

that at shrines or graveyards. There they would leave a goat or a full-grown male domestic fowl in the hands of the keepers who sell these out. So, those who buy such livestock or poultry from the keepers authorized by owners, for them, it is perfectly lawful if they buy, slaughter, eat or sell them onwards.

***Nadhr lighayrillāh*: Offering for any one other than Allah**

Here we have a fourth situation on our hands which does not relate to animals but to things other than these. For instance, food or sweets offered against vows in the name of someone other than Allah by Hindus in their temples and by ignorant Muslims in shrines. This kind of *nadhr* or *mannat* in the name of someone other than Allah has also been declared *haram* because of the commonness of cause, that is, because of the intention to seek the favour of one other than Allah and which comes under the same prohibition as contemplated in *mā uhillā bihī lighayrillāh* as a result of which its eating, feeding, buying and selling all become *haram*. Details can be seen in the books of *fiqh* such as Al-Baḥr al-Rā'iq and others. This injunction is based on the analogy of the animals mentioned expressly in the text of the Holy Qur'ān.

Injunctions in situations of compulsion

In the verse under comment, after four things have been declared unlawful, the fifth injunction comes as an exception. The text says:

فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

which means that the injunction has been relaxed for a person who is extremely compelled by hunger, and is not looking towards enjoying his food, nor is likely to go beyond the level of his need, then he, in that situation, will not incur any sin if he eats what is unlawful. There is no doubt about it that Allah Almighty is Most-Forgiving, Very-Merciful. It will be observed that the burden of sin which accrues from eating the unlawful has been removed from the *muḍṭar* : مُضْطَرٌّ : the one who is compelled by necessity and must save his life, if he fulfils two attending conditions. In the terminology of the *Shar'iah*, the word, *muḍṭar* is applied to a person whose life is in danger. Ordinary pain or need cannot qualify a person to be known as *muḍṭar*. So, for a person whose hunger has driven him to a point beyond which he must either eat or die, there is an option; he can eat things made unlawful

on two conditions. Firstly, the aim should be to save life and not to enjoy eating. Secondly, he must eat only as much as would serve to save his life; eating to fill up one's stomach or eating much more than one needs remain prohibited even at that time.

Special Note

Here, the eating of things forbidden even under a situation of compulsion (*idtirār*) has not been made lawful as such by the noble Qur'ān, instead, the expression used is لَا إِثْمَ عَلَيْهِ (there is no sin on him) which means that these things continue to be *ḥarām* as they are, but the sin of using what is *ḥarām* has been forgiven because the eater has done so under the compulsion of necessity. There is a world of difference between making something lawful and the forgiving of sin. If the objective was to make these things lawful under compulsive need, a simple exception from the injunction of unlawfulness would have been enough. But, here the text does not rest at the simple exception, it rather elects to add the statement : لَا إِثْمَ عَلَيْهِ. By doing so, it makes a point, that is, what is *ḥarām* remains *ḥarām* as it is, and using it is nothing but sin, however, the *muḍṭar* (مُضْطَرَّ), the compelled one, has been forgiven this sin.

Using the forbidden as a cure, in necessity

A person whose life is in danger can use what is forbidden as medicine to save his life. This too is proved by the verse under comment, but there seem to be some conditions as well which have been hinted there.

To begin with, there should be a state of compulsion, and a danger of losing life. This injunction does not cover ordinary pain or sickness. Then, there is the situation when no treatment or medicine works, or is just not available - the unlawful thing to be used as life-saving drug is the only option open. This is like the exception made in a state of extreme hunger which is valid only when something lawful is not available or affordable. The third condition is that it should be made certain that by using the unlawful, life will be saved. This is like the eating of a couple of morsels from unlawful meat by one compelled fatally by hunger should be enough to save his life. If there is a medicine which appears to be useful but there is no certainty that it would cure the

ailing patient, then, the use of this unlawful medicine will not fall under the purview of the exception made in this verse and therefore, it will not be permissible. Along with these three, there are two additional conditions which have been set forth in the verse, that is, one should not aim to enjoy it and use no more than one needs to use.

Given the restrictions and conditions that emerge from clear statements and subtle hints in the verse, every unlawful and impure medicine can be used internally or externally. It is permissible by the consensus of the jurists of the Muslim *ummah*. In a nutshell, these five conditions are as follows:

1. There be a state of extreme necessity, that is, one's life be in danger.
2. Another lawful medicine does not work, or is not available.
3. It should be normally certain that the disease will be cured by such medicine.
4. Enjoying the use of the medicine should not be the aim.
5. It should not be used any more than it is needed.

Using the forbidden as a cure without necessity

As far as situations of extreme necessity are concerned, the relevant injunction has been given in the text of the Holy Qur'ān and there is total agreement on that. But, about the question of using impure or *ḥarām* medicine even in common diseases, the jurists differ. Most of them say that, barring compulsion, and all those conditions mentioned above, it is not permissible to use *ḥarām* medicine, because the Holy Prophet ﷺ as reported in al-Bukhārī has said that Allah Almighty has placed no cure for the Muslims in *ḥarām*.

Some other jurists have used a particular episode reported in *Hadīth* to declare it as permissible. That episode relates to people of the *'Uraynah* tribe and has been reported in all books of *Hadīth* where it is said that some villagers came to the Holy Prophet ﷺ. They suffered from several diseases. He permitted them the use of camel milk, and urine, which cured them.

But, this episode has several possibilities which make the use of prohibited things doubtful. Therefore, the correct original position is:

Unless the conditions of extreme necessity exist in common diseases, the use of *harām* medicine is not permissible.

However, later-day jurists, keeping in view the influx of unlawful and impure medicines in modern times, the general climate of suffering, and the weakness of people against it, have permitted the use of prohibited medicine on the condition that another lawful and pure medicine is not effective, or is not available. It is mentioned in Al-Durr al-Mukhtār, the well-known book of *Fiqh*:

اختلف فى التداوى بالمحرم و ظاهر المذهب المنع كما فى رضاع البحر ولكن
نقل المصنف ثم وهبنا عن الحاوى قيل يرخص اذا علم فيه الشفاء ولم يعلم
دواء آخر كما رخص فى الخمر للعطشان

(عليه الفتوى، ومثله فى العالمگیریة ص ۳۵۵ ج ۱۰۵)

There is difference of opinion in medication through the unlawful. Apparent religious ruling forbids it, as is mentioned in Al-Baḥr al-Rā'iq, Kitāb al-Ridā' but the author has, at that point in *al-Ridā'*, as well as here, reported from al-Hāwī al-Qudṣī that some '*ulamā'*' have permitted the use of the prohibited on medical grounds, if the cure is certain and there is no alternate available, which is like the permission granted to the critically thirsty to take a sip of liquor.

The conclusion

The details given above help us find out what we should do about modern medicines that originate mostly from Europe and America, specially those in which the use of alcohol as base or solvent, or the introduction of other impure ingredients, is known and certain. As for medicines in which the presence of unlawful and impure ingredients cannot be ascertained with any degree of certainty, their use would have a little more technical leeway, however, there is nothing like precaution, specially when the need is not that pressing. Allah Almighty knows best.

Verses 174 - 176

إِنَّ الَّذِينَ يَكْتُمُونَ مَا أَنْزَلَ اللَّهُ مِنَ الْكِتَابِ وَيَشْتَرُونَ بِهِ
ثَمَنًا قَلِيلًا أُولَئِكَ مَا يَأْكُلُونَ فِي بُطُونِهِمْ إِلَّا النَّارَ وَلَا
يَكَلِّمُهُمُ اللَّهُ يَوْمَ الْقِيَامَةِ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ ۝

أُولَئِكَ الَّذِينَ اشْتَرُوا الضَّلَالََةَ بِالْهُدَىٰ وَالْعَذَابَ بِالْمَغْفِرَةِ فَمَا أَصْبَرَهُمْ عَلَى النَّارِ ۝ ذَٰلِكَ بِأَنَّ اللَّهَ نَزَّلَ الْكِتَابَ بِالْحَقِّ وَإِنَّ الَّذِينَ اخْتَلَفُوا فِي الْكِتَابِ لَفِي شِقَاقٍ بَعِيدٍ ۝

Verily, those who conceal what Allah has revealed of the Book and get out of it a small price, they eat nothing into their bellies but fire, and Allah will not speak to them on Doomsday nor will He purify them. And for them there is painful punishment - they are those who have bought the wrong way at the price of the right path, and punishment at the price of pardon. What an endurance on their part against the fire! All that is because Allah revealed the Book with the truth, and those who have disagreed about the Book are far out in schism. (Verses 174 - 176)

Mentioned in the earlier verses were unlawful things which are tangible. Now, the verses that follow take up the intangible deeds that have been made unlawful. These are evil deeds, inner and outer. For instance, religious scholars among the Jews were addicted to giving out false verdicts in favour of people who bribed them. They would go to the limit of distorting the verses of the Torah to suit the desire of their client. In this, there is a veiled warning given to the 'ulama', the religious scholars of the community of the Last of the prophets, that they should keep away from such practices and never fall short in disclosing the true injunctions of Allah for any material reason or vested interest of their own.

Earning money against the Faith

There is no doubt that people who conceal the contents of the Book of Allah and, in return for this breach of trust, collect insignificant worldly gains are simply eating fire. When comes the *Qiyamah* (Doomsday), Allah Almighty will not speak to them affectionately, nor will He purify them by forgiving their sins. Their punishment will be terrible for they are the kind of people who, during their mortal life, chose to abandon guidance and adopt error, and in the Hereafter, they missed forgiveness and became deserving of punishment. They must be very courageous in that they are all set to go into Hell. All these punishments to them are because they elected to stray away from the Book of Allah, something so clear and true. It is evident that they

must be victims of serious intransigence and are far out in schism, as a result of which they can expect to deserve a matching punishment.

Verse 175 tells us that a person who changes the injunction of Shari'ah in his greed for worldly gains, he should know that these worldly gains he consumes are like embers of fire he is storing in his stomach because that is the ultimate end of his deeds. Some perceptive 'Ulamā' have said that unlawful wealth is, in reality, the very fire of Hell, even though we do not sense it as such during our lifetime in the mortal world, but once one dies, his or her deeds will appear in the form of fire.

Verse 177

لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ
 مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالرَّسُولِ وَآتَى
 الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنَ
 السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ
 وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي الْبَأْسَاءِ
 وَالضَّرَّاءِ وَحِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ صَدَقُوا وَأُولَئِكَ هُمُ
 الْمُتَّقُونَ ۝

Righteousness is not that you turn your faces to the East and the West; but righteousness is that one believes in Allah and the Last Day and the angels and the Book and the Prophets, and gives wealth, despite its love⁴⁷, to relatives, and to orphans, the helpless, the wayfarer, and to those who ask, and (spends) in (freeing) slaves and observes the prayers and pays the *Zakāh*; and those who fulfil their promise when they promise and, of course, the patient⁴⁸ in hardships and sufferings and when in battle! Those are the ones who are true and those are the God-fearing. (Verse 177)

47. Or, 'out of His love'.

48. Reflects the emphasis the Holy Qur'ān has given to *al-ṣābirin* by changing the case from nominative to objective.

From the beginning to this point, the Sūrah al-Baqarah is reaching its half-way mark. Until now, the message was addressed mostly to its deniers since the truth of the Holy Qur'ān was the first thing to be established. In that context, mention was made of those who accepted it and those who rejected it, which was followed by providing proof of Allah's Oneness and the Prophethood. Then, recounted were Allah's blessings and favours on the progeny of Ibrāhīm عليه السلام right through the verse وَإِذِ اسْتَأْذَنَّا إِبْرَاهِيمَ رَبَّهُ (2:124). Thenceforth started the issue of the Qiblah which continued until it was resolved when the status of *Safā* and *Marwah* was identified as a sign from Allah (Verse 158).

Then, the affirmation of Allah's Oneness was rightfully followed by a refutation of the principles and subsidiaries of *Shirk*, the act of associating others with Allah. The approach this far is full of warning mostly given to the deniers of the message of the Qur'ān; any reference to Muslims was only as a corollary.

