

ولسانهم والربا فى اللغة الرباوة والمراد به فى الاية كل زيادة لا يقابلها
عوض

He who claimed that this verse is abstract did not understand the clear and confident affirmation of the Shari'ah because Allah Almighty sent His messenger to a people of whom he was one, sent him (speaking) in their language, revealed His Book to him so that they comprehend it easily in their language, and in their language the word *ribā* means 'increase'; and in the verse, it means the increase that has no financial consideration against it, (but simply time).

Imām al-Rāzī has said in his commentary that *ribā* is of two kinds - the *ribā* on loans and the *ribā* of taking more on barter. The first kind was well-known in *Jāhiliyyah* and people during those days used to transact it freely. The second kind is what comes through the *ḥadīth* which rules that increase or decrease in the barter of certain commodities is also included under *ribā*.

It appears in *Ahkām al-Qur'ān* of al-Jassās that *ribā* is of two kinds - the *ribā* in buying and selling and the *ribā* without buying and selling. The *ribā* of *Jāhiliyyah* belonged to this very second kind. By definition it means the loan on which 'profit' is taken on the basis of time duration. Ibn Rushd has, in *Bidayah al-Mujtāhid*, taken the same view, and has further proved the unlawfulness of the *ribā* of taking 'profit' on loans, on the authority of the Qur'ān, the *Sunnah* and the consensus of the Muslim community.

In *Sharh Ma'ānī al-Athar*, Imām al-Tahawī has taken up this subject in great detail. He has said that the *ribā* mentioned in the Qur'ān is, openly and clearly, the *riba* that was given and taken on loans, and it was known as *ribā* in *Jāhiliyyah*. After that, it was through the statement of the Holy Prophet ﷺ, and his *Sunnah*, that the other kind of *ribā* became known, and which was identified with increasing, decreasing or non-cash dealing in particular types of buying and selling activity. That this *ribā* is also *haram* stands proved by repeated *aḥādīth* of the Holy Prophet ﷺ. However, in the absence of fully clear details governing this kind of *ribā* some Companions of the Holy Prophet ﷺ faced difficulty and jurists differed. (op cit., page 232, vol. 2)

Shāh Waliullāh has said in *Hujjatullāh al-balighah* that these are two separate things. One is the *ribā* in real terms, and the other is that which is included in the prohibition of *ribā*. The *ribā* in real terms means something additional claimed over the principal in a transaction of loan. But the *ḥadīth* has included in the prohibition a transaction of bartering certain commodities whereby an additional measure is claimed in exchange of the same commodity. When it appears in the *ḥadīth* of Sahih al-Bukhari that لاربا إلا فى النسبة : "There is no *riba* except in *nasi'ah* {loan}", it simply means that the real and primary *ribā*, the one that is commonly understood and termed as *ribā*, is nothing but taking 'profit' on loans. Excepting this, all other kinds have been annexed with it by extending prohibition to all of them.

Summing up the discussion

1. *Ribā* was already a known transaction before the revelation of the Qur'an. The taking of increase on loans given for a certain time was called *ribā*.

2. The noble Companions, all of them, abandoned this *ribā* the moment its unlawfulness was revealed in the Qur'an. None of them had any difficulty or doubt in comprehending or explaining its meaning.

3. In the barter transactions of six commodities it was declared by the Holy Prophet ﷺ that whenever any one of these is bartered with a similar commodity, both of them must be equal in weight or measure. Any increase or decrease in such transactions has been declared as included in the prohibition of *ribā*. This much was expressly told by the Holy Prophet ﷺ. But the question was whether this special type of prohibition is restricted to these six commodities alone or it extends to some other commodities also, and if it extends to some other commodities, on what basis one can identify those commodities. This question needed a deeper insight into the juristic issues involved, and the Muslim jurists came out with different suggestions to answer this question. It was this very question that agitated the mind of Sayyidnā 'Umar رضى الله عنه. Since the Holy Prophet ﷺ had not stated these rules himself and because doubt lurked therein, Sayyidnā 'Umar رضى الله عنه regretfully wished how good it would have been if the Messenger of Allah ﷺ had set the relevant rules himself which would have given

them peace of mind in doubtful situations. Then he said that not only *ribā*, but also the very doubt of *ribā*, wherever it may be, should be avoided.

4. It is certain that the real and primary *ribā*, which the Muslim jurists have called "*ribā al-Qur'ān*" (the *ribā* of Qur'ān) or "*ribā al-Qard*" (the *riba* of loan), is exactly what was known and practised in Arabia, that is, claiming 'profit' on loan against the time allowed for repayment. Other kinds of *ribā* identified in *hadīth* are all annexed to this very *ribā* and come under the injunction governing it. As regards the difference of opinion that rose in the community was exclusively related to this second type of *ribā* deals. The first kind of *ribā* is called '*ribā al-Qard*' or "the *ribā* of Qur'ān"; that it is categorically *haram* (forbidden) has never been disputed in the Muslim community.

In short, the *ribā* of today which is supposed to be the pivot of human economy and features in discussions on the problem of interest, is nothing but this *ribā*, the unlawfulness of which stands proved on the authority of the seven verses of the Qur'ān, of more than forty *aḥādīth* and of the consensus of the Muslim community.

The second kind of *ribā* which occurs in buying and selling is neither common in practice, nor requires any discussion here.

Upto this point, effort was made to clarify the meaning of *ribā* as contemplated in the Qur'ān and *Sunnah*, which is the first step towards understanding the problem of interest.

The Wisdom behind the Prohibition of *Ribā*

Now comes the second part of the discussion which relates to the wisdom behind the prohibition of *ribā* and to the spiritual and economic harms of *ribā* transactions because of which Islam has declared it to be such a major sin.

First of all, we should realize that there is nothing in the entire creation of the world which has no goodness or utility at all. Even in serpents, scorpions, wolves, lions, and in arsenic, that fatal poison, there are thousands of utilities for human beings. Is there anything in this vastness of nature which could really be called bad? Take theft, robbery, villainy, bribery - not one of these remains without this or that benefit. But, it is commonly recognized in every religion and

community, in every school of thought, that things which have more benefits and less harms are called beneficial and useful. Conversely, things that cause more harm and less benefit are taken to be harmful and useless. Even the noble Qur'an, while declaring liquor and gambling to be *haram*, proclaimed that they do hold some benefits for people, but the curse of sins they generate is far greater than the benefits they yield. Therefore, these cannot be called good or useful; on the contrary, taking these to be acutely harmful and destructive, it is necessary that they be avoided.

The case of *ribā* is not different. Here the consumer of *ribā* does have some temporal benefit apparently coming to him, but its curse in this world and in the Hereafter is much too severe as compared to this benefit.

An intelligent person who compares things in terms of their profit and loss, harm and benefit can hardly include things of casual benefit with an everlasting loss in the list of useful things. Similarly, no sane and just person will say that personal and individual gain, which causes loss to the whole community or group, is useful. In theft, and in robbery, the gain of the gangster and the take of the thief is all too obvious, but it is certainly harmful for the entire community since it ruins its peace and sense of security. That is why no human being calls theft and robbery good.

After these introductory remarks, let us look at the problem of *ribā*. A little deliberation will show that its spiritual and moral loss as compared to the casual or transitory profit earned by the *ribā*-consumer is so severe that it virtually takes away the great quality of being 'human' from him. Again, it should be borne in mind that the transitory gain that comes to him is restricted to his person only. As compared to this, the entire community, victimized by economic crisis, suffers great loss. But, strange are the affairs of the world. When something becomes the craze of the time, its drawbacks go out of sight. One looks for nothing but gains - no matter how small, mean and casual be those gains. Nobody cares to look at the harm lying under them - no matter how fatal and universal it may be.

Custom and practice act like chloroform on human temperaments. They make them insensitive. There are very few individuals who

would investigate into prevailing customs and practices and then try to understand how beneficial or harmful they are. Bad coming to worse, even if such harms are identified and people are openly warned of the dangers, the conformity to prevailing custom and practice is such that the right course is just not taken.

Ribā has become an epidemic in modern times holding the entire world squeezed in its clutches. In fact, it has so reversed the very taste of human nature that the bitter has started tasting sweet. That which is the cause of economic ruin for the entire humanity is being dished out as the solution of economic ills. The situation is such that a thinker who raises his voice in protest is brushed aside as crazy.

All this is what it is. But a physician of humanity must remain the physician he is. Should he, after having closely observed that epidemic has spread in an area and treatment has become ineffective, start thinking of telling people that there is just no disease around and everything is fine, he then becomes a killer of humanity robbing it of its potential. It is the duty of a really expert physician of human affairs, even at a time such as this, that he should continue telling people about the disease and its harmful effects and keep suggesting ways it could be cured.

