

# The authenticity of Prophetic Hadith: A Pseudo-problem

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The most central problem associated with Prophetic *hadith* has undoubtedly been their authenticity. This issue occupied Muslim specialists since the early classical period, and has continued to command the intense attention of western scholars since the middle of the last century. Gustav Well was one of the first, if not the first, to suggest, as early as 1848, that a substantial bulk of the *hadith* should be regarded as spurious <sup>(1)</sup>. In 1861, Aloys Sprenger in effect argued the same point <sup>(2)</sup>. But it was Ignaz Goldziher who inaugurated the critical study of the *hadith's* authenticity. Concerned with the early evolution of Islamic dogma and theology, Goldziher concluded that the great majority of the Prophetic *hadith* constitute evidence not of the Prophet's time to which they claim to belong, but rather of much later periods <sup>(3)</sup>. Goldziher's critical approach to *hadith* was taken further, and indeed refined, by Joseph Schacht who insisted that insofar as legal *hadith* are concerned, they must be assumed fictitious until the contrary is proven <sup>(4)</sup>.

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<sup>(1)</sup> *Geschichte der Chalipben*, 5 vols. (Mannheim; Friedrcht Bassermann, 1846-62), II, 289 ff.

<sup>(2)</sup> *Das Leben und die Lehre des Mohammad*, 3 vols. (Berlin; Nicolalsche Verlagsbuchhandlung, 1861-5), III, Ixxvii-civ; idem, "On the Origin of Writing Down Historical records among the Muslims; *Journal of the Asiatic Society of the Bengal*, 25 (1856); 303-29, 375-81.

<sup>(3)</sup> *Muslim Studies*, ed. S.M. Stern, trans. C.R. Barber and S.M. Stern, 2 vols. (London: George Allen and Irwin, 1971), II, 1989 ff., 126 ff. For a summary of Goldziher's position, see James Robson, "Muslim Tradition: The Question of Authenticity," *Memoirs and Proceedings, Manchester Literary and Philosophical Society*, 93, 7 (1951-2): 84-102, at 94 ff.

<sup>(4)</sup> *The Origins of Muhammadan Jurisprudence* (Oxford: Clarendon Press, 1950).

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Since Schacht published his monumental work in 1950, scholarly discourse on this matter has proliferated. Three camps of scholars may be identified: one attempting to reconfirm his conclusions, and at times going beyond them; another endeavouring to refute them; and a third seeking to create a middle, perhaps synthesized, position between the first two. Among others <sup>(5)</sup>, John Wansbrough <sup>(6)</sup>, and Michael Cook <sup>(7)</sup> belong to the first camp, while Nabia Abbott <sup>(8)</sup>, E Sezgin <sup>(9)</sup>, M. Azami <sup>(10)</sup>, Gregor Schoeler <sup>(11)</sup> and Johann Fuck <sup>(12)</sup> belong to the second. HamId Motzki <sup>(13)</sup>, D. Santillana. <sup>(14)</sup>, G.H. Juynboll <sup>(15)</sup>, Fazlur Rahman <sup>(16)</sup> and James Robson <sup>(17)</sup> take the middle position.

Despite significant differences in the methodologies and assumptions of these scholars, even within one and the same camp, and despite the fact that not all of them dealt with the problem of authenticity for its own sake <sup>(18)</sup> they all shall one fundamental assumption, namely, that

(<sup>5</sup>) See: n. 19, below.

(<sup>6</sup>) *Qur'anic Studies: Sources and Methods of Scriptural Interpretation* (Oxford: Oxford University Press, 1977).

(<sup>7</sup>) *Early Muslim Dogma: A Source-Critical Study* (Cambridge: Cambridge University Press, 1981)

(<sup>8</sup>) *Studies in Arabic Literary Papyrus, II: Qur'anic Commentary and Tradition* (Chicago: The University of Chicago Press, 1967), 7 ff.

(<sup>9</sup>) *Geschichte des arabischen Schrifttums, Band I: Qur'anwissenschaften, Hadith, Geschichte, Fiqh, Dogmatik, Mystik bis ca. 403 H.* (Leiden: E.J. Brill, 1967), 53 ff.

(<sup>10</sup>) *On Schacht's Origins of Muhammadan Jurisprudence* (Riyadh: King Saud University, 1985); idem, *Studies in Hadith Methodology and Literature* (Repr., Indianapolis: American Trust Publications, 1992)

(<sup>11</sup>) "Die Frage der schriftlichen oder mündlichen Überlieferung der Wissenschaften im frühen Islam," *Der Islam*, 62 (1985): 201-30; idem, "Weiteres zur Frage der schriftlichen oder mündlichen Überlieferung der Wissenschaften im Islam," *Der Islam*, 66 (1989): 38-67; idem, "Mündliche Thora und Hadith: Überlieferung, Scheiberbot, Redaktion," *Der Islam*, 66 (1989); idem, "Schreiben und Veröffentlichen: Zu Verwendung und Funktion der Schrift in den ersten islamischen Jahrhunderten", *Der Islam*, 69 (1992): 1-43.

(<sup>12</sup>) "Die Rolle des Traditionalismus im Islam", *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, 93 (1939): 1-32. For a summary of Fuck's position, see Robson, "Muslim Tradition", 96-8.

(<sup>13</sup>) *Die Anfänge der islamischen Jurisprudenz: Ihre Entwicklung in Mekka bis zur Mitte des 2/8. J. abrbunderts* (Stuttgart: Franz Steiner, 1991); idem, "Quo vadis Hadith-Forschung, Eine kritische Untersuchung von G.H.A. Juynboll: 'Nafi' the mawla of Ibn Umar, and his position in Muslim hadith Literature," *Der Islam*, 73 (1996): 40-80; idem, "The Musannaf of 'Abd al-Razzaq al-an'ani as a Source of Authentic Ahadith of the First Century A.H.," *Journal of Near Eastern Studies*, 50 (1991): 1-21; idem, "Der Fiqh des Zuhri: Die Quellenproblematik", *Der Islam*, 68 (1991): 1-44.

(<sup>14</sup>) For Santillana's position, see Robson, "Muslim Tradition", 95.

(<sup>15</sup>) *Muslim Tradition: Studies in Chronology, Provenance and Authorship of Early Hadith* (Cambridge University Press, 1983).

