

Section 5: Woman's rights over her property

Surah An-Nisa', Verse 26

Respect of rights of property and life –Woman has as much right over her property as man –Similarly in the matter of inheritance.

يُرِيدُ اللَّهُ لِيُبَيِّنَ لَكُمْ وَيَهْدِيَكُمْ سُنْنَ الَّذِينَ مِنْ قَبْلِكُمْ وَيَتُوبَ عَلَيْكُمْ وَاللَّهُ عَلِيمٌ
حَكِيمٌ

26. "Allah desires to make clear (the way of felicity) to you, and to guide you in the ways of those before you, and to turn to you (mercifully), and Allah is All-Knowing, All-Wise."

What Are These Limitations for?

Following the different ordinances in the field of marriage stated through previous verses, there may arise this question that what all these limitations and lawful restrictions are for. This verse and the two following ones answer this question.

The above-mentioned verse indicates that Allah wishes to open the way of happiness and felicity to you by these instructions. It says:

"Allah desires to make clear (the way of felicity) to you...."

Besides that, you are not alone in this path, and Allah desires to guide you towards the correct ways and practices of those who were before you. It says:

"...and to guide you in the ways of those before you...."

In addition to that, He wants to accept your repentance.

"...and to turn to you (mercifully)...."

Allah desires to return back again to you His favours and blessings that have been ceased for you because of your corruptions and deviations. This is in the case that you, too, return back from the deviated paths that were paved before Islam, in the Age of Ignorance.

At the end of the verse, it says:

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

This phrase means that Allah is cognizant to His ordinances, and He has legislated them through His Own Wisdom for you.

Surah An-Nisa', Verse 27

وَاللَّهُ يُرِيدُ أَنْ يَتُوبَ عَلَيْكُمْ وَيُرِيدُ الَّذِينَ يَتَّبِعُونَ الشَّهَوَاتِ أَنْ تَمِيلُوا مَيْلًا عَظِيمًا

27. "And Allah desires that He should turn to you (mercifully), but those who follow their lusts desire that you should deviate (with) a great deviation."

At the first glance, the sexual liberty is a kind of pleasure and seeking an enjoyment. But, regarding to its personal and social evil effects, it is the greatest fall and aberration.

Libertinism and lewdness, diminishes the body, entangles the thought, wastes property, and decays confidence. It spoils the desire of family formation and delivers some illegal children to the society. It causes some venereal and psychological diseases to come forth. And, briefly speaking, sexual freedom results to the greatest captivities for human beings.

Explanations

1. The limitations and instructions which are ordained upon marriage are the secrets for the grace of Allah unto humankind–

"And Allah desires that He should turn to you (mercifully)...."

2. Those sensual ones who are indulged in libertinage do not satisfy by anything save sinking you in lusts. They want you to be their friend in their deviated path.

"...that you should deviate (with) a great deviation."

3. Do not follow the way of voluptuous ones, and do not imitate them, for they are your enemies.

"...but those who follow their lusts desire that you should deviate (with) a great deviation."

Surah An-Nisa', Verse 28

يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا

28. "Allah desires that He should make light your burden, and man has been created weak."

In these latter three verses, a small part of the favours of *Allah* are mentioned, one after another. They denote that *Allah* explains the ordinances for you, leads you to the way, returns His mercy to you, and takes the affairs easy for you.

All these facilities are for that man is feeble against the storm of instincts and his ability and patience is little.

Explanation

Islam is an easy religion. It stops nowhere.

"Allah desires that He should make light your burden..."

The basis of this religion is founded on lightness, easiness, and capability.

"...and man has been created weak."

Surah An-Nisa', Verse 29

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ
مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

29. "O' you who have Faith! Do not devour each other's property among yourselves in vanity, except that it be a trade by your mutual consent, and do not kill your (own) selves (one another); verily Allah is Merciful to you."

The secret of the occurrence of the prohibiting sense *"do not kill"* close to the meaning of *"do not devour"*, a prohibition of false devouring, maybe, is for that an unsound economical system is a premise

for the appearance of murder or destruction in the society.

