# THE AUTHENTICITY OF *HADITH* IN JOSEPH SCHACHT'S VERTION

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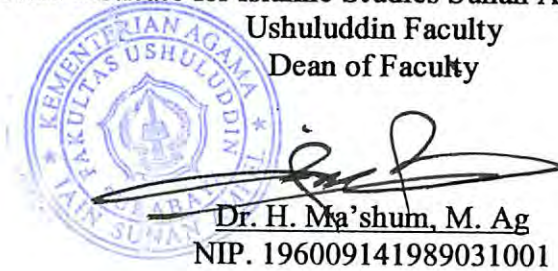Prof.Dr. Zainul Arifin ,MA

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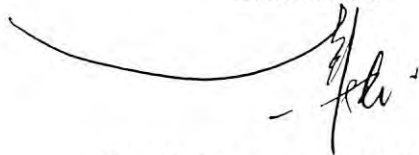
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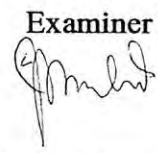Prof.Dr. H. Zainul Arifin, M.Ag
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# ABSTRACT

Mas'adatul Muayyadah. E53207011. *The Authenticity of Hadīth (Joseph Schacht's Study to Isnād).*

The Prime sources of religion of Islam are the Qur'an and the *Hadīth*. The Qur'an is the word of Allah to all muslims. The prophet did not have anything to do with its words (it was revealed to him as it is now read). It is said in Qur'an that Allah preserved and guarded it from any corruptions. In surat al-Hijr: 9, Allah said" *We have, without doubt, sent down the message and we will assuredly guard it (from corruption)*". Even thought in accordance with its content and substance, the Qur'an is distinct from *Hadīth*, which are the sayings of Muhammad and it is agreed that Muhammad PBUH clearly distinguished between Qur'an and *Hadīth*. The Qur'an is always claimed as *al-Wahy al-matlu*, which is the recited revelation because its text and essences came from Allah altogether,and the *Hadīth* is claimed as *al-Wahy ghayr al-matlu*, that is the unricited revelation because its essences from Allah and the text from Prophet Muhammad, it is believed among Muslims that of them are the main sources of Islamic teaching.

*Hadīth* be came Orentalists an extract object because there is not guard from Allah. In general, Orentalists behave skeptic *hadīh*, Joseph Schacht (1902-1969) one of Orentalists, who study about *hadīth*. Joseph Schacht continue Ignaz Goldziher's view in *hadīh*, but Schacht have a difference of object study with Goldziher, Schacht focused his study to *sanad*. *Sanad* in a *hadīth* is a very important position, because with *sanad* will determine the direction of authenticity *hadīth* and also the quality of tradition accepted (received), rejected (*mardud*). Schacht uses his theories (Projecting Back, Common Link, E Silentio) to proof that *hadīth* is unauthentic. Schacht taken source of data from *al-Muwatta* of Imam Malik, *al-Muwatta* of Imam Muhammad al-Syaibani,*ar-Risalah* and *al-Umm* of Imam as-Syafi'i. Robert Brunschvig, Patricia Crone, David S,Power, Rafael Tamon and Gautier H.A. Junboll are advocate and develop his study and theories in *Hadīth*.

This thesis is work in descriptive method of library research with analysis. Writer tries analyzing of data in content analysis. The prime data is *The Origions of Muhammadan* Jurisprudence, the monumental work of Schacht' book about *hadīth* study. The Produce of result that is in Schacht's view of study *hadth* had reached a conclusion that none of *a hadith*, especially related to Islamic law is authentic. If there are legal *hadīth* (*al-ahkam*) that is judge's (*Qodhī*) product in Bany Umayyah dynasty. to legitimate their judicial sentences which were assumed to be sourced from Muhammad PBUH.

There are responses to Schacht's opinion from the *hadīth* scholar (*muhaddithin*). According the *hadīth* scholar there are howler in Schacht's study. Those are his resource and his methodology. TheSSchacht's howler result in his conclusion of *hadīth*.

Key word: *Hadīth*, Authenticity, *Isnād*,Joseph Schacht

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# CHAPTER I

# INTRODUCTION

## A. Background of Study

Many non-Muslims, including those who study Islam at an introductory university level, have absolutely no concept of the importance of hadith in Islam. It is also perhaps safe to assume that many Muslims themselves do not fully grasp the fundamental importance of the hadith as a basis for the religion of Islam, and more particularly as a basis for the shari'a, or Islamic law. This essay will seek to both outline the importance of the hadith within Islam, and also try to present a survey of the various views on the authenticity of the hadith, both within Muslim and non-Muslim scholar.

In order to understand the importance of the hadith it is essential to first know what the hadith is. Simply put, the hadith are collected traditions about the *sunnah* (The term *sunnah* refers to the specific actions and sayings of the Prophet Muhammad) of Muhammad. Thus they are composed of sayings attributed to Muhammad, as well as the actions of Muhammad in various situations, both of which are held to serve as examples and guidelines for Muslim belief and practice.

According to Muslims, the hadith is almost equal in importance to the Quran. Hadith is second with believers trusting the words and deeds of Muhammad, so it helps to provide supplementation and clarification to the

Quran. Hadith provides to muslims a window to look at the prophet way of life and offer examples of what he did or said so they may follow in his footsteps.

Hadith must meet the following five criteria in order to be accepted in Islamic law as a source of legal ordinance, they are:

1) Continuity of the chain of transmitters (*Ittisāl al-sanād*))

   This chain of transmitters has to unbroken in order for the Hadith to be acceptable. That is none of the transmitters must be missing from the chain of narrators. Furthermore, each transmitter must also have heard the Hadith in question directly from the transmitter before him. Knowledge of this is verified with the help of the biographical sciences of science of Hadith.

2) The Integrity (*'adālah al-ruwāt*) of the transmitters

   The integrity of transmitters is established in terms of their outward observance of Islam. In order words, it is ascertained that they practice what is required of them by Islam and they are not known to engage in the doing of things which are forbidden. Again this precondition is verified through the biographical science of Hadith.

3) Soundness of Memory of the transmitters(*dhobitu al-ruwāt*)

   It must be through the biographical sciences of Hadith that each transmitter has a sound memory or that his books were accurate and that only transmitted directly from his books.

4) Conformity of the Hadith (*'Adamu al-shudhūdh*)

It is important that the Hadith conform to similar Hadith on the same topics which are stronger than it. This conformity should be both in the chain of transmitters and the text. Non-conformity in the chain of transmitters for example, might be if one of the transmitters in the chain is different than in a stronger version of the same Hadith. Non-conformity in text would imply divergence in the meaning of this Hadith with one which one which is stronger.

5) The absence of defects in the Hadith ( *'Adamu al-'Illat* )

A defect ( *'illat*) in Hadith is defined as a hidden defect in the Hadith which takes away from its authenticity. A hadith which has such a defect is one which appears to be free from defect which would not be apparent without investigation. The defect (*'illat*) can be in the chain of transmitters or in the text or both[1].

It appears that *Isnād* was used casually in some literatures in the pre-Islamic period, in a vague manner, without attaching any importance to it. The *Isnād* system was also used—to some extent—in transmitting pre–Islamic poetry. But it was in the Hadith literature that its importance culminated till it was counted a part of the religion. The advantage of the system was utilized to the full, and in some cases to extravagant limits, for documenting the hadith literature, the store room for the Sunnah. The Sunnah of the Prophet being the basic legal source, it was natural to deal with these documents with utmost care. Thus with the

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[1] M.M. Azami, *Hadith: Rules for acceptance and transmission*, (Canada: International Graphich Printing service, 1980)19. Syuhudi Ismail,*Kaidah Kesahihan Hadis: telaah kritis dan tinjauan dengan pendekatan Ilmu sejarah*,(Jakarta: Bulan Bintang,2005) 131.

introduction of *Isnād*, a unique science, *Ilm al-Jarh wa al-Ta'dil* came into existence for the valuation of *Isnād* and hadīth[2].

Among the orentalists[3] there haves been differences of opinion about the beginning of *Isnād* and its value. According to Caetani, Urwah, the oldest systematic collector of traditions, as quoted by Tabari, used no *Isnād* and quoted no authority but the Quran. He therefore, holds that in the time of Abd al-Malik (70-80) more than sixty years after the prophet's death, the practice of giving *Isnād* did not exist. So he concludes that the beginning of the *Isnād* system may be placed in the period between Urwah and Ibn Ishaq. In this opinion the greater part of the *Isnād* was put together and created by traditionists of the end of the second century, and perhaps also of the third.[4]

Recently Schacht has dealt with the legal traditions and their development. In his opinions *Isnād* are the most arbitrary part of traditions. They were developed within certain groups who traced back their doctrines to early authorities[5].

## B. Identification of the problem

From the analysis of the background above, the problem that has to proof The Authenticity of Hadīth (The existence of *Hadīth* as *hujjah sharr'iyah*).

[2] M.M. Azami, *Isnād and Its Significance*,(Canada:International Graphich Printing service, 1980) 41.

[3] Orentalism : beginning as afield based on the study of original text in Asian languages requiring a rigorous specialized training, Orientalism flourished in Western scholarship from the eighteenth century to well into the twentieth century.(John L. Esposito, *The Oxford Encyclopedia*, Volume 3,(New York, Oxford) P.267 )

[4] M.M. Azami, *Isnād and Its Significance*,(Canada:International Graphich Printing service, 1980) 45.

[5] *Ibid.*, 46

Identification in Joseph Schacht's view of *Hadīth* in his book The Origins of Muhammadan Jurisprudence, and then there are the *hadīth* scholars(*muhaddithīn*) explaining the refuses and responses to Joseph Schacht's views to put something in doubt of Hadīth.

## C. Statement of the problem

After identifying the problems, questions need to be formulated to get the more specific problems as cited below:

1) How Joseph Schacht's view about authenticity of hadīth and Schacht's theories to support his view of authenticity hadīth.

2) Explanation Responses of muslim scholar to Schacht's Theories.

## D. Objective of study

The general objective of this literature study is about authenticity of Hadīth. There is struggle in contemporary thinking about hadīth, between insider (Muslim) and outsider (Orientals). The argument of this statement that there are studies hadīth, special from muslim, for example from insider are Muhammad al-Ghozali, Yusuf Qardawi (*Kaifa nata'amalu ma'a sunah nabawiyah)* from Mesir, Muhammad Shahrur (*al-kitab wa alQ'uran: Qira'ah Mu'ashirah*) from siria , Fazlur Rahman (*Islamic Methodologi in History*) from indo-pakistan and Muhammad Mustafa Azami (*Studies in Early hadith Literature*) from India.

The examples of outsider are Ignaz Goldziher, Joseph Schacht (*an introduction to Islamic law and the Origins of Muhammadan Jurisprudence*) and G.H.A. Juynboll (*Muslim tradition*).

From this fact, we know that studying hadīth always to be problematic and attractive study to insider or outsider.

And the detail objectives of this study such as list below:

1) To understand and know Joseph Schacht's (Orientalis) Interpretation of Hadīth —The reason Joseph Schacht's view that Hadīth is Muslim's product— and study analysis Theory of Joseph Schacht's in Hadīth (Projecting Back, Common Link, E. Silentio).

2) The explanation of protest Muslim scholar to Joseph Schacht's theories.


E. Definition of the Key Terms

In order to make this study guided and compatibility, that is better to confirm the concerning of the problem which will analysis that consists of list below:

1) Authentic: Having a claimed and verifiable origin or authorship, not copied.

2) Hadīth: is the collection of the Prophet Muhammad's statements and actions coupled with the statements and actions of his companions.

3) Joseph Schacht: He was a British-German professor of Arabic and Islam at Columbia University in New York. He was the leading Western scholar on Islamic law, whose *Origins of Muhammadan Jurisprudence*

(1950) is still considered a centrally important work on the subject. The author of many articles in the various editions of the *Encyclopaedia of Islam*, Schacht also edited *The Legacy of Islam* for Oxford University Press. Other books include *An Introduction to Islamic Law* (1964).

## F. Significance of Studies

This study is important and useful because the authenticity of *Hadīth* is among crucial themes in Islamic discourse. One of the causes is that there is no exact guaranteed from the God of it is authenticity compared to the Qur'an. Every Muslims believes that all contents of the Qur'an are valid, it is said in the Qur'an that "*We have, without doubt, sent down the message and we will assuredly guard it (from corruption)*" and because they were transmitted Qur'an in the way of consecutive (*mutawwātir*).[6]

At the same time, the majority of Muslim believes in the primary role of *Hadīth* in Islamic law (*hujjah sharr'iyah*) as the second source, from which the teachings of Islam are drawn.

