



Re-reading Ethical Implications in Punitive Verses with Emphasis on the *Qisās* (Retribution) Verses

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Abstract

Research Article

The punitive verses of the Quran, especially the *Qisās* verses, are intertwined with ethical teachings. The allegations of those who cast doubt on the ethical and just nature of Sharia's penal teachings are completely unfounded when confronted with the content of these verses. The present study, employing a descriptive-analytical method, adopting a problem-oriented approach, and referring to library resources, is designed to provide an accurate explanation of the ethical nature of the "*ahkām*" (rulings) verses, especially those pertaining to *Qisās*. The research reveals that ethical teachings in *Qisās* verses point to a proportionality between crime and punishment. Furthermore, divine teachings, by legislating *Qisās* alongside forgiveness, firstly, are life-giving, both socially and individually; and secondly, by referring to the relationship between the killer and the victim as "Brotherhood," there is a subtle and ethical indication to encourage the victim's family to forgive and show compassion. Therefore, it can be stated that what is prominently observed in the *Qisās* verses is that ethics and human values are emphasized, and God has explicitly stated that choosing the path of forgiveness will bring divine satisfaction.

Keywords: The Quran, *Qisās* (Retribution), Punitive verses, Forgiveness, Ethical Implications.

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Introduction

The legislator of Islamic Sharia, in the comprehensive plan designed for the happiness of humanity, has taken into account the various dimensions of human existence. With a complete understanding of the emotions and inclinations inherent in human nature, he has presented laws and rulings to society through the Holy Prophet of Islam (s). This aims to achieve social justice, promote peaceful coexistence, and guide humanity toward reaching absolute perfection.

It is obvious that since the rulings in Sharia originate from divine revelation, the divine nature of these rulings has caused religious laws to take on an ethical hue and be fully compatible with the natural and innate rights of humans. Also, in the Islamic system of thought, although various strategies have been devised to educate people and instill them with divine ethics, alongside this, punishments and penalties are foreseen in the text of Sharia laws for those who violate the law of creation.

The research question of this study examines whether the laws of Sharia related to penal law and criminal matters, particularly in the context of *qiṣāṣ*, are as severe and contain immoral or inhumane elements as asserted by certain groups and individuals. To address this inquiry, the study will focus on the primary and most significant source of religious teachings, analyzing and elucidating the ethical implications found in the verses of the Holy Quran regarding this issue.

In terms of research background, although studies have been conducted on the subject, this article identifies its novelty in the fact that it firstly, provides a precise enumeration of the relevant verses pertaining to the discussion; and secondly, while other studies have mainly focused on explaining the legal and social aspects of *qiṣāṣ* and have only made passing references to ethical implications, the present inquiry, with a problem-oriented approach, delves deeper into the ethical and humanitarian dimensions of *qiṣāṣ*. Through referring to exegetical points and the opinions of Quranic exegetes from both schools (of Islamic jurisprudence), it demonstrates that *qiṣāṣ* is not only not contrary to ethical principles, but



is, in fact, a manifestation of respect for human dignity and the rights of the victim.

1. The Relationship between *Fiqh* (Islamic Jurisprudence) and Ethics

“Ethics” (*Akhlāq*) is the plural of *Khulq* and refers to the characteristics and qualities of the soul. This word is also used to mean nature and disposition (Ibn Manẓūr 1993, 10:86; Ḥusaynī Zabīdī 1993, 13:122). Thus, ‘character’ (*khulq*) refers to innate disposition, inherent temperament, or nature. It is interpreted as a psychological attribute that manifests in humans as a stable trait or a psychological state (Karīmī-Niyā 2020, 45).

Ethics (*Akhlāq*) is the plural of *khulq*, which refers to a quality of the soul from which actions arise easily without deliberation or thought. It has been mistakenly assumed that all ethics are innate, making the obligation to adhere to them an obligation to what is unbearable. This assumption is flawed because ethics can change and transform, as is often observed in many people who practice and cultivate a particular virtue until it becomes a habitual quality (*malakah*) (Māzandarānī 1962, 8:174).

