

## CHAPTER 4

### *Al-Nisā'*: The Women

(REVEALED AT MADĪNAH: 24 sections; 176 verses)

This chapter is named *The Women* because it deals chiefly with the rights of women.

The connection of the last chapter with this one lies in the fact that that chapter deals with the battle of Uḥud, while this one deals with the circumstances to which the battle had given rise. For the decimation of the Muslim force had left a large number of orphans and widows to be looked after, and it is with duties towards these two classes that the chapter opens. The two chief features of the battle of Uḥud were, the death of a large number of Muslims and the desertion of hypocrites; while, following it, were circumstances which brought about a final rupture with the Jews, and it is with these three subjects that the chapter deals.

The opening section lays down injunctions relating to the duties of guardians towards their orphan wards. The second section brings woman to a status of equality with man, and lays down a new law of inheritance, for among the Arabs a woman had no right to inherit the property of a deceased relative. The third section deals with the treatment of women in general and denounces the practice of claiming women as a part of inheritance. The fourth section discusses what women may not be taken in marriage, and the fifth gives them the right of disposing of their earnings as they please; while the sixth first points out the remedy when there is a disagreement between the husband and the wife and then inculcates the principle of charity in general, introducing the subject of hypocrisy towards its close.

After having laid stress, in the seventh and the eighth sections, upon external as well as internal purity, showing how the Jews had neglected the latter of these and how, for no other reason than envy of the Muslims, they had sided with the polytheists, and after having enjoined upon the Muslims to be strictly firm in justice, we are led on in the ninth section to the dealings of the hypocrites who had refused to accept the Prophet's judgment in going out to meet the enemy. We are then told in the tenth section that the question of war was a question of life and death for the Muslims. The eleventh section deals with the attitude of the hypocrites, and the twelfth shows how waverers are to be dealt with. The thirteenth states when and to what extent the murderer of a Muslim is excusable, because it was very often by treachery or hypocrisy that the Muslims were killed. The fourteenth shows that those Muslims who were compelled to remain with the enemy against their own wishes were excusable. The fifteenth warns the Muslims against being surprised in battle when saying their prayers. The sixteenth and the seventeenth refer to the secret counsels of the hypocrites. The eighteenth condemns idolatry, because it is the idolatrous hypocrites that are spoken of throughout the previous sections, and the subject is thus brought to a close.

Previous to the introduction of the third chief subject of this chapter there is a reversion in the nineteenth section to equitable dealings with orphans and women, and the subject is generalized in the twentieth; while in the same section the hypocrites from among the Jews are dealt with. The next predicts their end, at the same time showing that belief in previous prophets could do them no good if they rejected the Holy Prophet. The twenty-second speaks of their transgressions and of their false allegations regarding the death of Jesus on the cross. The twenty-third section tells them that the whole of the previous prophecy pointed to the appearance of the Holy Prophet Muḥammad, while the last one, after referring briefly to the Christian error in deifying Jesus, closes with a reversion to the subject of inheritance.

As this chapter treats of many of the questions arising out of the battle of Uḥud, there seems to be little doubt that it was revealed immediately after that battle. And thus, as in arrangement so in the order of revelation, it follows the last chapter. The main portion of it thus belongs to the fourth year of the Hijrah, while there is no reason to deny that some portions may have been revealed towards the close of the third or the beginning of the fifth year. Noeldeke's suggestion, however, that vv.115–125 and 130–132 belong to Makkan revelation, based as it is on the mere fact that the Jews are there "referred to in a friendly spirit", is quite wrong, because, as shown in 3:115*a* and elsewhere, the Holy Prophet was fair to the Jews even when they were most inimical to him, and the verses referred to therefore belong to the fourth or the fifth year of the Hijrah.

## SECTION 1: Duties of Guardians to Orphan Wards

In the name of Allāh, the Beneficent, the Merciful.

1 O people, keep your duty to your Lord, Who created you from a single being and created its mate of the same (kind),<sup>a</sup> and spread from these two many men and women.<sup>b</sup> And keep your duty to Allāh, by Whom you demand one of another (your rights), and (to) the ties of relationship.<sup>c</sup> Surely Allāh is ever a Watcher over you.

2 And give to the orphans their property, and substitute not worthless

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَنْحَامُ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَؤُوبًا ۝

وَأَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَّبِعُوا الْحَبِيبَاتِ بِالطَّيْبِ وَلَا تَأْكُلُوا أَمْوَالَهُمْ

1a. “The word *nafs* is used in the language of the Arabs in two ways, one of which is your saying *kharaajat nafsu-hū* where by *nafs* is implied the *soul*, and according to the other use the significance of *nafs* is the *whole of a thing, and its essence*” (T). It is in this latter sense that the creation of mates is spoken of in the Holy Qur’ān, and hence the correct rendering of *nafs* on such occasions is *kind*, which implies *the essence*. This is made clear in 16:72: “And Allāh has made wives for you *from among yourselves*” (Ar. *min anfusi-kum*), i.e. of the same kind and essence as you are. Some commentators have taken this to be the significance here, i.e. *He created its mate of the same kind* (AH, Rz). Ḥasan also explains the words as meaning *of the same kind* (AH on 7:189).

How the first man was created is not stated either in the Qur’ān or in the Ḥadīth, nor is the Bible statement accepted that Eve was created from a rib of Adam. The Muslims do not accept that man was created six thousand years ago. The Imāmiyyah accept the tradition that Allāh created thirty Adams before our father Adam, and one Shi’ah Imām has gone so far as to say that hundreds of thousands of Adams were created before our Adam (RM). Nor do the Muslims accept that our world is the only world in this universe; one Imām is reported as saying that in God’s universe there are twelve thousand systems each bigger than our solar system (RM).

The words occurring here — *Who created you from a single being and created its mate of the same* — only declare the unity of the human race and the equality of the male and the female. Elsewhere we are told that for all of you wives are created from yourselves: “And Allāh has made wives for you from among yourselves” (16:72).

1b. “Many men and women” spring from married pairs. The verse does not necessarily refer to any parent pair of the whole of mankind. The underlying significance seems to be to remind men of the strength of the ties of relationship, an idea finding clear expression in what follows.

1c. The original word is *arhām*, plural of *riḥm*, which means *womb* or *the place of origin of the young*; hence *relationship*, by some restricted to *relationship by the female side only, or ties of relationship* (T, LL).

(things) for (their) good (ones), and devour not their property (adding) to your own property. This is surely a great sin.<sup>a</sup>

إِلَىٰ أَمْوَالِكُمْ إِنَّمَا كُنَّ حُوبًا كَبِيرًا ﴿٥١﴾

3 And if you fear that you cannot do justice to orphans, marry such women as seem good to you, two, or three, or four;<sup>a</sup> but if you fear that you will not do justice, then (marry)

وَأِنْ خِفْتُمْ أَلَّا تَقْسُطُوا فِي الْيَتَامَىٰ فَانكِحُوا  
مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَنِّي وَتَلَّتْ  
وَرُبْعًا فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً

2a. The care of the orphan was one of the earliest injunctions that Islām gave, and the Prophet had always shown a deep anxiety for the welfare of the poor and the orphans. See 2:220a, 220b, and also 90:15, 16, where the care of the orphan and “the poor man lying in the dust” is described as an uphill task, but one which must be accomplished. The subject is here introduced in detail on account of the number of orphans having been greatly increased by the war.

