those who have disbelieved: if they cease, what has previously occurred will be forgiven for them. But if they return [to hostility] – then 'sunnat

42 A. Ibn Faris, *Mu'jam Maka'ees al-Logah*, Vol. 3, Dar al-fikr, 1979, p. 60.

43 M. Al-Azhari, *Tah'theeb al-Logah*, Vol. 12, 1st ed., Dar Ihya'a al-Turath, 2001, p. 210.

44 M. Ibn Mandour, *Li'san al-Arab*, Vol. 13, 3rd ed., 1993, p. 225; see also N. Badawi, *Introduction to Islamic Law*, 2009, p. 4, available at: <[http://islamlawandwar.insct.org/wp-content/uploads/2014/06/Bedawi-Intro\\_Islamic\\_Law.pdf](http://islamlawandwar.insct.org/wp-content/uploads/2014/06/Bedawi-Intro_Islamic_Law.pdf)>.

45 Yazid Ibn Majah, 2009, at vol. 1, p. 142, Hadith 207 (translation provided by <[www.Sunnah.com](http://www.Sunnah.com)>).

46 *The Qur'an* 3:137, 4:26, 8:38, 10:13, 17:77, 18:55, 33:38, 33:62, 35:43, 40:85, 48:23.

47 *Id.* 33:62.

alawa'lien' the precedent of the former [rebellious] peoples has already taken place.<sup>48</sup>

By analysing those verses, it is evident that both verses demonstrate the meaning of the continuation of doing something or the way of practice. The first verse categorically stipulates that the way or 'Sunnah' of Allah will never change in any case: it is established whether in the past, present or future.<sup>49</sup> The second verse addresses the disbelievers who intend to follow the path of ancient peoples who were punished due to their rebellion, and they will face the same punishment if they persist. The meaning of continuation is clear from the point of confronting the same sanctions if the former peoples' practice is again repeated by the later generations. This meaning is confirmed by the fact that the earlier 'tafsir' (or interpretation) scholars such as Tabari<sup>50</sup> (d.922), al-Qurtobi<sup>51</sup> (d.1272) and Ibn Kathir<sup>52</sup> (d.1372) agreed without dispute on this interpretation.

After analysis, it is apparent that the term 'Sunnah' should be understood in the course of traditions or the way of practice that constantly happens. Finally, it is important to mention that the term 'Sunnah' has not been associated with the Prophet Muhammad in the *Qur'an*.

### *III Sunnah during the Early Time before Shafi'i*

Although the word 'Sunnah' was present in the early time of Islam, it was not discussed as a concept that has theological indications in line with what was later set forth by Shafi'i. Examining the meaning of 'Sunnah' in the first century of Islam, specifically during the time of 'al-Sahaba' (the Companions of the Prophet) and their followers, 'al-Tabie'en', is quite difficult due to the lack of literature written in this period of time. All we can rely on is the reports transmitted by the later generations, that is, after the concept of 'Sunnah' was already framed which makes these reports less credible in the view of the present author, with regard to its original meaning in the earliest times. The first Islamic literature that included the word 'Sunnah' was 'Al-Muwatta', the famous textbook of Malik bin Anas. He was one of the most famous Hadith scholars and was actually deemed the leader of the Hadith School. Therefore, this section examines the concept and usage of 'Sunnah' in the first century by relying on the narrated reports and the second century by focusing on Malik bin Anas.

The term 'Al-Sahaba' refers to the first generation of Muslims who directly communicated with the Prophet Muhammad over a long period of time. Thus, if there is any indication that 'Sunnah' has a theological concept more than what

48 *Id.* 8:38.

49 H. Thowailb, *Sunnah between Principles and History* (Arabic), 1st ed., Arab cultural center, 2013, p. 43.

50 M. Ibn Jareer Tabari, *Jam'i al-Bayan*, Vol. 11, 1st ed., Dar Hajer, 2001, p. 176 and Vol. 19, 1st ed., Dar Hajer, 2001, p. 187.

51 M. Al-Qurtobi, *Jam'i Ahkam al-Qur'an*, Vol. 7, 2nd ed., Dar al-Kotob al-Masriyah, 1964, p. 404 and Vol. 14, 2nd ed., Dar al-Kotob al-Masriyah, 1964, p. 247.

52 I. Ibn Kathir, *Tafsir al-Qur'an*, Vol. 4, 2nd ed., Dar Taibh, 1999, p. 55 and Vol. 6, 2nd ed., 1999, p. 483.

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can be understood from the content of the *Qur'anic* verses that have been already discussed or from what has been stated via the old linguistic dictionaries, then it may be expected that *al-Sahaba* would have communicated that meaning to the early Muslims. However, the reports of *al-Sahaba* regarding 'Sunnah' were transmitted after the concept was already set, which raises questions of reliability. Nevertheless, it is significant that the contexts that 'Sunnah' comes in are consistent with the meaning of traditions or habits.

Due to the voluminous Islamic literature regarding the reports of *al-Sahaba* and *al-Tabie'en*, this research focuses on four famous textbooks, namely Sahih al-Bukari, Sahih Muslim, Musana'f Abdul Razzak and Musana'f ibn Abi Shaiba to examine *al-Sahaba* and *al-Tabie'en* reports. Both Sahih al-Bukari and Muslim have occupied a high status in the view of the majority of the Islamic scholars' opinions, whereas the reports of Musana'f have the largest number of reports of *al-Sahaba* and *al-Tabie'en*.

After examining the reports that concern *al-Sahaba*, it is apparent that there are around 40 reports transmitted by the four textbooks in which 'Sunnah' was mentioned.<sup>53</sup> These reports generally shed light on what and how the traditions or practices of the Prophet were. They focus on the daily prayers, Eid al-Fitr, funeral prayers, zakat, marriages, fasting and commercial transactions. For instance, al-Bukari and Muslim reported that Anas bin Malik said,

The Sunnah when a man married a virgin after he already has a wife, is that he stays with her seven (nights). And when he married a matron when he already has a wife, he stays with her three (nights).<sup>54</sup>

Al-Bukari also reported that Salem said,

In the year when Al-Hajjaj bin Yusuf attacked Ibn Az-Zubair, the former asked 'Abdullah (Ibn 'Umar) what to do during the stay on the Day of 'Arafa (9th of Dhul-Hajjah). I said to him, 'If you want to follow the Sunna of the Prophet you should offer the prayer just after midday on the Day of the 'Arafa.'<sup>55</sup>

Both reports illustrate what the traditions or practices were during that time. In the first report, Anas spoke about the traditions if someone, who already has a wife, wants to get married to another wife. In the second report, Salem and ibn Umar clarified what the practice of the Prophet was during the Day of Arafat. So, the usage of 'Sunnah' during the *al-Sahaba* period is still consistent with what was inferred from the *Qur'anic* verses which were already discussed in Section I, and

53 *Musana'f Abdul Razzak*, reports: 830, 3030, 3033, 5667, 5707, 5754, 6427, 6517, and 8150. *Musana'f ibn Abi Shaiba*, reports: 3998, 4103, 5584, 5606, 9716, 10324, 11281, 11383, 15679, 16959, 27477, and 37613. *Sahih al-Bukari*, reports: 1560, 1662, 2116, 5213, 5214, and 6497. *Sahih Muslim*, reports: 536 and 673.

54 M. Ibn Ismael Al-Bukari, *Sahih al-Bukari*, Vol. 7, 1st ed., 2001, p. 34, Hadith 5421.

55 Ibn Ismael Al-Bukari, 2001, at Vol. 2, 1st ed., 2001, p. 162, Hadith 1662 (translation provided by <www.Sunnah.com>).

also it is consistent with what was stated in the early Arabic dictionaries. Chapter III of this research provides more details in relation to the transmission of the traditions and Hadiths (reports of the Prophet's sayings, deeds and approvals) in the views of al-Sahaba (Abu Baker, Umar, Ali and others).

Turning now from *al-Sahaba* to *al-Tabie'en*, the four main textbooks under study here contain around 45 reports that include *Sunnah* in its contents, and they were, in fact, very similar to *al-Sahaba's* reports in terms of the usage and topics.<sup>56</sup> For example, Abdul Razzak reported that Saeed ibn al-Musay'yib said to Abi al-Zi'nad: "The *Sunnah* when a husband becomes poor and cannot afford his wife's maintenance is to separate them (by divorce)."<sup>57</sup>

It may be concluded from the earlier that the usage of word 'Sunnah' in the time of *al-Sahaba* and *al-Tabie'en* did not exceed the linguistic meaning, as utilized in the *Qur'an*. Before moving to the next period of Islamic history, it must be acknowledged that the above-mentioned reports are uncertain in terms of their authenticity. Thus, Chapter IV will examine in more detail the process of transmitting reports and the accepted methods for determining whether they are accurate or not.

### 1 *Malik bin Anas and Al-Muwatta*

Malik ibn Anas was one of the most respected scholars in the second century of the Islamic history and was the leader of the Hadith School in al-Madinah. His textbook *Al-Muwatta* became very famous during that time, and interestingly, some scholars stated that *Al-Muwatta* is deemed the most authentic textbook after the *Qur'an*.<sup>58</sup> Thus, there are three important reasons for examining Malik's concept of 'Sunnah'. First, *Al-Muwatta* was one of the earliest sources of Islamic literature that we can rely on to study the concept of 'Sunnah'.<sup>59</sup> Second, Malik lived during the time before the concept of 'Sunnah' was transformed and became a binding source like the *Qur'an*. Third, Shafi'i was one of his students.

'Sunnah' is considered one of the sources that Malik relied on in giving rulings, so it is important to consider what it refers to in his view. After careful examination, it is apparent that 'Sunnah' has been mentioned numerous times in *Al-Muwatta* in different contexts. Some are unconnected to any other word, and some are connected and added to other words that constitute one compound word. For example, Malik says 25 times, 'the *Sunnah* has been passed', and as a compound word, he says 36 times, 'the *Sunnah* of Allah and his messenger', 'the *Sunnah* of Muslims which is indisputable', 'from the *Sunnah* of Muslims has been

56 *Musana'f Abdul Razzak*, reports: 1674, 3219, 3220, 4830, and 10001. *Musana'f ibn Abi Shaiba*, reports: 128, 2161, 2231, 2233, 2716, 3794, 5020, 5229, 5597, 5866, 5971, 8256, 8319, 8934, 10753, 11379, 11397, 14046, 14371, 15026, 15604, 28605, 31937, and 33441. *Sahih al-Bukari*, reports: 1046, 1066, 1623, 1662, 1663, 1683, 4746, 5309, 6831, 7276, 7303. *Sahih Muslim*, reports: 148.

57 A.R. Al-Suna'ni, *Musana'f Abdul Razzak*, Vol. 7, 2nd ed., 1983, p. 97, report 12357.

58 I. Sha'ban, *Introduction to the Study of the Qur'an, the Sunnah, and the Islamic Sciences* (Arabic), Dar al-Ansar, 1980, p. 62.

59 A.A. Bilal Philips, 'Usool al-Hahdeeth: The Methodology of Hadith Evaluation', p. 12, available at: <[www.bilalphilips.com/wp-content/uploads/2012/12/Usool-al-Hadith.pdf](http://www.bilalphilips.com/wp-content/uploads/2012/12/Usool-al-Hadith.pdf)>.

passed in regard to' and 'the *Sunnah* with us'.<sup>60</sup> From the contexts that have been examined, it is clear that Malik utilized the term 'Sunnah' in referring to the traditions and practices that have been passed or transmitted, and it is not only restricted to the Prophet but also includes al-Sahaba and Muslims (specifically, the people of al-Madinah and it is conceptually called Aml Ahl Al-Madinah).<sup>61</sup> For example, Malik said, "The *Sunnah* that has been passed is that the tribe is not liable for any blood-money of an intentional killing unless they wish that."<sup>62</sup> He also said, "The *Sunnah* with us is that the hadd 'punishment' is obliged against anyone who drinks something intoxicating whether or not he becomes drunk."<sup>63</sup>

Importantly, Malik was one of the active scholars who participated in constructing the system of Hadiths by seeking, gathering and transmitting them to others, and he believed that Hadith is one of the sources that can be depended upon when giving legal opinions. Nevertheless, he distinguished between the *Sunnah* (which in his view was the practice and conduct of the Prophet Muhammad and his Companions) and Hadith (what has been orally transmitted about the Prophet Muhammad's actions, deeds and sayings) in terms of their concepts and legislative authorities. Indeed, he believed that the *Sunnah* has more authority than the Hadith and he sometimes decidedly rejected Hadiths if they were inconsistent with the traditions or practices that had been accepted (the *Sunnah*).<sup>64</sup> To emphasize, Maliki scholars state that Malik may refuse to apply a Hadith if it conflicted with the traditions that have been constantly practiced.<sup>65</sup> For Example, Malik reported that the Prophet said, "Both parties in a business transaction have the right of withdrawal as long as they have not separated, except in the transaction called *khiyar*."<sup>66</sup>

Although *Hadith* scholars agree that this particular *Hadith* is credible, Malik denied applying it because it conflicted with the *Sunnah* that had been accepted and practiced.<sup>67</sup> His legal opinion regarding this issue is that once the parties agree, they do not have the right to withdraw from the contract.<sup>68</sup> Regardless of his legal opinion on this particular matter, the significant points of Malik's view are his differentiation between the two concepts, *Sunnah* and *Hadith*, and his position that *Hadiths* hold less authority than the *Sunnah*; the latter was not con-

60 Thowaib, 2013, *supra* note 49, p. 33.

61 M. Abu Zahra, *Malik: His Life, Era, and Jurisprudential Opinions* (Arabic), 2nd ed., Dar al-fikr al-Arabi, 1978, p. 332, available at: <<https://archive.org/download/FPmalik/malik.pdf>>.

62 M. Ibn Anas, *Al-Muwatta*, Vol. 5, 1st ed., The Zayed Bin Sultan Al Nahayan Chainable foundation, 2004, p. 1269, report 3220 (translation provided by <[www.muwatta.com](http://www.muwatta.com)>).

63 *Id.*, at Vol. 4, p. 816, report 2095.

64 G. Trabishi, *From Islam of the Qur'an to Islam of the Hadith* (Arabic), 2nd ed., Dar al-Saqi, 2015, pp. 166-167.

65 H. Filmban, *Kabhr al-Wahid I'tha Khal'f Aml Ahl al-Madinah*, 1st ed., Dar al-Bhooth, 2000, available at: <[www.riyadhalelm.com/book/19/105\\_khabar\\_alwahid\\_hasan.pdf](http://www.riyadhalelm.com/book/19/105_khabar_alwahid_hasan.pdf)>.

66 Ibn Anas, 2004, at report 2473 (translation provided by <[www.muwatta.com](http://www.muwatta.com)>).

67 M. Al-Madani, *Al-Masa'el al-lati banaha Malik ala Aml Ahl al-Madinah*, 1st ed., Dar al-Bhooth, 2000.

68 M. Murshidi Mohd Noor, 'The Rights of *Khiyar* (Option) in the Issue of Consumerism in Malaysia', *Middle-East Journal of Scientific Research*, Vol. 13, No. 2, 2013, p. 156, available at: <<http://repository.um.edu.my/25512/1/5.pdf>>.



sidered by him to be a binding legal source. Thus, even though *Hadith* scholars determined a *Hadith* to be authentic, it could be rejected for persuasive reasons.

