



**Al Mizan an Exegesis of
the Quran
(Volume Eight)**

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Allah 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 Allah: Surely Allah 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 Allah: and Allah is Knowing, Forbearing (12). These are Allah's limits; and whoever obeys Allah 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 Allah 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'an: Allah enjoins you concerning your children: The male shall have the equal of the portion of two females;

"al-Isa" and "at-tawsiyah" (to entrust, to enjoin); ar-Raghib says in Mufradatu 'l-Qur'an: "al-Wasiyyah" = to direct someone - with a shade of exhortation — to do something." The use of the word al-awlad (children) instead of al-abna' (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-awlad whose root word signifies birth.] But the word, al-ibn (son) does not necessarily mean immediate child, as the word, al-ab (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-abna' (lit. sons) preferable to al-awlad (children).

The expression, "The male shall have the equal of the portion of two females", was chosen to point to the nullification of the system prevalent in the era of ignorance whereby women were not given any share in inheritance. This expression takes the female'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 "Allah 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'an: 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 Allah, 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 (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'an: 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 'Abbas.

This is the best explanation why the two females' share has not been clearly stated. al-Kulayni (may Allah have mercy on him!) has written al-Kafi: "Surely Allah 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, Abu 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'an: 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'an: 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 payment; 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 honoring his wishes when he has made a bequest. Allah 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'an: 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 apparently usefulness and benefit implies making use of, and benefiting 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 Safa and the Marwah are among the signs of Allah... (2:158), as we had quoted the tradition that the Prophet had said: "I begin with what Allah 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 Allah 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'anic 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 Allah in which He has made men; there is no alteration in the creation of Allah; that is the right religion (30:30). In presence of such verses, it is unthinkable that the shari'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'an: an ordinance from Allah . . . :

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 unrestricted-ness 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 leave, and women shall have a share. .. (4:7). Someone has opined that the general Qur'anic 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 Sunnis and the Shi'ahs whether a prophet is inherited by his heirs or whatever he leaves goes to charity. This originates from the tradition which Abu 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.

Qur'an: 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 (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 Allah 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.

Qur'an: and if a man or a woman leaves property . . . and Allah is Knowing, Forbearing:

'al-Kalalah is in fact a masdar which means to encompass; from it is derived al-iklil (crown) because it encircles the head; also al-kull (= whole, all, total) comes from it because it encompasses its parts; another derivative is al-kall (to be tired, dull); it implies a sort of wearisome encompassing against the one on whom he depends. ar-Raghib says: "al-Kalalah is an heir other than the child and the father." Again he says: "It has been narrated that the Prophet was asked about al-kalalah. 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-kalalah is a masdar which encompasses the inheritor and the inherited, both."

The author says: In that case, it is possible to treat 'kana' 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-kalalah 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 kana (was) as a perfect verb, with, "a man or a woman to be inherited", as its subject, and kalalah 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-Zajaj has reportedly said: According to those who have recited yurithu (makes someone his heir), kalalah will be the object; and according to those who recite yurathu (is inherited by), kalalah is a subjective, being a circumstantial clause.

The clause, that does not harm (others), also is a subjective and a circumstantial clause. al-Mudarraḥ (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'an: These are Allah's limits; . . . And whoever disobeys.. . he shall have an abasing chastisement:

al-Hadd 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. Allah has shown their utmost importance by describing, in these two verses, the reward of obeying Allah and His Messenger in this respect, and the abasing everlasting chastisement for him who disobeys Allah and His Messenger.

Traditions

'Abd ibn Hamid, al-Bukhari, Muslim, Abu Dawud, at-Tirmidhi, an-Nasa'i, Ibn Majah, Ibn Jarir, Ibnu 'l-Mundhir, Ibn Abi Hatim and al-Bayhaqi (in his as-Sunan) have narrated from Jabir ibn 'Abdillah, that he said: "The Messenger of Allah (s.a.w.a.) and Abu Bakr came walking to visit me (in my illness) in Banu 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 Allah!' Then (the verse) came down: Allah enjoins you concerning your children: The male shall have the equal of the portion of two females." (ad-Durru 'l-manthur)

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 Jabir's report that he had asked: "What do you order me to do with my property? O Messenger of Allah!", and then this verse was revealed. We should not worry how Jabir 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 Hamid and al-

Hakim from Jabir that he said: "The Messenger of Allah (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: Allah enjoins you concerning your children..."