(<sup>16</sup>) *Islam* (Chicago and London: University of Chicago Press, 1979), 43 ff; Idem, *Islamic Methodology in History* (Karachi: Central Institute of Islamic Research, 1965), 1-24, 27-82.

(<sup>17</sup>) "Muslim Tradition", 84-102; Idem, "Tradition: Investigation and Classification", *Muslim World*, 41 (1951): 98-112; idem, "The *isnad* in Muslim Tradition", *Transactions of the Glasgow University Oriental Society*, 15 (1953-4): 15-26.

(<sup>18</sup>) Admittedly, a number of historians subjected *hadith* to the same historiographical apparatus they applied to other types of historical narrative, thus circumventing the issue of authenticity altogether. Although in practical terms their approach is the desideratum, the problem remains, theoretically and epistemologically, unsolved.

the early and medieval Muslim scholars espoused the view that the Prophetic *hadith* literature is substantially genuine, and that despite the relatively large scale forgery that took place in the early period, the literature, at least as it came to be constituted in the six so-called canonical collections, has been successfully salvaged and finally proven to be authentic. It is only against this backdrop of traditional religious assumptions that the modern controversy can make any sense. For if the mainstream traditional scholarship was perceived not to have made claims for the authenticity of *hadith* there would be little, if anything, to argue against. In fact, if these were not the perceived traditional claims, there would have been no controversy to begin with, since the issue would in no way pose a problem.

One would expect that before any ink had been spilt (<sup>19</sup>), it would have been a fundamental requirement first to define the traditional Muslim position with regard to this specific question. If mainstream Muslim scholarship considered the *hadith* literature: to be a true representation of the actual words of the Prophet, then by what epistemological yardstick did they measure the veracity of that literature? Furthermore, we should have asked - before Goldziher, Schacht, and their like began to expend so much scholarly energy in treating the matter - how the traditional

Muslim criteria for judging the authenticity of the *Hadith* tally with, or more importantly, epistemologically differ from our modern critical and scholarly criteria. In this short essay, I argue that the scholarly output concerned with authenticity since Well raised the issue a century and a half ago is largely, if not totally, pointless.

I have no new evidence to add to the massive repertoire of existing material, and nothing in my methodology here is unconventional. In fact, I shall - insofar as an author can minimize the divide between his sources and his reader - let the traditional position speak for itself. Once that position is clarified and defined, we will be able to conclude that traditional Muslim scholars have already solved the problem for us, and that we have needlessly expended much scholarly effort because we have not listened carefully to what these scholars have for so long been telling us.

<sup>(19)</sup> The secondary literature dealing with the problem of authenticity is massive, and the contributors to the debate mentioned in nn. 1-17 are only among the most obvious. In the west, there are several others who wrote on the problem; in the Muslim world, the list of contributors to the debate, see James Robson, "Hadith", *Encyclopedia of Islam*, New Edition, III (Leiden: E.J. Brill, 1979), 28.

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The evidence of my argument is derived from a familiar field of Islamic traditional discourse, a field that has escaped the attention of modern *hadith* scholarship. This is legal methodology, properly known as *usul al-fiqh*. In this methodology, Prophetic *hadith* is treated from a number of perspectives, but what concerns us here is the perspective of epistemology which seeks to order the types of *hadith* on a spectrum that ranges from the dubious to the certain, by way of the central category of the probable. Setting, for obvious reasons, the dubious aside, legal methodology acknowledges two categories, *khbar al-wahid* (or the *ahad*) and the *mutawatir* <sup>(20)</sup>. Because of the modalities through which they are transmitted, the contents of the former are known only with probability, the latter with certainty <sup>(21)</sup>.

In the following paragraphs, we shall define the two categories in terms of epistemology. It is a curiosity of legal methodology - a curiosity whose explanation is irrelevant here - that the *ahad* is defined in terms of the *mutawatir*; that is, the *ahad* can be identified and known only in terms of what the *mutawatir* is not <sup>(22)</sup>. If this is the case, then what is the *mutawatir*? The common, and indeed indisputable, definition of this type of *hadith* is that it is any report that reaches us through textually identical <sup>(23)</sup> channels of transmission which are sufficiently numerous as to preclude any possibility of collaboration on a forgery. The persons who witnessed the Prophet saying or doing a particular thing, or merely approving an act or event tacitly, had to have been sure of what they observed, and their knowledge of what they witnessed must have been based on sensory perception (*mahsus*) <sup>(24)</sup>. For the

<sup>(20)</sup> One jurist, for instance, stated the matter in unequivocal terms: "Reports are either *tawatur* or *ahad*. There is no third (category)" (*al-akhbar imma tawatur aw ahad, la thalitha lahuma*). See Ahmad b. Qasim al-Abbadī, *al-Sharh al-Kabir 'ala al-Waraqat*, ed. Sayyid 'Abd al-'Aziz and 'Abd Allah Rabi, 2 vols. (Madina (?): *Mu'assasat Qurtuba*, 1995), II, 403. Another jurist noted that there is no middle category between the two. See Muhammad Amin Amir Badishah, *Taysir al-Tahrir: Sharh 'ala Kitab al-Tahrir*, 3 vols. (Mecca: Dal al-Baz, 1983), III, 37.

<sup>(21)</sup> 'Ali b. Amr Ibn al-Qassar, *al-Muqaddima fi al-Usul*, ed. Muhammad Sulaymani (Beirut: Dar al-Gharb al-Islami, 1996), 65-6, 69.

<sup>(22)</sup> Muhammad b. Al i al-Tahanawi, *Kashshaf Istilahat al-Funun*, 2 vols. (Calcutta: W. N. Leeds' Press, 1862), II, 1463.

<sup>(23)</sup> Meaning that all instances of transmission must be identical in their language (*lafz*). Hence the name *al-tawatur al-lafzi* which is given to this type of *hadith* in order to distinguish it from *al-tawatur al-ma'nawi* (to be discussed below).

