

## Hadīth of *Man Kadhaba ‘Alayya* and *Argumentum e Silentio*

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“Men Kezebe ‘Aleyye Hadisi  
ve e Silentio Delili”

**Özet:** Bu makalenin amacı, Batılı araştırmacılarca kullanılan *e silentio* prensibinin, ilk üç asırdaki hadis rivâyetiyle ne ölçüde uyum arz ettiğini ve elimizde bulunan kaynaklarla ne ölçüde sonuç elde edilebileceğini araştırmaktır. G. H. A. Juynboll tarafından “Men Kezebe ‘Aleyye...” hadisinin bu metoda göre tarihlendirilmeye çalışılması, metodun işlerliğini görmek açısından karşımıza önemli bir fırsat çıkarmaktadır. Dolayısıyla bu makalede sözü edilen hadis Taberâni’nin *Turuku Men kezebe aleyye...* adlı kitabı ve diğer temel hadis kaynakları dikkate alınarak muhtelif yönlerden incelenmiş ve Juynboll’un ulaştığı sonuçlar test edilmiştir. Ayrıca bu araştırma bize, isnad ve metinlerin ilk asırdaki kullanımlarına ilişkin çeşitli tespitler yapma imkânı da sunmuştur.

**Atıf:** Bekir KUZUDİŞLİ, “Hadīth of *Man Kadhaba ‘Alayya* and *Argumentum e Silentio*”, *Hadis Tetkikleri Dergisi (HTD)*, V/II, 2007, ss. 47-71.

**Anahtar Kelimeler:** Men kezebe ‘alayye, Juynboll, *e silentio*, hadis, tarih, mütevâtir.

### I. Introduction

Since the nineteenth century, the debate on the soundness of *hadīths* expanded beyond the Muslim world as Western scholars, who did not find the methods of *hadīth* critique developed by Muslims adequately convincing, became involved in the discussions about the evaluation of *hadīths* and their origins. Some of these Western scholars tried to propose some methods for evaluating *hadīths*. An example of these methods is the *argumentum e silentio*. It is possible to find some hints of this method in the classical books of Muslim scholars,<sup>1</sup> yet much of its popularity owes to the frequent use of it by some Western scholars in their research. It is not our goal here to determine whether the *argumentum e silentio* was taken from classical Islamic sources. The purpose of this article is to assess the usage of this method as defined by Schacht and Juynboll in the critique of *hadīth*. To illustrate my argument I shall utilize the example of the *hadīth* of *man kadhaba ‘alayya*.

Joseph Schacht, one of the prominent users of the principle of *argumentum e silentio* in his researches, explains it as follows:

The best way of proving that a tradition did not exist at a certain time is to show that it was not used as a legal argument in a discussion which would have made reference to it imperative, if it had existed.<sup>2</sup>

According to this opinion, if a relevant *hadīth* had not been used in a debate, this should be seen as a proof that it was circulated after the time of debate. Schacht’s claim, using this method that many *hadīths* about *ahkām* are not authentic but they appeared in later centuries, has sparked a vivid debate about the usage of this method.<sup>3</sup>

Since Schacht first proposed it, many *ahkām hadīths* have been researched in the *e silentio* framework, and G. H. A. Juynboll, a follower of Schacht’s school from the Netherlands, produced the most comprehensive works in this topic. Perhaps the most important one is “... من كذب علي” *hadīth* which is unanimously accepted by Muslim *hadīth* specialists as *mutawātir*.

With the purpose of proving his claim that the narratives in classical *hadīth* books do not belong to the Prophet but instead are products of the following centuries, Juynboll uses the *argumentum e silentio* to determine the date in which the *hadīths* in question were first circulated.<sup>4</sup> Juynboll examined the *hadīth* of “... من كذب علي” to prove his claim by applying *argumentum e silentio* to determine its date of origin. He appears to assume that Muslim *hadīth* collectors included all the material they had gathered from their predecessors in their collections. Therefore their texts must be considered as complete records of the available material on a certain issue at a certain time.<sup>5</sup> Although I mentioned above only two scholars who used *e silentio* in their works, there are many others who acted on the basis of this principle. For instance the claim of Norman Calder, pertaining to the *hadīth* on the cleanliness of water leftover by cats, which accordingly must not have been known in Mālik’s time as it does not appear in Mālik’s *Mudawwana*, is a conclusion based on the

<sup>2</sup> Joseph Schacht, *the Origins of Muhammadan Jurisprudence*, Oxford: The Clarendon Press 1975, p. 140.

<sup>3</sup> M. Mustafa al-A‘zamī, *On Schacht’s origins of Muhammadan Jurisprudence*, Riyad: King Saud University 1985, p. 118; Zafer İshaq al-Ensārī, “The Authenticity of traditions: A critique of Joseph Schacht’s argument *e silentio*”, *Hamdard Islamicus*, 1984, p. 51–61; Harald Motzki, *The Origins Of Islamic Jurisprudence Meccan Fiqh before the classical schools*. Leiden: Brill 2002, p. 21–22.

<sup>4</sup> G. H. A. Juynboll, *Muslim Tradition Studies in chronology, provenance and authorship of early hadīth*, s. 108–133. This article does not mention in which areas this *hadīth* was narrated widely and evaluations in this matter. So, distribution of the *hadīth* according to areas is topic of another article.

<sup>5</sup> Juynboll, *a.g.e.*, 98; Motzki, “Dating Muslim Tradition: A Survey”, *Arabica*, LII/2, 2005, s. 217. It is seen that Juynboll used *argumentum e silentio* on his Nafi’s article See. Motzki, “Quo vadis, Hadith Forschung? Eine kritische Untersuchung von G. H. A. Juynboll: Nafi’ the mawlā of Ibn ‘Umar, and his position in Muslim Hadith literature” *Der Islam*, 1996, s. 58–59.

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<sup>1</sup> For example see. Abū Bakr Muhammad b. Ahmad as-Sarakhsī, *Usūl as-Sarakhsī* (ed. Abū al-Vafā al-Afgānī), Dār al-Ma’rifā 1973, I, 340.

argument of *e silentio*.<sup>6</sup> Calder finds it strange that this *hadīth* is cited only in the *Muwatta*. He claims that if Malik had known the *hadīth*, he would have included it in both the *Mudawwana* and the *Muwatta*, not only the *Muwatta*.

The *hadīth* of the “من كذب علي...” has also been investigated in many works both in the past and the present.<sup>7</sup> Whereas Muslim scholars generally examined the *туруq* of this *hadīth*, some contemporary scholars questioned its authenticity.<sup>8</sup> But this article will specifically concentrate on Juynboll's method; investigating to what extent his method can be used in the sciences of narration. Hence, other scholars' views on the *hadīth* in question will also not be discussed in this article.

## II. Juynboll's claims about the origins of the man kadhaba 'alayya *hadīth*

We can summarize Juynboll's claims about the origins of this *hadīth* as follows:

1. In the Hijāz and Egypt region the “من كذب علي...” *hadīth* does not appear in the collections written before 180 h. because neither the *Jāmi'* of 'Abd Allāh b. Wahb (d. 197/813) nor *Muwatta* of Mālik b. Anas (d. 179/795) recorded this *hadīth*.

When looking at the books of other scholars around the Hijāz, it is seen that this *hadīth* appeared for the first time in ash-Shāfi'i's (d. 204/820) and al-Humaydī's (d. 219/834) books. When we take into account the fact that Abd al-Azīz ibn Muhammad al-Darāwardī (d. 187/803), who appears in some of the *hadīths* of ash-Shāfi'i, and his masters, who are mentioned in the *isnāds* from al-Darāwardī, were also among the sources of Mālik b. Anas, it gives a clue about the person who brought the aforementioned *hadīth* into circulation in Hijāz. According to Juynboll, if this was the case, then Mālik, hearing it from his instructors, should have included this *hadīth* in his book - if he really heard it.<sup>9</sup>

Meanwhile Juynboll has stated that Mālik had narrated a few *hadīth* discouraging dishonesty, one of which is a tradition expressed by Umar b. al-

Khatab using the word “تَقُولُ”.<sup>10</sup> According to Juynboll, these are the *forerunners* of the numerous “من كذب علي...” traditions in the Iraqī collections.<sup>11</sup>

Al-Humaydī, another Hijāzī collector, lists the “من كذب علي...” *hadīth* just one time in his *Musnad*. According to Juynboll, al-Humaydī narrated this *hadīth* with the following flawed but highly relevant *isnād*: al-Humaydī > Sufyan b. Uyayna > men lā uhsi 'an Abī Hurayra > Prophet. When one takes into account the fact that only four persons transmitted this *hadīth* from Abū Hurayra even in the time of al-Bukhārī, Ibn Uyayna's words “Men lā uhsi” seems to be an effort to conceal his flawed *isnād*. Moreover, it can also be understood that Ibn Uyayna at his time was unable to substantiate this *hadīth* with a less 'flawed *isnād*'.<sup>12</sup>

Observing the area of Egypt, notwithstanding the inclusion of numerous traditions commanding the avoidance of telling lies, Ibn Wahb's *Jāmi'*, the earliest compilation in that area, fails to mention “من كذب علي...”. The author also finds it interesting that this *hadīth* does not appear in the *Sunan* of an-Nasā'ī (p. 303/915) who had spent a preponderance of his life in Egypt, as during his time the *hadīth* “من كذب علي...” had already been known in Egypt approximately for one century. In the *isnāds* that are found in the other sources it is understood that the masters of an-Nasā'ī were the narrators of the “من كذب علي...” *hadīth*. So, this situation must result from the following facts: an-Nasā'ī either never received it from his master (i.e. Qutayba b. Sa'īd), because it was falsely attributed to the latter after the former had left for Egypt, or an-Nasā'ī rejected it out of mistrust.<sup>13</sup> Essentially, this *hadīth* began to circulate in Egypt not earlier than the end of the second century and possibly not earlier than the end of the third century.<sup>14</sup>

2. Throwing a glance at the vicinity of Irāq, it is seen that this *hadīth* is found in the *Musnad* of at-Tayālīsī (p. 204/819), one of the earliest compilations of the region. According to Juynboll, the argument claiming that this *hadīth* appeared in the *Musnad* attributed to Abū Hanīfa (d. 150/767) is not acceptable, because the biographical sources concerning Abū Hanīfa reveals his indifference to *hadīths*. He is even reported to have mockingly reacted to prophetic sayings, which were transformed into legal maxims or slogans. Probably due to the clash between *Ahl al-Hadīth* and *Ahl al-Ray*, later mem-

<sup>6</sup> Norman Calder, *Studies in Early Muslim Jurisprudence*, Oxford: Clarendon Press 1993, p. 26; Motzki, “The Prophet and the Cat: On dating Mālik's *Muwatta* and legal traditions” *JSAI*, 22 (1988), p. 24.

