Fazlur Rahman's Understanding of the Sunnah/hadīth -A Comparison with Joseph Schacht's Views on the Subject-

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"Fazlur Rahman'ın Sünnet/Hadis Anlayışı -Joseph Schacht'ın Yaklaşımıyla bir Mukayese-"

Özet: Hâlihazırdaki makalede, Fazlur Rahman'ın sünnet/hadis anlayışı, Joseph Schacht'ın sünnet/hadis anlayışıyla karşılaştırmalı olarak incelenmektedir. Fazlur Rahman ve Schacht'ın hadis literatürü ile ilgili görüşlerinin 'yaşayan sünnet' kavramı etrafında dönmesi, ikisi arasında karşılaştırmalara ve etkilenme fikirlerinin ileri sürülmesine neden olmaktadır. Makalede Fazlur Rahman ve Schacht'ın konumlarını daha iyi anlamaya yardımcı olacağı umulan somut örnekler vermek amaçlanmıştır. Ayrıca çalışmada benzerliklerin yanı sıra aralarındaki farklılıklara da işaret edilerek, bu farklılıkların muhtemel nedenleri ve hadisleri tarihlendirmelerine ne ölçüde yansıdığı gösterilmeye çalışılmıştır.

I. Introduction

Although the relationship between orientalism and the modernist movements in the Islamic world was not accepted by Joseph Schacht[1] (d. 1969), it asks for an explanation that the first Western scholars[2] to question the authenticity of hadīth were present in the Indian subcontinent[3] where the modernism had become a visible phenomenon in the Islamic world for the first time. While the connection between the colonialism and the orientalism has become an undeniable fact thanks to Edward Said, it has yet to be determined whether

there is a relationship between this duo and Islamic modernism.[4] This article attempts to contribute this debate by analyzing comparatively Joseph Schacht's and Fazlur Rahman's (d. 1988) approaches to sunnah. The subject matter is important because Schacht's theories have a considerable effect on the Western studies on the Hadīth and Islamic law[5] as is seen in the works which are pro and anti-Schacht on the one hand, and despite his rigorous criticism against Muslim modernists, Fazlur Rahman is considered by many researchers as one of the modernist Muslim scholars on the other.[6]

II. Fazlur Rahman's unique position between the Western and classical Islamic account

Having started his academic life with studies on Islamic philosophy, Fazlur Rahman later focused on the problems of contemporary Muslims.[7] Charles J. Adams points out that Fazlur Rahman's involvement in these problems did not result from the pure academic interests, suggesting that his purpose was to

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[1] Joseph Schacht did not accept the connection between modernist legal activities and the orientalists' works. See Joseph Schacht, "Modernism and Traditionalism in a History of Islamic Law", *Middle Eastern Studies*, I/4 (1965), p. 390.

[2] Daniel Brown, Rethinking Tradition in Modern Islamic Thought, Cambridge 1996, p. 21.

[3] It should also be noted that in this period aforementioned area was occupied by the British Empire.

[4] For the relationship between orientalism and modernism see İbrahim Hatiboğlu, *Çağdaşlaşma ve Hadis Tartışmaları*, İstanbul 2004, p. 74–75.

[5] Schacht's influence can be seen in the categorization of the scholars succeeding him according to their position in relation to his conclusions. Harald Motzki categorizes the researchers of the post-Scahchtian era into three subdivisions:
1) scholars who flatly rejected them, 2) those who followed him in the main points, and 3) those who tried to modify them. (Harald Motzki, "Intoduction", *Hadīth* (ed. Harald Motzki), p. xxiv-xxvi).
Harald Motzki also says in his introduction to *The Origins of Islamic Jurisprudence*:
Schacht's theory was largely accepted in western Islamic Studies and strongly influenced subsequent research. The present study attempts to demonstrate that Schacht's conceptions, in substantive points, are no longer tenable of are greatly in need of modification- above all, that he estimated the beginnings of Islamic Jurisprudence a good half to three-quarters of a century late. (Idem, *The Origins of Islamic Jurisprudence*, Leiden 2002, p. xi).
Certainly, the time will show whether Motzki's substantial critiques against Schacht's premises and his alternative approach will be approved by Western scholars. For Motzki's critiques see Harald Motzki, *The Origins of Islamic Jurisprudence*, Leiden 2002; "The Jurisprudence of Ibn Sihāb az-Zuhrī. A Source-critical Study", *Taquino-Taqwîm*, I (2000), pp. 59–116; "The Prophet and the Cat: On Dating Mālik's *Muvatta*' and Legal Traditions", *JSAI*, 22 (1998), pp. 18–83; "Dating Muslim Traditions: A Survey", *Arabica*, LII/2 (2005), pp. 205–253.

[6] See Charles J. Adams, "Fazlur Rahman ve Klasik Modernizm", *İslam ve Modernizm: Fazlur Rahman Tecrübesi*, İstanbul 1997, p. 81. İbrahim Hatiboğlu, who studied the modernization process of Islamic world and its impact on the revaluation of the Hadīth, divides the Islamic modernism into two categories i.e. the formative period and systematization period. He argues that the systematization period was closed by Fazlur Rahman. See İbrahim Hatiboğlu, *İslâm Dünyasının Çağdaşlaşma Serüveni*, İstanbul 2004, p. 145.

