

QS 7 Q 4:1–28

4.1 O mankind, fear your Lord who created you from a single soul, and created from it its spouse, and propagated from both many men and women. Fear God in Whose name you make requests one of another, and sever not the ties of kinship. God watches well over you.

4.2 Deliver their monies to orphans and do not substitute corrupt for pure. Do not consume their wealth by adding it to your own, for this would be an outrage most grievous.

4.3 If you fear you will not be fair towards orphans, so too with marriage. Marry whoever pleases you among women – two, three or four; but if you fear you will not be fair to them all, then one only, or else what you own of slaves. This would be closer to impartiality.

4.4 Give women their dowry, a free-offering. And if they willingly offer you any of it, then consume it in peace of mind and wholesomeness.

4.5 Entrust not your wealth to spendthrifts, wealth that God provided you for maintenance. Provide for them from it, and clothe them and speak kindly to them.

4.6 Put orphans to the test until they reach the age of marriage. If you observe in them maturity of mind, hand their monies over to them. Do not consume it in dissipation or in haste before they come of age. Whoever is rich should hold back, abstemious; whoever is poor should spend it fairly and honestly. When you deliver their monies to them, bring in witnesses thereof. God suffices as Reckoner.

4.7 To males belongs a share of what was left by parents and closest relatives, and to females belongs a share of what was left by parents and closest relatives, be it little or much – a portion decreed.

4.8 If the division of inheritance is attended by close of kin, orphans or the needy, give them from it and speak kindly to them.

4.9 And let those who leave behind progeny that is weak and for whom they fear – let them beware! Let them fear God and let them speak a fitting word.

4.1 O hommes! Craignez votre Seigneur qui vous a créés d'un seul être, et a créé de lui-ci son épouse, et qui de ces deux là a fait répandre (sur la terre) beaucoup d'hommes et de femmes. Craignez Allah au nom duquel vous vous implorez les uns les autres, et craignez de rompre les liens du sang. Certes Allah vous observe parfaitement.

4.2 Et donnez aux orphelins leurs biens; n'y substituez pas le mauvais au bon. Ne mangez pas leurs biens avec les vôtres: c'est vraiment un grand péché.

4.3 Et si vous craignez de n'être pas justes envers les orphelins,... Il est permis d'épouser deux, trois ou quatre, parmi les femmes qui vous plaisent, mais, si vous craignez de n'être pas justes avec celles-ci, alors une seule, ou des esclaves que vous possédez. Cela, afin de ne pas faire d'injustice (ou afin de ne pas aggraver votre charge de famille).

4.4 Et donnez aux épouses leur mahr, de bonne grâce. Si de bon gré, elles vous en abandonnent quelque chose, disposez-en alors à votre aise et de bon cour.

4.5 Et ne confiez pas aux incapables vos biens dont Allah a fait votre subsistance. Mais prélevez-en, pour eux, nourriture et vêtement; et parlez-leur convenablement.

4.6 Et éprouvez (la capacité) des orphelins jusqu'à ce qu'ils atteignent (l'aptitude) au mariage; et si vous ressentez en eux une bonne conduite, remettez-leur leurs biens. Ne les utilisez pas (dans votre intérêt) avec gaspillage et dissipation, avant qu'ils ne grandissent. Quiconque est aisé, qu'il s'abstienne d'en prendre lui-même. S'il est pauvre, alors qu'il en utilise raisonnablement: et lorsque vous leur remettez leurs biens, prenez des témoins à leur rencontre. Mais Allah suffit pour observer et compter.

4.7 Aux hommes revient une part de ce qu'ont laissé les père et mère ainsi que les proches; et aux femmes une part de ce qu'ont laissé les père et mère ainsi que les proches, que ce soit peu ou beaucoup: une part fixée.

4.8 Et lorsque les proches parents, les orphelins, les nécessiteux assistent au partage, off-

4.10 They who consume the monies of orphans unjustly are in truth consuming fire in their bellies, and shall be scorched by a raging Flame.