In Orentalists opinion this condition (there is not guaranteed from the God) is a good reason to doubt of *hadīth*. Joseph Schacht is among those who doubt of *hadīth*, Joseph Schacht Explain in his thesis that Hadīth is conversation of Arabic tradition, or Islam revision and custom revision. The theories of Joseph Schacht regarding the provenance and development of Islamic jurisprudence have been as widely criticized as they have been deeply influential. Joseph Schacht

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[6] Consecutive is reported by such a large number of people that they cannot be expected to agree upon a lie, all of them together.

detractors have, for the most part, taken issue with his modern version of *intiqad al-rijal* (criticism of hadīth transmitters).

There are many responds to Joseph Schacht's theories, for example Azami. Azami's work examines the sources used by Schacht to develop his thesis on the relation of Islamic law to the Qur'an, and exposes fundamental flaws in Schacht's methodology that led to the conclusions unsupported by the texts examined. The Azami's thinking is an important contribution to Islamic legal studies from an Islamic perspective.

Last but not least, the researcher hopes that this study will useful for students of *hadīth* studies as the review of literature that can help them in their study. At list study useful to researcher as the student of Tafseer and Hadith Faculty.

## G. Method of Study

### 1. Research Paradigm

Almost all kind of research needs a library study. Though there is a difference between library research and field research, both of them need a library study. The main difference is that in the field research, library study may be the first step to make a research design as a purpose. Whereas in the library research, library study also utilizes the library sources to be data of the research. Library research doesn't need a field research.

The research of this study is library research. Descriptive which is by researching related literatures, collecting research data, reading, writing, and

working over the research sources.

2. Data Sources

The data resources in this study are taken from review of literatures below:

The primer data resources are:

a) *An Introduction to Islamic Law* by Joseph Schacht (Oxford University Press, 1971).

b) *The Origins of Muhammadan Jurisprudence* by Joseph Schacht (Oxford University Press, 1979).

The secondary sources of this study are literatures related to hadits studies, especially on sanad, and orientalist studies. They are:

a) Studies in Early Hadith Literature *(Dirasat fi al Hadis al Nabawi wa Tarikh Tadwinihi)* by Muhammad Mustafa Azami (Malaysia: Islamic Book Trust, 1978)

b) *Studies in Hadith Methodology and Literature* by Muhammad Mustafa Azami (Indianapolis-Indiana: American Trust Publication, 1977)

c) Menguji Keaslian Hadis-hadis Hukum *(Schacht's Origions of Muhammadan Jurisprudence )* by Muhammad Mustafa Azami (Jakarta: Penerbit Pustaka firdaus,2004)

d) Muhammad Ajjaj al-Khatib, *Ushul al-Hadits: ulumuhu wa mushtholâhuhu* (Beirut: Dar al-Fikr, 1989)

e) GHA juynboll, *Muslim Tradition: studies in chronology, provenance and authorship of early hadith* ( Cambridge: Cambridge University Press, 1983)

f) Ali Mustafa Yaqub, *Kritik Hadis* (Jakarta: Pustaka Firdaus, 2004).

g) Syuhudi Ismail, *Kaidah Kesahihan Sanad* (Jakarta: Bulan Bintang, 2005)

h) Endang Soetari, *Ilmu Hadis* ( Bandung: Mimbar Pustaka, 2008)

i) Wahyudi Darmalaksa, *Hadis di mata Orentalis* (Bandung: Benang Merah Press, 2004)

j) Abdul Mustaqim, *Teori system Isnad Otentitas hadis menurut perspektif M.M. Azami* ( Yogya: Tiara wacana, 2002)

k) Other hadits studies compound literatures.

3. Step of Research

The research is focused to the study of Joseph Schacht's theory on *sanād*. Therefore, the study will be started by collecting comprehensive data of Joseph Schacht's works on hadîth studies, especially related to his projecting back, common link and E silento theories. The most important books of him in this study are *The Origins of Muhammadan Jurisprudence* and *An Introduction to Islamic Law*.

The next step is collecting available data of Insider give respond to Joseph Schacht theories, representative by Muhammad Mustafa Azami. Azami's works on hadîth, especially on the early hadîth literature that contains a critical study of orientalist view points on hadîth. And the most important books of him to be

researched here are *Studies in Hadith Methodology and Literature* (in Arabic version *Dirasat fi al Hadis al Nabawi wa Tarikh Tadwinihi*), and *Manhaj al Naqd Inda al Muhadditsin.*

4. Data Analysis

The research uses descriptive analysis method, which describes facts and characteristics of the objects systematically. [7] The step is to analyze the *muhaddithīn* responses to Joseph Schacht's theories and his methodology. It will be understood how he criticized and brought back the right concept of *sanad.*

H.  The Outline of Writing

The outline of the study will be described into five chapters below:

Chapter I: Introduction, containing background of study, identification of problem, Statement of problem, objective of study, definition of key terms, significance of study, method of research.

Chapter II: Basic theory, containing basic theories of these terms are substance of *hadith*, there are the meaning of *hadith*, difference between *hadith* and *sunnah, sanad, isnād, matan* and *rāwi* (transmitter). *Tahammul wal 'Ada,* the writing of *hadith* It will be comprehensively illustrated with other scholar viewpoints.

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[7] This research want to present and explain the Joseph Schacht's method in *hadith* studies, his Phenomenological.

# CHAPTER II

# SUBTANCE OF HADITH

This chapter will examine and elaborate terms related to subject matter of this thesis, these terms are substance of *hadith*, there are the meaning of *hadith*, difference between *hadith* and *sunnah, sanad, isnād, matan* and *rāwi* (transmitter). *Tahammul wal 'Ada,* The writing of *hadith*.

## A. HADĪTH.

The primer sources of the religion of Islam are the Qur'an and *Hadīth*,[8] as we have seen earlier on, *Hadīth* has come to supplement Quran as source of the Islamic religion law. Muslims can always turn to both source for answers to all problems,[9] be they legal or religious.

### 1. The meaning of *Hadīth*

The Arabic word *hadīth* the primary connotation of new ( الجديد من الأشياء ) being used as an antonym of old ( القديم ). The term *Hadīth* applied to specific reports of the Prophet's words, deeds as well as those of many of the early Muslims and his silently, approved *(taqrir)* in otherer's actions.

1.a. The meaning of *Hadīth* according Scholar of *Hadīth* (*Muhaddīthun*)

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[8] يأيها الذين ءامنوا أطيعوا الله وأطيعوا الرسول.. ( النساء: 59)
[9] تركت فيكم شيئين لن تضلوا بعدهما كتاب الله وسنتى. ( رواه الحاكم)

- كل ما اثر عن النبي صلى الله عليه وسلم من قول او فعل او تقرير او صفة خَلقية او خُلقية.[10]

## 1.b. The meaning of *Hadīth* according Scholar of *Ushul Fiqh*

- كل ما صدر عن النبي صلى الله عليه وسلم غير القرأن الكريم من قول او فعل او تقرير مما يصلح

ان يكون دليلا لحكم شرعي.[11]

## 1.c. The meaning of *Hadīth* according according of *Fiqih* ( *Fuqoha'*)

- كل ما ثبت عن النبي صلى الله عليه وسلم ولم يكن من باب الفرض ولا الواجب.[12]

Prophet's Word (قولا ) : The point is whole something  include law (syariah),

morals, aqidah,  education, etc.

Prophet's Deeds (فعلا) : Prophet's deeds is clarification  to syariah  regulation

needed practices explanation.

Prophet's Approved (تقرير) : The situation to Prophet's silent, there is not

contradict, agree to sahabat's action.

*Hadīth* literature means the literature which consists of the narrations of the

life of the Prophet and the things approved by him. However, term was based

sometimes in much broader sense to cover the narration about the companions of

(the Prophet) and successors (to the companions) as well.[13]

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[10] It stands what was transmitted on the authority of the prophet, his deeds, sayings, tacit approval, or description of his features, meaning his physical appearance (not included in the definition used by the jurist). Muhammad Ajaj al-Khatib, *al-Sunnah Qobla al-Tadwin*,( Bairut, Dar al-Fikr,1981) 19

[11] *Ibid.,*

[12] *Ibid.,*

[13] Muhammad Mustafa Azami,*Studies in Hadith Methodology and Literature,*(Kuala Lumpur: American Trust Publications,1997)

Usage of the word *Hadīth* in The Qur'an for:

1. Religious communication, message, or the Qur'an:

Almighty Allah says:

$$\text{ٱللَّهُ نَزَّلَ أَحْسَنَ ٱلْحَدِيثِ كِتَٰبًا}^{14}.$$

"Allah has revealed (time after time) the most beautiful *hadīth* (message) in form of a book"

Almighty Allah says:

$$^{15}\text{فَذَرْنِى وَمَن يُكَذِّبُ بِهَٰذَا ٱلْحَدِيثِ}$$

"Then leave me alone such as reject this *Hadīth* (meaning the Qur'an)".

2. Story of a secular or general nature:

$$^{16}\text{وَإِذَا رَأَيْتَ ٱلَّذِينَ يَخُوضُونَ فِىٓ ءَايَٰتِنَا فَأَعْرِضْ عَنْهُمْ حَتَّىٰ يَخُوضُواْ فِى حَدِيثٍ غَيْرِهِ}$$

" And whenever you meet such as indulge in (blasphemous) talk about our massage, turn they back upon them until they begin *hadīth* (conversation) of some other things"

3. Historical story:

Almighty Allah says:

$$^{17}\text{وَهَلْ أَتَىٰكَ حَدِيثُ مُوسَىٰٓ}$$

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[14] The Qur'an, Al-Zumar, 23
[15] The Qur'an, *al-Qalam*, 44
[16] The Qur'an, *al-An'am*, 68
[17] The Qur'an, *Thaha*, 9

"Has the *hadīth* (story) of Musa reached thee?"

4. Current story of conversation :

Almighty Allah says:

$$\text{وَإِذْ أَسَرَّ ٱلنَّبِيُّ إِلَىٰ بَعْضِ أَزْوَاجِهِۦ حَدِيثًا}^{18}$$

"When the Prophet confined a *Hadīth* (a secret) to one of his wives"

We may conclude that this word has been used in the Qur'ān in the sense of story and communication or message, be it religious or secular, from a remote past or of the present time.

The word *hadīth* used in the same sense by the Prophet, as it has been used in the Qur'ān. Here are a few examples:

1) Religious communication:

The Prophet said: أحسن الحديث كتاب الله "the best *hadīth* is the book of Allah"[19].

And the Prophet said: غفر الله امرءا سمع منا حديثا فحفظه حتى يبلغه فرب مبلغ أحفظ له من سامع

" Allah illumines a man who hears *hadīth* from me, preserves it carefully and passes it on to others..."[20]

2) Secular or general conversation or tale:

The Prophet said : من استمع الى حديث قوم وهم له كارهون أو يفرون منه، صب في أذنه الأنك
"One who tries to eavesdrop on the *hadīth* (conversation) of the

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[18] The Qur'an, *al-Tahrim,*3
[19]Muhammad ibn Isma'il Al-Bukhori, *al-Jami' al-Shahih,* adab (Beirut: Dar Ibn Katsir, 1987) 70
[20] Ahmad ibn Hanbal, *Musnad al-Imam Ahmad Ibn Hanbal,* I (Cairo: Mu'assasat Qurthubah) 437

people when they dislike his doing so and want to keep away from him, in the hereafter hot copper would be poured in his ear".[21]

3) Historical story:

The Prophet said: حدثوا عن بني اسرائيل " You may transmit *hadith* from *Bani Isrā 'il*".[22]

4) Current story, secret or conversation:

5) The Prophet said: ان حدّث الرجل الحديث ثم التفت فهي أمانة

" If someone tells a *hadith* (secret) then goes his way, his words become a trust".[23]

## 2. *Hadith* and *Sunnah*

*Sunnah* literally means away or rule or manner of acting or mode of life.[24]And *Hadith* a saying conveyed to man either through hearing or thought relevation. In its original sense, therefore *sunnah* indicate the doings and *Hadith* the sayings of the Prophet, but in effect both cover the same ground and are applicable to his actions, practice, and saying, *Hadith* being the narration and record of the *sunnah* but containing in addition, various prophetical and historical elements.[25]

The *sunnah* or *Hadith* was not, as is generally supposed, a thing whereof the need may have been felt after his death, for it was as much needed in his lifetime.

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[21] Al-Bukhari, *al-Jami'...*, ta'bir, 45.

[22] *Ibid*, anbiya', 50.

[23] Muhammad Ibn 'Isa Al-Tirmidzi, *al-Jami' al-Shahih Sunan al-Tirmidzi*, birr (Beirut: Dar Ihya' al-Turats al-'Arabiy), 39.

[24] ( السيرة حسنة كانت أو قبيحة. ) Muhammad Ajjaj al-Khotib, *Al-Sunnah Qobla al-Tadwin*,( Beirut, Dar al-Fikr,1993) 14

[25] Muhammad Zubayr Siddiqi, *Hadith- a subject of keen Interest;* in *Hadith and sunnah: Ideals and Realities*,(Kuala Lumpur, Islamic Bookk Trust, 1996 )23

The two most important religious institutions of islam, for instance are prayer (*shalat*) and *zakat*, yet when the injunctions relating to prayer (*shalat*) and *zakat* were delivered, and they are repeatedly met with both in Makkah and madinah revelations, no details of the service.[26]

## 3. Substance of *Hadith*

We have seen that every Hadith consists of two parts: the *Isnād* (the chain of transmitters) and the *Matan* (text). Each of these two parts is of equal importance to a traditionists.

