

Suratul Baqarah: Verses 180 – 182

(١٨٠) كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا الْوَصِيَّةَ لِلْوَالِدَيْنِ
وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ

(١٨١) فَمَنْ بَدَّلَهُ بَعْدَمَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ
اللَّهَ سَمِيعٌ عَلِيمٌ

(١٨٢) فَمَنْ خَافَ مِنْ مَوْصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ إِنَّ
اللَّهَ غَفُورٌ رَحِيمٌ

Bequest is prescribed for you when death approaches one of you, if he leaves behind wealth, for parents and near relatives, according to usage, a duty (incumbent) upon those who guard (against evil) (180).

Whoever then alters it after he has heard it, the sin of it then is only upon those who alter it; surely Allah is Hearing, Knowing (181).

But he who fears an inclination (to a wrong course) or an act of disobedience on the part of the testator, and effects an agreement between the parties, there is no blame on him. Surely Allah is Forgiving, Merciful (182).

Commentary

Qur'an: *Bequest is prescribed for you when death approaches one of you, if he leaves behind wealth:* The language is that of an obligatory rule, because *al-kitabah* (الْكِتَابَةُ) = to write; translated here as “prescribed”) is used in the Qur'an always for definitely obligatory laws. It is further strengthened by the word “a duty” coming at the end of the verse, because duty too is used, like writing and prescription, for compulsory orders.

But the word “a duty” is qualified by “upon those who guard (against evil)”; this somewhat weakens the sense of obligatoriness; it would have been more appropriate, in case of obligatoriness, to say, 'a duty upon the believers'.

In any case, it is said that the verse was later abrogated by the verse of inheritance. If so, then it would only be its “obligatoriness” which was abrogated, not its being liked, recommended. Perhaps, the phrase qualifying “a duty” was used for this very purpose.

al-Khayr (الْخَيْرُ) is wealth; it probably denotes considerable wealth, not an insignificant amount. *al-Ma'ruf* (الْمَعْرُوفُ) = known; common usage of good deed and favour).

Qur'an: *Whoever then alters it after he has heard it, the sin of it then is only upon those who alter it:* The pronoun in “the sin of it” refers to the alteration; all the rest refer to the bequest according to usage; bequest is a *masdar* and is used both as masculine and feminine.

(That is why the pronouns used in the verse are of masculine gender.) “upon those who alter it”: Allah did not say 'upon them', because the wording used clearly indicates the nature of sin, that is, alteration of a will; also it paves the way for the next verse.

Qur'an: *But he who fears an inclination (to a wrong course) or an act of disobedience on the part of the testator, and effects an agreement between the parties, there is no blame on him:* *al-Janaf* (الْجَنْفُ) = inclination; deviation); it is said that it indicates outward inclination of the feet, and *al-hanaf* (الْحَنْفُ) shows their inward inclination. In any case, it is used here to denote an inclination towards sin and disobedience, as it is followed by “or an act of disobedience”.

The verse branches out from the preceding one. Its meaning is as follows (and Allah knows better): The sin of alteration is only upon those who alter the bequest (which was made according to usage).

Of course, if someone fears that the bequest of the testator is, or shall be, an act of disobedience or inclined towards a wrong course, and then effects an agreement between the parties, free from error and sin, then there is no blame on him; because he has not changed a bequest made according to usage; rather he has altered only the wrong and sin found in it.

Traditions

Muhammad ibn Muslim says that he asked as-Sadiq (a.s.) whether a bequest was allowed in favour of an heir. The Imam said: “Yes”. Then he recited this verse, “Bequest is prescribed... if he leave behind wealth, for parents and near relatives...” (al-'Ayyashi). This tradition is also narrated, with a slight change in wording, in *al-Kafi* and *at-Tahdhib*.

as- Sadiq (a.s.) narrates through his father from 'Ali (a.s.) that he said: “He who did not bequest at the time of his death for those of his near relatives who were not his heirs, surely ended his deeds with disobedience.” (al-'Ayyashi)

Imam as-Sadiq (a.s.) said about this verse: ”(It is) a right which Allah has given in the properties of men to the Master of this affair (i.e. to the Imam).” The narrator says: “I said: 'Is there a prescribed limit for it?' He said: 'Yes'. I said: 'How much?' He said: 'Its lower limit is one-sixth; and the higher, one-third.' ” (al-'Ayyashi)

The author says: This theme has been narrated also by as-Saduq in his *al-Faqih* from the same Imam. It is a fine inference from this verse read in conjunction with the verse:

The Prophet has a greater claim on the believers than they have on themselves, and his wives are their mothers; and the possessors of relationship have the better claim in the ordinance of Allah to inheritance, one with respect to another, than (other) believers, and (than) those who have fled (their homes), except that you do some good to your awliya¹; this is written in the Book (33:6).

