

(15) *"And those of your women who commit illegal sexual intercourse, take the evidence of four witnesses from amongst you against them; and if they testify, confine them (i.e. women) to houses until death comes to them or Allah (SWT) ordains for them some (other) way."* This was the first *ayah* revealed prescribing the punishment of fornication. According to this *ayah* a women who committed adultery and was proven guilty by evidence of witnesses, was to be confined in her home and was not allowed to leave until she died or Allah (SWT) ordains another way for her i.e. when He revealed the *ayat* of surah *Al-Nur*. Later Allah (SWT) abrogated this *ayah* when He revealed the punishment of fornication in surah *Al-Nur* i.e. flogging for fornication and stoning to death for adultery. The reason for its gradual evolution was because at that time the Arabs were not used to live under a state or accustomed to such practices, therefore, Allah (SWT) did not impose the complete Islamic system on them at once but it was enforced gradually.

(16) *"And the two persons among you who commit illegal sexual intercourse, punish them both."* This *ayah* also commands the Muslims to punish those persons among them who commit fornication. But the type of punishment is not described here but it was later on revealed by Allah (SWT) in surah *Al-Nur* as mentioned in the above *ayah*. Further Allah (SWT) says: *"And if they repent and do righteous good deeds, leave them alone. Surely, Allah (SWT) is the One Who accepts repentance, Most Merciful."* i.e. if the person repents and does good deeds, then it will erase the sins committed by him, so do not then abuse them or punish them after that, for surely Allah (SWT) is the Acceptor of repentance and Merciful to His servants. *Tawbah* is an Arabic word which means 'to turn back' or to 'return'. In Islam this term is used to convey two distinct thoughts: man turns to Allah (SWT) for mercy, and Allah (SWT) turns to man in mercy.

(17) *"Allah (SWT) accepts only the repentance of those who do evil in ignorance and foolishness and repent soon afterwards; it is they to whom Allah (SWT) will forgive"* After a person commits a sin, if he hastens towards repentance and turns to Allah (SWT) for His mercy, with a firm intention and determination that he will not return to that sin ever again and regrets over having committed that sin then, Allah (SWT)

also turns to him in mercy and forgives him. *“And Allah (SWT) is Ever All-Knower, All-Wise.”*

(18) *“And of no effect is the repentance of those who continue to do evil deeds until death faces one of them and he says: ‘Now I repent;’ nor of those who die while they are disbelievers. For them We have prepared a painful torment.”* i.e. those who persist in sin throughout their lives without any fear of Allah (SWT) and only repent when death approaches them, or those who die as disbelievers, then He does not accept their repentance and will punish them for their sins in the Hereafter.

(19) *“O you who believe! You are forbidden to inherit women against their will, and you should not treat them with harshness, that you may take away part of the dowry you have given them, unless they commit open illegal sexual intercourse.”* In the pre-Islamic era, the wives of the deceased were inherited as a part of the estate left by him. The male relatives of the deceased then would do what ever they liked with the widows against their will. But Islam abolished this practice and the Muslims were commanded not to act against the will of the women and they should not be a part of the inheritance. Another of the ignorant practices among the Arabs was that they would treat their women harshly so that they give up their right i.e. the dowry, which she was given upon marriage but if she commits adultery, in that case he is allowed to demand the dowry back from her. *“And live with them honorably. If you dislike them, it may be that you dislike a thing and Allah (SWT) brings through it a great deal of good.”* i.e. be kind to them and do not be harsh to them even if you dislike them. If your wife is not beautiful or has any other shortcoming then it does not mean that you disown her or separate from her, for it may be that what you dislike is better for you and she may have other qualities which might change your disliking for her into attraction.

