

Allah (*SWT*) wants to eliminate the intensity of retaliation and vengeance in the souls of the believers. The party that is have the right to retaliation have the choice of either to retaliate or forgive. In this case, forgiveness will be out of tolerance thus enabling the wrath and fury to dissolve. Then Allah (*SWT*) softens the heart of the retaliating party and says, "**Yet whoever is offered anything in clemency by his brother, then the close following after should be with beneficence**" Note the transition from vengeful fury to forgiveness to the intense softening of hearts. There is an implied inducement in the verse as to not forget fraternity in faith.

The word "brother" expressed in the verse denotes brotherhood in the faith. It urges us not to consider brotherhood in a family less significant than brotherhood in creed. An example for this is the companion Mus'ab Ibn Umair. Mus'ab (*RA*)¹ was known as the most pampered, luxurious, and most elegant Quraishi youth with his radolent fragrance and silken garments. After embracing Islam, faith has altered his life. The Prophet (*SAWS*) once saw him wearing clothes made of ewe skin. He (*SAWS*) marvelled at the change that faith has made to this companion.

In the battle of Badr, Mus'ab Ibn Umair confronted Abu Aziz and, his brother who was still a polytheist. When Mus'ab (*RA*) finds his brother, Abu Aziz, held prisoner by one of al-*ansar*² companion, Abul-Yusr, he told the latter to hold his prisoner tight and not release him, since his mother was a rich woman and would pay a good ransom. When Abu-Aziz hears this, he reproaches his brother for such a recommendation. However Mus'ab simply points to Abul-Yusr saying that that companion was more of a brother to him. The blood relation ended at this point and that of faith became foremost. Abul-Yusr became Mus'ab's brother in faith and his relationship with his womb-brother ended because he remained a polytheist.

In the verse tackled here, we note that Allah (*SWT*)³ transcends us to the concept of forgiveness to prevail eventually leading to sparing the killer's life. Note Allah's subtlety in ridding the hearts of wrath. He (*SWT*) places the blood money as a substitute for executing the killer. The blood money payer could be given a grace period or immediately pay it. Thus, it has to be paid and the relatives of the killed are to accept this with clemency. Moreover, this blood money should be offered with fairness.

In the part translated as, "**Yet whoever is offered anything in clemency by his brother...**" we

1 *Radeya Allah anhu* (may Allah be pleaded with him)

2 The supporters of the Prophet at al-Madinah.

3 *Subhanahu wa ta'ala* (sublime and exalted be He)

notice the word "anything" denoting that if anyone from the relatives of the killed has forgiven, then he represents all the others. None of them should take revenge afterwards. Allah (*SWT*) did not state a text that prohibits retaliation, but He rather gave those who have the right to retaliate the choice to either kill or forgive the killer. Thus, sparing the life of the killer will be the fruit of beneficence. Nevertheless, this matter should not breed grudge in the hearts of the of the killed kins.

In contemporary societies, vendetta is prevalent, This is due to the fact that the murderer escapes his punishment. Yet, if the murderer would muster his courage and turn himself in to the killed relatives taking his shroud with him, they would not act treacherously. The custom is that they usually forgive such a person as now they have his life in their hands and have the better of him. Hence, animosity turns to cordiality and the murderer and his family remain ever grateful for the murdered family as he has been granted his life back. Allah says, "**Repel with that which is fairest; then, only then, he between whom and you there is enmity will be as if he were an intimate constant patron**" (TMQ, 41: 34).

Back to the verse in hand, Allah says, "**...then the close following after should be with beneficence, and the payment back to him should be with fairness** " Could the blood money be beneficence? Remember that the Speaker is Allah (*SWT*) and His words are Qur'an. The accuracy of the Qur'an is boundless. Allah focuses our attention on the fact that once the family of the killed accept the blood money, they forgo the right to retaliation. Thus, they grant the killer his right to live and they deserve to be rewarded for their favor with another that should surpass it.

