

يَتَأَيُّهَا الَّذِينَ ءَامَنُوا لَا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرْمٌ وَمَنْ قَتَلَهُ مِنْكُمْ
 مُتَعَمِّدًا فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعَمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِّنْكُمْ هَدْيًا
 بَالِغَ الْكَعْبَةِ أَوْ كَفَّارَةٌ طَعَامُ مَسْكِينٍ أَوْ عَدْلٌ ذَلِكِ صِيَامًا لِّيَذُوقَ وَبَالَ
 أَمْرِهِ ۗ عَفَا اللَّهُ عَمَّا سَلَفَ وَمَنْ عَادَ فَيَنْتَقِمُ اللَّهُ مِنْهُ وَاللَّهُ عَزِيزٌ ذُو انْتِقَامٍ



Al-Ma'idah (The Table Spread) 5:95

O You Who Believe!

- Kill not game while in the sacred precincts or in pilgrim garb.
- If any of you does so intentionally, the compensation is an offering, brought to the Ka'bah, of a domestic animal equivalent to the one he killed, as adjudged by two just men among you.
- Or by way of atonement, the feeding of the indigent.
- Or its equivalent in fasts, that he may taste of the penalty of his deed.
- Allah forgives what is past: for repetition Allah will exact from him the penalty.
- For Allah is Exalted, and Lord of Retribution.

Commentary

Allamah Taba Tabai (AR)

al-hurum (in the pilgrim garb). It is a *sifah mushabbahah* (adjective which resembles a verb). [at-Tabrisi] writes *Haram* and *muhrim* both have the same meaning; likewise the opposite *halal* and *muhil* have the same meaning: *ahrama* 'r-rajul' ("The man entered into sacred month."), also it means: 'He entered into the Sanctuary.' Also, *ahrama* means: 'He entered into hajj (by saying *talbiyyah*).' *Al-Harm* means the pilgrim garb; this is the meaning of the hadith, 'I was applying perfume to the Prophet for his *ihram*.' The basic meaning of the root-word (h-r-m) is to protect, to prohibit; the women are called *haram* because they are protected; and *al-mahrum* is the one who is deprived of sustenance."

The words: "Do not kill game while you are in the pilgrim garb," forbid the killing of game. But it is partially elaborated by the next verse: Lawful to you is the game of the sea – this explains the kind of game; and the nature of killing is elaborated by the next sentence: "and whoever among you shall kill it intentionally" The word: 'intentionally' is the circumstantial clause related to: "whoever among you shall kill it."

Apparently, intentional killing is opposite of unintentional one, i.e. killing without intention, e.g. one shoots arrow to a certain target, and it missing the target hits a game. The verse makes it clear that he must pay the compensation if he did have the intention of killing the game, no matter whether he remembered that he was in the pilgrim garb, or had forgotten it or was oblivious to it.

The sentence: “the compensation (of it) is the like of what he killed, from the cattle, as two just persons among you shall judge, as an offering to be brought to the Ka’bah.” Its meaning is clear: He has to offer a compensation, which should be like the game he has killed; it should be from a kind of cattle which is like the killed game; that similar cattle will be decided by two just religious persons among you; that offering should be brought to the Ka’bah and slaughtered in the sanctuary in Makkah or Mina, as explained by the Prophetic sunnah.

Pardon is bestowed to what is gone by. It shows that “what is gone by” refers to those game killings, which had occurred before the verse was revealed giving this law. Obviously, if pardon was to apply to the game killed when it was being revealed or after its revelation, it would contradict the law. This sentence was revealed to remove the possible misunderstanding that the law of compensation was retroactively applicable to the incidents preceding the time of revelation.

The verse proves that pardon may be applied to such deeds too which are not sins, provided those deeds contain evil, which by their nature would be liable to attract legislative prohibition. The clauses: “and whoever returns (to it), Allah will inflict retribution on him; and Allah is Mighty, Lord of Retribution.” Apparently, returning to it means repeating the sin, and the clause: “Allah will inflict retribution on him,” speaks about future recurrence, not to a present order. It shows that the returning means repeating the deed that had attracted compensation, and the divine retribution refers to something other than the imposed compensation.

In this backdrop, the verse, together with the preceding and the following ones, deals with various aspects of the law of killing the game. Allah has pardoned those who had done so before revelation of the law; but he who would kill a game after the law was promulgated, would have to offer in compensation cattle like of what he had killed – this is for the first offence. However, if he repeats the sin, Allah will inflict retribution on him, and there is no compensation on him. This is seen in most of the traditions of the Imams of Ahlul-Bayt (AS) which deal with the explanation of this verse.

Had not this explanation been given in traditions, we would have to say that the retribution, mentioned in the clause: “Allah will inflict retribution”, covered general laws including expiation; and the returning connoted killing a game again; it would then mean: Whoever indulged in killing a game as they were doing before promulgation of this law – i.e. whoever would kill a game – Allah would inflict retribution on him – i.e. would make him liable to pay the compensation/expiation. But, as you see, this meaning is far from the wording of the verse.