3a. This passage *permits polygamy under certain circumstances; it does not enjoin it, nor even permit it unconditionally*. It may be noted here that the explanation of this passage as generally understood is based on a report contained in the *Muslim*, according to which ‘A’ishah understood this verse as meaning that if the guardians of orphan girls feared that by marrying them they would not be able to do justice to them, they should marry other women. This explanation, even if the report be taken to be authentic, requires the insertion into the passage of a number of words which the original does not contain, and as the meaning is much more clear, and more in consonance with the context, without the addition of these words, the interpretation given below is preferable. It is admitted that this chapter was revealed to guide the Muslims under the conditions which followed the battle of Uḥud, and the last chapter deals with that battle. Now in that battle 70 men out of 700 Muslims had been slain, and this decimation had largely decreased the number of males, who, being the breadwinners, were the natural guardians and supporters of the females. The number was likely to suffer a still greater diminution in the battles which had yet to be fought. Thus many orphans would be left in the charge of widows, who would find it difficult to procure the necessary means of support. Hence in the first verse of this chapter the Muslims are enjoined to respect the ties of relationship. As they all came from a single ancestor, a breadth is introduced into the idea of relationship, inasmuch as they are told that they are all in fact related to each other. In the second verse the care of orphans is particularly enjoined. In the third verse we are told that if they could not do justice to the orphans, they might marry the widows, whose children would thus become their own children; and as the number of women was now much greater than the number of men, they were permitted to marry even two or three or four women. It would thus be clear that the permission to have more wives than one was given under the peculiar circumstances of the Muslim society then existing, and the Prophet’s action in marrying widows, as well as the example of many of his companions, corroborates this statement. Marriage with orphan girls is also sanctioned in this passage, for there were the same difficulties in the case of orphan girls as in the case of widows, and the words are general. See also 127a.

It may be added here that polygamy in Islām is both in theory and in practice an exception, not a rule, and as an exception it is a remedy for many of the evils especially prevalent in Western society. It is not only the preponderance of females over males that necessitates polygamy in certain cases, but there is a variety of other circumstances, not only for the moral but also for the physical welfare of society. Prostitution, the great

only one or that which your right hands possess. This is more proper that you may not do injustice.<sup>b</sup>

4 And give women their dowries as a free gift. But if they of themselves be pleased to give you a portion thereof, consume it with enjoyment and pleasure.<sup>a</sup>

5 And make not over your property, which Allāh has made a (means of) support for you,<sup>a</sup> to the weak of understanding, and maintain them out of it,<sup>b</sup> and clothe them and give them a good education.<sup>c</sup>

أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ آذَى  
أَلَّا تَعُولُوا ①

وَأَتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ  
طِبْنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ  
هَدِيَّةً مَّرِيَّةً ②

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ  
اللَّهُ لَكُمْ قِيَامًا وَارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ  
وَقُولُوا لَهُمْ قَوْلًا مَّعْرُوفًا ③

evil of civilization, which is a real canker, with its concomitant increase of bastardy, is practically unknown to countries where polygamy is allowed as a remedial measure.

3b. By *that which your right hands possess* are meant the females who were taken prisoners in war. The Qur’ān sanctions marriage with them in this verse. As for the conditions of that marriage, see 25a, where it is clearly laid down that marriage with a prisoner of war is allowed only when one cannot afford to marry free believing women.

4a. The word used here is *ṣaduqāt*, pl. of *ṣaduqah* (from *ṣidq*, meaning *truth*), which means *dowry* or a *nuptial gift*. *Ṣadaqah* meaning *charity* is a different word from the same root. Other words used for dowry are *mahr* and *ṣudāq*. It is necessary that a “dowry” should be given to every woman taken in marriage, whether she is a free woman, an orphan girl, or a prisoner of war. So every woman begins her married life as the owner of some property, and thus marriage is the means of raising her status, in many respects elevating her to a plane of equality with her husband. The practice has, however, become more or less general to recognize dowry as a debt which the husband owes to the wife and which she can claim when she likes.

5a. By *your property* is meant the property of the orphans which is under *your* control as guardians. The verse lays down the principle of the Court of Wards. It requires guardianship in the case of all who are weak of understanding, whether minors or not. *Qiyām* means *a sustenance* or *that which maintains* or *supports*. While on the one hand the Qur’ān lays stress on the transitoriness of this life, on the other it teaches that wealth is not a thing to be despised or wasted, because it is the means of support.

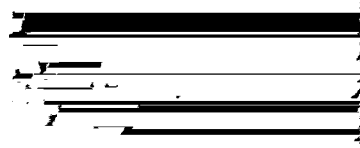
5b. “Make it a means of sustaining them so that you trade with it and make it profitable, and so that you may be able to defray their expenses from the profit and not from the capital” (AH). Rz gives a similar explanation. There is also a saying of the Prophet in this connection: “Whoever is the guardian of an orphan who has property should trade with it and should not leave it undeveloped so that the zakāt should consume it” (Msh. 6).

5c. The words are generally rendered as meaning *speak to them good words*, but see 2:83e, where it is shown that the word *qaul* is used to express all kinds of deeds. After speaking of the maintenance and clothing of the orphans in a befitting manner, the Holy Qur’ān now calls attention to another great need of theirs which is education. From

6 And test the orphans until they reach the age of marriage.<sup>a</sup> Then if you find in them maturity of intellect, make over to them their property, and consume it not extravagantly and hastily against their growing up.<sup>b</sup> And whoever is rich, let him abstain, and whoever is poor let him consume reasonably.<sup>c</sup> And when you make over to them their property, call witnesses in their presence. And Allāh is enough as a Reckoner.

7 For men is a share of what the parents and the near relatives leave, and for women a share of what the parents and the near relatives leave, whether it be little or much — an appointed share.<sup>a</sup>

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ  
 أَنْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ  
 وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا  
 وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعِزْ بِالَّذِي أَنْعَمَ اللَّهُ عَلَيْهِ  
 وَمَنْ كَانُ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ ۗ



لِلرِّجَالِ مِمَّا تَرَكَ الْوَالِدَانِ  
 وَالْأَقْرَبُونَ وَلِلنِّسَاءِ مِمَّا تَرَكَ  
 الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ  
 أَوْ كَثُرَ ۗ نَصِيبًا مَفْرُوضًا ۝

the first revelation, Islām laid stress on knowledge, *read and write* (96:1–5) being its very first message, and the Prophet spoke of the acquisition of knowledge as being as great a need of humanity as the acquisition of wealth: “There shall be no envy but in two: the person whom Allāh has given wealth and the power to spend it in the service of truth and the person whom Allāh has granted knowledge and he judges by it and teaches it” (B. 3:75). He laid stress even on the education of slave-girls. “The man shall have a double reward,” he said, “who has a slave-girl and he trains her in the best manner and he gives her the best education, then he sets her free and marries her” (B. 3:31). It is thus of the education of the orphans that the Holy Qur’ān speaks here, and the next verse which enjoins the guardians to “test” their wards makes it clear.

6a. These words show further, that the guardian is not only responsible for the education of the wards as pointed out at the end of the last verse, but he is also required to examine them and see what progress they have made. According to Abū Ḥanifah, majority is attained at eighteen years, but if maturity of intellect is not attained at eighteen, the limit may be extended. These words, moreover, show that marriage should be performed at the age when a person has attained majority, for the age of marriage is spoken of as being the age of attaining majority.