<sup>7</sup> See for instance Abū al-Qāsim Sulaymān b. Ahmad at-Tabarānī (d. 360) *Juz'un fihī Turuqu Man Kadhaba 'Alayya Muta'ammidan* (ed. Muhammed b. Hasan al-Ghumārī), Beirut: Dār al-Basāir al-Islāmiyya 1417/1997 (Henceforth abbrev. *Turuq*); Abū Abd Allāh Muhammaed b. Abī al-Fayz al-Kattānī, *Nazm al-mutenāthir min al-ahādīth al-mutavātir*, Beirut: Dār al-kutub al-ilmīyya 1407/1987, s. 37. Mustafa Karataş, *Rivayet Tekniği Açısından Hadislerin Artması ve Sayısı*, İstanbul: İşaret&İHAM Publ. 2006, p. 69–73.

<sup>8</sup> For instance see. Fazlurrahman, *Islam*, s. 59. For other view see. Daniel W. Brown, *Rethinking tradition in modern Islamic thought*, Cambridge University Press 1996, p. 159 (fn. 30).

<sup>9</sup> Juynboll, *Muslim Tradition*, p. 112–113.

<sup>10</sup> Juynboll does not indicate which word of Umar in the *Muwatta*.

<sup>11</sup> Juynboll, *Muslim Tradition*, p. 112.

<sup>12</sup> Juynboll, *Muslim Tradition*, p. 114.

<sup>13</sup> Juynboll, *Muslim Tradition*, p. 109–110.

<sup>14</sup> Juynboll, *Muslim Tradition*, p. 118.

bers of the Hanafite *Madhhab* may have attributed the relevant *hadīth* to Abū Hanīfa.<sup>15</sup>

When one continues to examine the Irāqī books, according to Juynboll, there is no trace of this *hadīth* in the *Jāmi'* of ar-Rabī' b. Habīb either.<sup>16</sup>

When looking at the *Musnad* of at-Tayālīsī it is seen that the *hadīth* in question is narrated with various *isnāds*. Five of seven *isnāds* found in this book begin with at-Tayālīsī > Shu'ba. On the basis of the word "تَقُولُ" appearing in *Muwatta*, Juynboll claims that the *hadīths* beginning with "من قال علي..." that are narrated in the at-Tayālīsī are older than the "من كذب علي..." *hadīths*.<sup>17</sup>

From this investigation Juynboll inferred the following conclusions: First of all, the more detailed a *hadīth* is recorded, the later it came into circulation. This holds also true for *isnāds*. Secondly, the "من كذب علي..." dictum must have been come into circulation in Iraq sometime between the deaths of ar-Rabī' b. Habīb and at-Tayālīsī, in other words, sometime in the course of the second half of the second century A.H. (...). Thirdly, the actual wording of the dictum evolved from 'قال', 'قَوْلٌ', and 'تَقَوْلٌ' to 'كذب' and even 'افتري'.<sup>18</sup>

3. In the next step Juynboll, compares the *isnāds* of "من كذب علي..." narrated in Ibn al-Jawzī's (d. 597/1201) introduction of *Kitāb al-Mawdū'āt*, with the nine books on which the *Concordance* is based. This yields the following results: With the exception of the three,<sup>19</sup> all *isnāds* in the nine books were recorded in *Kitāb al-Mawdū'āt*. Thus, those thirty-one *isnāds* not appearing in the nine books mentioned in *Kitāb al-Mawdū'āt*, must have been fabricated after the fourth century A.H.<sup>20</sup>

### III. The Hadith of man kadhaba 'alayya in the early books and argumentum e silentio

As Juynboll stated clearly, he reached his conclusions with support from the *e silentio* framework. Below, we will discuss to what extent this method - as used by Juynboll- is sound and reliable when applied to the sciences of narration.

Reviewing the "من كذب علي..." *hadīth* in early *hadīth* sources casts doubt on Juynboll's conclusions, due to Juynboll's inadequate investigation. For instance Juynboll claims that the *hadīth* in question did not appear in the *Jāmi'* of ar-

Rabī' b. Habīb<sup>21</sup> and therefore this *hadīth* was not in circulation at that time. But, a careful scrutiny of this compilation divulges the existence of the narration under question. Moreover, there is a special chapter which was opened and entitled as "The Sin of a Person Lying in the Name of the Prophet" by ar-Rabī'. In this chapter ar-Rabī' narrated two *hadīths*: Abū Ubayda > Jābir b. Zayd > Ibn Abbas > Prophet: "من كذب علي متعمدا فليتبوأ مقعده من النار". The second *isnād* comprises ar-Rabī' > Yahyā b. Kethīr > Atā b. as-Sāib > 'Abd Allāh b. al-Hārith. The latter seems to be more detailed, which includes an account of 'Abd Allāh b. al-Hārith who was asked the reason why the Prophet had articulated the *hadīth* "من كذب علي متعمدا فليتبوأ مقعده من النار". Subsequently, upon the confession of ignorance of those sitting closeby, he goes on to elucidate the motive behind the *hadīth*'s utterance. (*sabab al-wurūd*).<sup>22</sup>

Long before ar-Rabī' b. Habīb, this *hadīth* had in fact been narrated by Ma'mar b. Rāshid (d. 153/770),<sup>23</sup> though Juynboll turns a blind eye to this collection. Ma'mar, under the title of "*Bāb al-kidhb ala' an-Nabiyy Salla'llāhu 'alayhi ve sallam*" records three *hadīths*: 1. Ma'mar > Abū Hārūn al-'Abdī > Abū Sa'īd al-Khudrī > Prophet: "من كذب علي فليتبوأ بيتا في النار". 2. Ma'mar > al-Hasan > Prophet: "حدثوا عني ولا حرج ولكن من كذب علي متعمدا فليتبوأ مقعده من النار". 3. Ma'mar > Rajul > Sa'īd b. Jubayr > Prophet: "من كذب علي..." in the famous form,<sup>24</sup> the reason of its utterance is equally mentioned in ample detail.

The *hadīth* in question is contained also in the *Musannaf* of Abd ar-Razzāq (d. 211/827), to which Juynboll never referred. In the title of "*Mas'ala Ahl al-Kitāb*" he narrated the *hadīth* of "بلغوا عني ولو آية وحدثوا عن بني إسرائيل ولا حرج، فمن كذب علي كذبة فليتبوأ مقعده من النار" via Awzā'ī > Hassān b. 'Atiyya > Abū Kabsha > 'Abd Allāh b. 'Amr b. 'As > The Prophet.<sup>25</sup> 'Abd ar-Razzāq also recorded this *hadīth* via Ja'far b. Sulaymān > 'Amr b. Dīnār > one of the children of Suhayb > Suhayb as "من كذب علي متعمدا كلف أن يعقد شعيرة إلا غُذِبَ"<sup>26</sup> Furthermore, it is noteworthy that in the title about the fate of those who lie in the name of the Prophet, Abd ar-Razzāq recorded the following *hadīth* via Ma'mar > Rajul > Sa'īd b. Jubayr: "One person had lied about Prophet. Prophet said to 'Ali and Zubayr, 'Go and if you grab hold of him, kill him',<sup>27</sup> as Ma'mar in his book

<sup>15</sup> Juynboll, *Muslim Tradition*, p. 121-124.

<sup>16</sup> Juynboll, *Muslim Tradition*, p. 124.

<sup>17</sup> Juynboll, *Muslim Tradition*, p. 125-129.

<sup>18</sup> Juynboll, *Muslim Tradition*, p. 128-129.

<sup>19</sup> Juynboll mentions that one *isnad* in the *Musnad* of ash-Shāfi'ī may be added to them (*Muslim Tradition*, p. 130).

<sup>20</sup> Juynboll, *Muslim Tradition*, p. 130.

<sup>21</sup> Juynboll, *Muslim Tradition*, p. 124.

<sup>22</sup> Rabī' b. Habīb, *al-Jāmi' as-sahīh*, edited. Muhammad Adris, Beirut-Uman: Dār al-hikma-Maktaba al-istikāma 1415/1995, p. 283.

<sup>23</sup> Motzki, "Dating Muslim Traditions", p. 218.

<sup>24</sup> Ma'mar b. Rāshid, *Jāmi'* (ed. Habīb al-Rahmān al-A'zamī), al-Maktaba al-Islāmī, 2<sup>th</sup> edition, 1403/1983, XI, 261 (with *al-Musannaf* of Abd ar-Razzāq).

<sup>25</sup> Abd ar-Razzāq, *al-Musannaf*, VI, 111. He repeats this *isnad* with similar words in his *al-Musannaf* (X, 312) and his *Tafsīr* (Abd ar-Razzāq as-San'ānī, *Tafsīr al-Kur'ān* (ed. Mustafa Muslim Muhammad), Riyād: Maktaba al-Rushd 1410/1990, II, 205).

<sup>26</sup> Abd ar-Razzāq, *al-Musannaf*, VI, 186.

<sup>27</sup> Abd ar-Razzāq, *al-Musannaf*, V, 308.

transmitted the *hadīth* “من كذب علي...” and the event in question in detail by narrating same *isnād*.

On the other hand, Abū 'Ali al-Hasan b. Mūsā al-Ashyab (d. 209/825), a person who resided in Baghdad, Musul, Tabaristan and Ray had recorded this *hadīth* in his *Juz*. He mentioned this *hadīth* with the words “كذب علي ما لم أقل” via Ibn Lahī'a > Abū Ushshāne al-Maāfirī > 'Uqba b. 'Āmir > The Prophet.<sup>28</sup>

In addition to flaws that originated from inadequate research, it seems that endorsed perception about important scholars' approach to *hadīth* in the history of fiqh and *hadīth*, is effective in the use of *argumentum e silentio*. In this respect, Juynboll's contention about Abū Hanīfa is a paramount example.

Apart from Juynboll's argument concerning Abū Hanīfa's approach to *hadīth*, he has actually contended that the *isnād* and *matn* could not be completely constituted in the first half of the second century. It seems that this contention shaped his approach to the *Musnad* of Abū Hanīfa. Thus, using the books of Abū Yūsuf (d. 182/798) and Muhammed ash-Shaybānī (d. 189/805), two pupils of Abū Hanīfa who are in close proximity to *Ahl al-Hadīth*, seems to be more logical than directly discussing Abū Hanīfa's understanding of *hadīth*, as both Abū Yūsuf and ash-Shaybānī -who narrated the *Muwatta* of Mālīk b. Anas- transmitted the “من كذب علي...” *hadīth* from their teacher Abū Hanīfa. While Abū Yusuf recorded the *hadīth* in question with its famous form via Abū Hanīfa > Abū Zū'be > Abū Sa'īd al-Khudrī > The Prophet.<sup>29</sup> Muhammad b. al-Hasan ash-Shaybānī narrated this *hadīth* in the same words via Abū Hanīfa > 'Atiyya al-'Awfī > Abū Sa'īd al-Khudrī > The Prophet.<sup>30</sup> The two *isnāds* are also contained in the *Musnad* of Abū Hanīfa.<sup>31</sup> Abū Ru'ya, who appears in the *isnād* of Abū Hanīfa,<sup>32</sup> cited as Abū Dhūba by Abū Yūsuf, is a narrator about whom we have scarce information. Juynboll checked this ambiguity about the name from the *Kitāb al-Āthār* of Abū Yūsuf, and stated, with the help of the editor of *Āthār*, that the name may actually be Abū Rawq.<sup>33</sup> It is highly interesting that, while meticulously recording the pertinent

<sup>28</sup> Ashyab, *Juz*, p. 43.

