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Section 13: Murder and its punishment

Surah An-Nisa', Verse 92

Murder of a believer unintentional or intentional – treating one as an enemy – not to say any one who offers peace that he is not a believer

وَمَا كَانَ لِمُؤْمِنٍ أَنْ يَقْتُلَ مُؤْمِنًا إِلَّا خَطَاً وَمَنْ قَتَلَ مُؤْمِنًا خَطَاً فَتَحْرِيرُ رَقَبَةٍ
مُؤْمِنَةٍ وَدِيَّةٌ مُسَلَّمَةٌ إِلَى أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ لَكُمْ وَهُوَ
مُؤْمِنٌ فَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ مِيثَاقٌ فَدِيَّةٌ مُسَلَّمَةٌ إِلَى
أَهْلِهِ وَتَحْرِيرُ رَقَبَةٍ مُؤْمِنَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِّنَ اللَّهِ
وَكَانَ اللَّهُ عَلِيمًا حَكِيمًا

92. "And it is not for a believer to kill a believer except by mistake, and whoever kills a believer by mistake must set free a believing slave, and pay the blood-money to the family of the slain unless they remit it as a freewill offering. But if he (the slain) is from a tribe hostile unto you, and he is a believer, then (the penance is) to set free a believing slave. And if he is from a tribe between whom and you there is a covenant. Then the blood-money must be paid to his family and (also) a believing slave must be set free. But he who finds not (the means) should fast two months consecutively. (This is) a penance from Allah, and Allah is All-Knowing, All-Wise."

Occasion of Revelation

One of the idolaters of Mecca called Harith-ibn- Yazid, assisted by 'Abujahl, had seriously been torturing a Muslim believer named 'Ayyash-ibn-' Abi- Rabi'ah for the guilt of believing in Islam for a length of time. After immigrating Muslims to Medina, 'Ayyash emigrated to Medina, too.

It happened that one day he occasionally met his torturer in one of the quarters of the suburbs of Medina. Availing himself of the opportunity, he killed him.

He thought he had slain an enemy of Islam while Harith, who was going toward the Prophet (S) at that moment, had repented and embraced Islam. The circumstance was reported to the holy Prophet (S) when the verse was revealed and stated the ordinance of the slaughter which had been done by mistake.

Some Ordinances upon Manslaughter

Since the previous verses contained a kind of freedom given to the Muslims to destroy the hypocrites and the dangerous interior enemies, in this verse and the following one, the ordinances of manslaughter and intentional murder have been stated in order that lest some people misuse this law and, under the pretext of being hypocrite, take vengeance upon those with whom they have enmity. At first, it says:

"And it is not for a believer to kill a believer except by mistake....."

Then, it has stated the forfeit and expiation of manslaughter in three processes:

The first status is that the person, who has been slain, belongs to a Muslim family. In this case, the man-slayer should do two duties: 1) He should set free a believing slave, 2) and pay the blood-money to the owners of the blood. The holy verse says:

"... and whoever kills a believer by mistake must set free a believing slave, and pay the blood-money to the family of the slain..."

It should be done unless the family members of the slain remit it. It says:

"...unless they remit it as a freewill offering...."

The second status is that the believing slain belongs to a family who are the enemies of the Muslims. In this case, the expiation of manslaughter is only setting free a believing Muslim slave. It says:

"...But if he (the slain) is from a tribe hostile unto you, and he is a believer, then (the penance is) to set free a believing slave..."

It is not necessary to pay blood-money to a group that strengthening whose financial structure may be counted as a danger for the Muslims. Besides, Islam has ceased the relation of this person with his family, who are totally enemies of Islam. Thus, there is no room for indemnification.

The third status is that the members of the family of the slain are among the pagans who have covenant with the Muslims. In this case, to respect the covenant, besides setting free a believing Muslim slave, the blood-money of the slain must be paid to his family members.

The verse says:

"..And if he is from a tribe between whom and you there is a covenant, then the blood-money must be paid to his family and (also) a believing slave must be set free...."