6b. The meaning is: *Do not hasten to spend the property of minors with a view to wasting it before they attain their majority.*

6c. These words allow payment of reasonable wages to the manager of a ward’s estate out of the ward’s property if the manager is not a rich man. The amount charged must be reasonable, taking into consideration the value of the property and the work of management.

7a. Among the Arabs women and children had no share in inheritance, for they used to say: “None shall inherit but he who smites with the spear” (Rz). The reason is to be found in the fact that the normal condition in Arabia before Islām was a continual state of war, and only those who could go out to fight were taken into account. This great reform,

8 And when relatives<sup>a</sup> and the orphans and the needy are present at the division, give them out of it and speak to them kind words.

9 And let those fear who, should they leave behind them weakly offspring, would fear on their account; so let them observe their duty to Allāh and let them speak right words.

10 Those who swallow the property of the orphans unjustly, they swallow only fire into their bellies. And they will burn in blazing fire.

وَاِذَا حَصَرَ الْفُتْسَةَ اَوْ اَوْلَادَ الْقُرْبَىٰ وَالْيَتَامَىٰ  
وَالْمَسْكِيْنَ فَارْزُقُوهُمْ مِنْهُ وَقُولُوا  
لَهُمْ قَوْلًا مَّعْرُوفًا ﴿٨﴾

وَلْيَخْشَ الَّذِيْنَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ  
ذُرِّيَّةً ضِعْفًا خَافُوْا عَلَيْهِمْ صَّٰلِحِيْنَ فَعُوْا  
اللّٰهَ وَلْيَقُولُوْا قَوْلًا سَدِيْدًا ﴿٩﴾

اِنَّ الَّذِيْنَ يَّكْلُوْنَ اَمْوَالَ الْيَتَامَىٰ ظُلْمًا  
اِنَّهُمْ يَكْلُوْنَ فِيْ بُطُوْنِهِمْ نَارًا  
وَ سَيَصْلُوْنَ سَعِيْرًا ﴿١٠﴾

## SECTION 2: Law of Inheritance

11 Allāh enjoins you concerning your children: for the male is the equal of the portion of two females; but if there be more than two females,<sup>a</sup> two-thirds of what the deceased leaves is theirs; and if there be one, for her is the half. And as for his parents, for each of them is the sixth of what he leaves, if he has a child; but if he has no child and (only) his two parents inherit him, for

يُؤْتِيْكُمْ اللّٰهُ فِيْ اَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ  
حَظِّ الْاُنثِيَّاتِ ۗ فَاِنْ كُنَّ نِسَاءً فَوْقَ  
اِثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ ۗ وَاِنْ كَانَتْ  
وَاحِدَةً فَلَهَا النِّصْفُ ۗ وَلَا يُؤْتِيْهِ الْكِفْلُ  
وَاحِدٌ مِّنْهُمَا الشُّدُسَ ۗ وَمَا تَرَكَ اِنْ  
كَانَ لَهُ وَوَلَدٌ ۗ فَاِنْ لَّمْ يَكُنْ لَهُ وَلَدٌ وَ  
وَرِثَةٌ اَبَوَاهُ فَلِاٰوِيْهِ الثُّلُثُ ۗ فَاِنْ كَانَ

by which the status of women was raised from the lowest condition to that of equality with men, clearly indicated that the establishing of peace was one of the aims of Islām.

The principle laid down in this verse is the basis of the Muslim law of inheritance. Children and near relatives, or failing these, distant relatives, whether males or females, are the lawful heirs, and the whole of the property does not go to the eldest son. Whatever objection there may be to this principle on the ground of division of property into parcels, there is not the least doubt that the rule is in accordance with the broad principles of democracy and the brotherhood of man which Islām seeks to establish.

8a. By these are meant those distant relatives who for any reason are not entitled to inherit.

11a. By *females* are here meant the female children. When the daughters are the sole heirs they are entitled to a share of two-thirds. The share of two-thirds to which "more than two" daughters are entitled remains the same even when the daughters are two only; a single daughter being entitled to one-half as made clear further on. Compare v. 176, where two sisters are mentioned but they include more than two.

his mother is the third; but if he has brothers, for his mother is the sixth, after (payment of) a bequest he may have bequeathed or a debt.<sup>b</sup> Your parents and your children, you know not which of them is the nearer to you in benefit. This is an ordinance from Allāh. Allāh is surely ever Knowing, Wise.

**12** And yours is half of what your wives leave if they have no child; but if they have a child, your share is a fourth of what they leave after (payment of) any bequest they may have bequeathed or a debt; and theirs is the fourth of what you leave if you have no child, but if you have a child, their share is the eighth of what you leave after (payment of) a bequest you may have bequeathed or a debt.<sup>a</sup>

لِكُلِّ إِخْوَةٍ فَلِلْمَيِّمِ السُّدُسُ مِنْ بَعْدِ  
وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ لِأَبَائِكُمْ  
وَأُمَّتِكُمْ لَا تَدْرُونَ أَيُّهُمَا أَقْرَبُ لَكُمْ  
فَعَمَّا تَرْتَابُونَ مِنَ اللَّهِ إِنَّ اللَّهَ كَانَ  
عَلِيمًا حَكِيمًا ۝

وَلَكُمْ نِصْفُ مَا تَرَكَ أَمْوَالِكُمْ إِنْ  
لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ  
وَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَتُمْ مِنْ بَعْدِ  
وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ وَلَهُنَّ  
الرُّبْعُ مِمَّا تَرَكَتُمْ إِنْ لَمْ يَكُنْ لَكُمْ  
وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ  
مِمَّا تَرَكَتُمْ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ

11b. This is the second case, and it deals with the question of inheritance when the deceased is survived by parents. In this case the parents first take their respective shares, and the residue goes to the children, if there are any, failing which, the share of the parents is increased. But in case the deceased has brothers, the mother receives the same share as she would have received if the deceased had children.

It may be noted that in all cases the payment of bequests and debts takes precedence of the shares of the heirs.

12a. This is the third case, and it deals with the question when the deceased leaves a husband or a wife with or without children. The husband or the wife takes his or her share first, as in the case of parents, and the residue goes to the children.

If there are parents as well as husband or wife and children, the first two would take their shares first, and the residue would go to the children, whether males alone or females alone or males and females mixed. The two-thirds share for two or more daughters can only be given when there are neither parents, nor husband or wife; otherwise they take the residue, as in the case of sons or sons and daughters.

Practice is against this, and brings in 'aul to solve the difficulty. The 'aul was first legalized by 'Ali, the fourth Caliph, who, being questioned about the share of a wife, the other heirs being the two parents and two daughters, gave the answer "without premeditation" that the wife's one-eighth had become one-ninth, for the two parents should take one-third, the two daughters two-thirds, and the wife one-eighth, which make up nine-eighths, and hence 'Ali decided that each of the heirs should take less than was due, so that the proportion might remain the same (T). The difficulty would not have arisen if there had been sons instead of daughters or sons along with daughters. If 'Ali had decided to give the residue to the two daughters after taking away the wife's one-eighth and the parents' one-third as he should have done in the case of two sons or a son and a daughter, the question of 'aul would not have arisen.



