

up *Jihād* in the manner prescribed by the Shari'ah of Islam, ignored the demands of their *Jihād*, have entrusted the options of peace and war in the hands of the enemies of their religion and have themselves become chained to principles and policies which have nothing to do with the Shari'ah of Islam. Since that point of time Muslims departed from the pivot, they ended up being deprived of what was known as a bondman and bondwoman.

Common domestic servants in our own time are not 'bondmen' and 'bondwomen' because they are free.

In some parts of the world, children are sold out or enslaved. This is absolutely and totally *ḥarām* (forbidden). They do not become 'bondmen' and 'bondwomen' by doing that.

Verses 26 - 28

يُرِيدُ اللَّهُ لِيُبَيِّنَ لَكُمْ وَيَهْدِيَكُمْ سُنَنَ الَّذِينَ مِنْ قَبْلِكُمْ
وَيَتُوبَ عَلَيْكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿٢٦﴾ وَاللَّهُ يُرِيدُ أَنْ يَتُوبَ
عَلَيْكُمْ وَيُرِيدُ الَّذِينَ يَتَّبِعُونَ الشَّهْوَاتِ أَنْ تَمِيلُوا مَيْلًا
عَظِيمًا ﴿٢٧﴾ يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخَلَقَ الْإِنْسَانَ
ضَعِيفًا ﴿٢٨﴾

Allah intends to make clear to you and to guide you to the ways of those before you and to relent towards you. And Allah is All-Knowing, All-Wise. [26]

And Allah intends to relent towards you while those who follow the desires want you to deviate a great deviation. [27]

Allah intends to make things easy on you. And man has been created weak. [28]

Sequence

Mentioned in the previous verses were details of injunctions. Now, in the present verses, Allah Almighty points to his blessings and favours saying that your being obligated with these injunctions is for your own good, even though you may not be able to understand its manifestation in details. Then, along with it, there is the motivation to

follow the divine injunctions. Finally, there is the message of alert against the evil intentions of the misguided who wish ill of you and would like you to stray far away from the straight path.

Commentary

Following the description of several injunctions relating to marriage, the present verses say that Allah Almighty is making His injunctions very clear and explicit for you, and He is putting you in line with the ways of the noble prophets and the righteous who have come earlier. Do not think that these details of what is unlawful and what is not are there for you alone. The fact is that communities, earlier than you, were also charged with such injunctions. Those who acted in accordance with them were rewarded with Allah's favour.

As for those who follow the dictates of their desires, which includes fornicators, adulterers and nations and peoples adhering to false creeds who just do not recognize the restrictions of *ḥalāl* and *ḥarām* and make no distinction between lawful and unlawful would very much like you too to move away from the straight path and start giving ear to their false intentions and crooked ways. Be on your guard against them. There are creeds where it is all right to marry women - marriage with whom is not proper. Then there are many atheists who favour the very elimination of the institution of marriage as something out of tune with modern times. Not content with what they call "living together", there are people in some countries who are talking about women as a shared item of enjoyment. All this comes from people who take orders from their desiring self. Some Muslims, subscribing to Islam yet weak in their faith, when they keep company with disbelievers and atheists of such inclinations, fall a prey to their lustful claims and begin to think that their own religion is out-dated and that the position of the enemy is the very epitome of human progress. They do not realize that they have been framed into believing that people with such ideas are modern and forward-looking, something they start wishing their own religion could have permitted. Refuge with Allah from such spineless surrendering! The best policy is to take the warning given by Allah Almighty and stay away from owning and practicing ideas and ways of people with dispositions so wicked.

After this, in the first part of verse 28, it was said:

يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ : It means that Allah, great in His majesty, intends to make things easy on you, that is, prescribes injunctions which can be carried out by everyone obligated with them. If one cannot afford marrying free women, permission has been given to marry bond-women. Parties to a marriage were given the right to settle the dower by mutual consent. Also given was the right to marry more than one woman under circumstantial necessity, of course, on condition that justice is not compromised.

At the end, in the second part of verse 28, the text says: وَخَلَقَ الْإِنْسَانَ ضَعِيفًا (And man has been created weak). It means that man is weak by nature, and constituted desire-prone. If man was asked to stay away from women, totally and absolutely, he would have been a hopeless performer when it came to obeying the injunctions of Allah. It was, in view of his weakness and limitations, that he was not only permitted to marry women, but also that he was induced to do so. It goes without saying that the post-marriage life of a couple offers great benefits of mutual self-realization and most of all they enjoy the blessings of a sight that is untainted and a character that is unalloyed. This mutual purity of the couple increases the moral quality of life for both of them, making them strong, self-reliant and happy. So, marriage is a smart mutual contract to remove any chances of weakness that may afflict men and women - a peerless method indeed.

Verses 29 - 30

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ
تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ
كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾ وَمَنْ يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ
نُصَلِّيهِ نَارًا وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا ﴿٣٠﴾

O those who believe, do not eat up each other's property by false means unless it be a trade with your mutual consent. And do not kill yourselves. Indeed, Allah has been Very-Merciful to you. [29]

And whoever does that out of aggression and injustice,

We shall cast him into fire. And this is an easy thing for Allah. [30]

Sequence

Looking back from the beginning of Sūrah Al-Nisā', we see that it points out to the creation of all human beings from one father and mother and to the fact that all of them are bound in one big bond of brotherhood which suggests that rights of human beings at large have to be guarded and fulfilled. Then came a detailed statement about orphans and women which was followed by the injunctions of inheritance stressing upon the fulfillment of the rights of other relations in addition to those of the orphans and women. Pursuant to this came the injunctions of marriage telling about women who can be lawfully married and about those with whom marriage is unlawful, because marriage is a transaction and contract which entitles someone to enter into a woman's life and property.

The present verses bid the protection of human life and property and forbid any uncalled for intrusion into that area - whether those human beings are men or women, related or unrelated, Muslim or non-Muslim with whom there is a no-war pact in force. (Tafsīr al-Mazhari)

Commentary

While prohibiting to eat up the property of others the actual words used in the verse are: *أَمْوَالِكُمْ بَيْنَكُمْ* which have been translated as 'each other's property' against the very literal, 'your property in between you'. There is a consensus of Commentators that these words certainly carry the sense that nobody should eat up the property of the other by false means. The sense of the expression also includes, as indicated by Abū Ḥayyān in Tafsīr al-Baḥr al-Muḥīṭ, that anybody should eat up his own property in that manner - for example, spend it on what is religiously sinful, or is straight extravagance. That too comes under the purview of this verse and is forbidden.

The word *لَا تَأْكُلُوا* in the verse literally means, 'do not eat'. But, in common usage, it means, 'do not usurp the property of another person by false means whatever they may be by eating or drinking or using. In common parlance, the unauthorized use of what is owned by someone else is indicated by the idiom, 'eating up', even though it may not be eatable. The word, "*bāṭil*" which has been translated as "false

means" covers, in the view of Sayyidnā 'Abdullāh ibn Mas'ūd and the majority of blessed Companions, all other forms which are impermissible and are forbidden by the Sharī'ah. Included thereunder are theft, robbery, usurpation, breach of trust, bribery, interest, gambling and all false transactions. (al-Bahr al-Muhīt)

False Means as explained by the Qur'an and Ḥadīth

As for the Holy Qur'an, it has used one word بالباطل (by false means) to declare that all wealth and property acquired by false means is unlawful. After that, the Holy Prophet صلى الله عليه وسلم was entrusted with the duty of providing details. It was he صلى الله عليه وسلم who explained the details of every impermissible transaction.

From this we also find out that the many details of impermissible methods of buying and selling mentioned in the *aḥādīth* of the Holy Prophet صلى الله عليه وسلم are really an elaboration of this Qur'ānic injunction. Therefore, all those injunctions are, in a way, the very injunctions of the Qur'an. Whatever injunctions of Sharī'ah have appeared in the *aḥādīth* of the Holy Prophet صلى الله عليه وسلم they all have a common feature - they all elucidate upon one or the other Qur'ānic injunction. It makes no difference whether we do or do not know that this is an explanation of a certain verse.

Permissible Methods

The first part of verse 29 explained above declares that devouring the other person's property by false and disapproved methods is unlawful. Then, in order to exempt permissible methods from the ruling of unlawfulness, it was said in the second part of the same verse: **إِلَّا أَنْ تَكُونُوا بِيَدَيْهِمْ بَيْعًا** عَنْ تَرَاضٍ مِنْكُمْ which means that the wealth and property of others which has been acquired through trade by mutual consent is not unlawful.

Although there are, besides trade, several other means and methods which are equally permissible - for example, borrowing, gift, charity, inheritance - but, generally the most recognized and commonly practiced form of one person's property passing into the possession and control of someone else is no other than trade. Then, trade is generally understood to be a buying and selling activity. But, according to al-Tafsīr al-Maẓharī, dealings related with service, labour and tenancy are also included in trade, because in *bai'* (sale) what is

acquired is *māl* (property) for *māl*, while in *ijāra* one gets *māl* for service and labour. Trade covers both.

The reason why trade alone, out of the permissible forms of acquiring wealth and property from others, has been singled out here in this verse is that trade and labour are the best means of earning livelihood out of a variety of those open to man. Sayyidnā Rāfi' ibn Khadij رضى الله عنه says that the Holy Prophet صلى الله عليه وسلم when asked as to which mode of earning was the purest and the most lawful, said:

عمل الرجل بيده وكل بيع مبرور (مظهرى و ترغيب و ترهيب)

"Man's work with his own hands, and all honest sale transactions (not false and fraudulent) (Al-Mundhiri, Al-Targhib, and Mazhari).

Sayyidnā Abū Sa'īd al-Khudhri رضى الله عنه narrates that the Holy Prophet صلى الله عليه وسلم said:

التاجر الصدوق الأمين مع النبيين والصديقين والشهداء (ترمذى)

"The truthful and trustworthy trader shall be with the prophets and the truthful and the martyrs". (Tirmidhi)

And Sayyidnā Anas رضى الله عنه narrates that the Holy Prophet ﷺ said:

التاجر الصدوق تحت ظل العرش يوم القيمة - رواه الاصبهاني (ترغيب)

"The truthful trader shall be under the shade of the Throne on the Day of Doom." (reported by al-Isfahānī, al-Targhib)

Special Conditions of Clean Earning

According to a narration from Sayyidnā Mu'adh ibn Jabal رضى الله عنه the Holy Prophet صلى الله عليه وسلم said:

"The cleanest earning is the earning of the traders, on condition that, when they talk, they do not lie; and when they are asked to hold something in trust, they commit no breach of trust; and when they buy something from someone, they do not start finding faults in it; and when they sell their own stuff, they do not praise it (unrealistically); and when they have a debt to pay, they do not evade payment; and when they have a debt to recover from someone, they do not harass him." (Isfahānī, as quoted by Mazhari)

For this reason, it was said in another *ḥadīth*:

ان التجار يبعثون يوم القيمة فجارا الامن اتقى وبر وصدق (اخرجه الحاكم عن
رفاعة بن رافع)

"Traders will be raised on the Day of Doom as the sinners except him who fears Allah, acts righteously and says what is true." (al-Ḥakim, from Rifā'ah b. Rafī')

Trade and Mutual Consent :

The words "unless it be a trade with your mutual consent" in verse 29 lay down two conditions for the validity of a transaction through which the property of another person may lawfully be acquired. Firstly, it must be a transaction of trade which requires exchange of properties. Therefore, the transactions of gambling, speculation and usury or the transactions of sale where the commodity does not exist are forbidden and are not valid in Shari'ah, because these transactions cannot be termed as trade, even though they are effected in the name of trade.

Secondly, the transaction must be effected with the mutual consent of the parties. Therefore, if there is trade, where the object of sale does exist, but the mutual consent of the parties is not there, even then, the sale is invalid and impermissible. Thus, these two forms are included under "eating up each other's property by false means". Muslim jurists call the first form, *albai' al-bāṭil*', while the second form is given the name, *'al-bai' al-fāsid*'.

To explain the first condition, we can say that trade is the name of the exchange of one commodity with the other. Having commodity on one side and having no commodity against it is not trade. It is deception. The same holds good for interest-based transactions where the amount of interest is a return for the time allowed in a loan - and this 'time' is no 'commodity'. The same thing happens in speculation and gambling. Here, the commodity does exist on one side, but the existence of a commodity against it is doubtful. Similarly, there are transactions based on forward trading where the commodity does not exist but a deal is made for its sale / purchase. Here you have commodity on one side and nothing but a promise on the other. Therefore, this is just

not trade. If fact, this is deception and a kind of fraud. Therefore, Muslim jurists have ruled it to be *al-bai' al-bāṭil*, a void transaction of sale. The explanation as given here eliminates all impermissible forms of trading.

As for the second condition, it covers a situation where a property is being exchanged for another property. Both do exist, but the transaction of exchange did not take place with mutual consent. Although this is a trade, yet it is a wrong and invalid type of trade. Therefore, it has been called '*fāsid*' (invalid) and is not allowed.

