**Appendix to: The Politics of ʿUmar b. al-Khaṭṭāb and *Zinā*-Stoning (DOI: 10.1163/15730255-bja10103)**

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**Abstract**

The article examines several versions of a report in which ʿUmar b. al-Ḫaṭṭāb makes a public statement asserting the lawfulness of stoning as punishment for a category of offenders convicted of unlawful intercourse. The article also analyses certain versions of a report in which ʿUmar makes a public declaration that the acclamation of Abū Bakr as caliph was legitimate despite the process being unexpected and in haste. I argue that the motif of ʿUmar as having made a public statement about the validity of stoning drew upon a motif about his public declaration regarding Abū Bakr’s caliphate. The association between these two motifs may have been part of a strategy to link, under the purview of ʿUmar’s authority and reputation for insulating the community against internal crisis, the settling of one contentious matter (the legitimacy of stoning) with another (the legitimacy of Abū Bakr’s caliphate).

**See Section 3.1, *Reports on the Authority of*** ʿ***Ubayd Allāh b.*** ʿ***Abd Allāh b.*** ʿ***Utba b. Mas***ʿ***ūd***

The Syrian jurist Ibn Shihāb al-Zuhrī (d. 124/741) is the most frequently recorded authority to have reported from ʿUbayd Allāh the ʿUmar-*cum*-*zinā* stoning narrative.

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| TABLE 1. Entry from Mālik’s *Muwaṭṭa’* (6:1201f, No. 3,042)(main article, page ?) | | |
| Transmission chain: | | Mālik – Ibn Shihāb al-Zuhrī – ʿUbayd Allāh b. ʿAbd Allāh b. ʿUtba b. Masʿūd – ʿAbd Allāh b. ʿAbbās |
| Textual content: | | I heard ʿUmar b. al-Khaṭṭāb say: ‘Stoning is in the Book of God (*kitāb Allāh*).a It is mandatory for any man or woman who commits *zinā* on the condition that they have *iḥṣān*b and are convicted based on eyewitness testimony, confession, or, pregnancy’.c |
| a | It is possible that the phrase ‘Book of God’ initially referred to any divine text. On the use of the term in the Qur’ān to connote any divine scripture, including itself, see, *e.g*., Q2:79; Q2:101, and Q3:23. While it is outside the scope of the present work to conduct a full investigation into the matter, it should be noted that the use of the term may be based on the biblical prescription of stoning for certain types of sexual offenses.[[1]](#footnote-1) | |
| b | I do not translate *iḥṣān* because there is disagreement among Muslim jurists about what it constitutes. Generally, however, it represents a legal status a person attains based on consummation within a lawful marriage contract. | |
| c | Regarding interpolation of *iḥṣān* and pregnancy into the textual content, the term *iḥṣān* is based on a reformulation of the Qur’ān’s use of verb *aḥṣana* and its active and passive participles. Note that the Qur’ān does not employ *iḥṣān*. It is my view *iḥṣān* (however defined) became a technical legal prerequisite for *zinā*-stoning only in the post-Qur’ānic Islamic legal tradition.[[2]](#footnote-2) In other words, debates about what constitutes *iḥṣān* and its relationship to *zinā*-stoningsuggest that neither the concept nor its relationship to the punishment existed during ʿUmar’s lifetime. ‘Umar asserts that pregnancy is sufficient evidence for a *zinā* conviction. But if pregnancy was in fact an early precedent (and independently sufficient for conviction), why do jurists disagree over its status as a probative legal element? The Mālikīs, for example, generally convict on the basis of pregnancy whereas other legal schools do not.[[3]](#footnote-3) | |

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| TABLE 2. Entry from the *Muṣannaf* of ʿAbd al-Razzāq (7:315, No. 13,329) (main article, page ?) | |
| Transmission chain: | Maʿmar b. Rāšid (d. 153/770) – Al-Zuhrī – ʿUbayd Allāh – ʿAbd Allāh b. ʿAbbās |
| Textual content: | I heard ʿUmar say: ‘Indeed, God Almighty sent Muḥammad with the Truth and the Book. One of the things that God revealed to him was the stoning verse (*āyat al-raǧm*). The Messenger of God stoned, and we stoned after him. I fear that a time will come when some people will say: “By God, we do not find stoning in God’s Book”. These people will be lost because they will abandon religious obligations that God has sent down. Indeed, stoning is mandatory for any man or woman who commits *zinā* on the condition that they have *iḥṣān* and are convicted based on eyewitness testimony, confession, or pregnancy’.[[4]](#footnote-4) |

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| TABLE 3. Comparison of the Respective Textual Contents of Mālik’s and ʿAbd al-Razzāq’s Recorded Versions of ʿUmar’s *Zinā*-Stoning Report (main article, page ?) | | |
| Mālik – Al-Zuhrī | | Maʿmar – Al-Zuhrī |
|  | | God sent Muḥammad with the Truth and the Book. |
| Stoning is in the Book of God. | | God revealed the stoning verse.a |
|  | | The Prophet stoned and we stoned.b |
|  | | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’.c |
|  | | ʿUmar says people will abandon religious obligations sent down by God. |
| Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy. |
| a | ʿUmar declares God revealed a stoning verse and that the Prophet stoned. This differs from Mālik’s report in which ‘Umar states that stoning was in the Book of God. | |
| b | ʿUmar asserts: ‘The Messenger of God stoned and we stoned after him’. This phrase functions to inform the reader/listener that the punishment was in fact implemented by the Prophet. Mālik’s version, by contrast, suggests (albeit by means of *argumentum ex silentio*) that the Prophet never stoned because ʿUmar never claimed that the Prophet did so.[[5]](#footnote-5) | |
| c | ʿUmar fears that Muslims will deny that a stoning verse ever existed. | |

The warning motif complicates this report’s provenance. ʿUmar became caliph 2 years after the Prophet’s death and reigned for 10 years, yet the report is not clear about when he made his statement. Given the short gap between the Prophet’s death and ʿUmar’s caliphate, it is unlikely that ʿUmar would lament that Muslims had rejected the stoning punishment shortly after his rise to power. Moreover, during his caliphate, several Companions were still alive, meaning that some would have remembered the Prophet’s involvement in the stoning of Muslim *zinā* offenders – as suggested by ʿUmar’s comment that Muslims stoned after the Prophet’s demise. In light of the aforementioned points, one must choose between one of two explanations: (1) that ʿUmar made his remark late in his reign, or (2) that this element came into circulation when the community became divided over the punishment’s applicability to Muslims and when there were no living Companions who could confirm or deny the veracity of the claim that either the Prophet or ʿUmar practiced *zinā-*stoning. The second explanation holds the most plausibility: the clause reflects a later socio-historical context in which there were disagreements about the applicability of *zinā*-stoning to Muslims, as well as the obvious need to recognize and mitigate this debate.

