

In the Name of Allah, the Most Compassionate, the Most Merciful

# CLASSIFICATION of

# ALMIZAN

THE INTERPRETATION OF HOLY QURAN

BY: Great Allameh Seyyed Muhammad Hussein Taba-Tabaii

Complete Translation

**BOOK THIRTY EIGHT**

**FAMILY LIFE  
IN QURAN**

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&

His Masterpiece:

**"ALMIZAN, THE INTERPRETATION OF HOLY QURAN"**



Image of Allameh

(Oil Painting. Work: Seyyed Mehdi Amin, 1991)

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## Introduction

In the Name of God, the most Compassionate, the most Merciful

إِنَّهُ لَقُرْآنٌ كَرِيمٌ فِي كِتَابٍ مَكْنُونٍ لَا يَمَسُّهُ إِلَّا الْمُطَهَّرُونَ

This is an honorable Quran  
Preserved in a Hidden Book which  
No one can touch it except the purified ones!

# A CLASSIFICATION of ALMIZAN

### A Preface to Work:

This is a "Reference Book"  
Or the "Theological Encyclopedia of the Holy Quran,"  
Classified and Summarized from Allameh Tabatabaii's  
most famous Commentary of Quran  
"Almizan"

### About of the work:

*"... In Tehran, I found this book in a library, I read a hundred pages, but in Mashhad I did not find it anywhere. It's a real pity! The book had taken the substantial Verses of Quran and quoted their interpretation from Allameh's Almizan ... Really, anyone who has this book, I buy it twice as much, let me know...!"*

On the website of the *Goodreads* ([www.goodreads.com/book/show...](http://www.goodreads.com/book/show...)) where the people introduce their most interested books they have read, a young reader from the holy city of Mashhad has mentioned the characteristics of the **first volume of "The Classification of Almizan,"** along with his favorite books, and wrote the above comment.

Nowadays, a great number of websites and digital libraries have quoted most of these 77 volumes at their digital libraries. The books had also been recommended by some university teachers to their students, as their reference book.

### The Purpose of Classification

The Verses of the Glorious Quran include various subjects regarding Fundamentals of the Religion of Islam, its Requirements, Laws, Morals, Living Principles, as well as the topics regarding the Creation of the Universe, Heavens, Earth, Human; Verses foretelling the life after Resurrection, Paradise, Hell, and so on..., and the Human Final Destination, and his Return to the Almighty God.

These Topics and Rules have all been mentioned and developed throughout the Verses of the Holy Book, during the twenty three years of its Revelation according to the conditions of places and times, of course, without Classification.

It is evident that the Interpretations of Quran, as well as the famous Commentary of Almizan, have also followed the original arrangements, because the importance of such method for a Book of Guidance is well understood.

To facilitate a comprehensive study on the topics and laws of the Holy Quran there was a need to categorize the materials, these classified books served to comply with that need, which have originally been edited in 22 Volumes on 2007, then expanded to 77 pocket size books on 2012.

### Translation of the Classified Commentaries

When the author completed the classification of 77 books in **Farsi** language, and after publishing a few early editions of it, he began to simplify them in Farsi and set them up in his Website, later on he started

to prepare another abridged editions in English language and published them also at his website.

At his new attempt, the author tried to present the Complete Translations of these Valuable Classified Commentaries of Holy Quran to the International readers of Muslims and non-Muslims all around the world.

Up to this date the complete English Translations of the following editions has been published in the under-mentioned website:

- BOOK 1 - INTRODUCING GOD, HIS COMMAND AND HIS CREATION,
- BOOK 2 - DEVISING, PREDESTINATION, AND DESTINY
- BOOK 3 - DIVINE DECREE AND DIVINE TRADITIONS
- BOOK 29 - MUHAMMAD Last Messenger of Allah
- BOOK 31 - Specifications of HOLY QURAN - Revelation, Collection, Interpretation
- BOOK 38 - ISLAMIC FAMILY LIFE ([Present Volume](#))
- BOOK 41 - ISLAMIC SOCIETY
- BOOK 42 - BASIS OF ISLAMIC ETHICS
- BOOK 54 - PARADISE
- BOOK 56 - MEETING WITH GOD

Please refer to **the Editor's Website** [www.almizanref.epage.ir](http://www.almizanref.epage.ir)  
and [www.almizanref.ir](http://www.almizanref.ir) and the following digital libraries:

[https://library.tebyan.net/fa/170080/...](https://library.tebyan.net/fa/170080/)

[www.ghbook.ir/index.php?option=com\\_dbook&task...](http://www.ghbook.ir/index.php?option=com_dbook&task...)

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<https://sites.google.com/site/almizanclassified>

<https://sites.google.com/site/almizanreference>

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I hope my Merciful God will help me to finalize my long road to Complete English Translations of all these Books, as He Granted me the

life and opportunity to find my way to His Glorious Word through the Commentary of Almizan from my years of 41 up to now of my old year of 83, and same to His devoted servants all around the world to study these books, and achieve to a deep understanding of the concepts of **the Divine Revelation of Holy Quran and the Muslims Belief and Religion.**

Seyyed Mehdi Amin (Habibi)

TEHRAN.

July 31, 2020 – December 9, 2020.

# PART ONE

ISLAMIC

FAMILY LIFE

## Chapter One



# MARRIAGE

## A HEAVENLY COMMAND

### Marriage of Girls and Boys

### Commanded by God

« وَ أَنْكِحُوا الْأَيْمَىٰ مِنْكُمْ وَ الصَّالِحِينَ مِنْ عِبَادِكُمْ وَ إِمَائِكُمْ  
 إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَ اللَّهُ وَاسِعٌ عَلِيمٌ! »  
 ( آیه: ۳۳-۳۴ سورہ نور )

"And urge your single boys or girls,  
 and your male or female servants,  
 if are able, to marry.

If they are poor, Allah will enrich them out of His Grace.

That Allah is the All-Knowing Extender!"

(Holy Quran, Noor: 32.)

This Verse encourages the single boys and girls, and male or female servants, if they are Righteous (i.e. able to marry), to go ahead, and

Marry!

The Clause: **"If they are poor, Allah will enrich them out of His Grace..."** is a nice Promise that the Almighty God has given them, in order that, they do not be afraid of poverty, as God will enrich them, and will expand their livelihood. The Verse ended to Phrase: **"Allah is the All-Knowing Extender,"** emphasizes the Promise of Allah!

The fact is that everybody will receive his sustenance from God to the extent of his ability, the most the best, providing that God also wishes so.

(Almizan: V.15, P.159)

## Marriage Expenses

### Undertaken by God

« وَ لَيْسَتَغْفِرِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ...! »  
(آيه: ٣٣ سورة نور)

**"And let those who are not able to marry continue to be chaste until God enriches them of His Bounty...!"**

(Holy Quran, Noor: 33)

'Marriage Expenses' are mainly consisting of dowry, money for spending, maintenance, alimony, and all other needs of a family to marry and live.

The Verse states that those who have no money to marry, should avoid from adultery until God makes them wealthy out of His Grace.

It is quoted in "Kafi" from Muhammad bin Jafar (AS) that the Holy Messenger of Allah said: "One who does not marry fearing of poverty, he distrusts God. God Says: **"...If they are poor, Allah will make them wealthy out of His Grace...!"**

(Almizan: V.15, P.159)

## The Ultimate Target of Marriage Law in Islam

« يُرِيدُ اللَّهُ لِيُذَيِّبَ لَكُمْ وَ يَهْدِيَكُمْ سَبِيلَ الَّذِينَ مِنْ قَبْلِكُمْ وَ يَتُوبَ عَلَيْكُمْ وَ اللَّهُ عَلِيمٌ حَكِيمٌ  
وَ اللَّهُ يُرِيدُ أَنْ يَتُوبَ عَلَيْكُمْ وَ يُرِيدَ الَّذِينَ يَتَّبِعُونَ الشَّهَوَاتِ أَنْ تَمِيلُوا مَيْلًا عَظِيمًا،  
يُرِيدُ اللَّهُ أَنْ يَخَفِّفَ عَنْكُمْ وَ خُلِقَ الْإِنْسَانُ ضَعِيفًا! »  
(آيه: ٢٦-٢٨ سورة نساء)

"God wants to guide you,  
explain to you the customs of those who lived before you,  
and grant you forgiveness. He is All-knowing and All-wise!

God wants to be merciful to you  
but those who follow their evil desires  
seek to lead you into a great diversion!

Allah Wills to lighten the burdens [of punishment] for you;  
for man was created weak!"

(Holy Quran, Nesa: 26-28.)

The above Verses aimed to explain the ultimate goal of the laws legislated in the next three Verses:

"You are forbidden to marry your mothers, daughters, sisters, and..., and lawful for you are all besides those...!" And:

"Then as such of them with whom you have Temporary Marriage (mut'ah,) give them their dowries as appointed...!" And:

"And whoever among you has not within his power amplexness of means to marry free believing women, then (he may marry) of those whom you possess from among your believing maidens...!"

The Verses also explain the benefits that are derived when society follows the mentioned laws strictly.

The meaning, accordingly, will be as follows: Allah desires to explain to you the Rules of His religion, as it leads you to the good of

this world and the Hereafter, and contains many underlying knowledge and wisdom.

The clause: **"And to guide you into the ways of those before you...,"** means, the life-styles of the prophets and the good people, who spent their days seeking Allah's Pleasure, and through it enjoyed the happiness of this world and the Hereafter.

The clause: **"And to turn to you mercifully, and Allah is Knowing, Wise,"** refers to Allah's turning to His servant with Favor and Mercy, ordaining the "Shari'ah" (the religious law) and explaining the "Reality," and guiding him to the "Right-Path." All these are various facets of Allah's Turning, as is the acceptance of the servant's repentance and erasure of the effects of sins and its consequence from him.

The ending clause: **"And Allah is Knowing, Wise,"** covers all the Clauses of the Verse.

**"Allah Wills to accept your Repentance by His Mercy, but those who follow their lusts, wish that you [believers] should deviate a great deal from the Right Path!"**

The **"great deviation"** implies transgression of Allah's Limits described in the Verses of (Surah Nessa: 22-24, and Part 8, hereunder.) Those who follow their lusts, wish that you [believers] violate all these limits: Having incestuous relations with your mother, sister, daughter, and others *[who have been forbidden to you because of the parentage relationship and blood effects;]* and the other prohibited persons to marry with, like: Your foster sister, mother in law, step-daughter etc., *[who have been forbid-den to you because of the marriage-relationship;]* or consider the adultery as lawful, refusing the Straight Tradition of Marriage laid by Allah!

**"Allah wills to lighten the burdens [of punishment] for you; for man was created weak [in resolution]."**

Allah desires that He should make light your burdens, and man is

created weak: Man is weak. Why? Because desire is an integral part of his creation; it unceasingly incites him to indulge in lust, and thus creates an internal turmoil. Allah in His Mercy and Favor, has made lawful for them the ways to calm down their desire, i.e., He has ordained the institution of marriage to lighten their burdens and lessen their hardships, as He has Said: **"And lawful for you is all besides that."** This includes "marriage" and "possession;" in this way He has guided them to the ways of those who were before them. Then He has given them another concession by legalizing the "Mut`ah" (fixed time marriage), as it does not entail as much hardships as the permanent marriage does, i.e., heavy dowry, regular maintenance, etc.!

(Almizan: V. 4 , P. 414)

## Chapter Two

# LAWFUL MARRIAGES

## LAWFUL MARRIAGES Permanent & Temporary

« وَ أَجَلَ لَكُمْ مَّا وَرَاءَ ذَٰلِكُمْ أَن تَبْتَغُوا بِأَمْوَالِكُمْ  
مُحْصِنِينَ غَيْرَ مُسْفِحِينَ .....»  
(سوره نساء: ۲۴)

"And lawful for you are all women, besides those  
(who mentioned in Part 9,  
provided that you seek them with your property,  
taking them in marriage not committing fornication...!"  
(Holy Quran, Nesa: 24.)

The Clause: "And lawful for you are all besides those...," means it is lawful for you to have sexual relation after marriage with the women

other than the sixteen prohibited groups (*mentioned in Part 9 of this book.*) The fact is that the Verse aims at describing permission for the acquisition of women, other than those mentioned in Part: 9, by “marriage” or by “possession.”

The Clause: **"That you seek them by means of your wealth, taking them with chastity, not committing fornication,"** explains the lawful way of approaching women and having sexual relation with them. The preceding exceptional Clause: **"And lawful for you is all besides those..."** could be applied to three things:

### 1-Marriage 2-Possession by Slavery 3- Fornication

This Clause: **"...That you seek..."** forbids **Fornication** and restricts permission to the remaining two:

### 1- Marriage 2 - Possession by Wealth.

Then God gave importance to seeking them by means of one's wealth: In "Permanent-Marriage" it is dowry, which is one of its chief elements. In "Fixed-Time Marriage" the fixed regular payment should be paid. The dowry in the first, and the payment in the second case are the important base or so-called Pillar of Marriage Contract.

In case of slaves, the price is the main procedure of acquiring slave-girls. However, in slave purchase, the wealth is not a base, since someone can grant us his slave. In any case, the ordinary practice is to purchase slaves by wealth.

The meaning of the Verse now will be as follows: Apart from the prohibited categories, you are allowed to seek other women by spending your wealth on dowry of those whom you marry permanently, or on a fixed payment for a fixed-time marriage, or on price of slave girls. In all these cases, you have to remain chaste and avoid illicit sexual relations.

The word, chastity, as used here is opposite of illicit sexual relations of all types. It tells men to restrain themselves from unlawful

sexual activities and restrict themselves to what Allah has allowed of the sexual enjoyment; in any way you prefer which is ordinary among the human beings, to enjoy more of what man is attracted by natural instinct God has bestowed to human beings.

(Almizan: V. 4 – P. 414)

## ORDER TO PAY DOWRY

« وَآتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً  
فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ تَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا! »  
(نساء/٤)

**"Pay the women their dowry as though it were a gift.  
However, if they allow you to keep a part of it as a favor to you,  
you may eat it with pleasure!"**

(Holy Quran, Nessa: 4)

"The Dowry" is a certain amount of money or property, ordered in the marriage rules, to ascertain and pay in cash, or on time, to Bride by Bridegroom.

The ordainment to grant dowry to women is not an issue established only by Islam, but it is an issue that has been fundamentally common among people and in their marriage traditions. That is a price to be given to women as a dowry and as if to replace this money with her chastity

Just as the price and money of a commodity (in buying and selling) are opposed to the commodity, and it is common among the people that the buyer takes his money and goes to the seller, so in the matter of marriage man is the seeker, he is the one who has to take his money and go to pay to provide his need. (We shall discuss more on this issue late in the forthcoming volumes of this book.)

In any case, it was not this Verse, which established the order to pay the dowry, the Verse only endorsed the common custom, which was prevalent among the people. It was possible to think that the husband was not allowed to use the dowry at all even if the wife was pleased with it. Probably it was to remove that possible misunderstanding that the following conditional clause was added:

**"If they allow you to keep a part of it as a favor to you,  
you may eat it with pleasure!"**

The imperative: **"Eat it,"** is qualified with the Phrase: **"With pleasure."** It puts emphasis on the previous Phrase containing basic rule, and shows that if a wife is pleased to give her husband a portion of her property spending it is permissible to him not obligatory.

(Almizan: V. 4 – P. 238)

## **The Faith Clause In Marriage**

« وَ اللَّهُ أَعْلَمُ بِإِيمَانِكُمْ...! »  
(نساء: ٢٥)

**"God is more aware of your faith!"**

(Holy Quran, Nessa: 25.)

In this Phrase the God Almighty makes it clear which aspect of the Faith is to be observed in marriage, inward faith or outward faith.

Since the Faith is a matter relating to the heart, then no one can know the truth of the faith of somebody else, because, there is no medium or a tool like thermometer or other material standards to measure the heart beliefs of humans.

There may be some people who think that the God Almighty has made it difficult for Muslims to marry by bringing this restriction, and even prevented it at all, causing hardship to the obligated Muslims,

because they cannot recognize whether a woman who they want to marry has an inward faith or not, therefore, God States in this Phrase: **"God knows best about your faith,"** and makes it understand that you are not obliged to discern the truth of women's faith, it is only the work of God, but your duty is to act according to outward means, such as her reciting the article of Islamic Faith [**testifying Oneness of God and Prophet-hood of Muhammad (PBUH,)**] participation in the Muslim group prayers, and performing the general duties of the religion, which indicate the faith of its owner, and this outward faith is the criterion, not the inward faith!

(Almizan: V. 4 – P. 441 )

**PART TWO**

**MARITAL**

**RELATIONSHIP**

**IN ISLAM**

## Chapter One

# JOINT MARITAL LIFE In ISLAMIC FAMILY

## Best Conduct with Wives In Joint Marital Life

« زن لعبت است، هر کس او را گرفت مراقب باشد ضایعش نسازد!»  
(از: نبی اکرم)

**“A woman is a beauty, whoever married her  
Should be careful not to waste it!”**  
(Holy Prophet.)

There are many narrations about the treatment with wives in the narration books through Shiites and Sunnis, and among all those narrations, the most beautiful is the narration narrated in "Book Kafi" from Imam Musa ibn Ja'far (AS) who said: **"The Wife's Jihad is to**

**perform a nice marital relationship!"**

One of the most comprehensive words in this regard is the word that is mentioned in Nahj al-Balaghah, a word that in addition to comprehensiveness is the basis of legislation on women. This word is quoted from Imam Ali (AS), who wrote it in a letter to his son:

**“The woman is a flower, not a hero!”**

Also another word that has been quoted in this regard from the Holy Messenger of God, who said:

**“A woman is a beauty, whoever married her should be careful not to waste it!”**

Yes, the Messenger of God, was surprised by a man who beats his wife, and then hugs her with the same hand.

There are so many such statements in the narratives that if one pays attention to them, he will understand the Islamic theory about women.

(Almizan: V. 4 – P. 544 )

## Your Wives are Your Planting Ground!

« نِسَاؤُكُمْ حَرْثٌ لَّكُمْ  
فَأَنْتُمْ حَزَنُكُمْ أَنْى شِئْتُمْ  
وَ قَدِمُوا لَأَنْفُسِكُمْ  
وَ اتَّقُوا اللَّهَ وَ اعْلَمُوا أَنَّكُمْ مُلْقَوَةٌ وَ بَشِرِ الْمُؤْمِنِينَ !»  
(بقره: ٢٢٣)

**"Your wives are as fields for you.**

**You may enter your fields from any place you want.**

**Reserve something good for your souls [for the life hereafter!]**

(Holy Quran; Baqara: 223.)

**The relation of women to human society is the relation of the field to the man of cultivation, just as the field is necessary for the survival of the seed, and if it is not, the seeds are completely**

destroyed, and there is no food left to sustain the life and its continuation. It is the same, if there is no women, the human kinds will not last, and its offspring will be cut off.

Yes, the God Almighty to originate and develop the human being, or say, to change the matter to the form of a human, has used the womb of mothers only. On the other hand, God has positioned the nature of men in such a way that it is inclined towards women, although part of that principle matter is in men too, as a result, the God Almighty has placed kindness and mercy between these two groups of human beings, and since this was the case, the purpose of creating such attraction and absorption was certainly to create a means for the survival of human kind. Considering this fact, it does no longer make sense that God to restrict it to a specific time or place and forbid it from being done at another time and place, yes, unless in a particular case it interferes with something else, something that is obligatory in itself, and negligence is not permissible. In consideration of this statement, the meaning of the Phrase: **"Reserve something good for your souls [for the life hereafter!]"** will be good understood.

(Almizan: V. 2 – P. 319)

## Concept of Men's Guardianship on Women

« الرَّجَالُ قَوَّموْنَ عَلَى النِّسَاءِ بِمَا فَضَلَ اللهُ بَعْضَهُمْ عَلَى بَعْضٍ  
وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ  
فَالصَّالِحَاتُ قَنَاطُتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللهُ...! »  
(نساء : ٣٤)

**"Men are overseers and maintainers of women  
because Allah has made one of them excel to the other,  
and because the husbands provide the livelihood of the family.  
Therefore, Righteous women are obedient  
and guard husband's rights in his absence**

## for Allah guarded their rights!"

(Holy Quran; Nessa: 34.)

The meaning of man's guardianship is that the man, because he pays for the woman's life from his own property, in order to enjoy her, so it is also necessary for her to obey him in everything that is related to the man's enjoyment and cohabitation. She has also to preserve man's honor in his absence, when he is absent not to let a stranger into his bed, not to enjoy that stranger from the beauties of her body which are for his husband, and not to betray in the property that his husband has entrusted her within the cohabitation in family life.

Thus, the meaning of the Verse is that Muslim women deserve to assume the quality of virtuousness, that if they do so, they will naturally be the obedient, that is, they will always obey their husbands in whatever they ask of them, of course, something that has to do with the pleasure of the husbands, and it is obligatory on them to keep their side in all things that belong to the right of the husbands in the absence of the husbands.

The meaning of the Phrase: **"For Allah guarded their rights,"** is that women are obedient to their husbands, and are the guardians on their absence, for the protection that God has made of their rights, because He has legislated their guardianship, and made obligatory for their wives to obey them and guard their rights in their absence.

(Almizan: V. 4 – P. 545)

## Duties of Spouses In Joint Life

فَالصَّالِحَاتُ قَنَاطٌ حَفِظَتْ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ...!...  
(نساء : ٣٤)

**"Righteous women are obedient  
and guard husband's rights in his absence!"**

(Holy Quran; Nessa: 34.)

The meaning of "Righteousness" is the same literal meaning of the word, and it is the same thing that is also interpreted as the merit of a person, and "the obedience" is the permanence of obedience and humility, and that in the face of such women God placed naughty women: **"As for those wives whose misconduct you fear..."**, it shows that the meaning of righteousness is the righteous wives, not every righteous woman. In short, the ruling that God has made on the righteous, and said that the Righteous are such and such, is for women who are getting married, not absolute Women.

In this Phrase, which says (righteous women are so and so,) the God Almighty, in fact, stated the ruling related to the affairs of marital life and the quality of association at home. This ruling is at the same time a ruling subject to its cause, that is, the same guardianship of man over a woman in terms of the joint marital life, so it is obligatory on a woman to obey her husband, and to protect him in every respect that relates to the affairs of joint marital life.

(Almizan: V. 4 – P. 544.)

## Husband's Right In Islamic Family

« الرَّجَالُ قَوَّموُنَ عَلَى النِّسَاءِ بِمَا فَضَلَ اللهُ بَعْضَهُمْ عَلَى بَعْضٍ  
وَ بِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ  
فَالصِّلِحَاتُ قَنَاطِتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللهُ...! »  
(نساء : ٣٤)

**"Men are overseers and maintainers of women  
because Allah has made one of them excel to the other,  
and because the husbands provide the livelihood of the family.**

**Therefore, Righteous women are obedient  
and guard husband's rights in his absence  
for Allah guarded their rights!"**

(Holy Quran; Nessa: 34.)

A guardian means one who is responsible for another person.

The Phrase: "**Allah has made one of them excel to the other,**" refers to the excesses that God Almighty has given to men, according to their strength over difficult deeds and the like. Because the life of women is an emotional life, which its basis and source is tenderness and kindness.

From the generality of the "Reason" it is understood that the Decree of God which is based on that Reason, namely, the guardianship of men over women, it is also a general rule, and is not limited to the husband towards the wife, but it is a legislated ruling for the kind of men and kind of women, of course, in the general aspects that are related to the life of both kinds. Therefore those general aspects in which all men in general have guardianship over all women in general are: The Positions of Governing and the Judging, on which the life of society depends, and the consistency of these two responsibilities, or say two Positions, is on the Power of Reason, which is naturally more and stronger in men than in women, as well as the Defense of the land with weapons whose consistency is on the power of physique as well as the power of reason, both of which are more in men than in women.

Therefore, the fact that God Said: "**Men are overseers and maintainers of women,**" is an absolute ruling, but the next Phrases which refer to the Righteous and Obedient Women are apparently about the wives and husbands, but does not restrict this application and wants to mention a sub-branch of this absolute rule and to state a part of the details of the general rule, so it is a part from that general rule not its limitation.

(Almizan: V. 4 – P. 543.)

## Wife's Right In Islamic Family

Just as the guardianship of the class of men over the class of women in the human complex relates only to the public aspects in which both women and men share, and because it is the aspects that require more reason and more power that exist in men. It means, like the government and the judiciary and war, without compromising the independence of the woman in her personal will and individual action, and without the man having the right to protest why you like something or do something, unless the woman likes the ugly deed, or commits it, as evidenced by the fact that God Said: **“There will be no sin upon you in respect of what they may do with themselves in accordance with honorable norms!”** (Baqara: 234.)

The guardianship of a man over his wife does not mean depriving a woman of her freedom of will and possession of what she owns, and the guardianship of a man does not mean depriving a woman of her independence in protecting her individual and social rights, and defending her interests. Women still have their independence and freedom, they can both protect their individual and social rights, and they can defend them, and they can resort to the necessary preconditions for achieving their goals.

(Almizan: V. 4 – P. 544.)

## Behavior of Wife against Husband's Reluctance and Discord

« وَ إِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزاً أَوْ إِعْرَاضاً  
فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحاً وَالصُّلْحُ خَيْرٌ ! »  
(نساء : ١٢٨)

**“If a woman fears from her husband misconduct or desertion,**

**there is no sin upon the couple if they reach a reconciliation  
between themselves; and reconciliation is better.**

**The souls are prone to greed;  
but if you are virtuous and God wary,  
Allah is indeed well aware of what you do!"**

**(Holy Quran; Nessa: 128.)**

The context of the Verse implies that what is meant by peace and reconciliation is that the wife renounces some of her marital rights in order to attract the love, affection, and agreement of the husband, thereby preventing divorce and separation, and knowing that peace is better.

If God set the condition of reconciliation on the fear from misconduct or desertion but not on that two themselves, it was because the issue of peace is realized from the time when its frightening effects and signs are realized.

In the Phrase: "**The souls are prone to greed,**" seeks to point out the fact that the instinct of miserliness is one of the carnal instincts on which God Almighty has subjected man to that instinct. By this instinct, man preserves his interests and refrains from losing it, so every self has greed and avarice and its avarice is always present with him. A woman is stingy in relation to her rights in marriage, namely, in clothes, food, marital life and affairs, and she tries to prevent it from being lost and usurped. A man, if he is reluctant to live with his wife, is stingy in agreeing and loving and expressing interest in her. In such a case, the two have no problem to make peace between themselves, that is, one of them gives up some of their rights.

**"But if you are virtuous and God wary,  
Allah is indeed well aware of what you do!"**

This is an admonishment for men to be careful not to transgress the way of benevolence and piety, and to remember this meaning that God Almighty is aware of what they do, so do not oppress women when associating with them and do not force them to give up their rights, even

though they can do so!

(Almizan: V. 5 – P. 163.)

## Behavior of Husband against Discordance of Wife

«... وَ الَّتِي تَخَافُونَ نُشُوزَهُنَّ  
فَعِظُوهُنَّ وَ اهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَ اضْرِبُوهُنَّ  
فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا  
إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا...!»  
(نساء : ٣٤)

**“As for those wives whose misconduct you fear,**

**first advise them, and if ineffective keep away from them in the bed,  
and as the last resort beat them.**

**Then if they obey you, do not seek any course of action against them.**

**Indeed Allah is all-exalted, all-great!”**

(Holy Quran; Nesa: 34.)

The word "Discordance" means rebellion and arrogance of obedience, and "fear from discordance," means that its symptoms appear gradually, and it becomes clear that the woman wants to be incompatible. In the Phrase: **"First advise them,"** God put the "Advice" as the result of the fear of discordance, not of discordance itself. It was perhaps for the sake of respecting the status of "Advice" among the other treatments, and wanted to understand us that among the three treatments, the "Advice" is a treatment that is useful both in case of discordance and before discordance and when its symptoms are found. The three treatments are those which is stated in the Phrase: **"First advise them, and if ineffective keep away from them in the bed, and as the last resort beat them!"** We know from the meaning of the Verse that there is an order between these three treatments, and the God Almighty wants to mention that: Advise her first, if the advice does not work, refuse to talk her and sleep away from her, and finally, if that

treatment also doesn't work, hit her. The reason why it is necessary to observe gradual order is that the mentioned order is by nature a different means of punishment. Whoever wants to punish someone he naturally starts first with a weak degree, and then gradually makes the punishment more severe.

The appearance of the Phrase: **"Keep away from them in the bed,"** implies to a point that the bed should remain safe, if man is angry he may sleep in bed, but for example, he turns his back on her in bed, or does not play with her, or in another way he expresses his reluctance to her. The appearance of the Verse does not indicate the separation of the beds.

It is narrated in Commentary of "Majma 'al-Bayyan" in the interpretation of the captioned Verse from Imam Abi-Jafar (AS) that: Man has to sleep with her in the bed but turning his back to her. In the sense of hitting, Imam said: Man should hit her by a toothbrush. (The toothbrush at that time was a small stick of the Misvak tree used to clean the teeth.)

**"Then if they obey you,  
do not seek any course of action against them!"**

It means that if they obey you as a result of those three ways of healing, do not make excuses against them anymore, and even though they obey you, do not look for more excuses to harass them. The God Almighty, at the end of Verse. explains that **"Indeed Allah is all-exalted, all-great,"** and by this Phrase He declares that the position of their Lord is all-exalted and all-great, therefore do not be proud of the power and superiority you have over your wives, and do not apply oppression, transcendence and arrogance over them out of that imaginary pride, but always remember the exaltation of their Lord.

(Almizan: V. 4 – P. 546.)

## Fear of Separation, Resolving Discord between Couples

« ... وَ إِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا  
فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَ حَكَمًا مِّنْ أَهْلِهَا  
إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا  
إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا !  
(نساء : ٣٥)

**"And if you fear a split between the two of them,  
then appoint an arbiter from his relatives  
and an arbiter from her relatives.**

**If they desire reconciliation, Allah shall reconcile them.  
Indeed Allah is all-Knowing, all-Aware!"**

(Holy Quran; Nesa: 35.)

The word Discord means anger and enmity.

In cases where the problems of the couple is likely to lead to enmity, the God Almighty has ordered an arbiter on the part of the wife, and an arbiter on the part of the man, to look into the problems, because the intervention of one arbiter has the risk of taking him the one side, and the Judgment becomes forced.

The meaning of what God Said: **"If they desire reconciliation, Allah shall reconcile them,"** is that if both parties of the dispute have a real wish to reconcile and there is no stubbornness, the God Almighty through these two arbiters will establish agreement and reconciliation between them. It does, because when the two sides give their authority to their arbiters (the one who they themselves have chosen,) naturally an agreement will be reached.

But in the holy Verse, achieving an agreement is attributed to the God Almighty, in spite of the fact that the desire for reconciliation of both of them to submit to the decision of the arbiters was the ordinary cause, therefore, the result had to be attributed to this cause, but the Holy Verse attributed it to the God Almighty just to understand us that the real cause who establishes the relationship between the apparent causes

and their effects is the God Almighty, He is the One who gives every right to the rightful owner of right. At the end of the Verse God States: **"Indeed Allah is all-Knowing, all-Aware!"**

It is narrated in Book Kafi through Abi Basir from Imam Sadiq (AS) that in the interpretation of the Phrase: **"Then appoint an arbiter from his relatives and an arbiter from her relatives,"** that Imam said: These two arbiters should ask the wife and husband that what they rule the both parties should accept it, if they ruled that they should separate, they have to accept, and if they ruled that they should be together, they should accept.

(Almizan: V. 4 – P. 547.)

## Chapter Two

# PURIFICATION IN MARITAL LIFE

## Purification in Islam Cleanliness in Marriage

« فَاَعْتَرَلُوا النِّسَاءَ فِي المَحِيضِ،  
وَلَا تَقْرُبُوهُنَّ...! »  
(بقره: ٣١٠)

**“So keep away from wives during the menses,  
and do not approach them...!”**

(Holy Quran; Baqara: 310.)

"Purity and Cleanliness" vis-a-vis "Impurity" are words that have a common meaning in the Islamic nation, more rules and specifications have been legislated for them, and constitute a major part of religious issues. These two words because they are very much common among people, it has become a religious truth or at least a canonical truth that

the meaning of these two kinds of truths has been expressed in the art of principles.

Islam has validated the meaning of "**Purity and Impurity**," and has also accepted both material and spiritual purity and impurity, but has also spread it in the general teachings and in the prescribed laws, calling some laws purified and some impure, including:

**"So keep away from wives during the menses, and do not approach them till they are clean...!"** (Baqara: 222,) which means purifying from menstruation, and:

**"And purify your cloak!"**

(Muddathir: 4,) and:

**"But He desires to purify you!"**

(Maeda: 6,) and:

**"They are the ones whose hearts Allah did not desire to purify!"**

(Maeda: 41,) and:

**"No one can touch it except the purified ones!"**

(Vaqea: 79.)

Islamic law also considers some things impure, such as:

- Blood, urine, feces, and semen - from humans and some animals.
- And some living animals like pigs, which has decreed that they should be avoided in prayer, eating, and drinking.

Islamic Law has also called some actions as "Purification," such as:

- Washing clothes and body from impurity that has touched them, which are called "**Purification from outer dirties.**"
- Purification achieved by means of Ceremonial Washing before Muslim Prayer and Ablution as described in jurisprudential books, are called "**Purification from inner dirties.**"

Islam is the Religion of Monotheism, and all its branches go back to the same single Principle, and it is the same single Principle, which is

spread in all Branches of the Religion.

From this it becomes clear that the "Principle of Monotheism" is also "Purification," the Major Purification in the sight of God Almighty, and after this "Major and Principle Purification," all other General Teachings are also Purifications for human beings, and after that General Teachings, the "Principles of Moral Ethics" are also purification of the Inner Vices, and after the moral principles, the practical rulings that have been legislated for the good of this world and the hereafter of mankind are other purifications, and the above Verses correspond to the same scale, both the Verse: **"But He desires to purify you!"** (Maeda: 6,) and: **"And purify you with a thorough purification!"** (Ahzab: 33,) and other Verses that have been included in the meaning of "Purification."

(Almizan: V. 2 – P. 313)

## Monthly Cleanliness of Women's Womb

« وَ يَسْأَلُونَكَ عَنِ الْمَحِيضِ  
قُلْ هُوَ أَدَىٰ...! »  
(بقره: ٢٢٢)

**"They ask you concerning [intercourse during] menses.**

**Say: "It is hurtful!"**

(Holy Quran; Baqara: 222.)

Menstruation is a well-known blood flow that has special characteristics, and menstruating women know those characteristics.

That menstruation is hurtful, because the blood of menstruation, which is related to women's habit, is obtained from a special action that a woman's nature performs in the temperament of a woman's natural blood, and corrupts some of her natural blood, making it out of the normal state and sends it into the womb, thereby purifying the womb, or, if the fetus is in it, feeding the fetus with that blood, or, if the baby is

born, preparing the main substance for making milk for the baby.

(Almizan: V. 2 – P. 311)

## Time to Quit The Intercourse

« فَأَعْتَرُوا النِّسَاءَ فِي الْمَحِيضِ  
وَلَا تَقْرُبُوهُنَّ حَتَّى يَطْهُرْنَ ...! »  
(بقره: ٢٢٢)

**"So keep away from wives during the menses,  
and do not approach them till they are clean!"**

(Holy Quran; Baqara: 222.)

Some Commentators said that the Verse refers to the menstrual period and gathering with women who are menstruating, so that the meaning of the Verse is: **"They ask you, is it permissible to gather with women in such a situation? The answer is that this operation is harmful!"** This is a real fact, because doctors have said: The nature of a woman during menstruation is busy cleaning the uterus, and preparing it for pregnancy, therefore, sexual intercourse at this time disrupts the system of this operation, and it harms the result of this natural action, that is, it harms the pregnancy and the uterus of woman.

(Almizan: V. 2 – P. 312)

## Time to Quit Marital Intercourse In Different Nations

Different tribes of people and religions have different opinions on the issue.

The Jews were very active in this matter, and during the menstruation of woman, they even kept away from her food, water, and the place of her living and the bed of her sleep. In the Torah there are strict commandments about menstruating woman and about those who

live with her, and sleep in her bed, or make intercourse.

As for the Christians, there is no ruling in their religion about associating with menstruating women and approaching them.

As for the Arab polytheists, they did not have any ruling in this regard, except that the inhabitants of Medina and the surrounding villages avoid doing so. This was because the customs of the adjacent Jews had spread among them, and they had the same strictness of the Jews in associating with menstruating women, but other Arabs, perhaps, also recommended this practice. They said that the sexual intercourse with menstruating women causes a child to be born who grows to be bloodthirsty and savage. The bloodthirsty has been a desirable trait among nomadic tribes.

In any case, what the God Almighty Said: **"So keep away from wives during the menses!"** (Baqara: 222,) although the appearance of the Phrase is an absolute abstention, as the Jews used to say, and although to emphasize this appearance, God Said a second time: **"and do not approach them till they are clean,"** but the Phrase: **"But when they have purified themselves, you may approach them from where ordained for you by Allah!"** Given that the meaning of **"from where ordained for you by Allah,"** is the same blood channel, which indicates that the Phrase: **"Keep away,"** and the second Phrase: **"Do not approach them,"** are a kind of remark not an assertion, and the meaning of women coming and approach with them is the intercourse through the place of blood, only, neither absolute relationship and association, nor absolute enjoyment of them.

So it turned out that Islam had taken the middle way in the matter of women's menstruation, the middle way between the intensification of all that the Jews had taken, and between the absolute negligence of the Christians, and the middle way was that men at the menstrual period of women do not approach them through the secretion place of blood, but they can take other pleasures and enjoyments.

(Almizan: V. 2 – P. 312)

## Allowed Times For Intercourse

« ... حَتَّى يَطْهَرْنَ، فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ  
إِنَّ اللَّهَ يَجِبُ التَّوْبَةَ وَ يَجِبُ الْمُتَطَهِّرِينَ! »  
(بقره: ٢٢٢)

**"But when they have purified themselves,  
you may approach them from where ordained for you by Allah!  
God loves those who repent and those who purify themselves!"**

(Holy Quran; Baqara: 222.)

Purification referred to in the Phrase: **"Till they are clean,"** means the cessation of blood flow from women, and in the Phrase: **"When they have purified themselves,"** means either washing the place of blood, or it means bathing for ablution. The Phrase: **"You may approach them from where ordained for you by Allah,"** is a Command that only conveys the permission, and does not imply obligation, because it is stated after the prohibition, and God wants to understand us that after the wife purifying herself, or bathing for ablution, it is permissible to approach her. This is a Divine Etiquette worthy of the Holy Quran!

If the God Almighty bound the above-mentioned Commandment with the adverb: **"From where ordained for you by Allah,"** it was because He had completed that etiquette, because the act of Sexual Intercourse in the primitive view is an inane and amusement, so God bound it to the Command of God, and with this bind He considered it from the things that God has genetically Commended for it, in order to indicate that sexual intercourse is one of the things on which the whole system of mankind depends both in its life and in its survival, so it is not appropriate to play with such a thing, but it should be considered one of the Principles Laws of the Creation.

The Holy Phrase: **"You may approach them from where ordained**

for you by Allah,” is similar in context to the Holy Phrase: **"So now consort with them, and seek what Allah has ordained for you...!"** (Baqara: 187,) and the Phrase: **"Your wives are as a farm for you, so come unto your farm any time you wish [as long as it is an act of natural and for preserving generation;] and forward for your souls good deeds, [through good offspring!]"** (Baqara: 223.) So from this similarity of Verses it seems that what is meant by men's coming to the wives refers to a Genetic matter, which the creation and evolution of man also signifies it, because the creation of man is equipped with organs that, if it were not for the issue of reproduction, would have been useless. These organs are also equipped with the powers that invite man to the act of intercourse, so that the human race is not cut off. Considering above this matter is not a religious matter. The same is the meaning of **"Ordained"** in the Phrase: **"And seek what Allah has ordained for you,"** which is the reproduction, it is well understood from the Phrase.

Some commentators have argued in this Verse that it is forbidden to gather with women from behind, but the argument is very weak and distasteful, because its origin is one of two ideas, both of which are wrong, or they have thought the concept of the Phrase: **"Approach them from where ordained for you by Allah,"** is that you should not approach from behind, that this concept is a reversal, and certainly not an argument. This Phrase is God's Creational Command that the human race must be preserved. It is obeyed with closeness from the front, it has nothing to do with the Permission and forbiddance of other types of closeness.

(Almizan: V. 2 – P. 315)

## The Importance of Cleanliness in God's View

« ان الله يحب التوابين و يحب المتطهرين! »  
(بقره: ٢٢٢)

**"God loves those who repent and  
those who purify themselves!"**

(Holy Quran; Baqara: 222.)

"Repentance" means turning to God Almighty, and the "Ready to purify," means accepting and beginning "purification," or say, to seriously renounce evil and return to the Principle (i.e.: Purification), so as a result, both the titles of "Repentance" and "Ready to purify," are true in respect of God's Commands and Forbiddances, specially about the "purification and dirtiness." Because to obey God's Commands and to give up everything that God has forbidden is both being ready to purify from impurity - which is itself contrary to the Principle and is corruptor - at the same time it is repentance and return to God, therefore, the God Almighty has interpreted the Decree in the Verse to the Phrase:

**"God loves those who repent and  
those who purify themselves!"**

Because it is necessary that there is an appropriateness between the ruling and the reason mentioned for it, at the same time there is different rulings in the Verse under discussion, one is to abstain from sexual intercourse during menstruation, and the other one is to perform this act on the other times and cases, and at the same time the Repentance and purification are also mentioned in absolute case in the Phrase, so the ruling includes all levels of repentance and purification.

Since the word "repentance" is an exaggeration mode and means someone who repents a lot, it is not unlikely that we also apply this exaggeration in regards those who are "ready to purify," as a result, if the multiplicity in repentance and purification is used in both sides, the multiplicity on the kind of repentance and purification, and on the number of them, then the meaning of the Phrase would be that the God Almighty loves all kinds of repentances, whether it is by asking for forgiveness, or obeying all His Commands and Forbiddances, or by believing in all True Beliefs. God also loves all kinds of purifications,

whether it is by performing ablution and bathing, or by performing righteous deeds, or by acquiring the truthful knowledge, He loves all this kind of repentance and purification, and also loves the repetition of both.

(Almizan: V. 2 – P. 317)

## Chapter Three

# CHILD CARE

### Result of Pious Marital Relations: Birth of a Righteous Child, A Provision for the Hereafter

« وَ قَدِّمُوا لِأَنْفُسِكُمْ  
وَ اتَّقُوا اللَّهَ وَ اعْلَمُوا أَنَّكُمْ مُلْقَوُهُ  
وَ بَشِّرِ الْمُؤْمِنِينَ ! »  
(بقره: ۲۲۳)

“...And send ahead for your souls,  
and be God wary,  
and know that you will encounter Him;  
and give good news to the faithful!”  
(Holy Quran; Baqara: 223.)

The Holy Verse: “...And send ahead for your souls,” which is addressed to men or to both men and women, encourages human beings marry and reproduce, so that humankind remains on the earth. It is also

known that the purpose of God Almighty from survival of mankind on the earth is the survival of His Religion, and the emergence of the Monotheism and worship of God, as well as human societies to be developed and worship Him with their general piety, as He said: **"I did not create the jinn and the humans except that they may worship Me!"** (Zariyat: 56.)

Therefore, if the God Almighty gives the instructions which are related to the lives and survival of human being, is for the sake of leading them to the worship of their Lord, not to make more pleasure in the world and to sink into their lusts, going astray in the depth of ignorance and negligence.

So, although the purpose of the Phrase: **"Send ahead for your souls,"** is the issue of birth and dedication of new beings to humanity and society, the humanity from which many people die every day, and gradually its number is decreasing, but yet it is not more considered, the purpose is not the issue of birth itself, but the purpose is that by the issue of new birth and arrival of new people on earth, the Mention and Remembering God will survive on the earth, and the righteous people with righteous deeds will appear, that their good deeds and rewards reach their own benefit, as well as the fathers who gave rise to them, as God Said: **"and records the deeds of human beings and their consequences of continual effects!"** (Yassin: 12.)

The statement that passed from the reader's point of view confirms the possibility that the purpose of **"Send ahead for yourself,"** is to send righteous deeds in advance for the Day of Judgment, as God has said in another place: **"...The day when a person will observe what his hands have sent ahead...!"** (Nessa: 40,) again God Said: **"Whatever good you send ahead for your souls you will find it with Allah in a form that is better and greater with respect to reward!"** (Muzammil: 20.)

Therefore, the Phrase: **"...And send ahead for your souls, and be God wary, and know that you will encounter Him,"** is in context

similar to the Verse: **"O you who have faith! Be wary of Allah, and let every soul consider what it sends ahead for tomorrow, and be wary of Allah. Allah is indeed well aware of what you do!"** (Hashr: 18.)

So what is meant by the Phrase in discussion (God knows better,) is that offering a righteous deed, namely, offering a righteous child is in the hope that the children will also be righteous people for society.

In the Phrase: **"And be God wary,"** the purpose of being **"God wary"** is in fact doing a righteous deed when entering the planting ground. In short, God wants to Say: Do not transgress the limits of God in time of sexual relation with woman and respect the sanctity of God's Commands, and do not violate what God has forbidden.

The meaning of the Phrase: **"And know that you will encounter Him,"** is to encourage to piety and observe its meaning. The God Almighty Says: Fear the day of meeting God and your bad record, as in other Verse States: **"And be wary of Allah. Allah is indeed well aware of what you do!"** (Hashr: 18.) The God-wary (Piety) means the fear of God! The absoluteness in the Clause: **"Know that"** and its necessary will, which is the same care, protection, and piety, is something that is common in discourse, as God used it in other Phrase: **"Know that Allah intervenes between a man and his heart!"** (Infaq: 24,) which the purpose is its requirement, which is the same piety, that is, fear and wary of God, and God's intervening between you and your hearts! Since the virtuous deed, and fear of the Day of Judgment both is the special necessities of Faith, therefore at the end of the speech the God Almighty Said: **"And give good news to the faithful!"**

(Almizan: V. 2 – P. 310)

## God's Command of Breastfeeding

## And Responsibility of Parent

« وَ الْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ  
لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ  
وَ عَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَ كِسْوَتُهُنَّ بِالْمَعْرُوفِ...! »  
(بقره: ٢٣٣)

**"Mothers shall suckle their children for two full years,  
that for such as desire to complete the suckling  
and on the father shall be their maintenance and clothing,  
in accordance with honorable norms...!"**

(Holy Quran; Baqara: 233.)

The Command in the Verse is legislated only for the mother and the child and the child born to him, that is, the father, but why did God instead of father use “the one to whom the child was born?” This is because God has pointed to the wisdom of the Commandment that He has legislated, that is, to understand us the child is born to father and joins him in most rulings of his life, although in most of them not all, the relative rulings will be mentioned in the Verse related to Prohibitions. Inevitably, the father is responsible for the necessities of child's living and upbringing, including food, clothing, and the alimony of the mother who is breastfeeding the child. On the other hand the responsibility of the mother is also that not to harm or harass the father of the child, since the child was born for his father.

The fact is that the system of creation joins the child to both the father and mother, because the existence of the child is documented in both of them, but of course the social validation is different in this regard, some nations consider the child to be attached to the mother, and some to the father, and the Holy Verse, accepted the second theory as valid and with the interpretation of the "father" to "the one whom the child is born for him," referred to this validity.

It is narrated in Ayashi's commentary from Imam Sadiq (AS) that he recited the Verse: **"Mothers shall suckle their children for two full**

years...," and then he said: The child, as long as he or she is breastfeeding, belongs to his mother and father, and both are related to their child equally, but as soon as he is weaned, the father is more closer and deserving to keep him than his mother and relatives, and if the father finds a woman to breastfeed him for four dollars a day, and the mother says I ask for five dollars, the father can legally take the child from his wife, and give it to the wet nurse, but this is not morally right, and it is a kind of coercion and violence against the child, but leaving him in the arms of his mother is more of grace, kindness, and tolerance!

(Almizan: V. 2 – P. 360)

## The Full Breastfeeding Course

« وَ الْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ...! »  
(بقره: ٢٣٣)

**"Mothers shall suckle their children for two full years,**

(Holy Quran; Baqara: 233.)

“Breastfeeding” means sucking the breast in order to drink milk from it, and if in the above Phrase instead of word "year" God used the word (complete circulation,) it is because the year has many parts, twelve months and three hundred and fifty-five days, and it is possible that carelessly eleven months or three hundred and fifty days are also called a year, for example the people most times say by forbearance: “I stayed in a city for a year, while it was a few days or months less.” Therefore the Almighty God intentionally mentioned it “the Complete Circulation!”

(Almizan: V. 2 – P. 361)

## Right of the Divorced Mother

## To Continue Breastfeeding

لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ...!...»  
(بقره: ٢٣٣)

**“For such as desire to complete the suckling...!”**

(Holy Quran; Baqara: 233.)

The above Phrase indicates that the custody (raising a child in mother's lap) and breastfeeding is the right of a divorced mother, and is left to her discretion. If she wishes, she can breastfeed her baby and bring up him/her, and if she does not want to, she can refuse to do so, and it is her right to fulfil the two-year period, if she wishes, she can breastfeed for two full years. If she does not want to, she can breastfeed for a period of two years and refuse to complete it, but the husband does not have such a right to take or not to take the child from his divorced wife from the beginning. Of course, if his wife agrees, he can take one of the two options, as God Stated in the Phrase: **"And if the couple desire to wean, with mutual consent and consultation...!"**

(Almizan: V. 2 – P. 361)

## Observing Mother's Right of Custody and Breastfeeding

« وَ عَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَ كِسْوَتُهُنَّ بِالْمَعْرُوفِ  
لَا تُكَلِّفُ نَفْسٌ إِلَّا وُسْعَهَا  
لَا تُضَارُّ وِلْدَةٌ بِوِلْدِهَا وَ لَا مَوْلُودٌ لَهُ بِوَالِدِهِ  
وَ عَلَى الْوَارِثِ مِثْلُ ذَلِكَ...!...»  
(بقره: ٢٣٣)

**“The father has to pay them reasonable expenses.**

**No one is responsible for what is beyond its ability.**

**None of the parents should suffer any loss**

**from the other because of the baby.**

**The heirs are responsible to look after the children of a deceased...!”**

(Holy Quran; Baqara: 233.)

Wherever in this Verse the word "Born for him" is used it means the father of a child, and the meaning of sustenance here means "expenses and clothes" The God Almighty applied the title of "reasonable expenses" on this expense and alimony, namely, in accordance with honorable norms and the conventional status of such a husband and such a wife, and then interpreted the matter in this way and Said: No one is responsible for what is beyond his ability. The God Almighty, then added two other rulings to this ruling:

**First:** The right of custody and breastfeeding and the like belongs to the wife, so the husband cannot force the separation between mother and child, or prevent the mother from seeing her child, or kissing or hugging, because this act is a clear example of harm and fear to a woman, which is forbidden in the Holy Verse.

(Almizan: V. 2 – P. 361)

## Observing the Father's Right By the Mother

**Second:** The wife also cannot cause harm and fear to the husband in the case of the husband's child, for example, the mother does not allow the father to see his child, or the mother provides such inconveniences, because the God Almighty Says in the Holy Verse: **"Neither the mother shall be made to suffer harm on her child's account, nor the father on account of his child!"**

Therefore, in the Holy Phrase both the rule of legislation and the rule of creation have been observed, that is, according the Holy Phrase, in terms of creation the child belongs to both the father and the mother, and on the other hand the Holy Phrase states: In terms of legislation and religious law, the child only belongs to the father.

(Almizan: V. 2 – P. 361)

## Child Costs and Alimony of Divorced Wife after Father's Death

«... وَ عَلَى الْوَارِثِ مِثْلُ ذَلِكَ...!»  
(بقره: ۲۳۳)

**The heirs are responsible to look after  
the children of a deceased...!”**

(Holy Quran; Baqara: 233.)

It appears from the Verse that: What is owed to the father according to the Shari'a, such as expenses and clothing, will be owed to his heir if the father dies.

(Since the principle of these issues is related to jurisprudence, in these cases we should refer to the books of jurisprudence, and what we said in the meaning of the Verse here agrees with the order of the Imams of the Prophet's Household (AS), because from the narratives that received from them, the same meaning is applied, and also agrees with the appearance of the Holy Verse.)

It is narrated in Ayashi's commentary from Imam Baqir or Imam Sadiq (AS) that he said about the above Phrase: "It means expenses. If the husband dies in this interval, the mother's expenses should be paid by the heir of the father."

Again it is narrated in the same book from Imam Sadiq(AS) about the meaning of the above Phrase that: The heir, like the deceased father, should not harm the divorced woman, for example, he may say that I will not let her child go to see mother, and the divorced mother also should not bother the heir, for example, if the heir has something with her, she should not bother him to give it back, and the heir also should not take it hard on that child.

(Almizan: V. 2 – P. 362)

## Weaning

## Course

« فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِّنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ...! »  
(بقره: ٢٣٣)

**"And if the couple desire to wean, with mutual consent and consultation, there will be no sin upon them. And if you want to have your children wet-nursed, there will be no sin upon you so long as you pay what you give in accordance with honorable norms, and be wary of Allah, and know that Allah sees best what you do!"**  
(Holy Quran; Baqara: 233.)

This Phrase is a part of the right which has already been legislated for the wife, and by which any protest has been abolished, so custody and breastfeeding are not obligatory and unchangeable for a woman, but it is a right that she can use, and she can leave.

So the result of their consultation may be that they are both satisfied to wean the baby without one of the parties being dissatisfied or forced, and it may also be the result that the father leaves his child to another woman to breastfeed, and his wife is not satisfied with breastfeeding, or if her milk is spoiled, or she has no milk at all, or in other ways, of course, all this is if the man gives her well and happily what the woman deserves, and in all cases it should not be in conflict with the rights of women, and the Clause: **"So long as you pay what you give in accordance with honorable norms!"**

**"And be wary of Allah, and know that Allah sees best what you do!"**

In this Phrase, the God Almighty Commands to observe the piety and that this piety is to correct the form of these deeds, because the above-mentioned rules were all related to the appearance, and therefore at the continuation of the Phrase said: **"And know that Allah sees best what you do!"** This was in contrary to the end of the previous Verse that was: **"Be wary of Allah, and know that Allah has knowledge of all things!"** (Baqara: 231,)

Because the above-mentioned Verse (Baqara: 231,) contained the Phrase: "**And do not retain them maliciously in order that you may transgress...!**" and it is clear that the harming and enmity exceed the appearance of the deeds and spreads to the intentions, as a result one may do part of the hostilities which are not seen in practice, the hostilities whose effect will be known later.

