

7. Hadith Al-Qadha, An Age Of Jungle Justice IV

Tayammum was not the only topic in Islamic jurisprudence that ‘Umar had great difficulty grasping. There were many others, even according to his own confessions. We will be briefly examining a few examples and their implications.

Imam al-Bukhari (d. 256 H) opens the discussion:

حدثنا أحمد بن أبي رجاء حدثنا يحيى عن أبي حيان التيمي عن الشعبي عن ابن عمر رضي الله عنهما قال: خطب عمر على منبر رسول الله صلى الله عليه وسلم فقال إنه قد نزل تحريم الخمر وهي من خمسة أشياء العنب والتمر والحنطة والشعير والعسل والخمر ما خامر العقل . وثلاث وددت أن رسول الله صلى الله عليه وسلم لم يفارقنا حتى يعهد إلينا عهدا الجذ والكلالة وأبواب من أبواب الربا

Ahmad b. Abi Rajah – Yahya – Abu Hayyan al-Tamimi – Shu’bi – Ibn ‘Umar, may Allah be pleased with them both:

‘Umar delivered a sermon on the pulpit of the Messenger of Allah, peace be upon him, saying, “Verily, there was revealed an order making alcohol *haram*, and it is made from five things: grape, date, wheat, barley and honey. Alcohol is whatsoever clouds the mind. **I wish the Messenger of Allah, peace be upon him, had not left us before he could explain three matters to us: the inheritance of the grandfather, *kalalah* and various types of *riba* (usury).**”¹

Imam Muslim (d. 261 H) records too:

حدثنا أبو بكر بن أبي شيبة حدثنا علي بن مسهر عن أبي حيان عن الشعبي عن ابن عمر قال: خطب عمر على منبر رسول الله صلى الله عليه وسلم فحمد الله وأثنى عليه ثم قال أما بعد ألا وإن الخمر نزل تحريمها يوم نزل وهي من خمسة أشياء من الحنطة والشعير والتمر والزبيب والعسل والخمر ما خامر العقل وثلاثة أشياء وددت أيها الناس أن رسول الله صلى الله عليه وسلم كان عهد إلينا فيها الجذ والكلالة وأبواب من أبواب الربا

Abu Bakr b. Abi Shaybah – ‘Ali b. Mas-har – Abu Hayyan – al-Sha’bi – Ibn ‘Umar:

‘Umar delivered a sermon on the pulpit of the Messenger of Allah, peace be upon him. He thanked Allah and praised him. Then he said, “Now, coming to the point: verily, there was revealed an order making alcohol *haram* on the day it was revealed. It is made from five things: wheat, barley, date, raisin and honey. Alcohol is anything which clouds the intellect. **There are three matters, O people, that I wish the Messenger of Allah, peace be upon him, had explained to us: inheritance of the grandfather, *kalalah* and various types of *riba* (usury).**[2](#)

Imam al-Hakim (d. 403 H) documents too:

وأخبرنا علي بن محمد بن عقبة ثنا الهيثم بن خالد ثنا أبو نعيم ثنا سفيان عن عمرو بن مرة عن مرة عن عمر رضي الله عنه قال ثلاث لأن يكون النبي صلى الله عليه وسلم بينهم لنا أحب إلي من الدنيا وما فيها الخلافة والكلالة والربا

‘Ali b. Muhammad b. ‘Uqbah – al-Haytham b. Khalid – Abu Na’im – Sufyan – ‘Amr b. Marrah – Marrah – ‘Umar, may Allah be pleased with him:

“There are three matters. **Had the Prophet, peace be upon him, clearly explained them to us**, that would have been more beloved to me than this world and whatsoever is in it: **the *khilafah* (caliphate), *kalalah* and *riba* (usury)**”[3](#)

Al-Hakim says:

هذا حديث صحيح على شرط الشيخين

This *hadith* is *sahih* upon the standard of the two Shaykhs[4](#)

Al-Dhahabi (d. 748 H) agrees:

على شرط البخاري ومسلم

(*Sahih*) upon the standard of al-Bukhari and Muslim[5](#)

Imam Ahmad b. Hanbal (d. 241 H) has an even clearer report:

حدثنا عبد الله حدثني أبي ثنا يحيى عن بن أبي عروبة ثنا قتادة عن سعيد بن المسيب قال قال عمر رضي الله عنه: ان آخر ما نزل من القرآن آية الربا وان رسول الله صلى الله عليه و سلم قبض ولم يفسرها فدعوا الربا والريبة

‘Abd Allah (b. Ahmad b. Hanbal) – my father (Ahmad b. Hanbal) – Yahya – Ibn Abi ‘Arubah – Qatadah –