(al-Kulayni) narrates through his chains from Hammad ibn Isa and Ibn Abi Umayr, from Mu’awiyah ibn Ammar, from Abu Abdillah (AS) that he said in explanation of the words of Allah, the Mighty, the Great: Allah will certainly try you in respect of some game which your hands and your lances can reach,

Wild animals were crowded for the Messenger of Allah (S), in the umrah of Hudaybiyyah until their hands and their lances could reach them.

(al-Kafi)

(al-Suyuti says:) Ibn Abi Hatim has narrated from Muqatil ibn Hayyan that he said:

This verse was revealed in the umrah of Hudaybiyyah; wild animals, birds and games used to come to them in their stations like of which they had never seen in the past; so Allah forbade them to kill it while they were in the condition of ihram; so that He might know who fears Him in secret.

(ad-Durru Manthur)

Ash-Shaykh narrates through his chains from Ibn Abi Umayr, from Hammad, from al-Halabi, from Abu Abdillah (AS) that he said,

When a *muhrim* kills a game, then its compensation is (incumbent) on him, and the (killed) game will be given to a poor as sadaqah; then if he repeats and kills another game, there is no compensation on him, and Allah will inflict retribution on him, and (that) retribution (will be) in the next world.

(at-Tahdhib)

(as-Shaykh) narrates from al-Kulayni, from some of his companions, from Abu Abdillah (AS), that he said:

If a muhrim kills a game by mistake, then compensation is incumbent on him; then if he kills it again intentionally, then he is from those on whom Allah will inflict retribution, and he is not liable to pay expiation.

(ibid)

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

Please refer to the commentary of al Baqarah: 196 and 197. Killing of even the smallest living being has been prohibited while performing hajj in the sacred house of Allah, the holy Ka-bah (refer to the commentary of al Baqarah; 125).

"Allah shall surely try you" shows the utmost importance of the command, yet Yazid not only desecrated the holy Ka-bah but planned to kill Imam Husayn, the grandson of the Holy Prophet, in it. Having come to know his wicked scheme in advance Imam Husayn, in order to save the sanctity of the holy sanctuary, substituted hajj with umrah and left Makka.

Allah is very strict in enforcing His commands and in punishing those who violate what He has sanctified. So man must hasten to ask His forgiveness, turn to Him in repentance, and make amends by following His guidance.

Ayatullah Sayyid Kamal Faqih Imani and a Group of Muslim Scholars

In this verse, the command of the prohibition of hunting at the time of being in pilgrim garment, with a general condition, has been issued more clearly and precisely.

It says:

" O' you who have Faith! kill no game while you are in pilgrim garb; ..."

Then, it points to the atonement of hunting in the condition of being in pilgrim garb, and says:

"... and anyone of you who kills it intentionally, its atonement is the like in cattle of what he has killed, ..."

That is, such a person should sacrifice that animal and give its meat to some needy ones.

Here, the purpose of ' the like ' is the likeness of the size and the shape of the animal. It is in this sense that, for example, if a person hunts a wild big animal, such as the ostrich, he should choose an ostrich as an atonement; or if he hunts a deer, he should sacrifice a lamb with nearly the same size.

And, since some people may fall into suspicion upon the subject of likeness, in this regard, the Qur'an ordains that this matter should be fulfilled under the judgement of two just persons, possessed of some knowledge among you. It says:

"... as (to this likeness) two just persons among you judge, ..."

And, for the place where this animal should be sacrificed, the Qur'an commands that it must be killed as a sacrifice dedicated to the Ka`bah and in the land of Ka`bah. It says:

"... (and the animal) will be an offering reached to the ka`bah, ..."

Then, the Qur'an adds that it is not necessary that the atonement should certainly be in the form of sacrifice, but each of the two other things can substitute it. The first is that some money equivalent to it can be spent in the way of feeding the poor.

It says:

"... or the atonement (of it) is feeding the poor, ..."

And the second thing of substitution is as follows:

"... or the equivalent of that in fasting, ..."

These atonements are for that the person sees the retribution of his committing offence. It says:

"... that he may taste the effect of his action ..."

But, in view of the fact that usually no ordinance includes the past, the Qur'an stipulates that Allah has forgiven the offences that have been done in this field, saying thus:

"... Allah has pardoned whatever is a thing of the past; ..."

So, if a person does not pay attention to these frequent warnings and the ordinance of atonement and hunts at the time of being in the pilgrim garb, Allah will take vengeance of such a person and Allah is Mighty to take vengeance in the appropriate time. It says:

"... and whoever returns (to it) , Allah will take vengeance on him, and Allah is Mighty, the Lord of Retribution."