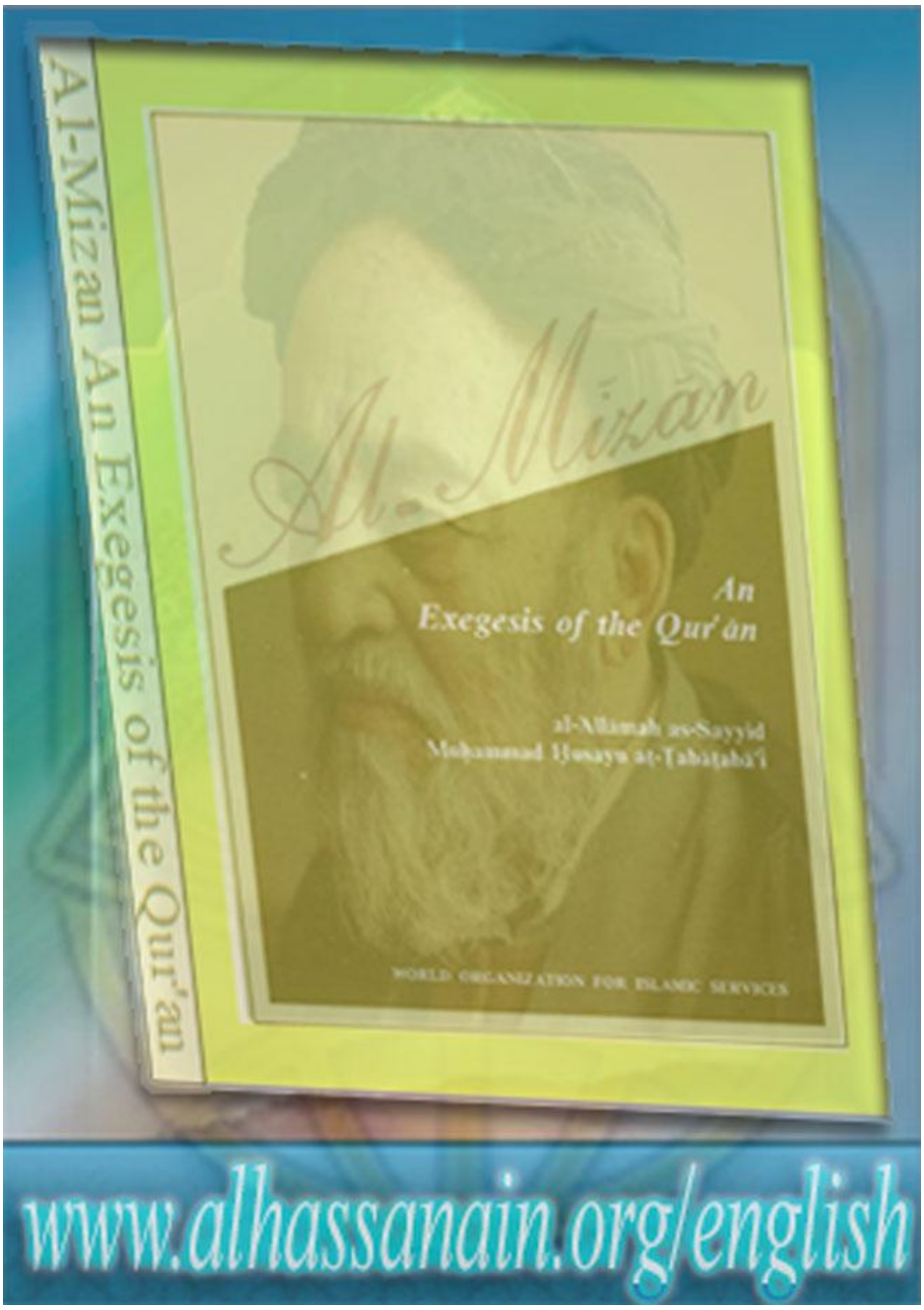

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Al-Mizan;

An Exegesis of the Qur'an, vol 8

From Ch. 4 [Surah An-Nisaa], Verses 11-16 to Ch. 4 [Surah An-Nisaa], Verses 71-76

This volume opens with the exposition of the 11th verse of the `Surah An-Nisa, and ends with the xposition of same Surah verse 76. Translated by Allamah Sayyid Sa'eed Akhtar Rizvi.

Author(s): Allamah Sayyid Muhammad Husayn at-Tabataba'i

Translator(s): Allamah Sayyid Sa'eed Akhtar Rizvi

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In the Name of Allāh,
The All-compassionate, The All-merciful

Praise belongs to Allāh, the Lord of all being;
the All-compassionate, the All-merciful;
the Master of the Day of Judgement;
Thee only we serve, and to Thee alone we pray for succour:
Guide us in the straight path;
the path of those whom Thou hast blessed,
not of those against whom Thou art wrathful,
nor of those who are astray.

*** * * * ***

O' Allāh! send your blessings to the head of your messengers and the last of your prophets,
Muhammad and his pure and cleansed progeny.
Also send your blessings to all your prophets and envoys.


بسم الله الرحمن الرحيم
الحمد لله رب العالمين الرحمن الرحيم
مالك يوم الدين إياك نعبد وإياك نستعين
اهدنا الصراط المستقيم صراط الذين
أنعمت عليهم غير المغضوب عليهم
ولا الضالين
اللهم صل على
سيد رسلك وخاتم أنبيائك
محمد وآله الطيبين الطاهرين
وصل على جميع الأنبياء والمرسلين

Notice:

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TRANSLITERATION

TRANSLITERATION

ARABIC LETTERS

Symbol	Transliteration	Symbol	Transliteration
ء	’	ك	k
ب	b	ل	l
ت	t	م	m
ث	th	ن	n
ج	j	ه	h
ح	ḥ	و	w
خ	kh	ي	y
د	d	ة	ah, at
ذ	dh		(construct state)
ر	r	ال	article al- and ’l
ز	z		(even before the antepalatals)
س	s		
ش	sh		**Long Vowels**
ص	ṣ	آ	ā
ض	ḍ	و	ū
ط	ṭ	ي	ī
ظ	ẓ		
ع	‘ *or* ‘		**Short Vowels**
غ	gh	ـَ	a
ف	f	ـُ	u
ق	q	ـِ	i

FOREWORD [IN ARABIC]

تصدير

١ـ العلّامة الشّهير و المفكّر و الفيلسوف الاسلاميّ المعاصر، السّيّد محمّد حسين الطّباطبائي (١٣٢١/١٩٠٤ ـ ١٤٠٢/١٩٨١) رحمه‌الله سبق و أن عرّفناه بعض التّعريف في تصديرنا للجزء الأوّل من التّرجمة الانجليزيّة للميزان، الّذي سينشر، بحول‌الله و قوّته، في القريب العاجل.

٢ـ اشتهر العلّامة الطّباطبائي رحمه‌الله بالعديد من آثاره و أهمّها تفسيره الكبير (الميزان في تفسير القرآن) الّذي يصحّ أن يعدّ الدّعامة الأساسيّة للتّقدير العلميّ الّذي ناله العلّامة الطّباطبائي في العالم الاسلاميّ.

٣ـ شعرنا بالضّرورة الملحّة إلى نشر تفسير للقرآن الكريم بالانجليزيّة، و بعد مداولات و استشارات، وقع اختيارنا على (الميزان) لأنّا وجدناه يجمع الى حدّ ما بين النّقاط الّتي لابدّ منها في تفسير متكامل للقرآن الكريم و بين ما تتطلّبه الذّهنيّة المعاصرة للقارئ المسلم فاقتر حنا على الأستاذ العلّامة السّيّد سعيد أختر رضوي القيام بهذه المهمّة، لما نعهده فيه من القدرة العلميّة على فهم النّصّ العربيّ، و كفاءته الأدبيّة في التّعبير و التّرجمة، و قد اعتمدنا عليه في ذلك، ليكون هو الزّعيم بالتّرجمة الانجليزيّة و المسئول عنها، كما كان العلّامة الطّباطبائي رحمه‌الله هوالزّعيم ببحوث الكتاب و المرجع المسئول عنها.

٤ـ و نحن إذ ننشر (الجزء الثامن) من التّرجمة الانجليزيّة لتفسير (الميزان) و يطابق النّصف الثاني من الجزء الرابع للنّصّ العربيّ، لنرجو من الله سبحانه إن يأخذ بأيدينا و يعيننا على إعداد التّرجمة الكاملة للكتاب و نشره. و قد وضعنا قائمتين: (الأولى) بأسماء المؤلّفين الوارد ذكرهم في مجموع أجزاء (الميزان) و (الثّانية) بأسماء الكتب الّتي هي بحاجة إلى التّعريف، و قد ألحقنا هاتين القائمتين بالجزء الأوّل من التّرجمة الا نجليزيّة، ولكنّا وضعنا جدولين آخرين يجد هماالقارئ ملحقين بكلّ جزء من أجزاء التّرجمة.

* * *

و من الله سبحانه نسأل، و اليه نبتهل أن يجعل عملنا خالصا لوجهه الكريم، و أن يوفّقنا لا تمام ما بدأنا و يسدّدنا في خطوتنا هذه و خطواتنا المقبلة، إنّه نعم المولى و نعم النّصير.

المؤسّسة العالميّة للخدمات
الاسلاميّة
(لجنة التّأليف والتّرجمة والنّشر)
طهران ـ ايران

١٤١٢/٧/١٣
١٩٩٢/١/١٩

FOREWORD

1. al ‘Allāmah as-Sayyid Muhammad Husayn at-Tabātabā’ī (1321/1904 - 1402/1981) may Allāh have mercy upon him - was a famous scholar, thinker and the most celebrated contemporary Islamic philosopher. We have introduced him briefly in the first volume of the English translation of al-Mīzān.

2. al-‘Allāmah at-Tabātabā’ī is well-known for a number of his works of which the most important is his great exegesis al-Mīzān fī tafsīri ’l-Qur’ān which is rightly counted as the fundamental pillar of scholarly work which the ‘Allāmah has achieved in the Islamic world

3. We felt the necessity of publishing an exegesis of the Holy Qur’ān in English. After a thorough consultation, we came to choose al-Mīzān because we found that it contained in itself, to a considerable extent, the points which should necessarily be expounded in a perfect exegesis of the Holy Qur’ān and the points which appeal to the mind of the contemporary Muslim reader. Therefore, we proposed to al-Ustādh al-‘Allāmah as-Sayyid Sa‘īd Akhtar ar-Radawī to undertake this task, because we were familiar with his intellectual ability to understand the Arabic text of al-Mīzān and his literary capability in expression and translation. So we relied on him for this work and consider him responsible for the English translation as al-‘Allāmah at-Tabātabā’ī was responsible for the Arabic text of al-Mīzān and its discussions.

4. We have now undertaken the publication of the eighth volume of the English translation of al-Mīzān. This volume corresponds with the second half of the fourth volume of the Arabic text. With the help of Allāh, the Exalted, we hope to provide the complete translation and publication of this voluminous work.

In the first volume, the reader will find two more appendixes included apart from the two which are to appear in all volumes of -the English translation of al Mīzān: One for the authors and the other for the books cited throughout this work.

*** * * ***

We implore upon Allāh to effect our work purely for His pleasure, and to help us to complete this work which we have started. May Allāh guide us in this step which we have taken and in the future steps, for He is the best Master and the best Helper.

WORLD ORGANIZATION FOR ISLAMIC SERVICES
(Board of Writing, Translation and Publication)
13/7/1412
19/1/1992
Tehran - IRAN.

al-Mīzān

Volume Eight

Ch. 4 [Surah An-Nisaa], Verses 11-76

CHAPTER 4, VERSES 11 - 14

يُوصِيكُمُ اللَّـهُ فِي أَوْلَادِكُمْ ۖ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِن كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ
ثُلُثَا مَا تَرَكَ ۖ وَإِن كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِن
كَانَ لَهُ وَلَدٌ ۚ فَإِن لَّمْ يَكُن لَّهُ وَلَدٌ وَوَرِثَهُ أَبَوَاهُ فَلِأُمِّهِ الثُّلُثُ ۚ فَإِن كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ ۚ
مِن بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ ۗ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا ۚ
لَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِن لَّمْ فَرِيضَةً مِّنَ اللَّـهِ ۗ إِنَّ اللَّـهَ كَانَ عَلِيمًا حَكِيمًا ﴿١١﴾
يَكُن لَّهُنَّ وَلَدٌ ۚ فَإِن كَانَ لَهُنَّ وَلَدٌ فَلَكُمُ الرُّبُعُ مِمَّا تَرَكْنَ ۚ مِن بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ ۚ
وَلَهُنَّ الرُّبُعُ مِمَّا تَرَكْتُمْ إِن لَّمْ يَكُن لَّكُمْ وَلَدٌ ۚ فَإِن كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكْتُم ۚ مِّن
بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ۗ وَإِن كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوِ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ
مِّنْهُمَا السُّدُسُ ۚ فَإِن كَانُوا أَكْثَرَ مِن ذَٰلِكَ فَهُمْ شُرَكَاءُ فِي الثُّلُثِ ۚ مِن بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ
غَيْرَ مُضَارٍّ ۚ وَصِيَّةً مِّنَ اللَّـهِ ۗ وَاللَّـهُ عَلِيمٌ حَلِيمٌ ﴿١٢﴾ تِلْكَ حُدُودُ اللَّـهِ ۚ وَمَن يُطِعِ اللَّـهَ
وَرَسُولَهُ يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِن تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا ۚ وَذَٰلِكَ الْفَوْزُ الْعَظِيمُ ﴿١٣﴾ وَمَن
يَعْصِ اللَّـهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُّهِينٌ ﴿١٤﴾

Allāh enjoins you concerning your children: The male shall have the equal of the portion of two females; then if they are more than two females, they shall have two-thirds of what (the deceased) has left, and if there is one, she shall have the half; and (as for) his parents, each of them shall have the sixth from what he has left if he has a child, but if he has no child and (only) his two parents inherit him, then his mother shall have the third; but if he has brothers, then his mother shall have the sixth after (the payment of) any bequest he may have bequeathed or a debt; your parents and your children, you know not which of them is the nearer to you in usefulness; an ordinance from Allāh: Surely Allāh is knowing, Wise (11). And you shall have half of what your wives leave if they have no child, but if they have a child, then you shall have a fourth from what they leave after (payment of) any bequest they may have bequeathed or a debt, and they shall have the fourth from what you leave if you have no child, but if you have a child then they shall have the eighth from what you leave after (payment of) a bequest you may have bequeathed or a debt; and if a man or a woman leaves property to be inherited by neither parents nor offspring, and he (or she) has a brother or a sister, then each of them two shall have the sixth, but if they are more than that, they shall be sharers in the third after (payment of) any bequest that may have been bequeathed or a debt that does not harm (others); this is an ordinance from Allāh: and Allāh is Knowing, Forbearing (12). These are Allāh's limits; and whoever obeys Allāh and His Messenger, He will cause him to enter gardens beneath which rivers flow, to abide in them; and this is the great achievement (13). And whoever disobeys Allāh and His Messenger

and goes beyond His limits, He will cause him to enter fire to abide in it, and he shall have an abasing chastisement (14).

* * * * *

COMMENTARY

QUR'ĀN: Allāh enjoins you concerning your children: The male shall have the equal of the portion of two females;: ''al-Īsā' '' and ''at-tawsiyah'' (اَلْاِيْصَآءُ،التَّوْصِيَةُ = to entrust, to enjoin); ar-Rāghib says in Mufradātu 'l-Qur'ān: ''al-Wasiyyah (اَلْوَصِيَّةُ) = to direct someone - with a shade of exhortation - to do something.'' The use of the word alawlād (اَلْاَوْلَادُ = children) instead of al-abnā' (اَلْاَبْنَآءُ = sons) shows that the rule of one or two shares is restricted to the deceased's immediate children. As for the children's children, how low so ever, they should get the share'of their progenitor through whom they are connected to the deceased; thus a son's daughter would get two shares while a daughter's son would be given one share - provided there is no one nearer to take their precedence. Likewise, the offspring of brothers and sisters would get the share of him or her through whom they are connected to the deceased. [All this is inferred from the word, al-awlād whose root word signifies birth.] But the word, al-ibn (اَلْاِبْنُ = son) does not necessarily mean immediate child, as the word, al-ab (اَلْاَبُ = father) may be used in a general sense for other than the immediate progenitor.

As for the divine words at the end of the verse: your parents and your children, you know not which of them is the nearer to you in usefulness, we shall explain later that there is a special consideration which has made the word, al-abnā' (اَلْاَبْنَآءُ = lit. sons) preferrable to al-awlād (اَلْاَوْلَادُ = children).

The expression, ''The male shall have the equal of the portion of two females'', was chosen to point to the nulification of the system prevalent in the era of ignorance whereby women were not given any share in inheritance. This expression takes the females's share as granted and confirmed,and based the male's share on it - that it is double of it. Or let us say that the female's share is treated as the yardstick of legislation and the male's share is fixed with its help. If it were not for this consideration, it could simply be said: the female shall have the half of the male's share; but it would not have given that connotation, and the context would have changed - as you may see. This theme has been mentioned by a scholar and the point seems well-established. The idea is also strengthened by the fact that the verse does not describe explicitly and independently except the women's shares; if and when it explains some of men's shares it is always done as an adjunct to the women's shares, as may be seen in the following verse and in the verse at the end of this chapter.

In short, the statement, ''The male shall have the equal of the portion of two females'', explains the beginning clause ''Allāh enjoins you concerning

your children''. The definite article in ''the male'' and ''the two females'' denotes genes or category, i.e., the category of male is equal in share to the two of the female category. This principle shall be applied when there are males and females among the heirs, as the male shall have twice the share of a female. The verse did not use such expressions as, ''The male shall have equal to two shares of a female'', or, ''double of a female's share''; because the chosen expression explains also the share of two females when they are the only heirs, as will be explained later - and all this with such brevity.

In any case, when there are males and females among the heirs, every male shall have two shares and every female one share - no matter what their number may be.

QUR'ĀN: then if they are more than two females, they shall have two-thirds of what (the deceased) has left,: This sentence, coming after the preceding one, The male shall have the equal of the portion of two females, apparently shows that it is in conjunction with a deleted but understood clause, i.e., 'This law is when there are males and females among the heirs', but if they are more than two females ... Such deletion is common in usage. For example, look at the following two verses:

And complete the hajj and 'umrah for Allāh, but if you are prevented, (send) whatever offering is easy to obtain (2:196).

For a counted number of days; but whosoever among you is sick or on a journey, then (he shall fast) a (like) number of other days (2:184).

The conjunctive personal pronoun hidden in the verb kunna (كُنَّ = they are) refers to the 'children' (in the phrase, ''your children''); the feminine gender has been used to make it agree with the predicate 'females'; the other such pronoun hidden in the verb, ''has left'', refers to 'the deceased', which is understood from the context.

QUR'ĀN: and if there is one, she shall have the half,: The pronoun refers as above to the ''the child'', understood from the context, and its feminine form agrees with the predicate; ''the half'' refers to the half of what the deceased has left - thus the definite article stands for the second construct of the genitive case.

The verse is silent about the share of two females, because it may be understood from the clause: The male shall have the equal of the portion of two females. Let us suppose there is a male and a female heir; according to this verse, the female shall have a third of the estate and the male, the two-thirds - as it is the share of the two females. In other words, two females shall have two-thirds of the inheritance. This much may be inferred from the verse in a general way, but it is not in itself the verse's definitely fixed connotation; there would have been no contradiction if the verse had continued to say, for instance, and if there are two females they shall have a half (or the whole) of the estate. But the verse by its silence about their share confirms the inferred meaning; and the clear statement about the share of the more than two females indicates that that silence is intentional, and not an oversight. Moreover, the fact that they should get two-thirds of inheritance is confirmed by the Prophet's practice, and the said sunnah has continued

uninterrupted since the days of the Prophet till this day, with complete unanimity of the Muslim jurists - except one reported dissent by Ibn ‘Abbās.

This is the best explanation why the two females’ share has not been clearly stated. al-Kulaynī (may Allāh have mercy on him!) has written in al-Kāfī: ‘‘Surely Allāh has appointed the two females’ share as two-thirds; because He says: The male shall have the equal of the portion of two females; so when a man leaves a daughter and a son, the male shall get the equal of the two females’ share, that is, two-thirds; therefore the share of two females is two-thirds. After this, there was no need to say that two females would get two-thirds.’’

The same explanation has been quoted from the exegete, Abū Muslim: ‘‘(The said rule) is inferred from the divine words, The male shall have the equal of the portion of two females. A male with a female gets two-thirds; thus two-thirds shall be the share of two females.’’ But these two explanations are not perfect; they should be completed in the light of what we have written above. Ponder on it.

There are some other explanations given for this verse which are quite unworthy of divine words. For example, someone has written that the words; if they are more than two females, means, two females or more; thus this sentence contains the description of the share of two females as well as of more than two. Another writer has said that the share of two daughters is known by analogy from the law concerning two sisters (coming at the end of the chapter) where it apportions two-thirds to them. There are other similarly ridiculous claims.

QUR’ĀN: and (as for) his parents, each of them shall have the sixth of what he has left if he has a child ... then his mother shall have the **sixth:** The conjunction of parents with the law of the children, shows that the parents are co-sharers with the children and together they constitute one class. The words: ‘‘and (only) his two parents inherit him’’, indicate that they are the only heirs. The words: ‘‘but if he has brothers’’, (coming after the clause: ‘‘but if he has no child and [only] his two parents inherit him’’) show that brothers come into second class, after the class of sons, daughters [and parents], and they would not inherit as long as there is an heir of the first class - but the brothers shall partially exclude the mother from one-third [as it would be reduced to one-sixth].

QUR’ĀN: after (the payment of) any bequest he may have bequeathed or a debt;: Bequest and will has been enjoined by the divine words: Bequest is prescribed for you when death approaches one of you, if he leaves behind wealth ... (2:180). Although in this verse bequest precedes debt, it does not contradict the sunnah which says that debt takes precedence of bequest at the time of paymnet; because sometimes during a talk one mentions less important things first and then progresses towards more important ones. It is done when an important matter, because of its position and strength, does not need as much emphasis as the unimportant one does - and giving precedence in description is one way of emphasizing. Accordingly, the words: ‘‘or a debt’’, put the things in ascending order or importance.

This also shows why ‘‘bequest’’ has been qualified by the words, ‘‘he may have bequeathed’’; it puts further emphasis on it, and also points to the

necessity of showing reverence to the deceased and honouring his wishes when he has made a bequest. Allāh has said: Whoever then alters it [i.e., the bequest] after he has heard it, the sin of it then is only upon those who alter it (2:181).

QUR'ĀN: your parents and your children, you know not which of them is nearer to you in usefulness;: It is addressed to the heirs, that is, the general public, inasmuch as everyone inherits his deceased relatives. The sentence alludes to the reason why the inheritance share of the parents differs from that of the children. It also provides a sort of education to them; that is why they have been addressed with the words: ''you know not''; and such expressions are commonly used by the people.

Had the verse been addressed to other than the heirs, i.e., to the dying people who would, after their death, be inherited by their parents and children, there would have been no reason to say: ''which of them is nearer to you in usefulness''; because apprently usefulness and benefit implies making use of, and benefitting from, the inherited property, and it fits on the heirs, not on the deceased.

The parents have been mentioned before the children; it is a sort of a hint that the parents are nearer in benefit than the children. It is like the verse: Surely the Said and the Marwah are among the signs of Allāh ... (2:158), as we had quoted the tradition that the Prophet had said: ''I begin with what Allāh has begun ...''

From the point of view of relationship and considering the human sentiments, it is a fact that man feels more compassion towards his children than towards his parents. In his eyes, his child's existence is his own - but not so that of his parents. Man's parents have stronger connection with him, when compared to his children's attachment to him. When usefulness is based on this principle, then at the time of dividing an inheritance, man should naturally get, for example, from his father a greater share than he would from inheriting, for example, his son - although it would appear from a superficial glance that the opposite should be the case.

This verse (i.e., your parents and your children, you know not which of them is nearer to you in usefulness) proves that Allāh has based the inheritance law on a creative reality found outside imagination - like other natural Islamic laws.

This principle is also supported by other unrestricted Qur'ānic verses which speak about legislation in general. For instance: Then set your face uprightly for the (right) religion in natural devotion (for the truth); the nature made by Allāh in which He has made men; there is no alteration in the creation of Allāh; that is the right religion (30:30). In presence of such verses, it is unthinkable that the sharī'ah would contain such compulsory and unchangeable rules and laws, without there being to a certain extent basis for them in the creation.

It may possibly be inferred from this verses (your parents and your children ...) that children's children would have precedence over grandfathers and grandmothers; the grandparents will not inherit as long as a child or a child's child [how low so ever] is present.

QUR'ĀN: an ordinance from Allāh ..: Apparently it is in accusative case governed by a deleted verb, e.g., obey, or, hold fast, etc. It has a reinforced emphasis that the described shares are decreed and fixed, and that they cannot be changed.

This verse prescribes the shares of the first class of the heirs, i.e., the children, the father and the mother, with all the variations, either explicitly or implicitly.

Explicitly: Shares of the father and the mother: They get a sixth each if the deceased has a child or children; but in the absence of children, the mother gets either one-third or one-sixth (depending on the details mentioned in the verse);

Share of a single daughter: She gets a half;

Share of several daughters when they are the only children: They get two-thirds;

Shares of sons and daughters when they are together: The male shall have the equal of the share of two females;

And to this is added the share of two daughters, and it is two-thirds, as explained above.

Implicitly: Share of the only son: He shall get the whole property; it is understood when we read the clause: The male shall have the equal of the portion of two females, in conjunction with the clause, and if there is one [daughter], she shall have the half.

Likewise, when he has left only the sons as heirs, they shall share it among themselves equally, because the clause, The male shall have the equal of the portion of two females, indicates that the males shall have equal shares among themselves.

The verse is truly amazing in its comprehensiveness with such brevity.

It should be noted here that the verse with its unrestrictedness shows that there is no difference whatsoever - in matters of inheritance - between the Prophet and the other people. We have seen similar unrestrictedness or generality in the divine words: Men shall have a share of what the parents and the near relatives leaves, and women shall have a share ... (4:7). Someone has opined that the general Qur'ānic declarations are not applicable to the Prophet, because he had announced them himself. But such views are not worth looking at. Of course, there is a dispute between the Sunnīs and the Shī'ahs whether a prophet is inherited by his heirs or whatever he leaves goes to charity. This originates from the tradition which Abū Bakr had narrated in the case of Fadak. This discussion is beyond the scope of this book; therefore we think it better not to go into it here; the reader should consult relevant books for it.[1]

QUR'ĀN: And you shall have half of what your wives leave if they have no child ... after (payment of) any bequest they may have bequeathed or a debt;: The meaning is clear. The half share has been described in possessive case, ''half of what your wives leave''; but the one-fourth share is disconnected; and they shall have the fourth from what you leave; when on such occasions a possessive construct is disjointed, it becomes necessary to complete it with min (مِنْ = from) - either in words or implied and

understood. This min gives the connotation of taking from and beginning; this meaning seems appropriate when the word related to min is a negligible portion of the whole, when it is a small part or ratio of the original, like one-sixth, one-fourth or one-third; but not when it is a larger portion like a half or two-thirds. That is why Allāh has said: sixth from what he has left; the mother shall have the third; you shall have a fourth from what they leave - all this with disjointed possessive. But He has said: half of what your wives leave; two-thirds of what (the deceased) has left - all this in possessive case; also He has said: she shall have the half as the definite article, ‘‘the’’, stands for the second construct of the possessive case, i.e., half of what he has left. [2]

QUR’ĀN: and if a man or a woman leaves property ... and Allāh is Knowing, Forbearing: ‘al-Kalālah’ (اَلْكَلَالَةُ) is in fact a masdar which means to encompass; from it is derived al-iklīl (اَلْاِكلِيْلُ = icrown) because it encircles the head; also al-kull (اَلْكُلُّ = whole, all, total) comes from it because it encompasses its parts; another derivative is al-kall (اَلْكَلُّ = to be tired, dull); it implies a sort of wearisome encompassing against the one on whom he depends. ar-Rāghib says: ‘‘al-Kalālah is an heir other than the child and the father.’’ Again he says: ‘‘It has been narrated that the Prophet was asked about al-kalālah. He said: ‘He who dies and does not leave behind a child or a parent.’ Thus he (the Prophet) has taken it as an attribute of the deceased; and both explanations are correct, because al-kalalāh is a masdar which encompasses the inheritor and the inherited, both.’’

The author says: In that case, it is possible to treat ‘kāna’ (كانَ = was - it is not included in the translation of the verse,) as an auxiliary verb, and ‘‘a man’’, as its subject, with ‘‘to be inherited’’, as an adjectival phrase related to the said subject, and al-kalālah as its predicate. Then the meaning will be as follows: and if a man or a woman who is to be inherited is neither a parent nor an offspring of the heir.

Also, we may take kāna (was) as a perfect verb, with, ‘‘a man or a woman to be inherited’’, as its subject, and kalālah as a masdar used as a circumstantial clause. The meaning again will be the same: that the deceased is neither a parent nor an offspring of the heirs. az-Zajjāj has reportedly said: According to those who have recited yūrithu (يُوْرِثُ = makes someone his heir), kalālah will be the object; and according to those who recite yūrathu (يُوْرَثُ = is inherited by), kalālah is a subjective, being a circumstantial clause.

The clause, that does not harm (others), also is a subjective and a circumstantial clause. al-Mudārrah (اَلْمُضَارَّةُ = to harm, to impair).

Obviously, it forbids the dying person to harm the heirs through the debt;

he should not indulge in borrowing with intention of harming the heirs and depriving them of inheritance. Another interpretation: He should not harm their interest by bequeathing more than one-third of his property.

QUR'ĀN: These are Allāh's limits, ... And whoever disobeys ... he shall have an abasing chastisement: al-Hadd (اَلْحَدُّ) means a barrier between two things which prevents their mixing together and keeps their mutual distinction and differentiation intact, like the limit or boundary of a house or a garden. The word, as used here, refers to the inheritance laws and the decreed shares. Allāh has shown their utmost importance by describing, in these two verses, the reward of obeying Allāh and His Messenger in this respect, and the abasing everlasting chastisement for him who disobeys Allāh and His Messenger.

A GENERAL DISCOURSE ON INHERITANCE

These two verses: Allāh enjoins you concerning your children ... Allāh is Knowing, Forbearing; together with the verse at the end of the chapter: They ask you for a decision of the law. Say: ''Allāh gives you a decision concerning the person who has neither parents nor offspring ... '' [4:176], in conjunction with the previously explained verse: Men shall have a share of what the parents and the near relatives leave ... [4:7] and the verse: and the possessors of relationship have the better claim in the ordinance of Allāh to inheritance ... (33:6; 8:75), give the fundamental Qur'ānic principles of inheritance in Islam; and the traditions provide the explanations in clearest terms.

The principles, which are inferred from them and form the basis of detailed laws, are as follows:

1. The principle already explained under the verse: your parents and your children, you know not which of them is the nearer to you in usefulness. It shows clearly that nearness and distance from the deceased has effect on inheritance. Also, this sentence, read in conjunction with the rest of the verse, shows that this matter affects the share of inheritance - whether the heir would get a larger or smaller portion. When it is read togther with the divine words: and the possessors of relationship have the better claim ... to inheritance, it guides us to the principle that a nearer relative debars a remoter one from inheritance.

The nearest of all to the deceased are his father, mother, son and daughter, because their relationship with the deceased is direct; there is no intermediary between him and them. The son and the daughter debar the grandchildren from inheritance, because the grandchildren are related to the deceased through the children. Of course, if there is no child, then grandchildren will take their place.

Then comes the second class of heirs, i.e., the deceased's brothers, sisters, grandfathers and grandmothers; they are related to him through one intermediary link only, i.e., through his father or mother. [If there is no brother or sister, then] their children will take the place of their father or mother. Every nearer generation will debar the remoter one, as explained above.

After that comes the third class of the heirs. They are the deceased's paternal uncles and aunts and maternal uncles and aunts. There are two intermediary links between them and him, i.e., a parent and a grandparent. The other details are the same as above.

The principles of nearness and remotness also shows that an heir having a double relationship will debar the one having a single relationship. For example, a consanguine brother or sister debars an agnate brother or sister, although an uterine brother or sister is not debarred.[3]

2. There is found another type of precedence or sequence among the heirs from another angle. Sometimes various shares combine in such a way that their sum-total exceeds the original. Now there are some heirs whose share has been reduced to another fixed ratio in case of such ‘‘crowding’’; for example, husband’s share is a half, but when he is joined by a child, his share is reduced to one-fourth; the same thing happens to the wife with her one-fourth and one-eighth. Likewise, mother is allotted a third, but in case of there being a child or brothers, her share is reduced to one-sixth; but father’s share remains the same - one-sixth - whether there is a child or not.

On the other hand, there are heirs whose share has been fixed, but nothing has been said about it in case of ‘‘crowding’’. For example, one daughter or sister, and two or more daughters or sisters have been given a half and two-thirds, respectively, but nothing has been said concerning them when the heirs seem to crowd together.

It is inferred from this difference in approach that the former heirs are not to suffer any further loss in cases where the sum-total of shares exceeds the original; the loss, whatsoever, shall be borne by the latter heirs who have been allotted any reduced fixed share for such contingency.

3. Sometimes shares exceed the original [as mentioned just above]; for example, let us say, there is the husband and two or more consanguine sisters; their shares are a half and two-thirds respectively, [but 1/2 + 2/3 = 1.1/6] i.e., more than the original [because the total of all shares should come to ‘one’ only]. Likewise, if the deceased has left her father, mother, two daughters and husband, their shares will exceed the original, because it will be 1 /6 + 1 /6 + 2/3 + 1 /4 [with a sum-total of 1.1/4].

On the other hand sometimes the property exceeds the shares. For example, if there is only a daughter [who shall get a half] or only two daughters [with a share of two-thirds; leaving another half or one-third un-allotted, respectively].

The traditions narrated from the Imāms of Ahlu ’l-bayt (a.s.) which explain and expound the Divine Book - clearly say that in former cases, when the shares exceed the original, the loss shall be borne by those heirs who have been allotted only a single share, and they are the daughter/s and sister/s, but not the mother or husband whose shares have been fixed - albeit on a reduced scale - for the changed conditions too. Likewise if the property exceeds the shares, the excess shall be returned to only those heirs who are expected to bear the loss in the former example. For example, if there is a father and a daughter, then the father shall get his one-sixth, and the daughter her one-half by allotment; and also she shall be given the remaining one-third by return, [thus she shall get five-sixths of the property].

‘Umar ibn al-Khattāb, during his reign, started the system of al-‘awl (اَلْعَوْلُ = to provide, to deviate; in Islamic law it refers to the system by which

all the shares are proportionately reduced in case they exceed the original); and people in early days of Islam resorted to at-ta'sīb (اَلتَّعْصِيْبُ = to wrap around; in Islamic law it refers to the system by which agnate relatives were given preference). We shall write about these two systems under the coming ''Traditions''.

4. On pondering on the shares of men and women in inheritance, we find that on the whole a woman's share is less than that of a man - except in the shares allotted to the parents. A mother's share sometimes exceeds that of the father. The mother has been given equal to, or more than, the father's share: it is probably because, in the eyes of Islam, she is more strongly attached to her child, and she undergoes a lot of troubles and hardships during pregnancy and delivery, as well as in looking after the child and bringing him up. Allāh says: We have enjoined on man doing of good to his parents; with trouble did his mother bear him and with trouble did she bring him forth; and the bearing of him and the weaning of him was thirty months (46:15). The fact that her share - instead of being half of man's portion - is equal to, and sometimes double of, the father's share, gives precedence to her without any doubt.

However, the question arises why man's share in general has been fixed as double of that of woman. Two factors have been kept in view concerning this matter: Man's excellence over woman in rationally managing the affairs of life; and his responsibility to maintain the woman and spend on her. Allāh says: Men are the maintainers of women because of that with which Allāh has made some of them to excel the others and because of what they spend out of their property (4:35). ''al-Qawwām'' (اَلْقَوَّامُ = translated here as maintainer) is derived from al-qiyām (اَلْقِيَامُ = to stand up) which refers to management of livelihood; the excellence points to man's superiority in rational thinking. Man's is a life dominated by intellect while that of woman is run by emotions and sentiments. It is much better and more proper to leave financial affairs in the hand of a thinking and contemplating person than to an emotional and sentimental being. If we look at all the wealth found in the world - which is to pass from the present generation to the next one - and consider this Islamic arrangement, we should find that two-thirds of this wealth would come under the authority and management of men, and the remaining one-third would be managed and administered by women. In this way the intellectual management will dominate the sentimental administration; the society will reap its benefits, and life will be happier and more worthy of living.

The deficiency in woman's share has nevertheless been made up in an amazing way. Allāh has enjoined man to treat his woman with justice and equity. Man accordingly is expected to treat her as an equal partner in his two-thirds. In other words, the woman would have the benefit and usufruct of [another one-third, i.e.,] a half of the two-thirds which man has got, and it would be in addition to her own one-third.

The net result of this marvellous ordinance is that man and woman have inverse relation in the spheres of possession and usufruct: Man owns two-

thirds of the world's wealth but uses only one-third; while woman, who owns only a third of that wealth, has usufruct of two-thirds. As mentioned above, consideration has been given to predominance of contemplation and intellect over emotion and sentiment in man (and financial management, saving, exchange, production and investment are more germane to rational thinking than to emotion) and to primacy of sentiment over intellect in woman (and that is more relevant to making use of, and benefiting from, a property). This is the underlying reason why Islam has differentiated between men and women in matters of inheritance and maintenance.

Obviously, it is this natural pre-eminence in man of intellect and rationality and his superiority over woman in this field which Allāh has described in His speech as excellence: Men are the maintainers of women because of that with which Allāh has made some of them to excel the others (4:34). Apparently it does not refer to men's superiority in strength, hardiness and intrepidity. Admittedly, roughness and hardiness is a distinguishing feature of man, and many great things in society depend on it, like defence, security, hard labour, endurance of hardships and afflictions, and steadfastness and composure in face of commotion and horror. These are essential aspects of life which nature has not equipped women for. It has equipped them instead with opposite qualities, i.e., delicate emotions and benevolent sentiments - which no society can flourish without. These are essential factors of life which give rise to love and affection, mercy and kindness; they enable the woman to bear the burdens of pregnancy and delivery; and create in her a natural inclination for bringing up the children and looking after them; and it is this quality which makes them pre-eminently suitable for nursing and house-keeping. Humanity cannot progress with roughness and hardiness alone, it also needs softness and kindness; mankind will be incomplete if its anger is not balanced with desire. World's affairs are not run by repulsion if it is not counterpoised with attraction.

In short, these two qualities maintain an equilibrium between man and woman and keep the scales of life well-balanced in a society which necessarily is constituted of both sexes. Far be it from Allāh to commit injustice in His speech, action or judgment: Or do they fear that Allāh and His Messenger will act wrongfully towards them? (24:50); and your Lord does not deal unjustly with any one (18:49). He Himself has said [about men and women]: the one of you being from the other (3:195); and it is to this mutual complementariness and interlocking existence that Allāh refers in His words: because of that with which Allāh has made some of them excel the others.

He has also said: And one of His signs is that He created you from dust, then lo! you are mortals (who) scatter. And one of His signs is that He created mates for you from yourselves that you may find rest in them, and He put between you love and compassion; most surely there are signs in this for a people who reflect (30:20 - 21). Ponder on the marvellous description the verses contain. Mortal (i.e., man - as it stands parallel to the ''mates'', i.e., women) scatters, i.e., goes here and there to earn his livelihood; he it is who is made responsible to gather and obtain all necessities of life with his

strength and hard labour - even leading to conflicts, forays and wars. Nevertheless, if this scattering were the only characteristics of mankind, the whole human race would have been devided between the attackers and the attacked, the pursuers and the pursued. But Allāh created women and equipped them with qualities which men find comforting. He puts between them love and compassion. They attract the men with their beauty and glamour, love and kindness. Thus the women are the premier cause and the basic agent for bringing the civilization into being.

That is why Islam has made the domestic life, i.e., marriage, the basis of society. Allāh says: O people! surely We have created you of a male and female, and made you nations and tribes that you may recognize each other; surely the most honourable of you with Allāh is the one among you who guards (himself) most (against evil) (49:13). See how the verse first describes the marriage of male and female, and goes to the spreading of human race, and then proceeds to the larger society made of tribes and nations.

The end of the verse shows that the detail given in the verse: Men are the maintainers of women because of that with which Allāh has made some of them to excel the others ..., looks at equipping both sexes with faculties and characteristics necessary for managing the affairs of the worldly life in the best possible way, and which may keep the society in the best condition. Obviously, the ‘‘excellence’’ mentioned in the above verse does not mean the real superiority and honour in Islam, which denotes nearness to Allāh. Islam in reality does not care about material amplitude or temporal or bodily strength which can be useful in the physical life only - these things are mere tools which have to be used to receive spiritual favours from Allāh.

The above discourse makes it abundantly clear that men have been given excellence over women in their intellectual power, and this difference has led to the difference in inheritance and other similar matters; but this ‘‘excellence’’ means only increase [in intellectual power]. As for the excellence in the meaning of honour before Allāh - which is the main concern of Islam - it entirely depends on piety and fear of Allāh, wherever it is found [be it in a man or a woman].

TRADITIONS

‘Abd ibn Hamīd, al-Bukhārī, Muslim, Abū Dāwūd, at-Tirmidhī, an-Nasā’ī, Ibn Mājah, Ibn Jarīr, Ibnu ’l-Mundhir, Ibn Abī Hātim and al-Bayhaqī (in his as-Sunan) have narrated from Jābir ibn ‘Abdillāh, that he said: ‘‘The Messenger of Allāh (s.a.w.a.) and Abū Bakr came walking to visit me (in my illness) in Banū Salamah. The Prophet found me unconscious; so he called for some water and made ablution with it; then he sprinkled (it) on me, and I gained consciousness. So I said: ‘What do you order me to do with my property? O Messenger of Allāh!’ Then (the verse) came down: Allāh enjoins you concerning your children: The male shall have the equal of the portion of two females.’’ (ad-Durru ’l-manthūr)

The author says: It has been repeatedly mentioned that it is possible for several ‘‘reasons of revelation’’ (which have been narrated to us) to combine in respect of one verse; nor is there any difficulty if the verse goes beyond the scope of those specific reasons; also possibly an event might

have coincided with the revelation and the theme of the verse corresponded with that happening. Therefore, there is no difficulty in the above tradition because of Jābir's report that he had asked: ''What do you order me to do with my property? O Messenger of Allāh!'', and then this verse was revealed. We should not worry how Jābir could have asked that question when the division of inheritance was not his responsibility.

Even more strange is another tradition narrated in the same book through 'Abd ibn Hamīd and al-Hākim from Jābir that he said: ''The Messenger of Allāh (s.a.w.a.) used to visit me when I was sick. So I said: 'How should I divide my property among my children?' But he did not give me any reply; and then the verse was revealed: Allāh enjoins you concerning your children ...''

Ibn Jarīr and Ibn Abī Hātim have narrated from as-Suddī that he said: ''The people of (the era of) ignorance did not give inheritance to the girls, nor to weak boys. Only that man inherited his father who had strength to (participate in) war. Then 'Abdu 'r-Rahmān, brother of the poet Hassān, died, leaving a wife, named Umm Kuhhah, and five girls. (Other) heirs came and took away the inheritance. Umm Kuhhah complained to the Prophet about it. Then Allāh revealed this verse: then if there are more than two females, they shall have two-thirds of what (the deceased) has left, and if there is one, she shall have the half; then it was revealed about Umm Kuhhah: and they shall have the fourth from what you leave if you have no child, but if you have a child then they shall have the eighth from what you leave ...'' (ibid)

The same two scholars of tradition have narrated from Ibn 'Abbās that he said: ''When the verse of shares [of inheritance] was revealed, in which Allāh ordained what He ordained [of the shares] for male and female child and (for) parents, people (or, some of them) disliked it and said: '(How is it that) woman is given one-fourth or one-eighth, and daughter gets a half, and a small child is given (his share), while none of them can fight the people, nor can he gather booty?' They used that (system) in the (era of) ignorance: They did not give inheritance except to him who could fight the people; and they gave it to the eldest, then elder [and so on].'' (ibid.)

The author says: at-Ta'sīb (اَلتَّعْصِيْبُ = agnacy) was a part of that system of ignorance. They gave the inheritance to the agnates of father if the deceased had not left a big son capable of fighting. The Sunnīs follow the same system in the excess property which is left after giving the prescribed shares. Perhaps something may be found about it in their traditions; but the traditions coming from the Ahlu 'l-bayt (a.s.) totally reject this theory and say that the excess property shall be returned to those heirs who at other times bear the loss, and they are children, consanguine or agnate brothers and in some cases, the father. As mentioned earlier, the verses in their connotation agree with this verdict.[4]

First:Second:a1-Hākim and al-Bayhaqī have narrated from Ibn 'Abbās that he said: ''The first person to introduce the system of al-'awl (= to reduce all shares proportionately) was 'Umar. The shares crowded over and began pushing each other aside. So he said: 'By Allāh! I do not know what

to do with you. By Allāh! I do not understand which of you Allāh has given precedence to, and which of you He has deferred. And I do not find for this property anything better than this: that I should divide it among you proportionately.' '' Then Ibn 'Abbās said: ''By Allāh! if he had given precedence to him whom Allāh had given precedence, and put behind the one whom Allāh had put behind, there would have been no need for proportionate reduction of shares.'' He was asked: ''And which of them has been given priority by Allāh?'' He said: ''Every share which Allāh has not brought down from a prescribed share but to (another) prescribed share, then that is which has been given precedence by Allāh; and every share that - when it leaves its (original) position - does not get except the residue, then it is (the share) which Allāh has put behind. Thus the share that is given precedence is like that of husband, wife and mother; and that which is put behind is like that of sisters and daughters. Therefore, if there gather together those who have been given precedence by Allāh and those who have been placed behind, the division should begin with those having precedence, and he shall be given his complete share; then if something remains (of the property) it shall be for those [who have been placed behind] and if nothing is left they shall get nothing.'' (ad-Durru 'l-manthūr)

Sa'īd ibn Mansūr narrated from Ibn 'Abbās that he said: ''Do you suppose that He Who knows the number of the sands of the valley, 'Alij, has prescribed in the property one half, plus one-third plus one-fourth?'' (ibid.)

'Atā' says: ''I said to Ibn 'Abbās: 'People do not follow my word or your word; and when you and I shall be dead, they will not divide the inheritance according to your verdict.' He replied: 'Then let them gather, and then we (i.e., both parties) should put our hands on the rukn (of the Ka'bah), then we should earnestly pray and put the curse of Allāh on the liars. Allāh has not ordered that which they say.' '' (ibid.)

The author says: This theme has been narrated from Ibn 'Abbās also through the Shī'ī chains, as is quoted below.

az-Zuhrī quotes 'Ubaydullāh ibn 'Abdillāh ibn 'Utbah as saying: ''I was sitting with Ibn 'Abbās when the talk turned towards description of inheritance-shares. Ibn 'Abbās said: 'Allāh, the Great, be praised! Do you think that He Who knows the number of the sands of (the valley) 'Alij, has appointed one-half plus one-third in a property? Well, these two halves have finished the whole property; now where is the slot of the (remaining) one-third?' Zufar ibn Aws al-Basrī then asked him: 'O Abu 'l-'Abbās! Who was then the first to reduce these shares?' He said: ''Umar ibn al-Khattāb. When several shares gathered near him, pushing each other, he said: ''By Allāh! I do not know which of you Allāh has given precedence to, and which of you He has deferred. And I do not find anything more accommodating than this: that I should divide this property among you proportionately, and let every right-owner get his right.'' In this way he introduced the proportionate reduction of shares. By Allāh! if he had given precedence to him whom Allāh had given precedence to, and put behind whom Allāh had put behind, there would be no need for proportionate reduction of shares.' Zufar ibn Aws asked him: 'And which of them has He given precedence to, and which

has He kept behind?' He said: 'Every share which Allāh has not brought down from a prescribed share but to another prescribed share, that is which Allāh has given precedence to. And as for that which Allāh has kept behind, it is every share that - when it leaves its (original) place - does not get except the residue, it is (the share) which Allāh has put behind. As for that which has been given precedence, [it is these]: the husband gets a half, but if a situation arises to bring his share down, he comes to one-fourth, nothing removes him from there; and the wife receives one-fourth, but when she comes down to one-eighth, nothing removes her from there; and the mother is allotted one-third, but when she moves from it, she goes to one-sixth, and nothing removes her from it. These are therefore the shares which Allāh has given precedence to. As for that which He has kept behind, it is the share of the daughters and sisters - they are entitled to one-half or two-thirds, and when [other] shares remove them from it, they do not get except what is left, so these are whom Allāh has kept behind. When there gather together those whom Allāh has given preference and those whom He has kept behind, it (i.e., the division) will begin with those whom Allāh has given precedence, and he shall be given his full share; then if something remains, it will be for him who has been kept behind; and if nothing is left, he shall get nothing.' Then Zufar said to him: 'Then what prevented you from offering this opinion to 'Umar?' He said: 'His dread.' '' (al-Kāfī)

The author says: 'Alī (a.s.) had rejected the theory of proportionate reduction of share, long before Ibn 'Abbās did so. And it is the madhhab of the Imāms of Ahlu 'l-bayt (a.s.) as is described below:

al-Bāqir (a.s.) said, inter alia, in a hadīth: ''The Leader of the faithful (a.s.) used to say: 'Most surely, He Who knows the number of the sands of 'Alij, (also) knows that the shares should not be deviated (i.e., reduced) from six; had you looked at its (proper) direction, it would not be more than six.' '' (ibid.)

The author says: It is written in as-Sihāh: '' 'Alij is a place in a valley with sands.'' The Imām's words, ''the shares should not be deviated from six'', means that no share could deviate in a way to change the six prescribed portions to some other portion. The six shares, explicitly mentioned in the Qur'ān are as follows: a half, one-third, two-thirds, one-fourth, one-sixth and one-eighth.

as-Sādiq (a.s.) said: ''The Leader of the faithful (a.s.) said: 'All praise is due to Allāh; there is none to let precede what He has set behind, and none to set behind what He has let precede.' Then he struck his one hand with the other and again said: 'O nation (that is) bewildered after its Prophet! If you had let that precede which Allāh had given precedence to, and kept behind that which Allāh had set behind; and had put authority and inheritance where Allāh had put it, no friend of Allāh would have remained in poverty, and no share from Allāh's ordained shares would have decreased, nor two people would have differed in Allāh's commandment; and the ummah has not disputed about any command of Allāh but that 'Alī has its knowledge from the Book of Allāh. So (now) taste evil consequences of your affair and of your inordinateness in that which your hands have sent before; and Allāh

is not unjust to the servants; and they who act unjustly shall soon know to what final place of turning they shall turn back.' '' (ibid.)

The author says: A further explanation of how some heirs' shares are decreased is given below:

The shares, according to the Qur'ān, are six: a half, two-thirds, one-third, one-sixth, one-fourth and one-eighth. Sometimes these shares gather together in a way it creates problem. For in-stance, in the first class of heirs, there may exist a daughter, father, mother and husband.

Their respective shares are a half, two-sixths and one-fourth - the total [1.1/12] exceeds the original property [which is 'one']. Likewise, if there are two daughters, both parents and husband, their shares, two-thirds, two-sixths, and one-fourth [total = 11/4] exceed the original. In the same way, in the second class of heirs, there may exist together a sister, a paternal and a maternal grandfather, and a wife; and their shares, a half, one-third, one-sixth and one-fourth [total = 11/4] would exceed the original. Or, if there are two sisters, two grand-fathers and a husband, their shares - two-thirds, one-third, one-sixth and a half [total = 1.2/3] - would far exceed the original.

If we reduce all the shares proportionately, it would be al-'awl. On the other hand, if we leave the shares of parents, husband, wife and uterine relatives (i.e., one-third, one-sixth, a half, one-fourth and one-eighth) intact - because Allāh has explicitly prescribed them and has not left them un-explained in any eventuality - then the deficiency will always fall on the shares of one or more daughters, and one or more consanguine or agnate sisters, and on the shares of male and female children - when there is one or more, for the reason explained earlier.

As for ''returning'' to the latter group the property left after distribution of prescribed shares, the reader should consult books of hadīth and jurisprudence.

al-Hākim and al-Bayhaqī (in his as-Sunan) have narrated about Zayd ibn Thabit that he used to partially exclude mother [i.e., reduced her share from one-third to one-sixth] if the deceased had left two brothers. People said to him: ''O Abū Sa'īd! surely Allāh says: and if he has brothers ... [and plural in Arabic indicates at least three], and you are partially excluding her by [only] two brothers?'' He said: ''Verily the Arabs call two brothers al-ikhwah (اَلْإِخْوَةُ = brothers [in plural]).'' (ad- Durru 'l-manthūr)

The author says: The same theme is narrated from the Imāms of Ahlu 'l-bayt (a.s.); although it is generally said that al-ikhwah is plural of al-akh (اَلْأَخُ = brother) and plural is not used for less than three.

as-Sādiq (a.s.) said: ''The mother is not partially excluded from one-third except by (presence of) two consanguine of agnate brothers or four consanguine or agnate sisters.'' (al-Kāfī)

The author says: There are many traditions of the same theme. As for uterine brothers, they are connected to the deceased through the mother who by her presence debars them from inharitance. It is narrated in the traditions of both the Shī'īs and the Sunnīs that the brothers partially exclude the mother, but they themselves do not get any share in inheritance because of the presence of the parents who have precedence over them in class. Thus

the law, that the brothers partially exclude the mother while they themselves do not inherit anything, has been laid down keeping in view the position of the father - because the excess portion shall be returned to him. That is why the uterine brothers do not partially exclude the mother, because they are not the father's dependants.

The Leader of the faithful (a.s.) said regarding the clause, after (the payment of) any bequest he may have bequeathed or debt: ''Surely you recite in this verse the bequest before the debt, but the Messenger of Allāh (s.a.w.a.) has decreed (to pay) the debt before the bequest.'' (Majma'u 'l-bayān)

The author says: This tradition has also been narrated by as-Suyūtī in ad-Durru 'l-manthūr from several traditionalists and exegetes.

as-Sādiq (a.s.) explained al-kalālah in these terms: ''Other than parent and child.'' (al-Kāfī)

The same Imām (a.s.) says about the clause: and if a man or a woman leaves property to be inherited by neither parents nor offspring, that Allāh has meant by it specifically the uterine brothers and sisters. (ibid.)

The author says: There are numerous traditions of this theme and the Sunnīs too have narrated them. The number of such traditions reaches near to mutawātir. These traditions also say that the law regarding consanguine and agnate al-kalālah is mentioned in the last verse of the chapter which says: They ask you for a decision of the law. Say: ''Allāh gives you a decision concerning the person who has neither parents nor offspring ... [4:176].

It is a further proof of this explanation that the shares allotted to those relatives in that last verse exceeds the shares mentioned in this verse by double or even more. We know from the context and the above-mentioned verses that Allāh has made a male's share generally equal to that of two females - as far as possible. Relatives other than parents and children are connected with the deceased either through father and mother both, or through father or through mother alone. Naturally, the difference maintained between father and mother will be carried over to those relatives too, because they are connected through them. In other words, the consanguine or agnate relatives will get a larger share than the uterine relatives. It leads us to the above-mentioned conclusion that the verse giving smaller shares speaks about the uterine relatives and that prescribing larger shares about the consanguine or agnate relatives.

Muhammad ibn Sinān has narrated that Abu 'l-Hasan ar-Ridā (a.s.) wrote in reply to his questions, inter alia: ''The reason why women are given half of men's share in inheritance: It is because when a woman marries she receives (the dowry) and it is the man who pays; that is why men have been given more. Another reason why male is given twice of what female gets: It is because female is a dependant of male if she is in need; the male is obliged to maintain her and he is responsible for her sustenance; the woman is not liable to maintain the man nor is she held responsible to give his sustenance if he is in need; that is why men have been given more; and that is the word of Allāh: Men are the maintainers of women because of that

with which Allāh has made some of them to excel the others and because of what they spend out of their property.'' (Ma'āni 'l-akhbār)

al-Ahwal said: ''Ibn Abi 'l-'Awjā' said: 'Why is it that a poor weak woman takes one share and men take two shares?' Some of our companions mentioned this to Abū 'Abdillāh (a.s.) and he said: 'Verily, there is no jihād on woman, nor maintenance nor blood-money, (all) this is on men, that is why woman was allotted one share and man two shares.' '' (al-Kāfī)

The author says: There are very many traditions of this import, and we have shown that the Qur'ān too shows the same thing.

AN ACADEMIC ESSAY ON INHERITANCE

1. How Inheritance Began

Inheritance - taking possession, by some living persons, of the property left by the deceased - is one of the most ancient traditions of human society. It is impossible to find out from the available histories of nations and countries when this custom began - not unexpectedly it is hidden in the mist of antiquity. We understand by pondering on man's social nature that man yearns to get a property - and especially if it is not in any one's hand - longing to use it for his needs. It is one of his primary and most encient customs to gain control of a property, especially if there is none to stop him. Also man, be he primitive or civilized, cannot be oblivious of the notion of nearness and close association (which give rise to the concept of being nearer and closer in relationship) between various members of society. It is this concept which has led to establishment of home, family, clan and tribe, etc. Inevitably, in a society some persons will be nearer to one another than the rest, like a child to his parents, a relative to another relative, one friend to another, a master to his slave, husband and wife to each other and a head to his followers; even a powerful person to a weak one - although different societies have different concepts and standards for identifying this nearness, a difference which it is almost impossible to record.

These two factors make us believe that inheritance is a custom prevalent in human beings since the earliest days of society.

2. Gradual Development of Inheritance

This system, like all other social traditions, was intermittently changing from one position to another; evolution and gradual development playing a hand in it since its first appearance. But the primitive society was never well-organized and consequently no historical record can be found to give us a reliable picture of its gradual development.

Nevertheless, it is certain that they did not give any share to women and weak persons; inheritance was exclusively reserved for strong males. It was only because in their eyes, women and weak persons (like slaves and small children) were in the same category as that of tamed animals and merchandise - these things are always used by man without themselves getting any benefit from man or his property, nor are they entitled to the social rights that are accorded to the human race.

However, the connotation of 'strong' varied from time to time. Sometimes it meant head of the community or clan; at other times, it was

head of the family; occasionally, it implied the bravest of the community. Such changes naturally meant fundamental alterations in inheritance rules.

Those customs prevalent from time to time were devoid of the bliss and felicity which human nature aspires for; and consequently each was altered [or discarded] before long. Even civilized nations which were governed by legal codes or some well-established tribal laws, like Rome and Greece, went the same way. Uptil now no inheritance law prevalent in any community or nation has stood the test of time and remained alive as long as the Islamic inheritance law has - it has ruled over the Muslim nations from the day it was ordained to this day, foraboutfourteen centuries.

3. Inheritance in Civilized Nations

The Romans had a peculiar social theory: A house was a selfcontained social entity, independent of the greater society; its members were beyond the jurisdiction of the government.in all their social rights; the house had its own rules and regulations and [consequently] its own system of reward and punishment, and so on. The head of the family was the deity of his family - of his wife, children, slaves and dependants. He was their absolute owner - no other person owned anything as long as he remained a member of the house. The head had total power over them and managed their affairs by his absolute authority. He in his turn worshipped his predecessor - the previous head of the family.

Whatever property there was, it was inherited by the house. Suppose a son died leaving some property (which he had earned and owned with permission of the family-head), or a daughter expired leaving what she had been given possession of (as dowry, etc.) with permission of the family-head, or some other relative died - in all such cases the property was inherited by the head of the family, because it was the inevitable consequence of his godship and absolute ownership of the house and its members.

When the head of the family died, one of his sons or brothers inherited him - who could do so. When several sons inherited him, then if they separated and established new houses, each became the deity of his house. But if they continued to live in the old house, their position vis-a-vis the new deity (their brother, for example) would be the same that was under their late father - all would come under the authority and absolute guardianship of the new deity.

Adopted sons had the right to inherit him; the system of adoption was prevalent among them just like the pre-Islamic Arabs. As for women (like wife, daughter and mother), they were not given any share of inheritance - lest the property of the house be transferred to another house if they changed residence on marriage; for it was not lawful to transfer a property from one house to another. It is probably this concept which someone had in mind when he said that they believed in society’s communal ownership, not in private or personal one. But I think that it was based on something other than socialistic ownership. Even primitive barbaric communities, since early dawn of humanity, prevented other tribal groups to share or encroach in the pasture and fertile lands which they had taken under their hold; they protected it and even fought for it. It was a sort of common public property

which was owned not by individuals but the society. Nevertheless, it was not disallowed for an individual member to reserve a portion of that common property for himself.

It was a valid kind of possession, although they could not keep balance in its management and use. Islam respects such possessorship as we have mentioned earlier. Allāh says: He it is Who created for you all that is in the earth (2:29). Therefore, the human society, i.e., the Islamic society and those who are under its protection, do own the riches of the earth in this sense; thereafter, the Islamic society is the owner of all that it has under its control. That is why Islam does not allow a non-Muslim to inherit from a Muslim.

Even today some nations follow a similar principle and do not allow foreigners to acquire ownership of any land or immovable property, etc., in the country.

As the house, in ancient Rome, had complete independence by itself, this old system had taken root therein like other independent nations and countries.

Now, the Romans followed the above-mentioned inheritance code; and also they did not allow marriage within the prohibited degrees. These two things together obliged them to divide the relationships in two categories: First, the natural relationship, originating from a common blood. On it was based the illegality of marriage within the prohibited degree and its lawfulness outside that cirlcle. Second, the official or legal relationship. On this relationship depended inheritance or disinheritance, maintenance, guardianship and things like that. The sons had both types of relationship-natural and legal - with the head of the family and with each other; but women were recognized only as natural, but not legal, relatives. Consequently, they inherited from none: neither from father nor son, neither from husband nor brother, nor from anyone else. This was the inheritance code of the ancient Rome.

As for Greece, their old custom in establishment of the houses was almost similar to that of the ancient Rome. They gave inheritance to the most mature of the male children; women were totally debarred from it, be they wife, daughter or sister; also small children and others like them were not entitled to any share. But the Greeks, like the Romans, sometimes devised plans to give inheritance to small children or those women - like wives, daughters or sisters - whom they loved and were apprehensive for their welfare; with these devices, like will, etc., they could easily give them a small or large portion of property. We shall speak on it under the ‘‘Will’’.

India, Egypt and China were not different from Rome and Greece in totally excluding the women from inheritance and debarring weaker children from it - or they continued to live under the authority and guardianship of the stronger male heirs.

As mentioned earlier, the Persians allowed polygamy and marriage with women within ‘prohibited degrees’; adoption was legal; the most beloved wife sometimes had a status equal to that of an adopted son and shared the inheritance equally with the son and the adopted son, debarring other wives. A married daughter was not entitled to inheritance, lest the property go out of the family: but an unmarried daughter was given half of a son’s share. In

short, the wives (except the senior-most) and married daughters were debarred, while the senior-most wife, son, adopted son and unmarried daughter shared in the inheritance.

The Arabs gave no share to women or minor sons; the inheritance was taken by the mature sons who could ride a horse and defend the honour (of the family); if there were no such child, the agnatic relatives took away the property.

This was the state of affairs in the world when the verses of inheritance were revealed. These matters are described in detail or mentioned in short in various histories dealing with customs and civilizations of ancient communities, in travelogues, law books and other such writings which may be consulted by anyone who wants more information.

The above description shows, in short, that in those days it was the common practice throughout the world to deprive the women of the inheritance - be it a wife or mother, a daughter or sister. If one wanted to give them a share, one had to devise a plan for it. Also it was an established system to debar small children and orphans - except in some cases where they were taken under other relatives' guardianship - a perpetual guardianship that was never terminated.

4. What Islam did in such a Situation

It has been repeatedly said that according to Islam the correct foundation of rules and laws is the nature on which people have been created - and there is no alteration in the creation of Allāh. Islam has laid down the inheritance on the 'womb' that is, relationship, which is a part of nature and an established creative factor. For the same reason, it has negated the custom of adopted sons' inheritance. Allāh says: ... nor has He made those whom you assert to be your sons your real sons; these are the words of your mouths; and Allāh speaks the truth and He guides to the way. Assert their relationship to their fathers; this is more equitable with Allāh; but if you do not know their fathers, then they are your brethren in faith and your friends (33:4 - 5).

Then it removed the bequest from the general rule of inheritance and gave it an independent legal status, by which a dying person may bestow and a beneficiary may receive - although before that even bequest was called inheritance. But in Islam it is not just a nominal difference; there are two separate principles governing the inheritance and the will or bequest, respectively, with an independent natural basis for each. The factor that governs inheritance is relationship, and the deceased's wish or will does not effect it at all; while the basis of bequest is in compliance with the deceased's wish after his death (you may say, at the time of his bequeathing) in the property he owned when he was alive; implementation of bequest shows. respect to the deceased's wish. If one included the will under the heading of inheritance, it would be merely in name, not in reality.

What the people, like the ancient Romans, called inheritance did not take into consideration the two factors of relationship and respect to the deceased's wishes. It was only based on the deceased's desire to prevent the transfer of property to another house; the intention was to keep it in the hands of the head of the family, (i.e., its deity); or on his desire to transfer it

to someone he loved and was apprehensive of his welfare. In any case, it only looked at the deceased's desires. Had it been founded on relationship and common blood, many of those who were deprived would have shared in inheritance.

After that, Islam turned its attention to the inheritance. In its eyes, there are two basic factors affecting it:

[**First:**] The factor of relationship. It is the common bond that unites a man to his relatives. There is no difference in this respect between a male and a female, nor between an adult and a minor (or even a foetus in the womb). Nevertheless, various relationships have different effects; some get priority, others are kept behind, some prevent the others from inheriting. All this is related to the strength of a relationship, which in its turn depends on a relative's nearness or distance from the deceased - whether his relationship with the deceased is direct or through some intermediaries, and whether there are less or more intermidiate links, for instance, son, brother and uncle. This principle bestows the right of inheritance on the relatives, and at the same time establishes different classes of the heirs according to their nearness or distance from the deceased.

[**Second:**] The factor of natural difference between male and female. It creates difference in their respective capabilities, as one group is more equipped with intellect while the other is more endowed with sentiments. Man by nature is a contemplating human being, while woman is an embodiment of sentiments and emotions. This difference very clearly affects their lives as far as management of property and its usufruct are concerned. This factor has led to the difference in the shares of men and women - even when they happen to be in the same class, like son and daughter, or brother and sister, as we shall explain below.

The first factor has led to grading of heirs in classes according to their nearness or distance from the deceased, keeping in view whether their connection with the deceased is direct or through one or more intermediary links. The first class consists of the heirs related to him directly - without any intermediary. They are son, daughter, father and mother. The second class is of brother, sister, grandfather and grandmother. They are connected to him through one link, that is, either through father, or mother or both. The third class consists of paternal and maternal uncle and aunt. They join the deceased through two intermediate links, that is, through a parent and a grandparent. In every class, children take the place of their parents in their absence and debar the next class.

As for husband and wife, marriage had mingled their blood, and accordingly they share with every class; neither any class debars them, nor they debar any class.

The second factor, that is, the difference between man and woman, has led to the principle of a male getting equal to the share of two females - except in case of the mother and the relatives connected through her.

The laid down shares are six (a half, two-thirds, one-third, one-fourth, one-sixth and one-eighth) although they may occasionally change. Likewise, the property received by an heir may differ at times from his prescribed share because of decrease or 'return'. Also, the share of father

vis-a-vis mother and the relatives connected through her does not conform with the general principle of the male's share being double that of female. Such variations make it difficult to give here a comprehensive description of Islamic inheritance laws. Nevertheless, the whole structure, inasmuch as the preceding generation gives place to the succeeding one, is based on the principle that one spouse is succeeded by the other, and the progenitors (i.e., fathers and mothers) give place to the progeny (i.e., children). And the shares, as decreed by Islam for both groups (spouses and children), give a male double of that allotted a female.

This general review shows that Islam provides for division of the world's wealth in two portions of one-third and two-thirds. The one-third belongs to the female and the two-thirds to the male. This is on the level of possession. But as far as the usufruct is concerned, it is governed by another principle. It says that maintenance of the wife is the husband's responsibility, and that he has to treat her with justice - both should equally share and use the man's wealth for their needs. Also it has given the woman freedom of will and independence of action in the wealth she herself owns - her husband cannot interfere in it. These three factors prove that woman has the right to make use of the two-thirds of the world's resources (one-third her own property plus a half of the two-thirds belonging to man) while man may use only a third.

5. The Position of Women and Orphans in Islam

The orphans do inherit like stronger adult men. They are brought up, and their property continues growing, under their guardians' care, like the father [sic.] and grandfather, or the believers in general, or the Islamic government. When they attain to marriageable age and show the signs of maturity of intellect, their property is handed over to them, and they begin their independent life. It is the most just and equitable system that can be imagined for such cases.

As for women, as described above, from a general point of view they own one-third of the world's wealth and have the usufruct of its two-thirds. They are independent and absolute owners of what belongs to them; they are not put under any guardianship, be it permanent or temporary; and it is no concern of the men what the women do about themselves in a lawful and proper manner.

In Islam woman is recognized as an individual personality equal in every legal aspect to that of man; she has freedom of will and action in every way. Her position is not different from that of men, except as much as is demanded by her especial psychological traits that differ from those of man - that is, hers is a sentimental life while that of man is intellectual. For this reason, man has been given a major share in general wealth, in order that the management based on intellect and contemplation - in the world in general - may outbalance the management based on feelings and sentiments. But the deficiency of her share has been more than made up by giving her overwhelming share in usufruct. Also, she is obliged to obey her husband in conjugal relations, and has been compensated for it with dowry. Likewise she is disqualified from occupying the position of a judge, a ruler or a fighting soldier, as these are the responsibilities that can best be discharged

through contemplation, rather than emotion. This has been balanced by making the men responsible for the women's security and safety, for protection of their honour and dignity. Man bears the burden of earning the livelihood and maintaining the wife, the children and the parents; while woman has been given the right of custody of children - without making it obligatory for her. All these rules have been counter-balanced with other things the women are obliged to do, like wearing hijāb (اَلْحِجَابُ = veil), not mingling with men, looking after the household and bringing up the children.

The question may be asked: Why has Islam not allowed the [women with their] emotions and sentiments to occupy such public offices as defence, judiciary and rulership? Why does it refuse to give these departments into her hands? The answer may be found in the bitter harvest which humanity is reaping in modern days as a result of the domination of sentimentality on thought and contemplation. Just ponder on the great World Wars (the gifts of the modern civilization) and on the conditions prevailing throughout the world; then review them in the light of intellect and emotional feeling; you may then easily see where the temptation springs from and what offers good and sincere advice. And Allāh is the Guide.

Moreover, the civilized nations of the West, since last many centuries, have spared no effort - have rather gone out of their way - to teach and train the girls together with the boys, in order that their potentials of perfection may be turned into reality. Nevertheless, if you look at the Who's Who of politicians and statesmen, legislators and judges, and military leaders and generals (the three above-mentioned fields of gevernment, judiciary and war) you will not find women's names there in any considerable number, nor can their numbers be compared with the hundreds, rather thousands, of men's names. This in itself provides the most telling evidence that women by their nature, are not suitable for training in these fields - which per se require deep contemplation and planning; and the more chance is given to emotions to infiltrate into them, the more frustration and failure follows.

This and other similar observations provide conclusive rebuttal to the well-known theory that the only reason why women lag behind in society is the insufficient training given to them since the earliest days of human history; had they been given good and useful training, then - with their sentimentality and fine feelings - they would have overtaken or gone ahead of the men in all aspects of perfection. But this argument is almost like a selfdefeating syllogism. [The reality is the other way round.] Because it is the women's exclusive - or predominant - attachment to emotional feelings, that has kept them behind in all those fields which demand strong reasoning and domination of thinking over sentiments, like governing and judiciary; and has let the group having these qualities, that is, men, go ahead of them in these professions. Definitive experiments have proved that when a person possesses some psychological traits in strong measures, his/her training in related professions and occupations can be carried out very successfully. It naturally follows that men can be successfully trained in the fields of government and judiciary, and will surpass the women in achieving

perfection in these spheres. On the other hand, the women's training in matters connected with sentiments and feelings can succeed tremendously, as for example in some branches of medical profession, painting, weaving and embroidery, as well as bringing up children, nursing sick persons, decoration, cosmetics and things like that. In other fields both sexes have equal chances of advancement.

Moreover, if, as is claimed, the women's backwardness in the above-mentioned masculine fields is attributed only to chance, it should have, at least for some eras in the long human history, broken down or reversed itself - and they say that mankind is millions of years old. The same applies to those typically feminine activities in which men are behind. Really these are inherent characteristics which are inseparable from human society; and if we start counting these realities as mere casual and chancy affairs - especially when they are in total conformity with inner workings of human physique - then we cannot put our hands on a single characteristic in the whole human world which we could say was natural and intrinsic to man, be it his inclination to social life and society, his love of knowledge, or his curiosity that leads him to discover the hidden secrets of nature, and things like that. These too are inseparable attributes of humanity, and human structure is in complete agreement with these traits and characteristics. That is why we say they are natural attributes.

The same principle applies to women's advancement in luxuries and sentimental affairs and to their backwardness in intellectual matters or the affairs entailing severe hardships and dangers. This too is based on their natural characteristics. The opposite is true in those matters in which men are advanced or behind.

The only thing that remains is the offence that women might take at attribution of perfect intellect to men and of perfect sentimentality and feelings to them (women). But this objection is not tenable. In the eyes of Islam, intellect and sentiments both are valuable divine gifts, ingrained in human nature for truly divine purposes; neither has any excellence over the other. [Neither has any hand in achieving any honoured position before Allāh.] Honour entirely depends on piety. As for other attributes - whatever they may be - they grow and develop only if they proceed on the right path; otherwise they turn into evil burdens, undesirable loads.

6. Modern Inheritance Laws

These laws and codes had got support from, and were influenced by, Islamic laws of inheritance - although they differ from it in quantity (of shares) and mode (of division) as we shall describe here in short. There is a lot of difference between the stand taken by Islam and that of these legislations as far as women's inheritance is concerned.

As for Islam, it had initiated a thing which the world had never known, nor the earlier generations were ever told of by their progenitors; while these later laws were legislated when the Islamic laws were firmly established and constantly implemented in the Muslim ummah inhabiting a greater part of the then known world; hundreds of millions of people had been practising this code for more than a millennium, the progenies inheriting it from their ancestors. Obviously when a novel idea is put into practice and is accepted

and implemented, and thus becomes a permanent feature of the society, then it becomes very easy for similar principles to appear on the scene. Every preceding social custom provides the ideational substance for similar following customs; rather the former becomes the substance that is reshaped into the latter. Therefore, no social scientist should spurn the fact that the modern inheritance laws have got support from the Islamic inheritance code that had preceded them, and that it is the Islamic code which they have remoulded into their statutes - we are not concerned here whether they could do justice to it or not.

The most amusing is the claim sometimes made - may Allāh destroy the ignorance of the yore! - that the new laws have got their ideas and substance from the ancient Roman code. You have already seen what that ancient Roman custom was, and what the Islamic sharī‘ah has offered to the mankind. The Islamic code came into being and was implemented after the old Roman code and long before the modern Western laws; it was deeply rooted in the societies of millions, nay, hundreds of millions, of people continuously for long centuries. It is impossible to suggest that such a living code remained ineffective and did not influence the thinkings of these legislators.

Even more strange is the assertion by some writers that the Islamic code of inheritance was adapted from the ancient Roman code!

However, the modern laws prevalent in the Western nations, in spite of their differences in some details, are almost unanimous on one point: They treat females as equal to males in inheritance shares; the daughters and sons get equal shares as do the mothers and fathers, and so on.

The French code has divided the heirs in the following classes: i) Sons and daughters; ii) fathers and mothers, and brothers and sisters; iii) grand-fathers and grand-mothers; iv) Paternal and maternal uncles and aunts. It has kept the marriage-tie separate from this classification, saying that it is based on the foundation of love. We are not concerned here with its details or description of other classes. If anyone wants it he should look into the relevant books.