Explanation

1- Personal possession is respected while domination in others' properties is unlawful, except for correct bargaining which are perfected on mutual consent.

"O' you who have Faith! Do not devour each other's property among yourselves in vanity, except that it be a trade by your mutual consent..."

2. A definite society, or an Ummah, has one unit of soul and a common fate.

"...each other's property among yourselves..."

3. Any kind of domination which is not based on divine truth¹ is forbidden. Some of its instances are; usurpation, theft, barring from inheritance, gambling, defraud, falsification, and purchasing the means of mischief and sin. It is so because all of these instances are the examples of vanity.

"...do not devour each other's property among yourselves in vanity...."

4. Bargains should be performed on the basis of mutual consent, not compulsively or unwillingly.

"...a trade by your mutual consent..."

5. The life of a person is respectable. Therefore, suicide, and murdering others is 'unlawful'.

"...and do not kill your (own) selves (one another)...."

Surah An-Nisa', Verse 30

وَمَنْ يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ نُصَلِّيهِ نَارًا وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا

30. "And whoever does this aggressively and unjustly, We will soon cast him into fire; and this is easy for Allah."

The difference between the Arabic words /udwan/ and /zulm/, mentioned in this verse, may be that the former is a transgression against others, while the latter encompasses the aggression towards one's own self, too.

The verse says:

"And whoever does this aggressively and unjustly, We will soon cast him into fire; and this is

easy for Allah."

Surah An-Nisa', Verse 31

إِن تَجْتَنِبُوا كَبَائِرَ مَا تُنْهَوْنَ عَنْهُ نُكَفِّرْ عَنْكُمْ سَيِّئَاتِكُمْ وَنُدْخِلِكُمْ مَدْخَلَ كَرِيمًا

31. "If you avoid the great sins which you are forbidden, We remit from you your small sins and We cause you to enter an honourable place of entering."

It is understood from this verse that sins are divided into two groups: the minor sins and the major sins. We also recite in Surah Al-Kahf, No. 18, Verse 49 that, on the Day of Judgement, when sinners see the record of their evil deeds, they say:

"...What a book this is! it does not omit a small one nor a great one...."

According to the Islamic literature, a great sin is a sin for which Allah has promised Fire to its performer.

The numbers of great sins are mentioned differently in the Islamic narrations. Some of the pioneers among the Muslim scholars, derived from the verses of the Qur'an and traditions, have introduced 33 great sins. There are, of course, degrees for the great sins when comparing them. Therefore, some of the great sins are called **'the most major sins'**.

Explanations

1. It is necessary for us to ignore the slight offences of those whose ideological and practical doctrine is proper.
2. The reward of those who abandon major sins is that Allah (s.w.t.) forgives their minor sins.

"If you avoid the great sins which you are forbidden, We remit from you your small sins and We cause you to enter an honourable place of entering."

The total number of the major sins, as many traditions denote, is 33 sins which are listed in the following:

1. To associate a partner for *Allah*
2. Homicide (the believers)
3. The curse of the parents
4. To escape from Holy Struggle

5. To devour the orphan's property
6. Usury
7. False accusation of unchastity to an immaculate woman
8. Fornication
9. Sodomy
10. Theft
11. Consuming the flesh of a corpse
12. To consume blood
13. To eat the flesh of swine, pig
14. To eat the flesh of an animal slaughtered without mentioning *Allah's* Name
15. To defraud whether by scale or by measure
16. Gambling
17. A false attestation
18. Despair from the grace of *Allah*
19. To feel secured from the punishment of *Allah*
20. To assist the evil-doers
21. To rely on the tyrants
22. To swear falsely
23. Rancour and deceit
24. To restrain from giving others' rights
25. To tell a lie
26. To behave arrogantly
27. Immoderation and extravagance.
28. Treachery

29. Making little of Hajj
30. To fight *against Allah's* saints
31. To be busy with diversion and play
32. Magic and whatever causes trouble for others
33. To drink wine

Surah An-Nisa', Verse 32

وَلَا تَتَمَنَّوْا مَا فَضَّلَ اللَّهُ بِهِ بَعْضَكُمْ عَلَى بَعْضٍ لِّلرِّجَالِ نَصِيبٌ مِّمَّا كَتَبُوا
وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا كَتَبْنَ وَاسْأَلُوا اللَّهَ مِنْ فَضْلِهِ إِنَّ اللَّهَ كَانَ بِكُلِّ شَيْءٍ
عَلِيمًا

32. "And do not covet that by Which Allah has made some of you excel others. Men shall have a benefit of what they earn and women shall have a benefit of what they earn; and ask Allah of His Grace; verily Allah knows all things."

