

## THE TRUTH ABOUT CATS AND DOGS: THE HISTORICITY OF EARLY ISLAMIC LAW

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One day, some years after the Prophet had died, one his companions, Abū Qatāda came for a visit to his daughter-in-law Kabsha bt. Kaʿb. While he was there, the time for prayer arrived, and she put forward a bowl of water so that he could do his ablution for prayer. As he was preparing for this, a cat came ambling up, sniffing at the bowl, and Abū Qatāda tilted it so that the cat could drink from the water. Then, he cleaned himself and performed the prayer. Kabsha, the host, looked surprised at this and wondered how he could then use this water, but he replied, The Prophet said, such household animals do not pollute the water.

Fourteen hundred years later, this episode has become the focus of an intense debate among European Islamologists, who either claim or deny that it is the final proof that Islamic law is based on falsehood.

This debate is thus an example of how we historians construct a past, and the role of theory and certainty in what we can know. What I will do here, therefore, is to present some of the main themes of this recent debate, and what methods are being suggested to improve our reliance on the early sources.

It is thus a long time since the nineteenth-century historian Renan said that, of all founders of world religions, only Muḥammad appears in the full light of history, with a complete and detailed biography told in stories of legal, historical and theological impact. The first revisionist attack on this 'traditional' Muslim historiography came from Ignaz Goldziher in the 1890s, followed up in much greater detail by Joseph Schacht in *Origins of Muslim Jurisprudence* in 1950. Their main insight was that many of the legal maxims contained in the *ḥadīth*, the Traditions of the Prophet's statements, discuss problems that could only have become problems long after the Prophet had died. Thus, these *ḥadīth* could not have been said by the Prophet, but were created at a later date and accredited to him at a time when his authority had become paramount.

That such fabrication existed was not a new discovery, but what Goldziher and Schacht suggested that was that they could see this in every Prophetic *ḥadīth* they studied; that is, that the complete body of *ḥadīth* from the Prophet was ahistorical, the product of the second century after the *hijra*. Schacht also suggested that the authority had 'grown backwards', that is that those *ḥadīth* that only referred to the opinion of a second- or third-generation Muslim were the oldest stories; they were later supplanted by stories put in the mouth of first-generation Companions of the Prophet, and finally stories referring to the Prophet himself were put into circulation to support particular viewpoints. Thus, the older the apparent event, the younger the real age of the story. Schacht gave a chronology where most *ḥadīth* referring to the Prophet

must have come into circulation about 150 years after his death, that is around year 750 of our era.

Goldziher and Schacht's revisionist conclusions, while criticized for obvious reason by many or most Muslim historians, have generally been accepted by most Western historians of early Islam. For some it has in fact become an axiom that all Muslim sources for early Islam is ahistorical, and since there are virtually no early non-Muslim sources, we actually know nothing. If we are to reconstruct a history, we must disregard what the sources claim about their origin, and instead study the actual text of the sources, using textual criticism such as known from Biblical studies. The most outrageous conclusions from this came from John Wansborough, who by studying the Quran concluded that it was not authored by one person, but the composite result of an ongoing polemic with other groups, a polemic that could only have taken place in Iraq in the ninth century.

Wansborough's denial of the Quran's history has not been widely accepted. But his method of textual criticism has been used by others, with less dramatic result, but still on the basis that 'we disregard who is supposed to have authored the book, and only look at what the text actually says'.

This approach was developed by Norman Calder, who in 1993 published *Studies in Early Muslim Jurisprudence*, focusing on the early history of the Mālikī school of law by comparing the two main works of that school, the *Muwattaʿa*<sup>2</sup>, and the *Mudawwana*.

