

## THE OPPONENTS OF THE WRITING OF TRADITION IN EARLY ISLAM

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## I. Introduction

§ 1 In the sixth century of the Muslim era the Ḥanbalite scholar Abū ‘l-Faraġ ibn al-Ġawzī (d. 597) wrote a book to encourage his lazy contemporaries to greater efforts in the memorisation of Tradition.<sup>1</sup> God, he argued, had singled out the Muslims to memorise Koran and Tradition, whereas those who had been before them had been dependent on written sources and were incapable of memorisations. The Jews, for example, had conferred on Ezra<sup>2</sup> the title “son of God” merely because he knew the Torah by heart; among Muslims, by contrast, a seven-year-old child could recite the Koran from memory. The same contrast obtained in the field of Tradition. “Nobody among the nations transmits the words and deeds of their Prophet in a reliable fashion apart from us; for among us Tradition is transmitted from one generation to another, and the reliability of [each] transmitter is examined until the tradition has been traced back to the Prophet. Other nations have their traditions from written sources of which the writers and transmitters are unknown.”<sup>3</sup>

§ 2 Ibn al-Ġawzī’s exhortation suggests two basic points about the “oral Tradition” of Islam. The first concerns the significance of its oral character. For Ibn al-Ġawzī, as for the Muslim traditionists in general, this oral character was more than an occasion for the display of mnemonic virtuosity - though it certainly was that.<sup>4</sup> For it was in the *oral* continuity of transmission that the very authenticity of Tradition was seen to rest; mere literary transmission, and a *fortiori* literary finds, could carry no such authority.<sup>5</sup> This point of view needs emphasis because it is exactly the reverse of our own: the Dead Sea Scrolls represent at once the philologist’s dream and the traditionist’s night mare. It is hard to imagine that Ibn al-Ġawzī would have set much store by modern vindications of the authenticity of Muslim Tradition based on the exhumation of Arabic literary papyri,<sup>6</sup> or on the claim that the oral terminology of isnāds always conceals written transmission.<sup>7</sup>

§ 3 Our own view was, however, widely represented in the broader culture of Islam, and even among the traditionists themselves. Ġāhiz (d. 255) avers that, but for books, the greater part of learning would be lost and forgetfulness would prevail,<sup>8</sup> and quotes the poet Dū ‘l-Rumma (d.117) on the greater reliability of written records of poetry (*al-kitāb lā yansā wa-lā yubaddilu kalāman bi-kalām*).<sup>9</sup> In the polemic of Abū Sa’īd al-Dārimī (d. 282) against an adherent of the views of Bišr al-Marīsī (d. 218), the antagonist appears to be arguing the unsoundness of certain traditions on the ground that Tradition was not written down before the killing of ‘Utmān;<sup>10</sup> Dārimī responds by adducing attestations of the early writing of Tradition.<sup>11</sup> Among the traditionists, the Medinese Muhammad ibn ‘Amr [al-Layṭī] (d. 144) refused to transmit to his students *unless* they wrote, for fear that they would falsely ascribe things to him.<sup>12</sup> In an Imāmī anecdote a traditionist of the early second century wishes to

<sup>1</sup> Ibn al-Ġawzī, *al-Haḷl ‘alā ḥifī al-‘ilm wa-dīkr kibār al-huffāz*, Beirut, 1985; see also the description of the work in M. Weisweiler, *Istanbuler Handschriftenstudien zur arabischen Traditionsliteratur*, Istanbul, 1937, pp. 199f, no. 149. I tend to use “Tradition” to refer to *hadīṭ* at large, and “tradition” for and individual *hadīṭ*.

<sup>2</sup> For ‘azīz read ‘Uzayr, and for the *faqada* of the Beirut printing read *fa-qara’a* with Weisweiler.

<sup>3</sup> Ibn al-Ġawzī, *Haḷl*, p. 11.10; Weisweiler, *Istanbuler Handschriftenstudien*, pp. 199f.

<sup>4</sup> The element of virtuosity can be seen, for example, in the conjunction of the notions of never writing down a tradition and never asking for one to be repeated (see, for example, Ibn ‘Abd al-Barr, *Ġāmi’ bayān al-‘ilm*, Cairo, n.d., I, pp. 67.18, 67.21 (this work is hereafter cited as *Ġāmi’*, all references being to the first volume unless otherwise stated); Ibn Sa’d, *al-Ṭabaqāt al kabīr*, ed. E. Sachau *et al.*, Leyden, 1904-21, VI, p. 174.4 (this work is hereafter cited as *Ṭabaqāt*); Dārimī, *Sunan*, ed. ‘A.H. Yamānī, Medina, 1966, no. 459 (this work is hereafter cited as *Sunan*). Whether traditions have to be repeated for the slow-witted is in no sense a doctrinal issue.

<sup>5</sup> This point is eloquently expressed in Ibn al-Sīd al-Batalyawṣī, *Insāf*, ed. M.R. al-Dāya, Damascus, 1974, p. 202.2. The author died in 521.

<sup>6</sup> Cf. N. Abbott, *Studies in Arabic literary papyri*, Chicago and London, 1957-72, II, p. 2.

<sup>7</sup> Cf. the position adopted in F. Sezgin, *Geschichte des arabischen Schrifttums*, Leyden, 1967-, I, pp. 55, 60, 79.

<sup>8</sup> Ġāhiz, *Hayawān*, ed. ‘A.M. Hārūn, Cairo, 1938-45, I, p.47.8.

<sup>9</sup> *Ibid.*, p. 41.6. I owe both of these references to Albert Arazi; for parallels to the second, see below, § 115, note 522

<sup>10</sup> Abū Sa’īd al-Dārimī, *al-Naqd ‘alā Bišr al-Marīsī*, ed. M.H. al-Fiḳī under the title *Radd al-imām al-Dārimī ‘Utmān ibn Sa’īd ‘alā Bišr al-Marīsī al-‘anīd*, Cairo, 1358, p. 129.15

<sup>11</sup> *Ibid.*, pp. 129-32.

<sup>12</sup> Ibn ‘Adī, *Kāmil*, Beirut, 1984, p. 37.14.

write down a tradition so that no one can reject it.<sup>13</sup> The Kūfan Abū Nu’aym al-Fadl ibn Dukayn (d. 219) states that whoever does not check with his written records is prone to error.<sup>14</sup> Ibn Ḥanbal (d. 241) is asked about a man who has something by heart, but has a [different] version in writing; he replies that he prefers the written version.<sup>15</sup> Much later the eccentric Ḥanbalite Naḡm al-Dīn al-Tūfī (d. 716) reported the view that it would have been better if the Caliph ‘Umar (ruled 13-23) had let every Companion make a written record of the Tradition he had heard from the Prophet.<sup>16</sup>

§ 4 The second point concerns the eventual hollowness of this oral status of Tradition. Ibn al-Ġawzī was a revivalist: it was just because the practice of his day relied so much on writing that he was moved to reassert the value of memorisation. The hollowness can be seen already in early traditions sanctioning the use of the oral term *haddata* for written transmission, such as one recorder by Ibn Ḥanbal on the authority of Mansūr ibn al-Mu’tamir (d. 132): “If I write to you, I’ve told you”.<sup>17</sup> This is not to imply that from the third century onwards oral transmission was in general no more than an empty formality; but it now operated in a context permeated by the use of writing.<sup>18</sup> To seek out traditions from oral sources was still a traditionist’s sport as late as the time of Suyūfī (d. 911);<sup>19</sup> but the traditions he acquired in this way were a collector’s show-piece, not his stock-in-trade.

§ 5 It is, however, generally accepted that the Muslim oral Tradition had once been genuinely oral. Thus Nabia Abbott, who strongly emphasizes the written transmission of Tradition, sees the time of Zuhri (d. 124) as that of the major shift from oral to written transmission,<sup>20</sup> a view equally set forward by Sezgin in his first major study;<sup>21</sup> and although Sezgin has since argued for an exclusively written Tradition “from the beginning”,<sup>22</sup> we have yet to be presented with the view that the Prophet himself set down his Tradition in writing.

§ 6 It is likewise generally accepted that there was some hostility to the change from oral to written Tradition. This opposition, already discussed by Sprenger,<sup>23</sup> received somewhat rough justice at the hands of Goldziher. Taking at face value traditions regarding the very early writing of Tradition, he castigated the oralist for taking up a position “contrary to the facts known to them”.<sup>24</sup> (As we shall see, the “facts” in question tend to be those alleged by the winning side; and although they naturally survive in great quantity, they are neither more nor less worthy of credence than the “facts” alleged by the losers).<sup>25</sup> Since Goldziher, the opposition to writing has been further minimized by scholars concerned to emphasise written transmission by way of defending the authenticity of Tradition.<sup>26</sup> But only Sezgin

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<sup>13</sup> See below, § 11, note 50.

<sup>14</sup> Abū Zur’a al-Dimašqī, *Ta’rīḥ*, ed. Š.N. al-Qawḡānī, Damascus, n.d., p. 467, no. 1203; Ġāmi’, p. 75-23.

<sup>15</sup> Ibn Abī Ya’lā, *Tabaqāt al-Hanābila*, ed. M.H. al-Fiqī, Cairo, 1952, I, p. 348.1.

<sup>16</sup> Ibn Raḡab, al-Dayl ‘ala *Tabaqāt al-Hanābila* ed. M.H. al-Fiqī, Cairo, 1952-3, II, p. 368.11; rightly or wrongly, Ibn Raḡab treats the view as that of Tūfī himself.

<sup>17</sup> Ibn Ḥanbal, *al-‘Ilal wa-Ma’rifat al-rigāl*, ed. W.M. ‘Abbas, Beirut and Riyād, 1988, II, p. 172, no. 1904, and III, p. 195, no. 4840 (this work is hereafter cited as *‘Ilal*).

<sup>18</sup> This symbiosis, and its simplifications for the textual history of much early Islamic literature, has been studied by G. Schoeler in a series of articles in *Der Islam* (summary statement on his findings can be found in his “Die Frage der schriftlichen oder mündlichen Überlieferung der Wissenschaften im Islam”, *Der Islam*, 66, 1989, pp. 38f, 67).

<sup>19</sup> See E.M. Sertain, *Jalāl al-dīn al-Suyūfī*, Cambridge, 1975, I, p.31.

<sup>20</sup> Abbott, *Studies*, II, pp. 53, 80f, 184, 196.

<sup>21</sup> F. Sezgin, *Buhārī’nin kaynakları hakkında araştırmalar*, Istanbul, 1956, p.14.

<sup>22</sup> Id. *Geschichte*, especially I, p. 60.

<sup>23</sup> A. Sprenger, “On the origin and progress of writing down historical facts among the Musalmans”, *Journal of the Asiatic Society of Bengal*, 25, 1856, especially pp. 379-81; also id., “Ueber das Traditionswesen bei den Arabern”, *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, 10, 1856, pp. 4f.

<sup>24</sup> I: Goldziher, *Muhammedanische Studien*, Halle, 1889-90, II, p. 194; and cf. *ibid.*, p. 9, where it is plain that Goldziher was aware of the shakiness of these “facts”. Here and below, I have made use of the English translation (*Muslim studies*, London, 1967-71) when quoting from this work.

<sup>25</sup> This is of course a rather ungrateful criticism: it was Goldziher in this very study who argued that we should see in Tradition “a reflection of the tendencies which appeared in the community during the maturer stages of its development” (*ibid.* p. 5).

<sup>26</sup> See, in addition to the works of Abbott and Sezgin cite above, § 2, notes 6f, M.’A. al-Ḥafīb, *Uṣūl al-ḥadīth*, Lebanon, 1967, pp. 139-86, especially pp. 185f; M.M. Azmi, *Studies in early Ḥadīth literature*, Beirut, 1968, also available in an Arabic version (M.M. al-A’zamī,

has gone so far as to deny its existence altogether, dismissing it as a “superstition” created by Goldziher.<sup>27</sup>

§ 7 The crux of Sezgin’s position is his view that *kataba* and its derivatives, when they appear in traditions directed against the writing of Tradition, are not to be taken in the plain sense of “to write”. What they refer to is not, in his view, the writing of Tradition as such, but simply its written transmission without appropriate formalities.<sup>28</sup> But as Schoeler has demonstrated with telling examples,<sup>29</sup> Sezgin’s interpretation breaks down when confronted with the texts. To Schoeler’s examples we may add a typical tradition directed against the writing of Tradition in which the Kūfan Companion Ibn Mas’ūd complains that “people listen to what I say, then go away and write it down” (*yasma’ūna kalāmī tumma yantaliqūna fa-yaktubūnahu*).<sup>30</sup> On Sezgin’s interpretation this becomes self-contradictory, *yaktubūnahu* excluding the oral transmission established by *yasma’ūna*. The problem does not, of course, arise if *kataba* is taken in its plain sense.<sup>31</sup>

§ 8 This study attempts to set out what can be known of the history and origins of this opposition to the writing of Tradition. It is not intended as a contribution to the debate on the authenticity of Tradition, although it will be evident that on the balance my assumptions on this issue lie closer to those of Nazzām than to those of Ibn Ḥanbal.<sup>32</sup> Nor am I proposing a chronology for the actual writing down of Tradition; this is an issue of which, given the lack of witness external to the literary tradition<sup>33</sup> and the tendentiousness of the internal testimony, I see little immediate prospect of achieving definite results.

§ 9 Since the argument to be presented in this study is inevitably somewhat complex, it may help to give here an outline of its course. I shall begin by considering the evidence for the existence of opposition to the writing of Tradition in Baṣra at a comparatively late date, say the second half of the second century. **I shall then argue that this hostility had at an earlier stage existed in all major centres of learning, and, furthermore, that it had at one time been the prevailing attitude.** Having thus presented what I shall refer to as “oralist” values as central to the earliest form of the Muslim Tradition that is accessible to us, I shall turn to the question where these values came from. Here I shall consider a variety of possibilities, and end by presenting an argument for the Jewish origin of the Muslim hostility to the writing of Tradition. The concluding section sketches a general explanation for the demise of authentically oral tradition in Islam.

§ 10 The bulk of the research for this study was done over fifteen years ago, and the draft typescript

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*Dirāsāt fī ‘l-ḥadīṯ al-nabawī*, Riyād, n.d.). These scholars would seem to have a slightly improbable ally in Wansbrough (cf. J. Wansbrough, *The sectarian milieu*, Oxford, 1978, pp. 80f). Cf. also the polemic of Nūr al-Dīn ‘Itr against the Orientalists on this issue (*Manḥaḡ al-naqd fī ‘ulūm al-ḥadīṯ*, Beirut, n.d., pp. 41-3), and G.H.A. Juynboll, *The authenticity of the tradition literature: discussions in modern Egypt*, Leyden, 1969, pp. 47-54. Recently a Shī‘ite author has published a very substantial work of this kind (M.R. al-Ḥusaynī al-Ġalālī, *Tadwīn al-sunna al-nabawīyya*, Qumm, 1413, drawn to my attention by Hossein Modarressi).

<sup>27</sup> Sezgin, *Geschichte*, I, p. 53. The term “superstition” was brought into the discussion by Goldziher; nevertheless the tone of Sezgin’s polemic against him gives an exaggerated impression of the extent of their actual disagreement over the writing of Tradition (see G. Stauth, *Die Überlieferung des Korankommentars Muḡāhid b. Ḡabrs*, Giessen, 1969, p. 55; G. Schoeler, “Mündliche Thora und Ḥadīṯ: Überlieferung, Schreibverbot, Redaktion”, *Der Islam*, 66, 1989, p. 214).

<sup>28</sup> See Sezgin’s introduction to chapter 2 of the first volume of his *Geschichte*, and especially I, pp. 61, 74, 281.

<sup>29</sup> Schoeler, “Mündliche Thora”, pp. 228f.

<sup>30</sup> *Sunan*, no. 487

<sup>31</sup> These criticism do not apply to the view of the matter implicit in Sezgin’s earlier work (cf. his *Buhārī’nin kaynakları*, p. 17, where he speaks of “hadislerin yazıyla tesbitine muhalefet”).

<sup>32</sup> Cf. below, §§ 103-5.

<sup>33</sup> The earliest *documents* attesting the existence of written Tradition remain the Egyptian papyri edited by Abbott in the second volume of her *Studies*. She does not assign to any of them a date before the second half of the second century, her earliest relevant document (no. 2) being a fragment of the *Muwatta’* of Mālik (d. 179). In the field of *tafsīr* she does, however, date a fragment (no. 1) to the mid-second century; but her grounds for this dating are literary (and in fact by no means persuasive), not paleographical (*ibid.*, pp. 97, 101) – a point which van Ess does not take into consideration in adducing this document against Wansbrough (J. van Ess, review of J. Wansbrough, *Quranic studies*, Oxford, 1977, in *Bibliotheca Orientalis*, 35, 1978, cols. 352f).

on which I have relied in preparing for publication dates from the summer of 1980.<sup>34</sup> It would no doubt have continued to gather dust for many years had I not been invited to Paris by Yūsuf Rāgīb to speak at the conference he organized on “Voix et calame en Islam medieval” in March 1993.<sup>35</sup> I have naturally taken the opportunity to make numerous revisions to the original typescript, adding new material and rethinking some of the ideas. But the only event of real significance for this study which has taken place in the intervening years has been the publication of an important article on the subject by Gregor Schoeler.<sup>36</sup> My first inclination was to limit the present study to a discussion of those points on which I was in substantial disagreement with Schoeler, or had something of weight to add. In the event I have opted for an integral publication of my own research, accompanied by frequent indications of the relationship of my findings to Schoeler’s.<sup>37</sup>

§ 11 The five sources I have mainly relied on, and to which I regularly give references, are the following:

- (1) The *Taqyīd al-‘ilm* of al-Ḥaṭīb al-Baġdādī (d. 463).<sup>38</sup> This work is a monograph on the question of the writing of Tradition, and it brings together an invaluable collection of some two to three hundred relevant traditions. At the same time it is provided by its editor with a rich apparatus of references to parallels in other sources. An English abstract of the *Taqyīd* was given well over a century ago by Sprenger.<sup>39</sup>
- (2) The *Ġāmi bayān al-‘ilm* of Ibn ‘Ab al-Barr (also d. 463).<sup>40</sup>
- (3) The *Tabaqāt* of Ibn Sa’d (d. 230).<sup>41</sup>
- (4) The *‘Ilal* of Ibn Ḥanbal (d. 241).<sup>42</sup>
- (5) The *Sunan* of Dārimī (d. 255).<sup>43</sup> There are five further sources which are rich in materials, and which I have also been through systematically, but usually cite only when their materials diverge significantly from those I adduce from elsewhere. These sources are:
- (6) The *Kitāb al-‘ilm* of Abū Ḥayṭama (d. 234).<sup>44</sup>
- (7) The *Muṣannaḥ* of Ibn Abī Šayba (d. 235).<sup>45</sup>
- (8) The *Muḥaddiṯ al-fāšil* of Rāmahurmuzī (d. 360, or shortly before).<sup>46</sup>

<sup>34</sup> This draft was read a long time ago by Adrian Brockett, and more recently by Nimrod Hurvitz. An even older draft was read in the late seventies by John Burton, Patricia Crone, Menahem Kister, Etan Kohlberg, and Frank Stewart. I am grateful to all of them for their comments. I owe a fundamental debt to Fritz Zimmermann, who first introduced me to the major source (no. 1 in the following paragraph) on which this study is based.

<sup>35</sup> The Conclusion is a considered version of the remarks I made in summing up at the final session of the conference. The discussion of the reduction of the Jewish oral Tradition to writing (chapter III, section 4) did not form part of my presentation in Paris; it was the basis of a short talk given at a conference on the theme of “Bridging the worlds of Islam and Judaism” held in honour of William Brinner at Berkeley later in the same month. I am grateful to Mark Cohen, Christine Hayes, Gideon Libson, and Avrom Udovitch for generous assistance with the Judaic aspect of this study.

<sup>36</sup> Schoeler, “Mündliche Thora” (see above, note 27). An unpublished paper by M.J. Kister, presented to the Sixth International Colloquium on the theme “From Jahiliyya to Islam” held in Jerusalem in September 1993, includes considerable discussion of attitudes towards the writing of Tradition; I am much indebted to Michael Lecker for letting me see a copy.

<sup>37</sup> This literary form had a *Sitz im Leben* at the conference, at which Schoeler was also a participant. I am much indebted to him for his comment on my talk, and for the further references with which he subsequently supplied me.

<sup>38</sup> Al-Ḥaṭīb al-Baġdādī, *Taqyīd al-‘ilm*, ed. Y. Eche, Damascus, 1949 (this work is hereafter cited as *Taqyīd*). Unfortunately Eche does not number the traditions, but he does accord to each a separate paragraph; it is convenient to refer to these in the form “p. 79c”, where “79” is the page, and “c” indicates the third paragraph to open on that page.

<sup>39</sup> Sprenger, “Origin and progress”, pp. 304-26.

<sup>40</sup> See above, § 2, note 4. The relevant traditions are to be found mainly at *Ġāmi*, I, pp. 63-77.

<sup>41</sup> See above, § 2, note 4.

<sup>42</sup> See above, § 4, note 17. The traditions are numbered.

<sup>43</sup> See above, § 2, note 4. This edition is in two volumes, but the traditions are numbered continuously. The relevant traditions are at *Sunan*, I, pp. 98-107 (nos. 456-517).

<sup>44</sup> Abū Ḥayṭama, *Kitāb al-‘ilm*, ed. M.N. al-Albānī, Damascus, n.d. The text is edited together with three other short works, of which the first is the *Kitāb al-īmān* of Ibn Abī Šayba; I am grateful to Hassanein Rabie for obtaining a copy for me on the basis of quite inadequate bibliographical information. The traditions are numbered.

<sup>45</sup> Ibn Abī Šayba, *Muṣannaḥ*, ed. K.Y. al-Ḥūt, Beirut, 1989. The traditions are numbered; those relevant are at V, pp. 301f, 313-5.

<sup>46</sup> Rāmahurmuzī, *The Muḥaddiṯ al-fāšil*, ed. M.’A. al-Ḥaṭīb, Beirut, 1971. The traditions are numbered, those relevant are at pp. 363-402.

(9) The *Ta'riḥ* of Abū Zur'a al-Dimašqī (d. 281).<sup>47</sup>

(10) The *Ma'rifa wa 'l-ta'riḥ* of Fasawī (d.277).<sup>48</sup>

This basis could readily be extended, and the references to parallel passages considerably multiplied; major biographical sources of which I have not made systematic use include the *Ta'riḥ Baḡdād* of al-Ḥaṭīb al-Baḡdādī, the *Ta'riḥ madīnat Dimašq* of Ibn 'Asākir, and the *Siyar a'lām al-nubalā'* and *Ta'riḥ al-Islām* of Dahabī.

However, I doubt that such labours would significantly modify the conclusion of this study. As an indication of the extent to which the relevant traditions can constitute a "stage army", one may take the *Kitāb al-'ilm* of Abū Ḥayṭama, an early source. It contains 25 relevant traditions; all but three of these occur without significant variations in one or more of the first five sources cited above. The same is true of the 34 relevant traditions in the *Muṣannaḥ* of Ibn Abī Šayba.

I have not normally cited later discussions of the issue unless they have something to offer which is not available in the earlier sources I have used.<sup>49</sup>

I have encountered almost nothing of relevance in non-Sunnī sources. The oralism of the old Kūfan traditionists appears to have left no trace among the Imāmīs or the Zaydīs, just as that of the Baṣran traditionists seems scarcely to be reflected in Ibādī literature.<sup>50</sup>

I have, in intention, cited from the sources listed above virtually all material which belongs to the history of the controversy over the writing of Tradition. This is not, however the case with traditions which refer only to the actual writing of Tradition. I have discussed these where they seem to belong to the controversy, *i.e.* to form part of the armoury of the early supporters of the writing of Tradition, or where there was some particular reason to cite them. I have taken it for granted that large numbers of references to the early writing of Tradition, many of them clearly incidental, were effortlessly generated at a date when this issue had been settled, and have nothing to tell us about the history of the controversy. A mass of such material may be found in the secondary works already cited. On the other hand, I may at times have treated as part of the controversy traditions which do not really belong to it; there is a grey area here in which it is hard to reach firm conclusions.<sup>51</sup>

I am not the first to seek information on my topic in most of the sources listed above, and much of my material is already cited by Eche in his notes to his edition of the *Taqyīd*, and in the secondary works already referred to. I do not usually acknowledge such prior citation in my notes.

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<sup>47</sup> See above, § 3, note 14. The traditions are numbered.

<sup>48</sup> Fasawī, *al-Ma'rifa wa 'l-ta'riḥ*, ed. A.D. al-'Umarī, Baghdad, 1974-6.

<sup>49</sup> For examples of later treatments of the issue, see Qādī 'Iyād (d. 544), *al-Ilmā' ilā Ma'rifat uṣūl al-riwāya wa-taqyīd al-samā'*, ed. A. Ṣaqr, Cairo and Tunis, 1970, pp. 146-9; Ibn al-Šalāḥ al-Šahrazūrī (d. 643), *'Ulūm al-ḥadīṯ*, ed. N. 'Itr, Damascus, 1984, pp. 181-3; Saḥāwī (d. 902), *Faṭḥ al-muḡīṯ*, ed. 'A.H. 'Alī, n.p., 1992, III, pp. 29-39.

<sup>50</sup> Thus an Imāmī traitorist who ask Muhammad al-Bāqir (d. 114) to dictate a tradition to him reproached with the question: "Where are your powers of memory, people of Kūfa?" The traditionist then explains that he wants to write down the tradition so that no one can reject it (Ibn Bābawayh, *Man lā yahduruhu 'l-faqīh*, ed. 'A.A. al-Ġaffārī, Qumm, 1404, III, p. 331, no. 4182; Tūsī, *Istibṣār*, ed. H. al-Mūsawī al-Ḥarsān, Naḡaf, 1956-7, IV, p. 85, no. 325; id. *Tahdīb al-ahkām*, cd. Ḥ. Al-Mūsawī al-Ḥarsān, Tehran, 1390, IX, p. 69, no. 293). There is no trace here of the archaic Sunnī sense of the *impropriety* of writing Tradition. Cf. also Ġalālī, *Tadwīn*, p. 160 item 2, and the sources there cited.

<sup>51</sup> Thus in the case of the tradition cited below, § 33, note 149, the sartorial element might be the original point of the tradition, and the reference to writing secondary or incidental, for all that we have forms in which only the latter appears. The tradition cited below, § 132, note 612, may be an amusing counter-tradition which belongs to the repertoire of the controversy, or completely irrelevant. For instances where a tradition is presented to us as belonging to the controversy, but probably does not, see below, § 69, note 329, and § 127, note 579.

## II. The history of the Muslim opposition to the writing of Tradition

### 1. The Baṣran phase

§ 12 As the starting-point of our investigation we may take Ibn Ḥanbal's account of an incident which he himself witnessed towards the end of the second century. A man came before the dour, aged and eminent Baṣran Ibn 'Ulayya (d. 194),<sup>52</sup> and recited a well-known tradition according to which the Prophet gave to his Companion 'Abd Allāh ibn 'Amr ibn al-'Āṣ permission to write down what he heard from him.<sup>53</sup> The response was lively: Ibn 'Ulayya shook his garments and took refuge in God from lying and liars. By way of elucidation, Ibn Ḥanbal explains that the way of Ibn Sīrīn (d. 110), Ayyūb al-Saḥṭiyānī (d. 132) and Ibn 'Awn (d. 151) was likewise not to write;<sup>54</sup> all three Baṣran luminaries. Ibn Ḥanbal, in other words, presents Ibn 'Ulayya's rejection of the tradition in question as an expression of a typically Baṣran hostility to the writing of Tradition.

§ 13 Supporting material on Baṣran attitudes is not hard to come by. Ibn 'Ulayya himself plays a prominent role in the transmission of traditions against the writing of Tradition.<sup>55</sup> Of Ibn Sīrīn, the most respected of the Baṣran Successors among the Baṣran traditionists, we are told that he was against writing (*i.e.* against the writing of Tradition);<sup>56</sup> he did not write,<sup>57</sup> he warned that books had been the perdition of "those who were before you",<sup>58</sup> and he would not allow a book to remain at his house overnight.<sup>59</sup> In a thinly disguised reference to antics attributed to Sa'īd ibn Ğubayr (d. 95) and others,<sup>60</sup> he ridicules a man who writes with his spittle on his sandals: "Do you enjoy licking your sandal?"<sup>61</sup> Most of these traditions have solidly Baṣran *isnāds*. The record of Ibn 'Awn's attitudes – again strongly Baṣran – is uniformly hostile to writing: he denies that Abū Bakr and 'Umar wrote,<sup>62</sup> he himself never wrote a tradition<sup>63</sup> and disapproved of others writing from him,<sup>64</sup> he appears to be hostile even to notes

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<sup>52</sup> The death of Ibn 'Ulayya in 194 gives a *terminus ante quem* for the incident, but there is no firm *terminus a quo* other than 179, when Ibn Ḥanbal began his pursuit of *ḥadīth* (Ibn Ḥanbal, *ʿIlal*, III, p. 147, no. 4646; Ḍahabī, *Siyar a'lām al-nubalā'*, ed. S. Arna'ut et al., Beirut, 1981-8, XI, p. 179.13). Ibn Ḥanbal states that he frequented Ibn 'Ulayya for ten years after 183, but had already "written from" him before that date (*ʿIlal*, I, pp. 244f, no. 363, no. 2608). For Ibn 'Ulayya's mirthlessness, see *ibid.*, p. 425, no. 2881.

<sup>53</sup> *ʿIlal*, I, pp. 244f, no. 323; *Taqyīd*, p. 78c. For the Prophetic tradition quoted to Ibn 'Ulayya, see below, § 97, note 449. The incident is adduced by Schoeler ("Mündliche Thora", pp. 232f).

<sup>54</sup> This version is adduced by Eche from manuscript (*Taqyīd*, p. 79 n. 159).

<sup>55</sup> Note how the sizable block of traditions which Ibn Ḥanbal transmits from Ibn 'Ulayya at one point in his *ʿIlal* (II, pp. 385-92, nos. 2720-52) includes six traditions on the writing of Tradition, all but one of them hostile to it. By way of contrast, the Kūfan Wakī' ibn al-Ġarrāḥ (d. 196), who is merely a collector, indifferently transmits traditions for and against (see the block of material *ibid.*, I, pp. 209-20, nos. 224-56). In the *Taqyīd*, Ibn 'Ulayya transmits only material against writing (pp. 31a, 38b, 48d, 57b).

<sup>56</sup> *Kāna Muhammad yakrahu 'l-kitāb, ya'nī 'l-'ilm* (*ʿIlal*, II, p. 392, no. 2752); parallel versions have simple *Kāna yakrahu 'l-kitāb* (*ibid.*, I, p. 245, no. 324; *Taqyīd*, p. 48d). In what follows I shall not infrequently follow the usage of the sources and speak of "writing" *tout court*, leaving it to be understood that what is at issue is the writing of Tradition.

<sup>57</sup> *Taqyīd*, p. 45d; *Sunan*, nos. 474, 480a.

<sup>58</sup> *Tabaqāt*, VII/I, p. 141.21; and cf. *Gāmi'*, p. 65.8

<sup>59</sup> *ʿIlal*, II, p. 110, No. 1729; III, p. 241, no. 5061; Fasawī, *Ma'rifa*, II, pp. 55.4, 59.6, and cf. p. 54.16.

<sup>60</sup> For Sa'īd ibn Ğubayr's practice of writing on his sandals – a sign of enthusiastic abandon in the writing of Tradition – see for example *Taqyīd*, p. 102b-d. The same habit is ascribed to Zuhri (*ibid.*, p. 107a). The practice is noted by Schoeler ("Mündliche Thora", pp. 216f). Ibn Sīrīn's distaste for it is shared by Tāwūs ibn Kaysān (d. 106) (Ibn 'Abī Dāwūd, *Maṣāḥif*, apud A. Jeffrey, *Materials for the history of the text of the Qur'ān*, Leyden, 1937, p. 4.9).

<sup>61</sup> *Tabaqāt*, VII/I, p. 142.10.

<sup>62</sup> *Taqyīd*, p. 18 c; Fasawī, *Ma'rifa*, II, p. 285.9.

<sup>63</sup> *Sunan*, no. 480°; compare *Tabaqāt*, VII/I, p. 141.21 (Ibn 'Awn did not have a book containing a single complete tradition).

<sup>64</sup> Rāmāhurmuẓī, *Muhaddit*, p. 380, no. 366 (for the *Ibrāhīm* of the printed text read *a-tarāhum*, with ms. Escorial 1608, f. 77b.10).

(*atrāf*),<sup>65</sup> and thinks that no good will come of “these books”.<sup>66</sup> Only in the case of Ayyūb, as we shall see later, does the record point the other way. But even here there is a significant note of apology: Ayyūb in one tradition reaffirms his hostility to writing in principle, but explains that in practice he has to tolerate writing on the part of his students.<sup>67</sup>

§ 14 This Baṣran affinity is confirmed when we turn to the standard Prophetic tradition against the writing of Tradition: “Write nothing from me except the Koran; if anyone writes anything from me other than the Koran, let him erase it”.<sup>68</sup> If we collect and compare the numerous *isnāds* with which tradition appears in our sources, the picture that emerges is as follows. First, the higher part of the *isnāds* is uniform and Medinese, viz.:

The Prophet

Abū Sa’īd al-Ḥudrī

‘Aṭā’ ibn Yasār (d. 103)

Zayd ibn Aslam (d. 136)

To this part of the *isnāds* I shall return shortly. The next transmitter is in nearly all cases the Baṣran Hammām ibn Yaḥyā (d. 164);<sup>69</sup> Hammām then regularly transmits to Baṣrans, among them Ibn ‘Ulayya.<sup>70</sup> Only in a single instance does a non-Baṣran, Sufyān al-Ṭawrī (d. 161), appear in this part of the *isnād*; and he in turn transmits to a Baṣran.<sup>71</sup> It is thus clear that the transmission of the major Prophetic tradition against writing was at one stage a primarily Baṣran affair. There do exist other Prophetic traditions against writing which lack this Baṣran stamp,<sup>72</sup> and these will be discussed in due course; but they are far less prominent in our sources.

§ 15 This argument can be taken a stage further if we go back to the uniform Medinese section of the *isnād* set out above. Despite appearances, there is some reason to believe that the major Prophetic tradition was not just transmitted in Baṣra, but actually coined there. The key point here is the role of the Companion Abū Sa’īd. In the propaganda against writing, Abū Sa’īd figures also as an authority in

<sup>65</sup> *Tabaqāt*, VIII, p. 27.17. For the text of this tradition, see below, § 101, note 470; for the term *atrāf*, here loosely translated “notes”, see below, §§100f.

<sup>66</sup> *Taqyīd*, p. 57°-b: *‘Ilal*, II, pp. 388, no. 2730. On Ibn ‘Awn’s attitudes to writing see also the discussion in J. van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra*, Berlin and New York, 1991 -, II, pp. 361f (including also material which involves him in the actual practice of writing). Van Ess in his entries on early scholars not infrequently adduces reports on their attitude to writing.

<sup>67</sup> *‘Ilal*, I, p. 175, no. 120; cf. Fasawī, *Ma’rifā*, II, pp. 238.11, 827.13. Compare his statement that he had written only a single tradition from Ibn Sīrīn and later erased it (*ibid.*, I, p. 631.11); both are Baṣran.

<sup>68</sup> *Lā taktubū ‘annī šay’an siwā ‘l-Qur’ān fa.man kataba ‘annī ḡayr al-Qur’ān fa-l-yamhuhu*

<sup>69</sup> *Taqyīd*, pp. 29a-31b: Ibn Hanbal, *Musnad*, Bulaq, I313, III, pp. 12.14, 12.19, 21.17, 39.11. 56.15: *‘Ilal*, I, p. 245. no. 325; Muslim, *Sahih*, zuhd 16 (= cd. M.F. ‘Abd al-Baqī, Cairo, 1955-6, pp. 2298f, no. 3004); Ibn Abi Dawud, *Masahif*, p. 4.4.; etc. See Schoeler, “Mündliche Thora”, p. 238, tradition I I, and cf. *Ibid.*, p. 245. In two instances “Hisam” appears for “Hammām” (*Ġami’*, p. 63.17; *Sunan*, no. 456); if this is not just a misreading, the Hisam in question is presumably the Baṣran Hisam al-Dastuwa’i d. 153).

<sup>70</sup> *Taqyīd*, p. 31a, and parallels.

<sup>71</sup> *Ibid.*, p. 32a.

<sup>72</sup> *Ibid.*, pp. 32b-35b, and parallels. For the Prophet’s refusal to Abū Sa’id of permission to write, see below, § 54, note 265. For the Prophetic tradition transmitted by Abū Hurayra, see below, § 46. For that transmitted by Zayd ibn Tabit, see below, § 29 and § 47. Of these the first two have *isnāds* closely connected with that of the Baṣran tradition (see Schoeler, “Mündliche Thora”, p. 238, tradition I 2, I 3).

his own right. There is a well-attested tradition, occurring in many variants, according to which he refused to allow the writing of Tradition by his pupils, the *isnāds* of this tradition are overwhelmingly Baṣran, and show no connection with Medina.<sup>73</sup> To this may be added a further Baṣran tradition in which Abū Saʿīd avers that “We used to write nothing but the Koran and the Confession (*iašahhud*)”.<sup>74</sup> As an authority against the writing of Tradition, Abū Saʿīd is thus predominantly Baṣran property.<sup>75</sup> Now there is a familiar pattern whereby a Companion to whom a view has been attributed in his own right becomes the transmitter of a Prophetic tradition to the same effect.<sup>76</sup> This suggests that the Prophetic tradition, and with it the Medinese section of its higher *isnād*, represents a reworking of the Baṣran figure so prominently in the later transmission of the Prophetic tradition, it is likely to be Baṣran themselves who were responsible for the reworking.