4.11 God commands you regarding your children: to the male what equals the share of two females. If they are females, and more than two, they inherit two thirds of what he leaves. If it be one female, she inherits half. To the two parents of the deceased belongs a sixth each of what he leaves, if he has children. If childless, and his parents inherit, his mother receives one third of what he leaves. If he has brothers, his mother receives one sixth, after deducting any bequests or debts. Your parents or your children – you know not which of them is nearer to you in benefit. This is an apportionment from God. In truth, God is All-Knowing, All-Wise.

4.12 To you belongs half of what your wives leave, provided they have no children. If they have a child, your portion is a quarter of what they leave, after deducting any bequests they have made or debts. Your wives' share is a quarter of what you leave, if you have no child. If you have a child, their share is one eighth, after deducting any bequests or debts. If a man or woman dies leaving no heirs, but has a brother or sister, then the share of each is one sixth. If more, they are partners in one third, after deducting any bequests or debts, and provided the bequest is not to their detriment. Such is the decree of God. In truth, God is All-Knowing, All-Forbearing.

4.13 These are the bounds set by God. Whoso obeys God and His Messenger, God shall admit him into Gardens beneath which rivers flow, abiding therein forever. And this is the greatest of triumphs.

4.14 Whoso disobeys God and His Messenger, and transgresses His bounds, God shall admit him into a Fire, abiding therein for ever, and abasing torment awaits him.

4.15 As for your women who commit adultery, call four among you to witness against them. If they so witness, confine them to their homes until death overtakes them or else God provides another way for them.

4.16 And if two males among you commit indecency, rebuke them harshly. If they repent and make amends, leave them alone. God always ac-

rez-leur quelque chose de l'héritage, et parlez-leur convenablement.

4.9 Que la crainte saisisse ceux qui laisseraient après eux une descendance faible, et qui seraient inquiets à leur sujet; qu'ils redoutent donc Allah et qu'ils prononcent des paroles justes.

4.10 Ceux qui mangent [disposent] injustement des biens des orphelins ne font que manger du feu dans leurs ventres. Ils brûleront bientôt dans les flammes de l'Enfer.

4.11 Voici ce qu'Allah vous enjoint au sujet de vos enfants: au fils, une part équivalente à celle de deux filles. S'il n'y a que des filles, même plus de deux, à elles alors deux tiers de ce que le défunt laisse. Et s'il n'y en a qu'une, à elle alors la moitié. Quant aux père et mère du défunt, à chacun d'eux le sixième de ce qu'il laisse, s'il a un enfant. S'il n'a pas d'enfant et que ses père et mère héritent de lui, à sa mère alors le tiers. Mais s'il a des frères, à la mère alors le sixième, après exécution du testament qu'il aurait fait ou paiement d'une dette. De vos ascendants ou descendants, vous ne savez pas qui est plus près de vous en utilité. Ceci est un ordre obligatoire de la part d'Allah, car Allah est, certes, Omniscient et Sage.

4.12 Et à vous la moitié de ce que laissent vos épouses, si elles n'ont pas d'enfants. Si elles ont un enfant, alors à vous le quart de ce qu'elles laissent, après exécution du testament qu'elles auraient fait ou paiement d'une dette. Et à elles un quart de ce que vous laissez, si vous n'avez pas d'enfant. Mais si vous avez un enfant, à elles alors le huitième de ce que vous laissez après exécution du testament que vous auriez fait ou paiement d'une dette. Et si un homme, ou une femme meurt sans héritier direct, cependant qu'il laisse un frère ou une soeur, à chacun de ceux-ci alors, un sixième. S'ils sont plus de deux, tous alors participeront au tiers, après exécution du testament ou paiement d'une dette, sans préjudice à quiconque. (Telle est l') Injonction d'Allah! Et Allah est Omniscient et Indulgent.

4.13 Tels sont les ordres d'Allah. Et quiconque obéit à Allah et à Son messenger, Il le fera entrer dans les Jardins sous lesquels coulent les ruisseaux, pour y demeurer éternellement. Et voilà la grande réussite.

cepts repentance, and is Compassionate to each.