The traditional account of these is that the *Muwattaʿa*<sup>2</sup>, the primary work of Mālikī law, is the work of Mālik b. Anas himself. It was compiled in writing by a Spanish student, Yaḥyā b. Yaḥyā, but the title, its content of *ḥadīth* and composition is as Mālik designed it, thus it dates before his death in 795. The second book, the *Mudawwana*, on the other hand, is a compilation of the views of Mālik and comments by his students, made by a Tunisian judge called Saḥnūn, and dates about half a century later; Saḥnūn died in 855.

But this cannot be so, Calder says. The order must be the other way.

The *Mudawwana* must be the older book and the *Muwattaʿa*<sup>2</sup> the younger, and the *Muwattaʿa*<sup>2</sup> as we have it must thus have been put together almost a century later than claimed, and thus does not represent the views of Mālik.

To demonstrate this, he uses the example of domestic animals and ritual purity. The problem is that certain animals are impure and makes water impure and useless for ritual ablutions.

- that can happen at a well when impure animals have drunk from it, or at home, when an impure animal has come in contact with water or vessels used for ritual ablution. The problem is which animals; and here there were disagreements between different schools, in particular the Ḥanafis in Iraq and the Mālikīs in Medina.

In the *Mudawwana*, this issue is discussed through examples, a horse and the donkey are OK, a dog is OK, chicken are not OK, carrion eaters are not OK. Partly these are given just 'casuistically', that is simply saying Yes and No to each case - such as the horse and dog - without explaining why, and partly depending on categories of animal, such as carrion eater. The many examples are complex, and it appears from them that dogs represents a problem, because although Mālik said it was OK, it does in fact fit into the categories that cause impurity, being a potential carrion eater. The Ḥanafis did not accept it. Thus,

the section appears to jump through many loops to support Mālik's conclusion that the dog is OK. In the end, it is the statement by Mālik himself that is the authority for the dog; an authority the Hanafis of course did not accept.

The *Muwaṭṭa'* treats the issue more briefly, and bases its conclusion on the *ḥadīth* I started with. This does not mention the dog, only the cat which was considered less of a problem; but it contains the dictum of the Prophet that the cat does not cause impurity, *because* it is among the household animals - which of course the dogs also are, so both cats and dogs are OK, and on Prophetic authority.

Now, with this clear Prophetic *ḥadīth*, the issue is closed and there is no need for the belaboured discussions we find in the *Mudawwana*, Calder claims. If the author of the *Mudawwana* had known this *ḥadīth*, he would certainly have included it in the discussion. As he didn't include it, he could not have known about it. Therefore, the *Muwaṭṭa'* is the more advanced and a later text than the supposedly younger *Mudawwana*, and Calder goes through other examples to show that most of the early law books from all schools actually date from 50-100 years later than assumed.

It would be fair to say that Calder's book has been slammed from all sides after it came out.

Muslim and Mālikī authors cannot of course accept a view that undermines the authority of the *Muwaṭṭa'*, but some Western and in particular German historians have used the occasion to criticize not just Calder, but also the assumptions from Schacht that underlies Calder's way of thinking.

One long review by Miklos Muranyi, a Hungarian historian working in Bonn, attacked Calder because he had based his analysis only on comparing the modern, printed versions of the two books, and ignored e.g. the extensive biographical material that tell of people who studied the *Muwaṭṭa'* before Saḥnūn - if Calder is right, then all of this material must be conscious and consistent forgeries - and also the many and internally consistent manuscript fragments of the *Muwaṭṭa'* from various locations that date from the mid-late ninth century. Partly this criticism does not hit the mark, because Calder does not deny that there was *a Muwaṭṭa'* before Saḥnūn, only that it then had the shape we now know. He says that the *Muwaṭṭa'* - as well as most or all such books - were not 'authored' by a single person, but grew 'organically' over the century as a result of debates between persons and schools, new material being added or revised to improve each group's viewpoints against those of the opponents. Thus, then, the addition of the Prophetic *ḥadīth* to counter the Ḥanafī views - until the book was 'frozen' around 860-870, when transmission was no longer partial or oral, but by copying the complete, written book. So, it fits the thesis that 'a' *Muwaṭṭa'* was being studied and copied already in the early years, it just wasn't identical to what we have now.

