

5. Hadith Al-Qadha, An Age Of Jungle Justice II

Imam Ibn Abi Hatim (d. 327 H) records about another iconic judgment delivered by 'Umar b. al-Khaṭṭāb in his capacity as the *khalifah* over the *Ummah*:

أخبرنا أبي ، ثنا أبو بكر محمد بن بشار ، ثنا ابن أبي عدي ، عن سعيد ، عن قتادة عن أبي حرب ، يعني : ابن أبي الاسود الديلي ، عن أبيه ، ان عمر بن الخطاب ، رفعت اليه امرأة ولدت ستة اشهر ، فهم برجمها ، فبلغ ذلك عليا فقال : ليس عليها رجم ، قال الله تعالى : والوالدات يرضعن اولادهن حولين كاملين وستة اشهر ، ذلك ثلاثون شهرا .

My father (Abu Hatim) – Abu Bakr Muhammad b. Bashar – Ibn Abi 'Adi – Sa'id – Qatadah – Abu Harb b. Abi al-Aswad al-Dili – his father (Abu al-Aswad al-Dayli):

A woman was brought to 'Umar b. al-Khaṭṭāb. **She had delivered after (only) six months of pregnancy. So, he ('Umar) resolved to stone her to death.** This (decision) reached 'Ali. Therefore, he ('Ali) said, “She does not deserve *any* penalty of stoning to death. Allah says: ‘The mothers shall give suck to their children for two whole years (2:233)’. This (period) plus six months equals thirty months (mentioned in 46: 15 as the total for both pregnancy and suckling)”¹.

Imam al-Dhahabi (d. 748 H) submits about the first narrator:

أبو حاتم الرازي محمد بن إدريس بن المنذر بن داود بن مهران: الامام الحافظ،
الناقد، شيخ المحدثين

Hadith), **al-hafiz (the hadith scientist)**, *al-naqid* (the *hadith* critic), *shaykh al-muhadithin* (teacher of the *hadith* scientists and narrators).2

About the second narrator, al-Hafiz (d. 852 H) says:

محمد بن بشار بن عثمان العبدي البصري أبو بكر بن دار ثقة

Muhammad b. Bashir b. 'Uthman al-'Abdi al-Basri, Abu Bakr Bandar: **Thiqah (trustworthy)**.3

What of the third narrator? Al-Dhahabi submits:

محمد بن إبراهيم بن أبي عدي أبو عمرو، بصري، ثقة

Muhammad b. Ibrahim b. Abi 'Adi, Abu 'Amr, from Basra: **Thiqah (trustworthy)**4

Al-Hafiz agrees:

محمد بن إبراهيم بن أبي عدي وقد ينسب لجدّه وقيل هو إبراهيم أبو عمرو
البصري ثقة

Muhammad b. Ibrahim b. Abi 'Adi.... Abu 'Amr al-Basri: **Thiqah (trustworthy)**.5

The fourth narrator is Sa'id, and al-Hafiz comments on him in this manner:

سعيد بن أبي عروبة مهران اليشكري مولاهم أبو النضر البصري ثقة حافظ له
تصانيف لكنه كثير التدليس واختلط وكان من أثبت الناس في قنادة

Sa'id b. Abi 'Arubah Mihran al-Yashkiri, their freed slave, Abu al-Nadhar al-Basri: **Thiqah (trustworthy)**, **hafiz (a hadith scientist)**, he wrote books. However, he did a lot of *tadlis*, and became confused. **He was one of the most authoritative narrators from Qatadah.**6

Concerning the fifth narrator, al-Hafiz further submits:

قتادة بن دعامة بن قتادة السدوسي أبو الخطاب البصري ثقة ثبت

Qatadah b. Da'amah b. Qatadah al-Sudusi, Aboo al-Khaṭṭāb al-Basri: **Thiqah (trustworthy)**, *thabt* (accurate).⁷

Like the fourth narrator, he too is accused of *tadlis*, as proclaimed by al-Hafiz:

قتادة بن دعامة السدوسي البصري صاحب أنس بن مالك رضي الله تعالى عنه
كان حافظ عصره وهو مشهور بالتدليس وصفه به النسائي وغيره

Qatadah b. Da'amah al-Sudusi al-Basri, the companion of Anas b. Malik, may Allah the Most High be pleased with him. He was the *hafiz* (*hadith* scientist) of his time, **and he is famous for *tadlis***. Al-Nasai and others described him with it.⁸

