

Surah-2 Al-Baqara Medina 87

The Quran's Text & Yusuf Ali's Translation:

يَا أَيُّهَا الَّذِينَ آمَنُوا ...

2: 282. O ye who believe!

... إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَى أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ...

when ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing.

[Ali's comments: 329. The first part of the verse deals with transactions involving future payment or future consideration, and the second part with transactions in which payment and delivery are made on the spot. Examples of the former are if goods are bought now and payment is promised at a fixed time and place in the future, or if cash is paid now and delivery is contracted for at a fixed time and place in the future. In such cases a written document is recommended, but it is held that the words later on in this verse, that it is "juster . . . more suitable as evidence, and more convenient to prevent doubts", etc. imply that it is not obligatory in law. Examples of the latter kind - cash payment and delivery on the spot - require no evidence in writing, but apparently oral witnesses to such transactions are recommended.]

... وَلْيَكْتُبْ بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ...

Let a scribe write down faithfully as between the parties:

... وَلَا يَأْبَ كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ اللَّهُ ...

let not the scribe refuse to write, as Allah has taught him,

[330. The scribe in such matters assumes a fiduciary capacity: he should therefore remember to act as in the presence of Allah, with full justice to both parties. The art of writing he should look upon as a gift from Allah, and he should use it as in His service. In an illiterate population the scribe's position is still more responsible.]

... فَلْيَكْتُبْ وَلْيُمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَخْسُ مِنْهُ شَيْئًا...

so let him write. Let him who incurs the liability dictate, but let him fear his Lord Allah, and not diminish aught of what he owes.

... فَإِنْ كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا...

If the party liable is mentally deficient, or weak,

... أَوْ لَا يَسْتَطِيعُ أَنْ يُمِلَّ هُوَ فَلْيُمْلِلْ وَلِيُّهُ بِالْعَدْلِ...

or unable himself to dictate, let his guardian dictate faithfully.

[331. Possibly the person "mentally deficient, or weak, or unable to dictate", may also be incapable of making a valid contract, and the whole duty would be on his guardian, who again must act in perfect good faith, not only protecting but vigilantly promoting the interests of his ward.]

... وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رَجَالِكُمْ...

And get two witnesses, out of your own men,

[332. It is desirable that the men (or women) who are chosen as witness should be from the circle to which the parties belong, as they would best be able to understand the transaction, and be most easily available if their evidence is required in future.]

... فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ...

and if there are not two men, then a man and two women,

... مِمَّنْ تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَنْ تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ إِحْدَاهُمَا الْأُخْرَى...

such as ye choose, for witnesses, so that if one of them errs, the other can remind her.

... وَلَا يَأْبَ الشُّهَدَاءُ إِذَا مَا دُعُوا...

The witnesses should not refuse when they are called on (for evidence).

... وَلَا تَسَاءَمُوا أَنْ تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَىٰ أَجَلِهِ...

Disdain not to reduce to writing (your contract) for a future period, whether it be small or big:

... ذَلِكُمْ أَفْضَلُ عِنْدَ اللَّهِ وَأَفْضَلُ لِلشَّهَادَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا...

it is juster in the sight of Allah, more suitable as evidence, and more convenient to prevent doubts among yourselves;

... إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا...

but if it be a transaction which ye carry out on the spot among yourselves, there is no blame on you if ye reduce it not to writing.

... وَأَشْهَدُوا إِذَا تَبَايَعْتُمْ وَلَا يُضَارَّ كَاتِبٌ وَلَا شَهِيدٌ...

But take witnesses whenever ye make a commercial contract; and let neither scribe nor witness suffer harm.

... وَإِنْ تَفْعَلُوا فَإِنَّهُ فُسُوقٌ بِكُمْ ...

If ye do (such harm), it would be wickedness in you.

... وَاتَّقُوا اللَّهَ وَيُعَلِّمُكُمُ اللَّهُ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ (٢٨٢)

So fear Allah; for it is Allah that teaches you. And Allah is well acquainted with all things.

[333. Commercial morality is here taught on the highest plane and yet in the most practical manner, both as regards the bargains to be made, the evidence to be provided, the doubts to be avoided, and the duties and rights of scribes and witnesses. Probity even in worldly matters is to be, not a mere matter of convenience or policy, but a matter of conscience and religious duty. Even our every-day transactions are to be carried out as in the presence of Allah.]

وَأِنْ كُنْتُمْ عَلَى سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهَانٌ مَّقْبُوضَةٌ... ^{up}

2: 283. If ye are on a journey, and cannot find a scribe, a pledge with possession (may serve the purpose).

[**334.** A pledge or security stands on its own independent footing, though it is a very convenient form of closing the bargain where the parties cannot trust each other, and cannot get a written agreement with proper witnesses.]

