

The Light of The Holy Qur'an Interpretation of Sura An Nisa (The Women)

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No. 4 (177 verses)

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In the Name of Allah, the Beneficent, the Merciful
Introduction to the Sura :

This Sura, which contains 177 verses, was revealed in Medina. Next to Sura Al-Baqarah, it is the longest Sura of the Qur'an from the point of the number of words and letters. Its contents invite to Faith, justice, taking examples from the nations of the past, breaking the ties of friendship with the enemies of Allah, and supporting the orphans. In this Sura there are subjects such as marriage, equitable distribution of property after death, the necessity of obeying the divine leader, immigration, Holy War in the way of Allah, and so on.

This Sura is entitled An-Nisa, (the women), since the first thirty five verses of it are about women

and family affairs. (1)

The Virtue of Studying This Sura:

According to a tradition, the Prophet of Islam (p.b.u.h.) said: "Whoever recites Sura An-Nisa, as if this person has spent property in the path of Allah as much as any Muslim inherits by virtue of the purport of this Sura, and also, a similar reward of a person who has freed a slave, will be given to him." (1)

It is evident that the purpose in this tradition, and all of the similar traditions, is not a bare recitation of the verses, but recitation is a preparation for comprehension, the which is, in its turn, a preparation for

(1) Majma'-ul-Bayan, vol. 3, p. 1

action and behaving accordingly in personal and social life. Thus, it is certain that if Muslims take lessons from the contents of the verses of this Sura and apply them in their own lives, besides their worldly advantages, they will enjoy of all these rewards in the Hereafter.

Section one: Responsibilities of the Guardians of Orphans Commentary: Verse 1

Respect for the ties of relationship - Care of orphans' property Conditional Polygamy Permitted - Warning against embezzlement of orphans' property.

In the Name of Allah, the Beneficent, the Merciful

1. " O' people! be in awe of your Lord, Who created you from a single soul and from it created its mate and spread from them (the couple) many men and women. And be in awe of Allah through Whom you demand one of another, as well as any ties of kinship; Surely Allah is watching over you."

Commentary:

Challenge against Unjust Discrimination

The first verse of this sura addresses all human beings. The content of this verse is a message to mankind as a whole. It invites them to piety and being in awe of Allah. It says:

"O' people! be in awe of your Lord, ..."

Then, to introduce the Lord Who is aware of all deeds of human beings, it points to one of His attributes which is the origin of the unity of human race. It says:

"... Who created you from a single soul ..."

The phrase 'a single soul 'refers to the first human being whom the Qur'an introduces as 'Adam', the father of all human beings. The application of the term /bani'adam/ 'the children of 'Adam' in the Qur'an refers to this meaning, too. Then, in the next sentence, it says:

"... and from it created its mate ..."

This means that He created Adam's wife from his nature, not from the limbs of his body. Basing on a tradition from Imam Baqir (a.s.), the creation of Eve from one of the ribs of Adam has intensely been rejected, and it has been stipulated that Eve was created from the rest of Adam's clay. In the next verse, it continues saying:

"... and spread from them (the couple) many men and women. ..."

This idea leads to the comprehension that the multiplying of the race of the children of Adam has been performed only through Adam and his wife, and no other creature has had any hand in it. Then, for the sake of the importance that piety has in the structure of the foundation of a safe and sound society, again it invites people to observing piety. It advises people to be in awe of Allah, the One Who is Great in their view, so that when they want to demand something from others, they apply His Name. It says:

"... And be in awe of Allah through Whom you demand one of another, ..."

And it adds that:

"... as well as any ties of kinship, ..."

Mentioning this subject here is a sign of an extraordinary importance that the Qur'an maintains for strengthening blood-kinship. At the end of the verse, it says:

"... Surely Allah is watching over you."

That is, He sees all your deeds and intentions and, by the way, He protects you against unpleasant adventures.

Commentary: Verse 2

كَبِيرًا حُوبًا كَانَ إِنَّهُ أَمْوَ الْكُمْ إِلَى أَمْوَ الْهُمْ تَأْكُلُواْ وَلاَ بِالطَّبِّبِ الْخَبِيثَ تَتَبَدَّلُواْ وَلاَ أَمْوَ الْهُمْ الْيَتَامَى وَ آتُواْ (2)

2. " And give the orphans their property, and do not exchange something bad (of yours) for something good (of theirs), nor devour their property along with your own; (for) it is surely a great crime.

Occasion of Revelation:

At the time of the Prophet of Islam (p.b.u.h.), one of the members of a tribe by the name of Bani-Qatfan had a rich brother, and it happened that the rich brother passed away.

Then, as a guardian of his brother's orphans, he took his property in his possession, but when his brother's son matured and demanded it, he denied returning his right to him. The subject was explained to the holy Prophet (p.b.u.h.) . Then this verse was revealed, and when the man heard it, he repented and returned the property to its owner. Then the man said:" I refuge with Allah from that I be polluted through the great sin."

Commentary:

Treachery in Orphans' Property Is Forbidden!

In any society it happens that, as a result of some events and accidents, some parents die and there remain some little children from them. There are three important instructions upon the property of orphans mentioned in this verse.

1. At first, it instructs as such:

" And give the orphans their property, ..."

This ordinance means that your interference in these properties is in the rank of a trustee and as an inspector, not as a possessor.

2. The second instruction is to prevent guardians from devouring the property of orphans. Sometimes it happens that some guardians of the orphans, under the pretext that changing the property of the orphan is benefitable for the orphan, or it makes no difference to change it, or if it remains it will be wasted, take the best and choice parts of the properties of the orphans and put their own bad and undemanded properties in their places. The Qur'an says:

"... and do not exchange something bad (of yours) for something good (of theirs) ,..."

3. The third instruction has been added as follows:

"... nor devour their property along with your own; ..."

This sentence means that: do not mix the property of the orphans with your own property so that its result ends to the possession of the whole. Or, do not mix your undesirable property with their good property so that its result be treading the rights of the orphans. At the end of the verse, to emphasize and prove the importance of the matter, - that this kind of transgression to the property of the orphans is a great sin, it says:

"... (for) it is surely a great crime."