(Almizan: V. 2 – P. 362)

# PART THREE

## RELATION INSIDE

### THE

## ISLAMIC FAMILY

## Chapter One

# INDOOR COEXISTENCE AND RELATION AMONG FAMILIES

## Behavior of Children and Servants During the Rest Time of Family

« يَا أَيُّهَا الَّذِينَ ءَامَنُوا لِيَسْتَأْذِنَكُمْ الَّذِينَ مَلَكَتْ أَيْمَانُكُمْ وَ الَّذِينَ لَمْ يَبْلُغُوا الْحُلُمَ مِنْكُمْ ثَلَاثَ مَرَّاتٍ مِّن قَبْلِ صَلَاةِ الْفَجْرِ وَ حِينَ تَضَعُونَ ثِيَابَكُمْ مِّنَ الظَّهِيرَةِ وَ مِن بَعْدِ صَلَاةِ الْعِشَاءِ ثَلَاثُ عَوْرَاتٍ لَّكُمْ لَيْسَ عَلَيْكُمْ وَ لَا عَلَيْهِمْ جُنَاحٌ بَعْدَهُنَّ طَوْفُونَ عَلَيْكُمْ بَعْضُكُمْ عَلَى بَعْضٍ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ. وَ اللَّهُ عَلِيمٌ حَكِيمٌ! »  
(نور: ٥٨)

"O you who believe! Your slaves and your immature ones  
must ask your permission three times a day:  
before the morning prayer,  
and when you put off your garments at noon,  
and after the late evening prayer;  
these are three private times for you.  
No problem for you and them thereafter

**to frequent one another freely.**  
**This is how God explains His revelations to you.**  
**God is All-knowing and All-wise!"**  
 (Holy Quran; Noor: 58.)

**"The Private Time"** is when a man or woman has taken off the garments and are ashamed of revealing the body.

The Phrase **"O you who believe,"** is addressed to those who were already ordered in the previous Verse that: **"Not to enter others' houses without permission!"** As a result, the Verse in question is an exception to that general rule, because in the case of slaves and maids, God considers it sufficient to obtain permission in three times, and does not consider it more than that obligatory.

The meaning of what God said: **"Your slaves ... must ask your permission three times a day,"** is that you command them to ask permission to enter. The appearance of the Phrase shows that it refers only to man-slaves.

The meaning of Phrase: **"And your immature ones must ask your permission..."** refers to the children who have reached the level of distinguishing things about human body, but have not reached adulthood, and the reason for reaching the level of distinguish is the Phrase **"These are three private times for you,"** that in fact refers to the three naked time of your body.

The purpose of the three times is the three times a day, because God followed it in detail and Said: The first before the dawn prayer, the second at noon when you come home and get undressed, and the third after the late evening prayer. In the Phrase: Your three naked times, refers to the reason of the ruling and Says: These three times are three naked or private times for you, which of course it is not appropriate for anyone other than you to be informed about your condition.

The meaning of what God Said: **"No problem for you and them thereafter,"** is that there is no problem for you to instruct them to ask

permission to enter after these three times, and no problem for them not to ask your permission.

In the Phrase **"To frequent one another freely,"** God refers to the reason of this ruling (removing the above-mentioned obstacle) and Says: Because other than these three times, slaves and maids are constantly coming and going, and they are serving, so it is enough to ask permission for these three times only.

**"This is how God explains His revelations to you!"**

This means that God expresses the rules of His Religion in such a way, because these Verses indicate those rules.

The Phrase: **"God is All-knowing and All-wise!"** means that the Almighty God knows your condition, and observes also what the Wisdom requires!

(Almizan: V. 15 – P. 226.)

## Behavior of Matured Children During Parent's Rest Hours

« وَ إِذَا بَلَغَ الْأَطْفَالُ مِنْكُمُ الْحُلُمَ فَلْيَسْتَأْذِنُوا  
كَمَا اسْتَأْذَنَ الَّذِينَ مِنْ قَبْلِهِمْ  
كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ  
وَ اللَّهُ عَلِيمٌ حَكِيمٌ! »  
(نور: ٥٩)

**"When your children become mature,  
they must ask your permission before entering your house,  
as the rest of the mature people do.**

**Thus does God explain to you His revelations!**

**God is All-knowing and All-wise!"**

(Holy Quran; Noor: 59.)

The beginning Phrases express the fact that the above-mentioned ruling, that is, obtaining permission three times, is valid for children for

a certain period of time, and that is their reaching puberty, and after that, like those mentioned earlier, that is, adults of the matured free men and women, have to ask for permission.

(Almizan: V. 15 – P. 227.)

## God's Definitive Decree to Honor Parents and Show Favor

« وَ قَضَى رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَ بِالْوَالِدَيْنِ إِحْسَانًا...! »  
(اسراء : ٢٣)

**"Your Lord has decreed that  
you shall not worship anyone except Him,  
and He has enjoined kindness to parents.  
Should they reach old age at your side one of them or both  
do not say to them, " Fie!"  
And do not chide them, but speak to them noble words!"**  
(Holy Quran; Isra: 23.)

Kindness to parents is the most obligatory duty after the issue of Monotheism of God. Just as the issue of sin for disobedience of parents is of the greatest sins after associating partners with God! For this reason God has named this issue after the issue of Monotheism and before all other rulings. This point is not only mentioned in these Verses, but God has used the same method in several cases of His Word.

As we mentioned about the Verse 151 of Surah An'am, which is similar to the verse under discussion, that the emotional relationship between parents on the one hand and between children on the other hand is one of the greatest social relationships that the consistency and stability of the human society is based on it. This is the same natural means that it keeps the couple associated with each other and does not allow them to be separated, so according to the social tradition and by

nature, it is necessary for a person to respect his parents and do good to them because if this ruling does not apply in the community and the children deal as a stranger with their parents, that emotion will definitely disappear and the binding of the community will be completely broken.

**Should they reach old age at your side one of them or both  
do not say to them, "Fie!"**

**And do not chide them, but speak to them noble words!"**

If the Ruling referred to the aging of the parents, it is because the parents are in the most difficult situations at that time, and they feel the need for the child's help more, because they are unable to do many of the duties of their lives. This meaning is one of the aspirations of parents who always hoped from their children, yes, one day when they were caring for their children and another time when they endured their hardships, and again in the day when they took the trouble to train and raise them, in all these periods when the child was unable to fulfill his duties, the parents dreamed such hope from their children to help them at their old ages.

So the holy Verse does not want to limit the ruling to the old age of the parents, but it wants to understand the obligation of respecting the parents and observing full respect in association with and talking to them, whether they need the help of the child or not.

**"Lower the wing of humility to them, out of mercy,  
and say: "My Lord! Have mercy on them,  
just as they reared me when I was a small] child!" (Isra: 24.)**

Lowering the wing of humility, or spreading wings is a remark to the exaggeration in verbal and actual humility and modesty. This meaning is taken from the same scene where the chicken opens its wings to stimulate the love and affection of the mother and to cause her to provide food, and for this reason the God Almighty extended the lowering of wings to the humiliation. The meaning of the Verse is: Man

should face and communicate with his parents in such a way that the parents feel his humility, and to understand that the child humiliates himself before them, and has mercy and compassion on them.

Where God Said: **And say: O my Lord! Have mercy on them, as they brought me up when I was a child.** By this Phrase the God Almighty reminded the child the period of his inability and asked him to see how his parents became unable like his childhood, then he should request the God Almighty to have mercy on his parents, as they had mercy on him and raised him in his childhood!

It is in book Majma Al-Bayan that: This Verse indicates that the prayer of a child is heard for his parents who have passed away, because if it was not heard and had no effect on them, it would not make sense for God to order to pray in this Verse.

The author, Allameh Tabatabaii, says: But the Verse does not mean more than that the child's prayer is possible to be accepted, and such a prayer is not without effect, because we said that it may be answered and at the same time it is a religious virtue, that the child may take benefit of it, even in some cases it may not be answered, and the parents could not take use of it. Meantime, the late Tabarsi author of Majma al-bayan, considered prayer to be specific to the situation after the death of the parents, while the Verse is absolute.

**“Your Lord knows best what is in your hearts.**

**Should you be righteous**

**He is indeed most forgiving toward penitents!” (Isra: 25.)**

This Verse is subject to the fact that the child may have made a vicious move from which the parents have been offended and abused, and if God did not explicitly mention the name of the child and did not mention the name of that act, it was to make him understand as it is not deserving to commit these acts, it is not expedient to express it and it should not be repeated.

So when God Said: **“Your Lord knows best what is in your hearts,”** it means that your Lord knows better than you what you have done, and this is a prelude to the next case, which Says: **“Should you be Righteous,”** and the total meaning of the Phrase is that it is possible that if you are righteous and God sees this goodness in your souls and selves, He will forgive the repentant.

(Almizan: V. 13 – P. 108.)

## Divine Decree on Goodness to Parents

« وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ إِحْسَانًا...! »  
(احقاف: ١٥)

**“We have enjoined man to be kind to his parents!”**

(Holy Quran; Ahqaf: 15.)

Kindness to parents is one of the general rules of God, which has been legislated in all Religions, and for this reason God Said: **“We have enjoined man...,”** and so generalized the Ruling to every human being, not only Muslims.

Then following this order, God referred to the discomforts that the human mother endures during pregnancy, childbirth, and breastfeeding, in order to point out the criteria of the Ruling, and to cause the emotions and instincts of human mercy and compassion.

**“When he comes the utmost maturity and reaches forty years,”** the utmost maturity means reaching a time of life at which human powers are strengthened. The forty years of puberty is usually associated with reaching perfection of intellect.

**“My Lord! Inspire me to give thanks for Your Blessing with which You have blessed me and my parents, and that I may do righteous deeds which may please You!”** The inspiration used in this Verse is not the inspiration of those things that if God does not provide, man will not know them according to his nature, but it is in the sense of the Verse:

**"By the soul and Him who fashioned it, and inspired it with discernment between its virtues and vices!"** (Shams: 7-8,) which is the practical inspiration, and means forcing and inner invitation to good deeds, thanking for blessings, and finally righteous deeds.

In this Verse, the God Almighty does not mention the name or kind of Blessing requested by the seeker, to include both outward blessings such as life, sustenance, consciousness and will, as well as inward blessings such as faith in God, Islam, humility, trust in God, and yield to God.

Therefore, the Phrase **"My Lord! Inspire me to give thanks for Your Blessing..."** is a request to grant him the blessing of Praise, in order to express His Blessing **by his word and deed**. Expressing with his word is a known matter, but expressing God's Blessings in action is that the one tries to use the Blessing of God in such a way that everyone understands that his blessing is from God Almighty and God has given it to him, it is not from his own side. The requirement for such a use is that his servitude and dependence to be evident in his words and deeds.

Interpreting the word "blessing" with the Phrase: **"Thanks for Your Blessing with which You have blessed me and my parents,"** understands that the said thanksgiving is sought both by himself and by his parents, and in fact the child after the death of his parents is a praising language for his parents.

**"That I may do righteous deeds which may please You!"**

The thanksgiving for blessings is something that adorns the appearance of human deeds, and the qualification to be accepted by God Almighty is an ornament that adorns the inner side of deeds, and makes it pure for God.

**"And make my progeny be righteous as well!"** Correction in the offspring means to create goodness in them, and since this creation is from God, it means to make the offspring succeed in doing righteous deeds, and these righteous deeds causes their heart to be qualified. If he

says, **"Correct my offspring for me,"** it is to make him understand that he is asking for an correction so that he himself can benefit from their amendment, that is, his offspring will be favored to him, just as he is benevolent to his parents.

The summary of the prayer is that God may inspire him with gratitude for his blessings and righteous deeds, and make him good to his parents, and make his offspring for him as He had made him for his parents.

Thanksgiving for God's blessings in the true sense means that the servant of God is pure for God, so returning the meaning of prayer is asking for sincerity of intention and goodness of action.

**"Indeed I have turned to you in penitence, and I am one of the Muslims!"** That is I have returned to you and I am one of those who submitted matters to you! So that they did ask what You have willed, and they wanted nothing but what you want.

This Phrase is illustrating the cause of matters that were in the prayer, and this Verse, since it quotes the prayer, and did not reject it, but confirms it with the promise of acceptance in the following Phrase and says: **"Such are the ones from whom We accept the best of what they do,"** and clarifies the point that when repentance and submission to God are gathered in a person, then after, God inspires in his heart what makes him pure, and consequently he becomes from the Purest servants inherently, and becomes as a sincere servant actually!

(Almizan: V. 18 – P. 307.)

## Different Religious Relation of Child with Parents

« وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حُسْنًا  
وَإِنْ جَاهِدَاكَ لِتُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِ عِلْمٌ فَلَا تُطِعْهُمَا...! »  
(عنكبوت: ٨)

**“We have enjoined man to be good to his parents.  
But if they urge you to ascribe to Me as partner  
that of which you have no knowledge,  
then do not obey them  
(Holy Quran; Ankabut: 8.)**

At the beginning of the Verse God Says: We recommended man to be kind to his parents, but in the Phrase: **"But if they urge you to ascribe to Me as partner..."** which is the end of the same advice addressed to man, forbids man from obeying his parents in polytheism. This was because one may not think that this obedience is obligatory even if the parents invited the child to believe in partner to God, so God forbade such obedience, and said if they insists, the child should not obey in polytheism.

The meaning of the Phrase is as follows: We forbade man from polytheism even though his obedience is the obedience of his parents, and we did not leave any ambiguity in this order.

In the Phrase: **"That of which you have no knowledge,"** God refers to the reason for the prohibition of obedience, and the result is that: If we said do not obey the parents in polytheism, it is because if the parents of the child invite him to associate partners with God, in fact, they have been invited to ignorance, unawareness, and defamation of God, and **God has always forbidden the pursuit of ignorance**, as in the Phrase: **"And do not involve yourself with that which you have no knowledge of!"** (Isra: 36.)

The meaning of the Verse is: We made a good covenant with human beings regarding their parents, and We commanded them to do good to their parents, and if they tried to associate partners with Me, do not obey them, because this obedience is following something you do not know.

In this Holy Verse, there is a remark to some of those who believe in God and then turn away from their faith at the insistence of their

parents.

**“Those who believed and did righteous deeds  
We will surely admit them to the Paradise  
along with the righteous!**

This Phrase offers a sympathy to those who are caught up in polytheistic parents, and those parents insist on leading them to polytheism, and they have not bowed down, forcing them to leave their fathers and the mothers. In the meantime the Phrase makes such children happy with a beautiful promise.

The Almighty God States that: If the parents called the child to polytheism, and he disobeyed them by the Command of God, and he was forced to withdraw from them, and he lost his parents for the sake of God, he has no responsibility in this regard. We bestow on him better than the parents he has lost, and We make him one of the righteous as a reward for his faith and righteous deeds, as the righteous are with us in Paradise. This meaning is also expressed by the following Holy Verse:

**“O, you soul who are sure of Allah's Favor  
and are sure of your own obedience to Allah's Commands!  
Return to your Lord well pleased with him  
and He will be pleased with you!”**

(Fajr:27-28.)

(Almizan: V. 16 – P. 153.)

## Chapter Two

# FAMILY RECEPTIONS AND ITS ETIQUETTES

## Family Reception

### Eating Etiquette In Family House

« لَيْسَ عَلَى الْأَعْمَى حَرَجٌ وَلَا عَلَى الْأَعْرَجِ حَرَجٌ وَلَا عَلَى الْمَرِيضِ حَرَجٌ  
وَلَا عَلَى أَنْفُسِكُمْ أَنْ تَأْكُلُوا مِنْ بُيُوتِكُمْ أَوْ بُيُوتِ آبَائِكُمْ أَوْ بُيُوتِ...! »  
(نور: ٦١)

“It is no sin for the blind, the lame, the sick ones,  
and yourselves to eat at your own homes,  
or the homes of your father, mothers, brothers, sisters,  
your paternal and maternal uncles, aunts,  
or at the homes of your friend,  
and the homes with which you are entrusted.  
It makes no difference whether you eat all together  
or one person at a time.

**When you enter a house,  
say the blessed greeting which God has instructed you to say.**

**Thus does God explain to you His revelations  
so that perhaps you will understand!**

**(Holy Quran; Noor: 61.)**

The appearance of the Holy Verse is that the God Almighty has considered a right for the believers, that they can eat something in the house of relatives, or those who consider them trustworthy, or the house of their friends, as much as they need. They should not eat to the extent of extravagance and corruption.

**"It is no sin for the blind, the lame, the sick ones, and yourselves to eat at your own homes...!"** Counting these people had no particularity in the issue of reception, but for the sake of the defect they had in their organs they probably cannot earn their sustenance, so it is permissible for them to meet their needs from the houses of others, otherwise there is no difference between the blind and the lame and the sick and the others.

**"To eat at your own homes, or the homes of your father...,"**

If it is mentioned here and referred to the houses of yourselves and your relatives, it means that in Islam, the houses of the mentioned people are not different from your own house, because in this religion the believers are the guardians of each other, and in maintaining each other's house and supervising their life they do not make any difference with own house and life. The way they have the authority and guardianship of their own house, they supervise the houses of relatives and those whom they are as their guardian and friend. In addition, the word "your own house," includes also the house of one's child and spouse, as some narration implies in this sense.

**"And the homes with which you are entrusted."** God Says that there is no sin for you if you eat in your house (including house of your children and spouses too,) or the house that its key has been given to a

you, like the house of whom you have their guardianship or its key has been entrusted to you as (a friend.)

**"It makes no difference whether you eat all together  
or one person at a time!"**

This Verse, although it was revealed according to the narrations about a specific case, but its meaning is general.

(Almizan: V. 15 – P. 228.)

## Salutation Etiquette

### Entering Family Houses

« فاذا دخلتم بيوتا فسلموا على انفسكم  
تحية من عند الله مباركة طيبة...! »  
(نور: ٦١)

**"So when you enter houses,  
greet yourselves with a salutation from Allah,  
Blessed and Pure!"**

(Holy Quran; Noor: 61.)

The God Almighty after talking about the houses mentioned the etiquette of entering them, and said that when entering the houses, say Salaam to yourselves.

The purpose of greeting oneself is to greet everyone in the house. Here, too, if God did not say: Greet the people of the house, He wanted to unite Muslims with each other, because all are human, and God created all from one man and woman. Moreover, all are believers, and their faith gathered them together, because faith is stronger than the race and every other factor for unity.

It is not unlikely that the meaning of the Phrase: "**Greet yourselves,**" is that when someone enters a house, he greets them, and they respond with greetings.

The Phrase: "**A Salutation from Allah, Blessed and Pure,**" presents the state of the greeting, that is, Salaam is a greeting came down from

God, He legislated it and revealed its Ruling so that Muslims can greet each other with it, and it is a blessed and precious greeting, surviving and pious, because it is peaceful and harmonic with the self and soul of humans.

Yes, the truth of this greeting is to extend safety and peace to whom the man greets, indeed, safety and peace is the purest thing that can be achieved between two people who are facing together. The God Almighty then concluded the Verse with the Phrase: **"Thus does Allah clarify His signs for you so that you may apply reason,"** in order that you may be aware of the teachings of your religion and act on them.

(Almizan: V. 15 – P. 227.)

## Preventing Viewing Inside Secrets of Others' Houses

« يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ  
حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا...! »  
(نور: ٢٧-٢٩)

**"You who have faith!**

**Do not enter houses other than your own**

**until you have announced your arrival and greeted their occupants.**

**That is better for you. Maybe you will take admonition...!"**

(Holy Quran; Noor: 27-29.)

Warning or announcing the residents of a house can be done by a greeting and saying Salaam, or by other forms, in order the owner of the house understands that someone wants to enter and prepares himself for his entry. It is possible that the landlord is in a situation where he does not want anyone to see him like that, or to be informed of his condition.

It is clear from this point that the expediency of this ruling is to cover the nakedness of the people, and to maintain the respect of the faith, so when a person entering in another's house gives notice and

informs the owner of the house of his entering, then he enters and says Salaam, thus in fact, he has helped the owner to cover what he has to cover, and has given him self-confidence.

It is clear that the continuation of this good practice is the source of the strength of brotherhood, affection, and public cooperation among people by presenting good characters and avoiding immoral tempers. The Phrase: **"That is better for you. Maybe you will take admonition,"** refers to the same benefits, namely, by continuing this behavior you may mind your duty that what you should observe, and how to revive the tradition of brotherhood among you, and in the shadow of it, unite your hearts and reach all social bliss.

**"But if you do not find anyone in them, do not enter them  
until you are given permission,  
and if you are told: Turn back, then do turn back.  
That is more decent for you.  
And Allah knows best what you do!"**

That is, if you know that no one is in the house - of course, the one who is authorized to allow you to enter - then do not enter until you are allowed by the owner of the house.

It does not mean that one first enters the house of the people, if he does not see anyone, then does not enter, because the context of the Verses is evident that **all these restrictions are for the purpose that no one looks at the private parts and secrets of the people.**

This Holy Verse states the ruling of refraining to enter another's house if the one who allows it is not in it. The previous Verse stated the ruling on the presumption that there is a permissive person in the house, but does not allow to enter. The Verse: **"And if you are told: Turn back, then do turn back. That is more decent for you. And Allah knows best what you do,"** expressed the ruling for such case.

**"There will be no sin upon you**

**in entering without announcing uninhabited houses  
wherein you have goods belonging to you.  
And Allah knows whatever you disclose  
and whatever you conceal!"**

This Verse prescribes entry into houses that are built for public use and where no one has a natural residence, such as inns, baths, mills, and the like, because as soon as it is made for the public, it is the general permission to enter.

(Almizan: V. 15 – P. 153.)

## **Narratives about Family Relationship**

It is narrated in Majma 'al-Bayan, through Abi Ayyub Ansari who said: I asked the Messenger of God how is the form of announcing the inhabitants of house to give enter permit? He said it is enough to say one of the Praises of God or just a coughing to make them understand!

It is narrated in Qomi's commentary through Abd al-Rahman ibn Abi Abdullah, from Imam Sadiq (AS) that for asking enter permit to enter house of other people saying a Salaam or just the sound of feet is enough.

It is narrated from Sahl ibn Sa'd that a beheaded man entered one of the rooms of the Messenger of God. The Messenger of God was combing his head. He said: If I knew that you were looking, I would strike the same comb with both of your eyes. This kind of announcing is as watching illegal and is forbidden.

Again it is narrated that a man asked the Messenger of God, whether I should ask my mother for permission to enter? He said: Yes. The man said: Even if she has no servant other than me, should I ask for permission every time I enter upon her? The Messenger of God said: "Would you like to see her naked?" The man said no! He said: Then ask for permission!

It is also narrated that a man wanted to enter the house of the Messenger of God and he just sighed: Oh! The Messenger of God asked a lady in nearby to get up and teach the man instead of sighing Oh, say: Salaam and Peace be upon you, may I enter?

The man heard and said so.

Then the Holy Messenger of God said: Please Enter!

It is narrated in Durr Manthur that a person asked the Messenger of God: Why should one seek permission when entering houses? He said: Whoever looks in the house of people before asking permission and greeting them, he has disobeyed God, and has no respect, so can be rejected to enter!

In Qomi's commentary regarding the Verse: "**But if you do not find anyone in them, do not enter them until you are given permission!**"

Imam said: It means that if you do not find someone who allows you to enter, refrain entering, till somebody comes and allows you.

In the same book, it is narrated from Imam Sadiq (AS) about the Verse "**There will be no sin upon you in entering without announcing uninhabited houses wherein you have goods belonging to you,**" that he said: The purpose of these houses are baths, caravanserais and mills that you can enter without permission.

(Almizan: V. 15 – P. 158.)

## Chapter Three

# ORDERS REGARDING HIJAB

## Women's Conduct with Close Families and Strangers

### General Order of Women's Hijab

« يَا أَيُّهَا النَّبِيُّ قُلْ لَأَزُوجِكُمْ وَبَنَاتِكُمْ وَنِسَاءَ الْمُؤْمِنِينَ  
يُذَنَّبْنَ عَلَيْهِنَّ مِنْ جَلْبَابِهِنَّ  
ذَلِكَ أَذْنَىٰ أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا! »  
(احزاب: ٥٩)

“O, Messenger!

Tell your wives, your daughters, and the believers' women  
to let down their jilabib (garment/scarf)  
That makes it likely for them to be recognized  
and not be troubled,  
and Allah is all-forgiving, all-merciful!”

(Holy Quran; Ahzab: 59.)

"Jilabib" is the garment covers the whole body, or a special scarf that covers the face and head. The meaning of the Phrase: **"To let down their jilabib (garment/veil/scarf),"** is to wear it in a way that it covers under their throat and breasts not to be seen by observers

**"That makes it likely for them to be recognized and not be troubled!"**

Covering the whole body will make them different and known as the people of chastity. This is better for them, because when they are known as such, they are no longer bothered, and the immoral vulgar men stop to cause any trouble for them.

(Almizan: V. 16 – P. 510.)

### **Older Women, Exception to General Order of Women's Hijab**

« وَ الْقَوَاعِدُ مِنَ النِّسَاءِ الَّتِي لَا يَرْجُونَ نِكَاحًا  
فَلَيْسَ عَلَيْهِنَّ جُنَاحٌ أَنْ يَضَعْنَ ثِيَابَهُنَّ...! »  
(نور: ٦٠)

**"And those elderly women  
who have given up the hope of marriage  
there is no sin on them if they do not wear their veil or outer garment  
without displaying their ornaments;  
and if they are covered it is more appropriate for them.  
And Allah is the Knowing Hearer!"**

(Holy Quran; Noor: 60.)

The Verse refers to a woman who has no hope to be married, that is, no one wants her because of her old age.

This Verse serves as an exception from the general rule of hijab, and it means that hijab is obligatory on every woman except old women, who can be without hijab, of course, if they do not use attractiveness or

charm to inspire emotion in others.

The Phrase: "**And if they are covered it is more appropriate for them,**" means the self-covering, that is, if these same old women cover themselves, it is better than being uncovered.

The Phrase: "**And Allah is the Knowing Hearer,**" is the justification for the ruling which God did legislate, it means that God hears what the women desire according their nature, and is All-knowing to the kind of rulings that they need!

(Almizan: V. 15 – P. 227.)

## Order to Men to Cast Eyes down The Strange Women

« قُلْ لِلْمُؤْمِنِينَ يَعْضُوا مِنْ أَبْصَرِهِمْ...! »  
(نور: ٣٠)

**“Say, to the believing men  
not to stare in the women's eyes...!”**

(Holy Quran; Noor: 30.)

In the above Phrase "Say" means "Order," and the meaning of the Phrase is to command the believers to cover their eyes. The purpose is that you command them to cast down their eyes, if you command, they will cover their eyes. This Verse, instead of forbidding the ogling, it has commanded to cover the eyes, and it does not matter, that command also expresses this prohibition, since it is absolute, it forbids looking the men at strange women and looking the women at strange men!

(Almizan: V. 15 – P. 154.)

## Order to Men to Cover their Private Parts of Body from Strangers

« ... وَ يَحْفَظُوا أَرْوَاجَهُمْ ذَلِكَ أَزْكَى لَهُمْ  
إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ...! »  
(نور: ٣٠)

**“...And to guard their private parts.  
That is more decent for them.**

## Allah is indeed well aware of what they do.!"

(Holy Quran; Noor: 30.)

In the above Phrase the God Almighty instructs His Prophet to command the believers to keep their private part of body. The term **"Private parts,"** refers to the sexual organs, and the Holy Quran, which is full of morality and politeness, has always used this term, so that as "Raghib" said in his book, it has become a custom and is used for the sexual organs due to its many uses as an explicit name.

The contradiction between the Phrase: **"Say, to the believing men not to stare in the women's eyes,"** and the Phrase: **"...And to guard their private parts,"** conveys the meaning that the purpose of guarding the private parts is to cover it from the strangers, not to protect it from adultery and sodomy, which some scholars said wrongly. As it has also been narrated from Imam Sadiq (AS) that he said: All the Verses in Quran about the guarding the private parts of body mean guarding from fornication, except for this Verse which means guarding from the looks of strangers.

Then God refers to the expediency of this ruling, and by expressing it He incites people to be careful of this ruling, and that reference is that God Says: This will purify you better, and He is aware of what you do!

(Almizan: V. 15 – P. 155.)

## Order to Women to Cast down Looks, and Cover their Private Parts from Strangers

« وَ أَقُلِّ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَرِهِنَّ  
وَ يَحْفَظْنَ فُرُوجَهُنَّ ...! »  
(نور: ٣١)

**"And tell the faithful women to cast down their looks  
and to guard their private parts...!"**

(Holy Quran; Noor: 31.)

It is not permissible for women to look at what is not permissible

for men, and it is obligatory upon them to cover their private parts from strangers, whether men or women!

(Almizan: V. 15 – P. 156.)

## Preventing Women to Display Their Ornamented Positions

« وَ لَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا...! »  
(نور: ٣١)

**“and not to display their charms, except for what is outward!”**

(Holy Quran; Noor: 31.)

In the above Phrase forbidding the adornment of women means the positions of adornments, because exposing the adornment itself, such as earrings and bracelets, is not forbidden, so the forbidden is exposing of their places, but the God Almighty has excluded from this ruling what is apparent. It is stated in the narration that the apparent places are the face, the two palms of the hands, and the steps.

(Almizan: V. 15 – P. 156.)

## Order to Women How to Cover the Veil

« وَ أَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ...! »  
(نور: ٣١)

**“And let them draw their scarfs over their bosoms,  
and not display their charms!”**

(Holy Quran; Noor: 31.)

"Scarf" is the garment with which a woman wraps her head, and hangs its excess part on her chest. The God Almighty asks His Prophet to instruct the women to put veils around their breasts and cover them.

(Almizan: V. 15 – P. 156.)

## Seven Class of Relatives whom Women May Display Adornment

« وَ لَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ...! »  
(نور: ٣١)

“And not display their charms  
except to their husbands, or their fathers,  
or their husband's fathers, or their sons,  
or their husband's sons, or their brothers,  
or their brothers' sons, or their sisters' sons,  
or their women, or their slave,  
or male dependents lacking sexual desire,  
or children uninitiated to women's organs...!”

(Holy Quran; Noor: 31.)

The seven groups that the Holy Quran permits to look at the ornaments of women are the close relatives of them, both from blood-relatives and from marriage-relatives. Their husbands' ancestors are like their fathers, and the grandchildren of the husbands are as their children.

The purpose of mentioning "**or their women,**" is the women of the believers who are not allowed to expose themselves naked in front of non-believing women. The same meaning is also used in this regard in narrations of the Imams (AS.)

The term "**or their slave**" includes both male-slaves and maids. This meaning is also used in the narrations.

“**Or male dependents lacking sexual desire.**” What is meant by these men are idiots who are under the tutelage of others and have no masculine lust.

“**Or children uninitiated to women's organs...!**” These group of children who have not overcome the private parts of women, that is, what from the affairs of women the men are ashamed to specify, the

children does not understand it, and this, as other scholars have also said, points to maturity.

(Almizan: V. 15 – P. 157.)

## Forbidding Women Striking Feet To Display Adornment

« و لا يضربن بارجلهن ليعلم ما يخفين من زينتهن، »  
(نور: ٣١)

**“The believing women should not strike their feet in order to show the ornaments of their ankles to draw attention to themselves...!”**

(Holy Quran; Noor: 31.)

The believing women are not allowed to put their feet firmly on the ground to make the sound of their jewelry such as anklets, earrings and bracelets!

**“O, you who believe!**

**Turn you all to Allah with repentance and obedience  
so that you may receive salvation!”**

The meaning of repentance, as it appears from the context, is to return to God Almighty, to obey His Commands, and to observe His Prohibitions and, in short, to follow His Way and Path.

(Almizan: V. 15 – P. 157.)

## Narratives about Hijab and Women's Conduct with Strangers

In Book Kafi, it is narrated from Imam Sadiq (AS) that he said in a hadith about the obligations of the body organs: God has made it obligatory to the eyes not to look at what God has forbidden, and to overlook what is not permissible. This is the faith and duty of the eyes.

The Glorious God has Stated: **"Say, to the believing men not to**

**stare in the women's eyes and to guard their own private parts,"** thus God has forbidden the believers to look at the private parts of others, even at his brother's private part, and he himself avoids to show others his private parts of body. At the same time, God Stated: **"And tell the faithful women to cast down their looks and to guard their private parts,"** and forbade the believing women from looking at their sister's private parts, and also to protect their own private parts from being looked at by others.

Then Imam added that wherever there is a Verse in Quran about guarding the private parts, the purpose is to protect it from adultery, except for this Verse, which means guarding it from looks of others.

It is narrated also in Book Kafi that one of the companions of Imams asked from Imam Sadiq (AS): How much is it lawful to look at a stranger woman? He said: Face and palm of two hands, and two steps.

Again it is narrated in Book Kafi from Imam Sadiq (AS) that: There is nothing wrong with looking at the heads of the people of Tahamah, and the Bedouin Arabs, as well as the infidels, because if you prohibit them they do not accept. Also Imam said: In case of a mad and mindless woman, there is no problem looking at her hair and body, if the look is not intentional.

**Author, Allameh Tabatabaii says:**

It seems that the purpose of Imam saying "if it is not intentional," is looking with lust.

It is narrated in Book Khessal that the Holy Messenger of God said to Imam Ali (the Commander of the Faithful: ) O Ali, there is nothing wrong with the first look that you are at a stranger woman, but the second look is accountable for and is not permissible.

**Author, Allameh Tabatabaii says:**

A similar narration has been narrated by "Dur Al-Manthur" from the Holy Messenger of Allah, that he said to Imam Ali(AS): That do not

look at stranger women twice, since the first look is enough for you, and you have no right to the second.

It also is narrated in Book "Javamae al-Jamei" from Umm Salma (Prophet's wife) that she said: I was with Holy Messenger of God, while Maimuna (Prophet's wife) was also present, when the son of Umm Maktum came in. This was at a time when God ordered us to wear the hijab. The Prophet said to us: Cover your veils! We asked him that he (Ibn Umm Maktoum) is blind, does not see us? He said: "He is blind to see you, but are you also blind? Don't you see him?"

It is stated in "Book Faqih" from Imam Sadiq (AS) that he said: It is not proper for a woman to be naked in front of Jewish and Christian women, because they go and describe to their husbands.

In "Book Majma 'alBayan" says about the Phrase: "**Or their slave,**" that some of the scholars said the meaning is both the Slave and maid. This has also been narrated from Imam Sadiq (AS).

In Book Kafi, it is narrated from Abd al-Rahman ibn Abi Abdullah that he said: I asked Imam Sadiq(AS:) What it is meant by "**Or male dependents lacking sexual desire?**" He said: Fools and people under the guardianship of others, who do not want a woman.

(Almizan: V. 15 – P. 160.)

# PART FOUR

TEMPORARY

MARRIAGE

## Chapter One

# BASIS OF TEMPORARY MARRIAGE IN QURAN

## Permission for Temporary Marriage (Fixed-Time and Fixed Wage)

« فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً  
وَلَا جُنَاحَ عَلَيْكُمْ فِي مَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ  
إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا! »  
(نساء : ٢٤)

"...For the enjoyment you have had from them thereby,  
give them their dowries, by way of settlement,  
and there is no sin upon you in what  
you may agree upon after the settlement.  
Indeed Allah is all-knowing, all-wise!"

(Holy Quran; Nessa: 24.)

The meaning of the Phrase is that whenever you enjoyed by taking pleasure from women, you must pay them their wages. The previous issue was that you should seek your spouse with your property, as long

as you observe chastity and do not commit adultery, and this issue includes both types of cohabitation, i.e. permanent marriage and the enjoyment with a slave-maid. So, the Phrase: **"For the enjoyment you have had from them thereby, give them their dowries,"** when added to the above issue will certainly be due to the partial addition to the whole.

Undoubtedly, the enjoyment mentioned in the Verse refers to the temporary marriage "Mut'ah" (in Arabic,) because the Verse was revealed in Medina, and this marriage, i.e. "Mut'ah marriage," or say temporary marriage, was common among Muslims at that time, whether Islam legislated it, or it is not one of the establishments of the Religion of Islam - but it was common even before Islam - so the origin of such a marriage in the time of the Holy Messenger of God, and in front of his eyes and ears is not in doubt. There is no doubt that in those days the name of this type of marriage was the same name and it was not interpreted except as "Mut'ah."

The same meaning is used in the narrations from the forefathers of the commentators, i.e. the commentators from the companions and the followers such as Ibn Abbas, Ibn Mas'ud, Abi Ibn Ka'b, Qatadah, Mujahid, Sudai, Ibn Jubayr, Hassan, and others, and the opinion of Imams of Prophet's Household is the same in the issue of "Mut'ah."

In the Phrase under discussion, the enjoyment is conditioned to pay of wages: If you enjoy a woman, it is obligatory to pay her wages, while in a permanent contract, the enjoyment is not a condition, when a man marries a permanent woman for himself as soon as the marriage contract is signed the dowry becomes obligatory to man, if there is an entry, he has to pay all the dowry, and if he does not, he has to pay half of the dowry.

Therefore, it is obligatory to give a dowry in a permanent marriage, and it is not conditional on the fact that a pleasure has taken place, or that the man seeks pleasure, even though we consider it merely a mere courtship ceremony and the performance of a marriage contract, but as we have said the half of the dowry becomes obligatory upon closing the

wedding, and the other half upon entering.

(Almizan: V. 4 – P. 428.)

## **A Legal and Social Discourse On Temporary Marriage**

[Written under the Verses: 5-7, of Surah Mumenoon.]

Marriage is a natural tradition that has existed in human societies since the beginning of human existence, and no obstacle other than adultery has prevented and disturbed it. Yes, the only impediment of marriage is adultery that does not allow a family to be formed, and both parties to endure the burden of marriage, for this reason one calls lusts toward himself, and burns families and cuts off generations.

All religious, natural, simple, and healthy communities consider adultery to be abominable and ugly, and call it prostitution and indecent, and fight against it by any means possible, the civilized communities, though they do not prevent it generally, but at the same time they do not consider it a good deed, because they know that this work is deeply opposed to the formation of a family and prevents a large population and the survival of the generation, therefore by any means they try to reduce it and promote the tradition of marriage. They give reward to those who had more children, raise their ranks, and use other incentives.

The fact is that in spite of all those strictures against adultery and encouragements in the matter of marriage, we see again that in all lands and countries, large and small, this family damaging act is done either openly or secretly. Of course, its openness or secrecy depends on the differences between the current traditions in that community.

**This is the clearest reason that the tradition of permanent marriage is not enough for human beings to meet this animal need, and the human race, by having an open marriage tradition, seeks to complete its short-comings.**

Therefore, those who have the rule of law in human societies should be in a position to develop and facilitate marriage.

That is why the Shari'a of Islam has combined the tradition of permanent marriage with temporary marriage, in order to facilitate the matter of marriage, and has placed in it conditions that avoid the problems of adultery, like the mixing of sperms, overset of the family chain, cessation of generations, and obscurity in determining the father of the child. The conditions are that a woman belongs to a man, the woman should observe a known waiting period after the separation from her husband, and to have the right in what she has stipulated to her husband. Islam, therefore, by legislating these rules, has removed the problems of adultery, and by rectifying other laws of permanent marriage, such as the right of alimony and the like, has removed the hardship of permanent marriage, and has facilitated the temporary marriage.

**Really, I swear by God, this ruling (the legislation of Temporary Marriage,) is one of the honors of Islam in its simple law, such as divorce and polygamy, and many other laws,** but according to the Holy Quran: **"But neither miracle nor warner will be effective on those who do not believe!"** (Yunus: 101.) Where is the logical and reasoned word and where are the deaf and dumb people? They still say that I like adultery more than temporary marriage!!?

(Almizan: V. 15 – P. 18.)

**Chapter Two**

**PHILOSOPHY OF  
LEGISLATION**

**THE**

**TEMPORARY MARRIAGE**

**Philosophy of Legislation the  
Temporary Marriage and  
Marriage with Slave Girls**

« يُرِيدُ اللَّهُ أَنْ يَخَفِّفَ عَنْكُمْ  
وَ خُلِقَ الْإِنْسَانُ ضَعِيفًا! »  
(نساء : ٢٣-٢٨)

**“Allah desires to lighten your burden,  
for man was created weak!”**

(Holy Quran; Nessa: 28.)

Man's weakness is due to the fact that God Almighty has combined in him the forces of lust, the forces that constantly strive with man over his desires, and force him to commit those wishes, and the God Almighty made a favor for man and made some lusts permissible to him, in order to break the severity of his lust by this means, He prescribed

marriage to the extent that it removes the burden of his hardships and troubles, and Said: **"...All others are Lawful for you...!"** (Nessa: 24.) These other lawful are those two ways of: Marriage, and Purchase of a slave girl! The God Almighty by means of this guided them to the traditions of the nations before them, and gave them a greater relief, that was the temporary marriage, which God made it prescribed and legislated for them, since by prescribing temporary marriage, they no longer had the difficulties of permanent marriage and the hardships of its means, like the dowry, alimony, and so on.

(Almizan: V. 4 – P. 449.)

## Need for Temporary Marriage At Present Conditions

[Written under the Verses:23-28 of Surah Nessa.]

Is the necessity that caused the legitimacy of Temporary Marriage more crucial and greater in the atmosphere of Islam today, or in the time of the Holy Messenger of God, Abi Bakr, or the first half of the age of Umar? Although poverty and misery cast their shadow over all Muslim lands and colonial governments and reactionaries of Islamic governments, who are the descendants of the colonialists and the Pharaohs of the Muslim lands, suck the blood of Muslims and haven't left much from their financial resources?

On the other hand - those who plundered the financial resources of Muslims to lull Muslims to sleep, promote lust in all its manifestations on radio, television, newspapers, cinema, etc., and decorate it in the best way imaginable, with the loudest invitations invite Muslims to perform it! This family destroying disaster is becoming more and more severe and widespread in the lands and peoples to the point that the great human populations and the useful groups of society, that is, students, soldiers, and factory workers, who are usually the youth of society, are their prey and victims.

There is no doubt for anyone that the necessity that draws the youth to the mire of prostitution, adultery, sodomy, and any other lustful motives is, in the main, the inability to provide for living expenses and employment in temporary jobs, for those who do not leave in the workplaces to provide a house so that can get a permanent marriage, or those who are studying in abroad, or are the employees who live temporarily in a place. The question is that, what happened to these necessities in the early days of Islam - although the necessities were less and tolerable than today - it led to the allowance of the temporary marriage? Why it should not be allowed today which the necessity is more devastating, and the temptation is greater?

In short, there is no doubt that the issue of the temporary marriage and the temporal married women were in the tradition of the Holy Quran, and the language of the Muslims of the first century (from the companions and their followers!)

(Almizan: V. 4 – P. 479.)

## Discussion on Narrations about Temporary Marriage

In "Tabari's commentary," he narrated from Mujahid that in the interpretation of the Phrase: **"For the enjoyment you have had from them thereby..."** (Nessa: 24,) he said: The purpose of the Phrase is the temporary marriage.

In the same book, he quoted from "Sudai," in the interpretation of the above-mentioned Phrase that this Phrase is about the temporary marriage. The issue is that a man marries a woman on the condition of a certain period of time. When the time terminated he has no right on her and she is not permissible to him. The woman is required to clean her womb - that is, to observe a known time as the waiting period - so that it becomes clear that she is not pregnant by the man. She will neither

inherit from the man, and the man from woman.

It is narrated in the book *Dur al-Manthur*, through "Ata," from Ibn-Abbas that he said, God may forgive Umar!! The Temporary Marriage was not but a Mercy from the God Almighty upon the nation of Muhammad (PBUH,) if there was not the prohibition of Umar from it, there would be no one needed to commit adultery except the worst wicked people. Then he added that this Temporary Marriage is the same as God Said about it: **"For the enjoyment you have had from them thereby..."** (Nessa: 24,) that is a marriage for a fixed time and for a fixed amount, and there is no inheritance between such a couple. If they want to extend the period to each other's consent, they can, and if they separate, that is enough, and there is no marriage between the two. The narrator "Ata" said at the end of narrative that he heard from Ibn Abbas that he considers the Temporary Marriage as the lawful today, even though Umar has forbidden it.

It has been narrated in Tabari's book "Mustabin" from Umar that he said: There were three permissible things in the time of the Holy Messenger of God that I forbade them and will punish those who may commit them: 1- Major Pilgrimage of Hajj. 2- Temporary Marriage, and 3- Saying hurry towards the best of deed, in the call to prayer!!!

All the narrations agree that the Temporary Marriage was a tradition at the time of the Holy Messenger of Allah that has been practiced to some extent by his prescription. It was either established by Islam, or at least was common before it, and Islam did underwrite it. Among the Companions of the Holy Prophet those who practiced such a marriage never were accused to do adultery, such as Jabir ibn Abdullah, Abdullah ibn Mas'ud, Zubayr ibn Avam, and "Assma" the daughter of Abi Bakr, who gave birth to Abdullah ibn Zubayr through the temporary marriage!

It is worth to explain that in the subject of Temporary Marriage there is a theological debate as to **whether Umar ibn Khattab or**

anyone else who takes charge of the Nation of Islam has the right to forbid what was lawful by God, or not? This debate is open between the two sects of Islam, the Shiite and the Sunni sect - which the Shiites believe he did not have such a right, and the Sunnis believe otherwise.

(Almizan: V. 4 – P. 467.)

# PART FIVE

OTHER AUTHORIZED

MARRIAGES

IN ISLAM

## Chapter One

# MARRIAGE WITH WOMEN OF THE BOOK

## Permission to Marry Women of the Book, Its Conditions and Reasons

« الْيَوْمَ أُجِّلَ لَكُمْ الطَّيِّبَاتِ  
وَ طَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ  
جِلٌّ لَكُمْ وَ طَعَامُكُمْ جِلٌّ لَهُمْ  
وَ الْمُحْصَنَاتُ مِنَ الْمُؤْمِنَاتِ  
وَ الْمُحْصَنَاتُ مِنَ الَّذِينَ أُوتُوا الْكِتَابَ مِن قَبْلِكُمْ...! »  
(مائده: ٥)

“On this day, all pure things are made lawful for you (as food.)  
The food of those who were given the Book is lawful to you,  
and your food is lawful to them  
and the chaste ones from among faithful women,  
and chaste women of those who were given the Book before you,  
provided, you pay their dowry, maintain chastity,  
and avoid fornication or lustful relations outside of marriage.

**The deeds of anyone who rejects the faith, certainly, become fruitless.  
He will be of those who lose on the Day of Judgment!"**

(Holy Quran; Maeda: 5.)

Apparently, the believers did not calm down of the anxiety and doubt they had about the lawfulness of the food of the People of the Book, because they had previously been strictly forbidden by God Almighty to associate and make friends with the People of the Book. Therefore in this Holy Verse the God Almighty to relieve their anxiety added the lawfulness of the Pure things to the food of the People of the Book, and the believers realized that the food of the People of the Book is one of the examples of Pure things and of their kind, as a result their anxiety became less intense and their hearts calmed down. It was the same method that God used in the Holy Phrase: **"And the chaste ones from among faithful women, and chaste women of those who were given the Book before you!"** Thus God added the lawfulness of Muslim women to make it clear that chaste women from the People of the Book are lawful also for Muslims, and they should not have any doubts about it.

In this Verse, God does not want to oblige the infidels, but He wants to say that there is no marriage, intimacy, and legality between a Muslim woman and an infidel husband, so that the legacy belongs to one party.

In the above Verse, the God Almighty did not name clearly the addressee of the Ruling - that were Jews and Christians - but identified them by quoting their attributes and Said: **"And chaste women of those who were given the Book before you,"** and did not even mention them as People of the Book, and did not Say: the chaste women of the People of the Book! This refers partly to the reason of Ruling. Considering this aspect and that the tone of the Ruling is the tone of beholden, the position of speech is the position of easing and simplification of duties, then the meaning of the Verse should be: We honored you Muslims, that we have made the task easy for you, and we have removed the prohibit-

tion of marriage between your men and the women of the Book, the reason was that they were the owners of the Book before you, and naturally they were more close to you than the other nations that they are not Muslims. They are closer to Muslims, because they believe in Monotheism and Prophet-hood, unlike the polytheists and idolaters who deny the prophet-hood, so it turned out that the Phrase: **"Who were given the Book before you,"** refers to this point. As well as adding the Phrase: **"Before you,"** to that confirms this reference, because it clearly refers to the closeness, connection and association.

(Almizan: V. 5 – P. 326.)

## **Marriage only with Chaste Women of the Book**

Now let us see what is meant by the word "The Chaste Women" in the Holy Verse?

Of course, this word has many different meanings, but here it means chaste women, because it is opposed to the chaste of believing women, which means unmarried and chaste women, and this is clear, that the chaste women of the People of the Book are gathered in one word with the chaste women of the believers, considering the meaning we have given to the word, it is understood that the meaning of the word Believing Women is the same in both positions, and that meaning cannot be "Chastity caused by believing in Islam," because the same word is used for the chaste women of the Book in the Phrase: **"And chaste women of those who were given the Book before you,"** although the religion of the women of the Book is not Islam. Meantime the word does not refer to the "free women" only, because the sense of God's Favor in the Verse does not accord with the restriction of legality to marry only the free women of the Book, but it senses that the women of the Book is lawful for the Muslim man, even though they are not free, therefore the word Chastity refers only to the chaste women of the Book.

(Almizan: V. 5 – P. 330.)

## Marriage with Women of the Book, Permanent or Temporary?

After all this, we turn to another point of the Verse and say that the Verse does not specify that the meaning of this legality is the legality of their permanent marriage or temporary marriage? The only thing that indicates in the Verse that it refers to the temporary Marriage is the word "Wage," and that the enjoyment from the women of the Book is done by maintaining chastity, avoiding fornication or lustful relations outside of marriage. So the result of this discussion is that what the God Almighty has made it permissible for the believers of the Christian and Jews women to have intercourse through marriage with dowry and wage, not marriage with adultery, but there is no other condition in the Verse, neither permanence nor interruption. Furthermore, as we discussed on the Verse: **"...For the enjoyment you have had from them thereby, give them their dowries!"** (Nessa: 24,) the temporary marriage is like the permanent marriage and is a real marriage!

Of course, this discussion has a conclusion that should be understood in the Jurisprudence Discussions.

**"...Provided, you pay their dowry, maintain chastity, and avoid fornication or lustful relations outside of marriage!"**

This Verse has the same context as the Holy Verse: **"And lawful for you are all women, besides those (mentioned in Part 8; Verses: 23-24,) seek them with your property, taking them in marriage not committing fornication..."** (Nessa: 24,) and the Phrase: **"...Provided, you pay their dowry,"** in the captioned Verse, indicates that the purpose in the Holy Verse is marriage with the chaste women of the Book, and it does not include the purchase of the slave-maids of the People of the

Book.

(Almizan: V. 5 – P. 330.)

## Philosophy of Marriage Legalization With Women of the Book

« و من يكفر بالايمان فقد حبط عمله  
و هو فى الآخرة من الخاسرين»  
(مائده: ٥)

**"The deeds of anyone who disbelieves in Faith,  
certainly become fruitless.  
He will be of those who lose on the Day of Judgment!"**

(Holy Quran; Maeda: 5.)

The word "Disbelief (in Arabic)" basically means "to cover something," therefore in the realization of the meaning of "Disbelief" it is a condition that there should be a fixed meaning on which the veil falls, just as the word "Veil" which it finds the meaning where a fixed and visible thing exists and it disappears when the veil falls on it. This meaning is true concerning the Word "Disbelief," and the disbelief is also realized when there is something fixed and obvious, which the disbeliever covers it. This meaning is true in other cases like: Disbelief or Covering the Blessings of God, disbelief in God's Revelations and signs, disbelief in God and His Messenger, and disbelief in the Day of Judgment!

So, in the Verse in question, God used the word disbelief in the faith, and said that whoever disbelieves the Faith, according to what we have said about disbelief, there must be a fixed faith that disbelief covers it.

Certainly the meaning of faith here is not - to believe - but the meaning here is the effect resulted from it and the attribute fixed in the heart of the believer, that is, the rightful beliefs that are the source of righteous deeds. So the meaning of covering the right or disbelief in the Faith is that one knows that something is right but he does not act on it,

for example, to love the polytheists, to mix with them, to participate in their deeds, even though he knows the legitimacy of Islam. Also like that one abandons prayer, fasting, zakat, Hajj, and the other pillars of Islam, although he is sure of their authenticity and their being the pillars of his religion.

So disbelief in Faith is true in the said sense, but there is another point regarding this meaning. Since the disbelief in this sense means "Covering," and covering the fixed things is true when it is constant. Therefore, disbelief in faith is also true for a person who constantly abandons to act upon the necessities of his Faith, and always and permanently acts against his knowledge, but one who covers the truth once or twice in his life and acts in contrary to his knowledge and faith, such a person is not called a disbeliever in his faith, but is said to have committed immorality.

We have mentioned this in order to make it clear that the meaning of the Phrase: **"...Anyone who disbelieves in the faith,"** are those who persist in covering up their truth, knowledge, and faith, although in the Phrase it is interpreted as disbelief, which shows the constancy and stability. Therefore, he who does not follow what is right in his opinion, and does not act upon what has been proved to him which is one of the Pillars of Religion, he is a disbeliever in Faith, and whatever righteous deeds that he has acted will be nullified and unrewarding, as God Stated in the above Verse: **"The deeds of anyone who disbelieves in Faith, Certainly become fruitless!"**

(Almizan: V. 5 – P. 331.)