<sup>29</sup> Abū Yūsuf Ya'kūb b. Ibrāhīm al-Ansārī, *Kitāb al-Āthār* (ed. Abū al-Vafā al-Afgānī), Matbaāt al-istikāma, 1355/1937, p. 207.

<sup>30</sup> Muhammad b. al-Hasan ash-Shaybānī, *Kitāb al-Āthār*, Karachi: Idāra al-Qur'ān ve 'ulūm al-Islamiyya 1407/1987, p. 80.

<sup>31</sup> Abū Hanīfa, *al-Musnad* (ed. Safwat as-Saqā), [y.y.], [t.y.], p. 27.

<sup>32</sup> In some sources he was recorded as 'Abū Rūba' or 'Abū Ru'ba'. (See. 'Ali al-Qārī, *Sharh Musnad Abi Hanīfa*, Beirut: Dār al-kutub al-'ilmiyya 1405/1983, p. 294; Ibn Hajar, *Ta'jil al-manfa'a bi zavāidi ricāl al-aimma al-arba'a* (ed. Ikrām Allāh Imdād al-Haqq), Beirut: Dār al-kitāb al-'Arabī, p. 174).

<sup>33</sup> Abu al-Wafā al-Afgānī, editor of *Kitāb al-Āthār*, explains that this person is, probably, Abū Rawq 'Atiyya b. al-Hārith al-Hamadānī al-Kūfī (Abū Yūsuf, *Kitāb al-Āthār*, p. 207 –note of

*isnād* including its page and number from *Kitāb al-Āthār*, Juynboll seems to have ignored the *hadīth* “من كذب علي...” contained in the following *isnād*, asserting that “somehow the ‘man kadhaba’ *hadīth* doesn't appear to be there”.<sup>34</sup>

As a result, it is understood by the testimony of Abū Hanīfa's two pupils known for their proximity to *Ahl al-Hadīth* that Abū Hanīfa did indeed transmit the “من كذب علي...” *hadīth*.

At the same time, Juynboll tends to not accept this *hadīth* in some collections because of his doubts about their authenticity. In the same way, he claimed that this *hadīth* began to circulate in Egypt not earlier than the end of the third century, arguing on the basis of the absence of the “من كذب علي...” *hadīth* in the *Jāmi'* of Ibn Wahb (even though the *hadīth* was not contained in the *Sunan* of an-Nasā'ī). However, another part of the *Jāmi'* of Ibn Wahb, especially concerned with *ahkām* was discovered and published. In this book, the *hadīth* in question is recorded with the *isnād* of Ibn Lahī'a > Ibn Hubayra > Shaykh > Abū Tamīm al-Jayshānī > Qays b. Sa'd b. 'Ubāda > The Prophet, in the introductory part of a *hadīth* concerning the ban on alcohol.<sup>35</sup> Juynboll studied the text as a manuscript, owing to the reference of M.J. Kister. Although Juynboll did not find the text as plausible, in the *Musnad* of Ahmad b. Hanbal the *hadīth* in question was narrated via al-Hasan b. Mūsā > Ibn Lahī'a... instead of via Ibn Wahb > Ibn Lahī'a... including the same *matn* (the *hadīth* of “من كذب علي...” appears, followed by sentences prohibiting alcohol). According to Juynboll, the unknown compiler of this collection can at best be dated as belonging to the middle of the third century. One of the discernible points that strengthened Juynboll's conviction is that none of these narrators except Ibn Lahī'a, who appeared in the *isnāds* of the manuscript, had been mentioned in Ibn Wahb's another *Jāmi'*.<sup>36</sup>

editor). But in the *isnād* of Abū Hanīfa, the fact that the name of Abū Rūbe is clearly recorded Shaddād b. Abd ar-Rahmān shows that the judging of editor was wrong. At the same time, Ibn Hajar states that Abū Rūba Shaddād b. Abd ar-Rahmān transmitted the *hadīth* in question and Ibn Hibbān listed that he was one of the reliable narrator. (Ibn Hajar, *Ta'jil al-manfa'a*, p. 174. See, also, Ibn Hibbān, *Thikāt* (ed. Sayyid Sharifuddīn Ahmad), Beirut: Dār al-fikr 1395/1975, IV, 354) At that point it is understood that Juynboll's saying i.e. “Abū Rū'be is nowhere listed in the biographical dictionaries...” is not correct (Juynboll, *Muslim Tradition*, p. 123).

<sup>34</sup> Juynboll, *Muslim Tradition*, p. 123 (n. 130).

<sup>35</sup> Ibn Wahb, *al-Jāmi' fi'l-ahkām*, Cairo: Dār al-wafā 1425/2005, p. 60.

<sup>36</sup> Juynboll, *Muslim Tradition*, p. 117–118.

To sum up, apart from the general objection against Juynboll's claims,<sup>37</sup> when one takes into account the aforementioned *isnād*, it is evident that it does not belong to the third century, in line with his endorsed process of the development of *isnād* that he repetitiously mentions. In the rijāl books, Ibn Hubayra is already recorded as a pupil of Abū Tamīm al-Jayshānī<sup>38</sup> and therefore an unknown "sheikh", who causes the *isnād* to be regarded as weak, is unneeded. Likewise, in the *hadīth* books compiled in the third century many *hadīths* were narrated with the *isnād* of Ibn Lahī'a > 'Abd Allāh b. Hubayra > Abū Tamīm al-Jayshānī... in various subjects.<sup>39</sup> Furthermore, since Ibn Lahī'a, the *hadīth* of "من كذب علي..." has been confirmed with the same *isnād* by other sources. For instance, in his *Futūhu Mīsr*, Ibn 'Abd al-Hakam (d. 257/871) via his father, 'Abd Allāh b. 'Abd al-Hakam, and Talq b. as-Samh > Ibn Lahī'a...;<sup>40</sup> in his *Tārīkh al-Fasawī* (d. 277/890) via Nadr b. Abd al-Jabbār > Ibn Lahī'a... transmitted the same *isnād* and *matn*.<sup>41</sup> Besides these books, Abū Ya'lā (d. 307/919), then at-Tabarānī (d. 360/971), then Ibn al-Jawzī (using *tariq* of Ibn Hanbal and al-Fasawī), also recorded the same *isnād*.<sup>42</sup> Additionally, according to the *zawāid* literature compiled by al-Būsirī (d. 840/1436) and Ibn Hajar (d. 852/1449) this *hadīth* was transmitted by Ahmad b. Manī' (d. 244/858) with *isnāds* al-Hasan b. Mūsā > Ibn Lahī'a... as it was the case in the *Musnad* of Ibn Hanbal. Yet the name of Abū Tamīm al-Jayshānī (d. 77/696) did not appear in the *isnād* of Ahmad b. Manī'.<sup>43</sup> The fact that Abū Tamīm, who is a reliable narrator, was omitted from the *isnād* does not imply anything in regards to saving the *isnād* from claims of weakness. Whichever *isnād* is taken into account, the *isnād* in question could not be rescued from weakness; a situation

<sup>37</sup> Actually, some of Juynboll's premises are not correct. For instance, in the Ibn Wahb's *al-Jāmi'* that Juynboll accepted it (Abd Allāh) Ibn Hubayra is frequently mentioned as teacher of Ibn Lahī'a (Abd Allāh b. Wahb b. Muslim al-Qurashī, *al-Jāmi' fi'l-hadīth* (ed. Mustafa al-Hasan al-Husayin), al-Mamlaka as-Suudiyya: Dār Ibn al-Jawziyya 1416/1996, I, 57, 321, 323, II, 643, 741).

<sup>38</sup> Ibn Hajar, *Tahdhīb at-Tahdhīb*, Beirut: Dār al-fikr 1404/1984, VI, 56.

<sup>39</sup> See, for instance, Ibn Abī Shayba, *al-Musannaf*, I, 44; Ahmad b. Hanbal, *al-Musnad*, I, 52, II, 320, 531, V, 145 etc.

<sup>40</sup> Ibn Abd al-hakam, *Futūhu Mīsr ve'l-Maghrib* (ed. Ali Muhammad 'Umar), Maktaba ath-thaqāfa al-dīniyya, 1415/1995, p. 303.

<sup>41</sup> Abū Yūsuf Ya'qūb b. Sufyān al-Fasawī, *al-Ma'rifa va at-tārīkh* (ed. Halil Mansūr), Beirut: Dār al-kutub al-'ilmiyya 1419/1999, I, 132.

<sup>42</sup> Abū Ya'lā Ahmad b. 'Ali b. Musannā at-Tamīmī, *al-Musnad* (ed. Husayin Selim Ahmad), Dār al-me'mūn li't-turāth 1404/1984, III, 36; at-Tabarānī, *Turuq*, p. 343; Abū al-Faraj 'Abd ar-Rahmān b. 'Ali b. Jawzī, *Kitāb al-Mawdū'āt min al-ahādīth al-marfū'āt* (ed. Nureddin b. Šük-rū b. Ali Boyacılar), Edvā as-salaf 1418/1997, I, 106.

<sup>43</sup> Ahmad b. Abī Bakr al-Busirī, *Ithāf al-hiyara al-mahara bi zawāid al-masānid al-ashara* (ed. Abū Abd ar-Rahmān 'Ādil b. Sa'd, Abū Usāma Sayyid b. Mahmūd), Riyād: Maktaba al-Rushd 1419/1998, I, 280; Ibn Hajar, *al-Matālib al-āliya bi zawāid al-masānid ath-thamāniya* (ed. Qāsim b. Sālih b. Qāsim), Riyād: Dār al-āsime-Dār al-ghays, 1420/2000, XXV, 34.

continuing until Ibn al-Jawzī's time. If Juynboll's theory about the origins of *isnād* were acceptable, this *isnād* would also have been corrected.

As a result, it is understood that the next generation of scholars also confirmed the *isnād*, which passes in the second fragment of Ibn Wahb. Thus, transmission of the same *isnād* by Ibn Wahb does not seem to be a problem.

