

THE °UBĀDA B. AL-ŞĀMIT TRADITION AT THE CROSSROADS OF METHODOLOGY¹

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During the past few decades Western studies of the origin of Islam have made considerable advances in assessing sources which have long been considered a repository of exegetic, legal and historical material about the first centuries of Islam. Growing scepticism towards the Islamic foundation narratives and the traditional accounts of Islamic history undermined the notion that, unlike other religions, Islam “was born in the full light of history” and “its roots are on the surface” (A. Renan). The study of the first centuries of Islam has thus become the focus of clashing methodologies, often yielding conflicting accounts on how, when and where Islam emerged. While studying Muslim traditions (*ḥadīths*), Western Islamicists expressed varying opinions about reliability of lines of narrative transmission (*isnāds*), which, according to the traditional Muslim view, control the authenticity of the information included in the substantive part of the tradition (*matn*). One pole of the spectrum is represented by scholars who reject the link between the *isnād* and the *matn*. For them, the *isnād* is a fictitious authentication device that does not give any information about the historical development of the narrative. These scholars prefer to study the relationship between topically affiliated narratives, whence they derive information about the chronological development of the concepts conveyed by these narratives (literary analysis). The other part of the spectrum varies in the degree of acceptance of the *isnāds*. Nevertheless, these scholars generally agree that, provided certain methodological stipulations are met, a considerable part of the transmission line is authentic and correctly represents the ways through which the traditions were transmitted. With certain qualifications, the method of scholars who accept the *isnād* may be described as *isnād-cum-matn* analysis. In this article, I study the famous °Ubāda tradition dealing with the punishment for adultery and fornication (*zinā*). First, I follow the historical development of the tradition by means of literary analysis. Then I apply to the same tradition the principles of *isnād-cum-matn* analysis. Although different in their treatment of the *ḥadīth* material, the two approaches are shown as capable of yielding results that are not mutually exclusive.

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Introduction

During the past few decades, Western studies of Islamic origins made a considerable advance in assessing the sources that have for a long time been considered a repository of exegetic, legal and historical material about the first centuries after the Hijra (AH). Growing skepticism towards Islamic foundation narratives and the traditional accounts of Islamic history undermined the notion that, unlike other religions, Islam “was born in the full light of history” and “its roots are on the surface”.² The study of the first centuries of Islam became the focus of clashing methodologies that often yielded conflicting accounts on how, when and where Islam emerged on the historical scene. With skepticism cast over every aspect of early Islamic history as constructed by the traditional sources, the implications of the methodological debate during the past few decades have been predominantly negative. An important consequence of this debate has been the realization that a sound methodology for dating early Muslim traditions is needed.

In the course of the methodological debate, Western Islamicists expressed varying opinions about the epistemological value of the formal lines of narrative transmission, known as *isnāds*, which, according to the traditional Muslim view, control the authenticity of the information included in the substantive part of the tradition, known as *matn*. At one pole of the spectrum stand the scholars who dismiss the *isnāds* as fictitious authentication devices that do not carry tenable information about the origin and the ways of transmission of the *matns*, especially when they purport to link these *matns* to authorities from the first century AH.³ Instead of the *isnāds*, these scholars prefer to study the

² Ernest Renan, “Muhammad and the Origins of Islam,” in *The Quest for the Historical Muhammad*, edited and translated by Ibn Warraq (New York: Prometheus Books, 2000), 128–9.

³ The origin of this view goes back to J. Schacht’s division of the *isnād* into a “higher, fictitious part” that reaches back from the original promoter (N. N. or the Common Link in Schacht’s terminology) to a Companion or the Prophet; and a lower, presumably authentic, part, which extends from N. N. to the later collectors (Joseph Schacht, *The Origins of Muhammadan Jurisprudence* [Oxford: Clarendon Press, 1950], 171 ff). In terms of chronology, this means that “the evidence of legal traditions carries us back to about the year 100 AH only” (ibid., 5). N. J. Coulson tried to mitigate the implications of this conclusion by stating that there is no direct relationship between the authenticity of the *isnād* and the historicity of the tradition attached to it. While admitting that in their great majority the *isnāds* are fictitious, Coulson argues that “where ... the rule fits naturally into the circumstances of the Prophet’s community at Medina, then it should be tentatively accepted as authentic

relationship between topically-affiliated narratives, whence they derive information about the chronological development of the concepts conveyed by these narratives. The other part of the spectrum varies in the degree of acceptance of the *isnāds*. Nevertheless, these scholars generally agree that, provided certain methodological stipulations are met, a considerable part of the transmission line is authentic and

until reason for the contrary is shown” (Noel J. Coulson, *A History of Islamic Law* [Edinburgh: Edinburgh University Press, 1964], 70). John Wansbrough regarded the *isnād* as an exegetical embellishment that emerged by the end of the second century AH. (John Wansbrough, *Quranic Studies: Sources and Methods of Scriptural Interpretation* [New York: Prometheus Books, 2004], 179, 183) He rejected formal ascriptions to vindicating authorities as “pseudo-historical projections of a halakhic dispute” (John Wansbrough, *The Sectarial Milieu: Content and Composition of Islamic Salvation History* [New York: Prometheus Books, 1986], 81). The Schachtian paradigm clearly influenced one of Wansbrough’s closest followers, Andrew Rippin. In his view, “it would always have been possible, after all, for a later editor to add an *isnād* to an earlier authority in order to give validity. That is, of course, what happened with individual reports as found in all the *ḥadīth* collections; where an opinion is simply ascribed to a prominent scholar in an earlier text, in a later text an *isnād* is attached to the report, tracing the information back to one of the companions of Muḥammad and finally to Muḥammad” (Andrew Rippin, “*Tafsīr Ibn ‘Abbās* and Criteria for Dating Early *Tafsīr* Texts,” *JSAI*, 18 [1995], 61). Norman Calder raised to a new level the skepticism about the utility of the *isnāds* for the historical reconstruction of traditions. Unlike Schacht, who considered the traditions as having originated in the time of the Common Link (henceforth CL), Calder thought that the CLs had emerged as a result of mutual *isnād* criticism practised by later conflicting factions who sought to support their views and to impugn their opponents’ views by attributing traditions to commonly accepted early authorities via different lines of transmission (Norman Calder, *Studies in Early Muslim Jurisprudence* [Oxford: Clarendon Press, 1993], 235–41). More recently, Schacht’s theory found support in H. Berg’s study of exegetical traditions linked with Ibn ‘Abbās. After undertaking a statistical analysis of the stylistic devices employed by Ibn ‘Abbās’ purported students and comparing them with the corresponding devices found in the *Tafsīr* of al-Ṭabarī and his direct informants, Berg reaches the conclusion that “most, if not all, of the *ḥadīths* of my sample cannot have originated with Ibn ‘Abbās as their *isnāds* contend. Therefore, if neither Ibn ‘Abbās nor his students can be linked with these *isnāds*, I must conclude that the claims of the *isnāds* are false. At the very least, the first two (and most critical) links in the *isnāds* are incorrect” (Herbert Berg, *The Development of Exegesis in Early Islam: The Authenticity of Muslim Literature from the Formative Period* [London, New York: RoutledgeCurzon, 2000], 228).

correctly represents the ways through which the traditions were transmitted from their source of origin to the later recipients.⁴

In this essay I will apply both approaches to the ‘Ubāda b. al-Ṣāmit tradition,⁵ which deals with the punishment for adultery and fornication.⁶

⁴ Drawing on Schacht’s theory, G. H. A. Juynboll considers the CL as the person who invented the single strand between himself and the Prophet “in order to lend a certain saying more prestige” (G. H. A. Juynboll, “Some Notes on Islam’s First *Fuḡahā’* Distilled from Early *Ḥadīth* Literature,” *Arabica*, 39:3 [1992], 292). Unlike Schacht, Juynboll stipulates that in order to be historically tenable, the CL must be cited by a number of tradents (whom Juynboll terms Partial CLs [PCLs]), who, in order to be accepted as historically tenable PCLs, must have transmitted to a number of later transmitters or/and collectors (G. H. A. Juynboll, “Some *Isnād*-Analytical Methods Illustrated on the Basis of Several Woman-Demeaning Sayings from *Ḥadīth* Literature,” *al-Qanṭara*, 10:2 [1989], 352; idem, “Some Notes,” 293; idem, “Nāfi‘, the *Mawlā* of Ibn ‘Umar, and His Position in Muslim *Ḥadīth* Literature,” *Der Islam*, 70:2 [1993], 210–1; idem, *Encyclopedia of Canonical Ḥadīth* [Leiden and Boston: Brill, 2007], XIX [henceforth *ECH*]). In his reconstruction of the PCL and the CL variants, Harald Motzki assumes that single-strand *isnāds* both below and above the CL have a good chance of being authentic and may therefore serve as historical evidence. In Motzki’s view the *isnāds* should be read from “above” to “below”; that is, from the vantage point of the collector, not from the position of the alleged source of information. In such a case, it is easy to imagine that a collector would not cite all of his informants. His collection would rather include traditions he personally chooses from the bulk of the material known to him. The CLs, starting with the generation of Successors, should be considered as the first systematic collectors of traditions who, as a rule, received their traditions or parts thereof from the persons they name as their informants. Motzki points out that not all variant traditions that had once existed would have survived to our time, and not all students of a given teacher would have engaged in passing their teacher’s traditions to the following generations (Harald Motzki, “*Quo vadis, Ḥadīth*-Forschung? Eine kritische Untersuchung von G. H. A. Juynboll: “Nāfi‘, the *mawlā* of Ibn ‘Umar, and his position in Muslim *Ḥadīth* Literature,” *Der Islam*, 73:1–2 [1996], 45–54, 227; idem, “Dating Muslim Traditions: A Survey,” *Arabica*, 52:2 [2005], 217, 228–9, 238).

⁵ Throughout the article I will call the tradition at issue “the ‘Ubāda tradition,” although I realize that this term is rather loose. The tradition cannot be ascertained as going back to ‘Ubāda and therefore, strictly speaking, cannot be named after him. At times, I will use the phrase “dual-penalty maxim” and “penal maxim” to describe the specific part of the tradition that deals with the punishment for sexual transgressions. This part may also be described as “the prophetic dictum,” although, as we shall see, at the earliest stages of its development the tradition may not have been associated with the prophetic authority.

In addition to its importance for Islamic jurisprudence (*fiqh*), the °Ubāda tradition has considerable exegetical implications. It has a bearing on the issue of abrogation (*naskh*), the relationship between the prophetic tradition (*sunna*) and scripture, and by extension, on the concept of revelation (*wahy*). For a long time, these aspects have aroused the interest of Western students of Islamic exegesis and *fiqh*; the historical development of the °Ubāda tradition, however, remained fairly marginal to the topic of their studies.⁷ Although I cannot avoid discussion of the attendant exegetical and legal environment in the present article, it will serve mainly to facilitate the historical reconstruction of the °Ubāda tradition.

⁶ Muslim jurists employ the term *zinā* (also *zinā'*) to describe sexual transgression in general. With regard to the penalty for *zinā*, two categories of offenders (*zānⁱⁿ*, pl. *zunāt*) are distinguished by additional qualifications. These are the virgin *zānⁱⁿ*, known as *bikr*, and the non-virgin *zānⁱⁿ*, known as *thayyib*. A related *fiqhī* term is *iḥṣān*, which denotes the state of lawful marital relationship of a free person professing Islam. In this article, I will use the term “fornicator” and its cognates to designate the virgin transgressor (i.e. *bikr* or *al-ladhī lam yuḥṣan*), and the term “adulterer” and its cognates to designate the non-virgin transgressor (i.e. *thayyib* or *muḥṣan*).

⁷ John Burton has discussed the role of the °Ubāda tradition in the context of the abrogation (*naskh*) theory. He focused primarily on al-Shāfi'ī's elaborate theory that tries to reconcile the view that the Qur'ān and the *sunna* are self-subsistent sources of law with the fact that the °Ubāda tradition alters the Quranic ordinance for 100 lashes in a way tantamount to *naskh* (John Burton, “The Meaning of ‘Ihsan’,” *JSS*, 1 [1974], 47–75; idem, *The Sources of Islamic Law* [Edinburgh: Edinburgh University Press, 1990], 122–64; idem, “The penalty for adultery in Islam,” in *Approaches to the Qur'ān*, ed. G. R. Hawting and Abdul-Kader A. Shareef [London and New York: Routledge, 1993], 269–84). Albeit ostensibly historical, al-Shāfi'ī's approach derives from a legal fiction that has nothing to do with the actual history of the °Ubāda tradition. Patricia Crone has referred to the stoning penalty in general to elucidate the rupture between the Quranic ordinances and the laws enacted by means of *sunna* (Patricia Crone, “Two Legal Problems Bearing on the Early History of the Qur'ān,” *JSAI* 18 [1994], 15). Christopher Melchert has dealt with the °Ubāda tradition as part of his study of the Quranic abrogation during the third century AH, but, due to the thematic confines of his article, is not interested in the development of the °Ubāda tradition itself (Christopher Melchert, “Quranic Abrogation Across the Ninth Century: Shāfi'ī, Abū °Ubayd, Muḥāsibī and Ibn Qutayba,” in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss [Brill, 2002]).

Methodological criteria in the study of the ʿUbāda tradition

In the section devoted to textual analysis I will apply Wansbrough's exegetical typology.⁸ In addition, I will follow the unfolding of the *rajm* concept in the works of Muslim exegetes and jurists during the second and the third centuries AH. The degree of conceptual refinement will be decisive for the relative dating of the exegetical works that draw upon the penalty for *zinā*.⁹ Insofar as some of these exegetical works include *ḥadīth* material, they will make possible a chronological arrangement of the attending traditions, including those associated with ʿUbāda b. al-

⁸ Wansbrough has outlined five exegetical types: haggadic (narrative), halakhic (legal), masoretic (linguistic), rhetorical and allegorical (*Quranic Studies*, 119). Each exegetical type can be recognized by its almost invariable utilization of specific "explicative devices." Thus, haggadic exegesis typically employs anecdote, prophetic tradition and identification (*ibid.*, 141); halakhic exegesis makes use of the historicizing occasions of revelation (*asbāb al-nuzūl*), the thereto related theory of abrogation (*naskh*) and inductive analogy; (*ibid.*, 170–202; Rippin disagreed with Wansbrough about the function of occasions of revelation. According to Rippin this exegetical type is haggadic in both function and origin [Andrew Rippin, "The Function of *Asbab al-Nuzul* in Quranic Exegesis," in *The Quest for the Historical Muhammad*, edited and translated by Ibn Warraq (Amherst, New York: Prometheus Books, 2000), 392–419]); while masoretic exegesis is characterized by the use of periphrasis, lexical and grammatical explanation, deductive textual analogy and derivation of linguistic evidence (*loci probantes*) from the vast pool of the Arabic poetry and, at times, from the customary use (*usus loquendi*) (*Quranic Studies*, 202–27, especially 226). Occasionally, explicative devices characteristic of one exegetical type may encroach upon another type, but this usually signals a later intrusion. The exegetical types (and their respective explicative devices) "exhibit a minimal overlapping" and, according to Wansbrough, "might almost be chronologically plotted" (*ibid.*, 119).

⁹ Schacht has studied polemical traditions with the aim of establishing their chronology. According to Schacht, "[c]ountertraditions are of course later than the doctrine and practice which they are meant to rebut" (*Origins*, 152). With slight modifications concerning the issue of the tradition's *Sitz im Leben*, this principle was accepted by Coulson. He states that "[w]here the legal rule enunciated clearly represents an advanced stage in the development of doctrine, or where it concerns problems which cannot have faced Muslim society until well after the death of the Prophet, the presumption of falsehood is overwhelming" (*History*, 70). Beside the polemical use of a certain tradition, the conceptual elaboration of the doctrine expressed thereby may also serve as an important chronological indicator. The latter approach has been applied by Melchert in his study of the abrogation in several third/ninth-century works ("Qur'ānic Abrogation").

Ṣāmit. Consequently, this chronology will be compared with the dating based on *isnād-cum-matn* analysis.

In a further section I will analyse the °Ubāda tradition by means of *isnād-cum-matn* analysis. In addition to the well-known tenets of this method,¹⁰ I will apply several additional criteria that allow for more terminological and methodological precision.

For the sake of clarity, I distinguish between the key figure and the Common Link (henceforth CL).¹¹ Gautier Juynboll did allude to this difference,¹² but I shall state it in more definite terms. The key figure is any transmitter in the *isnād* bundle at whose level the *isnād* branches to several other transmitters. The CL is the earliest key figure who *can be proven* to have circulated a given tradition.¹³ The PCL is any key figure

¹⁰ One of the earliest applications of *isnād-cum-matn* analysis may be traced to Josef van Ess who studied the *matns* of exegetical traditions in conjunction with their *isnāds* (Josef van Ess, *Zwischen Ḥadīṭ und Theologie. Studien zum Entstehen prädestinationischer Überlieferung* (Berlin, New York: Walter de Gruyter, 1975). Subsequently, G. Schoeler and H. Motzki took advantage of van Ess' method, which they applied in the field of *sīra* and legal traditions (Gregor Schoeler, *Charakter und Authentie der muslimischen Überlieferung über das Leben Mohammeds* [Berlin–New York: Walter de Gruyter, 1996], augmented and translated into English as Gregor Schoeler, *The Biography of Muḥammad: Nature and Authenticity*, transl. Uwe Vagelpohl, ed. James E. Montgomery [New York and London: Routledge, 2011; Motzki, “*Quo vadis*”).

¹¹ The CL is identifiable when the variants of a single tradition are collated in a graphical diagram. In such a diagram, which may comprise scores of *isnāds*, the CL is the transmitter at whose level the *isnād* branches out into several strands. Juynboll contributed immensely to the elaboration of the CL theory (See Juynboll, “Some *Isnād*-Analytical Methods”; idem, “Some Notes”; idem, “Nāfi°”; idem, *ECH*).

¹² Juynboll, “Nāfi°,” 210, 212, 214, 226–7; *ECH*, xx–xxii; Andreas Görke uses the terms “key figure” and “common link” synonymously (Andreas Görke, “Eschatology, History and the Common Link: A Study in Methodology,” in *Method and Theory in the Study of Islamic Origins*, ed. Herbert Berg [Leiden and Boston: Brill, 2003], 179–208, especially 198).

¹³ Three different explanations of the CL phenomenon have been advanced since Schacht coined that term. According to Juynboll, the CL is the person who invented the single-strand *isnād* back to the Prophet “in order to lend a certain saying more prestige”. Consequently, “the historicity of transmissions represented in an *isnād* bundle starts being conceivable *only after* the spreading out has begun, namely at the cl level, and *not before* that” (Juynboll, “Some *Isnād*-Analytical Methods,” 353). According to Motzki, the CL is the first major collector of traditions and, therefore, the CL tradition is older than the CL himself (Motzki,

above the level of the CL who *can be proven* to have transmitted a variant of the CL tradition. At first sight, the oldest key figure in the *isnād* bundle may appear as the CL of the tradition. Such an impression, however, is often misleading, and the oldest key figure turns out to be a seeming CL (henceforth, SCL). In such a case there is a chance to locate the real CL above the tier of the SCL. A comparison between the substantive part (*matn*) and the formal part (*isnād*) of a tradition; that is, *isnād-cum-matn* analysis, helps us to determine whether a key figure is a historically tenable CL/PCL.

Matn consistency is a main issue in the *isnād-cum-matn* analysis. Corresponding literary motifs and partial overlap of narrative fragments have been sufficient for a number of researchers to consider traditions as sharing a common origin.¹⁴ While such an approach is rewarding in the field of historical traditions, which have come to us in the form of larger narratives, the same does not necessarily apply to legal traditions. Many of them are characterized by a neat juristic style, and, apart from the occasional ‘historical’ adornment, often consist of short legal pronouncements. It should be noted that in the course of the *isnād-cum-matn* analysis, the attempted reconstruction of the older variants is based on *ḥadīth* collections that were composed mainly in the third century AH and often reached us through even later recensions. As a result, one may reconstruct approximate PCL variants, which are then used for the reconstruction of the base CL version. Undoubtedly the most important methodological implication of this procedure is that the deeper the attempted reconstruction, the more tentative are its results. To minimize methodological arbitrariness, I will consider as belonging to a CL/PCL

“*Quo Vadis*,” 45, cf. idem, “Dating,” 238–42). Without explicitly referring to the CL, Schacht pointed to the scenario where traditions and counter traditions are ascribed to the same main authority (*Origins*, 155 ff). Calder has refined this argument and explained the CL as the figure to whom a number of later authorities, who were engaged in a process of mutual *isnād* criticism, ascribed a certain tradition (*Studies*, 235–41). In the latter case the CL has nothing to do with the circulation of the tradition, which is the work of later traditionists. (For a review of the CL definitions, see A. Görke, “Eschatology, History and the Common Link,” 188–90).

¹⁴ Schoeler, *Charakter und Authentie*; Harald Motzki, “The Murder of Ibn Abī l-Ḥuqayq: On the Origin and Reliability of Some *Maghāzī*-Reports,” in *The Biography of Muḥammad: The Issue of the Sources*, ed. Harald Motzki (Leiden, Boston and Köln: Brill, 2000), 170–239; Jens Scheiner, *Isnād-cum-matn* -Analyse und historische *ahbār*: Überlieferungs- und Ereignisgeschichte am Beispiel der Eroberung von Damaskus,“ Ph.D. thesis, Nijmegen (2009).

only those *matns* which exhibit a limited degree of structural instability, which may be attributed to the peculiarities of the transmission process, rather than to polygenesis. Larger narratives, which underwent an apparent process of fictionalization, will be compared with one another with the aim of removing later fictional accretions¹⁵ and, consequently, of distilling a meaningful narrative core.¹⁶ This approach, albeit not conducive to restoring what might seem to be an early narrative perhaps going back to the first century AH or to the time of the Prophet, will allow me, to some extent, to avoid epistemological uncertainty while reconstructing the hypothetical CL versions from the versions of their PCLs. In my *isnād-cum-matn* analysis, I shall account for the following possible *isnād* configurations in their correlation with the *matns*:

1. An *isnād* cluster in which only single strands branch from the key figure (i.e. ‘a spider’ according to Juynboll’s terminology). In this case I will follow Juynboll’s skeptical approach; the key figure is not a historically tenable CL but a seeming CL (SCL). The *matns* provided by the collectors sitting at the top of each spider leg may either concur or

¹⁵ Fictionalization does not necessarily preclude authenticity. Fictional elements may be attached to a non-fictional narrative that refers to actual facts. By introducing temporal or spatial indicators and grammatical delimiters, the narrator constructs a plot consisting of more or less easily identifiable sections of acting. In Islamic legal traditions, one notices distinct layers of fictionalization signalled by the introduction of details relating to specific locations, historical periods, actors and their emotional states and attitudes. In some cases, I will divide the tradition into consecutively numbered clauses that reflect either fictionalization or the non-fictional activity of linguistic elucidation and legal amendment. On fictionalization in the Islamic tradition, see Sebastian Günther, “Fictional Narration and Imagination within an Authoritative Framework: Towards a New Understanding of Ḥadīth,” in *Story-Telling in the Framework of non-Fictional Arabic Literature*, ed. Stefan Leder (Wiesbaden: Harrassowitz, 1998). Although he does not use the term ‘fictionalization’, Schoeler, following Noth, also speaks of a process of modification or reshaping (‘Veränderungs-’ oder ‘Umgestaltungsprozess’) in the course of which *topoi*, bias and stylization affect the base narrative (*Charakter und Authentie*, 11–12, 166).

¹⁶ The narrative deficiency of the reconstructed CL versions has been highlighted by Melchert, who points out that, “Motzki talks of identifying a kernel of historical truth, but if that is taken to be whatever element is common to his multiple versions, it seems to be normally so small as to be virtually worthless.” (Christopher Melchert, “The Early History of Islamic Law,” in *Method and Theory in the Study of Islamic Origins*, ed. Herbert Berg [Leiden and Boston: Brill, 2003], 303).

vary to different degrees. If they concur, the spider is always a suspect of *isnād* proliferation. If they disagree, one can say little or nothing about the wording of the hypothetical CL tradition. Neither can one detect the those who altered the *matns*, as the possibilities multiply proportionally to the number of the spider legs and the intermediate links between the SCL and the collectors.

2. An *isnād* cluster with one historically tenable PCL and one or several single-strand *isnāds* branching from the key figure. Even if the single strands carry (almost) identical *matns* that resemble the PCL's *matn*, such evidence may only with qualifications be accepted as a proof of the key figure's being a CL. An *isnād* cluster in which the key figure is followed by two historically tenable PCLs and one or several single-strand *isnāds*. If the PCLs and the single strand *isnāds* concur in their *matns*, we may accept that the key figure referred to by the PCLs and the single strands is a CL.

3. An *isnād* cluster in which the key figure is followed by three or more historically tenable PCLs. In such obvious cases one does not need the evidence of the single strands for reckoning the key figure as the actual CL of the tradition.

Admittedly, the last scenario is rare and, apart from the spider structures, we are usually left with scenarios "b" and "c". This leads to a degree of epistemological uncertainty. Clearly, the study of early Muslim tradition cannot be described in pedestrian explicative schemata. To avoid simplicity, I shall temper the above scheme with an important qualification. If a key figure is quoted directly by a Collector (henceforth, CR), that is to say, by the compiler of an extant *ḥadīth* collection, chronicle or biographical lexicon, such an unmediated single-strand quotation enjoys, unless proven otherwise, every chance of being an authentic representation of the relationship between the CR and his immediate informant.¹⁷ It should not be automatically dismissed as, say,

¹⁷ Scheiner has used a similar criterion for assessing Muslim historical traditions about the conquest of Damascus. According to him, if a tradition is found in a certain collection, then it is safe to conclude that the tradition in question is at least coeval with the collection in which it appears (*Isnād-cum-matn –Analyse und historische aḥbār*, 15). This approach has its antithesis in the assumption that the absence of a tradition in a certain collection means that the tradition in question was not known to the collection's compiler and, most probably, to his colleagues in the same regional center. Such an assumption, which goes to Schacht's famous principle that a tradition cannot be proven to have existed in a certain time if it was not used as a polemical argument in a legal dispute, was applied by Juynboll (G. H.

part of a spider before its *matn* is compared with the other *matns* that pass through the same key figure. If a sufficient degree of overlap is established, the evidence of the CR inevitably increases the degree of certainty. The greater the number of CRs who quote a key figure, the stronger the chances of that key figure's being a CL/PCL.

Reference to Islamic biographical lexica (*kutub al-rijāl*) has been seen as a rewarding part of the *ḥadīth* analysis.¹⁸ Despite its exhaustive contents, the *rijāl* corpus should be treated with caution. Most of the synoptic *rijāl* dictionaries, as those composed by al-Khaṭīb al-Baghdādī (d. 463/1071), Ibn ʿAsākir (d. 571/1176), al-Mizzī (d. 742/1341), al-Dhahabī (d. 747/1374) and Ibn Ḥajar (d. 852/1449), were produced long after the *isnād* had been established as an authentication device. Tedious listing of informants—both to and from a certain transmitter—leaves an impression that late *rijāl* critics recovered names through a retrospective review of the *isnāds*. Although this approach may have enriched their biographical collections with numerous names of alleged early *ḥadīth* transmitters, one doubts the appropriateness of such deduction. Its value is impaired by the possible errata in the manuscripts from which the names had been transcribed and by the inevitable inclusion of either dubious or fictitious *isnāds* as a basis of deductive exercises. To rely on the (repetitive) evidence of the biographical literature in the case of the numerous barely known tradents, who appear with notable frequency in the single strand *isnāds* both below and above the early CLs, is tantamount to circular reasoning.¹⁹ Therefore, when consulting the *rijāl*

A. Juynboll, *Muslim Tradition* [Cambridge: Cambridge University Press, 1983], 96–134), but rightly criticized by Motzki for drawing conclusions from silence (“Dating,” 214–9, especially 218).

¹⁸ Such references have been extensively used by J. van Ess in *Zwischen Ḥadīth und Theologie*. See also Juynboll, *Muslim Tradition*, 161–218. In his later research Juynboll cautioned against credulous acceptance of the numerous *fulāns* populating the single-strand *isnāds*. According to his criteria, only those master–pupil relationships should be trusted that are attested in a sufficiently large number of *isnād* bundles (“Early Islamic Society,” 156–7).

¹⁹ According to H. Berg’s remark, “biographical materials ... were produced symbiotically with the *isnāds* they seek to defend.” (*Development*, 26) This view has been criticized by H. Motzki, who maintains that, “Berg’s claim that the biographical materials were produced symbiotically with the *isnāds* and that the two sources are not independent has not been substantiated by him or anyone else until now and it is certainly questionable in its generalization.” (Harald Motzki, “The Question of the Authenticity of Muslim Traditions Reconsidered: A Review Article,” in *Method and Theory in the Study of Islamic Origins*, ed. Herbert Berg

literature caution is in order. It is preferable to look for information in the earliest available sources, notably in the *rijāl* books produced by contemporaries and near-contemporaries.

The early development of the stoning concept: an analysis of the narrative content

Between the end of the first century and the middle of the second century AH, a number of Muslim exegetes discussed the sources of the penalty for sexual transgression. Their commentaries focused on Qurʾān 4:15–6²⁰ and 24:2,²¹ with the concept of abrogation (*naskh*) and the prophetic *sunna* playing an increasingly important role in the elucidation of the Quranic norms. By referring to *naskh* and *sunna*, the exegetes sought to justify the legal requirement for punishing the adulterers with *rajm*, a penalty never mentioned in the received text of scripture. A concomitant process was the split of the generic term *zān^m* (fem. *zāniyat^m*) into two separate categories of sexual offenders with respect to the diversified penalty for adultery and fornication. The exegetical discussion of *rajm*, which I follow in the present chapter, is of great import for the chronological ordering of the respective material, including the ʿUbāda tradition.

To the best of my knowledge, the earliest Quranic commentary that discusses the penalty for *zinā* is the *Tafsīr* attributed to Mujāhid b. Jabr

[Leiden and Boston: Brill, 2003], 214). Motzki may have disregarded an important report according to which al-Bukhārī would look into the books of every Bukharan who came to him from Iraq and would add to his *rijāl* dictionary, often mistakenly, any name he did not know or hadn't in his books (Christopher Melchert, "Bukhārī and Early Hadīth Criticism," *JAOS*, 121:1 [2001], 10, quoting Abū ʿAlī Šāliḥ b. Muḥammad).

²⁰ (15) *Wa-l-lāṭi yaʿtīna l-fāhishat^f min nisāʾi-kum fa-stashhidū ʿalay-hinna arbaʿat^m min-kum fa-in shahidū fa-amsikū-hunna fi l-buyūt ḥattā yatawaffā-hunna l-mawt^u aw yajʿala l-lāh^u la-hunna sabīl^m*. (16) *Wa-l-ladhāni yaʿtiyāni-hā min-kum fa-ādḥū-huma fa-in tābā wa-aṣlahā fa-aʿriḍū ʿan-humā inna l-lāh^u kāna tawwāb^{an} raḥīm^{an}*: (15) And those of your women who commit abomination, call four of you to witness against them, and if they witness, then detain them in their houses until death takes them or Allāh appoints for them a way. (16) And when two [masculine dual] of you commit abomination, punish them both, but if they repent and amend, then leave them; Allāh is forgiving and all-compassionate.

²¹ *Al-zāniyat^f wa-l-zānī fa-jlidū kull^a wāḥid^m min-humā miʿat^f jaldat^m...*: The female sexual transgressor and the male sexual transgressor, flog each one of them a hundred lashes...

(d. 100–4/718–22).²² However difficult it may be to recognize the text as Mujāhid's,²³ one may easily notice the narrative (*haggadic*) character of his commentary *ad* Q. Qur'ān 4:15–6. Mujāhid confines his exegesis to paraphrases by which he explains that *fāhisha* (abomination) means *zinā* (although a specification cannot be excluded here) and interprets *al-sabīl* (way) as an unspecified *ḥadd*²⁴ (a punishment for the transgression of Allāh's ordinances); but he stops short of explicitly mentioning flogging and stoning. Unlike Mujāhid, his contemporary al-Ḍaḥḥāk (d. 105/723) specifies the way mentioned in Qur'ān 4:15 as both *ḥadd* and *al-jald aw al-rajm*.²⁵ The latter qualification, which Mujāhid intertwines with the concept of *naskh*, may represent a halakhic distortion of the narrative, and may, therefore, have been ascribed to al-Ḍaḥḥāk by a later transmitter. A similar halakhic leaning is observed at the end of Mujāhid's commentary *ad* Qur'ān 4:15–6. Mujāhid's statement that Qur'ān 4:16 was abrogated by Qur'ān 24:2 (*nasakhat-hā*) may have resulted from a subsequent interpolation. Neither Mujāhid nor his redactor is troubled by the fact that the abrogating verse (Qur'ān 24:2) applies to all categories of *zinā*. As a result, no reference is made to the prophetic *sunna* as a possible solution to the apparent contradiction.

Muqātil b. Sulaymān (d. 150/767) states that the ordinance of Qur'ān 4:15 was abrogated by Qur'ān 24:2 (*fa-nasakha l-ḥadd^u fī sūratⁱ l-nūr al-*

²² Mujāhid b. Jabr, *Tafsīr*, ed. Muḥammad °Abd al-Sallām Abū al-Nīl (1st ed., Maḍīnat Naṣr [Cairo]: Dār al-fikr al-islāmī al-ḥadītha, 1989/1410), 269–70.

²³ Mujāhid's commentary has reached us through the recension of the Meccan *qadarī* Ibn Abī Najīh (d. 131–32/748–49) (*GAS*, 1:29; Josef Van Ess, *Zwischen Hadīth und Theologie*, 78), which should have been committed to writing only towards the middle of the second century AH (Claude Gilliot, “Kontinuität und Wandel in der ‘klassischen’ islamischen Koranlegung [II./VII.–XII./XIX. Jh.],” *Der Islam*, 85:1 [2009], 7–8). Al-Ṭabarī cites Mujāhid on numerous occasions (Heribert Horst, “Zur Überlieferung im Korankommentar at-Ṭabarīs,” *ZDMG*, 103 [1953], 296–8). As shown by Stauth and Leemhuis, the extant manuscript attributed to Mujāhid is neither a source for, nor an extract from, al-Ṭabarī (*ET²*, s.v. “Muḍjāhid b. Ḍjabr al-Makkī” [Andrew Rippin]).

²⁴ Al-Ṭabarī prefers to explicate Mujāhid's term as *al-ḥadd al-mafrūd* (al-Ṭabarī, *Jāmi^c al-Bayān °an Ta^wl Āy al-Qur'ān*, 26 vols., ed. °Abd Allāh b. °Abd al-Muḥsin al-Turkī [1st ed., Cairo: Hajar li-l-Ṭibā^ca wa-l-Nashr wa-l-Tawzī^c wa-l-I^clān, 1422/2001], 6:504).

²⁵ Al-Ḍaḥḥāk, *Tafsīr*, 2 vols., ed. Muḥammad Shukrī Aḥmad al-Zawīyī (Cairo: Dār al-Salām, 1419/1999), 1:278.