Occasion of Revelation

Upon the occasion of revelation of this holy verse, it has been cited that: Once Ummus-Salamah, a wife of the holy Prophet (S), asked him (S): "Why do men go to Holy Struggle but women do not? Why has Islam legislated inheritance for us half of men's portion? We wish we were men and went to Holy Struggle like men and equally obtained their social position."

The above verse was revealed and responded to this kind of questions and the like of them.

For a group of Muslims, the difference of the portion of men and women in inheritance had become a question. It seemed that they did not notify that this difference was for the reason that generally the totality of the life expenditure is as a duty upon men, while women are free from it.

Besides that, the expenditure of women themselves is upon men, too. Thus, as it was mentioned before, the portion of women, can, practically, be twice as much as that of men. Therefore, the holy verse says:

"And do not covet that by which Allah has made some of you excel others. ..."

It is such because, there are some secrets in each of these differences that are covered and concealed for you.

Of course, it should not be misunderstood that the verse points to some actual and natural differences, not those forged differences that have been produced as a result of transgression and exploitation performed by some social classes.

Then, immediately after that, it says:

"...Men shall have a benefit of what they earn and women shall have a benefit of what they earn; ..."

This difference might be either a natural one (like the difference of the two genders: male and female with each other), or the difference resulted from the optional efforts and endeavours.

Then, it adds: instead of desiring these kinds of difference, ask *Allah* of His Grace and Favour that He grants you different bounties, ranks and good rewards. It is in that case that you may become some happy and prosperous persons. It says:

"...and ask Allah of His Grace..."

So, at the end of the verse, it says:

"...verily Allah knows all things."

That is, He knows whatever sort of natural or financial differences are necessary for the social regularity. Allah also knows the innate secrets of people and, therefore, He knows who has unjust desires in the heart and, on the other side, which persons think of what is proper, positive, and constructive.

Surah An-Nisa', Verse 33

وَلِكُلِّ جَعَلْنَا مَوَالِي مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ فَآتُوهُمْ
نَصِيبَهُمْ إِنَّ اللَّهَ كَانَ عَلَىٰ كُلِّ شَيْءٍ شَهِيدًا

33. "And for everyone We have placed heirs (to inherit) of what parents and near relatives leave, and as for those with whom your right hands have made a covenant, give them their portion; verily Allah is ever witness over all things."

The phrase: **"Your right hands have made a covenant"** is a hint to the contract which used to be held between two persons before Islam. Then Islam, with a slight change in it, accepted it. In Islamic jurisprudent books, this action has been entitled /daman-i-jarirah/.

The content of this contract was so that: two persons promised that they would help each other in the life

affairs, assist in the payment of compensations of one another, and one could inherit from the other.

It was something similar to the insurance contract of today which indicates: if a loss comes forth for a person, the promised party pays its compensation. Islam accepted this content, but inheriting from another one is conditioned to the lack of any heir for the deceased person.

Explanations

1. Assigning the standard of the portion of inheritance for relatives by the command of *Allah*.

"And for everyone We have placed heirs (to inherit)..."

2. A person has the right of transferring his/her possession to another one under some conditions.

"...and for those with whom your right hands have made a covenant ..."

3. Fulfilling a promise is obligatory.

"...give them their portion..."

4. The debtors should seek after the creditors.

"...give them their portion..."

5. The promises of a person is usually valid after that person's death.

6. Allah is always present and witnesses the deeds.

"... Verily Allah is ever witness over all things."

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