4.17 Repentance, however, rests with God only for those who commit an evil unwittingly and soon repent—these God shall accept their repentance, and God is All-Knowing, All-Wise.

4.18 But repentance is not for them who commit evil deeds until, when death comes to one of them, he says: “I now repent”; nor for those who die as unbelievers. For these We have readied a painful torment.

4.19 O believers, it is not licit for you to inherit women against their will, nor must you coerce them so as to take possession of part of what you had given them, unless they commit manifest adultery. Live with them in kindness. And if you come to loathe them, perhaps you may loathe something in which God places abundant good.

4.20 If you desire to substitute one wife in place of another, and you had given the first a heap of riches, take nothing back from it—would you dare take it back falsely and in manifest sin?

4.21 And how can you take it back when you have been intimate with each other, and your wives have secured from you a most solemn pledge?

4.22 Do not marry women that your fathers had married, unless that act belongs to the past, for this would be an indecency, a thing most hateful and evil in its consequences.

4.23 Forbidden to you are your mothers, daughters, sisters, aunts paternal and maternal, nieces on your brothers’ or sisters’ sides, milk-mothers who suckled you and milk-sisters, mothers of your wives, and step-daughters in your custody from wives with whom you have consummated marriage – unless you have not consummated marriage with them, in which case no blame attaches to you. Forbidden too are legal wives of your own sons, and marriage with two sisters – unless that act belongs to the past. God is All-Forgiving, Compassionate to each.

4.24 Forbidden too are married women, unless they be your slaves.

The Book of God thus commands you. Licit for you is all that lies outside these limits, provided you use your wealth to contract legal marriage, not fornication. To those women among them

4.14 Et quiconque désobéit à Allah et à Son messenger, et transgresse Ses ordres, Il le fera entrer au Feu pour y demeurer éternellement. Et celui-là aura un châtement avilissant.

4.15 Celles de vos femmes qui fornicquent, faites témoigner à leur rencontre quatre d’entre vous. S’ils témoignent, alors confinez ces femmes dans vos maisons jusqu’à ce que la mort les rappelle ou qu’Allah décrète un autre ordre à leur égard.

4.16 Les deux d’entre vous qui l’ont commise [la fornication], sévissez contre eux. S’ils se repentent ensuite et se réforment, alors laissez-les en paix. Allah demeure Accueillant au repentir et Miséricordieux.

4.17 Allah accueille seulement le repentir de ceux qui font le mal par ignorance et qui aussitôt se repentent. Voilà ceux de qui Allah accueille le repentir. Et Allah est Omniscient et Sage.

4.18 Mais l’absolution n’est point destinée à ceux qui font de mauvaises actions jusqu’au moment où la mort se présente à l’un d’eux, et qui s’écrie: «Certes, je me repens maintenant» – non plus pour ceux qui meurent mécréants. Et c’est pour eux que Nous avons préparé un châtement douloureux.

4.19 O les croyants! Il ne vous est pas licite d’hériter des femmes contre leur gré. Ne les empêchez pas de se remarier dans le but de leur ravir une partie de ce que vous aviez donné, à moins qu’elles ne viennent à commettre un péché prouvé. Et comportez-vous convenablement envers elles. Si vous avez de l’aversion envers elles durant la vie commune, il se peut que vous ayez de l’aversion pour une chose où Allah a déposé un grand bien.

4.20 Si vous voulez substituer une épouse à une autre, et que vous ayez donné à l’une un qintâr, n’en reprenez rien. Quoi! Le reprendriez-vous par injustice et péché manifeste?

4.21 Comment oseriez-vous le reprendre, après que l’union la plus intime vous ait associés l’un à l’autre et qu’elles aient obtenu de vous un engagement solennel?