ḥabs^a fī l-buyūt).²⁶ He bases his exegesis on a multilevel paraphrastic explanation of smaller or larger segments of the Quranic verses. *Ad* “*Wa-l-lātī ya³tīna l-fāḥishat^a min nisā³-kum*” (And those of your women who commit abomination) Muqātil comments: “(1) *ya^cnī l-ma^cṣiyat^a*, (2) *wa-hiya l-zinā*, (3) *wa-hiya l-mar³at^u l-thayyib taznī wa-la-hā zawj*” ([1] that is a disobedience, [2] and it is *zinā*, [3] and it is *zinā* committed by a woman who has a legally consummated marriage and who has a husband). Behind this series of glosses, it is easy to note the gradual development of the understanding of *fāḥisha* (abomination), which is understood as (1) a disobedience of the divine law; (2) a sexual transgression in general; and (3) a specific sexual transgression (adultery). Varying connectives (*ya^cnī/wa-hiya/wa-hiya*) signal an interpolation, whereby clause 1, which employs paraphrasis, is glossed by clauses 2 and 3, which are based on specification (*takhṣīṣ*), which effectively narrows the meaning of the terms used in each preceding clause.

It is the device of *takhṣīṣ* that allows Muqātil to maintain that the pronominal subjects in Qur³ān 4:15 and 4:16 refer respectively to [female] adulterers (*al-mar³at^u l-thayyib taznī wa-la-hā zawj*) and fornicators [from both sexes] (*thumma dhakara l-bikrayni l-ladhayni lam yuḥṣanā*). The application of *takhṣīṣ*, a characteristically halakhic device,²⁷ marks the point whence Muqātil’s commentary departs from that of Mujāhid. Whereas Mujāhid mentions abrogation only in passing, Muqātil’s *tafsīr ad Qur³ān 4:15–6* ends in a halakhic exposition devoted to *naskh*.

Muqātil opens his deliberation with a statement that Qur³ān 24:2 was revealed about fornicators (*thumma anzala l-lāh^u fī l-bikrayni*). The commentator makes his point by specifying *al-zāniya wa-l-zānī* in the opening section of Qur³ān 24:2 as *bikrayni*. Due to this semantically narrowing shift, Qur³ān 24:2 now abrogates specifically Qur³ān 4:16, whose ordinance Muqātil confines to fornicators. This, however, contradicts Muqātil’s already mentioned statement that Qur³ān 24:2 abrogates Qur³ān 4:15. Alternatively, Muqātil may have meant that Qur³ān 24:2 abrogates both Qur³ān 4:15 and 4:16. Such a conclusion, however, would entail that both categories of offenders are punished by flogging, thus putting into question the appropriateness of Muqātil’s differentiation between adulterers and fornicators.

²⁶ Muqātil b. Sulaymān, *Tafsīr*, ed. Aḥmad Farīd, 3 vols. (Beirut: Dār al-Kutub al-‘Ilmiyya, 2003/1424) 1:220 *ad Qur³ān 4:15–6*.

²⁷ J. Wansbrough, *Quranic Studies*, 191; cf. John Burton, *Sources*, 138–9.

Having stated that Allāh revealed Qurʾān 24:2 specifically about the fornicators (*thumma anzala l-lāh^u fī l-bikrayni* “*Fa-jlidū kull^a wāḥidⁱⁿ min-humā miʾat^a jaldatⁱⁿ*”...), Muqātil continues with a grammatically awkward clause: “...*fa-n-s-khat hādhi-hi l-āyat^u l-latī fī-l-nūr* ‘*al-zāniya wa-l-zānī fa-ajlidū kull^a wāḥidⁱⁿ min-humā miʾat^a jaldatⁱⁿ*’.” The verb *n-s-kh* may be read in the active voice (*nasakhat*) or in the passive voice (*nusikhat*). The active voice implies that Qurʾān 24:2 (in which Muqātil specifies *al-zāniya wa-l-zānī* as *bikrayni*) abrogated something, which, given the absence of an accusative object, remains unclear (i.e. the text is understood as, “This verse, which is in Sūrat al-Nūr, that is, ‘The female sexual transgressor and the male sexual transgressor, flog each one of them a hundred lashes’, abrogated [something]”).

The passive voice removes the semantic deficiency by making Qurʾān 24:2 an object of abrogation (i.e. “This verse, which is in Sūrat al-Nūr, that is: ‘The female sexual transgressor and the male sexual transgressor, flog each one of them a hundred lashes’, was abrogated”). The abrogation is effected by means of the prophetic *sunna*:

1. *Fa-lammā amara l-lāh^u ʿazza wa-jalla bi-l-jald*
2. *qāla l-nabī, ṣalʿam: Allāh^u akbar, qad jāʿa l-lāh^u bi-l-sabīl*
3. (a) *al-bikr^u bi-l-bikrⁱ jald^u miʾatⁱⁿ wa-nafy^u sanatⁱⁿ*, (b) *al-thayyib^u bi-l-thayyibⁱ jald^u miʾatⁱⁿ wa-rajm^{un} bi-l-ḥijāra*.

1. When Allāh the Almighty, the Exalted ordained flogging,
2. The Prophet, may Allāh bless him and grant him peace, said: “Allāh has come with the way”
3. (a) A virgin with a virgin [punish them with] one hundred strokes and a year’s banishment, (b) A non-virgin with a non-virgin [punish them with] one hundred strokes and stoning

By mentioning the divine order for flogging, clause 1 apparently invokes the *jald* verse (The female sexual transgressor and the male sexual transgressor, flog each one of them a hundred lashes [Qurʾān 24:2]). It should be immediately recalled, however, that the reference to Qurʾān 24:2 is equivocal. It may be considered either as abrogating specifically Qurʾān 4:16, because Muqātil has already stated that both verses are devoted to virgin offenders; or as abrogating Qurʾān 4:15, because Muqātil has also stated that the verse in Sūrat al-Nūr abolishes the requirement for detainment (i.e. Qurʾān 4:15). The contradiction is removed by means of the prophetic *sunna* (clauses 2 and 3). The use of *sabīl* in clause 2 signals a chronological and substantive dependence on the *ḥabs* verse (Qurʾān 4:15). To justify the stoning of the adulterers, Muqātil introduces the sunnaic requirement for a dual penalty for each

category of sexual offenders (clause 3). Thus he establishes a hierarchical relationship between the case of the adulterers (Qurʾān 4:15), the abrogating verse (Qurʾān 24:2) and the abrogating *sunna*, which imposes on the adulterers the dual penalty of flogging and stoning.

While referring to the *sunna*, Muqātil disregards the ensuing notion that the prophetic practice now abrogates the scriptural ordinance, which, it should be recalled, does not mention stoning. Nor does he consider explicitly the possibility of a single penalty for adultery.

The halakhic ending of Muqātil's commentary *ad* Qurʾān 4:15–6 and the contradictory relationship between Qurʾān 4:15–6 from one side and Qurʾān 24:2 from another side most likely signal editorial intrusions in the original narrative. The paraphrastic exposition at the beginning of the commentary reflects an early stage of exegetic development, but is not free from apparent interventions. Most notably, the identification of the pronominal subjects in Qurʾān 4:15 as female adulterers, and in Qurʾān 4:16 as fornicators from both sexes is a result of a development that postdates Muqātil by at least a century.²⁸ The multiple levels of *takhsīṣ* and the discussion of *naskh* also seem foreign to what would have been Muqātil's original narrative.

In his treatise on abrogation (*al-Nāsikh wa-l-Mansūkh*) Abū ʿUbayd (d. 224/839) adduces a number of traditions treating the abrogation of Qurʾān 4:15–16. He opens the chapter *Al-ḥudūd wa-mā nusikha min-hā* with two Companion traditions attributed to Ibn ʿAbbās.²⁹ Unlike the halakhic parts of Muqātil's commentary, the Ibn ʿAbbās traditions do not specify the pronominal subjects in Qurʾān 4:15 and 4:16 as respectively adulterers and fornicators. Nor do they translate *al-zānī* and *al-zāniya* in Qurʾān 24:2 as *bikrayni*. The only notable distinction is drawn between female and male offenders (*al-marʾa*; *al-rajul*) as clearly indicated by the specific pronominal and verbal forms.

Like Muqātil, Abū ʿUbayd first points out that Qurʾān 24:2 abrogates both Qurʾān 4:15 and 4:16, and then resorts to the prophetic *sunna* to specify the punishment for adultery. In his commentary *ad* Qurʾān 24:2, Ibn ʿAbbās has reportedly expressed the opinion that the *sunna* provides a legal basis for the stoning of adulterers (*wa-in kānā muḥṣanayni rujimā*

²⁸ To the best of my knowledge, this distinction will not recur in the exegesis of Qurʾān 4:15–6 before the *Tafsīr* of al-Ṭabarī (d. 310/922) (al-Ṭabarī, *Jāmiʿ*, 6:493, 499–500).

²⁹ Abū ʿUbayd, *al-Nāsikh wa-l-Mansūkh*, ed. Muḥammad b. Šāliḥ al-Mudayfir (Riyadh: Maktabat al-Rushd, 1411/1990), 132, nos. 238–9.

bi-sunnat' rasūl' l-lāh fa-huwa sabīl' -humā l-ladhī ja'ala l-lāh' 'azza wa-jalla la-humā). Such a clear distinction between the Qur'ān and the *sunna* contradicts Wansbrough's view that "status as Qur'ān or *sunna* was hardly operative in his [Abū 'Ubayd's, P.P.] formulation of the rules".³⁰

The next two traditions, both passing through 'Ubāda b. al-Ṣāmit,³¹ provide substance to Ibn 'Abbās' view that the adulterers are stoned according to the prophetic practice. The first 'Ubāda tradition emphasizes the Prophet's statement that fornicators should be flogged and banished, whereas adulterers should be flogged and stoned. The *matn* opens with the characteristic tag *qad ja'ala l-lāh' la-hunna sabīl'*, which, in addition to linking the *sunna* to Qur'ān 4:15, implies that the ensuing prophetic utterance has abrogated the Qur'ān. Abū 'Ubayd does not overlook the issue and offers a simple solution: he adduces a second variant of the 'Ubāda tradition, in which the Prophet speaks amid symptoms characteristic of the way he used to receive divine revelation (*waḥī*).³²

It must be noted that Abū 'Ubayd was apparently aware of yet another solution to the stoning conundrum. Elsewhere, he discusses the existence of a stoning verse (*āyat al-rajm*) that was later withdrawn from the Qur'ān.³³ Nonetheless, he never mentions this putative verse and the 'Ubāda tradition in a single context, which suggests that, in Abū 'Ubayd's view, the stoning verse did not function as an alternative to the problematic *sunna* that abrogates the Qur'ān.

Even though Abū 'Ubayd does not discuss chronology, he marshals his traditions in a manner suggesting that the 'Ubāda tradition is subsequent at least to Qur'ān 4:15–6. Furthermore, it is not gratuitous that Abū 'Ubayd chooses to place the tradition that describes the Prophet's uttering of *khudhū 'an-nī* as divine revelation after the tradition that does not mention revelation symptoms. This order reflects sequential stages in the development of the 'Ubāda *ḥadīth*, where the

³⁰ Wansbrough, *Quranic Studies*, 198. Jens Scheiner has pointed to me that his study of Abū 'Ubayd's *Kitāb al-Amwāl* has shown a clear distinction between the Qur'ān and *sunna*.

³¹ Abū 'Ubayd, *al-Nāsikh wa-l-Mansūkh*, 132, nos., 240–1.

³² Melchert rightly observes that "here at least is the rude beginning of a theory that Qur'ān and *sunna* are equally the products of divine inspiration." (Melchert, *Qur'ānic Abrogation*, 87).

³³ Abū 'Ubayd, *Faḍā'il al-Qur'ān*, ed. Marwān al-ʿAṭīyya and others (Damascus: Dār Ibn Kathīr, 1415/1995), 318–22.

non-revelation account was followed by a variant tradition describing *khudhū ʿan-nī* as divinely revealed words.

Al-Muḥāsibī (d. 243/857–58) cites an awkwardly abridged version of the non-revelation tradition.³⁴ It is possible that al-Muḥāsibī knew the revelation version as it appears in Abū ʿUbayd’s treatise on abrogation, but he would not cite it because he preferred to justify the stoning penalty by the Qurʾān. On two occasions, al-Muḥāsibī refers to the stoning verse (*āyat al-rajm*): *al-shaykh^u wa-l-shaykhat^u idhā zanayā fa-rjumū-humā l-battat^u* (The mature male and female, if they commit *zinā*, stone them outright).³⁵ The verse is said to have been part of the Qurʾān; its script was eventually withdrawn, but its words remained in the hearts (*rufī^c a rasm^u-hu min al-kitāb wa-lam yurfā^c hafz^u-hu min al-qulūb*).³⁶ The *sunna* confirms the ordinance of the removed verse (*thabata l-rajm^u bi-l-sunna*).³⁷

Al-Muḥāsibī’s attempt to reconcile the *sunna* and the Qurʾān in the issue of *rajm* is not free from contradictions. As noted by Melchert, al-Muḥāsibī “implicitly considers the precept and the example of the Prophet...to have a lesser rank than the Qurʾān”.³⁸ Nevertheless, he could not disregard the existence of the dual-penalty tradition, which is legally more comprehensive than the stoning verse. Note the clear legal conditions set out in the prophetic tradition: sexual transgressors are divided into two categories—adulterers and fornicators—who incur separate penalties. Conversely, the stoning verse refers to a single category of sexual transgressors, *shaykh* and *shaykha*. These are ambiguous terms that may easily foster legal arbitrariness: it is difficult to define the age whence one becomes *shaykh* and the relation between *shaykh* and *bikr* is not necessarily antithetic. Moreover, the stoning verse does not offer a clue on how to punish transgressors who fall outside the age group meant by *shaykh*. Al-Muḥāsibī offers a twofold solution to the latter problem. In his view, Qurʾān 24:2 defines the punishment of the

³⁴ *Khudhū ʿan-nī qad jaʿala l-lāh^u la-hunna sabīl^{an} al-bikr^u bi-l-bikrⁱ jald^u miʿatⁱⁿ wa-rajm^{un} bi-l-hijāra* (Al-Muḥāsibī, *al-ʿAql wa-Fahm al-Qurʾān*, ed. Ḥusayn al-Quwatlī [Beirut: Dār al-Kindī wa-Dār al-Fikr, 1398/1978], 455). This version, which literally imposes stoning upon the fornicators, most likely resulted from an unskillful abridgement, whereby al-Muḥāsibī (or a later transmitter of his work) removed all but the opening and the concluding clauses of the *matn*.

³⁵ Al-Muḥāsibī, *al-ʿAql*, 398, 455.

³⁶ *Ibid.*, 398.

³⁷ *Ibid.*, 401.

³⁸ Melchert, “Qurʾānic Abrogation”, 85.

fornicators, whereas the stoning verse defines the punishment of the adulterers (*fa-nusikha ḥadd^u l-bikrayni bi-l-jald wa-nusikha [ḥadd^u] l-thayyibayni bi-mā kāna nazala fī l-Qur^ʿān min al-rajm thumma rufi^ʿa rasm^u-hu min al-kitāb wa-baqiya wujūb^u-hu*).³⁹

Al-Muḥāsibī's above statement that flogging has abrogated the punishment of the virgins is not free from ambiguity. Flogging, it must be recalled, is justified by Qur^ʿān 24:2 and the °Ubāda tradition alike. Al-Muḥāsibī's indeterminate expression in this case is not fortuitous. Even though he considers the Qur^ʿān as the pre-eminent source for defining the punishment for *zinā*, he cannot dispense with the *sunna*. Unlike Muqātil and Abū °Ubayd, who tacitly imply that in the case of *rajm* the *sunna* abrogates the Qur^ʿān, al-Muḥāsibī professes that this is an instance of *naskh*:

Fa-nasakha l-lāh^u ḥadd^u l-bikrayni min al-adhā wa-l-ḥabsⁱ wa-l-jaldⁱ bi-l-tabyīnⁱ bi-mā bayyana l-nabī, ṣal^ʿam, °an Allāhⁱ °azza wa-jalla...

Then Allāh abrogated the punishment of the fornicators, which was rebuke, confinement (i.e. Qur^ʿān 4:15–6) and flogging (i.e. Qur^ʿān 24:2), by elucidation; [that is], by what was elucidated by the Prophet [by an inspiration] from Allāh the Almighty, the Exalted.⁴⁰

Note that al-Muḥāsibī assumes that both of Qur^ʿān 4:15–1 and 24:2 apply to virgins; that is, unlike Muqātil he does not assign to each verse a different category of sexual offenders. This lack of differentiation suggests that either al-Muḥāsibī was not acquainted with Muqātil's more advanced view or, more likely, that the respective part of Muqātil's commentary is a later addition.

Al-Muḥāsibī's explanation of the relationship between the Qur^ʿān and the *sunna* combines the notions of *bayān* (elucidation) and *naskh* (abrogation) to describe the complex interplay between the two legal sources in the issue of *rajm*. In so doing al-Muḥāsibī brings to mind al-Shāfi'ī's treatment of the same issue. Unlike al-Shāfi'ī, however, al-Muḥāsibī does not emphasize the sovereignty of the Qur^ʿān and the *sunna*. Nor does he speak of a single penalty for adultery.

Al-Shāfi'ī (d. 204/820) constructed the most elaborate early chronology of the stoning verses and the attending sunnaic narratives. His treatment of the origins of *rajm* is often blurred by equivocal vocabulary. The problems stem from al-Shāfi'ī's assumption that the

³⁹ Al-Muḥāsibī, *al-°Aql*, 455.

⁴⁰ *Ibid.*, 455.

sunna and the Qur^ʿān are self-subsistent and sovereign sources of law: the Qur^ʿān may abrogate only the Qur^ʿān, and the *sunna* may abrogate only the *sunna*.⁴¹

On several occasions al-Shāfi^ʿī states that Qur^ʿān 24:2 abrogates Qur^ʿān 4:15–6,⁴² then he adduces the ʿUbāda tradition. Such ordering is consistent with the assumed sovereignty of the Qur^ʿān and the *sunna*. On other occasions, noted by Burton and Melchert,⁴³ al-Shāfi^ʿī’s treatment of the stoning penalty is inconsistent. Although according to al-Shāfi^ʿī the *sunna* cannot abrogate the Qur^ʿān, at least in one instance he explicitly states the opposite. According to him, the ʿUbāda tradition, which opens with the words *qad jaʿala l-lāh^u la-hunna sabīl^{an}*, is “the first to have been revealed [after Qur^ʿān 4:15–6, P.P.], on which account detainment and rebuke of the sexual transgressors were abrogated.” (*Qawl^u rasūlⁱ l-lāhⁱ “Khudhū ʿan-nī qad jaʿala l-lāh^u la-hunna sabīl^{an}...” awwal^u mā nazala fa-nusikha bi-hi l-ḥabs^u wa-l-adhā ʿan al-zāniyyayn*).⁴⁴

Unlike Abū ʿUbayd, al-Shāfi^ʿī does not cite the revelation version of the ʿUbāda tradition, probably because for him the *sunna* only interprets the Qur^ʿān in the case of *rajm*. This notion, however, is contradicted by the specific terminology that al-Shāfi^ʿī uses to describe the relationship between scripture and the tradition. He opts for the term *nazala*, which denotes divine revelation, to describe how the ʿUbāda tradition was communicated to the Prophet. The choice of *nazala* is not gratuitous, since in the immediately following clause al-Shāfi^ʿī asserts that the prophetic tradition abrogated (*nasakha*) the Quranic verse. Insofar as the

⁴¹ For al-Shāfi^ʿī’s theory see Burton, *Sources*, 138–9; Melchert, “Qur^ʿānic Abrogation,” 86–7; idem, “The Meaning of *qāla* ‘l-Shāfi^ʿī in Ninth-Century Sources,” in *ʿAbbasid Studies*, ed. James E. Montgomery (Orientalia Lovanistica Analecta 135, Leuven: Peeters, 2004), 289.

⁴² Al-Shāfi^ʿī, *Risāla*, ed. Aḥmad Muḥammad Shākir (Beirut: Dār al-Kutub al-ʿIlmiyya, n.d.), 129, 245–46.

⁴³ Burton acknowledges that according to al-Shāfi^ʿī the ʿUbāda tradition has abrogated the Qur^ʿān (Burton, *Sources*, 145). According to Melchert al-Shāfi^ʿī never expressly admits or denies that the *sunna* might abrogate the Qur^ʿān; there are instances in which the *Risāla* refers to parts of the Quranic penalty for *zinā* as having been abrogated without stating what has done the abrogation (“Qur^ʿānic Abrogation,” 86; “The Meaning,” 289).

⁴⁴ Al-Shāfi^ʿī, *Risāla*, 132.

sunna did the abrogation of the Qurʾān, it needs to proceed from the same divine source (*tanzīl*).⁴⁵

The ʿUbāda tradition is the unmistakable crux of al-Shāfiʿī’s justification of the stoning penalty. It, however, institutes a dual penalty for both the adulterers and fornicators. Insofar as al-Shāfiʿī advocates a single stoning penalty for adultery, he has to look elsewhere for its origin. To this end, he takes advantage of two prophetic traditions. In the first, the Prophet punishes a man identified as Māʿiz b. Mālik after his voluntary confession to adultery. The second tradition relates the story of a servant (*ajīr*) who committed *zinā* with the wife of his employer. The servant, who was *bikr*, was flogged and banished; his master’s wife, who was *muḥṣana*, was stoned. In both cases, the adulterer is stoned but not flogged. These traditions allow al-Shāfiʿī to conclude (*e silentio*) that the actual prophetic practice emended (*nasakha*) the ordinance of the ʿUbāda tradition so that flogging was excluded from the adulterers’ punishment.⁴⁶ Hence, the adulterers must be stoned but not flogged.

Thus, al-Shāfiʿī considers the Māʿiz b. Mālik and the employer’s wife as traditions subsequent to the ʿUbāda tradition. Al-Shāfiʿī seldom turns his attention to other traditions that argue for or against the dual penalty for *zinā*. At one occasion he cites the Sharāḥa tradition⁴⁷ but only to refute it promptly by a reference to the traditions about Māʿiz b. Mālik and the employer’s wife. Unlike the ʿUbāda and Māʿiz traditions, which al-Shāfiʿī marshals in a chronological order, he does not speak about the chronology of the Sharāḥa tradition. Nevertheless, the context in *Kitāb al-Umm* suggests that at the time of its composition (and the time of the composition of *al-Risāla*, for that matter) the narratives about Māʿiz, the employer’s wife and Sharāḥa coexisted as polemical arguments in the debate about the possibility of inflicting a dual penalty for adultery.

The works of Muḥāhid b. Jabr, Muqātil b. Sulaymān, Abū ʿUbayd, al-Muḥāsibī and al-Shāfiʿī show a tendency of gradual elaboration in their treatment of the stoning penalty. Muḥāhid’s work represents, to my mind, the earliest stage in this development. To Muḥāhid’s rude paraphrastic exegesis, one adds his lack of interest in the origin of the *rajm* penalty, which he does not discuss either *ad* Qurʾān 4:15–6 or *ad* Qurʾān 24:2. It

⁴⁵ The problematic nature of al-Shāfiʿī’s insistence on the sovereignty of the Qurʾān and the *sunna* later led Shāfiʿīya to accept that the *sunna* might abrogate the Qurʾān (Melchert, “Qurʾānic Abrogation,” 86–7; idem, “The Meaning,” 290).

⁴⁶ Al-Shāfiʿī, *Risāla*, 132.

⁴⁷ Al-Shāfiʿī, *Kitāb al-Umm*, ed. Muḥammad Zuhri al-Najjār, 8 vols. (1st ed., Cairo: Maktabat al-Kulliyāt al-Azhariyya, 1381/1961), 7:180.

is true that for Mujāhid the Qurʾānic *sabīl* is identical to *ḥadd*, but there is nothing in his exposition that may elucidate his notion of *ḥadd* in this case.

Muqātil b. Sulaymān's *Tafsīr* is the earliest exegetical work that includes the prophetic *sunna* in the discussion of the punishment for adultery and fornication. The halakhic ending of the commentary *ad* Qurʾān 4:15–6 is suspect of being a later addition to the preceding paraphrastic narrative. Although the dual-penalty tradition is not supported by a formal *isnād*, which indicates an undeveloped wielding of the *sunna*, its presence in a halakhic narrative does not allow us to consider it as part of Muqātil's original *Tafsīr*.

The tension between the *sunna* and scripture comes to the fore in the works of Abū ʿUbayd and al-Muḥāsibī. Abū ʿUbayd cites the dual penalty tradition, which he supports by an *isnād* going back to the authority of ʿUbāda b. al-Ṣāmit. To avoid an impression that the Quranic ordinance was abrogated by a decree of a lesser order, Abū ʿUbayd maintains that *khudhū ʿan-nī* ensued from divine inspiration (*wahy*), thereby sharing a common source with scripture. Al-Muḥāsibī goes a step further in asserting the divine origin of *rajm*. Instead of emphasizing the revealed character of *khudhū ʿannī*, which he mentions only in passing, al-Muḥāsibī maintains that there was an actual stoning verse in the Qurʾān. Although formally withdrawn from the received text, *āyat al-rajm* remained binding in the cases of adultery. The works of Abū ʿUbayd and al-Muḥāsibī clearly show that by the first quarter of the third century AH the exegetical discussion of *rajm* centered on the relationship between scripture and the *sunna*. The legal content of the ʿUbāda tradition was abundantly clear: exegetes and jurists were not interested in the issue of a single versus a dual penalty for adultery.

Al-Shāfiʿī, who is conversant with these developments, adds to his exposition even more prophetic traditions. Not only does al-Shāfiʿī marshal ʿUbāda after Qurʾān 4:15–6, but he also adduces the Māʿiz tradition and the tradition about the employer's wife to support his claim that adultery incurs a single penalty; that is, *rajm*. Melchert has noted that Abū ʿUbayd and al-Muḥāsibī apparently ignore al-Shāfiʿī's skillful treatment of abrogation.⁴⁸ To this I may add that al-Shāfiʿī's insistence on a single penalty for adultery clearly sets him apart from the other works that I studied section. It is remarkable that neither Abū ʿUbayd nor al-Muḥāsibī seem to have been aware of al-Shāfiʿī's advocacy of a single penalty for adultery. Both of them disregard the Māʿiz and the *ajīr*

⁴⁸ Melchert, "Qurʾānic Abrogation," 91–2.

traditions, which are central to al-Shāfiʿī's treatment of *rajm*. Given that the *Risāla* should have been known in Baghdād,⁴⁹ it is surprising that both Abū ʿUbayd and al-Muḥāsibī are apparently unaware of its treatment of the *rajm* issue. If they chose to disregard the *Risāla*, one wonders about the reasons that made both of them eschew al-Shāfiʿī's masterful work. Melchert's view—that *al-Risāla* as we know it should be re-dated to a period after 256/912–13⁵⁰—points to a possible exit from this conundrum.

Al-Marwazī's *Sunna* includes a reference that is indicative of the chronology of the *Risāla*. Al-Marwazī (202–294/817–907) must have witnessed the dual-penalty dispute, as he states, “A group of scholars from our age and the adjacent one demanded that the ʿUbāda tradition be applied according to its outward meaning. They demanded that the fornicators be flogged according to the Book of Allāh and banished for a year according to the *sunna* of the Messenger of Allāh; they also demanded that the adulterers be flogged according to the Book of Allāh and stoned according to the *sunna* of the Messenger of Allāh”.⁵¹ Al-Marwazī points out that the advocates of the dual penalty supported their view by references to the practice of ʿAlī and the personal opinion of Ubayy b. Kaʿb. According to the representatives of this unspecified group, al-Shāfiʿī's insistence on a single penalty for adultery rests on flawed reasoning. Al-Shāfiʿī's opponents held that he illegitimately drew arguments from silence. In their view, the fact that flogging is not mentioned in the cases to which al-Shāfiʿī refers does not necessarily entail that the Prophet did not flog the adulterers in these cases (*yajūzu an yakūna l-nabī qad jalada-humā*).

According to Ibn Ḥazm (d. 456/1054), the *fuqahāʾ* who upheld the dual penalty for adultery were al-Ḥasan al-Baṣrī (d. 110/728), al-Ḥasan [b. Ṣāliḥ] b. Ḥayy (d. 169/785–86), Ishāq b. Rāh[a]wayh (d. 238/850)

⁴⁹ Ibn Ḥanbal is said to have been acquainted with both the old (*qadīm*) and the new (*jadīd*) redactions of the *Risāla* (al-Bayhaqī, *Manāqib al-Shāfiʿī*, ed. al-Sayyid Aḥmad Ṣaqr, 2 vols. [1st ed., Cairo: Dār al-Turāth, 1390/1970], 1:234–5).

⁵⁰ Melchert, “Qurʾānic Abrogation,” 96.

⁵¹ *Wa-qad dhahabat ʿifāt^m min ahl^l ʿaṣr^l-nā wa-qurbi-hi ilā ʿijābⁱ l-ʿamal^l bi-ḥadīthⁱ ʿUbāda ʿalā wajh^l-hi fa-awjabū ʿalā l-zāniyayni l-bikrayni jald^a miʿat^m bi-kitābⁱ l-lāhⁱ wa-naḥy^a sanat^m bi-sunnat^l rasūl^l l-lāhⁱ, ṣal^ʿam, wa-awjabū ʿalā l-zāniyayni l-thayyibayni l-jald^a bi-kitābⁱ l-lāhⁱ wa-l-rajm^a bi-sunnat^l rasūl^l l-lāhⁱ, ṣal^ʿam (Al-Marwazī, *al-Sunna*, ed. ʿAbd Allāh b. Muḥammad al-Buṣayrī [Riyadh: Dār al-ʿĀshima li-l-Nashr wa-l-Tawzīʿ, 1422/2001], 243).*

and the founder of the *Zāhirī madhhab*, Dāwūd b. Khalaf (d. 279/884).⁵² Ibn Rushd (520–95/1126–98) adds to the list Aḥmad b. Ḥanbal (d. 241/855), while excluding al-Ḥasan b. Ḥayy.⁵³ The name of al-Ḥasan al-Baṣrī has most likely made its way into the lists of both Ibn Ḥazm and Ibn Rushd because of al-Ḥasan’s presence in most of the *isnāds* of the °Ubāda tradition. Al-Ḥasan b. Ḥayy does not appear in the °Ubāda *isnāds*, on which account Ibn Rushd may have omitted his name. The extant *Musnad* of Ibn Rāh[a]wayh does not raise the dual penalty issue; the same goes for Ibn Ḥanbal’s *Musnad*. The later collections of questions put to Ibn Ḥanbal by his students (*Masā’il*) are equivocal about his attitude towards the dual penalty for adultery. Apparently, they endorse Aḥmad’s acquaintance with the issue, but one should not overlook their contradictory accounts, which occasionally employ terminology that reflects later stages in the development of the dual-penalty dispute.⁵⁴

⁵² Ibn Ḥazm, *al-Muḥallā*, ed. Aḥmad Muḥammad Shākir, 11 vols. (Egypt: Maṭba‘at al-Nahḍa, n.d.), 11:234.

⁵³ Ibn Rushd, *Bidāyat al-Mujtahid wa-Nihāyat al-Muqtasid*, 2 vols. (6th ed., Beirut: Dār al-Ma‘ārif, 1982/1402), 2:435.

⁵⁴ In his collection of questions to Ibn Ḥanbal and Ibn Rāh[a]wayh, al-Kawsaj (d. 251/853) states that Ibn Ḥanbal advised a single penalty for adultery, whereas Ibn Rāh[a]wayh insisted on the dual penalty (*Masā’il al-Imām Aḥmad b. Ḥanbal wa-Ishāq b. Rāh[a]wayh Riwayāt Ishāq b. Mansūr al-Kawsaj*, eds. Abū l-Ḥusayn Khālid b. Maḥmūd al-Rabāṭ, Wi‘ām al-Ḥawshī and Jum‘at Fathī, 2 vols. [1st ed., Riyadh: Dār al-Hijra li-l-Nashr wa-l-Tawzī‘, 2004/1425], 2:250). According to Aḥmad’s son, Ṣāliḥ (d. 266/879–80), his father held the opinion that the *muḥṣan* sexual transgressor should be stoned but not flogged (*Masā’il al-Imām Aḥmad b. Ḥanbal Riwayāt Ibn-hi Abī l-Faḍl Ṣāliḥ*, ed. Ṭāriq b. °Awḍ Allāh b. Muḥammad [1st ed., Riyadh: Dār al-Waṭan li-l-Nashr, 1420/1999], 310, no. 1163). Ibn Hāni° (d. 275/888–9) maintains the opposite; according to him, if the *shaykh* perpetrates adultery, he incurs flogging and stoning on account of the greater severity of his offense (*Masā’il al-Imām Aḥmad b. Ḥanbal Riwayāt Ishāq b. Ibrāhīm b. Hāhi° al-Naysābūrī*, ed. Zuhayr al-Shāwīsh, 2 vols. [Beirut: al-Maktab al-Islāmī, 1300/1980], 2:90, no. 1566). Note that al-Kawsaj’s question (*Qultu: Al-bikrāni yujladāni wa-yunḥayyāni wa-l-thayyibāni yurjamāni wa-l-shaykhāni yujladāni wa-yurjamāni?*) discloses an acquaintance with the later harmonizing interpretation according to which the young adulterer should be stoned, whereas the *shaykh*-adulterer should be flogged and stoned. Ibn Hāni°’s question (*al-shaykh° idhā zanā*) is an apparent paraphrase of the alleged stoning verse (*al-shaykh° wa-l-shaykhat° idhā zanayā fa-rjumū-humā l-battat°*). By referring to this verse Ibn Hāni° seems to have been primarily interested in the justification of the stoning penalty by scripture; nevertheless the dual-penalty issue lurks in the background of Ibn

Although no works of Dāwūd b. Khalaf have survived, one may think that his name is of foremost significance in the argumentation of the *Zāhiri* Ibn Ḥazm. Al-Marwazī's anonymous locution *tā'ifat^m min ahli 'aṣrⁱ-nā wa-qurbⁱ-hi* along with Ibn Ḥazm's list of those proponents may be construed as an indication that the dual-penalty dispute unfolded some time after al-Shāfi'ī's demise in 204/820. If al-Marwazī's death in 294/907 be thought of as the *terminus ante quem* for the dual penalty dispute, the *terminus post quem* may be defined by an argument from silence. Ibn Ḥanbal (d. 241/855) does not cite any traditions that indicate his acquaintance with the dual-penalty issue. However, the collectors of several *Masā'il* works attribute to Aḥmad contradictory pronouncements, some of which endorse the dual penalty, while others go in the opposite direction. Still other collectors prefer to remain silent about Aḥmad's attitude towards the dual-penalty issue. Clearly, these inconsistencies call for additional research, but at present a comparison with the works of al-Muḥāsibī and Ibn Qutayba may suffice. Al-Muḥāsibī (d. 243/857–8) does not address the dual-penalty dispute, but one may argue that due to the exegetical nature of his work, he was not interested in such a *fiqhī* issue. The same cannot be said about Ibn Qutayba (d. 276/889), whose last work, *Ta'wīl Mukhtalif al-Ḥadīth*, is devoted to contested prophetic traditions. On two occasions Ibn Qutayba does refer to the traditions about Mā'iz b. Mālik and the woman's servant in a polemical context,⁵⁵ but in neither case does he mention the dual-penalty issue. If Ibn Qutayba was unaware of the dispute, then it would have arisen only in the last decades of the third century AH. If, on the other hand, Ibn Ḥanbal is proven to have discussed with his students the dual-penalty question, the above date will have to be pushed back to the first half of the second century AH.