But what we are concerned with is the net result of this prevalent customs. This type of legislation makes the woman equal partner of man in the wealth of the world - taken as a whole. Yet they have put the wife under the guardianship of the husband; she has no right to manage or control her own inherited property - except with the consent and permission of her husband. It means that although the world’s wealth is divided half and half between man and woman (so far as ownership is concerned), the total wealth is placed in the hands of the man (so far as its management and control is concerned). Now, some groups and parties have risen up which are trying to make women truly independent owners of their properties, taking them out of men’s control and guardianship. If they succeed, then the men and the women would be really equal in ownership as well as in control and management.

7. Comparison of these Codes: One with Another

We have already described.in short the customs which were prevalent in ancient nations in old days. Now we leave it to research scholars to compare

one with another and deliver their judgment for each, whether it was perfect or defective, and whether it was beneficial for human society or harmful - in short, whether it was on correct footing on the highroad of felicity and happiness. Then, he may compare the Islamic code with each and judge accordingly.

The basic difference between the Islamic laws and the others is in the respective aims and objectives. Islam intends that the world should achieve its righteousness, goodness and probity; while the other laws want it to get what it desires. All the branches sprout from these two different roots. Allāh says: and it may be that you dislike a thing while it is good for you, and it may be that you love a thing while it is evil for you, and Allāh knows, while you do not know (2:216); and live with them kindly; then if you hate them, it may be that you dislike a thing while Allāh has placed abundant good in it (4:19).

8. Will and Testament

It has been explained that Islam has given the will an independent status, unlinking it from the general rules of inheritance. It is because the will has an independent basis, that is, respecting the owner's wishes concerning what he had possessed in his life. In ancient nations, will was a device which the testator used to give his property - or a part of it - to someone who customarily was not entitled to it, to prevent it from going to the recognized heir, for instance, the father or the head of the family. That was why they were always busy enacting laws putting restrictions on testamentary bestowals lest it nullify the rules of inheritance completely; and such efforts are continuing in those societies upto these days of ours.

On the other hand, Islam has restricted the application of will to a third of the property; it is invalid beyond that limit. Some modern codes, like the French one, has imitated the Islamic principle in this respect; but the aims differ. That is why Islam exhorts people to bequeath, while other laws discourage it or are silent about it.

Meditate on the verses concerning bequest, alms, zakāt, khums, and general spending .in the way of Allāh; and you will realize that these laws pave the way for setting aside about half of the properties and two-thirds of their benefits for philanthropy charity, for meeting the needs of the needy and poor. This brings various classes nearer, and narrows the gaps between them, thus strengthening the weaker sections of the society. It is in addition to the guide-lines given to wealthy persons as to how they should use their wealth - which brings them nearer to the poor. We are not going into details of this topic, as it will be written, Allāh willing, in another place.

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CHAPTER 4, VERSES 15 - 16

وَاللَّاتِي يَأْتِينَ الْفَاحِشَةَ مِن نِّسَائِكُمْ فَاسْتَشْهِدُوا عَلَيْهِنَّ أَرْبَعَةً مِّنكُمْ ۖ فَإِن شَهِدُوا فَأَمْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّىٰ يَتَوَفَّاهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّـهُ لَهُنَّ سَبِيلًا ﴿١٥﴾ وَاللَّذَانِ يَأْتِيَانِهَا مِنكُمْ فَآذُوهُمَا ۖ فَإِن تَابَا وَأَصْلَحَا فَأَعْرِضُوا عَنْهُمَا ۗ إِنَّ اللَّـهَ كَانَ تَوَّابًا رَّحِيمًا ﴿١٦﴾

And as for those who are guilty of indecency from among your women, call to witness against them four (witnesses) from among you, then if they bear witness confine them to the houses until death takes them away or Allah makes some way for them (15). And as for the two who are guilty of it from among you, afflict them both; then if they repent and amend, turn aside from them; surely Allāh is Oft-returning (to mercy), the Merciful (16).

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COMMENTARY

QUR'ĀN: And as for those who are guilty ... from among you: Atāh and atā bihi (اَتَاهُ،اَتِي بِه = translated here as being guilty) actually means ''doing it''. al-Fāhishah (اَلْفَاحِشَةُ) is derived from al-fuhsh (اَلْفُحْشُ = indecency); thus al-fāhishah means indecent behaviour ; it is generally used in the meaning of fornication; it has also been used in the Qur'ān for sodomy or for sodomy and lesbianism both, as Allāh quotes Lūt (a.s.) as saying: Most surely you are guilty of an indecency which none of the nations has ever done before you (29:28).

Apparently this word refers here to fornication, as explained by all the exegetes. They have narrated that when the verse of flogging was revealed, the Prophet said that the flogging is the way Allāh has opened for them when they are guilty of fornication. It is also supported by the style of the verse which clearly shows that this order was to be abrogated soon, as Allāh says: or Allāh makes some way for them; and nobody has said that the penalty of lesbianism was abrogated by any succeeding order, nor that this penalty [of flogging] was meted out to anyone guilty of lesbianism; [all this together shows that this verse is not concerned with sodomy or lesbianism]. The phrase, ''four (witnesses) from among you'', indicates that the witnesses should be males [because the pronoun used for 'you' is of masculine gender].

QUR'ĀN: then if they bear witness confine them ... some way for them: The confinement, that is, perpetual imprisonment, depends on the evidence, not on actual guilt without the required evidence - although it might be known; it is one of the mercies of Allāh on the ummah showing His magnanimity and forbearance.

The punishment is perpetual confinement; it is clearly indicated by the prescribed limit, ''until death takes them away''. But Allāh has not used the word, imprisonment or internment; instead He has said, fa-amsikūhunna

(فَاَمْسِكُوهُنَّ) which literally means, then restrain them; the use of this mild word is another clear indication of His indulgence and tolerance.

The clause, ‘‘until death takes them away or Allāh makes some way for them’’, means: or Allāh opens a way for them to be free from perpetual confinement. The alternative indicates probable abrogation of the order; and it happened when the rule of flogging replaced this order. Everyone knows that the penalty given to fornicating women - since the later period of the Prophet and in practice among the Muslims after him - is the flogging, not confinement to the houses. The verse, supposing that it contains the rule about the fornicating women, has been abrogated by the verse of flogging; and the way mentioned in this verse undoubtedly refers to flogging.

QUR’ĀN: And as for the two who are guilty of it from among you, afflict them both: The two verses are inter-related, and certainly the pronoun ‘it’ refers to ‘indecency’. It supports the view that both verses deal with punishment of fornication. The second verse therefore completes the order given in the first one; the first one had explained the law only to the extent it affected the women, while the second one describes the rule as it affects both parties - and it is the ‘affliction’. So the two verses together explain the rule of fornicating man and fornicating woman both - that both should be afflicted and the confinement of the women to the houses.

But this explanation does not agree with the following clause: then if they repent and amend, turn aside from them; obviously it does not fit in with the order of confining the women for the life. Therefore, it is necessary to say that turning aside from them refers to discontinuation of their punishment while the confinement continues as before.

That is why sometimes it is said - following some traditions which shall be quoted later - that the first verse speaks about those women who are not virgin while the second one gives the order about the virgins; accordingly the virgins who commit fornication should be punished by confining them to the houses until they repent and amend their behaviour, and then they may be released from the confinement. But this explanation leaves two problems unsolved:

First: Why should the first verse be reserved for non-virgins and the second one to virgins when there is nothing in the wordings to support this differentiation?

Second: Why does the first verse speak about the fornicating women only, while the second one talks about both parties: ‘‘And as for the two who are guilty of it from among you ...’’?

It has been said that according to the exegete, Abū Muslim, the first verse ordains the law about lesbianism, and the second one about sodomy, and that both verses are un-abrogated.

But that view too is obviously wrong. As for the first verse, the explanation given by us earlier (for the words, As for those who are guilty of indecency from among your women ...), proves untenability of Abū Muslim’s interpretation. As for his explanation of the second verse, it is rejected by the well-established sunnah that the penalty of sodomy is death. The correct hadīth of the Prophet says: ‘‘Whoever among you commits the

sin of the people of Lūt, kill (both) the doer and (the man) done to.'' This law is either from the beginning (which has not been abrogated); or is a subsequent law which has abrogated the verse; in any case, it refutes Abū Muslim's views.

Looking at the apparent meaning of the two verses (which come to the mind at once), and at the associations found with them; and keeping in view the difficulties arising out of the given explanations, we may interpret the verses as follows - and Allāh knows better:

The verse lays down the law concerning adultery by married women. Also the fact that the verse mentions only women, and not men, indicates this meaning; the word, 'women', is commonly used for 'wives' and especially when it appears as first construct of a genitive case where the second construct is 'men', as is the position in this verse: ''you [i.e., you men's] women''; also Allāh says: And give women their dowries as a free gift (4:4); ...of your women to whom you have gone in (4:23).

Accordingly, the first and temporary order was to confine them to the houses; then stoning was ordained for them. al-Jubbā'ī has used this example to prove that the Book may be abrogated by the sunnah; but it is not so. Abrogation repeals an order which was apprently meant to continue for ever; while this order of confinement contains a clause that points to its temporariness, and it is the words: or Allāh makes some way for them. These words clearly show that there was another order that would be promulgated later. Even if it were called 'abrogation', there would be no trouble; because it would not contain those difficulties which were inherent in abrogating the Book with the sunnah - the Qur'ān itself indicates here that this order was to be repealed after sometime; and the Prophet is the one who explains the meaning of the honoured Qur'ān.

The second verse promulgates the rule about fornication (other than adultery), that the parties should be afflicted; that punishment includes confinement, hitting them with shoes, admonishing and shaming them by harsh words or other such ways of hurting them. Accordingly this verse stands abrogated by the verse of flogging in the chapter of 'The Light'. As for a tradition that this verse speaks about virgin girls who commit fornication, it is a khabaru 'l-wāhid [5], apart from being al-mursalah [6], and therefore weak. And Allāh knows better. (However, this interpretation is not free from weakness, because prior indication that a certain rule would be abrogated later, does not water down the abrogation.)

QUR'ĀN: then if they repent and amend, turn aside from them: Repentance is qualified by amendment; it is to establish the reality of repentance, to make it clear that repentance is not mere utterance of some words or just to be carried away by some pangs of conscience; [it requires definite improvement of behaviour and character].

TRADITIONS

It is narrated in at-Tafsīr of al-'Ayyāshī from as-Sādiq (a.s.) that he said about the word of Allāh: And as for those who are guilty of indecency from among your women ..., that it was abrogated and that the 'way' [referred to here] was the laid down penal code. (al-Kāfī)

al-Bāqir (a.s.) was asked about this verse and he said: ‘‘It is abrogated.’’ He was asked: ‘‘How was it?’’ He said: ‘‘When a woman committed indecency [i.e., fornication], and four witnesses stood (to give evidence) against her, she was confined to a house; no one spoke to or talked with her, nor anyone sat with her; she was provided her food and drink - [this was to continue] until she died or Allāh made some way for her.’’ Then he said: ‘‘Making way (for her) is the flogging and stoning.’’ It was said: ‘‘(And what is the meaning of the words of Allāh:) And as for the two who are guilty of it ...?’’ He said: ‘‘It means, when a virgin is guilty of the indecency which was done by this non-virgin.’’ [He was asked the import of the words:] afflict them both. He said: ‘‘She will be confined.’’ ... (ibid.)

The author says: The story that the rule in the early days of Islam was to confine them into the houses until death, has been narrated by the Sunnīs through many chains of narrators, from Ibn ‘Abbās, Qatādah, Mujāhid and others. It has been narrated from as-Suddī that confinement into the houses was the rule for non-virgins, and the affliction mentioned in the second verse was the order for unmarried girls and boys.

But you have seen what is to be said in this context.

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CHAPTER 4, VERSES 17 - 18

إِنَّمَا التَّوْبَةُ عَلَى اللَّـهِ لِلَّذِينَ يَعْمَلُونَ السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِن قَرِيبٍ فَأُولَـٰئِكَ يَتُوبُ اللَّـهُ عَلَيْهِمْ ۗ وَكَانَ اللَّـهُ عَلِيمًا حَكِيمًا ﴿١٧﴾ وَلَيْسَتِ التَّوْبَةُ لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ حَتَّىٰ إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ قَالَ إِنِّي تُبْتُ الْآنَ وَلَا الَّذِينَ يَمُوتُونَ وَهُمْ كُفَّارٌ ۚ أُولَـٰئِكَ أَعْتَدْنَا لَهُمْ عَذَابًا أَلِيمًا ﴿١٨﴾

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 All-knowing. Wise (17). And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he says: ‘‘Surely, now I repent’’; nor (for) those who die while they are unbelievers. These are they for whom We have prepared a painful chastisement (18).

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COMMENTARY

These two verses are not without a certain connection with the preceding two which had ended on the theme of repentance, possibly all four might have been revealed together. Nevertheless, these two independently throw light on a theme which is among the most sublime Islamic realities and highest Qur’ānic teachings, and that is the reality of repentance and its significance as well as the rules governing it.

QUR’ĀN: Repentance with Allāh is only for those who do evil in ignorance, then turn (to Allāh) soon: ‘‘at-Tawbah’’ (اَلتَّوْبَةُ) means to return. It signifies returning of a servant to Allāh with remorse for his misdeeds and a firm intention to leave the way that was distancing him from the path of servitude. When ascribed to Allāh, it means that Allāh returns towards His servant with mercy, (first) forgiving his sin. We have repeatedly said that, according to the Qur’ān, a servant’s single repentance is flanked by two returnings from Allāh. The fact is that repentance is a good deed, a virtuous act which requires strength and will-power; and all virtues emanate from Allāh, and all power and strength belongs to Him. It is Allāh who manages the affairs in a way that the servant becomes able to repent, gets strength to cut himself off from the factors which were taking him away from Allāh, and thus he returns to his Lord. After being helped in this way to repent from his sins and to return to Allāh, he again needs a second ‘returning’ by Allāh in order that he could be cleansed from those impurities, purified from those pollutions, so that he may reach and be settled near his Lord - this second returning again shows divine mercy and compassion as well as His forgiveness and pardon.

These two divine returnings are the two ‘repentances’ which surround a servant’s repentance and returning. Allāh says: then He turned to them (mercifully) that they might turn (to Him) ... (9:118). This refers to the first returning. Again He says: these it is to whom I turn (mercifully) ... (2:160);

and this is the second returning; between these two divine returnings comes the servant's returning, his repentance.

The starting clause, ''Repentance with Allāh is only for those ...'' literally means: Repentance on (عَلي = 'alā) Allāh is only for (لِ = li) those ... 'alā (on) and li (for) denote harm and benefit, respectively; as we say: 'Adversities came on 'Amr (عَلي عَمْرٍو = 'alā 'Amr) to the benefit of (لِزَيْدٍ = li Zayd) Zayd. Or as we say: The race was for (li) X on ('alā) Y, that is, X won the race against Y. It is because 'alā (on) implies height and domination; and li (for) denotes possession and right. Consequently, in the matters involving two parties (like war, fighting and dispute, in which one party gets some benefits and the other is harmed, one overpowers and the other is overpowered), the victor acquires some rights over the vanguished, and the latter is prevailed upon, ruled over.

The same is the case in similar situations. Look, for example, at the effect between an influencing factor and the influenced, or at the link a promise creates between the giver of promise and the one to whom it was given, and so on. It is now clear that the two prepositions ('alā and li) have acquired the connotations, of harm and benefit, respectively, because of contexts in which they are frequently used - not because it is their original meaning.

Now, let us see, how repentance succeeds, why it benefits the servants of Allāh. It is because of a promise which Allāh has given to the servants; in this way He Himself has made it obligatory for Himself to accept their repentance. He has said in this verse: ''Repentance with (on) Allāh is only for those who do evil in ignorance''. In this way it becomes obligatory for Allāh to accept His servant's repentance. It does not mean that anyone else can obligate Allāh to do something, or can prescribe a duty for Him - it makes no difference whether you call that one the reason, the nature of the affair, the reality, or the truth; or give it any other name, Allāh is Greater and Holier than such ascriptions. Rather this matter is based on the fact that Allāh has promised His servants that He would accept the repentance of those who would repent; and He does not break His promise. This is the implication of the statement that it is obligatory for Allāh to accept and grant the repentance in relevant situations. And it is the connotation of every declaration where we say that a certain action is al-wājib (اَلْوَاجِبُ = obligatory) for Allāh.

Obviously, the verse is focussed not on a servant's repentance, but on Allāh's returning with mercy towards that servant, although in this process it inevitably throws light on matters related to the servant's repentance. Allāh's returning (with all its conditions) cannot remain separate from the servant's repentance (with all its conditions fulfilled). This topic, that the verse is meant to describe Allāh's returning, does not require further explanation.

Secondly, it covers all types of repentance, whether the servant repents from polytheism and disbelief and returns to the true faith, or from sin and disobedience and returns to obedience (if he is already a believer). The Qur'ān calls both aspects as repentance. Allāh says: Those who bear the

throne and those around it celebrate the praise of their Lord and believe: ‘‘Our Lord! Thou embracest all things in mercy and knowledge, therefore grant forgiveness to those who turn (to Thee) and follow Thy way ... (40:7). Here, the words, ‘those who turn (to Thee)’, mean, those who believe, because previously it has been said: and ask forgiveness for those who believe. Thus belief has been called at-tawbah (اَلتَّوْبَةُ = repentance), In another verse, Allāh says (referring to some believers): then He turned to them (mercifully) that they might turn (to Him), (9:118).

The generality found in the next verse, And repentance is not for those ..., proves that repentance, as envisaged in these verses, covers repentance from polytheism and disbelief as well as from sin and disobedience, because the verse comments on situations of disbelievers and believers both. Accordingly, the clause, ‘‘those who do evil in ignorance’’, encompasses both the believers and the disbelievers; a disbeliever is included, like a disobeying believer among ‘‘those who do evil in ignorance’’. How? It is because disbelief is an action of heart and ‘doing evil’ covers deeds of heart too like those of other organs; or because disbelief always brings evil actions in its wake. Therefore, ‘‘those who do evil in ignorance’’, refers to a disbeliever as well as to a disobeying believer - provided they are not wilfully obstinate in their disbelief or sin.

As for the words, ‘‘in ignorance’’, obviously ignorance, per se, is opposite of knowledge. People are conscious of the fact that they do all their deeds with knowledge and will; and that the will emanates from a certain love or longing. It makes no difference whether that action is likeable in the eyes of the society’s sages or not; but it is believed that a man of discriminating intelligence will not commit an evil censured by the sages. Based on this assumption they believe that anyone who, being overcome by psychological bent, or motives of desire or anger, commits any blameworthy evil deed, does so only because he becomes oblivious of knowledge, and consequently loses his sagacity which distiguishes between good and bad, between praiseworthy and blameworthy: in this manner, he is overpowered by desire and commits evil. That is why they call it ignorance, although in reality it could not be done without a degree of knowledge and will. But as his knowledge of the indecency and evil of that action did not prevent him from falling into that trap, that knowledge was discounted as nonknowledge, and he was called ‘ignorant’. That is why they call a young inexperienced person ‘ignorant’ as his actions are governed by desire, and raw sentiments and emotions dominate his life. Also it is for the same reason that they do not call an unrepentant sinner (who feels no remorse for his sins and does not turn away from desires and sentimentalities) ‘ignorant’; his condition is rather called obstinacy and willfulness, etc.

It is now clear that ignorance in this context means doing an evil deed under the influence of desire or anger - without being obstinate in face of truth. It is an intrinsic nature of such deeds (done in ignorance) that when the storm subsides and the inflamed desire or anger is extinguished - be it because of doing that evil, or because of some hindrance, or because of passage of time, or weakening of powers, or through ill health - the man

returns to the knoweldge and that ignorance goes away; then he feels remorse for what he had done.

But this process does not take place in the evil which is done because of obstinacy and willfulness, etc. Such evil is not done because of some agitation of a power or inflamation of desire or sentiments; its root cause is what they call malevolence of nature, wickedness of heart. There is no hope that one day it will go away after the inflamed passion has subsided. It would rather continue throughout the life without his feeling any remorse in near future - except that Allāh wills it.

Of course, it happens sometimes that an obstinate stubborn person turns away from his obstinacy and stubborness; and instead of confronting the truth he now submits to it and enters into the fold of servitude. This change proves that even his obstinacy was based on ignorance. And why not? In actuality every disobedience emanates from man's ignorance. From this point of view, no one could be called an obstinate and stubborn sinner except the one who never turns away from his evil deeds to the last moment of his life and health.

The above discourse shows the significance of the divine words, ''then turn (to Allāh) soon''. The man who does evil because of ignorance, would not remain busily engaged in his misdeed, addicted to it all his life; he would not do as obstinate stubborn ones do who never show any sign of returning to piety and submission. He would rather turn away from that misdeed and return to Allāh soon. The adverb. 'soon', refers to nearness of time; and it means, 'before death comes to him and before the signs of the other world appear before his eyes'.

Of course, every obstinate and stubborn person becomes contrite when he is faced with unpleasant consequences and chastisement of his evil deeds; he then disavows his deeds, shows repulsion towards them. But actually he is not repentant in his heart; his remorse does not emanate from any reform of character. It is merely a device, his wicked soul has adopted for saving himself from the consequences of his evil activities. Proof? As soon as that particular punishment is averted, he returns to the same evil-doing. Allāh says: and if they were sent back, they would certainly go back to that which they are forbidden, and most surely they are Tiers (6:28).

Why do we say that the word, 'soon', here means: before the signs of death appear before him? It is because Allāh says in the second verse: And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he says: ''Surely now I repent.''

Accordingly, the clause, ''then turn (to Allāh) soon'', is an adverse indirect allusion to those who go on postponing repentance until its chances are lost for ever.

The above discourse shows that the two clauses, ''in ignorance'' and ''then turn (to Allāh) soon'', are exclusive conditions. The former means that the servant does not do evil in arrogance and obstinacy; the latter, that he does not delay his repentance until the death-time - showing his indifference, negligence and procrastination. Repentance, after all, is man's returning to Allāh with firm intention of serving Him. Allāh's turning then means that He accepts that servant's return to Him. But service and worship

of Allāh has no meaning if there is no time left in this world; because it is this worldly life which is the arena of the free choice and the place of obedience and disobedience. When the signs of death appear, the free will and choice - the basis of obedience and disobedience - ceases to exist. Allāh says: On the day when some of the signs of your Lord shall come, its faith shall not profit a soul which did not believe before, or earn good through its faith (6:158); But when they saw Our punishment, they said: ‘‘We believe in Allāh alone and we deny what we used to associate with Him.’’But their belief was not going to profit them when they had seen Our punishment; (this is) Allāh’s law, which has indeed obtained in the matter of His servants, and there the unbelievers are lost (40:84 - 85).

In short, the verse says that Allāh accepts the repentance of a disobedient and sinner servant, provided the sin was not committed in haughtiness, showing arrogance towards Allāh (because it would then kill the spirit of repentance and submission to Allāh) and provided the man does not display indifference and tardiness in repentance, neglecting it until death arrives and the chance is lost for ever.

Also, it is possible to treat the clause, ‘‘in ignorance’’, as an explanatory description. The meaning then would be as follows: ‘... those who do evil; and evil is always done in ignorance, as with it man puts himself in danger of painful chastisement’, or, ‘... evil is always done in ignorance, because the evil-doer does not know the reality of disobedience nor the resulting dangers’.

If we adopt this explanation, then the clause, ‘‘then turn (to Allāh) soon’’, would signify their repenting before appearance of signs of death; it would not be an allusion to tardiness in repentance. Why? Because, according to this explanation, those who commit evil deeds because of arrogance, and because they do not submit to their Lord, would be excluded, not by the words, ‘‘in ignorance’’ but by the clause, ‘‘then turn (to Allāh) soon’’; and in that case, this latter clause cannot be an allusion to indifference and negligence. Ponder on it.

But probably the first explanation is more in conformity with the apparent meanings of the verse.

Someone has reportedly said: The words, ‘‘then turn (to Allāh) soon’’, signify that repentance should occur nearer to the time of disobedience, that is, immediately after committing a sin or soon enough to be thought as connected to it. One should not neglect it until the time of death.

Reply: This explanation is wrong, because it undermines the second verse’s meaning. The two verses aim at giving the basic comprehensive principle concerning Allāh’s turning, that is, how and when Allāh accepts a servant's repentance. It may clearly be understood from the particle of exclusion and restriction in the first verse, ‘‘Repentance with Allāh is only for those ...’’. The second verse describes the situations when repentance is not accepted; and it mentions only two situations: i) Repentance of that sinner who goes on neglecting and delaying it until the death arrives; ii) Repentance of an unbeliever who dies in his disbelief. Now, if only that repentance were acceptable which would follow the sin without delay - that which could be thought connected to the sin - then it would give us a third

situation where repentance was unacceptable. But the verse mentions only two.

QUR'ĀN: so these it is to whom Allāh turns (mercifully); and Allāh is All-knowing, Wise: The demonstrative pronoun ulā'ika (أُولَئِكَ = translated here as 'these') actually means, 'those', and points to distant objects. Its use might be a symbolic expression of the honour and dignity which Allāh wants to bestow on them. The same is the implication of the singular, 'evil', as it indicates an indulgence in reckoning of their sins.

Compare it with the plural in the next verse: And repentance is not for those who go on doing evil deeds ...

The verse ends on the clause: ''and Allāh is All-knowing, Wise''; it does not say, Allāh is Forgiving, Merciful. The two divine attributes show why Allāh has opened the door of repentance. It is because He knows His servants' condition, and the effects of their weaknesses and ignorance; and because He, in His wisdom, found it necessary to open some ways to strengthen the system and put the things in good shape. Also, the attributes remind the repenting servant that Allāh is not deceived by appearance, He examines the hearts; deceit and cunning cannot deceive Him; therefore, a repenter must repent in a proper and sincere way, so that Allāh should answer him with mercy and forgiveness.

QUR'ĀN: And repentance is not for those who go on doing evil deeds ... ''Surely, now I repent'': Note that the words, with Allāh, have not been repeated here, although the connotation is the same. This omission gives a clear hint that they have been cut off from the especial divine mercy and care. Also the use of plural, ''evil deeds'', shows that all their misdeeds will be counted and recorded for the final reckoning, as we have mentioned earlier.

The clause, ''who go on doing evil deeds'', as qualified by the following clause, that is, ''until when death comes to one of them'' indicates continuation of action. It is either because carelessness in repentance, postponing it day after day, is in itself a continuously repeated sin; or because it is as though he was going on committing sins incessantly; or because indifference towards repentance generally makes one commit the same or similar sins again and again.

The verse says: ''until when death comes to one of them'', instead of saying, until when death comes to them. It points to the disdain and indifference with which they treat this matter. Its connotation: Repentance, in their eyes, is such an un-important matter, such an easy thing, that they go on doing what they desire, going the way they wish, without any care. Then when death comes to one of them he says: 'Surely, now I repent.' And he thinks that merely by uttering these words, or by just thinking of them in the last moment of his life, the consequences of sins, the perils of disobeying divine commands, will be everted.

This explanation makes it clearer why the words, 'I repent', have been qualified by 'now'. It shows that the speaker is only repenting - in words or thought - because death has overtaken him and now he sees the next world's overwhelming power before his eyes. In effect it means: I repent as I have

now seen the inescapable death and inescapable recompense. Allāh describes a similar plea to be made by the guilty ones on the Day of Resurrection: And could you but see when the guilty shall hang down their heads before their Lord: ‘‘Our Lord! we have seen and we have heard, therefore send us back, so that we do good; surely (now) we are certain.’’ (32:12).

So, that is a repentance that is not acceptable at all: because it is his losing hope of worldly life and the fright of the newly seen horizon that have forced him to feel remorse for his misdeeds and to resolve to return to his Lord. But where is there any chance of returning, when there is no worldly life left and no practical choice available?

QUR’ĀN: nor (for) those who die while they are unbelievers: This is the other case where repentance is not accepted. It concerns a man who continues in his disbelief and dies in disbelief. Allāh does not accept his returning, because on that day his repentance, i.e., his belief, will not benefit him at all. The Qur’ān repeatedly says that there is no deliverance after death if one dies in disbelief, and that they will not get any reply even if they asked and prayed. Allāh says: Except those who repent and amend and make manifest (the truth), these it is to whom I turn (mercifully); and I am the Oft-returning (to mercy), the Merciful. Surely those who disbelieve and die while they are disbelievers, these it is on whom is the curse of Allāh and the angels and men all; abiding in it; their chastisement shall not be lightened nor shall they be given respite (2:160 - 62). Also He says: Surely, those who disbelieve and die while they are unbelievers, the earth full of gold shall not be accepted from one of them, though he should offer to ransom himself with it; these it is who shall have a painful chastisement, and they shall have no helpers (3:91). As explained in the third volume under this verse, the negation of helpers means that they shall have no intercessors.[7]

The qualifying phrase, ‘‘while they are unbelievers’’, indicates that there is a possibility of ‘return’ for a disobedient believer if he dies in disobedience - but without arrogance or negligence. Of course, death will make the idea of the servant’s repentance (his return to the fold of servitude by his own choice) irrelevant, as described above. But Allāh’s return to the servant with forgiveness and mercy may still happen because of the intercessors’ intercession. This in itself is a proof that the two verses primarily aim at describing Allāh’s return to His servant; if they throw some light on the servants’ repentance, on their return to Allāh, it is only incidentally and in passing.

QUR’ĀN: These are they for whom We have prepared a painful chastisement: Again the demonstrative pronoun for distant objects has been used. (The pronoun translated as ‘these’ literally means, ‘those’.) This word, in this context, points to their distance from the courtyard of proximity and honour. al-I‘tād (اَلْإِعْتَادُ = to prepare; to promise).

ON REPENTANCE

Repentance, in its full significance as laid down in the Qur’ān, is among those positive teachings which are exclusive property of the Qur’ān.

Repentance, in the meaning of belief after disbelief and polytheism, was common in all divine religions, vis. the religions of Mūsā and ‘Īsā (peace be on both); but it was seen as ‘belief’ and that was that; there was nothing like analysing the reality of repentance and extending it to the belief.

Not only that. It appears from the foundations on which the Christianity was built as an independent religion, that repentance is useless and man cannot gain any benefit from it. This may easily be seen in the arguments offered for explaining the crucifixion and atonement; as narrated in the third valume [8] of this book where we have discussed the creation of Christ.

Nevertheless, the Church went so far in the matter of repentance that it was selling indulgence certificates turning it into a merchandise; and the priests were [and are] pardoning sins of those who confessed before them. But as for the Qur’ān, it has analysed man’s condition seeing that he has been invited to Allāh and provided with guidance; and looking at the perfection, honour and felicity he is entitled to in the hereafter near Allāh; which is indispensable in his intended journey to his Lord - and that .analysis has found the man utterly poor in his person, empty-handed in his entity. Allāh says: O men! you are the ones who stand in need of Allāh, and Allāh is He Who is the Self-sufficient, the Praised One (35:15). Also He says: ... and they control not for themselves any harm or profit, and they control not death, nor life, nor raising (the dead) to life (25:3).

Therefore, man has fallen in the pit of unhappiness, away from divine proximity, isolated in his neediness, as the words of Allāh point to it: Certainly We created man in the best make. Then We rendered him the lowest of the low (95:4 - 5); And there is not one of you but shall come down to it; this is a decided decree of your Lord. And We will deliver those who were pious, and We will leave the unjust therein on their knees (19:71 - 72); ... therefore let him not drive you both from the garden so that you should be put to toil (20:117).

Consequently, if he wants to achieve the position of honour and enjoy ever-lasting happiness, he must come out from that pit of unhappiness, return from the far away station, and transfer himself to the proximity of his Lord. It is what is called his returning to his Lord in the basic happiness, i.e., true faith, and in secondary happiness, i.e., all good deeds. This is what is called repentance and returning from root of happiness, i.e., polytheism, and branches of unhappiness, i.e., evil deeds other than polytheism. It is on repentance (i.e., returning to Allāh and removing all the pollutions of infelicity and disobedience) that settlement in the abode of honour through true belief depends, as does enjoyment of various bounties of obedience and proximity. In other words, man can reach nearer to Allāh in the appointed abode of honour only if lie repents from polytheism and all disobedience. Allāh says: ... and turn to Allāh all of you, O believers! so that you may be successful (24:31). Thus repentance, in the meaning of returning to Allāh, covers both types of repentance; rather it covers these two and other kinds also, as we shall describe later, Allāh willing.

Man is needy in himself and does not control for himself any good or happiness except by favour of his Lord. Consequently, for this return too, he needs a favour from his Lord and a divine help in his affairs. The servant’s

return to his Lord with feelings of servitude and dependence needs first a return of his Lord to him with help and support; and it is a return of Allāh to the servant that proceeds repentance of the servant to his Lord, as Allāh has said: ... then He turned to them (mercifully) that they might turn (to Him) ... (9:118). But repentance and return to Allāh is of no use unless Allāh accepts it by forgiving his sins and cleansing him of the pollution of separateness; and this is the second returning of Allāh that follows the servant's repentance, as Allāh has said in the verse under discussion: so these it is to whom Allāh turns (mercifully) ...

On meditating deeply, it will be realized that this plurality of divine returning occurs only when one looks at it vis-a-vis servant's repentance. Otherwise, it is actually a single return; that is, Allāh turns to His servant with mercy and compassion; and it takes place when a servant repents and returns to Allāh - and that mercy covers the servant from before his repentance till after it. Moreover, that merciful divine turning sometimes takes place even without the servant's repentance, as we have earlier inferred from the divine words: nor (for) those who die while they are unbelievers. It has also been explained that granting intercession for sinner servant on the Day of Resurrection is an example of turning mercifully to him. The following verse points to that connotation: And Allāh desires that He should turn to you (mercifully), and those who follow (their) lusts desire that you should deviate (with) a great deviation (4:27), Nearness and remoteness are relative terms. Therefore, it is quite possible that within circle of nearness some areas would be remoter than the others. In this way, 'repentance' may be used for even those good servants who are nearer to Allāh, when they rise to a station that is even higher and nearer than their previous place. This phenomenon is seen in the verses where Allāh mentions 'repentance' of the prophets even though they are sinless as other verses clearly say For example:

Then Adam received (some) words from his Lord, so He turned to Him mercifully (2:37).

And (remember) when Ibrāhīm and Ismā'īl were raising the foundations of the House: ''Our Lord! accept from us: ... and turn to us (mercifully), surely Thou art Oft-returning (with mercy), the Merciful.'' (2:127 - 8).

... he (Mūsā, a.s.) said: ''Glory be to Thee, I turn to Thee, and I am the first of the believers.'' (7:143).

Therefore be patient (O Prophet!); surely the promise of Allāh is true; and seek pardon for your fault and sing the praise of your Lord in the evening and the morning (40:55). Certainly Allāh has turned (mercifully) to the Prophet and those who fled (their homes) and the helpers who followed him in the hour of straitness ... (9:117).

This is the general 'return' of Allāh which is referred to by many Qur'ānic verses, as for example: The Forgiver of the faults and the Accepter of repentance ... (40:3); And He it is Who accepts repentance from His servants .. (42:25).

The above discourse may be summarized as follows:

First: Bestowal of Allāh's mercy on a servant by forgiving his sins and removing the darkness of disobedience from his heart - whether polytheism

or other evils - is Allāh's merciful returning to His servant; and return of a servant to His Lord seeking pardon of his sins and removal of his disobedience - whether polytheism or lesser evils - is the servant's repentance, and his return to his Lord.

It shows that a true Divine Call should be as much concerned with the subject of sins as it should be with polytheism and disbelief; it should invite men to a comprehensive repentance covering polytheism as well as other sins.

Second: Return of Allāh to His servant both the first and the second one - is a grace of Allāh like other bounties which He bestows on His creatures without any coercion or constraint from anyone else. When it is said that by reason it is obligatory for Allāh to accept repentance, its connotation is not different from what is mentioned in many Qur'ānic verses. See, for instance, the following verses: ... and the Accepter of repentance ... (40:3); ... and turn to Allāh all of you, O believers ... (24:31); ... surely Allāh loves those who turn much (to Him) ... (2:222); ... so these it is to whom Allāh turns (mercifully) ... (4:17). These and other such verses praise Allāh for His acceptance of repentance, call people to repent, exhort them to seek forgiveness and turn to their Lord; as such they contain promise of acceptance of repentance, either explicitly or implicitly; and Allāh does not break His promise.

Obviously, Allāh is not under any compulsion to accept repentance; His is the Kingdom and authority without any exception; He does what He pleases to do and decides what He wishes. It is for Him to accept a repentance according to His promise; or to reject that which He rejects, as is clear from the divine words: Surely, those who disbelieve after their believing, then increase in unbelief, their repentance shall never be accepted ... (3:90). Possibly the same is the connotation of the following verse: Surely (as for) those who believe then disbelieve, again believe and again disbelieve, then increase in disbelief, Allāh will not forgive them nor guide them in the (right) path (4:137).

A very strange interpretation has been advanced by a writer concerning the Qur'ānic verses narrating the story of Pharaoh's drowning and repentance: ... until when drowning overtook him, he said: ''I believe that there is no god but He in Whom the children of Israel believe and I am of those who submit.'' What! now! and indeed you disobeyed before and you were of the mischiefmakers (10:90 - 91).

His interpretation, in short, is as follows: The verse does not indicate that Pharaoh's repentance was rejected, nor is there anything in the Qur'ān to show his ever-lasting perdition. It is difficult, for someone who ponders on the spaciousness of God's mercy and its precedence over His wrath, to believe that Allāh would drive him away who was seeking shelter at the door of His mercy and grace, abasing and humiliating himself with abject desperation. Even a human being, after acquiring natural good characteristics of generosity and benevolence, does show mercy to such persons when they are really sorry for the evil deeds they had done before. Then how much mercy will be shown by Him Who is the Most Merciful of all, the Most Generous of all and Who is the Refuge of the refuge-seekers?

Reply: This hypothesis is rebutted by the divine words: And repentance is not for those who go on doing evil deeds, until when death comes to one of them, he says: ‘‘Surely, now I repent,’’ nor (for) those who die while they are unbelievers. We have already explained that repentance and regret at that late hour is a falsity; man shows that remorse only because he now clearly sees the consequences of his sins, and looks at the misfortunes of the next life rushing towards him.

Not every remorse is repentance, nor every repentance acceptable. See how Allāh describes the condition of the guilty on the Day of Resurrection: And they shall conceal regret when they shall see the punishment (34:33). There are many other verses describing their regret for what they had done and their plea to be sent back to this world in order that they could do good deeds, and its rebuttal that even if they were returned they would do what they were forbidden to and that they were liars.

You should not imagine even for a moment that the earlier explained Qur’ānic analysis of repentance is merely a mental exercise having no relation with realities. If you contemplate on human felicity and infelicity, goodness and wickedness, you will not get any result other than repentance. Look at a normal man in society, keeping in view the effect of education and bringing up on him. You will find that he by himself is devoid of sociological good and evil; his psyche is capable of accepting both imprints - without any preference to either. Now, let us suppose that he wants to adorn himself with merit and virtue, to acquire piety and righteousness. It will not be possible unless all necessary factors join together to rescue him from the evil conditions he is surrounded with. In spiritual context, it is like the first returning of Allāh to His servant. Then comes the stage of taking himself out of, and away from, the shabby condition and the fetters of tardiness. It is a repentance like that of the servant returning to his Lord. Thereafter comes the final step of removing the rust of mischief and depravity from his heart, so that virtuous characteristics and light of goodness may take its place; because the heart cannot accomodate goodness and vileness together. This is equivalent to the acceptance of repentance and forgiveness - in the context of the subject under discussion. The same process takes place in the matters of collective good of society in which man lives according to natural dictate. All the rules and effects which the religion considers important in matters of repentance are applied in individual and social context too, according to the natural trait which Allāh has created in man.

Third: As may be inferred from all the verses of repentance, including the ones quoted in this discussion, repentance is a reality having real effect on human psyche. It reforms and prepares it for human good which contains felicity of this world and the next. In other words, repentance proves effective - when it does - in removing spiritual evils which pull man to all kinds of infelicity in this life and the hereafter and prevent him from settling on the throne of felicity. But so far as the rules of sharī‘ah and laws of religion are concerned they stay in their place. No repentance can waive them as no disobedience can remove them.

Nevertheless, there are some rules which have some links with repentance, and are waived if one repents. This is ordained, keeping in view the interest of the creation; but in no way it means that repentance, per se, waives any of the divine laws. Allāh says: And as for the two who are guilty of it (i.e., indecency) from among you, afflict them both; then if they repent and amend, turn aside from them; surely Allāh is Oft-returning (to mercy), the Merciful (4:16); The punishment of those who wage war against Allāh and His Messenger and strive to make mischief in the land is only this, that they should be killed or crucified or their hands and their feet should be cut off on opposite sides or they should be imprisoned; this shall be as a disgrace for them in this world, and in the hereafter they shall have a grievous chastisement; except those who repent before you have them in your power so know that Allāh is Forgiving, Merciful (5:33 - 34). There are a few other verses of this import.

Fourth: The basic purpose for which the institution of repentance has been established, (as is clear from the above discourse) is to get deliverance from perdition of sin and disaster of disobedience, because repentance is a means of success and is instrumental in achieving felicity, as is implied in the verse: ... and turn to Allāh all of you, O believers! so that you may be successful (24:31).

One of its benefits, apart from the above, is this: It preserves the spirit of hope, lest it be overwhelmed by desperation. Man cannot proceed straight on the path of life unless there is a perfect balance between hope and fear. It is this equilibrium that attracts him to what is beneficial to him and repulses him from what is harmful; otherwise he would have perished. Allāh says: Say: ‘‘O my servants who have acted extravagantly against their own souls, do not despair of the mercy of Allāh; surely He is the Forgiving, the Merciful. And return to your Lord ...’’ (39:53 - 54). Any scholar of human psychology will tell you that man perseveres in his efforts with zeal and ardour as long as his labour seems to bear fruits. But if he finds his efforts going to waste, he feels dejected and depressed, hope gives way to despair and his actions lose vigour and vitality. Often he stops whatever he was doing, as he feels that he can in no way achieve success; he loses heart and is overwhelmed by pessimism. Repentance is the only cure for this disease; it revives his heart even when he has reached the brink of disaster and perdition.

Some people have misunderstood repentance and said that establishment of the institution of repentance and calling people to avail themselves of its benefits was tantamount to inciting them to commit sins and encouraging them to disobey Allāh. When man is sure that if he committed a sin Allāh would accept his repentance, it will surely embolden him to violate the sanctity of divine law, to dive headlong in the abyss of sins and crimes. He will go on committing sin after sin intending to repent after each transgression.

But, in view of what we have explained above, there is no room for this misunderstanding. Apart from the fact that acquirement of virtues depend on remission of sins, repentance is meant to keep the hope alive; and this revival of optimism has its own good effects. There is no question here of a

man committing a sin thinking that he would repent afterwards. This objection has missed the point altogether; because such a repentance is totally devoid of the reality of repentance. Repentance is renouncement of sins, and there is no renouncement in the situation mentioned by the objector. Why? Because he had planned to repent before the sin, and with the sin, and after the sin; and how can one feel remorse (i.e., repentance) before the action? The fact is that, in such cases, the whole activity - the sin and the so-called repentance - taken together is one action with one intention; and that is trickery and deception, with which he tries to deceive the Lord of the worlds. But evil plan does not beset any except its authors.

Fifth: Sin is an evil stand of man and has bad effect on his life. Consequently, he cannot repent, cannot turn away from it, unless first he realizes, and is sure of, its evil. This knowledge and certainty cannot fail to produce regret and remorse for it. Remorse is a particular psychological response to committing an evil deed. When that remorse takes hold, then man may change his direction to do some good deeds, opposite to that evil one. This second step will be a proof that he has really repented and returned to his Lord.

This forms the basis of all the formalities and manners of repentance laid down by the sharī‘ah, e.g., expressing regret, asking for forgiveness, acquiring habit of doing good deeds, discarding evil deeds, and other related things described in the traditions and the books of ethics.

Sixth: Repentance means returning, by one’s free will and choice, from evil and sin to obedience and servitude. As such, it can take place only where man has free choice, i.e., in the life of this world. But where there is no freedom to choose between good and bad, between felicity and infelicity, there is no room for repentance. The preceding discourse throws light on this aspect.

A field where repentance is ineffective and inadmissible, is violation of other people’s rights; because repentance is beneficial concerning Allāh’s rights only. If a sin has violated other people’s rights, more repentance will do no good at all; the victims’ pleasure must be obtained if the sinner wants to erase that sin. Allāh has given some rights to people in their properties, honour and lives. According to the divine law, it is an injustice and transgression to violate these rights. He cannot grant remission if someone transgresses any of these rights. Otherwise it would be tantamount to depriving the victims of their due rights without any mistake on their part. Far be it from Him to do injustice when He has forbidden us to do it; He has said: Surely Allāh does not do any injustice to men (10:44).

Nevertheless, Islam - being repentance from polytheism - erases every preceding evil, every past sin, which concerns the branches of religion. The Prophet (s.a.w.a.) has said: ‘‘The Islam cuts away all (that had happened) before it’’. This is the connotation of those verses which declare that all sins will be forgiven. For example, Allāh says: Say: ‘‘O my servant! who have acted extravagantly against their own souls, do not despair of the mercy of Allāh; surely Allāh forgives the faults altogether; surely He is the Forgiving, the Merciful. And return to your Lord and submit to Him ... (39:53 - 54).

Another example is the repentance of a person who originates an evil custom or leads people astray. According to numerous traditions, his chastisement will be equal to that of all those who followed him in that evil custom or went astray. Obviously, reality of 'return' cannot take place in such cases, because he had established something whose effect would persist as long as that thing continues. Unlike those sins which are confined between the servant and his Lord, it is almost impossible for an originator of an evil custom to undo what he has done.

Seventh: No doubt, repentance. erases the sins where it is effective and admissible, as Allāh says: To whomsoever then the admonition has come from his Lord, then he desists, for him shall be what has already passed, and his affair rests with Allāh (2:275), as has already been explained in the second volume [9] . Also look at the following verse: Except him who repents and believes and does a good deed; so these are they of whom Allāh changes the evil deeds to good ones; and Allāh is Forgiving, Merciful. And whoever repents and does good, he surely turns to Allāh a (goodly) turning (25:70 - 71). Its apparent meaning, especially in view of the second verse, shows that repentance, by itself or in conjunction with belief and good deeds, causes evil deeds to change to good ones.

All this is true. But the fact remains that keeping away from evil deeds is far better than committing a sin and then erasing it through repentance. Allāh has made it clear in His book that sins, of whatever type they may be, ultimately have some links with Satanic insinuation and temptation. On the other hand He has portrayed His pure-hearted servants, those who are free from sins and evils, in a way that cannot be equalled by all praises revealed for the others: [Satan] said: ''My Lord! because Thou hast left me to stray, I will certainly make (evil) fair-seeming to them on earth, and I will certainly cause them all to go astray. Except Thy servants from among them, the freed ones.'' He said: ''This is a straight path with Me. Surely, as regards My servants, thou hast no authority over them ... (15:39 - 42). Also Allāh says quoting Iblis in the same story: ... and Thou shalt not find most of them thankful (7:17).

So, these sinless people have a especial prestigious position in the circle of servitude that is not shared by other good repenting servants.

TRADITIONS

The Messenger of Allāh (s.a.w.a.) said, inter alia, in his last sermon: ''Whoever repents one year before his death, Allāh will turn (mercifully) to him.'' Then he said: ''Surely, a year is too long; whoever repents one month before his death, Allāh will turn (mercifully) to him.'' Then he said: ''Surely a month is too long; whoever repents one day before his death, Allāh will turn (mercifully) to him.'' Then he said: ''Surely a day is too long; whoever repents one hour before his death, Allāh will turn (mercifully) to him.'' Then he said: ''Surely an hour is too long; whoever repents while his soul has reached here'' - and he pointed with his hand to his throat - ''Allāh will turn (mercifully) to him.'' (Man lā yahduruhu 'l faqīh)

as-Sādiq (a.s.) said when he was asked about the word of Allāh, And repentance is not for those who go on doing evil deeds, until when death

comes to one of them, he says: ‘‘Surely now I repent’’: ‘‘That is, when he looks at the affairs of the next world.’’

The author says: al-Kulaynī has narrated the first tradition in al-Kāfī through his chain from as-Sādiq (a.s.); it is also narrated through the Sunnī chains, and there are other traditions too of the same import.

The second tradition gives the explanation of the verse; also it explains those traditions which say that repentance in presence of death is not accepted. Accordingly ‘‘in presence of death’’ means ‘when man knows that the process of death has begun, and sees the signs of the hereafter’; it is at that point that the door of repentance is closed against him. But if a man is unaware of his impending death, then there is no snag in acceptance of his repentance. Some of the following traditions have similar meaning.

Zurārah has narrated from Abū Ja‘far (a.s.) that he said: ‘‘When the soul reaches here’’, pointing to his larynx, ‘‘then there is no repentance for the knower; but there is repentance for the ignorant.’’ (at-Tafsīr, al-‘Ayyāshī)

It is reported in ad-Durru ’l-manthūr that Ahmad, al-Bukhārī (in his at-Tafsīr), al-Hākim and Ibn Marduwayh have narrated from Abū Dharr, that he said: ‘‘Surely the Messenger of Allāh (s.a.w.a.) said: ‘Surely Allāh accepts repentance of His servant, or forgives His servant, until the curtain comes down.’ It was asked: ‘And what is the coming down of curtain?’ He said: ‘The soul goes out while a polytheist.’ ’’

Ibn Jarīr has narrated from al-Hasan that he said: ‘‘[A report] has come to me that the Messenger of Allāh (s.a.w.a.) said: ‘Verily Iblīs said when he found that Adam had cavity [in his body]: ‘‘By Thy honour! I will not leave his cavity as long as there was soul inside him.’’ Then Allāh, the Blessed, the High, said: ‘‘By My honour! I will not come between him and repentance as long as there was soul inside him.’’ ’ ’’ (ad-Durru ’l-manthūr)

‘Alī al-Ahmasī has narrated from Abū Ja‘far (a.s.) that he said: ‘‘By Allāh! None gets deliverance from sins except he who confesses them.’’ Also he has narrated from the same Imām (a.s.): ‘‘Enough is remorse for repentance.’’ (al-Kāfī)

It is narrated in al-Kāfī through two chains from Ibn Wahb that he said: ‘‘I heard Abū ‘Abdillāh (a.s.) saying: ‘When the servant repents, a sincere repenting, Allāh loves him and covers him.’ I said: ‘And how does He cover him?’ He said: ‘He makes his two angels forget what they had written against him; then He inspires his limbs and the areas of the earth to conceal his sins. Thus he meets Allāh - when he meets Him - and there is nothing to give evidence against him concerning his sins.’ ’’

Muhammad ibn Muslim has narrated from Abū Ja‘far (a.s.) that he said: ‘‘O Muhammad ibn Muslim! sins of the believer are forgiven to him when he repents from them. Therefore, the believer should perform his deeds afresh after repentance and forgiveness. But, by Allāh! it is not but for the people of faith.’’ ‘‘I said: ‘But what if he relapses into sins after repentance and forgiveness, and then repents again?’ He said: ‘O Muhammad ibn Muslim! do you think that a believer servant feels remorse for his sin and asks forgiveness from Allāh for it and repents and then Allāh will not accept his repentance?’ I said: ‘Then if he does so repeatedly; commits sin and repents and asks forgiveness?’ Then he said: ‘Whenever the believer returns

asking for forgiveness and repenting, Allāh the High, returns to him with forgiveness; and surely Allāh is Forgiving, Merciful; He accepts repentance and pardons the evils.

Therefore, be careful, lest you make the believers lose hope of Allāh's mercy.' '' (al-Kāfī)

Abū 'Amr az-Zubayrī narrates from Abū 'Abdillāh (a.s.) about the words of Allāh, And most surely lam most forgiving to him who repents and believes and does good, then continues to follow the right direction [20:82], that he (a.s.) said: ''This verse has an explanation, which explanation is proved [by the fact] that Allāh does not accept any deed from any servant except from him who meets Him with fulfilment of that explanation, and with that condition which Allāh has imposed on the believers.'' And he said: ''Repentance with Allāh is only for those who do evil in ignorance; Allāh means that every sin which the servant does - although he may be aware of it - he is ignorant when he thinks in his heart to disobey his Lord; and Allāh has spoken about it quoting the talk of Yūsuf to his brothers: Do you know how you treated Yūsuf and his brother when you were ignorant? [12:89]. So he charged them with ignorance because they planned in their hearts to commit sin against Allāh.'' (at-Tafsīr, al-'Ayyāshī)

The author says: The text of the narration is not free from confusion and disarray. Apparently the ealier portion is meant to show that good deed is accepted when the servant fulfils its condition and does not destroy it. After all, repentance is acceptable only when it restrains and prevents the repenter from sin - even for a limited time.

And probably the text, ''And he said: Repentance with Allāh is only for those ... '', is a new topic, to show that the word, in ignorance, in this verse is an explanatory clause, and that sin in general is ignorance - it has already been given as an alternative explanation in the commentary. This latter part is narrated also in Majma'u 'l-bayān from the same Imām (a.s.).

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CHAPTER 4, VERSES 19 - 22

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَن تَرِثُوا النِّسَاءَ كَرْهًا ۖ وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَن يَأْتِينَ بِفَاحِشَةٍ مُّبَيِّنَةٍ ۚ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ ۚ فَإِن كَرِهْتُمُوهُنَّ فَعَسَىٰ أَن وَإِنْ أَرَدتُّمُ اسْتِبْدَالَ زَوْجٍ مَّكَانَ زَوْجٍ وَآتَيْتُمْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّـهُ فِيهِ خَيْرًا كَثِيرًا ﴿١٩﴾ إِحْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا ۚ أَتَأْخُذُونَهُ بُهْتَانًا وَإِثْمًا مُّبِينًا ﴿٢٠﴾ وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنكُم مِّيثَاقًا غَلِيظًا ﴿٢١﴾ وَلَا تَنكِحُوا مَا نَكَحَ آبَاؤُكُم مِّنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ ۚ إِنَّهُ كَانَ فَاحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا ﴿٢٢﴾

O you who believe! it is not lawful for you that you should inherit women against (their) will; and do not straiten them in order that you may take part of what you have given them, unless they are guilty of manifest indecency; and live with them in a proper manner; then if you hate them, it may be that you dislike a thing while Allāh has placed abundent good in it (19). And if you wish to have (one) wife in place of another and you have given one of them a heap of gold, then take not from it anything; would you take it by slandering (her) and (doing her) manifest wrong? (20). And how can you take it when one of you has already gone in to the other and they have made with you a firm covenant? (21). 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 (22).

* * * * *

COMMENTARY

The talk returns to the subject of women, guiding the Muslims about some related matters. This piece contains the clause, and live with them in a proper manner; then if you hate them, it may be that you dislike a thing while Allāh has placed abundant good in it. It is a basic Qur'ānic principle which regulates woman's social life.

QUR'ĀN: O you who believe! it is not lawful for you that you should inherit women against (their) will: The Arabs of the era of ignorance counted wives of a deceased person as part of his inheritance if the woman was not the heir's mother, as history and traditions have reported. The heirs took the widow as part of their share; one of them threw a cloth on her and she became his property. If he wished, he married her, inheriting the deceased's marriage - without giving her a fresh dowry. If he disliked marrying her, he held her in his custody; then if he was so pleased, he gave her in marriage to someone and used her dowry himself; and if he wished, he kept her in straitened condition, not allowing her to marry, until she died and he inherited her property, if she had any.

Apparently, the verse forbids some custom that was prevalent among them; and as some exegetes have written, it could be the above-mentioned system of inheriting the widows. But the clause, ''against (their) will'', does not agree with this interpretation, whether we take it as an explanatory clause or a restrictive one. If it were taken as explanatory clause, it would

imply that that inheritance was always disliked by women, always happened against their will - and obviously it was not so. If it were taken as a restrictive clause, it would mean that that inheritance was unlawful nly if it took place against the woman's will, but there was no harm if she freely agreed to it - but this too is not correct.

Of course, dislike and unwillingness was a certainty when the heirs prevented them from re-marrying, coveting, in all or most cases, their property after taking their possession by inheritance. Obviously, it is this factor - contriving to inherit the woman's property against her will - which this verse has forbidden.

As for marrying them by inheritance, this verse does not deal with it; that is forbidden by a coming verse, which says: And marry not women whom your fathers married ... So far as the custom of giving them in marriage to someone else and usurpation of their dowry by the concerned heir is concerned, it is forbidden by such verses as: and women shall have the benefit of what they earn (4:32). Also the verse: ... then when they have fully attained their term, there is no blame on you for what they do for themselves in a proper manner (2:234), discredits the whole custom, guiding the people to the Islamic way.

As for the words: and do not straiten them in order that you may take ..., they do not refer to the afore-mentioned prevention of their re-marrying (with intention of getting their property on their death), because the subsequent clause: in order that you may take part of what you have given them, clearly speaks about taking away part of the dowry which the oppressing husband himself had given her; it does not refer to any property which she might have got from other sources.

In short, the verse stops men from inheriting women's property against their will; it is not concerned with the custom of taking women themselves as part of inheritance. Accordingly, either the word, 'women', metaphorically refers to their property, or the word, 'property of', is implied before it.

QUR'ĀN: and do not straiten them in order that you may take part of what you have given them, unless they are guilty of manifest indecency: The conjunctive, 'and', conjoins it either with the preceding: that you should inherit, (in which case it should be translated: nor that you should straiten them), or with: it is not lawful for you, (taking the negative present tense as equivalent to prohibitive mood). al-'Adl (اَلْعَضْلُ = to prevent, to straiten, to put in difficulty); al fāhishah (اَلْفَاحِشَةُ = indecency; it is mostly used for fornication); al-mubayyanah (اَلْمُبَيَّنَةُ = clear). Sībawayh has reportedly said that abāna, istabāna, bayyana, tabayyana (اَبَانَ،اِسْتَبَانَ،بَيَّنَ،تَبَيَّنَ) all have the same meaning, and are used both as transitive and intransitive - all of them are used to say, for example: The thing became clear, or, I made the thing clear.

The verse makes it unlawful to put the wife in straitened condition - in any way - with intention of compelling her to pay back to the husband a part

of dowry for dissolution of marriage-tie, so that she may extricate herself from that difficult life. Imposing such difficulties with this intention is unlawful for the husband. Of course, if the wife commits manifest indecency, i.e., adultery, then he may put restrictions on her, keeping her in straitened condition, in order that she may pay him something to obtain divorce.

This verse is not in conflict with the verse 229 of the chapter of 'The Cow': and it is not lawful for you to take any part of what you have given them, unless both fear that they cannot keep within the limits of Allāh; then if you fear that they cannot keep within the limits of Allāh, there is no blame on them for what she gives up to become free thereby. It is a specification; the verse of the chapter of 'The Women' specifies the one of the chapter of 'The Cow', by restricting it to the case of fornication. Moreover, the payment mentioned in the chapter of 'The Cow' refers to that which is given by mutual agreement, and that cannot particularize this verse.

QUR'ĀN: and live with them in a proper manner; ... abundant good in it: ''al-Ma'rūf'' (اَلْمَعْرُوفُ) is that thing or custom which people recognize in their social structure, which they do not reject or disapprove.

As the order to live with them is qualified with al-ma'rūf, it tells men to live with women in a manner that is known and recognized by the society.

The living together that is known and recognized by the people is as follows:

Every individual is an integral part of society, having equal importance with all other parts; they all together constitute human society; and each of them has a responsibility to strive as much as he can to make up the society's deficiencies. He earns and makes what is beneficial, takes from it according to his requirements, and gives the surplus to the society. If someone is treated in a different way, and is oppressed in a manner that his identity as an integral part is nullified, then he becomes a vassal, he is exploited but is given nothing in lieu of his labour. But it is exceptional case.

Allāh has described in His book that all people - men and women alike - are branches of a single human root; parts and components of one human species. Society, for its existence, needs males as much as it needs females - in equal degree. Allāh has said: you are (sprung) the one from the other (4:25).

There is nothing contradictory when we see that each sex has been bestowed some distinct characteristics which are not found in the other. For instance, men on the whole are distiguished for their strength and hardiness; and women by nature are more endowed with sentiments and soft-heartedness. Humanity, in its creative and social lives, needs demonstration of strength and hardiness as much as it requires permeation of love and mercy. The two qualities together represent the forces of attraction and repulsion which are prevalent in human society.

Thus the two sexes are equally balanced in weight, effect and influence; in the same way as individual males are equal in their affect and influences on this structure, in spite of their difference in natural and social matters,

like strength and weakness, knowledge and ignorance, intelligence and obtuseness, smallness and greatness, leadership and subordination, mastership and servitude, nobleness and vileness, and so on.

This is the social order emanating from perceptivity of a normal society that continues on the natural way without deviation. Islam has fulfilled all requirements of society and removed its deficiencies. No wonder that it had to establish the system of equality in society; and it is this equality that is called social freedom. It gives freedom to the women like the men.

Man, per se, has got the faculty of understanding and free will; with that independent will he chooses what is beneficial to him and discards what is harmful. Living in society he has the right to choose whatever he wants - as long as it does not go against the society's well-being - with independent will without any hindrance from anyone; he is not bound to opt for someone else's choice without any will of his own. But, as you have seen, this principle is not in conflict with specialization that some classes, or a few members of the same class, should be distiguished with some especial qualities - or should be particularly devoid of some qualities. As for example, Islam has reserved judiciary, administration and jihād for men; also they have been given responsibility of maintaining the women. Or, as minor children are not competent to make any acknowledgement or deal, and are exempted from the sharī'ah's obligations. These examples show that different classes and individuals are governed by different laws - which are based on difference of their weight in society - although all of them are equal in their basic value in human social structure, where the only criterion is that all are human beings having understanding and free will.

Such restrictions and exclusions are not peculiar to the Islamic laws; they are found, in varying degrees, in all civil codes; nay, in all human systems, even in primitive customs. The clause, that encompasses all these meanings, is the word of Allāh: and live with them in a proper manner, as explained above.

As for the words of Allāh: then if you hate them, it may be that you dislike a thing while Allāh has place abundant good in it, it presents a known and definite fact in the shape of a doubtful matter. Often this style is used to.prevent incitement of antagonism and prejudice in the audience. The same style is seen in the following verses: Say: ''Who gives you the sustenance from the heavens and the earth?'' Say: ''Allāh. And most surely we or you are on a right path or in manifest error.'' Say: ''You will not be questioned as to what we are guilty of, nor shall we be questioned as to what you do.'' (34:24 - 25).

At the time when the Qur'ān was revealed, human societies did not accord the women the status of human being; they were not considered as integral component of humanity. Some welladvanced civilizations treated them as an appendage - beyond the human circle - whose only purpose was to be used and exploited by man. Others recognized that women were human beings, but of inferior quality; they were deficient in humanity, like children and idiots, but with one difference: While children's or idiot's deficiency was removable (after adulthood or by treatment, respectively) women could never attain full human status. Consequently, it was necessary

for them to live as a dependent under total authority of men for ever. It is interesting to note that Allāh has not said: if you dislike their marriage; He has ascribed the dislike and hate directly to their person: ‘‘if you hate them’’; probably this expression was used keeping the above-mentioned social norm in view.

QUR’ĀN: And i f you wish to have ... manifest wrong?: al Istibdāl (اَلْاِسْتِبْدَالُ = to seek a substitute); it is used here for replacement of a wife with another; or it implies taking a wife in place of another by substitution. That is why ‘‘you wish’’ has been used with the istibdāl, although the latter’s paradigm itself gives the meaning of wishing and wanting. Accordingly, the meaning is as follows: And if you wish to take one wife in place of another by substitution.

al-Buhtān (اَلْبُهْتَانُ) is what stuns and bewilders someone; it is generally used in meaning of false accusation. Grammatically, it is almas dar, but in this verse it has been used for an action, i.e., taking back a part of dowry. Syntactically it describes state of the verb, ‘‘would you take it’’; and so does the phrase, ‘‘manifest wrong’’. The question shows disapproval.

The meaning: If you wish to divorce a wife and marry another in her place, do not take back from the divorced wife any part of the dowry which you had paid her - even if the amount you had given her was huge and you want to take only a small portion.

QUR’ĀN: And how can you take it ... a firm covenant? ...: The question creates a sense of astonishment. ‘‘al-Ifdā’ ’’ (اَلْاِفْضَآءُ = to reach, to arrive at) is used for intimate touching; it is derived from al fadā’ (اَلْفَضَآءُ = space, vastness).

As taking back a portion of dowry is an oppression and injustice, and the parties had lived in intimacy and union, it was really an amazing situation. Marriage and the resulting intimate sexual relation makes husband and wife like one being; and it is really strange that one should oppress one’s own self, or one part of a body should oppress the other part.

Apparently, the clause, ‘‘and they have made with you a firm covenant’’, refers to the union which the man had firmly established through marriage-tie; and one of whose concomitants is the dowry fixed at the time of marriage and which the woman receives from the man by right.

Someone has said that the firm covenant refers to the promise taken from man for woman that he would either retain her in a proper way or let her go with fairness, as Allāh has mentioned [in 2:231]. Someone else has said that it refers to their becoming lawful to each other as a result of marriage. But quite obviously, these interpretations are far-fetched, as the words of the verse show.

TRADITIONS

Hāshim ibn ‘Abdillāh narrates from as-Sariyy al-Bajalī that he said: ‘‘I asked him about the word of Allāh, and do not straiten them in order that you may take part of what you have given them: Then he quoted a talk and then said: ‘As the Nabateans say that when he threw a cloth on her, he

restrained her, so that she could not marry anyone else. It was a custom in the (era of) ignorance.' '' (at-Tafsīr, al-'Ayyāshī)

Abu 'l-Jārūd narrates from Abū Ja'far (a.s.) about the word of Allāh, O you who believe! it is not lawful for you that you should inherit women against (their) will: ''It was [a custom] in the [era of] ignorance [and] when the Arab tribes first accepted Islam, that when a relative of a man died leaving a woman, that man threw his cloth on her and thus inherited her marriage by the same dowry which the [deceased] relative had given her; the man inherited her marriage as he inherited his (the deceased's) property. When Abū Qays ibn al-Aslat died, Muhassan son of Abū Qays threw his cloth on the woman of his father; and she was Kubayshah bint Mu'ammar ibn Mu'bad. So, he inherited her marriage; then he left her - he neither went in to her nor spent on her (maintenance). So, she came to the Messenger of Allāh (s.a.w.a.) and said: 'O Messenger of Allāh! Abū Qays ibn al-Aslat died and his son, Muhassan, inherited my marriage. Now he does not come to me, nor does he spend on me, nor does he release me so that I may join my own people.' The Messenger of Allāh (s.a.w.a.) said: 'Go back to your house; and if Allāh ordains something concerning your matter, I will inform you.' Then it was revealed: 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. Thus she joined her own people. Also there were (other) women in Medina whose marriage, like that of Kubayshah, was inherited; but they were inherited from sons. Then Allāh revealed: O you who believe! it is not lawful for you that you should inherit women against (their) will.'' (at-Tafsīr, al-Qummī)

The author says: The ending clause of the tradition is not free from muddle and confusion. However, several Sunnī traditions too have narrated this story and that the verse was revealed in that connection. All or most of the traditions say that the verse; O you who believe! it is not lawful for you that you should inherit women ... , was revealed about the above-mentioned event. But you have seen in the commentary that the wording of the verse does not agree with this claim. However, there is no doubt that the said event had happened, and that the verses are somehow related to it and to the prevalent custom of the era of ignorance. Therefore, what we have written earlier should be relied upon.

at-Tabrisī has written about the clause, unless they are guilty of manifest indecency, that it is better to apply this word to every sin; and has said that it is narrated from Abū Ja'far (a.s.). (Majma'u 'l-bayān)

ash-Shaybānī has said: ''Indecency is adultery, and the verse means that if man comes to know of her indecency, then he may take ransom (from her); and it is narrated from Abū Ja'far (a.s.).'' (at-Tafsīr, al-Burhān)

Ibn Jarīr has narrated from Jābir: ''Verily, the Messenger of Allāh has said: 'Fear Allāh about women; because you have taken them in Allāh's trust, and have made their bodies lawful (to you) by the word of Allāh; and it is your right on them that they should not let anyone you dislike trample your bed; if they do so then you (may) hit them (but) not violently; and they have a right on you for their maintenance and clothing in a proper way.' '' (ad-Durru 'l-manthūr)

Ibn Jarīr has narrated from Ibn ‘Umar that he said: ‘‘Verily, the Messenger of Allāh (s.a.w.a.) said: ‘O people! Verily, the women near you [i.e., your wives] are [like] conscript labour [i.e., they are joined to you for ever]; you have taken them in Allāh’s trust, and have made their bodies lawful (to you) by the word of Allāh. So you have got right on them, and it is among your rights on them that they should not let anyone trample your bed, nor should they disobey you in any good (thing); and when they do so [i.e., fulfil these rights] then they have got right of maintenance and clothing in a proper way.’ ’’ (ibid.)

The author says: The meaning of these traditions may be understood from ealier explanations.

Abū Ja‘far (a.s.) has said about the word of Allāh, and they have made with you a firm covenant: ‘‘Covenant is the word with which marriage is contracted ...’’ (al-Kāfī; at-Tafsīr, al-‘Ayyāshī)

at-Tabrisī has said: ‘‘Firm covenant is.the commitment made by the husband at the time of marriage that he will either retain her properly or let her go in fairness. This meaning is narrated from Abū Ja‘far (a.s.).’’ (Majma‘u ’l-bayān)

The author says: This meaning is narrated from several early exegetes like Ibn ‘Abbās, Qatādah and Abū Malīkah. The wording of the verse is not out of tune with it, because this also is a covenant women make with men; although more obviously it means the marriage formula which is recited to establish marriage-tie.

az-Zubayr ibn Bakkār has narrated in al-Muwaffaqiyyāt from ‘Abdullāh ibn Mus‘ab that he said: ‘‘ ‘Umar said: ‘Do not give to women a dowry more than forty ūqiyyah [10] . If anyone exceeds [this limit] I will put the excess amount in the treasury.’ A woman said: ‘You have no such authority.’ He said: ‘Why?’ She said: ‘Because Allāh says: ‘‘... you have given one of them a heap of gold ...’’ ’ Thereupon ‘Umar said: ‘A woman hit the mark and a man missed.’ ’’ (ad Durru ’l-manthūr)

The author says: as-Suyūtī has also narrated it from ‘Abdu ’r-Razzāq and Ibnu ’l-Mundhir from ‘Abdu ’r-Rahmān as-Salamī; and from Sa‘īd ibn Mansūr and Abū Ya‘lā through a good chain from Masrūq (and that tradition says ‘‘four hundred Dirhams’’ in place of ‘‘forty ūqiyyah’’); and also from Sa‘īd ibn Mansūr and ‘Abd ibn Hamīd from Bakr ibn ‘Abdillāh al-Muzanī; and all traditions have nearly the same meaning.

Ibn Jarīr has narrated from ‘Ikrimah that he said about the word of Allāh, And marry not women whom your fathers married, that it was revealed about Abū Qays ibn al-Aslat who took Umm Ubayd bint Damrah who was the widow of his father, al-Aslat; and about al-Aswad ibn Khalaf who had taken the daughter of Abū Talhah ibn ‘Abdi ’l-‘Uzzā ibn ‘Uthmān ibn ‘Abdi ’d-Dār, who was the widow of his father, Khalaf; and about Fākhitah, daughter of al-Aswad ibn al-Muttalib ibn Asad, who was the wife of Umayyah ibn Khalaf and then she was taken by his son, Safwān ibn Umayyah; and about Manzūr ibn Rabāb who had taken Malīkah daughter of Khārijah, who was the widow of his father, Rabāb ibn Sayyār. (ibid.)

Ibn Sa‘d has narrated from Muhammad ibn Ka‘b al-Qurazī that he said: ‘‘When a man died leaving a woman, his son had the right to marry her if he

so wished - provided she was not his own mother - or to give her to someone else in marriage. When Abū Qays ibn al-Aslat died, his son, Muhassan, succeeded him and inherited the marriage of his widow; but he did not give her maintenance nor he gave her any property as [her husband's] inheritance. Thereupon, she came to the Prophet (s.a.w.a.) and described the situation to him. He said: 'You go back; perhaps Allāh will send down something about you.' Then it was revealed: And marry not women whom your fathers married ...; also it was revealed, ... it is not lawful for you that you should inherit women against (their) will.'' (ibid.)

The author says: We have already given Shī'ī traditions of the same meaning.

Ibn Jarīr and Ibnu 'l-Mundhir have narrated from Ibn 'Abbās that he said: ''The people of [the era of] ignorance prohibited [marriage with] all whom Allāh has prohibited except the father's wife and having two sisters together as wives. Then Allāh revealed: And marry not women whom your fathers married; and, [it is unlawful] that you should have two sisters together.'' (ibid.)

The author says: There are other traditions also of the same meaning.

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CHAPTER 4, VERSES 23 - 28

حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ
وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ
وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُم مِّن نِّسَائِكُمُ اللَّاتِي دَخَلْتُم بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُم بِهِنَّ فَلَا
جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ
وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ ۖ سَلَفَ ۗ إِنَّ اللَّـهَ كَانَ غَفُورًا رَّحِيمًا ﴿٢٣﴾
كِتَابَ اللَّـهِ عَلَيْكُمْ ۚ وَأُحِلَّ لَكُم مَّا وَرَاءَ ذَٰلِكُمْ أَن تَبْتَغُوا بِأَمْوَالِكُم مُّحْصِنِينَ غَيْرَ
مُسَافِحِينَ ۚ فَمَا اسْتَمْتَعْتُم بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً ۚ وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا
تَرَاضَيْتُم بِهِ مِن بَعْدِ الْفَرِيضَةِ ۚ إِنَّ اللَّـهَ كَانَ عَلِيمًا حَكِيمًا ﴿٢٤﴾ وَمَن لَّمْ يَسْتَطِعْ مِنكُمْ طَوْلًا
أَن يَنكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمِن مَّا مَلَكَتْ أَيْمَانُكُم مِّن فَتَيَاتِكُمُ الْمُؤْمِنَاتِ ۚ وَاللَّـهُ أَعْلَمُ
بِإِيمَانِكُم ۚ بَعْضُكُم مِّن بَعْضٍ ۚ فَانكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ وَآتُوهُنَّ أُجُورَهُنَّ بِالْمَعْرُوفِ
مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ ۚ فَإِذَا أُحْصِنَّ فَإِنْ أَتَيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفُ
مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ۚ ذَٰلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنكُمْ ۚ وَأَن تَصْبِرُوا خَيْرٌ لَّكُمْ ۗ
وَاللَّـهُ غَفُورٌ رَّحِيمٌ ﴿٢٥﴾ يُرِيدُ اللَّـهُ لِيُبَيِّنَ لَكُمْ وَيَهْدِيَكُمْ سُنَنَ الَّذِينَ مِن قَبْلِكُمْ وَيَتُوبَ
وَاللَّـهُ يُرِيدُ أَن يَتُوبَ عَلَيْكُمْ وَيُرِيدُ الَّذِينَ يَتَّبِعُونَ عَلَيْكُمْ ۗ وَاللَّـهُ عَلِيمٌ حَكِيمٌ ﴿٢٦﴾
الشَّهَوَاتِ أَن تَمِيلُوا مَيْلًا عَظِيمًا ﴿٢٧﴾ يُرِيدُ اللَّـهُ أَن يُخَفِّفَ عَنكُمْ ۚ وَخُلِقَ الْإِنسَانُ ضَعِيفًا
﴿٢٨﴾

Forbidden to you are your mothers and your daughters and your sisters and your paternal aunts and your maternal aunts and 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 step-daughters 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 (in marrying them) 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 Forgiving (23). And all married women except those whom your right hands possess; (this is) Allāh's ordinance to you; and lawful for you is (all) besides that - that you seek (them) by means of your wealth taking (them) with chastity, not committing fornication. Then as such of them with whom you have mut'ah, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed; surely Allāh is Knowing, Wise (24). And whoever among you has not within his power ampleness of means to marry free believing women, then (he may marry) of those whom your right hands possess from among your believing maidens; and Allāh knows best your faith: you are (sprung) the one from the other; so marry them with the permission of their people, and give them their dowries justly, they being chaste, not

fornicating, nor receiving paramours; and when they are taken in marriage, then if they are guilty of indecency, they shall suffer half the punishment which is (inflicted) upon free 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 (25). 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 (26). And Allāh desires that He should turn to you (mercifully), and those who follow (their) lusts desire that you should deviate (with) a great deviation (27). Allāh desires that He should make light your burdens, and man is created weak (28).