4.22 Et n’épousez pas les femmes que vos pères ont épousées, exception faite pour le passé. C’est une turpitude, une abomination, et quelle mauvaise conduite!

whom you take pleasure in marrying, you must render their dowries, as a legal obligation. But no blame attaches to you regarding what you have willingly agreed upon, once the legal obligation is fulfilled. God is All-Knowing, All-Wise. 4.25 If there is one among you who has not the means to marry free, chaste and believing women, let him marry from among your female slaves, believing maidens. God knows best your true faith, one and all alike. So marry them with their owners' consent and render them their dowries in kindness, as legal wives and not as lovers or as prostitutes. Once in legal wedlock, and if they commit adultery, upon them falls half the punishment of free and married women. This is a commandment addressed to those among you who fear fornication. But if you bear with patience, this is best for you. God is All-Forgiving, Compassionate to each.

4.26 God wishes to make clear to you, and to guide you concerning the laws of those who came before you, and to pardon you. God is All-Knowing, All-Wise.

4.27 So also God wishes to pardon you, but those who pursue their passions wish you to veer utterly from your path.

4.28 Yet God wishes to lighten your burden, for humans were created feeble.

4.23 Vous sont interdites vos mères, filles, sœurs, tantes paternelles et tantes maternelles, filles d'un frère et filles d'une sœur, mères qui vous ont allaités, sœurs de lait, mères de vos femmes, belles-filles sous votre tutelle et issues des femmes avec qui vous avez consommé le mariage; si le mariage n'a pas été consommé, ceci n'est pas un péché de votre part; les femmes de vos fils nés de vos reins; de même que deux sœurs réunies – exception faite pour le passé. Car vraiment Allah est Pardonneur et Miséricordieux;

4.24 et, parmi les femmes, les dames (qui ont un mari), sauf si elles sont vos esclaves en toute propriété. Prescription d'Allah sur vous! A part cela, il vous est permis de les rechercher, en vous servant de vos biens et en concluant mariage, non en débauchés. Puis, de même que vous jouissez d'elles, donnez-leur leur mahr comme une chose due. Il n'y a aucun péché contre vous à ce que vous concluez un accord quelconque entre vous après la fixation du mahr Car Allah est, certes, Omniscient et Sage.

4.25 Et quiconque parmi vous n'a pas les moyens pour épouser des femmes libres (non esclaves) croyantes, eh bien (il peut épouser) une femme parmi celles de vos esclaves croyantes. Allah connaît mieux votre foi, car vous êtes les uns des autres (de la même religion). Et épousez-les avec l'autorisation de leurs maîtres (Waliy) et donnez-leur un mahr convenable; (épousez-les) étant vertueuses et non pas livrées à la débauche ni ayant des amants clandestins. Si, une fois engagées dans le mariage, elles commettent l'adultère, elles reçoivent la moitié du châtiment qui revient aux femmes libres (non esclaves) mariées. Ceci est autorisé à celui d'entre vous qui craint la débauche; mais ce serait mieux pour vous d'être endurant. Et Allah est Pardonneur et Miséricordieux.

4.26 Allah veut vous éclairer, vous montrer les voies des hommes d'avant vous, et aussi accueillir votre repentir. Et Allah est Omniscient et Sage.

4.27 Et Allah veut accueillir votre repentir. Mais ceux qui suivent les passions veulent que vous vous incliniez grandement (vers l'erreur comme ils le font).