In the Torah there was no such thing as blood money but only the killing of a soul for a soul. Whereas in the *Injeel* (Gospel) there was neither retaliation nor blood money. Isa (AS)⁴ (Jesus) and his followers had principles that surpassed the Jews who indulged in materialism. In order to eradicate materialism from the hearts of the Jews, Isa introduced the principle: If someone strikes you on the right cheek, turn to him the other.

However, Islam came as a comprehensive collective way of life. It stimulated clemency in the souls as well as fulfilling the rights of people. Islam maintained retaliation and made way for benevolence. Allah said about the blood money what can be translated as, "**...This (Literally: That) is a lightening from your Lord and a mercy; then, he who transgresses after that, then**

4 Alayhi as-salam (peace be upon him)

he will have a painful torment " (The verse). Some tribes, when they have a murdered person, circulate that they have forgiven and pardoned the killer and will accept the blood money. Then, when the killer comes out of his hiding reassured, they kill him. Allah (*SWT*) stated that this is an aggression. Moreover, he who transgresses after forgoing the right to retaliate, will have a painful torment.

Allah (*SWT*) does not punish or torment a murderer if he has accepted retaliation to be carried against him or if he's paid the blood money. Moreover, Allah (*SWT*) does not accept that the family of the murdered one deceive the killer by claiming that they've pardoned the murderer then kill him. This is an irresponsible attitude towards Allah's methodology among the people. What is acceptable is the opportunities given by Allah to His creation to allow them to transcend.

Therefore Allah (*SWT*) says, **“And in retaliation there is life for you, O (men) endowed with intellects, that possibly you would be pious.”** (TMQ 2: 179)

In the light of the Islamic Law, there are rights and duties for every believer, which guarantees absolute equity. There are no preferences for any as the Legislator is Allah, the Lord of the all people. It has become the habit for man to fend for his rights demanding their fulfillment, on the other hand he fails short of doing his duties. Whereas a believer is one who fulfills his duties deserving as such to receive his full rights.

Allah (*SWT*) says what can be translated as, **‘And in retaliation there is life for you...’**(TMQ, **2:179**). The law of retaliation is a protection of your lives because when you realize that if you kill an innocent, you will be executed as a consequence, then you will refrain from committing murder. This is Allah’s just and lofty law. As for those who say that retaliation is brutal and inhumane, they should ask themselves why they are so irritated that revenge is taken from someone who has unjustly murdered another. Why should they sympathize with such person? Allah (*SWT*) has ordained such a penalty to deter rather than for it to be applied. When we retaliate from a murderer we but protect the whole community against more breeding of murderers who do not respect others’ lives. In the mean time we protect that barbarian against himself because he will think a thousand times before committing a crime. Thus, retaliation of a murderer is an example for his likes and a protection for all members of the community. Had it been for retaliation, the world would have been mired in savagery. It is indeed wisdom that the legislation of such penalty prevents crime

allowing an equilibrium between rights and duties.

With deep reflection on the world affairs, we find that balance in past few years has been achieved due to the existence of two super powers. Each power is apprehensive of the other and is at variance with the other. This discord and mutual fear is advantageous and beneficial for others. It also avails the believers to adopt means of scientific progress to present a proper approach to the world in the light of faith. Whereas, if these powers agreed on falsehood, this will bring about the destruction of both their countries as well as the world's devastation and the exclusion of others. With the downfall of the Soviet Union, The United States has started to search for an adversary. The US knows that life without an equal adversary might embolden weaker countries against it. Indeed, fear of punishment is what creates balance between countries and individuals just as well.

It is indeed fairness of The Ever-Merciful to impose punishment upon the perpetrators and publicize it to deter others. In the case of fornication, it is stressed to have thorough investigation to prove the act. This is meant to spare people the confusion, suspicion and doubts in paternity resulting from this issue. Punishment of such a sin is also severe. Allah says, **"The female fornicater and the male fornicator, (The Arabic Zaniyah and Zan refer to those who commit either fornication or adultery. By a comparison of this verse to other and to Hadîths., it is it is understood that this verse refers to fornicators, i.e., unmarried people committing illegal sexual intercourse) then lash each one of them a hundred lashes, and let not compassion for them (both) take (hold of) you in the religion of Allah, in case you believe in Allah and the Last Day; and let a section of the believers witness their (The torment of the two of them) torment"** (TMQ, 24:2).