Fiqh linguistically means deep and profound understanding (Jawharī 1989, 6:2433), and technically means becoming aware of the subsidiary Sharia rulings based on detailed evidence (‘Āmilī 1998, 19:604; Mishkīnī 1998, 17). By detailed evidence, we mean the Quran, Sunnah (Prophetic tradition), consensus (*jmā‘*), and reason (*‘aql*) (Anṣārī 1989, 108).

In any case, attending to ethics is important for two reasons: First, to identify the nature of good and bad traits and characteristics; and second, to express and manifest them in relation to other human beings. The first aspect belongs to the realm of ethics, while the second is discussed in jurisprudence (Hāshimī Shāhrūdī 2005, 1:316). In this study, the latter meaning is intended.

In a general summation, it can be stated that in the system of religious thought, jurisprudence and ethics have a firm connection, and attention to this matter can be influential in the correct understanding of the laws of Sharia. The author of *al-Mīzān*, in explaining verse 229 of *Sūrat al-Baqarah*, which was revealed to clarify the rules of some relations between spouses, says: “Perhaps it can be inferred from the noble verse that it is not



permissible to separate jurisprudential rules and ethical standards; therefore, acting on the appearances of religion and not paying attention to the spirit of Sharia invalidates the purposes of Sharia and destroys the goal of enacting the rules” (Ṭabāṭabā’ī 1970, 2:235).

2. Semantics of *Qīṣāṣ*

Qīṣāṣ in the language is derived from the root “*Qaṣṣa-Yaḥquṣṣu*,” meaning to follow and pursue (Ibn Manẓūr 1993, 7:73). To do *qīṣāṣ* of something means gradually following its effect. This meaning is also used in the story of Prophet Moses (a): “*And she said to his sister, follow him...*”⁴ (*Quran* 28:11). This implies that when the mother of Moses (a) said to his sister, ‘Follow his case,’ it aligns with this meaning. Likewise, narratives are referred to as “*qīṣṣah*” (story) and “*qīṣaṣ*” (stories) because the audience follows and pursues them, engaging with their progression (Qarashī 1991, 6:12). In legal terminology, “*qīṣāṣ*” refers to the execution of an equivalent punishment, inflicting the same injury in cases of intentional homicide or bodily harm as was done to the victim (Najafī 1983, 42:7; Mar’ashī Najafī 1994, 1:19).

3. The Place of Human Life in the Teachings of Sharia

God says in verse 32 of *Sūrat al-Mā’idah*: “*whoever kills a soul, without [its being guilty of] manslaughter or corruption on the earth, is as though he had killed all mankind, and whoever saves a life is as though he had saved all mankind*”⁵ (*Quran* 5:32). According to the meaning of the verse, from the perspective of the Quran, human beings possess such value that the life of one person is equivalent to the life of all people, and the death of one person is equivalent to the death of all people. Therefore, as is evident in the noble verse, the unjust and unwarranted killing of people is considered so immense that killing one person is regarded as killing all of humanity. Exegetes have stated that from this verse, the importance of a

⁴. «وَقَالَتْ لِأُخْتِهِ قُصِّيهِ» (القصص/١١)

⁵. «مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا»

(المائدة/٣٢)

human life is completely evident from the Quran's perspective (Makārim Shīrāzī 1992, 4:356). Some exegetes have even emphasized that, according to the meaning of such verses, the unjust killing of a human being is, in reality, a kind of conflict and struggle with the position of divine Lordship (Ṭabāṭabā'ī 1970, 5:315).

In another verse, God states in a specific and threatening tone: *"Should anyone kill a believer intentionally, his requital shall be hell, to remain in it [forever]; Allah shall be wrathful at him and curse him and He shall prepare for him a great punishment"*⁶ (Quran 4:93). In the hadiths of the *Ahl al-Bayt* (a), great emphasis has also been placed on the absolute importance of the issue of blood. For example, it is narrated from Imam Bāqir (a) that he said: *"The first thing Allah will judge on the Day of Resurrection is bloodshed"*⁷ (Barqī 1951, 1:106; Kulaynī 1986, 7:271). The first thing that will be questioned on the Day of Judgment is the matter of blood and bloodshed. Therefore, it is clear that Islam places the highest value on human life and considers human dignity in the best possible way.