§ 16 Schoeler, by contrast, sees the Prophetic tradition as a Medinese coinage later exported to Baṣra.<sup>77</sup> The points on which we differ are the following: (1) Whereas I regard the Prophetic tradition under discussion as a single tradition, Schoeler sees it as one of three variants of a single traditions, the other variants being a tradition regarding the Prophet’s refusal to permit Abū Saʿīd to write, and a Prophetic tradition against writing transmitted by Abū Hurayra.<sup>78</sup> All three share the same Medinese higher *isnād*,<sup>79</sup> and are directed against writing; however, their content is otherwise very different. (2) Regarding them as a single tradition, Schoeler then identifies the “common link” as the Medinese Zayd ibn Aslam, and infers from this that the tradition is Medinese. Schoeler’s adherence to Schacht’s “common link” method<sup>80</sup> constitutes the major methodological difference between his approach and my own.<sup>81</sup> My skepticism with regard to this method would thus prevent me from drawing Schoeler’s inference. (3) While we agree that the Prophetic tradition (however delimited) is likely to be a development from the Companion tradition, Schoeler does not bring into the argument the Baṣran provenance of the latter.<sup>82</sup>

<sup>73</sup> *Taqyīd*, pp. 36a-38c; *Ġamiʿ*, p.64.2, 64.5, 64.9; *Sunan*, no. 477, *ʿIlal*, II, p.392, no. 2749; Ramahurmuzi, *Muhaddit*, p. 379, no. 363. (The non-Baṣran transmitters in the lower isnād are Husarani in *Taqyīd*, p. 38c, Wasiti in *Sunan*, no.477, and Kūfan in *Ġamiʿ*, p. 64.2). For this tradition, see Schoeler, “Mündliche Thora”, p. 239, tradition II 1; also *Ibid.*, pp. 245, 246.

<sup>74</sup> *Taqyīd*, p. 93a. A parallel version is Kūfan in the lower isnād (*Ibid.* p. 93b; and cf. Abū Dawud, *Sunan*, ʿilm 3 (= ed. ʿI. ʿU. al-Daʿas and ʿA. al-Sayyid, Hims, 1969-74, IV, pp. 61f, no. 3648); for both versions, see Schoeler, “Mündliche Thora”, p. 246. The Hatib treats this as a tradition in favour of the writing of Tradition, which it clearly is not. Nowhere does Abū Saʿīd appear on the side of writing, and the peculiar position here accorded to the *tasahhud* may have something to do with its association with scripture. Ibn Masʿūd is said to have taught it to ʿAlqama (d. 62) in the same style as a sura of the Koran (*Tabaqat*, VI, p. 59.28). Something similar may be true of the *istihara* for which see The Encyclopedia of Islam, second edition, Leyden and London, 1960-, s.c.): Ibn Masʿūd denies that they wrote any traditions in the time of the Prophet except for the *tasahhu* and the *istihara* (*ʿIlal*, II, p. 259, no. 2184).

<sup>75</sup> There is one exception, the tradition in which Abū Saʿīd asks the Prophet for permission to write, and is refused (see below, § 54, note 265).

<sup>76</sup> J. Schacht, *The origins of Muhammadan jurisprudence*, Oxford, 1950, pp. 156f. The phenomenon was well-known to the medieval Muslim scholars (for the present instance, see Schoeler, “Mündliche Thora”, p. 245).

<sup>77</sup> *Ibid.*, pp. 232, 245.

<sup>78</sup> Cf. above, § 14, note 72.

<sup>79</sup> Schoeler, “Mündliche Thora”, p. 238, tradition I 1/2/3.

<sup>80</sup> See *Ibid.*, especially pp. 231, 244.

<sup>81</sup> The method was first set out by Schacht in his *Origins*, pp. 171-5; it has since been developed by Gautier Juynboll. Most recently Juynboll has announced, but not yet elucidated, the concept of a “seeming” or “artificial” common link (*Encyclopaedia of Islam*, art. “Nafi”). The objections I have raised against the method, which do not take account of this latest development, may be found in M. Cook, *Early Muslim dogma: a source-critical study*, Cambridge, 1981, chapter II; and see further id., “Eschatology and the dating of traditions”, Princeton Papers, I, 1992.

<sup>82</sup> For the isnāds of the Companion tradition, see above, § 15, note 73.

Abū Saʿīd is not the only Ḥiǧāzī Companion invoked by the Baṣrans against writing. They also mobilize Abū Hurayra,<sup>83</sup> Ibn ʿUmar,<sup>84</sup> Zayd ibn Ṭābit,<sup>85</sup> and Ibn ʿAbbās.<sup>86</sup>

§ 17 What has been said above would suggest that, at the time when the Prophetic tradition came into circulation, Baṣra stood out in its opposition to writing.<sup>87</sup> When would this have been? In the legal field, it was Schacht’s conclusion that “the first considerable body of legal traditions from the Prophet originated towards the middle of the second century”;<sup>88</sup> van Ess has similarly placed the most fruitful phase of the development of Prophetic Tradition in the field of dogma in the late Umayyad and early ʿAbbāsīd period.<sup>89</sup> Against this background, a dating of our tradition to the second century would not seem unduly skeptical. More specifically, for those who follow Schacht’s method of using “common links” to date traditions, it is not difficult to spot the “common link” in the present instance: Hammām ibn Yaḥyā, the Baṣran traditionist who died in 164.<sup>90</sup> Schacht’s method would then date the tradition to the time of Hammām, or at least *not earlier* than his *floruit*. But all this is pretty speculative, and it may be safer to rely simply on the assiduousness with which Baṣrans of the later second century transmitted the tradition. Putting this together with Ibn Ḥanbal’s reminiscence of the die-hard Ibn ʿUlayya, we can infer that the second half of the second century was a period in which Baṣra stood out in its hostility to writing.

§ 18 Was this isolation the product of innovation or of archaism on the part of the Baṣrans? The obvious hypothesis is that it was an instance of Baṣran conservatism. But to show that this is what it was, we need to push back our investigation into the first half of the second century. To do this we have to turn to regions in which hostility to writing was no longer significant in the second half of the century, and where accordingly testimony relating to an earlier period cannot easily be dismissed as retrojection.

§ 19 Before we do so, however, a significant if scarcely surprising qualification needs to be made with regard to Baṣran attitudes. There is also Baṣran material in favour of the writing of Tradition. Ibn Ḥanbal tells us that Ibn ʿUlayya himself possessed books of Tradition.<sup>91</sup> Ibn Sīrīn – to continue with Ibn Ḥanbal’s list of Baṣran luminaries whose way was not to write – never appears in direct support of writing; but he does occasionally budge a little from his customary intransigence. He remarks that, were he to have a book, it would be the letters of the Prophet;<sup>92</sup> he dithers as to whether it is proper for Ayyūb to transmit from the books bequeathed to him by Abū Qilāba (d. 104);<sup>93</sup> and he sees no harm in

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<sup>83</sup> *Taqyīd*, p. 41 a, 41 c.

<sup>84</sup> *Ibid.*, pp 43d, 44a; *Ġamiʿ*, p.66.1 (and cf. p. 66.4, from Sufyan ibn ʿUyayna (d. 198)); *Tabaqat*, VI, p. 179. 25 (but compare p. 180.1, where the sting has been drawn).

<sup>85</sup> *Sunan*, no. 480b.

<sup>86</sup> *Taqyīd*, p. 43a (but cf. Tahawi, *Sahr maʿani ʿIʿatar*, ed. M.S. Gadd al-Haqq and M.Z. al-Naggar, Cairo, n.d., IV, p. 319.22, where again the sting is drawn); Meccan traditions to the same effect which end up in Baṣra are *Taqyīd*, p. 43b-c; *Ġamiʿ*, p. 65.21; *Tabaqat*, VI, p. 179.4

<sup>87</sup> The Baṣran tendency to oralism is noted by Schoeler (see, for example, “Mündliche Thora”, pp. 219, 235)

<sup>88</sup> Schacht, *Origins*, p. 4.

<sup>89</sup> J. van Ess, *Zwischen Hadit und Theologie*, Berlin and New York, 1975, p. 181.

<sup>90</sup> See above, § 14, note 69, and Schoeler, “Mündliche Thora”, pp. 231, 238 tradition I 1 (but cf. p. 245). For the “common link” method, see above, § 16, note 81.

<sup>91</sup> *ʿIlal*, II, p. 344, no. 2528; *Ibid.*, p. 363, no. 2609. Cf. *Tabaqat*, VI, p. 235.23, and *Ġamiʿ*, p. 75.23.

<sup>92</sup> *Tabaqat*, VII/I, p. 141.25; *Sunan*, no. 463.

<sup>93</sup> Fasawi, *Maʿrifat*, II, p. 88.14; al-Hatib al-Bagdadī, *al-Kiyafa fi ʿilm al-riwaya*, Hyderabad, 1970, pp. 468.18, 469.5.

a man writing down a tradition provided he erases it when he has memorised it.<sup>94</sup> Ibn ‘Awn makes no appearance on the side of writing.<sup>95</sup> But Ayyūb, thanks to his role as the legate of Abū Qilāba’s books,<sup>96</sup> is a significant figure in its favour. We find him with a book in the presence of a distinguished Meccan traditionist;<sup>97</sup> he approves the reading of Tradition (*sc.* By the pupil to the teacher);<sup>98</sup> he accepts the offer of Sufyān ibn ‘Uyayna (d. 198) to write some traditions for him;<sup>99</sup> he cites the Koran in favour of writing;<sup>100</sup> and he sanctions the use of *ḥaddaṭa* for written transmission.<sup>101</sup>

§ 20 Two other figures illustrate the cracks in the Baṣran armour. The first is Ḥasan al-Basrī (d.110), in some ways the major Baṣran Successor. His profile is a complex one. We may note and set aside one group of traditions in which he is adduced as an authority in favour of writing, since what these have in common is that they are not Baṣran;<sup>102</sup> Hasan is here being used as a Trojan horse. Then there are derogatory references to his involvement in the (exclusively) written transmission of Tradition, mostly Baṣran.<sup>103</sup> There is an attempt to enlist Hasan in a compromise solution: he had all but one of his books burnt at his death.<sup>104</sup> There are traditions which describe, not necessarily as authoritative practice, how he wrote or let others write.<sup>105</sup> And there is a tradition which may well be Baṣran in which it is stated that Hasan “saw no harm in the writing of Tradition”.<sup>106</sup>

§ 21 The second figure is Anas ibn Mālīk, a major Baṣran Companion, and here the crack widens. First, we have again a Trojan horse tradition, in this case a Syrian story of the written texts which Anas used to bring out when his audiences were too large for oral teaching.<sup>107</sup> Second, and very characteristic for the role of Anas, there are two groups of traditions marked out by their transmission through the private channels of the family *isnād*. One group is concerned with the specific case of a fiscal ordinance written by Abu Bakr for Anas;<sup>108</sup> the other records the general injunction of Anas,

<sup>94</sup> *Taqyīd*, p. 59d; *Tabaqat*, VIII, p. 141.27.

<sup>95</sup> A Baṣran tradition in an early Egyptian source incidentally associates him with written transmission (Ibn Wahb, *Ġami’*, ed. J. David-Weill, Cairo, 1939-48, I, p. 76.2).

<sup>96</sup> See *ʿIlal*, II, p. 386, no. 2722 (cf. also *Ibid.*, I, pp. 287f, no. 463, and II, pp. 199f, no. 2002); *Tabaqat*, VII/II, p. 17.15; Abbott, *Studies*, II, p. 223, line 10.

<sup>97</sup> *Tabaqat*, VII/II, p. 42.18.

<sup>98</sup> *Ibid.*, VII/II, p. 17.11

<sup>99</sup> *Ibid.*, V, p. 353.11; Abū Zur’a, *Ta’rīḥ*, p. 451, no. 1134, and p. 514 no. 1364. But this is not a Baṣran tradition.

<sup>100</sup> So *Taqyīd*, p. 110b, with the *isnād*: Hammad ibn Zayd (d. 179) from Abū ‘l-Malīh from Ayyūb. In parallel versions, however, the latter pair is transposed, so that Ayyūb is merely a transmitter, and Abū ‘l-Malīh the author of the dictum (*Ġami’*, p. 73.1; *Sunan* no. 495); he can then be identified as Abū ‘l-Malīh ibn Usama, a Baṣran who died in 98, whereas the *isnād* of the *Taqyīd* does not permit a satisfactory identification. The Koranic sanction invoked is from an exchange between Moses and Pharaoh regarding the “former generations”, in which Moses observes that “knowledge of them is with my Lord in a book” (Q XX, 52). Cf. also below, § 23, note 127.

<sup>101</sup> *ʿIlal*, II, p. 172, no. 1904, and III, p. 195, no. 4840; Fasawi, *Ma’rifat*, II, p. 826.4. On Ayyūb’s attitudes see also van Ess, *Theologie*, II, pp. 349f.

<sup>102</sup> He avers that “there is no shackle of Tradition (‘ilm) like writing” (*Taqyīd*, p. 101b, with a Kūfān *isnād*). He indicates that the point of having books is to familiarize oneself with Tradition (*Ibid.*, pp. 100c, 101a; *Ġami’*, pp.74.23, 75.2; all are from the Kūfān A’mas (d. 148)).

<sup>103</sup> *Tabaqat*, VII/I, pp. 115.4, 116.4; Hatīb, *Kifaya*, p. 471.13. A similar tradition in which Hasan blithely admits that he transmits from a literary find (*sahifa wagadnaha*) may not be Baṣran (*Ibid.*, p. 471.9; Fasawi, *Ma’rifat*, II, p. 45.11).

<sup>104</sup> *Tabaqat*, VIII, p. 127.10.

<sup>105</sup> A Baṣran tradition contrasts him in this with Ibn Sirin (*Sunan*, no. 474); and see *Taqyīd*, p. 102a (Syrian). The account of his lending his books for copyin has a Kūfān transmitter in the lower *isnād* (*Tabaqat*, VIII, p. 126.20. VII/II, p. 17.26; *ʿIlal*, I, p. 155, no. 66, and II, p. 597, no. 3831; but cf. *Ibid.*, I, p. 319., no. 553).

<sup>106</sup> *Ġami’*, p. 74.13, transmitted by the Egyptian Ibn Wahb (d. 197) from the Baṣran Sari (read so) ibn Yahya (d. 167).

<sup>107</sup> *Taqyīd*, p. 95a-e.

<sup>108</sup> In one variant, the document is transmitted by Hammad [ibn Salama] (d. 167) from Tumama ibn ‘Abd Allāh, a grandson of Anas who was qadī of Baṣra early in the second century (*Taqyīd*, p. 87b). In another variant, the family *isnād* continues from Tumama through his nephew ‘Abd Alla ibn al-Mutanna to the latter’s son Muhammad ibn ‘Abd Allāh al-Ansari (d. 215) (*Ibid.*, p. 87a). The ordinance is

usually addressed to his sons, to write Tradition.<sup>109</sup> There is also a scatter of further traditions variously involving Anas in the writing of Tradition and transmitted with ordinary Baṣran isnāds.<sup>110</sup>

§ 22 Baṣran ambivalence can also be illustrated from the role of Baṣrans in the transmission of Prophetic traditions *in favour* of writing. On the one hand, there is a marked absence of prominent Baṣran traditionists in this material. Such authorities play no part in the transmission of the Prophetic injunctions to “use your right hand” and to “shackle Tradition”.<sup>111</sup> They are only marginally attested in the numerous isnāds of the tradition according to which ‘Abd Allāh ibn ‘Amr secured from the Prophet a permission to write Tradition<sup>112</sup> - the major exception being Yaḥyā ibn Sa’īd [al-Qattan] (d. 198).<sup>113</sup> On the other hand, we do find in the lower part of the isnāds of the injunction to “use your right hand” a predominance of insignificant Baṣrans,<sup>114</sup> men such as Halil ibn Murra (d. 160), of whom we are told that the Baṣrans made no use of him because he was a nonentity.<sup>115</sup>

§ 23 The rest of the Baṣran material, for and against writing, is too ragged to be worth detailed analysis; I include it here for the sake of completeness. Negative attitudes are ascribed to the Companion ‘Imran ibn Husayn,<sup>116</sup> Abu ‘l-‘Aliya (d. 90),<sup>117</sup> Gabir ibn Zayd (d. c. 100),<sup>118</sup> Qatada ibn Di’ama (d. 117),<sup>119</sup> and Yunus ibn ‘Ubayd (d. 139).<sup>120</sup> Compromise positions of one sort or another are associated with Halid al-Hadda’ (d. 141),<sup>121</sup> Hisam [ibn Hassan] (d. 148),<sup>122</sup> Su’ba ibn al-Haggag (d. 160),<sup>123</sup> Hammad ibn Salama (d. 167),<sup>124</sup> and Hammad ibn Zayd (d. 179).<sup>125</sup> Favourable positions are

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naturally cited elsewhere for its content (see, for example, Buhari, *Sahih*, zakat 33-9 (= ed. L. Krehl, Leyden, 1862-1908, I, pp. 366-9), where it is cited six times).

<sup>109</sup> *Taqyīd*, pp. 96a-97c, and p. 97d (at the end of the paragraph); *Tabaqat*, VII/I, p. 14.4; *Ġami’*, p. 73.6; *Sunan*, no. 497. In all cases the family isnād reaches to ‘Abd Allāh ibn al-Mutanna; in some (as *Taqyīd*, p. 96b) it goes on to his son Muhammad.

<sup>110</sup> Anas tells his son to write a certain tradition of faith: *Taqyīd*, p. 94a-b; Muslim, *Sahih*, imān 10 (= p. 62.1, no. 33). Aban ibn Abi Ayyas (d. 138) writes in his presence (*Taqyīd*, p. 109a; *Tabaqat*, VII/II, p. 19.12; and cf. *Sunan*, no. 498, and *‘Ilal*, III, p. 494, no. 6122).

<sup>111</sup> *Taqyīd*, pp. 65a-67b, and Tirmidī, *Sahih*, ‘ilm 12 (= ed. ‘I.‘U. al-Da’as, Hims, 1965-8, VII, pp. 311f, no. 2688); *Taqyīd*, pp. 68b-69d, and *Ġami’*, pp. 72.7, 73.12, 73.14. The stray version of the first injunction transmitted by Anas has an obscure Baṣran element in the isnād (*Taqyīd*, p. 67b); the similarly isolated version of the second transmitted by him follows the family isnād noted above through Tumama and ‘Abd Allāh ibn al-Mutanna, but then leaves Baṣra (*Ibid.*, p. 69; and *Ġami’*, p. 72.7). For the content of these injunctions, see below, §§ 84f.

<sup>112</sup> *Taqyīd*, pp. 74a-81d, and parallels. Two noteworthy exceptions are Hammām [ibn Yahya], who transmit a version from the Meccan Mutanna ibn al-Sabbah (d. 149) (*Ibid.*, p. 77c), and Hammad ibn Salama (Ibn Qutayba, *Ta’wil muhtalif al-hadīth*, Cairo 1326, p. 365.9). Su’ba ibn al-Haggag (d. 160) cites the tradition, but only to disparage it (*Taqyīd*, p. 78b, latter part); with Abū Asim al-Nabil (d. 212) we have reached a generation for whom the writing of Tradition was no longer an issue (*Ibid.*, p. 74a).

<sup>113</sup> *Taqyīd*, p. 80c; Ibn Ḥanbal, *Musnad*, ed. A.M. Sakir, Cairo, 1949-, nos. 6510, 6802; *Sunan*, no. 490; *Ġami’*, p. 715; Abū Dawud, *Sunan*, ‘ilm 3 (= IV, pp. 60f, no. 3646). See Schoeler, “Mündliche Thora”, p. 240, tradition III 1; also *Ibid.*, pp. 247f.

<sup>114</sup> Such figures appear regularly as the fourth transmitter in the isnāds (and cf. the versions from Halil ibn Murra given by Ibn ‘Adi in his *targama*, *Kamil*, p. 928.20). The obscure Hasib ibn Gahdar, who appears as the third transmitter in several versions (*Taqyīd*, pp. 65a-d, 67b) may also be Baṣran (see below, § 30, note 144). Except in the version transmitted by Anas, Baṣrans play no part in the transmission of the Prophetic injunction to “shackle” Tradition.

<sup>115</sup> Ibn Hagar, *Tahdīb al-Tahdīb*, Hyderabad, 1325-7, III, p. 170.2. He appears in *Taqyīd*, p. 66b-c; Tirmidī, *Sahih*, ‘ilm 12 (= VII, pp. 311f, no. 2668).

<sup>116</sup> Abū Zur’a, *Ta’rīḥ*, p. 555, no. 1512.

<sup>117</sup> *Taqyīd*, p. 47c; *‘Ilal*, III, p. 441, no. 5875.

<sup>118</sup> *Tabaqat*, VII/I, p. 131.23; and cf. *Ġami’*, II, pp. 31.23, 144.2.

<sup>119</sup> *Sunan*, no. 460.

<sup>120</sup> Fasawi, *Ma’rifā*, II, p. 237.8; Ramahurmuzi, *Muhaddīth*, p. 381, no. 367; and cf. *Tabaqat*, VII/II, p. 23.18.

<sup>121</sup> *Taqyīd*, p. 59b, and cf. *Tabaqat*, VII/II, p. 23.13.

<sup>122</sup> *Sunan*, no. 466; Fasawi, *Ma’rifā*, II, p. 239.1.

<sup>123</sup> *Taqyīd*, p. 62b-c.

<sup>124</sup> *Ibid.*, pp. 111f.

<sup>125</sup> Dahabi, *Tadkirat al-huffaz*, Hyderabad, 1968-70, p. 139.13, and cf. p. 229.11.

associated with Abu Qilaba,<sup>126</sup> Qatada again,<sup>127</sup> and Sulayman ibn Tarhan (d. 143).<sup>128</sup> The tradition according to which the Baṣran Basir ibn Nahik secured from the Companion Abu Hurayra permission to transmit what he had written down from him has a Baṣran isnād.<sup>129</sup> The tradition according to which the Caliph ‘Umar ibn ‘Abd al-‘Aziz (ruled 99-101) wrote to Medina to have Tradition written down appears on occasion with a Baṣran isnād.<sup>130</sup> The invocation of the Baṣran Mu’awiya ibn Qurra (d. 113) in favour of writing is probably Baṣran.<sup>131</sup>

§ 24 References to the actual involvement of Baṣrans in the writing of Tradition are not hard to find.<sup>132</sup> I shall have more to say later on the question of the relationship between principle and practice in the early writing of Tradition.<sup>133</sup>

## 2. The general phase

§ 25 Was the Baṣran hostility towards the writing of Tradition in the later second century an archaism or an innovation? It is of course true that much of the material adduced above refers to an earlier period, and thus gives *prima facie* support to the hypothesis of archaism; but as already indicated, it is hard to tell what in this material is authentic survival from the earlier second century, and what is retrojected propaganda. If we wish to support the hypothesis of archaism, we must accordingly leave Baṣra and turn to a wider scene.

§ 26 In what follows **I shall adduce evidence that opposition to writing was once both general and prevalent: general in the sense that it is attested for all major centres of Muslim learning, and prevalent in the sense that it was the norm from which those who wished to sanction the writing of Tradition were departing.** On the first of these points at least I am in broad agreement with Schoeler; I shall indicate specific differences as I go along. I begin by setting out the evidence for the existence of opposition to writing outside Baṣra.

### *Kufa*

§ 27 In Kufa the existence of such opposition is well attested. For example, the Kūfan Companion Ibn Mas’ud is regularly invoked against writing in traditions with Kūfan isnāds,<sup>134</sup> and much supporting material will be cited in other connections in the following argument. I shall accordingly proceed immediately to the question of the date at which this hostility disappeared in Kufa. A number

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<sup>126</sup> *Taqyīd*, p. 103c; *Ġami’*, p. 72.25, and cf. Ramahurmuzi, *Muhaddit*, p. 371, no. 338.

<sup>127</sup> *Taqyīd*, p. 103b; *Tabaqat*, VII/II, p. 2.6. Qatada invokes Q XX, 52 (cf. above, § 19, note 100). Van Ess cites this from the *Taqyīd* (Theologie, II, p. 139), but does not take into account Darimi’s countervailing report cited above, note 119.

<sup>128</sup> *Taqyīd*, p. 112b; *Ġami’*, p. 58.15. But cf. Buhari, *al-Ta’rīḥ al-kabir* Hyderabad, 1360-78, II/II, p. 21.2, cited in van Ess, Theologie, II, p. 369.

<sup>129</sup> *Sunan*, no. 500; *Tabaqat*, VII/I, p. 162.8; Fasawi, *Ma’rifat*, II, p. 826.6. The anecdote is also transmitted by the Kūfan Waki (*Taqyīd*, p. 101c; *‘Ilal*, I, pp. 214f, no. 238; and *Ġami’*, p. 72.19).

<sup>130</sup> *Taqyīd*, p. 106a; Ramahurmuzi, *Muhaddit*, pp. 373f, no. 346.

<sup>131</sup> It seems to be so in *Sunan*, no. 496, and cf. *Taqyīd*, p. 109c-d; *Ġami’*, p. 74.3.

<sup>132</sup> See, for example, Fasawi, *Ma’rifat*, II, p. 827.13, for Ayyūb; *Ġami’*, pp. 74.24, 74.25, for Su’ba; *‘Ilal*, p. 357, no. 682, for Hammām ibn Yahya. Such references could easily be multiplied for both earlier and later figures.

<sup>133</sup> See below, §§ 73f.

<sup>134</sup> See below, § 87.

of indications, over and above the fact that the Kūfān material is considerably less abundant than the Baṣran, suggest that opposition to writing faded out significantly earlier in Kufa than in Baṣra.

§ 28 First, the Kūfān contribution to the transmission of Prophetic traditions on the subject, whether for or against, is exiguous. As already noted, the major Prophetic tradition against writing is transmitted in a stray instance by Sufyān al-Tawrī, who in any case transmits to a Baṣran.<sup>135</sup> More interesting, but still minuscule, is a Kūfān parallel to the build-up of Abu Saʿīd by the Baṣrans, here revolving around the figure of the Companion Zayd ibn Tabit.

§ 29 The details are as follows. (1) There is a purely Prophetic tradition, transmitted by Zayd ibn Tabit, in which the Prophet forbids anyone to write down his Tradition (*naha an yuktab hadituhu*).<sup>136</sup> The isnād is Medinese. (2) There is a mixed form in which the Prophetic tradition is encapsulated in a Companion tradition; here Zayd adduces the Prophetic tradition in refusing to allow the Caliph Muʿawiya to have what he transmits written down.<sup>137</sup> A Kūfān transmitter appears following the same Medinese higher isnād. (3) There is a purely Companion tradition, making no reference to the Prophetic prohibition, in which (the future Caliph) Marwan (ruled 64-5) appears in place of Muʿawiya, and Zayd protests that what he says is only his own opinion, or the like. The isnād is Kūfān, and in one version the same Kūfān transmitter appears.<sup>138</sup> (4) Close in content to this version is a variant with a solidly Baṣran isnād figuring both Ibn Sīrīn and Ibn ʿAwn.<sup>139</sup>

The situation is not a tidy one, but there are enough links between the Prophetic and the Companion traditions to support Schoeler's suggestion that the former may have arisen from the latter,<sup>140</sup> and the role of Kūfāns in the transmission of the Companion tradition indicates that the evolution may have taken place in Kufa. The argument is not, however, a strong one.

§ 30 On the side of writing, the Kūfān role in the transmission of the Prophetic traditions is, if anything, slighter. Kūfāns play a small part in the ramified isnāds of the traditions regarding ʿAbd Allāh ibn ʿAmr's permission to write, and the tradition regarding the document in which he recorded what he heard from the Prophet is received in Kufa,<sup>141</sup> but nothing points to a Kūfān origin for these traditions. An obscure and ill-reputed Kūfān, Hasib ibn Gahdar (d. 132 or 146?),<sup>142</sup> appears in several isnāds of the Prophetic injunction to "use your right hand";<sup>143</sup> but these isnāds show no other Kūfān connections, and Hasib is also described as a Baṣran.<sup>144</sup>

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<sup>135</sup> *Taqyīd*, p. 32a; see above; § 14, note 71.

<sup>136</sup> *Ibid.*, p. 35b (the latter part).

<sup>137</sup> *Ibid.*, p. 35a, and the isnād given in the first part of 35b; *Gami*, p. 63.21; Ibn Ḥanbal, *Musnad*, V, p. 182.3; Abū Dawud, *Sunan*, 'ilm 3 (= IV, p. 61, no. 3647). The Kūfān is Abū Ahmad Muhammad ibn ʿAbd Alla al-Zubayrī (d. 203).

<sup>138</sup> *Tabaqat*, II/II, p. 117.8 (where he appears), and *Ĝami'*, p. 65.9 (where he does not).

<sup>139</sup> *Sunan*, no. 480b. For all this, see also below, § 47.

<sup>140</sup> Schoeler, "Mündliche Thora", p. 246.

<sup>141</sup> For his permission to write, see *Taqyīd*, pp. 76c, 78a. For the document, see *Ibid.*, pp. 84a, 84c, 85a; *Ĝami'*, p. 72.2; *Sunan*, no. 502; also Schoeler, "Mündliche Thora", pp. 243, 248f.

<sup>142</sup> See Ibn Hagar, *Lisan al-Mizan*, Hyderabad, 1329-31, II, p. 398.3 (for his deathdate), and Ibn Abi Hatim, *al-Garh wa 'l-ta'dil*, Hyderabad, 1360-73, I/II, p. 396.17 (for his Kūfān provenance).

<sup>143</sup> *Taqyīd*, pp. 65a-c, 67b, and cf. 65d.

<sup>144</sup> Schoeler, "Mündliche Thora", pp. 236f, citing Ibn Hibban, Magruhin, ed. M.I. Zayid, Aleppo, 1395-6, I, p. 287.3. This fits: in the isnāds of our tradition he transmits to Baṣrans.

§ 31 This suggests that, by the time of the Prophetic traditions were being put into circulation, the Kūfāns had largely lost interest in the issue of the writing of Tradition.<sup>145</sup>

§ 32 Secondly, there is a valuable tradition preserved by Saybani (d. 189) which records the attitude of the proto-Hanafi line of the Kūfān law-school to the writing of Tradition.<sup>146</sup> According to this report, Ibrahim al-Naha'I (d. 96) was originally against books, but later changed his mind and wrote. The transmitters are the standard authorities of the school: Hammad ibn Abi Sulayman (d. 120) and Abu Hanifa (d. 150); and Saybani underlines this by observing that it represents the view of Abu Hanifa and the accepted doctrine. *Prima facie*, this would indicate that the issue was controversial in the time of Ibrahim. But traditions regarding repentances and changes of mind are a somewhat suspect group; and more generally, this standard Hanafi chain of authorities has been analysed by Schacht, who concludes that it is likely to convey the authentic views, not of Ibrahim, but of Hammad.<sup>147</sup> If so this could suggest that the issue was controversial in the time of Hammad; at the same time the sparseness of further materials on the subject from the same line indicates that the issue soon ceased to be a live one for the school. This result goes well with the dearth of Kūfān Prophetic traditions.

§ 33 The tradition here discussed is the only one in the relevant chapter (*bab Taqyīd al-'ilm*) of Saybani's Atar. In his recension of Mālik's Muwatta, Saybani has a chapter on the subject (*bab iktitab al-'ilm*) which is not the "vulgate"; it consists of a variant of the Medinese tradition regarding the attempt of 'Umar ibn 'Abd al-'Aziz to have the Prophetic Tradition written down. Again Saybani endorses this, observing that "we" go by this and see no harm in the writing of Tradition (*kitab al-'ilm*), and that this represents the view of Abu Hanifa.<sup>148</sup>

Hammad never appears on the oral side of the fence. He is regularly portrayed as writing in the presence of his teacher Ibrahim. Kūfān traditions do so without qualification, thereby implicitly invoking for the practice the authority of both.<sup>149</sup> But characteristically there is a Baṣran variant transmitted by Ibn 'Awn in which the outcome is that Hammad is condemned by Ibrahim.<sup>150</sup> Further Baṣran material on Ibrahim will be adduced shortly.

§ 34 An earlier fading out of the issue in Kufa is likewise indicated by an examination of what Schacht termed "cross-references" between Baṣran and Kūfān Tradition. On the Kūfān side, such cross-references are rare in this field. The Kūfāns do not in general preserve traditions against writing from Baṣran authorities, although Abu Sa'īd's tradition that "we used to write nothing but the Koran and the Confession" is something of an exception.<sup>151</sup> At the same time they show only a mild interest in

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<sup>145</sup> This is in contrast to what van Ess has shown in the case of the predestinationist controversy: there it is Kufa rather than Baṣra which is productive of Prophetic traditions (Zwischen Hadit und Theologie, pp. 192f).

<sup>146</sup> Saybani, Atar, ed. Muhammad Togh Bahadur, Lucknow, n.d., p. 159.8. The isnād runs: Ibrahim > Hammad > Abū Hanifa > Saybani.

<sup>147</sup> Schacht, *Origins*, pp. 237f.

<sup>148</sup> Saybani, Muwatta', ed. 'A. 'Abd al-Latif, Cairo, 1967, p. 330, no. 936, already adduced by Goldziher (*Muhammedanische Studien*, II, p. 210). Note also Tahawi, Sahr, IV, p. 319.15, naming Abū Yusuf (d.182) along with Abū Hanifa and Saybani as in favour of writing.

<sup>149</sup> *Taqyīd*, p. 110a; *Tabaqat*, VI, p. 232.4; *Ilal*, I, pp. 215f, no. 241; II, pp. 200f, no. 2006; Abū Zur'a, *Ta'riḥ*, p. 666, no. 2006, and p. 675, no. 2045. Some of these traditions are distinguished by a reference to Hammad's dress.

<sup>150</sup> *Tabaqat*, VI, p. 190.17; cf. *Sunan*, no. 464; Abū Zur'a, *Ta'riḥ*, p. 675, no. 2041; and Fasawi, *Ma'rifa*, II, p. 285.15. See also van Ess, *Theologie*, I, pp. 185f, with a hybrid form in which he conflates Kūfān and Baṣran versions.

<sup>151</sup> See above, § 15, note 74.

citing Baṣrans in favour of writing, as in the cases of Hasan al-Baṣri<sup>152</sup> and Mu'awiya ibn Qurra.<sup>153</sup> On the Baṣran side, however, such cross-references are abundant, so that we find frequent invocations of old Kūfān authorities against writing. Much of the material which uses Ibrahim against writing is Baṣran or Baṣran-contaminated,<sup>154</sup> as is most of that invoking 'Abida ibn 'Amr al-Salmani (d. 72) on the same side.<sup>155</sup> Going back to the Companions, the Baṣrans have a hand in the only tradition which mobilizes 'Ali against writing.<sup>156</sup> They are surprisingly uninterested in Ibn Mas'ud,<sup>157</sup> but transmit much of the material relating to another Companion who is uniformly hostile to writing, Abu Musa al-As'ari.<sup>158</sup> An indication of the period in which the Baṣrans were seeking to embarrass their Kūfān colleagues in this fashion can perhaps be found in the roles of Ibn 'Awn (d.151), Su'ba (d.160) and Abu 'Awana (d. 176) in the relevant isnāds.<sup>159</sup>

§ 35 The following gives some indication of the character of this material. The Baṣrans tell us that Ibrahim never wrote,<sup>160</sup> that he disapproved of the writing of Tradition in quires (*kararis*),<sup>161</sup> that he reproved Hammām for questioning him from notes (*atrāf*).<sup>162</sup> Both Kūfāns<sup>163</sup> and Baṣrans<sup>164</sup> transmit 'Abida's wish that no book be perpetuated from him; but the tradition in which 'Abida refuses to allow Ibn Sīrīn to write is fairly clearly Baṣran.<sup>165</sup> The Baṣrans likewise invoke the Kūfān Surayh (d. 78).<sup>166</sup> The story of Abu Musa erasing his son's writing may originally have been Kūfān (this son, Abu Burda (d. 104), being a Kūfān and not a Baṣran figure),<sup>167</sup> and it is sometimes transmitted by Kūfāns;<sup>168</sup> but more often it is Baṣran.<sup>169</sup> (On the other hand, Abu Musa's denunciation of the Israelites for writing a book, whether or not it is Kūfān, is not Baṣran).<sup>170</sup>

The role of Su'ba in the *isnāds* of this material is ambiguous.<sup>171</sup> Thus he balances the claim of Ibrahim never to have written with the regret of another Kūfān, Mansur ibn al-Mu'tamir, that he had not done so;<sup>172</sup> he likewise transmits his legitimation of the use of haddata for written transmission.<sup>173</sup> Su'ba also

<sup>152</sup> *Taqyīd*, pp. 100c-101b; *Ġami'*, pp. 74.23, 75.2.

<sup>153</sup> *Taqyīd*, p. 109c; *Ġami'*, p. 74.3.

<sup>154</sup> References below, § 35, notes 160-2.

<sup>155</sup> References below, § 35, notes 164f.

<sup>156</sup> *Ġami'*, p. 63.24.

<sup>157</sup> *Taqyīd*, p. 55b, and *Sunan*, no. 485, represent stray Baṣran adoptions of a Kūfān tradition.

<sup>158</sup> References below, § 35, note 169.

<sup>159</sup> Ibn 'Awn: *Sunan*, no. 464; *Tabaqat*, VI, p. 190.17; *'Ilal*, II, p. 116, no. 1747. Su'ba: *Tabaqat*, VI, p. 63.16; *Ġami'*, p. 63.24; *Sunan*, nos. 465, 468f, 485. Abū Awana: *Taqyīd*, p. 48b; *Ġami'*, p. 67.12; *Sunan*, no. 470; *'Ilal*, I, p. 532, no. 1523; *Taqyīd*, p. 55b; *Tabaqat*, VII/II, p. 43.18.

<sup>160</sup> *Taqyīd*, p. 60b; *Tabaqat*, VI, p. 189.6.

<sup>161</sup> *Taqyīd*, p. 48b; *Ġami'*, p. 67.12; *Sunan*, no. 470; *'Ilal*, I, p. 532, no. 1523

<sup>162</sup> *Tabaqat*, VI, p. 190.17. For *atrāf* see below, §§100f.

<sup>163</sup> *Taqyīd*, p. 46d; *Ġami'*, p. 67.6; *'Ilal*, I, p. 214, no. 237, and III, p. 500, no. 6152; and cf. Schoeler, "Mündliche Thora", p. 222.

