

# TABLE OF CONTENTS

## Introduction

Āyah 1	1
Āyahs 2-6	2
Āyahs 7-14 and 176	10
Āyahs 15-21	18
Āyahs 22-28	24
Āyahs 29-31	32
Āyahs 32-33	36
Āyahs 34-35	38
Āyahs 36-42	42
Āyah 48	50
Āyahs 58-59	51
Āyahs 60-65	54
Āyahs 66-70	58
Āyahs 85-87	60
Āyahs 123-126	63
Āyahs 127-130	66
Āyahs 131-136	69
Āyahs 148-149	73
Summary	77
References	81

## بسم الله الرحمن الرحيم

### Introduction

Sūrah an-Nisaa' was revealed in Madinah. Because it contains many rulings concerning society, the family and women in particular, 'Umar bin al-Khaṭṭāb wrote to the people of Kūfah, saying, "Teach your women three sūrahs: An-Nisaa', An-Nūr and Al-Aḥzāb."

The sūrah revolves around three main themes:

- 1) Purification of Muslim society from remnants of *jāhiliyyah* and elevating it to the level of an Islamic one, unique for its ethical system of government derived from the Qur'ān.
- 2) Exposition of Islam's enemies and of their conspiracies and betrayals not in order to blame them for misfortunes, but to warn and prevent Muslims from being deceived and harmed. It may be noted that while the enemies in Makkah were pagan polytheists, in Madinah they were mainly from Ahl al-Kitāb and Arab hypocrites who dared not oppose Islam openly but were striving to undermine it from within.
- 3) Defining the Muslim's 'aqeedah while organizing society on the basis of Islamic values and establishing systems of government based on justice for believers and non-believers alike.

\* \* \*

The family is the foundation of human life and society, and the Qur'ān is concerned with consolidating and improving society. It begins by correcting the prevalent attitude about women and defining their importance as a pillar the family structure. It is additionally evident from the Sunnah that each family (from the time of marriage) should be built on the basis of ideological and intellectual compatibility.

The Sūrah's orders and prohibitions expose many of the injustices practiced by the pre-Islamic  $j\bar{a}hili$  society, contrasting it with those of Islam. One perceives how women and children were oppressed and deprived of inheritance, how families suffered insecurity and property was taken unjustly, and how such virtues as generosity and courage were practiced merely to gain recognition and influence. Some of these traditions needed to be amended, and some abolished altogether.

The rights of women and weaker members of society are bestowed by Allāh, the Exalted; neither were they earned by women nor sought by the oppressed. Muslim women are honored as mothers, daughters, sisters and wives. Like men, they have the right to knowledge and to freedom of thought and belief. They have the right and the obligation to worship their Creator and are rewarded or penalized according to their own efforts and intentions. They have been given financial rights of inheritance, earning and ownership, and the right to choose a husband and refuse injustice. They are deprived of their rights due only to un-Islamic customs which need to be corrected.

The Sūrah also summarizes the roles of husband and wife. When problems occur it prescribes solutions and remedies. And if married life should become intolerable, the Sharī'ah allows for separation and outlines the proper method.

This book deals with specific verses related to the family and the Muslim community.

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُم مِن نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالاً كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُم رَقِيبًا.

O mankind, fear your Lord, who created you from one soul and created from it its mate and dispersed from both of them many men and women. And fear Allāh, through whom you ask one another, and [in regard to] the wombs. Indeed, Allāh is ever over you, an Observer.

The Prophet (ﷺ) used to begin his speeches with this āyah as a reminder to be conscious of Allāh and to fear His displeasure and punishment. The instruction to fear Allāh is directed to all mankind.

 $Taqw\bar{a}$  (consciousness of Allah with avoidance and fear of HIs displeasure) is mentioned twice in connection with personal, private and family rights. The rights of people are of 2 kinds:

- 1) Those pertaining to transactions and dealings among people (rights enforced by law and government), and
- 2) Personal rights of the wife, husband, orphans, etc., that are not always enforceable by law but dependent on taqwā, which is the true enforcing authority for believers.

The āyah is also an important introduction to the subjects of this sūrah, and include:

- 1) An invitation to all mankind to know and worship Allāh, their Creator, and to contemplate realities and facts, and the rulings which enable humans to live an honorable life. The Qur'ān educates man and elevates him to a high level of knowledge and tolerance, which is necessary for universal da'wah. The best example of this is in the Messenger of Allāh (\*\*).
- 2) The dependence of man upon the one to whom he owes his existence, Allāh (ﷺ). The Qur'ān reminds humanity that the source of life and provision is the divine will of their Creator.
- 3) The common origin and relationship of all human beings. Mankind was originally created from one soul (Ādam), and from that soul was created its mate (Ḥawwā'). Then, all of humanity descended from her womb. This human relationship can now be observed through similarities in DNA.<sup>1</sup> Forgetting this fact leads to prejudices and conflicts based on race, class, nationality, etc.
- 4) Male and female have the same origin and are equal in human dignity. They are equally responsible before Allāh for their duties and entitled to their rights. These rights and duties differ only in regard to their created tendencies and roles in life. The revolutionary changes introduced by the Qur'ān were unknown previously. Before Islam the woman generally was considered inferior and was oppressed. The Qur'ān gave her equal honor as a human being and it cleared Ḥawwā' of responsibility for tempting Ādam (a Christian concept) both were influenced by the Shayṭān and both repented.<sup>2</sup>
- 5) The family is organized by defining and distributing the roles and tasks of its members. The creation of pairs means there is a natural difference in function and a division of duties. Ignoring this fact is clearly unrealistic. If all roles were the same there would be no need for the creation of two counterparts.
- 6) There is a suggestion of the Creator's unlimited ability, precision and specialization. For from one womb He spread over the earth human beings of various shapes, sizes, colors and

<sup>&</sup>lt;sup>1</sup> Further, it has been confirmed that the DNA of apes is markedly different from that of man, eliminating the claims of evolutionists about man's ancestry.

<sup>&</sup>lt;sup>2</sup> Refer to Sūrah al-Baqarah, 2:36 and Sūrah al-A'rāf, 7:23. In Sūrah at-Taḥreem (66:10-12), Allāh cited women as examples of piety and of wickedness, emphasizing the independence of thought and belief for every individual.

abilities – no two alike, even down to their fingerprints. In addition, each has a distinct individual personality and character by which he is known and judged. Incidentally, Allāh created Adam without parents, Ḥawwā' without a mother, 'Eesā without a father and other humans from two mates.

The second half of the āyah repeats the command to be conscious of Allāh. The first time it was with respect to the relationship between man and his Creator. Here it concerns relationships among human beings and adds, "by whom you ask one another," i.e., in whose name you request favors, demand rights, make contracts and swear oaths. Taqwā is essential for the good reception and application of the rulings forthcoming in this sūrah which changed the concepts and conditions of society. This change was effected among the early believers due to their faith and taqwā; and it is believers to whom the Qur'ān is addressed, as others will neither accept its rulings nor acknowledge their source.

So Muslims are to fear Allāh in regard to their mutual dealings and relationships, especially when it comes to "the wombs" or relations of kinship. *Raḥmah*, or mercy, is derived from *ar-raḥim*, meaning the womb. There must be no harm to relatives or evil intent, no injustice and no boycott except for disobedience to Allāh. The Prophet (\*\*) related that Allāh (\*\*) said to the womb, "Would you not be pleased that I keep relations with one who keeps your relations and cut relations with one who cuts them?" It said, "Yes." So He said, "That is your right."

The order to fear Allāh concerning relatives is tied to the beginning of the verse where we are reminded that all mankind are related as descendants of the first male and female created by Him. Therefore, taqwā will lead one to grant justice to everyone as a relative in humanity – to women, orphans and any who are less able than others to defend their rights.

The conclusion: *Indeed, Allāh is ever over you, an Observer*, reminds that He is always aware, keeping track of our words and actions, indeed our very thoughts and intentions. As the Messenger of Allāh (ﷺ) said, "If you do not see Him, He sees you." The word "ever" when used in conjunction with Allāh's attributes is inadequate to impart the sense of continuation expressed by "kāna" in Arabic, which indicates "always was, is, and always will be." It occurs repeatedly throughout this sūrah in conjunction with its rulings. The Qur'ān continually appeals to the conscience with such warnings and implants taqwā in the heart.

2.

And give to the orphans their properties and do not substitute the defective [of your own] for the good [of theirs]. And do not consume their properties into your own; indeed, it has ever been a great sin.

In Islamic terminology, an orphan (*yateem*) is a child who has lost his or her father before the age of puberty.<sup>4</sup> Care for the orphan and all his affairs is an obligation upon his nearest male relative. When that relative fulfills his duty the obligation is removed from the others. However, if that relative should neglect his duty or do it improperly, the other relatives are obligated to become involved and correct the situation. If they fail to do so, anyone who knows of it must notify the proper authority which will appoint a guardian, because the guardianship of an orphan is a *fardh kifāyah*, or community obligation – whenever someone fulfills the requirement the rest are no longer held responsible.

<sup>&</sup>lt;sup>3</sup> Narrated by Muslim.

<sup>&</sup>lt;sup>4</sup> Not necessarily the loss of both parents. The mother might still be living.

This āyah deals with the rights of orphans, who were often left to the mercy of their guardians and cheated or mistreated. It contains an order, two prohibitions and a conclusion. First is the order to give them what property rightfully belongs to them — not immediately, but to take care of their wealth and interests until the time they are competent to handle their own affairs; then turn it over to them in full without using it unlawfully. Although it is their property inherited from the parent, Allāh refers to it in the collective sense, reminding us that all wealth is provided by Him for the maintenance of the community as well as its individual members.

And do not substitute the defective for the good refers to property under guardianship as a trust. For example, a guardian would have a flock of sheep and was entrusted with a flock inherited by an orphan. He might exchange some of his diseased sheep for the orphan's healthy ones or take from his good crop and give him that of inferior quality. Or ţayyib and khabeeth can also refer to what is pure (halāl) and what is impure (harām).

And do not consume their properties into your own - i.e., do not steal from their property or take from it under false pretense. This includes every method employed to cheat them out of their right.

The verse ends with a commentary on the aforementioned behavior: *Indeed, it has ever been a great sin.* Taking advantage of an orphan or any disadvantaged person has always been a serious violation, an unacceptable form of tyranny and a grave sin in the sight of Allāh. While it is often undetected by others, Allāh warns of His awareness.

Taqwā is the only true preventive. The Şaḥābah became so concerned that they even feared sharing the orphan's food until Allāh revealed:

And they ask you about orphans. Say, "Improvement for them is best. And if you mix your affairs with theirs, they are your brothers. And Allāh knows the corrupter from the amender. And if Allāh had willed, He could have put you in difficulty.<sup>5</sup>

The objective is that their properties be protected and their interests and benefits considered. If there is an advantage to the orphan in someone involving himself in his affairs it should be done, and the righteous and conscientious guardian will be greatly rewarded. The Prophet (%) said, "I and the one who sponsors an orphan will be in Paradise like these two," and he held up his forefinger and middle finger.<sup>6</sup>

The best way of sponsoring an orphan is to bring him up with one's own children and raise him as he raises them and spend on him as he spends on them. If the guardian cannot afford to spend on the orphan, or if the orphan has enough wealth to be independent of means and the guardian brings him to live with his own children it is good also. Imam an-Nawawi said, "The virtue is attained by the one who sponsors an orphan from his own wealth or from the orphan's wealth under legitimate Islamic guardianship.

Individuals, peoples and nations have a tendency to exploit the weak among them. The Qur'ān deals with both diseases: attitudes of superiority and inferiority. It does not merely warn oppressors of the severe consequences they will face unless they repent, but also liberates those exploited and persecuted, urging them not to accept the status quo or the mistreatment of others, saying,

No, do not obey him but prostrate and draw near [to Allāh].

كَلاَّ لاَ تُطِعْهُ وَاسْجُدْ وَاقْتَرِبْ

<sup>&</sup>lt;sup>5</sup> Sūrah al-Bagarah, 2:220.

<sup>&</sup>lt;sup>6</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>7</sup> Sūrah al-'Alaq, 96:19.

وَإِنْ خِفْتُمْ أَلاَّ تُقْسِطُوا فِي الْيَتَامَى فَانكِحُوا مَا طَابَ لَكُم مِنَ النِّسَاءِ مَثْنَى وَثُلاَثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلاَّ تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُم ذَلِكَ أَدْنَى أَلاَّ تَعُولُوا.

And if you fear that you will not deal justly with the orphan girls, then marry those what you find good of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hands possess [i.e., slaves]. That is more suitable that you may not incline [from justice].

To understand the connection between the treatment of orphans and marriage we may refer to 'Urwah bin az-Zubayr's question to 'Ā'ishah, his maternal aunt, about this verse. She replied to him, "My nephew, this is about an orphan girl being brought up in the home of her guardian and sharing in his property. He is attracted by her wealth and beauty, and wishes to marry her without being fair to her in her *mahr* by giving her what someone else would give. So people were prohibited from marrying those orphans unless they could be just to them and give them the maximum that girls in their social position would be given. [Otherwise] they were instead ordered to marry other women." She said, "People had asked the Messenger of Allāh (紫) about this verse so Allāh revealed another verse [clarifying it]: *And they ask you for a fatwā concerning women. Say, 'Allāh gives you the fatwā concerning them, as well as what is conveyed to you in the Book about orphan girls to whom you do not give what was decreed for them, and [yet] you wish to marry them...' (4:127) This alludes to their unwillingness to marry the orphan girl who was neither wealthy nor beautiful. They are forbidden to marry those they desire for their wealth and beauty unless they treat them fairly because they would refuse to marry them when they lack wealth and beauty."* 

So the connection between the two subjects was due to the guardians' misuse of authority. Before Islam a guardian could take the wealth of the orphan under his care to support an unlimited number of wives. The girl may fear that if she disobeys her guardian, he will take her wealth. Many personal situations and circumstances can make it difficult to maintain justice, so taqwā is the determining factor. When a guardian is unsure about his ability to maintain fairness with the orphan girl under his care, he should turn elsewhere for marriage. This removes all suspicion of dealing unfairly with her.

Imām an-Nawawi interpreted the words  $m\bar{a}$   $t\bar{a}$  ba lakum (what you find good) to indicate that it is permissible to see her when the intent is to marry. And marriage is not a religious obligation unless one fears falling into sin; it is merely desirable and a sunnah mu'akkadah.

The āyah mentions marriage to two, three or four but restricts it to one in case there is apprehension concerning the man's ability to be fair to each wife. This is not understood as a ruling of limitation, for the same words are used to describe the wings of angels at the beginning of Sūrah Fāṭir, although it is known from the Sunnah that their number is greater than four. The limit of four comes from the Sunnah. An example is the following ḥadith: Ghaylān ath-Thaqafi had ten wives so the Prophet (ﷺ) ordered him to choose four of them and separate from the rest. And 'Umayrah al-Asadi said, "I had eight wives when I accepted Islam. I told the Prophet (ﷺ) of this and he said to me, 'Choose four of them.'" Thus, the previously unlimited number of wives was restricted to four.

<sup>&</sup>lt;sup>8</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>9</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>10</sup> Abū Dāwūd.

What is the ruling about having more than one wife? It is neither prohibited nor encouraged in the Qur'ān and Sunnah, but an option open to believers. According to this āyah it is a qualified allowance which is left to the customs of society and the needs of individuals within the framework of taqwā. It is a general permission based upon varying human circumstances and considers the best interests of mankind in all times and situations. Islam imposed a condition, namely, the ability to maintain fair treatment among all wives; otherwise the limit is one or "what your right hands possess" i.e., a slave under legal ownership.

The alternative touched upon by the phrase "those whom your right hands possess" is an unmarried slave woman owned by him. The statement is in general terms, without specifying marriage. Both marriage and cohabitation enabled a slave woman to gain her freedom. When a slave gave birth, she gained the status of "a child's mother" and could not be sold. On her master's death, she gained her freedom as did her child by him when he acknowledged his parenthood as was the general practice.

What is considered as fair treatment? In the case of the orphan girl, it involves the right to a mahr (an obligatory marriage gift) equal to other women among her relatives, friends and neighbors, the right to choose whether or not to marry the guardian or anyone else, and the ability of the guardian to be just in dealing with her if marriage occurred, as he would with his other wives. In general, justice is required with every wife, whether one or more.

There are some who quote Āyah 129 of this sūrah, claiming that it prohibits taking an additional wife, as it begins:

And you will never be able to be equal between wives, even if you should strive [to do so].

But the verse continues by saying:

So do not incline completely [toward one] and leave another hanging.

The mention of preference of one over another clearly indicates more than one. Allāh states that while it is impossible to feel exactly the same about two or more wives, a husband must be just and evenhanded in his division of time and material benefits.

This particular verse (no. 3) refers not to emotions and attitudes but to fair treatment concerning time spent with each, maintenance, material provisions, gifts, etc. The equality that needs to be maintained is in conduct, financial support and all practical aspects of married life. Nothing should be withheld from one wife when it is allowed to another. Love and feelings are not included in this condition of justice only because that is not controlled by one's will. The Prophet (ﷺ), when dividing time and provision among his wives would say, "O Allāh, this is my apportionment in what I control, so do not blame me for what You control and I do not." <sup>12</sup>

But if you fear that you will not be just, then [marry only] one or those your right hands possess. The matter requires attention from the very beginning. One does not wait until injustice occurs. If he even fears that it might occur, then one wife is best for him. And the āyah concludes by saying: That is more suitable that you may not incline [from justice]. The achievement of justice is, then, the overriding motive of this system and the objective of its every detail. It is essential that justice be observed in the home as the family is the basic unit of social structure and the basis of community life. 'Ā'ishah, the wife of the Prophet (ﷺ) explained it thus: "A man was taking care of a female orphan and he married her, although he did not desire to marry her. That girl's wealth

5

<sup>&</sup>lt;sup>11</sup> Not existent at the present time.

<sup>12</sup> Aḥmad.

was combined with his, and he was keeping her portion from her. Then this verse was revealed about the matter."

13

Another meaning of  $all\bar{a}$  ta' $\bar{u}l\bar{u}$  is "that you may not have too many dependents." From this some scholars derived an additional condition, which is the financial ability to adequately maintain more than one family.

Multiple marriage has always been recognized in human societies. All prophets had more than one wife except for 'Eesā , who did not marry. Islam did not invent or instigate the practice; it restricted and regulated it. Although admittedly there can be a negative aspect to it, it has a general benefit in that many people have been relieved thereby of great difficulties. If the harm was greater than the benefit Allāh would have prohibited it as He did for certain other customs and for intoxicants. Women are considered to be the beneficiaries, for the option of marriage as a second wife has usually been preferred by Muslim women to remaining single. The prohibition of second marriages in secular societies has only led to an increase in unlawful relationships lacking in security, morality and respect. Thus, while strictly prohibiting  $zin\bar{a}$ , Islam facilitates lawful marriage.

4.

And give the women [upon marriage] their [bridal] gifts graciously. But if they give up to you anything of it willingly, then take it in satisfaction and ease.

This order concerns the mahr (an obligatory gift given at the time of marriage) and is directed to both the woman's guardian and her husband. Three rulings are derived from it:

- 1) The mahr must be given to the wife without any effort to take or deprive her of any part of it. The wife is not responsible to provide anything for the house out of it unless she so chooses, as that is the husband's duty. Every woman, whether Muslim, Christian, Jewish or slave, when married, is to be honored at the time of her marriage with a gift reflecting the husband's respect for her and sincere desire for partnership with her throughout life.
- 2) The husband should give it willingly as an unconditional gift, according to circumstance and custom. In view of this, the woman and her family should not ask for more that is within his means or make difficulties for him. The Prophet (ﷺ) said, "The best marriage is the easiest," and "The best marriage gift is the easiest." As the marriage will require her acceptance of the husband's authority as head of the family and his sexual right, a mahr which is pleasing to the wife serves to further encourage her willing compliance and cooperation. The proper mahr is one which is intended to please the wife without causing hardship to anyone and without showing off. Since its purpose is to honor the wife, it must not be so little as to reflect belittlement of her; in fact, she and her guardian would be justified in refusing such an offer.

It is sunnah but not essential that it be specified before or at the time of the marriage contract. When not named or specified in the contract, the mahr should normally be similar to what is customarily accepted by other women of her family and their associates, yet taking into account the financial capability of the husband. Both sides must show good faith in a matter that will affect their future relationship.

<sup>14</sup> Abū Dāwūd - ṣaḥeeḥ.

<sup>&</sup>lt;sup>13</sup> Al-Bukhāri.

<sup>15</sup> Al-Ḥākim - şaḥeeḥ.

3) The mahr is the wife's right, as is her maintenance after marriage. It is her personal property and she is free to save, spend or invest it, or give all or part of it away. Neither her father or guardian nor her husband has any right to it unless she gives of it willingly.

Thus, Allāh has concluded: But if they give up to you anything of it willingly, then take it in satisfaction and ease. Some scholars infer from this a suggestion of taking less than what is offered in the spirit of cooperation, or returning a portion of it. However, a legal ruling has been derived from it as well: If she gives any of it unwillingly it is unlawful to accept, and if she demands it back later it is a sign of unwillingness. In fact, it is unlawful for anyone to take the property of another through compulsion, deception or shyness to refuse. 'Umar and others ruled that it should be returned if demanded by the wife, whether she gave it initially out of love or out of fear.

All or part of the mahr may be deferred by mutual agreement. It then becomes a debt which, if not settled beforehand, must be paid to her upon termination of the marriage by either divorce or death.

#### Some common errors regarding the mahr:

- 1) The assumption that the mahr is a bride price paid to the father or guardian and not to the wife. He might even forego it in a show of "generosity."
- 2) Expecting her to contribute all or part of it for house furnishings, jewelry, the wedding gown, etc.
- 3) The assumption that it is a measure of her worth and excessive demands from the woman's family or demanding a large amount to be deferred to discourage him from divorce
- 4) The assumption that happiness is attained through wealth and possessions
- 5) Extravagance, ostentation and showing off on the part of the husband or his family
- 6) Blind imitation of other families, tribes or cultures and fear of criticism and shyness or unwillingness to go against un-Islamic customs

### Among the serious negative consequences of such attitudes and transgressions are:

- 1) Resentment by less affluent husbands of the hardship and debt imposed upon them. Hostility toward the wife and her family takes the place of affection and respect.
- 2) Increasing numbers of unmarried men and of those who postpone marriage indefinitely because they cannot afford it
- 3) Greater numbers of unmarried women since men cannot marry them and often seek less expensive marriages in other countries
- 4) Psychological illnesses in the unmarried of both sexes and a noticeable increase in immoral practices
- 5) Women being deprived of virtuous husbands by greedy guardians
- 6) Rebellion of children against parents and their traditions, the good as well as the bad

Because standards differ with time, place and social status, the objection is not to a large or generous marriage gift as such, only to excess and extravagance. Scholars have applied a general ruling to the abundant mahr, which is: if it brings benefit, it is lawful; but if it causes harm, it is not.

5.

And do not give the weak-minded your property which Allāh has made a means of sustenance for you, but provide for them with it and clothe them and speak to them words of appropriate kindness.

Safah (weak-mindedness) is the kind of mental deficiency leading to defective management and a waste of wealth and resources. It can be an impairment in a person's will and/or ability due to a faulty or deficient understanding.

The verse says: "your property" rather than "their property." Although it is owned by that person legally, it is in essence the property of the community. Individuals may benefit by it as long as they prove to have sound judgment; and individual ownership is based on this principle. There is a suggestion that the protection of every individual's property is a community responsibility.

Those who own property but are mentally deficient and unable to look after it wisely are not to be given control of it. While their rights of ownership remain intact and cannot be taken from them, they are not allowed to administer their wealth. Ibn Katheer quotes one interpretation by some early scholars as: "Do not give the wealth which Allāh has made a means of sustenance and for which you are responsible to your wife or children, but take care of their needs." This view is not shared by all scholars. They cite the fact that a woman has economic rights and duties in normal circumstances and is permitted to use her own wealth as she sees fit. Additionally, she is responsible for running household affairs which may involve financial issues.

Indeed, it is more general than that, and includes any male or female, child or adult, who cannot reliably manage his affairs. Such incapacity may be permanent or temporary, as in the case of youth or inexperience. Or it may be a lack of wisdom or denial of accountability, such as ignorance or refusal of Islamic rulings in regard to what is halal and haram.

A guardian is required who will look after their best interests. Thus, Allāh concludes: But provide for them with it and clothe them and speak to them words of appropriate kindness. The guardian should retain the wealth and either give him what is sufficient for his food, clothing and other needs or buy them for him when necessary. He should also treat him kindly, speaking words of ma'rūf, or what is considered good and proper. This includes teaching and directing him whenever possible.

When the condition is temporary, as with the inexperience of young age, the guardian has the responsibility of teaching, training and correcting his ward until he gains the ability to look after his own interests. He must be prevented from harming himself or others. Temporary incompetence will cease with education, practice and maturity.

6.

And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgment, release their property to them. And do not consume it excessively and quickly, [anticipating] that they will grow up. And whoever, [when acting as guardian], is self-sufficient should refrain [from taking a fee]; and whoever is poor – let him take according to what is acceptable. Then when you release their property to them, bring witnesses upon them. And sufficient is Allāh as Accountant.

After discussion of marriage with orphan girls and other women, the Qur'ān returns to the subject of orphans and their inheritance. Having briefly referred to it in Āyah 2, detailed legislation is provided here concerning the transfer of their assets and properties to the orphans. It points to the importance of finding methods to guide the inexperienced (using the example of orphans) and expose them to the experimentation that will enrich their experience and reduce their period of dependency.

The āyah establishes two conditions for turning over the orphan's property to him:

1) He or she should have reached marriageable age, at which time the guardian must determine whether or not the orphan is qualified to assume financial responsibility. This was previously considered to be puberty, although some have mentioned the age of maturity, i.e., reason and competence. The age of fifteen is considered the age of adolescence in the absence of physical signs. In the two Ṣaḥeeḥs it is recorded that Ibn 'Umar said, "I was presented before the Prophet (\*\*) on the eve of the battle of Uḥud, when I was fourteen years of age, and he did not allow me to take part in the battle. But I when was presented before him on the eve of the battle of al-Khandaq I was fifteen, and he allowed me [to join]." 'Umar bin 'Abdul-'Azeez commented, "This is the difference between a child and an adult."

Sound judgment or the lack of it can be detected after one has attained puberty. Such matters do not require any specific definition as they are easily recognized. Training and testing the orphan must occur before he reaches this age in order to prepare him for responsibility. He needs to practice the necessary financial skills with awareness of Islamic values and rulings. The test or examination should not consist of words alone but practical application of what has been learned.

2) It should be determined that the orphan possesses judgment and wisdom. Rushd is defined as discretion in the Islamic sense, and this is the result of proper upbringing and education. Even when there is academic capability, if discretion is lacking the training period is prolonged. Thus, not everyone can be considered competent at the age of puberty. But once it has been established that the young person is of sound judgment he has the right is to receive his property in full.

A second prohibition and warning is issued to guardians: And do not consume it excessively and quickly, [anticipating] that they will grow up. Again there is emphasis on the need to preserve the orphan's property while he is still a minor. The orphan's property was frequently absorbed into the property of his guardian during the jāhili period. This required detailed legislation to eliminate deception of any kind. There must be no attempt to consume it by wasteful and hasty spending before the orphan reaches the age when the transfer takes place. Moreover, the guardian who is well off must abstain from taking any part of the profits or principal of the orphan's property in return for administering it. And whoever is self-sufficient should refrain; and whoever is poor — let him take according to what is acceptable. So if he is poor, he is allowed to take the equivalent of a wage within the minimum limits.

Anyone who has orphans under his care must look after them properly and raise them well, and if they have wealth, he is to guard it or invest it and pay the zakāh due on it. If he invests their money he may take payment equal to that of anyone else doing a similar job.

Then when you release their property to them, bring witnesses upon them. And sufficient is Allāh as Accountant. Witnesses should be present at the time of transfer as protection for the guardian from any future denial or false accusation that might occur. This is preferred for most financial issues such as the occurrence of a debt, its payment, the distribution of inheritance or the appointment of a guardian over a vulnerable person and his property.

The verse concludes with a reminder that Allāh witnesses everything and that He takes everything into precise account, nothing being hidden from Him. This account will be manifest on Yawm al-Qiyāmah when each individual will stand before Allāh to be confronted with his deeds and intentions. It is a reminder which serves as a threat to those who are unjust in their dealings and betray their trust and a reassurance to those who are conscientious in fulfilling their duties in the best way. They can be sure that even if no one on earth appreciates their efforts, Allāh the Exalted is fully aware and has prepared for them a great reward.