The sixth narrator is trustworthy as well, as affirmed by al-Hafiz:

أبو حرب بن أبي الأسود الديلي البصري ثقة

Abu Harb b. Abi al-Aswad al-Dili al-Basri: **Thiqah (trustworthy)**⁹

With regards to the last narrator, al-Hafiz states:

أبو الأسود الديلي... ثقة

Abu al-Aswad al-Dili....: **Thiqah (trustworthy)**¹⁰

In a word, all the narrators are trustworthy. But, there are three issues with the chain. The fourth narrator (Sa'id) did *tadlis* a lot and also became confused. The question is: does his *tadlis* affect his narrations from Qatadah, especially as he has narrated in an 'an-'an manner? Moreover, did the third narrator (Ibn Abi 'Adi) hear from him before or during his confusion? Lastly, Qatadah himself was famous for *tadlis*. So, does his *tadlis* affect his 'an-'an reports from Abu Harb?

Some of these questions are answered in the following *isnad* documented by Imam al-Bukhari (d. 256 H) in his *Sahih*:

حدثنا محمد بن بشار حدثنا يحيى وابن أبي عدي عن سعيد عن قتادة عن أنس
بن مالك

Muhammad b. Bashar – Yahya and Ibn Abi ‘Adi – Sa’id – Qatadah – Anas b. Malik¹¹

Interestingly, this chain is almost identical to the one we are investigating! We see that Sa’id has narrated ‘an–‘an from Qatadah, and al-Bukhari considers the *sanad* to be *sahih*. This proves that Sa’id’s *tadlis* does not affect his ‘an–‘an reports from Qatadah. It is noteworthy that Qatadah’s ‘an–‘an reports from Anas are also accepted as *sahih*, as in the above chain.

In this *sanad* of al-Bukhari, Ibn Abi ‘Adi is conjoined with Yahya. However, in another chain in the same *Sahih*, he stands alone:

حدثني محمد بن بشار حدثنا ابن أبي عدي عن سعيد عن قتادة عن أنس رضي
الله

Muhammad b. Bashar – Ibn Abi ‘Adi – Sa’id – Qatadah – Anas b. Malik¹²

As such, Ibn Abi ‘Adi authentically transmitted from Sa’id. He apparently narrated from the Sa’id *before* the latter’s confusion. Moreover, this *isnad* reiterates the fact that Sa’id’s ‘an–‘an reports from Qatadah are *sahih*. In other words, his *tadlis* does not affect them.

‘Allamah al-Albani (d. 1420 H) confirms all our words:

حدثنا ابن المثنى: ثنا ابن أبي عدي عن سعيد عن

قتادة قلت: وهذا إسناد صحيح على شرط الشيخين.

Ibn al-Muthanna – Ibn Abi ‘Adi – Sa’id – Qatadah.... I (al-Albani) say: **This chain is *sahih* upon the standard of the two Shaykhs.**¹³

Imam Ibn Khuzaymah (d. 311 H) also records:

حدثنا محمد بن بشار و أبو موسى قالوا : حدثنا ابن أبي عدي عن سعيد عن
قتادة عن أبي تميمة عن الأشعري - يعني أبا موسى

Muhammad b. Bashar and Abu Musa – **Ibn Abi ‘Adi** – **Sa’id** – **Qatadah** – Abu Tamimah – Abu Musa al-
Ash’ari. 14

Dr. Al-A’zami declares:

إِسْنَادُهُ صَحِيحٌ

Its chain is *sahih*¹⁵

Needless to say, Ibn Khuzaymah also considers the *sanad* to be *sahih*, and has therefore included it in his *Sahih*.

The bottom-line is as follows:

1. Ibn Abi ‘Adi authentically narrated from Sa’id, before the latter’s confusion.
3. The ‘*an-‘an* reports of Sa’id from Qatadah are *sahih*. The former’s *tadlis* does not affect them.
5. Some ‘*an-‘an* reports of Qatadah – like those from Anas and Abu Tamimah – are also *sahih*. Qatadah’s *tadlis* has no effect on them.

The big question, at this point, is: what is the status of Qatadah’s ‘*an-‘an* narrations from Abu Harb? According to high-ranking Sunni *muhadithun*, such narrations are *sahih*. For instance, ‘Allamah al-Albani states:

حدثنا مسدد: نا يحيى عن ابن أبي عروبة عن قتادة عن أبي حرب

ابن أبي الأسود عن أبيه عن علي.