Juynboll, believing that the *hadīth* in question is not mentioned in Ibn Wahb's *Jāmi'*, evaluates the transmission of the "من كذب علي..." *hadīth* by referring to Ibn Wahb as an interesting event.<sup>44</sup> The *isnād* he means is Ahmad b. Hanbal > Hārūn b. Ma'rūf > Ibn Wahb > 'Amr b. al-Hārith > Hishām b. Abī Ruqayya<sup>45</sup> > Maslama b. Mukhallad > 'Uqba b. 'Āmir al-Juhanī > The Prophet. As Juynboll has recorded, this *isnād* was transmitted by Ibn Jawzī from Ibn Wahb in the same way, i.e. the *isnād* of Ibn Wahb > 'Amr b. al-Hārith > Abū 'Ushshāna > 'Uqba b. 'Āmir. The fact that these *isnāds* did not occur in the *Jāmi'* of Ibn Wahb, according to Juynboll, arouses suspicion about the citations. So this *isnād* probably must have been circulated by the teacher of Ahmad b. Hanbal i.e. Harūn b. Ma'rūf and/or Bahr b. Nasr or of one or more persons using their names.<sup>46</sup>

But, the *isnād* of Ibn Wahb > 'Amr b. al-Hārith > Hishām (> Maslama) > 'Uqba b. 'Āmir that Juynboll mentioned, was transmitted not only by Ibn Hanbal; al-Fasawī also narrated it with the *isnād* of Abd al-'Azīz b. 'Imrān ve Zayd b. Bishr > Ibn Wahb > 'Amr b. al-Hārith...<sup>47</sup> Abu Ya'la mentioned the same *hadīth* via al-Hasan b. Ma'rūf > Ibn Wahb...;<sup>48</sup> and the *as-Sahīh* of Ibn Hibbān via 'Abd Allāh b. Muhammad b. Salm > Harmala b. Yahyā > 'Abd Allāh b. Wahb...<sup>49</sup> While at-Tabarānī included in one of his books the *isnād* of Abū Yazīd Yūsuf b. Yazīd > 'Abd Allāh b. Abd al-Hakam > Ibn Wahb..., he transmitted in his another book the *isnād* of Khayr b. 'Arafa al-Mīsrī > 'Abd Allāh b. Abd al-Hakam > Ibn Wahb...<sup>50</sup>

<sup>44</sup> Juynboll, *Muslim Tradition*, p. 116-117.

<sup>45</sup> Although Juynboll has found out that Hishām b. Abī Ruqayya was pupil of Maslama b. Mukhallad as using information which was recorded by the Ibn Hajar, he stated Hishām was a majhūl claiming that this man is nowhere else dealt with. But, this assumption is also not correct. In the Rijāl books the name of Hishām b. Abī Ruqayya was recorded by al-Bukhārī (*at-Tārīkh al-kabīr*, VIII, 192) and 'Ijlī (*Tārīkh ath-thiqāt*, II, 328) and stressed that he was an Egyptian. In the *hadīth* books, Ibn Abī Shayba (*al-Musannaf*, VI, 47, VII, 233); Ibn Hanbal (*al-Musnad*, II, 222) and Hākim (*al-Mustadrak*, I, 684) transmitted isnads through his name.

<sup>46</sup> Juynboll, *Muslim Tradition*, p. 117.

<sup>47</sup> al-Fasawī, *Tārīkh*, II, 293.

<sup>48</sup> Abū Ya'lā, *al-Musnad*, III, 289.

<sup>49</sup> Ibn Hibbān, *as-Sahīh* (ed. Shuayb al-Arnāūt), Beirut: Muassasa al-risāla 1412/1991, XII, 252.

<sup>50</sup> at-Tabarānī, *Turuq*, p. 323; idem, *al-Mu'jam al-kabīr* (ed. Hamdī Abd al-Majīd as-Silafī), Cairo: Maktaba Ibn Taymiyya, XVII, 305.

At the same time, the *isnād* of 'Uqba b. 'Āmir > Abū 'Ushshāna > 'Amr b. al-Hārith > Ibn Wahb that Juynboll mentioned, was narrated in the sources prior to Ibn al-Jawzī. As his preceding *isnād*, Ibn Hanbal again transmitted this *hadīth* via Hārūn b. Ma'rūf > Ibn Wahb...;<sup>51</sup> Ruyānī recorded it with the *isnād* of Ahmad b. Sālih > Ibn Wahb...<sup>52</sup> This *hadīth* is, also, mentioned in Tabarānī via Ahmad b. Rishdīn > Ahmad b. Sālih > Ibn Wahb...;<sup>53</sup> in the *as-Sahīh* of Ibn Hibbān, again, via 'Abd Allāh b. Muhammad b. Salm > Harmala b. Yahyā > Ibn Wahb.<sup>54</sup> The fact that in both *isnāds* ('Amr b. al-Hārith > Abū Ushshāne; 'Amr b. al-Hārith > Hishām b. Abī Ruqayya) deriving from Ibn Wahb, the name of a different narrator is to be seen is due to 'Amr b. Hārith rather than Ibn Wahb. There is no reason that Ahmad b. Hanbal or his teacher Hārūn b. Mūsā, or a narrator who Ibn Hibbān recorded in the *isnād* of 'Abd Allāh b. Muhammad b. Salm > Harmala b. Yahyā, mentions Hishām b. Abī Ruqayya instead of Abū Ushshāne or vice-versa. In the end both transmitters are Egyptian and reliable.<sup>55</sup>

At the same time, scholars other than Ibn Wahb attribute this *hadīth* to the two narrators: The narration of 'Uqba b. 'Āmir is transmitted by Ashyab (d. 209) via Ibn Lahī'a > Abū 'Ushshāna > 'Uqba<sup>56</sup>; by Ahmad b. Hanbal via al-Hasan b. Mūsā > Ibn Lahī'a > Abū 'Ushshāna...;<sup>57</sup> and by Ibn Abd al-Hakam via Abd al-Malik b. Maslama > Ibn Lahī'a > Abū 'Ushshāna...<sup>58</sup> On the other hand, al-Fasawī, in one place, narrated it with the *isnād* of 'Amr b. Rabī b. Tāriq > Yahyā b. Ayyūb > 'Amr b. al-Hārith > Ibn Abī Ruqayya...;<sup>59</sup> and in another place, with Sa'īd b. Abī Maryam > Yahyā b. Ayyūb > al-Hasan b. Sawbān va 'Amr b. al-Hārith > Ibn Abī Ruqayya...<sup>60</sup> In addition, Ibn Abd al-Hakam's *isnād* of Abd al-Malik b. Maslama > Ibn Lahī'a > Yezid b. Abī Habīb > Ibn Abī Ruqayya > 'Uqba b. Mālīk must also be recorded.<sup>61</sup>

As a result, not only from the *isnāds* found in Ibn Wahb but also from other *isnāds* of Egyptian narrators, it is understood that this *hadīth* was com-

<sup>51</sup> Ahmad b. Hanbal, *al-Musnad*, IV, 159.

<sup>52</sup> Abū Bakr Muhammad b. Hārūn ar-Rūyānī, *al-Musnad* (ed. Ayman Ali Abū Yamānī), Riyad: Muassasa Qurtuba-Maktaba dāri rāya 1417/1995I, I, 181.

<sup>53</sup> at-Tabarānī, *al-Mu'jam al-kabīr*, XVII, 301.

<sup>54</sup> Ibn Hibbān, *as-Sahīh*, III, 329.

<sup>55</sup> Ibn Hajar, *Tahdhīb*, III, 63. Information about the Hishām b. Abī Ruqayya has previously been mentioned. See also Ibn Hajar, *Ta'jīl al-manfa'a*, p. 432.

<sup>56</sup> Abū Ali al-Hasan b. Mūsā al-Ashyab al-Baghdādī, *Juz'* (ed. Khālīd b. Qāsm), Dār 'ulūm al-hadīth 1410/1990, p. 43.

<sup>57</sup> Ibn Hanbal, *al-Musnad*, IV, 159.

<sup>58</sup> Ibn Abd al-Hakam, *Futūh*, p. 322.

<sup>59</sup> Fasawī, *al-Ma'rifa*, II, 293.

<sup>60</sup> Fasawī, *al-Ma'rifa*, II, 292.

<sup>61</sup> Ibn Abd al-Hakam, *Futūh*, p. 326.

monly known in Egypt at that time. Although Ibn Wahb appeared in later sources as a narrator of the *hadīth* of “من كذب علي...”, the fact that the *hadīth* in question was not contained in his *Jāmi* means that later scholars might have benefited from his other books or that his manuscript in our hands is not complete. It being understood that Ibn Wahb is one of the narrators of this *hadīth*, the fact that other scholars, especially Ashyab, had transmitted a similar *hadīth*, and furthermore that the Egyptian Ibn Abd al-Hakam recorded it elsewhere in his *Futūhu Misr*, may have effected Juynboll's dating rather negatively. At that point, the fact that Juynboll's claim that the *hadīth* of the “من كذب علي...” does not appear in the *as-Sunan as-sughrā* –which will be evaluated shortly-, that he presents as a proof of his doubt concerning Egypt does not necessarily make sense.

A study focused on *e silentio* and its application on the *hadīth* of the “من كذب علي...” suggests the following results:

Because of the inadequate investigation of Juynboll, his conclusion that the *hadīth* in question was circulated in the second half of the second century is no longer acceptable. The fact that this *hadīth* was contained in the *Jāmi* of Ma'mar b. Rāshid both with its famous form and with its *sabab al-wurūd* shows at least that this *hadīth* was recorded in compilations in the first half of the second century. On the other hand, the existence of the same words in the books of ar-Rabī', Abū Yūsuf and Muhammad ash-Shaybānī invalidated his conclusion that the actual wording of the dictum evolved from 'فَالِ', 'قَوْلِ' and 'قَوْلِ' to 'كذب' and even 'افتري'. At the same time, the fact that the *matn*, and even the longer version of the *hadīth*, was transmitted in the narration of Ma'mar b. Rāshid and ar-Rabī' like the later books completely contradicts the opinion that the *matns* increased in time. Furthermore, as we stated above, his pupil Abd ar-Razzāq narrated the *matn* transmitted by Ma'mar reductively.

From another perspective, because the investigation imperatively starts from the absent instead of the existent, this method requires the analysis, one by one, of every compilation written since the early periods. Apart from its practical difficulties, the existence of books that have not reached our time and the probability of finding out about them have forced us to act more prudently. As seen in the example of Ibn Wahb, although one *hadīth* is not contained in his book, if it is quoted in the later compilations, this most likely means that the book recording this *hadīth* has not reached our time or has missed some fragments, rather than being fabricated.

#### IV. Hadith of Man kadhaba 'alayya and argumentum e silentio in later collections.

As stated above, Juynboll compared the *isnāds* of Ibn al-Jawzī with the *isnāds* of *Kutub at-Tis'a* and ash-Shāfi'i's *ar-Risāla* and claimed that 31 extra

*isnāds* contained in Ibn al-Jawzī's book were fabricated after the 4th century. Besides Juynboll's fallacious conviction that the first four centuries merely consisted of *Kutub at-Tis'a* and ash-Shāfi'i's *ar-Risāla*, which he compares with with Ibn al-Jawzī, there is a methodical problem originating from *argumentum e silentio*, as *e silentio* is dependent on the principle that a scholar mentions all the *turuqs* both of his time and of his precedents. So, the answer to the following theoretical questions must be investigated. Did one author compile all the *isnāds* previously transmitted? If so, did he aim to reach all of them? A matter that originated from Juynboll's applications may also be added: Are the compilations of *Kutub at-Tis'a*'s authors limited to only those in the *Concordance*?

