

to fight. On the other side, this was the first Jihād of Muslims in which fourteen thousand fighters had come out to confront the enemy. The war material they had with them was much more than they ever had. Then, they had the experience of Badr and 'Uḥud where they had seen how a negligible number of three hundred and thirteen ill-equipped men had triumphed over a strong army of one thousand well-equipped fighters. Under these circumstances, when they came to think about their numbers and preparations on that day, some unfortunate words - 'today, it is impossible that anyone can defeat us, for today, once the fighting starts, the enemy will run' - were uttered by some of them (as reported by Ḥākīm and Bazzār).

This attitude – that someone relies solely on one's own power – was something disliked by the supreme Master of humans, jinns and angels. Hence, Muslims were taught a lesson for their lack of discretion. They got a taste of it when the tribe of Hawāzin, following their battle plan, launched a surprise attack and their army units lurking in mountain passes encircled Muslims from all sides. The dust kicked up by their sudden tactical advance turned the day into night, the Companions lost their foothold and started running. In contrast, the Holy Prophet صلى الله عليه وسلم was the lone figure seen advancing on his mount, forward and not backwards. A counted few of his noble Companions – reportedly, three hundred, or even less than one hundred as said by others – did, however, stay with him, but they too wished that he would not continue advancing.

Then, the Holy Prophet صلى الله عليه وسلم realized that the situation was grave. He asked Sayyidnā 'Abdullāh ibn 'Abbās رضى الله عنه to call his Companions. These were his Companions who had given him a pledge to fight when they had assembled under the Tree. Then, he pointed out to those who had been mentioned in the Qur'ān as well as to the Anṣār of Madīnah who had promised to stake their lives in this Jihād. He wanted all of them to come back and wanted them to know that the Messenger of Allah was present on the battlefield.

The call given by Sayyidnā 'Abdullāh ibn 'Abbās رضى الله عنه ran through the battlefield like some power current. All deserters were smitten with remorse. They regrouped with fresh vigor and valor and fought against the enemy fully and decisively. First the enemy commander, Mālīk ibn 'Awf ran away from the battlefield leaving his fami-

ly and belongings behind and took refuge in the fort of Ṭā'if. After him, the rest of his people deserted the battlefield. Seventy of their chiefs were killed. Incidentally, when some children received wounds at the hands of Muslim soldiers, the Holy Prophet صلى الله عليه وسلم took immediate notice and prohibited them sternly against any such action in future. Everything they left fell into Muslim hands. It included six thousand prisoners of war, twenty four thousand camels, forty thousand goats and four thousand 'Uqiyah\* of silver.

The same subject has been taken up in the first (25) and second (26) verses. The gist of what was said there is: 'when you waxed proud of your numbers, it did not work for you and you found yourself all cornered as if the earth was straitened for you despite its vastness. Then, you showed your backs and ran. Then, Allah Ta'ālā sent down upon you His tranquility – sending forces of angels for His Messenger and the believers with him, something you did not see. Thus, the disbelievers were punished at your hands.'

It will be useful to explain the statement: **ثُمَّ أَنْزَلَ اللَّهُ سَكِينَتَهُ عَلَى رَسُولِهِ وَعَلَى الْمُؤْمِنِينَ** (Then Allah sent down His tranquility upon His Messenger and upon the believers) appearing in verse 26 a little further. It means that Allah Ta'ālā sent down His tranquility upon the hearts of the noble Companions who had lost their foothold on the battlefield during the initial attack of the enemy at Hunain. This caused their feet to become firm again and those who had run away came back. As for the sending of tranquility upon the Holy Prophet صلى الله عليه وسلم and the Companions who had stayed on the war front with firmness and determination, it means that they could see victory close at hand. And since the tranquility mentioned here was of two kinds – one for those who ran, and the other for those who stayed on with the Holy Prophet صلى الله عليه وسلم with firmness and determination - it is to point out to this refinement that the expressions: **عَلَى رَسُولِهِ وَعَلَى الْمُؤْمِنِينَ** (...upon His Messenger and upon the believers) have been placed separately and introduced one after the other with the repetition of the preposition **على** ('alā: upon).

After that, it was said: **وَأَنْزَلَ جُنُودًا لَمْ تَرَوْهَا** (... and sent down forces which you did not see). This means that the people at large did not see. That some reports mention the 'seeing' of these 'forces' should not be taken

\* 1 'Uqiyah = 122.472 grams approximately. (اوزان شرعية / Muftī Muḥammad Shafī)

as contrary to this.

After that, in conclusion, it was said: وَعَذَّبَ الَّذِينَ كَفَرُوا وَذَلِكَ جَزَاءُ الْكَافِرِينَ It means that Allah punished those who disbelieved – and those who disbelieved deserved that punishment. This punishment or recompense refers to their subjugation at the hands of Muslims which was something witnessed openly. In sum, what was their worldly punishment, they received promptly. As for their fate in the Hereafter, it has been mentioned in verse 27: ثُمَّ يَتُوبُ اللَّهُ مِنْ بَعْدِ ذَلِكَ عَلَى مَنْ يَشَاءُ وَاللَّهُ غَفُورٌ رَحِيمٌ (Yet Allah relents, after that, to whomsoever He wills. And Allah is Most-Forgiving, Very-Merciful).

A hint has been given here that some people out of those who have received their punishment in the form of defeat at Muslim hands in this Jihād and who still keep adhering to their disbelief will be blessed with the ability to become true believers. The manner in which this happened is given below in some details.

### **Victory of Ḥunain: Enemy chiefs embrace Islām, Prisoners Return**

It will be recalled that some chiefs from the tribes of Hawāzin and Thaqīf were killed in the battle of Ḥunain. Some ran away. Their families became prisoners of war and their properties fell into Muslim hands as spoils that included six thousand prisoners, twenty four thousand camels, more than forty thousand goats and four thousand 'Ūqiyah of silver that equals approximately 489.888 kilograms. The Holy Prophet صلى الله عليه وسلم appointed Sayyidnā Abū Sufyān ibn Ḥarb as the Custodian of war spoils.

After that, the defeated forces of Hawāzin and Thaqīf tried to regroup at various places to challenge Muslims but at every such place they kept facing defeat. Such was the awe of their victors that they chose to lock themselves up into the strong fortress of Tā'if. The Holy Prophet ﷺ put this fortress under siege which lasted up to fifteen or twenty days. The besieged enemy kept shooting their arrows from inside the fortress. They could not muster enough courage to come out in the open. The Companions of the Holy Prophet صلى الله عليه وسلم requested him to pray that some evil befalls these people – but he prayed that they be guided right. Then, he went into consultation with his Companions and decided to return. When he reached Jī'irānah he intend-

ed to go to Makkah al-Mu‘azzamah and perform “Umrah and then return to Madīnah. Many of the Makkans who had come as spectators of Muslim victory or defeat seized the occasion to announce their conversion to Islām.

It was on arrival at this stage of the journey that arrangements were made to distribute spoils. While this distribution was still in process, a deputation of fourteen chiefs of the tribe of Hawāzin led by Zuhayr ibn Ṣurad came in all of a sudden. They had come to pay their respects to the Holy Prophet صلى الله عليه وسلم. Included in the group was Abū Yarqān, a foster uncle of the Holy Prophet صلى الله عليه وسلم, who came up to him, told him that they had embraced Islām and requested that their families and properties may be returned to them. The request was made more personal when he reminded the Messenger of Allah that they were related to him through the bond of fosterage and they were in a distress that was no secret for him. So, he pleaded for his favor. The leader of the deputation was a man of poetry. He said: ‘O Messenger of Allah, had we presented some such request in a distress like this before the King of Byzantine or Iraq, then they too – we believe – would have not rejected our entreaty. And as for you, Allah has certainly made you the foremost in high morals, so we have come to you with high hopes.’

The Holy Prophet ﷺ who was himself a mercy for the whole world found his difficulty compounded. On the one hand, his inherent mercy for people demanded that all prisoners and properties be returned to them, while on the other, he realized that all Mujāhidīn have a right in spoils and depriving all of them of their due right was not proper in terms of justice. Therefore, according to a report in the Ṣaḥīḥ of al-Bukhārī, the Holy Prophet ﷺ addressed his companions saying:

“Here are your brothers. They have repented. I wish that their prisoners should be returned back to them. Those from you who are ready to return their share willingly, and with pleasure, should do so as an act of grace. As for those who are not ready to do so, to them we shall give a proper return for it from the first *Fai*’ properties (spoils gained without fighting) that come to us in future.”

### Seeking of public opinion: The correct method

Voices rose from all sides that they were willing to return all pris-

oners in good cheer but, in view of his concern in matters involving justice, equity and rights, the Holy Prophet صلى الله عليه وسلم did not consider different voices of this nature as sufficient. He said: I do not know who are those who got ready to surrender their right gladly and who are those who remained silent under pressure. This is a matter of the rights of people. Therefore, every head of a family or chief of a group should go to their respective families and groups, talk to them individually, separately and frankly, and tell him the truth.

Following his wishes, the chiefs went back to their people, met each of them separately, secured their first-hand agreement and reported to the Holy Prophet صلى الله عليه وسلم that all of them were ready to surrender their rights. Then, the Holy Prophet صلى الله عليه وسلم returned all those prisoners back to them.

These were the people whose Taubah or repentance was pointed to in verse 27 which begins with the words: **لَمَّا يَتُوبَ اللَّهُ مِنْ بَعْدِ ذَلِكَ** (Yet Allah relents, after that, to whomsoever He wills). As for the details of events that came to pass during the battle of Ḥunain, part of it has been mentioned in the Qur'ān while the rest has been taken from authentic narrations of Ḥadīth. (Maḥzarī and Ibn Kathīr)

### **Injunctions and Rulings**

Many injunctions, rulings and subsidiary elements of guidance appear here under the shadows of these events. In fact, they are the very purpose of the narration of these events.

The very first instruction given in these verses is that Muslims should never wax proud of their power or numerical superiority. They should realize that the way they look towards Allah and His help at times when they are weak and deficient, very similarly, when they are strong and powerful, their total trust should also remain on nothing but the help of Allah alone.

In the battle of Ḥunain, Muslims enjoyed numerical superiority. They had sufficient weapons and supplies. This led some Companions to utter words of pride to the effect that no one could dare defeat them on that particular day. Allah Ta'ālā did not like that a group of people so dear to him would say something like that. The result was that Muslims lost their foothold on the battlefield at the time the enemy launched the initial attack. They started running. Then, it was only

with unseen help from Allah that this battle was won.

### Properties of defeated non-believers:

#### The need for justice and caution

The second instruction given here relates to the need for observing caution and justice when handling properties owned by non-believers who have been defeated and overpowered. This is illustrated by the action taken by the Holy Prophet صلى الله عليه وسلم when he had taken war materials for the battle of Ḥunain from the vanquished non-Muslims of Makkah. This was an occasion when these supplies could have been taken from them by force too. But the *Rasūl* of Allah صلى الله عليه وسلم took these as borrowing – and then, he returned everything so borrowed back to them.

This event taught Muslims an essential lesson – that they should maintain perfect justice and show mercy and magnanimity even when they are dealing with enemies.

The third instruction is embedded in what he said while making a stopover at Khaif banī Kinānah enroute Ḥunain. ‘Tomorrow’, he said, ‘we shall be staying at a place where our enemies, the Quraysh of Makkah, had once sat and resolved to excommunicate Muslims!’ The hint given here is clear – when Allah Ta‘ālā has blessed Muslims with victory and power, they should not forget about the days of distress in the past, so that they remain grateful to Allah under all conditions. It will also be recalled that the defeated Hawāzin forces had taken refuge in the Ṭā’if fortress from where they were shooting arrows against Muslims repeatedly. The Holy Prophet صلى الله عليه وسلم was requested to pray for a curse to fall on them. He did not respond to their arrows in that manner. He prayed that they be guided to the right path. Being mercy for all the worlds, this prayer for his enemies is teaching Muslims the lesson that Muslims, when they fight in a Jihād, do not intend to subdue the enemy, instead, their objective is to bring them to guidance. Therefore, making efforts to achieve this objective should not be neglected at any time.

The third verse (27) instructs Muslims that they should not write off disbelievers who have been defeated at war because it is likely that Allah Ta‘ālā may give them the ability to embrace Islām and be blessed with the light of faith. The Hawāzin deputation’s entry into the fold of Islām proves it.

The same deputation from the tribe of Hawāzin had requested the return of their prisoners and the Holy Prophet صلى الله عليه وسلم had asked the gathering of Companions if they agreed to do that out of their free will. The response came in the form of voiced ayes from the audience. The Holy Prophet صلى الله عليه وسلم did not consider it to be sufficient. Instead, he took elaborate steps to ascertain the approval of each and every individual before he would act.

This proves that the matter of rights is serious. It is not permissible to take what belongs to a person as a matter of right unless it becomes certain that this was done on the basis of his or her free will. The silence of a person either due to the awe of the crowd or the sense of shame before people is not a sufficient proof of the person's free will and heart-felt consent. From here, Muslim jurists have deduced the ruling that it is not correct to solicit contributions even for some religious purpose when it is done to impress a person by one's personal office, power, or influence. The reason is that there are many gentle people who would be affected by such conditions around and decide to get away by giving something just to avoid being embarrassed – of course, this does not have the backing of genuine free will, approval and pleasure. Incidentally, what is given in that spirit does not have any *barakah* either.

#### Verse 28

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْمُشْرِكُونَ نَجَسٌ فَلَا يَقْرَبُوا  
 الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ  
 يُغْنِيكُمُ اللَّهُ مِنْ فَضْلِهِ إِنْ شَاءَ إِنَّ اللَّهَ عَلِيمٌ حَكِيمٌ ﴿٢٨﴾

O those who believe, the Mushriks\* are impure indeed, so let them not come near *Al-masjid-al-haram* after this year of theirs. And if you apprehend poverty, then, Allah shall, if He wills, make you self-sufficient with His grace. Surely, Allah is All-Knowing, All-Wise. [28]

#### Commentary

A proclamation of withdrawal was made against Mushriks and disbelievers at the beginning of Sūrah Al-Taubah. The verse appearing

\*. Those who associate partners with Allah.

above describes injunctions related to this proclamation. In substance, it stipulated that treaties with disbelievers should be terminated or fulfilled within a year and after the passage of one year from this proclamation, no Mushrik should remain within the sacred precincts of the Haram.

This has been stated in the present verse in a particular manner that accomplishes two objectives simultaneously. It points out to the wisdom behind this injunction and it also alleviates the apprehensions of some Muslims about its implementation. Here, the word: نجس (*najas*) has been used with *fathah* on the letter *jīm* which carries the sense of filth and filth denotes every impurity which one averts naturally. Imām Rāghīb al-İsfahānī has said: It also includes impurity that is perceived through the senses, such as the eye, the nose or the hand as well as that which one is able to know about through knowledge and reason. Therefore, the word: '*najas*' is inclusive of filth or impurity of three types. The first one is real. Everyone perceives it as such. Then, there is the second type. This is known as legal because it makes *wuḍū* (ablution) or *ghuṣl* (bath) legally necessary. Examples are the state of *Janābah* (intercourse, ejaculation, wet-dream etc.), as well as, the post-menstruation and post-childbed states known as *ḥaid* and *nifās*. And then, there is the spiritual impurity that relates to the human heart, for example, false beliefs and evil morals. The word '*najas*' covers all of these.

The word, *innamā* (إِنَّمَا) introduced in this verse has been used for *ḥaṣr* or restriction. Therefore, the sentence comes to mean that Mushriks (those who ascribe partners to Allah) are impure indeed (in the sense of 'are but filth'). The truth of the matter is that all three types of impurities are found in Mushriks because they just do not take a lot of impure things as really impure. The outcome is that they do not make any effort to stay away from smearing themselves with obvious impurities – such as, liquor and things made with it. As for the modalities of purification against acquired impurities provided by religious codes – such as, the prescribed bath after having fallen into the state of *Janābah* – they simply do not believe in them! Similarly, spiritual impurities like false beliefs and evil morals do not make much sense to them.

