

يَتَأْتِيهَا الَّذِينَ ءَامَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ
وَلْيَكْتُب بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْب كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ
اللَّهُ فَلْيَكْتُبْ وَلْيُمْلِلِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَبْخَسْ
مِنْهُ شَيْئًا فَإِن كَانَ الَّذِي عَلَيْهِ الْحَقُّ سَفِيهًا أَوْ ضَعِيفًا أَوْ لَا يَسْتَطِيعُ
أَنْ يُمِلَّ هُوَ فَلْيُمْلِلْ وَلِيُّهُ بِالْعَدْلِ وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ
فَإِن لَّمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّن تَرْضَوْنَ مِنَ الشُّهَدَاءِ أَن
تَضِلَّ إِحْدَاهُمَا فَتُذَكِّرَ إِحْدَاهُمَا الْأُخْرَىٰ وَلَا يَأْب الشُّهَدَاءُ إِذَا مَا دُعُوا
وَلَا تَسْمَعُوا أَنْ تَكْتُبُوهُ صَغِيرًا أَوْ كَبِيرًا إِلَىٰ أَجَلِهِ ذَٰلِكُمْ أَقْسَطُ عِنْدَ
اللَّهِ وَأَقْوَمٌ لِلشُّهَدَةِ وَأَدْنَىٰ أَلَّا تَرْتَابُوا ۗ إِلَّا أَنْ تَكُونَ تِجَارَةً حَاضِرَةً
تُدِيرُونَهَا بَيْنَكُمْ فَلَيْسَ عَلَيْكُمْ جُنَاحٌ أَلَّا تَكْتُبُوهَا وَأَشْهِدُوا إِذَا
تَبَايَعْتُمْ وَلَا يُضَارَّ كَاتِبٌ وَلَا شَهِيدٌ وَإِنْ تَفَعَّلُوا فَإِنَّهُ فُسُوقٌ بِكُمْ
وَاتَّقُوا اللَّهَ وَيَعْلَمَكُمُ اللَّهُ وَاللَّهُ بِكُلِّ شَيْءٍ عَلِيمٌ



Al-Baqara (The Cow) 2:282

O You Who Believe!

- When you deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing.
- Let a scribe write down faithfully as between the parties: let not the scribe refuse to write: as Allah Has taught him, 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.
- If their party liable is mentally deficient, or weak, or unable Himself to dictate, let his guardian dictate faithfully, and get two witnesses, out of your own men,
- And if there are not two men, then a man and two women, such as you choose, for witnesses, so that if one of them errs, the other can remind her.

- The witnesses should not refuse when they are called on (for evidence).
- Disdain not to reduce to writing (your contract) for a future period, whether it be small or big: it is more just in the sight of Allah.
- More suitable as evidence, and more convenient to prevent doubts among yourselves - but if it be a transaction which you carry out on the spot among yourselves, there is no blame on you if you reduce it not to writing.
- But take witness whenever you make a commercial contract.
- And let neither scribe nor witness suffer harm. If you do (such harm), it would be wickedness in you.
- So fear Allah.
- For it is God that teaches you.
- And Allah is well acquainted with all things.

Commentary

Allamah Taba Tabai (AR)

“And let him who owes the debt dictate . . . but if he who owes the debt is unsound in understanding. . .”

The whole phrase “he who owes the debt” has been repeated here instead of using a pronoun. It was done to remove any possible misunderstanding, as a pronoun could easily be mistaken to refer to the “scribe” mentioned in the preceding sentence.

“...or (if) he is not able to dictate himself, then let his guardian dictate...”

The manifest and separate pronoun *huwa* (translated here as *himself*) has been included in the sentence to show that in this particular case the debtor and his guardian both have the right to dictate. In the first two situations, when the debtor is deficient in understanding or is weak (in body or mind), the guardian has total authority, and the debtor himself cannot deal in his own affairs. But in this third situation when the debtor is, for any reason, unable to dictate himself, then the guardian shall have joint authority to do so. Therefore, this pronoun has given the following meaning to the phrase: “what such a debtor himself can do, he should do it ; but what he is unable to do, his guardian shall do it”.