The reality of the condition of mutual consent

However, there is a third kind in which there is commodity on both sides, and apparently the transaction has been effected with mutual consent, but the consent of one party has been obtained by compulsion and not by his free will. Therefore, this third kind is also included in the second one. For example, a person or company collects articles of daily use from all over the market, builds up a stock, raises prices on the higher side and starts selling. Since this is not available elsewhere in the market, the customer has no choice but to buy it from him at whatever price he may be selling it. In this situation, though the customer himself walks into the store and, obviously, buys it with his consent, but this 'consent' is an outcome of compulsion and therefore, it is null and void.

Similarly, if a husband makes the conditions of living with his wife so thorny that she is compelled to forgo her due dower, then, this expression of 'consent' made by her while abandoning her right to receive the dower, is not considered as consent in the real sense of the term.

Or, take the example of a person who discovers that he is not going to get his valid job done without offering a bribe, and he becomes ready to offer a bribe, then, this willingness and consent is not of his own free will. Therefore, it is legally null and void.

Thus, it becomes very clear that the restriction in *إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ* (unless it be trade with your mutual consent) justifies only those forms of buying, selling and trading the justification of which stands proved on the authority of the *ahādīth* of the Holy Prophet ﷺ. Muslim

jurists have simply codified them. So, all forms of buying, selling and trading prohibited and impermissible in the Shari'ah of Islām stand excluded from the approved core. To sum up, this one word of the Holy Qur'an provides the key to the wonderful treasure of Muslim jurisprudence on the subject of *al-buyū'* and *al-ijāra*.

The third sentence of the first verse (29) says: وَلَا تَقْتُلُوا أَنْفُسَكُمْ which has been literally translated here as 'and do not kill yourselves.' According to the consensus of commentators, this includes suicide; as well as, killing each other unjustly. The first sentence of the verse described the property rights of human beings at large and stressed that they be guarded. The present sentence, the third one we have before us right now, covers their right of life. Property has been mentioned in this verse earlier than 'life', probably because injustice and negligence are very common in matters relating to property rights. No doubt, unjust killing is far more grave, yet customarily its frequency is lower. Hence, it comes later.

Verse 29 closes with the statement: إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا which means that the injunctions given in this verse -- 'do not eat up each other's property by false means' or 'do not kill anyone unjustly' -- are injunctions that come to you as Divine Mercy, so that you can take your guard against falling into these misdeeds and thereby become liable to punishment in the life to come, and also that you may stay safe from punishments which could afflict you right here in the present life.

After that, the next verse (30) says: وَمَنْ يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ نُصَلِّبُكَ نَارًا. It means: If, despite the instructions of the Holy Qur'an, anyone acts otherwise, and knowingly, aggressively and unjustly, takes what belongs to someone else, or kills anyone unjustly, Allah will cast him into Fire. Here, the restriction of 'aggression' and 'injustice' shows that, should this happen out of forgetfulness or mistake, it is not included in this warning.

Verse 31

إِنْ تَحْتَسِبُوا كَبَائِرَ مَا تَنْهَوْنَ عَنْهُ نَكْفَرْ عَنْكُمْ سَيِّئَاتِكُمْ
وَنُدْخِلْكُمْ مَدْخَلًا كَرِيمًا ﴿٣١﴾

If you abstain from the major (sins) out of what you

have been forbidden from, We shall write off your minor sins and shall admit you to a noble entrance. [31]

Righteous Deeds : *Kaffārah* of Minor Sins

Kaffārah is what makes amends, an expiation. So the meaning is that righteous deeds will be taken as *Kaffārah* for minor sins which will thus be written off, resulting in reward instead of punishment and Paradise instead of Hell. This is in accordance with authentic *aḥādīth* where it has been stated that when a person makes *wuḍū* for *ṣalāh*, the act of washing each part of his body becomes the *Kaffārah* for sins; the washing of the face becomes the *Kaffārah* for sins committed by the eye, the ear, the nose; gargling becomes the *Kaffārah* for the sins of the tongue; washing feet a washes way the sins of the feet - and when he walks towards the *masjid*, every step he takes brings with it the *Kaffārah* of sins.

Major Sins are forgiven by *Taubah* alone

From the verse, we find that the expiation of sins through righteous deeds such as *wuḍū*, *ṣalāh* and the rest, which appear in *aḥādīth*, concerns minor sins. As for major sins, they are not forgiven without *Taubah* (Repentance); and for minor sins, the condition is that one should have made the effort to stay away and remain safe from major sins. This leaves us with a note of warning - if someone, while staying involved in major sins, goes on performing his *wuḍū*' and *ṣalāh*, then this *wuḍū*' and *ṣalāh* and other righteous deeds will not at all expiate for even his minor sins, let alone the major ones. It is a warning that when a person appears on the fateful Day of Resurrection, carrying the heavy burden of his major and minor sins, he will find no helping hand to make his burden any lighter.

It will be recalled that some major sins were mentioned in the previous verses alongwith the warning of severe punishment for those who commit them. It is a peculiar style of the Holy Qur'an that when it warns of punishment against a sin, it is generally followed by some aspect of persuasion towards obedience.

In the present verse too, a particular Divine reward has been mentioned and people have been persuaded to acquire it by staying away from major sins, in which case, Allah Almighty will forgive their minor sins on His own. Thus, cleansed of all sins, major and minor,

one could look forward to entering the home of honour and peace, the garden of Paradise.

The two kinds of sins

This verse tells us that there are two kinds of sins. Some of them are *kabīrah*, that is, major sins; others are *saghīrah*, (termed as *Saiyyāt*, in this verse) that is, minor sins. He who musters enough courage and succeeds in staying away from major sins, has been given a promise by Allah Almighty that He will forgive his minor sins on His own.

Now, the act of staying away from major sins also includes the act of fulfilling all obligations (*farḍ* and *wājib*) because neglecting or abandoning obligations is a major sin in itself. Thus, we come to the conclusion that if one dutifully fulfills all obligations and succeeds in saving himself from all major sins, Allah Almighty will overlook his minor sins.

Defining Major and Minor Sins

The word, "*Kabā'ir*" used in the verse is the plural of '*kabīrah*' meaning 'major sins.' Before we proceed further, we should understand the nature and identification of 'major sins'. Also, we should know the definition of minor sins, and their number. Being an important subject, scholars of the Muslim community have devoted regular books to throw light on this subject from various angles.

Let us, first of all, realize that sin, in the absolute sense, is the name of an act which is against the command and the will of Allah Almighty. Starting from this particular point, you will be able to see that the sin known as '*saghīrah*' or, technically, a minor sin, is, in fact, no minor sin for that matter. To disobey Allah Almighty and to oppose His will is, invariably, a grave crime. Therefore, based on this view, a large number of scholars of the Muslim community have ruled that every disobedience of Allah and every opposition to His will is nothing but '*kabīrah*' or major sin. The distinction between '*kabīrah*' and '*saghīrah*', major and minor sins, is made only when these are compared to each other. It is in this sense that the blessed Companion, Sayyidnā 'Abdullāh Ibn 'Abbās has been reported to have said: كل ما نهى عنه فهو كبيره which means that 'Any act forbidden by the Sharī'ah is a major sin.'

In short, a sin which is technically known as minor does not mean that people should go about indulging in it neglectfully, indolently or just ignore it as something ordinary. On the contrary, the fact is that a minor sin, if done with nerve or heedlessness, does not remain minor anymore - it becomes a major sin. A good example of a major and a minor sin, as given by some sage, is that of a small scorpion and a big scorpion, or that of a large ember and a tiny spark, for man cannot bear the pain given by any of these. Therefore, Muḥammad ibn Ka'b al-Qurazī said that the greatest act of worship offered for Allah is to give up sins. The *ibādah* or worship by people, who offer prayers and remember Allah, yet do not give up sins, is not accepted. The famous mystic, Fuḍayl ibn 'Ayād said: 'The lighter you take a sin to be, the greater it will become with Allah as a crime.' The most righteous elders of the Muslim community used to say: Every sin is a courier of *kufr* which invites people to manners and morals typical of disbelievers.

According to the Musnad of Aḥmad, Sayyidnā 'Ā'ishah رضى الله عنها wrote a letter to Sayyidnā Mu'āwiyah رضى الله عنه in which she said that a servant of Allah who disobeys Allah Almighty finds his fans become fault-finders, and friends turn into enemies. Heedlessness towards sins is the cause of man's permanent ruination. It appears in an authentic *ḥadīth* that the Holy Prophet صلى الله عليه وسلم said: When a true believer falls in sin, a black dot appears on his heart. If, after that, he repents and seeks forgiveness from Allah, this dot disappears. If he does not repent, this dot keeps on increasing, so much so that it covers his whole heart. In the Qur'ān, the name given to this dot is 'rayn', as in *كَلَّا بَلْ رَانَ عَلَى قُلُوبِهِمْ مَا كَانُوا يَكْسِبُونَ* that is, their evil deeds have ruined their hearts - 83:14.

However, it is necessary that there be a method to distinguish between sins in terms of corruption they cause, evil results they bring and harmful outcome they produce. Thus, it is because of this need to differentiate that a certain sin is called 'major' and a certain other 'minor'.

Major Sins

The definition of '*kabā'ir*', as indicated in the Qur'ān and Ḥadīth and as explained by the most revered elders, is that a sin on which a

Hadd or punishment has been prescribed in the Qur'ān or Sunnah to be enforced in this present life or on which words of curse or *la'nah* have appeared, or on which stern warning of Hell has been mentioned, are all major sins. Similarly, every sin the evil outcome of which is equal to or more than a major sin shall be counted as a major sin. Also, a sin done with a rebellious attitude or done as a permanent habit is also included in the major sins.

Someone said before Sayyidnā Ibn 'Abbās رضى الله عنه that the number of major sins was seven. He said: 'Not seven. Say seven hundred, which is better.' In his book *Al-Zawājir*, Imām Ibn Ḥajr al-Makkī has given a list of all such sins with their full explanations, sins which are included under *kabā'ir* in accordance with the definition given above. The number of major sins listed in his book reaches upto four hundred and sixty seven. The truth of the matter is that some scholars have considered it sufficient to count prominent major sins only and thus the number they have come up with is lower. Others who went in details and dealt with all divisions and sub-divisions of the subject came up with a higher number. Therefore, this is not much of a contradiction. The Holy Prophet صلى الله عليه وسلم has himself pointed to many sins as being major. Then, as appropriate under given circumstances, he has also named them in threes and sixes and sevens or even more elsewhere. From this, the scholars of the Muslim community came to the conclusion that the purpose is not to determine any particular number as a universal statement. Rather, each number mentioned in a *ḥadīth* relates to particular occasions or circumstances where that particular number was deemed appropriate in the given situation.

In a *ḥadīth* of al-Bukhārī and Muslim, the Holy Prophet صلى الله عليه وسلم has been reported to have said: I warn you against the top ones from among the major sins. They are three in number - to associate a created being as a partner in the divinity of Allah, to disobey parents and to give false witness or to lie. In yet another narration of al-Bukhārī and Muslim, it has been reported that someone asked the Holy Prophet ﷺ as to what could be the greatest of all sins. He said: 'That you ascribe partners to Allah although He has created you.' He was then asked as to the greatest of all sins after that. He said: 'That you kill your child for fear of his sharing in your sustenance and that

you will have to feed him.' He was again asked as to the greatest of all sins after that. He said: 'Committing adultery with the wife of your neighbour.' Since the protection of the family of a neighbour is the responsibility of all human beings very much like the protection of one's own family, therefore, the gravity of this crime becomes twofold.

According to yet another *ḥadīth* reported by al-Bukhārī and Muslim, the Holy Prophet صلى الله عليه وسلم said: 'That someone uses abusive language for his parents is also one of the major sins.' Surprised, the noble Companions asked: 'O Messenger of Allah, how is it possible that someone starts using abusive language against his very own parents?' He said: 'Yes. A person abuses the parents of another person as a result of which the later abuses the parents of the former. This too is as if he had abused his own parents, because he was the one who became the cause of those abuses.'

As in a narration of Ṣaḥīḥ al-Bukhārī, the Holy Prophet ﷺ has counted - *shirk* (ascribing partners to Allah), unjust killing, eating up of the property of an orphan by false means, devouring income from interest, deserting the battlefield of *jihād*, false accusation against chaste women, disobedience to parents and the desecration of the Holy Ka'ba - among major sins. In some *ḥadīth* narrations, the eventuality - that a person winds up living in a country of disbelievers (*dār al-kufr*) and emigrates to a country of believers (*dār al-Islām*), but later, leaves the country to which he has migrated and goes back to live into the country of disbelievers - has also been ruled as a major sin.

There are other narrations of *aḥādīth* where some of the forms of behaviour cited below have been included in the list of major sins, such as, taking a false oath, holding back water in excess of one's need and refusing to share it with those who need it, to learn magic, and to practice magic. The Holy Prophet صلى الله عليه وسلم has said, 'Drinking is the greatest of major sins'; he also said: 'Drinking is the mother of all shameful deeds,' because once drunk, man can fall into any conceivable evil. There is another *ḥadīth* where he said: 'The gravest major sin is that one imputes to his Muslim brother a fault which stains his character.' According to one *ḥadīth*, one who brackets two *ṣalāhs* (time-bound prescribed prayers) at one time without an excuse approved by the Shari'ah has committed a major sin. It means that he did not

perform a *ṣalāh* at the time it was due, but performed it as *qaḍā* (missed) prayer along with another *ṣalāh*. Some *ḥadīth* narrations declare that losing hope in the mercy of Allah Almighty is also a major sin; and so it will be in the event if one becomes careless or daring enough to forget all about His punishment and retribution. Another narration rules that making a will to bring loss to an inheritor or to reduce his share in the inheritance is also one of the major sins.

