

Tafseer Al-Baqarah (2: 240-242)

From the Book, Introduction to the Tafseer of the Quran,

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﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ مِنْ مَعْرُوفٍ وَاللَّهُ عَزِيزٌ حَكِيمٌ (240) وَلِلْمُطَلَّقاتِ مَتَاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَمَتِّعِينَ (241) كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَعْقِلُونَ﴾

“And those of you who die and leave behind wives should bequeath for their wives a year’s maintenance and residence without turning them out, but if they (wives) leave, there is no sin on you for that which they do of themselves, provided it is honourable. And Allah is All-Mighty, All-Wise (240) And for divorced women, maintenance on a reasonable basis. This is a duty on Al-Muttaqūn. (241) Thus, Allah makes clear His ayaat (laws) to you, in order that you may understand.” [TMQ Surah Al-Baqarah 2:240-242]

In these verses, Allah (swt) explains:

1. Husbands must bequeath, before their death, to spend on their wives and provide them with housing for a full year. It is not appropriate for guardians to force them to leave their homes, and the maintenance continues for them until the end of the year. This is unless they leave the residence by choice, at which time the maintenance ends with them. After that there is no sin on the guardians and they are not responsible for what they did to themselves, such as ending mourning, wearing beautiful clothes or perfume, and the like, according to what is known to people like them, within the legal rulings related to their public and private lives.

And Allah, glory be to Him, concludes the verse by saying that He is victorious over His command and punishes those who violate His command. He commands only what is right for His servants ﴿وَاللَّهُ عَزِيزٌ حَكِيمٌ﴾ “And Allāh is All-Mighty, All-Wise”

﴿وَصِيَّةً لِأَزْوَاجِهِمْ﴾ “bequeath for their wives.” That is, to make a will, and it is a Request (Talab) from Allah (swt), for those who are about to die, to make a will for their wives after them.

This Request is Decisive (Jaazim), as indicated by the Almighty, ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ﴾ “And those of you who die” And this Text (ManTooq) contains an Evidence of Indication (dalaalatul ishaarah) that this Bequest (waseeyah) is binding upon them while they are dead, i.e., it is their liability if they die without undertaking it. That is because Allah Almighty did not say “when death approaches them,” but rather He said, ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ﴾ “And those of you who die.” It was intended from the Literal Text ﴿وَالَّذِينَ يُتَوَفَّوْنَ﴾ “those who die.” Those who are about to die as a Metaphor (Majaaz), except that its use is an Evidence of Indication, as we said, of the consequence of this bequest upon their liability, if they died without having done so.

﴿مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ﴾ “a year’s maintenance and residence without turning them out.” That is maintenance for them and housing for the period of the year. It was in the beginning of Islam that a man must bequeath, upon his death, to his wife after him, maintenance and housing, for a period of one year. Maintenance and housing was obligatory for him for a period of one year, until the revelation of the Almighty’s saying, ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا يَتَرَبِّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ “As for those of you who die and leave widows behind, let them observe a waiting period of four months and ten days.” [TMQ Surah al-Baqarah 2:234]. So Allah (swt) made it obligatory for women, after their husbands died, to have a waiting period of four months and ten days. That is the period in which the husband must provide maintenance and housing, because it is the iddah waiting period.

And Allah (swt) did not leave it to the bequeath of the spouses. So He did not assign the determination of the iddah waiting period, to the spouses by a will, as **﴿وَصِيَّةً لِأَزْوَاجِهِمْ مَتَاعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ﴾** **“bequeath for their wives a year’s maintenance and residence without turning them out.”** Instead, Allah (swt) specified the waiting period, and made maintenance and housing obligatory within it and nothing more than that.

Then the verse, **﴿وَالَّذِينَ يَتُوفَوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾** **“As for those of you who die and leave widows behind, let them observe a waiting period of four months and ten days.”** [TMQ Surah al-Baqarah 2:234] abrogated the verse, **﴿وَالَّذِينَ يَتُوفَوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا﴾** **“And those of you who die and leave behind wives should bequeath for their wives a year’s maintenance and residence without turning them out.”** So, then the iddah waiting period for the woman, in which maintenance and housing is obligatory with regards to the woman, became four months and ten days. Her inheritance is a quarter if she does not have a child, and an eighth if she does have a child, as it came in Surat An-Nisa’a, **﴿وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثَّمَنُ مِمَّا تَرَكْتُمْ ۖ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ﴾** **“And your wives will inherit one-fourth of what you leave if you are childless. But if you have children, then your wives will receive one-eighth of your estate, after the fulfilment of bequests and debts.”** [TMQ Surah An-Nisaa 4:12].

