93204 - Did Khaalid ibn al-Waleed kill Maalik ibn Nuwayrah so that he could marry his wife?

the question

I am asking about something that I have read on a Shi'i website where it says that Khaalid saw the wife of Maalik – who was very beautiful – and after that Maalik said to his wife: You have killed me - meaning, I will be killed because of you. al-Zamakhshari, Ibn al-Atheer, Abu'l-Fida and al-Zubaydi said that Maalik ibn Nuwayrah (may Allaah be pleased with him) said to his wife on the day that Khaalid ibn Waleed killed him: Have you killed me?
I am asking how true this story is.

Detailed answer

Praise be to Allah.

Firstly:

The noble Sahaabi Khaalid ibn al-Waleed was the Sword of Allaah that was unsheathed against the mushrikeen, and the leader of the mujaahideen, (known as) al-Qurashi al-Makhzoomi al-Makki. He became Muslim in 7 AH after the conquest of Khaybar, or it was said that it happened before that. He died in 21 AH, and is known for many virtues. Among the most important reports about his virtues are the following:

1-

It was narrated from Anas (may Allaah be pleased with him):

That the Prophet (peace and blessings of Allaah be upon him) announced the death of Zayd, Ja'far and Ibn Rawaahah to the people before the news came to them and he said: "Zayd took the banner and was killed, then Ja'far took (it) and was killed, then Ibn Rawaahah took (it) and was killed," and his eyes were streaming with tears, "then one of the swords of Allaah took the banner,

until Allaah granted them victory.”

Narrated by al-Bukhaari (4262).

2-

It was narrated that ‘Amr ibn al-‘Aas (may Allaah be pleased with him) said:

The Messenger of Allaah (peace and blessings of Allaah be upon him) did not regard any of his companions as equal to me and Khaalid ibn al-Waleed from the day we became Muslim.”

Narrated by al-Haakim in al-Mustadrak (3/515) and by Abu Ya’la in al-Musnad (13/274). Al-Haythami said in Majma’ al-Zawaa’id (9/350): its men are thiqaat.

Secondly:

This noble Sahaabi has been exposed to slander and misrepresentation by some of the Orientalists who accepted all reports without researching or analyzing them, which were fabricated by some groups of Shi’ah out of hatred towards this Sahaabi who excelled in fighting the kuffaar and protecting the Muslim state during the time of the Rightly-Guided Caliphs. Among these slanders is the famous story about Khaalid killing Maalik ibn Nuwayrah and marrying his wife Layla bint Sinaan.

Maalik ibn Nuwayrah was known by the kunyah Abu Hanzalah; he was a poet and knight, one of the knights of Banu Yarboo’, and the Prophet (peace and blessings of Allaah be upon him) employed him to collect the zakaah of his people.

The historical reports agree to some extent that Maalik ibn Nuwayrah was killed by some of the troops of Khaalid ibn al-Waleed, and that after that Khaalid married his wife Layla bint Sinaan.

As for the reason why Maalik ibn Nuwayrah was killed, and the circumstances surrounding this incident, the reports vary, but most of the earlier historians who recorded this incident, such as al-Waaqidi, Ibn Ishaaq, Wuthaymah, Sayf ibn ‘Umar, Ibn Sa’d, Khaleefah ibn Khayyaat and others, state that Maalik ibn Nuwayrah refused to pay zakaah and withheld the zakaah camels, and he

prevented his people from paying it, which led Khaalid to kill him, without paying any attention to his claim that he was Muslim and prayed regularly.

Ibn Salaam said in Tabaqaat Fuhool al-Shu'ara' (172):

The point on which there is consensus is that Khaalid debated with him and that Maalik agreed to pray but refused to pay zakaah. End quote.

Al-Waaqidi said in al-Riddah (107-108):

Then Khaalid ordered that Maalik ibn Nuwayrah should be brought forward so that his neck might be struck, and Maalik said: Are you going to kill me when I am a Muslim who prays facing the qiblah? Khaalid said to him: If you were a Muslim you would not have withheld the zakaah and you would not have told your people to withhold it. End quote.

This was also narrated by many of the later historians such as al-Tabari, Ibn al-Atheer, Ibn Katheer, al-Dhahabi and others.

