Synopsis of Friday Sermon delivered by Ameer Mustapha Elturk on Oct 16, 2009

The Ten Commandments (Part 7)

The Seventh Commandment warns against devouring the property of orphans. “Do not go near the property of orphans before they reach maturity, except in a good way. Fulfill your contracts. Contracts will be asked about” (al-Isra’, 17:34). A somewhat similar command appears in Surat al-Baqarah, in which Allah (SWT) commands the Children of Israel to worship none other than Him, and to be good to their parents, kinsfolk, orphans and the poor. “Remember when We took a pledge from the Children of Israel: ‘Worship none but God; be good to your parents and kinsfolk, to orphans and the poor’” (al-Baqarah, 2:83). This goes to show the universality and uniformity of Allah’s commandments in respect of issues touching the human society.

Ayah 34 of Surat al-Isra’ concerns the protection of properties owned by orphans and the observation of caution in their handling. The emphasis on the command, “Do not go near the property of orphans...” means that there should be no free use of their property counter to the provision of the Sharia or the interest and advantage of the orphans. Those who are charged with the management of the properties of orphans are duty-bound to observe utmost caution therein. When spending, they must spend in the interest and to the advantage of orphans with due care and concern. And this pattern of management is to continue until such time when the orphaned children grow up and become capable of protecting their property themselves. Maulana Mufti Muhammad Shafi has mentioned in his exegesis (tafsir) entitled Ma’arif al-Qur’an that the lower and higher limits of the age of growing up are 15 and 18 years respectively. As a matter of fact, it is not permissible to spend from anyone’s property through false means. Orphans are mentioned particularly because they themselves are incapable of taking care of themselves and their properties.

Specific guidelines as to how the inheritance is to be distributed among its legal recipients are mentioned in various ayat of the Qur’an. These shares in inheritance are not necessarily equal but are definitely equitable as they have been fixed by Allah (SWT) Himself. To emphasize that men and women including male and female children are all included in the share of inheritance, Allah (SWT) says, “Men receive a share of what their parents and relatives leave and women receive a share of what their parents and relatives leave, a fixed share, no matter whether it is a little or a lot” (al-Nisa’, 4:7). What about the distant relatives, orphans, and the needy people who do not have any legal share in inheritance under the Islamic Law? Allah (SWT) makes it a moral obligation upon the believers to give something to them as well, if they happen to be present at the time of dividing up shares of the inheritance. “If other relatives or orphans or poor people attend the sharing-out, provide for them out of it and speak to them correctly and courteously” (al-Nisa’, 4:8). Such charity should not be considered a burden. Rather one should be generous enough to share a portion of one’s wealth with others; especially the wealth which came to one’s lot without working for it.

People exercising this moral obligation are considered to be righteous. “Goodness does not lie in turning your faces to the East or to the West. Rather, those with true devoutness are those who have iman in Allah and the Last Day, the Angels, the Book and the Prophets, and who, despite their love for it, give away their wealth to
their relatives and to orphans and the very poor, and to travelers and beggars and to set slaves free, and who
establish salat and pay zakat; those who honor their contracts when they make them, and are steadfast in pov-
erty and illness and in battle. Those are the people who are true. They are the people who have taqwa” (al-
Baqarah, 2:177).

Allah (SWT) wants to see that the inheritance of the deceased reaches his children fully and fairly. He, therefore, reminds men as to how concerned they would be about the future of their weak and help-
less children if they were to die. The same concern should be shown by them towards orphans. “Let those who
would fear for the future of their own helpless children, if they were to die, show the same concern [for or-
phans]; let them be mindful of God and say what is right” (al-Nisa’, 4:9).

It is inappropriate to be dictated by one’s whims when making a will. Moderation and fairness must be
exercised at all times so that no deserving share holder in the family is deprived of just and fair treatment. Even
during one’s life time, care should be taken to see that there should be equity and impartiality when distributing
one’s wealth to one’s children or others. All of one’s wealth or substantial portion thereof should also not be
given away towards charity during one’s life time. This may leave the family members indigent after that per-
son’s death. This issue is clarified by the story of Sa'd bin Abi Waqqas (RA) who narrates, “I was stricken by
an ailment that led me to the verge of death. The Prophet came to pay me a visit. I said, "O Allah’s Apostle! I
have much property and no heir except my single daughter. Shall I give two-thirds of my property in charity?"
He said, "No." I said, "Half of it?" He said, "No." I said, "One-third of it?" He said, "You may do so though one-
third is also too much, for it is better for you to leave your off-spring wealthy than to leave them poor, asking
others for help. And whatever you spend (for Allah's sake) you will be rewarded for it, even for a morsel of
food which you may put in the mouth of your wife."

