

A Critical Study of Juynboll Approach to al-Mutawātir

Juynboll'un Mütevatir Hadis Terimine Yaklaşımının Eleştirisi

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Öz

Bu çalışmada, G.H.A. Juynboll eserlerinde mütevatir konusuna odaklanmıştır. Junyball, mütevatir teriminin gerçekliğini, mütevatir lafzî ve maneûî terimlerinin uygulamalı örneklerini sorgulamıştır. Juynboll görüşlerini "argumentum e silentio" deliline dayandırmaktadır. Erken dönemdeki yazılı eserlerin elimize ulaşmaması nedeniyle onun bu dayanağının zayıf olduğu anlaşılmaktadır. Ayrıca Juynboll, mütevattir teriminin kullanımında ilk asırlardaki muhaddis ve fakihlerin yöntemi arasında ayırım yapmamıştır. Dahası, Juynboll'un mütevatir, lafzî ve maneûî konular hakkındaki iddialarının analizinden onun hem tarihi gerçekleri hem de İbn Vehhab ve Mamer b. Raşid'in el-Câmi gibi ilk dönem hadis kaynaklarındaki bilgileri dikkate almadığı ispatlanmıştır. Aynı şekilde Juynboll'un çalışmalarına baktığımızda isnâd ile ilgili tek bir yöntemi takip etmediği sonucu ortaya çıkmıştır. Netice itibari ile Junyball bazı senetleri Irak ve Suriye'ye nispet etmiştir. Ancak bu senetlerde söz konusu bölgelerden tek bir ravinin bulunduğu tespit edilmiştir.

Anahtar Kelimeler: Hadis, İlk Kaynaklar, Sahih, Mütevatir, Juynboll'un Yaklaşımı.

Abstract

This study focuses on the subject of al-mutawātir in G. H. A. Juynboll's works. He questioned the authenticity of the al-mutawātir term as well as the applied examples of al-mutawātir al-lafzî and al-manawî. It is revealed from a keen follow-up of Juynboll's claims that his conclusion based on the argumentum e silentio, which is proved feeble because we could not access all written sources of the early ages. Besides, it is concluded that Juynboll did not distinguish among the methodology of muhaddithūn and fuqahā'a in the use of the term al-mutawātir. Furthermore, it is proved from the analysis of Juynboll claims about al-mutawātir al-lafzî and al-manawî that Juynboll neglected the historical facts and the early sources of hadîth like al-'Jāmi of Ibn Wahab and Mamar b. Rāshid. Likewise, it is concluded from a detailed study of Juynboll's claims that he did not follow one method in the study of isnāds. Consequently, he called some isnāds Iraqis and Syrians that having one narrator from the mentioned regions.

Keywords: Hadîth, Early-sources, Authentic, al-Mutawātir, Juynboll Approach.

Extended Summary

This study deals with claims of G. H. A. Juynboll about the al-mutawātir term and its both types. He believes that the al-mutawātir term emerged later because the muhaddithūn before al-Khatîb al-Baghdādî (d. 463/1071) such as al-Rāmhurmuzî (d. 360/971), al-Hākim al-Nisāburî (d. 405/1014), and Abū Nu'ayim

al-Isfahānī (d. 430/1039) did not mention *al-mutawātir* in their works. Despite this, these are considered the early sources of hadīth terminologies in Muslim scholarship. Hence, he concluded from the *argumentum e silentio* that the *al-mutawātir* term was fabricated by later *muhaddithūn* and was not essential and a guaranteed term to the early scholars. It is revealed from the detailed study of Juynboll's claims that he did not distinguish the methodology of *muhaddithūn* from *fuqahā'a* because the *al-mutawātir* term was in use among *fuqahā'a*. However, it was not the subject of *muhaddithūn*; therefore, they did not mention *al-mutawātir* in early books of *usūl al-hadīth* before *al-Khatīb al-Baghdādī*. It does not mean that *muhaddithūn* did not know the mentioned term because *al-Shāfi'ī* (d. 204/819), *al-Bukharī* (d. 256/870), Muslim (d. 261/875), and *al-Tahāwī* (d. 321/933) used it in their works. Moreover, Juynboll challenged the authenticity and provenance of *al-mutawātir al-lafzī* in the early compilations of *hadīth*. He believes that the later *muhaddithūn* fabricated it because the *Hijāzī* and Egyptian written sources did not record it before (180/796). Additionally, he claimed that it was recorded by *al-Shāfi'ī* (d. 204/819) in *Hijāz*, and *al-Humaydī* (d. 219/834), in Egyptian *muhaddith* for the first time in the mentioned regions, none of the early *Hijāzī* and Egyptian scholars like *Mālik* (d. 179/795), and *Abdullāh b. Wahab* (d. 197/813) narrated it in their works. Hence, he argued that it was fabricated after *al-Rabi b. Habib*. However, it is concluded that Juynboll's use of "*argumentum e silentio*" in the dating of mentioned hadīth is not correct. If he studied it through common-link theory, the conclusion would be different because 'Abū Dāwūd al-Tayālasī recorded it through Shu'aba b. al-Hajjāj (d. 160/777), who is older than *al-Rabi b. Habib*. Hence, it proved that the mentioned hadīth *-al-mutawātir al-lafzī-* was known before *al-Rabi b. Habib*, even if Juynboll claimed that it was produced after the death of *al-Rabi b. Habib*. G. H. A. Juynboll studied the *isnāds* of 'Abū Hanīfa and concluded that later *muhaddithūn* transmitted the *al-mutawātir al-lafzī* and attributed to him in their works. He supported his thesis that 'Abū Hanīfa narrates in the first *isnād* on the authority of *al-Qāsim b. Abdur-Rahmān*, but he is not among his sources as appeared from the study of his other *isnāds* that goes back to *Abdullāh b. Mas'ūd*. Likewise, 'Abū Ru'ba Shaddād b. Abdur-Rahmān and *al-Zuhri* mentioned his sources of transmission in some *isnāds*. Though 'Abū Ru'ba did not exist in the biographical lexicons, and *al-Zuhri* did not mention among his masters. It is concluded from the detailed study of 'Abū Hanīfa *isnāds* that the narration of 'Abū Hanīfa on the authority of *al-Qāsim* is the transmission of master from the pupil, which is called the *Riwātu'l-'Akābir 'Ani'l-'Asāghir*. Furthermore, it is also revealed that Juynboll did not refer to the all biographical lexicons, both scholars have historical position and

mentioned among the *shuyūkh* of *Abū Hanīfa* as *Ibn Hibbān* (d. 354/965), *Ibn Kathīr* (d. 774/1372), and *al-Suyūṭī* (d. 911/1505) mentioned in their works. Juynboll believes that the *hadīth al-mutawātir al-lafzī* emerged in the early sources of Iraq. However, it is concluded from the study of the mentioned *hadīth* in early sources that, if Juynboll studied it through the common-link, the conclusion was different because it has emerged in the first half of the first century in *Hijāz* and Yemen. Besides, it is concluded that Juynboll avoided the historical facts in the analysis of the formulation of *al-mutawātir al-lafzī hadīth* and claimed that it was gradually developed. The later *muhaddithūn* recorded it with (كذب) because of the early *muhaddithūn* such as *Mamar b. Rāshid* and *al-Rabi b. Habib* transmitted it with (كذب) but Juynboll did not notice. At the same time, Juynboll studied *al-mutawātir al-manawī* and concluded as *al-mutawātir al-lafzī*. However, it is revealed from a comparative study of Juynboll sources, arguments and examples that Juynboll did not refer to the related studies in this subject. Similarly, it is concluded from his analysis of *isnāds* that Juynboll did not study biographies of the narrators carefully in biographical dictionaries. He called several *isnāds* Iraqi or Syrian which have the only one narrator from the mentioned region that shows his indulgence in *isnāds* attribution to Iraqi, Egyptian, Syrian and *Hijāzī* sources., it is also concluded from a comparative study of *al-niyāh isnāds* that it was from *Jāhiliyya* tradition, which was strictly prohibited in Islam that is narrated through *Iraqi*, *Hijāzī*, Egyptian and Syrian *isnāds*. However, Juynboll did not refer to all sources. Consequently, he declared it fabricated and suggested that it is better to attribute the *al-niyāha* concept to Iraqis instead of the Prophet.

