

he ﷺ said,

«أَتَشْفَعُ فِي حَدٍّ مِنْ حُدُودِ اللَّهِ عَزَّ وَجَلَّ؟»

«Do you intercede in a punishment prescribed by Allāh?»

Usāmah said to him, "Ask Allāh to forgive me, O Allāh's Messenger!" During that night, the Messenger of Allāh ﷺ stood up and gave a speech and praised Allāh as He deserves to be praised. He then said,

«أَمَّا بَعْدُ فَإِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ تَرَكُوهُ، وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِنِّي وَالَّذِي نَفْسِي بِيَدِهِ لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا»

«Those who were before you were destroyed because when an honorable person among them would steal, they would leave him. But, when a weak man among them stole, they implemented the prescribed punishment against him. By Him in Whose Hand is my soul! If Fāṭimah the daughter of Muḥammad stole, I will have her hand cut off.»

The Prophet ﷺ commanded that the hand of the woman who stole be cut off, and it was cut off. 'Ā'ishah said, 'Her repentance was sincere afterwards, and she got married and she used to come to me so that I convey her needs to the Messenger of Allāh.'^[1] This is the wording that Muslim collected, and in another narration by Muslim, 'Ā'ishah said, "She was a woman from Makhzūm who used to borrow things and deny that she took them. So the Prophet ordered that her hand be cut off."^[2]

Allāh then said,

«أَلَمْ تَعْلَمْ أَنَّ اللَّهَ لَهُ مُلْكُ السَّمَوَاتِ وَالْأَرْضِ؟»

«Know you not that to Allāh (Alone) belongs the dominion of the heavens and the earth!»

He owns everything and decides what He wills for it and no one can resist His judgment,

«فَيَعِزُّ لِمَنْ يُشَاءُ وَيُعَذِّبُ مَنْ يَشَاءُ وَاللَّهُ عَلَى كُلِّ شَيْءٍ قَدِيرٌ»

^[1] Faṭḥ Al-Bāri 7:619, Muslim 3:1315.

^[2] Muslim 3:1316.

سَمِعُونَ لِلْكَذِبِ أَكَلُونَ لِلسُّحْتِ فَإِنْ جَاءُوكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَإِنْ تُعْرِضْ عَنْهُمْ فَكَنْ يَضُرُّوكَ شَيْئًا وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُمْ بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ﴿٤١﴾ وَكَفَىٰ بِجُحُودِكَ وَعِندَهُ التَّوْرَةُ فِيهَا حُكْمٌ ثُمَّ يَقُولُونَ مِنْ بَعْدِ ذَلِكَ وَمَا أُولَئِكَ بِالْمُؤْمِنِينَ ﴿٤٢﴾ إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ يُحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا وَالرَّبَنِيُّونَ وَالْأَنْبِيَاءُ بِمَا اسْتَحْفَظُوا مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ فَلَا تَخْشَوُا النَّكَاسَ وَأَخْشَوْنَ وَلَا تَتَّبِعُوا أَهْوَاءَ قَلِيلٍ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴿٤٣﴾ وَكُنَّا عَلَيْهِمْ فِيهَا أَنْ نَفْسُ الْفَسْ بِالنَّفْسِ وَالْعَيْنِ وَالْأَنْفِ بِالْأَنْفِ وَالْأُذُنُ بِالْأُذُنِ وَالسِّنُّ بِالسِّنِّ وَالْجُرُوحُ قِصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارٌ لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ ﴿٤٤﴾

«He forgives whom He wills and punishes whom He wills. And Allāh is able to do all things.»

﴿٤١﴾ يَتَّيْنَهَا الرُّسُولُ لَا يَحْزَنُكَ الَّذِينَ يُسْرِعُونَ فِي الْكَفْرِ مِنَ الَّذِينَ قَالُوا آمَنَّا بِأَفْوَاهِهِمْ وَلَمْ تُؤْمِنْ قُلُوبُهُمْ وَمَنْ الَّذِينَ هَادُوا سَمِعُونَ لِلْكَذِبِ سَمِعُونَ لِقَوْمٍ آخَرِينَ لَمْ يَأْتُوكَ بِحَقِّ الْكَلِمَةِ مِنْ بَعْدِ مَوَاضِعِهِ يَقُولُونَ إِنْ أُوتِيتُمْ هَذَا فَخُذُوهُ وَإِنْ لَمْ تُؤْتَوْهُ فَاحْذَرُوا وَمَنْ يُرِدِ اللَّهُ فِتْنَتَهُ فَلَنْ تَمْلِكَ لَهُ مِنَ اللَّهِ شَيْئًا أُولَئِكَ الَّذِينَ لَمْ يُرِدِ اللَّهُ أَنْ يَهْدِ قُلُوبَهُمْ لَهُمْ فِي الدُّنْيَا جِزْيٌ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ﴿٤٢﴾

