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The Extension Of The Two Trends After `Umar Ibn Al-Khattab

Al-Darimiy has narrated on the authority of Marwan ibn al-Hakam that after he had been stabbed, `Umar ibn al-Khattab sought the Sahabah's opinion about the question of the grandfather's share of an inheritance, saying, "I have had an opinion about the share of grandfathers; you may accept it if you want."

`Uthman answered, "If we follow your opinion, it is surely the true guidance; and if we follow the opinion of the Shaykh (i.e. Abu-Bakr) who was before you, it will be excellent!"^{[1](#)}

In Ibn Sa'd's *al-Tabaqat al-Kubra* and Ahmad ibn Hanbal's *al-Musnad*, it is recorded that Mahmud ibn Labid said that he heard `Uthman ibn `Affan saying from the minbar, "It is impermissible for anyone to report a tradition from the Messenger of Allah unless this tradition was known during the reigns of Abu-Bakr and `Umar."^{[2](#)}

It has been also narrated that Mu`awiyah ibn Abi-Sufyan (during his reign) said, "O People: reduce reporting from Messenger of Allah; and when you do, you must report traditions that were known during the reign of `Umar."^{[3](#)}

Recording the same incident, Ibn `Asakir narrated that Mu`awiyah said, "Beware of reporting the Hadith of the Messenger of Allah except a tradition that is known during the reign of `Umar."^{[4](#)}

Joining The Hajj To The `Umrah

In Ahmad ibn Hanbal's *al-Musnad*, it is recorded that `Abdullah ibn al-Zubayr said, By Allah I swear that I was with `Uthman ibn `Affan at al-Juhafah (a place) while he was accompanied by some people of Syria among whom was Habib ibn Salamah.

As the subject was the joining (*Tamattu`*) of Hajj to `Umrah, `Uthman said, "The most perfect way of

joining the Hajj with the `Umrah is that they should not be performed in the months of the ritual Hajj. Thus, it is preferred to delay the `Umrah until you visit this House (the Holy Ka`bah) twice. Almighty Allah has expanded good deeds.”

Meanwhile, (Imam) `Ali ibn Abi-Talib was down the hill feeding his camel; when he was informed about what `Uthman had said, he came towards him.

When he approached, (Imam) `Ali said to `Uthman, “You have certainly violated the tradition of the Messenger of Allah and the permission that Almighty Allah has decided for His servants in His Book as you have restricted and warned against such.

This law of Almighty Allah and the Holy Prophet has been issued for those who do not have enough time to perform both the Hajj and the `Umrah on separate times and for those who come from remote countries.”

(Imam) `Ali started to join the Hajj and the `Umrah.

After that, `Uthman directed towards the people and said, “Have I warned you against so? I have not, indeed. I only said my own opinion, and you are free to accept or refuse.”[5](#)

In Malik ibn Anas’s book of *al-Muwatta’*, it is recorded that (Imam) Ja`far ibn Muhammad (al-Sadiq) has narrated on the authority of his father that al-Miqdad ibn al-Aswad, once, visited (Imam) `Ali ibn Abi-Talib, while he was kneading flour as food for his camels, and told him that `Uthman ibn `Affan had warned people against joining the Hajj with the `Umrah.

Immediately, (Imam) `Ali went out, without washing his hands from that flour, towards `Uthman ibn `Affan and said to him, “Have you really prevented people from joining the Hajj with the `Umrah?”

“It has been only my own opinion,” answered `Uthman.

Then, (Imam) `Ali went out angrily and shouted out, “*Labbayka Allahumma labbayk*” as an indication of joining the Hajj with `Umrah.[6](#)

In al-Nassa’iy’s *al-Sunan*, it has been narrated that (Imam) `Ali and `Uthman ibn `Affan once performed the ritual Hajj on the same season. On their way to Makkah, `Uthman warned against joining the Hajj to the `Umrah. During the rituals, (Imam `Ali) ordered his companions to declare joining the Hajj to the `Umrah once they would see `Uthman starting the rituals of the Hajj. When they did so, `Uthman did not prevent them.