It is not asked, how can the previous verse of Al-Baqarah in the recitation abrogate the subsequent verse in the recitation? This is not asked because, although it was before it in the sequence of recitation, it is after it in the sequence of Revelation. The Messenger (saw) commanded that it be placed in the recitation in this place, because the arrangement of the verses in the Surah chapter, is dependent on a wisdom that Allah (swt) Alone knows.

It is similar to the ayah, **﴿سَيَقُولُ السُّفَهَاءُ مِنَ النَّاسِ مَا وَلَّاهُمْ عَن قِبَلَتِهِمُ الَّذِي كَانُوا عَلَيْهَا﴾** **“The foolish among the people will ask, “Why did they turn away from the direction of prayer they used to face?”**” [TMQ Surah Al-Baqarah 2:142], it precedes in recitation, **﴿قَدْ نَرَى تَقَلُّبَ وَجْهِكَ فِي السَّمَاءِ﴾** **“Indeed, We see you turning your face towards heaven. Now We will make you turn towards a direction that will please you. So turn your face towards the Sacred Mosque.”** [TMQ Surah Al-Baqarah 2:144]. Note that it is revealed after it, just as it is fixed in its meaning, as we previously explained in its place of mentioning.

Ibn Jarir narrated from ibn Abbas (ra), who said, “Allah (swt) said, **﴿وَالَّذِينَ يَتُوفَوْنَ مِنْكُمْ وَيَذُرُونَ﴾** **“And those of you who die and leave behind wives should bequeath for their wives a year’s maintenance and residence without turning them out.”** So if a man died and left his wife, she would spend a year in his house and he would spend on her from his money. Then Allah (swt) revealed His mention afterwards, **﴿وَالَّذِينَ يَتُوفَوْنَ مِنْكُمْ وَيَذُرُونَ﴾** **“As for those of you who die and leave widows behind, let them observe a waiting period of four months and ten days.”** [TMQ Surah Al-Baqarah 2:234]. This is the iddah waiting period for the woman whose husband has died, except when she is pregnant, in which case her iddah waiting period is upon her giving birth to what is in her womb. He (swt) said of her inheritance, **﴿وَلَهُنَّ الرُّبْعُ مِمَّا تَرَكْتُمْ إِنْ لَمْ يَكُنْ لَكُمْ وَلَدٌ فَإِنْ كَانَ لَكُمْ وَلَدٌ فَلَهُنَّ الثَّمَنُ مِمَّا تَرَكْتُمْ ۖ مِنْ بَعْدِ وَصِيَّةٍ تُوصُونَ بِهَا أَوْ دَيْنٍ﴾** **“And your wives will inherit one-fourth of what you leave if you are childless. But if you have children, then your wives will receive one-eighth of your estate, after the fulfilment of bequests and debts.”** [TMQ Surah An-Nisaa 4:12]. So Allah (swt) clarified the inheritance of the woman and discarded the bequest and maintenance. (Tafseer at-Tabari, Al-Bayhaqi).

Therefore, we say that this verse was at the beginning of Islam. It imposed on husbands who died, the obligation of maintenance and housing for their spouses, for a full year. It was forbidden for the heirs to evict them from housing, or prevent them from maintenance throughout that year, as long as they did not leave the house.

If they leave by their own choice and leave the designated residence, then the obligation of maintenance ends for them. There is no blame or sin, neither on the guardians, nor on them, for

what they do to themselves regarding clothing, perfume, or the like, within the the limits of the Shariah. Allah (swt) said, ﴿فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا فَعَلْنَ فِي أَنْفُسِهِنَّ مِنْ مَعْرُوفٍ﴾ “but if they (wives) leave, there is no sin on you for that which they do of themselves, provided it is honourable.” This continued until the verse was revealed, ﴿وَالَّذِينَ يَتُوفَوْنَ مِنْكُمْ وَيَذُرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ “As for those of you who die and leave widows behind, let them observe a waiting period of four months and ten days.” [TMQ Surah Al-Baqarah 2:234]. So it abrogated the obligation of the previous maintenance and housing. It limited it only to the iddah waiting period, ﴿أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ “four months and ten days.” It made maintenance and housing obligatory for the woman, during her waiting period only.