And it appears in a narration from the Ṣaḥīḥ of Muslim that the Holy Prophet صلى الله عليه وسلم once spoke the words: 'Destitutes, losers, they are ruined.' He repeated this three times. Sayyidnā Abū Dharr al-Ghifārī رضى الله عنه asked: 'O Messenger of Allah, who are these unfortunate people?' He replied: 'One: a person who lets his trouser or wrap or shirt or robe hang all the way down below his ankles; two: one who spends something in the way of Allah, then publicizes his favour; three: one who, in spite of his old age, indulges in shameful deeds; four: one who, despite holding a position of authority, tells lies; five: one who, despite having a family, waxes proud; six: one who gives his hand of allegiance in the hands of a worthy Imām or master just for the sake of material gains.

Concluding in the same vein, we refer to another *ḥadīth* from al-Bukhārī and Muslim which proclaims that the back-biter will not be admitted into the Paradise. And a *ḥadīth* in Nasa'ī and the Muṣnad of Aḥmad enlarges on the theme by saying that some kinds of people will not be admitted into the Paradise, that is, the drinker, the disobeyer of parents, the unjustified severer of relations with kinsmen, the publicizer of a favour, the diviner of the unseen through jinns, satans and other mediums and the *dayyūth* (دبرث), a wittol or cuckold who is so contented with his shamelessness that he never stops his wife and family members from going the way of immodesty. And a *ḥadīth* from the Ṣaḥīḥ of Muslim says that *la'nah* or the curse of Allah is for one who sacrifices an animal for anyone other than Allah.

Verses 32 - 33

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِلرِّجَالِ
نَصِيبٌ مِّمَّا كَتَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَتَبْنَ وَاسْأَلُوا

اللَّهُ مِنْ فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا ﴿٣٢﴾ وَلِكُلِّ
 جَعَلْنَا مَوَالِيَكُمْ مِمَّا تَرَكَ الْوَالِدِينَ وَالْأَقْرَبُونَ وَالَّذِينَ عَقَدْتُمْ
 أَيْمَانَكُمْ فَأَتَوْهُمْ نَصِيبُهُمْ إِنَّ اللَّهَ كَانَ عَلَىٰ كُلِّ شَيْءٍ
 شَهِيدًا ﴿٣٣﴾

And do not covet something by which Allah has made some of you excel some others. For men there is a share of what they earned and for women, a share of what they earned. And pray to Allah for His grace. Surely, Allah is All-Knowing in respect of everything. [32]

And for everyone We have made heirs in what the parents and the nearest of kin have left. And as for those with whom you have made a pledge, give them their shares. Surely, Allah is a Witness over everything. [33]

In the injunctions of inheritance appearing previously, it was mentioned that, given the conditions, for a male there is a share equal to that of two females. There are other proved aspects of male precedence as well. So, Sayyidah Umm Salmah رضى الله عنها once said to the Holy Prophet صلى الله عليه وسلم: 'Our share in the inheritance is half. Then, there are such and such elements of difference between us and men...'

Her purpose was not to raise an objection. Rather, she wished to be a man and to deserve the merits restricted for men. There were other women who wished: 'Had we been men, we would have taken part in *Jihād* and the merit of *Jihād* would have been ours.'

A woman asked the Holy Prophet صلى الله عليه وسلم: 'A man gets a double share in the inheritance and the witness of a woman is half as compared with a man - does that mean that we shall be getting a half reward for all of our acts of worship?' Thereupon, the present verse was revealed in which an answer to both these statements has been given. The answer to Sayyidah Umm Salmah was given by 'and do not covet...' and the answer to the last-mentioned woman was given by 'for men there is a share...'

Commentary

Coveting the Unacquirable

In this verse (32), coveting things, traits and merits given to others has been prohibited, for they are not acquirable by effort. The reason is that when a man finds himself lacking in wealth, comfort, beauty, merit, knowledge and similar other states of being, he naturally experiences a surge of envy which urges him to come, at least, at par with that person, or, if possible, be ahead. But, he does not always have the capability or power to make his wish come true because there are merits and excellences which have nothing to do with man's own efforts and acquisitions. They are simply the blessings of nature, for example, being a man or being the scion of a prophet's family or having been born in the family of a ruler or having been born beautiful. So, one who does not have access to these blessings can never obtain them by effort even if he were to spend a whole life-time devoted to that pursuit. A woman cannot become a man, nor can one choose to be born in the family of a prophet, or change his physique - become tall and handsome, acquire all beautiful features of his choice - because, this is not within his power. He simply cannot acquire these in the real sense, no matter how much he struggles with his medicines, treatments and devices. Consequently, when he finds himself incapable of matching the other person, his inner self starts playing with the idea that it would be wonderful if such blessings were snatched away from him (the other person) as well, so that, he too becomes either equal or lower than him. This is envy, a terribly, shameful and damaging trait of human morals, which is the cause of so many disputes, disturbances, killings and ravages in this world.

This verse of the Holy Qur'an closes the doors of disorders by saying: *وَلَا تَسْتَفْتُوا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ*. It means that Allah Almighty, in His infinite wisdom, has blessed people with all sorts of merits and excellences. He gave someone a particular quality, then gave someone else yet another quality; less to some, more to some others. In this matter, everyone should rest pleased with his or her destiny and stay clear from the envious desire to become the possessor of the other person's merits and excellences, for the end-result of this game of desires is nothing but a biting sense of personal loss, and of course,

that awful sin of envy.

It may sound a little simple, but the truth of the matter is that anyone Allah Almighty elects to be a man should be grateful for it, and anyone He elects to be a woman should be pleased with being just that, realizing that, had she been a man, may be, she could have failed to fulfil the responsibilities placed on a man, and would have thus ended up being a sinner. Then, anyone created beautiful by Allah Almighty should be all the more grateful for having been so blessed; and, anyone lesser in looks should also not grieve thinking of the good that may lie hidden behind this destiny, for being blessed with beauty does not necessarily guarantee good. It might have the recipient land into some unwelcome state of trial or corruption. Again, anyone who is a true lineal descendant of the Holy Prophet صلى الله عليه وسلم should thank Allah Almighty for the great blessing of this lineal connection; and, anyone who does not have this connection should neither worry about it, nor should he go about longing for it, because this is something which cannot be acquired by effort, and if one still insists on coveting it, what he would get involved with will be nothing but sin and the gain he would make would be nothing but a broken heart and an aching soul. So, rather than pine for a lineage one does not have, the best policy is to think about one's own doings. Let these be good and righteous. Once a person enhances himself with such spiritual strengths, he can be ahead of those with higher or better lineage.

Striving to excel others in good deeds is different

There are verses of the Holy Qur'an and the sayings of the noble Prophet صلى الله عليه وسلم which exhort people to excel each other in good deeds. In other words, this is an open field in which it is all right to look at the trail of merits and excellence left by others. Indeed, people have been persuaded to make all possible efforts to acquire them. Now, this relates to deeds within man's control, and which can be acquired by learning, training and working. For example, if a person is impressed with someone's intellectual merits, practical life and excellent morals, he can, by all means, strive to acquire these qualities. This is very desirable, and praiseworthy. As such, the present verse does not contradict it. In fact, the later part of the same verse (32), that is, لِلرِّجَالِ نَصِيبٌ مِّمَّا كَسَبُوا وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَسَبْنَ is actually supporting this view. It

means that men will get a share of what they acquired with their effort and conduct, and the same will be true for women who will get a share of what they acquired with their effort and conduct. One is not likely to miss the hint here - that effort and struggle in the acquisition of merits and perfections do not go waste. On the contrary, every man and woman will definitely get a return, a share of his or her effort. From here, we also know that desiring to have someone's intellectual-moral excellence as combined with his model practical conduct, and then going ahead to see the fruition of these desires through effort and struggle, is certainly desirable and praiseworthy. Removed in the process here is an error which is committed by a lot of people who tend to do things not knowing what they are doing. Some of them become so devoted to their desire to acquire merits which cannot be acquired that they ruin their otherwise peaceful life right here in this mortal world. And if, bad come to worse, they are fired with envy, that is, they start wishing - 'if I do not have this blessing, may this be taken away from the other' - then, the very chances of salvation in the life to come also stand destroyed because of the grave sin of envy committed by him.

Moreover, there are another kind of people as well who lack courage, avoid action, or just have no sense of honour and shame, who do not even try to acquire merits which can be acquired. Such people, when approached with good counsel, would come back immediately, blaming their destiny and fate which is no more than an effort to camouflage their own timidity and inertia. The present verse has resolved this problem by stating a wise and just rule which is: Man's effort is ineffective in acquiring merits which he does not control, such as, being high-born or handsome. Merits like these should be resigned to fate and one must be content with the divinely determined state he is in, and be grateful to Allah Almighty. Coveting anymore than that is absurd, ineffectual, meddlesome - an act which leaves behind nothing but a handful of sorrows.

As for merits which can be acquired by effort, wishing to have them is useful, only if such a wish is supported by the necessary struggle to achieve. Let us keep in mind that the verse carries the promise that the effort so made will not be wasted and everyone will get a share of what he or she worked for.

Referring back to injunctions prohibiting the unjust use of someone's property and the unjust taking of someone's life (29), Tafsīr al-Baḥr al-Muḥīṭ points out that this verse aims to seal the very source of these crimes, and it is for this purpose that instructions have been given to stop people from coveting others who are ahead of them in wealth, comfort or influence. A little thought will reveal that theft, robbery and other illegitimate ways of usurping someone's property, or to kill and destroy, are crimes which sprout from one particular emotional attitude. A person, when he finds the other ahead of him in wealth and other material acquisitions, first feels the pinch in his heart wishing to come at par with him, or even wishes to become superior to him. Then, it is the intensity of this desire which pushes him all the way to go ahead and commit these crimes. The Holy Qur'ān, as said earlier, has blocked the source of these crime by blocking the very desire of the unacquirables and the unobtainables of life.

To ask for Allah's grace is the ideal way

After that, the verse moves on to instruct by saying: **وَأَسْأَلُوا اللَّهَ مِنْ فَضْلِهِ** (And pray to Allah for His grace). It means, 'when you see someone excel in one or the other graces of life,' the ideal conduct is, 'not to wish to come at par with the other person in respect of that particular excellence, but that you should pray to Allah asking for graces and blessings from Him.' The reason is that Allah's grace appears in different forms for everyone. For some, wealth is a blessing from God for, if they were to become paupers, they might have fallen victims to sin and disbelief. For some others, grace lies in the very pecuniary circumstances they are in, for if they were to turn rich, they might have succumbed to thousands of sins. Similarly, for some, grace appears in the form of power and influence, while for some others, the unremembered and the unattended, the grace of Allah manifests itself in that very state. A look at the reality of things around would have told him that power and influence, if these were to be his lot, might have caused his falling into many a sin. Therefore, the verse instructs - when you ask Allah, do not ask for some fixed quality of life, instead, ask for His grace so that He, in his His infinite wisdom, opens the doors of His blessings on you.

Trust His Wisdom and Knowledge

The verse concludes by saying: إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ عَلِيمًا (Surely, Allah is All-Knowing in respect of everything.) Here, the hint is that the arrangement of things made by Allah Almighty is the very quintessence of wisdom and justice. Whoever has been created and sustained in whatever condition it may be is an arrangement perfectly matched with the ideal demand of wisdom and justice. But, man is not fully aware of the consequences of what he does. This is something only Allah knows best and thus He also knows how suitable it is to keep anyone in a given condition.

The law of inheritance: Reiteration of the wisdom in it

While describing the background in which the present verse was revealed, which appears in the introductory remarks preceding the Commentary, it was stated that some women, when they found out that men have been given a share equal to that of two women, wished they were men so that they too would be getting a doubled share. In a relevant manner, the law of inheritance was reiterated in the second verse (33) and it was tersely said that all shares determined therein are based on perfect wisdom and justice. Since human reason cannot encompass the totality of factors that contribute to the order or disorder of the created universe, it is obvious that it cannot arrive precisely at those elements of wisdom which have been taken into consideration in determining the laws of Allah Almighty. Therefore, whosoever has been allotted whatsoever share should be pleased with it, and be grateful for it.

Inheriting through pledge

The giving of a share on the basis of a pledge mentioned at the end of verse 33 refers to a practice during the initial period of Islam. This was later abrogated by the verse **أُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ** (As for the womb - relatives, some of them are closer to some...) (33:6) Now, if other heirs exist, a pledge or mutual contract between two parties does not affect the inheritance in any manner whatsoever.