* * * * *

COMMENTARY

These are decisive verses which anumerate the women with whom marriage is prohibited - and those who are allowed. The preceding verse, which prohibited marriage with fathers' wives, is connected in theme with these verses; but its style was more in agreement with the preceding verses; that is why we included it in the preceding commentary, as it had some thematic relevance with those verses also.

The verses give a list of all those women with whom marriage is absolutely prohibited without any condition or exception. This is clear from the words immediately after enumeration of prohibited relatives: and lawful for you is (all) besides that ... That is why all scholars unanimously say that the verse prohibits son's daughter and daughter's daughter as well as father's mother and mother's mother; and that the verse: do not marry women whom your fathers married, prohibits grandfather's wife too. From this, we may easily understand the Qur'ānic view about sons and daughters and that who are included in these terms according to the sharī'ah, as will be explained later, Allāh willing.

QUR'ĀN: Forbidden to you are your mothers and your daughters and your sisters and your paternal aunts and your maternal aunts and brother's daughters and sister's daughters: It is the list of those who are prohibited by blood-relation; they are seven in number. 'Mother' is a woman from whom man is born, either direct or through an intermediary, like father's mother or mother's mother, how high so ever. 'Daughter' is a woman who is born of the man, either direct or through an intermediary, like son's daughter or daughter's daughter, how low so ever. 'Sister' is a woman having affinity with the man by common birth from the same father and mother, or same father or same mother without any intermediary. 'Paternal aunt' is father's sister, as well as paternal or maternal grandfather's sister. 'Maternal aunt' is mother's sister, as well as paternal or maternal grandmother's sister.

Prohibition of mothers and the others described in the verse, means prohibition of marriage with them, as is understood from the subject and the order. It is not different from other such expressions; for example: Forbidden to you is that which dies of itself, and blood and flesh of swine ... (5:3), i.e., eating it; and the words: ... So it shall surely be forbidden to them for forty years. (5:26), i.e., living in it. Such metaphorical expressions are very common in every language.

Nevertheless, it seems a bit difficult to say that it is ‘marriage’ which is implied by the word, ‘forbidden’, because of the exceptional clause coming later: except those whom your right hands possess. Sexual intercourse with one’s slave women is lawful without marriage. Therefore, it would seem more appropriate if prohibition is taken to refer to sexual intercourse, and not to marriage alone, as will be explained later. The same is the implication of the words: that you seek (them) by means of your wealth ..., as will be described afterwards. Thus the fact emerges that the implied word after ‘forbidden’ is cohabitation, or another similar word, not marriage. Allāh has avoided mentioning it explicitly, because the divine speech refrains from such words and maintains a high moral decorum.

The talk is addressed to men. It does not say: Forbidden to women are their sons, or, for example, there is no marriage between woman and her son. It is because by nature it is the man who seeks the woman and proposes marriage.

The verse addresses the men (in plural), and also the prohibited women are mentioned in plural, e.g., ‘mothers’ and ‘daughters’, etc. It implies comprehesive distribution. In other words, it means: Forbidden to each man among you is his mother and his daughter, etc. Obviously, it does not mean that the whole group of these women is forbidden to the whole group of men. Nor does it mean that every woman who happens to be a mother or a daughter is forbidden to every man. Otherwise, it would result in abrogation of the institution of marriage altogether. The verse, therefore, means that each man is forbidden to marry his mother, daughter and sister, etc.

QUR’ĀN: and your mothers that have suckled you and your foster-sisters: Now begins the list of the women prohibited by other than blood-relationship. They too are seven - six are mentioned in this verse and one in the preceding one: and marry not women whom your fathers married.

The style of the verse establishes motherhood and sonship between a woman and the child whom she suckles; likewise it creates brotherhood and sisterhood between man and his foster-sister; note how it uses the words ‘mothers’ and ‘sisters’ for them as an accepted reality. Therefore, according to the sharī‘ah, breast-feeding creates relationship parallel to blood-relationship; and as will be described later, it is a special feature of the Islamic laws.

Both sects have narrated a correct tradition from the Prophet that he said: ‘‘Verily Allāh has prohibited through suckling what He has prohibited through blood-relationship.’’ It follows that suckling creates prohibition parallel to the prohibited blood-relationship, that is, foster-mother, foster-daughter, foster-sister, foster paternal aunt, foster maternal aunt, daughter of foster brother and daughter of foster-sister - a total of seven groups.

How the suckling relationship is established; what conditions are necessary concerning its quantity, quality and duration, to create the prohibition; and other relevant rules - these topics are explained in the Islamic jurisprudence, and are outside the scope of this book.

The words translated as, ‘‘and your foster-sisters’’, literally means, ‘and your sisters from suckling’, and the phrase refers to those sisters whom the man’s mother had suckled with the milk flowing because of his father.

QUR'ĀN: and mothers of your wives: It makes no difference whether the man had established sexual relation with that wife or not. The word 'women', when used in genitive construction with 'man', means wives - unconditionally. This generality is clearly proved from the condition mentioned in the next sentence: ... (born) of your wives [lit. 'women'] to whom you have gone in; but if you have not gone in to them ...

QUR'ĀN: and your step-daughters 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 (in marrying them): ar-Rabā'ib (اَلرَّبَائِبُ) is plural of ar-rabībah (اَلرَّبِيْبَةُ); it means daughter of a man's wife from a previous husband; because it is the present husband who looks after the children whom his wife brings with her. It is he who in most, if not all, cases looks after them and brings them up.

The clause translated as, ''who are in your guardianship'', literally means, 'who are in your lap'. This too denotes majority of cases, although not all step-daughters grow up in laps of their step-fathers. That is why it is said that the words, ''who are in your guardianship'', merely denote general situation, because step-daughter is forbidden whether she grows up in the lap of her mother's husband or not. The clause, therefore, is explanatory, not restrictive.

It is possible to maintain that the clause, ''who are in your guardianship'', points to the underlying reason of the law prohibiting women of blood- and other relations, as will be described later. There is continuous and constant mingling between men and these women; they are almost always together in the homes. Consequently, it would have been impossible to avoid incest (merely with prohibition of fornication) if they were not prohibited for ever - as will be explained later.

Accordingly, the clause, ''who are in your guardianship'', indicates that the criterion and underlying reason of prohibition is applicable to your step-daughters as validly as it is to other groups of prohibited women, because mostly these daughters grow up in your laps and live with you together.

In any case, the clause, ''who are in your guardianship'', is not a restrictive proviso to limit the prohibition. In other words, it does not mean that a step-daughter is lawful to her step-father if she is not in his guardianship; let us say, if there is an adult daughter whose mother has married another husband. Note for proof the clear wordings of the next clause, ''but if you have not gone in to them, there is no blame on you (in marrying them)''. Obviously, establishing sexual relation with her mother has a bearing on the law of prohibition, and, therefore, its absence negates the prohibition. If the daughter's being in the step-father's guardianship had any bearing on the prohibition, it was necessary to describe it in the same way.

There is a phrase, that is, 'in marrying them', implied after the words, ''there is no blame on you''. It was deleted for brevity's sake as the context had made the meaning clear.

QUR'ĀN: and the wives of your sons who are of your own loins: al-Halā'il (اَلْحَلاَئِلُ) is a plural of al-halīlah (اَلْحَلِيْلَةُ). It is written in Majma'u 'l-bayān: ''al-Halā'il is plural of al-halīlah which is a synonym of almuh allalah (اَلْمُحَلَّلَةُ = lawful); it is derived from al-halāl (اَلْحَلاَلُ = legal, lawful); its masculine gender is al-halīl (اَلْحَلِيْلُ = lawful) and its plural is ahillah (اَحِلَّةُ) on the paradigm of 'azīz and a'izzah (عَزِيْزٌ،اَعِزَّةٌ = powerful). Husband and wife were given this name because each of them is lawful to his/her spouse. There is another view that it is derived from al-hulūl (اَلْحُلُوْلُ = to enter into something), because each spouse enters into bed with his/her partner.''

The word, 'sons', denotes male child begotten by a human being through birth, either direct or through a son or daughter, [how low so ever]. The conditional clause, ''who are of your loins'', excludes wives of the so-called sons of adoption.

QUR'ĀN: and that you should have two sisters together ...;: It ordains prohibition of marrying sister of a wife as long as the wife is alive and is married to the man. It is the best and the shortest construction to express this idea. The expression makes it clear that man is forbidden to have both sisters together in his marriage at the same time. There is no hindrance if a man marries a woman and then, after her divorce or death, marries her sister. The proof may be seen in the well-established conduct of the Muslims going back to the Prophet's time.

The exceptional clause: except what has already passed, has the same implication here as it had in the preceding verse: And marry not women whom your fathers married, except what has already passed. It looks at the custom, prevalent among the Arabs of [the era of] ignorance, of having two sisters in marriage together. This clause proclaims pardon to what they had done in the past - before this verse was revealed. It does not mean that such marriages - if they were contracted earlier - could continue even after the revelation. The verse clearly shows that from now such marriages, being prohibited and unlawful, cannot continue. We have quoted in the ''Traditions'', under the verse: And marry not women whom your fathers married, except what has already passed, how the Prophet had separated between the sons and the wives of their fathers, at once after that verse was revealed, although the marriages had been contracted before its revelation.

Question: What is the use of pardoning a previous marriage which was dissolved soon after revelation of the verse, and did not continue? What was the benefit of saying that that past union was not prohibited - was lawful - when it had already ceased to exist?

Reply: It had great benefits, because the effects of that marriage were continuing even after the marriage was dissolved, like legitimacy of children, recognition of various relationships and other related matters.

In other words, there is no use in saying that a past marriage, which had joined two sisters together, was lawful or unlawful - when both or one of them had died, or both or one of them had been divorced. But it is quite meaningful to declare that that past conjunction was not unlawful at that

time. It was necessary for the welfare of the offspring of such marriages, as it gave them legitimacy and established relationship between the children and their natural fathers and other relatives, which in its turn had bearing on inheritance, marriage and other so many family affairs.

Accordingly, the clause:''except what has already passed'', regularize the resulting legal aspects of that marriage - not the marriage itself which had anyhow ceased before this legislation. It shows that both sides of this exception are inter-related, are not of two different categories, as many exegetes have written.

Also it is possible to apply this exception to all the clauses mentioned in the verse - without restricting it to the last clause, ''and that you should have two sisters together''. It is true that the Arabs did not marry any of the women mentioned in the verse, except having two sisters together; they did not marry their mothers, daughters or other prohibited relatives. But, at the time of the revelation of these verses, there were many societies, like the Persians, the Romans and several other civilized and uncivilized nations, which married various prohibited women, each society following its own custom. Islam recognizes the validity of the prevalent marriage-systems of non-Muslim societies - provided it was considered lawful by their religion or tradition. Thus, the exception confirms the legitimacy of their children and recognizes the validity of their relationships even when they enter into the fold of Islam.

Even so, the first explanation is more obvious.

QUR'ĀN: surely Allāh is Forgiving, Merciful: It explains the reason of the above-mentioned exception. It is one of those places where divine forgiveness refers to the external effects of a deed, and not to the sins and disobedience.

QUR'ĀN: And all married women except those whom your right hands possess,: al-Muhsanāt (اَلْمُحْصَنَاتُ) is the nomen patientis (passive participle) of al-ihsān (اَلْاِحْصَانُ = to make inaccessible); they say: al-hisn al-hasin (اَلْحِصْنُ،اَلْحَصِيْنُ = invulnerable fortress). When this verb is ascribed to woman as, for example, ahsanati 'l-mar'ah (اَحْصَنَتِ الْمَرْأَةُ), it gives one of the following three connotations: i) The woman, being chaste, protected herself and abstained from illicit sexual relations, as Allāh says: ... who guarded her chastity (66:12); ii) The woman married, so her husband, or her marriage, protected her from others; in this sense, the verb may be used in passive voice; also iii) She is a free woman and it keeps her away from illicit sexual relations - because fornication was common among slave women.

Obviously, the word, al-muhsanāt, in this verse, has the second connotation, i.e., married women. It cannot have the first or the third meaning, because apart from the fourteen groups (mentioned in the preceding two verses), the only thing prohibited is marriage with a married woman; there is no snag at all in marrying other women, whether they be chaste or unchaste, free or slave. There is, therefore, no reason for interpreting the word, al-muhsanāt here as chaste women (because the

prohibition is not confined to the chaste women) and then attaching to the verse a condition that they should not be in other's marriage. Nor is there any justification for explaining the said word as free women (because the rules about slave women are the same as those for free ones) and then attaching to the verse a condition of their being un-married. Such interpretations are not agreeable to good literary taste.

al-Muhsanāt, therefore, means married women, i.e., those who are presently married to a husband. The word is in conjunction with your mothers and your daughters ... The meaning: Forbidden to you are all married women as long as their present marriage continues.

Consequently, the exceptional clause, ''except those whom your right hands possess''; will exclude one's married slave girl from this prohibition. It has been narrated in traditions that the master of a married slave woman may take away that woman from her husband, keep her untouched for the prescribed term, then have sexual relation with her, and thereafter return her to her husband.

Some exegetes have opined: The exception, ''except those whom your right hands possess'', means, except those chaste women whom you possess by marriage or as slave. Possession thus implies the right of having sexual pleasure.

But this opinion is not correct, because:

First: It interprets the word, al-muhsanāt (اَلْمُحْصَنَاتُ = married women) as chaste women, and you have already seen how wrong that interpretation is.

Second: The Qur'ān always uses the phrase, ''those whom your right hands possess'', for slaves; not for any other right of benefitting from something.

Likewise, someone has said: The phrase refers to unbeliever married women imprisoned in jihād. A tradition from Abū Sa'īd al-Khudrī is offered in support, in which he says: ''This verse was revealed about the captives of Awtās, where the Muslims had captured some women of the polytheists, whose husbands were in (their) non-Muslim region. When this verse was revealed, an announcer announced on behalf of the Messenger of Allāh (s.a.w.a.) 'Be careful! The pregnant ones should not be approached for sexual intercourse until they deliver, nor the non-pregnant ones until they complete (their) waiting period.' ''

But apart from weakness of this tradition, it amounts to particularization of the verse without a particularizer.

Therefore, only the meaning given by us is to the point.

QUR'ĀN: (this is) Allāh's ordinance to you: The phrase, ''Allāh's ordinance to you'', means: Adhere to Allāh's command which is ordained and prescribed for you. The exegetes have said: ''Allāh's ordinance to you'' is a cognate accusative of an implied verb. The original sentence is supposed to be: Allāh has ordained an ordinance for you; the verb was then deleted and the accusative - ordinance - attached to the subject - Allāh - in a genitive construction, taking the place of the subject. They have not taken the phrase, ''to you'', as verbal-noun [in the meaning of, 'It is incumbent on

you']; because the grammarians say that this phrase, as a verbal-noun, is weak in effect and its object cannot precede it [as it does in this verse].''

QUR'ĀN: and lawful for you is (all) besides that: [The construction, mā warā'a dhālikum (مَا وَرَآءَ ذٰلِكُمْ = what is besides that) requires careful consideration.] It uses, mā (مَا = what) which is obviously used for 'unrational' things; the demonstrative pronoun, dhālikum, is used for masculine singular object. Also the phrase is followed by the words: that you seek by means of your wealth. All these factors together make it clear that the relative and demonstrative pronouns refer to the same thing which was implied by the beginning word, ''Forbidden'', i.e., sexual intercourse, or words like that. Meaning: It is lawful for you to have it with other than what has been described above, that is, to have sexual intercourse after marriage with other than the fifteen prohibited groups - or after obtaining in slavery some other women. In this way the appositional substantive (that you seek them by means of your wealth ...) will perfectly enmesh with the rest of the sentence.

Many exegetes have explained this exceptional clause in very amusing ways. One says that the clause, ''and lawful for you is (all) besides that'', means that all other relatives are lawful to you. According to another, it means that it is lawful for you to have less than five - i.e., four or less - women that you seek them for marriage by means of your wealth. A third one opines that, it is lawful for you to have slave women outside the mentioned fifteen groups. Still another says that it means: Lawful for you is all besides the prohibited relatives - provided the number does not exceed four - that you seek by means of your wealth to marry them or purchase them in slavery.

All these interpretations are simple absurd, because none is supported by the wordings of the verse. Moreover, all of them apply the relative pronoun, 'what', to rational beings, without any justification, as you have seen above. Apart from that, the verse aims only at explaining as with whom conjugal relations cannot be established. In this context, it anumerates the prohibited groups of women - without looking at their number. There is no reason why the exceptional clause should be explained in term of numbers. The fact is that the verse aims at describing permission for the acquisition of women - other than those mentioned in the preceding two verses - by marriage or by possession.

QUR'ĀN: that you seek (them) by means of your wealth, taking (them) with chastity, not committing fornication: The clause is neither an appositional substantive standing for the preceding clauses, (all) besides that; or is in explicative apposition with that. In any case, it explains the lawful way of approaching women and having sexual intercourse with them. The preceding exceptional clause: and lawful for you is (all) besides that, if left at that, could be applied to three things: Marriage, possession by slavery and fornication. This clause, ''that you seek ...'', forbids fornication and restricts permission to the remaining two: marriage and possession by slavery. Then it attaches importance to seeking them by means of one's wealth: In marriage, it is dowry, which is one of its chief elements; in

possession, it is price, which is the main procedure of acquiring slaves. The meaning now will be as follows: Apart from the above-mentioned prohibited categories, you are allowed to seek other women by spending your wealth on dowry of those whom you marry, or on price of slave girls - in all this you have to remain chaste and avoid illicit sexual relations.

It is now clear that the word, muhsinīn (مُحْصِنِيْنَ) in this clause denotes chastity; it cannot imply being married or free. The phrase ‘‘seek (them) by means of your wealth’’, covers marriage and possession both; there is no reason to restrict it to marriage: therefore, the word, muhsinīn, should not be restricted here to married ones. Also chastity does not mean celibacy; otherwise, the word would be irrelevant here. The word, chastity, as used here is opposite of illicit sexual relations of all types. It tells men to restrain themselves from unlawful sexual activities and restrict themselves to what Allāh has allowed of the sexual enjoyment - to which man is attracted by natural instinct.

Someone has said that the clause, ‘‘that you seek (them)’’, means ‘in order that you may seek them’. But this view is not correct. This clause explains the same thing which was said by the preceding one: and lawful for you is (all) besides that. Therefore, it is appositional substantive standing for the preceding clause; it does not mention anything that springs from the preceding one, or which is the effect of that.

Likewise, another writer has opined that the verb, al-musāfahah (اَلْمُسَافَحَةُ = to spill or shed something; metaphorically used in meaning of fornication) used here in the form of ghayra musāfihīn (غَيْرَ مُسَافِحِيْنَ = translated here as, not committing fornication) has actually been used in its literal sense, and the verse forbids merely ejaculating semen in womb, without intending to achieve the goal for which Allāh has created the natural sexual urge in man, i.e., without wanting to establish a family and procreate. Conversely, al-ihsān (اَلْإِحْصَانُ) implies permanent marriage which aims at producing children.

Reply: The only thing that can be said about the writer is that he is confused. Generally, there are two ways of discussing a law: Sometimes one looks at its underlying reason and benefit; at other times, talk is focused at the law itself. That writer has muddled the two together, inadvertently putting himself in a corner.

Discussion about underlying reason of a law is rational in nature, based on intellect; while discussion of the law itself - togetherwith its subject, concomitants, conditions and impediments - is based on its wordings, and its expansion or constriction depends entirely on that of the phraseology chosen by the Law-giver. Of course, there is no doubt that all the divinely ordained laws are based on genuine reasons and benefits. The ordainment of marriage laws too is based on real benefit, genuine underlying reason, and that is procreation. We also know that the system of creation wants human species to continue through successive existence of its individual members - as long as Allāh wished. To achieve that goal, human body has been equipped with

procreative organs; which take a minute part of human bodies, nurture and develop it until it becomes a new human being, ready to take the place of the preceding generation. In this way the species continues without interruption. At the same time, sexual urge was ingrained in human beings in order that they should not neglect using the said organs. It is because of this urge that each group - male and female - is attracted to the other and establishes sexual relations. All this was perfected with the power of understanding, which prevents human beings from subverting this process to which the system of creation invites.

Even so, although the natural system has achieved its goal, that is, continuation of human species, we know that not every sexual intercourse between man and woman achieves that goal. Cohabitation is the initial step on that path. But not every union is blessed with child, nor every sexual intercourse results in pregnancy, nor every lust brings about that effect. Not every man or woman, nor every marriage, is inexorably pushed to cohabitation and procreation. These things happen in many, but not in all, cases.

The natural faculty exhorts man to marry, seeking procreation through sexual urge; and the reason ingrained in him restrains him from indecency, from unlawful carnal activities, as such deviation spoils felicity of life, demolishes foundation of family and desrupts procreation.

This composite benefit - procreation and prevention of indecency - is the underlying reason (which takes place in most of the cases), on which the institution of marriage is based in Islam. But this ‘appearance in most of the cases’, this generality, governs the underlying reason only. So far as the related ordained laws are concerned, they are not for ‘most’, but for all, human beings and for all times.

Therefore, it is not correct to say that marriage or cohabitation should be lawful or unlawful depending on whether or not the afore-said benefit can be obtained from it. It will be absurd to claim that marriage is not lawful without intention of procreation. Otherwise, such people will have to say that: marriage of an infertile man or woman is unlawful; marriage of a woman in menopause is unlawful; marriage of a minor girl is unlawful; marriage of a fornicator is unlawful; intercourse with a pregnant wife is unlawful; intercourse without ejaculation is unlawful; marriage, before establishing a household is unlawful; and so on and so forth.[11]

The fact is that marriage between male and female is a lawful institution, and it has its own permanent rules and regulations [which apply to the whole mankind for all times to come - without any exception]. This institution was established for protection of common benefits which are obtained from it in most cases, as you have seen. But it is meaningless to make this ordained institution dependent on that benefit for its existence [or lawfulness], or to say that every marriage or its every rule or aspect that did not lead to procreation was unlawful.

QUR’ĀN: Then as to such of them with whom you have mut‘ah give them their dowries as appointed; ...: Probably, the word, mā (مَا = translated here as ‘such’) is relative pronoun; the verb,‘‘you have mut‘ah’’ is its

antecedent; the pronoun in bihi (بِه = with whom) refers to the relative pronoun, and the words, ‘‘of them’’ to the antecedent. Meaning: Then as to Such of the women with whom you have mut‘ah.

Another possible grammatical explanation: The pronoun in bihi (with which) refers to cohabitation (which was implied in the clause: and lawful for you is (all) besides that; ‘mā’ then would denote time and mean ‘whenever’; and the words, ‘of them’, would be connected to the verb, istamta‘tum (اِسْتَمْتَعْتُمْ) which may literally be translated as, ‘you seek to enjoy’. In this case, the translation would be as follows: Then whenever you seek to enjoy (sexually) with any of them, give them their dowries as appointed.

This sentence, ‘‘Then as to such of them ...’’, undoubtedly branches out from the preceding talk - as the letter, fa (فَ = then) shows - as a component is described after the whole, or a particular is explained after the general. As was explained, the preceding sentence: that you seek (them) by means of your wealth ..., is certainly a branching of a component or particular from a whole or general concept.

Such branching is very common in the divine book. For example: For a counted Number of days; then whoever among you is sick or on a journey ... (2:184); ... when you are secure, then whosoever enjoys by the ‘umrah until the hajj ... (2:196); There is no compulsion in relgion; truly the right way has become clearly distinct from error; therefore, whoever disbelieves in the rebels (false deities) and believes in Allāh ... (2:256); there are many such examples.

There is no doubt whatsoever that the word, al-istimtā‘ (= اَلْاِسْتِمْتَاعُ

lit., to enjoy) used in this verse means mut‘ah marriage. The verse is Medinite, and a part of the chapter of ‘The Women’, that was revealed in the first half of the Prophet’s life at Medina, as the majority of its verses indicate; and in that period this type of marriage, i.e., mut‘ah, was, without any doubt, a common practice, a prevalent custom among the Muslims - and the traditions unanimously accept this fact. It makes no difference whether or not it was Islam which had originated this system;

what is important is the fact that this marriage was in vogue within the sight and hearing of the Prophet; and it had this very name, mut‘ah; no other word was used to denote this type of marriage. Accordingly, there is no escape from applying the clause, fa-māsta‘tum bihi minhunna (فَمَا اسْتَعْتُمْ بِه مِنْهُنَّ) to the mut‘ah marriage. There were so many customs, practices and cohabits prevalent among the Arabs at the period of the revelation, which had their own well-known and well-understood names; and whenever a verse was revealed concerning them using their names - whether it was confirmation or rejection, order or prohibition - there was no other way but to apply that nomenclature to their usual meanings - i.e., to the customs concerned; nobody ever thought of interpreting those names in their literal sense. For example, Qur’ān has used the words, hajj, trade, interest, profit,

booty, and many similar names, but no one could ever think that, for instance, hajj of the House meant planning to go to the Ka‘bah; nor were other such names ever explained in their literal meanings. Likewise, the Prophet (s.a. w.a.) brought many items of the sharī‘ah, and they spread with their given religious names, like salāt, sawm (fast), zakāt, hajju’t-tamattu‘, etc. After the establishment of these names, nobody would think of applying these words, when they appear in the Qur’ān, to their original literal meanings - once the words have been established for their terminological meanings - in the usage of the religion or the people of religion.

Therefore, the only possible way is to apply the word, al-istimtā‘, of this verse, on the mut‘ah marriage, because it was known with this very name when this verse was revealed. It is quite irrelevant whether or not the mut‘ah marriage was later abrogated by the Qur’ān or tradition.

In short, the verse speaks about an aspect of the mut‘ah marriage; and it is the explanation which is narrated from the ancient exegetes among the Companions and their disciples, like Ibn ‘Abbās, Ibn Mas‘ūd, Ubayy ibn Ka‘b, Qatādah, Mujāhid, as-Suddī, Ibn Jubayr, al-Hasan and others. The same is the madhhab of the Imams of the Ahlu ’l-bayt (a.s.).

This shows the incorrectness of the following two interpretations:

Some exegetes have written that al-istimtā‘ (lit., to seek enjoyment) means marriage, because marriage-tie is established in order to get enjoyment from it.

Someone else has said that istamta‘tum (اِسْتَمْتَعْتُمْ) actually means tamatta‘tum (تَمَتَّعْتُمْ = you enjoy); and ‘s’ and ‘t’ (س، ت) have been added only for emphasis, [not to indicate seeking of something].

But both opinions are wrong, because prevalence and currency of rnut‘ah marriage (with this very name) among them does not leave any room to its literal meaning to enter the hearers’ minds.

Moreover, if we accept [for the sake of argument] that the verse means seeking enjoyment, or enjoying, then this conditional clause would not agree with the resulting clause. It will be wrong to say that when you enjoy (sexually with) or seek to enjoy with, a woman, then give her dowry to her. The wife becomes entitled to dowry just on recitation of the formula of marriage; it does not depend on sexual relation, nor on the pursuit of the same (a term which may apply even to proposal of marriage, recitation of marriage formula, foreplay and sexual intercourse, etc.). Of course, half of the dowry is payable on recitation of the formula and the balance on coition.

Apart from that, many verses, which were revealed before it, had fully established the obligatoriness of paying dowry, with all its various propositions. Accordingly, there was no reason to repeat the order of its obligatoriness here. Vide, for example:

And give women their dowries as a free gift (4:4).

And if you wish to have (one) wife in place of another and you have given one of them a heap of gold, then take not from it anything ... (4:20 - 21).

There is no blame on you if you divorce women while yet you have not touched them or appointed for them a dowry, and make provision for them,

on the wealthy according to his means and on the straitened in circumstances according to his means, ... And if you divorce them before you have touched them and you have appointed for them a dowry, then (pay to them) half of what you have appointed, unless they remit or he remits in whose hand is the marriage-tie; and it is nearer to piety that you should remit;... (2:236 - 7).

Someone has proposed that this sentence may be aiming at putting emphasis on the law of dowry. But the above-mentioned verses, and especially the ending clauses of the verses: And if you wish to have (one) wife in place of another ..., are much more forceful and stronger than the verse under discussion. Therefore, how can this verse be supposed to put emphasis on those verses?

Now, a look at the question of abrogation:

It has been said that this verse was abrogated by the following verses of the chapter of 'The Believers':... And who guard their private parts, except before their mates or those whom their right hands possess, for they surely are not blameable; but whoever seeks to go beyond that, these are they that exceed the limits (23:5 - 7).

Another suggestion: It was abrogated by the verse of al-'iddah (اَلْعِدَّةُ

= waiting period after divorce or death of husband): O Prophet! when you divorce women, divorce them for their prescribed time, and calculate the number of the days prescribed (65:1); And the divorced women should keep themselves in waiting for three monthly courses ... (2:228).

Their argument: The marriage is dissolved by means of divorce and waiting period, but mut'ah marriage has neither.

A third suggestion: It was abrogated by the verse of inheritance: And you shall have half of what your wives leave ... (4:12). There is no inheritance in mut'ah marriage.

Fourth suggestion: It is abrogated by the verse of prohibition: Forbidden to you are your mothers and your daughters ... (4:23), as this verse is about marriage.

Fifth: It is abrogated by the verse of number: ... then marry such (other) women as seem good to you, two and three and four ... (4:3).

Others have said that the verse of mut'ah is abrogated by tradition. [But they seem unable to agree on its details:]

It is said that the Messenger of Allāh (s.a.w.a.) abrogated the mut'ah marriage in the year of Khaybar [i.e., 7 A H].

Others say: It was abrogated in the year of the Conquest [of Mecca, i.e., 8 AH].

Third claim: It was abolished in the Last Hajj [i.e., 10 A H].

A fourth claim is that mut'ah was allowed, then forbidden; and this alternate permission and prohibition happened twice or thrice, and the last order was of prohibition.

Let us look at the claims of abrogation by the Qur'ān:

1. As for the verse of the chapter of 'The Believers', first of all it cannot abrogate the verse of mut'ah, because it is of Meccan period while the verse

of mut‘ah is of Medinite period, and a Meccan verse cannot abrogate a Medinite one.

Second: The claim that mut‘ah is not a marriage, or a woman married in mut‘ah is not a wife, is totally unacceptable. You will see the truth if you just look at the sayings of the Prophet and wordings of the early Muslims, including the Companions and their disciples, who always called it mut‘ah marriage.[12]

2. As for the claim of abrogation by the verses of inheritance, divorce or number, the relation between these and the verse of mut‘ah is not that of abrogator and abrogated. It is the relation that exists between general and particular, or between unrestricted and restricted. Let us look, for example, at the verse of inheritance; it is general and covers all wives whether married in parmanent marriage or temporary one; and then the tradition particularizes it by removing some groups from its jurisdiction, i.e., it excludes wives of mut‘ah marriage from inheritance.[13] The same is obviously the case with the verses of divorce and number. Probably those who claimed abrogation could not distinguish the two relations.

Of course, some scholars of the Fundamentals of Jurisprudence have said that if a particular order is given then a contradictory general order follows, it abrogates the previous particular one. But apart from weakness of this view (as has been explained in its place), it cannot be applied to this case, because:

The verse of divorce (the general order) is in the chapter of ‘The Cow’, which is the first Medinite chapter revealed before the chapter of ‘The Women’ which contains the verse of mut‘ah.

Likewise, the verse of number, a part of the same chapter of ‘The Women’, precedes [and is not preceded by] the verse of mut‘ah; the same is the case with the verse of inheritance, which comes before the verse of mut‘ah in one uninterrupted sequence and context in the same chapter. The particular order, therefore, was given later than the general one, in any case.

3. The claim, that this verse was abrogated by this very verse of prohibition is most astonishing of all. First, because the whole verse containing details of prohibited women and permission of mut‘ah is one single speech, having one context; its sentences are interlinked, its parts interconnected. How could it be imagined that one of its clauses would legalize the mut‘ah marriage and the preceding sentences would revoke this subsequent order?

Second: This whole verse says nothing, explicitly or implicitly, about prohibition of temporary marriage. It only aims at describing the categories of the women who are prohibited to man, and then at declaring that all other women are lawful to them, either with marriage or possession; and as we have explained, mut‘ah is a marriage. The two things are not contradictory to each other, so that it could lead to abrogation or revocation.

Objection: The clauses: and lawful for you is (all) besides that - that you seek (them) by means of your wealth, taking (them) with chastity, not committing fornication, makes it difficult to interpret this verse in terms of mut‘ah. The former has made lawfulness of women conditional on dowry and on marriage without fornication; and there is no marriage in mut‘ah;

that is why if a man (who has a mut‘ah wife) commits adultery, he is not stoned, because he is not considered as married.

Reply: First, this argument is not based on solid grounds. We have already described (while explaining the phrase, taking [them] with chastity, not committing fornication) that al-ihsān in this context means chastity, not marriage, because the phrase covers union with one’s slave girls as well.

Second: There will be no difficulty even if we agree, for the sake of argument, that al-ihsān refers here to marriage. It would only mean that the law of stoning an adulterer was not applicable to a man who had a wife of mut‘ah, and that this exclusion was based on the tradition, not on the Qur’ān. After all, the law of stoning itself is not mentioned anywhere in the Qur’ān.

4. As for the claim of abrogation by tradition, we shall discuss it in detail under the ‘‘Traditions’’. At this juncture, it is enough to point out that such abrogation is invalid ab initio, as it goes against the mutawātir traditions ordering the Muslims to judge the traditions with the help of the Qur’ān and reject what does not agree with it.

QUR’ĀN: And whoever among you has not within his power ampleness of means to marry free believing women, then (he may marry) of those whom your right hands possess from among your believing maidens;:at-Tawl (اَلطَّوْلُ = riches; ampleness of ability); either meaning fits in the context. al-Muhsanāt (اَلْمُحْصَنَاتُ) in this verse means free women, because it has been used in contrast to slave women; this also shows that it has not been used in the meaning of chaste; otherwise it would have been contrasted with unchaste. Obviously, it does not refer to married women either, because they cannot be married again [as long as their present marriage continues]; nor does it mean Muslim women; otherwise there was no need to qualify it with the adjective, ‘believing’.

The words, ‘‘those whom your right hands possess’’, actually means slaves of other believers than him who intends to marry, because a man is not allowed to ‘marry’ his own slave girl - such a marriage is void. Possession has been ascribed to all the believers - not excepting the suitor - because Islam counts all believers as one body, not separate from one another, inasmuch as their religion is one and their benefits are one; it is as though they were one person.

The words, ‘free women’ and ‘maidens’, have been qualified with the adjective, ‘believing’. It indicates unlawfulness of marriage with non-believing woman, be she a Jewish, a Christian or a polytheist. This topic has a supplement which will be found in the beginning of the fifth chapter, ‘The Table’, Allāh willing.

The verse says that whoever among you is unable to marry free believing woman, inasmuch as he does not have means to pay dowry and meet her expenses, then he may marry believing slave-girls, in order that he should not face difficulties (because of his inability to marry free women) and should not put himself in danger of indecency and spiritual infelicity.

The marriage, in this verse, refers to permanent marriage. The verse provides an alternative (of an inferior category), i.e., if you are unable to do

that, then do this. The talk has been confined to only one group of the higher category, i.e., to the permanent marriage, to the exclusion of the temporary one, because it is the permanent marriage which is more popular and which a man - who wants to establish a house, procreate and leave an heir - naturally opts for. As for the mut‘ah (temporary) marriage, it is a facility provided by the religion, which Allāh has used to lighten the burden of His servants, in order that the path of indecency should be closed and social evils be uprooted.

Not infrequently, the Qur’ān narrows an ongoing talk to its well-known aspects which generally come to mind at the first glance - and especially so in ordaining the sharī‘ah’s rules and regulations. For example, Allāh says:

... so whoever of you witness the month, he shall fast therein, and whoever is sick or on a journey, (he shall fast) the same number of other days (2:185). But we know that genuine reasons of postponing a fast are not confined to sickness and journey.

... and if you are sick, or on a journey, or one of you come from the privy or you have touched the women, and you cannot find water, betake yourselves to clean earth ... (4:43). As you see, the verse mentions only the more common and well-known causes of at-tayammum (اَلتَّيَمُّمُ = ritual ablution with earth). There are many examples of this style.

This explanation has been written keeping in sight the general view that this verse refers to the permanent marriage. But its wordings can easily be applied to marriage in general - permanent and temporary alike - as will be shown in explanation of the rest of the clauses.

What we have shown here is that even if we apply the word ‘marriage’ here to permanent one, and look at the inferior alternative it provides and the latitude it gives, it does not necessarily follow that the marriage in preceding verse should exclusively refer to the permanent one and that the verse: Then as such of them with whom you have mut‘ah ..., should have nothing to do with mut‘ah marriage - as some people have said. The fact is that both sides of this latitude - the original order and the alternative - are found in this very clause, ‘‘And whoever among you has not within his power ampleness of means ... then (he may marry) of those whom your right hands possess ...’’. There is no need to go further back to explain this verse.

QUR’ĀN: and Allāh knows best your faith: you are (sprung) the one from the other;:As this order was conditional on belief; and belief is a matter of heart, the reality of which cannot be known by others. There was a possibility for people to think that the permission was conditional on something difficult or next to impossible; this could have prevented them from making use of it. Therefore, Allāh declared that He knows the faith of His believing servants. It implies that people are required to base their mutual dealings on apparent signs that point to the faith, like the two witnessings, attending congregational prayers and discharging common religious duties. Thus, the criterion is the apparent belief, not its reality.

The direction given to non-affluent Muslims to marry slave-girls, had another apparent disadvantage, which could affect compliance: Common people looked down at slaves, who generally suffered from disrespect and

dishonour, indignity and humiliation. This created in the people a sort of disinclination towards mingling and mixing with them socially, and particularly towards establishing marriage-ties with them, which is a lifelong partnership and unites both parties in heart and body.

[To erase that aversion] Allāh has said, ‘‘you are (sprung) the one from the other’’. It is a clear reality which would, if pondered upon, remove this wrong impression, this prejudice. Slave is as much a human being as is a free man;there is no difference between them in any aspect of humanness. The only difference is in some laid down rules which were necessary for maintenance of human society, so that they could lead to people’s felicity. But such distinctions have no validity before Allāh. What is recognized there is the piety with which man finds honour before Allāh. It is not good for the believers to be influenced by such imaginary allusion which would remove them from knowledge, the real knowledge that ensures their success and happiness in both worlds. It should not be forgotten that deviation from the straight pathway - even if it looks slight in the initial stages - continues to take man further and from the path of guidance until it throws him into the valley of perdition.

It is now clear that the sequence in the beginning of the verse that contains a condition and implies a sort of concession and latitude (whoever among you has not within his power ampleness of means to marry free believing women, then [he may marry] of those whom your right hands possess ...), is just a way of talking, using the same style which the audience generally did under the influence of its habit and custom. But it is not an obligatory condition that the believers must follow this sequence. In other words, it is not that one has to be too poor to marry a free woman before he is allowed to marry a slave girl. It is just that the Qur’ān has addressed the people in their own language. That is why it has said that if you are unable to marry free women, you should marry slave girls without any hesitation. Then it has drawn their attention to the fact that the free and the slave both are members of the same humanity, each of them is related to the other.

It also shows incorrectness of what someone has written under the clause, ‘‘and that you abstain is better for you’’, that it means: if you abstain from marrying slave women and remain chaste, it is better for you than marrying them - as it may bring disgrace and indignity to you. The fact is that the clause, ‘‘you are (sprung) the one from the other’’, contradicts such interpretations.

QUR’ĀN: so marry with the permission of their people and give them their dowries justly, they being chaste, not fornicating, nor receiving paramours;: In this paragraph, al-muhsanāt refers to chaste women; it cannot mean married ones, because there is no question of marrying them while they are married. al Musāfihāt (اَلْمُسَافِحَاتُ = fornicating women) is placed parallel to the phrase, ‘‘receiving paramours’’. al-Akhdān (اَلْاَخْدَانُ) is plural of al-khidn (اَلْخِدْنُ = friend, paramour); it is used for masculine as well as faminine, and for singular as well as plural; this verse uses the plural form to clearly point to numerousness; when one takes a paramour for fornication,

one generally does not stop at one or two, because man's appetite does not stop at any point once it exceeds the limit.

It is looking at this contraposition that someone has said: The word, fornication, as used in this verse, means open illicit sexual relation, and receiving paramour implies secret liaison. Such secret affairs were commonplace in Arabia; even among free women it was not frowned upon; while open fornication was criticized if done by other than slave girls.

The clause, ''so marry them with the permission of their people'', advises them to marry slave women provided it is done with permission of their masters; because the rein of their affairs is held by none other then their masters. The masters have been called their 'people' in accordance with the preceding clause: you are (sprung) the one from the other; thus the slave girl is a member of the family of her master, and the master is her guardian, her people.

One has to give them their dowries in a proper way. In other words, the suitor should fix her dowry according to prevalent standard; paying it to her actually means paying it to her master. The clause guides the people to appoint and pay their dowries without reduction, without delay and without hurting the feelings.

QUR'ĀN: and when they are taken in marriage, then if they are guilty of indecency, they shall suffer half the punishment which is (inflicted) upon free women: The verb uhsinna (أُحْصِنَّ = they are taken in marriage) is in passive voice; some have recited it in active voice, and that recitation is rather preferable.

If al-ihsān refers to their marriage, then it was included in the conditional clause just because the preceding talk had circled around their marriage. [It has no legalistic significance] because if a slave fornicates, she gets only half the punishment of a free woman who is guilty of the same offence; and it makes no difference whether the slave-girl is married or not; her being married does not increase her sentance in any way.

But if al-ihsān refers to their being Muslims - which the recitation of active voice would support - then the meaning will fit the wordings effortlessly. They shall suffer half the punishment of the free women, no matter whether they are married or not.

The punishment refers to flogging, not stoning, because stoning cannot be halved. This in its turn proves that the word, al-muhsanāt (translated here as 'free women') refers to unmarried ones, and not to the married ones who are mentioned by the same word, in the beginning of the verse [24: And all married women ...]. The definite article in 'the punishment', refers to the well-known punishment. The meaning: If believing slave women commit indecency, i.e., fornication, they shall be given half the punishment of unmarried free women, that is, they shall receive fifty stripes.

Another possible explanation: al-Ihsān may imply chastity. The salve girls in those days were not free to do as they liked; they had to obey the orders of their masters, especially in indecency and debauchery. When they indulged in prostitution, it was usually by the order of their masters who exploited them and used them as a source of income. The masters sold their

slaves' honour to increase their wealth. This aspect is implied in the prohibition contained in the verse: and do not compel your slave girls to prostitution when they desire to keep chaste, in order to seek the frail good of this world's life (24:33). Obviously when they sold their bodies and indulged in prostitution, it was done by the order of their masters, without any choice left to them. If the masters did not compel them for fornication, then the believing slaves among them would have observed Islamic piety, at least in appearance, and would have preserved their chastity as was expected of a believer. But if they indulged in fornication after that, then they would be given half the punishment of free women. It is this aspect to which the verse points, ''and when they are taken in marriage, then if they are guilty of indecency, they shall suffer half the punishment which is (inflicted) upon free women''.

But if the word uhsinna (أُحْصِنَّ translated here as, ''taken in marriage''),is taken to indicate chastity ['and when they become chaste'], then the conditional clause would be superfluous, because if they were not chaste then they would be under duress, compelled to do as their masters said. Likewise, there would be no meaning in the words: and do not compel your slave girls to prostitution, when they desire to keep chaste (24:33), because if they do not want to be chaste, there is no question of compulsion by the masters - they would indulge in fornication willingly. Think over it.

QUR'ĀN: This is for him among you who fears falling into evil ... Forgiving, Merciful: al-'Anat (اَلْعَنَتُ) literally means affliction, hardship and perdition; in this context, it implies fornication, which takes place when man is afflicted by lust, suffers from hardship of sexual desire and thus falls in perdition. The demonstrative pronoun, 'This', reportedly refers to the marriage with slave girls mentioned in this verse.

Accordingly, the next clause, ''and that you abstain is better for you'';

would mean: If you abstain from marrying slave girls, or from fornication, it is better for you. Also, possibly the pronoun refers to obligatoriness of marriage with slave girls, or marriage in general - if such ideas could be inferred from the context of the preceding verse; and Allāh knows better.

However, abstinence and patience is better, in any case. If it indicates abstaining from marrying slave girls, it is because of the rights their masters have on them and on their offspring - as described in books of jurisprudence; and if it implies abstaining from illicit sexual relations, then it looks at the purity of character that the patience and abstinence create, and at the trait of piety which is strengthened when man refuses to yield to his lustful desires - no matter whether he is married or not; ''and Allāh is Forgiving, Merciful'': He erases, through His forgiveness, the effects of evil thoughts from the minds of His pious servants, and has mercy on them.

QUR'ĀN: Allāh desires to explain to you: This sentence and the subsequent ones indicate and explain the ultimate goal of various laws ordained in the preceding three verses; and the benefits that are derived when society follows them scrupulously. The meaning, accordingly, will be as follows: Allāh desires to explain to you the rules of His religion, as it

leads you to the good of this world and the next one, and contains many underlying benefits and reasons. According to this explanation, the object of this verb was deleted to show its greatness and importance. Another possibility: The verbs, ‘‘to explain to you’’, and ‘‘to guide you’’, may be having a common object, i.e., ‘the ways of those before you’.

QUR’ĀN: and to guide you into the ways of those before you: That is, the life-styles of the prophets and the good people, who spent their days seeking Allāh’s pleasure, and through it enjoyed the happiness of this world and the hereafter. If this interpretation is correct, then ‘‘the ways’’ would indicate their way of life in general terms, not all their customs and traditions with all their details and particulars. Accordingly, there would be no room for the objection, that the ancients had some laws which these very verses have revoked, like marriage between brothers and sisters in Adam’s time, and having two sisters together (in the sharī‘ah of Ya‘qūb, who, according to some reports, had two sisters together - Leah, mother of Judah, and Rachel, mother of Joseph).[14]

There is another interpretation offered by some people: The clause speaks about guiding to the ways of all previous societies, no matter whether they were on the right path or the wrong. Accordingly, it means: We have explained to you all the previous customs - right and wrong, all - in order that you may have an insight into them, adopt the right customs and reject the wrong ones.

There is no difficulty in accepting this meaning, except that guidance has not been used in this meaning in the Qur’ān. It has always been used for conveyance to the truth or to show the truth. Allāh says: Surely you cannot guide whom you love, but Allāh guides whom He pleases (28:56); Surely We have shown him the way; he may be thankful or unthankful (76:3). It is more appropriate to the Qur’ānic taste to express such ideas, as given by that exegete, with the words, explanation or narration, etc.

Nevertheless, if the verb, ‘‘to explain to you’’ and ‘‘to guide you’’ are taken to have the common object, ‘‘the ways of those before you’’; and the subsequent verb, ‘‘to turn to you (mercifully)’’, is also taken to refer to the same, then the above explanation will fit the verse properly. The meaning, then, would be as follows: ‘Allāh explains to you the ways of those before you, and guides you to the correct ones among them, and turns mercifully to you concerning the wrong customs which you had adopted.’ The preceding verses have mentioned previous people’s customs - right and wrong both - and have proclaimed pardon for the wrong practices of the past.

QUR’ĀN: and to turn to you (mercifully), and Allāh is knowing, Wise: at-Tawbah (اَلتَّوْبَةُ) here refers to Allāh’s turning to His servant with favour and mercy, ordaining the sharī‘ah and explaining the reality, and guiding him to the right path. All these are various facets of Allāh’s turning, as is the acceptance of the servant’s repentance and erasure of sin’s effects and consequence from him.

The ending clause, ‘‘and Allāh is Knowing, Wise’’, covers all the clauses of the verse. Had it been connected only to the last one, it would apparently have been more appropriate to say: and Allāh is Forgiving, Merciful.

QUR'ĀN: And Allāh desires that He should turn to you (mercifully) and those who follow (their) lusts desire ... a great deviation: The verse reiterates Allāh's turning to the believers to indicate that the following sentence, i.e., ''and those who follow (their) lusts desire that you should deviate (with) a great deviation'', stands face to face with the only last of the three clauses of the preceding verse. If there were no repetition, the sentence, ''and those who follow ...'', would have looked as standing parallel to all three preceding clauses, and would have seemed irrelevant.

The great deviation implies transgression of Allāh's limits described in these verses: Having incestuous relations; disregarding the effects of blood- and marriage-relationships; licentiousness and debauchery; and refusal to follow the right path laid by Allāh.

QUR'ĀN: Allāh desires that He should make light your burdens, and man is created weak: Man is weak. Why? Because desire is an integral part of his creation; it unceasingly incites him to indulge in lust, and thus creates an internal turmoil. Allāh in His mercy and favour, has made lawful for them the ways to calm down their desire, i.e., He has ordained the institution of marriage to lighten their burdens and lessen their hardships, as He has said: and lawful for you is (all) besides that. This includes marriage and possession; in this way He has guided them to the ways of those who were before them. Then He has given them another concession by legalizing the mut'ah marriage, as it does not entail as much hardships as the permanent marriage does, i.e., heavy dowry, regular maintenance, etc.

Someone has said: The lightening of burdens refers to the permission of marrying slave girls in times of need. But this explanation is not to the point. Arabs used to marry slave girls at times of need even in pre-Islamic days; this custom was prevalent among them, although they did not like it, and, considered it degrading to themselves. What these verses have done is to erase that stigma and removes that dislike and aversion, by explaining that a slave girl is as much a human being as a free woman is, without there being any difference between them in any way. The status of slavery does not make a slave unworthy of social mingling and family ties.

Undeniably, the verses are clearly addressed to the believers of this ummah. Accordingly, the said lightening of burdens concerns this ummah only, and it means what we have described.

Now, the given reason that, ''man is created weak'', is not confined to this ummah; it is common to all humanity, be they of this ummah or of the previous ones; while the lightening of burdens was ordained for this ummah only. The verse, thus, gives a general cause but keeps silent about what restricts its effect. It is as though it was saying: We have lightened your burdens, because the weakness pervading the mankind was always demanding this lightening; but there were always some impediments there, which prevented it from taking effect - the impediments which hindered lightening of burdens and spreading of mercy in previous nations. Then came your turn and the divine mercy has now encompassed you and its effects are now appearing among you. Now the said cause has brought its effects into being and Allāh has reduced your burdens - although the previous nations were not allowed this concession. This fact may be gleaned

from the following two verses: ‘‘Our Lord! do not lay on us a burden as Thou didst lay on those before us’’ (2:286); He has chosen you and has not laid upon you any hardship in religion (22:78).

It appears from the above that this general cause also aims at showing that all the favours bestowed on humanity have appeared in their complete form in this ummah.

TRADITIONS

The Prophet (s.a.w.a.) said: ‘‘Verily, Allāh has forbidden by reason of breast-feeding what He has forbidden by reason of blood-relationship.’’

Also he (s.a.w.a.) has said: ‘‘Suckling is a relationship like blood-relationship.’’

Mālik and ‘Abdu ’r-Razzāq have narrated from ‘Ā’ishah that she said: ‘‘Among what was revealed of the Qur’ān was (the verse of) ten known sucklings; then it was abrogated by (the verse of) five known (sucklings); and the Messenger of Allāh expired and those (verses) were a part of what was recited of the Qur’ān.’’ (ad-Durru ’l-manthūr)

The author says: as-Suyūtī has narrated in his above book other traditions from ‘Ā’ishah, through other chains. But they are among the traditions which imply distortion and alteration of the Qur’ān; such reports are totally rejected because of their inconsistency with the Qur’ān.

‘Abdu ’r-Razzāq, ‘Abd ibn Hamīd, Ibn Jarīr, Ibnu ’l-Mundhir and al-Bayhaqī (in his as-Sunan) have narrated through two chains from ‘Amr ibn Shu‘ayb, from his father, from his grandfather from the Prophet (s.a.w.a.) that he said: ‘‘When a man marries a woman, then it is not lawful to him to marry her mother, whether he has gone into that girl (his wife) or not; on the other hand, if he marries the mother and divorces her before going into her, then he may marry (her) daughter, if he so wishes.’’ (ibid.)

The author says: This meaning is narrated through the Shī‘ī chains from the Imams of Ahlu ’l-bayt (a.s.), and it is their known madhhab, and the same is inferred from the Qur’ān, as was explained in the preceding Commentary. But the Sunnīs have narrated from ‘Alī (a.s.) that there was no harm in marrying the mother of the wife (if one divorces the latter) before establishing sexual relations with her; and that she was in this respect like the step-daughters; also that it was not unlawful for a man to marry his step-daughter if she was not under his guardianship. But such assertions are contrary to all that is narrated from them (Imāms, a.s.) through the Shī‘ī chains.

al-Kulaynī has narrated through his chains from Mansūr ibn Hāzim that he said: ‘‘I was with Abū ‘Abdillāh (a.s.) when a man came and asked him about a man who had married a woman, but she died before he could establish sexual relations with her - ‘Can he marry her mother?’ Thereupon, Abū ‘Abdillāh (a.s.) said: ‘A man of us had done so and had not considered it objectionable.’ Then I said: ‘May I be made your ransom! The Shī‘ah do not boast except by the judgment of ‘Alī (a.s.) concerning this (problem) about al-mashīkhah [15], about which Ibn Mas‘ūd had given a rulling that there was no snag in it. Then he came to ‘Alī (a.s.) and asked him. ‘Alī (a.s.) said to him: ‘‘From where [i.e., on what authority] will he take her?’’[16] He said: ‘‘From the word of Allāh, the

Mighty, the Great: and your step-daughters 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 (in marrying them).'' 'Alī (a.s.) said: ''This is conditional, while that (i.e., prohibition of the mother-in-law) is unconditional.'' ' Then Abū 'Abdillāh (a.s.) said to the man [who had asked the question]: 'Do you not hear what this (man) narrates from 'Alī (a.s.)?'

''Thereafter when I stood up, I felt remorse and said (to myself): 'What have I done? He [i.e., the Imām, a.s.] says: ''A man of us had done so and had not considered it objectionable'', and then I [contradict him and] say: '' 'Alī (a.s.) had given such ruling on this (matter)''.' So I met him afterwards and said: 'May I be made your ransom! Concerning that man's enquiry, it was a mistake on my part that I spoke as I did; so what do you say in this respect?' He said: 'O Shaykh! You inform me that 'Alī (a.s.) had decided this matter and then you ask me what I say about it!' '' (al-Kāfī)

The author says: The story of his judgment concerning the ruling of Ibn Mas'ūd, as narrated in ad-Durru 'l-manthūr from as-Sunan, is as follows: A man from (the tribe of) Banū Shamakh married a woman, but before establishing sexual relations with her, he saw her mother and liked her. He asked Ibn Mas'ūd about it; and he told him to leave (i.e., divorce) the said wife and then marry her mother. He did so, and got children from her. Then Ibn Mas'ūd came to Medina and was told that she was not lawful (for him). Therefore, on returning to Kūfah he informed the man that she was forbidden to him; and he separated from her.

But this story does not ascribe that judgment to 'Alī (a.s.). It rather says that he had asked the Companions of the Prophet about it. Another text says that he had asked 'Umar about it. A third narration says that he was informed that his ruling was not correct and that that condition applied to the step-daughters only.

[ash-Shaykh narrates] through his chains from Ishāq ibn 'Ammār from Ja'far (a.s.) from his father (a.s.) that 'Alī (a.s.) used to say: ''The step-daughters are forbidden to you (who are born) of the mothers with whom you have cohabited, no matter whether they are in your guardianship or not; and (the wives') mothers are (forbidden) unconditionally, whether sexual intercourse was established or not.

Therefore, treat as unlawful and unconditional what Allāh has kept unconditional.'' (al-Istibsār)

The author says: Some Sunnī traditions ascribe to 'Alī (a.s.) that prohibition of step-daughters was conditional on their being in one's guardianship. But this is rebutted by the traditions narrated from the Imāms of Ahlu 'l-bayt (a.s.), and as was explained earlier, the latter was in conformity with the connotation of the verse.

al-Mubhamāt (اَلْمُبْهَمَاتُ = translated above as 'unconditionally,) is derived from al-buhmah (اَلْبُهْمَةُ), which implies a thing that has a single colour, unmixed with another colour. This adjective is used for those categories of prohibited women whose prohibition is general and unconditional, that is, mothers, daughters, sisters, paternal aunts, maternal

aunts, brother's daughters and sisters's daughters, as well as foster relatives, mothers-in-law and daughters-in-law.

Zurārah narrates from Abū Ja'far (a.s.) that he asked him about a man who has a slave girl with whom he has cohabited - ''Is it lawful for him to marry her daughter?' The Imām (a.s.) said: 'No. She is as Allāh has said: and your step-daughters who are in your guardianship ...' '' (ibid.)

Abū 'Awn has reported that he heard Abū Sālih al-Hanafī saying: '' 'Alī (a.s.) said one day: 'Ask me (whatever you wish to ask).' Ibn al-Kawwā' said: 'Tell me about the daughter of the foster sister, and about two sisters in possession (of one master).' (The Imām, a.s.) said: 'Surely you are wan dering;(better) ask about that which concerns you or may be useful to you.' Ibn al-Kawwā' said: 'We ask you only about what we do not know; as for that which we know, we do not ask you about.' Then (the Imām, a.s.) said [inter alia]: 'As for the two slave sisters, one verse makes them lawful, while another prohibits them; and I neither allow them nor forbid them; but I do not do it nor does anyone of my household.' '' (at-Tafsīr, al-'Ayyāshī)

It is narrated from Mu'ammar ibn Yahyā ibn Sālim that he said: ''We asked Abū Ja'far (a.s.) about what the people narrate from the Leader of the faithful (a.s.) concerning somethings which he neither allowed nor prohibited except his own self and his children; and I said: 'How is it possible that he said, ''One verse allows it and another forbids it''.' We said: 'First of all, either, one of them had abrogated the other, or both were decisive which should be followed.' (The Imām, a.s.) then said: 'He made the matter clear to them when he forbade himself and his children.' We said: 'What prevented him from explaining it [in clear words] to the people?' He said: 'He was afraid that his (orders) would not be obeyed; because if the Leader of the faithful could firmly establish his authority, he would have enforced the Book of Allāh, all of it, and the truth, all of it!' '' (at-Tahdhīb)

The author says: The tradition of 'Alī (a.s.), referred to, is the one narrated from him through the Sunnī chains. It is quoted in ad-Durru 'l-manthūr from al-Bayhaqī and others that 'Alī (a.s.) said about two sister slave girls: ''One verse makes them lawful while another one prohibits them; and I neither allow (it) nor disallow (it); nor do I make them lawful or unlawful; and I do not do it, nor do the people of my household (do so).'' The same book narrates from Qubaysah ibn Dhu'ayb that someone asked 'Alī (a.s.) about it and he said: ''If I had any authority and had found anyone doing it, I would have made him a warning example (i.e., would have given him exemplary punishment).''

'Abdullāh ibn Sinān said: ''I heard Abū 'Abdillāh (a.s.) saying: 'If a man has two [slave] sisters in his possession, and has sexual relations with one of them, and then wishes to have the same [relations] with the other, it is not allowed to him to do so, until the former goes out of his possession - either he gifts her (to someone) of sells her. Thus it will be sufficient if he gives her as a gift to his son.' '' (at-Tahdhīb)

'Muhammad ibn Muslim said: ''I asked Abū Ja'far (a.s.) about the word of Allāh: and all married women except those whom your right hands possess. He said: 'It is [like] this, that a man orders his slave (whom is married to his slave girl), and tells him, ''Put aside your wife and do not go

near her''. Then he keeps her confined until she sees her blood; after that he touches her. There after when she again sees blood after his touching her, he returns her to him [i.e., to her slave husband] without [any need of a new] marriage.' '' (al-Kāfī; at-Tafsīr, al-'Ayyāshī)

Ibn Muskān has narrated through Abū Basīr, from one of the two Imāms (a.s.), about the word of Allāh: And all married women except those whom your right hands possess, that he said: ''They are the women having husbands except those whom your right hands possess. If you have given your slave girl in marriage to your slave boy, you may remove her from him if you so wish.'' ''I said: 'Do you see, if he has given her in marriage to other than his own slave boy?' He said: '(Then) he has no right to remove (her from him) until she is sold away; then if he sells her, her affair is transferred to other than him (i.e., to the buyer); then the buyer may separate (her from her husband) if he so desires, and may reconfirm (the marriage) if he so wishes.'' (at-Tafsīr, al-'Ayyāshī)

as-Suyūtī has narrated from Ahmad, Abū Dāwūd, at-Tirmidhī (who has said that the tradition is good) and Ibn Mājah, from Fīrūz ad-Daylamī, that he entered into Islam and there were two sisters under him (i.e., he had gathered two sisters in marriage); so the Prophet (s.a.w.a.) said to him: ''Give divorce to whomever you wish (to leave) of the two.'' (ad-Durru 'l-manthūr)

Ibn 'Abdi 'l-Barr has narrated in al-Istidhkār, from Ayās ibn 'Āmir that he said: ''I asked 'Alī ibn Abī Tālib and said: 'I have two sisters among my slaves, with one of whom I have established sexual relations and she has borne children for me; then I am attracted to the other; now what should I do?' He said: 'You should emancipate the one you had cohabited with, then you (may) cohabit with the other.' Then he said: 'Surely, all the categories of free women forbidden to you in the Book of Allāh, are also forbidden to you from among those whom your right hands possess, except the number (or he said, 'except the limit of four') and all the categories forbidden to you in the Book of Allāh through kinship, are also forbidden to you through breast-feeding.' '' (ibid.)

The author says: as-Suyūtī has narrated it from 'Alī (a.s.) through other chains too.

Abū Hurayrah said: ''The Messenger of Allāh (s.a.w.a.) said: 'A woman and her paternal aunt are not gathered together, nor are a woman and her maternal aunt.' '' (as-Sahīh, al-Bukhārī, Muslim)

The author says: This theme is found also in some Sunnī traditions narrated through other chains; but the traditions of the Imāms of Ahlu 'l-bayt (a.s.) refute it, and the Qur'ān supports them.

at-Tayālisī, 'Abdu 'r-Razzāq, al-Fariyābī, Ibn Abī Shaybah, Ahmad, 'Abd ibn Hamīd, Muslim, Abū Dāwūd, at-Tirmidhī and an-Nasā'ī; as well as Abū Ya'lā, Ibn Jarīr, Ibnu 'l-Mundhir, Ibn Abī Hātim, at-Tahāwī, Ibn Hibbān and al-Bayhaqī (in his as-Sunan) have narrated from Abū Sa'īd al-Khudrī that he said: ''Verily, the Messenger of Allāh (s.a.w.a.) sent an army, on the day of Hunayn, to Awtās. They met the enemy and defeated them. after a fight and took captives. Some companions of the Messenger of Allāh (s.a.w.a.) refrained from cohabiting with them, because they had their

polytheist husbands. Then Allāh revealed: And all married women except those whom your right hands possess, that is, except those whom Allāh has given to you as booty. So we treated them as lawful to us on that authority.'' (ad-Durru 'l-manthūr)

The author says: The same book narrates it through at-Tabarānī from Ibn 'Abbās.

'Abd ibn Hamīd has narrated from 'Ikrimah: ''This verse in the chapter of 'The Women', i.e.: And all married women exept those whom your right hands possess, was revealed about a woman, called Ma'ādhah, who was married to an old man of Banū Sadūs, named Shujā' ibn al-Hārith. There was his other wife with her, who had borne to him children, [now grown-up] men. Shujā' went to Hajar to get provisions for his family. In the meantime, a cousin of Ma'ādhah passed from there, and she said to him: 'Take me away to my people, because there is no good with this old man.' So he carried her away with him. (Their departure almost) coincided with the old man's arrival. He went to the Messenger of Allāh (s.a.w.a.) and said: 'O Messenger of Allāh, and the most excellent of the Arabs! I had gone out in [the month of] Rajab to get provisions for her; and and she fled away; and she is the worst dominator for anyone who is dominated; she saw a boy sitting on the hump; there is a desire in her and in him.' The Messenger of Allāh (s.a.w.a.) said: 'Bring (them) to me! Bring (them) to me! If the man has opened her cloth (i.e., committed adultery with her), then stone her; otherwise, return to the old man his wife.' So Mālik, son of Shujā' from the other wife, went out in pursuit and and brought her back and she came down to her house.'' (ibid.)

The author says: It has repeatedly been mentioned that such stories purpoting to describe the occasion when a verse was revealed - and especially those dealing with some parts or clauses of a verse - are merely the attempts of the narrators to fit some events to some verses or sentences; they do not give the real reasons of revelation.

as-Sādiq (a.s.) was asked about the word of Allāh, And all al-muhsanāt (اَلْمُحْصَنَاتُ) women: He said: ''It means those who are married.'' Then he was asked about the words, and al-muhsanāt from among those who have been given the Book before you [5:5]; he said: ''The chaste women.'' (Man lā yahduruhu 'l-faqīh)

The author says: al-'Ayyāshī too has narrated it from the same Imām (a.s.).

at-Tabrisī has explained the words, And whoever among you has not within his power ampleness of means, as ''whoever among you does not have riches''; and according to him it is narrated from Abū Ja'far (a.s.). (Majma'u 'l-bayān)

as-Sādiq (a.s.) said: ''Today a free man should not marry a slave girl. It was (allowed) as Allāh has said, And whoever among you has not within his power ampleness of means; and ampleness of means refers to dowry, but today the dowry of a free woman is (just like) the dowry of a slave girl or even less.'' (al-Kāfī)

The author says: Wealth and riches is one connotation of 'ampleness of means', as was explained earlier. The tradition does not show more than undesirability of such marriages.

Abu 'l-'Abbās al-Baqbāq has said: ''I said to Abū 'Abdillāh (a.s.): 'Can a man marry a slave girl without the permission of her people?' He said: 'It is fornication. Surely Allāh says: so marry them with the permission of their people.' '' (at-Tahdhīb)

Ahmad ibn Muhammad ib Nasr says: ''I asked ar-Ridā (a.s.): 'Can mut'ah be done with a slave girl with the permission of her people?' He said: 'Yes. Surely Allāh, the Mighty, the Great, says: so marry them with the permission of their people.' '' (ibid.)

Muhammad ibn Muslim says narrating from one of the two Imāms (a.s.): ''I asked him about the word of Allāh regarding the salve girls, and when they are taken in marriage - 'What was the connotation of al-ihsān (اَلْإِحْصَانُ) here?' He said: 'Consummation of marriage.' I said:

'Then if the marriage is not consummated, there is no [fixed] punishment prescribed for them?' He said: 'Certainly.' '' (at-Tafsīr, al-'Ayyāshī)

Harīz said: ''I asked him about al-muhsin (اَلْمُحْصِنُ). He said: 'He who has that which suffices him.' '' (ibid.)

Muhammad ibn Qays narrates from Abū Ja'far (a.s.) that he said: ''The Leader of the faithful (a.s.) used to sentence slave men and women, if any of them committed fornication, to be flogged fifty stripes - whether he/she be a Muslim or unbeliever or Christian; and he/she was not to be stoned or banished.'' (al-Kāfī)

Abū Bakr al-Hadramī narrates that Abū 'Abdillāh (a.s.) said about a slave who defamed a free man [of fornication]: ''He shall be flogged eighty stripes; it is among the rights of the people; as concerning that which is among the rights of Allāh, the Mighty, the Great, he shall be given half of the prescribed punishment.'' ''I said: 'What are the things among the rights of Allāh, the Mighty, the Great?'' He said: 'When he fornicates or drinks liquor; it is among those rights for which he shall be given half of the punishment.' '' (ibid.)

Barīd al-'Ijlī narrates from Abū Ja'far (a.s.) that he said about a slave girl who commits fornication: ''She shall be given half the prescribed punishment, no matter whether she has a husband or not.'' (at Tahdhīb)

Ibn Jarīr has narrated from Ibn 'Abbās that he said: ''al-Musāfihāt (اَلْمُسَافِحَاتُ)refers to those who commit fornication openly; and muttakhidhāt akhdān (مُتَّخِذَاتُ اَخْدَانٍ), to those who have only one paramour.'' Also he said: ''The people of the (era of) ignorance considered fornication unlawful if it was done openly; but what remained concealed was treated as lawful. They used to say: 'What becomes known is ignoble, but there is no blame in that which remains secret.'

Then Allāh revealed: and do not draw near to indecencies, those of them which are apparent, and those which are concealed.'' [6:151], (ad-Durru 'l-manthūr)

The author says: There are numerous traditions on the themes described above; but we have quoted only a few of them as samples.

A REVIEW OF TRADITIONS ABOUT MUT‘A MARRIAGE

Abū Basīr says: ‘‘I asked Abū Ja‘far (a.s.) about the mut‘ah. He said: ‘It has been revealed in the Qur’ān: Then as to such of them with whom you have mut‘ah, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed.’ ’’ (al-Kāfī)

Ibn Abī ‘Umayr narrates through his narrator from Abū ‘Abdillāh (a.s.) that he said: ‘‘It was revealed (as follows): Then as to such of them with whom you have mut‘ah - for a fixed period - give them their dowries as appointed.’’ (ibid.)

The author says: This recital has been narrated by al-‘Ayyāshī from Abū Ja‘far (a.s.); also the Sunnis have narrated it by various chains from Ubayy ibn Ka‘b and ‘Abdullāh ibn ‘Abbās, as will be described below. Probably, such traditions aim at describing the intended meaning of the verse, rather than asserting that the actual revelation contained these words.

Zurārah said: ‘‘ ‘Abdullāh ibn ‘Umayr al-Laythī came to Abū Ja‘far (a.s.) and asked: ‘What do you say about mut‘ah with women?’ He replied: ‘Allāh has made it lawful in His Book and on the tongue of His Prophet; therefore, it is lawful upto the Day of Resurrection.’ He said: ‘O Abū Ja‘far! (a person) like you says this while ‘Umar had prohibited and made it unlawful?’ He said: ‘Even if he did so.’ Then (al-Laythī) said: ‘I seek Allāh’s protection for you that you should consider a thing lawful which ‘Umar had made unlawful.’ ’’

Zurārah says: ‘‘Then the Imām said to him: ‘Well, you adhere to the word of your companion, while I am on the word of the Messenger of Allāh (s.a.w.a.). Well, come on, let me utter imprecations against you that the (right) word is that which the Messenger of Allāh (s.a.w.a.) had said, and that false is that which your companion had uttered.’ Thereupon ‘Abdullāh ibn ‘Umayr turned to him and said: ‘Would you like it if your women, and your daughters, and your sisters, and your cousins did it?’ ’’ Zurārah says: ‘‘ ‘Then Abū Ja‘far (a.s.) turned away from him when he mentioned his women and cousins.’’ (ibid.)

Abū Maryam narrates that Abū ‘Abdillāh (a.s.) said: ‘‘As for the mut‘ah, the Qur’ān was revealed for it (i.e., the Qur’ān allowed it), and the tradition of the Messenger of Allāh (s.a.w.a.) put it in force.’’ (ibid.)

‘Abdu ’r-Rahmān ibn Abī ‘Abdillāh said: ‘‘I heard Abū Hanīfah asking Abū ‘Abdillāh (a.s.) about mut‘ah. (The Imām, a.s.) said: ‘About which mut‘ah you are asking?’ He said: ‘I have already asked you about the mut‘ah of hajj [i.e., hajju ’t-tamattu‘]; now tell me about the mut‘ah of women, is it right?’ Then (the Imām, a.s.) said: ‘Allāh be praised! Have you not read the Book of Allāh: Then as to such of them with whom you have mut‘ah, give them their dowries as appointed?’ He said: ‘‘By Allāh! (It seemed as if) it was a verse I had never read.’ ’’ (ibid.)

Muhammad ibn Muslim narrates from Abū Ja‘far (a.s.) that he said: ‘‘Jābir ibn ‘Abdillāh has narrated from the Messenger of Allāh (s.a.w.a.) that they [i.e., the Muslims] went on an expedition with him [the Holy Prophet], and he made mut‘ah lawful for them and (then) did not prohibit it;

and ‘Alī used to say: ‘Had not the son of Khattāb (i.e., ‘Umar) gone ahead of me in this matter [i.e., had he not forbidden it before I came to power], none would have committed fornication except a scoundrel’[17] ; and Ibn ‘Abbās used to say: ‘Then as to such of them with whom you have mut‘ah - for a fixed period - give them their dowries as appointed; and these people deny it, while the Messenger of Allāh (s.a.w.a.) had allowed it and not forbidden it.’ ’’ (at-Tafsīr, al-‘Ayyāshī)

Abū Basīr narrates from Abū Ja‘far (a.s.) that he said about mut‘ah: ‘‘The verse was revealed; then as to such of them with whom you have mut‘ah, give them their dowries as appointed; and there is no blame on you about what you mutually agree after what is appointed.’’ Then he said: ‘‘There is no blame if you increase her (dowry) and she increases your (period), when the period (fixed) between you two expires. You may say, with her consent, ‘I make you lawful for me for another (fixed) period.’ But she is not lawful for other than you until her waiting period expires; and her waiting period is two monthly courses.’’ (ibid.)

ash-Shaybānī narrates from Abū Ja‘far and Abū ‘Abdillāh (a.s.) that they said regarding the verse, and there is no blame on you about what you mutually agree after what is appointed: ‘‘It means that he increases her dowry or she increases his (fixed) period.’’

The author says: There are mutawātir or nearly mutawātir traditions narrated from the Imāms of Ahlu ’l-bayt on the above themes; but we have quoted only a few of them. Anyone wanting to study the lot, should refer to the collections of traditions.

[Traditions on the Recitation: ‘‘For a Fixed Period’’]

Ibn Abī Hātim has narrated from Ibn ‘Abbās, that he said: ‘‘The mut‘ah of women was in the beginning of Islam. A man. used to arrive at a town; there was none with him to mend his things or to look after his property. Therefore, he married a woman for as long as he thought his work (there) would last; and she looked after his property and mended his things.’’ And he [Ibn ‘Abbās] used to recite: ‘‘Then as to such of them with whom you have mut‘ah - for a fixed period.’’ ‘‘It was abrogated by the words: with chastity, not committing fornication. [18] And marriage-tie was in the hand of man, he kept (her) as long as he wished, and let (her) go when he wished.’’ (ad-Durru ’l-manthūr)

al-Hākim narrates through his chains from Abū Nadrah, that he said: ‘‘I recited before Ibn ‘Abbās, Then as to such of them with whom you have mut‘ah, give them their dowries as appointed; Ibn ‘Abbās said: ‘Then as to such of them with whom you have muta‘ah - for a fixed period.’ I said: ‘‘We do not read it like that.’ Ibn ‘Abbās said: ‘By Allāh! Allāh had revealed it like that.’ ’’ (al-Mustadrak)

The author says: This tradition has also been narrated in ad-Durru ’l-manthūr from al-Hākim, ‘Abd ibn Hamīd, Ibn Jarīr and Ibnu ’1-Anbārī (in al-Masāhif).

‘Abd ibn Hamīd and Ibn Jarīr have narrated from Qatādah that he said: ‘‘Ubayy ibn Ka‘b used to recite: Then as to such of them with whom you have mut‘ah - for a fixed period.’’ (ad-Durru ’l-manthūr)

Muhammad ibn Ka‘b narrates from Ibn ‘Abbās that he said: ‘‘The mut‘ah was in the beginning of Islam. A man used to arrive at a town which he did not know. So, he married a woman for as long as he thought he would stay there; so she looked after his property and mended his things. (It continued) until the verse was revealed: ... except before their mates or those whom their right hands possess’’ [23:6]; Ibn ‘Abbās said: ‘‘Now every woman except these two (categories) is unlawful.’ ’’ (as-Sahīh, at-Tirmidhī)

The author says: It implies that the mut‘ah was abrogated in Mecca [before hijrah], because the purportedly abrogating verse is of Meccan period!