### a. Sanad

*Sanad* or *isnād* is the chain of narrators of the hadith.

- الطريقة الموصل للمتن[27].

*Isnād*, according to Arabic lexicography means the thing on which another relies. As we rely on the narrators for the knowledge of the statement of the prophet PBUH this chain is called *Isnād*. Its plural is *Asānid*.[28]

*Isnād* usually goes like this:

قال عبد الله، حدثني أبي، حدثنا روح، أخبرنا سعيد بن أبي عروبة قتادة.

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[26] Keep up prayer (*Aqimu al-shalāt*) is the Qur'anic injuction, and it was Prophet himself who by his own actions gave the details of the service. Pay the alms (*Atu al-zakāta*) is again an injunction frequently repeated in Qur'an, yet it was Prophet who gave the rules and regulations for its payment and collection.

[27] Muhammad bin Abu Syahbah, *al-Wasit fi Ulumi wa Mustholahil Hadith,*(Qohiroh, Dar al-Fikr al-Arabi,)18

[28] Muhammad Mustafa A'zami, *studies in Hadith and Literature,*( Kuala Lumpur,Islamic Book Trust, 2002,) 45

The words, like *Haddathanā, akhbaranā,* etc are vehicles for transporting the documents.

While *matn* is the text of the hadīth.In order to check the *Isnād* it is necessary to know the life and career as well as the character of the various persons who constitute the various links in the chains of the different *Isnāds.*

Here is a *Hadīth* quoted from al-Bukhari:

"Bukhari said that Sulayman Abu ar-Rabi' informed him saying that Ismail Bin Ja'far said that Nafi bin Malik informed him on the authority of his father that Abu Hurayrah related that the Prophet PBUH said: the signs of a Hypocrite are three; whenever he speaks he tells a lie, whenever he makes a promise, he breaks it, whenever trussed with something he proves to be dishonest."

This *Hadīth* contains a series of names of narrators, and then the actual subject relating to the prophet PBUH is called *Matn.*

The criticism of *Isnād* , its origin and earliest application to *Hadīth,* and its development, and the origin and development of biographical literature in connection with it, and other connected matters (including the necessary qualifications of the narrators) have been already discussed in detail. The principle of its criticism, which are based on them, may be summarized as follow:

a) Every *Hadīth* must be traced back to its original reporter though a continuous chain of transmitters, whose identity, unquestionable character and high qualities of head and heart must been established.

b)   Every *Hadīth* reporting an event which took place every now and then

in presence of a large number of people, must have been originally

reported by several narrators.[29]

c)   Every *Hadīth* should free from any verbatim destroys its whether that is

*illat*[30] or *shadhdh*[31] on it that is known though a deep research and

investigation.

The genuineness of the *Isnāds*, however is no proof of the actual genuineness

of the text of the traditions to which they are attached.[32] According to the

traditions, even if the *Isnād* is faultless, the text may be a forgery. Ibn Jauzī has

appreciated and quoted the remark:

If you find a *Hadīth* contrary to reason, or to what has been established to be

correctly reported, or against the accepted principles, then you should know that

it is forged.[33]

One of the most important and richest branches of literature, which

originated and developed in connection with the *Isnād* in *Hadīth*, is the relating

to biography of narrators of traditions. It is commonly known as *Asmā' al-Rijal.*

In it are included all the various works which deal with a) the chronology. b) the

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[29] Muhammad Zubayr Siddiqi, *The Science and Critique Of Hadith* in *Hadith and Sunnah: Ideals and realities*(Kuala Lumpur: Islamic Book Trust,1996) 95

[30] *Illat* ( defection)*Hadith* is one which appears to sound, but thorough research reveals a disparaging factor. Such factor can be: (1) declaring a *Hadith musnad* when it is in fact *mursal,*or *marfu'* when it is in fact *Mawquf. (2)* showing a reporter to narrate from his *syaikh* when in fact he did not meet the letter, or attributing a *Hadith* to one Companion when it in fact comes though another.

[31] A *Syadhdh* (irregular) *Hadith* is one which is reported by a trustworthy person but goes against the narration of a person more reliable than him. It does not include a *Hadith* which is unique in its contents and is not narrated by someone else.

[32] Robson, *Isnad......article 25-26*

[33] Jalal al-Din al-Suyuti, *Tadrib al-Rawi,*( Egypt, 1307) 100

biography, c) and the criticism of the narrators of traditions or of any class of the narrators, or with any such aspect of their life as may be helpful in determining their identity, veracity and reliability.[34]

a) Chronology: The consideration of chronology commenced and developed among the muslims at an early period in the history of Islam. There is a difference of opinion as to the exact time when it was first used by the Muslim.

b) Biography: The composition of the biographical works with a perfect chronological order of the events however was commenced by the muslims before the end of the first century of Hijrah.

c) Criticism of the Narrators: A general critical estimate of the reliability of narrators, based on their life and character, in order to determine the veracity of their reports, appears to have been taken into consideration earlier than the period when the *Isnād* became long enough to admit the application of the chronological method.[35]

Chronology, biography, and criticism, having developed among the muslims at an early period in the history of Islam, were applied by them to the *Isnād* in traditions, in order to check their genuineness and determine the reliability of their narrators.

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[34] Muhammad Zubayr Siddiqi, *The Science and Critique Of Hadith* in *Hadith and Sunnah: Ideals and realities*(Kuala Lumpur: Islamic Book Trust,1996) *73*
[35] *Ibid.,*73

## b. Matan

*Matan* is middle road, back earth ,or high earth.

$$-\text{الملن من كل شيء ما صلب ظهره.}^{36}$$

In terminology definition *Matan* is the prose body of the text of a *Hadīth,* usually short, containing the message of the tradition, as opposed to the authenticating chain of transmitters, the *Isnād.*

$$- \text{ما انتهى اليه السند.}^{37}$$

$$- \text{ما ينتهي إليه السند من ألفاظ الحديث الدالة على معانيها.}^{38}$$

The word was used in the pre-Islamic period meaning prose text, and was associated with the ayyam al-arab (battle days of the Arabs) traditions.[39]

The object of *Matan* study deals with two aspect, namely the form of *Hadīth* text and its contents. The critique from the perspective of *Matan* deals with text or the meaning of it is contains which indicates that is doesn't involve in telling lies to the prophet's speaking or his doing.[40]

According to M.Syuhudi Ismail, someone who wants to be a critic of *Hadīth Matan* ought to have the following qualifications:

1. Having connoisseur in *Hadīth* discipline.

2. Having deep and wide knowledge about Islamic teaching.

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[36] Muhammad Ajjaj al-khatib, *Ushulul Hadith:Ulumuhu wa mushtholahuhu,* (Bairut, Dar al-Fikr) 22

[37] ان ألفاظ الحديث التى تتقوم بها المعاني. Ahmad Umar Hasyim,*Qowa'id Ushulul Hadith,*(Bairut, Dar al-Kitab al-'Arabi) 22

[38] Muhammad bin Muhammad Abu Syahbah, *al-Wasit fi Ulumi wa Mushtolahil Hadith,*(Qohiroh, Dar al-Fikr al-Arabi, ) 19

[39] Gordon D.Newby, *A Concise Encyclopedia Of Islam,* (England, Oxford, 2002) 145

[40] Umar ibn Hasan Utsman Fallatah, *Al-Wad'u fi al-Hadith,* vol I ( Beirut: Muassasah Manahil al-Irfan, 1981 M/ 1401 H) 300

3. Having been undertaken a seriously and deeply analysis.

4. Having clever thinking.

5. Having high tradition of knowledge capacity.[41]

According to Muhammad Zubayr Shiddiqi, *Hadīth* authenticity can be known through the application of *Matan* critique standards, namely:

1. A tradition (*Hadīth*) must not be contrary to the other tradition (*Hadīth*) which have been already accepted by the authorities on the subject as authentic and reliable. Nor should it be contrary to the text of the al-Quran or the accepted basic principles of Islami.

2. A tradition (*Hadīth*) should not be against the dictated of reason and natural laws and common experience.

3. The traditions (*Hadīth*) containing disproportionately high rewards for insignificants good deeds or disproportionately severe punishments for ordinary sins must be rejected.

4. The traditions (*Hadīth*) containing the excellent virtues of the various chapters of the Qur'an should not be generally accepted as reliable.

5. The traditions (*Hadīth*) containing the excellence and praises of persons, tribes and particular places should not be generally rejected.

6. The traditions (*Hadīth*) which contain detailed prophecies of the future events with dates must be rejected.

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[41] M. Syuhudi Ismail, *Metodologi Penelitian Hadis Nabi,* (Jakarta: Bulan Bintang, 1992) 130.

7. The traditions (*Hadith*) containing such remarks of the prophet as may not be in keeping with his prophetical position, or such expressions as may not be suitable to him, should be rejected.[42]

Critic of *Matan* is a critic that emphasizes to *matan* that comes from neutral concept or suspicion to the validity of *Hadith* from *matan* perpective. Although critic of *matan* has been done since the Prophet's friend (*sahabat*) era by comparing *matan* of *Hadith* with al-Quran and the other *Hadith*. *Muhaddisin* then convered this critic *matan* by using the certain theories discussed in the study of *Hadith dirayah*.[43] On the other hand, many people said that critic *matan* is not perfect and it needs to be functioned well.

c. Rawi

The strength of a Hadith greatly depends upon its *Ruwat*. Rawi is someone narrative *a Hadith* with *Isnad* or *Musnid* as narrator, And in Terminology definition Rawi is someone received *a Hadith* and convey in various type delivery.

ناقل الحديث بالأسناد او ليس له بمجرد الرواية.[44]

The *Rawi* of a Hadith must be *Baligh* (adult), sane, Muslim, 'Aadil, and of good memory. The theory is that traditions were transmitted in a regular manner, so that those who heard them from their authorities were entitled to transmit

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[42] Muhammad Zubayr Siddiqi, *The Science and Critique Of Hadith* in *Hadith and Sunnah: Ideals and realities*(Kuala Lumpur: Islamic Book Trust,1996) 96

[43] علم يبحث فيه  عن المعنى المفهوم من الفاظ الحديث والمراد منها مبنيا على قواعد اللغة العربية وضوابط الشريعة ومطابقا لأحوال النبي.

[44] Muhammad bin Muhammad Abu Syahbah,  *al-Wasit fi Ulumi wa Mushtolahil Hadith*,(Qohiroh, Dar al-Fikr al-Arabi, ), p. 19

them in turn. One is not justified in assuming that from the beginning traditions were very particular in their methods; but as time went on, and Tradition became a matter of vital importance, rules were elaborated. To illustrate just how strict the rules became, here a summarized account of eight methods of transmission as described by Muhammad Abu Syuhbah in his al-Wasith.

We have seen earlier how prophet PBUH taught his *A hadith* and *Sunnah* and how it was received by the companions. As the companions were direct disciples of the prophet PBUH, they had the special privilege and duty to spread his teachings

## B. Carrying of Knowledge of *a Hadith* (*Tahammulul Hadith*).

We have seen early how Prophet thought his *hadith* and *sunnah* and how it was received by a Companions. As the Companions were direct disciples of the Prophet, they had the special privilege and duty to spread his teaching however in later days, as the knowledge of *hadith* spread all over the muslim word, gathering of knowledge or collection of *hadith* required much more extensive traveling.[45] For learning of *Hadith* the following eight methods were in use:

1) *Sama' min lafdh al-Syaiksh* : That is reading by the teacher to the students. *Rawi* says : حدثنا، حدثني، سمعنا، سمعت

2) *Al-Qira'ah 'ala al-sSyaikh(Ard):* Reading by students to teachers. Rawi says: قرأت عليه ، قرئ على فلان وأنا اسمع، حدثنا او أخبرنا، قراءة عليه

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3) *Ijazah*: To permit someone to transmit a *Hadith* or book on the authority of the scholar without reading by any one. Rawi says :

أجزتُ لك رواية الكتاب الفلاني عني

4) *Munawalah* : to hand someone the written material to transmit. Rawi says: هذا سماعي او روايتي عن فلان فاروه.

5) *Kitabah* : to write *A hadith* for someone.Rawi says: اجزتُ لك ما كتبته إليك .

6) *I'lam* : to inform someone that informer has permission to transmit certain material. Rawi says: اعلمني فلان قال حدثنا

7) *Wasiyah* : to entrust some his books. Rawi says: اوصى إلى فلان بكتاب قال فيه حدثنا

إلى آخره.