And if a man or a woman, having no children, leaves property to be inherited and he (or she) has a brother or a sister,<sup>b</sup> then for each of them is the sixth; but if they are more than that, they shall be sharers in the third after (payment of) a bequest that may have been bequeathed or a debt not injuring (others).<sup>c</sup> This is an ordinance from Allāh: and Allāh is Knowing, Forbearing.

**13** These are Allāh’s limits. And whoever obeys Allāh and His Messenger, He will admit him to Gardens wherein flow rivers, to abide in them. And this is the great achievement.

**14** And whoever disobeys Allāh and His Messenger and goes beyond His limits, He will make him enter fire to abide in it, and for him is an abasing chastisement.

بِهَا أَوْ دَيْنٍ وَإِنْ كَانَ رَجُلٌ يُورَثُ  
كَأَنَّكَ أَوَّامِرًا ۗ وَلَكَ آخٌ أَوْ أُخْتُ  
فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ ۚ فَإِنْ  
كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي  
الثَّلَاثِ مِنْ بَعْدِ وَصِيَّتِ يَٰأُحْسَىٰ بِهَا أَوْ  
دَيْنٍ لِغَيْرِ مَضَامِيرٍ ۗ وَصِيَّةٌ مِّنَ اللَّهِ  
وَ اللَّهُ عَلِيمٌ حَلِيمٌ ﴿١٣﴾

تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِيعِ اللَّهَ وَرَسُولَهُ  
يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِنْ تَحْتِهَا الْأَنْهَارُ  
خَالِدِينَ فِيهَا ۗ وَذَٰلِكَ الْقَوْلُ الْعَظِيمُ ﴿١٤﴾

وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ  
حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا ۚ  
وَلَهُ عَذَابٌ مُّهِينٌ ﴿١٥﴾

12b. Commentators are of opinion that by *a brother* or *a sister* here is meant *a brother* or *a sister on the mother’s side* and that the case of real brothers and sisters, or brothers and sisters on the father’s side, is dealt with in v. 176 of this chapter. The reason for this is that here as well as in v. 176, the property to be inherited is that of a *kalālah*, and it is generally supposed that a *kalālah* is one who has neither parents nor children. But as a matter of fact *kalālah* bears two meanings. It means *the person who has no children* whether he has parents or not, and it also means *the person who has neither children nor parents*. It is derived from *kalla* which means *he became tired or fatigued*, and therefore its primary significance would be *the person who has no children*. I‘Ab is reported to have explained this word as meaning *one who does not leave offspring whether he leaves parents or not*. ‘Umar also is reported to have said that *kalālah* is *one who has no children, that is all*; see *Gharā’ib al-Qur’ān*. Hence it is more reasonable to take the *kalālah* spoken of here as being different from the *kalālah* spoken of in v. 176. The *kalālah* in the present case is one who has no children but has parents, and therefore the brothers and sisters are not the only heirs and their share is only one-sixth, while the *kalālah* spoken of in v. 176 is one who leaves neither children nor parents, and therefore the brothers and the sisters take the whole of the inheritance.

12c. As in the case of those who have no children there is much likelihood of their burdening the estate with unnecessary debts, or even admitting debts that have not really been contracted, and of making bequests that would leave nothing for legal heirs, the words *not injuring others* are added, to make it clear that debts and bequests in such a case shall not prejudice the rights of the legal heirs.

## SECTION 3: Treatment of Women

15 And as for those of your women who are guilty of an indecency, call to witness against them four (witnesses) from among you; so if they bear witness, confine them to the houses until death takes them away or Allāh opens a way for them.<sup>a</sup>

وَالَّذِي يَأْتِيَنَّ مِنَ الْفَاحِشَةِ مِنْ نِسَائِكُمْ  
فَاسْتَشْهِدُوا عَلَيْهِنَّ أَرْبَعَةً مِنْكُمْ فَإِنْ  
شَهِدُوا فَامْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّى  
يَمُوتُنَّ أَوْ يَمُوتَ أَوْ يَجْعَلَ اللَّهُ  
لَهُنَّ سَبِيلًا ⑤

16 And as for the two of you who are guilty of it, give them both a slight punishment; then if they repent and amend, turn aside from them.<sup>a</sup> Surely Allāh is ever Oft-returning (to mercy), the Merciful.

وَالَّذِينَ يَأْتِيَنَّهَا مِنْكُمْ فَادُّوهُمَا  
وَإِنْ تَابَا وَأَصْلَحَا فَأَعْرِضُوا عَنْهُمَا  
إِنَّ اللَّهَ كَانَ تَوَّابًا رَحِيمًا ⑥

17 Repentance with Allāh is only for those who do evil in ignorance, then turn (to Allāh) soon, so these it is to whom Allāh turns (mercifully). And Allāh is ever Knowing, Wise.

إِنَّمَا التَّوْبَةُ عَلَى اللَّهِ لِلَّذِينَ يَعْمَلُونَ  
السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِنْ قَرِيبٍ  
فَأُولَئِكَ يَتُوبُ اللَّهُ عَلَيْهِمْ وَكَانَ  
اللَّهُ عَلِيمًا حَكِيمًا ⑦

18 And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he

وَلَيْسَتِ التَّوْبَةُ لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ  
حَتَّى إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ قَالَ

15a. *Al-fāhishah* signifies anything exceeding the bounds of rectitude (gross, immodest, lewd, obscene) (Mgh, LL). See further 19c, where it is shown that *fāhishah* includes *hatred and desertion, refractoriness*, etc. Though the word is used sometimes as meaning *fornication*, the context shows that here it is used to signify immoral conduct short of fornication, for the punishment of fornication is given in 24:2. The words of the verse that follows, referring to a similar immoral act with the indefinite nature of punishment, support this conclusion, for punishment in the case of an act short of fornication would vary with the nature of the crime. Thus women guilty of immoral conduct are curtailed of their liberty. If they mend their ways, or being unmarried they get married, a way is opened for them by Allāh, and they regain their liberty; if they do not, the curtailment should be extended till they die. There is no proof for Palmer's assertion that "women taken in adultery or fornication were, at the beginning of Islām, literally immured".

16a. The crime spoken of in this verse is the same as that in the previous verse. The committers are two, and though the masculine gender is used, it does not imply that they are both necessarily males. *Slight punishment* is explained by *Qatadah* as meaning *reproving with the tongue* (AH). Islām requires the utmost modesty in sexual relations.

The reference to repentance in connection with the mention of *fāhishah* is further proof that *fāhishah* does not here mean *fornication*, but some immorality short of that, for fornication is punishable criminally, and penitence on the part of those guilty of it cannot avert the punishment.

says: Now I repent; nor (for) those who die while they are disbelievers. For such We have prepared a painful chastisement.<sup>a</sup>

**19** O you who believe, it is not lawful for you to take women as heritage against (their) will.<sup>a</sup> Nor should you straiten them by taking part of what you have given them,<sup>b</sup> unless they are guilty of manifest indecency.<sup>c</sup> And treat them kindly. Then if you hate them, it may be that you dislike a thing while Allāh has placed abundant good in it.