سَمِعُونَ لِلْكَذِبِ أَكَلُونَ لِلسُّحْتِ فَإِنْ جَاءُوكَ فَاحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَإِنْ تُعْرِضْ عَنْهُمْ فَكَنْ يَضُرُّوكَ شَيْئًا وَإِنْ حَكَمْتَ فَاحْكُم بَيْنَهُمْ بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ ﴿٤١﴾ وَكَفَىٰ بِجُحُودِكَ وَعِندَهُ التَّوْرَةُ فِيهَا حُكْمٌ ثُمَّ يَقُولُونَ مِنْ بَعْدِ ذَلِكَ وَمَا أُولَئِكَ بِالْمُؤْمِنِينَ ﴿٤٢﴾ إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ يُحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا وَالرَّبَنِيُّونَ وَالْأَنْبِيَاءُ بِمَا اسْتَحْفَظُوا مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ فَلَا تَخْشَوُا النَّكَاسَ وَأَخْشَوْنَ وَلَا تَتَّبِعُوا أَهْوَاءَ قَلِيلٍ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴿٤٣﴾

«41. O Messenger! Let not those who hurry to fall into disbelief grieve you, of such who say, "We believe" with their mouths but their hearts have no faith. And of the Jews are men who listen much and eagerly to lies, listening to others who have not

come to you. They change the words from their places; they say, "If you are given this, take it, but if you are not given this, then beware!" And whomsoever Allāh wants to put in Fitnah, you can do nothing for him against Allāh. Those are the ones whose hearts Allāh does not want to purify; for them there is a disgrace in this world, and in the Hereafter a great torment.

42. They (like to) listen to falsehood, to devour Suht. So if they come to you, either judge between them, or turn away from them. If you turn away from them, they cannot hurt you in the least. And if you judge, judge with justice between them. Verily, Allāh loves those who act justly.

43. But how do they come to you for a decision while they have the Tawrah, in which is the decision of Allāh; yet even after that they turn away. For they are not believers.

44. Verily, We did send down the Tawrah, therein was guidance and light, by which the Prophets who submitted themselves to Allāh's will, judged for the Jews. And the Rabbāniyyūn and the Ahbār, for to them was entrusted the protection of Allāh's Book, and they were witnesses thereto. Therefore fear not men but fear Me and sell not My verses for a miserable price. And whosoever does not judge by what Allāh has revealed, such are the disbelievers.

Do Not Feel Sad Because of the Behavior of the Jews and Hypocrites

These honorable Āyāt were revealed about those who rush into disbelief, deviating from the obedience of Allāh, His Messenger, preferring their opinions and lusts to what Allāh has legislated,

﴿مِنَ الَّذِينَ قَالُوا آمَنَّا بِأَفْوَاهِهِمْ وَلَمْ تُؤْمِن قُلُوبُهُمْ﴾

of such who say, "We believe" with their mouths but their hearts have no faith.

These people pretend to be faithful with their words, but their hearts are empty from faith, and they are the hypocrites.

﴿مِنَ الَّذِينَ هَادُوا﴾

And of the Jews... the enemies of Islām and its people, they and the hypocrites all,

﴿سَمْعُونَ لَكَاذِبٍ﴾

listen much and eagerly to lies... and they accept and react to it positively,

﴿سَمْعُونَ لِقَوْمٍ ءَاخِرِينَ لَمْ يَأْتُواكَ﴾

listening to others who have not come to you,

meaning, they listen to some people who do not attend your meetings, O Muḥammad. Or, the Āyah might mean, they listen to what you say and convey it to your enemies who do not attend your audience.