There is a stern warning in the Qur’an that says, “People who consume the property of orphans wrong-
fully consume nothing in their bellies except fire. They will roast in a searing blaze” (al-Nisa’, 4:10). Among
the collated ahadith of Isra’ and Mi’raj, there is a hadith that sheds light on the fate of the people who unjustly
devour the wealth of the orphans. According to the hadith, the Prophet (SAW) saw groups of people whose lips
resembled the lips of camels. Their mouths were being pried open and they would be stoned. One version says:
A rock from hell was placed in their mouths and then it would come out again from their posteriors. (The
Prophet said:) "I heard them clamoring to Allah." He asked: "O Jibril, who are these?" He replied: "They are
those of your Community who eat up the property of orphans and commit injustice. They are eating nothing but
a fire for their bellies, and they shall be roasted in it."

We should know that there are two forms of covenants—one that was taken by Allah (SWT) from the
entire humankind in its primordial state when humans were in the form of spirits. Indeed, there was a time
when we existed in the forms of spirits without even having bodies. Allah (SWT) says: ‘’When your Lord took
out all their descendants from the loins of the children of Adam and made them testify against themselves ‘Am I
not your Lord?’ they said, ‘We testify that indeed You are!’ Lest you say on the Day of Rising, ‘We knew noth-
ing of this’’” al-A’raf, 7:172). This covenant in reality spells out the purpose of our existence for Allah (SWT)
says, “I created the jinn and humans for nothing else but that they may serve me.” (Az-Zariyat 51:56). The pur-
pose of our existence, therefore, is to obey Allah (SWT) and act according to His will.

The second covenant is the covenant of a believer made through the testimony of faith (shahadah) and
entails the following of the divine injunctions in letter and spirit. These injunctions, among others, include hon-
oring all treaties, pacts, promises, trusts, and contracts made with other human beings. The guardian of the or-
phan is also entrusted with taking care of the orphan’s property. It is incumbent upon him to fulfill his promise
and honor the trust. Should he find himself unfit or incompetent to do so, he should at the very outset, excuse
himself from taking up the responsibility. This situation is illustrated by a well known hadith comprised in the
compilation of Muslim, in which it is narrated that Abu Dharr, one of the principal Companions of the Holy
Prophet, having begged him to be appointed a governor, was told, ‘Abu Dharr, you are a weak person; govern-
ance is a trust which, on the Day of judgment, may prove to have been a source of humiliation and remorse, ex-
cept in the case of a person who discharges all its obligations to the full.’ In another hadith reported by Muslim
it is narrated that the Holy Prophet said, ‘I do not appoint to public office anyone who asks for it or is desirous
of it.’ In another hadith, the Prophet (SAW) said, ‘I warn you about the right of the two weak ones: the orphan and the women.’

Guardians of orphans are advised in these words: ‘Test orphans until they reach marriageable age; then, if you find they have sound judgment, hand over their property to them. Do not consume it hastily before they come of age: if the guardian is well off he should abstain from the orphan’s property, and if he is poor he should use only what is fair. When you give them their property, call witnesses in; but God takes full account of everything you do’ (al-Nisa’, 4:6). The ayah is very clear and lays down instructions to guardians, giving latitude to the poor among them to use from the orphan’s property, in a manner that is fair.

Allah (SWT) advises and encourages people to spend on orphans. ‘They will ask you what they should give away. Say, ‘Any wealth you give away should go to your parents and relatives and to orphans and the very poor and travelers.’ Whatever good you do, Allah knows it’ (al-Baqarah, 2:215). We learn from a hadith that the Prophet (SAW) said, ‘The person who brings up an orphan will be like this in heaven;’” and he put his index and middle finger together. In another hadith, he said, ‘The best house is a house in which orphans are well treated.’

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