

Sura An-Nisā

Imam A. M. Khattab

[Part 1 of 5]

The Creation of Woman

There are two chapters in the Qur'an dealing mainly with women. Chapter four is called *An-Nisā* or The Chapter of Women, and is sometimes referred to as the "Big Chapter of Women". Chapter 65 is called *At-Talaq*, and is sometimes referred to as the "Small Chapter of Women". There is no chapter in the Qur'an called "Sura Rijāl" or "Chapter of Men". This indicates that the woman has been given special attention in the Qur'an and there is a reason for that. Before the advent of Islam, in the Golden Age of the Roman Empire, a woman was treated as a piece of property. The husband had the right to sell her, and if she made a mistake, to punish her, including capital punishment. Moreover, if the husband died, his eldest son, who was not born of her, would inherit her. Islam came to find these prevailing rules, and the Qur'an set down rules to change all that and to ensure the proper treatment of women.

As an overview, the chapter of *An-Nisā* is full of laws organizing the relationships between men and women, between guardians and orphans; it organizes the division of the estate in the form of inheritance; it lays down laws with regard to paying loans and debts, and providing testimony. It starts by talking about the creation of woman, and the mention of the

creation of woman is actually in response to a question which we will talk about presently. Then it proceeds to talk about orphans and the institution of marriage. Marriage before Islam was unregulated – a man could marry as many wives as he wanted. The Qur'an came to limit the number to one in normal circumstances, and up to four if there is a necessity. Of course, some Muslims abuse this provision nowadays.

Next, the chapter deals with the problem of inheritance. The woman used to be inherited by the eldest son in the Golden Age of the Roman Empire. In the Christian world, even at the time of the French Revolution, the only progress was that the woman was liberated: she could not be inherited, but she still had no right to the estate of her father or husband. Even among the Arabs, before Islam, the woman had no share in the estate of her family, mainly for one reason: that she did not bear arms to defend the country. The inheritance at that time was limited to the soldiers who defended the tribes or the country. Islam came to change all that.

Then the chapter proceeds to address problems within the family. If there is a problem between a husband and wife, how should it be resolved? You know, here, in the United States, if a man says "Good Morning" to his wife, and she is not

in a good mood, they will be in Family Court the next day! The Prophet, peace be upon him, described divorce as “the most hateful legitimate act in the eyes of God.” In Islam, there must be a genuine reason which necessitates divorce, and there are several steps which are to be taken before the divorce takes effect; the divorce is the final medicine and solution to be resorted to only if all the other means of reconciliation are exhausted and have failed. Let us start now and see how the Qur’an talks about the topic of woman.

The Qur’an has two types of verses: *Ayāt Muhkamāt* and *Ayāt Mutashābihāt*. Verses that lay down rules which are clear-cut and unambiguous are called *Ayāt Muhkamāt*. For example, “It is prohibited to eat carrion, blood, and pork.” It is clear-cut; no two people can argue about that. Verses called *Ayāt Mutashābihāt* have some degree of vagueness and ambiguity. These verses are susceptible to interpretation and *ijtihad*.¹ The Prophet, peace be upon him said, “If you think and exert an effort to understand a certain rule in Islam, then, if you are right in your *ijtihad*, you will get two rewards. If you are wrong, you will get one reward.” This is an exhortation to Muslims to utilize their minds. So, in the case of the *Ayāt Mutashābihāt*, the human mind is supposed to work if we are to follow what the Prophet said, and no one can say who is right and who is wrong. There is one school of thought in Islam called *Madrasa Al-Naql* – The School of The Text. This school of thought advocates that you take the text of the Qur’an literally; you have no right to think about it or to interpret it. This, of course, means that you have to forget about your mind – as if you have no brain at all. This approach has led to some heated discussion in Islamic philosophy. For example, the Qur’an says, “The hand (*yad*) of God is above their hands.”² This gives rise to the question: “Does God have a hand?” If He has a hand, He will be similar to His creation, and, if He is similar to His creation, He does not deserve to be worshipped. The *Madrasa An-Nas*³ school of thought says, yes, He has a hand; we don’t know what it looks like, just accept it that way and don’t think about it. This school of thought is adopted, nowadays, by the Saudi Arabian ulama.⁴

The other school of thought is called *Madrasa Al-Aql*

– The School of the Brain. Al-Azhar, in Egypt, belongs to this category. This school of thought advocates using the brain and its interpretative powers. In the case of the above example, “The hand (*yad*) of God is above their hands,” the interpretation of “*yad*” indicates not a hand in the literal sense, but a symbol of power. You know when you are shouting in a demonstration, “Long live So-and-So” and shaking your fist, it indicates power or emphasis. Therefore, the Qur’anic verse mentioned above is interpreted as meaning “The power of God is above their power”. When you translate or explain that Qur’anic verse, you don’t do it literally, but you translate and explain it in such a way as to bring out the meaning and the message that it means to convey to us – that the power of God is above all.

With regard to the verses of *An-Nisā* that I will be dealing with, there are various tafsirs⁵ some of which I accept and some I reject. In the case of some verses, I have to utilize my own mind and I could be right and I could be wrong, but this, at least, is my understanding based upon my observations and the environment in which I am living.

The Chapter of Women starts by addressing “O mankind”, and not by “O you who believe”. Therefore, the call is directed to all humankind, and it is the prevailing pattern in the Qur’an that when a verse starts by “O mankind”, then, it is followed immediately by an emphasis on the unity of God and/or God-consciousness, because it is addressing both Muslims and non-Muslims alike. But, in cases where the talk is directed to the Muslims and the believers – “O you who believe” – it does not talk about the unity of God directly following that expression, but rather, it is usually followed by stipulation of rules or legislation. [Imam quotes Arabic. The translation is:]

“O Mankind! Be conscious of your Sustainer (*Ittaqu-Allah*), who has created you out of one Soul (*Nafs*), and out of it created its mate, and out of the two spread abroad a multitude of men and women. And remain conscious of God (*Ittaqu-Allah*), in whose name you demand your rights from one another, and (أَرْحَامٍ) of these ties of kinship. Verily, God is ever watchful over you” [4:1].

No one has discovered what the Soul really is and no one ever will, because the Qur’an says, “The knowledge of that is confined to God alone.” The Soul is a secret no human being can comprehend. What we do know is that the *Nafs* or Soul

¹ A sincere effort to make an educated, enlightened and informed opinion explaining an issue related to Islam

² 48:10

³ Note that *Madrasa An-Nas* is the same as *Madrasa Al-Naql*

⁴ Religious scholars

⁵ Qur’anic exegeses

distinguishes between death and life. The verse clearly states that Allah created Adam – the first Soul – and from that Soul created his mate – Eve. The ulama of Christianity used to question whether or not the woman had a soul, and, if she did have a soul, was it like the soul of the man or like the soul of an animal. This is all very clearly debated in the Christian books. That is why we find this chapter starting with the creation of woman. This is the answer to the inquiry of the Christians, “Does the woman have a soul or not?” This Qur’anic verse is being revealed after Christianity, to correct the prevailing misconceptions about the woman and to show that the man and the woman are equal and created with the same nature – the same Soul.

If you look into the Christian books, there is mention of the woman being created from the rib of Adam. This idea has no origin and no basis in Islam, yet you will find this same story in our Islamic books despite the fact that the Qur’an states very clearly that Eve was created from the same *Soul* from which Adam was created. Obviously, we have borrowed this idea from Christianity and put it in our books. As a consequence of this, in some of the Muslim countries, in Egypt, for example, they have an expression which says, “Oh, he is taking 24 ribs from that family” which means he married a girl from that family. Does that mean that the woman has 24 ribs and the man has 23?⁶ There is even a “hadith” which some people quote to this effect. It is impossible to accept that the Prophet said such a thing. When it comes to the hadith we have to be very, very careful because there are lots of ahadith which are weak; there are lots of ahadith which are *mawdū‘ah*⁷ – the Prophet never said them – even if a hadith is mentioned in Al Bukhari and Muslim, the two books which we consider as the most authentic books of hadith, still, they were human beings and could have erred.

Man consists of two elements: soul and body. When they are joined together the person is living, and when they are separated the person is dead. The body returns to where it came from – the dust – and the soul goes back to where it came from – to God; we don’t know much more than that about the soul. The reference in the Qur’an is clear: the woman was created from the same Soul, and therefore, looked at from this aspect you could say the woman could not have been created from a rib because the rib is a part of the body,

not a part of the Soul.