The verses that follow contain nearly the other half of Sūrah al-Baqarah where the primary purpose is to educate Muslims in the principles and the subsidiaries of their religion and any address to non-Muslims is by implication only. This subject which continues through the end of the Sūrah has been unfolded by presenting and explaining the cardinal concept of *birr*, an umbrella word in Arabic used for what is good in the absolute sense and which combines in itself all acts of righteousness and obedience, inward or outward. So, when the verse begins, basic principles such as belief in the Book, spending of wealth in charity, fulfillment of promises and patience in distress have been stressed upon which, incidentally, include the basic principles behind all injunctions of the Holy Qur'ān. The fact is that the articles of belief, the deeds in accordance with them and the morals are the essence of all religious injunctions while all details fall under these basics. Thus, the verse actually houses all these three major departments.

The chapters of 'Birr' (the virtues)

From this point onwards, the reader will find details of this comprehensive attribute of *birr*, the essence of which is 'obedience'. Many injunctions, in unison with suitable time and place, have been taken up as needed. Some of these are about Equal Retaliation, Will,

Fasting, *Jihād*, *Hajj*, Spending, Menstruation, 'Īlā', Oath, Divorce, Marriage, Post-divorce waiting period for women ('*Iddah*), Dower (*Mahr*), while *Jihād* and *Infāq* (spending) in the way of Allah find re-stress, and some aspects of buying and selling and witnessing appear proportionate to their need. The finale is good tidings and the promise of mercy and forgiveness.

Commentary

When *Baytullah*, the House of Allah at Makkah was made the Qiblah of the Muslims in place of *Baytul-Maqdis*, the Jews and Christians and the *Mushrikīn*, who were much too eager to find fault with Islam and Muslims, were stirred and they started coming up with all sorts of objections against Islam and the Holy Prophet ﷺ, detailed answers to which have been given in verses that have appeared earlier.

In the present verse, this debated issue has been closed in a unique manner when it was said that Faith cannot be restricted to the single aspect of turning to the West or the East when praying. These are directions in an absolute sense and thus cannot be turned into the very object of Faith to the total exclusion of other injunctions of the Shari'ah.

It is also possible that this is addressed to Jews, Christians and Muslims at the same time, the sense being that real *birr* (righteousness) and *thawāb* (merit) lies in obedience to Allah Almighty. The direction in which He wants us to turn automatically becomes merit-worthy and correct. In itself, the East or the West, or any other direction or orientation, has no importance or merit. Instead, the real merit comes out of one's obedience to the injunctions of Allah, no matter what the direction be. Upto the time the command was to turn towards the *Baytul-Maqdis*, the obedience to that command was an act deserving of merit, and now, when the command to turn towards the House of Allah at Makkah has come, obeying this command has become deserving of merit.

As stated earlier during the discussion of linkage of verses, a new sequence begins from this verse where the main body of the text comprises of teachings and instructions for Muslims with answers to

antagonists appearing there by implication. This is why this particular verse has been identified as very comprehensive in presenting Islamic injunctions. What follows through the end of Sūrah al-Baqarah is an explanation or elaboration of this verse. Given below is a detailed account of what the verse presents as a gist of the articles of faith, the modes of Allah's worship, dealings with people, and the moral principles.

Foremost are the articles of faith. These were covered under *مَنْ آمَنَ* بِاللَّهِ: "That one believes in Allah." Then comes the act of following the articles of faith in one's deeds, that is, in Allah's worship and in dealings with people. Allah's worship is mentioned upto the end of *وَاتَى* : "And pays the *Zakāh*", then, dealings with people were covered under *وَالْمُوفُونَ بِعَهْدِهِمْ* : "And those who fulfil their promise", concluding with the mention of morals under *وَالصَّابِرِينَ* : "The patient." The final statement is that those who follow all these injunctions are true Muslims and they are the ones who can be called God-fearing.

While mentioning these injunctions, the verse has given a number of subtle but eloquent indications, for instance, the spending of wealth has been tied up with *عَلَىٰ حُبِّهِ* : '*alā ḥubbihi*' which has three possible meanings. Firstly, the pronoun in '*ḥubbihi*' may refer to Allah Almighty, in which case, it would mean that in spending wealth one should not be guided by material motives or the desire to show off. Such spending should rather be done out of love for Allah Almighty, whose exalted majesty requires that this be done with perfectly un-alloyed sincerity (in the sense of the genuine *ikhlas* of Arabic and not in the sense of some modern casual nicety).

The second possibility is that this pronoun refers to wealth, in which case, it would mean that, while spending in the way of Allah, only that part of one's wealth and possessions which one loves will be deserving of merit. Giving out throw-aways in the name of charity is no charity, barring the option of giving it to somebody who can use it, which is better than simply throwing things away.

The third possibility is that the pronoun refers to the infinitive *آتَى* : *ātā* which emerges from the word *إِيتَى* of the text, in which case, the meaning could be that one should be fully satisfied in the heart with what one spends, not that hands spend and the heart aches.

Imām Al-Jassās has suggested the likelihood that all three meanings may be inclusive in the statement. It may be noted that, at this place, two forms of spending have been stated earlier which are other than *Zakāh*. *Zakāh* has been taken up after these two. Perhaps, the reason for this earlier mention could be the general negligence practiced in the liquidation of these rights on the assumption that the payment of *Zakāh* is sufficient.

This proves that financial obligations do not end at the simple payment of *Zakāh*. There are occasions, other than those of paying *Zakāh*, where spending out of one's wealth becomes obligatory and necessary (Jassās and Qurtubī). For instance, spending on your kin, when they have a valid excuse of not being able to earn their own living, is necessary; or there may be some needy person dying in poverty while you have already paid your *Zakāh*, then, it becomes obligatory for you to save his life by spending your wealth on the spot.

Similarly, building mosques and schools for religious education are all included in financial obligations. The difference is that *Zakāh* has a special law of its own and it is obligatory to take full care in paying the *Zakāh* in accordance with that law, under all conditions. While these other obligations depend on necessity and need; where needed, spending would become obligatory and where not needed, it will not be obligatory.

Special Note

A careful look at the text of the verse will show that those on whom wealth has to be spent, that is, the relatives, orphans, the needy, the wayfarer and those who ask, have all been described in one distinct manner, while the last head on the list has been introduced in another manner. It is clear that by adding *فِي* : *fī* in : *وَفِي الرِّقَابِ* "And (spends) in (freeing) slaves" the purpose is to point out that the amount spent will not reach the hands of the slaves owned by somebody as their personal amount which they can spend at will. Instead, the amount has to be spent in buying slaves from their masters and setting them free. Hence, the translation: 'And (spends) in (freeing) slaves.' After that, the statement, *أَنَامَ الصَّلَاةَ وَأَتَى الزَّكَاةَ* : "And observes the prayers and pays the *Zakāh*" appears in the same manner as everything else has been mentioned earlier. Now, in order to introduce the chapter of dealings,

the style has been changed. And instead of using verbs, the nouns have been used. This denotes that one should have a continuing habit of fulfilling promises made. A chance fulfillment of a compact, something even a disbeliever or a sinner would accomplish once in a while is not enough to qualify a person for being included in the list.

The reason why the keeping of promises has been chosen to represent dealings with people is simple. A little thought would show that staying by a contract entered into or the fulfilling of a promise made, is the essence of all dealings, such as buying and selling, leasing, renting and partnership.

Similarly, while referring to the moral principles or the inner deeds, only *ṣabr* (patience) is mentioned in the verse, because *ṣabr* means to control the human self and guard it against evil. Even a little reflection can lead to the conclusion that *ṣabr* is the very essence of all inner deeds; through it, high morals can be achieved and through it, low morals can be eliminated.

Yet another change in style made here concerns the use of the word *وَالصَّابِرِينَ* and not *وَالصَّابِرُونَ* on the pattern of *وَالْمُؤْمِنِينَ* which appeared immediately earlier. Commentators call it *نصب على المدح* : *naṣb 'ala l'madh* which means that the word *madh* (praise) is understood here and the word *al-ṣābirīn* is its object. This means that among the righteous, the *ṣābirīn* (the patient) are worthy of special praise since *ṣabr* gives one special power to perform righteous deeds.

In short, this verse holds in its fold important principles of all departments of Faith and its eloquent hints tell us the degree of importance of each one of them.

Verses 178 - 179

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ ۗ الْحُرُّ
بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ ۖ وَالْأُنثَىٰ بِالْأُنثَىٰ ۗ فَمَنْ عَفَىٰ لَهُ مِنْ
أَخِيهِ شَيْءٌ فَاتَّبِعْهُ بِالْمَعْرُوفِ ۚ وَأَدَاءُ إِلَيْهِ بِإِحْسَانٍ ۗ ذَلِكَ تَخْفِيفٌ مِّنْ
رَّبِّكُمْ وَرَحْمَةٌ ۗ فَمَنْ اعْتَدَىٰ بَعْدَ ذَلِكَ فَعَلَهُ عَذَابٌ أَلِيمٌ ۝ وَلَكُمْ
فِي الْقِصَاصِ حَيَوةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ ۝

O those who believe, the *Qisās* has been enjoined upon you - freeman for a freeman, slave for a slave and female for a female. If one is then forgiven something by his brother, then there is pursuing as recognized and payment to him in fairness. That is a relief from your Lord, and mercy. So, whoever exceeds the limit after all that, for him there is painful punishment. And vested in the *Qisās*, there is life for you O people of wisdom, perhaps you will be God-fearing. (Verses 178 - 179)

From the brief introduction to the nature of righteousness appearing in verses before this, the text now enters into the description of related subsidiary injunctions. Under the first injunction in this connection, the verse prescribes the law of *Qisās* (even retaliation), that is, the killer will be killed, irrespective of the status of the parties involved. If the aggrieved party somewhat relents on its own and forgives the *Qisās*, but does not forgive the offence totally, it will become necessary for the killer to pay *diyah* (ذِيَّاه) or blood-money as fixed, in a fair manner, and promptly. The claimant too, should pursue the matter in a recognized manner causing no harassment to the defendant. This law of blood-money and pardon is a relief granted by Allah Almighty in His grace, otherwise, there would have been no choice but to face the punishment of death. If, after all that, anyone crosses the limit set by Allah, such as, the filing of a false or doubtful case of murder, or a post-pardon re-opening of a murder case, he will be severely punished. In the end, the verse points out that wise people should have no difficulty in seeing that the law of even retaliation does not take life, instead, it gives life, for such a deterrent law will make people fear the punishment of killing somebody and thus lives will be saved.

There is life in '*Qisās*'

Literally, the word, *Qisās* means likeness. In usage, it denotes 'even retaliation' or to return like for like. In Islamic juristic terminology, *Qisās* means the equal retaliation of an aggression committed against the body of a person. This retaliation is allowed only with a condition that the principle of "like for like" is strictly

observed. This has been explained more clearly later on in verse 194 of this very Sūrah which says:

فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ

So, aggress against him in the like manner as he did against you.

And also in the concluding verses of Sūrah al-Naḥl, the same rule has been covered:

وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ

And, if you retaliate, then retaliate just as you have been oppressed against. (16:126)

Therefore, as a term of the Shari'ah, the *Qisas* is a punishment for killing or wounding in which the principle of equality or likeness is taken into full consideration.

Rulings

1. The principle of even retaliation is applied exclusively in cases of culpable homicide when someone has been killed intentionally with a lethal weapon causing injury and blood-loss.

2. In a homicide of this nature, the killer is killed in even retaliation - 'free man for a free man, slave for a slave, and female for a female - and similarly, a man for a woman. The mention of 'free man for a free man' and 'female for a female' in this verse refers to a specific event in the background of which it was revealed.

On the authority of Ibn Abī Hatīm, Ibn Kathīr has reported that, just before the advent of Islam, war broke out between two tribes. Many men and women, free and slaves, belonging to both, were killed. Their case was still undecided when the Islamic period set in and the two tribes entered the fold of Islam. Now that they were Muslims, they started talking about retaliation for those killed on each side. One of the tribes which was more powerful insisted that they would not agree to anything less than that a free man for their slave and a man for their woman be killed from the other side.

