

# MESSAGE OF THE QUR'AN

Translation and Brief Elucidation

By

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## Surah An-Nisa—cont...

(Ayaat 15-21)

***Translator's note:** For the sake of continuity and coherent explanation, most of the general discourse has been made by employing the 'male' as a prototype, which is in no way meant to be diminutive of the opposite gender or disrespect the status of women.*

### **A Recap of verses 11 – 14:**

Prior to our explanation starting from verse 15 of the Surah, let us revisit and examine, once more, the crucial notion of Inheritance that Islam as a Deen lays such great emphasis on. The late Dr. Israr Ahmed never claimed to be an 'exegete' or 'commentator' of the Qur'an in the traditional connotation of the term. Sticking to the enunciation made by the late visionary himself, we, hence, bond steadfastly to his visionary principles and limit ourselves to interpretation of the Divine Word alone. As emphasized in the previous issue, it is noteworthy that the first mention of 'Inheritance' and hence logically its first directives for the Muslim Ummah is to be found in the verses of the 22<sup>nd</sup> section (Ruku) of Surah Baqarah, which incidentally happens to precede Surah An-Nisa. The verses outline the injunctions for inheritance in the case where death catches up with a person in voyage. If the 'soon to be deceased' (by Allah's decree) is leaving some willable property or wealth for the heirs to share, he **must** make a solemn will in favor of his parents, relatives and other heirs, keeping a just and balanced proportion for his sons and daughters, allowing for any bequest that has been bequeathed, not more than a third of the willable amount, following a precise estimate of any outstanding debt owed, sans riba (interest).

## Introduction to the exegesis from verses 15 through 22

In Makkah, the Muslims were a persecuted minority and there was no point of revealing verses related to how to run a state when in power. In Madinah, however, Allah gave Muslims the opportunity to promulgate laws and customs and build a moral code of conduct which would serve as an example for the generations to come. It must be noted here that the matter of dignity, honor and chastity of women is of pivotal importance in Islam. The final shape of the law was revealed in two Surahs that are placed in the latter part of the Qur'an, namely, Surah Al-Ahzab and Surah An-Noor. This is another example of the sublime Wisdom of Allah, as the verses regarding laws of inheritance were revealed progressively and kept vigil of the strongly tribal Arab culture on one hand, while removing the decadence prevalent in the pre-Islamic Arab culture on the other. We therefore first find the Divine injunctions regarding constructing a virtuous society in Surah An-Nisa, which is placed at the earlier part of the Divine Book, culminating in the two Surahs that are placed at the latter part and giving the social fabric a finishing touch in Surah Al-Maida, which again is in the earlier part of the Divine Book. The pensive reader is advised to read the earlier section of this discourse published in the previous edition of Hikmat-e-Qur'an. The Qur'an provided guidelines about how to abolish the promiscuity prevalent in pre-Islamic Arabian culture and ordained injunctions, although gradually, to convert sexual chaos into discipline and harmony.

### Verses 15 and 16

وَالَّذِي يَأْتِيَنَّ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فَاسْتَشْهِدُوا عَلَيْهِنَّ أَرْبَعَةً مِّنكُمْ فَإِنْ شَهِدُوا فَأَمْسِكُوهُنَّ فِي الْبُيُوتِ حَتَّىٰ يَتَوَفَّيَهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا ۝

- (15) *And as for those of your women who become guilty of immoral conduct, call upon four from amongst you who have witnessed their guilt; and if these bear witness thereto, confine the guilty women to their houses until death takes them away or Allah opens for them a way [through another injunction].*

وَالَّذِينَ يَأْتِيهِمَا مِنْكُمْ فَادُّوهُمَا فَإِنْ تَابَا وَأَصْلَحَا فَأَعْرِضُوا عَنْهُمَا ۚ إِنَّ اللَّهَ كَانَ تَوَّابًا رَّحِيمًا ۝

- (16) *And punish [thus] both of the guilty parties; but if they both repent and mend their ways, leave them alone: for, behold, Allah is an acceptor of repentance, a dispenser of grace.*

Verses 15 and 16 of this Surah highlight certain measures that must be

taken in an Islamic society to achieve sexual discipline.