Introduction

The history of Western studies in *hadīth* literature is not going back earlier than the nineteenth century. Ignaz Goldziher (d. 1339/1921) is considered the first Orientalist who systematically studied the second primary source of Islamic law and presented sceptical theories about the authenticity and provenance of *Prophetic Sunnah*, which paved the way to his successors like Joseph Schacht (d. 1388/1969) and G. H. A Juynboll (d. 1431/2010) questioned the historical position of *ahādīth* in their studies. A follow-up of western studies related to *Prophetic hadīths* showed that the primary objective of Western Scholarship was re-codification of Islamic history. At the same time, *ahādīth* was a crucial source of information about the first century's historical incidents. Hence, they began source criticism to find out authentic historical information. They questioned *Isnād* and *Matn's*

classical principles and declared them insufficient, unconvincing and unviable.

It is apparent from the Western studies that the Orientalists are concerned with the primary subjects of Islamic studies. Simultaneously, it is a clear crystal that *al-Hadīth al-Mutawātir* is one of the most critical and reliable types of *hadīth* among *fuqahā'a* and *muhaddithūn* as they narrated and derived from it the basic principles and sub-provisions. Moreover, the importance of *al-mutawātir* emerges from *fuqahā'a* and *muhaddithūn* works as they permitted on it the abrogation and adding to a proved provision through the *Holy Qurān*.¹

Juynboll studies' follow-up revealed that he followed early Western scholars' methodology and focused on Islamic studies' primary subjects. He criticised the term of *al-mutawātir*, its both types and the key narrators of *hadīth* transmission like *Nāfi* and *al-Zuhrī*, which are studied with details in my doctorate dissertation.² It is concluded from Juynboll works that he tried to prove his thesis in his different works. Therefore, it might be necessary for a researcher to follow his all scientific works to reach the core of his theory and evidence. For instance, Juynboll discussed the theory of *al-mutawātir* in more than one studies, which might be the main factor that most of the scholars did not study every part of his claims in their critical works. Hence, this study will cover every piece of Juynboll's theory about *al-Hadīth al-Mutawātir* and critically analyse his theory by referring to his mentioned classical sources.

1. G. H. A. Juynboll Theory about al-Mutawātir

Muslim scholars introduced terminologies in each related science of Islamic studies that are considered the source of understanding and distinguishing each science from another. Moreover, those terms dispense a scholar from the detailed explanation in front of subject specialists in the related science. For example, if a *muhaddith* said among his colleagues: it is a "*Sahih hadīth*", he dispensed from giving details about its *Isnād* and *Matn* that it is transmitted through an uninterrupted *isnād*, every narrator is '*Adil* and *Dhābit*, and the *matn* is free of '*illat* and *shuzūz*. Likewise, supposed a *faqih* said in front of other jurists: It is a "*Sahih 'Ibādat*." He does not need any

¹ Ibn al-Arbī, '*Ahkāmū'l-Qurān*, Critical ed. Muhammad Abdul-Qādr Atta (Beirut: Dāru'l-Kutub al-'Ilmiya, 1424/2003), 2,4/403,336. Ibn al-Jawzī, '*Nawāsiḥ al-Qurān*, Critical ed. Abū Abdillāh al-'Amilī (Beirut: Sharikatu Abnā'a Sharif al-Ansārī, 1422/2001), 22.

² Alam Khan, '*Takyimu Nazariyyati Juynboll Havle'l-Hadisi'n-Nebevi* (Gümüşhane: Gümüşhane Üniversitesi, Sosyal Bilimler Enstitüsü, Doktora Tezi, 2019).

explanation and clarification because the term “*Sahih*” indicates what is meant, which is worship performance according to the pillars and conditions. For the mentioned purpose, the Muhaddithūn introduced various terms to understand and evaluate the *Prophetic hadīth* and compiled valuable studies known as the *usūl al-hadīth* books. These books contain the *hadīth* terminologies that are essential for analysing a narration. Besides, these terms help to identify the authenticity, provenance and degree of a *hadīth*.³

1.1. G. H. A. Juynboll Theory about al-Mutawātir Term

Juynboll believes that the term of *al-mutawātir* appeared in the later era with a disagreement of *muhaddithūn* on its definition. Moreover, the compilers of early sources of the *usūl al-hadīth* like *al-Rāmahurmuzī* (d. 360/971)⁴, *al-Hākīm al-Naysāburī* (d. 405/1014)⁵ and ‘*Abū Nu‘aym al-Isfahānī*’ (d. 430/1039)⁶ did not mention it in their works. Each of the mentioned scholars discussed the principles of *hadīth* and transmission; besides, the Status of *hadīth* and *muhaddithūn*, Writing of *hadīth*, Methods of the acquisition, *al-Isnād al-‘Alī* and *al-Nāzil*. However, none of them used the *al-mutawātir* term in their works, even though it is one of the most critical and reliable terms of *hadīth*. *al-khatīb al-Baghdādī* was the first one who used it in his compilation “*al-Kifāya fi ‘ilmi’r-Riwāya*”. Hence, Juynboll concluded from “*Argumentum e Silentio*” that the *al-mutawātir* is not reliable due to its emergence in the later sources.⁷

³ Alam Khan, *Takyimu Nazariyyati Juynboll Havle'l-Hadisi'n-Nebevi* (Gümüşhane: Gümüşhane Üniversitesi, Sosyal Bilimler Enstitüsü, Doktora Tezi, 2019), 132.

⁴ *al-Muhadith al-Fāsil*.

⁵ *Marifat Ulūmu'l-Hadīth*.

⁶ *al-Mustakhrāj ‘ala’ Marifat Ulūmu'l-Hadīth*.

⁷ “*Al-Muhadith al-Fāsil of al-Rāmahurmuzī*” (d. 360/971) is considered the first written work in *Usūl al-Hadīth* even it does not cover all the hadith terms, *al-Hākīm al-Naysāburī* (d. 405/1014) tried to expended it and compiled a comprehensive book named “*Marifat Ulūmu'l-Hadīth*”, which was followed by *Abū Nu‘aym al-Isfahānī* (d. 430/1039) on writing “*al-Mustakhrāj ‘Ala’ Marifat Ulūmu'l-Hadīth*”, later *al-Khatīb al-Baghdādī* (d. 463/1071) compiled two valuable works “*al-Jāmi ‘li Akhlāq ar-Rāwī*” and “*al-Kifāya fi ‘Ilmi’r-Riwāya*”, contain on those subjects that none of the earlier scholars discussed in their works. Moreover, both are considered the primary sources for the followed works in the *Usūl al-Hadīth*. After *al-Baghdādī* the well-known *Muhaddith al-Qādhi ‘Ayyādh* (d. 544/1149) wrote “*al-Ilma fi’ Marifat Usūlu’r-Riwāya*”, *Abū Hafs al-Miyānījī* (d. 580/1184) “*Mā lā Yasa’ al-Muhaddith Jahluhu*”, ‘*Ibn al-Salāh*’ (d. 643/1245) “*Ulūmu'l-Hadīth*”, *al-Nawawī* (d. 676/1277) “*al-Taqrīb al-Taysir*”-*al-Suyūti* (d. 911/1505) commentary on *al-Nawawī* work “*al-Tadrib ar-Rāwī*” is famous among *Muhaddithūn*-, a chronological follow-up of *Usūl al-Hadīth* revealed that after *al-Nawawī*, *al-‘Irāqī* (d. 806/1404) summarised the work of ‘*Ibn al-Salāh*’ in his compilation “*alfiyatul-Hadīth*”, which *al-Sakhāwī* (d. 902/1497) explained in his commentary “*Fathul-Mughith*”, *Ibn Hajar* (d. 852/1448) wrote, “*Nukhbatu'l-Fikr*” and its commentary “*Nuzhatu'n-Nazar*”, which followed by *al-Bayqunī* (d. 1080/1669) on the compilation of “*al-Manzūma*”, *Jamālu'd-Dīn al-Qāsamī* (d. 1332/1914) “*Qawāidu't-Tahdith*” and “*Tāhīr al-Jazāiri*” (d. 1338/1920) “*Tawjihun-Nazar*” that

It reveals from Juynboll's study that *al-mutawātir* was not known to the *muhaddithūn* before *al-Khatīb al-Baghdādī*. He was the first *muhaddith* who used this term in his cherished work "*al-Kifāya fi 'ilmi'r-Riwāya*". It is noted that *al-Khatīb al-Baghdādī* divided the *Prophetic hadīths* on a new method that none of the earlier scholars experienced in their books. Therefore, it might not be an exaggerated utterance that he was the primary source for the works compiled after the fifth-century after Hijra as it is deduced from a superficial review of *usūl al-hadīth* works, that the later scholars benefited from the *al-Baghdādī* method in the division of *Prophetic hadīths*.