The most detailed criticism came from another German speaker, Harald Motzki, who similarly criticized Calder for ignoring source material beyond the modern printed versions of the books. For one thing, the student Yaḥyā b. Yaḥyā was not the only one to compile Mālik's *Muwaṭṭa'* from him: many of Mālik's students did so. Several of these other *Muwaṭṭa'*s still exist, some are even published. All of these contain the *ḥadīth* of the cat. Now, these could of course be just copies of Yaḥyā's 'canonical' version, only attributed to other

students; or these other versions had been amended to include the *ḥadīth* from Yaḥyā's *riwāya*. But if so, one would have expected them to be identical.

As it happens, I have access to three of these versions, Yaḥyā's, one by Suwayd al-Ḥaddathāni, and a *musnad* version by Ibn al-Qāsim, so for fun on the occasion of this paper I have compared those three.

*Muwatta' Mālik b. Anas, riwāyat Yaḥyā b. Yaḥyā (edn. Beirut 1403 / 1983, p. 40):*

١٠ - وَحَدَّثَنِي عَنْ مَالِكٍ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ عَنْ حُمَيْدَةَ بِنْتِ أَبِي عُبَيْدَةَ بْنِ فَرُوهَ ، عَنْ خَالَتِهَا كَبِشَةَ بِنْتِ كَعْبِ بْنِ مَالِكٍ . وَكَانَتْ تَحْتُ ابْنِ أَبِي قَتَادَةَ الْأَنْصَارِيِّ أَنَّهُمَا أَخْبَرْتُمَا أَنَّ قَتَادَةَ دَخَلَ عَلَيْهَا فَسَكَبَتْ لَهُ وَضُوءًا . فَجَاءَتْ هِرَّةٌ لِيَشْرَبَ مِنْهُ . فَأَصْغَى لَهَا الْإِنَاءَ حَتَّى شَرِبَتْ ، فَقَالَتْ كَبِشَةُ قَرَأَنِي أَنْظِرْ لِيهِ ، فَقَالَ أَتَعْجِبِينَ يَا ابْنَةَ أَخِي ؟ فَقَالَتْ فَقُلْتُ نَعَمْ . فَقَالَ إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ إِنَّهَا لَيْسَتْ بِنَجَسٍ إِنَّمَا هِيَ مِنَ الطَّوَافِينَ عَلَيْكُمْ أَوْ الطَّوَافَاتِ قَالَ بِحَيْثُ قَالَ مَالِكٌ لَا بَأْسَ بِهِ إِلَّا أَنْ يُرَى عَلَى قَمِيهَا نَجَاسَةٌ .

*Riwāyat Ibn Qāsim wa-talkhīṣ al-Qābis (edn. Jidda 1405/1985, p. 176):*

مَالِكٌ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ عَنْ حُمَيْدَةَ بِنْتِ عُبَيْدِ بْنِ رِفَاعَةَ عَنْ كَبِشَةَ بِنْتِ كَعْبِ بْنِ مَالِكٍ وَكَانَتْ تَحْتُ ابْنِ أَبِي قَتَادَةَ أَنَّ أَبَا قَتَادَةَ دَخَلَ عَلَيْهَا فَسَكَبَتْ لَهُ وَضُوءًا فَجَاءَتْ هِرَّةٌ تَشْرَبُ مِنْهُ فَأَصْغَى لَهَا أَبُو قَتَادَةَ الْإِنَاءَ حَتَّى شَرِبَتْ فَقَالَتْ كَبِشَةُ: قَرَأَنِي أَنْظِرْ فَقَالَ: أَتَعْجِبِينَ يَا ابْنَةَ أَخِي؟ فَقَالَتْ: قُلْتُ: نَعَمْ فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: إِنَّهَا لَيْسَتْ بِنَجَسٍ إِنَّمَا هِيَ مِنَ الطَّوَافِينَ عَلَيْكُمْ أَوْ الطَّوَافَاتِ .