Therefore, by declaring Mushriks to be impure in this verse, the in-

junction given was: فَلَا يَقْرَبُوا الْمَسْجِدَ الْحَرَامَ بَعْدَ عَامِهِمْ هَذَا (so let them not come near *Al-masjid-al-ḥarām* after this year of theirs).

The word: *Al-masjid-al-ḥarām* is generally used to denote the place that is surrounded by a walled structure around the Baytullah. But, in the Qur'an and Ḥadīth, this word, at times, has been used for the sacred precincts of the entire Ḥaram of Makkah as well – which is an area of several square miles and is hemmed in by limits originally appointed by Sayyidnā Ibrāhīm عليه السلام. It is in this very sense that words of the text of the Qur'an referring to the event of Mi'rāj: مِنَ الْمَسْجِدِ الْحَرَامِ (from *Al-masjid-al-ḥarām* – 18:1) have been taken. This interpretation has the backing of a consensus because the event of Mi'rāj did not originate from inside what is commonly known as *Al-masjid-al-ḥarām*, instead of which, it started from the home of Sayyidah Umm Hānī' رضى الله عنها. Similarly, in the noble verse: إِلَّا الَّذِينَ عَاهَدْتُمْ عِنْدَ الْمَسْجِدِ الْحَرَامِ (Except those with whom you made a treaty near *Al-masjid-al-ḥarām* – 9:7), *Al-masjid-al-ḥarām* means the whole of Ḥaram – because, the event of making a peace treaty mentioned there took place at Ḥudaibiyah, which is located outside the limits of the Ḥaram close by. (Al-Jaṣṣās)

Therefore, the verse comes to mean that the entry of the Mushriks into the sacred precincts of the Ḥaram shall be banned after 'this' year. Which year is 'this' year? Some commentators say that it means the Hijrah year 10. But, according to the majority of commentators, the preferred year is Hijrah 9 – because, the Holy Prophet صلى الله عليه وسلم had made the 'proclamation of withdrawal' through Sayyidnā Abū Bakr and Sayyidnā Alī رضى الله عنهما during the Ḥajj season of this very Hijrah year 9. Therefore, the period between Hijrah 9 and Hijrah 10 is the year of respite. It was only after Hijrah 10 that this law came into force.

### **Does the rule stop Mushriks from entering the Sacred Mosque only, or does it apply to all mosques?**

About the injunction appearing in the cited verse: that no Mushrik should be allowed to come near *Al-masjid-al-ḥarām* (the Sacred Mosque) after Hijrah 10, three things need consideration. Firstly, we have to determine if this injunction is particular to the Sacred Mosque, or other mosques of the world also fall under its jurisdiction. Secondly, if this is particular to the Sacred Mosque, then, is the entry of a Mushrik in the Sacred Mosque banned in an absolute sense? Or the ban of

such entry applies only in the case of Ḥajj and ‘Umrah – not otherwise. Thirdly, this injunction appearing in the verse relates to Mushriks. In that case, are the disbelievers (*kuffār*) among the People of the Book included here, or are they not?

Since the words of the Qur’ān are silent about these details, therefore, the Mujtahid Imāms have, by turning to the hints of the Qur’ān and the reports of Ḥadīth, given a description of injunctions in accordance with their respective Ijtihād. The first investigation in this connection is about the terms of reference in which the Holy Qur’ān has declared Mushriks as ‘*najas*’ (filth). If this means physical filth or some major legal impurity (*janābah* etc.), then, as evident, allowing the entry of filth in any *masjid* is not permissible. Similarly, allowing any person in the state of major impurity or a woman in the state of menstruation or childbed in any *masjid* is not permissible. And if ‘*najāsah*’ in this verse means the spiritual filthiness of *kufr* and *shirk*, then, it is possible that the injunction which covers it may be different from the injunction which covers outward filth.

According to Tafsīr Al-Qurṭubī, Imām Mālik and other jurists of Madīnah, may Allah have mercy on them, said: Mushriks are filthy on all counts. They generally do not abstain from obvious filth, are not very particular about taking a bath after having fallen into the state of major impurity and, as for the spiritual impurity of *kufr* and *shirk*, they already suffer from it. Therefore, this injunction is equally applicable to all Mushriks and mosques. To prove this, they have cited an executive order given by Sayyidnā ‘Umar ibn ‘Abd al-‘Azīz رضى الله عنه in which he had instructed the administrators of cities that they should not allow disbelievers to enter mosques. He had quoted this very verse as part of his executive order. In addition to that, there is a Ḥadīth of the Holy Prophet صلى الله عليه وسلم in which he said: لَا أُحِلُّ الْمَسْجِدَ لِلْمَنْضِيِّ وَالْأَجْنَبِيِّ (I do not make entry into the *masjid* lawful for any woman in menstruation or for any person in the state of major impurity) – and since the Mushriks and disbelievers do not generally take a bath when in a state of *janābah*, their entry into the *masjid* has been prohibited.

Imām Shāfi‘ī has said that this injunction is applicable to all Mushriks and disbelievers among the People of the Book – but, is restricted to the Sacred Mosque. Their entry into other mosques is not prohibited. (Qurṭubī) In proof, he has cited the event relating to Thumāmah ibn

Athāl, according to which Thumāmah was arrested. The Holy Prophet صلى الله عليه وسلم had him tied to a pillar of his Mosque before he embraced Islām.

According to Imām Abū Ḥanīfah, not letting Mushriks come near the Sacred Mosque as commanded in the verse means that they will not be allowed to perform Ḥajj and ‘Umrah in their peculiar polytheistic manner from the next year. Its proof lies in the proclamation of withdrawal which was made through Sayyidnā ‘Alī al-Murtaḍā رضى الله عنه at the time of the Ḥajj season. This proclamation made was for nothing but: لَا يَحْجُونَ بَعْدَ الْعَامِ مُشْرِكٌ which made it very clear that no Mushrik will be able to perform Ḥajj after that year. Therefore, the meaning of the statement: فَلَا يَأْتُوا الْمَسْجِدَ الْحَرَامَ (so let them not come near *Al-masjid-al-harām*) in this verse is – in accordance with this proclamation – nothing but that they have been prohibited to perform Ḥajj and ‘Umrah, with the exception of entering there on the basis of a particular need which would be subject to the permission of the Muslim ‘Amīr. This is proved by what happened in the case of the deputation from the tribe of Thaḳīf. When, after the Conquest of Makkah, their deputation came to the Holy Prophet صلى الله عليه وسلم, he let them stay in the *masjid*, although they were *kāfirs* at that time. Thereupon, the Companions submitted: ‘*Yā Rasūlallāh*, these are filthy people!’ He said: ‘The floor of the *masjid* is not affected by their impurity.’ (Jaṣṣāṣ)

This report from Ḥadīth also makes it very clear that the Holy Qur’ān, when it calls Mushriks ‘*najas*’ (filth), it refers to the filth of their *kufr* and *shirk* – as interpreted by the great Imām Abū Ḥanīfah. Similarly, according to a narration of the Companion, Sayyidnā Jābir ibn ‘Abdullāh رضى الله عنه, the Holy Prophet صلى الله عليه وسلم said that no Mushrik should go near the Masjid except that the person be a bondman or bondwoman of a Muslim – then, he could be admitted if needed. (Qurtubī)

This Ḥadīth too confirms that the Mushriks were not prevented from entering into the Sacred Mosque on the basis of their outward impurity as the cause – otherwise, there was nothing particular about a bondman or bondwoman. In fact, the real basis is the danger of *kufr* and *shirk* lest these come to dominate. In the case of a bondman or bondwoman, this danger does not exist. So, they were allowed. In addition to that, as far as outward impurity is concerned, even Muslims

stand included under this restriction for they too, if in a state of full impurity (*janābah* or *ḥaiḍ* or *nifās*), are not allowed to enter the Sacred Mosque.

Besides, when according to the explanation given by the majority of commentators, *Al-masjid-al-ḥarām* at this place means the entire Ḥaram, then, that too lends support to the view that this prohibition is not based on outward impurity, instead, it is based on the impurity of *kufr* and *shirk*. It is for this reason that their entry was banned not simply in the Sacred Mosque, in fact, it was banned in the entire area known as the Ḥaram. This was done because the Ḥaram is the sanctuary and fortress of Islām and having some non-Muslim inside it cannot be tolerated.

To sum up the investigative approach of the great Imām Abū Ḥanīfah, it can be said that the concern for maintaining *masājid* in a state of perfect purity, free from all sorts of outward and inward pollution, is an issue of major importance having its proof from the Qurʾān and Ḥadīth. But, this verse is not connected with this problem. It is, in fact, connected with the particular political order of Islām that was announced at the beginning of Sūrah Al-Barāʾah and wherein the purpose was to have the sacred Ḥaram vacated by all Mushriks present in Makkah. But, such was the dictate of justice and mercy that all of them were not ordered to vacate immediately and en-block soon after the Conquest of Makkah. Instead of that, the plan was to be implemented within the time-span of one year by allowing people who had a treaty for a specified period to complete that period subject to its solemn fulfillment and by giving others available periods of respite. This is what was stated in the verse under study – that the entry of Mushriks will stand prohibited within the sacred precincts of the Ḥaram after that year and they would no more be able to perform Ḥajj and ʿUmrah in their polytheistic style.

After it was clearly stated in the *ʾāyāt* of Sūrah Al-Taubah that no Mushrik would be able to enter the sacred precincts of the Ḥaram after Hijrah 9, the Holy Prophet صلى الله عليه وسلم had increased this injunction to cover the whole of the Arabian Peninsula. Ḥadīth reports confirm it but its implementation could not take effect during the lifetime of the Holy Prophet صلى الله عليه وسلم. Then, Sayyidnā Abū Bakr رضى الله عنه remained unable to attend to it because of other emergent problems on

hand. It was Sayyidnā ‘Umar رضى الله عنه who, during his period, put this legal order in force.

As for the problem of the impurity of disbelievers and the problem of keeping *masājid* secured from impurities of all kinds, that has its own place. These problems and their solutions have been taken up in books of Fiqh (Islāmic Jurisprudence). Details can be seen there. In brief, no Muslim can enter any *masjid* in the state of *najāsah* or *janābah*. As for disbelievers and Mushriks or the People of the Book, they too are not generally free and duly purified from these impurities, therefore, their entry too is not permissible in any *masjid*, unless needed acutely.

When, according to this verse, the entry of Kāfirs and Mushriks into the Ḥaram was banned, Muslims had to face an economic problem. Makkah had no produce of its own. Visitors from far and near brought the needed supplies with them. Thus, during the Ḥajj season, the people of Makkah found what they needed available locally. Now that their entry was banned, the Makkans worried, how things would work for them. In response, they were told in the Qur’an: وَإِنْ خِفْتُمْ عَيْلَةً فَسَوْفَ يُغْنِيكُمُ اللَّهُ مِنْ فَضْلِهِ إِنْ شَاءَ (And if you apprehend poverty, then, Allah shall, if He wills, make you self-sufficient with His grace). In other words, the sense is: if you foresee any economic hardships, then, you must realize that the economic support of the entire creation rests with Allah Almighty. If He wills, He shall make you self-sufficient, free from any dependence on all those *kāfirs*. Incidentally, the restriction of ‘if He wills’ placed here does not mean that there is any doubt or hesitation in carrying out the Divine will. On the contrary, this is to point out that those who have their sights trained on nothing but material causes find it very difficult to understand and accept a situation like this. Here, the ground reality was that these non-Muslims were the apparent source of all economic support. Putting a ban on the entry of disbelievers amounted to nothing but a termination of the means of livelihood for believers. So, this restriction was placed to remove any such doubts and apprehensions. The strong message given to them was that Allah Ta‘ālā does not depend on material causes as such. When He intends to do something, all related causes start falling in line with His will. So, His will is what matters – the rest follows. Hence, *إِنْ شَاءَ* (*in sha’*) at the end of the sentence serves as a wise

indicator of this truth.

### Verses 29 – 30

قَاتِلُوا الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَلَا بِالْيَوْمِ الْآخِرِ وَلَا يُحَرِّمُونَ  
مَا حَرَّمَ اللَّهُ وَرَسُولُهُ وَلَا يَدِينُونَ دِينَ الْحَقِّ مِنَ الَّذِينَ أُوتُوا  
الْكِتَابَ حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ ﴿٢٩﴾  
وَقَالَتِ الْيَهُودُ عُزَيْرٌ ابْنُ اللَّهِ وَقَالَتِ النَّصْرَى الْمَسِيحُ ابْنُ  
اللَّهِ ذَلِكَ قَوْلُهُمْ بِأَفْوَاهِهِمْ يُضَاهِئُونَ قَوْلَ الَّذِينَ كَفَرُوا مِنْ  
قَبْلُ قَتَلَهُمُ اللَّهُ أَنَّى يُؤْفَكُونَ ﴿٣٠﴾

**Fight those who neither believe in Allah nor in the Last Day, nor take as prohibited what Allah and His Messenger have prohibited, nor submit to the Faith of Truth – of those who were given the Book – until they pay *jizyah* with their own hands while they are humbled. [29]**

**And the Jews said, “Uzair (Ezra) is the Son of Allah” and the Christians said, “Masīh (the Christ) is the Son of Allah.” That is their saying (invented) by their mouths. They resemble the earlier disbelievers in their saying. Be they killed by Allah, how far turned away they are! [30]**

### Commentary

Verse 28 appearing earlier referred to Jihād against the Mushirkas of Makkah. The present verses talk about Jihād against the People of the Book. In a sense, this is a prelude to the battle of Tabūk that was fought against the People of the Book. In Tafsīr al-Durr al-Manthūr, it has been reported from the Qur’ān commentator, Mujāhid that these verses have been revealed about the battle of Tabūk. Then, there is the reference to ‘those who were given the Book.’ In Islāmīc religious terminology, they are referred to as ‘*ahl al-Kitāb*’ or People of the Book. In its literal sense, it covers every disbelieving group of people who believe in a Scripture but, in the terminology of the Holy Qur’ān, this term is used for Jews and Christians only – because, only these two groups from the People of the Book were well-known in and around Arabia. Therefore, addressing the Mushriks of Arabia, the Holy Qur’ān

has said:

أَنْ تَقُولُوا إِنَّمَا أُنزِلَ الْكِتَابُ عَلَيَّ طَائِفَتَيْنِ مِنْ قَبْلِنَا وَإِنْ كُنَّا عَنْ دِرَاسَتِهِمْ  
لَغَافِلِينَ .

lest you should say, "The Book was sent down only upon two groups before us, and we were ignorant of what they studied."

– 6:156

As for the injunction of Jihād against the People of the Book given in verse 29, it is really not particular to the People of the Book. The fact is that this very injunction applies to all disbelieving groups – because, the reasons for the injunction to fight mentioned next are common to all disbelievers. If so, the injunction has to be common too. But, the People of the Book were mentioned here particularly to serve a purpose. Since, it was possible that Muslims may hesitate to fight against them on the ground that they too are believers in a certain degree, believers in Torah and Injil, and in Sayyidnā Mūsā and 'Īsā, عليهم السلام may peace be upon them both. So, it was possible that their connection with past prophets and their Books may become a factor in dissuading them from Jihād. Therefore, fighting with them was mentioned particularly.

There is yet another element of coherence at this place. This particularization of the People of the Book in the verse is also releasing a hint that, in a certain way, these people are deserving of greater punishment. The reasons were simple. They were people with knowledge. They had the knowledge of Torah and Injil. These Scriptures referred to the Last among prophets, Sayyidnā Muḥammad al-Muṣṭafā صلى الله عليه وسلم, giving his blessed identity in details. They knew all this, yet elected to reject the truth and went on to mount conspiracies against Islām and Muslims. When they did what they did, their crime became much more serious. That explains why fighting against them was mentioned particularly.

