#### **CHAPTER I**

### INTRODUCTION

## A. Background Of Study

Hadits is the second most important source in the development of Islamic law after Quran. But unlike Quran that had been written and codified since the era of Usmân ibn 'Affân, hadits had just codified since the end of the first century until early of the second century. In this era of Caliph Umar ibn Abd Al-Azîz's government the controversy of hadits codification ended.

Codification of *hadits* in early history of Islam scholars brought many questions and problems to the recent scholars. It became controversial because of the long period between this codification era and the Prophet era. Many orientalists concerned themselves with the study of the codification of *hadits*. Some of them made a research concluding that *hadits* is not valid as a source of Islamic law. The researches have a purpose to make muslims hesitate to *hadits*.

One of them is Joseph Schacht, one of Ignaz Goldziher students, releasing a controversial theory on *sanad* called "Projecting Back Theory". Although Schacht was expert in Islamic law, he did not only work in this field. He also wrote many studies of Arabic manuscripts, Islamic theology, history of science and philosophy. However, the monumental and controversial work of him is *The Origins of* 

<sup>&</sup>lt;sup>1</sup>Muhammad Ajjaj al-Khatib, Al-Sunnah Qabla al Tadwin (Beirut: Dar al Fikr, 1981), 373.

Muhammadan Jurisprudence, published in 1950, and An Introduction to Islamic Law, published in 1960.<sup>2</sup>

Through both these two works, Schacht delivered the study of hadits nabawi. He concluded that hadits, especially related to Islamic law, is a Moslem scholars' work or product of the second and third century. In this study, Schacht was concerned with the transmissions of hadits (sanad) than the subject matter of hadits (matan). In the meantime, the objects of his study are al-Muwatta' of Imam Mâlik, al-Muwatta' of Imam Muhammad al-Syaibani, al-Umm and al-Risâlâh of Imam al-Syafi'i.

The Projecting Back Theory says that *sanad* of *hadits* is a judges product to legitimate their judicial sentences which were assumed to be sourced from Muhammad PBUH.

Schacht stated that Islamic law had not existed yet before the era of al-Sya'bi (d. 110 H).<sup>3</sup> This statement means that *hadits*' related to Islamic law are the products of the people living after al-Sya'bi era. According to Schacht's opinion, Islamic law started to be known after appointing religion judges (*qadhi*) since Bani Umayyah Dynasty.<sup>4</sup> The judicial sentences of *qadhi* needed a legitimating from the more authoritative scholars. So they couldn't relate their sentences to themselves, but they

<sup>&</sup>lt;sup>2</sup>Abd al-Rahman Badawi, Mausu'ah al-Mustasyriqin (Beirut: Dar al-Ilm li al-Malayin, 1984), 253

<sup>&</sup>lt;sup>3</sup>Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford University Press, 1979), 230.

<sup>&</sup>lt;sup>4</sup>Joseph Schacht, An Introduction to Islamic Law, (Oxford University Press, 1971), 16.

had to relate them to the figures living before them. For example, the Iraqi qadhi related their sentences and opinions to Ibrahim al-Nakha'i.

Further, the sentences of *qaahi* were not only related to the figures before them, but also related to the figures that had more authority, like to Masruq, then Ibn Mas'ud. And at the last step, the sentences were related to the Prophet Muhammad PBUH. In Schacht's viewpoint, these reconstructions form the *sanad* of *hadits* by projecting back the sentences and opinions of *qadhi* back to the figures before them.

One of the recent muslim scholars, Muhammad Mustafa Azami (in Arabic version: al-A'zhami), is the first to completely criticize Schacht's theory. He got his doctoral degree in Cambridge University, and his work Studies in Early Hadith Literature with A Critical Edition of some Early Texts.

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

Azami concluded that it is really impossible for them to gather and make a

Azami concluded that it is really impossible for them to gather and make a counterfeit *hadits* at the same time. Azami also criticized the study of Schacht which used the *fiqh* books as object of study. According to his opinion, *hadits* literatures and *fiqh* literatures have their own different characteristics. Therefore, researching *hadits* in the *fiqh* literatures is not proper, researching *hadits* must be from the *hadits* literatures <sup>5</sup>

In this study, the contradictive thoughts between Joseph Schacht and Muhammad Mustafa Azami will be delivered to know the differences. This study also specifically discusses Azami's responses to Schacht's theory in more detail.

