

Articulating the Prophetic Authority: Some Notes on the Nature of *Hadīth* Collection in *al-Muwatta* and *Musannaf* Literature

Mengartikulasi Otoritas Kenabian: Beberapa Catatan tentang Watak Koleksi Hadits dalam al-Muwatta dan Literatur Musannaf

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Abstract

This article investigates the early articulation of material that would later be established as *hadīth*, focusing on Mālik b. Anas' (d. 179/795) *al-Muwatta*' in the recension of Yahyā al-Laythī (d. 234/848), 'Abd al-Razzāq al-San'ānī's *al-Musannaf* (d. 211/827), and Ibn Abī Syaibah's *al-Musannaf* (d. 235/849). Through an intellectual-historical approach, it explores how each text articulates its material, the assumptions it makes about prophetic authority, and the salient features of each work. The analysis of these works confirms the well-known pattern that the term *hadīth* in early usage often denotes non-prophetic reports and is hermeneutically distinguished from related categories such as *sunnah* and *'amal* (in the case of *al-Muwatta*). However, it is also notable that embryonic uses of *hadīth* to signify prophetic reports are present albeit in limited cases. The works differ in how they frame prophetic authority. *The Muwatta* privileges embodied practice rooted in the inherited tradition of Madinah rather than narrative transmission. A subsequent reorientation toward prophetic authority emerges as the activity of recording the tradition becomes increasingly text-centered, exemplified by 'Abd al-Razzāq's early trans-regional efforts to record reports during the intensifying codification movement. Ibn Abī Syaibah represents a further development, in which the authority of post-successor jurists becomes increasingly constrained in favor of privileging the first three generations of Muslims. In the later phase, *hadīth* acquires more epistemic significance, increasingly equated with religious knowledge itself, reflecting a trajectory associated with figures such as Ibn Sirīn and Ibn al-Mubārak alongside the growing emphasis on *isnād* authentication. This study is expected to further contribute and further complicate existing scholarship on early *hadīth* literature, particularly regarding its formative period.

Keywords: *Prophetic Authority, al-Muwatta, Musannaf 'Abd al-Razzaq, Musannaf Ibn Abi Syaibah*

Abstrak

Artikel ini mengkaji artikulasi atas materi awal yang kemudian akan dibingkai secara mapan sebagai *hadis*, dengan fokus studi pada *al Muwatta* karya Mālik b. Anas (w. 179/795) dalam riwayat Yahyā al Laythī (w. 234/848), *al Musannaf* karya 'Abd al Razzāq al San'ānī (w. 211/827), dan *Musannaf* karya Ibn Abī Syaibah (w. 235/849). Melalui pendekatan sejarah intelektual, penelitian ini mengeksplorasi bagaimana setiap teks mengonseptualisasikan materi yang dikandungnya, asumsi yang dikonstruksi tentang otoritas Kenabian, dan karakteristik masing-masing karya. Analisis karya-karya ini mengonfirmasi pola yang sudah dikenal bahwa istilah *hadīth* dalam penggunaan awal seringkali merujuk pada riwayat yang tidak besambung kepada Nabi Muhammad dan secara hermeneutis dibedakan dari kategori terkait seperti *sunnah* dan *'amal* (dalam kasus *al-Muwatta*). Meski demikian,



perlu dicatat juga bahwa penggunaan awal *hadīth* untuk merujuk secara eksklusif kepada Nabi juga telah ditemukan dalam kasus yang sangat sedikit. Selanjutnya, terdapat sedikit perbedaan dalam cara memandang otoritas Kenabian dalam karya-karya tersebut. *Al-Muwatta* mengutamakan praktik keagamaan yang menubuh dalam tradisi warisan Madinah daripada narasi riwayat. Pergeseran selanjutnya menuju otoritas Kenabian muncul seiring dengan aktivitas pencatatan tradisi yang semakin berpusat pada teks, seperti upaya awal ‘Abd al-Razzāq untuk mencatat laporan di berbagai wilayah selama gerakan kodifikasi yang semakin intensif. Ibn Abī Syaibah mewakili perkembangan lebih lanjut, di mana otoritas ulama pasca-*tabi’in* semakin dibatasi untuk mengutamakan tiga generasi pertama umat Islam. Dalam kasus terakhir, *hadis* semakin memperoleh makna epistemik yang signifikan, ketika ia dipadankan dengan pengetahuan agama itu sendiri, sesuatu yang mencerminkan pandangan dari tokoh-tokoh seperti Ibn Sirīn dan Ibn al Mubārak, bersamaan dengan penekanan yang semakin besar pada autentikasi *isnād*. Studi ini diharapkan dapat berkontribusi dan bahkan menyelidiki lebih lanjut apa yang telah dieksplorasi sejauh ini dalam studi literatur *hadis*, terutama pada periode awal pembentukannya.

Kata Kunci: Otoritas Kenabian, *al-Muwatta*, *Musannaf ‘Abd al-Razzāq*, *Musannaf Ibn Abi Syaibah*

Introduction

The present article examines some aspects of the constitution of authority embedded in the formative intellectual endeavor to define and preserve (so-called) *hadīth* in Sunni tradition, as reflected in early *hadīth* works. It takes a set of core issues as the center of discussion: how can the forms of authority be identified – and even hierarchized – in the act of preserving traditions in early *hadīth* literature? What do such forms of authority signify for the conceptualization of *hadīth* as reflected in the corpus? Drawing primarily on the key findings in recent scholarship on *hadīth*, this investigation aims to sketch the idea of *hadīth* in its formative period and its significance to the broader endeavor of establishing its technical framework. It is approached particularly through practical use provided by the early *hadīth* collections (*kutub al-hadīth*), rather than through the later theoretical conceptualization by the emerging discourse of *hadīth* sciences (*‘ulūm/mustalah al-hadīth*).

In the historiographical context of *hadīth*, the earliest genres including *muwattāt* and *musannafāt* are crucial to see the initial construction of material that would later be classified as *hadīth* in its established technical framework as “everything attributed to the Prophet Muhammad, whether words, deeds, or tacit approval of something”.¹ The following works are the sources under scrutiny: *al-Muwatta* by Mālik bin Anas (d. 179/ 795) in the recension of Yahyā bin Yahyā al-Laitsī (d.

1 This framework seems to have been established mainly in the study of *hadīth* among Muslims and that of Western scholarship as well. See, for instance, Andreas Gorke, “*Hadīth* between Traditional Muslim Scholarship and Academic Approaches”, in Majid Daneshgar & Aaron W. Hughes (eds) *Deconstructing Islamic Studies* (Massachusetts: Ilex Foundation, 2020), 33; Muhammad Ajjāj al-Khatib, *Usūl al-Hadīth: ‘Ulūmuhū wa Mustalahuhū* (Beirut: Dār al-Fikr, 1981), 27.

234/848),² *Musannaf* of ‘Abd al-Razzāq al-San’ānī (d. 211/827),³ and *Musannaf* of Ibn Abī Syaibah (d. 235/849).⁴ The three works were composed in the formative period of writing the *hadīth* collection during the second and early third century A.H. Representing the early *hadīth* works, they were produced by those whom Ibn Nadīm refers to as *mālikiyyīn* (Māliki-jurists) and *fuqahā’ ashāb al-hadīth* (the traditionist-jurist).⁵

Investigations into the nature of *hadīth* in the early period have been previously initiated, for instance, by Zafar Ishaq Ansari and Adis Duderija. Ansari conducted a semantic analysis of the terms *hadīth*, *sunna*, *ijmā’*, *ra’y/qiyās/istihsān*, prior to the time of al-Syāfi’i (d. 204/820), drawing on the works authored by the scholars of Kufah. Working within the matrix of Islamic jurisprudence, he argues that, in addition to its diverse meanings, *hadīth* has been used since the beginning to refer to the Prophetic traditions.⁶ Complicating previous findings, Adis Duderija formulates the conceptual evolution of *hadīth* and its relationship with *sunna* in the first four centuries of Islam by referring to *hadīth* studies in Western scholarship. For him, the “semantico-contextual” change in the term *hadīth* during those four centuries was influenced by the concept of *sunna* on the one hand, and the development of classical *hadīth* sciences on the other.⁷ While taking Ansari’s initial study on the term *hadīth* and Duderija’s broader investigation as the point of departure, the present article, as we shall see, both confirms many of their conclusions and further complicates the issue under consideration.

