

They eagerly listen to falsehood and greedily devour what is unlawful. Hence, if they come to you (for judgement), you may either judge between them or decline to interfere. If you decline, they cannot harm you in any way. But if you do judge, then judge between them with fairness. God loves those who deal justly. (42)

But how is it that they ask you for judgement when they have the Torah which contains God's judgement, and they still turn away? For certain, they are not true believers. (43)

Indeed, it is We who revealed the Torah, containing guidance and light. By it did the prophets, who had surrendered themselves to God, judge among the Jews, and so did the divines and the rabbis: [they gave judgement] in accordance with what had been entrusted to their care of God's Book and to which they themselves were witnesses. So, have no fear of men but fear Me; and do not barter away My revelations for a paltry price. Those who do not judge in accordance with what God has revealed are indeed unbelievers. (44)

سَتَعُودُ لِلْكَذِبِ أَكَلُونَ
لِللُّسْحَةِ فَإِنْ جَاءُوكَ فَأَحْكُمْ
بَيْنَهُمْ أَوْ أَعْرِضْ عَنْهُمْ وَإِنْ تُعْرِضْ
عَنْهُمْ فَكَانَ يَضُرُّوكَ شَيْئًا
وَإِنْ حَكَمْتَ فَأَحْكُمْ
بَيْنَهُمْ بِالْقِسْطِ إِنَّ اللَّهَ يُحِبُّ
الْمُقْسِطِينَ ﴿٤٢﴾

وَكَيْفَ يُحْكِمُونَكَ وَعِنْدَهُمُ التَّوْرَةُ
فِيهَا حُكْمُ اللَّهِ ثُمَّ يَتَوَلَّوْنَ
مِنْ بَعْدِ ذَلِكَ وَمَا أُولَئِكَ
بِالْمُؤْمِنِينَ ﴿٤٣﴾

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ
يُحْكَمُ بِهَا النَّبِيُّونَ الَّذِينَ
أَسْلَمُوا لِلَّذِينَ هَادُوا وَالرَّبَّانِيُّونَ
وَالْأَحْبَارُ بِمَا اسْتُحْفِظُوا مِنْ
كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ
شُهَدَاءَ فَلَا تَخْشَوُا النَّكَاسَ
وَأَخْشَوْنَ وَلَا تُشْتَرُوا بِعَاقِبَتِي ثَمَنًا
قَلِيلًا وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ
اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ ﴿٤٤﴾

We decreed for them in it: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and a similar retribution for wounds. But for him who forgoes it out of charity, it will atone for some of his sins. Those who do not judge in accordance with what God has revealed are indeed wrongdoers. (45)

We caused Jesus, the son of Mary, to follow in the footsteps of those (earlier prophets), confirming what had already been revealed before him in the Torah; and We gave him the Gospel, containing guidance and light, confirming what had already been revealed before it in the Torah and giving guidance and admonition to the God-fearing. (46)

Let, then, the followers of the Gospel judge in accordance with what God has revealed therein. Those who do not judge in accordance with what God has revealed are indeed transgressors. (47)

وَكَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ
بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ
وَالْأَنْفَ بِالْأَنْفِ وَالْأَذْنَ
بِالْأَذَنِ وَاللِّسْنَ بِاللِّسَنِ
وَالْجُرُوحَ قِصَاصٌ فَمَنْ
تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ
لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ
اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ ﴿٤٥﴾

وَقَفَّيْنَا عَلَى آثَرِهِم بِعِيسَى ابْنِ مَرْيَمَ
مُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ التَّوْرَةِ
وَأَتَيْنَاهُ الْإِنْجِيلَ فِيهِ هُدًى وَنُورٌ
وَمُصَدِّقًا لِمَا بَيْنَ يَدَيْهِ مِنَ التَّوْرَةِ
وَهُدًى وَمَوْعِظَةً لِّلْمُتَّقِينَ ﴿٤٦﴾

وَلِيَحْكَمْ أَهْلُ الْإِنْجِيلِ بِمَا أَنْزَلَ اللَّهُ
فِيهِ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ
فَأُولَئِكَ هُمُ الْفَاسِقُونَ ﴿٤٧﴾

And to you We have revealed the Book, setting forth the truth, confirming the Scriptures which had already been revealed before it and superseding them. Judge, then, between them in accordance with what God has revealed and do not follow their vain desires, forsaking thereby the truth that has come to you. To every one of you We have given a code of law and a way of life. Had God so willed, He could have made you all one community; but (it is His wish) to test you by means of that which He has bestowed on you. Vie, then, with one another in doing good works. To God you shall all return. He will then make you understand all that over which you now differ. (48)

Hence, judge between them in accordance with what God has revealed, and do not follow their vain desires and beware of them lest they tempt you away from any part of what God has revealed to you. If they turn away, then know that it is God's will to afflict them for some of their sins. Indeed, a great many people are transgressors. (49)

Do they desire to be ruled by the law of pagan ignorance? But for those who are firm in their faith, who can be a better law-giver than God? (50)

وَأَنزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ مُصَدِّقًا
لِّمَا بَيْنَ يَدَيْهِ مِنَ الْكِتَابِ
وَمُهَيِّمًا عَلَيْهِ فَاحْكُم بَيْنَهُم بِمَا
أَنزَلَ اللَّهُ وَلَا تَتَّبِعْ أَهْوَاءَهُمْ عَمَّا
جَاءَكَ مِنَ الْحَقِّ لِكُلِّ جَعَلْنَا
مِنْكُمْ شِرْعَةً وَمِنْهَاجًا وَلَوْ شَاءَ اللَّهُ
لَجَعَلَكُمْ أُمَّةً وَاحِدَةً وَلَكِنْ لِنَبْلُوَكُمْ
فِي مَا آتَيْنَاكُمْ فَاسْتَبِقُوا الْخَيْرَاتِ إِلَى
اللَّهِ مَرْجِعُكُمْ جَمِيعًا فَنُنَبِّئُكُمْ
بِمَا كُنْتُمْ فِيهِ تَخْلِفُونَ ﴿٤٨﴾

وَأِنْ أَحْكَم بَيْنَهُمْ بِمَا أَنزَلَ اللَّهُ
وَلَا تَتَّبِعْ أَهْوَاءَهُمْ وَاحْذَرْهُمْ أَنْ
يَفْتِنُوكَ عَنْ بَعْضِ مَا أَنزَلَ اللَّهُ
إِلَيْكَ فَإِنْ تَوَلَّوْا فَاعْلَمُوا أَنَّا يُرِيدُ اللَّهُ
أَنْ يُصِيبَهُمْ نَبْعُضُ ذُنُوبِهِمْ وَإِنَّ
كَثِيرًا مِنَ النَّاسِ لَفَاسِقُونَ ﴿٤٩﴾

أَفَحُكْمَ الْجَاهِلِيَّةِ يَبْغُونَ وَمَنْ أَحْسَنُ
مِنَ اللَّهِ حُكْمًا لِّقَوْمٍ يُوقِنُونَ ﴿٥٠﴾

Overview

This ten-verse passage discusses the most important issue of the Islamic faith and its codes of living and justice. The same issue was discussed in the two preceding *sūrah*s, the House of 'Imrān and Women, but in this *sūrah* it involves a more direct and emphatic discussion. The subject is that of government, law and the administration of justice in matters of dispute. This is, indeed, a part of a more comprehensive issue, namely, faith and God's oneness. The whole matter can be summed up in the answer to this question: Are judgement and litigation to be conducted in accordance with covenants made with God, pursuant to His law? The task of implementing this law has been accepted by the followers of all Divine faiths. Moreover, is it a duty God has assigned to His messengers and those who succeed them in positions of authority? Or, will all that be subject to changing views and interests that are not based on a firm and constant foundation? In other words, do Godhead, lordship and authority in human life on earth belong to God, or do they belong, even partially, to any one of His creatures exercising the power to enact laws that are not endorsed by God?

God (limitless is He in His glory) says that He alone is the Godhead and He has no partners. His laws, enacted for His servants, mankind, and which they have pledged to Him to implement, must be the ones to enforce in this world. All disputes must be adjudicated by prophets and rulers on the basis of these laws.

God (glorified be He) says that no argument or concession can be admitted with regard to this principle nor can any deviation, however small, be condoned. Nor can anything approved in a particular generation or by a particular community be accepted if it is in conflict with what God has decreed.

God (limitless is He in His glory) says that this whole issue is one of faith or unfaith, Islam or non-Islam, Divine law or human prejudice. No compromise or reconciliation can be worked out between these two sets of values. Those who judge on the basis of the law God has revealed, enforcing all parts of it and substituting nothing else for it, are the believers. By contrast, those who do not make the law God has revealed the basis of their judgement are unbelievers, wrongdoers and transgressors. Rulers can either implement God's law in total and, thus, they remain within the area of faith, or they may enforce some other law. In this latter case, all three descriptions of unbelief, wrongdoing

and transgression apply to them. If people accept God's rule and judgement, administered by rulers and judges, then they are believers. Otherwise, they are not. There is no middle way between the two, nor can any justification or claim of serving legitimate interests be admitted. God, the Lord of mankind, knows what serves people's interests and He has enacted His laws for that very purpose. No law or system of government is superior to His. No servant of God may reject God's law or claim to have better knowledge than God with regard to what serves people's interests. If he makes such a claim, by word or deed, then he pronounces himself an unbeliever.

This highly important and fundamental issue is discussed in this passage in definitive statements. In addition, the passage describes the attitude of the Jews in Madinah and their cooperation with hypocrites in scheming against the Muslim community. God's Messenger is given advice on how to counter such scheming by the Jews, which began with the establishment of the Muslim state in Madinah.

In this passage, the *sūrah* states first that all religions revealed by God agree that His law must be implemented and should govern all human life. It is the acceptance of this condition that makes all the difference between faith and unfaith, Islam and other doctrines, Divine law and human caprice. This is clearly stated in the Torah revealed by God to provide guidance and light for mankind. *"By it did the prophets, who had surrendered themselves to God, judge among the Jews, and so did the divines and the rabbis: [they gave judgement] in accordance with what had been entrusted to their care of God's Book and to which they themselves were witnesses."* (Verse 44) *"They have the Torah which contains God's judgement."* (Verse 43) *"We decreed for them in it: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and a similar retribution for wounds."* (Verse 45)

It is also endorsed by the Gospel God revealed to Jesus, son of Mary, which contains *"guidance and light, confirming what had already been revealed before it in the Torah and giving guidance and admonition to the God-fearing."* (Verse 46) *Let, then, the followers of the Gospel judge in accordance with what God has revealed therein."* (Verse 47)

It is further endorsed by the Qur'ān which God revealed to Muḥammad, His last Messenger, *"setting forth the truth, confirming the Scriptures which had already been revealed before it and superseding them."* (Verse 48) Muḥammad is instructed by God to *"judge between them in accordance with what God has revealed and*

do not follow their vain desires, forsaking thereby the truth that has come to you." (Verse 48)

The ultimate verdict is thus pronounced: *"Those who do not judge in accordance with what God has revealed are indeed unbelievers."* (Verse 44) *"Those who do not judge in accordance with what God has revealed are indeed wrongdoers."* (Verse 45) *"Those who do not judge in accordance with what God has revealed are indeed transgressors."* (Verse 47) *"Do they desire to be ruled by the law of pagan ignorance? But for those who are firm in their faith, who can be a better law-giver than God?"* (Verse 50) In this way, the borders of faith and conditions of submission to God are clearly defined for both rulers and ruled. The criterion for rulers is to judge in accordance with what God has revealed, and for people to accept such a judgement and not to prefer anything else to it.