<sup>164</sup> *Tabaqat*, VI, p. 63.16; *Sunan*, nos. 468f, and cf. no. 465.

<sup>165</sup> *Taqyīd*, pp. 45b-46a; *Ġami'*, p. 67.2, 67.4; *Sunan*, no. 476; *'Ilal*, I, p. 213, no. 233. Some versions are transmitted by the Kūfān Waki'.

<sup>166</sup> *Tabaqat*, VI, p. 92.10.

<sup>167</sup> So Schoeler, "Mündliche Thora", pp. 231, 246, and cf. p. 239, tradition II 2.

<sup>168</sup> *Taqyīd*, p. 40d; *Ġami'*, p. 65.7; *'Ilal*, p. 214, no. 236; Ramahurmuzi, *Muhaddit*, p. 384, no. 376 (where Abū Burda has dropped out from the isnād).

<sup>169</sup> *Taqyīd*, pp. 39c-40c; *Ġami'*, p. 66.7; *Tabaqat*, IV/I, p. 83.17; *'Ilal*, II, p. 116, no. 1747; and cf. *Sunan*, no. 479.

<sup>170</sup> *Taqyīd*, p. 56b; *Sunan*, no. 486.

<sup>171</sup> Cf. above, § 34, note 159.

<sup>172</sup> *Taqyīd*, p. 60b; *Tabaqat*, VI, p. 189.6.

<sup>173</sup> See above, § 4, note 17.

makes an appearance in the *isnāds* of the Kūfan tradition that Sa'bi (d. 104) commended writing as “the shackle of Tradition”.<sup>174</sup>

§ 36 All this suggests that the demise of opposition to writing took place substantially earlier in Kufa than in Baṣra. This demise cannot, however, be pushed very far back into the first half of the second century. This follows from the dates of the latest figures to make significant appearances against writing in Kūfan Tradition. Garir ibn 'Abd al-Hamid (d. 188), asked whether Mansur ibn al-Mu'tamir disapproved of the writing of Tradition, replies that he did, as did Mugira ibn Miqsam (d. 134) and A'mas (d.148).<sup>175</sup> Layt ibn Abi Sulaym (d. 143) is said to have disliked [the writing of Tradition in] quires (*kararis*).<sup>176</sup> A tradition of unspecified provenance given by Ibn Sa'd relates that Fitr ibn Halifa (d. 153) allowed no one to write in his classes.<sup>177</sup> Yaḥyā ibn Sa'īd al-Qattan ascribes to Sufyān al-Tawri a hemistich directed against those who commit learning to writing, but goes on to observe that in fact Sufyān used to write.<sup>178</sup> Finally Za'ida ibn Qudama (d. 161) is consulted by a student who had heard some 10,000 traditions from Sufyān al-Tawri and written them down; Za'ida admonished the student to transmit only what he had heard and memorized, and the student accordingly throws away his written record.<sup>179</sup> Elsewhere, it should be noted, Za'ida is presented in a quite different light: in one tradition he alone is to be seen writing in the presence of Sufyān al-Tawri,<sup>180</sup> and in another he urges his student to write.<sup>181</sup> Hostility to writing can hardly, in the light of these testimonies, have disappeared much before the middle of the second century.

### Medina

§ 37 The major figure in Medinese Tradition is Zuhri (d.124), and the material relating to him is eloquently contradictory with regard to the writing of Tradition.<sup>182</sup>

§ 38 On the one hand we are told that Zuhri did not write, or did so only in exceptional cases. He possessed no book except one on the genealogy of his tribe, he belonged to a generation which did not write, or if any of them did write anything down, they did so only as an aid to memorization, and subsequently erased it.<sup>183</sup> He did not write in the classes of A'rag (d. 117), or if he did write down a

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<sup>174</sup> *Taqyīd*, p. 99c.

<sup>175</sup> *Ibid.*, p. 48c; *Ĝami'*, p. 67.24. Garir grew up in Kufa, but settled in Ray (Ibn Hagar, *Tahdib*, II, p. 75.3). For Mansur's negative attitude, see also *ʿIlal*, III, p. 467, no. 5994, and cf. Fasawi, *Ma'rifa*, II, p. 679.5 (but contrast *Ibid.*, pp. 827.13, 828.9, 828.16).

<sup>176</sup> *Taqyīd*, p. 47d (second tradition). Contrast below, § 56, note 276.

<sup>177</sup> *Tabaqat*, VI, p. 253.9.

<sup>178</sup> *Taqyīd*, p. 58a; cf. also *Ĝami'*, p. 69.6, where the same hemistich appears anonymously, and Ramahurmuzi, *Muhaddit*, p. 387, no. 383, where it is associated with A'mas.

<sup>179</sup> *Ibid.*, p. 385, no. 380.

<sup>180</sup> *Taqyīd*, p. 111b.

<sup>181</sup> *Ĝami'*, p. 117.11.

<sup>182</sup> A good deal of the relevant material is already collected in J. Horowitz, "The earliest biographies of the Prophet and their authors", *Islamic culture*, 2, 1928, pp. 46-50. Zuhri's role is likewise discussed by Schoeler "Mündliche Thora", pp. 227f, 229-31). The contradictory character of the reports has not, however, received much attention.

<sup>183</sup> *Ĝami'*, p. 64.15, from Malik ibn Anas (d. 179). For the statement that Zuhri had no book apart from one on the genealogy of his tribe, see also Ibn Abi Zayd al-Qayrawani, *Ĝami'*, ed. M. Abū 'l-Afgan and 'U. Battih, Beirut and Tunis, 1985, p. 148.3 (also from Malik); Abū Zur'a, *Ta'riḥ*, p. 364, no. 791, and p. 410, no. 593; Fasawi, *Ma'rifa*, I, p. 641.15; Ibn 'Asakir, al-Zuhri, extracted from his *Ta'riḥ* manidat Dimasq and edited by S.N. Qawganu, Beirut, 1982, no. 98 (I owe my knowledge of this edition to Michael Lecker); Dahabi, *Siyar*, V, p. 333.15; id., *Tadkira*, p. 111.8 (all Egyptian-Syrian). The traditions on Medinese authorities cited here and below (§§ 38-44, notes 183-215) are Medinese unless otherwise stated.

particularly long tradition, he later erased it.<sup>184</sup> When a disciple prevailed on Zuhri to show him his books, they turned out to be nothing but a bundle of letters; when the disciple explained that it was books of tradition (*kutub al-'ilm*) he wanted to see, Zuhri responded that he had never written a tradition.<sup>185</sup> He did not write and left no book behind him.<sup>186</sup>

§ 39 Yet on the other hand Zuhri is portrayed as an assiduous writer. He was the first to write Tradition;<sup>187</sup> as a student he wrote everything he heard,<sup>188</sup> including Companion traditions;<sup>189</sup> he even wrote on the back of his sandal;<sup>190</sup> when he died he left enormous quantities of written materials behind him.<sup>191</sup> Other reports associate him with written transmission, sometimes of a reprehensible kind;<sup>192</sup> and books of which he is supposedly the author are available in print today.<sup>193</sup>

§ 40 But the most interesting group of traditions is of an intermediate character. These traditions take it for granted that Zuhri changed his attitude to the writing of Tradition, and make it their business to present his excuses. One excuse is the flood of unknown traditions from Iraq.<sup>194</sup> Another is the coercion exercised by the authorities, with whom Zuhri's connections were notoriously close: "We disapproved of the writing of Tradition (*'ilm*) until these emirs forced us to do it".<sup>195</sup> (In other traditions the reference is explicitly to the Caliph Hisam (ruled 105-25),<sup>196</sup> In some versions, the element of coercion

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<sup>184</sup> *Taqyīd*, p. 59a; Fasawi, *Ma'rifa*, I, p. 633.3; and see below, § 99, note 464.

<sup>185</sup> *'Ilal*, III, p. 486, no. 6081 (from Ibn al-Mubarak (d. 181)). In variants, the writings produced by Zuhri contain poetry (*Ġami'*, p. 77.9), or some genealogy and poetry (Fasawi, *Ma'rifa*, I, p. 643.7; Ibn 'Asakir, Zuhri, no. 99).

<sup>186</sup> See Abū Zur'a, *Ta'rīḥ*, pp. 517f, nos. 1380f.; Dahabi, *Tadkira*, p. 111.9, and id., *Siyar*, V, p. 345.3; and cf. *Ibid.*, p. 333.4; *Sunan*, no. 459; Fasawi, *Ma'rifa*, I, pp. 621.19, 622.4; Ibn 'Asakir, Zuhri, nos. 81-3, 85-7, 89 (all from Malik). In a parallel given by Ibn Abi Zayd, Malik also states that he himself never wrote on these tablets" (alwah) (Ibn Abi Zayd, *Ġami'*, p. 152.12).

<sup>187</sup> *Ġami'*, p. 73.22; Dahabi, *Siyar*, V, p. 334.16; Ibn 'Asakir, Zuhri, no. 110; cf. *Ibid.*, no. 109 and *Ġami'*, p. 76.10; also Schoeler, "Mündliche Thora", p. 228.

<sup>188</sup> *Ġami'*, p. 73.23; Dahabi, *Siyar*, V, p. 332.14; Ibn 'Asakir, Zuhri, no. 58; also Dahabi, *Siyar*, V, p. 329.1, and id., *Tadkira*, p. 109.6 (and cf. Ibn Sa'd, *al-Tabaqat al-kubra al-qism al-mulammim li-tabi'i ahl al-Madina wa-man ba'dahum*, ed. Z.M. Mansur, Medina, 1983, p. 166.2; *'Ilal*, III, p. 42, no. 4083; Abū Zur'a, *Ta'rīḥ*, p. 412, no. 967; Fasawi, *Ma'rifa*, I, p. 639.10; Ibn 'Asakir, Zuhri, nos. 53, 59-61).

<sup>189</sup> *Taqyīd*, p. 106b; *Tabaqat*: al-qism al-mutammim, p. 168.2; Fasawi, *Ma'rifa*, I, pp. 637.9, 641.4; Ibn 'Asakir, Zuhri, no. 65 (all Yemeni).

<sup>190</sup> *Taqyīd*, p. 107a (Yemeni?).

<sup>191</sup> *Tabaqat*, II/II, p. 136.4; *Tabaqat*: al-qism al-mutammim, p. 170.1; Dahabi, *Siyar*, V, p. 334.14; id., *Tadkira*, p. 112.16; Fasawi, *Ma'rifa*, I, pp. 479.5, 637.20; Ibn 'Asakir, Zuhri, no. 107 (all Yemeni); *Ibid.*, no. 106 (from Malik). Mu'awiya ibn Yahya al-Sadafi, a Damascene transmitter from Zuhri, is said to have bought book of Zuhri's in the market (Ibn Hagar, *Tahdib*, X, p. 220.8).

<sup>192</sup> See, for example, *Tabaqat*: al-qism al-mutammim, pp. 172.3, 173.3, 174.1, 174.11 (the first Yemeni, the rest Medinese); Ibn 'Asakir, Zuhri, nos. 239-42.

<sup>193</sup> See especially Zuhri, *al-Nasih wa'l-mansuh*, ed. H.H. al-Damin, Beirut, 1988, p. 18.3 (haddatani Muhammad ibn Muslim al-Zuhri qala hadha kitab mansuh al-Qu'ran), p. 37.3 (haddatana Muhammad ibn Muslim al-Zuhri qala hada kitab tanzil al-Qu'ran). On the first of these opuscles, cf. A. Rippin, "Al-Zuhri, nash al-Qu'ran and the problem of early tafsir texts", *Bulletin of the School of Oriental and African Studies*, 47, 1984.

<sup>194</sup> *Tabaqat*: al-qism al-mutammim, p. 166.3; *Taqyīd*, p. 107c; Fasawi, *Ma'rifa*, I, p. 637.18 (and cf. II, p. 762.2); Ibn 'Asakir, Zuhri, no. 61b; and see Schoeler, "Mündliche Thora", p. 230.

<sup>195</sup> *Taqyīd*, p. 107b; *Tabaqat*, II/II, p. 135.25; *Tabaqat*: al-qism al-mutammim, p. 169.2; *Ġami'*, pp. 76.16, 77.5; 'Abd al-Razzaq, *Musannaf*, XI, p. 258, no. 20,486; Dahabi, *Siyar*, V, p. 334.12; Fasawi, *Ma'rifa*, I, p. 641.2; Ibn 'Asakir, Zuhri, nos. 66, 108 (all Yemeni); Fasawi, *Ma'rifa*, I, p. 633.10 (possibly Medinese). At *Ġami'*, p. 77.8 (Başran), the term used is *muluk*; in another variant, transmitted by the Meccan Sufyan ibn 'Uyayna, the term used is *sultan* (Abū Nu'aym al-Isbahani, *Hilyat al-awliya'*, ed. M.A. al-Hangi, Cairo, 1932-8, III, p. 363.9). See also Schoeler, "Mündliche Thora", pp. 228, 229, and, for a discussion of Zuhri's relations with the Umayyad rulers in this connection and in general, M. Lecker, "Biographical notes on Ibn Shihab al-Zuhri", *Journal of Semitic Studies*, 41, 1996.

<sup>196</sup> As in Ibn 'Asakir, Zuhri, no. 105 (Damascene); Abū Nu'aym Hilya, III, p. 363.6 (Raqqan); cf. Schoeler "Mündliche Thora", p. 230.

on Hisam's part is not explicit,<sup>197</sup> or (the bully?) Hisam is replaced by (the saintly?) 'Umar ibn 'Abd al-'Aziz;<sup>198</sup> the tradition then lacks the character of an excuse.)

§ 41 The rest of the relevant material for Medina fits reasonably well with this ascription of an innovatory role to Zuhri.

§ 42 On the one hand there is a paucity of clear attestations of continuing hostility to the writing of Tradition in Medina *after* the time of Zuhri. The only unambiguous case known to me is that of Hisam ibn 'Urwa (d. 146), who according to one of his pupils did not dictate, and would only allow him to write down two traditions in his presence.<sup>199</sup> In another tradition Ibrahim ibn Sa'd (d. 183) sees the young Ibn Ḥanbal writing on tablets (*alwah*) and asks him: "Are you writing?"; but the force of the question is not entirely clear.<sup>200</sup> Ibn Abi Di'b (d. 159) is said to have had no book, nothing he ever looked up, and no note of any tradition anywhere; that he possessed not a single book was confirmed by appeal to the witness of his slavegirl.<sup>201</sup>

§ 43 According to a remarkable testimony preserved by 'Utbi (d. 255), Mālik ibn Anas (d. 179) disapproved of the writing of *magazi*.<sup>202</sup> He claimed that people (more precisely, the *ahl al-fiqh*) had not done so in the past, and that to do so would be an innovation which he would not wish to perpetrate. By contrast, we learn from another passage that he saw no harm in the *transmission* of *magazi*.<sup>203</sup>

§ 44 On the other hand, it is more or less the consensus of the sources that the Medinese authorities of the generation *before* Zuhri were oralists. This is naturally enough the picture put about in traditions hostile to writing. Thus 'Ubayd Allāh ibn 'Abd Allāh (d. 105) reacts strongly to an attempt of 'Umar ibn 'Adb al-'Aziz to record what he says in writing;<sup>204</sup> and Qasim ibn Muḥamma (d.107) is invoked, though not by the Medinese themselves, as an opponent of the writing of Tradition.<sup>205</sup> But the same picture emerges also from traditions which favour, or take for granted, the writing of Tradition. Thus Zuhri's younger contemporary Yaḥyā ibn Sa'īd al-Ansari (d. 143), who himself portrayed as regretting

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<sup>197</sup> As in Abū Nu'aym, *Hilya*, III, p. 361.16; *Tabaqat*: al-qism al-mulammim, p. 453.7; Dahabi, *Siyar*, V, p. 333.17; Fasawi, *Ma'rifa*, I, p. 632.2; Ibn 'Asakir, *Zuhri*, nos. 100f. (all Medinese); *Ibid.*, no. 102, and Fasawi, *Ma'rifa*, I, p. 640.5 (Damascene).

<sup>198</sup> So *Ġami'*, p. 76.13 (Medinese); in this tradition, the volumes containing the *sunan* are then sent out to the provinces (see Schoeler "Mündliche Thora" p. 230; cf. also Abū 'Ubayd, *Amwal*, ed. M.H. Harras, Cairo, 1968, p. 764.2, no. 1848). Elsewhere, by contrast, we hear that 'Umar ibn 'Abd al-'Aziz destroyed a kitab Zayd (ibn Tabit) fi 'l-dyat (*Ilal*, II, p. 114, no. 1740); the grounds are left unclear. It should be noted that what 'Umar does is not necessarily authoritative (see below, § 44, note 204).

<sup>199</sup> Fasawi, *Ma'rifa*, II, p. 150.2 (the pupil seems to be a Baṣran); contrast *Ibid.*, p. 822.14.

<sup>200</sup> *Ilal*, II, p. 533, no. 3521.

<sup>201</sup> *Tabaqat*: al-qism al-mulammim, p. 414.7 (and cf. *Ilal*, I, pp. 511f, no. 1195). See also the contradictory testimony on his teaching adduced by van Ess (*Theologie*, II, p. 686). However, van Ess's attempt to interpret Ibn Sa'd's account as referring only to public appearances is based on a truncated citation in a later source. Cf. also the case of Yahya ibn Sa'id al-Ansari (d.143) (*Tabaqat*: al-qism al-mulammim, p. 336.9, and Fasawi, *Ma'rifa*, I, p. 649. 5 (Egyptian); contrast *Ibid.*, p. 337.3, and Ibn Abi Zayd, *Ġami'*, p. 152.6 (Medinese, and below, § 44, notes 206f).

<sup>202</sup> 'Utbi, *Mustahraga*, apud Ibn Rusd, *al-Bayan wa 'l-tahsil*, ed. M. Haggi et al., Beirut, 1984-91, XVII, p. 32.7. Elsewhere Malik opposes the writing down of his opinion (see below, § 110, note 503). By contrast, the exchange of epistles between Layt ibn Sa'd (d.175) and Malik freely mentions books (sc. Of Tradition) which Layt had sent to Malik to be checked (Fasawi, *Ma'rifa*, I, pp. 687.10, 695.16).

<sup>203</sup> 'Utbi, *Mustahraga*, apud Ibn Rusd, *Bayan*, XVIII, p. 435.12. I would have missed this passage but for its citation in M. Jarrar, *Die Prophetenbiographie im islamischen Spanien*, Frankfurt am Main, 1989, p. 255 and n. 83; Jarrar, however, missed the passage cited in the previous note, and so does not bring out Malik's contrasting attitudes to the writing and transmission of *magazi*.

<sup>204</sup> *Taqyīd*, p. 45a (Medinese-Egyptian). Presumably the reference is to Tradition, but this is not explicit.

<sup>205</sup> *Ibid.*, p. 45d, and *Ġami'*, p. 67.14 (Baṣran); *Taqyīd*, p. 46c, and the references given below, §128, note 580 (Syrian).

not having written down all that he had heard,<sup>206</sup> remembers the time when people were afraid of books, and adds that if writing had been practiced in those days, he would have written down much from Sa'īd ibn al-Musayyab (d. 94).<sup>207</sup> Another tradition mentions the same Ibn al-Musayyab alongside Qasim ibn Muhammad, 'Urwa ibn al-Zubayr (d. 94) and Zuhri as having left no book behind them.<sup>208</sup> 'Urwa likewise regrets that he had erased the traditions he wrote,<sup>209</sup> and that he had burnt his law-books on the day of the Battle of the Harra (in the year 63),<sup>210</sup> *sc.* So that they should not fall into the hands of others in the event of his death. This last at least presupposes that 'Urwa had books.<sup>211</sup> Yet positive invocations of authorities of this generation in favour of writing are hard to find. Sa'īd ibn al-Musayyab in one tradition gives a pupil permission to write in consideration of his feeble memory.<sup>212</sup> 'Umar ibn 'Abd al-'Aziz in a well-known tradition writes to the Medinese Abu Bakr ibn Muhammad ibn 'Amr ibn Hazm (d. 120) to write down Prophetic and other Tradition, since he fears the decay of learning.<sup>213</sup> The isnāds indicate this report to be Medinese.<sup>214</sup> Presumably we should take it as a tradition in favour of writing, though we are not usually told how Abu Bakr reacted to the request.<sup>215</sup>

§ 45 The Medinese Companions, and *a fortiori* the Prophet himself, are of course no monopoly of the Medinese traditionists, and are usually mobilized by others. Three traditions invoking them are nevertheless worth attention here.

§ 46 The first is a Prophetic tradition transmitted by Abu Hurayra.<sup>216</sup> It is found in variant versions of which that given by Ibn Ḥanbal is fairly typical: the Prophet catches his Companions engaged in writing down traditions they had heard from him, and reproves them for their folly in seeking to set up a book alongside the Book of God; the offending writings are duly collected and burnt. The isnād is uniform and Medinese into the later second century:

The Prophet  
Abu Hurayra  
Ata ibn Yasar  
Zayd ibn Aslam

<sup>206</sup> *Taqyīd*, p. 111c-d; *Ġami'*, p. 74.9, 74.12; Fasawi, *Ma'rifa*, I, p. 649.10 (from Malik).

<sup>207</sup> *Ġami'*, p. 68.5; *Tabaqat*, V, p. 104.12; Fasawi, *Ma'rifa*, I, p. 649.3 (Medinese-Egyptian).

<sup>208</sup> Abū Zur'a. *Ta'rīḥ*, p. 517. No. 1380; Dahabi, *Siyar*, V, p. 345.3, and *id.*, *Tadkira*, p. 111.9 (from Malik); the version given by Ibn Abi Zayd omits 'Urwa and Zuhri, but makes the general observation that "the peopl of Medina have no books (laysat lahum kutub)" (Ibn Abi Zaid, *Ġami'*, p. 148.1, and cf. Fasawi, *Ma'rifa*, I, p. 478.1). For 'Urwa's letters, see below, § 83, note 378.

<sup>209</sup> *Taqyīd*, p. 60a; Ibn Hagar, *Tahdib*, VII, p. 183.2 (from the Baṣran Asma'i (d. 213), see Mizzi, *Tahdib al-Kamal*, ed. B.'A. Ma'ruf, Beirut, 1985-92, XX, p. 19.14).

<sup>210</sup> *Tabaqat*, V, p. 133.20; 'Abd al-Razzaq, *Musannaf*, XI, p. 425, no. 20,902. In a subtlegraphic variant with the same isnād, his book merely "got burnt", perhaps in the pillage following the battle (*Ġami'*, p. 75.4). All these are Medinese-Yemeni.

<sup>211</sup> Cf. 'Urwa's reproof of his son for failing to collate - which takes the propriety of writing for granted (*Ilal*, II, p. 453, no. 3015, a Medinese-Syrian tradition). As usual, references to the actual practice of writing are not hard to find. Thus Nafi' (d.119) had the material he had heard from his patron Ibn 'Umar in the form of a sahifa which his pupils would read to him (*Tabaqat*: al-qism al-mutammin, p. 143.3); elsewhere he is portrayed as dictating to his students, but the traditions in question are not Medinese (*Sunan*, no. 513 (Syrian); Abū Haytama, *Kitab al-'ilm*, no. 34 (Meccan)).

<sup>212</sup> *Taqyīd*, p. 99a, and *Ġami'*, p. 73.19 (Medinese-Baṣran). Cf. also *Ilal*, III, p. 470, no. 6007 (Baṣran-Meccan).

<sup>213</sup> Saybani, *Muwatta'*, p. 330, no. 936; *Ilal*, I, p. 150, no. 50; *Taqyīd*, p. 105d-e; *Tabaqat*, II/II, p.134.16; *Ibid.*, VIII, p. 353.9; *Sunan*, no. 493; Buhari, *Sahih*, 'ilm 34 (=I, p.37.16; the isnād follows the text); Fasawi, *Ma'rifa*, I, pp. 443.11, 644.14; and see already Goldziher, *Muhammedanische Studien*, II, p. 210. In one variant it is specified that 'Umar is governor (*sc.* of Medina, which he was in 86-93) (*Ilal*, I, p. 150, no. 50); in another he is Caliph (Buhari, *al-Ta'rīḥ al-sagīr*, ed. M.I. Zayid, Aleppo and Cairo, 1976-7, I, p. 216.6). See also Schoeler, "Mündliche Thora", p.227. The exact specification of the material to be recorded varies from version to version.

<sup>214</sup> Most of them share Yahya ibn Sa'īd al-Ansari as a "common link". Two of the four transmitters from him are Medinese (so Saybani's version: *Taqyīd*, p. 105e; and *Sunan*, no. 493); the other two transmitters from him are respectively Meccan (in the *Ilal*) and Wasiti (in *Taqyīd*, p. 105d, and Ibn Sa'd's versions). The versions cited from Fasawi are on the authority of Malik, without higher isnāds. Buhari has two quite different isnāds, one of which is Medinese, while the other is Baṣran in its lower part.

<sup>215</sup> Saybani adduces the tradition as a proof-text for the writing of Tradition. The versions cited from Fasawi report that Abū Bakr did prepare written texts; one states that 'Umar died before they were sent to him, the other that they were [subsequently] lost [in Medina].

<sup>216</sup> Ibn Ḥanbal, *Musnad*, III, p. 12.29; *Taqyīd*, pp. 33b-34b. This is Schoeler's tradition I 3; see his "Mündliche Thora", pp. 221, 231f, 238, 245f.

Abd al-Rahman ibn Zayd ibn Aslam (d. 182)

The similarity between this isnād and the Medinese part of the isnād of the major Baṣran Prophetic tradition against writing is clearly no accident,<sup>217</sup> and I would be inclined to see in this Medinese tradition an echo of the Baṣran tradition.<sup>218</sup>

§ 47 The second tradition is likewise Prophetic, this time transmitted by Zayd ibn Tabit.<sup>219</sup> It can occur alone,<sup>220</sup> but is usually found within the framework of an anecdote in which Mu'awiya has a tradition of Zayd's written down; Zayd responds by invoking the Prophet's prohibition of the writing of Tradition and erasing the offending record.<sup>221</sup> The "common link", if we may speak of one, is the Medinese Katir ibn Zayd (d. towards 158);<sup>222</sup> one of the two transmitters from Katir is likewise Medinese,<sup>223</sup> the other a Kūfan.<sup>224</sup> This could, then, be a Medinese tradition. However, Schoeler has plausibly suggested that this Prophetic tradition is a back-projection of a Companion version in which the offender is Marwan and Zayd snubs him without reference to the Prophet.<sup>225</sup> This version is transmitted by Kūfans<sup>226</sup> and Baṣrans,<sup>227</sup> but not by Medinese.

§ 48 The third tradition which deserves notice here is itself a Companion tradition, likewise directed against writing. The protagonist is 'Umar, who is indeed a favourite authority of the Medinese.<sup>228</sup> Again there are considerable variants, all to the effect that 'Umar conceived a plan for reducing the *sunan* (or the *sunna*, or "these traditions") to writing, but subsequently thought better of it.<sup>229</sup> It could be argued that this is an authentic ally Medinese tradition, since despite the geographical heterogeneity of the lower isnāds with which it occurs, the "common link" is Zuhri.<sup>230</sup> Such an inference from a "common link" is, however, in my view spurious, since it ignores the phenomenon which Schacht designated the "spread of isnāds".<sup>231</sup> Thus the role of Zuhri in the isnāds of this tradition may reflect his prestige outside Medina rather than the original provenance of the anecdote.

§ 49 A more detailed examination of the isnāds of this tradition is as follows. (1) The main group is that in which, as indicated above, Zuhri is the common link. Zuhri usually transmits from 'Urwa, above whom the isnād is interrupted<sup>232</sup> - a possible indication of archaism. The Kūfan Sufyān al-Tawri, however, transmits one version in which the isnād is completed by the insertion of Ibn 'Umar, and another in which there is not isnād above Zuhri.<sup>233</sup> The lower isnād may be Yemeni, Kūfan, Syrian or

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<sup>217</sup> See above, § 14. There is a variant in which the Companion transmitter is not Abū Hurayra but Abū Sa'īd (Haytami, *Magma al-zawa'id*, Cairo, 1352-3, I, p. 150.23), as in the Baṣran traditions; and as Schoeler further points out, Ibn Ḥanbal's version of Abū Hurayra's tradition is actually placed in his munad of Abū Sa'īd ("Mündliche Thora", pp. 245f). Cf. also below, § 54, note 265, on the isnād of the tradition regarding the Prophet's refusal to Abū Sa'īd of permission to write.

<sup>218</sup> Contrast Schoeler's view (see above, § 16).

<sup>219</sup> This is Schoeler's tradition I 4; see his "Mündliche Thora", pp. 232, 239, 246.

<sup>220</sup> *Taqyīd*, p. 35b.

<sup>221</sup> See above, § 29, note 137.

<sup>222</sup> As noted by Schoeler, "Mündliche Thora", pp. 232, 239).

<sup>223</sup> Sulayman ibn Bilal (d. 172) in *Taqyīd*, p. 35b.

<sup>224</sup> Abū Ahmad Muhammad ibn 'Abd Allāh al-Zubayri (d. 203).

<sup>225</sup> Schoeler, "Mündliche Thora", p. 246.

<sup>226</sup> *Ġami'*, p. 65.9; *Tabaqat*, II/II, p. 117.8.

<sup>227</sup> *Sunan*, p. 480b (where it is specified that this was while Marwan was governor of Medina).

<sup>228</sup> Schacht, *Origins*, p. 25.

<sup>229</sup> See the references given below, § 49.

<sup>230</sup> Cf. Schoeler, "Mündliche Thora", pp. 226, 230.

<sup>231</sup> Cf. Cook, *Early Muslim dogma*, pp. 109-11, 115f, and above, § 16, note 81.

<sup>232</sup> *Taqyīd*, p. 49a; *Ġami'*, p. 64.19; 'Abd al-Razzaq, *Musannaf*, XI, p. 257, no. 20,484 (with Yemeni lower isnād); *Taqyīd*, p. 49b (with Kūfan lower isnād); *Ibid.*, p. 50b (with Syrian lower isnād); *Ibid.*, p. 50c (with an additional transmitter between 'Urwa and Zuhri, and a lower isnād taking us to Egypt).

<sup>233</sup> *Taqyīd*, p. 49c; *Tabaqat*, III/I, p. 206.5. Likewise the Kūfan variant noted in the previous note is transmitted by Sufyān al-Tawri. For the Kūfan role, compare also the tradition that 'Umar wrote to his governors not to perpetuate a book from him (Ibn Abi Sayba, *Musannaf*, V, p. 315, no. 26,442).

Egyptian, but are in no case Medinese.<sup>234</sup> (2) One variant is ascribed to Mālik, without higher isnād.<sup>235</sup> (3) Finally, there is a variant (or group of variants) transmitted by Abu Haytama (d. 234) with a purely Meccan isnād though Sufyān ibn ‘Uyayna and ‘Amr ibn Dinar (d. 126);<sup>236</sup> I shall comment on this line of transmission in connection with Mecca.

In the Muwatta of Mālik we read on the one hand of ‘Umar’s erasure of what he had written down regarding the inheritance of the paternal aunt,<sup>237</sup> and on the other of the preservation of ‘Umar’s written fiscal instructions.<sup>238</sup> Neither case shows any concern with the propriety of writing as such.

§ 50 On balance, this discussion would suggest that the Medinese contribution to the Prophetic and Companion traditions for and against writing was rather limited.<sup>239</sup>

### Mecca

§ 51 Meccan Tradition on the question of writing (and perhaps in general) is marked by a striking discontinuity.<sup>240</sup> Meccans of the late first and the first half of the second centuries appear frequently in our sources; but in the second half of the second century a solid core of continuing Meccan Tradition scarcely exist. Instead, the Meccan traditions of the first half of the second century are regularly exported to other centres of Islamic learning, notably Iraq; or alternatively, if one takes a more skeptical view, they are fabricated there and imputed to Meccan authorities.

§ 52 The only clear exception, though in quantitative terms a significant one, is the material transmitted by Sufyān ibn ‘Uyayna (d. 198), a Kūfan who by virtue of long residence is virtually a Meccan. These transmissions, however, display a certain chronological strain: Sufyān, whose date of birth is given as 107,<sup>241</sup> regularly transmits directly from the Meccan ‘Amr ibn Dinar (d. 126) and his contemporaries. In an anecdote which I have discussed elsewhere,<sup>242</sup> Sufyān transmits from ‘Amr a tradition about an important figure of Meccan history, Ibn al-Zubayr; challenged as to the completeness of his isnād, he inserts two further transmitters between ‘Amr and himself, one of them a Baṣran.<sup>243</sup> We cannot, in short, take at face value the appearance of continuity in Meccan Tradition created by Sufyān’s isnāds.<sup>244</sup>

§ 53 The result is that our sources give us no firm basis for reconstructing early Meccan attitudes towards the writing of Tradition.<sup>245</sup>

The following will nevertheless give a fair idea of the character of this Meccan (or pseudo-Meccan) material.

§ 54 Meccan authorities appear on both sides in the controversy.<sup>246</sup> Against writing are Sa’īd ibn Gubayr (d. 95, of Kūfan origin),<sup>247</sup> Mugahid ibn Gabr (d. 104),<sup>248</sup> and ‘Amr ibn Dinar. Thus ‘Amr

<sup>234</sup> See the indications given above, notes 232f.

<sup>235</sup> *Ġami’*, p. 64.14; ‘Utbi, *Mustahraga*, apud Ibn Rusd, *Bayan*, XVII, p. 194.8.

<sup>236</sup> Abū Haytama, *Kitab al-‘ilm*, no. 26; *Taqyīd*, p. 52b; *Ġami’*, p. 65.3.

<sup>237</sup> Malik, *Muwatta*, *fara’id* 10 (= ed. M.F. ‘Abd al-Baqi, Cairo, 1951, p. 516, no.8). Compare the Kūfan tradition describing a similar episode in *Tabaqat*, III/I, p. 246.18.

<sup>238</sup> Malik, *Muwatta*, *zakat* 11 (= ed. ‘Abd al-Baqi, pp. 257-9, no. 23); and see Schacht, *Origins*, p. 167.

<sup>239</sup> Thus I see less of a Medinese role in the making of these traditions than does Schoeler.

<sup>240</sup> Cf. Cook, *Early Muslim dogma*, p. 72. This discontinuity is not discussed in H. Motzki, *Die Anfänge der islamischen Jurisprudenz: Ihre Entwicklung in Mekka bis zur Mitte des 2./8. Jahrhunderts*, Stuttgart, 1991.

<sup>241</sup> See, for example, Abū Zur’a, *Ta’rīḥ*, p. 574, no. 1601.

<sup>242</sup> Cook, *Early Muslim dogma*, p. 111.

<sup>243</sup> *‘Ilal*, II, p. 257, no. 2175. For a similar incident in which Sufyan inserts a transmitter in response to a challenge from a colleague, see *Ibid.*, III, pp. 257f, no. 5137.

<sup>244</sup> For a recent defence of the authenticity of Sufyan’s transmissions, based on the tacit assumption that isnāds do not spread, see Motzki, *Anfänge*, pp. 161-7.

<sup>245</sup> Matters are different for Schoeler thanks to his adherence to the “common link” method (cf. the role of Meccans as summarized in his “Mündliche Thora”, p. 249).

<sup>246</sup> See *Ibid.*, p. 235.

<sup>247</sup> *Tabaqat*, VI, p. 179.23.

<sup>248</sup> *Sunan*, no. 472, and Ibn Abi Sayba, *Musannaf*, V, p. 302, no. 26,308, objecting to writing in quires (*kararis*).

bursts into tears when informed that Sufyān is writing, regaining his composure sufficiently to express his abhorrence of the practice;<sup>249</sup> he objects to his opinion being written down.<sup>250</sup> Apparently in favour of writing is Mugahid again,<sup>251</sup> explicitly so are ‘Ata’ ibn Abi Rabah (d. 114)<sup>252</sup> and Ibn Gurayg (d. 150),<sup>253</sup> while in another tradition Sufyān questions ‘Amr from notes (*atrāf*) with apparent impunity.<sup>254</sup> Sa’īd ibn Gubayr is also used as a foil to the Companions Ibn ‘Abbas and Ibn ‘Umar. He always writes, or relies on a written text, and their actual or hypothetical reaction, or the lack of it, is used to mobilize their authority on one side or the other: against writing in the case of Ibn ‘Umar,<sup>255</sup> sometimes against<sup>256</sup> and sometimes in favour<sup>257</sup> in the case of Ibn ‘Abbas. There is little in the rest of the Meccan traditions invoking Ibn ‘Abbas that is suggestive of Meccan colouring.<sup>258</sup>

A prominent role in the transmission of the tradition in which ‘Abd Allāh ibn ‘Amr seeks and obtains the Prophet’s permission to write is played by ‘Abd Allāh’s Ta’ifī descendant ‘Amr ibn Su’ayb (d.118),<sup>259</sup> but Meccans have little part in transmitting this tradition.<sup>260</sup>

If we are looking for a Meccan traditionist transmitting relevant material in the second half of the second century, the best candidate is ‘Abd Allāh ibn al-Mu’ammal, whose death-date is placed by Ibn Sa’d in 169 or 170.<sup>261</sup> He transmits versions of the Prophetic tradition on “shackling” Tradition;<sup>262</sup> the isnāds go back through Meccan or Ta’ifī transmitters to ‘Abd Allāh ibn ‘Amr.<sup>263</sup> Those who transmit these traditions from Ibn al-Mu’ammal are not Meccans. He is, however, also said to have been Medinese rather than Meccan, and to have died before 160.<sup>264</sup>

Sufyān transmits a tradition in which Abu Sa’īd tells how they asked the Prophet for permission to write Tradition, but were refused it.<sup>265</sup> The isnād is identical with that of the Baṣran Prophetic tradition against writing,<sup>266</sup> except that in some versions the transmitter from Zayd ibn Aslam is the latter’s son

<sup>249</sup> *Taqyīd*, p. 47b; *Tabaqat*, V, p. 353.12; Fasawi, *Ma’rifat*, II, p. 19.11; and cf. Abū Zur’a, *Ta’rīḥ*, p. 450, no. 1129 bis, and p. 513, no. 1362.

<sup>250</sup> *Tabaqat*, V, p. 353.15; see below, § 109, and cf. Motzki, *Anfänge*, p. 235.