The Jews Alter and Change the Law, Such As Stoning the Adulterer

﴿يُحَرِّفُونَ الْكَلِمَ مِنْ بَعْدِ مَوَاضِعِهِ﴾

They change the words from their places: by altering their meanings and knowingly distorting them after they comprehended them,

﴿يَقُولُونَ إِنِ أُوتِيتُمْ هَذَا فَخُذُوهُ وَإِن لَّمْ تَأْتَوْهُ فَاحْذَرُوا﴾

they say, "If you are given this, take it, but if you are not given this, then beware!"

It was reported that this part of the Āyah was revealed about some Jews who committed murder and who said to each other, "Let us ask Muḥammad to judge between us, and if he decides that we pay the *Diyah*, accept his judgement. If he decides on capital punishment, do not accept his judgement." The correct opinion is that this Āyah was revealed about the two Jews who committed adultery. The Jews changed the law they had in their Book from Allāh on the matter of punishment for adultery, from stoning to death, to a hundred flogs and making the offenders ride a donkey facing the back of the donkey. When this incident of adultery occurred after the Hijrah, they said to each other, "Let us go to Muḥammad and seek his judgement. If he gives a ruling of flogging, then implement his decision and make it a proof for you with Allāh. This way, one of Allāh's Prophets will have upheld this ruling amongst you. But if he decides that the punishment should be

stoning to death, then do not accept his decision.”

There are several *Hadīths* mentioning this story. Mālik reported that Nāfi' said that 'Abdullāh bin 'Umar said, "The Jews came to Allāh's Messenger ﷺ and mentioned that a man and a woman from them committed adultery. Allāh's Messenger ﷺ said to them,

«مَا تَجِدُونَ فِي التَّوْرَةِ فِي شَأْنِ الرَّجْمِ؟»

«What do find of the ruling about stoning in the Tawrah?»

They said, 'We only find that they should be exposed and flogged.' 'Abdullāh bin Salām said, 'You lie. The Tawrah mentions stoning, so bring the Tawrah.' They brought the Tawrah and opened it but one of them hid the verse about stoning with his hand and recited what is before and after that verse. 'Abdullāh bin Salām said to him, 'Remove your hand,' and he removed it, thus uncovering the verse about stoning. So they said, He ('Abdullāh bin Salām) has said the truth, O Muḥammad! It is the verse about stoning.' The Messenger of Allāh ﷺ decided that the adulterers be stoned to death and his command was carried out. I saw that man shading the woman from the stones with his body." Al-Bukhāri and Muslim also collected this *Hadīth* and this is the wording collected by Al-Bukhāri. In another narration by Al-Bukhāri, the Prophet ﷺ said to the Jews,

«مَا تَصْنَعُونَ بِهِمَا؟»

«What would you do in this case?» They said, "We would humiliate and expose them." The Prophet ﷺ recited,

«فَأَنُؤَا بِالتَّوْرَةِ فَأَنُؤَاهَا إِن كُنتُمْ صَادِقِينَ»

«Bring here the Tawrah and recite it, if you are truthful.»

So they brought a man who was blind in one eye and who was respected among them and said to him, "Read (from the Tawrah)." So he read until he reached a certain verse and then covered it with his hand. He was told, "Remove your hand," and it was the verse about stoning. So that man said, "O Muḥammad! This is the verse about stoning, and we had hid its knowledge among us." So the Messenger ﷺ ordered that the two adulterers be stoned, and they were stoned.^[1]

[1] Al-Bukhāri no. 4556.

Muslim recorded that a Jewish man and a Jewish woman were brought before Allāh's Messenger ﷺ because they committed adultery. The Messenger of Allāh went to the Jews and asked them,

«مَا تَجِدُونَ فِي التَّوْرَةِ عَلَى مَنْ رَزَى؟»

«What is the ruling that you find in the Tawrah for adultery?»

They said, "We expose them, carry them (on donkeys) backwards and parade them in public." The Prophet ﷺ recited;

«فَأَنُؤَا بِالتَّوْرَةِ فَأَنُؤَاهَا إِن كُنتُمْ صَادِقِينَ»

«Bring here the Tawrah and recite it, if you are truthful.»