Sa'id b. al-Musayyab:

'Umar, may Allah be pleased with him, said: "Verily, the last of what was revealed in the Qur'an was the Verse of *Riba*. **And verily, the Messenger of Allah, peace be upon him, died and never explained it.** Therefore, avoid *riba* and doubt.[6](#)

Shaykh al-Arnau[®] comments:

حسن رجاله ثقات رجال الشيخين

It is **hasan**. Its narrators are *thiqah* (trustworthy), narrators of the two Shaykhs.[7](#)

Apparently, 'Umar did not know the Islamic rulings and teachings concerning the inheritance of the grandfather (from his grandchild), *kalalah*, usury (*riba*) and the *khilafah*. He therefore placed the blame on the Messenger of Allah, *sallallahu 'alaihi wa alihi*, and accused him of never explaining them to his *Ummah*. His allegations however directly contradict these verses:

وما على الرسول إلا البلاغ المبين

The duty of the Messenger is **only to convey in a clear way**.[8](#)

وأنزلنا إليك الذكر لتبين للناس ما نزل إليهم

And We have sent down unto you (Muhammad) *al-Dhikr* (i.e. the Qur'an) **that you may explain clearly to mankind what is sent down to them**.[9](#)

Therefore, if the Prophet had not explained clearly a single item of his *risalah*, he would have failed in his mission. Allah however testifies in favour of His Messenger, that he actually conveyed and explained everything clearly to the *Ummah*. This was why He declared the religion completed and perfect:

اليوم أكملت لكم دينكم وأتممت عليكم نعمتي ورضيت لكم الإسلام ديناً

This Day, **I have perfected your religion for you**, completed My Favour upon you, and have chosen for you Islam as your religion.[10](#)

This is an unmistakable testimony that the Messenger did explain everything in a clear, explicit and simple manner to his followers. He successfully fulfilled his mission. It was 'Umar that had once again forgotten completely that the Messenger performed his duty.

One then wonders how ‘Umar handled questions and disputes regarding the inheritance of the grandfather, *kalalah*, usury and the *khilafah* that were brought to his court. He either relied upon his personal opinion – as in the case of *tayammum* – or rather guessed and gambled in his judgments. Another possibility was that he would refer those issues to superior jurists among the Sahabah, *radhiyallah ‘anhum*, for help. In all cases, his competency as even an ordinary judge falls into serious doubt. It gets really worse when one considers that ‘Umar was the sovereign judge, and that there was no right of appeal against his rulings and judgments.

Of the four subjects, ‘Umar had particular difficulty in grasping *kalalah*. He never understood it till his death. So, we will flash light upon it, as this situation reveals some more information about him. Imam Muslim records:

حدثنا محمد بن أبي بكر المقدمي ومحمد بن المثنى (واللفظ لابن المثنى) قالوا حدثنا يحيى بن سعيد حدثنا هشام حدثنا قتادة عن سالم بن أبي الجعد عن معدان بن أبي طلحة أن عمر بن الخطاب خطب يوم الجمعة فذكر نبي الله صلى الله عليه وسلم وذكر أبا بكر ثم قال إني لا أدع بعدي شيئاً أهم من الكلاله ما راجعت رسول الله صلى الله عليه وسلم في شيء ما راجعته في الكلاله وما أغلظ لي في شيء ما أغلظ لي فيه حتى طعن بأصبعه في صدري وقال يا عمر ألا تكفيك آية الصيف التي في آخر سورة النساء؟ وإني إن أعش أقض فيها بقضية يقضي بها من يقرأ القرآن ومن لا يقرأ القرآن

Muhammad b. Abi Bakr al-Muqaddami and Muhammad b. al-Muthanna – Yahya b. Sa’id – Hisham – Qatadah – Salim b. Abi al-Ja’d – Ma’dan b. Abi Talhah:

‘Umar b. al-Khattab delivered a sermon on Friday and mentioned the Prophet of Allah, peace be upon him, and also mentioned Abu Bakr. Then he said, “I do not abandon behind me anything more important than *kalalah*. **I did not refer to the Messenger of Allah, peace be upon him, concerning anything as I referred to him concerning *kalalah*. And he was never as harsh to me concerning anything as he was harsh to me about it**, so much that he struck my chest with his fingers and said, “**O ‘Umar, is the Verse of the Summer, which is at the end of *Surat al-Nisa*, not sufficient for you?**” If I (‘Umar) lived longer, I would give judge concerning it (i.e. *kalalah*) with a judgment that would be the precedent for all future judgments concerning it by those who could read the Qur’an and those who could not read the Qur’an.”¹¹

