

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مَهْجِرَاتٍ فَامْتَحِنُوهُنَّ ۗ  
أَللَّهُ أَعْلَمُ بِإِيمَانِهِنَّ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا  
تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ ۚ لَا هُنَّ حِلٌّ لَّهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ وَءَاتُوهُم  
مَّا أَنفَقُوا وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَنكِحُوهُنَّ إِذَا ءَاتَيْتُمُوهُنَّ  
أُجُورَهُنَّ وَلَا تُمْسِكُوا بِعِصَمِ الْكَوَافِرِ وَسْئَلُوا مَّا أَنفَقْتُمْ وَلَيْسَ لَكُم  
مَّا أَنفَقُوا ذَلِكُمْ حُكْمُ اللَّهِ يَحْكُمُ بَيْنَكُمْ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿١٠﴾

*Al-Mumtahinah (The Examined One) 60:10*

**O You Who Believe!**

- When there comes to you believing women refugees, examine (and test) them. Allah knows best as to their Faith.
- If you ascertain that they are Believers.
- Then do not send them back to the Unbelievers.
- They are not lawful (wives) for the Unbelievers.
- Nor are the (Unbelievers) lawful (husbands) for them.
- But pay the Unbelievers what they have spent (on their dower).
- And there will be no blame on you if you marry them on payment of their dower to them.
- But do not hold to the guardianship of unbelieving women.
- Ask for what you have spent on their dowers.
- And let the (Unbelievers) ask for what they have spent (on the dowers of women who come over to you).
- Such is the command of Allah.
- He judges (with justice) between you.
- And Allah is Full of Knowledge and Wisdom.

## **Commentary**

Allamah Taba Tabai (AR)

God says, "*O you who believe! When believing women come to you as emigrants, examine them.*" The subject of this verse tells us that it was revealed after the conquest of Makkah.

Earlier the Messenger had agreed to the treaty that said, that if anyone from Makkah came to the Muslims he would be returned but if a Muslim goes to the side of the idolaters of Makkah he would not be returned. Then some women from among the idolaters accepted Islam and migrated to Madina. One husband came to take his wife back then the Messenger was asked, "Should we return her?" The Messenger answered, "The agreement was to return the men and not the women so they should not be returned." The man was given his journey expenses. This is what the verse is all about. It should be noted that these women have been called believers even before they have professed faith or have been tested for it. This is because of their pure intention by which they undertook the arduous journey and they used to express their faith.

To "Test their faith" through that which they express (The unity of God and the Prophet hood of the Messenger.) by an oath that can assure all.

God says, "*God knows best as to their faith.*" It means to test them superficially for only God knows that which is their hearts. He is the all-knowing and the all-aware.

God says, "*When you are assured that they are believing women then do not return them to the idolaters.*" The words "that they are believing" is the core of the matter and that a disbelieving man is not worthy of a believing woman so the previous marriage stood annulled automatically.

God says, "*They are not lawful (wives) for the disbelievers nor are they lawful (husbands) for them.*" Both these verses clearly state the annulment of marriage between a believing woman and a disbelieving man.

God says, "*But give the disbelievers the amount (Mahr) that they have spent for these women.*"

God says, "*And there will be no sin for you to marry them if you have paid their Mahr.*"

"Asam" is the plural of "Asmat" and it means that you can have a permanent marriage. It also means that a Muslim cannot marry a disbelieving or idolatrous woman. When a man accepts Islam but the wife remains an idolater or a polytheist like the Christians he will have to give her up.

God says, " *Do not marry a idolatrous woman until she accepts the true faith.*" (Surah Baqarah 221) This issue has been discussed in the same verse " And chaste women those who were given the scripture before your time when you have given their due Mahr." (Surah Maida 5) There is no annulment between the two verses.

God says, " *Let them ask back for which they have spent.*" It means that if you woman joins the disbelievers then you should ask for the return of whatever you have spent on her and if their woman joins you then they have the right to ask for Meher. The verse clearly states the edict of God. " This is the judgment of God. He judges between you. And God is all-knowing and all-wise."

