

The Problem of the Marriage of Widows

Muhammad Shakil Auj

In a society where unmarried girls are waiting for good matches, what could be the fate of widows. While unmarried girls have still an attraction of being virgin although dowry becomes a hindrance in it, the stigma of being a widow itself is enough to make them unattractive, except that if they are wealthy then this stigma could be hidden behind their wealth. But this is for those who are pretty, young and attractive also and have no child. Marrying a widow with children is not a common practice in our society.

It is true that the permission which the Quran gives to the men to marry for the second, third and fourth time is because of marrying widows. But surprisingly, the widows because of whom men were given this opportunity are actually lacking the companionship of men.

The Quran says:

﴿وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَاتَّخِذُوا مَا طَابَ لَكُمْ مِّنَ النِّسَاءِ مَتًىٰ وَثَلَاثَ وَرُبْعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً -----﴾ (١)

Tr. "If you fear that you will not do justice to the orphans then marry the mothers (of the orphans) whoever you like. Two, three, fourand if you doubt that you will not do justice among them then be content with only one."

It means that marrying more than once is conditioned by justice and where this condition is not likely to be fulfilled then it has been commanded not to marry twice. It is because marriage is not only the name of paying the dowry money but also meeting all the social and economic requirements of the partner.

Widows are free to arrange their own Nikah and they do not depend on a guardian for their marriage. At this point, Widows are placed at a degree higher than the unmarried girls. In the matters of the marriage of the unmarried women, it has not been mentioned at any single point throughout the Quran that they are free to arrange their Nikah.

However their right of choice and consent is fully accepted in Nikah. But this consent is regarded as dependent on the permission of the guardian. This is the beauty of the system Islam maintained in family matters. But if the guardians of such a girl are doing mistake in arranging her Nikah and this beauty of Islamic system is going to be distorted then she is surly permitted to marry herself against the will of her guardians. But this is an exception and normally the things should be like mentioned above.

*Dean, Faculty of Islamic Studies, University of Karachi, Karachi, Pakistan.

But the Quran gives a right to the widows to arrange their own matter and their guardians have been asked to provide favors to them. The Quran says:

﴿فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ﴾ (٢)

Tr. "And when the widows complete their term (Iddat) then they should decide about themselves whatever they want according to the customs. You have no burden of it."

'Deciding about themselves whatever they want' usually meant for Nikkah however it could mean to prepare themselves and beautifying themselves for second marriage. Anyway, a widow is free in her matters. In the perspective of the next verse, the first meaning seems more appropriate. The statement 'according to the customs' shows that her decision should be appreciable by the society according to the customs. The Quran has described the Nikah as with the word 'custom' or 'an appreciable act made' and hence it is clear that Nikah is a 'custom'.

It means that according to the Quran the Nikah of a widow is 'an appreciable custom'. Those who do not like it are against the Quran. Actually this disliking of the Nikkah with the widows entered in our culture by the influence of Hindu society. While in Islamic society it has been regarded as a custom.

The Quran has even motivated the men to marry the widows:

﴿وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خِطَابَةِ النِّسَاءِ أَوْ أَكْتُمْتُمْ فِي أَنْفُسِكُمْ عَلِمَ اللَّهُ أَنَّكُمْ سَتَذْكُرُونَهُنَّ وَلَكِنْ لَا تَأْوَعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا وَلَا تَعْرَمُوا عُقْدَةَ النِّكَاحِ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ-----﴾ (٣)

Tr. "You are not answerable if you make a reference of asking for marrying a widow or hiding it in your hearts. Allah knows that you will take care of them. But do not make a commitment with them secretly. However say the appreciable thing, and do not make the engagement of Nikkah too stronger, until the decided time reaches its limits."

This verse points out several things:-

1. A message for Nikkah could be referred to the widows during their term (Iddat). The purpose of this reference is to console the widows so that they would not kill themselves from the sorrow of their husband's death. Your proposal would fill them with a new energy and hope which could become a means of new life for the widow and her children.

