Al-Islam.org
Ahlul Bayt Digital Islamic Library Project
Published on *Al-Islam.org* (https://www.al-islam.org)

Legal Rulings Derived from Qur'anic Stories, Part 1

Hamid Reza Fahimi-Tabar Translated by Mahboobeh Morshedian

Abstract

Storytelling is universal; it has been a means to preserve and transfer culture, educate and entertain, and deliver a moral message. Much of the Qur'an comprises of stories on specific nations and prophets of God. However, the question then arises: can legal rulings also be derived from Qur'anic stories? Based on narrations from the Ahlul Bayt, legal verses have indeed been derived from them. To demonstrate these rulings, the first part of this article draws on these narrations, using topics such as the permissibility of self-praise and dissimulation (taqiyya) and justifying punishment for the disabled and ill wrongdoers. The second part offered in the next issue includes the implications drawn from the Ahlul Bayt's method of interpretation of Qur'anic stories.

Introduction

Storytelling deals with human nature and in the stories there are facts that are made compatible with the reader or listener's taste and preference. Storytelling is an immortal media that carries any lesson and is universal. It can both quench and increase one's thirst. There is no nation found that is unfamiliar with it, since it is the amassed art transferred from the tongues to the hearts and from the hearts to the tongues (i.e., is written down).Baqqal Laleh, 1379 solar: 18. On the basis of this natural principle, the Qur'an conveyed plenty of its messages through stories to such an extent that some leading Qur'anic scholars turned to story-based commentaries in deriving ideas and conclusions from the verses. Among them are Abu Bakr 'Atiq Neishabouri's *Sur-Abadi Commentary,* Rashid al-Din Meybodi's *Kashf-ul-Asrar wa Uddatul Abrar*, and *The Prophets' Stories* by Abu Ishaq Ibrahim ibn Mansur ibn Khalaf Neishabouri. However, the key question here is: Do Qur'anic stories document actual events, or are they some

accounts with particular artistic or expressive elements to deliver some messages? Some scholars – on the grounds that Qur'anic stories are accounts of actual events – have attempted to present historical documents of them in the form of works such as The Atlas of the Qur'anShoqi, 1388 solar: 8. , and archaeology and historical geography of Qur'anic storiesBi-Azar Shirazi, 1380 solar: 4-5. . In contrast, influenced by the modern artistic definition of story, some Muslims insist that Qur'anic stories are unrealAhmad Khalaf-Allah, 1999 A.D.: 73-85, 91-154. . Numerous hadiths on Qur'anic commentary indicate that legal rulings have been inferred from Qur'anic stories. That is, the Ahlul Bayt – as the criterion of the truth and the falsehood, the divine measure, and the scale of correct Qur'anic commentary – have derived some legal rulings from Qur'anic verses that tell stories. In the first part of this article, more than twenty interpretative hadiths on Qur'anic stories are dealt with so that we can gather the Ahlul Bayt's interpretative hadiths on them that have a legal and jurisprudential content. In the second part, some implications of the Ahlul Bayt's method of interpretation will be drawn.

1. Examples of the Ahlul Bayt's legal understanding in interpretative hadiths on Qur'anic Stories

In this paper, the phrase 'Qur'anic stories' refers to those in which the events of past peoples or a part of divine prophets' lives (i.e., those before Prophet Muhammad) are depicted. The Ahlul Bayt inferred legal rulings and injunctions from these verses. Some examples are presented below.