Verses 34 - 35

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى

بَعْضٍ وَمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قُنُوتٌ حَفِظْتُ
 لِلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ
 وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا
 عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ﴿٣٤﴾ وَإِنْ خِفْتُمْ شِقَاقَ
 بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا
 إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا ﴿٣٥﴾

Men stand caretakers of women since Allah has made some of them excel the others, and because they have spent of their wealth. So, the righteous women are obedient, guarding in absence with the protection given by Allah. As for women whose disobedience you fear, convince them, and leave them apart in beds, and beat them. Then, if they obey you, do not seek a way against them. Surely, Allah is the Highest, the Greatest.^[34]

And if you fear a split between them, send one arbitrator from his people and one from her people. If they desire to set things right, Allah shall bring about harmony between them. Surely, Allah is All-Knowing, All-Aware. ^[35]

Under injunctions concerning women, appearing earlier, discrimination against them by withholding or wasting their rights was prohibited. Now, the present verses describe the rights of men.

Commentary

Verse 34 opens with an important statement: الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ which has been translated as 'men stand caretakers of women.' *Qawwām*, *qayyām* or *qayyim* in Arabic denotes a person who holds the responsibility or has the duty and charge to manage a job or run a system or take care of what has to be done about something, controlling all related factors therein. The standard role of a man, with regard to women, has been mentioned in this verse through the word, 'qawwām' which has been translated in various ways, the most common being in the sense of 'hākim' or one who rules, governs, or decides. Other alternatives used are guardians, custodians, overseers and protectors. When

taken in the sense of a carer, a functional head, and not in the political sense of a ruler or dictator, the 'qawwām' or ḥākīm of the Qur'ān offers a base of understanding from common experience. It is obvious that, for any group-living, big or small, or for any organized system, it is rationally and customarily necessary that the group or system have some head or chief or authority so that he can arbitrate in the event of a difference and take decisions to run affairs smoothly. That such authority is needed in the running of countries, governments and states is universally accepted and practiced. This need, as felt in modern times, was also felt in the older tribal social organizations where the chief of a tribe was taken as the authority for that tribe. Why would a family organization, a micro-sample of the larger organizations, would not need someone to head, maintain and run the system? Of course, the need is there and Allah Almighty, in His infinite wisdom, elected men for this responsibility because their natural capabilities are more pronounced than those of women and children.

This is such an open and obvious fact of human life that no sane human being, man or woman, can say no to it; and its denial does not change reality.

The gist of the matter is that, as seen from *وَالرِّجَالُ عَلَيْهِمْ دَرَجَةٌ* (and for men, there is a step above them) and from *الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ* (men stand caretakers of women), the message is that the rights of women are as incumbent upon men as the rights of men are upon women, and the rights of both are similar to each other, with only one exception that men have a certain precedence in functional authority, although this too is hemmed with other balancing factors. As explained in other verses of the Holy Qur'ān, this mantle of authority placed on the shoulders of men is not that of a dictator and a tyrant. While exercising this authority, man is bound by the supreme law of Islam, the Shari'ah. He must act on the principle of consultation and follow good counsel. He just cannot act at the spur of his whim or his wild instincts. The command given to him is: *وَعَاشِرُوهُنَّ بِالْعُرْفِ*. It mean: Treat women well, as recognized.

This aspect of having mutual consultation appears in another verse (2:233) where it was said: *عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ*. Here men have been instructed to act in consultation with wives in family affairs. After this

clarification, the technical authority of man should not be a source of heart-burning for women. Still, in view of the probability that women may take this arrangement unhappily, Allah Almighty did not restrict the text on proclaiming the authority of man, but explained two reasons for this authority. One reason relates to the wisdom of creation which is beyond the control of any human being, and the other refers to a factor which comes through one's efforts and endeavour.

The first reason has been mentioned in the words: **بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ** It means that Allah Almighty has made some excel the others (in some qualities) under His exclusive wisdom and consideration. This is like the sacred environs of Makkah where a particular House of Worship was declared by Allah as His House and Qiblah (the orientation), and in Jerusalem, a special honour was given to the Bayt al-Maḳḳdis. Similar is the case with the precedence of men. This is a God-given grace. Men have done nothing to get it and there is nothing wrong with women that they do not have it. It is simply based on the wisdom of creation, an exclusive privilege of the Creator.

The second reason relates to what is achieved with effort. This reason is pointed out by the words **رَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ** which mean that men spend their money, pay dower and take the responsibility of meeting all needs of women. Hence, the precedence.

At this point, a comment from Ibn Ḥibbān in al-Baḥr al-Muḥīt, is worth attention. He says, 'These two reasons in support of the authority of men also prove that the right to authority does not get to be established simply by force. Rather, this right can be deserved on the basis of one's competence and capability.'

The Qur'ānic eloquence in describing the precedence of men

It is noteworthy that the Holy Qur'ān, while giving the first reason for the precedence of men, has not opted for an expression like **فَضَّلَهُمْ عَلَيْهِنَّ** : 'because He made men excel women', On the contrary, it has elected to give a deeper significance to the statement by using the expression: **بَعْضَهُمْ عَلَى بَعْضٍ**, that is, 'made some of them excel the others'. The wisdom here is not difficult to see. The Arabic expression **بَعْضُهُمْ عَلَى بَعْضٍ** has a subtle indication to the fact that men and women are part of each other. Therefore, there is a hint that the precedence of men, even if proved in one or the other field, will not go beyond being similar to

the precedence of man's head over his hand, or of his heart over his stomach. So, just as the precedence of man's head over his hand does not diminish the role and the importance of the hand, similarly, the precedence of man does not cause any lowering of the status of women, because both of them are parts of each other's body - if man is the head, woman is the body.

Some commentators identify yet another hint here. According to them, this precedence men have over women is in terms of genus. As far as individuals are concerned, it is quite possible that a woman may excel a man in her qualities and practical accomplishments, so much so that a woman may be superior to some individual men even in the qualities of a care-taker.

The role of men and women: The principle of function

The second reason given for the precedence of men, is that they spend their earnings to take care of women. Here too, there are some points to ponder. To begin with, it removes the possible doubt that may creep up due to the share of men being twice that of women as described in the verses of inheritance. This is done by the present verse when it declares that all financial responsibilities rest with men. As for women, all her financial responsibilities before her marriage rest with her father and after marriage, these pass on to the husband. With this in view, giving a twofold share to a man is not really too much, for it zooms back to women after all.

Now let us pursue the second hint about an important principle in life. The principle is that woman, in terms of her creation and nature, should not be subjected to go out, work and earn her own livelihood. Also, the very attributes of her being are hardly conducive to her running around offices and markets, doing jobs and laborious work to earn a livelihood. So, to keep her safe from roughing it out like men, Allah Almighty has placed her total responsibility on men. Before she is married, her father takes care of her, and after her marriage, she becomes the responsibility of her husband. Woman, as opposed to her sweating it out in the work places in the name of income, career or liberation, has been made the means of human procreation. Then, the responsibility of being mothers of children and that of managing and holding the house and the family together has also been placed on her

shoulders. Man cannot handle the burdens of responsibilities in these areas.

Keeping this in view, it is not possible to deduce that the status of women has been reduced by making them dependent on men in the matter of her expenses. There is no value judgement being made here. This is no more than a functional distribution of duties, except that, the inter-acting precedence between duties which exists elsewhere exists here too. In short, the two reasons given show that the precedence of men does not lower the status of women, nor does this hold any special gain for them. Whatever gain there is, it reverts back to women after all.

The profile of a good wife

The verse begins, with a working rule - that man is charged with a duty-bound authority over women. The text then describes women, the good ones and the bad ones. It says: *فَالصَّالِحَاتُ قَنَاطٌ فُتَاتٌ حَفِظْنَ لِنَفْسِ بِمَا حَفِظَ اللَّهُ*. It means that women who are righteous accept this rule of the precedence of men and obey them, and when they are not with them, they stand guard on their own selves, as well as on what the husband has earned for the family. It goes without saying that the protection of the personal honour and modesty of a woman, and that of everything else in the house under her charge are basic to the happiness that lies behind a successful home management. Although the duty of a woman to guard herself and to look after the home is not restricted to a situation where the husband is not at home, but is equally applicable during his presence also, yet the Holy Qur'an has mentioned the state of his 'absence' only, because it is in the absence of the husband that a woman is more susceptible to showing negligence; therefore, this situation has been mentioned in express terms. The message is that what has to be avoided is showing a lot of concern and alertness while men are present in the house, but neglecting to abide by these rules of conduct when they are out of sight.

It was, most probably, in explanation of this verse that the Holy Prophet صلى الله عليه وسلم said:

خَيْرُ النِّسَاءِ إِمْرَأَةٌ إِذَا نَظَرَتْ إِلَيْهَا سَرْتَكَ، وَإِذَا أَمَرْتَهَا اطَّاعَتْكَ، وَإِذَا غَبَّتْ
عَنْهَا حَفِظْتَكَ فِي مَالِهَا وَنَفْسِهَا

"The best of women is a woman who, when you look at her, makes you pleased with her; and when you ask her to do something, she obeys you; and when you are absent, she guards her self, and her belongings."

Since these responsibilities placed on women, that is, the guarding and protection of their modesty, and of what the husband leaves in her charge, are not that easy to take care of, therefore, Allah Almighty has, immediately after it, declared: **بِمَا حَفِظَ اللَّهُ** that is, Allah Almighty helps women when they so protect. It is with His support known as the *Taufīq* of Allah, that they succeed in grappling with these heavy responsibilities. Had this not been there, the temptations of self and satan stand surrounding every man and woman all the time. Then, women are particularly weaker in some areas of capabilities as compared to men, yet, when it comes to carrying out these responsibilities, they tend to be much stronger than men. All this is an outcome of Allah's *Taufīq* and help. This is the reason why women, as a general rule, are less involved in sinful immodesties as compared to men.

The merit of women who cooperate with their husbands, as evident from this verse, has also been widely reported in several *aḥādīth*. In one such *ḥadīth*, the Holy Prophet صلى الله عليه وسلم said that, for a woman who is dutiful to her husband, there are birds in the air and fish in the sea and angels in the skies and beasts in the forests who pray for her forgiveness by the Lord. (al-Bahr al-Muhīt)

How to correct an uncooperative wife

The text turns to women who are either straight disobedient to their husbands or fail to cooperate with them in running family affairs in the recognized manner. The Holy Qur'an gives men three methods of correcting their behaviour. These are to be followed in the order they have been mentioned. So, the verse says: **وَالَّذِينَ يَتَخَفُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ** **وَالَّذِينَ يَتَخَفُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ** It means: If you fear or face disobedience from women, the first step towards their correction is that you should talk it over with them nicely and softly. Still, if they remain adamant and do not change their attitude by conciliatory counsel alone, the next step is not to share the same bed with them, so that they may realize the displeasure of the husband as expressed through this symbolic separation, and may feel sorry for their conduct. The Holy Qur'an uses the

words: *فِي الْمَضَاجِعِ* at this point, meaning 'in beds'. It is from here that Muslim jurists have deduced that this staying apart should be limited to 'beds' and not to the 'house' itself. In other words, the woman should not be left alone in the house, something which is bound to hurt her feeling much more and which makes the possibility of further straining of relations far stronger.

A Companion reports:

قُلْتُ يَا رَسُولَ اللَّهِ مَا حَقُّ زَوْجَةِ أَحَدِنَا عَلَيْهِ قَالَ: أَنْ تُطْعِمَهَا إِذَا أَطْعَمْتَ
وَتَكْسُوَهَا إِذَا اكْتَسَبْتَ، وَلَا تَضْرِبَ الْوَجْهَ وَلَا تَقْبَحَ وَلَا تَهْجُرَ إِلَّا فِي الْبَيْتِ

(مشكوة، ص 281)

I said: 'O Messenger of Allah, what right do our wives have on us?' He said: 'That you feed them when you eat; provide them with apparels to wear when you have these for yourselves; and do not hit the face; and do not say abuses to her; and do not leave them apart unless it be within the house. (Mishkāt, p.281)

If this gentle admonition fails to produce any effect, some corrective form of a little 'beating' has also been allowed as a last resort, of course, in a manner that it does not affect the body, nor goes to the undesirable limits of hurt or injury to the skin or bones. As for slapping or hitting on the face, it is absolutely forbidden.

The first two methods of admonition, that is seeking to convince and leaving apart in beds, are more or less an exercise in nobility against arrogant lack of compromise. Prophets and their righteous followers have spoken in favour of it. That they practiced what they preached is also a proved fact. But, this third method of admonition, that is, beating, has been permitted as a forced option in a particular mode. Right along with this option given to men, it appears in *ḥadīth*: *وَلَنْ يَضْرِبَ رِجَالُكُمْ* which means that 'good men among you will never beat women.' Thus, such an action is nowhere reported from the blessed prophets of Allah.

According to a narration from the daughter of Sayyidnā Abū Bakr *رضي الله عنه* as reported by Ibn Sa'd and al-Baihaqī, the beating of women was absolutely prohibited in the early days, but this resulted in their becoming much too oppressive, following which the permission was

reinstated.