It is the will of God that He created everything in this life in pairs; there is nothing in this universe which is not paired.⁸ If you put like poles of a magnet together they will repel each other, but if you put the opposite poles together they will attract each other. This constitutes a pair. The atom consists of electrons and protons with their respective negative and positive charges which make them complementary and paired. Islam teaches that anything that contradicts this fact is abnormal and unacceptable; that is why homosexuality is not acceptable in Islam. In the case of human beings, a pair consists of man and woman. These two are attracted to each other and it is a natural law that opposites are attracted to each other. Because of this attraction between the pairs, God multiplied from them many men and women.

Ittaqu-Allah. This word is mentioned twice in that verse by way of emphasis. “Be conscious of your God who has created you out of one Soul”, and “Be conscious of your God in your *arhām*.” The word *ittaqu-Allah* may be variously translated as “Be conscious of your God”, or “Fear God”, or “Reverence your God”, or “Keep God in remembrance”. *Arhām* is taken from the word *rahim* which means the womb or the uterus of a woman. *Arhām* here means “relatives”.

Wathakul arhām is a recommendation, in Islam, for “*attakaful*”, known in the western world, nowadays, as welfare or human services. *Wathakul arhām* means, be conscious of your God when you establish relationships with your relatives. That is something we have lost completely. Now, the brother is killing the brother, the son is killing the father, and these *arhām* or relatives are divided into parties. If you don’t believe me, go to Detroit and you will find the *Fertile Crescent Party*, *Hisbul Amal*, *Hisbul Qawmul Sook*, *Hisbullah*, *Hisbe-shaban*... Every conceivable party exists in Detroit, and I don’t know why they are doing this, because, here, they should be either Republican or Democrat, and that’s it. What are they going to do with those parties here in America? And this, of course, is killing the relationships: you find brother fighting brother because they belong to different parties. Even when they belong to *Hisbullah* – the Party of God – we find it is the very party which is the farthest away from the rules of God! Where is *al-arhām*? I would like to narrate a hadith, wherein the Prophet recommends closeness to relatives (*al-arhām*) and how the Prophet made it desirable by portraying it that way. It

⁶ No. There are 12 ribs on each side in both sexes for a total of 24

⁷ Inserted

⁸ 36:36

does not mean, of course, that it is exactly as the Prophet said, but he narrated it in a way so as to make it very attractive to a man to be close to his kinsman and his relatives.

The Prophet said: "On the night that I ascended to the sky I have seen palaces you could see its inside from the outside and its outside from the inside and I asked Jibreel who is going to have these palaces on the Day of Judgment? Jibreel said: 'The one who, when he meets his brother greets him with the salutation *Assalam-u-Alaykum*, the one who is very close and kind to his relatives, the one who is very kind to the orphans, and the one who prays at night while others are sleeping.'" [Imam states the hadith in Arabic.]

After stating that man and woman were created from the same Soul, the Qur'an talks, in verse #2, about orphans. We have witnessed or heard of situations concerning orphans in our countries typifying the following scenarios: when a man dies, his brother will assume care of his children and will act as the administrator of the children's estate. Sometimes those orphans might be deprived of their share of inheritance, and sometimes you find that the living brother married the wife of his deceased brother, not with the aim to take care of the orphans, but to take "care" of their wealth and to make that wealth his own. In fact, the Qur'anic verse was revealed to deal with just such a situation: [Imam quotes Arabic. The translation is:]

"Hence, render unto the orphans their possessions, and do not substitute bad things of your own for the good

things that belong to them, and do not consume their possessions together with your own: this, verily, is a great crime" [4:2].

The next verse is a very controversial verse. And here, I said to you before and I am repeating it, use your brain, *think!* It is against the nature of a human being to share. Take a very simple example. You have a potluck dinner. You bring your food and your brother brings his food and you eat together. Then, someone says this food is too salty, and this food does not taste good, and so on, thus creating trouble. Then, someone suggests that this sharing and potluck is no good and so the sharing and the potluck stops. What then if two women share one man? It is against the nature of a human being. As a result, Islam is the only religion which limited the number of wives to "one". The Torah does not mention a limit for the number of wives. There is not a single verse in the entire Torah which forbids the marriage of man to more than one wife. And the people, at that time, used to have hundreds of wives. The same with the Bible: read all the Bibles that we have and you will not find a single verse which forbids a man from marrying more than one wife. The law which forbids marriage with more than one wife in this country⁹ was enacted by the Congress, not by the Bible. The subject of one woman to one man in marriage is mentioned only and only in the Qur'an. When you read that verse, the word "*wahida*" which means "ONE" is mentioned, and among religious scriptures is found only in the Qur'an.

⁹ The United States of America

Sura An-Nisā

Imam A. M. Khattab

[Part 2 of 5]

Monogamy vs. Polygamy Orphans

Verse #3 of Chapter *An-Nisā* represents what is known in Arabic grammar as *sharth and jawābe sharth*: it means that a marriage with more than one wife should have a condition to allow it, and it is not open. [Imam quotes Arabic verse. The translation is:]

“And if you have reason to fear that you might not act equitably towards orphans, then marry from among women such as are lawful to you or from among those whom you rightfully possess, [even] two, or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one. This will make it more likely that you will not deviate from the right course” [4:3].

[*Sharth and jawābe sharth* is a part of Arabic grammar and is explained by Fadel Abdallah, Principal, Islamic School, Islamic Center of Greater Toledo, as follows: It means, “something happening which is conditional upon a second thing happening”, or, “a second happening is conditional upon a previous happening”, for example, “If you come to my house, I will offer you food.” The offering of food is conditional upon coming to my house. Another example is “If you plant, you will harvest.” The sentence will have two parts and two verbs

indicating that a certain thing will happen only if a previous condition is met.]

I personally know men who just marry a girl and as soon as she gets pregnant, she is divorced, and the man goes on to marry another one, and he justifies his behavior by quoting this Qur’anic verse. That is an abuse of the privilege. Adding to the problem are some *women* who support this practice on the part of men. I don’t know if these ladies are talking from their hearts – *yā’ni*,¹⁰ they really and sincerely mean it, or they are simply trying to ingratiate themselves with the men.

It is against the nature of a human being to share, yet, when there is a necessity for more than one wife, then, it is like a medicine, and the medicine, although usually bitter, is taken because it is a cure for the problem. So if there is a necessity for more than one wife, no one will argue about it, but under normal circumstances, Islam recommends one and only one man married to one woman. Otherwise, if we are going to

¹⁰ An Arabic expression which has no equivalent in English and means, loosely, “I mean” or, “you know” or, “in other words” depending on the context.

take the verse at face value and understand it literally, then let us pursue the rest of the verse in the same manner, take it at face value, understand it literally and see what sense it thus imparts.

The verse says, “marry... [even] two or three or four.” We are very quick in interpreting that the Qur’an is allowing us to marry four wives. But consider the phrase **أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ** occurring in this verse. This phrase is usually translated into English as “Those whom you rightfully possess” or “Those whom your right hands possess.” It means women [or men] slaves. In effect, the verse is saying that you can marry from among the free women or the slave women. If one wants to understand it that way, when read in Arabic, it seems to sanction slavery.¹¹ Does that mean we should have slavery today? Does that mean you go to Italy and buy a woman from there, enslave her and say that she is now “*milk yameen*” [slave of my right hand], and live with her like your wife? No. Everything has a context. This Qur’anic verse must be taken in context with the entire Qur’an for a proper interpretation. The Qur’an made this law [of four wives], in fact, as a remedy for a certain situation under certain circumstances. I will explain it just now.

What does the Qur’an mean by *au mā malakat imānukum*? At the time of the Roman Empire, the captives of war – soldiers, or any man or woman, and their families – did not have the same status as “war captives” as we understand it today. During the time of the Roman Empire, war captives would automatically become slaves: they could be bought or sold, or even killed outright. The owners had every right over them. And, in the same manner, if someone owed money to another person and could not repay it, then the creditor could enslave the indebted man and his family. This was the law in the Golden Age of the Roman Empire. When Islam came these were the prevailing laws, and the economy of the world was based upon slavery. The criterion of wealth and poverty was the number of slaves owned by a person. Imagine then if Islam outlawed slavery in one stroke. The world economy would have collapsed. Exactly as Islam treated the prohibition of liquor – by stages – so, in the same manner, economically, Islam treated the problem of slavery gradually.