Stated in these terms, the issue is very serious indeed. Let us, therefore, try to identify the reasons for taking matters so seriously either in this particular passage or in the Qur'ān as a whole.

The first consideration is the fact that this whole matter is one of Godhead, Lordship and authority over mankind. These belong to God alone, who has no partners. Hence, it is a question of faith and submission to God or rejection and unfaith. This basic fact is explained throughout the Qur'ān.

God is the Creator of both the universe and man. He has made everything in the heavens and on earth subservient to man. Moreover, He is the only Creator. No one else creates anything in the universe. God is also the owner of the universe. To Him belongs the kingdom of the heavens and the earth and all that is in between. No one else owns anything in the universe. God is also the provider, and no one can provide anything for himself or for others. As He is the Creator, the owner and the provider, God has all authority over the universe and man. He, indeed, has the absolute power to do whatever He wishes.

To be a believer is to acknowledge that all these attributes belong solely and purely to God alone. To believe in Islam is to submit to the practical implications of these attributes. This is submission to God's law, which means, first and foremost, to acknowledge His Godhead, Lordship and authority. Refusal of God's law or the adoption of a different law in any small detail of human life is in effect a rejection of God's Godhead, Lordship and authority. Submission and rejection can be made by word of mouth or by deed. If a person says, "I believe in God," but does not submit to His law, he is not a believer. If a person says, "I do not believe in God," but submits to His law, he is a believer. The test is not what one says, but what one does.

as we have already explained, one of faith or unfaith, Islam or ignorance. Hence, the unequivocal statements made in this passage of the *sūrah*: *"Those who do not judge in accordance with what God has revealed are indeed unbelievers ... wrongdoers ... transgressors."* (Verses 44, 45 and 47)

The other consideration in this whole issue is the fact that God's law is inevitably and absolutely better for mankind than any man-made law. It is to this fact that the final verse in this passage refers: *"But for those who are firm in their faith, who can be a better law-giver than God?"* (Verse 50)

This total acknowledgement of the preferability of God's law in all stages and generations is also a part of the whole issue of faith or unfaith. No person can claim that the law enacted by a human being is better or equal to God's law at any stage of human life and claim at the same time that he is a believer or that he belongs to Muslims. By making such a claim, he is indeed claiming that he has better knowledge and superior wisdom than God in understanding mankind and conducting their affairs. Or he claims that certain conditions and needs have come up in human life and God (limitless is He in His glory) was unaware of them when He enacted His law, or was aware of them but did not provide for them in His law. Such a claim cannot be reconciled with that of faith and submission to God, no matter how insistently it is made.

The Superiority of Islamic Legislation

The wisdom and purpose behind Divine legislation may not appear in full to mankind in any particular generation. Furthermore, it is very difficult to give a full discussion of what we ourselves see of this wisdom. Therefore, we will only give brief hints.

God's law represents a complete way of life, which regulates and directs all aspects of human life in whatever stage and shape it finds them. This way of life relies on an infallible and true knowledge of man and his needs, and of the universe in which man lives and the laws that control the universe and human existence. As such, it does not ignore any matter of importance to human life. It does not allow or give rise to any destructive conflict between the different types of human activity or between such activity and natural laws. The reverse is true: it establishes proper balance and fine harmony. These can never

result from any man-made system, since man's knowledge is confined to what is within human knowledge at a particular time. Any system which man devises must reflect human ignorance and lead to some conflict between different aspects of human activity. This will inevitably lead to violent shake-ups.

The Islamic system sets absolute justice as its goal. For one thing, it is God alone who knows how and by what means absolute justice can be established. For another, God is the Lord of all and He can establish justice between all. The system He lays down and the law He promulgates are free of prejudice, imbalance, extremism or ignorance. This cannot be said of any system or law which man devises, since man is influenced by his own prejudices, caprice and desire, and his vision is hampered by his imperfect knowledge. This applies to all human laws, whether they are enacted by an individual, a class, a nation or a generation. In no situation can man be free of his prejudices and desires and in none can he have perfect knowledge or a comprehensive, profound and perfect insight, not even in a single case for which a law is required.

Moreover, the Islamic system is in perfect harmony with the laws which govern the universe, because it is devised by the Creator of both the universe and man. When the Creator legislates for man, He treats him as an agent in this universe who has control over certain elements made subservient to him by the will of His Lord, on condition that he follows His guidance and learns the nature of these elements and the laws regulating them. This produces harmony between man and the universe in which he lives. The law which regulates human life acquires, then, a universal aspect to enable man to deal with all living things and objects in the whole universe on the basis of this law. Let us not forget in this context that man cannot break away from this universe. It is inevitable that he will have to deal with it on the basis of a proper and sound system.