Of course, one should not ignore the possibility that while, towards the end of the second century AH, al-Shāfi'ī merely suggested a dual penalty for adultery; it was only several decades later that the *Zāhiriyya* contested his view. This may explain why Ibn Ḥanbal remained silent

Ḥanbal's response. Uneasiness about Aḥmad's attitude, however, may be discerned in the somewhat later *Masā'il* collections of Abū Dāwūd al-Sijistānī (d. 275/888) and Aḥmad's son, 'Abd Allāh (d. 290/903), which do not discuss the dual-penalty issue.

⁵⁵ The first has a bearing on the relationship between the Qur'ān and the *sunna* (Ibn Qutayba, *Ta'wīl Mukhtalif al-Ḥadīth*, ed. Muḥammad 'Abd al-Raḥīm [Beirut: Dār al-Fikr, 1995/1415], 88–90); in the second Ibn Qutayba discusses the number of voluntary confessions needed for the imposition of *rajm* (*Ta'wīl*, 175–7).

about the issue, whereas some of his followers did decide to discuss their master's respective attitude. Such a possibility, however, not only allows for a considerable time gap between the expression of al-Shāfi'ī's original view and the emergence of its opposite, but also brings to the fore the question of why the opinion of al-Shāfi'ī (and of Ibn Ḥanbal, if such had existed) remained unknown to Abū °Ubayd, al-Muḥāsibī and Ibn Qutayba.

Taking into account the peculiarity of al-Shāfi'ī's position in the evolution of the *rajm* notion, I proceed to reconstruct the chronology of the stoning traditions. My conclusions are based solely on the internal development observed in the heretofore analysed works, and do not take into account external factors like the authenticity of the attributions or the quality of the tradents.

During most of the second century AH there was no sunnaic material related to the exegesis of the Quranic verses about the punishment for illicit sexual conduct (namely Qur'ān 4:15–6 and 24:2). Towards the end of the second century AH, a prophetic tradition was circulated stating that fornicators must be separated from adulterers in the cases of *zinā*. The former category incurs flogging and banishment, whereas the latter incurs flogging and stoning. Shortly thereafter, the dual-penalty tradition came to be perceived as a divinely inspired ordinance. At the same time some exegetes advocated the existence of a stoning verse in the Qur'ān. Later on, probably in the last quarter of the third century AH, the traditions about Mā'iz b. Mālik and the woman's servant came into play as arguments that the actual prophetic practice abolished the dual penalty for adultery in favor of a single penalty, to wit, *rajm*.

The inclusion of prophetic traditions in the exegetical treatment of *rajm*, does not necessarily mean that they emerged exactly within this context and are contemporary with it. Nevertheless, there is a considerable chance that the time gap between the circulation of these traditions and their inclusion in the *rajm* polemics was not a long one. Therefore it will be fruitful to check the chronology based on the internal evolution of the *rajm* concept against dating attained through *isnād* and *matn* analysis. For the best results, the analysis should include the °Ubāda tradition, the Mā'iz b. Mālik tradition, the tradition about the employer's wife and a number of other traditions that argue either for or against the dual penalty, or refer to the existence of a putative stoning verse in the Qur'ān. Such a study will by far exceed the volume of a journal article; therefore I will confine myself to the °Ubāda tradition.

The °Ubāda b. al-Šāmit tradition: isnād-cum-matn analysis

I have chosen to analyse the °Ubāda tradition for several reasons: it is the main argument in favor of the dual penalty for adultery; it bears upon Qurʾān 4:15–6 and 24:2; and it seems to be the oldest sunnaic material included in the exegesis of these verses. The last point is of special significance for the current study. Even though the reference to the °Ubāda tradition in Muqātil’s commentary seems as a later intrusion, *isnād-cum-matn* analysis may show that the tradition existed before the middle of the second century AH. If this is the case, then the °Ubāda tradition may have been part of the original Muqātil narrative, and the results of our literary analysis will have to be reconsidered.

G. H. A. Juynboll maintains that the most likely CL in the °Ubāda bundle is Qatāda b. Diʿāma (61–117/681–735). Juynboll reckons that in its basic elements the legal maxim treating the punishment for adultery and fornication “is most probably due to Ḥasan [al-Baṣrī], while the beginning of the discussion on the punishment may go back to the lifetime of the Prophet”.⁵⁶ Although conceding that “the strands converging in Ḥasan are technically speaking deficient and have the appearance of later back-projections,” Juynboll still maintains that “Ḥasan may be considered as at least one of Islam’s earliest *fuqahāʾ* who underlined the said punishments for adultery in this maxim”.⁵⁷ Juynboll’s conclusion, which is apparently at odds with his own *isnād*-analytical criteria, is most likely derived from Schacht’s principle, according to which short legal maxims reflect an early stage in the development of Islamic jurisprudence.⁵⁸

If al-Ḥasan al-Baṣrī (d. 110/728) should be recognized as one of the earliest jurists who defined the penalty for adultery and fornication in terms of the legal maxim *al-bikr yujlad wa-yunfā wa-l-thayyib yujlad wa-yurjam* (The virgin should be flogged and banished, and the non-virgin should be flogged and stoned), one wonders why the maxim was unknown to al-Ḥasan’s contemporary, Mujāhid b. Jabr. Various reasons may be put forward to explain Mujāhid’s ignorance: the maxim may have been unknown in the Hijaz; or it may have been omitted from Mujāhid’s commentary in the process of transmission. Another possibility is that the maxim emerged after both Mujāhid and al-Ḥasan al-Baṣrī had passed away. Qatāda b. Diʿāma (60–117/680–735) seems more suitable for a CL who circulated the maxim in the

⁵⁶ *ECH*, 442.

⁵⁷ *Loc. cit.*

⁵⁸ Schacht, *Origins*, 180–9.

form of a prophetic tradition. Belonging to the generation after Mujāhid b. Jabr (21–100–104/642–718–22), Qatāda fits better in the span between the deaths of Mujāhid and Muqātil. Therefore, he may be credited with the circulation of the maxim that Muqātil subsequently used to gloss at Qurʾān 4:15–6. Nonetheless, this hypothesis needs substantiation through *isnād* and *matn* analysis.

To facilitate the following analysis, I divide the °Ubāda cluster into two large groups. To this end, I have chosen a salient feature, to wit, the presence of a preamble that describes the symptoms of revelation (*wahy*) descending upon the Prophet. Aiming to convey the notion that the immediately following ordinance is a divine revelation, this preamble is present in a considerable group of *matns* and lacks in the others. Accordingly, first I analyse the group in which no revelation preamble is included, and second, I analyse the group that features the revelation preamble. Whenever needed for the sake of convenience, I single out smaller *isnād* and *matn* clusters that are most likely to expose hypothetical PCLs/CLs. After the analysis of the two said groups, I will return to Juynboll's hypothesis about the role played by Qatāda b. Di°āma and al-Ḥasan al-Baṣrī in the formulation and dissemination of the legal maxim *al-bikr yujlad wa-yunfā wa-l-thayyib yujlad wa-yurjam*.

The group of traditions that do not include the revelation preamble: the Shu°ba b. al-Ḥajjāj cluster

The Baṣran *mawlā* Shu°ba b. al-Ḥajjāj (born 82–6/702–7, died 160/776) is the clear focus of an *isnād* bundle dedicated to the punishment for adultery and fornication. Shu°ba's role in the circulation of the tradition has to be confirmed through the analysis of his potential PCLs. The Baghdādī collector (CR) °Alī b. al-Ja°d (d. 230/844–45) is the most important key figure relating from Shu°ba (Diagram 1, p. 166). To facilitate the following analysis, I have divided the short *matn* into several clauses:

(1) *Khudhū °an-nī!* (2) *Qad ja°ala l-lāh° la-hunna sabī°°.* (3a) *Al-bikr°° bi-l-bikr°°* (3b) *wa-l-thayyib°° bi-l-thayyib.* (4a) *Al-bikr°° tujlad wa-tunfā* (4b) *wa-l-thayyib°° tujlad wa-turjam.*

(1) Take it from me! (2) Allāh has appointed a way for them. (3a) A virgin with a virgin (3b) and a non-virgin with a non-virgin. (4a) The virgin

should be flogged and banished, (4b) the non-virgin should be flogged and stoned.⁵⁹

In the edition of Ibn al-Ja°d's *Musnad* that I used for the present study the verbs in clauses 4a and 4b are enclosed in parentheses and come in singular masculine form (*yujlad-yunfā-yujlad-yurjam*). According to the editor's footnote the manuscript preserved in Dār al-Kutub al-Zāhiriyya in Damascus features singular feminine verbal forms. Given that most of the transmitters who cite Ibn al-Ja°d opt for the feminine form of the verbs, one may think that the feminine form was Ibn al-Ja°d's original preference. It may be explained by the textual interplay between the °Ubāda tradition and Qur°ān 4:15, which is formally restricted to females. On this account I preferred to restore the feminine verbal forms in the *matn* of Ibn al-Ja°d's tradition.

The *matns* provided by Ibn al-Mundhir, al-Ṭahāwī and Ibn Ḥibbān overlap with the *matn* of Ibn al-Ja°d to the smallest detail.⁶⁰ Abū °Awāna is the only exception to the overall *matn* consistency.⁶¹ He provides a differently worded *matn* in which the verbs in clauses 4a and 4b are replaced with nominal forms (*jald-taghrīb-jald-rajm*). Abū °Awāna substitutes *taghrīb* (exiling to a remote place) for *nafy* (banishment). He also defines *jald* as one hundred [lashes] (*jald^m mi°at^m*) and specifies the period of exile as one year (*taghrīb^u °ām^m*). In sum, Abū °Awāna provides a notably different *matn*, most probably as a result of an *isnād* confusion.

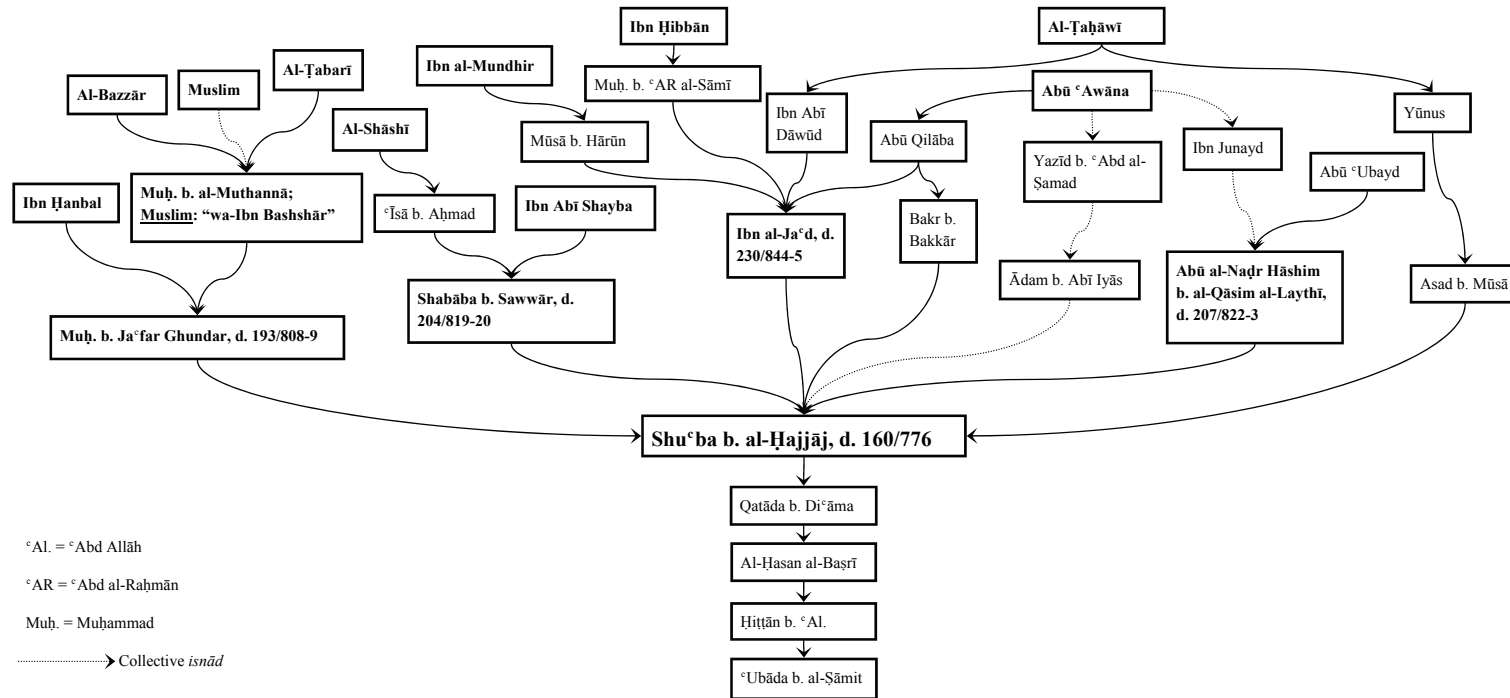
His *matn* is carried by a collective *isnād* that passes through Ibn Junayd, Yazīd b. °Abd al-Ṣamad and Abū Qilāba. Below the tier of Abū Qilāba, the collective *isnād* branches to Bakr b. Bakkār and Ibn al-Ja°d. Abū °Awāna was most likely confused about the exact source of his tradition, which seems to be other than Ibn al-Ja°d. This confusion shows that collective *isnāds* are of little utility for the *isnād-cum-matn* analysis.

⁵⁹ Ibn al-Ja°d, *Musnad*, ed. °Abd al-Mahdī b. °Abd al-Qādir b. °Abd al-Hādī (Kuwait: Maktabat al-Falāh, 1405/1985), 1:513, no. 1018.

⁶⁰ Ibn al-Mundhir, *Tafsīr*, ed. Sa°d b. Muḥammad al-Sa°d (Medina: Dār al-Ma°āthir li-l-Nashr wa-l-Tawzī°, 1422/2001), 1:602, no. 1468. Al-Ṭahāwī, *Sharḥ Ma°ānī al-Āthār*, ed. Muḥammad Zuhri al-Najjār and Muḥammad Sayyid Jād al-Ḥaqq, 5 vols. (1st ed., Beirut: °Ālam al-Kutub, 1414/1994), 1:134, no. 4832. Ibn Ḥibbān, *Ṣaḥīḥ*, ed. Shu°ayb al-Arna°ūt, 17 vols. (2nd ed., Beirut: Mu°assasat al-Risāla, 1414/1993), 10:273, no. 4427.

⁶¹ Abū °Awāna, *Musnad*, ed. Ayman b. °Ārif al-Dimashqī, 5 vols. (1st ed., Beirut: Dār al-Ma°rifā, 1419/1998), 4:121, no. 6251.

Diagram 1 - The Non-Revelation Cluster, the Shu'ba Version



In the collective *isnād*, a *matn* is attached to a number of transmitters, none of whom may be proven as the originator of that specific *matn*'s wording.

Save for Abū °Awāna's confused tradition, the *matn* bundle through Ibn al-Ja°d is sufficiently consistent as to allow us to consider Ibn al-Ja°d as the CL or PCL in the *al-bikr^u yujlad wa-yunfā wa-l-thayyib^u yujlad wa-yurjam* tradition. The evidence of the *isnāds* is less unequivocal, however. There being no direct CR citation of Ibn al-Ja°d, the *isnāds* that branch from him form a spider structure. This issue is compounded by a biographical problem. According to the biographical dictionaries, Ibn al-Ja°d died in 230/845, which means seventy lunar years after the death of Shu°ba in 160/776. Such a long period is suspect: the pupil must have lived at least eighty to eighty-five lunar years in order to have heard from his alleged teacher, assuming that the audition occurred towards the end of the teacher's life. I am skeptical about such coincidences, which abound in Islamic tradition as convenient *isnād*-shortening devices. That is not to say that such relationships did not occur at all; rather, one should take them with a pinch of salt as possible instances of the so called 'age trick'.⁶² In the present cluster, the question stands whether Ibn al-Ja°d heard from Shu°ba, or their alleged relationship boils down to such an 'age trick'.

The information provided by the *rijāl* critics engaged in the process of *al-jarḥ wa-l-ta°dīl* (depreciating and appreciating transmitters) may be useful, albeit with qualifications. An entry on °Alī b. al-Ja°d is present in the early biographical dictionary of Ibn Sa°d. Ibn Sa°d (d. 230/845) was a contemporary of Ibn al-Ja°d. According to Ibn Sa°d, Ibn al-Ja°d related from a number of second century authorities as Shu°ba b. al-Ḥajjāj, Sufyān al-Thawrī and Ḥammād b. Salama. More importantly, Ibn al-Ja°d reportedly said that he had been born towards the end of the reign of the first Abbasid caliph, Abū l-°Abbās (d. 136/754). Ibn al-Ja°d died more than ninety-six lunar years later, at the end of Rajab 230/April 845.⁶³ Thus he would have been twenty-four years old at the time of Shu°ba's demise in 160/776. Add to this that according to Ibn al-Ja°d's own words cited by al-Khaṭīb al-Baghdādī, he came to Basra in 156/773–4.⁶⁴ Even

⁶² For more on the 'age trick', see G. H. A. Juynboll, "The Role of *Mu°ammarūn* in the Early Development of *Isnād*," *WZKM* 81 (1991), 155–75.

⁶³ Ibn Sa°d, *Kitāb al-Ṭabaqāt al-Kabīr*, ed. °Alī Muḥammad °Umar, 11 vols. (Cairo: Maktabat al-Khānjī, 1421/2001), 9:240–1.

⁶⁴ Al-Khaṭīb al-Baghdādī, *Tārīkh Baghdād*, ed. Bashshār °Awwād Ma°rūf, 17 vols. (Beirut: Dār al-Gharb al-Islāmī, 2001), 13:281–2.

if this was his first visit to the city, he would have had about four years to listen from Shu^ʿba b. al-Ḥajjāj.

The almost century-long life of Ibn al-Ja^ʿd is confirmed by all but a few biographical dictionaries that devote entries to him. This unanimity notwithstanding, there are some voices of discord. I will not digress to doctrinal accusations that impute to Ibn al-Ja^ʿd disrespect of prophetic companions, leaning towards the *jahmī* doctrine, and conniving at rationalists who claimed that the Qur^ʾān had been created.⁶⁵ These charges may have provided an ideological ground for rigid traditionalists to abandon Ibn al-Ja^ʿd's *ḥadīth*, but are of a little value for the present study. Far greater importance should be attached to an early remark that casts doubt on the quality of Ibn al-Ja^ʿd's transmission from Shu^ʿba. According to al-^ʿUqaylī (d. 322/934), ^ʿAlī b. al-Madīnī abandoned (*taraka*) a number of *ḥadīth* transmitters on the authority of Shu^ʿba, including ^ʿAlī b. al-Ja^ʿd. When asked about his reasons for shunning Ibn al-Ja^ʿd's *ḥadīth*, Ibn al-Madīnī answered: "I found that his words [related] from Shu^ʿba differ" (*ra'aytu alfāz^a-hu ʿan Shu'ba takhtalif*).⁶⁶ It is difficult to tell whether Ibn al-Madīnī meant that Ibn al-Ja^ʿd preferred to adhere to the meaning of the traditions (*al-riwāya bi-l-maʿnā*) instead of reproducing them verbatim (*al-riwāya bi-l-lafẓ*). To the best of my knowledge, the surviving works of Ibn al-Madīnī do not include the disparaging comment about Ibn al-Ja^ʿd. Later *rijāl* critics mostly disregarded Ibn al-Madīnī's alleged remark and preferred to it an appreciative comment by Abū Ḥātim who portrayed Ibn al-Ja^ʿd as one of the few transmitters "who memorized and reproduced *ḥadīth* according to a single unaltered wording" (*yahfazū wa-ya'tī bi-l-ḥadīthⁱ ʿalā lafẓⁱⁿ wāḥidⁱⁿ lā-yughayyiru-hu*).⁶⁷ Ibn Ḥajar tried to reconcile the conflicting reports about the reliability of Ibn al-Ja^ʿd's transmission (including that from Shu^ʿba). He proposed a chronological solution according to which Ibn al-Ja^ʿd was not steadfast at the beginning (*kāna fī awwal^l l-ḥāl lam*

⁶⁵ Al-^ʿUqaylī, *Kitāb al-Ḍuʿafāʾ*, ed. Ḥamdī b. ʿAbd al-Majīd b. Ismāʿīl al-Salafī, 4 vols. (1st ed., Riyadh: Dār al-Ṣumayʿī, 1420/2000), 2:953–4; al-Khaṭīb al-Baghādādī, *Tārīkh*, 13:384–6; al-Mizzī, *Tahdhīb al-Kamāl fī Asmāʾ al-Rijāl*, ed. Bashshār ʿAwwād Maʿrūf, 35 vols. (2nd ed., Beirut: Muʾassasat al-Risāla, 1403/1983–), 20:346–8; Ibn Ḥajar, *Tahdhīb al-Tahdhīb*, 12 vols. (1st ed., Hyderabad: Dāʾirat al-Maʿārif al-Nizāmiyya, 1327), 7:290–2.

⁶⁶ Al-^ʿUqaylī, *Kitāb al-Ḍuʿafāʾ*, 2:954.

⁶⁷ Ibn Abī Ḥātim, *al-Jarḥ wa l-Taʿdīl*, 9 vols. (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, n.d.), 6:178, no. 974. Cf. al-Mizzī, *Tahdhīb al-Kamāl*, 20:350; Ibn Ḥajar, *Tahdhīb al-Tahdhīb*, 7:292.

yathbut) but eventually became reliable.⁶⁸ Even if Ibn Ḥajar's comment should be lent credence, it still leaves room for doubt in our specific case. The traditions related by Ibn al-Ja'd on the authority of Shu'ba remain susceptible to criticism, since the audition must have taken place exactly at the beginning of Ibn al-Ja'd's career as a traditionist.

The chronological problems that beset Ibn al-Ja'd's audition from Shu'ba may be alleviated if one assumes the existence of an intermediate written source. Ibn al-Ja'd is known to have possessed books, which he showed to a number of renowned Baghdadī traditionists.⁶⁹ Whether the °Ubāda tradition was part of these books is difficult to say; Ibn al-Ja'd does not provide any indication that he derived it from a written source.

A review of the other variant traditions that converge in potential PCLs may provide more information about Shu'ba's possible CL status.

After °Alī b. al-Ja'd, the Baṣran traditionist Muḥammad b. Ja'far Ghundar (d. 193/808–9) is the second most conspicuous candidate for a PCL status. Muḥammad b. Ja'far is cited directly by Ibn Ḥanbal (d. 241/855),⁷⁰ whereas Muslim (d. 261/875), al-Ṭabarī (d. 310/923) and al-Bazzār (d. 292/904–5)⁷¹ are all separated from him by the Baṣran jurist Muḥammad b. al-Muthannā (see Diagram 1, p. 166). If a sufficient *matn* consistency is established, the PCL status of Muḥammad b. Ja'far Ghundar will be proved, which in turn will bolster Shu'ba's chances of being the actual CL of the tradition.

Ibn Ḥanbal cites a *matn* that in many respects resembles the tradition found in the *Musnad* of Ibn al-Ja'd:

“(1) *Khudhū °an-nī!* (2) *Qad ja'ala l-lāh° la-hunna sabīl°n.* (3b) *Al-thayyib° bi-l-thayyib°* (3a) *wa-l-bikr° bi-l-bikr.* (4b) *Al-thayyib° yujlad wa-yurjam* (4a) *wa-l-bikr° yujlad wa-yunfā°.*”

“(1) Take it from me! (2) Allāh has appointed a way for them. (3b) A non-virgin with a non-virgin (3a) and a virgin with a virgin. (4b) The non-

⁶⁸ Ibn Ḥajar, *ibid.*, 7:292.

⁶⁹ Al-Khātib al-Baghdādī, *Tārīkh*, 13:283; al-Mizzī, *Tahdhīb al-Kamāl*, 20:344–45; Ibn Ḥajar, *Tahdhīb al-Tahdhīb*, 9:290.

⁷⁰ Ibn Ḥanbal, *Musnad*, ed. Shu'ayb al-Arna'ūt and °Ādil Murshid, 50 vols. (1st ed., Beirut: Mu'assasat al-Risāla, 1416–/1996–), 37:400, no. 22730.

⁷¹ Muslim b. al-Ḥajjāj al-Naysābūrī, *Ṣaḥīh*, 18 vols. (2nd ed., Mu'assasat Qurṭuba, 1994/1414), 11:273, no. 1690; al-Ṭabarī, *Jāmi°*, 6:497; al-Bazzār, *al-Baḥr al-Zakḥkhār al-Ma°rūf bi-Musnad al-Bazzār*, ed. Maḥfūz al-Raḥmān Zayn Allāh, 13 vols. (1st ed., Beirut, Medina: Mu'assasat °Ulūm al-Qur°ān, Maktabat al-°Ulūm wa-l-Ḥikam, 1988/1409), 7:134, no. 2686.

virgin should be flogged and stoned, (4a) the virgin should be flogged and banished.”

On comparison, the differences between Ibn Ḥanbal and Ibn al-Jaʿd boil down to a narrative rearrangement whereby the non-virgin is put before the virgin in clause 3. Consequently, the punishments are rearranged in clause 4. In addition, Ibn Ḥanbal opts for a masculine form of the verbs in clause 4. All changes are minor but still important. They may indicate that Ibn Ḥanbal did not copy Ibn al-Jaʿd’s version, but rather received it from a different source. If confirmed by the remaining variants through Ghundar, these changes may substantiate his PCL status.

Expectedly, al-Ṭabarī has a *matn* that overlaps with Ibn Ḥanbal’s tradition to the slightest detail. Conversely, however, Muslim cites a tradition that upsets the expectation of *matn* uniformity engendered by the traditions of Ibn Ḥanbal and al-Ṭabarī. Muslim provides a collective *isnād* that involves Muḥammad b. al-Muthannā and Muḥammad b. Bashshār citing the line Ghundar → Shuʿba; and Muḥammad b. Bashshār citing Muʿādh b. Hishām and his father Hishām al-Dastuwāʿī → Qatāda. Muslim states that both *isnāds* convey a *matn* that is similar to the immediately preceding one supported by an *isnād* Muḥammad b. al-Muthannā and Muḥammad b. Bashshār → ʿAbd al-Aʿlā → Saʿīd b. Abī ʿArūba → Qatāda → al-Ḥasan al-Baṣrī → Ḥiṭṭān b. ʿAbd Allāh → ʿUbāda b. al-Ṣāmit. Unlike the *matns* of Ibn Ḥanbal and al-Ṭabarī, the *matn* to which Muslim attaches his collective *isnād* opens with a description of the symptoms of revelation and therefore falls outside the scope of the present cluster. Muslim remarks that the *matn* through Muʿādh b. Hishām al-Dastuwāʿī and his father does not contain *sana* and *miʿa* as qualifications of *nafy* and *jald*, but says nothing about the revelation-symptoms preamble. This preamble, it will be noted, has appeared at a later stage in the development of the tradition. Therefore, one has to conclude that Muslim was confused about the exact wording of the *matn*, which excludes his tradition as potential evidence of the existence of a variant going back to Muḥammad b. al-Muthannā and Ghundar.

The version of al-Bazzār adds even more perplexity to our analysis. According to him the Prophet said:

- (1) *Khudhū ʿan-nī!* (2) *Qad jaʿala l-lāh^u la-hunna sabīl^{an}.* (3a) - (3b) -.
 (4a) *Al-bikr^u bi-l-bikrⁱ jald^u miʿatⁱⁿ wa-taghrīb^u ʿām* (4b) *wa-l-thayyib^u bi-l-thayyibⁱ jald^u miʿatⁱⁿ wa-l-rajm.*

(1) Take it from me! (2) Allāh has appointed a way for them. (3a) - (3b) - (4a) A virgin with a virgin [punish them with] one hundred strokes and a year's exile to a remote place, (4b) a non-virgin with a non-virgin [punish them with] one hundred strokes and stoning.

Al-Bazzār's version completely drops clause 3 and apparently merges it with clause 4 for compensation. But clause 4 has undergone even more changes. Al-Bazzār substitutes nominal forms denoting the types of punishment for the verbs found in clause 4 of the versions of Ibn al-Ja'ḍ, Ibn Ḥanbal and al-Ṭabarī. These nominal forms come as first parts of genitive compounds in which the second parts serve as modifiers specifying the number of strokes and the duration of banishment. Both the merger of clause 3 into clause 4 and the appearance of the qualifications point to a subsequent development of the *matn*. Al-Bazzār may have attached a *matn* he had known from elsewhere to the *isnād* Muḥammad b. al-Muthannā → Muḥammad b. Ja'far Ghundar → Shu'ba b. al-Ḥajjāj. The wording of al-Bazzār's version points to the Hushaym b. Bashīr cluster, which will be discussed in the following chapter, as the most likely source from which al-Bazzār derived his tradition. As a result, the tradition cluster through Ghundar contains only two identical *matns*, whereas the remaining two differ in a distinct way. One of the identical *matns* is cited by a direct CR (Ibn Ḥanbal), whereas the second, after the exclusion of Muslim's and al-Bazzār's contradictory evidence, turns out to be a single strand (al-Ṭabarī → Ibn al-Muthannā → Muḥammad b. Ja'far Ghundar), which presents us with several possible transmission scenarios.

Al-Ṭabarī may have faithfully reproduced a tradition he heard from Ibn al-Muthannā. This is suggested by the fact that unlike the versions of Muslim and al-Bazzār, which obviously belong to *matn* clusters other than that of Shu'ba, al-Ṭabarī's *matn* is part of the Shu'ba cluster. Moreover, insofar as it overlaps with the *matn* of Ibn Ḥanbal's tradition through Ghundar, one may think that Ghundar is a PCL of Shu'ba.

Alternatively, al-Ṭabarī may have been as confused about the source and wording of the tradition through Ibn al-Muthannā as were Muslim and al-Bazzār. The degree of *matn* variation suggests that the traditions at issue may have been accidentally ascribed to Ibn al-Muthannā as a result of bewilderment about their exact provenance. Al-Ṭabarī may have known the tradition as associated with Shu'ba, while still vacillating about its exact *isnād*. Therefore, he would have decided to draw the *isnād* through one of his familiar informants, Ibn al-Muthannā. Note that Ibn al-Muthannā is quoted by one of the most renowned tradition

collectors, Muslim al-Naysābūrī, which may have influenced al-Ṭabarī's choice of *isnād*.

Isnād proliferation is another possible explanation of al-Ṭabarī's line of transmission. Al-Ṭabarī has never met Ibn Ḥanbal on which account he may have chosen to mention Ibn al-Muthannā instead of the actual source. One should not discount the strained relationship between al-Ṭabarī and the *Ḥanbalīs*⁷² as a possible explanation of the former's decision to avoid mentioning the latter's eponym.

Although the scenario according to which Ghundar is the PCL of Shu^ʿba may be thought as the most likely one, the other scenarios should not be ignored. Therefore it is preferable to consider Ghundar as a (S)PCL instead of a fully-fledged PCL.

Another possible PCL is the Iraqi traditionist Shabāba b. Sawwār (d. 204–6/819–22). He is cited directly by Ibn Abī Shayba (d. 235/849).⁷³ Al-Shāshī (d. 335/946–7) relies on ʿĪsā b. Aḥmad's transmission from Shabāba.⁷⁴ Ibn Abī Shayba's variant reads:

(1) *Khudhū ʿan-nī!* (2) *Qad jaʿala l-lāh^u la-hunna sabīl^{un}.* (3b) *Al-thayyib^u bi-l-thayyibⁱ* (3a) *wa-l-bikr^u bi-l-bikr.* (4a) *Al-bikr^u yujlad wa-yunfā* (4b) *wa-l-thayyib^u yujlad wa-yurjam.*

(1) *Khudhū* Take it from me! (2) Allāh has appointed a way for them. (3b) A non-virgin with a non-virgin (3a) and a virgin with a virgin. (4a) The virgin should be flogged and banished (4b) The non-virgin should be flogged and stoned.

Compared to the variant of Ibn al-Ja^ʿd, Ibn Abī Shayba's tradition changes the places of clauses 3a and 3b, but preserves the order of 4a and 4b. Al-Shāshī adheres to Ibn al-Ja^ʿd's order in clauses 4a and 4b. Similarly to the cluster through Ghundar, both Ibn Abī Shayba and al-Shāshī prefer the masculine form for the verbs in clause 4. In sum, the differences are as negligible as to allow a conclusion that Ibn Abī Shayba and al-Shāshī cite a *matn* that is essentially similar with the *matn* of Ibn al-Ja^ʿd. Hence, Shabāba may be considered as a PCL of Shu^ʿba b. al-Ḥajjāj.

⁷² Al-Khaṭīb al-Baghdādī, *Tārīkh*, 2:551.

⁷³ Ibn Abī Shayba, *al-Muṣannaḡ*, ed. Ḥamad b. ʿAbd Allāh al-Jum^ʿa and Muḥammad b. Ibrāhīm al-Laḥīdān, 16 vols. (1st ed., Riyadh: Maktabat al-Rushd Nāshirūn, 2004), 7:420, no. 29259.

⁷⁴ Al-Shāshī, *Musnad*, ed. Maḥfūz al-Raḥmān Zayn Allāh, 3 vols. (1st ed., Medina: Maktabat al-ʿUlūm wa-l-Ḥikam, 1414/1993), 3:221, no. 1321.

Finally, two more *isnād* lines converge in the Baghdādī traditionist Abū al-Naḍr Hāshim b. Qāsim al-Laythī (d. 207/822–3). He is cited by the direct CR, Abū °Ubayd (d. 224/839?).⁷⁵ There is no need to adduce the *matn* as it agrees almost completely with °Alī b. al-Ja°d’s tradition. The only difference between Abū °Ubayd and Ibn al-Ja°d is the masculine verbal form that the former prefers in clause 4.

The second tradition through Abu al-Naḍr is found in the *Musnad* of Abū °Awāna.⁷⁶ As in the case of the *isnāds* passing through Ghundar, the analysis of Abū °Awāna’s tradition is complicated by its reliance on a confused collective *isnād*. Abū °Awāna adduces three *isnāds*: (1) Yazīd b. °Abd al-Šamad → Ādam b. Abī Īyās → Shu°ba; (2) Ibn Junayd → Abū al-Naḍr → Shu°ba; (3) Abū Qilāba → Abū Bakr b. Bakkār and Ibn al-Ja°d → Shu°ba. To the last *isnād*, which doubles above the tier of Shu°ba and comes together in Abū Qilāba, Abū °Awāna attaches a *matn* that stands aloof from the other *matns* included in the Shu°ba cluster. I have already pointed to its numerous differences, when I analysed the traditions through Ibn al-Ja°d. Suffice it to say that Abū °Awāna’s *matn* is identical with al-Bazzār’s *matn* attached to the cluster through Muḥammad b. Ja°far Ghundar. This *matn*, as noted, most likely derives from the Hushaym b. Bashīr cluster and therefore should not be associated with the cluster revolving around Shu°ba b. al-Ḥajjāj. For the current analysis Abū °Awāna’s tradition has a negative value: its evidence excluded, we are left with Abū °Ubayd’s *isnād* as a single attribution to Abū al-Naḍr, which is far from sufficient to consider the latter a PCL.

Summing up the analysis of the Shu°ba cluster, I should emphasize the predominantly homogenous structure of the *matns* constituting its narrative fabric. The occasional rearrangement of some clauses does not affect the meaning; it has probably resulted from spontaneous changes that accompanied the oral transmission of the narrative. Both the homogeneity and the insignificance of variations across a considerable number of *riwāyas* point to a common source of information and independent ways of transmission. That Shu°ba b. al-Ḥajjāj is the source in question is suggested by the *isnād* evidence, which, nevertheless, presents us with some problems that should not be overlooked. The main knot of *isnād* convergence above Shu°ba, Ibn al-Ja°d, is quoted exclusively in single-strand *isnāds* none of which is associated with a CR. Add to this that Ibn al-Ja°d must have been a near centenarian (and

⁷⁵ Abū °Ubayd, *al-Nāsikh wa-l-Mansūkh*, 133, no. 240.