How did Islam propose to eradicate slavery? The Qur’an allows for the expiation of certain sins by setting a slave

free. The swearing of a false oath, or the killing of a believer by mistake, or the divorcing of one’s wife by means of *zihār*¹² are examples of sins that can be expiated by setting a slave free. And, above and beyond all that, the Prophet said, “Any believer who will set a slave free God will set him free of the fire on the Day of Judgment.” All these were inducements for the Muslims to set the slaves free. And that is the point here: if you take this verse literally, or at face value, *au mā malakat imānukum* would mean that the Qur’an is recommending more and more enslavement, but, if you know about the above laws with regard to slaves, written elsewhere in the Qur’an, and if you understand the verse in the context of the entire Qur’an and the Islamic Law, then you will see that the purpose is different.

At the advent of Islam, the prevailing law was that, after the death of her husband, a woman was inherited by her eldest son. Islam came to forbid this practice specifically: [Imam quotes:] “O you who believe, it is not lawful for you to inherit women against their will. . . .”¹³ Therefore, according to this injunction, if a slave woman gets pregnant from her master¹⁴ she will become automatically free after the death of her husband. Now you get that point? When the Qur’an says *au mā malakat imānukum* it means to establish a remedy to abolish slavery; it is another avenue for abolishing slavery and not an invitation to enslave new people so you can use them as wives. Neither is it an invitation to marry more than one woman if there is no condition to necessitate it. And if you read the whole verse, you find the end of the verse saying “But if you have reason to fear that you might not be able to treat them with equal fairness, then, marry ONE.” This permission to marry four wives is so restricted by this clause that it is almost impossible to live up to it. When you study Islamic Law and its meanings in depth, you realize that Islam is trying to solve problems, not to complicate the situation. Verse #20 of this chapter says, literally, “If you desire the exchange of a wife in place of a wife, and you have given one of them a treasure (*qintār*), do not take away anything thereof. . . .” The reference to the “exchange” of one wife for another is a clear indication of the Qur’anic view that a monogamous marriage is the

¹² See 58:2 in the Qur’an

¹³ 4:19

¹⁴ A point to note here is that nowhere in the Qur’an or Sunnah is there any sanction for sexual intercourse without marriage. The reference of a slave woman who gets pregnant from her master is within the context of marriage. (Asad)

¹¹ Which is completely opposite to Qur’anic teaching

desirable norm.

The chapter then proceeds to deal with a certain matter which distinguishes Islam from other faiths. The verse says: [Imam quotes Arabic. The translation is:]

“And give unto women their marriage portions (صَدَقَاتِهِنَّ) in the spirit of a gift; but if they, of their own accord, give up unto you aught thereof, then enjoy it with pleasure and good cheer” [4:4].

What is *saduqāti-hin*? It is *al-mahar* – the dowry. Concerning mahar, in Lebanon, people write a certain number of “*doonums*” of land, while in Egypt, the groom better come prepared with his pocket full of Egyptian pounds. In Saudi Arabia, they skin him and not only by means of the mahar, but he also has to make a *hafla*¹⁵ in the Hilton in Switzerland!

The mahar is an absolute right of a woman. The Qur’an stipulates that it should be taken from the estate of the man before the division of his estate among his heirs. See how Islam gives the woman her right first? The objective of the mahar is to protect the woman. You may have noted what is happening in marriages: a man marries a woman, and, maybe, even before the honeymoon is over, he just leaves her. And it would be advantageous to him if he rented an apartment on the other side of Alexis Road, so he will be living in Michigan while she is living in Ohio, and the court of Ohio will not be able to judge him for alimony. And if you follow him to the court in Michigan, he will move to Indiana – playing hide-and-seek. In Islam, the only debt for which the man is to be imprisoned is the right of his wife. That is Islam. See how great is the difference between Islam and the reality of today? *Yā’ni*, it means that even if he is in China, the authorities will get him if Islam is prevailing.

The stipulation of mahar or dowry in the Qur’an is in the form of an order, meaning that there is no marriage without a mahar. It could be something small but there *MUST* be a mahar. Further, the Qur’an says, even if a man will divorce his wife before marrying her, that is, before signing the marriage contract, she has the right to half the mahar, except if she, or her guardian, abdicates her right. But mahar is a must. It is her right.

The dowry in a Muslim marriage is usually divided into two portions: an advanced portion which must be paid

before the marriage, and the late portion which is to be paid after divorce or after death, whichever takes place first. So, if someone has a dowry of one hundred thousand dollars and her husband sees a blue-eyed, nice, young girl outside, and he wants her, it will not be easy for him to go and marry that girl because he has to check with his bank account first to see if the hundred thousand are available or not and how much is the interest rate. It serves as a deterrent for treating the marriage as a game because that is the most sacred bond and contract.

When someone comes to ask for the hand of your daughter and you tell him, “You are welcome. Take her and go. Take her to a coffee shop and from there you may go directly to a judge and get a marriage license,” it shows that you are not endearing her. It shows she is very cheap, and something that comes easily will be let go easily. When someone came to ask for the hand of my sister, I remember my father saying, “I would like those people to know that they did not get this girl until they wore out three pairs of shoes between my house and their house even though I was planning to give them the girl since the first day they came.”

Many of our people have begun to imitate the American customs here. The bride pays for the *hafla*, the orchestra, the dinner, and the whisky – if possible.¹⁶ Why? Because the Americans do that. No. This is not the duty of the bride, it is the business of the groom; it is his responsibility. He is fully responsible for all expenses from the minute the engagement takes place.

Here, I would like to give you a little prelude to next week’s talk which will be about verse #5. When we want to insult someone, we say “*Ya safee*.” This is a very, very good Arabic insult. Those who don’t know that word, learn it! Memorize it! *Ya safee!* It means, “careless, spendthrift, foolish, weak-minded”. It is very interesting to know that in certain tafseers you will find mentioned that “women and children are *safee*.”

However, when I watch the TV business programs and see those young ladies who are organizing the economy of New York, I question how “women are safee”. Here you have to use your brain. The Qur’an is a Constitution. Its verses came in a very malleable language, and it is left for a person to shape it according to his time and his place. Therefore, if the Qur’an was interpreted 300 hundred years ago, don’t take that interpretation – that tafseer – at face value today, because today

¹⁵ Party

¹⁶ Imam states with mock seriousness

conditions are different from those obtaining 300 years ago. [Imam quotes Arabic. The translation is:]

“And do not entrust to those who are weak of judgment the possessions which God has placed in your charge for their support; but let them have their sustenance therefrom, and clothe them, and speak unto them in a kindly way” [4:5].

“Those who are weak of judgment”, or, [literally] “weak-minded” is the English translation of the Arabic word *sufaha* which occurs in this verse. It is the plural of the word *safee* which I mentioned last week. And it is very interesting to find that the *mofasser*¹⁷ is interpreting that word “sufaha” as meaning “children and women.” That is what I mean when I tell you that in the Qur’an every word represents a Truth, and it is applicable at all times and in all places, as opposed to the opinion of a human being which could be right or wrong. Moreover, the human mentality develops and differs from time to time, and place to place. So, according to one tafseer, the word *safee* is applicable only to women and children. I find this interpretation unacceptable. There are children nowadays who think in terms of computers and economics.

I remember, my son used to get one dollar from me every day when he went to school in grades 6 and 7. One day he said, “Aren’t you going to raise my allowance a little bit; don’t you know there is inflation nowadays?” I said, my son, I did not know the meaning of that term even while I was in the university! You cannot call a child in grade six or seven talking in that way a “safee”. This is what I mean when I say that a tafseer written 300 years ago may not be applicable today. When it comes to women and you watch the CNN business program on TV, you see a woman analyzing the world economy and, at the same time, predicting the economic trends. How can you say that she belongs in the area of “*sufaha*”? It is just not applicable. It is not reasonable. Even by accepting it ourselves we are putting our Qur’an down, because people who use their reason in this regard will laugh at us, and laugh at our religion if we say such a thing. The woman of today is different from the woman of 200 years ago; the children of today are different from the children of 50 years ago, while the language of the Qur’an is such that it can be explained at any time according to the intellect of man, and according to the environment in which he lives.