1.1. The permissibility of taking a government position in unjust political systems

According to Shi'i beliefs, all ranks of wilayah emanate from God. Any form of intervening in others' affairs should be permitted by God and carried out on His orders. After Prophet Muhammad, it is only the Imams who are permitted to intervene in the people's political and social affairsIji, 1325 A.H., vol.8:48. . Any political system that is not ruled by the Infallible Imam or a person who is given permission by him is called Taghut, and the Shi'a are not permitted to collaborate with them. Given that there are instances in which this was seemingly done, such as when Imam Ridha' accepted to be crown prince of Ma'mun, people who opposed this asked the Imam the reason for his action. Referring to Prophet Joseph's measure, the Imam justified his taking a government post in Ma'mun's government. He also asked them, "*Which one is superior, a prophet or a wasi?*" The questioner replied, "*Of course, the prophet is superior to a wasi*." Then the Imam asked, "*Which one is superior, a Muslim or a polytheist?"* The man replied, "*a Muslim, of course.*" The Imam added, "*The Egyptian king was a polytheist and Joseph was a divine prophet. However, Ma'mun is a Muslim, and I am a wasi. Joseph asked the Egyptian king to appoint him to be in charge of national properties, and he called himself a knowledgeable protector, but Ma'mun forced me to be crown prince*."Bahrani, no date, vol.2: 256, no. 66. This way, a justification for accepting to be crown price of Ma'mun, Imam Ridha' referred to Prophet Joseph's word in the verse, ***"He said: Place me*** [***in authority***] ***over the treasures of the land, surely I am a good keeper, knowing well"*** (***Yusuf, 12:55***). In this story, Prophet Joseph asked the Egyptian

king to assign him to be in charge of Egyptian properties while the Egyptian king was a polytheist and Prophet Joseph was a divine prophet.

1.2. The admissibility of self-praise

It goes without saying that it is wrong to praise oneself in order to belittle others in a domineering manner.Naraqi, 1367, 170. However, every now and then it is impossible to serve others except through winning public trust, and the goal of building trust cannot be achieved but through demonstrating one's abilities. Under such circumstances (i.e., when there is no other way for offering services to others but through introducing oneself), man is logically obliged to introduce himself. This verdict is confirmed by religious teachings. For example, Imam Sadiq was asked whether it is permissible to praise oneself. In response, he replied: "*When one has no other choice, it is permissible. Haven't you heard Prophet Joseph's word that* ***"Place me*** [***in authority***] ***over the treasures of the land, surely I am a good keeper, knowing well,"*** (***Yusuf, 12:55***). *And the word of Prophet Hud who told his people,* ***"I am a faithful adviser to you,"*** (***al-Araf, 7:68***).Aruzi Howaizi, 1373 A.H., vol.2: 433, Bahrani, no date, vol. 2: 256, no. 64.

1.3. The legitimacy of drawing lots in Islam

Imam Sadiq was asked, "*A baby is born, and it cannot be identified as either male or female. What is its share of inheritance?*" In response, the Imam resorted to drawing lots and justified their actions as follows: "*What action is fairer than drawing lots in order to recognize its gender?" As God said,* ***"***[***Prophet Jonah***] ***drew lots*** [***with them***] ***but was of those who are cast off,"*** (***Al-Saffat, 37: 141***).Bahrani, no date: 37: no. 5 and 6; see Aruzi Howaizi, 1373 A.H., vol. 1: 338, no. 137. Undoubtedly, it is rational to draw lots to eliminate bewilderment and perplexity, but reality and truth cannot be revealed through it. Therefore, drawing lots cannot be considered a legal ruling; it is a rational verdict common among people. When Prophet Jonah accepted the verdict based on drawing lots in the sinking ship, when Israelites accepted to draw lots to appoint the guardian of Lady Mary, and when Abdul-Muttalib turned to drawing lots to determine ransom, they were all rationally deliberating to prevent incitement to rebellionMakarim Shirazi, 1411 A. H., vol.1:354. . Therefore, in the time of Imam Sadiq, if it had been possible to recognize the gender of baby, he would have not resorted to drawing lots to avoid the deadlock.

1.4. Recommending that a woman who has just borne a baby eat dates

Reported from Imam al-BaqirTabataba'i, 1363 solar, vol.14: 74. , Imam Ali quoted Prophet Muhammad as saying, "*The first thing that a woman who has just given birth to a baby must eat is dates because God told Virgin Mary,* ***"And shake towards you the trunk of the palm tree, it will drop on you fresh ripe dates,"*** (***Maryam,19: 25***).Aruzi Howaizi, 1373 A. H., vol.3, no. 50, 40, 51, 52, 53, 54. In some commentaries and hadiths on this verse, the positive effects of dates on mother's health and her milk are mentioned, including nutritionists' research.Makarim Shirazi, 1411 A. H., vol.13: 60. Of course, the verse

refers to a miracle: the dead palm tree germinated and bore dates by the touch of a friend of God. From the hadiths, it cannot be concluded that dates should be eaten; rather, it can be deduced that a woman who has just borne a baby needs some foods similar to dates in qualities. However, Imam Ali has drawn a legal ruling from this story on Lady Mary. There is a similar hadith in Sunni sources.