Two exegetical theories have been proposed regarding the life-giving nature of *"qīṣās"* (retribution) and *"afw"* (forgiveness) as outlined in divine verses. It should be noted that the wise sequence of mentioning forgiveness after retribution serves to underscore its mitigating role (Ḥusaynī Jurjānī 1983, 2:684). According to the first theory, the implementation of retaliation ensures the vitality of social order, while the application of forgiveness guarantees not collective but individual life (Ṭabāṭabā'ī 1970, 1:433). Consequently, retaliation takes precedence over forgiveness due to the prioritization of societal benefits over individual interests. According to the second theory, social life is preserved through both retaliation and forgiveness (Marāghī 2000, 1:153). Thus, this view posits that retaliation and forgiveness are equal in their role in safeguarding social life.

⁶. «وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا» (النساء/ ٩٣)

⁷. «أَوَّلُ مَا يَحْكُمُ اللَّهُ فِيهِ يَوْمَ الْقِيَامَةِ الدَّمَاءُ».



4. Ethical Implications in the Verses on Retribution (*Qisās*)

In a general assessment, the Quran contains two groups of verses that indicate the legislation of retribution (*qisās*). The first group consists of verses that generally indicate the permissibility of reciprocity, of which retaliation is a prominent example: “*The requital of evil is an evil like it*”⁸ (Quran 42:40); “*And if you retaliate, retaliate with the like of what you have been made to suffer*”⁹ (Quran 16:126); “*So should anyone aggress against you, assail him in the manner he assailed you*”¹⁰ (Quran 2:194). Another category of verses directly addresses retaliation and its rulings: “*There is life for you in retribution, O you who possess intellects! Maybe you will be God wary*”¹¹ (Quran 2:179); “*Retribution is prescribed for you regarding the slain*”¹² (Quran 2:178).

4.1. Verse 179 of *Sūrat al-Baqarah*

God has spoken in several verses about retaliation and its rulings. One of the most prominent verses in this regard is verse 179 of *Sūrat al-Baqarah*, in which God says: “*There is life for you in retribution, O you who possess intellects! Maybe you will be God wary*” (Quran 2:179). In the *Tafsīr* of *Qummī*, it is stated that the meaning of this verse is that if the rule of retaliation had not been legislated in Islam, you would have killed each other (Qummī 1984, 1:65). *Tha‘labī* has stated that the reason for life being in retaliation is that if a person knows that he will be retaliated against if he commits a crime, he will refrain from such an act, thus guaranteeing the life of human society (Tha‘labī 2001, 2:56). Other exegetes have also emphasized that although retaliation involves taking a human life; it

⁸. ﴿جَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُهَا﴾ (الشورى/٤٠)

⁹. ﴿وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ﴾ (النحل/١٢٦)

¹⁰. ﴿مَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ﴾ (البقرة/١٩٤)

¹¹. ﴿وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ﴾ (البقرة/١٧٩)

¹². ﴿كُتِبَ عَلَيْكُمُ الْقِصَاصُ...﴾ (البقرة/١٧٨)

simultaneously gives life to society and prevents murder from becoming a continuous practice (Ṭabarsī 1993, 1:481).

A jurisprudential analysis of the strengthening of the life-giving aspect of the retaliation ruling can be clarified by considering the meaning of the latter part of verse 178 of *Sūrat al-Baqarah*, “*But if one is granted any extenuation by his brother, let the follow up [for the blood-money] be honourable, and let the payment to him be with kindness*”¹³ (*Quran 2:178*) and verse 45 of *Sūrat al-Mā'idah*: “*Yet whoever remits it out of charity, that shall be an atonement for him*”¹⁴ (*Quran 5:45*). It seems that the meaning of the rightfulness of retaliation is that this right was not initially established for the victim to be inherited by his heirs, but rather the legislation of this right is for the avenger of blood (Iṣfahānī 1997, 5:252). Based on this understanding, anyone designated as a “guardian” (*walī*) has the right to demand retribution (*qīṣāṣ*). In other words, the right of retribution belongs to the collective decision of the victim’s heirs. In this case, the wisdom behind establishing the right of retribution is strengthened because this right is not nullified by merely satisfying some of the heirs (Khu’ī 2003, 239).