4.28 Allah veut vous alléger (les obligations,) car l'homme a été créé faible.

سورة النساء

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا (1) وَأَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَبِيثَ بِالطَّيِّبِ وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ إِنَّهُ كَانَ حُوبًا كَبِيرًا (2) وَإِنْ جَفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِمَّنِّي وَثَلَاثٌ رُبَاعٌ فَإِنْ جَفْتُمْ أَلَّا تَعْبِلُوا فَواحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعْوَلُوا (3) وَأَتُوا النِّسَاءَ صَدَقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا (4) وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَامًا وَارزُقُوهُمْ فِيهَا وَاكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا (5) وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا (6) لِلرِّجَالِ نَصِيبٌ مِمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِمَّا تَرَكَ الْوَالِدَانُ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَفْرُوضًا (7) وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ فَارزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا (8) وَلِيَحْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا (9) إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَسَيَصْلُونَ سَعِيرًا (10) يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ الْإُنثَىٰ فَإِنَّ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَرَثَةٌ أَوْ بَوَاهُ فَلِأَمَةِ الثَّلَاثُ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِأَمَةِ السُّدُسُ مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ آبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا فَرِيضَةٌ مِنَ اللَّهِ إِنْ اللَّهُ كَانَ عَلِيمًا حَكِيمًا (11) وَلَكُمْ نِصْفٌ مِمَّا تَرَكَ آزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ فَإِنْ كَانَ لَهُنَّ وَلَدٌ فَلِكُمُ الرُّبْعُ مِمَّا تَرَكَنَّ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثُّمُنُ مِمَّا تَرَكَنَّ مِنْ بَعْدِ وَصِيَّةٍ يُوصُونَ بِهَا أَوْ دَيْنٍ وَإِنْ كَانَ رَجُلٌ يُورَثُ كَلَالَةً أَوْ امْرَأَةٌ وَلَهُ أَخٌ أَوْ أُخْتٌ فَلِكُلِّ وَاحِدٍ مِنْهُمَا السُّدُسُ فَإِنْ كَانُوا أَكْثَرَ مِنْ ذَلِكَ فَهُمْ شُرَكَاءُ فِي الثَّلَاثِ مِنْ بَعْدِ وَصِيَّةٍ يُوصَىٰ بِهَا أَوْ دَيْنٍ غَيْرِ مُضَارٍّ وَصِيَّةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَلِيمٌ (12) تِلْكَ حُدُودُ اللَّهِ وَمَنْ يُطِعِ اللَّهَ وَرَسُولَهُ يُخْلِفْهُ فِئْتًا مِنْ دُونِهَا وَمَنْ يُضِلَّهُ فَشَرٌّ مِنَ اللَّهِ وَاللَّهُ غَافِرٌ رَحِيمٌ (13) وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ وَيَتَعَدَّ حُدُودَهُ يُدْخِلْهُ نَارًا خَالِدًا فِيهَا وَلَهُ عَذَابٌ مُهِينٌ (14) وَاللَّاتِي يَأْتِينَ الْفَاحِشَةَ مِنْ نِسَائِكُمْ فاسْتَشْهَدُوا عَلَيْهِنَّ أَرْبَعَةٌ مِنْكُمْ فَإِنْ شَهِدُوا فامسكوهنَّ فِي الْبُيُوتِ حَتَّىٰ يَتَوَفَّاهُنَّ الْمَوْتُ أَوْ يَجْعَلَ اللَّهُ لَهُنَّ سَبِيلًا (15) وَالَّذَانِ يَأْتِيَانِيَا مِنْكُمْ فَأْتُوهُمَا فِي