Imam Ahmad again documents:

حدثنا عبد الله حدثني أبي ثنا إسماعيل عن سعيد بن أبي عروبة عن قتادة عن سالم بن أبي الجعد عن معدان بن أبي طلحة قال قال عمر رضي الله عنه: ما سألت رسول الله صلى الله عليه وسلم عن شيء أكثر مما سألته عن الكلاله حتى طعن بأصبعه في صدري وقال تكفيك آية الصيف التي في آخر سورة النساء

‘Abd Allah (b. Ahmad b. Hanbal) – my father (Ahmad b. Hanbal) – Isma’il – Sa’id b. Abi ‘Arubah –

Qatadah – Salim b. Abi al-Ja'd – Ma'dan b. Abi Talhah:

'Umar, may Allah be pleased with him, said: **"I never asked the Messenger of Allah, peace be upon him, about anything more (repeatedly) than I asked him about *kalalah* so much that he struck my chest with his fingers and said, "O 'Umar, is the *Verse of the Summer*, which is at the end of *Surat al-Nisa*, not sufficient for you?"**¹²

Shaykh al-Arnau⁹ comments:

إسناده صحيح على شرط مسلم رجاله ثقات

Its chain is *sahih* upon the standard of Muslim. Its narrators are *thiqah* (trustworthy).¹³

So, 'Umar's most difficult topic was *kalalah*. Although he was basically clueless about the other topics as well, *kalalah* proved the most stubborn of them to him. He repeatedly questioned the Messenger of Allah about it. It was the Prophet's job to explain things clearly to him each time, and we believe he did that each time 'Umar came to him. In the end, the Messenger got frustrated and baffled by 'Umar's inability to comprehend a fairly straightforward topic like *kalalah*, even after several explanations! What exactly is so difficult about it? Moreover, the Prophet thought that there was a verse about *kalalah* at the end of *Surat al-Nisa*, which was fully self-explanatory and ordinarily should be sufficient for anyone without further commentary¹⁴. Why was 'Umar still unable to grasp it, despite the verse and the repeated explanations?

Surprisingly, 'Umar apparently read the *Verse of the Summer* (before or after the Messenger of Allah referred him to it) but could not understand its simple rules. Worse still, the Prophet repeatedly explained it to him, and he nonetheless did not get it! This raises some grave concerns about 'Umar's comprehension skills. It also apparently reveals why the Messenger became frustrated and harsh with him.

Does justice dispensation require very high comprehension skills on the part of the judge? We leave the answer to our esteemed reader.

¹ Abu 'Abd Allah Muhammad b. Isma'il b. Ibrahim b. Mughirah al-Bukhari al-J'ufi, al-Jami' al-¹⁰ahih al-Mukhtasar (Beirut: Dar Ibn Kathir; 3rd edition, 1407 H) [annotator: Dr. Mustafa Dib al-Bagha], vol. 5, p. 2122, # 5266

² Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, ¹¹ahih Muslim (Beirut: Dar Ihya al-Turath al-'Arabi) [annotator: Muhammad Fuad 'Abd al-Baqi], vol. 4, p. 2322, # 32 (3032)

³ Abu 'Abd Allah Muhammad b. 'Abd Allah al-Hakim al-Naysaburi, al-Mustadrak 'ala al-¹²ahihayn (Beirut: Dar al-Kutub al-'Ilmiyyah; 1st edition, 1411 H) [annotator: Mustafa 'Abd al-Qadir 'Ata], vol. 2, p. 333, # 3188

⁴ Ibid

⁵ Ibid

⁶ Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muasassat Qurtubah) [annotator: Shu'ayb al-Arnaut], vol. 1, p. 36, # 246

⁷ Ibid

[8.](#) Qur'an 24:54

[9.](#) Qur'an 16:44

[10.](#) Qur'an 5:3

[11.](#) Abu al-Husayn Muslim b. al-Hajjaj al-Qushayri al-Naysaburi, Sahih Muslim (Beirut: Dar Ihya al-Turath al-'Arabi) [annotator: Muhammad Fuad 'Abd al-Baqi], vol. 3, p. 1236, # 9 (1617)

[12.](#) Abu 'Abd Allah Ahmad b. Hanbal al-Shaybani, Musnad (Cairo: Muassasat Qurtubah) [annotator: Shu'ayb al-Arnaut], vol. 1, p. 26, # 179

[13.](#) Ibid

[14.](#) It is Qur'an 4: 176, usually read together with Qur'an 4: 12. Both are about kalalah. Meanwhile, the first is generally believed, among the Ahl al-Sunnah, to be about full siblings, while the latter concerns maternal siblings.

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