It was to refute this barbaric demand on their part that this verse was revealed. By saying 'free man for a free man, slave for a slave and female for a female' it is intended to negate their absurd demand that a free man for a slave and man for a woman should be killed in

retaliation, even though he may not be the killer. The just law that Islam enforced was that the killer is the one who has to be killed in *Qiṣāṣ*. If a woman is the killer why should an innocent man be killed in retaliation? Similarly, if the killer is a slave, there is no sense in retaliating against an innocent free man. This is an injustice which can never be tolerated in Islam.

This verse means nothing but what has been stated earlier, and we repeat, that the one who has killed will be the one to be killed in *Qiṣāṣ*.

It is not permissible to kill an innocent man or someone free for a killer, woman or slave. Let us hasten to clarify that the verse does not mean that *Qiṣāṣ* will not be taken from a man who kills a woman or from a free man who kills a slave. In the very beginning of this verse the words *الْقِصَاصُ فِي الْقَتْلِ*: "The *Qiṣāṣ* has been enjoined upon you in the case of those murdered" are a clear proof of this universality of application. There are other verses where this aspect has been stated more explicitly, for instance, in *الْأَنْفُسُ بِالنَّفْسِ* (the person for the person).

3. If, in a case of intentional killing the murderer is given full pardon, for instance, should both of the two surviving sons of the deceased pardon and forego their right of retaliation, the killer is free of any claim against him. In case the pardon is not that full, for instance, as illustrated above, one of the two surviving sons does pardon the killer while the other does not, the result will be that the killer will stand released right there from the retaliatory punishment, but the one who has not pardoned the killer will be entitled to half of the blood-money (*diyah*). In Shari'ah, this *diyah* amounts to one hundred camels or one thousand dinars or ten thousand *dirhams* or approximately nineteen pounds of silver according to current weights and measures.

4. The way an incomplete pardon makes payment of blood-money necessary, in the same manner, a mutual settlement between parties concerned on a certain amount makes retaliation inapplicable and payment of the agreed amount becomes necessary. This, however, is governed by some conditions which appear in books of *fiqh*.

5. Under the Islamic law, the inheritors of the person killed, whatever their number, will inherit and own the right of retaliation and blood-money in accordance with their share in the inheritance. If

blood-money is taken, it will be distributed among the inheritors in accordance with their share in the inheritance. And should *Qīṣāṣ* (even retaliation) become the choice, the right of *Qīṣāṣ* will also be commonly shared by all. Since *Qīṣāṣ* is indivisible, the pardon given by any one of the inheritors will hold good and the pardon will become inclusive of the right of retaliation held by other inheritors. However, they shall receive the blood-money amount according to their share.

6. It is true that the right of even retaliation is vested in the legal heirs of the persons killed but, in accordance with the consensus of the Muslim community, they do not have the right to settle the score all by themselves, in other words, they cannot kill the killer on their own, instead, they have to seek the help of a Muslim ruler or his deputy to realize their right. The reason is that *Qīṣāṣ* is an intricate issue when it comes to details which are simply out of reach for an average person.

Therefore, the legal heirs of the person killed, not knowing the particular circumstances when retaliation does, or does not become necessary, may commit some sort of excess under the heat of their anger. So, by a unanimous agreement of the scholars of the Muslim community, it is necessary that the right of retaliation be secured and made effective through the agency of an Islamic government. (Qurṭubī)

Verses 180 - 182

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا، الْوَصِيَّةَ
 لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ ۝ فَمَنْ
 بَدَّلَهُ بَعْدَ مَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ إِنَّ اللَّهَ
 سَمِيعٌ عَلِيمٌ ۝ فَمَنْ خَافَ مِنْ مَوْصٍ جَنَفًا أَوْ إِثْمًا فَأَصْلَحَ
 بَيْنَهُمْ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ۝

It is enjoined upon you, when death probes anyone of you and he leaves some wealth, to bequeath for the parents and the nearest of kin in the approved manner, being an obligation on the God-fearing. Then, whoever changes it after he has heard it, its sin will only be on those who change it. Surely, Allah is all-hearing, all-knowing. But, whoever apprehends slant or sin from a testator and puts things right between them,

then there is no sin on him. Surely, Allah is Forgiving, Merciful. (Verses 180 - 182)

The Qur'ānic view of making will

Literally, *al-waṣīyyah* means an order to do something, either in the lifetime of the maker of *waṣīyyah* or after his death. But, in commonly accepted usage, it refers to what must be done after death. It can be translated as the will or bequest.

Out of the many meanings the word *khayr* has in Arabic, 'wealth' happens to be one of them, for instance, in the verse **وَإِنَّهُ لِحُبِّ الْخَيْرِ لَشَدِيدٌ** (Surely he is passionate in his love for good things) where, according to the unanimous agreement of commentators, '*khayr*' means 'wealth'.

In early Islam, when shares in inheritance were not fixed by the Shari'ah, the rule was that a dying person could make a will within the one third of inheritance, leaving behind in the name of his parents and relatives in whatever proportion he chose. This much was their right; the rest went to children. This injunction appears here in this verse.

The making of a will made obligatory for one who is leaving behind some wealth has three aspects:

1. No shares except those of children are fixed for any other inheritors in what is being left by the dying person. These are to be determined through the will made by him.
2. Making a will for such relatives is obligatory on the dying person.
3. Making a will for more than one third of the inheritance is not permissible.

Out of these three injunctions, the first one was abrogated by the 'verse of inheritance' as determined by most of the Companions and their immediate successors. Ibn Kathīr has reported from the blessed Companion, 'Abdullah ibn 'Abbas that this injunction was abrogated by the 'verse of inheritance' which is as follows:

لِلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدِينَ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدِينَ
وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ نَصِيبًا مَّفْرُوضًا ٥

For men there is a share in what the parents and the nearest

of kin have left, and for women there is a share in what the parents and the nearest of kin have left, be it is small or large - a determined share. (4:7)

In another narration of the *ḥadīth* from him it has been said that the 'verse of inheritance' has abrogated the making of will in the name of those who have a fixed share in the inheritance, while the injunction to make a will in favour of those relatives who do not have a share in the inheritance still holds good. (Jaṣṣāṣ, Qurtubī)

It should, however, be borne in mind that according to the consensus of the Muslim *Ummah* it is not obligatory on the dying person to necessarily make a will in favour of relatives who have no fixed shares in the inheritance. Therefore, the obligatory character of a *waṣīyyah* in their favour is also abrogated (Jaṣṣāṣ, Qurtubī). Now, making a will in favour of such relatives is only a desired (*mustaḥabb*) act, and that, too, is subject to their need.

Now the second injunction regarding the obligation of making a will also stands abrogated in accordance with the consensus of the Muslim *ummaḥ*. It was abrogated by that famous *ḥadīth* (*al-ḥadīth al-mutawātir*: the veracity of which stands ensured through an uninterrupted chain of transmitters from many sides who are unlikely to agree on a lie) which was part of the sermon delivered before some one hundred and fifty thousand Companions on the occasion of his last Hajj when he said:

ان الله اعطى لكل ذى حق حقه فلا وصية لوارث (اخرجه الترمذى وقال حديث حسن صحيح)

Allah has Himself given everyone, who has a right, his right.

So, there is no will for any inheritor. (Tirmidhī)

The same *ḥadīth*, as narrated by Sayyidnā ibn 'Abbās رضى الله عنه , has the following additional words:

لا وصية لوارث الا ان تجيزه الورثة

There is no will for any inheritor unless all inheritors permit.

The essence of the *ḥadīth* is that Allah Almighty has Himself fixed the shares of the inheritors, therefore, the executor need not make a will anymore, in fact, he does not even have the permission to make a will in favour of an heir; however, should other inheritors allow the enforcement of such a will, it will then be permissible.

Imām Al-Jassās says that this hadith has been reported from a group of the blessed Companions and the jurists of the Muslim community have accepted it unanimously, therefore, this is an uninterruptedly ensured *ḥadīth* which makes the abrogation of the verse of the Qur'ān permissible.

Imām Al-Qurṭubī has said that the scholars of the Muslim community unanimously agree that an injunction which comes to us through the Holy Prophet ﷺ and we know about it with full certitude, as is the case with *mutawātir* and *mashhūr* reports, it will be at par with the injunction of the Holy Qur'ān and will have to be taken as the command of Allah Almighty. Therefore, the abrogation of some verse of the Holy Qur'ān from a *ḥadīth* of this kind is no case for doubt. Although the *hadith* which invalidates a will in favour of an heir is a solitary report, (*Al-Khabar al-Wāhid*), however, the fact that this *ḥadīth* comes from the sermon of the last Ḥajj of the Holy Prophet ﷺ when he openly proclaimed this before the largest ever gathering of the blessed Companions, and then their consensus and the consensus of the Muslim community make it clear that this *ḥadīth* is, according to them, absolutely proven, otherwise in the presence of the slightest doubt, they would have never abandoned the verse of the Qur'ān and agreed to this abrogating command through the *ḥadīth*.

The third injunction stills holds good with the unanimous approval of the Muslim *ummah* in which it is not permissible to bequeath more than one-third of what one leaves behind. However, should the inheritors allow the bequest of more than one third, even the whole of what one leaves behind, it shall be permissible.

Rulings

1. As stated earlier, now making a will is not necessary to cover relatives whose shares have been fixed by the Holy Qur'ān. In fact, this is not permissible without the permission of other inheritors. However, relatives who do not hold a legal share in the inheritance can be bequeathed upto one third of the total.

2. In this verse a particular will was mentioned which was to be made by a dying person about what he left behind. This stands abrogated. But, making a will is still necessary, specially for a person who owes to others or holds something in trust. He should make sure

that these are taken care of in his will. The Holy Prophet ﷺ has said in a *ḥadīth* that a person who has some rights of other people due against him, then, he should not let three nights pass on him by which he does not have his written will with him.

3. As for the right to make a will covering the one-third of his property, one has the right to make some change in this will or cancel it totally during his life time.

Verses 183 - 184

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى
الَّذِينَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ ۝ أَيَّامًا مَعْدُودَاتٍ فَمَنْ كَانَ
مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ وَعَلَى الَّذِينَ
يُطِيفُونَ فِدْيَةٌ طَعَامُ مِسْكِينٍ فَمَنْ تَطَوَّعَ خَيْرًا فَهُوَ خَيْرٌ لَهُ
وَأَنْ تَصُومُوا خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ ۝

O those who believe, the fasts have been enjoined upon you as were enjoined upon those before you so that you be God-fearing. Days (of fasting are) few in number. However, should anyone of you be sick or on a journey, then a number from other days. And those who have the strength, on them there is a ransom: the feeding of a poor person. Then whoever does good voluntarily, that is better for him. And that you fast is better for you, if you know. (Verses 183 - 184)

Commentary

Literally, *Ṣawm* means 'to abstain'. In the terminology of Islamic law, *Ṣawm* means 'to abstain from eating, drinking and sexual intercourse; with the conditions that one abstains continuously from dawn to sunset, and that there is an intention to fast'. Therefore, should one eat or drink anything even a minute before sunset, the fast will not be valid. Similarly, if one abstained from all these things throughout the day but made no intention to fast, there will be no fast here too.

Ṣawm or 'fasting' is an *'ibādah*, an act of worship in Islam, regarded as its pillar and sign. The merits of fasting are too numerous to be taken up at this point.

Past communities and the injunction to fast

The verse makes it obligatory for the Muslims to fast in a specified period, but the command in this respect has been accompanied by the statement that the obligation of fasting is not peculiar to them. The fasting had also been enjoined upon the earlier Ummahs (communities of the past prophets). The reference to the earlier Ummahs in the verse shows the importance of fasting on the one hand, and gives an encouragement to the Muslims on the other. It indicates that although there may be some inconvenience in fasting but the same inconvenience was also faced by the earlier communities. This brings a psychological comfort to the Muslims, because if an inconvenience is faced by a large number of people, it becomes easier to bear. (Rūḥ al-Ma'ānī)

The words of the Qur'ān, **الَّذِينَ مِنْ قَبْلِكُمْ** (those before you) have been used in a general sense including all religious communities from Sayyidnā Ādam to the last of the Prophets ﷺ. This tells us that, like *Ṣalāh*, fasting has also been enjoined upon every *Ummah* of every prophet without an exception.