The previous āyahs contain severe warning to all those entrusted with the care of weaker members of society (women, children, the mentally deficient, etc.) and their properties. Because they usually cannot obtain their rights on their own, there was a necessity to reveal divine legislation.

The following āyahs, along with the final one of the sūrah, deal with *al-farā'idh*, or the obligatory shares of inheritance. Among the miracles of the Qur'ān is that Allāh (ﷺ) outlined a precise and perfectly calculated system for just distribution in only three verses, nos. 11, 12 and 176. It is a system based on nearness of relationship and the legal responsibilities of family members for one another.

7.

For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much – an obligatory share.

This āyah establishes the woman's right to a share of inheritance. In the days of *jāhiliyyah* society looked at individuals according to their value as fighters and producers, so no share of inheritance was given to females nor to boys who were not yet able to participate in wars. Islam changed this to a ruling that acquisition is proportionate to obligation. Since everyone is required to look after his relatives when they are in need and share their liability in paying the *diyah* if necessary, it is only just and reasonable that those relatives inherit from each other when property is left after death. This is an essential element of the Islamic economic system. An heir is an extension of the person from whom he inherits, and he is the one who must look after his relatives when he is well off and they are in need.

It is stated that the share of each is a religious obligation ( $far\bar{l}dhah$ ) ordained by Allāh. Like zakāh, it serves to keep balance in society and free the Muslim's heart from being dominated by materialism. Among the rulings related to this āyah:

- 1) Nothing may be withheld from any heir, no matter how little. Shares may be bought, sold or given away with the mutual consent of all heirs.
- 2) It applies to all kinds of property.
- 3) It applies to what is left of the estate after the payment of debts and whatever is willed in a waṣiyyah.

8.

And when [other] relatives and orphans and the needy are present at the [time of] division, then provide for them [something] out of it [i.e., the estate] and speak to them words of appropriate kindness.

When the close relatives are alive there is no share for more distant ones. This means that some relatives will not inherit anything because those who are nearer in blood relationship to the deceased take precedence over them. A waşiyyah within the permitted one third of the estate can compensate when there is need for it. But in addition, the ayah states that if such relatives or other disadvantaged people attend the division they may be given an unspecified amount as compensation so they will not feel deprived. The least that Allāh (ﷺ) orders in this case is to speak to them kindly in an effort to promote good family relations.

And let those [responsible] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allāh and speak words of appropriate justice.

This ayah appeals to the conscience of guardians and executors to put themselves in the place of the deceased and treat his children as they would like their own to be treated. When they imagine their own children placed in the care of others while being weak and vulnerable, they are more likely to sympathize with the orphans under their charge.

The command to fear Allāh inserts a subtle warning into the persuasion. Words that are "sadeed" are those which are just, proper and in the right place or the best advice, i.e., to the dying person to do what is right concerning his will, and to the heirs to uphold justice in distribution of the estate, i.e., not cheating or changing the waşiyyah.

The Qur'an is precise in expression as reflected in the difference between the conclusion of this verse and that of the previous one. Words of ma'rūf are words of kindness and generosity, and this is appropriate for dealing with relatives, orphans and the poor. But in this ayah when applied to the rights of heirs and fulfilling the waşiyyah, words of justice are suitable, for there can be no generosity at the expense of another's right. Any alteration in this aspect is unjust and would be sinful. And this paves the way for a severe threat in the following ayah.

10.

Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze [i.e., Hellfire].

Property that belongs to orphans is fire when taken without right. Those guardians who cheat their wards eat that fire as they eat food. And in the Hereafter their destination is the blazing fire of Hell. The Prophet (%) mentioned taking an orphan's property among the seven major sins which lead to destruction, making the Hellfire obligatory: committing shirk, practicing magic, killing a soul without right, dealing in ribā, consuming the wealth of an orphan, deserting the battlefield and slandering believing women.<sup>16</sup>

Ibn `Abbās reported that when this verse was revealed, each of the Ṣaḥābah who had an orphan under his care separated the property of that orphan from his own, even food and drink. If any part of an orphan's food was left over it was kept for him until either he ate it or it became spoiled. This inevitably caused great difficulties. When it was mentioned to the Prophet (紫), Allāh revealed:

<sup>&</sup>lt;sup>16</sup> Muslim.

وَيَسْأَلُونَكَ عَنِ الْيَتَامَى قُلْ إصْلاَحٌ لَهُم خَيْرٌ وَإِنْ تُخَالِطُوهُم فَإِخْوَ انْكُم وَاللّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمُصْلِحِ وَلَوْ شَاءَ اللّهُ لَأَعْنَتَكُم إِنّ اللّهَ عَزِيزٌ وَإِنْ تُخَالِطُوهُم فَإِخْوَ انْكُم وَاللّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمُصْلِحِ وَلَوْ شَاءَ اللّهُ لَأَعْنَتَكُم إِنّ اللّهَ عَزِيزٌ كَكِيمٌ.

And they ask you about orphans. Say, "Improvement for them is best. And if you mix your affairs with theirs — they are your brothers. And Allāh knows the corrupter from the amender. And if Allāh had willed, He could have put you in difficulty. Indeed, Allāh is Exalted in Might and Wise." After that they took their food and drink together.

The next two verses, in conjunction with the final one (176), outline the Islamic system of inheritance. Additional information can be found in the Sunnah, and other rulings are based on *ijtihād* by the scholars.

11.

يُوصِيكُمُ اللَّهُ فِي أَوْلاَدِكُم لِلذَّكِرِ مِثْلُ حَظِّ الأُنتَيَيْنِ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ تُلْتَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِن لَمْ يَكُن لَهُ وَلَدٌ وَوَرِتَهُ أَبَوَاهُ فَلأُمَّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِنْ كَانَ لَهُ وَلَدٌ فَإِن لَمْ يَكُن لَهُ وَلَدٌ وَوَرِتَهُ أَبَوَاهُ فَلأُمَّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِنْ كَانَ لَهُ وَلَدٌ فَإِن لَمُ وَلَدٌ وَوَرِتَهُ أَبُواهُ فَلأُمَّهِ الثُّلُثُ فَإِنْ كَانَ لَهُ إِنْ كَانَ لَهُ وَلَدٌ وَوَلِّ لَكُم اللَّهُ اللَّهُ إِنَّ اللَّهِ إِنَّ اللَّهُ عَلَى مَنْ اللَّهِ إِنَّ اللَّهِ إِنَّ اللَّهِ إِنَّ اللَّهَ كَانَ عَلْمَا خَكِيمٍ .

Allāh instructs you concerning your children [i.e., their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate<sup>18</sup> if he had children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. (Although the siblings themselves do not inherit in this case.<sup>19</sup>) Your parents or your children – you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allāh. Indeed, Allāh is ever Knowing and Wise.

The system of inheritance has been laid down by Allāh (ﷺ); it is He who has ruled on every issue concerning parents, children, spouses and relatives. These two verses were revealed when during illness, Jābir bin 'Abdullāh asked the Prophet (ﷺ), "What should I do about my property?" The verses begin with an order in the form of instruction to parents to maintain justice among their children, confirming that Allāh is kinder, fairer and more merciful than parents are to their own children. Muslims have no choice but to implement His rulings, and this is the proper concept of religion which the sūrah explains in clear terms.

Āyah 11 concerns children and parents. When Allāh said: for the male, what is equal to the share of two females it did not imply that one gender is preferred over another or intend any oppression of the female or depreciation of her rights; the contrary is actually more correct. It is a system justly balanced taking into account the natural requirements of each within the family. When the heirs are of the same degree of kinship, the same position in the inheriting generation (i.e., both sons and daughters of the deceased), then the difference in financial burdens imposed on each will be the basis for the difference in the shares, and this is the only principle that results in the difference in shares between male and the female. The Qur'ān did not generalize but limited the ruling to children, saying: "Allāh instructs you regarding your children; for the male what is equal to the share of two females." It did not say it was general, applying to all males and females.

<sup>&</sup>lt;sup>17</sup> Sūrah al-Bagarah, 2:220.

<sup>&</sup>lt;sup>18</sup> Literally, that which he left.

<sup>&</sup>lt;sup>19</sup> Although the siblings themselves do not inherit in this case.

The reason in this case is that the male will be required to maintain his wife, their children, his parents when they are in need, and possibly his unmarried sisters. But the female (sister of the male heir) is to be maintained along with her children by her husband, or by her father or brothers until she marries, and not from her own wealth. This means that a man shoulders at least double the burden of a woman within the family and society. Thus, justice is maintained in a distribution which achieves perfect balance between rights and duties, claims and liabilities. Though her share of inheritance is half that of her brother, she is privileged through the fact that her share is hers alone and she is not required to maintain anyone, including herself.

A study of inheritance rulings reveals some facts that are not widely known:

- There are only four cases where females inherit half of the male's share.
- There are several cases in which the females inherit an equal share to that of the male.
- There are ten or more cases in which the female inherits more than the share of the male.
- There are cases where the female gets a share of inheritance whereas her male equal does not.

This means that there are more than 30 cases were the female has a share of inheritance equal to or larger than that of the male, and in some cases she has a share of inheritance whereas her male equivalent does not have one.<sup>20</sup>

In addition, the system is based on the degree of kinship between the heir and the deceased, regardless of sex. And the younger generation usually gets a larger share than the older generations who have more of their financial needs imposed on others regardless of gender. For instance, the daughter of a deceased has a bigger share of inheritance than his mother and both are females. The daughter's share is larger than the father's even when she is an infant, and even if the father was the source of the son's wealth of which she inherits half. Similarly, the deceased's son inherits more than his father and both are males. These laws of Islamic inheritance cover a number of purposes and objectives that have nothing to do with gender. But they are not apparent to those who use discrepancy in the shares of males and females to stir up doubt about the woman's value in Islam.

The āyah here divides the shares of children into three categories:

- 1) When there are male and female children, the male's share equals two female shares after the parents and spouse take their shares.
- 2) When there are only daughters (2 or more), two thirds of the property is divided among them, then the spouse and parents take their shares and the rest goes to the nearest male relative (father, then brothers).
- 3) If there is only one daughter she gets one half, then the spouse and parents take their shares and the rest goes to the nearest male relative.

It then mentions three categories of parents:

- 1) When there are children, the parents each get one sixth.
- 2) If there are no children or brothers, the father gets two thirds and the mother one third. When there is a wife, she takes one fourth either before the mother's share or after it (according to the differing opinions of scholars).
- 3) When there are only parents and siblings, the mother's share is one sixth, the wife takes her share and the rest goes to the father. (Brothers do not inherit here.) The father's share is increased due to his responsibility for the brothers and sisters, who will inherit it at his death.

<sup>&</sup>lt;sup>20</sup> Abridged from: *The Inheritance of Women and Equality* by Dr. Salahuddin Sultan.

These shares, however, are only apportioned after execution of the deceased's will and payment of any outstanding debts, as Allāh said: "...after any bequest he [may have] made or debt." All scholars agree that a debt is <u>not</u> annulled at the borrower's death and that the payment of outstanding debts takes precedence over bequests, even if their payment should consume the entire estate. Several authentic ḥadīths state that a person is held back from Paradise or from his account being settled in the Hereafter until his debt has been paid.

As for the bequest (waṣiyyah), one may, at his own discretion, will up to one third of his property to any who would not inherit otherwise or allocate it toward charities or good works of his choice. Through a bequest he may also direct his heirs to perform specific deeds on his behalf. There are three conditions for its validity:

- 1) It must not include any who would inherit by law, such as parents and children. The Prophet (ﷺ) said, "There is no bequest for an heir." (Ḥadīth ḥasan, narrated by Abū Dāwūd and at-Tirmidhi)
- 2) It must not exceed one third of the total estate, and less is preferable, for the Prophet (ﷺ) said, "A third, and a third is much." (Narrated by Aḥmad, al-Bukhāri and Muslim) Any number of bequests is allowed within this limit.
- 3) It must not deprive a rightful heir of his or her share. The Qur'ān (4:11-12 and 4:176) has stated the right of each.

Any unlawful bequest (i.e., one that is contrary to Islamic Sharī'ah) is not to be honored by the heirs and would not be upheld in an Islamic court. As a bequest may be considered a person's final deed on earth, he should strive to make it one which is pleasing to Allāh.

Allāh (ﷺ) then states the wisdom behind the rulings applying to parents and children, saying: *Your parents or your children – you know not which of them are nearest to you in benefit.* Allāh's knowledge of this benefit includes both the present world and the Hereafter, while human knowledge is limited, subjective and shortsighted. If left to personal preferences and passions, some would receive preferential treatment and others would be deprived. In order to avoid biased judgments and unfair divisions, Allāh has taken this assignment upon Himself and made it *an obligation [imposed] by Allāh;* not advice or a recommendation, but a religious obligation, concerning which there is no choice for any Muslim.

*Indeed, Allāh is ever Knowing and Wise.* His law is based on absolute knowledge, wisdom and justice. This conclusion provides reassurance to believers and warning against the influence of emotion.

12.

وَلَكُم نِصْفُ مَا تَرَكَ أَزْوَاجُكُم إِن لَمْ يَكُن لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلَكُمُ الرُّبُعُ مِمَّا تَرَكْنَ مِن بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِن لَمْ يَكُن لَكُم وَلَدٌ فَإِنْ كَانَ لَكُم وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُمْ مِن بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوِ امْرَأَةٌ وَلَهُ أَحُّ أَوْ أَحْتُ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِن ذَلِكَ فَهُم شُركاءُ فِي الثُّلُثِ مِن بَعْدِ وَصِيَّةٍ يُوصَى بِهَا أَوْ دَيْنِ غَيْرَ مُضَارٍ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ .

And for you is half of what your wives leave if they have no child. But if they have a child, for you is one fourth of what they leave, after any bequest they [may have] made or debt. And for them [i.e., the wives] is one fourth if you leave no child. But if you leave a child, then for them is an eighth of what you leave, after any bequest you [may have] made or debt. And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth. But if they are more than two, they share a third, after any bequest which was made or debt, as long as there is no detriment [caused]. [This is] an ordinance from Allāh, and Allāh is Knowing and Forbearing.

The first portion of the āyah defines the inheritance of spouses from one another, with two conditions for each:

#### When the wife is deceased:

- 1) If she had no children the husband gets one half. Then the parents take their shares and the rest goes to her nearest male relative (the father, then brothers).
- 2) If she had children (from him or from a former husband), or grandchildren, the husband gets one fourth. The parents then take their shares and the rest is divided among the children with males getting the share of two females.

#### When the husband is deceased:

- 1) If he had no children the wife gets one fourth. Then the parents take their shares and anything left goes to the nearest male relative.
- 2) If he had children (from her or another wife), or grandchildren, the wife gets one eighth. The wife's share is divided equally between more than one.

The second part of the āyah mentions cases where there are no children or parents to inherit, but only brothers and sisters from the mother's side. Brothers and sisters from the father or both parents are mentioned separately in Āyah 176. *Kalālatan* (literally: as one with only side branches) is when someone dies leaving no parents or children. This is the definition of Abū Bakr, who said, "One without child or parent," and others of the Ṣaḥābah agreed with this. 'Umar, while disinclined to differ with Abū Bakr, remained uncertain until his death and refused to give any decisive statement about it.

- 1) If there are one or two siblings, the share of each (male and female) is one sixth.
- 2) If more than two, the share is one third, divided equally between males and females.

Half-brothers and sisters on the mother's side are different from other heirs in three ways:

- 1) The shares of males and females are equal among them.
- 2) They have no claim to any part of the inheritance unless the deceased has neither parents nor offspring. If his father, grandfather, child or grandchild survives him, they inherit nothing.
- 3) Their total share, regardless of their number, is a maximum of one-third of the estate.

"After any bequest which was made or debt, as long as there is no detriment [caused]. This is a warning against making a waṣiyyah (will or bequest) for the specific purpose of harming any of the heirs or anyone else. Islam expects that a will is made to serve justice and the family's best interests. Therefore, if the bequest contains any instruction contrary to Islamic rulings or leading to waste or to harm of any sort it may be cancelled or changed. for Allāh instructed:

But if one fears from the bequeather [some] error or sin and corrects that which is between them [i.e., the concerned parties], there is no sin upon him. Indeed, Allāh is Forgiving and Merciful.<sup>21</sup>

The verse concludes with a comment that is similar to the first verse: [This is] an ordinance from Allāh, and Allāh is Knowing and Forbearing. The reminder is reiterated that these apportioned shares are ordained by Allāh and emanate from His perfect knowledge with the addition that He is bears the sins of His servants, allowing them time to repent and does not punish them immediately.

15

<sup>&</sup>lt;sup>21</sup> Sūrah al-Baqarah, 2:182.

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِعِ اللَّهَ وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِن تَحْتِهَا الأَنْهَارُ خَالِدِينَ فِيهَا وَذَلِكَ الْفَوْزُ الْعَظِيمُ . وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهينٌ .

These are the limits [set by] Allāh, and whoever obeys Allāh and His Messenger will be admitted by Him to gardens [in Paradise] under which rivers flow, abiding eternally therein; and that is the great attainment. And whoever disobeys Allāh and His Messenger and transgresses His limits — He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment.

These two verses are a further reminder that legislative authority to belongs to Allāh alone. This is the essence of true faith and proper submission to Allāh — the religion of Islam. Hence, all creations must submit to Him and obey His commandments. They must follow and uphold the system and constitution He has chosen for them. He alone can make the choice and He alone can legislate and provide the values, standards and social systems that people must establish and maintain.

When Allāh's rulings are obeyed the reward is nothing less than the greatest attainment: eternal Paradise. When they are disobeyed the result is everlasting Hellfire and shameful torment. That is because transgression of the limits set by Allāh is no different in one aspect of the law than in the whole of the Sharī'ah, for both represent a rebellion against Allāh's religion. One cannot be a Muslim while believing that some other way is more just or more suitable than that of his Lord.

Thus, these verses are of vital importance for they explain the meaning of religion and the limits of Islam. The fact emphasized in Āyah 13 is the connection between the division of inheritance, obedience to Allāh and His Messenger and the ultimate reward of Paradise. Contrary to that, as shown in Āyah 14, is the implementation of laws, values, and standards established by human beings without reference to Allāh's Book and His authority. In this context, verbal claims of adherence to Islam are worthless unless they include the proper practical effect of obedience and application.

Abū Hurayrah reported that the Messenger of Allāh (ﷺ) said, "A man might do the deeds of good people for seventy years, but when he makes his waṣiyyah he is unjust therein, so he ends his work with the worst of his deeds and thus enters the Hellfire. And a man might do the deeds of evil people for seventy years, yet he is just in his waṣiyyah so he ends his work with the best of his deeds and thus enters Paradise." Then Abū Hurayrah encouraged the people to recite these two verses.<sup>22</sup>

At this point, it is relevant to discuss the sūrah's final verse, which is related to this section.

## Āyah **176**.

يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُم فِي الْكَلاَلَةِ إِنِ امْرُؤُ هَلَكَ لَيْسَ لَهُ وَلَدُّ وَلَهُ أُخْتُ فَلَهَا نِصْفُ مَا تَرَكَ وَهُوَ يَرِثُهَا إِن لَمْ يَكُن لَهَا وَلَدُّ فَإِنْ كَانَتَا اثْنَتَيْنِ فَلَهُمَا الثُّلُثَانِ مِمَّا تَرَكَ وَإِنْ كَانُوا إِخْوَةً رِجَالاً وَنِسَاءً فَلِلذَّكَرِ مِثْلُ حَظِّ الأُنْتَيَيْنِ يُبَيِّنُ اللَّهُ لَكُم أَنْ تَضِلُّوا وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ .

They request from you a [legal] ruling. Say, "Allāh gives you a ruling concerning one having neither descendants nor ascendants [as heirs]." If a man dies, leaving no child but [only] a sister, she will have half of what he left. And he inherits [all] from her if she [dies and] has no child. But if there are two sisters [or more], they will have two thirds of what he left. If there are both brothers and

16

<sup>&</sup>lt;sup>22</sup> Aḥmad.

sisters, the male will have the share of two females. Allāh makes clear to you [His law], lest you go astray. And Allāh is Knowing of all things.

This concluding verse relates again to the social security which is provided within the family. It is a conclusion consistent with the beginning of the sūrah where many aspects of the social system were first outlined. Here are more rulings governing the estate of a *kalālah*, or someone having no living parents or children, with no heir in the direct line of inheritance. In this verse it relates to siblings from the father's side or from both parents, whereas in Āyah 12 it concerned those from the mother's side alone.

The legal ruling ( $fatw\bar{a}$ ) which was requested of Allāh's Messenger pertains to the question asked by Jābir during his illness: "I have only indirect heirs [sisters], so how will the inheritance be?" Then Allāh revealed this āyah.<sup>23</sup> And 'Umar related, "I never asked the Messenger of Allāh about anything as much as I asked him about the  $kal\bar{a}lah$ , until finally he jabbed his finger into my chest and said, 'Sufficient for you is  $\bar{A}yat$   $a\bar{s}$ - $\bar{s}ayf$  at the end of Sūrah an-Nisaa'." He called it  $\bar{A}yat$   $a\bar{s}$ - $\bar{s}ayf$  (the summer verse) because it was revealed in summer whereas the previous one ( $\bar{A}yah$  12) was revealed in winter.

Allāh (ﷺ) sent down the reply that He Himself would give the ruling. This verse assigns to the sister half of the inheritance in the case that it specifies (i.e., no child). Many among the Ṣaḥābah interpreted walad to mean a male child (a son), so they allowed when there was a daughter who would inherit one half that the sister would get the other half or whatever remained. Ibn Mas'ūd said, "I will give a ruling similar to that given by the Prophet (ﷺ). The daughter gets one-half and the granddaughter one-sixth; this makes two-thirds. Whatever is left goes to the sister."<sup>25</sup>

The rulings for the kalālah in this āyah can be summarized as follows:

When the deceased is a man:

If he had only one sister she gets one half. If there is a wife, she gets one fourth.

If he had two or more sisters they divide two thirds equally and wife gets one fourth.

If he had both brothers and sisters the wife gets one fourth and then the rest is divided among them with males getting the share of two females.

When the deceased is a woman:

If she had a brother he takes all, unless she had a husband who would get one half.

Occasionally, the inheritors' shares can total more than the whole estate. In such cases there is a principle known as al- $\dot{a}$ 'ilah which produces a proportionate reduction in the shares of all inheritors. For example, shares of one half and two-thirds would total seven sixths. Therefore, the divisions are reduced from sixths to seventh portions of the estate (i.e., smaller shares). The party entitled to half will then receive three-sevenths of the estate and the party entitled to two-thirds will receive four-sevenths of the estate. This has been the practice in matters of inheritance from the time of the Prophet ( $\frac{1}{2}$ ) to the present day.

The sūrah ends with a reminder: Allāh clarifies for you lest you go astray. And Allāh is Knowing of all things. This conclusion encompasses the following points:

- 1) Since Allāh has made His rulings clear there can be no excuse for not knowing them.
- 2) The purpose behind the clarification of His legislation is to prevent error and deviation.

<sup>&</sup>lt;sup>23</sup> Al-Bukhāri and Muslim.

<sup>&</sup>lt;sup>24</sup> Aḥmad and Muslim.

<sup>&</sup>lt;sup>25</sup> Al-Bukhāri.

3) It is Allāh alone who can keep one from going astray as His ordinances are the result of absolute and all-encompassing knowledge.

Thus, every person is left with only two choices: the path made known by Allāh and leading to salvation or the path of misguidance leading in another direction. In His words:

Then what can be beyond truth except error.<sup>26</sup>

فَمَاذَا بَعْدَ الْحَقِّ إلاَّ الضَّلاَلُ

The Islamic system of inheritance is a balanced and fair system that satisfies the needs of human nature and family life. This system takes fully into account the concept of mutual care and security within the family. It apportions shares according to the obligations of each member of the family. When once the primary heirs (spouses, parents and children) have taken their defined shares, the strongest claim to a portion of the deceased's estate belongs to his nearest relatives on the father's side, because it is they who are required to take care of his liabilities in any emergency.

This system also takes into account all aspects of human nature. It satisfies the natural desire of every human being to maintain relations with his children, who represent continuity of his existence. It reassures one who has exerted effort to save a portion of his earnings that his children will not be deprived of the fruits of that effort, for they will inherit him when he dies. For this reason children are given priority in inheritance over all other relatives. The new generation represents human survival and continuation of the family, so it is most deserving of assistance.

At the same time, the system does not deprive parents, grandparents or other relations of a share. It also takes into account the fact that all mankind originated from a single soul. Hence, it does not deprive a woman or child merely because of gender or minority. It provides for each in relation to the obligations of mutual care and maintenance within the family.<sup>27</sup>

Finally, the Islamic system of inheritance ensures that wealth accumulated by every generation is divided and redistributed. This ensures that vast wealth does not remain in the hands a few, as happens in systems that give all inheritance to the eldest son or a few favored heirs. From this point of view, it becomes an effective tool for economic reorganization within the community as it purges it of excesses without any direct intervention by the authorities, which would naturally be met with distaste. This continuing process of division and redistribution takes place without ill-feeling because takes into account human motives and satisfies them.

The verses which follow deal with the treatment of corruption and social ills within a society.

**15.** 

Those who commit immorality of your women – bring against them four [witnesses] from among you. And if they testify, confine them to houses until death takes them or Allāh ordains for them a way.

Prostitution and promiscuity were widespread among the Arabs before Islam. But now that Allāh had ordained rights and duties for women, confirmed their humanity, honor and dignity and declared them responsible beings accountable to Allāh just as men are, there could be no toleration of corrupt morals.

-

<sup>&</sup>lt;sup>26</sup> Sūrah Yūnus, 10:32.

<sup>&</sup>lt;sup>27</sup> Refer also to commentary on Āyah 32.

Every human society has its laws and restrictions – things that are permitted and forbidden. But there are societies excessive in prohibition and denial of the physical self as well as those that are extremely permissive. Islam refuses both these excesses and outlines a balanced middle path which takes human desires into account while regulating and directing them toward what is positive and beneficial.

Those who commit zinā put selfish desires above social and moral commitments, and this weakens and undermines communities and nations. The prohibition of zinā came in three stages. First, in a Makkan revelation, Sūrah al-Israa', Allāh prohibited and condemned it, saying:

"And do not approach zinā. Indeed, it has ever been an immorality and an evil way."28

This command is inclusive of all preliminaries to zinā as indicated by the word "approach." Later on in Madinah, Allāh revealed the āyah in this sūrah (no. 15) as temporary legislation. The woman found guilty of zinā was to be kept apart from society and confined to her home until death. Finally, zinā was declared a criminal offense in Sūrah an-Nūr, punishable by the state and this applied to both men and women.

The Qur'an is precise in specifying "your women," i.e., Muslim women. The same is true of the witnesses who are to be "four from among you," i.e., Muslims. For obvious reasons Islam does not allow non-Muslim men to testify against Muslim women. Its legislation is meant to deter anyone tempted to commit crimes, to purify society and protect its members from evil consequences in this world and the next. Its rulings are addressed to Muslim believers and not others, for only a believer trusting in the wisdom of Allāh will submit willingly to the necessary restrictions and accept the consequence of disobedience. The Qur'an instills in the Muslim a sense of responsibility, accountability and fear of Allāh, so that major sins are rare among believers. Moreover, punitive legislation is only one aspect of a complete system which, in addition to providing prohibitive obstacles in the path of unlawful relationships, strongly encourages and facilitates lawful marriage.

Should guilt be determined, the convicted parties were to be isolated from society. But in the absence of confirmed confession, conviction is subject to a strict condition: the testimony of four reliable, male Muslim witnesses, known for their honesty and righteous conduct – that they in fact saw the act taking place. It cannot be based on circumstantial evidence. The witnesses must be unanimous about the time, place and other details; otherwise the case is rejected.

This was not a final ruling but an interim one that took into account particular circumstances of a society in transition. The "way" to be ordained by Allāh is the later abrogation of the present ruling which was revealed in Sūrah an-Nūr. When that verse (24:2) was revealed, the Prophet (紫) said, "Take from me, take from me! Allāh has ordained for them a way. The virgin man and woman: a hundred lashes and exile for a year. And the married man and woman: a hundred lashes and stoning."29 The four rightly-guided caliphs and all Muslim jurists since then have confirmed and upheld this ruling.

<sup>&</sup>lt;sup>28</sup> Sūrah al-Israa', 17:32.

<sup>&</sup>lt;sup>29</sup> Narrated by Aḥmad and Muslim. The Prophet (鸞) did not have anyone lashed before stoning, and his practice is regarded as stronger evidence of the Sunnah. 'Umar bin al-Khaţţāb related that a "verse of stoning" was also revealed in the Qur'an and that they used to recite it, but later its recitation was abrogated while the ruling remained. (Al-Bukhāri and Muslim)

And the two who commit it [i.e., unlawful sexual intercourse] among you – chastise them both. But if they repent and correct themselves, leave them alone. Indeed, Allāh is ever Accepting of Repentance and Merciful.