#### IV *Shafi'i and the Concept of Sunnah*

Shafi'i has occupied a high status in Islamic Law, and he is indeed considered the master theorist of the principles of Islamic Law. He lived in the second and third centuries of Islamic history. His scholarship was distinguished by the fact that he was educated by both the School of Hadith, represented by Malik ibn Anas, and the School of Opinion, represented by Muhammad al-Shaibany.<sup>69</sup> For that reason, he could access the tools of both Schools, which helped him to strongly impose his thoughts on Islamic legal theory. In fact, he theorized several concepts such as *Naskh* 'Abrogation', *Sunnah*, *Ijma'a*, or *Qiyas*,<sup>70</sup> which over the centuries have become undoubtable postulates. It can be said that *Sunnah*, as Shafi'i established it, is the basis of most of the concepts that came after it. Shafi'i worked hard by employing the *Qur'anic* verses and Arabic language in order to firm up the scope of *Sunnah* that he believed in and give it more authority.<sup>71</sup> Nevertheless, significant distortions occurred in Shafi'i's work, namely the linkage between the two concepts, *Sunnah* and *Hadith*, and the unification of the origin of the *Qur'an* and *Sunnah*.

One of the most serious alterations that occurred during the time of Shafi'i was the expansion of the scope of *Sunnah* by exceeding the linguistic meaning as used in the *Qur'an* and the linguistic dictionaries to include all reports or 'hadiths' (narrations) that mention the Prophet's sayings, deeds and approvals.<sup>72</sup> Shafi'i did not expressly define the *Sunnah* as stated,<sup>73</sup> but it can be clearly understood within his discussion regarding the concept of a single person's report 'khabr al-wahid' (one narration).<sup>74</sup> Within his explanation, he did not distinguish between *Sunnah* and *Hadith* as if they have different indications. According to his perspective, when a report was transmitted and determined to be credible, it was called *Sunnah* or *Hadith*. From this point onwards, *Sunnah* and *Hadith* have been linked and seen as synonyms – terms that refer to the meaning previously mentioned.

Significantly, Shafi'i adopted the idea that the *Sunnah* is equal to the *Qur'an* in terms of the original source, that is, he believed that the *Sunnah* was revealed by God to the Prophet as was the *Qur'an*. However, he differentiated between them by claiming that the *Qur'an* is recited revelation or 'matlu' and *Sunnah* is unrecited revelation, 'ghayr matlu'. He said,

69 M. Abu Zahra, *Shafi'i: His Life, Era, and Jurisprudential Opinions*, (Arabic), 2nd ed., 1978, pp. 20-24, available at: <<https://archive.org/download/FP17125/17125.pdf>>.

70 Ibn Idris Shafi'i, 1961, pp. 109, 123, 235, 288.

71 A.Y. Musa, 'The Sunnification of Hadith and the Hadithification of Sunna', in A. Duderija (Ed.), *The Sunna and Its Status in the Islamic Law*, New York, Palgrave Macmillan US, 2015, pp. 76-77.

72 N.H. Abu Zaid, *Imam Shafi'i and the Establishment of Moderate Ideology* (Arabic), 2nd ed., 1996, Maktabat Madbuli, p. 33.

73 Thowuib, 2013, *supra* note 49, at 45.

74 M. Ibn Idris Shafi'i, *Jima'u al-Elm*, 1940, Maktabt Ibn Taymiyyah, pp. 14-20.

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The messenger of God never imposed something without revelation. Part of the revelation is recited (the *Qur'an*), and other is revealed to the messenger of God (PBUH) and became *Sunnah*... it is said: what is not recited as a *Qur'an*, it is indeed inspired by Gabriel by God's Command, so it (*Sunnah*) is revelation.<sup>75</sup>

He employed *Qur'anic* verses to impose this unprecedented idea and to be authoritative. He said,

He (God) said,

God has sent down to thee the Book and the Wisdom (Hikmah), and has taught thee what thou did not know before; the bounty of God towards thee is ever great.

So God mentioned his Book which is the *Qur'an* and Wisdom, and I have heard that those who are learned in the *Qur'an* whom I approve hold that Wisdom is the Sunna of the Apostle of God. This is like what [God Himself] said; but God knows best! For the *Qur'an* is mentioned [first], followed by Wisdom; [then] God mentioned His favor to mankind by teaching them the *Qur'an* and Wisdom. So it is not permissible for Wisdom to be called here [anything] save the *Sunnah* of the Apostle of God.<sup>76</sup>

Paradoxically, Shafi'i emphasized in his textbook (*Al-Risala*) the importance of the Arabic language in order to understand the *Qur'an*,<sup>77</sup> but here he exceeded all the standards of Arabic language by interpreting 'wisdom' as meaning the *Sunnah* of the Prophet. Wisdom is never to be related to *Sunnah* in the Arabic language, let alone the *Sunnah* of the Prophet.<sup>78</sup> In addition to that, his idea that divided the revelation into two parts, namely recited revelation (the *Qur'an*) and unrecited revelation (*Sunnah*), is inconsistent with the text of the *Qur'an*. It is explicitly set out in the *Qur'an* that 'wisdom' is recited: "And remember what is recited in your houses of the verses of Allah and wisdom. Indeed, Allah is ever Subtle and Acquainted."<sup>79</sup>

Moreover, alleging that all of the Prophet's sayings and actions were inspired by God also conflicts with the *Qur'an* and the so-called *Hadith*. For example, the *Qur'an* states, "Say (O Muhammad) I am only a human being like you, to whom has been revealed that your god is one God."<sup>80</sup>

The verse distinctly shows the humanity of the Prophet, and the only difference is that the *Qur'an* was revealed to him, nothing more.<sup>81</sup> On the level of

75 M. Ibn Idris Shafi'i, *Kitab al-Umm*, Vol. 7, Dar al-Ma'rifah, 1990, p. 314.

76 Ibn Idris Shafi'i, 1961, p. 111.

77 *Id.*, p. 67.

78 Trabishi, 2015, pp. 175-177.

79 *The Qur'an* 33:34.

80 *The Qur'an* 18:110.

81 Al-Baghawi, al-Husain, *Ma' alim al-Tanzil fi' Tafsir al-Qur'an*, Vol. 5, 4th ed., Dar Taibh, 1997, p. 213.

*Hadith*, there are many *Hadiths* that emphasize and reiterate the same meaning. For instance, al-Bukari reported that the Prophet said,

Verily, I am only a human and the claimants bring to me (their disputes); perhaps some of them are more eloquent than others. I judge according to what I hear from them. So, he whom I, by my judgment, (give the undue share) out of the right of a Muslim, I in fact give him a portion of (Hell) Fire.<sup>82</sup>

Muslim also reported that the Prophet said,

O Allah, Muhammad is a human being. I lose my temper just as human beings lose temper, and I have held a covenant with Thee which Thou wouldst not break: For a believer whom I give any trouble or invoke curse or beat, make that an expiation (of his sins and a source of) his nearness to Thee on the Day of Resurrection.<sup>83</sup>

In this author's view, these *Hadiths* prove that the Prophet's sayings and actions were not supported by God's revelation, as Shafi'i and others alleged. So, this idea is indeed based on a fragile foundation.

This transformation in the concept of *Sunnah* by making it equal to the *Qur'an* in terms of origin and authority and the linkage between the two terms (*Sunnah* and *Hadith*) were some of the main reasons that led to the swell in the number of *Hadiths* and the spread of fabricated *Hadiths*.

## V Conclusion

In this chapter, we conclude that the concept of *Sunnah* was distorted by Shafi'i who had the upper hand in transforming it to be considered on par with revelation, namely the *Qur'an*. To consolidate this idea, Shafi'i falsely used the text of the *Qur'an* by going beyond the standards of the Arabic language when he construed 'wisdom' as meaning *Sunnah* and when he divided the revelation into two sections: recited (the *Qur'an*) and unrecited (*Sunnah*).

Indeed, when we compare the scope of the word 'Sunnah' as used in the *Qur'an*, by *al-Sahaba* and *al-Tabie'en* and as defined by the early linguists with what Shafi'i established, the inconsistency clearly appears. The word 'Sunnah' linguistically means the way of doing something – traditions and practices. The *Qur'an* in fact has not exceeded that meaning. In addition to that, it has never made any connection between the *Sunnah* and the Prophet Muhammad. Furthermore, the difference between *Sunnah* and *Hadith* that Malik ibn Anas drew by giving the *Sunnah* (the practice or tradition that has been accepted) more authority than *Hadith* confirms the idea of turning the so-called *Sunnah* into something known as 'unrecited revelation'. This use of the concept was at the very least not

82 Ibn Ismael Al-Bukari, 2001, at Vol. 9, 1st ed., 2001, p. 25, Hadith 6967 (translation provided by <www.Sunnah.com>).

83 M. Ibn Hajaj, *Sahih Muslim*, Vol. 4, 1st ed., Dar Ihya'a al-Turath, 1954, p. 2008, Hadith 2601 (translation provided by <www.Sunnah.com>).

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prevalent during his period of time. In conclusion, it may be observed that when Shafi'i established this connection between *Sunnah* and 'unrecited revelation', it was a novel connection, which did not previously exist.

## D Chapter III: The Documentation of the *Sunnah* (*Hadith*)

### I Introduction

In this chapter, we turn to a controversial issue in relation to which scholars have disagreed since the early time of Islam up until the present. The issue relates to when the so-called *Sunnah* or hadiths<sup>84</sup> that Muslims rely on in knowing the Prophet Mohammad's sayings, deeds, or approvals were written. Many questions arise here. For example, did the Prophet permit writing the hadiths or did he forbid that? After his death, what did al-Sahaba do pertaining to the so-called prophetic *Sunnah*? When did the process of writing the so-called *Sunnah* officially begin? All these questions will be answered in this chapter.

This chapter is divided into five sections. Section I is the introduction. Section II examines the reports related to the documentation of the *Sunnah* in the era of the Prophet. Section III examines the reports with respect to the documentation of the *Sunnah* after the Prophet's death. Section IV examines the facts of the first official documentation of the *Sunnah*, led by Umayyad caliph Omar Ibn Abdul Aziz. Finally, Section V provides a summary and conclusion to this chapter.

### II Documentation of the *Sunnah* in the Era of the Prophet

The reports indicate that the *Qur'an* was written during the lifetime of the Prophet and under his supervision as he assigned to several of his Companions the mission of writing the *Qur'anic* verses right after they were revealed.<sup>85</sup> Although disputes occurred between his Companions relating to the matter of the compilation of the *Qur'an* after the Prophet's death, they eventually agreed on the official version, which was determined by Caliph Uthman, and subsequently accepted by all Muslims until the present time.<sup>86</sup> Nevertheless, the issue of writing the *Sunnah* is far different from the *Qur'an* due to the fact that the Prophet certainly did not have any intention of writing down his *Sunnah* alongside the *Qur'an*.<sup>87</sup> After his death, contradictory hadiths were transmitted to answer the question, "is writing the *Sunnah* permitted or prohibited?" Some hadiths affirm the prohibition on writing down the *Sunnah* whilst others suggest writing it was

84 In this chapter the terms 'Sunnah' and 'hadith' are used interchangeably to refer to the sayings and practices of the Prophet Mohammad. For a discussion of the controversy over whether the terms are synonymous or whether they have distinct meanings, see Chapter II. The terms are used synonymously in this chapter, even though the author disputes this usage, because the purpose here is to examine the separate issue of whether the *Sunnah* was ever intended to have been written down. Notwithstanding that controversy, the reports referred to in this chapter use the terms interchangeably; thus, for ease of reference, the terms are also used here as if they mean the same thing.

85 Ibn Isa al-Tirmidhi, 1998, at Vol. 5, p. 123, Hadith 3086.

86 ad-Din al-Dhahabi, 1985, at Vol. 2, p. 815.

87 A. Ibn Hajer al-Asqalani, *Fat'h al-Bari*, Vol. 1, Dar al-Ma'rifah, 1959, p. 6.

permitted. Therefore, this chapter examines these reports with the objective of determining which ones are consistent with the facts. This chapter also addresses some views of the early and contemporary scholars with respect to this matter.

Hadith scholars believe that the Prophet indubitably declared a prohibition on documenting anything else besides the *Qur'an*, and this was transmitted by authentic hadith pursuant to their rules and principles of narration. The Prophet, as Muslim reported, said, "Do not write down anything from me and whoever wrote down from me except the *Qur'an*, he should efface it."<sup>88</sup>

By ordering his Companions to write only the *Qur'an*, this hadith clearly evidences the Prophet's unwillingness for anyone to write his *Sunnah* or hadith. This raises a question for those who believe that *Sunnah* is 'unrecited revelation' as to why the Prophet would have intentionally disregarded it, if that is so.

However, another hadith provides a different perspective. Al-Bukari reported that when a Yemeni Muslim, whose name was Abu Shah, asked him [the Prophet] to write for him [Abu Shah] the Prophet's Farewell Sermon, the Prophet said, 'Write for Abu Shah'.<sup>89</sup> In the view of the majority, this hadith may support the view that the Prophet gave permission for writing other than the *Qur'an*. In fact, early Muhadditheen (hadith scholars) strongly relied upon the second hadith and considered it as a Prophetic permission for writing, but they disagreed on interpreting the first hadith and on the reason behind the prohibition.<sup>90</sup>

The early scholars and most of the contemporary scholars<sup>91</sup> believe that the prohibition on writing anything other than the *Qur'an* was transitory because the *Qur'an* was still being revealed. In the early years of revelation, the Prophet feared that people might become confused between the text of the *Qur'an* and his *Sunnah* if they were both written at the same time. However, when the *Qur'an* was almost completely written and there was no longer any fear of confusion, he permitted writing his *Sunnah* and the prohibition was abrogated (*mansook*).<sup>92</sup>

Yasein argued that this interpretation is not consistent with the historical facts for three reasons. First, al-Sahaba followed the prohibition of writing the *Sunnah* even after the Prophet's death. Second, al-Sahaba, especially during the time of the four righteous Caliphs, did not officially document the *Sunnah*. Third, the hadith concerning 'Abu Shah' does not conflict with the general prohibition, because this hadith is a special situation that would not rescind the application of the first hadith. The prohibition is a fundamental rule and the permission was an exception that also occurred under the Prophet's supervision, and the practice of al-Sahaba after his death confirms this interpretation.<sup>93</sup> Similarly, Dr. Eter, who is a contemporary hadith scholar, points out that claiming the prohibition was abrogated would not resolve this impasse because if the Prophet gave his permission, why would al-Sahaba have continued banning writing the prophetic *Sunnah*?<sup>94</sup>

88 Ibn al-Hajaj, 1954, at Vol. 4, p. 2298, Hadith 3004.

89 Ibn Ismael al-Bukari, 2001, at Vol. 1, p. 33, Hadith 112.

90 M. ad-Din Al-Nawawi, *Sharh Sahih Muslim*, Vol. 18, 2nd ed., Dar Ihya'a al-Turath, 1972, p. 130.

91 Ibn Hajer al-Asqalani, 1959, at Vol. 1, p. 208; see also, As-Siba'ee, 2008, at 94.

92 J. ad-Din al-Suyuti, *Tadrieh al-Ra'wi*, Vol. 1, Maktabat al-Riyadh al-Hadeethah, 1966, p. 495.

93 Yasein, 2008, at 243.

94 N. ad-Din Eter, *Manhaj Na'qd fi Ulom al-Hadith*, 3rd ed., Maktabat al-Kuthur, 1997, p. 43.

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Furthermore, the allegation that the Prophet did not allow the writing of his *Sunnah* because he did not want the people to be confused between the *Qur'an* and his *Sunnah* does not stand up to scrutiny. By making a simple comparison between them – the language of the *Qur'an* and the *Sunnah* – one will easily observe a significant difference between them. The eloquence and structures in the writing of the *Qur'an* are not the same as the hadith. It is suggested that this difference is noticeable to anyone who has basic Arabic language ability, let alone accomplished Arabic speakers, such as al-Sahaba. It is suggested that the latter would have had no difficulty in discerning the difference between *Qur'an* and hadith. Without doubt, this could not have been the reason for the Prophet prohibiting his *Sunnah* from being written down.