*Riwāyat Suwayd b. Sa'īd al-Ḥadathānī (edn. Beirut 1994, p. 55):*

28 - أَخْبَرَنَا مُحَمَّدٌ قَالَ: حَدَّثَنَا أَحْمَدُ قَالَ: حَدَّثَنَا سُؤَيْدٌ عَنْ مَالِكٍ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ عَنْ حُمَيْدَةَ بِنْتِ عُبَيْدٍ عَنْ كَبِشَةَ بِنْتِ كَعْبٍ أَنَّ أَبَا قَتَادَةَ دَخَلَ فَسَكَبَتْ لَهُ وَضُوءًا فَجَاءَتْ هِرَّةٌ تَشْرَبُ (1) مِنْهُ فَأَصْغَى لَهَا الْإِنَاءَ حَتَّى شَرِبَتْ وَقَالَ: « قَالَ رَسُولُ اللَّهِ ﷺ - (2) : إِنَّهَا لَيْسَتْ بِنَجَسٍ ! إِنَّهَا مِنَ الطَّوَافِينَ عَلَيْكُمْ وَ الطَّوَافَاتِ (3) .

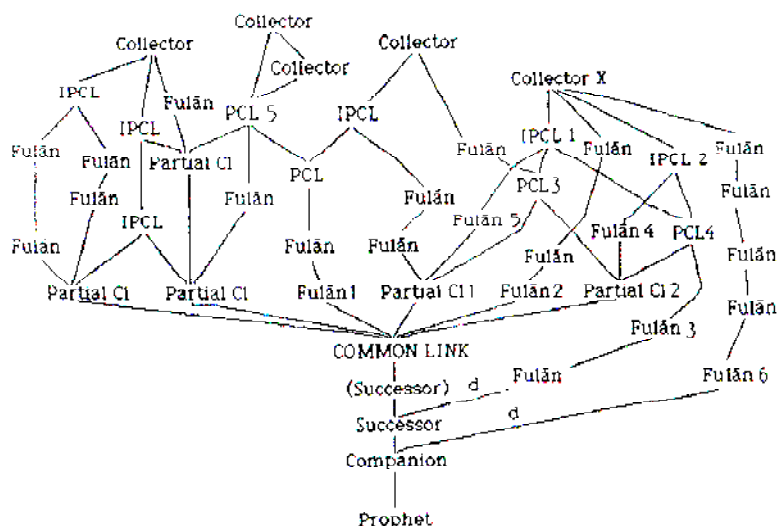
The main story is the same in all three. But Yaḥyā's is the most detailed both in text and *isnād*, and sums up in a dictum from Mālik that the others do not include. One of the others omits a word in the Prophetic injunction. Further,

Yaḥyā calls the second link in the *isnād* Ḥumayda bt. Abī °Ubayda b. Farwa, while Ibn Qāsim, who organized his *musnad* according to this link, calls her Ḥumayda bt. °Ubayd b. Rifā°a, Sa°d also calls her Ḥumayda bt. °Ubayd. So, if Yaḥyā or his editor introduced the *ḥadīth*, and the others copied it from him, then either both the others made the same copying error or editorial change, or Yaḥyā's version was further added to *after* it had become canonical.

This just as an illustration to show how this works; Motzki has done a wider comparison, but goes beyond this, and looks at Calder's claim that since Saḥnūn did not include the cat *ḥadīth*, it did not exist at his time. This allows him to bring in a discussion of Schacht's criticism of *ḥadīth*.

Both Goldziher and Schacht based their assumptions mostly on the *contents* of the *ḥadīth*. They proposed a chronology of the development of law from simple to more complex, and then dated the *ḥadīth* used to support various views accordingly.