Commentators who interpret **مِنْ قَبْلِكُمْ** (before you) to mean 'the Christians' take it just as an example, not aiming to exclude other communities. (Rūḥ al-Ma'ānī)

The verse simply says that fasts have been enjoined on Muslims as were enjoined on past communities. From this it does not necessarily follow that the fasts enjoined upon the earlier communities were fully indetical in all respects with the fasts enjoined upon this *Ummah*. There may have been differences in the number and the timings of the fasts etc. and, actually, there has been such a difference. (Rūḥ al Ma'ānī)

By saying **لَعَلَّكُمْ تَتَّقُونَ** (so that you be God-fearing), the text has pointed out to the inherent quality of fasting which contributes significantly to one's ability to become abstaining from the sins and God-fearing. Fasting grows into man a power which helps him control his desires, which is really the foundation of *Taqwā*, the very special term of the Holy Qur'ān which has been tentatively translated as fear of God, abstinence, and the warding of evil.

Fasting When Sick

Verse 184 gives concession in the matter of fasting to a 'sick'

person and to a person 'on journey'. The word 'sick' used here refers to a person who cannot fast without an unbearable hardship or has strong apprehension that his illness will be aggravated. The words "and (Allah) does not want hardship for you" occurring in the following verse (185) have a clear indication to this effect. This position is also accepted by the consensus of the Muslim jurists.

Fasting When In Travel

It will be noticed that while giving concession to a traveller, the Qur'ānic text elects to use the phrase *أَوْ عَلَى سَفَرٍ* (or on a journey) rather than the word, *musāfir* or 'traveller'. This is to point out that leaving home and going out is not enough to claim the exemption. The duration of the travel should be somewhat longer since the expression, '*alā safarin*' means that one should have 'embarked' on a journey which does not mean going five or ten miles away from home. But, the precise duration of this journey has not been mentioned in the words of the Holy Qur'ān. Guided by the statement of the Holy Prophet ﷺ and the subsequent practice of his blessed Companions, the great Imām, Abū Hanīfah and many jurists have fixed this distance to be what can be covered in three days by walking in three daily stages. The later-day jurists have put it as 48 miles.

The other ruling that comes out from the same phrase, '*alā safarin*' is that a traveller who leaves his home shall be entitled to having been exempted from fasting only upto the time his travel continues. It is obvious that stopping in between to rest or take care of something does not cut off his onward travel in the absolute sense, unless his stay be for a considerable period of time. This very considerable period of time has been set at fifteen days following a statement of the Holy Prophet ﷺ. Anyone who intends to stay at a given place for fifteen days shall not come under the umbrella of '*alā safarin*', therefore, he shall not be deserving of the leave granted to one on 'a journey'.

Ruling. Right from here comes the ruling that anyone who intends to stay out for fifteen days, not at one place but at different places and towns, he shall continue to remain in the status of a 'traveller' and thereby shall continue to enjoy the concession of being 'on a journey' because he is in the state of '*alā safarin*'.

Making *Qada'* of the missed fast

The words of the text, *فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ* literally translated as 'then, a number from other days' mean that a sick person or a traveller is obligated to fast during other days making the number match the number of days he could not fast. The purpose is to tell people that fasts abandoned because of the compulsion of sickness or journey must be replaced by making *qada'* of them. Rather than using a simple statement to the effect that 'their replacement is on them', the Qur'anic text has said: *فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ* which suggests that a sick person or a traveller will have to make *qada'* only when the sick person becomes healthy and the traveller returns home and gets to live on for the number of days he is required to replace the fasts he missed. So, one who dies before this happens, *qada'* of fasts will not remain obligatory on him, nor will he be required to make a will for the payment of ransom (*Fidyah*).

Ruling. In the Qur'anic provision, 'a number from other days', there is no restriction on *qada'* fasts, they could be seriatim or random; the choice is open. Therefore, a person who has missed his fasts for the first ten days of Ramaḍān, could first fast in lieu of his tenth or ninth fast of Ramaḍān and replace the earlier ones missed later on; this brings no harm. Similarly, one can fast with gaps at his convenience which would be quite permissible since the wordings of the Qur'an in *فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ* (then, a number from other days) leave the possibility open.

The *Fidyah* or Ransom for a Missed Fast

The verse *وَعَلَى الَّذِينَ يُطِيقُونَهُ* means that those who have the strength to fast and are not restricted by sickness or travel, but do not wish to do it for some reason, they have the option of paying, in lieu of a fast, ransom in the form of charity. However, along with this leave, it was simply added: 'And that you fast is better for you'.

This injunction was valid in the early days of Islam when the purpose was to familiarize people to fasting. In the verse that follows, that is, *فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ* (so, those of you who witness the month must fast therein), this injunction was abrogated for normal people. However, according to the consensus of the *Ummah*, it remained

applicable to the people of very old age and to those who suffer from a permanent illness with no hope of recovery (Jassas and Mazhari).

All Imāms of *Hadīth*, such as, al-Bukhārī, Muslim, Abū Dāwūd, al-Nasā'ī, al-Tirmidhī, al-Ṭabarānī and others have reported from the blessed Companion Salma ibn Akwa': 'When the verse وَعَلَى الَّذِينَ يُطِيقُونَهُ (and on those who have the strength) was revealed, we were given the choice of either fasting or paying *fidyah* for each fast. However, when the other verse, فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ (those of you who witness the month must fast therein), was revealed, this choice was withdrawn and fasting alone became necessary for those who had the strength.

A long *hadīth* from the blessed Companion, Mu'ādh ibn Jabal رضى الله عنه reported in the Musnad of Aḥmad describes three changes that came in *Ṣalāh* during the early period of Islam, as well as, three changes in *Ṣawm*. The three changes brought in the injunctions of fasting are as follows:

When the Holy Prophet ﷺ came to Madinah, he used to fast for three days in a month, and on the tenth of Muḥarram. Then the command to observe fasts in the month of Ramaḍān was revealed. Under the verse كُتِبَ عَلَيْكُمُ الصِّيَامُ (the fasts have been enjoined upon you), there was an option either to fast or to pay ransom, with a preference given to fasting. Then, Allah Almighty revealed the other verse, (those of you who witness the month must fast therein), which took away the option given to those who had the strength, and ordained fasting as the only alternative. However, the command remained valid for the very old who could pay ransom for fasts they missed.

After these two changes, there was a third change. In the beginning, the permission to eat, drink and have marital intimacy after *iftār* was valid only if one did not sleep after breaking his fast. Sleeping was taken to be an indicator of the beginning of the next fast in which, naturally, eating and drinking and marital intimacy are prohibited. Then, Allah Almighty revealed the verse, أَحَلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثَ إِلَى نِسَائِكُمْ (It is made lawful for you, in the nights of fast, to have sex with your women), which made it permissible to eat, drink and have sex during the night until the break of dawn. The eating of *suḥūr* or *sehri* soon after getting up in the early hours of dawn was declared to be the

sunnah. This is corroborated by *aḥādīth* in al-Bukhārī, Muslim and Abū Dāwūd. (Ibn Kathīr)

The amount of Ransom and other rulings

The ransom of one missed fast is half *ṣā'* of wheat, or its cost. Half *ṣā'* is equivalent to approximately 1.632 kilograms. After finding out the correct market price of wheat, the amount should be given to a poor person which will be the ransom of one missed fast. It should be borne in mind that this amount should not be given as part of wages given to those engaged in the service of a mosque or *madrāsah*.

Ruling 1. The amount of ransom for one fast should not be distributed between two recipients. Similarly, it is not correct to give the ransom amount for several fasts to one person on a single date. Although, some scholars permit this, yet, as a matter of precaution, it is better not to give the ransom amount of several fasts to one person on one single date. However, if someone does not observe this precaution, the ransom may be treated as valid. (See Shāmi, Bayān al-Qur'ān, Imdad al-Fatawa)

Ruling 2. Should someone be in a position that he cannot even pay the ransom due, he should simply seek forgiveness from Allah through *istighfār* and have an intention in his heart that he would pay it when he can. (Bayān al-Qur'ān)

Verse 185

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ هُدًى لِّلنَّاسِ وَبَيِّنَاتٍ مِّنَ
الْهُدَى وَالْفُرْقَانِ فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَنْ كَانَ
مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ
وَلَا يُرِيدُ بِكُمُ الْعُسْرَ وَلِتُكْمِلُوا الْعِدَّةَ وَلِتُكَبِّرُوا اللَّهَ عَلَى
مَا هَدَاكُمْ وَلَعَلَّكُمْ تَشْكُرُونَ ۝

The month of Ramaḍān is the one in which the Qur'ān was revealed as guidance for mankind and with vivid features of (earlier) guidance and the Criterion (of right and wrong); so those of you who witness the month must fast therein and should anyone be sick, or on a journey, then, a number from other days. Allah wants ease for you and does not want hardship for you.

And all this because you may complete the number and proclaim the *Takbīr* of Allah for having guided you and that you be grateful. (Verse 185)

The merits of the month of Ramaḍān

The present verse is an extension of the previous brief verse and also an assertion of the great merit the month of Ramaḍān holds in its fold. This is an extension because the expression *أَيَّامًا مَّعْدُودَاتٍ* (Days few in number) in Verse 184 is a bit vague and which has been explained out in the present verse by saying that those counted number of days mean the days of the month of Ramaḍān. As far as the merit of this month is concerned, it has been said that Allah Almighty has chosen this month to reveal Scriptures. Consequently, the Holy Qur'ān was revealed in this very month. According to a narration from the blessed Companion Wāthilah ibn Asqā' appearing in the Musnad of Aḥmad, the Holy Prophet ﷺ said that Abrahamic scriptures were revealed on the first of Ramaḍān, the Torah on the sixth, the Evangile on the thirteenth and the Qur'ān on the twenty fourth of Ramaḍān. In another narration from the blessed Companion Sayyidnā Jābir, it appears that Zabūr (the Book of Psalms) was revealed on the twelfth of Ramaḍān and the Evangile on the eighteenth. (Ibn Kathīr)

All previous Books mentioned in the *ḥadīth* cited above were revealed on dates given in their entirety. It is a peculiarity of the Holy Qur'ān that it was sent from the Preserved Tablet down to the Firmament of the Earth in one night of the month of Ramaḍān, all of it. But, it was revealed to the Holy Prophet ﷺ gradually during a period of twenty three years.

The night of Ramadan when the Qur'ān was revealed was the Night of Power as mentioned by the Qur'ān itself when it said: *إِنَّا أَنْزَلْنَاهُ فِي لَيْلَةِ الْقَدْرِ* (We have revealed it in the *Laylatu l'Qadr*, the Night of Power). The *ḥadīth* cited above places it on the twenty fourth of Ramaḍān and according to Sayyidnā Ḥasan, the Night of Power falls on the night of twenty fourth which aligns this *ḥadīth* with the statement of the Qur'ān. Should this alignment be unacceptable, the fact remains that the statement of the Qur'ān is above everything else, in which case, whatever night is the Night of Power that shall be regarded to be what the Qur'ān intends.

The next sentence *مَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ* (those of you who witness the month must fast therein) carries many pointers to 'injunctions relating to fasting. The word, *shahida* is derived from *shuhūd* which means presence. The word, *al-shahr* means the month. It denotes the month of Ramaḍān here which has been identified above. The sentence, therefore, means that it is obligatory for one who is 'present' in the month of Ramaḍān that he fasts throughout that month. The general choice of paying ransom for not fasting, mentioned in the previous verse, was cancelled by this sentence and fasting is now the only alternative in force.

