

When my commentary on An-Nisaa 4:3 (see at the bottom) was published on the internet in July 2004, I received the following letter:

Dear brother Ayub Hamid Sahib,

Salamun alaikum,

Thank you for this noble effort of explaining the verses of the Qur'an for the benefit of all. May Allah (swt) reward you for this humongous work. I believe the Tafaseer (commentaries) are everywhere, yet there is a consistent need to provide different views on a subject so different people can benefit them in their own way.

I have read many commentaries of the verse 4:3, yet I have not been satisfied with any of them. All commentaries answer some questions while leaving others, or even generating new ones. Based on what you have written, I like to say that I have some agreements and some disagreements'. I am taking the liberty to make the following comments:

1. <<And if you fear that you on your own shall not be able to deal equitably with orphans [1], then marry such of their mothers...>>

I do not see "then marry such as their MOTHERS" anywhere in the verse 4:3. If Allah (swt) only desired that, He would have made that clear to us by using the word "MOTHERS". The verse merely enjoins us to marry women for the sake of taking care of the orphans' needs as well as the protection of their assets. I think the verse simply is saying 'marry women' of your choice (of course, if they are agreeable, too—men are not supposed to force). I agree that the best way to do that would be to marry their mothers for reasons you have pinpointed in your commentary. However, there could be situations where an orphan's mother wouldn't like to marry again (or that particular man), or in another scenario, an orphan may not have a mother in the first place. So, I believe Allah has not restricted the trustees to specific women. One can marry any woman as long as the noble goals of care and protection of orphans are achieved.

2. You, and in fact all others I have studied so far, say that Islam has limited the number of women that one can marry, up to four. The expression that this conclusion refers to is "mathna wa thulatha wa ruba'a" (two and three and four) in the verse 4:3. One thing that has almost always been ignored is that "mathna wa thulatha wa ruba'a" does not mean "two and three and four" but "by two and by three and by four". If it were "two and three and four", it would have been "ithnaan, thalatha and arba'a".

I think we need to take a long and hard look at the expression "Mathna wa thulatha wa ruba'a". Another verse this exact expression occurs in the Qur'an is verse 35:1.

35:1 Praise be to Allah, Who created (out of nothing) the heavens and the earth, Who made the angels, messengers with wings,- two, or three, or four (pairs) (mathna wa thulatha wa ruba'a): He adds to Creation as He pleases: for Allah has power over all things.

As you can see if the verse 4:3 had the meaning “two and three and four”, then the angels will have from two to four wings (a Hadith says Jibraell [as] has 600 wings as I recall). I believe it is not saying that. The expression “mathna wa thulatha wa ruba’a” probably is a way to say unlimited number of wings as there is no reason that angels could have only up to four wings. Allah, the Almighty, is not limited in giving wings to angels.

From the above, it seems that if at all the word “fa inkihoo” means “marry (and not marry off)”, then the expression “mathna wa thulatha wa ruba’a) does not mean “two and three and four” but it could mean “unlimited” (as long as one can afford). I do not see a good reason as to why Allah would limit men to four wives (for me and many, four is already a lot more than one anyway) as there could be a situation that the number of orphans to be care for and protected may be a great deal more depending upon one’s resources. If that is not the explanation (most will disagree with me, I am sure of that), then I would like to know what the real meaning of the expression “mathna wa thulatha wa ruba’a” are, that will fit BOTH the verses 4:3 and 35:1, as well as why Allah did not use “ithnaan wa thalatha wa arba’a” which actually does mean ‘two and three and four’.

Many thanks in advance for your further comments.

Wassalam,

Abdul H. Fauq

My Response

Thanks for your kind words of appreciation.

First of all, please do not view my writings about the teachings of the Qur-aan as a traditional translation and tafseer, because it is not. I am neither translating the Qur-aan nor presenting its tafseer. There are a plenty of these works already in existence. I am trying to share the teachings of the Qur-aan as I understand them along with the proper context in which those teachings were given. Thus, the bigger font gives the teachings and smaller font gives the context. I am just attempting to see if this style will help the Muslims and non-Muslim in the West better appreciate the message of the Qur-aan.