Hindu society has a custom to burn the widow alive (sati) with her late husband. While Islamic society gives the hope of a new life through the proposal of Nikkah.

2. A secret commitment with the widows is forbidden. For it can lead them to a wrong path.

3. In *حَتَّى يَبْلُغَ الْكِتَابَ*, means the term (iddat) which is obligatory. It means that during the term (iddat) the widow cannot be proposed very clearly.

4. *وَلَا تَغْرُمُوا عُقْدَةَ الرِّكَاحِ* shows that the person who will propose is the man, i.e. why he is called a *تَاكِم* while the woman a *مُنْكَوْحَة*.

Nikkah with a widow is not only a Sunnah but a social need also. It is a social need because it is more difficult and dangerous for a woman who had enjoyed the pleasures of marriage and the company of a man to live without man as compared to an unmarried woman. If a widow is not married again then the possibility of her being corrupted is greater than an unmarried girl. That is why in an Islamic society it is a command to marry with the widows. Even the widows are allowed to marry themselves so that they can choose a husband for themselves. So much so that if the late husband has written a will that after his death his wife will be provided with the food and clothing and shelter for one year. i.e. seven months and twenty days more than the term (iddat) she will get for her social needs from her late husband's property, even then she is permitted to find a new companion and settle with him after her term (iddat). However, in this case she will have to leave the food and clothing by her late husband's will.

﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ مِنْ مَّعْرُوفٍ﴾ (۴)

Tr. "And those among you who die and leave the women behind (then they should leave) a will for their women that they will be provided by their social needs for one year without leaving the home. However, if they leave the home (of their late husband) themselves then you have no burden of it, which they have done for themselves in their own betterment."

The above mentioned verse shows that this kind of will is ordered to be made according to the needs of the women in which the women enjoy the right to take the benefits of this will till one year. In this way the Quran has made it the responsibility of the heirs of the late husband to meet the financial needs of the widow till at least one year and during this period woman is also free to find another 'Kafil' i.e. husband for the rest of her life.

In verse 4 Surah Al-Nisa, Muslim men have been commanded to make widows their wives. In verse 141 & 235 of surah Al-Baqarah, the widows themselves have been made free for their own Nikah; and the verse 235 of surah Al-baqarah motivates the men to marry widows. Now see the verse in which the collective conscience of the society has been addressed to take care of the marriage of all the unmarried people of the society.

﴿وَأَتَّكِحُوا الْيَتَامَىٰ مِمَّا حَرَّمَ عَلَيْكُمْ﴾ (٥)

Tr. "And marry such of you who are unmarried".

The verse includes the word *أَيَامَى*. It is a very comprehensive word. *أَيَامَى* is a plural of *أَيْر* and *أَيَامَى* is used for any single person i.e. unmarried one, whether a man or a woman. Singles are of two kinds:-

1. Who are not married yet.
2. Married once but now lost the spouse.

Those who stop the widows to remarry should think about what they are doing, because Quran has made it a responsibility of even the whole Islamic society to find out a way for the unmarried people to marry and not to create obstacles in their way.

Sabeea'a binte Al- Haris Al- aslamya was pregnant at the time of her husband's death. The time for delivery was forty days with some difference in traditions. After delivery when she decided to marry then it was supposed to be inappropriate. Then she asked the matter from Hazrat Muhammad and he said: If you want to remarry then do it, because your term (iddat) is completed with the delivery".(6) (It means that there is no need to complete the term for four months and ten days). Although in this tradition there is a difference of opinion in the determination of the term (iddat), however even it also shows that one should make a haste in remarrying.

The importance and virtue of marrying the widows can be seen from the fact that the first Nikkah which our Holy Prophet made was with a widow and even after her death, the marriages he made were mostly with widows.

References

1. Al-Nisa/3
2. Al-Baqarah/234
3. Ibid;235
4. Ibid;240
5. Al-Noor/32
6. Syed Muhammad Aloosi Baghdadi (d.1270H) Ruh-ul-Ma'ani fi tafseer ul Quran-ul-Azeem wa Al-Sab-ul-Masani, vol.28, p.138, Maktaba-e-Imdadia, Multan. Date not mentioned.