Some reports speak of the relationship between Maalik ibn Nuwayrah and the woman Sajjaah who claimed to be a prophet, and they also mention some bad statments spoken by Maalik ibn Nuwayrah, from which it may be understood that he had apostatized from the religion of Islam, as was mentioned by Ibn Katheer in al-Bidaayah wa'l-Nihaayah (6/322). He said:

It was said that Khaalid summoned Maalik ibn Nuwayrah, and warned him against following Sajjaah and withholding zakaah. He said: Do you not know that it is the partner of prayer? Maalik said: Your companion used to say that. He said: Is he our companion and not yours? O Diraar, strike his neck. So I struck his neck. End quote.

So why did some of the Sahaabah criticize Khaalid for killing Maalik ibn Nuwayrah, as was done by 'Umar ibn al-Khattaab and his son 'Abd-Allaah, and Abu Qataadah al-Ansaari?

The reason for that may be found in some reports, as it seems that the attitude of Maalik ibn Nuwayrah about zakaah was ambiguous at first, and did not clearly deny that it was obligatory,

and he did not pay it, so these Sahaabah were not certain about his view on the issue. But Khaalid ibn al-Waleed accused him and killed him. Because Maalik ibn Nuwayrah was outwardly a Muslim and prayed, Khaalid should not have been hasty and should have investigated his case further, and see whether Maalik ibn Nuwayrah would change his mind about zakaah. So some of the Sahaabah (may Allaah be pleased with them) denounced him for that.

It says in al-Bidaayah wa'l-Nihaayah by Ibn Katheer (may Allaah have mercy on him) (6/322):

Khaalid sent the troops to al-Battaah, calling the people to Islam, and the leaders of Banu Tameem came to him, hearing and obeying, and they paid the zakaah, except for Maalik ibn Nuwayrah. It is as if he was not certain what to do and he was holding back. The troops came to him and took him and his companions prisoner, but the soldiers disagreed about what to do with them. Abu Qataadah al-Haarith ibn Rib'i al-Ansaari bore witness that they prayed, but others said that they did not give the adhaan or pray. End quote.

Because Maalik ibn Nuwayrah was one of the leaders and nobles of his people, and his stance was not clear at the beginning, his brother Mutammim ibn Nuwayrah complained to Abu Bakr al-Siddeeq (may Allaah be pleased with him) about what Khaalid had done, and he rebuked Khaalid and said that he had erred by rushing to kill Maalik ibn Nuwayrah before referring the matter to Abu Bakr al-Siddeeq and the senior Sahaabah (may Allaah be pleased with them).

Khaleefah ibn Khayyaat (1/17) narrated:

'Ali ibn Muhammad narrated to us from Abu Dhi'b from al-Zuhri from Saalim that his father said: Abu Qataadah came to Abu Bakr and told him that Maalik and his companions had been killed, and he was very upset by that. Abu Bakr wrote to Khaalid telling him to come to him. Abu Bakr said: The worst that Khaalid could have done is making the wrong decision. Abu Bakr reinstated Khaalid and paid the diyah for Maalik ibn Nuwayrah, and he returned the prisoners and the wealth. End quote.

Ibn Hajar said in al-Isaabah (5/755):

His brother Mutammim came to Abu Bakr and eulogized his brother and urged him to pay the diyah and return the prisoners, so Abu Bakr set the prisoners free. Al-Zubayr ibn Bakkaar said that Abu Bakr ordered Khaalid to divorce the wife of Maalik, and ‘Umar rebuked Khaalid sternly about the case of Maalik, but Abu Bakr pardoned him. End quote.

This is the most that can be said about the story of Khaalid ibn al-Waleed killing Maalik ibn Nuwayrah. Either he was correct in killing him for withholding zakaah and denying that it was obligatory after the death of the Prophet (peace and blessings of Allaah be upon him), or he made a mistake and Khaalid rushed to kill him when he should have examined the matter and established proof. Whatever the case, this is not a slander against Khaalid (may Allaah be pleased with him).