Ibn Jarir and Ibn Abi Hatim have narrated from as-Suddi 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-Rahman, brother of the poet Hassan, 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 Allah 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 'Abbas that he said: "When the verse of shares [of inheritance] was revealed, in which Allah 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'sib (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 Sunnis 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.

al-Hakim and al-Bayhaqi have narrated from Ibn 'Abbas that he said: "The first person to introduce the system of at- 'awl (= to reduce all shares proportionately) was 'Umar . The shares crowded over and began pushing each other aside. So he said: 'By Allah! I do not know what to do with you. By Allah! I do not understand which of you Allah 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 'Abbas said: "By Allah! if he had given precedence to him whom Allah had given

precedence, and put behind the one whom Allah 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 Allah?" He said: "Every share which Allah has not brought down from a prescribed share but to (another) prescribed share, then that is which has been given precedence by Allah; and every share that - when it leaves its (original) position - does not get except the residue, then it is (the share) which Allah 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 Allah 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-manthur)

Said ibn Mansur narrated from Ibn 'Abbas 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.)

'Ata' says: "I said to Ibn 'Abbas: '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 Allah on the liars. Allah has not ordered that which they say.' " (ibid.)

The author says: This theme has been narrated from Ibn 'Abbas also through the Shi'i chains, as is quoted below.

az-Zuhri quotes 'Ubaydullah ibn 'Abdillah ibn 'Utbah as saying: "I was sitting with Ibn 'Abbas when the talk turned towards description of inheritance-shares. Ibn 'Abbas said: 'Allah, 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-Basri then asked him: 'O Abu 'l-'Abbas! Who was then the first to reduce these shares?' He said: 'Umar ibn al-Khattab. When several shares gathered near him, pushing each other, he said: "By Allah! I do not know which of you Allah 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 Allah! if he had given precedence to him whom Allah had given precedence to, and put behind whom Allah 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 Allah has not brought down from a prescribed share but to another prescribed share, that is which Allah has given precedence to. And as for that which Allah 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 Allah 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 Allah 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 Allah has kept behind. When they gather together those whom Allah has given preference and those whom He has kept behind, it (i.e., the division) will begin with those whom Allah 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-Kafi)

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

al-Baqir (a.s.) said, inter alia, in ahadith: "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-Sihah: " 'Alij is a place in a valley with sands." The Imam'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'an are as follows: a half, one-third, two-thirds, one-fourth, one-sixth and one-eighth.

as-Sadiq (a.s.) said: "The Leader of the faithful (a.s.) said: 'All praise is due to Allah; 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 Allah had given precedence to, and kept behind that which Allah had set behind; and had put authority and inheritance where Allah had put it, no friend of Allah would have remained in poverty, and no share from Allah's ordained shares would have decreased, nor two people would have differed in Allah's commandment; and the ummah has not disputed about any command of Allah but that All has its knowledge from the Book of Allah. So (now) taste evil consequences of your affair and of your inordinate-ness in that which your hands have sent before; and Allah 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'an, 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 instance, 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 = $1\ 1/4$] 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 = $1\ 1/4$] 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 Allah has explicitly prescribed them and has not left them unexplained 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 hadith and jurisprudence.

al-Hakim and al-Bayhaqi (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 Abu Sa'id! surely Allah 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 (brothers [in plural])." (ad-Durru 'l-manthur)

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

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

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 inheritance. It is narrated in the traditions of both the Shi'is and the Sunnis 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 Allah (s.a.w.a.) has decreed (to pay) the debt before the bequest." (Majma'u 'l-bayan)

The author says: This tradition has also been narrated by as-Suyuti in ad-Durru 'l-manthur from several traditionalists and exegetes. as-Sadiq (a.s.) explained al-kalalah in these terms: "Other than parent and child." (al-Kafi) The same Imam (a.s.) says about the clause: and if a man or a woman leaves property to be inherited by neither parents nor offspring, that Allah has meant by it specifically the uterine brothers and sisters, (ibid.)