In the light of the older discussion, the material examined here belongs to a phase where “sunnaic practices” began to confront and even transform into “prophetic *hadīth*”,⁸ a stage in which this article will also revisit some older narratives. According

2 Malik bin Anas, *al-Muwatta’*, ed. Muhammad Fuad ‘Abd al-Baqi (Beirut: Dār Ihya al-Turats al-‘Arabi, 1985) in Two Volumes.

3 ‘Abd al-Razzāq al-San’ānī, *Musannaf ‘Abd al-Razzāq* (Beirut: al-Maktab al-Islāmi, 1983).

4 Ibn Abī Syaibah, *al-Musannaf* (Riyād: Dar Kunuz Isybiliyya, 2015).

5 Ibn Nadīm classifies the jurists of his time as follows; (1) *Mālikiyyīn*, (2) *Abī Hanīfah wa Ashābihi/Ashāb al-Ra’yī*, (3) *al-Syāfi’i wa Ashābihi*, (4) *Dāwūd wa Ashābihi*, (5) *Fuqahā’ al-Syī’ah*, (6) *Fuqahā’ Ashāb al-Hadīs*, (7) *al-Tabarī wa Ashābihi*, and (8) *Fuqāha al-Syirah*. See Ibn Nadīm, *al-Fihrist* (Beirut: Dar al-Ma’rifah, nd.), 280-329.

6 Zafar Ishaq Ansari, “Islamic juristic terminology before Šāfi’i: a semantic analysis with special reference to Kūfa”, *Arabica*, T. 19, Fasc. 3 (Oct., 1972).

7 Adis Duderija, “Evolution in the Canonical Sunni *Hadīth* Body of Literature and the Concept of an Authentic *Hadīth* During the Formative Period of Islamic Thought as Based on Recent Western Scholarship”, *Arab Law Quarterly*, Vol. 23, No. 4 (2009); Adis Duderija, “Evolution in the Concept of Sunnah during the First Four Generations of Muslims in Relation to the Development of the Concept of an Authentic *Hadīth* as Based on Recent Western Scholarship”, *Arab Law Quarterly*, Vol. 26, No. 4 (2012).

8 See Fazlur Rahman, “Living Sunnah and Al-Sunnah Wa’l Jamā’ah”, in P.K. Koya (ed.) *Hadīth and Sunnah: Ideals and Realities* (Lahore: National Book Service, nd.), 129-189.; Wael B. Hallaq, *The Origins and*

to Duderija, *hadīth* did not emerge as something significant until the end of the first century and the beginning of the second century, when journeys (*riḥlah*) in search of religious knowledge began to be undertaken. He concludes that in this phase (the period of the successors up to 130 H), *hadīth* were “still going back to the Companions and Ṭābiʿīn rather than to the Prophet himself and has an incomplete chain of transmission”.⁹ However, this assertion remains open to discussion when the works of Maʿmar bin Rasyīd (d. 153) and Ibn Mubārak (d. 181), alongside the early *musnad* such as that attributed to al-Tayālīsī (d. 204) are taken into account. These materials provide evidence that the continuity of *isnād* transmission back to the Prophet was already being articulated in a more explicit form.

Duderija’s important remark in this phase is the emerging process of *traditionalisation* throughout 2nd century. This development was a precondition for the dynamics in the subsequent phase which applies to the three works under scrutiny in the present article. This process brought about several consequences including the continued growth and spread of *hadīth*, due to the “gradual shift in the formulation, preservation, and transmission of knowledge from the oral to the written mode in general”.¹⁰ An additional implication of this shift is that the authority of transmitted material increasingly came to depend on its text-based material and the reliability of its *isnād*, rather than solely on regional communal practice.

Delving into the aforementioned texts, this study will attempt to explain what might be called the articulation of the prophetic authority in the latter part of 2nd century and the beginning of 3rd century through the lens of intellectual-historical perspective. Rather than describing a fixed or fully defined concept, the articulation in this case refers to something that is gradually revealed, negotiated, and shaped through various discourses. Hence, it will examine relevant material in the works under study to find possible answers to several questions that have been raised previously. By tracing how these works articulate prophetic authority in different ways, this article aims to highlight the common idea as well as the conceptual fluidity that characterized the formative period of *hadīth* literature.

The Rise of Classified *Hadīth* Collection: *Tasnīf*, *Muwatta* and *Muṣannaf*

Historians of early Islam have long been interested in identifying the earliest figures who “authored” books (*aṣṣawlu man ṣannaḥa al-kutub*). Several Arabic

Evolution of Islamic Law (Cambridge: Cambridge University Press, 2005), 102-109.

9 Duderija, “Evolution in the Canonical Sunni *Hadīth*”, 406-7.

10 Duderija, “Evolution in the Canonical Sunni *Hadīth*”, 407-8

terms associated with the rise of written literature in the formative period require clarification. G.H.A. Juynboll highlights two key concepts: *al-tadwīn*, referring to the systematic collection of traditions for the purpose of deriving legal matter, and *al-kitābah*, which denotes writing undertaken primarily as an aid to memory.¹¹ Proposing a quite different emphasis, Fuat Seizgin proposes three stages of *kutub al-hadīth*: (1) *kitābat al-hadīth*, a phase in which the *hadīth* is written in the scattered *sahīfah* or *juz'*; (2) *tadwīn al-hadīth*, a phase where these scattered writings are gathered in a compilation (3) *tasnīf al-hadīth* in which *hadīth* collections are organized into chapters.¹² Although slightly different, both are in the same opinion that *tadwīn* movement was started at the end of the first century A.H. until the first quarter of the 2nd Century A.H., with special accentuation to an order issued by the Umayyad caliph, 'Umar bin 'Abd al-'Azīz (reign: 107-110/717-720) to Ibn Syihāb al-Zuhri (d. 124/742) and Abu Bakr ibn Hazm (d. 120/737) to collect the tradition in Madinah.¹³

However, a recent study by Ahmad Snobar evaluates the historical significance of the official *tadwīn* era during the Umayyad period as something that has been exaggerated. By pointing out the problem of authenticity in the sources related to official *tadwīn*, he asserts that there were only two activities in the collection of *hadīth* during its formative period, namely writing the tradition in personal records (*al-subuf al-syakhsīyah*) – during the times of companions (*al-ṣahābah*) and their followers (*al-tābi'ūn*) – and the stage of composing the classified works (*tasnīf*) and disseminating those records (*al-tasnīf wa al-nasyr al-'āmm*) through learning activities. For him, *al-Muwatta* by Malik bin Anas (d. 179/ 795) through many recensions produced by his students, is the most representative example for the latter.¹⁴ Tellingly, the increasing movement of written scholarship was executed by the *tasnīf* movement, instead of the *tadwīn*.

The general movement of *tasnīf* took place within the political milieu of the 'Abbāsīd. Syamsuddīn al-Dzahabī's (d. 748/1348) reports regarding the efflorescence of writings on religious knowledge – started at least from the reign of al-Mansūr – may be situated within the aforementioned movement. When narrating the important events in 143 AH, he states that around this time, a massive codification of religious knowledge emerged; Ibn Jurayj composed (*ṣannafā*) some works in Makkah,

11 G.H.A. Juynboll, "Tadwin", in P.J. Bearman, et. al. (eds.), *The Encyclopaedia of Islam* (Leiden: Brill, 1991), Vol. 10, 81.