(20) *“But if you intend to replace a wife by another and you have given one of them a Cantar (of gold i.e. a great amount) as dowry, take not the least bit of it back”* Allah (SWT) commands those of His servants who intend to divorce their wives, not to take back the dowry they have given to them, even if it is a heap of gold. This also indicates that a large amount can also be given as dowry. Al-Hafiz Abu Ya’la recorded

that Masruq said, *“Umar bin Al-Khattab (RA) stood up on the pulpit of the Messenger of Allah (SAW) and said: “O people! Why do you exaggerate concerning the dowry given to women The Messenger of Allah (SAW) and his Companions (RA) used to pay up to four hundred Dirham for a dowry, or less than that. Had paying more for a dowry been a part of Taqwa (piety) or an honor, you would not have led them in this practice. Therefore, I do not want to hear about a man who pays more than four hundred Dirham for a dowry.” He then went down the pulpit, but a woman from Quraysh said to him: “O Leader of the Faithful! You prohibited people from paying more than four hundred Dirham in a dowry for women” He said: “Yes” She said: “Have you not heard what Allah (SWT) sent down in the Qur’an” He said: “Which part of it” She said: “Have you not heard Allah’s (SWT) statement: “But if you intend to replace a wife by another and you have given one of them a Cantar (of gold i.e. a great amount) as dowry..” He said: “O Allah (SWT)! Forgive me...” He then went back and stood up on the pulpit saying: “I had prohibited you from paying more than four hundred Dirham in a dowry for women. So, let everyone pay what he likes from his money.””*<sup>1</sup> Further Allah (SWT) says: *“Would you take it through slander and a manifest sin”* i.e. would you take back wrongfully her right and thus committing a manifest sin.

(21) *“And how could you take it (back) while you have gone in unto each other, and they have taken from you a firm and strong covenant.”* i.e. how can you take back the dowry from her when you already had sexual relations with her and she gave herself to you with a solemn pledge of marriage, therefore, how can you take back her right if you yourself break the pledge.

(22) *“And marry not women whom your fathers married, except what has already passed; indeed it was shameful and most hateful, and an evil way.”* Allah (SWT) criticizes the practices of the pre-Islamic era when the sons of the deceased used to inherit their father’s wives (step-mothers) as concubines or would marry them. Therefore, Allah (SWT) prohibits them from marrying their step mothers as it is a very shameful and disgraceful act. And pardons them for what happened prior to this commandment provided that they mend their ways and avoid such shameful acts in the future.

(23) *"Forbidden to you are: your mothers, your daughters, your sisters, your fathers sisters, your mothers sisters, your brothers daughters, your sisters daughters"* This *ayah* describes those women relatives with whom a person is never eligible for marriage. First of all it describes those women which are prohibited by blood relations. Then *"Your foster mother who gave you suck, your foster milk suckling sisters"* The mother who gives a suckle to a boy, should be treated like a real mother and he cannot in any way marry her. Similarly the foster mother's daughters will also be regarded as his real sisters and thus are forbidden for marriage. There are different opinions amongst scholars on the amount of suckling that establishes relation and the age of the boy up to which suckling is permitted. For details refer to *fiqh* books. *"Your wives mothers"* According to this *ayah* the mother of one's wife is also prohibited for marriage. *"Your step daughters under your guardianship, born of your wives to whom you have consummated your marriage, but there is no sin on you if you have not consummated your marriage"* This *ayah* prohibits a person from marrying his step daughters i.e. daughters from his wife's previous marriage, if he has consummated his marriage with his wife, but if he divorced his wife before consummating the marriage then there is no sin upon him to marry his ex-wife's daughters. *"The wives of your sons who (spring) from your own loins"* i.e. wives of your real sons and not of your adopted sons. *"And two sisters in wedlock at the same time, except for what has already passed."* Allah (SWT) also prohibited a person from keeping two sisters as his wives except for those marriages which occurred before this commandment. Likewise it is also unlawful for a man to keep a niece and her real aunt as wives at the same time. And *"Verily, Allah (SWT) is Oft-Forgiving, Most Merciful."* i.e. Allah (SWT) will forgive their sins regarding these prohibitions which occurred prior to these commandments.