So they brought the Tawrah and read from it until the reader reached the verse about stoning. Then he placed his hand on that verse and read what was before and after it. 'Abdullāh bin Salām, who was with the Messenger of Allāh ﷺ, said, "Order him to remove his hand," and he removed his hand and under it was the verse about stoning. So the Messenger of Allāh ﷺ commanded that the adulterers be stoned, and they were stoned. 'Abdullāh bin 'Umar said, "I was among those who stoned them and I saw the man shading the woman from the stones with his body."^[1] Abu Dāwud recorded that Ibn 'Umar said, "Some Jews came to the Messenger of Allāh ﷺ and invited him to go to the Quff area. So he went to the house of Al-Midrās and they said, 'O Abu Al-Qāsim! A man from us committed adultery with a woman, so decide on their matter.' They arranged a pillow for the Messenger of Allāh ﷺ and he sat on it and said,

«اِئْتُونِي بِالتَّوْرَةِ»

«Bring the Tawrah to me.»

He was brought the Tawrah and he removed the pillow from under him and placed the Tawrah on it, saying,

«أَمَنْتُ بِكَ وَبِمَنْ أُنْزِلَكَ»

«I trust you and He Who revealed it to you.»

He then said,

[1] Muslim 3:1326.

«اَتُونِي بِأَعْلَمِكُمْ»

«Bring me your most knowledgeable person.»

So he was brought a young man... ” and then he mentioned the rest of the story that Mālik narrated from Nāfi'.^[1]

These *Hadīths* state that the Messenger of Allāh ﷺ issued a decision that conforms with the ruling in the Tawrah, not to honor the Jews in what they believe in, for the Jews were commanded to follow the Law of Muḥammad ﷺ only. Rather, the Prophet did this because Allāh commanded him to do so. He asked them about the ruling of stoning in the Tawrah to make them admit to what the Tawrah contains and what they collaborated to hide, deny and exclude from implementing for all that time. They had to admit to what they did, although they did it while having knowledge of the correct ruling. What made them go to the Prophet ﷺ for judgement in this matter was their lusts and desires, hoping that the Prophet ﷺ would agree with their opinion, not that they believed in the correctness of his judgment. This is why they said,

«إِنْ أُوتِيتُمْ هَذَا»

«If you are given this,» referring to flogging, then take it,

«وَإِنْ لَمْ تُؤْتَوْهُ فَاحْذَرُوا»

«but if you are not given this, then beware!» and do not accept or implement it. Allāh said next,

«وَمَنْ يُرِدْ اللَّهُ فِتْنَتَهُ فَلَنْ تَمْلِكَ لَهُ مِنَ اللَّهِ شَيْئًا أُولَئِكَ الَّذِينَ لَمْ يُرِدِ اللَّهُ أَنْ يَظْهِرْ لَهُمْ هُتُومَهُمْ فِي الدُّنْيَا خِزْيٌ وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ﴿١١﴾ سَتَجِدُ لِلْكَذِبِ أَكْثَرُونَ لِلسَّحَابِ»

«And whomsoever Allāh wants to put in Fitnah, you can do nothing for him against Allāh. Those are the ones whose hearts Allāh does not want to purify; for them there is a disgrace in this world, and in the Hereafter a great torment. They (like to) listen to falsehood, to devour Suḥt»

‘Suḥt’ refers to bribes, as Ibn Mas‘ūd and others stated.^[2] The

[1] Abu Dāwud 4:597.

[2] Aṭ-Ṭabari 10:319.

Āyah states that if one is like this, how can Allāh cleanse his heart and accept his supplication? Allāh said to His Prophet ﷺ,

«إِنْ جَاءُوكَ»

«So if they come to you...» so that you judge between them,

«فَأَحْكُم بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَإِنْ تُعْرِضْ عَنْهُمْ فَكَانَ يَضْرُوكَ سَيْتًا»

«either judge between them, or turn away from them. If you turn away from them, they cannot hurt you in the least.»

meaning, there is no harm if you do not judge between them. This is because when they came to you to judge between them, they did not seek to follow the truth, but only what conformed to their lusts. We should mention here that Ibn ‘Abbās, Mujāhid, ‘Ikrimah, Al-Ḥasan, Qatādah, As-Suddi, Zayd bin Aslam, ‘Aṭā’ Al-Khurāsāni, and several others said that this part of the Āyah was abrogated by Allāh’s statement,

«وَأَنْ أَحْكُم بَيْنَهُمْ بِمَا أَنْزَلَ اللَّهُ»

«And so judge among them by what Allāh has revealed.»^[1]

«وَإِنْ حَكَمْتَ فَأَحْكُم بَيْنَهُم بِالْقِسْطِ»

«And if you judge, judge with justice between them.»

and with fairness, even if the Jews were unjust and outcasts from the path of fairness,

«إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ»

«Verily, Allāh loves those who act justly.»