The prophets عليهم السلام come to reform human society. Whether or not they will be heard is something they never worry about. If they had waited for people to hear and obey them, *kufr* and *shirk* would have certainly filled the whole world. Incidentally, who believed in the *kalimāh* لا إله إلا الله : "There is no God but Allah" when the Last of the Prophets ﷺ was ordained by Allah for its preaching and teaching?

Although *ribā* is taken to be the backbone of contemporary economy, but the truth of the matter is, what some Western thinkers have themselves admitted, that it is no backbone of economics, rather on the contrary, it is a worm grown in and feeding on it.

But it is regrettable that even theoreticians and scientists of today are unable to free themselves from the stranglehold of custom and practice and do some serious thinking in this direction. How is it that even the experience of hundreds of years fails to attract their attention towards the ultimate outcome of *ribā* or interest, which is nothing

except that peoples and communities around the world suffer from want and hunger, become victims of many an economic crisis and the poor grow poorer. As compared to their fate, some capitalists take advantage of the wealth of the whole community, become its leeches sucking blood from the body of the community and helping themselves to grow and prosper. The gall of these intellectuals is indeed surprising. When this reality is presented before them, they would like to refute us by taking us to the market places of U.S.A. and E.E.C. so that we could observe the blessings of interest. They like us to be impressed by the prosperity they have acquired through it. In fact, this is like taking us to show the blessings of acts committed by some nation of man-eaters and telling us how chubby and flushed with 'health' they are in their residences and work-places. Then to top that assertion, effort is made to prove on this basis, that this act of theirs is the best of acts.

However, in answer to that, any sane and just person would simply suggest that the 'blessings' of the act of man-eaters cannot be observed in the habitat of the man-eaters. One has to go to other habitats where lie dead bodies in thousands and thousands on whose blood and flesh these beasts have grown. Islam and the Shari'ah of Islam can never accept such an act as correct and useful, as a result of which, the humanity in general and the Muslim community in particular becomes a target of destruction while some individuals, or their groups, go on prospering.

Economic Drawbacks of *Ribā* or Interest

If there was no other defect in *ribā* except that it results in the gain of some individuals and the loss of the whole humanity, that one and very defect would have been enough to justify its prohibition and hate-worthiness, although, it does have many other economic drawbacks and spiritual disasters.

First of all, let us understand how *ribā* is the gain of particular individuals and the loss of a community in general. The hackneyed method of *ribā* practised by usurers was so crude that even a person of ordinary commonsense could see how it benefitted a particular person and harmed the community in general. But 'the new enlightenment' of today, or shall we call it 'the new darkness', by producing 'purified'

liquor through mechanical processing and aging, by inventing new and fancy forms for theft and robbery, and by innovating novel covers for evil and immodesty, has made everybody so 'civilized' that watchers of the surface are unable to see the evil hidden behind. Very similar to this, in order to continue the practice of *ribā* or interest, individual money-lending counters have been replaced by joint stock companies called banks. Now, to throw dust in everybody's eyes, consumers are 'educated' that this modern method of *ribā* is good for the whole community because common people do not know how to run a business with their money, or cannot do so due to shortage of capital, so money they all have goes as deposit in banks and everyone of them manages to get, no matter how little, some profit in the name of interest. In addition to that, big businessmen are given the opportunity to borrow money on interest from banks, invest in big business and reap the benefits. Thus interest has been made to appear as some sort of 'blessing' which is reaching all individuals of the community!

However, a little honesty will show that this is a grand deception which, by transforming dirty distilleries into posh hotels and hooker-dens into cinemas and night clubs, has been released to present poison as antidote, and the harmful as beneficial. Intelligent people have no problem in seeing through the deceptive covering placed on anti-moral crimes. They know it has inevitably increased crimes, spreading its poison more acutely than ever before. Similar is the case of *ribā*, the new form of which, by making the masses have a sip of an insignificant percentage of interest, has made them accomplices in their crime; while at the same time, they opened for themselves limitless opportunities to keep committing this crime.

Who does not know that this insignificant percentage of interest doled out by 'saving' banks and post offices to clients cannot, by any means, take care of their living expenses. They are, therefore, forced to go for manual labour or seek a job. Business is something they hardly think of themselves, and if somebody does play with the idea for a while, the problem is that the capital of the entire community sits in the banks and the shape of things in business is such that a person with a small capital can hardly make an entry there unless he wishes to commit suicide. The reason is that banks can advance a major loan

only to one who has sound credit and large business. One who has a million can get a loan of ten millions. He can run a business valued ten times more than his personal capital would allow. In contrast, the man with a small capital has little or no credit rating; the banks do not trust him enough to advance a loan ten times more than his worth. One who owns a thousand can hardly get an even thousand, let alone ten thousand. Take the case of a person who owns a hundred thousand and runs a business worth a million by using nine hundred thousand of bank money. Suppose he earns a profit of one per cent which means he has earned a ten per cent profit on his hundred thousand. In comparison, a person who uses his personal hundred thousand in business, will earn a profit of no more than one per cent on his hundred thousand, which would be hardly enough to cover even his operating expenses. Then there is yet another factor; the man with a large capital can buy raw material from the market at a price so low and discounted which the small capitalist cannot get. As a result, the man with a small capital is rendered helpless and needy. Should he, secretly pursued by his misfortune, put his foot into some such business already monopolized by big capitalists, they will then, taking him to be an unwelcome partner in their godhood, make the market collapse, even if it be at their cost, making the small capitalist lose all his capital and profit. This is why business gets monopolized by some individuals who happen to be big capitalists.

Let us consider some other injuries caused by this interest-oriented economic system:

1. First comes the great injustice inflicted on the community when a whole set of people are deprived of the opportunity to engage in real business, and are reduced to economic slavery of big capitalists, who elect to give them a 'profit' of their choice as some tip.

2. Another loss that affects the whole country comes through the monopolization of market rates of commodities made possible by this system. They sell high and fill their coffers by emptying the pockets of the whole community. Worse still, they have the evil choice of stopping the sale of their holdings in order to further increase prices by design. If these selfish people were not allowed to feed on the combined capital of the community through the agency of banks, and if they were left

with no other alternative but to run their business with their personal capital, things would be different. The small capitalist would have been saved from distress and these self-serving people would not be sitting as demi-gods on all trading options. The investors with a small capital, by showing profits in business ventures, would have given impetus to others. More and more businesses would come up managed by separate staffers giving livelihood to thousands of needy individuals besides making business profits fairly widespread, and of course, the general availability of merchandise in the market would be favourably affected. The reason is competition which motivates a businessman to reduce his margin of profit.

In short, this Machiavellian method has infected nations and communities with a fatal disease, apart from the brain-washing it has done which makes the patient take disease as the cure.

3. Now let us look at the third economic disaster engineered through bank interests. Here is a person with a capital of ten thousand and he goes in business worth a hundred thousand, the additional capital advanced by a bank as interest-bearing loan. If by chance, he is hit by loss, his capital sinks and he goes insolvent then the outcome is interesting. Just imagine that he bears only ten per cent of the loss, while the rest of the loss, that is ninety per cent, is absorbed by the whole community, whose money he had borrowed from the bank to invest in his business. Even if the bank writes off the loss as an interim measure, it is clear that the bank is the pocket of a nation, and the loss will ultimately hit the nation. The outcome is that the borrowing capitalist was the sole owner of the profit as far as the profit kept coming, leaving nothing or very little for the community. When came the loss, it was passed on to the whole community.

4. Yet another economic drawback of *ribā* lies in the predicament of the borrower on interest when he is hit by a major loss. Once this happens he is unable to survive anymore. To begin with, he never had enough capital the loss of which he could cushion. The loss throws him into a double distress. Not only does he lose his profit and capital but also, at the same time, gets buried under the bank loan for the liquidation of which he has no means. As compared to this, should he lose his entire capital in an interest-free business, he would, at the most become penniless but, burdened with debt he definitely will not be.

In 1954, the cotton business of Pakistan suffered, to use a word of the Qur'ān, with the calamity of *muhāq* (محاق : destruction by loss). The Government rescued the businessmen at the cost of millions of rupees but nobody bothered to realize that all this was a curse of *ribā* or interest, for the simple reason that cotton dealers had invested mostly bank-borrowed capital in this business. Their own capital was insignificant. As Divine decree would have it, the cotton market fell so sharply that its price zoomed down from rupees one hundred and twenty-five to just ten rupees. The cotton traders were rendered incapable of returning money to cover bank margins. Left with no choice, the market was closed down and an SOS was sent to the Government. The Government stepped in and bought off the stocks, not at rupees ten, but at the raised price of ninety rupees. Thus it took upon itself the loss of millions and saved these traders from going insolvent. Whose money did the Government have? Naturally, it belonged to the same helpless poor nation, the Muslim *ummah*!