<sup>(24)</sup> Shihab al-Din al-Qarafi, *Sharh Tanqih al-Fusul fi Ikhtisar al-Mahsul fi al-Usul*, ed. Taha 'Abd al-Ra'uf Sa'd (Cairo: Maktabat al-Kulliyat al-Azhariyya, 1973), 349; Muhammad b. al-Husayn al-Farra al-Baghdadi, *al-Udda fi Usul al-Fiqh*, ed. Ahmad al-Mubarakī, 3 vols. (Beirut: Mu'sassasat al-Risala, 1400/1980), III, 848; W.B. Hallaq, "On Inductive Corroboration, Probability and Certainty in Sunni Legal Thought", in Nicholas Heer, ed., *Islamic Law and Jurisprudence: Studies in Honor of Farhat J. Ziadeh* (Seattle and London: University of Washington Press, 1990): 10 ff.; Bernard Weiss, "Knowledge of the Past: The Theory of *Tawatur* According to Ghazali", 61 (1985): 88 ff.

*hadith* to attain the level of certainty, these conditions must obtain at all stages of transmission, from the first tier to the last <sup>(25)</sup>.

A great majority of Muslim legal theoreticians (*usuuliyyun*) espoused the view that the *mutawatir* yields necessary or immediate knowledge (*daruri*), whereas a minority thought that the information contained in such reports can be known through mediate or acquired knowledge (*muktasab* or *nazari*) <sup>(26)</sup>. In contradistinction to mediate knowledge, where by definition inference is the means of its acquisition, necessary knowledge is neither inferred nor does it allow for any mental or intellectual reflection. It is directly imposed upon the intellect without any awareness of the process through which knowledge obtained in the mind <sup>(27)</sup>. When a person hears a *hadith* narrated by one transmitter, he is presumed to have gained only probable knowledge of its contents, and thus of its authenticity. To reach conclusive knowledge, the *hadith* must be heard by this person a sufficient number of times, and each time it must be narrated by a different transmitter. Four or fewer instances of hearing such a *hadith* were deemed insufficient to constitute a *tawatur* transmission, since, the jurists argued, the *qadi* in a court of law must deliberate on the testimony of four witnesses (as well as investigate their moral rectitude) before he renders his verdict. This process of deliberation and reflection precludes the possibility of immediate knowledge obtaining, be it in the case of court-room witnesses or of *hadith* transmission <sup>(28)</sup>.

Some scholars fixed the minimum number of transmissions yielding *tawatur* at five, while others set them variably at 12, 20, 40, 70 or 313, each number being justified by a Qur'anic verse or some religious account <sup>(29)</sup>. The inability to determine, on rational grounds, the minimum number of transmissions required, led Muslim jurists back to the

<sup>(25)</sup> Qarafi, *Sharh*, 349-50; Muhammad Izmiri, *Mir'at al-Usul fi sharh Mirqat al-Wusul*, 2 vols. (Istanbul: n.p., 1884), II, 199. Weiss, "Knowledge of the Past", 88-9.

<sup>(26)</sup> 'Abbadi, *al-Sharh al-Kabir*, II, 392-3. Abu Bakr Ahmad Ibn Sahl al-Sarakhsi, *al-Muharrar fi Usul al-Fiqh*. ed. Salah b. 'Uwayda, 2 vols. (Beirut: Dar al-Kutub al-Ilmiyya, 1996), I, 213, 218 f.

<sup>(27)</sup> W.B. Hallaq. *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997), 37 ff. The Immediate knowledge which the *tawatur* engenders in the intellect eliminates any possibility of inference because the *mahsus*, the original Prophetic event (deeds, words, tacit approval, etc.) perceived by the senses, are directly connected with the comprehension and sense-perception of the hearer. Thus, when one hears a *mutawatir* number or *identical hadiths* transmitted, the knowledge that accumulates therefrom is said to carry with it the actual original experience, as if it were the direct experience of the hearer himself. See Abu Ishaq al-Shirazi, *al-absira fi Usul al-Fiqh*, ed. M. Hasan Haytu (Damascus: Dar al-Fikr, 1980), 291, 293.

<sup>(28)</sup> Abu Bakr al-Baqillani, *Tamhid*, ed. R.J. McCarthy (Beirut: Librarie Orientale, 1957), 384; Qari, *Sharh*, 352; Farra', *Udda*, III, 856; Sayf al-Din al-Amidi, *al-Ihkam fi Usul al-Ahkam*, 3 vols. (Cairo: Matba'at Ali Subay, 1968), I, 230.

<sup>(29)</sup> Amidi, *Ihkam*, I, 229; Imam al-Haramayn al-Juwayni, *al-Burhan*, ed. 'Abd al-Aziz Dib, 2 vols (Cairo: Dar al-Ansar, 1400/1979), I, 569-70; Farra', *Udda*, III, 856-7.

intellect of the hearer as the point of reference for measuring the number of *hadiths* leading to conclusive, immediate knowledge. It turns out that it is the moment at which a person realizes that he is completely certain of the contents of a reported *hadith* which determines the number of transmissions required for that particular instance of transmission, not the other way round; the number may be decided only when immediate and conclusive knowledge has been reached <sup>(30)</sup>.

Now, the *khavar al-ahad* is simply defined as any *hadith* which falls short of meeting the requirements of the *mutawatir* <sup>(31)</sup>. It may be solitary throughout all tiers of its transmission, but it may begin as an *ahad* and later acquire added channels of transmission. If the total number of channels becomes at any tier three, four or even five, and continues to be transmitted through any particular

number of channels, then it becomes known as *mustafid* <sup>(32)</sup>. If, on the other hand, the channels multiply further so as to reach a *tawatur* number, then it becomes known as *mashhur* <sup>(33)</sup>. A number of scholars espoused the view that the *mashhur* and the *mustafid* are identical, in the sense that they are two interchangeable names for any *hadith* that begins as an *ahad* and later acquires added channels of transmission <sup>(34)</sup>. Some Hanafites argued that the *mashhur* yields acquired knowledge, but the general view seems to have been that since all these types originated as *ahads*, they engender only probable knowledge <sup>(35)</sup>. In any event, no *hadith* of the *ahad* category can, by itself, reach the level of *tawatur*; however many channels of transmission it may later acquire.