Imam Malik said in his Muwatta, ﷺ, أَنَّ الْفُرَيْعَةَ بِنْتَ مَالِكِ بْنِ سِنَانَ وَهِيَ أُخْتُ أَبِي سَعِيدِ الْخُدْرِيِّ جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ، تَسْأَلُهُ أَنْ تَرْجِعَ إِلَى أَهْلِهَا فِي بَنِي خُدْرَةَ فَإِنَّ زَوْجَهَا خَرَجَ فِي طَلَبِ أَعْبِيدٍ لَهُ أَبُوهَا حَتَّى إِذَا كَانُوا بِطَرْفِ الْقُدُومِ لِحَقِّهِمْ فَتَقْتُلُوهُ قَالَتْ فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ أَنْ أَرْجِعَ إِلَى أَهْلِي فِي بَنِي خُدْرَةَ فَإِنَّ زَوْجِي لَمْ يَتْرُكْنِي فِي مَسْكَنٍ يَمْلِكُهُ وَلَا نَفَقَةَ قَالَتْ فَقَالَ رَسُولُ اللَّهِ ﷺ نَعَمْ قَالَتْ فَأَنْصَرَفْتُ حَتَّى إِذَا كُنْتُ فِي الْحَجْرَةِ نَادَانِي رَسُولُ اللَّهِ ﷺ أَوْ أَمَرَ بِي فَنُودِيْتُ لَهُ فَقَالَ كَيْفَ قُلْتَ فَرَدَدْتُ عَلَيْهِ الْقِصَّةَ الَّتِي ذَكَرْتُ لَهُ مِنْ شَأْنِ زَوْجِي فَقَالَ أَمْكُنِّي فِي بَيْتِكَ حَتَّى يَبْلُغَ الْكِتَابُ أَجَلَهُ قَالَتْ فَأَعْتَدْتُ فِيهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا قَالَتْ فَلَمَّا كَانَ عُثْمَانُ بْنُ عَفَّانٍ أَرْسَلَ إِلَيَّ فَسَأَلَنِي عَنْ ذَلِكَ فَأَخْبَرْتُهُ فَأَتَبَعَهُ وَقَضَى بِهِ. “that al-Furaya bint Malik ibn Sinan, the sister of Abu Said al-Khudri, informed her that she went to the Messenger of Allah, may Allah bless him and grant him peace, and asked to be able to return to her people among the Banu Khudra since her husband had gone out in search of some of his slaves who had run away and he had caught up with them near al-Qudum, and they had killed him. She said, “I asked the Messenger of Allah (saw) if I could return to my people in the Banu Khudra, as my husband had not left me in a dwelling which belonged to him, and had left me no maintenance. The Messenger of Allah, may Allah bless him and grant him peace, said, ‘Yes.’ So I left. When I was in the courtyard, the Messenger of Allah, may Allah bless him and grant him peace, called me or summoned me, and I answered him. He said, ‘What did you say?’ I repeated the story about my husband. He said, ‘Stay in your house until what is written reaches its term.’ I did the iddah in the house for four months and ten days.” She added, “When Uthman ibn Affan sent for me, I told him that, and he followed it and made decisions by it.” (Tirmidhi said of this Hadith that it is Sahih.)

Then, Allah (swt) concludes this verse by saying, ﴿وَاللَّهُ عَزِيزٌ حَكِيمٌ﴾ “And Allah is All-Mighty, All-Wise.” Allah (swt) prevails over His Affair and punishes those who violate His Command. He (swt) determines what is best for His servants and what is in their true interest.

2. In the second verse, Allah (swt) confirms the obligation of maintenance for the divorced women, who are not consummated, and who have not had named for them a mahr (dowry). In the previous verse, ﴿وَمَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدْرَهُ وَعَلَى الْمُقْتِرِ قَدْرَهُ مَتَاعًا بِالْمَعْرُوفِ حَقًّا عَلَى الْمُحْسِنِينَ﴾ “However, give them a compensation, the rich according to his means, and the poor according to his. A reasonable compensation is an obligation on those who do good.” [TMQ Surah Al-Baqarah 2: 236]. One of the Muslims said, ‘If I did well, I will, and if I did not do well, I will not.’ So, Allah (swt) revealed this verse to show that the maintenance of this kind of divorced women is obligatory, ﴿حَقًّا عَلَى الْمُتَّقِينَ﴾ “This is a duty on Al-Muttaqūn.” We have clarified this in the Tafseer of that verse.

This verse and the previous verse are connected to the verses of divorce before them. So the previous ayah, ﴿وَصِيَّةٌ لَأَزْوَاجِهِمْ﴾ “bequeath for their wives,” abrogates the ayah preceding it, ﴿يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا﴾ “let them observe a waiting period of four months and ten days.” And this ayah, ﴿وَلِلْمُطَلَّقاتِ مَتَاعٌ﴾ “And for the divorces women maintenance,” to remove ambiguity over the ayah “their maintenance” and a clarification that this maintenance is also an obligation.

3. In the third verse, Allah (swt) makes it clear that He has sent down these rulings, so that you understand them, reflect on them and implement them. Within them, is the best for you in this world and the Hereafter. These are those that achieve a good life for you with your spouses, children and all your affairs. Allah (swt) said, ﴿كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَعْقِلُونَ﴾ “Thus, Allah makes clear His ayaat (laws) to you, in order that you may understand.”