It is concluded from a thorough review of the earlier classical works that the *muhaddithūn* like *al-Bukhārī* (d. 256/870), *Muslim* (d. 261/875) and *al-Tahāwī* (d. 324/934) before *al-Baghdādī* frequently used the *al-mutawātir* term in their works. For example, in the handbook of *al-Bukhārī* contained on the sum of the provisions related to the reading of *al-Fātiha* behind Imām in the congregational prayers named "*Juz al-Qir'ā Khalfā'l-Imām*" he Said:

”تواتر الخبر عن رسول الله صلى الله عليه وسلم لا صلاة إلا بقراءة أم القرآن“⁸

Likewise, the well-known *Niysāburī muhaddith Imām Muslim* commented on a bulk of narrations about "*Amin bi'l-Jahar*" in his book "*al-Tamyiz*" that:

”قد تواترت الروايات كلها أن النبي صلى الله عليه وسلم جهر بآمين“⁹

At the same time, *al-Tahāwī* used the *al-mutawātir* term in his commentary on the narrations about "*al-Tafruj fi'l-Salāt*" in "*Sharh Ma'āni'l-'Asār*":

”فكانت هذه الآثار معارضة للأثر الأول، ومعها من التواتر ما ليس معه فأردنا أن ننظر هل في شيء

من هذه الآثار ما يدل على نسخ أحد الأمرين بصاحبه“¹⁰

On the other hand, the prominent theologian *al-Shāfi'ī* (d. 204/819) also discussed the subject of *al-mutawātir* and *al-'Ahād* in his work "*Jimāu'l-'Ilam*"

translated by Ignaz Goldziher (d. 1339/1921) into German. See: Ibn Hajar, *al-Mu'jam al-Mufahras*, Critical ed. Muhammad Shakur (Beirut: Muasisatu'r-Risāla, 1418/1997), 153. Kātib Chalabī, *Kashfu'l-Zunūn*, (Baghdād: Maktabatu'l-Musanā, 1360/1941), 2/1162.

⁸ Bukhārī al, *Juz al-Qir'ā Khalfā'l-Imām*, Critical ed. Fazlu'r-Rahmān al-Thawrī (al-Saudia: al-Maktaba al-Salafia, 1407/1987), 7.

⁹ Muslim, *al-Tamyiz*, Critical ed. Muhammad Mustafa al-'Azamī (al-Saudia: Maktabatu'l-Kawsar, 1410/1990), 181.

¹⁰ Tahāwī al, *Sharh Ma'āni'l-'Asār*, Critical ed. Muhammad Zuhri al-Najjār (Egypt: 'Alamu'l-Kutub, 1414/1993), 1/230.

and “*al-Risālah*” too. Consequently, these shreds of evidence counter the thesis that the *al-mutawātir* term was unknown to early *muhaddithūn*, and they did not use it before *al-Khatīb al-Baghdādī*. At the same time, the claim of the Juynboll has become more robust, that supposed the *muhaddithūn* knew *al-mutawātir* term as proved above than why the early scholars before *al-Khatīb al-Baghdādī* did not mention it among the others in their works? In fact, this question's answer needs an in-depth study of the *muhaddithūn* and *fuqahā'a* methodologies before the fifth century after Hijra.

A comparative study of Juynboll and early classical works revealed that Juynboll did not differentiate between the methodology of *muhaddithūn* and *fuqahā'as'* school of thoughts in studying *ahādīth*. It has proven from the research in the primary sources of *usūl al-hadīth* and *usūl al-fiqh*, that the division of *ahādīth* into *al-mutawātir* and *al-'Ahād* was the approach of *fuqahā'a* because the aim of their study of *ahādīth* was deriving of Islamic-provisions that rely on certain information. Thus, they divided *Prophetic hadīths* into the mentioned terms in their works. However, *muhaddithūn* aimed to collect and distinguish the authentic *ahādīth* from the fabricated. Consequently, the scholars before *al-Khatīb al-Baghdādī* divided *ahādīth* into *Sahih*, *Da'if*, and *Mawduhu* because they were considering the *al-mutawātir* term as one of the *usūl al-fiqh* terminologies instead of *usūl al-hadīth*. Therefore, they did not mention it among others in the early books of *usūl al-hadīth*.¹¹

The books of *usūl al-fiqh* and the science of theology (*'ilmu'l-Kalām*) have attested that “*al-mutawātir*” is one of the terms of the *usūl al-fiqh* and the science of theology.¹² The comparative study of both sciences reveals that they probably took *al-mutawātir* from “*ilmu'l-Mantiq*” because the subject of the “*al-mutawātirāt*” is one of the “*al-Qadhāya al-Yaqīnia*”, which wear-off doubt and obtain assertion by narrating a group of people that their complicity in lying and misunderstanding is prevented. Moreover, the definition of the *al-mutawātir* in the mentioned sciences is not different from each other, except in

¹¹ Abū Bakr al-Jasās, *al-Fusul fi'l-Usūl*, (Kuwait: Wazāratu'l-Awqāf, 1414/1993), 3/35. Abū'l-Hassan al-Mutazilī, *al-Mutamad fi Usūl al-Fiqha*, Critical ed. Khalīl al-Mis (Beirut: Dāru'l-Kutub al-'Ilmia, 1403/1983), 1/366. Abū Yūsuf al-Shirāzī, *al-Lama fi Usūl al-Fiqha*, (Kuwait: Wazāratu'l-Awqāf, 1414/1993), 71. Tāhir b. Sālih, *Tawjihū'n-Nazar*, Critical ed. Abdul-Fatāh Abū Ghudah (Halb: Maktabatu'l-Matbu'at al-Islāmia, 1416/1995), 1/135. al-Sarakhsi, *Usūl al-Sarakhsi*, (Beirut: Dāru'l-Marifa, n.d.), 1/318. al-Ghazālī, *al-Mustasfā*, Muhammad Abdu's-Salām, (Egypt, Dāru'l-Kutub al-'Ilmia, 1413/1992), 206.

¹² Abū Mansūr al-Māturidī, *al-Tawhīd*, Critical ed. Fathu'l-Allah (Egypt: Dāru'l-Jāmi'āt, n.d.), 193. al-Bāqillānī, *Tamhīdu'l-'Awā'il*, Critical ed. Ahmad Haīdr (Beirut: Muasīlatu'l-Kutub al-Saqāfia, 1407/1987), 155. Ibn Hazm, *al-Fasl fi'l-Millal*, (Egypt: Maktabatu'l-Khājī, n.d.), 3/114. al-Rāzī, Muālim Usūlu'd-Din, Taha Abdu'r-Rauf (Lebanon: Dāru'l-Kitāb al-Arabī, n.d.), 111.

approach and some conditions. However, the general conclusion is the same that *al-mutawātir* gives certain information.¹³

It is concluded from the review of the *hadīth* terminologies in the works of *muhaddithūn* before the fifth-century after Hijra that they did not need to use the term of *al-mutawātir* because they had *al-mustaf'idh*, which denotes the same meaning of the *al-mutawātir* or strong than it. For example, *Ibn Taymiyyah* (d. 728/1328) used *al-mustaf'idh* synonymous to *al-mutawātir* in his commentary on the *hadīth* related to the prayer:

”هذا الحديث لو كان صحيحًا صريحًا معارضًا للأحاديث المستفيضة المتواترة“¹⁴

While *al-Qādhī al-Māwardī* (d. 450/1058) believes that *al-mustaf'idh* is stronger than *al-mutawātir* as he stated:

”المستفيض أقوى من المتواتر“¹⁵

The supporting argument of the aforementioned theory is exited the early books of *hadīth* and its sciences. The *muhaddithūn* before *al-Khatīb al-Baghdādī* such as *al-Khattābī* (d. 388/998),¹⁶ *al-Hākim* (d. 405/1014),¹⁷ *Ibn Furak* (d. 406/1015)¹⁸ and '*Abū Nu'aym al-Isfahānī* (d. 430/1039)¹⁹ used *al-mustaf'idh* instead of *al-mutawāthir* in their studies. It appears from *al-Baghdādī's* works that he was influenced by the science of *usūl al-fiqh* in his writing. Therefore, he divided the *hadīth* on a method that was not preceded by one of the early *muhaddithūn*, which is dividing the *hadīth* into the *al-Mutawātir* and *al-'Ahād*, as indicated by *Ibn Abī al-Dam al-Shafī'ī* (d. 642/1244):

¹³ Abdullah Yazdī, *Sharh Tahzīb*, (Karachi: Maktaba al-Bushrā, 1429/2008), 200. Abdul-Alī al-Māturidī, *Sharh Bahri'l-Ulūm 'Alā Sullami'l-Ulūm*, Critical ed. Abdul-Nasir al-Shāfi'ī (Kuwait: Dāru'l-Dhiā'a, 1432/2011), 264-265.