8) *Wajadah* : to find some books or *Hadith* written by someone just as we nowadays discover some manuscripts in a library or somewhere else rawi says: وجدت بخط فلان.[46]

In the period of companions only the first of these methods was in general use, while the use of other methods was negligible. The students stayed near their teachers at all times serving them, and learning from them. When they imparted any *Hadith* the students wrote it down or memorized it.

A little later the most common methods were numbers one and two. There has been a lot of discussion as to whether the first or the second is the best method of learning.

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[46] Muhammad Mustafa A'zami, *studies in Hadith and Literature*,(Kuala Lumpur, Islamic Book Trust, 2002) 24

From the method above, there is conclusions that there are two types in *tahammul al-hadīth*.

1.  Transmitter hearing from the teacher immediately. So that there is no doubt their meeting. Rawi say:

حدثنا، حدثني، سمعنا، سمعت، اخبرنا، اخبرني، انبأنا ،انبأني، قال لي(لنا) فلان، ذكرلي ( لنا) فلان،

قال حدثنا ،قال حدثني.

2.  Transmitter in doubt about his meeting with his teacher. Rawi say :

روي، حكى، عن، أن.

## C. The writing of *Hadīth*

The text of the Qur'an was written, memorized, and collected since it was at the time of the prophet. Therefore, every muslim believes that all contents of the Qur'an are valid because they were transmitted in the way of consecutive (*mutawātir*)[47].On the contrary, it is not every *hadīth* was written during the arrival of prophet. There is *hadīth* from Abu Sai'id al-Khudri.

لا تكتبوا عني غير القرأن، ومن كتب عني غير القرأن فليمحه ( رواه مسلم )[48]

There is narrative that Al-Sya'bi hears a hadīth from the caliph Abd al-Malik and ask to written down, but the caliph says: we are a community who do not

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[47] إنا نحن نزلنا الذكر وإنا له لحفظون. we have, without doubt, sent down the Message; and we will Assuredly guard it (from corruption). Al-Hijr: 09

[48] Endang Soetari, *Ilmu Hadits Kajian Riwayah dan Dirayah,* (Bandung, Mimbar Pustaka, 2008) 37

allow any body to write things down (*Nahnu Ma'sharun Lā nuktibu Abadan shay an*).[49]

It is a historical fact, accepted by muslim and non-muslim alike, that the writing of the *hadīth* done by muslim is nor for all. Just a view *hadīth* that hadsubstantially written. The Prophet sometime ordered muslim (namely his companions / *shahabah*)[50] to write *hadīth* and some of them did it to get the blessings of him. But in other words, some *hadīth* were written down during the life of the Prophet, while others were passed on orally and collected later.[51]

Many of these devoted Companions (*sahabat*) of the Prophet, if not all of them, naturally hankered after the knowledge of what he said or did. Abū Hurayrah kept his constant company (*sahabat*) for three years at the sacrifice of all worldly pursuits in order to see and hear what he did and said, and regularly devoted a considerable time to getting by heart what he had heard from him. For the example companions has wrote down all that he heard from the Prophet are Abdullah b. 'Amr b.al-'As, Abū Shihab, Zayd, and Ziyān.[52]

The *hadīth* originated in the early life of Prophet of Islam, developed largely throughout his life, and spread simultaneously with the spread of Islam throughout the vast muslim dominions. The muslim armies which conquered Syria, Palestine, Persia, and Egypt included a large number off the Companion of Prophet Muhammad, who carried his *hadīth* whenever they went. Even the

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[49] Ignaz Golziher,*Muslim studies, Humanisme studies,* V.1 (London, George Allen and UNWIN LTD, 1971) 185-186

[50] The muslims who lived at the time of the Prophet

[51] Idri, "Between the Criticism of Hadith and Hadith probativeness", *al-Ahkam,2*( Desember,2009) 155

[52] Muhammad Zubayr Siddiqi, *Hadith- A subject of Keen Interest,*(Kuala Lumpur, Islamic Book Trust, 2003) 7

distant land of North Africa and Spain received the reports of Prophet's sayings and doings before the end of the first century. Similarly, the message of the *Sunnah* and the Qur'an had been received by India before its conquest by Muslims before the end of the first century A.H.

# CHAPTER III

# JOSEPH SCHACHT'S VIEW OF HADITH

## A. Study *hadith* in west (Notably Joseph Schacht)

While modern academic study of Islam in general, and the *hadith* in particular, has historically been a primarily "Western" and non-Muslim venture, in past few decades it has become increasingly an international, interfaith field of study.

The western phase of *hadith* studies focus of study was on the historical-critical, content study of were dominant here:

a. The attempt to use the *hadith* as a source for data about the life of Muhammad and origins of muslim community up to early Umayyad times.

b. The attempt to mine the *hadith* material from the second and third centuries of Islam in particular.[53]

Trend "b" can be traced primarily to the work of one man, Ignaz Goldziher, who in 1880's and 1890's attempted to prove by content analysis that the *hadith* have much to tell us about second and third century Islamic intellectual history, but only a small amount about first century. His thoroughgoing and impressively document skepticism about the antiquity of most of the *hadith* was of great

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[53] William A. Graham, *the study of hadith in modern academics: past, present and future* in *Place of hadith in Islam,*(Canada, International Graphics Printing, 1980) 28

significance for all later studies A.J. Wensinck working on theologically oriented *hadīth*, and Joseph Schacht working on legal (*al-ahkam*) *hadīth*, were perhaps the prime ones of those who following Goldziher's lead, tried to pin down the main period of *hadīth* forgery and use the *hadīth* to illuminate second and third century development in Islam. In studying of *hadīth* , Schacht more pay attentions in transmission (*sanad*) than text (*matan*).

## B. Joseph Schacht's biography

### 1. Schacht's background and personality

While it is not our intention to write a biography of Joseph Schacht, we shall attempt to provide a sketch of certain significant events in his career and to concentrate more on those factors that are necessary for the understanding of his background as a scholar of Islamic studies, and particularly of Islamic Law.

Schacht was born on March 15th 1902 at Ratibor in upper Silesia, which was then in Germany and is now inside Poland (Raciborz) just across the frontier from Czechoslovakia.[54] In this city he grew up and lived during the first eighteen years of his life.

Schacht came from a relatively religious and educated family. His father, Eduard Schacht, was a Roman catholic and a teacher of deaf and dumb students.[55] His mother was Maria Mohr. In 1943 he married an English woman, Louise Isobel Dorothy, daughter of Joseph Coleman. The religious and

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[54]Robert Brunschvig, *Joseph Schacht (1902-1969)*, "Studia Islamica" (1970) p.31.
[55]George F. Hourani, *Joseph Schacht, 1902-1969*, "Journal of The American Oriental Society", 90 (1970) 163.

educational atmosphere of his home gave him an opportunity to become familiar with Christian religious teachings and also with the Hebrew language from early age. This was very important later for his understanding of the great religious in the Middle East.

Schacht was to achieve a high degree of learning. He started his education in his home town of Ratibor. After studying Hebrew from a rabbi and after receiving a classical gymnasium education there (1911-1920), He went on to the University of Breslau (Wroclaw) and Leipziq where he first studied classical and semitic philology, and then theology.[56] In 1922 he won a university prize with an essay on the Old Testament, and received his D.Phil. *summa cumlaude* from Breslaw University at the end of 1923. He also obtained an M.A. degree in 1947 and a D.Litt. in 1952, Both from Oxford University.[57] His doctoral dissertation consisted of an edition, with partial translation and commentary of Khassaf's *Kitab al-hiyal wa al-makharij*, a medieval Arabic text on legal devices.[58]

Schacht had a strong personality and uncompromising integrity which sometimes led him to take an extreme position. As a teacher, Schacht had many admirable qualities. Wakin[59], who was fortunate to have done her graduate work under his guidance, has recorded some of these. In formal lectures, according to Wakin, Schacht dominated the room. His forceful delivery, his resonant voice, and his precise use of language were very astonishing and fascinating. In a

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[56] Aharon Layish, *Notes on Joseph Schacht's Contribution to The Study of Islamic Law*, "British Society for Middle Eastern Studies", Bulletin 9 (1982) 132.

[57] George F. Hourani, *Joseph..*, 163.

[58] *Ibid.*,163

[59] Jeanette Wakin, *Remembering Joseph Schacht (1902-1969)*, "Islamic Legal Studies Program Harvard Law School", (2003) 168.

seminar or conference his performance was very remarkable, for his enthusiasm for "his subject, and the vast store of knowledge from many fields that illuminate and broadened every discussion, made these hours delightful and exhilarating ones." Moreover, he had a fine appreciation of humor and a sharp wit which he exercised with unsuppressed pleasure. His generosity also appeared in his attitude towards his advanced students. He was always ready, for example, to lend scarce works from his private library, and turned over copies of rare manuscripts and notes that he had carefully collected during his research over a period of many years.

## 2. Schacht's career

Schacht's scholarly background supported his career and enabled him to acquire a rare combination of academic qualifications. He received his first academic appointment at the University of Freiburg in Breisgau in 1925. Two years later, in 1927, he was appointed associate professor at the age of twenty five. The year 1929, when he returned 27 years old, was an important one in his career, for in that year he was promoted to full professor of oriental languages. At that time he was the youngest man ever to have achieved this position in Germany. He held this chair for the next three years. In 1932 he was invited to take up a chair in the same subject at the University of Konigsberg,[60] where he stayed for only two years, for in 1934 he resign his post as a gesture of protest against the Nazi regime.

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[60]Bernard Lewis, *Joseph Schacht*, "Bulletin of The School of Oriental and African Studies", 33 (1970) 376.

Schacht's theoretical education was not divorced from the practical and topical aspects of his field of study. During the period of his first academic post at Freiburg, he profited from close associations with his colleagues in the faculty of Law. Thus, without having taken a Law degree, he acquired by his own reading and associations a basis of technical knowledge sufficient to support his career of research on Islamic Law.[61]

Schacht was also exceptionally acquainted with both the western and eastern muslim world. During the years 1926-1933, he traveled extensively to the Middle East and North Africa. In the spring of 1930, he was a visiting Professor of Semitic Languages and Islamic Law at Cairo University, lecturing in Arabic, and he returned there again to teach during the years 1934-1939. The outbreak of the second World War in September 1939 kept him from continuing his lectures at that university. And at the end of the war he preferred to stay in England, even though he was invited to return to Egypt. Because of his extended stay in the East, he became an expert in Arabic and Turkish and had the opportunity to work on rare manuscripts in various collections in the Arab land and Turkey.[62]

In 1939 Schacht moved to England. He worked there as an Oriental specialist and researcher in the British Ministry of Information, and contributed a large number of talks to the Arabic and Persian programs of the British Broadcasting Corporation, many of which were printed in B.B.C. publication called *al-Mustami' al-'Arabi*.[63] In 1946 he was first appointed as a lecturer at the

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[61]George F. Hourani, *Joseph..*, 165.
[62]Aharon Layish, *Notes on Joseph...*,132.
[63]George F. Hourani, *Joseph..*,164.

University of Oxford, then later as Reader in Islamic studies (mainly Islamic Law). During his years at Oxford, where he was able to complete his *Origins*, he made a number of trips abroad, for instance, he went on a lecture tour in the United States in 1948; conducted a research mission to Nigeria in 1950 and to the Near East and East Africa in 1953, 1963, and 1964. in 1952 he was appointed as a visiting professor at the University of Algiers. His research in Africa was very significant for his career, for he had an opportunity to come into contact with the real life of Muslim society. More specifically he became more familiar with the problems of the application of Islamic Law in social context.[64]

In 1954, leaving his post at Oxford with great reluctance, Schacht left England for Holland in order to take up the position of Professor of Arabic the University of Leiden. Here he was able to study intensively under C. Snouck Hurgronje. His stay at Holland was, however, of a brief duration. He went to Columbia University as a Visiting Professor of Arabic and Islamic in the academic years 1957-1958, and returned there in 1959 to a regular appointment as Professor in the same subjects. Schacht once stated that his intention was to retire from Columbia University after January 1970 and that he was planning to return to England with his wife where he would continue his activities as a scholar and pursue research, travel, and writing. He once said that as soon as he retired he would write a book in which he would integrate the notes and prolegomena he had collected over the years, and which would represent the culmination of his intellectual achievement. Also, he had planned to complete

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[64]Bernard Lewis, *Joseph Schacht*, 376.

editions and studies of Maturidi's *Kitab al-Tauhid* and Sahnun's *Mudawwana*. Unfortunately, these projects were never realized. He was suddenly stricken by a brain hemorrhage and died at his home in New Jersey on August 1, 1969.[65]

During the last twenty years of his life, Schacht was able to work on several projects that interested him. He replace J.H. Kramers (d. 1951) as an editor of the new edition of the *Encyclopedia of Islam*, and continued this task through the first two and a half volumes, in association with Bernard Lewis, Charles Pellat, and, after 1966, L.V. Ménage. In the same period, together with Robert Brunschvig, he co-founded and became the co-editor of the prestigious *Studia Islamica*, the first issue of which was published in 1953.