[7] Alparslan Açıkgenç, "Fazlurrahman", *(Türkiye Diyanet Vakfı İslâm Ansiklopedisi) DİA*, XII/280.

realize the Islamic faith in the modern context.[8] In this respect, Fazlur Rahman's affiliation with Islamic sources was existential, hence substantially different from Schacht's relationship with the same sources.[9] The other difference between the two scholars is their opinions about the origins of the term 'the Prophetic sunnah'. In spite of these substantial differences, the resemblance between their conclusions makes Fazlur Rahman's position "unique" - as is rightly put by Herbert Berg[10]- in that he argues that the traditions are not historical on the one hand, and tries to associate the Hadīth literature with the Prophet on the other. While he was described in the Western studies as a person who 'attempted to save the sunnah'[11] and hoped to built a bridge between the Western researches and the traditional Muslim account, he was criticized by the mainstream Muslims due to his new[12] concept of sunnah, and was not seen as a scholar who tried to defend/save the sunnah. Schacht notices the situation in which Fazlur Rahman found himself, and criticizes the way he used the conclusions reached by Western researchers, arguing that Fazlur Rahman did in fact realize that the only alternative to the classical Muslim account regarding the origins of Islamic law was developed by Magoliouth, Brunschvig and himself:

> Dr. Fazlur Rahman has realized this, but in order to make his program acceptable to his traditionalist-minded readers, he presents them, instead of the real alternative, with an imaginary, watered-down one which he tries, by verbal gymnastics, to bring into agreement if not with traditional doctrine, at least with traditionalist feeling.[13]

The adoption of the critical approach towards the hadīth as a whole on the one hand, and the acceptance of the existence of authentic kernel of traditions on the other were criticized by Schacht on several occasions. He complains that although Goldziher's method found a general recognition in theory, the implications of his conclusion were mitigated, and this situation applies to "the

modern scholarship" which includes his studies also.[14] In this context, Schacht also criticizes Noel Coulson since he denies his assertion that "every legal tradition from the Prophet, until the contrary is proved, must be taken not as authentic or essentially authentic".[15] Coulson is convinced that this assertion creates a vacuum in our knowledge of the development of Islamic law in the first Islamic century. According to Coulson, where the circumstances described in the traditions fit into those of the Prophet's community, the traditions in question should be tentatively accepted as authentic until the contrary is proven. Schacht, on the other hand, argues that except the indications in the Qur'ān, we do not have knowledge about the era, and to base our studies on traditions the great majority of which are apocryphal will be a vicious circle.[16] Coulson' concurrent acceptance of Schacht's general conclusions and the possibility of authentic legal marfū' traditions made him vulnerable to Scahcht's criticism. At this point, Schacht's critical reviews about Fazlur Rahman become clear. Since, as will be indicated above, while Fazlur Rahman's opinions about the material growth of traditions, the concept of living tradition, and the evaluation of traditions are similar to Schacht's views, he diverges from him by accepting that the concept of "the Prophetic sunnah" has existed since the beginning. Like Coulson, he accepts the existence of undeniable historical elements in the traditions, and argues that we have reliable knowledge about sīrah and the character of the first generation. In Fazlur Rahman's opinion, we can interpret the traditions based on this reliable knowledge, and the Qur'ān.[17]

Schahct reduces our knowledge on the first century to the limited indications contained in the Qur'ān by extending his conclusions about legal traditions to the theological and historical traditions in general. He was convinced that he created a "workable" and "successful" alternative to the attitude which tried to reconstruct early Islamic history by the lowering of standards.[18] However, it has been shown in the recent works that his alternative is not as successful as he thought, and that he, too, reconstructed the development of Islamic jurisprudence based on some disputable assumptions.[19]

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8   Adams, "Fazlur Rahman ve Klasik Modernizm", p. 81.
9   Fazlur Rahman noted that the orientalists analyzed Islam 'merely as a historical datum'. However his concern was what Islam could say to the modern individual and society since he realized that if 'an adequate answer' was not given, the only alternative would be secularism. See Fazlur Rahman, *Islam*, London 1979, p. 249, 252.
10   Herbert Berg, The Development of Exegesis in Early Islam, Richmond 2000, p. 32.
11   The heading of the part in which Berg summarizes Fazlur Rahman's opinions is "Rahman and an Attempt to Save the Sunnah", see ibidem.
12   Fazlur Rahman's concepts of sunnah is new when compared to traditional Muslim account. But of course, Fazlur Rahman argues that his concept of sunnah is the same as that of the first generations.
13   Joseph Schacht, "Fazlur Rahman: Islamic Methodology in History", *Bulletin of the School of Oriental and African Studies*, XXIX/2 (1966), p. 395.

14   Schacht, "Modernism and Traditionalism in a History of Islamic Law", p. 389, 392. See also idem, "A Revaluation of Islamic Traditions", *Journal of the Royal Asiatic Society*, 1949, p. 143.
15   Joseph Schacht, *The Origins of Islamic Jurisprudence*, Oxford 1975, p. 149.
16   Schacht, "Modernism", p. 392.
17   Fazlur Rahman, *Islamic Methodology in History*, Islamabad 1984, p. 81.
18   Schacht, "Revaluation", p. 143–144.
19   See Motzki's aforementioned works. See also M. Mustafa Al-Azami, *On Schacht's Origins of Muhammadan Jurisprudence*, Riyad 1985. Works of Wael b. Hallaq are also indispensable in this respect. He challenged Schahct's most basic premises such as late origins of Islamic

Both Coulson and Fazlur Rahman seem to be aware of the problems the wholesale denial of hadīth might engender. While Coulson was anxious about the vacuum in our knowledge of the first century, Fazlur Rahman asked as a Muslim that "if all Hadīth is given up, what remains but a yawning chasm of fourteen centuries between us and the Prophet?"[20]

III. The relationship between the Prophetic sunnah and the living tradition/sunnah

Having compared the wholesale denial of the Prophetic sunnah with Nero's method of rebuilding Rome, Fazlur Rahman is fully aware of the fact that the Prophetic sunnah is an indispensable source for Muslims.[21] Therefore, he often emphasizes the existence of the Prophetic sunnah since the beginning. As a matter of fact, "the exemplary conduct"[22] of the Prophet is mentioned in the Qur'ān, which signifies that Muslims accepted the concept of the Prophetic sunnah as of the first century. Thus, it can not be imagined that the sunnah

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jurisprudence, foreign influences on the development of Islamic law, geographical classification of the first schools of law, Shāfi'ī's impact on the understanding of sunnah. While Hallaq focuses on the orientalists' discourse on the Islamic Jurisprudence, Motzki's works help us especially to trace this discourse in the methods used to date traditions and reconstruct early sources..