¹⁴ Ibn Taymiyyah, *al-Fatwā al-Kubrā*, (Beirut: Dāru'l-Kutub al-'Ilmia, 1408/1988), 2/254.

¹⁵ Ibn Kathir, *al-Bā'ith al-Hathith*, Critical ed. Ahmad Muhammad Shākir (Beirut: Dāru'l-Kutub al-'Ilmia, 1424/2004), 165.

¹⁶ Khattābī al, *Ma'ālimu's-Sunnan*, (Halb: al-Matba al-'Ilmia, 1351/1932), 3-4/309, 14-17.

¹⁷ Hākim al, *Marifat Ulūmu'l-Hadith*, Critical ed. Muazzam Hussain (Beirut: Dāru'l-Kutub al-'Ilmia, 1397/1977), 14-26.

¹⁸ Ibn Furak, *Mushkilu'l-Hadith*, Critical ed. Musa Muhammad Ali (Beirut: 'Alimu'l-Kutub, 1405/1985), 45.

¹⁹ Abū Nu'aym al-Isfahānī, *Marifatu's-Sahāba*, 'Adil b. Yūsuf al-Ghazāzī (al-Riyādh: Dāru'l-Watan, 1419/1998), 2/633.

”اعلم أن الخبر المتواتر إنما ذكره الأصوليون دون المحدثين خلا الخطيب البغدادي، فإنه ذكره تباعا للمذكورين، وإنما لم يذكر المحدثون لأنه لا يكاد يوجد في روايتهم ولا يدخل في صناعتهم“²⁰

It has been claimed that *Ibn Hazm* (d. 456/1064) used the *al-mutawātir* term before *al-Baghdādī*. However, it is not correct because *Ibn Hazm's* book is considered a source of *usūl al-fiqh*. Consequently, it is proved that the non-existence of the *al-mutawātir* term in the early sources of *usūl al-hadīth* does not mean that it was unknown to the early *muhaddithūn* because they used it as mentioned.

1.2. G. H. A. Juynboll Theory about al-Mutawātir al-Lafzī

The *al-mutawātir al-lafzī* (من كذب علي متعمداً...) took an important place in Juynboll's studies. He concluded from the detailed analysis of its chains and sources that this *hadīth* did not occur in the *Hijāzī* and Egyptian written sources before (180/796). He claimed that for the first time it was recorded by *al-Shāfi'ī* (d. 204/819) in *Hijāz* and *al-Humaydī* (d. 219/834) in Egypt, none of the early *Hijāzī* and Egyptian scholars like *Mālik* (d. 179/795), and *Abdullāh b. Wahab* (d. 197/813) narrated it in their works.²¹

Juynboll mentioned that *al-Shāfi'ī* narrated this *hadīth* through 'Abdul-'Aziz b. Muhammad al-Drāwardī (d. 187/803), which indicates that he was the first source of its appearance in *Hijāz*. At the same time, he was the source of *Mālik*. Supposed if he was its source of transmission, *Mālik* has heard from him, and he would have narrated it in his compilation as well, but he did not record it. Likewise, he indicated it was mentioned in the Egyptian sources, but we do not find it in the "al-'Jāmi'" of *Ibn Wahab*, which is considered the first collection of *hadīth* in Egypt. Juynboll surprised by its existence in the *Sunnan* of *al-Nisā'ī* (d. 303/915) because he lived a long time in Egypt, and the mentioned *hadīth* was known in the region at that time. He believes that a follow-up of *al-mutawātir al-lafzī* chains in other sources reveals that it is narrated through *Qutiba b. Saeed*, who was the primary source of *al-Nisā'ī*, it is deduced from it that the mentioned *hadīth* attributed to *Qutaiba* after *al-Nisā'ī* left Egypt or *al-Nisā'ī* heard from him, but he was not a reliable source to him. Therefore, he did not give a place to it in his works.²²

²⁰ Hātim al-Awnī, *al-Manhaj al-Muqtrah li' Fahmi'l-Mustalah*, (al-Riyādh: Dāru'l-Hijra, 1416/1996), 94.

²¹ G. H. A. Juynboll, *Muslim Tradition*, (Sydney: Cambridge University press, 1403/1983), 109-113.

²² Juynboll, *Muslim Tradition*, 124-128.

The critical study of Juynboll shows that the *hadīth* (من كذب علي متعمداً...) appeared for the first time in *Musnad* of 'Abū Dāwūd al-Tayālīsī (d. 204/819), which is one of the vital collection and source of *hadīth* in Iraq. However, Juynboll concluded that it was introduced and spread between the death of *al-Rabi b. Habib* (d. 180/796) and *al-Tayālīsī* because 'Abū Hanīfa (d. 150/767) and *al-Rabi b. Habib* did not record it in their books. Besides, he claimed that the formulation of *hadīth* developed gradually from (قال) to (تقول), and from (تقول) to (كذب) and (افتري). Likewise, he concluded from the comparison of *al-mutawātir al-lafzī isnāds* that *Ibn Jawzī* (d. 597/1201) listed in the introduction to his book "*al-Mawduhu'āt*" with "*Kutub al-Tisa*": Thirty-one *isnāds* have to be considered fabricated from the fourth-century A.H onward.²³

1.2.1. Appraisal of Juynboll Claims about Compilation of Hadīth

We have examined these claims in the sources that Juynboll referred to them in his critical studies regarding *al-mutawātir al-lafzī*. We concluded that Juynboll's theory is based on the well-known argument "*argumentum e silentio*". The truth is that it is a flawed and weak argument by which nothing alone is to be proven nor denied, as indicated by contemporary Orientalist Harald Motzki (d. 2019/1440) and Bekir Kuzudisli in their critical studies.²⁴

We think that relying on the "*argumentum e silentio*" in the dating of the mentioned *hadīth* is unreasonable because we do not access all the written sources in the early centuries, as most of them are missing or still unpublished manuscripts in the libraries. As for what has reached us of these sources, some are incomplete, as proven by some studies. Consequently, the researchers cannot benefit from the "*argumentum e silentio*" until all the sources are available.

Harald Motzki criticised Juynboll's claim about the appearance of *al-mutawātir al-lafzī* and concluded from the study of *al-Shāfi'i*, *al-Humaydī* and *al-Tayālāsī* sources that his conclusion contrast with historical facts because *Hijāzī* sources are older than *Iraqī* who fabricated it as Juynboll claimed. Moreover, he proved that Juynboll used "*argumentum e silentio*" in the dating of mentioned *hadīth*, which is not correct. If he studied it through common-link, the conclusion was definitely different because 'Abū Dāwūd al-Tayālāsī

²³ Juynboll, *Muslim Tradition*, 129-130.

²⁴ Harald Motzki, "Dating Muslim Traditions a Survey", *Arabica* 52/2 (2005), 204-253. Bekir Kuzudisli, "Hadith of Man kazaba Alayya and Argumentum e Silentio", *Hadis Tetkikleri Dergisi* 5 (2007), 47-71.

recorded it through *Shu'aba b. al-Hajjāj* (d. 160/777), and he is older than *al-Rabi b. Habib*. Hence, it proved that the mentioned *hadīth -al-mutawātir al-lafzī-* was known before *al-Rabi b. Habib*.²⁵

We indicated in the beginning that the “*argumentum e silentio*” is deficient and insufficient because we have not all written sources of the early ages, and what we have are incomplete. The supporting argument of this thesis is the research of Juynboll. He claimed that *al-Rabi b. Habib* did not record the *al-mutawātir al-lafzī*. However, it is revealed by referring to the mentioned source that Juynboll had the incomplete edition of the *al-'Jāmi of al-Rabi b. Habib* because he recorded it through *Ibn 'Abbās* and *'Abullāh b. al-Hārith* and the second one has included its subject of emergence as well.²⁶

The second evidence of “*argumentum e silentio*” feebleness is the claim of Juynboll about the existence of *al-mutawātir al-lafzī* in the compilations of second-century A.H. However, it became clear from the follow-up of *al-mutawātir al-lafzī* in the early classical sources of *hadīth* that Juynboll may not have studied all sources because *Mamar b. Rashid* (d. 153/770),²⁷ *al-Rabi b. Habib* -as mentioned- and *'Abdur-Razzāq*²⁸ recorded it in their works, but Juynboll did not refer to them in his study. Besides, Juynboll believes that *al-mutawātir al-lafzī* did not record in the Egyptian sources before the end of third century A. H. Though, we believe that Juynboll might be not studied the recently

²⁵ Motzki, “Dating Muslim Tradition...”, 217-218.