Probably sometime during the fourth/tenth century, but certainly not before the middle of the third/ninth, a new category of *hadith* was introduced. This category acquired the name *al-tawatur al-ma'nawi*, and we have every reason to believe that it was created in order to solve what was considered to be a formidable problem regarding the issue of

<sup>(30)</sup> Farra', *Udda*, III, 855; Qarafi, *Sharh*, 352; Muwaffaq al-Din Ibn Qudama. *Rawdat al-Nazir wa-Junnat ai-Munazir*; ed. Say al-Din al-Katib (Beirut: Dar al-Katib al-'Arabi. 1372/1952), 89; Fakhr al-Din al-Razi, *Lubab of Isharatt* (Cairo: Matba'at al-Sa'ada, 1355/1936), 27.

It is to be noted that the determination of the *mutawatir* was not in reality as subjective a matter as legal theory makes it to be. The community jurists and traditionists did agree. In the great majority of cases, on which *hadiths* were *mutawatir* and which were not.

<sup>(31)</sup> Tahanawi, *Kashshaf*, II, 1463.

<sup>(32)</sup> Abbadi, *al-Sharh al-Kabir*; II, 404.

<sup>(33)</sup> The jurists differed on the details of such classifications. See Amir Badishah, *Taysir*; III, 37. It is to be noted that some *hadiths* of the *mashhur* type are considered spurious by the traditionists. Ibn Salah observes that there are *hadiths of this type* that "are attributed to the Messenger of God and circulate in the marketplace, but which are fictitious" (*wa hunaka ahadith mashhura taduru 'an Rasul Allah fi al-aswaq laysa laba asl*). See his *Muqaddimat Ibn al-Salah wa Mahasin al-Istilah*, ed. 'Aisha 'Abd al-Rahman (Cairo: Dal al-Ma'arif, 1989), 451.

<sup>(34)</sup> Abbadi, *al-Sharh al-Kabir*, II, 404

<sup>(35)</sup> Amir Badishah. *Taysir*; III, 37.

the authoritativeness of consensus (*hujjiyyat al-ijma'*) <sup>(36)</sup>. Despite the limited use of this type of *tawatur*; it became nonetheless a widely recognized category, standing on equal footing with the regular *mutawatir* (technically known as *tawatur lafzi*) and the *ahad*. This latter type engenders, in terms of the Probability Theory in mathematics, a degree of probability in excess of 0.5 (certainty being 1.0). Now, when two *ahadi hadiths* relayed by different transmitters support a particular point or theme (*ma'na*), their probability together increases. If we assume that two *ahadi hadiths* possess in common a given theme, and the probability of each *hadith* being true is, say, 0.51, then the aggregate probability of their being true is increased to a degree higher than 0.51 but still significantly lower than 1.0. Then a greater number of such *hadith*, all being textually different and all having independent channels of transmission, possess in common the same theme, the knowledge of this theme increases until it finally leads to a degree where it becomes both immediate and conclusive <sup>(37)</sup>.

Now, before discussing the epistemic value of the three types outlined here, we shall do well to assess our own epistemic criteria for accepting historical narrative, since, after all, the issue at stake is whether or not we can take the *hadith* literature to be a true representation of what the Prophet had actually said or done. We have already said that if what Weil, Goldziher, Schacht and their ilk have argued against the *hadith's* authenticity is to make any sense, it must be taken for granted that what they have assumed Muslim scholars to say is that the *hadith* is authentic, namely, that as a whole it represents what the Prophet said or did with certainty. It is inconceivable that these Orientalists would have made such drastic assertions had they understood traditional Muslim scholars to assert the veracity of the *hadith* merely in probabilistic terms. I for one do not believe that Goldziher, for instance, would

have raised such a fuss over the reliability of the *hadith* as a historical source had he understood the traditional scholars to acknowledge that the *hadith's* veracity cannot be known apodictically and that its authenticity can be asserted only in probabilistic terms.

In most instances involving the study of individual hadiths (the total numbering in the tens of thousands) it is frequently difficult to establish that a particular *hadith* represents a later fabrication. But if we are able to cast serious, or even some, doubt about a *hadith's* authenticity, then, as careful historians - which I hope we are - we should either dismiss it entirely or, if it is only mildly problematic, use it in a circumscribed

<sup>(36)</sup> On this, see Wael B. Hallaq, "The Authority of Sunni Consensus", *International Journal of Middle East Studies*, 18 (1986), 427-54.

<sup>(37)</sup> Amidi!, *Ihkam*. I, 232-3; Abu al-Walid b. Khalaf al-Baji, *al-Minhaj fi Tartib al-Hijaj*, ed. 'Abd al-Majid Turki (Paris: Paul Geuthner, 1976), 76; Hallaq, "Inductive Corroboration", 17 ff.

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manner with the full knowledge and awareness that it cannot constitute a reliable source. In either case, it is not to be trusted. We trust only a historical narrative that we believe with assurance to have originated with the event itself, and even then we must guard against "ideological" biases as well as a variety of other potential problems.

In terms of the Probability Theory, any narrative that we think to be equal to 0.51 or less is to be immediately dismissed. Compare this, for instance, with the case of a human birth, where the probability of the infant being a girl is 0.5, since the remaining 0.5 is assigned to the probability of its being a boy. If the probability of a hadith being true (=authentic) is only marginally higher (by 0.01 or even moderately more) than the probability of a certain new born being a girl (or for that matter a boy), then surely we have little reason, if any, to trust such a hadith as a credible historical datum.

In this context, both the *ahad* and the *tawatur al-ma'nawi* fail to survive beyond the test of probability. The *ahad* is admittedly *zanni*, meaning that it engenders in the intellect a probability in the order of 0.51 or higher, but never, even in the most optimistic of circumstances, certainty. It is with this in mind that the Muslim jurists and traditionists readily acknowledged that the *ahad* is subject to mendacity and error, for probability itself is, by definition, liable to falsification <sup>(38)</sup>. If the *ahad* is not to be trusted as a historical source, then *al-tawatur al-ma'nawi* is to be treated precisely in the same manner, for this type of *tawatur* is nothing more than a collection of *hadiths* of the *ahad* type. In fact, it is precisely on these grounds that a number of scholars denied the *mutawatir Iafzi* the status of certainty, although this *tawatur* was universally acknowledged as being epistemically superior to the *ma'nawi* type <sup>(39)</sup>. For our purposes then - and not those of medieval Muslim scholars who associated this concept of *tawatur* with metaphysical and theological postulates - if the particulars are dubious, then the whole is equally so. In due course, we shall see that, in any event, no *ahadith* of the *ma'nawi* type, except for one <sup>(40)</sup>, can