## Danger of Associating Freely With Women of the Book

« و من يكفر بالايمن فقد حبط عمله...! »  
(مائدة: ٥)

**"The deeds of anyone who disbelieves in Faith,  
certainly become fruitless...!"**

**(Holy Quran; Maeda: 5.)**

In the above Phrase, which refers to the previous issue, *the God Almighty wants to warn the believers of a danger that may befall them due to negligence of the warnings of God, and unknowingly become engaged in free association with the infidels. God wants to understand them that if in the previous Phrases, He has made the food of the People of the Book, and marriage with the chaste women of them lawful for the believers, it was in order to facilitate their association with the People of the Book, so that they may associate with the Jews and the Christians according to their Islamic morality, and make them fascinated by Islam, and be their caller to beneficial knowledge and righteous deeds.*

*Therefore, the main purpose of legislating that ruling was this fact, not to make Muslims use this ruling as an excuse and a means to plunge themselves into the abyss of lusts, to be unrestrained in friendship and love with Jewish and Christian women, more as well to fall in love with their beauty, as a result, to obey their temperament, liked or disliked, and not more long before the temperament of Judaism and Christianity dominates the Muslims and dominates the temperament of Islam, overshadowing it, and overmastering their corruption over the qualifications of Islam! This will be itself a great calamity, which returns the Muslims to regression, as a result of which, the Commandment that God Almighty has enjoined on the Muslims in His legislation changes to a big sedition, destruction, and disaster of Muslims, and substitutes the Divine Relief in a great torment.*

For this reason, the God Almighty, after stating the permissibility of the food of the People of the Book and their chaste wives, warned

the Muslims against being unrestrained with this blessing, and the lawfulness of food and the women of the Book, lest their unrestrained actions pull them towards the disbelief of the Faith, abandonment of the Pillars of Religion, and heresy of the Truth, because if they do so, it will cause their deeds to be nullified, and in the Hereafter find no result of their endeavors in life of the world.

(Almizan: V. 5 – P. 333.)

### Narratives on Marrying Women of the Book

It is narrated in Qomi's Commentary that the Holy Messenger of God said: Out of the women of the Book, it is only lawful to marry with who pay tax to the Islamic government, but other than them, marriage with their wives is not lawful.

**Author: Allameh Taba-tabaii:** The reason is that when the People of the Book do not pay tax, they will be forcibly warring, namely, a military infidel, and it is clear that marriage with them is not permissible.

It is narrated in Book "Faqih" from Imam Sadiq (AS) that a person asked him about a man who marries a Christian or a Jewish woman, whether his marriage is legal or not? He said: If this man has access to a Muslim woman, why should he marry a Jewish or a Christian woman? The man said that he loves her. Imam said that if he marries her he has to prevent her from eating wine and pork. Also know that this practice creates a defect in his religion.

It is also narrated in Book Tahzib from Imam Sadiq (AS) that he said: There is no problem in the temporary marriage of a Muslim with a Jewish or Christian woman and even though he has a free wife.

Also it is narrated in Book Kafi from Imam Sadiq (AS) that he, while quoting a hadith, said: I do not like a Muslim man to marry a

Jewish or Christian woman, because there is a danger that his child may convert to religion of Jews or Christians!

(Almizan: V. 5 – P. 348.)

## Chapter Two

# MARRIAGE WITH DIVORCED WIFE OF THE ADOPTED SON

## Permission to Marry Adopted Sons' Divorced Wives

« ... فَلَمَّا قَضَى زَيْدٌ مِّنْهَا وَطَرًا زَوَّجْنَاكَهَا  
لِكَيْ لَا يَكُونَ عَلَى الْمُؤْمِنِينَ حَرَجٌ فِي أَزْوَاجِ أَدْعِيَائِهِمْ  
إِذَا قَضَوْا مِنْهُنَّ وَطَرًا  
وَكَانَ أَمْرُ اللَّهِ مَفْعُولًا! »  
(احزاب: ٣٨)

”When Zayd set her free,  
We gave her in marriage to you so that  
the believers would not face difficulties  
about the wives of their adopted sons  
when they are divorced.  
God's decree has already been issued!”

(Holy Quran; Ahzab: 38.)

This Verse is about Zayd ibn Haritha, who used to be a slave of the Holy Messenger of God, then he freed him and took him as his son. This was a reward that the Messenger of God granted him. The Prophet's second reward was that he prepared the marriage of this son with his cousin "Zainab bin-Jahish." Later on Zayd came to the Messenger of God to consult that if you deem it expedient for me to divorce her. The Holy Messenger of God forbade him from doing so, but eventually Zayd divorced his wife, and the Messenger of God married her. This Holy Verse was revealed in telling this story.

**The God Almighty made it obligatory on His Prophet to marry Zayd's divorced wife, the divorced wife of his adopted son, so that everyone would know that the marriage with adopted son's divorced wife is not a forbidden marriage, and other Muslims can also marry their adopted son's divorced wife.**

The captioned Verse revealed to justify this kind of marriage, and to express the expediency of this Ruling. God Says that the reason why We brought Zainab into your marriage, and we have made this practice lawful and permissible, is because We wanted the believers, without feeling any agitation, to marry the divorced wives of their adopted sons, after that the sons enjoyed of them.

(Almizan: V. 16 – P. 483.)

## Chapter Three

# MARRIAGE OF SLAVE GIRLS TO SLAVE BOYS

## Marriage with Slave Girls

« وَ مَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلاً أَنْ يَنْكَحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ  
فَمِنْ مَا مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ...! »  
(نساء : ٢٥)

"If any of you do not have the means to marry  
a chaste believing free woman,  
marry of your believing slave-girls!"  
(Holy Quran; Nesa: 25.)

Considering that not every Muslim can take from believing and free women, because his financial means are not so much that he can bear the burden of her dowry and alimony, he can marry the faithful slaves in the hands of other Muslims. He does not have to keep himself

under the pressure of celibacy so much that to be exposed to the danger of prostitution and consequently to affliction and misery.

Therefore, this marriage means permanent marriage.

The purpose of this Holy Verse is to facilitate the task, it says, so called, if you do not have access to it, be content with this.

The meaning of the phrase: "**Marry of your believing slave-girls,**" is the slaves who are in the hands of other believers, not those who are in the hands of a man who wants to get married, because marrying a man with his own maid is void and illegitimate.

In the above Phrase, the God Almighty has restricted the marriage with the free women as well as the slave-girls to the condition of the believing ones, in order to point out that it is not permissible for a Muslim to marry an unbelieving woman, that is, from women of the Book or polytheist women, neither with their free women nor with their slave-girls. (This issue has, of course, a remnant that we shall discuss later.)

(Almizan: V. 4 – P. 439.)

## **Marriage with Slave Girls, The Permanent Marriage**

Here a question may come to the reader's mind, and that is: Now that the Holy Verse is in the position of facilitating the task, and although it can suggest two ways to escape from prostitution: Marriage with slaves, and temporary marriage with the free women? Why it suggested only one of them? The answer is that:

**The law of temporary marriage is in fact a facilitation for Muslims to have contact with a woman if they are forced to do it, in travel, at home, or at some point, at the same time not to be responsible for her alimony and dowry, moreover, this contact may not be in the form of adultery, but do it in the form of a temporary**

marriage. Yes, the legislation of temporary marriage was to make sure that under no circumstances would there be an excuse for prostitution at the hands of God's servants and that the root of corruption would be uprooted.

(Almizan: V. 4 – P. 440.)

## Religious Faith, a Clause In Marriage with Slave-Girls

« وَ اللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِّنْ بَعْضٍ ...! »  
(نساء: ٢٥)

**“God is more aware of your faith,  
you are all fellow-creatures;  
then no difference is between free or slave!”**  
(Holy Quran, Nessa: 25.)

Since in the previous Verses, the "Faith Clause" was mentioned together with the word "Believing Women," in this Phrase the God Almighty makes it clear which aspect of the Faith is to be observed in marriage, inward faith or outward.

Since the Faith is a matter relating to the heart, then no one can know the truth of the faith of somebody else, because, there is no medium or a tool like thermometer or other material standards to measure the heart beliefs of humans.

There may be some people who think that the God Almighty has made it difficult for Muslims to marry by bringing this restriction, and even prevented it at all, causing hardship to the obligated Muslims, because they cannot recognize whether a woman who they want to marry has an inward faith or not, therefore, God States in this Phrase: **"God knows best about your faith,"** and makes it understand that you are not obliged to discern the truth of women's faith, it is only the work of God, but your duty is to act according to outward means, such as her

reciting the article of Islamic Faith [**testifying Oneness of God and Prophet-hood of Muhammad (PBUH,)**] participation in the Muslim group prayers, and performing the general duties of the religion, which indicate the faith of its owner, and this outward faith is the criterion, not the inward faith!

Because the God Almighty guided only the poorest of the obligated ones to marry slaves-girls, and there was a danger that the public may think God confirmed the humiliation of the class of slave-girls by this statement. On the other hand, this class itself may be disappointed by this address, and the general public also considers itself a separate fabric and has not associated with the class of slaves. Especially men may refrain from marrying slave-girls, and women refrain from marrying with slave-boys, and feel ashamed of associating with them and mixing their flesh and blood with them. To avoid this sense in mind of people and among the slaves, the God Almighty added the Phrase:

**"You are all fellow-creatures; then no difference is  
between free or slave!"**

God prevented this misunderstanding and pointed to an explicit truth, in which the corrupt illusion mentioned above is carefully removed, because He Said: **The slave, like the free, is human**, and in terms of humanity and the criterion by which a being becomes human, there is no difference between them. The slave, like the free, has all aspects of humanity, the only difference between the two is in a series of rulings that have been legislated in order to persevere the affairs of the human complex in bringing it to its happiness! These differences are by no means a standard with God Almighty, the only thing that is a standard with God Almighty is **"Piety,"** which causes man's dignity and honor with Him!

Therefore, people who believe in God Almighty should not be influenced by these imaginary mental turmoil and superstitious thoughts,

which divert them from the truths of knowledge that guarantee their happiness and salvation! Yes, getting out of the middle of the straight path, although at the first glance, it is insignificant and unimportant, but it always and gradually diverts a person from the path of guidance, in order to eventually lead him to the valleys of doom.

From here it becomes clear that what God has mentioned in the beginning of the conditional Verse: **"If any of you do not have the means to marry a chaste believing free woman, marry of your believing slave-girls!"** (Nessa: 25,) in order to facilitate issue of marriage, it is in fact a natural and habitual way, not to force the people to something unnatural and unusual. God did not mention that the permission to marry with the slave-girls is conditional on a Muslim not being able to marry free women. No, God does not want to say that, but the people do it according to their own nature, and that is why God Almighty has addressed them that if you do not have the ability to marry free women - for liberation from the pressure of celibacy - you can marry maids, and do not be disgusted by this act, and at the same time reminded that the free and slave are both human beings and of the same kind.

(Almizan: V. 4 – P. 441)

## Conditions of Marriage with Slave Girls

« فَأَنْكِحُوهُنَّ بِإِذْنِ أَهْلِهِنَّ  
وَأَتَوْهُنَّ أَجُورَهُنَّ بِالْمَعْرُوفِ  
مُحْصَنَاتٍ غَيْرِ مُسَفَّحَاتٍ وَلَا مُتَّخِذَاتِ أَخْدَانٍ ... ! »  
(نساء: ٢٥)

**"So marry them with the permission of their family (masters)  
and give them their dowries in an honorable manner,  
provided that they are chaste,  
not adulterous nor taking boyfriends!"**

(Holy Quran, Nessa: 25.)

From the properties of the slave-girls to marry, at first step is their being chase, neither licentious ones (open adultery,) nor those who take boyfriends (hidden adultery.)

Because the issue of friendship was common among Arabs before Islam, even among free women and their slave women, and people did not blame anyone for this, but blamed free women for open adultery.

The meaning of the Phrase: **"So marry them with the permission of their family (masters),"** is to instruct people to marry slave women, but only if it is with the permission of the owner of the slave, because the authority of the affairs of the slaves is only in the hands of their owners, not other individuals. On the other hand, if the God Almighty interpreted the owner of the slaves to their family, He asked them to act in accordance with the Phrase: **"You are all fellow-creatures; then no difference is between free or slave,"** and to understand us that the slave girl is also one of the members of the master's family, and her master is her family.

The meaning of the Phrase: **"And give them their dowries in an honorable manner,"** is that you pay their dowry in full and up to the last penny. Of course, paying their dowry means that they pay that dowry to their master. The purpose of giving emphasis to the Clause: **"In an honorable manner,"** the God Almighty wanted to counsel them to this meaning that never hold off her payment, never lessen the amount because she is a slave, and do not offend her!

(Almizan: V. 4 – P. 443.)

## Punishment for the Prostitution of Slave Girls

« فَأَإِذَا أَحْصَيْنَ  
فَأَنْ أَتَيْنَ بِفَجْشَةٍ  
فَعَلَيْهِنَّ نِصْفُ مَا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ...! »  
(نساء: ٢٥)

**"If after marriage they commit adultery,  
they should receive half of the punishment of a free woman  
who has committed the same crime!"**

(Holy Quran, Nessa: 25.)

If the Clause of "chastity" in the above Phrase refers to the chastity in marriage the reason for stating it as a condition is only because the Phrase explains about the marriage before the commitment of adultery, since the religious law in punishment of the slave-girls if they commit adultery, whether married or not is half of a free women, and their chastity adds nothing to their punishment. If it refers to the chastity in the law of Islam, the meaning is that if the slave-girls commit adultery, they have half the punishment of a free women, whether they have a husband or not.

The meaning of punishment is only flogging, not stoning, because stoning has no half, and this itself proves that the meaning of the chaste women in the Phrase: **"They should receive half of the punishment of a free woman..."**, are the free women, not the married women.

As a result, the meaning of the Verse is that if the believing maids commit adultery, they will have half the punishment that the free and unmarried women have, that is fifty lashes.

(Almizan: V. 4 – P. 444.)

## **Prohibition of Forcing the Slave Girls to Adultery**

« وَ لَا تُكْرَهُوا فَتَيَاتِكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا  
لِنَبْتِغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا  
وَ مَنْ يُكْرِهْهُنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَحِيمٌ !»  
(نور: ٣٣)

**"Do not force your slave-girls into prostitution  
to make money if they want to be chaste.  
If they have been compelled to do so,**

## God will be All-merciful and All-forgiving to them"!

(Holy Quran, Noor: 33.)

If the God Almighty conditioned the prohibition to force the slave-girls to prostitution to their reluctance (if they want to be chaste,) it is because the reluctance will not be fulfilled otherwise, then in case of reluctance God promised them forgiveness and said: The slave-girls whose owner reluctantly forced them to commit adultery, and they did so reluctantly, God will be Forgiveness and Merciful on them!

The author of Qomi's commentary on the following Verse: **“Do not force your slave-girls into prostitution to make money if they want to be chaste,”** explains that: It was a tradition among the Arabs and the Quraysh tribes that they used to purchase slave-girls and forced them to pay a heavy tax or to commit adultery and bring them money. The God Almighty forbade them from doing so in this Verse, and finally Said that God will forgive such slaves if they are forced to do so.

(Almizan: V. 15 – P. 158.)

## Patience over the Difficulty of Celibacy,

### (Avoiding Adultery and Problems of Marrying Slaves)

« ... ذَلِكَ لِمَنْ خَشِيَ الْعَنَتَ مِنْكُمْ  
وَ أَنْ تَصْبِرُوا خَيْرٌ لَكُمْ وَ اللَّهُ غَفُورٌ رَحِيمٌ !»  
(نساء: ٢٥)

**“[This type of marriage is for]  
those who are afraid of  
getting involved in hardship [of Adultery if not marry the slave-girls.]  
It is better for you to practice self-restraint [to avoid adultery,]  
and Allah is All-forgiving and All-merciful!”**  
(Holy Quran, Nessa: 25.)

It seems that the Phrase: **“Getting involved in hardship,”** means adultery, which is the result of man's stay in hardships of celibacy and lust of sex relation, that itself is the cause for human destruction.

**"It is better for you to practice self-restraint."** It means that if you practice patience with marrying slave-girls or abstaining from adultery, it is better for you!

There is, of course another possibility, that is the necessity of marriage with slave-girls, and or, it refers to the absolute obligation of marriage. The both meaning depends on the use of the aspects of the Holy Verse, and understand from context - God knows best!

However, according to the first possibility about the preference of the Patience to marry slave-girls is for the following problems: The fact is that their owners, as explained in jurisprudence, have the right to the slaves themselves and their children, because according to the public Fatwa (Ruling) and in accordance to the Fatwas of some scholars, including the Author, in the Book of Rules, if the owner of the slave girl stipulates in marriage that whatever child is born to you from this slave girl is my slave, this condition must be fulfilled. As for the slave herself, the owner has the right to ask her to serve for him, and even to sell her.

So these are the problems for a man if he marries a slave-girl.

But according to the second possibility, that is quite clear, patience is better than committing adultery, because this patience purifies the soul and prepares a second habit of piety in the self. When a man abandons the desire for adultery in his self, unmarried or married, gradually his self finds a second nature of Piety!

**"And Allah is All-forgiving and All-merciful,"** means that the God Almighty, by His Forgiveness, erases the evil effects of the thought of committing adultery in one's self, and entitles the pious people of His servants to His Forgiveness and Mercy.

(Almizan: V. 4 – P. 445.)

**Order to Create Facilities to Marry  
And Free Slave-Girls and Boys**

« وَ أَنْكُحُوا الْأَيْمَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ...! »

«... وَالَّذِينَ يَبْتَغُونَ الْكَتَبَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ

فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا

وَأَتَوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ...! »

(نور: ٣٢-٣٣)

**“Urge the single or unmarried people of the family to marry and also the male or female servants...!”**

**“Let the slaves who want to buy their freedom have an agreement with you in writing if you find them to be virtuous.**

**Give them money out of God's property which He has given to you!”**

(Holy Quran, Noor: 32-33.)

(The first part of these Verses, which were related to the marriage of single boys and girls, was explained in Chapter one of Part one: "Marriage, a Heavenly Command." Here, the second part of the Verses is discussed, which is related to the marriage of slaves and maids.)

The written agreement between the slave and his master refers to an agreement that the owner of the slave has already agreed with the slave that he can pay his freedom price through his work to his master and be freed. In the new case the slave asks his master to correspond with him to take money from him and set him free.

In this Holy Verse, the God Almighty instructs the slave owners to accept the request of the slaves, of course, if they find reliability in them. The reliability here means the reliability to be free!

**"Give them money out of God's property which He has given to you!"** In this Phrase the God Almighty instructs to allocate a share of alms from the Muslim Government Treasury to those whom the Quran has called them “slaves to be ransomed,” and pay all their freedom fee, completely, or a part.

(In this Verse and the previous Verses, there are some important

jurisprudential discussions that should be referred to the jurisprudential books.)

(Almizan: V. 15 – P. 157.)

# PART SIX

## POLYGAMY

### LAW

## IN ISLAM

## Chapter One

# BASIS OF POLYGAMY LAW IN QURAN

## Polygamy Legitimation Rooted in Orphan Girls Marriage

« وَ إِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ  
فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ  
مَثْنَىٰ وَ ثَلَاثَ وَ رُبَاعَ  
فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ  
ذَٰلِكَ أَذْنَىٰ أَلَّا تَعُولُوا...! »  
( نساء : ٣ )

“And if [as a guardian] you fear that  
you may not be able to deal with the orphan girls justly,  
then marry other women of your choice,  
two or three or four;  
but if you fear that you may not be able to deal justly with them  
then only marry one free woman  
or choose from among the slave girls that you own;

**that is more possible to prevent you from doing Injustice!"**

**(Holy Quran, Nessa: 3.)**

There were always a great number of orphans among the Arabs of the era of ignorance, since they were always in invasion, war, fighting, and murdering, therefore among them the death by killing was a very common practice. Usually, the leaders of tribes and people of power took the orphan girls with properties as wives. They mixed the orphans' properties with their own and then behaved with them unjustly. Often they turned them out after swallowing their property. The helpless girls became poverty-stricken and needy, they had neither any money to live on, nor was there anyone willing to marry and maintain them.

The Holy Quran has reproached them very severely for this evil habit and disgusting injustice, and prohibited very strongly doing any injustice to orphans or devouring their property.

As a result, the Muslims reportedly became afraid for their own souls and were so panic-stricken that they turned out the orphans from their own homes in apprehension, lest they inadvertently do something wrong with those orphans' property or fail to give them their just dues. If someone kept an orphan with him, he set apart the orphan's share in food and drink; if the orphan could not finish it, nobody else would touch it. It remained as it was until it was spoiled. It caused difficulties for the people.

When you, dear reader, ponder on this fact, and then look at the Verse under discussion, it will be clear to you that why the God's warning regarding the marriage of orphan girls was connected to the facilities of polygamy? As God States:

**“And if [as a guardian] you fear that  
you may not be able to deal with the orphan girls justly,  
then marry other women of your choice,  
two or three or four...!”**

**If you are afraid that you would not be able to treat the orphan**

girls justly and therefore you do not like to take them as your wives, then better do not marry them; instead you should marry others such women as seem good to you: two, three or four!

(Almizan: V. 4 – P. 238)

## **POLYGAMY** **Conditioned To Justice**

« فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً ...! »  
(نساء : ٣)

"... But if you fear that you may not be able to deal justly with them then only marry one free woman...!"

(Holy Quran, Nessa: 3.)

The important point to be noted is that the God Almighty has made this order conditional on **fear**, not on **knowledge**, and Said: “**if you fear that you may not be able to deal justly with them...!**” God did not mention: If you **know** that you will not do justice between them. The reason is that: The knowledge in such affairs is usually difficult to achieve, especially when knowledge is clouded by the devil temptations; the underlying benefit of God’s Command, would be lost if the rule were made dependent on knowledge.

(Almizan: V. 4 – P. 238)

## **Injustice Avoidable by** **Slave-Girls Marriage**

« أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ  
ذَلِكَ أَذْنَىٰ أَلَّا تَعُولُوا...! »  
(نساء : ٣)

“Or choose from among the slave girls that you own;

**that is more possible to prevent you from doing injustice!"**

(Holy Quran, Nessa: 3.)

If a man is afraid that he will not do justice between his wives, then he should marry only one; and if he wants more, then he should take slave-girls, because they are not entitled to **justice in division of love or turn.**

From this point it becomes clear that the purpose of this order is not to prescribe oppression to the slaves and to say: It is necessary to observe justice among free spouses, but it is not necessary among the slaves, and it is permissible to treat them oppressively. The God Almighty has said in another place that: God does not love the oppressors! He has also stated: **"God is certainly not unjust to His servants!"** (Hajj: 10,) but this means that since the division of intercourse turn among the slaves is not legislated, therefore observing the Justice is easier between them.

For this reason, we must say that the Phrase: **"Or choose from among the slave girls that you own,"** means that the Muslim men when owns a slave-girl can have sexual intercourse with her (without Marriage contract,) but the issue of their marriage to four or more women is not the subject of this Verse, it is also a separate matter which will soon return to it under the Verse: **"If any of you do not have the means to marry a chaste believing free woman, marry of your believing slave-girls!"** (Nessa: 25.)

The Phrase: **"That is more possible to prevent you from doing injustice,"** means that, the law as ordained above, brings you nearer to the point whence you shall not deviate from justice or transgress the women's rights.

The above Phrase, which mentions the underlying reason of this legislation, proves **that the foundation of the marriage laws in Islam is laid on justice and equity as well as on rejection of oppression and**

### usurpation of rights.

(It is worth to note that what is mentioned in this chapter was the relation of the Orphan Marriage with polygamy, but the Rulings related to justice in joint living with multiple wives with equal Rights and Justice will come in the next chapter.)

It was narrated in book Elal from Imam Reza(AS) that the reason why man has right to marry four women and why woman is forbidden to marry more than one husband, is that when a man marries four wives, the child that each of them brings is his child, but if a woman has two or more husbands, the child she gives birth to is not known which husband the child is from, because all the husbands have participated in cohabitation with her, and it is obvious that in such a situation, the parental relationship is also disrupted. It interferes with the issue of inheritance, and ultimately destroys all identifications.

The Narrator said: One of the reasons that a man can marry four free women is that they are more in number than men. If we look at the Verse: **"... Then marry other women of your choice, two or three or four,"** it seems that, this is the determination which Allah has done, to give amplitude to rich and poor, so that man may marry according to his ability.

(Almizan: V. 4 – P. 238)

## Chapter Two

# JOINT LIVING WITH MULTIPLE WIVES

### Equal Rights and Justice

### Condition for Joint Living

« وَ لَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَ لَوْ حَرَصْتُمْ  
فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ  
وَ إِنْ تُصْلِحُوا وَ تَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُوراً رَحِيماً! »  
(نساء: ١٢٩)

"You will never be able to regard perfect justice  
among your wives [concerning love and affection]  
even if it be your serious desire;  
so do not incline too much to one of them,  
so as to leave the other one hanging;  
and if you establish peaceful relationship and employ piety  
[know that] verily, Allah is the Merciful Forgiving!"

(Holy Quran, Nessa: 129.)

This Verse expresses the Rule of Justice between wives, which the God almighty legislated at the beginning of this Surah, and Commanded men: if you are afraid that you will not be able to establish justice, be content with one woman only. Also, the Phrase: **"...But if you are virtuous and God wary..."** which was in the previous Verse, refers to this meaning, because that phrase is not free from the smell of threat, and this threat causes the listener to be amazed in recognizing the truth of justice between women.

The word Justice means the middle limit between extremes and excesses, and it is very difficult to distinguish this middle ground from things, especially when it has to do with hearts, because it is a matter of impossible to observe a just friendship between spouses and the fact that a man can love equally his wives, because it is permanently beyond one's control.

Therefore, the God Almighty States that observing justice in its true sense among wives and that a man observes the true midmost of friendship among his women is something that no human being is able to do, no matter how much he tries to achieve and be greedy for it. So what is obligatory for a man in this regard is not to deviate completely from the middle to one of the two sides of extreme and excess, and to observe justice as much as possible, and to be especially careful not to deviate towards the negligence and omission in fulfilling his wife's rights to leave his wife in suspension like an unmarried woman, who neither has a husband benefits from her husband, nor has not a husband to marry another one, or pursue her own business.

Therefore, the amount of justice among women that is obligatory on men is to maintain equality and equality between them in practice and behavior. If he observes the rights of one of them, to give the right of others too, lest his friendship and love to one of them causes to waste the right of other ones. This is the obligatory amount of justice, but the justice that is recommended is to do good to all of them and does not express hatred and reluctance to associate with any of them, and do not

show ill temper to any of them, just as the Holy Prophet of God behaved like this with his wives.

The Phrase: **"So do not incline too much to one of them, so as to leave the other one hanging,"** is a proof that the meaning of the Phrase: **"You will never be able to regard perfect justice among your wives [concerning love and affection] even if it be your serious desire,"** is not that it absolutely denies the power of man to make justice, so that the result of it in addition to the Phrase: **"But if you fear that you may not be able to deal justly with them then only marry one free woman,"** is that the multiple marriages in Islam will be annulled, as some commentators have so concluded. (The first sentence says: No matter how hard you try and be greedy, you cannot be fair to multiple wives and the second sentence says: If you cannot do justice, be content with one wife, then the result of the union of these two Phrases are that polygamy is forbidden and abrogated in Islam,) and this is a big mistake, because the Phrase: **"So do not incline too much to one of them, ..."** says: It should not be the case that one of the wives has become completely neglected by the husband, to be like a woman who has no husband at all. This is the reason that the Phrase: **"You will never be able..."** wants only to deny the Real Justice and say that you cannot establish the real justice between several spouses (even divide your heart's desire equally among them,) therefore, the amount of justice that has been legislated is the approximate justice, that is possible in the stage of behavior, not in the stage of heart's affection! The approximate justice in the stage of behavior is possible! (As we see many Pious and religious people observe this kind of justice and they treat their spouses the same, even though they love one of them more than others in their hearts.)

The Tradition of the Holy Messenger of God and the practice of the Muslims according to that tradition was before the eyes of the Holy Messenger of Allah. He was aware of the behavior of Muslims with their wives, and never objected it. The same tradition has been continued among Muslims until the present time. All this is a reason for the

invalidity of that illusion.

Furthermore, the above-mentioned illusion leads us to say: The Verse of Polygamy, which says: **"Then marry other women of your choice, two or three or four,"** is merely a conceptual theory that has even not an example in outer life. In fact, it is an invalid theory that is not worth to be assigned to the Word of the Glorious God!

The God Almighty, after giving His instructions and advice in the matter of associating with spouses, such as: **"And if you establish peaceful relationship and employ piety [know that] verily, Allah is the Merciful Forgiving,"** encourages and persuades the husbands whenever they see any sign of incompatibility or conflict try to rectify it soon. God has stated that this reform itself is one of the examples of piety, and the piety will bring Forgiveness and mercy! This Phrase after the Phrase: **"And reconciliation is better,"** (Nessa: 128,) and after the Phrase: **"And if you establish peaceful relationship and employ piety,"** is in fact an emphasis after another emphasis.

(Almizan: V. 5 – P. 163)

## Chapter Three

# OBJECTIONS

## AGAINST LAW OF POLYGAMY

### AND

### RESPONSES OF ALLAMEH TABA-TABAI

Islam has legislated the law of marriage with one woman and validated it with more than one spouse, up to four spouses, if it was possible for man to observe justice among the wives. The God Almighty corrected all the problems of this validation, as we shall discuss here-under, and Said:

**"And for the women shall be similar rights  
over men in fairness!"**

(baqara: 228.)

Some people have made several objections to the law of polygamy marriage, as under:

### Objection One

#### **Wounding Woman's Feeling**

The first objection says: This Ruling has negative effects on society because it hurts the emotions of women and spoils their desires, extinguishes their love and affection for their husbands, and disguises

their sense of love to sense of revenge, as a result, such a wife no longer works at home and refuses to raise the children, and in return for the mistake of her husband that made against her, she takes revenge and commits adultery with the strange men. This very act causes the spread of ugly deeds, betrayal in property and family chastity and..., no longer it takes to degenerate the whole society!

### 1<sup>st</sup>. Answer to Objection One

#### **Obedience of Feelings and Emotions From Habits and Customs**

Islam has established the foundation of human life and human society on rational and intellectual life, not emotional life, so the goal to be pursued in Islam is to achieve intellectual virtues in social traditions, not the virtue and worthiness that the emotions love and want, and are drawn toward it. This meaning does not in any way require the killing of the soft and kind emotions and feelings of women, and annulling the ruling of Divine Blessings and natural instincts.

Since it has been proved in psychological discussions that spiritual attributes, inner emotions and feelings differ in quantity and quality by differences of trainings and habits. Such as we see with our own eyes that many customs and habits are liked and praised in the view of the Easterners, but disliked and condemned in the view of the Westerners, and on the contrary, there are many customs and habits that are acceptable with the Westerners, but It is disliked by the Easterners. It never is found that the two nations have the same opinion in all customs, after all, they differ in some of them.

Religious training in Islam trains a woman in such a way that she is never upset by acts such as polygamy and her emotions are not hurt, **(as soon as she sees that God Almighty has allowed her husband to have multiple wives, she submits to God's will, and when she hears that endurance against her feelings entails her in the high positions in**

the sight of God Almighty, she becomes more eager to attain those degrees, her endurance becomes more pleasing to her.) [The note is added by Persian translator of Almizan.]

Of course, a Western woman who has been accustomed for centuries to being the only wife of her husband and has instilled this meaning in herself for centuries, a false emotion is embedded in her soul and that emotion opposes polygamy.

The reason for this is that some of Western women are well aware that their husbands are committing adultery with the women of their nearby and they are not upset at all, so this emotion that is found among civilized women today is an induced and false emotion.

This is not only some Western men who make love with any woman (whether she is a virgin or a widow, whether she is single or married,) but also it is some Western women who has illicit intercourse with any man they love.

It is astonishing how those Western women do not feel sorry for all the dishonesty that their husbands see, their hearts and emotions are not hurt, and how it is the feelings and emotions of those men that on their wedding night find that their wives are widow and will not become upset and their emotions are not hurt?

We have said that emotions and feelings differ with the difference of trainings and upbringings. These acts have become accustomed to their hearts because they are repeated in the societies of the West and people are completely free to commit them, to the extent that it has become a common habit. It is rooted in the hearts, that is why the emotions and feelings tend to it, and it hurts to find traditions oppose it.

## 2<sup>nd</sup>. Answer to Objection One

### **Historical Background of Polygamy**

It is not true that they said: Polygamy discourages women in running the house and causing reluctance to raise children, and what

they said: Polygamy causes the spread of adultery and infidelity. Because the experience has proven otherwise.

In the early days of Islam, polygamy was ruled, and there is no historian or expert in history to claim that women became reluctant to work at home that day and work was suspended or adultery spread in society, but history and historians prove to the contrary.

In addition to the fact that, in Islamic society and other societies that allow this practice, the women who marry after the first women, they voluntarily marry as the second, third or fourth wife, and these women are the women of these societies and men do not bring them from other societies as slaves or have not been deceived by another world other than this world, and if we see that these women tend to such a marriage it is because of the reasons that prevail in society, and this is a clear reason that the nature of the female kind does not refuse polygamy and their hearts are not offended by this act, but if there is an annoyance, it is out of the problems that may cause by the first wife, because the first wife, when she is the only wife of her husband, does not like another woman to enter her house, because she is afraid that her husband's heart will be inclined towards her or she will be superior to her. Or the child that arises from her to be incompatible with her children, and it is like such fears that cause dissatisfaction and spiritual suffering of the first woman, not a natural instinct.

### Objection Two

#### **Violation of Natural Law of "One Man for One Woman"**

Polygamy is contrary to the situation we observe from the practice of nature, because the statistics that have been done from the nations for many centuries show that the number of men and women has always been equal or there has been a slight difference. It turns out that nature has provided a woman for a man, so if we prescribe the opposite, we have acted contrary to the state of nature.

## **Answer to 2<sup>nd</sup>. Objection:**

### **A Permit from Law of Nature and Creation**

As for the second problem that polygamy is contrary in terms of male and female statistics, the answer is that this argument is distorted and incorrect in several ways:

#### **Argument One**

The matter of marriage does not rely only on the issue of statistics (for someone to say that the woman should also be rationed, otherwise if a man takes four wives, three other men will remain unmarried,) [note by Persian translator,] but also among all the factors and conditions, there is another one which is intellectual development, which the women grow up earlier than men and became ready for marriage. For example, women, especially in the tropics, qualify for marriage when they are over nine years old, while many men do not reach this growth and readiness before the age of sixteen (and this is the standard by which Islam considers the Marriage valid.)

The reason for this is the current tradition and common practice among girls in civilized countries that it is rare to find a girl whose virginity is preserved until the legal age (for example, sixteen years old). This loss of virginity happens because nature had prepared her for marriage a few years before her legal age, and because the law did not allow her to marry, she lost her virginity for free.

The reproductive property, or in other words the male reproductive system, is longer than the female reproductive system, because most women menopause at the age of fifty and their uterus no longer develop the children, while the male reproductive system years after fifty one year old is able to produce offspring, and it is possible for men to be able to produce for the rest of their normal life span, which is one hundred years old. As a result, men's lifespan in terms of productivity, which is almost eighty years, is twice as long as women, that is forty years.

If we compare this aspect with the previous one, we come to the conclusion that nature and creation have allowed men to go beyond marrying a woman and have more than one, and it is not reasonable that Nature gives the power of production to men and at the same time forbids them from production, because the running tradition in the causes does not accept this meaning!

In addition to the fact that events that destroy members of society, i.e. wars, conflicts, and crimes, threaten men more than women, so that the destruction of men is not comparable to the destruction of women. As we have already mentioned, this meaning is the strongest factor for the prevalence of polygamy in the tribes, and therefore women who lose their husbands according to the above have no choice but to either accept polygamy, deprivation, or commit adultery, because with the death of their husbands, their sexual instinct does not die and is not invalidated.

One of the things that confirms this fact is what happened in Germany a few months before these papers were written (about 1970,) and it was that the population of unmarried women expressed their concern about not having husband in a complaint to the government, and they demanded that in order to solve this problem, the issue of polygamy law in Islam to be legalized in Germany, and that German men be allowed to marry as many women as they wished, which the government did not do because the Church barred them from doing so.

Yes, of course the Church agreed to allow adultery and generational corruption to spread, but it did not agree to legalize polygamy in Germany.

### **Argument Two**

The argument that human nature equates the number of men with the number of women, regardless of its imperfections, it is a valid argument when all men marry four wives or have at least more than one wife, while this was neither true in past, nor will happen in future,

because nature does not provide such an opportunity for everyone, and of course having more than one wife is not provided except for some men, and the Religion of Islam, which has all its commands in accordance with nature, has not made it obligatory to every man to have four wives, but only made it permissible (not obligatory) only for those who have ability to fulfill its conditions and can do justice between two women and more.

One of the clearest reasons that this legislation does not create difficulty and corruption is the practice of Muslims in this legislation and their way of living according to this tradition, as well as non-Muslims of the tribes who consider this practice permissible, not only it does not create disaster and famine, and the shortage of women, but on the contrary, the prohibition of polygamy in the tribes that have banned it, has caused thousands of women to be deprived of the husbands and family community, and to be content with committing adultery.

### **Argument Three**

The above-mentioned argument, regardless of its defects, will be correct on the law of polygamy, if it has not been amended and restricted or adjusted with a clause that corrects that illusory problems.

But Islam has done the same, and stipulated for men who want to have multiple wives to observe justice in their association with them and to divide the marital bed between them equally.

Islam has also made it obligatory to pay alimony for those wives and their children. It is clear that the observance of justice in almsgiving and the payment of the living expenses of four wives and their children, as well as the observance of equality in association with them, are provided only for some understanding and wealthy men. This is not available to the general public.

In addition, there are other religious and legitimate ways in which a woman can oblige her husband not to take another wife and be content

with her alone.

### **Objection Three**

#### **Encouraging Men to Lust**

The third objection alleges that the Legislation of Polygamy encourages men to be greedy in lust and to spread this animal instinct (lust) within the society.

#### **Answer to 3<sup>rd</sup>. Objection**

##### **Preventing Prostration against Natural Instinct**

The owner of this objection does not have knowledge and insight in Islamic Education and the purposes that this Religion pursues. He does not know that religious education towards women in a religious-friendly Islamic society is to train the woman with modesty and chastity by covering herself. Islam educates women in such a way that they automatically have less lust than men, (contrary to popular belief that lust for marriage is greater and more in women than in men.)

They argue that women are very greedy in adornment, beauty, and self-adornment, and the existence of this nature in women is evidence that her lust is greater than that of men, but our claim is so clear that Muslim men who married the religious women raised in the skirts of religious parents, they have no doubt about it, so altogether, men's sexual lust is equivalent to the lust that exists in one woman, but also in two women and three women.

On the other hand, Islam considers this meaning that the minimum and obligatory portion of requirements of nature and the desires of the self has to be satisfied, and no one should be deprived of this minimum, therefore Islam has considered this meaning that the lust of any man at any time must not be confined in his body, forcing him to be infected with abuse, prostitution and transgression.

If a man is condemned to have a wife, in the days when the woman

has an excuse, that is, close to one third of her relationship time, which is the days of monthly habits, some days of pregnancy, childbirth, and the days of her breastfeeding and the like, man will inevitably look for an alternative. As we have repeatedly mentioned in the previous discussions of this book that it is necessary to hurry to meet this instinctual need. The point was that we said Islam has built human society on the life of reason and thought, not on the emotional life, therefore remaining a man in a state of feeling that makes him free in the desires and ugly memories, like the state of being single and unmarried. It is one of the greatest dangers that threatens human beings according to Islam.

On the other hand, one of the most important goals and objectives in the view of the Religion of Islam is the increase of the Muslim generation and settlement of the land by them. Yes, the Muslim community by whom the settlement of the earth will be actualized, is a righteous settlement and a special settlement that eradicates polytheism and corruption.

Therefore, these aspects and the like have been considered by the Legislator of Islam that legislated the ruling of permitting polygamy, not to promote lust and to persuade people to drown in lust.

**If the scholars who objected this Law of Islam had fairness about legislating this ruling, they would have pointed the sharp edge of their attacks at the founders of Western civilization, accusing it of promoting prostitution and inciting men to lust, not Islam that has laid the foundation of society on religious prosperity.**

In fact, in prescribing polygamy is an effect that breaks and relieves the intensity of a man's greed, because as the famous saying goes: Whoever is forbidden from something becomes greedy for it, and such a person has nothing but to rip the veil of prohibition to reach what they have been deprived of.

Men are in the same situation with the enjoyment of women. If the

law forbids him from other than his first wife, he becomes more greedy, but if the law allows him to take his second and third wives, even if he does not have more than one wife, his thirst of greed is quenched and he thinks to himself that there is an open way to get another wife and no one can stop me, if I find myself in trouble one day, I will use this right. The very open way, cuts off his excuse of committing adultery.

Among the Westerners, some writers have observed fairness and said: In the spread of adultery and prostitution among Christian nations, there has been no stronger factor than the prohibition of polygamy by the church. The writer of the Book: **“An Apology for Mohammed and Quran”** has used such fairness and confessed to this truth.

(This book is written by John Dion Port, a nineteenth-century English writer, scholar, and researcher. First published in 1869 in London. In this valuable book, English scholar and author “John Dion Port” defends the character of the Holy Prophet of Allah (PBUH) and the Holy Quran, and rejects the slanders of the opponents of Islam and the Orientalists to Islam.)

### **Objection Four**

#### **Degradation of Women's Social Status**

The fourth objection says: This law lowers the social status of women in society, and in fact equates the value of four women with the value of one man, and this is an oppressive and cruel assessment, it is not even compatible with the taste of Islam itself, because Islam in the law of inheritance and in the matter of martyrdom equates a man equal to two women, on this account should prescribe the marriage of a man with two women, no more, so prescribing marriage to four women, in any case, it is to deviate from justice, it also is without reason.

The above were the four objections which the Christians or civilized pro-equality activists have brought to Islam.

## Answer to 4<sup>th</sup>. Objection

### **Islam, the Founder of Social Status of Women**

In response to the fourth problem which claimed that prescribing polygamy lowers the status of women in the complex! It should be said that this is never the case, as in the discussions (in Part Seven of this book,) we proved that women in any of the old or new religious or secular traditions has not been respected the same as in Islam. Also the Women Rights have not been observed more than Islam neither in any traditions of the old, nor of the present. To clarify this issue, we will give more detailed explanations.

The permission of polygamy for a man is not in fact an insult to the woman and the destruction of her social status and rights, but it is for the sake of the interests that we already mentioned some of them.

Many Western writers and scholars (both male and female) have acknowledged the goodness of this Islamic law, and have acknowledged the corruptions that have plagued societies in terms of the prohibition of polygamy. The esteemed reader can refer to some essays and books.

## Objection Five

### **Family Problems Caused by Multiple Wives**

The strongest reason that the Western opposition and scholars has taken and adhered to the law of polygamy, is the same troubles and calamities that exist in the homes of the Muslims who have two wives and more, it can be seen that these houses are always a place for shouting and envy to each other, and the people of that house (both men and women) from the day when the second, third, and the fourth woman enters the house until the day they enter the house of the grave, they do not see happiness and joy, to the extent that the Muslims themselves have called this jealousy the disease of polygamy.

It is the time that all the subtle and delicate instincts and feelings of a women, such as: Love, affection, tenderness, compassion, loyalty, benevolence, kindness, mercy, sincerity, etc. towards the husband and his children from first wife, as well as the love for the house and all its belongings, which is one of the instinctive traits of a woman, return and give way to hostility, and as a result, the house, which should be the place of residence and rest of man and place to refresh the mental and physical sufferings of human beings, becomes a battlefield in which there is no respect for anyone's life, neither for his reputation and respect, nor for his wealth and property, in short, no one is safe from anyone else.

It is clear that in such a house, the purity of life is turned into displeasure and the joy of life moves from there and gives way to beatings, swearing, insults, trying, gossiping, competition and trickery. The children of such a house are also different from the children of other houses and they are constantly arguing and disputing. Often it is possible that (the man reaches extreme anger and kills his wife, or the woman tries to destroy husband, or the children kill each other or try to kill the father. The kinship and brotherhood may be replaced by revenge and blood feuds. It is known that in such a house the bloodshed, destruction of the generation, and the corruption of the house continue in the generations of a man who has two wives.

Apart from all this, the effects of polygamy spread outside the home, that is, to society, and cause cruelty, moral corruption, oppression, prostitution, and deprivation of security and trust, especially if we add the divorce permit to this law (polygamy permit,) it becomes clear where these two provisions (polygamy permit and divorce,) lead the work of men in society, when a man can marry whoever wants and wants to divorce each of his wives, will automatically become tasteful and lustful, such a man, except following his lusts and extinguishing the fire of his greed and taking this woman and leaving other, honoring this and humiliating other, has nothing to do in society. This situation has no effect other than ruining and making miserable half of the people of the

society (the women.) In addition by destroying half of it, the other half (men) are also ruined.

### Answer to 5<sup>th</sup>. Objection

#### **Correct Legislation against False Social and Family Customs**

This was the output of the words of the opponents who have fed the society, it is fairly true and we accept it, **but none of them is the fault of Islam and Islamic Legislation, but it is all the faults of Muslims!**

Yes, if the opponents can show an era and a period in which Muslims practiced the truth of the rules of the religion and its teachings, and in that period these negative effects were attributed on the issue of polygamy and the permission of divorce, then they can claim that the aforementioned effects are in terms of permissibility of polygamy and divorce **but unfortunately Muslims have not had an Islamic government for centuries** and those who were the leaders of the Muslims were not competent to teach Muslims according to Islamic education and its higher teachings. They should have been trained, but the leaders themselves were more pioneering than the people in breaking the laws and invalidating the limits of religion, and it is clear that the people are subject to the creeds of their kings.

If we want to quote here a part of the history of the rulers and the events that took place in their courts and the scandals caused by the kings of the Islamic countries from the day of the change of the religious government into a monarchy. To retell all those events we must have a separate book here, and write our commentary, but, unfortunately it does not accord with our promise to be short-spoken.

In short, if there is a problem, it is the Muslims who have arranged their family community in such a way that it does not provide for the happiness of their lives, and they adopt a policy that they cannot implement, and in implementing it, do not deviate from the straight path.

The guilt of these works is on the necks of men, not women and children, although everyone is responsible for his own sin, but the root of all these corruptions and misfortunes and subversions and ... are the men who sacrifice their happiness, their wives, their children, and the purity of their society for their lust and ignorance.

**But Islam has not legislated the law of polygamy unconditionally, and has not made it obligatory and necessary for all men at all, but has paid attention to the nature and condition of individuals, as well as the complications that may occur to some individuals. As we mentioned before, God has conditioned the definite competence and enumerated the corruptions and problems that exist in polygamy, then it is in such a situation that it has considered it permissible, in order to provide the interests of the Islamic complex of human beings.**

**The God Almighty has bound the ruling of the permission in such a way that none of the above-mentioned heinous corruptions occur, and the permission is only for the man who is confident that he can do justice between several wives.**

**Therefore, the only person who has such self-confidence and the God Almighty has given him such success, according to the religion of Islam, can have more than one wife.**

But as for those men who, (some narrators have narrated their situation with lots of embellishment,) who have no concern for their own happiness and that of their wives and children, and nothing is more precious to them than the satisfaction of their stomachs and lusts, and women are for them nothing but a means created only for the their lusts. They have nothing to do with Islam and Islam has not signed their deeds in any way! According to Islam, at this situation, it is not permissible for them to marry at all, and if they are qualified, and they do not consider a woman an animal, they can only adopt a woman.

In addition, in principle, the problems are confused between two aspects that are not separate from the Islamic point of view, namely the aspect of legislation and the aspect of guardianship.

### **More Explanation:**

In the opinion of today's scholars, the criterion in judging which law among the legislated laws, which tradition among the running traditions is correct or corrupt, are the effects and results of that law, if after its implementation in society its effects turned out as acceptable they consider it a good law, and if it does not produce good results, they say that this law is not good. In short, their criterion for a law being good or bad is the like or dislike of the people, it does not matter in what level the people are, and whatever understanding and desire they have.

I do not think that these scholars have neglected the fact that: It is possible that a society has certain traditions, habits, and customs that they do not accord with the above-mentioned ruling, and have to equip the society in a way to accord with that ruling or tradition, in order the society knows its way and understands that where its activity leads and what effect its work leaves, good or evil, benefit or loss? The fact is that, these scholars consider only in the laws the will and demand of the society as a criterion, that is, the demand that arises from the current state and appearance of the thought of society, now, whatever that state is, whatever that thought is, and whatever the society wants and demands.

According to these scholars, the correct and righteous law is the same law, but other laws are unrighteous (although it is in accordance with reason and nature.)

That is why when they see Muslims wandering in a valley of error and on the precipice of doom, and corruption rains down from all their

material and spiritual lives, what they see as corruption they attribute it to Islam, the religion of the Muslims. If they observe lies, betrayal, abuse, trampling on each other's rights, spread of oppression and corruption of families, and disorder and chaos in society, they attribute it to the religious laws running among them, and imagine that the run of the Islamic tradition and its effects are like the other social traditions that are imposed on them by propaganda, brainwashing, and concentration of emotions among the people.

As a result, they conclude from this notion that: Islam causes social corruption that is prevalent among Muslims and all these oppressions and corruptions originate from Islam! While the worst atrocities and the most heinous crimes have been common among them. It is the result of this misconception that they say: If Islam was the true religion and if its rules and laws are good and guarantee the good and happiness of the people, it had a blissful effect on its people, not a burden upon them.

This is not true, because these scholars have confused between the nature of righteous judgment and the reformer, as well as the ruling between the corrupt people and the corrupter. Islam is a set of ethical and ideological teachings, and practical laws, which all three parts of it are proportionate and related to each other, and with all its wholeness, it affects when the whole is practiced, but if one acquires its ideological and moral teachings but omits the stage of action, of course, it will not have an effect, like potions when one part of it becomes corrupt, it corrupts all of it and leaves the opposite effect, and also when it gives the desired effect when the patient's body is ready to enter the potion and act on it, if a human being who consumes it, but does not observe the conditions of consumption, its effect is neutralized, and it may have a result and effect contrary to what was expected.

If the Islamic tradition, as the opponents say, does not have the power to reform the people and eliminate the general vices due to the weakness of its legal foundations, why does the democratic tradition not have this power, and in the eastern bloc of the world, namely, Islamic

lands with democratic governments, have not the same effect that in European lands? Was it good that the democratic tradition after the inability of Islam could reform us? What has happened to us that the more we go forward and the more we strive for progress, the more we go back, no one has any doubt that the ugly deeds and vicious morals in this age of so-called civilization, has become more ingrained in us, even though we have imagined ourselves intellectuals for almost half a century, while we are nothing more than a licentious animal, we have no benefit from social justice, and no human rights have been revived among us. We do not benefit from any higher and general education and social happiness except words that became meaningless and heart-breaking, only words of these rights are exchanged over our languages.

Can you answer for this objection that we have inflicted on you? No, never, and you cannot excuse yourself from saying in our answer that the democratic system has not been able to correct you because you did not follow the orders of the democratic system, so that, it will have good effects on you! Yes, if this answer of you is right, why not it is right with the school of Islam?

Let us skip this, and assume that Islam, due to the so-called weakness of its foundation, has not been able to penetrate into the hearts of the people and fully penetrate into the depths of society, as a result its rule has not lasted in society and has not been able to continue its life in Islamic society and preserve its existence, then inevitably it became abandoned, but why the democratic method, which was accepted and liked by the whole world before the Second World War, expelled from Russia after the war and the Bolshevik method took its place?! Assuming that they may find an excuse for this expulsion and overthrow in Russia in another way? Why did the democratic ideology changed to communism in China, Latvia, Estonia, Lithuania, Romania, Hungary, Yugoslavia and other countries? Why even though it threatened other countries and was deeply rooted in them, finally did suddenly disappear in such a way?

Why did this same communism, after nearly forty years of his life and ruled over almost half of the world's population, and its preachers and leaders were constantly proud of it and spoke of its virtue and declared it that: The communist system is the only system that is not tainted with the tyranny and exploitation of democracy and the countries that were ruled by the communist system were introduced as the promised paradise.

But suddenly the same communist propagandists and leaders years later rebuked and denounced the unique leader of this regime, Stalin, and stated that: Stalin's 30-year rule was a government of force, tyranny and slavery in the name of communism. Inevitably during this period his government had a huge impact on the enactment of laws, their implementations, and other belongings of them. Unfortunately, all these deviations were not originated but from the authoritarian will, the exploitative mentality, and autocratic rule of an individual who killed thousands and kept thousands alive without any criteria. He made some nations prosperous and other nations miserable with no reason!!! God knows who will come to power after the current leaders and what tragedy will they bring upon the poor people!?!?

How many traditions and customs (both right and wrong) have been prevalent in the society and then due to various factors (the most important of which is the betrayal of the leaders and the weak will of its followers,) have disappeared from that society. One who refers to the history books will eventually, reach them.

I wish I knew what (according to Western scholars) is the difference between Islam as a social tradition, and between these traditions that have changed? How is it that they accept this excuse in the mentioned traditions but they do not accept the same excuse from Islam, what is the reason for this difference?

Yes, it must be said that today the "Word of Truth" has been left in between the horrible power of the West and the ignorance, blind imitation, in other words, the intimidation of the East by their power, so

there is no sky to cast a shadow over it, nor the earth to keep it on its shoulder. (The West is not willing to accept the legitimacy of Islam, because its science and technology have made it proud, and the East cannot accept it, because it is intimidated by Western civilization.) [Note by Arabian Translator.]

In any case, what is necessary to point out from our previous detailed statements is that influencing and not influencing, as well as the survival and disappearance of a tradition among the people, has little to do with the rightness or wrongness of that tradition, so one may do argue about the legitimacy of a tradition and say that because this tradition remains among the people, then it has Truth, and also argue that because a tradition has been abandoned and became ineffective in society, then it has no Truth and is false, never, but other causes and reasons have effect on this issue!

So we see that every tradition that has been and is prevalent among the people in all eras, one day it gives its effect and the next day remains barren, one day it remains among the people and another day due to various factors it migrates out of those people. According to the Holy Quran: The God Almighty turns the time among the people, one day to the wishes of one people and failure of another people, and the next day to the failure of the first group and to the wishes of the second group. God turns time to find out who are the faithful people, to make them witness to others.

In short, the Islamic laws and the rules that are in them are different from other social laws that exist among the people in terms of basis and harmony. The difference is that human laws and traditions differ from the difference of ages and changes that occur in the interests of man, but Islamic law, because it is based on the real interests and corruptions, does not accept differences and changes in its legislations, neither in its obligatory rules nor in its forbidden rules, nor in recommended duties, nor in disgusting actions, nor in permissible practices.

The fact is that: A person can do or leave duties in the society and

he can do whatever he wants and he cannot do, it is up to the ruler of the Islamic society to make the people to do that - if it is obligatory, and to forbid it - if it is forbidden, and ..., it seems that the Islamic society is a single body and the governor and ruler is as its intellectual power and administrator.