نَابِئِهِمَا وَأَصْلَحَا فَاغْرُضُوا عَنْهُمَا إِنَّ اللَّهَ كَانَ تَوَّابًا رَحِيمًا (16) إِنَّمَا التَّوْبَةُ عَلَى اللَّهِ لِلَّذِينَ يَعْمَلُونَ السُّوءَ بِجَهَالَةٍ ثُمَّ يَتُوبُونَ مِنْ قَرِيبٍ فَأُولَئِكَ يَتُوبُ اللَّهُ عَلَيْهِمْ وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا (17) وَلَيْسَتِ التَّوْبَةُ لِلَّذِينَ يَعْمَلُونَ السَّيِّئَاتِ حَتَّىٰ إِذَا حَضَرَ أَحَدَهُمُ الْمَوْتُ قَالَ إِنِّي تُبْتُ الْإِنَّ وَلَا الَّذِينَ يُمُوتُونَ وَهُمْ كَفَارٌ أُولَئِكَ أَغْنَيْنَا عَنْهُمْ عَذَابَ الْإِيمَانِ (18) يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَجَلْ لَكُمْ أَنْ تَرْتُوا النِّسَاءَ كَرَاهًا وَلَا تَعْضَلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْنَهُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا (19) وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَكَانَ زَوْجٍ وَأَنْتُمْ إِحْسَانًا فَإِذَا تَأَخَدُوا مِنْهُ شَيْئًا أَتَأْخُذُونَهُ بُهْتَانًا وَإِنَّمَا مُبِينًا (20) وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنُ مِنْكُمْ مِيثَاقًا غَلِيظًا (21) وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنْ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ إِنَّهُ كَانَ فَاحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا (22) حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرَّضَاعَةِ وَأُمَّهَاتُ نِسَائِكُمْ وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ تَحْمِلُوا أَوْ تَبْنِي الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا (23) وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ كِتَابَ اللَّهِ عَلَيْكُمْ وَأَجَلٌ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَنْتَبِهُوا بِأَمْوَالِكُمْ مُحْصِنِينَ غَيْرَ مُسَافِحِينَ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَلَهُنَّ أَجُورُهُنَّ فَرِيضَةً وَلَا جُنَاحَ عَلَيْكُمْ فِيهَا تَرَضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا (24) وَمَنْ لَمْ يَسْتَطِعْ مِنْكُمْ طَوْلًا أَنْ يَنْكِحَ الْمُحْصَنَاتِ الْمُؤْمِنَاتِ فَمَنْ مَلَكَتْ أَيْمَانُكُمْ مِنْ فَتَيَاتِكُمُ الْمُؤْمِنَاتِ وَاللَّهُ أَعْلَمُ بِإِيمَانِكُمْ بَعْضُكُمْ مِنْ بَعْضٍ فَانكحُوهُنَّ بِإِذْنِ أَهْلِيهِنَّ وَأَتُوهُنَّ بِالْمَعْرُوفِ مُحْصَنَاتٍ غَيْرَ مُسَافِحَاتٍ وَلَا مُتَّخَذَاتِ أَخْدَانٍ فَإِذَا أَحْصَيْتُمْ فَإِنَّ أُتِيْنَ بِفَاحِشَةٍ فَعَلَيْهِنَّ نِصْفٌ مِمَّا عَلَى الْمُحْصَنَاتِ مِنَ الْعَذَابِ ذَلِكَ لِمَنْ حَشِيَ الْعَنَتَ مِنْكُمْ وَأَنْ تَصْبِرُوا خَيْرٌ لَكُمْ وَاللَّهُ غَفُورٌ رَحِيمٌ (25) يُرِيدُ اللَّهُ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ الَّذِي يَتَّبِعُكُمْ وَيُنَظِّفَ مِنْكُمْ سُنَنَ الَّذِينَ مِنْ قَبْلِكُمْ وَيُثَبِّتَ عَلَيْكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ (26) وَاللَّهُ يُرِيدُ أَنْ يَتُوبَ عَلَيْكُمْ وَيُرِيدُ الَّذِينَ يَتَّبِعُونَ الشَّهَوَاتِ أَنْ تَمِيلُوا مِيلًا عَظِيمًا (27) يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ وَخُلِقَ الْإِنْسَانُ ضَعِيفًا (28)