[20] Rahman, *Methodology*, p. 71. His conviction that even if the Hadīth is not authentic, it is normative (bk. *Methodology*, p. 71) is resulted from his unique position, namely his general acceptance of Western criticism about the Hadīth and at the same time being a Muslim who is worried to lose its connection with the Prophet. In his review of Fazlur Rahman's *Islam*, John Burton says:
His intention, he says, has been to attempt ' to do justice to both historical and Islamic demands ' surely a self-contradictory, and hence impossible programme. Historiography respects none save objective historical standards and can enter into no alliances. (See John Burton, "Review of Fazlur Rahman's *Islam*", *Bulletin of the School of Oriental and African Studies*, XXXI/2 (1968), p. 392).
Although Burton is unfair regarding his acceptance that Islamic and historical demands are completely different, he rightly realizes the dilemma in which Fazlur Rahman finds himself. A similar dilemma has been seen in the works of G.H.A. Juynboll as well. Despite his radical skepticism about traditions (his opinions on the "diving strands" and thus isnād bunch could be remembered in this respect), he tries to establish a solid base by relying upon avā'il traditions. It should be noted that this dilemma is created by the Western researchers, who reduce the first Islamic century into 'the limbo of unknown' by their radical skepticism towards to Islamic sources. Burton says that historiography should not respect anything other than objective standards, and can affiliate itself with nothing. However, irrespective of the possibility of objectivism, he overlooked the fact that the Western scholarship is as unsuccessful as Islamic scholarship as far as "entering into no alliances" is concerned.
[21] Rahman, *Methodology*, p. 69.
[22] "Indeed in the Messenger of Allah (Muhammad SAW) you have a good example to follow for him who hopes in (the Meeting with) Allah and the Last Day and remembers Allah much." (Al-Ahzāb 33/21)

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was not normative for the companions.[23] Nevertheless, according to Fazlur Rahman, the Prophetic sunnah is fewer in quantity, and is not as all-compassing as it is presented in the hadīth literature.[24] Fazlur Rahman rigorously rejects Margoliouth's[25] assertion that the term "Prophetic sunnah" was coined to bestow normativeness the already existent customs of the society, and does not accept his thesis that the authority of the Prophet was limited by the content of the Qur'ān.[26] Having shared Margoliouth opinions on the Prophetic sunnah, Schacht argues that the Prophetic sunnah does not go beyond the rulings contained in the Qur'ān in the letter[27] which sent by 'Abdullāh b. Ibād[28] to the caliph 'Abdulmalik (685–705 C.E.). According to him if it is possible to mention a separate principle besides Qur'ān, it might be the first two caliphs' sunnah not the Prophet's.[29]

According to Fazlur Rahman, Western scholars' denial of the Prophetic sunnah lies in the fact that the sunnah composed of various elements put under the aegis of 'the Prophetic sunnah', namely ascribed to the Prophet. Actually, as realized by Western scholars, the greater part of the sunnah, which also included the pre-Islamic customs, was the result of the ijtihāds of the fuqahā who interpreted the existent sunnah,[30] and borrowed some elements from the Jewish sources, Byzantine and Persian administrative practices.[31]

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[23] Rahman, *Methodology*, p. 7; idem, *Islam*, p. 52.
[24] Rahman, *Methodology*, p. 6, 10; idem, *Islam*, p. 51.
[25] Schacht indicates that among his predecessors Margoliouth came to close his conclusions. See Schacht, *Origins*, v.
[26] Rahman, *Islam*, p. 47, 50.
[27] Schacht dates the letter to 76 A.H. It is said that Abdullah b. Ibād wrote one or two letters to Abdulmalik. Ethem Ruhi Fığlalı, the writer of *İbadiyye'nin Doğuşu ve Görüşleri* (the Rise and the Opinions of Ibādiyya), asserted that the letter must have been written in 67 A.H./686 C.E. See Ethem Ruhi Fığlalı, "Abdullah b. Ibaz", *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, I/ 109, İstanbul 1988. Lewicki mentions the two letters of Abdullah b. Ibād, saying that "the first of these letters must have been written after 67/686–7". See T. Lewicki, "Ibādiyya." *Encyclopaedia of Islam,* (second edition), III/ 648, Brill 1971.
[28] His date of death is unknown.
[29] Schacht, "Peygamber'in Sünneti Tabiri Hakkında", *AÜİFD*, XVIII (1970), p. 82–3 (Turkish translation of Schacht's article entitled "Sur l'expression Sunna"). See also Schacht, *Origins*, p. 350. Schacht aforementioned views should not lead to the illusion that he accepted the existence of authentic practices which could be ascribed to the first two caliphs. He does not give such an early date for the practices related to Islamic law. In this context, the sunnah of the Abū Bakir and 'Umar has the political connotations because, according to Schacht, the political meaning of sunnah is earlier than its legal meaning. See idem, "Peygamberin Sünneti Tabiri Hakkında", p. 81.
[30] According to Fazlur Rahman, this sunnah includes the Prophetic sunnah as well.
[31] Rahman, *Methodology*, p. 5. While Fazlur Rahman does not deny that Islam had assimilated some elements from its surrounding civilizations, he objects the historical reductionism that