The injunction to fight spells out four reasons in this verse:

1. لَا يُؤْمِنُونَ بِاللَّهِ : They do not believe in Allah.
2. وَلَا بِالْيَوْمِ الْآخِرِ : They do not believe in the Hereafter.
3. لَا يَحْرَمُونَ مَا حَرَّمَ اللَّهُ : They do not take as prohibited what Allah and His Messenger have prohibited.

4. لَا يُدِينُونَ دِينَ الْحَقِّ : They do not submit to the Faith of Truth.

This raises a doubt. Is it not that the People of the Book, that is, the Jews and Christians, obviously believe in Allah – and in Hereafter and a Last Day too? Why, then, their faith (‘Īmān) in these things has been negated? The reason is that mere words of faith are hardly sufficient to prove one's actual belief in it. Not having the kind of faith desirable in the sight of Allah would amount to having no faith at all. Of course, the Jews and Christians did not openly reject the belief in Tauḥīd, that is, oneness of Allah or pure monotheism. But, as says the next verse, the Jews took Sayyidnā ‘Uzayr عليه السلام and the Christians took Sayyidnā ‘Īsā عليه السلام to be the sons of God and thereby assigned to them partnership in His divinity. Therefore, their confession of pure monotheism became ineffectual and any claim to faith, false.

Similarly, the kind of faith desirable in the Hereafter was something not to be found with the People of the Book. Many of them went by the belief that, on the Last Day (the Qiyāmah) there will be no return to life in body forms they had in the mortal world. Instead, it will be a kind of spiritual life. As for Paradise and Hell, they did not consider them to be any particular places. Spirit when happy was Paradise and spirit when gloomy was Hell. Since all this is patently contrary to what Allah says, therefore, even their faith in the Last Day too turns out to be no faith in real terms.

The third thing – that these people do not take, what Allah has declared to be unlawful, as unlawful – means that they do not believe in the unlawfulness of many things prohibited by Torah or Injīl – for example, *ribā* (interest). Similarly, there were many edibles prohibited in Torah and Injīl. They just did not consider these unlawful and indulged in them freely.

This tells us about a religious rule of conduct. According to this rule, taking anything declared unlawful by Allah Ta‘ālā as lawful is not simply the commitment of a sin, in fact, it is *kufr*, a flat rejection of the faith itself. Similarly, taking something lawful to be unlawful is also *kufr*. However, should someone inadvertently fall short in practice while still taking the unlawful as unlawful, then, that would be sin, not *kufr*.

Since all wars must end, a limit and end of the action of fighting

against those people has also been set forth in this verse where it has been said: حَتَّىٰ يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ ذَاكِرُونَ (until they pay *jizyah* with their own hands while they are humbled).

Literally, *jizyah* means return or recompense. In the terminology of the Shari'ah, it refers to the amount of money taken from disbelievers in lieu of killing.

The reason is that *kufr* and *shirk* are rebellion against Allah and *Rasūl*. Killing is the real punishment for it. But, Allah Ta'ālā has, in His perfect mercy, reduced their punishment by giving them an option. The option is that, should they agree to live as subjects of the Islāmic state under the general Islāmic legal framework, they may be allowed to remain there against the payment of a nominal amount of *jizyah*. Since, they would be living there as citizens of a Muslim state, the protection of their life, property and honor will be the responsibility of the Islāmic government and no hindrance will be placed in the observance of their religious duties. The amount thus taken is called *jizyah*.

Should *jizyah* be fixed by mutual conciliation and agreement, there is no prescribed limit imposed by the Shari'ah. It accepts the amount and thing for which a mutual peace treaty is arrived at – as was done by the Holy Prophet صلى الله عليه وسلم with the people of Najrān. A peace pact was concluded between him and the whole group of these people. They agreed to give him two thousand *hullahs* annually. A *hullah* is a pair of clothes. It could be a waist wrap for the lower part of the body with a top sheet wrap, or a long, loose shirt or cloak. Even the estimated monetary worth of every *hullah* was pre-determined. The value of each *hullah* was supposed to be one 'Uqiyah of silver. An 'Uqiyah is equal to approximately 122.472\* grams of silver, according to our weights.

A similar agreement was reached between Sayyidnā 'Umar رضى الله عنه and the Christians of Banī Taghlib which stipulated that the *jizyah* on them be levied at the rate of Islāmic Zakāh – but, twice the Zakāh.

Furthermore, in the event Muslims conquered a certain land through war, then allowed the properties of its residents to remain under their ownership and possession, and they too agreed to continue

1. Awzān-i-Shar'iyah, Hadrat Maulanā Muftī Muḥammad Shafī.

living there as law-abiding citizens, a *jizyah* was levied on them. The rate of *jizyah* fixed and implemented by Sayyidnā ‘Umar رضى الله عنه during the period of his Khilāfah was four *dirhams* from the rich, two *dirhams* from the middle class and only one *dirham* from the active poor who earned by working on wages, or by making or vending things. This monthly payment of one *dirham* was equal to about 3.618 grams\* of silver or its equivalent amount. According to rules, nothing was to be taken from the very poor, disabled or handicapped. Similarly, nothing was to be taken from women, children, aged people and religious leaders living in seclusion.

These were small amounts, yet there were instructions from the Holy Prophet صلى الله عليه وسلم that no one should be made to pay more than he could afford. If anyone oppressed a non-Muslim, the Holy Prophet صلى الله عليه وسلم himself will support that non-Muslim against his oppressor on the day of Qiyāmah (Maẓharī)

Reports such as these have led some Muslim jurists to hold the position that there is no particular rate of *jizyah* payment as fixed by the Shari‘ah. Instead, this has been left for the ruler of the time to determine the appropriate action in terms of existing conditions.

The comments appearing above also make it clear that *jizyah* is a compensation for removing the punishment of killing from disbelievers – not a substitute for Islām. Therefore, there is no justification for doubting as to why were they given the permission to keep staying on their policy of aversion from and denial of Islām for a paltry price. The proof is that permission is given to many other people also who live in an Islāmic country with the freedom to keep observing the precepts of their religion. *Jizyah* is not taken from them – for example, women, children, the aged, religious leaders, the disabled and the handicapped. Had *jizyah* been taken in lieu of Islām, it should have been taken from these as well.

It should be noted that the paying of *jizyah* in this verse has been qualified with the words: عَنْ يَدٍ: ‘with their own hands.’ Here, the first word: عَنْ (‘an: with) denotes cause, and يَد (yad: hands) signifies power and subjugation. It means that the payment of this *jizyah* should not

1. Awzān-i-Shar‘iyyah, Haḍrat Maulanā Muftī Muḥammad Shafī.

be in the spirit of some voluntary contribution or charity. Instead of that, it has to be in the spirit of recognition and acceptance of Islāmic victory and of the willingness to live under it. (As in Rūḥ al-Ma'ānī) As for the later part of the sentence: وَهُمْ صُغُرُونَ (while they are humbled), it means, according to the explanation given by Imām Shāfi'ī رَحِمَهُ اللهُ تَعَالَى, that they should subscribe to the common law of Islām and take the responsibility of remaining obedient to it. (Rūḥ al-Ma'ānī and Mazḥarī)

Regarding the instruction given in this verse that once these people have agreed to pay *jizyah*, fighting should be stopped, a little explanation may be useful. According to the majority of Muslim jurists, it includes all disbelievers – whether from the People of the Book or from those other than them. However, the Mushriks of Arabia stand excluded from it for *jizyah* was not accepted from them.

In the second verse (30), the subject taken up briefly in verse 29 (where it was said that these people do not believe in Allah) has been enlarged. In the second verse, it has been said that the Jews take Sayyidnā 'Uzayr عَلَيْهِ السَّلَام to be the Son of God.<sup>1</sup> So do the Christians. They say that Sayyidnā 'Īsā عَلَيْهِ السَّلَام is the Son of God. Therefore, their claim that Allah is One and that they have faith turns out to be false.

After that, it was said: ذَلِكَ قَوْلُهُمْ بِأَفْوَاهِهِمْ. (That is their saying [invented] by their mouths). This could also mean that these people profess it openly and clearly through their own tongues. There is nothing secret about it. Then, it could also mean that this blasphemy they utter remains the work of their tongues. They can give no reason or justification for it.

Finally, it was said: مُضَاهِعُونَ قَوْلَ الَّذِينَ كَفَرُوا مِنْ قَبْلُ قَتَلَهُمُ اللَّهُ إِنَّهُمُ يُؤْفَكُونَ (They resemble the earlier disbelievers in their saying. Be they killed by Allah, how far turned away they are!). It means that the Jews and Christians, by calling prophets sons of Allah, became the same as disbelievers and Mushriks of past ages, for they used to say that the angels, and their idols, Lāt and Manāt, were daughters of God.

1. This is not the belief of all the Jews; it was the belief of some Jews of the Arabia. Now, the Dead Sea Scrolls have also proved the fact that some Jewish sects believed Ezra to be the son of God. It is learnt from some scholars who have studied the Scrolls. والله اعلم, (Muhammad Taqi Usmani)



**punishment, [34] on the day it will be heated up in the fire of Jahannam, then their foreheads and their sides and their backs shall be branded with it: "This is what you had accumulated for yourselves. So, taste what you have been accumulating." [35]**

### Commentary

The four verses cited above mention how astray the learned and the devoted and the abstaining among the Jews and Christians had gone and what blasphemies of word and deed they had come up with. The word: احبار (*aḥbār*) is the plural form of حبر (*ḥibr*) and رهبان (*ruhbān*) is the plural of راهب (*rāhib*). Ḥibr refers to a religious scholar among the Jews and Christians while a *rāhib* denotes someone who devotes to worship and abstains from a worldly role in life.

In the first verse (31), it has been said that these people have taken their rabbis and monks as gods beside Allah and they have done the same with Sayyidnā 'Īsā ibn Maryam عليه السلام whom they have given the status of their Lord. This is, of course, obvious in the case of Sayyidnā 'Īsā عليه السلام whom they took to be the son of God and did not demur from saying so. As for the charge against them that they had taken their rabbis and monks as gods, it has its reason. They used to call them as their Lord in clear terms, but even if it is presumed that they did not believe their religious leaders to be their gods, they had virtually transferred to them the right to be obeyed which is the right of Allah *Jalla Thanā'uh*, absolutely and exclusively. They would, so to say, follow the dictates of these leaders under all circumstance – even if their dictates happen to be against Allah and His Messenger. With that attitude, one is bound to land in a valley of no return. How can one go about obeying someone even if that person says things contrary to the dictates of Allah and His Messenger? And how can one who has reached this ultimate limit still not refuse to obey that person? This is like taking someone as god – an act of flagrant blasphemy, an open *kufr*.

This tells us that the present verse is not related in any way to the popular religious issue of following a particular juristic school (*taqlīd*) which has two main aspects. Firstly, common people who are not aware of religious precepts and their details trust 'Ulamā' and follow their *fatāwā*. Secondly, Mujtahid Imāms are followed in juristic issues

requiring Ijtihād. So, this verse has no bearing on that count because such following is, in real terms, nothing but the following of the dictates of Allah and His Rasūl صلى الله عليه وسلم. Those whom Allah has blessed with knowledge and insight have a direct access to the original resources of Shari'ah whereby they know what Allah and His Rasūl have said. They see it and act accordingly. The unaware masses act in accordance with the same injunctions by asking those who have knowledge. Then, there are those who have knowledge but are not competent enough to occupy the station of Ijtihād, they too follow the Mujtahid Imāms in matters requiring *ijtihād*. This following is in accordance with the injunction of the Holy Qur'an and is nothing but obedience to Allah Ta'ālā – as says the Qur'an: فَسْئَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ It means: 'If you yourself are not aware of the injunctions of Allah and the Messenger, act by asking the people of knowledge – 16:43.'<sup>1</sup>

In sum, the masses of people among the Jews and Christians had ignored Scriptures, Divine commandments and the teachings of apostles totally and, in its place, they had taken the word and deed of self-serving scholars and ignorant pseudo-devotees as the core of their religion. This is what has been condemned in the verse.

Then, it was said that these people chose to take the way of error although they were asked by Allah to worship only one God who is free and pure from what they associated with Him. This verse limits itself to saying that they followed the false and obeyed people other than Allah, something they were not permitted to do. In the verse that follows (32), mentioned there is another error they make. It is said that they do not stop at the error they have already made. They, rather, like to compound their errors when they try to subvert Divine guidance and

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1. The basic point of difference is that the one who follows an imām does not believe him to be an independent point of obedience. He simply consults him as an interpreter of the Holy Qur'an and Sunnah. That is why he will not follow him if there is a clear clash between his view and a clear-cut ruling given by the Holy Qur'an and Sunnah. The case of Jews and Christians is totally different. They believe their religious leaders (rabbis and popes) as law-givers. They believe them to be infallible who cannot commit mistakes and their rulings are to be obeyed in any case, even though they contradict the ruling given by the scriptures. For more details on the subject, see my book on 'Taqlīd' or on 'Uloom al-Qur'an.' (Muḥammad Taqī Usmānī)

black out the Faith of Truth. The statement has been dressed in a similitude – ‘they want to blow out the Light of Allah with their mouths’ – although, this is something they cannot do. Allah Ta‘ālā has already decided that He shall see to it that His Light, that is, the Religion of Islām, reaches its perfection, no matter how displeasing this may turn out to be for those who disbelieve.

After that, the same subject has been further stressed in the third verse (33) by saying that Allah Ta‘ālā has sent His Messenger with guidance, that is, the Qur‘ān, and with the Faith of Truth, that is, Islām, in order to have it prevail over all other faiths. Appearing in almost the same words, there are several other verses of the Holy Qur‘ān promising that the religion of Islām shall be made to prevail over all other faiths of the world.

This glad tiding regarding the ascendancy of Islām is, as in Tafsīr Mazharī, for most times and circumstances. In a Ḥadīth from Sayyidīnā Miqdād رضى الله عنه, the Holy Prophet صلى الله عليه وسلم said: No mud or mortar home shall remain on the face of the earth where the word of Islām has not entered with the honor of the honored and the disgrace of the disgraced. Whoever Allah blesses with honor shall embrace Islām and whoever is to face disgrace shall not, though, accept Islām but shall become a subject of the Islāmic government. This promise of Allah Ta‘ālā was fulfilled. For about a thousand years, the primacy of Islām remained operative throughout the world.

How this Light of Allah reached its perfection during the blessed period of the Holy Prophet صلى الله عليه وسلم and the most righteous and worthy elders of the Muslim Community is a spectacle the world has already witnessed. Then, in future too, in terms of its legitimacy and truth for all times to come, the religion of Islām is a perfect religion no sensible person would elect to criticize. For this reason, this Faith of Truth, in terms of its arguments and proofs, has always been powerful. And, should Muslims follow this religion fully and faithfully, outward ascendancy, power and governance also turn out to be its inevitable results. As proved by the annals of the history of Islām, whenever Muslims acted whole-heartedly in accordance with the Qur‘ān and Sunnah, no impediment in their way could defeat their determination and their presence was felt all over the world as a dominant force. And whenever and wherever they have reached the limits of being subju-

gated or oppressed, it was but the evil consequence of heedlessness to and contravention of the injunctions of Qur'ān and Sunnah which came before them. As for the Religion of Truth, it stood its grounds as always, august and protected.

In the fourth verse (34), the address is to Muslims but the subject taken up concerns the conduct of rabbis and monks among the Jews and Christians, a conduct which led common people astray. Perhaps, the address to Muslims indicates a purpose behind the description of the conduct of Jewish rabbis and Christian monks. The purpose is to warn them as well in order that they too remain alert against such conditions prevailing among Muslims.

The verse states that many rabbis and monks among the Jews and Christians eat up the wealth of the people by false means and prevent (them) from the way of Allah.