<sup>(38)</sup> Najm al-Din Sulayman al-Tufi, *Sharh Mukhtasar al-Rawda*, ed. 'Abd Allah al-Turki, 3 vols. (Beirut: Mu'assasat al-Risala, 1407/1987), II, 112, 115 (*khobar al-wahid yahtamil al-kadhib*); Abu 'Amr Ibn al-Salah, *Siyarat Sahih Muslim min al-Ikhlal wal-Ghalaj*, ed. Muwaffaq 'Abd al-Qadir (Beirut: Dar al-Gharb al-Islami, 1404/1984), 85 (*al-zann qad yukhti*); Ibn al-Qassar, *muqaddima*, 110 (*khobar al-wahid ... jaza' alayhi al-naskh wal-ghalaj wal-sahw wal-kadhib*) Abu Ali al-Sarakhsi, *Usul* (Beirut: Dar al-Kitab al-Arabi, 1982), 269; [*al-ahad*] *fi-hi ihtimal wa-shubha*".

<sup>(39)</sup> Sarakhsi, *muharrar*, I, 213 ff.

<sup>(40)</sup> Which has the common theme "my community shall never agree upon an error". See Hallaq, "On the Authority of Sunni Consensus", 441 ff. I should note that this *hadith* was not admitted by all jurists as capable of engendering certainty. Fakh al-Din al-Razi and Tufi, for instance, rejected it as less than an apodictic source, and thus incapable of justifying consensus. See his *al-Mahsul fi 'Ilm al-Usul*, 2 vols. (Beirut: Dar al-Kutub al-Ilmiyya, 1988), II 8-47. See also W.B. Hallaq, *Law and Legal Theory in Classical and Medieval Islam* (Ladershot: Variorum, 1994), addendum to VIII.

be said to have survived, assuming that there was more than one in existence <sup>(41)</sup>.

### III

What remains then is the *mutawatir* of the *lafzi* kind, which is productive of immediate and thus certain knowledge. However, before we address this category, we ought to look at another sphere of traditional Muslim discourse generated not by the jurists and legal theoreticians, but by the traditionists (*muhaddithan*) themselves, the *hadith* experts par excellence.

While the linguistic and epistemological study of *hadith* was one of numerous subjects that preoccupied the legal theoreticians, the traditionists' main business was, by definition, exclusively that of the *hadith*. This, in other words, was their specialty. But this shared interest in the *hadith* was virtually the only common denominator between the two groups <sup>(42)</sup>. The legal theoreticians were, in the final analysis, interested in the *hadith* as part of their epistemological enterprise, which was *usul al-Fiqh*. What concerned them in the end was the evaluation of this source, among many other theoretical elements, in terms of the degree to which law as conceived by man is identical or different from that lodged in the mind of God. The higher the probability that a particular *hadith* (on which a ruling is based) was authentic, the closer the jurist came to the Higher Truth of the Law as it pertained to that particular ruling. It was precisely in this epistemic evaluation that the interest of the legal theoretician lay. (And it is precisely here that the interest of the theoreticians coincides with that of modern scholars. Both groups are interested in the authenticity and veracity of *hadith* from an epistemological perspective, despite the differing approaches they adopt in their assessments.)

The interest of the traditionists, on the other hand, lay elsewhere. True, they were interested in the veracity of the *hadith* but from an entirely different vantage point. They studied *hadith* insofar as it leads to what they called '*amal*' <sup>(43)</sup>, that which is based on probability but

<sup>(41)</sup> With the exception of the *hadith* pertaining to the authoritativeness of consensus, I know of no other. See previous note.

<sup>(42)</sup> Works on *hadith* constantly make reference to the distinctly different categories and terms used by the jurists and legal theoreticians. Less often, but frequently enough, the theoreticians make the same reference to the traditionists.

<sup>(43)</sup> See' Abd al-Rahman Ibn Khaldun, *Muqaddima* (Beirut: Dar Ihya al-Turath al-'Arabi, n.d.), 442, who argues that the *hadith* constituting the bulk of the six canonical collections is that which fulfills the requirement of '*amal*'. Undeniably, the consideration of '*amal*' was also important from the legal perspective, but the traditionists laid more stress on it than did the legal theoreticians. who were interested more in the epistemological side of the *hadith*. See' Abbadi, *al-Sharh a/-Kabir*; n, 405; Tufi, *Sharh*, II,112,114.

which is also necessary to constitute the foundations of pious religious practice <sup>(44)</sup>. In other words, unlike the legal theoreticians, they were by no means interested in the probable/certain dichotomy, but rather in any Prophetic material that appeared to them to meet the minimal requirements of "soundness." This is why their first and foremost category of *hadith*, the "*sahih*" (sound), consisted of various types, not the least of which are those *hadiths* which engender mere probability <sup>(45)</sup>. Probably for the same reason, they did not, in their classification of *hadith*, distinguish any category equivalent to the *usuli* type of the *mutawatir*. Ibn al-Salah (d. 643/1245), one of the most distinguished traditionists of the *muta'akhkhirun* <sup>(46)</sup>, explicitly states that in the traditionists' discourse the taxonomy of the *mutawatir* is nowhere to be found; and this, he says, is due to the fact that such *hadiths* do not constitute part of their *riwaya* <sup>(47)</sup>.

It bears some reiteration here that a major criterion of the traditionists (and to some extent of the legal theoreticians) <sup>(48)</sup> was the desideratum of '*amal*' <sup>(49)</sup> that is, religious praxis in all spheres of human life,

praxis that is founded upon a reasonable knowledge of the divinely ordained sources. Certainty concerning the details of human behaviour was considered unattainable, and if conducting and organizing such behaviour were to depend significantly, or even partly, on such an epistemic category, the regulation of human life would become well-nigh impossible<sup>(50)</sup>. For, as one jurist put it, certainty is a rarity in matters of law<sup>(51)</sup> and law regulates an spheres human conduct.