For Fazlur Rahman, the Prophetic sunnah is not identical with the sunnah. Sunnah, Fazlurrahman argues, consisted of ijtihāds which gained the general acceptance i.e. ijmā.[32] Fazlur Rahman, who is convinced that the first Islamic generations' concept of sunnah was not something static, argues that "being followed is not a part of it".[33] This argument complies completely with his understanding of living tradition because in his opinion, the first generations did not follow the Prophetic sunnah literally. On the contrary, they interpreted it, and these interpretations, in turn, became an integral part of the sunnah. Because of this very characteristic of the sunnah, Fazlur Rahman asserts that sunnah is not a 'beaten path' rather "a riverbed which continuously assimilates new elements".[34]

In sum, for Fazlur Rahman the Prophetic sunnah, sunnah, living sunnah, ijtihād, ijmā are closely related concepts. The Prophetic sunnah, the origins of which definitely were traced back to the Prophet's lifetime, was interpreted and was integrated into their words and deeds by the Companions who were not his students but disciples because a disciple is different from a student in that he/she does not merely learn from is master.[35] The interpretation process did not end up with the Companions. On the contrary, it was continued by the ijtihāds of the following generations to meet the needs resulted from new developments. Among these ijtihāds, the ones which were approved by ijmā were integrated into sunnah. Therefore the content of the sunnah and ijmā converged even became materially identical.[36] Still, Fazlur Rahman does not neglect to indicate the difference between two terms:

> The 'sunnah' goes backward and has its starting-point in the 'Ideal Sunnah" of the Prophet which has been progressively interpreted by Ra'y and Qiyās; the Ijmā is this Sunnah-interpetation or simply "Sunnah" in our sense (2)[37], as it slowly came to be commonly accepted by the consent of the Community.[38]

In fact, the one who used the term 'living tradition' for the first time was not Fazlur Rahman but Joseph Schacht. Fazlur Rahman's preference for using the same term led to comparison between the two scholars. It was pointed

earlier that Fazlur Rahman diverged from Schacht by accepting the existence of the Prophet sunnah since the beginning. Besides this divergence, it should be emphasized again that there is a profound difference between these two scholars in that while Fazlur Rahman regards the greater part of the living tradition as the result of interpretation of the Prophetic sunnah by every generation as of the Companions, Schacht argues that the Iraqians replaced the initial political and theological meaning of sunnah by the legal meaning in the second Islamic century.[39] Whereas Fazlur Rahman expresses the connection between sunnah and the Prophetic sunnah in all occasions, Schacht attributes the systematic insistence on this connection to al-Shāfʿī (d. 204 A.H/ 820 C.E.), although he refers also to the Iraqians' opinions in this respect.[40]

IV. Ijmā as an ongoing process

Fazlur Rahman, who departs from Schacht in his understanding of the Prophetic sunnah, comes close to him as far as ijmā, which he regards as identical with the sunnah, is concerned. Like Schacht, he is of the opinion that al-Shāfʿī's concept of ijmā was 'radically different' from that of the early schools of law.[41] According to Fazlur Rahman, al-Shāfʿī had a total and formal idea of ijmā which did not allow any disagreement whereas the idea of ijmā of the early schools of law was an ongoing democratic process, and because of this very nature it lives on disagreement.[42] Al-Shāfʿī insisted that the Hadīth not ijmā or living tradition should represent the Prophetic sunnah. Hence ijmā became an approving mechanism instead of being a constructive process which made the actual practice normative.[43] Similarly, Schacht, who emphasizes the important position of ijmā in the doctrines of early schools, is convinced that ijmā embodied the living tradition.[44] Moreover, his claim based on *argumentum e silentio* that the Prophetic tradition of "My community will never agree on error"[45] grew out of Shāfʿī's similar statements was repeated by Fazlur Rahman as well.[46]

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tries to explain Islam's genesis with reference to Jewish, Christian, or other influences. See Fazlur Rahman, "Approaches to Islam in Religious Studies-Review Essay", *Approaches to Islam in Religious Stuides* (ed. Richard Martin), Tuscon 1985, p. 193.

[32] Rahman, *Methodology*, p. 18–19.
[33] Rahman, *Methodology*, p. 2.
[34] Rahman, *Islam*, p. 55.
[35] Rahman, *Islam*, p. 58.
[36] Rahman, *Methodology*, p. 15, 30.
[37] i.e. agreed practice. See Rahman, *Methodology*, p. 14.
[38] Rahman, *Methodology*, p. 15.

[39] Joseph Schacht, *An Introduction to Islamic Law*, London 1964, p. 33.
[40] Schacht, *Origins*, p. 2, 28.
[41] Rahman, *Metholodology*, p. 23, 81.
[42] Ibidem.
[43] Rahman, *Islam*, 76, 78, 82.
[44] Schacht, *Origins*, 43.
[45] Ebū Abdillāh Muhammed b. Yezīd Māja al-Qazvinī, *Sünenu Ibn Māce*, "Fitan" 8, I, Vaduz 2000.
[46] Schacht, *Origins*, p. 91; Rahman, *Methodology*, p. 52. See also Schacht, *Introduction*, p. 47.