1.5. The permissibility of dissimulation

Dissimulation (*taqiyyah*) – a practice emphasized by the Ahlul Bayt on several occasions – is protecting oneself, one's family, or innocent people from harm by doing, avoiding, saying something that is not recommended or permissible under normal conditions. Shi'a scholars divide dissimulation into three types: prohibited, mandatory, and permissible. Some permissible conditions whereby it can be practiced are: a) Saving the life of the believers, b) Elevation of man's status and his perfection, c) Preserving Islamic unity. In one narration, Abu Basir reported: According to Imam Sadiq, "*Dissimulation is a part of God's religion*." I asked him, "*God's religion?*" He replied, "*Yes, by God, it is a part of God's religion. Verily, Prophet Joseph said:* ***'O*** [***men of the***] ***caravan! You are indeed thieves!'*** (***12:70***) *while they have not stolen anything. Also, Prophet Abraham said,* ***'Indeed I am sick'*** (***37:89***) *while he was actually not ill.*"Aruzi Howaizi, 1373 A. H., vol.4: 406, no.45, also see no.46, 47 and Bahrani, vol.4: 25, no.2. In another similar narration, Abu Basir reported, "I heard Imam Baqir saying: 'There is nothing good in the one who does not dissimulate. Prophet Joseph told Canaanites: 'O caravan! You are most surely thieves', while they have not stolen anything." Bahrani, no date, vol.2: 258, no. 9, also see no.10, 11 & p.260, no. 3 & 4. The verse clearly indicates that Prophet Joseph did not personally call the Canaanite caravan thieves. However, as he approved of the caller's words or ordered him to say so, Imam Baqir called it dissimulation and attributed it to Prophet Joseph. Addressing those who had stolen Joseph before, he said so in order to keep his brother, Benjamin. Thus, it is not considered a lie because Canaanite caravan were called thieves rightly. However, this action was taken for a greater interest under specific circumstances, and it is considered feigning (*tawriya*), which is a type of dissimulation.Makarem Shirazi, 1411 A.H., vol. 16: 80.

6.1 Marriage before paying the dowry

Imam Sadiq was asked whether Prophet Moses married Prophet Jethro's daughter before the fulfillment of a condition (i.e., paying dowry) or after he finished working as a hired worker as dowry. He replied, "*Before it*." He was also asked, "When a man marries a woman provided that he becomes the hired worker of her father, is this marriage legal?" Imam replied, "Prophet Moses married Prophet Jethro's daughter while he knew he could fulfill the condition."Bahrani, no date: 225, no.3. From the Qur'anic verses of chapter al-Qasas: ***"Said one of them: O my father! Employ him, surely the best of those that you can employ is the strong man, the faithful one. He said: I desire to marry one of these two daughters of mine to you on condition that you should serve me for eight years; but if you complete ten, it will be of your own free will, and I do not wish to be hard to you; if Allah please, you will find me one of the good"***(***28: 26-27***) it can be deduced that the conversation between Prophet

Jethro and Prophet Moses was in the form of convention. That is, it occurred before the marriage which was contingent upon consent of both Prophet Moses and the daughter of Prophet Jethro. Moreover, any valuable thing can be regarded as dowry, and it is not necessary to pay the entire amount immediately or before marriage. The sufficient condition is that man undertakes to pay dowry and the woman is content with it. On the other hand, the women can assign an agent to perform the marriage contract and determine the amount of dowry just as Prophet Jethro was the agent of his daughter in this marriage.Makarim Shirazi, 1384 solar: vol.16: 80.