That nascent state of Madina, was home to at least three distinct religious communities:

1. The Muslims, both immigrants from Makkah and the local tribes of Aus and Khazraj.
2. The Pagans of Madina, who, till then, had refused to denounce their ancestral religion.
3. The Jews of Madina.

It is important to emphasize at this point that the injunctions and the consequential implications are different in the two verses.

- 1- **Verse 15 appears to provide hint to, but not limited to, a situation whereby a Muslim woman is found guilty of having committed fornication with a non-Muslim man.**

*(Translator's note: Most traditional as well as modern commentators of the Qur'an are of the view that this verse encompasses non-Muslims too, provided that an authentic Islamic state with all its pre-requisites has been established. Ref: Ma'arif-ul-Qur'an.)*

If such a case occurs and then comes into limelight, then four Muslim witnesses alone (no non-Muslim witness) will be summoned to testify against or in favor of the woman. Even when the offence had been proven through the testimony of the four Muslim witnesses, being a plural society, Muslims had no legal jurisdiction against the non-Muslim culprit, say a Jew or a Christian, (provided that an authentic Islamic state with all its pre-requisites has not been established. Otherwise, the Jewish culprit will be at the receiving end of a similar punishment) and hence could not produce him before the Prophet of Allah (the court of law at that time) to hear and cross-question the witnesses and deliver his verdict. Hence, verse 15 of the Surah deals with such a Muslim woman who had committed adultery with her Non-Muslim partner with the male fornicator, a Non-Muslim, being outside the jurisdiction of the Islamic court. The verdict, pronounced by the Qur'an is that such Muslim women must now be restrained and confined to their homes, disallowing them to leave their house under any circumstance. It was sort of a 'house-arrest' (*Translator's note: as we hear of often in today's world, imposed on those individuals whom the state has evidence enough to consider a monger of chaos and anarchy in the society on one hand and for their personal safety and protection, physical and psychological included, on the other.*) The Qur'an says that this imprisonment of the Muslim woman found guilty of fornication with a non-Muslim must continue till either the time of her death arrives or that Allah opens another mode of punishment that would absolve her from the hellfire in the Hereafter. That mode

of punishment, in fact, arrived when this law of the Qur'an was abrogated by another mentioned in Surah an-Noor, whereby both the guilty man and woman were ordered to be flogged 100 times in public. Until the revelation of those verses of Surah An-Noor which abrogated Surah An-Nisa's law, the injunction stated in verse 15 of Surah An-Nisa was the standing order and constituted what Qur'an refers to elsewhere as the limits (or bounds) of Allah (Hudood Allah).

**2- Verse 16 appears to provide hint to, but not limited to a situation whereby a Muslim woman is found guilty of having committed fornication with a Muslim man (thus both are Muslims).**

*(Translator's note: Most traditional as well as modern commentators of the Qur'an are of the view that this verse encompasses the punishment prescribed for those found guilty of committing any sort of homosexuality. Ref: Ma'arif-ul-Qur'an)*

As both fornicators are Muslims, subject to the legal jurisdiction of the Muslim society, they would both be punished and humiliated in public for breaking the covenant with Allah and His messenger. Although, the nature of punishment and the procedure involved in the testifying of witnesses is not explicitly mentioned in this verse in a literal manner, yet it follows logically that all criminal procedures in Islam adhere to the same code of ethic and action. The question about the type of punishment to be awarded, however, naturally arises. In the opinion of most commentators, any type of Ta'azeer that would be exacting to the nature of the offence, involving physical punishment and humiliation in public are involved, may be awarded. The verse also calls for Muslims to leave the fornicators alone provided they repent sincerely to Allah after having been at the receiving end of physical punishment and humiliation.

This discourse is of academic nature now, since the law in verse 16, too, was abrogated by the injunctions revealed in Surah An-Noor. Until the revelation of those verses of Surah An-Noor which abrogated this law, the injunctions stated in verse 16 of Surah An-Nisa were the standing order and constituted what Qur'an refers to elsewhere as the limits (or bounds) of Allah (Hudood Allah). This is similar to the situation governing the laws of inheritance in Islam, whereby the later injunctions revealed in Surah An-Nisa abrogated the earlier injunction of making a will at the time of death which was revealed in Surah Al-Baqarah.