There are some other tafseers which are as old as the

one I have just mentioned, but the people who wrote them defined “sufaha” in such general terms that it will be applicable even today. In one such tafseer, the author has defined the term as follows: “*safee* is the person who spends his money uselessly be that he is a child or an adult, male or female. His actions will indicate if he is *safee* or not.” This is a big difference from the first tafseer which says “women and children are the *sufaha*”, period. As if all women are alike and all the children are alike!

“Sufaha” would include the orphan children who are too young to exercise sound judgment with regard to spending their money.

The job of the guardian entrusted with the care of the money of a *safee* is to feed him, to clothe him, to give him the necessities of life from his money, and to talk to him kindly; don’t consider yourself above him; don’t consider it a relationship as between a master and a slave because you are mainly giving him his own money back. Your role is that of a financial controller, that’s all.

[Imam quotes Arabic verse (4:6) and explains:] This verse goes into all the ramifications to show Muslims how to act with regard to the money of orphans. The talk is directed to the guardian of the orphan, telling him to examine or test the ability of the orphan to control his own money, and that this assessment can be conducted any time before he reaches the age of maturity or adulthood. But the Qur’an uses the word “marriageable age” rather than “maturity or adulthood”: if, at any time before the marriageable age, you find that they are capable of taking care of their money and will not squander it, then give their money back to them.

Here, in America, adulthood is defined by the age of a person. If a boy or girl reaches sixteen years of age, he or she is allowed to have a driver’s license, and is also allowed to get married, but if he or she will go to buy his/her marriage license, it is granted only with approval of the father and mother. Some Muslim scholars also defined adulthood by the age of the person: some said 16 years, others said 18 years. But, according to this Qur’anic verse, a person is adult “when they reach a marriageable age” irrespective of the chronological age of the person. The marriageable age could be reached at 12 years of age, or sixteen, or even 21. It is not the same for every human being.

There is a special point to note here. We know this happens in our societies. A guardian taking care of the money of an orphan tries to spend as much of it as possible before the

¹⁷ The one who writes tafseer

child grows up, otherwise the kid will be asking for his money. The Qur'an specially cautions the guardian to abstain from such conduct.

The guardian may be entitled to a wage for taking care of that orphan and his estate, but the Qur'an says if the guardian himself is rich, then he should take care of that *yateem*¹⁸ and his money free of charge; if he is poor then he should take his wage from the money of the orphan to maintain himself according to the common standards of the society for the class of people among whom he lives. In other words, if the guardian is poor he should not eat from the money of the orphan like the aristocrats. This is the meaning of *bil-ma'rūf*. *Bil-ma'rūf* is a very pliable word: what is *ma'rūf* to day may not be *ma'rūf* tomorrow; what is *ma'rūf* in one country may not be *ma'rūf* in another country.

Don't pay back the money to the orphan except in the presence of witnesses. This is specifically mentioned so that disputes will not arise. Otherwise some people might say that

the guardian ate the money of the orphan, or, it is possible that the orphan might extort money from his former guardian. Whenever the Qur'an talks about money, it requires that witnesses be present and that everything be in writing. “وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ” – And God has full knowledge of all that you do.” [The English translation of the verse explained above is:]

“And test the orphans in your charge until they reach a marriageable age; then, if you find them to be mature of mind, hand over to them their possessions; and do not consume them by wasteful spending, and in haste, ere they grow up. And let him who is rich abstain entirely from his ward's property; and let him who is poor partake thereof in a fair manner (*bil-ma'rūf*). And when you hand over to them their possessions, let there be witnesses on their behalf – although none can take count as God does” [4:6].

¹⁸ Orphan

Sura An-Nisā

Imam A. M. Khattab

[Part 3 of 5]

Inheritance

One of the problems that existed before Islam was that neither women nor children had the right to inherit from their family. The reason was that inheritance was limited only to those who could carry arms and defend the country; they were the people who received the estate of the deceased. Since women and children did not bear arms, they had no right to inherit.

Nowadays, something similar is happening but the situation is somewhat different. People are writing their wills such that their estates go to their male children and not to the female. When you question them, their reply is, “I don’t like my family wealth to go into the family into which the girl will marry.” And you may be aware that in Arabia, and also in many Muslim countries, until now, the marriage of cousins is preferred. Why? Because when my daughter marries the son of my brother, the wealth of Khattab will stay in the family; it will not go to the Smiley family. That is the reason behind the marriage of first cousins – so the wealth will stay in the family. The Prophet recommended against marrying close relatives in preference to marrying distant relatives. Today we know from medical research that there are scientific reasons behind this

recommendation although the Prophet, peace be upon him, did not know it at that time.

The problem of women being left out of the inheritance because the wealth will go out of the family did not exist at the time of the Prophet. We have just said that the women and the children were left out of the inheritance because they could not bear arms. Although the reasons for why they were, and still are, left out of the inheritance are different, the end result is the same. The Qur’an, being a Constitution applicable in all times and places, came to treat the problem of today, the problem of yesterday and the problem of the future, because it is the word of the Most Knower who knows the past, the present, and the future. So, the verse says, [Imam quotes Arabic. The translation is:]

“Men shall have a share in what parents and kinsfolk leave behind, and women shall have a share in what parents and kinsfolk leave behind, whether it be little or much – a share ordained by God” (مَّفْرُوضًا)[4:7].

Equality! Be that the estate is small or big. So, don’t say that, because my father left \$500 only, there is no need to

give those two girls; just give it to the boy and that's it. No. Even if it is one dollar it has to be distributed among the survivors – male and female. You know that when we pray (salah) we pray *fard* and *sunnah*. The *fard* is obligatory. Note that here when the Qur'an talks about inheritance, it uses the same word "*fard*" (مَقْرُوضًا).

How are these shares to be divided? Part of that division is in percentages, and it is very clear and easy, but not always. When the laws of inheritance were imposed on the Muslims, some of them had land which was to be divided among the heirs. One heir will take one-quarter, another one-third, and so on, and the remaining will be divided among the rest of the heirs. If the land was of a rectangular shape, it was easy. But suppose the land was the shape of our prayer room – with seven or eight corners – an octagon. How to divide it? When faced with this problem, the Muslims¹⁹ invented the branch of mathematics known as algebra, and it came into existence because there was a need for it. This is an Islamic invention urged by the Qur'an. The West learned it from us and they anglicized the Arabic name "*Ilm al Jabr*" to algebra [in the 16th century]. By means of algebra and mathematics, the western people *reached the moon*, while we, the Muslims, still cannot agree on *seeing it in Ramadan!*

The next Qur'anic verse, although talking specifically about the guardian who is taking care of the wealth of an orphan, is applicable to every area of our lives. It says to the guardian that he should imagine himself to be the person who has just died and left behind small and helpless children. Another person will be appointed as the guardian to take care of them. How would he like this guardian to treat *his* little children? He should put himself in the shoes of the other and treat those orphans in the same way as he would have him act towards his children if he were dead. This verse is applicable not only to the guardian/orphan relationship but it is applicable to *every* action in our lives. I have had many Muslims say to me that since "we are living in a non-Muslim environment, it is halal²⁰ for us to do anything because those are kuffar."²¹ But this verse here is asking us if we would like

those people whom we call the "kuffar" to act with our children or family or wealth, in the same way that we advocate. If you don't like the actions for yourself, don't do them unto others.

In this context I would like to draw your attention to a frequent topic of discussion among Muslims: halal and haram.²² Halal and haram is very clear: before you do anything apply it to yourself and, if you accept it for yourself, then, consider that it is halal, but, if you don't accept it for yourself, consider it haram. Don't wait for someone to give you fatwas,²³ or for this shaykh or that shaykh to tell you what is haram. You have the criterion within your own self: any action or intention, anything you are going to do, think first if you would accept this to be done to you or not. If you accept it for yourself, it is halal, if you do not accept it, it is haram. That is your own fatwa.

The next verse is an example of metaphorical language. It is an example, also, of *Ayat ul Wa'ed* – the verses which scare in order to impress upon you how much a certain behavior or action is hateful to people as well as to God. The verse says that eating the money of an orphan is like swallowing fire into your stomach.

