

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Tafseer Al-Baqarah (2: 224-225)

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

by the Ameer of Hizb ut Tahrir, eminent jurist and statesman, Ata Bin Khalil Abu Al-Rashtah:

﴿وَلَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ أَنْ تَبَرُّوا وَتَتَّقُوا وَتُصَلِّحُوا بَيْنَ النَّاسِ وَاللَّهُ سَمِيعٌ عَلِيمٌ (224) لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَكِنْ يُؤَاخِذُكُمْ بِمَا كَسَبَتْ قُلُوبُكُمْ وَاللَّهُ غَفُورٌ حَلِيمٌ (225)﴾

“And do not make [your oath by] Allah an excuse against being righteous and fearing Allah and making peace among people. And Allah is Hearing and Knowing.(224) Allah does not impose blame upon you for what is unintentional in your oaths, but He imposes blame upon you for what your hearts have earned. And Allah is Forgiving and Forbearing.(225)”

In the context of explaining number of Ahkam, Allah (swt) explains in these verse the following:

1. Allah (swt) prohibits anyone from taking an oath over not doing good, adhering to the oath and perjury as justification for not doing that good, thinking that righteousness is obligatory by the oath in this case, otherwise he would disobey Allah (swt).

Thus Allah (swt) clarifies that taking an oath is not valid in preventing righteousness, piety and making peace amongst people. Instead, one should do the good things and make Kaffara (atonement) for his oath as has been stated in the hadith, «مَنْ حَلَفَ عَلَى يَمِينٍ فَرَأَى غَيْرَهَا خَيْرًا مِنْهَا فَلْيُكْفِرْ عَنْ يَمِينِهِ وَلْيَفْعَلِ الَّذِي هُوَ خَيْرٌ» “When you swear an oath and consider something else to be better than it, make expiation for your oath and do the thing that is better.” [Muslim: 3113, Ibn Hibban: 10/196]

Al-Kalbi narrated that the verse was revealed about Abdullah Bin Rawaha when he made an oath upon his brother-in law Basheer bin Numan that he would never enter his home, nor he would speak to him, nor would he make reconciliation between Numan and his wife, after Numan had divorced her and wanted her to return by reconciling with her. For this reason, the verse was revealed which indicates that the oath of a believer should not prevent him from doing the good thing upon which he made the oath of not doing it.

In the conclusion of the noble verse, Allah (swt) clarifies that He (swt) is All-Hearing of their oaths, and that He (swt) is All-Knowing of their situations and their intentions. Not an atom can escape from Him. Allah (swt) knows what is hidden and what is apparent in them. ﴿وَاللَّهُ سَمِيعٌ عَلِيمٌ﴾ “And Allah is Hearing and Knowing.”

﴿عُرْضَةً﴾ - ‘An excuse’. The word is in the verb form (فُعْلَةٌ -fu’lath). e.g غُرْفَةٌ Ghurfah which means room. The word is in the verb form of Nasara (نصر) and Dharaba (ضرب) which is read as (عرض الشيء يعرض أو يعرض) i.e. Arada, Ya’ridu or Ya’rudu. It means making something as an objection i.e. obstacle.

﴿وَلَا تَجْعَلُوا اللَّهَ عُرْضَةً لِأَيْمَانِكُمْ﴾ “And do not make your oath by Allah an excuse” i.e. Don’t make Allah (swt) a barrier, because of the oath you took by Him, for righteousness, piety and making peace. It comes with the meaning of not making an oath by Allah (swt) as an impediment for you to do righteousness, piety and making peace between people, which you have made the oath of not doing.

The letter ‘ل’ ‘Lam’ in the saying ﴿لِأَيْمَانِكُمْ﴾ (because of your oath) is for the reasoned (i.e. ta’leel). That is, it means ‘for the sake of your oath.’ And the saying, ﴿أَنْ تَبَرُّوا﴾ “you to be righteous” it means (لأن تبروا) ‘For you to be righteous’.