Commentary: Verse 3

مَلَكَتْ مَا أَوْ فَوَاحِدَةً تَعْدِلُواْ أَلاَّ خِفْتُمْ فَإِنْ وَرُبَاعَ وَثُلاَثَ مَثْنَى النِّسَاء مِّنَ لَكُم طَابَ مَا فَانكِحُواْ الْيَتَامَى فِي تُقْسِطُواْ أَلاَّ خِفْتُمْ وَإِنْ (3) تَعُولُواْ أَلاَّ أَذْنَى ذَلكَ أَيْمَانُكُمْ

3. " And, if you fear that you cannot act equitably towards orphans, then marry those women who seem good to you, two, or three, or four; but if you (still) fear that you will not act justly (between them) then (marry) only one or someone your right hands have acquired. That is more proper, that you may not deviate from equity."

Occasion of Revelation:

Before Islam, it was customary in Arabia among many people that they took the orphan girls to their houses under the name of defraying and guardianship and then they married them and appropriated their property, too. They assigned even their downies less than what the ordinary

amount was, since every thing was in their own hand, and when they felt the least inconvenience from them, they would easily leave them off. At that time the verse was revealed and instructed the guardians of the orphans that they could marry the girl orphans if they observed justice about them completely.

Commentary:

In this verse, another right, out of the rights of the orphans, is pointed out. It admonishes that at the time of marrying the girl orphans, if you fear that you cannot observe the right and justice about the conditions of matrimony, as well as their property, relinguish marrying them and refer to other women. It says:

" And, if you fear that you cannot act equitably towards orphans, then marry those women who seem good to you, ..."

Then, it adds that you may choose from among them two or three or four to marry with. It says:

"... two, or three, or four; ..."

So, immediately after that it continues saying that this is in the case that you keep the perfect justice. But, if you fear that you do not observe justice unto those wives of yours, you must suffice to only one wife, so that you keep away from imposing cruelty and transgression against others. It says:

"... but if you (still) fear that you will not act justly (about them) then (marry) only one, ..."

Or, instead of taking a second wife, you may take advantage of the She-slave that you have, because their conditions are less heavy, although they must enjoy of their own rights, too. it says:

"... or someone your right hands have acquired. ..."

This action - choosing only one wife or your slave, better prevents you from cruelty and deviating from the path of equity. It says :

"... That is more proper that you may not deviate from equity."

Justice about Wives:

What a man is enjoined to observe in justice about his wife is the observance of the equity in one's practical conditions and outward aspects of life, because applying justice in heartily

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affections is out of the ability of man. (1)

(1) It can be said that the windom of polypany liens is the following:

st 1- The number of death for men in wars and accidents is larger than that of women and,

therefore, some women become windows.

* 2- Women have monthly periods when no associon occurs.

* 3- Few of the young men are willing to marry a widow womman.

* 4- Not all of the hushandes widows are pious or have the power to control themselves.

Therfore, ether for the sonent of the first hushand, the rights of the widowsshould be ignored, or the problem must be solved by a project. Thus, basing on some conditions, men can marry a second wife in order to solve the difficulty of the both parties.

Explanations:

1. Islam is the supporter of the deprived class of the socity, especially the orphans, and the girl

orphans in particular, emphatically on the subject of chastity, matrimony, and misusing them.

2. It is not necessary to be assured of inequity of yourself to abandon marrying the orphans, but

probability and fear from it of your own side, is enough either.

3. In choosing a wife, heartily willing is a principal.

4. On the whole, Islam agrees with conditioned polygamy for men.

Commentary: Verse 4

مَّرِينًا هَنِينًا فَكُلُوهُ نَفْسًا مِّنْهُ شَيْءٍ عَن لَكُمْ طِبْنَ فَإِن نِحْلَةً صَدُقَاتِهِنَّ النَّسَاء وَ آثُواْ (4)

4. " And give women their dowries as a free gift, but if they, of themselves, be pleased to give up

to you something of it, then consume it with pleasure and wholesomely."

Commentary:

Concerning the above verse where this term has been applied, it can be explained that the Arabic

term /nihlah/, as Raqib Esfahani has said, is derived from /nahl/ in the sense of 'bee'. Since a bee gives honey to people and expects nothing, so, a present is also called /nihlah/. An Islamic tradition indicates that the finest properties should be used in three occasions: 1. Dowry - 2. Hajj pilgrimage -3. Shroud. If you spend your best properties in paying dower, your offsprings will be of the righteous. (1)

Explanations:

- 1. Paying dower of the wife (which is her right) is obligatory.
- 2. Dower sum is not the rate of a lady, but it is a wedding gift and the sign of affection and friendship.
- " And give women their dowries as a free gift, ..."
- 3. Dowry is the gift of man to the woman, and never it is her cost. However, we must know that dower is a financial support for the woman at the probable time of separation and as a compensation of her damage.
- 4. A woman has the right of possession of her dower. Thus, the parents and relatives of the lady have no right at all to take it for themselves.
- 5. A woman is free to take her dowry or donate it.
- "... but if they, of themselves, be pleased to give up to you something of it, ..."
- (1) Atybab-ul-Bayan, commentary, vol.4, p. 12
- 6. A wholesome wealth is that which whose owner bestows willingly and pleasantly.
- "... but if they, of themselves, be pleased to give up to you something of it, then consume it with pleasure and wholesomely."
- 7. The extrinsic consent is not enough, but heartily consent is essential when the Qur'an says: " of themselves". Then, unwillingly given or compulsory remits are not valid.

Commentary: Verse 5

مَّعْرُوفًا قَوْلاً لَهُمْ وَقُولُواْ وَاكْسُو هُمْ فِيهَا وَارْزُقُو هُمْ قِيَاماً لَكُمْ اللَّهُ جَعَلَ الَّتِي أَمْوَ الْكُمُ السُّفَهَاء تُؤْتُواْ وَلا (5)

5. " And do not give the feeble-minded your property which Allah has made for you a (means of) support, but feed them and clothe them therewith, and speak to them with kind words."

Commentary:

In Islamic literature distrustful winebibbers, in Arabic, are called /safih/ 'feeble-minded'. Therefore, personal properties and public properties should not be put under the authority of some unreliable persons. Some Islamic traditions indicate that the vast sense of the term "feeble - minded" covers evil-doers, too.