Here, we will first investigate the answer to the last question, which stems from the inadequacy of Juynboll's application, then move on to the other questions. An-Nasā'ī is a very good example of the fact that the compilations of *Kutub at-Tis'a*'s authors do not consist only of those in *Concordance*. As mentioned above, deriving from the absence of this *hadīth* in the *Sunan* of an-Nasā'ī, Juynboll claimed that it began to circulate in Egypt not earlier than towards the end of the second century and possibly 'not earlier than towards the end of the third century'. Let us reinstate the question above: are not any other books of his besides the *Sunan* apart from those books of an-Nasā'ī that did not reach us? In his *Kitāb as-Sunan al-kabīr isnāds* derived from 'Ali b. Abī Tālib, Zubayr b. 'Awwām, Abū Hurayra, Anas b. Mālik and a companion whose name was not mentioned, were transmitted.<sup>62</sup> In that case, there remains one possibility: The fact that the *hadīth* did not appear in *as-Sunān as-sughra*, known as Mujtabā, probably is due to a deficiency in the *isnād* or *matn* or because of a reason in author's mind. For example, in the *Sunan* of an-Nasā'ī absence of *Kitāb al-Ilm* or *Muqaddima* (or understood as *Kitāb as-Sunna*), in which the author of *Kutub at-Tis'a* transmitted the *hadīth* in question in this section, can be considered as a reason for its being not mentioned.<sup>63</sup> In spite of all these possibilities, it is affirmed that Juynboll's dating about Egypt is not true because Ibn Abd al-Hakam who is Egyptian, had narrated the same *hadīth* before an-Nasā'ī.

The same holds true for Bukhārī (d. 256/870), Tirmidhī (d. 279/892) and other authors. For instance, Bukhārī transmitted one *isnād* derived from 'Ammar b. Yāsir in his *at-Tārīkh al-Kabīr*<sup>64</sup> but it does not appear in his *as-*

<sup>62</sup> See for 'Ali, Zubayr, Abū Hurayra, Anas an-Nasā'ī, *Kitāb as-Sunan al-kabīr* (ed. Abd al-Ghaffār Sulaymān), Sayyid Kisrawī, Beirut: Dār al-kutub al-'ilmiyya 1411/1991, III, 457–458; see companion who was not mentioned his name II, 444.

<sup>63</sup> Bukhārī, Tirmidhī and Abū Dāvūd narrated this *hadīth* in 'Kitāb al-Ilm'; Muslim and Ibn Māja transmitted it in the 'Muqaddima'. But this situation does mean that it did not contain in the other chapters.

<sup>64</sup> Bukhārī, *at-Tārīkh al-kabīr* (ed. Seyyid Hāshim al-Nedvī), Dār al-fikr, [t.y.], VI, 292.

*Sahīh*. In the same way, Tirmidhī narrated one *isnād* derived from Abū Bakr in his *al-Ilal* although it is not contained in the *Jāmi'*.<sup>65</sup>

As a result, it is clear that the *argumentum e silentio* requires that all available compilations belonging to one author must be scrutinized.

All scholars concerning the *hadīths* can assume that authors, especially authors of the *Sahīh* and the *Sunan*, did not record all the *isnāds* despite their knowledge of them.<sup>66</sup> When differences affecting the means of a *hadīth* were found, or they want to show anything specific in the *isnād*, authors narrated other *tariqs*. After recording the *hadīths* concerning their subjects, the fact that the authors of the *Sunan* have frequently stated the expression of the "*hadīths* of *fulān* and *fulān* were found in this section" shows that they know more *isnāds* and have more knowledge from their actual recordings.

So, a comparison between at-Tabarānī's *Juz'un fihī Turuqu Man kadhaba 'alayya mutē'ammidan* and his precedents, his contemporaries, then Ibn al-Jawzī may help us answer the questions posed above; as the name of at-Tabarānī's book implies, he aimed to mention all *turuqs* of the "*Man kadhaba*" *hadīths* to his knowledge.

at-Tabarānī has transmitted 175 *isnāds* from 63 companions. A comparison of this book, which Juynboll stated that he did not reach it,<sup>67</sup> with preceding compilations, shows the degree of usefulness of *e silentio* in the sciences of narration. Although we have compared all *hadīths* contained in at-Tabarānī's book, with preceding compilations, presenting all results appears unlikely. Hence, *isnāds* derived from Abū Hurayra will be studied as examples for the following.

### 1. at-Tabarānī records in his books 13 *tariqs* from Abū Hurayra. They are as follows:

**First Isnād:** Abū Hurayra > Abū Salama b. 'Abd ar-Rahmān > Muhammad b. 'Amr > 'Abd al-'Azīz b. Muhammad > al-Qa'nabi ('Abd Allāh b. Maslama) > 'Ali b. 'Abd al-'Azīz > at-Tabarānī (*Turuq*, p. 189).

**Second Isnād:** Abū Hurayra > Abū Salama b. 'Abd ar-Rahmān > Muhammad b. 'Amr > Anas b. 'Iyād > Ahmad b. Sālih > 'Ubayd b. Rijāl > at-Tabarānī (*Turuq*, p. 191).

<sup>65</sup> Tirmidhī, *Ilal at-Tirmidhī al-kabīr* (Abū Tālib al-Qādi) (ed. Subhī as-Sāmarrāi), Abu al-Me'āti an-Nūrī, Mahmūd Muhammed as-Saidī, Ālam al-kutub 1409/1989, p. 340.

<sup>66</sup> A'zamī, *On Schacht's Origins*, p. 118. The same holds true for other kind of books. See for instance: Josef Horowitz, "The Growth of the Muhammed Legend" *The Life of Muhammed* (ed. Uri Rubin), USA: Ashgate 1998, p. 273.

<sup>67</sup> Juynboll, *Muslim Tradition*, p. 108.

When one examines available compilations in the first three centuries, one encounters four different books that transmit the *matn* with an introduction; Abū Hurayra > Abū Salama > Muhammed b. 'Amr.... According to these compilations this *isnād* were narrated by Muhammed b. Bishr (Ibn Māja, Muqaddima, 34), Yezīd (Ibn Hanbal, II, 501); Abda b. Sulaymān (Hannād, *az-Zuhd*, II, 638)<sup>68</sup> and Ibn Abī 'Adī (Abū Ya'lā, *al-Musnad*, X, 506) other than Abd al-'Azīz b. Muhammad wa Anas b. 'Iyad. 'Abde b. Sulaymān, who found in the *isnād* of Hannād (d. 243/857) later quoted by Ibn Hibbān (*as-Sahīh*, I, 210). Ash-Shāfi'ī narrated this *hadīth* through the first four narrators contained in at-Tabarānī's first *isnād* (*al-Musnad*, I, 239). In the book of Ibn al-Jawzī, this *tariq* preceded with Muhammed b. Sulaymān after Muhammed b. 'Amr (I, 84).

**Third Isnād:** Abū Hurayra > Abū Sālih > Abū Hasīn > Shu'ba > 'Amr b. Marzūq > Yūsuf b. Ya'qūb al-Qādī > at-Tabarānī (*Turuq*, p. 193).

When one examines the books before at-Tabarānī, it appears that this *isnād* lasts after "Abū Hurayra > Abū Sālih > Abū Hasīn > Shu'ba" with Tayalīsī (*Musnad*, I, 318, he stated Shu'ba and Abū 'Awāna. An-Nasā'ī, also, used this *tariq*, *as-Sunan al-kabīr*, III, 458); Muhammad b. Ja'far (Ibn Hanbal, II, 410 and 469) and Sulaymān b. Dāvūd (Ibn Hanbal, II, 519). It is narrated with the *tariq* of 'Amr b. Marzūq by Abū Bakr al-Qatī'ī (d. 358/979) who is a contemporary of at-Tabarānī (*Juz'u Alf*, p. 463)<sup>69</sup>. Ibn al-Jawzī, records it through Muhammad b. Ja'far > Ahmad b. Hanbal (I, 84).

**Fourth Isnād:** Abū Hurayra > Abū Sālih > Abū Hasīn > Abū 'Awāna > Halaf b. Hishām > 'Ali b. Abd al-'Azīz > at-Tabarānī (*Turuq*, p. 195). Here, at-Tabarānī stresses that the *isnād* of Muhammad b. 'Ubayd b. Hisāb > Muhammad b. 'Abd Allāh al-Hadramī was narrated with a change beginning from Abū 'Awāna.

In compilations before at-Tabarānī, this *hadīth* after Abū Hurayra > Abū Sālih > Abū Hasīn > Abū 'Awāna was transmitted by Mūsā b. Ismā'il (Bukhārī, "Ilm" 38, "Adab", 109). Like at-Tabarānī, Muslim and Abū Ya'lā narrated it via the *tariq* of Muhammad b. 'Ubayd in their books (Muslim, "Muqaddima", 2; Abū Ya'lā, *Mu'jam ash-shuyūkh*, p. 57)<sup>70</sup>. Ibn al-Jawzī recorded the same *hadīth* with the *tariq* of Abū 'Awāna > Halaf b. Hishām like at-Tabarānī's first *isnād*. (I, 84).

<sup>68</sup> Hannād b. Sarī, *az-Zuhd* (ed. Abd ar-Rahman Abd al-Jabbār al-Firayvāi), Kuwait: Dār al-khulafā li'l-kitāb al-Islāmī 1406/1986.

<sup>69</sup> Abū Bakr Ahmad b. Ja'far b. Hamdān al-Qatī'ī (ed. Bedr b. 'Abd Allāh), Kuwait: Dār an-nafāis 1993.

<sup>70</sup> Abū Ya'lā, *Mu'jam ash-shuyūkh Abī Ya'lā* (ed. Husayin Selīm Esed), Beirut: Dār al-Ma'mūn li't-turāth 1410/1989.

**Fifth Isnād:** Abū Hurayra > Sa'īd b. al-Musayyab > az-Zuhri > 'Abd ar-Razzāq b. 'Umar > Abū Sālih al-Harrānī > Yahya b. 'Usmān b. Sālih ve Miqdām b. Dāvūd > at-Tabarānī (*Turuq*, p. 196). According to Heythemī's records, al-Bazzār had recorded earlier than at-Tabarānī (*Kashf ul-astār*, I, 116). The narration of al-Bazzār and that of at-Tabarānī is the same with regards to the first four transmitters. In al-Bazzār's book, this *isnād* ends with Yahyā b. Hassān instead of Abū Sālih. At the same time, Ibn 'Adī, a contemporary of at-Tabarānī, narrated with the *isnād* of Abū Hurayra > Sa'īd b. al-Musayyab > az-Zuhri > Nu'mān b. Rāshid... (*al-Kāmil*, I, 24). Ibn al-Jawzī quoted it through Ibn 'Adī's *isnād*. (I, 86).