The present verse relates to one such event, which can be termed as the background of its revelation. Sayyidnā Zayd ibn Zuhayr رضى الله عنه had married his daughter, Sayyidah Ḥabībah رضى الله عنها to Sayyidnā Sa'd ibn Rabī' رضى الله عنه. During a dispute over something, the husband slapped her. Sayyidah Ḥabībah complained to her father. He took her to the Holy Prophet صلى الله عليه وسلم. He declared that Ḥabībāh has the right to hit Sa'd as hard as he did. Hearing this decision of their master, they started back home to take their revenge upon Sa'd. Thereupon, this verse was revealed in which the beating of women as the very last option has been permitted, and no retaliation or revenge against men was allowed. So, soon after the revelation of this verse, the Holy Prophet صلى الله عليه وسلم called both of them back and asked them to abide by the injunction from Allah Almighty, and abrogated his first directive permitting the seeking of revenge.

Towards the end of the verse, it is said: 'Then, if they obey you, do not seek a way against them'. It means that should the women mend themselves after that triple-stepped approach, men should forgive and forgo the past events and avoid looking for ways to find fault with them on flimsy issues as the power of Allah controls everything.

Conclusions

What comes out as a basic principle from this verse is that, no doubt the rights of men and women are similar as detailed in previous verses, yet great care has been taken to ensure that the rights of women are duly fulfilled because they are weaker as compared to men and cannot wrest rights from men by using their physical power. But this equality in rights does to mean that there should be no difference of given graces or functional precedences between men and women. That men have been given a degree of precedence over women is a manifestation of Divine wisdom and justice. There are two reasons for it:

1. The genus of man, in view of its mental-physical excellences, has God-given precedence over the genus of woman, which is not possible for the woman to acquire. The case of individuals and rarities is a different matter.

2. Men take care of everything women need from what they earn and have. The first reason given above is something over which men or women have no control, while the second reason is something which becomes operative by choice and effort. It can also be said here that according to the commonsense and justice, there should be two things present while deciding as to who, from among the children of one father and mother, shall be technically authorized to take care of the other. First: Whoever is so authorized should have the mental-physical capability to carry out the demands of authority. Second: The agreement and pleasure of the one to be taken care of under such authority. The first reason mentioned by the Holy Qur'an (in the words **بِمَا فَضَّلَ اللَّهُ** بِمَا فَضَّلَ اللَّهُ **بَعْضَهُمْ عَلَى بَعْضٍ**) focuses on the ability of man to function with authority while the second reason (mentioned in the words **رَوْحًا أَنْفَقُوا مِنْ أَمْوَالِهِمْ**) refers to the agreement and pleasure of the party which would operate under that authority. It is obvious that at the time of marriage when a woman, in consideration of her dower and total maintenance, agrees to enter into the marital bond - she agrees to the authority of the husband and accepts it with pleasure.

In short, the principle of family life given in the first sentence of the present verse is that, despite the rights of men and women being equal in almost everything, there is, for men, a certain precedence laced with authority vis-a-vis women, and they operate thereunder.

Under this basic principle, there came to be two classes of women in practical life. One of them stood by this basic principle, abided by their covenant, accepted the functional authority of man and obeyed him in deference to the wise Divine arrangement. Then there was the other class of women which failed to live by this principle in its fullness. As for the first-mentioned class, it provides for itself a perfect guarantee of family peace and well-being. It needs no correction of course in its life.

Such correction is, however, very much in order for the second class of women. For this purpose, the second sentence of the verse offers a compact system which would help correct things within the four walls of the house and the tussle between the husband and the wife would be diffused and settled for good right there without any third party having to intercede in between them. So, men have been

told: If you sense some lack of cooperation from women, the first thing you should do is to talk to them explaining things in a way which helps change their mind and attitude. If that works, the issue is resolved right there. The woman is rescued from a permanent sin and the man from an aching heart, and the two of them from some ever-stinging anguish. Now, if this person-to-person talk fails to bring results, the second stage is to sleep on a separate bed as an indicator of your displeasure, and may be as a device to bring about a change of attitude through the sending of a warning signal. This is ordinary admonition but good enough for a warning. If the woman gets the message, the dispute ends right there. But, if she ignores even this soft measure of correction and persists with her crooked ways, there is the third step in which token beating is also permitted, the extreme limit of which is that it should produce no effect on the body. The use of this method of admonition (beating of woman) was not liked by the Holy Prophet صلى الله عليه وسلم who, quite on the contrary, said that gentlemen would not do that. However, if this token reprimand as the last resort does result in normalcy of relations, the main objective stands achieved anyway. That men have been given three options to correct women in this verse is coupled with the words فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا said at the end of it. It means that, should the women start listening to you after these three-step ways of correction, do not go for hair-splitting and start levelling more accusations. The better course is to forgo, realizing that the measure of precedence over women given to you by Allah Almighty is not absolute, for the precedence of Allah Almighty hangs heavy over you. If you exceed the limits set for you, it will be you who is going to take the punishment.

The role of the family arbitrator in disputes

The arrangement described so far was to help tempers cool off within the privacy of the house keeping it restricted to the married couple. But, there are times when the family feud becomes long-drawn. It may be because the woman is temperamentally obstinate and contumacious, or it may be the fault of the man who may have been unjustly oppressive. Whatever it actually is, one thing is certain that the unfortunate tussle will not remain restricted within the four walls of the house; it will definitely spread out. Then, as usual, supporters of one party will go about maligning the others with all sort

of accusations. This will cause tempers of parties to rise and what started as the disagreement of two individuals will turn into a confrontation between two families.

It is to block the road to this terrible discord that, in the second verse, the Holy Qur'an addresses government authorities of the time, the guardians of the parties concerned and their supporters, and the general body of Muslims, and suggests a decent method which would cool down tempers, shut out avenues of accusations and make a compromise between the affected parties possible, so that the dispute which, no doubt, could not remain restricted to the couple's home, would at least be settled within their families and not go to a court of law to become public knowledge.

This particular method requires that concerned officials of the government or the guardians of the parties or a body of Muslims which has the necessary integrity, influence and authority should take charge and appoint two arbitrators to help bring about a compromise between the parties concerned - taking one arbitrator from the man's family and the other from that of the woman. At both these places, the Holy Qur'an has used the word, "*hakam*" for these appointees whereby it pin-points the necessary qualifications of these two persons, that is, they should have the capability to decide the dispute between the two parties; and this capability, as obvious, will be found in a person who is both knowledgeable and trustworthy.

In short, the rule that emerges from here is that a "*hakam*" or arbitrator from the man's family and another from that of the woman should be appointed and sent to the husband and wife. Now, as for what they are going to do when they meet them and as to what rights they have in this matter - this the Holy Qur'an does not determine. However, it does add a remark at the end: *إِنْ بَرَرْتُمْ إِصْلَاحًا بُوْقِيَ اللَّهُ بَيْنَهُمَا* which means: If these two arbitrators desire to set things right, Allah Almighty will help them bring about harmony between the husband and the wife. So, two things emerge from this sentence:

1. If both arbitrators have good intentions and genuinely wish to bring about peace between the dissenting couple, there will be unseen help from Allah Almighty and they shall succeed in their mission, and it will be through their efforts that Allah Almighty will create love and

harmony in the hearts of the couple. This leads to the conclusion that, in cases where mutual rapport is not restored, it may be because one of the arbitrators lacks perfect sincerity while pursuing the goal of peace-making.

2. The purpose of appointing these two arbitrators, as also understood from this sentence, is to bring about peace and amity between the husband and the wife and does not include anything beyond that. However, it would be something else if the parties affected by the mutual dispute agree to appoint these two arbitrators as their representatives and their attorneys in all respects in which case they would be admitting that any decision given by the two arbitrators jointly will be acceptable to and binding on both of them. Under this situation, the two arbitrators shall have absolute authority to decide their case. If both agree on divorce as the solution, they can effect a divorce. If they both decide that the women should be released under *khul'*, a form of dissolution of marriage, the *khul'* shall come into effect, and their decision shall be binding on the parties. From among the pious elders, this is the position held by Ḥasan al-Baṣrī and Imām Abū Ḥanīfah. (Rūḥ al-Ma'ānī, etc.)

Cited in this connection is an incident which occurred in the presence of Sayyidnā 'Alī كرم الله وجهه. There too, one finds the proof that the two arbitrators referred to above do not have any intrinsic right other than that of making peace between the husband and wife - unless, of course, the parties concerned authorize them fully to decide as they deem fit. This incident, as narrated by 'Ubaidah al-Salmānī, appears in the Sunnan of al-Baihaqī and is being reported below.

A man and a woman came to Sayyidnā 'Alī كرم الله وجهه along with groups of people accompanying both. Sayyidnā 'Alī asked them to appoint an arbitrator, one from the man's family and another from the woman's. When arbitrators were appointed, he addressed them both: 'Do you know your responsibility? Do you know what you have to do? Hear me. If both of you agree to keep the husband and wife together and make peace between them, then do it. And if you come to the conclusion that matters cannot be set right between them or that they will not stay right later on, and both of you concur with the option that a separation between them is the expedient course, then do it.' When

the woman heard this, she said: 'I accept this. Let these two arbitrators act in accordance with Divine law and I shall accept any decision they give whether it meets my wishes or goes against.' But, the husband said: 'Separation and divorce are things I am not going to accept under any condition. However, I authorize the arbitrators to ask me to pay whatever financial penalty they impose and let my wife return to me in peace.' Sayyidnā 'Alī كريم الله وجهه said: 'No. You too should authorize the arbitrators in the same manner as was done by the woman.'

From this incident, some *mujtahid Imāms* deduced the principle that these arbitrators have an inherent authority to divorce as was done by Sayyidnā 'Alī who asked the parties concerned to do that, while the great Imām Abū Ḥanīfah and Ḥasan al-Baṣrī have taken the position that, had it been an inherent power of the arbitrators to divorce there was no need for Sayyidnā 'Alī to obtain the authorization from the parties concerned. Here, the very effort to seek the agreement of the parties is a proof of the fact that these arbitrators do not have such an inherent power. Nevertheless, they do become authorized if the husband and wife delegate the necessary authority to them.

This teaching of the Holy Qur'ān opens a new outlet of resolving mutual disputes, something which saves people from the botheration of going to courts and government officials and gives them an opportunity to iron out a good deal of their disputes and claims through family-oriented arbitration.

Arbitration in other disputes as well

Muslim jurists say that the appointment of two arbitrators to make peace between two parties in dispute, is not limited to the disputes between a husband and a wife. It can be profitably used in other areas of discord. In fact, it should be so used, specially when the parties involved are related to each other, because a court decision is a short-term solution of the basic problem. What happens after is that such decisions leave the germs of hatred and hostility in the hearts of those affected and which reappear after a passage of time in forms that are much too unpleasant. Sayyidnā 'Umar, may Allah be pleased with him, had promulgated an order for his judges which said:

رُدُّوْا الْقَصَاةَ بَيْنَ ذَوِي الْأَرْحَامِ حَتَّى يَصْطَلِحُوْا فَإِنَّ فَضْلَ الْقَضَاءِ يُورِثُ
الضَّغَائِنَ (معين الحكام، ص ٢١٤)

"Send disputes between relatives back to them so that they make peace with the help of each other, as a court decision breeds heart burnings and hostility.

Although this Faruqī directive concerns disputes rising in between relatives, yet, the reason given in this directive (that is, court decisions tend to create hatred and hostility in hearts) is a reason which covers not only the relatives but non-relatives as well. Wisdom lies in saving all Muslims from mutual hatred and hostility. Therefore, the Muslim jurists are of the view that it is appropriate for officials and judges that they, before hearing the cases formally, should make an effort to find a way out whereby the disputing parties get together and agree on mutual conciliation. (See al-Tarāblusi, Mu'in al-hukām p.214 and also Ibn al-Shahnah: Lisān al-hukām).

Though brief, yet these two verses present a comprehensive system of family life which, if put into practice, could help eliminate a lot of disputes, hatreds and hostilities from the world. Men and women would live in peace among their families, secure against all those local dissensions which turn into all sorts of tribal, racial, national, even international feuds.

In the end, let us recapitulate the great Qur'anic mechanism of how to quash family feuds - a virtual gift to the whole world:

1. Resolve family disputes within the house using one method after the other.

2. When this is not possible, government officials or the kinsfolk make peace between the disputing parties through two arbitrators, so that, the dispute does not go out of the larger family circle, even if it goes out of the house itself.

3. When this too is not possible and the matter goes to the court finally, it is the duty of the judicial authority to investigate into the case background of both parties and come up with a decision which is just.

It may be noted that by saying إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا (Surely, Allah is All-

Knowing, All-Aware) warning has been given to the two arbitrators as well to the effect that they should keep in mind that no injustice or crookedness from them will go unnoticed for they shall be appearing before the Being who knows all and is aware of everything.