(24) *"Also (forbidden are) women already married, except those whom your right hands possess."* Allah (SWT) also prohibits a man from marrying those who are already married except for those married women who one acquires through war as slaves. *"Thus has Allah (SWT) ordained for you."* i.e. all these prohibitions are ordained by Allah (SWT), therefore, it is incumbent on all Muslims to follow them. *"All others are lawful, provided you seek (them in marriage) with dowry from your property, desiring chastity, not committing illegal sexual intercourse"* i.e. all women except

those prohibited in these *ayat* are lawful for a man to marry provided that they give them their right i.e. the dowry, and they marry them desiring chastity and not only to satisfy their sexual desires. *"So with those of whom you have enjoyed sexual relations, give them their dowry as prescribed; but if after a dowry is prescribed, you agree mutually (to give more), there is no sin on you."* Once a person has sexual relations with his wife, he should give her the prescribed dowry, but if by mutual consent, they both agree to increase it then there is no harm in it. And *"Surely, Allah (SWT) is Ever All-Knowing, All-Wise."*

(25) *"And whoever of you have not the means wherewith to wed free, believing women, they may wed believing girls from among those whom your right hands possess"* Those persons who cannot afford to marry free believing women, they are allowed to choose from their believing slave girls. *"And Allah (SWT) has full knowledge about your faith, you are one from another."* i.e. all Muslims are equal and they are not distinguished by their social rank in the society but by the quality of their faith. Therefore it is quite possible that a believing slave girl may be more faithful and more honorable with her Lord than a free believing women. *"Wed them with the permission of their own folk and give them their dowry according to what is reasonable. They should be chaste, not adulterous, nor taking boy-friends."* This *ayah* describes the conditions for marrying a believing slave girl; Firstly she should be an honorable women, not of those who commit fornication or look for illicit relationships. Secondly, do not marry them without the permission of their master, if they agree, then marry them and pay them their dowry in an honorable manner. *"And after they have been taken in wedlock, if they commit illegal sexual intercourse, their punishment is half that for free women."* After your marriage to them, if they commit adultery then their punishment will be half that of a free unmarried women, which would be 50 lashes. *"This is for him among you who is afraid of being harmed in his religion or in his body; but it is better for you that you practice self-restraint."* i.e. this concession for marrying slave girls is for those who are afraid of losing their chastity and cannot control their desires. But Allah (SWT) says that it is much better that they observe patience until He makes way for them to marry a free believing women. *"And Allah (SWT) is Oft-Forgiving, Most Merciful."*

(26) *“Allah (SWT) wishes to make clear to you, and to show you the ways of those before you, and accept your repentance, and Allah (SWT) is All-Knower, All-Wise.”* i.e. Allah (SWT) has instructed the believers on the social and cultural reforms of their society so that the believers turn to Him in repentance and He takes them out of the ways of ignorance towards the path of guidance and morality as followed by previous Prophets of Allah (SWT) and their followers. And whatever He decrees is out of His perfect wisdom and He knows of His servants, who submit to His commandments.

(27) *“Allah (SWT) wishes to accept your repentance, but those who follow their lusts, wish that you (believers) should deviate far away from the Right Path.”* This refers to the followers of the evil forces, whether they are amongst the People of the Book or within the Muslims i.e. the hypocrites. They out of their enmity and jealousy want the believers to turn away from the teachings of the holy Prophet (SAW), which they know is the truth, and they intend to make them follow their ways of ignorance.

(28) *“Allah (SWT) wishes to lighten (the burden) for you; and man was created weak.”* Muslims are called to control and conquer their earthly and bodily urges by taking up the social and cultural reforms, so that the commands and prohibitions instructed by Allah (SWT) are made easier for them.

#### **Foot Notes**

[1] Abu Dawud 2 : 582, An-Nasai 6 : 117, Ibn Majah 1 : 601.