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| TABLE 4. Comparison of the Respective Textual Contents of Mālik’s, ʿAbd al-Razzāq’s, and Ibn Ḥanbal’s Recorded Versions of ʿUmar’s *Zinā*-Stoning Report (main article, page ?) | | |
| ʿAbd al-Raḥmān b. Mahdī – Mālik –  Al-Zuhrī | Maʿmar – Al-Zuhrī | Mālik – Al-Zuhrī  (from the *Muwaṭṭa’*) |
| God sent Muḥammad and with him the Book. | God sent Muḥammad with the Truth and the Book. |  |
| God revealed the stoning verse. | God revealed the stoning verse. | Stoning is in the Book of God. |
|  | The Prophet stoned and we stoned. |  |
| ʿUmar says: ‘[…] we read it/recited it (*qara’nā bi-hā*), we understood it (*‘aqalnāhā*), and we memorized it (*wa‘aynāhā*)’. |  |  |
| ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. |
| ʿUmar says people will abandon religious obligations sent down by God. | ʿUmar says people will abandon religious obligations sent down by God. | ʿUmar says people will abandon religious obligations sent down by God. |
| Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy |

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| TABLE 5. Comparison of Textual Contents of ʿUmar’s *Zinā*-Stoning Report as Narrated by Yūnus b. Yazīd al-Aylī, ʿAbd al-Raḥmān b. Mahdī, Maʿmar, and Mālik, respectively (main article, page ?) | | | |
| Yūnus b. Yazīd al-Aylī –  Al-Zuhrī | ʿAbd al-Raḥmān b. Mahdī –  (Mālik) – Al-Zuhrī | Maʿmar – Al-Zuhrī | Mālik – Al-Zuhrī |
| ʿUmar delivers the sermon from the pulpit of the Prophet. |  |  |  |
| God sent Muḥammad with the Truth and the Book. | God sent Muḥammad and with him the Book. | God sent Muḥammad with the Truth and the Book. |  |
| God revealed the stoning verse. | God revealed the stoning verse. | God revealed the stoning verse. | Stoning is in the Book of God. |
| The Prophet stoned and we stoned. |  | The Prophet stoned and we stoned. |  |
| ʿUmar says: ‘[…] we read it/recited it (*qara’nā bi-hā*), we understood it (*‘aqalnāhā*), and we memorized it (*wa‘aynāhā*)’. | ʿUmar says: ‘[…] we read it/recited it (*qara’nā bi-hā*), we understood it (*‘aqalnāhā*), and we memorized it (*wa‘aynāhā*)’. |  |  |
| ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. |
| ʿUmar says people will abandon religious obligations sent down by God. | ʿUmar says people will abandon religious obligations sent down by God. | ʿUmar says people will abandon religious obligations sent down by God. | ʿUmar says people will abandon religious obligations sent down by God. |
| Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy |

**Additional Information about Ḥarmala b. Yaḥyā and ʿAbd Allāh b. Wahb:** (main article, page ?)

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| Transmission chain: | Muslim – Ḥarmala b. Yaḥyā (d. *c*. 243/857) and Abū al-Ṭāhir [Aḥmad b. ‘Amr] (d. 250/864) – ʿAbd Allāh b. Wahb (d. 197/813) – Yūnus b. Yazīd al-Aylī – Al-Zuhrī […] |

Concerns existed about Ḥarmala b. Yaḥyā’s reliability as a transmitter, yet at the same time in Egypt he was considered to be among the most knowledgeable.[[6]](#footnote-6) He reportedly narrated from written material (a remark likely made to counter his alleged or real transmission weakness).[[7]](#footnote-7) Muslim’s other source, Abū al-Ṭāhir, was widely acclaimed as both a transmitter (*muḥaddiṯ*) and as a legal authority who wrote a commentary based on Ibn Wahb’s collection of reports.[[8]](#footnote-8)

Born in 125/743, ʿAbd Allāh b. Wahb distinguished between reports he preserved exclusively by listening and those he reviewed with his teachers after writing them down; he used both sources to produce *muṣannaf*s.[[9]](#footnote-9) Supposedly, he compiled a book consisting of al-Zuhrī’s transmissions from the jurist Saʿīd b. al-Musayyab in which he substituted Al-Zuhrī’s name for his own.[[10]](#footnote-10) He also transmitted reports that included Al-Zuhrī’s *ra’y*, or personal opinion, and attributed them to Ibn al-Musayyab.[[11]](#footnote-11) The distinction about the different ways in which Ibn Wahb preserved may function to explain why inconsistencies can be found in some of his transmissions, to reinforce his reputation as a reliable narrator, or both.

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| TABLE 6. Comparison of Hušaym b. Bašir al-Qāsim’s (d. 183/799) Narrative with Versions Examined Previously1 (main article, page ?) | | | | |
| Hušaym [b. Bašīr al-Qāsim] – Al-Zuhrī | | Yūnus b. Yazīd al-Aylī –  Al-Zuhrī | ʿAbd al-Raḥmān b. Mahdī –  (Mālik) – Al-Zuhrī | Maʿmar – Al-Zuhrī |
| ʿUmar delivers a sermon. | | ʿUmar delivers the sermon from the pulpit of the Prophet. |  |  |
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| God sent Muḥammad with the Truth and the Book. | | God sent Muḥammad with the Truth and the Book. | God sent Muḥammad and with him the Book. | God sent Muḥammad with the Truth and the Book. |
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| God revealed the stoning verse. | | God revealed the stoning verse. | God revealed the stoning verse. | God revealed the stoning verse. |
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| The Prophet stoned and we stoned. | | The Prophet stoned and we stoned. |  | The Prophet stoned and we stoned. |
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| ʿUmar says: ‘[…] we read it/recited it (*qara’nā bi-hā*) and we memorized it (*wa‘aynāhā*)’. | | ʿUmar says: ‘[…] we read it/recited it (*qara’nā bi-hā*), we understood it (*‘aqalnāhā*), and we memorized it (*wa‘aynāhā*)’. | ʿUmar says: ‘[…] we read it/recited it (*qara’nā bi-hā*), we understood it (*‘aqalnāhā*), and we memorized it (*wa‘aynāhā*)’. |  |
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| ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. | | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. |
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| ʿUmar says people will abandon religious obligations sent down by God. | | ʿUmar says people will abandon religious obligations sent down by God. | ʿUmar says people will abandon religious obligations sent down by God. | ʿUmar says people will abandon religious obligations sent down by God. |
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| Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy |
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| ʿUmar asserts: ‘By God, were it not that people would say ‘Umar added something to the Book of God, I surely would have written it down (*katabtuhā*)’. |  | |  |  |
| 1 Hušaym’s version differs from the other recensions in the following ways: (1) It states that ʿUmar delivered a sermon, but does not specify that he was standing on the Prophet’s pulpit. (2) ʿUmar states, ‘[…] we read it/recited it (*qara’nāhā*) and memorized it (*wa‘aynāhā*)’, not ‘[…] we read it/recited it, were aware of it, and remembered it’. | | | | |

**Additional Biographical Information on Hušaym b. Bašir al-Qāsim (d. 183/799):** (main article, page ?)

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| Transmission chain: | ʿAbd Allāh b. Muḥammad al-Nufaylī (d. 234/848) – Hushaym [b. Bašir al-Qāsim] (d. 183/799) – Al-Zuhrī […][[12]](#footnote-12) |

According to some biographers, Hušaym b. Bašir al-Qāsim Ibn Bašir was reliable,[[13]](#footnote-13) produced *muṣannaf*s,[[14]](#footnote-14) and never transcribed reports he received during study sessions.[[15]](#footnote-15) He purportedly recorded between 100 and 300 of Al-Zuhrī’s transmissions but lost his written copy when a strong gust of wind blew it out of his arms.[[16]](#footnote-16) Much to his dismay, after this incident he was able to remember only 9 of Al-Zuhrī’s reports.[[17]](#footnote-17) Although likely apocryphal, the story may be an attempt to explain why he could only recall a handful of narratives. Ibn Bašīr was alleged to have practiced *tadlīs*,[[18]](#footnote-18) and Sufyān al-Ṯawrī ordered people not to record anything from him.[[19]](#footnote-19) He had a close relationship with ʿAbd al-Raḥmān b. Mahdī (a student of Al-Zuhrī’s).[[20]](#footnote-20) Ibn Bašir is also reported to have travelled often to Egypt, the primary residence of Yūnus b. al-Aylī, to acquire prophetic and non-prophetic reports.[[21]](#footnote-21)

**See Section 4.2, *Reports on the Authority of Yūsuf b. Mihrān (d. unknown)***

Yūsuf b. Mihrān who, like ʿUbayd Allāh, was a student of Ibn ʿAbbās. One pupil of Ibn Mihrān’s is recorded to have circulated the narrative on his authority: ʿAlī b. Zayd b. Judʿān (d. *c*. 131/749).