El-Badawi

At the heart of this passage – beginning with vv. 2–3, 10 – is the concern for [1] safeguarding an orphan’s right to inherit from his/her deceased father and, therefore, [2] re-marrying his/her widowed mother to a reputable suitor. This leads into a much broader discussion on [3] inheritance law (vv. 11–14) and [4] marriage law (15–28).

The passage’s concern for orphans and widows is in dialogue with numerous passages in earlier scriptures (especially Job 24:2–5; Jas 1:27) and later tradition (*Didascalia* 17–18). In the context of widows and orphans, the limitation of marrying four wives—and later the striking legislative detail of Q 4:11–28—are in dialogue with *Tractate Kethuboth* 93. The use of the *nisā*’ (lit. “women”) suggests non-virgins (unlike *banāt*, “maidens, virgins”) and their juxtaposition beside *yatāmā* (lit. “fatherless, orphans;” Q 4:3) warns its audience to protect ‘the widow and the orphan’ throughout the HB (e.g. Exod 22:22–24; Isa 1:17). The warnings against ‘devouring the wealth of orphans’ (especially Q 4:10) are in dialogue with condemning the Pharisees who “devour the households of widows” in Syriac and Christian Palestinian Aramaic versions of Mark 12:40 and Luke 20:47.

Beyond parallels in scripture and tradition, this passage suggests that the community that formed around the Qur’ān was, broadly speaking, Jewish Christian.

The death of male heads of household in this community left behind women (widows) and children (orphans) to fend for themselves in a precarious position. This community was likely threatened by war and its men died in battle (see Q 3:144–68).

Grodzki

This passage deals with the ethical and legal complexities of social life in a rather well-organized community, including issues of women, marriage, orphans, family, laws of inheritance. It also lists different obligations and rights related to them and may give one a good insight into the milieu and character of the community targeted by these instructions, with many sources in the Judeo-Christian texts.

Pregill

One of the most significant passages in the Qur’ān dealing with domestic affairs such as marriage and inheritance. The legislation of rules governing sexual ethics and familial structures, grounded in divine law, is implicitly intended to distinguish the community from outsiders; as such, following these guidelines allows for the drawing and maintenance of social boundaries. This is another distinctive concern of Late Antiquity: the regulation of intimate matters plays an analogous role in rabbinic culture and in Christian law codes like the *Didascalia Apostolorum*. The avoidance of sin in such matters is as definitive of communal identity as the avoidance of cultic infractions such as idolatry, which is exactly why idolatry and sexual transgressions are so closely associated in monotheistic discourse, going back at least

as far as the Prophetic books of the Bible. (I have noted elsewhere that the Qur'ān is actually quite anomalous in generally avoiding an association between idolatry and sexual transgression.) Strikingly, the Qur'ān treats not only questions of purity and appropriate relations in its code of sexual ethics, but addresses itself to questions of social welfare and justice here as well, integrating the legal rights of orphans and dependents into this discussion.

It is noteworthy that consuming the property of orphans under one's care is a *ḥūban kabīran* (v. 2). In the rich Qur'ānic lexicon of terms for sin and transgression, *ḥūb* is a *hapax legomenon*, identified in *tafsīr* as a loan-word from Ethiopic. However, the term has an obvious parallel with usages in rabbinic and Syriac Christian juridical discourse based on the Aramaic root *H-W-B* (cf. the ubiquitous rabbinic *ḥayyāv*, guilty or liable, and the Syriac *ḥaveṭ*, *ḥawbtā*, I sinned, I am guilty). This may signal some discursive relationship to analogous discussions in the Talmud or the *Didascalia*.

Reynolds

Vv. 26–28 seem to provide the Qur'ān's own justification or explanation of the legal material in the preceding verses. Evidently the Qur'ān means for this legislation [1] to match the *sunnas* of those who came before – presumably the Jews and Christians (who received the heavenly *kitāb* before it was given to the Arabs), and [2] to offer rules which will allow humans (but men in particular) to satisfy their desires (both sexual and material) within the bounds of the law. This latter point (see v. 28) suggests that the Qur'ān has a low anthropology (at least as concerns moral instincts) and reminds me of Q 3:14: *zuyyina li-l-nāsi ḥubbu l-ṣahawāt*.

Rippin

I am fascinated by the focus in these legal verses on a number of social entities, but especially by the focus on orphans. Polygyny is presented as a way to deal with orphans (but how is that a solution if one “fears that one cannot deal justly with the orphans” as in v. 3?). This seems to suggest ownership (as slaves?) of the orphans.