This āyah also prescribes a temporary penalty. While some scholars held that "the two" applied to a man and woman, most considered that it refers to two males. One understands the severity of this crime through the realization that it is not only a rebellion against the moral standards of human society, but also a rebellion against the Creator Himself. For Allāh established the means for populating the earth and maintaining life through the creation of male and female, not only among man but all living things. A deliberate effort to change the *fiṭrah* that Allāh placed in mankind for this purpose is a declaration of war against His objective.

A number of early scholars understood that the words *chastise them both* meant verbal rebuke and insult or hitting them with shoes. This ruling was later abrogated by the Sunnah. The Prophet (\*) is reported to have said, "Whomever you see doing the deed of people of Lūṭ – kill the doer and the one it was done to." The method for that is not specified.

But if they repent and correct themselves, leave them alone. This applies to those who were not convicted or perhaps repented before their arrest. Repentance and correcting one's ways indicates a fundamental change in character and behavior. In this context, leaving them alone means to cease chastising or penalizing them. It is Allāh who ordered discipline and it is He who orders that it must stop when the offender repents. People are obliged to implement the laws and directives of their Lord.

Indeed, Allāh is ever Accepting of Repentance and Merciful. He accepts repentance and turns in mercy to reformed offenders. A believer's soul is purified by Allāh's forgiveness and acceptance, and his character is improved by the new awareness he has acquired through his experience. This conclusion directs people to make mercy and compassion the basis of their dealings with one another. Allāh accepts repentance and His grace is limitless. People, then, should be more tolerant of one another and overlook past mistakes and offences when they are followed by true repentance and reform.

This is not being complacent, for mercy is not suggested for deliberate and persistent sinners. Compassion is extended only to those who honestly want to correct themselves. Repentance is required for all sins, great or small, apparent or hidden. It is for the benefit of man, since Allāh Himself is free of need. But what kind of repentance is acceptable to Allāh?

**17**.

The repentance accepted by Allāh is only for those who do wrong in [a state of] ignorance and then repent soon [after]. It is those to whom Allāh will turn in forgiveness, and Allāh is ever Knowing and Wise.

The word "tawbah" literally means "turning back." Sin puts distance between the soul and its Creator; the offender has forgotten and drifted away from his Lord. In repentance the servant turns back to Allāh, seeking refuge from His anger in His forgiveness and mercy. And when a soul

20

<sup>&</sup>lt;sup>30</sup> Aḥmad and at-Tirmidhi.

repents and returns to Him, Allāh, at-Tawwāb, always turns back to His servant in acceptance and forgiveness.

Allāh (%) has made acceptance of genuine, sincere repentance an obligation which He in His generosity imposes on Himself by His own will. The true repentance which Allāh has bound Himself to accept is that which is deeply felt and which indicates that one has undergone a positive transformation. It means that past mistakes are sincerely regretted and that regret has effected a complete change of attitude. Such repentance is typically accompanied by a genuine desire for self-purification and a resolve to follow a better way of life.

Those mentioned in this āyah are not habitual sinners. The Arabic wording suggests that they might make a mistake or commit a sin occasionally but are quick to regret once they realize they have done so.

"In ignorance" here can mean in carelessness or being unaware, i.e., not intentional or deliberate but forgetting oneself, as in the case of extreme anger, as no believer would purposefully disobey Allāh. But the Ṣaḥābah used to say, "Every sin a servant commits, he commits in ignorance." And Ibn 'Abbās commented, "It is because of one's ignorance that he commits the error." They concluded that every sin committed with intent or otherwise is one committed in ignorance. His student, Mujāhid said, "Everyone who disobeys Allāh is ignorant while he is committing the act of disobedience."

Ignorance is a condition in which one is unaware of or has forgotten the consequences of his actions. Raising the level of human knowledge and awareness combats ignorance and enables one to resist the influence of his emotions and restrain himself from wrongdoing at such times. Self-control is neither easy nor impossible, but it improves with practice. Knowledge of the consequences of sin, both in this world and in the next, makes the believer most anxious to avoid the result of carelessness.

Repenting soon after the sin means that it must be done at least before the time of death. This is the opinion of most of the Şaḥābah and their students. And the Prophet (ﷺ) said, "Allāh accepts the repentance of a servant as long as the soul has not reached the throat."<sup>31</sup> However, one should not delay repentance as he does not know when he might die and thus could miss his opportunity.

True repentance requires regret, cessation, apology to Allāh and determination never to return to that sin. In addition, compensation is required if the sin was against the rights of another human being.

Three stipulations for Allāh's acceptance are mentioned here: that the sins are not persistent, that they were committed in ignorance and that repentance is not delayed until death. This is confirmed by the description in the following āyah.

18

But repentance is not [accepted] for those who [continue to] do evil deeds up until, when death comes to one of them, he says, "Indeed, I have repented now," or of those who die while they are unbelievers. For them We have prepared a painful punishment.

<sup>&</sup>lt;sup>31</sup> At-Tirmidhi and Ibn Mājah - ḥasan.

There are two types of sinners: the one who repents, returns to the way of Allāh and is forgiven; and the one who continues in sin until death and is thus doomed to punishment. Repentance at the point of death is rejected since it is motivated only by the fear of torment or the certainty of punishment in the Hereafter, which becomes evident when the soul is being withdrawn. It does not indicate any difference in one's character; neither improving his heart nor reforming his life.

Other āyahs of the Qur'ān confirm this. For example, Allāh decreed that repentance shall not be accepted from the people of the earth when the sun rises from the west, and He said:

The day that some of the signs of your Lord will come, no soul will benefit from its faith when it had not believed before or earned through its faith some good.<sup>32</sup>

Fir'awn repented as he was drowning, but Allāh said:

Now? And you had disobeyed before and were of the corrupters? 33

The door to repentance is open throughout one's lifetime, even from kufr, which may take the form of attitudes of the heart, words from the mouth or physical actions. But one who dies in that state will not be forgiven. In the previous āyah, Allāh spoke of the sincere repentance which He accepts, concluding with: *And Allāh is ever Knowing and Wise*, i.e., He knows whether or not the repentance is genuine and in His wisdom forgives accordingly. However, when speaking here of delayed, hypocritical repentance, He says: *For them We have prepared a painful punishment*.

19.

O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality [i.e., zinā]. And live with them in a proper way. For if you dislike them – perhaps you dislike a thing and Allāh makes therein much good.

Before Islam, some Arabs considered that the relatives of a deceased man had a claim to his widow. A relative of her husband could throw his garment over her to assert his claim over her. Or they inherited her as they inherited his animals and property. One of them could marry her if he wanted or they could marry her to someone else and take her dowry, or they could prevent her from marrying anyone, keeping her until she bought her freedom from them. Islam outlawed any possibility of a woman being treated as part of a deceased man's inheritance.

The āyah also forbids the harassment of a wife or causing her harm in order to force her to seek escape from the marriage by paying ransom (khul'). The only exception would be a case where she is guilty of adultery. Otherwise, husbands are ordered to live with them bil-ma'rūf, i.e., in a kind and good manner, according to what is reasonable and acceptable from the standpoint of both the Islamic Sharī'ah and the norms of society which comply with it. Ma'rūf means what is right and good, in accordance with the Qur'ān and Sunnah, approved socially by custom, compatible with physical natures and suitable to particular situations.

<sup>32</sup> Sūrah al-An'ām, 6:158.

<sup>&</sup>lt;sup>33</sup> Sūrah Yūnus, 10:91.

Ibn Katheer explained, saying, "Live with them honorably by saying kind words to them, treating them kindly and making your appearance appealing for them just as you like the same from them." As Allāh said in another āyah:

And due to them is similar to what is expected of them, according to what is reasonable.<sup>34</sup>

The Messenger of Allāh (ﷺ) said, "The best among you is he who is the best to his family; and I am the best of you to my family."<sup>35</sup> And Allāh said:

There has certainly been for you in the Messenger of Allāh a good example...<sup>36</sup>

The reason for kindness and tolerance is then stated: For if you dislike them – perhaps you dislike a thing and Allāh makes therein much good. This suggests that although he is disinclined to his wife due to some annoyances (other than major sins) it may be that there is a great deal of good in her from which he may benefit when he restrains his emotions and continues to live with her. Possibly she might give him a righteous child or care for him in his old age, and Allāh knows best. The Prophet (ﷺ) said, "A believer should not hate a female believer. If he dislikes a trait of hers he is pleased with another." And when a man wanted to divorce his wife because he did not love her, 'Umar bin al-Khaṭṭāb told him, "Are all homes built upon love? What about virtue and valor?"

It may be noted that the statement is general. It says: perhaps you dislike a thing, and not necessarily a wife. The scholars have considered it a rule which applies to all situations in life. For example, an angry person dislikes patience and restraint, but its result is good in this life and the next. And after the mention of combat in Sūrah al-Baqarah, Allāh said:

But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. And Allāh knows, while you know not. $^{38}$ 

20.

But if you want to replace one wife with another and you have given one of them a qinṭār, do not take [back] from it anything. Would you take it in injustice and manifest sin?

This āyah prohibits the husband from taking back any part of the mahr when divorcing his wife. The word " $qint\bar{a}r$ " means a heap of wealth, and is used to indicate a large amount. When he wishes to remarry he must provide another mahr for the new wife, but not at the expense of the previous one.

'Umar bin al-Khaṭṭāb first opposed giving a large mahr but later changed his opinion. When he wanted to limit it to a maximum of 400 dirhams, a Qurayshi woman objected, saying, "Have you not heard Allāh say, '...although you have given one of them a qinṭār'?" So 'Umar said, "A woman was correct and 'Umar was in error – O Allāh, forgive me." He ascended the minbar once again and said, "I had prohibited you from giving more than four hundred dirhams as mahr for women. But rather, let everyone give what he likes from his wealth." There is no implication in the verse

<sup>&</sup>lt;sup>34</sup> Sūrah al-Baqarah, 2:228.

<sup>35</sup> At-Tirmidhi.

<sup>&</sup>lt;sup>36</sup> Sūrah al-Aḥzāb, 33:21. <sup>37</sup> Aḥmad and Muslim.

<sup>&</sup>lt;sup>37</sup> Aḥmad and Muslim.

<sup>38</sup> Sūrah al-Baqarah, 2:216.

that a large amount is encouraged; merely that however much was given (and this differs according to locality, circumstance and social status), it becomes the property of the wife and cannot be taken from her.

The concluding rhetorical question confirms that to do so is unjust and sinful. *Buhtānan* means literally "in falsehood" or "as a lie" which is told to confuse or silence the one who hears it. For a husband to demand compensation is a form of slander, implying that his wife is guilty of immorality as specified in Āyah 19. And it is taken unjustly when a judge is deceived by the liar and rules in his favor; otherwise he would have no claim to it. After the Prophet (\*\*) ruled that a man should be separated from his wife, the man inquired, "My property [i.e., her *mahr*]?" He (\*\*) said, "There is no property for you. If you were truthful, it is her right by the consummation of the marriage; and if you lied about her, it is even more distant from you." 39

21.

And how could you take it while you have been intimate with one another and they have taken from you a solemn covenant?

This question is a rebuke by Allāh ( $\circledast$ ) and reflects extreme disapproval of such conduct. While the words "you have been intimate with one another" were explained by some commentators as sexual intercourse, others have pointed out that since the Arabic term  $af\underline{dha}$  cannot be used for zinā, it is more general in meaning than physical intimacy. It includes the privacy of a shared life – memories and feelings, secrets and hopes, problems and concerns.

The *solemn covenant* refers to the contract of marriage with all of its conditions. And these include the right of a wife to her mahr and to treatment *bil-ma'rūf* as mentioned in Āyah 19.

22.

And do not marry those [women] whom your fathers married, except what has already occurred. Indeed, it was an immorality and hateful and evil as a way.

This and the following two āyahs specify the women that a Muslim is forbidden to marry, both permanently<sup>40</sup> and temporarily.<sup>41</sup> The verse begins with the father's wife (the stepmother), who is placed in Islam in a position similar to that of a mother. As previously mentioned, she was often passed on as property upon her husband's death to his heirs, particularly his sons from another wife. Nikāḥ refers to marriage – the contract and everything included in it. There can never again be inheritance of the father's wife as in pre-Islamic days. A woman becomes ineligible forever to the son of her husband as soon as the marriage contract is completed, and there is a consensus of scholars on this ruling.

When prohibiting zinā in the first instance Allāh said:

And do not approach zinā. Indeed, it was an immorality and evil as a way.

<sup>&</sup>lt;sup>39</sup> Al-Bukhāri and Muslim.

<sup>&</sup>lt;sup>40</sup> Which is a maḥram relationship.

<sup>&</sup>lt;sup>41</sup> This does not make a maḥram relationship.

But here He said: *Indeed, it was an immorality and hateful and evil as a way.* So to marry one's stepmother is even worse. Thus, Abū Burdah was sent by the Messenger of Allāh (ﷺ) to a man who had married his stepmother after this revelation had become known to execute him and confiscate his property.<sup>42</sup> Besides being hateful to Allāh, *maqtan* carries the additional meaning of "that which leads to hatred." Many men come to hate previous husbands of their wives. If a son married his father's former wife, he might subconsciously feel himself to be his equal and start hating his father rather than respecting him. This is cited by scholars as one of the reasons why the Prophet's wives were not permitted in marriage to anyone after him (ﷺ). But Allāh knows best.

*Illā mā qad salaf* – In pre-Islamic days, the ignorant Arabs allowed such marriages. What occurred before this revelation was excused, but from this point on, those marriages were to be annulled, so a man married to a woman in any of the forbidden categories was not allowed to keep her thereafter and was required to separate from her.

23.

حُرِّمَتْ عَلَيْكُم أُمَّهَاتُكُم وَبَنَاتُكُم وَأَخَوَاتُكُم وَعَمَّاتُكُم وَخَالاَتُكُم وَبَنَاتُ الأَخِ وَبَنَاتُ الأَخْتِ وَأُمَّهَاتُكُمُ اللاَّتِي أَرْضَعْنَكُم وَرَبَائِبُكُمُ اللاَّتِي فِي حُجُورِكُم مِن نِسَائِكُمُ اللاَّتِي دَخَلْتُمْ بِهِنَّ فَإِن لَمْ تَكُونُوا دَخُورَكُم مِن نِسَائِكُمُ اللاَّتِي دَخَلْتُمْ بِهِنَّ فَإِن لَمْ تَكُونُوا دَخُلْتُمْ بِهِنَّ فَلاَ جُنَاحَ عَلَيْكُم وَحَلاَئِلُ أَبْنَائِكُمُ الَّذِينَ مِنَ اَصْلاَبِكُم وَأَنْ تَجْمَعُوا بَيْنَ الأَخْتَيْنِ إِلاَّ مَا قَدْ سَلَفَ إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا.

Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives' mothers, and your step-daughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allāh is ever Forgiving and Merciful.

Ibn 'Abbās announced, "Allāh has prohibited for you seven types of blood relatives and seven by marriage," and then recited this āyah.

Those a man is forbidden to marry because of lineage are divided into four categories:

- 1) Parents and grandparents his mother and paternal and maternal grandmothers. Wherever mothers are mentioned, it includes grandmothers, great grandmothers, etc., as far back as they go.
- 2) One's own descendants of any degree a man is forbidden to marry his daughter and the daughters of his children. Where daughters are mentioned, it includes granddaughters, great granddaughters, etc., as far down as they go.
- 3) The descendants of his parents of any degree a man is forbidden to marry his sister, the daughters of his brothers and sisters and the daughters of his nephews and nieces.
- 4) The immediate offspring of his grandparents a man is forbidden to marry his paternal and maternal aunt, his father's aunt, the aunt of his maternal or paternal grandfather, his mother's aunt and the aunt of his paternal or maternal grandmother. Those who issue indirectly from grandparents (cousins on the father's or the mother's side) are permissible.

\_

<sup>&</sup>lt;sup>42</sup> Aḥmad.

Women forbidden in marriage due to marital relationships fall into five categories:

- 1) The mother of one's wife or her maternal or paternal grandmothers and great-grandmothers. This prohibition comes into effect once the marriage contract is completed, whether the marriage is later consummated or not.
- 2) The descendants of one's wife her daughter (his stepdaughter), or the daughters of her sons or daughters of any degree. This prohibition comes into effect only after the marriage is consummated. The majority of scholars state that the stepdaughter is prohibited in marriage for her stepfather who consummated his marriage to her mother whether she was under his guardianship or not.
- 3) The prohibition of the stepmother stated in the previous verse a man is forbidden to marry the former wives of his father or of his grandfathers on either side.
- 4) The wives of his children and the wives of their children a man is forbidden to marry the wife of his son or the wife of his grandson or great grandson. This prohibition is restricted to the wife of one's true son and abrogates the tradition of pre-Islamic Arabian society which forbade marriage with the former wife of one's adopted son. Additionally, formal adoption was ended in the beginning of Sūrah al-Aḥzāb with the order that children be called by the names of their own fathers.
- 5) Two sisters at once a man is forbidden to marry the sister of his wife as long as he is married to her. If the wife dies or is divorced she becomes permissible. Whoever embraces Islam while married to two sisters must choose which one to keep. Adh-Dhaḥḥāk reported that his father said, "I embraced Islam while married to two sisters at once and the Messenger of Allāh (紫) commanded me to divorce one of them."43
  - In a hadith narrated by al-Bukhāri and Muslim, the Prophet (ﷺ) also prohibited marriage to a woman and her paternal aunt or her maternal aunt at the same time.

A third cause of marriage prohibition is breastfeeding, and it includes the same categories one is forbidden to marry through lineage and marital relationships. Thus, men are forbidden to marry nine groups of women through suckling:

- 1) One's milk mother and her mother and grandmothers
- 2) Daughters through suckling and their daughters and granddaughters a man's daughter through suckling is a girl who was breastfed by his wife when she was married to him.
- 3) Sisters through suckling and their daughters and granddaughters
- 4) Paternal and maternal aunts through suckling. A maternal suckling aunt is the sister of one's suckling mother and a paternal aunt through suckling is the sister of that suckling mother's husband.
- 5) The wife's milk mother, i.e., the woman who breastfed one's wife when she was a child, and the mother and grandmothers of that woman. This prohibition comes into effect the moment the marriage contract is made as is the case with her birth mother.
- 6) The wife's milk daughter, i.e., a girl who was breastfed by one's wife before she was married to him, and her daughters and granddaughters
- 7) The former wife of one's father or grandfather, of any degree, through suckling. One's father through suckling is the man who is married to one's milk mother. It is also forbidden for him to marry any woman whom his suckling father married.

\_

<sup>&</sup>lt;sup>43</sup> Aḥmad.

- 8) The wife of one's son or grandson through suckling
- 9) To be married at one time to a woman and her sister or paternal or maternal aunt through suckling

Prohibitions attributable to milk relationships are based on the hadīth in which the Prophet (ﷺ) said, "Prohibited due to breastfeeding is what is prohibited due to blood relationship." 44

Most scholars stipulate that the breastfeeding must occur before the child reaches the age of two years or the time of weaning. This is due to the fact that during this early stage of rapid growth the woman's milk is absorbed to become a significant part of the child's body, sufficient to cause relationship between them. But they differ about what it takes to establish the milk relationship; whether the equivalent of one full meal, three full meals or five separate occasions, and Allāh knows best. It is agreed, however, that a milk relationship is not established by only a few sucks; rather it must have been a full feeding in which the child was satisfied.

The Qur'an does not mention any reason, general or specific, for marriage prohibitions, which means that the explanations given by scholars and others are based on their respective judgments and opinions. A few of them may be mentioned here:

- Prohibition of marriage safeguards the relationships of affection and respect between mother, daughters, sisters, aunts, nieces, mother-in-law and daughters-in-law from being eroded by rivalries within a marriage to the same man.
- Hereditary weaknesses may be more pronounced in children of marriages between close relatives.
- Marriage is a means of widening the family circle beyond the narrow relationships of lineage.

But Allāh knows best.

24.

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلاَّ مَا مَلَكَتْ أَيْمَانُكُم كِتَابَ اللَّهِ عَلَيْكُم وَأُحِلَّ لَكُم مَا وَرَاءَ ذَلِكُم أَنْ تَبْتَغُوا بِأَمْوَالِكُم مُحْصِنِينَ غَيْرَ مُسَافِحِينَ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً وَلاَ جُنَاحَ عَلَيْكُم فِيمَا تَرَاضَيْتُمْ بِهِ مِن بَعْدِ الْفَرِيضَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا.

And [also] married women except those your right hands possess. [This is] the decree of Allāh upon you. And lawful to you are [all others] beyond these, [provided] that you seek them [in marriage] with [gifts from] your property, desiring chastity, not unlawful sexual intercourse. So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. Indeed, Allāh is ever Knowing and Wise.

In addition to the aforementioned, all women presently married to another man are prohibited. No Muslim may seek or desire the wife of another for himself. Islam demands chastity and morality for the security of individuals, families and societies.

Muḥṣināt are literally: those women who are fortified. Three kinds of protection are implied:

- That of freedom a free person is aware of his or her human dignity and has family support.
- That of chastity sound morality and  $taqw\bar{a}$  protects one from falling into error and sin.
- That of marriage human needs and desires are fulfilled in an organized and lawful way.

\_

<sup>44</sup> Al-Bukhāri and Muslim.

An exception is cited for "those your right hands possess," meaning a slave who has become one's property through a contract of ownership.

At the time of the Qur'ān's revelation, slavery was a universal institution upon which the economies of every civilization were dependent. There were many ways by which a slave could be obtained before Islam, such as poverty (forcing one to sell himself or his children into slavery), debt (when a debtor could not pay off his debt, he became a slave), kidnapping and raids. Islam limited the sources that existed previously to only one: the capture of non-Muslim enemy prisoners during battle; and all others were prohibited. Yet, a Muslim could not take a captive for himself; war captives were collected and then distributed according to law by the state.

Moreover, the enslavement of captives is not mandatory – they can be ransomed or even freed without ransom – the matter is left to the best interests of the community according to circumstances. It was, however, an international institution of that period which could not have been unilaterally abolished by Islam. Not only would the new Islamic community have been put at a great disadvantage by the immediate emancipation of all slaves, but the slaves themselves would have been unprepared for release into society without homes or means of support.

Mercifully, Allāh made the freeing of slaves within Islam a gradual transition. Manumission by the state and by individual Muslims was encouraged as a righteous deed greatly rewarded in the Hereafter. The Qur'ān stated that obligatory zakāh and ṣadaqah funds could be used for the purchase of slaves to be freed. In addition, freeing a slave is ordered as expiation for breaking an oath and for the commission of particular kinds of sins and errors. Moreover, a good slave could enter into a contract with his master to earn his freedom. Thousands of slaves requested and were granted contracts of *mukātabah* during the time of the Prophet (ﷺ) and subsequent generations.

Islam encouraged the emancipation of slaves with the objective of gradually diminishing their numbers and integrating them into society. Thus, slavery was almost completely eradicated from many areas of the Muslim world peacefully and without bloodshed. The Prophet (ﷺ) had said, "There are three having the right to be helped by Allāh: the fighter in the cause of Allāh, the slave who wishes to purchase his freedom, and the person seeking marriage in order to keep chaste." 46

At the same time the Messenger of Allāh (\*\*) repeatedly emphasized good treatment of the slaves who remained, harshly rebuking those owners who transgressed. He said, "They are your brothers and servants whom Allāh has placed under your authority. Anyone who has his brother under his authority should feed him the same food as he eats and dress him in the same clothes as he wears. Do not overwhelm them with work and if you give them work to do assist them in it." So slaves were to be given the same quality of food and clothing as their masters, they were not to be overworked, their dignity was to be preserved and they were to be treated with justice and kindness. Many slaves became members of Muslim families and refused freedom. Only under Islam did the slave enjoy a unique position as a member of the household and community worthy of respect. And many of them became renowned scholars and imams.

The natural human desires of a slave had to be facilitated; otherwise immorality would have endangered the Muslim community. Her previous marriage to the enemy husband now invalidated, the captive woman was alone and vulnerable to temptations. Thus, as a slave she became part of a family and was made lawful for her master after one menstrual period, indicating that she was not pregnant at the time of captivity. It is the contract of ownership rather than a

<sup>&</sup>lt;sup>45</sup> Refer to Sūrah at-Tawbah, 9:60.

<sup>&</sup>lt;sup>46</sup> Aḥmad, an-Nasā'i and at-Tirmidhi.

<sup>&</sup>lt;sup>47</sup> Al-Bukhāri and Muslim.

contract of marriage which made her lawful to him. If she became pregnant from her master she could not be sold by him and would automatically be free upon his death.

In addition, owners were encouraged to arrange marriages for their slaves. Allāh said:

And marry the unmarried among you and the righteous among your male slaves and female slaves.<sup>48</sup>

Before Islam, female slaves were exploited by their owners to bring in large sums of money through prostitution or for entertainment of his guests. Children born as a result were added to the master's company of slaves, thereby increasing his wealth. But now, as any other member of the community, she was expected to guard her chastity, restricting herself to her owner or to her husband if she was married. No man other than her master or her husband<sup>49</sup> would be allowed to have relations with her.

The āyah continues: "[This is] the decree of Allāh upon you." It is, therefore, a directive from Allāh, not a question of desire, tradition or local institutions.

Then Allāh (ﷺ) says: And lawful to you are [all others] beyond these... After the mention of specific prohibitions comes the ruling that all else is halāl — in fact, all things are allowed, except what is explicitly prohibited either in the Qur'ān or the Sunnah, and what is forbidden is but a small portion of the total and it pertains only to what is harmful.

But even for lawfully contracted marriages there is a condition: ...that you seek them [in marriage] with [gifts from] your property, desiring chastity, not unlawful sexual intercourse. The aim must be marriage and not zinā. This is emphasized by the words "muḥṣineena ghayra musāfiḥeen" (i.e., being fortified with chastity and not promiscuous).

So for whatever you enjoy [of marriage] from them, give them their due compensation as an obligation. And there is no blame upon you for what you mutually agree to beyond the obligation. This further confirms the obligatory nature of the mahr and the wife's right to it. It has been suggested that this is a compensation given to her in exchange for her willingness to give up some of her freedom and acknowledging her husband's degree of authority, but Allāh knows best. Some commentators have said it refers to mut'ah (temporary marriage), which was originally permitted and later forbidden by the Prophet (\*\*). 'Ali bin Abī Ṭālib said, "The Messenger of Allāh (\*\*) prohibited mut'ah and the meat of domesticated donkeys on the day of Khaybar."50

And there is no blame upon you for what you mutually agree to beyond the obligation. This means that the husband can give more than her specified mahr if he likes, and that the wife can remit part or all of her mahr if she wishes after it has been clearly stipulated. Any arrangement agreed upon by the couple and suitable to their circumstances is permissible without restriction.

*Indeed, Allāh is ever Knowing and Wise.* It is on the basis of His perfect knowledge and wisdom that He decreed all these legal provisions.

<sup>48</sup> Sūrah an-Nūr, 24:32.

<sup>&</sup>lt;sup>49</sup> But not both. When a master agreed to the marriage of his slave to another man, he gave up that right, even though she continued to work for him.

<sup>50</sup> Al-Bukhāri and Muslim.

وَمَن لَمْ يَسْتَطِعْ مِنْكُم طَوْلاً أَنْ يَنكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِنْ مَا مَلَكَتْ أَيْمَائُكُم مِن فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُم بَعْضُكُم مِن بَعْضٍ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلاَ مُتَّخِذَاتِ بِإِيمَانِكُم بَعْضُكُم مِن بَعْضٍ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلاَ مُتَّخِذَاتِ أَخْدَانٍ فَإِذَا أُحْمِنَ فَإِنْ أَتَيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُم وَأَنْ تَصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُم وَأَنْ تَصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُم وَأَنْ أَتُكُم وَاللَّهُ غَفُورٌ رَحِيمٌ.

And whoever among you cannot [find] the means to marry free, believing women, then [he may marry] from those whom your right hands possess of believing [slave] girls. And Allāh is most knowing about your faith. You [believers] are of one another. So marry them with the permission of their people and give them their due compensation [i.e., mahr] according to what is acceptable. [They should be] chaste, neither [of] those who commit unlawful intercourse randomly nor those who take [secret] lovers. But once they are sheltered in marriage, if they should commit adultery, then for them is half the punishment for free [unmarried] women. This [allowance] is for him among you who fears affliction [i.e., sin], but to be patient is better for you. And Allāh is Forgiving and Merciful.

