

Muhammadan Jurisprudence, published in 1950, and *An Introduction to Islamic Law*, published in 1960.²

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).³ 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.⁴ The judicial sentences of *qadhi* needed a legitimating from the more authoritative scholars. So they couldn't relate their sentences to themselves, but they

²Abd al-Rahman Badawi, *Mausu'ah al-Mustasyriqin* (Beirut: Dar al-Ilm li al-Malayin, 1984), 253

³Joseph Schacht, *The Origins of Muhammadan Jurisprudence* (Oxford University Press, 1979), 230.

⁴Joseph Schacht, *An Introduction to Islamic Law*, (Oxford University Press, 1971), 16.



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.⁵

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.

⁵M. M. Azami, *Dirasat fi al-Hadis al-Nabawi wa Tarikh Tadwinihi* (Beirut: al-Maktabah al-Islami, 1980), 398.