**Sixth Isnād:** Abū Hurayra > Ibn Sīrīn > Muqātil (b. Sulaymān) > 'Abd Allāh b. 'Isma an-Nusaybī > Mūsā b. Ayyūb an-Nusaybī > Muhammad b. Ibrāhīm Sāriya and Husayin b. Sumaydī al-Antākī > at-Tabarānī (*Turuq*, p. 198). As much as we could investigate, this *isnād* is not contained in compilations before at-Tabarānī. The contemporary of at-Tabarānī, Ibn 'Adī, transmitted this *hadīth* with the same *isnād* except that he mentioned his teacher Muhammad b. Ahmad (*al-Kāmil*, I, 25). Ibn al-Jawzī quoted it through Ibn 'Adī's *isnād* (I, 86).

**Seventh Isnād:** Abū Hurayra > Habbān b. Jaz' > Zaynab bint Ta'liq > Abū 'Āsim > Abū Muslim al-Kashshī > at-Tabarānī (*Turuq*, p. 200). This *isnād* could not be found both in the books of at-Tabarānī's contemporaries and the compilations of the preceding books. Ibn al-Jawzī, equally, does not record it.

**Eighth Isnād:** Abū Hurayra > Kathīr b. 'Ubayd > his grandchild 'Anbasa b. Sa'īd > Abū Walīd at-Tayālīsī > 'Abbas b. Fadl al-Asfātī > at-Tabarānī (*Turuq*, p. 201). As much as we could investigate this *isnād* could not be found neither in the books of at-Tabarānī's contemporaries nor in the compilations of the preceding books. Ibn al-Jawzī does not record it either.

**Ninth Isnād:** Abū Hurayra > 'Atā b. as-Sāib > Zayd b. Aslam > 'Abd ar-Rahmān b. Zayd b. Aslam > İsmā'il b. Zakariyya > 'Abdān b. Ahmad > at-Tabarānī (*Turuq*, p. 203). This *isnād*, which appears highly interesting, was transmitted with Abū Hurayra > 'Atā b. Yesār... by Ahmad b. Hanbal before at-Tabarānī (*al-Musnad*, III, 12). Ibn al-Jawzī, does not quote it. The *isnād* will be evaluated below.

**Tenth Isnād:** Abū Hurayra > A'raj > Abu az-Zinād > Abū 'Umayya b. Ya'lā > Sulaymān b. Dāvūd ash-Shāzakūnī > Muhammad b. Nusayr al-Isfahānī > at-Tabarānī (*Turuq*, p. 205). As far as we could investigate, this *isnād* also could not be found in the compilations preceding that of at-Tabarānī. Ibn al-Jawzī does not record it either.

**Eleventh Isnād:** Abū Hurayra > Kaysān b. Sa'īd > Sa'īd b. Abī Sa'īd > Ibn Abī Zī'b > Shuayb b. Ishāq > Hishām b. Khālid > Ahmad b. 'Ali al-Ābār > at-



Tabarānī (*Turuq*, p. 207). This *isnād*, as much as we could investigate could not be found in the books of at-Tabarānī's contemporaries and in the compilations of the preceding books. Ibn al-Jawzī does not quote it either.

**Twelfth and Thirteenth Isnāds:** Abū Hurayra > Abū 'Usman at-Tunbūzī > Ibn Abī Nā'ima al-Ma'āfirī > Bakr b. 'Amr > Yahya b. Ayyūb > Sa'īd b. Abī Maryam > Abū Yazīd al-Karātīsī > at-Tabarānī (*Turuq*, p. 209). In the thirteenth *isnād*, at-Tabarānī transmitted it with the *isnād* of Abū Hurayra > Abū 'Usman Muslim b. Yasār > Bakr b. 'Amr > Sa'īd b. Abī Ayyūb > Abū 'Abd ar-Rahmān al-Muqrī > Bishr b. Mūsā without stating name of Ibn Abī Nā'ima between Abū 'Usman and Bakr b. 'Amr (*Turuq*, p. 211). The *hadīth* in question in the first *isnād* (including Ibn Abī Nā'ima) is contained in Ahmad b. Hanbal's (*al-Musnad*, II, 365, see the *isnād* which he derived from a different teacher II, 321). We see that the second *isnād* (excluding Ibn Abī Nā'ima) was transmitted more widely. Ibn Abī Shayba (d. 235/849) and Ishāq ibn Rāhūya (d. 238/853) alternatively narrated it from Abū Abd ar-Rahmān al-Muqrī who appears in at-Tabarānī's *isnād* (*Musannaḥ*, V, 296; Ibn Rāhūya, *al-Musnad*, I, 341);<sup>71</sup> Bukhārī transmitted it through a different narrator i.e. via 'Abd Allāh b. Yezīd instead of Abū Abd ar-Rahmān al-Muqrī (*al-Adab al-mufrad*, p. 100).<sup>72</sup> Ibn al-Jawzī, quoted this *hadīth* from Bukhārī (I, 85).

When one reviews at-Tabarānī's *isnāds*, it is seen that in his thirteen *isnāds* eight of them have been contained in the compilations of the 3th century A.H, especially in Ibn Hanbal's *Musnad*. Of the five *tariqs* which are mentioned the before at-Tabarānī's books, one *isnād* was narrated by a contemporary of at-Tabarānī i.e. Ibn 'Adī, the other four *isnāds*, as much as we could investigate, could not be encountered in the basic *hadīth* collections. Ibn al-Jawzī only transmitted seven *isnāds* from Abū Hurayra. These *isnāds* were contained in the basic collections; furthermore, five of them were narrated through authors whose books are presently available. Ibn al-Jawzī had quoted, however, that the only *isnād* which did not appear in Tabarānī is Abū Hurayra > Abū Sālih > A'mash > Abū Mu'aviya... (Ibn al-Jawzī, I, 85). According to Juynboll's point of view, this *isnād* must then have come into circulation after at-Tabarānī. But the fact that the same *isnād* and *hadīth* is contained in the book of Ibn 'Adī, a contemporary of at-Tabarānī, (*al-Kāmil*, VI, 282) has again indicated the erroneousess of his point of view.

On the other hand it is important that the six *isnāds* narrated in the book of at-Tabarānī were not transmitted by Ibn al-Jawzī. If we compare the books of

<sup>71</sup> Ishāq b. Ibrāhīm b. Makhḥad b. Rāhūya, *al-Musnad* (ed. Abd al-Ghafūr b. Abd al-Haqq al-Balūshī), Madīna: Maktaba al-Īmān 1412/1991.

<sup>72</sup> Bukhārī, *al-Adab al-mufrad* (ed. Fuād Abd al-Bāqī), Beirut: Dār al-bashāir al-Islamiyya 1409/1989.

two eras and draw a conclusion according to the number of *isnāds*, as Juynboll would propose, we would have concluded that the *isnāds* in question decreased from the time at-Tabarānī to the era of Ibn al-Jawzī, not increased. The same holds true for other companions as well. For instance, while at-Tabarānī transmitted eight *isnāds* from Abū Sa'īd al-Khudrī,<sup>73</sup> the number of *isnāds* contained in the book of Ibn al-Jawzī is four.<sup>74</sup> While at-Tabarānī also narrated the *hadīth* in question from 'Abd Allāh b. Amr through six *isnāds*, Ibn al-Jawzī has recorded only three *isnāds*;<sup>75</sup> the *isnād* of Abū Hurayra > Abū Sālih > A'mash ..., as we have stated above, shows that opposite examples of this are also true.

Concerning *argumentum e silentio*, another point that must be taken into account is the measure of the successfulness of at-Tabarānī in his endeavor to record all *isnāds*, as he compiled a book solely for this purpose.

Examining the other *isnāds* of the "من كذب علي...", which derived from Abū Hurayra, we see that at-Tabarānī could not collect all the *isnāds* in the compilations of the first three centuries, even in his own books. For instance, in the *Musnad* of Ahmad b. Hanbal the *hadīth* in question was transmitted with the *isnād* of Abū Hurayra > Kulayb > 'Āsim b. Kulayb > 'Abd al-Wāhid b. Ziyād > 'Affān (*al-Musnad*, II, 413) and narrated with the same *isnād* by Ishāq b. Rāhūya, with the exception of the last narrator, i.e. 'Affān (*al-Musnad*, I, 290). Furthermore, the same *hadīth* is mentioned in the *Sunan* of ad-Dārimī (d. 255/868) with the *isnād* of Abū Hurayra > Kulayb > 'Āsim b. Kulayb > Sālih b. 'Umar > Abū Ma'mer Ismāil b. Ibrāhīm ("Muqaddima", 50). But this *isnād* appears neither in at-Tabarānī's *Turuqu Man kadhaba 'alayya muta'ammidan'* nor in his other collections.

at-Tabarānī's *isnāds* appearing in books other than *Turuq* are:

1. Abū Hurayra > the father of Suddī ('Abd ar-Rahmān b. Abī Karīma) > Suddī > Nūh b. Abī Maryam > Nu'aym b. Hammād > Ja'far > at-Tabarānī (*al-Mu'jam al-awsat*, III, 338).<sup>76</sup>
2. Abū Hurayra > 'Abd Allāh b. Qāsīm > Ibn Shawzab > Muhammad b. Kathīr > 'Umar b. Hattāb as-Sijistānī > Muhammad b. Yūnus al-'Uṣfūrī > at-Tabarānī (*al-Musnad ash-Shamiyyīn*, II, 247).<sup>77</sup>

Another *isnād* was narrated by al-Humaydī, which did not appear in at-Tabarānī's *Turuqu Man kadhaba 'alayya* nor his other books.<sup>78</sup> But this *isnād*,

<sup>73</sup> at-Tabarānī, *Turuq*, pp. 213–227.

<sup>74</sup> Ibn al-Jawzī, *Mawdū'āt*, I, 95–96.

<sup>75</sup> at-Tabarānī, *Turuq*, p. 169; Ibn al-Jawzī, *Mawdū'āt*, I, 81.

<sup>76</sup> at-Tabarānī, *al-Mu'jam al-awsat* (ed. Tāriq al-Husaynī), Cairo: Dār al-Haramayn 1410/1990, III, 338.