The author says: There are numerous traditions of this theme and the Sunnis too have narrated them. The number of such traditions reaches near to mutawatir. These traditions also say that the law regarding consanguine and agnate al-kalalah is mentioned in the last verse of the chapter which says: They ask you for a decision of the law. Say: "Allah 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 Allah 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 Sinan has narrated that Abu 'l-Hasan ar-Rida (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 Allah: Men are the maintainers of women because of that with which Allah has made some of them to excel the others and because of what they spend out of their property." (Ma'ani 'l-akhbar)

al-Ahwal said: "Ibn Abi 'l-'Awja' said: 'Why is it that a poor weak woman takes one share and men take two shares?'

Some of our companions mentioned this to Abu 'Abdillah (a.s.) and he said: 'Verily, there is no jihad 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-Kafi) The author says: There are very many traditions of this import, and we have shown that the Qur'an too shows the same thing.

Volume 8: Surah An-Nisaa, Verses 15-16

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 Allah is Oft-returning (to mercy), the Merciful (16).

COMMENTARY

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Qur'an: And as for those who are guilty ... from among you:

Atah and ata bihi (translated here as being guilty) actually means "doing it". al-Fahishah is derived from al-fuhsh (indecent); thus al-fahishah means indecent behavior; it is generally used in the meaning of fornication; it has also been used in the Qur'an for sodomy or for sodomy and lesbianism both, as Allah quotes Lut (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 Allah 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 Allah says:

or Allah 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'an: 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 Allah 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 Allah has not used the word, imprisonment or internment; instead He has said faamsikuhunna 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 Allah makes some way for them", means: or Allah 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'an: 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 'indecenty'. 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 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 behavior, 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, Abu 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 indecenty from among your women . . .), proves untenability of Abu 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 hadith of the Prophet says: "Whoever among you commits the sin of the people of Lut, 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 Abu 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 but of the given explanations, we may; interpret the verses as follows - and Allah 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 Allah 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-Jubba'i has used this example to prove that the book maybe abrogated by the sunnah; but it is not so. Abrogation repeals an order which was apparently meant to continue for ever; while this order of confinement contains a clause that points to its temporariness; and it is the words: or Allah 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'an itself indicates here that this Order was to be repealed after sometime; and the Prophet is the one who explains the meaning of the honored Qur'an.

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-wahid, apart from being al-mursalah, and therefore weak. And Allah 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'an: 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 behavior and character].

TRADITIONS

It is narrated in at-Tafsir of al-'Ayyashi from as-Sadiq (a.s.) that he said about the word of Allah: 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-Kafi)

al-Baqir (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 Allah 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 Allah:) 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 Sunnis through many chains of narrators, from Ibn 'Abbas', Qatadah, Mujahid and others. It has, been narrated from as-Suddi 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.

Volume 8: Surah An-Nisaa, Verses 17-18

Repentance with Allah is only for those who do evil in ignorance, then turn (to Allah) soon, so these it is to whom Allah turns (mercifully), and Allah 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).

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'anic teachings, and that is the reality of repentance and its significance as well as the rules governing it.

Qur'an: Repentance with Allah is only for those who do evil in ignorance, then turn (to Allah) soon:

"at-Tawbah" means to return. It signifies returning of a servant to Allah 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 Allah, it means that Allah returns towards His servant with mercy, (first) forgiving his sin. We have repeatedly said that, according to the Qur'an, a servant's single repentance is flanked by two turnings from Allah. The fact is that repentance is a good deed, a virtuous act which requires strength and will-power; and all virtues emanate from Allah, and all power and strength belongs to Him.