“. . . so that if one of the two errs, the (second) one of the two may remind the other”

In this sentence a word, *hadhar* is understood before "an"; together they literally mean, “lest one of the two errs. . .”; the words, “one of the two” have been repeated in this sentence. While at first glance it would appear that the second phrase could be replaced by a pronoun, the fact is that the two phrases do not have the same significance. The first phrase (if one of the two errs) refers to either of the two without pointing to a particular woman; the second phrase (the one of the two may remind. . .) points particularly to the second who has not erred. That is why we have added the word (second) in its translation.

“And fear Allah”

The believers should guard themselves against disobeying the orders and prohibitions promulgated in this verse. “And Allah teaches you”; it is an independent sentence, not connected with the preceding one, “and fear Allah”. The sentence describes the grace of Allah bestowed on the believers. In this respect it is like the words of Allah in the verse of inheritance: Allah makes it clear to you lest you err (4:176). Allah in both these sentences shows that He has bestowed His bounties upon the believers by teaching them the rules of religion and by instructing them as to what they were allowed to do and what not.

Some people have said that the sentence, “and fear Allah, and Allah teaches you”, were connected to each other. According to them, they show that there is a relation of cause and effect between the two - when people fear Allah then Allah teaches them.

Mir Ahmed Ali (AR) and Aqa Mahdi Puya (AR)

Everything in the religion of Islam points to clarity and certainty. Therefore, all contracts of debt should be recorded. It is incumbent upon a Muslim to act as mediator, witness, or scribe when called upon to do so. All the parties to a contract of debt should safeguard themselves with full awareness of Allah's laws, a reminder which has been repeated twice in this verse, because Allah knows all things and what He teaches us is for our own good in the larger interest of human society. If we do not follow His guidance then surely we transgress. The laws prescribed in this verse develop and maintain a progressive, welfare-oriented, civilised social order.

Every contract of debt should be written down by a scribe with fairness. He who owes the debt should dictate without diminishing anything. If he is unsound or weak in understanding then his guardian should dictate with fairness. Two witnesses should be chosen to witness the written contract. If there are not two men, then one man and two women must be called in to witness, so that if one woman errs, the second may remind the other.

If the transaction is for ready merchandise which is given and taken from hand to hand, then there is no blame on any party in not writing it down.

Refer to fiqh for the details pertaining to the contracts of debt. In this verse Allah teaches us to write down and record the fact so that there may be no dispute in future. The one very important consequence of learning the art of writing is literacy. According to the Qu’ran knowledge or education is the most valuable virtue. According to Tabari, the Holy Prophet, in order to remove illiteracy, asked the literate pagan captives, after the battle of Badr, to teach reading and writing to the Muslims. In return, he set free one pagan if he had taught writing to ten Muslim boys.

When the Qur'an has asked the faithful to record in writing the transactions between individuals to avoid disputes, then it becomes all the more imperative that the sayings and doings of the Holy Prophet, one of the two main sources of Islamic ideology and jurisprudence, should have been faithfully recorded. However on account of political exigency, after the departure of the Holy Prophet, it was not done, lest the fighting spirit of the Arab soldiers be adversely affected if their attention was diverted to intellectual progress. Not only was the writing down of the Holy Prophet's sayings stopped but large libraries in the conquered lands of Egypt and Persia were burned and destroyed in the days of the second caliph on the plea that if those books were in agreement with the Quran, they did not need it, and if they were not, then they deserved destruction (Tabari, Yaquti and others).

As a result of not writing down the sayings and doings of the Holy Prophet, a great many disputes surfaced among the Muslims, dividing them in several sects and schools of thought.

At a time when the Muslim ummah was conquering far away lands and bringing in camel-laden booties in the streets of Madina, according to the well-known Muslim historian, Amir Ali, in his book "The Spirit of Islam", Ali was giving lectures in the masjid to spread knowledge, wisdom and intellectual progress, which emerged in full force among the later Saracen race.

It must be noted that it was Ali who advised the second caliph not to destroy the famous library in Alexandria, which was founded by the Greek scholars. Ali and the men attached with the holy house of the Ahlul-Bayt continued to record the traditions of the Holy Prophet in writing. Bukhari refers to a sahifa maintained by Ali which contained the true dictations of the Holy Prophet. According to many historians, Abdullah bin Abu Rafi-i, the freed slave of Imam Ali, had produced a recorded document containing the sayings of the Holy Prophet, narrated by Ali ibna Abi Talib.