12 Fuat Seizgin, *al-Tārīkh al-Turāth al-'Arabī*, Vol. 1, trans. Mahmud Fahmi Hijazi (Riyad: Jami'ah al-Imam Muhammad ibn Sa'ud al-Islamiyyah, 1991), 119.

13 Juynboll, "Tadwin", 119 and Seizgin, *al-Tarikh*, 119-120.

14 Ahmad Snobar, *Min al-Nabiyy ilā al-Bukhārī: Dirāsah fī Harakati Riwāyat al-Hadīs fī al-Qurūn al-Tsalāstah al-Ūlā* (Amman: Dar al-Fath, 2021), 182-184; 206-207.

Sa'īd ibn Abi 'Arūba and Hamād bin Salamah in Basrah, al-Awzā'ī in Syām, Malik composed *al-Muwatta* in Madinah, Ibn Ishāq started to write *Maghāzī*, Ma'mar wrote in Yaman, Abū Hanīfah composed his *fiqh* in Kufah, Sufyān al-Tsaurī wrote *Kitāb al-Jāmi'*, and shortly thereafter, Husyaim wrote his works, al-Laits wrote in Miṣr, the same goes for Ibn Lahī'ah and then Ibn al-Mubāarak, Abū Yūsuf, and Ibn Wahb.¹⁵

According to the traditional account, Ibn Jurayj (d. 150/767) and Sa'īd bin Abī 'Arūbah (d. 156/773) – both are classified under *fuqahā ashāb al-hadīth* by Ibn Nadīm¹⁶ – are considered as among the earliest authors (*awwalu man ṣannaf al-kutub*).¹⁷ Juynboll, Abd al-Rauf, and Brown refers to Malik's *al-Muwatta* as one of the early *muṣannaf*-type works in *hadīth* collection, although the older similar works are reported to have been written by Ibn Jurayj himself and Ma'mar bin Rasyīd (d. 153/770).¹⁸ Juynboll even includes *Sira* by Ibn Ishāq as the oldest surviving work under this type with Ibn Jurayj as the first author to compose this kind of work.¹⁹ In this regard scholars create the phase of “the *muṣannaf* movement” to include all of these early writing activity.

However, it will make sense if what is meant is – more precisely – the *tasnif* movement, considering that the word *musannaf* itself is a particular genre of writing attributed, for example, to 'Abd al-Razzāq and Ibn Abī Syaibah, alongside other early genres including *Jami'*, *Muwatta'*, and *Musnad*. The word *musannaf* literally means “the assorted or distinguished material” or the structured chapters. Thus, putting together the aforementioned early works in the *musannaf* movement seems to neglect the complexity within the very nature of each genre itself. Are there any distinctions, for instance, between Ma'mar's *Jāmi'*, Malik's *al-Muwatta'*, and *Musannaf* of Ibn Abī Syaibah? Further scholarly investigation on this issue deserves to be conducted. Several historical questions, for instance, on how all these titles came into being, are important to be scrutinized.

In this article, *musannaf* is used in its emic term to designate a certain genre of *hadīth* literature as well as *al-Muwatta* which has its own traditional discourse. The word *al-Muwatta'āt* is traditionally related to distinct transmission history and

15 Syamsudīn al-Dzahabī, *Tārīkh al-Islām wa Wafayāt al-Masyāhīr wa al-'Alām* (Beirut: Dār al-Kitāb al-'Arabī, 1987), Vol. 9, 13.

16 Ibn Nadīm, *al-Fihrist*, 316-317.

17 Abū Bakr al-Khatīb al-Baghdādī, *al-Jāmi' li Akhlāq al-Rāwī wa Adāb al-Sāmi'*, Vol. 2 (Beirut: Mu'assasah al-Risālah, 1996), 423-424; Syamsuddīn al-Zahabī, *Tadzkirah al-Huffāz* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1998), Vol. 2, 128.

18 Abd al-Rauf, “Hadīth Literature-I”, 272; Brown, *The Canonization*, 51.

19 G.H.A. Juynboll, “Musannaf”, in C. Bosworth, *et al.* (eds.), *The Encyclopaedia of Islam*, Vol. 7 (Leiden: Brill, 1991), 662-663.

the various recensions of Mālik's original text, as well as another *al-Muwatta* written by another scholars,²⁰ especially in the Malikī circle. On the other hand, *musannaf* genre seems to be championed by traditionist-jurisprudents (*fuqahā ashāb al-hadīth*), such as Hamād bin Salamah (d. 162/779), a prominent *hadīth* narrator in Basrah and the teacher of Abū Hanīfah, who is reported to be the author of a *musannaf* of *hadīth*, as well as Wakī' bin Jarrah (d. 197/812) of Kufah, Sa'īd bin Mansur (d. 227) of Khurasan, Ibn Abī Syaibah (d. 235/849) of Kufah, up to Baqī bin Makhlad (d. 276/889) of Cordoba.²¹

Practice Through Narrative or Vice Versa? The *Muwattan* View on *Hadīth* and Prophetic Authority

In the case of Mālik's *al-Muwatta*, one should pay attention to the complexity of living religious tradition at that time which indicated such an organic relation, at least, between three kinds of layers; (1) the various dimensions of the Prophet's teachings (jurisprudence, theology and the likes) in the transmitted oral discourse, (2) the lived religious practices constituted from the previous traditions (*sunan*) either from the Prophetic *sunna* and especially from two generation after the Prophet, and (3) the pragmatic needs of jurisprudential discourses and practices which was started in the time of the Prophet.²²

It is well known that Mālik's *al-Muwatta* has been preserved through several recensions compiled by Mālik's students. The version of Yahyā bin Yahyā al-Laythī al-Andalusī is the most popular, although the accuracy of its narration has been criticized by recent studies by Ahmad El-Shamsy. However, his study establishes Mālik as the true author of the *Muwatta* situated within instructional activity and lived processes of teaching, oral circulation, and the regulated transmission of knowledge.²³

The materials of *al-Muwatta* correspond to what al-Baghdādī refers to as *sunan* collection containing *musnadāt*, *marāsil*, *mauqūfāt* and the opinions of jurists, even that of caliphs/governors and Malik himself.²⁴ According to previous studies,

20 See for instance, Ibn Hajar al-Asqalāni, *al-Nukat 'ala Kitāb Ibn Ṣalāh* (Madinah: 'Imādat al-Baḥts al-'Ilm bi Jāmi'ah al-Islāmiyyah, 1984), Vol. 2, 660, 683; Jalāluddīn al-Suyūṭī, *Tanwīr al-Ḥawālik Syarḥ Muwatta' Mālik* (Cairo: Maktabah al-Tijariyyah al-Kubra, 1969), Vol. 1, 43, 51, 66, 72, and many others; Muhammad bin 'Abd al-Bāqī al-Zarqānī, *Syarḥ al-Zarqānī 'ala al-Muwatta al-Imām Mālik* (Beirut: Dar al-Kutub 'Ilmiyyah, 1411 H), Vol. 1, 137.

21 Jalāluddīn al-Suyūṭī, *Tadrib al-Rāwī fi Syarḥ Taqrīb al-Nawawī* (Kairo: Dār al-Hadis, 2004), 65; Mannā' al-Qattān, *Mabāhith fi 'Ulum al-Hadis* (Cairo: Maktabah Wahbiyyah, 2007), 40.

22 Wael B. Hallaq's study is among the excellent studies based on these principles. See Hallaq, *The Origins and Evolution*.