⁷⁶ Abū °Awāna, *Musnad*, 4:121, no. 6251.

is, indeed, said to have been so) in order to have met his alleged informant, Shu^ʿba b. al-Ḥajjāj. Muḥammad b. Ja^ʿfar Ghundar is another important key figure in the Shu^ʿba cluster. Due to the discrepant *matns* associated with Ghundar's apparent PCL, Muḥammad b. al-Muthannā, Ghundar may be considered cautiously as a (S)PCL. The importance of another key figure, Abū al-Naḍr, is belittled by the existence of confused collective *isnāds* in the traditions that pass through them. Shabāba b. Sawwār is the only indubitable CL of Shu^ʿba, but note that Shabāba appears in only two *isnāds*. Thus, at least two of the four key figures may be thought, albeit not without a shade of hesitation, as transmitters of a tradition going back to Shu^ʿba b. al-Ḥajjāj. Consequently, the remaining *isnāds*, most especially those associated with Ibn al-Ja^ʿd, enjoy greater chance of being authentic attributions to Shu^ʿba. Additional evidence in support of Shu^ʿba's contribution to the early circulation of the ^ʿUbāda tradition may be found in the parallel *isnād* and *matn* clusters. One of these clusters, to which I proceed now, is associated with Hushaym b. Bashīr.

The Hushaym b. Bashīr cluster

Alongside Shu^ʿba b. al-Ḥajjāj, the Wāsiṭi traditionist Hushaym b. Bashīr (104–5–183/722–4–799) is one of the key figures in the ^ʿUbāda bundle (Diagram 2, p. 175). Qutayba b. Sa^ʿīd (148–50–240/765–8–854), who hailed from Balkh but was also active in Baghdad, is an important key figure above the level of Hushaym b. Bashīr. Al-Tirmidhī (d. 279/892), who is a direct CR of Qutaybacites the following *matn*:

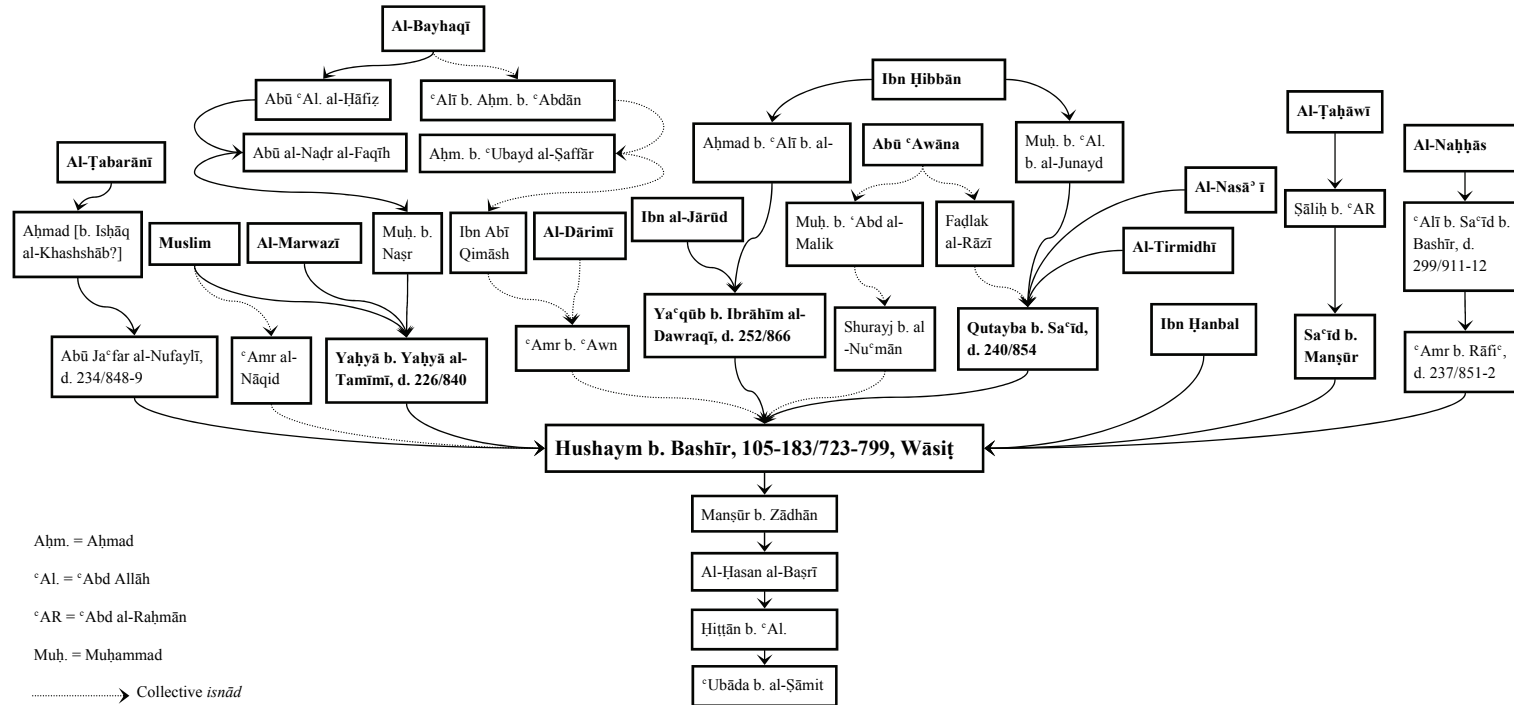
(1) *Khudhū ʿan-nī!* (2) *Fa-qad jaʿala l-lāh^u la-hunna sabīl^{an}.* (3a) *Al-thayyib^u bi-l-thayyib^u jald^u miʿatⁱⁿ thumm^a l-rajm* (3b) *wa-l-bikr^u bi-l-bikr^u jald^u miʿatⁱⁿ wa-nafy^u sana.*

(1) Take it from me! (2) Allāh has appointed a way for them. (3a) A non-virgin with a non-virgin [punish them with] one hundred strokes then stoning, (3b) a virgin with a virgin [punish them with] one hundred strokes and a year's banishment.⁷⁷

Al-Nasāʿī, who like al-Tirmidhī is in the position of a direct CR, cites an identical tradition. The formal differences boil down to al-Nasāʿī's use of *fa-qad* instead of *qad* at the beginning of clause 2, and of the

⁷⁷ Al-Tirmidhī, *Sunan*, ed. Aḥmad Muḥammad Shākir, 5 vols. (2nd ed., Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1398/1978), 4:41, no. 434.

Diagram 2 - The Non-Revelation Cluster: the Hushaym b. Bashīr Version



connective *wāw* instead of *thumma* in clause 3a.⁷⁸ Ibn Ḥibbān, who quotes Qutayba b. Saʿīd through the agency of Muḥammad b. ʿAbd Allāh b. al-Junayd, provides another, nearly identical, variant. His *matn* differs from al-Tirmidhī's in clause 1, in which Ibn Ḥibbān has opted for a twofold repetition of the Prophet's exclamation: *Khudhū ʿan-nī! Khudhū ʿan-nī!*⁷⁹ Similarly to what we observed in the Shuʿba cluster, Abū ʿAwāna relies on a collective *isnād*.⁸⁰ In the present case, however, his *matn* is identical with al-Tirmidhī's with the exception of clauses 3a and 3b, which come in a reverse order. This rather spontaneous rearrangement does not negate the value of Abū ʿAwāna's tradition, but suggests that the collector was perplexed about the exact wording, most probably because of his reliance on a collective *isnād*. In sum, the traditions through Qutayba b. Saʿīd are sufficiently homogenous as to allow us to conclude that Qutayba is a PCL. Trivial variations in the wording of the different *riwāyas* suggest individual ways of transmission of a base tradition, which is indubitably linked with the name of Qutayba.

Yaḥyā b. Yaḥyā al-Tamīmī (142–226/759/60–840) is another key figure in the transmission of the version of Hushaym b. Bashīr. Portrayed as one of the most reliable traditionists in Khurāsān, Yaḥyā b. Yaḥyā is not surprisingly cited by Muslim b. Ḥajjāj:

(1) *Khudhū ʿan-nī! Khudhū ʿan-nī!* (2) *Qad jaʿala l-lāh^u la-hunna sabīl^{an}.*
 (3b) *Al-bikr^u bi-l-bikrⁱ jald^u miʿatⁱⁿ wa-nafy^u sana* (3a) *wa-l-thayyib^u bi-l-thayyibⁱ jald^u miʿatⁱⁿ wa-l-rajm.*

(1) Take it from me! Take it from me! (2) Allāh has appointed a way for them. (3b) A virgin with a virgin [punish them with] one hundred strokes and a year's banishment, (3a) a non-virgin with a non-virgin [punish them with] one hundred strokes and stoning.⁸¹

Al-Marwazī, who is another direct CR of Yaḥyā b. Yaḥyā, provides an identical *matn*.⁸² The much later al-Bayhaqī differs only in clause 1, in which he abandons the twofold repetition of the *Khudhū ʿan-nī!*

⁷⁸ Al-Nasāʾī, *al-Sunan al-Kubrā*, ed. Shuʿayb al-Arnāʾūṭ and Ḥasan ʿAbd al-Munʿim Shalabī, 12 vols. (1st ed., Beirut: Muʿassasat al-Risāla, 1421/2001), 6:406, no. 7106.

⁷⁹ Ibn Ḥibbān, *Ṣaḥīḥ*, ed. Shuʿayb al-Arnāʾūṭ, 18 vols. (Beirut: Muʿassasat al-Risāla, 1414/1993), 10:271–2, no. 4425.

⁸⁰ Abu ʿAwāna, *Musnad*, 4:120, no. 6248.

⁸¹ Muslim, *Ṣaḥīḥ*, 11:270, no. 1690.

⁸² Al-Marwazī, *al-Sunna*, 238, no. 370.

exclamation.⁸³ This innocuous change cannot belittle the value of his tradition as evidence of Yaḥyā b. Yaḥyā's PCL status. Yaḥyā's version differs from Qutayba's by the twofold repetition of *Khudhū °an-nī!* and by the reverse order of clauses 3a and 3b. None of these changes however affects the essence of the tradition nor do they alter the *matn* in a way that prevents us from discerning the details of the base narrative. These changes bespeak independent transmission on behalf of Yaḥyā b. Yaḥyā al-Tamīmī and Qutayba. Hence, both Yaḥyā and Qutayba are best seen as transmitters of a single *matn* that goes to the credit of Hushaym b. Bashīr.

The Baghdādī traditionist Ya°qūb b. Ibrāhīm al-Dawraqī (166–252/782–3–866) is another key figure above the tier of Hushaym b. Bashīr. Ibn al-Jārūd is a direct CR of Ya°qūb:

(1) *Khudhū °an-nī!* (2) *Qad ja°ala l-lāh° la-hunna sabīl°an.* (3a) *Al-thayyib° bi-l-thayyib° jald° mi°at°n thumma l-rajm* (3b) *wa-l-bikr° bi-l-bikr° jald° mi°at°n wa-yunfayāni °ām°an.*

(1) Take it from me! (2) Allāh has appointed a way for them. (3a) A non-virgin with a non-virgin [punish them with] one hundred strokes then stoning, (3b) a virgin with a virgin [punish them with] one hundred strokes and they should be banished for one year.⁸⁴

Ibn Ḥibbān repeats the *matn* with a single difference: he opts for *sanat°an* instead of *°ām°an* to define the period of banishment at the end of clause 3b.⁸⁵ This simple substitution does not preclude a conclusion that both Ibn al-Jārūd and Ibn Ḥibbān cite one tradition, which most probably goes to Ya°qūb b. Ibrāhīm al-Dawraqī. Note that al-Dawraqī's *matn* is distinguished by a feature that sets it clearly apart from the other *matns* included in the Hushaym b. Bashīr cluster. In clause 3b it combines the nominal compound (*jald° mi°at°n*) with the verbal clause (*wa-yunfayāni °ām°an*). The dissonant verbal clause was probably introduced by al-Dawraqī under the influence of a tradition he had known for a while. This earlier specimen can easily be found in the Shu°ba cluster, which employs exclusively verbal clauses to describe the penalties for adultery and fornication. Note that al-Dawraqī has preferred the dual verbal form *yunfayāni*, which is conditioned by the dual subject in clause 3b contrary to the Shu°ba version, in which a single subject is preferred.

⁸³ Al-Bayhaqī, *al-Sunan al-Kubrā*, 10 vols. (1st ed., Hyderabad, 1344), 8:222.

⁸⁴ Ibn al-Jārūd, *al-Muntaqā*, ed. °Abd Allāh °Umar al-Bārūdī (1st ed., Beirut: Dār al-Janān, Mu°assasat al-Kutub al-Thaqāfiyya, 1408/1988), 205, no. 810.

⁸⁵ Ibn Ḥibbān, *Ṣaḥīḥ*, 10:272, no. 4426.

While it is conceivable that al-Dawraqī's *matn* partly draws on the tradition of Shu'ba, (Diagram 2, p. 175) shows that the relationship between al-Dawraqī and his stated informant, Hushaym b. Bashīr, stumbles at a chronological problem. Al-Dawraqī is said to have died almost seventy years after the death of Hushaym, which means that the pupil must have lived at least eighty-five years in order to have heard traditions from his teacher. According to later biographers this condition is fulfilled, as al-Dawraqī is said to have been born in 166/782–3; that is, he was about seventeen years old at the time of Hushaym's death. Thus, al-Dawraqī is yet another representative of the large group of traditionists who, according to the *isnād* evidence, must have attended the lessons of very old *shaykhs*, while being themselves in their (early) teens. Such catenae of traditionists and their informants, when employed frequently, leave the impression of artificial *isnād*-shortening devices.

Although Muslim biographers are confident that al-Dawraqī heard traditions from Hushaym, their information on al-Dawraqī is very limited. The biographical accounts usually boil down to al-Dawraqī's dates of birth and death and statements that he was reliable (*thiqa*) and trustworthy (*ṣadūq*).⁸⁶ Given the obvious chronological problem, the scant biographical information on al-Dawraqī, and the absence of indications that he possessed a written source with Hushaym's traditions, to accept al-Dawraqī as a PCL of Hushaym b. Bashīr would require an excess of credulity. As the *matn* peculiarities suggest, al-Dawraqī's tradition was coined under the influence of the Shu'ba cluster.

The Wāsiṭi traditionist °Amr b. °Awn (d. 225/839–40) cannot be considered a PCL as his name occurs in two collective *isnāds*. The earlier one is provided by al-Dārimī,⁸⁷ who attaches it to a differently worded *matn*, which is an unmistakable conflation of the Shu'ba and Hushaym versions. As for al-Bayhaqī, his *isnād* suggests that he had in

⁸⁶ Ibn Abī Ḥātim, *Jarḥ*, 9:202; Ibn Ḥibbān, *Thiqāt*, 10 vols. (Hyderabad: Majlis Dā'irat al-Ma'ārif al-°Uthmānīyya, 1973–1983), 9:286; Abū Ya'la al-Khalīl b. °Abd Allāh b. Aḥmad al-Qazwīnī, *Al-Irshād fī Ma'rifat Rijāl al-Ḥadīth*, ed. Muḥammad Sa'īd b. °Umar Idrīs, 3 vols. (Riyadh: Maktabat al-Rushd, n.d.), 2:603; al-Khaṭīb al-Baghdādī, *Tārīkh*, 16:407–8; Ibn al-Qaysarānī, *Kitāb al-Jam' bayn Kitābay Abī Naṣr al-Kalābādī wa-Abī Bakr al-Iṣbahānī*, 2 vols. (2nd ed, Beirut: Dār al-Kutub al-°Ilmiyya, 1405/1985), 2:589; al-Mizzī, *Tahdhīb al-Kamāl*, 32:311–4; Ibn Ḥajar, *Tahdhīb al-Tahdhīb*, 11:381–2.

⁸⁷ Al-Dārimī, *Sunan*, ed. Ḥusayn Salīm Asad al-Dārānī, 4 vols. (1st ed., Riyadh: Dār al-Mughnī, 1421/2000), 3:1500, nos. 2372–3.

mind a *matn* identical to that through Yaḥyā b. Yaḥyā al-Naysābūrī.⁸⁸ If so, then al-Bayhaqī would have thought of a *matn* that differs notably from the one meant by al-Dārimī. As a result °Amr b. °Awn cannot be considered a PCL; collective *isnāds* once again prove to be highly unreliable as a means for dating traditions.

In addition to the discussed key figures, Diagram 2 (p. 175) shows a number of single-strand *isnāds* reaching down to Hushaym b. Bashīr. Muslim cites an *isnād* through °Amr al-Nāqid which is said to carry a *matn* identical with the one through Yaḥyā b. Yaḥyā al-Tamīmī.⁸⁹ Such a collective *isnād* cannot be considered as a direct proof of Hushaym b. Bashīr's CL status. It nevertheless provides additional evidence in support of Yaḥyā b. Yaḥyā's position as a PCL of Hushaym and may therefore be considered as an indirect indication of Hushaym's CL status. Al-Ṭabarānī cites a variant that is identical with the tradition through al-Dawraqī.⁹⁰ As al-Dawraqī is not present in al-Ṭabarānī's *isnād*, it is likely that the latter reflects an attempted dive under the seeming PCL. The third single strand is provided by al-Naḥḥās.⁹¹ It concurs with the variant of Yaḥyā b. Yaḥyā al-Tamīmī, save for the clause 1, in which *Khudhū °an-nī!* occurs only once. This minor change may indicate an authentic transmission from Hushaym b. Bashīr. At the same time, the single-strand *isnād* provided by al-Naḥḥās does not allow us to exclude the possibility that someone along the transmission line borrowed Yaḥyā b. Yaḥyā's tradition and fitted it out with a new *isnād*, which imparts to it an appearance of an independent *ḥadīth*. Al-Naḥḥās' informant, °Alī b. Sa°īd b. Bashīr (d. 299/911–12) is a barely known traditionist whose *tarjama* contains contradictory information about his merits and demerits. Disparaging accounts about °Alī b. Sa°īd b. Bashīr may have been conditioned partly by his close relationship with the rulers.⁹² More

⁸⁸ Al-Bayhaqī, *al-Sunan al-Kubrā*, 8:222.

⁸⁹ Muslim, *Ṣaḥīḥ*, 11:272, no. 1690.

⁹⁰ Al-Ṭabarānī, *al-Mu°jam al-Awsaṭ*, eds. Abū Ma°ādh Ṭāriq b. °Awaḍ Allāh b. Muḥammad, Abū al-Faḍl °Abd al-Muḥsin b. Ibrāhīm al-Ḥusaynī, 10 vols. (Cairo: Dār al-Ḥaramayn, 1415/1995), 2:32, no. 1140.

⁹¹ Al-Naḥḥās, *al-Nāsikh wa-l-Mansūkh*, (al-Maktaba al-°Allāmiyya, 1357/1938), 99.

⁹² °Alī b. Sa°īd b. Bashīr is said to have been appointed a governor of some village (*qarya*) in Egypt. When the local people refused to pay their land tax (*kharāj*), °Alī b. Sa°īd would let the pigs into the mosque (Ibn Ḥajar, *Lisān al-Mīzān*, ed. °Abd al-Fattāḥ Abū Ghudda, 5 vols. [Maktab al-Maṭbū°āt al-Islāmiyya, n.d.], 5:543.

importantly, °Alī b. Sa°īd is known to have practised *tadlīs*.⁹³ According to al-Dāraquṭnī, he related single traditions not supported by parallel lines of transmission (*tafarrada bi-ashyāⁱⁿ; haddatha bi-aḥādīth^a lam-yutāba^c °alay-hā*).⁹⁴ If the biographical information about °Alī b. Sa°īd should be lent credence, it suggests that he may have devised the *isnād* to Hushaym b. Bashīr.

Beside the single-strand *isnāds*, Ibn Ḥanbal and Sa°īd b. Manṣūr are direct CRs of Hushaym b. Bashīr.⁹⁵ Sa°īd b. Manṣūr differs from the other traditions in the Hushaym cluster mainly in employing the locution *taghrīb^u °āmⁱⁿ* instead of the attested *nafy^u sana/°ām*. The *taghrīb*-version is scattered over various clusters of the non-revelation tradition and cannot be associated with a specific PCL, or CL for that matter. It is conceivable that Sa°īd b. Manṣūr knew the tradition from Hushaym and altered the *matn* inadvertently under the influence of another variant tradition, which was known to him from a different source.

Ibn Ḥanbal's no. 22666 is completely identical with the variant of Yaḥyā b. Yaḥyā al-Tamīmī. It stands to reason that both traditionists collected a same tradition from a common source, which can be safely associated with Hushaym b. Bashīr.

Our analysis of the cluster through Hushaym b. Bashīr (Diagram 2, p. 175) has succeeded in evincing two unambiguous PCLs, namely Yaḥyā b. Yaḥyā al-Tamīmī and Qutayba b. Sa°īd. At the same time, neither Ya°qūb al-Dawraqī nor °Amr b. °Awn can be ascertained as PCLs of Hushaym b. Bashīr. Note however that the number of *isnāds* converging in Yaḥyā b. Yaḥyā and Qutayba b. Sa°īd exceeds the number of attributions to Ya°qūb al-Dawraqī and °Amr b. °Awn. In terms of quality, the attributions to Yaḥyā and Qutayba are superior: their analysis exhibits no *isnād* irregularities, whereas both traditions through °Amr b. °Awn are based on confused collective lines of transmission. The evidence of the CLs is seconded by the existence of two CRs, to wit, Ibn Ḥanbal and Sa°īd b. Manṣūr who quote Hushaym b. Bashīr in an unmediated way. Therefore, Hushaym is best seen as the actual CL of the currently studied variant tradition.

The existence of a variant going back to Hushaym b. Bashīr (d. 183/799) shows that the non-revelation tradition existed around the

⁹³ Ibn Ḥajar, *Lisān*, 5:343.

⁹⁴ *Ibid.*, 5:342–3.

⁹⁵ Ibn Ḥanbal, *Musnad*, 37:338, no. 22666; Sa°īd b. Manṣūr, *Sunan*, ed. Sa°d b. °Abd Allāh b. °Abd al-°Azīz al-Ḥumayyid, 6 vols. (1st ed., Riyadh: Dār al-Ṣumay°ī li-l-Nashr wa-l-Tawzī°, 1414/1993), *K. al-Tafsīr*, 3:1191, no. 594.

middle of the second century AH. In the preceding chapter I have suggested that Shu[°]ba b. al-Ḥajjāj may have been the original disseminator of the tradition. Nevertheless, due to *isnād* irregularities, I preferred to leave the question about Shu[°]ba's CL status open until further evidence is derived from parallel lines of transmission. Although Shu[°]ba is not present in Hushaym's *isnād*, he must have known the °Ubāda tradition. This is indicated by the fact that Shu[°]ba's lifespan partly overlaps with that of Hushaym; by the *isnād* and *matn* evidence discussed in the preceding chapter; and not least by a comparison between the *matns* cited by Hushaym and Shu[°]ba. Hushaym's narrative differs from Shu[°]ba's in three main points: (1) it merges Shu[°]ba's clauses 3 and 4 into a single locution; (2) it substitutes verbal nouns for the verbs occurring in Shu[°]ba's clause 4; and (3) it qualifies the verbal nouns by genitive additions that define the number of lashes and the duration of banishment. Arguably, the first two points do not allow us to consider one of the versions as preceding its counterpart. That is to say, in the first point of difference Hushaym's variant may have been a slight abridgement of the earlier Shu[°]ba version, but, likewise, Shu[°]ba's tradition may have been an expansion of Hushaym's narrative. In the latter case the tradition would have been back-projected onto Shu[°]ba. Similarly, preference for verbal nouns or verbs in the second point of difference is not revealing about the relative chronology of the two variant traditions. The genitive additions to the verbal nouns, however, evince a development, in which the vague call for flogging and banishment was elucidated by the respective qualifications. In other words, traditions void of qualifications must have been earlier than the qualified ones. Insofar as the qualified expressions clearly go to the credit of Hushaym b. Bashīr, it stands to reason that the unqualified traditions go back to an authority as early as Shu[°]ba b. al-Ḥajjāj. Consequently, the non-revelation tradition should have existed as early as the second quarter of the second century AH.

Additional clusters and diving transmission lines

Diagram 3 (p. 184) comprises a number of *isnāds* that belong to the non-revelation group but cannot be attributed with certainty to key figures as early as Shu[°]ba b. al-Ḥajjāj (d. 160/776) and Hushaym b. Bashīr (d. 183/799). That is not to say that some *isnād* bundles do not appear as converging in early transmitters, but rather that these key figures cannot be attested as actual CLs. By far the most interesting bundle in Diagram 3 is the one going back to the Baṣran *mawlā* Sa[°]īd b. Abī °Arūba (d. 156–59/772–76). On closer inspection, one finds that Sa[°]īd is quoted by

Yaḥyā b. Saʿīd al-Qaṭṭān (120–98/738–813), who is present in five *isnāds*, and al-Ṭabarī, who relies on a single-strand *isnād* through Ibn Bashshār and ʿAbd al-Aʿlā. I start with the analysis of traditions through al-Qaṭṭān. According to Abū Dāwūd (d. 275/889) on the authority of Musaddad, al-Qaṭṭān related the following *matn*:

(1) *Khudhū ʿan-nī! Khudhū ʿan-nī!* (2) *Qad jaʿala l-lāh^u la-hunna sabīl^{un}.*
 (3a) *Al-thayyib^u bi-l-thayyibⁱ jald^u miʿatⁱⁿ wa-ramy^{un} bi-l-ḥijāra* (3b) *wa-l-bikr^u bi-l-bikrⁱ jald^u miʿatⁱⁿ wa-naḥy^u sana.*

(1) Take it from me! Take it from me! (2) Allāh has appointed a way for them. (3a) A non-virgin with a non-virgin [punish them with] one hundred strokes and [an execution by] stones thrown, (3b) a virgin with a virgin [punish them with] one hundred strokes and a year's banishment.⁹⁶

Al-Maḥāmīlī (235–330/849–943) and al-Shāshī (d. 335/946–7)⁹⁷ cite a similar *matn*. Both differ insignificantly from Abū Dāwūd in preferring *rajm^{un} bi-l-ḥijāra* to *ramy^{un} bi-l-ḥijāra* in clause 3a. Abū Dāwūd's *matn* most likely reflects the original wording of the tradition; *rajm^{un} bi-l-ḥijāra* is a pleonasm which most likely emerged in the course of transition from a descriptive locution to a terminological formulation.

Al-Nasāʿī's *matn* resembles that of al-Maḥāmīlī and al-Shāshī but reverses the order of clauses 3a and 3b.⁹⁸ It will be recalled that this is far from being an isolated case, as the order of these two clauses is fluid, while its reversal does not affect the meaning of the tradition. Insofar as al-Nasāʿī preserves all the peculiarities present in the other three traditions, his version may be considered as evidence supporting the status of Yaḥyā b. Saʿīd al-Qaṭṭān as a PCL or CL of the present bundle.

Unfortunately, the same cannot be said about the tradition found in the collection of Ibn Māja.⁹⁹ He cites a variant of the *taghrīb^u sanatⁱⁿ* tradition, the origin of which cannot be identified. At the same time Ibn Māja omits the main peculiarity of al-Qaṭṭān's *matn*, represented by the locution *ramy^{un}/rajm^{un} bi-l-ḥijāra*. Even though one may concede that Ibn Māja's tradition generally belongs to the cluster at issue, it cannot serve as a proof of al-Qaṭṭān's CL/PCL status.

⁹⁶ Abū Dāwūd, *Sunan*, 4:370–1, no. 4415.

⁹⁷ Al-Maḥāmīlī, *Āmālī*, ed. Ibrāhīm Ibrāhīm al-Qaysī (1st ed., ʿAmmān, Riyadh: al-Maktaba al-Islāmiyya, Dār al-Qayyim., 1412/1991), 374, no. 421; al-Shāshī, *Musnad*, 3:222.

⁹⁸ Al-Nasāʿī, *Sunan*, 10:60, no. 11027.

⁹⁹ Ibn Māja, *Sunan*, ed. Muḥammad Fuʿād ʿAbd al-Bāqī, 2 vols. (Beirut: Dār al-Fikr, n.d.), 2:852–3, no. 2550.

Ibn Māja's irregular tradition notwithstanding, there is sufficient *isnād* and *matn* material that substantiates al-Qaṭṭān's role as either PCL or CL of the cluster through Ibn Abī °Arūba.

Al-Qaṭṭān most probably contributed to the development of the *matn* by substituting *ramy^{um} bi-l-ḥijāra* for the earlier *rajm*. Later traditionists who based their *riwāyas* on al-Qaṭṭān partly corrected his reading by reinstating *rajm*, albeit in a partly pleonastic conjunction with *al-ḥijāra*.

Apart from al-Qaṭṭān's contribution to the circulation of the present tradition, one has to look for his sources. Sa°īd b. Abī °Arūba is invariably quoted as al-Qaṭṭān's informant in the present *isnād*. Such a single line of transmission cannot attest to the authenticity of al-Qaṭṭān's attribution to Ibn Abī °Arūba unless supported by parallel PCL or CR *isnāds* that converge in Ibn Abī °Arūba. There is only one parallel line that leads to Sa°īd b. Abī °Arūba without relying on the authority of al-Qaṭṭān.

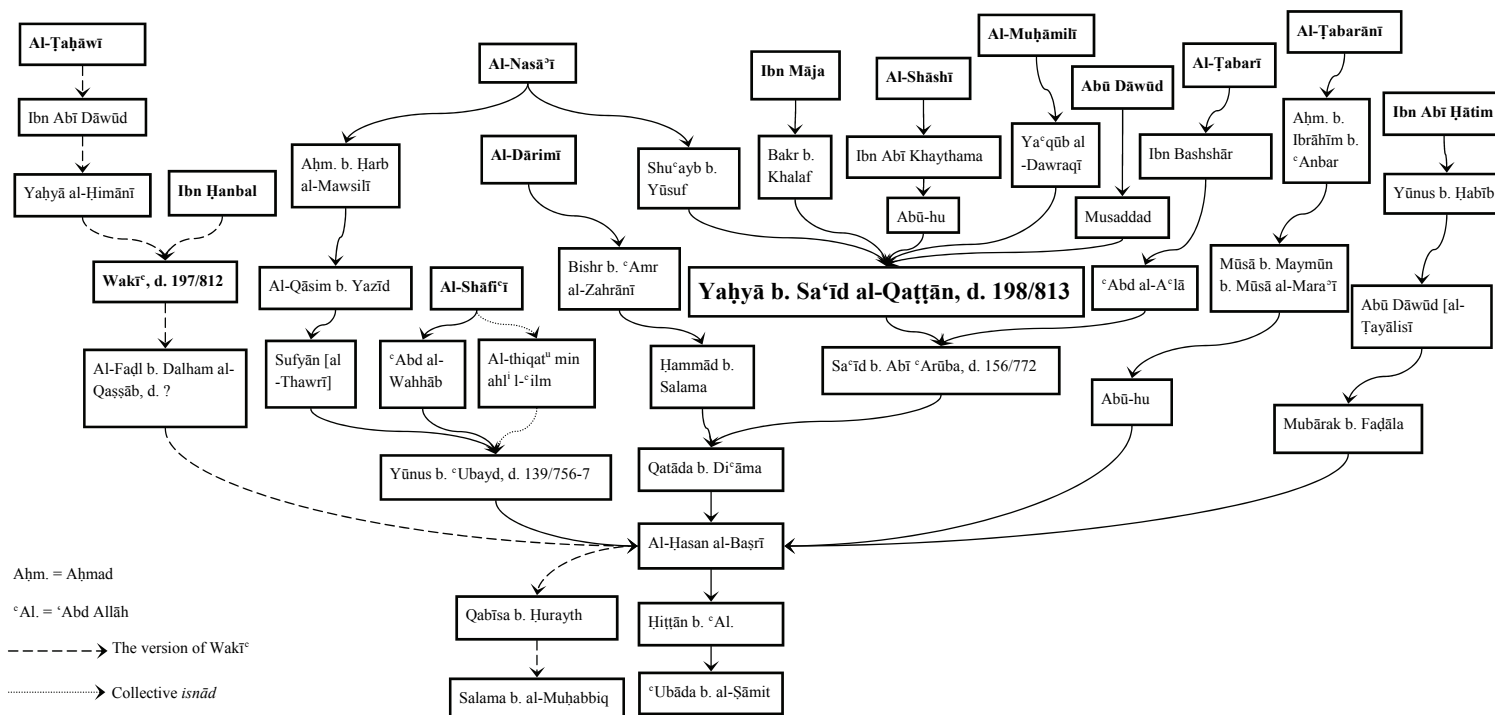
Cited by al-Ṭabarī,¹⁰⁰ it is an unmistakable copy of Shu°ba's tradition. The only element that links al-Ṭabarī's *matn* with the tradition of Yaḥyā b. Sa°īd al-Qaṭṭān (but also with the tradition of Hushaym b. Bashīr) is the closing clause, in which al-Ṭabarī prefers nominal expressions (i.e. *jald^u mi°at^{im} wa-nafy^u sanat^{im}*) instead of verbal phrases used in Shu°ba's *ḥadīth*. Thus, al-Ṭabarī has come out with an awkward compound, which draws on several different traditions in the non-revelation cluster. Consequently, his single strand cannot be conducive to proving Ibn Abī °Arūba's CL status.

Apart from al-Ṭabarī's tradition, which is foreign to the Ibn Abī °Arūba cluster, there are no other transmission lines capable of evincing a CL earlier than Yaḥyā b. Sa°īd al-Qaṭṭān. While pondering over al-Qaṭṭān's actual source of information, one is perplexed to observe that al-Qaṭṭān does not cite Shu°ba whom he reportedly accompanied for twenty years.¹⁰¹ Instead, al-Qaṭṭān prefers Sa°īd b. Abī °Arūba, although no relationship between the two is attested by early biographers like Ibn Sa°d (230/845), Ibn Ma°īn (d. 233/847), Ibn al-Madīnī (d. 234/848), al-Bukhārī (d. 256/870) and al-°Ijlī (d. 261/874–5). To the best of my knowledge, Aḥmad b. Ḥanbal, according to his son's testimony, was the

¹⁰⁰ Al-Ṭabarī, *Jāmi°*, 6:496.

¹⁰¹ Al-Khaṭīb, *Tārīkh*, 16:204–5.