Another argument is presented by scholars who argue that the forbiddance was restricted to documenting both the *Qur'an* and *Sunnah* on the same paper, an act that might cause confusion between them.<sup>95</sup> However, this opinion is inconsistent with the historical facts because of the continuation of an abstention from writing the *Sunnah* during the al-Sahaba era, which proves that this is merely a claim with no real evidence to support it.

Yet another perspective is provided by Abdul Khaliq who claims that it is, in general, not an important issue, because the authority of *Sunnah* has been proved by trustworthy memorization and transmission, not by writing. In other words, he believes that the means of memorization is as reliable or even more reliable than the means of writing because the latter is uncertain and may be prone to changes and mistakes.<sup>96</sup> However, if this issue is not significant, then why have scholars been arguing over this issue since the early time of Islam? Without doubt, this issue is of crucial importance in the history of Islamic thought. To emphasize the point, Ibn al-Salah (d.1245) stated that if *Sunnah* had not been documented, it would be obliterated over the eras.<sup>97</sup>

To support the view of prohibition, Ahmad Ibn Hanbal reported that the Prophet said, "Listen and obey me while I am with you, but when I pass away, follow the Book of Allah (the *Qur'an*) and make its permissions permitted and make its prohibitions prohibited."<sup>98</sup> In this hadith, the Prophet gave his Companions guidelines concerning how they should deal with rules after his death, namely by following the *Qur'an's* permissions and prohibitions. However, the Prophet's *Sunnah* or hadith were not mentioned here as sources to be followed alongside the *Qur'an*. Moreover, this hadith proves two points: first, the Prophet had no intention of having his *Sunnah* or hadith written; second, it is in line with the previous hadith that forbade writing anything besides the *Qur'an*.

It may be observed that several hadith which support both sides of the argument have been intentionally ignored in the foregoing discussion because Muhad-

95 M. Azami, *Studies in Early Hadith Literature*, 3rd ed., American Trust Publications, 1992, p. 23.

96 A.G. Abdul Khaliq, *The Authority of Sunnah* (Arabic), Egypt, Dar al-Wafa'a, 1986, p. 399.

97 Ibn al-Salah Al-Shahrauzi, *An Introduction to the Science of the Hadith*, Dickinson, Garnet Publishing, 2006, p. 130.

98 A. Ibn Hanbal, *Al-Musnad*, Vol. 11, Resalah Institution, 2001, p. 179, Hadith 6606.

ditheen technically have considered them as weak (*da'if*) or fabricated.<sup>99</sup> Thus, we cannot systematically use them for endorsing one side or the other, in order that neutral arguments be utilized for both sides, although we believe that the mechanism for accepting hadith is questionable and this issue will be discussed in more detail in Chapter IV.

It is noteworthy that the Prophet allowed his Companions to narrate from him. In this regard, Muslim reported that the Prophet said, "Narrate from me, there is no harm in it, and whoever lies upon me, let him take his seat in the fire."<sup>100</sup> But, given that a stern warning came after allowing for narration, most of al-Sahaba were afraid of reporting anything about him because they were afraid of repeating sayings that did not match exactly what he said. Nonetheless, the permission for narrating his sayings and actions asserts that the Prophet did not want them to be part of his message because relying on people's memories would definitely be doomed to oblivion, no matter how strong were the memories that people had during that time. The only way to safeguard them was for them to be documented, as he did with the *Qur'an*.

In summary, the preponderance of the reliable evidence suggests that the Prophet did not desire for his *Sunnah* or hadith to be officially documented like the *Qur'an*. That is, the only document he wanted to be written and which was instructed by him to be officially written was the *Qur'an*. In addition, he not only discouraged his *Sunnah* or hadith from being written, but he went further and actually forbade his Companions from writing it.

### *III Documentation of the Sunnah after the Prophet's Death*

After the Prophet's death, most reports emphasize that the general reservation about documenting the *Sunnah* prevailed in the era of al-Sahaba for more than a century. Several of these reports demonstrate how sharply al-Sahaba acted towards any people who had sheets that contained any of the prophet's *Sunnah*.<sup>101</sup> In contrast, some narratives affirm the opposite where some Sahaba had sheets that embodied written *Sunnah*, meaning that the prohibition was temporary as some scholars said. Therefore, in this section, with reference to transmitted reports, the view of al-Sahaba concerning this issue is addressed and examined. The views of the 'rightly-guided Caliphs' or leaders of the Islamic State immediately after the death of the Prophet Mohammad will be examined in turn subsequently.

Starting with Abu Bakr, the first Caliph in the Islamic State, there are very few reports that illustrate his attitude regarding this issue. An important event that occurred during his era was that one day he had an attempt to document the

99 For example, al-Baghdadi reported that Zaid Ibn Thabit said, "The Messenger commanded us to not write anything of his hadith", see al-Khatib al-Baghdadi, *Takyid al-Elm*, 1st ed., Dar al-Istiqamah, 2008, p. 25. On the other hand, he reported that Rafi' Ibn Khadij said, "they said to the Messenger of Allah, 'we hear some things from you, can we write them?' He [the Prophet] said: 'Write with no harm'": *id.*, p. 85.

100 A. Dawood al-Tayalisi, *Musnad al-Tayalisi*, Vol. 3, 1st ed., Dar Hajer printing and publishing, 1999, p. 557, Hadith 3197.

101 Y. Muhammad, *Mush'kilat al-Hadith*, 1st ed., Arab Diffusion Company, 2007, p. 26.

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*Sunnah*, but he immediately recanted it. Regarding this event, Al-Hakim reported that Aisha [one of the Prophet's wives and Abu Bakr's daughter] said,

My father [Abu Bakr] collected the hadiths of the Messenger, and they were five hundred in number. Then, he spent his night sleeplessly turning on his sides. When it was the morning, he said: daughter bring me those hadiths that are with you. When she gave them to him, he burned them.<sup>102</sup>

It is probable that Abu Bakr recalled the Prophet's forbiddance, which made him abandon his opinion of gathering the *Sunnah*. It is also important to note the number of hadiths that he had collected (500) and compare it with what was transmitted later. That gives us some idea as to the extent to which the hadiths were later expanded in number.

Umar Ibn al-Khattab, the second Caliph in the Islamic State, was strict in rejecting recording the *Sunnah* due to the spread of unreliable hadiths during his leadership.<sup>103</sup> Interestingly, according to some reports, he also had an intention to gather the *Sunnah*, but he then renounced it and required anyone who had written the *Sunnah* to erase it. Ibn Abdul Barr narrated that 'Umar wanted to write the *Sunnah*, but then it appeared to him to not do so. Then, he gave orders for Muslims, "whoever has anything [of the Prophet's *sunnah*] shall efface it."<sup>104</sup> In another context, al-Baghdadi reported that Abdullah Ibn al-Ala'a said: "I asked al-Qasim Ibn Muhammad to dictate some hadiths for me, then he [al-Qasim] said, 'Hadiths have been increased in the time of Umar, so he required the people to bring him those written hadiths, they did so, then he ordered to burn them.'<sup>105</sup> Some narratives indicate that the reason behind the banning in the time of Umar was in order to prevent the people from preoccupying themselves with the *Sunnah* rather than with the *Qur'an*.<sup>106</sup> Toffi stated that Umar was responsible for the spread of contradictory prophetic hadiths because when the other Sahaba asked him for permission to write the *Sunnah*, he prevented them from doing so; but if he had let each Sahabi write down what he or she narrated from the Prophet, the *Sunnah* would be precise.<sup>107</sup> Regardless of his view on Umar's action, the important matter here is that even scholars affirmed that Umar enacted a ban on recording the *Sunnah*.

In fact, the ban was not restricted to only writing the *Sunnah*; Umar also restrained the people, including al-Sahaba, from narrating what they had alleg-

102 S. ad-Din al-Dhahabi, *Tahdkirt al-Huffadh*, Vol. 1, 1st ed., Dar al-Kotob al-Ilmiyah, 1998, p. 11. Some may argue that this report is considered weak in view of Muhadditheen; al-Dhahabi (d. 1348) stated with respect to this report, "This is not true", so we cannot rely on it to confirm this incident. Nevertheless, let us assume that this report is fabricated rather than weak; would that change any of the reality that al-Sahaba did not record the Prophet's *Sunnah*? The answer is 'no' because the history has confirmed that there is no physical evidence to prove that al-Sahaba documented anything other than the *Qur'an*.

103 M. Ibn Sa'ad al-Baghdadi, *al-Tabaqat al-Kubra*, Vol. 5, 1st ed., 1968, p. 188.

104 Y. Ibn Abdul Barr, *Jam' I Bayan al-Ilm wa-Fadlihi*, Vol. 1, 1st ed., Dar Ibn al-Jawzi, 1994, p. 275.

105 Ibn Sa'ad al-Baghdadi, 1968, Vol. 5, p. 188.

106 Al-Suna'ni, 1983, Vol. 11, p. 257, report 20484.

107 S. Toffi, *al-Ta'yeen fi Shar'h al-Arba'een*, 1st ed., Al-Rayan Institution, 1998, pp. 266-267.



edly heard from the Prophet. In addition, he even threatened or imprisoned individuals for practicing narration, as he did with Abu Hurairah and Ibn Masood. For example, Abu Zur'a reported that Umar said to Abu Hurairah, "stop narrating or I will expel you the land of Dos."<sup>108</sup> Ibn al-Arabi mentioned that, for the reason of narrating, Umar put Abdullah Ibn Masood in prison in al-Madinah for 1 year until he [Umar] died.<sup>109</sup> There are still further reports regarding Umar's actions towards people who violated his order of banning narration, but since his view about this matter is quite clear, there is no need for further elaboration on this point.

The prohibition was not limited to the leading Sahaba; it also included famous individuals amongst them. For instance, Abu Saeed al-Kudri,<sup>110</sup> Zaid Ibn Thabit,<sup>111</sup> Abdullah Ibn Abbas<sup>112</sup> and others upheld this position.

On the other hand, a number of reports show that some Sahaba permitted writing down the *Sunnah* and they themselves had written some on sheets. It should be noted that most of these reports are deemed fabricated or very weak in light of Muhadditheen rules, but we will discuss what is considered credible in their opinion.

Beginning with Ali Ibn Abi Talib, the fourth Caliph in the Islamic State, al-Bukari narrated that Ali said, "By Allah, we have no book to read except Allah's Book and whatever is on this scroll [it has rulings about blood money and others]."<sup>113</sup> Some scholars believe that this statement from Ali proves the permission for writing the *Sunnah* because he had a sheet that contained written *Sunnah* as stated.<sup>114</sup> However, this can be contested based on the following three points.

First, the real issue here is whether Ali intended to officially document the *Sunnah* or whether he only had a sheet that included, at most, four rulings about blood, money and other matters. In point of fact, having some rulings on a sheet does not mean Ali granted general permission to writing down the *Sunnah* because if he had done so, he would have officially documented it and would not have left it unwritten.

Second, even though Muhadditheen considered this report as credible based on their rules, this sheet, as al-Bukari reported, contained a ruling that "a Muslim should not be killed for the murder of a non-Muslim". This discrimination is clearly inconsistent with the *Qur'anic* principles wherein the *Qur'an* distinctly states, "And We ordained for them therein a life for a life,"<sup>115</sup> and also says, "O you who have believed, prescribed for you is legal retribution for those murdered

108 A. Zur'a Abdulrahman al-Dimashqi, *Tareekh Abi Zur'a*, 1st ed., Arab Academy, 1996, p. 544.

109 A.B. Ibn al-Arabi, *al-Awasim min al-Quwasim*, 2nd ed., Dar al-Jeel, 1987, p. 87.

110 Al-Hakim al-Nishapuri, *al-Mustadrak ala al-Sahihain*, Vol. 3, 1st ed., Dar al-Kotob al-Ilmiyah, 1990, p. 651.

111 Ibn Abdul Barr, 1994, at Vol. 1, p. 270.

112 Al-Khatib al-Baghdadi, 2008, at 38.

113 Ibn Ismael al-Bukari, 2001, at Vol. 9, p. 97, report 7300 (translation provided by <www.Sunnah.com>).

114 ad-Din Al-Nawawi, 1972, at Vol. 9, p. 143.

115 *The Qur'an* 4:45.

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– the free for the free, the slave for the slave, and the female for the female.”<sup>116</sup> So, the *Qur’an* does not distinguish between Muslim and non-Muslim victims of murder. Acknowledging that fact renders the above-mentioned report akin to a fabrication, due to the inconsistency between one of the rulings in it with the *Qur’an* and also the considerable spread of fabricated reports on both sides, regarding the permission and prohibition of recording the *Sunnah*. Moreover, there is no physical evidence of the existence of this sheet.

Third, Ibn Abdul Barr reported that Ali said, “I order whoever has a book to return back and erase it, the people were destroyed because they were following their scholars sayings and ended up with leaving the book of Allah.”<sup>117</sup> This report affirms the contrary where he called for effacing any book including the *Sunnah*.

Al-Tirmidhi reported that Abu Hurairah said, “None of the companions of the Messenger of Allah has narrated more hadiths than me, except Abdullah Ibn Amr who used to write them and I did not.”<sup>118</sup> Some scholars stated that the practice of Abdullah is proof of the permission for writing the *Sunnah*.<sup>119</sup> Nevertheless, this can be disputed on the basis of the following two points.

First, if we assume that the report is authentic, this practice was nothing more than writing for personal purposes; it was not meant to remain as an official work from him.<sup>120</sup> Second, if Abdullah wanted it to be official, in fact, it would have conflicted with the Prophet’s prohibition that has previously been mentioned and also with the practice of the leading Sahaba (e.g., Abu Bakr and Umar).

In summary, and on the basis of the evidence discussed earlier, it may be inferred that al-Sahaba did not officially document the *Sunnah* because of the Prophet’s prohibition. All allegations that some Sahaba wrote the *Sunnah* on pieces of papers are most likely forged (not authentic) reports, but even if they are authentic, they were most likely examples of writing for merely personal aims.

#### IV Documentation of the Sunnah in the Second Century after Hijrah (AH)

After the death of the great al-Sahaba and in the wake of the political conflicts that ensued, people began to pay more attention to the *Sunnah* or hadith in terms of seeking and transmitting them. At that point, they overturned the principle of not verbally narrating hadiths that they had heard from the Prophet. As was stated earlier, most of al-Sahaba had not only imposed a reservation on writing the *Sunnah* but also included the practice of narrating what they had heard from the Prophet. But later, even junior Sahaba became preoccupied with reporting many hadiths without reservation, which was a factor in motivating a huge number of their students to do the same.<sup>121</sup> As a result, the conditions were perfect for the spread of fabricated hadiths without any objection until some Sahaba realized the seriousness of this problem. For example, Abdullah Ibn Abbas said, “Indeed we

116 *The Qur’an* 2:178.

117 Ibn Abdul Barr, 1994, at Vol. 1, p. 272.

118 Ibn Isa al-Tirmidhi, 1998, at Vol. 4, p. 337, report 2668 (translation provided by <www.Sunnah.com>).

119 M. al-Ayni, *Umdat al-Khari Shar’h al-Bukari*, Vol. 2, Dar Ihya’a al-Turath, 1929, p. 168.

120 Muhammad, 2007, at 21.

121 *Id.*, p. 39.

would be narrated to on the authority of the Messenger of Allah, at a time when one would not lie upon him, however, when people took the difficult and the docile, we abandoned listening to hadith from them.”<sup>122</sup> Naturally, this matter was aggravated by the passage of years and could no longer be controlled since these forged hadiths had, by this time, been publicly circulated. The problem of fabricated reports was not limited to fringe issues. They were used for promoting sectarian and political conflicts. The need to write up comprehensive historical accounts and have them officially verified became urgent. Therefore, in the subsequent, we will examine how this process was pursued.