Chastising the Jews for Their Evil Lusts and Desires, While Praising the Tawrah

Allāh then chastises the Jews for their false ideas and deviant desires to abandon what they believe is true in their Book, and which they claim is their eternal Law that they are always commanded to adhere to. Yet, they do not adhere to the Tawrah, but they prefer other laws over it, although they believe that these other laws are not correct and do not apply

[1] Aṭ-Ṭabari 10:330-332.

to them. Allāh said,

﴿وَكَيْفَ يُحْكُمُونَكَ وَعِنْدَهُمُ التَّوْرَةُ فِيهَا حُكْمُ اللَّهِ ثُمَّ يَتَوَلَّوْنَ مِنْ بَعْدِ ذَلِكَ وَمَا أُولَئِكَ بِالْمُؤْمِنِينَ﴾

﴿But how do they come to you for decision while they have the Tawrah, in which is the decision of Allāh; yet even after that they turn away. For they are not believers.﴾

Allāh next praises the Tawrah that He sent down to His servant and Messenger Mūsā, son of 'Imrān,

﴿إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ يُحْكَمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا لِلَّذِينَ هَادُوا﴾

﴿Verily, We did send down the Tawrah [to Mūsā], therein was guidance and light, by which the Prophets who submitted themselves to Allāh's will, judged the Jews.﴾

and these Prophets did not deviate from the law of the Tawrah, change or alter it,

﴿وَالرَّبَّانِيُّونَ وَالْأَحْبَارُ﴾

﴿And (also) the Rabbāniyyūn and the Aḥbār...﴾

wherein Rabbāniyyūn refers to the worshippers who are learned and religious, and Aḥbār refers to the scholars,

﴿بِمَا اسْتَحْفِظُوا مِنْ كِتَابِ اللَّهِ﴾

﴿for to them was entrusted the protection of Allāh's Book,﴾

meaning, they were entrusted with the Book of Allāh, and they were commanded to adhere to it and not hide any part of,

﴿وَكَانُوا عَلَيْهِ شُهَدَاءَ فَلَا تَخْشَوُا النَّكَاسَ وَاسْتَخَشَوْا رَبَّانِي سَمَاءَ قَلِيلًا
وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾

﴿and they were witnesses thereto. Therefore fear not men but fear Me and sell not My verses for a miserable price. And whosoever does not judge by what Allāh has revealed, such are the disbelievers.﴾

There are two ways to explain this Āyah and we will mention the later.

Another Reason Behind Revealing these Honorable Āyāt

Imām Aḥmad recorded that Ibn 'Abbās said, "Allāh sent

down the Āyāt,

﴿وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ﴾

﴿And whosoever does not judge by what Allāh has revealed, such are the disbelievers,﴾