²⁶ (1) أبو عبيدة عن جابر بن زيد، عن ابن عباس، عن رسول الله صلى الله عليه وسلم قال: من كذب علي متعمداً فليتبوأ مقعده من النار.

(2) الربيع عن يحيى بن كثير، عن عطاء بن السائب قال: كنا عند عبد الله بن الحارث فقال: (أتدرون لمن قال رسول الله صلى الله عليه وسلم: من كذب علي متعمداً فليتبوأ مقعده من النار؟ قال: قلنا: لا، قال: إنما قال ذلك من قبل عبد الله بن أبي جدعة أتى ثقيفاً بالطائف فقال: هذه حلّة رسول الله صلى الله عليه وسلم أمرني أن أتبوأ أي بيوتكم شئت، فقالوا: هذه بيوتنا أيها شئت، فانتظر سواء الليل، فقال: وأتبوأ أي نسائكم شئت، فقالوا: إن عهدنا برسول الله صلى الله عليه وسلم يحرم الزنا، فسئرسل إليه رسوياً، وقدم عليه عند الظهر، فقال: يا رسول الله صلى الله عليه وسلم أنا رسول ثقيف إليك، إن ابن أبي جدعة أتانا، فقال: هذه حلّة رسول الله صلى الله عليه وسلم أمرني أن أتبوأ أي بيوتكم شئت، فقالوا: هذه بيوتنا فتبوأ أيها شئت، فانتظر سواء الليل، فقال: وأتبوأ أي نسائكم شئت، فقالوا: إن عهدنا برسول الله صلى الله عليه وسلم يحرم الزنا، فغضب رسول الله صلى الله عليه وسلم غضباً شديداً لم أر أشد منه، ثم قال: ”يا فلان ويا فلان، اذهبوا إليه، فإن أدركتماه فاقتلاه وأحرقاه“، ثم قال: ”لا أراكما تأتياه غلا وقد كفيتماه“، قال فخرج في ليلة مطيرة ليقتضي حاجته فلدغته حية فقتلته، فأحرقه الرسولان، فذلك قال رسول الله صلى الله عليه وسلم من كذب علي متعمداً فليتبوأ مقعده من النار.

See: *al-Rabi b. Habib, al-'Jāmi*, (Oman: Wazāratu'l-'Awqāf, 1432/2011), 162-63 (No. 227-28).

²⁷ *Mamar b. Rāshid, al-'Jāmi (Manshur Kamulhaq bi'Musanna'f Abdur-Razzāq)*, Critical ed. Habibu'r-Rahmān al-'Azamī (Pakistan: al-Majlis al-'Ilmi, 1403/1983), 11/261 (No.20494-95).

²⁸ *Abdur-Razzāq, al-Musanna'f*, Critical ed. Habibu'r-Rahmān al-'Azamī (India: al-Majlis al-'Ilmi, 1403/1983), 6/186 (No. 10445).

published edition of *al-ʿJāmiʿ of al-Rabi b. Habib* and *al-Sunnan al-Kubrā of al-Nisāʿī* as well. Both *muhaddith* recorded the mentioned *hadīth*, and *al-Nisāʿī* narrated it with different *isnāds* from *ʿAnas b. Mālik* and *ʿAbū Huraira* as well.²⁹ Moreover, it is unreasonable to date the *al-mutawātir al-lafzī* in Egypt from the book of *al-Nisāʿī* because he did not remain all his life in Egypt. It has been proven that the Egyptian *muhaddith* *ʿAbdullāb b. Wahab* and Historian *Ibn Abdul-Hakm al-Misrī* (d. 257/871) recorded it before *al-Nisāʿī*.³⁰ Therefore, it may be sufficient to refer these both sources in the dating of mentioned *hadīth* instead of *al-Nisāʿī*.

1.2.2. Appraisal of Juynboll Claims about the Isnāds of ʿAbū Hanifa

G. H. A. Juynboll concluded that ʿAbū Hanifa did not record the *hadīth al-mutawātir al-lafzī* in his *Musnad*. It is attributed to him by later *muhaddithūn*. He supported his conclusion with various shreds of evidence which are as follows:

1. *ʿAbū Hanifa* narrates in the first Isnād on the authority of *al-Qāsim b. Abdur-Rahmān*, but he is not his source because we did not find him in his other *isnāds* that goes back to *ʿAbdullāh b. Masʿūd*.³¹

2. In the third *isnād*, *ʿAbū Hanifa* narrates on the authority of *ʿAbū Ruʿba Shaddād b. Abdur-Rahmān*. However, we did not find such *muhaddith* among his *shuyūkh* in the biographical lexicons.³²

3. In the fifth *isnād*, *ʿAbū Hanifa* narrates on the authority of *al-Zuhrī* and nowhere listed as both having master and pupil relationship.³³

Indisputably, Juynboll presented an accurate study of the *isnāds* of *ʿAbū Hanifa* to support his theory about *al-mutawātir al-lafzī*. However, he ignored the methodology of the *muhaddithūn* in the early centuries because they were sometimes narrating *ahādīth* by their students' authority, as known from the compilations of *hadīth*. It is noted that *al-Mizzī* (d. 725/1325) mentioned *al-Qāsim b. ʿAbdur-Rahmān b. ʿAbdullāh b. Masʿūd* (d. 175/791) among *ʿAbū Hanifa* students, so this could be the narration of a master from his pupil, which was

²⁹ Nisāʿī al, *al-Sunnan al-Kubra*, Critical ed. Hasan Abdul-Munam (Beirut: Muasisatuʿr-Risāla, 1421/2001), 5/394 (No. 5883-84).

³⁰ Abdullāh b. Wahab, *al-ʿJāmiʿ*, Critical ed. Rafat Fawzī (Mansura: Dāruʿl-Wafāʿa, 1425/2005), 60 (No. 77). Ibn Abdul-Hakm al-Misrī, *Futuh Misar waʿl-Maghrīb*, (Egypt: Maktabatūʿs-Saqāfa al-Dinia, 1415/1994), 303-26.

³¹ Juynboll, *Muslim Tradition*, 122.

³² Juynboll, *Muslim Tradition*, 123.

³³ Juynboll, *Muslim Tradition*, 123.

very familiar in the early ages called “*Riwāyatul-‘Akābir ‘An al-Sāghir*” in the sources of *usūl al-hadīth*. However, Juynboll did not pay sufficient attention to this subject in his studies.³⁴

It appears from the Juynboll claim about ‘*Abū Ru‘ba* in the third *isnād* of ‘*Abū Hanīfa* that Junbul may not have reviewed all the sources in the narrators’ biographies. Consequently, he counted ‘*Abū Ru‘ba* as a clerical mistake and thought that ‘*Abū Zūba* is the *sheikh* of ‘*Abū Hanīfa* as mentioned in the *isnāds* of ‘*Abu Yusuf*.³⁵ In fact, ‘*Abū Ru‘ba Shaddād b. Abdur-Rahmān* is one of the ‘*Abū Hanīfa*’s teachers as *Ibn Hibbān* mentioned in his book “*al-Thiqāt*”, stating that ‘*Abū Ru‘ba* is one of the students of the great companion ‘*Abū Sa‘id al-Khudrī* and one of the Masters of ‘*Abū Hanīfa*.³⁶

Moreover, G. H. A. Juynboll doubted ‘*Abū Hanīfa*’s narration on account of *al-Zuhrī* as he did not find him among the masters of ‘*Abū Hanīfa*. However, it is a claim only because “*Ibn Kathīr*” in “*al-Bidāya wa’ al-Nihāya*”, and *al-Suyūtī* in “*Tabaqāt al-Hufāz*” mentioned that *al-Zuhrī* is one of the masters of ‘*Abū Hanīfa*. The second evidence for the authenticity of the ‘*Abū Hanīfa* narration from *al-Zuhrī* is, he narrated more than one *hadīth* on his authority, such as *hadīth* about prayer in a single garment,³⁷ and a *hadīth* about the prohibition of *Mutatu’n Nisā’a*.³⁸ However, Juynboll ignored this in his study and concluded that the *isnāds* of ‘*Abū Hanīfa* were later fabricated and attributed.