If the *mutawatir* was not part of the traditionists' repertoire of *hadith*, then what they handled were *hadiths* of the *ahad* type, or those even of a weaker sort. The sources, as is well-known, make it quite clear that the traditionists set forth a classical taxonomy which distinguishes between three main types: the *sahih* (sound), the *hasan* (good), and the *da'if* (*weak*)<sup>(52)</sup>. The last two categories may be further distinguished,

<sup>(44)</sup> Ibn al-Qassar, *Muqaddima*. 67-8.

<sup>(45)</sup> Ibn al-Salah, *Muqaddima*. 169-70; Nawawi, *Taqrib*, 23-4.

<sup>(46)</sup> Ibn Khaldun remarks that Ibn al-Salah's writings on *hadith* are the most authoritative among the later Muslim authors (*muta'akkahirun*). See his *muqaddima*, 443.

<sup>(47)</sup> Ibn al-Salah, *Muqaddima*. 453-4.

<sup>(48)</sup> Who are to be distinguished here from *muftis*, *qadis*, and other members of the legal profession that had to deal with, and directly confront the reality of judicial practice. True, the ultimate destination of *usul al-fiqh* was law in a social context, but in order to be elaborated as a *theory* of law, the *usul* lent itself fundamentally and structurally to epistemological distinctions which seemingly obscured, to some extent, its own genuine interest in the social reality of the law.

<sup>(49)</sup> See n. 43, above.

<sup>(50)</sup> 'Abbadī, *al-Sharh al-Kabir*; II, 405; Tufi, *Sharh*, 112, I 14

<sup>(51)</sup> Tufi, *Sharh*, I, 112.

<sup>(52)</sup> The *da'if* is less frequently known as *saqim*. See Ibn al-Salah, *Muqaddima*, 151 ff; James Robson, "Varieties of the Hasan Tradition", *Journal of Semitic Studies*, 6 (1961): 47-61, at 49.

or other types may be added; e.g., *hasan-sahih*, *hasan-gharib*<sup>(53)</sup>. Be that as it may, the *da'if gharib* and other more inferior types do not concern us, for they are admitted by the traditionists themselves to be highly problematic at best and spurious at worst<sup>(54)</sup>.

The *sahih* is defined as having been transmitted in an uninterrupted manner by persons *all of whom*, from the first tier to the last, are known for their just character (*'udul*) and excellent memory (*dabt*)<sup>(55)</sup>. We have already said that not all *hadiths* of this type are of the same quality or strength. At least half a dozen sub-types were distinguished, depending on how they were classified and treated by Bukhari and Muslim, the authors of the two *Sihah*<sup>(56)</sup>. The *hasan*, on the other hand, is a *hadith* transmitted by persons whose character is known to be neither just nor nefarious<sup>(57)</sup>. This type, despite its potential shortcomings, may be acted upon (*yasluh lil amal bi-hi*), but cannot be said to represent anything more than mere probability<sup>(58)</sup>.

It appears that after the fifth/eleventh century, the epistemic value of the *sahih* became a mildly controversial matter among the traditionists - their interest being essentially non-epistemological. Nawawi (d. 676/1277) and Ibn al-Salah seem to have spearheaded the two opposing campaigns. Nawawi unequivocally states that the *sahih* means just that, *sahih*, and does not mean that it is certain."<sup>(59)</sup> He vehemently argued that the majority of Muslim scholars and leading authorities (*al-muhaqqiqun wal-akthartun*) held that unless the *sahih* is of the *mutawatir* category, it shall remain probable and can never attain the level of certainty<sup>(60)</sup>. On the other hand, Bulqini (d. 805/1402) also enlists the authority of a number of scholars on his side and, basing himself on Ibn al-Salah, argues that those *hadiths* of the *sahih* type on which Bukhari and Muslim agreed lead to acquired, certain knowledge (*yaqini nazari*)<sup>(61)</sup>. This knowledge, Ibn al-Salah, maintains, is due to the fact that the community of Muslims has agreed to accept Bukhari's and Muslim's *Sihah* as authoritative, and this agreement amounted in his view to

<sup>(53)</sup> Muhyi al-Din Sharaf al-Din al-Nawawi. *al-Taqrīb wal Taysir li-Ma'rifat Sunan al-Bashir wal-Nadhīr*, ed. 'Abd Allah al-Barudi (Beirut: Dar al-Jinan, 1986), 26; Robson, "Varieties", 48 ff; Ibn Khaldun, *Muqaddima*, 444.

<sup>(54)</sup> Nawawi. *Taqrib*. 24; Muslim. *Sahih*. I, 30; Tufi, *Sharh*, II, 148.

<sup>(55)</sup> Taqi al-Din Ibn Daqiq al-'Id. *al-Iqtirah fi Bayan al-Istilah*, Qahtan al-Duri (Baghdad: Matba'at al-Irshad, 1402/1982), 152; Ibn al-Salah, *Muqaddima*, 151, 152; Tufi, *Sharh*, 148.

<sup>(56)</sup> Ibn al-Salah. *Muqaddima*. 169-70; Nawawi. *Taqrib*. 234.

<sup>(57)</sup> Ibn Daqiq al-'Id. *Iqtirah* 162-3; Tufi. *Sharh*, II, 148.

<sup>(58)</sup> Ibn Daqiq al-'Id. *Iqtirah* 168; Ibn al-Salah, *Muqaddima*, 175.

<sup>(59)</sup> Nawawi. *Taqrib*. 21; "wa-idha qila sahih, fa-hadha ma'nahu - la anna-hu maqtu'un bi-hi".

<sup>(60)</sup> Nawawi. *Taqrib*, 24; Siraj al-Din al-Bulqini. *Mahasin al-Istilah*, printed with Ibn al-Salah's *Muqaddima*, ed., 'Aisha 'Abd al-Rahman (Cairo: Dar al-Ma'arif, 1989), 171-2. In fact, Amir Badishah, *Taysir al-Tahrir*, 37, without making distinctions, generally remarks that probability is the function of the *sahih* and the *hasan*".