Therefore, if the Islamic society has a ruler and a governor, it can forbid the people from the oppressions that you mentioned in the polygamy license, and prevent the ugly deeds that they may do under the guise of polygamy, at the meantime the Divine Ruling permitting the Polygamy should remain intact and those corruptions should not occur.

Yes, the ruling on polygamy is a permanent decision legislated in the public interest, such as a person's decision to leave polygamy for the sake of his own interest, and if he does not take several wives for his own interest, he did not change the ruling of God and did not want to say with this action that he does not accept polygamy, but he wanted to say that this ruling is a permissible ruling and I cannot act on it.

(Almizan: V. 4 – P. 293.)

## **Chapter Four**

### **A DISCUSSION ON THE POLYGAMY OF THE HOLY MESSENGER OF GOD**

#### **Church Protests Polygamy of The Holy Messenger of God**

Another objection (from the church) to the issue of polygamy of the Holy Messenger of God is that the companions of the church have said: Polygamy is nothing but greed in lust and impatience in facing the lust. For this reason the Messenger of God prescribed polygamy for his nation and even he himself was not satisfied with the amount he prescribed for his nation (four wives) and brought the number of his wives to nine.

#### **Allameh Responds:**

This issue is related to many different Verses of the Holy Quran that if we want to start a detailed discussion that covers all aspects of the issue, naturally we must bring this discussion in the interpretation of those Verses one by one, therefore we keep the detailed discussion for its proper place, and only a brief mention we discuss here.

First of all, it is necessary to draw the attention of those who objected the polygamy of the Holy Prophet of God on the fact that the subject of his polygamy was not as simple as they imagined, and his motive to marry several wives has not been out of his excessive lust for women, but during his life he has chosen each of the women for a special reason and in a special way.

The first marriage of the Holy Messenger of God was to Khadijeh (SA,) and he spent about twenty years and a half of his honorable life with only one wife, which is almost one third of his life, thirteen years of this period was early years of his Mission in Mecca, before his emigration to Medina. Then, while he had no wife, he emigrated from Mecca to Medina and tried to spread the Word of Religion, and then he married women, some of whom were virgins, some of whom were widows, some of whom were young and some were old and infirm. All these marriages took place in a period of nearly ten years, after these marriages, all the women were banned from him, except those few wives whom he had already married them.

It is clear that such an act with these characteristics cannot be justified by the motive of love for women, because intimacy and association with such women, especially at the end of his life and from such a man who was not thirsty for this act even in his early life.

It is clear that such an act with these characteristics cannot be justified by the motive of love for women, because intimacy and association with such women, especially at the end of his life can never be a motive for a man who was not thirsty for this act even in his early life.

Besides, we have no doubt that according to the current habit, those who love women and are captive to their friendship and association with them, usually love beauty and are enchanted with the young girls' coquetry and charisma, who are in the age of lushness and freshness, but the manner of the Holy Prophet of God does not indicate

such a situation, we have actually seen that after a virgin girl, he married a widow and after young women he married an old woman, that is, after marrying young Aisha and Umm Habiba, he married Umm Salma who was old and Zeinab, the daughter of Jahsh, who was more than fifty years old on that day.

On the other hand, he asked his wives to have choice between the prosperity to continue living with him, or a fair divorce! In case to choose to continue to live with him, he made them free to choose between his simple life in the world and forsaking embellishment and luxury life - if they like marriage with the Messenger of Allah to acquire God, His Holy Messenger, and the House of the Hereafter - and if they seek his marriage to acquire enjoyment, adornment, and the worldly life the following Verse bears witness to this story:

**“O prophet, say to your wives:  
If you are seeking this worldly life and its glitter,  
then come, I will make a provision for you  
and release you in a graceful manner!”**

**“But if you are seeking God and His messenger,  
and the abode of the Hereafter, then God has prepared  
for the righteous among you a great reward!”**  
(Ahzab: 28-29.)

This meaning, as you can see, does not make sense with the situation of a man who is a womanizer, a lover of beauty, and a greedy one to do love affair with of women!!!

Therefore, for a scholar who is a researcher, if he is fair, there is no other way but to justify in another meaning the polygamy of the Messenger of God, and his marriages at the beginning of his Mission and at the end of his life besides femininity and lust.

Now, in justifying it, we say: The Holy Messenger of God married some of his wives in order to gain strength and gain more tribes, and as a result, to gather more helpers and supporters, and He married others in

order to placate and reconcile them, and thus to be safe from the evil of that wife's relatives, and he married others with the motive of supporting her living expenses and teaching others to protect old women from poverty and homelessness, and let the believers make the behavior of the Holy Prophet of Allah as a tradition among themselves. He married some others in order to fight against a tradition of ignorance and to practically invalidate it. His marriage to Zainab, the daughter of Jahsh, was for this purpose, because she was first the wife of Zayd ibn Haritha, the adopted son of the Holy Messenger of God, and Zayd divorced her and according to the customs of ignorance, marriage with the wife of the adopted son was forbidden, because the adopted son was considered the real son in the opinion of the ignorant Arabs, just as a man could not marry his real son's divorced wife. According to the Arabs marriage with the wife of an adopted son was also forbidden. The Holy Messenger of God married Zainab in order to dispel this false custom. The Verses from the Holy Quran were revealed in this regard.

His marriage to Soodeh, the daughter of Zam'eh, was due to the fact that she lost her husband after returning from the second migration from Abyssinia, and all her relatives were infidels, and if she returned to her relatives, she would be tortured, killed, or forced to believe in infidelity, so the Messenger of God married her to protect her from this danger.

His marriage to Zainab, the daughter of Khuzaymah, was that her husband Abdullah Ibn Jahsh was killed in the battle of Uhud. She was a woman who was very kind to the poor and donated to the needy in era of ignorance, therefore she was one of the honorable and famous women of that period. She was called the Mother of the poor. The Messenger of God wanted to protect her honor and appreciate her virtue by marrying her.

The motive for his marriage to Umm Salma, whose real name was Hind, and was previously the wife of Abdullah bin Abi Salma, the cousin of the Holy Messenger of God and his foster-brother, he was the

first to emigrate Abyssinia. Umm Salma was an ascetic, virtuous, religious and wise woman. After her husband passed away, the Holy Messenger of God married her because she was an old woman with orphans and could not manage her orphans.

He married Safi'ia, the daughter of Hayy ibn Akhtab, the leader of the Jew of Bani al-Nadhir, because her father Ibn Akhtab was killed in the battle of Bani al-Nadhir, and her husband was killed by the Muslims in the battle of Khayber, and she was among the captives in that battle. The Messenger of God freed her and then married her, in order to protect her from the humiliation of captivity and to make himself the son-in-law of the Jews, maybe for this reason the Jews to avoid conspiracy against him.

The reason for his marriage to Javay'riya, whose real name was "Bar'ra" the daughter of Harith, the leader of the Jews of Bani al-Mustalaq, was because in the battle of Bani al-Mustalaq, the Muslims had captured two hundred women and children of that tribe, the Holy Messenger of God married Javay'riya to be related to all of them. The Muslims, seeing the situation like this, said: All of them are relatives of the Holy Messenger of God and they does not deserve to be captured, and inevitably released everyone. The men of Bani Al-Mustaliq, because they saw this behavior until the last person became a Muslim and joined the Muslims, and as a result, a large number of people joined the might of Islam, and this action of the Messenger of God and the reaction of the tribe of Bani Al-Mustaliq left a good impression among Arabs.

The reason of the Holy Prophet's marriage to Maimuna, whose name was "Bar'ra" the daughter of Harith Hilaliyah, was that she after the death of her second husband, Abi Rahm, son of Abd al-'Ozzi, gave herself to the Messenger of God to be his maid. The Holy Messenger of God released her for her grace and married her. This was after the revelation of a Verse that was revealed in this regard.

The reason for his marriage to Umm Habiba (Ramla), the daughter of Abi Sufyan, was that when she emigrated Abyssinia with her husband

Obaidullah ibn Jahsh for the second time, there her husband converted to Christianity and she herself became steadfast in the religion of Islam. This is an act that should be appreciated by Islam. On the other hand, her father was one of the fiercest enemies of Islam and always gathered armies to fight the Muslims. The Holy Messenger of God married her. He did so in order to appreciate her for her good deeds, and for her father to renounce enmity with him and for her to be safe from danger.

His marriage to Haftha, the daughter of Umar, was also due to the fact that her husband Khanis ibn Khadaqah was killed in the battle of Badr and she remained a widow.

The only wife who married to Holy messenger of God when she was a virgin, she was Aisha, the daughter of Abi Bakr.

Therefore, if we pay attention to these characteristics of the Holy Messenger of Allah, and the aspects of his life at the beginning and the end of his life - which we explained at the beginning of our discussion - and the abstinence that he had towards the world and the adornment of the world, and even invited his wives to it. There can be no doubt that the marriages of the Holy Messenger of God were not like the marriages of other people, in addition, his behavior with the women, his endeavor to restore the rights and respect of women lost in the centuries of ignorance, and the revival of their social character, all are another reasons why he did not consider women as the only means of lust for men, and all his effort was to rescue women from humiliation and slavery, at the meantime, to make men understand that women are human! Even at the last breath of his life also he recommended men to honor women and said: "Care your prayers! Care your slaves, do not charge them with what they cannot bear! Beware of God! Care your wives, they are helpers in your hands ...!"

The conduct of the Holy Prophet of Allah in observing justice between his wives, his good companionship with them, and his care of their conditions was specific to the Holy Messenger of Allah, who, we

will discuss about specification of his conduct in his lifetime in due course referring to narrations and references in this regard, but as to why more than four women were allowed for him, the answer is that this ruling, like fasting "Vesal," that is, fasting for a few days in one breakfast, is one of the characteristics of his esteemed person and is not permissible for any of the nation. This issue was clear to the whole nation, and that is why his enemies did not have the opportunity to criticize him for it and for the polygamy, although they always waited to see him do something contrary to expectations and to shout it out.

(Almizan: V. 4 – P. 307.)

# PART SEVEN

## FAMILY LIFE

### OF THE HOLY

## MESSENGER OF ALLAH

## Chapter One

### THE SIMPLE LIFE AND LIVELIHOOD OF

### THE FAMILY OF HOLY PROPHET

#### Wives Free Will to Choose the Simple Livelihood of Holy Prophet

« يَا أَيُّهَا النَّبِيُّ قُلْ لِأَزْوَاجِكَ  
إِنْ كُنْتُمْ تُرِيدْنَ الْحَيَاةَ الدُّنْيَا وَزِينَتَهَا  
فَتَعَالَيْنَ أُمَتِّعَنَّ وَأَسْرَحَنَّ سَرَاةً جَمِيلًا! »  
(احزاب: ٢٨)

**“O, Messenger! Proclaim to your wives:  
If you prefer the life of this world and its luxury  
then I will provide valuable gifts  
and let you free from the marriage bond in a fair manner!”  
(Holy Quran; Ahzab: 28.)**

The context of these two Verses indicates that apparently some of the wives of the Holy Messenger of God said something or did a deed which indicated **they were not satisfied with their material life**, and were living in the house of the Holy Messenger of God with a difficult condition of livelihood, and they complained to the Holy Prophet about their living conditions and suggested him to expand a little in their lives, and let them to enjoy much of the adornments of material life.

Following this case, God sent the above Verses, and instructed His Prophet to ask them to choose between staying and leaving, either they go and live as they wish, or to stay and be patient with this life. The fact is that he interpreted this meaning in such a way that if you want the life of the world and its adornment, let me release you, and if you want God and the Messenger of God and the Hereafter, you must have patience with the present condition.

The above comment clears that:

**First**, it is not possible to combine the vastness of the worldly life with its purity, so that you can enjoy every blessing and enjoy it, with the wife of the Messenger of God and living in his house, and these two do not go together.

**Secondly**, it indicates that each of the two sides of choice is bound to the other, and the meaning of the will of the life of this world and its adornment is that one should make the world and its adornment the principle and goal, and to consider the Hereafter as well, or not; and the meaning of the will of the Hereafter is that one should aim at it as the principle, and one's heart should always belong to it, whether his or her worldly life is also developed and is in full adornment and purity of life, or it is entirely devoid of material pleasures.

Another thing is that compensation means the result of choosing one of these two sides of different doubts. If they choose the life of this world and its adornment, that is, the wives of the Holy Messenger of God renounce to be his wife, the result and compensation is to that he divorces them and pay them part of the wealth of this world, but if they remain his wife and prefer the Hereafter to the life of this world and its adornment, the result will be a great reward with God, of course not absolutely, but on condition that they show both charity and do good deeds.

Therefore, it is not a position to gain the great reward of God only because some woman is the wife of the Holy Messenger of God, and

God gives dignity and respect to whoever becomes his wife, but dignity and respect is for his wife if she reveals beneficence and piety, and this is why we see that when the God Almighty mentions the superiority of their position for the second time, He restricts it to piety and Says: **"O, wives of the Messenger! You are not like an ordinary woman! You are to be an example of piety...!"** (Holy Quran; Ahzab: 32.) This restriction is like the restriction that God Said about the dignity of the companions of the Messenger of God:

**"Muhammad is the Messenger of God  
and those with him are stern to the disbelievers yet kind among  
themselves. You can see them bowing and prostrating before God ...  
God has promised forgiveness and a great reward to the righteously  
striving believers!"** (Fat'h: 29.)

So it turns out that not all those who were companions of the Holy Messenger of God are subject to this promise, but only those who had faith and righteous deeds were involved. (Therefore, if one of the companions is deviant, sinful, and oppressive, we cannot consider his talking to the Holy Messenger of God as an atonement to his sins and wrong deeds!)

**In short, the absolute application of the Phrase: "Surely, the most honorable among you in the sight of God is the most pious of you!" (Hujarat: 13,) will never be restricted by these words, and still remains in its power! Upon the judgment of its absolute application nothing else like the lineage or any other cause can be the criterion of dignity in the sight of God!**

So, when God Said: **"O, Messenger! Proclaim to your wives,"** it is an order for His Prophet to convey these two Verses to his wives. The requirement of this notification is that if they accept the first clause, divorce them and pay their dowry, but if they take the second portion, namely, God, the Messenger, and the House of the Hereafter, maintain them as your spouses.

The Phrase: “...Then I will provide valuable gifts, and let you free from the marriage bond in a fair manner,” means when he divorces one of them, he gives her some money to live on. The "fair manner," means divorcing her without any hostility, quarrel, and change of bad words.

In this Holy Verse, there are discussions from the point of view of jurisprudence that have been criticized by the commentators, but the truth is that **the rulings in this Verse are personal, and belong to the person of the Holy Messenger of God,** and there is no literal reason in the Verse to indicate that it includes anyone other than that Holy Prophet, and the details of this matter are given in the books of jurisprudence.

**“But if you are seeking God and His messenger,  
and the abode of the Hereafter, then God has prepared  
for the righteous among you a great reward!”**

(Ahzab:29.)

If you choose to remain with the Messenger of God and his wife, and endure the hardships of life, God has prepared for you a great reward, but if only you be pious. In short, in addition to this choice, that is, the choice of God, the Messenger, and the Hereafter, you have to be good in practice too, because if you are content with this choice and you are not good in deeds, you will incur a loss both in this world, deprived of its pleasures, as well as in the Hereafter, and you have lost both of them!

(Almizan: V. 16 – P. 456.)

## **Spouses of Holy Prophet, the Mothers of the Nation of Islam!**

« النَّبِيُّ أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ  
وَ أَزْوَاجُهُ أُمَّهَاتُهُمْ...! »  
(احزاب: ٦)

## The Prophet has more authority over the believers than themselves. His wives are their mothers...!"

(Holy Quran; Ahzab: 6.)

It is a Religious Legislation that the wives of the Holy Messenger of God are the Mothers of the Nation, a ruling special for the Holy Prophet of Allah! This means the same as the respect of the mother is obligatory for every Muslim, marrying her is forbidden to them, respecting the wives of the Holy Messenger of God is also obligatory on all of them, and marriage with them is forbidden on all! The God Almighty clarifies the issue of the sanctity of marriage with them and Says: **"You have no right to marry his wives after him under no circumstances!"** (Ahzab: 53.)

Therefore, the comparison of the wives of the Holy Messenger of God to the mothers of the nations is a simile in some maternal effects, not all of them, because the mother has other effects besides the obligation of respect and sanctity of marriage. She inherits from her child, and the child inherits from her, it is permissible for child to look at her mother's face, it is not possible to marry daughters that she has from another husband, because they are as his sister born from his mother, and also the parents and the grandfather of the mother, are his grandmother and grandfather, the brothers of mother are his uncles, and her sisters are his aunts, but the wives of the Holy Messenger of God, have no other maternal rulings than those two rulings.

(Almizan: V. 16 – P. 414.)

## Men and Women Achieving God's Blessing and Great Reward

« إِنَّ الْمُسْلِمِينَ وَالْمُسْلِمَاتِ وَالْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ  
وَالْقُنْتِينَ وَالْقُنَاتِ وَالصَّادِقِينَ وَالصَّادِقَاتِ ...  
أَعَدَّ اللَّهُ لَهُمْ مَغْفِرَةً وَأَجْرًا عَظِيمًا...! »  
(احزاب: ٣٥)

"God has promised forgiveness and great rewards to

the Muslim men and the Muslim women,  
 the believing men and the believing women,  
 the obedient men and the obedient women,  
 the truthful men and the truthful women,  
 the forbearing men and the forbearing women,  
 the submissive men and the submissive women,  
 the alms-giving men and the alms-giving women,  
 the fasting men and the fasting women,  
 the chaste men and the chaste women,  
 and the men and women who remember God very often!"  
 (Holy Quran; Ahzab: 35.)

**The Holy Religion of Islam does not differentiate between men and women in terms of religiosity in the dignity and honor of individuals,** and in the following Verse the God Almighty has expressed it in brief: "People, We have created you all male and female and have made you nations and tribes so that you would recognize each other. The most honorable among you in the sight of God is the most pious of you. God is All-knowing and All-aware!" (Hujarat: 13.) The God Almighty made this truth clear in the Verse: "I do not neglect anyone's labor whether the laborer be male or female...!" (Al-Imran: 195,) and then God specified it in the captioned Verse and stated it more explicitly.

So, the confrontation between Islam and Faith in the Phrase: "The Muslim men and the Muslim women," and: "The believing men and the believing women," understands that the two are different, and there is a kind of difference between the two, and the Verse that understands us what is that kind of difference is: "The bedouin Arabs have said: We are believers! Tell them: You are not believers, but you should say that you are Muslims. In fact, belief has not yet entered your hearts ... The believers are those who believe in God and His Messenger, who do not change their belief into doubt and who strive hard for the cause of God with their property and persons...!" (Hujarat: 14-15.) This

Verse understand us that, firstly, the Surrender to Religion is in terms of action, and **action** is related to the external organs of the body, but the **Faith** or Belief is a matter of the heart, secondly, what we said that the Faith is a matter of the heart, it means an internal belief, in the way that **the effects of that belief appears on the external and physical actions of the believer.**

So Islam is a practical submission to the religion, to bring all its duties, to abandon what it forbade, and the Muslims, men and women, are those who submitted to the religion in this way, but the Believers, men and women, are those who have placed the religion of God in their hearts, so that when you look at their actions, it is clear that this person believes in God in his heart, thus every believer is a Muslim, but not every Muslim is a believer.

**"The obedient men and the obedient women,"** are those who are constantly attached to obedience to God, and are always humble before Him.

**"The truthful men and the truthful women,"** are those who are both sincere in their claim in faith, and they speak the truth, and they do not break their promises.

**"The forbearing men and the forbearing women,"** are these who are patient both in times of calamity and disaster, and in times of obedience, and where a sin has occurred in leaving it.

**"The submissive men and the submissive women,"** the word submission means inner humiliation, the humiliation in heart, just as the word humility means external humiliation, and with the organs of the body.

**"The alms-giving men and the alms-giving women,"** the word alms means spending wealth in the way of God, one of the examples of which is obligatory zakat.

"**The fasting men and the fasting women,**" refers to the fasting of both obligatory and recommended fasts.

"**The chaste men and the chaste women,**" are those who maintain their sex organs, and do not use it except what God has made lawful.

"**And the men and women who remember God very often,**" are those who remember God very often, both with the tongue and with the heart, and this remembrance also includes prayer and Hajj.

**"God has prepared for them  
a great forgiveness and reward!"**

In this Holy Phrase the God Almighty has mentioned their rewards in an indefinite sense which indicates its being the most great and unprecedented forgiveness and reward!

(Almizan: V. 16 – P. 469.)

## Chapter Two

# GUEST RECEPTION IN HOLY PROPHET'S HOUSE

### Manner of Attending in Feeding Invitations at Holy Prophet's House

« يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَدْخُلُوا بُيُوتَ النَّبِيِّ  
إِلَّا أَنْ يُؤَدَّبَنَّ لَكُمْ إِلَى طَعَامٍ غَيْرٍ نَظِيرِ إِيَّاهُ  
وَ لَكِنْ إِذَا دُعِيتُمْ فَادْخُلُوا فَإِذَا طَعِمْتُمْ فَانْتَشِرُوا وَ لَا مُسْتَنْسِفِينَ لِحَدِيثٍ ...! »  
( احزاب: ٥٣ )

“Believers, do not enter the houses of the Prophet  
for a meal without permission.

If you are invited, you may enter, but be punctual  
(so that you will not be waiting while the meal is being prepared.)

When you have finished eating, leave his home.

Do not sit around chatting among yourselves.

This will annoy the Prophet but he will feel embarrassed to tell you.

God does not feel embarrassed to tell you the truth..!”

(Holy Quran; Ahzab: 53.)

Altogether in this Verses the God Almighty wants to understand the Believers that in inviting to the house of the Messenger of God, do not sit there before the meal waiting for the food to arrive, nor do you sit

down after eating and make his house a place of social occasion and storytelling

**“This action of you annoys always the Prophet, and he is ashamed of you...”** This Phrase justifies the previous prohibition which said: Do not sit in his house too much! The reason is that this action of yours is annoying to the Prophet and he is ashamed of you to request you to go out, but **"God does not feel embarrassed to tell you the truth..!"** The truth here is the same reality that the Prophet is upset by your behavior, and the truth is also the same proper etiquette, which God taught people before.

(Almizan: V. 16 – P. 505.)

## Speak with Holy Prophet's Wives From behind the Hijab!

« و اذا سالتموهن متاعا فسئلوهن من وراء حجاب...! »  
(احزاب: ٥٣)

**"And when you ask the Messenger's wives what you Need,  
talk to them from behind a screen;  
that is good for the purity of your hearts as well as theirs!"**

(Holy Quran; Ahzab: 53.)

This Verse is related to the things that the people need to ask the wives of the Holy Messenger of God, and it means that if you have to talk to one of the wives of the Holy Prophet because of a need that has arisen for you, do talk from behind the screen.

**"That is good for the purity of your hearts as well as theirs!"** This Phrase expresses the expediency of this ruling, and says: Because when you talk to them from behind the curtain, your hearts will not be tempted, and as a result of this procedure, it will keep your hearts purer.

(Almizan: V. 16 – P. 506.)

## Permission to Meet Close Family Members

« لا جُنَاحَ عَلَيْهِنَّ فِي آبَائِهِنَّ وَ  
لا أَبْنَائِهِنَّ وَ لا إِخْوَانِهِنَّ...! »  
(احزاب: ٥٥)

**"There is no blame on the wives of The Messenger,  
if without veiling and screening they appear before their  
Father, their sons, their brothers, their brothers' sons  
and their sisters' sons, or their own womenfolk  
or their slave women.**

**O, you wives of The Messenger! Be wary of Allah!  
Verily, Allah is Witness over all things!"**

(Holy Quran; Ahzab: 55.)

This Holy Verse has an exceptional meaning of the generality of the ruling on hijab and says: The fact that we said that Muslims should talk to them behind the hijab does not include fathers, children, brothers, nieces, nephews, and a summary of their close families. They can talk to them without hijab.

Some commentators have said: If God does not name their uncles, it is because the uncle of one of the wives of the Messenger of God might go and explain to his son that my nephew or niece is like that, and so and so.

God also excluded the women of their relatives, where He Said: "And their wives," He indicated only to the wives of the relatives who believe in Islam, not infidels. This meaning has also been mentioned in our interpretation of the same Clause. Also, among those who are excluded are their own maids and slaves.

**O, you wives of The Messenger! Be wary of Allah!  
Verily, Allah is Witness over all things!"**

In this Phrase, the above-mentioned Ruling has been emphasized,

and especially because it has been addressed directly to the wives of the Prophet: "**Be wary of Allah**," which shows a clear emphasis.

(Almizan: V. 16 – P. 506.)

## Chapter Three

# MARRIAGES OF PROPHET AND ITS SPECIAL FEATURES

### Seven Classes of Wives

#### Allowed to Marry with Holy Prophet

« يَا أَيُّهَا النَّبِيُّ إِنَّا أَحَلَّلْنَا لَكَ أَزْوَاجَ الَّذِينَ  
ءَاتَيْنَا أُجُورَهُنَّ  
وَمَا مَلَكَتْ يَمِينُكَ مِمَّا أَفَاءَ اللَّهُ عَلَيْكَ وَ...! »  
(احزاب: ٥٠)

“O, Prophet, We have made lawful for you your wives,  
whom you have given their dowry,  
slave girls whom God has given to you as spoils of war,  
the daughters of your uncles and aunts, both paternal and maternal,  
who have migrated with you.

The believing woman, who has offered herself to the Prophet and  
whom the Prophet may want to marry, it will be special for him, not  
for other believers.

We knew what to make obligatory for them concerning their wives  
and slave girls, so that there may be no blame on you!

God is All-forgiving and All-merciful!”

(Holy Quran; Ahzab: 50.)

In this Holy Verse, the God Almighty explains for the Messenger of God that there are seven class of women that He has made their marriage lawful for him:

The first category: "**Whom you have given their dowry.**"

The second category: "**Slave girls whom God has given to you as spoils of war.**" This refers to the slave-girls whom God has given to the Prophet as booty in wars. If God mentioned that He has given them to the Prophet as the war booties, is only as an explanation, not a stipulation that God stated about the first category as the payment of dowry.

The third and fourth categories of women who are permissible to marry with the Holy Messenger of God are daughters of his (parental) uncles and aunts.

Fifth and sixth categories are: The daughters of the Prophet's (maternal) uncles and aunts. The Phrase: "**Who have migrated with you,**" refers to the days when the marriage of Holy Prophet were not lawful with non-emigrated women, so in this Verse God Said: The above-mentioned women are lawful on you provided that they have emigrated with you, otherwise your marriage with them is forbidden. (As it is stated in Majma 'al-Bayan the Phrase refers to the days that the marriage with non-emigrated women was not lawful but later on the Phrase became abrogated and such marriages became lawful.)

The seventh category of women with whom the Holy Prophet could have married is a believing woman who submits herself to the Messenger of God, and the Holy Prophet also wants to marry her. The God Almighty has made it lawful for such a woman who wants to marry herself to the Holy Prophet of God without dowry, if he wants he can marry her. The Phrase: "**It will be special for him, not for other believers,**" declares that this ruling - that is, making a woman lawful for a man just to give herself to him, is one of the particularities that belongs to him, and does not apply to the believers. The Phrase: "**We knew**

**what to make obligatory for them concerning their wives and slave girls!"** This Phrase interprets the ruling of that allocation and says: We know what We have made lawful for the believers and what wife and what maid-servant was made lawful for them.

The Phrase: **"So that there may be no blame on you,"** justifies the Ruling which was at the beginning of the Verse: **"O, Prophet, We have made lawful for you ...,"** or may be justifies the end of the Verse and makes it clear that why this Ruling is particular for you, but the first possibility seems clearer, because the content of the Verse was the expression of Divine Mercy towards the Holy Prophet, and the purification of his sacred realm! The Holy Verse ended with the two words of:

**"God is All-forgiving and All-merciful!"**

(Almizan: V. 16 – P. 502.)

## **Prophet's Free Choice to Marry Woman Requested his Marriage**

« تُرْجَى مَن تَشَاءُ مِنْهُنَّ وَ تُنْوَى إِلَيْكَ مَن تَشَاءُ ...! »  
(احزاب: ٥١)

**"You may refuse whichever  
(of the woman who offer themselves to you),  
as you want and accept whichever of them you wish.  
There is no blame on you if you marry  
(one whom you had refused previously.)  
This would be more delightful for them.  
They should not be grieved but should be happy with  
whatever you have given to every one of them.  
God knows what is in your hearts.  
God is All-knowing and All-forbearing!"**

(Holy Quran; Ahzab: 51.)

The context of the Verses indicates that the Holy Messenger of God is free to accept or reject the woman who has proposed their marriage with the Holy Prophet:

**"There is no blame on you if you marry one whom you had refused previously."** This Phrase explains that if the Holy Messenger of Allah wishes to marry one of those whom he has rejected before, there is no blame on him, he can accept them again.

It is possible that the Phrase in question refers to the issue of dividing time between spouses, and the Holy Prophet may not divide his time among his wives at all, and does not restrict himself from going each night to one of their chambers, and even if he divides, he can break this division, or give priority to the one who is last, and make the one who is first the last, or he can suspend one of the spouses, and not give her a share, and or if he suspends, he brings her closer to himself again. This meaning is more close and harmonized with the Phrase: **"And whomsoever you seek of those whom you have set aside then there is no sin upon you. Such is best that they may be comforted and not grieve...!"** Because the outcome is that: If you want to get closer to the spouse you had previously suspended, you can, and there is no problem for you, but it is better and closer to their being happy and content with what you have disposed them, and God knows what is in your hearts, for the one you have put forward is happy, and the one you have delayed is hoping for the day when her turn is forward. The narrations received from the Imams (AS) confirm the same meaning.

**"God is All-knowing and All-forgiving,"** meaning that God knows the interests of His servants, because He is forgiving, He does not hasten in punishing them.

(Almizan: V. 16 – P. 503.)

## **Order Forbidding the Future Marriage of the Holy Prophet**

« لا يَحِلُّ لَكَ النِّسَاءُ مِنْ بَعْدُ...! »  
(احزاب: ٥٢)

**“It is not lawful for you to marry other women from now on; nor to replace one by another, though their beauty be Pleasing to you, except that you possess as slave-girls, and God is watchful over all things!”**

(Holy Quran; Ahzab: 52.)

The appearance of the Verse, assuming that it is independent of the previous one, and has no connection with it, is that it forbids women for the Holy Prophet, except the woman whom the Holy Prophet of God gives her the choice, and she chooses God. The fact that God Said you are not permissible to change women, confirms this possibility.

However, if it is assumed that it is connected to the previous Verses, then its subject is a sanction beyond the six categories mentioned earlier.

So the meaning of the Clause **"from now on,"** in the Phrase: **“It is not lawful for you to marry other women from now on,”** means after those wives of the Holy Prophet of Allah, who did choose the Almighty God and His Messenger, who are the same nine women, or after those whom God mentioned in the Verse **"O, Prophet, We have made lawful for you your wives...,"** or after the lawful women we have allocated for you, which according to the third possibility it will mean the women from the close families.

The Phrase: **"Nor to replace one by another,"** means that you can no longer divorce some of your wives and marry to other wives in their place: **"Except that you possess as slave-girls...."** It means except the slave-girls, who are exceptional to the ruling that God announced at the beginning of the Holy Verse.

**“And God is watchful over all things!”**

The meaning of this Phrase is clear, and its purpose is to warn people against opposition.

(Almizan: V. 16 – P. 505.)

## Marriage with Prophet's Wives An Eternal Forbiddance

« وَ مَا كَانَ لَكُمْ أَنْ تُؤْذُوا رَسُولَ اللَّهِ  
وَ لَا أَنْ تَنْكِحُوا أَزْوَاجَهُ مِنْ بَعْدِهِ أَبَدًا ...! »  
(احزاب: ٥٣-٥٤)

**“You are not supposed to trouble the Prophet  
or to ever marry his wives after his death,  
for this would be a grave offense in the sight of God!”**

(Holy Quran; Ahzab: 53-54.)

In the above Verse the God Almighty warns the Muslims that it does not deserve you to bother the Messenger of God by disobeying his commands - whether he ordered in respect of his wives or in case of others - and it is not ever lawful for you to marry one of his wives after his death, because this act is a great crime in the sight of God.

There is an indication in this Verse that probably some Muslims have said that we will marry his wives after his death. In fact according the Narrative Discussion that we put hereunder, the story is true.

**"Whether you disclose anything or hide it,  
Allah indeed knows all things!"**

This Verse is in fact a caution with the tone of threatening against those who bothered the Holy Prophet of God, or they said after his death we will marry his certain wife.

It is stated in book "Dur al-Manthur," in regard of the Verse: **"You are not supposed to trouble the Prophet..."** that Ibn Abi-Hatam narrated from Sudai that he said: It has happened to us that "Talha ibn-

Obaidullah said: Muhammad forbids us from marrying to our cousins' daughter, then he will marry our women after us?! We also wait for him to die, we take his wives after him! The Verse in question was revealed about him.

**Author:** In the mentioned Verse about this story, several narrations have been received, some of which state that: Talha were meant: Aysha, and Umm-Salma.

(Almizan: V. 16 – P. 506.)

## A Prohibition by Holy Prophet To Satisfy his Wives

« يَا أَيُّهَا النَّبِيُّ لِمَ تَحَرَّمَ مَا أَحَلَّ اللَّهُ لَكَ  
تَبْتَغِي مَرْضَاتِ أَزْوَاجِكَ وَاللَّهُ غَفُورٌ رَحِيمٌ! »  
(تحريم: ١)

“O Prophet! Why do you prohibit yourself  
what Allah has made lawful for you,  
seeking to please your wives?  
And Allah is all-forgiving, all-merciful!”

(Holy Quran; Tahrim: 1.)

In this Verse, there is a notice mixed with reproach, why did the Prophet of God forbid himself some of God's permissible, but God did not specify what he forbade, and what was the story?

But considering the contents of the Phrase: "**Seeking to please your wives**," indicates that what the Holy Prophet forbade himself was an act of lawful deeds, which the Messenger of God had practiced it, and some of his wives were dissatisfied with that act and put the Prophet of God in trouble and bothered him, to the extent that the Holy Prophet was forced to swear that he would not do that act again.

Therefore, if in this Phrase the God Almighty addressed the Holy Messenger of Allah by the title of: "O, Prophet," not "O, Messenger," it

is because the subject was a personal issue related to his household, not related to his Mission to be addressed to the people. Of course, if it was related to his Mission to be informed the people, it was correct and appropriate to use the title of: "O, Messenger!"

What is meant by prohibition in the Phrase **"O, Prophet! Why do you prohibit yourself?"** It is not prohibition by God, but prohibition by vows and oaths, which the next Verse also indicates this meaning and refers to an oath and says: **"Allah has certainly made lawful for you the dissolution of your oaths...!"** It turns out that the Holy Prophet of Allah has forbidden that lawful thing by vow and oath to himself, because the nature of the oath is that when it belongs to an action, it makes it obligatory, and when it belongs to a practical abandonment, it forbids that action, so it turns out that the Holy Prophet swore to leave that action, and forbade that action on himself, of course, by oath. Yes, his prohibition had such nature, which does not mean the sanctity of that act has been legislated for himself, because the Prophet cannot prohibit what God has made lawful for himself or for everyone, and he has no such authority!

(Almizan: V. 19 – P. 552.)

## Chapter Four

# LIMITS AND PRIVILGES OF THE PROPHET'S SPOUSES

### Limits of the Spouses Of the Holy Prophet

« يَا أَيُّهَا النَّبِيُّ قُلْ لَأزْوَجِكِ إِن كُنْتُنَّ تُرِدْنَ الْحَيَاةَ الدُّنْيَا وَزِينَتَهَا  
فَتَعَالَيْنَ أُمَتِّعَنَّ وَأَسْرَحَنَّ سَرَّاحًا جَمِيلًا...! »  
(احزاب: ٢٨)

**"O, Prophet! Proclaim to your wives:  
If you prefer the life of this world and its luxury then  
I will provide valuable dowry and let you free from  
the marriage bond in a fair Manner!"**

(Holy Quran; Ahzab: 28.)

These Verses are related to the wives of the Messenger of God. At first stages God orders His Prophet to remind them that they have no portion from this world and its adornment except chastity and a fairly adequate sustenance, of course, this is if they want to be his wife, otherwise, they are like other people. Then God asks His Prophet to address them to realize what a solemn position they are in, and how hard they have to endure because of the honor bestowed upon them, so if they fear God, God will double their reward. But if they commit an indecency, their punishment will be doubled with Allah.

Then the God Almighty Commands them to be chaste, to be the attendants of their homes, like the other women do not show themselves to strangers, to pray, to pay zakat, and to remember from what is revealed and recited in their homes the Holy Verses of Quran and the Heavenly Wisdom! Finally, promises forgiveness and a great reward for all righteous public of men and women.

(Almizan: V. 16 – P. 456.)

## Rewards for the Righteous Deeds Of Holy Prophet's Wives

« وَ مَنْ يَفْعَلْ مِنْكُمْ لِحَافَةً وَ رَسُولِهِ وَ تَعْمَلْ صَالِحاً  
نُؤْتِيهَا أَجْرَهَا مَرَّتَيْنِ وَ أَعْتَدْنَا لَهَا رِزْقاً كَرِيماً! »  
(احزاب: ٣١)

**"But whoever of you who is a humble believer of Allah  
and obeys His Messenger and does righteous Deeds,  
to her We shall bestow her Reward doubled,  
and We have prepared for her a worthy sustenance in The Paradise!"**

(Holy Quran; Ahzab: 31.)

The "Humble Believer" means one who is "Obedient and Submitted," and is always "Preserver and Endure in servitude, obedience, and submission."

The meaning of the Verse is that each of you, the wives of the Messenger of God, should be humbled for God and His Messenger, and be enduring in obedience and submission to God and His Messenger, and do righteous deeds. We will then double your reward, and will prepare a generous provision for you, that is, Paradise!

(Almizan: V. 16 – P. 460.)

## Double Punishment for the Sins Of the Spouses of the Holy Prophet

« يَنْسَاءَ النَّبِيِّ مَنْ يَأْتِ مِنْكُنَّ بِفَحْشَةٍ مُّبِينَةٍ »

يُضَعَفُ لَهَا الْعَذَابُ ضِعْفَيْنِ  
وَ كَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا!«  
(احزاب: ٣٠)

**"O, wives of the Prophet!  
Whoever of you commits a gross indecency,  
her punishment shall be doubled,  
and that is easy for Allah**

(Holy Quran; Ahzab: 30.)

In this Verse, the God Almighty changed the form of address from His Prophet about his wives, and directed towards his wives, in order to emphasize their duty that is incumbent upon them. This Verse and the next Verse are a way of interpreting and explaining the Phrase: **"Be sure that Allah has prepared for the good-doers of you a great Reward,"** which explains both in positive aspect, that how great reward they have, or of negative aspect that none of them but the good-doers have great reward!

The word "gross indecency," in the Phrase: **"Whoever of you commits a gross indecency,"** means an action that has culminated in ugliness and obscenity, such as bothering the Holy Messenger of God, and slandering, backbiting, and the like; whose indecency is manifest and obvious, and the sins that whose ugliness are clear to all.

**"Her punishment shall be doubled,"** means that in case one of the wives of the Prophet of Allah commits a gross indecency her doubled punishment will be twice. The proof for this issue is that in respect of the good-doers of them God mentioned: **"To her We shall bestow her Reward doubled!"**

This Holy Verse ends with the Phrase: **"And that is easy for Allah,"** which indicates that being the wife of the Holy Prophet alone never relieves her from doubled punishment, there is no criterion for one's honor but the Piety, and being the wife of the Holy Prophet is an honor when she is Pious, but with sin, it has no effect other than turning

away, and bringing more misery.

(Almizan: V. 16 – P. 459.)

## Exclusive and Hard Duties Of the Prophet's Wives

« يٰۤاَيُّهَا النِّسَاءُ النَّبِيِّ اَسْتَنْنَ كَاَحَدٍ مِّنَ النِّسَاءِ  
اِنَّ اتَّقَيْنَنَّ فَلَا تَخْضَعْنَ بِالْقَوْلِ فَيَطْمَعَ الَّذِي فِي قَلْبِهِ مَرَضٌ  
وَ قُلْنَ قَوْلًا مَّعْرُوفًا! »  
(احزاب: ٣٢)

**“O, wives of the Prophet!  
You are not like an ordinary woman:  
You are to be an example of piety,  
so do not speak with a soft voice while speaking to a man,  
lest one in whose heart is a disease may feel tempted for you;  
and speak in the manner of enjoining good!”**

(Holy Quran; Ahzab: 32.)

This Verse denies the equality of the wives of the Prophet with other women, and says: You are not equal to other women if you employ piety, and raises their status in the same condition as it was said, then forbids from some kind of deeds, and commands to some other deeds. The commands and prohibitions related to their inequality with other women, because after God States that you are not like other women, so do not speak with a soft voice while speaking to a man, (like other women do not make your sound charming,) and sit in your houses, and do not behave flirtatiously and coquetting ... although these behaviors are common between the wives of the Prophet and other women.

From this we understand that warning them that you are not like other women is for emphasis, and God wants to emphasize these duties on them, as if the God Almighty Says that you are not like others, it is obligatory to you to try observing these duties, and be more careful in the religion of God than other women.

The confirmation, or rather the reason that the duty of his wives is

more severe and intense, is that their reward and punishment are double, as you find in the previous Verse that the God Almighty called it double, and it is not reasonable for the duty to be the same for all, but the punishment and rewards for some are doubled, so if the punishment and rewards for some are doubled, we must understand that their duty is emphatic, and their responsibility is heavier.

**"So do not speak with a soft voice while speaking to a man, lest one in whose heart is a disease may feel tempted for you!"** The God Almighty after starting with the exaltation and elevation of the status of the wives of the Messenger of God because of their attribution to him, He added that this exaltation of their position is conditional on Piety. God said that their virtue is not due to their connection with the Messenger of God, but due to their Piety. Then in this Phrase God warns them that they should not speak with a soft voice to men to tempt in their hearts, to cause evil thoughts arousing their lust, as a result the man who is sick-hearted may become greedy. The heart disease here means not having the power of faith, the power that prevents a person from desire for lust.

**"And speak in the manner of enjoining good,"** that is, say a common and direct word, a word that Islamic law and custom (not every custom) likes it, and it is a word that conveys only its meaning (not adding with amorous gestures so that the listener, in addition to understanding its meaning, may feel tempted for you!)

(Almizan: V. 16 – P. 460.)

## Enjoining Obedience and worship, Forbidding Social Display

« وَ قَرْنَ فِي بُيُوتِكُنَّ وَ لَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى  
وَ أَقِمْنَ الصَّلَاةَ وَ آتِينَ الزَّكَاةَ وَ اطَّعْنَ اللَّهَ وَ رَسُولَهُ...! »  
(احزاب: ٣٣)

**"And stay in your houses; and do not exhibit your beauty and**

ornaments as the manner of the women of the time of ignorance; establish prayer, and pay alms and obey Allah and His Messenger. Verily, Allah's Will is to remove away impurity from you, the people of the Messenger's Household, and to purify you with a Thorough Purification!"

(Holy Quran; Ahzab: 33.)

After enjoining the wives of the Holy Prophet to stay at home and avoid social displays like the women of the ignorance era before Islam, the God Almighty instructs them in the Phrase: "**Establish prayer, and pay alms and obey Allah and His Messenger,**" namely, to obey the Religious Commands. If God mentions only prayer and zakat among all the commands, it is because these two commands are the pillars of worships and transactions. Then after mentioning these two, the God Almighty mentioned comprehensively that: Obey God and His Messenger!

Obedience to God is obedience to His religious duties, and obedience to His Messenger is to obey what he commands and forbids with his guardianship, because his commands and prohibitions have also been legislated by God. The God Almighty has assigned the Prophet as the Guardian of the believers: "**The Prophet has more authority over the believers than themselves!**" (Ahzab: 6,) and called his command as God's Command.

(Almizan: V. 16 – P. 462.)

## Emphasis on Commands and Duties Of Holy Prophet's Spouses

« وَ اذْكُرْنَ مَا يُتْلَىٰ فِي بُيُوتِكُنَّ  
مِنْ آيَاتِ اللّٰهِ وَ الْحِكْمَةِ  
اِنَّ اللّٰهَ كَانَ لَطِيْفًا خَبِيْرًا !  
(احزاب: ٣٤)

"Wives of the Prophet,  
remember the revelations of God and Words of wisdom

**that are recited in your homes.  
God is Most Kind and All-aware!"**

**(Holy Quran; Ahzab: 34.)**

This Verse is an admonishment and recommendation which is repeated to the wives of the Holy Prophet to observe the duties that God has already posed on them, and another emphasis on the word "your homes," (because God wants them to understand that people should learn to obey the Command of God from you, then you do not deserve to forget the commands of God while Quran is revealed in your homes.)

The meaning of the Verse is that you wives of the Prophet should remember what is recited in your homes of the Verses of God and Wisdom, it has always be in your memory, so that you do not ignore it, and do not exceed the path that God has specified for you!

(Almizan: V. 16 – P. 468.)

# PART EIGHT

## VALUE OF WOMAN

### IN ISLAM

## Chapter One

# STATUS OF WOMAN IN ISLAM

## Islamic Woman's Identity

« يَا أَيُّهَا النَّاسُ  
إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَى  
وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا  
إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ  
إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ!  
(حجرات: ١٣)

“O, mankind!

Verily, We created you all from a male and female,  
and appointed for you tribes and nations to be known to each other  
verily, in Allah's sight the most honorable of you  
is the most pious of you;  
and Allah is the informed owner of knowledge!”

(Holy Quran; Hujarat: 13.)

Islam states that woman is a human like man, and every human being, whether male or female, is an individual of human beings, in whose material and element of creation two male and female human beings have participated and intervened, and none of this two persons

are superior to each other except in Piety, as his and her heavenly book said.

The Holy Quran considers every human being to be a creature taken and composed of two human beings, male and female, who are both equally the material of his existence and evolution, and the human (whether male or female) is evolved from the accumulation of a substance taken from those two persons.

The Holy Quran did not say in introducing a woman like that Arab poet of ignorant era: **“The mothers of the people are not but a few vessels where the sperm is deposited...”** or the other poet: **“The sons of our sons are our sons, but the sons of our daughters, are the sons of outsider men.”** But Quran introduced each human individual (whether a girl or a boy,) a creature taken and composed of the man and the woman, as a result all human beings are like each other. There is no more perfect and profound expression than this expression. Then the God Almighty after expressing this equality, defined the Piety as the only criterion of superiority.

The God Almighty Said in another Verse:

**"I do not neglect anyone's effort,  
whether the doer be male or female.  
You are all related to one another...!"**

(Al-Imran: 195,)

In this Verse, God States that no one's efforts and deeds are wasted in the Sight of Allah, and justified this meaning to the fact that because you are some of others, expressing explicitly the result of the previous Verse which Said: **"We created you all from a male and female..."** which means that the man and woman are both of the same kind, and there is no difference in their principle of creation and foundation.

Then God Almighty explains the same meaning in the way that the action of either of these two classes is not wasted by God, and the action of one does not remit to the other, unless the person himself invalidates his action.

The Holy Quran announces aloud:

**"All people will be held in pledge for their deeds!"**

(Muddather: 38.)

Not like the people before Islam who said: Women's sin is their responsibility, but their good deeds and benefit of existence belong to men! (We will refer to this in detail later.)

So when, according to these Verses, the deeds of both kinds (whether good or bad) are written on his or her own account, there is no superiority for anyone except by Piety! Considering the fact that one of the stages of Piety is Virtuous Moralities (such as Faith in its various degrees, and such as Beneficial Deeds, mature and solid intellect, good morals, patience, and forbearance,) so a woman who has a high degree of Faith, full of knowledge, or she has a mature and solid intellect, or she has a greater share of Moral Virtues, such a woman is inherently more esteemed in Islam and is higher in rank than a man who is not her equal, let he is who and what! Therefore, there is no dignity and advantage in Islam except to Piety and Virtue.

There is another Verse which is even clearer than the meaning of the previous Verse, which says:

**"Whoever leads a righteous life,  
whether a male or female, and is a true believer,  
We will surely vivify him/her in a pure life, and  
We will pay them their reward by the best of what they used to do!"**

(Nahl: 97.)

Also the following Verse, which says:

**"Whoever does righteous deed,  
whether a male or female, and is a believer,  
then those will be admitted to Paradise,  
where they will receive provision without limit."**

(Ghafir: 40.)

Again the following Verse, which says:

**"Any believer, male or female, who acts righteously,  
will enter Paradise and will not suffer the least bit of injustice!"**

(Nissa: 124.)

In addition to above Verses which explicitly declare equality between men and women, there are other Verses in Quran that explicitly condemn the disregard for the affairs of women, including the following:

**"And when the news of the birth of a female child is broken to one of them his face darkens and he hides his inward grief and anger! He hides himself from his folk shamefully regarding the news and he wonders whether he should keep her with contempt, or bury her beneath the dust? Verily, evil is their judgement regarding such discrimination!"**

(Nahl: 58-59.)

Where God Says that the father of the female child tried to hide himself out of shame from the people, was because the people of that era considered the female birth a disgrace to the father. The source of this way of thinking was that men at such times thought that this girl will soon grow up and will be a playground for young folks! This way of thinking is in fact a kind of men's domination over the women, yet it be in a sexual matter that is obscene and ugly to speak about, as a result, its disgrace would last as a mark of infamy and shame in the father's family forever.

This way of thinking forced the Arabs of ignorance to bury their innocent daughters alive.

The other reason for this case, which was the first cause of this mental deviation, in the past, and God Almighty did condemn this act and emphasized:

**"And when the female infant, buried alive, shall be questioned:  
- For what sin was she put to death?"**

(Takvir: 8-9.)

The remnants of such superstitions remained among the Muslims after the advent of Islam, and they inherited from one generation to another, and so far they have not been able to wash away the disgrace of these superstitions from the heart, as we see if a man and a woman committed adultery, the disgrace of adultery stays with a woman forever, even if she has repented, but it puts not such disgrace upon man, even if he has not repented, even though Islam considers this blame-worthy act a disgrace for both man and woman. Islam considers both of such man and woman to be punished and condemns them both to one hundred beats of lashes.

(Almizan: V. 2 – P. 406.)

## Woman and her Social Status in Islam

« لِلرِّجَالِ نَصِيبٌ مِّمَّا كَسَبُوا  
وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَسَبْنَ...! »  
(نساء: ٣٢)

**"To men belongs a share of what they have earned,  
and to women a share of what they have earned...!"**

(Holy Quran; Nessa: 32.)

Islam has established equality between men and women in terms of managing the affairs of society and the interference of the will and action of the two in this planning, and the reason is that as a man wants to eat, drink, wear, and other needs in his survival, and he tries to obtain them, and so is the woman, therefore the Holy Quran says: "You are fellow-creatures/ The one of you is as the other!"

So, just as a man can decide his own destiny, act independently, and owns the result of his action, so a woman has such rights without any difference:

**"Every soul receives whatever it gains,  
and is liable for whatever it does!"**

(Baqara: 286.)

Therefore, man and woman are equal in what Islam considers it as "Right," and according to the Phrase 82 Surah Yunus: **"Allah will prove the Truth...!"** The fact is that God Almighty has placed two qualities in the creation of woman, and by those two qualities, woman is privileged over man.

The **first** is that: The God Almighty positioned the woman in the parable as a field for the emergence and develop of human kind, so that the mankind may evolve and develop within this oyster, until it reaches the process of birth. Therefore the survival of mankind depends on the existence of woman, because she is a farmland, and like the other farmlands she has her own rules and with the same rules she is distinguished from men.

The **Second** is that: God in creation softened the creation of woman, since this creature must attract the opposite sex, the man, and the man must be attracted to her in order for the human race to remain, and marry her and endure the hardships of home and family. God softened the creation of woman, in order that she has to endure the hardships of having children and the suffering of running the house. God softened and diluted her consciousness and feeling, since these two characteristics, one in her body and the other in her soul, both has an effect on the social duties assigned to woman.

This was the social status of the woman, and with this statement the social status of the man is also known, as well as the complexity and problems that exist in the common rules between the two and the rules specific to each of them in Islam. The Holy Quran says:

**"And do not wish the bounty which Allah by bestowing it,  
has raised some of you above others:  
To the men a share from what they have earned  
and to the women a share from what they have earned;  
and ask Allah of His Bounty whatever you wish and need.  
Verily, Allah is the Knower of all Things!"**

(Nessa: 32.)

What God means by this statement is that the deeds that each man and woman give to their society cause them to be assigned to a bounty from God. Some of the bounties of God Almighty are attributed to one of these two groups. Some are for men and some are for women.

For example, the God Almighty has given the man virtue and superiority over the woman in the sense that his share of inheritance is twice that of the woman, and God has given the woman the virtue over the man in the sense that the expenses of house have been exempted from the woman, so no man should wish that I wish I was not in charge of the house, and neither should the woman wish that my share of the inheritance was equal to my brother! God has attributed some other superiority to the act of the one who acts, it does not belong to the woman or the man, but everyone who does certain acts will attain those virtues (whether male or female,) and whoever does not do such acts who will not attain those virtues (whether male or female,) and no one can wish to have such superiority, like the virtue of Faith, Knowledge, and Intellect, and other virtues that the religion considers them a virtue.

This kind of virtue is a bounty from God that He gives to whomever He wills, therefore at the end of the Verse God Says: **"Ask Allah of His Bounty whatever you wish and need!"**

The proof for what we explained above is the Verse:

**"Men have guardianship over women,  
because God has given superiority to some of you over others.  
The reason is that men give women alimony and dowry from their property,  
therefore the righteous and competent women should be obedient to their  
husbands in love affairs and in preservation of their honor, interests, and  
reputation in their absence,  
as God has protected their interests!"**

(Nessa: 34.)

(Almizan: V. 4 – P. 534.)

## Common Laws and Special Rules

### Between Man and Woman

In Islam, a woman is a partner of man in all the rules of worship and social rights, she can be as independent as man, and she is no different from man (neither in inheritance nor in business, nor in education and learning, and not in obtaining the right that has been taken away from her, nor in defending her right, nor in other rulings,) except in cases where the nature of the woman herself requires her to be different from the man, as under:

The main points of the above cases are: First engaging in Running the Government and Judiciary, as well as participating in Jihad, in attack to enemy (but participating in war to help the men, like medical treatment and healing the wounded soldiers is allowed.) The next issue is the inheritance which the share of a woman is half of men's share. Another issue is the hijab and covering the positions of adornment of woman's body. The last issue is the wife's obedience to the husband in any desire that is related to love affairs and enjoyment.