Furthermore, the Islamic system is the only one which liberates man from subjugation by others. In all other systems, some people are subservient to others, and some look up to others. Only under the Islamic system do all people share the same position of being servants of God alone.

As we have explained, the most fundamental aspect of Godhead is legislation. When someone enacts legislation for a human community, he claims for himself the position of Godhead. People in that

community become his servants instead of being God's servants. By giving the authority to legislate to God alone, Islam declares the liberation of mankind, or indeed, the rebirth of man. For man does not come into real existence unless he is liberated from subservience to another man and unless all human beings stand on an equal footing in front of the Lord of mankind.

This question which is fully discussed in the present passage is the top and most important question of faith. It is the question of Godhood and servitude, justice, freedom, equality and proper existence.

The state of darkness, as used in an Islamic context, does not refer to a particular period of history. Rather, it refers to a particular condition, which may be present in any period of time. In essence, it signifies making law and legislation subject to human desires, not to the Divine system. It is immaterial whether these desires are those of an individual, a class, a nation or a generation. They remain human desires.

An individual may enact laws for a certain community and the result is that the community lives in darkness because his desire or his opinion becomes the law. A class may legislate for the rest of the community and the result is darkness enshrouding its whole life because the interests of that class become law, or let us say, the opinion of the parliamentary majority become law. The representatives of all classes and all sectors in the nation may legislate for themselves, and the result is the same darkness engulfing the whole of life, because the desires of human beings and their imperfect knowledge become law, since people cannot be without prejudices and cannot acquire perfect knowledge. Or it may be the people's view that is the law. And a group of nations may legislate for mankind, but the result is still the same, because the national goals of those nations, or indeed the views of the international community become law. In each one of these situations, the difference is only in words.

But when the Creator of individuals, communities, nations and generations, legislates for all, the result is a Divine law which does not favour an individual, a community, a nation or a generation at the expense of others. God is the Lord of all and He treats them all equally. He knows the nature and the interests of all and He makes His law serve all their interests and meet all their needs in absolute justice. When anyone other than God legislates for mankind, people become subservient, be that person an individual, a class, a nation or the international community. But when God legislates for mankind, they

are all free and equal. They bow in front of no one whatsoever and they submit to God alone. This explains how serious this question of legislation in human life and in the life of the universe is. "*Should the truth be subservient to their desires, the heavens and the earth and all those who are in them will become corrupted.*" (23: 71) A judgement according to laws other than that revealed by God means evil, corruption and turning away from faith, as the Qur'ān itself says.

Playing Games with Divine Judgement

Messenger, be not grieved by those who plunge headlong into unbelief; such as those who say with their mouths, "We believe", while their hearts do not believe. Among the Jews are some who eagerly listen to falsehood, eagerly listen to other people who have not come to you. They tamper with words out of their context, and say, "If such-and-such [a precept] is given you, accept it; but if you are not given it, then be on your guard." If God wants to put anyone to test, you shall not be able to avail him anything against God. Such are the ones whose hearts God is not willing to purify. They will have disgrace in this world, and awesome suffering in the life to come. (Verse 41) They eagerly listen to falsehood and greedily devour what is unlawful. Hence, if they come to you (for judgement), you may either judge between them or decline to interfere. If you decline, they cannot harm you in any way. But if you do judge, then judge between them with fairness. God loves those who deal justly. (Verse 42) But how is it that they ask you for judgement when they have the Torah which contains God's judgement, and they still turn away? For certain, they are not true believers. (Verse 43)

It is apparently clear that these verses were revealed in the early years after the Prophet's settlement in Madinah where the Jews were part of its community. This means that they were revealed sometime before the attack on Madinah by the confederate tribes, and before severe punishment was inflicted on the Jewish tribe of Qurayzah, or even much earlier. Most probably they were revealed when the two Jewish tribes of al-Naḍīr and Qaynuqā' were still in Madinah. The first of these two tribes were evacuated from Madinah after the Battle of Uhūd in the third year of the Islamic calendar and the Qaynuqā' were evacuated even before that. In that early period, the Jews concocted

many of their tricks and manoeuvres, and the hypocrites received much support from them. Both groups plunged headlong into disbelief, even though the hypocrites might have claimed by word of mouth that they were believers. Their actions grieved the Prophet and caused him much distress.

God (limitless is He in His glory) consoles His Messenger (peace be upon him) and comforts him. He exposes to the Muslim community the truth about those who plunge headlong into disbelief, as did some of the Jews and the hypocrites. He directs His Messenger to the line of action he should adopt with them when they come to him for arbitration, after explaining to the Prophet what plots they have concocted before coming to him: *"Messenger, be not grieved by those who plunge headlong into unbelief; such as those who say with their mouths, 'We believe', while their hearts do not believe. Among the Jews are some who eagerly listen to falsehood, eagerly listen to other people who have not come to you. They tamper with words out of their context, and say, 'If such-and-such [a precept] is given you, accept it; but if you are not given it, then be on your guard'."* (Verse 41)

Some reports suggest that these verses speak of a group of Jews who committed certain sins including adultery and theft, which carry specific punishments outlined in the Torah. The Jews, however, at least in the first place, had established different punishments, because they did not want to enforce the provisions of the Torah on those of them who were in power. They later wanted to waive these punishments of the Torah in all cases. They replaced them with other punishments, as has been done by those who claim to be Muslims these days. When some of them committed these sins at the time of the Prophet, they thought to seek his judgement. If he judged according to the lesser punishments, which they had legislated, they would enforce them and justify their action to God by saying that they had enforced the verdict of His Messenger. If he judged that they should be punished according to the Torah, they would refuse his judgement. They, thus, sent some of their people to seek his ruling. This, then, explains their statement, *"If such-and-such [a precept] is given you, accept it; but if you are not given it, then be on your guard."* (Verse 41)

