

The Correct Approach to Reconciliation and its Positive Consequences

وَإِنْ طَائِفَتَانِ مِنَ الْمُؤْمِنِينَ اقْتَتَلُوا فَأَصْلِحُوا بَيْنَهُمَا فَإِنْ بَغَتْ إِحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إِلَى أَمْرِ اللَّهِ فَإِنْ فَاءَتْ فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

And if two parties of the believers quarrel, make peace between them; but if one of them acts wrongfully towards the other, fight that which acts wrongfully until it returns to Allah's command; then if it returns, make peace between them with justice and act equitably; indeed Allah loves those who act equitably. (al-Hujurat, 49/9)

God Almighty has stated that amongst the qualities of the nation of the Prophet of Islam (S) is their temperance and moderation. The directives of God, the All-Wise, are also based on these qualities and indeed, it is an integral feature of Divine wisdom that God advocates a medium course distinct from any sort of extremes, known as the straight path (*sirat al-mustaqim*). In the verse above also, which discusses reconciliation between two disputing parties, all aspects have been considered so that the prescribed remedy is not just based on sentiment and accommodation; rather, compromise is tempered by reason, and moral, instructive and social considerations are taken into account as well.

An exposition of the actual message contained in the verse is as follows:

A dispute or altercation between two parties is not always of one type or category; rather it arises from a variety of disagreements that can flare up between individuals, leading to a disruption in the calm and peace in a society. The various forms and manner of the disagreements and the objectives behind them and the nature of the confrontation will each influence the strategies adopted to defuse them. For this reason, it is necessary to carefully consider all the issues so that the remedial strategy and reconciliatory

effort does not lead to an undesirable result. In the verse under consideration also, the manners of resolving the dispute differ according to the type of dispute, and each must be countered with the appropriate action.

Occasionally, it is possible that a suspicion or mistake or misunderstanding angers individuals – and often there will be those who will inflame the situation and increase the mistrust even further – resulting in an argument setting two parties at one another's throats, even when initially neither side intended any harm to the other.

In this case, the Qur'an advises the well-wishers and peacemakers of the society to step in and mediate between the two parties and attempt reconciliation before the situation escalates out of control and blood is shed. However, unlike the last portion of the verse, the Qur'an does not initially state that peacemaking be contingent on justice, it merely states that the well-wishers should bring about peace and reconciliation between the two factions (*faslihu baynahuma*). This is in the particular case where neither party has violated the others' rights, and only a quarrel has broken out. At this point it was not necessary for God to order reconciliation, that too, accompanied by an emphasis on justice.

However, if one of the two quarrelling parties aggressively resorts to violent behaviour and tramples on the principles of decency and civility, then it must be stopped by any means. If stern action that causes the aggressors to desist and accept God's law, then the Qur'an directs that reconciliation be affected by keeping in mind fairness and justice.

There is a very subtle but important point that can be inferred here from the verse, which is that, one must in every situation keep in mind Islam's primary objectives of nurturing and developing society, and its emphasis on establishing and administering the nation of Islam on the foundation of justice and fairness in its truest and widest meaning, and its desire to remove every tendency for injustice and transgression from the minds of individuals in the society; it is only through these considerations that we can gain a profound understanding of the Qur'an's emphasis on reconciliation accompanied by justice.

When the Qur'an advises mediators and peacemakers to reconcile between two quarrelling parties with absolute justice and equity, it does not mean to warn the mediators not to do themselves injustice to one part while they seek peace and compromise, because mediators are normally impartial and well-meaning. In fact, the intention is to advise them that the manner in which they attempt reconciliation should be such that each party precisely receives their legitimate right, neither having to give up something, nor receiving anything undeserved, even if it is by mutual understanding. Therefore, the mediators must not make it their ultimate objective to achieve reconciliation at any cost.

In reality, this means that granting concessions should not be the basis of reconciliation and arbitration, even if it is with the consent of the wronged party, because the aggressors have deliberately brought about confrontation so that they may gain concession by extortion.

In such cases, it would be a mistake if the mediators, who wish to investigate and verify the incident from

close quarters before taking the steps to resolve the dispute by arbitration, direct their efforts to insisting on indulgence and overlooking the past in an attempt to end the conflict. If they advise one party to forgo its rights to the benefit of the other in order to achieve peace and in this manner bring the matter to a close, it will only serve to increase the recalcitrance of the aggressors who had tried to gain the upper hand through force and oppression.