The *isnāds*, the chains of transmitters for each *ḥadīth*, they assumed to be fake; but Schacht studied these to try to establish when a *ḥadīth* came into circulation, and found a striking pattern. Most *ḥadīth* exist as we know in very many versions with only minor differences in wording, each with its own *isnād*. Normally an *isnād* contains five to seven names, links, from the Prophet down to the collector who wrote down the *ḥadīth* some two centuries later. By putting all the different *isnāds* for one particular *ḥadīth* together and comparing them, Schacht found a typical pattern: All variants named the same eyewitness to the Prophet's action. All say that this eyewitness told the same student, and he or she to one single student. That is, in all the *isnāds* for each *ḥadīth* the three or four first persons are identical. From there, however, the *isnāds* branch out, that fourth transmitter has supposedly told the story to perhaps five or ten students, each of whom passed it on to three or four etc, down to the collector. It thus looks like a bundle, or a tree, something like this.<sup>1</sup>

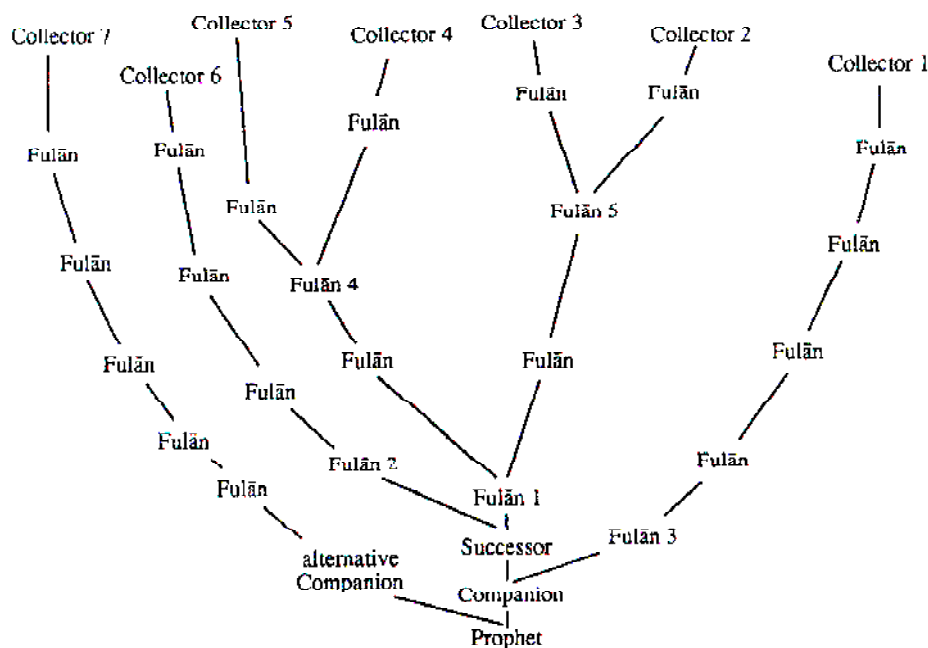


1 From G.H.A. Juynboll, 'Nāfi°, the *mawlā* of Ibn °Umar, and his position in Muslim *ḥadīth* literature', *Der Islam*, lxx, 1993, 208.

This, says Schacht and those who follow him, is patently impossible. In a situation where the Prophet is a or the primary authority for Muslim behaviour, are we to assume that only one eyewitness told of what the Prophet said or did, and that this one told only one follower, and that student told only one? If the story had been true, then at least on the second and certainly third level there would have survived many more transmitters. This pattern must mean that it is this fourth person, which Schacht called the Common Link (CL), who has put the *ḥadīth* into circulation, and the earlier names were invented by him. The transmission from the CL down is true and historical, the earlier one is a fiction.

