

An orphan is one who has lost his father in childhood. The definition of an orphan in human beings is different from that of animals. An orphan animal is one which has lost its mother; whereas an orphan person is one who has lost his father. If an orphan inherited some wealth, then he should have a guardian to manage his/ her property. There could probably be an orphan child who has neither guardian nor something worthy to have a guardian for. This is why we should provide orphans, or their guardians, with what Allah has bestowed upon us in order to be charitable. Charity should also be given to the indigent. A *maskeen* (indigent) is derived from *sukoon*, namely he who has no power to move about, possibly because he is unable to earn a living due to extreme poverty.

Moreover, the wayfarer should also be given of one's bounty. The wayfarer has no place to shelter him but the road, he is a person stranded away from home. He might as well be a person of substance back in his homeland except that the road he is traveling has set him apart from his country and his wealth. Or he could have had money that was stolen from him on his way.

Being charitable to the wayfarer indicates that a believer's solidarity with others is offered even beyond his own environment. If the believer is in a place and moves to another he would still find himself in a faithful benevolent social environment.

Charity should also be granted to those who ask for it like the beggars. Give whoever asks of you even if he is on a horse's back. You never know why he is asking you. Some people justify being stingy by claiming that most beggars are professionals in begging. If a person has subjected himself to begging then give him without hesitation. You may think that the sack he is carrying is full of bread or that he is saving money somewhere. He might have bread but not enough to feed his children, and he might be saving money that could be insufficient. You have nothing to lose by being charitable, for to be wrong in giving charity is better than being right in withholding it.

Money is also paid to ransom necks. "neck" refers to a whole person, because you can take a man's life through his neck. You can grab a man from his neck, control him, or squeeze his neck until he ceases to breathe, that is why a whole man is referred to as a neck. Allah (*SWT*)¹ says what can be translated as: **"And what makes you realize what the uneven track is? It is the freeing of a**

¹ *Subhanahu wa ta'ala* (glorified and exalted be He).

slave, (Literally: the untying of a neck)” (TMQ 90: 12-13).

“To ransom necks” means to free a slave. A charitable person could purchase slaves and free them or take part in emancipating them. This is a means of eradicating slavery. For emancipating bondsmen there are two ways, called “*at-tadbeer*” and “*al-mokatabah*”. Suppose you have a slave and felt that he had been very loyal in serving you, so you decide to reward him for his long service to you by granting him freedom after your death, this is called “*at-tadbeer*”. By that you have set your life as a limit for his slavery and after your death he becomes free and does not inherit from your legacy nor be inherited himself. You may as well make a written agreement with him on a certain amount of money. For example you may tell him, ‘I shall write a contract with you on one hundred pounds. You shall be free to work wherever you want and pay me the one hundred pounds then you shall be set free’. In such a case kind people may help the slave pay the one hundred pounds to free him from slavery.

Such are the many kinds of charity the verse mentions: to give money to near kinsmen, the orphans, the indigent, the wayfarer, the beggars, (to ransom) necks, (captives or slaves) observe prayers dutifully and in its prescribed times, and pay the *zakat*². All of the above lead man to be benevolent. Benevolence is to oblige yourself to do something that Allah (SWT) has not made obligatory upon you. Yet, you perceive that Allah is satisfied and rejoices at you, and that He accepts your charity.

Zakat is mentioned separately to make it distinct from other forms of charity. Therefore, when asked whether money could be paid in something other than *zakat* the Prophet (SAWS) recited the following verse that can be translated as, **“It is not benignancy that you turn your faces around in the direction of East and West; but benignancy is (in him) who believes in Allah, and the Last Day, and the Angels, and the Book, and the Prophets, and brings wealth in spite of his love for it (Or: offers out of love for Him) to near kinsmen, and the orphans, and the indigent, and the wayfarer, and the beggars, and (to ransom) necks, (i.e. captives “slaves”) and keeps up the prayer, and bring the Zakaah, (i.e. pay the poor-dues) and they who fulfill their covenant when they have covenanted, and the patient (ones) in misery and tribulation, and while in violence; (i.e. during fighting) those are (they) who act sincerely, and those are they who are the pious” (TMQ 2: 177).**

When you spend money on the needy whom Allah (SWT) has created then you endear yourself to

² A proportion of the wealth (2.5%) of every Muslim to be paid annually for the benefit of the needy in the Muslim community

Allah by helping His needy creatures, without being obliged to do so. Allah (*SWT*) says what can be translated as, **‘Who is he who will lend Allah a fair loan, so He will double it for him manifold? And Allah grasps and outspreads; and to Him you will be returned’** (TMQ 2: 245). If Allah (*SWT*) is the One Who grants us wealth then how come He asks us to lend Him a loan? Indeed, He (*SWT*) does not take back what He has given. The bounty Allah (*SWT*) has bestowed on you is a gift from Him but if a fellow Muslim needs it, Allah (*SWT*) does not ask you to give or lend that person from what you have, but he urges you to indirectly give Him as He brought this needy person into this world and He is the One who provides for him. Therefore, when you give the needy it is as if you are lending Allah (*SWT*) who has given you what you possess then asks you to lend Him. For example, and to Allah is the best example, if you are in need and you have children who have saved money out of what you used to give them, you ask them to lend you from this money. Actually, you do not take this money back but you merely borrow it.

“.. and they who fulfill their covenant when they have covenanted...”