In short, the naked result of banking business is that some individuals reap benefits out of the capital of the entire community and the loss, when it comes, is made to fall on the whole nation.

The design for deception

You have already seen how *ribā* and interest prey on communities and nations and how some individuals are promoted instead. Along with it, you would do well to discover yet another demonstration of evil genius. When the consumers of *ribā* realized, out of their own experience as well, what the Qur'ān has said: *يَسْحَقُ اللَّهُ الرِّبَا* - that is, earnings of interest have to suffer from the calamity of *muhāq*, from loss and destruction, as a result of which one has to go insolvent - they established two permanent institutions: The Insurance and the Stock Exchange. They saw that losses in business occur for two reasons. One of these takes the form of natural calamity like the drowning or burning of a ship or some such mishap of some other nature. The other could be that market rates of stock in hand go lower than its purchase price. The capital invested in both these situations is the jointly owned capital of the community, not that of the individual capitalist, therefore, the loss of the community is higher, and that of the individual capitalist, minimal. But they did not stop at that. In order

to shift even this minimal loss factor on to the shoulders of the community, they floated insurance companies which hold the capital of the community, just as banks do. When some natural calamity inflicts losses on these consumers of *ribā*, they use the medium of insurance to shift, not just partial, but the entire loss to the jointly held capital of the community.

People think that insurance companies are God's mercy as they rescue the sinking. But should they observe and think honestly, they would start seeing the same deception here too. Isn't it that their capital was formed by contributions from the community enticed by the promise of help in the event of unforeseen accidents. The truth is that the advantage of receiving large sums of money is derived by capitalists of higher rating, who would, on occasions, burn or bang their own car or get it stolen in order to buy a new one out of the insurance claim. At the probability rate of one or two percent there would be a couple of lucky fellows who might get some money because of accidental death.

Then there is the second kind of institution, the stock exchange which served as a defensive shield against price slumps. This speculative contraption was used to spread out the ill-effects of deals over every individual of the community, transferring thereby the loss coming to them onto the community once again.

This brief account, it is hoped, may have given you at least the idea that bank interest and the business it helps to flourish is the cause of want, hunger and economic incapacity of the entire humanity. Of course, some wealthy individuals have their wealth further increased through this method which results in the unmaking of the community and the making of some individuals who hold the key to the accumulated capital of the country or nation in their hands. Generally governments did notice this enormously disturbing phenomena but the cure they came up with was to increase the income tax rate for big capitalists, so much so that the maximum rate was set almost close to hundred per cent, which was all designed to funnel capital from them back into the national treasury.

But, as a result of such laws and as everyone knows, factories and businesses started maintaining fictional or doctored accounts. In order

to hide a lot of capital from the Government, money once again started going into private treasuries.

To sum up, it is universally clear that concentration of wealth in the captivating hands of few individuals of a nation is highly injurious to the economic health of the country. This is why income tax rates are pushed so high, but experience bears out that this was no cure to the disease. Maybe the reason is that the disease was not correctly diagnosed, and the real cause remained undiscovered. This sort of treatment reminds one of the Persian line saying: 'you closed the door for safety without finding out that the enemy was sitting inside the house'.

The reason why wealth concentrates in the hands of big capitalists is nothing but interest-oriented business and the unjust profiteering from national wealth by particular individuals. Unless we put an end to this in accordance with the teachings of Islam and unless we promote the practice that everyone goes in business with 'his' capital only, this disease cannot be cured.

A doubt and its answer

The question arises here when public money is deposited in banks some benefit does trickle on to people, no matter how little it may be. Maybe, the big capitalists did manage to extract more benefits out of it. But what would happen if this system of depositing money in the banks was not there? The whole thing will end up being what it was in old days when money used to stay in underground chests, which was of no immediate use to the owner, or to anybody else.

The answer to this is that Islam has, on one hand, by declaring interest or *ribā* to be *ḥaram* (unlawful), closed the door on the concentration of national wealth in the hands of a known few capitalists, while at the same time, it has, by imposing the obligation of the levy of *zakāh*, compelled every owner of the above-threshold capital not to keep his capital frozen but invest it in business. Should a person hoard up his money or gold, and since *zakāh* is a recurring obligation to pay, he will still be giving out the fortieth part of his holdings as *zakāh* every year, as a result of which whatever he has will not be there anymore. Therefore, every sane person will have to put his capital in some useful enterprise, enjoy its benefits and allow others to share it with him

and then, from the profit that he makes, he pays his *zakāh* 'properly' as required.

The obligation of *zakāh* ensures progress in business

We know that paying *zakāh* properly has a great utility of its own. It aims to help the poor and the needy in the community. Similarly, this obligation is a wonderful method of persuading people to go in business, so that the economic status of Muslims is upgraded. It is clear when everybody realizes that frozen capital gets no profit, on the contrary, the fortieth part is invariably chiselled away at the end of each year, he will have to think of investing his money in some business. But his business will not follow the model of one man running a business on the strength of capital supplied by millions of people. That model works on interest. Since marketing money is *haram*, every wealthy person will seek to go in business on his own. And when it so happens that big capitalists are left with no choice but to engage in business supported by their personal capital, those with a small capital will not face the sort of difficulties in business take-offs that confronted them in the event they sought bank loans on interest to run a larger business. Thus the whole country will benefit by the universalization of business and its profits. When this happens, the poor and the needy in the country would certainly become beneficiaries of the system.

Interest: The spiritual ills:

Upto this point we were talking about the economic destructivity of interest. Now let us see how interest-oriented business so adversely affects the morals, and the spiritual potential of man:

1. Sacrifice and generosity are great qualities in human morals. Giving comfort to others at the cost of personal discomfort is wonderful. Interest-loaded business invariably leads to the extinction of this emotional refinement. A compulsive consumer of interest would hardly bear to see somebody else rising up to his level with the help of personal effort and capital. That he would think of passing some benefit to somebody from his resources is a far cry.

2. Rather than be merciful to the distressed, he is on the look out for an opportunity to take undue advantage of his distress.

3. The constant devouring of interest results in increasing greed for

money to limits where he is all intoxicated, not knowing good from bad - totally heedless of the sad end of what he is doing.

Is it impossible to run a business without interest?

A discussion of the nature of *ribā* and the ills it plants and promotes in this world and in the Hereafter has already appeared in some details. Now remains the third part relating to the solution of the problem. We have seen its economic and spiritual drawbacks and we know clearly that it has been strictly forbidden in the Qur'ān and *Sunnah*. But the problem is that *ribā*, of all the things, is sitting solid as the sheet-anchor of business in contemporary society. This is the wheel on which runs world business. How can we get free from its hold? These are times when getting rid of the banking system would mean closing down all business.

This can be answered by pointing out that a disease, once it spreads out and becomes an epidemic, certainly poses problems. Treatment does become difficult but useless it is not. Efforts made to correct the system do succeed finally. However, what is needed in the process is patience, steadfastness and courage. It is in the noble Qur'ān itself that Allah Almighty has also said:

وَمَا جَعَلْ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ

Allah has not burdened you with any hardship in religion. (22:78)

Therefore, there must be a way to avoid *ribā* in which there is no economic loss, doors of national and international business are not closed, and salvation from *ribā* is also achieved.

To begin with, it is generally thought that, given the governing principles of banking as seen from the outside, banking system depends on *ribā*. Without it the banks just could not run. But, this thinking is categorically incorrect. The banking system could still survive as it is even without *ribā*. It could rather come out in better shape, beneficial and useful. However, in order to do so, it is necessary that a group of experts in Shari'ah and banking should, by consultation and cooperation, reconstruct its operating principles. With their proposals and projections, success will not remain far. When the day comes, the day when the banking system is run on the principle of Shari'ah, the whole world will, *Inshallāh*, witness the real *summum bonum*, the great good of the nation and the community it

brings in its wake. However, this is not the place to explain these principles and rules based on which the banking system could be run without *ribā*.⁵⁹