It is Allah 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 Allah, and thus he returns to his Lord. After being helped in this way to repent from his sins and to return to Allah, he again needs a second 'returning' by Allah 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. Allah 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 Allah is only for those ..." literally means: Repentance on ('ala) Allah is only for (li) those ... 'ala (on) and li (for) denote harm and benefit, respectively; as we say: 'Adversities came on 'Amr ('ala 'Amr) to the benefit of (li Zayd) Zayd. Or as we say: The race was for (li) X on ('ala) Y, that is, X won the race against Y. It is because 'ala (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 vanquished, 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 ('ala 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 Allah. It is because of a promise which Allah 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) Allah is only for those who do evil in ignorance". In this way it becomes obligatory for Allah to accept His servant's repentance. It does not mean that anyone else can obligate Allah 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.

Allah is Greater and Holier than such ascriptions. Rather this matter is based on the fact that Allah 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 Allah 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-wajib (obligatory) for Allah.

Obviously, the verse is focused not on a servant's repentance, but on Allah's returning with mercy towards that servant, although in this process it inevitably throws light on matters related to the servant's repentance. Allah'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 Allah'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'an calls both aspects as repentance. Allah 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 (repentance), In' another verse, Allah 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 willfully obstinate in their disbelief for 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 distinguishes 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 non-knowledge, 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 knowledge 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 inflammation 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 Allah wills it.

Of course, it happens sometimes that an obstinate stubborn person turns away from his obstinacy and stubbornness; 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 Allah) 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 Allah 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. Allah says: and if they were sent back, they would certainly go back to that which they are forbidden, and most surely they are Hers (6:28).

Why do we say that the word, 'soon', here means: before the signs of death appear before him? It is because Allah 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 Allah) soon", is an adverse indirect allusion to those who go on postponing repentance until its chances are lost forever.

The above discourse shows that the two clauses, "in ignorance" and "then turn (to Allah) 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 Allah with firm intention of serving Him. Allah's turning then means that He accepts that servant's return to Him. But service and worship of Allah 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, Allah; 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 Allah 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) Allah 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 Allah accepts the repentance of a disobedient and sinner servant, provided the sin was not committed in, haughtiness showing arrogance towards Allah (because it would then kill the spirit of repentance, and submission, to Allah) 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 Allah) 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 Allah) 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 Allah) 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 Allah's turning, that is, how and when Allah accepts a servant's repentance. It may clearly be understood from the particle of exclusion and restriction in the first verse, "Repentance with Allah 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'AN: so these it is to whom Allah turns (mercifully); and Allah is All-knowing, Wise:

The demonstrative pronoun *uld'ika* (translated here as 'these') actually means, 'those', and points to distant objects. Its use might be a symbolic expression of the honor and dignity which Allah 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 Allah is All-knowing, Wise"; it does not say, Allah is Forgiving, Merciful. The two divine attributes show why Allah 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 Allah is not deceived by appearance, He examines the hearts; deceit and cunning cannot deceive Him; therefore, one who repents must repent in a proper and sincere way, so that Allah should answer him with mercy and forgiveness.

QUR'AN: And repentance is not for those who go on doing evil deeds... "Surely, now I, repent":

Note that the words with Allah, 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 averted.

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. Allah 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'AN: 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.. Allah does not accept his returning, because on that day his repentance, i.e., his belief, will not benefit him at all. The Qur'an 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. Allah 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 ,disbelievers and die while they are, disbelievers, these it is on whom is The curse pf Allah 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 is full of gold shall not be accepted from one of them, though he should offer to ransom him self 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 the helpers means that they shall have no intercessors.

The qualifying phrase, " while the 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 Allah'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 Allah's return to His servant; if they throw some light on the servants' repentance, on their return to Allah, it is only incidentally and in passing.

QUR'AN: 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 honor. al-l'tad (to prepare; to promise).

Traditions

The Messenger of Allah (s.a.w.a.) said, inter alia, in his last sermon: "Whoever repents one year before his death, Allah will turn (mercifully) to him." Then he said: "Surely, a year is too long; whoever repents one month before his death, Allah will turn (mercifully) to him." Then he said: "Surely a month is too long; whoever repents one day before his death, Allah will turn (mercifully) to him." Then he said: "Surely a day is too long; whoever repents one hour before his death, Allah 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 - "Allah will turn (mercifully) to him." (Man la yah-duruhu 'l-faqih)

as-Sadiq (a.s.) said when he was asked about the word of Allah, 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-Kulayni has narrated the first tradition in al-Kafi through his chain from as-Sadiq (a.s.); it is also narrated through the Sunni 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.