Researchers disagree about the time and the caliph who made the first attempt at issuing an official version of the *Sunnah*, but most of them believe that the Caliph Umar Ibn Abdul Aziz was the one who called for it. As al-Bukari reported, Umar wrote to Abu Bakr Ibn Hazm<sup>123</sup> with the following instruction: “Look for what was there of hadith of the Messenger and write it down, I am afraid of knowledge being vanished and scholars being passed away, knowledge cannot be vanished except if it is kept secretly.”<sup>124</sup> From this point onwards, the idea of documenting the *Sunnah* was publicly spread. Nonetheless, when Umar died, Yazid Ibn Abdul Malik took over the rule of the Islamic State (between 720 and 724), and he dismissed Abu Bakr from being the governor of al-Madinah. In addition, all who were around Abu Bakr to help him documenting *Sunnah* went away, which led to a diminution of the writing movement.<sup>125</sup> So, this first attempt was not successful.

In 724, when Caliph Hisham Ibn Abdul Malik took over the rule, the vitality of the writing movement returned again. According to some reports, the Caliph forced Ibn Shihab al-Zuhri, who was a famous scholar at that time, to work on the documentation of the *Sunnah*, although he [Ibn Shihab] thought that the *Sunnah* should not be written. It was reported in this regard that Ibn Shihab said, “we had detested writing ilm [*sunnah* and others] until those caliphs coerced us into doing so, then we viewed to not prevent any Muslim to do it.”<sup>126</sup> On the contrary, al-Khatib narrated that Ibn Shihab said, “were it not for those hadiths that came to us from the east that we denied and did not know, I would not write a hadith nor allow it to be written.”<sup>127</sup> As is apparent from this report, the reason that induced him to start writing the *Sunnah* and permitting the others to do so was the prevalence of fabricated hadiths, not the force of the Caliph as the other report stated.<sup>128</sup> Regardless of contradictory reports, researchers believe that Ibn Shihab was the first scholar who was officially responsible for documenting the *Sunnah*.<sup>129</sup> He even said, “There was no one who wrote down ilm [here meaning *sunnah*]

122 Ibn al-Hajaj, 1954, at Vol. 1, p. 12, report 7.

123 He was the ruler and the judge of al-Madinah.

124 Ibn Ismael Al-Bukari, 2001, at Vol. 1, p. 31, report 100.

125 M. Abu Rayyah, *Adwa'a ala al-Sunnat al-Muhammadiyah*, 6th ed., al-A'alami publishing, 1957, p. 233.

126 ad-Din al-Dhahabi, 1985, at Vol. 5, p. 334.

127 Al-Khatib al-Baghdadi, *Takyid al-Elm*, 1st ed., 2008, p. 138.

128 Muhammad, 2007, p. 53.

129 *Id.*

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nah] before me.”<sup>130</sup> Malik also said, “The first who wrote down ilm was Ibn Shihab.”<sup>131</sup> It should be noted that at this time *Sunnah* was not organized in the way that it subsequently became, but the importance of this period is that Ibn Shihab broke the silence of prohibition and paved the way for documenting the *Sunnah*.

In the time of the Abbasid Caliphate, Caliph Abu Ja’far al-Mansour encouraged scholars to write books and categorize hadiths, which led to a considerable boom in the writing movement, not only in the field of *Sunnah* but also in various fields such as fiqh, tafsir, history and so forth. According to al-Dhahabi (d.1348), a hadith and history scholar, this development most likely occurred in 760 AD/143 AH.<sup>132</sup> Since these scholars were all in the same era, it was difficult to determine which book was the earliest,<sup>133</sup> but the earliest book published which was related to the topic of *Sunnah* was *Al-Muwatta*. Thereafter, scholars adopted new methods of composition, especially on the scope of hadith, and many now famous books were written, such as the *Musannaf*, *Musnad*, *Sahih* and so forth.<sup>134</sup>

Therefore, the so-called *Sunnah* was officially written down for the first time more than 100 years after the time of the Prophet’s death. The intervening period was marked by serious political conflicts and the large-scale spread of stories about the Prophet. Does that pose a serious question for the credibility of those so-called hadith? This will be discussed in the following chapter.

## V Conclusion

In conclusion, this chapter has shown that all historical facts suggest that the Prophet prevented his Companions from writing his *Sunnah* until he died bar some notable exceptions for special events, such as what he ordered his Farewell Sermon to be written for Abu Shah. Then, during the Sahaba Caliphate, his successors also left the *Sunnah* unwritten; although Abu Bakr and Umar tried to gather the *Sunnah*, they forthwith recanted and destroyed what they had collected. In fact, the *Sunnah* remained unwritten until the second century when Caliph Umar Ibn Abdul Aziz commanded Abu Bakr Ibn Hazm to start collecting prophetic hadiths. Even this attempt was not successful. Later on, Caliph Hisham Ibn Abdul Malik gave Ibn Shihab al-Zuhri the task of gathering the *Sunnah* and he became the first to do so. This is nowadays considered the foundation for the writing of the *Sunnah*. Thereafter, during the Abbasid Caliphate, the books of hadiths and others were spread by the encouragement of the ruling Caliphs.

130 M. al-Kittani, *Al-Risala al-Mustat’ Rafah*, 6th ed., Dar al-Bashaer al-Islamyah, 2000, p. 4.

131 A. Ibn Asakir, *Tareekh Dimashiq*, Vol. 55, Dar al-Fikr, 1995, p. 334.

132 M. Hamza, *al-Hadith al-Nabawi wa Makantoho fi al-Fikr al-Islami*, 1st ed., 2005, p. 78.

133 Abu Rayyah, 1957, at 238.

134 M. Hashim Kamali, *Hadith studies: Authenticity, Compilation, Classification and Criticism of Hadith*, 2nd ed., Arab cultural center, 2005, pp. 31-44.

## E Chapter IV: Credibility of *Sunnah*

### I Introduction

It is a simple equation: the early leniency in the hadith narration, which left this field of activity open to virtually everyone in the early Muslim community, definitely contributed towards the increase in false hadiths that were attributed to the Prophet. The scholars took action to control this phenomenon and restrain liars from circulating their fabricated hadiths in public by setting forth rules and requirements to form the basis of hadith acceptance. By creating such rules and requirements, the early and later scholars sought to establish a method by which they could distinguish the credible hadiths from the unreliable.

This chapter examines the rules and principles that have been adopted by *Muhadditheen* (narrators of hadith). It will address the evolution of these rules and the extent to which they can be relied upon to help establish the credibility of hadith. This chapter is divided into four sections. Section I is the introduction. Section II examines the general rules of hadith acceptance. Section III addresses what is called the 'Science of Criticism and Praise'. Section IV provides a summary and conclusion of the chapter.

### II The General Rules of Hadith Acceptance

As a consequence of the spread of unreliable and forged hadiths, *Muhadditheen*, as mentioned earlier, adopted rules that would apply to the *isnad* (chain of narrators) to identify the credible hadiths. This gives rise to two overarching questions that will be examined in this chapter: first, when were these rules set, and second, did the early scholars agree on the methodology of determining the authenticity of hadiths? This section discusses the two questions by focusing on the period of early Islam, aiming to show the shortcomings of those rules from the beginning.

Some may think that from the commencement of hadith narration, the *Muhadditheen* set down all at once the requirements for determining whether a hadith was authentic. However, this is quite wrong. By tracking the reports relating to this matter, it appears that the rules of hadith acceptance went through several stages, which can be divided into three, starting from the first stage when there was a lack of narration rules, to the second stage of unframed rules, until the third stage of framed rules.

#### 1 First Stage: Lack of Narration Rules

The practice of hadith narration began from the time after the Prophet's death. The reports show that al-Sahaba had followed no rules while they were reporting hadith about the Prophet. This may be considered as the first stage of hadith narration. To support this point of view, ibn Adi reported that al-Bar'a ibn Azib, one of al-Sahaba, said, "Not all we tell about the Prophet we directly heard from him, some we heard from him, and others we are told by our companions, and we do not lie."<sup>135</sup> This shows that hadith narration at this early time relied on mutual trust between people, not rules, as some claim, which generally gave more space

135 A.A. Ibn Adi al-Jurjani, *al-Kamil fi al-Dua'fa*, Vol. 1, 1st ed., al-Kotob al-Ilmiyah, 1997, p. 261.

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for whoever wanted to narrate indirectly, or even falsely, about the Prophet without any question. Furthermore, what underlines the claim that al-Sahaba did not follow any rules is that a Sahabi might get upset if people asked him if heard such hadith directly from the Prophet.<sup>136</sup> For example, when people asked Anas ibn Malik, one of al-Sahaba, about a hadith whether he had heard it directly from the Prophet, he became angry and said, "No one of us would lie to another."<sup>137</sup>

On the other hand, Umar Fallatah, a contemporary hadith researcher, goes too far when he asserts that the Caliph Abu Bakr was the one who established the principle of *isnad* investigation as a rule of hadith narration, which obliges a narrator to state the names of narrators from whom he heard such hadith as a means to examine its credibility.<sup>138</sup> His view depends on a report narrated by Abu Dawood, as follows:

A grandmother came to Abu Bakr asking him for her share of inheritance. He said: There is nothing prescribed for you in Allah's Book, nor do I know anything for you in the *Sunnah* of the Prophet of Allah. Go home till I question the people. He then questioned the people, and al-Mughirah ibn Shu'bah said: I had been present with the Messenger of Allah when he gave grandmother a sixth. Abu Bakr said: Is there anyone with you? Muhammad ibn Maslamah stood and said the same as al-Mughirah ibn Shu'bah had said. So Abu Bakr made it apply to her.<sup>139</sup>

By looking carefully at this report and early commentaries, it is apparent that Abu Bakr was not aiming to establish a new principle in respect to hadith narration, as the author claims. That particular instance concerned another's rights of inheritance. Abu Bakr wanted to make sure of a ruling's correctness by asking another Sahabi if he was present, too. Meaning, the purpose of his action was merely precautionary, nothing else.<sup>140</sup>

Another report that Umar Fallatah relies upon concerns a hadith narrated by Muslim whereby the latter said that Abu Saeed al-Kudri said:

Abu Musa al-Asha'ri stated that he heard the Prophet say: Permission [for entering the house] should be sought three times and if permission is granted to you [then go in]. Otherwise, go back. When Umar ibn al-Khattab heard him, he said: By Allah, I shall torture your back and your stomach unless you bring one who may bear witness to what you state.<sup>141</sup>

136 A. al-Omari, *Bohooth fi Tareekh al-Sunnah al-Musharrafah*, 5th ed., Maktbat al-Ulom wa al-Hikam, 1984, p. 46.

137 *Id.*

138 U. Fallatah, *al-Wad'i fi al-Hadith*, Vol. 2, 1st ed., Maktabat al-Ghazali, 1981, p. 20.

139 A. Dawood as-Sijistani, *al-Sunan*, Vol. 4, 1st ed., Dar al-Resalah al-Alamyah, 2009, p. 521, report 2894 (translation provided by <www.Sunnah.com>).

140 A. al-Waleed al-Baji, *al-Muntaqa Shar'h al-Muwatta*, Vol. 6, 1st ed., Dar al-Kitab al-Islami, 1914, p. 238.

141 M. Ibn al-Hajaj, 1954, at Vol. 3, p. 1694, report 2153 (translation provided by <www.Sunnah.com>).

The author alleges that this report is evidence to affirm the fact that the rules of hadith narration began from the time of al-Sahaba and what Umar said to Abu Musa was such an example. However, it is important to read any report in the context of all the surrounding circumstances in order to obtain a clear understanding of the intention of such action. Thus, when the context is examined, Umar's action can be interpreted in different ways, none of which support the author's claims. First, the hadith that Abu Musa narrated relates to a common problem, so when Umar heard him, he was surprised not to know of this hadith and he thought that people should have known if it was a common thing; for that reason, Umar requested him to bring a witness. Based on that, Umar's action is seen as a precaution, not an intentional following of rules to examine hadith authenticity.<sup>142</sup> What makes this explanation more consistent are the other reports which state that Umar accepted hadiths from some Sahaba without requesting witnesses.<sup>143</sup> Second, Umar might not have trusted Abu Musa, and because of that he asked him to bring a witness, while he did not do so with certain other Sahaba. Therefore, claiming that Umar was accepting hadiths in accordance with specific rules is an exaggerated opinion if we acknowledge that the *Muhadditheen* themselves reported a dozen incidents where Umar approved hadiths without any question.<sup>144</sup> Nonetheless, it is important to bear in mind that what has been said regarding Umar does not conflict with the fact that he generally put reservations on hadith narration and documentation.

In fact, some researchers seek desperately to prove the idea that al-Sahaba were following particular rules prior to approving any hadith. The reason why they do so is the possibility of al-Sahaba's participation in the spread of fabricated hadiths. In other words, if there were no rules, they were, indeed, prone to accept and transmit false hadiths whether intentionally or not, and that would put the *Sunnah* as a source of law in a serious dilemma.

Based on the reports that have been given, there was a distinct lack of narration rules during the first stage. As a consequence, everyone could narrate about the Prophet, and he only needed to claim that the Prophet had said or done so and so. This obviously raises a very important question about the credibility of those hadiths even if they were reported by al-Sahaba.

## 2 *Second Stage: The Unframed Rule*

After hadith narration opened the floodgates to everyone to relate hadiths, this naturally led to the spread of lies, as mentioned earlier. The issue of hadith credibility became a serious matter, and just relying on people's mutual trust became insufficient. The reports reveal that after political disputes during al-Sahaba period, scholars initiated a new methodology of examining hadith credibility by inquiring into the chain of narrators.

142 Ibn Hajar al-Asqalani, 1959, at Vol. 13, p. 334.

143 A. Kareem al-Namlah, *Ithaf Thawii Dhawii al-Basa'ir*, Vol. 3, 1st ed., Dar al-Asimah, 1997, pp. 154-165.

144 *Id.*

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In this regard, contemporary researchers disagree considerably on the exact time when scholars commenced utilizing such principles or rules. The main reason behind this disagreement is an ambiguous statement that was uttered by Muhammad ibn Sirin (d.733), a famous hadith scholar as follows:

They would not ask about the chain of narration, and when the fitnah [civil war] occurred they said: Name for us your men. So the people of *Sunnah* [sunni] would be regarded and their hadith were then taken, and the people of Bida'h [people who innovate in the religion] would be regarded and their hadith then were not taken.<sup>145</sup>

As is evident, ibn Sirin did not specify which fitnah [civil war] he was referring to, and history records that several civil wars happened in the early period of Islam. As a result of the ambiguity in his statement, researchers are divided on which civil war was being referred to in that context, as discussed subsequently.

Akram al-Omari believes that the civil war referred to in ibn Sirin's statement was the one that started in the period of Uthman ibn Affan's Caliphate, which ended with his death. This resulted in the fissure of the Muslim community and from it arose political and ideological conflicts that caused the emergence of the spread of fabricated hadiths. From this point onwards, scholars began a new procedure of *isnad* investigation by considering the narrators' reliability.<sup>146</sup> His view is essentially based on another statement of ibn Sirin whereby 'fitnah' was mentioned in the following context: "fitnah had erupted and the companions of Prophet Muhammad were ten thousand, none of them participated in it except forty."<sup>147</sup> He mentioned 'fitnah' in respect of the dispute that occurred after Uthman's death; thus, this would clarify the meaning of the unclear statement. On the other hand, it can be argued that ibn Sirin witnessed 10 civil disputes in his life, and all of them were called 'fitnah',<sup>148</sup> so alleging that he meant the one that took place after Uthman's time relying on a single statement is not enough to prove the correct date.