Secondly, I knew that many people will wonder about the mention of “mothers” and that is why I provided a detailed reasoning as to why women in 4:3 cannot be any women but the mothers of the orphans. Please re-read the reasons given in the original post. I find them very compelling. (It is given at the end of my response for the benefits of the readers.)

Thirdly, marriage to other women was always an option and remains an option. Nowhere in the Qur-aan, nor in this verse, has that option been negated. It was always allowed before the revelation of the Qur-aan and remains allowed, because it has not been expressly prohibited. However, the subject matter for the purposes of orphans remains “mothers of orphans” by marrying whom interests of their orphan children are better served. Marrying other women does

not serve that goal.

Fourthly, the use of “Nisaa” in the text of the Qur-aan has its advantages: The context and the construction of the sentence both specify them to be mothers of orphans when they are to be married for the benefit of orphans; while at the same time, they remain general for the purposes of the limitation to four and for the condition of justice among wives. This is an example of the supreme eloquence of the words of the Qur-aan.

Finally, “Mathna wa thulatha wa ruba’a” means “two each and three each and four each”, just as we say in Urdu, “do-do, teen-teen, chaar-chaar”. In that sense, it consistently means the same thing in both verses 4:3 and 35:1. The only difference between the two verses is that in 4:3, it stops at four, indicating that one cannot go beyond four. In 35:1, it continues by saying, “He adds to Creation as He pleases”, indicating that many angels will have more than “four each”.

Although the wording was clear in restricting the number of wives to four, the Prophet Sall-Allaahu 'Alayhi Wa Sallam cleared the matter by commanding anyone who had more than four wives to divorce the extra and stopping the believers from exceeding that number in future.

I hope this answers your questions and you find it useful.

July 13, 2004

The following is the relevant excerpt from my commentary of An-Nisaa:

The reforms start with protecting the rights of orphans; however, the definition of an orphan is different from that generally understood in English. The Arabic word translated as “orphans” is Yataamaa, which is plural of Yateem. Yateem referred to a minor child whose father had died, regardless of whether the mother was still alive or not. Death of the father was considered to be a major loss because it left the children without a provider to take care of their needs and a protector from abuse and exploitation. Many of the orphans’ guardians who were supposed to look after their interests used to take over the custody of their inherited assets under the pretext of managing them on their behalf; however, it ended up slowly becoming the guardians’ property, while the orphans were neglected and their needs were not appropriately met. Islam commanded extreme scruple in this respect and put a high value on being kind, generous, and charitable in looking after the needs of orphans. It transformed those people from being usurpers into being the protectors of orphans so much so that they would go out of their way to preserve the assets belonging to orphans and to be extra kind, gentle and caring for their needs, even if it meant giving from their own pockets.

Verse 2: And give to the orphans their assets, and do not substitute worthless things for their good ones, and do not consume their assets by adding to your own assets; that would surely be a great crime.

Verse 3: And if you fear that you on your own shall not be able to deal equitably with orphans{footnote}Some people assume that orphans in this verse refer to orphan girls only; but that is an invalid assumption. The points about injustice that started with the

preceding verse pertain to all orphans in general and not any particular section of them. The subject of remediation of those issues continues in this verse without any explicit or implicit indication that the emphasis has shifted from orphans in general to a specific group of orphans. Thus, there is no indication in the text about the shift from all orphans to orphan girls only. In addition, neither Allaah nor His Messenger has ever indicated the change in the definition of the term from one verse to the next. Hence, the idea of limiting the general word “orphans” in this verse to girls only is baseless and invalid.