**20** And if you wish to have (one) wife in the place of another and you have given one of them a heap of gold, take nothing from it. Would you take it by slandering (her) and (doing her) manifest wrong?<sup>a</sup>

لِرَبِّ تَبَّتْ الظُّنُّ وَلَا الَّذِينَ يَمُوتُونَ  
وَهُمْ كَمَا سَأَلْتُمْ أُولَئِكَ آخِذْنَا لَهُمْ  
عَذَابًا أَلِيمًا ﴿١٩﴾

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ  
تَرِثُوا النِّسَاءَ كَرِهًا ط وَلَا تَعْضُلُوهُنَّ  
لِتَنْدَهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ  
يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ ۚ وَعَايِرُوهُنَّ  
بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ  
تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ﴿٢٠﴾

وَإِنْ أَرَادْتُمْ اسْتِبْدَالَ زَوْجٍ مَكَانَ  
زَوْجٍ لَوْ آتَيْتُمُوهُنَّ إِحْلَاهُنَّ فَنَطْرًا فَلَا  
تَأْخُذُوا مِنْهُ شَيْئًا أَنْ تَأْخُذُوا بِهَتَمَاتِكُمْ  
وَإِنْ سَأَلْتُمُوهُنَّ

18a. Verses 17 and 18 show that repentance, according to the Holy Qur’ān, implies an actual change in the course of one’s life, not the mere utterance of words. In fact, the law stated here shows how repentance does away with sins. When the very course of a man’s life is changed in respect of a particular sin, the tendency to that sin is uprooted. But those who continue their evil courses until death overtakes them cannot obtain the benefit of repentance, because there is no time left for them to improve themselves.

19a. Among the pre-Islamic Arabs, when a man died his elder son or other relations had a right to possess his widow or widows, marrying them themselves if they pleased, without settling a dowry on them, or marrying them to others, or prohibiting them from marriage altogether (B. 65: iv, 6).

19b. This passage remedies another evil. Those husbands who were dissatisfied with their wives were wont to give them trouble in order that they should be forced to claim a divorce and remit the dowry (Rz). This is disallowed. If the judge finds that the fault lies actually with the husband, he will not allow the dowry to be remitted in his favour.

19c. The exception is in reference to *taking part of the dowry*, the meaning being that part of the dowry can only be taken back if the woman is guilty of immoral conduct. The *manifest indecency* spoken of here is *hatred and desertion of the husband, refractoriness, and doing harm to the husband and his family* (Rz). In such cases, when the fault is with the woman, she may be required to return her dowry wholly or in part.

20a. “It is narrated that when a (married) man among them wanted to marry another wife in place of the first, he used to accuse the latter of adultery or other gross immorality, thus compelling her to obtain a divorce by paying a large sum of money” (Rz). *Having one wife in place of another signifies the divorcing of the first and marrying*

21 And how can you take it when one of you has already gone in to the other and they have taken from you a strong covenant?<sup>a</sup>

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُهُمْ إِلَى  
بَعْضٍ وَآخَذْنَ مِنْكُمْ مِيثَاقًا عَلِيمًا ﴿٥١﴾

22 And marry not women whom your fathers married, except what has already passed. This surely is indecent and hateful; and it is an evil way.<sup>a</sup>

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا  
مَا قَدْ سَلَفَ إِنَّهُ كَانَ فَاحِشَةً  
وَمَقْتًا وَسَاءَ سَبِيلًا ﴿٥٢﴾

#### SECTION 4: What Women may be taken in Marriage

23 Forbidden to you are your mothers, and your daughters, and your sisters, and your paternal aunts, and your sisters, and your maternal aunts, and your brother's daughters and sister's daughters, and your mothers that have suckled you, and your foster-sisters, and mothers of your wives, and your stepdaughters who are in your guardianship (born) of your wives to whom you have gone in — but if you have not gone in to them, there is no blame on you — and the wives of your sons who are of your own loins; and that you should have two sisters together, except what has already passed. Surely Allāh is ever Forgiving, Merciful,<sup>a</sup>

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ  
وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ  
الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ  
مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبَائِبُكُمُ  
الَّتِي فِي حُجُورِكُمْ مِّنْ نِّسَائِكُمُ اللَّاتِي  
دَخَلْتُمْ بِهِنَّ نِقَابَ لَمْ تَكُونُوا إِدْخَلْتُمُ  
بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ ذَلِكُمْ بِحِلَالٍ  
أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ  
تَتَجَمَّعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ  
إِنَّ اللَّهَ كَانَ عَفُورًا رَّحِيمًا ﴿٥٣﴾

*another.* This verse further shows that there is no limit to the dowry which may be settled on a wife; even a heap of gold may be given to her as dowry if the husband has got the means. When 'Umar desired to ban big dowries, it was with the recitation of this verse that a woman in the audience silenced him, and he had to take back his orders saying that "the women of Madinah had more understanding than 'Umar".

21a. Marriage is here called a *mīthāq* or a covenant or agreement between the husband and the wife. As there can be no agreement unless both parties give their consent to it, marriage in Islām can only be contracted with the free consent of the two parties.

22a. As already pointed out, when a man died his widows were the property of the eldest son, and he could marry any of them that he liked. This immoral practice was abolished by this verse.

23a. For prohibited marriage relations in the Mosaic law see Lev. 18:16–18.

## Part 5

24 And all married women except those whom your right hands possess (are forbidden);<sup>a</sup> (this is) Allāh’s ordinance to you. And lawful for you are (all women) besides those, provided that you seek (them) with your property, taking (them) in marriage, not committing fornication. Then as to those whom you profit by (by marrying), give them their dowries as appointed. And there is no blame on you about what you mutually agree after what is appointed (of dowry).<sup>b</sup> Surely Allāh is ever Knowing, Wise.

25 And whoever among you cannot afford to marry free believing women, (let him marry) such of your believing maidens as your right hands possess. And Allāh knows best your faith — you are (sprung) the

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ  
أَيْمَانُكُمْ رَبَّنَا اللَّهُ عَلَيْكُمْ وَأُحِلَّ لَكُمْ  
مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا بِأَمْوَالِكُمْ  
مُحْصِنِينَ غَيْرَ مُسْفِحِينَ فَمَا اسْتَسَعَمْتُمْ  
بِهِ مِنْهُنَّ فَأْتُوهُنَّ أَجُورَهُنَّ فَرِيضَةً وَلَا  
جُنَاحَ عَلَيْكُمْ فِي مَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ  
الْفَرِيضَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ۝

وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكَحَ  
الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمَنْ مَّا مَلَكَتْ أَيْمَانُكُمْ  
مِّنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِأَيْمَانِكُمْ  
بَعْضُكُمْ مِنْ بَعْضٍ فَأَنْكِحُوهُنَّ بِأُذُنِ أَهْلِيهِنَّ

24a. It is thus forbidden to a man that he should marry a woman who is already married. An exception is made, however, regarding *those whom your right hands possess*, by which expression are generally meant in the Holy Qur’ān *those who are taken prisoners in war*. It sometimes happened that such prisoners became converts to Islām, and therefore they could not be sent back. Such women it was lawful to take in marriage, even though they might not have been divorced formally by their former husbands. The words *mā malakat aimānu-kum* may, however, also mean *those whom you have lawfully taken in marriage*, because lawful possession is clearly implied in the word *aimān*, which signifies *covenant*, marriage also being a covenant. The meaning of the passage may therefore be that *all free women are prohibited to you except those whom you have lawfully married*.