Another perspective is offered by Muhammad al-A'zami who thinks that the dispute referred to in ibn Sirin's statement happened between Ali and Muawiyah (both of them Sahabi). Nevertheless, no real proof supports this view.<sup>149</sup>

A further opinion is provided by Dr. Emad al-Rishid who points out that 'fitnah' in this statement referred to al-Mukhtar al-Thaqafi who had political ambitions at the time of the Caliph ibn al-Zubayr and he had followers distribute forged hadiths.<sup>150</sup> The author depends on a report of Ibrahim al-Nakha'I (d.715)

145 M. Ibn al-Hajaj, 1954, Vol. 3, p. 1694, report 2153 (translation provided by <www.Sunnah.com>).

146 al-Omari, 1984, at 44-46.

147 Al-Hakim Nishapuri, 1990, at Vol. 4, p. 486, report 8358.

148 R. Samadi, *al-Jar'h wa al-Ta'deel*, p. 2, available at:<www.saaaid.net/Doat/rida-samadi/5.doc>.

149 M. al-A'zami, *Dirasat fi al-Jar'h wa al-Ta'deel*, 1st ed., Maktabat al-Ghora'ba, 1995, p. 8.

150 E. al-Rishid, *Nazariyat Naqd al-Rigal*, pp. 109-110, available at: <http://elibrary.mediu.edu.my/books/DRM1416.pdf>.



who reportedly said that “Inquiring about *isnad* started during the time of al-Mukhtar”.<sup>151</sup>

Other researchers tend to explain ibn Sirin’s statement in more general terms as an indication that the spread of lies and fabricated hadiths was becoming a problem in general, and it was not meant to state a specific time when the *isnad* investigation began.<sup>152</sup> This view seems to arise as a consequence of the contradictory reports and opinions on this issue because it is very difficult to determine the intention of someone’s statement without any real proof.

Some say that ibn Shihab, who became a scholar after those events, was the one who initiated such principles. This would not conflict with the previous reports because it could be explained that ibn Shihab was the one who began the idea of *isnad* investigation specifically in the Levant, as stated in some reports.<sup>153</sup>

After reviewing the different opinions concerning the beginning of *isnad* investigation, let us discuss this issue from another angle. In spite of the fact that there is significant disagreement in regard to the time of at which hadith narration principles were first established, it is perhaps not necessary to resolve the exact time. The reason is that even if we resolve this issue, there will probably not be a significant difference in terms of identifying hadith authenticity once it is realized that those rules and principles commenced a long while after the Prophet’s death. Rather, the crucial points in this debate relate to how the mechanism of *isnad* investigation really worked and what was its contribution towards differentiating the credible from the forged hadiths.

Pursuant to the reports that have been transmitted in this matter, it appears that the rule of ‘*isnad* investigation’ followed by a few early scholars was very basic and simple. It relied on the identification of the persons from whom a narrator heard a hadith, and in some cases, a narrator might have been requested to swear to confirm his hearing.<sup>154</sup> However, this would not be sufficient to criticize the large number of transmitted hadiths that were attributed to the Prophet in such a way. Contemporary scholars, nevertheless, have considered it to be these spectacular efforts that helped to overcome the problem of the spread of false hadith.<sup>155</sup>

Examining the reports that address this principle will help us to assess its effectiveness. According to some reports, it is believed that Amer al-Sha’bi (d. 721), a famous hadith scholar, was the first scholar to apply the rule of *isnad* investigation, as stated by Yahya al-Kattan (d.813), another famous hadith scholar.<sup>156</sup> Al-Ramhormozi (d.970) reported that:

151 A. Ibn Rajab al-Hanbali, *Shar’h ill al-Tirmidhi*, Vol. 1, 1st ed., Maktabat al-Manar, 1987, p. 355.

152 B. Awwad Marouf, *A Commentary on “Sunan al-Tirmidhi”*, Vol. 6, 1st ed., Dar al-Gharb al-Islami, 1998, p. 232.

153 Muhammad, 2007, p. 45.

154 Fallatah, 1981, at Vol. 2, pp. 25-26.

155 ad-Din Eter, 1997, at 25.

156 Al-Hasan al-Ramhormozi, *al-Muhaddith al-Fas’il baina al-Rawi wa al-Wa’I*, 3rd ed., Dar al-Fikr, 1984, p. 208.

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Ibn Khuthaym narrated a hadith, and then al-Sha'bi said to him, "Who narrated it to you"? He said, "Amr ibn Maymoon", then he asked him, "Who narrated it to you"? He said, "Abu Ayyoub, the messenger's companion". Yahya said, "This was the first who investigated an *isnad*."<sup>157</sup>

Based on this report, it is easy to realize how simple this action was towards narrators, which realistically would never be enough to ensure the credibility of any hadith, particularly with the circulation of many fabricated hadiths. Merely requesting a narrator to reveal from whom he heard a hadith was not a reliable means to ensure its authenticity because if a narrator was lying about a hadith, he might also be lying about the source. The investigation would not be effective per se. To support this, Yahya al-Kattan said, "We do not see the righteous more false in anything than they are regarding Hadith."<sup>158</sup> From this statement, we can conceive how inadequate this rule would be in dealing with the serious circumstances surrounding the hadith narration, where even the righteous were occasionally lying. On the other hand, Muslim claimed that Yahya al-Kattan meant that the righteous were not intentionally practicing lying, but they were narrating false hadiths by unintentional mistake. This would be true if it were consistent with what had been transmitted by the *Muhadditheen* themselves about many narrators' biographies where indeed a number of them were described as righteous or ascetic, yet they were intentionally reporting fabricated hadiths for different purposes.<sup>159</sup>

Some researchers say that the actions concerning the investigation of hadith credibility in the early time were not just restricted to inquiring of the narrators from whom they had heard those hadiths, but also other actions were taken in this regard. For example, Shu'bah ibn Hajaj (d.776), a famous hadith scholar, was sometimes not content with only obliging a narrator to disclose his *isnad*, but he also might request such a narrator to swear an oath to asserting his sources. Moreover, in some cases, he might directly communicate with the persons that a narrator had reported from to ensure the reliability of their *isnad*.<sup>160</sup> Yet once again, it may be noted that even requesting a narrator to swear is not a reliable way to know whether a hadith is credible because if the narrator were a liar, he would obviously not mind even swearing an oath about what he had heard. The other method by which Shu'bah ibn Hajaj sometimes made sure of a narrator's source of a hadith might be considered as a more developed method of investigating hadith authenticity if it is compared to what has been previously mentioned. But, assuming that the method he followed was sufficient to examine hadith reliability, he would not have been able to check every hadith by this means. It would have been impossible to do so once we acknowledge that the sheer number of

157 *Id.*

158 Ibn al-Hajaj, 1954, p. 17 (translation provided by <www.Sunnah.com>).

159 A. al-Faraj ibn al-Jawzi, *al-Mawdu'at*, Vol. 1, 1st ed., al-Maktabah al-Ilmiyah, 1966, pp. 40-42.

160 Fallatah, 1981, at Vol. 2, pp. 25-26.

hadiths circulating at that time was estimated to be around one million in number!<sup>161</sup>

Returning to the main point, the concept of *isnad* investigation, it may be observed that this idea began to spread in Muslim communities and it became well known that narrators had become obliged to disclose their source of hadiths.<sup>162</sup> The importance that *isnad* earned in this stage can be deemed the main development relating to hadith narration if it is compared to the first stage, wherein mutual trust between people was the basis of hadith acceptance and which facilitated narrators reporting without limitation. Despite the spread of the new notion amongst the *Muhadditheen* at that time, this rule or principle was evidently not framed as a clear concept that scholars could follow to distinguish hadith status. Each hadith scholar had his own way of deciding whether what was reported by someone was authentic or not. This factor led to major contradictions in the rulings that were issued by hadith scholars towards hadiths' status, especially in the later generations, since they were relying on the former's opinions. As a consequence, it is easy to see that some scholars might have given rulings on hadiths that they were credible pursuant to their investigations whereas others might have 'proven' the opposite.<sup>163</sup>

In brief, although some development occurred concerning hadith narration in the second stage, this was not an adequate response to the ramifications of hadith fabrication. The efforts exerted by the *Muhadditheen* focused on the narrators' status more than the content of the hadiths. In this respect, Yahya al-Kattan emphasized, "Do not look at [the content of] the hadith but look at the *isnad* if it is sound; otherwise do not be conceited by [the content of] the hadith if the *isnad* is not sound."<sup>164</sup> Shu'bah also affirmed the same idea.<sup>165</sup> More discussion will be provided on this point in Section II.

### 3 Third Stage: The Framed Rules

The boom in the writing movement during the late second Islamic century (*i.e.* after 767 AD) had an important impact on hadith narration, especially when the *Muhadditheen* started writing down their hadiths and sources of *isnad* in single books. However, during this period of time, the chains of narrators became much longer and the number of narrators considerably increased, which led to the development of scholars' methodologies in terms of the rules and principles of hadith acceptance. Some of those will be reviewed and discussed subsequently with the aim of assessing their efficiency in identifying hadith authenticity.

As previously mentioned, Malik's *al-Muwatta* was the earliest book in the field of hadith. However, Malik did not state his methodology of hadith acceptance in his book, which led later scholars to study it carefully with the purpose of

161 A.B. Ibn Abi Shayba, *Kitab al-Adab*, 1st ed., Dar al-Bashaer al-Islamyah, 1999, p. 50.

162 al-Omari, 1984, at 51.

163 The contradictions of hadith scholars' opinions in respect to hadiths' status are too numerous to list. As an example, see the different views on the hadiths concerning the prohibition of music.

164 ad-Din al-Dhahabi, 1985, at Vol. 9, p. 188.

165 Y. Ibn Abdul Barr, *al-Tamhid li ma fi al-Muwatta min al-Ma'ani wa al-Asaneed*, Vol. 1, 1st ed., Morocco, Ministry of Endowments and Islamic Affairs, 1967, p. 57.

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understanding what rules and principles he followed in order to determine hadith reliability.<sup>166</sup>

Scholars have mentioned that although Malik did not explicitly reveal his methodology in his book, it was known that he committed himself to meeting two conditions for all hadiths recorded in it. First, he would only report from trustworthy narrators. Second, he would only include sound hadiths.<sup>167</sup> Nonetheless, by looking at those hadiths, it is apparent that the chains of narrators (which are deemed the backbone of hadith credibility, according to scholars) were varied, and they could be divided into five sections:<sup>168</sup>

- 1 Hadiths that were narrated via *mutasel* (connected) *isnads* from Malik to the Prophet.<sup>169</sup>
- 2 Hadiths that were narrated from the Prophet via *mursal* (hurried) *isnads*<sup>170</sup> [meaning, when a follower, who did not meet the Prophet, dropped a Sahabi from the chain of narrators and reported directly from the Prophet].<sup>171</sup>
- 3 Hadiths that were reported via *munqat'i* (disconnected) *isnads*<sup>172</sup> [meaning, there is a missing narrator in the middle of the chain of narrators].<sup>173</sup>
- 4 Hadiths that were narrated via *mawqouf* (stopped) *isnads*<sup>174</sup> [meaning, when a chain of narrators stops on a Sahabi who expresses his opinion and he does not affirm that he heard that from the Prophet].<sup>175</sup>
- 5 Hadiths that were narrated as *balaqat* (hearsay) [meaning, when Malik directly says "I have heard or been told that the Prophet said..."].<sup>176</sup>

The earlier review of Malik's methodology demonstrates the fallacy of scholars' allegations that he only reported from reliable narrators and he only included credible hadiths. His book, in fact, is fraught with narratives, the credibility of which cannot even be examined due to missing narrators in the chains of transmission, assuming that the *isnad* is the essential way to ascertain hadith soundness, as the scholars believe.

It is noteworthy that even though the *isnad* acquired significant attention as discussed in the second stage, a closer examination of Malik's methodology proves that even leading hadith scholars did not comply with the rules of *isnad*. Bearing in mind that Malik's contribution took place a considerable time after *isnad* became the main focus for hadith scholars, it is reasonable to assume that the attention to *isnad* must have increased within this period. However, the con-

166 For instance, see N. Hamdan, *al-Muwattat*, 1991.

167 M. al-Turki, *Manahij al-Muhadditheen*, 1st ed., Dar al-Asimah, 2009, pp. 30-32.

168 M. al-Tahir ibn Ashur, *Kashif al-Mugatta*, 2nd ed., Dar as-Salam, 2007, p. 29.

169 For example, see Hadith numbers: 2824, 3038 and 3167.

170 For example, see Hadith numbers: 3478, 3618 and 3630.

171 T. Abdelhaleem, *Terminology of Hadith and Methodology of Muhadetheen*, p. 27, available at: <[www.readquranonline.net/quran1/Science-Hadeeth-Terminology.pdf](http://www.readquranonline.net/quran1/Science-Hadeeth-Terminology.pdf)>.

172 For example, see Hadith numbers: 3207, 3208 and 3230.

173 Abdelhaleem, *supra* note 171, at 30.

174 For example, see Hadith numbers: 3150, 3193 and 3271.

175 Abdelhaleem, *supra* note 171, at 56.

176 For example, see Hadith numbers: 1129, 1559 and 1628.

tent of Malik's book confirms the limited and defective application of the principles of *isnad* from the very beginning.

This can be proved by observing that in the generation after Malik, the *Muhadditheen* bestowed major attention upon the *isnad*. The state of being connected became an essential rule in order to determine hadith credibility. In fact, this affected the popularity of *Al-Muwatta* as a book of high authenticity, which also made famous later Maliki scholars such as Ibn Abdul Barr (d.1071), who came after Malik by more than two centuries and who attempted to connect all disconnected *isnads* that were reported by Malik in his book.<sup>177</sup> Nevertheless, Ibn Abdul Barr's work must be highly questionable because if Malik, even with his intensive investigations regarding *isnads* as the scholars claimed, could not narrate them in a fully connected manner, so it is doubtful how Ibn Abdul Barr would possibly achieve that feat, even though he lived two centuries after Malik.<sup>178</sup>

Afterwards, the notion of 'Mursal' hadith<sup>179</sup> was brought into the discussion of hadith acceptance. This concept had a vital impact on the general principles of hadith acceptance in the later generations. The most prominent criticism of it is the one written by Shafi'i in his book *Al-Risala* when he set forth specific requirements in order to accept a hadith narrated in that way. Some scholars stated that the *mursal* hadith was agreed upon by the majority of early *Tabie'en* (followers of al-Sahaba) until Shafi'i came and criticized it.<sup>180</sup> However, in his view, to be approved, the *mursal* hadith should meet certain conditions for both the narrator and the *isnad*, as follows:<sup>181</sup>

The narrator:

- 1 Should be trustworthy.
- 2 Should be from the early *Tabie'en* (followers) such as Saeed ibn al-Musay'yib.
- 3 Usually narrates from acceptable reporters.

The *isnad*:

- 1 Should have another supportive connected *isnad* that narrates the same hadith.
- 2 Or it should have another *mursal isnad* narrated by another early follower.
- 3 Or it must be compatible with a Sahabi's opinion.
- 4 Or it must be in agreement with the majority of scholars' opinions.

Regardless of the shortcomings of Shafi'i's conditions that can be easily refuted, this could be seen as a major development in respect to the hadith narration rules, which later on opened a door for further discussions.

In the third century of Islam, it can be said that hadith narration entered into its golden age during which the most famous authentic hadith books, in the view of the majority of Muslims, were written, namely *Sahih al-Bukhari*, *Sahih Muslim*,

177 The title of his book is *Al-Tamhid li ma fi al-Muwatta min al-Ma'ani wa al-Asaneed*.

178 Muhammad, 2007, pp. 90-93.

179 It is defined as a hadith narrated by a follower who did not meet the Prophet, who drops a Sahabi from the chain of narrators and reports directly from the Prophet.