23 Ahmed El-Shamsy, "The Ur-Muwatta and Its Recensions", *Islamic Law and Society* 28 (2021), 369.

24 By the time of Khatīb al-Baghdādī (d. 463/1071), there were two ways of compiling *hadīth* collections:

1,720 reports are contained in Yahyā's recension.²⁵ Snobar counts approximately 600 reports going back to the Prophet along with many traditions originating from the Companions and the Successors as well as Malik's legal opinion.²⁶ Wael B. Hallaq counts 898 companion reports which 822 for the Prophet alone.²⁷ Meanwhile, Abd al-Rauf's study mentions 613 reports attributed to the Companions and 285 other reports attributed to the successors. In addition, 61 reports are transmitted without any *isnād* at all, several others have broken chains of transmission, and in 222 cases, the identity of the Companion who narrated the report is not mentioned (*mursal*).²⁸

Malik considered, in the first and foremost place, the *'amal* (established practice) of the Madinans to be authoritative. Umar Faruq Abd-Allah recorded at least 15 mentions of the word *'amal* in a terminological context and many other mentions in etymological cases.²⁹ Based on Qādi 'Iyād's (d. 533/1149) explanation regarding the consensus of Madinan people,³⁰ Dutton and Abd-Allah explain two different categories in Mālik's *'amal* terminology; *'amal* deriving from the Prophet (*'amal naqli*) and *'amal* deriving from later authorities (*'amal ijtihādī*). From this distinction, Mālik also uses the term *sunnah* to refer to the first, and *amr* for the second.³¹

Accordingly, *'amal* is the all-encompassing concept that includes the rest of the material. *Sunnah* is also known and is part of the transmitted *'amal* that contain rules originating from the Prophet and have become the consensus of the people of Madinah.³² It is also notable, based on my survey in Yahyā's recension, there are

first, compiling traditions (*sunan*) and organizing them based on legal themes; second, compiling Prophetic *hadīth* based on transmission paths attributed to specific companions (*musnad*). Authors of the first type of literature carefully selected several *hadīth* containing various *sunnah* (*abādīth kullī nau'in min al-sunan*) based on specific legal themes. In their compilation, they gave priority to material that consisted of *al-abādīth al-musnadāt* (*hadīth* attributed to the Prophet), followed by *al-marāsīl* (*hadīth* attributed to the Prophet by the successors/*al-tābi'ūn* without mentioning the companions/*al-sabābat*) and *al-mauqūfāt* (*hadīth* attributed to the companions/*al-sabābat*), then the words of the great jurists. For al-Baghdādī, this type of literature was most widely produced by scholars in the early period, when the notable opposition to *musnadāt* literature was prevalent. Khatīb al-Baghdādī, *al-Jāmi'*, Vol. 2, 430.

25 Muhammad Zubayr Siddiqi, *Hadith Literature: Its Origins, Development, and Special Features* (Calcutta: Calcutta University, 1961), 8; Abd al-Rauf, "Hadith Literature-I", 273.

26 Snobar, *al-Nabī ila al-Bukhārī*, 204.

27 Hallaq, *The Origins and Evolution*, 105.

28 Abd al-Rauf, "Hadith Literature-I", 273.

29 Umar Faruq Abd-Allah, "Malik's Concept of 'Amal in the Light of Maliki Legal Theory", *Dissertation*, The University of Chicago, 1978, 614-5.

30 al-Qādi 'Iyād, *Tartīb al-Madārik wa Taqrīb al-Masālik* (Beirut: Dar al-Kutub al-'Ilmiyyah 1998), Vol. 1, 23-28.

31 Dutton, *The Origins of Islamic Law*, 39-40; Abd-Allah, "Malik's Concept of 'Amal", 614-629.

32 Abd-Allah, "Malik's Concept of 'Amal", 576-577.

eleven (11) narratives containing the word *al-sunnah* (*al-sunnah 'indanā; al-sunnah al-tsābitah, al-sunnah 'indanā allati lā ikhtilāfa fīhā; maḍat al-sunnah, etc.*) out of thirty five (35) accounts, which have explicit indications of its prophetic reference. In fact, the majority is only stated as the agreement of the people of Medina across generations and some of Mālik's interpretation of certain Qur'anic verses.³³ However, Mālik's conceptualization of *sunnah* as the tradition containing the Prophet's examples has been confirmed in his correspondence with Abū Yūsuf (d. 182/798) and al-Layth Ibn Sa'd (d. 175/791), as Dutton has put it.³⁴

Another representative term associated with the Prophetic authority is *hadīth*. It is notable that in the early Islamic literature, *hadīth* did not exclusively mean reports about "the words, deeds, tacit approval of the Prophet." It was even used interchangeably with other terms such as *khbar* and *āthār*. Early literature such as Abū Yūsuf's *al-Radd 'ala Siyar al-Auzā'i* and Malik's *al-Muwatta* itself share the common characteristic in which *hadīth* is distinguished from *sunnah* (also *'amal* and *amr* in case of *al-Muwatta*). In addition, the two works also indicate one of the early pieces of evidence related to *raf'ul hadīth*, which is attributing a *hadīth* to the Prophet. When commenting on a statement from al-'Alā bin 'Abd al-Rahmān, Mālik said *lā adri a yarfa'u hādzā al-hadīth 'an al-Nabiyy sallallahu 'alayhi wasallam am lā* (I don't know whether he attributed this *hadīth* to the Prophet or not).³⁵ In *al-Radd*, a narration is also mentioned by Abu Yusuf; *haddatsanā al-Kalbi 'an haditsin rafa'ahu ilā Rasulillāh* (al-Kalbi narrated to us from a *hadīth* that he associated with the the Prophet).³⁶ Previous evidence of this kind of pioneering critical tools in *hadīth* sciences is also found in Sa'id bin Abi 'Arūbah's (d. 156) *Kitāb al-Manāsik* in which he used the phrase *yarfa'uhū* when commenting a tradition from Qatadah.³⁷

The use of terms *hadīth/al-hadīth* in Mālik's *al-Muwatta* show that the majority of cases refer to the non-Prophetic reports. In the recension of Yahyā, out of twenty-one (21) occasions, only eight (8) mentions of *hadīth/al-hadīth* are "associated" to the Prophet.³⁸ The case seems to be different with Zafar Ishaq Ansari's study on use of *hadīth* in Abū Yūsuf's *al-Radd 'ala Siyar al-Auzā'i* which out of the 25 (twenty-five) times the term appeared, only on three occasions did they not refer

33 Based on my survey in *al-Muwatta* in the recension of Yahyā in Fu'ad 'Abd al-Baqi's edition. The aforementioned data excludes the narratives that use other derivatives; *sunan* (plural form) and *sunnah* (without al-).

34 Dutton, *The Origins of Islamic Law*, 164.

35 Malik bin Anas, *al-Muwatta*, Vol. 2, 1000.

36 Abū Yūsuf, *al-Radd 'ala Siyar al-Awzā'i* (Egypt: Lajnah Ihya al-Ma'arif al-Nu'maniyyah, 1385 AH), 11.

37 Sa'id bin Abi 'Arūbah al-'Adawī, *Kitāb al-Manāsik* (Beirut: Dār al-Basyā'ir al-Islāmiyyah, 2000), h. 61.

38 Based on my survey in *al-Muwatta* in the recension of Yahyā in Fu'ad 'Abd al-Baqi's edition.

to the Prophet, or refer to anyone other than him.³⁹ This preliminary data shows differences in the process of conceptualizing *hadīth* between the scholarship of Kufah and Madinah, where the latter does not seem to have strong legitimacy in linking *hadīth* as a conceptual framework and prophetic tradition as an ongoing and recorded phenomenon.

