

Tafseer Al-Baqarah (2: 219-220)

From the book, Introduction to the Tafseer of the Quran,

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﴿يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ لِلنَّاسِ وَإِثْمُهُمَا أَكْبَرُ مِن نَّفْعِهِمَا وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ الْآيَاتِ لَعَلَّكُمْ تَتَفَكَّرُونَ * فِي الدُّنْيَا وَالْآخِرَةِ وَيَسْأَلُونَكَ عَنِ الْيَتَامَى قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَالِطُوهُمْ فَإِخْوَانُكُمْ وَاللَّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمَصْلِحِ وَلَوْ شَاءَ اللَّهُ لَأَعْنَتَكُمْ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ﴾

“They ask you about wine and gambling. Say, "In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit." And they ask you what they should spend. Say, "The excess [beyond needs]." Thus Allah makes clear to you the verses [of revelation] that you might give thought. To this world and the Hereafter. And they ask you about orphans. Say, "Improvement for them is best. And if you mix your affairs with theirs - they are your brothers. And Allah knows the corrupter from the amender. And if Allah had willed, He could have put you in difficulty. Indeed, Allah is Exalted in Might and Wise.” [TMQ 2:219-220]

The verses continued to reveal upon the Messenger of Allah (saw) in this noble surah, explaining the Shariah rulings of many issues in building the firm Islamic personality in terms of Aqeedah and Sharia rulings i.e. building the Islamic mentality and disposition, in order for a Muslim to be sincere in faith and strong in adherence to the rulings of Islam:

1. Some Muslims asked about wine and gambling, so Allah (swt) responded to them about their benefit. Thus Allah (swt) said: ﴿فِيهِمَا إِثْمٌ كَبِيرٌ وَمَنَافِعُ لِلنَّاسِ﴾ “**In them is great sin and [yet, some] benefit for people.**” Allah (swt) did not say that (هما إثم) ‘they are sin.’ Accordingly, Muslims understood from this verse the absence of prohibition for wine and gambling and that it is preferred not to make use of them as Allah (swt) says ﴿إِثْمُهُمَا أَكْبَرُ مِن نَّفْعِهِمَا﴾ “**But their sin is greater than their benefit.**”

As for the benefit, it is due to their trading of wine and what they obtain in terms of profit. In the gambling, the benefit is due to what is transferred to them in terms of gambling money, without any toil or effort, and then the use of what they are giving to the poor in terms of gambling money.

As for the sin in them, it emanates from the one who drinks in terms of obscenity, bad and evil behavior and from the one who gambles by consuming the wealth of others unjustly and losing his money in the gambling when he loses, followed by hostility and hatred.

Al-Wahadi says: This verse was revealed about Umar bin Khattab and Mu’ad bin Jabal and few Ansars came to the Messenger of Allah (saw) and said: (أفتنا في الخمر والميسر فإنهما مذهبة: “We were seduced with wine and gambling. Both drive away the intellect and rob the wealth. So Allah (swt) revealed the verse.” [Tafsir Baydawi 1/235]

The word ‘الخمر- khamr’ is taken from the word ‘Khamara خَمَرَ’ which means to conceal. This includes the word ‘Khimar’, the headscarf for women. ‘Khamrahu - it covers it’ is said when anything covers the other. This includes ‘the concealment of your spontaneity’ (خَمَرُوا) (أنيتكم). Thus khamr is the concealing of intellect i.e. covering and sealing it.

The word (ميسر) Gambling is a Masdar Meemi (root word with letter Meem) of a word (يسر) ‘yasr’ which means ‘to make ease,’ like the word (مؤيد-mau’id) from the word (وعد wa’ada). It is said (يسرته) yasarthahu (you facilitated it), when you play gambling. The word (ميسر) is derived from the root word (يسر) ‘yasr’ which means to ease) as wealth is taken away from a

man, with ease and comfort without any toil or effort.

2. The word (خمر) refers to all the intoxicants as the Prophet (saw) said: «كل مسكر خمر» **“Every intoxicant is khamr”** [Muslim: 3733, 3735, al-Tirmidhi: 1784, an-Nasa’i: 5488, Ibn Majah: 3381, Ahmad: 2/29, 31]. Khamr is prohibited whether it is made from what the Arabs used to make their wine at that time from grapes, dates, wheat, barley and corn, as reported by Abu Dawood or from any other kind, if the reality of manufactured drink is intoxicants according to the Hadith mentioned before.