قلت: وهذا إسناد صحيح

Musaddad – Yahya – (Sa'id) b. Abi 'Arubah – Qatadah – Abu Harb b. Abi al-Aswad – his father – 'Ali.

I say: This chain is *sahih*. 16

This chain, like some others, is almost identical with that of the report from Ibn Abi Hatim. Here, the 'Allamah confirms that the 'an-'an reports of Sa'id from Qatadah are *sahih*, as well as Qatadah's 'an-'an narrations from Abu Harb. Shaykh al-Arnau⁹ too backs him:

حدثنا عبد الله حدثني أبي ثنا عبد الصمد بن عبد الوارث ثنا هشام عن قتادة
عن أبي حرب بن أبي الأسود عن أبيه عن علي رضي الله عنه إسناده
صحيح على شرط مسلم

'Abd Allah (b. Ahmad b. Hanbal) – my father (Ahmad b. Hanbal) – 'Abd al-Samad b. 'Abd al-Warith – Hisham – Qatadah – Abu Harb b. Abi al-Aswad – his father – 'Ali, may Allah be pleased with him....
Its chain is *sahih* upon the standard of Muslim. 17

Imam Abu Ya'la further records:

حدثنا عبيد الله حدثنا معاذ بن هشام حدثني أبي عن قتادة عن أبي حرب بن
الأسود الديلي عن أبي الأسود عن علي بن أبي طالب

'Ubayd Allah – Mu'adh b. Hisham – my father – Qatadah – Abu Harb b. al-Aswad al-Duli – Abu al-Aswad – 'Ali b. Abi Talib. 18

Shaykh Dr. Asad comments:

إسناده صحيح

Its chain is *sahih* 19

In a simple summary, the *athar* from Ibn Abi Hatim about how 'Umar sentenced a woman to death for delivering the baby only after six months of pregnancy has an impeccably *sahih* chain. All the narrators are *thiqah* (trustworthy), and the *sanad* is fully connected.

There are some serious substantive and procedural problems with the judgment of ‘Umar, which reveal a lot about him. He sentenced the woman to death by stoning. This suggests that he had convicted her of adultery. His only proof against her was that she delivered her baby only after six months of her known pregnancy. In the obviously invalid view of ‘Umar, a six-month pregnancy was absolutely impossible. As such, the woman *must have been* secretly pregnant before her husband started counting the days of her pregnancy – apparently, from the date of their last successful encounter (by his calculations). In other words, while her husband was having sexual intercourse with her (and most probably, it was their first time), she was already secretly pregnant for another man.

The Book of Allah has laid down the procedural law in all cases of *zina*:

والذين يرمون المحصنات ثم لم يأتوا بأربعة شهداء فاجلدوهم ثمانين جلدة ولا
تقبلوا لهم شهادة أبدا وأولئك هم الفاسقون

Those who accuse chaste women, **and do not produce four witnesses**, flog them with eighty stripes, and reject their testimony forever, **they indeed are the liars**.²⁰

So, in order to establish the charge of *zina* against anyone, four witnesses who saw the crime *with their own eyes* must be called upon to testify. Without the production of those four witnesses, the accuser himself must be penalized, and declared an eternal liar whose future testimonies must always be rejected.

Was ‘Umar aware of the above verse? The answer is not clear. What is undeniable however is that he paid absolutely no attention to it. He never demanded the testimony of four eye-witnesses to support his charge of *zina* against the woman. He simply convicted her based upon his mere *suspicion*. This singular incident casts a huge dark cloak over ‘Umar till the Hour.

Firstly, ‘Umar had wrongly convicted the woman of adultery *without evidence*. He never demanded or presented four witnesses to support his conviction (which in essence is also an accusation). Therefore, he himself deserved to be flogged with eighty stripes and declared a *persona non grata* within the Islamic *Ummah*. The other persons who dragged the woman to him also needed to be investigated. If they too had accused her of *zina* without calling four eye-witnesses to testify, then each of them must also be punished in the same manner as ‘Umar.

Secondly, let us assume that ‘Umar did not merely rely upon unfounded suspicion in convicting the woman. Rather, four eye-witnesses who saw her in the middle of the adultery were summoned, and they testified. Therefore, she was indeed guilty and truly deserved the stoning penalty. Where then was her partner in the crime? What sentence did ‘Umar hand down upon him? If two people committed *zina*, is it only the woman that can be punished? Are men supposed to go scotfree for their crimes of

adultery? It is extremely strange that ‘Umar was itching to send the woman to her grave, without asking a single question about her accomplice!