The next verse talks about the division of a deceased's estate: "boys shall have twice the share of girls." Some western writers, when they come to this verse in Chapter An-Nisā, interpret it incorrectly. They say this verse indicates that the woman is worth just half of the man, or, the religion of Islam is treating the woman as a second-class citizen because two women are equal to one man. And I am very distressed to read books written by Muslims repeating the same thing, and saying that women are useless and they *should* be half of men. I am going to explain this to you now. By saying that the woman is worth only half the man, or, that two women equal to one man, we are basing our assertion on the first line of that verse and ignoring the rest of the verse which is *very long*. What does the rest of the verse say? First of all we should know that inheritance is the only context in which the Qur'an speaks of two shares for the man and one for the woman and that, too, *only in the area of 'asabaat*. 'Asabaat means "the children" of a deceased. For this reason it is more appropriate to say "the son

¹⁹ Muhammad ibn Musa al-Khawarizmi (778-840 CE) wrote his book *Hisab al-Jabr wal-Muqabala* in 830 CE in Arabic. It was translated into Latin in the year 1140 CE.

²⁰ That which is permitted or allowed

²¹ For example, these people mean to say that "it is halal for them to swindle the 'kuffar' out of their money", "to sexually molest

"kuffar women", and that "it is halal for them to default on a promise or contract that they have made with a 'kuffar' person"

²² That which is forbidden or sinful

²³ Religious verdicts

gets two shares and the daughter gets one share” rather than to say “the man gets two shares and the woman gets one share” because this is, in fact, not correct as you will see when you read the rest of the verse. The specific case, relating to children, which allots two shares to boys and one share to girls, is for one reason. The reason is that when Islam gives rights, it attaches them to responsibilities. If we compare the rights and the responsibilities of the brothers and the sisters, we find that the sister, upon final analysis, is better off than her brother.

That is because “الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ” – the men are the guardians of the women.”²⁴ What is the meaning of this verse? What is the meaning of “guardianship”? Does it mean that the relationship is one of master and slave? He orders her, kills her, sells her as it was in the Roman Empire? No. It is not! This verse means that *the husband is fully responsible to maintain his family financially*. In this respect, therefore, if a boy has two shares and the girl has one share in the estate of their father, the sister is still in a better shape. How? Because her share, if she gets married, will go straight to the bank, since her entire expenses are required to be paid by her husband. But her brother is expected to have a wife and children and he is fully responsible for all their expenses. So, in the final analysis, we find that the share of the girl is better than the share of the brother despite its one-to-two ratio. And what if the sister never marries, or is divorced, or widowed? In Islam, she is the responsibility of her father, her brother, or her children. Now, if we read the rest of the verse, we find things are different: assuming that the deceased left a father and mother, the father will inherit 1/6 of the estate and the mother will inherit 1/6. That is equality. That is one male and one female and they are equal in the inheritance. The Qur’an did not say that the father should take two shares and the mother to take one share. In some cases the mother will inherit more than the father.

If the deceased has brothers, and he also has one daughter, then, that one daughter will inherit one half of the estate while her uncles will be among the pool of inheritors and may end up getting a very little bit as compared to the daughter. So here we have males and females and the shares are not 2:1. The one daughter gets half of the wealth and the other half is divided among, possibly, ten or twelve persons including the father’s sisters, parents, and the rest of the wives,

if he had three, four wives. So it is not the case, as some people say, that the girls are half of the boys.

If the deceased left two daughters, they will inherit two-thirds of the estate. The remainder one-third of the estate will be inherited by the rest. Supposing there are ten male heirs. How much will be the share of each of them in comparison to the two girls? We have to understand that when Islam distributes the inheritance it does not consider the sex as a basis of the shares. In case of a deceased with no children but with surviving parents, his mother will have one third and his father one third. This is equality between males and females. If the deceased has brothers and sisters, then the parents shares will be reduced to 1/6. That is a transformation from one *fard* to another *fard*.

You know, when non-Muslim American women come to the mosque, and we tell them this, they express willingness to consider converting to Islam, because, in America, if a woman is working, her husband tells her that she has to buy groceries for the house, pay half of the rent and pay for the gas in the car because she is working just like him, and she has to share in the expenses of the house. In Islam, it is not like that. The Prophet said, “Any of you who can afford to marry, let him marry. If he cannot afford marriage, let him fast.” Why fast? Because fasting will guard him against unchastity. Islam has put the financial responsibility on the shoulders of the man.

“*Mim ba’di waseyyah*” means that the wealth of the deceased is not to be divided among the heirs except after his debts are paid, and after paying what he has written in his Will. Included in the debts which are to be paid, prior to division of the inheritance, is the *mahar* – the second part of the dowry. That is a debt. The wife, after getting her dowry, will then inherit from the remainder of the estate. So she has two shares. All these shares are stipulated in the Qur’an as *fard*.

Waseyyah means “Will”. Who can you write a will for? In Islam, you can write a Will only for someone who has no legal share in the inheritance; in other words, I cannot write a will for my son or my daughter because the Prophet said, “No will for someone who has a share in inheritance.” And you are allowed to write only one-third of your total estate in the form of a Will. If you name someone outside the family to receive two-thirds of your estate, the Islamic court will void the Will and reduce it to one-third because, even though it is your money, it is not legitimate for you to dispose of more than one-third of it in your Will.

²⁴ 4:34

Then, there is a very famous case in the law of inheritance called “*Meerath al kalala*”. The word “*kalala*” is taken from the word “*kalla*”, which means, “has become weak”, “*daeef*”, “*kamzor*”²⁵. A person will fall in this category if he has no children, or grandchildren, if he has no father or mother, if he has no grandfather or grandmother. In effect all his relatives ascending him are dead and all his relatives descending him are dead. This is the case of *kalala*. How is the wealth of a person who has no relatives to be distributed? “*Ashab ul Furūd*” are those with fixed shares, meaning brothers and sisters. The Qur’an states, if he has a brother or sister each of them will have one-sixth of the estate. If there are more than two, then, one-third of the estate will be divided among them. What about the rest of the estate? It will be distributed among the remainder of his nearest relatives who are still living. Note that in this country, if you die and you don’t have a Will, your wealth becomes government property. You *must* write a Will. *Write it!* Everybody’s case is different. As Muslims, this is a subject we have to study; we have to enquire from our lawyers what we should do to make our Will commensurate with the Islamic inheritance laws. We should make these inquiries because we may need them very soon, and by doing this we will be carrying our Islam one step further.

Four or five years ago, we did not know the word *zakah* here.²⁶ People would come and write \$100.00 donation to the mosque. “Donation” means it is optional and, as a result, it obligated us to thank them for donating \$100.00. I changed that; it is not a donation. No. *Zakah* is an obligation and you don’t deserve any thanks for that, because prayer and *zakah* are two of the pillars of Islam and nobody expects to be thanked for prayer; it should be the same for *zakah*. You pay it because this is not your money. It is the share of God, and thank God we have gotten used to this. The first year it was very hard but we have gotten accustomed to it now, and the checks are coming in by mail like taxpayers sending their taxes to the IRS. So, if we can follow the Islamic law of inheritance here in America, it will take us another step closer to Islam, especially as the Qur’anic verse, after elaborating all these details of inheritance, says: [Imam quotes Arabic. The translation is:]

“These are the bounds set by God. And whoever

pays heed unto God and His Messenger, him will He bring into gardens through which running waters flow, therein to abide: and this is a triumph supreme. And whoever rebels against God and His Messenger and transgresses His bounds, him will He commit unto fire, therein to abide; and shameful suffering awaits him” [4:13-14].

Note that the reward and punishment is mentioned as taking effect only after the rules of God have been fully elaborated and we are asked to follow those rules exactly. If you follow the rules, you will be rewarded and, if you don’t, you will be punished, that is to say, the person will have earned the consequences by his behavior and will get what he deserves.

The Christians who visit us here ask us this question very frequently: “You talk about reward and punishment always – is there is no forgiveness in Islam?” Yes, there is forgiveness in Islam, but, forgiveness is for the one who deserves it: those who abstain from wrongdoing and those who truly repent their wrongdoing. It is not open or unconditional or automatic; it is not open for someone to say that I will do this wrong today and repent for it tomorrow. Consider that everything in our daily mundane life is also based upon reward and punishment. For example, if you are a student who worked hard, you will succeed, but if you play all year long and go to the movies, you will fail. If you are a farmer and follow good farming practices and take care of your land, you have a good crop, if not, you will declare bankruptcy. Everything is based upon reward and punishment. So, if we consider our life as a whole it is like a school; we are here in a school and will be graduating, but no one will make a graduation party for us; it will be a funeral, instead. And when we graduate, either there is a punishment or there is a reward waiting for us. As a result, we have to account for that Day and prepare for it; we have to prepare our supplies for that Day. The Qur’an calls it “provisions”. What is meant by supplies or “provisions”? **فَإِنَّ خَيْرَ الزَّادِ التَّقْوَىٰ** – *at-taqwa*, God- consciousness: the best “provisions” are following the rules that God has set for us.