Ribā is presently 'needed' for two reasons. If needed in business, that can be taken care of by amending the current banking rules. The second compulsion, why the poor and the needy get involved with *riba* or interest, is that of their inevitable accidental needs. The best solution to this situation is already present in Islam in the form of *zakāh* and obligatory *ṣadaqāt*. But, because of heedlessness towards religion and the sources of its knowledge, even the system of *zakāh* has been left inoperative (or ineffective). There is a countless number of Muslims who do not think of *zakāh*, and for that matter, even *salāh*. Those who do pay *zakāh*, specially the gentlemen with large capital holdings, do not bother to calculate strictly and thus do not pay the full *zakāh* amount due. Then there are those who do pay the full amount of *zakāh* due, but their doing so is mechanical, sort of getting rid of it by taking it out of their pockets and be done with. Although the Divine injunction, does not simply call for the taking out of *zakāh*, it rather bids that *zakāh* be paid properly and paying properly can be accomplished correctly only when it is carried to those who deserve it and who are given proprietary rights over it. Now let us imagine how many Muslims there are who would take the trouble of finding the deserving and then arrange to have their *zakāh* reach them? No matter how lacking in financial resources the Muslim *ummah* may be, but should it be that every *zakāh*-obligated Muslim pays his *zakāh* fully and properly, and adopts the correct method of so paying it by identifying the deserving and making sure that they receive it in their hands and as their possession, then no Muslim will ever need to get involved with interest-bearing borrowing. Of course, when it so happens that a just Islamic government comes into being and operates in accordance with rules laid down by the Shari'ah, and an Islamic

59. This humble writer had, in consultation with some 'ulamā', prepared a draft proposal of interest-free banking way back, and this was approved by some experts as practical in present day perspective. There were some who even put this in practice but finally, it did not work due to apathy of businessmen, and of course, the non-availability of Government sanction. نالي الله الشنكى

Baytul-Māl is established under its aegis, and in which is deposited the *zakāh* of *amwāl zahirah* of all Muslims, then this *Baytul-Māl* can take care of the need of everyone needy. Should a situation call for a larger loan, this can be given without interest. Similarly, the unemployed can be inducted into the work force by arranging to have them run small shops and stores or by engaging them into a unit of industry. True was the remark made by some European expert who said that Muslims, if they strictly followed the system of *zakāh* they have, will soon find that there is nobody poor and distressed in their community.

In short, just because practices of interest have spread out these days like some epidemic, it is incorrect to take for granted that abandonment of interest-based business would amount to economic suicide, and therefore, modern man is helpless when involved with interest-based dealings in business.

This much is, however, conceded that such an abandonment is surely difficult for one or many individuals unless a whole nation, or a determined major party, or an Islamic government itself resolves to accomplish this objective with full and consistent attention. But this phenomena cannot be taken as an excuse for justifying *ribā* in principle.

What has been said here has two aims:

1. Muslim groups and governments who can accomplish this task correctly should focus their attention in this direction to free Muslims, rather the whole world, from the accursed effects of interest.

2. At least, all of us should start knowing what is right and correct in this respect. The disease should be recognized as a disease. Taking or giving interest is a sin but taking the *ḥarām* to be *halāl* is a much greater sin. At the least, this could be avoided. The practical sin does have some sort of outward benefit but this second sin against knowledge and belief, that effort be made to prove interest as *halāl*, is greater than the first one. It is absurd and wateful as well because there is hardly any financial loss in regarding interest as *ḥarām* and confessing any involvement with it as sin. Doing so will close no business down. But the confession of a crime does become fruitful

when one gets the *tawfiq* (God-given ability) to repent at some time when one could think of ways to avoid it.

In the end, I present some *ahādīth* of the Holy Prophet ﷺ to further strengthen the statement of above-mentioned aims. These re-assert the same Qur'ānic verses where *ribā* has been strongly prohibited and where warnings of severe punishment have been given to those involved in it. The purpose is to bring about, at least, a sense of awakening - the realization that a sin is a sin, and the concern that something should be done to abstain from it. Perhaps, the minimum change that can come out of this is not to make two sins out of one by treating the *ḥarām* as *ḥalāl*. Thus we shall be saved from seeing even highly righteous and observing Muslims who would spend nights in *tahajjūd* (pre-dawn *nafl salāh*) and *dhikr* of Allah (remembrance of Allah), yet when they reach their store or factory in the morning, they would not even think that, by indulging in dealings of interest and gambling, they are committing some sin!

Sayings Of The Holy Prophet ﷺ

About *Riba* or Interest:

عن النبي صلى الله عليه وسلم قال: اجتنبوا السبع المبقات ، قالوا: يا رسول الله ! والسحر ، وقتل النفس التي حرم الله إلا بحدق ، وأكل الربوا ، وأكل مال اليتيم والتولي يوم الزحف ، وقذف المحصنات الغافلات .

(رواه البخارى و مسلم وأبو داؤد والنسائى)

"Abstain from the seven disasters." The people asked him: "What are they, O Messenger of Allah?" He replied: "To ascribe partners to Allah, to practice sorcery, to unjustly kill one whom Allah has declared inviolable, to take *ribā* (interest or usury), to exploit the property of an orphan, to escape at the time of war and to slander the chaste women who are believers, unwary."

قال النبي صلى الله عليه وسلم : رءيت الليلة رجلين أتيا نى ، فأخرجانى إلى ارض مقدسة فانطلقنا حتى أتينا على نهر من دم فيه رجل قائم وعلى شط النهر رجل بين يديه حجارة ، فأقبل الرجل الذى فى النهر ، فإذا أراد أن يخرج رمى الرجل بحجر فى فيه، فرده، حيث كان، فجعل كلما جاء

لينخرج رمى فى فيه بحجر، فيرجع كما كان، فقلت: ما هذا الذى رأيت فى النهر؟ قال اكل الربا، (رواه البخارى، هذا فى البيوع مختصرا)

This night I saw two men who came to me and brought me to a sacred land. We walked until we reached a river of blood, wherein a man was standing, and another man was standing on the bank of the river with some stones before him. Then the man who was standing in the river came forward, and when he intended to come out of the river, the other man threw a stone at his mouth, and turned him back to the place where he was earlier - thus he began to do the same with him whenever he tried to come out of the river by throwing a stone at him and turning him back. I asked him, "What is that which I have just seen going on?" He replied, "He is the one who used to take *ribā* (interest or usury).

لعن رسول الله صلى الله عليه وسلم اكل الربا وموكله وكاتبه، وشاهديه، وقال: هم سواء (رواه مسلم وغيره).

The Messenger of Allah cursed the one who accepts *ribā* (interest or usury), the one who pays it, the one who writes it and the persons who gives witness to it, and said, "They are all alike."

عن النبى صلى الله عليه وسلم قال: أربع حق على الله أن لا يدخلهم الجنة ولا يذيقهم نعيمها: مدمن الخمر، واكل الربا، وأكل مال اليتيم بغير حق، والعاق لوالديه (رواه الحاكم).

There are four kinds of people about whom Allah has decided not to admit them to Paradise and not to let them taste its bliss: The one who is addicted to wine, the one who takes the *ribā*, the one who exploits the property of an orphan and the man who is disobedient to his parents.

عن رسول الله صلى الله عليه وسلم قال: الدرهم يصيبه الرجل من الربا أعظم عند الله من ثلاثة وثلاثين زنية يزنيها فى الإسلام (رواه الطبرانى)

A *dirham* a man receives as *ribā* (interest or usury) is, in the sight of Allah, more serious than thirty three acts of fornication or adultery in Islam.

عن ابن عباس رضى الله عنهما قال: نهى رسول الله صلى الله عليه وسلم

أن تشتري الثمرة حتى تطعم وقال: إذا ظهرا لزنا والربا فى قرية فقد أحلوا بأنفسهم عذاب الله (رواه الحاكم)

The Holy Prophet ﷺ has forbidden the fruits to be sold or purchased before they are eatable, and said, "When *zinā* (adultery) and *ribā* (usury or interest) become rampant in the people of a town they themselves invite the punishment of Allah.

ما من قوم يظهر فيهم الربا إلا أخذوا بالسنة، وما من قوم يظهر فيهم الرشيا إلا أخذوا بالربع (رواه احمد)

The society in which *ribā* becomes rampant is punished with famine, and the society where bribe is rampant is punished with horror (of others).

قال رسول الله صلى الله عليه وسلم : رأيت ليلة أسرى بى لما انتهينا إلى السماء السابعة فنظرت فوقى، فإذا أنا برعد وبروق وصواعق، قال فأتيت على قوم بطونهم كالبيوت فيها الحيات ترى من خارج بطونهم، قلت: يا جبرئيل! من هؤلاء؟ قال هؤلاء أكلة الربا (رواه احمد)

On the night (of Ascension: *Mi'raj*) when we reached the seventh sky, I looked upwards and saw thunder, lightnings and thunder-claps. Then I came across some people whose stomachs seemed to be houses full of snakes - one could see them from the the outside of their stomachs. I asked Jibrā'il: "Who are they?" He replied: "They are those who used to take *ribā* (interest or usury)."