<sup>251</sup> *Taqyīd*, p. 105b; *Sunan*, no. 508; *‘Ilal*, I, p. 218, no. 249; *Taqyīd*, p. 105c. He also plays a part in the transmission of the traditions about ‘Abd Allāh ibn ‘Amr and his Sadiqa; Schoeler identifies him as the “common link” (“Mündliche Thora”, pp. 248f, and cf. p. 243.)

<sup>252</sup> Ramahurmuzi, *Muhaddit*, p. 373, no. 344 (cited indirectly in Motzki, *Anfänge*, p.225); and cf. *Sunan*, no.512, and Ramahurmuzi, *Muhaddit*, p. 371, no.339.

<sup>253</sup> *Taqyīd*, p. 112d; Ramahurmuzi, *Muhaddit*, p. 377, no. 357. Cf. also Fasawi, *Ma’rifat*, II, p. 25.14; *Tabaqat*, V, pp. 361.17, 361.21, 362.1; and Motzki, *Anfänge*, pp. 247-50.

<sup>254</sup> *Tabaqat*, V, p. 353.24. Likewise when Hammad ibn Zayd recollects seeing the young Sufyan with tablets in the presence of ‘Amr, no adverse reaction is mentioned (*‘Ilal*, III, p. 391, no. 5718). For a harmonization of the discordant traditions on ‘Amr, see Motzki, *Anfänge*, p. 235. Another tradition has it that ‘Amr himself would sit with Ibn ‘Abbas, but would write only when he left (?) (Abū Zur’a, *Ta’rīḥ*, pp. 512f, no. 1359).

<sup>255</sup> *Taqyīd*, pp. 43d-44°; *Ĝami’*, p. 66.1, 66.4; *Tabaqat*, VI, p. 179.25.

<sup>256</sup> *Taqyīd*, p. 43aq; *Tabaqat*, VI, p. 179.4; *‘Ilal*, II, p. 387, no. 2727; and cf. *Taqyīd*, p. 43b.

<sup>257</sup> *Ibid.*, p. 102b-d; Abū Zur’a, *Ta’rīḥ*, p. 619, no. 1771; *Tabaqat*, VI, p. 179.22; *Ĝami’*, p. 72.23; *Sunan*, nos. 505-7; *‘Ilal*, I, p. 231, no. 289; Ibn Abi Sayba, *Musannaf*, V, p. 314, no. 26,434. The tradition in which Sa’īd writes only on his saddle while riding (sometimes at night) with Ibn ‘Abbas (*Sunan*, no. 505, and the versions of the *Ĝami’* and Ibn Abi Sayba) has a variant in which Ibn ‘Umar joins the party (*Taqyīd*, pp. 102e-103a; *Sunan*, no. 501); here the implication of approval is weak or non-existent.

<sup>258</sup> Possible exceptions are two traditions which invoke him against writing, one general (*Taqyīd*, p. 43c; *Ĝami’*, p. 65.21, 65.23), and one concerned with written response (*Taqyīd*, p. 42d). The former is transmitted in one instance by Ibn Gurayg, the latter by Sufyan.

<sup>259</sup> For the role of ‘Amr ibn Su’ayb in this tradition, see below, § 79, note 363, and Schoeler, “Mündliche Thora”, pp. 235, 240, 247f; Schoeler identifies him as the “common link”, and infers that it was probably he who spread the tradition.

<sup>260</sup> See *Taqyīd*, p. 78b, for a stray instance in which two Meccans appear in the isnād.

<sup>261</sup> *Tabaqat*, V, p. 363.9. (The citation of this passage at Ibn Hagar, *Tahdib*, VI, p. 46.10, is corrupt, cf. Mizzi, *Tahdib*, XVI, p. 190.6).

<sup>262</sup> For this tradition, see below, § 94.

<sup>263</sup> *Taqyīd*, pp. 68b-69b, 75b, (and cf. p. 75c); *Ĝami’*, p. 73.12, 73.14. See the tAbūlation in Schoeler, “Mündliche Thora”, p. 241, and the discussion *Ibid.*, p. 248.

<sup>264</sup> Ibn Hagar, *Tahdib*, VI, p. 46.2, 46.12.

<sup>265</sup> *Taqyīd*, pp. 32b-33a; *Sunan*, no. 457; Tirmidi, *Sahih*, ‘ilm II (= VII, p. 311, no. 2667); and see Schoeler, “Mündliche Thora”, p. 231.

<sup>266</sup> See above, § 14.

‘Abd al-Rahman<sup>267</sup> - a reminiscence of the Prophetic tradition transmitted by Abu Hurayra.<sup>268</sup> I would tend to regard this as an echo of the Baṣran tradition.

In a remarkable account of his experience as a student in Mecca, Ibn Ḥanbal suggests the survival of a rather ferocious oralist attitude into the late second century in the person of Sufyān. He tells us that he would seat himself on Sufyān’s blind side so that the old man would not notice him writing. Sufyān had a stick, and if he saw anyone writing, he would gesture at him with the stick, then come and stop him.<sup>269</sup>

### Yemen

§ 55 Only two figures really count in Yemeni Tradition: the native Tawus ibn Kaysan (d. 106), an the Baṣran immigrant Ma’mar ibn Rasid (d. 153). ‘Abd al-Razzaq ibn Hammām (d. 211) is for our purposes only a transmitter, without discernible opinions of his own.

§ 56 Tawus is presented mainly as an opponent of writing.<sup>270</sup> He has books burnt;<sup>271</sup> he burns accumulated letters;<sup>272</sup> he dislikes the habit of writing on one’s sandals;<sup>273</sup> and he figures prominently in the transmission of traditions invoking Ibn ‘Abbas against writing.<sup>274</sup> But he also appears on the other side: he transmits a tradition on the document in which ‘Abd Allāh ibn ‘Amr wrote down what he heard from the Prophet;<sup>275</sup> and he dictates to the Kūfan Layt ibn Abi Sulaym, who writes in his presence on tablets (alwah).<sup>276</sup>

§ 57 Ma’mar too is mainly identified with the opposition to writing. He affirms his disapproval of it, though tacitly accepting the rebuke of Yaḥyā ibn Abi Katir (d. 129);<sup>277</sup> Ibn ‘Ulayya states that he transmitted from memory;<sup>278</sup> and a tradition from Ibn al-Mubarak (d. 181) contrasts him with Yunus ibn Yazid al-Ayli (d. 159), who wrote down everything he heard from Zuhri.<sup>279</sup> On the other hand, Ibn Ḥanbal tells us approvingly that in Yemen (as opposed to Baṣra) Ma’mar freely consulted his books when transmitting.<sup>280</sup> His oralist identification is in any case weaker than that of Tawus – he transmits Medinese material to ‘Abd al-Razzaq and others which is indifferently for or against.<sup>281</sup> Examples are, on the one hand, Zuhri’s tradition on how ‘Umar thought better of his project for reducing the *sunan* to writing,<sup>282</sup> and on the other the traditions which involve Zuhri himself in favour of, or in excuse of, writing.<sup>283</sup> Ma’mar is also the transmitter, through ‘Abd al-Razzaq, of a well-known collection of some

<sup>267</sup> He is absent from the versions of Darimi and Tirmidi, and does not appear in Schoeler’s tAbūlation of the isnād (“Mündliche Thora”, p. 238, tradition I 2).

<sup>268</sup> See above, § 46.

<sup>269</sup> *ʿIlal*, III, pp. 383f, no. 5683. (Ibn Ḥanbal attended Sufyān’s classes in the course of four visits to Mecca, the first of which waqs in 187, *Ibid.*, III, p. 139. No. 4611, and cf. I, pp. 560f, no. 1338; in III, p. 473, no. 6019 the date should be read as 187 and not 189.) There is a less colourful report to similar effect from Abū Nu’aym (Abū Zur’a, *Ta’rīḥ*, p. 471, no. 1225).

<sup>270</sup> Schoeler does not discuss Tawus, and it is largely as a result of this that he sees the opposition to writing in Yemen as minimal (“Mündliche Thora”, pp. 235f).

<sup>271</sup> *Taqyīd*, p. 61c.

<sup>272</sup> ‘Abd al-Razzaq, *Musannaf*, XI, p. 425, no. 20,901; *Tabaqat*, V, p. 393.5.

<sup>273</sup> Ibn Abi Dawud, *Masahif*, p. 4.9.

<sup>274</sup> *Taqyīd*, pp. 42c-43b; ‘Abd al-Razzaq, *Musannaf*, XI, p. 258, no. 20,485; *Ĝami’*, p. 64.24; *ʿIlal*, II, p. 387, no. 2727. (Traditions bringing in Ibn ‘Abbas on this side not transmitted by Tawus are *Taqyīd*, p. 43c; *Ĝami’*, p. 65.21, 65.23; *Tabaqat*, VI, p. 179.4.)

<sup>275</sup> *Taqyīd*, p. 84a.

<sup>276</sup> *ʿIlal*, I, p. 260, no. 377. The tablets are described as large, doubtless with the implication that Tawus could not have failed to notice them. In a parallel given by Fasawi, the same informant states that she never saw anyone but Layt writing in the presence of Tawus (*Ma’rifā*, II, p. 713.5).

<sup>277</sup> *Taqyīd*, p. 110d-e; *Ĝami’*, p. 76.18; ‘Abd al-Razzaq, *Musannaf*, XI, p. 259, no. 20,488.

<sup>278</sup> *ʿIlal*, I, p. 305, no. 513.

<sup>279</sup> *Ibid.*, I, p. 172, no. 109.

<sup>280</sup> Ibn Hagar, *Tahdīb*, VI, p. 312.4; see Schoeler, “Mündliche Thora”, pp. 219, 233, 236. Cf. also *ʿIlal*, I, pp. 132f, no. 10; II, p. 590, no. 3800.

<sup>281</sup> As noted in Schoeler, “Mündliche Thora”, p. 229.

<sup>282</sup> *Taqyīd*, p. 49a-c; *Ĝami’*, p. 64.19; ‘Abd al-Razzaq, *Musannaf*, XI, pp. 257f, no. 20,484; *Tabaqat*, III/I, p. 206.5.

<sup>283</sup> *Taqyīd*, pp. 106b-170b; *Ĝami’*, p. 76.20, 76.25; *Tabaqat*, II/II, p. 136.4; ‘Abd al-Razzaq, *Musannaf*, XI, p. 258, no. 20,487.

140 Prophetic traditions known as the Sahifa of Hammām ibn Munabbih (d. 132?).<sup>284</sup> This text exists in three somewhat variant recensions, of which one is in the Musnad of Ibn Ḥanbal.<sup>285</sup> The way the text is presented in the Musnad makes it clear that it already existed as a collection in the third century.

§ 58 Does this material tell us what Yemenis thought, or is its provenance subject to doubts such as we encountered in the Meccan case? Much of the material regarding Ma'mar is transmitted outside the Yemen, and he himself is by origin a Baṣran; thus we cannot with assurance adduce him as evidence of Yemeni attitudes.<sup>286</sup> Moreover, most of the material in which Tawus plays a part against writing comes to us from Ma'mar – and where it does not, it comes through channels which are not Yemeni at all.<sup>287</sup> Conversely, the two traditions in which Tawus appears on the other side have non-Yemeni isnāds. In sum, both Meccan and Yemeni Tradition provide useful evidence of the controversy over writing, but in neither case can great weight be placed on the provenance of the material.

### Syria

§ 59 Syrian Tradition in general is probably underrepresented in our sources.<sup>288</sup> For the writing of Tradition the materials it offers are scanty, but sufficient to establish the fact of the controversy.

§ 60 The leading figure to appear among the opponents of writing is Awza'i (d. 157). According to a report transmitted by the Himsi Abu 'l-Mugira [‘Abd al-Qaddus ibn al-Haggag] (d. 212), he disapproved of writing.<sup>289</sup> His eloquent lament over the lifelessness of learning once consigned to books is transmitted by the Damascene Walid ibn Muslim (d. 195).<sup>290</sup> Damascenes also appear in their own right. Two Damascenes transmit the boast of a third, Sa'īd ibn ‘Abd al-‘Aziz (d. 167), never to have written down a tradition.<sup>291</sup>

In the generation of the Successors, the Damascene preacher and qadi Abu Idris al-Hawlani (d. 80) asks his son whether he is writing down what he hears from him; when the son replies in the affirmative, Abu Idris has him bring what he has written and destroys it.<sup>292</sup>

§ 61 There is likewise evidence of Syrian participation in the polemic in favour of writing. The long-lived Syrian Companion Watila ibn al-Asqa' (d. 83) is said to have dictated Tradition, with his students writing it down in front of him.<sup>293</sup> We have two versions of a tradition which the Himsi Baqiyya ibn al-Walid (d. 197) transmits regarding the codex in which his fellow-townsmen Halid ibn Ma'dan (d. 104) kept his learning;<sup>294</sup> one of them can definitely be taken as favourable, inasmuch as it

<sup>284</sup> Sezgin, *Geschichte*, I, p. 86; Schoeler, “Mündliche Thora”, pp. 235f. I take the death-date of 132 from Buhari (Kabir, IV/II, p. 236, no. 2847); for a recent discussion, see van Ess, *Theologie*, II, p. 705. As noted by Schoeler (“Mündliche Thora”, pp. 242, 248), Hammām plays a part in the isnāds of a tradition in favour of writing.

<sup>285</sup> Ibn Ḥanbal, *Musnad*, ed. Sakir, XVI, pp. 27-110, nos. 8100-8235. For the other recensions, see M. Hamidullah, “Aqdam ta'lif fi l-hadith al-nabawi”, *Magallat al-Magma' al-'ilmi al-'Arabi*, 28, 1953, and id., *The earliest extant work on the Hadith: Sahifah Hammām ibn Munabbih*, Paris, 1979, pp. 88-97.

<sup>286</sup> When Schoeler accounts for Ma'mar's frequent consultation of his books in the Yemeni phase of his career (see above, § 57, note 280) in terms of the low Yemeni valuation of teaching without notes, he is adding an explanation which Ibn Ḥanbal did not himself provide.

<sup>287</sup> The latter is the case with Ibn Abi Dawud, *Masahif*, p. 4.9; *Taqyīd*, pp. 42d-43b; *Ilal*, II, p. 387, no. 2727.

<sup>288</sup> For a different view, namely that Syrian Tradition was never well-developed, see G. Rotter, “Abū Zur'a ad-Dimasqi (st. 281/894) und das Problem der frühen arabischen Geschichtsschreibung in Syrien”, *Die Welt des Orients*, 6, 1970-1, p. 100.

<sup>289</sup> *Sunan*, no. 461. Contrast several reports given by Abū Zur'a which tend to presuppose the opposite (*Ta'riḥ*, pp. 264f, nos. 372-5, and p. 723, nos. 2311-4).

<sup>290</sup> *Taqyīd*, p. 64a, whence Schoeler, “Mündliche Thora”, pp. 226f; *Ġami'*, p. 68.2; Abū Zur'a, *Ta'riḥ*, p. 364, no. 790. The lament is also transmitted, in different and less eloquent terms, by the peripatetic Khurasanian Ibn al-Mubarak (*Sunan*, no. 473).

<sup>291</sup> *Ġami'*, p. 67.16 (from Abū Mushir, d. 218); *Sunan*, no. 467 (from Marwan ibn Muhammad al-Tatari, d. 210). For other traditions about him to similar effect, see Abū Zur'a, *Ta'riḥ*, p. 318, no. 602 (cf. no. 603), and p. 363, no. 787 (but contrast *Ibid.*, p. 365, no. 765, where he is involved in written transmission). The Damascene Yazid ibn Yazid (d. 133) likewise had no book (*Ibid.*, pp. 363f, no. 788; cf. also no. 789).

<sup>292</sup> *Ibid.*, p. 363, no. 784; *Taqyīd*, p. 46b (also from Abū Mushir). This anecdote is usually told of Abū Musa (see above, § 35, notes 168-9).

<sup>293</sup> Ibn 'Adi, *Kamil*, p. 37.1 (Damascene).

<sup>294</sup> *Ilal*, II, p. 339, no. 2501, and Abū Zur'a, *Ta'riḥ*, pp. 349f, no. 717 (eulogistic); Ibn Abi Dawud, *Masahif*, p. 134.19. Compare the report that the Himsis so appreciated the books of the Companion 'Abd Allāh ibn 'A'id that they would extract their legal content and post it on the door of the mosque (Fasawi, *Ma'rifa*, II, p. 383.8).

forms part of a eulogy. The Palestinian Successor Raga ibn Haywa (d. 112) congratulates himself on having written down a tradition he would otherwise have forgotten.<sup>295</sup> From Hims again, Baqiyya ibn al-Walid recounts how Artat ibn al-Mundir (d. 163) would, on hearing a tradition from him, ask him to dictate it even in the middle of the street.<sup>296</sup> There is also a tradition that another long-lived Syrian Companion, Abu Umama al-Bahili (d. 86), saw no harm in the writing of Tradition (kitabāt al—‘ilm).<sup>297</sup>

§ 62 The Syrians also transmit from non-Syrians materials both for and against writing.

§ 63 An interesting tradition against writing is one in which 'Umar collects and burns written traditions, with disparaging reference to the Mishnah; this comes to us from the Medinese Qasim ibn Muhammad with a Damascene isnād.<sup>298</sup> Zuhri's tradition regarding 'Umar's decision not to reduce the *sunan* to writing crops up with a Himsi isnād.<sup>299</sup> Awza'i transmits a statement of Abu Hurayra's that he did not write (or did not allow others to do so).<sup>300</sup> Among later authorities, the Damascenes cite Qasim ibn Muhammad's disapproval of the writing of Tradition,<sup>301</sup> and his refusal to allow the Damascene 'Abd Allāh ibn al-'Ala' (d. 164) to write.<sup>302</sup> Walid ibn Muslim transmits an injunction of the Kūfan Ibrahim against writing,<sup>303</sup> and Awza'i reports the dislike of it evinced by the Baṣran Qatada.<sup>304</sup>

§ 64 In favour of writing, the Syrians play some part in the transmission of the tradition regarding the permission obtained by 'Abd Allāh ibn 'Amr to write what he heard from the Prophet,<sup>305</sup> and one of the reports of the document which contained these traditions has a Himsi isnād.<sup>306</sup> A similar tradition regarding the permission to write obtained by another Companion, Rafī ibn Hadig, is transmitted by the Himsi Baqiyya ibn al-Walid<sup>307</sup> and the Damascene Yaḥyā ibn Hamza al—Batalhi (d. 183).<sup>308</sup> The story that the Baṣran Companion Anas ibn Mālik used to make some use of written records (magall) in his teaching is Syrian.<sup>309</sup> Among later authorities invoked by the Syrians in favour of writing are Hasan al-Basri,<sup>310</sup> Nafi (d. 119) the mawla of Ibn 'Umar,<sup>311</sup> and the Meccan 'Ata' ibn Abi Rabah.<sup>312</sup>

§ 65 The Syrians also transmit from the Companion Abu 'l-Darda' an interpretation of the buried treasure of Q XVIII, 82 as consisting of written Tradition (suhuf 'ilm).<sup>313</sup> This treasure, which figures in one of the strange acts of Hadir in the Koranic legend, belonged to two orphans, and it was God's wish that it should pass to them when they came of age. To interpret the treasure as a literary one is thus to sanction a particularly flagrant form of written transmission. More commonly this interpretation is attributed to Ibn 'Abbas or his pupils.<sup>314</sup>

<sup>295</sup> Abū Zur'a, *Ta'riḥ*, p. 365, no. 793; *Taqyīd*, p.108a; *Sunan*, no. 511. The isnād of this report is Damascene.

<sup>296</sup> *Taqyīd*, p.110c.

<sup>297</sup> Abū Zur'a, *Ta'riḥ*, p. 608, no. 1726; *Taqyīd*, p.98a; *Tabaqat*; VII/II, p. 132.8; *Sunan*, no. 499; *Ġami'*, p. 73.9. The lower isnād is Egyptian.

<sup>298</sup> *Tabaqat*, V, p. 140.3; and see below, § 128, note 580, with further references.

<sup>299</sup> *Taqyīd*, p. 50b. For this tradition see above, §§48f.

<sup>300</sup> *Ibid.*, p. 42a-b; *Sunan*, no. 478; *Tabaqat*, II/II, p. 119.16; *Ġami'*, p.66.11.

<sup>301</sup> Abū Zur'a, *Ta'riḥ*, p. 363, no. 786; *Taqyīd*, p.46c.

<sup>302</sup> *Tabaqat*, V, p. 140.5.

<sup>303</sup> *Ġami'*, p.68.8.

<sup>304</sup> *Sunan*, no. 460.

<sup>305</sup> *Taqyīd*, pp. 75a, 75d-76d.

<sup>306</sup> *Ibid.*, p. 85b.

<sup>307</sup> *Ibid.*, pp. 72a-73b.

<sup>308</sup> Ramahurmuzi, *Muhaddit*, p. 369, no. 330.

<sup>309</sup> *Taqyīd*, p. 95a-c.

<sup>310</sup> *Ibid.*, p. 102a.

<sup>311</sup> *Sunan*, no. 513; Abū Zur'a, *Ta'riḥ*, p. 364, no. 792 (and cf. *Ibid.*, p. 369, no. 795 bis).

<sup>312</sup> *Sunan*, no. 512; Ramahurmuzi, *Muhaddit*, p. 373, no. 344 (unless this is a mistake for 'Ata al-Hurasani (d. 135), cf. Mizzi, *Tahdib*, XIX, p. 300.10). Cf. also Abū Zur'a, *Ta'riḥ*, p. 369, no. 795 bis).

<sup>313</sup> *Taqyīd*, p. 117a.

<sup>314</sup> See, for example, *Taqyīd*, p. 117b-c; Tabari, *Tafsir*, Cairo, 1323-9, XVI, p. 5.12.

§ 66 This material establishes that there had been controversy over the writing of Tradition in Syria; thanks to the continuity of Syrian isnāds into the second half of the second century, the provenance of the material is not open to question as it is in the Meccan and Yemeni cases. The chronology of the Syrian record is more elusive, unless of course one takes all ascriptions at face value. In the light of the hostility to writing attributed to Awza‘i, it seems plausible to infer that the issue was a live one as late as the middle of the second century. It may well have been older; that there are archaic elements in some of the Syrian traditions can be argued on weak grounds which I relegate to small print.

§ 67 The points that are perhaps worth considering are the following. (1) The anecdote about Abu Idris and his son is a doublet of a more widely attested one about Abu Musa and his son.<sup>315</sup> If one is the prototype of the other, then if we assume a tendency to improvement in the evolution of traditions, it is the Syrian form of the story which is likely to be older: Abu Idris is the lesser authority, being both a younger and a less prestigious figure. (2) On similar grounds, we might take the purely Syrian isnād of the treasure exegesis to be older than the classical ascription to the school of Ibn ‘Abbas. (3) Most of the material relating to ‘Abd Allāh ibn ‘Amr is Higazi by virtue of its transmission by his Ta‘ifi descendant ‘Amr ibn Su‘ayb. But against this family isnād may be set enough Syrian colouring to suggest that ‘Abd Allāh ibn ‘Amr was originally a figure of Syrian rather than Higazi Tradition. It is only in Syria that we find geographically homogeneous isnāds for the traditions regarding his permission to write<sup>316</sup> and the document containing what he wrote;<sup>317</sup> likewise an eschatological tradition in which he refers to the Mishnah is Syrian.<sup>318</sup> (4) A tradition with an Egyptian isnād recounts how ‘Abd al-‘Aziz ibn Marwan - the Umayyad governor of Egypt from 65 to 86 - wrote to the Himsi Katir ibn Murra (d. in the 70s?), who had known large numbers of early Companions in Hims, to send him writing the traditions he had heard from them.<sup>319</sup> Here again we have a tradition which invites comparison with a more widely attested one, in which is not ‘Abd al-‘Aziz but his son ‘Umar who makes the request, and the Medinese Abu Bakr ibn Muhammad ibn ‘Amr ibn Hamz to whom he writes.<sup>320</sup> This story, as the isnāds establish, is a Medinese affair, and it is either unknown to the Syrians or ignored by them. Since ‘Umar ibn ‘Abd al-‘Aziz is a greater authority than his father, the suspicion arises that it is the tradition regarding the father which is the prototype; and Medina is by classical standards a more obvious place to seek Prophetic Tradition than Hims.

§ 68 In this analysis of the Syrian material, I have scarcely referred to the reports of initiatives taken by the Umayyads to have Tradition written down. These reports, which are not in themselves implausible, are given prominence by Schoeler.<sup>321</sup> He argues that they are to be taken as in essence historical,<sup>322</sup> and that this Umayyad pressure was a major stimulus in shaping attitudes to writing in other centres.<sup>323</sup> My main objection to this view is that, had these initiatives been historical, representing a concerted effort on the part of the authorities in Syria, we would have expected them to leave a strong mark on Syrian Tradition; but this is not in fact the case. The traditions involving

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<sup>315</sup> See above, § 60, note 292.

<sup>316</sup> *Taqyīd*, p. 76d; cf. also *Ibid.*, p. 76c, and the different Syrian isnād picked up by a Baṣran, *Ibid.*, p. 81a. The Egyptians also have this tradition from a Syrian Successor (*Sunan*, no. 491; al-Hakim al-NaysAbūri, *Mustadrak*, Hyderabad, 1334-42, I, p. 104.18). These isnāds are only partially indicated by Schoeler in his tAbūlation ("Mündliche Thora", p. 240). For the Palestinian connections of ‘Abd ‘Allāh ibn ‘Amr see M. Lecker, "The estates of ‘Amr b. al-‘As in Palestine: notes in a new Negev Arabic inscription", *Bulletin of the School of Oriental and African Studies*, 52, 1989, pp. 24, 30-2.

<sup>317</sup> *Taqyīd*, p. 85b (Himsi); cf. Schoeler, "Mündliche Thora", pp. 243, 248f.

<sup>318</sup> *Sunan*, no. 482; and see below, § 128, note 583, for further references.

<sup>319</sup> *Tabaqat*, VII/II, p. 157.13 (from Layt ibn Sa‘d from Yazid ibn Abi Habib (d. 128)).

<sup>320</sup> See above, § 44, notes 213f.

<sup>321</sup> See especially Schoeler, "Mündliche Thora", pp. 227f, 229f.

<sup>322</sup> *Ibid.*, p. 229, and cf. p. 213.

<sup>323</sup> *Ibid.*, p. 231, 233, 236, 249.

Mu'awiya and Marwan are Iraqi.<sup>324</sup> As just noted, the tradition that has 'Umar ibn 'Abd al-'Aziz write to the Medinese Abu Bakr ibn Muhammad ibn 'Amr ibn Hazm is not found in Syria, while that regarding his father is Egyptian. Likewise the traditions regarding Zuhri and the writing of Tradition are rarely transmitted by the Syrians, despite Zuhri's strong connection with Syria.<sup>325</sup> A Damascene account attributes Zuhri's change of practice to the coercion of the Caliph Hisam, who forced Zuhri to write for his sons; thereafter people wrote Tradition from him.<sup>326</sup> Another version transmitted by Damascenes lacks both the element of coercion and the intention of explaining a change of practice; instead, the incident is used as a setting for an anecdote regarding Zuhri's powers of memory.<sup>327</sup> On the other hand, the tradition that Zuhri had no book other than a genealogy of his tribe does appear among the Syrians.<sup>328</sup>

### *Other centres*

§ 69 There is no other centre of learning from which we have evidence of controversy over the writing of Tradition. The scholars of Egypt transmit a good deal of material from elsewhere, but solidly Egyptian isnāds are extremely rare in this field,<sup>329</sup> and the Egyptians show no sign of having opinions of their own. The same is true of the traditionists of Wasit and Marw. In any case none of these could be described as major centres of learning in the relevant period. Nor is there evidence of controversy among the traditionists of Baghdad.

§ 70 **From this geographical survey, it is clear that controversy over the writing of Tradition was widespread outside Bašra. Our sources indicate its existence in Kufa, Medina, Mecca, the Yemen, and Syria, although the provenance of the Meccan and perhaps Yemeni material is open to some doubt; in any event, there is no indication that any major centre of Muslim learning was exempt from it.**

§ 71 The chronological evidence is less satisfactory; but the Kūfan material points strongly to the first half of the second century, and the rest of the regional evidence goes fairly well with this. How far, if at all, we can project this situation back into the first century is a question to which I shall return.<sup>330</sup>

### *3. The nature of the opposition*

§ 72 In the third century the relationship between the oral and the written had settled down into a more-or-less stable and consistent conlfiguration. The old oral values had left unmistakable and by no means trivial residues.<sup>331</sup> Yet the acceptance of writing was overwhelming: it was used freely both by teachers and by students, both in class and at home. If we now return to the second century, can we

<sup>324</sup> For Mu'awiya and Zayd ibn Tabit, see above, § 29, note 137 (as noted there, the higher isnād is Medinese). For Marwan and Zayd ibn Tabit, see above, § 47, notes 225-7. There is also a Bašran tradition in which Marwan, as governor of Medina, seeks to have Abū Hurayra's Tradition written down (*Taqyīd*, p. 41a, 41c).

<sup>325</sup> On this connection see, for example, Abbott, *Studies*, II, pp. 181f.

<sup>326</sup> Ibn 'Asakir, Zuhri, no. 105, and cf. no. 104. Both of these reports (the second from a different source) are discussed by Lecker (see above, § 40, note 195). For a similar account from the Raqqan Abū 'l-Malih (d. 181), see Abū Nu'aym, *Hilya*, III, p. 363.6.

<sup>327</sup> Fasawi, *Ma'rifa*, I, p. 640.5; Ramahurmuzi, *Muhaddit*, p. 397, no. 406; Ibn 'Asakir, Zuhri, no. 102.

<sup>328</sup> See above, § 38, note 183.

<sup>329</sup> One exception is the tradition regarding 'Abd al-'Aziz ibn Marwan considered above, § 67, item 4. An apparent exception is a statement of 'Abd Allāh ibn 'Amr that "we used to be with the Prophet writing down what he said", which likewise has a purely Egyptian isnād (Abū Zur'a, *Ta'rīh*, p. 555, no. 1514). However, this seems to be a fragment of a longer tradition in which he consults a chest of written records of the Prophet's sayings to find the answer to the question whether Constantinople or Rome is to be conquered first (Ibn Ḥanbal, *Musnad*, ed. Sakir, no. 6645; Ibn 'Abd al-Hakam, *Futuh Miṣr*, ed. C.C. Torrey, New Haven, 1922, p. 256.23, and cf. p. 257.6). Darimi also incorporates this tradition in his material on writing (*Sunan*, no. 492).

<sup>330</sup> Cf. below, §§ 103-5.

<sup>331</sup> Schoeler, "Mündliche Thora", p. 237; and cf. above, § 4, note 18.

identify any comparably consistent - if doubtless unstable - patterns? or do we discern only the chaos of conflicting attitudes? In this section I shall seek to pick out two such patterns. One is a compromise; broadly it can be thought of as a solution which commanded considerable respect around the mid-second century. The other pattern is an uncompromising adherence to oral values; it presumably belongs at the beginning of the evolution we are tracing, whenever that might be.

### *The compromise pattern*

§ 73 The essence of the compromise pattern is a distinction between the public and private domains of scholarly life.<sup>332</sup> Writing, in this view, may be tolerated and even approved in the private storage of Tradition, but should not be allowed to feature in its public transmission. The main features of this double standard can be set out as follows.

§ 74 First, there is a well attested practice of memorising in the presence of one's teacher materials which one later writes down. Several traditions indicate that the writing is done at home, which emphasizes the private character of the act.

§ 75 The young 'Abd Allāh ibn 'Amr is present with some senior Companions when the Prophet threatens with hell-fire anyone who deliberately attributes spurious traditions to him.<sup>333</sup> Afterwards 'Abd Allāh turns to the older Companions and asks them how, in the light of what they have heard, they can devote themselves with such energy to repeating what they hear from the Prophet. The Companions laugh knowingly, and reveal that "we have everything we have heard from him in a book".<sup>334</sup> A Kūfan tradition tells us that A'mas "would hear from Abu Ishaq [al-Sabi'i] (d. 127), then come and write it down at home".<sup>335</sup> The Kūfan 'Abd Allāh ibn Idris (d. 192) recalls the advice of his father, Idris ibn Yazid: "Memorise, don't write; when you get back, write it down".<sup>336</sup> He himself states that he did not write in the presence of A'mas and other Kūfan scholars of his generation; "I would just memorise, and write it down at home when I got back".<sup>337</sup> The Baṣran Hammad ibn Salama speaks of hearing ten traditions or so, memorising them, then writing them down when he got back.<sup>338</sup> The Wasiti Husaym ibn Basir (d. 183) never wrote a tradition in class (*fī maglis*); "I used to hear it, then come back home and write it down".<sup>339</sup> In a tradition hostile to the practice, Abu Musa's son Abu Burda and a client of his are in the habit of hearing traditions from Abu Musa, then going out to write them down; Abu Musa realises what is going on, and tells them to memorise just as the older generation did.<sup>340</sup> Likewise the youthful Sufyān ibn 'Uyayna is denounced by a Meccan for writing from 'Amr ibn Dinar when he gets home.<sup>341</sup> The indigent young Safi'i (d. 204) - for whom in maturity the writing of Tradition was not an issue - memorises in the mosque, and then writes down what he has heard at home on bones which he kept in an old jar.<sup>342</sup> Waki' ibn al-Garrah (d.196) never wrote down a tradition in the presence of Sufyān al-Tawri; but he did so on returning home.<sup>343</sup>

<sup>332</sup> This distinction is frequently made by Schoeler (see, for example, "Mündliche Thora", pp. 219, 220, 230, 236, 249).

<sup>333</sup> For this celebrated Prophetic tradition, see Goldziher, *Muhammedanische Studien*, II, pp. 132f, and G.H.A. Juynboll, *Muslim tradition*, Cambridge, 1983, chapter 3. What follows makes better sense if the version without "deliberately" is assumed.

<sup>334</sup> *Taqyīd*, p. 98c; also p. 98b, but without the laughter. Contrast the tradition in which the same 'Abd Allāh ibn 'Amr reports that the Companions wrote down what the Prophet said in his presence (see above, § 69, note 329).

<sup>335</sup> *Taqyīd*, p. 112a; similarly *'Ilal*, I, pp. 345f, no. 638; II, p. 332, no. 2471.

<sup>336</sup> *Taqyīd*, p. 112c; *'Ilal*, III, p. 452, no. 5921.

<sup>337</sup> Ramahurmuzi, *Muhaddit*, p. 385, no. 378.

<sup>338</sup> *Taqyīd*, p. 111f.

<sup>339</sup> Ramahurmuzi, *Muhaddit*, p. 385, no. 379.

<sup>340</sup> *Taqyīd*, p. 39d.

<sup>341</sup> Fasawi, *Ma'rifa*, II, p. 19.11; cf. above, § 53, note 249.

<sup>342</sup> Ibn Abi Hatim, *Adab al-Safi'i*, ed. 'A. 'Abd al-Haliq, Cairo, 1953, p. 24.4. For Safi'i's casual acceptance of the writing of tradition, see his *Risala*, ed. A.M. Sakir, Cairo, 1940, pp. 371.3, 382.4.

<sup>343</sup> Fasawi, *Ma'rifa*, I, p. 716.15; Schoeler, "Die Frage der Schriftlichen oder Mündlichen Überlieferung", p. 207.

§ 76 Secondly, the mirror image of these private notes kept by students is to be found in the written records kept by scholars whose teaching was oral.

§ 77 Abu Hurayra is usually known as a Companion who did not write. In one anecdote, however, he gets into an argument with a student who claims to have heard a certain tradition from him. Abu Hurayra tells him: "If you did hear it from me, I'll have it written down at home (fa-huwa maktub 'indi)". He then takes the student by the hand, and leads him to his home; there he shows him numerous books containing traditions from the Prophet, among which he finds the tradition at issue.<sup>344</sup> In the normal course of things, it is implied, the student would have been unaware of Abu Hurayra's recourse to writing. Another case in point is the Sadiqa, the document containing the traditions which 'Abd Allāh ibn 'Amr had heard from the Prophet. In one account Mugahid ibn Gabr, who is on close terms with 'Abd Allāh, comes to visit him, and pulls a scroll out from under the bedclothes; 'Abd Allāh stops him, and explains what it is.<sup>345</sup> In this account, then, the Sadiqa appears as a private document - students do not usually go rummaging in their teacher's bedclothes.<sup>346</sup> When Ytinus ibn Yazid al-Ayli wants Zuhri to give him his books, he appeals to his long service and discipleship; Zuhri responds by telling his slavegirl to fetch his books - though contrary to Yunus's expectations, they turn out to have nothing to do with Tradition.<sup>347</sup> The Kūfan Ibn Subruma (d. 144) is asked by an emir where he gets the traditions he transmits from the Prophet; the answer is a book he has at home (kitab 'indana).<sup>348</sup> The Baṣran Hammām ibn Yaḥyā teaches orally, but goes to look up his book when challenged on the accuracy of a tradition.<sup>349</sup> It is doubtless in the light of this practice that, with Sezgin,<sup>350</sup> we should understand a statement such as Ibn Ḥanbal's that he had never seen Waki with a book or even a scrap of paper.<sup>351</sup> Books are thus a private matter; the notion of a "public library" would be a contradiction in terms.

§ 78 Thirdly, there is a marked tendency to associate early written transmission of Tradition with a family context; this again has the effect of making it a private rather than a public matter.

§ 79 The association of written transmission with family isnāds was noted by Abbott.<sup>352</sup> Written documents are often accredited with such isnāds. A fiscal ordinance written by Abu Bakr for Anas ibn Mālik is transmitted through the latter's family.<sup>353</sup> A letter of the Prophet on legal matters is transmitted in the family of Abu Bakr ibn Muhammad ibn 'Amr ibn Hazm.<sup>354</sup> Some fiscal instructions which the Prophet prepared, but never actually issued, passed to Abu Bakr and then to 'Umar, apparently to be handed down to the latter's grandson Salim ibn 'Abd Allāh (d. 106).<sup>355</sup> At the same time, injunctions to write Tradition may be delivered in a family context. Anas addresses his sons,<sup>356</sup> Hasan ibn 'Ali (d. 49) his sons and nephews.<sup>357</sup> Attempts are made to foist written tradition on the Companion Ibn Mas'ud and the Successor Ibn Sīrīn, both figures strongly opposed to writing, through family isnāds: a

<sup>344</sup> *Ġami'*, p. 74.15; similarly *'Ilal*, II, p. 591, no. 3807.