1.7. Urging Muslims to be clean when arriving in Mecca

Commenting on the verse of chapter al-Baqarah, ***"And We enjoined Ibrahim and Ismail saying: Purify My House for those who visit*** [***it***] ***and those who abide*** [***in it***] ***for devotion and those who bow down*** [***and***] ***those who prostrate themselves."***(***2:125***) Imam Sadiq said, "*It is recommended that one should not enter Mecca but the clean and pure; cleansing himself of the unpleasant smell of sweat and anything else that bothers others.*"Bahrani, no date, vol.1: no. 2, 3, 4, 5. Purification refers to cleansing the Ka'bah of outward and inward filth. If we describe the verdict contingent upon description, there is causality, hence, we can conclude that purity of the Ka'bah means purification of those who circumambulate it and pray. Thus, if a pilgrim does not return home pure, he has not circumambulated the Ka'bahJawadi Amuli, 1385 solar, vol.6: 546. . The outward purification of a pilgrim's body and cleanliness for entering Masjid-al-Haram is what maintains the purity of the Ka'bah. How is it possible that man enters Masjid-al-Haram dirty and does not contaminate it? Hence, from the order to purify the Ka'bah, the Imam inferred that body should be also clean.

1.8. Legitimacy of rent

In response to a question on rent, Imam Kazim said, *"Rent is permissible as Prophet Moses accepted to be the hired worker of another person."* To prove his words, Imam Kazim cited the words by Prophet Jethro, who said, ***"I desire to marry one of these two daughters of mine to you on condition that you should serve me for eight years; but if you complete ten, it will be of your own free will.*** (***28:27***)***"***al-Qasas, 27, Bahrani, no date, vol.3:225, no.1. From the tone of verse and hadith, it can be concluded the actual duration of rent was eight years, and the two other years were made contingent upon the consent of the hired worker (i.e., Prophet Moses). Thus, the rent term is determined through agreement of both sides, namely the hired worker and the hirer.

1.9 Nullifying Imamate of oppressors and the unintelligent

Referring to the Qur'anic verse of chapter al- Baqarah: ***"And when his Lord tried Ibrahim with certain words, he fulfilled them. He said: Surely I will make you an Imam of men. Ibrahim said: And of my offspring? My covenant does not include the unjust, said He."***(***2:124***) Imam Ridha' said, "*God, the Blessed, the Sublime stated, 'My covenant does not include the unjust.'*" This verse nullifies the leadership of any unjust person until the Day of Judgment, and has made it exclusive to the chosen

ones.Bahrani, no date, vol.4: 30 no. 5, and also see p. 38, no. 2. In another narration, commenting on this verse, Imam Baqir said, *"It means the unintelligent cannot be the Imam of the pious."*Aruzi Howaizi, 1373 A. H., vol.1: 121, no. 42. The reason for incompetence of a sinner for leadership has been repeated in the Infallibles' words; for instance, that statement "*There is no obedience in the good*," by Imam Ali, and "*No servant must be obeyed in disobedience to God*," by the Prophet.Jawadi Amuli, 1385 solar, vol.6: 534. The comments of Imam Ridha' and Imam Baqir on the verse 124 of the chapter al-Baqarah indicate the incompatibility of Imamate with oppression. That is, the verse is a generalization that cannot be made specific to anybody, and the sentence suggests the absolute negation. In other words, if somebody is not meritorious and righteous - whether or not he is a descendant of Prophet Abraham - he cannot be an Imam because Imamate is the fulfillment of the divine plan, including implementation of policies, enforcement of divine legal punishment and injunctions, and administration of justice to train and nurture souls inwardly and outwardly. No person can administer this kind of justice except an Infallible.Makarim Shirazi, 1384 solar, vol 1:501.

1.10. Knowledge: a mandatory condition to enjoin good and forbid evil

Considering the verse 159 of the chapter al-Araf: ***"And of Musa's people was a party who guided*** [***people***] ***with the truth, and thereby did they do justice."***(***7:159***) Imam Sadiq said, "*Only for a capable person whose word is accepted not for all people is it obligatory to enjoin the good and forbid the evil*."Aruzi Howaizi, 1373 A. H., vol.5: 225 no. 94. Here, the Imam considered "of" in the verse above as meaning "some of". This is why Shi'a jurists say regarding enjoining the good and forbidding the evil, "*Knowledge is a condition for its being obligatory,*" that is, the one who enjoins the good or forbids the evil should be aware of and have knowledge about good and the evil.Imam Khomeini, no date, vol. 1:465.