And often, whenever opportunities arise in the future they would use these precedents as a leverage for personal gain; usually mediators also, at the time of peacemaking, satisfy the offenders by granting them concessions so that they might desist from their transgression and give up their oppressive behaviour, and leave their victims in peace. Here, the oppressors become the winners and the oppressed are the losers. In this manner, peace may be achieved but justice has not taken place.

Although the oppressed part may concede certain rights to extricate themselves from further trouble from the aggressors, these concessions, even when offered voluntarily, will invariably have negative consequences. For this reason, the Qur'an insists that reconciliation must be enacted without recourse to compromise or renouncing one's rights.

In these circumstances, if the transgressors insist on continuing on their course, according to the Qur'an, they will have to confront the whole Muslim community, who are duty-bound to come to the aid of the oppressed faction. Thus, the reason for the Qur'anic insistence on reconciliation coupled with equity in the verse under consideration, which can be deduced from the repetition of the terms 'adl and qist (justice and equity) three times,

فَأَصْلِحُوا بَيْنَهُمَا بِالْعَدْلِ وَأَقْسِطُوا إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ

make peace between them with justice and act equitably; indeed Allah loves those who act equitably. (al-Hujurat, 49/9)

is realised when the mediators, in their reconciliatory efforts, consider thoroughly the deeper and fundamental nature of the altercation, and deliberate carefully over the motives behind the dispute. If they determine that the motivation was extortion or bullying, then they should use force to stop the aggressors from achieving their objectives.

If reconciliation and resolution of conflicts is carried out in an incorrect manner, that is, by giving and taking concessions, it will be like a double-edged sword which will damage both factions; on the one hand, the oppressed individual will feel that the mediators would not, or could not, prevent his rights from being infringed and bring about a just resolution, because in practical terms, his aggressor has profited at his expense.

On the other hand, the aggressor will feel that his unreasonable tactics were ultimately successful and

got him what he wanted. However, what is befitting for a true Islamic society is a settlement that is equitable and just overall, not one in which the one individual eschews his rights allowing another to achieve his unjust goals.

If, during the course of the altercation, the possibility of resolution by compromise arises, then an aggrieved individual can personally extricate himself from the crisis by offering a concession and thereby deliver himself from the malice of the aggressor. In this case, there would be no need for others to involve themselves in the matter and seek mediation.

However, in this verse, the Qur'an has placed the responsibility of reconciliation on the shoulders of the Islamic society and compelled the nation to resolutely rise to the defence of the oppressed whenever they witness any injustice. They should limit the actions of the aggressor, and stop him, and not try to make the oppressed party accept the unfair actions perpetrated against them, or embark on a course of action that results in the benefit of the perpetrator.

The Qur'an states:

وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ

and that when you judge between people you judge with justice; (al-Nisa', 4/58)

It is true that in the reconciliation that we are discussing we do not mean the recourse to a court of law. Rather, we have been concerned with the efforts of mediators to reconcile between two quarrelling factions. Islam attaches much importance to a comprehensive justice system; indeed one of the main objectives of the great Prophets (A) was to constantly strive to establish justice and equity in human societies. In this regard, the Qur'an states:

لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ

Certainly We sent Our messengers with clear arguments, and sent down with them the Book and the balance that men may conduct themselves with equity; (al-Hadid, 57/25)

Therefore if we ponder over the matter carefully, we will realize that exceeding the bounds of justice and violating the rights of others – at every occasion and stage, even in the case of reconciliation and arbitration, and even with mutual consent – is not compatible with the Islamic spirit of justice.

Renouncing and forgoing one's rights may sometimes be a necessary, even admirable action, and beneficial in its own right; it may get results and indeed, bring about a change of heart. However, when it

is at the expense of justice, not only is it not helpful, it is counterproductive and as we stated, in the long run it will invariably have a negative effect on the mind of the aggressor who set out to gain an advantage through intimidation, and will encourage him to act in a similar fashion in the future. The result will be that he will gain and benefit from every altercation, whereas the objective of Islam is to eradicate oppression and injustice from the midst of Muslim society, so that people can be assured that no one will be able to acquire anything by force or unfairness.

The commander of the faithful, Ali (A) has stated:

ظلم الاحسان واضعه في غير موضعه

The disservice to ihsan (goodness) is exercising it in the wrong place. (Ghurar-al-Hikam, p. 498)

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