180 Ibn Abdul Barr, 1967, at Vol. 1, p. 4.

181 Ibn Idris Shafi'i, 1961.

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Sunan Abu Dawood, Jami' at-Tirmidhi, Sunan al-Nasa'i and Sunan ibn Majah. We will focus on the books of al-Bukhari and Muslim for two reasons. First, both of them occupy a very high status in the field of hadith science, and many scholars believe that their books are the most credible ones after the *Qur'an*.<sup>182</sup> Second, both of them committed themselves only to include sound hadiths,<sup>183</sup> which provides an opportunity to compare their methodologies of determining hadith authenticity.

Al-Bukhari as a hadith scholar was seen as the most knowledgeable one in that sphere where his opinion was considerable in each matter that he addressed. The many sources that discussed his biography stated that he wrote hadiths from a 1080 Muhaddiths,<sup>184</sup> and he was known for his strong memory that helped him to compare a large number of hadiths.<sup>185</sup> The driving force behind the composition of his book *al-Sahih* was the suggestion, by one of his teachers, Isaac ibn Rahway, that he should collect a brief book that contains the sound hadiths, and he did so.<sup>186</sup> Interestingly, some reports indicated that he chose those hadiths from 600,000 ones,<sup>187</sup> and this confirms the fact that there was a huge number of fabricated hadiths circulating in public. However, al-Bukhari did not reveal his methodology in selecting those reliable hadiths. Since his book has subsequently secured an elevated position in the Muslim world, scholars and researchers have studied his book closely to uncover different aspects of his methodology.

Early scholars tracked every hadith that he put in his book, and they concluded that his methodology can be summarized as follows:<sup>188</sup>

The narrator should be:

- 1 Muslim.
- 2 Mentally healthy.
- 3 Trustworthy, which can be fulfilled by:
  - a Being honest
  - b Not being *mudallis*<sup>189</sup> (which means not covering any defects in the *isnad*)
  - c Having a good appearance (*i.e.* which is compatible with Islamic teachings)
  - d Being accurate (*dabit*), and that could be met by:
    - i Being known by his education.
    - ii Being a good memorizer and his hadiths should have been memorized directly from his teacher, not from books.

182 ad-Din Al-Nawawi, 1972, at Vol. 1, p. 14.

183 A. al-Fadl Muhammad ibn Tahir al-Maqdisi, *Shurut al-A'immah al-Sittah*, 1st ed., Dar al-Kotob al-Ilmiyah, 1984, pp. 17-18.

184 Ibn Hajer al-Asqalani, 1959, at Vol. 1, p. 479.

185 K.I. Mulla Khatri, *Makant al-Shahihain*, 1st ed., Modern Arab publisher, 1981, p. 261.

186 R. Abdul Muttalib, *Manahij al-Muhadditheen*, 1st ed., Dar as-Salam, 2008, pp. 182-183, available at: <<http://ia801405.us.archive.org/3/items/zad48/zad48.pdf>>.

187 M.A. Rayyah, *Adwa'a ala al-Sunnat al-Muhammadiyah*, 6th ed., 1957, p. 299.

188 Abdul Muttalib, 2008, at 183-190.

189 Abdelhaleem, *supra* note 171, p. 31.

Al-Bukhari had special requirements in addition to the previously and they are called Bukhari's requirements or conditions. They are as follows:

- 1 The narrator should accompany his teacher for a period of time that ensures his memorization.
- 2 The meeting between the narrator and his teacher and the hearing from him must be historically proven if the narrator does not disclose the way the transmission happened (it is called a *Mu'an'an isnad* or hadith).

On the other hand, Muslim, as a hadith scholar, was also seen as one of the most knowledgeable in the field of hadith.<sup>190</sup> His book *al-Sahih* has occupied a very high status in the Islamic world, though it was deemed less credible than al-Bukhari's book<sup>191</sup> because al-Bukhari's special condition is stronger than Muslim on the subject of the *Mu'an'an* hadith. In a similar manner to al-Bukhari, Muslim did not reveal his methodology in his book, which has also led scholars and researchers to study it intensely.<sup>192</sup>

In general, Muslim adopted the same conditions as al-Bukhari's, discussed earlier, regarding the reporters,<sup>193</sup> but the main difference in their methodologies is that Muslim disagreed with his teacher in the way of dealing with the *Mu'an'an* hadith. He believed that we should consider *Mu'an'an isnad* as being connected even if we are unaware of their meeting if the following conditions exist:<sup>194</sup>

- 1 There is contemporaneity between the narrator and his teacher, which denotes the possibility of their meeting.
- 2 It is known that the narrator is not *mudallis*.
- 3 No evidence proves that they had no meeting.

Due to this difference, the Islamic scholars have agreed upon the superiority of al-Bukhari's hadiths over Muslim's.

In theory, the mechanism of hadith examination in the third century was obviously more developed than before. The scholars gave more attention to the necessity of accepting hadiths in accordance with more accurate rules that ensured their credibility, which indeed had not been previously utilized. This resulted in the dismissal of many hadiths that were transmitted earlier and found to be inconsistent with the new rules. For instance, although *al-Muwatta* gained considerable acceptance in the early Muslim community where it was considered the most reliable book after the *Qur'an*, as stated by many early scholars, a large number of Malik's hadiths were subsequently found to be weak once the developed rules were applied to them, meaning that they could not be relied upon when giving rulings.<sup>195</sup>

Even though their rules are widely seen as being more efficient, it does not mean that they are not subject to serious criticism that questions the authenticity

190 ad-Din Al-Nawawi, 1972, at Vol. 1, p. 14.

191 Mulla Khatr, 1981, at Vol. 11, p. 27.

192 A. al-Fadl Muhammad ibn Tahir al-Maqdisi, 1984, at 17-18.

193 Abdul Muttalib, 2008, pp. 211-212.

194 Ibn al-Hajaj, 1954, 28-30.

195 As an example, see S. al-Hilali, *Da'if al-Muwatta*.

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of hadith approved under the new rules. Two problems can be discussed in this regard to demonstrate how even those apparently sound methodologies are inadequate to examine hadith credibility. One relates to the *isnad*, which will specifically focus on the adopted methodologies of criticizing the narrators, and it will be discussed in Section III of this chapter. The second concerns the contents of the hadiths, which will include two parts, discussed immediately below: the narration of hadith by meaning and the explicit contradictions of the so-called sound hadiths.

a) Part I: The Narration of Hadith by Meaning

The issue of narrating hadiths by meaning,<sup>196</sup> as opposed to literal narration, was raised by *Muhadditheen* since the early times of Islam due to the ramifications of the Prophet's stern warning not to misrepresent his words and the punishment for people who lied about him.<sup>197</sup> The Prophet Muhammad had warned people to only narrate that which they heard him say. However, that raises a question as to whether the narration by meaning is included in the Prophet's warning. Some believe that it is embraced, and hadiths must be narrated in terms of the exact, literal words that the Prophet said in order not to fall foul of the prophetic warning.<sup>198</sup> On the other hand, the majority of scholars have argued that it is permitted if the reporter understands the context and the meaning of the words.<sup>199</sup> As a matter of fact, the former opinion that seeks the identical conformity with the Prophet's words is unrealistic because it is impossible to keep the exact words if it is realized that the means utilized for hadith transmission relies upon people's memorization. To support that perspective, the practices of the *muhadditheen* affirm that the hadith narration can never be other than by meaning. In this regard, many reports by leading scholars emphasize the impossibility of reporting the prophetic hadiths using exactly the same words. According to al-Khatib al-Baghdadi, Sufyan al-Thawri (d.778) said, "If we wanted to report you hadiths as [exactly] we have heard, we would never [be able to] report one hadith."<sup>200</sup> In addition, al-Bukhari whose book is widely believed to be the most credible one was known for reporting by meaning and he even said, "I might hear a hadith in Basra and write it down in Levant or hear it in Levant and write it down in Basra."<sup>201</sup> In fact, all the hadiths that have been written down in the most authentic books in the field of *Sunnah*<sup>202</sup> were transmitted by meaning, and there is no disagreement on that at the present time.

196 The main reason that made those narrators report hadiths by meaning was the alternative outcome of leaving the *Sunnah* or Hadith unwritten, and hence having to rely only on memorization.

197 Abu Dawood narrated that the Prophet said, "Narrate from me, there is no harm in it, and whoever lies upon me, let him take his seat in the fire": See A. Dawood al-Tayalisi, *Musnad al-Tayalisi*, Vol. 3, 1st ed., 1999, p. 557, Hadith 3197.

198 Muhammad, 2007, at 132.

199 *Id.*

200 Al-Khatib al-Baghdadi, *al-Kifayah fi ilm al-Riwayah*, al-Maktabah al-Ilmiyah, 1938, p. 209.

201 ad-Din al-Dhahabi, 1985, at Vol. 12, p. 411.

202 *Sahih al-Bukhari*, *Sahih Muslim*, *Sunan Abi Dawood*, *Jami' at-Tirmidhi*, *Sunan al-Nasa'i*, and *Sunan ibn Majah*.



Although requiring hadiths to be consistent with the Prophet's exact words is impractical, permitting the narration by meaning is very dangerous if we consider that hadiths are considered sacred texts, 'unrecited revelation', as most Muslims believe them to be.<sup>203</sup> Allowing narration by meaning may arguably lead to the process of hadith transmission being more prone to distortion by omitting or adding words or ideas that spring from a misunderstanding of the narrator, and this will naturally change the meaning. Thus, the distortion that may occur during the process of narrating becomes sacred as well, which is the point at which it becomes dangerous. An example may provide more clarification on this point. If a chain of narrators of a hadith contains six people, and each one of them reports from the other by meaning, it is likely that the last narration of the hadith will not remain the same as the version that was initially reported. This may be proven by examining one of the most authentic hadith, as all scholars believe, which was transmitted by many *isnads*.<sup>204</sup> Al-Bukhari narrated that Abdullah ibn az-Zubair said,

I said to my father: I do not hear you narrating from the Messenger of God as [I hear] so and so narrate. He [az-Zubair] said: I was always with him [the Prophet], but I heard him saying, whoever lies upon me, let him take his seat in the fire.<sup>205</sup>

Al-Bukari also narrated that al-Mughira said,

I heard the Prophet saying, Ascribing false things to me is not like ascribing false things to anyone else. Whosoever tells a lie against me intentionally then surely let him occupy his seat in Hell-Fire.<sup>206</sup>

Even though the two narratives appear to be quite similar in terms of the subject whereby they both emphasize the seriousness of telling lies about the Prophet, the insertion of one extra word, 'intentionally', in the second hadith makes a considerable difference in the meaning. The first hadith indicates that anyone who narrates any lie about him, whether intentionally or not, will be facing the same punishment, taking into consideration that this injunction includes even those who narrate by meaning. As a result, this would logically lead to the prohibition of the narration by meaning and the only way is to report the hadith exactly as the Prophet said. In contrast, the second hadith warns only those who deliberately convey false things upon the Prophet whereas those who transmit the meaning of the hadiths are excluded for their lack of malicious intent.<sup>207</sup> It is significant to note that, based on *Muhadditheen* principles, both hadiths were trans-

203 Ibn Idris Shafi'i, 1990, p. 314.

204 J. ad-Din al-Qasimi, *Qawa'id al-Tahdith*, 1st ed., Resalah Institution, 2004, p. 285.

205 Ibn Ismael al-Bukari, 2001, at, Vol. 1, p. 32, report 107 (translation provided by <www.Sunnah.com>).

206 *Id.* report 1291.

207 Ibn Hajer al-Asqalani, 1959, at Vol. 1, p. 202.

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mitted by trustworthy narrators, and both of them must be deemed 'unrecited revelation', yet they have at the same time conflicting statements!

Another factor that asserts the danger of narrating by meaning is that many of the transmitters were non-Arabs or otherwise not fluent in Arabic and that was reflected in the narration of hadith where many hadiths contained linguistic mistakes which impelled the scholars to revise them grammatically.<sup>208</sup> The important point that needs to be posed is how a narrator would be able to comprehend the exact contents and context of a hadith and then report them in meaning although he or she is not fluent in that language. Therefore, in this case, the possibility of distorting the meaning is very high.

#### b) Part II: Contradictions in the So-Called 'Credible' Hadiths

As a result of the leniency in hadith narration, contradictory hadiths were bound to emerge, although they may well have been considered credible ones according to the *Muhadditheen's* rules of acceptance. The contradictions can be categorized in a way that will clearly illustrate the insufficiency of the rules that were employed to distinguish the reliable hadith from the unreliable. These will be discussed in five sections, as follows:

- 1 A contradiction with the *Qur'an*.
- 2 A contradiction between hadiths themselves.
- 3 A contradiction with the historical facts.
- 4 A contradiction with scientific facts.
- 5 A contradiction with human rights.

#### i) Contradiction with the *Qur'an*

Some of the so-called hadiths may explicitly conflict with the *Qur'anic* rulings in different matters. For example, the *Qur'an* discusses the issue of a sexual relationship between an adult man and women that is outside of marriage, whether they are married to others or not. The *Qur'an* stipulates that both will face a punishment of one hundred lashes when it states that "The adulteress and the adulterer, whip each one of them a hundred lashes,"<sup>209</sup> whereas some allegedly sound hadiths create punishments that are more ruthless regarding this issue. According to those hadiths, if someone unmarried is involved in a sexual relationship, he or she will face a punishment of one hundred lashes and in addition to that exile for 1 year.<sup>210</sup> Moreover, in the event of being married, he or she will face the punishment of stoning to death!<sup>211</sup> As is evident, these hadiths exceed what the *Qur'an* has determined by establishing additional sanctions and in spite of the clearness of the *Qur'anic* position, these rulings have gained the consent of the majority of early and contemporary scholars without any objection. Realistically, this confirms the fact that the *Sunnah* or Hadith as a source in Islamic Law has

208 Muhammad, 2007, at 133-135.

209 *The Qur'an* 24:2.

210 Ibn Ismael al-Bukari, 2001, at Vol. 3, p. 171, report 2649.

211 M. Ibn al-Hajaj, 1954, Vol. 3, p. 1317, Hadith 1691.

more authority in terms of establishing rulings than the *Qur'an*, even if the scholars state the contrary.

#### ii) Contradiction between Hadiths Themselves

Further to what has already been mentioned, these 'credible hadiths' may not just contradict the *Qur'an*, but they may also contradict each other. For instance, the hadith concerning the description of the Antichrist (or 'al-Dajjal') is a good example, even though it is not related to the topic of law. It is still relevant to this discussion, as it comes within the Hadith system, and it will demonstrate how unreliable these narratives are, even if they fulfil the *Muhadditheen's* requirements. Al-Bukhari reported that the Prophet said, "The Antichrist is blind in the right eye and it looks like a protruding grape."<sup>212</sup> In contrast, Muslim reported that the Prophet said, "The Antichrist is blind in the left eye with abundant hair and with him a Paradise and a Hill, but his Hill is paradise and his Paradise is Hill."<sup>213</sup> Despite the fact that the idea of the Antichrist is a myth and it is enough to realize that both hadiths are forged, the inconsistency between them is patently obvious and it denotes that if not both of them, at least one of them is certainly incorrect.