Verses 36 - 38

وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي
الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ
وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ ۚ وَمَا مَلَكَتْ أَيْمَانُكُمْ ۚ إِنَّ
اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَالًا فَخُورًا ﴿٣٦﴾ الَّذِينَ يَبْخُلُونَ وَ
يَأْمُرُونَ النَّاسَ بِالْبُحْلِ وَكَتُمُونَ مَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ ۗ
وَأَعْتَدْنَا لِلْكَافِرِينَ عَذَابًا مُهِينًا ﴿٣٧﴾ وَالَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ
رِئَاءَ النَّاسِ وَلَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ ۗ وَمَنْ يَكُنْ
الشَّيْطٰنُ لَهُ قَرِينًا فَسَاءَ قَرِينًا ﴿٣٨﴾

And worship Allah and do not associate with Him anything, and be good to parents and to kinsmen and orphans and the needy and the close neighbour and the distant neighbour and the companion at your side and the wayfarer and to those owned by you. Surely, Allah does not like those who are arrogant, proud, [36] those who are miserly and bid people to be miserly, and conceal what Allah has given them of His grace -- and We have prepared for the disbelievers a humiliating punishment [37] -- and (for) those who spend their wealth to show off before people and do not believe in Allah and the Last Day. And for whomsoever Satan is a companion, then, evil he is as a companion. [38]

Sequence

It will be noticed that human rights have remained the main focus of attention since the beginning of the present Sūrah upto this point. These related to orphans, the women and inheritance. Taken up now are rights of parents, relatives, neighbours and those of human beings in general. Since a perfect fulfillment of these rights is possible only at

the hands of a person whose orientation to Allah, His Messenger and to the answerability of the Last Day is correct and strong, and who avoids miserliness, arrogance and affectation, being impediments to all positive efforts, the text presents the need to believe in the Oneness of Allah, to avoid any association with His pristine divinity, and to stay away from the rejection of the meeting on the Last Day. Also taken to task are ways of the disbelievers who disobey the Messenger of Allah and revel in their miserliness.

Commentary

The reason why *Tauḥīd* precedes rights

There are many wise considerations in opening the roster of rights with the exhortation to worship Allah alone and not to associate with Him anything in that worship. One of these, and a basic one indeed, is having the fear of Allah and the conscious concern to fulfill His rights. A person who is neglectful on that score can hardly be expected to remain particular about fulfilling the rights of anybody else. He will find one or the other excuse to satisfy his immediate circle of relatives and friends, to keep his prestige in the society or to escape the law of the government. What really forces him to honour human rights, watched or unwatched, is nothing but the fear of Allah and the sense of responsibility before Him. This fear and this *taqwā* is achieved through nothing but *tauḥīd*, the firm belief in the Oneness of Allah to the total exclusion of everything else in that unicity. This is why it was appropriate to remind man about the Oneness of Allah and the need to worship Him before describing the rights of relatives and others.

The rights of parents come first after the message of *Tauḥīd*

By taking up the rights of parents immediately after the command to worship Allah as is His due, it is being suggested that, no doubt all blessings and favours are really from Allah Almighty, yet seen in terms of worldly means, the frequency of favours received by man, closest next to those of Allah Almighty, are those he receives from his parents. This is because they are, given the chain of causation, the very fountain-head of their being. And in all those stages of trial from the birth of a child to his young age, the parents are the ones who take care of the being, sustenance and growth of man to the best of their ability and God-given means. This is why the command to worship and

obey Allah has also been supplemented with the mention of the rights of parents at other places in the Holy Qur'an. At one place it is said: *إِنَّ الشُّكْرَ لِي وَلِوَالِدَيْكَ* (Be grateful to Me, and to your parents.) (31:14). At another place, it is said: *وَإِذْ أَخَذْنَا مِيثَاقَ بَنِي إِسْرَائِيلَ لَا تَعْبُدُونَ إِلَّا اللَّهَ وَبِالْوَالِدَيْنِ إِحْسَانًا* (And when We made the children of Isra'il take a pledge: You shall not worship anyone but Allah; and to parents you shall be good...) (2:83).

In the verses quoted above, the text does not say that one should fulfil the rights of parents or serve them. The word used here is *Ihsān* (doing good) which, being far more comprehensive, includes spending to support them as needed, to be of service to them physically when so required, not to talk to them in a voice too sharp or too loud causing disrespect, not to say anything to them which may break their heart, and not to treat their friends and well-wishers in any manner which hurts them. On the contrary, one should do everything possible to comfort and please them. Even if the parents have fallen short in fulfilling the due rights of children, the children should never take it as an excuse for their own ill-treatment.

Sayyidnā Mu'adh ibn Jabal رضى الله عنه says that, out of the ten things the Holy Prophet صلى الله عليه وسلم had asked me to be particular about, one was: 'do not associate anyone with Allah even if you are killed or burnt alive'; and the second was: 'Do not disobey or hurt your parents even if they ask you to leave your children and family.'" (Musnad Ahmad)

Besides the great emphasis laid on obedience to parents and on treating them well as in the sayings of the Holy Prophet صلى الله عليه وسلم there are countless merits and grades of reward promised for those who do so: A *hadīth* in al-Bukhārī and Muslim reports that the Holy Prophet صلى الله عليه وسلم said: 'One who wishes to have his earnings and life increased by the blessing of Allah should fulfill the rights of his relatives.' A narration in Tirmidhī says: 'The pleasure of Allah lies in the pleasure of the father and the displeasure of Allah, in the displeasure of the father.' Al-Baihaqī reports in *Shu'ab al-Īmān* that the Holy Prophet صلى الله عليه وسلم said: 'When a son who is obedient to his parents looks at them with love and regard, every glance of his brings forth for him the reward of an accepted Hajj.' According to another narration from al-Baihaqī, the Holy Prophet صلى الله عليه وسلم said: 'Allah

Almighty forgives most sins but one who disobeys and hurts his parents is condemned to face all sorts of unforeseen troubles right here in this mortal world, much before the ultimate reckoning of the Hereafter.'

The emphasis on treating relatives well

After having mentioned parents, the verse emphasizes the good treatment of all relatives. A very comprehensive and well-known verse of the Qur'an which the Holy Prophet صلى الله عليه وسلم very often used to recite at the end of his sermons, presents the same subject in this manner:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ

Still recited in the *Khuṭbah* during Friday prayers all over the world, the verse means: 'Allah commands you to do justice and be good to all and to fulfill the rights of the relatives. (16:90)' This includes serving relatives to the best of one's ability, as well as keeping in touch with them. Sayyidnā Salīm ibn 'Āmir رضى الله عنه reports that the Holy Prophet صلى الله عليه وسلم said: '*Sadaqah*, when given to the poor and needy, surely brings the reward reserved for such charity, but, when given to a kinsman, it brings a twofold reward - one for the charitable giving and the other for having fulfilled the rights imposed by kinship.'

(Musnad Aḥmad, Nasāi, & Tirmidhī)

Let us keep in mind that the need to fulfill the rights of parents is the first priority followed by that of relatives in general.

The rights of the orphans and the needy

The third group mentioned in the verse is that of 'the orphans and the needy' whose rights were already taken up in some detail earlier in the Sūrah. But, by recalling it under the general head of relatives, the hint given is that one should consider helping orphaned children and helpless people as necessary as one would do for his or her own relatives.

The rights of the neighbour

Then appears 'the close neighbour' at number four, and the distant neighbour, at five. The Arabic word, '*al-jār*' means 'the neighbour'. The verse describes its two kinds - the close and the distant. These two kinds have been explained variously by the noble Companions may

Allah be pleased with them all.

Generally, commentators say that 'a close neighbour' is one who lives next to your house, and 'the distant neighbour' is one who lives at some distance from it.

Sayyidnā 'Abdullāh ibn 'Abbās رضى الله عنهما said that 'a close relative' means one who is a neighbour and a relative at the same time which makes him the holder of two rights; and 'the distant neighbour' means one who is simply a neighbour and is no relative and who has, therefore, been mentioned later.

Some commentators have said that 'a close neighbour' is one who is part of the Muslim community and is a Muslim while 'a distant neighbour' refers to a non-Muslim neighbour.

The truth of the matter is that the words of the Holy Qur'ān lend to all these probable meanings. It is no doubt reasonable and lawful to have a difference in degrees between different neighbours, either on the basis of their being relative or non-relative, or on the basis of their being Muslim or non-Muslim. However, it is agreed upon that a neighbour, close or distant, related or unrelated, Muslim or non-Muslim, has the essential right that he be helped and cared for to the best of one's ability.

However, a person who has some other right as well, besides his right as a neighbour, he will have a degree of precedence as compared to others. The Holy Prophet صلى الله عليه وسلم has himself explained this when he said: 'Some neighbours have one right, some others have two, still some others have three. The neighbour with one right is a non-Muslim with no bond of kinship; the neighbour with two rights is not only a neighbour but a Muslim too; the neighbour with three rights is a neighbour, a Muslim and a relative, all in one. (Ibn Kathīr)

The Holy Prophet صلى الله عليه وسلم said: 'Jibra'īl has always been telling me to be helpful and caring with one's neighbour, so much so that I started thinking that may be the neighbours will also be included as sharers in inheritance. (al-Bukhārī and Muslim)

According to a narration in al-Tirmidhi and the Musnad of Aḥmad, the Holy Prophet صلى الله عليه وسلم said: 'The best and the most superior is the best in relationship with his neighbours'. And a *ḥadīth* in the

Musnad of Aḥmad reports: 'It is not permissible for a neighbour to eat his fill while his next door neighbour is hungry.'

The right of the Companion at your side

Mentioned at number six is 'the companion at your side'. Translated literally, it includes a travel companion sitting by your side in a rail compartment, an aeroplane, a bus or a car. It also includes a person who is sitting with you in any common meeting.

The way the Shari'ah of Islam has made the rights of regular neighbours, close or distant, a matter of obligation, it has likewise made equally obligatory the right of good company enjoyed by a person who sits next to somebody for a little while in some meeting or journey - which includes everyone, Muslim or non-Muslim, related or unrelated, as equals. The instruction to treat such a person nicely is significant, the lowest degree of which is that you cause no pain to anyone with your word or deed, you say nothing which may hurt the feelings of the other person, you do nothing which embarrasses, annoys or troubles him, such as, a puff of cigarette blown towards his face, or a spit of things chewed deposited by his side, or a style of sitting which leaves very little space for the other person to sit.

No wonder, if people started following this instruction of the Holy Qur'an, the common disputes between passengers of trains, particularly in countries with overcrowded modes of transportation, would be all over - if everyone were to think that he needs just about enough space to seat one person. This much is his right, but he does not have the right to occupy anymore space beyond that. The person sitting next to him has as much right to sit in that train as he does.

Some commentators have said that 'a distant neighbour' includes everyone who works by your side in some job or vocation, in industry or wage-earning, in office work, whether on the station of duty, or in travel. (Rūḥ al-Ma'ānī)

The right of the wayfarer

This appears at number seven. A wayfarer is a person who, during your tavel status, comes to you, or becomes your guest. Since this stranger Muslim or non-Muslim has no relative or friend around in the given situation, the Holy Qur'an by considering his predicament as a

human being - has made the fulfillment of his right too as something obligatory. It means that one should treat him well, as much as possible and convenient.

The rights of bondmen, bondwomen, servants and employees

Concluding the list at number eight, it is said: *وَمَا مَلَائِكُكُمْ* (and those owned by you) which means bondmen and bondwomen owned. Their right too - that they be treated well - has been made equally obligatory. It means that one should not fall short in making sure that they have food to eat and dress to wear, and also that they are not burdened with jobs beyond their ability to handle.

Though, given the lexical meaning of the verse which is clearly referring to 'the owned', that is, the bondmen and bondwomen, but as based on the same analogy and on the sayings of the Holy Prophet ﷺ, these rules cover servants and employees as well, for they too have the same right. There should be no niggardliness or delay in giving them their due salary, meals and so forth, and also that they are not burdened with jobs beyond their ability.

Arrogance hinders the fulfillment of rights

The last sentence of verse 36: *إِنَّ اللَّهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا* (Surely, Allah does not like those who are arrogant, proud) is really a unifying complement of what has been said immediately earlier. In other words, anyone falling short of fulfilling the rights of the eight kinds of people serially mentioned earlier, must be none else but the arrogant and the proud - those who have an offensively heightened sense of superiority and those who love lording over others to exact esteem from them. May Allah keep all Muslims safe from it.

There are many *ahādīth* carrying stern warnings against arrogance and pre-Islāmic vainglory:

عن ابن مسعود رضى الله عنه قال قال رسول الله ﷺ لا يدخل النار احد فى قلبه مثقال حبة من خردل من ايمان ولا يدخل الجنة احد فى قلبه مثقال حبة من خردل من كبر (مشكاة ص ٤٣٣ بحواله مسلم)

Sayyidnā Ibn Mas'ūd رضى الله عنه has narrated that the Holy Prophet ﷺ said: 'A person who has in his heart faith worth the weight of a mustard seed will not go to the Hell; and a person who has in his heart arrogance worth the weight of a

mustard seed will not go to Paradise.' (Mishkāt, p. 433, vide Muslim)

Quoted here is another *ḥadīth* which also carries a definition of arrogance:

عن ابن مسعود رضى الله عنه قال قال رسول الله ﷺ لا يدخل الجنة من كان فى قلبه مثقال ذرة من كبر فقال رجل ان الرجل يحب ان يكون ثوبه حسنا ونعله حسنا، قال إن الله تعالى جميل يحب الجمال، الكبر بطر الحق وغمط الناس (مشكوة ص ٤٣٣ بحواله مسلم)

Sayyidnā Ibn Mas'ūd رضى الله عنه has narrated that the Holy Prophet صلى الله عليه وسلم said: 'Whoever has in his heart arrogance worth the weight of a particle will not go to Paradise.' Then, someone asked: 'How about people who like that their clothes be good, and their shoes too ... (Is this arrogance?)' He said: 'Allah is beautiful; He likes beauty. Arrogance is wanton disregard of the (other person's) right and the holding of people in contempt.' (Mishkāt, p. 433, vide Muslim)

Then begins verse 37 with الَّذِينَ يَخْتَلِفُونَ which describes the nature of the arrogant who are stingy in giving rights which it is obligatory to give, fail to understand their responsibilities and go on to the negative extreme of persuading others to take to this bad habit through their word and deed.