‘Abdullāh ibn Abī Malīkah says: ‘‘I asked ‘Ā’ishah (r.a.) about the mut‘ah of women. She said: ‘The Book of Allāh is between me and you.’ Then she recited: And who guard their private parts, except before their mates or those whom their right hands possess, for they surely are not blameable, [23:5 - 6]; but whoever seeks to go beyond what Allāh has given in his marriage or in his possession, he surely exceeds the limit.’’[19]

[Some Traditions showing that the Mut‘ah was abrogated by the Qur’ān]

Abū Dāwūd (in his an-Nāsikh), Ibnu ’l-Mundhir and an-Nahhās have narrated from Ibn ‘Abbās that the verses, Then as to such of them with whom you have mut‘ah, give them their dowries as appointed, was abrogated by the verses, O Prophet! when you divorce them for their prescribed time [65:1]; And the divorced women should keep themselves in waiting for three monthly courses [2:228]; And (as for) those of your women who have despaired of menstruation, if you have a doubt, their prescribed time shall be three months [65:4]. (ad-Durru ’l-manthūr)

Abū Dāwūd (in his an-Nāsikh), Ibnu ’1-Mundhir, an-Nahhās and al-Bayhaqī have narrated from Sa‘īd ibn al-Musayyab that he said: ‘‘The verse of inheritance has abrogated the mut‘ah.’’ (ibid.)

‘Abdu ’r-Razzāq and Ibnu ’'l-Mundhir have narrated from ‘Alī, that he said: ‘‘Ramadān abrogated every (other) fast; and az-zakāt abrogated every (other) alms; and mut‘ah was abrogated by divorce, waiting period and inheritance; and the sacrifice (of hajj) abrogated every (other) slaughter.’’ (ibid.)

[Some Traditions showing that the Mut‘ah was abrogated by the Sunnah]

‘Abdu ’r-Razzāq, Ahmad and Muslim have narrated from Sabrah al-Juhanī that he said: ‘‘The Messenger of Allāh (s.a.w.a.) allowed us, in the year of the Conquest of Mecca, to marry women in mut‘ah. So I went out with a man of my tribe; I was his better in beauty while he was almost ugly. Each of us had a garment; my garment was worn and shabby, while my cousin’s was brand new and fresh. When we reached upper region of Mecca, a girl came before us - like a beautiful young she-camel. We said (to her): ‘Do you agree that one of us should marry you in mut‘ah?’ She said: ‘And what will you pay?’ So each of us spread his garment. She kept looking at two of us. When my companion saw her (hesitation), he said: ‘Surely, his garment is old and worn; and my garment is new and fresh.’

She kept replying: ‘Even his garment is not bad.’ So, I did mut‘ah with her. We had not even departed from Mecca when the Messenger of Allāh (s.a.w.a.) prohibited it.’’ (ibid.)

Mālik, ‘Abdu ’r-Razzāq, Ibn Abī Shaybah, al-Bukhārī, Muslim, at-Tirmidhī, an-Nasā’ī and Ibn Mājah have narrated from ‘Alī ibn Abī Tālib: ‘‘Verily, the Messenger of Allāh (s.a.w.a.) forbade the mut‘ah of women on the day of Khaybar; and (the same day, prohibited) eating the flesh of domesticated donkeys.’’ (ibid.)

Ibn Abī Shaybah, Ahmad and Muslim have narrated from Salamah ibn al-Akwa‘ that he said: ‘‘The Messenger of Allāh (s.a.w.a.) allowed us to do mut‘ah with women, in the year of Awtās for three days, then he forbade it.’’ (ibid.)

Ibnu ’1-‘Arabī writes in his Commentary of Sahīh at-Tirmidhī: ‘‘Ismā‘īl narrates from his father, from az-Zuhrī, that Sabrah said that the Prophet (s.a.w.a.) prohibited it in the Last Pilgrimage. It has been narrated by Abū Dāwūd, ... and it has been narrated by ‘Abdu ’l-‘Azīz ibn ‘Umar ibn ‘Abdi ’l-‘Azīz from ar-Rabī‘ ibn Sabrah from his father, in which he says that it was in the Last Pilgrimage, after it was allowed, and that it was [marriage] for a fixed period; and al-Hasan has said that it was (forbidden) in the ‘Umrah of al-Qadā’.’’

The same book narrates from az-Zuhrī that the Prophet (s.a.w.a.) forbade mut‘ah in the expedition of Tabūk.

The author says: As you see, the traditions contradict each other in identifying the time when the Prophet (s.a.w.a.) prohibited the mut‘ah. Some say it was prior to hijrah;others that it was after hijrah. A group says it was abrogated by the verses of marriage, divorce, waiting period and inheritance, while others claim that it was prohibited by the Prophet (s.a.w.a.) in the battle of Khaybar [Rajab, 7 AH], or at the ‘Umrah of al-Qadā’ [end of 7 AH], or in the year of Awtās or the Conquest of Mecca [8 AH], or the year of Tabūk [9 AH], or after the Last Pilgrimage [end of 10 AH]. That is why the Sunnī scholars say that it was prohibited several times, and each of the above traditions describes one or the other of the occasions. But some of the narrators, like ‘Alī, Jābir and Ibn Mas‘ūd, were too great to remain unaware of the Prophet’s orders - especially when we remember that they were constantly with him (s.a.w.a.) and knew every big and small matter of his life.[20]

al-Bayhaqī narrates from ‘Alī (a.s.) that he said: ‘‘The Messenger of Allāh (s.a.w.a.) forbade mut‘ah. It was only for him who did not get [means for permanent marriage]; but when (verses of) marriage, divorce, waiting period and mutual inheritance (rights) of husband and wife were revealed, it was abrogated.’’ (ad-Durru ’l-manthūr)

an-Nahhās has narrated that ‘Alī ibn Abī Tālib said to Ibn ‘Abbās: ‘‘Surely, you are a straying man; verily, the Messenger of Allāh (s.a.w.a.) had forbidden mut‘ah.’’ (ibid.)

al-Bayhaqī narrates from Abū Dharr that he said: ‘‘The mut‘ah was allowed for the companions of the Messenger of Allāh (s.a.w.a.) only for three days; then the Messenger of Allāh (s.a.w.a.) forbade it.’’ (ibid.)

Abū Jamrah says that Ibn ‘Abbās was asked about mut‘ah, and he allowed it. Thereupon a slave of his said to him: ‘‘Surely it was (allowed) when the number of women was small and the condition was hard.’’ Ibn ‘Abbās said: ‘‘Yes.’’ (as-Sahīh, al-Bukhārī)

al-Bayhaqī has narrated that ‘Umar delivered a lecture in which he said: ‘‘How is it that some men marry (in) this mut‘ah form, and the Messenger of Allāh (s.a.w.a.) had forbidden it? None will be brought before me who had married (in) this (form) but I shall stone him.’’ (ad-Durru ’l-manthūr)

Ibn Abī Shaybah, Ahmad and Muslim have narrated from Sabrah that he said: ‘‘I saw the Messenger of Allāh (s.a.w.a.) standing between the Rukn and the door [of the Ka‘bah], and he was saying: ‘O people! I had allowed you to marry in mut‘ah form; well, Allāh has prohibited it upto the Day of Resurrection. Now, if anyone has got any (woman) from them, he should let her go, but do not take back anything from what you have given them.’ ’’(ibid.)

Ibn Abī Shaybah narrates from al-Hasan that he said: ‘‘By Allāh! Mut‘ah was not but only three days, the Messenger of Allāh (s.a.w.a.) had permitted them in that (period); it was not before that, nor after that.’’ (ibid.)

[Some Traditions of some Companions and their Disciples about Lawfulness of the Mut‘ah]

Mujāhid has said about (the verse), Then as to such of them with whom you have mut‘ah: ‘‘It is the mut‘ah marriage.’’ (at-Tafsīr, at-Tabarī)

as-Suddī said about this verse: ‘‘It is mut‘ah; a man marries a woman on the condition of a fixed period; and when the term expires, he has no authority on her and she is free of him; but she is obliged [to observe the waiting period] to be sure of what is in her womb; and there is no inheritance between them, neither will inherit the other.’’ (ibid.)

It is narrated in as-Sahīh, al-Bukhārī and as-Sahīh, Muslim, and reported in ad-Durru ’l-manthūr from ‘Abdu ’r-Razzāq and Ibn Abī Shaybah, from Ibn Mas‘ūd that he said: ‘‘We used to go on expeditions with the Messenger of Allāh (s.a.w.a.), and our women were not with us. So we said: ‘Should not we castrate ourselves?’ But (the Prophet) forbade us to do so; and allowed us to marry a woman on (dowry of) a garment for a (fixed) period.’’ Then ‘Abdullāh recited: O you who believe! do not forbid (yourselves) the good things which Allāh has made lawful for you [5:87].

Ibn Abī Shaybah narrates from Nāfi‘ that Ibn ‘Umar was asked about mut‘ah, and he said that it was unlawful. It was said to him: ‘‘Verily, Ibn ‘Abbās declares it as lawful.’’ He said: ‘‘Why did not he open his mouth in the reign of ‘Umar?’’ (ad-Durru ’l-manthūr)

Ibnu ’l-Mundhir, at-Tabarānī and al-Bayhaqī have narrated from Sa‘īd ibn Jubayr that he said: ‘‘I said to Ibn ‘Abbās: ‘What have you done? Travellers have carried your ruling (far and wide), and poets have composed poems about it.’ He said: ‘And what have they said?’ I said: ‘They have said:

‘‘I say to the old man, as he has stayed a long time, O my companion! Are you interested in the rulling of Ibn ‘Abbās?

Would you like to have a chubby unmarried girl?

Who would be your resting place, until the people depart [from here].’’ ’

(Ibn ‘Abbās) said: ‘Surely, we are Allāh’s, and to Him we shall surely return. No, By Allāh! I have not given this ruling, nor is this which I have meant. I have not allowed it but to one who is hard-pressed; and I have not allowed of it except what Allāh has allowed of dead body, blood and flesh of swine.’ ’’ (ibid.)

Ibnu ’l-Mundhir narrates from ‘Ammār (slave of ash-Sharīd) that he said: ‘‘I asked Ibn ‘Abbās regarding the mut‘ah, whether it is marriage or fornication. He said: ‘Neither marriage nor fornication.’ I said: ‘Then what is it?’ He said: ‘It is mut‘ah, as Allāh has said.’ I said: ‘Does it have a waiting period?’ He said: ‘Its waiting period is one monthly course.’ I said: ‘Do they inherit each other?’ He said: ‘No.’ ’’ (ibid.)

‘Abdu ’r-Razzāq and Ibnu ’l-Mundhir have narrated through ‘Atā’ from Ibn ‘Abbās that he said: ‘‘May Allāh have mercy on ‘Umar. Mut‘ah was but a mercy from Allāh, which He had bestowed on the ummah of Muhammad. If he (‘Umar) had not forbidden it, none but the most wicked would have needed fornication.’’ Also he said: ‘‘It is that which is in the chapter of ‘The Women’: Then as to such of them with whom you have mut‘ah to such and such a period on such and such a dowry.’’ Again he said: ‘‘There is no inheritance between them. If they decide to agree after the term [to extend it], then, yes; and if they separate, then, yes; and there is no [permanent] marriage between them.’’ ‘Atā’ said that he heard from Ibn ‘Abbās that in his opinion it was lawful (even) now. (ibid.)

It is narrated in at-Tafsīr, at-Tabarī and also in ad-Durru ’l-manthūr from ‘Abdu ’r-Razzāq and Abū Dāwūd (in his an Nāsikh) from al-Hakam that he was asked about this verse [of mut‘ah] whether it was abrogated. He said: ‘‘No.’’ Also ‘Alī (a.s.) has said: ‘‘If ‘Umar had not forbidden mut‘ah, none but a scoundrel would have committed fornication.’’

[Some Traditions showing that it was ‘Umar who had forbidden the Mut‘ah]

Jābir ibn ‘Abdillāh said: ‘‘We used to do mut‘ah on a handful of date and flour, for fixed days, in the time of the Messenger of Allāh (s.a.w.a.) and Abū Bakr - until ‘Umar disallowed it in the affair of ‘Amr ibn Hurayth.’’ (as-Sahīh, Muslim)

The author says: This tradition has also been quoted in Jāmi‘u ’l-usūl (of Ibnu ’l-Athīr),Zādu ’l-ma‘ād (of Ibnu ’l-Qayyim), Fathu ’l-bārī (of Ibn Hajar) and Kanzu ’l-‘ummāl.

Mālik and ‘Abdu ’r-Razzāq have narrated from ‘Urwah ibn az-Zubayr that Khawlah bint Hakīm came to ‘Umar ibn al-Khattāb and said: ‘‘Rabī‘ah ibn Umayyah had done mut‘ah with a woman of not pure Arab blood, and she had become pregnant from him.’’ [Hearing this] ‘Umar ibn al-Khattāb came out, trailing his robe in dismay, and said: ‘‘This is mut‘ah! Had I gone ahead about it [i.e., Had I forbidden it before], I would have stoned (the person concerned).’’ (ad-Durru ’l-manthūr)

The author says: It has also been reported from ash-Shāfi‘ī (in his Kitābu ’l-umm) and from al-Bayhaqī (in his as-Sunan).

Sulaymān ibn Yasār narrates from Umm ‘Abdillāh, daughter of Abū Khaythamah, that a man came from Syria and stayed with her. Then he said: ‘‘Verily, bachelorhood has become hard for me to bear; therefore, find for

me a woman with whom I should do mut‘ah.’’ She says: ‘‘So, I led him to a woman and he made conditions with her, and got men of probity as witnesses for it. He remained with her as long as Allāh wished him to; and then he went away. Then ‘Umar was informed of it. He called for me and asked: ‘Is it correct what I have been told?’ I said: ‘Yes.’ He said: ‘If he comes (back), let me know.’ When he came back, I informed ‘Umar; and he called for him and asked: ‘What made you to do what you did?’ He said: ‘I did so in the days of the Messenger of Allāh (s.a.w.a.) and he did not forbid us to do so until Allāh took him (to Himself); then (we did it) in the days of Abū Bakr, and he too did not forbid us to do so, until Allāh took him away; then (we did so) during your days and you did not issue to us any prohibition against it.’ Then ‘Umar said: ‘Well, by Him in Whose hand my soul is, if I had gone ahead with its prohibition, I would have stoned you; announce it, in order that marriage might be distinguished from fornication.’ ’’ (Kanzu ’l-‘ummāl)

‘Atā’ has said: ‘‘Jābir ibn ‘Abdillāh came for ‘umrah; so we went to him at his staying place, and people asked him regarding various things, then they mentioned mut‘ah. He said: ‘We did mut‘ah in the time of the Messenger of Allāh (s.a.w.a.) and Abū Bakr and ‘Umar.’ ’’ Ahmad’s narration adds: ‘‘until it was the last period of ‘Umar’s (r.a.) caliphate.’’ (as-Sahīh, Muslim; Musnad, Ahmad)

Nāfi‘ reports that ‘Abdullāh ibn ‘Umar was asked about mut‘ah and he said: ‘‘(It is) forbidden. Why, look, if ‘Umar ibn al-Khattāb had caught anyone doing it, he would have stoned him.’’ (as-Sunan, al-Bayhaqī)

Ibnu ’l-Jawzī says: ‘‘ ‘Umar (r.a.) used to say: ‘By Allāh! Nobody will be brought before me, (accused of) practising mut‘ah, but I shall stone him.’’ (Mir’ātu ’z-zamān)

Ibn Rushd narrates from Jābir ibn ‘Abdillāh that he said: ‘‘We did mut‘ah in the days of the Messenger of Allāh (s.a.w.a.), and Abū Bakr, and during half the reign of ‘Umar; then ‘Umar forbade people to do so.’’ (Bidāyatu ’l-mujtahid)

Ibn al-Kalbī has said: ‘‘Verily, Salamah ibn Umayyah ibn Khalaf al-Jumahī did mut‘ah with Salmā, slave girl of Hākim ibn Umayyah ibn al-Awqas al-Aslamī, and she bore from him a child, but he denied (paternity of) her child. This news reached ‘Umar; therefore he forbade mut‘ah.’’ (al-Isābah)

Ayyūb says: ‘‘ ‘Urwah said to Ibn ‘Abbās: ‘Do you not fear Allāh, that you allow mut‘ah?’ Ibn ‘Abbās said: ‘Ask your mother, O ‘Urwah!’ Then ‘Urwah said: ‘But Abū Bakr and ‘Umar did not do it!’ Thereupon, Ibn ‘Abbās said: ‘By Allāh! I do not think you will stop (in your arrogance) until Allāh chastises you. We talk to you from the Prophet (s.a.w.a.), and you talk to us from Abū Bakr and ‘Umar.’ ’’ (Zādu ’l- ma‘ād)

The author says: The mother of ‘Urwah [mentioned in the above tradition] was Asmā’, daughter of Abū Bakr, who was married in mut‘ah form by az-Zubayr ibn al-‘Awwām, from whom she bore ‘Abdullāh ibn az-Zubayr and ‘Urwah.

ar-Rāghib writes: ‘‘ ‘Abdullāh ibn az-Zubayr reproached ‘Abdullāh ibn ‘Abbās because the latter considered mut‘ah as lawful. ‘Abdullāh ibn

‘Abbās told him: ‘Ask your mother how the censers glowed between her and your father?’ So he asked her and she replied: ‘I did not give birth to you but in mut‘ah’ ’’(al-Muhādarāt)

Muslim al-Quriyy says: ‘‘I asked Ibn ‘Abbās about mut‘ah; and he allowed it; but Ibn az-Zubayr used to reject it. So (Ibn ‘Abbās) said: ‘This is the mother of Ibn az-Zubayr, who narrates that the Messenger of Allāh had allowed it; so go to her and ask her.’ ’’ Muslim says: ‘‘So we went to her and, lo! she was a stout blind woman. She said: ‘The Messenger of Allāh has allowed it.’ ’’ (as-Sahīh, Muslim)

The author says: The context shows that the question was about the mut‘ah of women; and other traditions too give the same meaning.

Abū Nadrah said: ‘‘I was with Jābir ibn ‘Abdillāh when someone came to him and said: ‘Ibn ‘Abbās and Ibn az-Zubayr have differed about the two mut‘ahs [i.e., mut‘atu ’l-hajj and mut‘ah of women].’ Jābir said: ‘We did both with the Messenger of Allāh (s.a.w.a.), then ‘Umar forbade us both, but we did not deviate from them.’ ’’ (as-Sahīh, Muslim)

The author says: Reportedly al-Bayhaqī too has narrated it in his as-Sunan; and the same theme has been narrated in as-Sahīh of Muslim, in three places with different wordings, one of which reports Jābir as saying: ‘‘But when ‘Umar stood up [i.e., came to power], he said: ‘Surely Allāh used to allow for His Messenger whatever He wished in any way He wished. Therefore, you complete the hajj and the ‘umrah, as Allāh has ordered, and stop marrying these women. No man shall be brought to me who would have married a woman for a [fixed] period but I shall stone him.’

Also this theme has been narrated by al-Bayhaqī in his as-Sunan and al-Jassās in his Ahkamu ’l-Qur’ān; also it is reported in Kanzu ’l-‘ummāl and ad-Durru ’l-manthūr, as well as in at-Tafsīr of ar-Rāzī and Musnad of at-Tayālisī.

al-Qurtubī has narrated, in his at-Tafsīr, from ‘Umar that he said in his lecture: ‘‘Two mut‘ahs were [practised] in the time of the Messenger of Allāh (s.a.w.a.); but I forbid them and shall inflict punishment on them; the mut‘ah of hajj and the mut‘ah of women.’’

The author says: This lecture of his is among the things unanimously accepted by all narrators; and they have reported it as an undisputed fact. Vide, for example, at-Tafsīr of ar-Rāzī, al-Bayān wa ’t-tab’īn, Zādu ’l-ma‘ād, Ahkāmu ’l-Qur’ān, [at-Tārīkh of] at-Tabarī and of Ibn ‘Asākir among other references.

at-Tabarī has narrated from ‘Umar that he said: ‘‘There were three things in the time of the Messenger of Allāh (s.a.w.a.); but I am forbidding them; and shall give punishment on them: mut‘ah of hajj, and mut‘ah of women, and hayya ‘alā khayri ’l-‘amal in the adhān (call for prayer).’’ (al-Mustabīn)

‘Imrān ibn Sawādah says: ‘‘I prayed dawn (prayer) with ‘Umar; he recited (the chapter of) Subhān and another one with it; then he returned and I stood with him. He said: ‘(Do you have) any work (with me)?’ I said: ‘(Yes,) there is (some) work.’ He said: ‘Then join (me).’ I joined him. When he entered (his house), he gave permission to me. I found him on a bare bed-stead which had nothing on it. I said: ‘(I have come with) a sincere advice.’

He said: 'Welcome to the adviser, day and night.' I said: 'Your people blame (you) for four things.' (Hearing this) he put the handle of his whip under his chin and its tip on his thigh, and said: 'Let me hear it.' I said: 'They say that you have prohibited 'umrah during the months of hajj, while neither the Messenger of Allāh (s.a.w.a.) nor Abū Bakr (r.a.) had done so, and it is lawful (in sharī'ah).' He said: 'Is it lawful? If they do 'umrah during the months of hajj, they will think it suffices them from hajj; and will go out at once like a chick from it shell; and the hajj (days) will be empty (of people), while it is a splendour from Allāh's spleandours; and I have done right.'

''I said: 'Also they say that you have prohibited the mut'ah of women, while it was a permission from Allāh. We used to do mut'ah on a handful [of date, etc.] and separate after three (days).' He said: 'Surely, the Messenger of Allāh (s.a.w.a.) had allowed it at a time when there was need (of it), then the people did get affluence; thereafter, I do not know any Muslim who did it or resorted to it. Now let anyone who so wishes marry [permanently] on a handful [of date] and separate the third day by divorce; and I have done right.'

''Then I said: 'You have granted freedom to a slave girl if she delivers a child, even without being emancipated by her master.' He said: 'I have joined honour with honour; and I did not mean but good; and I ask pardon of Allāh.'

''I said: 'And they complain against your reviling the public and your harsh demeanour.' (Hearing this,) he drew the whip and wiped it until he came to its end, then said: 'I am a travelling-companion of Muhammad and was his travelling-companion in the expedition of Qarqaratu 'l-Kidr. By Allāh! I put (animals) to pasture until I satiate, and I give (them) drink until I quench their thirst; I hit the unruly camel and restrain the untamed one; and I defend my cooking-pot and drive my steps; and gather obdurate ones, and join slow ones; and I often admonish but seldom strike; and make a show of whip but repulse by hand. (Even) if it had not been so, I would have had an excuse.' ''

('Imrān) said: ''This narrative reached Mu'āwiyah, and he said: 'He was, by Allāh, knowledgeable of his subjects.' '' (at-Tārīkh, at-Tabarī)

The author says: Ibn Abi '1-Hadīd has narrated it in his Sharh Nahji 'l-balāghah from Ibn Qutaybah.

These are some of the traditions regarding the topic of mut'ah of women.

A discerning scholar, looking at them, cannot fail to see:- **First:** The contradictions and irreconcilibility so glaringly found in them. The scholar cannot reach at any conclusion from them except that it was 'Umar ibn al-Khattāb who, during his reign, forbade and prohibited it because of his personal opinion, which he formed after hearing the stories of 'Amr ibn Hurayth and Rabī'ah ibn Umayyah ibn Khalaf al-Jumahī. As for the claim of its abrogation by the Qur'ān or tradition, you have already seen that it has no leg to stand on. It is quite apart from the fact that whatever stand one takes, some traditions contradict the others. The only point of agreement is that it was 'Umar ibn al-Khattāb who prohibited it and enforced his

prohibition, who decided that the action was forbidden and laid down the punishment of stoning for him who did it.

Second: That it was a custom that was prevalent in the time of the Prophet (s.a.w.a.) by his permission; it makes no difference whether he had established that custom, or had let an old custom continue. Also that it was practised by such of his companions who cannot be accused of fornication, by any stretch of imagination. For instance, Jābir ibn ‘Abdillāh, ‘Abdullāh ibn Mas‘ūd, az-Zubayr ibn al-‘Awwām and Asmā’, daughter of Abū Bakr, who had given birth to ‘Abdullāh, son of az-Zubayr through this very mut‘ah marriage.

Third: That there were among the companions and their disciples, people who continued to believe and declare that mut‘ah was lawful, like Ibn Mas‘ūd, Jābir, ‘Amr ibn Hurayth and others (among the companions); and Mujāhid, as-Suddī, Sa‘īd ibn Jubayr and others [among the disciples].

This open and clear conflict among the traditions has led the Sunnī scholars, first to disagree among themselves whether mut‘ah was lawful or unlawful, and then compelled the protagonists of prohibition to opt for diverse opinions as to how it was prohibited. In all, they have adopted not less than fifteen views - each different from the others and all amazing.

One may discuss this topic from many angles, but we are concerned here with some of them only. There is a sectarian polemic going on between the Sunnīs and the Shī‘ahs. There is a jurisprudential aspect, whether mut‘ah is lawful or not. Lastly, there is the exegetical angle, dealing with the exegesis of the verse: Then as to such of them with whom you have mut‘ah ...: Does it ordain the lawfulness of the mut‘ah? If yes, then was it abrogated by any other verse, like that of the chapter 23 (The Believers) or those of marriage, prohibition, divorce, waiting period or inheritance? Or was it abrogated by the sunnah of the Prophet (s.a.w.a.)? Also, if it was legalized, had Islam initiated a new system? Or had it just confirmed an old custom? And so on and so forth.

It is this third aspect, i.e., exegetical, that we shall discuss in this book. We have already explained these matters in the Commentary; but here we shall give some more details, by drawing the readers’ attention to what has been said [by some non-Shī‘ahs] against the verse’s implication regarding the mut‘ah marriage and its legislation.

[An Exegete’s Claims and our Comments]

A writer, after insisting that the verse only implies that one should pay dowry in full in permanent marriage, expresses his views as follows:

‘‘The Shī‘ahs say that the verse refers to the mut‘ah marriage, i.e., marrying a woman for a fixed term, e.g., one day, one week or one month. They argue by an irregular recital of the Qur’ān which is narrated from Ubayy, Ibn Mas‘ūd and Ibn ‘Abbās (may Allāh be pleased with them), and by the reports and traditions that have been narrated about mut‘ah.

‘‘As for the recital, it is irregular, which is not proved to be [a part of] the Qur’ān. It has been explained earlier that if there are correct traditions as khabaru ’l-wāhid in such matters, then the added words are treated as explanation; and it shows what the man concerned had understood [from the verse]; but understanding of a companion is not a proof in matters of

religion, especially when the sequence and context [of the verse] rejects it - as it does here. Because the man who marries in mut‘ah for a fixed term does not intend chastity instead of fornication; rather his first intention is sexual satisfaction. Therefore, even if there is a sort of chastity for man (as it prevents him from free indulgence in fornication), there is surely nothing of chastity for the woman who hires out her body every now and then to a new man; she becomes, as has been said:

A ball that is struck by bats
And is dealt with by man after man.’’

COMMENT: He claims that the Shī‘ahs argue by a recital of Ibn Mas‘ūd and others. But anyone who refers to the Shī‘ī books and arguments will see that, when they mention that recital, they do not do so because they think it to be a reliable and independent proof in itself. How can they do so when they do not accept the authoritativeness of irregular recitals, even if they are attributed to their own Imāms? How can they argue by something they do not accept as authoritative against someone who does not accept its authority? Such an idea is nothing but a joke.

The Shī‘ahs’ actual argument is this: Those companions of the Prophet (s.a.w.a.) used to recite the verse in that way. It means that they believed it to be the verse’s connotation. It is irrelevant whether they recited it as a part of the Qur’ān, or just as its explanation which showed that they had understood this meaning from the wordings of the verse.

This argument is useful to the Shī‘ahs in two ways:

First: It shows that a number of the companions believed as the Shī‘ahs do. As the reports show, a number of the companions and their disciples believed in the lawfulness of the mut‘ah, and if one wants to verify it, one is free to consult the relevant books.

Second: It proves that the verse means exactly what the Shī‘ahs say, and the recital of those companions supports it. Not only that. Even the claim that the verse was later abrogated, clearly shows that the claimants accepted that the verse proved the lawfulness of the mut‘ah marriage; otherwise, there was no need for them to say that it was abrogated or to narrate traditions of its abrogation. There are a lot of such traditions, a number of which was quoted above. The Shī‘ahs make use even of the traditions of abrogation in the same way as they do with the above-mentioned irregular recital. It does not mean that they accept authority of irregular recitals, as it does not mean that they accept the verse’s abrogation. What they want to prove is that those reciters and narrators believed that the verse spoke about the lawfulness of the mut‘ah marriage.

As for the claim that the context of the verse does not agree with this meaning, his whole argument seems to be based on the assumption that the verb, al-musāfahah (اَلْمُسَافَحَةُ = fornication) has been used in this verse in its literal sense, i.e., ejaculation of semen, and then he links this meaning with its intention. Thus he claims that the temporary marriage for satisfaction of sexual desire is as-sifāh (اَلسِّفَاحُ = fornication), and not an-nikāh (اَلنِّكَاحُ = marriage). He seems unaware of the fact that even annikāh literally means sexual intercourse. It is written in Lisānu ’l-‘Arab:

‘‘al-Azharī says: ‘The basic meaning of an-nikāh in Arabic is to have sexual intercourse.’ ’’ Therefore, it will be necessary for him to say that even an-nikāh was fornication! Thus, his supposed contraposition between an-nikāh and as-sifāh loses its bearing.

Moreover, if the intention of satisfying sexual urge turns the temporary marriage into. fornication, then what if someone marries permanently with the same intention? Surely that permanent marriage too must turn into fornication. But is there any Muslim prepared to say so?

May be someone will say: There is a difference between permanent and temporary marriages. The permanent marriage by its very nature is meant to maintain chastity, procreate children and establish a household. But it is not so in a temporary marriage.

But it is just superciliousness. All the benefits attributed to the permanent marriage are obtainable from the temporary one; protects from fornication, saves the geneology from mix-up; children may be born and cared for, and a house-hold may be established. That is apart from the added benefit which this ummah could derive from it because it is much more easier to do; and even he who because of various reasons (poverty, inability to maintain a wife permanently, being on a journey or other such reasons) is unable to marry permanently, may utilize this permission and save himself from sin.

On the other hand, all presumed defects of the temporary marriage - which have led him to say that mut‘ah was fornication - may be found in the permanent marriage too, like the intention of satisfying sexual desire by ejaculating semen in the woman. Therefore, the claim that permanent marriage was made in its very nature for the claimed benefits, while temporary marriage was made in its very nature for the supposed defects, is just a claim that is not supported by any evidence and whose incorrectness is crystal clear.

Another claim: Mut‘ah marriage is as-sifāh (ejaculation); therefore it is fornication that is opposite of marriage. But when you interpret as-sifāh as ejaculation of semen, then it will cover not only fornication but permanent marriage also - especially if the latter was done for satisfaction of sexual desire.

It is really emazing to read his claim that even if there is a sort of chastity for the man, there is no chastity for the woman. Would that I knew what was the difference between man and woman in this respect. How is it that a man can preserve his chastity and protect himself from fornication through the mut‘ah, but a woman cannot? Is it anything except foolhardiness?

Now we come to the poetry lines quoted by him. The discourse is on a serious subject, by which we are trying to discover a religious reality which has very important bearing on the life of this world and the next - no matter whether at the end mut‘ah is proved lawful or unlawful. What is the use of poetry in such a discourse? Poetry is just an imaginary composition;it recognizes falsehood more than it does truth; and has more affinity with error than with guidance.

One wonders why did he not recite these lines when discussing the above-mentioned traditions, and especially after the words of ‘Umar (in the

tradition of at-Tabarī quoted above): ‘‘Now let anyone who so wishes marry [permanently] on a handful [of date] and separate the third day by divorce.’’

And who is the real target of his calumination except Allāh and His Messenger who had legalized this type of marriage, either as a new institution or by endorsement of an established custom? After all, it was undeniably a system prevalent among Muslims in the early Islam within the sight and hearing of the Prophet.

Question: The Prophet (s.a.w.a.) had allowed it in exigency, because in those days the Muslims were poor, and poverty overwhelmed the ummah; also they had to participate in expeditions, as some of the above-quoted traditions imply.

Reply: Once you admit that mut‘ah was prevalent among the people in the early days of Islam, and that it was known by the names of mut‘ah marriage, or istimtā‘, there is no escape from admitting that the verse shows its lawfulness; that it is an unconditional verse and no other verse or tradition has capability of abrogating it. In this background, the claim that it was somehow abrogated is nothing but a willful misinterpretation without any proof.

Let us accept [for the sake of argument] that it was allowed by the Prophet (s.a.w.a.) as a matter of exigency. Now let us ask ourselves: Was the need during the time of the Prophet (s.a.w.a.) greater and more pressing than in the post-Prophetic era? Especially during the reigns of the ‘rightly-guided’ caliphs, when the armies of the Muslims in their thousands were always on move to the east and the west? What was the difference between the first and the second halves of the caliphate of ‘Umar in this respect? How had the exigency vanished? Were there no poor Muslims in those days? Or had they stopped going to wars or journeys, etc.? Why one type of need had justified its legislation, but other types could not?

Compare the situation of the Muslim societies today with that of the time of the Prophet (s.a.w.a.) and the first half of the ‘‘rightly-guided caliphs’’. Is not the need that justified its legislation greater and more pressing now that it was in those days? Backbreaking poverty reigns over the Muslim countries, and the colonial governments and imperial powers as well as the Pharaohs who rule these places are sucking the blood of the masses, and usurping all green and dry produce of their labour.

Today licentiousness manifests itself everywhere; libertinism appears in ever-more attractive and eye-catching garb; there is ever more effective exhortation to indulge in carnality and debauchery. This trend is spreading its tentacles wider and wider; the trouble is reaching every corner of the world and infecting more and more people. Immorality, illicit sexual behaviour, is engulfing all the youths - be they students, soldiers or factory workers - and this group constitutes the majority of the human population.

Nobody can ever be in doubt about the basic needs which push these youths to fornication, homosexuality and all types of sexual aberrations. They are unable to establish and run a household; they are engaged in temporary occupations, or posted to a base for a fixed term, and it does not allow them to establish a home and marry permanently - no matter whether they are in service or studies or journey, etc. Now, how is it that these

necessities could legalize mut‘ah marriage in the early days of Islam - when they were comparatively less prevalent and much easier to bear, but cannot make it lawful in other times even when the calamity has overwhelmed the mankind, and mischief has greatly increased?

The said writer has further written: ‘‘Furthermore, the mut‘ah goes against what has been established in the Qur’ān about this subject [of marriage]. Allāh, the Mighty, the Great, says praising the believers: And who guard their private parts, except before their mates or those whom their right hands possess, for they surely are not blameable; but whoever seeks to go beyond that, these are they that exceed the limits (23:5 - 7). That is, they exceed the limit of what Allāh has made lawful for them, and go into what He has forbidden. These verses are not in conflict with the verse under discussion, i.e.: Then as to such of them with whom you have mut‘ah ... [which he takes to mean, with whom you have cohabited]; they are rather of the same connotation, and there is therefore no abrogation. The woman in mut‘ah is not a wife, who could have rights on man similar to man’s rights on her, as Allāh has said. It has been reported from the Shī‘ahs that they themselves do not apply the rules of marriage on her, nor do they give her the concomitants of matrimony: They do not count her among the four wives a man is allowed to have together in marriage (if there is no danger of injustice); they rather allow him to marry in mut‘ah a lot of women. Likewise, they do not prescribe the punishment of stoning for a fornicator when he has a mut‘ah wife - because they do not count him as married; it shows their conviction that the words of Allāh about those married in mut‘ah, taking them with chastity, not committing fornication, [which he interprets as, ‘in marriage, not committing fornication’] is not applicable to him - and it is a clear contradiction in term. Also some exegetes have narrated from them that a woman of mut‘ah is not entitled to inheritance or maintenance; and that there is no divorce or waiting period for her. In short, the Qur’ān is far away from this opinion, and there is certainly no proof, or even a quasi-proof, for it in this verse.’’

COMMENT: His claim, that the mut‘ah goes against what has been established in the Qur’ān, boils down to this: First, the verses of the chapter of ‘The Believers’: And who guard their private parts ..., confine the lawfulness to the wives, and a woman in mut‘ah is not a wife; therefore, the verses refute the lawfulness of the mut‘ah. Second, these verses do not permit the verse, Then as to such of them with whom ..., to be interpreted as speaking about mut‘ah.

As for the claim that the verses of the chapter ‘The Believers’ prohibit the mut‘ah, he has ignored the fact that these are Meccan verses, while mut‘ah was prevalent even after hijrah. The question arises: When the Messenger of Allāh (s.a.w.a.) allowed the mut‘ah [after hijrah], was he allowing what the Qur’ān had prohibited? But the Qur’ān itself declares that the Prophet’s words were final authority of religion, so there seems to be a contradiction in terms in the Qur’ān itself. Or, had his legalization abrogated the verses of [presumed] abrogation (And who guard their private parts ...), and then the mut‘ah was forbidden again (either by the Qur’ān or the Prophet (s.a.w.a.), thus reviving the prohibiting verses after their death? Did

this verse (of The Believers) become decisive after its abrogation? It is such an alternative which no Muslim would ever agree to, nor anyone has ever said so; nor is it ever possible to say.

This analysis is in itself a good proof that the woman of mut‘ah is a wife, that the mut‘ah is a marriage, and that these verses, of the chapter of ‘The Believers’, prove that mut‘ah marriage is a proper matrimonial state: Otherwise, it will follow that the said verses were abrogated by the permission the Prophet (s.a.w.a.) gave for mut‘ah, [but nobody would admit it]. Therefore, the said verses actually prove the lawfulness, not prohibition, of the mut‘ah.

Let us explain it in another way:

The verses of the chapters, ‘The Believers’ [23:5 - 7] and ‘The Stairway’ [70:29 - 31], i.e.: And those who guard their private parts, except before their mates ..., are the strongest of all the verses to prove the lawfulness of the mut‘ah. It is agreed by all that these verses are decisive and unabrogated; and that they are of the Meccan period. Also, it is crystal clear from history and traditions that the Prophet (s.a.w.a.) had allowed mut‘ah. If the woman of mut‘ah was not a wife, then obviously the Prophet’s permission would abrogate the said verses - but they are not abrogated. The only conclusion is that the mut‘ah was a lawful marriage. Now that it is clear from the above that the said verses prove lawfulness of the mut‘ah, then the claim, that the Prophet (s.a.w.a.) [subsequently] prohibited it, is also proved wrong, because such claim goes contrary to the Qur’ānic verses and would entail the verses’ abrogation; but, as you know, all are agreed that these are decisive ones and were never abrogated.

In any case, the woman married in mut‘ah is a wife, and mut‘ah is a nikāh (marriage), contrary to what its detractors claim. It is enough, in this respect, to draw your attention to the traditions quoted above, in which the companions of the Prophet (s.a.w.a.) and their disciples have used the name, ‘mut‘ah marriage’, for this union. Even ‘Umar ibn al-Khattāb has used the same name in the traditions which describe his prohibition; for example, see the report of al-Bayhaqī narrated from ‘Umar (quoting his lecture), and the tradition of Muslim narrated from Abū Nadrah. Not only that. Even ‘Umar’s words (quoted in the tradition of Kanzu ’l-‘ummāl from Sulaymān ibn Yasār), ‘‘announce it, in order that marriage may be distinguished from fornication’’, are based on the same nomenclature; as it implies that the mut‘ah is a marriage but is not distinguished from fornication; therefore it is incumbent upon Muslims to announce it; they should solemnize a marriage that is known and distinguishable from fornication. This connotation is inferred from his order to ‘announce it’.

In short, there is no room for any doubt that, according to the language of the Qur’ān and that of the companions and their disciples, mut‘ah is nikāh (marriage) and the woman so married is wife. It was only after ‘Umar’s prohibition that the two words, an-nikāh and at-tazwīj (اَلنِكَاحُ، اَلتَزْوِيْجُ = marriage), became [gradually] reserved for the permanent marriage, because mut‘ah marriage went out of practice, and the people performed permanent marriage only. Thus there remained no other application for the two words,

and the permanent marriage became the only meaning that immediately came to the minds. The case of the two words is not different from many other words that have acquired a new or restricted meaning in the language of the Muslims.

The above also shows baselessness of what the said writer has written later that the Shī'ahs themselves do not apply the rules of marriage on the woman of mut'ah. We have a right to ask him what he means by the word, 'wife'. If he uses the word as it is used in the language of the Qur'ān, then the Shī'ahs apply all its rules on the mut'ah wife - without any exception. But if he means the wife as is understood in the language of the Muslims - as explained above - which they use in their jurisprudence, then the Shī'ahs do not apply all its rules on her - but there is no harm in it.

Now we come to his argument that 'the Shī'ahs do not prescribe stoning for a fornicator who has a mut'ah wife, and it shows their conviction that the words of Allāh, muhsinīn ghayr musāfihīn (مُحْصِنِيْنَ غَيْرَ مُسَافِحِيْنَ = which he interprets as 'in marriage') are not applicable to him; and it is a clear contradiction in term.'

First of all, we have explained in the commentary of this verse that, because this clause includes conjugal union with one's slave girls too, it obviously means 'chastity', not marriage. Even if we accept that muhsinīn (مُحْصِنِيْنَ) means 'in marriage', not, 'in chastity', [as translated by us] , then the verse includes mut'ah marriage in any case. As for nonstoning of the fornicator who has a mut'ah wife (apart from the fact that stoning is not a Qur'ānic law), it is based on explanation or restriction by the sunnah, like other matrimonial laws - inheritance, maintenance, divorce and waiting period.

To put the above statement more clearly, if a verse relating to laws is taken to be vague - because it only aims at ordaining the basic rule - then whatever restrictions are attached, they will amount to its explanation; they will not be counted as a restriction or a condition. If, on the other hand, the said verse is taken to be a general or unconditional one, then the explanations given in the sunnah will be counted as restrictions or conditions. There will not arise any question of contradiction in terms in such cases. See for details the books on the Principles of Jurisprudence.

These verses of inheritance, divorce and maintenance, like other verses, are not free from restrictions and conditions. An apostate wife is debarred from inheritance, and separates without any divorce; the husband may cancel the marriage without giving divorce, if the wife has certain defects; a recalcitrant wife loses her right of maintenance. With all these restrictions, what objection is there if a few other rules are restricted because of the mut'ah? The statements that remove the mut'ah marriage from the rules of inheritance, divorce and waiting period are either restrictions or conditions.

As for the fact that, in the language of the Muslims, the words, an-nikāh and at-tazwīj are now exclusively used for permanent marriage, it creates no difficulty for our stand, even if the said writer thinks otherwise. When a jurist says: 'A permanently married (al-muhsin, اَلْمُحْصِنُ) fornicator shall be

stoned;'and then says: 'A fornicator who has a mut'ah wife shall not be stoned because he is not al-muhsin'; it only shows that in his terminology al-ihsān (اَلْإِحْصَانُ) implies permanent marriage that has certain especial effects. But it does not effect the language of the Qur'ān in which al-ihsān has been used together for both - permanent and temporary - marriages; and which establishes especial rules for each.

As for his claim that the Shī'ah do not prescribe waiting period for a mut'ah wife, it is a shameless slander. There are the collections of Shī'ī traditions and the tomes of their jurisprudence, all of which clearly say that the waiting term of a wife of mut'ah is two monthly courses. Some relevant traditions narrated through Shī'ī chains from the Imāms of Ahlu 'l-bayt have earlier been quoted in this discourse.

The said writer further writes: ''The traditions and ahādīth that have been narrated on this subject, all together show that the Prophet (s.a.w.a.) used to allow mut'ah to his companions in some expeditions, then he forbade them, then again allowed it to them once or twice, then prohibited them to do so - a perpetual prohibition.

''He had allowed it only because he knew that it was difficult for them to abstain from fornication when they were away from their wives. Thus the mut'ah was a sort of lesser evil. It was much better if a man married an unmarried girl for a fixed term and stayed with her during the agreed period, rather than being occupied in fornication with any woman he could seduce.''

COMMENT: What he has said that the traditions on the whole show that it was allowed in some expeditions, then disallowed, then again allowed once or twice, then prohibited for ever, does not agree with any of the traditions with all their mutual contradictions and irreconcilability. Just have a look at them (and we have quoted earlier most of them) and you will find that they all together refute word by word what he has offered as a way of reconciliation amongst them.

He has further written: ''The Sunnīs are of the opinion that the permission of mut'ah, once or twice, was a sort of a gradual step in final prohibition of fornication, as had been done in the case of intoxicants. Both these evils were wide-spread in the era of ignorance, but fornication was prevalent in the slave girls, not the free women.''

COMMENT: His claim, that permission of mut'ah was a step by step approach to the final prohibition of fornication, implies that in their eyes mut'ah was a sort of fornication, and that, like other ways of fornication, it was wide-spread in pre-Islamic days; and for this reason the Prophet (s.a.w.a.) took gradual steps - a soft approach - before finally forbidding fornication, hoping that in this way this prohibition would prove acceptable to the people. Therefore, first he prohibited other kinds of fornication and let the fornication of mut'ah continue. He first allowed it, then prohibited and again allowed it until he could forbid it for ever, and then he enforced perpetual prohibition.

By my life, it is the most ignominious mockery of the pure religious laws, which Allāh had promulgated with the sole aim of purifying this

ummah and completing His favours on them. Now let us look at this opinion:

First: We have already explained that the claim that the Prophet (s.a.w.a.) prohibited mut'ah then allowed it, then again prohibited and again allowed it, when seen in the background of the verses: And those who guard their private parts ..., which form the parts of the chapters of 'The Believers' and 'The Stairway' - the Meccan chapters - and which, the said writer insists, prove the prohibition of mut'ah, would mean only one thing: That the Prophet (s.a.w.a.) first abrogated these verses by allowing the mut'ah, then abrogated the abrogation and revived and re-confirmed the verses; then again abrogated the verses and then again revived them and made them decisive, and this cycle was repeated several times. Is it anything but accusing the Prophet (s.a.w.a.) of playing with the Book of Allāh?

Second: Some verses of the Divine Book which prohibit fornication are as follows:

And go not near to fornication; surely it is an indecency and evil is the way (17:32).

What language can be clearer than this? And it is a Meccan verse that forms a part of a chain of several other prohibitions.

Say: ''Come, I will recite what your Lord has forbidden to you ... and do not draw near to indecencies, those of them which are apparent and those which are concealed ... ''(6:155)

The word, al-fawāhish (اَلْفَوَاحِشُ = indecencies) is plural, preceded by the article, al, within a prohibitory sentence. It means that the prohibitionary order covers all types of indecency or fornication. This verse too is of Meccan period.

Say: ''My Lord has only prohibited indecencies, those of them that are apparent as well as those that are concealed ...'' (7:33)

The same word, al-fawāhish, with the same grammatical details, is used in this verse, and this too is of Meccan period.

And who guard their private parts, except before their mates or those whom their right hands possess, for they surely are not blameable. But whoever seeks to go beyond that, these are they that exceed the limits (23:5 - 7; 70:29 - 31).

Both these are Meccan chapters, and the verses prohibit all types of fornication, and, according to the writer's claim, that includes mut'ah too.

These are the bulk of the verses which prohibit fornication, the unlawful indecency; all of them were revealed in Meccan period, and all of them are very clear about the prohibition. So, from where did he get the idea of graduality in prohibition? Or does he say - as is the clear implication of his claim that the verses of the chapter, 'The Believers' show prohibition of the mut'ah - that Allāh had prohibited it for ever; still the, Prophet (s.a.w.a.) preferred the step by step approach in enforcing this prohibitory order, by allowing it time after time to humour the people, so that in the end they would accept total prohibition. But Allāh had very strongly admonished His Prophet (s.a.w.a.) against this very policy, when He revealed to him: And surely they had purposed to turn you away from that which We have

revealed to you, that you should forge against Us other than that, and then they would certainly have taken you for a friend. And had it not been that We had already firmly established you, you would certainly have been near to incline to them a little. In that case We would certainly have made you to taste a double (punishment) in this life and a double (punishment) after death, then you would not have found any helper against Us (17:73 - 75).[21]

Third: We should think about this permission which the Prophet (s.a.w.a.) is suppossed to grant time after time. Was he allowing the mut'ah without there being any divine order to make it lawful? (We should not forget that the mut'ah is presumed to be fornication and indecency.) If he was doing it on his own, then it would be a clear contravention of his Lord's command - but the Prophet (s.a.w.a.) was protected by Allāh from every error and deviation. Or was he doing it by Allāh's order, then it would mean that Allāh was enjoining indecency. But Allāh has clearly refuted such suggestion when He addresses His Prophet (s.a.w.a.) in these words: Say: ''Surely Allāh does not enjoin indecency'' (7:28).

If, on the other hand, the Prophet was allowing it because there was a divine order to make it lawful, then it was not fornication, nor indecency. It was an ordained institution with its clearly defined boundary. It was not to be done with a woman in prohibited degrees - like the permanent marriage. Also, like the permanent marriage, there was the obligation of dowry, the waiting period (to prevent mixing of sperm and confusion of paternity). Add to it the advantage of satisfying the people's needs. Then why should it be called indecency? What is indecency? It is that evil deed which the society considers repugnant or repulsive because of its moral depravity and licentiousness, or because it disturbs public weal and puts hindrance in fulfilment of the society's needs.

Fourth: The claim, that the mut'ah was a sort of fornication prevalent in pre-Islamic days, is a fabrication of history, a fiction that has no historical proof. No history book mentions it, either explicitly or implicitly. It was a system originated by Islam, a concession given by Allāh to this ummah to provide for their needs, and to protect the Muslim society from spreading of fornication and other indecencies. Would that they had established this system. Then the Muslim governments would not have felt so much constrained to turn a blind eye to fornication and other indecencies, which have gradually become a part of their social structure - thanks to the secular codes - and which have filled the earth with depravity and wickedness.

As for his claim that ''both indecencies were wide-spread in pre-Islamic days; but fornication was more common among slave girls, not free women'', apparently by the two indecencies he means fornication and drinking intoxicants. This much is correct. But there is no ground to claim that fornication was wide-spread in slave girls and not in free women. Numerous historical proofs of diverse nature prove otherwise. Look, for example, at their poems which describe their exploits. Also, the narration of Ibn 'Abbās has been quoted earlier that, according to the people of the era of ignorance, there was no harm in fornication if it was not done openly.

Also, there was the custom of claiming paternity of one's illegitimate child, and of adoption, that was wide-spread in the era of ignorance. It was

not merely a nominal thing to establish whom the child belonged to. It was prevalent because the powerful persons wanted - through this affiliation - to increase their preparedness [for fights] and their man-power. They relied for this matter on illicit sexual relations which they established with free women - even the married ones. So far as the slave girls were concerned, the Arabs, and especially the powerful ones, thought it a disgrace to mix with them, or to court and woo them. As for the slave girls, their only role in this was that their masters coaxed them for prostitution, exploiting them for their own monetary gains.

The above situation may be comprehended from the stories of affiliations described in traditions and biographies, like the story when Mu‘āwiyah, son of Abū Sufyān, attached Ziyād (the bastard) to his father, Abū Sufyān, and the evidence given by [Abū Maryam, the wine merchant] concerning that affair, as well as other such episodes that are narrated in the books.

Maybe someone would quote the words of Hind [wife of Abū Sufyān] spoken to the Prophet (s.a.w.a.) at the time of offering her bay‘ah (allegiance): ‘‘Does a free woman commit adultery?’’, and offer it as a proof that adultery and fornication was not common among the free women. But if you look at the collection of the poems of Hassān [ibn Thābit al-Ansārī] and ponder on the satiric poems he had composed to ridicule this same Hind, after the battles of Badr and Uhud, you will remain in no doubt and will see the reality in its true perspective.[22]

Thereafter, the said writer has tried to clarify the meaning of the traditions, and vainly attempted to reconcile them to one another, and finally has said: ‘‘According to the Sunnīs, there are [three] main proofs of the mut‘ah’s unlawfulness: **First:** As you have seen, it goes against the apparent meanings, if not the clear Wordings, of the Qur’ān, concerning the marriage, divorce, and waiting period. **Second:** The traditions which clearly say that it was forbidden perpetually upto the Day of Resurrection ... **Third:** Its prohibition by ‘Umar and his indication, from the pulpit, of its being prohibited, and the confirmation of his views by the Companions; and it is known that they had never remained silent on any unlawful thing, and used to argue with him if he was in wrong.’’

Then he has taken the stand that ‘‘ ‘Umar had not prohibited it by his own ijtihād; that he had done so relying on the prohibition that was well-established by the prohibitory order of the Prophet (s.a.w.a.), and that this prohibition is attributed to him only because he had made it clear or enforced it, as they say: ash-Shāfi‘ī has prohibited wine and Abū Hanīfah has made it lawful.’’

The author says: As for his first and second proofs, you have seen the reality in the preceding description, as well as in the Commentary, in its utmost clarity. Now comes his third argument: We agree that ‘Umar had made it unlawful; it is irrelevant whether he did so by his own ijtihād, or relying on Prophetic prohibition (as this writer claims); it is equally immaterial whether the Companions had remained silent because of his fear and dread, being intimidated with his threats, or because they agreed with his prohibition (as the writer claims), or because a certain group did not agree with it, as is seen in the traditions narrated from ‘Alī, Jābir, Ibn

Mas‘ūd and Ibn ‘Abbās. The fact remains that ‘Umar’s prohibition and his swearing that he would stone anyone who would do it or would say it was lawful, cannot have any effect whatsoever on the verse under discussion which clearly shows its lawfulness; and whose connotation has not been blunted by the Qur’ān or the sunnah. There is no doubt about the meaning of the verses and their decisiveness.

Another writer has really overdone his ‘argument’ when he claims that the mut‘ah was only a custom of pre-Islamic days, which had never entered the Islamic boundary; so there was no need of removing it from Islam, or of abrogating it through the Qur’ān or the sunnah; the Muslims had never known it, and it is not found except in the Shī‘ī books!

The author says: This writing, which by one stroke of pen has wiped off the Qur’ān, the traditions, the consensus and the history, has brought the ever-shifting position [of the Sunnīs] on this subject to an amazing point. The mut‘ah was an established custom during the days of the Prophet (s.a.w.a.). Then came the reign of ‘Umar and he forbade it and the prohibition was enforced among the masses. That prohibition was justified on the grounds that the verse of mut‘ah was abrogated by other verses, or by prohibitory order of the Prophet (s.a.w.a.). But several companions [23] and a lot of their followers from among the jurists of al-Hijāz and al-Yaman as well as others opposed that prohibition. This list includes the likes of Ibn Jarīh [24] (one of the Imāms of al-hadīth) who staunchly believed in its lawfulness, so much so that, in all, he had done mut‘ah with seventy women; and Mālik [25] (one of the four Imāms of Jurisprudence).

This continued for some time. Then the later days’ exegetes turned a blind eye to the meaning of mut‘ah that was clearly understood from the word, istamta‘tum, and tried to interpret it as permanent marriage; as for the mut‘ah marriage, they said that it was a system originated by the Prophet’s order which was later abrogated by his subsequent tradition. Lately, they claimed that mut‘ah was a kind of fornication prevalent in the era of ignorance, which the Prophet repeatedly allowed and disallowed until it was perpetually forbidden upto the Day of Resurrection. Now comes this latest ‘scholar’ who says that mut‘ah was only a sort of fornication in pre-Islamic days, which had never been known in Islam and which is not found outside the Shī‘ī books!

Only Allāh knows what turn this subject will take in coming days.

AN ACADEMIC DISCOURSE [MEANING OF ‘‘SON’’ IN SHARĪ‘AH]

The bond of relationship - which connects one person to another by birth - is in fact a natural bond, based on creation, from which originate the clans and tribes; it carries with the blood the hereditary traits and characteristics. Togetherwith other active and passive factors, it is the source of all national characteristics, traditions and customs.

Human societies, whether advanced or primitive, generally give importance to it in their social laws and customs, like marriage, inheritance, etc. Even then, they have often been tampering with it - expanding or contracting its circle - as demanded by exigencies of a given environment. You have seen in the previous discourses, for example, that many ancient

nations did not recognize a woman as having the legal relationship with man, while at the same time they accorded such recognition to an adopted son. In the same way, Islam does not recognize any kinship between a belligerent unbeliever and a Muslim; it also affiliates a child to the husband of its mother. And so on and so forth.

As you have seen in the preceding discussions, Islam accords full rights of kinship to women, making them full partners in properties and giving them complete freedom of will and action. Thus son and daughter both stand on the same level so far as relationship and legal kinship are concerned. The same is the case with father and mother, brother and sister, grandfather and grandmother, paternal uncle and aunt, and maternal uncle and aunt. In this way, the vertical column of lineage officially and legally descends through a daughter exactly as it does through a son. A son of the daughter is the son of the grandfather exactly like a son of the son - generation after generation. Likewise, a daughter of the daughter and a daughter of the son, both are the grandfather's daughters - on equal footing. The rules of marriage and inheritance are based on this very foundation. You have seen that the verse: Forbidden to you are your mothers and your daughters ..., reconfirms this reality.

Our ancient scholars have missed the point while writing on this and other similar questions. Although it is a sociological and legal matter, they have treated it as a literary problem, which could be solved with the help of lexicon and literary references. Consequently, there arose a very severe conflict among them on such questions as, for example: What was the actual meaning for which the word, 'son' was made. Some have enlarged its circle while others have reduced it. But both have taken the wrong approach.

Someone has said: ''Sonship, as is known in the language, continues through a son only. As for the son of a daughter, and all realtionships joined through her, they are affiliated to their fathers, not to their maternal grandfather; and the Arabs do not count them as their maternal grandfather's sons. As for the words of the Messenger of Allāh (s.a.w.a.) for Hasan and Husayn: 'These my two sons are Imāms, whether they stand up or sit down', and other similar pronouncements, they are merely honorific expressions.'' Then he has quoted the lines of a poet:

Our sons are the sons of our sons; and as for our daughters,
Their sons are sons of other people.

And likewise, another one has said:

The mothers of the people are merely receptacles
To deposit [the sperm], and the lineage is taken from the fathers.

The author says: The above writer seems confused about the scope of the discussion. He thinks that it is a literary question; according to him, if the Arabs had coined the word, son, for a wider meaning that would have included daughter's son, the result of the discussion would have changed. He seems oblivious to the fact that the laws and effects emanating - in various human societies - from fatherhood, sonship and other such factors, do not depend on language; they are based on the social structures and prevalent customs and traditions. Sometimes, when the social customs change, the laws and effects are also changed without bringing any change

in the language. It proves that this question is sociological (or is related to sociology), and not merely a literary discussion related to language.

As for the lines of poetry quoted by him, what value does a poetry have in the market of realities? It is an imaginary embellishment and nothing else. How can he argue on the strength of some words spoken by a blabbermouth poet - especially in matters concerning the Qur'ān, the divine book that is a decisive word, and not a jest?

As for the argument that sons are affiliated to their fathers and not to their maternal grandfathers: first of all, it is not a question of language; secondly, it is not connected with the principles of lineage (so that if a son or daughter is affiliated to the father, it might result in cutting his/her lineage from the mother's side). This affiliation to father emanates from the fact that the man has dominant authority on the household, in maintaining it, bringing up the children and similar other matters.

In short, the mother transfers the relationship of lineage to her male and female children, in the same way as the father does. Its most obvious effects may be seen in the Islamic laws of inheritance and prohibitions of marriage. Of course, there are other rules and directives which are based on other principles, e.g., rules governing paternity, maintenance and distribution of the share of al-khums (اَلْخُمُسُ = one-fifth of saving, etc.) among the Prohet's relatives. Each law is governed by a principle that is relevant to it.

ANOTHER ACADEMIC DISCOURSE [PHILOSOPHY OF PROHIBITION OF THE WOMEN OF PROHIBITED DEGREE]

According to the historical evidence available to us, marriage is among the social traditions which have always been prevalent in all types of human societies. This by itself proves that marriage is a natural way of life.

Moreover, its strongest proof may be found in the complementary reproductive system with which males and females have been equipped, (as we have repeatedly said). Both sexes (male and female) are equal in this pursuit, although the female has been additionally equipped with suckling organs and imbued with love and sentiments necessary for bringing up the children.

In addition, there are natural instincts, which manifest themselves in many ways. They instil love of children, enforce the feeling that a person survives through his/her progeny, strengthen the belief that woman is a comfort for man and vice versa, recognize the principle of inheritance (after accepting the basic principles of private property and exclusive attachment), and emphasize the necessity of establishing a household.

The societies which accept, in general, these natural laws and principles, have no escape from establishing and recognizing the marriage system, in the meaning that a woman is exclusively attached to a man, so that men and women do not mingle together in such a way as to nullify the lineage. This factor alone would make the institution of marriage indispensable even if there could be found a way of protecting the public from various diseases and from degeneration of reproductive powers (which is the inevitable result of widespreading fornication and promiscuous sexual behaviour).

These principles are recognized by all nations who accept the institution of marriage, no matter what system they followed, whether it was monogomy, polygamy or polyandry - or even if they allowed a group of husbands for a group of wives. In any case, recognition of marriage is there - in the meaning of an especial type of attachment and companionship between the spouses.

As for indecency and fornication (which by its very nature destroys lineage and corrupts geneology), human nature is the first to abhor it, because the nature demands marriage. The signs of that abhorance and repulsion are visible in various nations and societies, even among those nations which practically grant full freedom of sexual liasions between men and women. Even they are now alarmed of this debauchery and licentiousness, and are enacting laws that could somewhat preserve the lines of descent and geneology.

However, man, while believing in the institution of marriage, does not feel bound by nature to any other restriction. His nature does not tell him that a certain related or unrelated female is unlawful to him. Thus a male may establish sexual relations with his mother, sister, daughter or others like them. Likewise, a female may not consider her father, brother or son as unlawful to herself. This is, of course, if they are left to their desire. Recorded and oral history clearly shows that marriage with mothers, sisters, daughters and other nearest relatives was widespread in all nations - advanced ones and backward ones alike. News media is full of reports of incest between brothers and sisters, and fathers and daughters, in the modern ‘civilized’ nations. When the sexual desire is aroused, nothing can stand in its way. Of course, these nations do not allow marriage with mothers, sisters, daughters and other near relatives; but this restriction is merely a custom they have inherited, and which perhaps goes back to some ancient national traditions and taboos.

Look at the laws ordained by Islam for regulating matrimonial affairs; compare them with all other codes and customs prevalent in the world. You will find that the Islamic laws are most comprehensive, and give fullest guarantee for avoiding all risk of mix-up in lineage, and provide for complete natural benefit and human welfare. All the regulations laid down by Islam concerning marriage and its concomitants have two objectives in view: To protect the lineage and to block the path of fornication.

The rules which directly ensure the lineage against a mix-up, include prohibition of marriage with a woman presently married to another man. In this way polyandry has been nullified, as it would have caused mix-up of progeny. The same is the underlying reason for fixing a waiting period for woman after divorce - that she should not marry another man upto three monthly courses - so that the two men’s sperm is not mixed up.

As for the other prohibited women - the fourteen categories mentioned in the verses of prohibition - the reason for their prohibition is to shut up the door of fornication. Man lives his domestic life, mostly, with these fourteen groups of women; he mingles and intimately associates with them. Continuous association and intimate proximity was enough to fix the man’s attention, to focus his thoughts, on them; awakening his animalistic desires

and lustful cravings, inciting him to what his libido longs for and base nature tempts to; and whoever hovers around a demarcated area may easily slip in it.

Therefore, it was necessary, in these cases, not to rely too much on the general prohibition of fornication. Regular proximity and repeated craving of lust and desire do not help a human being in guarding oneself against illicit sexual involvement. It was, therefore, essential to prohibit these women perpetually, for ever. Also the society members should be trained and brought up with this idea and belief firmly fixed in their mind, in order that they should have no hope at all that they could ever get these women. This would kill every base desire for them, and root all such evil craving out.

This is what we see in the Muslim societies; even those Muslims, who might be steeped in debauchery, would never think of any indecency with the women of prohibited degrees, or of committing incest with mothers, daughters or such relatives. Surely, without this perpetual prohibition, no household could be free from incest, etc.

As regards the women other than those of prohibited degrees, Islam has blocked the way of fornication with them by making it compulsory for them to observe hijāb (veil), and prohibiting the mingling of men with women. Without this rule, prohibition of fornication alone could not stop man from that shameful deed. In fact, there were only these two ways of eradicating illicit sexual conduct. Either the two sexes are prevented from mingling with each other, as Islam has done regarding one group of women; or all thoughts of getting a woman is erased from a man's mind, by making perpetually unlawful to him, so that he grows up with this belief and does not see, or even hear of, any such material union anywhere in the society, and therefore such evil idea never crosses his mind.

Do you want to see the proof? Well, look at the western societies. These Christians believed that fornication was unlawful, and even treated polygamy as adultery. At the same time, they allowed and practised mingling of men and women. Before long, fornication spread all over the society ; now it is almost impossible to find even one person in a thousand who is free from this desease; nor one man in a thousand who can be sure that the children born in his house were really his own. Soon afterwards, the condition deteriorated even further, with men having sexual affairs with their sisters, daughters and mothers. The degeneration of society continued; now men commit sodomy with boys, or youths do it among themselves; and so the debauchery spreads and spreads. Allāh had created the fair sex as a comfort for man, a boon to strengthen the back-bone of humanity, and to make the human life pleasant. But these people have turned woman into a 'hunting gear', which they use to achieve their political, economic and social ambitions; she is a means by which men obtain their objectives - mostly the things that corrupt the society and individuals. Human life has turned into an imaginary hope, a sport and an amusement - in true literal sense of these words. Now the rent is beyond repair.

That was the underlying reason which led Islam to perpetually prohibit those women (either with some condition or unconditionally) - except the

married women, whose case is different, as was explained above. This rule protects family from involvement in incest and indecency, and corruption, as you have seen.

Also, it was mentioned earlier that the sentence: ... and your step-daughters who are in your guardianship ..., gives a sort of indication of this underlying benefit. Moreover, the last part of the verses of prohibition, Allāh desires that He should make light your burdens, and man is created weak (4:28), probably points to the same reality. As these fourteen categories of women have been prohibited for ever by Allāh, it has removed the burden of temptation from man; otherwise, the case would have been quite different, and man would have looked towards them with carnal desire; and man is created weak, he finds it difficult to stand against lust and libido. Allāh says: Surely your guile is great (12:28). It really would require extra-ordinary self-control for a man to live with one or more non-relative women, spend his time with them alone and in public, remain near them day and night, when his hearing and sight are constantly filled with their sweet talk and attractive demeanour; and yet to remain firm against devilish thoughts about them, and to restrain himself against temptations. We know that sexual desire is one of the two basic needs - the other being the food. All other needs are subsidiary, springing from these two. Probably, it is this reality which the Prophet (s.a.w.a.) was pointing to, when he said: ‘‘Whoever marries, safeguards half of his religion; so he should fear Allāh regarding the other half.’’ [26]

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CHAPTER 4, VERSES 29 - 30

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَن تَكُونَ تِجَارَةً عَن تَرَاضٍ مِّنكُمْ ۚ وَلَا تَقْتُلُوا أَنفُسَكُمْ ۚ إِنَّ اللَّـهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾ وَمَن يَفْعَلْ ذَٰلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ نُصْلِيهِ نَارًا ۚ وَكَانَ ذَٰلِكَ عَلَى اللَّـهِ يَسِيرًا ﴿٣٠﴾

O you who believe! do not swallow up your property among yourselves by wrongful means, except that it be trading by your mutual consent; and do not kill your selves; surely Allāh is Merciful to you (29). And whoever does this in aggression and injustice, We will soon cast him into fire; and this is easy to Allāh (30).

* * * * *

COMMENTARY

The verses have a sort of connection with the preceding ones, inasmuch as these contain prohibition of swallowing up properties by wrongful means, while the former had, inter alia, prohibited usurping women's dowries by confining and restraining them and exceeding the limit. We may say that these verses describe a rule in its general form while the former had given one of its specific examples.

QUR'ĀN: O you who believe! do .not swallow up your property among yourselves by wrongful means, except that it be trading by your mutual consent;: The connotation of:eating is well-known; it means using up an edible items bit by bit by swallowing. As it implies mastery, control and consumption, they say: The fire ate the fire-wood; as the fire annihilates the wood by burning, it is likened to consuming the food by eating and swallowing. Also they say: He ate the property; i.e., he consumed it by getting control over it. This is because the main use a man makes of a property is to eat it, as taking food is the most essential thing man needs for his existence; that is why, if he uses a thing, it is said, He has eaten it. But this word is not applied to every use; it implies the use with complete mastery over the item in a way that removes all other's control over it; it may be through possession or such other authority. In short, he consumes the goods by having mastery over it as an eater uses up the food by eating.

An action is called 'wrongful' when it does not have a right purpose, a wise objective. ''at-Tijārah'' (اَلتِجَارَةُ = trade) entails managing the capital to get profit, as ar-Rāghib has said in his Mufradātu 'l-Qur'ān; he has also said: ''There is no other word in Arabic in which ta (ت) is followed by jim (ج).'' However, it implies a deal of sale and purchase.

Why has the clause, ''do not swallow up your property'', been qualified with the words, ''among yourselves''? The qualifying phrase connotes collective earnings and joint usage of property. Consequently it implies, or shows, that the forbidden swallowing up refers to that usage where the property is variously rotated and circulated among themselves. Thus the sentence, when further qualified with, ''by wrongful means'', makes such

dealings unlawful which do not lead the society to happiness and success, which bring harm to it and push it to corruption and destruction; these are the dealings which are unlawful in the eyes of sharī‘ah, like interest, gambling and deceptive trade, e.g., selling something for stone-fruit or rubble and things like that.

Accordingly, the excepted clause, ‘‘except that it be trading by your mutual consent’’, is unrelated to the main sentence; it is a disjointed exception; yet it was put here to remove a possible misunderstanding. When the verse prohibited eating up people’s property by wrongful means - and a lot of dealings prevalent in a corrupted society, through which properties change hands, are unlawful in the sharī‘ah’s eyes, like deals involving interest, cheating, gambling, etc. - someone could think that it would demolish the pillars of society, and tear the social fabric to pieces, leading people to perdition and destruction.

To remove that misgiving, the excepted clause mentions one type of dealing which can regulate the diverse affairs of the society, strengthen its back-bone and keep it steadfast, and that is the trade with mutual consent, done in correct way, which can easily fulfil all needs of society.

This exception is not unlike that used in the verses: The day on which neither property will avail nor sons, except him who comes to Allāh with a submissive heart (26:88 - 89). As the first sentence had asserted that property or sons will be of no avail on the Day of Resurrection, a misgiving could creep into hearts that there was no way of succeeding on that day; because the main things which benefit a man were property and sons; and if these two could not help, then what was left there except failure and hopelessness? The excepted clause provides answer to this unspoken question; it shows that there was another factor which could bring complete success on that day (although it is neither property nor sons); and that is a submissive heart.

The view we have taken - that it is a disjointed exceptional clause - is more in conformity with the context. The clause, ‘‘by wrongful means’’, is a basic factor, as is the case in verse 188 of chap.2: And do not swallow up your property among yourselves by wrongful means, neither seek to gain access thereby to the authorities, so that you may swallow up a portion of the property of men wrongfully while you know.

Accordingly, there is no need to suppose that the verse is particularized by other lawful dealings and recognized transfers - other than trade - which transfer possession and regularize management, like gift, compromise, prize, as well as dowry, inheritance and similar things.

Some people have said that the exception in this verse is jointed and the clause, ‘‘by wrongful means’’, has only explanatory value; and that it shows the condition of the main clause, after exclusion of the excepted clause (i.e., the remainder is covered by prohibition). Accordingly, the meaning will be as follows: Do not swallow up your property among yourselves, except that it be trading by your mutual consent; if you ate it by any means other than trade, it would be swallowing it up wrongfully which is prohibited. It is the same style as you say: Do not hit an orphan except for teaching him.

COMMENT: Although such usage is correct and well-known among the Arabists, yet you have seen that taking it as a disjointed exception is more in conformity with the context.

Someone has said: What this verse disallows is spending wealth in ways not liked by Allāh; and 'trade' refers to its use in what Allāh is pleased with. A third one has said that this verse implies total prohibition of eating other people's property without giving something in exchange. He claims that after this verse was revealed, people refrained from eating anything in one another's house; it continued until this rule was abrogated by verse 61 of chap.24: There is no blame ... on yourselves that you eat from your houses, or your brothers' houses ... It is no sin in you that you eat together or separately.

COMMENT: As you have seen, such interpretations are far-fetched, having no connection with the wordings of the verse.

A really amazing explanation has been given by someone who has tried to combine between the claim that the exception here was a jointed one and the view that the qualifying phrase, ''by wrongful means'', was a basic condition - not merely an explanatory clause. The following is the gist of what he has written:

'' 'Wrongful means' implies swallowing up a property without giving in exchange something equal in value. The main sentence shows that it is unlawful to take someone's property wrongfully without giving something in return. Then trade has been excepted from it, although most of the trade is not free from wrongful ways; because it is extremely difficult, if not impossible, to fix the exact return, even with the help of the most sensitive balance, in such a way that the price is exactly equal to the commodity in value.

''Accordingly, the exception implies that the sharī'ah would tolerate a deal in which goods were more valuable than the price, or vice versa, or where a deal was done because the trader had made his goods seem beautiful and attractive, using rhetorical flourishes - but without adulteration, cheating or deception - as happens in many cases, or because of other similar reasons. All this is wrongful trade, but the sharī'ah has allowed it, giving the traders some latitude and indulgence. Otherwise, none would have gone into trading profession, and the social system based on religion would have been disturbed.''

COMMENT: Its incorrectness is clear from the afore-mentioned explanation. ''al-Bātil'' (اَلْبَاطِلُ = wrong; void), as understood by scholars of the language, is that which does not lead to the desired effect. What is the desired effect of sale or trade? It is to exchange the goods and price and reciprocally transfer their possession from the buyer to the seller and vice versa. This fulfills the needs of both parties and each gets through this deal what he wants. This effect is achieved when both goods and price are equal as well as when there is some difference - if the deficiency is compensated with some other factor, e.g., the longing of the buyer to acquire that item, or his apprehension in case he does not purchase it, or some other benefits found in it.

We know that some such factors are involved, when both parties agree to the deal; and after the agreement, the exchange is not counted as wrong or void.

Moreover, no one familiar with the Qur'ānic style can ever doubt that it is impossible for the Qur'ān to order and ordain a thing after counting it as void and wrong. Allāh has praised the Qur'ān that it: guides to the truth and to a right path (46:30). How can something guiding to wrong and vain be called a guide to the truth?

Also, this interpretation implies that a man is rightly guided by nature, for fulfilment of his needs, to the exchange of goods; then he is rightly guided in the same manner to the exchange through comparison between the goods and the price; then what he has been rightly guided to, cannot rightly fulfil his needs until some portion of falsehood and wrongfulness is added to it! How is it possible that nature is guided - rightly - to something which is not sufficient to fulfil its needs? A thing which can only partially satisfy its demands? How is it possible for the nature to be rightly guided to falsehood? Is there any distinctive factor between truth and falsehood except the same guidance or absence of guidance? Keeping all these aspects in view, there is no alternative for a man, who takes the exception in this verse as jointed, but to say that the clause, ''by wrongful means'', is just an explanatory one.

Even more strange is the following explanation which someone has reportedly written: ''This disjointed exception indicates that all that is in this world - be it trade or some other similar thing - is just vain and void, because it is not ever-lasting, not enduring. A wise person should not involve himself in wordly affairs lest he neglects preparation for the next world which is far better and more abiding than this life.''

COMMENT: This too is wrong. If it is accepted, then it will be a point in favour of taking it as a jointed, not disjointed, exception. Moreover, such spiritual realities may be suitable for the explanation of the verses as the following: And this life of the world is nothing but a sport and a play; and as for the next abode, that most surely is the life (29:64); What is with you passes away and what is with Allāh is enduring (16:96); Say: ''What is with Allāh is better than sport and (better) than merchandise'' (62:11). But in the context of the verse under discussion, applying such points would mean legalizing of wrongful things. The Qur'ān is too sublime to allow wrongfulness by any means.