On the other hand, The God Almighty compensated for these deprivations by placing alimony, that is, the cost of living, on the father or husband, and obliging her husband to use his utmost ability to support her wife, in the meantime, God has also given the right of upbringing the child and his nursing to the woman.

The God Almighty has provided such a facility for the woman that has protected her life and honor, and even her reputation. God has even exempted her to worship during the days of menstruation and the days of puerperium, and prepared for her all kinds of leniency in her different states.

Thus, from all the above, it was understood that a woman has no obligatory duty in order to acquire knowledge more than to know the principles of teaching and the requirements of religion (i.e., the rules of worship and current laws in society,) and in the practical aspect she has

the same rules that a men have, in addition that the obedience to her husband is also obligatory for her, but, of course, not in everything the men says and wants, but only in matters of love affairs. In the meantime in arranging the affairs of her individual life, that is, going in search of work, business, and industry, as well as in arranging the household affairs, participating in social affairs and public interests, such as going to university or engaging in industries and professions useful to the public and beneficial in the communities, while maintaining the limits set for her, none of them are obligatory on women.

The necessity of these things being non obligatory for women is that her entry into any of the fields of science, business, education, and the like is a grace she has bestowed on her community, and an honor she has earned for herself. Islam has also considered this pride permissible among women, unlike men who cannot boast except during war, and is forbidden for men.

This is what comes out from our previous statements, which is also confirmed by the tradition of the Holy Prophet. If our discussion did not last longer, we could explain examples of the behavior of the Holy Prophet with his wife Khadijeh (SA) and his daughter Fatemeh (SA) and his other wives and women of his nation, and what the Prophet of Allah has recommended about the women, as well as a summary of the method of the Imams of the household and their women such as Zainab (SA), daughter of Imam Ali(AS,) Fatimah and Sakina daughters of Imam Hussein(AS,) and others other. We could also quote some of the recommendation about the women narrated by them!

(Almizan: V. 2 – P. 410.)

## **Basis of Social Laws of Islam Concerning Man and Woman**

The basis on which Islam has legislated the above-mentioned rules is nature and creation. We made clear the quality of this foundation

where we discussed the social status of women, but here, too, we give more explanation and say:

There is no doubt for a sociologist and a debater in matters relating to sociology, that social duties and the man-made tasks derived from them must ultimately lead to nature, because this was a characteristic of human natural ability that from the very beginning of his creation led him to form a community for his kind, as we see, there has never been a time when mankind has not had such a community for his kind. Of course, we do not want to say that the society that human beings formed according to the requirements of their nature has always been healthy. No, it is possible that some factors have led that society from the channel of health to the channel of corruption, just as some factors may take the natural and healthy body of a person out of its natural integrity and impair it in creation, or deprive it from natural health and afflict with disease and pest.

So, the society in all its aspects, whether it is a righteous and virtuous society or a corrupt, ultimately leads to nature. The fact is that, the corrupt society has encountered in its course of life with a factor which has corrupted it, and prevented it from attaining the good effects of a society (unlike the virtuous society.)

So this is a fact that scholars have referred to in their social discourses, either explicitly or by remark, and before all of them, the Book of God Almighty has referred to it with the clearest expression and Said:

**“He who gave everything its creation and then guided it!”**

(Taha: 50.)

**“One Who created man and shaped him with the due proportion!  
One Who Ordained man's life also guided him to the Right Path!”**

(A’ala: 2-3.)

**“And inspired it [with conscience of]  
what is wrong for it and what is right for it!”**

(Shams: 8.)

Also the other Verses that are about the issue of predestination.

Therefore, all beings, including human beings, have been guided in their existence and in their lives towards the goal for which they were created, also in their creation they are equipped with every device and tool that is needed to achieve that goal. His consistency and blissfulness life is the kind of life whose vital actions are in accordance with the creation and nature, a full and complete conformity that ultimately its duties and tasks lead to nature, a rightful end! This is the truth that the following Verse refers to and says:

**“Set the face of your heart towards the upright religion. It is harmonious with the nature which God has designed for people. The design of God cannot be altered. Thus is the upright religion, but many people do not know!”**

(Room: 23.)

(Almizan: V. 2 – P. 412.)

## **Natural Requirements in Equality of Duties and Social Rights of Man and Woman**

Now let us see what nature says in social duties and rights between individuals, and what is required? Considering this meaning that all human beings have human nature, we say: What nature requires is that rights and duties, namely, all what is given and what is received, should be equal between human beings, and does not allow a group enjoys more rights and another group is deprived of its basic rights, but the requirement of this equality in rights, which the social justice holds it, is not that all social positions should belong to all members of society (such a thing is not possible at all.) How is it possible, for example, a child, being a little boy, and an ignorant idiot, being an uninformed ignorant occupies the position or the job of someone who is both perfect in intellect and has experience in that position or job, or a disabled person, for example, gets in charge of the work that can only be done by

the one who is strong and powerful, however to whom such a work belongs, the fact is that the equality between the righteous and unrighteous is the corruption of both, and it destroys both the righteous and the unrighteous.

Rather, what the social justice requires and interprets the meaning of equality is that in society, every rightful owner achieves his right, and whoever goes as far as he can, not more than that, so the equality between individuals and between classes is only for this meaning that every possessor of a right achieves his own right, without another right disturbing his right, or being ignored and totally invalidated out of enmity, coercion, or by any other motives. This is what the Holy Phrase: **"The wives have rights similar to the obligations upon them, in accordance with honorable norms; and men have a degree above them, and Allah is All-mighty and All-wise."** (Baqara: 228,) refers to it as we have already explained, because this Phrase, while accepts the natural difference between women and men, meantime asserts their equality in rights!

On the other hand, the commonality of the two kinds of men and women in the principles of existential gifts, that is, in having thought and will, which these two are themselves the generators of authority, requires that women also be in freedom of thought and will, and consequently in having authority to be a partner with a man, just as a man is independent in taking control of all aspects of his personal and social life, except for those things that are forbidden, so must a woman be also independent. Islam also which is a natural religion has given this independence and freedom to the woman in a perfect way, as we have discussed in the previous statements.

(Almizan: V. 2 – P. 413.)

## Proper Treatment with Women in Islamic Society

« ... وَ عَاشِرُوهُنَّ بِالْمَعْرُوفِ  
فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئاً وَ يُجْعَلَ اللَّهُ فِيهِ خَيْراً كَثِيراً! »  
(نساء : ١٩)

**"And you should treat women in a famous way (honorably.)  
If you dislike them, you may dislike something and  
Allah brings through it a great deal of good!"**

(Holy Quran; Nessa: 19.)

The word "famous" means anything that people in their community know, and do not deny, and are not ignorant of, since the Command of God Almighty is restricted to associate with women in famous way, therefore naturally it means to associate with women in a way that it is known among the Muslims, who are obliged to fulfill this Command.

The association that is known and common among men, is that a person from the society is a part of the society builders, that is, he is involved in the formation of the society, and his involvement is equal to the involvement of other members, and in the result of his effect in achieving the purpose of cooperation and public cooperation is equal to the effect of other people, and finally all individuals should be tasked to do something according their possibility and ability which the society needs the product of their work, and tasked to devote to himself what he needs from the product of his work, and to give the surplus to other members of society, in return for what he needs from the surplus of the product of the work of others, this is the very association and companionship which is known to the people of society. But if a person from the society behaves differently - and it is clear that other than this there is only one assumption - others oppress him and nullify his independence of membership for the society, make him subservient and non-independent, that is, others benefit from his work, but he cannot benefit from the work of others, and they exclude him.

The God Almighty has stated in His Holy Book that all people, without exception, whether men or women, are branches of the same tree, and are components and dimensions for the unique nature of

humanity, and the complex in formation needs all these components, the same amount needed by men will be needed by women, as God said: **"You are all from each other!"** (Al-Imran: 195.)

This general rule does not contradict the meaning that each of the two kinds of men and women have their own characteristics, for example, the kind of men have intensity and strength, and the kind of women naturally have tenderness and affection, because the nature of humanity in both its Genetic life and its social life needs to express intensity and strength, and it needs to express affection and mercy as well, just as it needs others to express intensity and strength towards him as well as the love and mercy. These two characteristics are two manifestations of the public absorption and repulsion in the human complex.

On this account, the two kinds, male and female, are balanced in terms of social dignity and in terms of existential effect, just as the members of the male group, with all their differences in natural and social affairs, some are strong, learned, alert, great, chief, master, and noble, but some others are weak, ignorant, stupid, subordinate, valet, and inferior, and also have other differences like this, at the same time, they are balanced in terms of social dignity and in terms of effect that they have on the building of this human complex.

Therefore, it can be said, but it should be said, that this is a Ruling that arises from the taste of a healthy complex, free from tending to extremes, from the taste of a complex that is formed and acts according to the tradition of nature, and does not deviate from it. Islam also in the Verse under discussion and in its other instructions tried to eliminate the deviation of society and lead it to the same tradition of nature, so for such a society there is no choice but to carry out the Ruling of parity in association. This is what we mean in other words by the social freedom and freedom of men and women, and the truth is that man, because he is human, has thought and will, and also has authority, he can choose what is good for him from what is harmful, and in this he has independence,

and the same man, when he enters society, has the same authority, but to the extent that he does not disturb the happiness of the human society. He has the independence in choice just in this framework, and no obstacle can prevent him in his choice, or make him an unquestioning subordinate in choice of others.

This meaning also does not contradict with some classes or some people from the same class enjoy some advantages or are deprived of some privileges due to their interests. For example, men in Islam can become judges and rulers, and go to jihad, and it is obligatory on them to pay alimony to women, and other rulings like this are specific to them, and women are deprived of them, and the confession of the immature children is not valid, and they cannot trade independently, and such children are not obliged to do the duties of Islam. This kind of rulings are mentioned in the books of jurisprudence regarding the individuals who are deprived of financial possessions.

So, all these differences are the characteristics of the rulings that apply to classes and individuals of the society, and the reason is the difference that is in their social value, while all share in the principle of having human value and social value, because the criterion in having the principle of human value relates to having the thought and will, which everyone have them.

Let us also say that these specific rules are not specific to the Holy Law of Islam, but are more or less found in all civil laws and even in all communities that have a tradition for themselves, even if they do not have a law, and their life is forested. Considering these matters, if we want to include them all in a short phrase, the most comprehensive of those phrases is the Phrase under discussion, which says: **"...Treat women in a famous way (honorably.)"**

The Phrase: **"If you dislike them, you may dislike something and Allah brings through it a great deal of good,"** shows that the God Almighty Stated a certain and known thing, as a questionable and

probable one, in order not to provoke the instinct of prejudice in the listener.

The question is that why Quran tried to avoid provoking the audience's prejudices and customs with a mild interpretation?

The answer is that the human complex on that day, that is, at the time of the revelation of the Holy Quran, did not grant the women her real position. They hated to consider women as part of human society, to classify them as an essential class like the men. The societies of that day were societies that considered the women either as a dependent one from outside the community attached to it. They either accepted such attachment only because they need them for their work and use, or they were societies that considered them as a human being, but imperfect in humanity, such as children and insane men, with the difference that children eventually mature one day and become full-fledged human beings, and the insane as well, they would probably recover one day, but women did not reach full humanity forever, so they would have to live under the domination of men forever, and perhaps this was the reason why God did not State in the above Phrase: (If you hated marrying women,) but Stated: (If you hated women,) He wanted to refer to such a point.

(Almizan: V. 4 – P. 404.)

## Executing Illegal Opinions of Spouses and children is prohibited

« يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِنَّ مِنْ أَرْوَاجِكُمْ وَأَوْلَادِكُمْ عَدُوًّا لَكُمْ فَاحْذَرُوهُمْ وَإِنْ تَعَفَّوْا وَتَصَفَّحُوا وَتَغُورُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ! إِنَّمَا أَمْوَالُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ وَاللَّهُ عِنْدَهُ أَجْرٌ عَظِيمٌ! »  
(تغابن: ١٤)

**"Believers,  
some of your wives and children may prove to be your enemies  
so beware of them. However, if you would pardon, ignore and  
forgive, know that God is All-forgiving and All-merciful!"**

**Your property and children are a trial for you,  
but the reward which one may receive from God is great!"**

(Holy Quran; Taghabun: 14-15.)

Making the enmity of the spouses dependent on the believers is the common cause of the Ruling, and understands that some of the spouses of the believers who are at enmity with them do so because their husbands have Faith, and enmity for the sake of faith can only do so. There is a reason that these unbelieving women want to turn their husbands away from the principle of faith, or from the righteous deeds that require faith, such as giving alms in the way of God and migrating from the land of disbelief, and the husbands do not accept, therefore the women are forcibly hostile to them, or they want to impose great disbelief and sins on them, such as stinginess and refraining from giving alms in the way of God, because they like husbands instead of being in the way of God, the advancement of God's religion, and sympathy with God's servants, to love and be interested in their own children and wives and to steal and usurp people's property to ensure their comfort.

So, the God Almighty has considered some of the children and wives as enemies of the believers, of course, the enemy of their Faith, and because they are the enemy of their faith, they force husbands and fathers to renounce faith in God, and not to do some righteous deeds, or commit some great and deadly sins, and the believers may obey some of the wishes of their wives and children because of their love for them, and therefore in this Holy Verse God Says: Beware of such women and children, and do not take their pleasure before the pleasure of God!

The three command: **Pardon, ignore, and forgive**, want to encourage the believers to overlook if their wives and children show the effects of the above-mentioned enmity, and at the same time to be careful not to be deceived by them.

**"Your property and children are a sedition (trial) for you...!"** The word "sedition" means troubles that have the aspect of temptation, and

the temptation of property and children is because these two worldly blessings are attractive ornaments of worldly life, the human soul is so attracted to them that considers them as important as the Hereafter and obedience to his Lord, and puts himself very seriously at the edge of doubt, finally tends toward them and neglects the Hereafter, as the God Almighty Said in another Verse: **"Wealth and children are ornaments of the life of this world!"** (Kahf: 46.)

**"But the reward which one may receive from God is great!"** The Verse is interpreted to prohibition, it wants to forbid neglecting God through full interest in wealth and children, and says: By love and interest in wealth and children do not leave God because the great Reward is with Him!

(Almizan: V. 19 – P. 515.)

## Chapter Two

# NATURAL DIFFERENCES BETWEEN MAN AND WOMAN

### Quranic Declaration on Woman's Right, and Natural Differences between Man and Woman

The woman became independent for herself and self-reliant thanks to the blessings of Islam. Her will and action, which was tied to the will of man until the advent of Islam, was separated from the will and action of man, and came out of the guardianship of man. She reached a position that the pre-Islamic world, with all its antiquity and in all its periods, had not given such a position to a woman. Islam gave a position to women that you will not find such a position for a woman in any corner of any page of human history, and a Proclamation on Women's Rights like the proclamation of the Quran which says:

**“There will be no sin upon you in respect of what they may do with themselves in accordance with honorable norms!”**

**(Baqara: 234.)**

But this does not mean that whatever they asked of the man, they

asked of her, while there are factors in women that are also present in men, but women differ from men in other aspects.

(Of course, the aspect that we say about is an aspect of their kind, not a personal one, in the sense that the average woman is behind the average man in perfection, and in the means of physical development.)

In short: Although it is possible to find one or two extraordinary women, as well as one or two backward men, but according to the physiology of average women in terms of brain, heart, arteries, nerves, body muscle, and weight are different from average men, that is, they are weaker.

That is why the female body is softer and subtle, and the male body is rougher and stronger, and delicate emotions such as friendship and tenderness of heart and desire for beauty and adornment are more dominant in women than in men. On the contrary, the power of reason is more dominant in man than in woman, so the life of a woman is an emotional life, just as the life of a man is a life of reason.

Because of this difference between men and women, Islam has differentiated between men and women in public and social duties and responsibilities, the consistency of which is one of these two things, namely reason and feeling. What has more to do with reason than feeling (such as guardianship, jurisprudence, and war,) allocated for men, and the tasks related more to emotion than reason allocated for women, such as raising children and managing the house and the like.

(Almizan: V. 2 – P. 414.)

## **Wisdom in Difference of Inheritance Share Between Man and Woman**

The Divine Law has compensated for most of a man's duties by: Making his share of the inheritance twice the share of the woman's

inheritance, in exchange for the alimony that the man gives to the woman.

In other words, if we assume the inheritance of a man and a woman to be eighteen Dollars, give both nine Dollars and then take three Dollars of it (which is one-third of a woman's share) from him and give it to the man, the man's share is twelve Dollars, because the woman also benefits from half of these twelve Dollars.

As a result, the return of this division is that what is wealth in the world the two-thirds of it is for men, both real estate and movables, and two-thirds for women, one-third of which is for them, and another third, which is in the hands of men, the women benefit from it.

So, from what has been said, it has become clear that the majority of men (not all of them) are stronger in the matter of management, and as a result, most of the management of the world, or in other words, production is in the hands of men, and most benefits, enjoyment, and consumption belong for women, because women's feelings prevail over their reason.

In addition to what has been said, Islam has observed facilities and discounts for women, which have also been mentioned.

**(A detailed discussion of the laws of inheritance and its principles is given in Verses 11 to 14 of Surah Nissa in page: 78; Volume 1 of ALMizan, to which we invite dear scholars to refer.)**

(Almizan: V. 1 – P. 78.)

## Chapter Three

# MALE AND FEMALE PRIVILEGES IN ISLAMIC LAW

### Male Mastery over Female In Nature and in Islam

« الرَّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ  
بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ...! »  
(نساء: ٣٤)

**"Men are standing guard over women, because of the advantage  
Allah has granted some of them over others,"**  
(Holy Quran; Nissa: 34.)

If we study and pay attention to the way of mating and the relationship between male and female animals, we will see that among the animals, in the matter of mating, there is somewhat and a kind of, or in other words, a smell of male mastery over the female, and we quite feel as if the male animal considers itself the owner of the female reproductive system, and consequently the owner of the female, and that is why we see males quarrel over one female, but females never quarrel over one male.

(For example, a donkey, a dog, a sheep, or a female cow when they see that the male has jumped on another female, never attacks that

female, but the male of these animals when it sees a male chasing the female gets angry and attacks that male.)

We also see that the act courtship or marriage proposal in humans, is also performed in animals (which is in each kind of them in a special form) and this is performed by the male animal, and it has never been seen that a female who has proposed to the male. This is not but the animals, with their instinctive understanding, understand that in the act of mating, which takes place with the subject and the object, the subject is male, and the object is female, and therefore the female inevitably understands herself as submissive.

This meaning is different from the meaning observed in males that the male is obedient to the desires of the female (because our conversation is only about the act of mating and the superiority of the male over the female, but in other acts such as satisfying the needs of the female and providing her pleasures, the male is obedient to the female, and the return of this obedience (male to the female) is obedience to love and lust and more enjoyment. Therefore, the root of this obedience is the animal's power of lust, and the root of it is the superiority and ownership of the animal's rutting and male-hood power and has nothing to do with the foregoing issue.

This meaning that the necessity of intensity and power for the male sex and the necessity of softness and acceptance for the female sex is something that the belief for that is more or less found in all nations, to the extent that it has found its way into different languages of the world, in a way that a hero and everything that does not surrender is called a "man," and every person who is soft and everything that is cordial is called a "woman," for example, they say: My sword is a man, that is, it is a winner, or a certain male plant or a male place, and.... This is happening in the human race and among different societies and different nations in general, although it can be said that its flow (with more or less differences) is common among nations.

The Religion of Islam, has also considered this natural law valid in the legislation of its laws and has said:

**"Men are standing guard over women, because of the advantage Allah has granted some of them over others,"**

(Nissa: 34.)

Islam with this decree, made it obligatory on spouse to obey the husband's request for cohabitation and agree to submit herself to him.

(Almizan: V. 4 – P. 543.)

## **Philosophy of Male Mastery over Female in Divine Law**

This meaning is not hidden from anyone that the Holy Quran always strengthens the sound reason of human beings, and prefers the side of the reason to the desire of the soul, pursuit of lusts, and affection to sharp emotions. To preserve and maintain this Divine Grace from wasting the God Almighty gives advices. This meaning is so clear from the Verses of the Quran that there is no need to give a Quranic proof, because the Verses that explicitly or by reference, or by any language and expression express this meaning are not one, two, or ten that we can quote them.

The Holy Quran, meanwhile, has not overlooked the issue of pure and correct emotions, and also the good effects that those emotions have on training of individuals, and has accepted its effect on the stability of society. The God Almighty mentions two attributes of the emotional attributes as two praiseworthy attributes of the believers and says that the believers are cruel to the infidels and merciful and kind among themselves: **"Muhammad, the Messenger of Allah, and those who are with him are stern and hard against the disbelievers but kind and compassionate among themselves!"** (Fat'h: 29.)

In Holy Verse: **"He created for you mates from your own selves that you may take comfort in them, and He ordained affection and mercy between you!"** (Room: 21,) the God Almighty considers the affection and mercy, which both are emotional affairs, as His Own two Blessings and endowments, and Stated: God has created for you wives of your own sex, in order your hearts may be at peace with their desire and love, and He has placed between you men and your wives fondness and mercy!

Also in other Verse the God Almighty Asks His Holy Messenger to: **"Say, who has forbidden the adornment of Allah which He has brought forth for His servants, and the clean things of His provision?"** (A'araf: 32,) which in this Verse also God introduced the interest in adornment and sustenance, which both relates to emotions, as legitimate, and as a rebuke from those who considered it forbidden, Says: Who has forbidden the adornment of Allah which He has brought forth for His servants?

The fact is that the Holy Quran modifies emotions by harmonizing them with the reason, and gives them the title of following the reason, so that the reason also does not consider it permissible to suppress that amount of emotions.

One of the stages of strengthening the reason in Islam is that what is legislated of the rulings are based on the strengthening the reason, as evidenced by the fact that the God Almighty has prohibited every action, situation, and dispute that is detrimental to the endurance of the reason and causes the reason to be overclouded in cases of judgment or in ruling the affairs of the society, such as drinking alcohol, gambling, all kinds of greedy transactions, lies, slander, backbiting and the like.

It is well known that no scholar, by studying the same amount of the rulings of the Religion of Islam, should not expect that Islam entrusts in general matters, public affairs, social and universal aspects but to those whose privilege is having more reason, because administrating the

social affairs such as Government, jurisprudence, and war require a stronger reason, and on the other hand depriving those who have the privilege of sharper emotions and carnal desires to take over those affairs. It is also known that the male kind is privileged to have a stronger reason and weak emotions than the female kind, and the female kind are privileged to have less reason and more emotions than the males.

Islam has the same procedure, and in the above Verse the God Almighty Said: "Men are standing guard over women!" It was also the Tradition and Procedure of the Holy Prophet of God in all over his lifetime, he did not surrender the administration of any nation to women, nor did he give any women a position of jurisprudence, nor did he invite women to war - of course, to fight, not merely to participate in jihad, for service and surgery, and the like.

But other than the above affairs, the Holy Prophet did not forbid women in other public and social affairs, such as education and learning, nursing of the sick, their treatment, and the like, which involvement of emotions were not in conflict with the usefulness of such actions, and the procedure of the Holy Prophet of Allah indicates the acceptance many of these deeds.

Of course, the Verses of the Holy Quran are also not free from indications to the permission of such works for women, because the requirement of a woman's free will in her personal will and action makes her able to act on such tasks.

For it does not make sense, on the one hand, to exclude women from the guardianship of men in such matters, and to regard their property as respectable to men, and, on the other hand, to forbid them from managing and reforming their property in any way, and nor does it make sense to give them the right to sue, or testify, in self-defense in court, while preventing them from appearing in court and appearing before a governor or judge, as well as other means of independence and

freedom.

Yes, the scope of women's independence and freedom is so wide that it does not interfere with the husband's rights, because we said before that if the husband is present in the homeland, the wife is under his guardianship, of course, the guardianship of obedient, and if the husband is absent, or for example, he is in trip, the wife has to maintain her tasks in his absence. It is clear that considering these two duties, none of the permissible affairs of a woman is permissible if it interferes with these two duties.

(Almizan: V. 4 – P. 547.)

## **A Discussion on Women's Liberation In Western Civilization**

There is no doubt that the pioneer in freeing women from captivity and securing their independence in the will and practice was Islam, and if the West (in recent times) has taken a step in this aspect for women, it has imitated Islam, (and what evil way did they imitate and face with it,) and the reason why they could not fully imitate is that the rules of Islam are intertwined like links in a chain.

The method of Islam, which is a prominent and influential ring in this chain, is therefore effective in that chain, and the imitation that the Westerners have made of this method has only taken a tiny part from the method of Islam. It is known that how ineffective it will be alone.

In short, the Westerners have based their method on the all-encompassing equality of women and men in Rights, and have worked for years in this regard, but in this effort the difference in creation of women and their post-perfection (which already mentioned briefly,) has not been considered.

Their general opinion is almost that the post-perfection and post-virtue of woman is not documented by her creation, but is documented by the misbehavior with which she has been trained for centuries, and from the beginning of the creation of the world until now, she has lived in an artificial limitation, otherwise, the nature and creation of woman is no different from man.

The objection to this statement is that, as the Westerners themselves have acknowledged, society, from the earliest day of its formation, has briefly and implicitly ruled to the post-perfection of women from men, and if the nature of man and woman was the same it was definitely and forcibly showed the contrary to that ruling even in a short time, and also the creation of the chief female organs or non-chief female organs changed its position throughout history, and became like the creation of a man.

This is confirmed by the method of the Westerners themselves, who, although they have tried for years and have used their utmost care to save the woman from backwardness and to provide her precedence and promotion, have not been able to establish equality between women and men, and the world's statistics show that in these countries, in the occupations that Islam has deprived women of, namely, jurisprudence, guardianship, and war, there is a majority and precedence for men, and fewer women have always been in charge of such jobs.

**(Even in the United States of America there is a confidential instruction circulated each year among official organizations, which determines the employment ratio of females and blacks in a minor ratio than the white males!!!! Amin.)**

As for the results of the Westerners' propaganda for equal rights for men and women, and what they obtained of their efforts in this way, we will explain in a separate chapter as much as possible, God willing!

(Almizan: V. 2 – P. 417.)

# PART NINE

# Conditions Of MARRIAGE IN ISLAM

## Chapter One

# THE FORBIDDEN MARRAIGES

### Forbidden Groups In Marriage

« حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَ...! »  
(سوره نساء ۲۳-۲۴)

**“You are forbidden to marry your mothers, daughters, sisters, paternal aunts, maternal aunts, nieces, your foster-mothers, your foster-sisters, your mothers-in-law, your step-daughters whom you have brought up and with whose mothers you have had marital relations. It would not be a sin to marry her if you did not have marital relations with her mother.**

**You are forbidden to marry the wives of your own sons and to marry two sisters at the same time excluding what is already past.**

**God is All-forgiving and All-merciful!”**

**“You are forbidden to marry married women except your slave-girls...!”**  
(Holy Quran; Nissa: 23-24.)

All These Verses are the Decisive Verses, which enumerate the groups of women, with whom marriage is prohibited, or allowed.

The preceding Verse, which prohibited marriage with fathers' wives, is connected in theme with these Verses, too.

The Verses give a list of all those women with whom marriage is **absolutely prohibited** without any condition or exception. This is clear from the Phrase immediately after enumeration of prohibited relatives: **"And lawful for you is (all) besides that!"**

That is why all scholars unanimously say that the verse prohibits son's daughter and daughter's daughter as well as father's mother and mother's mother; and that the Verse: **"Do not marry women whom your fathers married,"** prohibits grandfather's wife too. From this, we may easily understand that the prohibition of marriage with the mentioned women in the above Verse has no condition or exception.

### **1-MARRIAGES FORBIDDEN BY BLOOD-RELATIONSHIP**

The following verse refers to the list of those women whose marriage are prohibited by blood-relation:

**"Forbidden to you are your mothers and your daughters and your sisters and your paternal aunts and your maternal aunts and brother's daughters and sister's daughters...!"**

The blood-relations are seven in number:

- 1- Mothers    2- Daughters    3 – Sisters**
- 4- Paternal Aunts    5- Maternal Aunts**
- 6- Brother's Daughters    7- Sister's Daughters**

**First Group:** "Mothers" are the women to whom the birth of a human being leads, and to whom one's lineage is connected by birth, whether that woman gave birth to one without intermediaries, or with intermediaries, like the mother of the father, who first gave birth to the father, and then we were born of that father, or mother's mother, who first gave birth to our mother, then our mother gave birth to us, or through several intermediaries, such as the mothers from whom the

ancestor was born.

**Second Group:** "Daughters" are any girl whose own birth, or her parent's birth, or the birth of her grandparents are from same ancestor.

**Third Group:** "Sisters" are daughters and wives who are related to us by birth, namely, they were born to our parents, or only to our father, even though her mother is not our mother, or that she was born to our mother, even though her father is not our father.

**Forth Group:** "Paternal Aunt" is the father's sister, or the sister of the grandfather, whether this relation are from the parents of both, or whether it is only from the father, or whether only sister and brother from the mother.

**Fifth Group:** "Maternal Aunt" is a woman who was born to one parent with our mother or our grandfather, or was born to only one father or only one mother.

**Sixth and Seventh Group:** "Brother's Daughter and Sister's Daughter," their relations also are not limited to our brothers or sisters from the same father or mother only, but it includes the Brother's daughter or Sister's daughter who relate us by each of our father or mother only, are nephews and nieces for us.

The meaning of what God Said: **You are forbidden to marry your mothers, daughters...**, this means that your marriage with them is forbidden. But this meaning does not accord with the Phrase: **"except your slave-girls,"** because we know that this exception is an exception to the act of cohabitation, not to the attachment of marriage, which will be expressed soon, and also does not accord with the Phrase: **"Besides these, it is lawful for you to marry other women if you pay their dower, maintain chastity and do not commit indecency,"** in a statement that will also come soon.

So the truth is that the subject of the ruling of inhibition, which is not mentioned in the Verse, and is taken as granted, is not the attachment of marriage, but is the (sex affair) but if the Holy Quran did not specify its name, was in order to observe politeness in speech, because this is the manner of Quran to observe the chastity of speech.

If in the Verse under discussion the God Almighty addresses especially the men and States that it is forbidden for you men your mothers and daughters to marry to, and ... although it was possible that He would address the same address to the women and would Say: It is forbidden for you women to marry your children and fathers, or would say in general and without specifying the addressee that there is no marriage between a woman and her child and her father, but the fact is that according to the interpretation of Holy Verse: **"Men are standing guard over women...!"** (Nissa: 34,) usually by nature, the proposal of marriage, and reproducing offspring is the work of men, and it is only the men [and the male of every animal,] who seek a mate, [and it has never been seen that the female seeks a male from an animal, or a woman to choose the husband goes to houses.]

As for the fact that God addressed the addressee in the Verse and Said: **"For you (in plural,)"** and also made the inhibition belong to the group of all seven classes and Said: **"Your mothers and daughters ...,"** it was because it includes all Men and the mothers, and daughters, etc., in general, it conveyed the meaning that it is forbidden for any of your men to marry his mother and daughter.

## **2- MARRIAGES FORBIDDEN BY MARRIAGE-RELATIONSHIP**

« ... وَ أُمَّهَاتِكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَ أَخَوَاتِكُمْ مِنَ الرَّضَاعَةِ وَ أُمَّهَاتُ نِسَائِكُمْ وَ...! »

**"You are forbidden to marry ... Your foster-mothers, your foster-sisters, your mothers-in-law...!"**

Now begins the list of the women whose marriage prohibited because of the relationship established after marriage, not by the blood relationship, for which the following Verse refers: **"... And your mothers that have suckled you, and your foster sisters, and mother of your wives...! "**

They are also **seven**: Six are mentioned in this Verse and one in the preceding Verse: **"... And marry not women whom your fathers married! "**

This Verse, in its context, indicates that the Legislator of Islam has established the ruling of motherhood and childhood between a girl and the woman who breastfed her, that is, the law considered the breastfeeding woman as the mother of that girl and the girl as the child of that woman, likewise, it has also established the rule of brotherhood between a boy and his sister-in-law, because the Legislator of Islam has considered this motherhood and childhood and also brotherhood and sisterhood as an accepted reality, therefore the issue of breastfeeding and milk-drinking according to the law creates a familial relationship. This meaning, as we shall express soon, is one of the characteristics of Islamic law.

A tradition narrated by both Shia and Sunnis, states that the Prophet said: **"Verily, Allah has prohibited through suckling what He has prohibited through blood-relationship."** (For example, if according the blood-relationship God has considered the mother forbidden to marry to her child, He has also made the foster-mother forbidden to breastfeeding child.) It follows that suckling creates prohibition parallel to the prohibited blood-relationship, that is, foster-mother, foster-daughter, foster-sister, foster paternal aunt, foster maternal aunt, daughter of foster brother and daughter of foster-sister; a total of seven groups are the prohibited groups.

But what amount of the suckling, and what conditions concerning its quantity, quality, and duration, creates the prohibition; and other relevant rules; these topics are explained in the Islamic jurisprudence,

and are outside the scope of this book.

The Phrases: **"Forbidden to you are ... Your foster-sisters, or sisters from suckling,"** do not refer to the girl, whom the boy suckled with her mother's milk, but it refers to the girl who suckled with boy's mother's milk, the milk that produced in mother's breast through his father, but if a mother had milk from a divorced husband, then married to my father, then got me, during her pregnancy period she has suckled a girl, that girl will not be proved as my foster-sister. All other babies also that become relative through suckling are those who would suckle with the milk belonging to my father.

The Verse: **"Forbidden to you are... Mothers of your wives,"** indicates another forbidden group because of the marriage relationship. It makes no difference whether the man had established sexual relation with that wife (her daughter,) or not.

In the next clause which refers to stepdaughters, the daughters of a man's wife from a previous husband, and states: **"Forbidden to you are... your step-daughters whom you have brought up and with whose mothers you have had carnal relations. It would not be a sin to marry them if you did not have carnal relations with their mother."** The stepdaughters are those girls who came from a wife's previous husband; but it is the present husband who looks after the children. It is he, who in most cases, if not all cases, looks after them and brings them up.

The adverbial clause: **"Who are in your guardianship,"** refers also to an occasional not permanent condition, mostly it happens that the daughters of our wife grow up in our lap, not permanently (since it is possible that our spouse has left her daughter to her relatives or to relatives of the daughter,) therefore it is said that marrying the wife's daughter is forbidden to her husband, whether she has been raised in husbands house or someone else. Therefore, the adverbial Phrase: **"Who are in your guardianship, (or living in your house,)"** is an explanatory restriction, not the so-called avoidance restriction to conclude that it is

permissible to stepfather to marry her if not raised in his house.

It is also possible to maintain that the Phrase: **"Who are in your guardianship, (living in your house,)"** points to the **underlying wisdom** which is in the abovementioned legislation of the law, and understands that why it is forbidden to marry some women because of blood-relationship, and others of marriage-relationship (which we will describe later.)

The **wisdom** is that, there is continuous and constant mingling between men and these girls; they are usually together in the homes, consequently, it would have been impossible to avoid incest (merely with prohibition of fornication) if they were not prohibited forever, (as will be explained later.)

Thus, the adverbial Phrase: **"Who are in your guardianship, (living in your house,)"** refers to the meaning that since the stepdaughters grow mostly up with stepfathers, and are often with them, therefore the same wisdom and criteria which was in the prohibition of mothers and sisters' marriage was also in them. (Just as we explained the adultery with those groups in particular, we also explained adultery with stepdaughters.)

In any case, we want to say that the adverbial Phrase: **"Who are in your guardianship, (living in your house,)"** is not an avoidance restriction, and it does not want to say that it is only stepdaughters who live in your house and grew up in your skirt are forbidden for you, but if she is in other's house or is an older girl and not grow up in your skirt you can marry her, and can have both her and her mother!!!

The reason for this claim and the meaning that we have obtained from the Verse is that in the Phrase: **"It would not be a sin to marry her if you did not have marital relations with her mother,"** the God Almighty specifies this and States: If no intercourse has taken place with stepdaughter's mother, you can marry the stepdaughter.

It turns out that having intercourse with mother is the cause of the

prohibition of marriage with stepdaughter. So, if the adverbial Phrase: **"Who are in your guardianship, (living in your house,)"** was an avoidance restriction, like the above Phrase the God Almighty should also State the same condition as Stated in the above case and Said: If your stepdaughter is not raised up in your skirt, you can marry her, and as soon as we see that God has not mentioned it, we understand that there is a difference between these two conditions, the adverbial Clause in first case is avoidance restriction but in the second case it is not, and it is an explanatory restriction

The Clause: **"[Forbidden to you are...] the wives of your sons who are of your own loins,"** denotes the "sons", who are the male child begotten by a human being through birth, either direct or through a son or daughter, [how low so ever]. The conditional clause **"who are of your own loins,"** excludes wives of the so-called "sons of adoption," which, in Arabs before Islam, were known as legal sons of a man. The Holy Quran wants to explain that marriage with the wives of these kind of sons is permitted, but marrying the wives of the sons, who are of the man's own loin, is illegal.

The Clause: **"[Forbidden to you are...] marrying two sisters together,"** ordains prohibition of marrying sister of a wife as long as the wife is alive and is married to the man. The expression makes it clear that man is forbidden to have both sisters together in his marriage at the same time. There is no hindrance if a man marries a woman and then, after her divorce or death, marries her sister. The proof may be seen in the well-established conduct of the Muslims going back to the Prophet's time.

The exceptional Clause: **"Except what has already passed,"** has the same implication here as it had in the preceding Verse: **"And marry not women whom your fathers married, except what has already passed."** It looks at the custom, prevalent among the Arabs of the era of ignorance, of having two sisters in marriage together. This Clause proclaims pardon to what they had done in the past, [before this Verse

was revealed.] It does not mean that such marriages, [if they were contracted earlier] could continue even after the revelation. The Verse clearly shows that from now, such marriages, are prohibited and unlawful, cannot continue. We have seen in the "Traditions," under the Verse: **"And marry not women whom your fathers married, except what has already passed,"** how the Prophet had separated between the sons and the wives of their fathers, at once after that Verse was revealed, although the marriages had been contracted before its revelation.

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

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

In other words, there is no use in saying that a past marriage, which had joined two sisters together, was lawful or unlawful, when both or one of them had died, or both or one of them had been divorced. However, it is quite meaningful to declare that, that past conjunction was not "unlawful" at that time. It was necessary for the welfare of the offspring of such marriages, as it gave them legitimacy and established relationship between the children and their natural fathers and other relatives, which in its turn had bearing on inheritance, marriage, and other so many family affairs.

Therefore, the Clause: **"Except what has already passed,"** is an exception to the ruling, not on the basis that it is related to the past deeds before the law of Islam, but on the basis of the effects contrary to religious laws remained from that past deeds.

Also it is possible to apply this exception to all the Clauses mentioned in the Verse - without restricting it to the last Clause:

**"[Forbidden to you are...] marrying two sisters together."** It is true that the Arabs did not commit all the prohibitions mentioned in the Verse, and they did not marry their mothers, daughters or other prohibited relatives, however, at the time of the revelation of these Verses, there were many nations, like the Persians, the Romans, and several other civilized and irreligious societies, which married various prohibited women, each society following its own custom. Islam recognizes the validity of the prevalent marriage-systems of non-Muslim societies, and confirms the legitimacy of their children when they enter into the fold of Islam. (Of course, the first explanation is more obvious.)

The clause: **"Surely Allah is Forgiving, Merciful,"** explains the reason of the above-mentioned exception. It is one of those places, where Divine Forgiveness belongs to the effects of a deed, not to the deeds that were full of sins and disobediences.

The Clause: **"[Forbidden to you are...] all married women except those whom your right hands possess, (the slave girls,)"** refers to those women who are presently married to a husband. The Holy Phrase states that apart from the fourteen groups (*mentioned in the preceding two verses,*) man can marry all women except the married women, whom no one is allowed to marry with.

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

**"Allah's Ordinance to you,"** means: Adhere to Allah's Command, which is ordained and prescribed for you!

(Almizan: V. 4 – P. 416.)

## Faith, the Marriage Provision With Idolatress

« وَ لَا تَنْكِحُوا الْمُشْرِكَاتِ حَتَّى يُؤْمِنَ...! »  
(بقره / ٢٢١)

"Do not marry pagan women unless they believe in God.

A believing slave girl is better than an idolater,  
even though the idolaters may attract you.

Do not marry pagan men unless they believe in God.

A believing slave is better than an idolater,  
even though the idolater may attract you.

The pagans invite you to the fire,

God invites you to Paradise and

Forgiveness through His Will.

God shows His Evidence to people

so that they may take heed!"

(Holy Quran, Baqareh: 221.)

It is important to mention that the main purpose of marriage performance is the marital relationship, not the verbal marriage contract which is recited and signed in the marriage ceremony and is common among any nation and religion.

The appearance of the Verse, which says: "**Do not marry pagan women...**," prohibits only the marriages with pagan women and men, not marrying "the people of the book."

(Almizan: V. 2 – P. 303)

## Who is a Polytheist and Who is an Unbeliever?

The POLYTHEIST, means one who ascribes a partner to "Allah". They are also called "Pagans or Idolaters." It is well-known that polytheism may be open or hidden, and these two qualities may be of

various degrees and grades. The same is the case with belief and disbelief.

The most open kind of polytheism is to believe that there is more than one god and to take and worship idols and treat them as intercessors before God. Less open is the polytheism of the people of the book, as they deny the prophet-hood of Muhammad (PBUH), and, especially their belief that 'Uzayr' was the son of God, or Christ was the son of God, and so is their claim that they themselves are sons of God, and His beloved: **"The Jews and the Christians say: We are Allah's children and His beloved ones."** (Maeda: 18.)

All this is polytheism, but less manifest than that is believing in that the apparent causes independently create their effects; like believing in that a medicine gives its effect independently, then relying on these causes.

The most hidden polytheism is the one from which only the chosen servants of Allah, with pure hearts, can escape. That is to be forgetful of Allah and to divert attention to other than Him. All of these are polytheism.

But this does not mean that we apply the word polytheist to all those who hold the ranks of polytheism, as we know that if a Muslim abandons prayer or any other obligation, he disbelieves in that obligation, but we do not apply the word infidel to him. For example, the God Almighty called the abandonment of Hajj an act of disbelief, and Said: **"And it is the duty of mankind toward Allah to make pilgrimage to the House for those who can afford the journey to it and should anyone renege on his obligation, Allah is indeed without need of the creatures!"** (Al-Imran: 97,) of course, we do not call such one a polytheist, but he is one who disbelieved in one duties of God, and even if we can apply it, we should say that he is an infidel to Hajj.

Likewise. the other attributes used in Quran, such as: the righteous, the obedient, the thankful, and the purified, or the transgressors,

and the oppressors, and so on, are not equal to the actions from which these attributes are derived, the one who has only a righteous deed, one worship, one thanksgiving, and one purity, or only one immorality, and one oppressor, he is not called the righteous, the obedient, the thankful, the purified, or the immoral, and the unjust. This is an obvious fact, so there is a rule to call these titles the name or attribute of someone, but attributing a deed to some person has another ruling.

In addition, this meaning is not well cleared that the Holy Quran has also applied the word polytheist to the People of the Book, contrary to the word of unbelievers, but as far as we know, this word has been applied to non-People of the Book, for example: **"Faithless from among the People of the Book and the polytheists were not set apart until the proof had come to them!"** (Bayyina: 1.)

Or the God Almighty Said:

**"The polytheists are indeed unclean: so let them not approach the Holy Mosque!"** (Taubah: 28,) or Said:

**"How shall the polytheists have any valid treaty with Allah and His Messenger?"** (Taubah: 8,) and again Said:

**"And fight against the disbelievers collectively!"** (Taubah: 36,) and **"Kill the polytheists wherever you find them!"** (Taubah: 5,) and others.

So, considering above explanations it is clear that the appearance of the Holy Verse, which says: **"Do not marry pagan women,"** prohibits only the marriages with pagan women and men, not marrying the people of the book. Also if a man converted in Islam but has a pagan wife he must divorce her, unless she also converts in Islam to maintain their marriage relation valid.

(Almizan: V. 2 – P. 303 )

## Privilege of Muslim Slave-Girl

### On the Idolatrous Woman

«...وَأَمَّا الْمُؤْمِنَةُ خَيْرٌ  
مِّنْ مُّشْرِكَةٍ وَ لَوْ أَحَبَّبْتُمْ...!»  
(بقره: ٢٢١)

**“...A believing slave girl is better than an idolater,  
even though the idolaters may attract you...!”**

(Holy Quran; Baqara: 221.)

The people in the days when slavery was common, despised slaves, and were ashamed of marrying them, and if anyone did so he was rebuked, so in the Holy Verse the God Almighty named the slave girl as the believer, but He did not name the polytheist woman as a free one, even though we said that the people despised the slave girl and avoided marrying them. This is the reason for what God wants to say that: A woman with faith, even if she is a slave, is better than a polytheist woman, even though she is free, and has lineage, wealth and other advantages that are usually pleasing to people.

(Almizan: V. 2 – P. 307)

## Philosophy of Prohibition

### The Marriage with Idolaters

«...أُولَئِكَ يَدْعُونَ إِلَى النَّارِ  
وَ اللَّهُ يَدْعُوا إِلَى الْجَنَّةِ وَ الْمَغْفِرَةِ بِإِذْنِهِ...!»  
(بقره: ٢٢١)

**“...The pagans invite you to the fire,  
but God invites you to Paradise and Forgiveness through His Will!”**

(Holy Quran; Baqara: 221.)

This Holy Phrase refers to the wisdom of forbidding those two types of marriage. God States that the polytheists, because they believe in falsehood, go astray. Naturally, the immoral habits which cause the

disbelief and immoralities to be attractive in the heart of human, gradually blinds him to see the path of Truth, and penetrates his heart, so that his words and deeds invites to polytheism, and leads to destruction, and finally sets a person on fire.

So the polytheists, both men and women, invite to the fire, but the believers, on the contrary, by the way of Faith and their Piety, call man towards paradise and forgiveness, by their words and deeds, and by the permission of God, because God has allowed them to invite people to Faith, to lead them to salvation and happiness, which ultimately ends to paradise and forgiveness.

(Almizan: V. 2 – P. 307.)

## **Prohibiting Marriage of Non-Purified With Purified Believers**

« الْحَبِيثَاتُ لِلْحَبِيثِينَ وَالْحَبِيثُونَ لِلْحَبِيثَاتِ  
وَ الطَّيِّبَاتُ لِلطَّيِّبِينَ وَ الطَّيِّبُونَ لِلطَّيِّبَاتِ  
أُولَئِكَ مُبَرَّزُونَ مِمَّا يَقُولُونَ لَهُمْ مَغْفِرَةٌ وَ رِزْقٌ كَرِيمٌ! »  
(نور: ٢٦)

**"Indecent woman are for indecent men  
and indecent men are for indecent woman.**

**Decent women are for decent men  
and decent men are for decent women.**

**The decent people are innocent of what people allege.**

**They will receive Mercy and Honorable Sustenance!"**

(Holy Quran; Baqara: 221.)

The chaste Believers, men and women are decent, and each belongs to the other. They are, according to the rule of faith and chastity, free from wrong allegations for which there is no evidence. They are, because of their faith, deserved to forgiveness, as the God

Almighty Said: "...Have faith in Him. He will forgive you some of your sins!" (Ahqaf: 31,) and for the same reason they will have a generous sustenance.

The said sustenance is the same purified life in this world and the hereafter, and the good reward of the hereafter, which is promised them in the Verse: "Whoever does good whether male or female and he is a believer, We will most certainly make him live a happy life, and We will most certainly give them their reward for the best of what they did!" (Nahl: 97.)

**What is meant by "indecent" in the "indecent men and women" which are other than the believers, is that they have a filthy state, and they take on to themselves an unpleasant condition due to disbelief.**

(Almizan: V. 15 – P. 137)

## **Assigning Marriage of Indecent Women to Indecent Men**

If the God Almighty attributes indecent women to indecent men, and indecent men to indecent women, it is because of their being from same kind and category, as a result such people are not free from tending to lewdness and harlotry. Of course, this attribution singly is not a ruling condemning them to have such tendency.

So, we can note a few clear points from the above statements:

First: The Holy Verse is general in terms of words and describes the believers as pure forever, even if the reason for the revelation of the Verse is a special case.

Second: It indicates that the believers by religion are deserved to be acquitted of what is alleged upon them and do not establish evidence.

Third: It indicates that all believers are deserved to forgiveness and sustenance.

All this, of course, is an apparent ruling, such is the appearance of the believers, and the appearance of the infidels is contrary to that, because the believers are respected by God.

(Almizan: V. 15 – P. 137)

# PART TEN

## BASIS OF DIVORCE LAWS IN

# QURAN

## Chapter One

# Attitude of Quran About **DIVORCE**

### Permission for Divorce in Quran and its Wisdom

« وَ إِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كِلَا مِنْ سَعْتِهِ  
وَ كَانَ اللَّهُ وَاسِعاً حَكِيماً! »  
(نساء: ۱۳۱-۱۳۰)

**“But if they separate,  
Allah will suffice each of them out of his bounty,  
and Allah is All-bounteous, All-wise!”**  
(Holy Quran; Nessa: 130-131.)

If a man and woman decided to separate and divorce, the God Almighty, by His Vast Grace, will make both the man and the woman needless. The purpose of making them needless is that God makes both of them needless in all matters related to marriage, and gives the man a sympathetic, lovable wife ..., and gives the wife a husband who will pay her alimony better than before along with marital pleasure and other marital accessories, because it is not the case that God Almighty created a certain man for a certain woman, so that if one separates from the other, it will no longer have another pair, but the tradition of marriage, namely, men's marrying women and women's going to husbands is a natural tradition. Where we see that men marry the women and women marry to men, this behavior relates to an invitation hidden in their

nature, if the certain women would divorce the other one takes her place, and vice versa.

**“And Allah is All-bounteous, All-wise!  
To Allah belongs whatever is in the heavens  
and whatever is on the earth...!”**

These two Phrases justify the previous ruling and says: If we said that the God Almighty will make both of them needless through His Vast Grace, it was because Allah is All-bounteous, All-wise!

Also because the Kingdom of all that is in the heavens and in the earth belongs to the God Almighty!

(Almizan: V. 15 – P. 166)

## Strict “Limits of God” In Divorce

« يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ  
وَ أَحْصُوا الْعِدَّةَ وَ اتَّقُوا اللَّهَ رَبَّكُمْ لَا تَخْرُجُوهُنَّ مِنْ بُيُوتِهِنَّ  
وَ لَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيِّنَةٍ  
وَ تِلْكَ حُدُودُ اللَّهِ وَ مَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ  
لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا »  
(طلاق: ١)

**“O Prophet of Allah!  
When you and your nation,  
divorce women divorce them at the time of 'Iddah'  
(the time when they are clean from monthly menstruating  
and have not had intercourse with their husbands),  
and keep the account of the 'Iddah,"  
and fear God, your Lord,  
and do not turn them out from their homes,  
nor shall they go out,  
unless they commit a gross indecency,**

in which case you can expel them.

All these are the "Limits of God,"

and whoever transgresses the "Limits of God," has wronged himself.

You do not Know, may be by Allah's Will a new situation appears!"

(Holy Quran; Talaq: 1.)

The Phrase "All these are the **"Limits of God,"** and whoever transgresses the "Limits of God," has wronged himself," means that whosoever transgresses those rules mentioned for divorce has in fact transgresses the Limits of God and disobeys his Lord. In fact, all Rulings of God are the limits for His servants' deeds, and whoever transgresses those Rulings, he has in fact transgresses and does not observe the Limits of God, and whoever disobeys the Commandments of his Lord, he has persecuted himself.

The Phrase: "**You do not Know, may be by Allah's Will a new situation appears!"** means that no one knows, maybe God Almighty created something after this, that is, something that changes the situation of this couple, and the husband's decision to divorce his wife has changed, and he tended to reconcile with her, because the bridle of hearts is in the Hands of God, his wife's love may be found in his heart, and he may return to his former life.

(Almizan: V. 19 – P. 526)

## Divine Commandment on Rights of Divorced Parties

« وَ لَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ  
وَ لِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ  
وَ اللَّهُ عَزِيزٌ حَكِيمٌ! »  
(يقره: ٢٢٨)

The wives have rights similar to the obligations upon them,  
in accordance with honorable norms;

**and men have a degree above them,  
and Allah is All-mighty and All-wise!"**

(Holy Quran; Baqara: 228.)

The term "**Norm**" means any action that public opinion considers it to be a known act, and is familiar with it, and is compatible with the taste that the people of each community acquire from their type of social life, and does not repel it.

The term "**Norm**" is repeated in the Verses under discussion, and it is mentioned in twelve cases, because God Almighty is concerned that the act of divorce and its addendums should be done according to natural traditions, and it should be a healthy act, therefore the term "Norm" involves the guidance of reason, the rule of Religion, moral virtue, as well as ethical and human traditions (it is a "Norm" practice that has been done both according to the guidance of reason, and according to the rules of Religion or the current law in society, at the same time it should not conflict with moral virtues, so that the ethical traditions do not consider it contrary to ethics.)

Since the Religion of Islam has based its legislation on nature and creation, therefore the term "Norm" according to Islam is what people consider to be famous, of course, the people who have not deviated from nature and from the system of creation. One of the Rulings of such a society is that all individuals and components of the society should be equal in any ruling, and consequently the rulings against them also should be equal to the rulings that are in their favor. Of course, this equality must be observed considering the value of the individuals in the society. The person who has an effect on the perfection and growth of the society in various aspects of community life should be different from a person who does not have that amount of effect. For example, for a person who rules society, the value of his governmental duty should be preserved, and for a scholar, his knowledge, and for an ignorant, his ignorance, for the strong worker, his strength, and for the weak, his weakness should be considered, then equality should be applied between

them. The one who has a right should receive his right. On this basis, Islam has legislated the rulings for the benefit of women and also against women, thus it creates equality between what is for her benefit with what is against her, and at the same time Islam has also considered the weight that a woman has in social life, and the impact she has on marital life and on the survival of the generation, and Islam believes that men have a higher degree of superiority over women in this marital life, which it means this degree is the same superiority and dignity.

It is clear from this that the Phrase: **"...And men have a degree above them..."**, is an adverb that complements the previous Phrase and results in the same meaning: That God Almighty among divorced women with their husbands have observed equality, and at the same time considered the degree and dignity that men have over women, so the amount that God has ruled for their benefit, the same amount has ruled against them no more! (Note. We will have a detailed discussion in this regard, later.)