This analysis has been much refined by a Dutch scholar, Gautier Juynboll, whose diagram this is. He is stricter than Schacht, because on the same argumentation, he says that even the students of the CL must be assumed to have passed it on to several further students. When the pattern shows such a student with many students, he calls this a partial CL, or PCL. In a bundle like this, we can assume that only a chain that goes from a CL or a PCL to another PCL, that is where both the teller and the receiver show many students, can be certainly true. The others we cannot say are true, they may be invented by a later collector or transmitter - any link in the chain which has only a single line going in or out must be disregarded; just CL/PCL to PCL is true. In this paradigm, thus only these lines are certain and true. As we can see, there are typically a number of other lines going by individuals outside the common link. These are 'dives', he calls them, and were invented by later transmitters who for one or another reason wanted to have an authority independent of the CL.

Further, he notes, these CL-bundles are in fact only a minority of *ḥadīth*. The large majority look like below, where *isnāds* typically do not have a CL, but only single-strand, that is unreliable, *isnāds*. These, he says roundly, are thus all fake; probably constructed by the *ḥadīth* collectors themselves or possibly their immediate teachers — anything earlier would have produced a CL.<sup>2</sup>



2 Ibid, 215.

This, then, undermines any secure historical knowledge of the first century of Islam. At the time the CLs existed, fake and true memory could not have been properly distinguished, and the methods the collectors used to select the canon we have today cannot be trusted, so indeed we cannot be certain except of what the early second century thought Muhammads time looked like.

This view has been challenged by the German scholars Motzki and Gregor Schoeler.

They have proposed a method that, although based on *isnād* criticism of this type, adds to it elements they claim provide much better certainty.

Briefly, they say, one must not to only look at the *isnād* alone, or just at the text (*matn*) alone, but at the two together. An apparently evident thing, it has not been done — perhaps because it's very time-consuming and tedious. You take a large number of variants of one *ḥadīth* or other early story. First, one makes an analysis of the *isnād* as Juynboll has developed. Then one analyses the text, what words are used, how the story composed, what elements are left out etc. In this way, one can group some of the variants of the *ḥadīth* into type bundles that share common textual characteristics. Then you compare these text bundles to the *isnād* bundles. If you can find that they overlap, that many *ḥadīth* variants which in the text share a particular element all list the same early authority in their *isnād*, and those without this element share another early authority, then you can assume that these *ḥadīth* were actually told by these early authorities, even if there is no common link structure to prove it.

The stronger the correlation between text bundle and *isnād* bundle, the more secure is this conclusion. If the *isnāds* had been faked, they would in fact have shown a CL structure, as the forger would have tried to strengthen his *isnād* with an existing authority, not weaken it with a less convincing single-strand. Thus, we can dispense with the skepticism concerning these variants. If on the other hand, a particular text version has an *isnād* that puts it in the 'incorrect' bundle, then it is most probably a mistake, conscious or otherwise.

Furthermore, but with less certainty, as text bundle A, coming from one transmitter, and B, coming from the other, also will have a certain common core story, this most probably came from a single source, which may or may not have been the person it is said they got it from. Even if the name is not historical, it should mean that the core element of the story belong to one generation earlier than these established transmitters. Using these methods, they say that although we can seldom trace a *ḥadīth* all the way to the eyewitness, we can often take it to the first generation after.

Back then, to the *ḥadīth* of the cat. By carrying out such a *isnād-cum-matn* analysis of this example which also appears in some early *ḥadīth* collections, although neither in Bukhari nor Muslim, Motzki suggests that the story originally existed in two variants; one just telling the story of Abū Qatāda and how he let the cat drink, that is to say of the actions of a companion; the other adding the statement from the Prophet. According to this analysis, the story not only came through Mālik, but is much older; the first transmitters appear to be Kabsha, the I-person in the story, and her husband.

And, Motzki claims that contrary to Schacht's presumption, the version that includes the Prophet's statement was actually the older of the two. This does not prove that the Prophet actually made the statement, but it does mean

that the issue was discussed very early, only about one generation after the Prophet's death.