QUR'ĀN: and do not kill your selves ...: Apparently the sentence prohibits suicide. Yet, it comes after the words, do not swallow up your property among yourselves, which obviously treat the whole community of the believers as one individual being who owns a property which he should eat by other than wrongful means. This conjunction may imply, or clearly show, that the word, ''yourselves'', refers to all members of the believing society, taken as one individual, each individual's soul is the other's. In such a society, man's life is his own, and also others' lives are his own. Whether he kills himself or kills someone else, he actually destroys his own self. Seen in this light, the sentence, ''do not kill your selves'', will have a general import, covering suicide and murder both.

It may be inferred from ending clause, ‘‘surely Allāh is Merciful to you’’,that the above prohibition of killing oneself covers also the situations where man puts his life in danger, or commits such acts as might result in his being killed. Obviously, the reasoning - Mercy - given for the prohibition is more agreeable to this meaning. It will increase the scope of the verse. This appropriateness supports the view that the end clause gives only the reason of the order, ‘‘do not kill your selves’’.

QUR’ĀN: And whoever does this ... and this is easy to Allāh: ‘‘al-‘Udwān’’ (اَلْعُدْوَانُ) literary means exceeding - whether it be lawful and praise-worthy or unlawful and blameworthy. Allāh says: then there should be no hostility (‘udwān) except against the oppressors (2:193);

and help one another in goodness and piety, and do not help one another in sin and aggression (5:2). Accordingly, its use is more general than ‘injustice’. In this verse it connotes exceeding the limits laid down by Allāh. Nuslihi nāran (نُصْلِيهِ نَاراً = We shall burn him into fire).

The verse, unlike the preceding one, addresses the Messenger of Allāh (s.a.w.a.), not the believers, because it contains the demonstrative pronoun dhālika (ذٰلِكَ = translated here as ‘this’) [and it, in its turn contains the second person singular pronoun,ka = كَ]. It implies that whoever among them does so - and they are one soul, one self, and a person should not try to destroy his own self - he is not a part of the believing community; therefore the believers should not be addressed when his punishment is pronounced; the Messenger of Allāh (s.a.w.a.) is therefore the proper addressee, because Allāh speaks to him on all subjects concerning the believers as well as the unbelievers. Also, that is the reason why the sentence is general (And whoever does this in aggression ...), and not specific, i.e., it does not say, whoever among you does this ...

The ending clause, ‘‘and this is easy to Allāh’’, supports the view that the demonstrative pronoun, ‘this'', here refers to the prohibition of killing people; because the end of the last verse, surely Allāh is Merciful to you, was more appropriate to that prohibition, and the two ending clauses are very much in agreement with each other. Apparently the connotation is this: It is a mercy from Allāh that He forbids you to kill your own selves; otherwise it would be very easy for Him to punish a murderer by casting him in fire.

Even then, it is not very difficult to take both - the reasoning of the first verse and the threatening of the second - as related to both prohibitory orders of the first verse, i.e., not eating a property by wrongful means and not killing.

Someone has said that the reasoning and the threatening both, or at least the threatening, refers to all the prohibitions from the beginning of the chapter to this verse. Some others have said that it refers to all prohibitory orders beginning from the verse 19 of this chapter (O you who believe! it is not lawful for you that you should inherit women against [their] will);

because nowhere else in these verses any punishment is pronounced for contravention.

COMMENT: There is nothing to give credence to such views.

The style has been changed twice in this verse. The first verse ended on the words: surely Allāh is Merciful to you, which referred to Allāh as a third person. Then comes the clause: We will soon cast him into fire, where the Almighty speaks in first person. This change is related to the earlier mentioned change, as now the talk is addressed directly to the Prophet, and not to the believers. Finally, it again reverts to the third person: and this is easy to Allāh; this is done to describe the reason of this statement - This is easy to Him because He is Allāh.

TRADITIONS

at-Tabrisī says in Majma'u 'l-bayān about the words of Allāh, by wrongful means, that there are two explanations given for it, one of which says that it means: usury, gambling, paying less than fair price, injustice. And he says that this meaning is narrated from al-Bāqir (a.s.).

al-Bāqir and as-Sādiq (a.s.) have said that it means gambling, forbidden deals, usury and (false) oaths. (Nahju 'l-bayān)

Asbāt ibn Sālim has said: ''I was with Abū 'Abdillāh (a.s.). A man came to him and said: 'Tell me about the words of Allāh, O you who believe! do not swallow up your property among yourselves by wrongful means.' He said: 'He refers here to gambling. And as for the words, and do not kill your selves, He refers by it to a Muslim who attacks polytheists on his own, and enters their camps and is killed. So, Allāh has forbidden them to do so.' '' (at-Tafsīr, al-'Ayyāshī)

The author says: The verse is general and covers all unlawful ways of swallowing up. Gambling and other similar things have been mentioned only as examples. In the same way, what has been said in explanation of killing oneself, actually enlarges the circle of prohibition instead of reducing it; it does not limit the meaning to the given example.

Ishāq ibn 'Abdillāh ibn Muhammad ibn 'Alī ibn al-Husayn has said: ''al-Hasan ibn Zayd narrated to me, from his father, from 'Alī ibn Abī Tālib (a.s.) that he said: 'I asked the Messenger of Allāh (s.a.w.a.) concerning the splints that are put on broken (bones); how should such a man perform wudū'? And how will he take bath if he is in a state of major ritual impurity? He said: ''It is enough for him to wipe his wet hand on it in the ritual bath and wudū' both.'' I said: ''If there is cold and he is afraid about his self (i.e., health, or life), if he poured water on his body?'' Then the Messenger of Allāh (s.a.w.a.) recited: and do not kill your selves; surely Allāh is Merciful to you.' '' (ibid.)

as-Sādiq (a.s.) has said: ''Whoever intentionally kills himself, he shall enter the fire of hell, abiding therein for ever. Allāh, the High, has said: and do not kill your selves; surely Allāh is Merciful to you. And whoever does this in aggression and injustice, We will soon cast him into fire; and this is easy to Allāh.'' (Man lā yahduruhu 'l faqīh)

The author says: As you see, these traditions generalize the meaning of the words, and do not kill your selves ..., as we have already inferred earlier. There are other traditions of similar import.

Ibn Mājah and Ibnu ’l-Mundhir have narrated from Ibn Sa’īd that he said: ‘‘The Messenger of Allāh (s.a.w.a.) has said: ‘Surely, trade is by mutual consent.’ ’’ (ad-Durru ’l-manthūr)

Ibn Jarīr has narrated from Ibn ‘Abbās (that he said): ‘‘Verily, the Prophet (s.a.w.a.) sold (something) to a man; then he said to him: ‘Exercise your option.’ (The man) said: ‘I have opted (for it).’ Then (the Prophet) said: ‘In this manner (should be) trade.’ ’’ (ibid.)

al-Bukhārī, at-Tirmidhī and an-Nasā’ī have narrated from Ibn ‘Umar that he said: ‘‘The Messenger of Allāh (s.a.w.a.) has said: ‘The two parties of a sale have the option (to cancel it) as long as they have not separated, or one of them says to the other, ‘‘Exercise your option.’ ’’ (ibid.)

The author says: The words of the Prophet, ‘‘The two parties of a sale have the option (to cancel it) as long as they have not separated’’, are also narrated through the Shī‘ī chains. The words, ‘‘or one of them says to the other, ‘Exercise your option’,’’ show a way to ascertain the other party’s consent.

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CHAPTER 4, VERSE 31

إِن تَجْتَنِبُوا كَبَائِرَ مَا تُنْهَوْنَ عَنْهُ نُكَفِّرْ عَنكُمْ سَيِّئَاتِكُمْ وَنُدْخِلْكُم مُّدْخَلًا كَرِيمًا ﴿٣١﴾

If you avoid great sins which you are forbidden, We will expiate from you your (small) sins and cause you to enter an honourable place of entering (31).

* * * * *

COMMENTARY

The verse is not without some connection with the preceeding ones which had mentioned some great sins.

QUR'ĀN: If you avoid great sins ... your (small) sins: al-Ijtināb (اَلْاِجْتِنَابُ = to avoid, to shun), is derived from al-janb (اَلْجَنْبُ = [right or left] side of body); the verb is made from that noun in a metaphorical sense; when man wants to take something, he turns to it with his face and frontal part of the body; and if he wants to avoid or shun it, he turns away from it putting it to his side; thus al-ijtināb implies avoidance and shunning. ar- Rāghib has said that ''It is more eloquent than the word, 'leaving' ''.

This eloquence comes from its having a metaphorical sense. From the same root come al-jānib (اَلْجَانِبُ = side), al-janbah (side, region) and alajnabiyy (اَلْاَجْنَبِيُّ = foreigner, alien).

at-Takfīr (اَلتَّكْفِيْرُ = to expiate, to forgive) is derived from al-kafr (اَلْكَفْرُ = to cover, to hide). Generally the Qur'ān uses it for forgiveness of sins. al-Kabā'ir (اَلْكَبَائِرُ) is plural of al-kabīrah (اَلْكَبِيْرَةُ = the big one); this adjective has been used in place of a deleted noun which it qualifies, like 'sins', etc. 'Greatness' is a relative idea; it cannot exist without correlation with 'smallness'. That is why the words, ''great sins which you are forbidden'', imply existence of some forbidden sins which are small. The verse, therefore, shows two things:

First: The sins are of two types, great and small.

Second: as-Sayyi'ah (اَلسَّيِّئَةُ = evil; sin) mentioned in the second clause refers to small sins, because it is put parallel to 'great sins'.

Of course, disobedience and insubordination, of any type, is great when we look at the insignificance of the created and sustained man vis-a-vis the greatness of Allāh. But in this case we are making a comparison between man and his Lord, not between one sin and another. There is no contradiction, therefore, in saying that every sin is great (by one criterion) and that some sins are small (by another criterion).

A sin is considered great if its prohibition has been given much more emphasis than that of some other sins. Probably, the words, ''which you are forbidden'', imply, or point to, this reality. We may realize the importance of a prohibitory order if its language is severe, or if it has been much emphasized, or is accompanied by a threat of punishment of fire, etc.

QUR'ĀN: and cause you to enter an hounable place of entering: al-Mudkhal (اَلْمُدْخَلُ = place of entering) is an adverb of place; and refers either to paradise or to a position of nearness to Allāh - although the end result of both is the same.

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GREAT AND SMALL SINS AND EXPIATION OF EVILS

There is no doubt that the verse, If you avoid great sins ..., confirms the division of sins into two categories: great and small; the latter has been mentioned here as 'evils'. Likewise the verse 49 of chap.18 proves this fact: And the Book shall be placed, then you will see the guilty fearing from what is in it, and they will say: ''Ah! woe to us! what a book is this! it does not omit a small one nor a great one, but numbers them (all)''. Their fear of the book shows that small one and great one mean small sin and great sin.

As for as-sayyi'ah (اَلسَّيِّئَةُ), looking at its root and paradigm, it signifies a happening or action which brings evil. That is why sometimes it is used for those affairs or misfortunes which cause grief. Allāh says: and whatever misfortune befalls you, it is from yourself (4:79); And they ask you to hasten on the evil before the good (13:6). Sometimes it is used for consequences and effects of sins in this world and the next, as Allāh says: So the evil (consequences) of what they did shall afflict them ... (16:34); So there befell them the evil (consequences) of what they earned ... (39:51); this connotation actually corresponds with the first meaning. Also, it is often used for the sin itself, as Allāh says: And the recompense of evil is punishment like it ... (42:40). In this sense it is sometimes used for sins in general, and covers great and small ones alike, as Allāh says: Nay! do those who have wrought evil deeds think that We will make them like those who believe and do good - that their life and their death shall be equal? Evil it is that they judge (45:21). There are many other verses of the same implication. And sometimes it is used particularly for small sins, as in the verse under discussion: If you avoid great sins which you are forbidden, We will expiate from you your (small) sins; because if man avoids great sins, then nothing remains there except the small ones.

In short, without any doubt, the verse proves that there are two categories of sins: great ones and small ones, when comparison is made between the sins themselves.

Also, there is no doubt that the verse is meant to show the divine grace and favour for the believers; it conveys to them the affectionate message of Allāh that if they avoided some sins, He would expiate from them the other sins. Not that they are encouraged to commit small sins; the verse undoubtedly exhorts them to shun great sins, and if somebody committed a small sin thinking that it was of no importance and that there was no harm in doing it, it would turn that sin into the worst arrogance and transgression, as it would show his disdain to Allāh's command - and that is one of the greatest sins. What the verse implies is only this: The small sins will be forgiven because they are minor slips, and hardly a man can remain free

from them, seeing that man has been created weak and ignorant and it is really difficult for him to avoid small errors when he comes under the influence of desire or ignorance. The verse in this respect describes the same reality which the following verse expounds: Say: ‘‘O my servants! who have acted extravagantly against their own souls, do not despair of the mercy of Allāh; surely Allāh forgives the faults altogether, surely He is the Forgiving, the Merciful: And return to your Lord and submit to Him ...’’ (39:53 - 54). No one can claim that this verse encourages man to commit sins, by opening the door of repentance and comforting them with it. In the same way, no objection can be raised against the verse under discussion. In fact, such verses revive dead hearts by giving them hope in place of despair.

The verse does not imply that it was impossible to identify great sins, and, therefore, one must avoid all sins, lest one commits great ones and falls into perdition. Such interpretation would be far-fetched. The verse implies that the addressees identify the major sins and recognize them from the relevant prohibitory orders. The least that can be said is that the verse obligates people to recognize the major sins in order that they could be on guard against them; at the same time they should not treat small sins lightly, because as you have been told, such attitude in itself is one of the mortal sins.

When man will know the great sins, and recognize and identify them, he willunderstand that these were the limits put by Allāh, and no one transgrassing that boundary would be forgiven unless he showed definite remorse and sincere repentance. This knowledge in itself will serve as a warning and prevent, him from sinning.

As for the intercession, it is a fact. But you have seen in the preceding relevant discourses that it would not benefit a man who treats divine commands with disdain or takes repentance and remorse lightly. To commit a sin relying on intercession shows indifference and carelessness towards divine orders. This is such a major sin that it definitely closes all the ways of intercession.

The above talk makes clear what we have earlier said that the greatness of a sin is known from severe language of the prohibitory order or from threat of chastisement for it.

This sufficiently throws light on all the views given about great sins. [Many explanations are seen in Islamic books which are given here in short]:- 1] Great sins are those for which Allāh has threatened chastisement in the hereafter and prescribed a fixed punishment in this world.

COMMENT: Persistence in committing a minor sin is a great sin. The Prophet (s.a.w.a.) has said: ‘‘No great sin remains with repentance, and no minor sin remains (minor) with persistence.’’ It has been narrated by both sects; but the sharī‘ah has not prescribed any fixed punishment for it. The same is the case with being friends with unbelievers and eating up interest, although these two are among the greatest sins forbidden in the Qur’ān.

2] Great sins are those for which Allāh has threatened punishment of fire in the Qur’ān. (Some have added, ‘‘and in the traditions.’’)

COMMENT: This criterion is neither all-inclusive nor exclusive.

3] All those sins are great which show the doer as being indifferent to religion and heedless to the sharī‘ah. This has been said by Imāmu ’l-Haramayn and appreciated by ar-Rāzī.

COMMENT: This is called transgression and rebellion; and it is one of the mortal sins. There are many other mortal sins (even if they are not committed with obstinacy) like eating up an orphan’s property, incest, and unlawfully killing a believer.

4] That sin is great which is forbidden on its own, not because of some incidental concomitants.

COMMENT: It is in a way opposite to the preceding explanation. But transgression and indifference to the sharī‘ah, etc. are among the mortal sins, while they are merely concomitants which turn into mortal sins when they occur with any sin.

5] The sins mentioned in this chapter [The Women] from the beginning to the end of the verse 30 are great. Probably, the idea is that the words, great sins which you are forbidden, refer to the sins mentioned before this verse, e.g., misbehaving with relatives, eating orphan’s property, fornication, etc.

COMMENT: Generality of the verse does not agree with this restriction.

6] Every deed prohibited by Allāh is a great sin. (This explanation is attributed to Ibn ‘Abbās.) Perhaps it is because disobeying Allāh is a very serious matter, a major transgression.

COMMENT: You have already seen that the division of sins into great and small is based on their comparison with one another, while this interpretation looks at the status of man, a humble servant, vis-a-vis Allāh Who is the Lord of everything. Probably someone may be inclined to this view, thinking that the genitive construction in the clause, great sins which [lit., of what] you are forbidden, was explanatory. This, however, is not correct; because the implication then would be as follows: If you avoid all sins, We shall expiate from you your small sins. But if one avoids ‘all’ sins, where will the small sins come from?

If it is said that the verse speaks about expiation of the believers’ sins committed prior to its revelation, then it would be exclusively reserved for those who were present at the time of revelation, and it does not agree with generality of the verse.

If the verse is still taken as a general one, it would mean: If you firmly decide to avoid all sins, and then actually avoid them, We shall expiate your previous sins. But it is such a difficult condition that one can hardly find a single example of such fortitude; such a general and comprehensive verse cannot be applied to such a rare occurance; because human beings are not free from evils and errors except those whom Allāh takes under His especial protection. Think over it.

7] The small is that sin whose punishment is less than the total reward of its doer; and the great is that whose punishment is greater than the doer’s total reward. This interpretation is attributed to the Mu‘tazilites.

COMMENT: It is an interpretation which is supported neither by this verse nor by any other in the whole Qur’ān. Of course, the Qur’ān says that certain sins cause forfeiture of deeds in certain cases, but it is not a general

rule covering all sins - whether or not it is taken in the sense they mean. We have discussed in detail the meaning of forfeiture in the second volume of this book [27].

They have also said that expiation of small sins is obligatory [on Allāh] when a servant avoids great sins; and that it would not be proper

then to mete out any punishment to him. But the verse does not prove this theory either.

8] Greatness and smallness are two aspects which are found in every sin. A sin is great when committed in disregard or indifference to the divine command; but the same sin is counted as small if done when one is incensed with anger, overcome by desire or frightened by cowardice - all this is forgiven if one avoids great sins.

As the above criteria of greatness of sin may be combined under the heading of arrogance and transgression of limits, this explanation may be summarized as follows: Every forbidden sin is great if done with arrogance and haughtiness, otherwise it is small and forgiven if not accompanied with arrogance and haughtiness.

Someone has said: There are, in every evil and every divine prohibition, one or more great sins as well as one or more small sins. The greatest of all, in every sin, is indifference to divine order and prohibition, and disdain of the sharī‘ah; it also includes repeatedly committing a sin, because such a person manifests his disrespect to, and carelessness about, divine orders or prohibitions; while Allāh says: If you avoid the great sins of what you are forbidden, i.e., the great sins which are found in every thing you are forbidden, We shall expiate from you your sins, i.e., We shall forgive you the smaller aspects of that sin and shall not ask you about it.

COMMENT: It is correct that every sin done in a mariner as to show the doer’s arrogance and haughtiness becomes a great sin. But it does not mean that it is the only criterion of the greatness of sins. There is no doubt that some sins are great in themselves even without the aforesaid arrogance, etc. Incest when compared to looking at a stranger woman, and murder in comparison to beating, are great sins - whether there was any arrogance there or not. Of course, if indifference, arrogance or haughtiness accompanied a sin, the prohibition will accordingly increase in severity and intensity; the sin will be even greater and the disobedience even more condemnable. Obviously, fornication under overwhelming influence of lust and ignorance is not like the same when committed arrogantly thinking that there was no evil in it.

Moreover, the purported meaning (‘If you avoid in every sin its great aspects, We shall expiate from its smaller ones’) is in bad taste, not in harmony with the context of the verse: If you avoid the great sins which you are forbidden, We will expiate from you your (small) sins ...; as will be vouched by anyone who has a little familiarity with literary styles.

9] Now we come to al-Ghazālī’s reported [28] explanation which apparently is a synthesis of the above views; a gist of which is given below:

‘‘Sins are of two types - great and small - when compared with one another. For example,incest with a married woman within prohibited degree vis-a-vis looking at a stranger woman. At the same time, some sins become

great when they appear with some serious aspects, for example, when a small sin is committed again and again, it becomes great, although to begin with it was not so.

''It shows that sins are divided into two categories - great and small - when looked at the actions, per se, in comparison with one another. Even so, they are also divided into these two categories when seen in the perspective of their evil effects and consequences - whether they nullify good deeds or merely reduce the rewards. If the evil deeds are stronger or more numerous than the good ones, the former would erase and nullify the latter; otherwise, the evil deed would be wiped off taking with it an equal amount of reward as its indemnity. Every act of obedience has a good effect on the soul; it raises it in rank, and extricates it from darkness of ignorance. Likewise, every disobedience has an evil effect, degrading the soul and pushing it into abyss of remoteness and darkness of ignorance.

''When a man, who has acquired some light and purity through his obedience, commits a sin, then naturally the darkness of sin collides with the light of obedience. If the darkness of sin and consequences of evil overpower the light of obedience, then the latter is extinguished and forfeited. Such a sin is called great. If, on the other hand, the obedience with its light and purity overcomes the darkness of ignorance and dirtiness of sin, by sacrificing an equal amount of its light, then the remaining [albeit diminished] light and purity will continue to brighten and illuminate the soul. This is the meaning of at-tahābut (اَلتَّحَابُطُ = a Mu'tazilite theory that good and evil actions cancel each other); and it is exactly the meaning of forgiveness of small sins and expiation of evil deeds. Such sins are called small.

''Apparently it is not unreasonable to expect some cases where perfect equivalence might be found between evil and good deeds. It means that there may be a man in total abeyance having in his account neither any obedience nor any disobedience - without any light or darkness. But the words of Allāh refute it, as He says: a party shall be in the garden and (another) party in the burning fire.[42:7]''

ar-Rāzī has refuted it, saying that this explanation is based on the Mu'tazilite tenets which, according to him, are wrong.

The author of Tafsīru 'l-manār in his turn has very severely reproached ar-Rāzī on this line of argument. He says:

''When this (i.e., division of sins, per se, into great and small) is explicitly mentioned in the Qur'ān, then is it imaginable that Ibn 'Abbās would deny it? Not at all. On the other hand, 'Abdu 'r-Razzāq has narrated from him that he was asked: 'Is the number of great sins seven?' He said: 'They are nearer to seventy.' Ibn Jubayr has narrated that he had said: 'They are nearer to seven hundred.'

''Actually it is the Ash'arites who are said to deny the division of sins to great and small. Probably those Ash'arites who were of this view wanted to refute the Mu'tazilites - even if it took some explaining away. This may be seen in the writing of Ibn Fawrak, as he has confirmed the Ash'arite view and has said: 'All the sins of Allāh are great; it is only relatively [29] that one

or the other of them is called great or small. The Mu‘tazilites say that sins are of two categories, small and great; but it is not correct.’ Then he has written a far-fetched interpretation of the verse.

‘‘Well, should the verses and traditions be explained away, just for opposing the Mu‘tazilites? Even in matters where they are right? People are not above such pet mindedness. Religious bigotry and partisanship have prevented many intelligent scholars from using their sagacity for their own benefit and that of their followers, and turned their books into a source of strife for the Muslims. They are too busy with polemical arguments to look at reality of religion. You will soon see how ar-Rāzī quotes from al-Ghazālī and then refutes it just for this reason; but where is ar-Rāzī from al-Ghazālī, and where is Mu‘āwiyah from ‘Alī?’’ (The last sentences refer to the writings of al-Ghazālī and ar-Rāzī which we have quoted earlier.)

Be that as it may. What al-Ghazālī has written is sound to a certain extent; still it is not free from various defects and shortcomings:

First: According to him, the division of sins into great and small is based on mutual cancellation or reduction of reward and punishment. Again, he believes that sins are also divided into great and small on their own. But the two divisions do not always correspond. A person has a lot of reward to his credit; then he commits many sins which are known to be great in themselves and they drastically decrease his reward, leaving a small residue in his account. Now he commits a small sin and that cancels out the remnant of his reward. In both cases, what was great by one criterion, becomes small by another; and vice versa. Thus the two divisions are not always identical.

Second: It is true that there occurs some collision between the effects of obedience and disobedience in certain cases. But it is not an all-encompassing principle. The hypothetic generality has never been supported by apparent meanings of the Qur’ān and the sunnah. Let him show if there is any proof whatsoever from the Qur’ān and the sunnah which could prove general and all-encompassing mutual cancellation and reduction between punishments of sins and rewards of obedience.

As for the detailed discourse about the noble and brilliant spiritual status, and the opposite vile, darkened condition, it is marred by the same defect. True that the spiritual light and darkness usually collide, acting on, and reacting to, each other - thus cancelling out, or reducing the strength of, the opposite force. But this too is not a general non-changing rule. Sometimes, virtue and evil both stay in their places, co-existing with each other, and bringing about a split personality. A Muslim, for instance, eats interest, swallows up people’s property, and turns a deaf ear to the cries of an oppressed victim of injustice, and at the same time pays particular attention to obligatory prayers, and entreats his Lord with utmost devotion and humility. Or, another one cynically sheds blood, shamelessly violates people’s honour and creates chaos and mischief on the earth, and then very faithfully carries out other religious commands with complete sincerity. It is the phenomenon the psychologists call schizophrenia or Jekyll and Hude syndrome, in which various opposing trends fight each other to gain the control of a man’s psyche; the man is continually distracted by this inner turmoil - until both traits become firmly set in their places and a sort of truce

is affected between them: When one trait raises its head, the other disappears from the scene, leaving the field to its rival to stalk its victim, and pounce on it - as the above examples have shown.

Third: It follows from al-Ghazālī's exposition that avoidance of great sins should not have any role in the expiation of small sins. Suppose there is a person who does not commit any great sin: not because he volitionally avoids it even when he has an urge and ability to do it; he rather does not do it only because he cannot do it. His small sins will however be cancelled by his good deeds, because in this case his rewards will be greater than his punishment - and it is exactly what the expiation of small sins means. And, it does not leave any meaningful function for volitional avoidance of great sins.

al-Ghazālī himself has written in Ihyā'u 'l-'ulūm: ''Avoidance of great sin causes expiation of small sins when one shuns them in spite of ability and urge to do them. For example, a man gets hold of a woman and has a chance of establishing sexual relations with her, and yet he keeps aloof from it and restricts himself to looking at, or touching her. His inner struggle against his base desire is much more effective in illuminating his heart when compared to the darkness caused by his audacity in looking at her. This is what brings about expiation of small sins. If, on the other hand, he was impotent, or avoided it because of some other inability, or because of fear of the affairs of the hereafter, it would not lead to any expiation. Suppose, someone does not like liquor at all, and would not take it even if it was allowed, then his avoidance of liquor would not expiate the smaller sins which are considered preliminary stages of drinking, e.g., listening to music and songs. Of course, if someone longs to drink liquor and listen to music, and struggles with himself to avoid drinking and restricts himself to the listening to music, then probably his inner struggle to shun the liquor would remove from his heart the darkness brought about by the sin of listening to music. All these are the rules of hereafter.''

Again he says in another place: ''A darkness rising to the heart cannot be erased except by a light brought in by an opposite good deed - and opposites have reciprocal relation with each other. It is therefore necessary that each evil should be erased by a good deed of the same category, in order that it could counteract it. Whiteness is removed by blackness, not by heat or cold. This step by step approach is a sort of favour in erasure of sins; because hope in this way is much stronger, and trust more effective than, for example, in a case when one continues performing only one type of worship - although this too has some role in the said erasure.''

These words of al-Ghazālī clearly show that, according to him, only that avoidance can expiate minor sins which is done volitionally by preventing oneself from a longed for great sin. But his earlier quoted explanation does not necessarily lead to this conclusion.

To sum it up, all that can be said here, relying on the Qur'ānic verses, is this: It is true that the good and bad deeds cancel out, or decrease the force of, each other - in certain cases. But there is no evidence to show that every evil affects every good deed in this way, and vice versa. This fact may be appreciated if we look at moral and psychological conditions - they are the

best tools for understanding the Qur'ānic realities regarding reward and punishment.

As for the great and small sins, you have seen that the verse apparently connotes that, compared with one another, some of them are great and others small. For example, killing an inviolable person unjustly, vis-a-vis looking at a stranger woman, or drinking liquor claiming that it was allowed vis-a-vis drinking it when overcome by desire - without its having any connection at all with the theory of forfeiture and expiation.

Moreover, the verse, being without any restriction, clearly shows that Allāh has promised him who avoids great sins to expiate all his small sins - both, of past and future. Obviously this avoidance implies that every believer should avoid great sins as much as he can, in a way that it would constitute the avoidance in view of his particular situation. It surely does not mean that he should avoid it after first intending to do it and then shunning it. Anyone who has a cursory glance at the list of great sins will undoubtedly realize that the man has not been born yet who would be inclined to commit all of them and also have ability to do so - even if such a case is ever found, it would be so rare as to make it practically non-existent. It would be in bad taste to apply such a general verse to such a rare and imaginary case.

The verse therefore means that whoever avoids the great sins which are within his power and which his heart longs for, (and these are the great sins which he can and does avoid), Allāh will expiate his small sins, whether or not the latter have any reciprocal relation with the former.

Question: Is this expiation, because of avoidance, in the sense that the avoidance, per se, is an act of obedience which brings the expiation in its wake, just like repentance? Or is it that when man does not commit sins, then he is left with only his small sins and good deeds, and then the good deeds expiate his small sins? As Allāh says: surely good deeds take away evil deeds (11:114). Apparently, the verse (If you avoid the great sins which you are forbidden, We will expiate from you your [small] sins), shows that the avoidance has something to do with the expiation. Otherwise, it would have been more appropriate to say that acts of obedience expiate evil deeds (as was said in the verse, surely good deeds take away evil deeds); or, that Allāh will forgive small sins whatever they may be; there was no need then of setting forth a conditional sentence.

A sin is great if the prohibitive order is given in a severe language, or if it contains threat of fire or something similar, whether it is found in the Qur'ān or sunnah. But these criteria are not exclusive.

TRADITIONS

as-Sādiq (a.s.) has said: ''Great (sins) are those for which Allāh has imposed (the punishment of) the fire.'' (al-Kāfī)

al-Bāqir (a.s.) has said about the great sins: ''Every (sin) which Allāh has threatened to punish with fire.'' (Man lā yahduruhu 'l faqīh)

as-Sādiq (a.s.) has said: ''Whoever avoids that which Allāh has threatened (to punish) with fire - if he is a believer - Allāh will expiate his (small) sins from him, and will cause him to enter an honourable place of entering; and the seven great (sins) which impose (punishment of fire) are (as follows): Murder of an inviolable person; disobedience to parents; eating

usury; going back to nonIslamic places [where one cannot perform his/her Islamic worship] after hijrah [i.e., after emigration to an Islamic centre]; slandering a married woman (of adultery); swallowing up orphan's property; and fleeing from jihād.'' (Thawābu 'l-a'māl)

The author says: There are many Shī'ī and Sunnī traditions which have enumerated great sins, some of which will be given later. Most of them count polytheism as one of the seven great sins, although the above tradition does not mention it; probably the Imām (a.s.) has removed it from this list because it is the greatest of the great sins; and the words, ''if he is a believer'', point to it.

Abdu 'l-Azīm ibn 'Abdillāh al-Hasanī has narrated from Abū Ja'far Muhammad ibn 'Alī, (who narrates) from his father 'Alī ibn Mūsā ar-Ridā (who narrates) from (his father) Mūsā ibn Ja'far (peace be on them all!) that he said: '' 'Amr ibn 'Ubayd al-Basrī came to see Abū 'Abdillāh Ja'far ibn Muhammad as-Sādiq (a.s.). When he saluted and sat down, he recited this verse: And those who shun the great sins and indecencies [42:37]. Then he stopped. Abū 'Abdillāh said: 'What made you to be silent?' He said: 'I would like to know the great sins from the Book of Allāh.' (The Imām) said: 'Yes! O 'Amr, the greatest of the great is to ascribe a partner to Allāh, because Allāh, the Mighty, the Great, says: Surely Allāh does not forgive that any thing should be associated with Him [4:48;4:116]; and He has said: Surely whoever associates (others) with Allāh, then Allāh has forbidden to him the garden, and his abode is the fire;[5:72].

'' 'After that comes despairing of Allāh's mercy, because Allāh says: ... surely none despairs of Allāh's mercy except the unbelieving people [12:87];

'' 'Then is feeling secure from Allāh's plan, because Allāh says: But none feels secure from Allāh's plan except the people who shall perish [7:99];

'' 'And among (the great sins) is disobedience to parents, because Allāh has counted a disobedient (child) as insolent (and) unblessed, in the verse [quoting 'Īsā, a.s.]: And dutiful to my mother, and He has not made me insolent, unblessed [19:32];

'' 'And among them is killing a soul whom Allāh has given protection to - except with [judicial] authority - as He says: And whoever kills a believer intentionally, his punishment is hell; he shall abide in it ... [4:93];

'' 'And slandering married women, because Allāh says: Surely those who accuse chaste believing women, unaware (of the evil), are cursed in this world and the hereafter, and they shall have a grievous chastisement. [24:23];

'' 'And swallowing the property of an orphan, for He says: (As for) those who swallow the property of the orphans unjustly, surely they only swallow fire into their belies and soon they shall enter burning fire. [4:10];

'' 'And fleeing from jihād, as Allāh says: And whoever shall turn his back to them on that day - unless he turns aside for the sake of fighting or withdraws to a company - then he, indeed, becomes deserving of Allāh's wrath, and his abode is hell; and an evil destination shall it be. [8:16];

‘‘ ‘And swallowing interest, because Allāh says: Those who swallow down interest cannot stand except as one whom Satan has confounded with (his) touch does stand. [2:275]; and He (further) says: But if you do (it) not, [i.e., if you do not forgo the interest], then be apprised of war from Allāh and His Messenger;[2:279];

‘‘ ‘And sorcery, for Allāh says:... and certainly they knew that he who bought it (i.e., sorcery) should have no share (of good) in the hereafter, ... [2:102];

‘‘ ‘And fornication, because Allāh says:... and he who does this (i.e., fornication) shall find a requital of sin; the punishment shall be doubled to him on the Day of Resurrection, and he shall abide therein in abasement. [25:68 - 69];

‘‘ ‘And false oath, for Allāh says: (As for) those who take a small price for the covenant of Allāh and their (own) oaths - surely they shall have no portion in the hereafter, and Allāh will not speak to them, ... [3:77];

‘‘ ‘And defrauding; Allāh says: ... and he who defrauds shall bring (with him) that which he has defrauded, on the Day of Resurrection; [3:161];

‘‘ ‘And withholding the obligatory zakāt, for Allāh says: ... and (as for) those who hoard up gold and silver and do not spend it in Allāh’s way, announce to them a painful chastisement, on the Day when it shall be heated in the fire of hell, then their foreheads and their sides and their backs shall be branded with it; this is what you hoarded up for yourselves, ... [9:34 - 35];

‘‘ ‘And false testimony and concealing (true) testimony, because Allāh says:... and whoever conceals it [i.e., testimony], his heart is surely sinful;[2:283];

‘‘ ‘And drinking liquor, because Allāh has made it equal to idol-worshiping [in the verse 5:90];

‘‘ ‘And neglecting prayer or any of the things made obligatory by Allāh, because the Messenger of Allāh (s.a.w.a.) says: ‘‘Whoever neglects prayer intentionally, he goes out from the protection of Allāh and the protection of His Messenger’’;

‘‘ ‘And breaking a promise and misbehaving with relatives, because Allāh says (about these): ... (as for) those, upon them shall be curse and they shall have the evil (issue) of the abode [13:25].’ ’’

(Imām al-Kāzim, a.s.) said: ‘‘Then ‘Amr ibn ‘Ubayd went away crying out loudly, and he was saying: ‘Perished he who spoke by his own opinion and contended with you in virtue and knowledge.’ ’’ (Majma‘u ’l-bayān)

The author says: A hadīth of nearly the same meaning has been narrated from Ibn ‘Abbās through Sunnī chains. This tradition makes two things clear:

First: The great sins are those which have been very strongly prohibited, either by using forceful language or by threatening with the fire, in the Qur’ān or the tradition (as may be seen in the proofs put forward by the Imām, a.s.). It clarifies the meaning of al-Kāfī’s hadīth, ‘‘Great (sins) are those for which Allāh has imposed (the punishment of) the fire’’; and also that of Man lā yahduruhu ’l faqīh and at-Tafsīr of al-‘Ayyāshī, that great sins are those which Allāh has threatened (to punish) with fire. The

imposition and the threat mentioned in these traditions are general; they may be explicit or implied, in the Book of Allāh or in the hadīth of the Prophet (s.a.w.a.).

I think that the same is the import of the interpretation ascribed to Ibn ‘Abbās; and when he speaks about threat with fire he uses it in general terms which covers explicit as well as implicit threat, whether it is found in the Qur’ān or the tradition. It is supported by another tradition found in at-Tafsīr of at-Tabarī, and attributed to Ibn ‘Abbās in which he says: ‘‘Great are those sins which Allāh ends with (the threat of) fire, or (His) wrath or curse or chastisement.’’ This also makes it clear that what has been narrated from him in at-Tafsīr of at-Tabarī and other books that, ‘‘Every sin prohibited by Allāh is great’’, does not give a different meaning of great sins; it merely says that every sin is great when looked at in the perspective of man’s insignificance vis-a-vis the majesty of his Lord, as was explained earlier.

Second: Some of the preceding and the following traditions give the number of the great sins as eight or nine (as some Sunnī traditions narrated from the Prophet [s.a.w.a.] do), or twenty (as seen in this tradition), or seventy (vide some other narrations). This difference reflects the difference in degrees of greatness of sins, as may be seen in the Imām’s words in this very tradition, ‘‘the greatest of the great is to ascribe a partner to Allāh’’.

al-Bukhārī, Muslim, Abū Dāwūd, an-Nasā’ī and Ibn Abī Hātim have narrated from Abū Hurayrah that he said: ‘‘The Messenger of Allāh (s.a.w.a.) has said: ‘Keep away from seven mortal sins.’ They said: ‘And what are they? O Messenger of Allāh!’ He said: ‘Ascribing a partner to Allāh; slaying the soul that Allāh has forbidden except by right; sorcery; devouring usury; devouring the property of an orphan; turning back (from the enemy) on the day of marching (to battle); and accusing the married believing women (of adultery) while they are unaware (of such false accusation).’ ’’ (ad-Durru ’l-manthūr)

Ibn Hibbān and Ibn Marduwayh have narrated from Abū Bakr ibn Muhammad ibn ‘Amr ibn Hazm, from his father, from his grandfather that he said: ‘‘The Messenger of Allāh (s.a.w.a.) wrote a letter to the people of Yemen, which listed obligatory and recommended deeds and indemnity for bodily injuries; and sent it with ‘Amr ibn Hazm, who said: ‘It was written in the letter, inter alia, that the greatest of the great sins near Allāh on the Day of Resurrection is associating someone/something with Allāh; killing the soul of a believer without right; fleeing (from war) on the day of marching (to battle); disobeying the parents; slandering a married woman; learning sorcery, devouring interest; and devouring the property of an orphan.’ ’’ (ibid.)

‘Abdullāh ibn Ahmad has narrated in Zawā’idu ’z-zuhd, from Anas that he said: ‘‘I heard the Prophet (s.a.w.a.) saying: ‘Well, surely my intercession is for those of my ummah who might have done great sins.’ Then he recited the verse, If you avoid the great sins which you are forbidden, We will expiate from you your (small) sins ...’’ (ibid.)

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CHAPTER 4, VERSES 32 - 35

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّـهُ بِهِ بَعْضَكُمْ عَلَىٰ بَعْضٍ ۚ لِّلرِّجَالِ نَصِيبٌ مِّمَّا اكْتَسَبُوا ۖ وَلِلنِّسَاءِ
نَصِيبٌ مِّمَّا اكْتَسَبْنَ ۚ وَاسْأَلُوا اللَّـهَ مِن فَضْلِهِ ۗ إِنَّ اللَّـهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ﴿٣٢﴾ وَلِكُلٍّ
جَعَلْنَا مَوَالِيَ مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ ۚ وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ فَآتُوهُمْ نَصِيبَهُمْ ۚ إِنَّ اللَّـهَ
الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّـهُ بَعْضَهُمْ عَلَىٰ بَعْضٍ وَبِمَا كَانَ عَلَىٰ كُلِّ شَيْءٍ شَهِيدًا ﴿٣٣﴾
وَبِمَا أَنفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّـهُ ۚ وَاللَّاتِي تَخَافُونَ
نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۖ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ
سَبِيلًا ۗ إِنَّ اللَّـهَ كَانَ عَلِيًّا كَبِيرًا ﴿٣٤﴾ وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا
مِّنْ أَهْلِهَا إِن يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّـهُ بَيْنَهُمَا ۗ إِنَّ اللَّـهَ كَانَ عَلِيمًا خَبِيرًا ﴿٣٥﴾

And do not covet that by which Allāh has made some of you excel others; men shall have the benefit of what they earn; and ask Allāh of His grace; surely Allāh knows all things (32). And to every one We have appointed heirs of what parents and near relatives leave, and those with whom your right hands have ratified agreements; so give them their portion; surely Allāh is a witness over all things (33). Men are the maintainers of women because of that with which Allāh has made some of them to excel the others and because of what they spend out of their property; the good women are therefore obedient, guarding the unseen as Allāh has guarded; and (as to) those on whose part you fear recalcitrance, admonish them, and leave them alone in the sleepingplaces, and beat them; then if they obey you, do not seek a way against them; surely Allāh is High, Great (34). And if you fear a breach between the two, then appoint a judge from his people and a judge from her people; if they both desire agreement, Allāh will effect harmony between them; surely Allāh is Knowing, Aware (35).

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COMMENTARY

The verses are connected with the preceding laws of inheritance and marriage; they reinforce the preceding rules and promulgate some general principles that would effect reconciliation in some cases of strained relationship between husband and wife.

QUR'ĀN: And do not covet that by which Allāh has made some of you excel others: Coveting is to say: 'Would that this were like that'. Such words are called ceveting because they describe the covetousness hidden in the heart. It is an exclamatory construction that shows a psychological attitude as when one loves something which is difficult or almost difficult to obtain, whether one declares it in words, or not. Obviously, the verse forbids people to covet the extra bounties granted to others - that bestowal of additional bounties is the cause of covetousness. But one should not attach oneself to those who enjoy such abundance; rather a man should attach himself to Allāh, asking Him to bestow on him such bounties from His

treasures. Obviously, the 'extra bounties' specifically refers to the special rights granted to a particular group - men or women - by the divinely ordained law; for example, man has been given the right to marry more than one wife, and gets a double share in inheritance, while woman is entitled to receive her dower and maintenance from her husband.

Coveting such rights exclusively given to a particular sex has been forbidden in order to completely uproot the tree of evil and disorder. These bounties are coveted by human beings because by nature they love such things and try to achieve and obtain what others have got. At first, it is just a desire and covetousness. When it continues for some time, it changes into hidden envy. When the envy takes root in the heart it shows itself in talk and action. When many people suffering from this disease join together, they cause disorder on the earth and destroy the tilth and the stock.

Also, it shows that this prohibition is of advisory nature, not a legislative order; it aims at safeguarding the preceding legislated regulations.

The verse ascribes the bestowal of bounties to Allāh; also both groups have been described as ''some of you over the others''. The aim is to awaken their submissiveness to Allāh's decrees because they believe in Him, and to strengthen their mutual love by reminding them that the receiver of the coveted bounty is not some alien body; but an integral part of him/her.

QUR'ĀN: men shall have the benefit of what they earn and women shall have the benefit of what they earn: ar-Rāghib has said, '' 'al-Iktisāb' (اَلْآِتِسَابُ = to earn) is used for what a man earns or acquires for himself; while 'al-kasb' (اَلْكَسْبُ = to earn) denotes what he acquires for himself or for someone else..'' [This verse uses the former verb; and] it appears from the above that this sentence explains the preceding prohibition of coveting and describes its underlying reason. That is, you should not covet these things because this excellence, found exclusively with one or the other group, has been granted because that group has earned it through natural traits or physical diligence. For example, men and not the women, have been allowed to marry upto four wives, because men's place in human society demands it - to the exclusion of women. The same is the reason of their having been allotted double shares in inheritance. Likewise, women have been given half of men's shares in heritance, while the responsibility of their maintenance is put on men's shoulders and they have exclusive right to take dower - all this because women's position in the society demands it. Also, whatever wealth is earned by one group - by trade or in other ways - is exclusively reserved to it; and Allāh does not want injustice to His servants.

It is now clear that the 'earning' mentioned here actually means a sort of acquisition and reservation; it makes no difference whether this happens through voluntary activity (e.g., handcraft or business;) or otherwise. What is important is that the person concerned has some characteristic which entitles him/her to that excellence; for example, the person's being male or female which makes him/her entitled to a certain fixed portion in inheritance.

Philologists have opined that the verbs, al-kasb and al-iktisāb, both are reserved for what a person acquires through voluntary action; even so, they say that the basic element in their meaning is ‘acquisition’. It may be said that ‘He has earned fame by his beauty.’ Some exegetes have explained the verb in this verse in the same meaning. It may be said that the verb, al-iktisāb, in this verse has been used in this meaning by way of simile or extended simile.

In any case, the verb here cannot be restricted to what man acquires by his own efforts; because it would then mean: Men shall have benefit of the wealth they earn for themselves through their activities; and so shall the women. It would be a prohibition of coveting what other people have acquired through craft and production. This meaning is correct in itself, but the verse cannot be confined to it; otherwise it will have no relevance to the preceding verses of inheritance and marriage.

However, the correct meaning of the verse is as follows: Do not covet the financial and non-financial advantages and excellence which Allāh has exclusively given to either men or women, and has thus given some of you excellence over the others; this bounty has been given to the concerned group because it has acquired and proved its entitlement by its psychological traits or physical activities (like trade, etc.); so it shall have its benefit, and every body shall have the benefit of what he or she has acquired.

QUR’ĀN: and ask Allāh of His grace …: When one bestows something on someone else, usually it is a surplus which the bestower does not need himself, that is why it is called ‘‘al-fadl’’ (اَلْفَضْلُ) which is translated here as `grace' but literally means surplus. Allāh has ordered people to turn their faces away from the bounties bestowed on others. But the desire of excellence in life and livelihood - rather, love of monopolizing it and surpassing all fellow beings in this respect - is an inseparable human trait. Therefore, the Qur’ān tells them to look towards Allāh Himself and to ask Him for His grace. They should turn away from what the others have got and look towards Allāh to ask for His grace; the grace is in Allāh’s hands, and it is He Who has given everyone his or her excellence; He alone can give you the means to surpass others - the others whose bounties you desire and whose excellence you covet.

The grace to be asked for has been left vague by adding the preposition ‘of’ before it. It has two implications:

First: It teaches the manner of invocation and prayer addressed to Allāh. Man is basically ignorant of what would benefit - or harm - him in the long run, while Allāh is aware of what would in reality be beneficial or harmful to His creatures, and He has power over all things. Therefore, it is only proper to ask Him for the best in what the invoker desires; he should not go on specifying what he wants and how should it reach him. Many times we have seen someone with intense desire of some things like wealth, child, honour or health; he was persistently praying for it, fixing his eyes on that goal; but when his prayer was answered and his desire fulfilled, it brought nothing but destruction and disaster, nullifying all his life’s efforts.

Second: It is an indication that one should not ask for something which would be contrary to the underlying divine reason of a certain creative or legislative excellence bestowed. It is imperative that one should not ask of the excellence exclusively reserved for others. If men ask the bounty given to women, or vice versa, and Allāh grants their prayer, the underlying reason would be negated and the laid down laws and regulations nullified. Think it over.

When man prays to Allāh for one of his pressing needs, he should not ask Him for what is given to other people; rather he should ask Him from what is in His hands; even then he should not teach his Lord what is good for him, nor how should that benefit be brought to him. The only proper way is to ask Allāh to fulfil his need in a way He deems best.

The concluding sentence, surely Allāh knows all things, explains the reason of the preceding prohibition: You should not covet the bounties which Allāh has bestowed on others; Allāh knows everything, He is not unaware of underlying reasons, nor does He make error in His decisions.

A QUR'ĀNIC REALITY

Difference in men's aptitudes and abilities in acquisition of the life's advantages is based on natural creative phenomenon which inevitably brings about differences in the lives' grades. And, as far as we know, this phenomenon has always been evident in human societies from the earliest times to this day.

In ancient times strong people subjugated weaker persons, using them according to their whims to fulfil their desires without any restraint or hindrance. The poor wretcheds had no choice but to submit to their orders, and to do as their 'masters' required them to do. But their hearts overflowed with rage and hatred, and they always waited for a chance to throw away that yoke. This system continued in history changing its appearence from time to time, beginning from shaikhdom and ending on monarchy and imperialism.

At last, human beings succeeded, through rising after rising, in bringing down this overpowering citadel of usurpation forcing the rulers to abide by the constitutions and laws made for society's well-being and happiness. On the surface, it puts an end to whimsical rules of tyrants. Human beings were no longer divided into various strata; there was no longer an autocratic ruler to lord over slaves whose rein was in his (master's) hand.

Even so, the tree of disorder and mischief continued to grow - finding another base to spread its roots, appearing in another shape - but the fruit was the same, the result unaltered. There remained the same difference between various classes, based on economic disparity. Some had wealth and riches piled up while others' hands were empty. The two groups were poles apart; the wealthy interfered in all aspects of society, because of their wealth, while the poor had no option but to stand and fight against oppression.

This resulted in appearance of communism which believed in sharing all resources of livelihood, by nullifying private property and taking away all capital from private hands. It said that every individual should enjoy the fruits of his labour, accomplished by his personal experties. This erased the

difference that was based on personal wealth and affluence. But it opened some new avenues of disorder and mischief which were unheard of in previous systems - it totally destroyed the free will of the individual and stripped him of all discretion and choice. But nature does not agree with it nor does human instinct allow it. And how can something continue if nature rejects it and human instinct discards it.

Apart from that, the communism has not removed the basic disorder. Human beings by nature do not like to exert themselves except where there is a possibility of gaining distinction and acquiring honour and position. Remove the element of competition and distinction and you have destroyed the work itself; it will result in negation of human nature.

The communists have tried to remove this basic difficulty by trying to fix the workers' eyes on immaterial distinction and glory. But it has brought the difficulty back in toto. If a man does not accept those distinctions as real, he will not try for them; and if he believes in them, it will have the same effect as the material incentive.

Democracy resorted to a strategy to remove the disorder sneaking into it. First, it employed wide spread propaganda to expose the defects of communism. Second, it levied heavy taxes that ate away a greater part of the profits of business and industry. But it was of no use. Exposition of the defects of their adversaries' system could not block the way of the defects and disorder infiltrating into their own system. Nor could the gathering of most of the profit in the treasury prevent the affluent classes from their luxurious life and the resulting oppression. Now, their strategy is to get power and authority over the collected wealth, instead of personally owning it. They get the same benefits from that money by having authority over it and by managing it according to their wish, as they would have done it if was owned by them outright.

Neither the democrats could cure the disease nor the communists; and there is no medicine after burning.

All this is because the purpose and goal chosen by man for the society leads to the core of mischief and disorder; his adopted goal is enjoyment of material life by all means; and it cannot be divested of its basic conflict and disorder, whatever changes are brought into its appearance.

And what is the way adopted by Islam to uproot this disorder? It has given the man total freedom in all matters to which his nature leads. Then it has brought the two groups nearer by raising the have-nots' standard of life through levying various taxes on the 'haves', and lowering the haves'

standard by prohibition of extravaganza and show of affluence that would increase their distance from middle classes; then it has created a balance with unity and good manners, and has diverted people's attention from material distinction to the honour of piety; and taught them to ask Allāh for whatever bounty and excellence they desire.

This is to which the Qur'ānic verses points: and ask Allāh of His grace; surely the most honourable of you with Allāh is the one among you who is most pious (49:13); Therefore fly to Allāh (51:50). We have already explained that by turning their faces towards Allāh people would inevitably hold fast to the real and genuine causes for their desired goals - without

resorting to lethargy in earning their livelihood or laziness in getting at their happiness and bliss. Strangely enough, some people say that Islam is a religion of idleness which discourages man from acquiring material benefits in life. Such assertion is totally off the mark and shows ignorance of the speakers.

This is a short note on this subject; and we have written in detail on various points of this subject in various discourses of this book.

QUR'ĀN: And to every one We have appointed heirs of what parents and near relatives leave ...: ''al Mawālī'' (اَلْمَوَالِي = translated here as 'heirs') is plural of al-mawlā (اَلْمَوْلٰي) which is synonymous to al-waliyy (اَلْوَلِيُّ), although mostly it is used for some particular cases of al-wilāyah (اَلْوِلَايَةُ = rule, sovereignty, friendship, authority). For example, a slave's master is called his mawlā, as he has authority over him; a helper is called mawlā, because he manages the affairs of the helped one; an uncle's son is called mawlā as sometimes he acts as guardian of his uncle's daughter in matters of marriage. Most probably it is an infinite verb beginning with mim (م) or an adverb of place, indicating a person having in him some kind of authority - as today we say 'government' or 'court' and mean the ruler or the judge.

''al-'Aqd'' (اَلْعَقْدُ = to tie) is opposite of ''al-hall'' (اَلْحَلُّ = to unite); ''al-yamīn'' (اَلْيَمِينُ) is opposite of ''al-yasār'' (اَلْيَسَارُ = left hand); alyamīn means right hand, and is also used for oath; it has some other meanings also.

The verse follows the preceding one: And do not covet ..., having the same context, and contains the admonition to give due share to every one who is entitled to it, and declares that Allāh has appointed for every one heirs in all that is left by parents and near relatives. It shows that this second verse, in conjunction with the preceding one, gives a gist of all the rules and laws laid down by the verses of inheritance; and sums up the detailed regulations. It is not unlike the verse: Men shall have a share of what the parents and the near relatives leave ... [4:7] which, coming before the verses of inheritance stated a general principle which served as the basis and referring point of the inheritance laws.

It follows that the heirs and the inherited ones (summed up in the verse) would refer to those who have been described in detail in the verses of inheritance. Thus, al-mawālī would refer to all who have been enumerated as heirs in those verses, like children, parents, brothers, sisters and so on.

Also, the three categories mentioned here - parents, near relatives and those with whom your right hands have ratified agreements - will apply to the three categories mentioned in the verses of inheritance, i.e., parents, near relatives and husband and wife. Thus the phrase: those with whom your right hands have ratified agreements, would refer to the husband and the wife.

The meaning, therefore, will be as follows: And to every one of you, whether male or female, We have appointed heirs to inherit whatever

property you leave behind. The preposition min مِنْ = translated here as ‘of’) may also mean ‘from’; in that case it would be connected with ‘heirs’, i.e., inheritance originates from the property; it may alternatively be connected to a deleted but understood verb, ‘they shall inherit’, i.e., the heirs shall inherit from what you leave. What they leave refers to the property left by the deceased relatives - the parents, the near relatives and the husband and wife.

The phrase, ‘‘and those with whom your right hands have ratified agreements’’, alludes to husband and wife; it was a custom to shake hands at the conclusion of an agreement or deal; it was as though it was their right hand which had concluded the deal and ratified it. The meaning, therefore, will be as follows: those with whom you have established material relationship through formula of marriage.

‘‘So give them’’, i.e., to the heirs, ‘‘their portion’’, which has been described in the verses of inheritance. The conjunction, ‘so’ connects the sentence with, and bases it on, the sentence, ‘‘And to every one We have appointed heirs ...’’. The order to give them their share has been further emphasized by the concluding sentence, surely Allāh is a witness over all things.

The above is the most appropriate of the meanings given by the exegetes. [The following are examples of some unsuitable explanations given by them:]

Some have said that al-mawālī (heirs, relatives, etc.) refers to agnates other than the heirs who are more entitled to the inheritance. But the wording of the verse does not support this view.

Also it has been said that min (from, of) in ‘‘mimmā tarak’’ is explanatory, and refers to the heirs, i.e., to every one We have appointed heirs who shall inherit him, and they are those whom he has left behind, that is, the parents and near relatives.

Further it is said that the phrase, ‘‘those with whom your right hands have ratified agreements’’, refers to the allies. In preIslamic days a man used to make agreement with another, saying: ‘My blood is your blood, my war is your war, my peace is your peace; and you shall inherit me and I shall inherit you; and you shall pay blood money for me and I shall pay blood money for you.’ Such an ally used to get one-sixth of the estate of his deceased ally. According to this interpretation, the sentence will be disconnected from the preceding one, and would mean, ‘give the allies their one-sixth share’. And then it will have to be treated as abrogated by the verse: and the possessors of relationship are nearer to each other in the ordinance of Allāh (8:75).

But some say that, ‘‘so give them their portion’’, means that they should be helped, advised and given material assistance; it does not refer to inheritance. In that case there will be no abrogation in the verse.

Some others claim that the phrase refers to those whom the Prophet (s.a.w.a.) had declared to be ‘brothers’ to each other in Medina, and they inherited from each other, until the system was abrogated by the verse of inheritance.

Still others have said that it refers to those who were adopted as sons in the era of ignorance. According to them, this verse exhorts the Muslims to bequeath something to them, as it advises to give them their portions.

None of these meanings is supported by the text or the context of the verse, as any thoughtful scholar may realize; and that is why we see no need to rebut them.

QUR'ĀN: Men are the maintainers of women because of that with which Allāh has made some of them to excel the others and because of what they spend out of their property: ''al-Qayyim'' (اَلْقَيِّمُ = one who looks after the affairs of another person); al-qawwām (اَلْقَوَّامُ) and al-qayyām (اَلْقَيَّامُ) give the same meaning in its highly emphasized form. The clause, ''that with which Allāh has made some of them to excel the others'', refers to the natural characteristics of man in which he excels the woman;

men have much greater judicious prudence than women, and consequently they are much stronger and braver and more capable of performing strenuous tasks requiring intrepidity and forebearance; while women's life is dominated by feelings and emotions and based on gracefulness and delicateness. The next phrase, ''what they spend out of their property'', refers to the wealth which men spend on women's dower and maintenance.

The generality of these causes shows that the resulting principle, ''Men are the maintainers of women'', is not confined to the husbands. In other words, it does not say that man is the maintainer of his wife; rather it gives authority to the men, as a group, over the whole group of women, in the common affairs which effect lives of both sexes on the whole. The general social aspects which are related to man's excellence as, for example, rulership and judiciary, are the things on which a society depends for its continuence. It is because of the prudence and judiciousness which are found in men in a higher degree than in women. Likewise, the fight and defence depend on strength and far-reaching strategic planning. In such affairs men have authority over women.

Consequently, the order, Men are the maintainers of women, is totally unrestricted and comprehensive, while the next sentence, the good women are therefore obedient ..., is apparently restricted to the relationship between a man and his wife, as will be explained later on.

This next declaration has branched out from the above general principle; but it does not restrict its generality in any way.

QUR'ĀN: the good women are therefore obedient, guarding the unseen as Allāh has guarded: ''as-Salāh'' (اَلصَّلاَحُ = merit, virtue, goodness); ''al-qunūt'' (اَلْقُنُوتُ = abiding obedience and submission). Its place, opposite to, those on whose part you fear recalcitrance, shows that ''the good women'' means good wives; and that it is applied to them during continuance of matrimony, not before or after that; and that the sentence, ''the good women are therefore obedient ...'', - which gives an order in the

form of praise, and means that they should be obedient and should guard ... - is an order related to matrimonial affairs and domestic life.

Even so, it is a command whose scope of jurisdiction depends on its basic cause - the man's maintaining the woman by virtue of marriage. It is therefore incumbent upon her to obey him and guard their mutual or conjugal affairs.

Let us explain it further. Men as a group have authority over women as a group in those common affairs which have more affinity with man's enhanced prudence and hardiness, i.e., rulership, judiciary and war; but it does not negate the independence of woman in her individual will and activities, she decides what she wants and acts as she wishes and man has no right to interfere in any way - except when she intends to do something unlawful. In short, there is no restriction on them in whatever they want to do for themselves in a proper way. In the same way, husband's authority over the wife does not mean that she has lost control over her own self or property or is restricted in her will or action regarding its management; nor does it mean that woman is not free and independent in safeguarding and protecting her personal and social rights, nor is she hindered from adopting suitable means to achieve those rights. Rather it means that when the husband spends his wealth on her in return for conjugal rights, then she must obey and submit to him in all things connected with sexual intercourse (when he is present), and protect him in his absence - she should not betray him behind his back by having unlawful affairs with another man. Also she should not deceive him concerning the property which he gives her by virtue of matrimony as a partner in domestic life.

The sentence, ''the good women are therefore obedient ...'' means that they should achieve goodness for themselves; then inevitably they would be obedient. In other words, they are obliged to submit to their husbands and obey them without fail in all matters pertaining to conjugal relations. Also they must safeguard their interest in all their rights during their absence.

Apparently the word mā (مَا) in bimā (translated here with 'as') in the clause, ''as Allāh has guarded'', has the import of infinitive verb, and bi (بِ) implies instrumentality. The meaning therefore will be as follows: The good women are obedient to their husbands and guard their interest in their absence, through the husband's rights which Allāh has preserved by giving him the authority and obliging the wives to obey them and guard the unseen for them.

Alternatively, the letter bi may imply exchange. Then it will mean that the wives are obliged to obey and guard the unseen in exchange of the rights which Allāh has bestowed on the wives, as He has given a new life to them in human society and has obliged the men to pay them dower and maintenance. But the former meaning is more obvious.

Some other meanings have been given by exegetes, but it is not necessary to mention them as none of them is supported by the context.

QUR'ĀN: and (as to) those on whose part you fear recalcitrance, admonish them, and leave them alone in the sleeping places, and beat them;:

‘‘an-Nushūz’’ (اَلنُّشُوزُ = disobedience, refusal to submit); fear of recalcitrance connotes appearance of the signs of disobedience. The order is based, not on disobedience, but on its fear. It is in order that the man should keep the admonition at the level suitable at a particular stage, because admonition has its place at the beginning of recalcitrance as well as at the appearance of its signs - [but with less intensity].

The three remedies - admonition, leaving them alone in the sleeping places and beating - have to be applied one after another in that sequence, although they have been mentioned together, joined with the conjunctive ‘and’. First comes admonition; if that fails, then leaving her alone in the sleeping place; if that too proves ineffective, then the beating. This gradual process is inferred from the sequence wherein these remedies are increasing in intensity from leniency to severity. In short, this graduality is inferred from the context, not from the conjunctive ‘and’.

It appears from the words, ‘‘leave them alone in the sleeping places’’, that he is not asked to sleep in a separate bad, but he should show his displeasure by turning away from her and not touching her, etc. It is far-fetched to believe that it means leaving her bed altogether. The meaning given by us may be supported by the fact that ‘‘sleeping places’’ has been used in plural; apparently there was no need of the plural if the latter meanings were intended.

QUR’ĀN: then if they obey you, do not seek a way against them: That is, if they are obedient to you, then do not be on look out for excuses to trouble them. Why? Because, surely Allāh is High, Great. Greatness and grandeur is reserved for your Lord; do not be deceived by your power and strength nor use it in oppressing your wives, thinking yourselves too high and superior.

QUR’ĀN: And if you fear a breach between the two,... Allāh is Knowing, Aware: ‘‘ash-Shiqāq’’ (اَلشِّقَاقْ = breach, enmity). Allāh has ordered to appoint two judges, as it would reduce the possibility of injustice and arbitrariness. If the husband and wife both desire reconciliation, without obstinacy and obduracy, Allāh will create harmony between them. When both parties divest themselves of power, and entrust the two judges with the responsibility of effecting harmony, then reconciliation is bound to follow.

The verse attributes effecting of harmony to Allāh, although there happens to be a normal cause, i.e., the parties’ willingness to be reconciled and their acceptance of the judges’ decision. It is because Allāh is the real cause; it is he who relates causes to effects, and gives everyone his right. The speech ends with the sentence, ‘‘surely Allāh is Knowing, Aware;’’ its appropriateness is self-evident.

A DISCOURSE ON MEN’S AUTHORITY OVER WOMEN

It is not secret that the noble Qur’ān puts great emphasis on healthy human intellect, and prefers it over desire and pleasureseeking. It does not encourage people to follow their excessive passions and emotions. It exhorts man to follow the path of reason, and admonishes him to guard this divine gift, lest it be lost. This Qur’ānic reality is well-known and needs no bookish

proof; there are a lot of verses that point to it explicitly and implicitly, in various way and different words.

Even so, the Qur'ān has not neglected good and pure feelings and emotions, nor has it turned its eyes from their important and beautiful effects which help man to properly build his self, and which in its turn gives strength to the society. For example:

... severe against the unbelievers, compassionate among themselves;... (48:29)

... that you may find rest in them, and He put between you love and compassion;... (30:21).

Say: ''Who has prohibited the embellishment of Allāh which He has brought forth for His servants and the good provisions?'' (7:32)

Yet He has balanced it by requiring it to conform with the demands of intellect; thus by following such feelings and emotions, one would in fact be following the intellect.

It has been explained somewhere earlier that it is because of the protection which Islam accords to the intellect (by basing all its ordained laws on reason) that it has prohibited all such actions, and forbidden all such conditions, and declared as unlawful all such characteristics, which confuse the intellect in its judgment and cause it to act haphazardly in its implementation, thus making it lose its bearing in the society's affairs; for example, liquor, gambling, fraudulent deals, lies, slander and backbiting.

This much is enough to convince a thoughtful scholar that as far as the broad issues and general social aspects - like rulership, judiciary and war - are concerned, they have to be controlled by intellect, free from the influence of emotions and feelings. Thus they have to be entrusted, not to women but, to men who are governed more by intellectual power than emotional feelings.

And this is what Allāh has ordained, when He says: Men are the maintainers of women; and the prophetic pronouncements, being the expositions of the Qur'ānic principles, establish its factuality; and the Prophet (s.a.w.a.) followed this principle throughout his life; he did not appoint any woman as a ruler or governor of any people, nor did he give her any judicial post, nor were they called upon to participate in any war, i.e., to actively fight in it.

As for other aspects of life, like learning, teaching, trade deals, nursing, medical profession, etc. - the tasks which are not hindered by emotion and feeling - the Prophet's ahādīth (traditions) do not prohibit it, and the Prophet himself had allowed many of it. The Qur'ān too is not without some hint to its being lawful for the women, because it is a necessary concomitant of the freedom of will and action which women have been allowed in many aspects of life. They have been removed from man's guardianship, and given independent right of owning property and wealth; then how can they be stopped from managing that property and developing it in a way they think fit. Likewise, it would be meaningless to give them the right to lodge a case or to give evidence in a case and then to forbid them to appear before a judge or magistrate. And so on and so forth.

Of course, their freedom will cease if it collides with the husband's right. She is duty-bound to obey him in his presence and protect his interests in his absence, and any right of hers which stands in the way of his rights will cease to exist.

TRADITIONS

The author of Majma'u 'l-bayān explains the verse, And do not covet that by which Allāh has made some of you excel others, in these words. ''One should not say, 'Would that the bounty and the beautiful woman which that man has got were for me'; for it would be jealousy; but one is allowed to say: 'O Allāh! give me similar to that'.'' Then he has written that it has been narrated from Abū 'Abdillāh (a.s.).

The author says: al-'Ayyāshī too has narrated this tradition in his at-Tafsīr from the same Imām (a.s.).

Ibn Shahrāshūb narrated from al-Bāqir and as-Sādiq (a.s.) about the words of Allāh, That is Allāh's grace; He grants it to whom He pleases, and, do not covet that by which Allāh has made some of you excel others, that they were revealed about 'Alī (a.s.).

The author says: This tradition is based on the principle of the flow of the Qur'ān; in other words it points to an application of the verses.

Ibrāhīm ibn Abi '1-Bilād narrates through his father from Abū Ja'far (a.s.) that he said: ''There is no soul but Allāh has apportioned for him his sustenance lawfully which is to reach him with ease and comfort; and He has also shown it (the sustenance) to him alternatively by unlawful means; if he takes something by unlawful means, Allāh reduces it from his apportioned lawful (sustenance); and Allāh has with Him plenty of grace, apart from the two (aforesaid portions of sustenance); and that is the (meaning of the) word of Allāh, and ask Allāh of His grace.'' (al-Kāfī, at-Tafsīr, al-Qummī)

The author says: al-'Ayyāshī has narrated it from Ismā'īl ibn Kathīr who has reported it from the Prophet (s.a.w.a.). Also the same meaning has been narrated from Abu 'l-Hudhayl from as-Sādiq (a.s.). A nearly similar tradition has been reported by al-Qummī in his at-Tafsīr from al-Husayn ibn Muslim from al-Bāqir (a.s.).

We have already discussed in the second volume the meaning of sustenance, its apportionment and its division into lawful and unlawful, under the verse, and Allāh provides with sustenance whom He pleases without measure (2:212) [30].

Ibn Mas'ūd says that the Messenger of Allāh (s.a.w.a.) said: ''Ask Allāh of His grace, because Allāh loves to be asked.'' (as-Sahīh, at-Tirmidhī)

Ibn Jarīr has narrated through Hakīm ibn Jubayr from a man whom he has not named who said that the Messenger of Allāh (s.a.w.a.) had said: ''Ask Allāh of His grace, because Allāh loves to be asked; and that the best of worship is to wait for ease.'' (ad-Durru 'l-manthūr)

[ash-Shaykh at-Tūsī] has narrated through his chains from Zurārah that he said: ''I heard Abū 'Abdillāh (a.s.) reciting, And to every one We have appointed heirs of what parents and near relatives leave; then he said: 'He [Allāh] refers [with the word, mawālī] to the relatives who inherit, not to benefactors; the most entitled to (the inheritance of) a deceased is the one

who is nearest to the womb that connects him to the deceased'.'' (at-Tahdhīb)

The same author narrates through his chains from Ibrāhīm ibn Muhriz that he said: ''A man asked Abū Ja'far (a.s.), in my presence, about a person who said to his wife, 'Your affair is in your hand.' [The Imām, a.s.] said: 'How can it be, while Allāh says, ''Men are the maintainers of women''? It is nothing.' '' (ibid.)

Ibn Abī Hātim has narrated through Ash'ath ibn 'Abdi '1-Malik from al-Hasan that he said: ''A woman came to the Prophet (s.a.w.a.) complaining against her husband that he had slapped her. The Messenger of Allāh (s.a.w.a.) said: 'Retribution.' Then Allāh sent down the verse, Men are the maintainers of women ...; so the woman returned without retribution.'' (ad-Durru 'l-manthūr)

The author says: [as-Suyūtī] has narrated it from the Prophet (s.a.w.a.) through other chains too. Some of them say that the Messenger of Allāh (s.a.w.a.) said: ''I wanted one thing but Allāh decided otherwise.'' Probably it was a case of the woman's recalcitrance; otherwise, the verse, then if they obey you, do not seek a way against them, disallows it (the slapping).

Moreover, there is another snag in these traditions' apparent meaning. Apparently the Prophet's word, ''Retribution'', was an answer to a religious question of the questioner to explain the rule of sharī'ah; it could not be a judgment of a case as the opposite party was not present. If so, then it would mean that the said verse was sent down to show the error of the Prophet (s.a.w.a.) in exposition of the law, but it goes against his being sinless. Again, it could not be an abrogation, because it cancelled the law before it was acted upon. Of course, there were some instances where Allāh had amended some prophetic orders by adding to or deleting from it, but it was only in his administrative orders, not in matters of the law ordained by him for his people; otherwise it would have been an invalid nullification.

Abu '1-Jārūd has narrated from Abū Ja'far (a.s.) that the word, ''qānitāt'' (قَانِتَاتُ) means obedient ones.

Abū Ja'far (a.s.) has said that, leave them alone in the sleeping places, means that man should turn away from her; and beat them, means hitting her with tooth brush (Majma'u 'l-bayān)

[al-Kulaynī] has narrated through his chain from Abū Basīr that Abū 'Abdillāh (a.s.) said about the words of Allāh, then appoint a judge from his people and a judge from her people: ''The two judges will make a condition that they may decide to separate them if they so wish, and to join them if they so wish. Then if they caused separation it would be lawful and if they joined them it would be lawful.'' (al-Kāfī)

The author says: This and nearly similar meaning has been narrated through several other chains in al-Kāfī and at-Tafsīr of al-'Ayyāshī.

Ibn Muslim has narrated from Abū Ja'far (a.s.) that he said: ''The Leader of the faithful (a.s.) gave judgment concerning a woman whom a man had married with an undertaking given to her and her people that she would be [ipso facto] divorced if he married another woman and neglected her, or if he took a slavegirl in her presence. He [the Leader of the faithful] said: 'The

condition laid down by Allāh has precedence over your condition. [It is upto him;] he may fulfil his condition if he so desires; or he may keep this woman and also marry another woman, or take a slave-girl if he so wishes; and then he may leave (this) woman if she comes in his way. Allāh has said in His Book: ... then marry such (other) women as seem good to you, two and three and four ... [4:3]; ... of those whom your right hands possess [4:25]; and (as to) those on whose part you fear recalcitrance, admonish them, and leave them alone in the sleeping places and beat them; then if they obey you, do not seek a way against them; surely Allāh is High, Great'[4:34].'' (at-Tafsīr, al-'Ayyāshī).

al-Bayhaqī has narrated from Asmā' bint Yazīd al-Ansāriyyah that she came to the Prophet (s.a.w.a.) and he was (sitting) among his companions. She said: ''My father and mother be your ransom! I have come to you as representative of the women-folk; and you should know, may I be your ransom! that there is no women, be she in the east or in the west who, having heard of my this deputation, does not agree with my views.

''Surely Allāh has sent you with truth to the men and the women. We do believe in you and your God who has sent you. We women-folk are confined and under pressure, restricted to your houses, satisfying your sexual urge, carrying your offspring; while you men-folk have got superiority over us by Friday and congregational prayers, visiting sick, attending funerals, performing hajj after hajj, and, even better than that, fighting in the way of Allāh. Even so, when one of you goes out for hajj or 'umrah or camping (for jihād), we women guard your properties for you, spin your clothes for you and bring up your properties [31] for you. Then what is our share in reward, O Messenger of Allāh?''

The Prophet (s.a.w.a.) turned his face to his companions, and said: ''Have you ever heard any woman talking in a better way than this question of hers concerning her religious affairs?'' They said: ''O Messenger of Allāh! We never thought that any woman would find her way to a (talk) like this.''

Then the Prophet (s.a.w.a.) turned towards her and said: ''O woman! Go back and inform those women who are behind you that when one of you behaves nicely towards her husband, and seeks his pleasure and pursues his conformance, then this equals (in reward) to all those activities of men.''

The woman then turned back happily saying: ''Lā ilāha illa Allāh'' and ''Allāhu Akbar''. (ad-Durru 'l-manthūr)

The author says: There are numerous traditions of similar import, narrated in the Shī'ah and Sunnī collections of hadīth. The most beautiful is the hadīth narrated in al-Kāfī from Abū Ibrāhīm Mūsā ibn Ja'far (peace be on both): ''Woman's jihād is (her) nice behaviour towards (her) husband.'' The most comprehensive is the sentence narrated in Nahju 'l-balāghah that also points to the basic reason of this legislation; and it has also been narrated by al-Kulaynī through his chain of narrators from 'Abdullāh ibn Kathīr from as-Sādiq (a.s.) from 'Alī (a.s.); and also through his chain from al-Asbagh ibn Nubātah from 'Alī (a.s.) quoting a letter which he (a.s.) had written to his son; ''Surely, woman is a flower, and not a steward.''

Also it has been narrated from the Prophet (s.a.w.a.) that he said: ‘‘Woman is but a doll; he who takes it should not destroy it.’’ The Messenger of Allāh (s.a.w.a.) used to wonder aloud: ‘‘How can you embrace the woman with a hand you had hit her with?’’

It is narrated also in al-Kāfī through his chain from Abū Maryam from Abū Ja‘far (a.s.) that he said: ‘‘The Messenger of Allāh (s.a.w.a.) has said: ‘What! does one of you hit the woman and then goes embracing her?’ ’’ Countless such statements are found in traditions; and one may understand from them the Islamic views on this subject.

Let us turn our attention to the above-mentioned hadīth of Asmā’ bint Yazīd al-Ansāriyyah. If we think over this and other similar traditions which show that women used to come to the Prophet (s.a.w.a.) and talk to him on religious matters that concerned them; and also look at various laws ordained by Islam about them, it will be clear that although they observed hijāb (purdah = vail) and confined themselves mostly to the domestic affairs, they were not prevented from approaching the highest authority, trying to solve the problems confronting them which they were unable to solve by themselves. This is the freedom of faith which we had described under the last verse of the chapter of ‘‘The House of ‘Imrān’’.