﴿فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾

﴿Such are the unjust,﴾ and,

﴿فَأُولَئِكَ هُمُ الْفَاسِقُونَ﴾

﴿Such are the rebellious.﴾ about two groups among the Jews. During the time of Jāhiliyyah, one of them had defeated the other. As a result, they made a treaty that they would pay blood money totaling fifty Wasaq [of gold] (each Wasaq approx. 3 kg) for every dead person from the defeated group killed by the victors, and a hundred Wasaq for every dead person the defeated group killed from the victors. This treaty remained in effect until the Prophet ﷺ came to Al-Madīnah and both of these groups became subservient under the Prophet ﷺ. Yet, when the mighty group once suffered a casualty at the hands of the weaker group, the mighty group sent a delegation demanding the hundred Wasaq. The weaker group said, 'How can two groups who have the same religion, one ancestral lineage and a common land, have a *Diyah* that for some of them is half of that of the others? We only agreed to this because you oppressed us and because we feared you. Now that Muḥammad has come, we will not give you what you asked.' So war was almost rekindled between them, but they agreed to seek Muḥammad's judgement in their dispute. The mighty group among them said [among themselves], 'By Allāh! Muḥammad will never give you double the *Diyah* that you pay to them compared to what they pay to you. They have said the truth anyway, for they only gave us this amount because we oppressed and overpowered them. Therefore, send someone to Muḥammad who will sense what his judgement will be. If he agrees to give you what you demand, accept his judgment, and if he does not give you what you seek, do not refer to him for judgement.' So they sent some hypocrites to the Messenger of Allāh ﷺ to try and find out the Messenger's judgement. When they came to the Messenger ﷺ, Allāh informed him of their

matter and of their plot. Allāh sent down,

﴿يَتَأْتِيهَا الرِّسُولُ لَا يَحْزُنكَ الَّذِينَ يُسْكِرُونَ فِي الْكَفْرِ﴾

«O Messenger! Let not those who hurry to fall into disbelief grieve you,» until,

﴿الْفَاسِقُونَ﴾

«Such are the rebellious.»

By Allāh! It is because of their problem that Allāh sent down these verses and it is they whom Allāh meant.^[1] Abu Dāwud collected a similar narration for this *Hadīth*.^[2]

Abu Ja'far Ibn Jarīr recorded that Ibn 'Abbās said that the *Āyah* in *Sūrat Al-Mā'idah*,

﴿فَأَحْكُم بَيْنَهُم أَوْ أَعْرِضْ عَنْهُمْ﴾

«either judge between them, or turn away from them...» until,

﴿الْمُفْسِدِينَ﴾

«Those who act justly.»

was revealed concerning the problem of blood money between Bani An-Naḍīr and Bani Qurayzah. The dead of Bani An-Naḍīr were being honored more and they received the full amount of *Diyah*, while Qurayzah received half the *Diyah* for their dead. So they referred to the Messenger of Allāh ﷺ for judgement and Allāh sent down these verses about them. The Messenger of Allāh ﷺ compelled them to adhere to the true judgement in this matter and made the *Diyah* the same for both groups and Allāh knows best about that matter.^[3] Aḥmad, Abu Dāwud and An-Nasā'ī^[4] also recorded this *Hadīth* from Abu Ishāq.

Al-'Awfi and 'Ali bin Abi Ṭalḥah reported that Ibn 'Abbās said that these *Āyāt* were revealed about the two Jews who committed adultery, and we mentioned the *Hadīths* about this story before. It appears that both of these were the reasons behind revealing these *Āyāt*, and Allāh knows best. This is why Allāh said afterwards,

[1] Aḥmad 1:246.

[2] Abu Dāwud 4:7.

[3] Aṭ-Ṭabari 10:326.

[4] Aḥmad 1:363, Abu Dāwud 4:16 and An-Nasā'ī 8:19.

﴿وَكُنَّا عَلَيْهِمْ فِيهَا أَنْ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ﴾

«And We ordained therein for them: Life for life, eye for eye»

until the end of the *Āyah*, which strengthens the opinion that the story of the *Diyah* was behind revealing the *Āyāt* as we explained above. Allāh knows best.

Allāh said,

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾

«And whosoever does not judge by what Allāh has revealed, such are the disbelievers.»

Al-Barā' bin 'Azib, Ḥudhayfah bin Al-Yamān, Ibn 'Abbās, Abu Mijlaz, Abu Rajā' Al-'Uṭaridi, 'Ikrimah, 'Ubaydullāh bin 'Abdullāh, Al-Ḥasan Al-Baṣri and others said that this *Āyah* was revealed about the People of the Book.^[1] Al-Hasan Al-Baṣri added that this *Āyah* also applies to us.^[2] 'Abdur-Razzāq said that Ath-Thawri said that Maṣṣūr said that Ibrāhīm said that these *Āyāt*, "Were revealed about the Children of Israel, and Allāh accepted them for this *Ummah*." Ibn Jarīr recorded this statement.^[3]

'Ali bin Abi Ṭalḥah also stated that Ibn 'Abbās commented on Allāh's statement,

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾

«And whosoever does not judge by what Allāh has revealed, such are the disbelievers,»

"Whoever rejects what Allāh has revealed, will have committed *Kufr*, and whoever accepts what Allāh has revealed, but did not rule by it, is a *Zālim* (unjust) and a *Fāsiq* (rebellious) and a sinner." Ibn Jarīr recorded this statement.^[4]

'Abdur-Razzāq said, "Ma'mar narrated to us that Ṭāwus said that Ibn 'Abbās was asked about Allāh's statement,

﴿وَمَنْ لَّمْ يَحْكَمْ﴾

[1] Aṭ-Ṭabari 10:347-357.