**Verses 17 and 18**

إِنَّمَا التَّوْبَةُ عَلَى اللَّهِ لِلَّذِينَ يَعْمَلُونَ السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِنْ قَرِيبٍ فَأُولَئِكَ يَتُوبُ اللَّهُ عَلَيْهِمْ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا

(17) *Verily, Allah's acceptance of repentance relates only to those who do evil out of ignorance and then repent before their time runs out: and it is they unto whom Allah will turn again in His mercy - for Allah is all-knowing, wise;*

وَلَيْسَتِ التَّوْبَةُ لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ ۚ حَتَّىٰ إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ قَالَ إِنِّي تُبْتُ إِلَى اللَّهِ وَالَّذِينَ يَمُوتُونَ وَهُمْ كُفَّارًا ۗ أُولَٰئِكَ أَعْتَدْنَا لَهُمْ عَذَابًا أَلِيمًا ۝

(18) *Whereas repentance shall not be accepted from those who do evil deeds until their dying hour and then say, "Behold, I now repent"; nor from those who die as deniers of the truth: it is these for whom We have readied grievous suffering.*

Verse 17 deals with the 'Tauba' of believers, while verse 18 deals with that of the disbelievers.

Verse 17 implies that the acceptance of 'Tau'ba' is an eternal gift that Allah has bestowed on his bondsmen. Most commentators of the Qur'an agree that due to the presence of Satan seducing the 'Nafs-e-Ammara' (negative self or Id) towards worldly gains and pleasures, many 'Ibad' of Allah commit sins out of either ignorance or a sudden rush of adrenaline. The latter occurs when emotions overtake rational thought and remembrance of the consequences of doing that sin in the Hereafter. However, emotions, being temporary in nature, eventually fade away and are ultimately replaced by remorse and the senses of good and evil return, which is its vulgar form, is a sense of guilt. Such 'Ibad', then, immediately turn towards Allah filled with remorse for whatever sin they have committed and plead to Allah for forgiveness and repentance, just like a bike rider falling off his bike on a rainy day while taking a dangerous curve on a slippery road immediately gets up to his feet and continues his journey. Similarly, such 'Ibad' do not delay in turning their face to Allah and surely the Merciful, the All-Knowing and All-Wise reciprocates with His infinite munificence and compassion by forgiving their sin(s), albeit from an esteemed position and nature that is worthy of Him alone, incomparable to any act of benevolence, mercy, compassion and even 'Tau'ba' enacted by His 'Ibad'. Whenever we commit a sin and transgress the limits of Allah and His Messenger, we must immediately turn towards the 'Tawwab' (The Forgiver) to be considered as one of the 'Tawwaboona' (repenting ones).

Verse 18 however, warns that this repentance is exclusive for Muslimun and Muminun alone and it does not wrap the sins of

unbelievers, nor of hypocrites. Till that horrifying moment of truth arrives when the angel of death approaches to reap their souls. When they see the absolute Truth with their very eyes, they then declare faith in Allah and plead for repentance and beg for forgiveness. But the window of opportunity is now closed and the door of repentance is shut on them forever!

The important lesson for us Muslims is that we ought to make 'Tau'ba' at the earliest. Being a Muslim is a legal issue, but if that 'Muslim' is repeatedly committing grave sins, flouting the laws of Shariah, transgressing the limits of Allah and His messenger without a tittle of remorse, then what guarantee does he have not be treated in the same way as disbelievers and hypocrites are at the time of his death. The fact is that whosoever dies as a disbeliever in the eyes of Allah has no option open for Tauba for him. For such persons, the verse says, Allah has prepared a punishment, a chastisement, which is excruciating and humiliating, simultaneously.

### Verses 19, 20 and 21

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرْهًا وَلَا تَعْضَلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ ۚ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ۝

(19) O YOU who have attained faith! It is not lawful for you to [try to] become heirs to your wives [by holding onto them] against their will; and neither shall you keep them under constraint with a view to taking away anything of what you may have given them, unless it be that they have become guilty, in an obvious manner, of immoral conduct. And consort with your wives in a goodly manner; for if you dislike them, it may well be that you dislike something which Allah might yet make a source of abundant good.

وَأِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مِّمَّنْ كَانَ زَوْجٌ لَكُمْ فَلا تَأْخُذُوا مِنْهُ شَيْئًا أَتَأْخُذُونَهُ بُهْتَانًا وَإِنَّمَا مُبِينًا ۝

(20) But if you desire to give up a wife and to take another in her stead, do not take away anything of what you have given the first one, however much it may have been. Would you, perchance, take it away by slandering her and thus committing a manifest sin?