<sup>77</sup> at-Tabarānī, *Musnad ash-Shamiyyīn* (ed. Hamdī Abd al-Majīd as-Silafī), 1405/1984, II, 247.

which is considered important, requires more examination. Juynboll has recorded the *isnād* in question as al-Humaydī > Sufyān > “من لا أحصي”/narrators I can not count > Abū Hurayra. According to Juynboll, when one takes into account that this *hadīth* was derived from Abū Hurayra through only four successors in the time of al-Bukhārī, Sufyān’s sentence of “من لا أحصي” must have been understood as follows: “Ibn ‘Uyayna was at the time still unable to substantiate the saying with a less ‘detective’ *isnād*”.<sup>79</sup>

As Juynboll said, al-Humaydī’s *isnād* is highly interesting. But when one examines his *Musnad*, it seen that this *isnād* is “الحميدي قال حدثنا سفیان وحدثني من لا” al-Humaydī said, Sufyān transmitted to us **and** other narrators too numerous to count, also, transmitted to me.<sup>80</sup> This is radically different than Juynboll’s understanding of this *isnād*. Because al-Humaydī records that he heard it from many transmitters alongside his teacher Ibn ‘Uyayna. This case indicates Juynboll’s error as he compared this expression with the pupils of Abū Hurayra instead of Sufyān’s contemporaries. On the other hand, when one takes into account that al-Humaydī was one of ash-Shāfi‘ī’s pupils, who transmitted this *hadīth* by many *isnāds*<sup>81</sup>, it seems likely that the former had heard this *hadīth* from other sources. Be that as it may, here it is important that al-Humaydī did not endeavor to transmit his teacher’s *hadīth* as a *marfū isnād*. This case indicates the inclination of Muslim scholars towards honesty about their sources. Furthermore, as much as we could investigate, the fact that the *isnād* in question did not appear in later compilations affects negatively the theory of “growing with time in soundness” of *isnāds*, which Juynboll refers elsewhere. In that case, the expression of al-Humaydī, namely, “narrators I can not count” must be seen as a sign to its widespread narration at that time. Likewise, the fact that his contemporary Qāsim b. Sallām (d. 224/839), without recording any *isnād*, stated “Do not you know the Prophet said: ‘من ... كذب علي’ supports this opinion.”<sup>82</sup>

The fact that at-Tabarānī did not collect all the *isnāds* in his books and that of preceding compilations were not restricted by *isnāds* deriving solely from Abū Hurayra. For instance, while the *isnād* of Sa‘īd b. Zayd > Qays b. Abī Alqama ... was narrated by al-Bazzār (*al-Musnad*, IV, 100), it is not contained

<sup>78</sup> Abū Bakr Abd Allāh b. Zubayr al-Humaydī, *al-Musnad* (ed. Habib ar-Rahmān al-A‘zamī), Beirut-Cairo: Dār al-kutub al-‘Ilmiyye and Mektebe al-Mutanabbī, II, 492.

<sup>79</sup> Juynboll, *Muslim Tradition*, p. 114.

<sup>80</sup> Humaydī, *al-Musnad*, II, 492.

<sup>81</sup> Dhahabī, *Siyar*, X, 7.

<sup>82</sup> Abū ‘Ubayd Qāsim b. Sallām, *Gharīb al-hadīth* (ed. Muhammad ‘Abd al-Mu‘īd Khān), Dār al-kutub al-‘Arabī, Beirut, 1396/1976, III, 32. His expression above must not be understood as him knowing of any *isnad* of this *hadīth*. On the contrary he transmitted it with the *isnad* in his *Fadāil al-Qur‘ān* (Qāsim b. Sallām, *Kitāb Fedāil al-Qur‘ān* (ed. Marvān ‘Atiyya, Muhsin Harāba-Vafā Taqīyuddīn), Dimashq-Beirut: Dāru Ibn Kathīr 1415/1995, pp. 67–68).

in at-Tabarānī’s *Turuq*. As much as we could investigate, the *isnād* in question does not appear in his other compilations.

In his *Turuq*, at-Tabarānī recorded two *isnāds* that derived from Abū Bakr: 1. Abū Bakr > Jābir b. ‘Abd Allāh, 2. Abū Bakr > Abd al-Khayr b. Yazīd (*Turuq*, p. 49–51). But in the preceding *hadīth* books, the same narration was transmitted with the *isnād* of Abū Bakr > Abū Kabshe al-Anmārī... by Tirmidhī (*Ilal*, I, 340), al-Bazzār (I, 166–167) and Abū Bakr al-Marwazī (*Musnad Abī Bakr*, p. 132). Although at-Tabarānī narrated this *isnād* in the *al-Mujam al-awsat* (III, 173), he did not record it in his *Turuq*.

In the *isnāds* derived from Zayd b. Arqam, although at-Tabarānī only transmitted the *isnād* of Zayd > Yazīd b. Hayyān... (*Turuq*, 243–249), he wrote down the same *hadīth* with the *isnād* of Zayd b. Arqam > Abū Ishāq as-Sabī‘ī... in the *al-Mu‘jam al-kabīr* (V, 191). On the other hand, while the author mentioned the *isnād* of al-Mughīra b. Shu‘ba > Hunayda in his *al-Mujam al-kabīr* (XX, 444), this *isnād* does not appear in his *Turuq*.

Could at-Tabarānī reach those *isnāds* after his compilation of *Turuq*? Despite its theoretical possibility, it seems not reasonable, as the *isnāds* in question contained in the *Turuq* are found in his various books.

Seeing that at-Tabarānī, who had aimed at assembling the entire collection of *isnāds* of the “من كذب علي...” *hadīth*, could not attain success, neither in the *isnāds* of his own books nor those of the preceding compilations, it is not right to apply *argumentum e silentio* to other books that do not intend to collect all *isnāds* of the *hadīth*.

The situation between at-Tabarānī and the before at-Tabarānī compilations resembles the situation between at-Tabarānī and Ibn al-Jawzī. In other words, while some *isnāds* that did not appear in at-Tabarānī were found in Ibn al-Jawzī, the latter did not obtain all the *isnāds* recorded by at-Tabarānī.

When one examines the narration derived from Abū Hurayra from the viewpoint of *isnād* and *matn*, which at-Tabarānī recorded in his *Turuq*, it is seen that the *matn* of the first *isnād* was written down as “من قال علي ما لم أقل فليتبوأ” من قال علي ما لم أقل فليتبوأ”. In the transmission of Hannād, Ibn Māja and Abū Ya‘lā, this *tariq* is recorded as “من قال ...”; in that of Ibn Hibbān it is reported as “من قال ...”. On the other hand, Ibn Hanbal narrated it as “من يقول علي ...”. In all of these transmissions, the first three narrators are the same (i.e. Abū Hurayra > Abū Salama > Muhammad b. ‘Amr). There is no implication that the *matn* evolved from “قال” to “كذب”; Ibn al-Jawzī recorded this *isnād* with the “من كذب علي ...” *matn*. However, he transmitted it not only in the end of Abū Hurayra > Abū Salama but also with two different *isnāds* mentioned with a *tahwīl*. Thus, it is not possible to reach a concrete conclusion due to the lack of a clear explanation of which *matn* belongs to which *isnād*.

at-Tabarānī's *matn* of the second *isnād* is "من كذب علي...". Although the first three narrators are the same as the preceding *isnād*, he records it separately, probably due to the difference in *matn*. But 'Ubayd b. Rijāl al-Misrī, a narrator in the *isnād*, as much as we could investigate, is not found in the Rijāl books, namely he is *majhūl*. So, this seems to be a change due to him.

The *isnād* containing the *tariq* of Abū Hurayra > Abū Sālih > Abū Hasīn > Shu'ba (third *isnād*) is the famous form of *hadīth* i.e. "من كذب علي...". This narration was transmitted as "من كذب علي..." without any change in the books of at-Tayālīsī, Ibn Hanbal, an-Nasā'ī and Ibn al-Jawzī. In the same way, the *isnād* of Abū Hurayra > Abū Sālih > Abū Hasīn > Abū 'Awāna, listed in the subsequent order was narrated by al-Bukhārī, Muslim, Abū Ya'lā and at-Tabarānī as "من كذب علي..." without any change. The same holds true for the *matn* of Ibn al-Jawzī. It is noteworthy that the name of Abū Sālih Zakwān as-Sammān (d. 101/720) was not recorded between Abū Hurayra and Abū Hasīn in the book of Ibn al-Jawzī. Although at the first glance this case indicates soundness of *isnāds*, which Juynboll claimed elsewhere, the opposite is true. In as much as we could investigate, Abū Hasīn 'Usman b. 'Āsīm b. Husayn (d. 127/745) does not appear among the pupils of Abū Hurayra. So, the lack of Abū Sālih as-Sammān turned the *isnād* into *munqatī'*. Be that as it may, it is more suitable to accept it as a simple mistake of a narrator.

The *matn* of the fifth *isnād* which was narrated with the *tariq* of Abū Hurayra > Sa'īd b. al-Musayyab > az-Zuhrī is highly different: "ثلاثة لا يريحون ريح" ثلاثة لا يريحون ريح" (Turuq, p. 196). In the al-Bazzār (d. 292/905) and Ibn al-Jawzī this *matn*, although there are tiny changes (i.e., "كذب على نبيه" instead of "كذب علي"), is the same. If the theory that the *matns* were improved in the course of time were a general rule, as Juynboll claimed, we should expect to find that this *matn* would have reflected the same feature and be recorded in "من كذب علي..." form because it appeared in the books of a later era. Another case is also striking here: The *isnād* in question was quoted from *Kashf al-astār 'an zawā'id al-Bazzār ala Kutub as-Sitta*, the book of Heythemī (d. 807/1405), not from *Musnad of al-Bazzār*, which is presently available. This means that the *hadīth* in question can be found in the early manuscripts, which we have not presently reached or have not survived to our time.<sup>83</sup> Therefore, it is not valid to consider that the *isnāds* which appeared in Ibn al-Jawzī but that we could not find in the presently available early collections were circulated after 4th century. For instance, Ibn al-Jawzī used the *isnād* coming from Ibrāhīm b. Ishāq al-Harbī (d. 285/898) in the nearly twenty *tariqs*. It is known that Ibrāhīm b. Ishāq tried to collect *isnāds* of "من كذب علي..."

before at-Tabarānī.<sup>84</sup> The same holds true for Ibn Sāid (v. 318/930) quoted by Ibn al-Jawzī on more than fifteen occasions, as Yahya b. Muhammad b. Sāid also tried to collect the *isnād* of the *hadīth* in question before at-Tabarānī.<sup>85</sup> It is understood that those compilations of *hadīth*, which probably did not survive to our time, are among the sources of Ibn al-Jawzī.

All of this suggests that the unreliability of the supposition that *isnāds*, which were not located in the presently available collections of pre-3th century eras but were quoted by Ibn al-Jawzī through Ibrahim b. Ishāq and Ibn Sāid, are products of later centuries.

The *matn* coming through the *isnād* of Abū Hurayra > Ibn Sīrīn > Muqātil... is also rather different: "من أحدث حدثاً وأوى محدثاً فعليه لعنة الله وملائكته والناس أجمعين" من أحدث حدثاً وأوى محدثاً فعليه لعنة الله وملائكته والناس أجمعين" (Turuq, p. 198). In the *isnāds* of Ibn 'Adī and Ibn al-Jawzī, this *hadīth* was transmitted with the same words except "لا يكتب منه صرف ولا عدل" expression. This sentence is omitted in both authors.