Most rabbis and monks among the Jews and Christians were involved in this practice – and under such conditions, people generally tend to make a sweeping statement and call everyone bad. But, at this place, the Holy Qur'ān, by adding the word: كثيرا (*kathīra*: many), has prompted Muslims to mind their words even when dealing with enemies. It was clearly demonstrated here by not attributing the practice to all of them. Instead, what was said here was that many of them do so. Then, it was said that they were not doing the right thing when they eat up the wealth of people by false means. 'False means' refers to their practice of giving *fatwā* (religious edict or ruling) counter to the injunction of Torah, for money. In doing so, on occasions, they would misinterpret Divine injunctions through concealment and falsification. Further on from here, yet another error of their conduct was pointed out by saying that they were unfortunate people who, not only that they themselves had gone astray but were also ready to prevent others from seeking the way of Allah in the hope of finding right guidance. The reason is that people, when they see their leaders doing things like that, the inherent love for truth in them dies out. In addition to that, when they start basing their conduct on such false rulings, they end up taking that error and waywardness to be as good as correct.

Since this disease among the rabbis and monks of the Jews and Christians – that they give false rulings for money – showed up because of worldly greed and love for money, the verse takes up the sub-

ject in its own way. It says that excess in love for money and property produces bad results, even punishment if not spent in the way of Allah, and suggests how to get rid of this disease. The exact words of the text are:

وَالَّذِينَ يَكْتُمُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يُنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ  
أَلِيمٍ .

As for those who accumulate gold and silver and do not spend it in the way of Allah, give them the 'good' news of a painful punishment.

The words: *وَلَا يُنْفِقُونَهَا* (and do not spend it) indicate that people who spend in the way of Allah as necessary, for them the rest of their accumulated wealth brings no harm.

In Ḥadīth too, the Holy Prophet صلى الله عليه وسلم has said: Wealth for which Zakāh has been paid is not included under: *كنزتم* (*kanaztum*: you have accumulated). (Abū Dāwūd, Aḥmad and others)

This tells us that keeping wealth which remains after taking out Zakāh is no sin.

The majority of Muslim jurists and Imāms have taken this approach. It should be noted that the pronoun in *وَلَا يُنْفِقُونَهَا* (and do not spend it) reverts to *فضة* (*fiḍḍah*) which means silver. Two things, gold and silver, were mentioned immediately earlier but the pronoun was made to revert to silver only. Tafsīr Maḥzarī takes it to be a clear indicator of the rule that should a person have a little of both gold and silver, his threshold (*niṣāb*) will be determined in terms of silver. His Zakāh will be paid by calculating the price of gold in terms of the price of silver.

Explained in the fifth verse (35) is the detail of the 'painful punishment' referred to at the end of verse 34. There, it has been said: *يَوْمَ يُحْمَىٰ عَلَيْهَا فِي نَارِ جَهَنَّمَ فَتُكْوَىٰ بِهَا جِبَاهُهُمْ وَجُنُوبُهُمْ وظُهُورُهُمْ*, هَذَا مَا كُنْتُمْ لَا تُنْفِقُونَ فذوقوا ما كنتم تكتمون (on the day it will be heated up in the fire of Jahannam, then their foreheads and their sides and their backs shall be branded with it: "This is what you had accumulated for yourselves. So, taste what you have been accumulating". It means that this 'painful punishment' will be for those who do not pay Zakāh. It will come on a day when the gold and silver accumulated by them will be heated up in the Fire of Jahannam.

Then, their foreheads, sides and backs shall be branded with it, and they shall be told, as a sort of verbal punishment, that it was what they had accumulated for themselves, and in consequence, they better have a taste of what they had accumulated. The return of a deed is the deed itself. That which was accumulated illegally or that which was accumulated legally but without having paid its Zakāh ultimately became, by itself, the punishment of these people.

In this verse, mention has been made of branding foreheads, sides and backs. Either it means the whole body or these three parts have been particularized for the reason that a miser who does not like to spend his wealth in the way of Allah would usually greet a needy visitor looking for charity or Zakāh with a forehead all wrinkled with distaste. After that, when to avoid him, he tries to turn away to the right or the left side. And if the needy person still persists, he would turn his back on him. Perhaps, the forehead, the sides and the back were thus particularized for this punishment.

#### Verses 36 - 37

إِنَّ عِدَّةَ الشُّهُورِ عِنْدَ اللَّهِ اثْنَا عَشَرَ شَهْرًا فِي كِتَابِ اللَّهِ يَوْمَ  
 خَلَقَ السَّمَوَاتِ وَالْأَرْضِ مِنْهَا أَرْبَعَةٌ حُرْمٌ ذَلِكَ الدِّينُ الْقَيِّمُ ۗ  
 فَلَا تَظْلِمُوا فِيهِنَّ أَنْفُسَكُمْ وَقَاتِلُوا الْمُشْرِكِينَ كَافَّةً كَمَا  
 يُقَاتِلُونَكُمْ كَافَّةً وَاعْلَمُوا أَنَّ اللَّهَ مَعَ الْمُتَّقِينَ ﴿٣٦﴾ إِنَّمَا  
 النَّسِيءُ زِيَادَةٌ فِي الْكُفْرِ يُضِلُّ بِهِ الَّذِينَ كَفَرُوا يُحِلُّونَهُ  
 عَامًا وَيُحَرِّمُونَهُ عَامًا لِيُطِئُوا عِدَّةَ مَا حَرَّمَ اللَّهُ فَيَحِلُّوا  
 مَا حَرَّمَ اللَّهُ زَيْنَ لَهُمْ سُوءِ أَعْمَالِهِمْ وَاللَّهُ لَا يَهْدِي الْقَوْمَ  
 الْكٰفِرِينَ ﴿٣٧﴾

Surely, the number of months according to Allah is twelve (as written) in the Book of Allah on the day He created the heavens and the Earth, of which there are Four Sacred Months. That is the right faith. So, do not wrong yourself therein. And fight the Mushriks\* all together as they fight you all together, and be sure that

\*. Those who associate partners with Allah.

**Allah is with the God-fearing.** [36]

**The postponement of the months is nothing but an increase in the infidelity whereby the disbelievers are misguided. They allow it one year and disallow it another year, so that they may conform (only) to the number of what Allah has sanctified, and allow what Allah has disallowed. Beautified for them is the evil of their deeds. And Allah does not lead the disbelieving people to the right path.** [37]

### Commentary

Mentioned in the previous verses were the errors and misdeeds of disbelievers and Mushriks who persisted with their disbelief and kept associating others in the pristine divinity of Allah. In the present two verses, mentioned there is another bad custom prevailing in Arabia since its age of ignorance – which Muslims have been instructed to abstain from. That bad custom relates to a chain of happenings. Details go back to the distant past since when a year was accepted as having twelve months by the religious codes of all past prophets. Out of these twelve months, four were considered sacred, therefore, worthy of great reverence. They were three consecutive months of Dhu al-Qa'dah, Dhu al-Hijjah, Muḥarram, and the month of Rajab.

All religious codes of past prophets agree that every act of worship during these four months is more reward-worthy – and should someone commit a sin during these months, the curse and punishment resulting from it is also more blameworthy. Under these past religious codes, fighting and killing was prohibited during these months.

Since the Arabs of Makkah al-Mukarramah are the progeny of Sayyidnā Ibrāhīm عليه السلام through Sayyidnā Isma'īl عليه السلام, they all professed belief in Sayyidnā Ibrāhīm as a prophet and messenger of Allah and claimed to follow his Shari'ah. However, as fighting, killing and hunting was also prohibited during these four sacred months among the followers of the Ibrāhīmī community, the people of the Arab age of ignorance found the implementation of this injunction extremely hard. The reason was that, during the pagan period, fighting and killing had become the only vocation for them. Therefore, in order to make this restriction somewhat easy on them, they spun out all sorts of excuses to satisfy their self-serving motives. Whenever they needed

to fight during one of the sacred months, or whenever a sacred month approached while they were already fighting, then, they would say: This year, this month is not sacred. The next month will be the sacred one. For example, when Muḥarram arrived, they would say that 'this year, the month of Muḥarram is not sacred, instead of that, the month of Ṣafar will be sacred'. And if they had some other exigency, they would say, 'this year, the month of Rabī' al-Awwal will be sacred;' or say, 'this year the month of Ṣafar has come earlier and Muḥarram will come later.' Thus, in one stroke, they made the month of Muḥarram the month of Ṣafar! In short, they would somehow complete the count of four month during one year, but would not bother to retain the order and signification of what was divinely determined. It was up to them to give any name to any month, call it Dhu al-Ḥijjah or call it Ramaḍān or make one come earlier and make the other come later. If another emergency came, for example, when they would remain engaged in fighting for a period as long as ten months leaving only two months to the year, then, on this occasion, they would increase the number of months in a year saying, 'this year will be of fourteen months.' In this way, they would make the remaining four months the sacred months.

In short, they did show their reverence for the Ibrāhīmī faīth at least by doing it during four months of the year when they would abstain from fighting and killing. But, they did not observe the order of the months in a year according to which four of them were fixed as the sacred months. This was what they juggled with seeking interpretations to suit their needs or fancies.

The outcome was that, during those days, it had become difficult to determine as to which month was Ramaḍān or Shawwāl, or Dhu al-Qa'dah, Dhu al-Ḥijjah or Rajab. When Makkah al-Mukarramah was conquered in the 8th year of Hijrah and the Holy Prophet صلى الله عليه وسلم sent Sayyidnā Abū Bakr رضى الله عنه to make the proclamation of withdrawal from disbelievers and Mushriks at the Ḥajj season of Hijrah year 9, this month was, according to the genuine calculation, the month of Dhu al-Ḥijjah. But, according to the same old custom of the Jāhiliyyah, this month was declared to be that of Dhu al-Qa'dah – and, that year, according to them, not Dhu al-Ḥijjah, but Dhu al-Qa'dah was fixed to be the month of Ḥajj. Then came the Hijrah year 10 which

was the year the Holy Prophet صلى الله عليه وسلم went for his last Ḥajj. As nature would have it, this brought about a unique arrangement when the genuine month was that of Dhu al-Ḥijjah and, according to the arbitrary reckoning of the people of Jāhiliyyah too, that turned out to be Dhu al-Ḥijjah itself. Therefore, the Holy Prophet صلى الله عليه وسلم said in his address at Mina: إِنَّ الزَّمَانَ قَدِ اسْتَدَارَ كَهَيْئَتِهِ يَوْمَ خَلَقَ اللَّهُ السَّمَوَاتِ وَالْأَرْضَ (Time has come back to its position Allah had set the day He created the heavens and the Earth). It means that the month, the real month of Dhu al-Ḥijjah, turned out to be the same month of Dhu al-Ḥijjah that year, even in the sight of the people of Jāhiliyyah.

This was a window to the custom of Jāhiliyyah, a custom that changed the number, the order and the specification of months in a year, even made deletions and alterations at will. The activity of making a few changes here and there may appear to be small and innocuous. A month is a month, call it by any name, it remains a month. But, things were not that simple in the given situation. These changes disturbed the implementation of Islāmic laws connected with a particular month or a specific date in it. They also affected duties fixed for the beginning or the end of the year – such as, the injunctions of Ḥajj during the ten days of the month of Dhu al-Ḥijjah, fasting during the ten days of Muḥarram and the rules of Zakāh at the end of the year. As a direct result of this practice, hundreds of Islāmic laws were distorted making their compliance useless. In these two verses of the Holy Qur’ān, Muslims have been instructed to remain on guard against the evil in this pagan custom.

### Explanation of the Verses

In the first verse (36), it is said: إِنَّ عِدَّةَ الشُّهُورِ عِنْدَ اللَّهِ اثْنَا عَشَرَ شَهْرًا (Surely, the number of months with Allah is twelve). Here, the word: *عدة* (*iddah*) appears in the sense of number and *شهور* (*shuhūr*) is the plural of *شهر* (*shahr*) which means month. The sense of the verse is that the number of months, in the sight of Allah, is set as twelve. No one has the right to decrease or increase it.

Then, by placing the phrase: *فِي كِتَابِ اللَّهِ* (*fī kitābillāh*: as written in the Book of Allah), it was stressed that this numerical setting of the months stood recorded in the Preserved Tablet (*al-lawḥ al-maḥfūz*) since eternity. Then, by saying: *يَوْمَ خَلَقَ السَّمَوَاتِ وَالْأَرْضَ* (on the day He created the heavens and the Earth), it was indicated that the Divine decree

was, though, promulgated in eternity, but this order and setting of the months came into being when the heavens and the Earth were created.

After that, it was said: *مِنْهَا أَرْبَعَةٌ حُرُمٌ* (of which there are Four Sacred Months). It means that, out of these twelve months, four are sacred. They have been called *حرم* : *hurum* (sanctified ones) in the sense that fighting and killing is prohibited during these month, and also in the sense that these months are blessed and it is obligatory to hold them in due esteem and that acts of worship during these become more reward worthy. The first injunction out of the two was abrogated in the Shari'ah of Islām. But, the second one, that of increased reverence, esteem and devotion to 'Ibadah during this period still remains operative in Islām.

In his address<sup>1</sup> of the Day of Sacrifice<sup>2</sup> during the Last Hajj<sup>3</sup>, the Holy Prophet صلى الله عليه وسلم explained these months by saying: 'Three months are consecutive – Dhu al-Qa'dah, Dhu al-Hijjah, Muḥarram – and one month is that of Rajab.' But, there were two sayings of the Arabs regarding the month of Rajab. Some tribes used to call the month we know as Ramaḍān the month of Rajab while, as seen by the tribe of Muḍar, Rajab was the month which comes in between Jumadā ath-Thāniah and Sha'bān. Therefore, the Holy Prophet صلى الله عليه وسلم – by mentioning this month as 'Rajab Muḍar' – also made it clear that it means the month of Rajab which is in between Jumadā ath-Thāniah and Sha'bān.

Thereafter appears the statement: *ذَلِكَ الدِّينُ الْقَيِّمُ* (That is the right faith). It means that keeping the setting and serial order of months, specially the injunctions pertaining to the Four Sacred Months, according to the very original decree of Allah Almighty is the right faith to hold. Making any changes, alterations, additions or deletions therein is a sign of crookedness in comprehension and temperament.

The next sentence: *فَلَا تَظْلِمُوا فِيهِنَّ أَنْفُسَكُمْ* (So, do not wrong yourselves therein) means: 'Do not become unjust to your own selves either by acting against the compliance-worthy injunctions pertaining to these

1. Khuṭbah.

2. Yowmu 'n-Naḥr, a term used for 'Īdu 'l-Adḥā, the Feast or Festival of Sacrifice.

3. Ḥujjatu 'l-Wadā'.

months, or by not observing proper respect for them, or by falling short in devoting yourselves to 'Ibādah therein.

In his *Aḥkām al-Qur'ān*, Imām Abū Bakr al-Jaṣṣāṣ has said: The hint given here is that these blessed months have an exclusive characteristic of their own. Whoever devotes to 'Ibādah during these is awarded with the ability and encouragement to engage in it during the rest of the months. Similarly, a person who makes the necessary effort to stay safe from sins and other bad deeds during these months finds that remaining safe from these evils during the rest of the months of a year has become easier on him. Therefore, not making the best out of these months is a terrible loss.

Up to this point, the text has described and refuted a particular custom of Jāhiliyyah practiced by the Mushriks of Makkah. At the end of the verse, the text reverts to the command, given at the beginning of the verse (5), requiring that, soon after the expiry of the treaty deadline, Jihād is obligatory against all Mushriks and disbelievers.

The second verse (37) also refers to this very custom of Jāhiliyyah by saying: *إِنَّمَا النَّسِيءُ زِيَادَةٌ فِي الْكُفْرِ* (... is nothing but an increase in the infidelity). The word: *نَسِيءٌ* (*nasī'*) is a verbal noun that means to move back or postpone. It is also used in the sense of that which is delayed (*mu'akhkhar*).

By putting these month back and forth, the Mushriks of Arabia thought, they would be achieving two things – that it will serve their material interests and that it would also give them the credit of complying with the Divine injunction. This approach was not approved by Allah Ta'ālā for their act of postponing and moving months from where they belonged was nothing but an addition to their stance of denial which was going to lead them further astray. That they go about declaring that a sacred month was not sacred in some year and then be ready to name it as sacred in some other year was simply unacceptable. The sentence: *لِيُكْوِتُوا عِدَّةَ مَا حَرَّمَ اللَّهُ* (so that they may conform [only] to the number of what Allah has sanctified) following soon after means that a mere act of conforming to the given number cannot stand for the correct compliance of the injunction. The truth of the matter is that the month for which the injunction has been given should be the month in which the injunction must be carried out. This is imperative.