Zurarah has narrated from Abu 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-Tafsir, al-Ayyashi)

It is reported in ad-Durru 'l-manthur that Ahmad, al-Bukhari (in his at-Tafsir), al-Hakim and Ibn Marduwayh have narrated from Abu Dharr, that he said: "Surely the Messenger of Allah (s.a. w.a.) said: 'Surely Allah 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 Jarir has narrated from al-Hasan that he said: " [A report] has come to me that the Messenger of Allah (s.a.w.a.) said: 'Verily Iblis said when he found that Adam had cavity [in his body]: "By Thy honor! I will not leave his cavity as long as there was soul inside him." Then Allah, the Blessed, the High, said: "By My honor! I will not come between him and repentance as long as there was soul inside him." ' " (ad-Durru 'l-manthur)

'Ali al-Ahmasi has narrated from Abu Ja'far (a.s.) that he said: "By Allah! None gets deliverance from sins except he who confesses them." Also he has narrated from the same Imam (a.s.): "Enough is remorse for repentance." (al-Kafi)

It is narrated in al-Kafi through two chains from Ibn Wahb that he said: "I heard Abu 'Abdillah (a.s.) saying: 'When the servant repents, a sincere repenting, Allah 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 Allah - when he meets Him - and there is nothing to give evidence against him concerning his sins.' "

Muhammad ibn Muslim has narrated from Abu 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 Allah! 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 Allah for it and repents and then Allah 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, Allah the High, returns to him with forgiveness; and surely Allah is Forgiving, Merciful; He accepts repentance and pardons the evils. Therefore, be careful, lest you make the believers lose hope of Allah's mercy.' " (al-Kafi)

Abu 'Amr az-Zubayri narrates from Abu 'Abdillah (a.s.) about the words of Allah, And most surely Tarn 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 Allah does not accept any deed from any servant except from him who meets Him with fulfillment of that explanation, and with that condition which Allah has imposed on the believers.

" And he said: "Repentance with Allah is only for those who do evil in ignorance; Allah 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 Allah has spoken about it quoting the talk of Yusuf to his brothers: Do you know how you treated Yusuf 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 Allah." (at-Tafsir, al-'Ayyashi)

The author says: The text of the narration is not free from confusion and disarray. Apparently the earlier portion is meant to show that good deed is accepted when the servant fulfills 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 Allah 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-bayan from the same Imam (a.s.).

Volume 8: Surah An-Nisaa, Verses 19-22

O you 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 Allah has placed abundant 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 Allah has placed abundant good in it. It is a basic Qur'anic principle which regulates woman's social life.

Qur'an: 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 only 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 remarrying (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'AN: 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 (= to prevent, to straiten, to put in difficulty); al-fahishah indecency; it is mostly used for fornication al-mubayyanah (clear). Sibawayh has reportedly said that abana, istabana, bayyana, tabayyana 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 Allah; then if you fear that they cannot keep within the limits of Allah, 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'AN: and live with them in a proper manner;... abundant good in it:

"al-Ma'ruf" 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'ruf, 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 labor. But it is exceptional case.

Allah 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. Allah 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 distinguished 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 distinguished with some especial qualities - or should be particularly devoid of some qualities.

As for example, Islam has reserved judiciary, administration and jihad 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 shari'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 Allah: and live with them in a proper manner, as explained above.