Therefore, modern intoxicating drinks that contain alcohol are considered Khamr and the rulings of Khamr are applied on them.

As we have mentioned, the Khamr was not prohibited in the previous verse: ﴿يَسْأَلُونَكَ عَنِ﴾ **“They ask you about Khamr and gambling. Say, “In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit.”** However, it was prohibited in the verses of Surah Maida: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ * إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقَعَ بَيْنَكُمْ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَن ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ﴾ **“O you who have believed, indeed, Khamr, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful. Satan only wants to cause between you animosity and hatred through khamr and gambling and to avert you from the remembrance of Allah and from prayer. So will you not desist?”** [TMQ Surah Al-Maida: 90-91].

The prohibition is decisive with strongest type of decisiveness, as Allah (swt) says: ﴿إِنَّمَا﴾ **“Gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement”** ﴿مِّنْ عَمَلِ الشَّيْطَانِ﴾ **“From the work of Satan”**. ﴿إِنَّمَا يُرِيدُ﴾ **“So refrain from it so that you may be successful”**. ﴿إِنَّمَا يُرِيدُ الشَّيْطَانُ أَنْ يُوقَعَ بَيْنَكُمْ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ﴾ **“Satan only wants to cause between you animosity and hatred through khamr and gambling”** ﴿وَيَصُدَّكُمْ عَن ذِكْرِ اللَّهِ﴾ **“And to avert you from the remembrance of Allah”**. ﴿وَعَنِ الصَّلَاةِ﴾ **“From the Prayer”**. ﴿فَهَلْ أَنْتُمْ مُنْتَهُونَ﴾ **“So will you not desist?”**

Each one of those statements is enough for the prohibition and thus the Companions (ra) of the Prophet (saw) exclaimed: “We have stopped it, Oh Lord!” And their abstention from the Khamr was astonishing. One of the Companions (ra) of the Prophet (saw) used to drink Khamr for years and when the news of prohibition reached him with the revelation of the al-Maida verses, he even spat out the khamr that was in his mouth and he did not say: “This time I will drink and then I will abide by the rulings of prohibition”!

Khamr is prohibited in ten situations as mentioned by the Messenger of Allah (saw) who said: **فقد لعن رسول الله ﷺ الخمره ولعن معها عشرة: بائعها ومبتاعها والمشتراة له وعاصرها والمعصورة له وساقياها** **“The Messenger of Allah (saw) cursed wine and cursed ten involved in wine: The one who sells it, the one who buys it, the one it was purchased for, the one who presses it, the one who has it pressed, its server, its drinker, its carrier, and the one it is carried to, the one who consumes its price,”** [Al-Tirmidhi: 1295]

The punishment for the one who drinks Khamr is to give him the Hadd of forty or eighty lashes. The punishment is not other than forty or eighty lashes. Accordingly, it is prohibited to give fifty lashes, for instance. This is because **“it was soundly reported from the Messenger of Allah (saw) that he used to give Hadd of forty and eighty lashes for those who drink Khamr”** [Abu Dawood: 3883].

As for the punishment for the one who sells it and for the remaining of the ten categories, the punishment is Ta’zeer. There is a punishment for every prohibited thing in Islam by the

Islamic Khilafah state, whether the punishment is of Hadd or Jinaaya or Ta'zeer or Mukhalafath, as it is detailed in the Punishment System in Islam.

3. (Maysir ميسر) is all the gambling whether it was used by Arabs, when the prohibition was revealed, or what comes after that, as long as its reality is the reality of gambling itself.

Amongst forms of gambling which was widespread amongst them, is the gambling on slaughtering camels (جزور) which they buy and set a price. They then make arrows for each one of them. Each arrow is marked with signs to indicate his share from the parts of the slaughtering camel i.e. one arrow has one share, while another has double share and some have no share and so on. Arrows are then placed in a quiver (ربابة) made of cloth bags. Then they choose one of the arrows by putting a hand inside the bag, shaking the arrows inside the bag, two or three times, and then drawing out the arrows one by one.

If so and so's drawn arrow indicates the mark of one share, he takes one share of the slaughtered meat. If the arrow indicates the two shares, he will take double the share of meat, after dividing the slaughtered camel into the number of shares. If one draws out the arrow marked with no shares, he will not take any share of the meat and pay the price for the slaughtered camel.