## 3. Schacht's work

In the preface to his *Origins*, Schacht admitted that his work was influenced by other scholars. D.S. Margoliouth, according to him, "was the first and foremost among my (his) predecessors to make more than perfunctory use of the then recently printed works of Shafi'i.[66] H. Lammens had a significant influenced on him in terms of critical insight and an historical appreciation of Islamictraditions.[67] Gotthelsf Bergstrasser (1886-1933) is included among his

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[65]George F. Hourani, *Joseph..*, 166.

[66]Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford University Press, 1979), v.

[67]Some of lammens' works used by Schacht are: *Etudes sur le siecle des Omayyades* (1930), *Fatima et les filles de Mahomet* (1912), Islam, beliefs, and institutions (1929), and many others.

important predecessor, for he guided his first steps in Muhammadan Jurisprudence.[68]

C. Snouck Hurgronje (1857-1936) was also one of his important predecessors. Hurgronje's works were very important to Schacht's understanding of the character and the nature of Islamic law.[69] During his stay at the University of Leiden, he profited from direct contact with Hurgronje. It should come at no surprise that immediately after Hurgronje's death, Schacht wrote a memoir on him, *Christiaan Snouck Hurgronje* in 1937. he presented a short introduction surveying Hurgronje's most important works, besides editing and translating four of his articles, mainly on the subject of Islamic law.

One cannot discuss Schacht's predecessors without mentioning Ignaz Goldziher (1850-1921) whose contribution to the study of historical development of Islamic tradition literature and foreign elements in Islamic law (mainly Roman law), was perhaps of the greatest importance to Schacht's works. In his first essay on traditions, " a revaluation of Islamic Traditions," Schacht declared that he took for granted Goldziher's thesis that the traditions " reflect opinions held during the first two and a half centuries after the hijrah."[70] His views about foreign elements in Islamic law, which were more elaborate than Goldziher's, were discussed in his *Foreign Elements in Ancient Islamic Law*, considered as a pioneering essay on the subject.

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[68]Together with Bergstrasser, Schacht wrote *Grundzuge des islamische rechts* (1935).
[69]Some of Hurgronje's works used by Schacht are: *Mohammedanism* (1916), *The Achenese*, (1906), *Mekka In The Latter Part Of The 19$^{th}$ Century* (1931), and *Verspreide Geschriften (Gessammelte Schriften)*, 1923.
[70]Joseph Schacht, *Islamic Traditions*, 143.

## B.  Schacht's views of *Hadīth*

As we have seen earlier on, the *Hadīth* has come to supplement the Quran as a source of the Islamic religious law. Then, the authenticity of *Hadīth* is among the crucial themes in Islamic discourse. One of the causes is that there is no exact guarantee from the God (*Allah*) of its authenticity compared to the Qur'an. At the same time, the majority of Muslim believes in primary role of *Hadīth* as the second source. In other side orientalis behave sceptic *Hadīth*, although not all views that way. Joseph Schacht is among those who educe the Ignaz Goldziher's view in *Hadīth* and introduce a new method to disapprove the authenticity of *Hadīth*.

## 1.  Schacht's idea of Sunnah and *Hadīth* .

With this significance of the word *Hadīth* is very closely connected the connotation of the word *Sunnah* which originally meant precedent and custom and which has been sused by the nuslims for doings and practices of the Prophet only.

In Schacht's idea, the origin of *sunnah* is a living tradition in the classic schools of law, which means the idea or normative usage of the community. There is no relation between this concept and the Prophet, and only later acquired the restricted meaning of the precedents set by the Prophet.[71] As an important point of Schacht's thesis, concept of *sunnah* generally explained as:

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[71]Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford University Press, 1979), 58.

a. Origin of *sunnah* is the customary or generally agreed practice ('*amal, al-amar al-mujtama' 'alaih*), and he called it "living tradition". He followed D.S. Margoliouth's conclusion, and to supportS his thesis, he cited Ibn Muqaffa' that, according to him, found that term used in the first second century as a administrative regulation of the Umayyad government.[72] As we know, Ibn Muqaffa' was a secretary of state in late Umayyad and early Abbasid times.

b. The origin of *sunnah* is that *sunnah* was formed later by Iraqians for about the second century.[73]

c. Using of the term "*sunnah* of the Prophet" doesn't mean that it is actually sourced from the Prophet. It is only a "living tradition" from from the school of law and then is projected back to the past until the saying of the Prophet.[74]

In order to justify his argument that *sunnah* is a practice or a living tradition, Schacht made a reference to Margoliouth. He wrote that the foremost of the concept is the customary or generally agreed practice. We shall call them the living tradition of the ancient schools, not by way of projecting a category of the later system, under another name, back into the early period, but in recognition of the fact that they are all inter-related, and in fact, interchangeable, to such an extent that they cannot be isolated from one another. Here one of the evidences on the concept of *sunnah* as what had been explained by Margoliouth and

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[72] *Ibid,* 58-59.
[73] *Ibid.,*70.
[74] *Ibid..*

followed by Schacht, that the early texts contain numerous traces of the process by which traditions from the Prophet imposed themselves on the old idea of *sunnah* and thereby prepared the ground for Shafi'i's identifications of *sunnah* with them. In the time of Shafi'i, traditions of the Prophet particularly isolated ones, were still felt to be something recent which disturbed the living tradition of doctrine in the ancient schools.[75]

From the references which had been collected, Margoliouth made a conclusion that the practices of the Prophet taken from those narratives more customarily accepted than other phrases. Those statements commonly used in the context of reference to the third caliph, Utsman, whose acts were reputed very different than his predecessors, although the accusations to him were unprovable. At last, according to Margoliouth, the second source of law is not really evident. It is only custom or habitual agreed by the authoritarians and later united to the Prophet.[76]

## 2. Schacht's theories of *Sanad*

We have seen that every *hadith* consist of two parts: the *isnad* (the chain of transmitters) and the *matan* (text). Each of these two parts is of equal importance to traditions.

In order to check the *isnad* it is necessary to know the life and the career as well as the character of theof various persons who constitute the various links in

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[75] *Ibid.*, 59.

[76] D.S. Margoliouth, *The Early Development Of Mohammedanism* (London: William and Norgate, 1914) 69-70.

the chains of the different *isnāds.* And in order to understand the exact significance of the text, and to the text its genuineness, it is necessary to know the meaning of the various expressions used (some of which are rare and out of common use), and also to learn its relation to the text of the other traditions (some of which may be either corroborated or contradicted by it).[77]

In studying of *hadīth* , Schacht more pay attentions in transmission (*sanad*) than text (*matan*). *Al-Mu*watta' creation of Imam Malik, *al- Muwatta'* creation of Imam Muhammad al-Sya'bani, *al-Umm* and *al-Risalah* creation of al-Syafi'i are the research books for his theories.

Schacht has dealt with the legal traditions and their development. In his opinions *isnād* the most arbitrary part of traditions. They were developed within certain groups who traced back their doctrines to early authorities.[78] One of Statement's Schacht in *hadīth* is "we shall not meet any legal tradition from the Prophet which can be considered authentic".[79] To standing his statement, Schacht have produced three theories, which are Projecting back, Common link, and E silentio.

## A. Projecting back

The most popular work made by Schacht was *The Origins of Muhammadan Jurisprudence* containing the theory concluding that there is no *hadits* to be considered authentic. It is called projecting back theory.

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[77] Muhammad Zubary Siddiqi, *The Science and Critique Of Hadith,* ( Islamic Book Trust, kuala lumpur, 1996) p. 72

[78] Muhammad Mustafa A'zami, *Studies in Early Hadith Literature,* ( Islamic Book Trust, Kuala Lumpur,2000)p. 215

[79] Schacht, *The Origins...*, *149*

The Projecting Back Theory says that *sanad* of *hadits* is a judges product to legitimate their judicial sentences which were assumed to be sourced from Muhammad PBUH. Schacht has written in his book (*The Origins of Muhammadan Jurisprudence*) in chapter II (The growth of legal tradition) that:

> *Isnād* were often put together very carelessly. Any typical representative of the group whose doctrine was to be project back on to an ancient authority, could be chosen at random and put into the *Isnād.* we find therefore a number of alternative name in otherwise identical *Isnāds.* Where other considerations exclude the possibility of the transmission of genuine old doctrine by several persons. Such alternatives particularly frequent in the generation preceding.

Schacht stated that Islamic law had not existed yet before the era of al-Sya'bi (d. 110 H).[80] This statement means that *hadith'* related to Islamic law are the products of the people living after al-Sya'bi era. According to Schacht's opinion, Islamic law started to be known after appointing religion judges (*qadhi*) since Bani Umayyah Dynasty.[81] The judicial sentences of *qadhi* needed a legitimation from the more authoritative scholars. So they couldn't relate their sentences to themselves, but they had to relate them to the figures living before them. For example, the Iraqi *qadhi* related their sentences and opinions to Ibrahim al-Nakha'I (95 H).

Further, the sentences of *qadhi* were not only related to the figures before them, but also related to the figures that had more authority, like to Masruq, then Ibn Mas'ud. And at the last step, the sentences were related to the Prophet

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[80]Schacht, *The Origins...*, 230.

[81]Joseph Schacht, *An Introduction to Islamic Law*, (Oxford University Press, 1971), 16.

Muhammad PBUH. In Schacht's viewpoint, these reconstructions form the *sanad*

of *hadith* by projecting back the sentences and opinions of *qadhi* back to the

figures before them. So it is called projecting back theory.

Schacht had reached a conclusion that none of *a hadith*, especially related to

Islamic law is authentic. This is what he wrote:

> We must postulate the same process of growth from the pre-literary period, and formulate again the methodical rule which follows from Goldziher's results but which had been lately neglected: that every legal traditions from the Prophet, until the contrary is proved, must be taken not as an authentic or essentially authentic. The sources available enable us to draw these conclusions in many cases. We shall find that the bulk of legal traditions from the Prophet known to Malik originated in the generation preceding him, that is in the second quarter of the second century A.H. and we shall not meet any legal tradition from the Prophet which can be considered authentic.[82]

Schacht has tried to prove his theory of Projecting back of *isnād* and its

artificial creation in second and third century, by providing some examples from

the early work of *Hadīth- fiqīh* literature, such as the *Muwatta'* of Malik and of

al-Shaybānī and *al-Umm* of al-Shāfi'I, and *al-Khirāj* of Abū Yūsuf. He brings a

few *hadīth* these books with imperfect *Isnād* and traces them later in the classical

books with full *isnād*, consequently he shows the improvement in *isnād*. The

theory might seem very convincing to layman.[83]

B. Common Link

Common link is transmitter who hears something from (seldom more than)

one authority and passed it on to a number of pupils (*murid*), most of them pass

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[82]Schacht, *The Origins...*, 149.
[83] Muhammad Mustafa Azami, *Isnad and its Significance,* in *Hadith and Sunnah: Ideals and Realities* (Kuala Lumpur, Islamic Book Trust , 1996) 66

it on in their turn to two or more of their pupils. In other words, the common link is the oldest transmitter mentioned in a bundle who passes the *hadīth* on to more than one pupil, or again in other terms: where an *isnād* bundle first starts fanning out.[84]

In schacht's view that the growth of *isnād* enable us to envisage the case in which a tradition was put into circulation by a traditions whom we may call NN, or by a person who used his name, at a certain time. The tradition would normally be taken over by one or several transmitters, and the lower real part of the *isnād* would branch out into several strands, the original promoter NN would have provided his tradition with an *isnād* reaching back to an authority such as a companion or the Prophet, and his higher, fictitious part of the *isnād* would often acquire additional branches by the process which we have described as spread of *isnad* but NN would remain the (lower) common link in several strands of *isnads* ( or at least in most of them, allowiSng for his being passed by and eliminated in additional strands of *isnad* which might have been introduce later ). Whether this happened to the lower or to the higher part of the *isnād* or to both, the existence of a significant common link (NN) in all or most *isnād* of a given tradition would be a strong indication in favour of its having originated in the time of NN. The same conclusion would have to be drawn when the *isnād* of different, but closely connected traditions show a common link.[85]

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[84] Ali Masrur, *Teori Commonlink G.H.A. Juynbool:melacak akar kesejarahan hadis nabi* (Yogyakarta, LKis,2007) 67

[85] Joseph Schacht, *The Origins..172-173*

The more transmission lines come together in one transmitter, either reaching him or going away from him, the more this transmitter and his transmission have a claim to historicity. [86] The typical example of the phenomenon of comman link [87] transmitter occurs in asy-Syafi'i's creation *Ikhtilaf al-Hadith.*[88]

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 ┌──────────┐      ┌──────────┐      ┌──────────┐
 │ Prophet  │      │ Prophet  │      │ Prophet  │
 └────┬─────┘      └────┬─────┘      └────┬─────┘
      │                 │                 │
 ┌────┴─────┐      ┌────┴─────┐      ┌────┴─────┐
 │  Jabir   │      │  Jabir   │      │  Jabir   │
 └────┬─────┘      └────┬─────┘      └────┬─────┘
      │                 │                 │
┌─────┴────────┐   ┌────┴─────┐      ┌────┴─────┐
│ Some one from│   │ Mutholib │      │ Mutholib │
│ Banu Salamah │   └────┬─────┘      └────┬─────┘
└─────┬────────┘        │                 │
      └─────────────────┼─────────────────┘
                 ┌──────┴────────┐
                 │ Amr bin Abi Amr│
                 └──────┬────────┘
      ┌─────────────────┼─────────────────┐
┌─────┴──────┐   ┌───────┴──────┐   ┌──────┴─────┐
│ Abdul Azis │   │   Ibrahim    │   │  Sulaiman  │
│ b.Muhammad │   │  b.Muhammad  │   │  b. Hilal  │
└─────┬──────┘   └───────┬──────┘   └──────┬─────┘
      │                  │            ┌────┴──────┐
 ┌────┴───┐         ┌────┴───┐        │ Anonymous │
 │ Syafi'I│         │ Syafi'I│        └────┬──────┘
 └────────┘         └────────┘        ┌────┴───┐
                                      │ Syafi'I│
                                      └────────┘
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[86] G.H. Junboll, *Early Islamic Society....153*

[87] Comman transmitter In other term.