Before we continue further, we would like to know exactly the significance of the law of inheritance in Islam, and how we can relate it to the systems that are prevailing in our present time.

Nowadays, we have an economic system called capitalism which is based upon individualism, not collectivity.

²⁵ This is an Urdu language word Imam is using that he learnt in India in 1960

²⁶ Meaning that the Toledo Muslim community did not pay *zakah* as it should be paid

This system prefers the individual to the group, places him at the very apex, and he is free to earn as much wealth as he can. The government will never oppose as long as that person pays his taxes. In this respect, we sometimes observe some contradictions. For example, at the present time there is a “war” against smoking. Wherever you go, you find signs saying “Thank you for not smoking”. The government requires the manufacturers of tobacco to write on the packages that cigarettes cause lung cancer. On billboard advertisements, you find similar warnings but in very, very fine print, while the invitation to buy is in very, very big letters. There is a war against smoking wherever you go. But we don’t see the same when it comes to liquor, even though liquor is more dangerous than smoking. The reason is the tax revenue. The government is getting taxes on liquor which represents a very high percentage of the country’s revenues. If they discourage the consumption of liquor, the income of the government will be drastically reduced. These are the contradictions which arise in the capitalistic system. If you look at the law of inheritance in the capitalistic system, you find that a man inherits half of his wife’s estate after her death, and a woman inherits half of the husband’s estate after his death. The wealth is distributed in a very narrow sense. If you are paying attention to the news these days, that guy in New York, by the name of Mr. Rand, is getting an allowance of \$450,000 a month – just an allowance – while there are 3 million Americans homeless according to American statistics. That is a result of the capitalistic system. There are 8 million families in America living below the poverty level. That is the result of the capitalistic system. It has some advantages and some disadvantages.

We find, on the other extreme, Communism. In Communism, the individual is of no value: the value is placed entirely upon the community. The ownership is a communal ownership and not an individual ownership. As a result, there is no incentive. Everyone is employed with the government; he will receive a check at the end of the month, or at the end of the week, so why should he work. Whether he works or not, he receives a check in the same amount. We see this same state of affairs in some Muslim countries which embraced the socialist system. In government offices, employees are drinking coffee, and telling you, “Wait there. I did not finish my coffee yet” or “Take it easy. Why are you troubling our lives? Come again tomorrow – *bukan*.” Why? Because he is receiving his check, anyway. The girls who are employed in our government offices, you find them preparing the food for

cooking when they go home. They prepare it at the office to save time. That’s a fact; it’s not a joke. I have seen it with my eyes. When you go to communal ownership, what is called the cooperative society, and you want to buy a suit or something, the salesperson says to you: “It is there; if you are going to buy I will bring it down. It is there; look at it.” When you go to that capitalistic guy who is earning in his private ownership, he will invite you into his shop, give you coffee and tea, and will show you everything there is to see in order to lure you into buying, because he will live on what he will sell to you, while the other guy is receiving a check; he is not selling for himself. So, we find the capitalistic system is at the far right extreme, the communist or socialist system is on the left extreme, and neither of them is producing the right results commensurate with the value of a human being.

Islam is a combination of these two systems. You work and earn for your own self, but there are some areas where you have to distribute that money. For example, when Islam imposed *zakah*, it mandated the distribution of wealth: 2 ½ percent of the annual income of the Muslims is to be paid as *zakah* for God. There is no one to observe you, no police to watch you, and you need no IRS to follow you. It should come from your heart. This is not your money. So, when Islam is in your hearts and minds, then that payment will be voluntary and prompt. You are not scared of any other authority except your conscience. The IRS – Islamic Revenue Service – is one method of distribution of wealth. The other method is the *sadaqa*. The *sadaqa* is an optional charity; it is not obligatory. The Prophet, peace be upon him, implanted in the minds of the people his saying, “He is cursed who will go to bed with his stomach full while his neighbor is hungry.” That is a kind of sharing. That kind of sharing is referred to in the Qur’anic verse [Imam quotes:] “. . . Those who would assign in all that they possessed a due share unto such as might ask for help and such as might suffer privation.”²⁷

So Islam, in fact, is in between communism and capitalism. But, sometimes, an individual acquires great wealth, and has several sources of income which keep doubling his wealth in spite of his paying *sadaqa* and *zakah*. How is the wealth of such a person to be distributed? After his death, the shares fixed by the laws of inheritance will ensure that there will be no people who are very, very rich, while others are very, very poor. That wealth is to be distributed, not to the

²⁷ 51:19

wife [or husband] alone, but there is a *group* of people that will inherit the estate, including the wife, husband, children – married and unmarried – father, mother, grandmother, brothers and sisters. The whole clan will share the inheritance. Even those who are not entitled to a share in the inheritance, if they happen to be present at the time of distribution, Islam recommends talking to them kindly by saying a good word to them, and giving them something out of that inheritance, just to comfort them. [Imam quotes:] “And when other near of kin and orphans and needy persons are present at the distribution of inheritance, give them something thereof for their sustenance, and speak unto them in a kindly way.”²⁸ That is the system of Islam.

So, imagine if someone has millions, but, at the same time, has twenty or thirty relatives who are going to receive that estate, it becomes fragmented into pieces. Then, when one of these thirty heirs dies, his wealth will be fragmented again among his inheritors. This system of inheritance in Islam avoids some people being very rich while others are very poor, and this way the people will be very, very close to each other on the social level.

There are people who favor some over others in the matter of writing a Will. A father may write his estate, before his death, to his boy[s] and leave the girls out altogether. A man, if he has two wives, one of whom is very young and nice and the other is an old lady, may favor the children of the

younger wife. In Islamic history, we are told about a man whose name was Abdullah bin Rawaha. He wanted to write an orchard in the name of his son. He told the mother of the boy that he would like to write that orchard to her son so it will be his ownership. The mother replied that she would not accept until he had the Prophet, peace be upon him, witness that transaction. So, Abdullah bin Rawaha and his wife went to the Prophet and told him the proposition. The Prophet asked him: “Did you write the same for every one of the children.”

He said, “No.”

The Prophet said: “I am not ready to witness a wrong thing; I am not ready to witness a tyranny.”

Islam laid down rules to solve problems as they emerged in the early Islamic community and we are supposed to follow these laws. But many of us don't follow them. We follow whatever we want. And we quote a hundred hadith to justify what we are doing. But the things which we don't want to follow and for which there are authentic hadith, we don't mention those hadith. This is just like the person who does not pray, or fast, or give zakah, but when invited for lunch to your house, he asks, “Is that *halal* meat?” We have that kind of Muslims. I know a man from a Muslim country who was visiting here in Toledo. While eating lunch, he had a glass of whisky in front of him, but when the waitress came with the cooked food, he asked her: “Is that *halal* meat?” The whisky is “*halal*” but the meat is not *halal*! These are the oddities.

²⁸ 4:8

Sura An-Nisā

Imam A. M. Khattab

[Part 4 of 5]

Marriage Husband-Wife Relationship

Before Islam, a woman was treated as a piece of property in the house. She could be purchased or sold, she could be killed without anyone being answerable for it, and in the Golden Age of the Roman Empire, as well as in the Arab lands before Islam, she was inherited by the elder son after her husband's death. The elder son had the right to marry her, or to give her in marriage to another man, or prohibit her from remarrying entirely. To enact a change and to organize the Muslim community according to Qur'anic Law, verses came in installments to treat these various problems and thereby give the woman, under the banner of Islam, her right as a human being and a separate identity in the family in which she is living. Verse number 19 says, "O you who believe, it is prohibited to you to become heirs to your wives by holding on to them against their will. . . ."