Tellingly, based on these two works, the case of *al-Radd* shows the conceptual framework of the *hadīth* that is closer to its exclusive meaning later on, compared to the case of *al-Muwatta*. While the phrases *hadīth rasūlillāh/hadīth ‘an rasūlillāh* are frequently found in the case of *al-Radd*, *al-Muwatta* in Yahya’s recension mentions only a single case (*al-hadīth ‘an al-nabiyy*).⁴⁰ Instead, what is frequently found are associations of words related to the words and deeds of the Prophet, which are referred to as *hadīth*, something that also applies to the words of figures other than the Prophet.

One can say that the use of *hadīth* in *al-Muwatta* – and also in *al-Radd* in a different portion – is mostly used to refer to non-prophetic reports. However, we can trace the early embryonic use of *hadīth* to refer to the Prophet, especially in a practical context. As noted by Ansari, although *hadīth* has not yet fully crystallized into a strictly technical term, it is clearly developing in that direction and is very close to this point.⁴¹ If Ansari’s reasoning is based on the dominant use of *hadīth* to refer to reports associated with the Prophet in the case of Abu Yusuf in Kufah, then the evidence in *al-Muwatta* that suggests otherwise can be interpreted as a different perspective – and methodologies – in Medinan context.

In this regard, it is also important to the previous scholarly discussion on the nature of *Muwattan* view of *hadīth* which is based on ‘amal-based rather than a “text-based”, as Dutton has put it.⁴² This also reflected Fazlur Rahman’s previous claim that Mālik’s use of transmitted reports – whether Prophetic or otherwise – served primarily to legitimate the Medinan *sunnah*.⁴³ It is true that Mālik explicitly weighed *hadīth* with ‘amal, as in his statement on a tradition attributed to ‘Umar bin Khattab narrated by an anonymous transmitter from Kufah: *laysa hādżā al-hadīth bi al-mujtama’ alaiḥ wa laysa ‘alaiḥi al-‘amal* (this *hadīth* does not conform to

39 Ansari, “Islamic juristic terminology before Šāfi‘ī”, 256-8.

40 Malik bin Anas, *al-Muwatta*, Vol. 2, 1000.

41 Ansari, “Islamic juristic terminology before Šāfi‘ī”, 258.

42 Dutton, *The Origins of Islamic Law*, 4.

43 For him, *hadīth* functioned not as the ultimate source of authority but as supporting evidence for a living normative practice. Accordingly, Mālik accorded greater authority to the *sunnah* as embodied in Medinan communal practice than to individual *hadīth* reports themselves. Rahman, “Living Sunna”, 152, 156.

collective agreement and has no supporting practice).⁴⁴ This is further evidence of the differences between Kufah and Madinah in religious tradition and – in some respects – the methodology used in legal reasoning. It's worth noting that this case applies for the *hadith* attributed to the companion, not those attributed to the Prophet.

However, one must also be more careful when seeing the supremacy of 'amal over *hadith*. As mentioned, the explicit Malik's statement that weigh *hadith* by 'amal is in the case of a tradition attributed to the companion. In addition, one should also be aware of a reported tradition states that Mālik's *Muwatta'* was inspired by the earlier *Muwatta'* composed by 'Abd al-'Aziz Ibn Mājasyūn (d. 164/781), a famous jurist in Madinah, who limited its material to the consensus of the scholars of Madinah, without mentioning any related tradition. It is reported that Mālik was interested to write his own version and added the prophetic tradition in it.⁴⁵

The position of 'amal in this case was the main principle in Malikiyyah legal construction as an antithesis to the opinion (*ra'y*) used by the Hanafi school and solitary reported tradition (*khābar al-wāhid*) used by the Syāfi'i school.⁴⁶ The superiority of 'amal over *atsar* is further emphasized in a chapter (*fi wujūb al-rujū' ilā 'amali abl al-madīnah wa kaunihī hujjatan 'indahum wa in khālafā al-atsar*) in Qādī 'Iyād's *Tartīb al-Madārik*,⁴⁷ while another edition mentions *aktsar*, instead of *atsar*.⁴⁸ However, according to 'Iyād, the *hadith* in this regard should be primarily conceived in what might lately be called *khābar al-wāhid* instead of *hadith muta-wātir* that is none other than 'amal-naqlī itself. When 'amal naqlī opposes *khābar wāhid*, the former should be in favor than the latter, while in the case of 'amal ijtihādī, the preference belongs to *akhbār al-ābād* according to the predominant view.⁴⁹

Mālik should also be understood as an early figure who sought to ground Medinan religious practice in its connection to Prophetic authority. His project operated within an oral, practice-based culture rather than a fully developed written scholarship, especially in relation to 'amal-naqlī. For Malik, prophetic authorization clearly occupies the first hierarchy, only that it is in the realm of 'amal as the embodied

44 Malik bin Anas, *al-Muwatta'*, Vol. 2, 448-9.

45 Snobar, *Min al-Nabī ila al-Bukhārī*, 205; Muhammad Mustafa al-A'zami, "al-Tamhid", in *Muqaddimah Muwatta' al-Imam Malik, Tahqiq Muhammad Mustafa al-A'zami* (Abu Dhabi: Mu'assasah Zayid bin Sultan Al Nahyan, 2004), 81-2; al-Suyuti, *Tadrib al-Rāwī*, 65; al-Qattān, *Mabāhith fi 'Ulum al-Hadis*, 40.

46 Muhammad Akmaluddin, *Diskursus Hadis di al-Andalus Abad II H/VIII M-III H/IX M: Kuasa, Jaringan Keilmuan dan Ortodoksi* (Yogyakarta: Pustaka Pelajar, 2020), 112.

47 al-Qādī 'Iyād (a), *Tartīb al-Madārik wa Taqrīb al-Masālik* (Maghrib: Wizārat al-Auqāf wa al-Syu'un al-Islāmiyyah al-Mamlakah al-Maghribiyyah, 1965), Vol. 145.

48 al-Qādī 'Iyād (b), *Tartīb al-Madārik, wa Taqrīb al-Masālik* (Beirut: Dar al-Kutub al-'Ilmiyyah 1998), Vol. 1, 22.

49 'Iyād (b), *Tartīb al-Madārik*, 25; Dutton, *The Origins of Islamic Law*, 41.

authority. In *al-Muwatta'*, prophetic authority is rooted in the inherited sunnaic practices of the people of Medina, encompassing both Prophetic and post-Prophetic traditions. The work presents a model of transmission based not only on verbal reports but on embodied communal practice passed down across generations in the early Islamic center. Thus, its approach to *ḥadīth* emerges from lived religious norms in which inherited custom, legal reasoning, and societal authority were closely intertwined, grounding legitimacy in established practice rather than merely in narrated attribution.

Musannaf 'Abd al-Razzāq: The Increasing Transmission-Based Prophetic Ḥadīth?

A slightly different kind of framework regarding the *ḥadīth* is to be found in early *musannaf*-titled works, which in this case, I particularly refer to *al-Musannaf* by 'Abd al-Razzāq al-San'ānī and Ibn Abī Syaibah. Drawing to Motzki's opinion on al-San'ānī's sources in composing his *Musannaf* which is originated from the previous similar works in varying sizes,⁵⁰ there are reasons to believe that the *musannaf*-titled works of *ḥadīth* are among the early exponents in which the transmission-based *ḥadīth* collection came on the scene. However, as Jonathan A.C. Brown has put it, they share common characteristic with the rest of *musannaf*-type works, including *al-Muwatta'*, as the "transcripts of the legal discourse that had been developing during the first centuries of Islam".⁵¹ Accordingly, Abd al-Razzāq's *Musannaf* can be placed in the same box of *al-Muwatta'* as well. In his study, Motzki even concludes that the chapter divisions made by al-San'ānī in his *Musannaf* are partly derived from the divisions made by Ibn Jurayj, who is considered the author of a written collection of *ḥadīth*.⁵²

What is the nature of the *ḥadīth* in these two works? What are the fundamental differences between them and those in *al-Muwatta'*? Based on previous studies,⁵³ In terms of materials, both works belong to the first type in al-Baghdādi's classification, as applicable to *al-Muwatta'*. Al-San'ānī's primary source, according to Motzki, is originated from Ma'mar bin Rasyīd (d. 153/770), Sufyān al-Tsaurī (d. 161/778), and Ibn Jurayj (d. 150/767), while Ibn Abī Syaibah's predominant source is Waki' bin Jarrāh (d. 197/812).⁵⁴ In Motzki's study of the traditions from Ibn Jurayj in 'Abs

50 Harald Motzki, "The *Musannaf* of 'Abd al-Razzāq al-San'ānī as a Source of Authentic *Aḥādīth* of the First Century A.H", *Journal of Near Eastern Studies*, 50 (1), 4-5.