This āyah deals with the possibility of marriage to a slave woman when circumstances made a man unable to marry a free woman (muḥṣinah). Masters could have sexual relations with the slave women they owned, and this arrangement took care of the natural needs of those women. But not every man owned a slave woman; hence, he could use this concession to remove or avoid temptation to sin.

A master cannot marry his own slave; if he wishes to, he must first set her free, which gives her a choice in the matter. And if a master marries his slave to another man he thereby forfeits his sexual right to her although she still remains in service to him in other ways. This could result in a clash between the interests of her owner and her husband. Several commentators have mentioned additional disadvantages such as a slave's decreased ability to raise children in a suitable manner. They also make the point that marriage to a free woman is preferable due to the fact that freedom imparts dignity to a woman which enables her to better safeguard her chastity and her husband's honor.

However, this option remains for cases of necessity. The āyah states that certain conditions apply to such a marriage:

- She must be a believer, i.e., one who has accepted Islam
- Permission must be obtained from her owner
- She must be given a suitable mahr
- She must not have had relationships with men other than her owner

The āyah describes these believing slaves as "young women" or girls similar to those in your own families, and adds: Allāh is most knowing about your faith. You are of one another. This is a warning to the free man not to feel superior, for there is equality among believers in the sight of Allāh. They are to be married with the permission of their people, i.e., families – the Qur'ān does not say "owners." The relationship between the slave girl and her owner is one of responsibility, care and affection as is found among family members. She is no different from free women in her right to receive and possess a mahr and to human dignity and protection of reputation. In Islam, slaves are not looked down upon as women who sell themselves; rather, they are chaste women who give themselves in marriage and refuse fornication.

Islam affirms that those in responsible positions are more accountable than others. Its legislation wisely and justly takes her situation into account when it lessens the slave wife's punishment if she happens to fall into the sin of zinā. Her circumstances can make it more difficult for her to resist temptations. But she is not excused either, and the penalty has been set at fifty lashes, which is half that of an unmarried fornicator, as the punishment of stoning for the adulterer cannot be divided in half. This is in stark contrast to the prevailing custom that those of lower classes were inevitably punished more severely than a noble person who had committed the same crime. This same world view deprived slaves of any claim to self worth comparable to their masters and denied them the rights to which they were entitled by virtue of their humanity.

In conclusion, Allāh (%) says: This is for him among you who fears affliction [i.e., sin], but to be patient is better for you. And Allāh is Forgiving and Merciful. Marriage to a slave woman is an allowance for those who fear temptations and difficulties. But whoever is able to practice patience is encouraged to do so as it is better for him. Yet, Allāh forgives, and in His mercy gives concessions to human weakness.

The next three āyahs are a commentary regarding the rulings imparted from the beginning of the sūrah and generally, all legislation laid down in the Qur'ān, explaining part of the wisdom behind them.

26.

Allāh wants to make clear to you [the lawful from the unlawful] and guide you to the [good] practices of those before you and to accept your repentance. And Allāh is Knowing and Wise.

This way of life is the one that Allāh has decreed for all believers in all generations. In this sense they represent a single nation encompassing all times and localities. Every Muslim is a member of this ummah through the bond of faith and distinctive way of life they all share.

Allāh clarifies His legislation and guides His servants to the ways of the prophets and their pious followers as a mercy to them. *Sunan* (pl. of sunnah) refers to the ways, methods and laws of righteous predecessors. He guides His servants by defining their constitution and showing them how to implement it so that they can turn to Him in repentance and remain on the path of salvation. Guidance saves humanity from wasting much time and energy in trial and error. It is for this reason that the Qur'ān presents examples from history showing causes and results, both positive and negative. It encourages assessment of how things go wrong in order to avoid the repetition of past mistakes:

So proceed throughout the earth and observe how was the end of those who denied.51

And these examples We present to the people, but none will understand them except those of knowledge.<sup>52</sup>

"And Allāh is Knowing and Wise." He knows what is in human hearts and souls and what is appropriate for them. And He knows their need for forgiveness and purification. His directives and legal provisions are derived from that knowledge and wisdom, and they are what He has willed.

<sup>51</sup> Sūrah Aali 'Imrān, 3:137.

<sup>52</sup> Sūrah al-'Ankabūt, 29:43.

And Allāh wants to accept your repentance, but those who follow [their] passions want you to digress [into] a great deviation.

One of Allāh's names is At-Tawwāb, meaning the Acceptor of Repentance. More literally, it is He who perpetually returns, i.e., reminding and enabling His servant to repent from sins and then forgiving him. He is also the constant motivator of repentance (tawbah) from His servants, which means their returning to Allāh and sincerely seeking His forgiveness, which He will accept every time.53

When Allāh makes things clear and decrees His legislation for His servants it is because He wants to turn to them in His mercy. He wants to guide them so that they can avoid mistakes. What Allāh wants has been explained by the preceding verses which define a perfect system assuring the Muslim community of beneficial results.

On the other hand, those who follow their passions want to shed all inhibitions so that immediate desires are gratified, unrestricted by any religious, moral or social values. Indeed, they spare no effort to achieve their purpose of coercing the Muslim community to sink back into the immorality of jāhiliyyah. Modern "colonialist" powers understand well that this method is easier and less costly than military occupation. Enemies of Islam concentrate their ambitions on removing all social barriers which stand in the way of promiscuity in the name of freedom. But total freedom for all is an impossibility, as freedom for some will always be at the expense of others.

28.

And Allāh wants to lighten for you [your difficulties]; and mankind was created weak.

These three ayahs contain the basis upon which satisfaction with Islamic legislation may be obtained. Experiments are costly and painful. The Creator knows most about the nature of His creation and does not impose upon any soul more than it can bear. His guidance is aimed at helping man to avoid hardships and misery during his life on earth as well as enabling him to obtain the best of the Hereafter. The system He has outlined for human life takes into consideration human nature, abilities and requirements. One may contemplate the long term result of each of Allāh's ordinances and the consequence of disobedience for individuals and societies.

Man is weak in body, weak in knowledge and weak in will. His shortsightedness makes him imagine that restrictions are difficult. Yet, Allah points out that in the long run, the purpose of His legislation is to relieve man of greater difficulties, and this is an aspect of His mercy.

O you who have believed, do not consume one another's wealth unjustly, but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allāh is to you ever Merciful.

<sup>&</sup>lt;sup>53</sup> Refer to Āyah 17.

When Allāh (ﷺ) addresses Muslims as believers, it serves as a reminder of what faith entails. Allāh orders His believing servants not to acquire one another's property illegally through theft, ribā, gambling, bribery, monopoly, hoarding, blackmail or any devious methods. The prohibition of all forms of illegal gain and profit further aims to eradicate remnants of the past *jāhili* culture. As in Āyah no. 5, the wealth or property is attributed to the community (*amwālikum*) rather than individuals. The ummah is one body, and the consequences of dishonesty affect society as a whole. When some members transgress, others take it as justification to do the same.

Some confusion between usury and commerce also necessitated this clarification, which is similar to that in Sūrah al-Baqarah:

That is because they say, "Trade is like interest." But Allāh has permitted trade and forbidden interest.<sup>54</sup>

It is through honest trade that people may obtain assets from one another. If a commercial transaction is conducted by mutual consent, then it is not included in the prohibition. The directive comes along with the establishment of the rights of earning and ownership for men and women. *Mutual consent* was clarified by the Messenger of Allāh (\*\*) when he said, "The seller and the buyer have the choice [to accept or reject the transaction] as long as they have not parted." And Mujāhid commented, "*By mutual consent* means by selling, buying, or giving a gift." Indeed, Islamic law recognizes no more than four ways in which one can take money or property from another; they are: commerce, employment, gifts and inheritance.

Ibn 'Abbās mentioned that when this āyah was revealed people said, "Allāh has forbidden us from consuming one another's property unjustly, and food is the best of our property. Therefore, none among us is allowed to eat from anyone else's food." After that Allāh sent down the verse in Sūrah an-Nūr, saying:

لَيْسَ عَلَى الأَعْمَى حَرَجٌ وَلاَ عَلَى الأَعْرَجِ حَرَجٌ وَلاَ عَلَى الْمَرِيضِ حَرَجٌ وَلاَ عَلَى أَنفُسِكُم أَنْ تَأْكُلُوا مِن بُيُوتِكُم أَوْ بُيُوتِ آبَائِكُم أَوْ بُيُوتِ أُمَّهَاتِكُم أَوْ بُيُوتِ أَمَّهَاتِكُم أَوْ بُيُوتِ أَعْمَامِكُم أَوْ بُيُوتِ عَمَّاتِكُم أَوْ بُيُوتِ أَخْوَالِكُم أَوْ بُيُوتِ خَالاَتِكُم أَوْ مَا مَلَكُتُمْ مَا عَمَّاتِكُم أَوْ بُيُوتِ أَمْ يَوْتُ عَمَّاتِكُم أَوْ بُيُوتِ أَمْ يَوْتُ عَلَيْكُم أَوْ بُيُوتِ خَالاَتِكُم أَوْ أَشْتَاتًا...

There is no restriction on the blind, the lame, the ill or yourselves for eating from your own houses or the houses of your fathers or the houses of your mothers or the houses of your brothers or the houses of your father's brothers or the houses of your father's sisters or the houses of your mother's brothers or the houses of your mother's sisters or [from houses] whose keys you possess or [in the house] of your friend. There is no blame upon you whether you eat together or separately.<sup>56</sup>

And do not kill yourselves. These words have been given several interpretations. Besides a clear prohibition of suicide and murder, Ibn Katheer added, "Do not kill yourselves by committing what Allāh has prohibited, falling into sin and consuming each other's property unjustly." Exploitation and injustice inevitably lead to civil strife, revolutions, wars and killing. Ignorance is another means to that end, such as when one refuses medication for illness or refuses the allowances provided by Allāh during conditions of hardship. Their Lord permitted them in order to spare believers any kind of self-destruction in this life and the next.

Indeed, Allāh is to you ever Merciful. 'Amr bin al-'Aaş related that when the Prophet (ﷺ) sent him for the battle of Dhāt as-Salāsil, he became sexually impure during a very cold night and feared

<sup>&</sup>lt;sup>54</sup> Sūrah al-Baqarah, 2:275.

<sup>55</sup> Al-Bukhāri and Muslim.

<sup>&</sup>lt;sup>56</sup> Sūrah an-Nūr, 24:61.

that if he bathed he would die. So he did tayammum and led his company in the fajr prayer. When he told the Messenger of Allāh about it he (ﷺ) said, "'Amr, you led your people in prayer while in a state of sexual impurity?" He replied, "O Messenger of Allāh, it was a very cold night and feared that if I performed ghus! I would perish, and I remembered Allāh's statement: 'And do not kill yourselves. Indeed, Allāh is to you ever Merciful.' So I did tayammum and prayed." The Messenger of Allāh smiled and said nothing."57

30.

And whoever does that in aggression and injustice – then We will drive him into a Fire. And that, for Allāh, is [always] easy.

After the mention of His mercy, Allāh (\*\*) promises those who persist in sin punishment and destruction in the Hereafter. The word "that" (dhālika) can refer to consuming property unjustly, to killing, or to everything prohibited from Āyah 19 to this point. If the wrongdoers think when Allāh gives them respite in the worldly life (which is an opportunity to reform) that they have gotten away with their crimes and evaded the consequence, He reminds them of His ability to bring them to justice. And nothing is difficult for Allāh. As He says:

And let not those who disbelieve think that We extend their time [because] it is better for them. We only extend it for them so that they increase in sin, and for them is a humiliating punishment.<sup>58</sup>

[It is but] a small enjoyment; then their [final] refuge is Hell, and wretched is the resting place.<sup>59</sup>

Then Allāh's mercy appears once again. The following āyah is a reassurance for believers.

31.

If you avoid the major sins which you are forbidden, We will remove from you your lesser sins and admit you to a noble entrance [into Paradise].

Islam does not ignore human weakness nor does it charge man with what is beyond his ability. It strikes a balance between obligation and ability, motive and restraint, ideals and necessities, hope and fear. Allāh is satisfied that a person turns to Him sincerely and makes his best effort to obey and earn His acceptance. What indicates that one is doing his best to please Allāh is that he avoids the major sins that He has forbidden. Thus, serious effort is balanced with moderation.

Abū Hurayrah reported that the Prophet (ﷺ) said, "The religion is easy, and no one becomes overly strict in the religion without it overwhelming him. So fulfill obligations and do the best you can and accept glad tidings [of reward]. Seek help by worshipping in the mornings and afternoons and a part of the night." 60

<sup>&</sup>lt;sup>57</sup> Abū Dāwūd.

<sup>58</sup> Sūrah Aali 'Imrān, 178.

<sup>&</sup>lt;sup>59</sup> Sūrah Aali 'Imrān, 197.

<sup>60</sup> Al-Bukhāri and Muslim.

The āyah discloses that there are two kinds of sins: major ( $kab\bar{a}'ir$ ) and lesser ( $sayyi'\bar{a}t$ ). The latter are minor misdeeds which are the result of temporary moments of carelessness – mistakes made out of human weakness. 'Umar bin al-Khaṭṭāb admonished some men who complained that people were not living by the Qur'ān and said, "Our Lord knew that we would have sayyi'āt." He then recited this verse.

What are the major sins? Several hadiths mention some of them, although none give a complete list, suggesting that they are examples rather than a specific number. Among them are the following:

- The Messenger of Allāh (ﷺ) said, "Avoid the seven great destructive sins." People asked, "O Messenger of Allāh, what are they?" He said, "To worship others along with Allāh, to kill the soul which Allāh has forbidden except by [legal] right, to practice magic, to consume interest, to consume an orphan's property, to flee from the battlefield on the day of marching forth, and to accuse chaste, unaware, believing women.<sup>61</sup>
- The Messenger of Allāh (ﷺ) mentioned or was asked about the major sins. He said,
   "Associating others with Allāh, killing a soul and mistreatment of parents." Then he said,
   "Should I not tell you about the greatest of the great sins? A false statement or a false
   testimony.<sup>62</sup>
- The Prophet (ﷺ) said, "Should I not inform you about the greatest of the great sins? To join others [in worship] with Allāh and mistreatment of parents." He was reclining but then sat up and said, "And false testimony and false speech." The narrator added, "And he continued repeating it until we wished he would be quiet."63
- When 'Abdullāh bin Mas'ūd asked him what the greatest sin was, the Prophet (ﷺ) said, "To attribute an equal to Allāh while it was He who created you."64
- Several of the Ṣaḥābah and their students offered opinions on the matter. Ibn 'Abbās, when asked about the seven major sins said, "They are closer to seventy." And he said, "Any disobedience to Allāh is a major sin." He is also quoted as saying, "There are up to 700, but there is no major sin with repentance, and there is no minor sin with persistence." Other scholars mentioned the general rule that any sin about which Allāh stated a consequence, such as hellfire, wrath, curse or punishment is a major sin. Others said that a major sin is one committed out of complacency and disregard for the religion or for the Lord he disobeys.
- The Prophet (ﷺ) pointed out that the greatest sins are those done in public, saying, "All of my ummah can be excused except those who sin openly." 65

Allāh's Messenger (ﷺ) also confirmed that minor sins can be removed with the avoidance of major ones. He said, "The five prayers, Friday prayer to Friday and Ramadhān to Ramadhān are expiations for what occurs between them when the major sins are avoided." This hadith stipulates the fulfillment of Islamic obligations as expiation, for neglecting to fulfill them is in itself a major sin. And it is known that major sins can be forgiven only through sincere repentance and reform.

35

<sup>&</sup>lt;sup>61</sup> Al-Bukhāri and Muslim.

<sup>62</sup> Al-Bukhāri and Muslim.

<sup>63</sup> Al-Bukhāri and Muslim.

<sup>64</sup> Al-Bukhāri and Muslim.

<sup>65</sup> Al-Bukhāri and Muslim.

<sup>66</sup> Muslim.

وَلاَ تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُم عَلَى بَعْضٍ لِلرِّجَالِ نَصِيبٌ مِمَّا اكْتَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِمَّا اكْتَسَبْنَ وَاسْأَلُوا اللَّهَ مِن فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا.

And do not wish for that by which Allāh has made some of you exceed others. For men is a share of what they have earned, and for women is a share of what they have earned. And ask Allāh of His bounty. Indeed Allāh is ever, of all things, Knowing.

This verse and the one that follows continue the discussion of relationships and dealings among men and women. They also speak with relevance to the system of inheritance that the sūrah outlined earlier. First, there is a general prohibition against coveting anything that Allāh has given to others. It can include wealth and property, abilities and talents, roles and occupations, social position or other privileges. But it has also been interpreted to refer primarily to the difference in shares of inheritance between men and women. Authoritative commentaries give support to both aspects.

Women among the Ṣaḥābah were eager to earn more rewards, especially that of martyrdom which men achieved through jihād. Umm Salamah said, "O Messenger of Allāh, we do not fight and become martyrs, and we receive half a share of inheritance." And some women requested participation in jihād, saying, "We wish Allāh would require us to fight so we could get a reward like that of the men." Then this verse was revealed. Early commentators reported that some men had been saying, "We hope to have twice the reward of women [in the Hereafter] the same as shares of inheritance." And women said, "We hope to have half the burden of sins that men have as in inheritance." But Allāh refused all that and told them to pray instead for His bounties.

Women are not required to go to war because they give birth and raise generations of men who will defend the ummah. Their duty is to bring up their sons in a manner that enables them to face the difficulties of life and participate in jihād when and however necessary. In this particular sphere, female ability and importance is greater than that of men. When men die leaving women behind, the ummah is left with productive members who produce children, compensating for the loss of life and decrease in manpower. As for the reward, both men and women are reassured that it is sufficient for every human being to fulfill the responsibilities assigned to him or her in order to achieve a good position in the sight of Allāh.

Differences in the allocation of responsibilities, specialties and compensations results in organization and balance. It is inconceivable that men and women, so distinct in their physical and mental characteristics, should not have different roles and requirements. This is an important aspect of the relationship between the two genders which must be accepted within the Muslim family and society. Each should seek from Allāh what is best for him or her as an individual in both worlds, trusting in His justice. Ibn 'Abbās and others added, "No one should say, 'I wish I had as much wealth or as many children as this or that person.' Allāh prohibited that. Rather, one should pray to Allāh to grant him of His favor."

This prohibition includes envy, which is often a source of harm and can even lead to criminal acts. Allāh (ﷺ) has said:

"And do not extend your eyes toward that by which We have given enjoyment to categories of them [its being but] the splendor of worldly life by which We test them. And the provision of your Lord is better and more enduring."68

 $<sup>^{\</sup>rm 67}$  Aḥmad and at-Tirmidhi.

<sup>&</sup>lt;sup>68</sup> Sūrah Ṭā Hā, 20:131.

One who does not covet what others have will not seek unlawful means of obtaining it. The rights of all will be acknowledged and their possessions protected. A man once came to the Prophet (ﷺ) and said, "O Messenger of Allāh, direct me to something which, when I do it, Allāh and the people will love me." So he said, "Be indifferent to the world and Allāh will love you, and be indifferent to what is in the hands of people and they will love you." The believer will not envy because his attention is focused on what is better and more lasting than the worldly assets for which ordinary people compete and guarrel, and he is content with whatever Allāh has given him.

Regarding inheritance, the āyah indicates that each person will get his due share of it. Because the man bears more financial liabilities than the woman, his share of inheritance is greater. He must provide her with security and comfort so she can effectively discharge her responsibilities in bringing up the new generation. A man gives a mahr to the woman when he marries her, while she receives it from him. He supports her and their children while she is exempt from this, even when she has her own money. A man who is negligent of this duty can have his marriage annulled or be imprisoned. If divorce or separation takes place, the man must pay his ex-wife compensation for breastfeeding their child. He is also required to pay the *diyah* in case of an accidental death caused by a member of his family and compensation for injuries. And he is required to maintain those family members who are unable to earn a living or are bankrupt, according to their degree of kinship. In contrast, the woman is exempt from any kind of financial contribution to the family.

For men is a share of what they have earned, and for women is a share of what they have earned. Here, Allāh declared the right of individual ownership for both genders. It is a right denied to women by pre-Islamic societies of the past; or if it was acknowledged, ways and means were often found to deprive them of their due. The woman herself was considered to be property, the ownership of which could be transferred by inheritance like other possessions. Through the Qur'ān, Allāh gave the right of ownership to women; they did not have to launch a revolution, form societies or enter politics to claim this right.

The "share" (naşeeb) mentioned here can apply to earnings and wages, to shares of inheritance or to compensations in the next life. Ibn Jareer explained that each person will earn wages for his work: rewards if his deeds are good and punishment if his deeds are evil. Ibn Katheer gave the meaning of Allāh's statement as follows: "Do not wish for what other people were granted more than you, for this is a decree that will come to pass, and wishing will not change it. However, ask Me of My favor and I will grant it to you, for I am Most Generous and Most Giving."

Allāh thus directed His servants to what would benefit them more: And ask Allāh of His bounty. Supplication to Allāh in addition to efforts and deeds is required because human knowledge and ability alone are inadequate. One must do whatever he is able and then ask Allāh for the best result, for that is in His hand. The Creator knows most what is good for each of His creations and gives accordingly. He knows what is appropriate as a test in this worldly life, so He gives one person riches and another poverty. And He knows who deserves success in the Hereafter, so He enables him to perform the deeds that will bring him success, while the one who deserves punishment will be left to pursue his own desires as he likes. Hence, He said: Indeed Allāh is ever, of all things, Knowing.

37

<sup>&</sup>lt;sup>69</sup> Ibn Mājah.

وَلِكُلِّ جَعَلْنَا مَوَالِيَ مِمَّا تَرَكَ الْوَالِدَانِ وَالأَقْرَبُونَ وَالَّذِينَ عَقَدَتْ أَيْمَانُكُم فَآتُوهُم نَصِيبَهُم إِنَّ اللَّهَ كَانَ عَلَى كُلِّ شَيْءٍ شَهِيدًا.

And for all, We have made heirs to what is left by parents and relatives. And to those whom your oaths have bound [to you] – give them their share. Indeed Allāh is ever, over all things, a Witness.

Having already defined the shares of inheritance, the sūrah now states that Allāh has appointed for everyone some from among his close relatives who will inherit whatever property has come into his possession during his lifetime. The Islamic inheritance system ensures that wealth passes from one generation to another and is distributed rather than monopolized.

Sa'eed bin al-Musayyib said, "This āyah was sent down concerning those who used to adopt men other than their own sons and make them their heirs; Allāh revealed that [lawful shares of] inheritance be returned to the maternal and paternal relatives and He refused to assign a share for those they claimed as sons or [allow] adoption of them, but they could give a share through a bequest."

Ibn 'Abbās, Mujāhid, Sa'eed bin Jubayr, Qatādah, Zayd bin Aslam and others have said that  $maw\bar{a}li$  (pl. of  $mawl\bar{a}$ ) means "heirs." Ibn 'Abbās said that it also refers to relatives. Ibn Jareer noted that the Arabs call the cousin a  $mawl\bar{a}$ , and that it means: "We appointed for each one of you children or relatives who will later inherit what you inherited from your own parents and family members.

Those whom your oaths have bound [to you] refers to those with whom the Muslims had a pledge of brotherhood. When the Muhājireen settled in Madinah, the Prophet (ﷺ) established a bond of brotherhood between them and the Anṣār. At that time they inherited from one another while their relatives would not. This āyah abrogated the practice as there was now a large community of Muslim families. Muslims were ordered to fulfill the pledges they had already given but to refrain from making any new ones after that. "Giving them their share" could also be done by means of a waṣiyyah or bequest. Muslims are allowed to make bequests of up to one third of their estate to any who do not come under the category of lawful heirs. (Refer to p. 15.)

The abrogation pertained only to inheritance and not the pact of brotherhood and mutual support and alliance. All other aspects of those contracts and agreements were still valid and had to be maintained. Ibn 'Abbās affirmed, "The verse ended inheritance except for relatives and upheld the pledges of alliance and counsel."

*Indeed Allāh is ever, over all things, a Witness.* He Himself is a witness to every covenant and to how it is observed – a warning and threat to anyone who fails to fulfill their obligations.

34.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُم عَلَى بَعْضِ وَبِمَا أَنفَقُوا مِنَ اَمْوَالِهِم فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُم فَلاَ تَبْغُوا عَلَيْهِنَّ سَبِيلاً إِنَّ اللَّهَ كَانَ عَلِيًّا كَبِيرًا.

Men are in charge of women by [right of] what Allāh has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allāh would have them guard. But those [wives] from whom you fear arrogance — [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them [lightly]. But if they obey you [once more], seek no means against them. Indeed, Allāh is ever Exalted and Grand.

This āyah relates primarily to the husband-wife relationship. The word "qawwāmūn" is the plural of qawwām, and this is an emphatic form of qayyim, which means a person who is in charge and manages the affairs of others. This indicates that men are responsible and are held accountable for the women under their care. The obligation imposed upon men to protect and maintain women should be seen in the context of securing the best interests of those women.

A husband has the obligation of taking care of his wife, protecting her, defending her honor, and fulfilling her needs; it is a position of responsibility more than authority. It does not mean that he has the right to disregard his wife's opinions, belittle her or use it as a pretext to oppress her. Both men and women are Allāh's creations and He prepares each of them for the purpose He intends and bestows on each the innate abilities needed to achieve that purpose.

Why are men protectors and maintainers of women? The verse gives two reasons: because of "what Allāh has given one over the other and what they spend from their wealth. Scholars have taken two approaches to this matter:

First, that Allāh has indeed singled out men for certain distinctions: prophethood, political leadership and military service, among other things, and this is because men have a different nature from that of women. Ibn Katheer said, "It is because men are better suited than women for performing certain tasks. This is why prophethood was exclusively for men, as well as other important positions of leadership." Such qualities as physical strength and abilities, subjectivity, a less emotional nature, experience outside the home and freedom from constant involvement in pregnancy and childcare have been cited by commentators. The family may be compared to a small company or organization. It needs a leader and decision maker who is experienced, unemotional and even-handed. The Sharī'ah takes into account the unique abilities that Allāh has bestowed upon both the man and the woman, so that these aptitudes can be employed to their maximum effectiveness.

And second, that the woman's burden is a heavy responsibility and a critical one. It could not be fulfilled without the physical, mental and emotional qualities that Allāh has bestowed exclusively upon women. Accordingly, it is only just that men would be given the task of meeting the needs of those women and protecting them, and that the Creator would bestow upon men the innate physical, mental and emotional assets that enable them to do what is required of them. Moreover, justice would require men to be financially responsible for the women under his care. The wife is entitled to complete maintenance in order to free her for the production of the upcoming Muslim generation.

These two elements are essentially what the verse is discussing. Compatible with the protection and maintenance expected of the man is a degree of authority granted to him as head of the household. This in no way implies denial of the woman's identity, whether in the context of the home or her position in society at large. The presence of a manager in a given institution does not negate or diminish the individuality or the rights of the others who share in it or work for it. Men and women are two equally important component parts of humanity, and the rights and responsibilities of each are equitable and balanced in their totality. The woman is a specialist within the home responsible for essential duties. Although their obligations might differ in certain areas of life in accordance with basic physical and psychological differences, each one is equally accountable for his or her particular responsibilities.

So righteous women are devoutly obedient, guarding in [his] absence what Allāh would have them guard. Allāh describes good wives as those who look after their husband's interests with complete faithfulness, guarding their properties and reputations. What must be guarded willingly and obediently is that which Allāh, not her husband, has ordered to be guarded. Qānitāt are women who willingly obey out of devotion to Allāh, expecting His reward. And He is saying that this

guardianship is part of the nature of righteous women and among their essential characteristics. They observe the rights of their husbands out of devout obedience to Allāh. The Prophet (ﷺ) is reported to have said, "The best of women is the one who when you look at her she pleases you, when you order her she obeys you, and when you are absent she safeguards you in relation to her chastity and your property." Then he recited this āyah.<sup>70</sup>

A number of hadīths deal with the wife's obligation to obey her husband. She does so in cooperation with him and for the benefit of the family. But obedience is limited to what is fair, reasonable and lawful in Islam. The Messenger of Allāh (\*\*) said, "There is no obedience to a created being in disobedience to the Creator." And, "There is no obedience to anyone in disobedience of Allāh. Obedience is only bil-ma'rūf (in what is right.)"

The text moves on within the organization of the family and designation of responsibilities to the treatment of maladies and problems which can arise at times. It now defines the husband's additional duty to protect the family from collapse as a result of serious misbehavior on the part of the wife, outlining the way to manage it should it occur. A later āyah (no. 128) deals with apathy from the husband's side.