### Injunctions and Rulings

The verses cited above prove that the order of months and the names by which they are known in Islām should not be taken as terms coined by human beings. In fact, the day the Lord of all the worlds created the heavens and the Earth, He had also settled this order and these names and, along with it, particular injunctions to be carried out during particular months. From here, we also come to know that, in all Islāmic legal injunctions, only lunar months are credible in the sight of Allah Ta'ālā. In other words, all injunctions of the Shari'ah of Islām – such as, fasting, Ḥajj, Zakāh and many others – relate to the lunar calendar. But, when it comes to finding out the day, date and year, the way the Holy Qur'an has declared the Moon as its indicator, it has, very similarly, identified the Sun too as the other sign: *لِتَعْلَمُوا عَدَّةَ السِّنِينَ وَالْحِسَابَ* (so that you may know the number of years and the count [of time] – 10:5). Therefore, keeping track of days and years through a lunar or solar calendar is equally permissible. But, Allah Ta'ālā has favored the lunar calendar for His injunctions and has made it the pivot round which the laws of the Shari'ah of Islām revolve. Therefore, the preservation of the lunar calendar is Fard al-Kifāyah (a religious obligation which, if fulfilled by some, will absolve others). If the entire community of Muslims were to abandon the lunar calendar and forget all about it, then, everyone will be a sinner. However, if it remains viably preserved, the use of another calendar is also permissible – but, there is no doubt that it is against the way of Allah and the way of the worthy forbears of Islām – therefore, it is not good to opt for it unnecessarily.

The month intercalated to complete the count of years has also been considered by some as impermissible under this verse. But, that is not correct because the system of reckoning under which the intercalation of a month is made has nothing to do with the laws of the Shari'ah of Islām. The people of Jāhiliyyah changed these religious laws by adding to the lunar and legal months, therefore, they were censured. As for the practice of intercalation, it does not affect Islāmic legal injunctions, therefore, it is not included under this prohibition.

### Verses 38 – 42

يَا أَيُّهَا الَّذِينَ آمَنُوا مَالَكُمْ إِذَا قِيلَ لَكُمْ أَنْفِرُوا فِي سَبِيلِ اللَّهِ

اَتَّاقَلْتُمْ إِلَى الْأَرْضِ ۖ أَرْضَيْتُمْ بِالْحَيَاةِ الدُّنْيَا مِنَ الْآخِرَةِ ۗ  
 فَمَا مَتَاعُ الْحَيَاةِ الدُّنْيَا فِي الْآخِرَةِ إِلَّا قَلِيلٌ ﴿٣٨﴾ إِلَّا تَنْفَرُوا  
 يُعَذِّبْكُمْ عَذَابًا أَلِيمًا وَيَسْتَبْدِلْ قَوْمًا غَيْرَكُمْ وَلَا تَضُرُّوهُ  
 شَيْئًا ۗ وَاللَّهُ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ ﴿٣٩﴾ إِلَّا تَنْصُرُوهُ فَقَدْ  
 نَصَرَهُ اللَّهُ إِذْ أَخْرَجَهُ الَّذِينَ كَفَرُوا ثَانِيًا إِثْنَيْنِ إِذْ هُمَا فِي  
 الْغَارِ إِذْ يَقُولُ لِصَاحِبِهِ لَا تَحْزَنْ إِنَّ اللَّهَ مَعَنَا ۗ فَأَنْزَلَ اللَّهُ  
 سَكِينَتَهُ عَلَيْهِ وَأَيَّدَهُ بِجُنُودٍ لَّمْ تَرَوْهَا وَجَعَلَ كَلِمَةَ الَّذِينَ  
 كَفَرُوا السُّفْلَىٰ ۗ وَكَلِمَةُ اللَّهِ هِيَ الْعُلْيَا ۗ وَاللَّهُ عَزِيزٌ حَكِيمٌ  
 ﴿٤٠﴾ اِنْفَرُوا خِفَافًا وَثِقَالًا وَجَاهِدُوا بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ فِي  
 سَبِيلِ اللَّهِ ۗ ذَٰلِكُمْ خَيْرٌ لَّكُمْ إِن كُنْتُمْ تَعْلَمُونَ ﴿٤١﴾ لَوْ كَانَ  
 عَرَضًا قَرِيبًا وَسَفَرًا قَاصِدًا لَّا تَبْعُوكَ وَلَكِن بَعَدتْ عَلَيْهِمُ  
 الشُّقَّةُ وَسَيَحْلِفُونَ بِاللَّهِ لَوِ اسْتَطَعْنَا لَخَرَجْنَا مَعَكُمْ  
 يُهْلِكُونَ أَنْفُسَهُمْ ۗ وَاللَّهُ يَعْلَمُ إِنَّهُمْ لَكَاذِبُونَ ﴿٤٢﴾

O those who believe, what is wrong with you that when it is said to you, "Come out in the way of Allah," you turn heavy (and cling) to the ground. Have you become happy with the worldly life instead of the Hereafter? So, the enjoyment of the worldly life is but little as compared with the Hereafter. [38]

If you do not come out (in the way of Allah), He will punish you with a painful punishment and will bring in your place a nation other than you, and you can do Him no harm at all. And Allah is powerful over everything. [39]

If you do not help him, then, Allah has already helped him when the disbelievers expelled him, the second of the two, when they were in the cave, and he was saying to his companion, "Do not grieve. Allah is surely with us." So, Allah sent down His tranquility on him and strengthened him with troops you did not see, and rendered the word of the disbelievers low. And the word of

Allah is the highest. And Allah is Mighty, Wise. [40]

Come out (in the way of Allah), light or heavy, and carry out *jihād* with your wealth and lives, in the way of Allah. That is good for you, if you were to realize. [41]

If there had been some gain near at hand and an average journey, they would have certainly followed you, but the difficult destination was too far for them. And they will swear by Allah: "If we could, we would have set out with you." They are ruining themselves. And Allah knows that they are liars. [42]

### Commentary

The verses quoted above describe an important battle from among those fought by the Holy Prophet صلى الله عليه وسلم. As a corollary, also given there are many injunctions and instructions. This battle is known as the battle of Tabūk and is almost the last battle of the Holy Prophet صلى الله عليه وسلم.

Tabūk is the name of a place located close to the Syrian border towards the north of Madīnah. Syria was, at that time, a province of the government controlled by Byzantine Christians. When the Holy Prophet صلى الله عليه وسلم reached Madīnah in the 8th year of Hijrah after the conquest of Makkah and the battle of Hunain, that was a time major parts of the Arabian Peninsula had come under the control of the Islāmic state. This was a period of some peace Muslims could enjoy after their eight year long battles against the Mushriks of Makkah.

But, destiny has its own workings. Is it not that Allah had already revealed about the blessed person of the Holy Prophet صلى الله عليه وسلم: *يُظْهِرُهُ عَلَى الدِّينِ كُلِّهِ* (so that He makes it prevail over every faith – 9:33, 48:28, 61:9) which was the glad tidings of a world of victories and the ascendancy of the Faith of Truth? The Prophet صلى الله عليه وسلم and his companions in the mission would hardly have the respite to relax. Soon after they reached Madīnah, Syrian traders of olive oil informed them that the Byzantine ruler, Hiraql had assembled his forces at Tabūk on the border of Syria. They were also told that soldiers of the Byzantine army had been placated by the payment of advance salaries for one year and that they had sinister understanding with some Arab tribes and that they all had plans to mount a surprise attack on Madīnah.

When this information reached the Holy Prophet صلى الله عليه وسلم, he

decided that their attack plans should be pre-empted and they should be challenged where they are gathered together with their forces.

(Tafsīr Mazharī, with reference to Muḥammad ibn Yusūf Ṣāliḥī)

By chance, this was a terribly hot summer. People in Madīnah were generally devoted to agriculture. Their farms were close to being harvested. On this depended their economy, rather the sustenance of the whole year. Like people in vocations who have empty pockets by the end of the month, people who depend on agricultural produce are empty-handed close to the harvesting time. On the one hand, they have poverty while on the other, they have hopes of income in the near future. Then, there was this scorching heat of the summer for a people who had their first breather after eight years of incessant wars. No doubt, this was an exacting trial.

But, equally crucial was the time. This Jihād was different. It was not like the wars they had fought before. At that time, they were fighting common people like them. Here, they were to confront the trained armed forces of Hiraql, the ruler of Byzantine. Therefore, the Holy Prophet صلى الله عليه وسلم ordered all Muslims of Madīnah to come out for this Jihād. He also invited some other tribes living around Madīnah to join in.

This general call was a tough test for those who were willing to make sacrifices for Islām as well as a challenge to the hypocrites who would have to prove their claim to be Muslims by joining the Jihād or be exposed as false pretenders. Apart from this consideration, the inevitable consequence was that those who professed belief in Islām reacted to the call in terms of the conditions they were in. The Holy Qur'an has enumerated them as separate groups of people and has pointed out to their condition as well.

The first group included those who were strong and perfect in their faith. They were ready for Jihād without any hesitation. The second group was composed of those who hesitated at the initial stage but, later on, joined up with those ready for Jihād. About these two groups of people, the Holy Qur'an said: *الَّذِينَ اتَّبَعُوهُ فِي سَاعَةِ الْمُسْرَةِ مِنْ بَعْدِ مَا كَادَ يَزِيغُ قُلُوبَ فَرِيقٍ* (... who followed him in the hour of hardship after the hearts of a group of them were about to turn crooked – 9:117). The third group was of those who were unable to join this Jihād on the basis of some genuine excuse. About that, by saying: *لَيْسَ عَلَى الضَّعَفَاءِ وَلَا عَلَى الْمَرْضَى* (There is no

blame on the weak, nor on the sick – 9:91), the Holy Qur'an has announced the acceptance of their excuse. Belonging to the fourth group were people who, despite that they had no excuse to offer, simply did not participate in the Jihād out of sheer laziness. Several verses were revealed about them, for example: 'اٰخَرُونَ اعْتَرَفُوا بِذُنُوْبِهِمْ (And there are others who admitted their sins – 9:102), and: 'اٰخَرُونَ مُرْجَوْنَ لِأَمْرِ اللّٰهِ (And there are others whose matter is deferred till the command of Allah [comes] – 9:106), and: وَعَلَى الثَّلَاثَةِ الَّذِيْنَ خَلَفُوْا (And [He relented] towards the three whose matter was deferred – 9:118). These three verses were revealed about similar people. They carry admonition for their inertia as well as the good news that their Taubah or repentance has been accepted.

The fifth group was that of the hypocrites, the *munāfiqs*. Their hypocrisy was deep seated and saying yes to Jihād was hard. Finally, they failed to cover it up and stayed away from Jihād. Hypocrites have been mentioned in the verses of the Qur'an on many places.

The sixth group included *munāfiqs* who had joined up with Muslims with the objective of spying and mischief making. The Holy Qur'an mentions their conduct in the following verses:

- {1} وَفِيْكُمْ سَمْعَوْنَ لَهُمْ (And among you there are their listeners – 9:47);  
 {2} وَلَئِنْ سَأَلْتَهُمْ لَيَقُوْلُنَّ (And if you ask them, they will say – 9:65);  
 {3} وَهَمُّوْا بِمَا لَمْ يَنْتَلُوْا (And had planned for what they could not achieve – 9:74).

Given above were details about those who stayed away from the Jihād. But, the fact is that their total number was negligible. The majority did belong to those Muslims who, despite many prohibitive factors, chose to sacrifice all gains and comforts and were ready to face expected hardships in the way of Allah. This is the reason why the total number of the Islāmic army which set out for this Jihād was thirty thousand – a number never seen in a Jihād before.

The outcome of this Jihād expedition was that Hiraql, the Byzantine ruler – when he heard about such a large Muslim force coming up against him – was overtaken by awe. He simply did not turn up on the battlefield. The Holy Prophet صلى الله عليه وسلم camped on the war front with the army of his angelic companions for a few days in the hope that the enemy may decide to come. When totally disappointed, he returned back to Madīnah.

The verses quoted above obviously relate to the fourth group of people who did not take part in the Jihād because of their inertia and without any valid excuse. In the beginning of this set of verses, they were admonished for their lethargy, then, they were told why they behaved the way they did and, finally, they were told how to correct themselves. This wise approach unfolds major lessons.

### **Regard for *Dunyā* and Disregard for *Ākhirah*:**

#### **The Root of all Crimes**

No doubt, what has been said above is related to a particular event. But, if we were to think about it, we shall realize that the real cause of negligence towards faith - and of every crime and sin - is nothing but this love for the material and heedlessness towards the life to come. Therefore, the Holy Prophet صلى الله عليه وسلم said: *حُبُّ الدُّنْيَا رَأْسُ كُلِّ خَطِيئَةٍ* (The love for *Dunyā* [material life of the present world] is at the top of every error and sin). That is why it was said in the verse:

O those who believe, what is wrong with you that, when it is said to you, "Come out in the way of Allah," you turn heavy (and cling) to the ground. Have you become happy with the worldly life instead of the Hereafter? - 38.

This was the diagnosis of the disease. Its treatment appears next when it was said:

So, the enjoyment of the worldly life is but little as compared with the Hereafter - 38.

The thrust of the argument is that one's major concern in life should be that of the eternal life in *Ākhirah*. It is this concern for the *Ākhirah* that offers the only and the most perfect treatment of all diseases. Incidentally, this also happens to be the master prescription for eradication of crimes that bother human societies all over the world.

The 'Aqā'id of Islām (articles of faith) are based on three principles: (1) Tauḥīd (Oneness of Allah); (2) Risālah (the true mission of the messenger and prophet sent by Allah) and (3) *Ākhirah* (Hereafter). Out of these, the belief in *Ākhirah* is, in all reality, the moving spirit for correction of deeds and serves as an iron wall before crimes and sins. A little thought would make it amply clear that there can be no peace in the world without subscribing to this belief. The world as we see it today has reached its zenith in terms of its material progress. Then,

there is no dearth of functional solutions and plans designed to eradicate crimes. Laws proliferate. So does the administrative machinery to interpret and implement the objective. No doubt, there is progress in those terms. But, along with it, everyone is witnessing crimes increasing day by day, everywhere, in all societies. The reason, in our humble view, is no other but that the disease has not been properly diagnosed and the line of treatment is not sound. The root of the disease is materialism, excessive indulgence in the temporal and negligence or avoidance of the thought of any life to come. The only way this frame of mind can be corrected is to remember Allah and think about the Akhīrah, the life to come. Whenever and wherever in this world this master prescription was used, whole nations and their societies became models of humanity at its best earning the admiration of angels. That this happened during the blessed period of the Holy Prophet ﷺ, and during the age of his noble Companions, is sufficient as its proof.

It is interesting that the modern world would very much like to eradicate crimes but it would do so by not having to bother about God and the Hereafter. To achieve this purpose, it invents, introduces and surrounds itself with things to live with – a lifestyle which would never allow human beings to turn their attention towards God and Hereafter. The result of this negative approach is no mystery. We are watching it with our own eyes. Even in the face of ever better laws, all legal systems seem to be failing. Crimes are there as they were, in fact, they are increasing with dangerous speed. To conclude, we wish that intelligent people among countries and nations of the world would think of using this Qur'ānic prescription, at least for once, and discover for themselves how easily crimes can be controlled.

Now, as we move to the second verse (39), the text has, after serving a notice of warning to the lazy and the listless about their disease and its treatment, delivered its verdict by saying:

'If you do not come out for Jihād, Allah will have you go through a painful punishment and bring in your place a nation other than you, and (by your refusal to follow Islām) you can bring no loss to Allah (or His Messenger) because Allah is powerful over everything.'