Ibn Taymiyah (may Allaah have mercy on him) said in Minhaaj al-Sunnah (5/518):

It is not known whether the blood of Maalik ibn Nuwayrah was protected by sharee’ah, and we have no proof of that. The most that can be said about the story of Maalik ibn Nuwayrah is that his blood was protected and that Khaalid killed him as the result of a misjudgement. This does not mean that it would be permissible to kill Khaalid (in retaliation), just as when Usaamah ibn Zayd killed the man who said Laa ilaaha ill-Allaah, the Prophet (peace and blessings of Allaah be upon him) said to him: “O Usaamah, did you kill him after he said Laa ilaaha ill-Allaah? O Usaamah, did you kill him after he said Laa ilaaha ill-Allaah? O Usaamah, did you kill him after he said Laa ilaaha ill-Allaah?” He denounced him for killing him, but he did not order that he be killed in retaliation or require him to pay diyah or offer any expiation.

Muhammad ibn Jareer al-Tabari and others narrated from Ibn ‘Abbaas (may Allaah be pleased with him) that this verse – “and say not to anyone who greets you (by embracing Islam): ‘You are not a believer’” [al-Nisa’ 4:94] – was revealed concerning Mardaas, a man from Ghatafaan. The Prophet (peace and blessings of Allaah be upon him) sent an army to his people, whose leader was Ghaalib al-Laythi, and his companions fled but he did not flee, and he said, I am a believer. The cavalry came to him and he greeted them with salaam, but they killed him and took his sheep. Then Allaah revealed this verse and the Messenger of Allaah (peace and blessings of Allaah be upon

him) ordered that his wealth be returned to his people and that the diyah for him be paid to them, and he forbade the believers to do such things. Similarly, Khaalid ibn al-Waleed killed Banu Judhaymah as the result of misjudgement, and the Prophet (peace and blessings of Allaah be upon him) raised his hands and said: “O Allaah, I disavow before You what Khaalid has done.” But despite that the Prophet (peace and blessings of Allaah be upon him) did not execute him because he had acted on the basis of a misjudgement. As the Prophet (peace and blessings of Allaah be upon him) did not execute him even though he had killed more than one of the Muslims of Banu Judhaymah on the basis of a misjudgement, so it was more appropriate that Abu Bakr did not execute him for killing Maalik ibn Nuwayrah.

As for the accusation that Khaalid ibn al-Waleed (may Allaah be pleased with him) killed Maalik ibn Nuwayrah so that he could marry his wife because he desired his wife, it seems that this is an early accusation that Maalik himself and some of his followers also made, but they had no clear evidence for that. Rather it seems that he said that in order to conceal the real reason why he was killed, which was withholding zakaah. This is indicated by the discussion between Khaalid and Maalik that was narrated by al-Waaqidi.

Al-Waaqidi said in Kitaab al-Riddah (107-108):

Maalik ibn Nuwayrah turned to his wife and looked at her, then he said: O Khaalid, for this will you kill me?

Khaalid said: No, rather for the sake of Allaah I will kill you, because of your recanting the religion of Allaah and your withholding the zakaah camels, and your telling your people to withhold the zakaah of their wealth that is due from them. Then Khaalid issued orders that he brought forward and his neck be struck.

It was said that Khaalid ibn al-Waleed married the wife of Maalik and consummated the marriage with her, and the scholars are agreed on that. End quote.

Al-Haafiz Ibn Hajar said in al-Isaabah (5/755):

Thaabit ibn Qaasim narrated in al-Dalaa'il that Khaalid saw the wife of Maalik – who was very beautiful – and after that Maalik said to his wife: You have killed me! Meaning: I will be killed because of you.

He said this as speculation, and it so happened that he was killed, but he was not killed because of the woman as he thought. End quote.

Ibn Hajar al-Haytami said in al-Sawaa'iq al-Muhriqah (1/91):

The correct view is that Khaalid did not deserve to be executed because Maalik apostatized and returned his people's zakaah to them when he heard of the death of the Messenger of Allaah, as the apostates did, and Maalik's brother admitted that to 'Umar.

With regard to his marrying his wife, perhaps it was because her 'iddah ended by her giving birth immediately after he died, or it may be that she was detained in his home after the end of her 'iddah according to Jaahili custom. Whatever the case, Khaalid was too pious a man for anyone to think that he would do such a shameful deed that was not done by even the least of the believers, so how about the Sword of Allaah that was unsheathed against His enemies? What Abu Bakr did was right, not what 'Umar suggested to him. That is supported by the fact that when 'Umar was appointed caliph, he did not prosecute Khaalid or rebuke him, and he never mentioned this matter to him, so it is known that he realized that what Abu Bakr did was right, and he recanted his objection. Otherwise he would not have ignored the issue when he had the power and authority to deal with it, because he feared Allaah and would not compromise with regard to His sacred limits. End quote.