V. Hadīth or the Verbal form of the Living Tradition

Fazlur Rahman's views on the Hadīth show similarity to those of Schacht as his views on sunnah and ijmā do. Nevertheless, like his approach toward the origins of the Pophetic sunnah, he took a different position from Schacht in theory again by attributing the traditions to earlier period. According to him, there is a close connection between the Hadīth and sunnah. He describes the Hadīth as the verbal form of living sunnah, and a monumental commentary on the Prophet by the first generations.[47] He asserts that the duo of sunnah-Hadīth had the same usage as the one of 'ilm-fiqh. Accordingly, while the Hadīth is the narrative material, the sunnah signifies the deductions from this material.[48]

Fazlur Rahman argues that during the lifetime of the Prophet people talked about him and his deeds, but after him, more deliberate and conscious talk started as a result of the new generation's curiosity about him.[49] According to him, transmission regarding the "the Prophetic model of behavior" must have started before the Hasan Basrī's (21–110 A.H./ 642–728 C.E.) career as a student (because he was described as having his knowledge from the Companions, and this description presupposes an earlier activity of transmission); thus the terms of the sunnah and the Hadīth were "coeval" and "consubstantial" during the first period.[50] Having traced the origins of the transmission about the Prophet to an early period, Fazlur Rahman asserts that the Hadīth came into existence as a formal discipline in the third or the fourth quarter of the first Islamic century, but it had existed at least since 60-80 A.H. as a phenomenon.[51] Indeed, the caliph Abdulmalik in his letter to Hasan al-Basrī demanded the traditions which might support latter's ideas about predestination, which was possible only if there were any traditions at all at this period.[52]

It seems that Fazlur Rahman's attribution the origins of the Hadīth transmission to an early period did not affect his negative opinions about their authenticity since, relying upon his conclusions about the traditions which he calls "fundemantal Hadīth", he argues that the traditions are not historical

with the only exception of those about the farā'id.[53] Consequently, it is safe to argue that while Fazlur Rahman diverges from Schacht in theory, he seems to share a similar position with Schacht in practice. But, he makes a maneuver to save himself from this situation which he probably realizes:

> …although the Hadīth in part does not represent the verbal and pure Prophetic teaching, it has certainly an intimate connection with the Prophet and especially represents the earliest development of the Community's understanding of that teaching.[54]

According to Fazlur Rahman the hadīth movement gave rise to the hadīth 'formulation'[55] because of its very nature since the hadīth movement was inclined to attribute the traditions to the first authority i.e. the Prophet himself. As a result of this, in the course of time the number of the marfū' traditions increased (the material growth of the traditions). Owing to al-Shāf'ī's, the champion of Hadīth"[56], systematic insistence, it was accepted that the Hadīth especially the marfū' traditions could represent the sunnah; therefore the organic growth of the living sunnah and also the free thinking –because the greater part of the living sunnah consisted of ijtihāds- came to an end.[57] The picture given by Fazlur Rahman about the development of the Hadīth focuses on the material growth of traditions, especially the marfū' ones, Shāfī's exaggerated role, and the backward growth of traditions; thus it is the same as the one depicted by Schacht in his *Origins*. According to Schacht, after the overriding authority of the marfū' traditions had gained the general recognition thanks to al-Shāfī, many traditions came into existence in the post-Shāfī period. Having accepted the marfū' traditions as the foundation of his doctrine, al-Shāfī disassociate himself from the natural and the continuous development

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[47] Rahman, *Methodology*, p. 74, 76.
[48] Rahman, *Methodology*, p. 130.
[49] Rahman, *Islam*, p. 54.
[50] Rahman, *Islam*, p. 56, 58. Fazlur Rahman asserts that the consubstantiality of the sunnah and the Hadīth did not last long, and in the course of time, the content of the sunnah was developed by interpretations. Thus, the sunnah and the Hadīth were separated from each other. See Loc. cit., p. 59.
[51] Rahman, *Methodology*, p. 32; idem, *Islam*, p. 54.
[52] Idem, *Islam*, p. 55.

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[53] *Methodology*, p. 71. He describes the fundamental hadīth as the "the hadīth concerned with the Islamic Methodology itself". In fact, he is of the opinion that 'most' of the Hadīth not 'all' of them are not historical. But it is just a theoretical difference as is indicated by himself, and according to him, the discernment of authentic traditions is not possible. In this respect, he resembles to Goldziher, who accepts the greater part of the Hadīth as the result of later developments in the Islamic society, and occasionally speaks of the other i.e. authentic traditions without identifying them except the rulings concerning the *diyah*. See Ignaz Goldziher, *Muslim Studies* (tr. by C.R. Barber, S.M. Stern), II, London 1971, p. 19; idem, "Disputes over the Status of *Hadīth* in Islam" (tr. by Gwendolyn Goldbloom), *Hadīth* (ed. Harald Motzki), Aldershot 2004, p. 5.
[54] Rahman, *Islam*, p. 67.
[55] Fazlur Rahman prefers the term "formulation" instead of the term "forgery" because he accepts the Hadīth as the verbal form of the living tradition. Thus, the spirit of the Hadīth, he says, goes back the Prophet. See Fazlur Rahman, *Methodology*, p. 80. But it is really hard to grasp this assertion after his negative opinions about the fundamental traditions. See above.
[56] Rahman, *Methodology*, p. 40.
[57] Rahman, *Methodology*, p. 33, 44.

opment of the living tradition in the early schools of law. Once the marfūʿ traditions had gained the highest rank among the traditions, the traditions were gradually projected back to the higher authorities. In this context, maqtūʿ traditions became mavkūf, mavkūf traditions, in turn, became marfūʿ.[58]

