

## Why is the Law so central?

*alif lām mīm*

(2:1)

That is the Writ about which there is no doubt, a guidance to those of prudent fear:

(2:2)

Those who believe in the Unseen, and uphold the duty,<sup>1</sup> and of what We have provided them they spend;

(2:3)

And those who believe in what was sent down to thee, and what was sent down before thee, and of the Hereafter they are certain:

(2:4)

Those are upon guidance from their Lord; and it is they who are the successful.

(2:5)

## Marriage

### Who to marry?

And marry not idolatresses until they believe. And a believing slave girl is better than an idolatress, though she impress you. And give not in marriage to idolaters until they believe. And a believing slave is better than an idolater, though he impress you. Those invite to the Fire; and God invites to the Garden and forgiveness, by His leave. And He makes plain His proofs to men, that they might take heed.

(2:221)

The unchaste<sup>2</sup> man shall not marry save an unchaste woman or an idolatress; and an unchaste woman shall not marry save an unchaste man or an idolater — and that is unlawful to the believers —

(24:3)

And give in marriage the unmarried<sup>3</sup> among you, and the righteous among your male slaves and your female slaves; if they be poor, God will enrich them out of His bounty; and God is encompassing and knowing.

(24:32)

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<sup>1</sup> See Brother Gerrans' excellent analysis of *salaat* on page 79 of the article:

<https://quranite.com/wp-content/uploads/Addenda-to-The-Quran-A-Complete-Revelation.pdf>

<sup>2</sup> Sam: The root (z-n-y) conveys senses of unlawful sexual intercourse (sexual congress between two people who are not married to each other) and occurs at 17:32, 24:2, 24:2, 24:3, 24:3, 24:3, 24:3, 25:68, 60:12.

<sup>3</sup> Said: Arberry translates as *spouseless*. Lane's lexicon states: *She had no husband; said of a virgin and of one who is not a virgin.*

And let abstain those who find not<sup>4</sup> marriage until God enriches them out of His bounty. And those who seek the writ from among those your right hands possess:<sup>5</sup> contract with them if you know good to be in them; and give to them out of the wealth God has given you. And compel not your slave-girls to whoredom, if they desire chastity[...] — seeking the enjoyment of the life of this world. And whoso compels them, then God, after their compulsion, is forgiving and merciful.

(24:33)

And marry not what your fathers married<sup>6</sup> among women save what is past; it was sexual immorality, and hateful, and an evil path.

(4:22)

Forbidden to you are your mothers, and your daughters, and your sisters, and your paternal aunts, and your maternal aunts, and the daughters of your brother, and the daughters of your sister, and your milk-mothers, and your milk-sisters, and the mothers of your wives, and your step-daughters under your protection from your wives unto whom you have gone in (and if you have gone not in unto them, then there is no wrong upon you) and the wives of your sons of your loins, and that you bring two sisters together, save what is past; God is forgiving and merciful;

(4:23)

And ~~married~~ *chaste*<sup>7</sup> women save what your right hands possess. The Writ of God is over you. But lawful to you is what is beyond that, if you seek with your wealth in chastity, not being fornicators. And what you enjoy thereby of them: give them their rewards as an obligation.<sup>8</sup> And there is no wrong upon you in what you do by mutual agreement after the obligation;<sup>9</sup> God is knowing and wise.

(4:24)

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<sup>4</sup> Sam: i.e. find not the means for.

<sup>5</sup> We will look at directives concerning what a believer's *right hands possess* (commonly termed as slaves) since this specific type of slavery is not legitimized anymore (although still widely practiced).

<sup>6</sup> Sam: I take this to close the door to two sins at once: the sin of sexual relations with a previous wife of one's father, and any attempt to increase one's share of one's father's estate by marrying his widow.

<sup>7</sup> Said: For the sake of consistency, I have changed this word to *chaste*; it occurs at 4:24, 4:25, 5:5, 24:4, 24:23.

<sup>8</sup> Said: A man must pay an amount to the woman

<sup>9</sup> Sam: Once the obligation has been given and accepted, there is no Qur'anic impediment to the couple deciding their affairs as they wish.

And whoso among you has not the means to marry ~~free~~<sup>40</sup> ~~believing~~ *chaste*<sup>11</sup> women, then from what your right hands possess of believing maids; and God best knows your faith. You are of one another, so marry them with the leave of their people; and give them their rewards according to what is fitting, they being chaste and not fornicators, nor taking secret friends. But when they are in wedlock, then if they commit sexual immorality: upon them is half what is due the ~~free~~ *chaste*<sup>12</sup> women of punishment; that is for him who fears hardship among you. And that you be patient is best for you; and God is forgiving and merciful.  
(4:25)

Unchaste women are forbidden to believers as per 24:3. Verse 4:24 also forbids *chaste women of the common folk*<sup>13</sup> to the believers, effectively leaving only *believing women* or *women of those given the Writ before* as possible candidates<sup>14</sup> for a believing man. This understanding is confirmed in the following verse.