51 Brown, *The Canonization*, 50-51; Abd al-Rauf, "Hadith Literature-I", 272.

52 Motzki, *The Origins*, 206.

53 Motzki, "The *Musannaf* of 'Abd al-Razzāq", 1-21 and Lucas, "Where Are the Legal 'Hadith'?", 283-314.

54 Lucas, "Where Are the Legal 'Hadith'?", 290.

al-Razzāq's *Musannaf*, 60% are traditions narrated from the Companions, 27% are *hadīth* of the Prophet, 10% are attributed to the *al-tabi'in*, and 3% were of unknown identity.⁵⁵

In Motzki's study of 'Atā bin Rabāh's (d. 115/732) responses in this work, he even concluded that references to the Prophet were very rare. Out of the 200 responses studied, only three even mentioned him at a glance. In addition, there were also few statements about the Prophet that appeared through traditions attributed to Ibn Jurayj.⁵⁶ However, among the important points of departure, are the absence of the author's opinion and the practice-based legal reasoning recorded within the very materials of the books which are the salient feature of *al-Muwatta'*. By this fact, the stricter sense of the idea of "transmitted narratives" came on the scene of writing tradition.

In the case of al-San'ānī's, the term *hadīth* is used either to designate the Prophetic and non-Prophetic tradition covering the companions and the successor, the same pattern applies in Malik's *al-Muwatta'*. In the first volume of the printed edition, for instance, out of 20 (twenty) mentions of *al-hadīth* and *hadīth*, 9 (nine) of them are associated with the Prophet. Elsewhere, both are mentioned hundreds of times with the word *al-hadīth* being attributed more to the Prophet than *hadīth* (without *al-*). One can also find the prototype of official *hadīth* criticism here to be applied also in the non-Prophetic material. Making a critical remark on a speech attributed to Sufyān al-Tsaurī, 'Abd al-Razzāq then, for instance, adds a remark; *walam yasihha hādza al-hadīh* (and this speech [attributed to al-Tsaurī] is not reliable).⁵⁷

Another important feature in 'Abd al-Razzāq's *Musannaf* is the narratives that contain attempts to attribute/project a statement/practice, primarily, to the Prophet through the term *raf'a al-hadīth/yarfa'u al-hadīth*, a redactional pattern that has also been found in Malik's *al-Muwatta'* to Sa'īd bin Abī 'Arūbah's *Kitāb al-Manāsik*, as mentioned earlier. This pattern is mentioned in al-San'ānī's work at least 21 (twenty-one) times. Not only is it attributed to the Prophet (11 times), another 9 (nine) cases do not mention to whom they are attributed⁵⁸ and one narrative even contains a projection to a companion (*rafa'a al-hadīth ilā abī hurairah*).⁵⁹ As such, these evidences show the continuation of *raf' al-hadis* which later would be technically formalized in the movement of *isnād* authentication, as the terms *sahīh*

55 Motzki, *The Origins*, 209.

56 Motzki, "The *Musannaf* of 'Abd al-Razzāq", 16.

57 al-San'ānī, *Musannaf*, Vol. 4, 150.

58 Based on my survey in al-San'ānī's *Musannaf*.

59 al-San'ānī, *Musannaf*, Vol. 2, 12.

and *marfū'* would then be exclusively applied only to the Prophetic origins.

Another important account is how the discourse on *sunnah* is framed as records relating to *sunnaic* practices are abundant in this work. In general, one can say that the framework of *sunnah* in this work is in line with previous *Muwatta'*'s perspective of the same term. The only difference lies in the source; if Mālik explored – even weighed – the *sunnah* from *'amal*, then it is strongly suspected that al-San'ānī recorded/transmitted the *sunnah* from the works of his teachers. The hermeneutic separation between *hadīth* and *sunnah* still applies in this work. The idea of the continuity of *sunnah*, which implies the authority of prophetic past, can also be traced in this work through the phrase *maḍat al-sunnah*.⁶⁰ However, 'Abd al-Razzāq's *Musannaf* recorded the contestation over *sunnah*, something that Rahman referred to as the “process of interpretation in the interests of actual practice”.⁶¹ This is exemplified, for instance, by the controversial decision made by Marwan I (r. 2-65/623-684) an Umayyad caliph, to perform the *'Īd* sermon before the prayer, which was protested by someone who claimed it was contrary to the *sunnah* (*khālafta al-sunnah*).⁶²

One point that merits attention is that the contents of al-San'ānī's *Muṣannaf* already begin to indicate a more delimited and self-contained corpus than that found in *al-Muwatta'*, in the sense of the absence of direct inferences and supremacy of *sunnaic* practices in most cases. Accordingly, a shift of emphasis can be employed compared to that of *al-Muwatta'*. However, both Mālik's *al-Muwatta'* and 'Abd al-Razzāq's *Musannaf* shared a similar motive, that is to define and to search for “authority”, with the former primarily recorded the sayings and practices of the Prophet, the companions, the successor, the continuous practices of Medinan people, and Malik's *ijtihād* itself, whereas the latter mainly recorded the tradition of jurisprudence from various parts of Muslim world, especially San'a (Yaman) and Makkah, up to the generation of early post-successor jurists. especially Ma'mar, Ibn Jurayj, and Sufyān al-Tsaurī.

It is also notable that 'Abd al-Razzāq's *Musannaf* also records the Madinan authority especially the traditions of Ibn Syihāb al-Zuhrī (d. 124/742) primarily via Ma'mar and Ibn Jurayj, while attribution to Mālik is very rare. Motzki's study on 3810 individual reports (21% of the entire reports) shows the infrequent reference to Mālik. His conclusion shows that the major sources are Ma'mar bin Rasyid (32%), Ibn Jurayj (29%), and Sufyan al-Tsauri (22%), while the reference to Malik is 0.6%.⁶³

60 al-San'ani, *Musannaf*, Vol. 9, 474-5, 487.

61 Rahman, “Living Sunna”, 150-151.

62 al-San'ani, *Musannaf*, Vol. 3, 285.