### **A Discussion on Hadith**

Majmaul Bayan records Ibn Abbas to have narrated that the Messenger had made peace with the idolaters at Hudaibiah that anyone among them who comes to the Messenger will be returned and anyone from among the Muslims who may go to them will be theirs and they may not return him. This was duly signed and sealed.

Now Sabiha binte Haris came and she professed Islam when the Messenger was at Hudaibiah. Her husband was an idolater from the tribe of Bani Makhzun. Maqatil have recorded that his name was Saifi bin Rahib. He came to the Messenger and said, " O Muhammad please return my woman because you have made an agreement that whoever comes to you will be returned to us. This is your writing, which has not dried till date. This is the time when this verse was revealed, " *O you who believe! When believing women come to you as emigrants, examine them*"

Ibn Abbas has said that they will be tested in the sense that they will be asked to take an oath that they have not come there as a result of animosity with the husband or that they have just wanted to shift to a different place and that they have migrated only due the love they have for God and His Messenger.

So the Messenger asked Sabiha binte Haris to take such an oath that she has not come after fighting with her husband or for the love of another man. That she has come only for the love of Islam. So when she took the oath, " I take the oath by the name of the God who has no equal...", the Messenger asked that her Mahr be paid to her husband but never returned her. She then married Umar bin Khattab.

The Messenger used to return the men but kept the woman who came in seclusion. The narrator says, Umar bin Khattab divorced two of his wives who were in Makkah and were idolaters. Qarina binte Abi Umayya bin Mughira who married Muawiya bin Abu Sufiyan and they remained adamant on their idolatry.

Umme Kulthum bin Umru bin Jarul Alkhazaiya was the mother of Abdullah bin Umar who married a man from her own tribe Abu Jaham bin Hazafa bin Ghanim and they were both idolaters. The wife of Talha bin Ubaidallah Urvi binte Rabiah bin Haris bin Abdul Muttalib and they were separated after the verse came that a Muslims man cannot have an idolating woman as wife.

Talha migrated and his wife remained on her idolating ways in Makkah. Then Said bin A'as bin Umayya married her after she professed Islam. She was the woman who left the idolating women and came to the messenger. The Messenger tested her by keeping her jailed and then had her married to Khalid.

Umayya binte Bashar was with Thabit bin Daha when he was a disbeliever so she fled and came to the messenger who married her to Sahil bin Hanif and Abdullah bin Sahil was born. Sha'bi says that Zainab the daughter of the Messenger was the wife of AbulA'as bin Rabiah . She accepted Islam and joined the Messenger in Madina .

Abula'as stayed in Makkah as an idolater but when he too professed Islam the Messenger returned her to him. The narrator quotes Jibai that the treaty of Hudaibiah was only for the return of men and not women. Umme Kulsum binte Abu Mu'it came to Madina from Makkah and accepted Islam. Her brothers came to Madina and wanted her back. The Messenger said, " we have agreed for the return of the men not the women" and so he asked them to leave.

#### *The compiler's word*

The same meaning has been discussed in other hadith also in the books of Ahle Sunnah most of them have been narrated by Sayuti in Durre Manthur. Qummi has discussed the testing of the migrating women, not returning them to the idolaters and giving their Mahr to release them.

Majmaul Bayan records the names of six migrated women who joined the idolaters . Ummul Hakam bin Abi Sufian wife of Ayaz bin Shadad Alfehri.. 2. Fatima binte Abi Umayya bin Mughira sister of Umme Salma who was married to Umer bin Khattab she refused to join him when he migrated to Medina and remained in Makkah. 3. Baruh binte Aqba bin Fazla whom Umar bin Abdwud married. 4. Hind binte Abu Jahal bin Hisham who was the wife of Hisham bin Ala'as bin Wail. Kulsum binte Jarul was the wife of Umar.