But those [wives] from whom you fear nushūz (i.e., arrogance or rebellion) – advise them. Nushūz is derived from the root  $na \cdot sha \cdot za$ , which means to rise up or be elevated, and within the context of this āyah it refers to insurrection of the wife against the husband and rejection of his authority. Ibn Katheer explained, "Such as when she acts as if she is superior to her husband, disobeys him, ignores him, etc." It is not a case of minor incidents or occasional misunderstandings, but one of continued insolent behavior resulting from a negative attitude.

The āyah was sent down after the wife of S'ad bin ar-Rabee' became arrogant and he slapped her. She and her father protested to the Messenger of Allāh (ﷺ), who judged that she could retaliate. As they were leaving, Jibreel appeared so he called them back. Allāh revealed this verse, and the Prophet (ﷺ) said, "We intended something but Allāh intended something, and what Allāh intended is best."

The prescribed disciplinary measures are aimed at achieving an early reconciliation before it becomes a serious problem. Gradual treatment must be administered when initial signs of rebellion become apparent and the husband must think carefully about the consequences of any action he might take in trying to correct the situation and wisely avoid any of these measures he thinks could make the situation worse. For they are merely permitted to serve a purpose and are not obligatory.

It should be noted from the outset that these measures do not apply in cases where the wife hates her husband and honestly wishes to be separated from him. Nor are they resorted to in a sound relationship between a husband and wife; but are taken only in an unhealthy situation as an effort to save the family. They concern a wife who persistently defies her husband, disregarding his just and reasonable demands, yet wants to remain married to him.

The first step is advice and admonition. When advising, the husband can bring to his wife's attention some relevant teachings from the Qur'ān and Sunnah. He can remind her of Allāh's displeasure or the adverse effects a possible break-up of the marriage would have on herself and the children. This will only be effective if the husband himself is of good character; he must practice what he preaches to his wife. The objective is to treat symptoms of rebellion before it progresses or becomes habitual.

<sup>70</sup> Ibn Mājah.

<sup>&</sup>lt;sup>71</sup> Aḥmad

<sup>&</sup>lt;sup>72</sup> Al-Bukhārī and Muslim.

But admonition may not bring the desired result, possibly because of strongly held views, uncontrolled reactions, conceit, etc. So if it fails, he may try a stronger indication of disapproval: abandoning the wife in bed (i.e., suspending sexual relations) and avoid talking to her. This must be confined to the bedroom alone and should not be done in front of their children or other people to avoid humiliating the wife and having a negative influence on the children.

If suspension of sexual relations does not bring results, and only after failure of these first two measures, a final disciplinary measure may be resorted to. A light slap is more psychological than physical, and is done only when it is expected to amend the situation and prevent family breakup; otherwise it is unacceptable. Many Muslim jurists are of the opinion that it is permissible but not advisable. They base their view on the fact that the Prophet disliked it and that he never struck a woman. He (ﷺ) additionally stipulated that it must not be severe or damaging and that the face must be avoided.

While other meanings for the word "<u>dh</u>arb" have been suggested, the original meaning, "to hit or strike," is closest from a linguistic point of view and has the support of a strong consensus among the commentators. Practical and psychological indications suggest that in particular situations (not always), this measure may be an appropriate one to remedy a certain disorder.

However, all of these procedures are accompanied by stern warnings against misuse. They definitely should not be used when felt to be ineffective or counterproductive. Further, they are not aimed at forcing the wife to accept life under unsatisfactory conditions, but rather are a last effort to save the marriage. There is no license whatsoever for the type of beating that goes on in some homes every time the husband becomes angry with his wife.

But if they obey you seek no means against them. Allāh has also set a limit to such measures. Once the objective is reached through any one of them, then recourse to them is ended. The order to cease is followed by a reminder of the position of Allāh over all people, reminding them to submit to His directives and curb any feeling of superiority they might entertain: Indeed, Allāh is ever Exalted and Grand. The verse ends with this warning. A husband should not forget that the advantage of his greater physical strength comes from Allāh, the Exalted, who has infinitely greater power over him and will certainly punish the husband who is unfair and oppressive toward his wife, extending his advantage to unjustified limits as a lord and master over her. Allāh has ordained these methods within a context that clearly describes their nature and purpose, so wrong interpretations cannot be attributed to Islam.

35.

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنَ اَهْلِهِ وَحَكَمًا مِنَ اَهْلِهَا إِنْ يُرِيدَا إِصْلاَحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَساً.

And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allāh will cause it between them. Indeed, Allāh is ever Knowing and Aware.

After discussing rebellion on the part of the wife, Allāh mentions the case of estrangement between two spouses. The word *shiqāq* literally means a split. When at least one of the spouses would prefer a reconciliation rather than separation, an arbitrator who is known to be wise and fair-minded is chosen from each of the husband's and wife's families to assist in reaching a decision on what is best for all, including the children. They also act as judges after assessing the case from every aspect.

Ibn 'Abbās said, "Allāh commands that a righteous man from the husband's side and one from the wife's side of the family are appointed to determine who among the spouses is at fault. If it is the man, they prevent him from his wife and he pays some restitution. If it is the wife, she remains with her husband and he does not pay restitution. When the arbitrators decide that the marriage should remain intact or that it be dissolved their decision is binding, even if the two spouses did not appoint them as representatives. If they decide marriage should continue and one of the spouses agrees but the other disagrees, the one who agreed will inherit from the other if he dies, while the spouse who did not agree will not inherit from the one who agreed." This was his opinion.

Scholars ruled that when the two arbitrators disagree, then the opinion to dissolve the marriage will not be taken. And when the two spouses are sincere in desiring reconciliation the effort by the arbitrators will be successful: *If they both desire reconciliation, Allāh will cause it between them.* Allāh encourages reconciliation when possible and He knows the intentions of both parties. He helps those who intend and strive for what is best to achieve it. It may also be noted that Allāh (\*\*) has not mentioned the other option, which is separation — as if He prefers it not to be considered.

Indeed, Allāh is ever Knowing and Aware. Therefore, both the disputing parties and the judges should beware of the least dishonesty or wrongdoing. For Allāh knows that which deceives the eye and what the breasts conceal<sup>73</sup> and the oppressor, the schemer, the liar and the cheater will not escape His punishment.

36.

And worship Allāh, and associate nothing with Him, and to parents [do] good, and to relatives, orphans, the needy, the near neighbor, the neighbor farther away, the companion at your side, the traveler, and those whom your right hands possess. Indeed, Allāh does not like those who are self-deluding and boastful,

This āyah begins with a conjunction (*And ý*), which links it to the preceding rulings pertaining to the family and its affairs. Allāh orders that He be worshipped alone without associating any partners with Him because He alone is the Creator and Sustainer. This is a complete and absolute prohibition of *shirk*. The reason is stated in Sūrah al-Ḥajj:

That is because Allāh is the Truth, and that which they call upon other than Him is falsehood, and because Allāh is the Most High, the Most Grand.<sup>74</sup>

In fact, every prophet sent to mankind warned against *shirk* and declared:

"O people, worship Allāh; you have no other god but Him."75

The Prophet (ﷺ) once said to Mu'ādh bin Jabal, "Do you know what is Allāh's right on His servants?" Mu'ādh replied, "Allāh and His Messenger know best." He said, "It is that they worship

<sup>73</sup> Sūrah Ghāfir, 40:19.

<sup>&</sup>lt;sup>74</sup> Sūrah al-Ḥajj, 22:62.

<sup>&</sup>lt;sup>75</sup> Refer to 7:59, 7:65, 7:73, 7:85, 11:50, 11:61, 11:84, 23:23, 23:32.

Him and not worship any others with Him." He then said, "Do you know what is the right of the servants on Allāh if they do this? It is that He will not punish them."<sup>76</sup>

Worship consists of everything pleasing to Allāh of words, deeds and attitudes. It means not only acts of prayer, fasting, ḥajj, ṣadaqah, du'aa' and recitation of the Qur'ān, but obedience to Allāh in all matters, including family and social relations, where justice is required and <code>iḥsān</code> is highly recommended. <code>Iḥsān</code> is a degree above justice and an outward expression of <code>taqwā</code>. The Prophet (\*) described it as worshipping Allāh as if you see Him, adding the reminder that "He sees you." This implies a sharp consciousness of Allāh which leads to precision in one's deeds. It also means willingness to do more than one's obligation and being satisfied with less than one's right while seeking the acceptance of Allāh.

The directive to be good to parents, relatives and other people is compatible with human nature (fiṭrah) and with the Islamic view of social organization. It ensures that social security begins within the family before it is taken further to include the whole community. The Messenger of Allāh (ﷺ) observed, "There is no sin more deserving of having its punishment hastened in this world, in addition to what is reserved for the offender in the Hereafter, than tyranny and cutting ties of kinship."

Similar commandments were given by Allāh in earlier times:

And remember when We took a covenant from the Children of Israel not to worship except All $\bar{a}h$ ; and to parents good treatment, and to relatives, orphans and the needy.<sup>78</sup>

Allāh has ordered His servants to practice *iḥsān* first with their parents, for they are the means by which He brings people into existence after they were non-existent. Additionally, He made parents instinctive caretakers of their children, willing to strive and sacrifice for their welfare and best interests. Parents bear the burden of worry and concern for their children throughout their lives, even after they have become independent adults. Allāh placed this instinct in parents for the continuation of human existence. Children, however, are programmed to care for their own children and tend to forget their parents; therefore, the Most Merciful reminds people of the debt they owe their parents and commands *iḥsān* towards them.

In other verses of the Qur'ān<sup>79</sup> the command to worship Allāh is also followed by that to care for parents. And the Prophet ( $\divideontimes$ ) warned, "Shall I not inform you of the greatest of major sins? Association with Allāh and ' $aq\bar{u}q$  (being undutiful) to parents." ' $Aq\bar{u}q$  includes disobedience, disrespect and negligence. He also said, "May he be abased, may he be abased, may he be abased." Someone asked, "Who, O Messenger of Allāh?' He replied, "One who has parents, one or both, having reached old age, while they are not a cause for his entering Paradise."

There are many hadīths which speak about *iḥsān* to parents. The Prophet (ﷺ) said, "Indeed, Allāh instructs you concerning your fathers, indeed, Allāh instructs you concerning your mothers, Allāh instructs you concerning your mothers, indeed, Allāh instructs you concerning your mothers, indeed, Allāh instructs you concerning your relatives in order of nearness." And a man once came to the Prophet (ﷺ) and said, "O Messenger of Allāh, I want to go out for battle and have come to seek

<sup>77</sup> Abū Dāwūd - şaḥeeḥ.

<sup>&</sup>lt;sup>76</sup> Muslim.

<sup>&</sup>lt;sup>78</sup> Sūrah al-Bagarah, 2:83.

<sup>&</sup>lt;sup>79</sup> Sūrahs al-Israa', 17:23-24, Lugmān, 31:14 and al-Ahgāf, 46:15.

<sup>80</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>81</sup> Muslim. They will be a cause for his entering Paradise when he treats them well.

<sup>&</sup>lt;sup>82</sup> Aḥmad and Ibn Mājah.

your advice." The Prophet asked, "Do you have a mother?" He said, "Yes." The Prophet (ﷺ) said, "Then stay with her, for Paradise is at her feet."83

And he (ﷺ) said, "The hand of the giver is the higher one. [Give to] your mother and your father, your sister and your brother, then the nearest and next nearest to you."84

A Muslim must be gentle and humble toward his parents, show mercy to them, supplicate for them and in general, treat them with kindness and sympathy just as they did for him when he was helpless and dependent as a child. When they are in need he should serve them and spend on them according to his means. And there are obligations toward Muslim parents after their death. The Prophet (ﷺ) mentioned: the funeral prayer, asking Allāh's forgiveness for them, fulfilling their promises and bequests after them, honoring their close friends and keeping good relations with those to whom one is related through them.

Yet, it is necessary here to mention two exceptional cases:

1. Some parents are extremely demanding and difficult to please, and some abuse their authority, imposing opinions and interfering in the lives of their married children. Even the most dutiful of sons and daughters may at times feel oppressed or offended. But Allāh does not charge any soul with more than its capacity. After instructing kindness and mercy to parents in Sūrah al-Israa', He said:

Your Lord is most knowing of what is within yourselves. If you should be righteous [in general] – then indeed He is, to those often returning [to Him], ever Forgiving.<sup>86</sup>

Children who intend righteous conduct, constantly striving to satisfy and please their parents but occasionally make a mistake or a slip of the tongue, can be sure that Allāh is aware and appreciative of that intent. Sa'eed bin Jubayr said, "It refers to one who said something not thinking it would be offensive to his parents." And when they hasten to repent and apologize, He promises them forgiveness.

2. Obedience has limits. As mentioned under  $\bar{A}$ yah 34, the Messenger of All $\bar{a}$ h (ﷺ) said, "There is no obedience to anyone in the disobedience of All $\bar{a}$ h. Obedience is only in  $ma'r\bar{u}f$  (what is right)."87 This applies to any order given by someone in a position of authority – the husband, parents, head of state, etc. Regarding parents, All $\bar{a}$ h said:

But if they endeavor to make you associate with Me that about which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness.88

These words make it clear that obedience in a matter contrary to what Allāh has ruled and without knowledge of its lawfulness is not *iḥsān*, but shirk. In such a case one must gently but firmly refuse to become a party in the wrongdoing while remaining respectful and kind, even to parents who are non-believers.

After emphasizing good treatment of parents, the sphere is widened to include other relatives, and then extends to orphans and the needy. All of them have rights over a Muslim that cannot be ignored, and even more so when they are in need. The Prophet (\*\*) warned, "He who shows not

<sup>83</sup> An-Nasā'i and Ibn Mājah.

<sup>&</sup>lt;sup>84</sup> Aḥmad.

<sup>&</sup>lt;sup>85</sup> Abū Dāwūd.

<sup>86</sup> Sūrah al-Israa', 17:25.

<sup>87</sup> Al-Bukhāri and Muslim.

<sup>88</sup> Sūrah al-'Ankabūt, 29:8 and Sūrah Luqmān, 31:15.

mercy to the people will not be shown mercy by Allāh."<sup>89</sup> And he said, "A Muslim is the brother of a Muslim; he neither wrongs nor betrays him."<sup>90</sup> Anyone who leaves another destitute while able to assist him has surely betrayed him.

Orphans and the needy are given priority over neighbors because their need may be more pressing and require more immediate attention.

The orphan is in need of extra kindness to help compensate for his loss and due to his vulnerable position in society. Although he has lost the irreplaceable father, an orphan will not lose his dignity and self-esteem in a family whose care and mercy surrounds him. Support of an orphan will often be more psychological than material, although financial maintenance should not be neglected. *Iḥṣān* includes good upbringing and providing the kind of education suitable to his social status. If he is poor, it could be teaching him a profession or trade by which he will be able to earn a living.

The needy person is more in need of financial aid. But there are two categories of needy:

- 1. Those deserving of help, as they are poor due to circumstances beyond their control, and
- 2. Those undeserving, as they are poor due to their own negligence, laziness or extravagant spending. Iḥsān in this case is to teach and direct them to methods of ḥalāl earning.

Iḥsān is then instructed toward neighbors. A neighbor may one who is near in relationship or in distance (al-jār dhil-qurbā) or one less near (al-jār al-junub). Some early scholars defined the neighborhood as the extension of 40 houses in every direction. Others said that neighbors are those who see one another as they come and go from their homes. With regard to dealings, there are three kinds of neighbors:

- 1. One who has the rights of a relative, a Muslim and a neighbor
- 2. One who has the rights of a Muslim and a neighbor
- 3. One who has the right of a neighbor (a non-Muslim)

A person who harasses his neighbor and causes him to suffer any kind of harm is accountable in the Hereafter. The Prophet (ﷺ) said, "By Allāh, he cannot be a believer." When asked who, he replied, "He from whose harm his neighbor is not safe." He also said, "He is not a believer, who eats his fill while his neighbor is hungry." And someone told him, "O Messenger of Allāh, there is a woman known for her prayers, fasting and charities but she abuses her neighbors." He replied, "She is in Hell." Then he said, "O Messenger of Allāh, there is a woman who does not do much [extra] prayer and fasting but she gives pieces of cheese in charity and does not harm her neighbors." The Prophet replied: "She is in Paradise."

There are also several hadiths instructing good treatment of neighbors. The Prophet (\*) said, "He who believes in Allāh and the Last Day should honor his neighbor." 'Ā'ishah asked, "O Messenger of Allāh, I have two neighbors, so to which of them should I send my gift?" He replied, "To the one whose door is nearer to you." 'Abdullāh bin 'Umar reported that the Messenger of Allāh (\*) said, "Jibreel kept reminding me about the neighbor's right until I thought he was going to appoint for him a share of the inheritance."

<sup>&</sup>lt;sup>89</sup>Al-Bukhāri and Muslim.

<sup>90</sup> Al-Bukhāri and Muslim.

<sup>91</sup> Al-Bukhāri.

<sup>92</sup> Aţ-Ţabarāni

<sup>&</sup>lt;sup>93</sup> Aḥmad.

<sup>94</sup> Muslim.

<sup>95</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>96</sup> Aḥmad, al-Bukhāri and Muslim.

Commentators have defined the *companion at your side* ( $as-s\bar{a}hib$  *bil-janb*) as someone met socially or at work, an acquaintance, a friend, a temporary neighbor or a travel companion. And some said that it means the wife.

Next, the traveler (literally, son of the road) is mentioned. He is someone away from his home, perhaps a stranger or a guest.

And finally, those whom your right hands possess. They are slaves, who endure hardships and are entitled to proper maintenance and kindness. The Messenger of Allāh (ﷺ) said, "If a servant cooks for you and brings it having suffered its heat and smoke, ask him to join in eating it, and if the food is little, give him a bite or two." And he said, "Whoever slaps his slave or beats him, his *kaffārah* (expiation) is to free him." And during the illness before his death, he kept repeating, "The prayer, the prayer, and those your right hands possess."

Indeed, Allāh does not like those who are self-deluding and boastful. The verse ends with a denunciation of conceit and boastfulness, which contrasts sharply with submission and gratitude to Allāh. The person who disregards his Lord and the final account of his deeds is often arrogant and boastful. Such a one deludes himself by attributing Allāh's favors to himself, boasting of his wealth, his lineage, his knowledge, his accomplishments and perhaps even his physical appearance.

When the Prophet (ﷺ) warned that no one who had in his heart an atom's weight of pride would enter Paradise, he qualified it by saying, "Pride is the prevention of right and looking down on people." One afflicted with this disease sees nothing but himself. He will not concern himself with the needs of others, oppose injustice to them or give them their due; he sees them as undeserving of his attention or even some of their basic rights, and he can easily practice discrimination and exploitation. The Messenger of Allāh (ﷺ) advised, "Whoever would like to be saved from the Fire and enter Paradise should meet death believing in Allāh and the Last Day, and should do to people as he would like done to him." 101

37.

Who are stingy and enjoin upon [other] people stinginess and conceal what Allāh has given them of His bounty – and We have prepared for the disbelievers a humiliating punishment –

This āyah is an extension of the previous one, meaning: Allāh does not like those who are self-deluding and boastful, while being stingy and influencing others to do the same. Ibn 'Abbās was of the opinion that these words referred to some of the Jews who approached the Anṣār, urging them not to spend from their wealth on the immigrant Muslims. Others said it referred to those who refused to give zakāh or ṣadaqah, or to those who refuse to spend for what Allāh commanded them: pleasing parents and helping relatives, orphans, the needy, the neighbor, the travel companion, the wayfarer, slaves, etc., or to those who withheld knowledge of the descriptions of Prophet Muḥammad (ﷺ) which they found in their scriptures. But the meaning is general and applies to withholding, whether material or figurative. They conceal what Allāh has given them of His bounty in order to avoid sharing it.

<sup>97</sup> Al-Bukhāri and Muslim.

<sup>98</sup> Muslim.

<sup>&</sup>lt;sup>99</sup> Abū Dāwūd.

<sup>100</sup> Muslim and at-Tirmidhi.

<sup>&</sup>lt;sup>101</sup> Muslim.

The Qur'an warns:

And let not those who withhold what All $\bar{a}h$  has given them of His bounty ever think that it is better for them; rather, it is worse for them. <sup>102</sup>

In this verse Allāh described such people as  $k\bar{a}$  fireen, which literally means those who cover something up, as those who cover seeds after planting them. They may cover the truth with lies or denial (disbelief) or may conceal the favors bestowed by Allāh (ingratitude). Humiliation is a fitting punishment for the conceit and disdain which caused them to withhold the rights of others. And exposure of their concealment of Allāh's bounty is for them additionally humiliating.

38.

And [also] those who spend of their wealth to be seen by the people and believe not in Allāh nor in the Last Day. And he to whom Satan is a companion – then evil is he as a companion.

In addition, Allāh does not like those hypocrites who make a show of their generosity only for praise or worldly advantage. Doing something to be seen by people rather than seeking Allāh's acceptance nullifies the deed and can lead to punishment. The Prophet (ﷺ) stated that among the first to be condemned at the Judgement will be a charitable man, to whom Allāh will say, "You spent to be called generous, and it was said." Then it will be commanded that he be dragged on his face and thrown into the Hellfire. Thus, when a person seeks a worldly benefit, preferring it to the reward of Allāh, he can no longer expect that reward in the Hereafter. As the Prophet (ﷺ) also disclosed, "Allāh, the Mighty and Majestic, will say on the Day of Resurrection when the people are being compensated, 'Go to those for whom you were showing off in the world, and see if you will find any reward with them.'"105

All of the aforementioned behaviors – conceit and boastfulness, stinginess and showing off – are encouraged by Shayṭān. When they become habitual it is because that person has allowed the Shayṭān to become a constant companion, so he can scarcely escape his influence. How weak and vulnerable is one who would submit to the suggestions of his avowed enemy.

39.

And what [harm would come] upon them if they believed in Allāh and the Last Day and spent out of what Allāh provided for them? And Allāh is ever, about them, Knowing.

But the evil Shayṭān is also a coward who retreats when one remembers Allāh, and his strategy is weak (as mentioned in Āyah 76). So man has another option, which is to reject his enemy and turn back instead to his true Lord, in whose hand is the source of all benefit and harm. What is there to lose in seeking reward from Allāh for one's expenditures instead of showing off to the people? It is He who provided whatever they spend and everything they possess, so should they not be grateful to Him and seek His acceptance? When they spend from what Allāh has bestowed

<sup>102</sup> Sūrah Aali 'Imrān, 3:180.

<sup>&</sup>lt;sup>103</sup> Kāfir can also mean a planter, who covers the seeds after sowing them.

<sup>&</sup>lt;sup>104</sup> Muslim.

<sup>&</sup>lt;sup>105</sup> Aḥmad.

on them of His bounty it is registered for them as a good deed, the reward of which is multiplied many times over.

The Qur'an states that spending for the cause of Allah earns a reward of 700 times or more:

The example of those who spend their wealth in the way of Allāh is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains; and Allāh multiplies [that] for whom He wills. And Allāh is all-Encompassing and Knowing." 106

And in fact, His reward of eternal Paradise is the greatest attainment and its loss is the greatest loss. Allāh is fully aware of that which motivates deeds and He compensates accordingly. Ibn Katheer said, "Indeed, Allāh knows those who deserve to succeed, so He grants them ability and good judgment, enabling them to perform righteous deeds that He will approve. And He knows those who deserve to be left alone and expelled from His mercy, which is the greatest disappointment and loss in this world and the Hereafter; we seek refuge in Allāh from that."

40.

Indeed, Allāh does not do injustice, [even] as much as an atom's weight; while if there is a good deed, He multiplies it and gives from Himself a great reward.

Allāh is never unjust, even to the unbelievers, and He is exceedingly generous to the righteous. The weight of a *dharrah* has been interpreted to mean the smallest thing imaginable — early commentators have said: a tiny red ant, a speck of dust or a weightless particle.

Allāh said in Sūrah al-An'ām:

Whoever comes [at Judgement] with a good deed will have ten times the like thereof, and whoever comes with an evil deed will not be recompensed except the like thereof; and they will not be wronged.<sup>107</sup>

This is also confirmed in authentic ḥadīths. The Prophet (ﷺ) said, "Allāh has registered the good deeds and the bad ones. Then He clarified it, [saying], 'He who intended a good deed and did not do it — Allāh writes it with Himself as a complete good deed; and if he intended it and did it — Allāh writes it with Himself as ten good deeds up to seven hundred times or many times [over that]. And if he intended [to do] a bad deed and did not do it — Allāh writes it with Himself as a complete good deed; but if he intended it and did it — Allāh writes it as one bad deed." And when a man gave a she-camel in charity he said, "You will have for her on the Day of Resurrection 700 she-camels."

The excess reward is given according to Allāh's knowledge of His servant's righteousness, the sincerity of his intention, the type of deed done, the effort expended, its suitability to the situation at hand, etc. One can be sure that if the people do not appreciate his efforts, sacrifices, feelings and circumstances, Allāh is fully aware of them and will not deprive him of so much as a *dharrah* of compensation; rather, He will multiply the reward and increase it.

48

<sup>106</sup> Sūrah al-Baqarah, 2:261.

<sup>&</sup>lt;sup>107</sup> Sūrah al-An'ām, 6:160.

<sup>108</sup> Al-Bukhāri and Muslim.

<sup>109</sup> Muslim.

Then how [will it be] when We bring from every nation a witness and We bring you, [O Muḥammad], against these [people] as a witness?

After having dealt with issues of rights, justice and compensation, this section of the sūrah concludes with an address to the Prophet (ﷺ), presenting a graphic scene from the Hereafter. It is here where the balance of justice is restored forever. At the time of Judgment a witness will be brought to testify for or against the people of every nation. That witness will be the prophet who was sent to teach the people of that ummah the religion of Allāh. The disbelievers are now in the presence of the Creator they had denied, the Provider whose favors they had concealed, faced with the eternal life in which they did not believe, and the Messenger they disobeyed and who will now testify against them.

Here the Exalted Lord is asking: How will it be on that Day for those who rejected or ignored His message? The answer is left unspoken but the mind responds: Indescribable shame, humiliation, regret and fear – with no denial and no escape.

'Abdullāh bin Mas'ūd related, "The Messenger of Allāh (ﷺ) said, 'Recite to me.' I said, 'O Messenger of Allāh, I should recite [the Qur'ān] to you, while to you it was revealed?' He said, 'Yes, for I like to hear it from others.' So I recited Sūrah an-Nisaa' until I came to the āyah: *Then how will it be when We bring from every nation a witness and We bring you against these [people] as a witness?* He said, 'Enough for now,' and his eyes were overflowing with tears." 110

42.

That Day, those who disbelieved and disobeyed the Messenger will wish they could be covered by the earth. And they will not conceal from Allāh a [single] statement.

Those who disbelieved and disobeyed will wish that the earth would open and swallow them up once they perceive the disgrace, humiliation and torment they will suffer on that Day. As Allāh said in a similar āyah:

And the disbeliever will say, "Oh how I wish I were dust!"111

They will wish to be leveled with the earth when they see before them their wicked deeds that were recorded by the angels. Another meaning of *tusawwā bihimul-ardh* is that they could become equal in value to the earth, i.e., they wish that they could give the entire earth to ransom themselves from the punishment of the Hellfire.

And they will not conceal from Allāh a [single] statement. Ibn 'Abbās explained that on the Day of Resurrection when the polytheists see that Allāh forgives sins except for shirk,<sup>112</sup> they will say, "By Allāh, our Lord, we were not mushrikeen," hoping that Allāh would forgive them. But then Allāh will seal their mouths, and their hands and feet will speak, disclosing what they used to do. Thereupon, those who disbelieved and disobeyed the Messenger will wish they were covered by the earth, but they will not be able to hide anything from Allāh.

<sup>&</sup>lt;sup>110</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>111</sup> Sūrah 'Abasa, 78:40.

 $<sup>^{\</sup>rm 112}$  Refer to Āyahs 48 and 116 of this sūrah.

Indeed, Allāh does not forgive association [of anything] with Him, but He forgives what is less than that for whom He wills. And he who associates others with Allāh has certainly fabricated a tremendous sin.

How does the mention of *shirk* relate to these rulings? Indeed, it relates to every Islamic ruling in that the obedience required to obtain reform and the reward of Allāh is compromised when one falls into some form of *shirk*.

The literal meaning of *shirk* is partnership, sharing or association. In Islamic terminology it refers to the concept of polytheism or sharing of divinity, and more specifically associating something with Allāh, considering any created thing or being as equal to Him, attributing His unique characteristics to other than Him or worshipping and obeying another instead of Him.