**Relevant Biographical Information: ʿAlī b. Zayd b. Judʿān (d. *c*. 131/749)** (main article, page ?)

Some critics held that Ibn Judʿān was a weak narrator and that his transmissions did not have any religious or legal value.[[22]](#footnote-22) But these assessments may be linked to rumours that he was an extremist Shīʿī.[[23]](#footnote-23) By contrast, others thought highly of him and considered him to be a reliable legal authority.[[24]](#footnote-24) This debate suggests that the extremist Shīʿī accusations **–** in all probability **–** were used to disparage his character and, perhaps by extension, his transmission skills. The well-known Sufyān b. ʿUyayna (d. 198/814) commented that he compiled a book of narratives based on Ibn Judʿān’s authority.[[25]](#footnote-25) Ibn ʿUyayna receives high praise from Al-Šāfiʿī, Ibn Maʿīn (d. 233/847), Ibn Ḥanbal,[[26]](#footnote-26) and Al-Ḏahabī (d. 748/1348), who called him ‘Šayḫ al-Islam’.[[27]](#footnote-27) For someone of Ibn ʿUyayna’s stature to preserve a book by a transmitter who was possibly as weak as Ibn Judʿān likely would have raised concerns among *ḥadīṯ* critics, be they Ibn ʿUyayna’s contemporaries or not. To the best of my knowledge, there is nothing in the sources to suggest that there was a controversy about Ibn ʿUyayna’s endorsement of Ibn Judʿān’s transmissions. One might claim that Ibn ʿUyayna’s name was used to bolster Ibn Judʿān’s reputation. Again, there is no information to support this assertion.

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| TABLE 7. (main article, page ?) | |
| Transmission chain: | Al-Ṭayālisī – Ḥammād b. Zayd (d. 179/795) – ʿAlī b. Zayd b. Judʿān – Yūsuf b. Mihrān: |
| Textual content: | Ibn ʿAbbās preached from the pulpit in Basra and said: People, indeed ʿUmar b. al-Ḫaṭṭāb once stood before us and said, ‘People, stoning is one of the fixed punishments (*ḥudūd*), so whatever you do, do not be deceived about it. It was in the Book of God and the practice of your Prophet. The Messenger of God stoned, Abū Bakr stoned, and I stoned’.[[28]](#footnote-28) |

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| TABLE 8.a (main article, page ?) | | |
| Transmission chain: | | Maʿmar b. Rāšid – ʿAlī b. Zayd b. Judʿān – Yūsuf b. Mihrān – Ibn ʿAbbās: |
| Textual content: | | ʿUmar b. al-Ḫaṭṭāb instructed someone to make the call to prayer (*adhān*), which was then made. ʿUmar then climbed up on the pulpit, praised God, and said: ‘People, whatever you do, do not be deceived about the stoning verse for it was revealed in the Book of God. We read it/recited it but it perished (*ḏahabat*) along with many other verses of the Qur’ān when Muḥammad died. One sign of the verse is that the Prophet stoned, as did Abū Bakr, and as I did after them. However, a group of people from this Community will come (*sa-yaǧī’u*)and lie about stoning, just as they will lie about the sun rising from the west, intercession, the watering trough (*al-ḥawḍ*),[[29]](#footnote-29) the *daǧǧāl*, torment in the grave, and a people who exit the fire after having been placed in it’.[[30]](#footnote-30) |
| a | ʿAbd al-Razzāq provides a recension that traces back to Ibn Mihrān. ʿAbd al-Razzāq received the report from Maʿmar, who, as noted in Section 4.1, also transmitted the narrativefrom Al-Zuhrī on the authority of ʿUbayd Allāh. | |

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| TABLE 9. Comparison of ʿAlī b. Zayd b. Judʿān’s (d. *c*. 131/749) and Hušaym b. Bašir al-Qāsim’s (d. 183/799) Respective Versionsa (main article, page ?) | | |
| Ḥammād b. Zayd – ʿAlī b. Zayd b. Judʿān – Yūsuf b. Mihrān | | Hušaym [b. Bašir al-Qāsim] – Al-Zuhrī – ʿUbayd Allāh |
| Ibn ʿAbbās delivers a sermon in Basra. | | ʿUmar delivers a sermon. |
|  | | God sent Muḥammad with the Truth and the Book. |
| Stoning is one of the *ḥudūd* punishments. | |  |
| Stoning was in the Book of God. | | Stoning was in the Book of God. |
| Stoning was the practice of the Prophet . | |  |
| The Prophet stoned, Abū Bakr stoned, and I stoned.b | | The Prophet stoned and we stoned. |
|  | | ʿUmar says: ‘[…] we read it/recited it (*qara’nā bi-hā*) and we memorized it (*wa*ʿ*aynāhā*)’. |
|  | | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. |
| A warning not to be deceived about stoning.c | | ʿUmar says people will abandon religious obligations sent by God |
|  | | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy |
|  | | ʿUmar asserts, ‘By God, were it not that people would say “ʿUmar added something to the Book of God, I surely would have written it down (*katabtuhā*)” ’. |
| a | I utilize Hušaym b. Bašir al-Qāsim’s recension because of its comprehensiveness. | |
| b | The declaration, ‘The Messenger of God stoned, Abū Bakr stoned, and I stoned’, is an expansion of ʿUmar’s remark in some of ʿUbayd Allāh’s versions, ‘The Messenger of God stoned, and we stoned after him’. | |
| c | The warning, ‘[…] whatever you do, do not be deceived about it’, echoes ʿUmar’s statement in ʿUbayd Allāh’s version that Muslims will stray and neglect their religious obligations. | |

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| TABLE 10. Comparison of Three Reports: One on the Authority of Ibn Judʿān, One on that of Al-Zuhrī, both provided by Maʿmar, and a Version on the Authority of Ḥammād b. Zayd (main article, page ?) | | |
| Maʿmar – Ibn Judʿān – Ibn Mihrān | Maʿmar – Al-Zuhrī – ʿUbayd Allāh | Ḥammād b. Zayd – Ibn Judʿān – Yūsuf b. Mihrān |
| ʿUmar delivers a sermon. | ʿUmar delivers a sermon. | Ibn ʿAbbās delivers a sermon. |
|  | God sent Muḥammad with the Truth and the Book. |  |
|  |  | Stoning is one of the *ḥudūd* punishments. |
| Stoning was in the Book of God. | Stoning was in the Book of God. | Stoning was in the Book of God. |
|  |  | Stoning was the practice of the Prophet. |
| We read it/recited it. |  |  |
| The Prophet stoned, Abū Bakr stoned, and I stoned. | The Prophet stoned and we stoned. | The Prophet stoned, Abū Bakr stoned, and I stoned. |
| ʿUmar claims that a day will come when people will lie about stoning just as they about other theological matters. | ʿUmar fears that a day will come when people will say: By God, we do not find stoning in God’s Book. |  |
| A warning not to be deceived about stoning. | ʿUmar says people will abandon religious obligations sent by God. | A warning not to be deceived about stoning. |
|  | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy |  |