While in the seventh *isnād* the *matn* is "من قال علي ما لم أقل فليتبوأ مقعده من النار", in the eighth, ninth and eleventh *isnāds* the *matns* are the famous form of "من كذب علي...". Because we could not find this *isnād* in the other books, it seems almost impossible to reach a conclusion as to whether the *matn* improved or not.

The ninth *isnād* beginning with the *isnād* of Abū Hurayra > 'Atā b. Yasār > Zayd b. Aslam... seems very interesting because this *isnād* was narrated by Ahmad b. Hanbal in the *Musnad* of Abū Sa'īd al-Khudrī (not that of Abū Hurayra). In this narration The Prophet stated the "من كذب علي..." *hadīth* after expressing that the companions must not write down other things than Qur'ān, but that they could transmit from "Banī Isrā'īl". But this is the *hadīth* of Abū Sa'īd al-Khudrī not that of Abū Hurayra. So, Ahmad b. Hanbal and Muslim recorded a similar *hadīth* with the *isnād* of Abū Sa'īd > 'Atā b. Yasār > Zayd b. Aslam...<sup>86</sup> It is understood that Ahmad b. Hanbal, knowing it is faulty, reported it by the same *isnād* as his teacher narrated. But he seems to have intended to indicate this mistake by transmitting it in the *Musnad* of Abū Sa'īd al-Khudrī. In the book of at-Tabarānī the name that was recorded as 'Atā b. as-Sāib instead of 'Atā b. Yasār seems to be more of a mistake than a conscious change. 'Atā b. as-Sāib (d. 136/754) was very young and could only transmit via his father from middle-aged companions.<sup>87</sup> As a result, the change in question does not seem to be a conscious amendment as it does not elevate the *isnād* to a sounder *tariq*.

<sup>84</sup> Kattānī, *Nazm al-mutanāthira*, p. 37.

<sup>85</sup> Kattānī, *Nazm al-mutanāthira*, p. 37.

<sup>86</sup> Ibn Hanbal, *al-Musnad*, III, 39, 56; Muslim, "az-Zuhd va ar-Raqāiq", 72.

<sup>87</sup> Ibn Hacer, *Tahdhīb*, VII, 183.

<sup>83</sup> A'zamī, *On Schacht's Origins*, p. 118; Motzki, *The Origins*, p. 22.

In the twelfth and thirteenth *isnāds* the *matn* was contained in Ibn Abī Shayba and al-Bukhārī as “... من تقول...”; in other books as “... من قال علي...”. Ibn al-Jawzī has recorded it through the *tariq* of al-Bukhārī. This *isnād* indicates again the erroneousness of Juynboll’s comparison of the book of Ibn al-Jawzī with *Kutub at-Tis‘a* and ash-Shāfi‘ī’s *ar-Risāla*. Because the *isnād* that Ibn al-Jawzī transmitted from al-Bukhārī is contained in his *al-Adab al-mufrad* (p. 100), not in his *al-Jāmi‘ as-Sahih*; Juynboll who underestimated this case accepted it as a product of 4th century.

Examining the *isnāds* coming from Abū Hurayra with the *matn*, it can be seen that the *matns* had been changed by the change of the first two (or three) narrators (like “كذب” instead of “قال”), but in the following centuries there has not been significant changes except problems stemming from weak transmitters. While this case is suitable for systematical and pre-systematical process of the narration of the *hadīth*, it seems to contradict the fact that the *hadīth* in question was mentioned as “literally mutawatir” (*mutawātir lafzi*).<sup>88</sup>

As a result, our investigation of the claim that “the actual wording of the dictum evolved from ‘قول’ and ‘قول’ to ‘كذب’ and even ‘افتري’” can be summarized as follows:

Instead of analyzing a *hadīth* on a horizontal plane within the *hadīth* collections without taking its companion-narrators into consideration, – a theory which is weakened by the *hadīth* of “... من كذب علي...” narrated by Ma‘mar-, it seems to be healthier to examine the narration of each companion in a vertical manner.

For example, the thirty *isnāds* which derived from Wāsila b. Asqā‘ started with the forms of “... إن أفرى الفرى...” or “... إن من أعظم الفرى...”.<sup>89</sup> This *matn* is the same in the books of ash-Shafi‘ī, which is narrated at first by him in appearance and in at-Tabarānī and also in the books of the authors who lived between them.<sup>90</sup> If the process that Juynboll claimed was valid in the history of *hadīth*, we would have found this *hadīth* only as “... من كذب علي...” in later compilations.

## V. Evaluation and Conclusion

It seems that Juynboll’s conclusion reached by using *argumentum e silentio* in the dating of the “... من كذب علي...” *hadīth* is flawed because of insufficient research and the method he uses. First of all, because *argumentum e silentio* starts from the absent instead of existent, it requires a thorough investigation of every compilation in which a particular *hadīth* may appear. The time span

required in the examination covers at least two or three centuries and the place we have to investigate encompasses an extensive geography i.e. from Egypt to Yemen and to Bukhārā etc. These aspects of the *e silentio* method make its practical usage difficult and cast doubts onto conclusions reached through it. Two facts also point to the shortcomings pertinent to the *e silentio* method: First, most of the books authored in that era did not reach our time. Second, an important part of the books are still manuscripts in libraries. Given these drawbacks of *e silentio* method, to draw a conclusion based on an author’s presently available books about the existence or non-existence of a *hadīth* seems to be highly risky endeavor, particularly if we think his other books may not have reached us. Besides the above-mentioned disadvantages of this method, we must add that one scholar can not know all the *isnāds* of his era and in his geography, and even if we suppose that he does, he may not have recorded them. For instance, arguing that a *hadīth* was not known in the Hijaz area in the second century (*hijra*) based on its absence in the *Muwatta* of Mālik will amount to equating the knowledge of Mālik to just the *hadīths* of the *Muwatta* and equating the knowledge of Hijaz’s area to Imām Mālik and the *Muwatta*.

Juynboll’s mistakes in applying *argumentum e silentio* must be added to the theoretical difficulties of this method mentioned above. This requires a re-examination of his conclusions about the “... من كذب علي...” *hadīth*. One of his mistakes is that he compared the *isnāds* of Ibn al-Jawzī with the *isnāds* of *Kutub at-Tis‘a* and ash-Shāfi‘ī’s *ar-Risāla* disregarding other compilations and his following the claim that 31 extra *isnāds* contained in the Ibn al-Jawzī’s book were fabricated after 4th century. Furthermore, the “... من كذب علي...” *hadīth* could also have been mentioned in the books of *tafsir*, *tarih* etc. in addition to *hadīth* sources.

On the other hand, the *hadīths* that an author will record into his book are first of all at his discretion. Consequently, one author may open a section with the name of “The Sin of Lie” and may narrate many *hadīths* there, but he may not transmit the “... من كذب علي...” *hadīth* due to his preference. For instance, while this *hadīth* was not found among the narrations forbidding lying in Wakī‘ b. Jarrāh’s *az-Zuhd*,<sup>91</sup> it was extensively mentioned in the Hannād’s *az-Zuhd*.<sup>92</sup> But the *hadīth* in question does not appear with its famous form in the published parts of *Kitāb Dzamm al-kidzb* of Ibn Abī al-Dunyā, who was a pupil of Ibn Abī Shayba, Ahmad b. Hanbal, al-Bukhārī and other contempo-

<sup>88</sup> This topic will be investigated in another article.

<sup>89</sup> See. Ahmad b. Hanbal, *al-Musnad*, III, 490, 491, IV, 106, 107; Bukhārī, “Manāqib”, 4; Ibn Hibbān, *as-Sahih*, I, 215.

<sup>90</sup> Ash-Shāfi‘ī, *al-Musnad*, p. 239; at-Tabarānī, *Turuq*, p. 358 etc.

<sup>91</sup> Wakī‘ b. Jarrāh, *Kitāb az-Zuhd* (ed. ‘Abd ar-Rahmān ‘Abd al-Jabbār al-Firyavāi), Madīna: Maktaba ad-dār 1404/1984, III, 695–702.

<sup>92</sup> See. Hannād, *az-Zuhd*, II, 638–640.

rary scholars. Hence because he was their pupil, he was expected to know it.<sup>93</sup> Besides, although Kharāitī –who lived in a relatively later era-, had allocated a chapter for *hadīths* forbidding lies in his book,<sup>94</sup> he did not put this *hadīth* in his book.<sup>95</sup> So, we may not reach a sound conclusion if we expect that the “من كذب علي” *hadīth* must be found in every section where *hadīths* forbidding lies are mentioned.

As a result, Juynboll’s claim that the *hadīth* in question began to circulate in the second half of the second century A.H. and his other conclusions seem to be unacceptable because sources like Ma‘mar b. Rāshid and Rabī‘ b. Habīb transmitted the same *hadīth*, and because of the methodological criticisms that were put forward against *argumentum e silentio*. This does not mean that *e silentio* is useless for the sciences of narration. *E silentio* can be used as further support without forgetting its shortcomings, along with the employment other methods.

#### “Hadīth of Man Kadhaba ‘Alayya and Argumentum e silentio”

**Abstract:** The aim of this article is to investigate the *e silentio* principle that has been used in the West and whether it is in conformity with the principles of *hadīth* narration during the first three centuries, in addition to how it can be supported by currently available data. The experiment of dating the *hadīth* of “man kadhaba...” with this principle by Juynboll gives us an idea about its usefulness. Thus, in this article the “man kadhaba...” *hadīth* is investigated in the context of at-Tabarānī’s *Turuq Man ‘alayya* ... as well as the other fundamental *hadīth* literature and Juynboll’s findings about the *hadīth* is examined. This research also provides opportunities to determine how the isnād and the text of a *hadīth* were treated in the first centuries.

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**Key Words:** Man Kadhaba ‘Alayya Juynboll, e silentio, hadīth, tariq, mutawātir.

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<sup>93</sup> ‘Abd Allāh b. Muhammad al-Qurashī Ibn Abī ad-Dunyā, *Dham al-kidhb ve ahlihi* (ed. Muhammad Ghassān-Nasūh Ozqu), Dimashq-Beirut: Dār as-sanābil 1993.

<sup>94</sup> Abū Bekr Muhammed b. Ja‘far b. Sahl ash-Shāmīrī al-Kharāitī, *Masāvi al-akhlāq ve madhmūmuhā* (ed. Mustafa b. Ebū an-Nasr ash-Shalabī), Maktaba as-savādī li’t-tevzī, Jiddah, 1412/1992, pp. 31–61.

<sup>95</sup> The books of Ibn Abī al-Dunyā (*Dham al-kidhb*, p. 40) and of al-Kharāitī (*Masāvi al-ahlāq*, p. 80) have contained the *hadīth* of “من حدث بحديث يرى أنه كذب وهو أحد الكذابين”. But this *hadīth* has been found with this form in the *Jāmi* of Ibn Wahb and has been suggested by Juynboll that this form circulated before the *hadīth* of “... من كذب علي” (Juynboll, *Muslim Tradition*, p. 115–116).