The secret that property should not be given unto their control is that 'property' is the consistence of the society. Thus, giving any position, responsibility and secret imformation, upon which the consistence of the society depends, to the persons who are habitually wrong-doers, is not right.

Explanations:

- 1. Those who are feeble-minded, winebibbers, and unrestrained should not be authoritative in economy and wealth.
- 2. When the feeble-minded have authority over even their own property, it is economically harmful for your property, too. (It is notable that the verse says: " your property " and it does not say: their property) .
- "And do not give the feeble-minded your property which Allah has made for you a (means of) support, ..."
- 3. In daily affairs, economical expediencies of the society and mental development ought to be noted to.
- " And do not give the feeble-minded your property...."
- 4. The feeble-minded persons are not admissible to use their properties themselves.
- 5. The financial and economical authorities of the system should be chosen from among some upright and experienced persons.

[&]quot; And do not give the feeble-minded ..."

- 6. The contractors of the economical agreements must not be some wrong-doers and sinners.
- 7. Wealth is a means of rising-up. Then, if wealth is not utilized as a means of rising-up in a country, the economical system there is ill and its excecutor is a feeble-minded person even if he has got P.H.D. in economics.
- 8. Wealth is for the consistence of life, economics, and the leaver of the system.
- "... which Allah has made for you a (means of) support, ..."
- 9. Capitals must not remain stagnantly. The wealth of the orphans and the feeble-minded persons should also be applied in the current of production and profitableness, so that its income can be enough for their lives to run and nothing of their capital would be spent.
- "... but feed them and clothe them therewith, ..."
- 10. The spiritual status and personality of the deprived must be regarded to.
- "... and speak to them with kind words."

- كَانَ وَمَن يَكْبَرُواْ أَن وَبِدَارًا إِسْرَافًا تَأْكُلُوهَا وَلاَ أَمْوَالَهُمُ إِلَيْهِمْ فَادْفَعُواْ رُشْدًا مَّنْهُمْ آنسْتُم فَإِنْ النِّكَاحَ بَلَغُواْ إِذَا حَتَّى الْيَتَامَى وَابْتُلُواْ (6) حَسِيبًا بِاللهِ وَكَفَى عَلَيْهِمْ فَأَشْهِدُواْ أَمْوَالَهُمْ إِلَيْهِمْ دَفَعْتُمْ فَإِذَا بِالْمَعْرُوفِ ثُكُلْ يَافَلْ فَقِيرًا كَانَ وَمَن فَلْيَسْتَعْفِفْ غَنِيًا
- 6. " And do test the orphans until they reach the age of marriage. Then, if you find in them maturity, make over to them their property and do not consume it wastefully and hastily lest they should grow up; and whoever (of the guardians) is rich, let him abstain (from taking something of the property of the orphans) and whoever is poor, let him devour reasonably. Then, when you make over to them their property, take witnesses over them; and Allah is enough as a Reckoner."

Commentary:

Another instruction has been given in this verse about the orphans and the fate of their property.

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It begins thus:

" And do test the orphans until they reach the age of marriage...."

Then, it continues saying that, at this time, if you find enough maturity in them that they are able to run their affairs upon their own property, return it to them. It says:

"... Then, if you find in them maturity, make over to them their property..."

Here, it remarks to the guardians again that they should not devour the property belonging to the orphans wastefully before the orphans grow up. It says:

"... and do not consume it wastefully and hastily lest they should grow up; ..."

Another matter is that if the guardians of the orphans are rich, they must never take anything, under any plea, from the property of the orphans. But if they are poor, for the labours they bear to protect orphans' properties, they, observing justice, can only take their recompenses from those properties. Here is the concerning statement: "... and whoever (of the guardians) is rich, let him abstain (from taking something of the property of the orphans) and whoever is poor, let him devour reasonably...."

Then, it refers to the last ordinance of this group of ordinances about the guardians of the orphans. It orders that when you want to deliver their property to them, to avoid any accusation or any conflict, take witnesses. It says thus:

"... Then, when you make over to them their property, take witnesses over them; ..."

At the end of the verse it remarks that you must know that the real reckoner is Allah and the most important thing is this fact that your account is clear with Him. So, if you commit any treachery, which is concealed to the witnesses, He will reckon it. Therefore, it says:

"... and Allah is enough as a Reckoner."

Commentary: Verse 7

- مَّفْرُوضًا نَصِيبًا كَثُرَ أَوْ مِنْهُ قَلَّ مِمَّا وَالأَقْرَبُونَ الْوَالِدَانِ تَرَكَ مِّمَّا نَصِيبٌ وَلِلنِّسَاء وَالأَقْرَبُونَ الْوَالِدَانِ تَرَكَ مِّمًا نَصِيبٌ وَلِلنِّسَاء وَالأَقْرَبُونَ الْوَالِدَانِ تَرَكَ مِّمًا نَصِيبٌ لِلرِّجَالِ (7)
- 7. " Men shall have a portion of whatever the parents and the near relatives leave, and women

shall have a portion of whatever the parents and the near relatives leave, be it little or much, (it is) a decreed portion."

Occasion of Revelation:

One of the companians of the Prophet (p.b.u.h.) passed away. His cousins divided his wealth among themselves though he had left some small children, and they gave nothing of it to his wife and children. According to their custom, affected from the Age of Ignorance, they believed that

only those were inheritors who had the power of fighting.

Then, responding to the grievance of the wife of that man and receiving the Divine revelation of the above verse, the Messenger of Allah (p.b.u.h.) called the above mentioned cousins and told

them to return the properties to the principle inheritors.

Commentary:

1. In the law of Islam, not only men but also women have the right of inheritance, and the religion

of Islam is the protector of the rights of women, too.

" Men shall have a portion of whatever the parents and the near relatives leave, and women shall

have a portion of whatever the parents and the near relatives leave, ..."

2. In this religion, division of inheritance basing on the power and ability of fighting is forbidden.

3. The principal is the justly division of inheritance, not its amount.

"... be it little or much, ..."

4. The standard of the portion of inheritance is invariable.

"... (it is) a decreed portion."

Commentary: Verse 8

8. " And when the relatives and orphans and the needy are present at the division (of heritage), give them (something) out of it and speak to them kind words."