Certain doubts have been raised about retribution, and the insistence of some individuals, based on these doubts, that the law of retribution is unjust and unethical, include arguments such as retribution being, in reality, a repetition of the crime committed by the murderer and incompatible with today’s human civilization and culture; or that such a ruling is inconsistent with compassion, peace, and mercy; as well as arguments that retribution is a form of revenge and is incompatible with the spirit of punishment, which aims to reform the criminal (cf. Ṭabāṭabā’ī 1970, 1: 435).

In response to such doubts, it must first be stated that prior to the legislation of the verses on retribution (*qīṣāṣ*), the customary practice

¹³. «فَمَنْ عَفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعُ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ» (البقرة/١٧٨)

¹⁴. «فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ» (المائدة/٤٥)



among the Arabs was such that if a member of their tribe was killed by another tribe, they were not content with taking retribution against just one individual. Rather, a single homicide could ignite prolonged hostilities and blood feuds between two tribes, resulting in the loss of numerous lives. The pre-Islamic Arabs considered it permissible to limit retaliation to the exact offense only under one condition: when the offender's tribe withdrew its protection and ostracized him. In such a case, the aggrieved tribe had no recourse but to respond in kind by inflicting the same harm (Zamakhsharī 1986, 1:222; Qurṭubī 1985, 2:256).

In contrast, the sacred law of Islam regulated this matter, on the one hand, removing retribution from being an unrestrained and limitless behavior, and requiring the establishment of a court and the legal proof of rights to determine punishment in accordance with judicial justice; and on the other hand, removing retribution from being a blind revenge and organizing it according to a legal framework, only permitting the killing of one soul in exchange for the killing of another soul, and warning the victim's heirs not to be excessive in killing: *"And whoever is slain unjustly, We have indeed given to his heir authority, so let him not exceed the just limits in slaying"*¹⁵ (Quran 17:33).

Anyone who has been unjustly killed has the right to retribution (*qiṣāṣ*) for their heirs; however, they must be mindful not to be excessive in the killing, meaning there should be no transgression or overreach, and several people should not be killed in exchange for one person (Fāḍil Miqdād 2004, 2:358; Rāwandī 1984, 2:402).

It should also be noted that retribution has fundamentally nothing to do with revenge-seeking. Revenge implies extinguishing anger and the fire of wrath, which is a personal matter. In contrast, the purpose of prescribing retribution is to prevent the recurrence of injustice and oppression in society, with its sole aim being to establish justice and protect innocent and oppressed individuals (Makārim Shīrāzī 1992, 1:609).

¹⁵. «وَمَنْ قُتِلَ مَظْلُومًا فَقَدْ جَعَلْنَا لَوْلِيِّهِ سُلْطَانًا فَلَا يَشْرَفُ فِي الْقَتْلِ» (الاسراء/ ٣٣)

If a person attains a level of intellectual and moral development where they recognize that a healthy social life depends on security and public well-being, they will not object to the law of retribution because it ensures individual and social life. Sometimes, achieving certain lofty goals and higher purposes is only possible through deterrent punishments. The late Martyr Muṭahharī eloquently stated in this regard: “Do not consider such killing as annihilation; rather, it is life itself. Not the life of an individual, but the life of the collective. By retaliating against an aggressor, you are guaranteeing the life of society. If you do not stop such a person, he may kill dozens of others... Therefore, do not regard retribution as reducing the number of people in society, but rather as ensuring the survival of society. Retribution means being friendly to humanity and its life, not being hostile to it” (Muṭahharī 1990, 22:749)