[2] Aṭ-Ṭabari 10:357.

[3] Aṭ-Ṭabari 10:356.

[4] Aṭ-Ṭabari 4:597.

﴿And whosoever does not judge...﴾

He said, 'It is an act of *Kufr*.' Ibn Tawus added, 'It is not like those who disbelieve in Allāh, His angels, His Books and His Messengers.' Ath-Thawri narrated that Ibn Jurayj said that 'Atā' said, 'There is *Kufr* and *Kufr* less than *Kufr*, *Zulm* and *Zulm* less than *Zulm*, *Fisq* and *Fisq* less than *Fisq*.'^[1] Waki' said that Sa'īd Al-Makki said that Tawus said that,

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾

﴿And whosoever does not judge by what Allāh has revealed, such are the disbelievers.﴾

'This is not the *Kufr* that annuls one's religion.'^[2]

﴿وَكُنَّا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنفَ بِالْأَنفِ وَالْأُذُنَ بِالْأُذُنِ
وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ قِصَاصًا فَمَن تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَّهُ وَمَن لَّمْ يَحْكَمْ
بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ﴾^[10]

45. And We ordained therein for them "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which Allāh has revealed, such are the unjust.﴾

This Āyah also chastises and criticizes the Jews because in the Tawrah, they have the law of a life for a life. Yet, they defied this ruling by transgression and rebellion. They used to apply this ruling when a person from Bani An-Naḍir was killed by a Qurayzah person, but this was not the case when the opposite occurred. Rather, they would revert to *Diyah* in this case. They also defied the ruling in the Tawrah to stone the adulterer and instead came up with their own form of punishment, flogging, humiliation and parading them in public. This is why Allāh said in the previous Āyah,

﴿وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ﴾

﴿And whosoever does not judge by what Allāh has revealed,

^[1] 'Abdur-Razzāq 1:191, Aṭ-Ṭabari 4:595.

^[2] Aṭ-Ṭabari 10:355.

such are the disbelievers.﴾

because they rejected Allāh's command with full intention and with transgression and rebellion. In this Āyah, Allāh said,

﴿فَأُولَٰئِكَ هُمُ الظَّالِمُونَ﴾

﴿such are the unjust.﴾ because they did not exact the oppressed his due rights from the oppressor in a matter which Allāh ordered that all be treated equally and fairly. Instead, they defied that command, committed injustice and transgressed against each other.

A Man is Killed for a Woman Whom He Kills

Imām Abu Naṣr bin Aṣ-Ṣabbāgh stated in his book, *Ash-Shāmil*, that the scholars agree that this Āyah [5:45] should be implemented, and the Imāms agree that the man is killed for a woman whom he kills, according to the general indications of this Āyah. A Ḥadīth that An-Nasā'ī^[1] recorded states that the Messenger of Allāh ﷺ had this statement written in the book that he gave 'Amr bin Ḥazm,

«أَنَّ الرَّجُلَ يُقْتَلُ بِالْمَرْأَةِ»

«The man is killed for the woman (whom he kills).»

In another Ḥadīth, the Messenger ﷺ said,

«الْمُسْلِمُونَ تَكَافَأُوا دِمَاؤُهُمْ»

«Muslims are equal regarding the sanctity of their blood.»^[2]

This is also the opinion of the majority of the scholars.