A 'covenant' implies that there is a pledge and an agreement between two parties to give and take. **"... and the patient (ones) in misery and tribulation,.."**(TMQ, 2:177). The Arabs are used to the correct rendering of words. Considering fact that the words are produced by the Eloquent, the rules of declension have been broken to draw the attention towards a concept to be reckoned. Allah (*SWT*) has mentioned before the word *al-mufoom* (**they who fulfill their covenant**), regular in declension then annexed to it *as-sabireen* which is reduced. The reason for this is that by breaking the rule of declension, He (*SWT*) wants to draw our attention to the quality of patience. He means (**I address or praise**) **the patient**. But if the same word occurred regular most probably it would go without noticing. **“..and the patient (ones) in misery and tribulation”** During times of confrontation with the enemy the combatants endure patiently and persevere in fighting. So the quality of patience is observed on three occasions: in misery, in tribulation or ailment, and during war. In the hadith the Narrated 'Aisha, (the wife of the Prophet) Allah's Apostle said, *"No calamity befalls a Muslim but that Allah expiates some of his sins because of it, even though it were the prick he receives from a thorn."*³

Finally, Allah concludes the verse stating that those who entered into the fold of benignancy are, **“...those are (they) who act sincerely, and those are they who are the pious”**. Sincerity means the conformity of one's declaration of faith, that there is no god but Allah and that Muhammad is the

³ Authentic hadith in Saheeh al-Bukhary, Volume 7, Book 70, Number 544.

Messenger of Allah, with one's deeds and conduct. How abundant are those who say what they do not perform, being attributed to Islam by words of mouth not in actuality. The result of this sincerity is piety. The word *taqwa* (piety) in Arabic denotes putting a shield between yourself and something that you cannot put up with.

Allah (SWT) says in this regard, **"O you who have believed, protect yourselves and your own families from a Fire "** (TMQ, 66:6). Namely, make a barrier between you and the fire. Oddly enough, the word *ittaqou* (fear) comes as in "fear the fire" and "fear Allah". That is because the fire is not acting by itself but it burns by Allah's order to punish the disobedient. Thus, "fear Allah" means fear and protect yourself from the attributes of *jalal*⁴ (glory) of Allah (SWT). Allah (SWT) has attributes of *jalal* and *jamal* (beauty) so shield yourself against the attributes of *jalal* as you cannot endure the wrath, the power and the punishment of Allah (SWT).

Allah (SWT) says, "O you who have believed, prescribed for you is retaliation concerning (the ones) killed: the freeman for the freeman, and the slave for the slave, and the female for the female. Yet whoever is offered anything in clemency by his brother, then the close following after should be with beneficence, and the payment back to him should be with fairness. This (Literally: That) is a lightening from your Lord and a mercy; then, he who transgresses after that, then he will have a painful torment. " (TMQ, 2:178)

Allah (SWT) addresses those who have believed, namely those who have chosen to believe. Thus, it has become incumbent upon them to listen earnestly to the command of Allah (SWT). Allah obliges only the believers to abide by His commands. There is a covenanted transaction between the believers and their Lord. Therefore Allah (SWT) says in this verse, "**prescribed**" in the passive voice. Whereas in the matters in which man takes part in carrying out, Allah says, "**Allah has written, "Indeed I will definitely overcome, I and My Messengers."** (TMQ, 58:21)

In the context of the verse in hand when the verb 'prescribe' is in the passive voice then bear in mind that the order prescribed entails committedness and hardship. Conversely, in the verse, "**Say, "Never will anything afflict us except what Allah has prescribed for us..."** (TMQ, 9:51)

⁴ Attributes of glory, grandness and veneration such as, The Almighty, The Ever-Powerful, The Superb Vanquisher...etc.

the term "prescribed for you" implies that the matter is for our interest. Pertaining to retaliation, it is prescribed for and upon us. one could either be the killer in this case it is 'upon', or the killed, in this example it is 'for'. Allah's (*SWT*) laws are for all people at large.

" the freeman for the freeman and the slave for the slave, and the female for the female "

Who is the freeman? It is he who is not a slave nor a bondsman. In Arabic, freedom attributed to any matter means that it is the most precious. It is said, "Free money" namely generous money, "free grains" is grains that are eaten raw like pistachio and almonds. The text that we are tackling implies that a freeman is not to be killed in retaliation for a slave. What if a slave kills a freeman or if a woman killed a man?

Allah (*SWT*) has laid down rules that regulate retaliation. He (*SWT*) has ordained that if a freeman is killed then he is to be retaliated for by killing a freeman in return and the same applies to slaves and women. During *jahiliya*⁵ (the pre-Islamic period) when two clans fought, the fight resulted in casualties. When a slave was killed in one clan, his clan would escalate the conflict and kill a freeman in return for their slave. Likewise, the vendetta was escalated by killing a man in return for a killed woman. Thus, Allah (*SWT*) has put an end to this escalation in vendettas and laid down a defined set of rules that settled it. In Upper Egypt we are still suffering from the heedlessness of some regarding the correct application of *Shari'a* laws. When a man is murdered, his family do not kill the murderer but rather avenge his death by killing the most senior figure in the opposing family out of vengeance. They might avenge their victim by killing ten people in the opposing family, much worse they could mutilate their bodies. This kind of escalation only adds fuel to the flame.

Then, Allah ordained that retaliation should be carried out by killing a self in return for another or by paying blood money. There is another verse that says, **"And therein We prescribed for them, "The self for the self, and the eye for the eye, and the nose for the nose, and the ear for the ear, and the tooth for the tooth, and for wounds retaliation. So, whoever donates it, (i.e., remits the penalty or the retaliation as alms "a free-will offering") then it is an expiation for him. And whoever does not judge according to what Allah has sent down, then those are they (who are) the unjust."** (TMQ, 5:45)

Thus, a self is for a self in general without distinguishing, whether it is a slave, a freeman, or a

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The time of ignorance before Islam was realized. Describes polytheistic religions.

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woman.