Dr. 'Ali al-Sallaabi said in his book Abu Bakr al-Siddeeq (219):

To sum up, there are those who accused Khaalid of marrying Umm Tameem immediately after she fell into his hands, because he could not be patient in the face of her beauty and his desire for her, in which case his marriage to her – Allaah forbid – would have been an act of immorality. This is a recently fabricated view that is of no worth, because the classical sources make no reference to it. Rather it is contrary to the clear texts. Al-Maawirdi said in al-Ahkaam al-Sultaaniyyah (47) that

what made Khaalid kill Maalik was his withholding the zakaah, which made it permissible to shed his blood. Thus the marriage contract between him and Umm Tameem was invalidated, and the ruling on the wives of apostates, if they live in dar al-harb, is that they are to be taken prisoner, not killed, as was indicated by al-Sarkhasi in al-Mabsoot (10/111). When Umm Tameem was taken prisoner, Khaalid chose her for himself, and when she became permissible for him he consummated the marriage with her as is stated in al-Bidaayah wa'l-Nihaayah.

Shaykh Ahmad Shaakir commented on this issue by saying: Khaalid took her and had intercourse with her as a concubine because she was a prisoner, and there is no 'iddah in the case of a prisoner, but it is completely haraam for her master to approach her if she is pregnant, before she gives birth, or if she is not pregnant, before she has had one menstrual period. Then he may have intercourse with her and that is something that is permitted according to sharee'ah and no one criticized that except his enemies who were opposed to him and saw their opportunity in that action, so they took their chance and started claiming that Maalik ibn Nuwayrah was a Muslim, and that Khaalid had killed him because of his wife. As for what they said about him marrying his wife on the night that he was killed, this is something that is not proven. If it were proven, there may be a way to explain it which would mean that Khaalid could not be stoned to death. The fuqaha' differ concerning the 'iddah of a woman whose husband has died – is it required in the case of a kaafir husband? There are two views. They also differed as to whether a dhimmi woman is obliged to observe the 'iddah following the death of her husband. There are two views that are well known among the Muslims, unlike the 'iddah following divorce. The reason for that is intercourse; it is essential that it be established that the womb is empty. As for the 'iddah following the death of the husband, it is required as soon as the marriage contract is drawn up. If he dies before consummating the marriage with her, should she observe 'iddah following the death of a kaafir husband or not? There is a difference of opinion concerning that. The same applies if he did consummate the marriage with her and she had one menstrual period following the consummation.

This applies if he was originally a kaafir. As for the apostate, if he is killed or he dies in his apostasy, then according to the view of al-Shaafa'i, Ahmad, Abu Yoosuf and Muhammad, she does

not have to observe the ‘iddah of a woman whose husband has died, rather she should observe the ‘iddah of irrevocable divorce, because the marriage became invalid when the husband apostatized. This separation is not a divorce (talaaq) according to al-Shaafa’i and Ahmad, but it is a divorce (talaaq) according to Maalik and Abu Haneefah, hence they did not oblige her to observe the ‘iddah of one whose husband has died, rather she should observe the ‘iddah of irrevocable divorce. If he did not consummate the marriage with her then she does not have to observe ‘iddah, just as she does not have to observe the 'iddah following divorce (talaaq) in that case.

It is known that Khaalid killed Maalik ibn Nuwayrah because he thought that he was an apostate. If he had not consummated the marriage with his wife, then she did not have to observe ‘iddah according to most of the scholars, and if he had consummated the marriage, then she had to wait for one menstrual cycle to establish that the womb was empty, not a full ‘iddah, according to one scholarly opinion; according to the other opinion, she had to wait for three cycles. If he was a kaafir then his wife did not have to observe the 'iddah following death of the husband according to one scholarly opinion, and if it was required to establish that the womb was empty by waiting for one cycle, then she may have already menstruated. Some of the fuqaha’ regard one cycle as sufficient to establish that the womb is empty, so if she was at the end of her menses, that could have been taken as evidence that her womb was empty.

To sum up, we do not know whether this matter happened in a way that leaves no room for ijtihaad, and making accusations in such a manner is the speech of one who is speaking without knowledge, which is something that is forbidden by Allaah and His Messenger. End quote.

And Allaah knows best.