Hence, (Imam) `Ali said, “I have been informed that you prevented joining the Hajj to the `Umrah (*Tamattu`*).”

“Yes, I did,” answered `Uthman.

(Imam) `Ali asked him, “Have you not heard that the Messenger of Allah joined the two?”

“Yes, I have,” answered `Uthman.[7](#)

Commenting on the previous narration, al-Sindi, as an annotation on al-Nassa'i's *al-Sunan* 5: 152, says,

“Imam `Ali ordered his companions to join the Hajj to the `Umrah so that `Uthman would realize that they preceded the Holy Prophet's Sunnah to his personal judgment and that none would obey him so long as he violated the Holy Sunnah.”[8](#)

According to another form of the narration, Imam `Ali declared joining the Hajj to the `Umrah when he knew that `Uthman prohibited so.

Thus, `Uthman asked him, “You have done it while you knew that I prohibited it.”

Imam `Ali answered, “I would never neglect the Sunnah of the Holy Messenger because of a judgment that was issued by an ordinary person.”[9](#)

Commenting on this form too, al-Sindi says,

“`Uthman wanted to say to Imam `Ali that everybody is included in the prohibition of that act in the same way as `Umar used to issue personal verdicts; hence, Imam `Ali, by doing so, violated the decision of the caliph. Yet, Imam `Ali answered him that none should be obeyed in a matter that is in violation of the Holy Prophet's decision.

According to a third form of the narration, Imam `Ali answered `Uthman, “What do you mean by prohibiting a matter that had been done by the Messenger of Allah?”

`Uthman answered him, “Leave this matter!”

Imam `Ali replied, “I would never leave it.”

Hence, Imam `Ali declared joining the Hajj and the `Umrah.[10](#)

The aforementioned examples indicate manifestly that the trend of Opinionism and Ijtihad, which was founded by Abu-Bakr and `Umar and corroborated by the latter, continued after them. It is also noteworthy that `Uthman, Mu`awiyah, and `Amr ibn al-`s laid emphasis on following and carrying out the conducts of `Umar ibn al-Khattab, which means that their course was the same. It is also clear that the rulers and their fans violated the course of Imam `Ali and his followers, such as `Abdullah ibn `Abbas and others, who complied thoroughly with the sacred texts.

For instance, Mu`awiyah ibn Abi-Sufyan ordered the publics to curse Imam `Ali and `Abdullah ibn `Abbas;[11](#) and al-Mansur, the `Abbasid caliph, ordered to assume the opinions of `Abdullah ibn `Umar

even if they would violate the sayings of Imam `Ali and `Abdullah ibn `Abbas.[12](#)

Al-Hajjaj ibn Yusuf al-Thaqafi, the ruler of Iraq, sealed on the hands of the writers of the Holy Prophet's traditions,[13](#) such as Sahl ibn Sa'd al-Sa'idi and his companions. All these acts prove that the course of `Umar ibn al-Khattab was extended and confirmed. Let us now cite other examples that substantiate this fact:

Neglect Of Qira'ah

It has been narrated, in *Bada'i' al-Sana'i'* 1:111, that `Umar ibn al-Khattab, once, neglected the *Qira'ah*[14](#) (Recital of the Surah of al-Fatihah, No. 1, and another optional Surah during the first two Rak'ahs of the obligatory prayer) in one of the first two Rak'ahs of the obligatory Maghrib (sunset) Prayer. He then settled it in the last Rak'ah with loud voice. Likewise, `Uthman ibn `Affan neglected the *Qira'ah* in one of the first two Rak'ahs of the obligatory `Isha (Evening) Prayer. He then settled it in one of the last two Rak'ahs with loud voice.[15](#)

Later in his book, the author of *Bada'i' al-Sana'i'* cited a Hadith confirming the permissibility of neglecting the *Qira'ah* in obligatory prayers![16](#)