Diagram 3 - The Non-Revelation Cluster, the Yahyā b. Saʿīd al-Qaṭṭān Version



first to mention briefly that al-Qaṭṭān was knowledgeable in the traditions of Ibn Abī °Arūba.¹⁰²

Given that al-Qaṭṭān spent twenty years together with Shu°ba, it is reasonable to expect that he was acquainted with Shu°ba's version of the °Ubāda tradition. Therefore, one may think that al-Qaṭṭān chose to disregard Shu°ba's tradition in favor of another version that may have been preferable by al-Qaṭṭān's standards. The version of Hushaym b. Bashīr, it will be recalled, improves Shu°ba's tradition by specifying the number of lashes and setting the exact period of banishment. Therefore it is not gratuitous to conclude that Hushaym b. Bashīr's tradition served al-Qaṭṭān as a base for his version which he fitted out with a new *isnād* involving Sa°id b. Abī °Arūba.¹⁰³

In addition to Sa°id b. Abī °Arūba, Diagram 3 (p. 184) shows another key figure, Yūnus b. °Ubayd (d. 139/756–7). He is cited by al-Shāfi°ī and al-Nasā°ī. Al-Shāfi°ī's *isnād* through °Abd al-Wahhāb b. °Aṭā° → Yūnus b. °Ubayd carries a *matn* that is characterized by the already observed use of *taghrīb* °āmin.¹⁰⁴ Additionally, al-Shāfi°ī chooses to support the first *isnād* with a second one, said to carry the same *matn*. Note, however, al-Shāfi°ī's reference to an anonymous "trustworthy [authority] among the people of knowledge" (*al-thiqat° min ahl° l-°ilm*), which speaks much to the detriment of his collective *isnād*. Unlike al-Shāfi°ī, al-Nasā°ī cites a tradition that avoids the *taghrīb* in favor of the wider-accepted *nafy*.¹⁰⁵ Another point of departure from al-Shāfi°ī is al-Nasā°ī's preference for a single *Khudhū °an-nī!* instead of the dual exclamation found in the *matn* of al-Shāfi°ī. Finally, al-Shāfi°ī inverts the order of the ultimate and the penultimate clauses in the *matn*. Although none of these changes on its own signals tampering with the tradition, taken on aggregate they suggest that al-Shāfi°ī and al-Nasā°ī derived their respective traditions from dissimilar sources. An alternative interpretation would be that while the traditions belong to a single source (viz. Yūnus b. °Ubayd), the differences arose from an unstable oral

¹⁰² Ibn Ḥanbal, *Kitāb al-°Ilal wa-Ma°rifat al-Rijāl*, ed. Waṣī Allāh b. Muḥammad °Abbās, 4 vols. (2nd ed., Riyadh: Dār al-Khānī, 1422/2001), 1:338, no. 2494; 1:335, no. 2571.

¹⁰³ Although Hushaym is from Wāsiṭ, he was reportedly active in Baṣra, Baghdād and Kūfa (al-Mizzī, *Tahdhīb al-Kamāl*, 30:279–80). Al-Qaṭṭān must have been well acquainted with Hushaym's traditions, as he had a positive opinion about Hushaym's transmission from Ḥuṣayn b. °Abd al-Raḥmān (ibid., 30:281).

¹⁰⁴ Al-Shāfi°ī, *Risāla*, 129, no. 378.

¹⁰⁵ Al-Nasā°ī, *Sunan*, 6:405, no. 7104.

transmission. The degree of *matn* instability, however, hardly allows for the reconstruction of the base version. Its association with Yūnus b. °Ubayd will remain highly tentative unless one finds additional lines of transmission that evoke more confidence than al-Nasā'ī's single strand and al-Shāfi'ī's collective attribution which essentially boils down to another single strand. Al-Shāfi'ī's suspect reference to an anonymous trustworthy authority may be thought as a token of manipulation. Be that as it may, the *isnād* and *matn* evidence in its present state does not allow me to consider Yūnus b. °Ubayd as a CL or PCL.

Ibn Ḥanbal and al-Ṭahāwī cite the Kūfan traditionist Wakī' b. al-Jarrāh (129–197/746–812) in an *isnād* that reaches al-Ḥasan al-Baṣrī through the agency of al-Faḍl b. Dalham.¹⁰⁶ Below al-Ḥasan's tier, instead of relying on Ḥittān b. °Abd Allāh and °Ubāda b. al-Ṣāmit, the transmission line takes an odd detour to Qabīsa b. Ḥurayth and Salama b. al-Muḥabbiq (see Diagram 3, p. 184, the dashed line). Although Ibn Ḥanbal and al-Ṭahāwī cite identical *matns*, there is no reason to assume a CL older than Wakī' b. al-Jarrāh. One may suspect that like his Baṣran colleague, Yaḥyā b. Sa'īd al-Qaṭṭān, Wakī' based his version on the tradition of Hushaym b. Bashīr.¹⁰⁷ Unlike Yaḥyā, who changed *rajm*^{um} to *ramy*^{um} *bi-l-ḥijāra* in the concluding clause of the *matn*, Wakī' preserved Hushaym's tradition in its original form. At the same time Wakī' preferred a strange *isnād* that avoids Ḥittān b. °Abd Allāh and °Ubāda b. al-Ṣāmit as the lowest parts of the transmission line. This irregular *isnād* was suspected of forgery by a number of Muslim *rijāl* critics.¹⁰⁸

Diagram 3 (p. 184) includes two single-strand *isnāds* none of which may substantiate al-Ḥasan's position as a CL of the *khudhū °an-nī* tradition. Whereas al-Ṭabarānī cites a *matn* that concurs verbatim with Hushaym b. Bashīr's *matn* (Diagram 2, p. 175),¹⁰⁹ Ibn Abī Ḥātim

¹⁰⁶ Ibn Ḥanbal, *Musnad*, 25:250–1, no. 15910; al-Ṭahāwī, *Sharḥ Ma°ānī al-Āthār*, 3:134, no. 4853.

¹⁰⁷ Ibn Ḥajar lists Hushaym among the informants of Wakī' (Ibn Ḥajar, *Tahdhīb al-Tahdhīb*, 11:59)

¹⁰⁸ Al-Bukhārī, *al-Tārīkh al-Kabīr*, 9 vols. (Beirut: Dār al-Kutub al-°Ilmiyya, 2001), 7:116–7; Ibn Abī Ḥātim, *°Ilal*, ed. Sa°d b. °Abd Allāh al-Ḥumayyid, Khālid b. °Abd al-Raḥmān al-Juraysī and others, 7 vols. (1st ed., Riyadh: 1427/2006), 4:207–8; al-Mizzī, *Tahdhīb al-Kamāl*, 23:221.

¹⁰⁹ Al-Ṭabarānī, *al-Mu°jam al-Awsaṭ*, 2:286, no. 2002.

prefers a tradition based on the *rajm^{um} bi-l-ḥijāra* locution.¹¹⁰ The latter was introduced by al-Qaṭṭān, who, therefore, may have been the original source whence Ibn Abī Ḥātim derived his tradition.

Summing up our investigation of the present *isnād* cluster, we may conclude that it contains two CL traditions, which are associated with Yaḥyā b. Saʿīd al-Qaṭṭān and Wakīʿ b. al-Jarrāḥ. None of these traditions may be attested as going to a transmitter earlier than the CL. Both CLs apparently based their variants on the tradition of Hushaym b. Bashīr, to which they added slight *matn* modifications and ‘independent’ *isnāds*.

Summary: The historical development of the non-revelation cluster according to the isnād and matn analysis

The *isnād* and *matn* analysis of the non-revelation cluster of the ʿUbāda tradition shows that variants thereof circulated in the Iraqī centers of learning during the second half of the second century AH. They were based on the version that the Baṣran traditionist Shuʿba b. al-Ḥajjāj had spread before the middle of the second century AH. Shuʿba’s tradition required a dual penalty for adulterers and fornicators alike: the adulterers were to be flogged and stoned, whereas the fornicators were to be flogged and banished.

A few decades after Shuʿba, the Wāsiṭi traditionist Hushaym b. Bashīr edited Shuʿba’s *matn* as to include two important emendations. While reaffirming the dual penalty for both categories of sexual offenders, he specified the number of lashes as one hundred and set the period of banishment to one year. Such stipulations are a clear sign of development in which the earlier vague requirement for flogging and stoning/flogging and banishment was modified by additional qualifications. Along with these additions, Hushaym b. Bashīr preferred to describe the punishment for adulterers and fornicators by genitive compounds in which the first part signifies the punishment while the second introduces the respective quantitative or temporal modifier. These genitive compounds superseded the verbal forms occurring in the earlier Shuʿba tradition.

During the last quarter of the second century AH the Baṣran Yaḥyā b. Saʿīd al-Qaṭṭān, and his Kūfan counterpart Wakīʿ b. al-Jarrāḥ, spread variants of Hushaym’s tradition. Instead of the single word *rajm* used by Hushaym, al-Qaṭṭān chose the locution *ramy^{um} bi-l-ḥijāra* to describe the

¹¹⁰ Ibn Abī Ḥātim, *Tafsīr*, ed. Asʿad Muḥammad al-Ṭayyib, 10 vols. (1st ed., al-Makka al-Mukarrama–Riyadh: Maktabat Nizār Muṣṭafā al-Bāz, 1417/1997), 8:2517, no. 14091.

penalty for adultery. This redaction apparently sought to bring syntactical uniformity to the penal clauses of the tradition. As a result of Hushaym's redaction of Shu'ba's original tradition, clauses 3a and 3b had come to rely on three longer locutions (*naḥy^u sanatⁱⁿ* on one occasion and *jald^u mi'atⁱⁿ* on two occasions) followed by a single word (*al-rajm*). Al-Qaṭṭān substituted the compound locution *ramy^{un} bi-l-ḥijāra* for *al-rajm*. Thus, he sacrificed the terminological expression in order to meet the recipient's expectation of a compound concluding clause. Unlike al-Qaṭṭān, Wakī' preferred to restore Hushaym's wording, but at the same time chose to rely on an alternative *isnād* circumventing the two earliest authorities in Hushaym's transmission line.

Notwithstanding the interventions that al-Qaṭṭān and Wakī' undertook, the base legal requirements in °Ubāda tradition had acquired their final shape already in the second quarter of the second century AH. The penal part of the *matn* insisted on a dual penalty for adultery and fornication. The introductory exclamation by the Prophet clearly referred to Qur'ān 4:15 the ordinance of which the tradition sought to emendate. Although such an intertextual relationship signals the tradition's dependence on scripture, none of the variants that we considered so far portrays the prophetic *dictum* as a divinely revealed ordinance.

At this point, one faces the question about the existence of an even earlier disseminator of the °Ubāda tradition as suggested in Juynboll's analysis. To check this hypothesis, I have compiled a combined diagram of the hitherto revealed (P)CLs in the °Ubāda non-revelation cluster (Diagram 4, p. 190). The *isnād* chart shows two (P)CLs, Shu'ba b. al-Ḥajjāj and Yaḥyā b. Sa'īd al-Qaṭṭān, converging on Qatāda b. Di'āma as their common informant. Thus, by the evidence of the *isnāds* Qatāda looks as an older (P)CL who may have received the tradition from al-Ḥasan al-Baṣrī. This hypothesis finds additional support in the *isnād* of yet another (P)CL, Hushaym b. Bashīr who draws his line of transmission via al-Ḥasan. Wakī's irregular *isnād* is of little corroborative force on its own, but if taken in conjunction with the existence of an attested PCL (Qatāda b. Di'āma), it may be cautiously interpreted as bespeaking al-Ḥasan al-Baṣrī's contribution to the circulation of the °Ubāda non-revelation tradition. Inevitably, this would push the tradition's history back to the second half of the first century AH.

The above optimistic scenario, however, must be tempered with important qualifications. While Shu'ba b. al-Ḥajjāj may be assumed to have faithfully named Qatāda b. Di'āma as his direct informant, Yaḥyā b. Sa'īd al-Qaṭṭān does not quote Qatāda directly, but through the agency

of Sa'īd b. Abī °Arūba. It should be recalled that we failed to prove Ibn Abī °Arūba's CL status. The same goes for Manşūr b. Zādhān who is Hushaym b. Bashīr's intermediary to al-Ḥasan al-Baṣrī. There is no evidence that allows us consider Manşūr as the tradition's CL instead of Hushaym b. Bashīr.

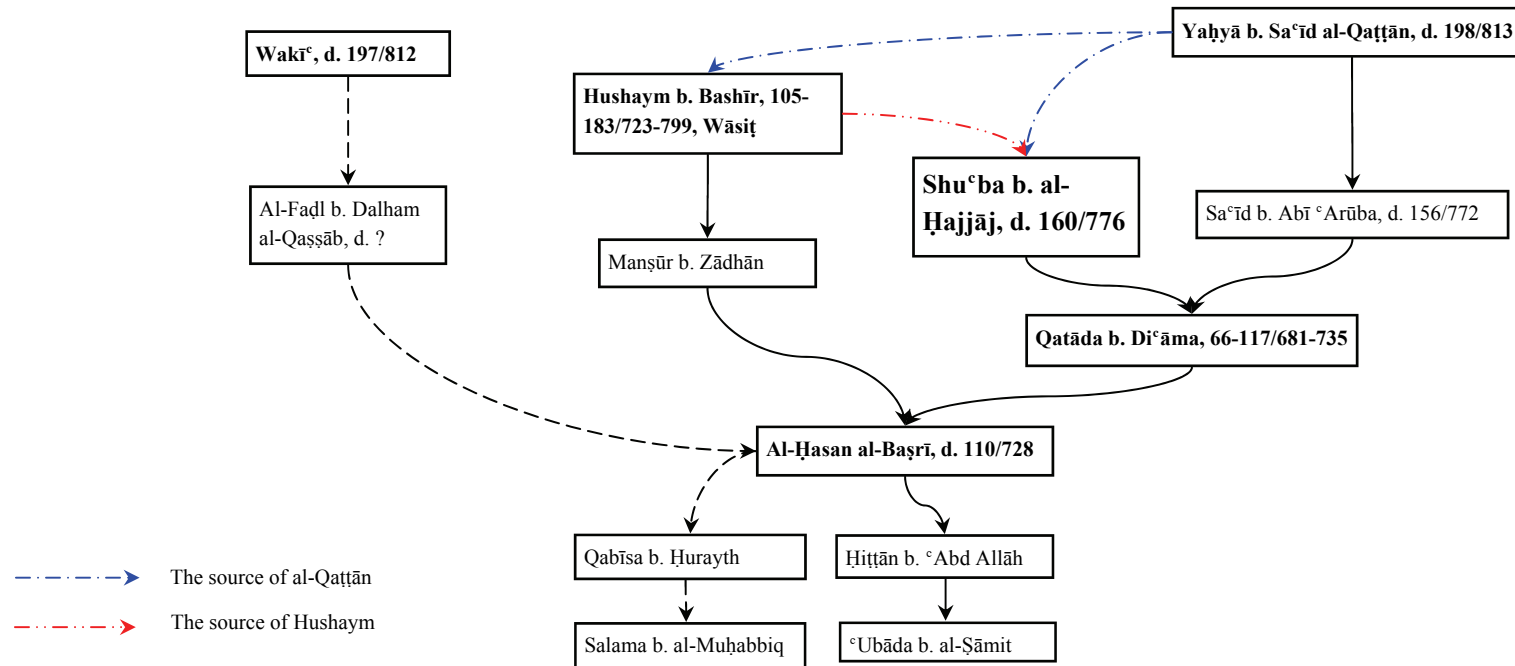
Coming to the *matns*, we have seen that Shu'ba b. al-Ḥajjāj circulated an early *matn*, which was edited by Hushaym b. Bashīr and Yaḥyā b. Sa'īd al-Qaṭṭān. That is to say, both Hushaym and Yaḥyā based their versions of the tradition of Shu'ba. At the same time neither Hushaym may be proven to have derived his *matn* from al-Ḥasan al-Baṣrī, nor al-Qaṭṭān to have received his version from Qatāda b. Di'āma. If a core version of Qatāda had existed, one may conjecture that it is represented by the tradition of Shu'ba b. al-Ḥajjāj, who quotes Qatāda directly. Note, however, that we do not possess Shu'ba's CL version, but have reconstructed it tentatively from later collections. We are uncertain about the wording of Shu'ba's tradition as for instance clauses 3 and 4 in its *matn* have the appearance of a later expansion of an earlier *matn*. One also wonders whether the exclamation *Khudhū °an-nī!* and the following reference to Qur'ān 4:15 were part of the original *matn*, which might have been confined to the dual-penalty *dictum*.

The degree of epistemological uncertainty increases dramatically as we try to delve into the single line below Shu'ba. An attribution to Qatāda may be based on the conjecture that Shu'ba has transmitted correctly the *matn* of his informant. If one concedes further a version of al-Ḥasan al-Baṣrī on the assumption that Qatāda in turn has also given correctly the name of his informant, one would wonder about the contents of al-Ḥasan's tradition, which, at present, could be construed only in terms of Juynboll's hypothetical legal maxim.

The revelation cluster

Our study of the °Ubāda cluster has shown that during the second half of the second century AH Iraqi traditionists spread and developed a stoning tradition that came to be closely associated with Qur'ān 4:15–6. Although Qur'ān 24:2 could be treated as the verse that abrogates the ordinance of Qur'ān 4:15–6, it mentions only flogging as punishment of the sexual offenders. Consequently, the stoning penalty for adultery needed justification. Given the lack of an explicit requirement for stoning in the Qur'ān, the °Ubāda tradition provided the sunnaic basis for the stoning of the adulterers. The resort to the *sunna*, however, brought forward as an unavoidable corollary the issue of the relationship between the Qur'ān and the *sunna*.

Diagram 4 - The Non-Revelation Cluster Summarized



That is to say, the chronological sequence Qurʾān 4:15 – the ʿUbāda tradition implied the question of whether the *sunna* may abrogate the Qurʾān. A positive answer would allow for accepting ʿUbāda as capable of modifying the Quranic ordinance in a way tantamount to abrogation; a negative answer would mean that the origins of the stoning penalty had to be found in scripture. There was a middle way, however. This is evident from a large group of traditions that describe the dual-penalty maxim as a divinely inspired prophetic utterance.

Diagram 5 (p. 192) shows an extensive *isnād* and *matn* bundle, which converges—albeit not exclusively—in Saʿīd b. Abī ʿArūba (d. 156–59/772–76). Below the tier of Ibn Abī ʿArūba, the *isnād* includes Qatāda b. Diʿāma, al-Ḥasan al-Baṣrī, Ḥiṭṭān b. ʿAbd Allāh and ʿUbāda b. al-Ṣamī. Upon comparison, this part of the *isnād* turns out to be exactly the same as the corresponding part of the *isnād* that Yaḥyā b. Saʿīd al-Qaṭṭān used to support his variant of the non-revelation tradition. This analogy will be important for the analysis of the revelation cluster. For more clarity, I divide this chapter into three parts corresponding to each potential CL.

The Ibn Abī ʿArūba cluster

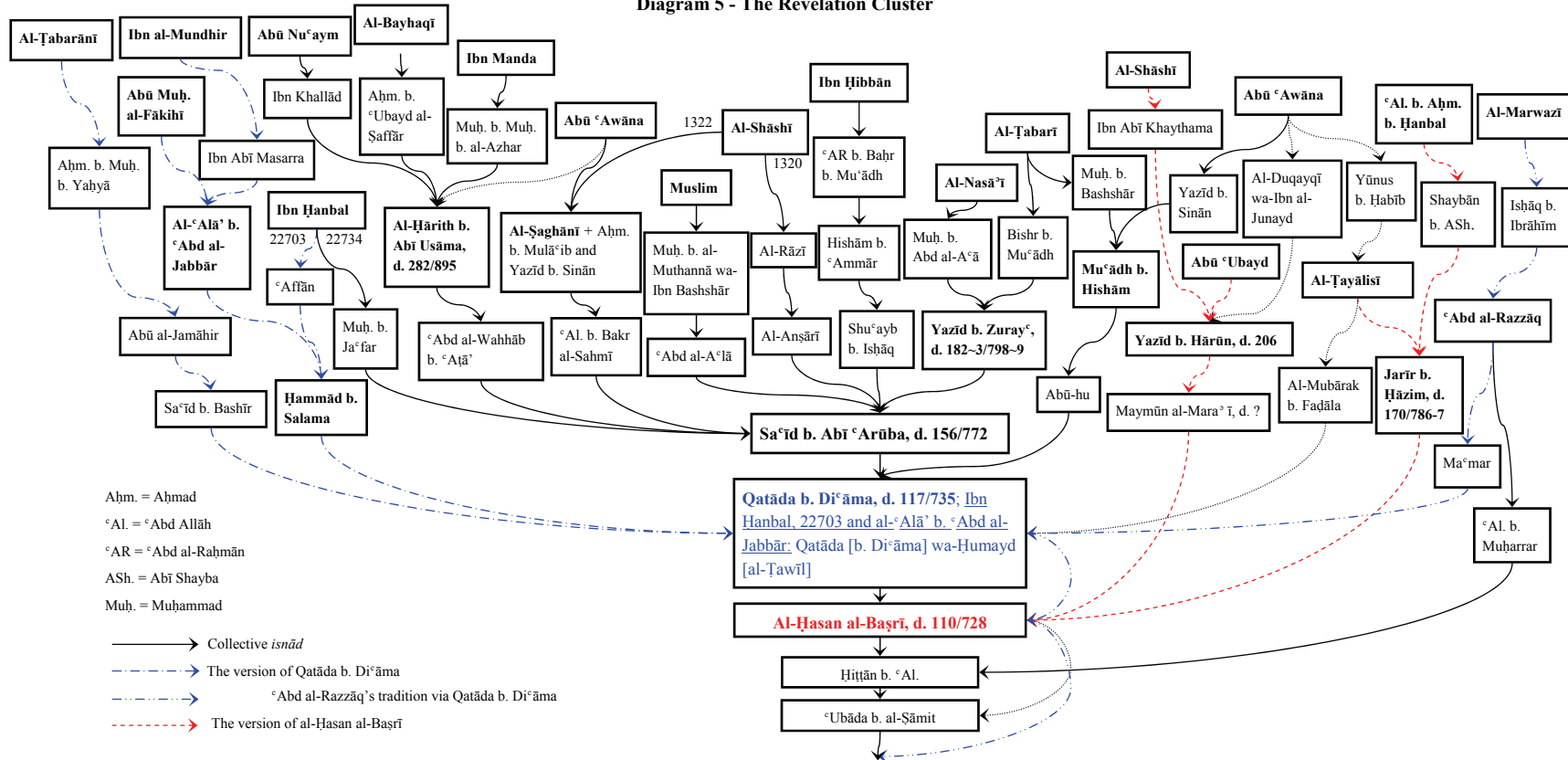
A brief look at the *isnād* structure (Diagram 5, p. 192) suffices to show that single lines of transmission predominate in the Saʿīd b. Abī ʿArūba cluster. Upon closer inspection, however, three key figures may be singled out. One of them is the Baṣran traditionist Yazīd b. Zurayʿ (101–Shawwāl 182 or 183/719–20 – November 798 or 799), a relatively early key figure immediately above the tier of Ibn Abī ʿArūba. Ibn Zurayʿ’s tradition is cited by al-Nasāʿī and al-Ṭabarī. Al-Nasāʿī’s variant runs as follows:

(1a) *Kāna rasūl^u l-lāhⁱ, ṣal^uam, idhā nazala/nuzzila ʿalay-hi kuriba li-dhālika wa-tarabbada la-hu wajh^u-hu* (1b) *fa-nazala/nuzzila ʿalay-hi dhat^u yawmⁱⁿ fa-laqiya dhālika fa-lammā surriya ʿan-hu qāla: (2) “Khudhū ʿannī! (3) Qad jaʿala l-lāh^u la-hunna sabīl^{an}. (4a) Al-bikr^u bi-l-bikrⁱ jald^u miʿatⁱⁿ wa-nafy^u sana (4b) wa-l-thayyib^u bi-l-thayyibⁱ jald^u miʿatⁱⁿ wa-l-rajm.”*

(1a) When [a revelation] descended upon the Messenger of Allāh, may Allāh bless him and grant him peace, he would be overwhelmed by grief and his face would grow pallid (1b) One day [a revelation] descended upon him, whereupon he experienced this [kind of symptoms]. When he [the Messenger of Allāh] regained his composure, he said: (2) “Take it from me! (3) Allāh has appointed a way for them. (4a) A virgin with a virgin [punish them with] one hundred strokes and a year’s banishment (4b) A non-virgin with a non-virgin [punish them with] one hundred strokes and stoning”.¹¹¹

¹¹¹ Al-Nasāʿī, *al-Sunan al-Kubrā*, 6:405, no. 7105.

Diagram 5 - The Revelation Cluster



The narrative consists of what we may term a revelation preamble (clause 1) and the prophetic (dual-penalty) maxim (clauses 2–4) as we know it from the non-revelation cluster. Al-Nasāʿī's preamble is notably fictionalized; the description of the Prophet's pallid face, his grief and his relief after the withdrawal of revelation are a dramatic prelude that clearly aims to convince the recipient that the following penal maxim was divinely inspired.

Al-Ṭabarī's variant tradition¹¹² differs from that of al-Nasāʿī in several respects. In clause 1b al-Ṭabarī chooses the explicative locution *anzala l-lāh^u ʿalay-hi dhāt^a yawmⁱⁿ* instead of al-Nasāʿī's shorter *fa-nazala/nuzzila ʿalay-hi dhāt^a yawmⁱⁿ*. By introducing an explicit subject, al-Ṭabarī offers a *lectio faciliior*. It removes the ambiguity in the reading of the predicate in al-Nasāʿī's *matn*, which—as the *lectio difficilior*—signals the earlier version. Al-Ṭabarī also prefers a reverse order of the final two clauses; that is, he puts 4b before 4a. As noted, such changes are most probably inadvertent and cannot be treated as evidence pointing to a dissimilar source of information. Far from inspiring similar confidence is the third difference between al-Ṭabarī and al-Nasāʿī. While the former chooses *rajm^{um} bi-l-ḥijāra* to describe the punishment for adultery, the latter prefers the single-worded *wa-l-rajm*. It must be recalled that the locution *ramy^{um}/rajm^{um} bi-l-ḥijāra* has been identified as a version-specific feature that distinguishes the tradition of Yaḥyā b. Saʿīd al-Qaṭṭān from the tradition of Hushaym b. Bashīr who prefers the single-worded *wa-l-rajm*.

One may surmise that Yazīd b. Zuray^c (d. 182–3/798–9) transmitted a similar tradition to each of Bishr b. Muʿādh and Muḥammad b. ʿAbd al-Aʿlā, who in turn transmitted it to al-Ṭabarī and al-Nasāʿī. But how can one account for the differences between the variants of al-Ṭabarī and al-Nasāʿī from one side, and, from another side, the peculiarities of Yazīd's *matn*, which betray an acquaintance with two important versions that belong to the non-revelation cluster? The first question is impossible to answer because of the spider *isnād* structure above Yazīd b. Zuray^c. Although this leaves us wondering about the original wording of Yazīd's hypothetical tradition, let us, for the sake of argument, proceed to the second question. It entails two hypotheses.

Yazīd b. Zuray^c lived and worked in Basra, therefore we may exclude a direct influence from the Wāsiṭī traditionist Hushaym b. Bashīr. Yaḥyā b. Saʿīd al-Qaṭṭān is not known to have related traditions on the authority of Yazīd b. Zuray^c. Nor, for that matter, is Yazīd b. Zuray^c known to

¹¹² Al-Ṭabarī, *Jāmiʿ*, 6:496.

have transmitted from al-Qaṭṭān. Nevertheless, al-Qaṭṭān was reportedly acquainted with Yazīd, which indicates that transmission of knowledge between the two was not impossible.¹¹³

An either direct or indirect borrowing is not the only possible explanation of the similarity between the tradition of Yazīd b. Zuray[°] and those of Hushaym b. Bashīr and Yaḥyā b. Sa[°]īd al-Qaṭṭān. Both al-Qaṭṭān and Ibn Zuray[°] rely on Sa[°]īd b. Abī [°]Arūba as their common informant. It should be recalled that when analyzing al-Qaṭṭān's role in the non-revelation cluster (Diagram 3, p. 184), I could not prove that his version or parts thereof go to the credit of Sa[°]īd b. Abī [°]Arūba. If, notwithstanding the single-strand *isnāds* in the traditions of al-Ṭabarī and Abū [°]Awāna, we accept Yazīd b. Zuray[°] as a (S)PCL of Sa[°]īd b. Abī [°]Arūba, the same would likely apply on al-Qaṭṭān. Having conceded two possible PCLs of Ibn Abī [°]Arūba, we may consider him as an earlier CL, and by extension as a hypothetical PCL of Qatāda b. Di[°]āma.

Does the *matn* evidence support the testimony of the *isnāds*? Al-Qaṭṭān, it should be recalled, is an unambiguous transmitter of a version of the non-revelation tradition; Yazīd b. Zuray[°], on his part, would have transmitted a *matn* that includes the revelation preamble. As al-Qaṭṭān and Yazīd b. Zuray[°] agree on an almost identical version of the dual-penalty *dictum* and disagree on the existence of the revelation preamble, the latter may be considered intrusive in Yazīd b. Zuray[°]'s *matn*. The spider branches over the tier of Yazīd b. Zuray[°] do not allow us to make a definite conclusion about the redactor who added the preamble to Yazīd's original tradition. The issue may become more transparent, as we progress through the revelation bundle.

The next knot of *isnād* convergence to which I turn now draws on three key figures instead of the usual one (Diagram 5, p. 192). Abū [°]Awāna cites Yazīd b. Sinān (d. 264/878) and Muḥammad b. Ishāq al-Ṣaghānī (d. 270/883), whereas al-Shāshī relies on Muḥammad b. Ishāq al-Ṣaghānī and Aḥmad b. Mulā[°]ib (d. 275/888). Such double attributions indicate doubts about the actual transmitter of the tradition. Nevertheless, since both Abū [°]Awāna and al-Shāshī share al-Ṣaghānī as their common informant, he may have been the actual CL/PCL of the tradition. *Matn* analysis may help us in substantiating al-Ṣaghānī's contribution. Let us start with Abū [°]Awāna's *matn*:

(1a) *Kāna rasūl^u l-lāh^l, ṣal^cam, idhā nazala/nuzzila ^calay-hi kuriba li-dhālika wa-tarabbada la-hu wajh^u-hu* (1b) *fa-awḥā l-lāh^u ^cazza wa-jalla*

¹¹³ Ibn Abī Ḥātim, *Jarḥ*, 9:263.

*ilay-hi dhāt^a yawmⁱⁿ fa-lammā surriya °an-hu qāla: (2) “Khudhū °an-nī!
(3) Qad ja°ala l-lāh^u la-hunna sabī^{mn}. (4a) Al-thayyib^u bi-l-thayyib (4b)
wa-l-bikr^u bi-l-bikr (5a) Al-thayyib^u jald^u mi°atⁱⁿ thumm^a rajm^{mn} bi-l-ḥijāra
(5b) wa-l-bikr^u jald^u mi°atⁱⁿ thumm^a nafy^u sana.”*

(1a) When [a revelation] descended upon the Messenger of Allāh, may Allāh bless him and grant him peace, he would be overwhelmed by grief and his face would grow pallid (1b) One day Allāh sent upon him a revelation. When he [the Messenger of Allāh] regained his composure, he said: (2) “Take it from me! (3) Allāh has appointed a way for them. (4) A non-virgin with a non-virgin and a virgin with a virgin (5a) A non-virgin [should suffer] one hundred strokes then an execution with stones, (5b) a virgin [should suffer] one hundred strokes then a year’s banishment”.¹¹⁴

Al-Shāshī¹¹⁵ relates a similar *matn*, albeit with some differences. The most prominent of them is observed in clause 1b, which in al-Shāshī’s tradition reads, *Fa-ūḥiya ilay-hi dhāt^a yawmⁱⁿ fa-laqiya dhālika fa-lammā surriya °an-hu qāla* (“One day he received a revelation, whereupon he experienced this [kind of symptoms]. When he regained his composure, he said”). By using the passive *ūḥiya ilay-hi*, al-Shāshī has come with a revelation preamble that sounds much like the preamble in al-Ṭabarī’s tradition on the authority of Ibn Zuray^c, whereas Abū °Awāna stands closer to al-Nasā’ī’s variant through Ibn Zuray^c.

The prophetic *dictum* that follows the preamble bears resemblance to the version of Shu°ba b. al-Ḥajjāj in dividing the penal maxim into two parts (clauses 4a and 4b); and to the version of Yahyā b. Sa°īd al-Qaṭṭān in employing the locution *rajm^{mn} bi-l-ḥijāra*. The last feature once again brings to the fore the possibility of the *matn*’s going back to a core version circulated by Sa°īd b. Abī °Arūba. Nevertheless, the collective attribution to al-Ṣaghānī, Aḥmad b. Muḥ^cib and Yazīd b. Sinān in addition to its single-strand *isnād* precludes a more definite conclusion about the historical roots of this version. One may confidently say only that it was influenced by the wording of traditions that belong to both the revelation and the non-revelation cluster.

The third key figure in the Ibn Abī °Arūba cluster (Diagram 5 p. 192) is the near-centenarian Baghdādī collector al-Ḥārith b. Abī Usāma (186–282/802–896), an author of a currently lost *Musnad*.¹¹⁶ The earliest

¹¹⁴ Abū °Awāna, *Musnad*, 4:120–1, no. 6249.

¹¹⁵ Al-Shāshī, *Musnad*, 3:222, no. 1322.

¹¹⁶ A volume of *Zawā’id* (Addenda) to the *Musnad* of al-Ḥārith was published in 1992. (Al-Haythamī, *Bughyat al-Bāḥiṭh °an Zawā’id Musnad al-Ḥārith*, ed. Ḥusayn Aḥmad Ṣāliḥ al-Bākīrī, 2 vols. [1st ed., Medina: al-Jāmi°a al-Islāmiyya bi-

collection that refers to al-Ḥārith's tradition is the *Musnad* of Abū °Awāna (d. 316/928–9).¹¹⁷ Unfortunately, Abū °Awāna's tradition on the authority of al-Ḥārith is a collective *isnād*. According to Abū °Awāna the *isnād* through al-Ḥārith b. Abī Usāma carries a *matn* that is identical with the one he received via Yazīd b. Sinān and Muḥammad b. Ishāq al-Ṣaghānī → °Abd Allāh b. Bakr al-Sahmī → Sa°īd b. Abī °Arūba.

The revelation preambles in the traditions of Ibn Manda (d. 395/1005), Abū Nu°aym (d. 430/1038) and al-Bayhaqī (d. 458/1066) through al-Ḥārith b. Abī Usāma are almost identical.¹¹⁸ At the same time they depart from Abū °Awāna's *matn* that is carried by the above mentioned collective *isnād* in an important detail: Ibn Manda, Abū Nu°aym and al-Bayhaqī choose to adduce a short biographical note on °Ubāda b. al-Ṣāmit. In their words, °Ubāda was one of the representatives (*nuqabā'*) of the people of Yathrib who swore allegiance to the Prophet on the hill of °Aqaba, and subsequently fought along the Prophet in the battle of Badr. This note was most likely introduced by Ibn Manda, the earliest collector to include it in his variant tradition. Ibn Manda is known to have compiled a biographical dictionary about the Companions (*Ma°rifat al-Ṣahāba*),¹¹⁹ which explains his interest in such a personal detail. Abū Nu°aym took advantage of Ibn Manda's note in his own biographical dictionary, *Ma°rifat al-Ṣahāba*. Insofar as Abū Nu°aym reproduces verbatim Ibn Manda's note, it is highly likely that the former copied the latter without revealing his actual source. Al-Bayhaqī would have copied either Ibn Manda or Abū Nu°aym, without paying attention that the biographical note on °Ubāda is superfluous to his *ḥadīth* collection, and, for that matter, to al-Ḥārith b. Abī Usāma's *ḥadīth* collection.

Apart from the biographical note about °Ubāda, one may ask what is the chance of Ibn Manda, Abū Nu°aym and al-Bayhaqī's reproducing

l-Madīna al-Munawwara, 1992]). The volume's author, Ibn Ḥajar al-Haythamī (d. 807/1404–5), paid no attention to the *khudhū °an-nī* tradition.