The husbands of all these women were paid the Meher from the central fund by the Messenger.

Majmaul Bayan records that Abul Jarud has quoted Imam Sadiq that the words " The women who belonged to the people of the book" has been made null and void by the words " You should not marry the idolating women until they believe" but there will be no sin on you if you marry them after you have made the Mahr given to them earlier by the idolating husbands.

The Compiler's words

Both the hadith itself and the narrators are unreliable. The words, "Do not marry the Idolating women" is about those women who worship idols and "those lawful for you among the people of the scriptures" decrees the lawfulness of marriage to women of the book. There is no disagreement between these two verses. We have just studied the words "Wal Muhsinat" in the verse 5 of Surah Al Maidah that says, "The chaste women from the believers."

In Tafsir Qummi Abu Jarud quotes Imam Sadiq speaking about the words

*If your wives have gone from you to the disbeliever, He said,*

Those women under your covenant who have gone to the disbelievers then you should ask them for their Mahr and if their women join you then you give their Mahr to their previous husbands. This is the command of the Lord imposed on you.

Aban quotes Imam Jafar Sadiq in Al Kafi, Hazrat said,

When the Messenger conquered Makkah the men swore allegiance to him and then came the women. It was then that the Lord revealed the words, "O Prophet When the believing women come to you to give you their allegiance" Hind said, "We raise our sons and when they grow up you kill them."

Umme Hakim binte Haris bin Hisham who was with Akrama bin Abu Jahal said, "O Prophet! Which good is it wherein God has ordered that we should not disobey you?" The Messenger said, "Do not slap your faces, do not pull your hairs, or unbutton your shirt fronts. Do not wear black dresses and do not wail."

So all women swore their allegiance to the Messenger but she said, "How should we swear allegiance to you?" He answered "I do not shake hands with women." He then called for a utensil full of water. He put his hands in it and withdrew and then "each of you should do the same."

*Compiler's words*

There are umpteen traditions in this regard in both Sunni and Shia sects.

Abdul bin Sanan is recorded in Tafsir Qummi to have said, "I asked Imam Sadiq about the words, "And that they will not disobey in you believing in One God." He said that it is about Namaz, Zakat and compulsory deeds that they have been ordered to perform.

*Compiler's words*

This verse also includes not slapping one's face and some traditions say that it includes not to adorn oneself like in the days before Islam.

Mir Ahmed Ali (AR) and Aqa Mahdi Puya (AR)

Under the treaty of Hudaibiya [see Fat-h: 1 clause (ii) and (iii),] whosoever wished to join the Holy Prophet had the liberty to do so, but if claimed back by the guardian should be returned.

A party of men and women came to the Holy Prophet and embraced Islam among whom was Saba daughter of Harith. Her husband came and demanded her return under clause (iii). But as the Quraysh had already broken the treaty, some instructions were necessary as to what should be done in such circumstances. Muslim women married to pagan husbands were oppressed for their faith and some of them came to Madina as refugees. After this verse, they were not to be resumed to the custody of their pagan husbands, as the marriage of believing women with non-muslims is held to be dissolved if the husbands do not accept Islam. In order to give no room of complaint to the pagans, the dower they had given on marriage should be repaid to the husband.

Islam recognises the change of faith as one of the causes of separation.

The believers are told to examine women who come to them as fugitives from the idolaters and find out their real and inner motives that they are prompted by the sole desire of serving Islam and of saving their faith, and are not pretenders. The examination should be directed, among other things, to the points mentioned in verse 12. They were required

(i) not to worship any god save one true God, Allah;

(u) not to steal;

(iii) not to indulge in sex outside the marriage tie;

(iv) not to commit infanticide,

(v) not to disobey the laws and principles of Islam.

*Ma arjuhanna* literally means "not to utter slander which they have forged between their hands and feet", which implies the practice of ascribing their spurious (illegitimate) children to their husbands.

*La yaqtulna awladahunna* (not to kill their children) also refers to abortion.