Ayatullah Sayyid Kamal Faqih Imani and a Group of Muslim Scholars

After stating ordinances of charity given in the way of Allah, and the problem of usury, this verse, which is the longest verse of the Qur'an, expresses some ordinances upon the commercial and economical affairs in order that the capitals gain their natural growth and no difficulty or conflict comes forth for people.

There are nineteen significant instructions about financial communication and trading in this verse which are dealt with in the following.

1. In the first ordinance it says:

"O' you who have Faith! When you contract a debt for a stated term, then write it down..."

This meaning, however, makes the problem of loan clear, too, saying that it is permitted, as well as appointing a time for the loan. The verse under discussion includes the whole debts which are found in bargains, like: a time-bargain, purchases on credit, and the loan itself.

2 & 3 Then, to create more confidence and that the contracts to be safe from the probable interference from the side of either of the parties, it says:

"... and let a scribe write it down just between you..."

Thus, contracts must be arranged by a third person who is just.

4. The person who is able to write must not refrain from writing.

"... and no scribe may refuse to write as Allah has taught him..."

5. That is, for the sake of that blessing which Allah has bestowed upon him, he should not flee from performing that writing of contract, and he must help the two sides of the bargaining in this essential problem.

"...So let him write, and let the one who incurs the debt dictate..."

6. *"...and he should be in awe of Allah, his Lord, and not diminish it"*

7. *"...And if he who owes the debt is unsound in understanding, or weak (mentally), or if he is not able to dictate himself; then let his guardian dictate."*

8. The Guardian should also observe justice in dictating and confessing the debt of those who are under his guardianship.

"...justly...."

9. Then it adds that besides that beware

"... and call to witness from among your men, two witnesses..."

10 & 11 *"...from among your men..."*, means that, these two men should be both 'grown up' and 'Muslim'.

12. *"... but if two men are not available, then a man and two women..."*

13. *"...from among those whom you approve as witnesses..."*

14. In the case that witnesses are two men, either of them can bear witness independently. But when the witnesses are two women and a man, those two women must bear witness with together:

"... so that if either of the two women errs, the other will remind her..."

It is for the reason that women, because of the strong emotions they have, may be affected by some factors and deviate from the right path.

15. One of the ordinances upon this subject is that:

"... and the witnesses should not refuse (to evidence) whenever they are summoned..."

Therefore, bearing witness is obligatory, when the invitation for the matter comes forth.

16. Debt should be written down whether it is small or big, because the safety of the economical relations, which Islam means requires that, even in the contracts concerning the small debts, the documents be written, too. That is for the same reason that the next sentence of the verse says: "... And be not averse to writing it down, be the transaction small or big, with its fix term..."

Then, it adds: *"... That is more equitable in Allah's sight and more proper for testimony, and the surest way of avoiding doubt among yourselves..."*

This sentence, in fact, is a hint to the philosophy of the above mentioned ordinances about writing transactional documents. It vividly shows that these recorded documents can be applied by the judge as witnesses and proofs.

17. Then, one aspect is exceptionally separated from this ordinance, when it says: *"...unless it is ready merchandise which you handle between yourselves, then there is no sin on you not to write it down..."*

18. In cash transactions, though arranging and writing document is not necessary, still calling to witnesses is better for them, because it can prevent the probable future disputes. So, it says:

"... And have witnesses when you are trading one with another..."

19. For the last ordinance mentioned in this verse, it says:

"... And let no harm be done to a scribe or witness..."

Then, it is added:

"... and if you do, that is transgression on your part.. "

Finally, after mentioning all these ordinances, the Qur'an invites people to piety, virtue, and obedience to Allah, saying:

"... be in awe of Allah..."

Next to that, it reminds that whatever is necessary for your material and spiritual life, Allah teaches you:

"...and Allah teaches you..."

The occurrence of the above two phrases beside each other indicates that piety and worshipping Allah have a deep effect in appearing insight, cognizance and the increase of knowledge.

And, He is aware of everything that is good or evil for people. So, He determines what is good and appropriate for them.

"... and Allah is All-Knowing of all things."