They would give a share of meat to the poor. They would gamble and the poor would benefit of it. And the one who has the arrow marked with no shares, paid the price for the slaughtering camel.

This was the gambling widespread amongst them. This includes all the gambling whatever be its styles. Thus, whoever plays any kind of play in which the loser pays a certain amount, his action is considered to be gambling. Every participation in drawing lots with specific numbers, i.e. lottery, either the one who draws his number and takes the prize, or the one who does not draw his number and leaves by paying for the lot, without taking anything, is also considered as undertaking gambling. This is considered as gambling even if he spends some of the lottery amount on the poor or to some charitable institutions i.e. what is called nowadays charitable lottery. These are also gambling as long as there is participation in numbers, either the one who draws his number and takes the prize, or the one who does not draw his number and loses what he has paid for the lot, without taking anything.

All this comes under gambling and the reality of gambling which the Arabs used to include: One who draws the arrow will take the share. Also they used to pay the poor, with the meat by drawing the arrow for them. Thus, the reality is one and every gambling, with chance comes under it.

This is not similar to the reality of casting lots (القرعة) as came in the hadith: «كان رسول الله إذا» **When the Messenger of Allah intended to go on a journey he cast lots among his wives and the one who was chosen by lot went with him.** [Muslim: 2445, Ahmad: 6/114, 117, Ibn Hibban: 10/13]. «أعتق رجل من الأنصار ستة أعبد عند موته لم يكن له مال» **A man emancipated six slaves of his at the time of his death, whilst he had no other wealth. When the Prophet (saw) was informed about it, he (saw) then called them, divided them (into three sections), and then cast lots amongst them, and so emancipated two and kept four in slavery.** [Al-Tirmidhi: 1364, Ibn Hibban: 10/407].

This is for setting the quotas for those with lots, as each one of them will have a share similar to the other shares. The intention was to specify the share of each one of them, so they were chosen by lot to specify those shares. They possessed those shares from the beginning and they did not acquire it by gambling. Thus, its reality is other than the reality of gambling and it is pure and halal. On the other hand, gambling is impure and haram as we will clarify insha Allah.

All types of gambling are prohibited, not by the above verse as it only clarifies the sin of involving in the gambling is greater than its benefit. However, the prohibition is due to the revelation of the verse in Surah Al-Maida which we have mentioned before. Allah (swt) said,

﴿إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ﴾ **“Indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement.”** [Al-Maida 5:90].

We have mentioned previously about the severity of the prohibition, based on the evidence of the words used in the verse and the punishment (ta'zeer) for those who undertake gambling. It is the punishment in Islam determined by Qadi (Judge) with the condition of confirming the undertaking of gambling. The determination should be sufficient for the punishment of those who deal with gambling, such that it deters the like of them, amongst those who hear its punishment. Accordingly, the punishment should be severe and determined in proportion to the crime.

In conclusion, I say:

Those who seek to draw lots in the 'charitable lottery' which is widespread these days, it is amongst the forms of gambling and forbidden, regardless of the argument that some of the poor benefit from the profits of gambling. Those who participate in the lottery are in error, their argument is invalid and their statements are false. This is because the reality of gambling, which was widespread at a time when the prohibition was revealed, was the reality when the poor benefited through the distribution of meat earned by the gamblers, receiving their share by drawing specific arrows. Although they were in Jahiliyya, they did not eat anything from it, instead giving it to the poor, boasting about this giving to the poor and reprimanding those who did not. Nevertheless, the prohibition was focused upon such act.

Thus charitable lottery also comes under the prohibition of gambling. It is not an exception, due to some of its benefits to the poor, as the reality of prohibited gambling also applies to it.

4. Then Allah (swt) clarifies another issue. In the previous verse Allah has mentioned, ﴿يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ فَلِلْوَالِدَيْنِ وَالْأَقْرَبِينَ وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ﴾ **“They ask you, [O Muhammad], what they should spend. Say, "Whatever you spend of good is [to be] for parents and relatives and orphans and the needy and the traveler”** [TMQ 2:215]. Spending is prioritized upon parents, relatives, orphans, the needy and the traveler. They are the ones to whom spending is directed to.

However, in this verse [2:219], Allah (swt) says: ﴿وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوُ﴾ **“And they ask you what they should spend. Say, "The excess [beyond needs].”** The verse clarified another matter, which is a response to the question, other than the first question. Here the question is about the quantity of what they spend, so Allah (swt) clarified that: ﴿الْعَفْوُ﴾ **“Excess.”** This is more than the usual spending, anything beyond the preferable wealth.