... فَإِنْ أَمِنَ بَعْضُكُم بَعْضًا فَلْيُؤَدِّ الَّذِي أُؤْتِمِنَ أَمَانَتَهُ وَلْيَتَّقِ
اللَّهَ رَبَّهُ ...

And if one of you deposits a thing on trust with another, let the trustee (faithfully) discharge his trust, and let him fear his Lord.

[**335.** The law of Deposit implies great trust in the Depositary on the part of the Depositor. The Depositary becomes a trustee, and the doctrine of Trust can be further developed on that basis. The trustee's duty is to guard the interests of the person on whose behalf he holds the trust and to render back the property and accounts when required according to the terms of the trust. This duty again is linked to the sanction of Religion, which requires a higher standard than Law.]

... وَلَا تَكْتُمُوا الشَّهَادَةَ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آثِمٌ قَلْبُهُ ...

Conceal not evidence; for whoever conceals it, his heart is tainted with sin.

[336. It sometimes happens that if some inconvenient piece of evidence is destroyed or concealed, we gain a great advantage materially. We are warned not to yield to such a temptation. The concealment of evidence has a serious effect on our own moral and spiritual life, for it taints the very source of higher life, as typified by the heart. The heart is also the seat of our secrets. We are told that the sin will reach our most secret being, though the sin may not be visible or open to the world. Further, the heart is in the seat of our affections, and false dealing taints all our affections.]

... وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ ﴿٢٨٣﴾

And Allah knoweth all that ye do.

Muhammad Pickthall:

2: 282 O ye who believe! When ye contract a debt for a fixed term, record it in writing. Let a scribe record it in writing between you in (terms of) equity. No scribe should refuse to write as Allah hath taught him, so let him write, and let him who incurreth the debt dictate, and let him

observe his duty to Allah his Lord, and diminish naught thereof. But if he who **oweth the debt is of low understanding, or weak, or unable himself to dictate**, then let the guardian of his interests dictate in (terms of) equity. And call to witness, from among your men, two witnesses. And if two men be not (at hand) then a man and two women, of such as **ye approve** as witnesses, **so that if the one erreth (through forgetfulness) the other will remember**. And the witnesses must not refuse when they are summoned. Be not averse to writing down (the contract) whether it be small or great, with (record of) the term thereof. That is more equitable in the sight of Allah and more sure for testimony, and the best way of avoiding doubt between you; save only in the case when it is actual merchandise which ye transfer among yourselves from hand to hand. In that case it is no sin for you if ye write it not. **And have witnesses when ye sell one to another, and let no harm be done to scribe or witness.** If ye do (harm to them) lo! it is a sin in you. Observe your duty to Allah. **Allah is teaching you**. And Allah is Knower of all things.

2: 283 If ye be on a journey and cannot find a scribe, **then a pledge in hand (shall suffice)**. And if one of you entrusteth to another let him who is trusted deliver up that which is entrusted to him (according to the pact between them) and let him observe his duty to Allah. Hide not testimony. He who hideth it, verily his heart is sinful. Allah is Aware of what ye do.

[**Amatulla's comments:** Two women in witness equal to one man's witness in business transaction. Why. I think it implies a reason: "[If one of them errs the other can remind her](#)". Perhaps what is being indicated here is that women in general are more emotional and often dictated by that emotion more than a man is. This is an universal inclination or disposition of women. And this is very compatible with the motherhood and childrearing function of a society, where their position is set as superior to that of a man [father]. Where as in business transactions requiring strict code of discipline and terms, it is possible that in general women would have a tendency dictated by emotion and attachments than reason and equity. This verse does not lay it in clear term, but implies that. Also due to emotional bias or may be due to natural disposition, a woman may be more prone to forgetfulness, requiring further assistance.

In modern times, this explanation may sound like an apologetic one, but it is not. As a believer I do not challenge God's parameter, I merely try to understand it and accept it. God knows best His creation, and I am only a servant, no matter how difficult it is to understand or accept. Therefore, I

am not justifying it but completely accepting it. There is no reason for apology. One who does not believe in this can look at this from entirely different perspective and come with a very negative view of Islam on the position of women. I completely refute and reject that negative connotation.

Today, modern science is acknowledging many inherent differences between a man and a woman. With more advancement Inshallah this may be exposed and understood better. In my mind I have no doubt about that. This does not mean a woman is inferior to a man or vice versa. This is just one parameter of human characteristics or dispositions, there are many others. It is being shown that intuitive wisdom, stamina, endurance and family maintenance a woman's standing is superior that of a man. Neither it implies an inferiority of a man to a woman. It simply implies differences. With these inherent differences men and women are supposed to compliment or to fit in with each others to serve God. They are not in competition or in an adversarial relation, they are complimentary to each other. The duty of an individual and a society is to understand, appreciate and evaluate]