Commentary:

An Ethical Ordinance

Certainly this verse has been revealed after the law of division of heritage, because it says:

" And when the relatives and orphans and the needy are present at the division (of heritage), give them (something), ..."

Though the terms 'orphans 'and 'the needy 'are mentioned in the abstract form, the purpose of it is the orphans and the needy of the relatives. Then, at the end of the verse, it says:

"... and speak to them kind words."

Commentary: Verse 9

سَدِيدًا قَوْ لاَ وَلْيَقُولُواْ اللَّهَ فَلْيَتَّقُوا عَلَيْهِمْ خَافُواْ ضِعَافًا ذُرِّيَّةً خَلْفِهِمْ مِنْ تَرَكُواْ لَوْ الَّذِينَ وَلْيَخْشَ (9)

9. " And let those fear who, if they left behind them weakly children, would fear on their account, so let them be in awe of Allah, and let them speak right words."

Commentary:

As the Islamic literature denotes, devouring the wealth of orphans has reflections both in this world and in the coming world. In this world, as the verse indicates, the damage reaches to the offsprings, and in the Hereafter, there will be the Hell Fire (which is referred to in the next verse) . (1)

The meaning of the verse may refer to the prohibition of abnormal donations and bequests that they bequeath or remit the whole property they have lest their small and weak children be left in poverty and misfortane after their death. (2)

Again, the verse may work as a recommendation to those who have handicaped offsprings in order that, by proper plannings, they would provide for their future. (3)

Explanations:

1. We must substitute the conditions of others with those of ours, to recognize the pains and

difficulties better. We ought to treat the orphans with a manner that we like our orphans to be

treated with it.

" And let those fear who, if they left behind them weakly children, would fear on their account, ..."

2. Whoever does a wrong action, he himself will receive its fruit.

(1) Tafsir-Nur-uth-Thagalayn, vol. 1, p.730

(2) Majma'-ul'Bayan, vol.3, p.

(3) Tafsir-ul-Kabir, by Fakhr Razi, explanation of the verse.

Transgression against the orphans of other people today will appear in the form of a custom in the society tomorrow, and it will involve our own orphans, too.

3. In methods of propagation, affections and innate dispositions should be utilized, too.

"... if they left behind them weakly children, ..."

4. Beside providing food and clothing, the orphans are in need of love, affection, and guidance.

"... and let them speak right world."

5. There should be neither treachery in the property of the orphans, nor shortcoming in their

training, nor harshness in speech to them.

"... so let them be in awe of Allah, ..."

Commentary: Verse 10

سَعِيرًا وَسَيَصْلَوْنَ نَارًا بُطُونِهِمْ فِي يَأْكُلُونَ إِنَّمَا ظُلُمًا الْيَتَامَى أَمْوَالَ يَأْكُلُونَ الَّذِينَ إِنَّ (10)

10. "Verily; those who devour the properties of the orphans unjustly, certainly they swallow Fire into their bellies, and they shall enter the burning Fire."

Commentary:

In Tafsir Al-Mizan, this verse has been taken as an evidence for the embodiment of deeds in Hereafter.(1) Devouring the property of the orphan will turn to Fire on Resurrection Day.

Devouring the property of the orphan is unlawful when it is done unjustly and with transgression. Else, the usual holding familiar intercourse, which does not cause a loss or damage to the orphans and there is not any evil intention towards devouring their property, is admissible. The Qur'an says: (2)

"... they are your brothers. And Allah knows well the mischief-maker from the peace-maker; ..."

Explanation:

The apparent shape, here, is devouring the property of the orphan, but the real feature of it will be made manifest in the form of Fire in the Hereafter.

- (1) Al-Mizan, commentary, vol. 4, p.336 (Persian Version)
- (2) Sura Al-Baqarah, No. 2, verse 220.

Section 2: Law of Inheritance Commentary: Verse 11

النّصْفُ فَلَهَا وَاحِدَةً كَانَتْ وَإِن تَرَكَ مَا ثُلْثًا فَلَهُنَّ اثْنَتْيْنِ فَوْقَ نِسَاء كُنَّ فَإِن الأُنثَيَيْنِ حَظِّ مِثْلُ لِلذَّكَرِ أَوْلاَدِكُمْ فِي اللهُ يُوصِيكُمُ (11) السُّدُسُ فَلأُمِّهِ إِخْوَةٌ لَهُ كَانَ فَإِن الثَّلُثُ فَلأُمِّهِ أَبَوَاهُ وَوَرِثَهُ وَلَدٌ لَهُ يَكُن لَمْ فَإِن وَلَدٌ لَهُ نَ كَا إِن تَرَكَ مِمَّا السُّدُسُ مَنْهُمَا وَاحِدٍ لِكُلِّ وَلأَبَوَيْهِ السُّدُسُ فَلأُمَّهِ إِخْوَةٌ لَهُ كَانَ اللهِ إِنَّ اللهِ مِّنَ فَرِيضَةً أَنَفْع لَكُمْ أَقْرَبُ أَيُّهُمْ تَدْرُونَ لاَ وَأَبناؤُكُمْ آبَاؤُكُمْ دَيْنٍ أَوْ بِهَا يُوصِي وَصِيّةٍ بَعْدِ مِن حَدِيمًا عَلِيما كَانَ اللهِ إِنَّ اللهِ مِّنَ فَرِيضَةً أَنْفُع لَكُمْ أَقْرَبُ أَيُّهُمْ تَدْرُونَ لاَ وَأَبناؤُكُمْ آبَاؤُكُمْ دَيْنٍ أَوْ بِهَا يُوصِي وَصِيّةٍ بَعْدِ مِن

11. " Allah enjoins you concerning your children: The male shall have the equal of the portion of two females; and if they are more than two females, then they will have two-thirds of the inheritance; and if there is (only) one, she will have the half; and as for his parents, each of them shall have a sixth part of the inheritance if he has a child, but if he has no child and his parents be his heirs, then his mother shall have the third, and if he has brothers, then his mother shall have the sixth after (the payment of) a bequest he may have bequeathed or a debt. You do not know which of your parents and your children is closer to you in usefulness. (This is) an ordinance from

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Allah. Verily Allah is All-Knowing, All-Wise."