Well, so far the counter-proposal by the German anti-revisionists.

To some extent the difference between the 'revisionists' and the 'anti-revisionists' appears to be that the first say that if we cannot know for certain that a source is true, we must consider it false, while the second say that if we cannot say that a source is false, we must consider it true.

The kind of criticism suggested by the likes of Calder and Juynboll would in essence mean, the latter say, that lacking actual carbon-dated pieces of parchment, we must discard all early Muslim history; to which the most radical revisionists would probably reply, Exactly.

More to the point, however, it is clear that both chronologies are based on the historians' theory and logic. Schacht established first what he thought was the history of the development of the Shari'a, and then largely considered each *ḥadīth* as true or false depending on whether it fit this chronology. Calder's argument is also largely based on logic, if A had existed, then B must have referred to it; since B does not refer to it, then A cannot have existed. This, which the critics call argumentation *e silentio*, from silence, is problematic when our access to sources is faulty; that we do not have a particular reference in our surviving texts does not mean that it cannot originally have been there; since so much is lost over the ages. And perhaps there are other reasons that B does not refer to A; e.g. that it is so commonly known that there is no need for it to be mentioned; or that he has another aim with his discussion. We cannot know, so we cannot use absence as proof.

But also anti-revisionists like Motzki are arguing to a large degree from logic. If such-and-such *ḥadīth* transmitter had been a forger, he says, then he could not have included that variant which is faulty or contradictory to his other *ḥadīth*; a forged *ḥadīth* or *isnād* would have been logical and consistent. So inconsistency indicates a probable truth. This is also an argument based on assumptions that we cannot check, in a sense, it is also an argumentation from silence, the absence of consistency.

I also think it suffers from both sides using terms like 'fake' or 'forgery', assuming that there must have been a conscious perversion of the truth. It is perhaps better to talk of *constructed isnāds*, which allows for other possible motivations, such as e.g. just stating what is seen as self-evident truths. Perhaps the collector felt that when certain conditions existed - conditions we cannot know today - then links could be added or editing be made, but if counter-indications existed, they should also in all honesty be added. If we take away the motive of conscious falsehood, then we cannot say that the re-creator had the freedom to or wished to construct a consistent version.

On the other hand, positive correlations such as the *isnād-cum-matn* method provides does give us a much better basis for knowledge; unless the correlations themselves were conscious constructs, something that we can probably exclude. I don't think it by itself proves that the name in the *isnād* is necessarily the originator, but it certainly does provide much greater confidence and historical depth to the establishment of those story variants that do correlate in this manner.



Part of the problem of dating when a 'book' was produced also depends on what one means by 'book'; how literary works were formed and transmitted in the early period. One scholar I mentioned among the anti-revisionists, Gregor Schoeler, has proposed a development here which in broad lines seems to be accepted by all sides. According to him, while the early transmissions were mostly or all oral, the teachers would use written notes to support their memory. The students would then either write the words down directly in the session, or later while their memory was fresh. The first scholar who used such notes in a systematic fashion was probably al-Zuhri, Mālik's main teacher; as transmissions from him seem to maintain much greater consistency over time than those from earlier teachers, so he probably kept his notes and taught from them throughout his career.

With Mālik, we probably see an effort to systematize his teachings, thus the title '*Muwaṭṭa'*' and the organization of *ḥadīth* into thematic chapters may actually have originated with him, so that he taught one chapter at a time, and the students could produce fairly similar notebooks from his teaching. However, none of these generations gave away the actual notebooks to their students, so there was no direct writing-to-writing copying; all transmission went through an oral stage. This, then, allows for the variations we find in the various student recensions of the *Muwaṭṭa'*, as well as for the form often found in them that 'I - the student - asked Mālik about this, and he said, ...'. In this sense, the *Muwaṭṭa'* both existed and did not exist in the time of Mālik.