As for the 'witnessing' of the month or being 'present' in the month of Ramaḍān, it simply means that a person finds the blessed month of Ramaḍān with ability to fast. In other words, he or she should be a Muslim, sane, pubert, resident and well-purified from all impurities including those of menstruation and childbed. Therefore, the persons who lacked the initial ability to fast throughout the month, such as, the disbelievers, the minor, the insane, they are not subject to the obligation of fasting, because the verse obligating the fasts did not intend them. As for those who did have the personal ability but were compelled at some time by a legally acceptable excuse, such as, a woman in menstruation or childbed, or a sick person or one on a journey, these have, in a way, found the month of Ramadan in a state of ability, therefore, the injunction in the verse applies to them. However, because of temporal compulsion, relief from fasting has been granted at that particular time, but *qaḍā'* will be necessary later on.

Rulings

1. The verse tells us that fasts of Ramaḍān become obligatory only on the condition that one finds the month of Ramaḍān in a state of ability to fulfil the obligation. Therefore, anyone who 'finds' the whole of Ramaḍān will come under obligation to fast during the entire month of Ramaḍān. Anyone who 'finds' somewhat less of it, he will fast for the number of days he finds in Ramaḍān. So, should a disbeliever embrace Islam in the middle of Ramaḍān, or a minor becomes pubert, they will have to fast from that point onwards; they will not do *qaḍā'* fasts for the previous days of Ramaḍān. However, the insane person, being a Muslim adult, does have the personal ability to observe fasts;

so, should he regain his sanity during any part of Ramaḍān, he shall become obligated to do *qaḍā'* fasts for the previous days of Ramaḍān. Similarly, should a woman in menstruation or childbed become purified in the middle of Ramaḍān, or a sick person becomes healthy, or a traveller becomes a resident, *qaḍā'* fasts for the previous days of Ramaḍān will become obligatory on them.

2. How does one 'find' or 'witness' the month of Ramaḍān?

According to Islamic law, it is proved in either of the three ways:

- a) One gets to have a sighting of the Ramaḍān moon with his own eyes.
- b) The sighting of the moon is proved through some trustworthy witness.
- c) In the absence of the two conditions cited above, thirty days of the month of Sha'ban will be completed following which the month of Ramaḍān will set in.

3. If, on the eve of the twenty ninth of Sha'bān, the new moon is not visible on the horizon because of clouds or bad weather conditions, and at the same time, there comes no witness of moon-sighting as admissible under Islamic law, the next day will be known as the 'day of doubt': *يَوْمُ الشَّكِّ* (*yawm al-shakk*) because the possibility exists that the moon may have really been there on the horizon but could not become visible due to unclear horizon as it is also possible that the moon was just not there on the horizon. On such a day, since 'the presence of the month' or the 'finding of Ramaḍān' or being a 'witness' to it does not apply, therefore, fasting for that day is not obligatory, instead, it is *makrūh* (reprehensible) to fast on that day. It has been forbidden in the *ḥadīth* so that *farḍ* and *nafl*, (the obligatory and the supererogatory) do not get mixed up with each other (Jaṣṣāṣ).

4. In countries where days and nights extend over months, the 'finding of Ramaḍān' does not, obviously, seem to apply. The situation would require that people living there should not fast. As far as *Ṣalāh* is concerned, *al-Huluwani* and *al-Qabali* from among the Hanafī jurists have ruled that such people will be bound to observe *Ṣalāh* in accordance with the timings of their own day and night. For instance, in a country where dawn follows immediately after *maghrib*, there the

Ṣalāh of 'Ishā' will just not be obligatory. (Shāmi) This makes it necessary that in an area where the day lasts for six months, people would have only five Salāhs in six months and, for that matter, they will witness no Ramadan coming there, therefore, fasting will not become obligatory for them. Maulanā Ashraf 'Alī-Thānavī has, in Imdād al-Fatāwā, taken this very position.

Note:

In the sentence مَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ (should anyone be sick, or on a journey, then, a number from other days), the sick and the travelling have been granted leave that they may not fast at that time. When the sick person regains his health and the traveller returns home, they can make up for the days they missed by doing *qaḍā'* fasts. It will be recalled that this injunction had appeared in the previous verse, but now that the choice of paying *fidyah* (ransom) for not fasting has been cancelled, a doubt could creep up in relation to the concession granted to the sick and the travelling, that it may have been abrogated as well, therefore, the provision was positively repeated.

Verse 186

وَإِذَا سَأَلَكَ عِبَادِي عَنِّي فَإِنِّي قَرِيبٌ أُجِيبُ دَعْوَةَ الدَّاعِ إِذَا دَعَانِ فَلْيَسْتَجِيبُوا لِي وَلْيُؤْمِنُوا بِي لَعَلَّهُمْ يَرْشُدُونَ

And when My servants ask you about Me, of course, I am near. I respond to the call of one when he prays to Me; so they should respond to Me, and have faith in Me so that they may be on the right path. (Verse 186)

Allah is near His servants

Injunctions and merits concerning fasting and Ramaḍān were mentioned in three previous verses. This strain continues even after the present verse when details of fasting and *I'tikāf* appear in a long verse. In between, this brief verse has been introduced to persuade servants of Allah to obey the commands of Allah by recognizing how He, in His special grace, hears and answers their prayers. There is no doubt about fasting being a difficult obligation despite many concessions and permissions. It is to make the trial bearable that

special grace has been mentioned - 'I am near My servants. When they pray, I answer their prayers and take care of what they need.'

Under these conditions, it is befitting that servants of Allah should bear by hardships that come during the performance of given injunctions. Ibn Kathīr has pointed out to another wisdom behind this sentence appearing in the middle of injunctions of fasting. According to him, this verse gives a hint that a prayer (دعاء : *du'ā*) made at the completion of a fast is accepted, therefore, one should be very particular about making prayers at that time. The Holy Prophet ﷺ has said:

للصائم عند فطره دعوة مستجابة

The prayer made by one who is fasting at the time of his *iftār* is accepted.

This is why the blessed Companion, 'Abdullāh ibn 'Umar would assemble his family members around him at the time of *iftār* and would pray.

Ruling

By saying *إِنِّي قَرِيبٌ* (I am near) in this verse, it has been hinted that prayer should be made slowly and quietly; to raise voice while praying is not desirable. This is confirmed by the background in which this verse was revealed. According to Ibn Kathir, a visitor from a village asked the Holy Prophet ﷺ : "Tell me if our Lord is near us, then, we shall pray in a lowered voice; and if He is far, we shall call Him with raised voices." Thereupon, this verse was revealed.

Verse 187

أَحَلَّ لَكُمْ لَيْلَةَ الصَّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ هُنَّ لِبَاسٍ لَكُمْ
وَأَنْتُمْ لِبَاسٌ لَّهُنَّ عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ
فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ فَالْئِنْ بَاشَرْتُمْ هُنَّ وَابْتَغُوا مَا كَتَبَ
اللَّهُ لَكُمْ فَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ
الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتُمُوا الصَّيَامَ إِلَى الْيَلَّةِ وَلَا

تَبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسْجِدِ تِلْكَ حُدُودُ اللَّهِ فَلَا
تَقْرُبُوهَا كَذَلِكَ يُبَيِّنُ اللَّهُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ ۝

It is made lawful for you, in the nights of fast, to have sex with your women. They are a cover for you and you are a cover for them. Allah knew that you were betraying yourselves, so He relented towards you and pardoned you. So now you can have sexual intimacy with them and seek what Allah has destined for you and eat and drink until the white thread of the dawn becomes distinct from the black thread; then complete the fast upto the night, and do not have sexual intimacy with them while you are staying in mosques for *I'tikaf*. These are the limits set by Allah, so do not go near them. Thus Allah manifests His signs to the people that they may be God-fearing. (Verse 187)

Explained here in this verse are the remaining injunctions of fasting including the injunction relating to *I'tikaf*.

Commentary

The opening words of the verse, *أُحِلَّ لَكُمْ* (*uhilla lakum*: 'It is made lawful for you') tell us that the act made lawful through this verse was unlawful before. According to a narration by the blessed Companion, Barā' ibn 'Azib appearing in *Ṣaḥīḥ al-Bukhārī*, in the early days when the fasts of Ramaḍān were made obligatory, the permission to eat, drink and have marital intimacy with wives was subjected to the condition that one does not sleep after breaking of the fast. So, as the practice was, a post-*iftār* nap rendered all these conveniences unlawful. Some Companions ran into difficulties due to this restriction. The blessed Companion, Qays ibn Sarma al-Ansārī is reported to have reached home after a hard day's labour. The time of *iftār* was near and there was nothing to eat. His wife said that she would go out and somehow get him something to eat. When she returned she found her husband asleep, obviously because he was so tired from his day-long work. Now, when he got up, eating had become unlawful. He went on to fast for the next day in the same condition with the result that by afternoon, he fainted (Ibn Kathīr). Similarly, some Companions, may Allah be pleased with them, were

embarrassed getting involved in marital relations with their wives after they had taken a post-*iftār* nap. It was after such happenings that the present verse was revealed in which the first rule was cancelled and permission was given to eat, drink and have marital relations, even if this was after getting up from the post-*iftār* nap. In fact, the permission was extended much further when the eating of *suhūr* or *sehri* towards the fag end of the night, after getting up from the night's sleep, was declared to be a *sunnah*. This has been clearly stated in *Hadith* narrations. The present verse outlines this very injunction.

The literal meaning of the Qur'ānic word رَفَثٌ (*rafath*) is, no doubt, general and covers everything a husband suggests, says or does in making his wife consent to his desire, but there is a total agreement of the Muslim *Ummah* that, at this place, it means sexual intercourse.

It is important to bear in mind that the order or rule which has been abrogated by this verse, that is, the unlawfulness of eating and drinking after having taken a nap, has not appeared in the text of the Holy Qur'ān anywhere. The noble Companions acted in accordance with this rule as set by the Holy Prophet ﷺ (as narrated by Ahmad in his Musnad). This rule is abrogated by the verse only after giving it the authenticity of a divine command. In other words, the verse first establishes the rule in force as the divine command and then, it was for the sake of convenience that it was abrogated. From here we find out that some rules provenly set by the *Sunnah* can also be abrogated through the Qur'ān. So, in the Islamic law, the decision of the Messenger of Allah has the same authority as the injunction of the Holy Qur'ān.

Eating *Sehri* :

The correct time when fasting begins and all eating and drinking turns unlawful has been fixed through a delicate similitude in the verse حَتَّىٰ يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ ('until the white thread of the dawn becomes distinct from the black thread'). Here, the darkness of the night has been likened to the black thread and the light of the dawn to the white thread. In order to eliminate the chances of extremism, the qualifier حَتَّىٰ يَتَبَيَّنَ (becomes distinct) was added which means that one should not act like the chronically skeptical to believe

all eating and drinking to be unlawful earlier than the break of dawn, nor should one become so heedless as to go on eating and drinking even after having become certain of the light of dawn. In fact, the certainty of the break of dawn is the line of demarcation between eating and drinking and the intended fast. Before one arrives at this certainty, it is not correct to take eating and drinking as *haram*. Similarly, after the certainty, any indulgence in eating and drinking shall be *ḥarām*, and is a source which may lead to the spoiling of the fast, even if it exceeds the limit for a minute. The latitude and leeway allowed in eating *suḥūr* remains valid only upto the time one is not certain of the break of dawn. Particular incidents of this nature attributed to some blessed Companions have been reported when they continued eating and drinking well past the break of dawn. This was because they were not yet 'certain' of the dawn and refused to listen to those who favoured to stop much earlier.

In a *ḥadīth*, the Holy Prophet ﷺ is reported to have said: 'The *adhān* of Bilāl should not stop you from eating *suḥūr* because he calls the *adhān* well ahead in the night. Therefore, you continue eating and drinking, even after having heard Bilāl's *adhān*, until such time that you hear the *adhān* called by Ibn Umm Maktum because he calls the *adhan* precisely at the break of dawn' (Bukhārī and Muslim).