It seems here that the objective meaning of 'slain' is 'a believing slain'. And, at the end of the verse, the speech is about those who have not any chance to set a slave free. That is, either they are not financially able, or there is not any slave found to be set free. It says:

".....But he who finds not (the means) should fast two months consecutively....."

And, it adds that this change of setting free a slave into two months of fasting is a kind of discount and penance from *Allah*, and *Allah* is always aware of all things, and all His commands are based on Wisdom.

"... (This is) a penance from Allah, and Allah is All-Knowing, All-Wise."

Surah An-Nisa', Verse 93

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

93. "And whoever kills a believer intentionally, his recompense is Hell wherein shall he abide forever, and Allah's wrath shall be on him and He curses him and prepares for him a mighty punishment."

In hard circumstances of the Battle of 'Uhud, one of the Muslims killed another Muslim because of their personal hostilities from the Age of Ignorance. The holy Prophet (S) was informed of it by the way of revelation.

Then, when he was returning back from 'Uhud, at the region of Quba he commanded for the retaliation of a believer's murder. He (S) said that the murderer should be killed and be paid no attention to his regret. (Maqazi, Vol. 1, P. 304)

Islam has considered the life of a Muslim, and the protection of the security of the lives of people, very important. It has assigned an eternal retribution for it in order that slaying, and heavy crimes, be hindered. The expression which has been used for the wilful murder of a believer in this verse is not seen upon any other crimes

Explanations

In Islamic system, no authority is allowed to kill or hang others unreasonably.

Therefore, in Islam, in addition to the execution of retaliation which is a worldly punishment, there are cited four other worldly serious penalties upon the murderer of a wilful murder in the Hereafter.

1) Upon the recompense of such a murderer, the verse, says.

"And whoever kills a believer intentionally, his recompense is Hell wherein shall he abide forever....."

2) And such a person incurs Allah's wrath. It says:

"...and Allah's wrath shall be on him..."

3) And also, He repels him for His Grace.

"...and he curses him..."

4) And He has prepared a great chastisement for him.

"...and prepares for him a mighty punishment."

Deliberate murder is one of the greatest crimes and the most dangerous sins which destroy entirely the security of the society, the most important condition of a safe and sound society, if it might not be controlled.

Therefore, the Qur'an introduces the unreasonable murder of a person like slaying all the human-kind in the world. So, if a person kills another human being without that the slain be a murderer or a mischief monger on the earth, it seems he has killed all human-kind.

Surah An-Nisa', Verse 94

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا ضَرَبْتُمْ فِي سَبِيلِ اللَّهِ فَتَبَيَّنُوا وَلَا تَقُولُوا لِمَنْ أَلْقَى إِلَيْكُمُ
السَّلَامَ لَسْتَ مُؤْمِنًا تَبْتَغُونَ عَرَضَ الْحَيَاةِ الدُّنْيَا فَعِنْدَ اللَّهِ مَغَانِمُ كَثِيرَةٌ كَذَلِكَ
كُنْتُمْ مِنْ قَبْلُ فَمَنْ اللَّهُ عَلَيْكُمْ فَتَبَيَّنُوا إِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

94. "O you who have Faith! When you go forth (to fight) in the way of Allah, make investigation, and do not say to the one who offers you peace: 'You are not a believer,' seeking the goods of this world's life! But, with Allah are abundant spoils. You, too, were such before, then Allah

conferred (His) grace on you; therefore make investigation. Verily Allah is aware of what you do.!

Occasion of Revelation

It has been recorded that, after returning from the Battle of Kheybar, the holy Prophet (S) sent 'Asamah-ibn-Ziyd, accompanied with some Muslims, toward the Jews who were living in a village in the region of Fadak in order to invite them either to Islam or to submitting to the conditions of protective covenant.

One of the Jews named 'Murdas' who had been informed of the movement of the forces of Islam toward that place, hastened forth to receive the Muslims while he was shouting confessing the Unity of *Allah* and the prophet hood of the Messenger (S).

'Asamah-ibn-Ziyd thought that the Jewish man was confessing Islam for the fear of his life and for the protection of his wealth, and he was not really a Muslim. Then he attacked him and killed him.