The verse has used the word, '*bukhl*' (niggardliness) to describe this trait of character, a word which, in the generally approved sense, is applied for shortcoming in giving financial rights. But, looking at the background of the verse's revelation, it becomes obvious that the word, '*bukhl*' has been used here in its general sense which includes close-fistedness in money and knowledge both.

A narration from Sayyidnā Ibn 'Abbās رضى الله عنه tells us that this verse was revealed about the Jews of Madīnah. They were very arrogant, and extremely miserly. When it came to spending money, they were miserably miserly. They also concealed the knowledge they received through their Scriptures which carried the prophecies about the coming of the Holy Prophet صلى الله عليه وسلم. These also included clear signs of his appearance. But, the Jews, despite being convinced of these prophecies, acted niggardly. They never acted to fulfill the

dictates of this knowledge, neither did they pass on the message to others who could act in accordance with it.

Based on this, it is then said that people who are miserly with wealth given by Allah - in matters of knowledge and faith - are ungrateful to Allah and fail to acknowledge His blessings. For them Allah has prepared a humiliating punishment which they cannot escape.

About the merit of giving and the demerit of miserliness, the Holy Prophet صلى الله عليه وسلم has said:

ما من يوم يصبح العباد فيه الا ملكان ينزلان فيقول احدهما اللهم اعط
منفقًا خلفًا ويقول الاخر اللهم اعط ممسكًا تلفًا (بخارى ومسلم)

"Every morning two angels descend. One of them says: 'O Allah, bless him who spends in the way of good'; and the other says: 'O Allah, send destruction on (the wealth of) the miser.'" (al-Bukhārī & Muslim, from Abū Hurairah رضى الله عنه).

عن أسماء رضى الله عنها قالت قال رسول الله صلى الله عليه وسلم
انفقى ولا تحصى فيحصى الله عليك ولا توعى فيوعى الله عليك
وارضى ما استطعت (بخارى ومسلم)

'Give. Do not calculate, for Allah will then calculate in your case. And do not withhold, for Allah will then withhold in your case. And give whatever you can.' (al-Bukhārī & Muslim from Sayyidah Asmā' رضى الله عنها).

Sayyidnā Abū Hurairah رضى الله عنه narrates that the Holy Prophet ﷺ said:

السخى قريب من الله، قريب من الجنة، قريب من الناس، والبخيل بعيد
من الله، بعيد من الجنة بعيد من الناس قريب من النار والجاهل سخى
احب الى الله من عابد بخيل . (ترمذى)

"The generous person is close to Allah, close to Paradise, close to people; while the miser is far from Allah, far from Paradise, far from people - close to the fire; and the generous ignorant is dearer to Allah than a miserly devotee. (a person who has devoted himself for worship)" (Tirmidhī)

Sayyidnā Abū Sa'īd رضى الله عنه narrates that the Holy Prophet ﷺ

said:

وعن ابى سعيد قال قال رسول الله صلى الله عليه وسلم خصلتان لا
تجتمعان فى مؤمن، البخل وسوء الخلق (ترمذى)

"Two traits cannot get combined in a true Muslim: miserliness
and bad morals." (Tirmidhī)

In verse 38, beginning with the words, وَالَّذِينَ يُنْفِقُونَ another trait in the character of the arrogant has been described. Ordinarily they themselves hold back any spending in the way of Allah and persuade others to do the same. Nevertheless, when they wish to show off before people, they do spend. Since these people do not believe in Allah and the Last Day, the question of spending their wealth for the good pleasure of Allah and with the intention of earning rewards in the life-to-come just does not arise. Such people are the accomplices of Satan, therefore, the end of it all will be no different than the end of their comrade Satan.

This verse tells us that the way it is disgraceful to be niggardly and tardy in fulfilling due rights, very similarly, it is also extremely bad to spend to show off or to spend on heads which are purposeless. A good deed aimed at drawing applause from people - and which is not for Allah exclusively - is a deed not acceptable in the sight of Allah. In *ḥadīth*, it has been declared as *shirk* (associating others in the divinity of Allah).

Sayyidnā Abū Hurairah رضى الله عنه narrates that the Holy Prophet ﷺ said:

قال الله تعالى انا اغنى الشركاء عن الشرك من عمل عملا أشرك فيه
معى غيرى تركته وشركه

"Allah Almighty says: I am absolutely free of any need to have partners. Whoever does a (good) deed and associates in it someone else with Me, I leave him (unhelped) with this deed (of associating partners with Me)".

Sayyidnā Shaddād ibn Aws رضى الله عنه narrates that he heard the Holy Prophet صلى الله عليه وسلم say:

وعن شداد بن اوس قال سمعت رسول الله صلى الله عليه وسلم من صلى

يرائى فقد اشرك، ومن صام يرائى فقد اشرك، ومن تصدق يرائى فقد اشرك

(احمد بحواله مشكوة)

"Whoever performed *ṣalāh* to show off, committed *shirk*; and whoever fasted to show off, committed *shirk*; and whoever gave in charity to show off, committed *shirk*." (Aḥmad, as cited by Mishkāt).

Sayyidnā Maḥmūd ibn Labīd رضى الله عنه narrates that the Holy Prophet صلى الله عليه وسلم said:

عن محمود بن لبيد ان النبي صلى الله عليه وسلم قال ان اخوف ما اخاف عليكم الشرك الاصغر، قالوا يا رسول الله وما الشرك الاصغر؟ قال الرياء

(احمد بحواله مشكوة)

"What fills me with grave apprehensions about you is the minor *shirk*." The Companions asked: "O Messenger of Allah, what is the minor *shirk*?" He said: "*riyā'*" (i.e. to do a good deed just to show off"). (Aḥmad, as cited by Mishkāt)

Here, a narration from al-Baiḥaqī adds that, on the Day of Doom, when the reward for good deeds will be given out, Allah Almighty will say to the persons committing *riyā'* i.e. the persons who did good deed just to earn the applause of the people:

"Go to those you wanted to see you doing good deeds in the mortal world and then find out for yourself if they have the reward for your deeds."

Verses 39 - 42

وَمَا ذَا عَلَيْهِمْ لَوْ آمَنُوا بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَأَنْفَقُوا مِمَّا رَزَقَهُمُ
اللَّهُ وَكَانَ اللَّهُ بِهِمْ عَلِيمًا ﴿٣٩﴾ إِنَّ اللَّهَ لَا يَظْلِمُ مِثْقَالَ ذَرَّةٍ
وَإِنْ تَكُ حَسَنَةً يُضْعِفُهَا وَيُؤْتِ مِنْ لَدُنْهُ أَجْرًا عَظِيمًا ﴿٤٠﴾
فَكَيْفَ إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ بِشَهِيدٍ وَجِئْنَا بِكَ عَلَىٰ هَؤُلَاءِ
شَهِيدًا ﴿٤١﴾ يَوْمَئِذٍ يَتُودُّ الَّذِينَ كَفَرُوا وَعَصُوا الرَّسُولَ لَوْ
تَسَوَّىٰ بِهِمُ الْأَرْضُ وَلَا يَكْتُمُونَ اللَّهَ حَدِيثًا ﴿٤٢﴾

What harm was there for them if they had believed in

Allah and the Last Day and spent out of what Allah had given them. And Allah knows all about them. [39]

Surely, Allah does not wrong even to the measure of a particle. And if it be a good deed, He multiplies it and gives a great reward out of His Own pleasure. [40]

How would it, then, be when We shall bring a witness from every community and shall bring you over them as a witness. [41] On that Day, those who have disbelieved and disobeyed the Messenger shall wish that the earth be levelled with them. And they shall not conceal anything from Allah. [42]

Previous verses carried the condemnation of those who refused to believe in Allah and in the *Ākhirah* and were miserly. The present verses persuade people to believe in Allah and the *Ākhirah* and engage in the gainful activity of spending in the way of Allah. Then, towards the end (41-42), a description of the trying situations prevailing on the plains of Resurrection appears to warn people, who refuse to believe and refuse to do what is good, of their evil end.

Commentary

In the first verse (39): وَمَاذَا عَلَيْهِمْ لَوْ آمَنُوا بِاللَّهِ, it is said: What conceivable harm could have affected them if they had believed in Allah and the Last Day and spent out of what Allah had given them? What is so tough, difficult or frightening about it? All these are as easy as they come. Going by them, taking to them and believing in them does not hurt or harm or cause any inconvenience. Why then, would someone elect to be disobedient, the certain outcome of which is nothing but disaster in the *Ākhirah*?

The text, then, says: إِنَّ اللَّهَ لَا يَظْلِمُ مِثْقَالَ ذَرَّةٍ (40), that is, Allah Almighty does not allow the reward of good deeds from anyone be reduced in any manner or quantity whatsoever. In fact, He adds extra rewards, in multiples, in special Divine favours, and the life of *Ākhirah* will witness this supreme mercy of the Lord.

With Allah, the least human measure of *thawāb* or reward is that one good deed gets recorded as ten. Then, this does not stop at that; through sheer mercy and grace, Allah bestows manifold increase into this treasure of good deeds. Some *ḥadīth* narrations tell us that there

are deeds the reward for which rises as high as two million times. The truth of the matter is that Allah is *al-Karīm*, the most-noble, the most-generous - He Himself, in His limitless mercy and grace, so increases the quantum of his blessing on His servants that it simply cannot be counted or measured in our human terms. The extents of His generosity and the dimensions of His very Being are beyond human conceptualization - who can dare calculate the uncalculable?

Incidentally, the word, "ذَرَّةٌ : *dharrah*" appearing in this verse has been translated here as 'particle' following the generally recognized meaning it carries. However, some commentators have pointed out that '*dharrah*' is the name of the smallest kind of red ant which the people of Arabia used to cite as an example of something very light and insignificantly small.

In the verse (41) beginning with: فَكَتَبْنَا إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ , there is an invitation to visualize, in range and depth, the gravity of what will happen on the site of the Last Day. Also intended is an admonition to the disbelievers from the tribe of Quraysh. Their anxiety would know no bounds when every prophet of every community would appear as a witness to the good or bad deeds of his respective community on the Last Day - and Muḥammad صلى الله عليه وسلم too, the last of the prophets, will appear as a witness over his community - and he would give witness in the Divine Court particularly about such disbelievers and polytheists declaring that these people saw open signs and miracles, yet they belied and rejected them and ultimately refused to believe in 'The Divinity and my Prophethood'.

According to a narration in al-Bukhārī, the Holy Prophet ﷺ asked Sayyidnā 'Abdullāh ibn Mas'ūd رضى الله عنه to recite the Qur'ān to him. Sayyidnā 'Abdullāh said: 'You want to hear it from me, although the Qur'ān was revealed to you?' He said: 'Yes. Recite.' Sayyidnā 'Abdullāh ibn Mas'ūd says: 'I started reciting Sūratun-Nisā' and when I reached the verse: فَكَتَبْنَا إِذَا جِئْنَا مِنْ كُلِّ أُمَّةٍ بِشَهِيدٍ (41), he said: "Enough for now," and when I raised my eyes to look at him, I saw tears trickling from his blessed eyes.'

'Allāmā al-Qaṣṭalānī writes: This verse caused a full view of the *Ākhirah* to be present before his eyes and he thought about the people of his community who were short on or lacking in good deeds and that

was why tears started flowing from his eyes.

Special Note:

Some commentators have said that the word, **أُولَئِكَ** (them), in this verse (41) points to the disbelievers and hypocrites present during the age of prophethood. Some others say that it refers to the entire community right through the Day of Doom. This is so because, as indicated in some *hadīth* narrations, the deeds of his community are being continuously presented before him. Nevertheless, from here we know that the prophets of past communities will appear as witnesses over their respective communities and that the Holy Prophet ﷺ too will testify to the deeds of his community. This textual style of the noble Qur'ān tells us that there is to be no prophet after him who could appear as a witness over a possible community of his - otherwise, the Qur'ān would have mentioned him and his community and the testimony he would give. Seen from this angle, this verse is a proof of the finality of prophethood as well.

In **يَوْمَئِذٍ يَبُوءُ الَّذِينَ كَفَرُوا**, the text mentions the state of utter despair faced by disbelievers on the Last Day. That day they would wish to go extinct rather than face its ordeal, to become a patch of the earth underneath, or wish that the earth would crack open, suck them in leaving nothing on top but dust mingled with dust, so that they would be delivered of the scrutiny and retribution of that fateful time. (The statement: **لَوْ تَسَوَّى بِهِمُ الْأَرْضُ** (42) has been translated here literally to express, in some measure at least, the power and poignancy of the original Qur'ānic expression, as: 'shall wish that the earth be levelled with them.)