Because of the partial reporting of this *ḥadīth*, some contemporaries misunderstood its provision when they suggested that there is no harm if eating and drinking is continued for a little while even after the *adhān* of *Fajr* and consequently, made it permissible for a person, who woke up late while the *adhan* of *Fajr* was being called, that he can hasten to eat something. The fact is that the *ḥadīth* quoted above has very clearly said that it was necessary to stop eating or drinking with the *adhān* of Ibn Umm Maktum which was called precisely at the break of dawn. In addition to that, the Holy Qur'ān has itself established the deadline which is the 'certainty' of the break of dawn. Giving people the permission to eat and drink even one minute beyond that is a contravention of the textual imperative of the Holy Qur'ān. As for the narrations reported from the noble Companions and early elders of the community regarding the subject of convenience in *iftār* and *suḥūr*, these can be explained, keeping the

text of the Holy Qur'ān in view, by saying that they aim to avoid excessive precautionary self-restriction well before one becomes certain of the break of dawn. Imām Ibn Kathīr has also explained these narrations as based on the factor mentioned above. Otherwise, how could even a common Muslim tolerate an open contravention of the Qur'ānic command? One could not even dream of something like this coming from the blessed Companions, specially so, when the Holy Qur'ān has right here at the end of this verse, emphasised special precaution in this respect. Notice how *وَلَا تَقْرَبُوا مَا* (so, do not go near them) has been added to *تِلْكَ حُدُودُ اللَّهِ* (These are the limits set by Allah) which explains the point made earlier.

Ruling :

All that has been said here is about people who are at a place from where they could see the break of the dawn with their own eyes and thus become 'certain' of it, moreover, if they have the additional advantage of a clear horizon and the personal ability to recognize the initial light of the dawn, then, it is necessary that they should act directly by looking at the horizon. Where the case is other than this, for example, the horizon is not in open view, or it is not clear, or one does not know how to identify the break of dawn, people determine its time by other signs or calculations. Obviously, for them there will be a time when the certain break of dawn would not be that certain. If it remains doubtful, what should people do then? Imām al-Jaṣṣāṣ, in his *Ahkam al-Qur'ān*, has answered this question by saying that, in a condition such as this, it will be desirable not to go ahead and eat or drink with considered volition, but, should anyone eat or drink something in a state of doubt, well ahead of becoming certain of the break of dawn, he will not be a sinner. However, should it prove later that dawn had set in at that time, keeping a fast as *qaḍā'* will become necessary. For instance, if moon is not sighted on the eve of Ramadan and people do not fast, but the sighting of the new moon on the 29th was proved later on through witnesses, then, in that case, those who did not fast that day under the impression that it was the 30th of Sha'bān did not become sinners thereby, however, the *qaḍā'* of that particular fast will become due on them, a position on which there is a unanimous agreement of the community. Similarly, if someone breaks

his fast close to sunset on a cloudy day and the sun turns out to be still there on the horizon later on, then such a person, for that matter, will not be a sinner but he has to do the necessary *qada'* for the spoiled fast.

The explanation given by Imām al-Jaṣṣāṣ makes it clear that one who wakes up late and the usual calls of *adhān* were being made, which necessarily makes it certain that dawn has appeared, then if such a person eats anything knowingly, he will not only be a sinner but also be bound to do *qaḍā'*. If he eats in a state of doubt, the sin will be committed but *qaḍā'* will still be due with the added factor of reprehensibility in a certain degree.

The worship of *I'tikāf*

Literally, *I'tikāf* means to stay at some place in seclusion. In the terminology of the Qur'ān and *Sunnah*, *I'tikāf* is the act of staying in a mosque under particular conditions. The universality of the word *فِي الْمَسْجِدِ* ('in mosques') proves that *I'tikāf* can be performed in every *masjid* (mosque). The juristic condition that *I'tikāf* can be done only in a *masjid* where congregational prayers are regularly held and that *I'tikāf* is not correct in a desolate *masjid* where congregational prayers are not held, is really a derivation from the very sense of a *masjid* since *Ṣalāh* with *jamā'ah* (prayer in congregation) is the main purpose of making a *masjid*, otherwise, individual *Ṣalāh* can be offered in a house, a shop, anywhere.

Ruling

1. That eating, drinking and marital intimacy are all lawful in the night of fasts has been stated earlier in the verse. In the state of *I'tikāf*, the permission to eat and drink in the night remains the same as it is for everybody else, but it is different when it comes to intimacy with women which is not permissible in the state of *I'tikāf*, not even in the night. Therefore, the verse gives the necessary injunction in this connection.

2. The rules of *I'tikāf*, such as, doing *I'tikāf* while fasting and not coming out of the *masjid* without pressing needs recognized by Islamic law, are partly derived from the very word of *I'tikāf* and partly from the sayings and acts of the Holy Prophet ﷺ.

Observe the limits of Allah

Towards the end of the verse, by saying *بَلِّغْ حَدِيدُ اللَّهِ فَلَا تَقْرُبُوهُمَا* ('These are the limits set by Allah, so do not go near them'), it has been hinted that the forbiddance of eating, drinking and marital intimacy while fasting are the limits set by Allah. One should not even go near them because, if you go near them, you may cross those limits. This is why overindulgence in gargling while fasting is *makrūh* (reprehensible) as it holds the danger of water slipping into the throat; also *makrūh* is the use of some medicine inside the mouth; again, equally *makrūh* is the kissing and hugging of one's wife. Similarly, it is better to stop eating and drinking a couple of minutes ahead of the time allowed for *ṣḥrī* or *suhūr* just as a matter of precaution, and also, delaying the *iftar* a couple of minutes. Becoming heedless and ease-prone in these matters is against this command from Allah.

Verse 188

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ
لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْأَثَمِ وَأَنْتُمْ تَعْلَمُونَ ۝

And do not eat up each other's property by false means, nor approach the authorities with it to eat up a portion of the property of the people sinfully, while you know (all that). (Verse 188)

Previous verses dealt with injunctions relating to fasting in which the use of lawful things has been forbidden during a fixed period and fixed timings. Now in this verse, the acquisition and use of *ḥarām* or unlawful wealth or property has been forbidden. This has a thematic congruity since the real purpose behind fasting, an act of worship, is nothing but to make man get used to abstaining from what is lawful for him. If he can do that, there is every likelihood that abstaining from what is totally unlawful will become all the more easier for him. There is yet another correspondence here. It is necessary that one must make an effort to break his or her fast with what is *halal*. Anyone who goes through the rigours of fasting throughout the day but ends up breaking his fast in the evening with what is *ḥarām* shall only find his fast unacceptable in the sight of Allah.

Commentary

This verse forbids the acquisition and use of wealth and property by unlawful means. It will be recalled that the acquisition and use of things by lawful means has been stressed upon in Verse 168 of Sūrah al-Baqarah as follows:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ
لَكُمْ عَدُوٌّ مُبِينٌ ۝

O people, eat of what is in the earth, permissible and good, and do not follow the footsteps of Satan; indeed, for you he is an open enemy.

Again, the same command appears in Sūrah al-Nahl:

فَكُلُوا مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَأَشْكُرُوا نِعْمَةَ اللَّهِ إِنَّ كُنتُمْ لِيَآئِهِ تَعْدُونَ ۝

So, eat from what Allah has provided for you, permissible and good, and be grateful for the blessing of Allah, if it is Him you worship. (16:114)

The criterion of good and evil in earning

The whole world agrees that money and materials are needed and that life depends on them. So does it agree that there are favoured and permissible ways of acquiring them and there are undesirable and forbidden ways as well. Virtually the whole world looks down upon theft, robbery, and fraud, but people do not generally have some sound criterion to determine if these means are permissible or impermissible, may be this is just not possible since it relates to the well-being of the peoples of the entire world and affects humanity as such. Therefore, a universal criterion, sound and reasonable, can only come from the Lord-Creator of all the worlds through the medium of revelation. Otherwise, if human beings were themselves given the choice of forging their own criterion, naturally, those who give it a legal framework will think more about their nation, country or community and, as customary, this would be different from what would be thought about other nations and countries. Even if this exercise was done through an international body representing the whole world, that too, as experience shows, cannot satisfy all human beings. As a result, there will be legal injustice ending up in nothing but wars and chaos.

The virtues of the Islamic economic system

The Law of the permissible and the forbidden enforced by the

Shari'ah of Islam comes clearly through divine revelation, or is derived from it. That law - reasonable, natural and comprehensive - is the only law that can work for every nation, country and community and could be the much wanted guarantee of peace. The reason is that everything of common utility has been left as such under this divine law, specially things to which all human beings claim equal rights, such as, the air, water, vegetation, heat, unowned forests and the produce of uninhabited mountain growth. These are the commonly shared property of all human beings; it is not permissible for anyone to take these over as an owner.

Then there are things which, if shared, would disturb human society, or generate conflict and violence. For these the law of private ownership is promulgated. The law that governs the initial ownership of a land or its produce is different from the law of the transfer of ownership. The law has been so formulated that no human being shall be left deprived of the necessities of life, of course, on condition that he puts in his effort to acquire these. Special attention has been given to the consideration that no man usurps the rights of others, or brings loss to them, and thereby, concentrates capital in the hands of a few individuals. Under the law of the transfer of ownership - whether it is in accordance with the divine injunctions relating to post-death inheritance or takes effect through buying and selling as agreed upon by parties concerned - it was made binding that there should be absolutely no fraud or deception in the transaction and also, there should remain no such ambiguity or insufficiency which might lead to mutual bickering and dispute in the future.

Also taken into consideration is the factor of consent in transactions. It has to be made sure that the consent given by parties concerned is genuine and that such consent has not been extracted under pressure. In Islamic law, all transactions known as void, invalid or sinful have some defect inherent in the deal. At places, it could be plain fraud, at others, a return for some unknown thing or act. On occasions, someone's rights are usurped or self-interest is promoted by bringing loss upon others, or the rights of the general public are illegally disposed off. A very important reason why interest, gambling and their likes have been prohibited is that they are harmful to public

interest. As a result of their evil presence in a society, some individuals get to grow as parasites while the whole community is thrown into poverty. Even if such transactions were to be carried out by a mutual consent of the parties involved, such transactions shall not be permissible because they are nothing but a formalized crime against the whole community. The present verse covers all such impermissible situations and aspects. It is interesting to note that the Holy Qur'an uses the word **أَمْوَالِكُمْ** : (*amwālakum*) in **وَلَا تَأْكُلُوا أَمْوَالِكُمْ بَيْنَكُمْ** translated as 'and do not eat up each other's property by false means' which basically means 'your property'. This expression has a subtle indication to the fact that those who encroach upon the property of others must think that the other person would also have the same sort of love and concern for his property as the encroacher has for his own. If the defendant was to encroach upon the offender's property unlawfully, he would certainly be hurt.

In addition to this, the verse may be releasing yet another suggestion. When someone encroaches upon the property of someone else, and if everybody else started doing this as common practice, the natural consequence would be that others would encroach upon his property, giving him what he gave to others. Looked at from this angle, encroaching upon someone's property unlawfully is really an invitation to others to come and encroach upon the encroacher's property, equally unlawfully. For a moment, imagine what would happen to a society where the cult of adulteration in articles of daily use becomes a common practice. There will be a dealer, who earns a little more by adulterating butter with cheaper oil or fat, who will then go to a milk shop and the milkman will give him milk adulterated with water. If he needs spices, these will be adulterated. The same experience will be repeated when he goes to buy medicines. So, one person earns more by adulteration while the other person takes that extra earning out of his pocket and the third person does the same to the second and the vicious circle goes on and on ad nauseum. The adulterer feels good about what extra he puts in his coffers but he never looks at the hole under it for he keeps nothing of that extra in reality. Therefore, anyone who snatches the other person's money or property by false means, in fact, opens the door to the unlawful plundering of his money and property.

In relation to this verse, there is yet another point one should bear in mind. The words of this divine injunction are general: 'And do not eat up each other's property by false means'. This includes the usurping of someone's property, and theft, and robbery, through which money or property belonging to someone is taken away by force. Then, there is interest, gambling, bribery and all defective sales and transactions which are also impermissible under the dictates of the Islamic law, even though, there be the certitude of consent given by concerned parties. Again, any money or property acquired through lying or a false oath, or earnings which have been prohibited by Islamic law, even though one has personally sweated out to earn it, are all *ḥarām*, unlawful and false. Though the words of the Qur'ān forbid 'eating' quite clearly, but the drive of the meaning here is not restricted to 'eating' as such, instead, it means 'using' in the absolute sense; it could be by eating, drinking, wearing or by any other mode of use. Metaphorically, all such uses are covered under the expression 'to eat,' for instance, A ate up the property of B, which is only a manner of saying, even though all that may not be what can be 'eaten'.