¹¹⁷ Abū °Awāna, *Musnad*, 4:121, no. 6250.

¹¹⁸ Ibn Manda, *Kitāb al-Īmān*, ed. °Alī b. Muḥammad b. Nāṣir al-Faqīhī, 2 vols. (2nd ed., Beirut: Mu°assasat al-Risāla, 1406/1985), 2:700–1, no. 696; Abū Nu°aym, *Ma°rifat al-Ṣahāba*, ed. °Ādil b. Yūsuf al-°Azzāzī, 7 vols. (1st ed., Riyadh: Dār al-Waṭan li-l-Nashr, 1998/1419), 3:1923, no. 4840; al-Bayhaqī, *al-Sunan al-Kubrā*, 8:210.

¹¹⁹ *EF*², s.v. "Ibn Manda" (F. Rosenthal). There is no entry on °Ubāda b. al-Ṣāmit in the surviving text of Ibn Manda's *Ma°rifat al-Ṣahāba* (Ibn Manda, *Ma°rifat al-Ṣahāba*, ed. °Āmir Ḥasan Ṣabrī, 2 vols. (1st ed., al-°Ayn: Jāmi°at al-Imārāt al-°Arabiyya al-Muttaḥida, 1426/2005).

faithfully a core variant that goes to al-Ḥārith b. Abī Usāma. Given the overlap of the revelation preamble, such possibility may not be excluded. The evidence of the remaining part of the tradition is ambiguous. Ibn Manda has chosen to remove from his *matn* the entire penal maxim, save for the opening exclamation *Khudhū °an-nī!* Since Abū °Awāna has a collective *isnād*, which cannot be used as corroborative evidence, while Ibn Manda cites an incomplete *matn*, which is also of little utility, one is left with the traditions of Abū Nu°aym and al-Bayhaqī. In this case al-Ḥārith might seem as a (S)PCL, albeit a suspicious one because of the spider branches above his tier. Furthermore, al-Ḥārith is separated from Ibn Abī °Arūba by °Abd al-Wahhāb b. °Aṭā°. Although one may point to the possibility of al-Ḥārith's having obtained from °Abd al-Wahhāb b. °Aṭā° a written copy of Ibn Abī °Arūba's alleged *Muṣannaḡ*,¹²⁰ the single strand does not allow us to judge about the *matn* of the tradition at the time of Ibn Abī °Arūba, but rather only about its wording in °Abd al-Wahhāb's written source, which may have undergone later redactions.

In the traditions of Abū Nu°aym and al-Bayhaqī, the penal maxim is similar to that in the tradition via al-Ṣaghānī, Aḡmad b. Mulā°ib and Yazīd b. Sinān. In each case, the *matn* reveals traces of both the Shu°ba b. al-Ḥajjāj and al-Qaṭṭān *matns*. On the other hand, we have seen that the penal maxim in the variants through Yazīd b. Zuray° is similar to the corresponding part of the non-revelation tradition associated with Hushaym b. Bashīr. May one of these variants be traced back to Ibn Abī °Arūba?

An answer may be sought in the considerable number of single-strand *isnāds* that make up the Ibn Abī °Arūba cluster (Diagram 5, p. 192). The maxims cited by Ibn Ḥanbal (no. 22734),¹²¹ Muslim¹²² and Ibn

¹²⁰ For more on Ibn Abī °Arūba's *Muṣannaḡ*, see Schoeler, "Oral Tora and Ḥadīṡ," in idem, *The Oral and the Written in Early Islam*, translated by Uve Vagelpohl, ed. James E. Montgomery (London and New York: Routledge, 2006), 114–5.

¹²¹ Ibn Ḥanbal, *Musnad*, 37:402–3, no. 22734; cf. *ibid.*, 37:388, no. 22715 with slight changes in 1a, where Ibn Ḥanbal describes the symptoms of revelation with the following words: *idhā nazala °alay-hi l-wahy aththara °alay-hi karb^{un} li-dhālika wa-tarabbada la-hu wajh^u-hu* (When a revelation came upon him, he would be affected by grief and his face would grow pallid).

¹²² Muslim, *Ṣaḡīḡ*, 11:273, no. 1690.

Ḥibbān¹²³ agree nearly verbatim with the maxims found in the tradition of Abū Nu[°]aym and al-Bayhaqī through al-Ḥārith b. Abī Usāma and the tradition of al-Shāshī (no. 1322) through Muḥammad b. Ishāq al-Ṣaghānī and Aḥmad b. Muḥ[°]ib. The only exception to this rule is al-Shāshī, no. 1320,¹²⁴ whose maxim is similar to that in al-Ṭabarī's tradition on the authority of Ibn Zuray[°]. Thus, one gets the impression that the penal maxim in the Ibn Abī [°]Arūba was greatly influenced by the traditions of Shu[°]ba and al-Qaṭṭān.

It is perilous, however, to draw conclusions on the basis of single-strand *isnāds*, except in the cases that allow for additional assessment criteria. They include citations by immediate CRs, overlap with already established CL variants, and narrative peculiarities that bear witness to relationship with other (older) traditions, vaguer formulations and difficult readings. Although speculative, if applied carefully these criteria may be helpful in dating Muslim traditions.

In the case of Ibn Abī [°]Arūba there is one hypothetical (S)PCL, Yazīd b. Zuray[°], whereas another two key-figures, al-Ṣaghānī and al-Ḥārith b. Abī Usāma (who may only with great reservations be treated as [S]CLs/[S]PCLs) are removed from Ibn Abī [°]Arūba by single lines of transmission. The same goes for the traditions cited by the CRs, Ibn Ḥanbal, Muslim and Ibn Ḥibbān: in each case there is a single strand leading to Ibn Abī [°]Arūba. Due to the precarious character of the *isnād* evidence, it will be unwarranted to consider it as an unambiguous proof of Ibn Abī [°]Arūba's CL status.

Unlike the ambiguous testimony of the *isnāds*, the narrative structure of the traditions making up the Ibn Abī [°]Arūba cluster reveals three consistent traits:

1. Despite some slight variations, the revelation preamble is narratively consistent. Its two most salient features are the description of the Prophet's pallid face and his being overwhelmed by grief while receiving divine revelation.
2. Like the tradition of Shu[°]ba b. al-Ḥajjāj, the penal maxim describes the punishment for sexual transgressions in two separate clauses. First, it states *al-bikr^u bi-l-bikrⁱ wa-l-thayyib^u bi-l-thayyib*,

¹²³ Ibn Ḥibbān, *Ṣaḥīḥ*, 10:291, no. 4443. The *isnād* is not included on Diagram 4. It runs as follows: Ibn Ḥibbān → [°]Abd al-Raḥmān b. Baḥr b. Mu[°]adh al-Bazzār → Hishām b. [°]Ammār → Shu[°]ayb b. Ishāq → Sa[°]īd b. Abī [°]Arūba.

¹²⁴ Al-Shāshī, *Musnad*, 3:219, 1320.

and then adds a second clause describing the exact punishment to be meted out to each category of transgressors.

3. In its second clause, the maxim digresses from Shu°ba's version by preferring genitive compounds to the verbal forms used by Shu°ba. The locution *rajm^{un} bi-l-ḥijāra* is a clear reference to the version of Yaḥyā b. Sa°īd al-Qaṭṭān.

Do these features allow us to conclude that Ibn Abī °Arūba is a CL, notwithstanding the rather negative evidence of the *isnāds*? I have noted that Yaḥyā b. Sa°īd al-Qaṭṭān relates his non-revelation tradition on the authority Sa°īd b. Abī °Arūba. Another important CL in the non-revelation cluster, Shu°ba b. al-Ḥajjāj, was acquainted with Ibn Abī °Arūba and together with him and Hishām al-Dastuwā°ī was regarded as one of the most reliable transmitters from Qatāda b. Di°āma.¹²⁵ Given that neither Shu°ba (d. 160/776) nor al-Qaṭṭān (d. 198/813) appear to have been familiar with the revelation version, Sa°īd b. Abī °Arūba (d. 156/772) would have been hardly so. One may think that if Ibn Abī °Arūba should be treated as al-Qaṭṭān's actual informant and that he knew a tradition that was confined to the dual-penalty maxim. The revelation preamble would have been attached to Ibn Abī °Arūba's tradition much later, perhaps only after the death of al-Qaṭṭān.

Alternatively, al-Qaṭṭān may have forged his *isnād* through Ibn Abī °Arūba. In this case we face considerable problems, as the *isnāds* of the revelation traditions that pass through Ibn Abī °Arūba do not reveal but a single (S)CL, Yazīd b. Zuray°. By any standard, this is far from sufficient to substantiate conjectures about the wording of Ibn Abī °Arūba's *matn*. It should be noted that the constituent traditions of the Ibn Abī °Arūba cluster, albeit taking advantage of a resembling wording and a similar set of revelation imagery, draw exclusively on external narrative material. The penal maxim is entirely dependent on the non-revelation cluster. As noted, the revelation preamble is a highly fictionalized narrative. Units of expression like *idhā nazala/nuzzila °alay-hi, tarabbada wajh^u-hu, kuriba li-dhālika* and *fa-lammā surriya °an-hu* are widespread in the Muslim exegetical and juristic literature. They are commonly used to describe the theophany and may not be treated as unique to any specific tradition. Nevertheless, it is possible to divide the revelation preamble into two textual layers. The first one includes the symptoms of revelation (*tarabbada wajh^u-hu, kuriba li-*

¹²⁵ Al-Mizzī, *Tahdhīb al-Kamāl*, 11:9.

dhālika); the second one comes to light when these symptoms are removed from the narrative:

*⁽¹⁾ *Kāna rasūl^u l-lāhⁱ, ṣal^{am}, idhā nazala/nuzzila ‘alay-hi* (2) *fa-nazala/nuzzila ‘alay-hi dhat^a yawm^m fa-lammā surriya ‘an-hu qāla*:

The division of the preamble into the above textual layers will be helpful at the next stages of our analysis.

The Qatāda b. Di‘āma cluster

In addition to the traditions through Sa‘īd b. Abī ‘Arūba, the revelation cluster includes a number of *isnāds* that look at first sight as likely dives under the CL (Diagram 5, p. 192). May these *isnāds* indicate a CL that is earlier than Ibn Abī ‘Arūba or they are mere dives? What was the wording of the hypothetical early CL version if it existed at all? Let us turn to these traditions for possible answers.

Ibn Ḥanbal, Ibn al-Mundhir and Abū Muḥammad al-Fākihī¹²⁶ cite a tradition on the authority of Ḥammād b. Salama, thereby circumventing Sa‘īd b. Abī ‘Arūba. This version differs from the other revelation traditions in relying on the collective transmission of Ḥumayd al-Ṭawīl (d. 142/759–60) and Qatāda b. Di‘āma (d. 117/735) from al-Ḥasan al-Baṣrī. Due to the considerable age difference between Ḥumayd and Qatāda, it seems as an *isnād* irregularity that Ḥumayd and Qatāda are juxtaposed at a single tier of transmission. Ḥumayd would have been a more likely intermediate link between Qatāda and Ḥammād b. Salama (d. 167/784), but neither al-Fākihī nor Ibn Ḥanbal nor Ibn al-Mundhir indicates this possibility.

Above the tier of Ḥammād b. Salama, one finds a key figure, al-‘Alā’ b. ‘Abd al-Jabbār (d. 212/827–8), who is quoted directly by the CR, al-Fākihī, and indirectly by Ibn al-Mundhir. A CR quotation accompanied with a single-strand *isnād* may point to al-‘Alā’ b. ‘Abd al-Jabbār’s CL/PCL status, provided that the traditions that pass through him are textually consistent. Ibn Ḥanbal’s *isnād* to Ḥammād b. Salama is a single strand, but it may serve as corroborative evidence of Ḥammād’s CL status if a consistent *matn* variant of al-‘Alā’ b. ‘Abd al-Jabbār is established, and if that variant concurs with the *matn* of Ibn Ḥanbal.

Compared to the traditions in the Ibn Abī ‘Arūba cluster, Ibn Ḥanbal, Ibn al-Mundhir and al-Fākihī partly dispose of clause 1b, which

¹²⁶ Ibn Ḥanbal, *Musnad*, 37:376, no. 22703; Ibn al-Mundhir, *Tafsīr*, 1:602, no. 1469; Abū Muḥammad al-Fākihī, *Fawā’id*, ed. Muḥammad b. ‘Abd Allāh b. ‘Āyid al-Ghabbānī (1st ed., Riyadh: Maktabat al-Rushd, 1419/1998), 433–4, no. 209.

otherwise serves to introduce the notion that the following prophetic *dictum* is divinely inspired:

(1a) *Anna l-nabī, ṣal^cam, kāna idhā nazala ^calay-hi l-waḥy^u kuriba la-hu wa-tarabbada wajh^u-hu* (1b) *wa-idhā surriya ^can-hu qāla*

(1a) When a revelation descended upon the Prophet, may Allāh bless him and grant him peace, he would be overwhelmed by grief and his face would grow pallid (1b) When he [the prophet] regained his composure, he said

The only residue of clause 1b is the locution *fa-idhā surriya ^can-hu*. Due to the removal of the words stating that one day Allāh sent upon the Prophet a revelation, clause 1b sounds as an odd interjection between clause 1a, which describes the symptoms of revelation in generic terms, and the dual-penalty *dictum*, which may only by a stretch of imagination be understood as a specific instance of divinely revealed words. The obvious narrative rupture in clause 1b betrays either a redactional intervention in a *matn* that already contained the entire revelation preamble, or an early stage of transformation of the non-revelation tradition into its revelation counterpart.

Whereas the revelation preamble is identical in the traditions of Ibn Ḥanbal, Ibn al-Mundhir and al-Fākihī, which points to a common source that may be hypothetically identified with Ḥammād b. Salama, the same may hardly be said about the prophetic *dictum*. To the best of my knowledge, Ibn Ḥanbal is the only author of a surviving collection according to whom the Prophet exclaimed *Khudhū ^can-nī!* not two, but three times (*thalāth^a mirār*). The three-fold repetition is a sign of later fictionalization of the narrative, but it leaves us wondering about the wording of the original *matn*. As Ibn al-Mundhir repeats the exclamation only twice, while relying on the same lower part of the *isnād*, to wit, Ḥammād b. Salama on the authority of Qatāda b. Di^cāma and Ḥumayd al-Ṭawīl, one may imagine that Ibn Ḥanbal had the dual-repetition formula before his eyes.

Ibn Ḥanbal's clauses 4 and 5 ([4a] *al-thayyib^u bi-l-thayyib* [4b] *wa-l-bikr^u bi-l-bikr* [5a] *al-thayyib^u jalā^u mi^oatⁱⁿ wa-l-rajm^u* [5b] *wa-l-bikr^u jalā^u mi^oatⁱⁿ wa-nafy^u sana*) call to mind the early tradition of Shu^cba (the two-part-clause structure of the penal maxim), and its subsequent redaction by Hushaym b. Bashīr (the use of genitive compounds in clause 5). Unlike Ibn Ḥanbal, Ibn al-Mundhir and al-Fākihī prefer a *matn* in which clause 4 (*al-thayyib^u bi-l-thayyibⁱ wa-l-bikr^u bi-l-bikr*) is removed and apparently merged with clause 5. In so doing they have

come out with a prophetic *dictum* that is almost similar to that of Hushaym b. Bashīr, but is notably different from the tradition of Ibn Ḥanbal.

The above *matn* analysis shows that the traditions of Ibn al-Mundhir and al-Fākihī are highly consistent. Insofar as both *isnāds* pass through al-°Alā° b. °Abd al-Jabbār, he may safely be considered as a CL/PCL. At the same time, al-°Alā°'s *matn* wording departs considerably from Ibn Ḥanbal's *matn*. Whereas al-°Alā° sticks to the wording of Hushaym b. Bashīr, Ibn Ḥanbal is clearly inclined towards a variant based on the tradition of Shu°ba b. al-Ḥajjāj. If one assumes that there was a version of Ḥammād b. Salama, it should be divided into two separate parts. Insofar as Ibn Ḥanbal and al-°Alā° b. °Abd al-Jabbār agree almost verbatim on the formulation of the prophetic preamble, it may be considered as part of Ḥammād's tradition. With regard to the prophetic *dictum*, it is impossible to define the contents of Ḥammād's version because of the distinct wordings of Ibn Ḥanbal and al-°Alā° b. °Abd al-Jabbār. It should be recalled here that al-Dārimī cites a non-revelation variant on the authority of Ḥammād b. Salama which includes a dual-penalty *dictum* identical with that of al-°Alā° b. °Abd al-Jabbār (Diagram 3, p. 184).¹²⁷ Since al-Dārimī's variant excludes the revelation preamble, it frustrates our effort to reconstruct Ḥammād's *matn*. Given the *matn* variations, Ḥammād b. Salama may be considered at best as a (S)CL of a tradition that consisted either of the revelation preamble alone (because of the dissimilar penal maxims in the traditions of Ibn Ḥanbal and the CL/PCL al-°Alā° b. °Abd al-Jabbār) or the penal maxim alone (because al-Dārimī does not cite the preamble as part of Ḥammād's tradition). As the preamble is not semantically self-subsistent, only the second possibility seems feasible. Al-Dārimī or his informant, Bishr b. °Amr, may have edited the *matn* as to exclude the preamble, but this cannot be proven because of the single line of transmission to Ḥammād b. Salama.

Al-Ṭabarī and Abū °Awāna cite a tradition based on the family *isnād*: Mu°ādh b. Hishām (d. 200/815) → his father, Hishām al-Dastuwā°ī (d. 151-4/768-71):

(1a) *Anna l-nabiyy^a, ṣal°am, kāna idhā nazala °alay-hi l-waḥy^u nakkasa ra°s^a-hu wa-nakkasa aṣḥāb^u-hu ru°ūs^a-hum* (1b) *Fa-lammā surriya °an-hu raḥa°a ra°s^a-hu fa-qāla: (2) Khudhū °an-nī (3) Qad ja°ala l-lāh^u la-hunna sabīl^{an}. (4) Al-thayyib^u bi-l-thayyibⁱ wa-l-bikr^u bi-l-bikr (5a) Ammā l-*

¹²⁷ Al-Dārimī, *Sunan*, 3:1500, no. 2372.

thayyib^a fa-yujladu thumma yurjamu (5b) wa-ammā l-bikr^a fa-yujladu thumma yunfā.”

(1a) When a revelation descended upon the Prophet, may Allāh bless him and grant him peace, he would bend down his head and his companions would bend down their heads (1b) When he [the Prophet] regained his composure, he raised his head and said: “(2) Take it from me (3) Allāh has appointed a way for them. (4) A non-virgin with a non-virgin and a virgin with a virgin. (5a) As for the non-virgin, he/she should be flogged then stoned (5b) and as for the virgin, he/she should be flogged and banished”.¹²⁸

In al-Ṭabarī’s variant, clause 1a lacks the image of grief and sorrow conveyed by the verb *kuriba*; in fact, it lacks even the pallid-face section, which is usually present in the other narratives. Thus the dramatic context of the *kuriba*-version is absent in favor of the lackluster head-bending. The clause according to which the Prophet’s companions would also bend down their heads is superfluous, whereas the section of clause 1b according to which the Prophet raised his head (*rafa^ca ra^ʿs^a-hu*) was most likely added to the narrative to compensate for the incongruity between the generic meaning of clause 1 and the specific instance introduced by clause 1b.

It should be noted that Abū °Awāna’s version of the revelation preamble differs from al-Ṭabarī’s in a notable way. Instead of al-Ṭabarī’s clause 1a, which is grammatically disconnected from clause 1b and the ensuing prophetic *dictum*, Abū °Awāna provides us with a more consistent narrative:

(1a) *Anna nabiyy^a l-lāhⁱ, ṣal^cam, unzila °alay-hi dhāt^a yawmⁱⁿ, fa-nakkasa aṣḥāb^a-hu ru^ʿūs^a-hum, (1b) fa-lammā surriya °an-hu rafa^cū ru^ʿūs^a-hum fa-qāla*

(1a) One day the revelation was sent down upon the Prophet of Allāh, and his companions bent down their heads. (1b) When he [the Prophet] regained his composure, they raised their heads and he [the Prophet] said

By employing the locution *unzila °alay-hi dhāt^a yawmⁱⁿ* Abū °Awāna’s tradition clearly refers to a specific case of revelation thus removing the abrupt transition from general to specific in clauses 1a and 1b.

While both al-Ṭabarī and Abū °Awāna seem to convey an early version of the preamble, which is evident from the absence of the later

¹²⁸ Al-Ṭabarī, *Jāmi^c*, 6:496; Abū °Awāna, *Musnad*, 4:121, no. 6253.

fictional elements, one faces the question of whose variant preamble stands closer to the earliest version and what might have been the wording of this version? It may seem that al-Ṭabarī's clumsy wording is earlier, whereas Abū °Awāna has edited the *matn* in order to make it more consistent. Nevertheless, the possibility should not be overlooked of a reverse process. Al-Ṭabarī may have been influenced by the versions of the revelation tradition that begin with the fictionalized clause *anna l-nabiyy^a, ṣal^cam, kāna idhā nazala/nuzzila/unzila °alay-hi*.

The above issue may be solved, if we succeed in distilling a common narrative core from the traditions of al-Ṭabarī and Abū °Awāna. When we remove the head-bending clauses, the following wording emerges:

* (1) *Anna nabiyy^a l-lāhⁱ, ṣal^cam, unzila °alay-hi/kāna idhā nazala °alay-hi [l-wahy^u]* (2) *fa-idhā/fa-lammā surriya °an-hu qāla*.

This wording may be attributed to Mu°ādh b. Hishām. Once again, caution is in order, because of the spider structure above Mu°ādh, whom I prefer to consider as an (S)CL. Upon comparison with the hypothetical version of Ḥammād b. Salama and the basic narrative elements that we extracted from the traditions in the Ibn Abī °Arūba cluster, we may observe that Abū °Awāna's preamble includes an outstanding feature. All revelation preambles that I studied up to now are based on a temporal/conditional clause marked by the use of the respective particle, *idhā*. This clause requires a complement, which is usually found in the following clause (clause 1b) that serves more or less consistently as a link with the dual penalty *dictum*. Abū °Awāna departs from the above elaborate clause structure in favor of a simpler expression:

* (1) *Anna l-nabiyy^a, ṣal^cam, unzila °alay-hi [l-wahy^u] dhāta yawmⁱⁿ* [(2) *fa-lammā surriya °an-hu qāla*].

Apparently clause 1, which does not call for any specific complement, stands closest to the version of the (S)CL Mu°ādh b. Hishām.

Unlike the inconsistent penal-*dictum* wording in the traditions via Ḥammād b. Salama, the *dictum* variants in the traditions of al-Ṭabarī and Abū °Awāna via Mu°ādh b. Hishām are almost identical and greatly overlap with the corresponding part in the tradition of Shu°ba b. al-Ḥajjāj. Note the use of unqualified verbal forms to describe the punishment for adultery and fornication. It will be recalled that such verbal forms are an exclusive feature of Shu°ba's tradition (Diagram 1, p. 166). Such similarities suggest that the prophetic *dictum* goes back to an early transmitter, most likely Mu°ādh b. Hishām. Mu°ādh's

hypothetical version emerges when we combine the already reconstructed preamble with the prophetic *dictum*:

* (1a) *Anna l-nabiyy^a, ṣal^cam, unzila ^calay-hi [l-wahy^u] dhāta yawmⁱⁿ [(1b) fa-lammā surriya ^can-hu qāla:]* “(2) *Khudhū ^can-nī* (3) *Qad ja^cala l-lāh^u la-hunna sabīl^{an}*. (4) *Al-thayyib^u bi-l-thayyibⁱ wa-l-bikr^u bi-l-bikr* (5a) *Ammā l-thayyib^u fa-yujladu thumma yurjam* (5b) *wa-ammā l-bikr^u fa-yujladu thumma yunfā^u*”.

This reconstruction makes the narrative fairly cohesive: it disposes of the awkward relationship between the revelation preamble and the following dual-penalty maxim as observed in the traditions of Ibn Ḥanbal and Ibn al-Mundhir via Ḥammād b. Salama and the tradition of al-Ṭabarī via Mu^cādh b. Hishām. It seems that if there was an early version of the tradition, it would have been based on the looser narrative structure. The reconstructed version of Mu^cādh b. Hishām gives an insight into that narrative, which, I think, would have been void of the connective clause *fa-lammā surriya ^can-hu qāla*. This clause is a necessary complement to the preceding conditional clause as observed in the majority of the preamble variants, but becomes dispensable in the reconstructed variant of Mu^cādh.

Did Mu^cādh b. Hishām receive his tradition from Qatāda b. Di^cāma? In addition to Mu^cādh, we have found only one possible (S)CL, Ḥammād b. Salama. His status however is precarious; we do not know whether he transmitted the revelation preamble. Even if he did, his variant is based on the more developed conditional-clause structure, which does not allow us to advance any hypothesis about the wording of Qatāda’s tradition. Furthermore, the variants of the dual-penalty *dictum* on the authority of Ḥammād differ to a degree that does not allow us to attribute them to a single source. It is true that Ibn Ḥanbal’s variant via Ḥammād shares structural features with Shu^cba’s tradition, which is the core of Mu^cādh’s prophetic *dictum*, and may therefore go to Qatāda b. Di^cāma. Nevertheless, Ibn Ḥanbal deviates considerably from Shu^cba in preferring genitive compounds to Shu^cba’s earlier verbal forms. Thus one is left wondering about the wording of both the revelation preamble and the prophetic *dictum* if they were transmitted by Qatāda b. Di^cāma.

^cAbd al-Razzāq al-Ṣan^cānī cites a tradition that may help us verify the above reconstruction of Mu^cādh b. Hishām’s *matn* and decide whether it goes to Qatāda b. Di^cāma. On the authority of Ma^cmar b. Rāshid via Qatāda, ^cAbd al-Razzāq cites the following *matn*:

(1) *Ūḥiya ilā l-nabī, ṣal[°]am, fa-qāla*: “(2) *Khudhū! Khudhū!* (3) *Qad ja[°]ala l-lāh[°] la-hunna sabī^m*. (4a) *Al-thayyib[°] bi-l-thayyibⁱ jald[°] mi[°]at^m* wa-l-rajm[°] (4b) *wa-l-bikr[°] bi-l-bikrⁱ jald[°] mi[°]at^m wa-nafy[°] sana.*”

(1) [One day] a revelation was sent down to the Prophet, may Allāh bless him and grant him peace, whereupon he said: “(2) Take it! Take it! (3) Allāh has appointed a way for them. (4a) A non-virgin with a non-virgin [should be punished with] one hundred strokes and stoning (4b) and a virgin with a virgin [should be punished with] one hundred strokes and a year’s banishment”.¹²⁹

Clause 1 is by far the most remarkable part of °Abd al-Razzāq’s tradition. Unlike the versions of the revelation preamble that I studied up to now, it does not contain any hint at the symptoms of revelation. Neither does it include the clause *fa-lammā surriya °an-hu*, which, as already noted, gives the impression of a superfluous accretion to the *matn* of Mu°ādh b. Hishām. The locution *fa-qāla* at the end of clause 1 may be interpreted as an element of fictionalization aimed at combining the two otherwise disconnected clauses in a narrative unity. Without the connective, clause 1 would seem as a trace of a different narrative that was probably devoted to the revelation of some part of the Qur°ān. Even though the exact Quranic citation that would have followed is unknown, it is clear that the preamble in this form did not refer to the following penal maxim.

°Abd al-Razzāq’s preamble (clause 1) bears resemblance to the reconstructed version of Mu°ādh b. Hishām:

°Abd al-Razzāq	Mu°ādh b. Hishām (reconstructed)
<i>Ūḥiya ilā l-nabī, ṣal[°]am</i>	* <i>Anna l-nabiyy[°], ṣal[°]am, unzila °alay-hi [l-wahy[°]]</i>

The variation between *unzila l-wahy[°]* and *ūḥiya* is not critical to our reconstruction efforts; both verbs denote revelation and are used in passive form, which suggests their derivation from a common origin identifiable with Qatāda b. Di°āma.

Clauses 2–4 in °Abd al-Razzāq’s *matn* repeat the wording of Hushaym b. Bashīr’s non-revelation tradition. Since the tradition of the (S)CL, Mu°ādh b. Hishām, is identical with the early version of Shu°ba b. al-Ḥajjāj, it will be unwarranted to regard °Abd al-Razzāq’s dual-penalty maxim as going back to an earlier version circulated by Qatāda b. Di°āma. °Abd al-Razzāq’s variant of the Prophet’s exclamation

¹²⁹ °Abd al-Razzāq, *Muṣannaḡ*, 7:310, no. 13308.

Khudhū! (Take it!) is void of the usually observed possessive pronominal construct, *min-nī* (from me). At present I cannot assess the full significance of this change, but, if not inadvertent, it may have been somehow related to the suggested independence of clause 1 from the rest of the narrative. I will return to this issue in the next section.

In addition to the already analysed traditions, the Qatāda b. Di°āma cluster includes a single-strand *isnād* provided by al-Ṭabarānī:

(1a) *Anna l-nabyy^a, ṣal^cam, unzila ^calay-hi dhāt^a yawmⁱⁿ fa-tarabbada wajh^h-hu (1b) fa-lammā surriya ^can-hu qāla: “(2) Khudhū ^can-nī! (3) Fa-inna l-lāh^a qād ja^cala la-hunna sabīl^{an} (4) al-thayyib^h bi-l-thayyibⁱ wa-l-bikr^h bi-l-bikr (5a) al-thayyib^h yujladu thumma yurjam (5b) wa-l-bikr^h yujladu thumma yunfā sana.”*

(1a) One day a revelation was sent down to the Prophet, may Allāh bless him and grant him peace, and his face became pallid (1b) When he regained his composure, he said: “(2) Take it from me! (3) For Allāh has appointed the way for them (4) A non-virgin with a non-virgin and a virgin with a virgin (5a) The non-virgin should be flogged then stoned (5b) and the virgin should be flogged then banished for a year”.¹³⁰

Clause 1 in al-Ṭabarānī’s version may be identified with the corresponding clause in the tradition through the (S)CL Mu°ādh b. Hishām. Because of al-Ṭabarānī’s single strand of transmission, one cannot say with certainty whether the clause was copied from Mu°ādh or belongs to the version of Qatāda b. Di°āma. If the latter be true, al-Ṭabarānī’s formulation would be a clear indication that Qatāda’s tradition read, *anna l-nabyy^a, ṣal^cam, unzila ^calay-hi*, and not *ūḥiya ilā l-nabī, ṣal^cam*, as in the version of °Abd al-Razzāq.

Al-Ṭabarānī’s use of verbal forms in the prophetic *dictum* corresponds to the respective part of Shu°ba’s tradition. Unlike Shu°ba, al-Ṭabarānī, or one of the tradents along his single line of transmission, has preferred to specify, like Hushaym b. Bashīr, that the fornicator should be banished for one year. Such an admixture of early and later *matns* combined with a single line of transmission prevents us from using al-Ṭabarānī’s tradition as an unambiguous evidence of Qatāda b. Di°āma’s CL status.

In sum, the cluster through Qatāda b. Di°āma reveals three major features. First, the cluster is based on a version of the revelation preamble that, upon removal of the fictional elements, boils down to a

¹³⁰ Al-Ṭabarānī, *Musnad al-Shāmiyīn*, ed. Ḥamdī °Abd al-Majīd al-Salafī, 4 vols. (1st ed., Beirut: Mu°assasat al-Risāla, 1409/1989), 4:40, no. 2675.

simple and uniform core variant: *anna l-nabiyy^a, ṣal^cam, unzila ^calay-hi [l-wahy^u]/ ūḥiya ilā l-nabī, ṣal^cam*. This variant may be attributed to Qatāda b. Di^cāma. In comparison to the variants of the preamble found in the Sa^cīd b. Abī ^cArūba cluster, their counterparts in the Qatāda b. Di^cāma cluster reveal a lesser degree of fictionalization and may be associated with the CL with a higher degree of confidence.

Second, a considerable number of the preamble variants through Qatāda are grammatically disconnected from the prophetic *dictum*. Furthermore, they do not state unambiguously that the notion of revelation relates to the dual-penalty maxim. The obvious cleavage between the preamble and the following prophetic *dictum* may be thought as an indication of two independent traditions having been merged into a single narrative.

Third, whereas the traditions on the authority of Ibn Abī ^cArūba almost invariably draw on the dual-penalty maxim as found in the traditions of Shu^cba b. al-Ḥajjāj and Yaḥyā b. Sa^cīd al-Qaṭṭān, there are no traces of al-Qaṭṭān's *rajm^{um} bi-l-ḥijāra* in the Qatāda cluster. In fact, the latter lacks the uniformity of the *dictum* variants that pass through Ibn Abī ^cArūba. At times we stumble at the Shu^cba version (Mu^cādh b. Hishām), at others we find the Hushaym b. Bashīr version (^cAbd al-Razzāq and al-^cAlā^o b. ^cAbd al-Jabbār), and in still others we face instances of compound narratives that draw on features specific of both Shu^cba and Hushaym (Ibn Ḥanbal and al-Ṭabarānī).

References to the wording of Shu^cba and Hushaym may in general be considered as an indication of an earlier provenance compared to narrative features specific of Shu^cba's and Yaḥyā b. Sa^cīd al-Qaṭṭān's *matns*. In particular, however, one expects to find in the Qatāda cluster a far more consistent bearing on the Shu^cba tradition. Shu^cba, it will be recalled, is the earliest CL in the non-revelation cluster; his wording therefore should bear the closest relationship to the wording of the dual-penalty maxim that would have been circulated by Qatāda b. Di^cāma.

A far greater problem is that Shu^cba, who quotes Qatāda directly and should have been well aware of his version, does not cite the revelation preamble. As we have seen, the same goes for al-Qaṭṭān with respect to Ibn Abī ^cArūba. How can one reconcile the versions of Shu^cba and al-Qaṭṭān, which exclude the revelation preamble, with the versions of their informants, Ibn Abī ^cArūba and Qatāda, which include the preamble? Was the revelation preamble as we know it part of the traditions that might have circulated in the first half of the second century AH or even earlier? Let us turn to the cluster of al-Ḥasan al-Baṣrī for a possible answer

The al-Ḥasan al-Baṣrī cluster

Abū °Ubayd (a direct CR) and al-Shāshī no. 1325¹³¹ cite a tradition said to have been received from al-Ḥasan al-Baṣrī through the agency of Yazīd b. Hārūn (118–206/736–821) and Maymūn b. Mūsā al-Maraʿī/al-Maraʿī (death date unknown). Abū °Awāna does also provide an *isnād* on the authority of Yazīd b. Hārūn but it is of a very limited corroborative force, since this is yet another instance in which Abū °Awāna relies on a collective line of transmission. The *matn* of the tradition through Yazīd b. Hārūn deserves closer attention since it is markedly different from the other narratives that make up the revelation cluster:

(1a) *Kāna rasūl^u l-lāhⁱ, ṣal^cam, (1a¹) idhā nazala °alay-hi l-wahy^u °arafnā dhālika fī-hi (1a²) wa-ghammaḍa °aynay-hi wa-tarabbada wajh^u-hu (1b) Qāla [?]: “Fa-nazala/nuzzila °alay-hi fa-sakatnā fa-lammā surriya °an-hu qāla: (2) Khudhū-hunna! Iqbalū-hunna! (3) Qad ja°ala l-lāh^u la-hunna sabīl^{an}. (4a) Al-bikr^u bi-l-bikrⁱ jalḍ^u mi°atⁱⁿ thumma nafy^u °āmⁱⁿ (4b) wa-l-thayyib^u bi-l-thayyibⁱ jalḍ^u mi°atⁱⁿ thumma l-rajm.”*

(1a) When a revelation descended upon the Messenger of Allāh, may Allāh bless him and grant him peace, (1a¹) we would recognize this on him, (1a²) he would close his eyes and his face would grow pallid (1b) [?] said: “Then a revelation came down upon him, whereupon we fell silent. When he [the Messenger of Allāh] regained his composure, he said: (2) ‘Take them [plural feminine] from me! Accept them [plural feminine] from me! (3) Allāh has appointed a way for them. (4a) A virgin with a virgin [punish them with] one hundred strokes then a year’s banishment (4b) and a non-virgin with a non-virgin [punish them with] one hundred strokes then stoning’.”