Having divided Schacht's arguments about the nature of the Hadīth into two parts, Fazlur Rahman objects to the first part in which Schacht corroborates mainly Margoliouth's theses on the basis of al-Shāfʿī's works. Fazlur Rahman does not accept the late origins of the concept of the Prophetic sunnah on the ground that this argument makes the early Islamic period more obscure.[59] On the other hand, the second part of Schacht's arguments, *Fazlur Rahman argues*, is based on the comparison of the various versions of the traditions, and the method which Schacht follows in the part in question is scientific and sound.[60] However, at this point Fazlur Rahman levels a criticism at Schacht and points out that the method should be used in the knowledge that it has certain limits.[61] He does not accept Schacht's assertion that there could not have been any dogmatic traditions at the time when Hasan al-Basrī had written his letter addressed to the caliph Abdulmalik. Schacht reached this conclusion by using the argument *e silentio*. His argument runs as follows: 'Now that Hasan al-Basrī did not transmit any tradition in the letter, then there could not have been any traditions at the period in question'. Having interpreted the situation differently, Fazlur Rahman claims that the reason why any tradition was not used in the letter is that the subject was new in the Islamic society.[62] According to him, although the traditions on the subject, namely predestination were the result of a historical context, the wholesale

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[58] Schacht often expresses these ideas summarized here in his *Origins*. For instance idem, *Origins*, p. 4, 11, 13, 20, 40, 57, 77, 138, 156–9. See also Schacht, *Introduction*, p. 47.

[59] Rahmān, *Islam*, p. 47.

[60] Loc.cit., p. 47–8.

[61] Loc. cit., p. 48.

[62] One of the comments Fazlur Rahman makes on the letter should be noted here in order to illuminate his understanding of sunnah. He argues that Hasan al-Basrī spoke of the Prophetic sunnah regarding the subject but did not transmit any tradition. Rahman is convinced that this fact is in harmony with his interpretation of the Prophetic sunnah because, according to him, the Prophetic sunnah does not give a set of rules. Instead, it just points the direction. See Rahman, *Islam*, p. 48; idem, *Methodology*, p. 7, 12. In his article dealing with Fazlur Rahman's idea of sunnah, Ahmet Uyar rightly points out that Fazlur Rahman's claim about Hasan al-Basrī's letter is not true. See Ahmet Uyar, "Sünnet'in Tarihî Süreci Hakkında Fazlur Rahman'ın Görüşleri", *Sosyal Bilimler Enstitüsü Dergisi*, 12 (2002), p. 244. For Hasan's letter see H. Ritter, "Studien zur Geschichte de islamischen Frömmigheit. I. Hasan al-Basri", *Der Islam*, XXI/I (1933), pp. 1–83. The letter was translated into Turkish by Lütfi Doğan and Yaşar Kutluay [*AÜİFD*, III-IV (1954), pp. 75–84].

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denial of the existence of dogmatic traditions is wrong since it could not be thought that the Prophet did not say about essential theological subjects such as the Unity of God.[63]

Besides his conclusions about the letter in question, Schacht often uses the argument *e silentio* in his *Origins*. He summarizes the argument as follows:

The best way of proving that a tradition did not exist at a certain time is to show that it was not used as a legal argument in a discussion which would have made reference to it imperative, if it had existed.[64]

Although Fazlur Rahman criticizes the conclusion *e silentio* which Schacht reached based on Hasan al-Basrī's letter, arguing that that it is too sweeping, he also uses argument *e silentio* on several occasions. For instance, he asserts that Abū Yūsuf (182 A.H./ 798 C.E.), who quotes several traditions forbidding forgery of hadīth, does not transmit the 'prominent' "... من كذب علي"[65] hadīth because he still does not know the hadīth. [66]

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[63] Rahman, *Islam*, p. 55, 241. Schacht qualified his assertion elsewhere saying that "dogmatic traditions on the important problem of free will and human responsibility hardly existed at the time of its composition." Cf. Schacht, *Origins*, p. 141 and idem, "Revaluation", p. 149.

[64] Schacht, *Origins*, p. 140. Schacht bases the argument *e silentio* on the assumption that once a tradition came into circulation, it must have been adduced as evidence. He does not accept that the incompleteness of the sources invalidates conclusions *e silentio*, arguing that the evidence must be cumulative. According to him, the available sources make possible to reach conclusions e *silentio* in many cases. See Schacht *Origins*, p. 140, 142, 149. But two recent works show the opposite, namely that the scarcity or incompleteness of sources does not enable us to draw this kind of conclusions. See Harald Motzki, "Quo Vadis, Hadīth Forschung? Eine kritische Untersuchung von G.H.A. Juynboll: 'Nāfiʿ the mawlā of Ibn ʿUmar, and his position in Muslim Hadīth literature'", *Der Islam*, 73 (1996), pp. 40-80, 193-231.; Bekir Kuzudişli, "Hadīth of Man Kadhaba 'Alayya and Argumentum e Silentio", *Hadis Tetkikleri Dergisi (HTD)*, V/II, 2007, pp. 47–71.

[65] Muhammad b. 'İsmā'īl el-Buhârî, *Sahîhu'l-Buhârî*, "'Ilm" 38, "Canāiz" 33, I-III, Vaduz 2000; Muslim b. Hajjāj el-Kusheyrī, *Sahīh Muslim*, "Mukaddima" 4,5, I-III, Vaduz 2000; Ebū Dāvūd Sulaymān b. Eshʿas as-Sijistānī, *Sunenu Ebī Dāvūd*, "'Ilm" 4, I-II, Vaduz 2000; Ebū 'Îsâ Muhammed b. 'Îsâ et-Tirmizî "'Ilm" 8, "Manāqib" 20, I-II, Vaduz 2000; İbn Māje, "Mukaddima" 4.