The Background of Revelation

This verse was revealed in the background of a particular event which relates to a land dispute between two of the noble Companions. The case came up for hearing in the court of the Holy Prophet ﷺ. The plaintiff had no witnesses. The Holy Prophet ﷺ asked the defendant to take an oath in accordance with Islamic legal norm. He was all set to take the oath when the Holy Prophet ﷺ recited the following verse before him as a matter of good counsel:

إِنَّ الَّذِينَ يَشْتَرُونَ بِعَهْدِ اللَّهِ وَأَيْمَانِهِمْ ثَمَنًا قَلِيلًا أُولَٰئِكَ لَا خَلَاقَ لَهُمْ فِي الْآخِرَةِ

Surely, those who take a small price out of the covenant of Allah and out of their oaths, for them there is no share in the Hereafter. (3:77)

When the Companion heard this verse which warns those who try to take over someone's property through a false oath, he abandoned his intention to take that oath and surrendered the land to the plaintiff. (Ruh al-Ma'ani)

So, this was the background under which this verse was revealed. To begin with, it forbids the acquiring of someone's property by

unlawful means, then towards the later part, it warns against the filing of false cases, taking of false oaths and the giving or commissioning of false witnesses. Forbidding all these, it has been said:

وَتُدَلُّوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ

which means: 'Do not take property cases to the authorities, so that through them, you eat up some portion of the property of the people sinfully while you do know that you have no right therein and you are simply putting up a false case.'

The words وَأَنْتُمْ تَعْلَمُونَ (while you know) at the end of the verse tell us that a person, who claims something on the basis of misunderstanding and files a suit in the court to acquire it, will not be covered by this warning. In an event of this nature, the Holy Prophet ﷺ has said:

أما انا بشر وانتم تختصمون الى و لعل بعضكم ان يكون الحق بحجته من بعض فاقضى له على نحوما اسمع منه فمن قضيت له بشئى من حق اخيه فلا ياخذنه فانما اقطع له قطعة من النار (رواه البخارى و مسلم عن ام سلمة رضى الله عنها)

I am human and you bring your disputes to me. May be one of you is more eloquent with his case than the other and I decide in his favour on the basis of what I hear from him. So, should he get anything from what is the right of his brother, he should not take it because, in that case, I shall be allotting him a plot from Hell. (Bukhārī and Muslim from Umm Salmah رضى الله عنها)

The Holy Prophet ﷺ has made it clear in his saying quoted above that a Muslim judge may give a judgement under some misunderstanding in which the legal right of one party is being unlawfully given to the other, then, such a court judgment will not make the thing lawful for him. Also true is the converse, that is, it does not become unlawful for one to whom it is lawful. In short, the judgment of a court does not make the lawful unlawful, or the unlawful lawful. If anyone succeeds in grabbing something belonging to somebody else through a court by means of fraud, false witness or oath, the curse of having done that will weigh heavy on his shoulders and he should, thinking of the ultimate accountability in the Hereafter and appearance in the court of Allah, the All-knowing, the All-Aware, leave it off.

However, according to Imām Abū Hanīfah, if in transactions involving a contract or an annulment where the Qādī or judge have

authority under Islamic law, the *Qāḍī* gives a judgment, even if it be on the basis of a false oath or witness, that judgment will render the contract or the annulment valid under the Islamic law. The rules of lawful and unlawful will stand imposed on it, although, the curse of lying and engineering false witnesses will hang round his neck.

***Halāl* brings blessings; *Harām* produces evil:**

There are several places in the Holy Qur'an where the abstention from the unlawful and the acquisition of the lawful has been stressed upon in many different ways. It has also been pointed out in a verse that human deeds and morals are enormously affected by eating what is lawful. If one does not eat and drink *ḥalāl* things, it is almost impossible to expect good moral and righteous deeds coming from that person. It was said in the Holy Qur'an:

يَا أَيُّهَا الرُّسُلُ كُلُوا مِنَ الطَّيِّبَاتِ وَاعْمَلُوا صَالِحًا إِنِّي بِمَا تَعْمَلُونَ عَلِيمٌ

O messengers, eat of the good things and be righteous in deeds. I am aware of what you do. (23:51)

In this verse, it will be noted that eating of the lawful has been combined with the command to do what is righteous. The hint is that righteous deeds can issue forth only when man eats and drinks what is lawful. The Holy Prophet ﷺ has himself made it clear in a *ḥadīth* that the address in this verse is, no doubt, to prophets, but this command is not restricted to them alone, instead, all Muslims are charged with it. Towards the end of this *ḥadīth*, he also said that the prayer of a person who eats what is unlawful is not answered. The Holy Prophet ﷺ adds that there are many people who take great pains in their acts of worship, then raise their hands in prayer before Allah Almighty and say, 'O Lord, O Lord' but what they eat is *ḥarām*, what they drink is *ḥarām*, what they wear is *haram*, if so, how can this prayer of theirs be answered?

A great portion of the teachings of the Holy Prophet ﷺ has been devoted to the great task of saving his *ummah* from the unlawful and calling it to the use of what is lawful. He said:

'One who ate *ḥalāl*, followed the *sunnah* and people were not hurt by him, he will go to Paradise.' The blessed Companions said, 'O Messenger of Allah, right now these things are common in your community. Most Muslims observe these

strictly.' He said: 'Yes! In future too, in every age, there will be people who shall abide by these rules.' (This *ḥadīth* has been reported by Tirmidhī and he calls it *sahih*)

In another *ḥadīth*, the Holy Prophet ﷺ is reported to have said to the blessed Companion 'Abdullāh ibn 'Umar:

There are four traits, if these are in you and you have nothing else in the world, they shall suffice you. Those four traits are: Guarding a trust, telling the truth, good morals and being particular in eating what is *ḥalāl*.

The blessed Companion Sa'd ibn Abī Waqqāṣ رضى الله عنه requested the Holy Prophet ﷺ to pray for him so that he may become one of those whose prayers are accepted. He said:

O Sa'd, make what you eat permissible and pure, and you shall become one whose prayers are responded to. And by Him in whose hands rests the life of Muḥammad, when the servant of Allah slips a morsel of what is *ḥarām* into his stomach, no deed of his is accepted for the next forty days. And a person whose flesh is made of unlawful acquisitions, for that flesh the fire of Hell is the only recipient.

The blessed Companion 'Abdullāh ibn Mas'ūd reports that the Holy Prophet ﷺ said:

By him in whose hands rests my life, no servant of Allah becomes a Muslim unless his heart and tongue become Muslim and until his neighbours become secure from his distressing deeds. And when a servant acquires the unlawful and then gives it in charity, that is not accepted; and if he spends out of it, it stays deprived of blessings; and if he leaves it behind for his inheritors, it becomes his wherewithal for the trip to Hell. Surely, Allah Almighty does not help an evil wash off another evil, but He does help the washing away of an evil deed with a good deed.

Questions man must answer on the Day of Resurrection

The blessed Companion Mu'adh ibn Jabal رضى الله عنه reports that the Holy Prophet ﷺ said:

ما تزال قدما عبد يوم القيامة حتى يسأل عن أربع عن عمره فيما أفناه
عن شبابه فيما أبلاه وعن ماله من أين اكتسبه وفيما أنفقه وعن علمه ماذا
عمل فيه (البیهقي ، ترغيب)

No servant of Allah shall move a step on Doomsday unless he is made to answer four questions; firstly, about his life, in what did he spend it out; secondly, about his youth, in what did he consume it; thirdly, about his wealth, where from did he earn it and in what did he spend it; and fourthly, about his knowledge, how far did he act in line with it.' (Al-Bayhaqi, Tar-ghib)

The blessed Companion, 'Abdullāh ibn 'Umar reports that the Holy Prophet ﷺ once gave a sermon in which he said:

O Emigrants, I seek the refuge of Allah Almighty against five traits of character lest they should grow into you: firstly, against immodesty, for when immodesty prevails in a people they are hit by plagues, epidemics and ever-new diseases not even heard of by their elders; and secondly, against cheating in weights and measures, for when this disease grips a people, they are hit by famine, price-hikes, rigorous labour and over-work and oppressive rulers; and thirdly, against non-payment of *Zakāh*, for when people do not pay *Zakāh*, rains are stopped; and fourthly, against the religious apathy of people, for when a community breaks its covenant with Allah and His Messenger, then Allah Almighty makes alien enemies sit over them who snatch away what belongs to them without any justification; and fifthly, against the apathy of ruling authority, for when the rulers of a people fail to decide matters in accordance with the Book of Allah because the injunctions revealed by Allah Almighty do not suit their fancies, then Allah Almighty causes mutual hatred and disputations descend upon them. (This narration has been reported by Ibn Mājah, al-Bayhaqī and others and al-Ḥākim has called it '*Ṣaḥīḥ*' according to the standard set by Muslim.)

May Allah Almighty give us and all Muslims the most perfect ability to stay safe against such unfortunate happenings.

Verses 189-191

بَسَّئَلُونَكَ عَنِ الْآهْلِ قُلِّ هِيَ مَوَاقِيْتُ لِلنَّاسِ وَالْحَجِّ مَوْلَيْسَ
 الْبِرِّ بَانَ تَاتُوا الْبَيْوتَ مِنْ ظُهُورِهَا وَلَكِنَّ الْبِرَّ مَنِ اتَّقَى
 وَأَتُوا الْبَيْوتَ مِنْ أَبْوَابِهَا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ ۝
 وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ

لَا يُحِبُّ الْمُعْتَدِينَ ۝ وَاقْتُلُوهُمْ حَيْثُ ثَقِفْتُمُوهُمْ وَأَخْرِجُوهُمْ
 مِّنْ حَيْثُ أَخْرَجَكُم وَالْفِتْنَةُ أَشَدُّ مِنَ الْقَتْلِ وَلَا تُقَاتِلُوهُمْ عِنْدَ
 الْمَسْجِدِ الْحَرَامِ حَتَّىٰ يُقَاتِلُوكُمْ فِيهِ فَإِن قَاتَلُوكُمْ فَاقْتُلُوهُمْ ۗ
 كَذَلِكَ جَزَاءُ الْكٰفِرِينَ ۝

They ask you about the new moons. Say: They are indicative of time for the people, and of the Hajj. And it is not righteousness that you come into your houses from their backs but righteousness is that one fears Allah. And come to the houses through their doors. And fear Allah so that you may be successful. And fight in the way of Allah against those who fight you and do not transgress. Verily, Allah does not like the transgressors. And kill them wherever you find them and drive them out from where they drove you out, and *Fitnah* (to create disorder) is more severe than to kill. And do not fight them near *Al-Masjid al-Haram* unless they fight you there. However, if they fight you (there) you may kill them. Such is the reward of the disbelievers.

(Verses 189 - 191)

The theme of righteousness which started from Verse 177 still continues. The six injunctions that have appeared so far relate to even retaliation, bequest, fasting, *Itikāf* and abstention from the unlawful. Now come those of *Hajj* and *Jihād* prior to which it was clarified that lunar months and days will be followed in Hajj and in other religious obligations. Also erased here is a custom of *jāhiliyyah* (days of ignorance) which required people in *Ihrām* to go into their houses, if needed, from the back even if it had to be through a hole in the wall bored for this purpose, as they thought it was prohibited to enter houses from the front door when in *Ihrām*. They even rated it as 'righteousness'. So, it is immediately after the mention of Hajj that Allah Almighty tells them that entering the houses from the backs is no righteousness. Real righteousness lies in abstaining from what has been made unlawful by Allah. Since coming into houses through their doors is not forbidden, the question of abstaining from it does not arise. So, those who wish to go into their houses should enter through their doors, but the center-piece of all principles is that people must

keep fearing Allah so that they can hope to have the best of both the worlds.