It may be inferred from this and other similar traditions that:

First: The woman’s life-style, preferred and liked by Islam, is that she should confine herself to the managernent of domestic affairs and bringing up the children. Of course, it is an emphasized sunnah and not an obligatory order. Yet the exhortation and persuasion to follow this highly recommended path had preserved and guarded this system, especially as the atmosphere was that of religion, and environment, of piety, when people sought the pleasure of Allāh and preferred the reward of hereafter over worldly gains, and women were brought up and trained in good characteristics like chastity and modesty, love of children and involvement in domestic life.

Their engagement in these affairs and their focus on revival of pure feelings (ingrained in their beings) prevented them from coming to men’s gatherings or mingling with men (even within the permitted limits). Its proof may be found in the un-interrupted continuation of this custom among the Muslims for centuries and centuries after the early days of Islam. This continued until the western licentiousness - called ‘‘freedom of women’’ - seeped into the society. It brought in its wake - for both men and women - moral corruption and life’s destruction in a way they do not realize - but will soon see. And if the people of the towns had believed and guarded (against evil), We would certainly have opened up for them blessings from the heaven and the earth, but they rejected so We overtook them for what they had earned [7:96]

Second: It is a part of the laid down sharī‘ah of Islam to forbid women to fight (in jihād), in the same way as they are prevented from judgeship and rulership.

Third: Islam has not left these deprivations (e.g., woman’s inability to participate in jihād in the way of Allāh) without suitably compensating the women for it, nor without making up for it with such virtuous acts of equal

value which have intrinsic real glory. For example, it has made good matrimonial behaviour as equal to jihād for women. May be, these virtues and glories have lost their value in our eyes - as we live in these days in this polluted atmosphere. But the Islamic social order evaluates every thing accurately and exhorts people to try to excel one another in human excellence which is appreciated by Allāh (and He measures everything with truth). When a person proceeds on the path he or she is required to walk on, and keeps to the lane prescribed for him or her, the Islamic society evaluates his/her achievement in such a way that various services and activities are considered equal in value to some other services and activities of the same importance. In the eyes of Islam, man's martyrdom on the battle-field and sacrifice of his life's blood - in spite of its great glory - is no better than woman's good matrimonial behaviour. Likewise, a ruler manages the affairs of society, and a judge sits in the judicial court. These are the jobs that give no privileges to their holders. If a ruler or a judge follows the path of truth and justice in his actions and decisions, he gets no worldly reward; on the other hand, he carries a heavy burden of responsibilities on his shoulders, and puts himself in various types of dangers and pit-falls which endanger his spiritual and material well-being - especially in respect of the rights of those who have no protector except the Lord of the worlds, and surely your Lord is on look-out. Now what superiority these officials have got over a woman who has been forbidden by religion to accept such responsibilities, and has been shown a different path and advised not to deviate from it.

Only that society can strengthen and revitalize these sociologically important and essential responsibilities (by encouraging a group to volunteer for them) which trains its members to come forward to do whatever they are called to, without any reservation.

No one can deny that social orders and human behaviour differ with changes in the societies' atmosphere. Look at that soldier who puts his life in the utmost danger - that of high-explosive bombs that would shatter his life. He volunteers for it for glory, hoping that his name will be included in the roll of honour as the one who sacrificed his life for his country. He prides himself on it considering himself superior to all, while he himself believes that death is total annihilation. Thus that supposed honour is mere imagination and that superiority just a myth. In the same way these film stars influence the whole society, basking in a glory which many heads of states would envy. But the work they do and the way they expose themselves to the public was considered for untold centuries the greatest disgrace a woman could face, the ugliest ignominy she could be accused of. Why this change? It is because the social environment decides what should be acceptable to the masses; it glorifies the vulgar and disgraces the respectable. That being the case, what is wrong if Islam exalts some things which we - living in this volatile era - consider vile; or if it regards some things with contempt which we consider good enough to be vied for. Remember that the environment in the early days of Islam was that of piety - where people preferred the hereafter to this world.

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CHAPTER 4, VERSES 36 - 42

وَاعْبُدُوا اللَّـهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا ۖ وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ
وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ ۗ إِنَّ
اللَّـهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا ﴿٣٦﴾ الَّذِينَ يَبْخَلُونَ وَيَأْمُرُونَ النَّاسَ بِالْبُخْلِ وَيَكْتُمُونَ مَا
وَالَّذِينَ يُنفِقُونَ أَمْوَالَهُمْ رِئَاءَ آتَاهُمُ اللَّـهُ مِن فَضْلِهِ ۗ وَأَعْتَدْنَا لِلْكَافِرِينَ عَذَابًا مُّهِينًا ﴿٣٧﴾
النَّاسِ وَلَا يُؤْمِنُونَ بِاللَّـهِ وَلَا بِالْيَوْمِ الْآخِرِ ۗ وَمَن يَكُنِ الشَّيْطَانُ لَهُ قَرِينًا فَسَاءَ قَرِينًا ﴿٣٨﴾
وَمَاذَا عَلَيْهِمْ لَوْ آمَنُوا بِاللَّـهِ وَالْيَوْمِ الْآخِرِ وَأَنفَقُوا مِمَّا رَزَقَهُمُ اللَّـهُ ۚ وَكَانَ اللَّـهُ بِهِمْ عَلِيمًا ﴿٣٩﴾
إِنَّ اللَّـهَ لَا يَظْلِمُ مِثْقَالَ ذَرَّةٍ ۖ وَإِن تَكُ حَسَنَةً يُضَاعِفْهَا وَيُؤْتِ مِن لَّدُنْهُ أَجْرًا عَظِيمًا ﴿٤٠﴾
فَكَيْفَ إِذَا جِئْنَا مِن كُلِّ أُمَّةٍ بِشَهِيدٍ وَجِئْنَا بِكَ عَلَىٰ هَـٰؤُلَاءِ شَهِيدًا ﴿٤١﴾ يَوْمَئِذٍ يَوَدُّ الَّذِينَ كَفَرُوا
وَعَصَوُا الرَّسُولَ لَوْ تُسَوَّىٰ بِهِمُ الْأَرْضُ وَلَا يَكْتُمُونَ اللَّـهَ حَدِيثًا ﴿٤٢﴾

And worship Allāh and do not associate any thing with Him, and do 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, and the companion at your side and the way-farer and those whom your right hands possess, surely Allāh does not love him who is proud, boastful (36). Those who are niggardly and bid people to be niggardly and hide what Allāh has given them out of His grace; and We have prepared for the unbelievers a disgraceful chastisement (37); And those who spend their property (in alms) to show to the people and do not believe in Allāh nor in the last day; and as for him whose associate is the Satan, an evil associate is he! (38) And what (harm) would it have done them if they had believed in Allāh and the last day and spent (benevolently) of what Allāh had given them? And Allāh knows them (39). Surely Allāh does not do injustice to the weight of an atom, and if it is a good deed He multiplies it and gives from Himself a great reward (40). How will it be, then, when We bring from every people a witness and bring you as a witness over these? (41) On that day will those who disbelieve and disobey the Messenger desire that the earth were levelled with them, and they shall not hide any word from Allāh (42).

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COMMENTARY

These seven verses exhort good-doing and spending in the way of Allāh, and promise good reward for it; at the same time, they condemn the opposite conduct, be it miserliness or spending for showing to the people.

QUR'ĀN: And worship Allāh and do not associate any thing with Him,: This is what is called monotheism; but here it refers to the monotheism in practice, i.e., doing good deed (including the benevolence which is the topic particularly mentioned here) only for the sake of Allāh's pleasure, seeking the reward of the hereafter, not for satisfying one's own desire as it would be tantamount to associating (one's desire) with Allāh.

This interpretation is supported by the verse's ending phrase which gives the reason of this order in these words: surely Allāh does not love him who is proud, boastful; and then identifies this unloved person as the one who is niggardly and the one who spends in charity only for showing to the people. These are the ones who associate something else with Allāh and do not worship Him alone. Then the talk proceeds: And what (harm) would it have done them if they had believed in Allāh and the last day ... Obviously, their polytheism emanates from their lack of belief in the Day of Judgment. Allāh says in another place: ... and do not follow desire, lest it should lead you astray from the path of Allāh; (as for) those who go astray from the path of Allāh, for them surely there is a severe punishment because they forgot the Day of Reckoning (38:26). It shows that those who go astray by following their desire - and every type of polytheism is [unmitigated] astraying - do so because they have forgotten the Day of Reckoning. Again Allāh says: Have you then seen him who takes his low desire for his god, and Allāh has made him err in spite of his knowledge ... (45:23). This makes it clear that to follow one's desire is to worship it, associating it with Allāh. It is clear from the above that monotheism in practice demands that whatever good one does, it should be purely for the sake of Allāh - in anticipation of His reward - remembering the Day of Reckoning when rewards and punishments will be awarded. On the other hand, polytheism in practice means forgetting the last day - if he had believed in it, he would not have forgotten it. Such a man does whatever he does, not for the divine reward, but because of what appears to his base desire as attractive, be it niggardliness or spending in charity in order that people should praise him for his generosity and so on. This man treats his desire as equal to his God, and associates it with Him.

The real purpose of the divine worship and unpolluted sincerity is that it should be for seeking Allāh's pleasure and getting His reward, not in pursuance of one's desire.

QUR'ĀN: and do good to the parents ... and those whom your right hands possess;: Obviously, the word ''ihsānā'' (اِحْسَاناً = to do good) is cognate accusative to emphasize a deleted verb; the completed sentence would mean 'do good to the parents, etc., to your utmost capability'. The infinitive verb, al-ihsān (اَلْاِحْسَانُ) uses the prepositions, bi (بِ) and ilā (إلي); it is said: I did good to (بِ = bi) him; or, I did good towards (إلي = ilā) him.

The words, ''and to the near of kin'' and the following words are in conjunction with ''the parents''. ''The near of kins'' means near relatives. [The neighbours have been classified in two groups:] the neighbour of (your) kin and the alien neighbour. This apposition of adjectives indicates that the former refers to a neighbour whose house is near yours, and the latter to the one who is at a distance, because al-janab (اَلْجَنَبَ) means alien.[32]

A tradition narrated from the Prophet (s.a.w.a.) limits neighbourhood to forty arm-lengths; while another one says, 'forty houses'. Probably the two traditions separately describe the two categories of the neighbours.[33]

The words, ‘‘the companion at your side’’, refer to the one who keeps your company remaining at your side. It covers companions in a journey as well as those who are with you at your residence and so on.

The word translated here as ‘‘the way-farer’’, literally means, ‘‘son of the way’’; it is as though nothing is known of his details exept that he is travelling on a path, and that there is none he could be related to, except the way he is proceeding on; so he is the son of the way. The phrase does not imply that he should be poor, in need of help, having no transport or provisions. The words, ‘‘those whom your right hands possess’’; refer to slaves; male and female, because they are counted here among those whom one must be good to; mostly they are referred to as those who are possessed ‘‘by your right hands’’, not as those possessed by you.

QUR’ĀN: surely Allāh does not love him who is proud, boastful;: ‘‘al-Mukhtāl’’ (اَلْمُخْتَالُ) means haughty, prancing, lost in his conceited thoughts; a horse is called al-khayl (اَلْخَيْلُ) because of its prancing walk. ‘‘al-Fakhūr’’ (اَلْفَخُورُ) is boastful. The two traits of pride and boastfulness are inseparable concomitants of excessive love of wealth and glory. That is why Allāh does not love a proud and boastful person, because his heart is attached to something other than Allāh. The next two verses expose these two characteristics when they say: Those who are niggardly ..., and, those who spend their property (in alms) to show to the people ...; the first group craves for wealth and the second for glory and fame - although the wealth and the fame are somewhat inseparable from each other.

This speech normally should have begun with exposition of their evil deeds, e.g., niggardliness, hiding the bounties received from Allāh, and other such things; but Allāh first mentioned these two adjectives to clearly show why Allāh does not love them.

QUR’ĀN: Those who are niggardly and bid people to be niggardly ...: It is through their wrong behaviour and bad example that they order people to be niggardly, whether they use any word to this effect or not. They are rich and wealthy; people try to attach themselves to them and therefore follow their examples; this results from the greed ingrained in human nature. In short, these rich people’s niggardliness is no less commanding than their words.

How do they hide the bounties which Allāh has given them out of His grace? They behave like, and pretend to be, a needy penniless person; they are annoyed when someone asks them for some help, but at the same time are afraid to refuse lest they are attacked, and it would be more disastrous if people turned their attention to their wealth. [So the remedy is to pretend to be poor.] The adjective, ‘un-believers’, at the end of the verse refers to these people who hide Allāh’s bounties they have received; the same is the root-meaning of the well-known ‘‘al-kāfir’’ (اَلْكَافِرُ) because he hides the truth by rejecting it.

QUR'ĀN: And those who spend their property (in alms) to show to the people ...!: That is, they spend for showing to the people. The verse proves that:

Showiness in charity or in any other good work is in fact polytheism, which shows that such a man does not believe in Allāh, because he has more confidence in people and in their appreciation.

It is also polytheism in practice, because that man does not want any reward of the hereafter for his deeds; his entire hope is to reap the fruit of his 'charity' in this world.

The person who does good deeds for showing to the people is associated with the Satan, and the Satan is an evil associate.

QUR'ĀN: And what (harm) would it have done them ...: The question arises from pity or amazement. The verse proves that refraining from spending benevolently in the way of Allāh emanates from lack of true belief in Allāh and the last day - although one may be pretending to have such belief.

The end sentence, and Allāh knows them, prepares the ground for the next verse. It is more in keeping with the import of this sentence to treat it as a circumstantial clause.

QUR'ĀN: Surely Allāh does not do injustice to the weight of an atom ...: ''al-Mithqāl'' (اَلْمِثْقَالُ = weight); ''adh-dharrah'' (اَلذَّرَّةُ) means small red ant; also a single dust particle floating in air which is hardly visible because of its smallness. The word mithqāla dharratin (مِثْقَالَ ذَرَّةٍ) stands in place of a cognate accusative; the meaning will be: Allāh does not do any injustice at all, not even equal in weight to an atom's.

The word hasanatan (حَسَنَةً) has also been read as hasanatun (حَسَنَةٌ). In latter case, it would mean, 'and if there is a good deed'; in the former case it denotes, 'and if that minute weight of atom is a good deed, Allāh multiplies it'. The verb, wa in taku (وَ اِنْ تَكُ), uses feminine pronoun either because the predicate hasanatan is feminine, or because the word mithqāl, being in genitive construction with dharrah - a feminine - has acquired feminity.

The context indicates that this verse gives a sort of reason for the preceding question. The meaning may be as follows: It is regrettable that they do not believe and do not spend in the way of Allāh. Had they believed and spent benevolently - and Allāh knows them well - He would not have done injustice to them even to the weight of an atom they had spent; Allāh would not have neglected it or left out its reward; and if it had been a good deed, He would have multiplied it.

And Allāh knows better.

QUR'ĀN: How will it be, then, when We bring from every people a witness ...?: We have described the meaning of witness to a certain extent when explaining the witnessing over deeds, in the exegesis of the verse, ... that you may be witness for the people ... (2:143).[34] Some more details will be given in a more a propriate place.

QUR'ĀN: On that day will those who disbelieve and disobey the Messenger ...: The clause, ''and disobey the Messenger'' clearly refers to disobeying his administrative orders, and not the disobedience of Allāh in matters of sharī'ah. The clause, the earth were levelled with them, is an indirect allusion to death, that is, nullity of existence. A similar expression appears in the verse, and the unbeliever shall say: ''O! would that I were dust'' (78:40).

QUR'ĀN: and they shall not hide any word from Allāh: It is apparent from the context that the sentence is in conjunction with, ''those who disbelieve ... [will] desire'', and it gives in a way the reason of their desire to die; that is, on that day they will be appearing before Allāh, nothing of their secrets will be hidden from Him because their total condition will be clearly seen by Him - their deeds will be present; their limbs and organs will give evidence against them; the prophets, angels and others will testify against them; and Allāh encompasses them on every side. In that situation they would desire they were non-existent, especially as they would not be able to hide any word from Allāh as their bad deeds and evil actions would be apprent for all to see.

As for the verse, On the day that Allāh will raise them up, then they will swear to Him as they swear to you, ... (58:18), we shall explain it later that their false swearing will be just a reflex action emanating from the habit of lying ingrained in their nature in this life; it will not be for hiding any word from Allāh - on a day when nothing of them will.be hidden from Him.

TRADITIONS

Salām al-Ju'fī narrates from Abū Ja'far (a.s.) and Abān ibn Taghlib from Abū 'Abdillāh (a.s.), that the word, the parents, in the clause, and do good to the parents, refers to the Messenger of Allāh (s.a.w.a.) and 'Alī (a.s.), (at-Tafsīr, al-'Ayyāshī). al-'Ayyāshī has further written: ''A similar meaning has been narrated in the hadīth of Ibn Jabalah. He says: 'It has been narrated from the Prophet (s.a.w.a.): ''I and 'Alī are the two parents of this ummah.'' ' ''

The author says: al-Bahrānī says, after quoting this tradition in his Tafsīru 'l-burhān: ''I say: It has been narrated also by the author of al-Fā'iq.''

al-'Ayyāshī has also narrrated it through Abū Basīr from Abū Ja'far and Abū 'Abdillāh (peace be on both): and Ibn Shahrāshūb has narrated it through Abān from Abū Ja'far (a.s.). The meaning exponded in this hadīth is from the inner and deeper strata of the Qur'ānic realities, as we have described in the third volume, under the topic of the decisive and ambiguous verses.[35]

The father is the physical progenitor of human being, and brings him up. That is why the teacher who leads the pupil to academic perfection is called his father. In this background, personages like the Prophet and waliyy (the best blessings be on them) have got much stronger right to be called the fathers of the believer (who is guided by them, and enlightened by their knowlege), than the physical father whose contribution is confined to his body's genesis and bringing up. Therefore, the Prophet and the waliyy are the parents; and all the Qur'ānic verses exhorting the people to be good to

their parents encompass these two, according to the inner Qur'ānic meaning, although the outer interpretation is restricted to the physical parents.

Abū Sālih narrates from Abu 'l-'Abbās in explanation of, and the neighbour of (your) kin and the alien neighbour, that he said: ''It is the neighbour who has no relationship with you; and the companion at your side means the companion in journey.'' (at-Tafsīr, al-'Ayyāshī).

The author says: The explanation of the neighbour cover both categories of neighbours, although it is possible to restrict it to the alien neighbour only. Probably the explanation of the companion with the companion in journey looks at one of its applications.

Mas'adah ibn Sadaqah narrates from Ja'far ibn Muhammad from his grandfather (peace be on them) that he said: ''The Leader of the faithful (a.s.) said in a sermon describing the terror of the Day of Resurrection: 'The mouths will be sealed so they would not speak; and will speak the hands, and will testify the legs, and will declare the skins what they had done; so they shall not hide any word from Allāh.' '' (ibid.)

Many reports have been given through the Sunnī chains that these verses were revealed about the Jews. These may be supported by the speech (beginning from the 44th verse), that describes the behaviour of the People of the Book (and especially the Jews) and condemns them for their miserliness, and their greed in accumulation of wealth; also for their whispering campaign among the believers putting evil thoughts in their minds that they should stop benevolent expenditure in the way of Allāh; for their temptation of the Muslims to lead them away from the right course and then leaving them helpless; and thus disrupting the endeavours of the Messenger of Allāh (s.a.w.a.). Nevertheless, such reports, more probably, merely apply the verses to a known situation, rather than describing the actual reason of revelation - as is the case with most of the reports giving reasons of revelation. That is why, in spite of their number, we have not quoted them here.

There are innumerable traditions reported from the Prophet and his progeny (blessings and peace from Allāh be on them) extolling the virtue of doing good to the parents, the relatives, the orphans and all the groups mentioned in this verse; moreover they are widely known and .famous. Therefore, we are not quoting them here. A part from that, each group has been especially mentioned in various places of the Qur'ān, and it would be more appropriate to write traditions relevant to them in those places.

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CHAPTER 4, VERSE 43

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّىٰ تَغْتَسِلُوا ۚ وَإِن كُنتُم مَّرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنكُم مِّنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ ۗ إِنَّ اللَّـهَ كَانَ عَفُوًّا غَفُورًا ﴿٤٣﴾

O you who believe! do not go near prayer when you are intoxicated until you know (well) what you say, nor when you are in a state of major ritual impurity, unless (you are) travelling on the road - until you have washed yourselves; and if you are sick, or on a journey, or one of you come from the privy or you have touched the women, and you cannot find water, betake yourselves to clean earth, then wipe a part of your faces and your hands; surely Allāh is Pardoning, Forgiving (43).

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COMMENTARY

It was mentioned [36] under the verse, They ask you about in-toxicants and games of chance, ... (2:219), that there are five different verses on the subject of intoxicants; if we put all of them side by side, it will appear that this verse (... do not go near prayer when you are intoxicated ...) was revealed after the verses, ... you obtain from them intoxication and goodly provision ... (16:67); and, Say: ‘‘My Lord has only prohibited indecencies, those of them that are apparent as well as those that are concealed, and sin ...’’ (7:33); but before the two remaining verses: They ask you about intoxicants and games of chance. Say: ‘‘In both of them there is a great sin and (some) profit for men; and their sin is greater than their profit.’’ (2:219), and, O you who believe! intoxicants and games of chance and (sacrificing to) stones set up and (dividing by) arrows are only an abomination of Satan’s handiwork; shun it therefore, that you may be successful (5:90). This was the last-revealed verse on this subject.

It may be possible in a way to arrange a different sequence for them: First 16:67, then 7:33, thereafter 2:219, fourth the verse under discussion, i.e., 4:43, and lastly 5:90. This will drastically change the description of the final and firm prohibition of intoxicants. It would indicate that the verse 7:33 forbade indecencies and sin in a vague manner, then came 2:219 definitely forbiding intoxicants; yet the Muslims found excuses to violate that order, until they were clearly told not to pray while intoxicated; thereafter came the verse 5:90, forbidding it in all conditions.

But if you ponder, you will appreciate that the former sequence is better and preferable to the latter - how can one justify this prohibition, limited to the prayer-time only, after the unambiguous and definite prohibition given in 2:219? Therefore, this verse (4:43) must have been revealed before 2:219.

Of course, if you say that praying while intoxicated means here praying lazily and sluggishly (as has been interpreted in some coming traditions), then there is nothing to argue.

As for the positioning of this verse between the preceding and following ones, it should be treated as a parenthetical speech. Of course, there is another possibility which would explain such parenthetical insertions, examples of which are not so rare in the divine Book: It could be that some verses, of one context and closely related to one another, were gradually revealed during a few days time; but before the end of the series, something happened which necessitated the revelation of one or more unrelated verses; when the series concluded, those unrelated verses would fail in between like parenthesis; although in reality it would not be totally unrelated, would be like a side talk for removing possible misunderstanding or fulfilling an urgent need. Look for example at the following verses:

Nay! man is evidence against himself, though he puts forth his excuses. Do not move your tongue with it to make haste with it. Surely on Us is the collecting of it and the reciting of it. Therefore when We have recited it, then follow its recitation. Again on Us is the explaining of it. Nay! But you love the present life, and neglect the hereafter (75:14 - 21). Look at the position of the verses: Do not move your tongue ... the explaining of it.

In this background, there is no need to belabour finding some sort of connection for every verse with the preceding and following verses. Moreover, it is known that the Qur'ān was revealed peacemeal, and there is no reason why there should be such connection, except in the chapters which were revealed all at once, or in those verses whose connection with one another is self-evident.

QUR'ĀN: O you who believe! ... what you say,: Prayer in this verse means mosque; that is why it goes on to prohibit entrance to those who are in a state of major ritual impurity.[37] The question arises as to why the house of prayer has metaphorically been called 'prayer'. The reply: It was necessary because of the clause, ''until you know (well) what you say''. Had Allāh said, 'do not go near mosque until you know what you say', it would have appeared disjointed, or given some other unintended meaning. The real purpose is to make them appreciate that during prayer they stand before the Most High, the Most Great God and get the honour of addressing the Lord of the worlds; it is not proper for them to become intoxicated and lose their sense with the abomination of intoxicant, not knowing what they were speaking. This meaning was more relevant to 'prayer'. But prayer is mostly offered in mosque with congregation, according to the system established by the Prophet (s.a.w.a.); and also it was intended to describe the law about entry of a person in condition of major ritual impurity into mosque. Therefore, brevity demands this metaphorical use and style, as you see.

Accordingly, the words, ''until you know (well) what you say'', give the reason of prohibition of drinking liquor in a way the intoxication continues till beginning of prayer. In other words, We have forbidden you liquor in order that you may know what you are saying; but it is not the main purpose of the prohibition - it does not mean that do not start prayer until you know what you say, but if you know what you say you may drink.

QUR'ĀN: nor when you are in a state of major ritual impurity, unless (you are) travelling on the road ...: It will be explained under exegesis of the

verse, O you who believe! when you rise up to prayer, wash your faces ... (5:6).

TRADITIONS

Muhammad ibn al-Fadl narrates from Abu 'l-Hasan (a.s.) about the words of Allāh: do not go near prayer when you are intoxicated ..., that he said: ''It was before liquor was prohibited.'' (at-Tafsīr, al-'Ayyāshī)

The author says: This tradition must be taken to mean that the verse was revealed before the prohibition of liquor was clearly expounded. Otherwise, it will go against the Qur'ān. The 33rd verse of the seventh chapter had clearly forbidden sin which includes intoxicants; and the 219th verse of the second chapter explicitly says that there is great sin in liquor. It means that liquor was forbidden in Mecca before the hijrah, because the seventh chapter is of Meccan period [and the second chapter was the first one revealed at Medina], and everyone knows that the verse under discussion was revealed at Medina [after the second chapter].

There are several other traditions through Sunnī chains saying that this verse was revealed before the prohibition of liquor. May be all such traditions take the word intoxicated to mean lethargic.

Zurārah narrates from Abū Ja'far (a.s.) that he said: ''Do not stand for prayer sluggishly, sleepily or sullenly, because it is a trait of hypocrisy; surely Allāh has forbidden the believers to stand for prayer while intoxicated - that is, from sleep.'' (ibid.)

The author says: The assertion that it is a trait of hypocrisy is based on the opening clause, O you who believe!; thus anyone disregarding this order is a hypocrite, not a believer. The phrase, 'that is, from sleep': May be it is an explanatory note of the narrator; or the wording of the Imām (a.s.) himself. In the latter case it will be an exposition of the inner meaning of the Qur'ān, or even the apparent one.

There are other traditions interpreting the intoxication as sleepiness. al-'Ayyāshī has narrated two such ahādīith in his at-Tafsīr; and al-Kulaynī has reported it in his al-Kāfī through Zayd ash-Shahhām from as-Sādiq (a.s.), and through Zurārah from al-Bāqir (a.s.). Also al-Bukhārī has narrated in his as-Sahīh through Anas from the Messenger of Allāh (s.a.w.a.).

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CHAPTER 4, VERSES 44 - 58

أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِّنَ الْكِتَابِ يَشْتَرُونَ الضَّلَالَةَ وَيُرِيدُونَ أَن تَضِلُّوا السَّبِيلَ ﴿٤٤﴾
وَاللَّـهُ أَعْلَمُ بِأَعْدَائِكُمْ ۚ وَكَفَىٰ بِاللَّـهِ وَلِيًّا وَكَفَىٰ بِاللَّـهِ نَصِيرًا ﴿٤٥﴾ مِّنَ الَّذِينَ هَادُوا يُحَرِّفُونَ
الْكَلِمَ عَن مَّوَاضِعِهِ وَيَقُولُونَ سَمِعْنَا وَعَصَيْنَا وَاسْمَعْ غَيْرَ مُسْمَعٍ وَرَاعِنَا لَيًّا بِأَلْسِنَتِهِمْ وَطَعْنًا فِي
الدِّينِ ۚ وَلَوْ أَنَّهُمْ قَالُوا سَمِعْنَا وَأَطَعْنَا وَاسْمَعْ وَانظُرْنَا لَكَانَ خَيْرًا لَّهُمْ وَأَقْوَمَ وَلَـٰكِن لَّعَنَهُمُ اللَّـهُ
بِكُفْرِهِمْ فَلَا يُؤْمِنُونَ إِلَّا قَلِيلًا ﴿٤٦﴾ يَا أَيُّهَا الَّذِينَ أُوتُوا الْكِتَابَ آمِنُوا بِمَا نَزَّلْنَا مُصَدِّقًا لِّمَا
مَعَكُم مِّن قَبْلِ أَن نَّطْمِسَ وُجُوهًا فَنَرُدَّهَا عَلَىٰ أَدْبَارِهَا أَوْ نَلْعَنَهُمْ كَمَا لَعَنَّا أَصْحَابَ السَّبْتِ ۚ
وَكَانَ أَمْرُ اللَّـهِ مَفْعُولًا ﴿٤٧﴾ إِنَّ اللَّـهَ لَا يَغْفِرُ أَن يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَٰلِكَ لِمَن يَشَاءُ ۚ وَمَن
يُشْرِكْ بِاللَّـهِ فَقَدِ افْتَرَىٰ إِثْمًا عَظِيمًا ﴿٤٨﴾ أَلَمْ تَرَ إِلَى الَّذِينَ يُزَكُّونَ أَنفُسَهُم ۚ بَلِ اللَّـهُ يُزَكِّي مَن
يَشَاءُ وَلَا يُظْلَمُونَ فَتِيلًا ﴿٤٩﴾ انظُرْ كَيْفَ يَفْتَرُونَ عَلَى اللَّـهِ الْكَذِبَ ۖ وَكَفَىٰ بِهِ إِثْمًا مُّبِينًا
﴿٥٠﴾ أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِّنَ الْكِتَابِ يُؤْمِنُونَ بِالْجِبْتِ وَالطَّاغُوتِ وَيَقُولُونَ لِلَّذِينَ
أُولَـٰئِكَ الَّذِينَ لَعَنَهُمُ اللَّـهُ ۖ وَمَن يَلْعَنِ اللَّـهُ فَلَن تَجِدَ لَهُ نَصِيرًا ﴿٥١﴾ أَمْ لَهُم نَّصِيبٌ مِّنَ الْمُلْكِ فَإِذًا لَّا يُؤْتُونَ النَّاسَ نَقِيرًا ﴿٥٢﴾ أَمْ
يَحْسُدُونَ النَّاسَ عَلَىٰ مَا آتَاهُمُ اللَّـهُ مِن فَضْلِهِ ۖ فَقَدْ آتَيْنَا آلَ إِبْرَاهِيمَ الْكِتَابَ وَالْحِكْمَةَ وَآتَيْنَاهُم
مُّلْكًا عَظِيمًا ﴿٥٤﴾ فَمِنْهُم مَّنْ آمَنَ بِهِ وَمِنْهُم مَّن صَدَّ عَنْهُ ۚ وَكَفَىٰ بِجَهَنَّمَ سَعِيرًا ﴿٥٥﴾ إِنَّ الَّذِينَ
كَفَرُوا بِآيَاتِنَا سَوْفَ نُصْلِيهِمْ نَارًا كُلَّمَا نَضِجَتْ جُلُودُهُم بَدَّلْنَاهُمْ جُلُودًا غَيْرَهَا لِيَذُوقُوا
الْعَذَابَ ۗ إِنَّ اللَّـهَ كَانَ عَزِيزًا حَكِيمًا ﴿٥٦﴾ وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ سَنُدْخِلُهُمْ جَنَّاتٍ
تَجْرِي مِن تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا أَبَدًا ۖ لَّهُمْ فِيهَا أَزْوَاجٌ مُّطَهَّرَةٌ ۖ وَنُدْخِلُهُمْ ظِلًّا ظَلِيلًا
﴿٥٧﴾ إِنَّ اللَّـهَ يَأْمُرُكُمْ أَن تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُم بَيْنَ النَّاسِ أَن تَحْكُمُوا
بِالْعَدْلِ ۚ إِنَّ اللَّـهَ نِعِمَّا يَعِظُكُم بِهِ ۗ إِنَّ اللَّـهَ كَانَ سَمِيعًا بَصِيرًا ﴿٥٨﴾

Have you not seen those to whom a portion of the Book was given? They buy error and desire that you should go astray from the way (44). And Allāh best knows your enemies; and Allāh suffices as a Guardian, and Allah suffices as a Helper (45). Of those who are Jews (there are those who) alter words from their places and say: ''We have heard and we disobey''; and: ''Hear, may you not be made to hear!''; and: ''Rā'inā'', distorting (the words) with their tongues and taunting about religion; and if they had said (instead): ''We have heard and we obey'', and ''hearken'', and ''unzurnā'', it would have been better for them and more upright; but Allāh has cursed them on account of their unbelief, so they shall not believe but a few (46). O you who have been given the Book! believe that which We have revealed, verifying what you have, before We alter faces then turn them on their backs, or curse them as We cursed the people of the Sabbath, and the command of Allāh shall be executed (47). Surely Allāh does not forgive that any thing should be associated with

Him, and forgives what is besides that to whomsoever He pleases; and whoever associates any thing with Allāh, he devises indeed a great sin (48). Have you not seen those who attribute purity to themselves? Nay, Allāh purifies whom He pleases; and they shall not be wronged the husk of a date-stone (49). See how they forge the lie against Allāh, and this is sufficent as a manifest sin (50). Have you not seen those to whom a portion of the Book was given? They believe in idols and false deities and say of those who disbelieve: ‘‘These are better guided in the path than those who believe’’ (51). Those are they whom Allāh has cursed, and whomever Allāh cursed you shall not find any helper for him (52) Or have they a share in the Kingdom? But then they would not give to people even the speck in the date-stone (53) Or do they envy the people for what Allāh has given them of His grace? So indeed We have given to Ibrāhīm's progeny the Book and the wisdom, and We have given them a grand kingdom (54). So of them is he who believes in him, and of them is he who turns away from him, and hell is sufficent to burn (55). (As for) those who disbelieve in Our signs, We shall make them enter fire; so oft as their skins are thoroughly burned, We will change for them other skins, that they may taste the chastisement; surely Allāh is Mighty, Wise (56). And (as for) those who believe and do good deeds, We will make them enter gardens beneath which rivers flow, to abide in them for ever; they shall have therein pure mates, and We shall make them enter a dense shade (57). Surely Allāh commands you to make over trusts to their owners and that when you judge between people you judge with justice; surely Allāh admonishes you with what is excellent; surely Allāh is Seeing, Hearing (58).

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COMMENTARY

These verses expose the condition of the People of the Book, giving details of their injustice, and also their deceptions concerning the divine religion; and these are more clearly applicable to the Jews. The verses are inter-related, having the same context.

As for the last verse, Surely Allāh commands you to make over trusts to their owners ..., some people have said that it is of Meccan period; they think that while the whole chapter, ‘‘The Women’’, is of Medinite period, two verses are of Meccan era - this as well as the last one of the chapter: They ask you about a decision of the law. Say: ‘‘Allāh gives you a decision ...’’ (4:176). (Vide Majma‘u ’l-bayān.) But the verse's connection with the preceding ones is quite clear; and the same is the case with the last verse of the chapter, because it promulgates a law about inheritance, and inheritance was ordained at Medina.

QUR'ĀN: Have you not seen those to whom a portion of the Book was given? ...: It has already been mentioned under verse 36 to 42 that they are somewhat connected with these ones, and that they were revealed about the Jews.

It appears from these verses that the Jews were in habit of presenting themselves as sincere well-wishers of the believers; they tempted the

believers away from the right path, inciting them to niggardliness, telling them not to spend benevolently. They knew that if the Muslims followed their advice, their (believers') endeavours would not achieve success, their efforts for advancement and progress would fail. It makes it certain that the verses were revealed about the Jews or about those who secretly talked to Jews and befriended them, then deviated from truth on their advice, tempted to niggardliness and then began telling others to be niggardly.

All this may be inferred from the words, ... and desire that you should go astray from the way. And Allāh best knows your enemies ...

The two verses, thus, mean as follows (and Allāh knows better): We have just described to you the condition of those who avoid spending, in the way of Allāh and indulge in pride, boasting, niggardliness and showiness. Do you want to see its concrete example? Look at the Jews. They were given a portion of the book, not the whole book as they claim. Yet they buy error instead of guidance; and they love that you too should go astray. They meet you with smiling faces, appear to you as good people and pretend to be your friends and helpers. They offer proposals which sometimes might seem good to you, which your hearts might be inclined to agree to. But their only desire is to turn you away from the right path - as they have gone astray themselves. And Allāh recognizes your enemies better than you do; and these are your enemies. Do not be deceived by their apparent good behaviour. Beware of them; do not obey their order; do not listen to their false words, nor be carried away by their sugar-coated talk. You suppose that they are your friends and helpers. Do you really need their false friendship and promised help? While Allāh suffices as a Guardian and Allāh suffices as a Helper. In presence of this Guardianship and Helper, why should you need their friendship and assistance?

QUR'ĀN: Of those who are Jews ... and taunting about religion;: ''Min'' (مِنْ = of, from), in the phrase translated here as ''Of those who are Jews'', is explicative that gives detail of the preceding phrase, ''those to whom a portion of the book was given'', from among the Jews. Or it joins with the preceding words, ''your enemies'', from among the Jews.

Also it is said that the phrase, ''Of those who are Jews'', is predicate of a deleted subject (which is understood by the attributive clause) ''alter words''; the meaning: Of those who are Jews, there is a group that alters words; or, there are those who alter words. It is not uncommon to mention an attribute and delete the noun to which it is related, Dhu 'r- Rummah says:

They remained and among them (there were those) whose tears flowed fast,

And there were others whose tears filled the eyes leisurely.

Allāh says that they alter words from their places. It may refer to literal alteration, i.e., they change the position of words, delete from and insert into the book, as is said about the present Torah. Or it may indicate that they misinterpreted the words of Mūsā (a.s.) and other prophets, reported in the Old Testament, giving it some unintended meaning, other than the actual one; as they misinterpreted the prophecies of Torah which referred to the Messenger of Allāh (s.a.w.a.), and had earlier done about the prophecies

referring to the Christ (a.s.), saying that the promised Messiah had not come yet; and they are waiting for him even today.

A third possibility: May be, the alteration of words from their places refer to their mischief mentioned soon after this sentence, where Allāh says: and [they] say: ‘‘We have heard and we disobey’’; and: ‘‘Hear, may you not be made to hear’’; and. ‘‘Rā‘inā’’, distorting (the words) with their tongues ... In that case, these sentences will be in conjunction with the words, ‘‘alter words’’. Alteration of words then will mean using a word in a wrong manner and wrong place. Usually when one says, ‘We hear’, it indicates obedience, and it is generally completed by saying, ‘We hear and obey’. It is totally disgraceful to say, ‘We hear and we disobey’; or to use the word, ‘We hear’, as a mockery or derision. Likewise, when one says, ‘Hear’, or ‘Listen’, it is a good manner to add, ‘May Allāh make you hear’; not ‘may you not be made to hear’, nor to say, ‘Rā‘inā’, which reportedly had in their language the import of, ‘Hear, may you not be made to hear’.

The words: ‘‘distorting (the words) with their tongues and taunting about religion’’: ‘‘al-layy’’ (أَلَّيُّ= to twist, to distort). They twist their tongues and present falsehood in the guise of truth, commit disrespect and ridicule in the form of politeness and courtesy. The believers used to address the Messenger of Allāh (s.a.w.a.) with the word, ‘‘Rā‘inā’’ (رَاعِنَا = pay attention to us) O Messenger of Allāh!’’ Their meaning: Please listen to us, so that we may fully explain what we want to say. The Jews, taking its advantage, started addressing him with the same word, rā‘inā, which in their language had a disrespectful connotation totally against his high status. That is why Allāh condemned them in this verse, saying, ‘‘Jews alter words from their places’’, and then explaining this alteration with examples: ‘‘[They] say: ‘We have heard and we disobey’; and:

‘Hear, may you not be made to hear’;’’ then adding as an explanatory apposition: rā‘inā. They commit this reprehensible deed by twisting their tongues for taunting at the true religion; as the verse says: ‘‘distorting (the words) with their tongues and taunting about religion’’. Both masdars have been put here as circumstantial clause.

QUR’ĀN: and if they had said (instead): ‘‘We have heard and we obey’’, and, ‘‘hearken’’; and ‘‘unzurnā’’, it would have been better for them and more upright;: It compares these words (which show religious reverence and submission to truth) with what they used to say (which was a result of twisting of tongues and taunting about religion); and declares that the former was better and more upright than the latter. But the fact was that there was no good or uprightness at all in the Jews’ words. [Then why this comparison? And why this comparative degree?]

Reply: The verse compares the good effect of the true words with what the Jews thought was a good effect of their words - although in reality there was no good effect in it at all; thus the comparison is between the real good effect and an imaginary good effect. The meaning: If they had said, ‘We have heard and we obey ...’, it would have been much better and more upright than the goodness they think is achieved by them through this tonguetwisting and taunting. The style is the same as the one used in the last

verse of the chapter 62 (‘‘Friday’’): And when they see merchandise or sport they break up for it, and leave you standing. Say: ‘‘What is with Allāh is better than sport and (better) than merchandise’’, and Allāh is the Best of sustainers (62:11).

QUR’ĀN: but Allāh has cursed them on account of their unbelief, so they shall not believe but a few: The Muslims should not entertain any hope that the Jews would ever say, ‘We have heard and we obey’; because it is the word of faith and belief and these are cursed people who would not enter the fold of true faith. That is why the preceding sentence, ‘‘and if they had said ...’’, uses conditional particle, law (لَوْ = if) which denotes impossibility of the conditional clause.

Apparently the preposition, bi (بِ = on account of, with) in the clause, ‘‘on account of their unbelief’’, denotes causality; not instrumentality. [They have been cursed because of their unbelief; not that they are cursed with unbelief.] Disbelief may be removed by belief; therefore disbelief, per se, cannot turn into such a curse as to make belief impossible. Rather, when they disbelieved (and Allāh will describe their disbelieving ways at the end of the chapter) Allāh cursed them on account of that unbelief, with such a curse as would make them cling to their faithlessness; so they shall not believe except a few of them.

(Ponder on it.)

The words, ‘‘so they shall not believe but a few’’: It has been said that, ‘‘but a few’’, is a conditional clause, that is, they shall not believe except being in small number.

Others have said that ‘a few’ is adjective to a deleted noun. it means: They shall not believe but a little belief. This interpretation too, like the preceding one, is acceptable, but it requires further elaboration that attachment of smallness to the ‘belief’ is a sort of attaching an adjective to a concomitant of its noun - they shall not believe but a belief in which the believers shall be small in number.

Some exegetes have written that ‘‘a little belief’’ means imperfect one; accordingly, it would mean: They shall not believe but such a small quantity of belief as would be worthless - it would not rectify the believer’s actions, nor purify his self, nor improve his wisdom. But this interpretation is wrong. Belief can be said to be deep-rooted or transient, perfect or imperfect - according to its various degrees. But it is never called ‘little’ or small in number. Therefore, this adjective cannot refer to ‘belief’, and especially in a book like the Qur’ān which is the most perfect in rhetorics.

Moreover, the belief mentioned in the verse refers either to the real belief rooted in heart (which is opposite of hypocrisy), or to the apparent belief which is sometimes called Islam. There is no doubt that Islam accords recognition to both types of belief, and the Qur’ānic verses explicitly accept even the latter concept. Allāh says: and do not say to any one who offers you salutation (peace), you are not a believer ... (4:94).

Apart from that, the exception has been made from the sentence, ‘‘Allāh has cursed them on account of their unbelief ...;’’ and the least degree of belief or apparent Islam was enough to justify that exception - that they

should have maintained correct manners and decorum by saying, 'We have heard and we obey', as the Muslims were doing.

What did put that exegete in this error? It was because he thought that as Allāh had cursed them because of their disbelief, it must be absolutely effective; in other words, not even a few of them would ever accept Islam. That led him to say that the exception means ''but a little quantity'' of faith, that is, an insignificant belief. He thought that only in this way the sentence, ''but Allāh has cursed them on account of their unbelief'', could be correctly explained. But he did not realize that such talks - and what they describe of evil characteristics, accusations and condemnations - apply to the society per se. It was the Jewish society, per se, which was subjected to curse, wrath and other general condemnations. They will not believe, will not attain felicity and will not succeed - and even now that society is in the same condition, and will remain so upto the Day of Resurrection.

As for the exception, it refers to individuals; and it does not effect a firm order decreed against a society if a few individuals are not subjected to it. Why was this exception necessary in this declaration? Because it is the individuals who constitute a society, when taken together. When Allāh said, ''they shall not believe'', it negated the belief from individuals - although it actually did so looking at them as a society. Still there was room for misunderstanding that the declaration covered every single member and none would ever be free from that curse. It was to remove that misconception that Allāh said, ''but a few''. The verse, therefore, runs on the line of the verse: And if We had prescribed for them: ''Kill yourselves'', or ''go forth from your homes'', they would not have done it except a few of them (4:66).

QUR'ĀN: O you who have been given the Book! ... people of the Sabbath: ''at-Tams'' (اَلطَّمْسُ = to efface, to obliterate);''al-wajh'' (اَلْوَجْهُ= face, that part of a thing which is seen, which faces you; a man's face is the side of head that is seen, which faces the addressee). The word is used in material as well as immaterial sense. ''al-Adbār'' is plural of ''ad-dubur'' (اَلدُّبُرُ = rear part, posterior). People of the Sabbath refers to a Jewish group which used to violate the rule of the Sabbath; therefore Allāh had cursed and transformed them. The Qur'ān says: And ask them about the town which stood by the sea; when they exceeded the limits of the Sabbath, when their fish came to them on the day of their Sabbath, appearing on the surface of the water, and on the day on which they did not keep the Sabbath they did not come to them (7:166). And certainly you have known those among you who exceeded the limits of the Sabbath, so We said to them: ''Be apes, despised and hated.'' So We made them an example to those who witnessed it and those who came after it ... (2:65 - 66).

The preceeding verses, as you know, had exposed the condition of the Jews or a group of them; the talk proceeded to say that they were inflicted with divine curse because they were faithless towards Allāh and His Messenger and corrupted what was good in their religion. That curse covered their whole society and deprived them of the divine help for believing - except for a few of them. [Coming to that stage] now the speech

is addressed to all the People of the Book, as may be seen from the words, ‘‘O you who have been given the Book’’: It invites them to believe in the Qur’ān, the revealed Book which verifies that which they have got; then it proceeds threatening them of definite infliction of divine wrath which awaits them in case they unjustifiably and arrogantly rebel against this order - alteration of faces or curse from God.

That threat is given in the words: ‘‘... before We alter faces then turn them on their backs, or curse them ...’’ Alteration of face means here changing a man’s face (with which he goes forward to obtain his life’s aims, to achieve the expected bliss and happiness). It does not mean here effacement that obliterates it, nullifying and erasing all its signs. Rather it denotes a change that will turn it to the back-side. Consequently, the more he advances on his way (going, by natural instinct, to the direction of his face), the more is he retarded backwards (because now he is facing his posterior). The more he goes ‘ahead’ to get what he thinks is good for his worldly life or religion, the more he accumulates evil and mischief. The more he progresses, the more is he retrogressed. Such a man can never succeed in his endeavours.

As for cursing them like the violators of the Sabbath, obviously it means metamorphosis, as the above-mentioned verses show that those violators were transformed into apes. Accordingly, the conjunctive, ‘or’, in ‘or curse them ...’, connotes its literal meaning of alternative. There is a difference between the two threats. The former, that is, alteration of faces, would change the life’s goals of the condemned group without affecting any substantial change in their physique. The latter, that is, curse like that of the violators of Sabbath, would change their goals of life by transmuting their body-structure from that of humans to that of animals like apes.

If these people continued in their rebellion - and they will surely do, as the end of the verse shows - they will be inflicted with one of the two punishments: Either alteration of faces or being cursed like the violators of the Sabbath. At the same time, the verse indicates that the punishment would not cover all of them. The word, ‘faces’, being a plural without definite article, does not connote all-inclusiveness. This in its turn points to another fine point: The talk threatens a people with a consequence which will in fact be inflicted to only a group of them; it was therefore more effective to keep it vague as to who would be punished; this vagueness would keep each of them trembling with fear. The description of the related misdeeds fitted every individual of that society. Therefore, no one could consider himself safe from this dire chastisement. This is a well-known style when delivering threats to a group.

Apparently the pronoun, hum (هُـمْ = them) in ‘‘or curse them’’, refers to ‘faces’. But the Arabic pronoun is [of masculine gender, and is] reserved for rational beings [like men, while ‘faces’ should take a singular feminine pronoun]. This clearly indicates that ‘faces’ refers to persons inasmuch as they turn towards their goals and objectives. That being the case, little credit can be given to those who interpret the alteration of faces and turning them on their backs in its literal meaning, that is, the physical faces would be

turned to the backside. There is strong indication that it means alteration of psyche whereby thinking becomes crooked and reality is distorted; when he sees a truth he turns aside, but as soon as a falsehood appears he runs towards it, craves for it.

This an example of divine management when Allāh wills to show His displeasure, as He says: And We will turn their hearts and their sights, even as they did not believe in it the first time, and We will leave them in their inordinacy, blindly wandering on (6:110).

The above discourse makes it clear that alteration of faces in this verse refers to a sort of divine management of soul which changes its nature. Consequently the psyche is inclined towards falsehood and keeps away from truth, as far as believing in Allāh and His signs is concerned. This is supported from beginning of the verse, where Allāh says: ‘‘... believe that which We have revealed ... before We alter faces ...’’. Also it is clear from above that the curse here means metamorphosis.

Someone has said: Alteration of faces means that some people’s faces will be turned towards their backs; and that it will happen in the last days of the world or on the Day of Resurrection.

COMMENT: The words, or curse them, goes against this interpretation, as explained earlier.

Someone else has said: This alteration indicates their being deprived of divine help in this world; they will ever remain in disgrace and misery; whenever they would proceed to an intended happiness, Allāh would change it to a mirage, an illusion devoid of good.

COMMENT: Although this explanation is not so far-fetched, the beginning of the verse does not support it, as mentioned above.

A third writer has said that it refers to their exile, and then return to the place they were exiled from. They were expelled from Hijāz to Syria and Palestine whence they had originally come.

COMMENT: It has been already said that the verse’s beginning as well as the context points to something else.

Nevertheless, all or most of the above explanations may be combined in the following way:- The phrase, altering of faces, means turning their hearts upside down and changing their inner self, facing from truth to falsehood; thus they shall never be able to believe in Allāh and His signs. Now, the true religion is the path without which man cannot arrive at blessings of worldly life; any one deviating from it must inevitably fall in fire-pit of corruption and mischief and stumble into abyss of destruction. Allāh says: Corruption has appeared in the land and the sea on account of what the hands of men have wrought, that He may make them taste a part of that which they have done ... (30:41); And if the people of the towns had believed and guarded (against evil), We would certainly have opened up for them blessings from the heaven and the earth; but they rejected, so We over-took them for what they had earned (7:96).

According to these premises, if one’s face is altered away from true religious realities, it would inevitably be turned away from all kinds of felicities of the worldly life. Whoever is debarred from blessings of religion will also be deprived of worldly blessings, like security of position, well-

ordered safety, independence and sovereignty; in short, every thing that contributes to good life and makes a work fruitful. If there happens to be some success there, it would be to the extent the religious discipline has seeped into their societies.

QUR'ĀN: and the command of Allāh shall be executed: What Allāh has decreed must take place without fail; and it has already happened, as Allāh has said in several verses of His Book: They are cursed, have been inflicted with divine wrath; and enmity and hatred has been established among them upto the Day of Resurrection.

QUR'ĀN: Surely Allāh does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases; ...: It appears from the context that the verse gives the reason for the preceding order, i.e., ''believe that which We have revealed, verifying what you have, before We alter faces ...''. Thus, its connotation will be as follows: If you do not believe in it, you shall be associating something with Allāh; but He does not forgive that any thing should be associated with Him; as a result of this polytheism, you will be inflicted with His wrath and punishment; consequently, He will alter your faces by turning them to your back-side; or He will curse you. This unforgiveness will bring in its wake the worldly consequences of polytheism, i.e., alteration of faces and divine curse.

This is the difference between this verse and another one of this very chapter: Surely Allāh does not forgive that any thing should be associated with Him, and He forgives what is besides this to whom He pleases; and whoever associates any thing with Allāh, he indeed strays off into a remote error (4:116). The verse under discussion (4:48) threatens with worldly consequences of polytheism, while 4:116 warns of the consequences in the hereafter. This differences is inferred from contexts, although by themselves both verses encompass both types of consequences.

Divine forgiveness or unforgiveness is not affected haphazadly or at random; it takes place according to some underlying reason - and Allāh is Mighty, Wise. He does not forgive polytheism because creation (being a divine mercy) stands on the foundation of worship and mastership. Allāh says: And I have not created the jinn and the human beings except that they should worship Me (51:56). And there is no worship, no servitude with polytheism. As for His forgiving other sins besides polytheism, it will be affected through intercession of rightful intercessors, like the prophets, the waliyys, the angels and the good deeds, details of which were given under the topic of intercession in the first volume.[38]

This verse does not speak about repentance, as it deals particularly with disbelief, and repentance does not combine with disbelief. Otherwise, every sin - including polytheism - is forgiven through repentance. Allāh says: Say: ''O my servants! who have acted extravagantly against their own souls, do not despair of the Mercy of Allāh; surely Allāh forgives the faults altogether; surely He is the Forgiving, the Merciful. And return to your Lord ...'' (39:53 - 54).

Polytheism, in the verse under discussion, certainly encompasses 'disbelief', because disbelief too shall not be forgiven, although formally it

is not called polytheism. The People of the Book are not called by the Qur'ān as polytheists, although their disbelief in the Qur'ān and the message of the Prophet was nothing other than polytheism. (Vide exegesis of the verse 221 of ch.2)[39]. The People of the Book, by not believing in what Allāh had sent down verifying what they had had in their hands, became unbelievers and they associated what was in their hands with Allāh - because Allāh had not ordered them to hold fast to their scriptures, etc., the way they did. When a believer in Mūsā (a.s.) disbelieved in 'Īsā (a.s.), he in fact disbelieved in Allāh and associated Mūsā with Him. Probably that is the reason why Allāh has used the clause, ''does not forgive that any thing should be associated with Him'', instead of saying, 'does not forgive polytheists (or polytheist)'.

The proviso, ''to whomsoever He pleases'' removes a possible misunderstanding that anybody can influence the divine judgment and affect forgiveness; nobody can order or compel Allāh, the Great, the High. In many places in the Qur'ān, we find the proviso of 'Allāh's pleasure' after description of confirmed realities; and the reason in all or most of them is the same removal of possible misunderstanding. For example, Allāh says: And as to those who are made happy, they shall be in the garden, abiding in it as long as the heavens and the earth endure, except as your Lord please, a gift which shall never be cut off (11:108).

Moreover, the reason demands that not every sinner should be forgiven; otherwise, it will render all orders and prohibitions ineffectual; promulgation of sharī'ah will be an exercise in futility; and the regimen of spiritual advancement laid down by Allāh will be disturbed. That is why Allāh has said: ''to whomsoever He pleases''. It also shows that for every sin punishment must be given to at least some of its perpetrators; otherwise its prohibition would be futile. This observation does not go contrary to the generality of the verses of forgiveness; we are talking, not about comprehensiveness of the promise, but about its actual occurance. After all, many sins are committed by those who definitely shall not be forgiven because of polytheism or other reasons.

The meaning, therefore, is as follows:

Surely Allāh does not forgive that any thing should be associated with Him, be it done by a polytheist or an unbeliever; He forgives other sins (besides polytheism) through intercession of a good servant or a good deed; yet He is not bound to forgive every sin of this kind to every sinner; it is for Him to forgive or not to forgive; and whatever He decides is based on reason.

QUR'ĀN: Have you not seen those who attribute purity to themselves?: ar-Rāghib has said, '' 'az-Zakāt' (اَلزَّآوة) basically denotes the growth emanating from divine blessing ... There are two ways for a man to attribute purity to himself: One is through [good] deeds; it is paiseworthy, and the verse, He indeed shall be successful who purifies himself [87:14], refers to it. The other is by words, e.g., attesting to another person's justice and probity. Such praise, if done for himself, is considered immoral. Allāh has clearly prohibited it: therefore do not attribute purity to your souls [53:32].

In this way, Allāh teaches good manners to man, because his praise for himself is repugnant in reason and sharī‘ah both. A wise man was asked: ‘What is repulsive, even if true?’ He said: ‘Man’s praising his own self.’ ’’.

The verse is a part of the series describing the conduct of the People of the Book. Obviously it was the People of the Book - or a group of them - who attributed purity to themselves. Here they have not been identified as ‘‘People of the Book’’, because it is not compatible with the knowledge of Allāh’s revelation to indulge in such contemptible acts. Those who persist in it have no connection with the Book or its knowledge.

This explanation is supported by their boastings quoted by Allāh in His Book: We are the sons of Allāh and His beloved ones (5:18); Fire shall not touch us but for a few days (2:80). Also their claim of being Allāh’s friends, as alluded to in 62:6, Say: ‘‘O you who are Jews, if you think that you are the friends of Allāh to the exclusion of other people ...’’ The verse under discussion, thus, speaks about the Jews; and is another testimony to the fact described in the preceding verses that they are too arrogant to submit to the truth or to believe in revelation sent by Allāh; the divine curse has engulfed them from all sides; and all this is a result of their self-complacency and self-praise.

QUR’ĀN: Nay, Allāh purifies whom He pleases: The talk turns from their attribution of purity to themselves and rebuts it, by declaring that purifying someone is one of the exclusive prerogatives of Allāh. A man may possibly acquire excellence and achieve a sort of spiritual superiority. But he cannot rely on it, cannot be self-complacent on its account, unless he thinks that he is totally independent and needs no help from God. This is tantamount to the claim of divinity; he associates himself with the Lord of the universe. But how can poor man, who does not control any harm or benefit for his own self, nor has any say about his death or life, be independent of Allāh in any good or excellence? Man in his own self and in all his conditions belongs exclusively to Allāh - without any exception; this includes the good he thinks he has got and all things concerning that good. Now is there anything left for man to call his own?

This vanity and conceit - which incites man to attribute purity to himself - is the self-appreciation which is a fundamental evil. Very soon such a conceited person falls in another vice, and that is pride. That pride reaches its limit when he overpowers others, subjugating the servants of Allāh. It leads to oppression and unlawfully exceeding the limit, sacrilege of inviolable matters, and plunging his hands in other people’s blood, honour and properties.

This happens when only an individual is inflicted with this spiritual melady. But if it infects others and turns into a social tradition and national character, then it brings catastrophe in its wake resulting in humanity’s destruction and society’s corruption. It is the trait Allāh attributes to the Jews when they said: There is not upon us in the matter of the unlearned people any way (to reproach), (3:75).

No man should attribute to himself any praiseworthy characteristic, no matter whether the claim be true or false. It is not he who owns those characteristics for himself; they actually belong to Allāh. Allāh is the real

owner of all that He has entrusted to man; it is He Who bestows superiority to whomsoever and in whatever way He pleases. It is His prerogative to purify whomsoever He pleases by bestowing on him superiority and grace; and to announce that servant's purity by extolling and praising him for his perfect virtues. He says about Ādam and Nūh: Surely Allāh chose Ādam and Nūh (3:33); about Ibrāhīm: surely he was a truthful (man), a prophet (19:41); and the same sentence has been used about Idrīs in 19:56. He says about Ya'qūb: and surely he was possessed of knowledge because We had given him knowledge (12:68); about Yūsuf: surely he was one of Our sincere servants (12:24); about Mūsā: surely he was one purified, and he was a messenger, a prophet (19:51); about 'Īsā: worthy of regard in this world and the hereafter and of those who are made near (to Allāh) (3:45); about Sulaymān: most excellent the servant! Surely he was frequent in returning (to Allāh) (38:30); and the same sentence is used about Ayyūb in 38:44. Again he directs Muhammad (s.a.w.a.) to say: Surely my Guardian is Allāh, Who revealed the Book, and He takes in hand (the affairs of) the good ones (7:196); and extols him in these words: And most surely you are on sublime morality (68:4). Similar extolling phrases may be seen regarding a number of prophets in chapters 6, 19, 21, 37, 38 and so on.

In short, the right to purify someone is reserved for Allāh. Nobody shares it with Him; anyone trying to do it starts from injustice and ends at injustice, while Allāh purifies with truth and justice in true measure without excess or shortfall. That is why the words, ''Allāh purifies whom He pleases'', have been followed by the statement, and they shall not be wronged the husk of a date-stone, which gives a sort of reason for above.

It appears from the context that the divine purification mentioned here refers to praise in words, to verbal attribution of excellence to good servants - although the phrase is general and, if not seen within this context, could encompass actual purification as well as the praise in words.

QUR'ĀN: and they shall not be wronged the husk of a date-stone: ''al-Fatīl'' (اَلْفَتِيْلُ) on paradigm of ''al-fa'īl'' (اَلْفَعِيْلُ) is derived from al-fatl (اَلْفَتْلُ = to twist together, to entwine) and means, entwined. It is also interpreted as the husk found in the furrow of, or inside, a date-stone. It is narrated in traditions of the Imams of Ahlu 'l-bayt (a.s.) that it is the spot on date-stone an-naqīr (اَلنَّقِيْرُ = tiny spot on a date-stone) al-qitmīr (اَلْقِطْمِيْرُ = pellicle enveloping a date-stone). Also it is said to mean dirt twisted worm-like with fingers. Anyhow it alludes to something utterly worthless.

The verse proves two things:-

First: No one having any excellence should be proud of it, nor should he indulge in self-appreciation. Rather it is an exclusive prerogative of Allāh, as the verse says, to purify those who deserve it. Let alone self-praise, the verse obviously indicates that one should not attribute excellence even to other virtuous persons, except in the way Allāh has praised them. It follows that excellence is only that which Allāh has praised and extolled. Any excellence that is not recognized by religion as such is not excellence at all. It does not mean that people should ignore other persons' virtues and excellence; nor that they should not recognize others' superiority or refuse

to give due respect to them. The virtues and excellence given by Allāh are among the signs of Allāh about which Allāh says: and whoever respects the signs of Allāh, this surely is (the outcome) of the piety of hearts (22:32). Accordingly, it is incumbent on an ignorant one to submit to a scholar, to accord him respect, as in this way he shall be following the truth. Allāh has said: Say: ‘‘Are those who know and those who do not know alike?’’ (39:9). At the same time, the scholar is not allowed to brag of his knowledge or to indulge in self-praise. The same applies to all genuine human virtues.

Second: Some of our ‘research scholars’, following a western ideology, have written that self-reliance is a valuable human virtue. But it is something that religion does not recognize, nor does it conform to the Qur’ānic taste. What the Qur’ān teaches on this subject is reliance on Allāh, getting strength from Allāh. The Qur’ān says: Those to whom the people said: ‘‘Surely men have gathered against you, therefore fear them’’; but this only increased their faith, and they said: ‘‘Allāh is sufficient for us and most excellent Protector is (He) (3:174); that the power is wholly Allāh’s (2:165); surely might is wholly Allāh’s (10:65). There are many verses of the same connotation.

QUR’ĀN: See how they forge the lie against Allāh, and this is sufficient as a manifest sin: Their self-praising - that they were children of God, and His beloveds and friends, etc. - is a lie against Allāh, as Allāh has not given them such distinction. Moreover, attribution of an excellence to oneself is in itself a lie against Allāh, even if the claim be true, (as was described above); because it is tantamount to associating oneself with Allāh, while He has no associate or partner in His Kingdom, as the Qur’ān says: and He has not a partner in the Kingdom (17:111).

Even if there were no evil other than its being a lie against Allāh, it would have been enough as a manifest sin. It is absolutely appropriate to call it a sin. Sin is a condemnable act which prevents man - or delays him - from achieving goodness; and this disobedience is a branch of polytheism which keeps man away from divine mercy. The same condition prevails in polytheism which throws man into disbelief. Compare the clause under discussion with the preceding verse, where the declaration, ‘‘Surely Allāh does not forgive that any thing be associated with Him, ...’’, has been followed by the clause, ‘‘and whoever associates any thing with Allāh, he devises (or, forges) indeed a great sin.’’

QUR’ĀN: Have you not seen those to whom a portion of the Book was given? They believe in idols and false deities ...: ‘‘al-Jibt’’ (اَلْجِبْتُ = translated here as idol) and ‘‘al-jibs’’ (اَلْجِبْسُ) means a thing which has no good in it. It has also been interpreted as ‘any thing that is worshipped other than Allāh’. ‘‘at-Tāghūt’’ (اَلطَّاغُوتُ = translated here as false deity) is, like ‘‘at-tughyān’’ (اَلطُّغْيَانُ = to exceed proper limits; oppression) a masdar which is generally used as an active particle. This too is said to mean anything which is worshipped other than Allāh. The verse points to an event in which some People of the Book had supported the unbelievers against the

believers, saying that the polytheists' path was more correct and more straight than that of the believers. They said it while they knew that the believers followed a monotheistic religion revealed in the Qur'ān which verified their own revelation; and that the polytheists believed in idols and false deities. This judgment was an acknowledgement by them that the polytheists had a share in the truth. By assigning truth to idols and false deities they had committed polytheism - they had shown their belief in those false deities which Allāh has accused them of, and then cursed them, saying: ''These are they whom Allāh has cursed ...''

This supports what has been narrated (about the cause of its revelation) that the Meccan polytheists had asked some People of the Book to adjudge between them and the believers as to whose religion was better; and they had decided in the polytheists' favour against the believers, as will be narrated under ''Traditions''.

The verse mentions their having been given a portion of the Book, to put more emphasis on their condemnation. They were supposed to be scholars of the Book which had exposed the falsity of idols, etc.; what could be more abominable, more disgraceful for such people than believing in idols and false deities?

QUR'ĀN: Or have they a share in the Kingdom? ... speck in the date-stone.: ''an-Naqīr'' (اَلنَّقِيْرُ) on paradigm of fa'īl, has the connotation of ''al-manqūr'' (اَلْمَنْقُوْرُ = tiny amount pecked from earth by a bird). Its another meaning has been written earlier under verse 49.

Some exegetes have said that the particle 'or' is unrelated to the preceding sentences. It therefore means 'rather'; and the interrogative implies refutation. The meaning: Rather, do they have a share in the kingdom? That is, they do not have any share.

Others have said that 'or' alludes to a deleted but understood clause. The meaning: Do they have more right of prophethood, or do they have a share in the kingdom? But it has been rebutted by others, saying that such deletion is allowed only in poetry, because of restrictions of meter; and there is no such limitation in the Qur'ān.

Apparently, 'or' is related; and the omitted alternative is the one to which the preceding verse (Have you not seen those to whom a portion of the Book was given?) points. The meaning therefore will be as follows: Do they have right to judge in any way they like, or do they have a share in the kingdom, or do they envy the people? This interpretation shows that all three questions are well-connected and the speech well-organized.

Kingdom denotes authority over material and spiritual affairs. It encompasses the 'kingdom' of prophethood, mastership and guidance, as well as that of people and property. This comprehensiveness is inferred from the preceding and following sentences. The preceding verse points to their claim that they could issue judgment against the believers; in other words, they had authority over spiritual matters. The ending clause,''But then they would not give to people even the speck in the date-stone'', refers to control over material things (or over all things including material ones).

Therefore, ‘‘the kingdom’’ in the verse covers both material and spiritual authority.

The meaning, therefore, will be as follows: Do they have any share in the kingdom of prophethood, mastership and guidance, etc., which Allāh has bestowed on His Prophet? Had it been so, they, because of their miserliness and evil nature, would not have given to the people even insignificant and worthless things. It is nearer in meaning to the verse 17:100; Say: ‘‘If you control the treasure of the mercy of my Lord, then you would withhold (them) from fear of spending.’’

QUR’ĀN: Or do they envy the people for what Allāh has given them of His grace?: It is the last of the three alternatives. The question is addressed to the Jews refuting their statement that the religion of polytheists was better guided and more upright than that of the believers’.

In this context ‘‘the people’’ refers to the believers; and ‘‘... what Allāh has given them of His grace’’ to the prophethood, the Book and the religious knowledge and realities. But the next sentence, So indeed We have given to Ibrāhīm’s progeny the Book and the wisdom ..., restricts the word, ‘people’, to the progeny of Ibrāhīm; thus ‘‘the people’’ would mean the Prophet (s.a.w.a.); because whatever divine grace, mentioned in the verse, was given to others, had come through him and by his blessings. It was already explained under the verse, Surely Allāh chose Ādam and Nūh and the descendants of Ibrāhīm ... (3:33), that ‘‘the descendants of Ibrāhīm’’ refers to the Prophet (s.a.w.a.) and his progeny.

There is no difficulty in using the word ‘people’ for a single person, as it is a usual style of allusion. You say to someone who always gives you trouble: Why do you trouble people? What have you got to do with people? By the word ‘people’, you mean your own self.

QUR’ĀN: So indeed We have given to Ibrāhīm’s progeny the Book and the wisdom: The sentence makes them despair in their envy, cutting off all hopes that this divine grace might be removed from Muhammad (s.a.w.a.), that this bounty might be taken back. Allāh has already given to Ibrāhīm’s descendants whatever He intended to give them of His grace, bestowed on them of His mercy as He was pleased to. Now, let them die in their desperation; their envy will not avail them anything. It shows that Ibrāhīm’s descendants may mean either the Prophet and his progeny (from among the descendants of Ismā‘īl) or all his descendants through Ismā‘īl and Ishāq, in order that it may include the Prophet (s.a.w.a.) who was the one envied by the Jews. But it cannot mean the Children of Israel from among Ibrāhīm’s descendants; otherwise, the speech will become topsy-turvy, confirming the Jews in their envy of the Prophet (s.a.w.a.), or of the believers (as the Prophet was among them). Obviously it would ruin the whole argument.

Also it is obvious from this sentence, as we have written above, that the envied people are from the progeny of Ibrāhīm, and it supports the view that the word, ‘‘the people’’, refers to the Prophet (s.a.w.a.). As for the believers, not all of them were from the progeny of Ibrāhīm, nor was there any superiority for the believers of his progeny over those who were not his descendants. The verse therefore cannot be applied to the believers. Also, mere believing in, and following, the religion of Ibrāhīm does not entitle the

believers to be named, ‘‘descendants of Ibrāhīm’’. Likewise, the verse, Most surely the nearest of people to Ibrāhīm are those who followed him and this Prophet and those who believe (3:68), shows the nearness of the believers to Ibrāhīm, but does not make them his descendants. Rather, by referring to them as those who followed him, (and not as his progeny), it proves that unrelated believers cannot be called as ‘‘descendants of Ibrāhīm’’.

The Ibrāhīm’s progeny, therefore, refers either to the Prophet alone, or to him together with his (Prophet’s) progeny and his grandfather, Ismā‘īl and others like him.

QUR’ĀN: and We have given them a grand Kingdom: It has already been explained that, in the light of the context, the kingdom here has a comprehensive meaning which encompasses spiritual authority including prophethood and real mastership over the people’s guidance. It should be kept in mind that Allāh does not attribute grandness and greatness to worldly kingdom if it does not lead to spiritual superiority or religious excellence.

This interpretation is also supported by the fact that Allāh has not mentioned prophethood and mastership when enumerating His grace to the progeny of Ibrāhīm (So indeed We have given to Ibrāhīm’s progeny the Book and the wisdom). It makes it certain that the prophethood and the mastership are included in the comprehensive term, ‘‘grand kingdom’’.

QUR’ĀN: So of them is he who believes in him, and of them is he who turns away from him: As translated here, the contrast between the two sides is clear and needs no further elaboration. But the latter clause may also be translated as follows: and of them is he who prevents (others) from (believing in) him. In that case, it would indicate that the Jews were not satisfied with just refusing to believe in Muhammad (s.a.w.a.); they endeavoured their utmost to hinder people from coming to the way of Allāh and believing in the revelation sent to the Prophet.

QUR’ĀN: and hell is sufficient to burn ...: It threatens them with burning in hell because they prevented people from believing in the Divine Book, and started the fire of mischief against the Prophet (s.a.w.a.) and the believers.

Then Allāh describes as to how the hell is sufficient for them; He says: (As for) those who disbelieve in Our signs, We shall make them enter fire. It goes on giving a description of their burning which also gives its reason It is followed by the verse, And (as for) those who believe and do good deeds, We will make them enter garden ... Thus the contradistinction between the two groups - those who believe in him and those who turn away, and hinder others, from him - becomes crystal clear; showing that they are poles apart so far as the happiness and unhappiness of the life hereafter is concerned; for one group are the gardens and their dense shade; for the other, blazing fire of the hell and roasting in it - May Allāh protect us from it.

The meaning of the verses is quite clear.

QUR’ĀN: Surely Allāh commands you to make over trusts to their owners and that when you judge between people you judge with justice; ..: The second clause, ‘‘and when you judge ...’’, has a clear connection with the preceding verses. The divine speech in those verses revolves around the

Jews' judgment that the polytheists were better guided in path than the believers. Allāh had mentioned in that verse that they were given a portion of the Book; and the Book clearly explains the divine signs and religious realities. It was a divine trust for which God had made them promise that they would teach it to people and not hide it from eligible persons.

These associations support the view that the word, 'trusts', has a wider meaning that covers material as well as spiritual trusts like true divine knowledge whose scholars are obliged to convey it to deserving persons.

In short, the Jews betrayed the divine trust they were entrusted with, i.e., they hide the knowledge of monotheism and the prophecies of Muhammad's advent, and did not disclose them when the time came. Not only that, they perverted justice when they adjudged between the believers and the polytheists, deciding in favour of idolatry against monotheism. Because of all this perfidy, they were cursed by Allāh and it pushed them to the blazing fire of hell. Now, the style changes from first person to third person, commanding people to hand over the trusts to their rightful owners and to do justice in judgment. ''Surely Allāh commands you to make over trusts to their owners and that when you judge between people you judge with justice; ...''

Of course, here we have extended the meaning of handing back the trust and deciding with justice; but it was done because of the context, as you have seen.

Objection: It is a deviation from the apparent meanings of trust and judgment. What one immediately understands from this verse is that it ordains two laws - obligation of handing back trusts to their owners and of a qādī to judge with justice.

Reply: General legislation cannot be restricted to the rules of fiqh (Islamic jurisprudence). For example, the Qur'ān has given general order making it obligatory to make over trusts and to do justice while giving judgment. A jurisprudent infers from it the laws concerning monetary trust and judgment of cases. Likewise, a scholar of theology finds in it reference to fundamentals of religion; and so on.

TRADITIONS

Ibn Ishāq, Ibn Jarīr, Ibnu 'l-Mundhir, Ibn Abī Hātim and al-Bayhaqī (in his ad-Dalā'il) have narrated from Ibn 'Abbās that he said: ''Rifā'ah ibn Zayd ibn at-Tābūt was one of the Jewish leaders; when talking to the Messenger of Allāh (s.a.w.a.), he used to twist his tongue, and say: 'Give us your ear, O Muhammad! so that we may explain to you.' Then he attacked Islam and criticised it. So Allāh revealed about him: Have you not seen those to whom a portion of the Book was given?... so they shall not believe but a little''. (ad-Durru 'l-manthūr)

Ibn Jarīr and Ibn Abī Hātim have narrated from as-Suddī, that he said about the verse, O you who have been given the Book! believe ...: ''It was revealed about Mālik ibn as-Sayf and Rifā'ah ibn Zayd ibn at-Tābūt from Banū Qaynuqā'.'' (ibid.)

Ibn Ishāq, Ibn Jarīr, Ibnu 'l-Mundhir, Ibn Abī Hātim and al-Bayhaqī (in his ad Dalā'il) have narrated from Ibn 'Abbās that he said: ''The Messenger of Allāh (s.a.w.a.) had a talk with some great Jewish rabbis including

‘Abdullāh ibn Sūriyā and Ka‘b ibn Asad. He said to them: ‘O Jewish people! Fear Allāh and accept Islam; for, by God! you surely know that what I have brought to you is certainly true.’ They said: ‘We do not know it, O Muhammad!’ Then Allāh revealed about them: O you who have been given the Book! believe that which We have revealed …,’’ (ibid.)