{/footnote}, then marry such of their mothers{footnote}Although the word used here is “women” in general, the context requires that the women mentioned here must be those whose marriage can help alleviate injustice to orphans. ‘Women’ here cannot be any women because of the following: Firstly, there was no reason to prescribe more than one wife in general because that was already a prevalent practice. The established rule was that existing practices were allowed unless and until explicitly disallowed by the Qur-aan or the Prophet. Secondly, the verse clearly mentions the purpose of proposing extra marriages in this context to be the fair treatment of the orphans. Marrying women in general does not help with that objective at all, rather it may hinder it as will become clear in the discussion that follows. Lastly and most significantly, there was no context here to bring up the issue of polygamy in general while addressing the issues related to orphans. It has been brought up only as a viable alternative to help the guardians appropriately fulfil the guardianship responsibility towards the orphans. Thus, the context requires that the women being referred to in this verse have to be those who have some specific relationship with orphans – the mothers of the orphans, marrying whom will help in the better treatment of their orphan children. The suggestion is that to minimize any chances of compromise in looking after the well-being of the orphans under your guardianship, you can use the existing practise of polygamy to marry their mothers and jointly look after the orphans’ affairs more appropriately and effectively. In his Tafseer Tadabburul-Qur’aan, Amin Ahsan Islahi has strongly presented this view. Maudoodi has also expressed this as one of the valid opinions.

{/footnote} as are happy to do so, are legally allowed to you and you like them{footnote}Mufasssireen (exegetes) have indicated that the phrase used in the verse can have any or all of the three meanings. Hence, I have included all three meanings because they altogether represent the message of the verse fully.

{/footnote}, two or three or four; but if you fear that you will not be able to treat all wives equally, then marry only one or what your right hands possess; this way it is more likely that you will not deviate from justice. *Verse 4:* And give women their Mahr{footnote}Islam requires that a man must give to the woman he is marrying, as consideration for the marriage contract, a wedding gift consisting of cash, assets or any thing(s) that she may value, like and cherish. This gift is called mahr and without it, a marriage contract (nikaah) is not valid. The value of mahr should be such that a husband can easily pay, but must be high enough that the wife is happy about it.

{/footnote} in good spirit, but if they, of their own good pleasure, give up to you a portion of it, then enjoy it freely.

Considering the exploitative practices of unscrupulous people in dealing with the inheritance and assets of the orphans, Muslims were warned of the heinous nature of this crime and were told that the guardians of the orphans must ensure that:

- Any assets belonging to the orphans are duly assigned to their name, spent only for their care and given to them when they grow up;
- They are not substituted in any way, shape or form resulting in the reduction of their value; and,
- They are not mixed up with the assets of their trustee or guardian such that they could not be accounted for fully and accurately.

Being kind to people, when Allaah SWT gives commands, He also ensures that measures are taken that will make it easy for people to fulfill the objectives of the commands. Therefore, this command was accompanied by a multipurpose, effective and tactful use of an existing institution of the society. Polygamy was a well-established and accepted practice all around the world including Arabia. Many people had multiple wives. In fact, there was no limit to the number of wives a person could have. Some people had a dozen or more wives, just like most of the Biblical personalities had many wives. It was suggested to men that to take care of the orphans, you should use this existing, established practice and marry the mothers of the orphans -- if they would like to do so, if you like them and if it would not result in an un-Islamic relationship.

This opinion is based on the view that the word “orphans” is referring to all orphans in general, while the word “women” refers to specific women to whom the orphans belong. Other people assume that “women” refer to “women other than orphans”, while “orphans” are specifically referring only to the “orphan girls”. Invalidity of limiting “orphans” to “girls” only has already been clearly shown in the first footnote. But a little further review of this notion is needed. Those who take this view justify it by assuming that people used to marry young orphan girls and then usurp their assets. Hence, they are being told that instead of marrying orphan girls and usurping their assets, marry other women. The truth is that the option of marrying other women already existed for which no encouragement was needed. Besides, the verse is not saying, “To avoid injustice to orphan girls, marry women other than orphans”. Rather, it establishes a cause and effect relationship between justice to orphans and marrying women; and it is saying “if you think that you will not be able to be fair to the needs of orphans, marry those women who will help you in doing so.” The fact is that marrying any women in general does not have a clear cause and effect relationship with eradicating the abuse of orphan girls. Rather, according to another opinion, marrying more women was a cause of the orphan abuse.