وروى عن عوف بن مالك رضى الله عنه قال: قال رسول الله صلى الله عليه وسلم إياك والذ نرب التى لا تغفر، الغلول، فمن غل شيئا أتى به يوم القيامة وأكل الربا (الحديث)

Abstain from sins which are not forgiven: Embezzling of the spoils, for whoever embezzles anything will come with it on the Day of Judgment, and the other sin is *ribā*.

عن أنس رضى الله عنه عن النبى صلى الله عليه وسلم قال: إذا أقرض الرجل الرجل فلا يأخذ هدية (مشكوة)

When a man gives a loan to a person he must not accept a gift (presented by the debtor).

To sum up, presented here were seven verses of the Holy Qur'an and ten sayings from the *ahādīth* of the noble Prophet ﷺ which concern the definition of *ribā*, and its nature, and point out to the disasters it brings in the world. This much is enough for a thinking and feeling Muslim. For those interested in a more comprehensive research on the subject and a more detailed discussion on the remaining aspects may see *Mas'ala-i-sūd*, a separate book in Urdu on the problem of interest published by this humble writer.

Verse 282 - 283

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ ۚ وَلْيَكْتُب بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْب كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ اللَّهُ فَلْيَكْتُبْ وَلْيُمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَبْخَسْ مِنْهُ شَيْئًا فَإِنْ كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِيعُ أَنْ يُمِلَّ هُوَ فَلْيُمْلِلْ وَلِيُّهُ بِالْعَدْلِ ۚ وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتٌ مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ إِحْدَهُمَا الْأُخْرَىٰ وَلَا يَأْب الشُّهَدَاءُ إِذَا مَا دُعُوا وَلَا تَسْمَمُوا أَنْ تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَىٰ أَجَلِهِ ۚ ذَٰلِكُمْ أَقْسَطُ عِنْدَ اللَّهِ وَأَقْوَمُ لِلشَّهَادَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا ۗ إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا وَأَشْهَدُوا إِذَا تَبَايَعْتُمْ وَلَا يُضَارَ كَاتِبٌ وَلَا شَهِيدٌ وَإِنْ تَفَعَّلُوا فَإِنَّهُ فَسُوقٌ بِكُمْ وَاتَّقُوا اللَّهَ وَيُعَلِّمُكُمُ اللَّهُ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ ۝ وَإِنْ كُنْتُمْ عَلَىٰ سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهْنِ مَقْبُوضَةً فَإِنْ مِنْ بَعْضِكُمْ بَعْضًا فُلْيُوِّدِ الَّذِي أَوْثَمِنَ أَمَانَتَهُ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا تَكْتُمُوا الشَّهَادَةَ ۗ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آثِمٌ قَلْبُهُ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ ۝

O those who believe, when you transact a debt payable

at a specified time, put it in writing. And let a scribe write it between you with fairness. And no scribe should refuse to write as Allah has educated him. He, therefore, should write. And the one who owes should give the dictation, but he must fear Allah, his Lord, and should not curtail anything from it. And if the one who owes is feeble-minded or weak or cannot himself give the dictation, his guardian should dictate with fairness. And have two witnesses from among your men. And if two men are not there, then one man and two women from those witnesses you are pleased with, so that if one of the two women errs the other woman may remind her. And the witnesses should not refuse when summoned. And, be not loath to write it down, as payable at its time, no matter how short or long. That is more equitable with Allah and more establishing for the evidence and nearer to that you fall not in doubt, unless it be a cash deal you carry out among yourselves. In that case there is no sin on you if you do not write it. And have witnesses when you transact a sale. And neither scribe nor witness should be harmed. And if you do, it is certainly a sin on your part. And fear Allah. And Allah teaches you. And Allah is All-Knowing in respect of everything.

And if you are in travel, and find no scribe, then (resort to) security, taken in possession. However, if one of you trusts the other, then the one who has been trusted upon should fulfil his trust, and should fear Allah, his Lord. And do not conceal the testimony. And whoever conceals it, his heart is, surely, a sinner. And Allah is All-Aware of what you do. (Verses 282 - 283)

The Qur'ānic injunctions on Loan

An important principle of the Law of Dealings, or the Law of Contracts in modern legal terminology, has been taken up in the verses appearing above. Following this, appears a specific principle of the general rules of evidence.

These are times when writing is the rage. The written word has taken the place of human speech but think of the days of fourteen hundred years ago when almost the entire business of the world was conducted verbally. The principle of writing and retaining documents

did not just exist. It was the Qur'an which first pointed out to its importance and said:

إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ

When you transact a debt payable at a specified time, put it in writing.

Two principles have been stated here. These are:

1. A written document should be prepared while concluding a transaction on deferred payment basis, so that it may be availed of in cases of error or refusal.

2. While making a transaction on deferred payment basis, it is necessary that the due date of its payment should be determined. It is not permissible to defer the payment for an indefinite period of time because this can open the doors of dispute. This is why the Muslim Jurists have stressed that the time limit so set should not have any ambiguity at all. It should specify the exact date and month. There should be nothing vague about it, for instance, the time of the harvesting of crops cannot be fixed, because the time of harvesting may vary subject to weather conditions. Since writing was not common in those days (and even after writing has become so common, the majority of world population is the same as does not know how to write), it was possible for the scribe of the agreement to write down what was not intended, thereby causing undue loss or gain to one or the other party. Therefore, it was said:

وَلْيَكْتُبْ بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ

And let a scribe write it between you with fairness.

Firstly, the instruction given here requires that the scribe should not be prejudiced in favour of one of the parties. On the contrary, he should be impartial so that there remains no scope for doubt or concern for anyone. Secondly, the scribe was instructed to write justly. Let him incur no permanent loss on himself by working for the vanishing gain of others. After that, the attention of the scribe has been drawn to the fact that Allah Almighty has given him the ability to write, for which he can show his gratefulness by not refusing to write.

As to who should initiate the writing of the document, it was said:

وَلْيُمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ

And the one who owes should give the dictation.

For instance, if a person has made a purchase on credit, then he is the one who should dictate the entries of the document because this will be a written agreement on his behalf. In order to offset the possibility of any addition or deletion in the written document, it was said:

وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَبْخَسْ مِنْهُ شَيْئًا

But he must fear Allah, his Lord, and should not curtail anything from it.

It some times happens that the person incurring debt is fickle-minded, or superannuated in age, or a minor, or mute, or the speaker of a language not known to the scribe. Since such a person does not have the ability to dictate a document, it was said that, in a situation like this, his *wali* or guardian should dictate the written agreement. The need for a guardian in respect of the insane and the minor is obvious since all their affairs are handled through a guardian. The guardian of the mute, or the speaker of the language unknown to the scribe could also do this, and should he make somebody his representative, it would still be possible. Here, the word, '*wali*' in the Qur'an covers both meanings.

The rules of witnessing

Upto this point the statement was limited to the writing or dictating of documents in transaction. Later on, it is enlarged by saying that the writing of the document should not be taken as sufficient. It should rather have witnesses as well so that, in case there is a dispute, the appearance of witnesses in the court could help resolve it. This is why the Muslim jurists, may Allah's mercy be upon them, have said that simple writing of an agreement is not a conclusive proof in the sight of Islamic Shari'ah. Unless there is an oral evidence of witnesses, as approved by the Shari'ah, on the agreement, no decision could be taken on simple writing. Common courts of today also follow the same practice when they do not take a decision unless there is a verbal evidence to prove the document.

The number of witnesses

Now follow some important rules of evidence:

1. It is necessary according to Islamic rules of evidence that there be two men, or one man and two women. One man alone, or only two women are not sufficient witnesses in common dealings.

The qualifications of witnesses

2. The witnesses should be Muslims. The Qur'ānic expression: **مِنْ رِّجَالِكُمْ** : 'from among your men' points out in this direction.

3. The witnesses should be trustworthy and just whose word could be relied upon. They should not be sinners and liars. This injunction is contained in **مِنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ** : 'from those witnesses you are pleased with.'

Refusing the act of witnessing is a sin

After that, the Holy Qur'an directs the people that they should not refuse to be witnesses when it is required from them, since evidence is the way to revive truth and the method to resolved disputes. Even if there is a trouble in giving evidence, it should to be tolerated, taking it as a national duty. Following that, emphasis was laid on writing down the document of deeds. It was said that the agreement, big or small, should invariably be written down: 'And, be not loath to write it down, as payable at its time, no matter how short or long.' Of course, if there is a hand-to-hand transaction, not involving any debt, it could be left unwritten. However, as a precautionary measure, two witnesses should be taken to confirm the agreement anyway, just in case there arises a dispute between the parties concerned. For instance, the seller may say that the price was not received, or the buyer may charge that he did not receive everything he bought. Evidence of witnesses will serve well in deciding this dispute.