Despite the established right to retribution, it is noteworthy that the depth of the Sharia’s attention to ethics is evident in the fact that God, after stating the legislation of retribution, clarifies that the rule of retribution is not mandatory. The victim’s heirs can choose to pardon and forgive their “Brother” or reconcile by accepting blood money: “*O you who have faith! Retribution is prescribed for you regarding the slain ... But if one is granted any extenuation by his brother, let the follow up [for the blood-money] be honourable, and let the payment to him be with kindness*”¹⁶ (Quran 2:178). In the Imami Shi’a hadiths regarding the aforementioned verse, there is a hadith from Imam Bāqir (a) stating that the intention of the verse is for the guardians of the victim to, if possible, ethically agree to accept blood money (*diya*) from the killer and treat him kindly. Furthermore, if the victim’s guardians choose to accept the blood money, the killer, if he has the means to pay, should not delay and should make the payment graciously¹⁷ (Kulaynī 1986, 7:358).

¹⁶. «يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلَى ... فَمَنْ عَفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعْ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ» (البقرة/١٧٨)

¹⁷. عَلِيُّ بْنُ إِبْرَاهِيمَ عَنْ أَبِيهِ عَنْ ابْنِ أَبِي عُمَيْرٍ عَنْ حَمَّادِ بْنِ عُمَانَ عَنِ الْحَلْبِيِّ عَنْ أَبِي عَبْدِ اللَّهِ عَلَيْهِ السَّلَامُ قَالَ: «سَأَلْتُهُ عَنْ قَوْلِ



A noteworthy point is that in the verse, the killer and the victim are considered brothers. Muḥaqqiq Ardabīlī, in *Zubdat al-Bayān*, believes that the fact that the killer is referred to as the victim's "brother" indicates that, despite the killing, their fraternal bond of faith has not been severed. It has also been said that God used the term brotherhood so that the victim's guardians would show compassion towards him and agree to receive blood money or grant a complete pardon (Ardabīlī n.d., 677).

This subtle and ethical point has been noted by many exegetes. For instance, the author of *al-Mīzān*, paying attention to the aforementioned point, has considered the philosophy of using such an expression to be arousing feelings of love and compassion in the killer towards the victim, and that forgiveness is, in any case, better than retaliation (Ṭabātabā'ī 1970, 1:432). Ālūsī also considers the existence of such an expression to be indicative of the Quran's reference to human and religious brotherhood (Ālūsī 1994, 1:447). Additionally, Ṭabarsī, regarding the phrase, "let the follow up [for the blood-money] be honourable" (Quran 2:178), believes that the intended meaning of the verse is that the pardoner, who is the guardian of the deceased, should adopt a gracious approach and refrain from excessive severity in demanding blood money. Moreover, if the killer is unable to pay it under those circumstances, a reasonable respite should be granted to them (Ṭabarsī 1993, 1:480). Therefore, the sacred law in this regard pays considerable attention to ethics, and while paying attention to the right of retaliation and expressing it as life for people, in the end, it recommends and encourages forgiveness and pardon. That is, on the one hand, in order to preserve the stability and continuation of society, it has prescribed the principle of retaliation in the face of homicide, and at the same time, it has encouraged forgiveness and pardon.

اللَّهُ عَزَّ وَ جَلَّ ﴿فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ﴾ (المائدة/٤٥) فَقَالَ يُكَفِّرُ عَنْهُ مِنْ ذُنُوبِهِ بِقَدَرِ مَا عَفَا وَ سَأَلْتُهُ عَنْ قَوْلِ اللَّهِ عَزَّ وَ جَلَّ - ﴿فَمَنْ عُفِيَ لَهُ مِنْ أَخِيهِ شَيْءٌ فَاتَّبَاعُ بِالْمَعْرُوفِ وَأَدَاءٌ إِلَيْهِ بِإِحْسَانٍ﴾ (البقرة/١٧٨) قَالَ يَنْبَغِي لِلَّذِي لَهُ الْحَقُّ أَنْ لَا يَعْسَرَ أَخَاهُ إِذَا كَانَ قَدْ صَالَحَهُ عَلَى دِيَّةٍ وَ يَنْبَغِي لِلَّذِي عَلَيْهِ الْحَقُّ أَنْ لَا يَمْتَلِ أَخَاهُ إِذَا قَدَّرَ عَلَى مَا يُعْطِيهِ وَ يُؤَدِّي إِلَيْهِ بِإِحْسَانٍ ...».