(Almizan: V. 2 – P. 349)

## Release of the God-Fearing From the Deadlocks of Life

« ... وَ مَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا،  
وَ يَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ،  
وَ مَنْ يَتَّوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ،  
إِنَّ اللَّهَ بَلِّغُ أَمْرِهِ،  
قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا ! »  
(طلاق: ۲-۳)

**“And one who regards piety in Allah's Way,  
He will make a way for him to get out of the hard situation  
And Allah provides sustenance for a believer  
from where he could not even imagine.  
And a believer who puts his Trust in Allah,**

**He will make him free from the need of mankind,  
and Allah's Support is sufficient for a believer.**

**Verily, Allah will fulfill His Command:**

**Certainly Allah has set a measure for everything!"**

(Holy Quran; Talaq: 2-3.)

The God Almighty Says: Whoever avoids the prohibitions of God for the sake of God and the fear of Him, and does not violate His Limits, and does not violate the sanctity of His Laws, acts accordingly, the God Almighty provides him with a way out of the difficulties of life, because God's Legislations are natural laws and the God Almighty invites man through that laws to something that his own nature requires, and satisfies the need of his nature, and provides the happiness of his world and hereafter. God provides him with wife and property and everything else that is the source of his life's happiness and purity of his life, in a way that he himself does not imagine and does not expect it.

Therefore, the believer should not have the fear that if he fears God and respects His Limits and therefore does not take advantage of those prohibited women, the happiness of his life will not be provided, and he will be deprived of livelihood. No, it is not so, because Sustenance is guaranteed by God Almighty and God is able to provide it.

**"And a believer who puts his Trust in Allah,"** and who relies on God, withdrawing himself from his carnal desires, preferring the Will of God Almighty over his own will, and prefers the action that God wants to what he likes, in other words, to devote himself to the religion of God and follow His Commandments: **"God will make him free from the need of mankind!"** God will suffice him and becomes his Supporter, then what he desires, God Almighty wants the same for him, of course, what he recognizes according to his nature as the joy of his life and happiness, not what his false imagination considers happiness and joy.

Where the God Almighty Said that: God will suffice him and becomes his Supporter, the reason is that God Almighty is the Last Cause, that all causes end to Him, as a result, when God Wills

something He does it and achieves what He wants, without anything can change His will, He is the One Who States: **"No word is to be changed in My Presence!"** (Qaf: 29.) Nothing stands between He and His Will, because God is the One Who Says: **"Allah judges, and there is none who may repeal His judgement!"** (Ra'ad: 41.) All other causes that human beings resort to in satisfying their needs are owned their causality by God, and they own the amount that God has given them, and every person in power has the amount of power that God has given him, therefore, he can use his power to the extent that God has given permission.

So, God alone is sufficient for whomever has trusted Him, no other cause may have such authority: **"Verily, Allah will fulfill His Command!"** God achieves whatever He Wills. He is the One Who States: **"All His command, when He Wills something, is to Say to it: Be! And it Is!"** (Yassin: 82.) Again Says: **"Certainly Allah has set a measure for everything!"** (Talaq: 3.) Therefore there is nothing unless it has a definite measure and a definite limit, but the Glorious God is a Being Who is not limited by any limit, and nothing surrounds Him, and He Himself Surrounds everything!

This was the meaning of the Holy Verse. Since this Verse is revealed along with the Verses related to the divorce, it corresponds to the case of divorce. **The Verse in question is one of the prominent Verses of the Holy Quran.**

(Almizan: V. 19 – P. 526.)

## Chapter Two

# Joint Marital Life After **DIVORCE**

### Return of Husband to Joint Life

« وَبُعُولَتُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا! »  
(بقره: ٢٢٨)

**“And their husbands have a greater right  
to restore them during this duration,  
if they desire reconciliation!”**

(Holy Quran; Baqara: 228.)

The ruling in this Verse, that is, the husband's return to his wife in the days of 'Idda,' is specific to a revocable divorce, and does not include irrevocable divorces. The Phrase: **"If they desire reconciliation,"** understands them that the recourse should be for the purpose of correction, not for the purpose of harming, which is explicitly forbidden in the third following Verse: **"And do not retain them maliciously in order that you may transgress!"**

The Phrase: **"Their husbands have a greater right to restore,"** conveys that both the husband should have a right in a divorced woman, and every other suitors, but the husband has greater right than others, since the word (restore) refers to husband's returning, and it cannot be

fulfilled except with the same first husband, because if others marry that woman, they will marry in a separate marriage, but only the husband can return to his first marriage without a new wedding, and can do that woman his wife again.

Of course, we should also say that the Holy Verse is about the women who had marital relation, and are menstruating, and are not pregnant, but those women whose husbands have not had intercourse with them, or who are not of menstrual age, or are immature, or have reached the point of menopause, and or are pregnant have another ruling that other Verses are subject to their ruling.

(Almizan: V. 2 – P. 347.)

## Treatment with Divorced Spouses at Home

« أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ  
وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ...! »  
(طلاق: ٦-٧)

“House them where you live, in accordance with your means,  
and do not harass them to put them in straits,  
and should they be pregnant, maintain them until they deliver.

Then, if they suckle the baby for you, give them their wages  
and consult together honorably;

but if they make things difficult for each other,  
then another woman will suckle the baby for him!

Let the affluent man spend out of his affluence,  
and let he whose provision has been tightened  
spend out of what Allah has given him.

Allah does not task anyone except according to what He has given  
him. Allah will bring about ease after hardship!”

(Holy Quran; Talaq: 6-7.)

The God Almighty States: You should house the woman you have divorced in the same dwelling where you live and provision her, of course, everyone according his ability, the rich of his wealth, the poor as much as he can. You have no right to harm her so that it will be difficult for her to stay in that dwelling, and to put her in distress in terms of clothing and alimony.

The God Almighty instructs: If divorced woman is pregnant, you should pay her alimony so that she can give birth to her child. If she is willing to breastfeed her baby, it is up to you to pay for her breastfeeding, because the wage for breastfeeding is in fact child support, which is the responsibility of the father.

**"And consult together honorably!"** The God Almighty orders both party, man and woman, to consult about easement of the child to agree on a way to child's welfare in a proper and normal condition, so that none of them and the child may suffer more than usual, neither the man suffers more payment than normal, nor the woman may suffer by taking less, nor the child by less than two years of breastfeeding, nor will any other harms occur on both party.

**"But if they make things difficult for each other, then another woman will suckle the baby for him!"** Although the literal meaning of this Phrase is that if one of you wants to harm the other, and your dispute is not resolved, soon another woman other than the mother of the child will breastfeed him, but this means that another woman must breastfeed the baby soon before the baby goes hungry.

**"Let the affluent man spend out of his affluence."** The order in this Holy Phrase concerns the rich husbands, when one of them divorces his wife having child, he should extend the livelihood of the divorced wife and infant child during her days of "Idda" and during the breastfeeding time.

**"And let he whose provision has been tightened spend out of what Allah has given him!"** God Says: He who is poor and in need of

livelihood, and cannot extend the life of his divorced wife and infant child, he can spend as much as he can from what that God Almighty has given him.

The Holy Phrase: "**Allah does not task anyone except according to what He has given him,**" means that the God Almighty does not oblige anyone to perform the duty that he is not able to fulfill it. He assigns everyone the task to the best of his ability. Thus, in the issue of poor husbands, God has not asked him to extend the livelihood of the divorced wife. The above Phrase seeks to negate the hardship of the Divine Duties, one of which is to provision the divorced spouse.

In the Phrase: "Allah will bring about ease after hardship," the God Almighty has offered comfort and empathy to the poor, and gives them the good news that He Will soon provide welfare and easement for them after distress and hardship.

(Almizan: V. 19 – P. 533.)

## Strict Forbid of Hiding the Pregnancy of Divorced Wife

« وَ لَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ  
إِنْ كُنَّ يُؤْمِنْنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ...! »  
(بقره: ٢٢٨)

**"And it is not lawful for them  
to conceal what Allah has created in their wombs  
if they believe in Allah and the Last Day!"**

(Holy Quran; Baqara: 228.)

The Holy Verse wants to forbid divorced women from the act of concealing their menstruation or pregnancy in order to be released earlier than due term of 'Idda,' or try to conceal it in order to cause difficulty on husbands' recourse, or for other purposes. If the God Almighty connected the issue of concealment in this Verse to: "**If they**

**believe in Allah and the Last Day,”** but He did not relate the principle of the Ruling to such restriction, it is because God wants to encourage such women to obey His Ruling, and to show stability in its performance. Because this restriction implicitly states that this Ruling is one of the essentials of faith in God and the Day of Judgment, which is the basis of Islamic Legislation, then no Muslim is needless of this Ruling. This interpretation is like telling a person if you want goodness you have to associate with good people, or should we say to the patient: If you want healing and recovery, you should abstain.

(Almizan: V. 2 – P. 347.)

## **Forbidding the Elders of Wife to Prevent her Return to Joint Life**

«وَ إِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَّغْنَ أَجَلَهُنَّ  
فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَاضَوْا بَيْنَهُمْ بِالْمَعْرُوفِ  
ذَلِكَ يُوعِظُ بِهِ مَنْ كَانَ مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ  
ذَلِكَمُ أَزْكَى لَكُمْ وَأَطْهَرُ  
وَ اللَّهُ يَعْلَمُ وَ أَنْتُمْ لَا تَعْلَمُونَ!»  
(بقره: ٢٣٢)

**“When the waiting period of the divorced women has ended, you (her relatives) must not prevent them from marrying their (previous) husbands again if they might reach an honorable agreement, this is a Decree by which only those among you who believe in Allah and in The Hereafter will be admonished by; it secures happiness and bars the family from corruption. That is more decent and purer for you; Verily, Allah knows what is to your advantage, but you do not know....!”**

(Holy Quran; Baqara: 232.)

Apparently, the address in the Phrase: **"You must not prevent**

**them,"** is addressed to the elders of divorced women and those who, although they do not have guardianship over women, but the women observes formality with them, and cannot oppose them. The meaning of "their husbands" in the Phrase is their men before divorce.

So the Verse indicates that the elders and relatives of a divorced woman should not prevent the said woman from reconciling with her husband if she wants to reconcile, so if after the expiration of her waiting period she was satisfied to remarry her ex-husband, the guardians and family elders should not prevent her for the sake of their personal motives, that is, to interfere in their restoration due to the hostility having with the previous groom, and how often it happens that they interfere!

The Holy Verse only indicates this point, but the fact that the second marriage also needs permission of elders, but nothing is meant by the Verse! Because, firstly, the Clause: "**Must not prevent them...**," indicates possibly to removing such guardianship, or at least to ineffectiveness of such authority, secondly, addressing it to the family elders only has no indication to such meaning, because this justification of addressing accords both with the effect of the guardianship and the lack of it, finally, it is clear that the prohibition in this Verse is not an Obligatory Ruling at all, to argue whether it indicates the effect of the guardianship or not, but it is an Instructive Ruling which wants to guide the people to the benefits and interests of this reconciliation, as God States at the end of the Verse: "**That is more decent and purer for you.**" This is the best reason why the mentioned Phrase is Instructive.

The Clause: "**When the waiting period of the divorced women has ended,**" refers to the expiring the term of "Idda," because if the term of divorced women has not come to an end, the husband can return her, even if the woman's parents or relatives are not satisfied, because God has already Said: "**And their husbands have a greater right to restore them during this duration.**" In addition to the fact that the Clause

**"from marrying,"** is explicit in marriage after the waiting term of "Idda," which is a new marriage, but it is not necessary to have a new marriage within the waiting term, and it is a return to the previous marriage.

**"This is a Decree by which only those among you who believe in Allah and in the Hereafter will be admonished by...!"**

The above Phrase is like the Phrase already was stated where forbidding women from concealing the condition of their wombs, and God Said: **"And it is not lawful for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day!"** If Among all the issues of marriage the God Almighty emphasized only in these two cases and Said: If they believe in God and the Day of Judgment, namely, if they believe in the religion of Monotheism, it was for the fact that the religion of Monotheism always calls the humans for unity, not separation, and all the Prophets were missioned to unite and connect, not to separate and disconnect.

The Holy Phrase: **"That is more decent and purer for you,"** means either the returning wife to her husband is decent and purer, or not preventing elders of wife is decent and purer, both are the same, but the reason why it is decent and purer is that such a return is a return from enmity and separation to healing and connection, and strengthens the instinct of Monotheism in the hearts, and according to it, all religious virtues will grow, and the habit of chastity and modesty will develop and flourish among women, thus it is clear that such education is more effective in covering up the shortcomings of women and the purity of their hearts.

On the other hand, there is another benefit in this return, their hearts are protected from being inclined to indulge, in contrary if the elders or relatives forbid them from marrying her ex-husband, in which such a danger will most likely occur.

Islam is the religion of cleanness, purity, and knowledge, as God Almighty Said: **"...To recite to them His Words of Revelation, In order to purify them from the dirt of disbelief and paganism; and to teach them the Book of Truth and Wisdom!"** (Juma: 2,) and also Said: **"...But He Desires to purify you!"** (Maeda: 6.)

**"Allah knows what is to your advantage, but you do not know....!"** The meaning what God States that you do not know is that you do not know except what God has taught you, and what you know He has taught you!

(Almizan: V. 2 – P. 357.)

## Chapter Three

# Waiting Period After **DIVORCE**

### Calculating Waiting Period (Idda) To Determine the Divorce

« يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ  
فَطَلِّقُوهُنَّ لِحَدَّتِهِنَّ  
وَ أَحْصُوا الْعِدَّةَ...! »  
(طلاق: ١)

**"O Prophet!  
When you divorce women,  
divorce them at the conclusion of their term  
and calculate the term...!"  
(Holy Quran; Talaq: 1.)**

"Idda" means that a woman abstains from a new marriage during that period, until the period prescribed by the Religion expires, so that the duration of 'Idda' is calculated from the day of divorce. This is done in such a way that the divorce takes place after the last purification provided that no sexual intercourse has taken place. The calculation of the waiting term begins from that date until three menstruation and purification, after which she can get married.

The Phrase: **"And calculate the term,"** means counting and keeping the record of the numbers of menstruations and purifications,

which is the criterion of the 'Idda.'

The purpose of this order is to take care of the wife, because the wife has the right to alimony and housing during this period, and her husband has to pay her expenses, and not to expel her from house. On the other hand there is a right for the husband too, he can overlook the divorce and resume life with her.

(Almizan: V. 19 – P. 524.)

## Staying Divorced Wife at Home During Waiting Period

« وَ اتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ...! »  
(طلاق: ١)

**“...Have fear of God, your Lord,  
and do not expel them from their homes,  
during their waiting period...!”**

(Holy Quran; Talaq: 1.)

In the above Phrase the Almighty God by Stating the **"Fear of God, your Lord,"** emphasized on the Ruling that He prohibited the husbands do not expel the divorced wives from the houses they lived in, until expiring the waiting term, and God called the husbands' houses as their houses, i.e., wives' houses.

In the meantime the Phrase: **"And the wives also must not go out of their homes, unless they commit proven indecency,"** forbids women from leaving the house, just as the previous Phrase forbade the husbands from expelling them, except they commit a proven indecency. Such sins that according the narratives received from the Imams of the Prophet's Household, are as: Adultery, blasphemy, or harassment of the family.

(Almizan: V. 19 – P. 525.)

## Actions to Be Done before And after the Waiting Period

« فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ  
أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ ...! »  
(طلاق: ٢)

“Then, when they have completed their term,  
either retain them honorably or separate from them honorably,  
and take the witness of two fair men from among yourselves,  
and bear witness for the sake of Allah.

To comply with this is advised whoever believes in Allah  
and the Last Day.

and he who Regards piety in Allah's Way,

**He will Make a way for him to get out of the hard situation!”**

(Holy Quran; Talaq: 2.)

This Verse intends to advise the both parties that if they like to return together do not wait the term to be expired, but to decide as earlier as possible, because if the term expires the wife cannot stay at husband's house any more, and no return is possible. The meaning of the Clause: **"...Or separate from them honorably,"** is that the husband not to think about returning on the last days of the term that the term to be expired and the separation is achieved completely.

What is meant by **"either retain them honorably,"** is that if the husband returns and wants to keep his divorced wife, he should treat her with a good manner from then on, and observes the obligatory rights that God has given to the wife over the husband, and what is meant by separation in a honorable way is to respect the legislated rights of women.

The Phrase: **"And take the witness of two fair men from among yourselves,"** means that you should use two righteous men of yourselves to be witness to the divorce: **"to bear witness for the sake of Allah!"**

**"This admonition will be accepted by a person who believes in**

**Allah and the Hereafter!"** In this Verse, the God Almighty refers to the Rulings that have already been stated, as well as Commanding to piety and sincerity in testimony and the prohibition of transgression to the limits of God, finally God Says: All these are matters that the believers are preached by, to submit to the Truth, to be disgusted with falsehood. At the same time this interpretation refers also to the fact that **deviating from these Rules, or changing it, means departing the Faith.**

(Almizan: V. 19 – P. 525.)

## Waiting Period for Pregnant Women Or Disappointed of Menses

« وَ اللَّائِي يَبْسُنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ  
إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ  
وَ اللَّائِي لَمْ يَحْضَنْ وَأُولَاتُ الْأَحْمَالِ  
أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ  
وَ مَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا  
ذَلِكَ أَمْرُ اللَّهِ أَنْزَلَهُ إِلَيْكُمْ  
وَ مَنْ يَتَّقِ اللَّهَ يَكْفِرْ عَنْهُ سَيِّئَاتِهِ وَ يُعْظِمَ لَهُ أَجْرًا! »  
(طلاق: ٤-٥)

“For the women who have passed the age of their monthly periods, if you have your doubts, the prescribed time will be three months; and for those who have no monthly courses yet, also three Months will do for the prescribed time; and for the women who are pregnant their term is the time that they give Birth.

And a person who regards piety in the Path of Allah,

Allah will make things easy for him!

This is Allah's Command which He has sent down to you;

and a person who regards piety in obeying Allah's Commands,

He will remove his evil deeds from him

and will expand His Reward for him!”

(Holy Quran; Talaq: 4-5.)

The word doubt in the Verse, refers to the doubt in menopause, because a woman may not practice menstruation, but she doubts that not this is due to her old age or due to a temperament complication.

So the meaning of the Verse is that those women who go through menopause, if you doubt the reason for their menopause, whether it is because of menopause, or because of a temperamental complication, if you divorce them, they should observe the waiting term for three months.

Women who did not see menstruation at the age of menstruation also have a divorce period of three months.

The end of waiting period for divorced wives who are pregnant is the day they give birth.

The last Phrase of the Verse says: **“And a person who regards piety in the Path of Allah, Allah will make things easy for him;”** That is, the one who fears God and regards Piety the God Almighty makes all affairs easy for him, namely makes all hardships and difficulties that occur to him easy.

**“This is Allah's Command which He has sent down to you!”** The Phrase says, what the God Almighty Stated in the previous Verses are the commandments that He has revealed to you, and where He Said: **“And a person who regards piety in obeying Allah's Commands, He will remove his evil deeds from him, and will expand His Reward for him,”** referred to the fact that obeying the Commandments of God is itself one stage of the Piety, like the avoiding prohibitions, which is another stage of Piety, and perhaps this implies that obedience to commands is also associated with avoiding prohibitions, and that prohibitions is to abandon the obedience.

Covering the evil deeds or great sins is done with Forgiveness. The misdeeds are the minor sins, as a result it is the Piety which removes the great sins, and altogether the Phrase: **“And a person who**

regards piety in obeying Allah's Commands, He will remove his evil deeds from him, and will expand His Reward for him," is the same as the following Verse in its meaning, where the God Almighty Said: "If you avoid the major sins that you are forbidden, We will absolve you of your misdeeds, and admit you to a Glorious Abode." (Nissa: 31.) It is evident from these two Verses that the meaning of Piety is avoiding the great sins, as the Holy Imam has said: "The Piety is the avoidance from prohibitions of God!"

It also turns out that opposition to the Rulings that God Almighty has revealed about divorce and "Idda" is a great sin, because the Piety mentioned in the Verse includes the mentioned issues too, and it is not possible that it does not include the issues of the Verse itself, therefore the mentioned opposition does not include the sins that God may Cover and Forgive, otherwise the meaning of the Verse will be disturbed.

(Almizan: V. 19 – P. 530.)

## Narratives about Sunnah-Divorce And Idda-Divorce

It is narrated in book 'Kafi,' through Zararah from Imam Baqir (AS) that he said: Any divorce that is not according to the 'Sunna' (tradition) or according to 'Idda' (with Waiting Term) is not valid.

The narrator added that I asked Imam Baqir to explain to me the Sunna-divorce and the Idda-divorce. He said: Anyone who wants to divorce his wife he should wait her to menstruate till she purifies, then to divorce once without having sexual intercourse with her, and asks two witness to testify this divorce, then keeps her under his care until she menstruates two more periods and purifies, thus if she menstruates for the third time, her 'Idda period', is over, and the marital relationship between the two is completely severed, so that if the man wants to remarry her, like other foreign men, he should propose like other suitors,

if she wants, he can marry her, if not he cannot. The man should pay her alimony and her housing while she is in his house on waiting period, and if the man dies during her waiting term, the divorced wife will inherit from the husband, and the same is if the woman dies, the man inherits from her, but after the end of the waiting period, there is no alimony or inheritance.

Then he said: As for the Idda-divorce, that the God Almighty Said: **"When you divorce women, divorce them at the conclusion of their term, and calculate the term..."** the Ruling is that if one of you wants to divorce his wife, he should care her to menstruate, then to clean from it, he then can divorce her once, without having sexual intercourse with her after purification, and ask two just witnesses also testify to the divorce. If he wished to return his wife some days later, of course, before her next menstruation, he should ask the witnesses to testify so, and to have intercourse with her, to keep her with himself, till she menstruates. After menstruation and purifying from menstruation, he should divorce her again, without having intercourse with her, and ask the witnesses testify the divorce, and again, whenever he wants to return her, of course, before her menstruation, he should also take witnesses to his recourse, and after recourse he can have intercourse with her, and keep her with him, so that she menstruates for the third time, and after she purified from menstruation, and before having intercourse with her, he can divorce her. This divorce must also be witnessed. This time the marital relationship between he and his wife is completely severed, and he can no longer return to her within the 'Idda term,' or marry her outside, unless she marries another one (so called: Dissolvent,) and if he divorces her, the ex-husband can marry her again.

Zararah says: Someone asked Imam: If a woman is one of those who does not see any blood, what should be done? Such woman should be divorced according to the Sunnah.

It is narrated by Safwan that I heard from Imam Sadiq (AS) in reply to a man who said I divorced my wife three times in one assembly,

Imam said that it is not valid, whether you have not seen in the Book of God that instructs: **"O Prophet! When you divorce women, divorce them at the conclusion of their term, and calculate the term! Have fear of God, your Lord, and do not expel them from their homes, during their waiting period. And the wives also must not go out of their homes, unless they commit proven indecency!"** Then Imam told the man whether you did not see that God Said: **"You never know, perhaps God will bring about some new situation?"** Then Imam said: Anything that is contrary to the Book of God and Sunnah must be returned to the Book of God and Sunnah.

It is narrated in book Kafi, through Wahb Ibn Hafs, from one of the two Imams of Sadig and Baqir (AS), who said about a divorced woman who is in waiting period, that during the time she is in the husband's house observing 'Idda', she better reveals her adornment to her husband: "You never know, perhaps God will bring about some new situation," so that maybe God Almighty will pour her love into her husband's heart again, and remove the hatred and enmity from her husband's heart.

In Qomi's Commentary, under the Phrase: **"And for the women who are pregnant their term is the time that they give Birth,"** it has been narrated that if a pregnant woman is divorced, her end of waiting period is when she gives birth and empties her womb, even if there is only one day time between divorce and birth of child. Then she can get married after giving birth and purifying herself, and also vice versa, if it takes nine months between divorce and childbirth, her waiting period is nine months, and she cannot get married except after giving childbirth.

It is narrated in Dur Al-Manthur that Mughira told Sha'bi that I could not accept the words of Ali ibn Abi-Talib(AS) who said: The waiting term of a woman whose husband is dead is the end of the two menstruation. Sha'bi said: But not only should you accept it, you should accept it as the clearest things you have accepted, because the same Ali

ibn Abi-Talib(AS) said many times that: The holy Verse "**And for the women who are pregnant their term is the time that they give Birth,**" relates only to the divorced women.

(Almizan: V. 19 – P. 533.)

## **Ruling of Idda-Divorce, Its Philosophy and Benefits**

« وَ الْمُطَّلَقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ  
وَ لَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ  
إِنْ كُنَّ يُؤْمِنَنَّ بِاللَّهِ وَ الْيَوْمِ الْآخِرِ...! »  
(بقره: ٢٢٨)

**Divorced women shall wait by themselves  
for three periods of purity after menses,  
and it is not lawful for them to conceal  
what Allah has created in their wombs  
if they believe in Allah and the Last Day...!"**

(Holy Quran; Baqara: 228.)

The Waiting Term of divorces is that **a divorced woman should not have any love affairs by any man, and should not accept marriage with anyone, during the waiting period,** but what is the purpose of the waiting term, and what is the wisdom in its legislation? **Its purpose is that in the womb of the divorced woman the semen of men will not be mixed with each other, and the lineages will not be corrupted.**

If a divorced woman is pregnant, it should be known that she was pregnant by her first husband, not the second, and if it was not obligatory, it would not be known which of the two husbands is father of such a child. (Of course, this wisdom is not a general issue to occur in all cases the same, because laws and rulings always revolve around the prevailing interests and wisdom, not general wisdoms,) so if a sterile woman also divorces, she must observe the waiting period, too.

(Almizan: V. 2 – P. 345.)

## End of Waiting Period, To Keep or Abandon the Spouse

”وَ إِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ  
فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ سَرِّحُوهُنَّ بِمَعْرُوفٍ  
وَ لَا تَمْسِكُوهُنَّ ضِرَارًا لِّتَعْتَدُوا  
وَ مَنْ يَفْعَلْ ذَلِكَ فَقَدْ ظَلَمَ نَفْسَهُ  
وَ لَا تَتَّخِذُوا آيَاتِ اللَّهِ هُزُوًا...!«  
(بقره: ٢٣١)

“When you divorce your wives  
and their waiting period has almost ended,  
you may resume marital relations with honor  
or leave them with kindness.  
Do not force them to live with you in suffering  
to satisfy your hostility.  
Whoever commits such transgressions,  
he has only harmed himself.  
Do not make jest of God's words...!”  
(Holy Quran; Baqara: 231.)

The God Almighty Instructs: After the expiration of the waiting term, you are free to keep or leave your spouse, and we know that this is not the case after the expiration of the term. In the Phrase: **"Do not force them to live with you in suffering..."**, God forbids the husband to retain the wife with the intention of harassing and harming him, just as He forbade him releasing her provided not to ask her dowry: **"Whoever commits such transgressions, he has only harmed himself!"**

This Verse refers to the Wisdom of forbidding re-marriage with the intention of harm. The fact is that the purpose of marriage is to complete the happiness of life, and this happiness will not be accomplished except with the peace and comfort of each couple, and helping each other to resolve the instinctual needs of each other! Re-marriage is that the husband returns to his wife again after separation, and returns to peace

and tranquility after turmoil and discomfort! How far is this purpose with the purpose to return with the intention of harm?

So the one who returns with the intention of harming has in fact wronged himself, forcing him to deviate from the path that the nature of humanity leads him to!

In the Verse in question it has nothing to do with the essence of restraint and release, stingy and generous, but the principle of the Religion has all been based on providing the general interests of human beings, and to reform the corruptions that are found in the human society, thereby to accomplish the happiness of human life! For this purpose God has mixed practical instructions with moral instructions, in order to educate the population and purify the souls, and to spread the higher teachings, namely Monotheism, Guardianship, and other pure beliefs. Therefore, whoever is content only with the appearances of the rules in his religion and turns away from the other facts, indeed, he has ridiculed the Revelations of God.

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What is meant by "Blessing" in the Phrase: **"And remember Allah's blessing upon you, and what He has sent down to you of the Book and Wisdom,"** is the Blessing of Religion, or the Truth of Religion, which we have said is the same happiness that is obtained by

acting according to the Laws of Religion, like the Happiness which is exclusive to the intimacy and fondness between husband and wife.

The reason that the meaning of Blessing is the Blessing of Religion is that God Almighty has called Religious Bliss a Blessing in the following Verses, and Said: **"Today I have perfected your religion for you, and I have completed My blessing upon you!"** (Maeda: 3,) and also Said: **"And to complete His blessing upon you!"** (Maeda: 1,) and He also said: **"So you became brothers with His Blessing!"** (Al-Imran: 103.)

The following Phrase is as an interpretation for this Blessing: **"And what He has sent down to you of the Book and Wisdom, to advise you therewith,"** it is an interpretation of this blessing, and forcibly the purpose of the Book and Wisdom is the appearance of the Religious Legislations and its interior, or in other words it refers to the Rulings and the Wisdom of the Rulings.

It is also possible the purpose of the Blessings, is the absolute Divine Blessings, whether Creational Blessings or otherwise, as a result, the meaning of the Phrase is as follows: Remember the truth of the meaning of your life, and realize it, especially pay attention to the virtues and benefits that are in the relationship between the husband and the wife, and consider the teachings related to that relationship the God Almighty has stated in the language of preaching, and has explained the Wisdom of its apparent Rules, that if you pay full attention to those preaching, you will gradually reach a point where you will no longer leave the Straight Path at any cost! You must never waste the Perfection of your Life and the Blessing of your Existence, fear God, so that your hearts will realize that God knows everything, in this case your appearance will no longer oppose your inner self, and you will no longer have such boldness against God, that you destroy the inner side of God's Religion disguised as repairing its outer appearance.

(Almizan: V. 2 – P. 355.)

## Waiting Term for Wife After Husband's Death

« وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا  
وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ  
فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ مِنْ مَعْرُوفٍ  
وَ اللَّهُ عَزِيزٌ حَكِيمٌ!  
وَ لِلْمُطَلَّقاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ!  
كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَعْقِلُونَ! »  
(بقره: ٢٤٠-٢٤٢)

“Those of you who die leaving wives  
shall bequeath for their wives providing for a year,  
without turning them out; but if they leave,  
there is no sin upon you in respect of what they may do with  
themselves observing honorable norms.  
And Allah is all-mighty, all-wise!  
For the divorced women there shall be a provision,  
in accordance with honorable norms, an obligation on the God wary!  
Thus does Allah clarify His signs to you so that you may apply reason!”  
(Holy Quran; Baqara: 240-242.)

The Holy Verse was revealed before the legislation of the waiting period for wife after the husband's deaths, that is, four months and ten days, because the ignorant Arab wives stayed at home for a whole year after the death of their husbands and did not marry. This Holy Verse recommends to men to make a will for their husbands and set aside money, which they will give to them after their death, money that will cover their expenses for a year, without being evicted from their homes. Since this is a right for spouses, and the right is something that can be both asserted and waived, so God Says: If the wives of the dead husband leave the husband's house during this period, then you, the heirs of the husband, are no longer guilty of not giving that property, and or if they want to marry properly, you are no longer responsible.

Considering the above explanations it becomes evident that the Verse in question has been **abrogated** through the Holy Verse which determines the Waiting Period for the wives after their husband's death as four months and ten days, as well as through the Verse which determines the heritage for such wives to the amount of one per eight for women with children, and one per four for women without children to be paid from the property of the husband.

**“For the divorced women there shall be a provision, in accordance with honorable norms, an obligation on the God way!”**

This Holy Verse is about all divorced wives, but the fact is that, fulfillment of this ruling has been conditioned to the attribute of Piety, and is not a mandatory ruling, but it is recommended. **“Thus does Allah clarify His signs to you so that you may apply reason!”**

(Almizan: V. 2 – P. 370.)

## Chapter Four

# DIVORCE Before COPULATION

### Divorce before Copulation, Its Waiting-Period and Dowry

« يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا تَكَحْتُمُ الْمُؤْمِنَاتِ  
ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ  
فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا  
فَمَتَّعُوهُنَّ وَسَرَّحُوهُنَّ سَرَاحًا جَمِيلًا! »  
(احزاب: ٤٩)

**"O you who have faith!  
When you marry faithful women  
and then divorce them before you touch them,  
there shall be no period for you to reckon.  
But provide for them and release them in a graceful manner!"**  
(Holy Quran; Ahzab: 49.)

The meaning of the Verse is that when a believer divorces a believing woman after he has married her but before any sexual intercourse, she has no longer to wait for a waiting period, and it is obligatory on man first to divorce her without any violence and hostility, and second to benefit her with something of his property.

This Verse is absolute, and it includes the case that they have determined the dowry for the woman, as well as the case that they have not determined. In short, this Holy Verse because of its being absolute includes the case where they have determined the dowry to pay it, and have even to give her something of the property to benefit and enjoy with.

Since the Verse included both cases, the Verse: **"If you divorce your wives before the sexual intercourse and the amount of dowry has been fixed, pay your wives half of the amount of their dowry...!"** (Baqara: 237,) binds it up a case that they have not determined the dowry, because the Verse says: And as you divorce women before you have sexual intercourse, if you have set a dowry for them, they will have only **half of the dowry**, then the Verse in question is a proof where they have not set a dowry.

**In Islamic Traditions**, it is narrated in book "Faqih" through Jabir from Imam Baqir (AS) that the meaning of **"to give her something of the property to benefit and enjoy with,"** is that you should do good to them as much as you can, because a divorced woman returns to her home with misery, fear, great sorrow, and scolding of opponents, and because God Himself is Generous and Benevolent, He loves the people of generosity and modesty, **and the dearest of you is the one who has more generosity and greatness in respect of his wife.**

It is also narrated in book "Kafi," through Halabi, from Imam Sadiq (AS), that he said in response to the question about a man who divorced his wife before performing a marital act with her: If he has determined his dowry, half of it he must pay, and if it is not specified, he must benefit her from the amount of money that is usually given to such a woman.

(Almizan: V. 16 – P. 503.)

## Rule on Payment of Dowry At Divorce before Copulation

« لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ  
أَوْ تَفَرَّضُوا لَهُنَّ فَرِيضَةً وَ مَتَّعُوهُنَّ  
عَلَى الْمَوْسِعِ قَدْرُهُ وَعَلَى الْمُقْتِرِ قَدْرُهُ  
مَتَاعاً بِالْمَعْرُوفِ حَقًّا عَلَى الْمُحْسِنِينَ! »  
(بقره: ٢٣٦)

**“There is no sin upon you if you divorce women  
while you have not yet touched them  
or settled a dowry for them.**

**Yet provide for them the well-off according to his capacity,  
and the poorly-off according to his capacity  
with a sustenance that is honorable,  
an obligation on the virtuous!”**

(Holy Quran; Baqara: 236.)

### 1- Cases where no dowry is specified in marriage contract:

The meaning of the verse is that not performing the marital act and also not determining the dowry does not prevent the validity of the divorce.

**“Yet provide for them the well-off according to his capacity, and the poorly-off according to his capacity,”** it is obligatory on you when divorcing your wife while you did not determine her a dowry in her marriage contract, to give her something, something that the custom of the people likes, of course, everyone according his capacity as he can afford. The rich as much as it suits his condition, so that the situation of his divorced wife after the separation and before the separation does not differ significantly, and the poor as much as his capacity.

Of course, this ruling is specific to a divorcee for whom no dowry has been set, and does not include all divorced women, and it is also specific to a woman with whom her husband has not had any sexual intercourse. The reason for this meaning is the next Verse which

expresses the rules of other divorced women.

### “An obligation on the virtuous!”

From the appearance of this Phrase, although it seems that the attribute of being virtuous and benevolent is involved in the ruling, but we know from the outside that benevolence is not obligatory, we, then conclude that benevolence is recommended and the ruling in the Verse is a recommendation, not an obligation. However, the explicit narrations through the Imams of the Prophet's Household have made the ruling in the Verse obligatory, and perhaps the reason in it is the same as what God has already Said: **"A marital relation can only be resumed after the first and second divorce, otherwise it must be continued with fairness or terminated with kindness...!"** (Baqara: 229,) which in this Verse God made the benevolence obligatory in respect of the women who were divorced with fairness. Thus, in this Verse also the ruling of being benevolent has obligated on man who divorces his wife. And God is more knowledgeable!

It is narrated in book "Kafi" from Imam Sadiq (AS) that he said about a man who divorced his wife before sexual intercourse: It is a duty for him to give half of the wife's dowry, of course, if he has set a dowry for her, and if he has not set it he must pay half of the dowry that is usually set for such a woman: (Para-dowry)

## 2- Cases where the dowry is specified in marriage contract:

« وَ إِنْ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ  
وَقَدْ فَرَضْتُمْ لَهُنَّ فَرِيضَةً فَنِصْفُ مَا فَرَضْتُمْ  
إِلَّا أَنْ يَعْفُونَ أَوْ يَعْفُوا الَّذِي بِيَدِهِ عَقْدَةُ النِّكَاحِ  
وَ أَنْ تَعْفُوا أَقْرَبُ لِلتَّقْوَى  
وَ لَا تَنْسُوا الْفَضْلَ بَيْنَكُمْ  
إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ! »  
(بقره: ٢٣٧)

**“If you divorce your wives before the sexual intercourse  
and the amount of dowry has been fixed,  
pay your wives half of the amount of their dowry  
unless she or her guardians drop their demand for payment.  
To drop such a demand is closer to piety.  
And do not forget Generosity and Grace among yourselves;  
God is Well-Aware of what you do!”**

**(Holy Quran; Baqara: 237.)**

The meaning of the Verse is that if you divorce women before sexual intercourse, but at the beginning of the marriage you set a dowry for them, it is obligatory for you to give them half of that dowry, unless the divorced women themselves or their guardians forgo it. In this case all the dowry will be canceled. If the wife has already taken it, she must return it, or the husband who has already given the full dowry grants her half of the dowry that he demands from the wife. The above points clear the issue mentioned in the Holy Phrase: **"Unless she or her guardians drop their demand for payment,"** that in the matter of dowry, there is three people who can grant the dowry: One is the wife, second is her guardians, and the third is the husband, and each of these three people can bestow and overlook the half of the dowry.

In any case, the Holy Verse considers granting half of the dowry closer to Piety, and this is because when a person renounces what is his legitimate right, he is certainly overlook everything that is not his right and is forbidden to him, and he is more stronger and more capable to give it up!

**"Do not forget Generosity and Grace among yourselves!"**

The Grace or Bounty means a lot more, with the difference that Grace, as the scholars have said, is used in the virtues and the praiseworthy deeds. The Grace that is used in this Phrase means that it is worth for a human being to apply this Grace in his living complex, and the people of the community to associate with each other and live in

the realm of that Grace, and the main purpose was to encourage people towards fairness and Grace to each other, in order the people of that society can easily forgo their rights, also the husband may facilitate and alleviate his wife, and his wife also may not be mush strict with her husband.

(Almizan: V. 2 – P. 367.)

## Chapter Five

# PROHIBITION OF DOWRY RETURN IN DIVORCE

### Prohibiting Extradition of Man's Prepaid Dowry

« وَ إِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ  
وَ آتَيْتُمْ إِحْدَاهُنَّ قِنطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا  
أَتَأْخُذُونَهُ بُهْتَانًا وَإِثْمًا مُبِينًا !  
وَ كَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ  
وَ أَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا! »  
(نساء: ٢٠-٢١)

“If you want to divorce a woman so that you can marry another,  
do not take back the dowry which you had paid  
even if what you paid was a large amount of gold.  
To do this is a slanderous act and a manifest sin!

How can you take it back when you have had intimate relations,  
and made a solemn agreement with each other? “

(Holy Quran: Nissa: 20-21.)

The meaning of the Verse is that if you want to divorce some of your wives, and marry another woman in his place, do not take back anything from the dowry that you gave to your divorced wife when she got married, even though that dowry was very much. What you want to get without his consent is very little compared to what you have given.

“How can you take it back when you have had intimate relations!” God asks in surprise, how do you get her right from her, even though you and she were one soul in two bodies, or in other words, you were two souls in one body?

Receiving dowry without the consent of the divorced wife is transgression and cruelty, because the husband with the woman he divorced, had already through the marriage, and through the closeness and intimacy been associated as if they were one identity and oneself! Whether is it not astonishing, and is it not a transgressing to himself, in fact, to transgress such a spouse? Definitely is!

The fact that God Said: **"Made a solemn agreement with each other,"** apparently this solemn agreement refers to the provisions of the marriage contract, one of which was the amount of dowry, which is determined at the time of marriage, and is the wife's claim from her husband.

(Almizan: V. 4 – P. 408.)

## Preventing Husband to Harass Spouse to Overlook the Dowry

« ... وَ لَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ  
إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ  
وَ عَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ  
فَعَسَى أَنْ تَكْرَهُوا شَيْئاً وَ يُجْعَلَ اللَّهُ فِيهِ خَيْرٌ كَثِيراً! »  
(نساء: ١٩)

**“Do not create difficulties for your wives  
in order to force them to give-up part of what you had given  
to them to set themselves free from the bond of marriage,  
unless they have clearly committed adultery.**

**Always treat them reasonably.**

**If you dislike them, you could be disliking that which  
God has filled with abundant good!”**

(Holy Quran: Nissa: 19.)

This Holy Verse forbids husband to create difficulty for his wife, no matter in which way, in order to force her to give something from her dowry to husband only to terminate her marriage contract and save herself from the harassment and tightness of livelihood. Legally it is forbidden for the husband to create such constriction for this purpose, unless the wife commits an obvious prostitute and adultery, in which case the husband can constrain her to divorce her by asking money.

This Verse does not contradict with another Verse in which the God Almighty gives instructions about bestowing dowry: **"And it is not lawful for you to take back anything from what you have given them, unless the couple fear that they may not maintain Allah's bounds. So if you fear they would not maintain Allah's bounds, there is no sin upon them in what she may give to secure her release."** (Baqara: 229.) Because this Verse generally forbids forcing a woman to give anything of her dowry, unless this bestowing is with the consent of the parties, but the Verse in question allocates the above Verse, and excludes a case of the cases about the forcing, and that is the case if the woman has committed prostitution.

(Almizan: V. 4 – P. 404.)

## Chapter Six

# DIVORCE BY OATH

### Rule of Separation from Spouse by Oath

« لِلَّذِينَ يُؤْلُونَ مِنْ نِسَائِهِمْ تَرَبُّصُ أَرْبَعَةِ أَشْهُرٍ  
فَإِنْ فَاؤُا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ!  
وَ إِنْ عَزَمُوا الطَّلَاقَ فَإِنَّ اللَّهَ سَمِيعٌ عَلِيمٌ! »  
(بقره: ٢٢٦-٢٢٧)

**“Those who swear by God  
not to ever have any carnal relations  
with their wives (will not be punished,) if they decide to resume  
marital relations again within four months.  
God is All-forgiving and All-merciful!  
If they choose divorce, God is All-hearing and All-knowing!”**

(Holy Quran: Baqara: 226-227.)

In the language of Sharia, the term "Oath" is mostly used in one kind of swear, and that is where a husband swears out of anger and in order to harm his wife that he will not go to her anymore. It is the same case mentioned in the above Verse.

The word "Oath," in the above Verse, in addition to its own meaning, includes meanings such as abstaining and the like, so the word itself makes understand that the meaning of the oath is to abstain from association with women, and that in the Holy Verse it has been limited

to four months. This indicates that the limitation of four months is the same limit that the Shari'a and the Legislator of Islam has set for leaving association with spouses, and they cannot leave association for more than that period. It is understood from these indications that intention of divorce is the determination of divorce itself, not just the decision on it, as the sequence of the Verse which says **"If they choose divorce, God is All-hearing and All-knowing,"** indicates this sense, because hearing relates to attribution of what has happened, not to the decision of the heart.

It is a fact that when the God Almighty Said: **"God is All-forgiving and All-merciful,"** it indicates that breaking the oath of leaving association with wife and returning to her is not a sin, and if the Shari'ah has prescribed an atonement for breaking it, it does not indicate that breaking it is a sin, as the Phrase in question has no indication that the atonement can be abandoned, because atonement is not forgivable. The following Verse refers to the atonement for breaking the oath, which says: **"God will not hold you responsible for your thoughtless oaths. However, He will question you about your deliberate oaths. The expiation for breaking an oath is to feed ten needy people with food, typical of that which you feed to your own people, to clothe them or to set a slave free. One who cannot pay this, he must fast for three days to expiate his oaths. Keep your oaths. Thus, does God explain His Laws so that you may be Grateful!"** (Maeda: 89.)

Therefore, the meaning of the Verse is that whoever swears that he will not approach his wife anymore, the ruler of Sharia will wait for four months, and did not punish him, if he returned and fulfilled his duty on his wife, and made sexual association with her, and paid the atonement of his oath, the ruler will not punish him, and if he decided to divorce her, and divorced her, he has no punishment, because the divorce is also another case to be exempt from punishment, and God is All-Hearing, All-Knowing!

## Traditions on the Divorce by Oath

It is narrated in book of "kafi's Principles," from Imam Baqir and Imam Sadiq (AS) that they said: If a man swears that he will no longer have intercourse with his wife, the wife cannot protest for four months and has no right, and there is no sin for husband till this period expires. There is no problem if during this time he made sexual association with her, and if not, and the woman has remained silent, satisfied, and has not complained, there is still no problem and no sin for man, but if after four months the wife complains, the ruler of Sharia warns her husband that either to cancel his oath and associate with his wife, or divorce her! But if both decided to divorce, the man should abstain from her so that the wife passes a menstrual period and be cleansed of it, then the husband should divorce her.

After the divorce, for three menstrual periods, he himself is more proper to get his wife than others, and he can return during this period!

This is the same return that God Almighty has revealed in His Holy Book, and the Holy Messenger of God has made it his tradition, and has acted according to it.

**Author:** There are differences between Shiites and Sunnis in the details of this return and its related issues, but since it is a discussion related to jurisprudence, for more details we should refer there.

(Almizan: V. 2 – P. 341.)

## Traditions on the Other Kinds of Divorce

It is narrated in "Qomi's commentary" from Imam Sadiq (AS) on the following Phrase: **"And it is not lawful for you to take back**

anything from what you have given them, unless the couple fear that they may not maintain Allah's bounds... there is no sin upon them in what she may give to secure her release." (Baqara: 229.) The "Consensual Divorce" is not the case that you torture your wife so much to say: "Halal Seal, Free Soul," but this is lawful when the wife says: I lie you when I swear by you, I will not keep it, and from now on I will leave the house without your permission, I will have sexual intercourse with the strange men on your bed, I will not take ablution shower after intercourse with you, or she says that I will not obey anything from you, until you divorce me. If she says this, then it will be lawful for her husband to take back what he has given her, or in addition to that, some of his wife's property, that she is able to pay, and with the consent of both parties to divorce her, in a time she is cleansed from menses before any sexual intercourse with him, while the witnesses also are present.

In such a situation, the "Consensual Divorce" will be valid, even though it is a one-time divorce, and the husband can no longer recourse to the woman during the waiting period, and after the waiting period also he will become like the others suitors, if the wife agrees he can remarry, if not he cannot remarry her, then if he remarries her, there are still two other chances for him for divorce, and it is appropriate for the husband to bet on the wife, the bet of the "Consensual Divorce" right as already had.

(The difference between a "consensual divorce" and a "reciprocal divorce" is that in first case only the woman seeks separation, and for this reason the man can take back the dowry he has given, and also demands something from the woman's property, or binds up the divorce to her payment of a certain amount or property. But in a "reciprocal divorce" both of them seek separation, and therefore the husband cannot ask for anything other than taking back the dowry.

In the "reciprocal divorce" the man bets that if you go back to your dowry and ask for it, I will go back to my right to remarry you, or says that if you ask me for anything you have given me, I will return to your marriage!) [Explanation by: Persian Translator.]

Again Imam said: Consensual, Reciprocal, and Choice Divorces

are valid when happens after wife's cleansing from menses without sexual intercourse, and witnessed by two just witnesses. The woman who is divorced by consensual divorce, if she takes another husband and divorces again, she is lawful for her first husband to marry with.

Imam also said: A man who has divorced his wife with consensual or reciprocal divorce, he cannot recourse to his wife during her waiting period, unless the woman becomes penitent, then she can return what she has taken from her husband and recourse to him.

(We should explain more about the "Choice Divorce." It happened after the Verse: **"O Prophet! Say to your wives: If you desire the life of the world and its glitter, come, I will provide for you and release you in a graceful manner!"** (Ahzab: 28,) was revealed to the Holy Prophet, (Refer to: Part Seven. Chapter One,) and he told his wives that they have Free Will to Choose the simple livelihood of Holy Prophet or divorce and leave. The followers of the Sunni school have unanimously hold that according this Verse a husband can divorce his wife on the base of choice, and as soon as he said that she is free to choose divorce, if the wife is also satisfied, the divorce actually becomes valid. But the school of the Imams of the Holy Prophet's Household holds that this ruling is specific to the Holy Messenger of God. In fact the above narration, although it is from Imam Sadiq (AS), is not accepted and practiced because of its contradiction and discordance with other narrations.) [Explanation by: Persian Translator.]

It is also narrated in book "Faqih" from Imam Baqir (AS) that he said: When a woman explicitly says to her husband that I will not obey any order from you anymore, whether she gives an explanation or not, it is permissible for a man to take something from her and divorce her, but if the man gets something, he can no longer recourse her on the waiting period.

(Almizan: V. 2 – P. 381.)

## Chapter Seven

# RESTRICTION ON MULTIPLE DIVORCES

### Restriction on Multiple Divorces And Returns, and its Wisdom

«الطَّلَاقُ مَرَّتَانِ  
فَأَمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ...!»  
(بقره: ٢٢٩)

**“Revocable divorce may be only twice;  
then let there be either an honorable retention,  
or a kindly release...!”**  
(Holy Quran: Baqara: 229.)

The meaning of divorce in the Phrase: **“...Divorce may be only twice,”** is the reciprocal divorce that the husband can recourse to his divorced wife within the waiting period, therefore the Holy Verse gives two options to the husband, one to keep his wife, that is, to recourse her within the waiting period, second to wait her to end the waiting period.

But the third divorce is what the God Almighty has Stated its ruling in the next Verse: **“And if he divorces her, she will not be lawful for him until she marries a husband other than him...!”** (Baqara: 230.)

In the Phrase: **“Then let there be either an honorable retention, or a kindly release...!”** apparently the purpose of the “kindly release” is

to set the divorced wife free to separate or not, namely the woman after being divorced twice, she is no longer condemned to allow her husband to recourse her within the waiting period, the husband must not to recourse her till the waiting period expires.

The reason why the God Almighty conditioned, in a delicate sense, the retention to "honorable" and the release to "kindly," is that it happens pretty much the husband wants to keep wife in the marriage bind in order to harass and bother her. It is evident that such a retention is hideous and nasty, not "honorable." In fact, one who divorces his wife and still leaves her alone until before her waiting period expires, then recourses her, but again divorces, and repeats this ugly procedure again, his wife-keeping is ugly not "honorably," and such a wife-keeping is forbidden in Islam. The kind of wife-keeping is permissible and lawful in the Shari'a that if the husband returns to his wife after divorce, he should return with some kind of healing and reconciliation, in a way that the purpose of God Almighty which had in the creation of man and woman, that is, the tranquility, peace, and intimacy of souls to be obtained between the two.

It was about the retention that we said there are two types, and Islam has allowed **"honorable retention,"** and prohibited the other kinds.

In respect of the term: **"Kindly Release,"** which means abandoning a woman, it is also considered in two ways, one is that a man divorces his wife in order to inflict anger and resentment, which it is an ill-favor and non-honorable divorce, but the other way which is prescribed by the Shari'a, and it is the divorce the God Almighty has revealed rulings for which, and it is a divorce that is honorable in the custom of the people and the Shari'a does not deny it, as it is stated in the following Verses: **"Either retain them honorably or release them honorably!"** (Baqara: 231.) The principle term in use is "honorably," although it was changed in the captioned Verse to: "kindly," in order to coincide with the rest of the contents of the Verse, where the God Almighty Said: **"And it is not**

**lawful for you to take back anything from what you have given them...!"** (Baqara: 229.)

Explanation: Conditioning in divorce the "retention and release" to "honorable and kindly," are all for the sake of these two actions, that is, holding the woman and leaving her, is done in a way that does not corrupt the Shari'a ruling, with the difference that in case of separation, the Shari'a did not want to be content with a separation that is only in a honorable way, but also wanted it to be "kindly!" To put it simply, in the case of keeping a woman, it is enough to keep her honorably, that is, the man does not mean the returning to the woman is for harassing and bothering her, as God Said: **"And do not retain them maliciously in order that you may transgress"** (Baqara: 231,) but in case of leaving a woman, it is not enough to be "honorable," because a man may say to his wife that I will divorce you and release you on condition that you return some of the dowry you took from me, and she will be satisfied. This kind of divorce may be acceptable and considered "honorable" to the public opinion, but this form of divorce is possible, but for the Shari'a it is not enough, therefore God bound it with another condition, that is, treating the divorce woman with kindness and beneficence.

If the God Almighty added this additional term to this Verse, but did not do it in the next Verse, was for the reason that He stated in the next Verse another condition as: **"And it is not lawful for you to take back anything from what you have given them!"** By this Phrase the God Almighty wanted to compensate both the loss and the disadvantage that the divorced woman suffers with, because the divorce is a loss for a woman and deprives her from the marital life, which is one of the benefits of a woman in her life, and Islam wanted the women not to be harmed in either way.

**"Unless the couple fear that they may not maintain Allah's bounds...!"**

The meaning of what God said: **"Unless they are afraid that they**

**do not observe the limits of God,"** is that such a belief is to be strong in their hearts, and the meaning of God's Limits, are His commandments and prohibitions, His religious obligatory duties and prohibitions. The condition in the Verse is to be done when both spouses recognize that they do not have a moral agreement, and as a result neither he can meet her needs, nor she can meet his needs, finally, the continuation of their marital life may lead to enmity with each other. In such a case, it is allowed for man to ask something from his wife's dowry from her and divorce her, and if the wife agrees to and returns something of the dowry to man, she has not helped the husband to commit sin, because we said that it is lawful for the husband to take something of wife's dowry in this case, and it is not unlawful.