24b. The husband and the wife are free to increase or decrease the amount of dowry fixed at the time of marriage by agreement among themselves. It should also be noted that Islām does not allow temporary marriage. It recognizes only *iḥṣān*, taking a woman in permanent marriage, from the root *ḥaṣuna*, it (a place) was *inaccessible*, or (a woman) was *chaste* or *married* (LL), *iḥṣān* thus meaning *fortifying a place* or *marrying*. Whatever sexual relations are outside *iḥṣān* are denounced as *musāfiḥat* or *giving oneself up to debauchery*, from the root *safḥ*, meaning *spilling*. *Iḥṣān* gives rise to certain rights and obligations, which are established for life, but such rights and obligations do not arise in *musāfiḥat* or fornication and *mut’ah* which was a temporary marriage recognized in Arabia before the advent of Islām. It seems that resort was had to *mut’ah* in one or two battles by some Muslims but it was expressly prohibited by the Prophet in the battle of Khaibar (B. 64:40).

one from the other. So marry them with the permission of their masters, and give them their dowries justly, they being chaste, not fornicating, nor receiving paramours; then if they are guilty of adultery when they are taken in marriage, they shall suffer half the punishment for free married women. This is for him among you who fears falling into evil. And that you abstain is better for you. And Allāh is Forgiving, Merciful.<sup>a</sup>

وَأَتَوْهُنَّ أَجْرَهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ  
غَيْرَ مُسَفِّحَاتٍ وَلَا مُتَخَدِّاتٍ أَخْدَانٍ ۗ  
فَإِذَا أَحْصَيْنَ فَإِنَّ أَتَيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ  
نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ  
لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ وَأَنْ تَصْبِرُوا  
خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ ﴿٥٦﴾

### SECTION 5: Women's Rights over their Earnings

26 Allāh desires to explain to you, and to guide you into the ways of those before you, and to turn to you (mercifully). And Allāh is Knowing, Wise.

يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّيبَ الَّتِي فِي  
الذِّمَمِ مِنْ قَبْلِكُمْ وَيَتُوبَ عَلَيْكُمْ  
وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿٥٧﴾

25a. This verse lays down the conditions under which those taken prisoners in war may be taken in marriage. I do not find any verse in the Holy Qur'ān or any instance in the Prophet's life, sanctioning what is called *concubinage*. On more occasions than one, when the establishment of conjugal relations with slave-girls is mentioned, their taking in marriage is clearly laid down as a condition as in v. 3, v. 24, and this verse. Here marriage with those taken prisoners in war is allowed under certain circumstances, the first of these being that they should be believing women or Muslims. There are two more conditions: (1) that a man has not the means to marry a free woman as the opening words show, and (2) that he fears to fall into evil as stated in the concluding words. If, then, even marriage with her is allowed under exceptional circumstances, it is quite unreasonable to suppose that her master is allowed to have conjugal relations with her without taking her for a wife. She was no doubt placed on a lower level in Arab society than a free woman, but that is all. Perhaps the strictness of the rules regarding marriage with a female slave is due to the consideration that he who seeks her in marriage may first have her freed from slavery.

It may be said that this verse speaks of others than the masters of the slave-girls, because it requires the permission of the masters. The only right the master could reasonably claim is that he does not require the permission of anybody else, yet he must still take her as a wife, not as a paramour. But see the Prophet's *ḥadīth* quoted in 5c, according to which the master is required to educate the slave girl, giving her the best education, then set her free and then marry her. One more point arising out of this verse may be noted. It is plainly laid down here that if a married slave-girl commits adultery, her punishment is half of the punishment prescribed for the free married woman who commits adultery. This shows that the Holy Qur'ān never contemplated *stoning* as the punishment for adultery because it could not be halved, and as a matter of fact the Holy Book nowhere speaks of stoning; the only punishment for adultery that it speaks of is a hundred stripes (24:2).

27 And Allāh desires to turn to you (mercifully). And those who follow (their) lusts desire that you should deviate (with) a great deviation.

وَاللَّهُ يُرِيدُ أَنْ يَتُوبَ عَلَيْكُمْ وَيُرِيدُ الَّذِينَ يَتَّبِعُونَ الشَّهَوَاتِ أَنْ تَسِيلُوا مَآئِلًا عَظِيمًا ﴿٢٧﴾

28 Allāh desires to make light your burdens,<sup>a</sup> and man is created weak.<sup>b</sup>

يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا ﴿٢٨﴾

29 O you who believe, devour not your property among yourselves by illegal methods except that it be trading by your mutual consent.<sup>a</sup> And kill not your people. Surely Allāh is ever Merciful to you.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونُوا تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ سَرِيعًا ﴿٢٩﴾

30 And whoso does this aggressively and unjustly, We shall soon cast him into fire. And this is ever easy for Allāh.

وَمَنْ يَفْعَلْ ذَلِكَ عَدَاوَةً وَكِبْرًا فَسَوْفَ نُصَلِّيهِ نَارًا وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا ﴿٣٠﴾

31 If you shun the great things which you are forbidden, We shall do away with your evil (inclinations)<sup>a</sup> and cause you to enter an honourable place of entering.

إِنْ تَجْتَنِبُوا كِبِيرًا مَا تُنْهَوْنَ عَنْهُ نُكَفِّرْ عَنْكُمْ سَيِّئَاتِكُمْ وَنُدْخِلَكُمْ مُدْخِلَ الْجَنَّةِ ﴿٣١﴾

28a. Not only is the rigour of the Jewish and other previous laws greatly modified in Islām, but all principles of right action are stated with such completeness, devoid of unnecessary details, that the real burden of man is actually much more lightened in Islām than in any other religion. It, moreover, points out the right way for man's freedom from the bondage of sin, and thus reduces his burden, not by false assurance, but by actually saving him from falling into evil ways.

28b. These verses speak of Allāh's great mercy in having shown man the way to truth and guidance, for man, being created weak, could not chalk out a way for himself which was free from error. That is all that man's weakness here signifies.

29a. In the first part of this verse all illegal methods of acquiring property are forbidden, but the seeking of gain one from another by trading, which implies mutual consent, is allowed, being a legal method. Though the words are general, the passage is particularly directed to guard women's right to property, because it was women's and orphans' property that was generally devoured aggressively and unjustly.

The second part forbids the killing of *anfusa-kum*, which means *your people* or *yourselves*. In the first case, the significance is that life must also be protected; in the second case, it is an injunction against suicide which according to the law of Islām is a grave sin.

31a. *Sayyi'ah* or *sū'* signifies *an evil deed* as well as *an evil affection* (LL). The context requires the latter significance to be adopted here. All that is meant is that if a man avoids the commission of sins, the evil inclinations within him die also. Division of sin into *kabirah* and *ṣaḡīrah* is unwarranted.

32 And covet not that by which Allāh has made some of you excel others. For men is the benefit of what they earn. And for women is the benefit of what they earn. And ask Allāh of His grace. Surely Allāh is ever Knower of all things.

وَلَا تَسْتَكْبِرُوا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى  
بَعْضٍ ط لِلرِّجَالِ نَصِيبٌ مِّمَّا كَسَبُوا ط  
وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَسَبْنَ ط وَسَأَلُوا  
اللَّهَ مِنْ فَضْلِهِ ط إِنَّ اللَّهَ كَانَ بِكُلِّ  
شَيْءٍ عَلِيمًا ﴿٣٢﴾

33 And to everyone We have appointed heirs<sup>a</sup> of that which parents and near relatives leave. And as to those with whom your right hands have ratified agreements, give them their due.<sup>b</sup> Surely Allāh is ever Witness over all things.