### B. Identification Of Problem

From the background cited above, the problem that has to be identified in this study are analysis of differences between Joseph Schacht and Muhammad Mustafa Azami's viewpoints on *sanad*. Other problem that has to be identified is the responses of Muhammad Mustafa Azami to Joseph Schacht' projecting back theory to know the methodology used by Azami against the theory.

<sup>&</sup>lt;sup>5</sup>M. M. Azami, *Dirasat fi al-Hadis al-Nabawi wa Tarikh Tadwinihi* (Beirut: al-Maktabah al-Islami, 1980), 398.

## C. Question Formulations

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

- 1. What is Joseph Schacht's viewpoint on isnad system?
- 2. What is M.M. Azami's viewpoint on isnad system?
- 3. What are Azami's responses to Schacht's projecting back theory?

# D. Objective Of Study

The research of this study has purposes cited below:

- 1. To elaborate the concept of *sanad* through the projecting back theory published by Joseph Schacht.
- 2. To elaborate the concept of *sanad* according to Muhammad Mustafa Azami's perspective.
- 3. To analyze the responses of Muhammad Mustafa Azami to the projecting back theory.

# E. Definition Of The Key Terms

In order to avoid misunderstanding the title of this study, the terms and concepts will be defined properly as cited below:

1. Projecting back: imagine someone or situation as having moved to a different

place or time into the past.6

- 2. Theory: a supposition or a system of ideas intended to explain something.<sup>7</sup>
- 3. Response: a written or verbal answer, or reaction to something.<sup>8</sup>
- 4. Sanad: genealogy of hadits transmitters bringing it from the first source.9

## F. Usage Of Study

Beside of the objective of study cited above, significance of this study appears as cited below:

- 1. The study can be a part of the Islamic studies, especially *hadits* studies, and also give an informative contribution to academics concerning themselves to *hadits* studies.
- 2. The study can deliver the projecting back theory and its deficiencies in detail and give an understanding on the significance of *sanad* in Islamic thoughts and traditions.

<sup>&</sup>lt;sup>6</sup>Martin H. Manser, Oxford Learner's Pocket Dictionary (Oxford University Press, 1991), 330.

<sup>&</sup>lt;sup>7</sup>Ibid, 430.

<sup>&</sup>lt;sup>8</sup>Ibid, 353.

<sup>&</sup>lt;sup>9</sup>Muhammad Ajjaj al-Khatib, *Ushul al-Hadits: Ulumuhu Wa Mushtholāhuhu* (Beirut: Dar al-Fikr, 1989), 32.

### G. Review Of Literature

This study is primarily based on the book of Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford University Press, 1979), containing the projecting back theory. The most important conclusion cited in the book is what he said: "we shall not meet any legal tradition from the Prophet which can be considered authentic". With the arguments he delivered, he had made a reconstruction of the concept of sanad. As the work of other orientalists, it brought many questions and confusions. That is why it needs to be research.

The following primary literature of this study is the book of Muhammad Mustafa Azami, Studies in Hadith Methodology and Literature (Indianapolis-Indiana: American Trust Publication, 1978). This book was his doctoral thesis at Cambridge University in 1966. And the original title is Studies in Early Hadith Literature with A Critical Edition of Some Early Texts. And in 1980, he translated the dissertation into Arabic, Dirasat fi al-Hadits al-Nabawi wa Tarikh Tadwinihi. In this book he had much criticized the thesis of Schacht on sanad and through this book, he had made an incredible achievement in responding the orientalists related to the authenticity of hadith.

After researching literatures such as books, thesis', and other related sources in Center Library of Sunan Ampel State Institute of Islamic Studies, it has not been a

<sup>&</sup>lt;sup>10</sup>Schacht, The Origins..., 149.

work discussing about the responses of Muhammad Mustafa Azami to Schacht's projecting back theory specifically. But it can be found works on Joseph Schacht and his theory, one of them is *Kritik Hadis* by Ali Mustafa Yaqub (Jakarta: Pustaka Firdaus, 2004). The book seems to discuss about authenticity of *hadits* and studies of orientalists generally on it. Yaqub cites the projecting back theory and Azami's responses to it generally in only two short chapters. It can be known because the book contains articles of him published periodically in *Amanah* Magazine.