1.2.3. Appraisal of Juynboll Claims about thirty-one Isnāds and Wording of Hadīth

³⁴ Mizzī al, *Tahzibu’l-Kamāl*, Critical ed. Bashār Awād (Beirut: Muasisatu’r-Risāla, 1400/1980), 23/449.

³⁵ Juynboll, *Muslim Tradition*, 123.

³⁶ *Ibn Hibbān, al-Thiqāt*, (India: Wazāratu’l-Ma’ārif, 1393/1973), 4/357.

³⁷ حدثني يحيى بن محمد الشاشي، حدثنا ميمون بن محمد البخليّ بما، حدثنا محمد بن علي بن الحسين الشّباخاني، حدثنا أبي، حدثنا محمد بن يعقوب، حدثنا عبد الرحمن بن خالد بن زياد بن جرو، عن أبي حنيفة، عن الزهري، عن سعيد بن المسيب، عن أبي هريرة قال: “سئل رسول الله صلى الله عليه وسلم عن الصلاة في الثوب الواحد، فقال رسول الله صلى الله عليه وسلم: ليس كلكم يجد ثوبين.” *Abū Ya’la al-Khalilī, al-‘Irshād fi’ Marifatī Ulamāi’l-Hadīth*, Critical ed. Muhammad Saeed Umar (al-Riyādh, Maktabatū’r-Rushd, 1409/1989), 3/948.

³⁸ حدثنا محمد بن الحسن الشيباني قال: حدثنا أبو حنيفة عن محمد بن شهاب الزهري عن سبرة بن الربيع الجهني عن أبيه “أن رسول الله صلى الله عليه وسلم نهي عن متعة النساء يوم فتح مكة.”

Ibn al-‘Adim, Bughyatu’l-Talab fi Tārikh Halab, Critical ed. Sohail Zakār (Lebanon: Dāru’l-Fikr, 1408/1988), 6/2710.

Juynboll claimed about the thirty-one *isnāds*, which *Ibn al-Jawzī* recorded in his book “*al-Mawdhu‘aāt*” that he did not find them in the “*Kutub al-Tisa*”, and concluded that they are fabricated after the fourth century. Bekir Kuzudisli evaluated this claim and concluded that limiting the study to the nine books is incorrect because it was not among their authors' methodology that they will record all the *isnāds* of *hadīths* in them. Thus, a researcher cannot find all *isnāds* of a *muhaddith* in his one book; rather, it is necessary to follow up on all his scientific works. He supported his thesis by mentioning an example from the same source that *Ibn al-Jawzī* mentioned an *isnād* of *al-Bukhārī*, which exist in “*al-‘Adab al-Mufrad*” instead of *Sahih al-Bukhārī*. However, Juynboll examined it in *Sahih al-Bukhārī* and did not find it there, so he counted it among those *isnāds* that he believed fabricated. Therefore, it is required to examine these *isnāds* on a larger scale in all books of a *muhaddith*.

It has become clear from the research in the books of *hadīth* that Juynboll's claim about the development of the formulations of *hadīth* from (قال) to (تقول) and from (تقول) to (كذب) is not based on research because the early *muhaddithūn* such as *Mamar b. Rāshid* and *al-Rabi` b. Habib* recorded the mentioned *hadīth* on the (كذب).

1.3. G. H. A. Juynboll Theory about al-Mutawātir al-Manawī

Juynboll graded the *hadīth* about the prohibition of *al-niyāha* as *al-mutawātir al-manawī* in his study. He collected the variant formulations of this *hadīth* and concluded that it is *al-mutawātir al-manawī* because all are recorded with different wording, but they have unification in meaning.³⁹ He supported his thesis on the research of the contemporary scholar *Subhī al-Sālih* (d. 1405/1986), who studied *al-mutawātir al-manawī* and claimed that verbal matching does not require among the narrations if they are sharing the same meaning.⁴⁰

Besides, Juynboll studied the *ahādīth* of *al-niyāha* and its *isnāds* on a wide scale in Islamic sources and concluded that every *hadīth*, which contains on *al-niyāha* or its derivatives are often narrated through Iraqi *isnāds*, seldomly attribute to the Prophet through Egyptians and Syrian *isnāds*. Likewise, he studied the word *al-niyāha* and its derivatives in historical sources, and concluded that we do not find the word “*al-nawha*” except two narrations recorded by *al-Wāqidī* (d. 207/822) in *al-Maghāzī* about the killing of *Hamza b.*

³⁹ Juynboll, *Muslim Tradition*, 97.

⁴⁰ Subhī al-Sālih, *Ulum al-Hadith*, (Lebanon: Matbatu'l-Ulum, 1404/1984), 147-52.

Abī Tālib, and in a narration recorded by *Ibn Hishām* (d. 213/828) in the same subject., He inclined that *al-Wāqidi* and *Ibn Hishām* took these stories from the Iraqi sources during their stay there because *Ibn Sa'ad* recorded more than one narration about the killing of *Hamza b. Abī Tālib*, and most of them are transmitted by the Medani *isnāds*. However, we do not find *al-niyāha* or its derivatives except in a *hadīth* narrated through a weak *isnād*. As for the other narrations that have *al-niyāha* or its derivatives, are transmitted through Iraqi or Syrian *isnāds*.⁴¹

Consequently, Juynboll reached the same conclusion as *hadīth* sources and claimed that all *ahādīth* which contain *al-niyāha* are transmitted with Iraqi *isnāds*. He preferred to accept it as an Iraqi concept and cannot be attributed to the Prophet. He supported his conclusion on rational evidence that supposed Prophet forbade *al-niyāha*, it would have been known in Medina's narrations. Conversely, we find it in the narrations of Iraqi, Egyptians, and Syrians only. He believed that transmitting all the *hadīths* of *al-niyāha* through the Iraqis' *isnād* is not a coincidence.⁴²

1.3.1. Appraisal of Juynboll Claims about al-Niyāha

There is no doubt that Juynboll has made an effort to study the *hadīths* of *al-niyāha* and collect the scientific material about it. However, it has not been protected him from some methodological and scientific errors, such as he differentiated between the narrations of *al-niyāha*, and *al-Bukā'a 'Ala al-Mayit*, and called the first one *al-mutawātir al-manawī*. However, the *muhaddithūn* did not differentiate among them and nor counted only the *ahādīth* of *al-niyāha* from *al-mutawātir* because it is a verbal difference between the narrators. Some of them transmitted "*al-Niyāha 'Ala al-Mayit*", while others "*al-Bukā'a 'Ala al-Mayit*", although, all have the same concept as Ibn Abdu'l-Barr (d. 463/1071) said:

”كل حديث أتى فيه ذكر البكاء فالمراد به النياحة“⁴³

Moreover, it is revealed from the follow-up of Juynboll sources that he might not have studied the *ahādīth* of *al-niyāha* and *al-bukā'a* in all Islamic sources. Hence, he made a distinction between them because the Prophet allowed *al-bukā'a* and forbade *al-bukā'a* that has *al-niyāha* as understood from

⁴¹ Juynboll, *Muslim Tradition*, 99-102.

⁴² Juynboll, *Muslim Tradition*, 106.

⁴³ Ibn Abdu'l-Barr, *al-Istizkār*, Critical ed. Sālim Muhammad 'Atta (Beirut: Dāru'l-Kutub al-'Ilmia, 1421/2000), 3/81.

the *ahādīth* of concession in this subject.⁴⁴ *Ibn Battāl* (d. 449/1057) commented on the *hadīth* of *Umar b. al-Khattāb* and explicitly mentioned that “the prohibition of weeping on the deceased is only if there is “*nawha*” in it.” Furthermore, he supported his conclusion on the narration of *Umar* that he permitted women to cry without *nawha*.⁴⁵

We believe if Juynboll relied on the “*argumentum e silentio*” in this subject as he did earlier, he would not have been graded it *al-mutawātir*. Because those who had collected the *al-mutawātir ahādīth* such as *al-Suyūṭī* (d. 911/1505) and *al-Kattānī* (d. 1345/1926) did not record the *hadīths* of *al-niyāha* among *al-mutawātir*'s, they mentioned the *hadīths* of *al-bukā'a* as *al-mutawātir*.⁴⁶ Hence, it proved from the “*argumentum e silentio*”, which is an authentic and frequently used argument in Juynboll studies, that if the *hadīths* of *al-niyāha* were *al-mutawātir*, then they would have been recorded in their works, but they did not. Additionally, the early *muhaddithūn* did not differentiate between *al-niyāha* and *al-bukā'a* and considered both are the verbal difference among narrators and counted as *al-mutawātir al-manawī*.