**Relevant Biographical Information: Yūsuf b. Mihrān (d. unknown)** (main article, page ?)

According to some biographers, no one other than Ibn Judʿān transmitted from Ibn Mihrān.[[31]](#footnote-31) This, of course, raises questions about Ibn Mihrān’s transmission of reports from Ibn ʿAbbās. One might argue that Ibn Judʿān used Ibn Mihrān’s name to establish a connection with the Companion Ibn ʿAbbās. However, to reject the historicity of the transmission chain on the grounds that biographers did not know of any other pupils of Ibn Mihrān is an argument *ex silentio*. That the biographers did not have access to reports involving Ibn Mihrān’s other students does not *a priori* mean that he did not have any.[[32]](#footnote-32) Second, it is possible that Ibn Mihrān was not a well-known narrator and that transmitters did not seek out his study sessions; instead, they may have gravitated toward better-known individuals who narrated the same information as Ibn Mihrān. This second point is a reasonable explanation given that little is known about Ibn Mihrān except that his method of teaching included his use of written notes.[[33]](#footnote-33) This remark about the manner in which he recalled and taught narratives should be viewed as a critique. During his lifetime (likely the turn of the 2nd/8th century), it remained meritorious in Basra for transmitters to recite from memory.[[34]](#footnote-34)

**See Section 5, Reports Attributed to Saʿīd b. al-Musayyab (d. *c*. 94/715)**

In this section, I review ʿUmar’s *zinā*-stoning report transmitted on the authority of Saʿīd b. al-Musayyab. I primarily evaluate the transmission chain and corresponding textual content of a version put into circulation by his student, Yaḥyā b. Saʿīd al-Anṣārī (d. 143/760). I also briefly examine a recension on the authority of Ibn al-Musayyab’s student, Dāwūd b. Abī Hind (d. 139/756).

**Additional Transmission Chain Analysis: Yaḥyā b. Saʿīd al-Anṣārī (d. 143/760)** (main article, page ?)

The sources intimate that Mālik and Yaḥyā b. Saʿīd were close. For example, it is reported that while he was living in Medina, Yaḥyā b. Saʿīd asked Mālik to bring him a compilation of reportsthat he could use to teach after moving to Baghdad.[[35]](#footnote-35) It is also worth noting that Mālik is one of the main authorities for biographical information on Yaḥyā.[[36]](#footnote-36) The aforementioned data suggests that Mālik and Yaḥyā b. Saʿīd knew each other well and increases the probability that Mālik received ʿUmar’s *zinā*-stoning report from his teacher.

While some biographical information about Yaḥyā b. Saʿīd may call into question his version of the transmission chain and textual content, there is no reason to dismiss his participation in the circulation of the report recorded by Mālik. Yaḥyā reportedly transmitted between three hundred and three thousand prophetic and non-prophetic reports.[[37]](#footnote-37) One might argue that the sheer size of his corpus increases the statistical probability of error. This argument, however, is insufficient grounds for dismissing his or anyone’s narratives as inaccurate. Indeed, Yaḥyā b. Saʿīd was a respected transmitter and jurist, served as a judge (although the exact location is disputed),[[38]](#footnote-38) and considered by some to be on par with, or better than, Al-Zuhrī.[[39]](#footnote-39) Note also that Ibn al-Musayyab himself supported *zinā*-stoning,[[40]](#footnote-40) and some reports about his opinion are transmitted by Yaḥyā b. Saʿīd.[[41]](#footnote-41)

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| TABLE 11. Mālik’s Account on Ibn al-Musayyab’s Authority (main article, page ?) | |
| Transmission chain: | Yaḥyā b. Saʿīd – Saʿīd b. al-Musayyab |
| Textual content: | After leaving Minā, ʿUmar b. al-Ḫaṭṭāb made his camel kneel on its belly in a dry river bed. He then made a pile of pebbles and threw his cloak over it. He laid down and used the pile to rest his head. He raised his hands to the sky and said: ‘God, I have grown old and weak, and my flock has expanded far and wide. Take me to Yourself as someone who has not wasted Your blessings or neglected his duties’. ʿUmar arrived in Medina near the end of Dhū l-Ḥiǧǧa and delivered a sermon. He said: ‘People, the traditions (*sunan*) have been established for you, religious obligations have been made compulsory for you, and you have been given what is clear so that humanity will not stray either to the right or to the left!’ –all the while clapping his hands. Then ʿUmar said: ‘People, be mindful and do not ignore the stoning verse. And beware of those who say, “We do not find two fixed punishments (*ḥaddayn*) in the Book of God, may God be blessed and exalted”. Indeed, the Messenger of God stoned and we stoned. By the One in whose hand is my soul, were it not for the fact that people would say, “ʿUmar b. al-Ḫaṭṭāb added to the Book of God”, I would have written: “*Al-šayḫ* *wa*-*l-šayḫa*, stone them both without wavering. I have surely read it/recited it’.[[42]](#footnote-42) |

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| TABLE 12. Comparison of Ibn al-Musayyab’s Version with Others Previously Examined (main article, page ?) | | | | | |
| Yaḥyā b. Saʿīd – Ibn al-Musayyab | | Maʿmar – Ibn Judʿān – Ibn Mihrān | | Ḥammād b. Zayd – Ibn Judʿān – Yūsuf b. Mihrān | Al-Zuhrī – ʿUbayd Allāh |
| ʿUmar delivers a sermon. | | ʿUmar delivers a sermon. | | Ibn ʿAbbās delivers a sermon. | ʿUmar delivers a sermon. |
|  | |  | |  | God sent Muḥammad with the Truth and the Book. |
| ʿUmar says that traditions have been established and religious obligations have been made compulsory. | |  | | Stoning was the practice of the Prophet. |  |
| ʿUmar says: ‘People, beware of straying from the stoning verse[…]’ | | A warning not to be deceived about stoning | | A warning not to be deceived about stoning | ʿUmar says people will abandon religious obligations sent by God. |
| ʿUmar warns about those who say, ‘We do not find two fixed punishments (*ḥadd*) in the Book of God […]’. | ʿUmar claims that a day will come when people will lie about stoning just as they about other theological matters. | | Stoning is one of the *ḥudūd* punishments. | | ʿUmar fears that a day will come when people will say: ‘By God, we do not find stoning in God’s Book’. |
| The Messenger of God stoned and we stoned. | The Prophet stoned, Abū Bakr stoned, and I stoned. | | The Prophet stoned, Abū Bakr stoned, and I stoned. | | The Prophet stoned and we stoned. |
| ‘I have surely read it/recited it’. | ‘We read it/recited it’. | |  | | ‘We read it/recited it (*qara’nā bi-hā*), we understood it (*‘aqalnāhā*), and we memorized it (*wa‘aynāhā*)’. |
|  |  | |  | | Conditions: *iḥṣān* plus eyewitness testimony, confession, or pregnancy |
| ʿUmar asserts, ‘Were it not for the fact that people would say, “ʿUmar b. al-Ḫaṭṭāb added to the Book of God”, I would have written: ‘*Al-shakyh* and *al-šayḫa*, stone them both without wavering’. |  | |  | | ʿUmar asserts, ‘By God, were it not that people would say, “ʿUmar added something to the Book of God”, I surely would have written it down (*katabtuhā*)’. |
| a Recall that in ʿUbayd Allāh’s report ʿUmar laments a time when Muslims would disregard the stoning punishment. This motif, I argued, raises important questions about the report’s provenance. In Ibn al-Musayyab’s version, the information leading up to ʿUmar’s sermon throws into relief the incertitude about the timing of ʿUmar’s declaration. His statement that he is old and that his flock has expanded suggest that he delivered the stoning sermon towards the end of his life. | | | | | |
| b The sermon motif appears in Ibn al-Musayyab’s version of the report, in some of ʿUbayd Allāh’s versions, and in all of Ibn Mihrān’s versions. | | | | | |
| c In Ibn al-Musayyab’s narrative, ʿUmar advises Muslims not to deviate to the right or the left. In ʿUbayd Allāh’s version, he implores Muslims not to follow in the footsteps of those who abandon their religious obligations. And in Ibn Mihrān’s recension, he predicts that people will lie about stoning as they do about other religious matters. | | | | | |
| d In both ʿUbayd Allāh’s and Ibn Mihrān’s reports, ʿUmar begins his sermon by encouraging the performance of obligations revealed by God (*i.e*., that are found in the Book of God), and obligations introduced by the Prophet (*i.e*., that are part of Prophetic Sunnah). He then compares fidelity to these two sources with fidelity to *zinā*-stoning. | | | | | |
| e In Ibn al-Musayyib’s version, ʿUmar treats *zinā*-stoning as one of the *ḥudūd* (offenses and punishments) as in Ibn Mihrān’s version. | | | | | |

In sum, Ibn al-Musayyab’s narrative of ʿUmar’s *zinā-*stoning report has five elements found in versions transmitted on the authority of Al-Zuhrī (ʿUbayd Allāh’s student) and Ibn Judʿān (Ibn Mihrān’s student), respectively. The overlapping elements among the various recensions affirms a *terminus ante quem* to the first quarter of the 2nd/8th century.