[66] Rahman, *Methodolgy*, p. 36. For his other conclusions *e silentio* see idem, *Methodology*, p. 43, 51, and 92. In contrast to his claim, the hadīth under discussion was known to Abū Yūsuf because he quoted it in his *Kitābu'l-Āsār*. See Abū Yūsuf Yaʿqūb b. Ibrahīm al-Ensārī, *Kitābu'l-Āsār*, (ed. Ebu'l-Vafā al-Afgānī), 1355, p. 207. This indicates that the argument *e silentio* is not reliable because it leads wrong conclusions in the case of insufficient research or even a minor negligence, let alone the scarcity of the sources available to us. A similar mistake was made by Juynboll while dating "... من كذب علي" tradition on the basis of the argument *e silentio*. He argues that the tradition does not exist in the non-Iraqī sources before the year 180 A.H., and it must have come into circulation in Iraq between Rabīʿ b. Habīb (d. *ca.* 175A.H. /791 C.E.) and Tayālisī (d. *ca.* 203 A.H./818–19 C.E.). However, Motzki rightly points out that Juynboll overlooked the version in the Maʿmar b. Rāshid's (d. 153 A.H./ 770 C.E.) Cāmi'. See Motzki, "Dating Muslim Traditions", p. 218. Another criticism

Fazlur Rahman is convinced that "... من كذب علي" was one of two principle produced by traditionalist to prevent the traditionalist movement leading to two extremes namely closure of free process of interpretation or massive fabrication of traditions.[67] The other one is the saying in which Prophet lets the believers ascribe the good sayings to him whenever they find it.[68] Fazlur Rahman calls the first principle/tradition pro-Hadîth tradition and the second one as anti-Hadîth tradition. He considers that anti-Hadîth traditions are earlier than the as pro-Hadîth traditions as Schacht does as a natural consequence of his views on the living tradition and the counter-traditions.[69]

The understanding of counter-traditions could be readily recognizable in Schacht's dating of the legal traditions and historical ones which were, he claims, indented to give a background for the legal rulings.[70] Schacht argues that traditions often are formulated to rebut an opposing opinion or practice, and the counter-traditions are naturally later than the opinions at which they aimed.[71] Thus, he ascribes the arguments in favor of the Prophetic traditions to an earlier date than those against them[72] as a result of the history of Islamic jurisprudence he reconstructed in the *Origins*. According to this reconstruction, the living tradition of the early schools of law comes first. As for the

marfū traditions, they had to face a strong opposition to gain the overriding authority. As a consequence of traditionists' and al-Shāfi'ī's continual insistences, the authority of marfū traditions was accepted; thus the early schools started to project their doctrines to higher authorities.

In the chapter entitled "Arguments for and against Traditions", Schacht claims that one of the arguments against the traditions is that the traditions contradict the Qur'ān. In the course of time, this argument was traced back to the some of the Companions, even to the Prophet himself. According to a tradition ascribed to the Prophet, he wants Muslim to compare traditions related on his authority with the Qur'ān, and to accept the ones which agree with it.[73] Like Schacht, Fazlur Rahman discusses this tradition as a part of his opinions on anti-Hadîth traditions. According to him, this *anti-Hadîth hadîth* was a product of the efforts of Mu'tazila and fuqahās who wanted to break the strength of the hadîth movement.[74] Similarly, Schacht says that the opposition to traditions did not come only from the unorthodox circles, but also early specialists on law.[75]

Schacht asserts that the opinion expressed in the above-mentioned tradition was opposed by another one. According to this latter tradition, known as arīka tradition, the Prophet warns Muslims not to deny the traditions transmitted to themselves by saying "we follow only what we find in the Book of Allah". Schacht claims that the mursal isnād of the tradition out of its two isnāds, one of which is mursal and the other is muttasil, is the original one.[76] He assigns a *terminus ante quem* for the polemics between traditionalist and their opposing parties saying that these polemics took place in the generation before Sufyān b. 'Uyayna (d. 196 A.H./ 811 C.E.), who occurs in both isnāds.[77] Like Schcaht, Fazlur Rahman, who regards the arīka tradition as one of the pro-Hadîth traditions, argues that the historicity of the tradition is "extremely dubious" because it suggests the acceptance of Qur'ān and wholesale denial of traditions and severs these two sources, which could not be ascribed to the Companions. He thinks, like Schacht again, that this tradition represents the polemics between traditionalists and their rivals:

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[67] Rahman, *Islam*, p. 59.

[68] Fazlur Rahman quotes three sayings to that effect without making reference to any sources (see *Methodology*, 73). I was able to find one of them in the sources: " مَا جَاءَكُمْ عَنِّي مِنْ خَيْرٍ قُلْتُهُ أَوْ لَمْ أَقُلْهُ فَأَنَا أَقُولُهُ وَمَا أَتَاكُمْ عَنِّي مِنْ شَرٍّ فَأَنَا لَا أَقُولُ الشَّرَّ". This transmission is present in Ahmad b. Hanbal's *Musned*. The exact report runs as follows: " لأعرفن أحدا منكم أتاه عني حديث وهو متكئ في أريكته فيقول أتلوا علي به قرآنا ما جاءكم عني من خير قلته أو لم أقله فأنا أقوله وما آتاكم عني من شر فأنا لا أقول الشر " (see Ebû Abdillâh Ahmed b. Hanbal, *Musnedu Ahmad b. Hanbal*, II, 8787, I-VI, Cairo n.d. Editor Shu'ayb al-Arnaūt indicates that the chain of transmission is weak. al-Albānī also says that the line of transmission is weak, see, Muhammad Nāsiruddîn al- Albānī, *Silsilatu'l-ahādīsi'd-da'ifa va'l-mavdū'a*, III/207, Riyad 1977.