<sup>345</sup> *Taqyīd*, p. 84b.

<sup>346</sup> Thus Schoeler's remark that 'Abd Alla ibn 'Amr was given to boasting about this document in public ("Mündliche Thora", p. 234) would not apply in this instance; and while in other versions he does indeed refer to it freely, there is only one in which he actually produces it in teaching (*Taqyīd*, p. 85b).

<sup>347</sup> *'Ilal*, III, p. 486, no. 6081; and cf. Ibn 'Asakir, Zuhri, no. 99.

<sup>348</sup> *Ġami'*, p. 76.7.

<sup>349</sup> *'Ilal*, I, p. 357, no. 682.

<sup>350</sup> Sezgin, *Geschichte*, I, p. 70.

<sup>351</sup> *'Ilal*, I, p. 152, no. 58.

<sup>352</sup> Abbott, *Studies*, II, pp. 36f.

<sup>353</sup> See above, § 21, note 108.

<sup>354</sup> Nasa'i, *Sunan*, qasama 45 (= ed. H.M. al-Mas'udi, Cairo, n.d., VIII, pp. 57-60).

<sup>355</sup> Ibn Ḥanbal, *Musnad*, ed. Sakir, nos. 4632, 4634; Tirmidi, *Sahih*, zakat 4 (= II, p. 385, no. 621). Abū Dawud, *Sunan*, zakat 3 (=II, pp. 224-6, no. 1568); and cf. the variant where Salim reads the text to Zuhri in Ibn Maga, *Sunan*, zakat 9 (= ed. M.F. 'Abd al-Baqi, Cairo, 1952-3, pp. 573f, no. 1798).

<sup>356</sup> See above, § 21, note 109.

<sup>357</sup> See below, § 89, note 403.

grandson of Ibn Mas‘ud tells how his father produced a book and swore that it was written in Ibn Mas‘ud’s own hand,<sup>358</sup> and Ibn Sīrīn’s book of traditions from Abu Hurayra was brought by one of his descendants to ‘Ali ibn al-Madini (d. 234).<sup>359</sup> Last but not least, there is the case of ‘Abd Allāh ibn ‘Amr.<sup>360</sup> ‘Abd Allāh is associated with written Tradition through his scroll of Prophetic traditions, the Sadiqa.<sup>361</sup> He is also strongly associated with a family isnād issuing in his great-grandson, the Ta‘ifi ‘Amr ibn Su‘ayb, which several traditionists of the early third century considered to be based on written transmission.<sup>362</sup> It is thus appropriate that the widely attested tradition regarding the permission to write which he obtained from the Prophet is frequently transmitted by the same ‘Amr ibn Su‘ayb.<sup>363</sup>

§ 80 Fourthly, there is at pattern of deathbed behaviour which underlines the personal, and hence private, character of written records. Scholars, it is taken for granted in the relevant traditions, have no inhibitions about possessing books, But they have them destroyed when they die, presumably so that no one will by-pass the proper channels of oral transmission by transmitting from such books.<sup>364</sup>

§ 81 The practice is well attested. The Kūfan ‘Abida called for his books when he was dying, and erased them, saying: “I’m afraid that someone may get possession of them when I’m dead and misconstrue them (fa-yada’aha fi gayr mawdi’iha)”.<sup>365</sup>

The Medinese ‘Urwa destroyed his books on the day of the Battle of the Harra,<sup>366</sup> presumably in case he was killed, The Baṣran Abu Qilaba bequeathed his books to Ayyūb; in one version he specifies that, should Ayyūb no longer be alive, they should be burnt or torn up.<sup>367</sup> Hasan al-Basri had his books collected and burnt - all but one of them - when he was near to death.<sup>368</sup> The Baṣran Su‘ba instructed his son to wash - or to wash and bury - his books when he died, which the son duly did.<sup>369</sup> Sufyān al-Tawri made ‘Ammar ibn Sayf responsible for burying his books when he died.<sup>370</sup> To the Baṣran Ibn Sīrīn is ascribed the view that "the Israelites went astray only because of books they inherited from their ancestors".<sup>371</sup>

Contrast the deathbed behaviour of the Himsi Su‘ayb ibn Abi Hamza (d. 162), who told those present "these are my books, which I have checked“, and outlined a number of procedures by which they might be used in transmission.<sup>372</sup> Ibn Ḥanbal could see no point in burying books".<sup>373</sup>

<sup>358</sup> *Ġami'*, p. 72.14.

<sup>359</sup> Fasawi, *Ma'rifa*, II, p. 54.12. In deference to Ibn Sirin's known prejudices, his brother Yahya (d. c. 90) appears as the actual possessor of the book.

<sup>360</sup> Cf. van Ess, *Zwischen Hadit und Theologie*, pp. 155f.

<sup>361</sup> *Taqyīd*, pp. 84a-85a; *Ġami'*, p. 72.2; *Sunan*, no. 502; *Tabaqat*, II/II, p. 125.12; IV/II, p. 9.1; VII/II, p. 189.13. In one tradition the Sadiqa and 'Abd Allāh ibn 'Amr's premission to write are mentioned together (*Ibid.* II/II, p. 125.9; IV/II, p. 8.25; VII/II, p. 189.11).

<sup>362</sup> See the opinions collected by Ibn Hagar in his targama of 'Amr ibn Su'ayb (*Tahdīb*, VIII, pp. 48-55), including those of Harun ibn Ma'ruf (d. 231) (*Ibid.*, p. 53.15); Yahya ibn Ma'in (d. 233) (*Ibid.*, p. 49.11), and 'Ali ibn al-Madini (*Ibid.*, p. 53.1).

<sup>363</sup> 'Amr ibn Su'ayb appears in the isnāds of seventeen out of the 25 citations of this tradition collected by the Hatib (*Taqyīd*, pp. 74a-81d).

<sup>364</sup> On this practice, see Schoeler, "Mündliche Thora", pp. 216, 233. On the related but distinct problem of disposing books which have worn out, see J. Sadan, "Genizah and Geniza-like practices in Islamic and Jewish traditions", *Bibliotheca Orientalis*, 43, 1986.

<sup>365</sup> Fasawi, *Ma'rifa*, II, p. 582.10; *Taqyīd*, p. 61d; and see also *Ibid.*, p. 62a; *Ġami'*, p. 67.7, 67.9; *Sunan*, no. 471; *Tabaqat*, VI, p. 63.18; *ʿIlal*, I, p. 215, no. 240. Some variants lack the explanation, and burning is mentioned as an alternative to erasure. Compare also the story that Abū Bakr burnt the 500 traditions he had written down out of anxiety over the errors the document might transmit to posterity (Dahabi, *Tadkira*, p. 5.6).

<sup>366</sup> See above, § 44, note 210.

<sup>367</sup> *Taqyīd*, p. 62d; *Tabaqat*, VII/I, p. 135.9.

<sup>368</sup> *Ibid.*, VII/I, p. 127.10.

<sup>369</sup> *Taqyīd*, p. 62b-c.

<sup>370</sup> *Tabaqat*, VI, p. 271.2; for further references, see H.P. Raddatz, *Die Stellung und Bedeutung des Sufyan at Tauri*, Bonn, 1967, p. 49.

<sup>371</sup> *Ġami'*, p. 65.8; and cf. *Taqyīd*, p. 61b, and *ʿIlal*, I, p. 214, no. 235.

<sup>372</sup> Abū Zur'a, *Ta'riḥ*, p. 434, no. 1055 (and cf. no. 1054); *Ibid.*, p. 716, no. 2281 (and cf. no. 2280). Compare also Fasawi, *Ma'rifa*, II, p. 185.2 on the easy access to the books of the Egyptian Haywa ibn Surayh (d. 158) after his death.

<sup>373</sup> *Taqyīd*, p. 63a; and see Ibn al-Ġawzī, *Talbis Iblis*, Beirut, n.d., p. 328.8 (in the course of Ibn al-Ġawzī's polemic against the destruction of the books, *Ibid.*, pp. 325-8). But for one instance in which he recommended the burying of books, see Ibn Abi Ya'la, *Tabaqat*, I, p. 347.21.

Some scholars seem to have buried their books without being at the point of death. Examples are the Kūfans ‘Ata’ ibn Muslim (d. 190),<sup>374</sup> Yusuf ibn Asbat (d. 195),<sup>375</sup> and Abu Usama (d. 201),<sup>376</sup> together with the Baṣran Mu’ammal ibn Isma‘il (d. 206).<sup>377</sup>

§ 82 Fifthly, it is perhaps against the same background that we should see the freedom with which letters as opposed to books are attributed to early authorities; letters are usually private communications to individuals in a way in which books are not.

§ 83 The writings of ‘Urwa on the life of the Prophet take the form of letters in answer to queries.<sup>378</sup> The only work seriously ascribed to Hasan al-Basri is his epistle on free will. Of the two works ascribed to Hasan ibn Muhammad ibn al-Hanafiyya (d. c. 100), the better attested is a letter, albeit an open one.<sup>379</sup> The habit of destroying accumulated letters is attributed to the Yemeni Tawus, who burnt them,<sup>380</sup> and to the Baṣran Su‘ba, who would send his son to bury them.<sup>381</sup> There were also those who objected even to letters on religious questions, a point to which I will return.<sup>382</sup>

One might also expect the propriety of writing to depend in some measure on the nature of what is being written, and there are occasional indications or hints that this is so. It seems to be more acceptable to write down the tasahhud and istihara,<sup>383</sup> and perhaps genealogy.<sup>384</sup> It is less acceptable to write down the personal opinions (ra’y) of a scholar, and perhaps the *sunan*.<sup>385</sup> Of these points, it is the greater hostility to the writing down of ra’y which is best attested.<sup>386</sup>

§ 84 These various themes add up to the view that writing has a significant role to play in private, but not in public. Clearly this compromise is still a good way from the attitudes of the third century; for example it precludes the practice, already widespread in the second century, of dictating Tradition in class. At the same time, it hardly needs emphasis that this view is some distance from strict oralist attitudes.<sup>387</sup> Those who memorise in public what they subsequently commit to writing in private are precisely the object of Ibn Mas‘ud’s complaint that people listen to him and then "go away and write it down".<sup>388</sup> A man who refuses to allow a book to remain in his house overnight<sup>389</sup> will not look favourably on the private libraries of teachers, nor have occasion to destroy his books on his deathbed. If it could have been taken for granted that Ibn Abi Di‘b made use of written records in the privacy of his home, it would have been unnecessary to question his slavegirl on the subject,<sup>390</sup> and so forth. It is to these stricter attitudes that we must now turn.

### *The predominance of oral values*

<sup>374</sup> Ibn Abi Hatim, *Garh*, III/I, p. 336.21, whence Ibn Hagar, *Tahdib*, VII, p. 211.19.

<sup>375</sup> *Ibid.*, XI, p. 408.3 citing Buhari, *Kabir*, IV/II, p. 385, no. 3414. This is one of several examples adduced by Abū Hayyan al-Tawhidi (d. 414) to justify his burning of his own book towards the end of his life (see M. Bergé, "Justification d'un autodafé de livres", *Annales islamologiques*, 9, 1970, p. 83.14 = p. 73).

<sup>376</sup> Ibn Hagar, *Tahdib*, III, p. 3.14; Abū ‘Ubayd al-Agurri, *Su‘alat*, Paris, Bibliotheque Nationale, ms. Arabe 2085, f. 65a.3 (for this work see Sezgin, *Geschichte*, I, p. 165). Abū Dawud’s statement as given by Agurri (whom Ibn Hagar also quotes) refers also to the Bagdadi Abū Ibrahim al-Targumam (d. 236) as one who buried his books. For Abū Usama’s action, see also Abū ‘Ubayd al-Agurri, *Su‘alat*, ed. M.‘A.Q. al-‘Umari, Medina, 1979, p. 208, no. 235.

<sup>377</sup> Mizzi, *Tahdib*, XXIX, p. 178.6; Ibn Hagar, *Tahdib*, X, p. 381.4.

<sup>378</sup> See J. Horowitz, "The earliest biographies of the Prophet and their authors", *Islamic Culture*, I, 1927, pp. 548-50.

<sup>379</sup> For these and some other early religious texts as epistles, see Cook, *Early Muslim dogma*.

<sup>380</sup> *Tabaqat*, V, p. 393.5; ‘Abd al-Razzaq, *Mussanaf*, XI, p. 425, no. 20,901.

<sup>381</sup> *Taqyīd*, p. 62c.

<sup>382</sup> see below, § 131.

<sup>383</sup> See above, § 15, note 74.

<sup>384</sup> See above, § 38, note 183; § 68, note 328.

<sup>385</sup> For the latter, see above, § 48.

<sup>386</sup> See below, §§ 109f.

<sup>387</sup> The distinction is sharply drawn by Schoeler ("Mündliche Thora", p.222).

<sup>388</sup> *Sunan*, no. 487; and cf. above, § 75, note 340.

<sup>389</sup> See above, § 13, note 59.

<sup>390</sup> See above, § 42, note 201.

§ 85 That an uncompromising oralist stance is widely attested in our sources is not in doubt. But was it ever the predominant attitude among the traditionists? Or was it never more than an extreme view put about by a noisy minority? In what follows I shall adduce some indirect arguments which suggest that **oralism was indeed originally predominant**.<sup>391</sup> Two lines of approach tend to this conclusion, the one prosopographic, and the other thematic.

§ 86 The prosopographical arguments arise from the Kūfan material.

§ 87 In the Kūfan traditions against writing, the Kūfan Companion Ibn Mas‘ud is a considerable figure. He is reported to have disliked the writing of Tradition (kitab al-‘ilm).<sup>392</sup> On discovering that his son has been writing down traditions heard from him, he has the writing brought and erases it.<sup>393</sup> He also makes it his business to erase writings which others bring him.<sup>394</sup> Against this strong identification with the oralist cause, I have encountered only one attempt to recruit Ibn Mas‘ud on the opposite side: here we find a combination of written transmission and family isnād such as is typical for Anas ibn Mālīk.<sup>395</sup>

§ 88 ‘Ali, by contrast, is aligned on the side of writing. He enjoins his hearers to "bind" Tradition (qayyidu l-‘ilm).<sup>396</sup> Harit [ibn Suwayd] (d. 71) recounts how ‘Ali asked: "Who will buy Tradition (‘ilm) from me for a dirham?"; Harit duly goes and buys himself sheets of writing material for a dirham and returns with them, sc. to write Tradition.<sup>397</sup>

§ 89 ‘Ali also possesses his famous scroll from the Prophet, which is the subject of a tradition found in numerous sources,<sup>398</sup> and is linked to the "Constitution of Medina".<sup>399</sup> This scroll is adduced in support of the writing of Tradition;<sup>400</sup> but this looks like a secondary use of the material. In a parallel version of the tradition, ‘Ali’s place is taken by his son Muhammad ibn al-Hanafiyya (d. 81).<sup>401</sup>

I have noted one tradition in which ‘Ali takes a stand against writing: he enjoins anyone who possesses a book to go home and erase it. The isnād contains the Baṣran Su‘ba,<sup>402</sup> suggesting that this might be a Baṣran counter-tradition.

It is in general the role of the ‘Alids to appear on the side of writing (a fact that is doubtless linked to the absence of evidence for the controversy in Shi‘ite sources). Hasan ibn ‘Ali, inciting his sons and nephews to engage in the pursuit of learning, explicitly recommends those unable to memorise to write.<sup>403</sup> One tradition has two or three Talibids write from Gabir ibn ‘Abd Allāh (d. 78).<sup>404</sup> Zayd ibn ‘Ali (d. 122) writes Tradition;<sup>405</sup> Hasan ibn ‘Ali himself has a text containing his father’s view on a

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<sup>391</sup> Schoeler does not go as far as this. He is inclined to see the first traditions in favour of writing as a reaction "auf den weitgehend geltenden (theoretischen) Konsensus, die Traditionen nicht (zur öffentlichen Benutzung) niedeinzuschreiben" ("Mündliche Thora", p. 249 (my italics), also *Ibid.*, p. 236). This takes what I have called the compromise solution, rather than strict oralism, as the base-line for the subsequent evolution.

<sup>392</sup> *Taqyīd*, p. 38d; *Ġami’*, p. 65.6. This and the following notes exclude traditions about Ibn Mas‘ud transmitted outside Kūfa.

<sup>393</sup> *Taqyīd*, p. 39a-b; Schoeler, "Mündliche Thora", p. 226.

<sup>394</sup> *Ibid.*, pp. 53a-54a, and cf. p. 55a; *Ġami’*, pp. 65.12, 66.13; and cf. *Sunan*, no. 483. It should be noted that the character and content of the writings brought to Ibn Mas‘ud is not always specified, and that where it is, great diversity appears in this otherwise rather homogeneous tradition. The various specifications —such as hadith agib, ahadith fi ahl al-bayt, even qasas wa-Qu‘ran - may thus be regarded as a secondary efflorescence, and the original tradition taken as directed against non-scriptural writings as such. See also M. Cook, "Anan and Islam: the origins of Karaite scripturalism", *Jerusalem Studies in Arabic and Islam*, 9, 1987, p. 174 item 18.

<sup>395</sup> See above, § 79, note 358. The ma‘n of the isnād is Ma‘n ibn ‘Abd al-Rahman Allāh ibn Mas‘ud

<sup>396</sup> *Taqyīd*, p. 89b.

<sup>397</sup> *Ibid.*, p. 90c. In a parallel version with a partially Baṣran isnād, Abū Haytama, explains the question in the same sense (*Taqyīd*, p. 90a; Abū Haytama, *Kitab al-‘ilm*, no. 149).

<sup>398</sup> See, for example, Ibn Ḥanbal, *Musnad*, ed. Sakir, nos. 599, 615, 782, 798, etc.

<sup>399</sup> See A.J. Wensinck, *Muhammad and the Jews of Medina*, tragns. W. Behn, Freiburg im Breisgau, 1975, pp. 66-8.

<sup>400</sup> *Taqyīd*, pp. 88b-89a.

<sup>401</sup> *Tabaqat*, V, p. 77.7 (with a Baṣran isnād).

<sup>402</sup> *Ġami’*, p. 63.24.

<sup>403</sup> *Taqyīd*, p. 91a-b (whence Schoeler, "Mündliche Thora", p.222); *Sunan*, no 517; *Ġami’*, p. 82.18; *‘Ilal*, II, p. 417, no. 2865.

<sup>404</sup> *Taqyīd*, p. 104a-b.

<sup>405</sup> *‘Ilal*, II, p. 417, no. 2867.

point of law.<sup>406</sup> But here, as often, traditions which mention the writing of Tradition in passing probably have nothing originally to do with the controversy over writing; Hasan's recommendation to his sons and nephews, by contrast, looks like a product of the controversy.

§ 90 Now the respective roles of Ibn Mas'ud and 'Ali in the Kūfan traditions invite comparison with Schacht's analysis of the invocation of legal authorities in the Kūfan "ancient school": here Ibn Mas'ud regularly represents the prevalent doctrine, 'Ali that of the opposition.<sup>407</sup> This would accordingly suggest that the hostility to writing associated with Ibn Mas'ud was at one stage the prevalent view in Kufa. This conclusion would follow even if we discount Schacht's characterisation of the role of 'Ali; a marginal group in second-century Kufa could hardly have captured the figure of Ibn Mas'ud.

§ 91 A similar inference can be drawn from the role of Ibrahim al-Naha'i, who as Schacht put it is "the representative scholar of the Kūfans".<sup>408</sup> Leaving aside the Baṣran and Baṣran-contaminated traditions regarding him, we have a significant body of Kūfan material in which he appears against the writing of Tradition. He does not wish a book to be perpetuated from him;<sup>409</sup> he reports that "they used to disapprove of writing";<sup>410</sup> he disapproves of it himself;<sup>411</sup> he makes no concession to a student who wishes to question him from written notes.<sup>412</sup> There are several countervailing attempts to recruit him in favour of writing, but they tend to be less assured. An original hostility to writing is taken for granted in the Hanafi tradition which has Ibrahim change his mind.<sup>413</sup> Another tactic is to have Ibrahim admit his abstention from writing but condemn it: asked why he is a worse transmitter than his fellow-townsmen and contemporary Salim ibn Abi 'l-Ga'd (d. 97), he answers that Salim wrote while he himself did not.<sup>414</sup> The traditions that have Hammad write in the presence of Ibrahim imply no more than a tacit consent on Ibrahim's part.<sup>415</sup> And Ibrahim's view that there is no harm in writing notes (*atrāf*) is a concession rather than a capitulation to the writing of Tradition.<sup>416</sup> All this material, then, either implies or is compatible with the primacy of Ibrahim's hostility to writing; and it is in fact the worthy Sa'bi (d. 104) rather than the authoritative Ibrahim who appears as the champion of written Tradition among the Kūfan Successors. It is hard to imagine that any but a prevalent view could have appropriated the figure of Ibrahim in this fashion.

§ 92 Sa'bi recommends writing as the "shackle of Tradition" (*qayd al-'ilm*).<sup>417</sup> He suggests that one should write on the wall if nothing better is available.<sup>418</sup> He recommends that no item of Tradition be left unwritten.<sup>419</sup> He dictates.<sup>420</sup>

Against this, there is a tradition in which Sa'bi boasts that he had never written.<sup>421</sup> One variant of this has a deflating continuation: Sa'bi confesses that what he had thereby forgotten was enough to make a man learned.<sup>422</sup>

§ 93 The other line of approach to the question whether oralism was originally predominant is thematic. It is a noteworthy feature of the traditions in favour of writing that in several respects they

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<sup>406</sup> *Ibid.*, I, p. 346, no. 639.

<sup>407</sup> Schacht, *Origins*, p. 240

<sup>408</sup> *Ibid.*, p. 233.

<sup>409</sup> *Taqyīd*, p. 47a.

<sup>410</sup> *Ibid.*, p. 47e.

<sup>411</sup> *Ibid.*, p. 48a; *Sunan*, no. 462.

<sup>412</sup> *Ĝami'*, p. 68.9; *Tabaqat*, VI, p. 189.22.

<sup>413</sup> See above, § 32.

<sup>414</sup> *Taqyīd*, p. 108c-d; *Tabaqat*, VI, p. 203.19; *Ĝami'*, p. 70.5; *Sunan*, no. 481.

<sup>415</sup> See above, § 33, note 149.

<sup>416</sup> *Ĝami'*, p. 72.16; and see below, § 100.

<sup>417</sup> *Taqyīd*, p. 99b; *Ĝami'*, p. 75.7.

<sup>418</sup> *Taqyīd*, pp. 99d-100a; *Tabaqat*, VI, p. 174.15; *'Ilal*, I, p. 216, no. 243.

<sup>419</sup> *Taqyīd*, p. 100b.

<sup>420</sup> *'Ilal*, II, p. 296, no. 2317; and cf. Fasawi, *Ma'rifa*, II, p. 826.13 (both partly Baṣran).

<sup>421</sup> *Ĝami'*, p. 67.18, 67.21; *Sunan*, no. 488; *Tabaqat*, VI, p. 174.4.

<sup>422</sup> *Ĝami'*, p. 67.21.

presuppose a background of general hostility to it.<sup>423</sup> The main points of this indirect testimony are the following.

§ 94 First, the Prophetic traditions in favour of writing refer to the practice with phrases of a euphemistic, or at least evasive, character. A favourite injunction, though one which seems to appear only in Prophetic traditions, is to "use your right hand" (*ista'in bi-yaminika*, and the like).<sup>424</sup> The hint is dropped in response to a man's complaint of poor memory, and in one variant is reinforced by gesture;<sup>425</sup> in another line of transmission, the implicit reference to writing is rendered explicit by a gloss.<sup>426</sup> Another much used image is the "shackling" of Tradition (*qayyidu 'l-'ilm*, and the like).<sup>427</sup> In some versions of the Prophetic traditions it is used by the Prophet himself;<sup>428</sup> in others it is used by a questioner, and the Prophet merely assents.<sup>429</sup> Again, we encounter the phenomenon of glossing: a transmitter may make the reference to writing explicit,<sup>430</sup> or the questioner may elicit it by going on to ask "and how does one shackle it [i.e. Tradition]?",<sup>431</sup> or the Prophet himself may even include it in his original injunction.<sup>432</sup> In most of this there is an evasiveness which suggests that the supporters of written Tradition were starting from a position of weakness.

§ 95 Unlike the injunction to "use your right hand", the "shackling" image is ascribed also to Companions and later authorities.<sup>433</sup> Among the Companions figure 'Umar,<sup>434</sup> 'Ali,<sup>435</sup> Ibn 'Abbas,<sup>436</sup> Ibn 'Umar,<sup>437</sup> and Anas ibn Mālik.<sup>438</sup> Among the Successors we find Sa'bi<sup>439</sup> and Hasan [al-Basri].<sup>440</sup> An even later authority who uses the phrase in his own right is the Meccan Ibn Gurayy (d. 150);<sup>441</sup> note that he also transmits the ascriptions to 'Umar and Ibn 'Umar, and appears in some terms of the Prophetic *isnāds*.<sup>442</sup> In nearly all these non Prophetic versions the reference to writing is explicit.

§ 96 Secondly, there is a significant feature of the traditions relating to Zuhri which has already been pointed out: he makes excuses for his change of practice, be it the flood of traditions from Iraq or the coercion of the Umayyads.<sup>443</sup> These traditions are not hostile to writing; the excuses accordingly point to bad conscience, again an indication of the prevalence of oralist attitudes.<sup>444</sup>

§ 97 Thirdly, a large body of traditions present writing as a dispensation: in the words of Ibn Ḥanbal, who himself had no reservations on the question, "many people disapproved of it, and some permitted (*rahhasa*) it".<sup>445</sup> Thus Sa'īd ibn al-Musayyab grants such a permission to a pupil whose memory is bad.<sup>446</sup> Ibn 'Abbas permits a Kūfan pupil to write<sup>447</sup> -but only just, a parallel version adds.<sup>448</sup> Above all,

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<sup>423</sup> What is significant here is not what the opponents of writing brazenly assert. but rather what its defenders tacitly concede.

<sup>424</sup> *Taqyīd*, pp. 65a-c, 66a-67b; cf. Schoeler, "Mündliche Thora", pp. 222, 236f. In another variant, the Prophet says simply 'alayka (*Ibid.*, p. 65d).

<sup>425</sup> Tirmidi, *Sahih*, 'ilm 12 (= VII, pp. 311f, no. 2668).

<sup>426</sup> *Taqyīd*, p. 65<sup>c</sup>-c, as also p. 65d (all from Hasib ibn Gaḥdar).

<sup>427</sup> Schoeler, "Mündliche Thora", pp. 237, 248.

<sup>428</sup> *Taqyīd*, p. 69a, 69c-d; *Ġami'* pp. 72.7, 73.12.

<sup>429</sup> *Taqyīd*, pp.68b-c, 69b, 75b; *Ġami'*, p. 73.14.

<sup>430</sup> *Taqyīd*, pp. 69b, 75b.

<sup>431</sup> As *Ibid.*, pp 68c-69a.

<sup>432</sup> As *Ibid.*, p.69c-d. I take this to be a secondary development.

<sup>433</sup> Schoeler, "Mündliche Thora", p. 237.

<sup>434</sup> *Taqyīd*, pp. 87c-88a; *Ġami'*, p. 72.11; *Sunan*, no. 503.

<sup>435</sup> *Taqyīd*. P. 89b-c.

<sup>436</sup> *Ibid.* p. 92a-d; *Ġami'*, p. 72.13; *'Ilal*, I, p.213, no. 232. For a stray instance in which the *isnād* of *Taqyīd*, p. 92c is carried back to the Prophet, see Ibn 'Adi, *Kamil*, p. 792.6.

<sup>437</sup> *Sunan*, no. 504.

<sup>438</sup> *Taqyīd*, pp. 96b-97d.

<sup>439</sup> *Ibid.*, p.99b.

<sup>440</sup> *Ibid.*, p. 101b.

<sup>441</sup> *Ibid.*, p. 112d.

<sup>442</sup> As *ibid.*, pp. 68c-69a.

<sup>443</sup> See above, § 40.

<sup>444</sup> Cf. also the special circumstances – overcrowded classes – under which Anas would bring out his written records (*magall* or *sikak*, *Taqyīd*, p. 95a-e).

there is the widely attested tradition to the effect that ‘Abd Allāh ibn ‘Amr asked and obtained the Prophet’s permission (idn) to write.<sup>449</sup> This tradition is, of course, used as ammunition by those who wish to legitimate writing for all and sundry, and it is already taken in this sense in the negative reactions evinced by the Baṣrans Su‘ba<sup>450</sup> and Ibn ‘Ulayya.<sup>451</sup> But the original intention would seem to be no more than to establish a personal permission, not a general principle.<sup>452</sup> This is made clear in the tradition in which Abit Hurayra explains why ‘Abd Allāh ibn ‘Amr knew more Prophetic Tradition than he did: his rival asked and obtained the Prophet’s permission to write, and did so.<sup>453</sup>

**Such dispensations in favour of writing presuppose a norm of disapproval.**

§ 98 Fourthly, perhaps the most telling of all are the traditions which seek to open the door by a chink. These traditions provide support for the view that it is permissible to write down traditions as an aid to memorisation provided one then erases them - especially if the tradition in question is distressingly long. By later standards so harmless a practice was hardly in need of justification, and the existence of such traditions implies that at one time even this was a concession that had to be fought for.

§ 99 A good example of this kind of tradition is provided by an exchange between two Kūfan pupils of Ibn Mas‘ud, Masruq (d. 63) and ‘Alqama (d. 62).<sup>454</sup> Masruq asks ‘Alqama to write for him. ‘Alqama replies: "Don’t you know it’s wrong to write?" Masruq clearly does, for he answers: "I only look at it and then erase it".

‘Alqama is appeased: "That’s all right then". Another Kūfan, ‘Asim ibn Damra (d. early 70s), would listen to a tradition and write it down; when he had memorised it he would call for scissors and cut it up.<sup>455</sup> The Baṣran Ibn Sīrīn "saw no harm in a man hearing a tradition, writing it down, and erasing it when he had memorised it";<sup>456</sup> one of his pupils wrote only one tradition from him, and duly erased it after he had memorised it.<sup>457</sup> A later Baṣran, Halid al-Hadda’ (d.141), makes the boast: "I have never written anything down, unless it was a long tradition which I erased when I had memorised it".<sup>458</sup> The practice is also attested for the Baṣran Hammad ibn Salama<sup>459</sup> and the rather obscure ‘Abd al-Rahman ibn Salama al-Gumahi (late first century).<sup>460</sup> The Medinese ‘Urwa recalls that he had written Tradition and then, to his subsequent regret, erased it.<sup>461</sup>

Speaking of the days of Zuhri, Mālik observes: "People did not write, they just memorised; if any of them wrote anything, he did so only with a view to memorising it, and when he had done so, he erased

<sup>445</sup> *Taqyīd*, p. 115c; *Ġami’*, p. 75.17.

<sup>446</sup> *Taqyīd*, p. 99a; *Ġami’*, p. 73.19.

<sup>447</sup> *Ibid.*, p. 73.4.

<sup>448</sup> *Sunan*, no. 510.

<sup>449</sup> *Taqyīd*, pp. 74a-81d; *Ġami’*, p. 71.1, 71.5; *Tabaqat*, II/II, p. 125.9; IV/II, p. 8.25; VII/II p. 189.11; also IV/II, p. 9.4; *Sunan*, no. 490; Ibn Ḥanbal, *Musnad*. Ed. Sakir, nos. 6510, 6802, 6930, 7018, 7020; Abū Dawūd, *Sunan*, ‘ilm 3 (= IV, pp.60f, no. 3646).

<sup>450</sup> *Taqyīd*, p. 78b.

<sup>451</sup> See above, § 12.

<sup>452</sup> This is one of two suggestions made by Ibn Qutayba in his attempt to resolve the conflict between the discordant Prophetic traditions about writing (*Ta’wil*, p. 365.15). It is indeed rare for ‘Abd Allāh ibn ‘Amr to express his request for permission in the first person plural (as he does in *Taqyīd*, pp. 74b, 74d, 81d).

<sup>453</sup> *Ibid.*, pp. 82c-83c, and parallels.

<sup>454</sup> *Ibid.*, p. 58c; *Ġami’*, p. 66.23; *‘Ilal*, I, p. 216, no. 242; and cf. Fasawi, *Ma’rifā*, II, p. 555.9, where the roles of Masruq and ‘Alqama are reversed. What is the sense of *naza’ir* in this tradition?

<sup>455</sup> *Taqyīd*, p. 59c.

<sup>456</sup> *Ibid.*, p. 59d; *Tabaqat*, VII/I, p. 141.27.

<sup>457</sup> *Sunan*, no. 466. Fasawi, *Ma’rifā*, II, p. 239.1 (where al-A’maq is to be read for ala’naq). Compare also *Ibid.*, p. 232.6. The traiton in question is the hadith al-A’maq, an eschatological narrative regarding the final confrontation of the Muslims with the Byzantines.

<sup>458</sup> *Taqyīd*, p. 59b; *Tabaqat*, VII/II, p. 23.13.

<sup>459</sup> Ramahurmuzi, *Muhaddit*, p. 383, no. 375, and cf. Fasawi, *Ma’rifā*, II, p. 282.10.

<sup>460</sup> Ramahurmuzi, *Muhaddit*, p. 382, no. 370; Fasawi, *Ma’rifā*, II, p. 523.3.

<sup>461</sup> *Taqyīd*, p. 60a.

it".<sup>462</sup> The Medinese Ibrahim ibn Sa'd transmits an elaborate account of the practice of Zuhri himself from (Muhammad ibn) 'Ikrima,<sup>463</sup> who like him attended the classes of the Medinese A'rag: "We used to write, but Zuhri did not. Sometimes the tradition was a long one, and Zuhri would take a leaf from A'rag's writing materials - A'rag used to write Korans - and on it he would write down the tradition; then he would read it over and erase it on the spot. Sometimes he would take it away with him, read it over, and then erase it".<sup>464</sup>

§ 100 Fifthly, one form of written Tradition which we have occasionally encountered above is *atrāf* - some form of notes, sometimes if not always prepared in advance.<sup>465</sup> Whether one should use *atrāf* is a matter of controversy. In one tradition the Kūfan Ibrahim says that there is nothing wrong with writing *atrāf*.<sup>466</sup> In another, his pupil Hammad writes what he hears from him; Ibrahim's response is "Didn't I tell you not to?", to which Hammad replies "They're only *atrāf*".<sup>467</sup> In a parallel version of this tradition Ibrahim has the last word, condemning such use of *atrāf*.<sup>468</sup> Hariga ibn Mus'ab (a Sarahsi who died in 168) went to Su'ba and pulled out some notes; Su'ba looked unhappy, whereupon Hariga assured him they were only *atrāf*, to which Su'ba said nothing.<sup>469</sup> Here the use of any is presented as a special case, implying again a general background of hostility to the writing of Tradition.

§ 101 Some traditions which indicate that *atrāf* were written in advance are the following. Ibn Sīrīn meets the Kūfan 'Abida with *atrāf* and questions him.<sup>470</sup> In the second of the two versions of the confrontation between Hammad and Ibrahim, Hammad has *atrāf* with him when he questions Ibrahim.<sup>471</sup> Mālik recalls how they prepared *atrāf* when Zuhri came to them, in order that he could be questioned from them.<sup>472</sup> Yaḥyā [ibn Ma'in] (d. 233) says with reference to Hammad ibn Salama: "I had obtained *atrāf* of his [traditions] from so-and-so, so I would go to Hammad [with them] and he would dictate to me".<sup>473</sup> Ibn Ḥanbal on his first pilgrimage had with him *atrāf* of a Medinese scholar, but was unable to enter Medina to hear anything from him.<sup>474</sup> The nature of *atrāf* would thus seem to be

somewhat as follows: through A, B comes to have some written record of traditions transmitted by C; armed with these notes, he goes to C and prompts him into transmitting to him the traditions in question in the proper oral fashion.<sup>475</sup>

In the first version of the confrontation anecdote, however, the *atrāf* seem to be a record which Hammad makes as he hears from Ibrahim.<sup>476</sup>

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<sup>462</sup> *Ĝami'*, p. 64.15.

<sup>463</sup> See Ibn 'Asakir, Zuhri, no. 64.

<sup>464</sup> *Taqyīd*, p. 59a; Ibn 'Asakir, Zuhri, nos. 62f., and cf. no. 64.

<sup>465</sup> Cf. Schoeler, "Mündliche Thora", pp. 216, 235. The exact sense of the term in these early texts is not entirely clear to me (cf. Azmi, *Studies*, p. 185, and below, § 101).

<sup>466</sup> *Ĝami'*, p. 72.16. The isnād is Kūfan.

<sup>467</sup> *Sunan*, no. 464; and cf. *ʿIlal*, II, p. 437, no. 2928. The otherwise Kūfan isnād includes the Baṣran Ibn 'Awn. Parallels given by Abū Zur' a (*Ta'riḥ*, p. 675, no. 2041), and Fasawi (*Ma'rifa*, II, p. 285.15) have Baṣran transmitters from Ibn 'Awn.

<sup>468</sup> *Tabaqat*, VI, p. 190.17, with a Baṣran transmitter from Ibn 'Awn.

<sup>469</sup> *ʿIlal*, III, p. 240, no. 5055.

<sup>470</sup> Kuntu alqa 'Abida bi 'l-*atrāf* fa-as' aluhu (*Ĝami'*, p. 72.21; also *ʿIlal*, II, pp. 78f, no. 1609; p. 375, no. 2673). In a tradition given by Ibn Sa'd (*Tabaqat*, VII/II, p. 27.17), Ibn 'Awn is asked the nonsensical question: a-laysa Abū Muhammad 'Ubayda bi-*atrāf* (with damma marked in 'Ubayda). In the light of the parallels just cited, we can read: a-laysa laqiya Muhammad 'Abida bi-*atrāf*, where "Muhammad" is Ibn Sirin. The horror with which Ibn 'Awn then responds to this suggestion is a good Baṣran reaction.