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا ۝

(21) And how could you take it away after you have given yourselves to one another, and she has received a most solemn pledge from you?

Verse 19 deals with a common custom prevalent among the pre-Islamic Arabs that a son inherited the wives of his deceased father. It so happened, in pre-Islamic Arab culture, that when the father died, his sole son would 'inherit' the rest of his father's wives as his own. The women had no choice in this matter as it was a categorical custom, a norm and a part of that culture. As they were treated like any inheritable property, the inheritor could then do whatever he wanted with his stepmothers (now wives). The Qur'an, in very categorical terms, denounced this act (Translator's note: which would put anyone with any degree of decency to shame) and declared that the believers are not permitted to take women as inheritance or to marry their own step-mothers.

Moreover, the mischief was multiplied manifold with the general mistreatment and the absolute financial slavery of married women. It so happened at times, including the case explained above, that when a man married a woman, he 'gave' her a large sum of wealth, mostly gold, as Mehr (bridal money), with the intention of using it for blackmail or as ransom, later. When the proverbial 'honeymoon period' was over, he would start persecuting and torturing her, both physically and mentally, and treating her as a slave, knowing well that the wife would not dare ask for a divorce from the fear of losing the insurmountable 'bridal money' hanging around her neck. In the same verse the Qur'an also prohibits the husband to demand for even a single penny of the 'bridal money' given to his wife at the time of marriage, be it 'heaps of gold'. The Mehr was thus declared to be the belongings of the wife and her husband had no right whatsoever to demand back any part of it. (Translator's note: If the wife, however, offered him some or all of her Mehr willingly and without coercion, her husband could accept it.)

The only instance where the Qur'an condones physical punishment awarded to a woman is when she is proven beyond doubt in a court of law backed by the testimony of four righteous witnesses to have committed adultery. It must be investigated that the husband is not using the case against his wife as a way to trap for her Mehr.

The Qur'an for the first time in human history set certain guidelines and parameters that would govern the social lives of human beings and their dealings with each other. It assertively advised husbands and wives to live in an honorable way and be patient towards and considerate of each other. The Qur'an metaphorically explains that

Allah may have earmarked some good for you in a wife whom you dislike at times to the extent of hatred by subtly directing the attention of the reader (or listener) to the fact that a human personality consists of innumerable traits and simply disliking one trait could cause the eyes (and heart) of the husband to be blindfolded from the various other noble ones that she possesses. (Translator's note: A 'Muasharat' that protects the rights of women as professed by Islam about 1400 years ago still seems to surpass even the most 'liberal' of women's rights laws promulgated today!).

Verse 20 expounds that despite all efforts to maintain a lovable and working relationship between a man and his wife; at times it simply does not function and may become counterproductive for both the spouses and their offspring. The Qur'an calls the Mehr given at the time of marriage as the 'property and possession' of the wife. The Qur'an declares that if a divorce does occur then the husband is not entitled to demand back any part of the Mehr given to his wife at the time of marriage, be it 'heaps of gold'. Trying to do so either by verbal slandering, societal pressure or physical coercion is a grave and manifest sin in the eyes of Allah.

While verse 20 allows divorce as a measure of last resort, verse 21 explains the rationale behind this injunction. The essence of marriage is that solemn pledge – that solemn covenant that which is extremely sacred in the eyes of Allah and that makes two strangers of the opposite sex bond together and become halal for sexual intercourse, which is far nobler than wealth or any other material gain. In such spiritual relations, where each is the 'dress' of the other, petty issues like the amount of Mehr should not cause much ripples. Sanity and reason must prevail and husbands in such cases should behave with nobleness. Neither does the sublime nature of the physical companionship with the wife benefit that the husband should keep plotting to find ways and ploys to get the 'bridal money' back from his wives. Allah views Nikah a very sacred covenant and a very sacred agreement. At the time of Nikah, the husband vows to take care of all the needs for sustenance of his wife. The relationship between the spouses is so closely knit and intense that Allah uses the Arabic phrase 'Meesaq-e-Ghaliza' (A firm and resolute covenant between the two) to describe it at the culmination of verse 21 of the Surah.