1.11. Justifying the punishment for disabled or diseased wrongdoers

Sufyan Tawri told me: "*You are revered by Abu-Abdillah* [*Imam Sadiq*] *so ask him about the legal ruling on a man who committed fornication but is very much diseased, and it is feared that he dies as a result of legal punishment*." I asked the Imam this question to which he replied, "*Is it your question or someone else wanted you to ask me this?*" I told him, *"It is Sufyan Tawri's question."* Imam Sadiq said, *"A sick man who committed fornication with a sick woman was brought to Prophet Muhammad, who ordered a dead date palm branch with about 100 twigs to be taken to him. With it, the Prophet hit both the sick man and sick woman only once. This is what understood from God's word,* ***"Take a faggot in your hand and then strike*** [***your wife***] ***with it, but do not break*** [***your***] ***oath"*** (***Sad, 38:44***). Regarding this verse, commentators state that while Prophet Job (Ayyoub) was diseased, he swore to punish his wife for her fault, lashing her 100 times. When he recovered from the disease, in return for his loyal wife's services to him, God ordered him to take 100 thin sticks and hit her with them once, not breaking his oath.Tusi, 1388, vol. 8: 520. Referring to this verse, Imam Sadiq gave the legal ruling on mitigating the punishment of the ill male and female fornicator. On the basis of interpretive narrations on the above verse, the Shi'a

jurists ruled that the judge should postpone the legal punishment of sick fornicators until they recover or if for some reasons it is advisable to administer the legal punishment immediately, it should be enforced with thin sticks.Imam Khomeini, no date, 2: 465.

1.12. 'A part' refers to one-tenth

Ibn Abi Laili was asked, "*A woman willed that her debt to her nephew should be paid by one-third of her property, and 'a part' of it should be given to a certain person. What amount of her property constitutes 'a part' of it?"* He answered, "*I see 'a part' as nothing and actually do not know what it means*." Imam Sadiq was asked the same question, and he replied, "*Ibn Abi Laili was wrong; 'a part' means one-tenth of one-third of one's property*." He also added, "*Surely God ordered Prophet Abraham, **"Place on every mountain a part of them,"** (**2:261**);* since there were ten mountains, 'a part' means one-tenth of something. In the Qur'an, there is no mention of the number of mountains in which Prophet Abraham put the fragments of birds, but Imam Sadiq considered them to be ten. On this basis, it is said that if somebody wills a part of his property to be used for some purposes and does not determine its amount, one-tenth is sufficient, because in the above Qur'anic verse 'a part' means one-tenth.

1.13. The legal ruling on sheep grazing overnight in somebody's field without permission

Verse 78 of the chapter al-Anbia, ***"And Dawood and Sulayman when they gave judgment concerning the field when the people's sheep pastured therein by night, and We were bearers of witness to their judgment,***(***21:78***)***"*** deals with the judgments by Prophet David and Prophet Solomon. The Qur'an does not refer to its details; there is only a reference to its morals in the following verses. Imam Sadiq was asked about the interpretation of this verse. He said: *"'Nafas'* (*or 'pasture'*) *in the above verse refers to sheep grazing at night. The farmer should protect the field during the day, and the shepherd should prevent his herd from trespassing others' fields. Thus, if the herd of sheep enters somebody's field, the shepherd is responsible for the damage to the farm. However, if this occurs during the day, he is not accountable. In the above-mentioned incidence, a sheep herd entered somebody's field and damaged it, so Prophet David ruled that all the sheep should be given to the farmer, and Prophet Solomon decreed that sheep should be accessible to the farmer so that he could use their milk and wool, etc. Also, the farm should be available to the shepherd, and he should endeavour to restore it to its original state."*Bahrani, no date, vol. 3:66 , no.1-2, & p. 67, no.4, & Aruzi Howaizi, 1373:441, no. 110, 111 & 112. Although the legal ruling by Prophet Solomon was different from the one given by Prophet David, in a legal interpretation of the verse, Imam Sadiq considered both verdicts a compensation for the damage. According to Prophet David, the loss inflicted on the vineyard equaled the price of sheep, so he ruled that all sheep had to be given to the owner of the vineyard because the shepherd was bound to prevent them from trespassing others' fields at night. Thus, he was responsible for the loss inflicted on the vineyard. On the other hand, according to Prophet Solomon, the loss inflicted on the vineyard equaled the benefits gained from sheep in a year, so he ruled that for one year, sheep

had to be given to the farmer so that he could benefit from them. The two sentences ***"and to each one We gave wisdom and knowledge"*** and ***"So We made Sulaiman to understand it"*** (***Anbiya,21: 79***) indicated that both legal rulings were correct, but Prophet Solomon's ruling was more practical.Makarim Shirazi, 1384 solar, vol. 13: 506.