Commentary:

There are ordinances of inheritance mentioned in some other religions, too. For instance, in the Torah, the Book of Numbers, Chapter 27, verses 8 to 11 some laws of inheritance are referred to. They are as follows:

- 8. And thou shalt speak unto the children of Israel, saying, If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter.
- 9. And if he have no daughter, then ye shall give his inheritance unto his brethren.
- 10. And if he have no brethren, then ye shall give his inheritance unto his father's brethren.
- 11. And if his father have no brethren, then ye shall give his inheritance unto his kinsman that is next to him of his family, and he shall possess it: and it shall be unto the children of Israel a statute of judgment, as the Lord commanded Moses.

It should also be noted that Jesus (a.s.) has approved, in the Bible, the same law of the Turah.

In Islam, the inheritance of a person, who has no inheritor, is given to the Islamic judge and Imam.

The pre-Islamic Arab deprived women and small children from inheritance.

The Portions of Inheritance:

In this verse, the ordinance of the first class of inheritors (children, fathers, and mothers) has been mentioned. At first, it says:

" Allah enjoins you concerning your children: The male shall have the equal of the portion of two females;..."

This meaning is a kind of emphasis on the portion of daughters taking from the inheritance and challenging with the traditions of the people in the Age of Ignorance who deprived women totally. Then the verse denotes that if the heirs of the diseased are exclusively two daughters or more than that, two-thirds of the inheritance belongs to them. It says:

"... and if they are more than two females, then they will have two-thirds of the inheritance; ..."

But if there remains only one daughter, she will have half of the whole inheritance. The verse says:

"... and if there is (only) one, she will have the half; ..."

Now, the inheritance of fathers and mothers, who are also involved in the first class of inheritors and are in the same row with the children, is classified in three states: The first state: is when the diseased person has an offspring or offsprings; then there will be one sixths of the inheritance for the father and again the same portion for mother. It says thus:

"... and as for his parents, each of them shall have a sixth part of the inheritance if he has a child, ..."

The second state: is when there exists no child and the inheritors are only the parents. In this case one thirds of the whole wealth belongs to the mother and the rest of it belongs to the father, as the verse says:

"... but if he has no child and his parents be his heirs, then his mother shall have the third, ..."

The third state: is when the inheritors are only parents and he has no offspring but he has brother(s) from the side of his parents or only from the side of his father. Then, the portion of the mother decreases from one third to one-sixth and the remaining five-sixth of the inheritance belongs to the father. It says:

"... and if he has brothers, then his mother shall have the sixth, ..."

In fact, brothers, who do not inherit anything, prevent the additional amount of the inheritance of the mother, and that is why, in Arabic language, they are called: /h¤ajib/ 'chamberlain'. Then, the Qur'an says that all of these things are after fulfilling the bequest that the diseased has bequeathed, and paying his debts, saying thus:

"... after (the payment of) a bequest he may have bequeathed or a debt. ..."

It should be noticed, of course, that only one third of the property can be bequeathed on. Therefore, if a person bequeaths more than that, it is not valid unless the heirs permit. In the next sentence, it says:

"... You do not know which of your parents and your children is closer to you in usefulness. ..."

Then, at the end of the verse, it remarks that:

"... (This is) an ordinance from Allah. Verily Allah is All-Knowing, All-Wise."

This statement is considered as an emphasis upon the former subjects so that there remains no place for people to bargain about the laws of the portions of heritance.

Why Is the Heritance of Man Equal of the Portion of Two Women?

With reference to the Islamic literature we realize that this question has actively existed in the minds of people since the beginning of Islam. They sometimes asked questions from the leaders of Islam on this regard. For example, it is narrated that Imam Ali-ibn-Musa-r-Rida, in answer to this question, said: "The fact that the portion of women from inheritance is equal to the half of the portion of men is for the reason that when a lady marries she takes something (dower) and man should give something. In addition to that, the life expenses of the wife is upon the man while a woman has no responsibility for the expenses of man as well as that of herself."

Commentary: Verse 12

وَلَهُنَّ دَيْنٍ أَوْ بِهَا يُوصِينَ وَصِيَّةٍ بَعْدِ مِن تَرَكُنَ مِمَّا الرُّبُعُ فَلَكُمُ وَلَدٌ لَهُنَّ كَانَ فَإِن وَلَدٌ لَهُنَّ يَكُن لَّمْ إِن أَزْوَاجُكُمْ تَرَكَ مَا نِصْفُ وَلَكُمْ (12) يُورِثُ رَجُلٌ كَانَ وَإِن دَيْنٍ أَوْ بِهَا تُوصُونَ وَصِيَّةٍ بَعْدِ مِّن تَرَكُتُمْ مِمَّا الثُّمُنُ فَلَهُنَّ وَلَدٌ لَكُمْ كَانَ وَن قَا وَلَدٌ لَكُمْ يَكُن لَمْ إِن تَرَكُتُمْ مِمَّا الرُّبُعُ لَيُونَ رَجُلٌ كَانَ وَاللَّهُ اللَّهُ مُ وَلِدٌ لَكُمْ وَلَدٌ لَكُمْ وَلَدٌ لَكُمْ وَلَدٌ لَكُمْ الرَّبُعُ فَلَمُ الرَّبُعُ اللَّهُ مَا وَاجِدٍ فَلِكُلُّ أَخْتُ أَوْ اللَّهُ اللَّهُ فَوَاللَّهُ اللَّهُ مَن وَصِيلَةٍ بَعْدِ مِن الثَّلُثِ فِي شُرَكَاء فَهُمْ ذَلِكَ مِن أَكْثَرَ كَانُوۤاْ فَإِن السَّدُسُ مِّنْهُمَا وَاحِدٍ فَلِكُلُّ أَخْتُ أَوْ أَخٌ وَلَهُ امْرَأَةٌ أَو كَلاَلَةً وَلَمُ اللَّهُ مِنَ وَصِيلًةً مُضَارَبً عَيْرَ دَيْن

12. " And you will have half of what your wives leave, if they have no child. But if they have a child, then you shall have a fourth of what they leave after (the payment of) any bequest they may have bequeathed or a debt; and they shall have a fourth of what you leave if you have no child, but if you have a child, then they shall have an eighth of what you leave after (the 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 a sixth, but if they are more than that, they shall be sharers in a third after (the payment of) any bequest that does not harm (others) . (This is) an ordinance from Allah, and Allah is Knowing, Forbearing."