Ruling Of Wives Of The Lost

Ibn Shihab has narrated on the authority of Sa'id ibn al-Musayyab that `Umar ibn al-Khattab, once, issued the verdict that if a lost husband returns and finds that his wife has been married to another one, he has the right either to take his wife back or to receive the dowry that he had paid for her! If he chooses the dowry, the other husband should pay it for him, but if he chooses to take his wife back, she will have to practice the term of waiting (*`Iddah*) and then return to her first husband and also the dowry that the second husband has paid will be hers. (Ibn Shihab added that) this verdict was also followed by `Uthman ibn `Affan.[17](#)

The One-Sixth Share Of Mothers

Al-Tabari, in his book of *Tafsir* 4:188, has narrated on the authority of Shu'bah that `Abdullah ibn `Abbas once visited `Uthman ibn `Affan and asked him about the verdict that when there are two brothers among the heirs, the mother's share would be one-sixth of an inheritance while Almighty Allah, in the Holy Qur'an, says,

***"But if he has brothers, then his mother shall have the sixth."* (Holy Qur'an: 5:11)**

"Brothers" in the holy verse does not indicate two brothers only. `Uthman replied, "How can I repeal a matter that has been issued before me and has been spread throughout the countries?"[18](#)

Narrating the same report, al-Bayhaqi and al-Hakim has recorded that `Uthman said, "I cannot repeal what has been issued before me and has been accepted by people who spread it out in the countries."¹⁹

Zakat Of Horses

In *Ansab al-Ashraf* 5:26, al-Buladhiri has recorded on the authority of al-Zuhri that `Uthman ibn `Affan used to collect the Zakat on horses. This act was denied by people who, as evidence, quoted the Holy Prophet as having said, "I have freed you from defraying the Zakat of horses and slaves."²⁰

Probably, `Uthman followed `Umar ibn al-Khattab in this question. Ibn Hazm, in *al-Muhalla* 5:277, has narrated on the authority of Ibn Shihab that al-Sa'ib said that `Umar ibn al-Khattab used to impose taxes on horses.

It has been also narrated on the authority of Harithah that a group of Syrian people came to `Umar and offered to purify their properties and defray the Zakat of the money, horses, and slaves that they had gained. `Umar expressed that he would follow in this issue what had been decided by the two who were before him. He therefore consulted (Imam) `Ali who said to him, "This is preferable unless this would be taken as law after you."²¹

In this narration, Imam `Ali invited the attentions to the religious ruling that it is impermissible to prevent the Muslims from purifying their properties when they desire to do so; rather it is preferable. But if this act is anticipated to be taken as religious law, it will be impermissible. Hence, Imam `Ali accepted the receipt of the Zakat on horses, not as religious law; since it is unlawful to force the Muslims to defray taxes on their horses.

In plain words, Imam `Ali issued that it is lawful to accept the Zakat on horses but he confirmed that this acceptance should not be taken as religious law. This course of inviting the attentions to the actual act of the Muslim authority was followed by the Holy Prophet who, once in Mina, invited the Muslims' attention to the fact that the obligatory prayer had been performed in the shortened form (*Qasr*) because they were on a journey; rather the prayers must be performed in the perfect form (*Tamam*) in one's hometown.

The aforementioned discussion has proven that `Uthman ibn `Affan followed the conducts of Abu-Bakr and `Umar in some religious rulings and followed his own judgments in other rulings. His personal opinions violated the others' because the course of personal opinions could not closed by anyone after it has been opened wide. Imam `Ali has referred to this fact by saying,

"One in contact with it was like the rider of an unruly camel. If he pulled up its rein, the very nostril would be slit, but if he let it loose, he would be thrown."

One of the stipulations of the caliphs' trend was that a caliph must follow the conducts of the rulers who

preceded him and, meanwhile, the opinions of a caliph are beyond criticism even if they contradict the sacred texts of Almighty Allah and the Holy Prophet.

The Kalalah

It has been narrated on the authority of al-Shi`biy that Abu-Bakr said, "I will say my own opinion in this question. If it is true, this will be the guidance of Allah; but if it is not, this will be my fault as well as the whisper of Satan. Yet, Allah and His Messenger are released from my misinterpretation. The Kalalah, in my conception, is anything other than the father and the son."