Beside that book, there is also a thesis of Indonesian student studying in Institute of Islamic Studies, McGill University Montreal Canada. It is Joseph Schacht's Contribution to the study of Islamic Law by Akh. Minhaji (Canada: McGill University, 1992). The thesis tends to discuss about Joseph Schacht as a legal historian and his contribution to the early Islamic law study. Although the study researched the traditions or *hadits*, it is commonly concerning with Islamic law, and it is not much related with Azami's thoughts.

So the study of Azami's responses to Schacht's theory still widely needs to be researched.

# H. Methodology Of Research

## 1. Research Paradigm

Almost all kind of research needs a library study. Though there is a difference between library research and field research, both of them need a library study.

The main difference is that in the field research, library study may be the first step to make a research design as a purpose. Whereas, in the library research, library study also utilizes the library sources to be data of the research. Library research doesn't need a field research.

The research of this study is library research, which is by researching related literatures, collecting research data, reading, writing, and working over the research sources.

### 2. Data Sources

## a. Primary sources

The primary sources of this study are works of Joseph Schacht and M.M. Azami related to the study. They are:

- 1) Dirasat fi al Hadis al Nabawi wa Tarikh Tadwinihi by Muhammad Mustafa Azami (Beirut: al Maktabah al Islami, 1980).
- 2) Studies in Hadith Methodology and Literature by Muhammad Mustafa Azami (Indianapolis-Indiana: American Trust Publication, 1978).
- 3) Manhaj al Naqd Inda al Muhadditsin by Muhammad Mustafa Azami (Riyadh: Syirkah al tibaah al Arabiyyah al Su'udiyah, 1982).
- 4) An Introduction to Islamic Law by Joseph Schacht (Oxford University Press, 1971).
- 5) The Origins of Muhammadan Jurisprudence by Joseph Schacht (Oxford University Press, 1979).

6) Remembering Joseph Schacht (1902-1969) by Jeanette Wakin (USA: ILSP Harvard Law School, 2003).

# b. Secondary sources

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

- 1) Muhammad Ajjaj al-Khatib, *Ushul al-Hadits: ulumuhu wa mushtholâhuhu* (Beirut: Dar al-Fikr, 1989).
- 2) Muhammad Ajjaj al Khatib, Al-Sunnah Qabla al Tadwin (Beirut: Dar al Fikr, 1981).
- 3) Abd al Rahman Badawi, *Mausu'ah al Mustasyriqin* (Beirut: Dar al Ilm li al Malayin, 1984).
- 4) Ali Mustafa Yaqub, Kritik Hadis (Jakarta: Pustaka Firdaus, 2004).
- 5) Other hadits studies compound literatures.

# 3. Step of Research

The research is focused to the study of M.M. Azami responses to Joseph Schacht's theory on sanad. Therefore, the study will be started by collecting comprehensive data of Joseph Schacht's works on hadits studies, especially related to his projecting back theory. And the most important books of him in this study are The Origins of Muhammadan Jurisprudence and An Introduction to Islamic Law.

The next step is collecting available data of M.M. Azami's works on hadits,

especially on the early hadits literature that contains a critical study of orientalist viewpoints on hadits. And the most important books of him to be researched here are Studies in Hadith Methodology and Literature (in Arabic version Dirasat fi al Hadis al Nabawi wa Tarikh Tadwinihi), and Manhaj al Nagd Inda al Muhadditsin.

### 4. Data Analysis

The research uses descriptive analysis method, which describes facts and characteristics of the objects systematically.<sup>11</sup> The step is to analyze the Azami's responses to Joseph Schacht's projecting back theory and his methodology. It will be understood how he criticized and brought back the right concept of sanad.

### I. Outline Of Writing

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

Chapter I: Introduction, containing background of study, identification of problem, question formulations, definition of key terms, objective of study, usage of study, literature research, method of research.

Chapter II: Theoritical background, containing the basic theory of *hadits*, *sanad*, and *Rawi*. It will be comprehensively illustrated with other scholar viewpoints.

Chapter III: Background Data, containing data or informations related to Joseph

<sup>&</sup>lt;sup>11</sup>Fadjrul Hakam Chozin, Cara Mudah Menulis Karya Ilmiah (Surabaya: Alpha, 1997), 59.

Schacht and Muhammad Mustafa Azami, their biographies and thoughts. And also the orientalist study on *hadits* prior to Schacht.

Chapter IV: Analysis, containing the elaboration of the Azami's responses to Joseph Schacht's theory.

Chapter V: Concluding remark, containing the summing-up of the analysis.