They had indeed gone that far in playing games with God's law and in being dishonest in their dealings with God and His Messenger (peace be upon him). This is a stage which can be reached by any people who, having received Divine revelation, have long ignored their duties. In

such a situation hearts are hardened and the light of faith is stifled. Evasion of the laws and duties of their faith becomes the goal for which means are sought and rulings and justifications are found. Does this not apply today to those who claim to be Muslims and who *"say with their mouths, 'We believe', while their hearts do not believe."* (Verse 41) Do they not seek rulings to evade their religious duties, rather than carry them out? Do they not occasionally try to pay lip service to religion so that it may approve and endorse their desires? If religion insists on the word of the truth and the ruling of justice, they have no need for it: They say: *"If such-and-such [a precept] is given you, accept it; but if you are not given it, then be on your guard."* (Verse 41) The two situations are identical. Perhaps God has given us such an account of the history of the Children of Israel, so that future generations may be forewarned of the slips that lie along their way.

God (glorified be He) says to His Messenger with regard to those who rush into disbelief and those conspirators who engage in such schemes that he should not be grieved by such people's actions. They seek to create confusion and they will fall victim to it, while he [i.e. God's Messenger] himself has no say in the matter and cannot help them through their test when they have brought confusion upon themselves: *"If God wants to put anyone to test, you shall not be able to avail him anything against God."* (Verse 41) Such people have sunk their hearts into impurity, so God is unwilling to purify them: *"Such are the ones whose hearts God is not willing to purify."* (Verse 41) He will cause them to suffer ignominy in this life and grievous suffering in the Hereafter: *"They will have disgrace in this world, and awesome suffering in the life to come."* (Verse 41) He tells the Prophet not to worry about them, and not to be grieved by their disbelief. Their fate is sealed.

The *sūrah* goes on to give us further details of their situation and how far they have sunk into moral corruption, prior to giving guidance to the Prophet on how to deal with them: *"They eagerly listen to falsehood and greedily devour what is unlawful. Hence, if they come to you (for judgement), you may either judge between them or decline to interfere. If you decline, they cannot harm you in any way. But if you do judge, then judge between them with fairness. God loves those who deal justly."* (Verse 42)

Their listening to falsehood is repeated again, to suggest that this

falsehood, and they are annoyed when they hear the voice of truth. This applies to all deviant hearts, corrupt souls and communities. To them, falsehood carries much appeal and the truth appears too hard. In these miserable days, falsehood sells like hot cakes, while the word of truth has no buyers.

Those people do not only listen to falsehood, but they greedily devour what is unlawful, prominent among which are usury, bribes and the price of false rulings and false testimony. Again, this evil quality spreads in all communities that deviate from God's law. The term the Qur'ān uses here for "unlawful" also connotes lack of blessings. Indeed, blessings are the first thing to be obliterated in deviant communities, as we see with our own eyes nowadays.

God has given the Prophet the choice whether to judge between them or to turn away from them, if they ask him for judgement. If he chooses not to pay any attention to them, they can harm him in no way. But if he chooses to judge between them then his must be a fair judgement, unaffected by their prejudices or their rushing into disbelief or by their plots and schemes: "*God loves those who deal justly.*" (Verse 42)

God's Messenger (peace be upon him), Muslim rulers and judges deal directly with God in such matters and exert their efforts to establish justice in order to serve God because God loves those who deal justly. If people commit injustice or perjury or deviate from the truth, justice continues to carry its superior status. Fair judgement is not passed in order to please people but to please God. This is, indeed, the most effective guarantee provided by Islamic law everywhere and in all times.

A Baffling Attitude Towards God's Judgement

The fact that the Prophet was given this choice with regard to those Jews who came to him for judgement further supports our view that this was in the early period after the Prophet's settlement in Madinah. Later on, judgement according to Islamic law was compulsory, because the land of Islam does not enforce any law other than that of God. All people living there must refer their disputes to this law. This, however, does not contradict the Islamic rule which applies to people of earlier revelations living side by side with the Muslim community in the land of Islam. This principle makes only such laws as are endorsed by their faith or that relate to the

social order applicable to them. Permissible to them is what their religions permit them, such as owning and eating pork, the possession and drinking of intoxicants, but without their selling these to Muslims. But they are forbidden all usurious transactions because these are also forbidden in their religions. The punishments prescribed for adultery and theft are applicable to them, because they are stated in their Scriptures. Also enforceable are the punishments prescribed for rebellion against the legitimate authority, and for spreading corruption in the land. Such enforcement is necessary to guarantee the safety and security of the land of Islam and all its inhabitants, Muslims and non-Muslims alike. Such punishments cannot be waived in respect of anyone of those living in the land of Islam.