Commentary: Inheritance of Spouses from Each Other:

In this verse, the explanation of the heritance of spouses from each other is stated. The verse, says:

" And you will have half of what your wives leave, if they have no child..."

But if they have a child or children, even if they are from another husband, only one fourth of her property belongs to you. It says:

"... But if they have a child, then you shall have a fourth of what they leave, ..."

This distribution is, of course, after paying the debts of the wife and fulfilling her bequests upon financial affairs, as the verse says:

"... after (the payment of) any bequest they may have bequeathed or a debt; ..."

And, if you have not any child, there will be a fourth of your heritance for your wives. It says:

"... and they shall have a fourth of what you leave if you have no child, ..."

Then, the portion of your wives will be one eighth of your property, except for the land the explanation of which is stated in jurisprudent books. It is in the case that you have a child, even though this child is from another wife. It says:

"... but if you have a child, then they shall have an eighth of what you leave...."

This division, similar to the previous division, is also done after the fulfilment of the bequest you have bequeathed and paying the debts. The verse, continues saying:

"... after (the payment of) a beguest you may have begueathed or a debt. ..."

Then, it states the ordinance of the inheritance of sisters and brothers, when it says:

"... 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 a sixth,..."

The Arabic term /kalalah/ is used for the maternal sisters and brothers who have inheritance from the diseased person. This situation is in the condition that there remains a maternal brother and sister from the diseased person. But if they are more than one they will have, on the whole, one third. That is they must divide one third of the property among themselves.

"... but if they are more than that, they shall be sharers in a third..."

Then it adds that this is in the case that the bequest be performed formerly and the debts be separated from the property.

"... after (the payment of) any bequest. ..."

And, it is in the condition that it does not harm the inheritors through the bequest or confessing a debt.

"... that does not harm (others)"

So, at the end of the verse, for an emphasis, it says:

"... (This is) an ordinance from Allah, and Allah is Knowing, Forbearing."

That is, this is a divine order which you must respectedly observe and He, Who has enjoined you these ordinances, is cognizant of your interests and expedients, and He is also aware of the intentions of the testators; yet, in the meantime, He is Forbearing and does not punish promptly those who treat against His command.

Commentary: Verse 13

13. "These are limits (set) by Allah; and whoso obeys Allah and His Messenger, He will admit him into gardens beneath which rivers flow, to abide therein forever; and this is the great success."

Commentary:

Following the discussion of inheritance in the previous verse, here, in this verse, the concerning laws are referred to as 'the divine limits', where it says:

"These are limits (set) by Allah; ..."

These are some limits which are forbidden to pass over or transgress. Therefore, those who transgress and break the bounds of these laws are known as sinners and criminals. Then, it speaks about those who respect these limits by observing them, saying:

"... and whoso obeys Allah and His Messenger, He will admit him into gardens beneath which rivers flow, to abide therein forever; ..."

And, at the end of the verse, it adds:

"... and this is the great success."

Commentary: Verse 14

مُّهِينٌ عَذَابٌ وَلَهُ فِيهَا خَالِدًا نَارًا يُدْخِلْهُ حُدُودَهُ وَيَتَعَدَّ وَرَسُولَهُ اللَّهَ يَعْص وَمَن (14)

14. " And whoso disobeys Allah and His Messenger, and transgresses His limits, He will admit him in Hell-Fire, to abide therein, and he shall have an abasing torment."

Commentary:

In this verse, other side of the coin is discussed about and those groups, who are opposite to the people mentioned in the previous verse, are referred to. It says:

" And whoso disobeys Allah and His Messenger, and transgresses His limits, He will admit him in Hell-Fire, to abide therein, ..."

Then, at the end of the verse, the final fate of such people is pointed out, where it says:

"... and he shall have an abasing torment."

In the former sentence, the bodily punishment of the Lord was referred to, while in this concluding sentence, which speaks about abasing torment, the spiritual aspect of that punishment is pointed out.

Section 3: Dealing with women Commentary: Verse 15

Punishment to immoral women and men - Tolerance for repentance - Unlawful to treat women harshly - Kindness to women enjoined.

15. " And as for those of your women who are guitly of lewdness, call to witness four of you (Muslims) against them; then if they bear witness (to the fact), confine them to the houses until death takes them away or Allah makes some way for them."

Commentary:

The punishment of filthy women who have husband and are polluted with lewdness is pointed out in the above verse, where it says: " And as for those of your women who are guitly of lewdness, call to witness four of you (Muslims) against them; ..."

"Then, the verse continues saying:"

"... then if they bear witness (to the fact) , confine them to the houses until death takes them away ..."

Thus, the punishment of lewdness for the women who have husband has been assigned 'life imprisonment' in this verse. But, immediately after that, it says:

"... or Allah makes some way for them."

From the above mentioned sense, it is understood that this ordinance had been a temporary ordinance, because later the holy Prophet (p.b.u.h.) issued the divine ordinance of 'stoning', the explanation of which is found in Islamic literature and the books of jurisprudence where you may refer to it.

Commentary: Verse 16

16. " And when two of you commit it (lewdness) punish them both, but if they repent and amend, then turn aside from them. Verily Allah is Oft-returning (to mercy), the Merciful."

Commentary:

In this verse the ordinance of fornication is stated. It indicates that the man and woman, who have not spouses and commit this indecent action, lewdness, both must be punished. It says:

" And when two of you commit it (lewdness) punish them both; ..."

The punishment mentioned in this verse is a general punishment, while verse No. 2 from Sura Nur, No. 221, which assigns one hundred stripes for each of the two parties, can be a commentary and an explanation upon the above verse.

At the bottom of the verse, it points to the matter of repentance and forgiveness about these kinds of sinners, and says:

"... but if they repent and amend, then turn aside from them. Verily Allah is Oft-returning (to mercy), the Merciful."

In the meantime, it is understood from this ordinance that the persons who have repented of their faults should never be blamed for their former sins.