There was another problem at the time and which still exists even among the Muslims. That problem is known in Islamic jurisprudence as *al 'abd* (*'abbada* or *'isti'abād*). It means making the life of a partner miserable. A man, for example, tries to make the life of his wife miserable so he can get her out

of his life in such a way that she will not have the right to ask for any money, late dowry, alimony or any right whatsoever. Some men do this by abandoning her. In the past and even today, some men will say to their wives that they will not live with them, and neither will they divorce them, but, that they will keep them suspended in a state where they will be neither married nor divorced. According to Islamic Law in Muslim countries, at present, if a man is away from his wife for a period of four months, she has the right to sue him for divorce, and she will get the divorce in spite of his will. But the men have gotten around this law, also. If someone is bent on making the life of his wife miserable, he will visit her once every four months so that the four-month counter will start anew. The reason he does this is to compel her to just get up and leave on her own so she will not be entitled to her rights consequent upon a legal divorce such as the late dowry, alimony, expenses and custody for the children, etc. He tells her to abdicate every right she has on him and then he will divorce her. He tries to make her life miserable so she will do just that. This is known in Islam as *al 'abd*. Verse number 19 continues to say, "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.”

Then the verse continues, “Live with them according to the common standard of living – *bil-ma'rūf*. If you hate them or dislike them, it is possible that you don't like something but there is some great good in it for you.” This last part of the verse is very educational for us. You know, in this society,²⁹ everything is based upon “love”. That's the magic word here. As soon as a man utters that magic word to a woman she will forget *everything*, whether he is saying it from his heart or not. When we compare what is happening, nowadays, to that verse in the Qur'an which is saying, even if you dislike them, it is possible that “God might yet make it a source of abundant good” for you, then, we know that the so-called “love” is not everything. Marriage is a responsibility, a partnership, and a joint struggle. Love is a word – glittering, shining; you see it in the dictionary, but in real life, as it is understood in this society, it does not exist, and the proof is also present in this society. The government statistics of 1974 state that of every two marriages in the United States, one ends in divorce. Fifty percent of marriages end in divorce. Those marriages were supposed to have been based on so-called “love”. So where has it gone? That brings us to the Islamic system and the Islamic definition of family life and marriage.

In Islam, the marriage is considered a sort of business. Like a business, it does well sometimes and not so well at other times, and the partners should work very hard, when it is not doing well, to lift it back up; they don't declare bankruptcy right away; they have to work to the maximum, and if all means are exhausted and nothing will work, then Islam provides divorce as a last resort, divorce being described by the Prophet as “the most hateful legitimate act in the eyes of God”.

The next verse is very interesting. It is a verse which we read and just pass over, although, upon analysis, it has many ramifications. It shows the difference between Islam as it used to be and Islam as we understand it today. The Qur'anic verse literally says that if you would like to marry a woman in place of the previous wife, and you gave your previous wife some gold or silver as a dowry, then, don't take back any part of it because that is hers; it is her exclusive ownership.

There is a story in Islamic history with reference to this verse. Among the Prophet's wives and daughters, there

was one who received around 12 ounces of gold or silver, or whatever they had at that time. Later, the people started to ask for more and more dowry. Omar bin Khattab felt that the people were asking for too much dowry and, therefore, one day, while giving the *Jum'ah*³⁰ speech he said: “People, why do you ask for too much dowry for the marriage of your daughters? You have to make it easy for both the boys and the girls to afford marriage.” A woman in the mosque opposed him and interrupted him while he was giving his speech, saying, “Omar, God gives us and you prohibit for us? Are you acting against God? Didn't you read the Qur'anic verse?” She quoted it for him.³¹

Then Omar paused for a while and uttered his famous saying, “The woman is right and Omar is wrong.” Omar, the most powerful Emperor of the Islamic Empire admitted to the truth in public saying that *he* was wrong and a *woman* was right. That does not happen nowadays. You come to the imams in our mosques and say to them they are wrong in this... O, no, they are not supposed to be wrong! Everything they say is right and the rest of the world is wrong! But that will show us the ethics of those bygone people and the equality between the governor and the governed. This incident has several ramifications. Where was that woman? Obviously, she was praying *Jum'ah*³² with the people who were praying. Then why do we, the Muslims of today, say it is prohibited for a woman to go to the mosque? And, when that woman interrupted Omar and talked to him, was she talking on the telephone, or did she raise her voice among those who were sitting and listening to the *khutba*?³³ Then why do we say, nowadays, that the voice of a woman is “*awra*”?³⁴ We say these things because we read certain books written by some human beings, while we don't use our brains to analyze what is written in the most truthful book – the Qur'an. Instead, we fall in behind those criticizing Islam, and criticize it with them. Wherever you go in the West, you hear them talking about the woman as a second-class citizen in Islam, and the same thing is written in their books, while the above incident considered in

³⁰ Friday

³¹ 4:20

³² The Friday congregational prayers

³³ Sermon

³⁴ The part of the male or female body that is mandated by Islam to remain covered at all times. “The woman's voice being *awra*” is understood to mean that “the woman's voice should not be heard by men”

²⁹ The American society

the light of the Qur'anic verse indicates the true status of the woman in Islam. In France, according to laws on the book to the present day,³⁵ a woman cannot purchase any property without the approval of her husband, yet they don't talk about the Frenchwoman as a second-class citizen.

If any of you read *The Blade*³⁶ last week, you would have seen a very interesting article. When you read between the lines of that article, you see that it is a form of advice to the western people who are expressing fears as a result of the unification of East and West Germany. In effect, the article lists a number of events and facts to explain that the real danger is Islam and not the unification of East and West Germany. It says Communism has disintegrated and is finished; now let us work on Islam. It talks about Islam flourishing everywhere. They have given some examples: in the last election in Algeria, the party of Islam won. In the last election in Egypt, the Muslims won 36 seats in the Parliament. Iran, as a result of the revolution, has declared itself an Islamic state. Islam is waking up in the former Soviet Union: three states of the former Soviet Union are full of Muslims who have started to wake up; the mosques are being built anew now; missions are going now from Al-Azhar to Russia. The article points out that these are all new effects. Moreover, in the West itself, Islam is considered as the second largest religion after Catholicism. And in London, England, there are over 100 mosques and the Muslims there are asking for Islamic family law to be applied in the life of the Muslims because of their large numbers.

This resurgence of Islam scares them. We don't feel it ourselves. People have started to wake up, and in spite of the tyranny of our leaders and governments, Islam is still spreading. But, still, the condition of the Muslims is deplorable. Wherever we are, we are lost. We have a quarter of a million Muslims in the city of Detroit and they are fighting each other; every political party in existence in the Arab countries exists in Detroit. In what way could these parties serve Islam? I have actually heard some Muslim people in Detroit swearing not by God, but by Antun Saadeh, a Christian leader who used to be the head of a party in Lebanon sometime ago. We say don't swear by Muhammad because it is haram; if you want to make an oath, it should be by God. No, they are making oaths by Antun Saadeh. That's the extent of the political partisanship, and while we ourselves are sleeping,

the people around us are looking at us and will do everything to their utmost to suppress our Islamic inclination. When I speak of "Islamic inclination", I mean *Islam as true Islam emanating from the heart*, not Islam carried out by force, not Islam in appearance, but *Islam emanating from the heart and moving on earth*.

As you know, the Muslims believe in appearance. If you go to Saudi Arabia now, the longer your beard, the stronger they deem your Islam to be. It doesn't matter even if you are dealing with narcotics! The longer your beard, the more revered you are because we are a people who believe in appearance. We don't emphasize action. Moreover, we are scared of each other and cannot say what is right or wrong. This Qur'anic verse shows us what should be the character of the Muslims. A woman was courageous enough to interrupt and oppose the toughest ruler in the history of Islam. Omar is known to be the toughest ruler in Islamic history, but he is also known as the most just of rulers.