That other opinion suggests that people misappropriated orphan’s assets because they would marry many wives, which created financial hardship, which led to misappropriation. Hence, the mention of polygamy was brought up to limit the number of wives to avoid the financial hardship that forced people to misappropriate other’s assets. Although it is true that the limit on the number of wives has been placed by this verse, it is not the only reason for which the issue was brought up. We cannot assume that to be the sole reason, because the verse does not say, “To avoid getting into financial hardship that could cause you to be unjust to orphans, do not marry more than four wives”. The style of the verse is that marrying a second, third or fourth woman has been presented as a solution to unfair disposition of guardianship responsibility.

Still another opinion is that injustice to orphans was already viewed badly in the society, but unjust treatment of wives was not. Hence, while talking about injustice to orphans, people have been commanded to be fair to their own wives as well. Again, the verse does emphasize justice to wives very strongly, but that is not the sole message of the verse. It does not say, "Just as you dislike doing injustice to orphans, you must also dislike being unjust to your wives. If you think that you will not be able to maintain justice, then marry only one." Another point is that if dislike of injustice to orphans was already ingrained in the society, why would Allaah command it so strongly in the preceding verse? The fact is that there was abuse of orphans in the society and Allaah wanted people to mend their behaviour.

In short, the meaning that fits properly in this verse and shows the proper cause and effect relationship is that the women being mentioned here are mothers of orphan boys and girls. The suggestion was that instead of putting orphans in orphanages^{footnote} Although the orphanage system has been helpful to orphans, there also have been many horror stories that have emanated from the orphanage system and numerous lives destroyed by it. The Islamic alternative mitigates the risk of abuse considerably.^{/footnote}, or leaving them under a loose relationship with a guardian for whom it may not always be possible to be fully attentive to the needs of the orphans under his care (even if the guardian had the best intention to do so), provide those children with a stable, inclusive, integrated home and family environment by marrying their mothers. This way, the widowed women will also be cared for. In addition, under this relationship, where the mother of the orphans is also the spouse and participant in the family affairs, the interests of her orphan children will be better served and any chances or opportunity for abuse or neglect would be avoided.

One may wonder about the wisdom of using "women" if the intent was "mothers". The whole verse is about women: first part about a particular group of women and remaining two conditions to be applicable to all women. For this multi purpose statement, the use of "Nisaa" (women) in the text of the Qur-aan has a great advantage of playing both roles distinctively: Both the context and the construction of the first part of the sentence easily specify them to be mothers of orphans when they are to be married for the benefit of orphans; while at the same time, they remain general for the purposes of the limitation to four, and for the condition of justice among wives. This is an example of the brevity aspect of the supreme eloquence and miraculous literary style of the Qur-aan. It so beautifully packs so many points in so few words, the intellectual beauty of which can be fully appreciated by those who have developed a refined taste of the Arabic literary style of the era of Qur-aanic revelation

Thus, the proper and complete message of the verse includes three aspects:

- To alleviate worries about properly fulfilling their guardianship responsibilities, people should use the existing practice of having multiple wives and should team up for that purpose with the orphans' mothers by marrying them -- if they are legally eligible to marry each other and they mutually like the idea -- so that both can help each other in providing the children the most appropriate level of care.
- As the topic of multiple marriages came up, its practice was also reformed by limiting the number of wives to four. Thus, for the first time in the history of mankind and in the history of religious texts, a limit was put on the number of wives. It was indicated that no Muslim could

have more than four wives at a time. Those who had more than four at that time were required to divorce the extras to reduce their number to four.