63 Motzki, *The Origins*, 58.

For Motzki, the fact that Ibn Jurayj preserves Ibn Syihāb tradition independent of Mālik – paralleled as well by Ma‘mar –, the broader range of sources allows for a more assessment of reports attributed to Ibn Syihāb. This is an issue that should be revisited within a broader study of early Madinan legal development.⁶⁴

The notable fact is that this work contains legal and doctrinal issues transmitted from the traditions of the Prophet to the sayings of the author’s direct teachers, who are among the generation of post-successor (*atbā’ al-tābi’in*). However, al-San’ānī’s important attention on legal opinions was on the leading figures of the *tābi’in* generation. In his study of the traditions transmitted by al-San’ānī from Ibn Jurayj, Motzki showed that “80% of ‘Ata’s tradition consists of his own legal opinions, 42% of ‘Amr’s, but only 1% of Ibn Jurayj’s”.⁶⁵ However, he emphasized that this has nothing to do with Ibn Jurayj’s qualifications as a renowned legal scholar. For him, his narratives recorded by al-San’ānī, although few in number, demonstrates the importance of his legal expertise. Furthermore, this fact is also interpreted by Motzki as indicating “the significant decline of personal legal opinion in Mecca” during 79/690 and 150/767.⁶⁶

Musannaf Ibn Abi Syaibah: Broadening Trans-Regionality and a New Turn in Hadīth Collection

A similar work that came later was the *Musannaf of Ibn Abi Syaibah* which was preserved in al-Andalūs by Baqī bin Makhlad al-Qurtubī (d. 276/889). Although it remains in the same *musannaf* category as that of ‘Abd al-Razzāq as well as within the semantic-conceptual scope of *hadīth*, this work has several salient features. Among the most important is a clear alignment between the word *hadīth/ahadīth*, on one hand, and *‘ilm*, on the other. In some sections, such as those related to traveling (*rihlah*) in search of knowledge (*‘ilm*), these two terms are even used interchangeably.⁶⁷ Accordingly, the virtue of seeking *hadīth* is none other than the virtue of seeking knowledge itself.

Furthermore, efforts to preserve *hadīth* have also begun in the context of learning. In a section entitled *tadzākūr al-hadīth* (learning and memorizing the *hadīth*), there are several traditions attributed to the companions and the successor about the need to memorize and discuss *hadīth* so that it remains preserved and does

64 Motzki, *The Origins*, 220.

65 Motzki, *The Origins*, 205.

66 Motzki, *The Origins*, 206.

67 Ibn Abi Syaibah, *al-Musannaf*, Vol. 14, 365-367.

not become obsolete.⁶⁸ One could therefore say that in this case, the *hadīth* began to take on a more technical nuance as a term compared to the two previous works under scrutiny. Despite not referring entirely to the formal meaning that only refers to the words, deeds, and agreements of the Prophet, at this stage, *hadīth* is equivalent to (religious) knowledge itself.

In acquiring this knowledge, the issue of authority is very clear; it must originate from the Prophet himself, which also gives rise to the need of preserving the chain of transmission (*isnād*) that is associated with religion itself. In preserving the *isnad*, it is inevitable that the authority of the two generations after the Prophet must also be guaranteed. It is within this network of meanings that the very word of *hadīth* in Ibn Abi Syaibah's *Musannaf* can be explained. This accentuation is clearly reflects the legacy of previous authorities in appropriating *isnād* by scholars such as Ibn Mubārak (d. 181) to whom the famous statement "*isnād* is a part of religion" (*al-isnād min al-dīn*) is attributed,⁶⁹ and previously Ibn Sīrīn (d. 110) who is reported to state that "this knowledge is religion, so pay attention to where you get your religion from" (*inna hādżā al-‘ilma din, fanżuru ‘amman ta’khuzūna dīnakum*).⁷⁰

Ibn Abi Syaibah composed his work along with the initial increasing movement of *isnād* authentication, on the one hand and the establishment of *hadīth* as the second only to the Qur'an as the source of Islamic law, on the other. One can see the alignment of Ibn Abi Syaibah with that of Ibn Mubārak's works such as *al-Zuhd wa al-Raqā'iq* and *Musnad* by al-Tayālīsī (d. 204) where the movement of *isnād* authentication is more clearly visible.⁷¹ The same spirit can also be found in al-Syāfi's (d. 204) *Ikhtilāf al-Hadīth*⁷² and *Jimā' al-‘Ilm*⁷³ in which the authority of *hadīth* as the second scripture to the Qur'an came on the scene.

What are the materials in Ibn Abi Syaibah's work? According to Scott Lucas' previous study on 3,628 traditions (out of approximately 39,000 reports), Ibn Abi Syaibah was "the strictest 'Companions of hadīth' who addressed a wide array of legal

68 Ibn Abi Syaibah, *al-Musannaf*, Vol. 14, 367-8.

69 Abū ‘Abdillāh al-Hākīm, *Ma‘rifatu ‘Ulūm al-Hadīts* (Haydarabad: Jam‘iyyah Dā‘irat al-Ma‘ārif al-Utsmāniyyah, 1356 H), 6.

70 Abu al-Husayn Muslim bin Ḥajjāj, *al-Jāmi’ al-Ṣaḥīḥ, Ṣaḥīḥ Muslim* (Turkiye: Dar al-Tiba‘ah al-‘Amirah, 1334 H), Vol. 1, 11.

71 Abdullah Ibn Mubārak al-Marwazī, *al-Zuhd wa al-Raqā'iq* (Riyād: Dār al-Mi‘rāj al-Dauliyyah, 1995); Abu Daud al-Tayalisi, *Musnad Abi Daud al-Tayalisi* (Giza: Dar Hijr li al-Tiba‘ah wa al-Nasyr, 1999).

72 Muhammad bin Idrīs al-Syāfi‘i, *Ikhtilāf al-Hadīth* published in the last volume of *al-Umm*. See Muhammad bin Idrīs al-Syāfi‘i, *al-Umm* (Beirut: Dar al-Fikr, 1983).

73 Muhammad bin Idrīs al-Syāfi‘i, *Jimā' al-‘Ilm* (Talibiyah: Maktabah Ibn Taimiyyah nd.); Aisha Y. Musa, *Hadīth as Scripture* (New York: Palgrave MacMillan, 2008), 31-68.

topics without any real input from post-Successor jurists”.⁷⁴ The *Musannaf* of Ibn Abī Syaibah is a large work that draws from the scholarship of Kufa and Basrah. Lucas’ previous study concludes that through his massive *Musannaf*, Ibn Abi Shayba set “a new standard of compilation” at his time.⁷⁵ The stricter limitation in that of Ibn Abī Syaibah especially in reducing the legal opinion of post-jurists in his collection becomes an important point.

Ibn Abī Syaibah’s stricter criteria have paved the ground for “the exclusive privilege of the first three Muslim generations” (Prophet Muhammad, the Companions, and the Successors) as the ultimate authoritative “reference guide”. Along with that of ‘Abd al-Razzaq, the *hadīth* in both works were completely transformed into transmitted narratives – with the absence of living practices as the measure of clarification – with the chains of *Isnād*, paving the way for the “text-based” reference guide for legal-doctrinal matters. Through the above evidence, one can put the very sense of Fazlur Rahman’s emphasis on the *hadīth* as “the verbalization of living traditions”.⁷⁶

As such, it is an interesting fact that the larger *Musannaf* of Ibn Abī Syaibah of Kūfa which predominant source is Wakī’ bin Jarrah, tends to avoid the personal opinions of the post-successor jurists, as Scott Lucas’ study has put it earlier. However, it doesn’t mean that his work is completely free from the personal opinions of them. We can still locate the opinion of Wakī’ bin Jarrāh, for instance in which ten of them mention the affirmation to the sayings of Sufyān al-Tsaurī.⁷⁷ It is also notable that some important part of al-Tsaurī’s tradition in this work are transmitted through Wakī’ himself. There is a strong reason to state that Wakī’ was on the different school from al-Tsaurī, who is reported to have established the independent legal school. After mentioning a *hadīth* on *ilā* (oath of sexual abstinence), for instance, Ibn Abī Syaibah adds the comment of Wakī’ who said; *wa huwa qawl Sufyān wakadzālika naqulu* (that is the opinion of Sufyan and so we say).⁷⁸

It is also notable that Ibn Abi Syaiba was among the Companions of *hadīth* who firmly criticized Abū Hanīfah, one of the most representative companions of *ra’y* in Kufa, through the particular part of his *Musannaf* titled *hādzā ma khālafā bihī Abu Hanīfata al-Ātsār alladzī Jā’a ‘an rasulillāh sallalahu ‘alayhi wasallama* (This

74 Lucas, “Where Are the Legal “Hadīth?””, 312.

75 Scott Lucas, *Constructive Critics, Hadith Literature, and the Articulation of Sunni Islam* (Leiden: Brill, 2004), 188.