**See Section 6, The Politics of ʿUmar**

This section focuses on versions of a report in which ʿUmar attempts to quell public discord about the caliphal succession process. Ibn Abī Šayba provides different versions of a report in which ʿUmar comments on the selection of Abū Bakr as caliph. In one record, the transmission chainand textual content read:

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| TABLE 13. (main article, page ?) | |
| Transmission chain: | Muḥammad b. Jaʿfar (d. 193/808) – Šuʿba b. al-Ḥaǧǧāǧ (d. 160/776) – Saʿd b. Ibrāhīm (d. 125/742) – ʿUbayd Allāh – Ibn ʿAbbās – ʿAbd al-Raḥmān b. ʿAwf (d. *c*. 31/654): |
| Textual content: | After ʿUmar performed the *ḥaǧǧ*, he wanted to give a sermon. I [*viz*., ʿAbd al-Raḥmān b. ʿAwf] advised ʿUmar: ‘The roughest and basest of people (*ra*ʿ*ā*ʿ *an-nās wa siflatuhum*) have assembled before you, so wait until you arrive in Medina to deliver your sermon’. When I [*viz*., ʿAbd al-Raḥmān b. ʿAwf] arrived in Medina, I approached the pulpit and heard ʿUmar saying: “I am aware that many people are saying, ʿAbū Bakr’s caliphate was established in haste (*falta*)”.[[43]](#footnote-43) Well, it was done hastily (*falta*), but God protected us from its harmful effects. Indeed, no caliphate should be established without consultation (*mašūra*)’.[[44]](#footnote-44) |

In a longer account, ʿUmar talks about both the designation of Abū Bakr as caliph and the legitimacy of *zinā*-stoning.[[45]](#footnote-45) For the transmission chain and beginning of the textual content, see Table 14.

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| TABLE 14. (main article, page ?) | |
| Transmission chain: | **ʿ**Abd al-Aʿlā [b. ʿAbd al-Aʿlā al-Sāmī] (d. 189/804) – [Muḥammad] b. Isḥāq (d. *c*. 155/771) – ʿAbd al-Malik b. Abī Bakr [b. Muḥammad b. ʿAmr b. Ḥazm] (d. 177/793)[[46]](#footnote-46) – Al-Zuhrī – ʿUbayd Allāh – Ibn ʿAbbās: |
| Textual content: | I used to spend a lot of time with ʿAbd al-Raḥmān b. ʿAwf. Once we were in Minā with ʿUmar b. al-Ḫaṭṭāb. I was planning to give ʿAbd al-Raḥmān b. ʿAwf a Qur’ān lesson, and I went to his residence but did not find him there. Someone said, “He is with the Commander of the Faithful”. I waited for his return. |

The narrative goes on to say that upon ʿAbd al-Raḥmān’s return, he tells Ibn ʿAbbās that he has never seen ʿUmar as upset as he was that day. Ibn ʿAbbās asks why, and ʿAbd al-Raḥmān tells him that ʿUmar learned about two Medinans who said that the selection of Abū Bakr as caliph had been done in haste (*falta*). ʿAbd al-Raḥmān then tells Ibn ʿAbbās of his discussion with the second caliph, including his advice to ʿUmar to delay his public address until they return to Medina. ʿAbd al-Raḥmān then states that when they arrived in Medina, the caliph sat on the pulpit and, after praising God and the Prophet, declared:

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| Textual content continued: | God allowed the Messenger of God to live amongst us, sending divinely inspired revelations (*waḥy*) to him for the purpose of clarifying things that are either permissible or forbidden. Then God took the Messenger’s soul and whatever else God wished of revelation(*fa rafa‘a minhū mā šā’a an yarfa*ʿ*a*), and allowed to remain what God wanted to remain.[[47]](#footnote-47) As a result, we held fast to some things and neglected some things. Among the things we used to read/recite as part of the Qur’ān was, “Do not abandon your fathers, for it is an act of disbelief to do so”. And the stoning verse was sent down. The Prophet stoned and we stoned after his death. By the One in whose hand is the soul of Muḥammad, indeed I memorized it, taught it, and understood it! Were it not for the fact that people would say, “ʿUmar wrote something in the codex (*muṣḥaf*) that does not belong in it”, I surely would have written it with my own hand! Stoning is mandatory under three conditions: pregnancy, a confession by the offender, or, as God has ordered [in the Qur’ān], the testimony of upright individuals.[[48]](#footnote-48) I have learned that two men were saying Abū Bakr’s caliphate was established in haste (*falta*). I swear by my religion that it was, but God favored us with its good aspects and protected us from its harmful effects […]. |

**Additional Relevant Biographical Information on ʿAbd Allāh b. ʿAbbās (d. 68/687)** (main article, page ?)

Ibn ʿAbbās was the Prophet’s cousin, was present at the Farewell Pilgrimage, and was between the ages of 10 and 15 when the Prophet died.[[49]](#footnote-49) Ibn ʿAbbās’ method of deducing solutions to problems was first to consult the Qur’ān, then the Prophetic practice, then Abū Bakr’s example, then ʿUmar’s enactments, and, finally, his own opinion (*ra’y*).[[50]](#footnote-50) Note that the sequence of authority followed by Ibn ʿAbbās is virtually the same as the sequence of authority cited by ʿUmar when advocating for *zinā*-stoning. ʿUmar proclaims that the Book of God mandates stoning and that the punishment was implemented by the Prophet and Abū Bakr, and that he stoned Muslim *zinā* offenders as well. As for Ibn ʿAbbās’ relation with ʿUmar, during a study session on the Qur’ān, when elders were deliberating with ʿUmar about the meaning of several verses, ʿUmar invited Ibn ʿAbbās to participate. The elders were surprised when ʿUmar concurred with Ibn ʿAbbās and they questioned his deference to the young man, but the teacher defended his pupil.[[51]](#footnote-51) ʿUmar’s trust in the youthful Ibn ʿAbbās reflects the bond they shared.

**Summary**

In all likelihood, one intent of the narrative in which ʿUmar mentions the *falta* is to establish the legitimacy, necessity, and/or normativity of a *šūra*. In other words, the purpose of the report about Abū Bakr’s caliphate is to mitigate the unfolding discord (*fitna*, pl. *fitan*) over rightful leadership after the Prophet’s death by explicitly warning against impulsive pledges of loyalty (*i.e*., what transpired at the Saqīfa). It underscores the normativity of the ʿUmarian paradigm of succession as a way to ward off *fitna*. Thus, if there was a memory of ʿUmar having endorsed *zinā*-stoning, then an ideal canonical strategy to help settle a legal *fitna* about *zinā*-stoning would be to embed the memory in the motif of the establishment of a *šūra* as a remedy for the *fitna* of all *fitan*.