In the third verse (40), by citing the event of the Hijrah of the Holy Prophet ﷺ, it has been stressed that the Rasūl of Allah has no need to

depend on any human help and support. Allah can help him directly through unseen factors – as it happened at the time of Hijrah when his own people had forced him to leave his homeland. On this journey, the only companion he had was Sayyidnā Abū Bakr رضى الله عنه, the true one. Enemy foot soldiers and riders were looking for them in hot pursuit. The place to hide he had found was no fortified fortress. It was just a cave and the enemy search party had reached close to its edges. Inside it, the companion of the cave, Sayyidnā Abū Bakr رضى الله عنه was worried, not for his own safety, but about his master. He was in fear lest the enemy outside were to harm the Holy Prophet ﷺ. But, the master himself was sitting calm like a mountain at peace. Not simply that he was himself cool and collected, he was telling his companion, Sayyidnā Abū Bakr: لَا تَحْزَنْ إِنَّ اللَّهَ مَعَنَا ('*lā taḥzan innallāha ma'anā*': Do not grieve. Allah is with us).

What has been said here is composed of a couple of words, easy and effortless as they sound. But, let those listening place the blueprint of conditions prevailing before their eyes, cross their hearts and ask: Can someone dependent on mere material means be that tranquil? Every honest person would say that it was just not possible. The reason for this was no other but that which the Qur'an has given in the next sentence:

So, Allah sent down His tranquility on him and strengthened him with troops you did not see ...

These troops could be troops of angels, and of the elemental forces of the entire universe too – for they are, so to say, a virtual army of Allah. When this happened, the ultimate came to be. The word of disbelievers was rendered low and the word of Allah remained the highest.

In the fourth verse (41), the command given earlier has been repeated for emphasis. It is being said here that, once the Prophet of Allah orders people to come out for Jihād, they must come out as a matter of absolute obligation – for on the compliance of this command hinges all that is good for them.

The fifth verse (42) mentions an excuse offered by those who did not participate in the Jihād because of negligence and lethargy. It was rejected as unacceptable because they did not use the ability given by Allah to pick and choose the right thing to do in His way. Therefore, the excuse of not having that ability is not valid.

## Verses 43 - 52

عَفَا اللَّهُ عَنْكَ لِمَ أَذْنَتْ لَهُمْ حَتَّى يَتَّبِعَنَّ لَكَ الَّذِينَ صَدَقُوا  
وَتَعَلَّمَ الْكٰذِبِينَ ﴿٤٣﴾ لَا يَسْتَأْذِنُكَ الَّذِينَ يُؤْمِنُونَ بِاللَّهِ  
وَالْيَوْمِ الْآخِرِ أَنْ يُجَاهِدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ وَاللَّهُ عَلَيْهِمُ  
بِالْمُتَّقِينَ ﴿٤٤﴾ إِنَّمَا يَسْتَأْذِنُكَ الَّذِينَ لَا يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ  
الْآخِرِ وَارْتَابَتْ قُلُوبُهُمْ فَهُمْ فِي رَيْبِهِمْ يَتَرَدَّدُونَ ﴿٤٥﴾  
وَلَوْ أَرَادُوا الْخُرُوجَ لَأَعَدُّوا لَهُ عُدَّةً وَلَكِنْ كَرِهَ اللَّهُ انْبِعَاثَهُمْ  
فَتَبَّطَهُمْ وَقِيلَ أَفْعُدُوا مَعَ الْفَاعِلِينَ ﴿٤٦﴾ لَوْ خَرَجُوا فِيكُمْ  
مَازَادُوكُمْ إِلَّا خَبَالًا وَلَا أُوْضِعُوا لَكُمْ خَلِّكُمْ يَبْغُونَكُمْ الْفِتْنَةَ  
وَفِيكُمْ سَمْعُونَ لَهُمْ وَاللَّهُ عَلِيمٌ بِالظَّالِمِينَ ﴿٤٧﴾ لَقَدْ ابْتَغُوا  
الْفِتْنَةَ مِنْ قَبْلُ وَقَلَّبُوا لَكَ الْأُمُورَ حَتَّى جَاءَ الْحَقُّ وَظَهَرَ أَمْرُ  
اللَّهِ وَهُمْ كَرِهُونَ ﴿٤٨﴾ وَمِنْهُمْ مَنْ يَقُولُ أَئِذْنَ لِي وَلَا تَقْتِنِي  
أَلَا فِي الْفِتْنَةِ سَقَطُوا وَإِنَّ جَهَنَّمَ لَمُحِيطَةٌ بِالْكَافِرِينَ ﴿٤٩﴾ إِنْ  
تُصِيبَكَ حَسَنَةٌ تَسُؤْهُمْ وَإِنْ تُصِيبَكَ مُصِيبَةٌ يَقُولُوا قَدْ أَخَذْنَا  
أَمْرَنَا مِنْ قَبْلُ وَيَتَوَلَّوْا وَهُمْ فَرِحُونَ ﴿٥٠﴾ قُلْ لَنْ يُصِيبَنَا  
إِلَّا مَا كَتَبَ اللَّهُ لَنَا هُوَ مَوْلَانَا وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ  
الْمُؤْمِنُونَ ﴿٥١﴾ قُلْ هَلْ تَرْتَبِصُونَ بِنَا إِلَّا إِحْدَى الْحُسَيْنَيْنِ  
وَنَحْنُ نَتَرْتَبِصُ بِكُمْ أَنْ يُصِيبَكُمُ اللَّهُ بِعَذَابٍ مِّنْ عِنْدِهِ أَوْ  
بِأَيْدِينَا فَتَرْتَبِصُوا إِنَّا مَعَكُمْ مُتَرَبِّصُونَ ﴿٥٢﴾

Allah has forgiven you; why did you permit them before the truthful ones could become distinct to you, and you could be sure of the liars. [43]

Those who believe in Allah and in the Last Day do not ask you to be excused from *jihād* with their wealth and lives. And Allah is aware of the God-fearing. [44]

Only those people ask you to be excused who do not believe in Allah and in the Last Day and whose hearts are in doubt, so they are wavering in their doubt. [45]

**And had they wished to set out, they would have made some preparation for it, but Allah disliked their going forth, so He detained them, and it was said to them, "Stay back with those who are staying back." [46]**

**And had they set out with you, they would have added nothing for you but trouble, and would have run around in your midst seeking disorder for you. And among you there are their listeners. And Allah is aware of the wrongdoers. [47]**

**They sought disorder even earlier and tried to upset matters for you, until the Truth arrived and the will of Allah prevailed, though they disliked it. [48]**

**And among them there is one who says, "Allow me (to stay behind) and do not expose me to an ordeal." Look! They have already fallen into an ordeal, and certainly the Jahannam has the disbelievers encircled. [49]**

**If some good comes to you, it annoys them, and if some suffering visits you, they say, "We had already taken care of our problem" and they go their way delighted. [50]**

**Say, "Nothing can ever reach us except what Allah has written for us. He is our Master. And in Allah alone the believers must place their trust." [51]**

**Say, "Is it not that you are expecting for us but one of the two good things (martyrdom and victory)? And we are expecting for you that Allah sends to you a punishment from Himself or at our hands. So, wait. Of course, we are waiting with you. [52]**

## **Commentary**

Mentioned in most of the seventeen verses of this entire section are hypocrites who had, on false pretexts, secured permission from the Holy Prophet صلى الله عليه وسلم that they would not go to participate in the Jihād of Tabūk. Falling under it, there are many injunctions, rulings and instructions that have been pointed out in the commentary.

The first verse (43) begins in a subtle manner. Here, a complaint has been made to the Holy Prophet صلى الله عليه وسلم. He has been told that those hypocrites were lying when they presented themselves as deserving of being excused from active service in Jihād. But, he accepted their plea without first having made an inquiry about the real state of

affairs with them which would have made the true and false of it come out clearly. This gave them the opportunity to go about congratulating themselves on how smartly they had deceived the Holy Prophet ﷺ. Though, in verses coming next, Allah Ta'ālā has also clarified that those people were asking to be excused from Jihād just to play tricks – otherwise, even if they were not permitted, still then, they would have never gone. And in another verse, it was also pointed out that, in case these people did go to this Jihād, it would have been of no use to Muslims – in fact, their conspiracy and mischief would have been far more dangerous.

But, the drift of the argument is that, in case, permission was not given, they were still not going to go anyway – however, their hypocrisy would have definitely been exposed and they would not have had the opportunity to throw taunts at Muslims and exult that they had fooled them. And the real purpose here is not to show wrath or displeasure, instead of that, it is a way of saying that, in future, the motives and moves of such people should be watched and screened carefully. Then, it can be conceded that there does exist a certain kind of displeasure in the external framework of words but it has been coated with a delightful concern for sensitivities, particularly that of his dear prophet. We can see that the expression of displeasure which begins with the words: لِمَ أَدْنَيْتَ لَهُمْ (why did you permit them?) does not actually begin until said ahead of it was: عَفَا اللَّهُ عَنْكَ (Allah has forgiven you)!

It has been said by people having insight in the nature of God-Prophet relationship that the Holy Prophet صلى الله عليه وسلم had a special attachment to Allah *Jalla Thanā'uh*. His heart could not simply bear the shock of being in a situation where he is subjected to questioning from Allah Ta'ālā. For instance, if the words: لِمَ أَدْنَيْتَ لَهُمْ (why did you permit them?) – which translate as interrogation in their formal appearance – were said in the very beginning, the blessed heart of the Holy Prophet صلى الله عليه وسلم would have been simply unable to take it. Therefore, the words: عَفَا اللَّهُ عَنْكَ (Allah has forgiven you) have been placed earlier. This serves two purposes. Firstly, it gives him the information that something has happened, something that was not liked by Allah. Secondly, the information that he has been forgiven for whatever had happened was being given beforehand so that what is said next should not break his blessed heart.

As for the word of forgiveness, let there be no doubt about it and let no one say that forgiveness is usually given for crimes and sins – and the Holy Prophet صلى الله عليه وسلم was *ma'ṣūm* (protected from sin) – what, then, would be the sense of forgiveness at this place? The answer is that the way there is forgiveness for sin, similarly, there could also be forgiveness for what is contrary to the preferred way (*khilāf al-awlā*) or is simply undesirable – and that does not violate the concept of the *'iṣmah* (infallibility) of a prophet.

In the second (44) and third (45) verses given there was the difference between believers and hypocrites. Those who believe in Allah Ta'ālā truly and staunchly do not pick an occasion like that only to seek desertion from Jihād just for the sake of love for their lives and wealth and go about asking the permission of their prophet to stay back. In fact, this is the behavior of only those who do not believe in Allah and the Day of Judgement (*Ākhirah*), truly and correctly – and, as for Allah, He knows the God-fearing perfectly well.

At least, one aspect of why their excuse was false has been given in the fourth (46) where it has been said: *وَلَوْ أَرَادُوا الْخُرُوجَ لَأَعَدُّوا لَهُ عُدَّةً* (And had they [really] wished to set out [for Jihād], they would have [of necessity] made [at least] some preparation for it [but they made none] – 46). This shows that the plea of having an excuse was false. The truth of the matter was that they just did not have any intention to come out for Jihād.

### **How do we know if an excuse is reasonable or unreasonable?**

An important principle comes out from this verse, a principle that can be used to distinguish between a reasonable and an unreasonable excuse. To wit, an excuse presented only by those who are ready to carry out orders – but, were rendered helpless by some accident – can be entertained and accepted. This rule applies to all matters pertaining to the excusable. As for a person who made no preparation to carry out orders, did not even make the intention to carry them out when called, thereafter, came some excuse – then, this excuse will be like the excuse of sin which is worse than the sin. This will not be taken as a genuine excuse. Take the example of a person who has made all preparations to present himself in the *masjid* for his Jumu'ah prayers and is intending to go there when, all of a sudden, came an impediment which prevented him from going there. Then, his excuse is rea-

sonable – and Allah Ta‘ālā blesses such a person with the full reward of his ‘Ibādah (worship). As for the person who just did not make any preparation but, later on, by chance, there came an excuse before him, then, this will be taken as nothing but a ruse and pretext.

Take an example from everyday life. One makes the necessary preparations to get up early in the morning and get ready for the Fajr Ṣalāh. An alarm was set in the family clock, or somebody was assigned to give a wake-up call. After that, by chance, whatever arrangements were made did not work – and because of this, the Ṣalāh was missed. This is similar to what happened to the Holy Prophet ﷺ when he camped on a journey late at night (*lailatu ‘t-ta‘rīs*). In order to get up on time for Fajr Ṣalāh, he arranged with Sayyidnā Bilāl رضى الله عنه that he would sit the night out and wake up everybody when morning comes. But, by chance, sleep overtook him too. Everyone got up only when the sun had risen. So, this excuse is correct and reasonable. Based on this, consoling his Companions, the Holy Prophet ﷺ said: لَا تَفْرِطُ فِي النَّوْمِ إِنَّمَا التَّفْرِيطُ فِي الْبَيْقُطِ (There is no negligence in sleep. Negligence occurs only when awake) that is, one is excusable in sleep. The reason was that, as far as it was possible to do, arrangements had already been made to get up on time.

In short, a decision about an excuse being reasonable or unreasonable can be taken only by knowing whether or not preparation was made to carry out orders. Simply using a lot of words to make a point gets nothing done.

In the fifth (47) verse, it was explained that the hypocrites had procured the permission to stay away from Jihād by deceit and now it was better that they just did not participate in it. Had they gone there, they would have done nothing but hatch conspiracies, circulate rumors and spread disorder. The Qur’ānic statement: وَفِيكُمْ سَمْعُونَ لَهُمْ (And among you there are their listeners) means that, among Muslims, there were some simple people too, people who could be easily taken advantage of and who may have likely been affected by their false rumors.

The opening sentence of the sixth verse (48): لَقَدْ ابْتَعُوا الْفِتْنَةَ مِنْ قَبْلُ (They sought disorder even earlier...) refers to what had happened in the battle of ‘Uḥud.

The statement: وَظَهَرَ أَمْرُ اللَّهِ وَهُمْ كَرَاهُونَ (... and the will of Allah prevailed,

though they disliked it) at the end of the verse indicates that victory is in the hands of Allah. This has been proved on earlier occasions when the Holy Prophet صلى الله عليه وسلم was blessed with victory. The same will happen in this Jihād as well when all tricks played by hypocrites will fail.

In the seventh verse (49), after citing a particular excuse made by a noted hypocrite called Jadd ibn Qays, a comment has been made which shows how astray he had gone. The excuse for not going on Jihād he came up with was that he happened to be a young man. If he went out against the Roman Christians in their territory, there were chances that he might fall into the snare of their beautiful women! ('Do not expose me to an ordeal') The Qur'an responded by saying: *أَلَا نَمَىٰ أَلَيْسَ سَقَطُوا* (Look! they have already fallen into an ordeal). It means that such people were not very smart. They were trying to hide behind the excuse of an imaginary ordeal, not realizing that they had already fallen into the sin of a certain ordeal, the ordeal of acting against the command of Allah and His Messenger, and of deserting the Jihād effort, right on the spot.

The last sentence of the verse: *وَأَنَّ جَهَنَّمَ لَمُحِيطَةٌ بِالْكَافِرِينَ* (and certainly the Jahannam has the disbelievers encircled) could have two meanings. It could either mean that the Hell would encircle them in the Hereafter. Or, it could mean that the very chain of causes, which are operating to take them to Hell, and which have them all encircled at that time, are what has been equated with Hell. Given this interpretation, it would suggest that they happen to be, even now, within the larger circle of nothing but Hell.

In the eighth verse (50), yet another aspect of their low nature has been mentioned by saying that, though these people live among Muslims giving the outward impression that they are one of them, but they are soon exposed by their inner reactions to what happens to the Holy Prophet صلى الله عليه وسلم. The text illustrates it by saying: *إِنْ تُصِيبَكَ حَسَنَةٌ تَسُؤْهُمْ* (If some good comes to you, it annoys them) and: *وَأَنْ تُصِيبَكَ مُصِيبَةٌ يَقُولُوا قَدْ أَخَذْنَا أَمْرَنَا مِنْ قَبْلُ وَتَوَلَّوْا وَهُمْ فَرِحُونَ* (and if some suffering visits you, they say, "We had already taken care of our problem"). They would take it as expedient in their favor that they did not go along with Muslims and found the results satisfying enough to go away delighted.