1.3.2. Appraisal of Juynboll's Analysis about Isnāds

Juynboll studied a bulk of *al-niyāha isnāds* and called some of them Iraqi and some of them Medani, but he did not illustrate his method that how he decided and attributed an *isnād* to Iraq, Egypt, Syria, and *Hijāz*. However, we concluded from a keen follow-up of his study that he considered the narrators' region in the third and fourth *tabaka*, which is the *tabaka* of the successors and their followers. For example, he called a *hadīth* pure Medani which is recorded by *Ibn 'Abī Sha'iba* (d. 235/850) on the following *Isnād*:

⁴⁴ قال ابن عبد البر: ”روى أبو إسحاق السبيعي عن عامر بن سعد البجلي عن أبي مسعود الأنصاري، وثابت بن زيد، وقرظة بن كعب قالوا: رخص لنا في البكاء على الميت من غير نوح، وثبت عن النبي صلى الله عليه وسلم أنه نهي عن النوح من حديث عمر وعلي، وحديث المغيرة، وحديث أم عطية، وحديث أم سلمة، وحديث أبي مالك الأشعري، وحديث أبي هريرة وغيرهم. وأجمع العلماء على النياحة لا تجوز للرجال ولا للنساء، ورخص الجمهور في بكاء العين في كل وقت“.

See: Ibn Abdul-Barr, *al-Istizkār*, 3/67. 'Aynī al, *Umdatul-Qāri*, (Beirut: Dār Ihyā'a al-Turāth, n.d.), 8/15. Qustalānī al, *Irshād al-Sārī*, (Egypt: al-Matba al-Kubrā, 1323/1905), 5/48.

⁴⁵ Ibn Battāl, *Sharha Sahih al-Bukhārī*, Critical ed. Abū Tamim Yāsir b. Ibrāhīm (al-Riyādh: Maktabatul-r-Rushd, 1423/2002), 3/276.

⁴⁶ Suyūṭī al, *Qatfu'l-Azhār*, Critical ed. Khalil Mahiuddin (Beirut: al-Maktab al-Islāmī, 1405/1985), 123. Kattānī al, *Nazmu'l-Mutanāsir*, (Egypt: Dāru'l-Kutub al-Salafia, n.d.), 118.

”حدثنا ابن نمير (كوفي)، ثنا هشام بن عروة (مدني) عن أبيه عروة بن الزبير (مدني)، عن عائشة (مدنية) رضي الله عنها“⁴⁷

Based on the mentioned *isnād*, we studied the other *isnāds* in his study and concluded that Juynboll did not follow his method as he analysed a *hadīth* about *Ummi Sa'ad*, and claimed that it is an Iraqi *hadīth*. However, when we referred to its primary source *Ibn Sa'ad*, he recorded it on the *Isnād* goes as follow:

”أخبرنا الفضل بن دكين (عراقي)، قال أخبرنا عبد الرحمن بن سليمان الغسيل (مدني)، عن عاصم بن عمر بن قتادة (مدني)، عن محمود بن لبيد الأنصاري (مدني) رضي الله عنه“⁴⁸

Let's compare the above *isnād* with the earlier one that Juynboll called a pure Medani *isnād*. There is no difference between them; both have one narrator; the *compiler's sheikh* is from Iraq. In contrast, the others from Medina, but Juynboll called the first one pure Medani and the second one Iraqi, which is not understandable. Moreover, this indulgence is noted in other *isnāds* as well, such as the *ahādīth* recorded by *Ibn Sa'ad*, and have *al-niyāha* or its derivatives and Juynboll called them Iraqi, while there is only one narrator from Iraq.⁴⁹

Besides, it is revealed from a comparative and analytical study of Juynboll sources that the '*Abū Dawūd al-Tiyālisī* recorded three *hadīths*,⁵⁰ *Ibn*

⁴⁷ Ibn Abī Sha'iba, *al-Musannaf*, Critical ed. Kamāl Yusūf al-Hut (al-Riyādth, Maktabatū'r-Rushd, 1409/1989), 3/62 (No. 12120).

⁴⁸ Ibn Sa'ad, *al-Tabakāt al-Kubrā*, Critical ed. Muhammad Abdul Qādar Atta (Beirut: Dāru'l-Kutub al-'Ilmiya, 1410/1990), 3/326.

⁴⁹ Alam Khan, *Taqyimu Nazariyyati Juynboll Hawle'l-Hadisi'n-Nebevi*, 152-53.

⁵⁰ 1) عن علقمة بن مرثد الحضرمي (كوفي)، عن أبي الربيع (مدني)، عن أبي هريرة (مدني) عن النبي صلى الله عليه وسلم قال: ”أربع من أمر الجاهلية لن يدعهن الناس...“ 2) عن قتادة (بصري) عن سعيد بن المسيب (مدني) عن ابن عمر (مدني) عن عمر بن الخطاب (مدني) أن النبي صلى الله عليه وسلم قال: ”إن الميت ليعذب بالنياحة عليه في قبره“.

3) حدثنا نافع بن عمر الجمحي (مكي) ورياح بن أبي معروف (مكي) سمعا عن ابن أبي مليكة (مكي) قال: ”أتيت عائشة فذكرت لها ما قال ابن عمر وابن عباس عن....“

See: Abū Dawūd al-Tiyālisī, *Musnad*, Critical ed. Muhammad Abdul-Muhsin al-Turkī (Egypt: Dār al-Hijr, 1419/1999), 4/148 (No. 2517). 1/19 (No. 15). 3/102 (No. 1608).

'Abī Shai'ba elven,⁵¹ 'Abdu'r-Razzāq nine,⁵² and 'Ahamad b. Hanbal four⁵³ in the mentioned subject. However, none of them recorded even a single *hadīth* on a

1⁵¹ عن قتادة (كوئي)، عن سعيد بن المسيب (مدني)، عن ابن عمر (مدني) عن النبي صلى الله عليه وسلم قال: "الميت يعذب في قبره بالنياحة. 2) عن سعيد بن عبيد (كوئي)، عن عبادو بن الوليد (مدني)، عن ابن عمر (مدني) قال: قال رسول الله صلى الله عليه وسلم من نوح عليه فإنه يعذب بما نوح عليه يوم القيامة". 3) عن الأعمش (كوئي)، عن أبي صالح (مدني)، عن أبي هريرة (مدني) قال: قال رسول الله صلى الله عليه وسلم: "إن مما بالناس كفرًا النياحة والطعن في الأنساب". 4) عن سفيان (كوئي)، عن زيد بن أسلم (مدني) ولا يعصينك في معروف قال: "لا يشققن جيبا...". 5) عن أبي ليلى (كوئي)، عن عطاء (مكي)، عن جابر (مدني) أن النبي صلى الله عليه وسلم قال: "إنما نخت عن النوح". 6) عن الأعمش (كوئي)، عن أبي صالح (مدني)، عن ابن عمر (مدني) قال: قال رسول الله صلى الله عليه وسلم: "إن الميت ليعذب ببكاء الحي". 7) حدثنا محمد بن بشر (كوئي)، حدثنا عبد الله بن نافع (مدني)، عن عبد الله (مدني) أن حفصة بكت على عمر فقال: "مهلا يا بنية ألم تعلمي أن النبي صلى الله عليه وسلم قال: أن الميت ليعذب ببكاء أهله عليه". 8) حدثنا عبد الله بن عمرو (مدني)، ثنا محمد بن إسحاق (مدني)، عن عبد الرحمن بن القاسم (مدني)، عن أبيه (القاسم مدني)، عن عائشة (مدنية) قالت: "لما أتت وفاة جعفر عرفنا في وجه رسول الله صلى الله عليه وسلم الحزن...". 9) عن ابن أبي ليلى (كوئي)، عن عطاء (مدني)، عن جابر (مدني) قال: "أخذ النبي صلى الله عليه وسلم بيد عبد الرحمن بن عوف...". 10) حدثنا أسامة بن زيد (مدني)، عن نافع (مدني)، عن ابن عمر (مدني) قال: "رجع رسول الله صلى الله عليه وسلم يوم أحد...". 11) حدثني عطاء بن السائب (كوئي)، ثنا عكرمة (مدني) قال: "كان ابن عباس يقول، احفظوا هذا الحديث...".

See: Ibn 'Abī Sha'iba, *al-Musannaf*, 3/60 (No. 12097). 3/60 (No. 12099). 3/60 (No. 12102). 3/61 (No. 12108). 3/61 (No. 12111). 3/61 (No. 12115). 3/62 (No. 12117). 3/62 (No. 12119). 3/62 (No. 12124). 3/63 (No. 12127). 3/63 (No. 12128).