1. See, Deuteronomy 22:24. [↑](#footnote-ref-1)
2. For example, on ‘Aṭā b. Abī Rabāḥ’s opinion, see ʿAbd al-Razzāq b. Hammām al-Ṣanʿānī, *al-Muṣannaf fī-l-ḥadīṯ*, Ḥabīb al-Raḥmān al-A‘ẓamī (ed.), 12 vols. (Beirut: Dār al-Kutub al-ʿIlmiyya, 1972), 7:304, No. 13,286; on Al-Zuhrī’s position, see *Ibid*., 7:304f, No. 13,278; on Al-Ḥasan al-Baṣrī’s view, see Ibn Abī Šayba, *al-Muṣannaf* (2008 edn.), 9:349, No. 29,335; for a Ḥanafī example, see Al-Saraḫī, *al-Mabsūṭ*, 5:146ff; for a Mālikī example, see Saḥnūn, *al-Mudawwana*, 2:204ff; for a Šīʿī example, see Al-Ṭūṣī, *al-Mabsūt*, 8:3; for a Šāfiʿī example, see Al-Māwardī, *al-Ḥāwī*, 13:195f; for a Ḥanbalī example, see Ibn Qudāma, *al-Mughnī*, 12:314ff; For an informative study on the development of *iḥṣān*, see John Burton, ‘The Meaning of “*Ihsan*”’, *Journal of Semitic Studies* 19(1) (1974): 47-75. [↑](#footnote-ref-2)
3. For example, see Saḥnūn b. Saʿīd al-Tanūḫī, *al-Mudawwana al-kubrā li-Imām Mālik b. Anas al-Asḥābī: Riwāyat li-Imām Saḥnūn b. Sa*ʿ*īd al-Tanūḫī* ʿ*an al-Imām* ʿ*Abd al-Raḥmān b. Qāsim*, Aḥmad ‘Abd al-Salām (ed.), 5 vols. (Beirut: Dār al-Kitāb al-ʿIlmiyya, 1994), 4:514; on the prohibition of using pregnancy as probative evidence for a *zinā* conviction, see Al-Šāfiʿī, *al-Umm*,8:110; the Ḥanafī jurist Al-Qudūrī notes that pregnancy may result from sexual intercourse that is not consensual, which would make the act something other than *zinā*. See Abū al-Ḥusayn al-Qudūrī, *at-Tajrīd*, Muḥammad Aḥmad al-Sirāj and ‘Alī Jum‘a Muḥammad (eds.), 12 vols. (Cairo: Alexandria, Dār al-Salām, 2004), 10:5295, No. 25,369; the Šīʿī jurist al-Ṭūsī writes that one should ask an unmarried woman who is pregnant if the pregnancy resulted from *zinā*. If she says that the pregnancy is from intercourse other than *zinā* (*e.g*., rape), she is not subject to the fixed punishment (*ḥadd*). See Muḥammad b. al-Ḥasan b. ‘Alī al-Ṭūsī, *al-Mabsūṭ fī fiqh al-imāmiyya*, Muḥammad Taqī al-Kašfī (ed.), 8 vols. (Tehran: al-Maṭba‘a al-Ḥaydariyya, 1967-1968), 8:7f; on the influence of ‘Umar’s statement about pregnancy on Mālikī rape doctrine, see Hina Azam, *Sexual Violation in Islamic Law: Substance, Evidence, and Procedure* (New York: Cambridge University Press, 2015), pp. 204-209 and pp. 216-219. [↑](#footnote-ref-3)
4. ‘Abd al-Razzāq, *al-Muṣannaf*, 7:315, No. 13,329; Ibn Ḥanbal records the report on ‘Abd al-Razzāq’s authority. However, the textual content is much shorter. It includes the following motifs: (1) God sent the Prophet with the Truth, (2) God revealed the stoning verse, and (3) the Prophet stoned and, after his death, Muslims stoned. Mālik’s account, which appears to be a summary of the longer version of the report, identifies specific points that emphasize the legality of stoning Muslim *zinā* offenders. See Aḥmad b. Muḥammad b. Ḥanbal, *Musnad*, ed. Šu‘ayb al-Arna’ūṭ and ‘Ādil Muršid, 50 vols., Beirut: Mu’assasat al-Risāla, 1992, 1:331, No. 414; Al-Tirmiḏī records the report on ʿAbd al-Razzāq’s authority. That the textual content is virtually identical to that given by ʿAbd al-Razzāq suggests that Al-Tirmiḏī’s version is likely based on a written source that goes back to ʿAbd al-Razzāq. See Muḥammad b. ʿĪsā al-Tirmiḏī, *Jāmi*ʿ *al-kabīr*, Baššār ‘Awwād Ma‘rūf (ed.), 6 vols. (Beirut: Dār al-Ġarb al-Islāmī, 1996), 3:101f, No. 1,432. [↑](#footnote-ref-4)
5. This clause is absent from two other versions transmitted on Maʿmar’s authority, see ʿAbd Allāh b. al-Zubayr al-Qurashī al-Ḥumaydī, *Musnad*, Ḥusayn Salīm Asad (ed.), 2 vols. (Damascus: Dār al-Saqqā, 1996), 1:161, No. 25; Aḥmad b. Muḥammad b. Ḥanbal, *Musnad*, Šu‘ayb al-Arna’ūṭ & ‘Ādil Muršid (eds.), 50 vols. (Beirut: Mu’assasat al-Risāla, 1992), 1:414, No. 331. I consider the absence of these two motifs as a result of the transmission process. [↑](#footnote-ref-5)
6. Jamāl al-Dīn Abū al-Ḥaǧǧāǧ Yūsuf al-Mizzī, *Tahḏīb al-kamāl fī asmā’ al-riǧāl*, Baššār ‘Awwād Ma‘rūf (ed.), 3rd edn., 35 vols. (Beirut: Mu’assasat al-Risāla, 1983), 5:550f; Šams al-Dīn Muḥammad b. Aḥmad b. ʿUṯmān al-Ḏahabī, *Siyar a*ʿ*lām al-Nubalā’*, Baššār ‘Awwād Ma‘rūf (ed.), 11th edn., 25 vols. (Beirut: Mu’assasat al-Risāla, 1996), 11:389. [↑](#footnote-ref-6)
7. Al-Mizzī, *Tahḏīb al-kamāl*, 5:550-2; Al-Ḏahabī, *Siyar a*ʿ*lām*, 11:390. [↑](#footnote-ref-7)
8. Al-Mizzī, *Tahḏīb al-kamāl*, 1:417; Al-Ḏahabī, *Siyar a*ʿ*lām*, 12:62. [↑](#footnote-ref-8)
9. Muḥammad b. Ḥibbān, *Kitāb al-ṯiqāt*, Muḥammad ‘Abd al-Mu‘īd Ḫān (ed.), 10 vols. (Hyderabād: Dā’irat al-Ma‘ārif al-‘Uṯmāniyya, 1973, 8:346; Al-Mizzī, *Tahḏīb al-kamāl*, 16:282f; Al-Ḏahabī, *Siyar a*ʿ*lām*, 9:226 and 233. [↑](#footnote-ref-9)
10. Abū Muḥammad ‘Abd al-Raḥmān b. Abī Ḥātim, *al-Jarḥ wa-t-ta*ʿ*dīl*, 9 vols. (Beirut: Dār al-Kutub al-ʿIlmiyya, 1953), 9:248; Al-Mizzī, *Tahḏīb al-kamāl*, 32:555; Al-Ḏahabī, *Siyar a*ʿ*lām*, 6:299; Aḥmad b. ʿAlī b. Ḥaǧar Šihābal-Dīn al-ʿAsqalānī, *Tahḏīb at-Tahḏīb*, ‘Ādil Aḥmad ‘Abd al-Mawǧūd & ‘Alī Muḥammad Ma’ūd (eds.), 7 vols. (Beirut: Dār al-Kutub al-Ilmiyya, 2004), 7:275. [↑](#footnote-ref-10)