The author says: Obviously the noble verses were revealed about the Jews (among the People of the Book), as has been explained earlier. But the above-quoted reasons of revelation are no more than attempts to apply the verses to some known persons - as is the case with most of traditions purporting to give reason of revelation; and Allāh knows better.

an-Nu‘mānī has narrated through his chain from Jābir a long hadīth from al-Bāqir (a.s.), describing the uprising of as-Sufyānī, which inter cilia says: ‘‘And the commander of as-Sufyānī’s army will come down in a desert; and a caller will call from the heaven: ‘O desert! destroy these people.’ So they will be sunk into ground, and none will escape except three persons; Allāh will turn their faces to their back-side; and they will be from (the tribe of) Kalb. It is about them that the verse was revealed: O you who have been given the Book! believe that which We have revealed, verifying what you have, before We alter faces then turn them on their backs, ...’’ (Tafsīr al-Burhān).

The author says: A similar tradition has been narrated by al-Mufīd through his chain from Jābir from al-Bāqir (a.s.).

[as-Sadūq] has narrated through his chains from Thuwayr from his father that ‘Alī (a.s.) said: ‘‘No Qur’ānic verse is dearer to me than the words of [Allāh] the Mighty, the Great: Surely Allāh does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases.’’ (Man lā yahduruhu ’l faqīh).

The author says: [as-Suyūtī] has narrated it in ad-Durru ’l-manthūr from al-Fariyābī and at-Tirmidhī (who has said that it was a ‘good’ tradition) from ‘Alī (a.s.).

Ibn Jarīr and Ibn Abī Hātim have narrated from Ibn ‘Umar that he said: ‘‘When the verse was revealed: Say: ‘O my servants! who have acted extravagantly against their own souls, do not despair of the mercy of Allāh, surely Allāh forgives the faults altogether ...’ [39:53], a man stood up and said: ‘And polytheism? O Prophet of Allāh!’ The Prophet (s.a.w.a.) disliked that (question); and then said: Surely Allāh does not forgive that any thing should be associated with Him ...’’ (ad-Durru ’l-manthūr)

Ibnu’l-Mundhir has narrated from Abū Mijlaz that he said: ‘‘When the verse was revealed, Say: ‘O my servants! who have acted extravagantly against their own souls ...’, the Prophet (s.a.w.a.) stood on the pulpit and recited it before the people. A man stood up and said:. ‘And associating something with Allāh?’ [The Prophet] remained silent. [This happened] two or three times. Then this verse was revealed: Surely Allāh does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases ... But that was included in [the chapter of] az-Zumar [The Companies] and this in an-Nisā’ [The Women].’’ (ibid.)

The author says: It has already been explained that the verse of az-Zumar [39:53], in the context of the verses following it, clearly speaks about

forgiveness through repentance. There is no doubt that repentance erases all sins including polytheism; and the verse under discussion [4:48] deals with something other than repentance. There is no contradiction between the two, and there is no reason to suppose that either of them abrogates or restricts the other.

There is a tradition on this verse in Majma'u 'l-bayān, narrated from al-Kalbī which says: ''It was revealed about certain polytheists, Wahshī and his companions. It so happened that when he killed Hamzah - and he was promised emancipation in exchange of Hamzah's murder, which was not fulfilled. When he came (back) to Mecca, he felt remorse for his action - he and his companions. So they wrote to the Messenger of Allāh (s.a.w.a.): 'We are sorry for what we have done; and nothing prevents us from (accepting) Islam except that we had heard you saying when you were at Mecca: And they who do not call upon another god with Allāh and do not slay the soul which Allāh has forbidden except in the requirements of justice, and (who) do not commit fornication, and he who does this shall find a requital of sin ... [25:68]. But we have called upon another god with Allāh, and killed the soul which Allāh had forbidden, and committed fornication.Had there not been this snag, we would certainly have followed you.' Thereupon the following [two verses] were revealed: Except him who repents and believes and does a good deed ... he surely turns to Allāh a (goodly) turning (25:70 - 71)

''The Messenger of Allāh (s.a.w.a.) sent these (verses) to Wahshī and his companions. On reading it, they wrote back to him, 'This is a tough condition indeed; we are afraid that we might not do a good deed and, thus, might not be among the people of this verse.' Then the verse was revealed: Surely Allāh does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases ... The Prophet sent it to them; they read it and (again) wrote to him, 'We are afraid that we might not be among the people (worthy) of His pleasure.' Then came down the verse: Say: 'O my servants! who have acted extravagantly against their own souls, do not despair of the mercy of Allāh; surely Allāh forgives the faults altogether.' [39:53]. [The Prophet] sent it to them. When they read it, he and his companions entered into the fold of Islam, returned to the Messenger of Allāh (s.a.w.a.), and he accepted from them [their conversion to Islam]. Then he said to Wahshī: 'Tell me how did you slay Hamzah?' When he informed him, [the Prophet] said: 'Woe unto thee! Hide yourself from me.' Therefore, Wahshī went away to Syria and remained there until he died.''

The author says: Also ar-Rāzī has quoted it in his Tafsīr from Ibn 'Abbās. If one ponders on the contexts of the verses which this tradition alleges the Messenger of Allāh (s.a.w.a.) to go on writing to Wahshī, he will have no doubt that the 'tradition' was certainly a forgery. The forger wanted people to believe that Wahshī and his companions were forgiven in advance even if they were to commit every big and small sin. He picked up various Qur'ānic verses from different places, taking an excepted clause from one place, and a general one from another; while each verse has a separate context of its own, and is inespararable from its preceding and following

verses with which it is interlinked, and cannot be looked at in isolation. But the forger dissected and re-arranged them in such a way as to suit this astonishing bargaining between the Prophet (s.a.w.a.) and Wahshī. An exegete has aptly commented on this tradition: ‘‘It looks as if they want to prove that Allāh, Glorified be He, was flirting with, Wahshī!’’

The forger’s only motive was to glorify Wahshī with an unprecedented excellence - a firm and irrevocable forgiveness which could not be affected by any sin he chose to commit, any depravity he decided to indulge in. This would result in abolition of punishments for sins; in other words, it would abrogate all system of sharī‘ah, freeing mankind from all responsibilities, as the Christians think. Rather it would be more ignominious, because the Christians have abolished the sharī‘ah in exchange of the sacrifice of a person like Jesus Christ, while this forger wants to abolish it just in compliance with Wahshī’s desire.

This Wahshī was a slave of Ibn Mut‘im; he killed Hamzah at Uhud and went back to Mecca. When Tā’if was conquered [after the conquest of Mecca], he accepted Islam; but the Prophet (s.a.w.a.) told him, ‘‘Hide yourself from me.’’ He went to Syria and lived at Hims. During the reign of ‘Umar he was employed as an account clerk, but was dismissed because of his alcoholism, for which he was flogged several times. He died during the reign of ‘Uthmān, reportedly of alcoholism.

Ibn ‘Abdi ’1-Barr has narrated through his chain from Ibn Ishāq, from ‘Abdullāh ibn al-Fadl, from Sulaymān ibn Yasār, from Ja‘far ibn ‘Amr ibn Umayyah ad-Damrī that he said: ‘‘I went out (on a journey) with ‘Abdullāh ibn ‘Adiyy; we passed through Hims, and Wahshī was there. We thought, why not go to him and ask him how he had killed Hamzah. We met someone while we were enquiring about him. That man said, ‘He is a man worsted by liquor; if you find him in sober condition you will find him an eloquent person who will tell you whatever you want from him; but if you find him in another condition, leave him alone.’ So we proceded until we came to him.’’ (The report continues with description of Wahshī’s killing of Hamzah in the battle of Uhud.) (al-Istī‘āb).

Mutrif ibn Shakhīr narrates from ‘Umar ibn al-Khattāb that he said: ‘‘In the days of the Messenger of Allāh (s.a.w.a.), when one of us died commiting a major sin, we used to testify that he was among the inmates of fire; until this verse was revealed - then we refrained from (such)

testimonies.’’ (Majma‘u ’l-bayān)

Ibnu ’l-Mundhir has narrated through al-Mu‘tamar ibn Sulaymān from Sulaymān ibn ‘Utbah al-Bāriqī that he said: ‘‘Ismā‘īl ibn Thawbān told us, ‘I went to the mosque before the great plaque, and heard them saying: And whoever kills a believer intentionally, his punishment is hell;... [4:93]. The Emigrants and the Helpers then said, ‘‘Hell is firmly decreed for him.’’ But when the verse [4:48] was revealed: Surely Allāh does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases; they said, ‘‘Whatever God intends; Allāh does what He pleases.’’ ’ ’’ (ad-Durru ’l-manthūr)

The author says: Also a nearly similar tradition has been narrated from Ibn ‘Umar through several chains. But there is something wrong in all these

traditions. We do not think that the companions of the Messenger of Allāh (s.a.w.a.) in general were so ignorant as not to understand that this verse (Surely Allāh does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases) adds nothing new to the verses of intercession, as was described earlier. Nor could they be oblivious of the fact that most of the verses of intercession were long ago revealed at Mecca. For example,And those who they call upon besides Him have no authority for intercession, but he who bears witness of the truth and they know (43:86). Likewise, there are verses in chapters 10, 20, 21, 34, 53 and 74; all of them are of the Meccan period and all prove intercession, as explained earlier. These verses cover all sins; they lay down only two conditions: One on the part of the candidate of intercession, that he should be following the religion approved by Allāh, that is, monotheism and rejection of polytheism; the other on the side of Allāh that He forgives whomsoever He pleases. In short, they say that divine forgiveness encompasses all sins (except polytheism) depending on the pleasure of Allāh. This is exactly what this verse says: Surely Allāh does not forgive that ... and forgives what is besides that to whomsoever He pleases.

Now we come to those verses which threaten one who kills a believer without legal justification, or eats interest, or misbehaves towards relatives, with abiding punishment of fire. For example, And whoever kills a believer intentionally, his punishment is hell; he shall abide in it, and Allāh will send His wrath on him ... (4:93); about interest: ... and whoever returns (to it) - these are the inmates of fire; they shall abide in it (2:275); about those who cut asunder the relationship: ... upon them shall be curse and they shall have the evil (issue) of the abode (13:25). There are other verses of the same import; and all of them issue threat of evil consequences of sin and mention the hell as the recompense. Yet there is no clear declaration in them that it is a firmly-decreed punishment which cannot be changed or waived.

In short, the verse under discussion (4:48) does not contain anything more than the verses of intercession; and there was no reason for the companions to behave in the way they are reported to do. They could not have thought that the verses of major sins ordained irrevocable punishment of fire, so that they could testify for a perpetrator of a major sin that he was among the inmates of fire. Nor was it possible for them to understand from the verse 4:48 (the verse of forgiveness) what they had not already understood from the verses of intercession. How could they say that this verse had abrogated or restricted the verses of major sins?

Even one of these traditions gives the same indication. as-Suyūtī has narrated from Ibnu 'd-Durays, Abū Ya'lā, Ibnu '1-Mundhir and Ibn 'Adiyy, through correct chains from Ibn 'Umar that he said: ''We used to refrain from asking (from Allāh) forgiveness for perpetrators of major sins, until we heard from our Prophet (s.a.w.a.), Surely Allāh does not forgive that any thing should be associated with Him, and forgives what is besides that to whomsoever He pleases. And he (the Prophet, s.a.w.a.) said, 'I have saved my prayer (and) my intercession for the people of major sins of my ummah.' Therefore, we stopped from many things that were in our minds, and we talked and entertained hope (for sinners).'' (ad-Durru 'l-manthūr).

This tradition apparently shows that the companions understood the same thing from the verse of forgiveness which they did from the hadīth of intercession. Yet one question remains: How was it that they understood the possibility of forgiveness for major sins from the hadīth of intercession, but had not understood the same from the Meccan verses of intercession, in spite of their numerousness, and clarity of meaning, when they were revealed years ago? I don't know.

There is a tradition about the verse, Have you not seen those to whom a portion of the Book was given? ... better guided in the path than those who believe, narrated by al-Bayhaqī (in the ad-Dalā'il) and Ibn 'Asākir (in his at-Tārīkh)from Jābir ibn 'Abdillāh that he said, ''When the affairs of the Prophet (s.a.w.a.) reached the stage they did, Ka'b ibn al-Ashraf withdrew himself and arriving at Mecca stayed there and said, 'I will not help (anyone) against him (i.e., the Prophet) nor will I fight him.' He was asked in Mecca, 'O Ka'b! Is our religion better, or that of Muhammad and his companions?' He replied, 'Your religion is better and older, while Muhammad's religion is new.' Then the verse was revealed about him: Have you not seen those to whom a portion of the Book was given? ...'' (ad-Durru 'l-manthūr)

The author says: There are various traditions giving the reason of its revelation in different ways, the soundest of which is the above-quoted one. But all agree on the basic fact, that some Jews had delivered judgment in favour of the Quraysh against the Prophet (s.a.w.a.) that the former's religion was better than the Tatter's.

ash-Shaykh has narrated through his chain from Jābir about the verse, Or do they envy the people for what Allāh has given them of His grace?, that al-Bāqir (a.s.) has said, ''We are the people.'' (Tafsīr al-Burhān)

[al-Kulaynī] has narrated through his chain from Barīd that al-Bāqir (a.s.) said in a hadīth, inter alia, about this verse, ''We are the envied people.'' (al-Kāfī)

The author says: This meaning has been narrated from the Imāms of Ahlu 'l-bayt (a.s.) through numerous, nearly mutawātir chains, which are found in the books of Shī'ite tradition, like al-Kāfī, at-Tahdhīb, Ma'āni 'l-akhbār, Basā'iru 'd-darajāt, at-Tafsīr of al-Qummī, al-'Ayyāshī and others.

There are also traditions from the Sunnī chains which give the same meaning. Ibnu '1-Maghāzilī has narrated a marfū' hadīth from Muhammad ibn 'Alī al-Bāqir (peace be on both) that he said about this verse: ''We are the people, by God!''

as-Suyūtī has narrated from Ibnu 'l-Mundhir and at-Tabarānī through 'Atā' that Ibn 'Abbās said about this verse, ''We are the people, to the exclusion of (other) people.'' (ad-Durru 'l-manthūr)

The same book narrates from 'Ikrimah, Mujāhid, Muqātil and Abū Mālik that ''the people'' means the Messenger of Allāh (s.a.w.a.). We have explained that apparently ''the people'' refers to the Messenger of Allāh (s.a.w.a.); and that his Ahlu 'l-bayt are joined to him.

Humrān has narrated about the verse, So indeed We have given to Ibrāhīm's progeny the Book and the wisdom, and We gave them a grand kingdom, that al-Bāqir (a.s.) has said: ''The Book means 'prophethood'; the

Wisdom refers to ‘understanding and judgment’; and the grand Kingdom is ‘obedience’. (at-Tafsīr, al-‘Ayyāshī).

The author says: Obedience means their obedience which is obligatory on the ummah, as has been explained in traditions. There are a lot of ahādīth giving this interpretation; some of which explain the ‘obligatory obedience’ as the Imāmate and Caliphate, see for example the one given in al-Kāfī through Barīd from al-Bāqir (as.).

The verse, (As for) those who disbelieve in Our signs ...: al-Qummī writes in his at-Tafsīr that the ‘signs’ are the Leader of the faithful and the Imāms, peace be on them all.

The author says: It is based on the principle of the flow of the Qur’ān.

[ash-Shaykh] has narrated through his chain from Hafs ibn Ghiyāth al-Qādī that he said: ‘‘I was in the presence of the noblest of all Ja‘fars, [that is] Ja‘far ibn Muhammad (peace be on both) when he was (forcibly) brought (to Kūfah from Medina) by al-Mansūr. Then Ibn Abi’l-‘Awjā’, an atheist, came to him and said, ‘What do you say about this verse: so oft as their skins are thoroughly burned, We will change for them other skins, that they may taste the chastisement? Suppose these skins had disobeyed and were therefore punished; but what about the other (skins)?’ Abū ‘Abdillāh (a.s.) said, ‘Woe unto thee! It is the same and (yet) it is another.’ (Ibn Abi ’l-‘Awjā’) said, ‘I do not understand this reply.’ Then he (the Imām, a.s.) said, ‘Suppose a man takes a brick, and breaks it; then pours water on it, kneads it and returns it to its former shape. Isn’t it the same (brick) and yet another?’ He said, ‘Certainly. May Allāh let (us) benefit from you!’ ’’ (al-Majālis).

The author says: It has also been narrated in al-Ihtijāj, through Hafs ibn Ghiyāth from him (a.s.); al-Qummī too has reported it without chains in his at-Tafsīr. The reply points to the fact that with preservation of the form, the matter remains the same; man’s body, like its various organs and limbs, remains the same as long as the man is the same - even if there happen to be some changes in the body.

as-Sādiq (a.s.) was asked about the words of Allāh: they shall have therein pure mates. He said, ‘‘Pure mates are those who do not menstruate nor do they drop excrement.’’ (Man lā yahduruhu’l-faqīh).

It is narrated from Muhammad ibn Ibrāhīm an-Nu‘mānī through his chain from Zurārah that he asked Abū Ja‘far Muhammad ibn ‘Alī (peace be on both) about the words of Allāh: Surely Allāh commands you to make over trusts to their owners and that when you judge between the people you judge with justice. (The Imām, a.s.) said, ‘‘Allāh has commanded the Imām to hand over the trust [i.e., the imāmate] to the [next] Imām coming after him; he has no right to keep it from him. Do you not hear the words of Allāh, and that when you judge between the people you judge with justice; surely Allāh admonishes you with what is excellent? They are the judges, O Zurārah! [Allāh] has addressed it to the judges.’’

The author says: The former part of the hadīth is narrated from the Imāms (a.s.) through numerous chains. The latter part shows that this interpretation is based on the flow of the Qur’ān; and that the verse has been revealed concerning general administration of justice and giving everyone

his due right. Consequently, it is applicable also to the Imāmate as explained earlier.

A similar interpretation has been narrated [by as-Suyūtī] from Sa‘īd ibn Mansūr, al-Fariyābī, Ibn Jarīr, Ibnu ’l-Mundhir, and Ibn Abī Hātim from ‘Alī ibn Abī Tālib that he said: ‘‘It is incumbent on the Imām to judge according to what Allāh has revealed and to hand over the trusts. When he does so, then it is incumbent on people to listen to him, to obey him and to answer when they are called.’’ (ad-Durru ’l-manthūr)

CHAPTER 4, VERSES 59 - 70

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّـهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنكُمْ ۖ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ
فَرُدُّوهُ إِلَى اللَّـهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّـهِ وَالْيَوْمِ الْآخِرِ ۚ ذَٰلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾
أَلَمْ تَرَ إِلَى الَّذِينَ يَزْعُمُونَ أَنَّهُمْ آمَنُوا بِمَا أُنزِلَ إِلَيْكَ وَمَا أُنزِلَ مِن قَبْلِكَ يُرِيدُونَ أَن يَتَحَاكَمُوا إِلَى
الطَّاغُوتِ وَقَدْ أُمِرُوا أَن يَكْفُرُوا بِهِ وَيُرِيدُ الشَّيْطَانُ أَن يُضِلَّهُمْ ضَلَالًا بَعِيدًا ﴿٦٠﴾ وَإِذَا قِيلَ لَهُمْ
تَعَالَوْا إِلَىٰ مَا أَنزَلَ اللَّـهُ وَإِلَى الرَّسُولِ رَأَيْتَ الْمُنَافِقِينَ يَصُدُّونَ عَنكَ صُدُودًا ﴿٦١﴾ فَكَيْفَ إِذَا
أَصَابَتْهُم مُّصِيبَةٌ بِمَا قَدَّمَتْ أَيْدِيهِمْ ثُمَّ جَاءُوكَ يَحْلِفُونَ بِاللَّـهِ إِنْ أَرَدْنَا إِلَّا إِحْسَانًا وَتَوْفِيقًا ﴿٦٢﴾
أُولَـٰئِكَ الَّذِينَ يَعْلَمُ اللَّـهُ مَا فِي قُلُوبِهِمْ فَأَعْرِضْ عَنْهُمْ وَعِظْهُمْ وَقُل لَّهُمْ فِي أَنفُسِهِمْ قَوْلًا بَلِيغًا
﴿٦٣﴾ وَمَا أَرْسَلْنَا مِن رَّسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّـهِ ۚ وَلَوْ أَنَّهُمْ إِذ ظَّلَمُوا أَنفُسَهُمْ جَاءُوكَ
فَاسْتَغْفَرُوا اللَّـهَ وَاسْتَغْفَرَ لَهُمُ الرَّسُولُ لَوَجَدُوا اللَّـهَ تَوَّابًا رَّحِيمًا ﴿٦٤﴾ فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ
وَلَوْ يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا ﴿٦٥﴾
أَنَّا كَتَبْنَا عَلَيْهِمْ أَنِ اقْتُلُوا أَنفُسَكُمْ أَوِ اخْرُجُوا مِن دِيَارِكُم مَّا فَعَلُوهُ إِلَّا قَلِيلٌ مِّنْهُمْ ۖ وَلَوْ أَنَّهُمْ
فَعَلُوا مَا يُوعَظُونَ بِهِ لَكَانَ خَيْرًا لَّهُمْ وَأَشَدَّ تَثْبِيتًا ﴿٦٦﴾ وَإِذًا لَّآتَيْنَاهُم مِّن لَّدُنَّا أَجْرًا عَظِيمًا
﴿٦٧﴾ وَلَهَدَيْنَاهُمْ ۔ اطًا مُّسْتَقِيمًا ﴿٦٨﴾ وَمَن يُطِعِ اللَّـهَ وَالرَّسُولَ فَأُولَـٰئِكَ مَعَ الَّذِينَ أَنْعَمَ
اللَّـهُ عَلَيْهِم مِّنَ النَّبِيِّينَ وَالصِّدِّيقِينَ وَالشُّهَدَاءِ وَالصَّالِحِينَ ۚ وَحَسُنَ أُولَـٰئِكَ رَفِيقًا ﴿٦٩﴾ ذَٰلِكَ
الْفَضْلُ مِنَ اللَّـهِ ۚ وَكَفَىٰ بِاللَّـهِ عَلِيمًا ﴿٧٠﴾

O you who believe! obey Allāh and the Messenger and those vested with authority from among you; then if you quarrel about any thing, refer it to Allāh and the Messenger if you believe in Allāh and the last day; this is better and very good in the end (59). Have you not observed those who think that they believe in what has been revealed to you and what was revealed before you? They desire to resort to the judgment of tāghūt (Satan), though they were commanded to deny him, and the Satan desires to lead them astray into a far-reaching error (60). And when it is said to them: ''Come to what Allāh has revealed and to the Messenger'', you will see the hypocrites turning away from you with (utter) aversion (61). But how will it be when misfortune befalls them on account of what their hands have sent before? Then will they come to you swearing by Allāh: We did not desire (any thing) but good and concord (62). These are they of whom Allāh knows what is in their hearts; therefore turn aside from them and admonish them, and speak to them effectual words concerning themselves (63). And We did not send any messenger but that he should be obeyed by Allāh's permission; and had they, when they were unjust to themselves, come to you and asked forgiveness of Allāh and the Messenger had (also) asked forgiveness for them, they would have found Allāh Oftreturning (to mercy), Merciful (64). But no! by your Lord! they do not believe until they make you a judge of that which has become a matter of disagreement among them, and then do not find any straitness

in their hearts as to what you have decided and submit with total submission (65). And if We had prescribed for them: Kill yourselves or go forth from your homes, they would not have done it except a few of them; and if they had done what they were admonished, it would have certainly been better for them and most efficacious in strengthening (them) (66); And then We would certainly have given them from Ourselves a great reward (67); And We would certainly have guided them in the straight path (68). And whoever obeys Allāh and the Messenger, these are with those upon whom Allāh has bestowed favours from among the prophets and the truthful and the witnesses and the good ones; and excellent are these as companion (69). This is grace from Allāh, and sufficient is Allāh as the Knower (70).

* * * * *

COMMENTARY

As you may see, the verses are not without some connection with the preceding ones. Beginning from the words, And worship Allāh and do not associate any thing with Him ... [4:36], the whole speech is directed towards exhorting people to spend in the way of Allāh for strengthening all classes of society and fulfilling the believers' need; and condemning those who refrain, and prevent others, from discharging this obligation; then comes this call to obey Allāh and obey the Messenger and those vested with authority, cutting out the roots of discord and avoiding dispute and disagreement; advising them to refer all disputes - if there be any - to Allāh and His Messenger; they should guard themselves against hypocritical behaviour, and must surrender to the decisions of Allāh and His Messenger. This tenor continues until it arrives at verses calling for jihād, explaining its underlying reason and ordering the believers to band together in the way of Allāh. All these prepare the believers for fighting in Allāh's way, and put their internal affairs in good shape on a sound basis. Here and there one or two verses have been revealed in a parenthetical style which have no adverse effect on continuity of speech, as was pointed out under the verse 43: O you who believe! do not go near prayer when you are intoxicated ...

QUR'ĀN: O you who believe! obey Allāh and obey the Messenger and those vested with authority from among you;: After calling the people to worship Allāh alone, and do good to various groups of believers, and condemning those who cast aspersions on this idea or prevent others from Allāh's way, the talk again turns to the basic theme from a different angle, from which grow up other branches. It leads to reinforcing the foundation of Islamic society, as it exhorts and urges the believers to preserve their unity and to remove every type of dispute or discord by referring it to Allāh and His Messenger.

Undoubtedly, the sentence, ''obey Allāh and obey the Messenger'', paves the way for the next order to refer all quarrels to Allāh and His Messenger, although the sentence is in fact the basis of all divine laws and sharī'ah. It is obvious from the order, then if you quarrel about anything, refer it to Allāh and the Messenger, which emanates from this origin; then the speech repeatedly turns to the same theme, as it goes on saying, Have

you not observed those who think that they believe in what has been revealed to you ...; then again says: And We did not send any messenger but that he should be obeyed by Allāh's permission; then says: But no! by your Lord! they do not believe until they make you a judge of that which has become a matter of disagreement among them,...

There should be no doubt whatsoever that when Allāh tells us to obey Him, it means that we must obey Him in all the realities and laws which He has sent to us through His Messenger. As for His Messenger, his orders emanate from either of his two lawful authorities: **First:** His legislative authority based on divine revelation other than the Qur'ān. By this authority, he teaches the people details of what is mentioned in general terms in the Qur'ān, and explains all the related matters. Allāh says: and We have revealed to you the Reminder that you may make clear to them what has been revealed to them (16:44). **Second:** What he, in his wisdom, decides in administrative and judicial matters by the authourity given him by God. Allāh says: ... that you may judge between people by means of that which Allāh has taught [lit. shown] you; (4:105). It is the opinion with which he used to judge between people according to the laid down judicial laws; and it is the decision he used to take in important affairs. Allāh had told him to consult the people seeking their advice: and take counsel with them in the affair; but when you have decided, then place your trust in Allāh (3:159). Thus the people would participate in consultation; but the decision would be of the Prophet alone.

The above discourse shows that the Messenger's obedience has a connotation distinct from Allāh's obedience, although the Messenger's obedience is in reality the obedience of Allāh Himself, because it is Allāh who has obliged the people to obey the Messenger, as He has said: And We did not send any messenger but that he should be obeyed by Allāh's permission. People have to obey the Messenger in what he explains by divine revelation and in what he decides and orders by his divine wisdom.

It is this variation of connotation which has necessitated repetition of the order of obedience: ''obey Allāh and obey the Messenger''. (And Allāh knows better.) This repetition, however, is not for emphasis, as the exegetes have opined. Had the intention been of emphasis, it would have been more appropriate not to repeat; it would have been more to the point to say, obey Allāh and the Messenger, as it would have implied that obedience of the Messenger is one with the obedience of Allāh; after all, not every repetition shows emphasis.

However, the ''ulu 'l-amr'' (أُولُو الْأَمْرِ = those vested with authority)

- whoever they might be - do not have the privilage of revelation; they decide and act according to what is right in their opinion; and their opinion and order must be obeyed just like the Prophet's opinion and order. That is the reason why Allāh has not mentioned them when He orders the believers to refer their disputes to Allāh and the Messenger. He says: then if you quarrel about any thing, refer it to Allāh and the Messenger if you believe in Allāh and the last day. The people thus ordered are the believers, because the verse begins with the address, ''O you who believe!'' and the quarrel

mentioned here must be an internal dispute among the believers. We cannot suppose that the believers would quarrel with those who are vested with authority when they are obligated to obey them. So this quarrel must be among the believers themselves, and it cannot be in matters of orders issued by those vested with authority ;[40] rather it has to be about identification of Allāh's command in a those who resort to the judgment of tāghūt, preferring it to the judgment of Allāh and His Messenger. A believer must resort in such matters to the religious laws laid down in the Qur'ān and the sunnah; and both the Qur'ān and the sunnah are final proofs in all affairs, for him who has the ability to understand the law from them. When the ulu 'l-amr say that this is what the Qur'ān and the sunnah say on this matter, all argument has to stop. When they talk, theirs is the final word, because the verse makes their obedience compulsory without any restriction or condition; and finally every affair returns to the Book of Allāh and the sunnah.

It shows that the people with authority - whoever they might be - have no authority to legislate a new law or to abrogate a rule established by the Qur'ān or the sunnah. Otherwise, it would serve no purpose to order people to refer their dispute to the Qur'ān and the sunnah, to Allāh and the Messenger, as may be inferred from the verse 36 of chapter 33: And it is not for a believing man or a believing woman to have any choice in their affair when Allāh and His Messenger have decided a matter; and whoever disobeys Allāh and His Messenger, he surely strays off a manifest straying. Allāh decides by giving a law; His Messenger decides by elaborating a divine law, giving an order or pronouncing a judgment. As for the persons vested with authority, they have the power, in executive matters, to decide according to their discretion, and in judicial and general matters, to bring to light the decisions of Allāh and His Messenger.

In short, as the ulu 'l-amr have no power of legislation, nor do they have any order other than that which Allāh and His Messenger have given in the Qur'ān and the sunnah, Allāh did not mention them again in connection with referral of disputes, when He said: then if you quarrel about any thing, refer it to Allāh and the Messenger. Thus Allāh's obedience is in one category and that of the Messenger and those vested with authority, in another. That is why Allāh has said: ''Obey Allāh and obey the Messenger and those vested with authority from among you''.

Undoubtedly, the obedience, ordered by the words, ''Obey Allāh and obey the Messenger'', is general, without any condition or restriction. It proves that the Messenger cannot issue any order or prohibition contrary to Allāh's actual order or prohibition. Otherwise, making his obedience compulsory would be a contradiction in terms on the part of Allāh; far be it from His sublime presence. It necessarily follows that the Messenger (s.a.w.a.) was ma'sūm (infalible), sinless, free from error.

The same argument applies in case of the persons vested with authority. But the presence of al-'ismah (اَلْعِصْمَةُ = sinlessness) in the Messenger is independently established by proofs from the reason and the Qur'ān and the sunnah, without depending on this verse. Apparently, it is not the case with

the people vested with authority. Someone therefore could imagine that it was not necessary for these people of authority to be ma'sūm, sinless, and that the verse could be explained even without believing in their 'ismah.

The argument could be put forward as follows: ''This verse ordains a law aimed at the well-being of the ummah, which would protect the Muslim society from internal discord and disunity. It aims at nothing more than what is found in other nations and societies. They give one of their leaders authority to manage their affairs; they pledge to obey him, and his orders are carried out. But they know that he may sometimes contravene the law or err in his judgment. So, when it is clearly known that he was going against the law, he is not obeyed; rather, his error is pointed out to him. But when there is only a possibility - without certainty - that he might be wrong, his orders are obeyed and implemented although in fact he might have decided erroneously. Yet that mistake is tolerated for the sake of maintaining the society's unity, which is more important and would compensate for such mistakes and errors.

''The case of ulu 'l-amr (those vested with authority) mentioned in this verse is not different from other worldly leaders in their authority. Allāh has ordered the believers to obey them. If they give an order contrary to the Qur'ān or the sunnah, it would be invalid and would not be obeyed; the Messenger of Allāh (s.a.w.a.) has said: 'No creature is obeyed in disobedience of the Creator.' This meaning has been narrated by the Shī'ahs and Sunnīs both, and also the generality of the verse proves it. If the ulu 'l-amr commit a mistake, and it is definitely known to be a mistake, it would be changed to conform with the Qur'ān and the sunnah; but if there is no certainty of mistake, the order would be carried out as if there was no mistake. It would not do any harm to obey such an order and implement it even if in reality it was wrong, because the preservation of the ummah's unity and continuance of its power and prestige would compensate for such contravention of the actual divine law. It would not be unlike the established dictum of the Principles of Jurisprudence that the decisions derived from apparent proofs of jurisprudence are binding on man even if they are not in accordance with the actual divine order, although the divine order would not be changed by that man-made decision; and the contrariness would be compensated by underlying good of society.

''In short, it is compulsory to obey the ulu 'l-amr, even if they are not sinless, and could commit mistakes and even debauchery. They shall not be obeyed if they indulge in debauchery; they shall be returned to the Qur'ān and the sunnah when it is known that they had deviated from them, but in all other cases, their orders shall be obeyed and their decisions enforced. There is no harm in implementing an order which does not visibly go against actual divine law (even if in reality it does) for the sake of preserving Islamic unity and for the well-being of the Muslim nation.''

COMMENT: If you ponder on what was written earlier, you will realize that this fallacy has no leg to stand on. It is possible to use this 'argument' for restricting the generality of the verse in case of debauchery, by putting forward the above-quoted Prophet's tradition, ''No creature is obeyed in disobedience of the Creator'', or some Qur'ānic verses of the same import,

e.g., Surely Allāh does not enjoin indecency (7:28); and other similar verses. Likewise, comparable cases may be quoted for religious obligatoriness of obeying orders which are apparently binding, like obedience of the commanders of expeditions who were appointed by the Messenger of Allāh (s.a.w.a.), the governors he sent to various places like Mecca or Yemen, or who were left in charge of Medina when he himself went out. Another is the authoritative nature of rnujtahid's ruling for his followers, and so on.

But all this cannot restrict the generality of the verses in any way. Correctness of a theory is one thing, and its being proved by apparent meaning of a Qur'ānic verse is quite another.

The verse proves obligatoriness of these ulu 'l-amr's obedience, without putting any restriction or condition, without attaching any proviso. Nor is there any other Qur'ānic verse to limit its generality. In short, there is nothing to show that the order ''and obey the Messenger and those vested with authority from among you'', implies, 'obey those vested with authority from among you as long as they do not order you to commit a sin or until you are not sure that they are in wrong; but if they tell you to commit a sin, you are not obliged to obey them, and if you are sure of their mistake then correct them by directing their attention to the Qur'ān and the sunnah.' Certainly the Qur'ān's wording does not support this meaning.

Also we should not forget that when ordering people to obey their parents, Allāh has said: And We have enjoined on man goodness to his parents, and if they contend with you that you should associate (others) with Me, of which you have no knowledge, do not obey them ... (29:8). It should be noted that parents' obedience is much less important [and is restricted to their off-spring]; yet Allāh has attached to it such a clear and unambiguous proviso. How is it that He did not attach any such condition in the verse of obedience which deals with a fundamental religious principles, and on which depends the felicity of mankind?

Moreover, the verse has joined the Messenger and ''those vested with authority'' in this order; and mentions both under one obedience: ''Obey the Messenger and those vested with authority from among you''; and the Messenger cannot order sin nor can he issue a wrong judgment. If it were possible for the ulu 'l-amr to be wrong in an order or a judgment, it was highly essential to put suitable restriction on this order as far as the ulu 'l-amr were concerned. Thus the only way out is to interpret this verse in its general sense without any condition or restriction. This in its turn proves that the ulu 'l-amr were ma'sūm, sinless in the same way as the Messenger (s.a.w.a.) was - without any difference.

al-Amr (اَلْأَمْرُ) in the phrase, ulu 'l-amr the religious or temporal affairs of the believers who have been addressed in this verse; as is supported by the verse, and take councel with them in the affair (3:159), or as is said in praise of the pious, and their system is to take councel among themselves (42:38). Although it may possibly be taken to mean order, which is opposite of prohibition, but it will be a far-fetched interpretation.

This word is qualified with the phrase, from among you. Obviously it is an adverbial phrase of place. That is, the ulu 'l-amr will be raised from

among you. It is similar to the words of Allāh, He it is who raised among the Meccans a Messenger from among themselves (62:2); or the prayer of Ibrāhīm, Our Lord! and raise up in them a Messenger from among themselves (2:129); or the divine words, if there come to you messengers from among you, relating to you My communications ... (7:35). This explanation leaves no room for the mistaken thought (expressed by someone) that ‘‘from among you’’ indicates that those vested with authority would be normal people like us, as they would be one of us, i.e., mere believers without having the distinction of divine ‘ismah (protection from sins and errors).

Ulu ’l-amr, being a plural noun, shows that there must be a number of those vested with authority, and it is correct without any doubt. But obviously it is possible for them to come one after another, and the believers would be required to obey the one who manages their affairs at a given time. Thus all of them taken together will be collectively entitled to the believers’ obedience, as we say, ‘Pray your compulsory prayers and obey your superiors and elders.’

Strangely enough, ar-Rāzī has objected to this idea, saying that ‘‘it would mean using a plural for singular and that is contrary to a word’s apparant usage.’’ It seems he had forgotten that such usage is very common in literature, and the Qur’ān itself is full of such verses. For example, So do not yield to the rejecters (68:8); So do not follow the unbelievers (25:52), surely we obeyed our leaders and our great men (33:67); and do not obey the bidding of the extravagant ones (26:151); Maintain the prayers (2:238); and make yourself gentle to the believers (15:88) and various other verses containing positive and negative statements, and having declarative as well as exclamatory sense.

It would be against the apparent meaning of a wcrd if a plural was used for only a single individual; but it is not against apparent meaning if it is used for a group of individuals, in a way that it turns into a series of numerous orders. For example, we say, ‘Honour the scholars of your town’; meaning: Honour this scholar, and honour that scholar, and so on.

Another suggestion: Ulu ’l-amr, who are entitled to unconditional obedience, may be a group - and may thus be referred to with plural sense. It may be an association of many persons each individual counted as a possessor of authority, inasmuch as he has influence over people and his words are obeyed. For example, army commanders, scholars rulers and community elders. The author of al-Manār has suggested that this refers to ahlu ’l-halli wa ’l-‘aqd (اَهْلُ الْحَلِّ وَ الْعَقْدِ = lit. those who tie and untie; i.e., people having influence and authority), who are trusted by the ummah; including scholars, military commanders, leaders in fields of commerce, industry and agriculture, as well as trade-unionists, political leaders, and chief editors of influential newspapers. This is what we mean when we say that ulu ’l-amr means people of influence and authority. It is a collective body of the leaders of the ummah.

COMMENT: The problem is that the complete verse cannot be explained in the light of this suggestion.

As you have seen, the verse proves the sinlessness of the ulu 'l-amr; and even those who support the above suggestion, have to admit that the verse confirms their sinlessness.

The question arises: Who among this body of influential persons is sinless? Is each of its members sinless, so that the collective body could be called sinless? Because a group is but the sum total of the individuals. But it is evident that there never was in this ummah, even for a single day, a group of influential people who had authority to jointly manage the Muslim's affairs and whose every member was sinless and free from error. Obviously, it is impossible for Allāh to order us to obey a group which had never existed in reality.

Or does it mean that sinlessness, a real attribute, exists in that collective body as an adjective exists in its qualified noun? Although each individual member may commit sins, and in common with all other human beings can indulge in polytheism and disobedience, and although the opinion he forms may be erroneous or may lead to sin and straying, but when the said body collectively reaches at a decision it remains safe from mistakes and errors - because the collective body is sinless. But this too is impossible. How can a real attribute, that is, sinlessness, exist in an abstract idea, i.e., the collective body? A real attribute cannot stand in a mentally posited idea.

Or, does it mean that sinlessness of this body is attributable neither to its individual members nor to the collective body? That it only signifies that Allāh protects this body in a way it does not order any sin, nor does it arrive at a mistaken decision. Its case is not different from a mutawātir [41] (اَلْمُتَوَاتِرُ) information which is protected from falsity, although none of its narrators or informants is sinless, nor is this, freedom from falsity attributed to the chain of narrators when looked at as a composite group.

All that it means is that a habit has been formed which prevents falsehood from seeping in that information. In other words, Allāh protects a mutawātir information from infiltration of falsehood. In the same way, opinion of ulu 'l-amr is protected from mistakes and errors, although neither the collective body nor its individual members are free from sin and mistake. Nor do they have any special quality or attribute. It is nevertheless safe from falsehood and error, like a mutawātir tradition.

This is what sinlessness of ulu 'l-amr means. The verse only shows that their opinion is never confused; it is always right and in conformity with the Qur'ān and the sunnah. It is a special divine providence for this ummah; and it has been narrated from the Prophet (s.a.w.a.) that he said:

''My ummah will not unite on error.''

COMMENT: As for this tradition, it is totally irrelevant to this subject. Even if it is accepted as correct, it only says that the ummah will not unite on error. It does not say that people of influence and authority from among the ummah would not join hands on error. Ummah has its own meaning, and ahlu 'l-halli wa 'l-'aqd has another; there is no evidence that the former means the latter. Moreover the tradition does not say that whatever they unitedly decided would be free from error; it rather says that they would not be united on error - and the two propositions are not the same.

The tradition accordingly would mean as follows: Never will the entire ummah unite on error concerning any matter; there will always be among them those who would be on right guidance - either all or some of them, at least the sinless one. It will correspond with the verses and traditions showing that Islam; the religion of truth, would never disappear from the earth, would continue upto the Day of Resurrection. Allāh says: ... therefore if these disbelieve in it, We have (already) entrusted with it a people who are not disbelievers in it (6:89); And He made it a word to continue in his posterity (43:28); Surely We have revealed the Reminder and We will most surely be its guardian (15:9); Falsehood shall not come to it from before it nor from behind it; a revelation from the Wise, the Praised One (41:42). There are many verses having the same connotation.

Also this is not a speciality of the ummah of Muhammad (s.a.w.a.), because the correct traditions prove otherwise. Look at the traditions narrated from the Prophet (s.a.w.a.) through various chains of narrators which describe the division of the Jews into seventy-one sects, of the Christians into seventy-two and of the Muslims into seventy-three sects, all of which would go to hell - except one. We have quoted it in the ‘‘Traditions’’ under the verse, And hold fast by the cord of Allāh all together ... (3:103).

In short, there is no need to further discuss this tradition, because, even if its chain of narrators be free from defects, it has no relevance to the subject under discussion. We should look at the meaning of sinlessness as applied to the influential people of authority from this ummah, if it is they who are referred to as ‘‘those vested with authority from among you’’.

What is the genesis of ‘ismah (sinlessness) of the influential people of authority among the Muslims? What makes their opinion free from error? This body of influential people which manages the public affairs is not something unique for the Muslim ummah. There are found in every big and small nation, and even in the tribes and clans, a number of people who have prestige and influence in their society; and who exercise power and have authority over public affairs. Look into the histories of the ancient people as well as the present nations; you will find countless instances where the people of influence and power unanimously agreed on a course of action about some very important matter and their plan was carried out. Later events sometimes showed the decision was correct; at other times it proved wrong. There is, of course, greater chance of mistake in individual decision than in a collective one; yet there is no guarantee that a decision jointly arrived at after thorough debate and discussion will never be wrong. History and our own experience provide ample proof for it.

Now, if collective decisions of influential and powerful leaders of Muslim ummah are always free from mistakes and errors, we will have to find for it a cause other than the normal ones; it will have to be something supra-natural and miraculous. If so, then it would be a manifest miracle reserved for this ummah, which would strengthen their power, defend their land and protect them from all types of mischief that could endanger their unity. In short, such a cause would be a divinely given miracle parallel to the Glorious Qur’ān, and it would live as long as the Qur’ān lives; it would

have the same relation to the practical life of the ummah as the Qur'ān has to its intellectual one. In that case, it was necessary for the Qur'ān to describe its boundary and area; Allāh would have mentioned it as one of His special graces for this ummah, as He has done with reference to the Qur'ān and Muhammad (s.a.w.a.). Also, He should have explained to this group its collective responsibilities as He has done in connection with His Prophet (s.a.w.a.). Likewise, the Prophet should have given detailed instructions to his ummah concerning this extra-ordinary group, and more particularly to his companions; after all, they were the people who bacame ahlu 'l-halli wa 'l-'aqd after him and took the control of the ummah in their hands. The Prophet should have explained about this band which is supposed to be vested with authority what was its reality? What was its boundary? How wide was the area of its jurisdiction? Would there be a single body to rule over the whole Muslim ummah in all public affairs? Or would there be separate bodies of ulu 'l-amr in different Muslim societies to rule over their lives, honour and properties?

Also, it was incumbent on the Muslims - and especially the companions - to pay more attention to it. They should have asked questions and gone into its details. They had asked about things which had no importance compared to this basic matter; they had asked about crescent, the things to be spent and war booty, as Allāh has mentioned: They ask you about crescents [2:189]; They ask you as to what they should spend [2:215]; They ask you about spoils of war [8:1].

So why did they never ask about it? Or was it that they had asked but it was manipulated by people and hidden from us? But this meaning was not against the desire of the majority of the ummah (which follows the same system) so that we could think that they neglected and discarded it until it was completely forgotten!

Also it should inevitably have been quoted during the disputes and strifes which had repeatedly erupted after the Prophet's death. What happened to this 'reality' that it was never quoted or referred to in their argumentations and polemics, while the narrators have transmitted all their arguments word by word? Why is it not found in any speech or letter? Why was it not known to the early exegetes among the companions and their disciples until it was 'discovered' by a handful of later writers like ar-Rāzī and some who came after him?

Even ar-Rāzī has objected to this view after mentioning it. He says that it is against the composite consensus; the phrase, ulu 'l-amr has been explained in not more than four ways: The rightly-guided caliphs, commanders of expeditions, religious scholars and sinless Imāms. This fifth explanation goes against the above composite consensus. Then he has replied that this new explanation is in fact' based on the third meaning [i.e., religious scholars]. In this way he has destroyed all that he himself had built. It is now clear that things were not like that at all; nobody ever thought it was a noble and unique divine gift to the clique of influential and powerful leaders of the Muslims, which would constitute a great miracle of Islam.

Or do they want to say that this freedom from error did not emanate from any supra-natural cause? Rather, Islam had generally trained its followers so

nicely, basing its teachings on such balanced principles, that it was bound to produce this result - that the people of power and influence among this ummah, be-cause of this training, make no mistake in their collectively arrived at decisions and do not err in the opinions they form.

First of all, this supposition is wrong because it goes against the common sense. Perception of a whole is the sum total of the perception of its components. When each of them is liable to be wrong, the whole group cannot be safe from error and mistake.

Secondly, if the opinion of the group of influential persons is always correct and free from error, and if this extra-ordinary feature is based upon such invincible cause, then it should never fail in producing the desired result. Then what else was the cause of all this falsehood, disturbance and mischief which has overfilled the Muslim world?

There were countless gatherings after the Prophet's death, in which influential and pwerful leaders of the Muslims collectively decided whatever they thought correct, and followed what in their opinion was the right path; but all this led them to nowhere; they went on blundering into far-reaching errors; their attempts to bring happiness to the Muslims increased only the ummah's misfortune and unhappiness. The society which was based on religion turned soon after the Prophet (s.a.w.a.) into an imperialism - oppressive and destructive. Let scholars make in-depth study of the disturbances and mischiefs that raised their head, since the Messenger of Allāh (s.a.w.a.) departed from this world; and have a look at what followed. On every page of Islamic history they will find blood spilled, honours defiled, properties looted, religious laws ignored and divinely ordained punishments nullified. Let them look for its origin and discover its roots. Was there any effective cause other than the opinions formed and decisions taken by the powerful and influential leaders, which they had yoked the ummah with?

So this is the position of the most important pillar on which they want to build the structure of Islam! This is the effect of the 'opinion' of influential and powerful leaders who, they tell us, are referred to by the words, ulu 'l-amr (those vested with authority), and who, according to them, are free from error in their opinion!

Those who believe that ulu 'l-amr refers to the people of influence and power, have no escape from admitting that those people were not sinless, not free from mistakes and errors. That the ulu 'l-amr, like all other people could be right in some cases and wrong in the others. But inasmuch as theirs was a distinguished group, experienced in public affairs, the ratio of their mistakes was much smaller. Allāh has made their obedience compulsory. Although they could at times be wrong, but Allāh has granted indulgance to such mistakes, keeping in view the overwhelming good emanating from their management of affairs. If they issue an order or give a ruling which contravenes the Qur'ān and the sunnah, and that order or ruling happens to be congruous with the good of the ummah - even if it reinterprets a religious law contrary to what was hitherto done, or changes it to bring it into line with the demands of time or inclinations of the ummah or conditions of the

modem world - this new verdict will be followed, and religion will recognize it as good.

Why? Because religion aims only at society's happiness and advancement. This attitude is clearly seen in the way the Islamic governments behaved in the early days of Islam as well as later on. Whenever a law prevalent in the Prophet's days was changed or any system established by him discarded, the only reason given was that that law or system was in conflict with one or another right of the ummah; and that the good of the nation demanded that a new law should be enforced and a new system established which would satisfy people's aspirations for blessings of life. A scholar has openly written [42] that a caliph has full authority to act contrary to explicit religious laws if he thinks it to be in the best interest of the ummah.

Accordingly, the Muslim nation would not be any different from other civilized societies inasmuch as they all have an elected body which decides the laws of the society keeping in view the demands of the situation at a given time.

This opinion, as you see, is held by those who think that religion is a social system presented in the garb of religion. It is governed by the same factors which govern other human societies leading them on the path of evolution step by step. Islam was a high ideal which was perfectly suitable for those who lived during and near the days of the Prophet.

Islam, according to them, is only a link in the chain of human civilization - and the time has left it behind. One should not study it except in the way the archaeologists look at the artifacts from the earth.

We have nothing to discuss about the verse: obey Allāh and obey the Messenger and those vested with authority from among you, with the persons holding the above-mentioned view. That view is based on a theory which would adversely affect all fundamentals of religion and the whole system established by the Prophet's traditions, including the basic gnosis and belief, moral values and rules of jurisprudence. If we look in this light at all that was done by the companions in the days of the Prophet and during his last Illness; at the disputes and strifes they caused; at the changes they made in some laws and systems established by the Prophet (s.a.w.a.); at the happenings in the days of Mu'āwiyah and the caliphs who followed him, the Umayyads, then the 'Abbāsids and then the later ones - and all things resemble one another - we shall arrive at a stunning conclusion.

A most astonishing view has been expressed about this verse by a writer, who has opined, ''The verse, obey Allāh and obey the Messenger and those vested with authority from among you, does not imply any of the things said by the exegetes - divided as they are among themselves:- ''First, because the obligatoriness of ulu 'l-amr's obedience - whoever they might be - does not prove that they have any distinction or superiority over others. We are also obliged by religion to obey unjust oppressive rulers when there is no alternative, for the sake of warding off their evil, and those unjust rulers can never be superior to us in the sight of Allāh.

''Second, because the order given in the verse is not unlike other religious commands which can be implemented only when its object is

available. For example, it is obligatory to spend on poor, and forbidden to help oppressors; but it is not obligatory for us to create a poor or an oppressor in order that we could spend on him or resist from helping him, respectively.''

COMMENT: The fallacy of these two 'reasons' is transparent. Add to it his supposition that ulu 'l-amr in the verse means rulers and kings, unsoundness of which has already been shown.

As for his first reason, he seems oblivious to the fact that the Qur'ān is full of verses forbidding obedience of the unjust, the oppressors and the unbelievers. It was impossible for Allāh to order us to obey them, after all that prohibition; and then to go a step further and join their obedience with His and the Messenger's obedience. If that obedience were allowed for the sake of one's safety, Allāh would have used words like 'permission', etc., as He has done in one place: except when you guard yourself against them for fear of them (3:28). Not that He should clearly make their obedience compulsory, which would lead to all types of horrible results.

As for the second reason, it is based on the same assumption as the first one. However, if it is supposed that their obeidence was made obligatory because they had a special status in religion, then they would be sinless, as explained earlier. And it is impossible for Allāh to oblige us to obey someone who did not exist or who was rarely found - and this too in a verse which contained the most fundamental aspect of religious good, a factor without which the equilibrium of Islamic society could not be maintained. You have seen that the ummah needs ulu 'l-amr for the same reason it needs the Messenger for, that is, for guarding and managing the affairs of the urnmah. We had talked on it when discussing about the decisive and ambiguous verses [43]. Now we return to our original topic.

It is now clear that it would be meaningless to interpret the phrase: those vested with authority from among you, as 'the people having influence and power' (whatever meaning we give to this latter phrase). The only meaning now possible is: Those individuals from among the ummah who are sinless, free from error and mistake in their words and deeds, whose obedience has been made obligatory. The only way to recognize them is through clear divine affirmation, either in His own words or through His Prophet. This explanation corresponds with what has been narrated from the Imāms of Ahlu 'l-bayt that it is they.

As for the claim that ulu 'l-amr refers to the rightly guided caliphs, commanders of expeditions or religious scholars whose opinions and words are followed, it is rebuted on two counts:

First: The verse proves their sinlessness, and undoubtedly, none of these three groups was or is sinless - except what a group of Muslims believes about the right of 'Alī (a.s.)

Second: All these interpretations are just claims without any evidence.

Objections have been raised against the explanation that the phrase refers to the sinless Imāms of Ahlu 'l-bayt (a.s.):

First Objection: In case this meaning were correct, it was necessary for Allāh and the Messenger to clearly identify them [to the ummah]; and if it

were done, no two persons would have disputed about them after the Messenger of Allāh (s.a.w.a.).

Reply: It is clearly mentioned in the Qur'ān and the sunnah, like the verses of Guardianship, Purity and others; and the traditions like that of the Ark (The parable of my Ahlu 'l-bayt is like the parable of Noah's Ark; whoever boarded it was saved, and whoever stayed away from it was drowned); and that of the Two Precious Things (Surely I am leaving among you two precious [or weighty] things, the Book of Allāh and my offspring who are my Ahlu 'l-bayt; as long as you would hold fast to both of them you would never go astray after me.). These have been quoted in the discourse on ''Decisive and Ambiguous Verses'' in the third [Ar.] volume [Eng. vol.5, pp.46 - 93]. There are also traditions about the ulu 'l-amr, narrated through Shī'ī and Sunnī chains, some of which will be given under coming ''Traditions''.

Second Objection: Their obedience is conditional to their identification, because an order to obey them without recognizing them would be a command to do the impossible. As their obedience is conditional, this verse cannot apply to them because it is unconditional.

Reply: This objection bounces back to the objector. Every obedience [even of the people of influence and power] is conditional to their recognition. The only difference is that we may recognize the people of influence and power by ourselves without referring it to Allāh and His Messenger, while a sinless Imām can be identified only through an introducer. However the condition of recognition is equally present in both cases; so both should be contrary to the verse.

The fact is that although identification is counted as a condition, it is not like other conditions. It only means that when one is obliged to do something, he has to recognize the object of obligation and its other concomitants; but the obligation does not depend on it. If recognition were like other basic conditions which affect the obligation itself, like 'ability' for hajj or existence of water for wudū', then nobody would be obliged to do anything at all.

Third Objection: We are unable, these days, to reach a sinless Imām and learn knowledge and religion from him. Therefore, he cannot be the ulu 'l-amr whose obedience is obligatory for the ummah, because there is no way to have any contact with him.

Reply: This problem is created by the ummah itself, not by Allāh or the Messenger. The ummah opted for wrong ways and was untrue to itself. Thus the responsibility and obligation to obedience stays unchanged. Suppose a nation killed its prophet. Can they claim that now they were unable to obey him because he was no more? Morever, the objection may be directed to the objector himself, because nowadays there is not a single ummah in Islam in which the people of influence and power from among themselves could enforce what they would decide for it.

Fourth Objection: Allāh says, then if you quarrel about any thing, refer it to Allāh and the Messenger. If ulu 'l-amr means a sinless Imām, it was necessary to say, 'refer it to the Imām'.

Reply: Its reply has already been given in the Commentary; and it shows that it actually means referring to the Imām.

Fifth Objection: The believers in a sinless Imām say that his obedience rescues the ummah from darkness of strife and evil of disagreement. But evidently the verse ordains a law related to quarrel - in spite of the existence of Imām and obedience of the ummah. It points to disagreement among the ulu 'l-amr themselves in reaching at a dicision about some event or occurance. But according to those who believe so, it is not possible to quarrel or dispute in presence of a sinless Imām, because in their views he is like the Messenger (s.a.w.a.). Accordingly, tnis sentence would be without any purpose or benefit.

Reply: Its reply too is clear from the preceding Commentary. The quarrel mentioned in the verse refers to the believers' disagreement concerning rules of the Qur'ān and the sunnah, not concerning executive orders issued by the Imām in various events and happenings. It was mentioned earlier that no one has any right to legislate a law other than Allāh and His Messenger. If the quarreling parties are capable of inferring its law from the Qur'ān and the sunnah, they have the right to do so, or they could ask the Imām about it, because he is free from error in his opinion. But if they are unable to infer it, then the only way is to ask the Imām. It is just like the days of the Messenger of Allāh (s.a.w.a.) when his contemporaries had the option of inferring the law from the Qur'ān (if they could) or asking the Messenger of Allāh (s.a.w.a.) about it; but in case they could not infer it, the only remedy was to ask him (s.a.w.a.).

As the verse shows, the ulu 'l-amr are just like the Messenger in obligatoriness of their obedience. As for the believers' quarrel, the verse describes the procedure to be adopted, and it makes no difference whether the Messenger be present (as the following verses show) or absent (as the unrestrictedness of the verse proves). The order to refer the matter to Allāh and the Messenger is, therefore, confined to the dispute among the believers themselves, as is shown by the word if you quarrel; it should be noted that Allāh has not said, if those vested with authority quarrel; nor has He said, if they quarrel. The matter will be referred, in the presence of the Messenger, by asking him the relevant law or inferring it from the Qur'ān and the sunnah (for those who have the ability to do so); and in his absence, the question is to be asked of the Imām, or its reply inferred as discribed above. Obviously, the sentence, then if you quarrel about any thing ..., is not without purpose or benefit, as the objector had claimed.

All this proves that the word, ulu 'l-amr, in this verse refers to some men from among the ummah, each of whom is similar to the Messenger in two aspects: He too is free from sin and mistake, and his obedience too is obligatory and compulsory. However, we do not say that the phrase, ulu 'l-amr, does not have a wider connotation according to language, or that it may not be used in a more general way if one wants to. But meaning of a word is one thing, and applying it to appropriate objects is another. For example, meaning of messenger is general, and it is used in the same meaning in this verse; yet the intended personality is of the Messenger of Allāh, Muhammad (s.a.w.a.).

QUR'ĀN: then if you quarrel about any thing, refer it to Allāh and the Messenger ...: It branches out from the restriction understood from the context. The proceding sentence, obey Allāh and obey the Messenger ..., makes obedience of Allāh and the Messenger compulsory. This obedience is in the sphere of religion which ensures erasure of every possible dispute and guarantees fulfilment of every possible need. It leaves nothing uncared for, and no referral is required to any one other than Allāh and His Messenger. The sentence, thus, implies: obey Allāh and do not obey tāghūt. This is the implied restriction which we have mentioned above.

The speech is addressed to the believers. It shows that the 'quarrel' refers to their dispute among themselves, and not to any putative quarrel between them and the ulu 'l-amr, nor to any supposed dispute among the ulu 'l-amr themselves. It is because the former, i.e., quarrel among the believers and the ulu 'l-amr, goes against the obligation of their obedience, and the latter, i.e., dispute among the ulu 'l-amr themselves, does not conform with obligatoriness of their obedience [which shows that they are always right] because in dispute one party is surely wrong. Moreover, this idea is not in accord with the verse, as it is addressed to the believers; Allāh says: ''then if you quarrel about any thing, refer it ...''.

The word, 'thing', is general and could possibly include all decisions and orders given by Allāh, His Messenger and ulu 'l-amr; yet the next words, ''refer it to Allāh and the Messenger'', show that the verse speaks about quarrel in something outside the direct responsibility of the ulu 'l-amr. They have full authority and control over executive matters which come within the area of their wilāyah (اَلْوِلاَيَةُ = guardianship; mastership), like their order to join an expedition, to fight or to make peace, and so on.

The order to refer a matter to Allāh and the Messenger does not cover such things, because people are obliged to obey the ulu 'l-amr in these things. This sentence, therefore, is confined to religious laws only; no one, other than Allāh and the Messenger, has any authority to issue or abrogate a law. The verse somewhat explicitly shows that no one has any right to manipulate any religious law explained by Allāh and His Messenger, and ulu 'l-amr and others all are equal in this respect.

The proviso, if you believe in Allāh and the last day, puts utmost emphasis to this order, and indicates that its contravention emanates from defect in belief. The order has a direct connection with faith; its contravention would show that although the person concerned pretended to believe in Allāh and His Messenger, disbelief was hidden in his heart; and this is hypocrisy, as the following verses prove.

This is better and very good in the end. The indicative, 'this', points either to referring the matter in dispute or to obeying Allāh, His Messenger and those vested with authority. ''at-Ta'wīl'' (اَلتَّأْوِيْلُ = translated here as ''in the end'') refers to the underlying good on which the order is based and which is realized when the order is carried out. Its meaning has been explained in the third volume [44], under the verse, seeking to give it (their own) interpretation, but none knows its interpretation except Allāh (3:7).

QUR'ĀN: Have you not observed those who think that they believe in what has been revealed to you ...: ''az-Za'm'' (اَلزَّعْمُ) means to think, to claim, no matter it conforms with reality or not. It is different from ''al-'ilm'' (اَلْعِلْمُ = to know) which is used for a knowledge that conforms with fact. As az-za'm is generally used for thoughts and claims not conforming with facts, people often think that this non-conformity is part of its connotation; but it is not so. ''at-Tāghūt'' (اَلطَّاغُوتُ) is a masdar in the meaning of ''at-tughyān'' (اَلطُّغْيَانُ = to exceed proper bounds) on the paradigm of ''ar-rahbūt'' (اَلرَّهْبُوت), ''al-jabarūt'' (اَلْجَبَرُوتُ) and ''almalakūt'' (اَلْمَلَكُوتُ); but generally it is used for active participle in exaggerated sense. The Arabs say: Taghā 'l-mā' (طَغَي الْمَآءُ = Water overflowed the banks). Its use for man began as an extended metaphor; then it became common until it is now taken as its real meaning; it indicates his exceeding the proper limits laid down by reason or sharī'ah. at-Tāghūt therefore means oppressor and tyrant, who rebels against, and discards the demands of divine worship showing hauteur against Allāh. That is why scholars say that at-tāghūt refers to every one who is worshipped - other than Allāh.

The words, what has been revealed to you and what was revealed before you, mean, what Allāh has revealed to His messengers. This expression was preferred to the phrase, 'they believe in you and in those before you', because the talk is about obligation of referring disputed matters to the Book of Allāh and its laws. It also indicates that the 'command' in the clause, they were commanded to deny him, refers to the order contained in divine books and revelations sent to the prophets, Muhammad and the preceding ones, may Allāh bless him, his progeny and them all.

The opening words, ''Have you not observed'', clarify a possible query: Why has the order been given to obey Allāh and obey the Messenger and those vested with authority [and to refer the disputes to them]? The reply: Have you not seen how they indulge in disobedience by resorting to the judgment of tāghūt? The question reflects pity; it is a matter of pity that they were doing so, while they claimed to believe in the Books revealed to you and the other prophets; these books were sent down to judge between the people in matters they disputed about. Allāh has clearly said in the verse, Mankind was but one nation; so Allāh sent the prophets as bearers of good news and warners, and He sent down with them the book with truth, that it might judge between the people in that in which they differed ... (2:213). Yet they resort to the judgment of tāghūt in their disputes, i.e., to the judgment of those who have exceeded the limit, rebelled against divine religion and crossed the boundary of truth. They do so in spite of their being clearly ordered in these books to deny tāghūt. Was it not enough reason for forbidding them to resort to tāghūt for judgment, that it was tantamount to discarding the books of Allāh and abrogating His laws?

The sentence at the end, and the Satan desires to lead them astray into a far-reaching error, shows that they did so coming under the Satan's influence and his misguidance, as he wanted to lead them into a far-reaching error.

QUR'ĀN: And when it is said to them: ''Come to what Allāh has ate, revealed and to the Messenger;''...: ''Ta'ālaw'' (تَعَالَوْا = come) is imperative of at-ta'ālī (اَلتَّعَالِي = to rise); ''sadda'' (صَدَّ = turned away).

''Come to what Allāh has revealed and to the Messenger'', means, come to the law of Allāh and to him who decides according to it.... turning away from you with (utter) aversion: The speech is addressed to the Messenger alone, although they were called not to him alone, but to him and the book together. The verse comments on those who claimed to believe in what was revealed by Allāh; they were not unbelievers that they could openly reject the Book of Allāh. Such people were in fact hypocrites, showing that they believed in what Allāh had revealed, but turning away openly from His Messenger.

It clearly proves that any attempt to differentiate between Allāh and His Messenger by accepting the order of Allāh and hesitating about the order of the Messenger is unmitigated hypocrisy.

QUR'ĀN: But how will it be when misfortune befalls them on account of ...: It is a warning that this turning away from the order of Allāh and His Messenger, and resorting to the judgment of someone else, i.e., tāghūt, is sure to bring misfortune in its wake, and its only cause will be this turning away from the order of Allāh and His Messenger, and that resort to the tāghūt's judgment. The words, Then will they come to you swearing by Allāh: We did not desire (anything) but good and concord, give prior information of their excuse that it was not with any bad intention that they had resorted to the tāghūt's judgment. The meaning thus will be as follows - and Allāh knows better: If they persisted in that behaviour, then how would they feel when its evil consequences overwhelmed them, and then they would rush to you swearing by the name of Allāh that their only desire, in resorting to the judgment of other than the divine book and the Messenger, was to bring good and accord in society and removing the disagreement between the parties.

QUR'ĀN: These are they of whom Allāh knows what is in their hearts; ...: It is a rejection of their excuse. Allāh did not describe what was in their heart, nor did He say that their motive was bad, because the words, turn aside from them and admonish them, were enough to expose it.If their intention was not bad, it would have been true and good; and Allāh would not order His Messenger to turn aside from a person who spoke truth and described fact. The words, and speak to them effectual words concerning themselves, mean: Say to them such words as would reach their hearts and they would come to realize the evil of their activities; they should understand that it was hypocrisy which on coming in open was bound to bring Allāh's wrath and punishment to them.

QUR'ĀN: And We did not send any Messenger but that he should be obeyed ...: It is an all-encompassing refutation of these hypocrites' evil-

doings described above: resorting to tāghūt's judgment, turning aside from the Messenger, swearing and offering excuse of having intention of good and concord. All this is, in one way or another, disobedience of the Messenger of Allāh, whether accompanied by any excuse or not. Allāh has made his obedience compulsory without any restriction or condition; He has sent him only to be obeyed by Allāh's permission. No one should imagine that it was only Allāh's obedience that was required, while the Messenger was merely one of the human beings, who was obeyed only for people's good; and if such a result could be achieved without his obedience then there was no harm in going ahead independently, leaving the Messenger aside; otherwise it would mean associating him with Allāh, and worshing him. This attitude was reflected, every now and then, in their talk with the Messenger of Allāh (s.a.w.a.), when he took a decision about some important matter, and someone would ask him: Is it by Allāh's order or by yours?

Therefore, Allāh has made it clear that the obligation to obey the Prophet (s.a.w.a.) is all-encompassing and unconditional; it is nothing but Allāh's obedience because it is by His permission. The verse in effect says what is declared in the verse 80 of this same chapter: whoever obeys the Messenger, he indeed obeys Allāh.

Then Allāh says that if they had returned to Allāh and His Messenger, repenting for the sin of disobeying the Messenger and turning aside from him, it would have been better than their swearing in the name of Allāh and offering lame and useless excuses which could not please the Messenger of Allāh (s.a.w.a.), as Allāh would inform him of the reality behind that facade. This is the import of the second half of the verse: and had they, when they were unjust to themselves, come to you and asked forgiveness of Allāh and the Messenger had (also) asked forgiveness for them, they would have found Allāh Oft-returning (to mercy), Merciful.

QUR'AN: But no! by your Lord! they do not believe until they make you a judge of that which has become a matter of disagreement ...: ''ash-Shajr'' and ''ash-shajūr'' (اَلشَّجُورُ،اَلشَّجْرُ = to mingle, to jumble). From it are derived ''at-tashājur'' and ''al-mushājarah'' (اَلتَّشَاجُر،اَلْمُشَاجَرَة = to quarrel, to dispute), as if the claim and counter-claims are mixed up and jumbled together; the same is the root of ash-shajar (اَلشَّجَرُ = tree)

because its branches look jumbled and mixed together; ''al-haraj'' (

اَلْحَرَجُ = straitness, tightness).

At first glance it appears that it is a rebuttal of the hypocrites' thinking that they believed in the Prophet (s.a.w.a.) even while resorting to the Satan's judgment. It seems to mean: This claim is not correct; they will not be counted as believers until they come to you for judgment and then do not find any straitness in their hearts when you gave your judgment. But the generality of the clause, until they make you a judge ... total submission, and that of the next verse, And if We had prescribed for them ... except a few of them, supports the view that this admonition is not restricted to the

hypocrites; it covers others too inasmuch as they apparently think that mere acceptance of what Allāh has revealed including gnosis and commands constitutes true belief in Allāh, His Messenger and all that the Messenger has brought. But it is not so. True belief means total submission from the depth of one's heart as well as in appearance. How is it possible for true believers not to submit to the Prophet's order in appearance (turning aside from him and going against him) or in their inner self by feeling straitness in their hearts when that judgment goes against their wishes. Allāh has said to His Messenger, ... that you may judge between people by means of that which Allāh has taught you (4:105). Now, if any one feels annoyed with the Prophet's judgment, he is in fact annoyed with Allāh's judgment, because it is Allāh who has made his obedience compulsory and given him authority to enforce his decisions.

If they surrendered to the Messenger's order and judgment without finding any straitness in their hearts on that account, they would have in fact surrendered to Allāh's order and judgment, whether it be a legislative one or creative. It is one of the stages of faith, on reaching which a believer attains to many superior virtues (the most prominent being submission to Allāh's order), and becomes free from many bad traits like finding staitness in heart and objecting to divine order by tongue or heart. The 'submission' required in the verse is general and comprehensive.

It is now clear that, although the wording of the verse, But no! by your Lord! they do not believe ... with total submission, apparently makes it restricted to the Prophet's judgment only (because it refers to their resorting to the judgment of someone else even when they were obliged to refer every dispute to the Prophet (s.a.w.a.), yet its import is general and covers orders of Allāh and His Messenger both, and in matters of legislation as well as creation, as described above. Not only that. It encompasses all judgments he delivered, all systems he established and all actions he performed, because the order is general; and it is not possible for the one who truly believes in Allāh to reject, be annoyed or feel disturbed on account of a judgment, order or system that in any way emanates from Allāh or His Messenger. Otherwise, it would be, to a certain degree, associating others with Allāh. Allāh says: And most of them do not believe in Allāh without associating others (with Him), (12:106).

QUR'ĀN: And if We had prescribed for them ... except a few of them.: It was described under the verse, but Allāh has cursed them on account of their unbelief, so they shall not believe but a few (4:46), that this style indicates that the statement is applicable to the collective body of people, i.e., to the society as a whole, and that the exception only serves to remove any possible misunderstanding that it covers each and every member without sparing a single person. The exception, therefore, is rather separated than attached, or it falls between the attached and the separated exceptions inasmuch as it has two sides.

Therefore, the sentence, ''they would not have done it except a few of them'', describes the condition of the collective body that as a society they do not obey the orders which seem unpalatable to them and which affect the things to which their hearts are firmly attached like their lives and homes;

and the exception of the few has been added to remove a possible misunderstanding.

The meaning: If We had prescribed for them and ordered them to kill themselves or go forth leaving their homes and places of residence which they were emotionally attached to, they would not have done it, would have disobeyed Us. Nevertheless, as the above statement could have given an impression that there was not among them even a single true believer who would submit to the command of Allāh, this misunderstanding was removed by excepting a few of them; although the preceding statement in fact had not included them in the first place, because it had commented on the society per se, and had not looked at individual members except as components of that society.

It shows that the verse speaks about killing of the whole by whole group, and their collective dispersion from their villages and towns. It does not refer to individuals - that every one should kill himself or go out from his personal home. It is the same style as used in the verse, therefore turn to your Creator (penitently), and kill your people [lit.: yourselves] (2:54), because this verse too is addressed to the group, not to individuals.

QUR'ĀN: and if they had done what they were admonished,: The word 'prescribed' used at the beginning, has been changed here to 'admonished'. It is an indication that these directives given as commands and orders are in fact pointers leading to what contains their good and bliss. They are in their essence admonitions and sympathetic guidance ordained for their good.

QUR'ĀN: it would have certainly been better for them and most efficacious in strengthening (them);: That is, in all matters that concerns them in this world and the next. It is because the good of the next world is inseparable from this world's good; rather the former follows the latter. ''Most efficacious in strengthening'', i.e., strengthening their hearts and souls with true faith, as the speech revolves around faith. Allāh has said: Allāh strengthens those who believe with the sure word in this world's life and in the hereafter (14:27).

QUR'ĀN: And then We would certainly have given them from Ourselves a great reward;: That is, when they got strengthened with firm faith. The vagueness of ''a great reward'' has the same implication as the unrestrictedness of ''better for them''.

QUR'ĀN: And We would certainly have guided them in the straight path.: The meaning of the straight path was explained in the first volume under the verse, Guide us to the straight path (1:6).

QUR'ĀN: And whoever obeys Allāh and the Messenger, these are with those upon whom Allāh has bestowed favours from among the prophets and the truthful and the witnesses and the good ones; and excellent are these as companion: Obedience of Allāh and the Messenger has been joined in this good news although the preceding verses had spoken specifically about the Messenger's obedience and submission to his command and judgment; it is because of some intervening verses referring to Allāh, e.g., And if We had prescribed for them ... The obligation therefore is of obeying Allāh and obeying His Messenger; as was clearly laid down in the beginning of this topic: obey Allāh and obey the Messenger …

The words, ‘‘these are with those upon whom Allāh has bestowed favours’’, show that the obedient ones would join the company of the prophets and the other favoured ones, not that they would become one of them. Those bestowed with favours are the people of ‘‘the straight path’’; and this phrase has not been attributed in the Qur’ān to any one other than Allāh, with exception of this group, as the Qur’ān says: Guide us to the straight path, the path of those upon whom Thou hast bestowed favours (1:6 - 7). In short, the obedient ones will enjoy the company of the prophets, truthful ones, etc., without becoming themselves prophet, etc. Also, the end clause, ‘‘and excellent are these as companion’’, points to this direction. It was explained earlier that the favour specifically refers to mastership and guardianship.

Coming to these four groups, the prophets are recipients of revelation who are given news of the unseen. We know nothing more about them except what is seen of their achievements in society. Also it has earlier been described that ‘‘ash-shuhadā’ ’’ (اَلشُّهَدَآءُ), when used in the Qur’ān, means witnesses of people’s actions, not martyrs in the battle-field; and that the good ones are those who deserve favours from Allāh.

As for the truthful ones, the word ‘‘as-siddīq’’ (اَلصِّدِّيْقُ) is the exaggerative form of as-sidq (اَلصِّدْقُ = truth). Truth occurs in speech as well as in acts. Truth in action means its conformity with the words, because it shows firm belief. When one is true in one’s words, it gives a true picture of his inner belief without any contradiction; a word is true when it conforms with reality. As the speech itself is an action, the one who is truthful in action would not say except what he knows to be true and real. His words therefore are doubly true - the narration and the matter narrated both are true The truthful one, who never lies, is the one who does not do except what he knows to be right, without following his desires, and does not say except what he knows to be truth, and does not think except that which is true; he sees the reality of the things, says truth and does right.

In this way the ranks are fixed: The prophets (and they are the leaders and chiefs); then the truthful ones (and they are witnesses of realities and people’s deeds); then the witnesses (who are witnesses of deeds); and lastly the good ones (who are qualified to receive divine favours).