During that period in which the Prophet had the choice whether to judge between them or to ignore them, they used to come with some of their disputes to God's Messenger (peace be upon him). An example of this is reported by 'Abdullāh ibn 'Umar: "Some Jews came to God's Messenger (peace be upon him) and told him that a Jewish man and a Jewish woman committed adultery. The Prophet asked them: 'What does the Torah say about stoning adulterers?' They said: 'We publicise their crime and punish them by flogging.' 'Abdullāh ibn Sallām (a Jewish rabbi who had embraced Islam) said, 'This is a lie. The Torah prescribes stoning.' They brought the Torah and opened it up. One of them put his hand over the verse that mentioned stoning and read the preceding and the following verses. 'Abdullāh ibn Sallām told him to lift his hand off. When he did, the relevant verse on the death punishment by stoning was there. They said, 'He (meaning 'Abdullāh ibn Sallām) has told the truth. It specifies death by stoning.' The Prophet gave his orders for the two adulterers to be stoned to death. I saw the man bending over the woman to shelter her from the stones." (Related by al-Bukhārī and Muslim.)

Another example is given in a *ḥadīth* related by Imām Aḥmad on the authority of 'Abdullāh ibn 'Abbās, the Prophet's learned cousin, who says: "These verses were revealed in connection with two groups of Jews, one of which had triumphed over the others in pre-Islamic days. They later worked out a reconciliation agreement which stated that every victim of the defeated tribe killed by the victorious one would be compensated with blood money equal to fifty measures of agricultural produce, while every victim of the victorious tribe killed

produce as blood money. They operated this system until the Prophet (peace be upon him) migrated to Madinah. It so happened then that the defeated tribe killed a man of the victorious one. The latter sent them a message to prepare the full amount of blood money agreed, which was one hundred measures of agricultural produce. The defeated tribe said: 'How is it that two tribes belonging to the same faith, having the same ancestry and living in the same land, have two tariffs of blood money with one tariff being double the other? We had agreed to this measure of injustice you had imposed on us because we feared you. Now that Muḥammad has arrived in Madinah, we will not give you that.' War was about to flare up between the two tribes, before they agreed to refer the matter to God's Messenger for arbitration. The victorious tribe then reflected on this matter. Some of them said: 'Muḥammad will never give you twice the blood money you are prepared to give them. They indeed have told the truth when they said that they agreed to this as a matter of injustice imposed by us on them. Let us, then, sound out Muḥammad, to determine whether he will give us a favourable judgement. If so, we will refer the matter to him. If not, we will have been forewarned.' They sent to the Prophet some of their hypocrite friends to sound him out. God informed His Messenger of the whole affair and revealed to him the passage starting with "*Messenger, be not grieved by those who plunge headlong into unbelief; such as those who say with their mouths, 'We believe', while their hearts do not believe. Among the Jews are some who eagerly listen to falsehood, eagerly listen to other people who have not come to you. They tamper with words out of their context, and say, 'If such-and-such [a precept] is given you, accept it; but if you are not given it, then be on your guard'.*" (Verse 41) (Related by Abū Dāwūd) Another version of this report names the victorious tribe as the al-Naḍīr and the defeated one as the Qurayzah. This again supports our view that these verses were revealed in the early days of the Madinah period before these Jewish tribes were evacuated.

Indeed, the attitude of the Jews in such matters has always been consistent. Hence, the Qur'ān asks this rhetorical question: "*But how is it that they ask you for judgement when they have the Torah which contains God's judgement, and they still turn away?*" (Verse 43)

It is indeed a very grave and serious matter. They refer something to God's Messenger for arbitration and he judges between them on the basis of God's law. Moreover, they also have the Torah which contains

God's judgement. Both judgements are identical, because the Qur'ān has endorsed Divine judgements contained in the Torah. But they nevertheless, turn their backs on God's judgement, either in their dissatisfaction or by not enforcing it. This rhetorical question is followed by an Islamic rule in such matters: "*For certain, they are not true believers.*" (Verse 43)

It is certainly not possible that a true believer will not submit to God's law or would not accept its rulings. Those who claim to themselves or to others that they believe and still refuse to implement God's law in their lives or who are not satisfied when it is enforced on them do indeed make false claims. Their attitude is described in this definitive statement: "*For certain, they are not true believers.*" It is not simply a question of rulers not implementing God's law, but also a question of ordinary people not being satisfied with God's law and judgement. Such dissatisfaction takes them out of the ranks of believers, no matter how emphatically they claim to believe.

This Qur'ānic statement confirms a similar one in the preceding *sūrah*, "Women", which states: "*But no, by your Lord! They do not really believe unless they make you judge in all disputes between them, and then find in their hearts no bar to an acceptance of your decisions and give themselves up in total submission.*" (4: 65) Both statements speak about the ruled, not the rulers. Both classify as unbelievers those who do not accept God's judgement as outlined by His Messenger and turn away from it.

As we have already said, the point at issue is that of acknowledging God's authority as the only God and His Lordship of mankind and the universe. To accept God's law and to be satisfied by its rules and judgements is the practical demonstration of accepting Him as the Supreme Godhead and the Lord of the universe. Rejecting the law and being dissatisfied with its judgement is a practical demonstration of disbelieving in God as such.

Light and Guidance Shine from the Torah

Such is God's verdict in relation to ordinary people who refuse to accept judgement in accordance with God's law. These have been described as unbelievers. Beginning with this verse, the *sūrah* speaks of rulers who do not judge in accordance with God's revelations. As we

by God. The first reference is to the Torah: *"Indeed, it is We who revealed the Torah, containing guidance and light. By it did the prophets, who had surrendered themselves to God, judge among the Jews, and so did the divines and the rabbis: [they gave judgement] in accordance with what had been entrusted to their care of God's Book and to which they themselves were witnesses. So, have no fear of men but fear Me; and do not barter away My revelations for a paltry price. Those who do not judge in accordance with what God has revealed are indeed unbelievers. (Verse 44) We decreed for them in it: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and a similar retribution for wounds. But for him who forgoes it out of charity, it will atone for some of his sins. Those who do not judge in accordance with what God has revealed are indeed wrongdoers."* (Verse 45)

Every religion revealed by God has been meant as a way of life. It has been so devised as to assume the leadership of human life and to organise, direct and protect it. No religion has been revealed by God only to be a set of personal, moral values or a set of rituals that are offered in a temple or a mosque. Necessary as both are for human life, and vital as they are in refining human conscience, they are not sufficient on their own to reorganise, direct and protect human life. They must provide the basis for a complete way of life and a code of law which are implemented and enforced. Any offence against them must be accounted for and punished, if necessary.