Abstracts of Urdu Articles

Textual Meaning of the Quran and its Interpretation

Hafiz Abdullah

The textual implications of the Quran have been divided into four categories by Hanafi school of thought. The explicit meanings (*ibarah al-nass*) are based on the words and sentences of the text and these are the central and most authoritative meaning. These meanings are intended to be revealed and the words are aimed to convey these meanings. The explicit meaning (*ibarah al-nass*) is a tool to interpret the Quranic verses and it has played a vital role in the Quranic interpretation. The article deals with literal meanings and definition of *ibarah al-nass*. It also offers some examples to endorse the claim that it plays primary role in the Quranic interpretation.

Ashraf al-Tafaseer and its determination of Meaning and argumentation from Arabic lexicon

Hafiz Muhammad Shahbaz Hassan

When Arabs intermixed with non-Arabs Arabic artistic taste decreased and lingual changes took place, as a result complications and difficulties emerged to understand the Holy Quran. Many words of the Holy Quran became unfamiliar. In this situation the need to refer to Arabic language felt with intensity. The Holy Quran due to its unique styles, eloquence and brevity has miraculous distinctive features. These peculiarities can not be opened without the skill and expertness in Arabic language. But language has secondary rank in the deduction of commandments from Quran.

The right and positive pattern of premise of Arabic language is that which has accordance with following arrangements:

1. Fixation of meaning by the Holy Quran.
2. Fixation of meaning by Hadith & Sunnah.
3. Fixation of meaning by context.
4. To keep in view precedents and resembling.
5. To consider and regard the meanings of the words which were in use at the occasion of divine revelation of Quran.
6. To take into consideration the distinction of actual meaning and metaphorical meaning.
7. To prefer the well-known, stronger and apparent meaning.
8. To prefer the religious terms and meaning of the words.

Maulana Ashraf Ali Thanvi was a well known scholar of Muslims. He wrote many books about Islam. He is also Mufassir of Quran. Positive patterns of premise of Arabic Language are applied in Ashraf al Tafaseer.

These exegetical points are collected from the whole sermons, speeches and publications of Maulana Thanvi. This is the effort of Mufti Taqi Usmani, Sufi Muhammad Iqbal Quraishi and Abu Huzaifa Muhammad Ishaq Multani.

Quranic Compilation at the time of Abu Bakr Era of Caliphate and its Methodology

Hafiz Muhammad Abdul Qayyum

In the life time of the Prophet Muhammad (SAW), Quran was written down on different things like parchment, scapula bones and stones etc., but the Quran could not be compiled. In reign of Abu Bakr, the caliph Abu Bakr a committee comprising of noble companions of the holy Prophet Muhammad (SAW) was constituted to compile the Quran. This article deals with this narrative and throws light from a new angle on this story.

A Critical Analysis of Hadith Mentioned in the Book *al-Mawahib al-Ladunya* by Allama Qustilani

Samina Sadia

There are many books and articles have been written on the biography of the Prophet Muhammad (SAW). The sources of the Prophet Muhammad (SAW) biography can be divided into two categories; one of them is primary and second is secondary. The book of Allama Qastilani on the biography of the Prophet Muhammad (SAW) named *al-Mawahib al-Ladunya* although has been considered in secondary sources but this book is enriched with the primary sources. Due to its encyclopedic status on the above said *seerah* studies, many unauthentic and fabricated traditions have been found. These traditions have been analyzed in this article.