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consensus (*ijma'*) which generates certainty <sup>(62)</sup>. It is important to observe here that certainty for Ibn al-Salah does not stem from the modalities by which the *sahih* is transmitted, but is deduced from the extraneous fact that a consensus was concluded on the authoritative choices of Muslim and Bukhari. The implications of ignoring lines of transmission and the character of transmitters as the established criteria of proof in favour of an extraneous method of evaluation are grave. For Ibn al-Salah's position amounts in effect to arguing that the Muslim community, in and by itself, is empowered to legislate, by elevating, for instance, the status of a source of law from a level of probability to certainty. More importantly, his argument, once taken to its logical conclusion, destroys the very foundations of consensus as a source of law, since, as I have shown elsewhere, it traps it in the insoluble quandary of a *petitio principii* <sup>(63)</sup>. It was precisely to avoid this very trap that generation after generation of jurists consecrated their intellectual energies. It must have been in this spirit that the influential scholar Ibn Abd al-Salam (d. 661/1262) reproached Ibn al-Salah, calling his view defective (*radi*) <sup>(64)</sup>. Perhaps the most evincive argument against the fictitious authority bestowed by consensus is Goldziher's insightful statement that " [d]espite this general recognition of the *Sahihan* in Islam, the veneration never went so far as to cause free criticism of the sayings and remarks incorporated in the collections to be considered impermissible or unseemly <sup>(65)</sup>.

The remaining sub-types of the *sahih* (on which Bukhari and Muslim could not agree), as well as those of the *hasan*, are unquestionably considered to be probable, and thus belong to the legal theoreticians' category of the *ahad*. And if we take exception to Ibn al-Salah's claims concerning the *sahih* on which Bukhari and Muslim agreed, then any *non-mutawatir sahih* of this category is also considered, by definition, an *ahad*, falling short of engendering certainty. In favour of this position we can list not only the traditionists who opposed Ibn al-Salah's view, but also all the legal theoreticians and jurists for whom, after all, the entire *hadith* literature was collected, organized and scrutinized. In fact, Shawkani explicitly states that legal rulings may well be constructed on the basis of the *sahih* and the *hasan* because these two categories engender probability, which suffices in legal matters <sup>(66)</sup>.

<sup>(62)</sup> Ibn al-Salah, *Siyanaṭ Sahih Muslim*, 85-7.

<sup>(63)</sup> Hallaq, "On the authoritativeness of Sunni Consensus", 427.54.

<sup>(64)</sup> Dulqini, *Mahasin al-Istilah*, 171-2

<sup>(65)</sup> *Muslim Studies*, II, 236 and the following pages where he substantiates his assertion..

Finally, we turn to the problem of the *mutawatir* which engenders certainty. We recall that Ibn al-Salah himself acknowledged that the traditionists' repertoire of *hadith* does not include this category. But Ibn al-Salah said more. He argued in categorical terms that the *mutawatir* is a rarity (<sup>67</sup>). "He who is asked to produce an example of a *hadith* that is transmitted in a *mutawatir* [fashion] will be exhausted by his search" (<sup>68</sup>). In his own search for such *hadiths*, he could cite only one, presumably narrated by more than a hundred Companions: "He who intentionally lies concerning something I [viz., the Prophet] have said will gain a seat in Hellfire" (<sup>69</sup>). The other *hadith* which he could find that seemingly met the standards of the *mutawatir* was: "Acts are Judged by intentions". However, he acknowledges that although this *hadith* was reportedly narrated by a *mutawatir* number of transmitters, its apodictic manner of transmission occurred in the middle tiers of transmission, not from the outset (<sup>70</sup>).

The later legal theoreticians Ansari (1119/1707) and Ibn ' Abd al-Shakur (1225/1810) accepted the general tenor of Ibn al-Salah's argument about the scarcity of *tawatur*, but seem to think that there are more *hadiths* of this type in existence. Having enumerated, with what seems to be great difficulty, four such *hadiths*, they call upon Ibn ai-Jawzi (d. 598/1201) who is quoted as saying: "I have tracked down the *mutawatir hadiths* and found a number of them." He enumerates six, at least one of which, and probably two, had already been listed by Ansari and Ibn ' Abd al-Shakur (<sup>71</sup>). Thus, a thorough search by a number of the most eminent traditionists and jurists of Islam could yield no more than eight or nine *hadiths* of the *mutawatir* type.

This number may be left to stand only if we admit that all were truly of the *mutawatir* type. However, in his commentary on a passage in Ansari's work, Ibn 'Abd al-Shakur informs his readers that they will encounter yet other such *hadiths* in the later sections of his commentary, including one which speaks of the infallibility of the Muslim com-

(<sup>67</sup>) This should not be taken to contradict his earlier assertions about the apodictic status of the *sahih*. The knowledge engendered by the *mutawatir*, all agreed, was of the immediate type. On the other hand, he held that the *sahih* on which both Bukhari and Muslim agreed was capable of yielding mediate, acquired knowledge.

(<sup>68</sup>) *Muqaddima*, 454; "wa-man su'ila 'an ibrazi mithalin li-dhalika fi-ma yurwa min al-hadith a 'yuha tatallubuhu".

(<sup>69</sup>) *Ibid.* Muhammad b, Nizam al-Din al-Ansari. *Fawatih al-Rahmut*, printed with Ghazali's *Mustasfa*, 2 vols. (Cairo: al-Matba'a al-Amiriyya, 1324/1906), II, 120; "man kadhiba -alayya muta'ammidan fal-yatabawwa' maq'adahu min al-nar".

(<sup>70</sup>) *Muqaddima*, 454; "inna-ma al-a'malu bil-niyyat"..

(<sup>71</sup>) *Fawatih al-Rahmut*, II, 120.

munity (<sup>72</sup>). This suggests that when at least Ibn ' Abd al-Shakur was speaking of *tawatur*; he may not have always meant the *tawatur lafzi* since the *hadith* speaking of the infallibility of the Muslim community is of the *tawatur ma'nawi'* type (<sup>73</sup>). Therefore, it is possible that the total number of *mutawatir hadiths* he cited may even be less than four, with the possible result that the number of such *hadiths in toto* may fall short of even eight or nine.

#### IV

To sum up, western scholarship has concentrated its attention upon an area of traditional Muslim discourse that is not particularly instructive. The traditionist discourse is stated in terms that are largely incongruent with the epistemic evaluation of the *hadith*, an evaluation that is directly relevant and indeed central to the Islamicist paradigm of historical research. If minimal traces of this epistemic interest are to be found in the traditionist discourse, it is because legal theory commanded a measure of attention from the traditionists. The epistemic evaluation of the *hadith* was finely articulated and elaborated by the legal theoreticians and jurists, and it is in this area of traditional discourse that western scholars should have begun their enquiry - if such an enquiry need at all be embarked upon.