Insofar as Abū °Ubayd and al-Shāshī’s variants differ insignificantly, one is on safe ground to assume that both derive from an early version of the revelation tradition that would have been spread by Yazīd b. Hārūn towards the end of the second century AH. What is more, Abū °Ubayd is a direct CR, which increases our confidence that, in the case of Yazīd b. Hārūn, we are dealing with a fully-fledged CL. Let us now take a closer look at the *matn* and assess the significance of its differences from the other traditions in the revelation cluster.

In clause 1a of the preamble Yazīd b. Hārūn has preferred to explicate the grammatical subject (*idhā nazala °alay-hi l-wahy^u*) instead of the

¹³¹ Abū °Ubayd, *al-Nāsikh wa-l-Mansūkh*, 133–4, no. 241; al-Shāshī, *Musnad*, 3:223, no. 1325.

indefinite *idhā nuzzila/nazala* °*alay-hi*, found in a considerable number of the revelation traditions. Such a clarification indicates a development from a vaguer to a clearer formulation, which suggests that Yazīd's tradition is an improvement over an earlier narrative. The structure of clause 1a betrays a further redactional intervention. The authorial voice controlling the narrative informs us that when the Prophet received a revelation, the Companions would recognize this (clause 1a¹). The following symptoms (closed eyes and pallid face [clause 1a²]), which specify the preceding clause (viz., 1a¹), are introduced by the additive connective “*wa-*,” which separates the clauses instead of underlining the causal relationship between 1a¹ and 1a². Phrasal coherence may be restored in two ways. If we remove °*arafnā dhālika fī-hi* as an intrusive clause, the resulting original clause 1a would read, *kāna rasūl^u l-lāhⁱ, ṣal^cam, idhā nazala °alay-hi l-waḥy^u ghammaḍa °aynay-hi watarabbada wajh^u-hu*. Alternatively, we may remove clause 1a². In this case we will be left with the following wording: *kāna rasūl^u l-lāhⁱ, ṣal^cam, idhā nazala °alay-hi l-waḥy^u °arafnā dhālika fī-hi*. This clause (without clause 1a²) comfortably links with clause 1b, which opens with the words, *fa-nazala/nuzzila °alay-hi*.

Clause 1a² may help us choose one of the above possibilities. In that clause we observe a change that sets Yazīd b. Hārūn's variant aloof from the other traditions in the revelation cluster. It should be recalled that the traditions that pass through Sa'īd b. Abī °Arūba contain a highly fictionalized description of the symptoms of revelation: the Prophet's face grows pallid and the Prophet is overwhelmed by grief (*karb*). Contrary to this, the revelation preamble in the traditions that pass through Qatāda b. Di'āma are less fictionalized and more inconsistent in their description of the symptoms of revelation. The variants of °Abd al-Razzāq and Mu'ādh b. Hishām are almost entirely void of fictional elements, the variant of al-Ṭabarānī does not mention the Prophet's grief (*karb*), and only the tradition via Ḥammād b. Salama contains a fuller set of revelation symptoms (grief and pallid face). Notably, in clause 1a², Yazīd b. Hārūn has preferred to avoid the notion of *karb* and replaced it with the Prophet's closed eyes.

Two scenarios may explain the narrative peculiarities of Yazīd b. Hārūn's clause 1a². Yazīd may have felt uncomfortable about the image of inner disturbance and sorrow conveyed by the root *k-r-b* and its derivatives. On this account he would have chosen to suppress *kuriba li-dhālika* by the statement that the Prophet would merely close his eyes and his face would grow pallid. Note, however, that the mention of grief is occasional already at the tier of Qatāda b. Di'āma, which makes it hard

to decide whether a deletion of *kuriba li-dhālika* has ever taken place at the hands of Yazīd b. Hārūn. The closed eyes may have been an element of fictionalization that Yazīd added to an early variant of the preamble that did not include the description of grief. Al-Ṭabarānī's *matn* in the Qatāda cluster bears witness to the existence of such variant.

This leads us to the second scenario. Yazīd b. Hārūn's tradition may be an intermediate stage in the development of the revelation preamble. Judging by clause 1a¹, Yazīd may have had before his eyes a tradition which only mentioned that when the Prophet received a revelation, the companions around him would recognize this. Mu'ādh b. Hishām's tradition on the authority of Qatāda b. Di'āma indicates that such wording is not mere conjecture. It will be recalled that Mu'ādh relates a preamble according to which, when the Prophet received a revelation, the Companions would bend down their heads. This variant does not mention the symptoms of revelation experienced by the Prophet. It stands to reason that Yazīd b. Hārūn, who was Mu'ādh's contemporary, was acquainted with a version of the preamble that did not mention any specific symptoms of revelation. To make the early narrative more persuasive, Yazīd fictionalized it by borrowing the pallid face from elsewhere and adding to it the Prophet's closed eyes and the Companions' falling silent. These additions would have been Yazīd's contribution to the expanding description of the symptoms of revelation. At the same time, Yazīd chose to preserve the clause according to which the symptoms would be recognized by the Companions. By so doing he did introduce an obvious narrative instability in his *matn*.

After removing the elements of fictionalization, we may tentatively reconstruct the core narrative upon which Yazīd b. Hārūn's based his preamble:

* (1a) *Kāna rasūl^u l-lāhⁱ, ṣal^{am}, idhā unzila ^{alay-hi} [l-waḥy^u] ^{arafnā} dhālika fī-hi* (1b) *Qāla* [?]: *Fa-nazala/nuzzila ^{alay-hi} fa-lammā surriya ^{an-hu} qāla.*

One should note immediately the interjectory quotation mark *qāla* [?]. It is difficult to identify the referent of the verbal subject, but, more importantly, the quotation mark signals an addition to the original narrative which in this case would have been confined to clause 1a. Even though clause 1a may seem to correspond to Qatāda's reconstructed preamble (*anna l-nabiyy^a, ṣal^{am}, unzila ^{alay-hi} [l-waḥy^u] / ūḥiya ilā l-nabī, ṣal^{am}*), such similarity could be deceptive. The use of the conditional/temporal particle *idhā* sets Yazīd's tradition apart from that of Qatāda as represented in the traditions of Mu'ādh b. Hishām and 'Abd

al-Razzāq. Unlike them, Yazīd already implies a consequence that will result from the fact of revelation: the Companions will recognize the symptoms of revelation. One may attempt to remove the conditional particle and *‘arafnā dhālika fī-hi*, but this will be an arbitrary reduction as there is no way to decide whether Yazīd b. Hārūn based his tradition on such a version. Hence, one would be on a safe ground to conclude that Yazīd b. Hārūn related a variant preamble that is later than the reconstructed versions of Mu‘ādh b. Hishām and Qatāda b. Di‘āma, and therefore cannot be traced back to al-Ḥasan al-Baṣrī.

In the prophetic *dictum*, instead of the ubiquitous *Khudhū ‘an-nī!*, Yazīd b. Hārūn has preferred a rather strange expression based on plural feminine pronouns (clause 2). As these pronouns usually signify persons, the phrase does not make much sense in conjunction with the following prophetic words, except if we assume, for the sake of argument, that *-hunna* refers to ^oQuranic verses (*ayāt*). Although grammatically possible, such reference is inexplicable given that what follows is a prophetic *dictum*, not scripture.

The remaining part of the prophetic *dictum* (clauses 3–4) reproduces almost literally the non-revelation tradition of Hushaym b. Bashīr. While it is possible that Yazīd’s wording was partly influenced by the tradition of Hushaym, because of the latter’s clear definition of the number of strokes and the duration of banishment, the ambiguous exclamation *Khudhū-hunna! Iqbalū-hunna!* might point to an earlier *matn* variant. Insofar as both Yazīd b. Hārūn and Hushaym b. Bashīr provide *isnāds* that converge on al-Ḥasan al-Baṣrī, one may ask whether that hypothetical version can be back-credited to al-Ḥasan. At present, such a conclusion would be highly tentative for several reasons. First, Yazīd b. Hārūn and Hushaym b. Bashīr are separated from al-Ḥasan al-Baṣrī by single-strand *isnāds* that mention different intermediaries (viz. Maymūn al-Maraṣī/Marāṣī and Maṣūr b. Zādhān). Yazīd’s informant, Maymūn al-Maraṣī/Marāṣī, is known for his *tadlīs* on the authority of al-Ḥasan al-Baṣrī.¹³² Hence, his appearance in the *isnād* speaks rather to the detriment of the line below Yazīd. What is more, Maymūn al-Maraṣī/Marāṣī is present in the single-strand *isnād* of al-Ṭabarānī which carries a variant of the non-revelation tradition (Diagram 3, p. 184). The penal maxim in al-Ṭabarānī’s tradition differs from that in Yazīd’s

¹³² According to Ibn Ḥanbal there is no harm in al-Maraṣī/Marāṣī. However, his failure to state that he had an audition from al-Ḥasan is interpreted as a sign of *tadlīs* (Ibn Ḥanbal, *‘Ilal*, 2:523, no. 3450). Ibn Ḥajar summarizes the predominantly lukewarm assessment of al-Maraṣī/Marāṣī in *Tahdhīb al-Tahdhīb*, 10:392–3.

tradition, which, together with the absence of the revelation preamble in the former, indicates that at least one of the traditions was ascribed to Maymūn al-Maraʿī/Marāʿī and cannot be considered as belonging to al-Ḥasan al-Baṣrī. Second, Yazīd's and Hushaym's *matns* differ considerably: Yazīd has the irregular opening of the prophetic *dictum*, Hushaym has the usual opening; Yazīd cites the revelation preamble, Hushaym does not cite it. Third, in the cluster through Qatāda b. Diʿāma we observed a distorted connection between the revelation preamble and the following penal maxim, which I interpreted as an indication of the original independence of these two parts. Contrary to this, in the tradition of Yazīd b. Hārūn the two parts are well connected. In other words, Yazīd's *matn* is superior to most of the *matns* in the Qatāda cluster, which indicates that Yazīd's tradition in general may hardly be traced to as early a source as either Qatāda or al-Ḥasan al-Baṣrī. At the same time one should not brush away the possibility that it contains important narrative relics.

Abū Dāwūd al-Ṭayālīsī (d. 203–4/819–20)¹³³ and ʿAbd Allāh b. Aḥmad b. Ḥanbal¹³⁴ cite a tradition on the authority of the Baṣran traditionist Jarīr b. Ḥāzīm (d. 170/786–7) quoting al-Ḥasan al-Baṣrī. If Jarīr b. Ḥāzīm may be proven as the tradition's CL, his version would be conducive to the reconstruction of al-Ḥasan's hypothetical tradition. Al-Ṭayālīsī cites the following *matn*:

(1a) *Anna rasūl^u l-lāhⁱ, ṣal^uam, kāna idhā unzila ʿalay-hi l-waḥy^u ʿurifa dhālika fī-hi* (1b) *Fa-lammā unzilāt “aw yaj^uala l-lāh^u la-hunna sabīl^u” wa-rtafa^u ʿa l-waḥy^u qāla rasūl^u l-lāhⁱ, ṣal^uam: (2) Khudhū ḥidhr^u-kum! (3) Qad ja^uala l-lāh^u la-hunna sabīl^u (4a) Al-bikr^u bi-l-bikrⁱ jald^u mi^uat^u wa-nafy^u sanat^u (4b) wa-l-thayyib^u bi-l-thayyibⁱ jald^u mi^uat^u wa-rajm^u bi-l-ḥijāra.*

(1a) When a revelation would be sent down upon the Messenger of Allāh, may Allāh bless him and grant him peace, this would be recognizable on him. (1b) When [the verse] “or Allāh appoints a way for them” was revealed and the revelation withdrew, the Messenger of Allāh said: (2) “Beware yourselves! (3) Allāh has appointed a way for them (4a) A virgin with a virgin [punish them with] one hundred strokes then a year's banishment (4b) and a non-virgin with a non-virgin [punish them with] one hundred strokes then execution with stones.”

¹³³ Al-Ṭayālīsī, *Musnad* (Hydarabad: Maṭbaʿat Majlis Dāʿirat al-Maʿārif al-Nizāmiyya, 1331), 79–80; idem., *Musnad*, ed. Muḥammad b. ʿAbd al-Muḥsin al-Turkī, 4 vols. (Dār Hajar, 1999), 1:478, no. 585.

¹³⁴ Ibn Ḥanbal, *Musnad*, 37:442–3, no. 22780.

°Abd Allāh b. Aḥmad b. Ḥanbal's tradition through Shaybān b. Abī Shayba → Jārīr b. Ḥāzīm is supplemental (*ziyāda*) to Aḥmad's *ḥadīth* corpus. Its revelation preamble differs quite notably:

(1a) *Nazala °alā rasūlⁱ l-lāhⁱ, ṣal°am, "wa-l-lātī ya°tiyna l-fāḥishat^a"* (1b) *Qāla* [?]: "*Fa-fa°ala dhālika bi-hinna rasūl^m l-lāhⁱ, ṣal°am* (2a) *Fa-bayn^a-mā rasūl^m l-lāhⁱ, ṣal°am, jālis^m wa-naḥnu ḥawl^a-hu* (2b) *wa-kāna idhā nazala °alay-hi l-waḥy^m a°raḍa °an-nā wa-a°raḍnā °an-hu* (2c) *watarabbada wajh^m-hu wa-kuriba li-dhālika* (3) *fa-lammā rufi°a °an-hu l-waḥy^m qāla.*"

(1a) [The verse] "And those of your women who commit abomination" was revealed to the Messenger of Allāh, may Allāh bless him and grant him peace. (1b) [?] said: "And the Messenger of Allāh did this with them (plural feminine). (2a) [One day] while the Messenger of Allāh, may Allāh bless him and grant him peace, was sitting, and we were surrounding him (2b) when the revelation came down upon him, he would turn away from us and we would turn away from him (2c) and his face would grow pallid and he would be overwhelmed by grief (3) when the revelation was withdrawn from him, he said."

Unlike al-Tayālisī's *matn*, the narrative of °Abd Allāh b. Aḥmad b. Ḥanbal has undergone considerable fictionalization; together with the variant of Yazīd b. Hārūn it features the most elaborate version of the revelation preamble. Insofar as Aḥmad b. Ḥanbal does not seem to have known this variant of the preamble, it should be attributed either to his son, °Abd Allāh, or to his son's informant, Shaybān b. Abī Shayba. Despite the high degree of fictionalization, it is possible to divide °Abd Allāh's preamble into several textual layers. Even a cursory look at the narrative suffices to show that the entire clause 2 is intrusive. It was partly (clause 2c; *wa-kāna idhā nazala °alay-hi l-waḥy^m* in clause 2b) influenced by the other narratives in the revelation cluster, and partly (clause 2a; *a°raḍa °an-nā wa-a°raḍnā °an-hu* in clause 2b) draws on narratives that have not been observed in the other versions of the revelation preamble, but are present in other *zinā* traditions.¹³⁵ Although it is difficult to speculate about the exact origin of the intrusive clauses, one should note that they do not form a single narrative unit. Clause 2b is clearly disconnected from clause 2a. It is also disconnected from clause 1b, which, in turn, is an indubitable gloss at clause 1a. If we remove

¹³⁵ Thus, a considerable number of traditions dealing with the voluntary confession of Mā°iz b. Mālik state that the Prophet turned away from Mā°iz (*a°raḍa °an-hu*) upon his confession to adultery.

from the narrative clause 1b and the entire clause 2, we would be left with the following clause:

*(1a) *Nazala °alā rasūlⁱ l-lāhⁱ, ṣal°am, “wa-l-lātī ya°tiyna l-fāḥishat^{am}”* (3) *fa-lammā rufi°a °an-hu l-wahy^u qāla.*

*(1a) [The verse] “And those of your women who commit abomination” was revealed to the Messenger of Allāh, may Allāh bless him and grant him peace. (3) When the revelation was withdrawn from him, he said.

By isolating this narrative core, we may have reconstructed the version of Jarīr b. Ḥāzīm. The tradition of Abū Dāwūd al-Ṭayālisī provides us with important corroborative evidence. In clause 1a al-Ṭayālisī points out that when a revelation would be sent down upon the Prophet, the symptoms of *wahy* would be recognizable on him (*°urifa dhālika fī-hi*). This clause is not present in the version of °Abd Allāh b. Aḥmad b. Ḥanbal, which indicates that al-Ṭayālisī did not receive it from the common informant, Jarīr b. Ḥāzīm. Al-Ṭayālisī’s wording, however, immediately calls to mind clause 1a¹ in the tradition through Yazīd b. Hārūn (*idhā nazala °alay-hi l-wahy^u °arafnā dhālika fī-hi*). Because Yazīd b. Hārūn and al-Ṭayālisī rely on different informants, it is impossible to say which of them is responsible for this formulation. Arguably, they may have received it from al-Ḥasan al-Baṣrī, but such a conjecture is hard to prove for two reasons. Jarīr b. Ḥāzīm, who may turn out to be a CL of al-Ḥasan does not seem to have used this formulation; and Yazīd b. Hārūn’s informant, Maymūn al-Mara°ī/al-Marā°ī is a suspicious *fulān*.

Clause 1b in al-Ṭayālisī’s *matn* is far more important than clause 1a. Upon comparison with the clause that we isolated from the *matn* of °Abd Allāh b. Aḥmad b. Ḥanbal, it turns out to feature a notably similar wording:

Abū Dāwūd al-Ṭayālisī (clause 1b)	°Abd Allāh b. Aḥmad b. Ḥanbal (reconstructed)
<i>Fa-lammā unzilāt “aw yaj°ala l-lāh^u la-hunna sabīl^{am}” wa-rtafa°a l-wahy^u qāla rasūl^u l-lāhⁱ, ṣal°am:</i>	<i>*Nazala °alā rasūlⁱ l-lāhⁱ, ṣal°am, “wa-l-lātī ya°tiyna l-fāḥishat^{am}” fa-lammā rufi°a °an-hu l-wahy^u qāla:</i>

Their similarity notwithstanding, the two variants differ in a way that does not allow us to reconstruct Jarīr’s wording in an exact way. Nevertheless, al-Ṭayālisī’s introductory *fa-lammā* may safely be discarded as an element of fictionalization, which served to connect clauses 1a and 1b. In addition to this, one may consider the passive

verbal forms as the older units of expression. Al-Ṭayālīsī and °Abd Allāh b. Aḥmad b. Ḥanbal cite different parts of Qurʾān 4:15, which indicates that Jarīr b. Ḥāzīm may have cited the verse *in toto*. Consequently, his version would have read:

*Unzilat “Qurʾān 4:15” *fa-lammā rufiʿa l-waḥyū qāla rasūlū l-lāhī, ṣalʿam:*

But how does this preamble relate to the prophetic *dictum*? What were the Prophet’s words that followed? Why should the Prophet alter the Quranic ordinance immediately after its revelation? Apparently, °Abd Allāh b. Aḥmad b. Ḥanbal or his informant was aware of the problem; on this account he preferred to add an interjectory clause according to which the Prophet would, for some time, act in accordance with the Quranic norm. Is this another indication that the revelation preamble was initially independent from the penal maxim? Al-Ṭayālīsī’s tradition provides important evidence to this end.

In the Ḥaydarābād edition of al-Ṭayālīsī’s *Musnad* the prophetic *dictum* opens with the exclamation *Khudhū ḥidhr^a-kum!* (Beware yourselves!). In the edition of Muḥammad b. °Abd al-Muḥsin al-Turkī the same clause reads, *Khudhū! Khudhū!* (Take it! Take it!). One may hardly doubt that the second formulation is the earlier one. But how should one assess its significance?

While analyzing Yazīd b. Ḥārūn’s tradition, I was puzzled by the plural feminine pronouns (*Khudhū-hunna! Iqbalū-hunna*) at the beginning of the prophetic *dictum*, which, I argued, might be interpreted as referring to Quranic verses. The main difficulty, at which such a hypothesis stumbles, is that no ʾQuranic verses are mentioned in the tradition through Yazīd. If, however, we take the exclamation *Khudhū-hunna! Iqbalū-hunna!* from Yazīd’s narrative and position it mentally in Jarīr b. Ḥāzīm’s reconstructed *matn*, it will make perfect sense. The following is an attempt to isolate the earliest wording of the revelation preamble. Clause 1 of the hypothetical *matn* is based on Jarīr b. Ḥāzīm’s reconstructed *matn*; clause 2 belongs to Yazīd b. Ḥārūn’s tradition:

* (1) *Unzilat “Qurʾān 4:15” fa-lammā rufiʿa l-waḥyū qāla rasūlū l-lāhī, ṣalʿam:* (2) “*Khudhū-hunna! Iqbalū-hunna!*”

* (1) [The verse] “Qurʾān 4:15” was revealed and when the revelation was withdrawn, the Messenger of Allāh, may Allāh bless him and grant him peace, said: (2) “Take them [these verses]! Accept them [these verses]!”

Does this short exegetical tradition belong to al-Ḥasan al-Baṣṭī? The *isnād* and *matn* evidence points to the existence of a CL, Jarīr b. Ḥāzīm.

But is Jarīr also a PCL of al-Ḥasan al-Baṣrī? Yazīd b. Hārūn's tradition is an important, yet not altogether unambiguous, indication of al-Ḥasan role as a possible CL. Note that Yazīd relies on the *fulān*, Maymūn al-Maraʿī/al-Marāʿī. Unlike the tradition of Jarīr b. Ḥāzīm, Yazīd's revelation preamble does not depart from the other narratives in the revelation cluster in a way that suggests a dissimilar origin. The same goes for the prophetic *dictum*, which differs only in its awkward use of *Khudhū-hunna! Iqbalū-hunna*.

Much more conspicuous is the tradition of ʿAbd al-Razzāq via his teacher Maʿmar b. Rāshid, which puzzled me while I analysed the cluster through Qatāda b. Diʿāma. Unlike the remaining traditions in that cluster, ʿAbd al-Razzāq cites a short preamble stating, *ūḥiya ilā l-nabī*. The prophetic *dictum* according to ʿAbd al-Razzāq opens by the exclamation *Khudhū! Khudhū!*; that is, exactly by the same phrase that we have assumed to have been present in al-Ṭayālīsī's narrative on the authority of Jarīr b. Ḥāzīm and al-Ḥasan al-Baṣrī. It is reasonable to think that the clause *ūḥiya ilā l-nabī* is a likely residue of al-Ḥasan's exegetical tradition (i.e. *ūḥiya ilā l-nabī* [Qurʾān 4:15]), which reached Maʿmar through the agency of Qatāda b. Diʿāma. The same is indicated by ʿAbd al-Razzāq's 'defective' *isnād*. The fact that the transmission terminates at the tier of al-Ḥasan al-Baṣrī suggests that in this case ʿAbd al-Razzāq cites an early tradition, which was probably couched as a personal opinion not going back to the Prophet himself.

Note that the narrative of ʿAbd al-Razzāq, while preserving an indication that the original tradition was a personal opinion of al-Ḥasan al-Baṣrī (*kāna l-ḥasan^u yufī bi-hi*), suppresses its original content. It does not refer to Qurʾān 4:15 in a direct way and, as already noted, leaves the impression that the preamble and the following penal maxim had been independent narratives. But who removed the direct reference to the said Quranic verse? Who altered al-Ḥasan's tradition by emphasizing the dual penalty maxim as abrogating the ordinance of Qurʾān 4:15? And who circulated the compound tradition which not only insists that the dual-penalty maxim regulates the penalty for *zinā*, but also presents that maxim as divine revelation?

The order of the above questions already suggests a sequence of development where the earliest call for applying the ordinance of Qurʾān 4:15 was altered by the introduction of the penal maxim, which, most likely in the course of a subsequent polemic, came to be presented as a divinely revealed prophetic utterance. The preamble, in its unadulterated form, may have existed in the lifetime of al-Ḥasan al-Baṣrī. But did al-

Ḥasan know the dual-penalty maxim as an independent tradition? And who attached the maxim to al-Ḥasan's exegetical tradition?

Approaches to the reconstruction of the revelation tradition

The non-revelation cluster is a suitable starting point in our quest to answer the above questions. Our analysis of the non-revelation traditions has uncovered three PCLs: Shu'ba b. al-Ḥajjāj (d. 160/776), Hushaym b. Bashīr (d. 183/799) and Yaḥyā b. Sa'īd al-Qaṭṭān (d. 198/813). As shown in Diagram 4 (p. 190), the *isnāds* of Shu'ba and al-Qaṭṭān converge on Qatāda b. Di'āma. Al-Qaṭṭān quotes Qatāda through the agency of Sa'īd b. Abī 'Arūba, about whose possible CL status in the non-revelation cluster I expressed doubts. My analysis of Ibn Abī 'Arūba's position in the revelation cluster has allowed me to reconsider this conclusion, albeit not without hesitation.

The numerous revelation traditions passing through Ibn Abī 'Arūba include a penal maxim that shares narrative features with the non-revelation traditions of Shu'ba → Qatāda and al-Qaṭṭān → Abī 'Arūba → Qatāda. Shu'ba was reportedly acquainted with Ibn Abī 'Arūba, whereas al-Qaṭṭān is a clear (P)CL in the non-revelation cluster. Contrary to our expectations fostered by Ibn Abī 'Arūba's presence as a possible CL in the revelation cluster (Diagram 5, p. 192), neither Shu'ba, nor al-Qaṭṭān relates a tradition that includes the revelation preamble. It stands to reason, therefore, that Ibn Abī 'Arūba knew a tradition that included the penal maxim but did not include the revelation preamble. If accurate, this inference would allow us to concede two PCLs of Qatāda b. Di'āma, namely, Sa'īd b. Abī 'Arūba and Shu'ba b. al-Ḥajjāj. On this basis we may proceed to reconstructing Qatāda's version. Insofar as Shu'ba's tradition was definitely void of the revelation preamble, and Ibn Abī 'Arūba's tradition was likely so, Qatāda would have related the penal maxim alone.

At this stage, the question arises whether Qatāda heard the penal maxim from al-Ḥasan al-Baṣrī? The optimistic answer would be that, having proven Qatāda's CL status with respect to al-Ḥasan, we may consider the single strand Hushaym b. Bashīr → Manṣūr b. Zādhān → al-Ḥasan (Diagrams 2 and 4, pp. 175 and 190) as a limited evidence of al-Ḥasan's contribution to the circulation of the dual-penalty maxim. When asked about the punishment for *zinā*, al-Ḥasan would express his personal opinion (*ra'y*) according to which the virgin should be flogged and banished and the non-virgin should be flogged and stoned. In reality, this optimistic conclusion stumbles at a major obstacle.

Our analysis has shown that al-Ḥasan has most likely maintained that sexual transgressors should be treated according to the ordinance of Qurʾān 4:15. If al-Ḥasan did circulate the dual-penalty maxim, his *raʿy* would clearly contradict his own view concerning Qurʾān 4:15. A reasonable exit from the conundrum would be to posit that al-Ḥasan did not relate the dual-penalty maxim as a separate *dictum*; even less so in conjunction with the revelation preamble. Hence, one concludes, that the maxim was ascribed to al-Ḥasan by a person or persons who wanted to negate his pro-Quranic stance and to prove that the *sunna*, not scripture, regulates the punishment for *zinā*. But who may have been that person(s)? Several scenarios are possible.

Qatāda b. Diʿāma altered al-Ḥasan's tradition

The earliest modifications of al-Ḥasan's exegetical tradition may have been introduced by Qatāda b. Diʿāma (60–117/680–735). This is suggested by ʿAbd al-Razzāq's revelation tradition that opens with the words, *ūhiya ilā l-nabī*. Whereas al-Ḥasan's PCL Jarīr b. Ḥāzim has preserved the original reference to Qurʾān 4:15 almost intact, ʿAbd al-Razzāq's tradition via Maʿmar has gone a step further; that it included a citation of Qurʾān 4:15 may be inferred only by way of comparison with the reconstructed tradition of al-Ḥasan al-Baṣrī. Hence, ʿAbd al-Razzāq has most likely transmitted an early specimen of the altered *matn*; it mentions revelation but drops the reference to the Qurʾān. Insofar as ʿAbd al-Razzāq's tradition reaches al-Ḥasan al-Baṣrī through the single-strand *isnād*, Maʿmar b. Rāshid → Qatāda b. Diʿāma, if considered on its own, it does not provide sufficient information about the identity of the redactor.

Indirect indications seem to put ʿAbd al-Razzāq beyond suspicion; in the *Muṣannaḥ* he relates a tradition with a highly fictionalized revelation preamble, about which we will discuss later.¹³⁶ Thus, he knew the later version of the tradition, but nevertheless preserved the older *matn*, probably in the form he received it from Maʿmar b. Rāshid. Maʿmar b. Rāshid is apparently also beyond suspicion. We have seen that Muʿādh b. Hishām is a (S)CL of a tradition that contains a resembling preamble, but reaches Qatāda through an alternative *isnād*. This indicates that Maʿmar and Muʿādh derived their altered variants from a common source, which should be identified as Qatāda b. Diʿāma.

It is therefore Qatāda who circulated the preamble *anna l-nabiyya*^a, *ṣalʿam, unzila ʿalay-hi*. That is to say, he preserved the revelation part of

¹³⁶ ʿAbd al-Razzāq, *Muṣannaḥ*, 7:329, no. 13359.

al-Ḥasan's tradition but removed the citation of Qurʾān 4:15. This redaction made the narrative semantically deficient; the complementary clause, however, is difficult to reconstruct. Arguably, Qatāda wanted to shift the emphasis of al-Ḥasan's *matn* from the ordinance of Qurʾān 4:15 to the norm conveyed by the dual-penalty maxim. To this end he would have attached the prophetic *dictum* to the altered variant of al-Ḥasan's tradition. Judging by the variations in the prophetic exclamation (*khudhū ʿan-nī; khudhū ḥidhr^a-kum; khudhū*) and its absence in the tradition of al-Ṭabarī on the authority of Muʿādh b. Hishām, one may surmise that no exclamation was present in Qatāda's version. In that case, however, Qatāda would have related a dual-penalty maxim that seems more like a part of the Qurʾān which it is not. A possible solution would be to posit that the early traditions of al-Ḥasan and Qatāda reflect a stage where the *sunna* and the Qurʾān had not yet emerged as discrete entities from the syncretic body of ancient prophetic logia.

Be that as it may, Qatāda's altered tradition would have passed to the PCLs, Saʿīd b. Abī ʿArūba (d. 156/772), Shuʿba b. al-Ḥajjāj (d. 160/776), Yazīd b. Zurayʿ (d. 182–3/798–9), Hushaym b. Bashīr (d. 183/799), Yaḥyā b. Saʿīd al-Qaṭṭān (d. 198/813). But if there was a common source, to wit, Qatāda b. Dīʿāma, and, furthermore, if that source already knew a variant of the revelation preamble, why do the most conspicuous of his PCLs exclude the preamble from their traditions? There is no easy answer to that question. Arguably, Shuʿba, Hushaym and al-Qaṭṭān may have decided to delete the preamble from their traditions – but why?

While analyzing the Qatāda cluster, I observed that the connection between the preamble and the dual-penalty maxim is volatile. This indicates that Qatāda combined two independent traditions into a single narrative with the aim to prove that the dual-penalty maxim was divinely revealed. Shuʿba probably felt the weakness of this conjunction, on which account he decided to confine his tradition to the dual-penalty maxim. The same holds true for Hushaym and al-Qaṭṭān, who base their traditions on Shuʿba's.

For the sake of argument, one may conjecture that Qatāda transmitted either the preamble or the penal maxim, but not both of them. In this case, Qatāda is more likely to have transmitted the preamble, as it is attested as part of his original tradition. Since the preamble in its later form is not semantically independent, one must concede that Qatāda transmitted al-Ḥasan's original tradition, which would have been altered at the hands of a later redactor.

This hypothesis has a major disadvantage: if Qatāda, like al-Ḥasan,

was unaware of the dual-penalty maxim, then he could not have been the actual source of Shu[‘]ba. If Shu[‘]ba concealed his source, Hushaym and al-Qaṭṭān, who base their versions on Shu[‘]ba, would have (inadvertently) done the same. It is impossible to prove, however, that Shu[‘]ba received his tradition from an alternative source. Hushaym and al-Qaṭṭān, on their side, should have been unaware of Shu[‘]ba’s forgery in order to repeat his error.

In sum, if Qatāda altered the original tradition, he should be held responsible for the initial merger of two independent traditions. The awkwardness of this combination would have been felt by Qatāda’s contemporaries and the following generation of traditionists, but gradually it would be obliterated by the introduction of more skillfully worded traditions. If, on the other hand, Qatāda’s tradition did not include the dual-penalty maxim, one would expect that Qatāda transmitted al-Ḥasan’s exegetical tradition in its original form.

Sa‘īd b. Abī ‘Arūba altered al-Ḥasan’s tradition

This scenario is feasible only on condition that Qatāda b. Di‘āma related a copy of al-Ḥasan’s exegetical tradition which he passed intact to Ibn Abī ‘Arūba. There is no unambiguous *isnād* and *matn* evidence that may support such a course of events; moreover if Ibn Abī ‘Arūba and his informant, Qatāda, had known only al-Ḥasan’s exegetical tradition, this would imply that Shu[‘]ba received the non-revelation tradition from an unknown alternative source, whereupon he forged the link to Qatāda.

If Qatāda altered al-Ḥasan’s original tradition, it is possible that Ibn Abī ‘Arūba received from Qatāda the altered variant which he passed to his pupils. Such a scenario is not altogether free of potential pitfalls. One has to explain the high degree of fictionalization in Ibn Abī ‘Arūba’s preamble. Did Ibn Abī ‘Arūba introduce the description of the Prophet’s grief and pallid face into the text himself? Did he edit the *matn* as to obtain better cohesion between its originally independent parts? These questions are difficult to answer because of the absence of unambiguous PCLs immediately above Ibn Abī ‘Arūba in the revelation cluster. The issue is compounded by the fact that Yahyā b. Sa‘īd al-Qaṭṭān, who is by far the most conspicuous PCL quoting Ibn Abī ‘Arūba, does not know (or does not pay attention to) the revelation preamble.

To avoid the above issues, one may surmise that Ibn Abī ‘Arūba related different variants of the same tradition during his lessons. But the non-revelation and the revelation traditions are much more than mere variants of a single narrative: the latter is a clear development of the former and aims at substantiating that the *sunna* may abrogate the Qur’ān because it derives from the same divine source. One cannot rule

out the possibility that the confusion occurred when Ibn Abī °Arūba suffered from memory deterioration (*ikhtalaṭa*) during the last eleven years of his life,¹³⁷ but there is no confirmation that he related the °Ubāda tradition or parts thereof during that period of his life to al-Qaṭṭān, Ibn Zuray° or any other traditionist.