In the ninth verse (51), Allah Ta'ālā has instructed the Holy Prophet

صلى الله عليه وسلم, and Muslims, that they should not allow themselves to be affected by things like that said by the hypocrites and that they must always keep reality as it is before them. The words of the Holy Qur'an are: قُلْ لَنْ يُصِيبَنَا إِلَّا مَا كَتَبَ اللَّهُ لَنَا هُوَ مَوْلَانَا وَعَلَى اللَّهِ فَلْيَتَوَكَّلِ الْمُؤْمِنُونَ (Say, "Nothing can ever reach us except what Allah has written for us. He is our Master. And in Allah alone the believers must place their trust"). In other words, the Holy Prophet صلى الله عليه وسلم is being asked that he should tell those, who worship material causes such as these, that they were in a serious deception. These material causes were no more than a curtain. The power that moves inside them belongs to none but Allah. Whatever happens to us is exactly whatever Allah has written for us – and He is our Master, Guardian and Helper. And Muslims must place their real trust in Him alone. Consequently, they must see material causes as no more than effective agents and signs while never taking them to be the real dispensers of any good or evil.

### **Belief in Destiny includes Management of affairs: Giving Inaction or Mismanagement the name of Trust is Wrong**

This verse (51) brings into sharp focus the essential reality of the religious issue of Taqdīr (destiny) and Tawakkul (trust). The outcome of believing in Taqdīr and Tawakkul should never be that one goes home, sits tight, does nothing and says what will be will be. This is no belief in destiny and this is no practice of trust. Instead, the thing to do is that one should devote full personal energy and courage to put together whatever lawful material means one can arrange for – within the range of what lies in control. After this has been done, the matter should be resigned to destiny and trust. However, the caveat is that one has to keep his or her sight trained toward Allah alone – for it is He who has the ultimate outcome of everything one does under His absolute power and control.

Speaking generally, people around the world are found in great confusion about the religious problem of Taqdīr and Tawakkul. Some of them are plain irreligious. They just do not recognize the very possibility that something like that exists. They are content with material means as the deity they are comfortable with. Then, there are other people who lack proper awareness. They have turned destiny and trust into a pretext for their sloth and inertia. The Prophet of Islām, may the blessing of Allah and peace be upon him, made full preparation for

Jihād, after which, the revelation of this verse put an end to this cycle of excess and deficiency and showed the right way – as put in the lively Persian saying: بر توکل زانوسه اشتربه بند (With Tawakkul [trust], do tie the knees of the camel). To sum up, means which you have the option to utilize, are nothing but blessings given by Allah Ta‘ālā. Not taking advantage of these means is ingratitude, even stupidity. Of course, do not give means the status they do not have and believe that results and outcomes are not subservient to these means – instead of all that, they obey the command of Allah Almighty.

The tenth verse (52), while mentioning the charming demeanor of the man of true faith, has given an answer to hypocrites delighted over the discomfort of Muslims. According to the man of true faith, the thing that hypocrites take as suffering for Muslims and which makes them happy is really no suffering for them. In fact, it is another form of comfort and success. The reason is that a man of true faith becomes deserving of eternal returns and rewards even after having failed in his strong resolve, something that is the real objective of all his successes. Therefore, he succeeds, even in failure and gains, even in loss.

The first sentence of the verse: هَلْ تَرْتَضُونَ إِنَّا إِلَّا إِحْدَى الْحُسَيْنَيْنِ (Say, “Is it not that you are expecting for us but one of the two good things [martyrdom and victory]”?) means exactly this. However, along with it, it was also said that the fate of the disbelievers was quite contrary for they will find no respite from suffering or punishment under any condition. Either, they would be punished at the hands of Muslims right here in this world, in which case, they will taste the punishment in the mortal and the eternal world both. And, in case, they somehow escaped unscathed in the mortal world, there is no possibility of deliverance from the punishment of the Hereafter.

#### Verses 53 – 59

قُلْ أَنْفِقُوا طَوْعًا أَوْ كَرْهًا لَنْ يُتَقَبَلَ مِنْكُمْ إِنَّا كُنْتُمْ قَوْمًا  
فَاسِقِينَ ﴿٥٣﴾ وَمَا مَنَعَهُمْ أَنْ تُقْبَلَ مِنْهُمْ نَفَقَتُهُمْ إِلَّا أَنَّهُمْ  
كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَلَا يَأْتُونَ الصَّلَاةَ إِلَّا وَهُمْ كَسَالَى وَلَا  
يُنْفِقُونَ إِلَّا وَهُمْ كَرْهُونَ ﴿٥٤﴾ فَلَا تُعْجِبْكَ أَمْوَالُهُمْ وَلَا

أَوْلَادَهُمْ إِنَّمَا يُرِيدُ اللَّهُ لِيُعَذِّبَهُمْ بِهَا فِي الْحَيَاةِ الدُّنْيَا  
وَتَزْهَقَ أَنْفُسُهُمْ وَهُمْ كَافِرُونَ ﴿٥٥﴾ وَيَحْلِفُونَ بِاللَّهِ إِنَّهُمْ  
لَمِنكُمْ وَمَا هُمْ بِمِنكُمْ وَلَكِنَّهُمْ قَوْمٌ يَفْرُقُونَ ﴿٥٦﴾ لَوْ جِدُّوْنَ  
مَلْجَأًا أَوْ مَغْرَبًا أَوْ مُدْخَلًا لَّوَلَّوْا إِلَيْهِ وَهُمْ يَجْمَحُونَ ﴿٥٧﴾  
وَمِنْهُمْ مَّنْ يَلْمِزُكَ فِي الصَّدَقَاتِ فَإِنْ أُعْطُوا مِنْهَا رَضُوا وَإِنْ  
لَمْ يُعْطُوا مِنْهَا إِذَا هُمْ يَسْحَطُونَ ﴿٥٨﴾ وَلَوْ أَنَّهُمْ رَضُوا مَا  
أَتَاهُمُ اللَّهُ وَرَسُولُهُ وَقَالُوا حَسْبُنَا اللَّهُ سَيُؤْتِينَا اللَّهُ مِنْ  
فَضْلِهِ وَرَسُولُهُ إِنَّا إِلَى اللَّهِ رَاغِبُونَ ﴿٥٩﴾

Say, "Spend, willingly or unwillingly, it will never be accepted from you. You have been a sinning people."

[53]

And nothing has prevented their spending(s) from being accepted from them but that they have disbelieved in Allah and in His Messenger, and they do not come to the Ṣalāh but lazily, and do not spend but unwillingly. [54]

So, their wealth and their children should not attract you. In fact, Allah wants to punish them with these in this lowly life and that their souls should depart while they are disbelievers. [55]

And they swear by Allah that they are from among you, whereas they are not from among you, but they are a people in fear. [56]

If they find a place of refuge or caves or any place to enter, they will turn towards it running unbridled. [57]

And among them there are those who find fault with you in the matter of Ṣadaqāt (alms). So, if they are given some of it, they are quite happy, and if they are given nothing from it, suddenly they become unhappy. [58]

Only if they were happy with what Allah and His Messenger had given to them, and had said, "Allah is all-sufficient for us. Allah shall give us (more) of His grace, and His Messenger as well. Indeed, we crave for Allah alone." [59]

## Commentary

Mentioned in the previous verses were bad morals and bad deeds of the hypocrites. The same subject continues in the verses quoted above. As for the statement in verse 55 -- where it has been declared that the wealth and children of hypocrites should not be taken as a blessing for them as these are, in fact, a form of punishment from Allah -- it has a reason. Is it not that love for and engrossment in worldly life becomes a punishment right here in this world? One starts with desires to acquire worldly wealth, then goes through a series of hard work to establish the necessary channels, day in and day out, sacrificing sleep, comfort and family life. After that, if one succeeds, come the concerns of increasing and retaining it – a round the clock punishment indeed. A serious loss or sickness could become unwelcome cans of worries, and if one happens to get everything one wants, the vicious circle continues either through apprehensions of decreasing wealth or cravings of increasing it further. There is just no respite anytime.

Finally, these things go out of one's hands. This may happen at the time of death, or much earlier. Whenever it does, despair takes over. What is this, if not punishment? Man surrounds himself with articles of comfort and calls it comfort. Real comfort, the peace and comfort of the heart is something man has yet to find. But, in the meantime, man has to rely on material means and things for satisfaction, not realizing that these agents will keep snatching away his share of peace in this world and will also become the prelude to the punishment in the world to come.

### Can Ṣadaqah be given to a disbeliever?

The last two verses show that the hypocrites used to receive a share from properties available as Ṣadaqāt (plural of Ṣadaqah, meaning a donation through which one seeks reward with Allah Ta'ālā, usually referred to as alms or charity). But, when they did not get these as they wished, they became angry and started accusing and cursing. If, at this place, Ṣadaqāt are taken in their general sense – which includes all Ṣadaqāt, necessary (*wājib*) and voluntary (*nafl*) – then, there is no problem, because non-Muslims can be given out of the voluntary Ṣadaqāt. This is permissible on the basis of the consensus of Muslim Ummah and stands proved from Sunnah. However, even if Ṣadaqāt at this place mean what is obligatory, like Zakāh and 'Ushr, then, we

should remember that the hypocrites were given a share from it on the basis that they claimed to be Muslims. Since they claimed to believe in all the necessary articles of faith and their *kufr* was hidden in their hearts, with no conclusive proof in their apparent claims they were treated as Muslims to the extent of this worldly life and Allah Ta'ālā had, in His wisdom, given the orders that the hypocrites should be treated as Muslims. (Bayān al-Qur'an)

### Signs of Hypocrites and Warning for Muslims

In verse 54, two signs of hypocrites have been given: (1) they come to the Ṣalāh lazily and listlessly, and (2) that they spend in the way of Allah unwillingly.

Muslims have been warned here that sloth in Ṣalāh and being sour at heart while spending in the way of Allah, that is, Zakāh and Ṣadaqah, are signs of *nifāq* (hypocrisy). All Muslims should make conscious effort to stay safe from these signs.

#### Verse 60

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَ الْمَوْلَفَةِ  
 قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ  
 السَّبِيلِ ۗ فَرِيضَةً مِّنَ اللَّهِ ۗ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿٦٠﴾

The Ṣadaqāt (prescribed alms) are only for the poor, the needy, those employed to collect these, those whose hearts are to be won, in (freeing) slaves, in (releasing) those in debt, in the way of Allah and for a wayfarer – this being prescribed by Allah. And Allah is Knowing, Wise. [60]

### Commentary

#### Recipients of Ṣadaqāt

Objection raised by some hypocrites against the Holy Prophet ﷺ, and the answer to that, was given in verses previous to this. It will be recalled that the hypocrites had blamed the Holy Prophet صلى الله عليه وسلم that he (God forbid) does not observe justice while disbursing Ṣadaqāt and gives whatever he wishes to whomsoever he chooses.

In the present verse, by listing the recipients of Ṣadaqāt category-wise, Allah Ta'ālā has removed their misunderstanding and told them

that He has himself determined as to who should receive Ṣadaqāt. The Holy Prophet صلى الله عليه وسلم only complies with the Divine decree while disbursing Ṣadaqāt – doing nothing on his own or with his personal opinion.

This is also confirmed by the Ḥadīth reported in Abū Dāwūd and Dārquṭnī as based on a narration by Sayyidnā Ziyād ibn Ḥārith al-Ṣudā'ī who says: I visited the Holy Prophet صلى الله عليه وسلم where I noticed that he was sending Muslim forces against my people. I said to him: 'Yā Rasūlallāh, you do not have to send any troops. I guarantee that all of them will submit before you with pleasure.' Then I wrote a letter to my people and all of them embraced Islām. Thereupon, he said: يَا أَحَاَصَدَاءَ الْمُطَاعِ فِي قَوْمِهِ (which was like a title saying that this person was the beloved one of his people who followed him!). I submitted: 'I deserve no credit for that. Allah, in His grace, guided them right and they embraced Islām.' I was still present in the sitting, says the narrator, when a person came in asking for something. The answer he gave to him was:

“Allah Ta'ālā has never handed over the distribution of Ṣadaqāt to any prophet, even to anyone other than a prophet. Instead of that, He has Himself determined eight categories for it. If you are included under one of those eight, I can let you have it. (Tafsīr al-Qurṭubī, p. 168, v. 8)

This was the background in which this verse was revealed. Now, before going to its explanation in full, please understand that Allah *Jalla Thanā'uh* has promised sustenance for the entire creation. Says the Qur'an: وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ إِلَّا عَلَى اللَّهِ رِزْقُهَا (And there is no creature on earth but that upon Allah is its provision – 11:6). However, in His infinite wisdom, he has not done something like making all of them equal in the matter of provision or sustenance – or *rizq* as the Qur'an says. This would have done away with the difference of rich and poor. This is a vast field of inquiry full of hundreds of wise insights into the moral grooming of human beings and into the proper ordering of the universal system they live under – something that cannot be taken up in details at this place. So, it was in His wisdom that He made someone rich and someone else poor and then fixed a share for the poor and needy in the riches of the rich. It was said: وَفِي أَمْوَالِهِمْ حَقٌّ مَعْلُومٌ لِّلسَّائِلِ وَالْمَحْرُومِ (And, in their wealth, there is a share fixed for the asking and the deprived – 70:24) which was theirs as a matter of right.

First of all, this tells us that the command to take out Ṣadaqah from the wealth of the wealthy is no favor from them. In fact, this is a right of the needy the fulfillment of which is their duty. Then, it also tells us that this right is fixed in the sight of Allah Ta‘ālā – not that someone decreases or increases it at will, anytime. Pursuant to that, the duty of making the amount of this fixed right widely known was assigned to the Holy Prophet صلى الله عليه وسلم. Therefore, he acted with marked diligence and elan in this matter. He could have informed his Companions about it orally. But, he did not consider it to be sufficient. Instead, he had detailed executive orders written and placed in the custody of Sayyidnā ‘Umar and Sayyidnā ‘Amr ibn Hazām رضى الله عنهما. This clearly proves that the *niṣāb* (threshold) of Zakāh, and the amount of Zakāh in each *niṣāb*, have been fixed by Allah Ta‘ālā and promulgated through His Messenger to remain valid forever. No one, at any time and in any country, has any right to decrease, increase, change or alter what has been prescribed.

It is correct to say that the obligation of Ṣadaqah and Zakāh was already decreed by revelation during the early stage of Islām in Makkah al-Mukarramah. Tafsīr authority, Ibn Kathīr has cited the verse of Sūrah Al-Muzzammil: فَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ (So, establish Ṣalāh and give Zakāh – 73:20) in proof because this Sūrah is among those that belong to the initial period of revelation and, along with Ṣalāh, it carries the injunction of Zakāh. However, the narratives of Ḥadīth seem to indicate that, during the initial period of Islām, any particular *niṣāb* for Zakāh, or a particular amount, was not fixed. In its absence, whatever was left behind after having served the needs of a Muslim was spent in the way of Allah. The fixation of *niṣāb* and the declaration of the amount of Zakāh came after Hijrah in Madīnah al-Ṭaiyyibah. After that, the firmly established system of the receipts of Zakāh and Ṣadaqāt was something that came into existence only after the conquest of Makkah.

This verse – with the consensus of the Ṣaḥābah and the Tābi‘īn – describes the disbursement of the same obligatory (*wājib*) Ṣadaqah which is obligatory on Muslims like Ṣalāh, because the heads of disbursement fixed in this verse are the heads of the obligatory Ṣadaqāt. As for the voluntary (*Nafl*) Ṣadaqāt, given the clear statements of Ḥadīth narratives, their range is quite vast. To be precise, they are not

restricted to these eight heads of expenditure.