- Another reform was also simultaneously introduced by making justice among all wives a condition for eligibility to have more than one wife. If a person feels that he may not be able to treat his wives equally in terms of standard of living, finances and conjugal matters, he must not marry more than one wife. This matter of justice among wives was given such significance that it could not be exempted even for a good cause like taking care of orphans, thus giving a clear message that an injustice cannot be condoned for any expediency, even if the intent is noble.

It should be noted that the verse neither disallows the practice of polygamy, nor makes it conditional to the welfare of the orphans. It just presents it as a good way of providing a stable family to orphans. Men could always have multiple wives; Islam did not disallow it to them. They can continue to do so, if they choose, without any conditions other than the two imposed by this verse: they cannot exceed four and justice must be maintained among them.

While talking about marriage, another related issue -- the importance of giving mahr -- was re-emphasized and underscored so that Muslims understand that regardless of the reason for a marriage or the status of the woman being married, a reasonable amount of mahr must be paid in good spirit. It should not be just an empty promise, but it should be actually paid, unless a woman of her own free will and without any prompting or suggestion from her husband gives it back to him or spends it on household expenses.

In addition to the wives, the verse also mentions "What your right hands possess" which alludes to the slaves a person may have in his possession. When the Qur-aan was being revealed, slavery was deeply entrenched in the social and economic systems of the contemporary society all over the world. One of the fundamental objectives of Islam was to bestow equal status, respect, freedom and dignity to all human beings. As will be evident to anyone studying Islam and the Qur-aan, Islam achieved its goals through a systematic process of changing peoples' attitudes and paradigms along with changing their behaviour through incrementally progressive evolutionary commands that were willingly obeyed as received. This process ensured peaceful and sustainable results that profoundly revolutionized the society. Islam instilled in its followers that the only legitimate slavery is that of all human beings to their Creator. Any slavery of a human being to another human being, in any aspect, way, shape or form is illegitimate. In keeping with that notion, the Qur-aan refers to them as "what your right hands possess", instead of "your slaves". Terms such as "your slaves" or "my slaves" were used only for indicating the relationship between people and Allaah – the real Master and Owner of us all. Islam inspired its followers to become the liberators of people from human slavery to the slavery of Allaah. It infused in them the concepts of human equality so that the only differentiator among people becomes a person's performance in terms of faith and one's slavery (absolute obedience) to Allaah.

In addition to shifting their paradigm completely to Islamic ideals, Islam closed many avenues of enslaving people, took many steps to improve the treatment of existing slaves and implemented different ways that resulted in their liberation. For example, the Prophet SAW warned, "I will

personally be a prosecutor on the Day of Judgment against anyone who abducts a free person to sell him as a slave.” (Bukhaari -Book of Trades). This, of course, is in addition to the worldly punishment the person may get for his crime of abduction etc. In that regard, just the thought of the Prophet SAAW being a prosecutor and Allaah SWT being the Judge is a significant deterrent for any believer. Another example that is pertinent to this verse is that once a person had a child from his slave woman (keep in mind that contraceptive techniques of this age were not available in those days), she could not be sold or given to anyone any more and would be automatically free at that person’s death. Obviously, the children from this relationship are no doubt free children like any other children of their father from his wife.

Islam also encouraged Muslims to free slaves as an act of virtue for the pleasure of Allaah so that many Muslims would buy slaves and set them free to please Allaah. It resulted in the peaceful elimination of slavery from the areas under Islamic jurisdiction, without any civil war, but with proper assimilation and integration into the society, free of any prejudices or barriers. In fact, many freed slaves became the leaders and rulers of Muslim communities. Anyone who knows what happened in other parts of the world and what still happens can appreciate the beauty and profundity of what Islam accomplished.

Until the ultimate Islamic goal was achieved, exceptions were made to accommodate the needs of the society. This verse is the first such place.

The various provisional steps that were taken to ensure their well-being and the progressive steps that were taken to eliminate slavery will be highlighted when commenting on the pertinent text at different places in the Qur-aan. The interesting point to note is that the Qur-aan and Hadeeth are the only religious texts that have taken steps to redeem slaves and to eliminate slavery.