#### iii) Contradiction with Historical Facts

It is strange that some of those 'credible hadiths' also conflict with the already agreed historical facts which hadiths scholars could easily become aware of to determine their incorrectness. However, instead of refusing them, they try hard to render the hadiths consistent with history. As an example, al-Bukhari narrated that Jabir ibn Samura, one of al-Sahaba, said,

I heard the Prophet saying, 'There will be twelve rulers'. Then, he said a word that I did not understand. My father said that [the Prophet] said, 'All of them [those rulers] will be from Quraysh'.<sup>214</sup>

With slightly different words, Muslim reported that Jabir said,

My father and I heard the Prophet saying, 'This Caliphate will not end until there have been twelve Caliphs among them.' Jabir said: then he [the prophet] said something that I could not follow. I said to my father: What did he say? He said: 'He has said: All of them will be from the Quraysh'.<sup>215</sup>

212 Al-Bukhari, 2001, at Vol. 4, p. 166, report 3439 (translation provided by <www.Sunnah.com>).

213 Muslim, Vol. 4, p. 2248, report 2934 (translation provided by <www.Sunnah.com>).

214 Al-Bukhari, 2001, at Vol. 9, p. 81, report 7222. Note that the 'Quraysh' mentioned in this hadith is a reference to a famous Arabian tribe to which the Prophet Muhammad belonged.

215 Muslim, *supra* note 213, at Vol. 3, p. 1452, report 1821 (translation provided by <www.Sunnah.com>).

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Those hadiths are consistent with the *Muhadditheen's* rules of acceptance. Nevertheless, they are inconsistent with the facts of Islamic history because, as it is well known, there were more than 12 caliphs, which puts the scholars in a very serious dilemma. All ways lead to question the methodology of hadith acceptance because if they accept those hadiths, they will face the problem of their contradiction with historical facts, which in turn will query their credibility, or alternatively if they reject them, this would tend to suggest deficiencies in their own rules.

#### iv) Contradiction with Scientific Facts

A number of hadiths that have fulfilled the rules of the *Muhadditheen* are also in conflict with scientific facts. An example of this is the hadith regarding what happens at sunrise and sunset. In this respect, al-Bukhari reported that Abu Dharr said that one day the Prophet said,

‘Do you know where the sun goes?’ They replied: ‘Allah and His Messenger know best’. He said: ‘it [the sun] runs till it reaches its resting place under [Allah’s] Throne. Then it falls prostrate and remains there until it is asked: Rise up and go to the place whence you came, and it goes back and continues emerging out from its rising place...’ etc.<sup>216</sup>

It is scientifically known that the actions of sunrise and sunset are due to the Earth’s rotation on its axis, not because the sun goes any place to fall prostrate!<sup>217</sup> Interestingly, most contemporary Islamic scholars and researchers still believe in the credibility of this hadith and they try to make it consistent with scientific facts by providing artificial interpretations.<sup>218</sup> Another example is the report by Muslim about Abu Dharr and the answer he supposedly received when he asked the Prophet about a black dog and he [the Prophet] said it is a devil!<sup>219</sup>

In fact, the books of hadiths are full of these kinds of narratives that reflect the then prevalent beliefs.

#### v) Contradiction with Human Rights

Recently, the topic of human rights in Islamic Law has been discussed by many researchers attempting to confirm the fact that the Islamic Law is generally consistent with international human rights conventions.<sup>220</sup> However, many hadiths that scholars have accepted as authentic directly violate human rights. For instance, al-Bukhari narrated that the Prophet said, “Whoever [Muslim] changed

216 Muslim, *supra* note 213, at Vol. 1, p. 138, report 159 (translation provided by <www.Sunnah.com>).

217 S. May, ‘What Is Earth?’, NASA, 12 June 2012, updated on 17 September 2015, available at: <www.nasa.gov/audience/forstudents/k-4/stories/what-is-earth-k4\_prt.htm>.

218 See Islamweb.net (in Arabic), available at: <http://fatwa.islamweb.net/fatwa/index.php?page=showfatwa&Option=FatwaId&Id=99520>.

219 Muslim, *supra* note 213, at Vol. 1, p. 365, report 510.

220 See, e.g., A. El Demery, *The Arab Charter of Human Rights: A Voice for Sharia in the Modern World*, Chicago, Council on International Law and Politics, 2015.

his religion, kill him.”<sup>221</sup> This hadith violates one of the most significant human rights, which is the freedom of practicing one’s religion.<sup>222</sup> Furthermore, it should be noted that most Islamic scholars agree with this ruling.<sup>223</sup> Another example is the violation of the right to a fair trial. Muslim reported that Anas said:

A person was charged with fornication with the slave girl of Allah’s Messenger. Thereupon Allah’s Messenger said to Ali: ‘Go and strike his neck’. Ali came to him and he found him in a well making his body cool. Ali said to him: ‘Come out’, and as he took hold of his hand and brought him out, he found that his sexual organ had been cut. Ali refrained from striking his neck. He came to Allah’s Apostle and said: ‘Allah’s Messenger, he has not even the sexual organ with him’.<sup>224</sup>

This hadith raises several problems. First, the accused must have a fair trial, as this is one of the most basic human rights and, pursuant to the earlier hadith, Ali was about to kill the accused before he had even heard from him. Second, in the case of a sexual relationship outside of marriage, the majority of scholars have confirmed that the Prophet differentiated between the unmarried and the married in terms of punishment. But, as the earlier hadith indicates, the Prophet commanded Ali to kill the accused without any investigation, which must be a sign to those scholars who affirmed this hadith as to how the Prophet could violate the *Qur’anic* rulings on punishment for adultery. Third, this hadith also poses a serious dilemma for those scholars who believe in the idea that the *Sunnah* or hadith is unrecited revelation, because if it is credible, it will assert that the Prophet’s sayings were actually not supported by prescience because he [the Prophet] decided to kill that person and then it turned out that he actually did not have a sexual organ.

These hadiths, which have been discussed earlier, are mere examples for the purpose of demonstrating the defects in the rules of hadith acceptance that were developed by the early hadith scholars.

### III *The Science of the Narrators’ Criticism and Praise*

According to scholars, the science of the narrators’ criticism and praise is seen as the major part of the procedure of investigating the chain of narrators or *isnad*, which eventually enables a hadith critic to issue a judgement on the hadith’s status as to whether it should be accepted or denied. Each *isnad* has a group of narrators whose reliability needs to be inspected, and this field of science provides such information. From this point of view, it can be seen that there is a correlation between the *isnad* and the science of the narrators’ criticism and praise and they are all part and parcel of this area of inquiry. It is well-accepted that this part of

221 Al-Bukhari, 2001, at Vol. 4, p. 212, at 61, report 3017.

222 The Universal Declaration of Human Rights, Art. 18.

223 See Islamweb.net (in Arabic), available at: <<http://fatwa.islamweb.net/fatwa/index.php?page=showfatwa&Option=FatwaId&Id=142343>>.

224 Muslim, *supra* note 213, at Vol. 4, p. 2139, report 2771 (translation provided by <[www.Sunnah.com](http://www.Sunnah.com)>).

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hadith sciences began in the middle of the second Islamic century, that is, more than 100 years after the Prophet's death.<sup>225</sup> Therefore, this section discusses the prominent rules that were adopted by the hadith critics and their related uncertainties.

In general, it can be said that all developments and stages that the *isnad* progressively moved through are similarly applied to the science of the narrators' criticism and praise. In the beginning, the attention to know the narrators' statuses was simple whereby the critics orally gave some statements with regard to some narrators and then their students circulated them to others.<sup>226</sup> When the writing movement occurred, the later generation of critics started to record those judgements into single books. Examples of such books are *Tareekh al-Kabeer*, *ill al-Hadith wa Ma'rifat al-Rijal*, and *al-Tabaqat*. Generation after generation, the compositions in this sphere increased and became more varied to the extent that some books specialize in introducing only the trustworthy or untrustworthy narrators. Examples of them are 'al-Majroheen' and 'al-Thiqat li al-Ajli'.

In order to give a judgement on a narrator and whether his narration is acceptable, the scholars state that he or she must fulfil two qualifications, otherwise his or her narration will be unacceptable, except in some specific circumstances determined by a hadith critic. The two qualifications are that the narrator must be trustworthy and accurate in his or her narration, which demands that he or she has strong memorization skills.<sup>227</sup> The hadith scholars provide two methods to determine someone's trustworthiness: first, if a hadith critic gives a statement in this respect, and second, if his trustworthiness is popularly known by people and scholars. As for accuracy, it can be realized by examining how perfect his memorization and hadith reporting practices are.<sup>228</sup>

After the brief review earlier, a fundamental question arises: what are the criteria for establishing that someone is 'trustworthy'? As is commonly known, this type of concept is rather subjective and people can obviously differ in opinion. A review of the books of the criticism of narrators exposes the contradictions between hadith critics in this area: whilst some might give a ruling on a narrator by stating that he is trustworthy, other critics might state that he is untrustworthy. For instance, the early hadith critics disagreed on the trustworthiness of a hadith narrator called Ahmad al-Tustari. Al-Bukhari believed that he was reliable whereas Yahya ibn Ma'in (d.876) stated and swore that he was a liar.<sup>229</sup> It is important to note that in order to assess someone's reliability, one must be aware of many details about his or her life. Only then may a hadith critic offer a sensible judgement about his or her reliability in narrating; and of course, such an evaluation depends upon the sufficiency of facts.<sup>230</sup> Importantly, the early hadith books that the later hadith critics relied upon to know the narrators' history do not pro-

225 M. al-Zahrani, *Elm al-Rijal, Nashat'oho wa Tatowroho*, 1st ed., Dar Hajer, 1996, pp. 25-27.

226 *Id.*

227 Ibn al-Salah Al-Shahrauzi, 2006, at 82.

228 A. Abdulmunem Saleem, *Tah'reer Quwa'id al-Jar'h wa al-Ta'deel*, 1st ed., Dar ibn al-Qayyim, 2005, pp. 25-26.

229 S. ad-Din al-Dhahabi, *al-Ro'wat al-Thiqat*, 1st ed., 1992, p. 53.

230 Al-Khatib al-Baghdadi, 1938, at 81.

vide much information about most narrators. For example, in the book of al-Nasa'i (d.915), *Al-Do'afa wal Matrokeen*, he provides only a few words with regard to each narrator by saying, 'he is weak' or 'he is untrustworthy', or 'he is not that strong'.<sup>231</sup> As is evident from the early books' contents, these judgements were likely to be relied upon even though they were merely the critics' feelings and intuitions and were not based on intimate knowledge of the narrator.<sup>232</sup> Some statements by the early hadith critics lend support to that observation. For example, Abdulrahman ibn Mahdi said (d.813), "knowledge of Hadith is an inspiration. If you asked a scholar to prove [credibility or falsehood of a hadith and said to him] from where you got this? He would have no proof."<sup>233</sup> Abu Zur'a, a famous hadith critic, confirmed the same point.<sup>234</sup>

In fact, the science of the narrators' criticism and praise exposes many problems, but we will focus on the prominent ones as follows:

- 1 The problem of contradictory judgements.
- 2 The problem of covering the defect in the *isnad* (*tadlees*).
- 3 The problem of applying the rules on al-Sahaba.

#### 1 *The Problem of Contradictory Judgements*

If it is accepted that the science of criticism and praise is heavily based upon critics' personal intuitions, it is highly likely that the critics will disagree on their respective judgements towards the narrators. This in turn leads to a complicated problem because the authenticity of a hadith is based on the soundness of the critique, and most narrators faced at least some criticism, even the most famous of them. The causes of such criticism varied. For example, criticism could focus on ideological contentions, disagreements about the narrator's ability of memorization and performance, or accusations and recriminations between scholars.

##### a) Ideological Contentions

Some hadith critics were influenced by ideological conflicts that affected their judgements on the narrators who held different beliefs. For instance:

- 1 Alharith al-Hamadani al-Kufi, a hadith reporter: several hadith critics such as ibn Hibban judged him as unreliable in his narration because he was Shiite.<sup>235</sup>
- 2 Shubabah ibn Siwar, a hadith reporter: a number of hadith critics such as Ahmad ibn Hanbal deemed him as untrustworthy for being Murjites [one of the early Islamic doctrines].<sup>236</sup>
- 3 Jaber ibn Yazeed al-Ja'fi, a hadith reporter: some hadith critics stated that he was unreliable in his hadith transmission because he was Shiite and a liar whereas other critics stated that he was honest and trustworthy.<sup>237</sup>

231 A. al-Nasa'i, *al-Do'afa wal Matrokoon*, 1st ed., Dar al-Wa'I, 1976, p. 19.

232 Trabishi, 2015, at 549.

233 Al-Hakim Nishapuri, *Marifat Uloom al-Hadith*, 2nd ed., Dar al-Kotob al-Ilmiyah, 1977, p. 112.

234 *Id.*, at 113.

235 M. Ibn Hibban al-Busti, *Al-Majro'heen*, Vol. 1, 1st ed., Dar al-Wa'I, 1976, p. 222.

236 ad-Din al-Dhahabi, 1992, at 107.

237 Ibn Shaheen Umar al-Baghdadi, *Thi'kir Mn Iktalaf al-Ulam'a wa Nuk'kad al-Hadith Fe'he*, 1st ed., Maktabt Adwa'a al-Salaf, 1999, p. 43.

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4 Ibrahim ibn Sa'ad, a hadith reporter, was criticized by Yahya al-Kattan because he believed that music and songs were permitted!<sup>238</sup>

b) Disagreements on Narrators' Ability of Memorization and Performance

This section is the most prominent in the books of the reporters' criticism and praise; however, the hadith scholars often disagreed about the reporters' abilities of hadith narration. For example:

- 1 Ahmad ibn Saleh al-Tabari: several hadith scholars stated that he was trustworthy, whilst Yahya ibn Ma'in stated that he was a liar and al-Nasa'i said that he was untrustworthy.<sup>239</sup>
- 2 Ja'far ibn Sulaiman al-Dhab'i: many hadith scholars mentioned that he was weak in his narration and that his hadiths should not be written, whereas Yahya ibn Ma'in and Muhammad ibn Sa'ad stated that he was trustworthy.<sup>240</sup>
- 3 Shoraik al-Naqa'i: many hadith scholars stated that he was weak and had many mistakes in his narration, whereas other scholars stated that he was trustworthy and his narration was good.<sup>241</sup>
- 4 Al-Nu'man ibn Rashed: Yahya ibn Ma'in said once he was trustworthy and at another time the opposite.<sup>242</sup>

c) Accusations and Recriminations between Scholars

- 1 Yahya ibn Ma'in stated that Shafi'i, the master theorist of the Islamic Law, was untrustworthy. Some scholars said that Yahya was jealous of Shafi'i because of his knowledge and high status.<sup>243</sup>
- 2 Malik ibn Anas stated that Muhammad ibn Isaac (d.768), the first historian who wrote a book about Islamic history, was a faker and a liar.<sup>244</sup>
- 3 Al-Sha'bi (d.718) and Ibrahim al-Nakha'i (d.715) exchanged mutual accusations of lying.<sup>245</sup>
- 4 Abu Hanifa, the leader of the Hanafi School, faced many criticisms by hadith scholars for many reasons, in particular for being weak in narration, ideological contentions in some issues and the use of opinions that were based on rational discretion.<sup>246</sup>

Utilizing just these few examples, the problem is sufficiently clear. These examples corroborate the notion advanced earlier that the judgements issued by the hadith critics cannot be trusted. The crucial point here is that although the readers may be able to identify judgements based on obviously biased facts, such as religious discrimination, they would have no way of knowing the veracity of opin-

238 ad-Din al-Dhahabi, 1992, at 37.

239 *Id.*, at 46.

240 Ibn Shaheen, 1999, at 44-55.

241 *Id.*, at 91.

242 *Id.*, at 97.

243 Ibn Abdul Barr, 1994, at Vol. 2, p. 1113.

244 ad-Din al-Dhahabi, 1985, at Vol. 7, p. 50.