Commentary: Verse 17

17. "Verily repentance with Allah is only for those who do evil ignorantly and then repent soon. So, these are they toward whom Allah returns (mercifully) and Allah is All-Knowing, All-Wise."

Commentary:

In the previous verse, the subject of the fulfilment of stripes upon those who commit indecency, fornication, as their punishment with repentance, was clearly stated. In the above verse, some of its conditions are mentioned, too. It says:

"Verily repentance with Allah is only for those who do evil ignorantly..."

The purpose of the usage of the term 'ignorantly' in the above mentioned verse is the violence of instincts and the domination of the strong low desires, and their conquest over the strength of intellect and faith. In this state, the knowledge of man about sins, although does not vanish completely, under the influence of those strong instincts becomes affected and, actually, remains futile. So, when the knowledge of man loses its effect, it will practically be equal to ignorance.

In the next sentence, the Qur'an has pointed to one of other conditions of repentance, where it says: "... and then repent soon. ..."

"That is, they regret from their actions soon and return to Allah, since a complete repentance is that which, on the whole, wipes out the remaining effects of sins from the spirit and mind of the person. After mentioning the conditions of repentance, the verse concludes as such:"

"... So, these are they toward whom Allah returns (mercifully) and Allah is All-Knowing, All-Wise."

Commentary: Verse 18

أَعْتَدْنَا أُوْلَئِكَ كُفَّارٌ وَهُمْ يَمُوتُونَ الَّذِينَ وَلاَ الآنَ تُبْتُ إِنِّي قَالَ الْمَوْتُ أَحَدَهُمُ حَضَرَ إِذَا حَتَّى السَّيِّنَاتِ يَعْمَلُونَ لِلَّذِينَ التَّوَّبَةُ وَلَيْسَتِ (18) أَلِيمًا عَذَابًا لَهُمْ

18. " And repentance is not for those who go on doing evil deeds until death comes to one of them, he says: 'Verily now I repent', nor for those who die while they are disbelievers. Those are they for whom We have prepared a painful torment."

Commentary:

Those whose repentance is not accepted is referred to in this verse. It says:

" And repentance is not for those who go on doing evil deeds until death comes to one of them, he says: 'Verily now I repent,'..."

"The second group whose repentance is also not accepted are those who pass away while they are infidels. The verse says about them:"

"... nor for those who die while they are disbelievers. ..."

In fact, the verse indicates that those who have repented from their sins and they had been safe and sound and had a good faith, but at the time of death they were not faithful, their former

repentance is futile, too. At the end of the verse, it says about both groups:

"... Those are they for whom We have prepared a painful torment."

Commentary: Verse 19

19. "O' you who have Faith! It is not lawful for you to inherit the women against their will, and do not straiten them in order that you may take a part of what you have given them, unless they are guilty of manifest lewdness; but deal kindly with them, and if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it".

Occasion of Revelation:

It is narrated from Imam Baqir (a.s.) that the above verse was revealed about the men who used to keep their wives without treating with them as a spouse, waiting for their death in order to possess their properties.

Commentary:

The verse may hint to the fact that only the wealth is heritable, and the wife of a man after his death does not belong to any one as heritage. After the death of her first husband, a woman can choose another husband with her own decision.

Explanations:

- 1. Islam is the defender of the rights of women.
- "O' you who have Faith! It is not lawful for you to inherit the women against their will, ..."
- 2. Women have the right of possession.
- "... to inherit the women...."
- 3. Conjugal life should be based on mutual love, not on taking possession of wealth.

- 4. Taking back the dower forcefully is unlawful.
- "... and do not straiten them in order that you may take a part of what you have given them, ..."
- "... unless they are guilty of manifest lewdness, ..."
- 5. Women should be treated well.
- "... but deal kindly with them ..."
- 6. Many of goodnesses lie among the unpleasant things.
- "... and if you hate them, it may be that you dislike a thing while Allah has placed abundant good in it."

مُّبِيناً وَإِثْماً بُهْنَاناً أَتَاْخُذُونَهُ شَيْئًا مِنْهُ تَأْخُذُواْ فَلا قِنطَارًا إِحْدَاهُنَّ وَآتَيْتُمْ زَوْج مَّكَانَ زَوْج اسْتِبْدَالَ أَرَدتُمُ وَإِنْ (20)

20. " And if you intend to take one wife in place of another and you have given one of them a considerable property then do not take anything of it. Would you take it by slandering (her) and with manifest wrong?"

Commentary:

At the Age of Ignorance, when some men desired to marry another wife, he would denigrate his first wife so that she had to remit her dower in order that the husband might divorce her. After that, the husband could marry another woman with the same dower that he had taken back. This verse blames the custom of the pagans of that time.

Explanations:

- 1. Remarriage is admissible from the point of Islam.
- " And if you intend to take one wife in place of another. ..."

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- 2. Divorce is in the authority of man.
- 3. Islam is the defender of the rights of women, and prohibits it if the second marriage might waste the rights of the first wife.
- "... and you have given one of them considerable property ..."
- 4. Wives have possession and their whole wealth must be given to them completely.
- "... then do not take anything of it. ..."
- 5. One of the worst sorts of transgression is taking the property of others by justifying, denigrating and defaming them. "... would you take it by slandering (her) and with manifest wrong?"

21. " And how can you take it (back) when one of you has already gone in to the other and they have taken from you a firm covenant?"

Commentary:

This verse indicates that in the fulfilment of propagations and forbidding wrong, human's affections should be utilized either. (You that, for a long time, have had a whole relationship with your wife and have obtained your wishes, why do you take back her dower unjustly now?) Then, at the time of misfortunes of life, former pleasures should be remembered, too.

" And how can you take it (back) when one of you has already gone in to the other? ..."

The marriage contract is a firm covenant; therefore, breach of promise is not proper.

"... and they have taken from you a firm covenant."

- سَبِيلاً وَسَاء وَمَقْتًا فَاحِشَةً كَانَ إِنَّهُ سَلَفَ قَدْ مَا إِلاَّ النِّسَاء مِّنَ آبَاؤُكُم نَكَحَ مَا تَنكِحُواْ وَلا (22)
- 22. " And do not marry women whom your father married, except what has already passed; verily it is indecent and hateful and it is an evil way."