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1. Abu Muhammad ‘Abd al-Rahman b. Abi Hatim al-Razi, Tafsir Ibn Abi Hatim (al-Maktabah al-‘Asriyyah) [annotator: As’ad Muhammad al-Tayyib], vol. 2, p. 428, # 2264
 2. Shams al-Din Muhammad b. Ahmad b. ‘Uthman al-Dhahabi, Siyar A’lam al-Nubala (Beirut: Muasassat al-Risalah; 9th edition, 1413 H) [annotators of the thirteenth volume: Shu’ayb al-Arnaut and ‘Ali Abu Zayd], vol. 13, p. 247, # 129
 3. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Mustafa ‘Abd al-Qadir ‘Ata], vol. 2, p. 58, # 5772
 4. Shams al-Din Abu ‘Abd Allah Muhammad b. Ahmad b. al-Dhahabi al-Dimashqi, al-Kashif fi Ma’rifat Man Lahu Riwayat fi al-Kutub al-Sittah (Jeddah: Dar al-Qiblah li al-Thaqafat al-Islamiyyah; 1st edition, 1413 H), vol. 2, p. 154, # 4700
 5. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Mustafa ‘Abd al-Qadir ‘Ata], vol. 2, p. 50, # 5715
 6. Ibid, vol. 1, p. 360, #2372
 7. Ibid, vol. 2, p. 26, # 5535
 8. Ahmad b. ‘Ali b. Muhammad, Ibn Hajar al-‘Asqalani, Ta’rif Ahl al-Taqdis bi Maratib al-Mawsifin bi al-Tadlis (Jordan: Maktabah al-Manar; 1st edition) [annotator: Dr. ‘Abd Allah al-Qaryuni], p. 43, # 92
 9. Ahmad b. ‘Ali b. Hajar al-‘Asqalani, Taqrib al-Tahdhib (Beirut: Dar al-Maktabah al-‘Ilmiyyah; 2nd edition, 1415 H) [annotator: Mustafa ‘Abd al-Qadir ‘Ata], vol. 2, p. 382, # 7073
 10. Ibid, vol. 2, p. 356
 11. Abu ‘Abd Allah Muhammad b. Isma’il b. Ibrahim b. Mughirah al-Bukhari al-J’ufi, al-Jami’ al-‘Ahhah al-Mukhtasar (Beirut: Dar Ibn Kathir; 3rd edition, 1407 H) [annotator: Dr. Mustafa Dib al-Bagha], vol. 1, p. 349, # 984
 12. Ibid, vol. 3, p. 1309, # 3379
 13. Abu ‘Abd al-Rahman Muhammad Nasir al-Din b. al-Hajj Nuh b. Tajati b. ‘Adam al-Ashqudri al-Albani, ‘Ahhah Abi Dawud (Kuwait: Muasassat al-Gharas li al-Nashr wa al-Tawzi’; 1st edition, 1423 H), vol. 3, p. 417, # 782
 14. Abu Bakr Muhammad b. Ishaq b. Khuzaymah al-Salami al-Naysaburi, ‘Ahhah (Beirut: al-Maktab al-Islami; 1390 H) [annotators: Muhammad Nasir al-Din al-Albani and Dr. Muhammad Mustafa al-A’zami], vol. 3, p. 313, # 2154
 15. Ibid
 16. Abu ‘Abd al-Rahman Muhammad Nasir al-Din b. al-Hajj Nuh b. Tajati b. ‘Adam al-Ashqudri al-Albani, ‘Ahhah Abi Dawud (Kuwait: Muasassat al-Gharas li al-Nashr wa al-Tawzi’; 1st edition, 1423 H), vol. 2, p. 225, # 403
 17. Abu ‘Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qurtubah) [annotator: Shu’ayb al-Arnaut], vol. 1, p. 76, # 563
 18. Abu Ya’la Ahmad b. ‘Ali b. Muthanna al-Mawsili al-Tamimi, Musnad (Damascus: Dar al-Mamun li al-Turath; 1st edition, 1404 H) [annotator: Dr. Husayn Salim Asad], vol. 1, p. 261, # 307
 19. Ibid
 20. Qur’an 24:4