Shirk may be visible, such as the worship of idols and invoking the dead, or it may be concealed, such as belief that anyone other than Allāh should be obeyed unconditionally or that there are others along with Allāh who control the universe or have knowledge of the unseen. These are forms of major shirk (*shirk akbar*), which amount to *kufr* or disbelief. Minor shirk (*shirk aṣghar*), such as showing off one's worship occasionally) does not remove a person from Islam but is a fault and requires repentance.

Men who rule by laws other than Allāh's law have set themselves up as equals to Him, and that is clearly *shirk*. People who are pleased with such rulers and willingly obey them instead of Allāh also commit *shirk*. When someone disobeys Allāh, seeking to please others instead of Him, he is committing *shirk*. It is even possible that one commits *shirk* because his own wishes and inclinations are being obeyed by him instead of Allāh. The Qur'ān says:

Have you seen the one who has taken as his god his desire? 113

Jābir bin 'Abdullāh reported that the Messenger of Allāh (ﷺ) said, "Anyone who dies not associating anything with Allāh may obtain His forgiveness. Allāh can punish him if He wills or forgive him if He wills." Shirk is forgivable only when a person repents from it sincerely before the time of his death, but one who dies without repenting from it will not be forgiven by Allāh. This fact is affirmed again in Āyah 116 of the sūrah. And Āyahs 17 and 18 had stated essentially the same in reference to sins in general – that repentance before death will be accepted; and this includes repentance from shirk.

Muslims must be alert to recognize and avoid all forms of shirk, often apparent today as obsessive obedience to cultural influences, political ideologies, the unending pursuit of wealth, recognition or worldly enjoyments – all of which distract the heart and can run counter to the directives of Allāh. The Qur'ān cautions:

If you obey most of those upon the earth, they will mislead you from the way of Allāh.115

And indeed do many lead [others] astray through their [own] inclinations without knowledge. 116

<sup>&</sup>lt;sup>113</sup> Sūrah al-Furgān, 25:43 and Sūrah al-Jāthiyah, 45:23.

<sup>&</sup>lt;sup>114</sup> Ibn Abī Ḥātim.

<sup>&</sup>lt;sup>115</sup> Sūrah al-An'ām, 6:116.

<sup>116</sup> Sūrah al-An'ām, 6:119.

The āyah concludes: And he who associates others with Allāh has certainly fabricated a tremendous sin. When Ibn Mas'ūd asked him about the greatest sin, the Prophet (ﷺ) replied, "To attribute an equal to Allāh, while it was He who created you." Allāh has no partner or associate; He alone is the Creator, Sustainer and Sovereign of the universe. Sincere worship and reverence is due only to Him, and all attributes of perfection are His exclusively. No one has the right to ascribe them to anyone or anything but Him. Shirk negates belief in the Creator's right over His creation. As Lugmān said to his son:

"Indeed, shirk is a great injustice."118

إنَّ الشِّرْكَ لَظُلْمٌ عَظِيمٌ.

Shirk is unjust because it is a lie. The utmost falsehood is to claim that anything other than Allāh creates, sustains creation or controls destiny, or to believe that anything else shares in His divinity, can grant blessings or is worthy of the worship due to Him. Shirk is ingratitude when man forgets Allāh's right to be worshipped alone and disobeys the Creator who gave him life. Shirk leads to a decline of human dignity when man takes any creation as an object of worship. It is due to shirk that man fears "powers" of jinn, spirits and certain human beings; it is the root of superstition, anxiety and foolish practices. And shirk destroys any good deeds a person may have done, no matter how great or numerous. Worship and obedience are due to Allāh alone, and it is He who grants benefit and reward to sincere servants.

58.

إِنَّ اللَّهَ يَأْمُرُكُم أَنْ تُؤَدُّوا الأَمَانَاتِ إِلَى أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعِمًّا يَعِظُكُم بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا.

Indeed, Allāh commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allāh instructs you. Indeed, Allāh is ever Hearing and Seeing.

Fulfilling trusts and maintaining justice are the basis of the Islamic moral code. The first command refers to all things one is expected to take care of, such as Allāh's rights over His servants (ṣalāh, zakāh, fasting, penalties for sins, vows, etc.) and the rights of servants upon each other, such as safeguarding property and keeping promises and commitments, including those not recorded in writing. The first one mentioned by the Messenger of Allāh (ﷺ) of seven people whom Allāh will protect with His shade on the Day there is no shade but His, was a just ruler. And he (ﷺ) said, "Return the trust to those who entrusted you, and do not betray those who betrayed you." It is widely held that this āyah was revealed when the Prophet (ﷺ) took the key of the Ka'bah from 'Uthmān bin Ṭalḥah and entered it on the day of the conquest of Makkah. As 'Umar bin al-Khaṭṭāb reported, "When the Messenger of Allāh (ﷺ) came out of the Ka'bah he was reciting the āyah. May my father and mother be sacrificed for him, I never heard him recite it before that." He then called 'Uthmān and gave the key back to him. However, the meaning is also general, which is why Ibn 'Abbās and Muḥammad bin al-Ḥanafiyyah said, "This āyah is for both the righteous and wicked," meaning that it is a command directed to everyone.

The primary trust (amānah) to be fulfilled is the one mentioned at the end of Sūrah al-Aḥzāb<sup>120</sup> which the heavens, the earth and the mountains refused to accept but man undertook: that of responsibility based on knowledge and ability, and free choice with both its positive and negative

<sup>&</sup>lt;sup>117</sup> Al-Bukhāri and Muslim.

<sup>&</sup>lt;sup>118</sup> Sūrah Luqmān, 31:13.

<sup>&</sup>lt;sup>119</sup> Aḥmad.

<sup>&</sup>lt;sup>120</sup> Sūrah al-Aḥzāb, 33:72.

consequences. Fulfillment of this trust entails obedience to Allāh in all matters and in the best way possible. Other trusts are derived from it: conveying the message of Islam, precision and honesty in work, the conscientious raising of children, the obligations of rulers and of citizens, the observation of morality, protecting property, privacy and reputation, keeping confidences, etc. – all are trusts (amānāt) with rights due to others.

And when you judge between people to judge with justice. This too is a trust. Justice means to give someone his right without the slightest subtraction or addition, for any bonus granted would clearly be at the expense of one's opponent and a deprivation of his right. Thus, justice alone is acceptable from a judge, while in normal dealings between people <code>iḥsān</code> is more noble. Justice requires precise attention, sharp vision and proper evaluation of all the relevant factors and circumstances. The order to uphold justice has been stated here in general terms to make it obligatory on all people and due to every human being, whether Muslim or non-Muslim, rich or poor, friend or foe. Early Islamic history is full of impressive examples on both individual and administrative levels. But later as worldly matters took over their hearts and <code>taqwā</code> weakened, Muslims became less attentive of such matters and their civilization began to decline.

Excellent is that which Allāh instructs you. The administration of justice and keeping of trusts, though described here as instruction or advice, is in fact an order. These are basic elements of Islam. The standard by which to define, measure and administer the fulfillment of trust and maintenance of justice in all aspects of life is the excellent instruction issued by Allāh. Standards that human beings produce for themselves cannot possibly reach the same level since they are defective by nature and inevitably lead to imbalances.

Indeed, Allāh is ever Hearing and Seeing. So He is certain to hear and see all matters related to trusts and to justice and then to punish those who betray and disregard their duties. Accordingly, the Messenger (\*\*) advised, "Whoever would like to be saved from the Fire and enter Paradise should meet death believing in Allāh and the Last Day, and should do to people as he would like done to him."

121

59.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الأَمْرِ مِنْكُم فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلاً.

O you who have believed, obey Allāh and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result.

The Messenger of Allāh (ﷺ) said, "Whoever obeys me has obeyed Allāh, and whoever disobeys me has disobeyed Allāh. And whoever obeys my *ameer* (appointed leader) has obeyed me, and whoever disobeys my *ameer* has disobeyed me."122 In another ḥadīth, he (ﷺ) said, "Hear and obey even if an Ethiopian slave whose head is like a raisin is appointed as your leader."123 And during the Farewell Ḥajj he said, "If a slave is appointed over you who rules you by Allāh's Book, then listen and obey him."124

Obedience to Allāh is by adhering to His Book, and obedience to the Messenger after his death is by adhering to his Sunnah. The Sunnah is part of Sharī'ah because the Prophet (ﷺ) does not speak

<sup>121</sup> Muslim.

<sup>122</sup> Al-Bukhāri and Muslim.

<sup>&</sup>lt;sup>123</sup> Al-Bukhāri.

<sup>124</sup> Muslim.

from [his own] inclination.<sup>125</sup> Rather, Allāh made His legislation known through His Messenger (ﷺ) and ensured that he would not err in any matter pertaining to the religion. In addition, the Qur'ān clearly states:

مَنْ يُطِع الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ.

He who obeys the Messenger has obeyed Allāh. 126

The Qur'ān and Sunnah are the criterion by which justice is measured and trust is fulfilled. *Those in authority among you* denotes the Muslim authorities and can include rulers, recognized and trusted scholars, specialists in various fields, supervisors and administrators, parents, guardians or generally, anyone in a position of authority. However, the word "obey" is not repeated in relation to those in authority since obedience to them is conditional.

Obedience is due to the authorities as long as they order obedience to Allāh and His Messenger (\*\*). 'Abdullāh bin 'Umar reported that the Prophet (\*\*) said, "A Muslim is required to hear and obey in that which he likes and dislikes, as long as he was not commanded to commit a sin. But when he is commanded to commit a sin there is no hearing or obedience." 127

And 'Ali bin Abī Ṭālib reported, "The Messenger of Allāh (ﷺ) sent a company out under the command of a man from the Anṣār. The ameer became angry with them for some reason and said to them, 'Has the Messenger of Allāh not ordered you to obey me?' They said, 'Yes.' So he said, 'Collect wood for me,' and he ignited a fire. Then he said, 'I command you to enter the fire." They were about to do it, but a young man among them said, 'You only fled to Allāh's Messenger [to escape] from the Fire, so do not be hasty until you meet the Messenger of Allāh, and if he orders you to enter it, then enter it.' When they returned to the Messenger and informed him of it he said, 'If you had entered it you never would have come out of it. Obedience is only in what is right.'"128 Al-Qurṭubi identified the aforementioned ameer as 'Abdullāh bin Ḥudhāfah, a ṣaḥābi known for his comedy and practical jokes, perhaps implying that he was not entirely serious about the command, and Allāh knows best.

'Ubādah bin aṣ-Ṣāmit said, "We gave our pledge to the Messenger of Allāh (紫) to hear and obey [our leaders] whether willing or unwilling, in times of ease and difficulty, to give them preference over ourselves and not to dispute a matter with those authorized. But then the Prophet (紫) added, 'Except upon seeing clear *kufr* of which you have proof from [the Book of] Allāh."'129

And if you disagree over anything, refer it to Allāh and the Messenger... In matters of dispute or uncertainty where a ruling is needed, one must refer to the Qur'ān and Sunnah; and if no text is applicable to the case, then to the general principles of the Sharī'ah through  $ijm\bar{a}'$  (a consensus of Muslim scholars) or when none exists,  $qiy\bar{a}s$  (anology). This directive is related to faith; i.e., one who believes in Allāh and the Last Day will seek the rulings of the Qur'ān, the Sunnah and those scholarly decisions based upon them. Otherwise he cannot be considered a believer.

Allāh (ﷺ) concludes with a factual statement which serves as supportive advice: *That is the best [way] and best in result.* The word *ta'weel* can mean a *tafseer* or interpretation, and it can also mean a result or an outcome. Both are applicable here, for the Qur'ān explains things in the best way and its legislation produces the best results in this life and the next. It warns that the balance of justice must be restored, so a person might choose to disobey Allāh, but he cannot choose the consequence that he likes. That consequence will come according to the pattern established by the Creator, and He has clarified this matter in the Qur'ān.

<sup>&</sup>lt;sup>125</sup> Sūrah an-Najm, 53:3-4.

<sup>&</sup>lt;sup>126</sup> Sūrah an-Nisaa', 4:80.

<sup>&</sup>lt;sup>127</sup> Al-Bukhāri and Muslim.

<sup>&</sup>lt;sup>128</sup> Aḥmad, al-Bukhāri and Muslim.

<sup>129</sup> Al-Bukhāri and Muslim.

أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُم آمَنُوا بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِن قَبْلِكَ يُرِيدُونَ أَنْ يَتَحَاكَمُوا إِلَى الطَّاغُوتِ وَقَدْ أُمِرُوا أَنْ يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَنْ يُضِلَّهُم ضَلاَلاً بَعِيدًا.

Have you not seen those who claim to have believed in what was revealed to you, [O Muḥammad], and what was revealed before you? They wish to refer legislation to ṭāghūt while they were commanded to reject it; and Satan wishes to lead them far astray.

The āyah is clear in declaring the unbelief of those who prefer a source other than the revelation from their Creator for their rulings and judgment. When Allāh says, "...claim to have believed..." it shows that in reality they do not believe. They clearly contradict their claim of faith in what was revealed by refusing to refer their disputes to those revelations for settlement. Moreover, the verse makes clear that they do not do so out of ignorance or doubt, for they know that they were directed to refuse rulings from other sources.

This verse was revealed in relation to some hypocrites who pretended to be Muslims, yet they sought the judgment of pre-Islamic *jāhiliyyah*. Ibn 'Abbās said, "Abū Barzah al-Aslami was a soothsayer who used to judge between the Jews in their disputes. When some Muslims went to him to judge between them, Allāh sent down these verses [60-64]." It was also reported that the āyah was revealed about a man from the Anṣār who was debating with a Jew about a certain issue. Rather than referring judgment to the Prophet (ﷺ), he went to a soothsayer, and thus left the religion of Islam. Another account mentions that the Jew said, "Let us refer the matter to Muḥammad to judge between us," but the Muslim said, "Let us refer it to the judgment of Ka'b bin al-Ashraf (a leader of the Jews)." But as Ibn Katheer observed, "The āyah is general in meaning and reproaches all those who avoid referring to the Qur'ān and Sunnah for judgment and instead prefer the judgment of whatever falsehood they might choose." This is why Allāh said, "And they wish to refer legislation to ṭāqhūt..."

 $T\bar{a}gh\bar{u}t$  can refer to any false object of worship or to transgressors who usurp the divine right of government. Such objects of worship include not only idols, but heavenly bodies, fire, angels, devils, animals, dead ancestors, so-called saints or other human beings — in short, any created being. Customs and traditions, man-made ideologies, scientific theories and political ideologies, powerful rulers and popular personalities become forms of  $t\bar{a}gh\bar{u}t$  when blindly obeyed. It may even include wealth or worldly enjoyments when they become the dominant factor governing and directing a person's life. It is the influence of Satan  $(ash-Shayt\bar{a}n)$  which makes  $t\bar{a}gh\bar{u}t$  seem attractive, and one cannot have true faith unless he first rejects everything revered or obeyed in place of Allāh. Thus, a Muslim is expected, in addition to stating belief in Allāh and His Messenger (\*), to announce his rejection of  $t\bar{a}gh\bar{u}t$ ; otherwise he can fall into  $t\bar{a}t\bar{b}t$ 

The Qur'an had already warned in Ayah 48:

وَ مَنْ يُشْرِ كُ بِاللَّهِ فَقَدِ افْتَرَى إِثْمًا عَظِيمًا.

And he who associates others with Allāh has certainly fabricated a tremendous sin.

And when it is said to them, "Come to what Allāh has revealed and to the Messenger," you see the hypocrites turning away from you in aversion.

Allāh discloses that such people are hypocrites. The āyah is a description of behavior exhibited by some of the Prophet's contemporaries, but it also defines hypocrisy as the characteristic of those who profess to be believers but then avoid and refuse the legislation of Allāh and His final Messenger (ﷺ). Thus, it is a condition no different from the unbelievers who arrogantly stated that they would follow only what their forefathers followed and rejected Islam. This is in contrast to the Qur'ān's description of true believers:

The only statement of the [true] believers when they are called to Allāh and His Messenger to judge between them is that they say, "We hear and obey." 130

62-63.

So how [will it be] when disaster strikes them because of what their hands have put forth and then they come to you swearing by Allāh, "We intended nothing but good conduct and accommodation." Those are the ones of whom Allāh knows what is in their hearts, so turn away from them but admonish them and speak to them a far-reaching [i.e., effective] word.

Those who practice dishonesty and fail to uphold justice are heading for a disaster of some sort, in this life before the next. The sūrah describes a specific aspect of their conduct: when they encounter the misfortune (such as exposure or an evil consequence) resulting from their refusal to refer matters to Allāh and His Messenger, they make devious and hypocritical excuses, swearing false oaths in the name of Allāh. They assert that they do not question the Prophet's authority or his judgment, but only want to avoid problems and complications and to achieve harmony between the different factions. Such are the arguments of those who claim to be believers while preferring the rulings of  $t\bar{q}ah\bar{u}t$ .

But Allāh exposes their reality, and states that He knows the truth of what they conceal in their hearts. He knows their true beliefs, motives, intentions and how false their excuses are. Nonetheless, He tells His Messenger (\*\*) to ignore their attitudes, remaining polite but unsympathetic, and then to admonish them so that they will know they have not succeeded in their deceit. The meaning of *turn away from them* has been given as "do not use force against them."

Further, He orders the Prophet (ﷺ) to speak to them a far-reaching word, which means a highly effective form of speech. This depicts a strong action, directing appropriate words to their very hearts and souls. It can take the form of a warning or threat, or of teaching and advice. Ibn Katheer explained, "Speak to them an effective word reaching into their souls; advise them by using powerful words that might benefit them." That is because the door to repentance remains open and they might yet be positively influenced or at least dissuaded from attempting deception.

\_

<sup>130</sup> Sūrah an-Nūr, 24:51.

وَمَا أَرْسَلْنَا مِن رَسُولٍ إِلاَّ لِيُطَاعَ بِإِذْنِ اللَّهِ وَلَوْ أَنَّهُم إِذْ ظَلَمُوا أَنفُسَهُم جَاءُوكَ فَاسْتَغْفَرُوا اللَّهَ وَاسْتَغْفَرَ لَهُمُ الرَّسُولُ لَوَجَدُوا اللَّهَ تَوَّانًا رَحِيمًا.

And We did not send any messenger except to be obeyed by permission of Allāh. And if, when they wronged themselves, they had come to you, [O Muḥammad], and asked forgiveness of Allāh and the Messenger had asked forgiveness for them, they would have found Allāh Accepting of Repentance and Merciful.

Allāh (ﷺ) sent His messengers to be obeyed by His leave; they were not merely preachers or advisors. This means that the divine message has authority, commanding and enforcing obedience. Allāh sent His messengers to be obeyed by His permission and within His law, so that the ordained way of life would continue with a system of administration after the passing of each prophet. It thus orders continuous obedience of the final Prophet (ﷺ) generation after generation, and fulfills the purpose of establishing and maintaining Allāh's religion with its moral values, legislation and methods of worship as a system for human life.

The āyah then provides a way out for those who have "wronged themselves" by deviating from Allāh's path, for He is always forgiving and merciful to those who return to Him in repentance. He describes Himself as such and promises those who repent and seek His forgiveness that He will accept their repentance and show them mercy.

Those referred to initially by this statement were the Prophet's contemporaries who had the opportunity to ask the Prophet to supplicate Allāh for their forgiveness. This is no longer possible nor is it lawful. The Ṣaḥābah never requested that the Prophet (%) supplicate on their behalf after his death, and all scholars agree that asking something of any dead person (even a prophet) is harām and a form of major *shirk*.

However, the door to repentance remains open and every individual can communicate directly with his Lord. Allāh has said:

"Your Lord has decreed upon Himself mercy: that any of you who does wrong out of ignorance and then repents after that and corrects himself – indeed, He is Forgiving and Merciful." (6:54)

65.

But no, by your Lord, they will not [truly] believe until they make you, [O Muḥammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in [full, willing] submission.

Allāh swears by Himself that no one shall attain faith until he refers to the Messenger (\*\*) for judgment in all matters. He has honored the Prophet by saying, "your Lord" as well as by making him judge in the affairs of believers. And He has confirmed that He approves the rulings given by His Messenger.

This āyah clearly defines the distinction between Islam and  $\bar{l}m\bar{a}n$  (belief or faith). What it states is a fundamental Islamic principle expressed in the form of a confirmed oath, without any qualification. It is sufficient as a proof of Islam that people should refer their disputes to Allāh's law and His Messenger's rulings. However, this is not sufficient as proof of  $\bar{l}m\bar{a}n$  until it is

accompanied by complete satisfaction and willing submission. The verse mentions three conditions of belief: referring disagreements for judgment according to the rulings of the Prophet (\*\*), not finding any discomfort with the ruling, and willingly implementing it without delay.

Al-Bukhāri narrated that a man from the Anṣār disputed with az-Zubayr over an irrigation canal. The Messenger of Allāh (\*\*) told az-Zubayr, "Irrigate, O Zubayr, and then send the water to your neighbor." But the Anṣāri said, "O Messenger of Allāh, is it because he is your cousin?" The Messenger's face changed color [from anger] and he said, "Irrigate, O Zubayr, then withhold the water until it backs up to the walls [of your garden], and then send the water to your neighbor." Allāh's Messenger had given a liberal judgment, beneficial to both of them before the Anṣāri made him angry, but after that he gave az-Zubayr his full right. Az-Zubayr later said, "I think this āyah was revealed concerning that."

Ibn Katheer mentioned another incident about which the āyah was said to have been revealed. Two men took their dispute to the Prophet (ﷺ), and he gave a judgment in favor of the one who had the right. The one who lost the case did not agree. So the other asked him, "What do you want then?" He said, "Let us go to Abū Bakr aṣ-Ṣiddeeq." They went to Abū Bakr and the one who had won the dispute said, "We went to the Prophet (ﷺ) with our case and he gave a decision in my favor." Abū Bakr said, "Then the decision is that which the Messenger of Allāh gave." The one who had lost still refused and said, "Let us go to 'Umar bin al-Khaṭṭāb." When they went to 'Umar, the one who had won said, "We took our case to the Prophet (ﷺ) and he decided in my favor, but this man refused to submit to the decision." 'Umar asked the second man and he confirmed it. So 'Umar went into his house, emerging with his sword, and he struck off the head of the man who had rejected the Prophet's decision. Then Allāh revealed the āyah.

So Islam is shown as outward submission to the Prophet's judgment. But belief is reflected in willing, wholehearted submission without any negative feelings of regret or reluctance. The believer will not feel any hesitation over the verdict, and will submit to it both outwardly and inwardly. This was affirmed in the ḥadīth narrated by Muslim in which Jibreel (ﷺ) questioned the Prophet (ﷺ), who described Islam as the execution of Allāh's ordinances, at least outwardly. *Imān* on the other hand, is complete inner belief in the required obedience. Islam, or outward submission, is the minimum degree entitling one by law to the rights of a Muslim. Then Allāh will reward such a person according to his deeds and intentions. Higher in rank and preferable to Allāh is *īmān* or true faith, so every *mu'min* (believer) is a Muslim, but not every Muslim becomes a *mu'min*.

Allāh also clarified the difference between "islām" and "īmān" in the Qur'ān:

The Bedouins say, "We have believed." Say, "You have not [yet] believed; but say [instead], 'We have submitted,' for faith has not yet entered your hearts. And if you obey Allāh and His Messenger, He will not deprive you of anything from [the reward of] your deeds. Indeed, Allāh is Forgiving and Merciful."<sup>131</sup>

Two additional points have been derived from this āyah:

... A ruling given by the Prophet (ﷺ) takes precedence over the statements of every other human being, including the rulings of Muslim scholars. All trustworthy scholars and imāms of the past and present have told their followers that if a sound hadīth is found which contradicts their own sayings to disregard their words and take from the hadīth.

\_

<sup>131</sup> Sūrah al-Ḥujurāt, 49:14.

... Allāh has confirmed that His Messenger (ﷺ) never committed an error when communicating the message revealed to him and was infallible in matters of religion. However, the Prophet himself made it clear that his opinion regarding worldly matters was not binding.

66-68.

And if We had decreed upon them, "Kill yourselves" or "Leave your homes," they would not have done it, except for a few of them. But if they had done what they were instructed, it would have been better for them and a firmer position [in faith]. And then We would have given them from Us a great reward; and We would have guided them to a straight path.

The Islamic Sharī'ah makes it easy for people to fulfill their obligations and refrain from what is forbidden so that all those with sound *fiṭrah* can join the ranks of the faithful. Hence, the Muslim community will include people of different abilities and talents. Allāh (\*\*) reminds the believers of His mercy in that He does not impose on His servants anything too demanding or require great sacrifices from them. Killing themselves (or the guilty ones among them) and exile are two types of hardship which had been imposed on Bani Isrā'eel as a penalty for their rebellion against Allāh, but that was not a usual case.

Ibn Katheer related in his Tafseer that when the words: And if We had decreed upon them, "Kill yourselves" was revealed, more than one of the Ṣaḥābah said, "Had we been ordered, we would have done it; but we praise Allāh for having spared us." When the Prophet (ﷺ) was told of it he commented, "Some of my followers have faith firmer than great mountains." On another occasion, he recited the verse, and pointing to 'Abdullāh bin Rawāḥah, he said, "Had Allāh ordered it, he would have been among the few who responded."

Allāh's Messenger (ﷺ) knew the qualities of each of his companions better than they knew themselves. He was aware that there were among his followers those who would have fulfilled the most difficult of tasks, had it been required of them. However, he was also aware that Allāh knows the nature of human beings and the limitations of their abilities, so He did not overburden them and cause them to sin by disobedience. As previously stated: *Allāh wants to lighten for you [your difficulties]; and mankind was created weak.*<sup>132</sup>

Ibn Katheer added, "Allāh states that even if people were commanded to commit what they [desire but] are prohibited to do, most of them would not obey the command, as their nature is such that they oppose orders. Allāh's knowledge includes what does not occur and [even] how it would be if it did occur." Several commentators cite examples from among the Ṣaḥābah who actually did the things mentioned in the verse, leaving their homes and killing their own relatives in combat. But Allāh knew that especially in later times, most people would find obedience to such commands beyond their ability.

Although Allāh does not impose difficulties upon His servants and merely instructs them to do what will benefit them, there are some who refuse His guidance. Man's shortsightedness leads him to accept the suggestion of Shayṭān that religion is difficult and forget the long term benefits for societies as well as the eternal benefits of the Hereafter. This āyah refers to the unbelievers who were contemporaries of the Prophet, but additionally includes all others who refuse to obey Allāh and His Messenger (\*\*).

\_

<sup>&</sup>lt;sup>132</sup> Sūrah an-Nisaa', 4:28.

But if they had done what they were instructed, it would have been better for them. It would have been better in every way; and this is a general statement. But how would they benefit specifically? Three results of obedience are mentioned in this and the following two verses:

- ... It gives a firmer position for them in faith, i.e., it strengthens faith, removes uncertainty and gives peace of mind.
- ... It earns a great reward from Allāh in the next life.
- ... It brings further guidance, i.e., the path of salvation becomes clear to them.

69-70.

And whoever obeys Allāh and the Messenger – those will be with the ones upon whom Allāh has bestowed favor of the prophets, the steadfast affirmers of truth, the martyrs and the righteous. And excellent are those as companions. That is the bounty from Allāh, and sufficient is Allāh as Knower.

Whoever implements what Allāh and His Messenger (ﷺ) have commanded and avoids what Allāh and His Messenger have prohibited will be granted a residence of honor in the company of the prophets and those lesser in rank: the steadfast affirmers of truth, the martyrs and the righteous. To be in the company of these outstanding people can only occur through Allāh's grace. No human being can hope to attain such a rank otherwise.

Ibn Katheer cited a report from Sa'eed bin Jubayr that an Anṣāri man came to the Messenger of Allāh feeling sad. The Prophet (ﷺ) said to him, "Why do I see you sad?" He said, "O Prophet of Allāh, I was thinking about something; we come to you in the morning and evening, looking at your face and sitting with you. Tomorrow, you will be raised up with the prophets, and we will not be able to reach you." The Prophet (ﷺ) did not say anything, but then Jibreel came down to him with this āyah, so the Prophet sent him the good news." He also mentioned that 'Ā'ishah reported, "A man said to the Prophet (ﷺ), "When I think about my death and your death, I know that you will be with the prophets when you enter Paradise. Even if I enter Paradise I fear I might not see you." The Prophet did not answer until the āyah was revealed.