The legal theoreticians' classification of the *hadith* into *mutawatir* and *ahad* leaves us with a colossal number of the latter, merely probable type, and less than a dozen of the former, reportedly apodictic, variety. The *ahad*, including the *hasan*, were universally acknowledged to have constituted the bulk of *hadith* with which the traditionists dealt, and on the basis of which the Jurists derived the law<sup>(74)</sup>. The apodictic type was simply inconsiderable. Even if we assume, for the sake of argument, that the *mutawatir hadiths* are more than a dozen, say a score, or even many more<sup>(75)</sup>, the problem of authenticity nevertheless turns out to be

<sup>(72)</sup> *Musallam al-Thubut: Sharh Fawatich al-Rahamut*, printed with Ghazali's *Mustasfa*, 2 vols. (Cairo: al-Matba'a al-Amiriyya, 1324/1906), II, 120-1; See also n. 36, above.

<sup>(73)</sup> In fact, one of the *hadiths* enumerated by Ansari and Ibn 'Abd al-Shakur is that of *al-mash'ala al-khuffayn*, (wiping one's footgear with wet hands), said to be of the *mutawatir ma'nawi* type: 'Abd al-Wahhab Ibn Nasr al-Baghdadi. See his *ijma'*, printed with Ibn al-Qassar, *Muqaddima fi al-...*, ed. Muhammad Sulaymani (Beirut: Dar al-Gharb al-Islami, 1996), 276.

<sup>(74)</sup> Nawawi, *Taqrib*, 24-5; Ibn Daqiq al-Id, *Iqtirah*, 168; 'Abadi, *al-Sharh al-Kabir*; II, 416; Jamal Din Yusuf al-Mizzi, *Tahdhib al-Kamal fi Asma al-Rijal*, ed. Bashshar Ma'ruf, 35 vols. (Beirut: Mu'assasat al-Risala, 1985), I, 171. See also Ibn Abi Shama's critique of the practices of his fellow Shafi'ites whom he charges of employing weak *hadiths* in the construction of law, *Mukhtasar Kitab al-Mu'ammal fi al-Radd ila al-Amr al-Awwal*, printed in *Majmu' al-Rasail* (Cairo: Matba'at Kurdistan, /13281910), 20-1, 36.

<sup>(75)</sup> In his *Qatf al-Azhar al-Mutanathira fi al-Akhbar al-Mutawatira*, which is an abridgment of ...wawa'id al-Mutakuthira, Suyuti collected 88 *hadiths* claimed to have been narrated through ten or

a minor one, involving a minuscule body of Prophetic material that can easily lend itself to our critical apparatus.

Ibn al-Salah's claim that the *sahih* type - on which Bukhari and Muslim agreed - engenders certainty cannot be taken seriously by modern scholars, and this for two reasons: First, the claim was highly controversial among traditional Muslim scholars themselves, having been rejected, for logical and epistemological reasons, by a significant majority. If consensus, which is alleged to elevate the *sahih* to an apodictic level, sanctions the authority of *hadith*, then *hadith* cannot sanction the authority of consensus; for this would entail a circularity of which Muslim scholars were acutely aware. But *hadith* does in reality sanction consensus, especially in light of the widely acknowledged fact that it is the only authoritative text which can. Thus, consensus cannot sanction *hadith*, also a widely accepted conclusion among traditional Muslim intellectuals<sup>(76)</sup>. Second, and more importantly, the claim is theological in nature, fundamentally departing from the criteria of *hadith* evaluation established by the Muslim traditionists themselves. The certainty which the *sahih* yields is not established by means of the modalities of transmission or the quality of rectitude attributed to the transmitters. For instance, it never was the case that the authenticity of an individual *hadith* of the *sahih* category was declared *ab initio* and a *priori* certain just because it belonged to that group of traditions agreed upon by Bukhari and

Muslim. A positive affirmation of authenticity *always* required an investigation of individual *hadiths* insofar as their particular mode of transmission was concerned. When these formal methods of enquiry were applied, Ibn al-salah himself found that the *mutawatir* is virtually non-existent. Rather, what was said to guarantee Ibn al-Salah's apodictic *sahih* was the divine grace metaphysically bestowed upon the Muslim community as a collectivity, not any "scientific" enquiry into the concrete historical and socio-moral context (*'ilm al-rijal*) in which these *hadiths* were transmitted.

It is quite possible that some *hadiths* of the *sahih* type were considered to belong to the *mutawatir* category. What matters, in the final

more channels of transmission. Except for the title itself, nowhere in the manuscript does he qualify these *hadiths* as *mutawatir*. It is noteworthy that Suyuti includes here a number of *hadiths* that were clearly dismissed by more distinguished traditionists as falling to meet the standards of *tawatur*. For instance, "Deeds are judged by intentions" was deemed by Ibn al-Salah as falling short of maintaining a *tawatur* transmission throughout all stages. Similarly, Suyuti includes therein the two *hadiths* relating to the infallibility of the Muslim community and to the wiping of the footgear, which were considered as *tawatur ma'nawi* not *lafzi*. On these see nn. 40, 70, and 73, above. It is also noteworthy that more than 50 of these *hadiths* listed have to do with rituals and matters of belief. See *Qatf al-Azhar*, ms. 2889. Yahuda Section, Garrett Collection, Princeton University. I am grateful to Ms. Annalee Pauls of Princeton University Libraries for her extraordinarily prompt help in making this manuscript available to me.

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<sup>(76)</sup> See n. 36, above.

analysis, is the fact that this last category is quantitatively insignificant, however it may be measured or calculated. It can be easily controlled and investigated. And surely, the modern western debate about authenticity would be considered absurd if its object were to be confined to a handful of such *hadiths*. That the debate was not so confined, and that it dealt in fact with the vast majority of the *hadith* is quite obvious and need not be demonstrated. If both the traditionists and the jurists -the two most important groups in the Study of *hadiths* - have acknowledged the precarious epistemological status of the literature, then we need not squander our energies in arguing about the matter of authenticity. We have been told that except for a score of *hadiths*, the rest engenders probability, and probability, as we know - and as we have also been unambiguously told by our sources - allows for mendacity and error. What more do we want?