1.14. Fasting goes beyond refraining from eating and drinking

Considering verse 26 of the chapter Maryam, ***"Surely I have vowed a fast to the Beneficent Allah," Imam Sadiq said, "Fasting does not limit to refraining from eating and drinking;*** [***in the past***] ***it also included speaking."***(***19:26***) The above verse shows that Lady Mary was ordered to keep silent. Also, from her people's objection about her silence, it can be concluded that silent fasting was known to them at that time. However, it was later made prohibited in Islam. The etiquettes of fasting in Islam, nevertheless, include preventing the tongue from being contaminated by verbal sin and avoiding visual sins. Referring to the etiquettes of fasting in Islam, the Imam based his word on the words of God uttered by Lady Mary. The abovementioned includes a few examples of the Ahlul Bayt's legal inferences from Qur'anic stories. In the Ahlul Bayt's Qur'anic commentaries found in hadith collections, there are other similar cases: – Imam Baqir's inferring "the legal ruling of prayers not performed" from the story of Prophet Moses in verses no. 12 and 14 of the chapter Taha, ***"Surely I am your Lord, therefore put off your shoes; surely you are in the sacred valley, Tuwa, And I have chosen you, so listen to what is revealed: Surely I am Allah, there is no god but I, therefore serve Me and keep up prayer for My remembrance.*** (***20:12-14***)"Bahrani, no date: 34. – Imam Sadiq's inferring "the permissibility of argumentation" from the story of Prophet AbrahamAruzi Howaizi, 1373 A.H., vol.3, 343. , – Imam Ali's deducing the legal ruling of "sexual enjoyment of the spouse" on the basis of the verse, ***"And*** [***We sent***] ***Lut when he said to his people: Most surely you are guilty of an indecency which none of the nations has ever done before you,"*** (***Ankabut, 29:28***).Bahrani, no date, vol.2:25, 228 & 231. – Imam Hadi's deducing the legal ruling that "it is not obligatory to perform '*hud*' on a non-Muslim fornicator" from the verse, ***"But when they saw Our punishment, they said: We believe in Allah alone and we deny what we used to associate with Him,"*** (***Ghafir, 40:84***). Hurr Amili, no date, vol.18:407; Tusi, no date, vol.10, no.135, & Atarudi, 1406 A.H., 341. – Imam Baqir's deriving the legal ruling that "it is not obligatory for a woman to make up for prayers not performed during menstruation" using the verse, ***"And when she bore her, she said, 'My Lord, I have borne a female*** [***child***]***' – and Allah knew better what she had borne – 'and the female is not like the male,"*** (***Ale-Imran, 3:36***). Bahrani, no date, vol.1:617, Ayyashi, no date, vol.1:195. – Imam Sadiq's using the verses, ***"And when his Lord tested Abraham with certain words, and he fulfilled them, He said, 'I am making you the Imam of mankind.' Said he, 'And from among my descendants?' He said, 'My pledge does not extend to the unjust.'"*** (***al-Baqarah, 2:124***) and ***"Then he made an observation of the stars and said, 'Indeed I am sick!'*** (***Saffat, 37:88-89***).See Bahrani, no date, vol.4: 25. The fact that the above-mentioned hadiths could be collected indicates the legal tendency feasibility of legal interpretation of the Qur'anic stories. This tendency holds a unique and defensible status in the Ahlul Bayt's interpretation doctrine. In the second section, it is tried to raise and examine some questions and ambiguities concerning the stories of

prophets and the related Qur'anic topics, using this method of interpretation. This will be done with the aim of finding an appropriate response and solution, using the implications of this legal approach to the Qur'anic commentary.

Source URL:
https://www.al-islam.org/message-thaqalayn/vol-16-no-2-summer-2015/legal-rulings-derived-quranic-stories-part-1/legal