The theme of the passage might be said to be social justice, establishing entitlements in an explicit manner. The complexity of it all is overwhelming. But, given the way the rest of the passage turns, perhaps this needs to be understood in light of the Qur'ān's constant concern with establishing paternity. Can that provide a moral basis for this immense amount of detail? It is worth noting that a passage such as this has the potential to tell us about family structures at the time (especially in the forbidden degrees of marriage) and comparative anthropological information might be useful here.

Younes

[1] Q 4:3 seems to be addressing an immediate problem of orphans and their mothers. The main concern seems to be offering a solution to a social welfare issue and not the permission given to men to marry up to four women.

[2] The most striking aspect of this passage in linguistic terms is the case assignment of the word *imra'a* in v. 12. A native Arabic speaker, proficient in the use of the Arabic case system, who reads the text without being told what the case assignment is in the two words *kalāla* and *imra'a* and who has no previous knowledge of their case assignment in this verse would assign both words the same case. Words conjoined by 'aw always receive the same case in the Qur'ān. However, while *kalāla* correctly receives the accusative case, *imra'a* is assigned the nominative case, resulting in probably one of the most awkward phrases in the Arabic language. To my mind, this is a clear manipulation of the case system to impose a different reading on a text to produce a new meaning.

The word *kalāla* has been the focus of a great amount of research and has been written about extensively. David Powers' (2009: Chapter 8) suggestion to treat *kalāla* as originally *kalla*, which was part of the phrase *kalla aw imra'a* (a daughter-in-law or a wife), instead of the extremely complicated, often contradictory, definitions of *kalāla* found in traditional *tafsir* accounts, eliminates the grammatical awkwardness caused by the different case assignment in *kalāla* and *imra'a*.

Zellentín

Care for orphans has been at the heart of the Biblical tradition since Israelite times; it is hence difficult to read the Qur'ān's respective laws in dialogue with any specific part of the vast rabbinic and Syriac discourse on the topic. Within this broader tradition, however, detailed instructions for the care for orphans are a special concern not only for the Qur'ān (on *al-yatāmā* see here, Q 4:8–10 and Q 25:63–72) but also for the *Didascalia Apostolorum* (on *ytm'* see esp. chaps. VIII, XVII, XVIII). It is worthwhile exploring the conceptual affinities of the two texts.

For example, the *Didascalia* instructs its audience that if there is an orphan and a member of the community who has no children, “he should take the child in place of (his lack of) children” (Vööbus 1979:176). The *Didascalia* also specifies that a man with a son may adopt a girl, “and when her time has come, let him give her to him (i. e., the man's son) as a wife” (ibid.). Combined with these instructions, chapter 17 of the *Didascalia* threatens with the Judgment Day those who enrich themselves by mistreating orphans. The Qur'ān presupposes a similar attitude towards orphans and shares the *Didascalia's* emphasis on the well-being of and charity for them. It also regulates the transition to adulthood “once they reach the age of marriage” (Q 4:6), and it threatens those who enrich themselves at the expense of orphans with hellfire (ibid. v. 10).

While these general affinities are noteworthy only in conjunction with the broader legal affinity between the Qur'ān and the *Didascalia* (as argued in Zellentin 2013a),

they offer a tentative basis to allow us to perceive of points of departure. Elsewhere, for example, the Qur'ān prohibits the practice of a name change during adoption, insisting that God has *not* “made your adopted sons your sons (Q 33:4, a passage of some importance in recent scholarship). It seems that changing an orphan’s name would have been the case in the previous tradition. The Qur'ān, moreover, does not consider the possibility of marrying one’s son to an adopted girl orphan, as does the (strictly monogamous) *Didascalía*, yet it also raises the issue of the orphan girl’s marriage once she comes of age, namely when legislating just treatment of orphan girls in case a caregiver intends to marry the girl himself (Q 4:127). Hence, we can see that the Qur'ān has general legal affinities with late antique legal culture, and possibly with the way in which the issue of orphans are addressed by the *Didascalía* in particular. At the same time, the Qur'ān’s legal policies reflect an autonomous adaptation of the broader legal tradition to its specific Arabian context, as illustrated by its departure from the established practices in this case and many others.