When `Umar ibn al-Khattab became the caliph, he declared that he would be too shy to reject anything decided by Abu-Bakr![22](#)

Commenting on this saying of `Umar Ibrahim ibn al-Sayyar, as has been recorded in the book of *al-Fitya* by al-Jahidh –a famous Arab man of letters–, says,

"This saying of `Umar is extremely strange! Although `Umar believed that it is impermissible to violate the judgments of Abu-Bakr because he saw that the right was always in the side of him, he (`Umar) in reality violated his decisions hundred times; as was in the cases of the rulings of the shares of grandfathers from inheritances, the fighting against the apostates, and the shares of the *al-Mu'allafah Qulubuhum* as well numerous questions."[23](#)

Fadak

The best example on the fact that the religious rulings were submitted to external factors and temporary policies, which were later on expanded to take the form of general policy followed by the caliphs as a principle, is the famous issue of Fadak[24](#) and the Khums tax.

Abu-Bakr claimed Fadak, a garden in al-Madinah, having been the right of the ummah, not Lady Fatimah al-Zahra's alone. Had this claim been true, `Uthman ibn `Affan should not have donated it to Marwan ibn al-Hakam within the taxes of Africa.

Lady Fatimah, the Holy Prophet's daughter, claimed that Fadak had been donated exclusively to her by her father; yet, the ruling authorities confiscated it and abstained from giving it to its owner. To shed more light on this question, read the following text:

In *al-Sunan al-Kubra*, al-Bayhaqi has narrated on the authority of al-Mughirah the whole story of the confiscation of Fadak. Within this narration, he had written down that when `Umar ibn al-Khattab departed life, `Uthman ibn `Affan donated Fadak to Marwan ibn al-Hakam.

It seems that `Uthman ibn `Affan interpreted the narration that was reported from the Holy Prophet that, "Any morsel that Almighty Allah gives to His Prophet must be under the supervision of him who holds

the position of leadership after him.” Because `Uthman ibn `Affan was not in need for Fadak, he gifted it to his relatives as a king of keeping good relations with the kin.[25](#)

This is an odd contradiction and a strange irony! Whose claim is the most accurate? Is it the claim of Abu-Bakr who said that Fadak was possessed by the Muslims generally? Or is it the claim of `Umar who said that the outcomes of Fadak were needed by the Muslims in order to enlist armies and expand the area of Islam? Or is it `Uthman's who claimed his having enjoyed the same authorities of the Holy Prophet?

Apart from the accurate answer, it is noticeable that all the claims were aimed at depriving Lady Fatimah al-Zahra' of Fadak through various personal judgments and interpretations. The matter did not stop at that extent; rather it continued when each ruler had his own opinion in the issue.

This fact confirms the well-planned continuity of the trend of Opinionism and Ijtihad as opposite to the trend of thorough compliance with the sacred texts in general and the Holy Sunnah in particular.[26](#)

It is also noticeable that the prohibition of the recordation and reporting of the Hadith perpetuated up to the reign of `Umar ibn `Abd al-Aziz who canceled this decision and allowed the recordation of the Hadith. In addition, he gave back Fadak to its original owners, namely the descendants of Lady Fatimah al-Zahra'.[27](#)

It can be understood that there is a firm connection between the two matters, since the permission of the reporting of the Hadith, despite its problems, benefited the Muslims and revealed many facts although it, from another side, aimed at impacting the principles of the School of Ijtihad and enabling it to defend itself against the School of reporting and recording the Hadith.

The revelation of these facts, in addition to the well-known course of fairness by which `Umar ibn `Abd al-Aziz was characterized, gave excellent fruits. The actuality in the issue of Fadak was shown for `Umar ibn al-Aziz through the reporting of the Hadith and through the unanimous agreement among the historians and traditionists on the incident that Lady Fatimah al-Zahra' demanded with Fadak probatively after it had been possessed by her when her father, the Holy Prophet, donated it to her.[28](#)

Such obviousness in the issue made `Umar ibn `Abd al-Aziz to ponder deeply over the question and as a result, he gave back Fadak to the descendants of Lady Fatimah al-Zahra' causing the trend of thorough compliance with the sacred texts to triumph over the trend of Opinionism and Ijtihad.