Ka'b al-Aslami said, "I used to sleep at the Prophet's house and bring him his water for ablution and other needs. He once said to me, 'Ask something.' I said, 'O Messenger of Allāh, I ask you for your companionship in Paradise.' He said, 'Anything else?' I said, 'That's it.' He said, "Then help me [to obtain it] for you through much prostration.'"133

The Messenger of Allāh (ﷺ) was asked about someone who loved a people but could not reach their position. He said, "A person will be with those he loves." Anas commented, "The Muslims never rejoiced more than they rejoiced over this ḥadīth." Anas added, "I love the Messenger of Allāh (ﷺ), Abu Bakr and 'Umar, and I hope that Allāh will resurrect me with them, even if I did not do their deeds." 134

'Ā'ishah reported, "I heard the Messenger of Allāh (ﷺ) saying, 'Every Prophet who falls ill is given the choice between this life and the Hereafter.' During his final illness his voice became weak and

<sup>133</sup> Muslim.

<sup>134</sup> Al-Bukhāri and Muslim.

I heard him saying, 'With the ones upon whom Allāh has bestowed favor of the prophets, the steadfast affirmers of truth, the martyrs and the righteous.' I knew then that he was being given the choice."135

That is the bounty from Allāh... It is out of His mercy that He made believers qualified to receive this favor, and not due to their deeds, for it is He who enables them to do good deeds. And sufficient is Allāh as Knower, i.e., He knows best who is deserving of guidance and success.

85.

Whoever intercedes for a good cause will have a share [i.e., reward] therefrom; and whoever intercedes for an evil cause will have a portion [i.e., burden] therefrom. And ever is Allāh, over all things, a Keeper.

This is a universal principle which applies to intercession for anything good or evil. Besides "intercession,"  $shaf\bar{a}$ 'ah includes the meanings of cooperation, support and encouragement. Within the context of the previous verses pertaining to jihād, the latter meanings are emphasized by most commentators, although the first is used for more general interpretations such as argument on behalf on another by someone whose position is respected. It means that when one intervenes in a matter that produces a good result he will acquire a share of that good, while one who negotiates for an evil cause will have a share in its burden of sin as a result of his involvement and the intention behind it. This implies that even the slightest word or suggestion of support will be rewarded or punished.

The āyah encourages positive cooperation rather than solitude and isolation. The intercessor plays an important social role when he supports a just cause or defends others against injustice. But when he aids a wrongdoer he only increases the corruption of society. Thus, a Muslim is duty bound to intervene whenever he can be a means of spreading good and reducing evil, and Allāh is aware of all his efforts.

And ever is Allāh, over all things, a Keeper. Muqeet has several connotations according to the scholars; among them:

- 1) The Observer or Witness who keeps and preserves precise records of each thing at its exact time (waqt) and is capable of recompense
- 2) The Sustainer of all living beings, supplying what they require to live  $(q\bar{u}t)$  until He wills to end to their life, when He withholds it so they die
- 3) The Provider of sustenance to the body, of intelligence and  $taqw\bar{a}$  to the heart and Giver of  $hasan\bar{a}t$  or  $sayyi'\bar{a}t$  for one's intentions and deeds.

86.

And when you are greeted with a greeting, greet [in return] with one better than it or [at least] return it [in a like manner]. Indeed Allāh is ever, over all things, an Accountant.

60

<sup>135</sup> Al-Bukhāri and Muslim.

This āyah instructs that a greeting should be answered with a similar one or a better one. The greeting of *salām* (peace) is in fact a supplication for other Muslims as well as a promise that they will not be harmed.

The Messenger of Allāh (ﷺ) emphasized the importance of spreading *salām* among Muslims. He said, "You will not enter Paradise until you believe, and you will not [truly] believe until you love one another. Shall I not direct you to something which, if you do it, you will love one another? Spread greetings of salām among yourselves." And he said, "Give food [to the hungry] and say salām to those you know and those you do not know." Thus, a Muslim establishes ties of friendship and affection with his brothers everywhere. The Prophet (ﷺ) also instructed, "The rider greets one who is walking, the one who is walking greets one who is sitting, the small group greets the large group and the younger greets the elder." 138

When a Muslim greets another with a greeting of peace the greeting be must returned. This āyah makes the reply a religious obligation. While returning the salām in the same way is required, it is preferred to reply with a better salām.

A man came to the Messenger of Allāh (ﷺ) and said, "As-salāmu 'alaykum." The Prophet returned the greeting, and after the man sat down he said, "Ten." Another man came and said, "As-salāmu 'alaykum wa raḥmatullāh, O Messenger of Allāh." The Prophet returned the greeting, and after the man sat down he said, "Twenty." Then another man came and said, "As-salāmu 'alaykum wa raḥmatullāhi wa barakātuh." The Prophet returned the greeting, and after the man sat down he said, "Thirty." He was referring to the number of hasanāt earned by each greeting.

And Allāh's Messenger (ﷺ) directed, "When one of you arrives at a meeting, he should greet with salām, and when he intends to go, he should greet with salām, for the first is not more of a right than the last."

140

As for non-Muslims, they can be greeted with their own greetings, such as "hello" or "good day." Or the same greeting may be returned to them as it was offered. Many scholars are of the view that a response should be given if they give greetings, but it should only be said to them, "Wa 'alaykum." According to some commentaries, Muslims are to reply with a better greeting when greeted by a Muslim and an equal greeting when greeted by a non-Muslim. Qatādah said, "The part of Allāh's statement, 'When you are greeted with a greeting, greet with one better than it' is for the Muslims, and the part, 'or return it' is for the People of the Book."

Anas reported that the some of the Ṣaḥābah had said to the Prophet (ﷺ), "The People of the Book offer us salutations of peace, so how should we respond to them?" He replied, "Say, 'Wa 'alaykum.'" Ibn 'Umar reported that the Messenger of Allāh (ﷺ) had said, "When the Jews greet you, one of them might say, 'As-sāmu 'alayka' (death be upon you). So just say, 'Wa 'alaykum' (and upon you)." The Jews said these words, changing the meaning of salām into an abusive statement. Thus, whatever the intent, an equal greeting was returned.

'Ā'ishah reported that some Jews came to Allāh's Messenger (ﷺ) and said, "As-sāmu-'alaykum (may death be upon you), O Abul-Qāsim," so the Prophet said, "Wa 'alaykum." 'Ā'ishah had understood the meaning and said to them, "And upon you be death, disgrace and curse!" But the

<sup>136</sup> Abū Dāwūd.

<sup>&</sup>lt;sup>137</sup> Al-Bukhāri and Muslim.

<sup>&</sup>lt;sup>138</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>139</sup> Aḥmad, Abū Dāwūd and at-Tirmidhi.

<sup>&</sup>lt;sup>140</sup> Aḥmad, Abū Dāwūd and at-Tirmidhi.

<sup>&</sup>lt;sup>141</sup> Muslim.

<sup>&</sup>lt;sup>142</sup> Al-Bukhāri.

Prophet (ﷺ) told her, "O 'Ā'ishah, do not use harsh words, for Allāh does not like rudeness and foul speech. She replied, "Did you not hear what they said?" The Messenger of Allāh (ﷺ) said, "Did I not respond to them? I said, "Wa 'alaykum (and upon you). Allāh accepts our supplication against them, but not theirs against us." It was then that Allāh revealed in Sūrah al-Mujādilah:

And when they come to you, they greet you with that by which Allāh does not greet you and they say among themselves, "Why does Allāh not punish us for what we say?" Sufficient for them is Hell, which they will [enter to] burn, and wretched is the destination.<sup>144</sup>

Some jurists are of the opinion that this ruling regarding the non-Muslims was for that particular time due to their hostility toward the Prophet (ﷺ). Others believe that it is binding to the present day.

And when a non-Muslim says, "As-salāmu 'alaykum" clearly, the scholars differ over whether a Muslim should return the greeting. Some have said that he does have to return the same greeting. Others are of the view that a Muslim who is returning the greeting should respond in the manner prescribed by the Sharī'ah, giving a similar or better greeting, because of the general meaning of the āyah. And Allāh knows best.

87.

Allāh — there is no deity except Him. He will surely assemble you for [account on] the Day of Resurrection, about which there is no doubt. And who is more truthful than Allāh in statement.

The āyah begins by declaring that Allāh is the only deity, meaning the one to whom alone obedience is due, whether His legislation concerns the individual or the Muslim community. This life is a trial in which one's response to the guidance provided by his Creator is tested. After that Allāh will gather the former and later generations for judgment, rewarding or punishing each person according to his deeds and intentions.

The objective of this reminder is to provide Muslims with a sense of commitment to Islamic laws and directives and to their implementation during everyday living. Consciousness of the final account and judgment promotes  $taqw\bar{a}$  in the depths of the human soul and produces a sensitive conscience which remains alert and strong when external motivations and deterrents are absent.

Man's lifespan in this world is limited, and countless individuals are affected by one's actions, so adequate compensations are possible only in the life of the Hereafter. Allāh has promised that a time will come when every soul will face its record of deeds and be justly compensated. And who is more truthful than Allāh in statement.

-

<sup>143</sup> Muslim.

<sup>144</sup> Sūrah al-Mujādilah, 58:8.

لَيْسَ بِأَمَانِيَّكُم وَلاَ أَمَانِيٍّ أَهْلِ الْكِتَابِ مَنْ يَعْمَلْ سُوءًا يُجْزَ بِهِ وَلاَ يَجِدْ لَهُ مِن دُونِ اللَّهِ وَلِيًّا وَلاَ نَصِيرًا. وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِن ذَكَر أَوْ أُنتَى وَهُوَ مُؤْمِنٌ فَأُوْلَئِكَ يَدْخُلُونَ الْجَنَّةَ وَلاَ يُظْلَمُونَ نَقِيرًا.

[Paradise] is not [obtained] by your wishful thinking nor by that of the People of the Scripture. Whoever does a wrong will be recompensed for it, and he will not find besides Allāh a protector or a helper. And whoever does righteous deeds, whether male or female, while being a believer – those will enter Paradise and will not be wronged, [even as much as] the speck on a date seed.

This āyah states that a person's religion is not acceptable merely on account of his claim, nor is the claim necessarily true. Salvation cannot be acquired by assertions and declarations, but rather through Allāh's acceptance of His servant's efforts to obey and please Him. And not every person who claims truth is correct unless it is based upon confirmation from Allāh. Just as the Jews and Christians claimed that they alone would enter Paradise, some Muslims assume that Allāh is certain to forgive whatever wrongs they have committed or injustices they have perpetrated – simply because they are Muslims. But Allāh warns believers against complacency in religion like that of previous people who boasted that their Lord favors them over others.

Ibn 'Abbās explained it by saying, "The followers of various religions disputed. The people of the Torah said, 'Our book is the best scripture and our prophet is the best prophet.' The people of the Gospel said the same. But the people of Islam said, 'There is no religion but Islam, our Book has abrogated every other scripture and our Prophet is the final prophet. You were commanded to believe in your books and to follow our Book.' So Allāh settled it, saying, It is not by your wishful thinking nor by that of the People of the Scripture..."

The determining factor is one's deeds, and faith is the prerequisite for Allāh's acceptance of deeds. But even believers are not exempt from sins and errors, and that is why Allāh said: Whoever does a wrong will be recompensed for it. The revelation of these words greatly distressed the Ṣaḥābah, who recognized their weaknesses and the fact that no matter how righteous a person is, he will inevitably do some wrong. Abū Bakr felt as if his back had been broken and said, "Who of us has not sinned? Are we to be recompensed for every bad deed we commit?" The Messenger of Allāh (\*\*) told him, "As for you, Abū Bakr, and your believing companions, you will be recompensed for all that in the life of this world, so that you will have no sin recorded against you when you meet Allāh. But as for the others, their deeds will be accumulated until they are compensated for them on the Day of Resurrection." 145

'Ā'ishah said, "O Messenger of Allāh, I know of the most difficult verse in the Qur'ān; it is: Whoever does a wrong will be recompensed for it." He replied, "That refers to what a believer suffers in this world – every adverse experience." And Abū Hurayrah reported, "When Allāh revealed: Whoever does a wrong will be recompensed for it, the Muslims felt it was far too difficult. The Messenger of Allāh (ﷺ) said to them: "Be upright in objective and do your best, for in everything that happens to a Muslim is a kaffārah, even a thorn pricking him or a setback he experiences." He also said, "Whatever befalls a Muslim of exhaustion, illness, worry, grief, annoyance or distress, even the prick of a thorn, earns him Allāh's forgiveness of some of his sins." Asmaa' bint Abī Bakr used to suffer from severe headaches and would say, "It is due to my sins, and what Allāh forgives is more."

<sup>&</sup>lt;sup>145</sup> At-Tirmidhi.

<sup>&</sup>lt;sup>146</sup> Aţ-Ṭabari.

<sup>&</sup>lt;sup>147</sup> Muslim, at-Tirmidhi and an-Nasā'i.

<sup>&</sup>lt;sup>148</sup> Al-Bukhāri.

And he will not find besides Allāh a protector or a helper. Ibn 'Abbās added, "Unless he repented and Allāh forgave him."

Āyah 123 mentions the consequence of wrongdoing in general; the believer and non-believer will find the result of their sins either in this world or the next. But Āyah 124 states that Paradise is deserved only by believers, irrespective of gender, due to their good deeds. This is because good deeds may be done by hypocrites or unbelievers to achieve a worldly benefit. Allāh grants them what they desire in this world of material rewards, fame, recognition and pleasure. But since they do not seek His reward of the Hereafter, they will not attain it. This āyah mentions the Hereafter alone, affirming Allāh's justice and the equality of male and female believers in their reward for righteousness. Neither will be deprived in the least of what was earned, and both of them can enter His eternal Paradise.

125.

And who is better in religion than one who submits himself to Allāh while being a doer of good and follows the religion of Ibrāheem, inclining toward truth. And Allāh took Ibrāheem as an intimate friend.

Allāh further confirms the two conditions for His acceptance of deeds:  $Isl\bar{a}m$ , i.e., submission and obedience to Allāh, and  $i\dot{h}s\bar{a}n$ , i.e., precision and honesty in what He has ordained. Scholars have phrased them in terms of sincerity toward Allāh ( $ikhl\bar{a}s$ ) and correctness of action ( $saw\bar{a}b$ ), i.e., according to the Qur'ān and Sunnah. They are expressed as well at the end of Sūrah al-Kahf:

So whoever would hope for the meeting with his Lord – let him do righteous work and not associate in the worship of his Lord anyone. $^{149}$ 

Sincerity and correctness are the two conditions without which a deed will not be accepted by Allāh. The work is sincere when it is done for Allāh alone and it is correct when it corresponds to the Sharī'ah. So a deed is outwardly correct when following the Prophet's Sunnah and inwardly correct when there is sincerity to Allāh. If the deed is deficient in either of these two conditions it becomes invalid and unacceptable. For when one lacks sincerity in his work, he is a hypocrite showing off, and when he does not adhere to the Sharī'ah, he is ignorant or misled.

The verse is said to be a description of Prophet Muḥammad (ﷺ), for it was he who obeyed Allāh's command to follow the religion of Prophet Ibrāheem (ﷺ), who had refused polytheism. Ḥaneef means turning away from error and falsehood in preference of truth. As Allāh said in the Qur'ān:

Then We revealed to you, [O Muḥammad], to follow the religion of Ibrāheem, inclining toward truth; and he was not of those who associate with Allāh.<sup>150</sup>

And He said:

Indeed, the most worthy among the people of Ibrāheem are those who followed him [in submission to Allāh] and this prophet [i.e., Muḥammad %] and those who believe [in his message]. And Allāh is the ally of believers. <sup>151</sup>

<sup>&</sup>lt;sup>149</sup> Sūrah al-Kahf, 18:110.

<sup>&</sup>lt;sup>150</sup> Sūrah an-Naḥl, 16:123.

<sup>151</sup> Sūrah Aali 'Imrān, 3:68.

In several places the Qur'ān praises Ibrāheem (ﷺ) as inclining to truth (haneef), a great imām and devoutly obedient to Allāh. This verse adds something further: And Allāh took Ibrāheem as an intimate friend. Khaleel has been explained as one who earned the highest degree of love and friendship due to his devotion and obedience.

126.

And to Allāh belongs whatever is in the heavens and whatever is on the earth. And ever is Allāh, of all things, encompassing.

This means that everyone and everything in existence are His servants, His creations and His property; and He has full authority over all of it. None can prevent or question His decision or decree. His might, ability, justice, wisdom, benevolence and mercy are absolute and perfect. Anyone who truly believes this will naturally submit to his Lord and obey him. All things submit to Allāh by virtue of their programmed existence and some of His creatures submit to their Lord out of their own free will.

In Sūrah al-Israa' Allāh says:

"The seven heavens and the earth and all they contain glorify Him, and there is not a thing but praises His glory; but you do not understand their glorification [of Him]."152

This praise (tasbeeh) is inherent in the very nature of created things. Allah is being glorified through the devoted acts of those who believe in Him. But all creation participates in tasbeeh by nature and this includes every inanimate object within the heavens and the earth as well as every living thing. The Qur'an says:

"Do you not consider that all things that are in the heavens and on Earth prostrate to Allāh — the sun, the moon, the stars; the hills, the trees, the animals, and many human beings... 153

Some scholars have explained this praise as being how everything in creation obeys the physical laws to which Allah has subjected them. For example, the earth, sun and moon glorify Allah through their motions that provide the phenomena of night and day, months and seasons. But this does not rule out the possibility that they glorify Allāh in other ways of which we are unaware because Allāh has said: "But you do not understand how they glorify Him."

And Allāh encompasses all things in His knowledge, so nothing concerning His servants can ever be concealed from Him. Not an atom's weight escapes His awareness in the heavens or the earth, nor does anything lesser or greater than that. He knows the secrets hidden deep in the heart, the thoughts and intentions of every human soul.

<sup>&</sup>lt;sup>152</sup> Sūrah al-Israa', 17:44.

<sup>153</sup> Sūrah al-Ḥajj, 22:18.

وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُفْتِيكُم فِيهِنَّ وَمَا يُتْلَى عَلَيْكُم فِي الْكِتَابِ فِي يَتَامَى النِّسَاءِ اللاَّتِي لاَ تُؤْتُونَهُنَّ مَا كُتِبَ لَهُنَّ وَتَرْغَبُونَ أَنْ تَنكِحُوهُنَّ وَالْمُسْتَضْعَفِينَ مِنَ الْولْدَان وَأَنْ تَقُومُوا لِلْيَتَامَى بِالْقِسْطِ وَمَا تَفْعَلُوا مِن خَيْر فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا.

And they request from you, [O Muḥammad], a [legal] ruling concerning women. Say, "Allāh gives you a ruling about them and [about] what has been recited to you in the Book concerning the orphan girls to whom you do not give what is decreed for them — and [yet] you desire to marry them — and concerning the oppressed among children, and that you maintain for orphans [their rights] in justice." And whatever you do of good — indeed, Allāh is ever Knowing of it.

This section of the sūrah complements earlier parts, particularly those which deal with women, their place in society and the treatment of other members in weaker positions such as orphans and children. The Ṣaḥābah had a natural desire to know every ruling of their faith in all matters of life, in order to practice what they learned and be sure that their everyday life was in conformity with Islam; so they asked the Prophet (ﷺ) many questions. The rights of orphan girls in marriage and of children and orphans in general are indicated in Āyahs 2 through 10 of this sūrah. 'Ā'ishah said, "People began to ask the Messenger of Allāh (ﷺ) for rulings concerning women after the early verses of this sūrah were revealed, so Allāh sent down this verse."

Yastaftā means to seek a fatwā, or judgment about a specific matter. The legal ruling they requested from the Prophet (\*\*) is given here by the Lord Himself. 'Ā'ishah said, "It refers to the desire of the guardian not to marry an orphan girl under his supervision when she lacks wealth or beauty. The guardians were forbidden to marry their orphan girls possessing property and beauty without being just to them, as they would generally refrain from marrying them [when they were neither beautiful nor wealthy]." When a guardian wishes to marry the orphan girl under his care, Allāh commands him to give her a suitable mahr like that given to other women of her status. If he does not want to do that he can marry other women, and he may not prevent her from marrying another man.

Ibn 'Abbās said, "During the time of  $j\bar{a}hiliyyah$ , the caretaker of a female orphan would cover her with his robe, and when he did that no one would marry her. If she was beautiful and he desired to marry her, he married her and took control of her wealth. If she was not beautiful he did not allow her to marry until she died, and then he would inherit her property. Allāh (%) prohibited this practice." 'Ā'ishah further explained, "Her properties are combined with his to the extent that she shares with him even a branch of dates that he has. He wants to marry her rather than marrying her to another man who would have a share in his property on account of her share in his, so he refused to let her marry anyone else." 'Umar advised guardians to practice  $taqw\bar{a}$  and stay on the safe side. He said, "If the orphan girl is beautiful and wealthy, find her a husband better than yourself, and if she is not, then you have more right to her."

"What has been recited to you in the Book" refers to Āyah no. 3, revealed earlier. Some people were unaware or doubtful of the real meaning, and a few had hoped for abrogation, so this revelation confirmed that ruling. "And concerning the oppressed among children" refers to the fact that before Islam, the Arabs would not give any share of inheritance to their children or their women. And this is what is meant by: "What is decreed for them," referring to their rights in general and the mahr specifically.

And whatever you do of good – indeed, Allāh is ever Knowing of it. And He will reward for it in the best and most perfect manner.

<sup>&</sup>lt;sup>154</sup> Al-Bukhāri and Muslim.

وَإِنِ امْرَأَةٌ خَافَتْ مِن بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلاَ جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الأَنفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا.

And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them – and settlement is best. And present in [human] souls is stinginess. But if you do good and fear [Allāh] – then indeed, Allāh is ever Aware of what you do.

In the context of  $\bar{A}$ yah 34,  $nush\bar{u}z$  referred to the wife rejecting the authority of her husband, which is clearly a threat to the whole family structure. By comparison, in the context of this verse, when considering those preceding and following it,  $nush\bar{u}z$  indicates here that the husband is not treating his wife properly – showing detachment and indifference to her. It is not due to an occasional mood or annoyance, but a state that has become constant, causing the wife to fear divorce. The two different treatments of  $nush\bar{u}z$  in each of these cases can be understood by appreciating this fundamental difference between the situations.

Relating to this āyah, 'Ā'ishah explained, "It is about a woman married to a man who does not care for her, so he wants to divorce her and marry someone else. But she says to him, 'Keep me and do not divorce me. Marry someone else and I will release you from your obligation to spend on me and share your time with me.' This is what Allāh referred to when He revealed: '...there is no sin on them both if they make terms of settlement between them — and settlement is best.'" Another ḥadīth relates that when Sawdah bint Zam'ah grew old she granted her day to 'Ā'ishah, so the Messenger of Allāh (ﷺ) would then give 'Ā'ishah her day and also the day of Sawdah. Some other narrations mentioning that the Prophet had considered divorcing Sawdah are all weak, and it has been pointed out that they are not compatible with what is known about his character.

A woman who feels threatened by divorce or neglect due to the husband's dislike of her and yet wishes to remain married (perhaps to be with children or for any other reason) has the option to offer him some compensation for keeping her in his household. This is not an obligation but merely a choice open to her when she feels it is in her best interests.

There is no sin upon them means that neither of them is to be blamed if they make an arrangement between themselves regarding the sharing of his time or what he spends on her. If she agrees to give up these rights, some commentators are of the opinion that he should still give her a minimal amount of his time and expenditure to preserve the relationship. But whatever they agree upon between themselves is permissible, and in the absence of such an agreement the husband will have to either give his wife the rights due to her in full or else divorce her.

Settlement is best whenever possible, and is normally better for the family than separation, desertion or cruelty. And a private settlement is certainly better than a public court case. For perhaps the matter between the spouses will be resolved or at least accepted in view of particular circumstances. As 'Umar remarked, "Are all homes built upon love?"

And present in [human] souls is stinginess. Shuḥḥ in the human soul is in fact more than stinginess; it is an instinctive possessiveness, holding on determinedly to self-interests and unwillingness to give up anything of one's possessions or rights. The words confirm that human nature is prone to greed and self-interest. 'Umar used to say in his du'aa', "O Allāh, protect me from the shuḥḥ of my soul" because the Qur'ān says:

<sup>155</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>156</sup> Al-Bukhāri and Muslim.

وَمَنْ يُوقَ شُحَّ نَفْسِهِ فَأُوْلَئِكَ هُمُ الْمُفْلِحُونَ.

And whoever is protected from the stinginess of his soul – it is those who will be the successful. 157

Allāh urges people to overcome  $shu\dot{h}\dot{h}$  and replace it with  $taqw\bar{a}$  and generosity in dealing with others. This is especially important in marriage and family relationships. The believing husband and wife are encouraged to elevate themselves to the degree of  $i\dot{h}s\bar{a}n$  in dealing with one another, especially when there are problems that can be avoided or settled. Even when the other party fails to appreciate one's efforts and sacrifices, *indeed*, *Allāh* is ever Aware of what you do.

129.

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلاَ تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ وَإِنْ تُصْلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا.

And you will never be able to be equal between wives, even if you should strive [to do so]. So do not incline completely [toward one] and leave another hanging. And if you amend [your affairs] and fear Allāh – then indeed, Allāh is ever Forgiving and Merciful.

Some have quoted this verse to claim that Islam does not permit polygamy, because in Āyah 3 Allāh said: If you fear that you will not be just, then [marry only] one. But the reference here is to feelings of the heart. It is unmistakable, because in this verse Allāh has said: So do not incline completely [toward one] and leave another hanging. The prohibition against favoring one over another, leaving the other "hanging" with neither the security and rights of marriage nor the freedom to seek a better life confirms that more than one wife is acknowledged. Thus, the ruling for marriage to more than one woman is permissibility – neither encouragement nor prohibition. However, individual circumstances might affect the ruling of a mufti regarding it in specific cases.

Allāh states that while it is impossible to feel exactly the same about any two (and this is true not only of wives, but children, siblings, friends or people in general), a man is not permitted to show favor openly to one wife at the expense of the other. He must be just and evenhanded in his division of time, attention and material benefits in spite of any feelings he cannot control. He must not be discriminatory in treatment due to excessive love or dislike for any one of them.

And if you amend [your affairs] and fear Allāh – then indeed, Allāh is ever Forgiving and Merciful. It is recognized that perfect justice and equality of feelings toward more than one wife is impossible, therefore Allāh holds the husband accountable only for inequality in his treatment of them (i.e., division of time, expenditures, etc.). He must be just and fear Allāh in regard to each of his wives.

The misuse of these allowances by certain individuals cannot be blamed on Islam, but rather it is the offenders themselves who are blameworthy. The *salaf* (righteous predecessors) were the most conscious of Allāh among people and hence, the most fearful of committing injustices. They treated others as they would expect to be treated themselves, and for that reason problems and conflicts between co-wives were minimal.

130.

وَإِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلاَّ مِن سَعَتِهِ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا.

But if they separate [by divorce], Allāh will enrich each [of them] from His abundance. And ever is Allāh Encompassing and Wise.

<sup>&</sup>lt;sup>157</sup> Sūrah al-Ḥashr, 59:9 and Sūrah at-Taghābun, 64:16.

After all remedies such as advice, discipline and consultation have been tried and attempts at reconciliation fail, divorce has been permitted. The saying: "The most hated of permissible things to Allāh is divorce" is not an authentic ḥadīth, but its meaning is sound. For Allāh dislikes divorce but He does not forbid it to His servants. If there is a legitimate reason, then divorce is permissible, but its acceptability would depend upon the likely consequence of keeping the wife. And in cases when peaceful co-existence becomes impossible, it might even be preferable. So Allāh said:

Either keep them [i.e., wives] in an acceptable way or release them in an acceptable way; and do not keep them in a harmful way to transgress...<sup>158</sup>

Releasing them in an acceptable way includes the protection of honor and dignity. Even when there is no harmony or agreement between them, and even when the marriage relationship is to be severed, there must be consideration of the bonds of faith and humanity. The rulings for divorce are given in the Sūrahs al-Bagarah and aţ-Ṭalāq.

Finally, in the case of divorce, each party should completely trust that Allāh will compensate the loss in some way and assist him or her toward a better life, for He is *Encompassing* (whose mercy encompasses all things) and *Wise* (in His legislation).

131.

And to Allāh belongs whatever is in the heavens and whatever is on the earth. And We have instructed those who were given the Scripture before you and yourselves to fear Allāh. But if you disbelieve – then to Allāh belongs whatever is in the heavens and whatever is on the earth. And ever is Allāh Free of need and Praiseworthy.

Allāh legislates within His dominion by right of ownership. The statement that everything in existence belongs to Him first came in  $\bar{A}$ yah 126, just before mention of rulings on women and family dealings. Concluding the section, it is repeated in this verse twice and once again in the one following it — as if to show that the rulings are an integral part of a universal system. It is the owner of the heavens and earth who has imposed these laws, and this confirms their importance and the fact that He alone has the authority to legislate.