245 Ibn Abdul Barr, 1994, at Vol. 2, p. 1098.

246 Al-Khatib al-Baghdadi, *The History of Baghdad* (Arabic), Vol. 15, 1st ed., Dar al-Gharb al-Islami, 2002, pp. 543-582.



ions that were based on neutral facts in cases of contradictions. Furthermore, as stated earlier, there was usually not enough information provided about those reporters for readers to make their own informed judgements. Therefore, it is argued that the later hadith scholars faced a serious dilemma: if they took each criticism that a narrator faced into account, there would be no hadith that could be considered 'sound'.<sup>247</sup> As a solution to this problem, some hadith scholars set forth a new rule, stating that in the event of conflicts, any criticism should not be considered unless it was substantiated. In other words, the statements of hadith critics that criticized the narrators must be accompanied with elaborations, otherwise their criticisms would be disregarded. Moreover, some scholars believed that criticism of a reporter must be agreed upon by at least two hadith critics, otherwise it would be ignored.<sup>248</sup> In many regards, this reverses the burden of proof. Instead of having to prove a hadith as trustworthy, we now have to prove its critics as trustworthy. Given the weaknesses of many hadith outlined previously, it is more than problematic to give to all of them the benefit of the doubt.

## 2 *The Problem of Tadlees (Covering the Defect in the Isnad by a Narrator)*

The term 'tadlees' generally refers to the act of a narrator who aims to deceptively cover a defect in his narration. That occurs by covering the real name or surname of his teacher who was criticized by hadith critics and falsely referencing another teacher or reporter who is considered more trustworthy. Sometimes, unreliable reporters were simply dropped from a chain of narrators, all for the purpose of showing the soundness of a particular narrative.<sup>249</sup>

Nevertheless, the scholars do not tend to consider such an act as being a practice of lying, which should lead to the complete refusal of someone's narration. The rationale behind such tolerance is that most of the reporters including the famous scholars practiced it. However, having a serious reaction to it would result in the denial of a huge number of hadiths, an outcome that was considered undesirable. So, the scholars decided that if someone narrated a defective hadith and used *tadlees* to cover it, this particular narrative would be rejected in general,<sup>250</sup> but the reporter himself would not be deemed a liar as long as he did not tell an explicit lie.<sup>251</sup> It is important to acknowledge that even the most authentic hadith collections like *Sahih al-Bukhari* and *Muslim* contain many reporters who practice *tadlees*,<sup>252</sup> which emphasizes that it was widespread amongst scholars.

247 Muhammad, 2007, at 127.

248 Al-Khatib al-Baghdadi, 1938, at 209.

249 S. al-Jaza'iri, *at-Tadlees, Its Provisions and Critical Impacts* (Arabic), 1st ed., Dar ibn Hazm, 2002, p. 31.

250 They might accept a hadith that was narrated by a narrator who used *tadlees* in some circumstances.

251 Trabishi, 2015, at 571.

252 Awwad al-Enezi wrote a master's and a PhD thesis that addressed the issue of *tadlees* in both *Sahih Muslim* and *Al-Bukhari*, respectively: see A. al-Enezi, *Riwayat al-Musliseen fi Sahih Muslim*, LL.M thesis, Kuwait, Kuwait University, 1998 and A. al-Enezi, *Riwayat al-Mudliseen fi Sahih al-Bukhari*, PhD thesis, Morocco, University of Al Quaraouiyine, 2001.

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The act of *tadlees* is, indeed, one of the hadith narration dilemmas if we want to give it closer scientific scrutiny. If a reporter intentionally attempts to hide a flaw in what he is going to recount, in order to make the hadith seemingly correct and accepted in the view of others, this means that the reporter cares primarily about how others see his hadiths, even though he is aware of the defects in what he is narrating. It also signifies that we cannot trust even hadiths that were reported by so-called trustworthy people, because whoever does not mind covering a defect in his narration in a misleading way will probably not mind telling a lie if he has a chance where no one can reveal it. Thus, this practice casts a shadow over all the narrations of one who engages in the act of *tadlees*.

### 3 *The Problem of Not Applying the Rules to the al-Sahaba Layer*

According to the scholars, the rules of hadith narration have been adopted mainly to achieve one objective, which is to assess the credibility of transmitted hadiths. But another dilemma is posed when those scholars have excluded the generation of al-Sahaba from the rules of hadith narration. The implication of excluding al-Sahaba is that there is no need to investigate the trustworthiness of any Sahabi because it has been already decided that all of them were trustworthy. Furthermore, there is no need to inspect the soundness of their sources of hadiths because, as the scholars point out, that Sahabi would never narrate defective hadiths. As it appears that al-Sahaba are afforded special treatment, it is significant to touch on what the term *Suhba* or 'Companionship' refers to in the view of the Islamic scholars. In fact, there is no agreement concerning this issue. Some scholars believe that the companionship of the Prophet is established for anyone who met him, even if only once, even if it was a very short meeting.<sup>253</sup> On the other hand, other scholars consider that it occurs for someone who accompanied him for an extended period of time such as 1 or 2 years at least.<sup>254</sup>

Although there are many issues that concern al-Sahaba, we will focus on the issues why the Islamic scholars did not and still do not apply the rules of *isnad* on the Sahaba's narration.

The scholars repeatedly state that any hadith must fulfil the requirements of soundness to be considered credible; any deficiency will lead to the rejection of that hadith. Nonetheless, when it comes to al-Sahaba, the scholars have excluded them from the rule that stipulates that the *isnad* must be connected.<sup>255</sup> Thus, if any one of them narrated a hadith that he or she did not hear directly from the Prophet – meaning that there is a missing person in the chain of narrators – it will still be accepted for two reasons: first, because all Sahaba are reliable, and second, because the missing person is likely to be another Sahabi and all of them are reliable. Not knowing that person in between will therefore, so the argument goes, not affect the credibility of the hadith.<sup>256</sup>

253 H. al-Maliki, *al-Suhba wa al-Sahaba*, 2nd ed., Center of Historical Studies, 2004, pp. 21-39, available at: <<https://ia800301.us.archive.org/6/items/FarhanMaliki/sohba.pdf>>.

254 *Id.*

255 M. Hamza, 2005, at 118.

256 Ibn al-Salah Al-Shahrauzi, 2006, at 41.

The rationale behind such apparent leniency is because many of al-Sahaba reported hadiths about the Prophet as if they had heard them directly from him, but actually they did not. This was confirmed by some al-Sahaba, such as al-Bar'a ibn Azib, when he stated, "Not all we tell about the Prophet we directly heard from him, some we heard from him, and others we are told by our companions, and we do not lie."<sup>257</sup> In addition to that, some of the junior Sahaba, such as Abdullah ibn Abbas, narrated many hadiths although he was only 10 years old when the Prophet died, which means that he did not hear those hadith directly from the Prophet but via others.<sup>258</sup> If the scholars really applied their rules strictly on al-Sahaba, this would result in the rejection of many hadiths. Therefore, exempting al-Sahaba from the rules that have been adopted by the scholars themselves is arbitrary and is a distinction based on biased reasons.

#### IV Conclusion

In summary, this chapter has examined the credibility of the *Sunnah* or Hadith by discussing its fundamental rules and methodologies that have been adopted by the hadith scholars. By studying the developments that the rules of hadith acceptance have gone through, it is evident that they can be divided into three stages, each one of which has its own distinctive features. The first stage (the era of al-Sahaba) was characterized by evidence that the hadith narration was wide open and not restricted to any rules, contrary to the views of some researchers who claim that rules for hadith acceptance were established from the time of the first Caliph, Abu Bakr (*i.e.* right after the death of the Prophet Muhammad). In the second stage, the reports indicate that because of serious political issues, some scholars took a decisive step to restrain the spread of false hadiths by paying attention to the importance of examining the *isnad* (the chain of narrators), but the researchers were – and still are – in serious disagreement as to determining the exact time that such action was taken. Regardless of that dispute, this action was not sufficient to confront the situation that existed, namely the enormous swell in the number of unreliable hadiths. The rules adopted were very simple and not properly framed and thus they could not adequately confront the problem. In the third stage, the rules of hadith acceptance witnessed a remarkable evolution in terms of their theoretical framework and have generally become the accepted means to accredit any hadith.

In this chapter, we have concentrated on both Sahih al-Bukhari and Muslim since they are considered the most authentic books from the perspective of the majority of Muslims. Despite the significant developments that occurred during this stage, the credibility of hadith still face dilemmas that challenge the whole system. As examples, we have shed light on the two most prominent issues that support the author's view, as following. The narration by meaning, which has gained the agreement of almost all of scholars, is one of the most serious problems that led to the distortion of the content of the hadiths. That naturally resulted in the emergence of another problem, which is the existence of textual contra-

257 Ibn Adi al-Jurjani, 1997, at Vol. 1, p. 261.

258 Al-Bukhari, 2001, at Vol. 6, p. 193, report 5035.

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dictions, between hadiths and the *Qur'an*, between hadiths themselves and between hadiths and basic human rights. These contradictions are troublesome because the hadiths themselves are thought to be consistent with the rules of hadith acceptance. Therefore, it is beyond doubt, in the author's opinion, that the mechanism of hadith rules that have been stipulated since the early times of Islam suffer from tremendous flaws that render the process of distinguishing the reliable hadith from the unreliable a most difficult mission.

In support of this argument, we have examined a fundamental part of the mechanism of hadith investigation, which is the 'Science of Criticism and Praise', examined in Section III of this chapter. A group of scholars took upon themselves the task of investigating the status of the reporters subsumed in the *isnad* to identify their integrity and strength of hadith practice. The examination in this chapter has demonstrated the shortcomings of this science, as follows. First, there is insufficient information concerning the narrators' history, which means that those summarized judgements issued by the critics are somewhat useless because, in order to assess someone's trustworthiness, one must first obtain many details about the subject's life. It has also been evidenced that besides the insufficiency of information, those judgements that aim to determine the narrator's reliability were mainly dependent upon the critics' feelings and intuitions and were sometimes obviously influenced by bias such as the ideological contentions. As a result, there is an uncountable number of conflicting opinions and judgements. Second, the issue of *tadlees* is one of the common practices that the hadith reporters employed to hide the flaws of the *isnad* in order to present hadiths as sound. Even though such a deed is a kind of deception, the critics had no earnest reaction to it because considering *tadlees* as serious criticism would result in the exclusion of those reporters from the trusted list. That type of action would in turn exclude many famous hadith scholars, thus resulting in the removal of a huge number of hadiths. Third, as a subjective move, the scholars exempted the generation of al-Sahaba from the rules and principles that they set regarding the hadith narration, even though they are part of the *isnad*. Their point of view is based on the idea that all of al-Sahaba were reliable and they would never lie or narrate from someone unreliable. In fact, the scholars have excluded them to save the system of the *Sunnah*. Otherwise, they would not be able to trust any narrative if they questioned al-Sahaba's integrity.

## F Conclusion

Set out below is a summary of the main findings of this research, followed by a set of recommendations.

### I The Results of the Research

- a The *Sunnah*, as an Islamic concept, was distorted by Shafi'i. It was initially meant to refer to the way of practicing something, which is how the *Qur'an* and the early scholars and linguists referred to it, but its meaning was later

distorted to the extent that it became the term used to refer to all the Prophet's sayings, deeds and approvals.

- b Shafi'i also established the idea that the *Sunnah* is a part of the revelation to the Prophet, as the *Qur'an* is, but he distinguished between the two by saying that the *Qur'an* is recited revelation whereas the *Sunnah* is unrecited revelation. This was one of the most serious alterations in the concept of *Sunnah* whereby it was elevated to a level of sacredness that had not existed before Shafi'i, as we have evidenced by examining the treatment of the *Sunnah* in early times before Shafi'i. Interestingly, Malik ibn Anas – who was one of the Shafi'i's teachers – utilized a different meaning of the term 'Sunnah'. Malik evidently differentiated between the two concepts of *Sunnah* and Hadith. *Sunnah* in his view refers to the practices that have been passed by generation after generation, whereas the hadith refers to what has been orally reported, which is related to the Prophet's sayings, deed and approvals. Malik's view affirms that the concept of *Sunnah* has evolved over time and has ultimately been permanently influenced by Shafii's conflation of the two terms.
- c There are contradictory hadiths whereby some confirm that the Prophet forbade his Companions from documenting his *Sunnah*, whereas others confirm that he permitted them to do so. However, pursuant to our examination, it appears that the Prophet did not permit his Companions to record his *Sunnah* because the *Sunnah* was only written more than 100 years after the Prophet's death. If he had truly permitted them to write it, the obvious question is why they did not do so?
- d The lack of attention afforded to writing the *Sunnah* seems to signify that the Prophet himself did not want his sayings, deeds or approvals to be followed, contrary to what most Islamic scholars now believe.
- e The present research also found that the hadith narration during the time of al-Sahaba in the early years of Islam was not governed by fixed rules, resulting in a large number of records what everyone allegedly heard from the Prophet. This means that there was a period of time during which the hadith scholars were not able to examine hadiths properly because hadiths were transmitted orally with no guidance for the distinction between reliable and unreliable records.
- f The problem concerning the spread of false hadiths was exacerbated over time, and it eventually led the hadith scholars to adopt rules or criteria in order for a hadith to be accredited. The researcher found that these rules and principles can be divided into three stages in terms of their evolution: the first stage was characterized by a lack of narration rules, the second stage by unframed rules and the third by framed rules.
- g By careful examination, the researcher proved that the rules that were adopted by the hadith scholars are insufficient and incapable of establishing the credibility of almost any hadith. Two main factors were provided in the research to support this view. One was the narration by meaning, which led to the second, the cases of contradictions that occurred between those so-called sound hadiths with the *Qur'an*, with other reliable hadiths and so forth.

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- h For further affirmation, the researcher studied the 'Science of Criticism and Praise', which is considered the essential part of determining a hadith's credibility because it involves inspecting the integrity of the narrators in the *isnad*. It appears from the research that this science suffers from a number of shortcomings, which make it incapable of establishing the narrators' integrity. One defect is the insufficiency of information that has been reported or written about the narrators themselves. Thus, most of the judgements are short and summarized, which, as contended here, makes them largely useless. The second defect is the fact that the hadith critics relied on their feelings and intuitions whilst they were judging the narrators and even sometimes their ideological beliefs influenced their judgements. This led to the existence of many contradictory judgements about these narrators.

## II Recommendations Based on the Present Research

As a result of the findings summarized earlier, a number of recommendations are put forward. The objective of setting forth these recommendations is to provide suggestions for consideration by Islamic scholars, researchers and organizations all of whom are concerned with the issue of reform and renewal of Islamic Law. The key recommendations are as follows:

- a Not all of the *Sunnah* or hadiths collected should be considered binding rules in the Islamic Law system. If this recommendation were adopted, Islamic scholars would be required to reconsider the rules of hadith acceptance from the ground up, which would result in significantly decreasing the number of hadiths that are considered credible by adopting very strict rules for acceptance and also determining the binding hadiths. This could only be done through Islamic organizations that include a broad gathering of scholars and researchers who are leading experts in Islamic Law.
- b Some of the *Sunnah* or Hadith may be considered a persuasive source of Islamic Law when it is transmitted by many *isnads* and where it is found that there is no contradiction with either the *Qur'an* or other hadiths. This recommendation would also require further studies to address the many areas that would be affected.
- c It is suggested that researchers ought to examine other issues that have been addressed only briefly or that have not been addressed at all in the current research. It is expected that further research is needed to build upon the present research and it is anticipated that it will confirm the results set forth herein. Two important areas for further research can be summarized as follows:
- The issue of *tadlees* is one of the key dilemmas in hadith science that needs to be thoroughly examined in all its different aspects, such as its beginning, its concepts, development and its impacts on the credibility of hadith narration. Scholars need to openly examine the issues around concealing defects in the *isnad* and how this should impact the credibility of the affected hadiths.
  - There is a need to critically study the methodologies that the Islamic scholars have so far adopted to deal with contradictory hadiths (whether

they are in contradiction with the *Qur'an* or whether they are in conflict with other hadiths) and their effects on the hadiths' authenticity.