Witnesses should not suffer

When the verse began, scribes were instructed not to refuse writing or testifying agreements. In this case, it was possible that people would give them more trouble than necessary.. Therefore, it was said towards the end of the verse:

وَلَا يُضَارَّ كَاتِبٌ وَلَا شَهِيدٌ

And neither scribe nor witness should be harmed.

It means that, in order to protect one's own rights and benefits, one

should not disturb the rights and benefits of others. Then it was said: وَإِنْ تَفْعَلُوا فَإِنَّهُ فُسُوقٌ بِكُمْ

This tells us that causing harm to the scribe or the witness is prohibited. For this reason, the Muslim jurists have said that the scribe who demands his wages while writing, or the witness who claims his legitimate two-way conveyance allowance, are entitled to get it as a matter of their right. Not paying these dues is included under the scope of harming them, and is, therefore, impermissible. No doubt, under its system of justice, Islam has forced the witnesses to appear in court, and has made the concealment of evidence a grave sin; but at the same time, the other side of the picture has also been duly taken care of, so that people are not made to stay away from testifying. It was the effect of this two-way precaution that truthful and selfless witnesses were available in every case, and cases were decided easily and quickly true to the demands of justice. When the modern world bypassed this Qur'ānic principle, the whole court system went to pieces. Real and true witnesses in cases became virtually extinct. Everyone was compelled to shy away from appearing as a witness. The reason is simple. Being identified as a witness means trouble. If the case involves the police and a crime, the chief of the police station would call the witness everyday and any time, and on occasions, would have him sit there for hours. Even in civil courts, the witness is treated as if he was some sort of criminal. Then the dates of the case keep changing endlessly. New dates are given on which the poor witness is bound to come leaving his business, job and needs. If he fails, the threat of an arrest-warrant hangs over his head. Therefore, every decent person engaged in earning his livelihood has been forced to take the appearance in court as punishment for no crime of his, and therefore, he has been left with no choice but to avoid it as far as he can. Professional witnesses are all you get and they make no distinction between the lie and the truth. The Holy Qur'an, after emphasizing these basic ingredients, helps eliminate these malpractices by saying at the end of the verse:

وَاتَّقُوا اللَّهَ وَيُعَلِّمُكُمُ اللَّهُ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ

And fear Allah. And Allah teaches you. And Allah is All-Knowing in respect of everything.

It will be noted that this verse carries many injunctions. Some

Muslim jurists have deduced twenty important juristic rulings from this verse. We should also keep in mind the recurring style of the Qur'an whereby, before and after giving a particular law, it creates an inner impulse to follow Divine injunctions by introducing the fear of Allah and the fear of the Day of Retribution. It is in accordance with this method that the verse was concluded with an exhortation to fear Allah and to remember that there is nothing hidden from Him. If you try any contravention, under any impermissible pretext whatsoever, you will still remain unable to cheat Allah.

The second verse takes up the following two subjects:

1. In cases involving a credit deal, it is quite permissible for a person to keep something as mortgage to secure his debt. But the Qur'anic word **مُفْرَضَةٌ** (taken in possession) indicates that deriving any benefit out of the thing mortgaged is not permissible for him. The only right the mortgagee has is to keep the thing in his possession until the time when his debt is cleared. Any benefit that accrues from it rightfully belongs to the original owner.
2. Secondly, it was said that the person who knows the correct situation in a disputed matter should not withhold his testimony. If he does withhold it, his heart is a sinner. The heart has been identified as the sinner because somebody might think his sin was restricted to the tongue (which failed to speak up). But it was in the heart that he first decided to do what he did and therefore, the sin of his heart comes first.

Verse 284

لِلَّهِ مَا فِي السَّمٰوٰتِ وَمَا فِي الْاَرْضِؕ وَاِنْ تُبَدُوْا مَا فِىْ
 اَنْفُسِكُمْ اَوْ تَخْفَوْهُ يَحٰسِبْكُمْ بِهٖ اللّٰهُ فَيَغْفِرْ لِمَنْ يَّشَآءُ
 وَيُعَذِّبْ مَنْ يَّشَآءُ ؕ اِنَّ اللّٰهَ لَعَلِىْ كُلِّ شَيْءٍ قَدِيْرٌ ۝۲۸۴

And to Allah belongs what is in the heavens and what is in the earth. And if you disclose what is in your hearts or conceal it Allah shall make you account for it, then He shall forgive whom He wills and punish whom He wills. And Allah is powerful over everything. (Verse 284)

Commentary

The earlier verse mentioned the injunction to reveal evidence and forbade its concealment. This verse is also a complement of the same subject. Here, warning has been given that it is *ḥarām* (unlawful) to conceal evidence. 'If you concealed the truth of a matter knowingly, your Lord who is all-Knowing and all-Aware, will make you account for it' - this interpretation of the verse has been reported from Sayyidnā Ibn 'Abbās, 'Ikrimah, Sha'bi and Mujāhid رضى الله عنهم اجمعين (Qurtubī).

Taken in the general sense of the words, this verse is universal, and covers all articles of faith, modes of worship and mutual dealings (*I'tiqādāt*, *Ibādāt* and *Mu'āmalāt*). This is exactly what Sayyidnā 'Abdullāh ibn 'Abbās has said in his well-known commentary on this verse.

The verse means that Allah Almighty will make all His created beings give an account of all their deeds. It will include deeds they have actually done, and those they were determined to do but kept them secret in their hearts and were never able to do. This conforms to the report of Sayyidnā Ibn 'Umar appearing in *Ṣaḥīḥ al-Bukhārī* and *Muslim*: 'I have heard from the Holy Prophet ﷺ that the believer will be drawn near his most exalted Lord when Allah Almighty will make him recall his sins one by one and will ask him if he knew that he had committed those sins. The believer will confess. Allah Almighty will say: 'I concealed your sins in the life of the world and never allowed this to be known to others. Today, I forgive that.' He will be given the Book of Good Deeds, while the sins committed by disbelievers and hypocrites will be announced before everybody.

It appears in another *ḥadīth* that Allah Almighty will say on the day of Doom (*Qiyāmah*): 'This is the Day when hidden things will be surveyed and secrets concealed in hearts will be laid out in the open. And (forget not that) My angels charged with writing down your deeds wrote down only those visible on the outside, and I know what angels do not know, nor did they write those in your Book of Deeds. Now I tell you all about it and ask you to stand and answer. I shall forgive anyone I will and I shall punish anyone I will.' True believers will then be forgiven and the disbelievers (*kuffār*) will be punished. (Qurtubī)

Here a doubt may arise in view of the *ḥadīth* in which the Holy Prophet ﷺ has been reported to have said:

إن الله تجاوز عن أمتي عما حدثت أنفسها مالم يتكلموا أو يعملوا به

Allah Almighty has forgiven my *ummah* all that they thought of in their hearts unless they said or did it.

It shows that there is no punishment or wrath on the volition of the heart. Imām al-Qurṭubī has said that this *ḥadīth* relates to the worldly effects of an act. Divorce, freeing of slaves, sales, and gifts are not authentically concluded by a simple volition of the heart unless they are done verbally or practically. Since the verse refers to the effects of an act appearing in the Hereafter, there is no contradiction here. However, other '*ulamā*' have answered this doubt by saying that the *ḥadīth*, in which forgiveness of things hidden in the heart has been mentioned, refers to the involuntary thoughts that enter the human heart without volition; in fact, they would still keep coming even if one tried to stop them. Allah Almighty has forgiven such involuntary thoughts for this *ummah*. The accounting that has been identified in the above-mentioned verse relates to what man intends and proposes with his choice and volition. It means that he not only nurses these in his heart, but also tries to put into them in practice. It does not matter if he is unable to act upon them due to accidental causes. He will still have to account for these firm intentions on the Day of Doom (*Qiyāmah*). Therefrom things rest with Allah Almighty. He, in His grace, may then forgive anyone He wills and punish anyone He wills, as it has already appeared in the *ḥadīth* of al-Bukharī and Muslim referred to above.

Since a surface view of the words used in the verse under discussion includes both kinds of thoughts, be they voluntary or involuntary, the noble Companions got extremely worried when this verse was revealed. They asked themselves if involuntary thoughts too became subject to accounting and censure, who could escape and stay safe? When they carried their anxiety to the Holy Prophet ﷺ, he instructed them all to firmly resolve to obey and act in accordance with the Divine imperatives, and say *سَمِعْنَا وَأَطَعْنَا* that is, we heard, and we obeyed. The noble Companions, may Allah be pleased with them all, did exactly what they were told to do, upon which the following

statement of the Qur'an was revealed: لَا يَكْتَلِبُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا : 'Allah burdens not anyone beyond his or her capacity.'