After this generation, there is little doubt that the various recensions were edited and changed to a smaller or larger degree over the two or three following generations until a regular 'writing-to-writing' transmission, direct copying of written texts, became the norm and the text became frozen in the form we have in the modern editions. That may well have taken place more or less when Calder suggests, between 850 and 900; which is also the time when we start having commentaries written on them; and it seems that the actual legal 'schools' as fixed entities with leadership etc. first came into being.

The point of debate thus is not so much 'did Mālik write the *Muwaṭṭa'*', but 'how much of Mālik is there in the *Muwaṭṭa'*'. And in particular; 'what role did *ḥadīth* from the Prophet play' in Mālik's teaching and views'.

The chronology of the anti-revisionists indicate that much of the Prophetic *ḥadīth* in the *Muwaṭṭa'* was actually transmitted by Mālik himself, and was not, as Calder would have it, latter editorial additions to promote the Mālikī viewpoints. However, we must again try not to impose anachronistic conclusions on this. That such *ḥadīth* actually existed and was reported, does not mean that it yet had the final authority over other viewpoints that it later got, and which the traditional Mālikī history says that Mālik accorded to it.

One interesting attempt to check this is by a study published last year by Jonathan Brockopp, who has studied a work of law by one of Mālik's students, Ibn ʿAbd al-Ḥakam, which appears to be certainly datable in a fixed form to about 820. This work does contain some references to the Prophet, but no direct *ḥadīth*, and while the legal statements it makes agree with those ascribed to Mālik in the *Muwaṭṭa'* - showing that Mālik's utterances in the *Muwaṭṭa'* actually does originate with him - Mālik as a person is not necessarily cited as the authority. In other words, it would from this study appear that there was a fairly consistent legal grouping in the Hijaz and Mecca putting forward views

we would call Mālikī, but Mālik's absolute authority in that group was only fixed later, and the *Muwattaʿ*<sup>2</sup> was not yet the final word of that school. All of this process of cementing the unity of the Mālikī grouping around the figure of Mālik and raising him to the ultimate interpreter must have come later; perhaps from half to a century later, and probably being strengthened after that.

Similarly, while Mālik probably did transmit many of the Prophetic *ḥadīth* where he is listed as a transmitter, these may not yet have had the probative finality of authority that they had later. So, even if the *isnād-cum-matn* analysis shows as the anti-revisionists claim that the ascription of the *ḥadīth* itself to Mālik is true, this does not in itself mean that they were part of the book *Muwattaʿ*<sup>2</sup> as Mālik taught it. Although the *ḥadīth* was transmitted by him; it could have had a different status where he and his immediate students did not consider that they necessarily would have to be cited in his compilation of legal dicta, his *Muwattaʿ*<sup>2</sup>, but could have been added later during the editing process - perhaps even independently in each *riwāya* - as *ḥadīth* authority became more important, because it was a *ḥadīth* on the issue transmitted by Mālik. And for the same reason, Saḥnūn could - even knowing that Mālik had transmitted the *ḥadīth* about the cat and considered it relevant - not have imagined that he *had* to include or that it made the more complex argumentation irrelevant.

In order to settle this issue, a more thorough comparative study of the various existing recensions and manuscript fragments of the *Muwattaʿ*<sup>2</sup> would need to be done. And the *isnād-cum-matn* method of correlating bundles of versions could be an important way of proceeding, although we have to continue looking at particularly what kind of assumptions we build into this theory.

Students of popular culture will have recognized the title of this paper as that of a recent movie with Jeanane Garofalo; which was a modern rendering of the Cyrano de Bergerac story. I thought it was fitting not just for the animals mentioned, but also because like with Cyrano, we can see here not only that there is a confusion between the apparent and actual author of the text, but perhaps we can also see that in the end the difference does not matter all that much, and the apparent author can in its effect actually become the real author, no matter whether we can establish who really dreamed up the actual words of the text.

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