What further supports what Ibn Aṣ-Ṣabbāgh said is the Ḥadīth that Imām Aḥmad recorded that Anas bin Mālik said, 'Ar-Rabī' (his aunt) broke the tooth of a girl, and the relatives of Ar-Rabī' requested the girl's relatives to forgive (the offender), but they refused. So, they went to the Prophet ﷺ who ordered them to bring about retaliation. Anas bin An-Naḍr, her brother, asked, 'O Allāh's Messenger! Will the tooth of Ar-Rabī' be broken?' The Messenger of Allāh said, 'O Anas! The Book of Allāh prescribes retaliation.' Anas said, 'No, by Him Who has sent you with the Truth, her tooth will not be broken.'

^[1] An-Nasā'ī 8:58.

^[2] Ibn Mājah 2:895.

Later the relatives of the girl agreed to forgive Ar-Rabī' and forfeit their right to retaliation. The Messenger of Allāh ﷺ said,

«إن من عباد الله من لو أقسم على الله لأبره»

«There are some of Allāh's servants who, if they take an oath by Allāh, Allāh fulfils them.»^[1]

It was recorded in the Two Ṣaḥīḥs.^[2]

Retaliation for Wounds

Allāh said,

﴿وَالْجُرُوحُ قِصَاصٌ﴾

«and wounds equal for equal.»

'Ali bin Abi Ṭaḥhah reported that Ibn 'Abbās said, "Life for life, an eye for an eye, a nose, if cut off, for a nose, a tooth broken for a tooth and wounds equal for wound."^[3] The free Muslims, men and women, are equal in this matter. And their slaves, male and female, are equal in this matter. And this ruling is the same regarding intentional murder and lesser offenses, as Ibn Jarīr and Ibn Abi Ḥātim recorded.

An Important Ruling

The retaliation for wounds should not be implemented until the wounds of the victim heal. If retaliation occurs before the wound heals, and then the wound becomes aggravated, the victim will have no additional rights in this case. The proof for this ruling is what Imām Aḥmad narrated from 'Amr bin Shu'ayb, from his father, from his grandfather that a man once stabbed another man in his leg using a horn. The victim came to the Prophet ﷺ asking for retaliation, and the Prophet ﷺ said,

«حَتَّى يَبْرَأَ»

«Not until you heal.»

The man again came to the Prophet ﷺ and asked for equality in retaliation and the Prophet ﷺ allowed him that. Later on,

[1] Aḥmad 3:167.

[2] Faṭḥ Al-Bāri 8:124, Muslim 3:1302.

[3] Aṭ-Ṭabari 10:360.

that man said, "O Messenger of Allāh! I limp now." The Messenger ﷺ said,

«قَدْ نَهَيْتُكَ فَعَصَيْتَنِي، فَأَبْعَدَكَ اللَّهُ وَبَطَلَ عَرَجُكَ»

«I had asked you to wait, but you disobeyed me. Therefore, Allāh cast you away and your limp has no compensation.»

Afterwards, the Messenger of Allāh ﷺ forbade that the wound be retaliated for until the wound of the victim heals.^[1]

If the victim is allowed to retaliate for his wound caused by the aggressor and the aggressor dies as a result, there is no compensation in this case, according to the majority of the Companions and their followers.

The Pardon is Expiation for Such Offenses

Allāh said,

﴿فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَّهُ﴾

«But if anyone remits the retaliation by way of charity, it shall be for him an expiation.»

'Ali bin Abi Ṭaḥhah reported that Ibn 'Abbās commented that

﴿فَمَنْ تَصَدَّقَ بِهِ﴾

«But if anyone remits the retaliation by way of charity» means; "If one pardons by way of charity, it will result in expiation for the aggressor and reward for the victim."^[2] Sufyān Ath-Thawri said that 'Aṭā' bin As-Sā'ib said that Sa'īd bin Jubayr said that Ibn 'Abbās said, 'He who pardons the retaliation by way of charity, it will be an expiation for the aggressor and a reward for the victim with Allāh.'^[3] Ibn Abi Ḥātim recorded this statement.

Jābir bin 'Abdullāh said that Allāh's statement,

﴿فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَّهُ﴾

«But if anyone remits the retaliation by way of charity, it shall be for him an expiation,»

"For the victim." This is also the opinion of Al-Ḥasan Al-Baṣrī, Ibrāhīm An-Nakha'ī and Abu Ishāq Al-Hamdāni.

[1] Aḥmad 2:217.

[2] Aṭ-Ṭabari 10:367.

[3] Aṭ-Ṭabari 10:326.