76 Fazlur Rahman, *Islamic Methodology in History* (Islamabad: Islamic Research Institute, 1995), 6.

77 Based on my survey in *Musannaf* Ibn Abi Syaiba published by Dar Kunuz Isybilyyya (2015).

78 Ibn Abi Syaibah, *al-Musannaf*, Vol. 10, 327.

is what Abu Hanifa violated the tradition that came from the Messenger of God (peace be upon him).⁷⁹ It has been seen that all Sufyān's personal opinions included in *Musannaf* of Ibn Abi Syaibah are transmitted through Waki', not from 'Abd al-Razzāq, in spite of the fact that he was the important preserver of numerous Sufyan's opinion. In this case, Ibn Abī Syaibah only mentions him 25 times,⁸⁰ all of which refer to Ma'mar's transmission containing only two Prophetic traditions.⁸¹

The collection of Ibn Abī Syaibah implies the shift in the collection of *hadīth* which also means the movement in the orientation behind that. His new standard of preserving *hadīth* has provided the broader importance as it penetrated the intellectual milieu in al-Andalus. Thus, the existing edition of this *Musannaf* was originated from one of his celebrated students, the Andalusian scholar Baqī ibn Makhlad al-Qurtubī. Al-Dzahabī,⁸² for instance, has recorded the huge controversy around Baqī who brought the *Musannaf* of Ibn Abī Syaibah to al-Andalus, contesting the explicit polemic between the companions of *hadīth* and the Malikī jurist in al-Andalus.

The high tension in that polemics can be found in Ibn al-Faradi's account on Asbagh bin Khalil, the Andalusian Malikī jurist who said rudely: *li an yakuna fī tābuti ra'su khinzīr ahabbu ilayya min an yakuna fīhi musnadu ibn abī syaibah* (For the pig's head in my coffin is more beloved to me than to have the *Musnad* of Ibn Abī Syaibah in it).⁸³ For al-Kautsarī, this polemic is layered by the unfamiliarity of the Andalusian Malikī jurists with the *hadīth* narrative outside *al-Muwatta* while Ibn Abī Syaibah draws highly to the scholarship of Kufa and the rest of 'Iraqi regions.⁸⁴ This view is also reinforced by Muhammad Akmaluddin who – in addition to the popularity of *al-Muwatta* and the deep roots of Malikism – also mentions the compatibility of the Islamic religious milieu of al-Andalus with the religious authority of Hijāz rather than that of Iraq, which was more complex.⁸⁵

The collection of Ibn Abī Syaibah has after all marked several important aspects; preserving traditions outside Hijaz in addition to the stricter limitation to include primarily the first three generations of Islam. While *Musannaf* of 'Abd al-Razzāq contains the reports of sunnaic practices in Hijaz, Ibn Abī Syaibah's is

79 This part is not included in the standard modern edition of *Musannaf* of Ibn Abi Syaibah. For the particular publication on this part see Muhammad Zahid al-Kautsari, *al-Nukat al-Tariqah: fi al-Tabadduts 'an Rudūd Ibn Abī Syaibah 'alā Abī Hanīfah* (Kairo: al-Maktabah al-Azhariyyah li al-Turats, 2000).

80 Based on my survey in *Musannaf* of Ibn Abi Syaiba published by Dar Kunuz Isybiliyya (2015).

81 See Ibn Abi Syaibah, *al-Musannaf*, Vol. 12, 205; Vol. 20: 197.

82 al-Dzahabi, *Tarikh al-Islam*, Vol. 20, 315.

83 Ibn al-Faradi, *Tarikh Ulama al-Andalus* (Kairo: Maktabah al-Khanj, 1988), Vol. 1, 94.

84 al-Kautsari, *al-Nukat*, 3-4.

85 Akmaluddin, *Diskursus Hadis di al-Andalus*, 112.

projected to be the corpus containing materials of the Islamic tradition of the first three generations from the scholarship of Kufa and Basra which was later preserved by one of the most important Andalusian scholars. It reflects a key point in a phase in which Duderija refers to as the movement of “traditionalisation” when *hadīth* emerged as a result of journeys to seek religious knowledge (*rihla*) in various regions.⁸⁶

Conclusion

An examination of the three works in question, particularly in terms of how they define prophetic authority – grounded in their conception of *hadīth* and the assumptions and attributes attached to it – demonstrates both transformation and continuity. One can say that Mālik viewed the prophetic past in terms of the articulation that emerged from the practices of the people of Madinah, and for him it was evidence in itself, without having to strictly weigh it against the legitimacy of the *hadīth*, which at that time had only just begun to be narrated. Prophetic authority in the case of *al-Muwatta*, which is based on the supremacy of *‘amal*, is nothing more than a “prophetic past” that is preserved by practice. Malik, in this case, can be considered as one of those to disseminate “embodied authority” in religious matters before the mass effort of text-based codification.

However, the view regarding Mālik’s attitude toward *hadīth* as superior to *‘amal*, as previously emphasized by the aforementioned scholars, needs to be adequately reframed to avoid essentializing the *hadīth* itself. Qādi Iyād’s elaboration regarding the Medinan consensus leads us to revisit this opposition narrative that is based on the separation between *hadīth* as transmitted normative reports and *‘amal* as the process of practicing that normative teaching. In fact, the concept of *‘amal-naqli* actually embodies the fundamental idea of what would later be called *mutawatir* itself. Therefore, there is no need to emphasize this distinction in this case. The *hadīth* or *atsar* that Malik is said to have “set aside” in favor of *‘amal*, should be framed, first and foremost, as *khabar ahad*. Furthermore, if it contradicts *‘amal-ijihadi*, *khabar ahad* tends to take precedence.

Later on, the supremacy of *‘amal* over *hadīth* did not apply to the same degree in the case of ‘Abd al-Razzāq. Along with the increasingly massive efforts of codification and travel in search of religious knowledge, the case of Mecca during the time of ‘Abd al-Razzaq shows the emergence of “text-based” preservation instruments. This work contains legal and doctrinal issues originating from the tradition of the Prophet to the statement of the author’s direct teachers, who belonged to the post-Successor generation (*atbā’ al-tābi’in*), although al-San’ānī’s main focus on legal opinions was

⁸⁶ Duderija, “Evolution in the Canonical Sunni Ḥadīth”, 405-407.

on prominent figures from the *tābi'īn* generation. He allegedly recorded or conveyed the traditions from the works of his teachers, followed by the beginning of the decline of personal opinion on Islamic legal issues recorded in the narrative. This contrasts with the case of Malik, which contained more of the author's own opinions. As in Malik's case, the hermeneutic distinction between *hadīth* and *sunnah* is still evident in the case of 'Abd al-Razzaq, except that the latter revealed this from the written works of his teacher, rather than from practice (*amal*) as Malik did.

The next case brought about a new shift in which Ibn Abi Shaibah, a figure among companions of *hadīth* who increasingly avoided personal legal opinions from the post-successor generation. It is in this case that an exclusive privilege for the first three generations of Muslims (Prophet Muhammad, the Companions, and the Successors) as an authoritative guide can begin to be explained. On the other hand, *hadīth* began to have a stronger technical nuance as a term – compared to the two previous works – in which it was equated with religious knowledge (*'ilm*) itself and the virtue of seeking *hadīth* is none other than the virtue of seeking religious knowledge itself, a continuation of what has been done by Ibn Sīrīn and Ibn Mubārak.

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I did this research by myself, from preparing the materials, writing the paper, reviewing, and revising.

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