[88] The *matan hadith* is: *lahm ash-shaid lakum fi al-ihram halal ma lam tushayyiduhu aw yushadu lakum* ,kitab Ikhtilaf al-hadith (Beirut, Dar al-Kutub al-Ilmiyah,1986) 177

Amr bin Abi Amr (freedman of muthalib) is the comman link in these *isnads*, he would hardly have hesitated between his own patron and anonymous transmitter for his immediate authority.[89]

Each point of transmission where data from the sources, tradition collections, indicate transmission of traditions having taken place from one person to another or others depends on the number of person involved. In other word, the more persons there are who transmit a saying from a master to later generations, or the more persons there are who transmit something to someone, the more easily we can lend credence to that point of transmission as possibly being historical.[90]

For the example of Common Link is in *al-Katib Tarikh Baghdad* and Ibn Jawzi's kitab *al-* mawdu'at we find a tradition which is convenient for our purpose for various reasons:

a) The *Matan* conveys clearly in what period and where it originated

b) The numerous *Isnads* have one common link, who happens to be one the most celebrated traditionists of his day and whose biography clearly indicates a possible motive for him to have brought this saying into circulation.

c) In their extensive commentaries on the *Isnads* al-Katib and Ibn Jawzi have preserved a few clues which also point to this traditionits as the probable originator, as well as transparently unsuccessful endeavours

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[89] Joseph Schacht, *the origin of muhamman jurisprudence,(Oxford: clarendon press, 1995)* 172

[90] G.H.Junboll, *Early Islamic Society,....* 210

to obfuscate this fact. Unfortunately, the *Isnād* in the *Tārikh Baghdād* edition are not always clear and those in the *Mawdu'at* edition currently aviable are put together in such a haphazard way by its editior that for the sake of clarity and brevity it seems better to draft a schematic pedigree rather than a detail one containing all the names with dates of death.[91]

## C. E SILENTIO

Schacht, on the other hand, concerned himself with the "origins" of Muslim jurisprudence and hence considered the role of the traditions in the development of Muslim law– in the development of both substantive doctrines and of legal theory. He not only confirmed Goldziher's essential thesis but went considerably beyond him. He claimed that the tracing of traditions back to the Prophet was developed very late in Islam; that a considerable number of legal traditions from the Prophet were "put into circulation" after circa 150 A. H. which, according to him, marks the beginning of the "literary" period of *Hadīth* transmission. Schacht's scepticism was even more rigorous than Goldziher's. This would be evident from the "methodical rule", which, according to Schacht, follows from Goldziher's results. Schacht has expressed this in the following words:

> "... Every legal tradition from the Prophet, until the contrary is proved, must be taken not as an authentic or essentially authentic, even if, slightly obscured, statement valid for his time or the time of the Companions, but as the fictitious expression of a legal doctrine formulated at a later date".[92]

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[91] G.H. Junboll, *Muslim tradition,* (New York, Cambridge University Press) 207
[92] Joseph Schacht, *The Origins of Muhammadan Jurisprudence,* (Oxford, 1959) 149.

Schacht has frequently used the argument *e silentio* to show the non-existence of many traditions in the early period of Islam. This argument, in his own words, consists of the following:

> "The best way of proving that a tradition did not exist at a certain time is to show that it was not used as a legal argument in a discussion which would have made reference to it imperative, if it had existed... This kind of conclusion is furthermore made safe by Tr. VIII, 11, where Shaybani says: "Thing is so unless the Medinese can produce a tradition in support of their doctrine, but they have none, or they would have produced it." We may safely assume that the legal traditions with which we are concerned were quoted as arguments by those whose doctrine they were intended to support, as soon as they were put into circulation".[93]

In sum, more famous the Hadīs, the more significant its absence where we would have expected it to be concluded and consequently, the greater is the value of this non-occurrence being adduced as an argument E silentio.[94]

In Ibn Hambal's time the number had increased considerably. We event find in this collection quite a few *Isnāds* which did not find recognition in the six canonical books, the most extensive list of *Isnāds* with the saying in its different wording is found in Ibn al-Jawzi kitab *al-Maudu'at*. A comparison of this *Isnād* with those in the nine books on which the concordance is based yields the following result. All *Isnād* from those collections occur in Ibn Jawzi list but, in addition to these, we find here a good deal more.[95]

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[93] Zafar Ishaq Ansari, *The Authenticity of Traditions: a critique of Joseph Schacht's Argument e Silentio* in *Hamdard Islamicus 7*, (1984)53

[94] G.H.Junboll, *Muslim Tradition*,(New York, Cambridge University Press) 98
[95] *Ibid.*, 129

The conclusions seems justified that the thirty one *Isnād* which Ibn Jawzī lists but are not found in the nine older collections have to be considered as fabrications from the fourth century.

### D. Example of Schacht's experiment

We knows that one of Schacht's theories is commanlink[96], representative sample by the *hadīth* barīrah.

1. Joseph Schacht has analyzed the origins of a hadith about a slave-woman belonging to the Prophet's wife 'A'ishah. The hadith involves two legal issues:

    (a) A slave owner may enter into a contract of "manumission" with a slave: such a contract would state that if the slave is able to pay a certain amount of money the owner, the owner would free the slave.

    (b) A freed slave would become a "client" of the person freeing the slave— so that the person freeing the slave would participate in his inheritance.

2. In the hadith under discussion, 'A'ishah reports that Barirah came to her to seek her help in securing her freedom since she had not been able to pay the sum stipulated in her contract. 'A'ishah told her: "Go to your people, and if they accept, I will pay the amount on your behalf and then I shall have the right of your wala (clientage) and inheritance. If they

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[96] Transmitter who hears something from (seldom more than) one authority and passed it on to a number of pupils (*murid*), most of them pass it on in their turn to two or more of their pupils.

accept, I am prepared to make the payment". Barirah spoke to her owners but they refused and said: "If she wants to do good for you for the sake of Allah, she may do so; but the right of wala and inheritance stays with us." When 'A'ishah spoke of this to the Messenger of Allah and he said to her: "Buy her and emancipate her, for the right of wala and inheritance vests with the one who emancipates the slave". Then he stood up and said: "What is the matter with people that they lay down conditions which are not found in the Book of Allah? If they lay down a condition not found in the Book of Allah, it is not valid, even if it is stated one hundred times. The conditions laid down by Allah are the most weighty and most valid".

3. Schacht treats this hadith based on a number of his assumptions: some proximate and some distant. The more distant assumption has to do with the thesis of his book: that Islamic law was initially a number of legal maxims stemming from the practice of the late Ummayad administration in the beginning of the first century of Islam. These legal maxims were refined and in each geographical part of the Muslim world, they were projected back on to famous local scholars of preceding generations. The maxims and their elaborations in various stories made up the text of what were to later be known as hadiths, while this projection on to famous local scholars underwent refinement until it led to the chains of narration we see in hadith works of the third century.

4. Schacht's more proximate assumptions in dealing with the hadith of Barirah are the following:

(a). The relevant ancient legal maxim is that "Muslims must abide by their stipulations". Since the hadith of Barirah would limit the scope of this maxim, Schacht feels that it refers to the maxim and hence the maxim must be older than the hadith.

(b). The relevant ancient practice that this hadith seeks to modify is the practice of buying and selling clientage. The ancient practice is established by the story of the mother of al-Mahdi, a late Umayyad Caliph, having bought the clientage of a certain Abu Ma̧shar. According to Schacht, as a reaction to this practice, a hadith was created that states: "The Prophet forbid selling or giving away clientage." Then, Barirah's hadith is a further elaboration of this maxim.

(c). Finally, the text of the hadith shows further development since the hadith of Barirah shows the Prophet and A'ishah in a disconcerting light. This is mitigated in later hadiths that have A'ishah mention Barirah's owner's condition to the Prophet—the Prophet says: "Don't let that stop you: clientage belongs only to the person who frees the slave," and "Buy her and free her, clientage belongs to the person who frees the slave." Thus, the issue is no longer one of the Prophet and A'isha colluding to deceive Barirah's owner—by agreeing to the condition and then saying that the condition is not valid. Instead, A'isha is shown as buying Barirah and then freeing her.

5. In the context of Schacht's Origins, he uses the hadith of Barirah to develop the following three technical points:

(a). The "common link" can be used to identify the date at which a hadith was forged. So, Schacht points out that all the authorities narrating the hadith in (2) (that the Prophet forbids selling clientage and giving it away) narrate the hadith through Abdullah b. Dinar (d. 127) Abdullah ibn Umar--the Prophet Abdullah b. Dinar, then, is the common link in this hadith. He is Malik's teacher so Schacht places the fabrication of this hadith in the generation preceding Malik.

(b). New parallel chains of narration would be forged to support existing chains. For example, in the Barirah hadith, Hisham is the common link. However, to support him, another chain was forged that bypasses him and the new chain of narration became: Zuhri--Urwah--A'ishah (instead of Hisham--Urwah--ₔ A'ishah).

(c) "Any typical representative of the group whose doctrine was to be projected back on to an ancient authority, could be chosen at random and put into the isnad ("chain of narration")." Thus, although the Iraqians prohibit the sale of a slave who has a contract of manumission, and although they dispense with it, Schacht says that a late counter-move by them was to insert Ibrahim Nakhai into two chains of narrations of the Barirah hadith. He refers to the two hadiths in Tahawi's Sharh Maani al-'Athar.

6. To start with the first one of Schacht's assumptions, he feels that there is a contradiction between the statement "Muslims must abide by their stipulations" and the Prophet's speech in Barirah's hadith: "What is the matter with people that they lay down conditions which are not found in the Book of Allah? If they lay down a condition not found in the Book of Allah, it is not valid, even if it is stated one hundred times. The conditions laid down by Allah are the most weighty and most valid." Indeed, he sees the speech in Barirah's hadith as a direct reference to the former statement. But this would mean that any restriction on any stipulation must be seen as a reference to this statement, and hence, as later than it. Surely Schacht's decision to privilege this statement is arbitrary.

7. For the second assumption Schacht chooses a story of the Caliph al-Mahdi's mother having bought Abu Mashar's clientage to establish that this was the ancient practice—while the Prophet's forbidding sale and gift of clientage is a hadith forged in the generation of Malik's teachers, and elaborated by the Barirah hadith. Al-Mahdi was born in the third decade of the first century (121, 126 or 127). Abdullah b. Dinar, who either forged the hadith forbidding sale of manumission himself, or in whose name the hadith was forged, died in 127. Thirty-five people record this hadith from him. Al-Mahdi's mother was probably younger than Abdullah b. Dinar—who died at about the time she was delivering al-Mahdi. Why should her action reflect the "ancient practice" while a

hadith reported by thirty-five people from someone older than her be a reaction to it? Why should we treat as normative or as normal, the action of a single woman in a privileged position in society? In addition, Ibn Sạd, who reports this story without mentioning his sources, records the hadith of Barirah through eight chains of narration. Why should we trust Ibn Sạd so fully when he reports the story of Abu Mạshar without naming his sources, while at the same time, when he reports the Barirah hadith eight times over with full documentation, we reject it?

8. The third assumption borders on the bizarre. According to Schacht there is something in the Barirah hadith that Muslim scholarship ought to find embarrassing, since two hadiths were fabricated to "mitigate" this aspect of it. Schacht must be more sensitive than generations of Muslim scholars: Bukhari, Muslim, 'Abd al-Razzaq and Ibn Hanbal (among many others) record this version of this hadith repeatedly and there seems no sign of any embarrassment in this. Then, one of the two "mitigating" hadiths is recorded through the chain of narration: Malik–Nafi'–Ibn 'Umar–'A'ishah. The common link in this chain is Nafi' who died in 117, thirty years after Hisham, the common link in the hadith being mitigated. Since, according to Schacht, the origin of a hadith should be placed in the time of the common link, we have here a situation where Nafi'must have fabricated a hadith to mitigate an embarrassing aspect of a hadith that had not yet been fabricated!