Commentary:

One of the customs in the pre-Islamic era of Ignorance was that whenever a person passed away, his offsprings would marry their step mother (their fathers' wife).

It happened that one of the Helpers, called Abu-Qays, passed away and his son suggested to marry his step mother. The woman said that she should ask the matter from the Messenger of Allah (p.b.u.h.) . When she went to the Prophet (p.b.u.h.) and told him the matter, this verse was revealed and prohibited the marriage with step mother.

" And do not marry women whom your father married, except what has already passed; verily it is indecent and hateful and it is an evil way."

Section 4: Women who may be taken in wedlock Commentary: Verse 23

"Unlawful to wed blood and foster relations - Not to marry two sisters at a time - To marry free women - Laws regards wedding slave girls."

مِّنَ وَأَخَواتُكُم أَرْضَعْنَكُمُ اللَّآتِي وَأُمَّهَاتُكُمُ الأُخْتِ وَبَنَاتُ الأَخِ وَبَنَاتُ وَخَالاَتُكُمْ وَعَمَّاتُكُمْ وَأَخَواتُكُمْ وَبَنَاتُكُمْ أُمَّهَاتُكُمْ عَلَيْكُمْ حُرِّمَتْ (23) عَلَيْكُمْ جُنَاحَ فَلاَ بِهِنَّ دَخَلْتُم تَكُونُواْ لَمْ فَإِن بِهِنَّ دَخَلْتُم اللاَّتِي نِّسَآئِكُمْ مِّن حُجُورِكُم فِي تِي لاَّ ال وَرَبَائِبُكُمُ نِسَآئِكُمْ وَأُمَّهَاتُ الرَّضَاعَةِ رَّحِيمًا غَفُورًا كَانَ اللهِ إِنَّ سَلْفَ قَدْ مَا إَلاَّ اللَّهُ إِنَّ سَلْفَ قَدْ مَا إِلاَّ الأُخْتَيْنِ بَيْنَ تَجْمَعُواْ وَأَن أَصْلاَبِكُمْ مِنْ الَّذِينَ أَبْنَائِكُمْ وَحَلاَئِلُ

23. "Forbidden to you (in marriage) are your mothers, and your daughters, and your sisters, and your parental aunts and your maternal aunts, and daughters of your brother and daughers of your sister, and your mothers that have suckled you, and your foster sisters, and the mothers of your wives, and your step-daughters who are in your guardianship (born) of your wives to whom you have gone in, but if you have not gone in to them, there shall not be a sin on you (to marry their daughters), and the wives of your sons who are of your own loins. And (it is forbidden to you) that you should have two sisters together (at the same time), except what has already passed,

verily Allah is Forgiving, Merciful."

Commentary:

In this verse, those women with whom marriage is forbidden are pointed out. This prohibition comes forth through three ways: 1) Birth of progeny, genealogical relationship; 2) marriage, (casual relationship); 3) suckling, (foster relationship).

The marriages with the above mentioned relatives, which had occurred before the revelation of this verse, were forgiven. The prohibition of marriage with some relatives had been enjoined in the former divine religions, too. For example, the Torah, book of Leviticus, Chapter 18, verses 6 to 23 are as follows:

- 6. None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am the LORD.
- 7. The nakedness of thy mother, shalt thou not uncover: She is thy mother; thou shalt not uncover her nakedness.
- 8. The nakedness of thy father's wife shalt thou not uncover: it is thy father's nakedness.
- 9. The nakedness of thy sister, the daughter of thy father, or daughter of thy mother, whether she be born at home, or born abroad, even their nakedness thou shalt not uncover.
- 10. The nakedness of thy son's daughter, or of thy daughter's daughter, even their nakedness thou shalt not uncover: for their's is thine own nakedness.
- 11. The nakedness of thy father's wife's daughter, begotten of thy father, she is thy sister, thou shalt not uncover her nakedness.
- 12. Thou shalt not uncover the nakedness of thy father's sister: she is thy father's near kinswoman.
- 13. Thou shalt not uncover the nakedness of thy mother's sister: for she is thy mother's near kinswoman.
- 14. Thou shalt not uncover the nakedness of thy father's brother, thou shalt not approach to his wife: she is thine aunt.
- 15. Thou shalt not uncover the nakedness of thy daughter in law: she is thy son's wife; thou shalt

not uncover her nakedness.

- 16. Thou shalt not uncover the nakedness of thy brother's wife: it is thy brother's nakedness.
- 17. Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son's daughter, or her daughter's daughter, to uncover her nakedness; for they are her near kinswomen: it is wickedness.
- 18. Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness, beside the other in her life time.
- 19. Also thou shalt not approach uncover to a woman to uncover her nakedness, as long as she is put apart for her uncleanness.
- 20. Moreover thou shalt not lie carnally with thy neighbour's wife, to defile thyself with her.
- 21. And thou shalt not let any of thy seed pass through the fire to Molech, neither shalt thou profane the name of thy God: I am the LORD.
- 22. Thou shalt not lie with mankind, as with womankind: it is abomination.
- 23. Neither shalt thou lie with any beast to defile thyself therewith: neither shall any woman stand before a beast to lie down thereto: it is confusion.

Explanations:

- 1. The authority of enjoining things to be unlawful (such as alcoholic liquore, some bargains, and married women) is wholy up to Allah. "Forbidden to you (in marriage) are your mothers, and your daughters, and your parental aunts and your maternal aunts, and daughters of your brother and daughters of your sister, and your mothers that have suckled you, and your foster sisters, and the mothers of your wives, ..."
- 2. Consider the daughters of your wife from her previous husband who are brought into your house, as your own daughters, and be as a trainee for them, since you are their father.
- "... and your step-daughters who are in your guardianship (born) of your wives to whom you have gone in, but if you have not gone in to them, then there shall not be a sin on you (to marry their daughters) ,..."
- 3. The wives of your sons, who are from your own dynasty, are unlawful for you to marry, and the

wives of your adopted sons, as well. "... and the wives of your sons who are of your own loins...."

4. The contemporary marriage with two sisters usually draws them toward personal jealousy and competition and, finally, their love and affections may be led to detestation. The prohibition may be for this reason. The verse says:

"... And (it is forbidden to you) that you should have two sisters together (at the same time) , ..."

This is The End of Part Two