11. Al-Mizzī, *Tahḏīb al-kamāl*, 32:555. [↑](#footnote-ref-11)
12. Abū Dāwūd Sulaymān b. al-Ash‘āṯ al-Azdī al-Sijistānī, *Sunan Abī Dāwūd*, Šu‘ayb al-Arna’ūṭ & Muḥammad Kāmil Qarah Balalī (eds.), 7 vols. (Damascus: Dār al-Risāla al-‘Ālamiyya, 2009), 6:469, No. 4,418. [↑](#footnote-ref-12)
13. Muḥammad b. Saʿd, *Kitāb al-ṭabaqāt al-kabīr*, ‘Alī Muḥammad ‘Amr (ed.), 11 vols. (Cairo: Maktabat al-Ḫānjī, 2001), 9:315 and 327; Al-Mizzī, *Tahḏīb al-kamāl*, 30:280. [↑](#footnote-ref-13)
14. Al-Ḏahabī, *Siyar a*ʿ*lām*, 8:289. [↑](#footnote-ref-14)
15. Aslam b. Sahl, *Tārīḫ al-wāsiṭ*, Georgis ‘Awwād (ed.) (Beirut: Maktabat al-ʿUlūm wa-l-Ḥikma, 1986), p. 138. [↑](#footnote-ref-15)
16. ‘Abd Allāh b. ‘Adī al-Ǧurǧānī, *al-Kāmil fī ḍu*ʿ*afā’ al-riǧāl*, ‘Ādil Aḥmad ‘Abd al-Mawǧūd & ‘Alī Muḥammad Mu‘awwaḍ (eds.), 9 vols. (Beirut: Dār al-Kutub al-ʿIlmiyya, 1997), 8:452; Al-Mizzī, *Tahḏīb al-kamāl*, 30:277. [↑](#footnote-ref-16)
17. *Ibid*., *Tahḏīb al-kamāl*, 30:278. [↑](#footnote-ref-17)
18. *Tadlīs* is the practice of not identifying the actual source of a report. [↑](#footnote-ref-18)
19. Ibn Saʿd, *aṭ-Ṭabaqāt*, 9:315 and 327; Al-Ǧurǧānī, *al-Kāmil*, 8:452f and 456; Al-Mizzī, *Tahḏīb al-kamāl*, 30:283. [↑](#footnote-ref-19)
20. Ibn Abī Ḥātim, *al-Jarḥ wa-t-ta‘dīl*, 9:115; Al-Ǧurǧānī, *al-Kāmil*, 8:453; Al-Mizzī, *Tahḏīb al-kamāl*, 30:281f; Al-Ḏahabī, *Siyar a*ʿ*lām*, 8:290. [↑](#footnote-ref-20)
21. Ibn Abī Ḥātim, *al-Jarḥ wa-t-ta‘dīl*, 9:115; Al-Ǧurǧānī, *al-Kāmil*, 8:453; Al-Mizzī, *Tahḏīb al-kamāl*, 30:281f; Al-Ḏahabī, *Siyar a*ʿ*lām*, 8:290. [↑](#footnote-ref-21)
22. Ibn Saʿd, *aṭ-Ṭabaqāt*, 9:251; Ibn Abī Ḥātim, *al-Jarḥ wa-t-ta*ʿ*dīl*, 6:186f; al-Mizzī, *Tahḏīb al-kamāl*, 20:437-9; Ibn Ḥaǧar, *Tahḏīb at-Tahḏīb*, 4:599. [↑](#footnote-ref-22)
23. Al-Ǧurǧānī, *Kāmil*, 6:335; Al-Mizzī, *Tahḏīb al-kamāl*, 20:439; Ibn Ḥaǧar, *Tahḏīb at-Tahḏīb*, 4:599; an investigation of Shīʿī extremism during Ibn Judʿān’s life time is a scholarly desideratum. [↑](#footnote-ref-23)
24. Al-Mizzī, *Tahḏīb al-kamāl*, 20:442f; Ibn Ḥaǧar, *Tahḏīb at-Tahḏīb*, 4:599f. [↑](#footnote-ref-24)
25. Al-Mizzī, *Tahḏīb al-kamāl*, 20:441; Ibn Ḥaǧar, *Tahḏīb at-Tahḏīb*, 4:600. [↑](#footnote-ref-25)
26. Al-Mizzī, *Tahḏīb al-kamāl*, 11:190; Al-Ḏahabī, *Siyar a*ʿ*lām*, 8:457. [↑](#footnote-ref-26)
27. Al-Ḏahabī, *Siyar a*ʿ*lām*, 8:454. Al-Ḏahabī uses ‘Šayḫ al-Islam’ conservatively to signify a specific group of elite scholars. The qualities shared by such scholars, in accordance with Al-Ḏahabī’s standards, are (1) the person is a qualified Imām, (2) overt rejection of speculative theology, (3) expertise in at least two of the following disciplines: (a) Qur’ān readings, (b) *ḥadīṯ* criticism, (c) *ḥadīṯ*-transmitter criticism, or (d) jurisprudence, (4) ‘moderate Sufism’. See Scott C. Lucas, *Constructive Critics, Ḥadīṯ Literature, and the Articulation of Sunnī Islam: The Legacy of the Generations of Ibn Sa‘d, Ibn Ma‘īn, and Ibn Ḥanbal* (Boston, MA: Brill, 2004), pp. 55-61. [↑](#footnote-ref-27)
28. Sulaymān b. Dāwūd b. al-Ǧārūd al-Ṭayālisī, *Musnad Abī Dāwūd al-Ṭayālisī*, Muḥammad b. ‘Abd al-Muḥsin al-Turkī (ed.), 4 vols. (Jīza: Dār Ha Ḥaǧar, 1999), 1:29f, No. 25; Ibn Abī Šayba records a similar report in which Ibn Mihrān says, ‘Stoning is one of the *ḥudūd* of God, so do not be deceived about it. The Messenger of God stoned, Abū Bakr stoned, and I stoned’. This report does not have the motif about punishment being in the Book of God; this is likely due to transmission error as this motif is found in the textual contents of several other versions of the narrative concerning ʿUmar and his sermon about *zinā*-stoning. See Ibn Abī Šayba, *al-Muṣannaf* (2008 edn.), 9:355, No. 29,358. [↑](#footnote-ref-28)
29. *Ḥawḍ al-rasūl* – the water pool of Muḥammad from which people will be given a drink on the day of resurrection. [↑](#footnote-ref-29)
30. ‘Abd al-Razzāq, *al-Muṣannaf*, 7:330, No. 13,364. [↑](#footnote-ref-30)
31. Yaḥyā b. Ma‘īn, *at-Tārīḫ: dirāsa wa tartīb wa taḥqīq*, Aḥmad Muḥammad Nūr Sayf (ed.), 4 vols. (Mecca: Markaz al-Baḥṯ al-Ilmī wa Iḥyā’ at-Turāṯ al-Islāmī, 1979) 4:325, No. 4,614; Ibn Abī Ḥātim, *al-Jarḥ wa-t-ta‘dīl*,9:229; Al-Mizzī, *Tahḏīb al-kamāl*, 32:463; Ibn Ḥaǧar, *Tahḏīb at-Tahḏīb*, 7:249. [↑](#footnote-ref-31)
32. In fact, some evidence indicates that Ibn Mihrān transmitted not only to Ibn Judʿān, but also to others, such as Al-Ḥasan al-Baṣrī. See ʿAlī b. al-Ḥasan b. Hibat Allāh b. ‘Abd Allāh al-Šāfiʿī b. ʿAsākir, *Tārīḫ madīnat dimašq*, Muḥammad al-Dīn ʿUmar b. Ġarāma al-ʿAmrawī (ed.), 80 vols. (Beirut: Dār al-Fikr, 1995), 64:193f. [↑](#footnote-ref-32)
33. Ibn Abī Ḥātim, *al-Jarḥ wa-t-ta‘dīl*,9:229; Al-Mizzī, *Tahḏīb al-kamāl*, 32:463; Ibn Ḥaǧar, *Tahḏīb at-Tahḏīb*, 7:249. [↑](#footnote-ref-33)
34. Gregor Schoeler, *The Oral and Written in Early Islam*, Uwe Vagelpohl (trans.) & James E. Montgomery (ed.) (New York: Routledge, 2006), 114f. [↑](#footnote-ref-34)
35. Ibn Saʿd, *aṭ-Ṭabaqāt*, 7:518. [↑](#footnote-ref-35)