<sup>471</sup> *Tabaqat*, VI, p. 190. 17.

<sup>472</sup> *ʿIlal*, III, p. 238, no. 5048.

<sup>473</sup> Fasawi, *Ma'rifa*, II, p. 133.14 (kunlu ahadlu lahu *atrāfan* min fulan... tumma agi'u ila Hammad fa-yumli 'alayya). For this use of li-compare *Ibid.*, p. 242.5; but contrast *Tabaqat*, V, p. 353.23, where Sufyan ibn 'Uyayna writes *atrāf* "to" Ayyūb (katabtu li-Ayyūb *atrāfan*), and then questions 'Amr ibn Dinar from them (cf. also Motzki, *Anfänge*, pp. 235f, where this tradition seems to have been misconstrued).

<sup>474</sup> *ʿIlal*, I, p. 560, no. 1338.

<sup>475</sup> For an analogous use of the verb *atrāfa*, see Ibn Abi Hatim, *Taqdimat al-Ma'rifa*, Hyderabad, 1952, p. 68.3. Here Su'ba remarks that whenever Sufyan al-Tawri gave him *atrāf* (*atrāfa* li, glossed a'tani taraf hadit 'an sayh), and he checked with the transmitter (sayh) himself, it was always as Sufyan had told him.

§ 102 From the various lines of argument set out above, it can be concluded that it is likely that oralist attitudes at one time prevailed among the early Muslim scholars. Unfortunately, the evidence I have adduced does not suffice to date this stage with any precision. It must be older than the isolation of Baṣra as a residual bastion of hostility to the writing of Tradition, which pushes it back at least into the first half of the second century. It cannot, of course, be older than the beginnings as early as the life of the Prophet, if one follows the Muslim traditionists, or as late as about the year 100, if one holds with Schacht's view of the history of legal traditions.<sup>477</sup> In what follows I shall take the prevalence of oralism to be a feature of the early second century, but without setting much store by the guess.

§ 103 It would be disingenuous to end this chapter without some remarks on the presuppositions on which the reconstruction advanced in it rests. Anyone who uses Muslim traditionist literature for such a purpose must form some view of the extent to which traditions purporting to be handed down from an earlier period are in fact authentic. The view behind my own reconstruction is more or less the following: traditionist literature preserves substantially authentic materials from the second half of the second century; if handled carefully, it can tell us a good deal about the first half of the second century; but it is not in general usable as evidence for a period anterior to that - which is not to deny that much of it may not in fact derive from such a period, and it can on occasion be shown to do so. This view is reasonably close to that of Schacht; it is considerably more conservative than that of Wansbrough, somewhat more radical than that of van Ess, and very much more so than close of Abbott and Sezgin.

§ 104 A general discussion of such views would not contribute much to the argument at this point. What may be worth saying is that my approach has at least the merit that, in the present context, it works. For example, the reconstruction, of a distinctive Baṣran hostility to writing in the second half of the second century is a historical hypothesis that makes sense of a consistent pattern in the isnāds of the relevant traditions; it is not obvious how this can be done if one assumes that isnāds are even in this period historically arbitrary ascriptions.<sup>478</sup> Equally, my reconstruction of an evolution from hostility to acceptance in the prevailing attitude to writing is a plausibly simple one; this simplicity is lost if one takes for granted a substantially greater authenticity of early Tradition. One has then to assume that traditions which I take to be retrojections are in fact an accurate record of a controversy which continued inconclusively over several generations, with later authorities regularly ignoring the views of earlier ones, the Prophet's included;<sup>479</sup> or, alternatively, one has to find ways and means of sweeping the oralists under the carpet.

§ 105 It may be more useful at this point to compare my approach with Schoeler's. Both of us operate on the assumption that large amounts of Tradition are likely to be fabricated.<sup>480</sup> However, Schoeler is significantly more inclined to accept the authenticity, or at least the early date, of traditions than I am. A major reason for this is his acceptance of the "common link" method.<sup>481</sup> On the basis of isnād analyses,<sup>482</sup> Schoeler is then willing to reconstruct - with considerable caution - a history of the controversy in a period about which I have been silent. Thus in his view the prohibition of writing is definitely datable to the last quarter of the first century,<sup>483</sup> as are some traditions in favour of writing.<sup>484</sup>

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<sup>476</sup> *Sunan*, no. 464. In a parallel with the same isnād, Hammad is not writing, but rather questioning Ibrahim from notes (*Ilal*, II, p. 437, no. 2928).

<sup>477</sup> Schacht, *Origins*, p. 5.

<sup>478</sup> Cf. Wansbrough, *Quranic studies*, p. 179; and cf. *id.*, *Sectarian milieu*, p. 81.

<sup>479</sup> That a good deal of Tradition is inauthentic is by far the simplest explanation of a number of contradictions evident in the materials presented above. It is not very likely that the Prophet both encouraged his Companions to "shackle" what they heard from him by writing it down, and also forbade them to do so; that 'Ali and Ibn 'Abbas were similarly inconsistent; that Abū Hurayra never wrote, and yet had everything he transmitted written down at home; that Zuhri did not write, and yet wrote everything he heard; and so forth.

<sup>480</sup> See, for example, his view of the history of the Prophetic traditions for and against writing as summarised in his "Mündliche Thora", pp. 246, 249.

<sup>481</sup> See above, § 16.

<sup>482</sup> See *Ibid.*, pp. 246-9, on traditions II 1 to IV 2.

<sup>483</sup> *Ibid.*, p. 246 (speaking of the first quarter of the eighth century A.D.).

At the same time, he considers that a limited discussion of the issue very probably began at an even earlier date.<sup>485</sup> Though unable to establish such a chronology myself, I have no serious objection to it.

### III. The origin of the Muslim hostility to the writing of Tradition

#### 1. The possibilities

§ 106 What is the source of the hostility to writing analysed above? Several possibilities present themselves, none of which can be entirely excluded. I shall leave till last the one which seems to me most promising.

§ 107 In the first instance, the question is whether an adequate explanation of the hostility can be found within Islam. In the relevant traditions a number of motives for the opposition to writing appear. Ibrahim al-Naha'i refers to the danger of relying on written texts<sup>486</sup> (presumably with the implication that oral sources are intrinsically more reliable). Awza'i laments the lifelessness of learning once consigned to books, and the danger that it will fall into the wrong hands.<sup>487</sup> A specific hostility is directed against the writing down of personal opinion.<sup>488</sup> These points, however, receive only marginal attention; by far the most frequently attested motive for opposing writing is concern to safeguard the unique status of Scripture.<sup>489</sup> Many traditions express a fear that the writing of Tradition will give rise to a book (or books) alongside the Book of God, or lead to the neglect of Scripture. This concern with the relative status of Scripture and Tradition is clearly a central one, and I shall return to it; in itself, however, it hardly seems enough to account for the opposition to the eminently convenient practice of recording Tradition in writing. Other cultures have possessed rich literatures alongside a scriptural canon without seriously encountering such problems.

§ 108 The following examples illustrate the theme in question. The Prophet, in a tradition directed against writing and transmitted by Abu Hurayra, asks rhetorically: "Do you want to have a book other than the Book of God?"<sup>490</sup> The Companion Abu Sa'īd al-Hudri refuses to allow writing, asking: "Are you going to adopt it as a Koran?"<sup>491</sup> It is in deference to the status of the Book of God that 'Umar abandons his project for the writing down of the *sunan*.<sup>492</sup> Ibn 'Ulayya explains that writing used to be held in disapproval because of the fear that people would occupy themselves with such books rather than with the Koran<sup>493</sup>. Ibrahim disapproves of the writing of Tradition in quires (*kararis*) because it would resemble Koranic codices (*masahif*).<sup>494</sup>

The theme is often accompanied by references to the warning example of previous religions; I shall take this up in the next section.

§ 109 An alternative endogenous theory was proposed by Goldziher.<sup>495</sup> In this view the hostility to writing arose from the concern of "the old ra'y schools" to avoid hampering the free development of law, as the existence of a large body of Tradition inevitably did. This view has recently been restated

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<sup>484</sup> *Ibid.*, p. 249 (speaking of the beginning of the eighth century A.D.).

<sup>485</sup> *Ibid.*, pp. 246, 249.

<sup>486</sup> *Ġami'*, p. 68.8, 68.9; *Tabaqat*, VI, p. 189.22; and see Schoeler, "Mündliche Thora", p. 223 point 3.

<sup>487</sup> For references see above, § 60, note 290; also Schoeler, "Mündliche Thora", p. 223 point 4, and pp. 226f.

<sup>488</sup> See below, §§ 109f.

<sup>489</sup> Schoeler, "Mündliche Thora", pp. 221, 222f points 1 and 2 (with a comparison to Judaism which I shall take up in the next section). Cf. also Wansbrough, *Sectarian milieu*, p. 80. (It is not, however, the case that Muslim oralism is no "more than a convention", if by this Wansbrough intends to deny the practical implications of the persuasion; see especially above, § 84).

<sup>490</sup> *Taqyīd*, p. 33b.

<sup>491</sup> *Ibid.*, p. 37c.

<sup>492</sup> *Ibid.*, p. 49a.

<sup>493</sup> *Ibid.*, p. 57b.

<sup>494</sup> *Sunan*, no. 470. Similarly Dahhak [Ibn Muzahim] (d. 105) (*Taqyīd*, p. 47d).

<sup>495</sup> Goldziher, *Muhammedanische Studien*, II, pp. 194f.

and reaffirmed by Schoeler.<sup>496</sup> One can certainly imagine that oralist attitudes could have acted as a break on the onset of rigidity among the lawyers. Goldziher did not, however, provide any evidence that could substantiate his proposal; and while Schoeler has attempted to make good this deficiency, the only text he has adduced that seems to the point concerns the unwillingness of 'Amr ibn Dinar to have his personal opinion written down.<sup>497</sup> As will be seen, 'Amr's reluctance on this score is not isolated. But personal opinion is not Tradition, and I know no instance in which a desire for flexibility is linked to opposition to the writing of Tradition. That the opponents of writing should not proclaim so nefarious a purpose is of course understandable; but that those in favour of writing should make no polemical reference to such an unflattering motive, if it was one, is hard to credit. It must also count against this view that the early Hanafi school doctrine was in favour of writing.<sup>498</sup>

§ 110 A number of authorities share the discomfort of 'Amr ibn Dinar. The Companion Zayd ibn Tabit sometimes objects to having what he says written down on the ground that it is only his opinion, and accordingly may be wrong.<sup>499</sup> (In another version what is in question clearly Tradition, and nothing is said which could be construed as favouring flexibility).<sup>500</sup> Sa'īd ibn al-Musayyih in one tradition dictates to a questioner until asked about his personal opinion; this he will not permit to be recorded in writing.<sup>501</sup> Gabir ibn Zayd (d.c. 100) likewise dislikes having his personal opinion written down; he may after all change his mind tomorrow.<sup>502</sup> Mālik objects to the recording of his view on a point of the law of divorce, by evening he may take a different position.<sup>503</sup> Such reluctance is also ascribed to the Prophet.<sup>504</sup>

§ 111 Schoeler has also put forward a new theory according to which a major motivation behind the hostility to writing was the opposition stirred up by Umayyad attempts to codify Tradition.<sup>505</sup> Against this must be set the doubtful historicity of the accounts in question,<sup>506</sup> and the lack of direct expression of such hostility in the traditions against writing as we have them.<sup>507</sup>

§ 112 If instead we decide to look outside Islam, the most obvious place to start is Gahiliyya. That is to say, the early hostility to the writing of Tradition could be seen as a residue of the barbarian past of the Arabs themselves. The Prophet is said to have described his people, in a well-known tradition, as an illiterate nation which could neither write or count (*inna umma ummiyya la naktub wa-la nahsub*).<sup>508</sup> He himself is generally held to have been illiterate (though chinks in the armour of Prophetic illiteracy appear among the Shi'ites and elsewhere).<sup>509</sup> At the same time a case has been made, on grounds both

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<sup>496</sup> Schoeler, "Mündliche Thora", pp. 224, 225-7; and cf. pp. 232, 233f.

<sup>497</sup> *Tabaqat*, V, p. 353.15.

<sup>498</sup> See above, § 32; van Ess's citation of Goldziher and Schoeler with reference to Abū Yusuf is thus inappropriate (*Theologie*, I, p. 189 n. 16, and see above, § 33, note, 148). Cf. also Schoeler, "Mündliche Thora", p. 224, citing Eche on later representatives of the ahl al-ra'y.

<sup>499</sup> *Ĝami'*, II, p. 143.24; *Tabaqat*, II/II, p. 117.8.

<sup>500</sup> *Taqyīd*, p. 35a; *Ĝami'*, p. 63.21.

<sup>501</sup> *Ibid.*, II, p. 144.15.

<sup>502</sup> *Tabaqat*, VII/I, p. 131.23; *Ĝami'*, II, pp. 31.23, 144.2.

<sup>503</sup> Qadi Nu'man, *Da'a'im al-Islam*, ed. A.'A.A. Faydi, Beirut, 1991, I, p. 87.14 (from Ashab ibn 'Abd al-'Aziz). I owe this reference to Sumaiya Hamdani.

<sup>504</sup> In one of the Prophetic traditions against writing, the Prophet objects to the practice on the grounds that he is only a human (*Taqyīd*, p. 34b; cf. I. Goldziher, *Die Zahiriten*, Leipzig, 1884, pp. 82f). The traditions in favour of writing sometimes respond to this argument by having the Prophet declare that he never speaks anything but the truth (see especially *Taqyīd*, p. 80c).

<sup>505</sup> See above, § 68.

<sup>506</sup> See above, § 68. Note also the report that 'Umar ibn 'Abd al-'Aziz was against any imposition of uniformity (*Sunan*, no. 634, cited in Schacht, *Origins*, pp. 95f; but contrary to Schacht's statement, this tradition is Baṣran, not Medinese).

<sup>507</sup> As noted by Schoeler ("Mündliche Thora", p. 231).

<sup>508</sup> Ibn Ḥanbal, *Musnad*, ed. Sakir, nos. 5017, 5137, 6041, 6129, and numerous other sources.

<sup>509</sup> For strong statements of the position that the Prophet was literate, see for example Ibn Babawayh, *ʿIlal al-saraʿi*, ed. M.S. Bahr al-ʿUlum, Nagaf, 1963, pp. 124f, nos. 1f. For a general discussion of the issue, see T. Noldeke, F. Schwally et al., *Geschichte des Qurans*, second edition, Leipzig, 1909-38, I, pp. 11-17.

general and specific, for the oral rather than written transmission of Gahili poetry.<sup>510</sup> We could thus interpret hostility to writing among the early traditionists as the resistance of a people of ingrained oral habits to the inroads of literacy in their new cultural surroundings.

§ 113 This Gahil theory has not lacked for proponents. It was advanced by the Andalusian traditionist Ibn 'Abd al-Barr (d. 463). In his view, those who objected to the writing of Tradition were merely following "the way of the Arabs (madhab al-'Arab)", whose outstanding mnemonic powers he illustrated precisely from their memorisation of poetry.<sup>511</sup> A more recent representative of this view is Solomon Gandz.<sup>512</sup> Gandz indeed went further than Ibn 'Abd al-Barr, and posited that a negative attitude to writing already existed in the Gahiliyya.<sup>513</sup>

§ 114 This theory has a certain inherent plausibility. However, the evidence in its favour is not strong. In the first place, Gandz had no attestation of actual hostility to writing in Gahiliyya; his case rested too much on the example of the poet Du 'l-Rumma (d. 117), which I shall take up shortly, and on a modern parallel.<sup>514</sup> A second and perhaps more serious objection is that, were the theory true, we should expect a background of general illiteracy to figure in one way or another in the traditions for and against writing. **In fact these traditions are set in a literate society which is being asked to abstain from writing, not in an illiterate one which is unwilling to embark on it: illiteracy is almost never adduced as a circumstance precluding the writing of Tradition,**<sup>515</sup> and the oralists assume the well-meaning people will quite naturally write until the error of their ways is pointed out to them. It goes well with this that illiterate traditionists are a rarity in our biographical sources.<sup>516</sup> Finally, the theory would lead us to expect hostility to writing to be at its most intense on its home ground -- the transmission of the poetry, genealogy and associated reports of the Gahiliyya. This literature continued to be transmitted, and was sooner or later reduced to writing;<sup>517</sup> yet the controversy we might expect to have been generated by this transition is not attested.<sup>518</sup> It is awkward to have to posit a hostility to writing which evaporated without trace in its proper domain, while leaving so strong a residue in the field of Tradition.

§ 115 A sixth-century Andalusian literary theorist tells us that people used to doubt the eloquence of a literate poet because of the artificiality (takalluf) which he was likely to introduce into his diction.<sup>519</sup>

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<sup>510</sup> M. Zwettler, *The oral tradition of classical Arabic poetry*, Columbus, Ohio, 1978. Zwettler's central argument has been heavily criticized, see G. Schoeler, "Die Anwendung der oral poetry – Theorie auf die arabische Literatur", *Der Islam*, 58, 1981.

<sup>511</sup> *Ġami'*, p. 69.12; cf. also Schoeler, "Mündliche Thora", p. 223.

<sup>512</sup> S. Gandz, "The dawn of literature", *Osiris*, 7, 1939, pp. 310f (on opposition to writing in general), 475-515 (on the beginnings of Arabic literature).

<sup>513</sup> *Ibid.*, pp. 475f.

<sup>514</sup> For both of these he relied on Goldziher, *Muhammedanische Studien*, I, p. 112. He also remarks that the Christian Arab poet 'Adi ibn Zayd "was not counted among the classic poets because he was a townsman and knew to read and write"; but the authority he quotes for this does not support his reference to literacy.

<sup>515</sup> The only exception I have note is an appeal of 'Ata' ibn Abi -Rabah to some young men to come and write, in the course of which he offers to write for whoever is unable to do so (or unable to write well, la yuhsin) (Ramahurmuzi, *Muhaddit*, p. 373, no. 344).

<sup>516</sup> The Gazari Ga'far ibn Burqan (d. 154) is described as illiterate by Abū Nu'aym (d.219) (*Fasawi, Ma'rifa*, II, p. 455.12, whence Ibn Hagar, *Tahdib*, II, p. 85.10) and Yahya ibn Ma'in (*Ta'rih*, ed. 'A.A. Hasan, Beirut, n.d., II, p. 322, no. 5967, and p. 344, no. 5225; Ibn al-Gunayd, *Su'alat*, ed. A. al-Nuri and M.M. Halil, Beirut, 1990, p. 101, no. 495, and p. 107, no. 546; Ibn Hagar, *Tahdib*, II, p. 85.4). Fasawi reports the same of the Kūfān Isma'il ibn Abi Halid (d. 145) (*Ma'rifa*, III, p. 94.10, whence Ibn Hagar, *Tahdib*, I, p. 292.5). Van Ess has noted two illiterate traditionists of second-century Baṣra (*Theologie*, II, pp. 69f): Nasr ibn Tarif (see Ibn 'Adi, *Kamil*, p. 2497.9; Dahabi, *Mizan al-Itidal*, ed. 'A.M. al-Bigawi, Cairo, 1963-5, IV, p. 251.20) and Ayyūb ibn Hut (see Ibn Abi Hatim, *Garh*, I/I, p. 246.8; Ibn 'Adi, *Kamil*, p. 341.22; Ibn Hagar, *Tahdib*, I, p. 402.13). In both Baṣran cases the reports are on the authority of 'Amr ibn 'Ali al-Fallas (d.249), for whom see Juynboll, *Muslim tradition*, p. 239, no. 18.

<sup>517</sup> For a somewhat tendentious survey in the field of poetry, see Sezgin, *Geschichte*, II, pp. 14-33.

<sup>518</sup> Abū 'Amr ibn al-'Ala' (d.154) is said to have burnt his books; but the stated motive is that he turned to Koranic recitation (taqarra'a) (*Gahiz, al-Bayan wa 'l-tabyin*, ed. 'A.M. Harun, Cairo, 1948-50, I, p. 321.7; for this and further references, see *Encyclopaedia of Islam*, art. "Abū 'Amr b. al-'Ala'" (R. Blachere), col. 106a; and cf. Bergé, "Justification d'un autodafé de livres", p. 83.8 = p. 72).

<sup>519</sup> G. Schoeler, "Schreiben und Veröffentlichen – Zu Verwendung und Funktion der Schrift in den ersten islamischen Jahrhunderten", *Der Islam*, 69, 1992, p. 12, translating Muhammad ibn 'Abd al-Gafur al-Kala'I, *Ihkam san'at al-kalam*, ed. M.R. al-Daya, Beirut, 1966, p. 235.12.

He then gives the celebrated example of the poet Du 'l-Ramma: discovered to be literate, he begged that the scandal be hushed up.<sup>520</sup> What is at stake here is clearly the authenticity of the beduin poet, not the way in which his poetry should be transmitted. Du 'l-Ramma himself is not portrayed as having any reservations about his poetry being written down,<sup>521</sup> and is quoted for a strong statement of the superiority of writing to memory in preserving the exact text of a poem.<sup>522</sup>

§ 116 If we leave aside pagan Arabia, we are left with the cultural and religious traditions of the Near East in late antiquity.

§ 117 We can quickly eliminate the major traditions of the western Near East. Schoeler has emphasised the part played by oral transmission in conjunction with writing in the Greek culture of late antiquity;<sup>523</sup> but there is no trace of hostility to writing in this symbiotic relationship.<sup>524</sup> Gerhardsson has argued that a more exclusively oral transmission was at work in early Christianity;<sup>525</sup> but this had disappeared centuries before the rise of Islam.

§ 118 The major tradition of the eastern Near East was Zoroastrianism, and this requires closer attention. There can be no doubt that oral transmission was prominent in Zoroastrianism, both as a value and as a practice.<sup>526</sup> There is considerable doubt as to when the Avesta was written down; but despite this, it seems that even in the Islamic period it was still conceived as an oral text.<sup>527</sup> At the same time, the liveliness of oral practice is attested for the sixth century A.D. by the case of Isho'sabran, a Magian who on conversion to Christianity asked his new mentors for oral instruction, as coming more easily to one of his religious background.<sup>528</sup> In a later period such a man might have made an excellent Muslim traditionist and warmed the heart of Ibn al-Ġawzī. Given the strength of the Persian presence in early Islamic Iraq,<sup>529</sup> a Magian contribution to the mnemonic powers of Muslim traditionism is not to be excluded.

§ 119 Three points, however, tend to weaken any hypothesis of a Magian origin of Muslim oralism. First and most generally, the direct influence of Zoroastrianism on Islam hardly seems to go beyond points of detail.<sup>530</sup> It is thus unlikely that Zoroastrianism should in this instance have exerted so deep an influence. Secondly, the context of oral transmission is significantly different in the two faiths: in

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<sup>520</sup> *Ibid.*, p. 236.1. For variants of this story, see Schoeler "Schreiben und Veröffentlichen", pp. 11f, citing Marzubani, Muwassah, ed. 'A.M. al-Bigawi, Cairo, 1965, pp. 280.12, 281.3; Goldziher, *Muhammedanische Studien*, I, p. 112, citing Abū 'l-Farag al-Isbahani, Agani, Cairo, 1927-74, XVIII, p. 30.5; Encyclopaedia of Islam, art. "Dhu 'l-Rumma" (R. Blachere), col. 245a, citing also Ibn Qutayba, Si'r, ed. M.J. de Goeje, Leyden, 1904, p. 334.3; Abbott, *Studies*, IIIp. 170 n. 7, citing also Suli, Adab al-kuttāb, ed M.S. al-Alusi, Cairo, 1341, p. 62.11, and Ibn ġinni, Hasa'is, ed. M.'A. al-Naggar, Cairo, 1952-6, III, p. 296.9.

<sup>521</sup> See Schoeler, Marzubani and Suli as cited in the previous note.

<sup>522</sup> See above, § 3, note 9. The passage is quoted by Abbott (*Studies*, III, p.197) from Gahiz (*Hayawan*, I, p. 41.6); she notes a parallel given by Ibn al-Rasiq ('Umda, ed. M. Qarqazan, Beirut, 1988, p. 990.4). There is also a parallel at *Taqyīd*, p. 119.7.

<sup>523</sup> Schoeler, "Weiteres zur Frage der schriftlichen oder Mündlichen Überlieferung", pp. 40-7.

<sup>524</sup> What is involved here is, as Schoeler puts it, "die gehorte, nicht Mündliche, Überlieferung" (*ibid*, p. 67).

<sup>525</sup> B. Gerhardsson, *Memory and manuscript*, Uppsala, 1961; and cf. Schoeler, "Mündliche Thora", pp. 215, 227. The early Christian author Papias values the living word above books as a source (Eusebius, *Historie ecclesiastica*, III, XXXIX, 4 = ed. an trans. G. Bardy, Paris, 1952-60, I, p. 154; I owe this reference to Michel Tardieu; and see Gerhardsson, *Memory and manuscript*, p. 206). Basil of Caesarea (d. A.D. 379) has a suggestive concept of "unwritten" tradition; but that this does not involve any oral transmission of an unwritten text emerges clearly from E. Amand de Mendieta, *The "unwritten" and "secret" apostolic traditions in the theological thought of St. Basil of Caesarea*, Edinburgh and London, 1965.

<sup>526</sup> H.W. Bailey, *Zoroastrian problems in the ninth-century books*, second edition, Oxford, 1971, chapter 5; S. Shaked, *Dualism in transformation: varieties of religion in Sasanian Iran*, London 1994, pp. 128-31 (I am indebted to the author for letting me see the discussion in advance of publication).

<sup>527</sup> Bailey, *Zoroastrian problems*, p. 162.

<sup>528</sup> *Ibid.*, p. 164.

<sup>529</sup> For a case of a traditionist talkin shop in Persian, see *Ilal*, I, p. 293, no. 471, on the Kūfan Mugira ibn Miqsam (d. 134).

<sup>530</sup> Cf. the survey of J. Duchesne-Guillemain, "Islam et Mazdéisme", in *Mélanges d'orientalisme offerts à Henry Massé*, Tehran, 1963, pp. 106-9. The discussion has tended to concentrate on direct or indirect Zoroastrian influences on the Prophet Muhammad, rather than on the part played by Zoroastrianism in the development of Islam after the conquests. In this connection Goldziher's suggestions still await evaluation, in several instances probably negative (see I. Goldziher, "Islamisme et Parsisme", *Actes du premier Congrès international d'histoire des religions*, Paris, 1901-2, I, pp. 127-38).

Zoroastrianism, in contrast to Islam, it is precisely divine revelation which constitutes the oral Tradition par excellence. Thirdly, there is no evidence in Zoroastrianism of hostility to writing; on the contrary, its literature provides several accounts of the written copy or copies of the Avesta which existed prior to the Macedonian conquest, only to be destroyed by the wicked Alexander.<sup>531</sup>

§ 120 It may also be worth noting we find the opinions of Sasanian jurists to be cited from avowedly written sources, whereas in early Islamic circles such material would in principle be transmitted orally. References to written sources abound in the *Matakdan i hazar datistan*.<sup>532</sup> Thus we find citations of the opinions of the jurist Vayayar in such forms as "as Vayayar wrote", "Vayayar wrote that...";<sup>533</sup> this Vayayar is one of the few Sasanian jurists who can be dated, namely to the reign of Khusraw I (ruled A:D: 531-79) or the following generation.<sup>534</sup>

§ 121 The only other relevant religious tradition is Judaism, and it is for a Jewish origin of the Muslim hostility to writing that I shall argue in what follows.

## 2. The Jewish parallel

§ 122 One of the central features of Rabbinic Judaism is its dichotomy between the "Written Torah" and the "Oral Torah".<sup>535</sup> The "written Torah" is of course the Bible; though extensively memorised, it was in formal transmission and liturgical use a written document. The "Oral Torah" is the non-scriptural tradition of the Rabbis; whatever the role of writing in its actual preservation or transmission, it was in principle designated as oral. This dichotomy was as old as the Pharisees, and it remained a basic conception in the Judaism of the early Islamic period.<sup>536</sup> It was accompanied by the principle that it was improper to reduce the "Oral Torah" to writing - though in practice the inroads of writing were considerable. This tension has received frequent attention in the modern secondary literature.<sup>537</sup>

§ 123 There are two general formulations of the principle.<sup>538</sup> The first, in the Babylonian Talmud, states: "You may not transmit<sup>539</sup> written words orally (*'al peh*); you may not transmit oral words in writing".<sup>540</sup> The second, in the Palestinian Talmud, states: "Words which have been transmitted orally [must be transmitted] orally, and words which have been transmitted in writing [must be transmitted] in

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<sup>531</sup> Bailey, *Zoroastrian problems*, pp. 151f, 153, 153f, 157; Shaked, *Dualism in transformation*, p. 111. Note that the first and last include the Zand with the Avesta.

<sup>532</sup> For this work see C. Bartholomae, "Zum sasanidischen Recht", published in five parts in *Sitzungsberichte der Heidelberger Akademie der Wissenschaften, Philosophisch-historische Klasse*, Heidelberg, 1918-23; and see now M. Macuch, *Das sasanidische Rechtsbuch "Matakdan i hazar datistan"* (Teil II), Wiesbaden, 1981.

<sup>533</sup> Bartholomae, "Zum sasanidischen Recht", no. III (Jahrgang 1920, 18. Abhandlung), p. 44; no. V (Jahrgang 1923, 9. Abhandlung), pp. 8, 39; and see Macuch, *Matakdan*, p. 40, line 4 = p. 164.

<sup>534</sup> J. P. de Menasce, *Feux et fondations pieuses dans le droit sassanide*, Paris, 1964, pp. 25f, 49.

<sup>535</sup> For a helpful presentation, see Gerhardtsson, *Memory and manuscripts*, pp. 19-29.

<sup>536</sup> How much may have changed in the meantime is a question to which I shall return (see below, §§ 142ff).

<sup>537</sup> *Ibid.*, pp. 23-5, 157-63; H.L. Strack, *Introduction to the Talmud and Midrash*, Philadelphia, 1931, pp. 12-20; J. Kaplan, *The redaction of the Babylonian Talmud*, New York, 1932-3, pp. 261-88; Y. N. Epstein, *Mavo le-nosah ha-Mishnah*, second edition, Jerusalem and Tel Aviv, 5724, pp. 692-706 (drawn to my attention by Menahem Kister). Almost all the Rabbinic passages I cite in what follows are discussed in these works.

<sup>538</sup> In what follows, I leave aside several Midrashic sources whose contents cannot be securely dated to the pre-Islamic period. For the further materials they offer, see the references and quotations given in Epstein, *Mavo*, pp. 694f.

<sup>539</sup> Literally: "say".

<sup>540</sup> Babylonian Talmud, Gittin, f. 60b.13; *Ibid.*, Temurah, f.14b10 (with the clauses in the reverse order). (I cite the Babylonian Talmud from reprints of the Wilna edition of 1880-6 by the standard foliation, which appears also in the Soncino translation, ed. I. Epstein, London, 1935-52. In citing Rabbinic texts, I apply the same conventions as in citing Arabic texts: "f" stands for "folio", and the number following the period is the line-number.) The authority for this saying is R. Yehudah bar Nahmani, the "interpreter" of R. Shim'on ben Laqish (Resh Laqish).

writing".<sup>541</sup> Other formulations in the Babylonian Talmud relate specifically to laws (*halakhot*). One formulation is: "these [words]<sup>542</sup> you may write, but you may write laws".<sup>543</sup> Another is: "Those who write laws are as one who burns the Torah, and he who learns from them receives no reward".<sup>544</sup> Further prohibitions, which may have different motivations, refer to other Rabbinic Genres. In the Palestinian Talmud a Rabbi sees a book of *haggadah* (roughly the equivalent of *qasas*), and expresses the wish that the hand that wrote it be cut off.<sup>545</sup> The Tosefta and both Talmuds have the saying: "Those who write blessings (*berakhot*) are as those who burn the Torah".<sup>546</sup> Written targum (translated Scripture) is likewise the object of disapproval. In the Palestinian Talmud, reading it from a written copy in a synagogue is condemned;<sup>547</sup> both Talmuds relate a story in which disapproval of a targum of the Book of Job is evinced by burying it in building-work in progress on the Temple Mount,<sup>548</sup> and in the Babylonian Talmud this story is told to reprove a scholar encountered sitting at a table reading this work.<sup>549</sup> There are also some statements in favour of writing, though they are few in number.<sup>550</sup> The only general statement occurs in a somewhat apologetic variant (*lishana aharina*) to one of the key texts of the Babylonian Talmud:<sup>551</sup> "They reply [to the sayings forbidding writing] that the Rabbis [do indeed] rely on what they learn by heart (*girsayhu*), [but] since there is [a danger of] forgetting, they write it down and deposit it, and when they forget something, they look in the book".<sup>552</sup> It has, however, been suggested that this variant is a later Geonic interpolation.<sup>553</sup> There are also defences of the writing of *haggadah*. Two scholars would consult a book of *haggadah* on the sabbath, defending this as, in effect, a lesser evil than the disappearance of the Torah from Israel.<sup>554</sup> The view is also expressed that he who learns *haggadah* from a book will not quickly forget what he has learnt.<sup>555</sup>

<sup>541</sup> Palestinian Talmud, *Megillah*, 4:1 (Venice, c. 1522, f. 74d.16 = M. Hengel et. Al. (ed.), *Übersetzung des Talmud Yerushalmi*, Tübingen, 1975-, Band II/10, p. 135; also J. Neusner et. al. (trans.), *The Talmud of the Land of Israel*, Chicago and London, 1982-, XIX, p. 142). The saying is quoted by R. Haggai from R. Samuel bar R. Isaac.

<sup>542</sup> The reference is to Exodus XXXIV, 27: "And the Lord said unto Moses, Write thou these words: for after the tenor of ('al-pi) these words I have made a covenant with thee and with Israel!".

<sup>543</sup> Babylonian Talmud, Gittin, f.60b.16; *Ibid.*, Temurah, f. 14b13. The unnamed authority is specified as from the school of R. Ishmael.

<sup>544</sup> Babylonian Talmud, Temurah, f.14b5. The saying is quoted by R. Abba son of R. Hiyya bar Abba from Yohanan. Compare also the anonymous statement in the commentary to *Megillat la'anit*; "We do not write laws in a book" (H. Lichtenstein, "Die Fastenrolle, eine Untersuchung zur jüdisch-hellenistischen Geschichte", in *Hebrew Union College Annual*, 8-9, 1931-2, p. 331.6).

<sup>545</sup> Palestinian Talmud, Shabbat, 16:1 (f. 15c.41 = trans. Neusner, XI, p. 412). The rabbi is R. Hiyya bar Abba.

<sup>546</sup> Tosefta, Shabbat, 13:4 (ed. S. Lieberman, New York, 1955-, II, p. 58, line 15 = J. Neusner et al. (trans.), *The Tosefta*, New York and Hoboken, 1977-86, II, p. 49, with commentary in S. Lieberman, *Tosefta ki-fsutah*, New York, 1955-, III, p. 206); Babylonian Talmud, Shabbat, f. 115b.8; Palestinian Talmud, Shabbat, 16:1 (f. 15c.29 = trans. Neusner, XI, p. 411). The saying is anonymous, but in the anecdote which follows R. Ishmael takes action in accordance with it (see below, § 132, note 605).

<sup>547</sup> Palestinian Talmud, *Megillah*, 4:1 (f. 74d.15 = Hengel, *Übersetzung*, Band II/10, p. 135; also trans. Neusner, XIX, p. 142). The condemnation is quoted by R. Haggai from R. Samuel bar R. Isaac.

<sup>548</sup> Babylonian Talmud, Shabbat, f. 115a.41; Palestinian Talmud, Shabbat, 16:1 (f. 15c.5 = trans. Neusner, XI, p. 409). The order to bury it was given by Rabban Gamaliel (the elder).

<sup>549</sup> Babylonian Talmud, Shabbat, f. 115a.39. The story is told by R. Yose of his father Halaftha, who thus reproved Rabban Gamaliel (the grandson).

<sup>550</sup> As noted by Schoeler ("Mündliche Thora", p.217).

<sup>551</sup> Babylonian Talmud, Temurah, f. 14b.14.

<sup>552</sup> This variant appears in the extreme right-hand margin of the Talmudic text, annotation 4, from the Shittah mequsebbeset (=Soncino translation, 99 n. 2); and see Besalel Ashkenazi, *Shittah, mequsebbeset 'al massekhet Temurah*, ed. Y.D. Ilan, *Bene Beraq*, 5738, p. 27.27. I follow the reading and translation of Epstein (*Mavo*, pp. 696, 698). Lieberman takes the "depositing" of the written text to be a form of publication (*Hellenism in Jewish Palestine*, p. 86); in the present instance, however, the context does not really support this.

<sup>553</sup> Epstein states that the sametext appears in a Geonic responsum as the words of the Gaon himself (*Mavo*, p. 696). Lieberman infers from this that the passage is a "later interpolation in the Talmud" (*Hellenism in Jewish Palestine*, p. 86 n. 26). However, the relevant passage in the Geonic responsum to which Epstein and Lieberman refer is so different that it cannot be identified as a version of our variant (M. S. Weisz, "Seridim me-ha-Genizah", in L. Blau (ed.), *Festschrift zum 50 jährigen Bestehen der Franz-Josef-Landes-rabbinerschule in Budapest*, Budapest, 1927, Hebrew section, p. 96, lines 8-10).

<sup>554</sup> Babylonian Talmud, Temurah, f. 14b.15. The scholars are R. Yohanan and Resh Laqish.

<sup>555</sup> Palestinian Talmud, *Berakhot*, 5:1 (f. 9a.10 = Hengel, *Übersetzung*, Band I, p. 141; also trans. Neusner, I, p. 197). The authority quoted is R. Yohanan.