When the news of it reached the Prophet (S), he became very inconvenient of it and told 'Asamah that he had killed a Muslim. 'Asamah felt sad and said that that man confessed Islam for the fear of his life and for the protection of his wealth.

The Prophet (S) told him that he ('Asamah) did not know his inside intention. He (the Jew) might become truly a Muslim. At that moment the verse was revealed.

There is a precautionary instruction mentioned in this verse in order to protect the life of the sinless persons who may be only wrongly accused. The verse says:

"O you who have Faith! When you go forth (to fight) in the way of Allah, make investigation, and do not say to the one who offers you peace: 'You are not a believer,'..."

Then it adds that you should be aware not to accuse some person who expresses Islam as the enemies of Muslims and not to kill them for the sake of some fleeting bounties of this world and taking their properties in the form of booties. It says:

"...seeking the goods of this world's life...."

Avoid it when the eternal worthy spoils are with *Allah*. It says:

"... But, with Allah are abundant spoils..."

Yes, in the past, the situation was like that and at the Age of Ignorance, they had the motive of plunder.

"...You, too, were such before...."

But, now, under the light of Islam and for that *Allah* has conferred His grace on you and relieved you from that status, you should be grateful for this bounty and it is to you to investigate in affairs. It says:

"...therefore make investigation..."

And do know that *Allah* is aware of your deeds and intentions.

"...Verily Allah is aware of what you do."

Struggle is a general rule in the world of creation. All creatures the world, irrespective of plants and animals, remove their barriers from their way by struggle, so that they can reach the virtues of their own ideals.

It should be noted, of course, that in addition to the defensive, an sometimes attacking, wars, 'Jihad' (Struggle) envelops the scientific, economic, cultural and political struggles, too.

Surah An-Nisa', Verse 95

لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ
بَأَمْوَالِهِمْ وَأَنْفُسِهِمْ فَضَّلَ اللَّهُ الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً
وَكُلًّا وَعَدَ اللَّهُ الْحُسْنَى وَفَضَّلَ اللَّهُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ أَجْرًا عَظِيمًا

95. "Such believers, who sit still, not having any injury, are not equal with those who strive in the way of Allah with their wealth and their lives. Allah has raised the strivers with their wealth and lives in rank above those sitting back; and to each (class) Allah has promised good, but He has bestowed a great reward on the strivers above those sitting back."

The words in the, previous verses were upon struggle. So, in this verse, there is a comparison between the strivers and non-strivers. The holy verse says:

"Such believers who sit still, not having any injury, are not equal with those who strive in the way of Allah with their wealth and their lives."

Then, it has expressed again the superiority of the strivers more clearly and more manifestly. It says:

"...Allah has raised the strivers with their wealth and lives in rank above those sitting back..."

But, comparing these strivers with those for whom struggle is not an individual duty, and that they are not able to take part in the battle because of illness or weakness or other acceptable causes which hinder them to participate in the holy struggle, this group are also promised good.

This is for the reason that the reward of their righteous intention, faith, and other deeds would not be ignored. So, it says:

"...and to each (class) Allah has promised good...."

Yet, in view of the fact that in the logic of Islam the importance of struggle is even more than this, it refers to the strivers again and emphasizes that:

"...but He has bestowed a great reward on the strivers above those sitting back."

Surah An-Nisa', Verse 96

دَرَجَاتٍ مِّنْهُ وَمَغْفِرَةً وَرَحْمَةً وَكَانَ اللَّهُ غَفُورًا رَّحِيمًا

96. "(Strivers will have) degrees (of rank) from Him, and forgiveness and Mercy, and Allah is Forgiving, Merciful."

That great reward mentioned in the previous verse, has been rendered into these merits announced in this verse. They are: magnificent degrees of rank from *Allah* and His Forgiveness and Mercy. It says:

"(Strivers will have) degrees (of rank) from Him, and forgiveness and Mercy....."

And, at the end of the verse, it implies that, in the mid time, if there are some persons who have committed some faults, when doing their own duties, and they have felt sorry about what wrong they have done, *Allah* has promised them forgiveness, too, since the verse says:

"...and Allah is Forgiving, Merciful."

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