9. This leads us to the first and second technical points: that the common link can help us identify the date at which a hadith was fabricated. Schacht tells us that the Barirah hadith is available to us from numerous sources through Hisham–Urwah-- Aishah. So Hisham is the common link. At the same time he tells us that it is available to us from Zuhri–Urwah--Aishah. Now he would have us treat the first chain of narration as exposing the common link, while the second chain of narration should be seen as an attempt to "bypass" that genuine common link. Why shouldn't we see Zuhri as the common link and see the other hadith as an attempt to bypass him?

10. Let us look in more detail at this possibility that a new chain of narrators was created, by passing Hisham. If one were to examine the chain of Zuhri and Hisham on this particular hadith, one will find that Zuhri (d. 124 AH) was also one of the latest common links. He died a quarter of a century before Hisham (d.146), which may be why Schacht prefers not to cite him as the original authority or, rather, as a fabricator, since this might lead to assigning the birth' of the hadith to a date prior to the "evidence" of the customary practice. There is really no reason, using Schacht's own theories, why the date should not be pushed back even further to Ibrahim al-Nakha'i who was a common link and had at least four students who transmitted this hadith from him and some of his students died even before Hisham. Even the incomplete chart of the chain of narrators available to us shows that many persons other than

Hisham transmitted this hadith and they were older than he. Thus, those through whom this tradition was transmitted include al-Nakha'i, Qasim and Nafi'. There was, therefore, no need to "create" an additional authority through Zuhri. Or were all other chains of narration created after Hisham and falsely attributed to the early scholars

11. Where the common link theory is an attempt to provide a sound and almost mechanical way of dating hadiths, the concept of common links being "bypassed" simply eliminates this function of the common link. Thus all the data is swept away and we are left at the mercy of the fancy of the "expert" telling us what "really happened"

12. Finally, Schacht maintains that the name of the Iraqi authority Ibrahim Nakha'i was introduced into two chains of narrators as a late countermove by the Iraqis against the Medinan doctrine. He quotes his source as Tahawi (d. 321 AH). But 150 years before Tahawi, Ibrahim was cited as an authority for this hadith in Iraqi literature. Schacht accuses the traditionists of projecting their doctrines back to early authorities; however, here Schacht is projecting his doctrines forward! On the question of creating additional authorities, this hadith was accepted in the early days when only 'Abd Allah b. Dinar was quoted as its authority. When the same hadith was narrated by Ibn Majashun, through Malik – Nafi' – Ibn 'Umar, it was rejected because no other student reported this hadith from Malik. Can it really be believed that scholars capable of such fine discrimination in a situation where a hadith

had only one accredited supporter would stoop to creating additional

authorities?.[97]

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[97] Joseph Schacht, *the origin of muhamman jurisprudence*,(Oxford:clarendon press, 1995) 172

CHAPTER IV

THE RESPOND'S MUSLIM SCHOLAR TO SCHACHT'S VIEW OF

HADITH

## A. The Origin of *Sunnah*

*Sunnah* is behavioral concept -whether applied to physical or mental acts-and further donate not merely a single act as such but in so far as this act is actually repeated or potentially repeated. In other words, a *sunnah* is a law of behavior in question is that of conscious agents who can "own" their acts, a *sunnah* is not just a law of behaviour (as law of natural objects) but a normative moral law.[98]

The *Sunnah* essensially means exemplary conduct as such and that actually being followed is not a part of its meaning can be demonstrated by numerous examples such as the following, Ibn Durayd, in his *Jamharah* gives the original meaning of the verb *sanna* as *sawwara*, to fashion a thing or produce it as a model. It is applied to behavior which is considered a model.

Azami mentioned the other meaning of *sunnah*, until he got a conclusion that the word *sunnah* had been used continuously in the pre-Islam era, which meant way, law, and life behavior.[99] The *sunnah* of the Prophet term was used since the life of the Prophet Muhammad PBUH, when the muslim are ordered to

[98] Fazlur Rahaman, *The Living Sunnah And al-Sunnah Wa'l Jamaah*, ( Islamic Book Trust, kuala lumpur, 1996) 129
[99] M.M. Azami, *Menguji Keaslian Hadits-Hadits Hukum*, trans. Asrofi Shodri (Jakarta: Pustaka Firdaus, 2004), 38.

obey the Prophet and make his life as their precedent. The term was also used by the Prophet himself.

The concept of the *sunnah* of the Prophet was both explicitly and implicitly rejected. Joseph Schacht has taken over this view from Margoliuth and Lammens in his *Origins of Muhammedan Jurisprudence* wherein he seeks to maintain that the concept *sunnah* of the Prophet is a relatively late concept and that for the early generations of the Muslims *sunnah* meant the practice of the Muslim themselves.

The reason why these scholars have rejected the concept of the Prophetic *sunnah* is that they found:

1) A part of the content of the *sunnah* is a direct continuation of the pre-Islamic customs and mores of the Arabs

2) The Prophetic *sunnah* is by far the greater part of the content of the *sunnah* was the result of the freethingking-activity of early legist of Islam who, by their personal *Ijtihād*, had made deductions from the existing *sunnah* or practice and had incorporated new elements from without especially from the Jewish sources and Byzantine and Persian administrative practices.

3) When *hadīth* develops into an overwhelming movement and becames a mass-scale phenomenon in the later second and especially to be verbally attributed to the Prophet himself under the aegis of the concept of the *sunnah* of the Prophet.

*Ulama'* have criticized, the details are:

1) While the above story about the development of the *sunnah* is essensially correct, it is correct about the content of the *sunnah* only and not about the concept of the *sunnah* of the Prophet. The *sunnah* of the Prophet was a valid and operative concept from the very beginning of Islam and remained so throughout.

2) The *sunnah*-content left by the Prophet was not very large in quantity and that it was not something meant to be absolutely specific.

3) The concept *sunnah* after the time of the Prophet covered validly not only the *sunnah* of the Prophet himself but also the interpretations of the Prophetic *sunnah*.

4) The *sunnah* in this last sense is co-extensive with the *Ijma'* of the community, which is essentially an ever-expanding process.

5) After the mass-scale *hadīth* movement the organic relationship between the *sunnah, Ijtihad* and *Ijma'* was destroyed.

B.Ulama's View of *isnad*

From chapter III we know that in studying of *hadīth*, Schacht inclined to legal (*al-ahkam*) *hadīth,* and more pay attentions in transmission (*sanad* ) than text (*matan*). The Schacht's view of hadīth are:

a. *Hadīth* is product and creation of Muslim in second and third century of Hijriyah.

b. Muslims before second and third century of Hijriyah there isn't complete capability to understanding the complex precept and dogmas religious.

c. *Hadīth* is development after Islam find his development, that is at second and third century of Hijriyah, the motive that is rare of written estate and indicated the *hadīth* was not guarded.

d. Islamic law is result falsifications of document from governance politic or ancient school of low politic.

e. Mostly, the *sanad* is engineer the strength of Projecting back.

Because Schacht more pay attentions in transmission (*sanad*) than text (*matan*) In his studying of *hadīth*, here will explain An important early statement about *isnad*:

*Isnād* in a *hadīth* science a very important position, because with *isnād* will determine the direction of authenticity *hadīth* and also the quality of tradition accepted (received), rejected (*mardud*). *Isnād* has been utilized until now for the criticism of *Hadīth*.

*Isnād* has began after killing Utsman bin Affan (35H / 656 M), Ibn Sirin (d. 110 H/ 728 M) says, "They did ask about the *isnād*, but when civil war (*fitnah*)[100] broke they said 'name to us your men' those who belong to *Ahl al-Sunnah,* their traditions were accepted and those who were innovators their

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[100]Division that occurred from the murder of 'Uthman, though the Battle of the camel and the schisms that led to the formation of the Khawarij and the Shi'Is and the seizure of power by Mu'awiyah, founder of the Umayyah dynasty. *Fitnah* is The civil war. John L.Esposito, *The Oxford Encyclopedia of the Modern Islamic* Word, (New York, Oxfrord University Press, 1995) 26

traditions were neglected"(*Lam yakūnū yas'alūna 'anni al-Isnādi falamma waqa'at al-fitnatu qālū sammū lanā rijālakum fa-yunzharu ilā ahl as-sunnah fa yu'khadzu hadīts hum wa yunzharu ilā ahlu al-bida'I fa lā yu'khadzuhu hadīthsuhum*)[101].

In Schacht's opinion that be beside on Ibn Sirin is counterfeit and false, he says that;

> The demand for and the Interest in *isnāds* started from the civil war (*fitnah*), when people could no longer be presumed to be reliable without scrutiny, we shall later that the civil war (*finah*) which began with the killing of the Umaiyad caliph, Walid b.Yazid (A.H. 126) towards the end of the Umaiyad dynasty, was a conventional date for the end of the good old time, during which the *sunnah* of the Prophet was still prevailing; as the usual date for the death of Ibn Sirin is A.H.110, we must conclude that the attribution of this statement to him is spurious, in any case, there is no reason to suppose that the regular practice of using *isnāds* is older than the beginning of the second century A.H.[102]If we observe the Ibn Sirin's sentence, he use wording of text *"lam yakūkū yas alūna"*, this text indicated a tradition early period. Thus, there is *isnād* practice, but without by requested.The Schacht's view that "*sanad* have a tendency to backward".[103]

Run up to Muhammad Mustafa Azami's protest, his protests in detail are:

    a) There is crucial mistake made on joseph Schacht to take the sample book (*kitāb*) in his research, he take the histories books (*sīrah*), there are significant difference between *hadīth* and *sīrah*.

    b) Joseph Schacht bring about his studies in legal (*ahkam*) books being common, as there is not book (*kitāb*) focus of *hadīth*. The difference two of them are:

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[101] Kamaruddin Amin, *Metode Kritik Hadis*, ( Bandung, Mizan Media Utama, 2009) 137 see also Musthafa al-Siba'I, *al-Sunnah wa makanatuha min al-Tasyri' al-islam* .56: Muhammad Zuhri, *Telaah Matan Hadis; sebuah tawaran metodologis.*(Yogyakarta: LESFI, 2003) 38

[102] Joseph Schacht, *The Origins of Muhammadan Jurisprudence*, (Oxford, 1950) .36-37

[103] The meaning of this statement is in the fact there isn't *isnad* system, then made one *isnad*,and this *isnad* without history value.

1) Ancient school of law (as Hānafi, Māliki, Syāfi'i and Hambal) throw away partly of *sanad* his interest in order be remark concise.

2) Throw away whole of *sanad*, directly mention text (*matan*).

3) Utilize term *sunnah* for indicate to Prophet's deeds without enclose text *hadīth* (*matan*) and *sanad*. A cause is the *hadīth* be familiar. Causes by inappropriate resources in his studies, in scientific aspect Schacht's studies is falling wide the mark.

Azami's response to the system of *isnad*. He cited that in evaluating *isnad* system, we have to make sure its position in Islam. Belief that *hadits* has a force of law based from the Al-Quran orders. Those *hadits'* came to us through the chain of transmitter (*isnad*). So *isnad* system is the basic thing of Islamic belief. Sufyan al- Tsauri said: "*isnad* is the weapon of a believer, if he doesn't have any weapon, how could he make war?". Ibn al-Mubarak also said: "*isnad* is a part of the religion, if there were no *isnad*, everyone could report what he want to report".[104]

According to azami, origin of *isnad* is that *isnad* was used casually in some literatures in pre-islamic period in a vague manner, without attaching importance to it. The *isnad* system was also used to some extent in some transmitting pre-Islamic poetry. But it was in the *hadits* literature that its importance culminated till it was counted as part of the religion.[105] The *isnad* was used to the full for documenting the *hadits* literature. The *sunnah* of the Prophet being a basic legal

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[104]Azami, *Menguji...*, 223.
[105]Muslim Ibn al-Hajjaj, *al-Jami' al-Shahih*, introduction (Beirut: Dar al-Afaq al-Jadidah), 14-16.

source, it was natural to deal with these documents with utmost care. Thus with the introduction of the *isnad*, a unique science *ilm al-jarh wa al-ta'dil* came into existence for the evaluation of *isnad* and *hadits'*.

It was the common practice among the Companions – even in the life of the Prophet – to transmit the *hadits'* of the Prophet, when they saw each other. Some of them had even made special arrangements to attend the Prophet circle in shifts and to inform each other what they had heard and seen in the presence of the Prophet.