This verse clarified that involuntary thoughts will not be subjected to accounting and censure. This gave the noble Companions their peace of mind. This *ḥadīth* has been reported in Ṣaḥīḥ Muslim on the authority of Sayyidnā Ibn 'Abbās (Qurṭubī). The whole verse is coming next.

According to al-Tafsīr al-Mazharī, out of the deeds made *farḍ* (obligatory) or *ḥarām* (unlawful) for human beings, some have a physical aspect. Included there are *Salāh*, *Ṣawm*, *Ḥajj* and all dealings. Then there are injunctions and deeds that relate to man's heart, his inner dimension, his *bātin*. Everything concerning matters of belief and articles of faith (*Īmān* and *Ītiqād*) belongs right there. As for *kufr* and *shirk*, disbelief and polytheistic associationism, they are most unlawful and impermissible; and these too belong to the human heart. Also related to the heart are good morals, such as, humility, patience, contentment, generosity and many more. Similar is the case of bad morals, such as, arrogance, envy, grudge, greed and the craze for worldly gains and others of their kind. All these are absolutely *ḥarām* (unlawful) in a certain degree. They too do not relate to man's outward physique - his limbs, his body parts. They belong to the heart, to the *bātin*, the inner dimension.

In this verse, it has been made known that the way an accounting of outward deeds will be taken in *Qiyāmah*, very similarly, inward deeds too will have to be accounted for. Even unintentional sins will be called to account. The placement of this verse at the end of Sūrah al-Baqarah has great wisdom behind it because Sūrah al-Baqarah is such an important and consequential Sūrah of the Holy Qur'an, that a fairly large part of Divine injunctions appears in it. It gives important fundamental and subsidiary instructions regarding life in this world and in the life to come. Then it holds within its fold details concerning *Salāh*, *Zakāh*, *Ṣawm*, *Qisās* (even retaliation), *Ḥajj*, *Jihād*, *Tahārah* (prescribed state of purity), *Talāq* (divorce), *'Iddah* (waiting period), *Khul'* (divorcement sought by wife), *Raḍā'ah* (suckling), unlawfulness of liquor and interest and methods which are permissible or impermissible in matters of loans and deals. It is for this reason that,

in *ḥadīth*, this Surah has also been called *سَمَامُ الْقُرْآنِ* (*Sinām al-Qur'an*: the highest peak of the Qur'an).

Let us bear in mind that *ikhhlāṣ* or pristine sincerity is the essence behind what we do in carrying out all these injunctions. In other words, doing something or abstaining from something should both be for nothing but the pleasure of Allah Almighty. On no account should these be tainted with a desire for public recognition or some other selfish motives. It is obvious that *ikhhlāṣ* (sincerity) is related to human heart, the *bātin*. If *ikhhlāṣ* is there, everything comes out right. It was for this reason that man was warned through this verse at the end of the *Sūrah*, by telling him that, in carrying out obligations or in abstaining from the prohibited, it was quite possible to dodge people around, to find an excuse and to get away with it. But, Allah Almighty is *‘Alīm* and *Khabīr* (All-Knowing and All-Aware). Nothing is hidden from Him. Therefore, let one do what one must but let him be sure that there is someone there - his *Raqīb* and *Ḥafīz*, the One Who is watching and guarding over him, and Who is recording all that is happening to him, externally and internally, and a full accounting of which has to be given on the day of Resurrection. The noble Qur'an, by cultivating this unique spirit in human beings, has posted on human hearts a sentry on guard, in the form of the fear of Allah and the concern of the Hereafter. So, before and after every law, the sentry whistles, as a result of which, they are scared of breaking any Divine Law even in the darkness of nights and the privacy of homes.

Verses 285 - 286

أَمَّنَ الرَّسُولُ بِمَا أُنزِلَ إِلَيْهِ مِنْ رَبِّهِ وَالْمُؤْمِنُونَ كُلٌّ آمَنَ
 بِاللَّهِ وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ لَا نُفَرِّقُ بَيْنَ أَحَدٍ مِّنْ رُّسُلِهِ
 وَقَالُوا سَمِعْنَا وَأَطَعْنَا غُفْرَانَكَ رَبَّنَا وَإِلَيْكَ الْمَصِيرُ
 لَا يَكْفُلُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا لَهَا مَا كَسَبَتْ وَعَلَيْهَا مَا
 اكْتَسَبَتْ رَبَّنَا لَا تُؤَاخِذْنَا إِنْ نَسِينَا أَوْ أَخْطَأْنَا رَبَّنَا وَلَا تَحْمِلْ
 عَلَيْنَا إصْرًا كَمَا حَمَلْتَهُ عَلَى الَّذِينَ مِنْ قَبْلِنَا رَبَّنَا وَلَا

تَحْمِلُنَا مَا لَا طَاقَةَ لَنَا بِهِ ۗ وَاعْفُ عَنَّا وَارْحَمْنَا ۗ أَنْتَ
مَوْلَانَا فَانصُرْنَا عَلَى الْقَوْمِ الْكَافِرِينَ ۝

The Messenger has believed in what has been revealed to him from his Lord, and the believers as well. All have believed in Allah, and His angels and His Books, and His Messengers. "We make no division between any of His Messengers," and they have said: "We have listened, and obeyed. Our Lord, Your pardon! And to You is the return."

Allah does not obligate anyone beyond his capacity. For him is what he has earned, and on him what he has incurred.

"Our Lord, do not hold us accountable, if we forget or make a mistake and, Our Lord, do not place on us a burden such as You have placed on those before us. And our Lord, do not make us bear that for which we have no strength. And pardon us. And grant us forgiveness. And have mercy on us. You are our Lord. Help us, then, against the disbelieving people." (Verses 285 - 286)

Commentary

These are the last two verses of Sūrah al-Baqarah. Great merits have been attributed to these two verses in authentic *aḥādīth*. The Holy Prophet ﷺ has said that one who recites these two verses during the night, they will be sufficient for him.

As narrated by Sayyidnā Ibn ‘Abbās رضى الله عنه, the Holy Prophet ﷺ said that Allah Almighty has sent forth these two verses out of the treasures of Paradise and the 'Raḥmān' had already written them by His own hand two thousand years earlier than the creation of all things and beings. One who is able to recite them after the *Salāh* of 'Ishā', they will stand for *Tahajjūd* in his case. As it appears in the Mustadrak of al-Hakim and in Bayhaqi, the Holy Prophet ﷺ said that Allah Almighty has concluded Sūrah al-Baqarah with these two verses, which have been given to me in His grace from out of the special treasure that lies under the 'Arsh (Divine Throne). Therefore, you should make special effort to learn these verses, and at the same

time, teach your women and children how to recite them. This is why Sayyidnā 'Umar and Sayyidnā 'Alī رضي الله عنهم اجمعين said that they thought that anybody who has any sense in him would never go to sleep without having recited these two verses.

Meaning-wise, these verses have many special features. One of the distinct ones is that they come at the end of Sūrah al-Baqarah where most of the injunctions of Sharī'ah appear briefly, or in detail, such as, those dealing with the articles of faith, modes of worship, mutual dealings, morals and social living etc. Here, the first of the two verses opens with words of praise for the Muslims who are true and obedient, those who said yes with all their heart to all injunctions ordained by Allah, and were all set to carry them out. In addition to being an assertion of Allah's infinite mercy, the second verse also answers the doubt which started bothering the noble Companions when verse 284, the one preceding these two, was revealed. The words of the said verses, as mentioned earlier briefly, were: وَإِنْ تَبَدُّوا مَا فِي أَنْفُسِكُمْ أَوْ تُخْفَوْنَ بِهَا سِرًّا مِنْ رَبِّ اللَّهِ ، that is, whether you manifest that which is in your hearts, or conceal it, Allah will call you to account for it. Here the verse was actually referring to the accounting of whatever one does with his or her choice and volition. Unintentional thoughts and errors were just not included under its purview. However, the words of the Qur'ān were general because of which people surmised that man will be taken to account even for thoughts that entered his mind without his intention. Nervously excited, the noble Companion presented themselves before the Holy Prophet ﷺ and said: 'Yā Rasūl Allāh, till now we thought that we shall be called to account for only those deeds that we do with our will and choice, and we shall not be called to account for thoughts that cross our minds involuntarily. But this verse seems to tell us that every thought that enters our minds will be subject to accounting. This way it is extremely difficult to escape punishment.' Although, the Holy Prophet ﷺ knew the correct intended meaning of the verse but he, in view of the generality of its words, did not elect to say anything on his own. Instead, he waited for the *Waḥy* (revelation) and instructed the Companions that they should obey whatever Allah Almighty ordains for them. It may be easy or difficult to carry out, but it is not the way of a true Muslim to show the slightest of hesitation in accepting Allah's command when it comes. As soon as you hear the command of

Allah, say: *سَمِعْنَا وَأَطَعْنَا غُفْرَانَكَ رَبَّنَا وَإِلَيْكَ الْمَصِيرُ* , that is, 'We have listened, and obeyed. Our Lord, Your pardon! And to You is the return.'