As for the words of Allah: then if you hate them, it may be that you dislike a thing while Allah has placed 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: "Allah. 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'an was revealed, human societies did not accord the women the status of human being; they were not considered as integral component of humanity. Some well-advanced 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 Allah 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'AN: And if you wish to have ... manifest wrong?:

al-Istibdal (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 istibdal, 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-Buhtan is what stuns and bewilders someone; it is generally used in meaning of false accusation. Grammatically, it is al-masdar, 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'AN: And how can you take it... a firm covenant?...:

The question creates a sense of astonishment. "al-Ifda'" (to reach, to arrive at) is used for intimate touching; it is derived from al-fada' (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 Allah 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

Hashim ibn 'Abdillah narrates from as-Sariyy al-Bajali that he said: "I asked him about the word of Allah, 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-Tafsir, al-'Ayyashi)

Abu 'l-Jarud narrates from Abu Ja'far (a.s.) about the word of Allah, 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 Abu Qays ibn al-Aslat died Muhassan son of Abu Qays threw his cloth, on the woman of his father; and she was Kubayshah bint Mu'amrriar 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 Allah (s.a.w.a.) and said: 'O Messenger of Allah! Abu 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 Allah (s.a.w.a.) said: 'Go back to your house; and if Allah 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 Allah revealed: O you who believe! it is not lawful for you that you should inherit women against (their) will." (at-Tafsir, al-Qummi)

The author says: The ending clause of the tradition is not free from muddle and confusion. However, several Sunni 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-Tabrisi 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 Abu Ja'far (a.s.). (Majma'u 'l-bayan)

ash-Shaybani 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 Abu Ja'far (a.s.)." {at-Tafsir, al-Burhan)

Ibn Jarir has narrated from Jabir: "Verily, the Messenger of Allah has said: "Fear Allah about women; because you have taken them in Allah's trust, and have made their bodies lawful (to you) by the word of Allah; 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-manthur)

Ibn Jarir has narrated from Ibn 'Umar that he said: "Verily, the Messenger of Allah (s.a.w.a.) said: O people! Verily, the women near you [i.e., your wives] are [like] conscript labor [i.e., they are joined to you for ever]; you have taken them in Allah's trust, and have made their bodies lawful (to you) by the word of Allah. 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., fulfill 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 earlier explanations.

Abu Ja'far (a.s.) has said about the word of Allah, and they have made with you a firm covenant: "Covenant is the word with which marriage is contracted .. ." (al-Kafi; at-Tafsir, al-'Ayyashi)

at-Tabrisi 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 Abu Ja'far (a.s.)." (Majma'u 'l-bayan)

The author says: This meaning is narrated from several early exegetes like Ibn 'Abbas, Qatadah and Abu Malikah. 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 Bakkar has narrated in al-Muwaffaqiyyat from 'Abdullah ibn Mus'ab that he said: "'Umar said: 'Do not give to women a dowry more than forty uqiyyah*. 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 Allah 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-manthur)

The author says: as-Suyuti has also narrated it from 'Abdu "r-Razzaq and Ibnu '1-Mundhir from 'Abdu 'r-Rahman as-Salami; and from Sa'id ibn Mansur and Abu Ya'la through a good chain from Masruq (and that tradition says "four hundred Dirhams" in place of "forty uqiyyah"); and also from Sa'id ibn Mansur and 'Abd ibn Hamid from Bakr ibn 'Abdillah al-Muzani; and all traditions have nearly the same meaning.

Ibn Jarir has narrated from 'Ikrimah that he said about the word of Allah, And marry not women whom your fathers married, that it was revealed about Abu 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 Abu Talhah ibn 'Abdi 'l-'Uzza ibn 'Uthman ibn 'Abdi M-Dar, who was the widow of his father, Khalaf; and about Fakhitah, 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, Safwan ibn Umayyah; and about Manzur ibn Rabab who had taken Malikah daughter of Kharijah, who was the widow of his father, Rabab ibn Sayyar. (ibid.)

Ibn Sa'd has narrated from Muhammad ibn Ka'b al-Qurazi 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 Abu 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 Allah 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 Shi'i traditions of the same meaning.

Ibn Jarir and Ibnu 'l-Mundhir have narrated from Ibn 'Abbas that he said: "The people of [the era of] ignorance prohibited [marriage with] all whom Allah has prohibited except the father's wife and having two sisters together as wives. Then Allah 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.