[69] Rahman, *Methodology*, p. 36, 45.

[70] The understanding of counter-traditions could also be seen in Goldziher's dating of traditions. *Muslim Studies*, II/104–5. In fact, Fazlur Rahman's several ideas which we noted their resemblances to Schacht's are also parallel with Goldziher's. Like Goldziher, who says that "every stream and counter-stream of thought in Islam has founded its expression in the form of a hadîth…Every ra'y or hawā, every sunna and bid'a has sought and found expression in the form of hadîth", Fazlur Rahman is convinced that the Hadîth "absorbed all elements of any importance current in the primitive period of the Community." See Goldziher, *Muslim Studies*, II/19, 126; Rahman, *Islam*, p. 237.

[71] Schacht, *Origins*, p. 152.

[72] Schacht, *Origins*, p. 57.

[73] al-Shāfi'ī, Muhammad b. Idris, al-*Risāla*, (ed. Abdulfattāh Kabbāra), Beirut 1999, p. 137. According to al-Shāfi'ī, this tradition is weak.

[74] Rahman, *Methodology*, p 51.

[75] *Origins*, p. 40.

[76] This is because, according to him, isnāds have the tendency to grow backwards; thus in the case of coexistence of the mursal and muttasil isnāds supporting the same matn, the muttasil one is later than the mursal.

[77] Schacht, *Origins*, p. 46.

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against Juynboll's dating of the tradition is written by Bekir Kuzudişli. He makes the following observation on his dating: "It seems that Juynboll's conclusion reached by using argumentum e silentio in the dating of the "... من كذب علي" hadīth is flawed because of insufficient research and the method he uses." See, Bekir Kuzudişli, "Hadīth of Man Kadhaba 'Alayya and Argumentum e Silentio", p. 69.

It obviously arose in a later situation when the Hadīth movement had set in and claimed to be the unique vehicle (at the expense of the living Sunnah) of expressing the Prophetic Sunnah; and its credentials to do so were questioned both by the Ahl al-Kalām and the earlier schools of law.[78]

V. Conclusions

The comparison made between Fazlur Rahman and Joseph Schacht's views on sunnah/hadīth reveals that there are considerable similarities between them. They not only give the same examples but also follow the similar line of argument; thus reaching same conclusions. The similarities in question are obvious especially with regard to their dating of individual traditions. It seems that Fazlur Rahman, who departs from Schacht's ideas in theory by accepting that the Prophetic sunnah and the traditions regarding the Prophet and his deeds had existed since the beginning, did not reach different conclusions from those of Schacht in practice. He could not give us any authentic traditions other than those concerning farāiz. In fact, it could be said that it is not his primary concern to determine historical traditions because traditions, according to him, are verbal form of the living sunnah, so they represent an ongoing process. Accordingly, authenticity of a tradition does not mean its ascription to the Prophet unlike the concept in the classical theory. It should be admitted that in his system the traditions lost their direct connection with the Prophet. However, he realizes, or rather 'feels' what this loss is supposed to mean. Hence, he often tries to emphasize the 'continuity':

> "The Prophet founded not merely a religion but a developing large-scale Community…This public continuity between the Prophet and his Community is the real guarantee of the Prophetic Sunna…It is this double connection, of spirit and of historical continuity, that rendered the Hadīth, despite a lack of strict historicity on the part of much of its contents, impregnable to all attacks in classical Islam."[79]

Fazlur Rahman's acceptance of Schacht theses on the sunnah/Hadīth as a whole on the one hand, and his efforts to connect the sunnah with the Prophet on the other, not only makes him vulnerable to criticisms but also obscures his assertions. The terms of ijtihād, ijmā, sunnah, hadīth, and their relationship with the first generations are not clear and hard to grasp. However, unlike the 'ulamā' caught in the illusion that Muslims live in an isolated world, Fazlur Rahman's position as a Muslim scholar who realizes Muslims' struggle for their survival in the modern world, and tries to find a way out is perfectly clear and understandable. In contrast to John Burton's claim, Fazlur Rahman realized "the one solid obstacle standing in the way of modern Islamic definition-

the hadīth"[80] and tried to overcome it. Probably, the problem lies in this very point. Because when traditions are seen as obstacles to overcome, they are discarded without further historical investigation even if a minor doubt rises about them. But it is obvious that to discard traditions means avoiding the problem, to be more precise, a way of escape rather than a solution. No one could ignore the historical experience of the preceding generations. Those traditions which are explained away or declared unauthentic were accepted by the classical scholars, and they based their decisions on the same traditions. As a consequence, not only the traditions, but also the aforementioned situation needs to be explained. The intellectual endeavor and yield bring about only when we undertake this task.

"Fazlur Rahman's Understanding of the Sunnah/hadīth -A Comparison with Joseph Schacht's Views on the Subject-"

Abstract: In the present article, Fazlur Rahman's understanding of the sunnah/hadīth will be discussed in comparison with Schacht's views on the same subject. That the views of Schacht and Fazlurrahman on Hadīth literature revolve around the term "living tradition/sunnah leads the comparison between the two and the idea of influence. It is intended to give examples which will hopefully help for better understanding of their positions. Besides the similarities, the differences between them will be noted with special emphasis on the possible reasons for them, and their effect on the dating of the traditions.

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[78] Rahman, *Methodology*, p. 49.
[79] Rahman, *Islam*, 66.

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[80] Burton, "Review of Fazlur Rahman's *Islam*", p. 395.