Next comes a further reminder to practice  $taqw\bar{a}$ , fearing Allāh in relation to all things generally, as well as interactions within the family. The āyah states that  $taqw\bar{a}$  has always been ordered as an essential part of Allāh's religion. Every prophet was sent to direct his people to fear and obey Allāh and to warn of the consequences if they refused. This order includes "yourselves" meaning the followers of Prophet Muḥammad ( $\frac{1}{2}$ ).

Those who deny or disbelieve cannot harm Allāh in the least. They have no effect whatsoever on their Lord or His dominion. As He disclosed in a <code>hadīth qudsi</code>: "O My servants, if the first of you, the last of you, the humans of you and the jinn of you were [all] as righteous as the most righteous heart of one man among you, it would not increase My dominion at all. O My servants, if the first of you, the last of you, the humans of you and the jinn of you were as wicked as the most wicked

\_

<sup>158</sup> Sūrah al-Baqarah, 2:231.

heart of one man among you, it would not decrease My dominion at all."<sup>159</sup> Allāh is in no need of man's obedience but prescribes His laws out of mercy for humanity. The Qur'ān confirms:

O mankind, you are in need of Allāh, while Allāh is the Free of need, the Praiseworthy. 160

Allāh orders people to be mindful of Him for their own benefit. Such verses do not need much explanation, only thought and reflection.

## 132-133.

And to Allāh belongs whatever is in the heavens and whatever is on the earth. And sufficient is Allāh as Disposer of affairs. If He wills, He can do away with you, O people, and bring others [in your place]. And ever is Allāh competent to do that.

Āyah 132 restates the emphasis on Allāh's sovereignty over the entire universe and whatever it contains. Because everything is under His control, man ought to rely on Allāh completely in all his affairs, fearing none but Him. Human beings are shown their insignificance in a vast universe which belongs entirely to its Creator. Only  $taqw\bar{a}$  and reliance on Allāh will earn His protection.

And Āyah 133 follows with a reminder that Allāh is able to destroy the human race or any particular people if and when He wills, and can replace them with a better people. For He deals with populations according to the natural laws He created for this universe. So when any nation neglects its responsibilities and disobeys the commands of its Lord it will be afflicted sooner or later with symptoms of disintegration and destruction and will eventually be replaced by another. As Allāh says in a comparable āyah:

If you turn away, He will replace you with another people; then they will not be the likes of you. 161

The owner of the heavens and earth is easily able to replace them with another people or another creation. Commentators mention that similarly, blessings used improperly and not in the way Allāh commanded can be removed from the hands of those entrusted with them. *And ever is Allāh competent to do that.* 

## 134.

Whoever desires the reward of this world – then with Allāh is the reward of this world and the Hereafter. And ever is Allāh Hearing and Seeing.

All good is in the hand of Allāh and comes from Him. This āyah is a reminder to those who covet the good things of this life that Allāh's favor is far greater and more generous than they imagine. Those who limit their hopes and ambitions to the worldly life should also look beyond it to the greater reward of the Hereafter. However, advantages may be obtained in this world as well

<sup>160</sup> Sūrah Fāţir, 35:15.

<sup>159</sup> Muslim.

<sup>&</sup>lt;sup>161</sup> Sūrah Muḥammad, 47:38.

when implementing the well-integrated Islamic way of life. A peaceful society and contented family life result from conducting affairs according to the rules which govern the earth while seeking the reward of the Hereafter. Thus, one gains benefit in this world as well as in the next. The Prophet (%) used to supplicate for both with words from the Qur'ān:

"Our Lord, give us good in this world and good in the Hereafter and protect us from the punishment of the Fire." 162

Moreover, those who seek worldly benefit by disobeying Allāh would do well to reflect on the methods they use. Humans are required to observe both the physical laws created by Allāh for the operation of His universe and the revealed laws which He has ordered man to obey. In this way they will be able to succeed in both worlds. *And ever is Allāh is Hearing and Seeing* – He gives according to His knowledge of what is best for each of His servants and is aware of their intentions.

135.

O you who have believed, be persistently standing firm in justice, witnesses for Allāh, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allāh is more worthy of both. So follow not [personal] inclination, lest you not be just. And if you distort [your testimony] or refuse [to give it], then indeed Allāh is ever, of what you do, Aware.

This āyah orders believers to uphold justice for everyone: relatives and strangers, friends and enemies, rich and poor, regardless of their race, ethnicity, gender, religion or political opinion. It contains a prohibition of bias and prejudice and enjoins impartiality and objectivity in all judgments. The first few generations the *salaf* were of such quality that they could be trusted for honest testimony in cases involving parents, brothers, wives and other relatives. But after them came generations who could not be trusted to such a degree, and their testimony regarding relatives became questionable.

The Prophet (ﷺ) had refused to accept the testimony of any dishonest person or of one bearing a grudge against another about the latter, or that of the head of a family in favor of any of his family members. This is the basis of the rule that whenever a person stands to gain benefit in some way, his testimony is not acceptable. Mālik, ash-Shāfi'ī and Aḥmad did not accept the testimony of a person when his close relatives were involved, although other jurists allowed it on condition that the person testifying was trustworthy, religious and of good character. Imām Mālik and Abū Ḥanīfah did not allow a husband or a wife to testify against or in favor of one another.

Justice is the most essential of human rights from which all other rights are derived, upheld and guaranteed. In a similar āyah Allāh commands:

"O you who have believed, stand firmly for Allāh, as witnesses in justice, and let not the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allāh; indeed Allāh is Aware of what you do." 163

\_

<sup>162</sup> Sūrah al-Baqarah, 2:201.

And He says:

Indeed, Allāh orders justice and good conduct and giving to relatives and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded.<sup>164</sup>

Justice for all is an absolute right; there are no exceptions to it, and Muslim believers have an obligation to establish justice and maintain it in every situation.

Whether one is rich or poor, Allāh is more worthy of both. The disadvantaged often suffer injustice at the hands of those who have wealth, influence and power. However, the āyah also suggests that one should not allow sympathies for a poor person to cause one to be unjust to others on account of him. In other words, one's poverty or wealth should have no bearing upon the testimony, for Allāh knows the truth about both.

These words were said to have been revealed when a rich man and a poor man took their dispute to the Prophet (ﷺ). He tended to favor the latter, assuming that a poor man could not have wronged a rich one. But Allāh, the Exalted, refused except to uphold justice for the rich as well as the poor, so He sent down this āyah. Ibn Katheer added that this was why Allāh said: "Allāh is more worthy of both," meaning He is most knowledgeable of their best interests and how to protect each of them.

When 'Abdullāh bin Rawāḥah went to Khaybar to collect the *jizyah* tax, some of the Jews tried to bribe him. He said, "By Allāh, I have come to you from the man who is dearest to me on earth, and you descendants of pigs and monkeys are the most detested to me. But neither my love for him nor my hatred of you will prevent me from being just to you." They said, "Because of that the heavens and earth remain in place."

So follow not [personal] inclination, lest you not be just. A true believer will oppose injustice and oppression no matter who the victim happens to be. Testimony for truth is a duty to Allāh and it is rewarded by Him. Hence, believers must adhere to what He has enjoined upon them and testify accurately and honestly.

And if you distort [your testimony] or refuse [to give it], then indeed Allāh is ever, of what you do, Aware. The verse concludes with a warning of severe consequences for failure to uphold justice. If the people can be deceived, their Lord cannot. He keeps precise accounts and punishes all those who contribute to the harm of others.

136.

O you who have believed, believe in Allāh and His Messenger and the Book that He sent down upon His Messenger and the Scripture which He sent down before. And whoever disbelieves in Allāh, His angels, His books, His messengers, and the Last Day has certainly gone far astray.

This āyah was revealed concerning 'Abdullāh bin Salām, the two sons of Ka'b, Asad and Usayd, Tha'labah bin Qays and others from among the Jewish converts to Islam, who said, "O Messenger of Allāh, indeed we believe in you and in your Book and in Mūsā and the Torah and 'Uzayr and reject all other scriptures and messengers." So Allāh sent down the clarification of true Islamic

<sup>163</sup> Sūrah al-Mā'idah, 5:8.

<sup>&</sup>lt;sup>164</sup> Sūrah an-Naḥl, 16:90. This āyah has been traditionally recited in the Friday khuṭbah.

belief. The Muslim ummah is distinguished by its acknowledgement and belief in all of the prophets and messengers sent by Allāh for the guidance of mankind. It believes in the fact that earlier scriptures were sent through prophets, but with awareness that the present forms of those scriptures are no longer originals, as much of their content has been lost or altered by man over time.

The translation, "sent down" does not reflect the difference between the Arabic verbs *nazzala* and *anzala*. The first indicates a gradual revelation in stages, referring to the Qur'ān, while the second indicates being sent down or revealed all at once, referring to the previous scriptures.

In addition, Allāh is ordering all believers to continually correct, confirm, renew and adhere to their belief. For it is known from the Qur'ān and Sunnah that faith can increase and decrease, and satisfaction with one's present state leads to carelessness and neglect. Believers are encouraged and assisted by Allāh to increase their faith and keep it at an appropriate level through study of the Qur'ān and ḥadīth, the avoidance of sins and the performance of additional good deeds.

The verse concludes by emphasizing the error of denial and disbelief in the pillars of faith and warns against it. They were stated thus by the Prophet (ﷺ): "Faith means to believe in Allāh, His angels, His books, His messengers, the Last Day, and the divine Decree, both the good and bad thereof." In order to be a Muslim one must believe in:

- Allāh i.e., belief in His existence, His perfect and absolute attributes, His superiority over all creation, and that there is nothing similar to Him
- His angels noble creatures created from light who have no free will but execute the commands of Allāh and worship Him continuously
- His books that Allāh revealed scriptures to certain of His messengers, and He revealed the Qur'ān as the final message to mankind
- His messengers that they were truthful in what they conveyed about Allāh, that they were supported by Him with miracles, and that they faithfully delivered His message to the people The final and complete divine message was conveyed through Prophet Muḥammad (ﷺ).
- The Last Day, i.e., the Day of Resurrection, and what was revealed concerning it: destruction of the present universe, renewed creation, emergence from the graves, the Gathering, the Judgement, Paradise, Hellfire, etc.
- Qadar (predestination), i.e., Allāh's knowledge of all that is to be, the fact that He decreed, originated and is the primary cause of all things and occurrences, and the fact that nothing can occur unless He wills The difference between the existential will of Allāh and the legislative will should be noted.

148.

Allāh does not like the public mention of evil except by one who has been wronged. And ever is Allāh Hearing and Knowing.

Allāh (ﷺ) expects Muslims to be examples of good conduct, careful not to harm anyone unjustly and supportive of one another in times of ease and difficulty. This contributes to the stability of society and wellbeing of its members. Thus, He has forbidden evil speech of all kinds: cursing and obscenity, ridiculing and insulting, gossip and backbiting, lying and false accusation. The Prophet

73

<sup>&</sup>lt;sup>165</sup> Al-Bukhāri and Muslim.

(ﷺ) said, "The two who insult each other will have [the sin of] what they say, but it will be [completely] upon the one who began it as long as the one wronged does not transgress." 166

Allāh prohibits the mention of evil deeds and evil speech because it inevitably produces harmful effects within a society. It can injure feelings, harm reputations and cause mistrust and hostility among people and give rise to injustice. Much discussion of sinful behavior gives the impression that it has become commonplace, encouraging those with corrupt tendencies to bring them out into the open without fear of being criticized or blamed. The Prophet (ﷺ) declared, "All of my ummah can be forgiven except those who sin openly." People will not express distaste at hearing evil words or seeing evil acts once they become used to it, nor will they try to change a wrong once it is widespread. In the end, familiarity generally leads to acceptance.

Sūrah an-Nūr states that *qadhf* (an accusation of zinā without adequate proof) will earn the accuser eighty lashes, a punishment almost as severe as that for fornication itself.<sup>168</sup> This ruling is intended to eliminate mention of immoral behavior within society, much less the repetition and spread of such reports. And in Sūrah al-Ḥujurāt<sup>169</sup> backbiting is deplored and prohibited.

Numerous hadiths clearly condemn slander, spreading rumors, gossip and exposing sins. The Messenger of Allāh (\*\*) warned, "Do not backbite Muslims or pursue their faults. For he who pursues the fault of his brother Muslim – Allāh will pursue his fault, and when Allāh pursues his fault, He will expose him even if he should be inside his own house." And he said, "Sufficient it is as a sin for a person to speak about everything he has heard." He meant it is a sin sufficient to land that person in the Hellfire. And he added, "He who believes in Allāh and the Last Day should say what is good or keep quiet." 172

He (\*\*) praised those Muslims who avoid this kind of behavior, saying, "From the excellence of a person's Islam is his leaving alone what does not concern him." And he encouraged keeping secrets and trying to help people reform privately, saying, "Whoever covers the fault of a Muslim – Allāh will cover his faults in this world and the Hereafter."

Ibn 'Abbās commented, "Allāh does not like that anyone should invoke Him against anyone else unless he was wronged. In that case, Allāh allows one to invoke Him against whoever wronged him; yet, it is better if he observes patience." Al-Ḥasan al-Baṣri said, "One should not invoke Allāh against whoever wronged him, but rather he should supplicate, 'O Allāh, help me against him and take my right from him.'" He also said, "Allāh has allowed one to invoke Him against whoever wronged him without transgressing the limits." Other scholars allowed that if someone curses another, he could curse him in return; but if he lies about another, he may not lie about him in return.

In this verse (4:148), Allāh gives the ruling about complaining against the wrongs and injustices perpetrated by another person. In general, a Muslim should not discuss the sins of people, even his own, before others. It is often wiser to bear a wrong patiently whenever speaking out about it would lead to even worse consequences, but such considerations may differ from one situation to another. For example, when speaking out publicly will lead to consequences that are worse than

<sup>166</sup> Muslim.

<sup>167</sup> Muslim.

<sup>&</sup>lt;sup>168</sup> Refer to Sūrah an-Nūr, 24:4.

<sup>&</sup>lt;sup>169</sup> Sūrah al-Ḥujurāt, 49:12.

<sup>&</sup>lt;sup>170</sup> Aḥmad and Abū Dāwūd.

<sup>&</sup>lt;sup>171</sup> Abū Dāwūd.

<sup>&</sup>lt;sup>172</sup> Al-Bukhāri.

<sup>&</sup>lt;sup>173</sup> At-Tirmidhi.

<sup>174</sup> Muslim.

the original problem, either for the wronged individual or society at large, then it is best to refrain from doing so. This might be the case when an oppressive ruler would cause great harm to one who speaks against him or when speaking out could lead to civil strife and bloodshed. Another instance might be where a good person did something wrong unintentionally without bad intent; he should not be publicly condemned.

But it is not always commendable to suffer in silence. Sometimes it is best for the aggrieved party to speak out against the one who wronged him. This is when it has the effect of preventing others from being harmed or ending the wrongdoing. It is also best when it is hoped that the wrongdoer might change his ways and act properly in the future. It can be of great benefit when speaking out will actually stop the offender from harming people.

Because Allāh is just, He has allowed an exception within the limits of necessity when someone has been harmed or treated unjustly. Ibn 'Abbās said, "This āyah was revealed when one man oppressed another. Hence, it is permissible for one who has been wronged to mention the other person regarding the wrong he has committed without adding anything more." And he said, "Allāh permits one to supplicate to Him [openly] against whoever wronged him." The purpose justifies the exception given in this āyah: to restore justice to the person who has been wronged.

The verse is general and applies to anyone who has been wronged. It is permissible for that person to speak against the offender to the extent of his wrongdoing. He cannot exaggerate his grievance or add anything irrelevant against the other party. He will be accountable for anything mentioned beyond his legitimate grievance.

Scholars have cited the following as acceptable reasons for mentioning wrongdoing:

- · When complaint to an authority is necessary in order to restore justice
- When complaint to an authority is necessary in order to prevent or put a stop to crime or unlawful activity
- When remaining silent would enable the wrongdoer to continue injustices against others.
- When seeking a fatwā about something from a religious scholar
- In order to warn someone of harm that could befall him through association with certain parties
- When someone commits the sin openly or boasts about it by so doing he has removed from himself his right to Allāh's protection.

Except for those valid reasons, Allāh is greatly angered by those who publicize the faults and failures of others, and He will punish them for it. That is why He concluded the āyah with a warning that He is Hearing and Knowing. Nothing escapes Him of His servants' deeds and or their motivations, and they will be judged for each of them. This conclusion emphasizes that the motive and intention, as well as the truth or falsehood of the accusation is fully known by Allāh who hears what has been said and knows what is in people's hearts.

149.

If [instead] you show some good, or conceal it or pardon an offense – then indeed, All $\bar{a}h$  is ever Pardoning and Able.

This āyah is addressed to all people. It suggests an alternative to retaliation, stating that when they acknowledge a favor, conceal a fault or forgive a wrong done to them, it will bring them

closer to Allāh and result in His forgiveness of them. Almighty Allāh, who pardons so many sins despite being able to punish for them, directs believers to something better than exposing the faults of others.

Showing good implies spreading it within the society. But whether or not to publicize good deeds is left for the individual conscience to decide which is best in each situation — whether it would serve as a good example for others or lead to blameworthy pride.

Speaking of wrongdoing is permissible to restore justice or protect others from harm. But Allāh also encourages the positive aspect of doing good generally and pardoning others for their errors. One who has been wronged is encouraged to forgive, even though he legitimately has the right to retaliate in order to remove the injustice. It was reported by historians that al-Ḥajjāj bin Yūsuf killed more than one hundred thousand men, many of whom had been cruelly tortured beforehand. When the tābi'ī scholar, Sa'eed bin Jubayr was about to be slain he invoked Allāh, only saying, "O Allāh, do not enable him to kill anyone after me." After Sa'eed was put to death al-Ḥajjāj lived for fifteen more days, during which he became paralyzed and suffered an illness attributed to worms entering his body. In severe pain, he would cry out "What happened between me and Sa'eed bin Jubayr?" Sa'eed had not retaliated but merely asked Allāh to spare others of the same fate.

Allāh encourages forgiveness by reminding that He is forgiving in spite of His ability to avenge and punish. But in the same way, forgiveness ought to be granted when one is able to retaliate and not out of weakness or helplessness; otherwise it will not be sincere. It was from a position of strength that the Messenger of Allāh (\*\*) used to pardon and prefer clemency. He would not resort to punishment unless there was no way to avoid it.

'Abdullāh bin Mas'ūd wanted to pay for something he had bought in the market but when he reached for some coins in the folds of his turban he found they were gone. He said, "They were with me when I sat down." The people began to supplicate against whoever who had taken them. 'Abdullāh said, "O Allāh, if he took them out of need, then bless them for him; and if he took them out of boldness in sin, then make it the last of his sins."

A man was once backbiting al-Ḥasan al-Baṣri so he sent him a plate of dates with a message saying: "I heard that you have gifted me some of your ḥasanāt and I wanted to reimburse you but I regret that I could not repay you in full."

The  $\bar{a}$ yah's conclusion reminds everyone that All $\bar{a}$ h Himself is lenient, while He is capable of dealing severely with offenders. Among His attributes is that He is 'Af $\bar{u}$ w, overlooking and pardoning the sins of His servants, although He is Qadeer, entirely able to punish them. Believers are encouraged to be the same within their human capacity.

والحمد لله رب العالمين

## SUMMARY

- Āyah 1. An order for all mankind to fear Allāh and fear harming the ties of blood relationship, with the confirmation that He is the source of human existence. There is a reference to the common origin of all men and the equality of males and females in relation to their Creator despite the diversity of their roles and functions. This introductory āyah is preparation for the rulings to follow.
- Āyah 2. The prohibition of injustice to orphans with a warning to guardians. Protection of the orphan's property with the order not to take advantage of one's position as a guardian to marry an orphan girl without giving her an appropriate *mahr*.
- Āyah 3. Limiting the number of wives to four. The condition regarding plurality of wives is justice for each and equal treatment in what is possible.
- Āyah 4. Husbands and guardians are ordered to give wives their right of *mahr* and not confiscate or withhold any part of it.
- Āyah 5. Property of the weak minded needs management in order to prevent misuse and waste.
- Āyah 6. The order to test orphans for competence before turning over their property to them, and training them beforehand. If they are found to be competent at marriageable age they must be given their property with witnesses present.
- Āyahs 7-8. Inheritance: Obligatory shares for relatives and establishment of the woman's right to inherit. Kindness and generosity are encouraged toward the needy people who have no share but are present at the time of distribution.
- Āyahs 9-10. Guardians are instructed to protect the property of orphans as they would their own. A severe warning of Hellfire for those who cheat orphans out of their property.
- Ayah 11. Shares of children and parents are outlined.
- Āyah 12. Shares of husband and wife are outlined, as well as those who inherit from a *kalālah* (one without parents or offspring) on the maternal side.
- Āyahs 13-14. Conclusion: Obedience regarding inheritance is rewarded, and disobedience causes one to enter the Hellfire.
- Āyah 15. Initial temporary legislation is revealed to end prostitution. Such women were to be isolated from society. The ruling was later abrogated by Āyah 2 of Sūrah an-Nūr. Four eyewitnesses are required for conviction.
- Āyah 16. More temporary legislation regarding immoral acts, which was later abrogated by the Sunnah.

Āyahs 17-18. The kind of repentance which is accepted by Allāh and its conditions. Repentance is not accepted when delayed until the moment of death.

Āyahs 19-21. Prohibition of injustice to women. Good and reasonable treatment is required toward wives even when one is disinclined toward them. Prohibition against taking back anything of the *mahr* in the case of divorce, with a reminder of the marriage union and serious nature of the contract.

Āyahs 22-24. The women prohibited for marriage: First, the stepmother (father's wife). Also forbidden are: mothers, daughters, sisters, aunts and nieces. The same relatives are prohibited by reason of breast feeding. Others are unlawful by reason of marriage (the wife's mother and daughter, the son's wife and two sisters simultaneously). Prohibited temporarily is any woman while she is married to another man. All others are permitted provided one seeks lawful marriage and gives a *mahr*. Additional marriage gifts beyond the *mahr* are permissible.

Āyah 25. There is an allowance to marry a slave if one is unable to marry a free woman, although patience is preferable. If a slave wife should commit adultery, her punishment is half that of a free person for fornication.

Āyahs 26-28. Conclusion: Allāh wishes to lighten the burden upon mankind through His guidance.

Āyah 29. The prohibition of cheating and injustice and encouragement of honest business. And the prohibition of killing the self and others.

Āyah 30. The promise of Hellfire for those who commit the aforementioned sins.

Āyah 31. Minor sins are forgiven with the avoidance of major sins.

Āyah 32. The prohibition of wishing for what Allāh has given to others. One should ask Allāh of His favor and be satisfied with his share. Both men and women will have a share or reward according to what they earn.

Āyah 33. The lawful heirs and shares of inheritance have been specified by Allāh. Gifts to others or pledges may be fulfilled through a bequest.

Āyah 34. Men are in charge of women due to what Allāh has given him of particular characteristics. The meaning of *qiwāmah* (a degree of authority) is responsibility, and the wife is entitled to complete maintenance by her husband. There are complimentary rights and duties for both husbands and wives. The duties of a righteous wife toward her husband are defined. The wife may be disciplined upon habitual defiance and rebellion, but these measures must cease as soon as the misbehavior ends.

Āyah 35. As a final measure when fearing separation or divorce, an arbitrator from each of the two sides may assist in reaching a decision. Allāh encourages reconciliation whenever possible, and He knows the intention of both parties.

Āyah 36. The basis of social reform is worship of Allāh, which means obedience to Him alone. Allāh commands *iḥsān* (good treatment) toward parents, relatives, orphans, the needy, neighbors, acquaintances, travelers and slaves, and He dislikes those who are arrogant.

Āyahs 37-40. A warning against stinginess and withholding out of greed. And a warning against showing off and becoming a companion of Satan. Encouragement to share and spend in obedience to Allāh. Divine injustice is an impossibility.

Āyahs 41-42. One should imagine his position at the time of Account when the Prophet (ﷺ) will be called to witness for or against him. There is a scene portraying the distress and shame of the disobedient ones at the Judgement. Nothing will be concealed from Allāh.

Āyah 48. *Shirk* (considering another as equal to Allāh) is the one sin that is not forgiven unless one repents and corrects himself before death.

Āyah 58. Allāh commands the fulfillment of trusts and the practice of justice when making judgements.

Āyah 59. Allāh commands obedience to Him, to the Prophet (ﷺ) and then to the Muslim rulers and those in authority in what is right.

Āyahs 60-61. Allāh warns the Prophet (ﷺ) about those who claim to believe but prefer manmade legislation. Obedience is a sign of faith while refusal is a sign of hypocrisy.

Āyahs 62-63. Hypocrites will try to cover their true motives with excuses and false oaths. Although professing Islam, Allāh knows what is in their hearts and instructs how to deal with them.

Āyah 64. Prophets were sent by Allāh to be obeyed. If the hypocrites had repented Allāh would have forgiven them, but they made excuses instead.

Āyah 65. One cannot claim to be a true believer unless he refers all matters of dispute to the Messenger of Allāh (ﷺ), i.e., to the Qur'ān and authentic Sunnah, and willingly accepts the rulings therein.

Āyahs 66-68. It is from the mercy and favor of Allāh is that He does not order His servants to do very difficult things, for then many would fail the test. However, they are expected to do as He instructs them, and they will be guided thereby and earn a great reward.

Āyahs 69-70. The result of obedience is to be raised in rank among the best of mankind in the Hereafter, which is a great favor from Allāh.

Āyah 127. The legal ruling requested from the Prophet (ﷺ) is given by Allāh Himself. The verse again confirms the right of orphan girls in marriage as stipulated in Āyahs 2-10, and of children and orphans in general.

Āyah 128. Management of family problems. There is possibility and permissibility of compensation when a wife fears ill treatment or divorce by the husband. Settlement is best whenever possible. Human nature is prone to greed and self-interest. Encouragement of generosity and fear of Allāh in dealing with others.

Āyah 129. Equality in feelings toward more than one wife is humanly impossible, so Allāh holds the husband accountable only for imbalance in treatment of them. Despite his feelings, the husband must be conscientiously just, fearing Allāh in his division of time, expenditures, etc.

Āyah 130. In case of divorce (when attempts at reconciliation fail), each party should trust in Allāh to compensate his loss and help him to manage his or her life.

Āyah 131. Allāh legislates within His dominion by right of ownership. *Taqwā* has always been enjoined in Allāh's religion. Those who deny or disbelieve have no effect on Allāh or on His dominion. He is in no need of man's obedience but prescribes His law out of mercy for humanity.

Āyahs 132-133. Because the entire universe is under His control, one should rely on Allāh completely in all affairs. There is a reminder that Allāh is able to destroy any people if He wills and replace them with a better people.

Āyah 134. By seeking the reward of the Hereafter one gains benefit in this world as well. Allāh grants according to His knowledge of what is best.

Āyah 135. Believers have a responsibility to establish justice and maintain it in every situation. Testimony for truth is a duty to Allāh and is rewarded by Him.

Āyah 136. Believers are ordered to continually confirm and renew their belief. Allāh emphasizes the error of denial and disbelief and warns against it.

Āyah 148. Allāh dislikes the publicizing of evil and of harmful or offensive speech. Speaking about wrongdoing is permissible only to restore justice or protect others from harm.

Āyah 149. Whether or not to publicize good deeds is left for the individual conscience to decide which is best in each situation. Allāh encourages forgiveness by reminding that He is forgiving in spite of His ability to avenge and punish.

Āyah 176. A ruling about the *kalālah* related to the inheritance laws given in Āyah 12. Here it pertains to siblings from the paternal side or from both parents. Conclusion to the sūrah: Allāh has made clear His laws to prevent man from committing error, injustice and sin.

## REFERENCES

Ibn Katheer, Ismā'īl, *Tafseer Ibn Katheer*, Riyadh, Maktabat ar-Riyā<u>dh</u> al-Ḥadīthah, 1980.

Laḥḥām, Ḥanān, Min Hadī Sūratin-Nisaa', Riyadh, Dār al-Hudā, 1986.

al-Qurţubī Muḥammad bin Aḥmad, *Al-Jāmi'u li-Aḥkām al-Qur'ān*, Cairo: Dar al-Kutub al-Miṣriyyah, 3rd ed., 1957/1376 H.

Qutb, Sayyid, Fī Thilālil-Qur'ān, Beirut, Dār ash-Shurūq, 1980.

as-Sa'di, 'Abdurraḥmān bin Nāṣir, *Tayseer al-Kareem ar-Raḥmān fī Tafseer Kalām al-Mannān,* Beirut, Mu'assasat ar-Risālah, 2002/1423 H.

Şaḥeeḥ International, *The Qur'ān – English Meanings and Notes*, Riyadh, Al-Muntada al-Islami, 2012.