Human life cannot be properly organised unless it derives its faith, rituals, way of life and code of law from a single source which can exercise authority over consciences and behaviour alike. It must be able to administer reward and punishment according to its law in this life, and reward people in accordance with its own system of reckoning in the life to come.

Multiplicity of authority and source will only bring about results that are highly undesirable. If God's authority over consciences and rituals is recognised, but not over the law of the land, when reward in the Hereafter is according to God's law, but in this life it is subject to a different authority, then man is torn between two authorities moving in opposite directions. This leads to the total corruption of human life, as clearly and repeatedly mentioned in the Qur'ān: *"Had there been in heaven or on earth any deities other than God, they both would have fallen into ruin."* (21: 22) *"If the truth were to follow their caprice, the heavens and the earth and all those who live in them would have*

fallen into ruin." (23: 71) *"We have set you on a way by which the purpose [of faith] may be fulfilled. Follow it, then, and do not follow the vain desires of those who are devoid of knowledge."* (45: 18)

For this reason every religion revealed by God has been designed to serve as a way of life. Whether directed to a single village, or to a particular nation, or for all generations of humanity, every religion brought, in addition to a faith setting out the proper concept of life and a set of worship rituals providing a strong link with God, a code of law to regulate human practices. Certain elements or aspects form the basis of every Divine religion. Human life cannot be set on a proper footing unless it follows Divine faith.

Numerous references in the Qur'ān show that early religions, some of which might have been addressed to small communities, contained all three mutually complementary aspects in a fashion suitable to that particular community's stage of development. At this point, such complementarity in the three major religions, Judaism, Christianity and Islam, is outlined, starting with the Torah: *"Indeed, it is We who revealed the Torah, containing guidance and light."* (Verse 44) As revealed by God, the Torah was the Book providing guidance for the Children of Israel, lighting up the way they should follow in life in order to lead them to God's pleasure. It contained the essence of monotheistic faith, and a variety of worship rituals, as well as a code of law: *"By it did the prophets, who had surrendered themselves to God, judge among the Jews, and so did the divines and the rabbis: [they gave judgement] in accordance with what had been entrusted to their care of God's Book and to which they themselves were witnesses."* (Verse 44)

God revealed the Torah to provide guidance and light not only for hearts and consciences with the faith and rituals it outlined, but also to provide guidance and light generated by the code of law which regulated practical life and protected it in accordance with God's system. The Prophets who had submitted themselves totally to God in absolute and complete dedication and who made no claim whatsoever to any attribute of Divinity, used to judge among the Jews on its basis. It was the law given to that particular community. So did the divines and rabbis, i.e. the Jewish scholars and judges, because they had been assigned the task of making sure that God's law was implemented and they were required to be witnesses to its truth. They would fulfil this task through organising their own lives in accordance with the directives and laws of the Torah and through implementing its laws within their communities.

Before finishing its reference to the Torah, the Qur'ān addresses the Muslim community with regard to judgements in accordance with revelations in general and the opposition people may show to such judgements. It also outlines the duty of everyone entrusted with the implementation of God's law and the punishment incurred by neglecting this duty: *"So, have no fear of men but fear Me; and do not barter away My revelations for a paltry price. Those who do not judge in accordance with what God has revealed are indeed unbelievers."* (Verse 44)

God knows that enforcing His revealed law will be met with opposition in every period of time and in every community. Some people will not easily submit to it. Those who have power, tyrants and despots, and those who claim authority by right of inheritance will put up stiff resistance to it, because they realise that its enforcement will deprive them of the mask of Godhead they wear and acknowledge Godhead as totally belonging to God alone. This is done through depriving them of their claimed authority to legislate and to judge in accordance with their legislation. Resistance will also be put up by those whose material interests can only be served through exploitation and injustice. God's just law will never endorse their unjust interests. Similarly, there will always be opposition to the implementation of God's law by those who pursue their vain desires and wanton caprice. A Divine religion will always require them to purify themselves from such evil, and will eventually punish indulgence in them. Further opposition will be put up by other quarters who dislike to see goodness, righteousness and justice flourish.

As God knows that opposition to His law will come from all these quarters, and that those to whose care His message is entrusted must face up to this opposition and make all the necessary sacrifices for its sake, He addresses them in these words: *"Have no fear of men but fear Me."* (Verse 44) No fear of tyrants, exploiters or deluded masses should deter them from implementing God's law. It is God alone that they should fear, because fearing Him dispels all other fear.

An Eye for an Eye, a Tooth for a Tooth

God also knows that some of those who are charged with the safekeeping and implementation of God's law may find worldly

temptations too strong to resist. As they realise that people with power or money and those who seek all types of pleasure oppose God's legislation, they may flatter them in order to gain something of the riches and pleasures of this world. Professional clerics in all generations have yielded to such temptation, as did some Jewish rabbis. God addresses all those, saying to them: *"Do not barter away My revelations for a paltry price."* (Verse 44) That is the price they may get in return for their silence or for their distortion of God's revelations or for issuing doubtful rulings. Indeed, every price offered is paltry, even if it includes all that is in this world. How could it be described otherwise when it is no more than a position, a salary, a title and a petty interest for which faith is bartered away and Hell is purchased?