They who violate people's rights, violate also the rights of Allah (*SWT*). Thus, faith requires us to please Allah (*SWT*) not appease people. Punishments to the transgressors is but submission to Allah's orders.

After dealing with issues of retaliation, this chapter tackles another social issue, it is natural death. After addressing issues that relate to achieving the criminal and punitive balance, Allah (*SWT*) manifests some issues related to death that serve to realize socio-economic equilibrium.

"Prescribed for you, when death is present to any of you, in case he leaves behind some charitable (benefit), is to make testament to parents and nearest kin, with beneficence-truly (binding) on the pious" (TMQ, 2:180).

Allah (*SWT*) enforces His laws only on the believers who are pleased with Allah as a Lord and a Legislator. As to the rejecter-of-faith, Allah (*SWT*) has left him to his choice of disbelief and prescribed upon him one thing: Torment in the Hereafter. Allah (*SWT*) makes His orders binding upon those who believe in His attributes of beauty and magnificence (*jalah*⁵). Had the disbelievers known that Allah (*SWT*) has neglected them for their disbelief in Him, they would have hastened to believe. A believer's submission to Allah's orders and will is love and an honour. The bondman expresses his love to Allah with faith, and Allah manifests His love to the bondsman with His prescribed orders as they are for the bondsman's best interest.

The prescribed order, in the verse in hand, pertains to testaments. There are two conditions mentioned: first, the occurrence of death as inevitable as it is. Second, the existence of inheritance. A bondsman might and might not have something to bequeath. Hence, Allah (*SWT*) orders him to make a testament which is good for him in case that person leaves behind something charitable. Allah exhorts people to earn their living in a way that may suffice them and others in case there is surplus. This surplus is what is referred to in the verse as **"something charitable"**. This is relatively different in terms of time and place.

The Prophet (*SAWS*) has forbade us to wait until death comes in order to make a testament. A person in his death bed might not be conscious enough for such a matter or for telling his family about his debts. Thus, Allah (*SWT*) has orders us to write our rights and dues in a will during our life and health. Allah (*SWT*) has enjoined that parents and the nearest kins are to inherit from this wealth. Allah (*SWT*) knows that His servants are usually most concerned with their children. Yet, they think of their parents as bidding farewell to life, thus they neglect them. Nevertheless, the parents are the cause of the children's existence in life. Therefore, Allah (*SWT*) exhorts His believing servants to appoint a share of the wealth to parents and relatives, hence, He protects these weak parties.

5 Attributes of glory, grandness and veneration such as, The Almighty, The Ever-Powerful, The Superb Vanquisher...etc.

The above ordainment came before the legislation of inheritance rules in Islam. Before the advent of Islam, people used to pass all their possessions on to their children and deprive parents and kins. As to one's kins, He (SWT) gave people the freedom to decide their own share in their testaments. Afterwards, Allah (SWT) defined the parents share. However, parents who are unbelievers have no right to the inheritance of their believing children. Nonetheless, Allah (SWT) said about parents what can be translated as, **"And in case they (both) strive with you that you associate with Me that of which you have no knowledge, then do not obey them, and keep them company in the present (life) (Literally: the lowly "life", i.e., the life of this world) with beneficence. And closely follow the way of him who (turns) penitent to Me. Thereafter to Me will be your return; then I will (fully) inform you of whatever you were doing"** (TMQ, 31:15).

A believer is entitled to include his unbelieving parents in his will up to the third of his legacy. However, if they are Muslims, then we follow the *hadith*⁶, "*Allah has appointed for everyone who has a right what is due to him, and no bequest must be made to an heir.*"⁷ Namely, the bequest should include the relatives who are not direct heirs to the deceased. Allah (SWT) wants His servants to realize that they are responsible for those weak kins. It is better for a servant to leave his heirs free from need instead of being a burden upon others.