Naturally in informing their fellows they would have used sentences like: "the Prophet did such and such or the Prophet said so and so". It is also natural that one of them who had gained knowledge at second hand, while reporting the incident to a third man, might have disclosed his sources of information and might have given the full account of the incident. There are ample references of this kind in the *hadits* literature. One of them is quoted here: Dimaam ibn Tsa'labah came to the Prophet and said to him: " Muhammad, your messenger came to us and told us..."[106] These methods which were used in the early days for the diffusion of the *sunnah* of the Prophet gave birth to *isnad*, and this was the rudimentary beginning of the system. In this regard, Ibn Sirrin would be helpful. He said: "they did not ask about the *isnad*, but when civil war –*fitnah*– arose, they said; name to us your men, those who belong to *ahl al-sunnah*, their

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[106] *Ibid*, iman, 10.

*hadits'* were accepted and those who were innovators their *hadits'* were neglected.[107]

This gives the impression that the *isnad* was used even before the *fitnah*, but the narrators were not so perfect in applying it. Sometimes they employed it and at others neglected it. After the civil war they became more cautious and began to enquire about the sources of information and scrutinized them. At the end of the first century, the science of *isnad* was fully developed. Shu'bah used to watch the lips of Qataadah, in the lecture, to discriminate between his first and second hand information. There are ample references to asking and enquiring about the *isnad* in the first century of the Hijrah.[108]

Further Azami gave a detail of the proliferation of *isnads*. He cited that it is common phenomenon of *isnad* system that as we go in time the number of transmitters increases. Sometimes a *hadits* transmitted by one Companion acquires ten students in the next generation, in the class of successors, and in turn these ten students have in cases twenty or thirty students belonging to difference countries and provinces. Here is the example how the *isnad* proliferated:

> Abu Hurairah reported that Rasulullah PBUH said: "when anyone amongst you wakes up from sleep, he must not put his hand in a utensil till he has washed it three times, for he doesn't know where his hand during sleep."[109]

At least thirteen students of Abu Hurairah transmitted this *hadits* from him. 8 of them were from Madinah, 1 was from Kufah, 2 from Basrah, 1 from Yemen,

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[107] *Ibid.*, 15.
[108] Azami, *Studies...*, 32-33.
[109] *Ibid.*, 34.

and 1 from Syria. There are sixteen scholars who transmitted this *hadits* from the students of Abu Hurairah. 6 of 16 were from Madinah, 4 from Basrah, 2 from Kufah, 1 from Mecca, 1 from Yemen, 1 from Khurasan, 1 from Hims (Syria).

The other *Hadīth* is :

حدثنا عبد الغزيز بن المختار قال حدثنا سهيل بن أبي صالح عن ابيه عن ابي هريرة رضي الله عنه أن النبي صلى الله عليه و سلم قال:

انما الإمام ليؤتم به إذا كبر فكبروا، و إذا ركع فاركعوا، و إذا قال سمع الله لمن حمده فقولوا: اللهم ربنا لك الحمد، و إذا سجد فاسجدوا

ولا تسجدوا حتى يسجد، و إذا رفع فارفعوا ولا ترفعوا حتى يرفع، وإذا صلى قاعدا فصلوا قعودا أجمعون.

Abu Huraira reported the Prophet saying: "the imam ought to be followed. So recite *takbir* when he recite, and bow down when he bows down. And when he says سمع الله لمن حمده, say اللهم ربنا لك الحمد. And when he prostates you should prostate. You must not prostate till he prostates. When he raises his head you should raise yours, you must not raise your head till he raises. If he prays sitting, all of you should pray sitting."[110]

This *hadits* is reported by twenty six generation authorities, all of whom trace the origins of their knowledge to Companions of the Prophet. It found almost in the same form or in the same meaning in all versions in ten different locations at this time (Madinah, Makka, Egypt, Hims, Yemen, Kufah, Syria, wasith, and Thaif). Three of the twenty six authorities heard it from more than one source.

The course of transmission from only one of the Companions-Abu Hurairah-shows clearly how the number of transmitters increased from generation to generation and how the *hadits* became known in widely different locations. Abu Hurairah had at least seven students who transmitted this *hadits* from him. Four

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[110] *Ibid,* 34-35.

of these belong to Madinah, two to Egypt, and one to Yemen. These students in turn transmitted to at least two others- five from Madinah, two from Makka, one each from Syria, Kufah, Thaif, Egypt, and Yemen.

Similar pattern of transmission from the other Companions shows how the *hadits* spread wider- to Basrah, Hims, and Wasith-and reinforced the *hadits* in Madinah, Makkah, Kufah, Egypt, and Syria.[111] It shows how easy it was for *hadits* knowledge to spread throughout the Islamic world, and how the number of transmitters, in most cases, increase in each generation.

Further down the chain, the number of narrators increases and localities spread even further into different provinces. The flourishing of *isnad* and diffusion of *ahadits* in this way made it easy to check the faults of the scholars, or any forgery that was committed. This proves the early existence of the *isnad* system and shows how impossible it would have been to fabricate *isnad* in this large scale.

Azami also answered Schacht's conclusion that the family *isnads* and the material contents of those were all false. Schacht mentioned in his *Origins*:

> There are numerous traditions which claim an additional guarantee of soundness by representing themselves as transmitted among members of one family, for instance, from father to son (or grandson), from aunt to nephew, or from master to freedman. Whenever we come to analyze them, we find these family traditionsspurious, and we are justified in considering the existence of family *isnad* not an indication of authenticity, but only a device for securing its appearance.[112]

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[111] *Ibid.*, 36.
[112] Schacht, *The Origins...*, 172.

Azami said in responding to this statement that many scholars agreed with the view that not all of the family *isnads* are authentic, as clearly from their biographical works. But we should not be in deep rejection. If the statement of a father on his son, or just the opposite, the statement of a wife on his husband, or statement of a friend on his friend can not always be accepted, then how can one write a biography without those informations. The early scholars had researched this kind of family *isnads*, and they rejected the doubtful *isnads* and *hadits*.

## 2.(a). The Projecting Back Theory

To critisize the theory, Azami researched the classic manuscripts of *hadits* nabawi. One of them is manuscript of Suhail ibn Abu Shalih (d. 138 H). This manuscript contains 49 *hadits'*. Azami researched the transmitters of the *hadits* from Prophet Muhammad PBUH to Abu Hurairah to Abu Shalih, which was the student of Abu Hurairah, and then to his son Suhail (the third level). He proved that the transmitter of this level (*thabaqat al-tsalitsah*) reached between 20-30 people. Meanwhile, they didn't live in one place but they were dispersed all over India, Morocco, Turkey, and Yemen. And the texts of the *hadits* they transmitted were definitely same.

Azami concluded that it is really impossible for them to gather and make a counterfeit *hadits* at the same time. Azami also criticized the study of Schacht which used the *fiqh* books as object of study. According to his opinion, *hadits* literatures and *fiqh* literatures have their own different characteristics. Therefore,

researching *hadits* in the *fiqh* literatures is not proper; researching *hadits* must be from the *hadits* literatures.[113]

According to Azami, Schacht had researched the books like al-Muwattha' of Imam Malik, al-Muwattha' of Muhammad al-Syaibani, al-Umm of al-Shafi'i. Azami cited that those books appropriately called the law books than the *hadits* books. Schacht had generalized his study of those books to the *hadits* books, he made as if there is no differences between the method of law and *hadits* books. The *fiqh* scholars did not have to mention the complete information on the source of the doctrine.

In answering Schacht's argument on the making of *isnad* that (according to Schacht) put very carelessly by the persons who wanted to project their doctrines to the classic sources, Azami analyzed the examples of the alternative projection to generation before Malik. Those alternative persons that Schacht cited are:  a. Nafi' and Salim

b. Nafi' and 'Abdullah ibn Dinar

c. Nafi' and Zuhri

d. Yahya ibn Sa'id and 'Abdullah ibn 'Umar 'Umari

e. Yahya ibn Sa'id and Rabi'ah

f. Muhammad ibn 'Amr ibn Hazm and Abu Bakr ibn 'Amr ibn Hazm.

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[113]Azami, *Studies...*, 398.

Those names are cited in Muwattha'. Unfortunately, Schacht did not give any indication or evidence that the transmission of the original classic doctrine was impossible. Azami made assumed some possibilities on it. Are those persons were really not exist? Did those persons not have any opportunity to learn the doctrine from the same or even different scholars. Is the content of the *hadits* was impossible to be in that era. Azami then answered that they all are exist in the history. He also gave detail information on those persons. All of them were in the same generation and lived in the same town in about 30-40 years. So there is no impossibility in it.

Here one of the persons that Azami cited in detail and proved that they were really exits. Schacht did not cited any *hadits* from Nafi' and Salim, so Azami proved that both scholars had opportunity to learn from the common source. Their relation to Ibn 'Umar was documented well. According to al-Dzahabi, Nafi' was a servant for more than 30 years then Ibn 'Umar set him free. Data also shows that he died in Madinah in 117 H.[114] Salim is son of Ibn 'Umar. He died in 106 H, 32 years after his father's death.[115] He was a popular scholar in the end of the first century in Madinah. Both of them were in the same city, even in the same home for about 30-40 years. Both of them have a great opportunity to learn from Ibn 'Umar.[116]

## 2.(b) The Common Link Theory

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[114]Ibn Hajar al-'Asqolaniy, *Tahdzib al-Tahdzib*, X (Beirut: Dar al-Fikr, 1995) 414.
[115]*Ibid*, VI, 280.
[116]Azami, *Menguji...*, 238.

Commanlink is transmitter who hears something from (seldom more than) one authority and passed it on to a number of pupils (*murid*), most of them pass it on in their turn to two or more of their pupils. The more transmission lines come together in one transmitter, either reaching him or going away from him, the more this transmitter and his transmission have a claim to historicity.[117]

There is protest from Azami to the typical example of the phenomenon of comman link that is transmitter occurs in asy-Syafi'i's creation *Ikhtilaf al-Hadith.* From the example of diagram comman link, Schacht want to describe that Amr get *hadith* from three teachers( Mutholib, mention by twice, man from Bani Salamah), Schacht misunderstanding tobook *Ikhtilaf* al-hadith. Asy-Syafi'i's object is compare three Amr's students and blame Abd al-Aziz that teacher of Amr is from Bani Salamah. And the true is Amr get the *hadith* through with Sigle strand. That is Mutholib - Jabir – Prophet.

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           Prophet
              |
            Jabir
              |
           Mutholib
              |
             Amr
        ┌─────┼─────┐
  Abd al-Azis  Ibrahim  Sulaiman
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[117] G.H. Junboll, *Early Islamic Society....153*

## 2.(c) The E Silentio Theory

> "The best way of proving that a tradition did not exist at a certain time is to show that it was not used as a legal argument in a discussion which would have made reference to it imperative, if it had existed".[118]

Even a casual reading of the *Origins* makes it evident that Schacht's "methodical rule" and his line of argumentation are highly sweeping. In Zafar Ishaq Ansari's opinion it would seem altogether unreasonable to claim validity for Schacht's argument unless he was to make the following assumptions:

1) That during the first two centuries of Islam whenever legal doctrines were recorded, their supporting arguments, especially the traditions, were also consistently mentioned.

2) That the traditions known to a jurist (or traditionist) would necessarily have been known to all the other jurists (and traditionists) of his time.

3) That all the traditions which were "in circulation" at a particular period of time were duly recorded, were widely publicised and were subsequently preserved so that if we fail to find a tradition in the works of a known scholar that is tantamount to its non-existence in his time – in his own region as well as elsewhere in the realm of Islam.[119]

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[118] Schacht, *The Origins...*,140
[119] Zafar Ishaq Ansari, *The Authenticity of Traditions:A critique of Joseph Schacht's Argument e Silentio,...*,53

# CHAPTER V

# CLOSING

## A. CONCLUSION.

In order to answer what reveal in the statement of problem, here is the conclutions of study:

1. Schacht has dealt with the legal traditions and their development. In his opinions *isnād* the most arbitrary part of traditions. They were developed within certain groups who traced back their doctrines to early authorities. To standing his statement, Schascht have produced three theories, which are Projecting back, Common Link, and E Silentio.

2. According Muslim scholar (Muhaddithin) Schacht's studies is not success, the reason are:

   a) Resource: Schacht takes al-Muwattha' of Imam Malik, al-Muwattha' of Muhammad al-Syaibani, al-Umm and ar-Risalah of al-Shafi'I to be references in his studies. There is difference crop in his study hadīth.

   b) Methodology: Schacht never use comparative methodology in his studies, compare with Qur'an which is one topic, although with other Muslim Scholar (document and declaration).

## 3. SUGGESTION

The *Hadith* regulates the life of a Muslim. The Qur'an contains cannot details of many of the duties of the Muslim, and the *Hadith* filled in the gap by providing the details. Thus, the authenticity of *Hadith* is among the crucial themes in Islamic discourse.

At last but not least the writer see that the collecting and the analysis data in this research is not perfect exactly. The writer hopes the next researcher can continue this research perfectly. The writer does hope advices and suggestions from the riders to get perfect understanding in the *Hadith* command. May God always bless us, and make us as good creations that always do His order.

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