2. In the second verse, Allah (swt) clarifies His blessing upon this Ummah. Allah has overlooked (forgiven) for us the inattentive (unintentional) oath i.e. that which comes out from the tongue, without having an intention of making an oath. It is reported from Aisha (ra) who said: “This verse ﴿لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ﴾ **“Allah does not impose blame upon you for what is unintentional in your oaths”** was revealed about a person's saying: 'No, by Allah' and 'Yes, by Allah'“. [Al-Bukhari: 4247, 6170]. It has reported from Abu Qulabah: The saying (لا والله) “No, by Allah” and (بلى والله) ‘Yes, by Allah’ is the conventional term spoken by Arabs without having an intention of making an oath. These are connecting words, and Allah (swt) has forgiven such talks of unintentional oaths, and He does not punish us except for what our hearts have earned i.e. for our intention of making an oath, where the words of oath agree to what is intended by the heart.

Amongst these punishments are what forces a person to give kaffara (expiation), so the one who makes an intentional oath fulfills the kaffara and then there is no sin upon him both in this world and Hereafter. In some cases, kaffara (expiation) does not benefit the person, where he is not forced to do kaffara, instead he will be given severe Ta’zeer punishment by the Islamic State in this world, or he will have severe punishment in the Hereafter.

As for the first case, it is the oath made that is not implemented by the one who made it and he commits perjury in it. It is the oath made by a person and he does not fulfill it such as someone makes an oath that he will definitely do such and such and then he does not do it. This oath has Kaffara (expiation) as clarified in Surah Maida: ﴿وَلَكِنْ يُؤَاخِذُكُمْ بِمَا عَقَّدْتُمُ الْأَيْمَانَ فَكَفَّارَتُهُ﴾ **“but He will impose blame upon you for [breaking] what you intended of oaths. So its expiation is the feeding of ten needy people from the average of that which you feed your [own] families or clothing them or the freeing of a slave. But whoever cannot find [or afford it] – then a fast of three days [is required]”** [TMQ Surah al-Maida 5:89]. Implementing the Kaffara expiates his sin after that, both from (the punishment of) the Islamic state in this world and from the (punishment) in the Hereafter.

Second is the false oath that is made deliberately. If a person makes an oath upon something happened whilst he knows that it is a lie. It is called Yameen Al-Ghumoos (dipping oath) because it dips the one who made this oath into the hellfire. Rights will be cut off and corruption will spread by this oath.

This oath is not expiated by kaffara as there is no kaffara for this. Rather, it is expiated by severe Ta’zeeri punishment in this world by the Islamic state, whose punishment is estimated by the judge by investigating the rebuke of the one who commits it and the one who hears it based upon its severity. If the news is not reached to Islamic state, Allah has threatened him with the severe punishment as clarified by the Messenger of Allah (saw), narrated by Ibn Amr (ra) who said:

“A bedouin came to the Prophet (saw) and said, "O Allah's Messenger (saw)! What are the biggest sins?: .. the Hadith in which the Prophet (saw) said: (اليمين الغموس) "To take an oath 'Al-Ghamus." The bedouin said, "What is an oath 'Al-Ghamus'?" The Prophet (saw) said, «الَّذِي يَقْتَضِعُ مَالَ امْرِئٍ مُسْلِمٍ هُوَ فِيهَا كَادِبٌ» **“The false oath through which one deprives a Muslim of his property (unjustly).”** [Al-Bukhari: 6409]. Abu Huraira reported that the Messenger of Allah (saw) said, «وَحَمْسٌ لَيْسَ لَهُنَّ كَفَّارَةٌ: الشِّرْكُ بِاللَّهِ، وَقَتْلُ النَّفْسِ بغيرِ حَقِّ، أَوْ بَهْتٌ مُؤْمِنٍ، أَوْ الْفِرَارُ يَوْمَ الزَّحْفِ، أَوْ يَمِينٌ صَابِرَةٌ يَقْتَضِعُ بِهَا مَالًا بِغَيْرِ حَقٍّ» **“Five things do not have Kaffara: Making partners with Allah, Killing a soul unjustly, slandering a believer, retreating on the day of battle and Making an oath by which one’s property is deprived unjustly”** i.e. oath of ghamus. [Ahmed: 2/362]

Allah has concluded the verse by saying that He will not punish us for the careless talk (اللغو), rather he will punish for what our hearts have earned as clarified before. Allah (swt) is ﴿عَفُورٌ﴾ **“All-Forgiving”** as he does not punish for our careless talk and He is ﴿حَلِيمٌ﴾ **“Forbearing”** as He does not rush to punish those who deserve it. The word (الحليم) is from the verb (حَلَمَ يَحْلُمُ حَلْمًا) ‘Haluma Yahlumu Hilman’ which means delaying to give the punishment.