1⁵² أخبرنا سفيان بن عيينة (مكي)، عن ابن أبي حسين (مكي)، عن مكحول (شامي) قال: "دخل رسول الله صلى الله عليه وسلم وهو معتمد على عبد الرحمن بن عوف...". 2) عن ابن جريج (مكي) قال: أخبرني عبد الله بن أبي مليكة (مكي) قال: "توفيت ابنة لعثمان بن عفان بمكة فجتنا لنشهدها...". 3) عن معمر (بصري) قال: سمعت شيخا يقال له أبو عمر (مدني) قال: سمعت ابن عمر (مدني) يقول: "وهو في جنازة رافع بن خديج وقام النساء يبكين على رافع...". 4) عن معمر (بصري)، عن الزهري (مدني)، عن ابن المسيب (مدني) قال: "لما مات أبو بكر بكى عليه، فقال عمر: إن النبي صلى الله عليه وسلم قال: إن الميت يعذب ببكاء الحي". 5) عن ابن عيينة (مكي)، عن عمرو بن دينار (مكي) قال: "لما مات خالد بن وليد اجتمع في بيت ميمونة نساء يبكين...". 6) عن معمر (بصري)، عن الزهري (مدني) قال: "ثلاث لا يدعهن الناس أبدا...". 7) عن عبد الله بن عمر (مدني)، عن نافع (مدني)، عن ابن عمر (مدني) "أن حفصة استأذنت على أبيها، فقال لمن عنده...". 8) عن معمر (بصري)، عن أيوب (مدني)، عن عكرمة (مدني) قال: "لما رجع رسول الله صلى الله عليه وسلم من أحد...". 9) عن ابن جريج (مكي) قال: "أخبرت خيرا رفعا إلى عبيد بن الجراح صاحب رسول الله صلى الله عليه وسلم...".

See: Abdu'r-Razzāq, *al-Musannaf*, Critical ed. Habibu'r-Rahmān al-'Azmi (India: al-Majlis al-'Ilmi, 1403/1983), 3/552 (No. 6672). 3/554 (No. 6675). 3/556 (No. 6678). 3/556 (No. 6680). 3/556 (No. 6681). 3/559 (No. 6687). 3/560 (No. 6692). 3/561 (No. 6694). 3/561 (No. 6695).

1⁵³ عن علقمة بن مرثد (كوئي)، عن أبي الربيع (مدني)، عن أبي هريرة (مدني) قال: "قال رسول الله صلى الله عليه وسلم أربع من أمر الجاهلية...". 2) عن سعيد بن عبيد (كوئي)، عن عبادة بن الوليد بن عبادة (مدني)، عن ابن عمر (مدني) قال: قال رسول الله صلى الله عليه وسلم: "من يُنح عليه فإنه يعذب بما نوح...". 3) عن سليمان بن سليم (شامي)، عن عمرو بن شعيب عن أبيه، عن جده (حجازي) قال: "جاءت أميمة بنت رقيقة إلى رسول الله صلى الله عليه وسلم تباعة على الإسلام...". 4) عن قتادة (بصري)، عن

pure Iraqi, Syrian or Egyptian *isnād*. It might be not an exaggeration that Juynboll did not refer in the narrators' study and analysis to the biographical lexicons. Hence, he called a considerable number of *isnāds* Iraqi or Syrian, which have the only narrator in the last *tabaqa* from the mentioned region, as seen in the aforementioned examples and the *ahādīth* recorded by Ibn Sa'ad too. Likewise, it is proved that it is a *Prophetic hadīth* that recorded by *muhaddithūn* through *Hijāzī, Iraqī, Egyptian and Syrian isnāds* in the classical canonical books and not an Iraqi concept as Juynboll believes.

Conclusion

Juynboll is one of the prominent Orientalists in Western scholarship. He studied the *Prophetic ahādīth* on the new method and introduced new theories regarding the authenticity and provenance of *hadīth* as well as developed the theories of early orientalist about the *Matn and Isnād Clusters of ahādīth*. He focused on the early books of *Rijāl and Usūl al-hadīth* and concluded that *muhaddithūn* played a vital role in the transmission of fabricated *ahādīth* through the inexisted narrators.

Moreover, he challenged the authenticity of some terms like *al-mutawātir*, saying that it was produced later. It is concluded from the study of his claims that Juynboll did not distinguish the methodology of *muhaddithūn* from *fuqahā'a* because the *al-mutawātir* term was in use among *fuqahā'a*. However, it was not the subject of *muhaddithūn*; therefore, they did not mention in the early books of *usūl al-hadīth* before *al-Khatīb al-Baghdādī*. Hence, it does not mean that *muhaddithūn* did not know the mentioned term because *al-Bukharī, Muslim, al-Shafi'ī and al-Tahāwī* used it in their works.

Likewise, Juynboll questioned the authenticity of *al-mutawātir al-lafzī*. He counted it among fabricated *ahādīth*. However, it is concluded from the detailed analytical study of his claims that Juynboll based his conclusion on the *argumentum e silentio*, which is feeble because we could not access all early written sources of *ahādīth*. Besides, he did not study the *isnāds of al-mutawātir al-lafzī* carefully. Consequently, he put in question the *isnāds of 'Abū Hanīfa* from *al-Zuhrī and al-Qāsm b. 'Abdu'r-Rahmān*, as well as refused the historical position of *'Abū Rūba*. However, it is concluded that the narration of *'Abū Hanīfa* is the transmission of master from the pupil, which is called the

سعيد بن المسيب (مدني)، عن ابن عمر (مدني)، عن عمر (مدني) - رضي الله عنهما - عن النبي صلى الله عليه وسلم قال: "الميت يعذب في قبره..."

See: Ahmad b. Hanbal, *Musnad*, Critical ed. Shuaib al-Rnauut (Beirut: Muasisatu'r-Risāla, 1421/2001), 13/288 (No. 7908). 9/201 (No. 5262). 11/437 (No. 6850). 1/312 (No. 180).

Riwātu'l-'Akābir 'An'l-'Asāghir. Furthermore, it is also revealed that Juynboll did not refer to the all biographical lexicons in the study of *al-Zuhrī* and *'Abū Rūba* because both have historical position and both are mentioned among the *shuyūkh* of *'Abū Hanīfa*.

Juynboll believes that *hadīth al-mutawātir al-lafzī* emerged in the early sources of Iraq. However, it is concluded from the detailed study of the mentioned *hadīth* in the early sources that if Juynboll studied it through the common-link, the conclusion was different because it has emerged in the first half of the first century in *Hijāz* and *Yemen*. Additionally, it is concluded that Juynboll neglected the historical facts in the analysis of the formulation of *al-mutawātir al-lafzī hadīth* that it was gradually developed and claimed that the later *muhaddīthūn* recorded it with (كذب) because *Mamar b. Rāshid* and *al-Rabi b. Habib* transmitted it with (كذب), while both are considered the early sources of *hadīth* in Islamic and Western scholarships.

At the same time, Juynboll studied *al-mutawātir al-manawī* and concluded as *al-mutawātir al-lafzī*. It is revealed from a keen follow-up of Juynboll sources, arguments and examples that Juynboll did not refer to the concern studies in this subject as he counted the *ahādīth* of *al-niyāha* from the bulks of *al-mutawātir al-manawī*. He distinguished among *al-niyāha* and *al-Bukā'a 'alā al-Mayit*, while the fact is that non of the *muhaddīthūn*, who compiled in this subject considered the narration of *al-niyāha* only as *al-mutawātir al-manawī* nor distinguished between *al-niyāha* and *al-bukā'a* as Juynboll did.

Similarly, it is concluded from his analysis of *isnāds* that Juynboll did not study biographies of the narrators carefully in biographical dictionaries. He called several *isnāds* Iraqi or Syrian which have the only one narrator from the mentioned region that shows his indulgence in *isnāds* attribution to Iraqi, Egyptian, Syrian and *Hijāzī* sources. Moreover, it is concluded from a comparative study of *al-niyāh isnāds* that it was from *Jāhiliyya* tradition, which was strictly prohibited in Islam that is narrated through Iraqi, *Hijāzī*, Egyptian and Syrian *isnāds*. However, Juynboll did not refer to all sources and declared it a fabricated *hadīth* and suggested that it is better to attribute the *al-niyāha* concept to Iraqis instead of the Prophet.

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