Sa'd Ibn-Abu-Waqqas (RA)⁸ narrated, "*The Prophet visited me at Mecca while I was ill. I said (to him), "I have property; May I bequeath all my property in Allah's Cause?" He said, "No." I said, "Half of it?" He said, "No." I said, "One third of it?" He said, "One-third (is alright), yet it is still too much, for you'd better leave your inheritors wealthy than leave them poor, begging of others..."*"⁹

If Allah provides you with abundance because of your work, then guard against confining your bequest to your heirs. This might stir malice in hearts of some far kins who are in need of your charity. Yet, if such a kin knew that he would have a share from the blessings granted to you by Allah, even through inheritance, he would be happy with the bounties Allah has given you. Therefore, Allah (SWT) said, **"Prescribed for you, when death is present to any of you, in case he leaves behind some charitable (benefit), is to make testament to parents and nearest kin, with beneficence-truly (binding) on the pious. " (2:180)**

When a deceased passes on something for his relatives, those relatives' hearts will fill with kindness

⁶ The Prophets sayings and tradition as reported by his companions.

⁷ Sunan Abu-Dawud, book 17.

⁸ *Radeya Allah anhu* (may Allah be pleaded with him)

⁹ Saheeh al-Bukhary, volume 7, Book 64, Number 266:

towards others who are out of means. Thus, love will spread and the bonds of affection will be established.

Knowing His creation best, Allah (*SWT*) knows that the bequeather might not be fair. Moreover, the one who inherits from this bequest might decrease the share of the other heirs. Hence, Allah (*SWT*) protects all parties as expressed in the following verse.

"So whoever exchanges the bequest after he has heard it, then surely the vice will be only upon (the ones) who exchange it; surely Allah is Ever-Hearing, Ever-Knowing. " (2:181)

At the time when the Quran was revealed, the testaments were made verbally. Prescription was not wide spread. That is why Allah (*SWT*) tackled the point of verbal communication between the bequeather and the inheritors included in the bequest and the heirs.

There was no such contemporary methods as the validation of the will in the notary public. Thus, altering the testament is a sinful deed of those who alter it and Allah is "Ever-Hearing, Ever-Knowing". As to the bequeather, there is no guilt upon him.

"But he who fears from a testator some unjust act or wrong-doing, and thereupon he makes peace between the parties concerned, there shall be no sin on him. Certainly, Allâh is Oft-Forgiving, Most Merciful."

(TMQ, 2:182)

In the above verse, Allah (*SWT*) establishes justice for all. If the testament is straying from what is right by stating that a relative who is poor be deprived of his share, or a rich person get richer, or if it disregarded a relative all together, then this is but a waste of the benefaction value that Allah has wanted. Thus, if someone endeavored to correct this testament, there is no sin upon him regarding the correct alteration according to what pleases Allah (*SWT*) as He is Oft-Forgiving, Most Merciful. In case the testator made an error unintentionally, then it would be in his interest if this is corrected. However, if he deliberately made this injustice, then rectifying this would be mandatory.

This is the skillfulness of the laws set in the Qur'an as it charges all the faculties of man to accept the absolute equity. Allah (*SWT*) has tackled the issue of retaliation in a way that invested the good

attributes in man as well. This *shariah* (Islamic Laws) is not as solid as that of the humans. *Shari'ah* source is the Th Creator, The Oft-Merciful, The All-Knowing of the secrets of mankind. He (SWT) stirs in man the urge to be benign.

It is noteworthy that Allah (SWT) has referred to the fear that man might have lest injustice in the testament should exist whether it is deliberate or unintentional. In this context, He (*SWT*) said what can be translated as, " **he who fears from a testator some unjust act or wrong-doing...**" This 'fear' indicates the faithful unity that the believers enjoy. Such a person who volunteers to correct the testament could be neither an heir nor an inheritor, but merely a witness. This witness's aim is to achieve solidarity among the believers. Faith unites the believers so that they become like one body if an organ of which suffers, as a result the rest of the body organs suffer lack of sleep and fever. Therefore, Allah rewards such a believing person who interfered to correct the erroneous testament.