The noble Companions did exactly what they were told by the Holy Prophet ﷺ , although their minds were still ticking with the apprehension that building a security shield against involuntary intrusions of thoughts was enormously difficult indeed! Thereupon, Allah Almighty revealed these last two verses of Sūrah al-Baqarah. Here the first one praises Muslims while the other gives a correct explanation of the verse that created doubt in the minds of the noble Companions. Now let us look at the words of the first verse. These are:

أَمِنَ الرَّسُولُ بِمَا أُنزِلَ إِلَيْهِ مِنْ رَبِّهِ وَالْمُؤْمِنُونَ كُلٌّ آمَنَ بِاللَّهِ وَمَلَائِكَتِهِ وَكُتُبِهِ
وَرُسُلِهِ لَا نُفَرِّقُ بَيْنَ أَحَدٍ مِنْ رُسُلِهِ وَقَالُوا سَمِعْنَا وَأَطَعْنَا غُفْرَانَكَ رَبَّنَا وَإِلَيْكَ
الْمَصِيرُ

The Messenger has believed in what has been revealed to him from his Lord, and the believers as well. All have believed in Allah and His angels and His Books and His Messengers. "We make no division between any of His Messengers," and they have said: "We have listened, and obeyed. Our Lord, Your pardon! And to You is the return."

The first seven words of this verse admire the Holy Prophet ﷺ . It may be noted that the verse does not address him by his name, but, by calling him 'Rasūl', his honour and dignity have been made clear. The word, 'the believers' follows immediately after that. It means that just as the Holy Prophet ﷺ firmly believes in the revelation (*Wahy*) from Allah, so do the true Muslims in general. The style chosen for this sentence is also worth consideration. The major part has been used to describe the state of the *'imān* (belief) of the Holy Prophet ﷺ , then, the *'imān* (belief) of the general Muslims has been described separately. This indicates that, although the Holy Prophet ﷺ and all Muslims share in the wealth of *'imān* as such, still there is a great difference between the two in terms of the relative degrees of *'imān*. The knowledge of the Holy Prophet ﷺ is based on seeing and hearing while the knowledge of other Muslims takes the form of *'imān bi l'ghayb* or 'believing without seeing' as based on the *'ru'yat* or 'seeing'

of the Holy Prophet ﷺ.

After that come details of the 'imān (belief) which was common between the Holy Prophet ﷺ and the Muslims in general. This 'iman consisted of the belief that Allah Almighty does exist and that He is One and that He is endued with all the perfect attributes, and that there are angels, and that all Scriptures and all Messengers sent by Allah are true.

After that it was clearly stressed that the 'believers' of this *ummah* (Muslim community) will do nothing as was done by past communities when they planted seeds of discord among messengers of Allah by accepting some as prophets and by denying that status to others. The Jews accepted that Sayyidnā Mūsā عليه السلام was a prophet, the Christians accepted that Sayyidnā 'Isā عليه السلام was a prophet, but that the Last of the prophets, Sayyidnā Muḥammad ﷺ was a prophet was not accepted by them.

Praised here is the distinction of this *ummah* which is made of people who do not reject any prophet. This is followed by words of admiration for what the noble Companions had said when so directed by the Holy Prophet ﷺ :

سَمِعْنَا وَ أَطَعْنَا غُفْرَانَكَ رَبَّنَا وَإِلَيْكَ الْمَصِيرُ ۝

We have listened, and obeyed. Our Lord, Your pardon! And to You is the return.

After that comes the second verse where the doubt, which could have risen during the comprehension of some sentences in the previous verse, has been removed in a style that is very special. It will be recalled that the question was as to how one would escape punishment if thoughts concealed in hearts were also made subject to accounting. It was said: 'لا يَكْفُرُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا'. 'Allah burdens not anyone beyond his or her capacity.' Therefore, thoughts that enter the heart without one's intention and control and are not translated into action, stand all excused in the sight of Allah Almighty. Deeds, that are undertaken with choice and volition will be the only ones apprehended and called to account.

A little detail will show that there is an outward aspect of human deeds which concerns what is done with the hand, head, eye, tongue

and other parts of the body. This is further divided into two kinds. The first reflects what is done with choice and volition. This is voluntary, such as, to speak by choice or to beat somebody by choice. The second kind is involuntary, that which just issues forth without choice or volition, for instance, saying something other than what one actually intended to say, or a palsied hand moving unintentionally caused pain to somebody. Here everyone knows that accounting and retribution, reward and punishment are particularly related to voluntary deeds. As far as non-voluntary deeds are concerned man is neither obligated nor constrained therein, and certainly, there is no *thawāb* (reward) or *‘adhāb* (punishment) on them.

Similarly, the deeds relating to one's heart are also of two kinds. The first one is voluntary, for instance, the belief in *kufr* and *shirk*, which one has implanted firmly in one's heart with intention and choice, or the arrogance one assumes as a result of conscious and wilful self-pride, or the making of firm resolution to start drinking. The second kind is the non-voluntary, for instance, the entry of some evil thought in one's heart without volition and intention. Here too, the accounting, the reckoning and the reprehensibility covers voluntary deeds only, and does not cover non-voluntary deeds.

By this explanation given by the Qur'an itself, peace was restored in the hearts of the noble Companions. They were satisfied that there was no accounting, reckoning, punishment or reward on non-voluntary thoughts. The same subject has been further clarified towards the end by saying: *لَهَا مَا كَسَبَتْ وَعَلَيْهَا مَا اكْتَسَبَتْ*, that is, man is rewarded for what he intends to do and is punished for what he elects to do.

But it should be borne in mind that the drive of the meaning of this verse is that, one will initially face direct reward or punishment for what is done with intention and volition. However, the indirect coming of reward or punishment after any such deed which was not intended, is not contrary to this. This provides an answer to the doubt that there are times when man faces reward or punishment even without intention and volition. In this context, several other verses of the Qur'an and many reports from *ahādith* prove that one who does something good which persuades others to act similarly, then its reward will continue reaching the original doer of the good deed as

long as the later followers of the original deed continue with their good deeds. Similar is the case with one who gives currency to an evil way; he too will be incurring its curse as the original innovator of this evil way when later people follow him, and keep getting involved with the sin for all times to come.

Similarly, narrations in *ḥadīth* prove that one can transmit the reward of one's good deeds to any other person. It is clear that in all these situations, man is receiving reward or punishment without intention and volition.

Here is an answer to this doubt. It is obvious that this reward and punishment did not reach a person directly, but it reached him through the medium of another person. In addition to that, one's own act and choice do surely play a role in making another person a medium of *thawāb* for oneself. The reason is that whoever adopts a good or evil way initiated by someone, then in his doing, there certainly is a role played by the voluntary act of the original person, even if he did not intend to release such particular effect. Similar is the case of a person who does his *isāl al-thawāb* (the prayer for transmittal of reward) for somebody only when he has done him some favour. In view of this, the said reward and punishment of somebody else is, in reality, the reward and punishment of one's own deeds.

The noble Qur'ān, towards the far end, teaches Muslims to make a special *du'ā* or prayer in which forgiveness has been sought on commission of some act because of forgetfulness or neglect or mistake. It was said:

رَبَّنَا لَا تُؤَاخِذْنَا إِنْ نَسِينَا أَوْ أَخْطَأْنَا

Our Lord, do not hold us accountable, if we forget or make a mistake.

Then it was further said:

رَبَّنَا وَلَا تَحْمِلْ عَلَيْنَا إِصْرًا كَمَا حَمَلْتَهُ عَلَى الَّذِينَ مِنْ قَبْلِنَا رَبَّنَا وَلَا تُحْمِلُنَا
مَالًا طَاقَةً لَنَا بِهِ

Our Lord, do not place on us a burden such as You have placed on those before us. And our Lord, do not make us bear that for which we have no strength.

Indicated here are the severe restrictions placed on the Bani Isrā'il (Israelites), such as, a piece of cloth could not be made fully pure unless cut or burnt, or that repentance could not be accepted without killing. Alternately, it could mean that punishment should not visit us as it visited the Bani Isrā'il following their evil deeds.

In short, Allah Almighty bestowed His best when He promised the acceptance of all these prayers through His *Rasūl*, the last among the prophets, may the peace and blessings of Allah be upon him.

ولله الحمد اوله و آخره و ظاهره و باطنه وهو المستعان

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