The Khums

It has been narrated that `Abdullah ibn `Abbas said, “After the departure of the Holy Prophet, Abu-Bakr canceled the share of the relatives from the Khums and used it for military affairs.”[29](#)

Answering the question of Najdah al-Haruriy about the share of the relatives from the Khums, `Abdullah

ibn `Abbas is also reported to have said, “We are those ‘relatives’ (to whom a share of the Khums must be given), but our people (i.e. the ruling authorities) rejected to deliver us this share claiming that all people of Quraysh are included with the ‘relatives’.”[30](#)

Al-Bayhaqi has also narrated that `Abd al-Rahman ibn Abi-Ya`liyy said: Once, I met (Imam) `Ali at Ahjar al-Zayt and said to him, “May Allah accept my parents as ransoms for you! What did Abu-Bakr and `Umar do as regards the right of the Ahl al-Bayt from the Khums?”

(Imam) `Ali answered, “As `Umar claimed that he had not known for sure the actual share of our right (from the Khums) and thus he would give us a part of it that he would decide according to his own view, we rejected this suggestion and insisted on receiving our share wholly. Yet, he refused to give our share wholly.”[31](#)

When `Umar ibn al-Khattab said the same words to him, `Abdullah ibn `Abbas answered him with the same reply of Imam `Ali.[32](#)

If the Khums was the right of all the Muslims, how was it acceptable for `Uthman ibn `Affan to give it to `Abdullah ibn Sarh and to Marwan ibn al-Hakam exclusively on different occasions?[33](#)

If `Uthman’s decision was a personal judgment that should be rejected by the Muslims, what for are the majority of the Sunnite jurists not deciding this share from the Khums to the “relatives” of the Holy Prophet?

Manifestly, the fact is something other than what had been decided to be filled in the mentalities of the extremists who sanctified the past generations of the Muslims excessively. Yet, it cannot be discussed now, because such extremists have banned any sort of debate as regards the situations and opinions of the past personalities of Islam. Moreover, they may decide such debates as apostasy!

[1.](#) Al-Hakim al-Nisapuriy: al-Mustadrak `Ala’l-Sahihayn 4:340; Musannaf `Abd al-Razzaq 10:263; Sunan al-Darimi 1:159 H. 631, 2:452 H. 2916; al-Bayhaqi: al-Sunan al-Kubra 6:246 H. 12201.

[2.](#) Ibn Sa’d: al-Tabaqat al-Kubra 2:336; Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 97; Ibn `Asakir: Tarikh Madinat Dimashq 39:180; al-Muttaqi al-Hindiy: Kanz al-`Ummal 10:295 H. 29490.

[3.](#) Al-Muttaqi al-Hindiy: Kanz al-`Ummal 1:291 H. 29473; al-Tabaraniy: Musnad al-Shamiyyin 3:251; Ibn `Asakir: Tarikh Madinat Dimashq 26:382.

[4.](#) Ibn `Asakir: Tarikh Madinat Dimashq 3:160; Sahih Muslim 2:718 H. 1037; Musnad Ahmad ibn Hanbal 4:99; al-Tabaraniy: al-Mu`jam al-Kabir 19:370 H. 869.

[5.](#) Musnad Ahmad ibn Hanbal 1:92 H. 707; Ibn Hazm: al-Ihkam fi Usul al-Ahkam 6:219.

[6.](#) Malik ibn Anas: al-Muwatta’ 1:336 H. 40.

[7.](#) Musnad Ahmad ibn Hanbal 1:57; Sunan al-Nassa’iy 5:152; al-Hakim al-Nisapuriy: al-Mustadrak `Ala’l-Sahihayn 1:472; Sunan al-Darqutniy 2:287 H. 231.

[8.](#) Hashiyat al-Sindiyy `Ala’l-Nassa’iy 5:152.

[9.](#) Sunan al-Nassa’iy 5:148.

[10.](#) Ibn Qayyim al-Jawziyyah: Zad al-Ma`ad 1:181.