Though, in the verse appearing above, the general word: صدقات (Ṣadaqāt) has been used – which apparently may include the obligatory and the voluntary both – but, there is a consensus of the Muslim Ummah, on the point that this verse refers only to the obligatory (*wājib*) Ṣadaqāt. It appears in Tafsīr al-Qurṭubī that the word: صدقه (Ṣadaqah) whenever used in an absolute sense anywhere in the Qurʾān – while there is no textual evidence to prove that it is voluntary Ṣadaqah – it invariably means obligatory Ṣadaqah at that place.

This verse has been initiated with the word: اِنَّمَا (*innamā*) which is used for restriction (*haṣr* and *inhiṣār*). Thereby, the very first word in the beginning of the statement speaks for itself that the recipients of Ṣadaqāt being enumerated next are obligatory Ṣadaqāt and must, therefore, be spent on them. In fact, obligatory Ṣadaqāt cannot be spent on any good cause other than them, such as, the preparation for Jihād or making *masjids* and religious schools or other institutions of public welfare. Though, all these projects are necessary and there is great reward for investing in them, but obligatory Ṣadaqāt the quantum of which stands fixed cannot be applied to such projects.

The second word: صدقات (Ṣadaqāt) appearing in the verse is the plural form of Ṣadaqah. Lexically, it denotes a portion of the wealth or property that is spent for the sake of Allah (Qāmūs). In Mufradāt al-Qurʾān, Imām Rāghib al-Isfahānī has said that Ṣadaqah is called Ṣadaqah because it is derived from the root of 'Ṣidq' which means 'truth' and the one who gives something in Ṣadaqah purports that he is true in his word and deed, he has no worldly motives and is spending for the pleasure of Allah only. Therefore, a Ṣadaqah mixed up with a desire to earn a fair name or to project one's personality or any other worldly motive conceivable has been declared to be null and void by the Holy Qurʾān.

As stated earlier too, the word: صدقه (Ṣadaqah) is general in terms of its real meaning. It is used for voluntary Ṣadaqah as well as for obligatory Zakāh. Its use for *nafl* (voluntary or supererogatory charity) is already very common. However, it has also been used for *fard* (obligatory or prescribed alms) at several places in the Qurʾān, for example: خُدْمِينَ أَمْوَالِهِمْ صَدَقَةً (Take out of their wealth a Ṣadaqah [obligatory alms] – 9:103) and the verse: إِنَّمَا الصَّدَقَاتُ (The Ṣadaqāt [prescribed alms] are only for ...)

under discussion right now. In fact, according to the verification of commentator Al-Qurṭubī, when the Qur'an mentions the word: صدقة (Ṣadaqah) in an absolute sense, it invariably means the *fard* (obligatory) Ṣadaqah.

In Ḥadīth narratives, the word: صدقة (Ṣadaqah) has also been used for every good deed, for instance, says the Ḥadīth: 'Meeting a Muslim with a smile is also a Ṣadaqah.' Or, 'helping the bearer of a burden carry it is also a Ṣadaqah.' Or, 'to share the water drawn from a well for personal use with someone else is also a Ṣadaqah.' In these Ḥadīth references, the word: صدقة (Ṣadaqah) has been used in its general sense with a figurative touch.

The third word after that begins with: للفقراء (li' l-fuqarā'). It will be noted that the letter *lām* appears in the very beginning, a letter used to carry the sense of particularization. Therefore, the sentence would mean that all Ṣadaqat rightfully belong only to those who have been mentioned later.

Now, we can go to a detailed description of the eight recipients mentioned after that:

Out of these, the first category of recipients is that of *al-fuqarā'* (the poor) followed by the second which is that of *al-masākīn* (the needy or indigent). There is, though, difference of opinion about the real meaning of 'faqīr' and 'miskīn.' A 'faqīr' is one who has nothing while a 'miskīn' is one who has less than the *niṣāb*.<sup>1</sup> But, they remain the same under the injunction of Zakāh. No difference exists there. The outcome is that a person who does not own wealth or property to the value of *niṣāb* in excess of his or her basic needs shall be a person to whom Zakāh can be given and for that person too this taking of Zakāh is permissible. As for 'basic needs,' included therein is everything like the residential house, utensils in use, clothes and furniture etc. Anyone who has the *niṣāb*, that is, 7 1/2 tolas<sup>2</sup> gold, or 52 1/2 tolas<sup>3</sup> of silver, or its equivalent in cash – and is not in debt – then, it is not permissible for such a person to receive Zakāh nor is it permissible for

1. The minimum quantity or amount, or threshold of wealth or property liable to payment of obligatory Zakāh (prescribed alms or poor-due)

2. =87.48 grams.

3. = 612.36 grams.

2 & 3 as determined by Hadrat Maulana Mufti Muhammad Shafi رحمه الله عليه  
in his اوزان شرعيه .

anyone to give it to him. Similarly, a person who has some silver or cash and some gold and the combined market price equals the price of 52 1/2 tolas (612.36 grams) of silver, then, this person too is deemed to have the *niṣāb*. It is not permissible for him to take Zakāh nor is it permissible for anyone to give it to him. But, a person who is not a man of *niṣāb*, however, is strong and healthy to earn his livelihood, and has enough for a day, then, giving Zakāh to him is, no doubt, permissible but what is not permissible is that he goes about asking people to help him out. Many such people ignore this restriction not realizing that stretching their hands before others is Ḥaram (unlawful). Whatever such a person acquires by soliciting has been equated by the Holy Prophet صلى الله عليه وسلم with an ember from Hell. (Abū Dāwūd, on the authority of a report from Sayyidnā ‘Alī, Qurtubī)

So, the outcome is that there is no difference in a ‘*faqīr*’ and a ‘*miskīn*’ as far as Zakāh is concerned. But, it does make a difference in the injunction of Waṣiyyah (will). If a will is made for the ‘*masākīn*,’ what kind of people will be eligible to receive the bequeathed amount? And if the will is made for ‘*fuqarā*’ what kind of people will be its recipients? There is no need to describe its details at this place. In brief, the common thing between the two categories – the ‘*faqīr*’ and the ‘*miskīn*’ – is that whoever of the two receives from the property of Zakāh should be a Muslim and should not be the owner of property which is more than his basic needs, or the standard of *niṣāb*.

Common Ṣadaqāt can, however, be given to non-Muslims as well. The Holy Prophet صلى الله عليه وسلم has said: تَصَدَّقُوا عَلَىٰ أَهْلِ الْأَدْيَانِ كُلِّهَا (Give Ṣadaqah to people of all religions). But, about the Ṣadaqah of Zakāh, the Holy Prophet صلى الله عليه وسلم, while sending Sayyidnā Mu‘adh ibn Jabal رضى الله عنه to Yaman, had instructed him that Zakāh should be taken from the rich among Muslims and be spent over their poor. Therefore, Zakāh can be spent only among Muslim *fuqarā* (the poor) and *masākīn* (the needy). However, with the exception of Zakāh, it is permissible to give other Ṣadaqāt – even the *Ṣadaqātu ‘l-Fiṭr* – to a non-Muslim ‘*faqīr*.’ (Hidāyah)

Incidentally, the second condition that a person should not be the owner of *niṣāb* mentioned a little earlier becomes self-evident from the very meaning of a ‘*faqīr*’ and a ‘*miskīn*’ – because, either he would have nothing or, at the least, would have less than the fixed amount of *niṣ-*

*āb* holdings. Therefore, a '*faqīr*' and a '*miskīn*' are common in the sense that they both do not possess property matching the standard value of *niṣāb*. After having mentioned these two categories of recipients, the text describes six more. Out of these, the the first (which is the third in the aggregate list) is that of the collectors of Ṣadaqah which has been described in the text as: *الْعَامِلِينَ عَلَيْهَا* (and those employed to collect them). This refers to those who are appointed by the Islāmic government to collect the Ṣadaqāt of Zakāh and 'Ushr etc. from the people and deposit it in the Baytulmāl (the state treasury). Since these appointees spend all their time in carrying out this service, therefore, taking care of their needs is a responsibility that falls on the Islāmic government. This verse of the Qur'ān has, by allotting a share to them in the disbursement of Zakāh, has categorically determined that the payment for the services rendered by them shall be made from the head of Zakāh.

Actually, Allah Ta'ālā has entrusted the duty of taking Zakāh and Ṣadaqāt from Muslims directly with the Holy Prophet صلى الله عليه وسلم, as said in the verse: *خُذُوا مِنْ أَمْوَالِهِمْ صَدَقَةً* (Take out of their wealth a Ṣadaqah [obligatory alms] – 9:103) which appears later on in this very Sūrah. Detailed comments about it will be taken up there. However, it is sufficient to mention here that, in the light of this verse, the duty of taking Zakāh and Ṣadaqāt has been placed on the shoulders of the Amīr of Muslims. It is obvious that the Amīr cannot carry out this duty all by himself throughout the country without functional executives and assistants. It is these executives and assistants who have been mentioned in the words: *وَالْعَامِلِينَ عَلَيْهَا* (and those employed to collect them).

It was to implement the command given in these verses that the Holy Prophet صلى الله عليه وسلم had sent many Companions as functional executives responsible for collecting Zakāh and Ṣadaqāt to many regions of the Islāmic state. The payment he had made for the services rendered by them was, as instructed in the verse, from the very amount collected as Zakāh. Included among such people were Ṣaḥābah who were rich. In Ḥadīth, the Holy Prophet صلى الله عليه وسلم said: *ṣadaqah* is not *ḥalāl* for anyone rich (*al-ghaniyy*: owner of *māl*, that is, wealth and property) except five persons: (1) One who has set out for Jihād where he does not have necessary financial support with him – though, he may be rich back home. (2) The 'Āmil of Ṣadaqah (the collec-

tor) employed to carry out this duty. (3) One who, though, owns wealth and property, but is in debt for more than the worth of what he has. (4) One who buys Ṣadaqah property from a '*miskīn*' (needy person) against cash. (5) One who has been given a gift of property acquired as Ṣadaqah by some poor person ('*faqīr*').

As for the problem of determining the proportion of the amount of money to be paid to those employed to collect Ṣadaqāt, the answer lies in the rule that it will be paid in accordance with the status of their working hours and performance. (Jaṣṣāṣ, Ahkam al-Qur'an and Qurṭubī)

Of course, it will be necessary that the salaries of the employees do not go higher than a half of the total Zakāh. If the collection of Zakāh is low, so low that, after the disbursement of salaries to employees, not even that half remains available, then, salaries would have to be reduced. More than half shall not be spent. (Tafsīr Maḥzarī, Ḥāhiriyah)

What has been said above shows that the amount of money given to those employed to collect Ṣadaqah from the head of Zakāh is not given to them as Ṣadaqah, instead of which, it is a payment in return for their service. Therefore, they deserve to get this amount despite being rich – and it is permissible to give this amount to them from the Zakāh funds. Out of the eight heads of Zakāh disbursement, this is the only head in which the amount of Zakāh is given as payment in return for services rendered. Otherwise, Zakāh is the very name of the gift given to the poor without being a return for any services – and if a poor person was given something from Zakāh funds against some service rendered, Zakāh remained unpaid.

For this reason, two questions arise here – firstly, how was Zakāh property given in return for services rendered, and secondly, how could this Zakāh property become *ḥalāl* (lawful) for the rich person? Both these questions have the same answer – that we should understand the real status of those employed to collect Ṣadaqah. The status of these employees is that of the authorized representatives of *al-fuqarā'*, the poor ones, and everyone knows that the taking of possession by an authorized representative is regarded to be as good as the possession taken by the principal himself. If a person makes someone his representative authorized to recover his debt and the other person in debt hands over the amount of debt to this authorized representative, then, soon after the possession taken by the representative, the li-

ability of the debtor stands discharged. So, when the amount of Zakāh has been recovered by those employed to collect it in their capacity as the authorized representatives of the poor, i.e. the *fuqarā'*, then, the amount of Zakāh received from people stands duly paid. Now, this whole amount lies under the ownership of the *fuqarā'* on whose behalf the '*āmilīn*' have received it in the capacity of their authorized representative. Hence, the amount given to them in return for their services is in fact given to them by the '*fuqarā'*' as a compensation of services they have rendered for them, because once *zakāh* is received by a *faqīr* or his agent, he may give it to anyone against his services.

Now remains the question: The *fuqarā'* never made these people their authorized representatives. How, then, did they become their agents in fact? The answer is that the head of a Muslim State (the 'Amīr) has been appointed by Allah Ta'ālā as a representative of all the poor to collect and disburse *zakāh* on their behalf. The logical consequence of this arrangement is that the persons appointed by an 'Amīr, being his deputies, are also taken to be the representatives of the poor.

To sum up, that which was given to those employed to collect Ṣadaqāt (prescribed alms) was really no Zakāh as such. Instead of that, it was given to them as compensation in return for the service rendered by them on behalf of the poor recipients of Zakāh. It is like a poor person making someone an attorney for his case and paying for his services from what he has received from Zakāh funds. In this situation, the payment of attorney's fee cannot be termed as the payment of Zakāh.

### Special Note

Details given above also tell us that those who collect Ṣadaqāt and Zakāh for Islāmic religious schools and organizations (without being appointed by an Islamic state for that purpose) are not included in '*āmilīn*' (collectors of *zakāh*) as contemplated in the Holy Qur'an.

The reason is that neither the individual poor persons have authorized them to receive *zakāh* on their behalf, nor the head of an Islamic state has appointed them as such. Their correct position is that the *zakāh* - payers have made them their agent to disburse *zakāh* among the deserving people. Therefore, they can neither draw their salaries from *zakāh*, nor can the obligation of a *zakāh*-payer be discharged by their possession, unless they pay it to a person entitled to receive *zakāh*.

Generally, serious negligence is shown in this matter. Many institutions collect Zakāh funds and keep it for years. Zakāh payers think that their Zakāh stands paid – although, their Zakāh will stand paid only when the amount given by them has been disbursed in favor of its recipients.

Similarly, there are many others who would unknowingly take such people to be included under the Qur'ānic injunction about the collectors of Ṣadaqah and go on to pay their salaries from the funds of Zakāh itself. This is non-permissible, for the givers and the takers both.

### Another Question: Payment for 'Ibādah

Another question should be clarified here. It is inferred from some Qur'ānic indicators and narrations of Ḥadīth that taking wages and compensation on 'Ibādah is *ḥarām* (unlawful, forbidden). The Musnad of Aḥmad reports a Ḥadīth from Sayyidnā 'Abd al-Raḥmān ibn Shibl رضى الله عنه according to which the Holy Prophet صلى الله عليه وسلم has said: *اقْرَأُوا الْقُرْآنَ وَلَا تَأْكُلُوا بِهِ* (Recite the Qur'ān but do not eat by means of it). In some other reports, the compensation taken on the Qur'ān has been called a piece of Hell. It is on this basis that many jurists of Muslim Ummah have held that the taking of wages or compensation for any act of 'Ibādah (worship) is not permissible. Then, it is also evident that the function of collecting prescribed alms is a religious mission and an act of 'ibādah. The Holy Prophet صلى الله عليه وسلم has called it a kind of Jiḥād. According to this principle it should not have been lawful to receive any remuneration for collecting *zakāh*. But, this verse of the Holy Qur'ān has clearly declared it to be permissible and has included it as one of the eight heads under which *Zakāh* can be disbursed.

Imām al-Qurṭubī has taken up this question in his Commentary. He has said that taking compensation for 'Ibādāt (acts of worship) that are obligatory (*farḍ*) or compulsory individually (*wājib al-'ain*) is absolutely *ḥarām* (unlawful). But, taking any compensation for duties called *farḍ al-kifāyah* is permissible in accordance with this very verse. *Farḍ al-Kifāyah* means that a duty has been imposed on the entire Muslim community or on a whole city as a collective obligation. But, it is not the duty of every individual to do it. If some of the people there fulfill the duty, the rest stand absolved. Yes – if no one does it – everyone becomes a sinner.

Imām al-Qurṭubī has also said that this very verse proves that