4.2. Verse 40 of *Sūrat al-Shūrā*

Another verse containing moral indications observed for their goodness is the 40th verse of *Sūrat al-Shūrā*: “*The requital of evil is an evil like it. So, whoever excuses and conciliates, his reward lies with Allah. Indeed, He does not like the wrongdoers*”¹⁸ (*Quran 42:40*). The aforementioned verse, which scholars believe pertains to retribution (*qīṣās*) (Fāḍil Miqdād 2004, 2:373), indicates that forgiving people’s misdeeds is better than taking revenge on them, because it causes a reward from God Almighty in a manner befitting His generosity (Ḥusaynī Jurjānī 1983, 2:703; Ṭabarī 1991, 25:24). The moral constraint at the end of the verse, “*Indeed, He does not like the wrongdoers,*” with a legal function, interprets the ruling of the beginning of the verse, “*The requital of evil is an evil like it,*” as proportionate to the crime with the punishment (Fāḍil Miqdād 2004, 2:373).

It is noteworthy that retribution is referred to as an “evil” (*Sayyi’ah*) here; that is, although retribution is a right and its existence is necessary for the life of society. To justify such an expression, it has been said: “This expression is either to express the opposition between the crime and retribution, or because the act of retribution is an unpleasant act for the person being retaliated against” (Hāshimī Shāhrūdī 1998, 350).

Some exegetical hadiths have also been reported regarding this noble verse. For example, it is stated in the Quranic exegeses of Sunni and Shia Muslims that when the Day of Judgment comes, someone will call out: Anyone whose reward is with Allah, let them enter Paradise. The caller will be asked: Who has their reward with Allah? The answer will be: Those who forgave others¹⁹ (see Fayḍ Kāshānī 1994, 4:379; Suyūṭī 1983, 6:11).

¹⁸. ﴿وَجَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُهَا فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ إِنَّهُ لَا يُحِبُّ الظَّالِمِينَ﴾ (الشورى/ ٤٠)

¹⁹. في المجمع عن النبي صلى الله عليه وآله قال: «إذا كان يوم القيامة نادى مناد من كان فأَجْرُهُ عَلَى اللَّهِ فليدخل الجنة فيقال من ذا الذي أجره على الله فيقال العافون عن الناس يدخلون الجنة بغير حساب». (تفسير الصافي، ج ٤، ص ٣٧٩) وأخرج البيهقي عن أنس رضي الله عنه عن النبي صلى الله عليه وآله وسلم قال: «ينادى مناد من كان أجره على الله فليدخل الجنة مرتين فيقوم من عفا عن أخيه قال الله فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ». (الدر المنثور، ج ٦، ص ١١)



The forgiveness for which a divine reward is promised in the verse is for forgiveness that has taken place and led to the strengthening of society, the reduction of grudges, and the increase of love. The expression “*with Allah*” is as if God considers Himself indebted to the one who forgives (Makārim Shīrāzī 1992, 20:466).

Shaykh Ṭūsī believes that the phrase, “*Indeed, He does not like the wrongdoers*” (*Quran 42:40*), may indicate that God’s recommendation for forgiveness never means defending injustice and oppression; rather, the purpose is solely to promote the virtue of forgiveness and clemency and to promote moral virtues in society (Ṭūsī 1983, 9:169).

4.3. Verses 126-127 of *Sūrat al-Naḥl*

Among the other verses that deal with retribution and explicitly indicate ethical principles and values are verses 126 and 127 of *Sūrat al-Naḥl*. God Almighty says in these noble verses: “*And if you retaliate, retaliate with the like of what you have been made to suffer, but if you are patient that is surely better for the patient. So be patient, and you cannot be patient except with Allah [’s help]. And do not grieve for them*”²⁰ (*Quran 16:126-127*).