This verse abrogated the system prevalent in early days of Islam by which a “*muhajir* brother” inherited from his “*ansar* brother”; and initiated inheritance between the relatives; then it made an exception (from this rule of inheritance by relationship), and that was about doing *some good to your awliya¹*.

Now Allah has made the Prophet *al-waliyy* and his pure progeny *al-awliya¹* of the believers. And this exception of doing good to the *awliya¹* brings it within the jurisdiction of the verse under discussion: ***Bequest... for parents and near relative.*** And the Imams are also the “near relatives” (of the Prophet). Understand it.

The Fifth or the Sixth Imam said about the verse, ***Bequest is prescribed for you...***: “It is abrogated. The verses of inheritance abrogated it.” (al- 'Ayyashi)

The author says: This tradition may be reconciled with the preceding ones if we say that it was only its obligatoriness which was abrogated; thus the order will continue as *al-mustahabb* (المُسْتَحَبُّ = liked, recommended) even after that.

Abu Ja'far (a.s.) said about the verse, ***But he who fears an inclination (to a wrong course) or an act***

of disobedience...: "al-Janaf is inclination to the side of error without knowing that it is allowed (or not)." (*Majma'ul-bayan*)

Imam as-Sadiq (a.s.) said: "When a man has made his will, then it is not allowed to the executor to alter the bequest made; he should enforce it as (the testator) has bequeathed; except when (the testator) has made his will against the command of Allah, and done injustice (to an heir). Then it is allowed to the executor to bring the will to the truth (i.e. the right course).

Let us say, there is a man who has got some heirs; and he bequeaths all (his) property to some of the heirs, depriving the others. In such cases, it is allowed to the executor to bring the will to the right (course). And this is (the meaning of) the word of Allah, **an inclination (to a wrong course) or an act of disobedience**.

And *al-Janaf* is inclination to some of his heirs, leaving the others aside; and *al-ithm* (الإثم) = sin; act of disobedience) is that he directs to build fire-temples, and to take intoxicant. Then the executor is allowed not to do any such thing." (*at-Tafsir*, al-Qummi)

The author says: The explanation of *al-janaf* given in this tradition, makes clear the meaning of the word of Allah: **and effects an agreement between the parties**. The words refer to effecting reconciliation and settlement between the heirs, when there is conflict and quarrel among them because the testator was inclined to wrong course, and favoured one heir at the cost of the others.

Muhammad ibn Suqah said: "I asked Abu Ja'far (a.s.) about the word of Allah: **Whoever then alters it after he has heard it, the sin of it then is only upon those who alter it**. He said: 'It has been abrogated by the next verse; **But he who fears an inclination (to a wrong course) or an act of disobedience on the part of the testator, and effects an agreement between the parties, there is no blame on him.**'

He said: 'It means that if the executor fears that the testator is inclined to a wrong course concerning his children in the bequest he has entrusted the executor with, in a way Allah is not pleased with, (and which is) against the truth, then there is no blame on him, (i.e. on the executor of the will) if he changes it to the truth, and to the way of right that Allah is pleased with.' " (*al-Kafi*)

The author says: This tradition explains one verse with the help of another. Therefore, the word, "abrogated", is not used here in its terminological meaning. And we have earlier mentioned that the word, "abrogation", is sometimes used in the speech of *Ahlu 'l-bayt*, in a meaning different from the language of the Principles of Jurisprudence.

1. al-Awliya' (الأولياء) is plural of al-waliyy (الولي), which has several meanings, important among them being: friend, guardian, relative, a person close to Allah, and master. In the explanation given in the text, it has been taken to mean master and guardian. (tr.)

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