This day are good things made lawful for you; and the food of those given the Writ is lawful for you, and your food is lawful for them, as are chaste women among the believing women and chaste women among those given the Writ before you, when you have given them their dowries,<sup>15</sup> being chaste and not fornicators, nor taking secret friends. And whoso denies the faith: his work has been in vain, and he in the Hereafter is among the losers.  
(5:5)

## How to marry?

O you who heed warning: when the believing women come to you as émigrées: examine them. God best knows their faith. And if you know them to be believing women, then return them not to the atheists. Such women are not lawful for them, and they are not lawful for such women. And give them<sup>16</sup> what they spent. And you do no wrong to marry such women when you give them their rewards.<sup>17</sup> And hold not by tie denying women; and ask for what you have spent, and let them<sup>18</sup> ask for what they have spent. That is the judgment of God; He judges between you; and God is knowing and wise.

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<sup>10</sup> Sam: Arabic: *muḥṣināt* — chaste (women). The apposition is between chaste (i.e. someone known to have had sexual relations only within marriage) and someone about whom that is not known; *muḥṣināt* are women protected — from within the culture or tribe — not those brought in as captives (by war or purchase) whose past is not known. The word *muḥṣināt* is often translated as free in such contexts (which I have done here) which is correct in principle but requires additional information to be understood.

<sup>11</sup> Said: For the sake of consistency, I have changed this word to *chaste*; it occurs at 4:24, 4:25, 5:5, 24:4, 24:23.

<sup>12</sup> Said: For the sake of consistency, I have changed this word to *chaste*; it occurs at 4:24, 4:25, 5:5, 24:4, 24:23.

<sup>13</sup> Said: i.e. gentiles.

<sup>14</sup> Said: We will not look at the exception to marrying chaste womenfolk (of the gentiles) in the case of what a believer's *right hands possess* (commonly termed as slaves) since this specific type of slavery is not legitimized anymore (although still widely practiced).

<sup>15</sup> Sam: Lit: *rewards*; A man must pay an amount to the woman.

<sup>16</sup> Sam: i.e. the atheists.

<sup>17</sup> Said: A man must pay an amount to the woman.

<sup>18</sup> Sam: i.e. the atheists.

(60:10)

And if any of your wives slip away from you to the atheists, then you are met with the same:<sup>19</sup> give those whose wives have gone the like of what they spent,<sup>20</sup> and be in prudent fear of God in whom you are believers.

(60:11)

And they ask thee for a ruling concerning women. Say thou: "God gives you the ruling concerning them," — and what is recited to you in the Writ concerning the fatherless women<sup>21</sup> (to whom you give not what is prescribed for them, and yet desire to marry them) and concerning the oppressed among children; and that you stand up for equity for the fatherless. And whatever you do of good, God knows it.

(4:127)

And those of you who die and leave behind wives: they shall wait by themselves four months and ten.<sup>22</sup> And when they have reached their term, then you do no wrong in what they do concerning themselves according to what is fitting. And God is aware of what you do.

(2:234)

And you do no wrong in what you intimate to women of proposal, or hide within yourselves; God knows that you will remember them. But make not nor take an oath with them secretly save that you speak a fitting word. And do not decide upon the knot of marriage until the writ reaches its term. And know that God knows what is within your souls, so fear Him. And know that God is forgiving and clement.

(2:235)

Although verses 2:234-5 are in the context of marrying women whose husbands have died, a close reading of 2:235 suggests that an oath must be taken as part of the due process of marriage. This is also referred to obliquely in 4:21.

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All translations (unless otherwise noted) are from *The Qur'an: A Complete Revelation*

<https://reader.quranite.com>

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<sup>19</sup> Sam: i.e. women slip away from the atheists to you; A. J. Arberry renders here *retaliate* which is in keeping with the main sense of the word; Muhammad Asad uses *afflicted in turn* which also conveys the key sense which is of women, in turn, coming over to the side of the believers.

<sup>20</sup> Said: i.e. give them their dowry back.

<sup>21</sup> Said: See *Law of Orphans*.

<sup>22</sup> Sam: I.e. four lunar months and ten days.

Dated: 05/08/2024

Ver: 1.0

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