The development of Islamic jurisprudence, particularly its early, formative phase has increasingly attracted the attention of scholars. The present paper does not aim at discussing the early development of Islamic jurisprudence as such. Its purpose is merely to study the terminology employed in the early period of Islam, especially in the writings of the second century authors, to subject some of the important terms used in fiqh to semantic analysis, to consider the character and significance of this terminology and explore its possible bearing on the issues which confront the students of the early history of Islamic jurisprudence.

What strikes one at the very outset of this investigation, as will be substantiated in the following pages, is the comparative lack of fixity in the technical connotation of the terms in use. It also shows that a number of concepts—some of them of quite fundamental importance in law—had been in existence and had influenced the thinking of people for quite some time. Nevertheless, they had as yet not acquired a standard, technical mould for their expression. Hence, these concepts were expressed in a variety of ways and through a variety of interchangeable terms and expressions. The simultaneous use of the same terms in technical as well as non-technical sense presents a baffling problem for the student of the early period of Islamic fiqh. The difficulty that presents itself is not merely that many terms have gradually changed their connotation over the course of centuries. No less serious is the difficulty which arises owing to the use of these terms in a multiplicity of meanings by one and the same author and often in the same work. Despite this fluid and confusing state of affairs, the process of the terms acquiring an increasingly technical connotation is clearly noticeable and around the middle of the second century it did not seem very far from its point of culmination.

Let us now turn to a semantic survey and analysis of some of the important terms in use during the period under study.
In the early Islamic literature, the terms ḥadīt, atar, riwāya and ḥabar were used more or less interchangeably. As yet hadīt did not exclusively mean "the utterance, the action, the tacit approval and the sīfa of the Prophet." Nor was atar generally used in the technical sense in which it was used in the classical times, in the sense of a tradition from some Companion (as distinguished from a tradition from the Prophet).

Coming to hadīt, it would be instructive to examine carefully its use, for instance, in an important work of the second century viz. Abū Yūsuf’s K. al-Radd ‘alā Siyar al-Awzā‘ī, insofar as the conclusions thus arrived at are corroborated, in our view, by the study of the use of this term in other works of the second century, particularly those of Abū Yūsuf and Šaybānī, the representatives of the Kūfian school of fiqh.

In this work the term hadīt occurs twenty five times. Out of these it is only on three occasions that it either does not refer to the Prophet, or refers to others besides him as well. Except for


3. Whenever page numbers of this book (cited hereafter as Tr. IX), have been cited in this paper, they refer to the edition of this treatise published under the editorship of Abū l-Wafā’ al-Afgānī from Cairo in 1357 A.H. In general we have referred to sections and paragraphs and in this we have followed the division made by Schacht in Origins, p. 335.

4. The instances of this kind of use are the following:
   (i) For a tradition regarding the distribution of booty during the caliphate of ‘Umar and of ‘Uṭmān. (Tr. IX, I, p. 5).
   (ii) For a tradition from ‘Umar and ‘Alī (Ibid., 15, p. 52).
   (iii) Another use: "We have received none except one hadīt from the Prophet or his Companions." (Ibid., 9, p. 41. Emphasis is our own).

To these should be added the following examples of the use of the term with reference to traditions from the Companions in other works of Abū Yūsuf and Šaybānī. See Abū Yūsuf, K. al-Ḥarāq, (cited hereafter as Ḥarāq), (Cairo, 1352 A.H.), p. 19, (in connection with ‘Umar’s approval of a certain principle in the distribution of booty); p. 65, (referring to several traditions with the same content, attributed to the Prophet and to ‘Umar); p. 70 (a