Ibn Ishaq reported from Ibn Abbas (ra) that few of the Companions (ra) of the Prophet (saw) were commanded to spend in the path of Allah (swt). They went to the Prophet (saw) and said: We do not know about this spending which we are commanded to do in our wealth. What do we spend on? So the verse was revealed. And before that a man used to spend his money, until he found nothing to give in charity and nothing to eat, until he was given.

The answer to this is that the charity is given from the preferable wealth i.e. from the excess of usual spending.

Many Ahadith came from the Messenger of Allah (saw) with that meaning. It was reported from the two Sheikhs, Bukhari and Muslim, as well as from Abu Dawood and an-Nisaa'e, that Abu Huraira narrated from the Prophet (saw): «خير الصدقة ما كان عن ظهر غنى وابدأ بمن» **“and the best charity is what from the back of the rich (that which given out of surplus); and begin (charity) with those who are under your care;”** [Al-Bukhari: 2303, 8086, Muslim: 1034, Abu Dawood: 1676, An-Nasa'i: 2534] i.e. his charity depends on the strength of his back in terms of wealth, consequently he gives charity and leaves the wealth for the spending upon those who are under his care.

Then Allah (swt) clarifies that what was revealed of the verses about the spending and about the Khamr and gambling and their rulings. All these were revealed to think about

what is good for them in the affairs of this world and Hereafter, as well as to contemplate about this world and its demise, so that they would fear Allah in what they are doing. It is to urge looking forward to the Hereafter, rushing towards Goodness in order to meet Allah, whilst He (swt) is pleased with them.

5. Then Allah (swt) mentions another subject in the context of elucidating many Sharia Rulings in this noble Surah. That subject is a question and answer about the subject of orphans. Muslims were abstaining from the orphans, whom they are taking care of. They refrained to approach the wealth of orphans, as they feared Allah (swt) and his punishment, if they are not good at guardianship. This was after the revelation of a verse in Surah Al-An'am: ﴿وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ﴾ **“And do not approach the orphan's property except in a way that is best”** [TMQ An'am: 152]. Also in Surah An-Nisa, Allah (swt) says: ﴿إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَسَيَصْلُونَ سَعِيرًا﴾ **“Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze”** [TMQ An-Nisa: 10]. So the Muslims began to separate their food and drinks from that of orphans, until some of the food of orphans was spoiled without being eaten by the guardian, to refrain from the sin. So they asked the Messenger of Allah (saw) and the verse was revealed, as narrated by Abu Dawud from Ibn Abbas (ra). Allah (swt) clarified in the verse as follows:

A- A guardian may carry out everything that involves improvement, development and protection of the wealth of orphans. And he will be rewarded, if he is good and sincere in that.

B- Mingling with them is better than isolating them. Mingling food, drinks and residence with them for the sake of improvements and goodness, is better than isolating them. This preference has come in the verse of Allah (swt): ﴿وَإِنْ تَخَالَطُواهُمْ فَأَخْوَانَكُمْ﴾ **“And if you mix your affairs with theirs - they are your brothers.”** And the mentioning of Allah (swt): ﴿فَأَخْوَانَكُمْ﴾ **“They are your brothers”**, it is the urgency and encouragement to mix with the orphans and deal with them as if they are part of their family, in addition to the increased care and attention.

C- Then Allah (swt) clarifies that He (swt) knows the one who mixes with orphans for the sake of their improvement and the one who mixes with them for the sake of corruption i.e. **to protect the wealth of the orphans or to take mixing as a justification to consume their wealth.**

D- At the end of the verse, Allah (swt) reminds them with His favor upon them as He made ease of the guardianship of orphans, permitted them to mix with orphans for goodness. And He (swt) prepared great reward for them for guardianship. If Allah (swt) had wished, He would have made the guardianship hard for them, as He (swt) says: ﴿لَاَعْتَنَكُمْ﴾ **“He could have put you in difficulty.”** i.e. He could have put you in difficulty over the guardianship of orphans and made severe punishment, if they mixed any of their wealth. Allah is dominant over His affairs and nothing is impossible for Him. And He is All Wise in every matter He does. ﴿إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ﴾ **“Indeed, Allah is Exalted in Might and Wise.”**