**“So if you fear they would not maintain Allah's bounds,  
there is no sin upon them in what  
she may give to secure her release!”**

In the previous Phrase it was assumed that the couple were two people, but in this Phrase the addressee is assumed to be a group, and said: So if you are afraid that they do not observe the Limits of God ... and this seems to indicate that the mentioned fear should not be an unconventional fear, but the moral misconduct of the couple should be such that if one by one all of you Muslims become aware of their situation, you will also be afraid of it. If the situation of the two is such that it is not unsustainable for any of the intellectuals of the people and only the couple themselves say that in our opinion the situation is not sustainable, then either because they are both seeking lust, or both are tempted by the intensity of holiness, or any other motive they may have, in such an opportunity it is permissible to take back the dowry of the woman.

The question is that, even though the withdrawal of the dowry (whether it is lawful or forbidden) is related to the husband, why did the Phrase made it lawful for both of them, and said that there is no problem for you both the husband and wife? The answer is that taking back the

dowry if it is forbidden for a man, it is forbidden to the wife also to give it back, because giving back a dowry in this case is, in fact, to assist a sin and oppression, but it is lawful only when to be paid according the rule of a consensual divorce, that is not forbidden for a man to take dowry from the woman, and not forbidden for the woman as assisting the oppression, so it is right to say it is lawful for both of them.

**“These are Allah's Bounds,  
so do not transgress them,  
and whoever transgresses the bounds of Allah  
it is they who are the wrongdoers!”**

In the Verse, there is a reference to the Teachings that were mentioned in the two Verses under discussion, and it was a bunch of Jurisprudential Rulings mixed with Moral Rulings, and part of academic issues based on the Essential Teachings.

It is possible to perceive from the Holy Verse an indication of the impermissibility of division between the rules of jurisprudence and moral teachings, and also it can be said that the Verse has indications to the meaning that acting merely on the rules of jurisprudence, applying saintly dogma on the appearances of religion is never enough, because the jurisprudential rules of religion are like the skeleton of a building, a skeleton in which life is not tolerable at all, and the moral rules are as decoration of that building.

For example, the jurisprudential and legal rules of marriage are harsh rules, in which neither the husband has the right to command his wife nor the wife has the right to leave the house without his permission, but the same jurisprudential laws when combined with the moral rules given by Islam about marriage, then a very enjoyable and applicable law will appear. Also the jurisprudential rulings about worship, supplication, prayer, and mention are as the skeleton that its single appearance merely does not lead man to the purpose of religion, which is the happiness of humanity, but when this corpse is combined with spirit and meaning of

worship, which is the stability and firmness of the soul, then there will be laws that humanity will need it and no law will replace it.

(Satisfying with practicing the appearances of religion, disregarding its spirit is, in fact, nullifying the interests of Shari'a and destroying the purpose of the religion, because Islam, as we have repeatedly said, is the religion of action, not the religion of words, and the Shari'a means action and effort, not an assumption. Muslims did not reach this level of moral and cultural decline, except for the reason that they were content to perform outward rituals of religion, and were unaware of the spirit of religion and its essence.) [Explanation by: Persian Translator.]

(Almizan: V. 2 – P. 350.)

### Third Divorce Ruling, and Unlawful Return (Rule of Dissolvent)

« فَإِنْ طَلَّقَهَا فَلَا تَجِلُّ لَهُ مِنْ بَعْدُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ  
فَإِنْ طَلَّقَهَا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يَتَرَاجَعَا  
إِنْ ظَنَّنَا أَنْ يُقِيمَا حُدُودَ اللَّهِ  
وَ تِلْكَ حُدُودُ اللَّهِ يُبَيِّنُهَا لِقَوْمٍ يَعْلَمُونَ! »  
(بقره: ٢٣٠)

“And if he divorces her,  
she will not be lawful for him until she marries  
a husband other than him,  
and if he divorces her, there is no sin upon them to remarry  
if they think that they can maintain Allah's bounds.  
These are Allah's bounds,  
which He clarifies for a people who have knowledge!”

(Holy Quran: Baqara: 230.)

This Verse states the Ruling on the third divorce, which is the prohibition of remarriage, and says that after a husband divorces his wife three times, he can no longer marry her by a new marriage or remarriage, except after if another man marries her, if he divorces her, then he can marry her for the fourth time. Although in such a case, marriage or

cohabitation with that woman is forbidden for the man, but the God Almighty attributed the prohibition to the woman herself, saying that this woman is no longer permissible for him, so that he understands that the prohibition is not only related to sexual intercourse, but also to it and to marriage. God has also referred to the fact that the meaning of the Phrase: **"Until she marries a husband other than him,"** is that she should marry another husband, and that husband should have sexual intercourse with her, therefore the marriage alone is not enough. Then, if the second husband divorces her, it is no longer an obstacle to the marriage of the two, that is, the first couple, but they can return to each other's marriage, and by mutual agreement, making a new contract of marriage. We should remember that in this case the God Almighty Stated: **"There is no sin upon them to remarry,"** that means the remarriage depends to the consent of both of them, despite the first two divorces, which remarriage depended only on the consent of the man, but here it depends on both parties. In the meantime, God did emphasize that this is the time when they give a strong possibility that they can observe the Limits of God.

If the God Almighty repeated the term "Bounds of God" twice in the Phrase **"These are Allah's bounds,"** although it might be enough to bring a pronoun, it was because the meaning of these Bounds is different from the previous Bounds.

(Almizan: V. 2 – P. 354.)

## Chapter Eight

# ABOLITION OF ZHIHAR-DIVORCES

### Abolition of "Zihar-Divorce" (Attributing Wife as Mother)

« مَا جَعَلَ اللَّهُ لِرَجُلٍ مِنْ قَلْبَيْنِ فِي جَوْفِهِ  
وَ مَا جَعَلَ أَزْوَاجَكُمْ اللَّائِي تُظَاهِرُونَ مِنْهُنَّ أُمَّهَاتِكُمْ...! »  
(احزاب: ٤)

**"God has not created two hearts inside any one human being.  
God does not consider your wives whom you renounce  
by Zihar as your mothers...!"**  
(Holy Quran: Azhab: 4.)

It was customary in era of ignorance, when a man was angry with his wife and wanted to divorce her, he used a kind of divorce that he told his wife: "Your back is as my mother's back," or he told: "It is for me to consider your back as my mother's back." They called this act the Zihar and they considered it a kind of divorce, which Islam abolished it.

Therefore, the meaning of the Verse is that the God Almighty does not consider your wives as your mothers just as you tell your wife I make you Zihar , or say your back is the same for me as my mother's back. Since God has not issued such a Rule, so there is no effect for this term, and the Legislator of Islam has not considered it valid.

(Almizan: V. 16 – P. 411.)

## Complaints of Spouses

### Divorced by Zhihar

« قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا  
وَتَشْتَكِي إِلَى اللَّهِ وَاللَّهُ يَسْمَعُ تَحَاوُرَكُمَا  
إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ! »  
(مجادله: ١)

“God has heard the woman who argued with you  
regarding her husband,  
and complained to God.

God heard everything the two of you discussed.

Indeed Allah is all-hearing, all-seeing!”

(Holy Quran: Mujadila: 1.)

The first four Verses of Surah Mujadila have been revealed about Zhihar, which in the Arab of ignorance was one of the types of divorce, in which when a man wanted to make his wife unlawful for himself, he would say: "Your relationship with me is like my mother' back!" By saying this, his wife separated from him, and she was forbidden to him forever. After the rise of Islam, one of the Muslims of Medina divorced his wife by Zhihar, and later regretted his actions. His wife went to the Holy Messenger of God, and told him the situation and asked him for solution, in order her husband could return to her. She would argue with the Prophet of God and complaint to the Glorious God. It was here that the Verses in question were revealed.

The Phrase: "**The woman who argued with you regarding her husband, and complained to God,**" appears that the woman was trying to find a way not to separate from her husband.

The meaning of the Verse indicates that: The God Almighty accepted the request of the woman who argued with you about her husband, who had divorced her by Zhihar, and she complained of her grief and misery, and God interceded for your conversation, since God hears the voices and sees the sights.

In the second Verse God States: **“As for those of you who repudiate their wives by Zihar, they are not their mothers; their mothers are only those who bore them...!”** In this Verse, God Says: Those who use the term Zihar against their wives, by doing so, their wives will not become like their mothers. Their mother is the only one who gave birth to them.

With this statement, the ruling of Zihar, which was known among the Arab people in ignorance, was revoked and its effect, which was eternal prohibition, was nullified, and its other effect, which was wife's replacing as a mother to her husband, was denied.

Then, for the second time, God has emphasized the matter with the Phrase: **“The words that they speak are certainly detestable and sinful,”** and Stated: Those who use the custom of Zihar against their wives and say them they are as their mothers, they say both a disgusting word and an evident lie.

But their words are disgusting, because the Religion (which is the criterion of all likes and dislikes,) denied it, and did not legislate it, and did not validate the legislation of ignorant people of ignorance era! But it is a lie, because it contradicts what is in outside and real, (in outside and reality the mother is the mother and the wife is the wife!)

(Almizan: V. 19 – P. 312.)

## Atonement for "Zihar-Divorce," Penalty for Users of Ignorance-Rules

« وَ الَّذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا  
فَتَحْرِيرُ رَقَبَةٍ مِنْ قَبْلِ أَنْ يَتَمَاسَا  
ذَلِكَ تُوَعِّظُونَ بِهِ وَ اللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ! »  
(مجادله: ٣)

**“Those who repudiate their wives by zihar  
and then retract what they have said,**

**shall set free a slave before they may touch each other.**

**This you are advised to carry out,  
and Allah is well aware of what you do!"**

**(Holy Quran: Mujadila: 3.)**

The Holy Verse makes it clear that the act of Zhihar does not mean divorce, and this does not contradict the obligation of atonement, because such a woman may be, before Zhihar, was a woman already practiced Zhihar and was close to man, but coition with her before giving atonement to be forbidden.

Considering the previous Phrase: **"Indeed Allah is all-excusing, all-forgiving,"** that if it does not have a clear indication to the sinfulness of acting Zhihar, is not also empty of having such indication, because mention of atonement in the next Verse, then adding the Phrase: **"These are Allah's bounds,"** and following it by the Phrase: **"There is a painful punishment for the faithless,"** likely indicates that the forgiveness of Zhihar's sin is conditional on the expiation.

Those who repudiate their wives by zhihar and then retract what they have said, shall set free a slave before they may touch each other.

The fact that God Said: **"Before they may touch each other,"** it indicates that the ruling in the Verse is for the one who practiced Zhihar and then wished to return to the situation he had with his wife before the Zhihar, and this is a proof that what is meant by return to what they have said is to return to the breach of the covenant they made by Zhihar.

The meaning of the Verse is that: Those who make some of their wives Zhihar and then decide to go back to what they have uttered (i.e., the word Zahir,) and to breach it and have sexual intercourse with their wives, they must release a slave before intercourse.

Then the God Almighty added the following Phrase to the above Phrase and Said: **"This you are advised to carry out, and Allah is well aware of what you do,"** to declare that the order to free a slave is a

recommendation from God Almighty, due to His knowledge of your deeds, because God is All-Knowing to human actions. Thus the Atonement, then, has the nature of eliminating the bad effects of the Zhihar.

**“He who cannot afford to free a slave shall fast for two successive months before they may touch each other!” (Mujadila: 4.)**

This Phrase expresses the second nature of the three attributes of atonement, which is related to the first attribute, that is, one who has the duty but not to have the power to free a slave, such a person can fast for two consecutive months instead, after which it becomes lawful for him to have sexual intercourse with her wife. In this Phrase, for the second time God Almighty added the Clause of: **“Before they may touch each other,”** so that no one thinks that this duty is specific to the first nature of atonement.

The Phrase: **“If he cannot do so, he shall feed sixty needy persons,”** (Mujadila: 4.) states the third nature: If the oppressor committing Zhihar could not free the slave, and in the second stage he could not fast for two months, in the third stage he would feed sixty poor people! The details of each of which have been mentioned in the jurisprudence books.

**“This, that you may have faith in Allah and His Apostle!”** In this Phrase the God Almighty States that He has legislated such a Ruling, and has made such atonement obligatory, He maintained thereby the marital relationship, in order that whoever wants to be able to return to his wife.

On the other hand, the fact that we punished him for these atonements so that he would not return to the traditions of the age of ignorance. All this is because you believe in God and His Messenger, and put aside the customs of ignorance.

**“These are Allah's Bounds,  
and there is a painful punishment for the faithless!”**

(Mujadila: 4.)

The meaning of the above Phrase is that if the God Almighty have made the above three natures of atonement obligatory, or in general, He has established the Rules in Shari'a, are all the Limits or Bounds of God, and you should not violate them with your opposition. The disbelievers who do not accept the limits of Zihar or all the Limits and Rules Legislated by God, they have a painful punishment!

**“Indeed those who oppose Allah and His Messenger will be subdued just as were subdued those before them.**

**We have certainly sent down manifest signs, and there is a humiliating punishment for the faithless!**

**The Day when Allah will raise them all together, He will inform them about what they have done. Allah has kept account of it, while they forgot it, and Allah is Witness to all things!”**

(Mujadila: 5-6)

(Almizan: V. 19 – P. 313.)

# PART ELEVEN

SPOUSES

AFTER HUSBANDS

&

CHILDREN

AFTER FATHERS

## Chapter One

# MARRIAGE OF WIDOWS AND DIVORCED WOMEN

### Marriage Proposal for Widows And its Conditions

« وَ لَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطْبَةِ النِّسَاءِ أَوْ أَكْتُمْتُمْ فِي أَنْفُسِكُمْ  
عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَ لَكِنْ لَا تُؤَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا  
وَ لَا تَعْزَمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ  
وَ اعْلَمُوا أَنَّ اللَّهَ يَعْلَمُ مَا فِي أَنْفُسِكُمْ فَاحْذَرُوهُ وَ اعْلَمُوا أَنَّ اللَّهَ غَفُورٌ حَلِيمٌ! »  
(بقره: ٢٣٥)

“There is no sin upon you in what you may hint  
in proposing to recently widowed women,  
or what you may secretly cherish within your hearts.  
Allah knows that you will be thinking of them,  
but do not propose marriage with them secretly,  
unless you say honorable words,  
and do not resolve on a marriage tie  
until the prescribed term is complete.

Know that Allah knows what is in your hearts, so beware of Him;  
and know that Allah is all-forgiving, all-forbearing!”

(Holy Quran: Baqara: 235.)

The meaning of the above Verse is that in case you decide to offer

a marriage proposal to a widowed woman there is no problem for you either point it by allusion, or express your desire by indication, or keep things hidden in your heart about who you are looking forward to give her the marriage proposal, after she completes the obligatory waiting period, or, for example, you wish that when will I be able to associate with her? Or things like that.

**"Allah knows that you will be thinking of them..."** This Phrase justifies the negation of sin from those who propose marriage to the widows and offer it. What we said that there is no problem to propose and offer the marriage proposal, the reason is that, desiring women is a desirable feeling in the nature of man, and the God Almighty never forbids what is your natural instinct and the type of your creation, but He also prescribes it. The issue of women itself is one of the things that clearly indicates the Rules of Islam all is based on nature and there is no non-natural rule in Islam.

**"And do not resolve on a marriage tie until the prescribed term is complete!"** The reason why the God Almighty has related the resolving of the Marriage tie to the intention and decision, which is a matter of feeling and heart, He referred to the fact that the nature of this kind of ties and attachments differ from the sensual ties, and this kind of ties relates to the heart, intention, and belief, because the principle of being a husband on the part of a man and being a wife on the part of a woman is a matter of rational credit, which has no homeland except within the belief and perception. What we perceive outside, there is only such man and such woman, and his being a husband and hers being a wife is not something that exists outside of them.

Thus, it can be said that in this Holy Verse, both a metaphor is used, which called a serious decision as a tie, and an indication is also used, which calls the issue of marriage a kind of tie. The meaning of the prescribed term refers to a ruling made by God Almighty, which a divorced or widowed woman should observe an obligatory waiting period, and not get married within that period.

So the meaning of the Verse is that you should not apply the marriage contract until the obligatory waiting period of women have reached the end, and this Holy Verse reveals that there is a fact in that Verse and in the Verse before, which said: **"There is no sin upon you in what you may hint in proposing to recently widowed women..."**, which it is only about discussion on proposing the marriage proposal to such women within the waiting period, and talking about contract. In fact, the point of the previous Verse is that there is no problem for you in giving proposal of marriage to the said women to do so and so, but in the Verse under discussion, God emphasizes that in case of the said women do not apply any marriage contract as long as their obligatory waiting term is valid.

**"Know that Allah knows what is in your hearts, so beware of Him...!"** In this Holy Verse, it is mentioned three attributes of God Almighty, which are: The Knowledge, the Forgiveness, and the Judgment. This is the very reason that the opposition to the ruling in the two above mentioned Verses, that is: Giving the marriage proposal within the divorced or widowed women's obligatory waiting period, offering, and settling secret promise and confidential contract is a deadly deed. The God Almighty does not love them as He should, although He has prescribed it for some interests.

(Almizan: V. 2 – P. 365.)

## Wife's Duty and Choice After Death of Husband

« وَ الَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا  
يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا  
فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ  
وَ اللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ! »  
(بقره: ٢٣٤)

**"As for those of you who die leaving wives,**

**they shall wait by themselves four months and ten days,  
and when they complete their term, there will be no sin upon you  
in respect of what they may do with themselves  
in accordance with honorable norms.  
And Allah is well Aware of what you do!"**

**(Holy Quran: Baqara: 234.)**

Before Islam, different nations had different superstitions about the wife of a dead husband, some believed that she should be burned with her dead husband, or buried alive in her husband's grave, others believed that she should not marry any man until the end of her life, this was the belief of the Christians, and some said: She should abstain from any man for a year after the death of her husband, this was the belief of Arabs in era of ignorance. Others believed this period must be near to one year, for example, nine months, which is the belief of some civilized nations.

Others believed that the deceased husband had a right over his wife, and that was to abstain from marrying others for a while. All these superstitions stemmed from a feeling they had, the feeling originated from the marriage association, and it is evident that the base of this feeling is the participation in life, and the love and affection, which, the love itself, in fact, has a respect that must be observed, but the love must be mutual, and both spouses must respect it, if one of them died the other party should respect it and not marry, but it is more obligatory and necessary for the wife to observe this respect, because the wife must observe modesty, secrecy, and do chastity too.

Therefore, it is not proper for a woman whose husband is dead to expose herself to marriage as a vulgar commodity that everyone manipulates, so this is the motive for the various rulings that have been created in this regard in different nations, and Islam has legislated that such a woman should not marry before about one third of a year, that is, four months and ten days, within which she should observe the obligatory waiting period, so called: "Idda."

**"And when they complete their term,  
there will be no sin upon you  
in respect of what they may do with themselves  
in accordance with honorable norms!"**

This Verse gives the authority and freedom to the widowed women after the end of the waiting period, in what they do, so if they want to get married, they can, and the relatives of the deceased cannot keep doing this, arguing that such a thing is not customary in our family!

Because such customs, which are based on ignorance, blindness, or stinginess or jealousy, cannot deprive a woman of her right, because women themselves have authority, and this is their lawful and legitimate right, and no one in Islam can forbid the lawful act.

**“And Allah is well aware of what you do!”**

Since the wording in the Verse included the legislation of the ruling on the obligatory waiting period, and the right of women to marry after the end of that period, both of these Rules require that the God Almighty recognize the deeds of the servants and be aware of their goodness and corruption. Therefore, among the Finest Names of God Almighty, the name of **"All-aware"** was appropriate for interpreting this Ruling, to make it understood that if God Almighty Ruled such a Ruling, it was because He well Knew of an action that is forbidden and which action that is permissible, therefore, the women must refuse to marry in some cases, and in other cases they can do whatever they want.

(Almizan: V. 2 – P. 363.)

## **Widows with Orphans, with Properties, And with Attractive Beauty**

« ... وَ مَا يُثَلَى عَلَيْكُمْ فِي الْكِتَابِ فِي يَتَامَى النِّسَاءِ  
اللَّاتِي لَا تُؤْتُونَهُنَّ مَا كُتِبَ لَهُنَّ  
وَ تَرْغَبُونَ أَنْ تُنْكَحُوهُنَّ

وَالْمُسْتَضْعَفِينَ مِنَ الْوَالِدَانِ !  
(نساء: ١٢٧)

**“...Concerning girl orphans  
whom you do not give what has been prescribed for them,  
and yet you desire to marry them  
and about the weak among children...!”**

(Holy Quran: Nissa: 127.)

In the above Verse the God Almighty describes women as: **"whom you do not give what has been prescribed for them, and yet you desire to marry them...!"** This is in fact a description for the orphans of these women, God says: God Almighty reveals to you what which is recited to you about orphans, the orphans of the women who are wealthy and beautiful, but you do not give them the rights that God has ordained for them.

This description refers to the kind of deprivation that such women had in the era of ignorance, the deprivation that caused the Almighty God to legislate these rulings in their favor and abolished the oppressive tradition that people had in the ignorance era over such women. By this way God saved them from that hardship and distress, because in ignorance it was customary to usurp the property of the orphaned woman, anything she had inherited for her orphans from her previous husband. They put their cruel hand on both the property of the orphans, and on the woman herself, if she was beautiful, in order to make sexual intercourse and enjoy of her beauty. They would possess their property and use it in their own interests, but if she had no beauty did not make any love affair with her, however would not let him marry another man in order to use her property.

The meaning of the Phrase: **"What has been prescribed for them,"** indicates that it is a Genetic Prescription, which is the same Divine Predestination, and one of those Predestinations is that a woman and every other human being should get married when they reach the age of marriage, another is that everyone is free to possess in his own

property, and nobody should prevent him from managing his property and furniture, so the man who prevents a woman from taking possession of her personal property and her marriage, he has prevented something that God Almighty has destined in His creatures, including this creature.

(Almizan: V. 5 – P. 161.)

## Heavenly Laws of Islam

### Regarding the Women and Orphans

« وَ يَسْتَفْتُونَكَ فِي النِّسَاءِ فَلِ اللَّهِ يُفْتِيكُمْ فِيهِنَّ  
وَ مَا يُثَلَّى عَلَيْكُمْ فِي الْكِتَابِ فِي يَتَامَى النِّسَاءِ  
اللَّاتِي لَا تُؤْتُونَهُنَّ مَا كُتِبَ لَهُنَّ وَ تَرْغَبُونَ أَنْ تَنْكِحُوهُنَّ  
وَ الْمُسْتَضْعَفِينَ مِنَ الْوُلْدَانِ وَ أَنْ تَقُومُوا لِلْيَتَامَى بِالْقِسْطِ  
وَ مَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا !  
(نساء: ١٢٧)

**“They seek your ruling concerning women.  
Say: Allah gives you a ruling concerning them  
and what is announced to you in the Book  
concerning girl orphans whom you do not give  
what has been prescribed for them,  
and yet you desire to marry them  
and about the weak among children,  
that you should maintain the orphans with justice,  
and whatever good you do, indeed Allah knows it well!”**

(Holy Quran: Nissa: 127.)

The Rulings that are legislated in Islamic Law for the benefit of women and to the disadvantage of men are the Heavenly Decrees and Divine Rulings, that the Holy Messenger of God has no intervention in their Legislation, not only does he not interfere in the legislation of these rules, but also in any other legislations, including the legislation of rules about the orphans of the women.

The God Almighty has generally commanded the Holy Prophet to treat the orphans justly and fairly.

The Phrase: **"They seek your ruling concerning women,"** indicates that if the people requested the Holy Prophet for a Decree concerning the women, they meant a Decree that includes all rulings which were not common among Arabs of the ignorance era, and Islam originated and established them. It is evident that such rulings were related to women's rights in inheritance and in marriage, but nothing to cover the rulings of the orphans of women, and the like. The reason is that such issues are related to a certain group of women, not all women, because not all women have dead husbands, and not all of them also have orphans under care. Besides, the Phrase which regards the issue of orphans is another Phrase, that is: **"And what is announced to you in the Book concerning girl orphans...!"** Therefore what the people sought for was a Ruling regarding women, just as they are women, so that it includes all women of the world and all kinds of women.

Therefore, the meaning what God has issued a Decree about women and said: **"Say, God has issued a Decree about women,"** is the same statement that God Almighty had in the first Verses of Surah Nissa, and here, it was necessary to direct the issue of Decree to the God Almighty, and redirect it from the Holy Messenger of God, so that the Phrase finds its clear meaning as: Women request you to issue a Decree regarding them, tell them that issue of Decree depends on God, and God has issued the Decree at the first Verses of the Surah.

(Almizan: V. 5 – P. 158.)

## Prohibiting Usurp of Widows' Inheritance, Depriving them from Remarriage

« يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَجِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا  
وَلَا تَعْضَلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْنَهُنَّ

إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُّبَيَّنَةٍ  
وَعَاشَرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ  
فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَ يُجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا !»  
(نساء : ١٩)

**“O you who have faith!**

**It is not lawful for you to inherit women forcibly,  
and do not press them to take away part of what you have given  
them, unless they commit a gross indecency.**

**Consort with them in an honorable manner;  
and should you dislike them, maybe you dislike something while  
Allah invests it with an abundant good!”**

(Holy Quran: Nissa: 19.)

The Holy Verse, considering that always or often what is hated by the wives of the dead husband is to be deprived of remarriage and their inheritance to be usurped. God wants to forbid this meaning and Say that, as this possession of inheritance is hated by the owner of the property, it is not lawful.

The fact that the God Almighty Said: **"And do not press them to take away part of what you have given them,"** implies prohibiting the man to force the woman not to follow her right to receive the dowry that a man should give to a woman, and not to possess her property in a way other than dowry, and in short, the Holy Verse forbids to inherit women's property while they are not satisfied.

(Almizan: V. 4 – P. 403.)

## **Prohibition of Son's Marriage With his Father's Wife after Death**

« وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ  
إِلَّا مَا قَدْ سَلَفَ  
إِنَّهُ كَانَ فَاحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا !»  
(نساء : ٢٢)

**“Do not marry any of the women whom your fathers had married,  
excluding what is already past.**

**That is indeed an indecency, an outrage, and an evil course!”**

**(Holy Quran: Nissa: 22.)**

In Islamic narrations, it is quoted in book 'Dur-Manthur' from Muhammad ibn Ka'b al-Qarzi that he said: In ignorance era, the custom was that when a man passed away, leaving a woman behind, his son would take precedence over anyone else to marry father's wife, of course, if he wanted her for himself, or he would allow her to marry another man.

This was the case with the father's wife, not the woman from whom the son was born. It was at this time that Abu Qays, the son of Aslat, passed away, and his son Muhsin succeeded him, and he married his father's wife, gave him no alimony, nothing from the inheritance of the father. After the appearance of Islam she went to the Holy Messenger of God, and informed him. The Messenger of God asked her to go and wait may the God Almighty Reveals an instruction in this regard. It did not take long that God Almighty Revealed the following Verses:

**“Do not marry any of the women whom your fathers had married,  
excluding what is already past,”** as well as the Holy Verse:

**“It is not lawful for you to inherit women forcibly...!”**

**(Nissa: 19.)**

**(Almizan: V. 4 – P. 414.)**

## Chapter Two

# MANAGING OF ORPHANS' PROPERTY AND HERITAGE

### Preparation of Quran to Implement the Inheritance Law

« يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ  
وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً  
وَ اتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ  
إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا! »  
(نساء : 1)

"O mankind!

Be wary of your Lord

who created you from a single self,

and created its mate from it,

and, from the two of them, scattered numerous men and women.

Be wary of Allah,

by whose Name you swear to settle your differences

and have respect for your relatives

Indeed Allah is watchful over you!"

(Holy Quran: Nissa: 1.)

The Holy Verses 2 to 6 of Surah Nissa are an introduction at the beginning of Surah Nissa to provide the basis for expressing the Rules of Inheritance, and the important issues of the Marriage Rules.

**These two chapters are the greatest and important chapters of**

**the governing laws in human society, because they have the greatest effect on the formation and existence of society and its survival. First, is the issue of marriage, which serves to clarify the status of births and children, and indicates which person is part of which complex, and what factors were involved in his existence and development. Second, is the issue of inheritance, which is also one of the most important factors in the formation of society, because inheritance divides the available wealth in the world, which is the base of society life, and the potency of the human complex, in life and survival.**

From this it becomes clear why and with what attention the God Almighty provided such a preparation to express these rulings at the beginning of Surah, and without any foreword presented the issue of spreading the human race from a man and a woman, and Said:

**“O mankind! Be wary of your Lord, who created you from a single self, and created its mate from it, and, from the two of them, scattered numerous men and women...!”**

In this Holy Verse, the God Almighty wants to call people to piety and reverence for their Lord, people who are united in the essence and reality of humanity, and in this reality, there is no difference between their men and women, their young and old, their weak and strong, and invites people to realize this indifference about themselves, so that men no longer oppress women and seniors no longer oppress the juniors, and not to pollute with their oppression the society that God has guided them to have, a society that established with the vital rules and laws to complete their happiness and well-being, the society that God Almighty inspired them to establish, to facilitate their way of life, and preserve the existence and survival of the individuals and public.

Then the God Almighty commenced to explain the Rules pertaining to the human society, the Rules on which the Principles and Requirements of the human society depend on. In fact, reforming societies and diverting people from the false social traditions to which they are

accustomed, and to which their thoughts are nurtured, their flesh and blood are grown, their ancestors have died on those traditions, and their morals have developed on them, it is really a difficult task and utmost difficult issue.

Considering above, the Legislation of the above-said Rulings, had really required that preparation and introduction in order to gradually draw the minds to the erroneousness of their ignorant traditions. This meaning becomes clear when the reader pays attention and thinks about the state of the human world in general and the Arab world in particular, (which was their land and the place of revelation of the Holy Quran,) at that period, then it becomes clear to him why the God Almighty did not state the above-mentioned Rules without any introduction, and why the Holy Quran has also gone through a gradual process to express all its Rules, and its Verses have also been revealed gradually.

(Almizan: V. 4 – P. 213.)

## Divine Decree to Preserve The Orphans' Property and Interests

« وَ أَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ  
وَ لَا تَتَّبَدَّلُوا الْخَبِيثَ بِالطَّيِّبِ  
وَ لَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ  
إِنَّهُ كَانَ حُوبًا كَبِيرًا ! »  
(نساء: ٢)

**"And (as a guardian) render to the orphans their property;  
and do not exchange your worthless property  
for their good ones;  
and do not consume their property along with your own;  
for verily, it is a grave sin!"**

(Holy Quran: Nissa: 2.)

This Holy Verse has commanded the Muslims to render the property of the orphans to them. This is a preparation to express the

next two Phrases, which say: **"Do not exchange the pure for the filthy,"** and it means that do not exchange your worthless property for orphan's good ones, (because sometimes it happens that, for example, the orphan's sheep grow better than the guardian's sheep, and the devil tempts man to replace his own low property with orphan's good property.)

The meaning of the Phrase: **"Verily, it is a grave sin,"** it means that this act is a great sin.

(Almizan: V. 4 – P. 263.)

## Ending Pre-Islamic Custom to Marry Orphan Girls to Usurp their Property

« وَ إِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا  
مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَتْنِي وَ ثَلَاثَ وَ رُبَاعَ  
فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ  
ذَلِكَ أَذْنَىٰ أَلَّا تَعُولُوا...! »  
(نساء: ٣)

**"If you fear that you may not deal justly with the orphans,  
then marry [other] women that you like,  
two, three, or four.**

**But if you fear that you may not treat them fairly,  
then marry only one, or marry from among your slave-women.**

**That makes it likelier that you will not be unfair!"**

(Holy Quran: Nissa: 3.)

In the era of Arabs ignorance, there were always wars, bloodsheds, plunders, night attacks, terrors, and assassination, which never stopped and continued incessantly, therefore the number of orphans increased thereby. Then Arabian tribal chiefs and mighty people possessed the orphan daughters of the dead fathers with whatever they had of property, and mixed it with their own property. They did, not only, observe any justice in their act, but sometimes, after ending the property of orphans, they divorced them and left them alone, naked and hungry, without

having a house to live in, no sustenance to support themselves, no husband to protect their fame, and no one to marry them to pay their expenses.

This is the time that the Holy Quran, with the strongest tone, forbade this ugly and evil habit and this gross oppression. The God Almighty intensified its prohibition on oppressing orphans and possessing their property! It is the same in other Verses also that the Holy Quran intensifies the prohibition on possessing and eating their property. Among these Verses are:

**“Those who wrongfully consume the property of orphans are,  
in fact, consuming fire in their bellies  
and they will suffer the blazing fire!”**

(Nissa: 10,)

**and “For verily, it is a grave sin!”**

(Nissa: 2.)

The result of this aggravation was that Muslims, as has been said, became thoughtful hardly and afraid of the critical consequences of seizing the property of orphans and tried to expel the orphans from their houses, in order not to be harmed by possessing their property and violating their rights. If a person was willing to keep an orphan with him, he tried to separate his or her share of water and bread, even if when something was left too much of the orphan's food, they would not come near it for fear of God Almighty, and the food would rot. As a result the people found much problem, and complained to the Holy Prophet of Allah, and asked for a solution, then the following Verse was revealed:

**“And they ask you concerning the orphans.**

**Say: It is better to set right their affairs,**

**and if you intermingle with them, they are of course your brothers:**

**Allah knows the one who causes corruption from the one  
who brings about reform,**

**and had Allah wished He would have put you to hardship.**

## Indeed Allah is all-mighty, all-wise!"

(Baqara: 220.)

In this Verse, the God Almighty allowed them to keep orphans in their houses, and to take care of them, and to look after their living affairs, in the meantime, to get associated with them, because the orphans are their brothers.

This order did create a relief to settle the troubles of people in this regard, and removed their worries.

If the reader pays attention to this meaning, then returns to study again the following Verse, which says: **"If you fear that you may not deal justly with the orphans, then marry [other] women that you like!"** (Nissa: 3,) and thinks about the relation of it with its previous Verse: **"And (as a guardian) render to the orphans their property,"** then he will realize that the Verse in question develops the subject between two Verses, and justifies the prohibition mentioned in the previous Verse, to clarify the meaning of the two Verses as under:

- 1- Observe piety in case of orphans!
- 2- Do not exchange your worthless property for their good ones!
- 3- Do not consume their property along with your own!
- 4- Even if you are afraid that you will not be able to do justice to orphan girls, and you are afraid that you will possess their property, and you are disgusted with marrying them for that reason, you can leave them alone, and marry with other women one, two, three and four.

(Almizan: V. 4 – P. 264.)

## Maintaining and Managing the Property of the Retarded Orphans

« وَ لَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ  
الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَاماً

وَ ارْزُقُوهُمْ فِيهَا وَاكْسُوهُمْ  
وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا!  
(نساء : ٥)

**"And do not give to the feeble-minded your property  
which Allah has made means of support for you;  
but feed and clothe them out of it  
and speak to them with nice and decent words!"**

(Holy Quran: Nissa: 5.)

The feeble-minded are those who have less reason and unable to make intelligent decisions or judgments. Its meaning varies according to the difference of intentions, for example, a person who is incapable of managing his worldly affairs is called a feeble-minded, and a person who is fully aware of his worldly affairs but neglects about his Hereafter and commits immorality, namely, he is irresponsible in this case, is also called feeble-minded.

What is understood from the appearance of the Holy Verse is that the God Almighty wants to forbid overdoing in donating idiots, and Says: Do not put at their disposal the property more than their need. It is noteworthy that the discussion of the Holy Verse is about the property of orphans (which God instructs the guardians of orphans to take care of their affairs and try to increase their property.) This indicates that the meaning of the feeble-minded here is not the idiots in general, but only the feeble-minded of orphans.

We also understand from the Clause: **"Do not give to the feeble-minded your property,"** that the issue has a kind of relationship with the guardians of orphans, not all other idiots, as it is also evident from the Phrase: **"But feed and clothe them out of it...!"**

In any case, if the meaning of the feeble-minded in the Verse is only the idiots of orphans, then the meaning of the Clause: **"Your Property,"** will be their properties. If the God Almighty has attributed the properties of the orphans to their Guardians (the addressees of the

Verse,) was for this consideration that the total wealth that exists on the planet and below it, and finally in the world belongs to all the inhabitants of this planet, and if some of this property belongs to some inhabitants of the earth and some to others, is only to reform the general human condition, which is based on the principle of ownership and appropriation, and when the case is so, it is necessary for the people to help its realization, and to understand that the whole human is a single society, and all the world property belongs to this society, therefore, it is obligatory for all individuals of the human being to preserve this wealth and prevent it from being wasted, and for this purpose the idiots should not be allowed to squander and misspend this wealth foolishly, but the wise people should take care of the affairs of idiots as well as the underage and insane children.

In this Holy Verse, there is an indication to a General Rule that regards the Islamic society, the Ruling is that the society has a single personality for itself, and this single personality owns all the property on earth, and God Almighty has provided the life of this single personality with these properties, and ordained it as its sustenance, so it is necessary for this personality to manage the affairs of that property, to expose it to growth and development, and to do something to increase it day by day, in order to be sufficient to all and every individual. In order to apply this purpose it should maintain the best economic and moderate way in use of living materials and protect it from wastage and corruption.

One of the requirements of this Principle is that the guardians of human societies should take the affairs of idiots in their own hands and do not give their property to them to spend it at unwise ways, but it is obligatory to the guardians to guard and check their property to be reformed and developed, and try to increase it by circulating it in business and any other means of productivity. The guardian may pay a salary to the feeble-minded from the profit and return of the business (not from the main property,) in order to preserve the original property from being finished or destroyed, as a result, the feeble minded to be

involved with deprivation and misery.

It is clear from this that the Phrase: **"But feed and clothe them out of it..."** means that their livelihood should not be from the capital and the principle of property, but to be out of it, that is, they make living from the income of property.

It is not unlikely that the Holy Verse refers to the Guardians' Authority in all affairs of the mental-incompetents, in the sense that it understands us that: God is not pleased with the affairs of idiots and insane people and any other mental-incompetents to be different from other people, but it is obligatory to the Islamic Society to take care of their affairs. If there is one of the parents, such as a father or grandfather, he should supervise the affairs of the mental-incompetent, but if there was not any of them, then the Islamic Religious Government should do so (and appoint someone as a guardian.) If the Government of Muslims is not religious, and an ungodly governor rules over them, then the believers should perform this obligation according the details are given in jurisprudence books.

**The Issue that the Real Owner is the God Almighty, is a Quranic Truth, on which many important Islamic Rules and Laws are based, and in fact, it has an underlying aspect in relation to most of the Rules of Islam.**

(Almizan: V. 4 – P. 270.)

## Dealing and Speaking with Mentally Retarded Orphans

« وَ قُولُوا لَهُمْ قَوْلًا مَعْرُوفًا ! »  
(نساء : ٥)

**"And speak to them with nice and decent words!"**

(Holy Quran; Nissa: 5.)

The above Phrase is a moral Phrase, which if it is observed the issue of guardianship will be accomplished, because the idiots, although

are restrained and forbidden from taking possession of their property, but they are not tongue-tied animals, that they do not distinguish good speech from bad, but they are humans, and they should be dealt with as humans, and their guardians should speak to them as they speak to ordinary human beings, not indecently, and in their association with them should be associated with a human being.

It is clear from this point that we may not take the Phrase in question in the sense of its literal meaning, that is, speaking alone, but in the sense of its figurative meaning, the absolute association and companionship, and say: It means that the guardians of idiots must deal with them as a human in every aspects, in speaking, in socializing and in associating.

(Almizan: V. 4 – P. 274.)

## Determining Orphans' Age of Growth To Hand over their Property

« وَابْتَلُوا الْيَتَامَى حَتَّى إِذَا بَلَغُوا النِّكَاحَ  
فَإِنْ أَنْسَنْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ  
وَ لَا تَأْكُلُوهَا إِسْرَافًا وَ بِدَارًا أَنْ يَكْبَرُوا  
وَ مَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَ مَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ  
فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ  
وَ كَفَى بِاللَّهِ حَسِيبًا! »  
(نساء: ٦)

**"Test the orphans when they reach the age of marriage.**

**Then if you discern in them maturity,  
deliver to them their property.**

**And do not consume it lavishly and hastily lest they should grow up.**

**As for him who is well-off, let him be abstemious,  
and as for him who is poor, let him eat in an honorable manner.**

**And when you deliver to them their property,  
take witnesses over them,  
and Allah suffices as reckoner!"**

(Holy Quran; Nissa: 6.)

The first Phrase means to test the idiot orphan. It means that this test must continue from beginning his or her discernment age until it reaches the age of marriage, then if you find that he or she gets to the intellectual growth, give their property to their own hand.

So this interpretation implies to some extent to the continuation of the test, and it implies that when an orphan child wants to reach the level of discernment and intellect, that is, to the point where he or she can be tested, try to test them, and this test should continue until their marriage and becoming a man or woman.

The nature of the issue also requires this, because in one or two stages the growth of the child cannot be detected, but this test must be repeated to achieve the observation of growth in the child, because the child, after being in the stage of discernment, gradually reaches the stage of puberty, then the stage of marriage, and then the stage of growth.

The meaning of the whole Phrase is to test the orphans, and as a result if you see the growth from them, so give them their property.

This statement makes us understand that reaching the level of marriage is not the reason for giving the orphan's property to the orphan, but it is appropriate when the cause is complete and the orphan can deal with his property independently, which is an indication to achieve the growth.

**So it turns out that Islam has not taken the issue of puberty in the same sense everywhere: In matters of worship, punishment, and atonement, it has considered maturity as: Reaching the legal age, that means the age of marriage, but in case of possession the property, confessions and the like, it has added another condition, and that is reaching the level of growth.** The detail of which is mentioned in the jurisprudential books.

This is one of the gentle considerations that Islam has used in the

stage of legislating its laws, because if it did not condition the issue of growth and waived the condition of growth in financial possessions and the like, the system of social life of people like orphans would be disrupted, and the weak potency on his possessions and confessions may cause other people to misuse of his weakness, and in the easiest way, with a few soft words and false promises, took all his livelihood means off his hand, and lead the orphan to the black day with one or more false deals.

So the "Term of Growth" is a condition that the intellect considers its potency in such matters as necessary and obligatory, but in the worship, it is clear to everyone that there is no need for growth, and the same is in respect of punishment and atonement, because recognizing and understanding the meaning that adultery is bad and its perpetrator is doomed to punishment, or beating and killing people is an evil deed and its perpetrator is condemned to the rulings of penalty and atonement, it does not need to reach the growth. Every human being has the power of such discernment even before reaching maturity. Understanding these meanings does not differ before and after the growth.

**"Deliver to them their property, and do not consume it lavishly and hastily lest they should grow up...!"** Consuming lavishly, means transgression and exceeding the limit of moderation in action, and **"hasting lest they should grow up,"** means to give them their property before they grow up and take their right forcibly.

In the Holy Verse, there is a confrontation between consuming with lavishly and consuming after the orphan grows up, and this confrontation understands that there is a difference between the two. The first is that consuming lavishly is a violation on the property of the orphan without the need to consume it, and without the guardian of the orphan deeming himself entitled to that property, but he consumes the property of the orphan only because of injustice and carelessness, but in the second case, taking parts of the orphan's property before he grows up means that the guardian of the orphan considers himself entitled to this

share, and considers himself entitled to have a wages for taking care of the affairs of the orphan, and wants to take the wages of his labor, but Islam tells him: Now that the orphan is an adult, let him work on his property, and now that he is an adult, he does not need you, and he may prevent you from taking possession of his property, so before he stops, and prevents you, give him his property.

So both types of possession are forbidden, unless the guardian of the orphan is poor and has no choice but to work to have some livelihood, or to work for the orphan and meet his own necessary needs from the wages of his work. This, in fact, means to gain a wage in business, or if the job of the orphan is the construction works, he works for him to take wage. That is the reason why the God Almighty mentioned in His Holy Book: **"As for him who is well-off, let him be abstemious, and as for him who is poor, let him eat in an honorable manner."** That means if the guardian who is rich and does not need to take the property of orphan for his living, then he should follow the path of chastity and not take anything from the property of the orphan, but if the guardian is poor let him to meet his need properly from the property of the orphan.

(Almizan: V. 4 – P. 275.)

## Method of Returning Orphan Property

« فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهِدُوا عَلَيْهِمْ! »  
(نساء: ٦)

**"And when you deliver to them their property,  
take witnesses over them!"**

(Holy Quran; Nissa: 6.)

The above Phrase contains one of the legal provisions of Islam, and commands that when handing over the property of an orphan to him, his guardian must do this in the presence of the witness, so that to secure himself and prevent any later contention and dispute, because it is

possible later on the orphan may claim that my guardian does not give me my property even though I have reached the level of marriage and growth.

The Almighty God has added to the above Ruling the Phrase: "**And Allah suffices as reckoner,**" in order to connect the legislated Rulings to its principal origin, to understand us that any Ruling of the Divine Rulings has a source and connection to one of the Finest Names and Attributions of the God Almighty. If He has legislated these Rulings in regards to the orphan cases, is because He is the Reckoner, and does not issue the Rulings of his servants without a precise accounting, and whatever He legislates is definite and calculated. This is for the purpose of completing the religious and Islamic education, because Islam begins the education of the people on the basis of Monotheism, and witnessing in transactions and trades, although it often settles disputes and conflicts, but the strong cause for the resolution is a spiritual matter, and that is Piety and the fear of God, which is sufficient in reckoning, and therefore if the guardian of the orphan and the witnesses and the child himself have this meaning in their hearts and minds, then the settlement of the dispute is one hundred percent certain and there will be no dispute.

(Almizan: V. 4 – P. 278.)

## **Guardianship For Orphans**

Now that you, the esteemed Reader, have paid attention to these points, now again have a careful look at the two Holy Verses, and see with what a Unique Expression the God Almighty has Explained all the issues about the guardianship! We are going also to summarize its contents in three following parts:

**First:** There is mentioned the most important and necessary points

regarding the guardianship of the properties of orphans and any other feeble-minded person, and has clarified the way of its taking delivery and preserving, then how to use it in a field of business to gain profit, and how to custody the property and how to hand it over to the child, and also when to take it and when to hand it over to the orphan. In addition, by stating the public interest of this issue, strengthened its basis. The Public interest of this issue is that the wealth - all over the world - is to circulate the wheel of human life, not to accumulate it and use to show as an excel over others, and the like.

**Second:** The God Almighty has included a moral principle in His statements that if a human being observes it, he will be educated according to the mentioned laws, and the following Phrase is one of them, which says: **"And speak to them with nice and decent words!"** (Nissa: 5.) When you did undertake the guardianship of an orphan or insane child do not be arrogant or rude to him, but your treatment with him must be full of love, politeness and good manner.

**Thirdly,** God has established Monotheism as the basis of all those rules, the Monotheism that alone governs all the practical and moral rules of the Quran. Assuming that the practical rules and moral precepts become weak in terms of effect, the effect of Monotheism will continue in all cases. This meaning has been expressed in the Phrase: **"And Allah suffices as reckoner!"**

(Almizan: V. 4 – P. 278.)

## Chapter Three

# JUSTICE IN AFFAIRS OF ORPHANS

### Upraise to Observe Justice In Affairs of Orphans!

« أَنْ تَقُومُوا لِلْيَتَامَى بِالْقِسْطِ  
وَ مَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا! »  
(نساء: ١٢٧)

**“You should stand firm for securing justice to orphans.  
Whatever good deeds you do, Allah is the Well-Aware of it!”**  
(Holy Quran; Nissa: 127.)

The God Almighty Tells you to stand up for justice in the affairs of orphans. This Phrase means, in fact, deviating from a Particular Ruling and paying attention to a General Ruling, a Ruling that is more inclusive than that Particular Ruling. Already the God Almighty issued a Ruling about the property of widows having orphans, now He talks about their property and about things other than property.

In the Phrase: **"Whatever good deeds you do, Allah is the Well-Aware of it,"** the God Almighty reminds the men of ignorance era that what the God Almighty has made obligatory to them regarding the women, and their orphans, such Rulings are for their benefit, and the God Almighty is All-aware of it. God gives this reminder in order to encourage them to act on those Rulings, because when they understand

that God is All-knowing of their actions, they will be encouraged and avoid opposing Him, since God Sees both their opposition and Knows all about it.

(Almizan: V. 5 – P. 162.)

## Narratives on the Orphans' Heritage

It is narrated in "Ayashi's commentary," through Yunus ibn Ya'qub who said: I asked Imam Sadiq (AS) about the Verse: **"And do not give to the feeble-minded your property,"** that who are the feeble-minded? He said: The one you do not trust him!

In the same book, he narrated from Ibrahim ibn Abd al-Hamid who said: I asked Imam Sadiq (AS) about the meaning of the Verse: **"And do not give to the feeble-minded your property,"** he said that one who drinks wine, he is also a feeble-minded!

It is also in the same book, narrated through Ali ibn Abi Hamzah from Imam Sadiq (AS) who said: I asked Imam about the Verse: **"And do not give to the feeble-minded your property,"** he said: They are the feeble-minded orphans. You have preserve their property until you feel they have reached the stage of growth. I said: So why the Holy Verse mentions "your property," instead of the property of orphans? Imam answered: It is addressed to those who inherit orphans.

In "Qomi's commentary," it is narrated from Imam Baqir (AS) that he said about the Verse in question: When a man recognizes that his wife or child is stupid and corruptive, he should not dominate any of them over his property, because God Almighty has provided one's property as a means of his living consistency and his livelihood.

The **Author** (Allameh) says: There are many narrations in this regard and these narrations confirm our previous statement that we said

the stupidity has a wide meaning and has levels such as the feeble-minded, which causes them to be prohibited of possession, and also the stupidity of the child before reaching adulthood, the next stage is the foolishness of a woman who is lustful, the next stage is the foolishness of the drunkard, and the next stage is the absolute foolishness of those who are not trusted. Therefore, according to the differences between these stages and examples, the meaning of giving them the property and wealth also differs!

In these meanings, many narrations have been received, both through the Imams of the Holy Prophet's Household (AS) and others. Of course, there are jurisprudential issues and narrations related to those issues, which if the reader wants to know about it, he should refer to the books of Hadith, and also the jurisprudential books.

(Almizan: V. 4 – P. 282.)

## Retribution for Oppressing the Orphans, The Worldly Punishment

« وَ لِيَخْشَ الَّذِينَ لَوْ تَرَكُوا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَ لْيَقُولُوا قَوْلًا سَدِيدًا ! »  
(نساء: ٩)

**“Those who are concerned about the welfare of  
their own children after their death,  
should have fear of God when dealing with the orphans,  
and guide them properly!”**

(Holy Quran; Nissa: 9.)

The content of this Verse is in fact a threat to the aggressors over the inheritance of the children of the deceased father, and considering this meaning the Phrase: **“And guide them properly,”** will be an instruction for them to take a practical method in case of the orphans, and abandon the improper way of treatment with them, (i.e. the method of depriving orphans and eating their property and violating their rights.)

The appearance of the Verse examples the mercy and compassion on the helpless, homeless, and small children, who are not under the care of anyone and have no one to manage their affairs and guard their benefits and eliminate their losses and remove humiliation and misery from them.

It should also be noted that the threat in the Verse is not specific to those who currently have themselves weak and powerless children, because the Verse refers to: "After their death," so this is a figurative Phrase that is given for the purpose of expressing the present sense, and it means those who are in such a situation, that is, there is mercy of humanity in their hearts and they have compassion for the disabled offspring and orphans, and such people are the real humans, especially Muslims who are cultured with the Etiquette of God and adapted with the Divine Morality, (and those who are not like them are not human beings,) therefore, the meaning of the Verse will be as following:

- **If people have humanity - they should be concerned and fear God in the matter of orphans, because the orphans of the people, like his own orphan, are a weak offspring worthy of mercy, so one should be concerned about their condition and their situation so that do not be oppressed and do not violate their rights.** So, the theme of the Verse is that everyone who is worried about humiliation and is afraid of it, must rise to prevent it, because all human beings have this concern.

In this Holy Verse, the people are not ordered to have mercy and kindness upon the orphans, but rather to have fear of God and Piety, and this is only to threaten them with: **What you ill-treat upon the orphans of the other people and deprive them of their property and rights, it will be soon after your death happens upon your own offspring and orphans!** The God Almighty wants to warn them that any disaster that they have caused on other orphans the same will return to their own orphans.

## Punishment of Usurpers of Orphans Property at Hereafter

« إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَى ظُلْمًا  
إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا  
وَسَيَصْلُونَ سَعِيرًا ! »  
(نساء: ١٠)

“Verily, those who consume properties of the orphans unjustly,  
They only send fire into their Bellies;  
and they shall soon enter the Blazing Fire!”

(Holy Quran; Nissa: 10.)

The content of this Holy Verse, like the content of the previous Verse, is related to the Verse: "**Men have a share in the heritage left by parents and near relatives!**" (Nissa: 7,) and in fact threatens and warns people from transgressing and possessing the heritage of the orphans, and violating their rights. This Verse is one of the Verses that indicate to the embodiment of deeds in the Resurrection. It comes out from this Holy Verse that the property of an orphan unjustly possessed and eaten in this world, will be embodied in the Hereafter in the form of eating fire.

(Almizan: V. 4 – P. 321.)

## How the Cruelty to Orphans Returns to the Oppressors' Orphans?

Whoever oppresses an orphan, that is, takes his property from his hand, the same oppression will soon return to his orphans or his descendants! **This is one of the strange Truths of Quran**, and one of the requirements and examples of another Truth which is found in other Verses of Quran, and that is a fact indicating a connection between the good and bad deeds of human and between the external events.

There are Verses in the Holy Quran that indicate this meaning, such as the following Verses:

- **"Whoever acts righteously, it is for his own self, and whoever does evil, it is to its detriment, and your Lord is not tyrannical to the servants!"** (Fussilat: 46.)

- **"So whoever does an atom's weight of good will see it! And whoever does an atom's weight of evil will see it!"** (Zalzala: 7-8.)

- **"Indeed if one is God Wary and Patient Allah does not waste the reward of the virtuous!"** (Yusuf: 90.)

- **"Their share in this world will be disgrace!"** (Hajj: 9.)

There are another Verses like them in Quran, which indicate that deeds (whether good or evil) have a kind of reaction and somehow return to the owner of the action in this world.

What comes to mind from these Verses - of course, our minds, which are accustomed to the ideas that have been established and experienced in our society - is that this reflection of man's deed goes back only to himself, and everyone receives only and tastes the so-called fruit of his act, bitter or sweet. But there are other Verses that indicate the issue of reflection is wider than this, and sometimes the effects of a person's good deeds reach his children and descendants, and also the effects of their misdeeds spread on their offspring, as the God Almighty mentioned in the following Verse:

- **"The tumbling wall belonged to two orphans in the town whose father was a righteous person. Underneath the wall there was a treasure that belonged to them. Your Lord wanted the orphans to find the treasure through the Mercy of your Lord when they mature!"** (Kahf: 82.)