Nothing is more wicked than treachery by a person who is in a position of trust and nothing is more vile than the distortion of facts by a witness. Those who are given the title "religious men" do commit such treachery and distortion. They remain idle when they are called upon to work for the implementation of God's revelation and they lift words out of their context in order to please those in power at the expense of God's revelation.

In a most decisive and definitive statement, God tells us: *"Those who do not judge in accordance with what God has revealed are indeed unbelievers."* (Verse 44) The generality of this statement makes it absolutely unrestricted to time or place. The ruling is definitive and applicable to everyone who does not judge according to God's revelations, regardless of where and in which period he lives.

The reason is the one we have already explained. A person whose judgement is at variance with God's revelations denies that Godhead belongs to God alone. A basic quality of Godhead is the authority to legislate as also His sovereignty. Whoever observes something other than God's revelations in his judgement not only rejects a particular aspect of Godhead but also claims for himself certain qualities of Godhead. If that is not unbelief, I wonder what is. For what use is a verbal claim of being a believer or submitting to God, when action denies such a claim?

Any argument about this definitive and decisive ruling is no more than an attempt to avoid facing the reality. To try to give this ruling a different interpretation is simply an attempt to lift words out of their context. Such arguments change nothing of God's clear and definitive judgement

Having explained this basic rule in all Divine-faiths, the *sūrah* gives some examples of the law contained in the Torah which God revealed so that on its basis, prophets, divines, and rabbis might judge among the Jews: *"We decreed for them in it: a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and a similar retribution for wounds."* (Verse 45)

These provisions outlined in the Torah have been retained as an integral part of Islamic law, since it is meant to be the law of all mankind, till the end of time. It is true that these provisions may not be implemented except in the land of Islam, but this is only for practical reasons. Islamic authority cannot implement these provisions beyond the borders of the land of Islam. Whenever and wherever Muslim rulers can implement these laws, they are required to do so, since Islamic law is a code for all mankind in all generations. One provision has been added to them under Islam. This is the one to which reference is made in the following Qur'ānic statement: *"But for him who foregoes it out of charity, it will atone for some of his sins."* (Verse 45) This was not included in the law of the Torah. Retaliation was inevitable. No one could waive it or forego it. Hence, atonement of sins could not be achieved through such a charitable gesture.

A word on the concept of retaliation in punishment for injuries will not go amiss. The basic principle which is established through this concept is that of the equality of human beings and their equality before the law. No law other than Divine law acknowledges such an equality so as to make the punishment equal to the crime and to remove all considerations of class, position, lineage and race. This principle is amplified by its comprehensive application: *"A life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and a similar retribution for wounds."* (Verse 45) There is no distinction between one class and another, rulers and ruled. All are equal before God's law, since they all descend from one single soul created by God.

This great principle established by God's law is the true and complete declaration of the birth of man when all human beings are considered equal, subject to the same law which rules on the basis of absolute equality. It is the first declaration of its kind. Human laws lagged behind for tens of centuries before they began to rise to its level, but even then, their aspirations have remained partial and theoretical. As for their practical application, human laws continue to lag behind.

The Jews, in whose Scripture, the Torah, this great principle was established, deviated from it in their relations with other people. They used to say: *"We have no obligation to keep faith with Gentiles."* (3: 75) They also deviated from it in their own internal relations, as we have already explained when two Jewish tribes in Madinah, the Qurayzah and the al-Nadīr established a system of blood money which gave the victorious twice as much as it gave the defeated. The Prophet Muḥammad (peace be upon him) brought them back to the implementation of God's law based on equality. He put them all on the same level.

Apart from its being a declaration of the birth of man, retaliation on the basis of equality is a most effective deterrent which makes anyone who contemplates killing another or causing him bodily harm think twice before putting his thoughts into action. He knows that regardless of his position, family connections, class or race, he will be executed for killing and he will suffer the same bodily harm as he causes.

If he cuts off a hand or a leg of another person, he will have his own hand or leg cut off; and if he destroys an eye, an ear, a nose or a tooth, he will be similarly impaired. But if he were only to face a period of imprisonment, long as it may be, for such actions, then he is unlikely to be deterred for long. His own physical agony or handicap is so very different from a period of imprisonment.

Moreover, retaliation on the basis of equality is the sort of punishment which appeals to human nature. It quenches the desire for revenge which may be fuelled by blind fury and it pacifies hearts and heals wounds. Some people may accept blood money while others insist on retaliation.

Under Islam, Divine legislation takes full account of human nature, just as it did in the Torah. Having ensured the satisfactory punishment of retaliation, Islam appeals to the benevolent element in human nature to encourage charitable forbearance: *"But for him who foregoes it out of charity, it will atone for some of his sins."* (Verse 45) It is up to the killed victim's next of kin or to the injured person himself in all cases of wounds and injuries to be charitable and forego retaliation. It is up to either person, out of his own free choice, to forego his right to retaliation and to accept blood money in place of it, or to forego both. If he does, God will forgive him some or all of his sins. It should be added, however, that even if such a person foregoes retaliation for blood money, the Muslim ruler may enforce a lesser punishment, as he deems fit. on the killer