The same wish appears in Suratun-Nisā' where it was said: **وَيَقُولُ الْكَافِرُ** **وَيَقُولُ الْكَافِرُ**. This will be on the plains of Resurrection when the disbelievers will see that all animals have been turned into dust after having exchanged the retribution of each other's excesses. They too, would pine for an end like this wishing to have become all dust.

Finally, the verse says: **وَلَا يَكْتُمُونَ اللَّهُ عَذَابًا** (And they shall not conceal anything from Allah - 42). It means that these disbelievers will be unable to keep anything about their beliefs and deeds concealed from Allah. Their own hands and feet will confess. The prophets will testify and, of course, present there will be everything on record in their

Books of Deeds.

Sayyidnā Ibn 'Abbās رضى الله عنه was asked: "At one place, the Holy Qur'an says: 'And they shall not conceal anything from Allāh' (4:42); while, at another place, it says: 'By Allah, Our Lord, we were no *mushriks*' (6:23) - Is there, as it seems, any contradiction between the two verses?" To this he replied: What will happen is that when the disbelievers will begin to see that nobody except true Muslims is being admitted into the Paradise they would decide to refuse point-blank that they had ever committed *shirk* or any other evil deed, in the hope that the plan works and results in their salvation. But, soon after this refusal of theirs, the very parts of their body would testify against them, which would totally frustrate their plan to conceal the truth about their deeds. That will be the time when they will confess everything. Hence: "They shall not conceal anything from Allah".

Verse 43

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرُبُوا الصَّلَاةَ وَأَنْتُمْ سُكَرَىٰ حَتَّىٰ
تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّىٰ تَغْتَسِلُوا
وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُم مِّنَ الْغَائِطِ
أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا
فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ ۗ إِنَّ اللَّهَ كَانَ عَفُورًا غَفُورًا ﴿٤٣﴾

O those who believe do not go near *Salāh* when you are intoxicated until you know what you say, nor in a state of 'major impurity'¹ - save when you are traversing a way - until you take a bath. And if you are sick, or in travel, or one of you has come after easing himself, or you have touched women, and you find no water, go for some clean dust and wipe your faces and hands (with it). Surely, Allah is most-pardoning, most-forgiving. [43]

The Background of this Revelation

This is about an incident relating to Sayyidnā 'Alī رضى الله عنه which

1. Stands for *Janābah* which signifies a ritual impurity caused by sexual intercourse or seminal discharge, in passion or dream, after which it becomes obligatory to take a bath.

has been mentioned in Tirmidhī. It was before liquor was forbidden that Sayyidnā 'Abdul-Raḥmān ibn 'Awf رضى الله عنه had invited some Companions for dinner at this home. As customary, liquor was served before dinner. When everybody had finished eating, time came for the Maghrib *ṣalāh*. Sayyidnā 'Alī رضى الله عنه was asked to lead the prayer. He made a grave error while reciting the well-known Sūrah al-Kafirūn in the *ṣalāh* under the effect of intoxication. Thereupon, this verse was revealed in which warning was given that *ṣalāh* should not be performed in a state of intoxication.

Commentary

Commands prohibiting liquor came gradually

Allah Almighty has blessed the Shari'ah of Islam with a particular distinction - its rules have been made easy. One such rule in this golden chain concerns drinking which was an old addiction in Arabia. This was a national habit, and pastime, involving everyone but a particular few who had a sort of God-given distaste and abhorrence for liquor all along. Naturally right-minded, they never went near this foul habit. One such example is that of the Holy Prophet صلى الله عليه وسلم. He never touched liquor even before he was called to prophethood. And everyone knows that habit, any habit, the urge and compulsion to have something, is really difficult to leave. This is all the more true about the habit of drinking or getting intoxicated by some other means. It so overpowers man in its clutches that he just cannot think otherwise. To him a farewell to drinking means a welcome to death.

Drinking has always been unlawful in the sight of Allah and when people entered the fold of Islam, saving Muslims from it was very much in order. But, had it been declared unlawful all of a sudden, people would have found obedience to this command extremely hard to carry out. So, the shift was gradual. First come partial prohibition. People were warned of the evil effects of drinking which aimed at motivating them to abandon the habit. As a result, the instruction initially given in this verse was limited to asking people not to go near *ṣalāh* while in a state of intoxication. The purpose here was to emphasize that *ṣalāh* is *farḍ*, an obligation - when the time for *ṣalāh* comes, one must rise, intend and offer it as due, and that one should not be drunk during *ṣalāh* timings. This approach helped Muslims realize

that drinking is really something bad for it stops them from performing *ṣalāh* properly. There were many blessed souls among them who made a spot decision to abandon the habit once and for all. There were others who started thinking seriously about its evils. Finally, when the verse of Sūrah al-Mā'idah carrying the absolute command which declared liquor as impure and unlawful was revealed, drinking was forbidden under all conditions.

Ruling: Based on the rule that performing *ṣalāh* in a state of intoxication is forbidden, according to some commentators, it is also not correct to perform *ṣalāh* when one feels so sleepy that one cannot control what one says. This restriction appears in a *ḥadīth* as follows:

إذا نعس احدكم فى الصلوة فليرقد حتى يذهب عنه النوم فانه لا يدري لعله
يستغفر فيسب نفسه (قرطبي)

'If one of you feels drowsy in *ṣalāh*, he should go to sleep for a little while so that the effect of sleep disappears, otherwise he would not know that, rather than seeking forgiveness (from Allah), he may (actually) be cursing himself.' (Qurtubī)

Editor's Note¹

Although the verse was initially revealed to prohibit offering *ṣalāh* in a state of intoxication, however, some other situations have also been dealt with in which offering *ṣalāh* is not permitted. These are the states of impurity which are of two kinds. The first kind is the state of 'major impurity' or '*janābah*' which is caused by sexual intercourse or by ejaculation with sexual desire by whatever means. This state of impurity has been referred to in the above verses by the word "جَنَابًا" which is derived from *janābah* and has been translated as 'major impurity'. In this state one cannot offer *ṣalāh* unless he purifies himself by having the prescribed bath (*ghusl*).

The second kind of impurity is called 'minor impurity' (الحدث الأصغر) which is caused by any act breaking the *wuḍū'*, like easing oneself or passing a flatus etc. In this state also one is not allowed to offer *ṣalāh*,

1. In the original book there was no explanation of other rules mentioned in the verse. The exteamed author has felt it sufficient that these rules are mentioned in the Urdu translation alongwith the : خلاصه تفسیر. For the benefit of English readers, I have added this note - Muhammad Taqi Usmani.

but the way of purifying oneself from this kind of impurity is much easier. Instead of having a bath one can release himself from it by making *wuḍū'* (prescribed ablution). In both situations it is necessary to use water, either for having a bath or for making *wuḍū'*. But there may be situations where the use of water is not possible due to its unavailability or is extremely difficult due to illness. In both these situations the above verses have provided an easier alternative for having a bath or making *wuḍū'*. The alternative is to strike the hands on a clean dust and then wipe the face and the wrists with it. This procedure is called '*Tayammum*' and has been taken by the Shari'ah as a symbol of ritual purification where the actual act of purification through water is not possible or is extremely difficult. After making *tayammum* one is held to be purified for a temporary period until he is able to use water. The procedure of *tayammum*, being the same for both major and minor impurities, it has been prescribed in one sequence for both kinds. The words "أَوْ جَاءَ أَحَدٌ مِّنْكُمْ مِنَ الْغَائِطِ" (i.e. or one of you has come after easing himself) refer to the 'minor impurity' while the words "أَوْ لَمَسْتُمُ النِّسَاءَ" (i.e. 'or you have touched women') stand for having sexual intercourse¹ causing major impurity. In both situations, it has been laid down that if someone is too sick to use water, or is on journey where he does not find water, he can have recourse to making *tayammum*.

The above discussion may explain the rules of impurities and their purification as laid down in the above verses. However, one point needs further elaboration:

While the Holy Qur'an has prohibited to 'go near *ṣalāh*' in a state of major impurity the rule has been made subject to one exception which is expressed in the words "إِلَّا غَائِبٌ سَبِيلًا" (i.e. 'save when you are traversing a way'). This exception has been interpreted by the Muslim Jurists in different ways. According to the most commentators, including the Ḥanafī jurists, this exception refers to the state of travelling when water is not available. It, therefore, means that one cannot go near *ṣalāh* in a state of major impurity without having taken a ritual bath (*ghuṣl*), however, if he is 'traversing a way' in the sense that he is on

1. This explanation is based on the Ḥanafī view.

journey and does not find water, he can offer *ṣalāh* without taking bath after making *tayammum* as explained in the next sentence.

Conversely Imām al-Shāfi'ī interprets the exception in a totally different manner. He says that 'going near *ṣalāh*' means 'entering a mosque' and it is prohibited for a person to enter a mosque in a state of 'major impurity'. However, if he intends to go somewhere else, but passes through a mosque as a passer-by, he can do so. The Ḥanafī jurists do not accept this view. Based on the first interpretation, they say that the verse has no relevance with 'entering the mosque'. It refers to offering prayers, as is evident from the background in which it was revealed. The prohibition of entering a mosque in the state of impurity is based on some other sources, and it is not allowed, even for a passer-by, to enter a mosque with intention to go somewhere else.

(Editor).

The rule of *Tayammum* is a blessing, and a distinction of the Muslim community

It is certainly a great favour granted by Allah Almighty that He, in His mercy, has made something else to take the place of water, something which is much more easily available than water. Obviously enough, land mass and dust are available everywhere. It appears in a *ḥadīth* that this is a convenience bestowed upon the community of Muḥammad صلى الله عليه وسلم exclusively. As for necessary rules governing the making of *Tayammum* (also referred to in English, and interestingly too, as the 'dry ablution'), these are commonly available in books on *ṣalāh*, (in English as well). Standard juristic works can be consulted for further details.

Verses 44 - 46

أَلَمْ تَرَ إِلَى الَّذِينَ أُوتُوا نَصِيبًا مِّنَ الْكِتَابِ يُشْتَرُونَ الضَّلَاةَ
وَيُرِيدُونَ أَن تَضَلُّوا السَّبِيلَ ﴿٤٤﴾ وَاللَّهُ أَعْلَمُ بِأَعْدَائِكُمْ
وَكَفَى بِاللَّهِ وَلِيًّا وَكَفَى بِاللَّهِ نَصِيرًا ﴿٤٥﴾ مِنَ الَّذِينَ هَادُوا
يُحَرِّفُونَ الْكَلِمَ عَن مَّوَاضِعِهِ وَيَقُولُونَ سَمِعْنَا وَعَصَيْنَا
وَاسْمَعُ غَيْرَ مُسْمَعٍ وَرَاعِنَا لَيًّا بِالسِّنْتِهِمْ وَطَعْنًا فِي الدِّينِ
وَكُو أَنَّهُمْ قَالُوا سَمِعْنَا وَأَطَعْنَا وَاسْمَعُ وَأَنْظُرْنَا لَكَانَ خَيْرًا

لَهُمْ وَأَقْوَمَ ۗ وَلَكِنْ لَّعَنَهُمُ اللَّهُ بِكُفْرِهِمْ فَلَا يُؤْمِنُونَ إِلَّا
 قَلِيلًا ﴿٤٦﴾

Have you not seen those who have been given a share from the Book? They buy misguidance and want that you (too) lose the way. [44] And Allah knows your enemies best. And Allah is enough as friend and Allah is enough as supporter. [45] Among the Jews there are some who move words away from their places and say, "We hear and disobey," and "Hear. May you not be made to hear," and "*Rā'inā*," twisting their tongues and maligning the Faith. And if they had said, "We hear and obey," and "Hear," and "Look after us," it would have been better for them, and more proper, but Allah has cast His curse on them due to their disbelief. So, they do not believe except a few. [46]

In verses previous to this, the stress was on acting with *Taqwā* in mutual dealings. In between came some rules pertaining to *Ibādah*, *Salāh* and their corollaries since they instill man with fear of Allah, promote concern for the life-to-come and help in seeing that dealings come out right and smooth.

The present verses take up the matter of dealings with enemies. It brings into sharp focus the wicked tricks, in word and deed, as practiced by the Jews, and then gives a view of what is true and correct. This last aspect is in a way an exhortation to Muslims that they should be careful in choosing the words they use to say what they have to say, for mincing words is not their style.

Verse 47.

يَا أَيُّهَا الَّذِينَ أُوتُوا الْكِتَابَ آمِنُوا بِمَا نَزَّلْنَا مُصَدِّقًا لِّمَا مَعَكُمْ
 مِّنْ قَبْلِ أَنْ نَطْمِسَ وُجُوهًا فَنَرُدَّهَا عَلَىٰ أَدْبَارِهَا أَوْ نَلْعَنَهُمْ
 كَمَا لَعَنَّا أَصْحَابَ السَّبْتِ ۗ وَكَانَ أَمْرُ اللَّهِ مَفْعُولًا ﴿٤٧﴾

O those who have been given the Book, believe in what We have revealed confirming what is with you before We rub off faces and turn them shaped like their backs, or curse them as We cursed the people of Sabbath. And what Allah wills is destined to occur. [47]