It appears that the righteousness of the father of the two orphans was involved in the Will of God Almighty to send them Mercy.

There is another Verse that indicates the effect of man's ugly deed reaches his children. As mentioned in the Verse in question which we have already discussed on it, which says:

**“Those who are concerned about the welfare of  
their own children after their death,  
should have fear of God when dealing with the orphans,  
and guide them properly!” ( Nissa: 9.)**

But if we ponder on the Word of God Almighty, we realize that the real reason for this effect is the practical request of man on the one hand, and the Acceptance of God Almighty on the other. We have already mentioned in the interpretation of the Verse: **"And if My servants ask you about Me, I am near answering the calls of those who call to Me!" (Baqara: 186,)** that the Word of God Almighty indicates that what the incidents happen on man from God is by his own request, in short, the request is not only by word, but also by the actions that affect the occurrence of that event, and have the aspect of precedence for it, in fact, his action is also as a request from God, which the God Almighty referred to it in the following Verse in Quran:

- **“Everyone in the heavens and the earth asks Him. Every day He is engaged in some work!” (Rahman: 29.)**
- **“And He gave you all that you had asked Him. If you enumerate Allah's blessings, you will not be able to count them!” (Ibrahim: 34.)**

On the other hand, any action that a person does for his own benefit or for others (whether it is good or evil,) if he likes the occurrence of that action on others, who are also human beings like him, in fact, it will be pleasing to himself too, and it is not possible for him to do something that he does not like for himself, and is not requested for himself, to act it on others. So in fact, in all the deeds that all the human beings do, the humanity is under consideration. This is the fact that becomes evident to the human beings that if one does good to someone,

he has asked God for this goodness for himself, a request and the prayer that will certainly be accepted, and cannot be rejected, and also if he does evil and oppression to someone, he has asked and liked the same evil for himself, as well as if he liked any evil deed and oppression for the children and orphans of the other people, in fact he has desired and liked it for his own children. That is why the God Almighty said:

**“Everyone has a cynosure (or Qiblah) to which he turns; but what matters is to be ahead of others in good deeds!”**

**(Baqara: 148.)**

Because the meaning of this Verse is to overtake in goodness so that your purpose and goal will be good deeds.

On the other hand, the participation of several people in blood, all of whose blood is branched from one father and one mother, constructs a single unity, which their vertical proportion are interpreted as a Nation, so that any situation occurs on one side around this unit, and any incident occurs for that side, in fact, it occurs to the base of unit, and the base is considered as all its sides.

Therefore, it becomes clear with this statement that any dealing which a person makes with others or their children have no way of reflecting that action on himself or his children, unless God so Wills and Prevents this reflection. This exception we made was because there are innumerable causes and factors in the universe that man cannot encompass all of them, so it is possible that other factors prevented the reflection of action that we do not know about it, as we can see from the following Verse that such factors exist:

**“Whatever misfortune befalls on you people,  
it is the result of your own deeds.**

**But Allah Forgives a great part of them!”**

**(Shura: 30.)**

**(Almizan: V. 4 – P. 318.)**

## Narratives about Oppression to Orphans

In "Ayashi's commentary," it is narrated from Imam Sadiq and Imam Riza (AS) that they said: God Almighty has threatened two punishments for consuming the property of the orphans, one of which is the punishment of the Hereafter, the same fire, but the second is the punishment of this world. The Verse: **“Those who are concerned about the welfare of their own children after their death, should have fear of God when dealing with the orphans, and guide them properly!”** ( Nissa: 9.) The meaning of this Verse is that they should be afraid that their children will be orphaned and suffer the same fate that befell the orphans of the people, that is, they lost their father and the scavengers like these ate their property.

It is also narrated from "Qatada" in commentary of "Durr Manthur," that he said: It was narrated to us that the Holy Messenger of God said: Fear God and observe the condition of two helpless groups, one orphan, and the second woman, whom God Almighty has orphaned her on one hand, and on the other hand He has Recommended about her to others, on the one hand He has tested her by taking her father from her hand, and on the other hand God has tested you with her, (to find out how he comes out of the orphanage fire, and how do you get out of fire by helping her?)

**Author says:** There are lots of narrations received through Shiites and Sunnis about consuming the property of orphans and that this act is a grave and deadly sin!

(Almizan: V. 4 – P. 324.)

## Equal Right and Brotherhood Decree On Orphans with their Guardians

« وَ يَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ  
وَ إِن تَخَالَطُوهُمْ فَإِخْوَانُكُمْ! »

(يقره: ٢٢٠)

**"And they ask you concerning the orphans.****Say: It is better to set right their affairs, and if you intermingle with them, they are of course your brothers!"**

(Holy Quran; Baqara: 220.)

This Holy Verse indicates a kind of reduction and facilitation, because first it allows guardians to mingle with the orphans, then it says: If God Wills He will help you! It becomes clear from this interpretation that the Muslims already had heard a rebuke from God concerning the orphans guardianship, which made their hearts anxious and fearful, and this anxiety compelled them to ask about the orphans, and indeed it was, because some strongly-worded Verses had been revealed about the orphans, such as the Verse:

**"Indeed those who consume the property of orphans wrongfully, only ingest fire into their bellies, and soon they will enter the Blaze!"** (Nissa: 10,) and:

**"Give the orphans their property, and do not replace the good with the bad, and do not eat up their property by mingling it with your own property, for that is indeed a great sin!"** (Nissa: 2.)

In the first Verse, The God Almighty has called the consuming property of orphan as eating fire, and in the second Verse has called it a grave crime.

It appears that the Verse in question was revealed after the Verses of Surah Nissa, so considering this fact, the narrations quoted in respect of this Verse will be validated. The Phrase: **"Say: It is better to set right their affairs..."**, also indicates that the issue of 'setting right' is the good and real reform, not the formal one. The Clause following this Phrase also refers to this fact: **"Allah knows the one who causes corruption from the one who brings about reform!"**

The Phrase: **"And if you intermingle with them, they are of course your brothers!"** refers to the equality that God Almighty has

established among all believers. God Wants to declare nullification of all the attributes and identifications that lead to the privilege of one class from another, which is the root of all kinds of corruption among the people, for example, one enslaves another human being, the other one oppresses some others and by humiliating them wants to show his greatness, and all other kinds of oppressions and aggressions! Yes, with such a proclamation of brotherhood that establishes a balance between the two classes of people, between the weak orphan and strong guardian, between the rich and poor, and also between every imperfect and perfect! The God Almighty Stated elsewhere in the Holy Quran that: **"Believers are each other's brothers!"** (Hujarat: 10.)

So, it turns out that the Holy Verse prescribes such intermingling with orphans that is brotherly mixing, the kind of brotherly mixing to be equal in rights among the people, and what is consumed from his property is equal to what they pay him, therefore the Verse in question is opposite to the Verse: **"Give the orphans their property, and do not replace the good with the bad, and do not eat up their property by mingling it with your own property, for that is indeed a great sin!"** (Nissa: 2,) and this contrast is one of the evidences that in the Verse in question there has been granted a kind of decrease and facilitation, for which the rest of the Verse is also an indication: **"Allah knows the one who causes corruption from the one who brings about reform!"**

So the meaning of the Verse is that mixing with orphans is permissible if necessary, and this is the same reduction that already mentioned, but it should be like the mixing of two brothers, that is, with equal rights, then there is no room for fear and worry, because if this action is intentioned as a correction, that is, a real correction, not a formal one, is a good deed, and since the truth of the action is not hidden from God, so do not be afraid that He will accuse you only because you have intermingled, because God distinguishes the corruptor from the reformer.

## Narratives Related to Brotherly Conduct with Orphans

It is narrated from Imam Sadiq (AS) in "Qomi's" commentary about the following Verse: **"And they ask you concerning the orphans,"** (Baqara: 220,) he said: After the following Verse was revealed: **"Indeed those who consume the property of orphans wrongfully, only ingest fire into their bellies, and soon they will enter the Blaze!"** (Nissa: 10,) anyone who had an orphan in his house threw him out of the house, and asked the Holy Messenger of God what else they could do? In response, the following Verse was revealed: **"And they ask you concerning the orphans. Say: It is better to set right their affairs...!"** (Baqara: 220.)

It is narrated in Durr-Manthur from Ibn Abbas that he said: When God Almighty has revealed the Verse: **"Do not approach the orphan's property, except in the best possible manner!"** (An'am: 152,) and: **"Verily, those who consume properties of the orphans unjustly...!"** (Nissa: 10,) those people who had an orphan in their own house, they separated their own food and drink from the food and drink of the orphan, they gave him his share more than their share, and if it was too much and the orphan could not consume all that food and drink, they also did not consume it until it becomes wasted. This was difficult for them. Finally they brought the issue to the Holy Messenger of God, and the God Almighty revealed this Verse: **"And they ask you concerning the orphans. Say: It is better to set right their affairs, and if you intermingle with them, they are of course your brothers!"** (Baqara: 220.) From then on, they mixed their food with orphans, and ate and drank with them together.

(Almizan: V. 2 – P. 301.)

# **PART TWELVE**

**BASIS OF**

**INHERITENCE**

**LAW**

**IN QURAN**

## Chapter One

# DETERMINING THE HEIRS

### Introduction for Executing Inheritance Law

« لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ  
وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ  
مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَفْرُوضًا! »  
(نساء : ٧)

**“Men have a share in the heritage left by parents and near relatives,  
and women have a share in the heritage left by parents and near  
relatives, whether it be little or much,  
a share ordained by Allah!”**

(Holy Quran; Nissa: 7.)

In this Holy Verse, a general Law and a new Tradition has been legislated which was unfamiliar in the minds of the responsible ones, because the issue of inheritance, as legislated in Islam, had no precedent, but the customs and traditions were such that some Heirs were deprived of inheritance, and this custom was so common that it was as if a secondary nature had arisen for the people, so that if they heard otherwise, their emotions would be aroused (of course, the false emotions they had in this case.)

For this reason, before legislating the ruling of inheritance, God

Almighty, in order to prevent their false emotions from being hurt and to accept the Law of Islamic inheritance in them, first consolidated the love of God and religious self-sacrifice and also the brotherhood among the believers, and then legislated the inheritance between the two brothers, and thereby finally abrogated the tradition that already existed in inheritance and saved the believers from the deep-rooted and old prejudice towards those customs and habits.

Then, after the framework of religion was strengthened and the government of religion was organized, the God Almighty Legislated the inheritance law among the close member of family. Islam legislated the law of inheritance when a large number of believers accepted it in the best possible way.

(Almizan: V. 4 – P. 314.)

## Identification of Heirs

With this introduction that we explained, it became clear that the Holy Verse served to clarify and remove any doubts and illusions, and the God Almighty by the Phrase: **"Men have a share in the heritage left by parents and near relatives,"** wanted to establish a general law and rule, therefore the ruling of this Verse is absolute and is not bound by any circumstances and attributes. The same is the subject of this Ruling, which is men, is general, and is not assigned to any connected attribute, as a result, the men of the future, namely, the little boys also will have the same share as the men of today.

After the establishment of the above Rule, the God Almighty Says: **"And women have a share in the heritage left by parents and near relatives!"** This Phrase is the same as the previous Phrase for establishing the Rule and it is also like a general Rule with no allocation

in it, therefore it includes all women, without any allocation or restriction. God has sent this independent Phrase in order to clarify the Ruling with no room for doubt, and also for this purpose He added the Phrase: **"whether it be little or much,"** to give more explanation and to make it understood that: Just because the inheritance of a Muslim is small, should not cause them to be careless in dividing it.

At the end the God Almighty Said: **"A share ordained by Allah,"** which in meaning is an emphasis on emphasis and serves to exceed in clarifying and removing ambiguity, that the shares of inheritance are specified and definite, there is neither error nor ambiguity in it.

For the sake of these two aspects: that is, the generality of the Ruling of the Verse and the absence of ambiguity in it, the scholars have argued to this Verse that the ruling of inheritance is general and even includes the inheritance of the descendent of the Holy Messenger of God! **(This statement rejects the false statement of those people who, upon a false hadith, after the death of the Holy Prophet of God said that: The property of the Messenger of God is charity after his death!!!)** (By Persian Translator of Almizan.)

(Almizan: V. 4 – P. 314.)

## Inheritance of Wife and Husband

« وَ لِكُلِّ جَعَلْنَا مَوَالِي مِمَّا تَرَكَ الْوَالِدَانِ وَ الْأَقْرَبُونَ  
وَ الَّذِينَ عَقَدْتُمْ أَيْمَانَكُمْ  
فَأَتَوْهُمْ نَصِيْبَهُمْ  
إِنَّ اللَّهَ كَانَ عَلَىٰ كُلِّ شَيْءٍ شَهِيدًا »  
(نساء: ٣٣)

**"To everyone We have appointed heirs  
to property left by parents and relatives.  
And also with whom you have made a covenant,  
give to them their portion.**

## Verily, Allah is Ever-Witness over all things!"

(Holy Quran; Nissa: 33.)

Since this Holy Verse is in the same context with the previous Verse: **"And do not wish the bounty which Allah by bestowing it, has raised some of you above others!"** (Nissa: 32,) and since in the captioned Verse it is commanded that you give the share of each shareholder, and also said that the God Almighty has appointed to everyone heirs to property left by parents and relatives, such as his children and relatives, all confirming the meaning that the Verse in question, in addition to the previous Verse, wants to summarize the rulings and orders passed in the Verses of inheritance and will. Since in those Verses there were details of the Legislations, and before those Verses also God had given a brief account of the Legislations which He explained later, and Said: **"Men have a share in the heritage left by parents and near relatives..."** (Nissa: 7.) all of which shows that this Verse represents a general regulation about inheritance, which all the details of the rulings go back to it.

Considering above the meaning of the three groups mentioned in the Holy Verse, namely: Parents - relatives - and those who you have made a covenant, are the same groups that are mentioned in the Verse of inheritance, i.e. 1 - children, 2 - relatives, and 3 - the husband and wife. The third class in the Verse in question is forcibly matched to husbands and Wives.

So when the God Almighty Said: (To every one of you,) it means that for each of you, whether you are a man or a woman, we have appointed heirs, that is, we have appointed heirs in inheritance, so that they may inherit what remains of the wealth from you.

If the Verse interprets the couple as **"with whom you have made a covenant,"** (those who have tied your hands,) wanted, in fact, to use a remarks, because it was customary in Arabs to make a deal or a treaty with each other, at end, they shook hands to announce that the deal was over, or, say, tied the contract, as a result the meaning of the Phrase:

"those who have tied your hands," is: With whom you have made a covenant.

The Phrase: **"Give to them their portion,"** means the same share of the heirs that is stated in the Verses of Inheritance. The context of this Phrase is the result of the previous Phrase, which said: **"To everyone We have appointed heirs,"** and at the end, the God Almighty justified His Ruling: **"Give to them their portion,"** by the Phrase: **"Verily, Allah is Ever-Witness over all things!"**

(Almizan: V. 4 – P. 540.)

## Contribution to Poor Relatives, Orphans, and the Needy

« وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا! »  
(نساء: ٨)

**“And if at the time of dividing inheritance,  
kinsmen and orphans and the poor are present,  
provide them with something out of it,  
and speak to them with kind words!”**

(Holy Quran; Nissa: 8.)

From the appearance of the Verse it is evident that it refers to the presence of the relatives of the dead at the dividing time of inheritance, who do not inherit due to the existence of the legal classes, and the God Almighty orders the heirs to give them something of the inheritance.

Considering above, the named group are the poor relatives of the dead, because their name are stated in the Verse among the orphans and the needy. The tone of the Phrase is also a witness to this meaning: **"Provide them with something out of it, and speak to them with kind words,"** which is a tone to provoke their feeling and invitation to mercy and liberality, as a result, the Verse is addressed to the heirs of the dead,

those who inherit from him.

The commentators have differed as to whether it is obligatory or recommended to pay something to them. Since this argument is related to jurisprudence, we do not want to involve in this discussion. They have also disputed in the Verse itself, whether it is Decisive or has been abrogated by the Verses that define the classes of inheritance? (Because according to the Verses of inheritance, presence of a relative of the first class, the second class does not inherit, and according to the Verse in question, something is given to all relatives if they were present during the division of the inheritance.) ((By Persian Translator of Almizan.)

But there is no cause or motive for abrogation, because there is no contradiction between the two. The Verses of inheritance determine the heritage and share of each heir, and this Verse indicates that the non-heir receives some sustenance in general, but there is no indication whether this is obligatory or recommended, and what is its size and amount? Therefore, there is no reason to consider the Verses of inheritance as an abolisher for it, especially where donating sustenance to a non-heir is recommended, as the above-mentioned Verse also is not empty of appearance in this sense.

(Almizan: V. 4 – P. 315.)

## Priority of Blood Relatives In Inheritance

« النَّبِيُّ أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنفُسِهِمْ  
وَ أَزْوَاجُهُ أُمَّهَاتُهُمْ  
وَ أَوْلُوا الْأَرْحَامَ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ فِي كِتَابِ اللَّهِ  
مِنَ الْمُؤْمِنِينَ وَ الْمُهَاجِرِينَ  
إِلَّا أَنْ تَفْعَلُوا إِلَىٰ أَوْلِيَائِكُمْ مَعْرُوفًا  
كَانَ ذَلِكَ فِي الْكِتَابِ مَسْطُورًا !»  
(نساء: ٦)

“The Prophet has more authority over the believers

than themselves.

His wives are their mothers.

The relatives are closer to each other, according to the Book of God,  
than the believers and the emigrants.

However, you may show kindness to your guardians.

This also is written in the Book!"

(Holy Quran; Nissa: 176.)

The meaning of priority in the Phrase, which said: The relatives are closer to each other, is priority in inheritance (inheriting from each other), and the meaning of the Book of God is either the Preserved Tablet, or the Holy Quran, or the Surah of Quran, and the Phrase: "**Than the believers and the emigrants,**" refers to those from whom the blood relatives have more priority in heritage.

The word "Believers" here are the non-immigrant believers, and the meaning of the Verse is that the blood relatives, some of them have priority to others than the immigrants and the other believers, who inherited from each other on the basis of religious brotherhood, and this priority is in the Book of God. It may be probable that the Phrase: "**Than the believers and the emigrants,**" is an expression of the blood relatives of the immigrants and non-immigrants, in which case the meaning is as follows: The blood relatives of the immigrants and non-immigrants, some of whom are closer than the others.

This Verse is an abrogation of a ruling that was enforced in the early days of Islam, and it was that those who left their homeland and what they had in the homeland in order to preserve their religion, or befriended each other solely for the sake of religion, they inherited from each other. This Holy Verse abrogated that ruling and said: From now on, only relatives inherit from each other.

The Phrase: "**However, you may show kindness to your guardians,**" is an intermittent exception, and the purpose of showing kindness to your guardians is to will something of property to them,

which in Islamic Law it is limited to one third of wealth or less.

**"This also is written in the Book!"**

This Phrase means that the above-said ruling is what has been written either in the Preserved Tablet, in Quran, or in the Surah.

(Almizan: V. 16 – P. 415.)

**Restriction of Inheritance in Kinship  
And Abolition Brotherhood Ties**

« وَ الَّذِينَ آمَنُوا مِنْ بَعْدُ وَ هَاجَرُوا وَ جَاهَدُوا مَعَكُمْ  
قَالَئِكَ مِنْكُمْ وَ أُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ فِي كِتَابِ اللَّهِ  
إِنَّ اللَّهَ بِكُلِّ شَيْءٍ عَلِيمٌ !»  
(انفال: ٧٥)

**“And those who believed afterwards  
and migrated, and waged jihad along with you,  
they belong to you;**

**but the blood relatives are more entitled to inherit from one another  
in the Book of Allah.**

**Indeed Allah has knowledge of all things!”**

(Holy Quran; Anfal: 75.)

This Verse is about guardianship of inheritance, which God legislates among blood-relatives and kinships, and makes it exclusive to blood-relatives, but the other types of guardianship are not limited to blood-relatives.

This Verse abrogates the previous Ruling which was to inherit due to brotherhood, because before this Verse, the Holy Prophet used the ruling of inheritance among the Muslims in the early days of the immigration. It is clear that the Holy Verse absolutely proves inheritance by kinship, whether the heir has a share or not, and whether (as among Sunnis,) he inherits rest of division of shares or not.

It is narrated in Durr-Manthur from Ibn-Abbas that the Holy

Messenger of God, established brotherhood among his companions, and some of them inherited from others, until the above Verse was revealed, and thereafter Muslims abandoned this kind of inheritance, and they inherited from each other only on the basis of kinship.

(Almizan: V. 9 – P. 190.)

## Chapter Two

# DIVISION LAWS OF INHERITANCE

### Beginning of Inheritance

#### Verses in Holy Quran

« لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ  
وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ  
مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا! »  
(نساء : ٧)

**“Men have a share in the heritage left by parents and near relatives,  
and women have a share in the heritage left by parents and near  
relatives, whether it be little or much,  
a share ordained by Allah!”**

(Holy Quran; Nissa: 7.)

From this Verse begins the law and the rules of inheritance, and the previous Verses were the introduction to this legislation, and before stating the detail of each issues, the God Almighty gave a brief and comprehensive statement to be considered as a general rule. God wanted to understand us that after approving the birth of a person from another person, or his blood-relationship with him, there would no one be deprived permanently from his inheritance. No one of the young

children and wives of the dead will no longer be deprived of their inheritance like in the ignorance era of Arabs.

In addition to proving this Rule, the God Almighty warned people to know that depriving the orphans of the inheritance requires that the other heirs oppress their property! God had also intensified this prohibition in elsewhere in Quran, and ordered the heirs to give a sustenance out of the property inherited from the dead to his poor relatives, orphans and the needy, who were present during the division of the inheritance, and Said: Give them a share of the property even though they are not heirs.

(Almizan: V. 4 – P. 313.)

## Shares of Inheritors

### Rules for Dividing The Inheritance

« يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ  
لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثِيَيْنِ ...! »  
(نساء: ١١)

"God directs you regarding the inheritance of your children:  
To the male shall be as that given to two females...!"

(Holy Quran; Nissa: 11.)

#### 1- Share of the Females and Males

The Ruling that one share is for a girl and two shares for a boy is special for children born without any mediation of the deceased.

The Almighty God used another interpretation in issuing above Ruling: **"To the male shall be as that given to two females!"** This formula was applied to point out that the customs of ignorance (which forbade women to inherit) was invalidated in Islam, as if God has

intended to present the invalidity of that false custom and ruling this real inheritance costume by granting the women the right of inheritance as a known valid Rule, and Said: **Men inherit like women, but double!** In other words, the God Almighty set the inheritance of women as a principle in His Legislation, and mentioned the inheritance of man as a dependent to it, in order that if people want to know how much the man's inheritance is, they need first of all to know that how much the inheritance of the woman (the dead's daughter) is, so that they may double it, and calculate the double of it and give the share of the dead's son.

This is a statement that some Scholars have mentioned, and it is true, it can be confirmed that the Holy Verse has not explicitly and independently mentioned the inheritance of men, but it has mentioned the inheritance of women in this way, and if God has specified something about the share of men made it by mentioning the shares that women have with men, as seen in the next Verse and the Verse at the end of the Surah.

### **Wisdom in Difference of Inheritance Share Between Man and Woman**

The Divine Law has compensated for most of a man's duties by: Making his share of the inheritance twice the share of the woman's inheritance, in exchange for the alimony that the man gives to the woman.

In other words, if we assume the inheritance of a man and a woman to be eighteen Dollars, give both nine Dollars and then take three Dollars of it (which is one-third of a woman's share) from him and give it to the man, the man's share is twelve Dollars, because the woman also benefits from half of these twelve Dollars.

As a result, the return of this division is that what is wealth in the world the two-thirds of it is for men, both real estate and movables, and two-thirds for women, one-third of which is for them, and another third,

which is in the hands of men, the women benefit from it.

So, from what has been said, it has become clear that the majority of men (not all of them) are stronger in the matter of management, and as a result, most of the management of the world, or in other words, production is in the hands of men, and most benefits, enjoyment, and consumption belong for women, because women's feelings prevail over their reason.

In addition to what has been said, Islam has observed facilities and discounts for women, which have also been mentioned.

**(A detailed discussion about the laws of inheritance and its principles is given in Verses of Surah Nissa in Volume 1 of AlMizan, to which we invite dear scholars to refer.)**

(Almizan: V. 1 – P. 78.)

## 2- Share of Grandchildren and Below

Children through intermediaries or grandchildren, great-grandchildren, and below, their ruling is the ruling of the person through whom they are connected to the dead, and therefore the children of the sons, even if they are daughters, receive two shares, and the children of the daughters, although If they are sons, they will receive a share, of course, if at the time of the death of grandfather or grandmother, none of their immediate children are alive, otherwise he or she will be their heir and they will not inherit the grandchildren and the descendants.

## 3- Share of Brothers and Sisters, and their Children

« وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَ لَهٗ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي التُّلْثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ خَلِيمٌ! »  
(نساء: ١٢)

“If the deceased, either male or female,  
has no surviving heirs such as parents or children  
but has a brother or a sister,  
the brother or sister will each inherit one-sixth of the legacy.  
If there are more than just a brother or a sister, they will share  
one-third of the legacy.  
This is after the payment of any debts and things bequeathed  
(non-bothersome,) have been excluded from the legacy,  
It is a Guide from God, the All-knowing and Forbearing!”  
(Holy Quran; Nissa: 12.)

This is also the Ruling on brothers and sisters and their children, that is, if the deceased has no heirs from the first class, neither father nor mother nor child nor offspring, and his heir is the second class, i.e., brother and sister, and grandfather and grandmother. If his brother and sister are alive, the brothers will inherit twice as much as one sister, and if all the brothers and sisters of the deceased died before his death, then the heirs of deceased will be the children of them, the children of brothers will inherit twice as much as the children of sisters, even if the children of the brothers are girls, and the children of sisters take half of them, even if they are boys.

The Clause: "**Non-bothersome,**" which means not harming others, apparently refers to bothering the heirs by creating debts through the deceased man before death, as if the deceased wanted to incur a debt in order to deprive the heirs from the inheritance, or to bother the heirs both by debt (as stated above) and by the will to bequeath more than one-third of the property.

#### 4- Share of Females More than Two

« فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ...! »

“If they are only females and more than two,  
then they will have one third of what is inherited.”

The position of this Phrase after the Phrase: **"To the male shall be as that given to two females...!"** indicates that the first Ruling is applied where the dead had a son and a daughter, or a brother and a sister, but if his heirs in any class are only women, the ruling will be same as the above Phrase.

### 5- Share of One Female

« وَ إِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ...! »

**"And if there is only one female,  
then she will have one half...!"**

If the heir of the dead was a female, a girl, she would take half of the property of the dead.

### 6- Share of Two Daughters

The God Almighty did not mention the share of the two daughters here, because it was obtained from the previous Phrase: **"To the male shall be as that given to two females..."**, because when both male and female are heirs of a dead and the share of male is like the share of two females, the inheritance is divided in three, of which two parts are for male and one part is for female, as a result the share of a female will be one-third, naturally the share of two females will be two-third.

### 7- Share of Fathers and Mothers

« وَ لِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ  
إِنْ كَانَ لَهُ وَالدُّ  
فَإِنْ لَمْ يَكُنْ لَهُ وَالدُّ وَ وَّرَثَهُ أَبَوَاهُ فَلِأُمِّهِ التُّلُثُ  
فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأُمِّهِ السُّدُسُ...! »

**"And to his parents each one of them one sixth  
of what is inherited if he has children.**

**If he has no children and his parents are the heirs,**

then to his mother is one third;  
if he has siblings then to his mother is one sixth.

The fact that the God Almighty has attributed the parents to their child in the above Phrase is itself an indication that the parents in the inheritance classes are also at the same class as the children of the dead. The next Phrase refers to a case that there is no child for the dead and the heir of the deceased is exclusive to the parents, but if there is "brothers" for the dead, as they are in the second class, they will not have any share in heritance while the first class exists, however, the only effect that exists in the existence of the brothers is that they do not allow the mother to inherit one-third.

#### 8- Share of Husbands and Wives

« وَ لَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَوَلَدٌ فَإِنْ كَانَ لَهُنَّ وَوَلَدٌ فَلَكُمْ الرُّبْعُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصِينَ بِهَا أَوْ دَيْنٍ وَ لَهُنَّ الرُّبْعُ مِمَّا تَرَكَنَّ إِنْ لَمْ يَكُنْ لَكُمْ وَوَلَدٌ فَإِنْ كَانَ لَكُمْ وَوَلَدٌ فَلَهُنَّ النُّصْرُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ ...! »  
(نساء: ١٢)

“For you shall be a half of what your wives leave,  
if they have no children;  
but if they have children,  
then for you shall be a fourth of what they leave,  
after paying off any bequest they may have made or any debt they  
may have incurred  
And for them it shall be a fourth of what you leave,  
if you have no children;  
but if you have children,  
then for them shall be one-eighth of what you leave,  
after paying off any bequest you may have made or any debt

**you may have incurred!"**

(Holy Quran: Nissa: 12.)

## 9- Payment of Debts and Wills of the Dead

« مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ...! »

**"All after a will is carried through or a debt."**

Reference to the "Will" in this Phrase is the same Recommended Command in the Verse: **"Prescribed for you, when death approaches any of you and he leaves behind any property, is that he make a bequest for his parents and relatives, in an honorable manner, an obligation on the God wary!"** (Baqara: 180,) that Says: When one's death approaches and he has a good deal of property, it is better for him to determine a share for his father, mother, and relatives, in addition to the inheritance that God has ordained for them.

The question arises here that the importance of the Recommended Order is less than an obligatory duty, and it was appropriate to first mention the issue of paying the debts of the deceased, which is obligatory to pay, then to mention the issue of the Will. It is right, but however we can say it happens sometimes mentioning the less important matter precedes the important one in expressing (not in practice,) because the important duty does not need to be recommended for its strength of proof, unlike the less important matter which needs more assertion and emphasis, and one of its rules is to mention it before, as is applied in the above Phrase.

With this justification, another point becomes clear, and the point is God's describing the Will with its recipient. The reason is that the God Almighty wanted to convey the emphasis, as well as points to the fact that the heirs should observe the honor of the dead and carry out his Will, as God stated same in the next Verse and emphasized it as following: **"Whoever alters it after having heard, then the sin will be upon those who alter it!"** (Baqara: 181.)

(That is worth to note that in the Phrase regarding the share of brothers and sisters, the God Almighty added a Clause to the payment of the debts and wills of the deceased as: **“This is after the payment of any debts and things bequeathed (non-bothersome,) have been excluded from the legacy,”**

The Clause: **“Non-bothersome,”** which means not harming others, apparently refers to bothering the heirs by creating debts through the deceased man before death, as if the deceased wanted to incur a debt in order to deprive the heirs from the inheritance, or to bother the heirs both by debt (as stated above) and by the will to bequeath more than one-third of the property.)

## 10- Level of Heirs’ Importance and Priority

« أَبَاؤُكُمْ وَ أَوْلَادُكُمْ لَا تَدْرُونَ أَيُّهُم أَقْرَبُ لَكُمْ نَفْعًا  
فَرِيضَةٌ مِنَ اللَّهِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ...! »

**“You parents and your children,  
you do not know which is closer to you in benefit,  
These fixed shares are Decreed by Allah;  
and Allah is the Absolute Knowing Decree!”**

The address in these two Phrases is to the heirs, which in fact includes the general Muslims who inherit from their dead. This is a declaration that is induced as a reference to the secret in difference of shares in the inheritance of fathers and children. It is a kind of education for Muslims, which is declared with the tone: **“You do not know!”** The like of these expressions is common in the language of every speaker. Besides, it cannot be addressed at all to non-heirs, that is, to the people, and God wants to say that you, the people, who die sooner or later and leave your property as an inheritance for parents and children, you do not know the benefit of which of these three classes is closest to you, because if so, there will be no reason left for the Phrase: **“Which is closer to you in benefit!”**

Since the appearance of the Phrase shows that the word 'benefit' means benefiting heirs from the property of the deceased, not benefiting

the deceased from heirs, so the God Almighty wants to say to the heir that what do you know which of your relatives will die sooner and the benefit of which relative will reach you sooner? The fact that God mentioned fathers name before the sons, it indicates that the inheritance of the fathers reaches sooner to the heirs than the inheritance of the sons.

Therefore, the issue of inheritance and the difference of shares in it are regulated according to the effects that the "Kinship" has, and the degree of difference that human emotions have towards the Kinship. For explaining this meaning, we imagine humanity into three classes: One, the present class, second parents of the present class, and the third, the class of children. Then we say: The existing man is more kind and interested in his child, than in his parents, because he considers the child to be the follower of his existence, but he does not consider the parents as a follower of his own existence (but feels himself a follower of the two.) As a result, the connection of the second class is stronger and its existence is more attached to the present class than the third class, which is the grandson of that class.

If we consider the benefiting of the inheritance of the dead according to this connection, it is necessary that the present generation inherit more from the second class, that is, the class of fathers, rather than from the third class, namely, the future generation, and in other words, the children. Although it is possible that at first glance it may seem contrary to this meaning, and contrary to the above theory, it is thought that the relationship between the child and the father is greater than the relationship between the father and the child.

The Verse in question, which says: **"You parents and your children, you do not know which is closer to you in benefit,"** is itself one of the evidences of the meaning that God Almighty has legislated the ruling of inheritance like all other rules of Islam according to the creational and external rules.

In addition to the absolute Verses of the Holy Quran, which refer

to the principle of legislation, also indicate this generality, such as the Verse: **"Be devoted to the upright religion. It is harmonious with the nature which God has designed for people. The design of God cannot be altered. Thus is the upright religion!"** (Room: 30,) which indicates that the rules of Islam have been legislated according to the current system in Genesis and Creation. With such Verses, how can it be imagined that in Islamic law, the obligatory rules and immutable duties can be legislated that have no roots in creation, even in general.

It is possible that from the Phrase: **"You parents and your children,"** the precedence of the 'children of the children' over the ancestors could be understood, or at least inhaled, because the ancestors do not inherit while the children and 'the children of the children' exist.

**"These fixed shares are Decreed by Allah,"** means that you should consider this ruling as a duty, and be committed to it. This Phrase is a perfect and strong emphasis on the fact that the mentioned shares have been offered to you by God Almighty and it is a decisive ruling and not alterable.

## 11 - No Difference in Inheritance Ruling Between Muslims with Holy Prophet

It should also be noted that since this Verse is Absolute, therefore the requirement of it is that there is no difference between the Holy Messenger of God and other people in inheriting wealth and benefiting the heirs.

The similar of this application, or in other words, the Generality of the Ruling, was already expressed in the Verse: **"Men have a share in the heritage left by parents and near relatives, and women have a share in the heritage left by parents and near relatives, whether it be little or much, a share ordained by Allah!"** (Nissa: 7,) therefore what some people have said that the general addresses of the Quran do not include the Holy Messenger of God because it was delivered in the language of

he himself, it is, of course, a false claim that should be ignored.

Yes, in this issue, there is a dispute between Shiites and Sunnis as to whether the Messenger of God will inherit? Or what is left from his worldly property is charity? (The source of this dispute is not a difference in understanding the content of the Quran, but a narration that Abu Bakr narrated in the story of Fadak! The unnecessary discussion about that narration is beyond the scope of this book.)

(Almizan: V. 4 – P. 334.)

## Punishment for Transgressing Limits of God on Inheritance

« وَ مَنْ يَعْصِ اللَّهَ وَ رَسُولَهُ وَ يَتَعَدَّ حُدُودَهُ  
يُدْخِلْهُ نَاراً خَالِداً فِيهَا وَ لَهُ عَذَابٌ مُهِينٌ! »  
(نساء: ١٤)

**“But whosoever disobeys Allah and His Messenger  
and transgresses the limits set by Allah,  
he will be cast into the fire, to abide therein;  
and he shall have a humiliating Punishment!”**

(Holy Quran; Nissa: 14.)

The meaning of God's Limits here is the Rules of inheritance, duties, and shares that the God Almighty in these two Verses by mentioning the reward of obedience to God and to the Prophet in observing those Limits and threatening the punishment of to the permanent and humiliating fire against God's disobedience, and transgression of that bounds.

(Almizan: V. 4 – P. 336.)

## "Kalaleh," the Share of Sisters and Brothers

« يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ...! »

(نساء: ١٧٦)

"They ask you for a ruling. Say:

Allah gives you a Ruling concerning the Kalalah:

If a man dies and he has no children [or parents,] but has a sister, for her shall be a half of what he leaves,

and as well, he shall inherit from her if she has no children.

If there be two sisters, then they shall receive two-thirds of what he leaves.

But if there be [several] brothers and sisters, then for the male shall be the like of the share of two females.

Allah explains [the laws] for you lest you should go astray, and Allah has Knowledge of all things!"

(Holy Quran; Nissa: 176.)

From this Verse, the God Almighty expresses the shares of the paternal, maternal relatives, or paternal relatives only, as interpreted by tradition.

The meaning of "children" is both son and daughter, and the presumption of the Holy Verse is in a place where the dead have left neither a father nor a mother. If one of the parents was alive, the Holy Verse would never leave their share unsaid.

The fact that God Said: **"If a man dies and he has no children [or parents,] but has a sister, for her shall be a half of what he leaves,"** He refers to the share of the sister from her brother, and the share of brother from his sister. It is clear from here that the same is the share of the sister from sister, and the share of the brother from brother, because if these last two shareholders had a separate share and ruling, God would have stated in the Verse.

In addition to the Phrase: **"For her shall be a half of what he leaves,"** that it means also if the situation was reversed, that is, a woman died and had no children and only had a brother or sister, all her inheritance will be inherited by them. In addition, the Phrase: **"If there be two sisters, then they shall receive two-thirds of what he leaves. But if there be [several] brothers and sisters, then for the male shall**

**be the like of the share of two females,"** refers to the shares of two sisters, and the share of several brothers and sisters, which has not been limited to whom that the dead is man or woman, and it does not interfere with shares.

What is specified in the Verse has four forms, one is the share of a sister who is the only heir of the deceased, the second is the share of a brother who is also the only heir, the third is the share of two sisters, and the fourth is the share of a sister and brother both are heirs. The Ruling of the other assumptions is clear from these four hypotheses, such as the case where the dead have only two brothers, the two brothers inherit all his property, and divide it equally among themselves. We use this Ruling from the second form, which said that if the heir is one brother, he will take all the property. Again, it is true in the case of the corpse of a brother and a sister.

The shares mentioned in this Verse regards the case where there are relatives such as a single paternal relatives or a single paternal and maternal relative, and if they are both of them, it is as if someone who died had a paternal and maternal sister, and a paternal sister, the paternal sister does not inherit, which its Ruling is stated in the interpretation of the first Verses of the Surah.

**"Allah explains [the laws] for you lest you should go astray!"**

(Almizan: V. 5 – P. 251.)

## **Fixing a Bug in Inheritance Sharing**

They scholars have argued that there is no "Awl" in dividing heritage. (Awl, means dividing equally the amount remained less or more than the fixed shares of heirs.) On contrary, there are sects who believe in "Awl," that is, they say: Wherever sum of the fixed shares of heirs are more than the property, we reduce equally the portion of deficit

from each share of heirs. (For example, if a woman dies and leaves the parents, a daughter, and her husband, the heritage share of a daughter is half (in other words, six twelfths,) and the share of the parents is one third (or four twelfths,) and the husband's share is one-fourth (or three-twelfths,) as a result the sums of 6, 4, and 3 reach 13, while our denominator is twelve. Those who practice the rule of "Awl" say that they consider the denominator of the fraction as thirteen and divide the property into thirteen shares. But, the Shiite sect of Islam, who adhere the Imams of the Household of the Holy Prophet of Islam, they consider the rule of "Awl" nullified, and they subtract the deficit from the shares of father, his relatives, and daughters, but the other heirs receive the fixed shares, because they believe that there is no doubt and confusion in the Divine Ruling of shares in Quran, as we have already explained it according to the relative Verse.

(Almizan: V. 2 – P. 315.)

# PART THIRTEEN

## RULE OF WILL

AND ITS BASIS

IN QURAN

## Chapter One

# **RULE OF WILL IN QURAN, its Limit, and Execution**

### **Rule of Will in Islam And in other Countries**

Islam removes the Rule of Will from the title of inheritance, and gives it an independent title, because it has an independent criterion, and that is respect for the will of the owner of the property, who has suffered for a lifetime in preparing it, but in other traditions and between the advanced nations it does not have an independent title, it seems as a religious justification by which they break the restriction of law, the owner of the property whose property passes to certain persons such as the father and the head of the family, and if he wishes to give part of his property after his death to some of other inheritors, he has to resort to the Will. The legislators, for this reason, try always to enact laws that limit the issue of Will that causes to invalidate the Inheritance Ruling. This restriction has continued up to this day.

**But Islam, since fourteen centuries ago, has restricted the issue of will to a reasonable portion, and considered its influence to be limited to one-third of the property of the owner.**

Thus, from the Islamic point of view, a will is not valid except for one-third, and for this reason some civilized nations today followed Islam in their legislation, such as France, but the Islamic view differs from that of the Western legislators, because Islam has encouraged

people to make such a will, but Western law has either silenced it or prevented it.

What is obtained after paying attention to the Verses of the Will in Quran and the Verses of alms and zakat and khums and the absolute almsgiving is that the meaning of these laws and regulations is that the way to get open to about half of the property and two-thirds of its benefits to be spent on the charities and needs of the poor and the needy, for the sake of removing the distance between this poor and the rich, and the poor class could be able to live better and independent. In addition, this rules encourage the rich class how to spend their wealth in order to decrease the distance between them and the poor class of society!

(Almizan: V. 4 – P. 368.)

## Rule of Will in Holy Quran

« كَتَبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا  
الْوَصِيَّةَ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ  
حَقًّا عَلَى الْمُتَّقِينَ...! »  
(بقره: ١٨٢-١٨٠)

**“Prescribed for you, when death approaches any of you  
and he leaves behind any property,  
is that he makes a bequest for his parents and relatives,  
in an honorable manner.**

**A Right [an obligation] on the God wary!**

(Holy Quran; Baqara: 180-182.)

The language of the first Verse is the language of obligation and not recommended, because it is a method in Quran, wherever there is mentioned: "Written on such a people," it means that this ruling or destiny has become decisive and necessary over them. Since the last Phrase also says: **"A Right (an obligation) on the God wary,"** the word

"Right," like the word "Written" has the meaning of necessity.

But since the God Almighty has made it "a Right over the God-wary," it seems that God wanted to weaken the implication of the obligation, because if the "Will" was an obligatory Rule, it would have been more appropriate for God to Say: "A Right on the Believers," but since He Said: "On the God-wary," **we understand that this duty is something that only the "Fear of God," causes people to observe it, as a result, it is not obligatory for all believers, but those who are God-wary strive to observe it.**

Some commentators have said: This Verse has been abrogated by the Verses of Inheritance (which determine the duty of the deceased's property, whether he has made a will or not.) But if this statement is true, its obligation has been abrogated, not its being a recommended one, and its principle of popularity, and perhaps the restriction of the word of Right to the word of the God-wary is also for expressing this purpose.

**“And should anyone alter it after hearing it,  
its sin shall indeed lie on those who alter it!”**

That is, if one converts the Will of some person, the only sin of this conversion is on those who convert the Honorable Will.

The consequence of which is that if one fears the Will of the testator is for a sinful affair, or he is deviated, the executer corrects among the heirs and acts in such a way that neither sin nor deviation arises from it, he has not sinned, because if he has changed, he has not changed the honorable will, but rather, he has turned the will from sin into a will in which there is no sin or deviation:

**"But should someone, fearing deviance or sin on the testator's behalf, set things right between them, there is no sin upon him."**

(Almizan: V. 1 – P. 667.)

## Narratives about the Rule of Will

It is narrated in Ayashi's commentary from Imam Sadiq (AS), he narrated from his father, Imam Ali (AS,) that he said: Whoever does not make a will at the time of his death for his relatives who do not inherit from him, has ended his deed with sin.

In Ayashi's commentary, he narrated from Imam Sadiq (AS) who said about this Verse: This is the Right that God has placed in the property of the people, for the owner of this Command, namely Imam (AS.)

I asked: Is there a limit to that? He said: Yes, I asked: What is the limit? He said: The lowest is one-sixth and the highest is one-third.

(Author, Allama:)

This meaning has also been narrated by Saduq, and it is a very tender use of the Verse by Imam (AS), in the sense that he connected the Verse in question to the following Verse and stated that fine point:

**“The Prophet has more authority over the believers than themselves. His wives are their mothers. The relatives are closer to each other, according to the Book of God, than the believers and the emigrants. However, you may show kindness to your guardians. This also is written in the Book!” (Ahzab: 6.)**

Explaining: The above Verse abrogates the ruling of inheritance to brotherhood which was valid in the beginning of Islam and those who entered into brotherhood with each other inherited from each other, the Verse abrogated it and limited the ruling of inheritance to kinship and then the God Almighty excluded the Goodness for Guardians and Said briefly: Inheritance is only in the relatives, the religious brothers do not inherit from each other, unless the owners of property want to do good to their guardians, then the God Almighty called the Messenger of God and his pure descendants as the guardians for the believers. This

exception is the same case which the following Phrase included the guardians to the inheritors: **"However, you may show kindness to your guardians,"** because the Messenger of God and the pure Imams are also as the guardians for the believers. **(Please note!)**

In Ayashi's commentary, he narrated from one of the two Imams Baqir and Sadiq(AS) that this Verse: **"Prescribed for you, when death approaches any of you..."** has been abrogated by the Verses of Inheritance.

**(Author, Allama:)**

The requirement of adding the previous narrations to this narration is to say: What is abrogated from the above Verse is only its obligation, as a result its recommendation remains.

In Qomi's commentary, he narrated from Imam Sadiq (AS) that he said: When a man recommends a will, it is not permissible for his executer to change his will, but he must act according to what he has commanded, unless he has willed against the Commands of God, that if the executer wants to act on it accordingly he will commit sin and injustice. In which case it is permissible for the executer to return it to the right way and correct it. For example, if a man with several heirs had all his property willed for one of the heirs and deprived others, this is the exact situation that the executer can change the will and return it to what is legal. This is where the God Almighty States: **"One who is afraid of the testator's deviations and sin and settles the matter among the parties involved, he has not committed a sin!"** (Baqara: 182,) which the "Deviation" is deviating toward some of the inheritors and ignoring some others, and the "Sin" is to order the repair of fire temples or produce wine with his property, this is also the case that the executer can refuse to act on his will.

**(Author, Allama:)**

The meaning that above narration has given to "Deviation" also clarifies the meaning of the Phrase: **"Set things right between them,"**

and understands us that the purpose is to set things right between the heirs, so that there will be no conflict or dispute between them because of the will of the testator.

(Almizan: V. 1 – P. 668.)

## Chapter Two

# LAST WILL ON JOURNEY

### Last Will on Journey, and Picking out the Witnesses

« يَا أَيُّهَا الَّذِينَ آمَنُوا شَهَادَةُ بَيْنِكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ  
حِينَ الْوَصِيَّةِ اثْنَانِ ذَوَا عَدْلٍ مِنْكُمْ أَوْ آخَرَانِ مِنْ غَيْرِكُمْ  
إِنْ أَنْتُمْ صَرَبْتُمْ فِي الْأَرْضِ فَأَصَابَتْكُمْ مُصِيبَةُ الْمَوْتِ  
تَحْبِسُونَهُمَا مِنْ بَعْدِ الصَّلَاةِ فَيُقْسِمَانِ بِاللَّهِ  
إِنْ ارْتَبْتُمْ لَا نَشْتَرِي بِهِ ثَمَنًا وَلَوْ كَانَ ذَا قُرْبَى  
وَلَا نَكْتُمُ شَهَادَةَ اللَّهِ إِنَّا إِذًا لَمِنَ الْآثِمِينَ! »  
(مآءده: ١٠٦)

“O, you who believe!  
When death approaches one of you,  
call to witness two just persons from among yourselves,  
when making a bequest; Or two others from other than you,  
if You are travelling in the land  
and if the calamity of death approaches you;  
Detain the two witnesses after their Prayers,  
then if you suspect them, they should both swear by Allah, saying:  
We will not sell this witnessing for any price,  
though the beneficiary be a kinsman,  
and we will not hide the testimony of Allah;  
if we do certainly we shall be among the sinners!”  
(Holy Quran; Maeda: 106.)

The meaning of these two Verses is that if one of the Muslims during the journey felt that his term (death) had come and wanted to make a will, he should witness two just witnesses from the Muslims during his will. If he does not reach such two people, two Jews and Christians will testify, and if after his death his guardians did not accept this will and were suspicious about it, they will arrest those two witnesses until after the prayer. Swear the truth of their testimony to God Almighty and thus end the conflict.

Therefore, if the guardians of the dead are informed that these two witnesses have lied in their testimony or have betrayed in the case, they will also present two witnesses on the truth of their own claim (betrayal of witnesses). This is what is used from the appearance of these two Verses.

So when the God Almighty Addressed: **"O you who believe!"** it means that the Ruling is addressed to the believers and is specific to them.

**"When death approaches one of you, call to witness two just persons from among yourselves..."** The presence of death is a remark to dangerous events that compel man to make a will due to the feeling of extreme danger, because typically man does not do such things according to his nature and without any feeling of danger such as serious diseases and the like.

The appropriateness between the ruling and the subject and the taste that is adopted and used especially in the Words of God Almighty, indicate that the non-Muslims are meant only by the People of the Book, namely, the Jews and Christians. Because the Word of God Almighty in no case has honored the polytheists with any honor.

The oath they take is in the same way that they say: **"We will not sell this witnessing for any price, though the beneficiary be a kinsman!"** That is, we do not want material benefit from the testimony that we give to the words of the testator, although the testator be our relative. Gaining material benefit through testimony means that the

witness deviates from the path of truth in order to achieve a benefit such as wealth or persuasion and feelings of closeness in his testimony, and reduces his testimony for these material purposes, which are a worthless value.

Adding the word "Testimony" to the Word of God, in the Phrase: **"We will not hide the Testimony of Allah,"** is either in the sense that God Almighty sees the truth, as the witnesses have seen, so in fact, as the testimony is the testimony of the two, so is the testimony of God, and as the God Almighty is more worthy of His Kingdom, so in fact, the testimony is in principle the Right of God and His Kingdom, therefore, the two witnesses worked as a subordinate, as the God Almighty Said: **"...Allah quite suffices as a witness!"** (Nissa: 166,) and God also Said: **"...They do not comprehend anything of His knowledge except what He wishes!"** (Baqara: 255.) This is either from the view that the Testimony is a Right that God has decreed among His servants, and it is obligatory upon them to establish it as it is, and without distortion, and not to hide anything from it, as it is said from this point of view that: The Religion of God, although the Religion is the way of the servants of God. That is why the God Almighty has also Said in this regard: **"...Bear witness for the sake of Allah!"** (Talaq: 2,) and also Said: **"...Do not conceal testimony!"** (Baqara: 283.)

(Almizan: V. 6 – P. 285.)

## Betrayal of Witnesses In Last Will on Journey

« فَإِنْ عُنِيَ عَلَىٰ أَنَّهُمَا اسْتَحَقَّ إِثْمًا  
فَأَخْرَانِ يَفُورَانِ مَقَامَهُمَا مِنَ الَّذِينَ اسْتَحَقَّ عَلَيْهِمُ الْأُولِيَانِ  
فَيُقْسِمَانِ بِاللَّهِ لَشَهَادَتُنَا أَحَقُّ مِنْ شَهَادَتَيْهِمَا  
وَ مَا اعْتَدَيْنَا إِنَّا إِذَا لَمِنَ الظَّالِمِينَ! »  
(مائدہ: ۱۰۸-۱۰۷)

**"But if it is found that both of them were guilty of a sin,**

**then two others shall stand up in their place  
from among those nearest in kinship to the claimants  
and swear by Allah: Our testimony is surely truer than their  
testimony, and we have not transgressed,  
for then we would indeed be among the wrongdoers!"**

(Holy Quran; Maeda: 107-108.)

This Holy Verse expresses the Ruling where it is revealed that the witnesses, who were near to the dead on the time when he deceased, have betrayed and lied in their testimony.

If it turns out that the two witnesses deserve punishment for the lies and betrayals they have committed, the other two witnesses testify in their place, and also testify to the lies and betrayal of the first ones: **"then two others shall stand up in their place, from among those nearest in kinship to the claimants."** These two new witnesses are of the kinships of the deceased one, who the first two witnesses that were closer to the dead in terms of Will, betrayed them. The new witnesses which are of the guardians of the family: **"Swear by Allah,"** and take the place of the sinful witnesses.

**"And we have not transgressed, for then we would indeed be  
among the wrongdoers!"**

The new witnesses should swear that: Our testimony to their lies and betrayal is closer to the truth than their false testimony and their claim on the will! We are faithful in this testimony, contrary to their testimony, and we do not intend to transgress, because if we have the intention of aggression, we will surely be among the wrongdoers.

**"That makes it likelier that they give the testimony in its  
genuine form, or fear that other oaths will be taken after their oaths.  
Be wary of Allah and listen,  
and Allah does not guide the transgressing lot!"**

This Holy Verse is in the position of expressing the Wisdom of the Legislation. This Ruling, in the order that prescribed by the God Almighty, is the closest way to reach the truth, and to reach the prudence, as well as to prevent witnesses from transgressing in their testimony, unless their testimony to be rejected after acceptance.

When we assume that the verification of a Will is unknown, there is no other way to discover it than the testimony of those who have taken as witnesses to his will by the deceased. Therefore, the most important thing that makes one to trust them is to take advantage of their inner faith and take an oath of them to God. On the assumption that they were found to have lied and betrayed in this testimony, then they should be encountered with the heirs and guardians of the dead, and ask them to swear against the betrayal of the witnesses. These two method, that is, the oath of those two witnesses and then rejecting the oath by the heirs' oath, are the best means of forcing the witnesses to the say the truth and are also the strongest obstacles to prevent them from deviation.

After expressing this Ruling, the God Almighty preached and warned the people and Said:

**"And fear from the disobedience of Allah and listen to Allah's Commands and know that Allah does not guide the people who are Rebellious and disobedient!"**

(Almizan: V. 6 – P. 286.)