As stated in the Quranic exegeses, the occasion of the revelation of the verse relates to the martyrdom of *Ḥamzah*. The explanation is that when the Prophet (s) observed that the disbelievers had mutilated the blessed body of *Ḥamzah*, cutting off his ears and nose, he was very saddened and said, “If we are victorious, we will mutilate them.” Some Muslims also said, “We will even mutilate the living among them, let alone their dead.” At this moment, the aforementioned verses were revealed, and God Almighty advised the Holy Prophet of Islam (s) and the Muslims to be patient (Ṭabarī 1991, 14:131). It is said that after the revelation of the verse, the Prophet (s) raised his hands in prayer to the Lord and said, “O! God, we will be patient” (Wāḥidī 1990, 291; Suyūṭī 1983, 4:135). This

²⁰. ﴿إِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ وَلَئِنْ صَبَرْتُمْ لَهُوَ خَيْرٌ لِلصَّابِرِينَ * وَاصْبِرْ وَمَا صَبْرُكَ إِلَّا بِاللَّهِ وَلَا تَحْزَنْ عَلَيْهِمْ﴾ (النحل/١٢٦-١٢٧)

clause in the noble verse indicates equality in *Qīṣāṣ* (proportion of punishment to crime) (Kiyāhrāsī 1985, 4:274).

In *al-Mīzān*, about the interpretation of the phrase, “...if you are patient that is surely better for the patient” (*Quran 16:126*), it is stated that this phrase indicates the ethical meaning that if Muslims do not retaliate and exercise patience and forbearance in the face of the bitterness of punishing the disbelievers, it is much better for them, because forgiveness and clemency are the ways of the people of faith, and such patience will truly lead to the pleasure of God and His reward. Consequently, when one’s actions stem from sincerity and are oriented toward securing God’s approval, such magnanimity becomes the hallmark of the noble and has very good effects (Ṭabātabā’ī 1970, 12:374).

Conclusion

Based on the findings of this study concerning judicial retribution (*qīṣāṣ*), social ethics, and justice, it is imperative that individuals who violate the sanctity of human life, thereby disregarding human dignity, the most inviolable value in human existence, be subjected to proportionate punishment. Such a measure ensures that no injustice is inflicted upon the victim’s family or legal heirs. Among the ethical objectives of *qīṣāṣ* is the establishment of proportionality between crime and punishment. According to divine revelation, the right to retribution (*ḥaqq al-qīṣāṣ*) is life-affirming. As exegetes assert, this Quranic principle fosters life in both individual and societal spheres. Since this right is legislated not for the deceased but for the legal guardian (*walī al-dam*), its life-affirming nature is reinforced.

Furthermore, the divinely ordained nature of retribution necessitates, in certain cases, the relinquishment of this right in favor of forgiveness. While Islamic jurisprudence (*sharī‘ah*) fully emphasizes ethics and the preservation of human dignity in its legislative framework, these very ethical imperatives demand due regard for the rights of the victim, ensuring no injustice is perpetuated against them. Thus, it is evident that the primary objective of legislating *qīṣāṣ* is none other than upholding the dignity of the deceased and safeguarding society from the proliferation of violence



and insecurity. Justice and ethics require that an offender who intentionally and unjustly violates another's life face commensurate punishment.

The findings of this research demonstrate that, alongside rights, Quranic verses on retribution profoundly emphasize ethics and human values. The Creator explicitly asserts that forgiveness and clemency in such matters are superior and conducive to attaining Divine Pleasure. Indeed, as certain verses imply, God considers Himself indebted to those who pardon, vowing to personally reward their act. Moreover, in other verses, God employs the striking metaphor of 'brotherhood' to describe the relationship between the killer and the slain—a profoundly ethical and humanistic motif. This serves to evoke fraternal compassion and mercy in the victim's heirs, encouraging them to forgive, thereby signifying that forgiveness is more virtuous in the eyes of God than the enforcement of retribution.

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