The last word, ‘‘rafīqā’’ (رَفِيْقاً = companion) is accusative of specification; and means: as companion, in the manner of a companion.

That is why it has been used in singular form. Some others have said that it is a circumstantial clause and means: each of these is excellent as companion. In that case, the style is similar to that found in the verse, ...

then We bring you forth as baby ... (22:5).

QUR’ĀN: This is grace from Allāh, and sufficient is Allāh as the Knower: The sentence begins with the indicative pronoun, dhālika (= ذٰلِكَ lit.: that), and that pronoun is made for distant objects; then the predicate al-fadl (اَلْفَضْلُ = grace) is strengthened with the definite article al (اَلْ

).All these literary devices signify the magnificence of the grace, as though it is the grace in its totality. The verse ends with the mention of divine knowledge, because the preceding speech describes the ranks of faith and belief, which cannot be identified except by the divine knowledge.

It should be noted here that these noble verses have changed several times the style from first or second person to the third and vice versa without affecting the flow of speech or weakening their interlinked arrangement. The series begins addressing the believers in second person [O you who believe!], then talks of them in third person (And if We had prescribed for them). Likewise, Allāh has mentioned Himself in the first verse in third person (obey Allāh), then turns to first person plural (And We did not send ...), then at once to the third person in the same verse (by permission of Allāh); then again to the first person plural (And if We had prescribed), and finally to third person (And whoever obeys Allāh).

Likewise, the Messenger of Allāh has been described in the first verse in third person (and obey the Messenger), then addressed in the second person (come to you) and then turns to third person (and the Messenger had asked forgiveness for them), then it turns again to second person (by your Lord!), it then turns third time to the third person (And whoever obeys Allāh and the Messenger), and finally uses the demonstrative pronoun, ulā'ika (أُولئِكَ = these) with second person pronoun ka (ك = you). Altogether there are ten changes here, and the reasons are not difficult to understand for anyone who ponders on the context.

TRADITIONS

Ibn Bābawayh has narrated through his chain from Jābir ibn 'Abdillāh al-Ansārī that he said: ''When Allāh, the Mighty, the Great, sent to His Prophet, Muhammad (s.a.w.a.), the verse, O you who believe! obey Allāh and obey the Messenger and those vested with authority from among you, I said, 'O Messenger of Allāh! We know Allāh and His Messenger; but who are those vested with authority whose obedience Allāh has conjoined to your obedience?' (The Prophet) said: 'They are my caliphs, O Jābir! and the Imāms of the Muslims after me. The first of them is 'Alī son of Abū Tālib, then al-Hasan, then al-Husayn, then 'Alī son of al-Husayn, then Muhammad son of 'Alī who is mentioned as al-Bāqir in the Torah; you will surely meet him, O Jābir! when you see him convey my salām (greetings) to him. Then as-Sādiq Ja'far son of Muhammad; then Mūsā son of Ja'far; then 'Alī son of Mūsā; then Muhammad son of 'Alī; then 'Alī son of Muhammad; then al-Hasan son of 'Alī; then Muhammad (whose name and patronym will be the same as mine) son of al-Hasan son of 'Alī, the Proof of Allāh on His earth and Baqiyyatullāh (بَقِيَّةُ اللهِ = the one kept safe by Allāh) among His servants;

he is the one by whose hands Allāh, Sublime is His remembrance, will conquer the whole world from the east to the west; he it is who will remain hidden from his followers and friends for such a long period that no one will remain firm on the belief of his imamah except he whose heart has been tested by Allāh for faith.' ''

Jābir says: ‘‘I said: ‘O Messenger of Allāh! Will his followers get any benefit from him during his occultation?’ (The Prophet, s.a.w.a.) said: ‘Certainly, by Him Who has sent me with prophethood! they will be guided by his light and benefit from his wilāyah (اَلْوِلاَيَةُ = love, mastership) during his occultation as people benefit from the sun when it is hidden in cloud. O Jābir! this is part of the hidden secrets of Allāh and the treasured knowledge of Allāh. So keep it hidden except from the people who deserve to know.’ ’’ (Tafsīr al-Burhān)

The author says: an-Nu‘mānī has narrated through his chain from Sulaym ibn Qays al-Hilālī from ‘Alī (a.s.) a tradition of the same meaning as above. Also ‘Alī ibn Ibrāhīm has narrated it through his chain from Sulaym from ‘Alī (a.s.). There are other traditions narrated through Shī‘ī and Sunnī chains, describing the imāmah of the above Imāms together with their names; which may be seen in Yanābi‘u ’l-mawaddah, and al-Bahrārī’s Ghāyatu ’l-marām and other books.

Jābir al-Ju‘fī has said: ‘‘I asked Abū Ja‘far (a.s.) about the verse, obey Allāh and obey the Messenger and those vested with authority from among you. He said: ‘The Imāms.’ ’’ (at-Tafsīr, al-‘Ayyāshī)

The author says: al-‘Ayyāshī has narrated in his Tafsīr another similar tradition through ‘Umar ibn Sa’īd from Abu ’l-Hasan (a.s.), in which the following reply is given: ‘‘ ‘Alī ibn Abī Tālib and the Imāms after him.’’

Ibn Shahrāshūb narrates: ‘‘al-Hasan ibn Sālih asked as-Sādiq (a.s.)

about it and the Imām replied: ‘The Imāms from the Ahlu ’l-bayt of the Messenger of Allāh (s.a.w.a.).’ ’’

The author says: A similar tradition has been narrated by as-Sadūq through Abū Basīr from al-Bāqir (a.s.) in which it is said: ‘‘The Imāms from the children of ‘Alī and Fātimah until the Hour (of resurrection) comes.’’

Abū Masrūq has narrated a tradition from Abū ‘Abdillāh (a.s.); he says: ‘‘I told him: ‘We have discussion with theologians and we argue against them with the words of Allāh, the Mighty, the Great, obey Allāh and obey the Messenger and those vested with authority from among you; but they say: ‘‘It was revealed about the believers.’’ And we argue against them with the words of Allāh, the Mighty, the Great, Say: I do not ask of you any recompense for it except the love for near relatives; and they say: ‘‘It was revealed about the near relatives of the believers.’’ Thus I did not leave anything like this which came to my mind but I mentioned it (to him).’ Thereupon he said to me: ‘In that case, call them to al-mubāhalah (اَلْمُبَاهَلَةُ = imprecation).’ I said: ‘And how should I do it?’ He said: ‘Keep yourself good and happy for three days; keep fast;

take bath; and go forth you and he to the mountains; then entwine your right hand’s fingers in his fingers; then show justice to him and begin with yourself and say: ‘‘O Allāh, the Lord of the seven heavens and the Lord of the seven earths, the Knower of the unseen and the seen, the Beneficent, the Merciful! If Abū Masrūq has rejected truth and claimed wrong, then send on him reckoning from the heaven and a painful chastisement.’’ Then turn the same imprecation on him and say: ‘‘And if he (i.e., your adversary) has

rejected truth and claimed wrong, then send on him reckoning from the heaven and a painful chastisement.'' ''

''Then (the Imām, a.s.) said to me: 'Thus it will not be long that you will see it (chastisement) in him.' But, by Allāh, I did not find anyone who would answer to this call.'' (al-Kāfī)

'Abdullāh ibn 'Ajlān has narrated from Abū Ja'far (a.s.) that he said about this verse of obedience: ''It is about 'Alī and the Imāms; Allāh has put them in places of prophets except that they do not make anything lawful or unlawful.'' (at-Tafsīr, al-'Ayyāshī)

The author says: The exception in this tradition confirms what was written in the Commentary that according to this verse legislating a law was reserved for Allāh and His Messenger.

Burayd ibn Mu'āwiyah has narrated that Abū Ja'far (a.s.) recited: ''Obey Allāh and obey the Messenger and those vested with authority from among you; then if you fear a dispute about anything, refer it back to Allāh and the Messenger and those vested with authority from among you.'' Then he said: ''How can it be that He orders their obedience and then allows disputing with them? He (Allāh) has said it to the rebellious ones who were told, obey Allāh and obey the Messenger.'' (al-Kāfī)

The author says: All that this tradition shows is that the Imām (a.s.) was explaining the verse and elaborating on it; as we have described in the Commentary. It does not mean that the Imām (a.s.) was giving a separate version of the verse, as might be misunderstood by the word, 'recited'. A proof of what we have said may be found in the fact that different wordings have been used in other traditions [giving the same meaning, and even in the same tradition recorded in another book]. For example.

Harīz has narrated from Abū 'Abdillāh (a.s.) that he said: ''It was revealed, then if you quarrel about any thing, refer it to Allāh and to the Messenger and to those vested with authority from you.'' (at-Tafsīr, al-Qummī). Also al-'Ayyāshī has narrated from Burayd ibn Mu'āwiyah from Abū Ja'far (a.s.) (and it is the same tradition which has been quoted above from al-Kāfī), and this narration says, inter alia: ''Then (Allāh) said to the people, 'O you who believe!', and He has gathered [in this address] all the believers upto the Day of Resurrection; obey Allāh and obey the Messenger and those vested with authority from among you. He has meant us particularly. Then if you fear a dispute about anything, refer it back to Allāh and the Messenger and those vested with authority from among you. It was revealed in this way. And how would He order them to obey those vested with authority and then allow them to quarrel with them? It was said to those who were ordered [to obey and] who were told: Obey Allāh and obey the Messenger and those vested with authority from among you.'' (at-Tafsīr, al-'Ayyāshī)

Abū Basīr has narrated from Abū Ja'far (a.s.) that he said: ''It (i.e., the verse of obedience) was revealed about 'Alī ibn Abī Tālib (a.s.).'' ''I said to him: 'People say to us, ''What was to prevent Him from naming 'Alī and his Ahlu 'l-bayt in His Book?'' ' Abū Ja'far (a.s.) said: 'Tell them, ''Verily Allāh revealed (the order of) prayer to His Messenger; but He did not name three (rak'ah) or four, until it was the Messenger of Allāh who explained it;

and He revealed (the order of) hajj and did not reveal, 'circumambulate seven times', until the Messenger of Allāh (s.a.w.a.) explained it. [Likewise] Allāh revealed: 'obey Allāh and obey the Messenger and those vested with authority from among you'; and it was revealed about 'Alī and al-Hasan and al-Husayn (peace be on them); and he (the Messenger of Allāh, s.a.w.a.) said about 'Alī: 'Whoever's master am I, 'Alī is his master.' Also the Messenger of Allāh (s.a.w.a.) said: 'I admonish you concerning the Book of Allāh and my Ahlu 'l-bayt; verily I have asked Allāh not to let them be separated from each other until He brings them to the hawd (اَلْحَوْضُ = reservoir [of al-Kawthar]), and He has granted it to me.' And he said: 'Do not teach them because they are more knowledgeable than you; verily they shall never take you away from the gate of guidance and shall never let you enter the gate of misguidance.' If the Messenger of Allāh had remained silent and not identified the people (of his Ahlu 'l-bayt), surely the progeny of 'Abbās, and the progeny of 'Aqīl and someone else's progeny would have claimed (to be among them); but Allāh revealed in His Book: Allāh only desires to keep away the uncleanness from you, O people of the House!

and to purify you a (thorough) purification [33:33]; and 'Alī and al-Hasan and al-Husayn and Fātimah (peace be on them) were the interpretation of this verse; so the Messenger of Allāh (s.a.w.a.) took the hands of 'Alī and Fātimah and al-Hasan and al-Husayn (blessings from Allāh be upon them) and entered them under the mantle in the house of Umm Salamah and said: 'O Allāh! every prophet had had his precious things and his people; and these are my precious things and my people'

Umm Salamah said: 'Am I not from your people?' He said: 'Verily you are (preceeding) to good but these are my precious things and people of my (house).'... (at-Tafsīr, al-'Ayyāshī)

The author says: al-Kulaynī has narrated in al-Kāfī, through his chain of narrators from Abū Basīr from the same Imām (a.s.) a similar tradition with minor differences in wordings.

Ibn Shahrāshūb has quoted from at-Tafsīr of Mujāhid that this verse [of obedience] was revealed about the Leader of the faithful ['Alī, a.s.] when the Messenger of Allāh (s.a.w.a.) left him in Medina as his deputy. ('Alī) said: ''O Messenger of Allāh! Are you leaving me to look after the women and the children?'' He [the Messenger of Allāh] said: ''O Leader of the faithful! Are you not pleased that you should have the same position with me as Hārūn had with Mūsā, when (Mūsā) said to him: 'Take my place among my people, and act well'? Then Allāh said: 'and those vested with authority from among you'.'' (The Imām then) said: '' 'Alī ibn Abī Tālib, Allāh appointed him as the master of the ummah's affairs after Muhammad and when the Messenger of Allāh (s.a.w.a.) made him take his place at Medina. Thus Allāh ordered the servants to obey him ('Alī) and not to go against him.'' (Tafsīr al-Burhān).

Mujāhid has also narrated from Ibānah al-Falakī that it was revealed when Abū Buraydah complained against 'Alī (a.s.) (ibid.)

A tradition has been quoted in 'Abaqātu 'l-anwār from Yanābī'u 'l-mawaddah of ash-Shaykh Sulaymān ibn Ibrāhīm al-Balkhī who quotes from

al Manāqib, from Sulaym ibn Qays al-Hilālī from ‘Alī (a.s.) which, inter alia, says: [‘Alī, a.s.] said, ‘‘The least by which a servant goes astray is that he does not know the Proof of Allāh, the Blessed, the Sublime, and His witness over His servants, whose obedience Allāh has ordered and whose love and obedience made obligatory.’’ Sulaym says, ‘‘I said, ‘O Leader of the faithful! describe them to me.’ He said, ‘(They are) those whom Allāh has joined with Himself and His Messenger, and said: O you who believe! obey Allāh and obey the Messenger and those vested with authority from among you.’ I said to him, ‘May Allāh make me your ransom! explain (it) to me.’ He said, ‘Those (about whom) the Messenger of Allāh (s.a.w.a.) had said in several places and his last sermon on the day when Allāh, the Mighty, the Great, took him to Himself: ‘‘Surely I am leaving among you two things, you shall never go astray after me if you hold fast to them: the Book of Allāh, the Mighty, the Great, and my progeny who are my Ahlu ’l-bayt; because [Allāh,] the Kind, the Knower, has promised me that they shall never be separated (from each other) until they come to me at the Reservoir - like these two (saying this, the Prophet joined his index fingers together) and I do not say ‘like these two’ (saying which he joined his index and middle fingers together); so hold fast to them both and don’t go ahead of them, otherwise you would go astray.’’ ’ ’’

The author says: Traditions narrated from the Imāms of Ahlu ’l-bayt, giving similar meanings as above are very numerous. What we have presented here gives examples of all types of meanings described in traditions. Anyone wanting more details should consult collections of ahādīth.

As for ancient exegetes, they are divided about the meaning of the phrase, ulu ’l-amr. Some say, it means the rightly guided caliphs; others say, commanders of expeditions; a third group says, the scholars. ad-Dahhāk has reportedly said that it refers to the companions of the Prophet (s.a.w.a.); but it boils down to the third interpretation, because reportedly he has said: ‘‘They are companions of the Messenger of Allāh (s.a.w.a.) as they were the callers (to Islam) and narrators of traditions.’, Obviously, this reasoning is based on their knowledge, and this interpretation would ultimately mean the scholars.

It should be noted that many things and various stories have been reported concerning the reason of revelation of this verse; but if one ponders on them one would be in no doubt that all of them are mere attempts by the narrators to apply the verse on one or the other view or situation. We therefore have not quoted any of them as it was of no value. You may look into ad-Durru ’l-manthūr and at-Tafsīr of at-Tabarī and other books like them for verification of this observation.

al-Barqī has narrated through his chain from Abu ’l-Jārūd that Abū Ja‘far (a.s.) said about the verse, But no! by your Lord! they do not believe until they ... submit with total submission: ‘‘Submission is pleasure and satisfaction with His decree.’’ (al-Mahāsin)

‘Abdullāh al-Kāhilī has said that Abū ‘Abdillāh (a.s.) said: ‘‘If a people worshipped Allāh alone who has no partner, and established prayer, and gave zakāt, and performed hajj of the House, and fasted in the month of

Ramadān, and then said about a thing done by Allāh or by His Messenger (s.a.w.a.), 'Why did he do this?' Or, 'If he had done it in another way [it would have been better]' or felt [annoyance] in their hearts, they would become polytheists because of it.'' Then he recited this verse, But no! by your Lord! they do not believe until they make you a judge of that which has become a matter of disagreement among them, and then do not find any straitness in their hearts as to what you have decided and submit with total submission. Then Abū 'Abdillāh (a.s.) said: ''It is incumbent upon you to submit.'' (al-Kāfī)

'Abdullāh ibn Yahyā al-Kāhilī has narrated that he heard Abū 'Abdillāh (a.s.) saying: ''By Allāh, if a people worshipped Allāh alone who has no partner, and established prayer, and gave zakāt, and performed hajj of the House, and fasted in the month of Ramadān, and then said about a thing done of the Messenger of Allāh (s.a.w.a.), 'Why did he do this or that? or felt [annoyance] in their hearts, they would become polytheists because of it.'' Then he recited, But no! by your Lord! they do not believe until they make you a judge of that which has become a matter of disagreement among them, and then do not find any straitness in their hearts as to what - Muhammad and the progeny of Muhammad - have decided and submit with total submission. (at-Tafsīr, al-'Ayyāshī).

The author says: There are other traditions similar to these two. The meaning given by the Imām (a.s.) extends the theme of the verse on two counts: First, that the verse covers all decisions and decrees, be they legislative or creative; Second, it makes no difference whether the decision or decree was issued by Allāh or by His Messenger.

It should be mentioned here that there are other traditions which apply the verse, But no! by your Lord! they ... submit with total submission, to the wildyah of 'Alī (a.s.) or the wilāyah of the Imāms of Ahlu 'l-bayt (a.s.); they provide examples of applying a verse to one or the other of its prominent models. Certainly the verse is applicable to Allāh, His Messenger and the Imāms of Ahlu 'l-bayt, and it continues in them.

ash-Shaykh has narrated through his chain from 'Alī (a.s.) that he said: ''A man from the Helpers (ansār) came to the Prophet (s.a.w.a.) and said: 'O Messenger of Allāh! I cannot bear separation from you; so much so that if I enter my home and remember you, I leave my property and come (here) for looking at you, in your love. Then I remembered that when the Day of Resurrection would come, you would be made to enter the Garden and raised to the highest level of 'illiyyīn (عِلِّيِّين = highest place). Then how could I see you? O Messenger of Allāh!' Then the verse was revealed: And whoever obeys Allāh and the Messenger, these are with those upon whom Allāh has bestowed favours from among the prophets, and the truthful, and the witnesses, and the good ones; and excellent are these as companion! Thereupon the Prophet (s.a.w.a.) sent for the man and recited it to him and gave him the good news.'' (al- Amālī, ash-Shaykh)

The author says: This theme is also narrated through Sunnī chains in ad-Durru 'l-manthūr quoting from at-Tabarānī, Ibn Marduwayh, Abū Nu'aym (in Hilyatu 'l-awliyā') and ad-Diyā' al-Maqdisī (in Sifatu 'l jannah, saying

that this tradition was ‘good’), all narrating from ‘Ā’ishah; also quoting from at-Tabarānī and Ibn Marduwayh both through ash-Sha‘bī from Ibn ‘Abbās; and through Sa‘īd ibn Mansūr and Ibnu ’l-Mundhir from ash-Sha‘bī; and through Ibn Jarīr from Sa‘īd ibn Jubayr.

Ibn Shahrāshūb has narrated from Anas ibn Mālik from someone he had named from Abū Sālih from Ibn ‘Abbās that he said about this verse: ‘‘And whoever obeys Allāh and the Messenger, these are with those upon whom Allāh has bestowed favours from among the prophets - i.e., Muhammad (s.a.w.a.) - and the truthful - i.e., ‘Alī, and he was the first to verify - and the witnesses - i.e., ‘Alī, Ja‘far, Hamzah, al-Hasan and al-Husayn, peace be on them.’’ [45] (Tafsīr al-Burhān)

The author says: There are other traditions giving the same meaning.

al-Bāqir (a.s.) said: ‘‘Help us with piety, because whoever met Allāh with piety, would get happiness near Allāh, as Allāh, the Mighty, the Great, says: And whoever obeys Allāh and the Messenger ...’’ After reciting the verse, he said: ‘‘So from us is the Prophet, and from us is the truthful, and from us are the witnesses and the good ones.’’ (al-Kāfī)

as-Sādiq (a.s.) has said: ‘‘The believers are of two kinds: (One is) a believer who fulfils the conditions Allāh had imposed on him; he will be with the prophets, and the truthful, and the witnesses, and the good ones; and excellent are these as companions! and he is among those who will intercede and will not need intercession (by others); and he is among those who are not inflicted with terror of this world, nor of the hereafter. (Another is) a believer who has made mistakes. He is like a green stalk, which inclines to whichever direction wind pushes it and then returns to its position. He is among those who are inflicted with terrors of this world and that of the hereafter, and he would be interceded for; and he is on good.’’ (ibid.)

The author says: as-Sihāh says: ‘‘al-Khāmah (اَلْخَامَة) is a green soft plant.’’ The Imām (a.s.) in this hadīth points to what was described in the Commentary of the verse, The path of those upon whom Thou hast bestowed favours (1:7), that ‘favour’ means al-wilāyah (اَلْوِلاَيَة = love, mastership, friendship). This explanation thus corresponds with the verses, Now surely the friends of Allāh, they shall have no fear nor shall they grieve. Those who believed and were pious (10:62 - 63). Terror of mishaps cannot reach the friends of Allāh who rely on none other than Allāh.

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CHAPTER 4, VERSES 71 - 76

يَا أَيُّهَا الَّذِينَ آمَنُوا خُذُوا حِذْرَكُمْ فَانفِرُوا ثُبَاتٍ أَوِ انفِرُوا جَمِيعًا ﴿٧١﴾ وَإِنَّ مِنكُمْ لَمَن لَّيُبَطِّئَنَّ فَإِنْ أَصَابَتْكُم مُّصِيبَةٌ قَالَ قَدْ أَنْعَمَ اللَّـهُ عَلَيَّ إِذْ لَمْ أَكُن مَّعَهُمْ شَهِيدًا ﴿٧٢﴾ وَلَئِنْ أَصَابَكُمْ فَضْلٌ مِّنَ اللَّـهِ لَيَقُولَنَّ كَأَن لَّمْ تَكُن بَيْنَكُمْ وَبَيْنَهُ مَوَدَّةٌ يَا لَيْتَنِي كُنتُ مَعَهُمْ فَأَفُوزَ فَوْزًا عَظِيمًا ﴿٧٣﴾ فَلْيُقَاتِلْ فِي سَبِيلِ اللَّـهِ الَّذِينَ يَشْرُونَ الْحَيَاةَ الدُّنْيَا بِالْآخِرَةِ ۚ وَمَن يُقَاتِلْ فِي سَبِيلِ اللَّـهِ فَيُقْتَلْ أَوْ يَغْلِبْ فَسَوْفَ نُؤْتِيهِ أَجْرًا عَظِيمًا ﴿٧٤﴾ وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّـهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَـٰذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَل لَّنَا مِن لَّدُنكَ وَلِيًّا وَاجْعَل لَّنَا مِن لَّدُنكَ نَصِيرًا ﴿٧٥﴾ الَّذِينَ آمَنُوا يُقَاتِلُونَ فِي سَبِيلِ اللَّـهِ ۖ وَالَّذِينَ كَفَرُوا يُقَاتِلُونَ فِي سَبِيلِ الطَّاغُوتِ فَقَاتِلُوا أَوْلِيَاءَ الشَّيْطَانِ ۖ إِنَّ كَيْدَ الشَّيْطَانِ كَانَ ضَعِيفًا ﴿٧٦﴾

O you who believe! take your precaution, then go forth in detachments or go forth in a body (71). And surely among you is he who would certainly hang back! If then a misfortune befalls you he says: ''Surely Allāh conferred a benefit on me that I was not present with them'' (72). And if grace from Allāh comes to you, he would certainly cry out, as if there had not been any friendship between you and him: ''Would that I had been with them, then I should have attained a mighty good fortune'' (73). Therefore let those fight in the way of Allāh, who sell this world's life for the hereafter; and whoever fights in the way of Allāh, then be he victorious, We shall grant him a great reward (74). And what reason have you that you should not fight in the way of Allāh and of the weak among the men and the women and the children, (of) those who say: ''Our Lord! take us out of this town, whose people are oppressors, and make for us from Thee a guardian and give us from Thee a helper'' (75). Those who believe fight in the way of Allāh, and those who disbelieve fight in the way of the Satan. Fight therefore against the friends of the Satan; surely the strategy of the Satan is weak (76).

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COMMENTARY

The preceding verse, as you may see, had prepared the ground for the central theme contained in these verses which stimulate and exhort the believers to fight in the way of Allāh. The believers spent their days under very perilous circumstances, when these verses were revealed, probably during the second spring of the Prophet's stay at Medina.[46] Arabs had risen against them from all around in order to extinguish the light of Allāh and demolish the slowly rising edifice of Islam. The Messenger of Allāh (s.a.w.a.) was busy in fighting the Meccan idol-worshippers and Qurayshite friends, sending precautionary expeditions to various directions and raising structure of religion in the society. But that society was honeycombed with groups of hypocrites, and those internal enemies enjoyed great power and influence. On the day of Uhud it was clearly seen that their number was not

much less than half of the believers' number.[47] Those hypocrites used to upset the plans of the Messenger of Allāh (s.a.w.a.), and waited for him to meet with some disaster. They hindered the believers from carrying out their duties, while some of the believers too were not free from spiritual disease, and who used to give various informations to their enemies. All around, Medina was ringed with Jewish tribes who deceived and misguided the believers. From old days, Arabs of Medina respected those Jews and accorded them honour. Taking its advantage, the Jews misled them with false statement and wrong advice, in order to weaken their will and nullify all their endeavours. On the other hand, they used to instigate the polytheists against the Muslims, and encourage the idol-worshippers in their struggle, telling them to remain firm in their denial and disbelief, and to harass and torture the believers who were still in Mecca.

The preceding verses aimed at nullifying the Jewish plots against the Muslims and to erase the effects of their malicious whisperings from the believers' hearts. The comment, in these verses, about the hypocrites aims at completing the believers' guidance and making them aware of the condition prevailing at that time, in order that they might have an insight into their actual position and be on guard against the hidden disease which had seeped into their society and infected a considerable population. It would also help in nullifying the conspiracies of their external enemies who had surrounded them; the light of religion would shine brightly illuminating the world, and Allāh is sure to complete His light even if polytheists and unbelievers disliked it.

QUR'ĀN: O you who believe! take your precaution, then go forth in detachments or go forth in a body: ''al-Hidhr" (اَلْحِذْر = instrument used for precaution, e.g., arms and ammunitions); it is also said that it is a masdar like al-hadhar (اَلْحَذَر = to be cautious). ''an-Nafar'' (اَلنَّفَر = to go forth, or proceed, towards intended destination); basically it means to be frightened; it is as though being frightened, one runs away from one place seeking refuge at the other. [The same word is used, with different prepositions, for both starting and finishing points.] ''ath-Thubāt'' (اَلثُّبَاتُ) is plural of ath-thubbah (اَلثُّبَّةُ) which means separate groups or bands; thubātan (ثُبَاتاً) in the verse, therefore, means group after group; one group departs, then the other starts separately, and so on. This meaning is supported by parallellism of the clause, ''go forth in detachments'', and, ''go forth in a body''.

The order to go forth is based on the order to ''take your precaution'', as the conjunctive fa (فَ = then) shows. Apparently it strengthens the view that 'precaution' refers to means of precaution. That is, it alludes to fully-fledged preparation for jihād. The meaning: Take your arms, make full preparation and go forth to your enemy either in separate detachments (for minor expeditions) or all together (for major battles).

Understandably, preparation and equipments would differ from one operation to another, depending on number and power of enemy. The alternatives of going forth in detachments or all togher are not meant to give

option or choice to the fighters; rather it looks at the strength and number of enemies - if they are few in number, go in small detachment, but if they are numerous, then go all together.

The verse, specially in the context of the next one, And surely among you is he who would certainly hang back, is a warning to the believers not to let down their arms, not to slacken their efforts and not to show any laxity in the conduct of jihād; otherwise, their morale will go down, their zeal for raising the standard of truth will be inflicted by inertia, holding back from fighting the enemies of Allāh. In this way, they will lose the opportunity to cleanse the earth from uncleanness of disbelief and polytheism.

QUR'ĀN: And surely among you is he who would certainly hang back!: [The Arabic sentence is: *wa inna minkum la-man la-yubatt'ianna* = وَ اِنَّ مِنْكُمْ لَمَنْ لَّيُبَطِّئَنَّ] It is said that the first la (لَ) is for beginning as it is attached to the subject of inna (اِنَّ); and the second one is for oath because it is attached to the predicate; it is a verbal clause, emphasized with nūn (ن) which is intensified with doubling sign. ''at-Tabtiah'' and ''al-ibtā' '' (اَلتَّبْطِئَة،اَلْاِبْطَآءُ) both have the same meaning: to be tardy, to be late in a work.

The words, ''among you is he'', show that those who would hang back were from among the believers who have been addressed with, O you who believe! This view is supported also by a coming verse, Have you not seen those to whom it was said: ''Withhold your hands''; obviously these also were from among the believers, as the next words show, but when fighting is prescribed for them, lo! a party of them fear men. Then the next verse also points to it: and if a benefit comes to them, they say: ''This is from Allāh''... Likewise the words, Therefore let those fight in the way of Allāh ..., and the following verse, And what reason have you that you should not fight in the way of Allāh ..., as well as the verse, Those who believe fight in the way of Allāh ..., prove it; all these verses aim at exhorting and urging the believers to fight, and the group of hangers back is certainly included among them, as the interlocking of the verses shows.

Apart from that, there is nothing in these verses to suggest that those tardy people were from among the hypocrites who had not believed except by tongue. Moreover, some of their words quoted in these verses show that to a certain extent there was faith and belief in their hearts; for example, If then a misfortune befalls you he says: ''Surely Allāh conferred a benefit on me'' ...; and, ''Our Lord! why hast Thou ordained fighting for us?''.

Of course, some exegetes have written that the words, ''among you is he'', refers to hypocrites, and that they have been described as being 'among' the believers because they were generally counted among the believers' group. Or because they were from the same family tree, so they were from among the believers' clans or families. Or because they were joined with the believers in the laws of sharī'ah, e.g., their lives were protected and they inherited from believers and other rules too applied to them as they had apparently uttered the two witnesses.

But you have seen that such an explanation goes against the apparent meaning of the Qur'ān without any valid reason.

However, let us see what was the reason which had compelled them to adopt this view. It was their inordinately good opinion of all the Muslims of the early days of Islam, i.e., anyone who saw the Prophet and believed in him. But if you make an indepth study of what history has recorded of their character and behaviour during the life-time of the Prophet and after him, this opinion would be completely shaken. This blind faith will lose its hold if you ponder on the cutting remarks the Qur'ān passes about them.

We have never heard till this day of any pure nation or group which was composed of hundered per cent pure members, all of whom were, without any exception, true believers, firmly standing on truth, never slipping even a little from the straight path (except the martyrs of Karbalā', as reports say). The believers of the early days of Islam were no exception. They too, like other human groups had all types of people among them. There were hypocrites; there were those suffering from one or the other spiritual disease; there were some who followed their desire; and others whose weakness of character was open for all to see.

The distinction of the early Muslims rests on the fact that theirs was an excellent society headed by the Messenger of Allāh (s.a.w.a.); light of faith had enveloped it and rule of religion was enforced in it. This was the condition of the society, per se; although there were among them good as well as bad elements; and there was virtue as well as vice in their psychological make up, and the whole spectrum of mental traits and natural dispositions was found among them.

That is how the Qur'ān describes their condition and comments on their character. Allāh says: Muhammad is the Messenger of Allāh, and those with him are severe against the unbelievers, compassionate among themselves, you will see them bowing down, prostrating themselves, seeking grace from Allāh and pleasure; their marks are in their faces because of the effect of prostration; that is their description in the Torah and their description in the Injīl; like as seed produce that puts forth its sprout, then strengthens it, so it becomes stout and stands firmly on its stem, delighting the sowers that He may enrage the unbelievers on account of them; Allāh has promised those among them who believe and do good, forgiveness and a great reward (48:29). Mark how the verse begins with description of their collective merits and virtues in general, without attaching any restriction or proviso; but when it comes in the end to individual members of the society, the forgiveness and reward is made conditional to their belief and good deeds.

QUR'ĀN: If then a misfortune befalls you: i.e., if you are slain or wounded; he says: ''Surely Allāh conferred a benefit on me that I was not present with them''; otherwise, I too would have suffered as they did.

QUR'ĀN: And if grace from Allāh comes to you: i.e., spoils or war, etc.; 'grace' refers to wealth and riches, and similar other things; he would certainly cry out, as if there had not been any friendship between you and him: ''Would that I had been with them'': The words portray their condition in dramatic style. After all, they are believers, and the Muslims are limbs of one body; they are joined together with the strongest band - belief in Allāh

and His revelation - which controls all other relationships, be it family-tie, guardianship, pledge of allegience or friendship. But their faith is so weak that they do not feel there was any connection between them and the believers. That is why they express their wish to be present with the believers in jihād, as a stranger expresses his desire when he sees someone acquire some wealth: Would that I had been with them, then I should have attained a mighty great fortune. The weakness of their faith and belief is reflected in the high esteem they accord to spoils of war and in their counting the acquirement of worldly riches as 'a mighty good fortune'; while they treat every trouble faced by the believers - being killed or wounded or undergoing other hardships - as 'a misfortune'.

QUR'ĀN: Therefore let those fight in the way of Allāh, who sell this world's lift ... a great reward: ''It is said, ''sharaytu'' (شَرَيْتُ) i.e., I sold; and ishtarayatu (اِشْتَرَيْتُ) i.e., I bought. The meaning will be as follows: They sell this world's life in exchange for the hereafter.''

(Majma'u 'l-bayān)

The verse branches out from the preceding exhortation of jihād and condemnation of those who hold back from going forth for it. It urges them again to fight in the way of Allāh by reminding them that all of them were believers who had already sold their worldly life - by accepting the Islam - and bought the hereafter in exchange, as Allāh has said in another place: Surely Allāh has bought of the believers their persons and their properties for this, that they shall have the garden (9:111). Then it exponds the desirable benefit of that fighting, by showing that it brings in a great reward in any case: and whoever fights in the way of Allāh, then be he slain or be he victorious, We shall grant him a great reward.

It makes it clear that the endeavours of a fighter in the way of Allāh are sure to bring in one of the two good results: either he will be killed in the way of Allāh or gain victory over the enemy of Allāh; and in either case he shall find a great reward from Allāh. It does not mention the third possibility, i.e., defeat and retreat; it is a hint that a fighter in the way of Allāh never retreats, never runs away.

The possibility of being slain is mentioned before that of victory, because martyrdom has much greater and more confirmed reward. A fighter who vanquishes an enemy of Allāh is certainly eligible for a great reward; but there is always a danger of forfeiture, if he committed some sins which would make his good deeds forfeit, or if he indulged in evil acts after that. But there is no such risk in martyrdom, as it is the end of this world's life and beginning of that of the hereafter. A martyr therefore is sure to get his great reward in full, while the victorious fighter in the way of Allāh may only hope to get his full reward.

QUR'ĀN: And what reason have you that you should not fight in the way of Allāh and of the weak among the men and the women and the children ...: The word, 'weak', is in conjunction with the name of Allāh. The verse uses the style of questioning for spurring and invigorating the believers to fight. It reminds them that their fighting is in the way of Allāh (and the only goal of your blessed life is to attain His pleasure, and no

felicity is more blissful than His nearness), and in the way of your weak men, women and children.

This verse, in fact, uses a very effective style to exhort, urge and incite the whole believing community to fight. As for the sincere pure-hearted believers, it should be enough for them that Allāh was calling them; they would stand up for truth, answer the call of their Lord and respond with all their might to the Messenger's invitation. As for other believers, if that was not enough, they should realize that, apart from its being a jihād in the way of Allāh, it is also a fight in the way of their own men, women and children who are suffering at the hands of the unbelievers; let them have a zealous sense of honour and partisanship and fight for those weakened fellow-religionists.

Islam initially negates every relationship through blood relation or other causes except the relationship of faith. Once a person becomes Muslim, his/her other relationships are re-instated [in the framework of Islam]. Now it becomes incumbent on a Muslim to offer sacrifices to save his Muslim brother who is related to him through faith; also he must do so in case of his other relatives - men, women and children - if they are Muslims, as this sacrifice of wealth and life will actually be an offering in the way of Allāh [as it will be for safety of the Muslims].

Those weak ones who, being related to these believers, are a part of them, are true believers. See how they pray to Allāh, saying: ''Our Lord! take us out of this town''. Also they are humiliated, oppressed and tortured by the polytheists; they are crying out and asking for divine help; ''Our Lord! take us out of this town, whose people are oppressors''. The oppression mentioned here is general; also it does not say that those people were indulging in sins and were therefore unjust to themselves. The clear meaning is that the town's people were oppressing and tormenting them with various kinds of torture - as the history confirms.

Their call for help was couched in a sublime style with excellent wordings. They did not say: 'O our men!', 'O our leaders!', 'O our people!' or 'O our clan!'. Allāh says that they called their Lord and sought help from their True Master; they said: ''Our Lord! take us out of this town, whose people are oppressors''. Then they pointed to the Prophet (s.a.w.a.) and the brave believers who were with him, saying: and make for us from Thee a guardian and give us from Thee a helper. They wished that they should have a guardian and a helper, but they prayed to their Lord, the True Guardian and Helper, to give them human guardian and helper.

SENSE OF HONOUR VIS-A-VIS BIGOTRY

Look at the divine manner manifested by the Honoured Book; and compare it with our own natural instinct - you will see a wonderful reality. No doubt, there is an instinct ingrained in human nature which inspires man to stand for the defence of things he holds dear and considers them as inviolable, like children, women, dignity, national honour and things like that. It is a dictate of nature and is the mainspring of many human actions. But this defence is sometimes praiseworthy, if it is on right course and for right cause; at other times it is blameworthy and causes infelicity and disturbance in society, if it is unjustified and against the truth.

Islam accepts it in principle to the extent the nature demands, but it nullifies all its details. After erasing all traces of base instincts, it diverts it towards Allāh, turning it away from all worldly things. Reaching this stage, it allows it to function in many of the original situations, but moulding it in the matrix of monotheism. It urges man to have a zealous sense of honour for his men, women and children, in short for his every right - gearing it to Allāh's pleasure. Thus Islam confirms the dictate of nature, but cleanses it of pulluted desires and unhealthy emotions; it purifies it and turns it into a safe highway which man proceeds on, helped by his nature. Islam takes it out from darkness of conflict to light of concord and peace. There is no contradiction or disharmony in various parts or aspects of the sense of honour which Islam encourages man to have, and regulates its application. All share the basic characteristics of being various aspects of monotheism, and manifestation of following the truth. Accordingly, all its relevant directives and rules have turned into broad-based, lasting and comprehensive principles, without any contradiction or discordance.

QUR'ĀN: Those who believe fight in the way of Allāh ... Satan: It is a comparison between the believers and the unbelievers in their respective styles of fighting; or more precisely, in the two groups' motives of fighting. This comparison clearly shows the excellence of the believers' way over that of the unbelievers. The way of the believers leads to, and relies on Allāh, in sharp contrast to the unbelievers' way. This provides another motivation for the believers to fight.

QUR'ĀN: Fight therefore against the friends of the Satan; surely the strategy of the Satan is weak: The unbelievers by following the Satan's way have gone out from the guardianship of Allāh. Now they have no guardian or friend except the Satan who is the friend of polytheists and of those who worship other than Allāh. So, he is their friend and they are his friends.

The strategy of the Satan is weak, because it is the way of tāghūt which is against the way of Allāh, and all power and strength belongs to Allāh alone. Now, nothing is left for the way of tāghūt, that is, for the strategy of the Satan, except weakness. Allāh by expositing the weakness of the unbelievers' way, encourages the believers to fight against them. Obviously, the statement that the Satan's strategy is weak vis-a-vis the power of Allāh, is not a denial of its hold on those who follow their desires.

TRADITIONS

[at-Tabrisī] has written under the verse, O you who believe! take your precaution ...: ''Arms have been called 'precaution', because it is the instrument with which one guards oneself from danger.'' He has further written that this meaning is narrated from Abū Ja'far (a.s.). Again he writes: ''It has been narrated from Abū Ja'far (a.s.) that in detachments means (small) expeditions, and in a body refers to the army.'' (Majma'u 'l-bayān)

Sulaymān ibn Khālid has narrated from Abū 'Abdillāh (a.s.) that he said: ''O you who believe!; He has called them believers, but they were not believers, and it is no honour (for them).'' (Then) he recited: O you who believe! take your precaution, ...then I should have attained a mighty good reward; then he said: ''If (all) the inhabitants of the heaven and the earth had said, 'Surely Allāh conferred a benefit on me that I was not with the

Messenger of Allāh (s.a.w.a.)', they would have become polytheists; and when a grace from Allāh comes to the believers, he says: 'Would that I had been with them, then I would have fought in the way of Allāh.' '' (at-Tafsīr, al-'Ayyāshī)

The author says: This theme has been narrated also by at-Tabrisī in Majma'u 'l-bayān, and by al-Qummī in his at-Tafsīr, from the Imām (a.s.). The polytheism in this hadīth refers to the inner polytheism, nat to the open disbelief which deprives man from the protection of Islam - and we have explained it earlier.

Humrān has narrated that al-Bāqir (a.s.) said about the verse, ... and of the weak among the men ...: ''We are those.'' (ibid.)

The author says: The same book has narrated the same meaning through Sumā'ah from as-Sādiq (a.s.), and its wording is as follows:

''And as for His word, and of the weak among the men ..., those are we.'' These two traditions do not aim at giving the explanation of the verse; they fit it on an obviously very apt situation; it is a painful complaint against the rebellious oppressors of this ummah.

[as-Suyūtī writes:] It has been narrated by Abū Dāwūd (in his an-Nāsikh), Ibnu 'l-Mundhir, Ibn Abī Hātim and al-Bayhaqī (in his as-Sunan) through 'Atā' from Ibn 'Abbās that he said about the (verse of the) chapter of ''The Women'': take your precaution, then go forth in detachments, or go forth in a body: ''It was abrogated by (the verse), And it does not beseem the believers that they should go forth all together, ... [9:122].''

The author says: The two verses are not mutually contradictory, so that it could be said that the latter had abrogated the former, and this non-contradictoriness is quite obvious. Even if there were any contradictoriness, it would have amounted to particularization or restriction, not abrogation.

And all praise is for Allāh.

* * * * *

NOTES

1 The alleged tradition of Abū Bakr and the opinion based on it - that the prophets neither inherit anyone, nor anyone inherits them - is not so irrelevant to the exegesis of the Qur'ān; because it goes directly against several Qur'ānic verses, and accordingly it is necessary, for the purpose of removing any possible misunderstanding, to point to this contradiction. Suffice it to say that this tradition and the opinion are not only against the general and clear meanings of the verses of inheritance, but are also contradicted by some other verses. Allāh says: And Sulayman inherited from Dawud (27:16); again He says quoting Zakariyyā's invocation: And surely I fear my relatives after me, and my wife is barren, therefore grant me from Thyself an heir, who should inherit me and inherit from the children of Ya'qūb (19:5 - 6). These verses cannot refer to prophethood or divine knowledge, because prophethood and divine knowledge come directly from Allāh, they are not a thing to be inherited, nor was there any need for Zakariyyā (a.s.) to be afraid of his relatives that they would take over the prophethood after him. The verses simply refer to inheritance of property (or, in case of the first verse, the Kingdom). Here we find Sulayman and Yahyā (a.s.) inheriting properties from their fathers, Dāwūd and Zakariyyā (a.s.) respectively; and all of them were prophets. Thus according to the Qur'ān two prophets left their properties to their heirs, and two prophets inherited them. (tr.).

2 This explanation may be correct to a certain extent only. It is not allinclusive. For instance, the author has had to explain a single construction in two different ways to suit his purpose. Where the Qur'ān says that, the mother shall have the third, he has implied that there is a min (= from) hiddden after it; but in another exactly the same construction, she shall have the half, he says that the word, the, stands for the deleted possessive construct, i.e., it means, half of what the deceased has left. It is an arbitrary way of interpretation.

We may interpret the verses in a more realistic way if we take the preposition, min (from) to denote, not the beginning, but at-tab'īd (اَلتَّبْعِيْضُ = portioning), e.g., if we interpret, fourth from what you leave, as a fourth of a portion of your estate.

Where the Qur'ān uses the possessive case, it means that the prescribed share or ratio is to be taken out from the whole of the estate; and where it prescribes a certain share ''from it'', it means that the said heir shall get that share, not from the whole estate, but only from a part of it.

Now let us look at each clause in this light:

and (as for) his parents, each of them shall have the sixth from what he has left if he has a child: The eldest son is entitled to al-habwah (اَلْحَبْوَةُ = lit, gift; here it denotes gift of some personal effects of his father, like ring, sword, etc.) from the original estate before it is divided among the heirs. Therefore, the parents will not get one-sixth of the whole estate, as they will not get any share from the said habwah; hence 'the sixth from', not 'the sixth of'.

And you shall have half of what your wives leave if they have no child, but if they have a child, then you shall have a fourth from what they leave: When there is no child, the husband gets half of the whole property. But when there is a child, the son shall get the habwah before the estate is divided, so the husband will get a fourth of a portion of estate.

and they [wives] shall have the fourth from what you leave if you have no child, but if you have a child then they shall have the eighth from what you leave: The wives naver get their one-fourth or one-eighth share from the whole estate. It is because they are not entitled to any share in land; and as for other immovable property (like house, garden, etc.) they get only the price of their prescribed share, but not the property itself; and in case of there being a son he is given the habwah before the division. Thus the wife always gets her one-fourth or one-eighth from only a portion of the estate.

Other clauses, where possessive case has explicitly or implicitly been used, indicate that the heir gets his/her share from the whole estate. For example:

then if they are more than two females,they shall have two-thirds of what (the deceased) has left; and if there is one,she shall have the half:

but if he has no child and (only) his two parents inherit him, then his mother shall have the third.

It is now clear that the two different styles have been used to describe two different legal eventualities. There is a solid legal reason behind the use of possessive case and that

of the preposition, from. It is neither for literary beauty nor for denoting largeness or smallness of a prescribed share. (tr.).

3 The term, consanguine, is used for a relative who is connected to someone through father and mother both, e.g., two brothers having the same father and mother are called consanguine brothers.

Agnate is a relative connected only through father or through other males, while uterine is one related only through mother or through other females. (tr.).

4 The system of at-ta'sīb which Islam had taken such pain to abolish and eradicate, was revived for political reasons by the second 'Abbāsid caliph, al-Mansūr, in the middle of the second century of hijrah. First a short description of that system in practice:

Mr. Justice Ameer Ali (who, it is necessary to mention, was a Mu'tazilite, and not a Shī'ah, as he himself has repeatedly said in his hook, Mahommedan Law) says that in Arabia, prior to Islam, the inheritance ''was governed by the rule of agnacy.'' It means that only the relatives connected with the deceased ''through males'' were recognized as entitled to take a share in his inheritance. But neither women nor persons connected to the deceased through them had any right of succession.

''Thus it was that whilst adopted sons and even slaves had rights, the children of daughters and sisters had no place in the customary rules which regulated succession.'' (Ameer Ali,Mahommedan Law, vol.2,p.11)

Now a background of the 'Abbāsid dynasty:

The 'Abbāsids were descendants of al-'Abbās, an agnate uncle of the Prophet. The descendants of Fātimah (a.s.) were also descendants of 'Alī (a.s.), son of Abū Tālib who was a consanguine uncle of the Prophet.

Before coming to power, the family of 'Abbās, like other Hāshimites, generally followed the madhhab of the Ahlu 'l-Bayt (a.s.). As an example, we may refer to several traditions narrated in coming pages from both Shī'ī and Sunnī chains, from Ibn 'Abbās, in which he has strongly denounced the system of al-'awl (اَلْعَوْلُ), innovated by 'Umar.

When the Hāshimites were planning to overthrow the Umayyad dynasty, the 'Abbāsids had joined hands with the Hasanid branch of the Fātimids, although al-Imām Ja'far as-Sādiq (a.s.) had remained aloof from all these activities. It was agreed among the 'Abbāsids and the Hasanids that on achieving success they would install Muhammad an-Nafsu 'z-Zakiyyah (The Pure Soul) as caliph. (He was a son of 'Abdullāh ibn al-Hasan [al-Muthannā II] ibn [al-Imām] al-Hasan, a.s.). Among those who did bay'ah (اَلْبَيْعَةُ = to give allegiance) to him, were Abu 'l-'Abbās as-Saffāh and al-Mansūr.

Their slogan of ''ridā'u āli Muhammad'' (رِضَاءُ آلِ مُحَمَّدٍ = to please the progeny of Muhammad) proved a success. People-gathered behind their agents thinking that they wanted to remove the tyrant dynasty of the Umayyads and install a descendant of the Prophet (s.a.w.a.) in their place.

When the Umayyads, were overthrown in 132 AH, it was not Muhammad an-Nafsu 'z-Zakiyyah who was put on the thrown, but the 'Abbāsid, Abu '1- 'Abbās as-Saffāh, who was succeeded four years later by his brother, al- Mansūr.

''They [the 'Abbāsids] made the affection of the people for the children of Fātima the means for their own elevation, and when they had attained the desired end they rewarded the Fātimides with bitter persecution.'' (Ameer All, The Spirit of Islam, p.304)

When conflict started between Muhammad an-Nafsu 'z-Zakiyyah and al-Mansūr, the latter left no stone unturned to prove the legitimacy of his claim. Among other devices (which this is not the place to mention) he revived the system of agnacy.

Mr. Justice Ameer Ali writes:

''When the Abbasides (sic.) succeeded in overthrowing the 'Ommeyades (sic.) they found it necessary to legitimatise their title to the Caliphate, for the eyes of the Moslem (sic.) world were still turned to the descendants of the Prophet as the rightful heirs to his temporal and spiritual heritage - and in effecting this they found their chief support in the doctrine of agnacy. They claimed that as descendants of the Prophet 's uncle, 'Abbās, they were his 'agnates' and as such had a better title than the descendants of his daughter Fātima. And this was the keystone of the fabric built up by the ablest monarch of the House

of ‘Abbās, Mansūr, the real founder of the Sunnī Church (sic.).’’ (Mahommedan Law, vol.2, pp.11 - 12).

He further says:

‘‘The rule of agnacy has thus remained, chiefly from dynastic reasons, a part of the Sunni system. In early times it was as strongly enforced as under the old Romans. If a person died without leaving any ‘agnatic’ relation but a daughter’s or sister’s child, his property did not go to the latter but escheated to [i.e., was taken over by] the Caliph. In 896 AC the Caliph M‘utazid b’lllāh (sic.) abolished this cruel rule; and laid down that in the absence of sharers and ‘agnates’ (‘Asabāh), the ‘uterine relations’ should succeed. And this has remained the law ever since.’’ (ibid., p.12)

Even then, according to him, the uterine relations are placed in the last category, and it is only in the absence of sharers, agnates and even the emancipator that they receive any share in the inheritance. (ibid. p.68)

This was in short the origin of at-ta‘sīb (agnacy) in Islam. It is necessary to point out two things before ending this note:

As Ameer All has pointed out (and we have mentioned above) the ‘‘descendants of Fātimah were also descendants of ‘Alī, who, as son of Abū Tālib, was an agnate relative of the Prophet.’’

In fact, ‘Alī (a.s.) was nearer than al-‘Abbās to the Prophet (s.a.w.a.), because Abū Tālib (a.s.) was a consanguine uncle of the Prophet, and not merely an agnate like al-‘Abbās.

This whole argument was in fact falacious and deceptive. In the heat of their political polemics neither Muhammad an-Nafsu ’z-Zakiyyah nor al-Mansur paused to think that Imamate was not an inheritance. It was based on appointment by All āh which is announced through the Prophet or the preceding Imam. an-Nafsu ’z-Zakiyyah had based his claim on a falsity and al-Mansur replied him with a greater falsehood. (tr.)

5 Khabaru ’l-wāhid (خَبَرالْوَاحِدِ) = a tradition narrated by a few, or only one, narrator. (tr.)

6 al-Mursalah (الْمُرْسَلَةُ) = a tradition quoted from the Prophet or Im āms without describing the linking sources between the narrator and the Prophet or Im ām. (tr.)

7 See the Eng. transl. vol.6, pp.235 - 7 (tr.)

8 See the Eng. transl. vol.6, pp.145 - 217 (ed.)

9 See the Eng. transl. vol.4, pp.279 - 82 (tr.)

10 A weight of varying magnitude. Nowadays it ranges from 37.44 gr. in Egypt to 320 gr. in Aleppo. (tr.)

11 The Vatican seems oblivious of this simple difference between underlying reason of a law and the law itself. That is why it has totally prohibited use of contraceptives, on the plea that it goes against the philosophy of marriage. But does Vatican have the conviction of courage to take this ‘argument’ to its logical end? Is it prepared to forbid intercourse with a pregnant wife, or ban marriage of infertile men or women? They should have banned these and other examples given in the text because they too cannot produce pregnancy. The prelates of the Roman Catholic Church - all unmarried men - are perhaps unaware that lawful satisfaction of sexual urge is in itself a valid underlying reason of marriage. (tr.)

12 A part from that, the arguments about the mut‘ah are intended to establish whether mut‘ah is a valid form of marriage or not; whether the woman of mut‘ah is a lawful wife or not. Now to assume that the word, ‘mates’ (or wives), used in this verse excludes the mut‘ah wife, is to beg the question. (tr.).

13 There are other examples where a wife is not entitled to her husband’s inheritance. For example, if she is a slave or has killed the husband, she is debarred from his inheritance. Likewise, the Sunnīs allow marriage with a Jewish or Christian woman, but she, being an unbeliever, does not get any share in the husband’s inheritance. Nobody would suggest that this exclusion affects her status as wife in any way. (tr.)

14 We have already shown that the hypothesis of marriage between Adam’s immediate sons and daughters was not correct; [see note, vol.7, p.222]. As for Ya‘qūb (a.s.) having two sisters together, it is reported in the Old Testament, and we have described in vol.6 how unreliable those writings of dubious origin are. It is unrealistic to base one's argument on such writings. (tr.)

15 Probably the correct word is ash-Shamakhī (اَلشَّمَخي = one belonging to the tribe of ash-Shamakh اَلشَّمَخْ). Some Sunnī traditions say that he was a man from the tribe of ash-Shamakh. Or, the correct text may be: 'about the woman from the tribe of ash-Shamakh concerning whom Ibn Mas'ūd had given a rulling.'. (Author's Note)

16 The text of al-Wāfī says: 'From where did he take it?' (Author's note)

17 Another version says: 'except the most scoundrel.' (Author's Note)

18 How can a preceding phrase of the same verse abrogate the clause of mut'ah which comes after it? (tr.)

19 As the author has commented above, such claim would antedate the supposed prohibition of mut'ah prior to hijrah, which even the Sunnīs do not claim. Moreover, as I have noted earlier, the whole argument for or against mut'ah is meant to establish whether a women of mut'ah is a lawful wife or not. Now to assume that the word, 'mates', used in this verse excludes the mut'ah wife is begging the question. (tr.)

20 Other scholars say that it was allowed and disallowed repeatedly. Muslim has given the following heading to the chapter of ''Mut'ah'' in his as-Sahīh: ''Chapter of the mut'ah marriage, and that it was allowed, then abrogated, then again allowed, and then abrogated ...'' ash-Shāfi'ī says: ''I do not know anything in Islam that was allowed, then prohibited, then allowed and then prohibited.'' Some have said that it was allowed and abrogated three times; others have said, more than three times. Vide Tafsīr Mazharī, by Qādī Thanā'ullāh Pānīpatī, p.72. (tr.)

21 These verses are of Meccan period. Could the Prophet (s.a.w.a.) ignore this clear divine command years later in case of mut'ah? (tr.)

22 This Hind was very much attracted to the black youths, and whenever she gave birth to a black-coloured child, she killed it. (Vide: Sibt Ibnu 'l-Jawzī, Tadhkirat khawāsi 'l-ummah, p.186.) As for Hassān's poems, these are very explicit and were recited in presence of the Prophet (s.a.w.a.). Four rather mild lines are as follows:

Have you forgotten the adultery you have committed?

O Hind! Curse be on you to the end of the time!

The midwives believe that she has given birth to An infant that is the product of adultery. (tr.)

23 A truly astonishing comment on this verse has been written by az-Zajjāj who says: ''A group has committed a great blunder in this verse, because of their ignorance of the language. That is, they have said that the verb, istamta'tum (اِسْتَمْتَعْتُمْ = you have mut'ah) is derived from al-mut'ah, which, all scholars unanimously say, is unlawful.'' Then he claims that ''the said verb means marriage''.

Would that I knew which part of his writing can be mended! Can anyone repair his accusing the people like Ibn 'Abbās and Ubayy of ignorance of language? Or, his claim that all scholars unanimously agree on prohibition of the mut'ah? Or, his claim of expertise in Arabic language while he translates al-istimtā' (اَلْاِسْتِمْتَاعُ = to do mut'ah) as marriage? (Author's Note)

24 See his biography in Tahdhību 't-tahdhīb and Mīzānu 'l i'tidāl. (Auth.)

25 See the books of Jurisprudence for these views. Detailed juristical and theological discourses on mut'ah may be found in the writings of the scholars of these subjects, be they of early days or of later periods - and especially the modern eminent personalities who have scholastically reviewed all the arguments. (Author's Note)

26 See chapter of 'Marriage' in Wasā'ilu 'sh-Shī'ah. (Author's Note)

27 al-Mīzān [Eng. transl.], vol.3, pp.245 - 52 (tr.)

28 As quoted by Fakhru 'd-Dīn ar-Rāzī in his tafsīr (commentary) from al-Ghazālī's Ihyā'u 'l-'ulūm. (Author's Note)

29 That is, in relation to the intentions with which various sins are committed; it does not refer to comparison between one sin and another. (Author's Note)

30 This subject is discussed under chap.3, ver.27: and Thou givest sustenance to whom Thou pleasest, without measure, [vide Eng. transl. vol.5, pp.206 - 212] (tr.).

31 Apparently it should be ''your children''.

32 This interpretation is far-fetched and the proof does not support the claim. If the second phrase means ‘‘alien neighbour’’, then ‘‘near neighbour’’ should mean the neighbour who is related to you, as a coming tradition explains. Moreover, the word ‘‘dhu ’l-qurbā’’ (ذُوالْقُرْبِي) has never been used in the Qur’ān for showing nearness in physical distance. (tr.)

33 The two definitions could as easily mean that a relative should be treated also as a neighbour even if he lives at a distance of forty houses: while for unrelated persons neighbourhood ends at a distance of forty arm-lenghths.

But, most probably, such traditions do not aim at giving legal definitions enforceable through land measurement. They look at common usage and behaviour prevalent in society. (tr.)

34 Vide al-Mīzān, (Eng. transl.), vol.2, pp.153 - 160. (tr.)

35 Vide al-Mīzān, (Eng. transl.), vol.5, pp.46 - 98. (tr.)

36 Vide al-Mīzān (Eng. transl.), vol.3, pp.282 - 286 (tr.).

37 Which one gets on sexual intercourse or after ejaculation. (tr.)

38 Vide al-Mīzān, (Eng. transl.), vol.1, pp.244 - 247 (tr.)

39 ibid. vol.3, pp.295 - 302 (tr.)

40 Islam’s history belies the assumption that the believers would not quarrel with those vested with authority. What was the reason of all the disputes, wars, bloodshed, oppressions and tortures which have stained the particular affair, as may be inferred from the next verses which condemn pages of Islamic history, right from the departure of the Prophet to this day, if not the Muslims’ rebellion against those vested with authority?

Of course, this premises could be justified if we said that the call, O you who believe! was addressed not to the whole Muslim ummah (as is usually the case with this phrase), but to the true believers only who might have attained a higher level of faith. But in that case, the area of the ulu ’l-amr’s jurisdiction and authority would be reduced to such an extent as to render this order devoid of any importance. Also if common Muslims were excluded from this address, they would have committed no sin by disobeying the Im āms. (tr.)

41 al-Mutawātir: A tradition narrated in every stage by so many narrators as to make their collusion for a lie impossible. (tr.).

42 Ahmad al-Amīn in Fajru ’l-Islām. (Author’s note)

43 Vide al-Mīzān (Eng. transl.), vol.5, pp.46 - 129 (tr.).

44 al-Mīzān, (Eng. transl.), vol.5, pp.65 - 73 (tr.).

45 This tradition obviously interprets the word ash-shuhadā’ (اَلشُّهَدَآءُ) as martyrs, not witnesses. (tr.)

46 The hadīth of Jābir ibn ‘Abdillāh al-Ansārī about the verse of obedience (quoted in the Traditions above) clearly indicates that it was revealed well after the birth of al-Husayn (a.s.) in Sha‘bān, 4th year of hijrah, because it mentions al-Hasan and al-Husayn (peace be on both) as if Jābir knew them and there was no need for the Prophet (s.a.w.a.) to tell him who they were.

Now, if these verses, exhorting to take precaution and to fight, were revealed in the second spring, i.e., second year of hijrah, it is very difficult to claim that the preceding verses had prepared the ground for these, or that both series were revealed together. (tr.)

47 It was mentioned in the traditions of the Battle of Uhud that the Prophet (s.a.w.a.) had left Medina for Uhud with a thousand men, three hundred of whom returned with ‘Abdullāh ibn Ubayy (the leader of the hypocrites) and only seven hundered remained with the Prophet. (Auth. ’s note)

APPENDIX "A"

APPENDIX 'A'

A CHRONOLOGICAL LIST OF THE FOURTEEN INFALLIBLES

THE HOLY PROPHET, HIS DAUGHTER AND THE TWELVE HOLY IMĀMS

NOTE: Where there are differences of opinion on the dates of birth or death, the most popular view has been quoted.

Sl. No.	Designation	Agnomen (*Kunyah*)	Name	Father's Name	Title (*Laqab*)	Date of Birth	Date of Death	Martyred by means of	Place of Burial
1.	The Last Prophet of Allāh	Abu 'l-Qāsim	Muḥammad (Aḥmad) (al-Muṣṭafā)	'Abdullāh	Rasūlu'llāh, Nabiyyu'llāh, an-Nabiyy, Khātamu 'n-Nabiyyin	17th Rabī' I, in the Year of the Elephant. (25. 8. 570 AD)	28th Ṣafar, 11 AH (25. 5. 632 AD)	Natural	Holy Medina, al-Munawwarah, Saudi Arabia.
2.	One of the Fourteen Infallibles	Umm Abīhā	Fāṭimah	Muḥammad	az-Zahrā', aṣ-Ṣiddiqah, al-Batūl, Sayyidatu 'n-Nisā'.	20th Jumādā II, in the fifth Year after the declaration of the Prophethood. (2. 1. 615 AD)	3rd Jumādā II, 11 AH (26. 8. 632)	Injured	Holy Medina, Saudi Arabia.
3.	1st Imām	Abu 'l-Ḥasan, Abu 'l-Ḥasanayn, Abū Turāb.	'Alī	Abū Ṭālib	Amīr al-Mu'minīn, al-Waṣiyy, al-Murtaḍā, (Ḥaydar).	13th Rajab, 10 Years before the declaration of the Prophethood. (25. 5. 600 AD)	Struck on 19th Ramaḍān (25th January); Died on 21st Ramaḍān 40 AH (27. 1. 661 AD)	Sword – while he was engaged in prayers.	Holy an-Najaf al-Ashraf, Iraq. (al-Ghariyy)
4.	2nd Imām	Abū Muḥammad	al-Ḥasan	'Alī	al-Mujtabā, as-Sibṭ (al-Akbar)	15th Ramaḍān, 3 AH (1. 3. 625 AD)	7th Ṣafar, 50 AH (6. 3. 670 AD)	Poison	Holy Medina, Saudi Arabia.
5.	3rd Imām	Abū 'Abdillāh	al-Ḥusayn	'Alī	Sayyidu 'sh-Shuhadā', as-Sibṭ (al-Aṣghar)	3rd Sha'bān, 4 AH (8. 1. 626 AH)	10th Muḥarram, 61 AH (10. 10. 680 AD)	Sword – in the Battle of 'Āshūrā	Holy Karbalā" (at-Taff), Iraq.
6.	4th Imām	Abū Muḥammad	'Alī	al-Ḥusayn	Zaynu 'l-'Ābidīn, Sayyidu 's-Sājidīn, as-Sajjād.	5th Sha'bān, 38 AH (6. 1. 659 AD)	25th Muḥarram, 94/95 AH (31.10.712/20.10.713 AD)	Poison	Holy Medina, Saudi Arabia.

7.	5th Imām	Abū Ja'far	Muḥammad	'Alī	al-Bāqir	3rd Ṣafar, 57 AH (16. 12. 676 AD)	7th Dhi 'l-ḥijjah, 114 AH (28. 1. 733 AD)	Poison	Holy Medina, Saudi Arabia.
8.	6th Imām	Abū 'Abdillāh, Abū Mūsā.	Ja'far	Muḥammad	aṣ-Ṣādiq	17th Rabī' I, 83 AH (20. 4. 702 AD)	25th Shawwāl, 148 AH (14. 12. 765 AD)	Poison	Holy Medina, Saudi Arabia.
9.	7th Imām	Abu 'l-Ḥasan (*al-Awwal* = The First), Abū Ibrāhīm	Mūsā	Ja'far	al-Kāẓim, al-'Abd aṣ-Ṣāliḥ, al-'Ālim.	7th Ṣafar, 129 AH (28. 10. 746 AD)	25th Rajab, 183 AH (1. 9. 799 AD)	Poison	Holy al-Kāẓimiyyah, Iraq.
10.	8th Imām	Abu 'l-Ḥasan (*ath-Thānī* = The Second)	'Alī	Mūsā	ar-Riḍā	11th Dhi 'l-qi'dah, 148 AH – (29.12.765 AD)	17th Ṣafar, 203 AH (24. 8. 818 AD)	Poison	Holy Mashhad, (Ṭūs - Khurāsān), Iran.
11.	9th Imām	Abū Ja'far (*ath-Thānī* = The Second)	Muḥammad	'Alī	at-Taqī, al-Jawād.	10th Rajab, 195 AH (8. 4. 811 AD)	30th Dhi 'l-qi'dah, 220 AH (25. 11. 835 AD)	Poison	Holy al-Kāẓimiyyah, Iraq.
12.	10th Imām	Abu 'l-Ḥasan (*ath-Thālith* = The Third).	'Alī	Muḥammad	an-Naqī, al-Hādī.	2nd Rajab, 212 AH (27. 9. 827 AD)	3rd Rajab, 254 AH (28. 6. 868 AD)	Poison	Holy Sāmarrā' (Surra-man-ra'ā), Iraq.
13.	11th Imām	Abū Muḥammad	al-Ḥasan	'Alī	al-'Askarī	8th Rabī' II, 232 AH (3. 12. 846 AD)	8th Rabī' I, 260 AH (1. 1. 874 AD)	Poison	Holy Sāmarrā, Iraq.
14.	12th Imām	Abu 'l-Qāsim	Muḥammad	al-Ḥasan	al-Mahdī, al-Qā'im, al-Ḥujjah, al-Ghā'ib, Ṣāḥibu 'z-Zamān, Ṣāḥibu 'l-Amr, al-Muntaẓar.	15th Sha'bān, 255 AH (29. 7. 869 AD)	Still alive, but in occultation.	– –	– – – –

APPENDIX "B"

APPENDIX "B"

In this book the references of the Qur'ãnic verses have been given by writing serial number of the relevant chapter, followed by a colon (:) that is followed by the number/s of the verse/s. The names of the chapters have been omitted for the sake of brevity.

The names of the chapters with their serial numbers are given here for the guidance of the readers.

To find, for instance, the verse 5:67 in the Qur'ãn, the reader should open the fifth chapter, that its, *al-Mã'idah* (المَآئِدة = The Table) and then find the 67th verse.

S. No.	Arabic Names of the Chapters	Transliteration	Meaning
1.	فاتِحَةُ الكِتَاب	*Fatihatu 'l-kitãb*	The Opening of The Book
2.	البَقَرة	*al –Baqarah*	The Cow
3.	آل عِمران	*Ãl 'Imrãn*	The House of Imran
4.	النِّساء	*an-Nisã'*	Women
5.	المَائِدة	*Al-Mã'idah*	The Table
6.	الأنعام	*Al –An'ãm*	Cattle
7.	الأعراف	*al-A'rãf*	The Battlements
8.	الأنفال	*al-Anfãl*	The Spoils
9.	التَّوبَة	*At-Tawbah*	Repentance
10.	يُونُس	*Yunus*	Jonah

S. No.	Arabic Names of the Chapters	Transliteration	Meaning
11.	هُود	*Hũd*	Hood
12.	يُوسُف	*Yũsuf*	Joseph
13.	الرَّعد	*ar-Ra'd*	Thunder
14.	إبراهيم	*Ibrãhīm*	Abraham
15.	الحِجْر	*Al–Ḥijr*	El-Hijr
16.	النَّحل	*An-Naḥl*	The Bee
17.	الاسْرآء	*al-Isrã'*	The Night Journey
18.	الكهْف	*al-Kahf*	The Cave
19.	مَرْيَم	*Maryam*	Mary
20.	طه	*Ṭã Hã*	Ta Ha
21.	الأنْبِيآء	*al-Anbiyã'*	Prophets
22.	الحَجّ	*al-Ḥajj*	The Pilgrimage
23.	المؤمِنون	*al-Mu'minũn*	The Believers
24.	النُّور	*an-Nũr*	Light
25.	الفُرقان	*al-Furqãn*	Discrimination (Salvation)
26.	الشُّعَرَاء	*ash-Shu'arã'*	The Poets
27.	النَّمْل	*an-Naml*	The Ant
28.	القَصَص	*al-Qaṣaṣ*	The Stories
29.	العَنْكَبُوت	*al-'Ankabũt*	The Spider
30.	الرُّوم	*Ar-Rũm*	The Greeks
31.	لُقْمان	*Luqmãn*	Lokman
32.	السَّجْدَة	*as-Sajdah*	Prostration
33.	الأحزاب	*al-Aḥzãb*	The Confederates
34.	سَبَأ	*Saba'*	Sheba
35.	فاطر (المَلائِكة)	*Fãṭir (or, al-Malã'ikah)*	The Originator (or The Angels)
36.	يـس	*Yã Sīn*	Ya Sin
37.	الصّـافّات	*aṣ-Ṣãffãt*	The Rangers
38.	ص	*Ṣãd*	Sad

S.No.	Arabic Names of the Chapters	Transliteration	Meaning
39.	الزُّمَر	*az-Zumar*	The Companies
40.	المُؤْمن	*al-Mu'min*	The Believer
41.	فُصِّلَت	*Fuṣṣilat*	Distinguished
42.	الشُّورى	*ash-Shūrā*	Counsel
43.	الزُّخْرُف	*az-Zukhruf*	Ornaments
44.	الدُّخان	*ad-Dukhān*	Smoke
45.	الجاثِيَة	*al-Jāthiyah*	Hobbling
46.	الأحقاف	*al-Aḥqāf*	The Sand-Dunes
47.	مُحَمَّد(ص)	*Muḥammad*	Muhammad
48.	الفَتْح	*al-Fatḥ*	Victory
49.	الحُجُرات	*al Ḥujurāt*	Apartments
50.	ق	*Qāf*	Qaf
51.	الذّاريات	*adh-Dhāriyāt*	The Scatterers
52.	الطُّور	*aṭ-Ṭūr*	The Mount
53.	النَّجْم	*an-Najm*	The Star
54.	القَمَر	*al-Qamar*	The Moon
55.	الرَّحمن	*ar-Raḥmān*	The All-merciful
56.	الواقِعَة	*al-Wāqi'ah*	The Terror
57.	الحَديد	*al-Ḥadīd*	Iron
58.	المُجادَلة	*Al-Mujādalah*	The Disputer
59.	الحَشْر	*al-Ḥashr*	The Mustering
60.	المُمْتَحَنة	*al-Mumtaḥanah*	The Woman Tested
61.	الصَّف	*aṣ-Ṣaff*	The Ranks
62.	الجُمُعة	*al-Jumu'ah*	Congregation
63.	المُنافِقُون	*al-Munāfiqūn*	The Hypocrites
64.	التَّغابُن	*at-Taghābun*	Mutual Fraud
65.	الطَّلاق	*aṭ-Ṭalāq*	Divorce
66,	التَّحْريم	*at-taḥrīm*	The Forbidding
67.	المُلْك	*al-Mulk*	The Kingdom

S. No.	Arabic Names of the Chapters	Transliteration	Meaning
68.	القلم	*al-Qalam*	The Pen
69.	الحاقّة	*al-Ḥãqqah*	The Indubitable
70.	المعارج	*al-Ma'ãrij*	The Stairways
71.	نُوح	*Nũḥ*	Noah
72.	الجنّ	*Al-Jinn*	The Jinn
73.	المُزَّمِّل	*al-Muzzammil*	Enwrapped
74.	المُدَّثِّر	*al-Muddaththir*	Shrouded
75.	القيامة	*al-Qiyãmah*	The Resurrection
76.	الدَّهر (الإنسان)	*ad-Dahr* (or, *al -Insãn)*	The Time (or, Man)
77.	المُرسَلات	*al-Mursalãt*	The Loosed Ones
78.	النَّبأ	*an-Naba'*	The Tiding
79.	النّازعات	*an-Nãzi'ãt*	The Pluckers
80.	عَبَس	*'Abas*	He Frowned
81.	التَّكوير	*at-Takwīr*	The Darkening
82.	الإنفطار	*al-Infiṭãr*	The Splitting
83.	المُطَفِّفين	*al-Muṭaffifīn*	The Stinters
84.	الإنشقاق	al-Inshiqãq	The Rending
85.	البُروج	*al-Burũj*	The Constellations
86.	الطّارق	*aṭ-Ṭãriq*	The Night-star
87.	الأعلى	*Al-A'lã*	The Most High
88.	الغاشِيَة	*al-Ghãshiyah*	The Enveloper
89.	الفَجْر	*Al-Fajr*	The Dawn
90.	البَلَد	*Al-Balad*	The Land
91.	الشَّمْس	*ash-Shams*	The Sun
92.	اللَّيْل	*Al-Layl*	The Night
93.	الضُّحى	*aḍ-Ḍuḥã*	The Forenoon
94.	الإنشراح	*al-Inshirãh*	The Expanding

S. No.	Arabic Names of the Chapters	Transliteration	Meaning
95.	التّين	*At-Tīn*	The Fig
96.	العَلَق	*al-'laq*	The Blood-clot
97.	القَدر	*al -Qadr*	Power
98.	البَيِّنَة	*al -Bayyinah*	The Clear Sign
99.	الزّلزال	*Az-Zilzāl*	The Earthquake
100.	العَادِيات	*al-'Ādiyāt*	The Chargers
101.	القارعَة	*al-Qāri'ah*	The Clatterer
102.	التكاثُر	*at-Takāthur*	Rivalry
103.	العَصرْ	*Al-'Aṣr*	Afternoon
104.	الهُمَزَة	*al-Humazah*	The Backbiter
109.	الفيل	*Al-Fīl*	The Elephant
106.	قُرَيْش	*Quraysh*	Quraish
107.	الماعُون	*al-Mā'ūn*	Charity
108.	الكَوْثر	*al-Kawthar*	Abūndance
109.	الكافرون	*al-Kāfirūn*	The Unbelievers
110.	النّصر	*An-Naṣr*	Help
111.	تَبَّت	*Tabbat* (or, *Lahab*)	Perish (or, The Flame)
112.	الإخْلاص (التَّوحيد)	*al Ikhlāṣ* (or, *at-Tawḥīd*)	Sincere Religion (or, Divine Unity)
113.	الفَلَق	*al-Falaq*	Daybreak
114.	النّاس	*an-Nās*	Men

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