Verse 190-191 carry the injunction relating to fighting with disbelievers. It was the month of Dhul-Qa'dah in the year 6 A.H. that the Holy Prophet ﷺ began his journey to the sacred city of Makkah in order to perform 'Umrah. Makkah was still controlled by the *mushrikīn* (the infidels). They did not allow him and his Companions to go into the city and 'Umrah could not be performed as intended. It took a great deal of negotiating to arrive at the agreement that the Muslims would perform 'Umrah next year. This pact is known as the 'Peace of Hdaybiyyah'; a detailed explanation of the verse in this context will appear later.

Commentary

Reported in the first Verse (189) there is a question asked by the noble Companions and its answer given by Allah Almighty. Sayyidnā 'Abdullāh ibn 'Abbās says that the Companions of the Holy Prophet ﷺ had a distinct mannerliness of their own. On account of the great respect they had for him, they asked very few questions from their Prophet ﷺ. This is contrary to the practice of the communities of the past prophets who asked many questions and thus failed to observe the etiquette due before a prophet. Sayyidnā 'Abdullāh ibn 'Abbās adds that the total number of questions asked by the noble Companions as mentioned in the Holy Qur'an is fourteen, one of which has just appeared above: إِذَا سَأَلَكَ عِبَادِي: 'And when My servants ask you...' (186). The other question is right here. Other than these, there are six more questions appearing in Sūrah al-Baqarah itself. The rest of the six questions come up in various other Surahs.

It is mentioned in the present verse that the noble Companions asked the Messenger of Allah about the new moon as it appears in the early part of the month, having a shape different from the sun. The new moon begins as a thin crescent slowly growing into full circle, then, it starts reducing itself in the same manner. So, they asked either about its cause or about the wisdom underlying its gradual growth. Both possibilities exist. But the answer given states the wisdom and benefit behind it. Now, if the question itself was concerned with the wisdom and benefit behind the waning and waxing of the new moon, then the answer obviously synchronizes with the

question. But, if the question aimed at finding out the cause of the waning and waxing of the new moon, which is far away from the mannerliness of the noble Companions, then the answer, by electing to state its wisdom and benefit rather than its reality, simply hints that finding out the reality of the heavenly bodies is not an area under man's control anyway, and then, for that matter, the knowledge of its reality is not necessary for any practical purpose, neither in this world nor in the Hereafter. Therefore, the question of reality is absurd. What could be asked and what could be explained is that there are certain benefits that accrue to us through the waning and waxing, the setting and the rising of the moon in this manner. Therefore, in response to this, the Holy Prophet ﷺ was told that he should tell them that their benefits tied to the moon are that they will find it easy to determine the time factor in their transactions and contracts, and to know about the days of the Hajj.

The Lunar Calendar is the Islamic choice

This verse tells us no more than that the moon will help identify the count of months and days on which rest transactions and acts of worship, such as, the Hajj. The same subject has been dealt with in Sūrah Yūnus in the following manner:

وَقَدَّرَهُ مَنَازِلَ لِتَعْلَمُوا عَدَدَ السِّنِينَ وَالْحِسَابَ

And determined it (the moon) by stations, that you might know the number of the years and the reckoning. (10:5)

This tells us that the benefit of having the moon pass through different stages and conditions is that people may find out through it the count of years, months and days. But, in a verse of Sūrah Banī Isrā'il, this count has been connected to the sun as well in the following words:

فَمَحَوْنَا آيَةَ اللَّيْلِ وَجَعَلْنَا آيَةَ النَّهَارِ مُبْصِرَةً لِّتَبْتَغُوا فَضْلًا مِّن رَّبِّكُمْ وَ
لِتَعْلَمُوا عَدَدَ السِّنِينَ وَالْحِسَابَ

Then We erased the sign of the night and brought out the sign of the day to see, so that you seek the blessing from your Lord and get to know the number of years and the reckoning. (17:12)

Although this third verse proves that years and months can be counted with the help of a solar calendar also, yet the words used by

the Holy Qur'ān with regard to the moon very clearly indicate that the lunar calendar is a fixed choice in the Shari'ah of Islam, specially in prescribed acts of worship which relate to a particular month and its dates; for instance, the months of Ramadān and Ḥajj, as well as injunctions related to the days of Ḥajj, Muḥarram and *Lailatul-Qadr* are all tied to the sighting of the new moon, all this because in this verse, by saying *هُنَّ مَوَاقِيتٌ لِلنَّاسِ وَالْحَجِّ* (They are indicative of time for the people and of the Ḥajj), it has been established that the lunar calendar is the one to be trusted upon in the sight of Allah, although, the count of months can come out of a solar calendar as well.

The Shari'ah of Islam has opted for the lunar calendar because it is based on something which every sighted person can see on the horizon and be informed accordingly; the knowledge of it is equally easy for the scholars, the ignorant, the villagers, the islanders and the dwellers of the mountains. This stands in contrast with the solar calendar which depends on meteorological equipment and mathematical computations which cannot become the common personal experience of everybody so easily. Then comes the matter of religious observances, the *'ibādat*, where the lunar calendar has been fixed as an obligation. This has also been favoured in social and business transactions because it serves as a basis for the acts of Islamic worship, and a symbol of Islamic identity, notwithstanding the position of the solar calendar which has not been prohibited juristically, the only condition being that the use of the solar calendar should not become so widespread that people forget all about the lunar calendar. If this happens, it would necessarily affect the obligatory *'ibādat* like Fasting and Ḥajj adversely, a sampling of which is visible in our time, in offices and businesses, government and private, where the solar calendar is being used with such frequency that many people do not seem to even remember all Islamic months by name. Apart from the juristic position of the lunar system, this situation is a deplorable demonstration of our lack of will to approach and uphold such a matter of national and religious identity with a sense of self-respect. It is not difficult to use the solar calendar only in office situations where one has to deal with non-Muslims as well, but for the rest of office correspondence, private dealings and daily requirements the lunar calendar may be used with

advantage, that is, if this is done, the user will earn the *thawāb* of performing a *fard* 'alā *al-kifāyah* (an obligation which, if performed by some, suffices for others), and of course, national identity will be preserved.

Ruling

From the verse *لَيْسَ الْبِرَّ بِأَنْ تَأْتُوا الْبُيُوتَ مِنْ ظُهُورِهَا* (And it is not righteousness that you come into your houses from their backs) comes the ruling that something which the Shari'ah of Islam has not classed as 'necessary' (*wājib*) or has not given it the status of an act of 'Ibādah, should not be taken as 'necessary' or an act of 'Ibādah on one's own. This is not permissible. Similarly, taking something to be a sin while it is permissible under Islamic law is a sin in itself. This is exactly what those people had done. Entering houses through doors was permissible under religious law, yet they made it out to be a sin, while coming into the house from its back by breaking through the wall was not 'necessary' under the religious law, yet they made it out to be necessary. This was why they were admonished.

The reason why *bid'āt* (innovations in religious matters) are not permissible is that unnecessary things are taken to be necessary like the obligatory - *fard*, or *wājib*. Or, things permissible are taken to be forbidden or unlawful. This verse makes it very clear that doing so is prohibited, and incidentally, this gives us the guiding rule in thousands of acts in vogue.

Jihād: To fight in the way of Allah

That *Jihād* and *Qitāl* or fighting against disbelievers was prohibited prior to the emigration to Madīnah is a fact the entire Muslim community agrees upon. All verses revealed during that time advised Muslims to be patient against pains inflicted on them by disbelievers, even to ignore and forgive when they can. It was after the emigration to Madīnah that the first command to fight against them came through this verse (as said by al-Rabi' ibn Anas and others). Another narration from Sayyidnā Abū Bakr al-Siddiq رضي الله عنه says that the first verse relating to this subject is: *أُوْنِ لِلَّذِينَ يُفْتَلُونَ بِأَنَّهُمْ ظَلَمُوا* : "Leave is given to those who are fought against because they were wronged", but according to a majority of the blessed Companions and their successors, the first verse commanding to fight the disbelievers is

this very verse from Sūrah al-Baqarah while the verse which has been identified as the first verse on this subject by Sayyidnā Abū Bakr al-Siddiq, that too, being among the very initial verses revealed, could be called the first.

The command in this verse is that Muslims should fight only those disbelievers who come to fight against them. It means that there are other people too who do not take part in fighting, such as, the women, the children, the very old, the priests and monks and others devoting themselves to quiet religious pursuits, and the physically handicapped, and those casual labourers who work for disbelievers and do not go to fight along with them; it is not permissible to kill such people in a *Jihād*. The reason is that the command in the verse is restricted to fighting those who come to fight Muslims. The kind of people mentioned above are not all fighters. That is why Muslim Jurists رحمهم الله, have also ruled that should a woman, an old man or religious person take part in actual fighting along with disbelievers or be helping them in any manner in their fight against the Muslims, then, killing them is permissible because they come under the purview of الَّذِينَ يقاتِلُونَكُمْ: 'those who fight you'. (Mazharī, Qurṭubī and Jaṣṣās)

The battle orders of the Holy Prophet ﷺ given to the *mujahidīn* of Islam at the time of *Jihād* carry a good explanation of this injunction. In a *hadīth* from al-Bukhārī and Muslim, as narrated by the blessed Companion 'Abdullāh ibn 'Umar, it is said:

نهى رسول الله صلى الله عليه وسلم عن قتل النساء والصبيان

'The Holy Prophet ﷺ has prohibited the killing of women and children.'

The following instructions from the Holy Prophet ﷺ given to the Companions going on *Jihād* have been narrated in a *hadīth* from Sayyidnā Anas which appears in Abū Dāwūd: 'Go for *Jihād* in the name of Allah adhering to the community of the Messenger of Allah. Do not kill anyone old and weak, any young child or any woman.' (Mazharī)

When Sayyidnā Abū Bakr al-Siddiq sent Yazid ibn Abi Sufyān to Syria, he gave him the same instructions. Also added there is the prohibition of killing the religiously-devoted, the monks and priests, and the labourers employed by disbelievers, specially when they do not take part in fighting (Qurṭubī).

The expression **وَلَا تَعْتَدُوا** (and do not transgress) towards the end of the verse, according to the majority of the commentators means - 'do not go beyond the limit in fighting as to start killing women and children'.

As already explained briefly in the opening remarks, the verse 191, that is, **وَأَقْتُلُوهُمْ حَيْثُ ثَقِفْتُمُوهُمْ وَأَخْرِجُوهُمْ مِنْ حَيْثُ أَخْرَجُوكُمْ** (And kill them wherever you find them and drive them out from where they drove you out...), was revealed after the happening at *Hudaybiyyah* at a time when the Holy Prophet ﷺ decided, in accordance with the condition agreed upon in the Peace Treaty of *Hudaybiyyah*, to embark on a journey to Makkah to perform the *qaḍā'* of 'Umrah along with his Companions, something he was stopped from doing a year before by the disbelievers of Makkah. The noble Companions, on the eve of this projected journey, had started to worry about the disbelievers who could not be trusted upon in a peace treaty. If they chose to be aggressive, as they did a year before, what option are they going to take? Thereupon, the words used in the present verse gave them the permission to meet the challenge of their aggression and kill them where they find them. And if they could, it was permissible for them to drive the disbelievers out from where they had driven the believers out.

Since Muslims, during their entire Makkan period, were made to stay away from fighting against the disbelievers and were repeatedly asked to forego and forgive, so much so, that the noble Companions were, before the revelation of this verse, under the impression that killing disbelievers was bad, and prohibited. It was to remove this misconception that it was said: **وَالْفِتْنَةُ أَشَدُّ مِنَ الْقَتْلِ**: "And *Fitnah* is more severe than to kill," that is, it is true that to kill someone is a terribly evil act, but more terrible and severe is what the disbelievers of Makkah have done by insisting on their *kufr* and *shirk* (infidelity and the associating of others with Allah) and by stopping Muslims from fulfilling their religious obligations, and from performing Hajj and 'Umrah. It is to avoid this greater evil that killing them has been permitted. The word, *Fitnah* in the verse (not translated for want of a perfect equivalent in English) inescapably means *kufr* and *shirk* and to prevent Muslims from fulfilling their religious obligations of *'ibādah*.