The next verse talks about the relationship between a husband and wife. It is an example of the Qur'an talking to us in metaphorical language, a language that we are not to interpret literally. The verse says you should not forget the type of relationship you have with each other: you have become like one person. And in another verse the Qur'an says, "They [your wives] are as a garment for you, and you are as a garment for them."³⁷ The Qur'an recommends that material wealth should not be a consideration in the formation of a marriage contract. The marriage contract is a covenant – Islam calls it a covenant – a very highly respected document that will confirm the right of each towards the other. The Qur'an pictures the relationship between husband and wife as being so close that they are like one person. In the course of my experience in marriage counseling,³⁸ I frequently found that parties would like to dissolve a marital relationship simply because there was "no love" between the two. "Love" is a glittering word that you won't find except in the dictionary. The Qur'an has said to us very clearly that even if you don't like your partner, it is possible that you don't like something in which there is much good for you. [The translation of the last part of verse 19 and verse 20, as explained above is:]

"And consort with your wives in a goodly manner;

³⁵ This statement was made by Imam in May 1990

³⁶ The Toledo daily newspaper

³⁷ 2:187

³⁸ Imam was Director of the Dept. of Social Services at St. Joseph's Hospital, Sarnia, Canada, for seven years

for if you dislike them, it may well be that you dislike something which God might yet make a source of abundant good. But if you desire to give up a wife and take another in her stead, do not take away anything of what you have given the first one, even if you had given her a whole treasure (قِنْطَارًا³⁹). Would you, perchance, take it away by slandering her and thus committing a manifest sin? 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?" [4:19-21]

There is something else that is frequently a basis of complaint especially on the part of the woman. The relationship between a man and a woman is one of no formalities in Islam – “*ifbaq*” meaning “no formalities”. Normally, when a man deals with his wife, he treats her as he would himself, but with an outsider, he will show a little bit more gentleness. For example, if he has a lady visitor in his house, he will bring the coat for her. He will never do this with his wife. Then what happens? – and, if you don’t believe this, visit the family Court and you will find lots of these cases every day before the judge – the woman will say: “How come my husband is not as gentle as that guy” and they end up divorcing each other and remarrying, exchanging partners, and, afterwards finding the new partners worse than the ones before! When the Qur’an talks about marriage and husband-wife relationship, it starts with a very important statement: “Fear God who created you from a single Soul and of the same Soul created his mate.” It starts by telling you that the two partners are equal and, therefore, their life is a partnership, as if they were living one life. The relationship between the husband and wife is *ifbaq* – no formalities: every word between husband and wife is a secret which he or she may not divulge to somebody else. As a result, the Qur’anic verse says that a man cannot take from his wife a part of her dowry after they shared themselves with each other, and their life was fully secret between them and they spoke words to each other that they would not say to anybody else, and she received a very solemn covenant from him – meaning the marriage contract. The marriage contract in Islam is one of numerous contracts

mentioned in the Qur’an. Chapter Al-Mā’idah⁴⁰ starts by saying that believers should fulfill all obligations as stipulated in the contracts they have undertaken – أَوْفُوا بِالْعُقُودِ . And the marriage contract is referred to as a “most solemn” contract in the Qur’an. Many people who don’t know much about Islam say the woman is treated as a second-class citizen in Islam and she has no rights, but, if the marriage is a contract, then, how can she not have rights? The marriage contract is something not understood in this society. Here they have what is called, nowadays, the prenuptial contract. In the prenuptial agreement they stipulate, in the presence of the lawyer, that the wife would have no share of the money that the man earned before the marriage, and other such things. They write all this in case divorce occurs. In other words, they arrange for the divorce before the marriage has taken place, while in Islam, the marriage is characterized by permanence, and the divorce is made to be the most hateful legitimate act before God.

The next verse is a very long one and it talks about the prohibitions for marriage, that is, the women you cannot marry. The prohibitions actually came in two separate verses. Verse 4:19 states: “O you who believe! It is prohibited for you to inherit women against their will” as mentioned above. The other verse [4:23] is a long verse elaborating the various prohibited categories. A problem we face sometimes in this country is when you are marrying a cousin with the same last name. When you go to buy the marriage license and they see that your last names are the same, they ask, “Are you cousins?” If you say, yes, then they will deny you a marriage license, because cousins cannot marry in this country. Cousin marriage is acceptable in Islam. How do you solve that problem? When I have a young couple with the same last name, I advise them to respond as follows: when asked if you are cousins say, no, we are not cousins, but our family is like the Smith family in America who are not related to each other.

Finally, adoption in Islam is acceptable but on condition that the child continue to carry the name of the biological father. If you don’t know who the biological fathers are, then treat the adopted as “brothers and sisters in faith”.

³⁹ *Qintār* literally means a Talent of gold which is equivalent to 1200 ounces of gold. This quantity of pure gold would make 5,097 sterling gold sovereigns.

⁴⁰ Chapter 5 in the Qur’an

Sura An-Nisā

Imam A. M. Khattab

[Part 5 of 5]

Divorce

One hour ago, some lady from Georgia phoned me asking about divorce. Her husband said to her “You are divorced, you are divorced, you are divorced.” The lady ceases to see herself as a wife and the relationship is terminated! A lot of people understand it that way, even among the Muslims. This is a myth.

There is a whole science of divorce to know about. There is a divorce with conditions. There is the divorce of the angry man. There is the divorce of the crazy person. There is a divorce called *raja ʿ*; and there is a divorce called *baa’in*. And above all, in America, we have a “special divorce”.

When someone says to his wife “You are divorced, you are divorced, you are divorced” and he is angry, then, according to some Muslim schools of thought, the divorce of the angry man is not valid. You might be familiar with some people who say “*Wallāhi*”⁴¹ I am going to that place, *Wallāhi* I purchased such-and-such, *Wallāhi* I did this, this, and this.” He attaches the oath “By Allah” to everything he says. There is a kind of man who, instead of saying “By God” he says “My wife

will be divorced if I don’t go to that place”, or “My wife will be divorced if I don’t go to have coffee with him”, or “My wife will be divorced if.... The word “divorce” is on his tongue always. Such a person’s divorce is not binding. Pronouncing the divorce three times in succession is also not correct.

The divorce is a remedy: a remedy for a relationship for which all other remedial measures have been exhausted, and there is no other solution except a divorce. This is called *talaq raja ʿ*. *Raja ʿ* means that a man who divorces his wife has three months in which to reconcile and have her back without being obligated to give her a mahar again, to rewrite the marriage contract, and go to an imam. If he wants to bring her back after the three months, then he has to remarry her with a contract and a new dowry. If a *raja ʿ* divorce takes place three times and in *three successive months* – not in one month or in one session – then the woman cannot go back to the man unless she marries another man who then divorces her, or he dies a natural death.

Why must divorce occur three times in three successive months? In other words, if a man says to his wife “You are divorced” today, then he has to wait one month before

⁴¹ By God

he can repeat that statement, and then he has to wait another month before he can repeat it for the third time before the divorce can take effect. The reason is so the person can think it over – think about the results: the disintegration of the family, the victims who will suffer as a result of that action, i.e. the children. Maybe he will change his mind. It is not as some Muslims think that a man can pronounce three times in 15 seconds “You are divorced” and that will bring the relationship to an end.

In America we have a problem, nowadays, because we have some imams⁴² who declare that they don’t believe in the American court, they don’t believe in the American law, and, therefore, the divorce which takes place in the court is not right. As a result, from time to time, some people come here⁴³ and say to me, “I have been divorced in the American way and I would like to be divorced in the Islamic way.” And my answer to them is “I don’t know that there is any difference between the two – it is a divorce.” But some people say, no, the American law is not applicable to us as Muslims. When an American goes to Saudi Arabia and, say, he is arrested in a state of drunkenness in the streets, they whip him; they lash him because he is subject to the law of that land. When we acquired our citizenship in this country, if you remember, there was a swearing, by the Bible, or by the Qur’an, or whatever you swore on, that we were going to respect the law of this land. So if we don’t accept the law of this land then the easiest

thing is to go back home. That is the only solution. The problem is that if a man divorces his wife at the Islamic Center of Toledo one thousand times, not just three, and after a period of time he tells her “Come on, let’s go home”, then, how is she going to prove that she is divorced? She is still carrying his name; she said on the papers of immigration that she entered this country as the wife of that man. So, in this respect she will continue to be his wife legally, and the power or authority which can grant her legal rights is not vested in the Islamic Center. The Islamic Center cannot impose upon any man to pay the late dowry, or alimony to the children or wife, all of which constitute part of the Islamic Law. The American court has the power to do this. And when the divorce takes place in the American court, all the conditions which the Islamic law requires will be met. That is something the Muslims in America should know.

The lady who phoned me this morning said that her husband always has the word “divorce” on his tongue – he says it a hundred times a day. She went to some imams who told her she is divorced and that there is no way to go back to him. She was concerned about what will happen to her family because they have children. If we look at Islamic Law and the different schools of thought, we will find that some schools make it very hard, while some other schools make it easy for a divorce to become effective.

⁴² Religious leaders in mosques

⁴³ To the Islamic Center of Greater Toledo, Ohio