وَلِكُلِّ جَعَلْنَا مَوَالِي مِمَّا تَرَكَ الْوَالِدَانِ  
وَالْأَقْرَبُونَ ط وَالَّذِينَ عَقَدْتَ أَيْمَانَكُمْ  
فَأَتَوْهُمْ نَصِيبُهُمْ مِنَ اللَّهِ كَانَ عَلَى  
كُلِّ شَيْءٍ شَهِيدًا ﴿٣٣﴾

#### SECTION 6: Disagreement between Husband and Wife

34 Men are the maintainers<sup>a</sup> of women, with what Allāh has made some of them to excel others and with what they spend out of their wealth. So the good women are obedient,<sup>b</sup> guarding the unseen<sup>c</sup> as Allāh

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ  
اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ  
أَمْوَالِهِمْ ط فَالضَّالِّاتُ فَذُنُوبُهُنَّ حَفِظْنَ لِلْغَيْبِ  
بِمَا حَفِظَ اللَّهُ وَاللَّي تَخَافُونَ نُشُورَهُنَّ

33a. *Mawālī* is plural of *maulā*, which conveys a number of significances, such as *lord or chief, a cousin, a freed man, a slave, an heir*. The last of these significances is adopted here by the best authorities (B. 65: iv, 7), and only this suits the context.

33b. In the pre-Islamic days, people were accustomed to enter into covenants one with another, by which they undertook to defend and inherit one another; and when one of them died, the other was considered entitled to one-sixth of the property of the deceased (AH). When the Muslims fled to Madinah, the Prophet made every Makkan emigrant enter into a close relationship of brotherhood with one of the Madinah citizens, so that under the old custom one of them would have become an heir to the other on his decease. Inheritance was abolished by this verse, and the words *give them their due* mean the rendering of assistance in general, *doing acts of kindness and the giving of good advice*, while something may be settled by testament (B. 39:2).

34a. *Qāma-l-rajulu 'ala-l-mar'ati* means *he maintained her and managed her affair, having charge of her affair*; hence he is said to be her *qawwām*, i.e. *maintainer* (T). Similarly, *qāma bi-l-yatimi* means *he maintained the orphan* (LL). Hence by the men being *qawwāmūn* is only meant that they are the maintainers of women with that which Allāh has made some to excel others.

34b. Obedience here signifies obedience to Allāh. This significance of the word is made clear by a comparison with 33:31, 33:35, and 66:5.

34c, see next page.



has guarded.<sup>d</sup> And (as to) those on whose part you fear desertion, admonish them, and leave them alone in the beds and chastise them. So if they obey you, seek not a way against them. Surely Allāh is ever Exalted, Great.<sup>e</sup>

فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ  
وَأَصْرِبُوهُنَّ فَإِنْ أَطَعْتُمْ فَلَا تَبْغُوا  
عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ  
عَلِيمًا كَبِيرًا ۝

35 And if you fear a breach between the two, appoint an arbiter from his people and an arbiter from her people. If they both desire agreement, Allāh will effect harmony between them.

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا  
حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا  
إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا

34c. *Guarding the unseen* is a euphemism for *guarding the husband's rights*. The two qualifications of a good wife as given here are her piety or obedience to God and chastity.

34d. The meaning is that their guarding the husband's rights is really a favour from Allāh as it is Allāh that guards them. Or the meaning may be, *Allāh has guarded their rights*.

34e. The word *nushūz*, which I have translated as *desertion*, primarily means *rising*, and as spoken of a woman in connection with her husband it means *her rising against her husband*. This is explained in a number of ways; according to one of these explanations it means *her leaving the husband's place and taking up an abode which he does not like* (AH). LL quotes various authorities showing that *nushūz* on the part of the woman means *that the wife resisted her husband and hated him* (S, Q) and *deserted him* (T).

The remedy pointed out in the case of the wife's desertion is threefold. At first she is only to be admonished. If she desists, the evil is mended, but if she persists in the wrong course, her bed is to be separated. If she still persists, chastisement is permitted as a last resort (Rz). Regarding this last remedy two things must, however, be borne in mind. Firstly it is a mere permission, and sayings of the Prophet make it clear that, though allowed, it was discouraged in practice. Thus the Prophet is reported to have said, on the complaint of certain women as to the ill-treatment of their husbands: "You will not find these men as the best among you" (AD. 12:42). According to *Shāfi'i*, it is preferable not to resort to chastisement of the wife (Rz). In fact, as the injunctions of the Qur'ān are wide in their scope, the example of the Holy Prophet and his constant exhortations for kind treatment towards women, so much so that he made a man's good treatment of his wife the gauge of his goodness in general — *the best of you is he who is best to his wife* — show clearly that this permission is meant only for that type of men and women who belong to a low grade of society. Secondly, even this permission cannot be adopted indiscriminately, for sayings of the Holy Prophet make it quite evident that chastisement, when resorted to in extreme cases, must be very slight. I'Ab says it may be with a toothbrush or something like it (AH). The Prophet is reported to have said: "You have a right in the matter of your wives that they do not allow anyone whom you do not like to come into your houses; if they do this, chastise them in such a manner that it should not leave an impression" (Tr. 10:11). Thus very slight chastisement was allowed only in extreme cases.

Surely Allāh is ever Knowing,  
Aware.<sup>a</sup>

36 And serve Allāh, and associate naught with Him, and be good to the parents and to the near of kin and the orphans and the needy and the neighbour of (your) kin and the alien neighbour,<sup>a</sup> and the companion in a journey and the wayfarer and those whom your right hands possess.<sup>b</sup> Surely Allāh loves not such as are proud, boastful,

37 Who are niggardly and bid people to be niggardly and hide that which Allāh has given them out of His grace. And We have prepared for the disbelievers an abasing chastisement —

38 And those who spend their wealth to be seen of men and believe not in Allāh nor in the Last Day. And

إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا ﴿٣٥﴾

وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا  
وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ  
وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ  
وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنْبِ  
وَابْنِ السَّبِيلِ ۗ وَمَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ  
اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَخُورًا ﴿٣٦﴾

الَّذِينَ يَبْخُلُونَ وَيَأْمُرُونَ النَّاسَ  
بِالْبُخْلِ وَيَكْتُمُونَ مَا آتَاهُمُ اللَّهُ مِنْ  
فَضْلِهِ ۗ وَأَعْتَدْنَا لِلْكَافِرِينَ عَذَابًا مُّهِينًا ﴿٣٧﴾

وَالَّذِينَ يَبْذُرُونَ آمُومًا هُمْ رِقَاءُ النَّاسِ  
وَلَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ ﴿٣٨﴾

35a. This verse lays down the procedure to be adopted when a case for divorce arises. It is not for the husband to put away his wife; it is the business of the judge to decide the case. Nor should divorce cases be made too public. The judge is required to appoint two arbiters, one belonging to the wife's family and the other to the husband's. These two arbiters will find out the facts, but their objective must be to effect a reconciliation between the parties. If all hopes of reconciliation fail, a divorce is allowed, but the final decision for divorce rests with the judge who is legally entitled to pronounce a divorce. Cases were decided in accordance with the directions contained in this verse in the early days of Islām. See an instance quoted by Rz regarding 'Ali's decision in a case of breach. The husband was told in plain words that he must abide by the judgment of the arbiters appointed under this verse.