36. For example, see Al-Mizzī, *Tahḏīb al-kamāl*, 31:352. [↑](#footnote-ref-36)
37. Al-Ḏahabī, *Siyar a*ʿ*lām*, 5:475. [↑](#footnote-ref-37)
38. Yaḥyā’s judgeship was in Baghdad, Medina, or Al-Hāshimiyya. For Medina, see Ibn Saʿd, *aṭ-Ṭabaqāt*, 7:518; Muḥammad Ismāʿīl al-Buḫārī, *Kitāb at-Tārīḫ al-kabīr*, Muḥammad ʿAbd al-Muʿīd H̱ān (ed.), 9 vols. (Hyderabād: Maṭbaʿat Ǧamīʿat Dā’irat al-Maʿārif, 1942-1979) 8:275, No. 2,980; Ibn Abī Ḥātim, *al-Jarḥ wa-t-ta‘dīl*,9:148; for Baghdad and al-Hāšimiyya, see Aḥmad b. ʿAlī b. Ṯābit al-Ḫaṭīb al-Baġdadī, *Tārīḫ madīnat al-salām*, Baššār ʿAwwād Maʿrūf (ed.), 17 vols. (Beirut: Dār al-Ġarb al-Islāmī, 2001), 16:155-158; Al-Mizzī, *Tahḏīb al-kamāl*, 31:351. [↑](#footnote-ref-38)
39. Ibn Saʿd, *aṭ-Ṭabaqāt*, 7:518; Al-Mizzī, *Tahḏīb al-kamāl*, 31:351; Al-Ḏahabī, *Siyar a*ʿ*lām*, 5:472 and 474f, Ibn Ḥaǧar, *Tahḏīb at-Tahḏīb*, 7:49. [↑](#footnote-ref-39)
40. Ibn Abī Šayba, *al-Muṣannaf* (2008 edn.), 9:347, No. 29,324 and 349, No. 29,334. [↑](#footnote-ref-40)
41. ʿAbd al-Razzāq, *al-Muṣannaf*, 3:536, No. 6,621 and 7:323, No. 13,342 and 364, No. 13,489. [↑](#footnote-ref-41)
42. Mālik, *Muwaṭṭa’*, 6:1, 203, No. 631; Ibn Ḥanbal records versions that focus on one aspect of Mālik’s report in which ʿUmar states, ‘People, take care not to ignore the stoning verse. And beware of those who say, “We do not find two fixed punishments (*ḥadd*) in the Book of God, may God be blessed and exalted”. Indeed, the Messenger of God stoned and we stoned’. See Ibn Ḥanbal, *Musnad* (1992 edn.), 1:362f, No. 249 and 1:394, No. 302. [↑](#footnote-ref-42)
43. There is no single term in English that captures the sense of the Arabic word *falta* – especially in this case. Lane has ‘a sudden, or an unexpected event’. See Lane, *An Arabic-English Lexicon*, 6:2,435f; but this translation leaves the reader wondering why God needs to protect people from the evil effects of something that is sudden or unexpected. It also begs the question as to why ʿUmar would refer to his own decisive affirmation of Abū Bakr’s candidacy/caliphate as sudden or unexpected. Madelung glosses the term as ‘a precipitate and ill-considered deal’. See Wilfred Madelung, *The Succession to Muḥammad: A Study of the Early Caliphate* (Cambridge: Cambridge University Press, 1997), p. 22; this seems too technical a translation for the pithy statement attributed to ʿUmar in this report. [↑](#footnote-ref-43)
44. ʿAbd Allāh b. Muḥammad b. Ibrāhīm b. Abī Šayba, *al-Kitāb al-muṣannaf fī-l-aḥādīṯ wa-l-āṯār*, Kamāl Yūsuf al-Ḥūt (ed.), 7 vols. (Beirūt: Dār at-Tāj, 1989), 7:431, No. 27,042; *mašūra* is etymologically related to *šūra*, which also signifies council or consultation. The use of the term may be taken as an explicit foreshadowing (which raises questions about the report’s provenance) of ʿUmar’s appointment of the consultative council that elected ʿUṯmān. [↑](#footnote-ref-44)
45. Ibn Abī Šayba, *al-Muṣannaf* (1989 edn.), 7:431f, No. 27,043; *mašūra* is etymologically related to *šūra*, which also signifies council or consultation. The use of the term may be taken as an explicit foreshadowing (which raises questions about the report’s provenance) of ʿUmar’s appointment of the consultative council that elected ʿUṯmān; see also Madelung, *The Succession to Muḥammad*, pp. 28–30. [↑](#footnote-ref-45)
46. Al-Nasā’ī includes a version that only refers to ʿUmar’s sermon about stoning. This report is transmitted on the authority of Al-Zuhrī by his student, ʿAbd Allāh b. Abī Bakr b. Muḥammad b. ʿAmr b. Ḥazm, who was ʿAbd al-Malik b. Abī Bakr’s uncle. See Aḥmad b. Šu‘ayb al-Nasā’ī, *Kitāb al-sunan al-kubrā*, Ḥasan ʿAbd al-Mu’min Šalabī (ed.), 12 vols. (Beirut: Mu’assasat al-Risāla, 2001), 6:412, No. 7,121. [↑](#footnote-ref-46)
47. According to some accounts of what transpired immediately after the Prophet’s death, ʿUmar was traumatized by the fact that God allowed Muḥammad to die. In this longer version of the report about Abū Bakr’s caliphate, ʿUmar’s remark signals his deep grief, but it may also point to his intuition about the confusion and ostensible chaos that could arise (or that was already in play) from the irresolvable ambiguities about what the revelation and the Prophet’s practice actually entail and the possible ways in which fidelity to both is required. Perhaps ‘Umar is being remembered as representing the epistemological inflection point that was the death of the Prophet. The comment attributed to ʿUmar raises important questions that merit further investigation. [↑](#footnote-ref-47)
48. Note that the conditions do not include *iḥṣān*. In the versions recorded by Ibn Ḥanbal and Al-Buḫārī, ʿUmar does mention *iḥṣān*. See footnotes 155 and 157 in Syed Atif Rizwan’s accompanying paper entitled *The Politics of ʿUmar b. al-Khaṭṭāb and Zinā-Stoning.* [↑](#footnote-ref-48)
49. Ibn Saʿd, *aṭ-Ṭabaqāt*, 6:321; Al-Buḫārī, *Tārīḫ*,5:3; Al-Mizzī, *Tahḏīb al-kamāl*, 15:161f. [↑](#footnote-ref-49)
50. Ibn Saʿd, *al-Ṭabaqāt*, 2:316. [↑](#footnote-ref-50)
51. *Ibid*., 6:327–329. [↑](#footnote-ref-51)