It is also possible that like Shu°ba, Hushaym and al-Qaṭṭān, Ibn Abī °Arūba decided to transmit only the dual-penalty maxim from Qatāda's hypothetical compound tradition. If, however, neither Ibn Abī °Arūba nor Shu°ba, who are the PCLs of Qatāda, transmitted the revelation preamble, this introduces a rupture in the transmission process. While Ibn Abī °Arūba and Shu°ba decided to rid their traditions of the preamble, someone conversant with Qatāda's compound version, would have restored it and edited the compound narrative as to remove its original incoherence. Do we have indications that such a development is not a mere conjecture?

The evidence of the earliest ḥadīth collections

In addition to the evidence of the *isnāds*, which may be contradictory and impossible to sort out, one should reckon with the earliest collections that mention a given tradition. In the case of the revelation tradition, I have already taken advantage of the traditions cited by Abū Dāwūd al-Ṭayālisī and °Abd al-Razzāq al-Ṣan°ānī to uncover the earliest version of the revelation preamble, which turned out to be an independent exegetical tradition related by al-Ḥasan al-Baṣrī. May one use the same collections to reconstruct the history of the compound tradition?

The earliest surviving *ḥadīth* collection that includes the compound tradition is the *Musnad* of Abū Dāwūd al-Ṭayālisī (d. 203–4/819–20). Although al-Ṭayālisī has preserved the original citation of Qur°ān 4:15, he adds to it two important clauses. In the first clause, which precedes the citation of Qur°ān 4:15, al-Ṭayālisī states that when the revelation came down upon the Prophet, the Companions would recognize this. In the second clause, which comes after the citation of Qur°ān 4:15, al-Ṭayālisī states that when the revelation was complete, the Prophet uttered the dual-penalty maxim. This version of the preamble is free from all elements of fictionalization that other traditionists borrowed from external narratives on revelation. Consequently, it should be treated as the earliest surviving instance of the compound narrative. The

¹³⁷ Ibn Sa°d, *Ṭabaqāt*, 9:273. Ibn Abī °Arūba's illness began in 145/762–3 (Ibn Ḥanbal, *°Ilal*, 1:163, no. 86; 1:355, no. 677; 1:484, no. 1110; 2:355–6, no. 2572).

additional clauses serve the purpose of connecting the preamble with the dual-penalty maxim. Nevertheless, the structure of the narrative clearly indicates the original independence of the revelation and the penal parts, which were joined together at the hands of al-Ṭayālīsī.

°Abd al-Razzāq (d. 211/827) has a version that has undergone more editing. Unlike al-Ṭayālīsī, he does not cite Qur°ān 4:15. I have already pointed out that the *isnād* evidence may be interpreted as an indication that the editing of the *matn* had taken place as early as the lifetime of Qatāda b. Di°āma (d. 117/735). This conclusion has clashed with other *isnād* evidence: Qatāda is quoted by Shu°ba, whose variant tradition does not include the revelation preamble. To avoid this pitfall, I will stick now to °Abd al-Razzāq's *Muṣannaf* as the earliest surviving source that includes the tradition at issue without discussing his possible sources. Upon comparison with al-Ṭayālīsī tradition, one may say that °Abd al-Razzāq considered the Quranic citation as superfluous to the narrative. On this account he decided to remove the citation completely.

In addition to the already discussed tradition, °Abd al-Razzāq knows an accomplished version of the revelation preamble.¹³⁸ He mentions the Prophet's pallid face, but is still unaware of his closed eyes and the notion of grief expressed by the verb *kuriba*. The *matn* wording most likely goes to °Abd al-Razzāq himself, as he relies on a highly suspect *isnād*, °Abd Allāh b. Muḥarrar (d. 150–60/767–7) → Ḥiṭṭān b. °Abd Allāh (d. 71/690–91). Even if °Abd Allāh b. Muḥarrar died in 150/767, he must have been a nonagenarian in order to meet Ḥiṭṭān b. °Abd Allāh towards the very end of the latter's life. If Ibn Muḥarrar died later in the fifties of the second century AH only a centenarian lifespan would have made possible his audition from Ḥiṭṭān. The age-related problem is compounded by the derogatory and at times insulting statements that *rijāl* critics used to describe Ḥiṭṭān.¹³⁹

Abū °Ubayd (d. 224/839) cites both the non-revelation and the revelation *matns*.¹⁴⁰ His marshaling of the traditions indicates a chronological development from the former to the latter. In comparison with °Abd al-Razzāq, Abū °Ubayd's revelation preamble includes an

¹³⁸ °Abd al-Razzāq, *Muṣannaf*, 7:329, no. 13359.

¹³⁹ He is described as weak (*ḍa°if*) and a liar (*kadhḥāb*) whose traditions should be avoided (*matrūk al-ḥadīth*). °Abd Allāh b. al-Mubārak reportedly said that he would prefer a camel turd to °Abd Allāh b. Muḥarrar (*lammā ra°aytu-hu kānat ba°rat^m aḥabb^a ilayya min-hu*) (al-Mizzī, *Tahdhīb al-Kamāl*, 16:30 ff, especially 32; Ibn Ḥajar, *Tahdhīb al-Tahdhīb*, 5:389–90).

¹⁴⁰ Abū °Ubayd, *al-Nāsikh wa-l-Mansūkh*, 133–4, nos. 240–1.

enriched list of symptoms of revelation: the Prophet's face grows pallid and he closes his eyes, whereas the Companions fall silent. Nevertheless, at the beginning of his version of the prophetic *dictum*, Abū °Ubayd has preserved a phrase that is a *hapax legomenon* in the entire °Ubāda cluster: *Khudhū-hunna! Iqbalū-hunna!* This relic of al-Ḥasan al-Baṣrī's original tradition was obliterated in the later versions of the prophetic *dictum*.

By the beginning of the second quarter of the third century AH, the revelation narrative acquired its final shape. Traditionists and jurists who upheld the notion that the dual-penalty maxim was divinely revealed would attach the revelation preamble to the earlier non-revelation version of the prophetic *dictum* and attribute these compound narratives to the authorities mentioned in the lower part of the non-revelation *isnād*. Such back projection would have been responsible for the impression that Sa°īd b. Abī °Arūba, Qatāda b. Di°āma or even al-Ḥasan al-Baṣrī circulated versions of the revelation tradition. The random character of the ascriptions explains the untidy *isnād* structure of the revelation cluster (Diagram 5, p. 192). It also explains the *matn* inconsistencies of the revelation traditions, which often draw on more than one tradition from the earlier non-revelation cluster.

An organic development of the narrative

My effort to reconstruct the historical development of the revelation tradition has yielded results that not always fit into a logically coherent pattern. While it is conceivable that al-Ḥasan al-Baṣrī circulated an early tradition that considered the Qur°ān as the sole source of the punishment for *zinā*, the ensuing development of this tradition and the attendant dual-penalty maxim is at times refractory to reconstruction.

The *isnād* evidence is not without problems. In the non-revelation cluster there are three unambiguous CLs, Shu°ba b. al-Ḥajjāj, Hushaym b. Bashīr and Yaḥyā b. Sa°īd al-Qaṭṭān. Their relationship with Qatāda b. Di°āma is hard to prove, but, in the worst-case scenario, Shu°ba would be the oldest historically tenable CL of the non-revelation tradition.

The *isnād* chart of the revelation traditions (Diagram 5 p. 192) shows a welter of attributions to Sa°īd b. Abī °Arūba, Qatāda b. Di°āma and al-Ḥasan al-Baṣrī. As the evidence is provided by single-strand *isnāds* and intermittent CR quotations, we may cautiously speak of some key-figures' beings CLs or (S)CLs. Nevertheless, the level of epistemological uncertainty is fairly high with regard to Sa°īd b. Abī °Arūba, not to mention the attributions below his tier.

Moving to the *matns*, one observes a high level of narrative consistency in the non-revelation traditions. Their development can be easily marshaled in a historical sequence originating with Shu[°]ba b. al-Ḥajjāj and coming to its completion in the *matn* of Yaḥyā b. Sa[°]īd al-Qaṭṭān. Contrary to this, the *matns* of the revelation traditions are notably unstable. My analysis of the Ibn Abī [°]Arūba cluster has indicated that it may have excluded the revelation preamble. Conversely, the Qatāda b. Di[°]āma cluster has allowed me to reconstruct an early form of the preamble, which may have been loosely connected to the dual-penalty maxim.

Even though traces of an ancient narrative going back to Qatāda b. Di[°]āma and possibly to al-Ḥasan al-Baṣrī have been recovered from the preamble, one should not overlook the fact that its wording, as found in the surviving *ḥadīth* collections, varies considerably between the different *riwāyas*. Apparently, the narrative was fictionalized by the introduction of a number of symptoms of revelation: the Prophet's face grows pallid, the Prophet closes his eyes, the Prophet is overwhelmed by grief and so on. The symptoms are distributed among the various traditions in a haphazard manner that precludes a consistent hypothesis about their possible association with specific CL/CLs.

The penal part of the revelation tradition is likewise beset by narrative instability. Without exception, the *matns* are compounds of the non-revelation traditions of Shu[°]ba b. al-Ḥajjāj, Hushaym b. Bashīr and Yaḥyā b. Sa[°]īd al-Qaṭṭān. One may hardly avoid the impression that the transmitters of the revelation *matns* took advantage of their non-revelation counterparts which they would attach quite erratically to the revelation preamble.

The process of composition is easy to observe in the earliest surviving *ḥadīth* collections. The *Musnad* of Abū Dāwūd al-Ṭayālīsī and the *Muṣannaḥ* of [°]Abd al-Razzāq al-Ṣan[°]ānī are witnesses to the gradual elaboration of the revelation tradition, which was brought to completion in Abū [°]Ubayd's *al-Nāsikh wa-l-mansūkh*. Consequently, the revelation tradition developed during the last decades of the second century AH and the beginning of the third century AH based on several originally independent narratives. These included the non-revelation tradition in its three major variants, and the revelation preamble that refers back to al-Ḥasan al-Baṣrī's original tradition.

It is difficult to decide who was responsible for the initial alteration of al-Ḥasan's exegetical tradition. My analysis has shown that neither Qatāda b. Di[°]āma nor Sa[°]īd b. Abī [°]Arūba may be excluded. Qatāda is invariably present in the lower part of both the non-revelation cluster and its revelation counterpart. He is quoted by an unmistakable CL, Shu[°]ba b. al-Ḥajjāj, but

Shu[°]ba's non-revelation version indicates that Qatāda's version did not include the revelation preamble. Above Qatāda, a similar contradiction is observed in the Sa[°]īd b. Abī [°]Arūba cluster. If Sa[°]īd was a CL, he appears to have transmitted a tradition that described the symptoms of revelation; Sa[°]īd's most salient CL, Yaḥyā b. Sa[°]īd al-Qaṭṭān, however, cites a non-revelation *matn*. To compensate for the ambiguity of the *isnād* and *matn* evidence, I brought into play the evidence of the *ḥadīth* collections. It indicates that the preamble was attached to the dual-penalty maxim only towards the end of the second century AH; that is long after the deaths of Qatāda and Ibn Abī [°]Arūba.

While I realize that one cannot work out all of the above analytical inconsistencies, I think that a process of organic development of the revelation tradition may provide alleviation. The *matns* of the traditions that pass through Qatāda and al-Ḥasan al-Baṣrī, it should be recalled, have preserved sufficient information for the reconstruction of al-Ḥasan's original tradition. At the same time they reveal multiple layers of editorial deletions and accretions whereby the early versions were changed more than once at the hands of later redactors. Elements of fictionalization that describe vividly the Prophet's symptoms of revelation were introduced to strengthen the volatile link between the revelation preamble and the dual-penalty maxim. None of these fictional elements is unique to the [°]Ubāda tradition; almost without exception they draw on the generic imagery of revelation found in a number of narratives about the Prophet's revelatory experience.

As the supporters of the revelation notion in the third century AH became increasingly convinced that the dual-penalty maxim has always been part of the wider revelation narrative, they would project their own understanding of that narrative's contents onto the earlier links in the *isnād* chain, such as Qatāda b. Di[°]āma and Sa[°]īd b. Abī [°]Arūba. The narrative transformation has at times followed paths inexplicable to the present-day researcher. We surely miss a lot of *isnād* and *matn* variants that, if uncovered, would shed ampler light on the development of the revelation tradition. At the present stage of our knowledge, we have to concede that our effort to reconstruct the revelation version of the [°]Ubāda tradition has left ambiguities.

In the table overleaf, I have summarized my efforts to reconstruct the historical development of the [°]Ubāda tradition:

The traditionist (CL/PCL)	The reconstructed wording of the CL/PCL		Remarks
	The non-revelation cluster	The revelation cluster	
Al-Ḥasan al-Baṣrī (d. 110/728)	(1) <i>Unzilāt</i> “Qurʾān 4:15” <i>fa-lammā rufiʿa l-waḥy^u qāla rasūl^u l-lāhⁱ, ṣalʿam</i> : (2) “ <i>Khudhū-hunna! Iqbalū-hunna!</i> ”		Al-Ḥasan most likely circulated an exegetical tradition in which he voiced his opinion that sexual offenders should be punished in accordance with Qurʾān 4:15.
Qatāda b. Dīʿāma (d. 117/735)	Al-Ḥasan’s exegetical tradition in its original form	OR <i>Anna l-nabiyy^a, ṣalʿam, unzila ʿalay-hi</i> in a volatile conjunction with the dual-penalty maxim	
Saʿīd b. Abī ʿArūba (d. 156/772)	(1) “ <i>Khudhū ʿan-nī!</i> (2) <i>Qad jaʿala l-lāh^u la-hunna sabīl^{an}</i> . (3a) <i>Al-thayyib^u bi-l-thayyib</i> (3b) <i>wa-l-bikr^u bi-l-bikr</i> (4a) <i>Al-thayyib^u jald^u miʿatⁱⁿ thumm^a rajm^{um} bi-l-ḥijāra</i> (4b) <i>wa-l-bikr^u jald^u miʿatⁱⁿ thumm^a nafy^u sana.</i> ”	OR (1a) <i>Kāna rasūl^u l-lāhⁱ, ṣalʿam, idhā nazala/nuzzila ʿalay-hi kuriba li-dhālika wa-tarabbada la-hu wajh^u-hu</i> (1b) <i>fa-nazala/nuzzila ʿalay-hi dhat^a yawmⁱⁿ fa-laqiya dhālika fa-lammā surriya ʿan-hu qāla</i> : (2) “ <i>Khudhū ʿan-nī!</i> (3) <i>Qad jaʿala l-lāh^u la-hunna sabīl^{an}</i> . (4a) <i>Al-bikr^u bi-l-bikrⁱ jald^u miʿatⁱⁿ wa-nafy^u sana</i> (4b) <i>wa-l-thayyib^u bi-l-thayyibⁱ jald^u miʿatⁱⁿ wa-l-rajm.</i> ”	Ibn Abī ʿArūba’s <i>matn</i> most likely excluded the revelation preamble. The preamble attributed to Ibn Abī ʿArūba is composed of fictional elements borrowed from the generic descriptions of the theophany. The penal maxim attributed to Ibn Abī ʿArūba draws on features specific of the non-revelation traditions of Shuʿba and al-Qaṭṭān.

<p>Shu^ʿba b. al-Ḥajjāj (d. 160/776)</p>	<p>(1) <i>Khudhū ʿan-nī!</i> (2) <i>Qad ja^ʿala l-lāh^u la-hunna sabīl^{an}.</i> (3b) <i>Al-thayyib^u bi-l-thayyibⁱ</i> (3a) <i>wa-l-bikr^u bi-l-bikr.</i> (4a) <i>Al-bikr^u yujlad wa-yunfā</i> (4b) <i>wa-l-thayyib^u yujlad wa-yu jam.</i></p>		<p>This is the earliest attestable variant of the non-revelation tradition. Divides the penal part into two clauses. Uses unqualified verbal forms. The wording may have been based on Qatāda’s tradition.</p>
<p>Ḥammād b. Salama (d. 167/784)</p>	<p>(1) <i>Khudhū ʿan-nī!</i> (2) <i>Qad ja^ʿala l-lāh^u la-hunna sabīl^{an}.</i> (3a) <i>al-thayyib^u bi-l-thayyib</i> (3b) <i>wa-l-bikr^u bi-l-bikr</i> (4a) <i>al-thayyib^u jald^u mi^ʿatⁱⁿ wa-l-rajm^u</i> (4b) <i>wa-l-bikr^u jald^u mi^ʿatⁱⁿ wa-nafy^u sana</i></p>	<p>OR (1a) <i>Anna l-nabī, ṣal^ʿam, kāna idhā nazala ʿalay-hi l-waḥy^u kuriba la-hu wa-tarabbada wajh^u-hu</i> (1b) <i>wa-idhā surriya ʿan-hu qāla</i></p>	<p>Ḥammād is quoted in two revelation traditions and a single tradition in the non-revelation cluster. The penal-maxim attributed to Ḥammād draws on the wording of Shu^ʿba b. al-Ḥajjāj and Hushaym b. Bashīr. The <i>isnāds</i> above Ḥammād form ‘a spider’.</p>
<p>Jarīr b. Ḥāzim (d. 170/786–7)</p>		<p><i>Unzilāt “Qurʾān 4:15” fa-lammā rufi^ʿa l-waḥy^u qāla rasūl^u l-lāhⁱ, ṣal^ʿam:</i></p>	
<p>Hushaym b. Bashīr (104–5–183/722–24–799)</p>	<p>(1) <i>Khudhū ʿan-nī!</i> (2) <i>Fa-qad ja^ʿala l-lāh^u la-hunna sabīl^{an}.</i> (3a) <i>Al-thayyib^u bi-l-thayyibⁱ jald^u mi^ʿatⁱⁿ thumm^a l-rajm</i> (3b) <i>wa-l-bikr^u bi-l-bikrⁱ jald^u mi^ʿatⁱⁿ wa-nafy^u sana.</i></p>		<p>Hushaym’s tradition is based on the tradition of Shu^ʿba b. al-Ḥajjāj.</p>

<p>Yaḥyā b. Saʿīd al-Qaṭṭān (120–98/738–813)</p>	<p>(1) <i>Khudhū ʿan-nī! Khudhū ʿan-nī!</i> (2) <i>Qad jaʿala l-lāh^u la-hunna sabīl^m.</i> (3a) <i>Al-thayyib^u bi-l-thayyibⁱ jalḍ^u miʿatⁱⁿ wa-ramy^m bi-l-ḥijāra</i> (3b) <i>wa-l-bikr^u bi-l-bikrⁱ jalḍ^u miʿatⁱⁿ wa-nafy^u sana.</i></p>		<p>Al-Qaṭṭān’s tradition is based on the tradition of Hushaym b. Bashīr.</p>
<p>Muʿādh b. Hishām al-Dastuwāʿī (d. 200/815)</p>		<p>(1) <i>Anna l-nabiyy^a, ṣalʿam, unzila ʿalay-hi [l-waḥy^u] dhāta yawmⁱⁿ [(2) fa-lammā surriya ʿan-hu qāla]</i> (3) <i>Khudhū ʿan-nī</i> (4) <i>Qad jaʿala l-lāh^u la-hunna sabīl^m.</i> (5) <i>Al-thayyib^u bi-l-thayyibⁱ wa-l-bikr^u bi-l-bikrⁱ</i> (6a) <i>Ammā l-thayyib^u fa-yujladu thumma yurjam</i> (6b) <i>wa-ammā l-bikr^u fa-yujladu thumma yunfāʿ</i></p>	<p>The <i>isnād</i> above Muʿādh forms a spider structure. Muʿādh relies of a single-strand <i>isnād</i> through his father Hishām al-Dastuwāʿī. The dual-penalty maxim attributed to Muʿādh is based on the version of Shuʿba b. al-Hajjāj.</p>
<p>Yazīd b. Hārūn (d. 206/821–2)</p>		<p>(1a) <i>Kāna rasūl^u l-lāhⁱ, ṣalʿam, idhā unzila ʿalay-hi [l-waḥy^u] ʿarafnā dhālika ft-hi</i> (1b) <i>Qāla [?]: “Fa-nazala/nuzzila ʿalay-hi fa-sakatnā fa-lammā surriya ʿan-hu qāla:</i> (2) <i>“Khudhū-hunna! Iqbalū-hunna!</i> (3) <i>Qad jaʿala l-lāh^u la-hunna sabīl^m.</i> (4a) <i>Al-bikr^u bi-l-bikrⁱ jalḍ^u miʿatⁱⁿ thumma nafy^u ʿāmⁱⁿ</i> (4b) <i>wa-l-thayyib^u bi-l-thayyibⁱ jalḍ^u miʿatⁱⁿ thumma l-rajm.</i>”</p>	<p>Yazīd b. Hārūn’s preamble is highly fictionalized and bears upon a number of later preambles. The penal maxim overlaps with the corresponding part of Hushaym b. Bashīr’s tradition</p>

General conclusions Literary analysis vs. isnād-cum-matn analysis

Between ca. 100 AH and ca. 250 AH the stoning narratives in Islamic exegesis had seen a considerable measure of evolution. As the existing sources show, at the beginning of the second century AH the penalty for *zinā* was considered in terms of Qurʾān 2:15–6 and Qurʾān 24:2. The surviving commentaries of Mujāhid b. Jabr (d. 100–4/718–22) and al-Ḍaḥḥāk (d. 105/723)—so long as the attributions to these exegetes are genuine—show little exegetical elaboration; no need is felt to explain the punishment for *zinā* by extra-Quranic evidence. What is more, neither of the two exegetes is interested in the stoning penalty for *zinā*, nor do they seem to recognize different categories of sexual offenders (viz. adulterers and fornicators).

The results of the *isnād-cum-matn* analysis of the revelation cluster tally with the evidence derived from the works of Mujāhid and al-Ḍaḥḥāk. Al-Ḥasan al-Baṣrī (d. 110/728) most likely circulated the following short tradition:

* (1) *Unzilāt* “Qurʾān 4:15” *fa-lammā rufiʿa l-wahy^u qāla rasūl^u l-lāhⁱ, ṣalʿam*: (2) “*Khudhū-hunna! Iqbalū-hunna!*”

* (1) [The verse] “Qurʾān 4:15” was revealed and when the revelation was withdrawn, the Messenger of Allāh, may Allāh bless him and grant him peace, said: (2) “Take them [these verses]! Accept them [these verses]!”

Much like the comments of Mujāhid and al-Ḍaḥḥāk, al-Ḥasan’s tradition is confined to exegesis of Qurʾān 4:15. It does not refer to any alternative source of legislation in the case of *zinā*. Insofar as al-Ḥasan does not mention terms like *ḥadd* and *rajm*, their limited appearance in the commentaries of Mujāhid and al-Ḍaḥḥāk may be considered as a halakhic accretion that goes to the credit of (much) later transmitters of the text.

Muqātil b. Sulaymān’s (d. 150/767) *Tafsīr* is the earliest exegetical work that discusses stoning in some detail. It distinguishes between virgin and non-virgin offenders, and resorts to the prophetic *sunna* to elucidate the ordinance of Qurʾān 2:15–6 and by extension that of Qurʾān 24:2. On closer inspection, Muqātil’s commentary *ad* Qurʾān 4:15–6 leaves the impression that several narrative layers coalesced in a single narrative. The earliest of these layers consists of simple paraphrastic exegesis similar to that employed by Mujāhid and al-Ḍaḥḥāk. At a later stage, the original narrative has apparently undergone more paraphrastic accretions. Eventually a *halakhic* ending was attached to the narrative, in which the prophetic *sunna* justifies the penalties for

zinā. Thus, the literary analysis of Muqātil's commentary has shown that the reference to what was to become the °Ubāda tradition is intrusive and was not part of the original narrative.

Isnād-cum-matn analysis seems to contradict the latter conclusion. Our study of the *isnāds* and *matns* in the °Ubāda cluster has shown the Baṣran *mawlā* Shu°ba b. al-Ḥajjāj (born 82–6/702–7, died 160/776) as the earliest disseminator of the non-revelation tradition. It is therefore feasible that the tradition was known to Muqātil, who, like Shu°ba, lived and worked in Basra. If so, *isnād-cum-matn* analysis belies the results of the literary analysis by allowing an earlier date of the circulation of the °Ubāda tradition. Before one settles on this conclusion, however, one has to look more thoroughly at Muqātil's narrative. To facilitate the task, I cite the full *matn* of the dual-penalty tradition found in Muqātil's commentary:

(1) *Allāh^u akbar!* (2) *Jā°a l-lāh^u bi-l-sabīl.* (3a) *Al-bikr^u bi-l-bikrⁱ jald^u mi°atⁱⁿ wa-naḥy^u sana.* (3b) *Wa-l-thayyib^u bi-l-thayyibⁱ jald^u mi°atⁱⁿ wa-rajm^{um} bi-l-ḥijāra.*

(1) Allāh is great! (2) Allāh has come with a way. (3a) A virgin with a virgin [punish them with] one hundred strokes and a year's banishment (3b) and a non-virgin with a non-virgin [punish them] with one hundred strokes and execution with stones.

Before all, one should note that the tradition does not include the revelation preamble. Neither do the surrounding sentences indicate that the Prophet's words are divinely revealed. Like Shu°ba, Hushaym and al-Qaṭṭān, Muqātil, or the later redactor who ascribed to him the halakhic commentary, knew only the non-revelation tradition, which, it will be recalled, developed over the course of the second century AH. This is however too broad a frame; it does not allow us to determine whether the prophetic tradition was present in Muqātil's original narrative.

The opening clauses of the prophetic *dictum* in Muqātil's commentary depart from the established wording of the dual-penalty traditions in a way that suggests either dissimilar origin or different stages in the narrative development. Most of the traditions in the °Ubāda cluster open with *khūdhū °an-nī* (clause 1) immediately followed by *qad ja°ala l-lāh^u la-hunna sabīl^{um}* (clause 2). Muqātil's alternative clause 1 indicates that *khūdhū °an-nī* may have not been present in the original tradition, which, therefore, would have been an early legal maxim independent of the prophetic and scriptural authority. Clause 2 in Muqātil's tradition is transitional. Whereas most of the dual-penalty traditions repeat the wording of Qur°ān 4:15; Muqātil refers to the same verse in paraphrase.

This paraphrastic version most likely bears witness to an early stage in the development of the tradition, at which the relationship between Qurʾān 4:15 and the prophetic *dictum* was not articulated as clearly as in the later °Ubāda traditions. Does the paraphrastic opening allow us to date the entire tradition into the first half of the second century AH?

Although clauses 1 and 2 of Muqātil's *ḥadīth* indicate its early origin, the remaining part of the *matn* points in the opposite direction. In clause 3 Muqātil reproduces verbatim the tradition of Yahyā b. Saʿīd al-Qaṭṭān (d. 198/813). It will be recalled that according to our *isnād-cum-matn* analysis, al-Qaṭṭān's tradition, which is marked by the use of the genitive compound *rajm^{um} bi-l-ḥijāra*, emerged during the last quarter of the second century AH. That is to say, the prophetic *dictum*, as found in Muqātil's commentary, reflects a stage in the narrative development that postdates Muqātil by at least twenty-five years. Consequently, the prophetic tradition should be considered as a later addition to Muqātil's original narrative, which is perfectly in line with the results of the literary analysis. To my mind, however, a gap of a quarter of a century should not be overstated. The stages of organic development are difficult to tell apart from the distance of twelve centuries. Even several decades would have sufficed to obfuscate the earliest chapters in the narrative evolution. Therefore, it stands to reason that redactional interventions in Muqātil's original text may account for the chronological gap at issue. Insofar as al-Qaṭṭān's tradition represents the latest stage in the development of the non-revelation cluster, it would have been a likely basis for later interpolations. No wonder, therefore, that a later transmitter would have abandoned Muqātil's original wording and brought his narrative into the line with the wording that the non-revelation tradition had acquired by the end of the second century AH.

Note, however, that the hypothetical redactor did not change clauses 1 and 2 of Muqātil's tradition in accordance with the later standards. This indicates that these introductory clauses were fluid in the early non-revelation narrative and probably remained so until the end of the second century AH. A similar fluidity is attested in the respective clauses of the revelation traditions of al-Ṭayālīsī and °Abd al-Razzāq, which were circulated at the turn of the second century AH. The wording of clauses 1 and 2 seems to have acquired its final shape only in the third century AH. If so, the appearance of these clauses in the non-revelation traditions may have resulted from later interpolations in the earlier narrative. Insofar as the dual-penalty maxim does not need the Prophet's exclamation for its semantic integrity, one suspects that the respective clauses were glued to the original non-prophetic maxim in the course of its addition to the

revelation preamble. Whatever the case, the prophetic *dictum*, as found in Muqātil's narrative, may have been either a later intrusion, which occurred during the last decades of the second century AH, or a later redaction of the original prophetic *dictum*, which was undertaken during the same period. The first option would confirm the outcome of our *isnād* and *matn* analysis, whereas the second one would contradict it.

The *isnād-cum-matn* analysis of the revelation compound has entailed several possibilities. Even though the composite tradition cannot be associated with al-Ḥasan al-Baṣrī in its entirety, it may have been compiled by redactors as early as Qatāda b. Di'āma (d. 117/735) and Sa'īd b. Abī 'Arūba (d. 156/772). If one of these traditionists circulated the initial variant of the revelation tradition, then it would have existed several decades before making its way into the collections of Abū Dāwūd al-Ṭayālisī (d. 203–4/819–20) and 'Abd al-Razzāq al-Ṣan'ānī (d. 211/827).

If spread by Qatāda b. Di'āma or Ibn Abī 'Arūba, the compound revelation traditions would have coexisted with the non-revelation versions. This would not have been much of a problem, were not the most salient CLs in the non-revelation cluster, Shu'ba b. al-Ḥajjāj and Yaḥyā b. Sa'īd al-Qaṭṭān, also apparent PCLs of Qatāda and Ibn Abī 'Arūba. How could the PCLs have been unaware of the revelation preamble? Tampering with the *matn* and fictitious attributions should not be discounted, especially in the case of al-Qaṭṭān, but this does not prove in any way that Qatāda or Ibn Abī 'Arūba are CLs of the compound revelation tradition. The analysis of their possible contribution to the formulation and the circulation of that tradition has faced insoluble contradictions.

On the whole, we are left with the evidence of the literary sources about the revelation tradition. There is nothing to compare with the results of the literary analysis. It clearly shows that the revelation narrative has undergone a development whereby two originally independent traditions were merged into a single narrative. The stages of this process are difficult to follow, but, arguably, it would have started some time in the last quarter of the second century AH.

Our study of the 'Ubāda tradition has shown that literary analysis and *isnād-cum-matn* analysis need not be treated as competitive methods in the study of the Islam's formative centuries. There are instances in which both approaches may yield identical results. The cases of contradiction do not negate the merits of each method; what is more, literary analysis becomes indispensable when there are no *isnāds* to analyze, or where the *isnād* evidence is indecisive.

Isnād analysis versus isnād-cum-matn analysis

Following his postulate that the early development of Muslim jurisprudence started with personal opinions expressed by “certain *fuqahā*”,¹ Juynboll has regarded the penal part of the °Ubāda tradition as a legal maxim, the basic elements of which are “most probably due to Ḥasan [al-Baṣrī]”.² Insofar as Juynboll’s method dwells on the *isnāds* while paying little attention to the *matns*, the exact wording of his “basic elements” is left to the reader’s intuition. *Isnād-cum-matn* analysis, which draws conclusions from a comparative study of the *isnād* bundles and the attendant *matn* bundles, shows that Juynboll’s supposition is acceptable only in its part that links al-Ḥasan to the issue of the punishment for *zinā*. Contrary to Juynboll’s conjecture that al-Ḥasan must have formulated the “basic elements” of the dual-penalty maxim, our analysis has shown that al-Ḥasan expressed the view that the sexual offenders should be treated in accordance with what is presently known as Qurʾān 4:15. As for the dual-penalty maxim, it was not a factor in the legal debates in the floruit of al-Ḥasan; even less so in the period of early Islam, as Juynboll seems to suggest.³

Discontinuity between the Qurʾān and the sunna as legal sources

The issue of *rajm* seems to buttress Schacht’s thesis that “anything which goes beyond the most perfunctory attention given to the Koranic norms and the most elementary conclusions drawn from them, belongs almost invariably to a secondary stage in the development of doctrine.”⁴ Burton’s dichotomy between the “Qurʾān document” and the “Qurʾān source”⁵ has mitigated Schacht’s skepticism, at least when it comes to its possible implications on the very existence of the Qurʾān as a commonly-accepted text during the first century AH. Burton, nonetheless, has considered a number of instances, the issue of *rajm* being the most outstanding, in which there exists a rupture between the Qurʾān source and the *sunna* source.⁶ Burton’s conclusion that the development of the *sunna* source had preceded the more serious consideration of the Qurʾān source⁷

¹ Juynboll, “Some Notes,” 290.

² *ECH*, 442.

³ Loc. cit.

⁴ Schacht, *Origins*, 227.

⁵ “As a document, the Qurʾān had existed and was widely known before it was called upon to behave as the source of the *uṣūlīs* in their inter-regional dispute.” (Burton, *Collection*, 44, cf. *ibid.*, 41–2).

⁶ Burton, *Collection*, 72 ff.

⁷ *Ibid.*, 161, 187.

endorses the Schachtian rupture between the Qurʾān and the *sunna* as sources of law. Together with other works that treat the discontinuity between the Qurʾān and Sharīʿa, Burton's discussion of the penalty for *zinā* has led Crone to infer that "all [these works, P.P.] suggest that Schacht underestimated the discontinuity to which he drew attention: of rules based on the Qurʾān from the start we no longer possess a single clear-cut example".⁸ From her study of the DAEP⁹ rule, Crone concluded that the Muslim jurists started taking into the consideration the Quranic rules on the inheritance of the cognates between the years 90 and 120 AH.¹⁰ This led her to the following important conclusion: "the evidence of the DAEP rule suggests a mid-Umayyad date for the arrival of the canonical scripture".¹¹

The results of Crone's study await a more thorough inspection by means of *isnād-cum-matn* analysis. Nevertheless, the present investigation of the early doctrine of the penalty for *zinā* entails a chronological conclusion that greatly overlaps with Crone's. If al-Ḥasan al-Baṣrī (d. 110/728) had relied on the scriptural ruling on *zinā*, then, already towards the end of the first century AH, scripture, or at least what was to become part of the Qurānic *textus receptus*, would have served as the basis for derivation of legal pronouncements. Contrary to Schacht's theory, in the case of *zinā* scripture appears to have been the primary stage in the development of the legal doctrine. The sunnaic ruling, represented by the ʿUbāda tradition, unfolded as a secondary stage of legal elaboration during the second century AH. Thus one observes at least one case, in which the development of the *sunna* source ensued from the Qurʾān source. One should note, however, that these are preliminary conclusions; their correctness depends on the study of other traditions dealing with the punishment for *zinā*.¹²

⁸ Crone, "Two Legal Problems," 10–11.

⁹ This acronym was coined by Crone. It stands for *Dhawū l-Arḥām* Exclude Patrons.

¹⁰ Crone, "Two Legal Problems," 36.

¹¹ *Ibid.*, 37.

¹² My investigation of other *zinā* traditions has hitherto shown that already Ibn Shihāb al-Zuhri (d. 124/742) considered *rajm* as the normative penalty for adultery deriving from the prophetic practice. (Pavel Pavlovitch, "Early Development of the Tradition of the Self-Confessed Adulterer in Islam. An *Isnād* and *Matn* Analysis," *al-Qanṭara*, 31:2 [2010], 371–410). Nevertheless, a further study of the *rajm* traditions is needed before one may define the earliest date of their circulation.