36a. *The neighbour of kin* may mean a neighbour who is a relative or a Muslim neighbour, and the alien neighbour is either a neighbour not related or a neighbour of an alien religion (AH). The latter phrase (the qualifying word being derived from *janb*, meaning a side) signifies, according to lexicologists, the person who is one's neighbour but who belongs to another people (LL). Thus the charity of Islām is not limited to one's own people or one's own co-religionists, but is extended to aliens also.

36b. By those whom your right hands possess are meant all those with whose care a man is entrusted, so that it includes even animals over which a man has control (AH, Rz). While dealing with the rights of women, the Qur'an generalizes the law of doing good to others, so much so that it requires goodness to be extended even to a fellow-traveller or to a mere wayfarer. If even companions whose company is so short-lived are to be treated generously, how generous must a man be to her who is the companion of his whole life!

as for him whose companion is the devil, an evil companion is he!

وَمَنْ يَكُنِ الشَّيْطَانَ لَهُ قَرِينًا فَسَاءَ قَرِينًا ﴿٣٩﴾

39 And what (harm) would it do them if they believe in Allāh and the Last Day and spend of that which Allāh has given them? And Allāh is ever Knower of them.

وَمَا ذَا عَلَيْهِمْ لَوْ آمَنُوا بِاللَّهِ وَالْيَوْمِ  
الْآخِرِ وَأَنفَقُوا مِمَّا سَرَ لَهُمْ اللَّهُ وَكَانَ  
اللَّهُ بِهِمْ عَلِيمًا ﴿٤٠﴾

40 Surely Allāh wrongs not the weight of an atom; and if it is a good deed, He multiplies it and gives from Himself a great reward.<sup>a</sup>

إِنَّ اللَّهَ لَا يَظْلِمُ مِثْقَالَ ذَرَّةٍ وَإِن  
تَكَ حَسَنَةً يُّضْعِفْهَا وَيُؤْتِ مِنْ لَدُنْهُ  
أَجْرًا عَظِيمًا ﴿٤١﴾

41 But how will it be when We bring from every people a witness and bring thee as a witness against these?<sup>a</sup>

كَذَلِكَ إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ بِشَهِيدٍ  
وَجِئْنَا بِكَ عَلَى هَؤُلَاءِ شَهِيدًا ﴿٤٢﴾

42 On that day will those who disbelieved and disobeyed the Messenger desire that the earth were levelled with them. And they can hide no fact from Allāh.

يَوْمَئِذٍ يَوَدُّ الَّذِينَ لَفَعُوا وَعَصَوُا الرَّسُولَ  
لَوْ كُنْتُمْ بِهِمُ الْأَرْضَ طَوًّا وَلَا يَكْتُمُونَ  
اللَّهُ حَدِيثًا ﴿٤٣﴾

## SECTION 7: Purification of the Soul

43 O you who believe, go not near prayer when you are intoxicated till you know what you say,<sup>a</sup> nor after

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ  
وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ

40a. Such is the ever-recurring description of the preponderance of mercy in Divine nature: good is always multiplied and evil nullified. The constant multiplication of good shows no doubt that good must ultimately preponderate in the universe, and thus the Divine laws working in nature point to the fact that the universe is moving towards the goal of ultimate good.

41a. The prophet sent to a people is frequently spoken of as being a witness (Ar. *shahid*) in respect of them, and by *these* are here meant the followers of the Holy Prophet, or the community of Muḥammad. It is stated in the ḥadīth that this chapter was being recited before the Prophet and when the reciter came to this verse, tears flowed from the eyes of the Prophet and he said; “My Lord, I can bear witness about those among whom I am living, but what about those whom I have not seen” (Ibn Kathīr). From this it appears that the people spoken of here are Muslims who disobey the Prophet, and hence the Prophet’s anxiety for the later generations of his followers. This is in fact made clear in the verse that follows in the words *those who disbelieved and disobeyed the Messenger*. Disobedience amounts to disbelief in practice.

43a, see next page.

sexual intercourse<sup>b</sup> — except you are merely passing by<sup>c</sup> — until you have bathed. And if you are sick, or on a journey, or one of you come from the privy, or you have touched the women,<sup>d</sup> and you cannot find water, betake yourselves to pure earth,<sup>e</sup> then wipe your faces and your hands. Surely Allāh is ever Pardoning, Forgiving.

وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّى تَغْتَسِلُوا وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُمْ مِنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ إِنَّ اللَّهَ كَانَ عَفُورًا غَفُورًا ﴿٥٤﴾

44 Seest thou not those to whom a portion of the Book was given? They buy error and desire to make you err from the (right) way.

أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِّنَ الْكِتَابِ يُشْتَرُونَ الضَّلَالَةَ وَيُرِيدُونَ أَن تَضِلُّوا السَّبِيلَ ﴿٤٤﴾

43a. There is some difference of opinion as to what is meant by *sukārā* here. Literally, the singular *sakarān* signifies *one intoxicated*, but while some consider the meaning here to be *intoxicated with drink*, others think it to be *intoxicated with sleep*, (T, LL). And *sakr*, no doubt, may be applied in the latter sense, for its literal significance is *stopping up* (LL). The word is also applied to *confusion of judgment* (LL). The Holy Qur'ān speaks of *sakrat al-maut* (50:19) or the condition when one loses his senses at the approach of death. *Sakrat al-hamma* means the condition in which a person loses his senses on account of extreme grief. *Sakrat al-naum* is the condition when on account of the oppressive sensation of sleep one is not in full possession of one's senses. The word as used here may carry any of these senses.

The prohibition against praying when intoxicated was a step towards the total prohibition of drink, for the necessity of going to prayer five times a day would afford little opportunity for indulgence in drink. The verse makes it further clear that one must know the significance of what one says when praying to God.

43b. The word *junub* (from *janb*, meaning *a side*) should not be translated as *impure* or *polluted*; it is a purely technical term, and means *one who is under an obligation to perform a total ablution* or *bathing* (LL). The connection with the root-meaning is that the person under such obligation is *on a side* or *remote from prayer* (R). When one such person, a *junub*, described himself as *najs* (*polluted* or *defiled*) in the presence of the Prophet, the latter corrected him, saying: "Glory to Allāh! A believer is not *najs* (or *defiled*)" (B. 5:23). The necessity to perform a total ablution arises in case of emission of seminal fluid due to sexual intercourse or *pollutio nocturna*.

43c. *Going near prayer* may signify *going into mosques* (I'Ab-Rz), and the meaning in that case would be *unless you pass (through the mosques) as by a way*.

43d. The *touching of women* is a euphemism for sexual intercourse. Many of the fine phrases used in the Holy Qur'ān to express this delicate relation were unknown to the Arabs; words and forms were adopted which would not shock the most delicate ears.

43e. *Ṣa'id* means *high* or *elevated* ground, hence generally *land* or *ground* or *surface of the earth*, whether it be *dust* or *earth* or *otherwise* (LL). *Tayammum* (from *amma*, meaning *he repaired*) means striking both hands on pure earth, or anything containing pure dust, and then passing the hands over the face and the backs of the hands. When water is not found, or is likely to do harm, *tayammum* suffices instead of ablution before prayer.