Finally, there is a stray suggestion that it might be permissible to write down a new opinion.<sup>556</sup> It is striking that these statements tend to justify writing as a lesser evil rather than as an intrinsically commendable practice. As has been seen, this material appears in both Talmuds. It is nevertheless striking that all the authorities cited and the transmitters from them are, where named, Palestinian.<sup>557</sup> In date, the material hostile to writing is ascribed to authorities ranging from the first century A.D. to the early fourth; that in favour to authorities of the third century. The major discussion of the issue in the Babylonian Talmud must have been assembled after the first half of the fourth century.<sup>558</sup> It may be noted that one authority opposes the writing of laws but favours that of haggadah.<sup>559</sup>

§ 124 Here, then, we have an attitude to writing broadly similar to what we find in early Islam, and this similarity has recently been taken up by Schoeler.<sup>560</sup> That the Muslim attitude was borrowed from the Jewish one is a hypothesis which can be supported on a number of grounds.

§ 125 In the first place, the Muslim polemic against writing makes frequent reference to the warning example of the "people of the Book"- or some similar phrase - who wrote books of their own alongside the Book of God, and so went astray.<sup>561</sup> The exact identity of the target of these traditions tends to be left vague: "the people of the Book", "some of the people of the Book", "a people before you", "the nations before you", "those before you". Yet one not infrequently has the impression in Tradition that such phrases refer primarily to the Jews, and in the present instance it is the "Israelites" who tend to appear when the reference is made more specific.

§ 126 The Kūfan Companion Abu Musa al-As'ari says: "The Israelites wrote (down) a book and followed it, abandoning the Torah".<sup>562</sup> The Baṣran Successor Ibn Sīrīn alleges: "The Israelites went astray only because of books which they inherited from their ancestors".<sup>563</sup> (In a parallel version, Ibn Sīrīn presents this as the view of past scholars;<sup>564</sup> in yet another variant, the suggestion is that the Israelites went astray through finding books of their ancestors.)<sup>565</sup>

The Christians are occasionally brought in implicitly by the use of such terms as *ahl al-kitabayn*<sup>566</sup> and *ahl al-kutub*,<sup>567</sup> or explicitly through mention of bishops and the Gospel alongside scholars and the Torah.<sup>568</sup> However, all this has the look of secondary embroidery. These are variants of a single tradition recounting the erasure of a writing by the Kūfan Companion Ibn Mas'ud; other variants speak simply of "those who were before you".<sup>569</sup> The variant which refers to bishops and the Gospel is particularly suspect; Darimi transmits a version with the identical isnād from the Wasiti Yazid ibn Harun (d. 206) which speaks only of "the people of the Book before you" and their neglect of the "Book of their Lord".<sup>570</sup> Similar issues of specification arise with other traditions which make reference

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<sup>556</sup> Babylonian Talmud, Temurah, f. 14b.14. The suggestion is anonymous.

<sup>557</sup> For details of the scholars named in the preceding notes, see Strack, Introduction to the Talmud and Midrash, index of proper names.

<sup>558</sup> The discussion in Babylonian Talmud, Temurah, f. 14b, arises from a letter which R. Dimi would have liked to send from Palestine to R. Joseph in Babylonia reporting a tradition he had just heard from R. Jeremiah (*Ibid.*, f. 14a.41); these Rabbis flourished in the first half of the fourth century.

<sup>559</sup> Namely R. Yohanan (see above, notes 544 and 554f). Cf. also the roles of Resh Laqish (above, note 554) and of his "interpreter" (above, note 540).

<sup>560</sup> Schoeler, "Mündliche Thora", pp. 213-21, and cf. pp. 224f; also *id.*, "Schreiben und Veröffentlichungen", pp. 37f. As his title "Mündliche Thora und Hadit" makes clear, comparison of Jewish and Muslim attitudes to their respective oral Traditions is a central feature of Schoeler's approach. He does not, however, discuss the possibility of a Jewish origin of the Muslim hostility to writing.

<sup>561</sup> See, for example, *Taqyīd*, pp. 33b-34a, 43c, 49a-c, 50b-c, 52a, 53a, 55a-56b, 57b, 61b; and see Schoeler, "Mündliche Thora", pp. 221, 223 point 2, 228.

<sup>562</sup> *Taqyīd*, p. 56b; *Sunan*, no. 486.

<sup>563</sup> *Ġami'*, p. 65.8.

<sup>564</sup> Abū Haytama, *Kitab al-'ilm*, no. 152, whence *Taqyīd*, p. 61b.

<sup>565</sup> *Loc. cit.*, and *'Ilal*, I, p. 214, no. 235, from Ibn Ḥanbal.

<sup>566</sup> *Taqyīd*, p.55a.

<sup>567</sup> *Ibid.*, p. 55b.

<sup>568</sup> *Ibid.*, p. 56a.

<sup>569</sup> *Ibid.*, p 53a; *Sunan*, nos. 483, 485.

<sup>570</sup> *Sunan*, no. 475.

to the example of the "people of the Book" and the like. One case is the famous tradition regarding the break-up of the Muslim community into 72 sects;<sup>571</sup> here in one version the Prophet states that his community will split up on the same lines as (*'ala ma tafarraqat 'alayhi*) the Israelites.<sup>572</sup> The well-known tradition predicting that the Muslims would follow the paths of those who were before them span by span may likewise be specified to refer to the Israelites.<sup>573</sup> 'Ata ibn Abi Rabah, refusing the status of "people of the Book" to the Christian Arabs, gives the interesting explanation: "The people of the Book are the Israelites, to whom the Torah and Gospel were revealed; as for others who have entered their ranks, they do not belong to them".<sup>574</sup> Note that the "Banu Isra'il" of the Muslim sources are not always the Biblical "Israelites" as opposed to the latterday "Jews".<sup>575</sup>

§ 127 At the same time, the traditions which refer to the warning example of the past speak sometimes not of "books" but of "a book". This is so in the tradition from Abu Musa quoted above for its specification of the Israelites and the Torah. We also find this in some versions of the tradition regarding 'Umar's decision not to write down the *sunan*. In one version he explains his decision as follows: "I recollected how some of the people of the Book wrote (down) a book alongside the Book of God, and devoted themselves to it,<sup>576</sup> abandoning the Book of God".<sup>577</sup> Very occasionally this book is identified: it is the *Matnah*, or *Misnah*, a term whose occurrence in this context was already noted by Goldziher.<sup>578</sup> No Christian book, nor any other Jewish book, is named in the traditions against writing;<sup>579</sup> thus the *Mishnah* may represent the prime target of the whole polemic against the literary misdeeds of the "people of the Book". Such criticism of Jewish malpractice in the writing of tradition points to an awareness of Jewish oralist principles which is nonetheless significant for being expressed in negative terms.

§ 128 The early references to the *Matnah* are the following. (1) In a tradition cited by Goldziher from Ibn Sa'd, the Medinese Qasim ibn Muhammad (d. 107) is asked by the Damascene 'Abd Allāh ibn al-'Ala' (d. 164, it is said at the age of 89) to dictate traditions to him; Qasim refuses to allow him to write, and recounts this anecdote: "In the time of 'Umar ibn al-Hattab, [written] traditions proliferated, so he told people to bring them to him; when they did so, he had them burnt, and said: 'A *Matnah* like the *Matnah* of the people of the Book!'"<sup>580</sup>

The transmitter from 'Abd Allāh is likewise Syrian. The same 'Abd Allāh (here identified by his kunya, Abu Zabr) also transmits from Qasim a free variant of this anecdote in which 'Umar's dictum runs: *umniyya ka-umniyyat ahl al-kitab*.<sup>581</sup>

This will pass, since one of the Koranic uses of the plural *amani* is in connection with "those who write the Book with their hands, then say: "This is from God" (Q II, 79); but it is more likely that we have to

<sup>571</sup> See, for example, Abū Bakr al-Agurri, Sari'a, ed. M.H. al-Fiqi, Cairo, 1950, pp. 14-18, where numerous variants are collected in a chapter on *iftiraq al-umam fi dinihim*.

<sup>572</sup> *Ibid.*, p. 17.12; and see I. Goldziher, "Le dénombrement des sectes mahométanes", *Revue de l'histoire des religions*, 26, 1982, pp. 130f.

<sup>573</sup> 'Abd al-Razzaq, *Musannaf*, XI, p. 369, nos. 20,764f.

<sup>574</sup> *Ibid.*, VII, p. 186, no. 12,712, and see VI, p. 72, no. 10,032. For this view see also Tabari, *Tafsir*, ed. M.M. and A.M. Sakir, Cairo, n.d., IX, pp. 575.4, 577.1 (to Q V, 5), attributing the view to Safi'i.

<sup>575</sup> See *Tabaqat*, I/I, p. 28.28.

<sup>576</sup> Reading *akabbu 'alayhi* (cf. *Taqyid*, pp. 49a, 50b).

<sup>577</sup> *Taqyid*, p. 50c; and see *Ibid.*, p. 49b-c; *Tabaqat*, III/I, p. 206.5.

<sup>578</sup> I. Goldziher, "Kampfe um die Stellung des Hadit im Islam", *Zeitschrift der Deutschen Morgenlandischen Gesellschaft*, 61, 1907, pp. 865f; also T. Noldeke, *Neue Beiträge zur semitischen Sprachwissenschaft*, Strassburg, 1910, p. 26 n. 5.

<sup>579</sup> The "Book of Daniel" of *Taqyid*, pp. 51a, 56c, is an apparent exception. but the drift of the traditions is that this is a work to be suppressed altogether. On this book, which is likely to represent some late Daniel apocalypse rather than the Biblical book of that name, see further M.J. Kister, "Haddithu 'an bani isra'ila wa-la haraga". *Israel Oriental Studies*, 2, 1972, pp. 235f.

<sup>580</sup> *Tabaqat*, V, p. 140.3; also Dahabi, *Siyar*, V, p. 59.13, and id., *Ta'rih al-Islam*, ed. U.'A. Tadmuri, Beirut, 1987-, years 101-120, 220.14 (all from the Damascene Zayd ibn Yahya (d.207)). This tradition is not taken up by the writers on *garib al-hadit*, and is thus ignored by the lexicographers. For a variant transmitted by Abū Mushir (d. 218) which makes no mention of the *Matnah*, see Abū Zur'a. *Ta'rih*, p. 363, no. 785.

<sup>581</sup> *Taqyid*, p. 52a.

do with a corruption of Matnah. The transmitter from 'Abd Allāh is a Mada'ini. (2) Quite distinct from the tradition of 'Umar's bonfire, and much more widely quoted, is an eschatological tradition from 'Abd Allāh ibn 'Amr which was known to Goldziher from lexicographical sources. In Darimi's version, one of the "signs of the Hour" is that the Matnah will be recited (*tutla 'l-Matnah*) and none will be found to put a stop to this (*fa-la yugad man yugayyiruha*);<sup>582</sup> questioned as to the meaning of the term, 'Abd Allāh ibn 'Amr glosses it "any book that is written down (*ustuktiba*) other than the Koran".<sup>583</sup> The scene is set near Hims, and the isnād is Himsi into the mid-second century.

§ 129 A significant structural similarity between Jewish and early Islamic attitudes to writing is the tendency to distinguish in this connection between the public and private spheres. The Muslim evidence for this distinction has been presented above;<sup>584</sup> the Jewish analogue has been analysed well by Gerhardsson.<sup>585</sup> The clearest illustration of the point is the role of written notes. On the Jewish side, the character of such material is nicely caught in the term "secret scroll" (*megillat setarim*) which is sometimes used for the written notes of the Rabbis.<sup>586</sup> Such notes, though acknowledged to exist, do not normally appear in public. Thus in a Talmudic anecdote one Rabbi tells another to "go out and look through your notes (*mekhilta*)"; he does so, and duly finds there a certain tradition.<sup>587</sup> The parallel with Abu Hurayra going home to check his private records,<sup>588</sup> or Hammām ibn Yaḥyā going off to look up his book,<sup>589</sup> is close. As in early Islam, the existence of such written materials is beyond doubt;<sup>590</sup> but Gerhardsson's remark on the way in which "these private notes and scrolls are only glimpsed in the source material"<sup>591</sup> is equally true of many of the early Muslim traditions.

§ 130 A closely related phenomenon on the Muslim side is the sense of the impropriety of contaminating oral transmission through the introduction of material deriving from literary finds. In a Baṣran tradition, the Kūfan 'Abida is asked by the Baṣran Ibn Sīrīn: "If I find a book, shall I look in it?"<sup>592</sup> or, in a variant form: "If I find a book, shall I read it to you?"<sup>593</sup> (sc. to obtain from you the right of transmission). The answer is negative. It is again Ibn Sīrīn who in one variant of a tradition considered above transmits the view that the Israelites went astray only through finding book of their

<sup>582</sup> Goldziher translates: "und dass es niemand andert". However, I take it that *gayyara* is to be understood as in *tagyir al-munkar*; compare Ibn Abi Sayba's *fa-la ya'ibuha ahad minhum* in the version cited in the following note. For a tradition in which *gayyiru* is glossed *qayyidu wa-dbitu*, see Abū Zur'a, *Ta' rih*, p. 471, no. 1221; but this does not fit our context.

<sup>583</sup> *Sunan*, no. 482. The only other version with an isnād known to me is one given by Ibn Abi Sayba (*Musannaf*, VII, p. 501, no. 37,549; for *tutla 'l-Matnah* he has *tuqra' al-matani 'alayhim*, *matani* being defined as "every book other than the Book of God"; The isnād is again Himsi into the mid-second century. The appearance of the plural *matani* here is likely to be the result of a secondary *lectio facilior*; in general, the discussion of the Koranic *matani* in the Muslim sources bears no relation to our *Matnah* (see U. Rubin, "Exegesis and Hadith: the case of the seven Mathani", in G.R. Hawting and A.A. Shareef, *Approaches to the Qur'an*, London and New York, 1993; Rubin cites Ibn Abi Shayba's variant, and notes Suyuti's citation of it (*Ibid.*, p. 153 n. 2; Suyuti, *al-Durr al-mantur*, Cairo, 1314, VI, p. 52.35)). Of the version found only without isnāds, one (with *tuqra' fi-ma baynahum bi 'l-Matnah*) is quoted by Ibn al-Ġawzī (*Garib al-hadit*, ed. 'A.A. al-Qal'agi, Beirut, 1985, I, p. 130.16 (abbreviated)) and Ibn al-Atīr (*al-Nihaya fi garib al hadit*, ed. T.A. al-Zawi and M.M. al-Tanahi, Cairo, 1963-5, I, p. 225.20). The other (with *tuqra' al-Matnah 'ala ru'usi 'l-nas*) is by far the most often cited; it is already given by Abū 'Ubayd (*Garib al-hadit*, ed. M.'A. Khan, Hyderabad, 1964-7, IV, p. 281.8); see also Gawhari, *Sihah*, ed. A.'A. 'Attar, Cairo 1376-7, col 2294b.13, and later lexicons; ZAmahsari, *al-Fa'iq fi garib al-hadit*, ed. 'A.M. al-Bijawi and M.A. Ibrahim, Cairo, 1945-9, I, p. 159.16 (with "Ibn 'Umar" for "Ibn 'Amr"); A. Jeffery (ed.), *Two Muqaddimas to the Qur'anic sciences*, Cairo, 1954, p. 260.3 (the *Muqaddima* of Ibn 'Atiyya). The more or less correct explanation of the term *Matnah* adduced by Abū 'Ubayd (not Abū 'Ubayda, as Golhizer and Noldeke believed) (*Garib al-hadit*, IV, p. 282.1) is frequently repeated in later sources.

<sup>584</sup> See above, §§ 73-84.

<sup>585</sup> Gerhardsson, *Memory and manuscript*, pp. 157-63; and cf. Schoeler, "Mündliche Thora", p. 215

<sup>586</sup> See Gerhardsson, *Memory and manuscript*, p. 160, for these *megillot setarim*. Cf. the *magall* which Anas ibn Malik used to bring out when his classes were overcrowded (*Taqyid*, p. 95a-d).

<sup>587</sup> *Babylonian Talmud*, Gittin, f. 44a.23; see also Gerhardsson, *Memory and manuscripts*, p. 160.

<sup>588</sup> See above, § 77, note 344.

<sup>589</sup> See above, § 77, note 349.

<sup>590</sup> For a collection of Jewish attestations, see Strack, *Introduction to the Talmud and Midrash*, pp. 13-15.

<sup>591</sup> Gerhardsson, *Memory and manuscript*, p. 161 (his italics)

<sup>592</sup> *Taqyid*, p. 45b.

<sup>593</sup> *Ibid.*, p. 45c; *Ġami'*, p. 67.2, 67.4; and cf. *Taqyid*, p. 46a; *Sunan*, no. 476; *'Ilal*, I, p. 213, no. 233.

ancestors,<sup>594</sup> implicitly condemning any such practice in Islam. Given Jewish attitudes towards oral transmission, one would certainly suppose that this view of literary finds would be shared by the Rabbis; but I have not encountered an attestation in a pre-Islamic Jewish source.<sup>595</sup> It is, however, interesting to compare the Muslim traditions just considered with a Jewish text of the early ninth century A.D. At this time there had existed for some decades within the Rabbanite community a quarrel between the followers of the Palestinian and Babylonian rites, and the text in question is a Babylonian polemic against the Palestinians. One of the allegations made by its author, a certain Ben Baboi, is that the Palestinians had taken their stand on books (Mishnaic and Talmudic) which they had found after they had been "put away".<sup>596</sup> It is in line with this that the burying of books is also attested on the Jewish side;<sup>597</sup> but I have not seen a Jewish parallel to the deathbed disposals of books which abound in the Muslim sources.

§ 131 Another question which is related to the distinction between public and private spheres is the propriety or otherwise of writing letters on religious matters. The practice was doubtless widespread in early Islam, but it is occasionally called in question. One tradition has it that, on receiving a letter asking him about some matter, Ibn 'Abbas would say to the bearer: "Tell your friend that the answer is such-and-such; we only write down letters and the Koran".<sup>598</sup> The text would seem to have been mangled in some way, but the underlying sense of the tradition is clearly hostile. With this we may contrast another tradition in which Ibn 'Abbas receives a letter from some woman after the onset of his blindness, and passes it to Sa'id ibn Gubayr so that the latter can read it to him.<sup>599</sup> Sa'id also appears in a tradition which attributes a hostility towards letters to Ibn 'Umar: the Kūfāns wrote to Sa'id with questions to be put to Ibn 'Umar, and Sa'id then questioned him from the letter; had Ibn 'Umar realised this, he adds, that would have been the end of their relationship.<sup>600</sup> A more tolerant attitude is perhaps to be seen in the traditions to the effect that Tawus<sup>601</sup> and Su'ba<sup>602</sup> would burn or bury accumulated letters; but it is not clear whether letters on religious topics are intended here. On the Jewish side, the practice of writing letters on religious matters seems likewise to have been common enough,<sup>603</sup> but here too it could in principle be called in question. The mention of a hypothetical letter from one Rabbi to another on a question of law provides the occasion for one of the classic Talmudic discussions of the writing of Tradition.<sup>604</sup>

§ 132 Before leaving the subject, it is perhaps worth grouping together some minor points of comparison and contrast between Muslim and Jewish attitudes to writing, although these add little or nothing to the argument.

What might be called the "bowl motif" is common to scenes set in Roman Palestine and early Muslim Iraq. Rabbi Ishmael hears tell of a man who harbours a roll of written prayers, and goes off to

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<sup>594</sup> See above, § 126, note 565.

<sup>595</sup> Note, however, the rather distinctive style in which the citation of such finds is acknowledged: "Rav said: I found (masa'ti) a secret scroll of the school of R. Hiyya in which has written: 'Issi ben Yehudah says: ...'" (Babylonian Talmud, Baba mesi'a, f. 92a.23; similarly *ibid.*, Shabbat, ff. 6b.19, 96b.42; see also Palestinian Talmud, Kil'alym, 1:1 (f. 27a.5 = trans. Neusner, IV, p. 21)). Compare Muslim citations of the type *wagadtu fi kitab fulan* (see, for example, Fasawi, *Ma'rifa*, II, p. 88.8; III, pp. 22.15, 216.3).

<sup>596</sup> For Ben Baboi's polemic against Palestinian reliance on *sefarim*... *genuzin*, see S. Spiegel, "Le-farashat ha-polmos shel Pirqoi ben Baboi", in Harry Austryn Wolfson jubilee volume, Jerusalem 1965, Hebrew Section, p. 273.17, with commentary at pp. 253-8.

<sup>597</sup> For the case of Rabban Gemaliel I and a targum of Job, see Babylonian Talmud, Shabbat, f. 115a.41, and Palestinian Talmud, Megillah, f.26b.46. But the practice is also found among Christians.

<sup>598</sup> *Taqyid*, p.42d; Abū Haytama, *Kitab al'ilm*, no.27.

<sup>599</sup> *Tabaqat*, VI, p. 180.25. But the relevance of this to the controversy could be spurious: we may have to do with a motif detached from a larger tradition concerned primarily with menstruation (cf. 'Abd al-Razzaq, *Musannaf*, I, pp. 305f, no. 1173).

<sup>600</sup> *Taqyid*, p. 43d; *Ġami'*, p. 66.1.

<sup>601</sup> *Tabaqat*, V, p. 393.5; 'Abd al-Razzaq, *Musannaf*, XI, p. 425, no. 20,901.

<sup>602</sup> *Taqyid*, p. 62c.

<sup>603</sup> See, for example, Epstein, *Mavo*, pp.699f; Kaplan, *Redaction*, pp. 262f.

<sup>604</sup> Babylonian Talmud, Temurah, f. 14a.44, picked up *Ibid.*, f.14b.3.

investigate; aghast at the sound of the Rabbi's feet on the ladder, the offender himself throws the roll into a bowl of water.<sup>605</sup> Ibn Mas'ud is brought non-scriptural writings of various kinds by wellmeaning Kūfans; he calls for the bowl as his instrument of despatch.<sup>606</sup>

Another shared theme is writing on the wall.<sup>607</sup> This manner of making notes is attested in the Palestinian Talmud.<sup>608</sup> The same expedient is recommended on the Muslim side by Sa'bi: "When you hear something, write it down, even on a wall".<sup>609</sup> Such advice is also attributed to the Khurasanian Dahhak ibn Muzahim (d. 105).<sup>610</sup> Sufyān al-Tawri would write down traditions on the wall at night, and copy them the next day.<sup>611</sup> All this material is Kūfan.<sup>612</sup>

One of the non-scriptural writings of the Rabbis was a genealogical work.<sup>613</sup> Zuhri in one tradition possesses no book except one on the genealogy of his tribe.<sup>614</sup>

Against these commonalities may be set a point of contrast. On the Jewish side, we encounter the suggestion that it may be permissible to write something down if it is a new interpretation (miltā hadatta).<sup>615</sup> This would contrast with the tendency on the Muslim side to consider the writing down of personal opinion as particularly undesirable.<sup>616</sup>

Finally, it should be noted that Jewish attitudes, like early Muslim ones, are not marked by any monolithic consistency. A Rabbinic scholiast, in explaining a Pharisaic action against a Sadducee lawbook, states: "We do not write laws in a book".<sup>617</sup> Yet this material is itself contained in a commentary on a non-scriptural writing of the Rabbis, the Megillat la'anit or "Scroll of fasting". Perhaps, however, we should understand that there is a particularly marked objection to the writing of law, as it is said: "Those who write laws are as one who burns the Torah".<sup>618</sup> It may be just significant in this context that there is an absence of legal texts from such Jewish manuscript material as survives from the period between the third and ninth centuries A.D.<sup>619</sup> But how then are we to explain the legal content of the inscription on the floor of a Palestinian synagogue at Bet-Shean, for which a date shortly before or after the Arab conquest has been suggested?<sup>620</sup> Despite some considerations advanced by Lieberman to soften the blow,<sup>621</sup> it would be hard to write law in a more public fashion.

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<sup>605</sup> Tosefta, Shabbat 13:4 (ed. Lieberman, II, p. 58.3 = trans. Neusner, II, p. 49), with commentary in Lieberman, Tosefta ki-fsutah, III, p. 206, and id., Hellenism in Jewish Palestine, New York, 1950, p. 206 n. 30; and cf. Palestinian Talmud, Shabbat, 16:1 (f. 15c29 = trans. Neusner, XI, p. 411); Babylonian Talmud, Shabbat, f. 115b29. Lieberman translates sefel as "pail", thought "basin" or "bowl" would be more usual.

<sup>606</sup> His chosen instrument may be an iggana (*Taqyīd*, pp. 39a, 54b) or a tast (*Ibid.*, pp. 53a-54a, and parallels); and cf. above, § 87, note 394. Abū Musa uses a mirkan (*Ibid.*, p. 40d; *Ilal*, I, p. 214, no 236). The semantic range is "bucket", "basin", "bowl".

<sup>607</sup> As noted by Schoeler ("Mündliche Thora", p.216).

<sup>608</sup> Palestinian Talmud, Kil' ayim, 1:1 (f. 27a.7 = trans. Neusner, IV, p. 21).

<sup>609</sup> *Taqyīd*, pp. 99d-100a; *Tabaqat*, VI, p. 174.15; *Ilal*, I, p. 216, no. 243. Some versions speak of "the wall" with the definite article.

<sup>610</sup> *Ġami'*, p. 72.17.

<sup>611</sup> *Sunan*, no. 514.

<sup>612</sup> As is the tradition that 'Umar ibn 'Abd al-'Aziz smacked one of his sons for writing dikr Allāh (sc. A Koranic or related text) on the wall (*Ilal*, I, pp. 216f, no. 244).

<sup>613</sup> For the Megillat yuhasin of Talmudic times, see Encyclopaedia Judaica, Jerusalem, 1971-2, s.n.

<sup>614</sup> See above, § 38, note 183.

<sup>615</sup> Babylonian Talmud, Temurah, f. 14b.14.

<sup>616</sup> See above, §§ 109f.

<sup>617</sup> See above, § 123, note 544; also Gerhardsson, *Memory and Manuscript*, pp. 24f. The date of the Rabbinic commentary to the scroll is uncertain; the scroll proper is early.

<sup>618</sup> Babylonian Talmud, Temurah, f. 14b.5.

<sup>619</sup> See M. Beit-Arie, "The Munich Palimpsest; a Hebrew scroll written before the 8th cent." (in Hebrew), *Kirjath Sepher*, 43, 1967-8, pp. 411-3, 421, 424; cf. also S. Hopkins, "The oldest dated document in the Geniza?", in S. Morag et al. (ed.), *Studies in Judaism and Islam*, Jerusalem, 1981, especially pp. 87, 89.

<sup>620</sup> Y. Sussmann, "A halakhic inscription from the Beth-Shean valley" (in Hebrew), *Tarbiz*, 43, 1973-4, drawn to my attention by Haggai Ben-Shammai; for tlw dating, see *Ibid.*, pp. 154f. The inscriptions which record the priestly courses (mishmarot) are hardly relevant here (see for example R. Degen, "Die hebraeische Inschrift DJE 23 aus dem Jemen", *Neue Ephemeris für semitische Epigraphik*, 2, 1974).

<sup>621</sup> S. Lieberman, "Tile halakhic inscription from the Bet-Shean valley" (in Hebrew), *Tarbiz*, 45, 1975-6, pp. 54f.

§ 133 Two points set out in this section support the hypothesis of a Jewish origin for the early Muslim hostility to the writing of Tradition: the way in which the Muslims themselves associate the issue with the Jews, and the closeness of the shared distinction between the public and private domains. In the next section, I shall try to show that the hypothesis of a Jewish origin finds some support from a wider context.

### 3. The wider context

§ 134 In both the Muslim and the Jewish cases, the Tradition whose oral status has been examined above exists alongside a written revelation. This duality finds succinct expression on the Muslim side in the Prophetic injunction to “write nothing from me except the Koran”,<sup>622</sup> and in the rhetorical retort of Abu Sa’īd al-Hudri to a student who wanted to write Tradition: “Are you going to take it as a Koran?”<sup>623</sup> On the Jewish side it lies behind the first half of the Rabbinic dictum: “You may not transmit written words orally; you may not transmit oral words in writing”.<sup>624</sup> The Jewish emphasis on the written character of scripture<sup>625</sup> is indeed stronger than what we find in Islam.<sup>626</sup>

§ 135 This similarity between the two religions is not a trivial one. Some sort of distinction between “Scripture” and “Tradition” is common enough in the world’s religions, if by this one intends nothing more than a sort of epistemological ranking of components of an authoritative heritage. But it is quite possible for a religion to insist on the oral transmission of what we would otherwise be tempted to call its “Scriptures”: witness the cases of the Avesta<sup>627</sup> and the Vedas.<sup>628</sup> Equally, it is quite common for “Tradition” to be written without even a formal insistence on oral transmission; this has been the case in Christianity since a very early epoch in its history.<sup>629</sup> The dichotomy between a written revelation and an oral Tradition is thus not merely something which Judaism and Islam had in common; it was also, at the time and place at which Islam took shape, a combination that was peculiar to them, and one to which I know of no parallel elsewhere.<sup>630</sup> It is then an obvious hypothesis that the whole notion of an oral Tradition is something which Islam borrowed from Judaism.

§ 136 This idea is by no means a new one. It was, for example, stated forcefully by Margoliouth,<sup>631</sup> and later by Goitein,<sup>632</sup> and more recently the parallelism has been underlined by Brunschvig<sup>633</sup> and Schoeler.<sup>634</sup> But it is far from having become a commonplace of Islamic studies, let alone receiving the detailed scrutiny it merits.

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<sup>622</sup> See above, § 14.

<sup>623</sup> *Taqyīd*, p. 37c.

<sup>624</sup> See above, § 123, note 540.

<sup>625</sup> See Gerhardsson, *Memory and manuscript*, pp. 45-8, 68.

<sup>626</sup> Note how some early Muslim authorities dislike being led in prayer by an imam reading from a codex (*mushaf*), since this resembles the “people of the Book” (‘Abd al-Razzaq, *Musannaf*, II, p. 419, nos. 3927f; Ibi Abr Sayba, *Musannaf*, II, p. 123, no. 7226, and cf. p. 124, no. 7230; Saybani, *Asl*, ed. A. al-Afgani, Hyderabad, 1966-, I, p. 206.4).

<sup>627</sup> See above, § 118.

<sup>628</sup> Cf. below, § 162.

<sup>629</sup> See above, § 117, note 525.

<sup>630</sup> Similarly, explicit hostility to writing, though not confined to Judaism and Islam, seems to be distinctly rare. Gandz wanted to see such hostility as a normal feature of cultural development; but of the further instances collected by him (“The dawn of literature”, pp. 310f), the only one that bears inspection is that of the Druids as described by Julius Caesar (*Commentarii de bello Gallico*, VI, 14 (= ed. F. Kraner and W. Ditenberger, Berlin, 1898, pp. 251 f; translation in Gandz, “The dawn of literature”, p. 346).

According to caesar’s account the education of Druids involves the memorisation of large amounts of material in verse. They consider it improper to write down this material (*neque fas esse existimant ea litteris mandare*), despite their free use of the Greek script in other aspects of their public and private life.

<sup>631</sup> D.S. Margoliouth, *The early development of Mohammedanism*, London, 1914, p. 67.

<sup>632</sup> S.D. Goitein, *Jews and Arabs*, New York, 1955, pp. 59-61.

<sup>633</sup> R. Brunschvig, “Hermeneutique normative dans le Judaïsme et dans l’Islam”, *Atti della Accademia Nazionale dei Lincei, Classe di Scienze morali*, vol. 30, Rome, 1975, pp. 233f.

<sup>634</sup> Schoeler, “Mündliche Thora”, especially pp. 213-27; also id., “Schreiben und Veröffentlichen”. Pp. 37f.

§ 137 This may in part reflect the ambivalence of Goldziher towards questions of Jewish influence on Islam. Goitein aptly spoke of Goldziher's preference for "parallels" rather than "influences" in this field.<sup>635</sup> On the issues which concern us here, however, he was initially strongly averse to conceding even a parallel. In an uncharacteristically polemical passage of 1890, he denounced the comparison of the Muslim data with the Jewish distinction between a written and an oral law, and the associated prohibition of the writing of the second, as a "misleading false analogy", "completely untenable", based on a "superstition" (which nonetheless turns out to have had "many theoretical defenders amongst the Muslim themselves") concerning "the hadith's original destiny as oral tradition".<sup>636</sup> It was, one suspects, Goldziher's dislike of this very analogy with Judaism which led him to take sides so firmly against the oralists and their "superstition" in his treatment of the Muslim controversy over the writing of Tradition. Some fifteen years later, however, Goldziher was happy to admit a dualism of written and unwritten law in both Islam and Judaism: both had borrowed it independently from Roman law.<sup>637</sup> (The Roman parallel is in fact far weaker than that between Islam and Judaism, since "unwritten law" in the Roman context is simply law which happens not to have been written down, without any implication that it ought not to be).<sup>638</sup> By 1907, Goldziher's attitude had mellowed; he left the question of Jewish influence open, though presenting the Muslim polemic against the Mishnah as evidence against such an influence.<sup>639</sup>

§ 138 The idea that Islam owes its notion of the oral Tradition to Judaism is, *pace* Goldziher, an inherently plausible one, however hard it may be to demonstrate in detail. All I attempt here is a brief discussion of a specific but central feature which the two oral Traditions have in common: the pattern of ascription known on the Muslim side as the *isnād*.<sup>640</sup>

§ 139 One of the most telling cases for a Jewish borrowing at the root of Muslim Tradition was advanced by Horovitz in his discussion of this topic in 1918.<sup>641</sup> Horovitz showed that Rabbinic chains of authorities provide a good parallel to the Muslim *isnād*, and at the same time that no other plausible source, Arab or foreign, can be adduced for this unusual phenomenon. Subsequent discussion of the topic has adduced no evidence that could seriously challenge his findings.<sup>642</sup>

§ 140 Examples of Rabbinic chains of authorities, taken more or less at random from the Babylonian Talmud, are the following: "R. Zeriqa said: R. Ammi said: R. Simeon ben Laqish said:...",<sup>643</sup> R. Yehudah said: Samuel said: . . .".<sup>644</sup> "R. Yehudah said: Rav said: . . .".<sup>645</sup> "R. Abba said: R. Hiyya bar Ashi said: Rav said: . . .".<sup>646</sup> Extensive data regarding chains of three or more authorities in Rabbinic

<sup>635</sup> S.D. Goitein, "Goldziher as seen through his letters" (in Hebrew), in S. Lowinger et al. (ed.), Ignace Goldziher memorial volume, Budapest, 1948 and Jerusalem, 1958, I, p.19 of the Hebrew section.

<sup>636</sup> Goldziher, *Muhammedanische Studien*, II, p. 194.

<sup>637</sup> I. Goldziher, "The principles of law in Islam", in H.S. Williams (ed.), *The historian's history of the world*, London and New York, 1908, VIII, p. 297 (originally published in 1904-5). For a critical assessment of Goldziher's views of the influence of Roman law on Islam, see P. Crone, *Roman, provincial and Islamic law*, Cambridge, 1987, pp. 3, 102-6.

<sup>638</sup> *Ibid.*, p. 104 item 4.

<sup>639</sup> Goldziher, "Kämpfe um die Stellung des Hadit", p. 865.

<sup>640</sup> I accordingly leave aside here the whole question of Jewish influence on the content of the Muslim oral Tradition.

<sup>641</sup> J. Horovitz, "Alter und Ursprung des Isnād", *Der Islam*, 8, 1918, pp. 44-7.

<sup>642</sup> Schoeler, who opens his discussion of the parallelism between the Jewish and Muslim oral Traditions with a quotation from Horovitz ("Mündliche Thora", p. 213), returns to him when discussing the ascription practice of the two religions (*Ibid.*, p. 217). While not excluding Jewish influence (with Jewish converts to Islam as the vector), Schoeler considers it more likely that we have to do with a parallel development driven by the mechanics of a scholastic oral Tradition. My objection to this would be that we find no comparable development in the rich scholastic oral Traditions of India (see, for example, O. von Hinuber, *Der Beginn der Schrift und frühe Schriftlichkeit in Indien*, Mainz, 1990, pp. 27f, for a discussion of a text from which the idea of an *isnād* is, for an Islamicist, strikingly absent; this work was kindly drawn to my attention by Schoeler). Other suggestions of Schoeler's are taken up below, § 140, notes 659-62.

<sup>643</sup> Babylonian Talmud, Berakhot, f. 11b.48.

<sup>644</sup> *Ibid.*, Baba mesi'a, f. 59b.1.

<sup>645</sup> *Ibid.*, Menahot, f. 29b.8.

<sup>646</sup> *Ibid.*, Niddah, f. 16b.19.

works were collected by Bacher.<sup>647</sup> His results show the much greater frequency of such chains in Amoraic than in Tannaitic literature,<sup>648</sup> and similarly that they are more common in the Palestinian than in the Babylonian Talmud;<sup>649</sup> parallels to the Muslim family isnād are occasionally found.<sup>650</sup> As might be expected, traditions with chains of authorities reaching back to Moses are rare in Rabbinic sources, but they do exist.<sup>651</sup> An example is the following: "R. Joshua said: I have received [as a tradition] from Rabban Johanan b. Zakkai, who heard from his teacher, and his teacher from his teacher, as a Halakah [given] to Moses from Sinai, that Elijah will not come to declare unclean or clean . . .".<sup>652</sup>

The argument set out by Homvitz can be strengthened by the observation that archaic Muslim isnāds are closer to Jewish chains of authorities than are classical ones. The older Muslim sources abound in isnāds which are unsatisfactory by classical standards in that they are either maqtu', i.e. do not go back to the Prophet but only to later authorities, or mursal, i.e. incomplete through the omission of intermediate transmitters.<sup>653</sup> Both features are at home among the Rabbis. As already noted, traditions going back to Moses are rare;<sup>654</sup> and the omission of an intermediate link in a chain of authorities is expressly sanctioned.<sup>655</sup>

Both cultures, it may be added, place a high value on hearing a tradition direct from the sayor. R. Zera, on hearing a certain tradition (shema'ta)<sup>656</sup> at one remove, expressed the hope that he would one day go up to Palestine and hear the saying directly - as he eventually did.<sup>657</sup> Likewise Abu 'l-'Aliya (d. 90) recollects how in Baṣra they would be told traditions on the authority of Companions at one remove, and would not rest till they had ridden to Medina to hear them from the lips of the Companions themselves.<sup>658</sup>

The suggestion has been made that the origin of the isnād lies in the practice of transmission among the pre-Islamic poets: a poet would have a rawi or rawis who would memorise and recite his poetry.<sup>659</sup> But no examples have been produced of the citation of poetry through a chain of such rawis.<sup>660</sup> The practice of Alexandrian medical teaching in late antiquity has also been adduced;<sup>661</sup> the objection is the same.<sup>662</sup>

§ 141 In sum, Rabbinic Judaism and early Islam are unique in sharing the same general conception of an oral Tradition which exists alongside a written scripture; and within this general framework, they

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<sup>647</sup> W. Bacher, *Tradition und Tradenten in den Schulen Palastinas und Babyloniens*, Leipzig, 1914, chapter 7 (on Tannaitic chains of authorities), 10 (Amoraic-Tannaitic chains), 25-7 (Amoraic chains in the Babylonian Talmud).