Rights of Non Muslims in an Islamic State

Abdul Rauf Zafar
Memuna Tabassum

In the contemporary age the champions of modern civilization claim that they have brought the world to light of civilization, progress, prosperity, human rights and equality. But unfortunately all such claims are hollow and soulless. In fact, the condition of human rights is such worse presently; there are endless sufferings for the minorities and the poor nations like Muslims. Under the theme of clash of civilization, the western people consider Muslims their incessant enemy after the fall of Soviet Union and communism. The western civilization has crossed all the limits to defame and abuse the Muslims and their social circles. The imperialist powers of

west have adopted their centuries old golden principle, divide and rule and they are quite successful in their ugly intentions and designs.

In this age of war, terrorism, human rights abuse and atrocities on minorities, the teachings of Qur'an and the Holy Prophet (SAW) can show the world the right path. Even a brief study of the life of the Holy Prophet (SAW) of Islam reveals that he through his teaching and deeds provided complete shelter and satisfaction to the non Muslims living in Madina. Even during later centuries the non Muslims enjoyed equal rights in an occupied land, they were provided refuge quite contrary to the customs of those days. In a Muslim state, the rights of non Muslims are safe-guarded and state is responsible of their welfare.

Juristic Variations-----A Comparison of Imam Sha'rani and Shah Wali al-Allah's Thoughts.

Saeed Ahmad
Muhammad Ijaz

Most prominent similarity between Imam Abdul Wahhab Sha'rani and Shah Waliullah is that they were both eminent Islamic jurists as well as Sufi Saints. According to them, Sufism (Tariqat) is the part of Sha'riah. Interpreting the injunctions of Islam, they placed Sufism and Shariah at same level. Both received the special indications from Allah to assimilate the different schools of thought. So they tried their best to bring the Sunni fiqhi schools closer to each other. In their opinion all four schools of Fiqh are on right path. This article is an attempt to highlight the work of two scholars named Imam Abdul Wahhab Sha'rani and Shah Waliullah for the integration of four schools of fiqh.

**Three World Religions and their Concept of Law
(A Comparison)**

Asia Rashid

Islamic Shariah stands as most usable, balanced and straight way of life through which humanity can achieve them ultimate aim. In fact Islamic shariah is the only way to fulfill the demand and conditions required by law of Allah. Islamic shariah is considered as universal and everlasting shariah for humanity. It helps in establishing a just and civilized society at large. The motives of shariah are the bring reforms and justice among individuals and societies. Allah Almighty has provided among instructions to the shariah revealed at different times, and nations, and these instructions were according to the needs of that times. As shariah of Moses was given name of Torah which was collection of laws .Psalms was the only collection of

prayers ,while Bible was revealed through Jesus for the sake of reforms in the previous shariah .But after departure of Jesus, his followers had made distorted for the sake their personal desires. These distortions caused misunderstanding of the revealed teachings. Allah Almighty revealed the Holy Quran through his messenger Muhammad (SAW) to streamline those misguided. The Holy Quran possessed all the teaching of earlier revelation of Torah ,Psalm and Bible and a comprehensive .and final conclusion was provided to humanity till the day of judgment.

Pre-Birth Baby's Rights (An Islamic Approach)

Irfan Khalid Dhillon

Allah Almighty the Creator has made three worlds for every human being. His/her first world is the womb of his mother where the most sensitive process of his/her creation is completed before his birth. After his/her birth, he/she enters the second world, where he stays till his death. After his/her death he/she will be transferred to the third world which is everlasting and where he will enjoy forever. There is a similarity between the first world and the last world. There is no obligation and duty on a human being in these two worlds. But by the blessings of Almighty Allah, Islam bestows a man many rights in the womb of the mother and in the life after death. This article aims at to explore those human rights which Islam provides a man before his birth. For example, prohibition for a woman to conceal her pregnancy, prohibition of abortion without the advice of a panel of medical doctors, provision of food and medicine for the health of mother to protect the health and life of the fetus, legal punishment to the aggressor who destroys or causes to the destruction of fetus, security of the right of ancestry, race and cast, right of inheritance, right to bequest for fetus, security of the property belonged to the fetus, and confession to establish any right in the favour of fetus etc. Islam not only provides all these rights to a man before his birth but Islamic law gives guarantee to protect and ensure all of them for him also.