[11.](#) `Amr ibn `Umayy: Kitab al-Sunnah 2:602 H. 1350; Tarikh al-Ya`qubiy 2:223; Ibn Abi’l-Hadid: Sharh Nahj al-Balaghah 4:56; Jawahir al-Matalib 2:227.

- [12.](#) Ibn Sa'd: al-Tabaqat al-Kubra 4 : 147.
- [13.](#) Moreover, when he entered the holy city of al-Madinah, al-Hajjaj belittled the companions of the Holy Prophet; he sealed on the hand of Jabir ibn `Abdullah and on the necks of Anas ibn Malik and Sahl ibn Sa'd with lead so as to humiliate them. See Tarikh al-Tabariy 3:543; Ibn `Abd al-Barr: al-Isti'ab 2:664 No. 1089; Usd al-Ghabah 2:366; al-Muzziy: Tahdhib al-Kamal 12:189.
- [14.](#) Qira'ah is conditional in the validity of prayers, including the obligatory.
- [15.](#) Bada'i al-Sana'i` 1:111; al-Sarakhsiy: al-Mabsut 1:18, 221.
- [16.](#) Bada'i al-Sana'i` 1:172.
- [17.](#) Al-Bayhaqiy: al-Sunan al-Kubra 7:446.
- [18.](#) Tafsir al-Tabariy 4:278.
- [19.](#) Al-Bayhaqiy: al-Sunan al-Kubra 6:227; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 4:335.
- [20.](#) Ibn Hazm: al-Muhalla 5:277 and 229.
- [21.](#) Musnad Ahmad ibn Hanbal; Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 1:400-401; al-Haythamiy: Majma' al-Zawa'id 3:69.
- [22.](#) Sunan al-Darimiy 2:365-366; al-Bayhaqiy: al-Sunan al-Kubra 6:223.
- [23.](#) Kashf al-Ishtibah 5:27 as quoted from al-`Uyun wa'l-Mahasin 2:15 (from al-Jahidh's al-Fitya).
- [24.](#) For further details about the issue of Fadak, refer to Fadak in History by Shaheed Muhammad Baqir al-Sadr, translated by `Abdullah al-Shahin, Ansariyan Publications – Qum; 1423.
- [25.](#) Al-Bayhaqiy: al-Sunan al-Kubra 6:301, H. 12516.
- [26.](#) In the words of Lady Fatimah al-Zahra', Imam `Ali ibn Abi-Talib, and the Holy Imams of the Ahl al-Bayt, there are many indications to this meaning. For instance, Lady Fatimah al-Zahra', addressing to the ladies of the Muhajirun and Ansar, said, "The followers know for certain the consequences of that which had been established by the foremost ones." She is also reported as saying, "You were always waiting the befalling of calamities to us and expecting our bad news."
- [27.](#) Al-Baladhiriy: Futuh al-Buldan 1:38; Sharh Nahj al-Balaghah 16:278; Yaqt al-Hamawiy: Mu'jam al-Buldan 4:239; Ibn al-Athir: al-Kamil fi'l-Tarikh 2:104-105.
- [28.](#) Musnad Abi-Ya'liy 2:334 H. 1075, 1409; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 16:268; al-Durr al-Manthur 5:273-274.
- [29.](#) Al-Tabariy: al-Tafsir 10:6; al-Jassas: Ahkam al-Qur'an Chapter: The Distribution of the Khums 3: 60.
- [30.](#) Al-Tabariy: al-Tafsir 10:5; Musnad Ahmad ibn Hanbal 1:248-249; al-Jassas: Ahkam al-Qur'an 3:62; Abu-`Ubayd: al-Amwal.
- [31.](#) Al-Bayhaqiy: al-Sunan al-Kubra 6:344; Muhammad ibn Idris al-Shafi'iy: al-Musnad Chapter: Spoils of War.
- [32.](#) Musnad Ahmad ibn Hanbal 1:320; Al-Bayhaqiy: al-Sunan al-Kubra 6:344; Sunan al-Nassa'iy; Sunan Abi-Dawud.
- [33.](#) Ibn al-Athir: al-Kamil fi'l-Tarikh 3:91; Tarikh al-Tabariy as well as many other reference books of Islamic history.

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