<sup>648</sup> For their rarity in Tannaitic literature, see *Ibid.*, p. 84. For the terms "Tannaitic" and "Amoraic", see below, § 142, and note 663.

<sup>649</sup> *Ibid.*, p. 282.

<sup>650</sup> *Ibid.*, pp. 84, 92f.

<sup>651</sup> *Ibid.*, chapter 3.

<sup>652</sup> *Mishnah*, 'Eduyot, 8:7 (translation taken from H. Danby (trans.), *The Mishnah*, Oxford, 1933, p. 436).

<sup>653</sup> See Schacht, *Origins*, p. 22 (on the maqtu); *Ibid.*, pp. 36, 38f (on the mursal). This situation was already known to Horowitz from Malik's *Muwatta'* (Horowitz, "Alter und Ursprung", 40, citing Goldziher, *Muhammedanische Studien*, II, p. 218).

<sup>654</sup> Cf. P. Crone and M. Cook, *Hagarism: the making of the Islamic world*, Cambridge, 1977, p. 182 n. 31.

<sup>655</sup> A chain of three links is shortened by mentioning only the first and last (Babylonian Talmud, Nazir, f. 56b.41)

<sup>656</sup> For the term shemu'ahl shema'ta, see W. Bacher, *Die exegetische Terminologie der jüdischen Traditionsliteratur*, Leipzig, 1899-1905, I, pp. 222-4, and *id.*, *Tradition und Tradenten*, pp. 12-15.

<sup>657</sup> Babylonian Talmud, Niddah, f. 48a.15.

<sup>658</sup> *Tabaqat*, VII/I, p. 82.3; Abū Zur'a, *Ta'rīḥ*, p. 402, no. 924, and p. 612, no. 1741; cf. also Cook, *Early Muslim dogma*, p. 109, and pp. 202f n. 7.

<sup>659</sup> See Noldeke and Schwally, *Geschichte des Qorans*, II, pp. 127-9; Schoeler, "Die Frage der schriftlichen oder Mündlichen Überlieferung", p. 228; and cf. *id.*, "Weiteres zur Frage der schriftlichen oder Mündlichen Überlieferung", p. 63. For Horowitz's reply to Schwally, see J. Horowitz, "Noch einmal die Herkunft des Isnād", *Der Islam*, XI, 1921, pp. 264f.

<sup>660</sup> The chain to which Schoeler refers ("Weiteres zur Frage der schriftlichen oder Mündlichen Überlieferung", p. 63, n. 119, citing Sezgin, *Geschichte*, II, p. 22) is in part a construct of modern scholarship, but most of it derives from a statement of Abū Muḥalim (d. 248) quoted by Abū 'l-Farag al-Isbahani about poets who were also rawis of the poetry of others: "The last to combine poetry and riwaya was Kutayyir, who was the rawiya of Gamil; Gamil was the rawiya of Hudba; Hudba was the rawiya of Hutay'a; Hutay'a was the rawiya of Zuhayr" (*Agani*, VIII, p. 91.17). This is indeed, as Schoeler puts it, a "Reihe von Dichter-Überlieferern", but it does not function as an isnād - that is to say, it is not a chain of authorities which one cites when quoting the poetry of, for example, Zuhayr.

<sup>661</sup> Schoeler, "Die Frage der schriftlichen oder Mündlichen Überlieferung", p. 229; *id.*, "Weiteres zur Frage der schriftlichen oder Mündlichen Überlieferung", p. 44.

<sup>662</sup> Cf. *Ibid.*, pp. 63f, where the chain is a modern construct.

share not just hostility to the writing of the oral Tradition, but also a specific pattern of ascription. It accordingly seems unlikely that these are parallel phenomena that just happened to coexist in the same part of the world in the same period.

#### 4. "How was the Mishnah written?"

§ 142 That Rabbinic Judaism and early Islam inhabited the same part of the world is not a problematic claim: the traditional Rabbinic centres of Babylonia and Palestine lay in territories conquered by the Muslims at an early stage of their expansion. That they shared time as well as space is in itself equally unproblematic, since Rabbinic Judaism took shape well before the rise of Islam, and survives to this day. A problem does, however, arise as soon as we bring into play the development of the Rabbinic Tradition. The classic age of Rabbinic Judaism, the Tannaitic and Amoraic periods documented by the Mishnah, the Talmud and related sources, was over by A.D. 500.<sup>663</sup> Our knowledge of the next major phase, the Geonic period, scarcely begins until well into the eighth century, and only becomes extensive in the ninth and tenth centuries. The history of Rabbinic Judaism in the intervening period - that contemporary with the rise and early development of Islam is thus something of a dark age. This discontinuity in the record might not matter much for the purposes of this study were it not that some kind of shift away from the oral and towards the written seems to have taken place in this period. It is at some more or less arbitrary date within this period that the redaction of the Babylonian Talmud as we know it is usually placed; and at the same time, we find no evidence of continuing hostility to the writing of the Oral Torah in Geonic sources. The question we must therefore pose is whether the oralist attitudes found in Tannaitic and Amoraic sources would still have survived in the early Islamic period other than as literary fossils. As this section will show, there is no clear answer to this question. We can best begin by taking our stand towards the end of the Geonic period and working backwards.

§ 143 An obvious starting-point is the well-known epistle written c. A.D. 987 by Sherira, the Gaon of the Babylonian academy of Pumbedita, in response to the questions put to him by some scholars of Qayrawan<sup>664</sup> - or more precisely, let us begin with the questions themselves. The scholars of Qayrawan had the independence of mind (or perhaps the sensitivity to Karaite polemic) to raise questions not within but about the Tradition. They began by asking how the Mishnah was written:<sup>665</sup> was it already the (probably ahistorical) Men of the Great Assembly who began to write it? Could it really be that none of it was written until the time of Rabbi (the second-century redactor of the Mishnah)? Further questions followed in the same vein:<sup>666</sup> was the Tosefta written after the redaction of the Mishnah or at the same time? How were the Baraytas written? And how was the Talmud written? From the argumentation with which these questions are interwoven, it seems clear that the scholars of Qayrawan did not see a distinction between the composition of an oral text and its reduction to writing;<sup>667</sup> they took it for granted that these processes were one and the same thing. What is more, they took for granted the fact - in their time undeniable - that the Mishnah (like the other works to which they referred) was a book. In reply, Sherira sent the scholars of Qayrawan a long and informative account of the history of the Rabbinic Tradition. But with regard to the repeated references in their questions to the

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<sup>663</sup> The Tannaitic period lasted from the first century A.D. to the third, the Amoraic from the third to the fifth, and the Geonic from perhaps the late sixth to the eleventh (I leave aside the rather shadowy Saboraic period which intervenes between the Amoraic and the Geonic). It should be noted that the non-specialist like myself is much better served for the Tannaitic and Amoraic periods than for the Geonic. Most of the literature of the earlier periods is readily accessible through translations and secondary studies in European languages. By contrast, large areas of the Geonic literature remain closed to academic tourists. The chances that I have overlooked significant Jewish material are thus much higher in this section than in the preceding ones.

<sup>664</sup> Sherira, Iggeret, ed. B.M. Lewin, Haifa, 5681. There is now an English translation which, though not the work of an academic, is helpful for the non-specialist (N.D. Rabinowich (ed. and trans.), *The Iggeres of Rav Sherira Gaon*, Jerusalem, 1988). For the text itself, I cite Lewin's edition; all my references are to the "French" version (see below, § 144), i.e. Lewin's left-hand column.

<sup>665</sup> Sherira, Iggeret, p. 5.3 (= trans. Rabinowich, p. 2).

<sup>666</sup> Sherira, Iggeret, p. 6.8 (= trans. Rabinowich, p. 3).

<sup>667</sup> As Rabinowich rightly indicates in his introduction, the question they were asking was not how the *Mishnah* was written down.

writing of the Oral Torah, his response was brief and unhelpful. He assured his questioners that "Talmud and Mishnah were not written", and that the Rabbis were careful to recite traditions from memory, not from written sources; in explanation he adduced the old prohibition of the writing of the Oral Torah.<sup>668</sup> As to how it had come to be written in the meantime, he offered no comment.

§ 144 At other points in Sherira's epistle there is a crucial difference in respect of the writing of the Oral Torah between the two versions in which the text is preserved, the "Spanish" and the "French": the references to writing in the former are absent in the latter. These differences, and the overwhelming grounds for preferring the "French" version, were discussed by Elbogen.<sup>669</sup> Epstein adds the significant point that, when Sherira cites his own epistle in later responsa, he does so in a text which corresponds to the "French" version.<sup>670</sup> Sherira makes an interesting reference to writing in a contemporary academic context. He draws an analogy between the teaching of the Tannaitic Sages and the practice of his own day: we deliver commentary - presumably on the Talmud - and our students all write this down, each of them in his own way.<sup>671</sup>

§ 145 Sherira's reticence regarding the writing of the Oral Torah was nothing new. Half a century or more before him, Sa'adya Gaon (d. A.D. 942) had wrestled with the history of the Rabbinic Tradition under the pressure of Karaite polemic. Contrary to a widespread impression, we have no worthwhile evidence that he made explicit reference to writing in his pronouncements on the subject.

§ 146 In what we possess of his *Sefer ha-galuy*, Sa'adya does not actually say that either the Mishnah or the Talmud were written down at the time they were collected. The Hebrew version speaks only of "collect".<sup>672</sup> The Arabic version does not go beyond the term *itbat* in speaking of the Mishnah and Talmud;<sup>673</sup> and this, though suggestive of fixation in writing, is not explicit.<sup>674</sup> The term *itbat* is equally that used by Sa'adya when he refers in passing to the redaction of the Mishnah in a polemic probably directed against the Karaite Ibn Saqawayh;<sup>675</sup> it is also the term which appears, in respect of both Mishnah and Talmud, when Sa'adya's view is quoted by the Karaites Qirqisani and Yefet.<sup>676</sup> Contrast Sa'adya's straight-forward references to the writing down (*kitba*) of the Pentateuch as quoted by Qirqisani.<sup>677</sup> It is only in what are arguably less reliable Karaite references that Sa'adya is made to speak of the writing down of the Oral Torah. Thus when Qirqisani himself later has occasion to refer back to Sa'adya's view, as opposed to formally quoting it, he substitutes *dawwanuihu* for *atbatuhu*.<sup>678</sup> Salmon ben Yeruhim, to whom a measure of poetic license can be conceded, saddles Sa'adya with the

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<sup>668</sup> Sherira, *Iggeret*, p. 71.14 (= trans. Rabinowich, p. 84), with a quotation from the Babylonian Talmud (*Temurah*, f. 14b.10, or *Gittin*, f. 60b.13).

<sup>669</sup> I. Elbogen, "Wie steht es um die zwei Rezensionen des Scherira-Briefes?", in *Festschrift zum 75 jährigen Bestehen des jüdisch-theologischen Seminars Fraenckelscher Stiftung*, Breslau, 1929, vol. 2.

<sup>670</sup> J.N. Epstein, *Introduction to Amoraitic Literature* (in Hebrew), Jerusalem and Tel Aviv, 1962, p. 611, and cf. Lewin apud Sherira, *Iggeret*, vi of the appendices, n. 2.

<sup>671</sup> Sherira, *Iggeret*, p. 51.22 (= trans. Rabinowich, p. 58; Rabinowich, however, renders the "Spanish" version). Compare Muslim scholastic practice as analysed by Schoeler (references above, § 4, note 18).

<sup>672</sup> S. Schechter, "Geniza specimens: Saadyana I", *The Jewish Quarterly Review*, 14, 1902, p. 45, lines 6 (*ya'asfu*) and 10 (*qawu*). Compare his use of the root *qbs* with reference to the Talmud (*Ibid.*, line 13).

<sup>673</sup> A. Harkavy, *Leben und Werke des Saadjah Gaon (Said al-Fajjumi, 892-942)*, Direktors der Talmudischen Akademie in Sora (in Hebrew, in his *Studien und Mittheilungen*, part 5, vol. 1 ), St. Petersburg 1891, p. 153.18; H. Malter, "Saadia Studies", *The Jewish Quarterly Review*, new series, 3, 1912-13, p. 497, line 8.

<sup>674</sup> Contrast Sa'adya's use of the term *tadwin* in a context where it clearly does not refer to *Mishnah* or Talmud in Harkavy, *Studien*, p. 161.8.

<sup>675</sup> H. Hirschfeld, "The Arabic portion of the Cairo Geniza at Cambridge", *The Jewish Quarterly Review*, 16, 1904, p. 108.28, 108.32. For the identification of the work, see *Ibid.*, p. 100.

<sup>676</sup> See Qirqisani, *al-Anwar wa 'I-maraqib*, ed. L. Nemoy, New York, 1939-43, I, p. 126.11, and for Yefet, who claims to quote Sa'adya literally, S. Poznanski, "Karaite miscellanies", *The Jewish Quarterly Review*, 8, 1896, p. 687 n. 6.

<sup>677</sup> Qirqisani, *Anwar*, I, p. 126.2.

<sup>678</sup> *Ibid.*, p. 132.6.

view that the Mishnah was “inscribed” (haqqaquha).<sup>679</sup> The only text that can carry any contrary weight is the anonymous Karaite paraphrase published by Harkavy.<sup>680</sup> But the reference found there to trust in the written word (al-maktub), though singled out by Harkavy as conclusive proof that Sa’adya held the Mishnah to have been written down in the days of the Tannaim,<sup>681</sup> is unparalleled in any of the other texts here cited. Modern scholars have tended to take their cue from the less responsible Karaite versions. Thus Sa’adya’s Favourite Arabic term *itbat* has become an explicit reference to writing in the translations of Harkavy<sup>682</sup> and Malter,<sup>683</sup> and a similar change is made by Wieder in paraphrasing the Hebrew.<sup>684</sup> It is of course possible that Sa’adya expressed himself elsewhere in terms which would have justified all this, and that the Karaite was accurately reproducing the wording of some lost passage. But given the delicacy of the issue, we are not entitled to assume this.

§ 147 This silence of Sherira and Sa’adya on the writing of the Oral Torah cannot be taken to mean that the problem had not occurred to them. It was brought to their notice thanks to Karaite attacks on the authenticity of the Rabbanite oral Tradition. Salmon ben Yeruhim, a younger contemporary and virulent critic of Sa’adya, made great play of the inconsistency of the Rabbanites: they claimed that God had given them an Oral Torah, and yet against their own principles they had reduced this supposedly oral revelation to writing.<sup>685</sup> We can take it, then, that the Rabbanite silence was an embarrassed one: the major scholars of late Geonic Judaism had no explanation for the fact that a literary situation had come about that was in flagrant contradiction to the oralist principles enshrined in their heritage.

§ 148 If we seek to work back further into the Geonic period, the answers do not become any clearer. Let us concentrate for the present on the Talmud.<sup>686</sup> Our first testimony comes from the Seder tannaim veamoraim, a work which contains a dating equivalent to A.D. 884.<sup>687</sup> It falls into two sections. The first gives a history of the Rabbinic Tradition, and it makes no mention of the writing of the Oral Torah.<sup>688</sup> The second section is methodological, and at certain points it lets slip that the Talmud is now studied as a written document.<sup>689</sup>

§ 149 Working back from the late to the early ninth century, the polemic of the Babylonian Ben Baboi against the Palestinian Jews has two things to offer us. In the first place, he makes explicit reference to the existence of written texts of the Palestinian Talmud.<sup>690</sup> Secondly, he quotes an interesting statement of Yehudai Gaon, a Babylonian scholar who lived two generations before him:<sup>691</sup> “I have never answered a question on any matter about which you asked me unless it was one regarding which I had proof from the Talmud, and which I had learnt as *halakhah le-ma’aseh* [the law that is actually to be applied] from my teacher, and my teacher from his teacher; but if it was a matter concerning which I

<sup>679</sup> Salmon ben Yeruhim, *The Book of the wars of the Lord*, ed. I. Davidson, New York, 1934, p. 42, line 58 (= L. Nemoy, *Karaite anthology*, p. 74).

<sup>680</sup> Harkavy, *Studien*, p. 195.18; and cf. this author’s use of the verb *dawwana*, as in the phrase *tadwin al-Mishnah* (*Ibid.*, p. 195.4).

<sup>681</sup> *Ibid.*, p. 196 n. 12.

<sup>682</sup> *Ibid.*, p. 152.18.

<sup>683</sup> Malter, “Saadia studies”, p. 491, and still more n. 14 thereto.

<sup>684</sup> N. Wieder, *The Judaeen scrolls and Karaism*, London, 1962, pp. 232, 234.

<sup>685</sup> Salmon ben Yeruhim, *Book of the wars of the Lord*, pp. 38f (=Nemoy, *Karaite anthology*, pp. 74f).

<sup>686</sup> I regret that I do not know the dating of the oldest extant Talmudic manuscripts, presumably fragments from the Cairo Geniza.

<sup>687</sup> K. Kahan (ed. and trans.), *Seder Tannaim weAmoraim*, Frankfurt a.M., 1935, p. 7.3 = p. 3, § 4c (the dating is given in the eras of the creation and of the Greeks); but see X-XIII of the editor’s introduction, nothing that the work is likely to be composite.

<sup>688</sup> The closure of the Talmud is mentioned (*Ibid.*, p. 6.8= p. 3, § 4a), as is the ordering of the material by the Saboraim thereafter (*Ibid.*, p. 9.1 = p. 4, § 6c).

<sup>689</sup> Kahan, *Seder Tannaim weAmoraim*, pp. 28.1, 28.13, 29.5, 29.11 = pp. 12f, in items 60-68 of the methodological section. There are four instances, but in three of them variant readings are noted by the editor which either omit the reference to writing or substitute forms of the root ‘mr; later scribal alteration could of course account for the remaining one.

<sup>690</sup> See above, § 130, note 596.

<sup>691</sup> Yehudai was Gaon of Sura for three and a half years (Shehira, *Iggeret*, p. 107.7 (= trans. Rabinowich, p. 132)); on the basis of the chronological data supplied by Shehira for the other Gaons of Sura in this period, his tenure of the office can be dated around A.D. 760. Sherira mentions that he was blind.

had [only] proof from the Talmud, but no *halakhah le-ma'aseh* from my teacher . . . I did not answer you".<sup>692</sup> It seems a plausible inference that if the *halakhah le-ma'aseh* is something one has from one's teacher,<sup>693</sup> then the Talmud is something else, and plausibly - though not necessarily - a written text. But a plausible inference is a long way from an explicit statement.

§ 150 Let us turn now from the Talmud to the Mishnah.<sup>694</sup> As might be expected, no good evidence has been produced for the early writing down of the Mishnah.<sup>695</sup> This need not puzzle us, inasmuch as there is nothing inherently problematic about its oral transmission as a fixed text.<sup>696</sup> But we are left in the dark as to the date at which the Mishnah in fact became a written text.

§ 151 In a sustained attempt to establish the early writing down of the Mishnah, Epstein (who might be described as something of a Jewish Sezgin) advances several texts which he considers to attest this. The earliest witness to a written Mishnah is, in his view, the phrase "it is written in the Mishnah" which occurs once in the Seder Eliyahu rabbah.<sup>697</sup> Two points weaken this attestation. First, the phrase is isolated within this rather homogeneous work, in which the Mishnah is regularly cited as oral Tradition,<sup>698</sup> and may well be a scribal error under the influence of the immediately preceding citations of Scripture. Secondly, Epstein's argument turns on the dating of the work to the fifth century advanced by Mann; but the work could date from as late as the ninth century.<sup>699</sup>

The next attestation of a written Mishnah advanced by Epstein<sup>700</sup> is the placitum of the Toledan Jewish converts to Christianity, dating from A.D. 637.<sup>701</sup> In this document the converts promise to hand over all the writings (scriptures) in their synagogues, whether "authoritative", "traditional" (eas quas deuteris appellat), or "apocryphal". It is clear that we have here a reference to "traditional" texts of some kind in written form, but to identify them as the Mishnah in particular is arbitrary. Indeed, *scripturae* frequently has the sense of "Scriptures", a category to which the "authoritative" and "apocryphal" writings presumably relate, and all are found in the synagogues. The "traditional" writings are thus as likely to be texts of Targum as of Mishnah.

Epstein also adduces Justinian's Novella 146 of A.D. 553 as evidence of a written Mishnah.<sup>702</sup> But the context is the liturgical role of Scripture, so that the term *deuteris* can hardly refer to Mishnah; and more importantly, there is no indication that we have to do with written texts.<sup>703</sup>

Epstein's clearest Amoraic example of the writing of Mishnah is a projected responsum in which a phrase from the Mishnah was to be included.<sup>704</sup>

His evidence of divergent reading<sup>705</sup> is for the most part ambiguous as between written and oral transmission for the period in question.

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<sup>692</sup> L. Ginzberg, *Geniza studies*, New York, 1928-, II, p. 558.13.

<sup>693</sup> Elsewhere Ben Baboi, in extolling the Rabbis of Babylonia, speaks of the "*halakah le-ma'aseh* which is in their mouth, which they learnt from their teachers, and their teachers from their teachers, back to our teacher Moses" (B.M. Lewin, "Geniza fragments" (in Hebrew), *Tarbiz*, 2, 1930-1, p. 396.11; as Mann suggested, this passage seems to be a slightly interrupted continuation of that ending *Ibid.*, p. 403.5, see J. Mann, "Varia on the Gaonic period" (in Hebrew), *Tarbiz*, 6, 1934-5, p. 79).

<sup>694</sup> There are *Mishnah* fragments from the Cairo Geniza which have been dated not later than the ninth century, see P. Kahle and J. Weinberg, "The Mishna text in Babylonia", *Hebrew Union College Annual*, 10, 1935, p. 187. But the grounds for the dating are not given, and I do not know how this dating is now regarded, or what other material may have been found.

<sup>695</sup> Gerhardsson, *Memory and manuscript*, pp. 159f.

<sup>696</sup> Lieberman, *Hellenism in Jewish Palestine*, pp. 89-90.

<sup>697</sup> Epstein, *Mavo*, p. 702, citing Seder Eliyahu rabbah, ed. M. Friedmann, Vienna, 1902, p. 72.2.

<sup>698</sup> Cf. *Ibid.*, p. 72.6, and the passages cited at pp. 59f of Friedmann's introduction.

<sup>699</sup> See *Encyclopaedia Judaica*, art. "Tanna de-Vei Eliyahu".

<sup>700</sup> Epstein, *Mavo*, pp. 702f.

<sup>701</sup> J. Juster, *Les Juifs dans l'Empire romain*, Paris, 1914, I, p. 373, n. 6; full text in R. de Urena y Smenjaud, *La legislación gótico-hispana*, Madrid, 1905, pp. 573f.

<sup>702</sup> Epstein, *Mavo*, p. 698; see also Strack, *Introduction to the Talmud and Midrash*, p. 20.

<sup>703</sup> *Corpus iuris civilis*, ed. P. Krueger et. al., Berlin, 1954, III, p. 716.9; translation in P.E. Kahle, *The Cairo Geniza*, second edition, Oxford, 1959, p. 316.

<sup>704</sup> Epstein, *Mavo*, p. 701, citing Babylonian Talmud, Baba batra, f. 153a.24.

<sup>705</sup> Epstein, *Mavo*, pp. 703-6.

Unless we take the Toledan placitum to refer to the Mishnah, the earliest clear references to the Mishnah as a written text would seem to be the Muslim traditions on the Matnah. This would give us a terminus ante quem sometime in the early Islamic period. This does not, of course, tell us very much about the date at which the Mishnah was in fact written down.

§ 152 In contrast to all this, there exists a Geonic responsum which deals unflinchingly with the question of the writing of the Oral Torah. Here the Gaon, after quoting one of the Talmudic prohibitions, continues as follows: "Now that our mental powers are so diminished, and everyone needs to consult written texts (*nushe*), it is perfectly in order to do as we do, writing down laws, and he who learns from them does indeed receive a reward".<sup>706</sup> This statement stands out for its clear acceptance of writing. Yet characteristically it legitimates it as a concession to latterday human weakness, not as a practice desirable in itself. Unfortunately we do not have a firm date for this responsum; its editor was inclined to ascribe it to one or other of two Gaons of the mid-ninth century A.D.<sup>707</sup>

§ 153 It may accordingly be more fruitful to shift from a chronological approach to a structural one. As we have seen already, pre-Islamic Rabbinic Judaism was marked by a tendency to supplement memory with manuscript, but to relegate the latter to the private sphere. It would not be surprising if this double standard had persisted - to a greater or lesser degree - into the Geonic period, and there are indications that it may have done so. It seems that a scholar still had his "secret scroll",<sup>708</sup> and that the professional memorisers (*tannaim*) of the pre-Islamic period still played a significant role in academic life.<sup>709</sup> Indeed, recent studies tend to suggest that the establishment of a fixed wording for the text of the Talmud took place considerably later than has been thought: "at least until the ninth century the Talmud continued to be transmitted by way of loose oral recitation without being bound to a written text".<sup>710</sup> It is in a context of continuing ambivalence such as this that we would have to place the Muslim indebtedness to Rabbinic Judaism for which I have argued. This helps to suggest how the Muslims could at one and the same time have appropriated the oralist principles of the Rabbis while condemning their literary practice.

#### IV. Conclusion

§ 154 Oral Tradition is a phenomenon known from a diversity of places and times, and like many such phenomena it varies in character from case to case. One obvious distinction that can be made is between the unselfconscious oral Tradition of an illiterate or largely illiterate society on the one hand, and the selfconscious oral Tradition of a literate or largely literate society on the other. In the first category belong the folk Traditions of such peoples as the Irish or the Icelanders prior to the advent of Christian literacy - together, no doubt, with numerous folk Traditions which, like those of the English or the Slavs, failed for the most part to survive the onset of literate culture. In the second category

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<sup>706</sup> Weisz, "Seridim", p. 96, line 8; I owe the translation to Christine Hayes. For this responsum, cf. above, § 123, note 553; for the Talmudic passage echoed here, see above, § 123, note 544.

<sup>707</sup> *Ibid.*, p. 93.

<sup>708</sup> As in a passage by Hai Gaon (d. A.D. 1038) adduced by Ginzberg: "Thus wrote the former scholars (*rishonim*), each in his secret roll (*megillat selarim*), in which they recorded, for their own use, many teachings (*shemu'ot*) originating with the authorities of remotest times (*rishine rishinim*), who lived before Rabbi Yehudai" (L. Ginzberg, *Geonica*, New York, 1909, I. p. 74). The reference to Yehudai, though ambiguous, suggests that the passage relates to practice in the Geonic period.

<sup>709</sup> J. N. Epstein, *Der gaonaische Kommentar zur Ordnung Tohoroth*, Berlin, 1915, pp. 49f., cited by Gerhardsson, *Memory and manuscript*, p. 99 (for the *tannaim* in the Amoraic period, see *Ibid.*, pp. 93-9, and cf. p. 160). Note that we have here an oral source distinct from the mouth of one's teacher from which Yehudai might have received the Talmud (cf. above, § 149, and note 692).

<sup>710</sup> E. S. Rosenthal, "The history of the text and problems of redaction in the study of the Babylonian Talmud" (in Hebrew), *Tarbiz*, 57, 1987-8; the quotation is from the English abstract. My impression is that the author's literary analysis (which takes us close to the Muslim practice of transmission as described by Schoeler, see above, § 4, note 18) is rather convincing; but as he indicates himself, the basis for his chronological claim (cf. *Ibid.*, pp. 7f, 9) is less solid. For a similar approach and findings, see Y. Brody, "Sifrut ha-Geonim ve-ha-teqst ha-Talmudi", in Y. Sussmann and D. Rosenthal (ed.), *Mehqerei Talmud: Talmudic studies*, vol. 1, Jerusalem, 1990, especially pp. 240-4, 278-81 (I am indebted to Gideon Libson for sending me a copy of this article and to Nimrod Hurvitz for assistance with its content).

belong the scholastic Traditions of Rabbinic Judaism and of ancient India and Iran after the introduction of writing - together, if we trust Caesar's account, with that of the Druids. This distinction, though a rough and ready one, is easy enough to apply in most instances. It is somewhat complicated by the fact that in the cases of India and Iran it seems clear that we have to do with Traditions which were initially unselfconsciously oral, but survived as selfconscious oral Traditions after uniting had been introduced into the society on a significant scale - whenever exactly that may have been.<sup>711</sup> For all we know, this could also have been the case with the oral Tradition of the Druids, whereas it clearly was not so with Rabbinic Judaism. But that one thing can turn into another need not prevent us distinguishing between them.

§ 155 There was no such transition in the early Islamic period. This was, however, a context in which both kinds of oral Tradition were in play.

§ 156 Unselfconscious oral Tradition was represented by the folk Tradition of the pre-Islamic Arabs. In some form or other much of this was reduced to writing in the early Islamic period. Interesting comparative questions arise about both the content and the redaction of this material.<sup>712</sup> But given the Islamic endorsement of the Arabian identity,<sup>713</sup> it is no surprise that the Arabs should have been among the peoples who succeeded in recording their folk Traditions for literate posterity.

§ 157 Meanwhile a selfconscious oral Tradition was being brought into being by the Muslim traditionists within an already literate society. This was a more peculiar, not to say perverse, cultural project, and I have argued in this study that its adoption makes historical sense only as a residue of Rabbinic Judaism.<sup>714</sup> I have nothing further to add here about the origins of Muslim oralism, but there is something to be said about its demise.

§ 158 As oral Traditions go, the Muslim experiment was not particularly successful. The traditionists maintained it for something like a century, and then largely abandoned it bar the formalities. Why? The availability of writing in a literate society clearly constitutes a standing temptation for the would-be perpetuators of a scholastic oral Tradition. But we still have to explain why the Muslims succumbed so much sooner than the Indians or the Jews. The enormous increase in the volume of material to be transmitted is sometimes appealed to in explanation of the capitulation to writing.<sup>715</sup> But this is valid only on the assumption that everyone has to memorise everything.

§ 159 An alternative way to put the question might be the following: what does the comparative record suggest that the Muslims would have had to have done in order to maintain a successful oral Tradition down the centuries? My limited knowledge of other cultures suggests one example of what they did right, and two of what they did wrong.

§ 160 First, what they did right. A comparison of the Iranian and Indian cases teaches a clear lesson: unlike the text of the Vedas, that of the Avesta is in a state of confusion because it was transmitted for

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<sup>711</sup> For the argument that in the Indian case this was no earlier than the earliest surviving evidence of writing (which would take us to the third century B.C.), see von Hinuber, *Der Beginn der Schrift und frühe schriftlichkeit in Indien*.

<sup>712</sup> See Kennedy's discussion of the case of Arab genealogy in this volume.

<sup>713</sup> Even St. Patrick was only a British saint, not an Irish prophet.

<sup>714</sup> Why did Rabbinic Judaism adopt such a project in the first place? The Rabbinic texts are unhelpful as to the rationale for the hostility to writing, and the explanations advanced by modern Judaists accordingly tend to lack textual foundations (as noted in Schoeler, "Mündliche Thora", p. 225, citing Kaplan, *Redaction*, p. 265). In the absence of anything more solid, we might speculate along the following lines. The originators of the Rabbinic Tradition were the Pharisees, sectarians who were anxious to separate themselves from a wider society with which they shared a great deal – among other things, Scripture and language. In such a context, insisting on the oral transmission of their distinctive traditions was one way to counteract the porousness of the boundary separating them from their fellow-Jews: books can and do end up in the wrong hands, whereas only those who choose to participate and are allowed to do so receive oral instructions in such a milieu. The situation of the later Rabbis (as of the Muslim traditionists) was substantially different, so that on this hypothesis the oralism of the Rabbinic Tradition would appear as residual after, say, the first century A.D.

<sup>715</sup> Thus Schoeler, "Mündliche Thora", p. 221 (and cf. *Ibid.*, p. 218, on the Jewish case). Such a point of view is already found among the medieval Muslim scholars (see the Hatib's remarks in Taqiyi, p. 64.14, and 'Iyad, *Ilma*, p. 149.6).

long periods by people who did not understand what they were reciting. The Vedas are in a language no less archaic, and hence likely to be no less problematic for transmitters, than the Avesta; but the gap is bridged by an impressive philological apparatus of which the cornerstone is Panini's celebrated grammar of Sanskrit. The absence of such an apparatus among the Magians does much to account for the sorry state of the Avesta. Here the Muslim scholars clearly compare with the Indians rather than the Iranians: their philological apparatus of grammar and lexicography has been a significant factor in the accurate transmission of their Tradition.

§ 161 Now for what they did wrong. Indian culture offers two classic examples of the achievements of oral transmission. One is the Pali canon - the "scriptures" of Theravada Buddhism. What is impressive here is the quantity of the material transmitted rather than the quality of the transmission;<sup>716</sup> but the quantity is impressive - the Thai printing of the canon published in the 1920s occupies forty-five volumes. Are we then to imagine that each Buddhist monk memorised the entire canon? This seems unrealistic, even in a culture which made much of memorisation.<sup>717</sup> In fact, there are clear indications of a division of labour. There were monks whose particular business it was to recite and transmit texts; moreover these bhanakas were not individually responsible for the entire canon, but were assigned specific parts of it.<sup>718</sup>

§ 162 The other striking Indian example of the potency of oral transmission is the Rgveda of the Brahmins. Here quantity is less in play, and it is the quality of the transmission which is impressive.<sup>719</sup> The system has been described in detail as it exists today among the Nambudiri Brahmins of southern India.<sup>720</sup> In the first place, the Brahmin boy<sup>721</sup> are drilled in the memorisation of the text; memorisation, in other words, receives strong external reinforcement. Secondly, their memorisation is not confined to the straightforward recitation of the text: they recite with and without word junction, and in complicated permutative patterns, the effect of which is to immunise the text to the unthinking linguistic drift that so easily corrupts oral transmission.

§ 163 These Indian cases illustrate the kinds of things the Muslim traditionists would have had to have done to maintain an oral Tradition. What the Buddhist and Brahmin solutions have in common is a willingness to organise scholarship. Only within the framework of some kind of organisation of learning can a division of labour be instituted and formal drilling take place. By contrast, among the early Muslim traditionists it was everyone's business to memorise everything, while in the actual process of memorisation the traditionist was left on his own. Zuhri, for example, would wake up his slave-girl to repeat to her the traditions he had just heard; when she protested that they meant nothing to

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<sup>716</sup> Comparison of the Pali canon with what is extant of the canons of other Buddhist sects indicates very considerable divergences in the transmission of the same work, and it is clear that among the various Buddhist canons, the Pali version has no privileged position except by virtue of the extent of its survival (see E. Frauwallner, *The earliest Vinaya and the beginnings of Buddhist literature*, Rome, 1956; J. Brough, *The Gandhari Dharmapada*, London, 1962, pp. 26-34). The mnemonic powers of in-coming Buddhist monks get a mixed review in the Chinese record. Alongside some embarrassing lapses can be set the case of a monk whom the Chinese tested in A.D. 410 by setting him to memorise in three days a large volume of medical prescriptions and census data, which he subsequently recited without a single error (P. Demieville, "A propos du concile de Vaisali", *T'oung Pao*, 40, 1951, p. 245 n. 1, cited in von Hinuber, *Der Beginn der Schrift*, p. 11 n. 16).

<sup>717</sup> The idea of a monk knowing the whole canon by heart is not, however, unheard of. A celebrated Brahmin convert to Buddhism is reputed to have memorised it in three months (von Hinuber, *Der Beginn der Schrift*, p. 68). One text divides monks into three categories, of which the highest is expected to learn the entire canon (*Ibid.*, pp. 68-70).

<sup>718</sup> See K.R. Norman, Pali literature (= J. Gonda (ed.), *A history of Indian literature*, vol. VII, fasc. 2), Wiesbaden, 1983, pp. 8f, and cf. pp. 31f, 51, 112f. Compare the professional memorisers (*tannaim*) of Rabbinic Judaism (cf. above, § 153, note 709).

<sup>719</sup> See J. Gonda, *Vedic literature* (= id. (ed.), *A history of Indian literature*, vol. 1, fasc. 1), Wiesbaden, 1975, pp. 15-15, 43-5.

<sup>720</sup> See J. Staal, *Nambudiri Veda recitation*, The Hague, 1961, chapter 5.

<sup>721</sup> The norm among Brahmins is that boys embark on the memorisation of the Veda in their eighth year. As von Hinuber points out, this gives them a head start over Buddhist monks, for whom memorisation cannot begin before the age of fifteen (*Der Beginn der Schrift*, pp. 67f). The education of a Muslim traditionist thus resembles that of a Brahmin with respect to the Koran, but that of a Buddhist monk with regard to Tradition.

her, he explained that he understood, but that it helped him to fix the traditions in his mind.<sup>722</sup> The creation of the madrasa still lay far in the future, and when it came, the Muslim Tradition had long ago been reduced to writing. In the context of early Islam, one might say that the traditionists faced a choice: to embrace organisation or to abandon oral Tradition. Given the antipathy of early Islam towards academic regimentation, it is not surprising that the outcome was what it was. If the traditionists did not want to be organised, then giving up oral Tradition must be seen as something they did right.

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<sup>722</sup> Dahabi, *Siyar*, V, p. 334.1; Ibn 'Asakir, *Zuhri*, no. 103 (and cf. no. 67, where Zuhri's response is more churlish). The Kūfan Isma'īl ibn Raga' (fl. early second century) would gather schoolboys and recite his traditions to them in order not to forget them (Fasawi, *Ma'rifa*, II, p. 610.4).

Note: This study was finalised in the summer of 1993. References to works then forthcoming have been updated in proofs, but no new literature has been added.