

Explanation of the law known as Qisas and its connection to forgiveness.

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Islam is indeed a religion that considers the nature of humankind and recognizes our imperfections. According to Islamic beliefs, Allah (God) created human beings and is aware of our strengths, weaknesses, and tendencies. Islam acknowledges that humans are prone to making mistakes, forgetting, committing sins, and being influenced by their emotions and desires.

In Islam, the Quran and the Sunnah are regarded as the two main sources of guidance and jurisprudence. The Quran is considered the holy book of Islam, believed to be the word of God as revealed to the Prophet Muhammad through the angel Gabriel. It contains principles, moral teachings, and laws that Muslims strive to follow in their personal and communal lives. The Sunnah refers to the recorded traditions, actions, and sayings of the Prophet Muhammad, which serve as a supplementary source of guidance for Muslims.

In Islamic societies, the application of the laws of God is considered essential for the functioning of the community. Unlike modern secular societies, where there is a separation between religion and state, Islamic societies typically view religion as an integral part of the governing system. Islamic law, known as Sharia, encompasses various aspects of life, including personal morality, family matters, business transactions, and governance. Sharia is derived from the Quran, the Sunnah, and scholarly interpretations.

It is important to note that there are different interpretations and implementations of Sharia across different Muslim-majority countries and communities. While some societies aim to establish an Islamic state where Sharia is the primary source of legislation, others may adopt a more nuanced approach, incorporating elements of both Islamic law and modern legal systems.

Forgiveness vs. Retaliation : To forgive or not to fogive?

It is also worth mentioning that there is ongoing debate and discussion among scholars and Muslims themselves about the interpretation and application of Islamic law in contemporary times. Islamic jurisprudence is a dynamic field that takes into account the evolving needs and challenges of society while striving to adhere to the core principles and values of Islam.

In summary, Islam recognizes the inherent imperfections of humanity and provides guidelines for individuals and societies through the Quran and the Sunnah. For many Muslims, the application of Islamic law is seen as necessary for the proper functioning of an Islamic society, although the specific understanding and implementation of Sharia can vary.

Qisas is a legal principle in Islamic law that deals with retribution or retaliation in cases of intentional bodily harm or murder. It allows the victim or their family to seek equal punishment for the offender, in terms of physical harm or loss inflicted. The concept of Qisas is derived from the Quranic verse that states,

"And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution" (Quran 5:45).

Qisas aims to ensure justice by providing a proportional punishment that is directly linked to the harm caused. However, it is essential to note that forgiveness is also a crucial aspect of Qisas. While Qisas allows for retribution, Islamic teachings strongly encourage forgiveness and reconciliation.

According to Islamic principles, forgiveness is considered virtuous and is highly encouraged. The Quran emphasizes the importance of forgiveness, stating,

"The reward of the evil is the evil thereof, but whosoever forgives and makes amends, his reward is upon Allah" (Quran 42:40).

The Prophet Muhammad also emphasized forgiveness and pardoning others as noble acts.

In the context of Qisas, forgiveness can be exercised by the victim or their family, either before or after the legal process. If the victim or their family chooses to forgive the offender, they have the option to forgo the right to equal retaliation. Instead, they may accept compensation (known as Diah) or choose to grant forgiveness without any material compensation.

Forgiveness in the context of Qisas is seen as a higher moral choice, reflecting mercy and compassion. It aligns with the broader Islamic values of promoting harmony, reconciliation, and the betterment of society. While Qisas provides a framework for retributive justice, forgiveness allows for the possibility of healing, restoration, and the potential for reconciliation between the parties involved.

It is important to recognize that the application of Qisas and forgiveness may vary across different legal systems and cultural contexts, and interpretations can differ among scholars. Islamic law, including Qisas, is subject to legal interpretation and may be implemented differently in different jurisdictions.

Islam is a religion that takes into account the nature of humankind; after all, the One who created us knows us best. We were not created perfect, we make mistakes, we forget, we sin, we fall prey to our emotions and hormones, and our sense of justice may not be as finely tuned as we might desire or think. Thus the doctrines of Islam, the two main sources of jurisprudence, the Quran and the Sunnah (sometimes called the authentic traditions of Prophet Muhammad), set out for us the guidelines under which the law is applied. Unlike modern secular societies there is no separation between religion and state. For the Islamic society to function, the laws of God must be applied.

Islam repeats the Torah or Old Testament's eye for an eye principle and uses both capital and corporal punishment for many crimes. However what is often overlooked is that the Quran and the traditions of Prophet Muhammad call for forgiveness instead of retaliation. Islam and its legal principles support forgiveness and peaceful arrangements between all parties. The second of three categories of crime in Islamic law is Qisas.

Islamically qisas means the law of retaliation, however it is derived from the root qess meaning to track down the effect or trace of something, it may also be defined as tracking the footsteps of an enemy.

"...punish with an equivalent of that with which you were harmed. But if you are patient - it is better for those who are patient." (Quran 16:126)

"And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds is legal retribution. But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which God has revealed, such are the wrongdoers." (Quran 5:45)

Qisas is specifically for murder or serious assault. Whenever a person causes physical harm or death to another, the injured or a representative of the deceased has the right to retaliation. In crimes covered under the laws of Qisas the victim or his representative have three options, to insist upon the punishment, accept monetary recompense, or forgive the offender. Forgiveness is even able to avert the death penalty. Quran urges forgiveness and mercy even in the direst of circumstances.

"And there is (a saving of) life for you in Al-Qisas, O men of understanding, that you may become pious." (Quran 2:179)

As mentioned above the law of retaliation or qisas refers to a particular set of crimes that may be lawfully punished in the same way and to the same degree. In the case of serious assault for example, the victim has the right to choose an eye for an eye, an ear for an ear or a leg for a leg. Qisas also allows for the victim or his representative to choose a different outcome. He may accept compensation also known as blood money or in Arabic, diya. Payment of the diya is calculated on a scale proportionate to the degree of incapacity or injury caused. On the other hand the victim or his representative may also choose to forgive, and despite the legality of all three choices, Quran makes it clear that the better option is to choose to forgive. In Islam reconciliation is always preferable to retaliation.

"...but whosoever forgives and makes amends, his reward is upon God." (Quran 42: 40)

A renowned psychologist once said that without forgiveness life is governed by an endless cycle of resentment and retaliation. No matter which of the three outcomes the victim chooses the aim is to put an end to the cycle of retribution and retaliation, and not let the repercussions of the crime persist and damage the Islamic community. In other words, qisas limits the consequences. The victim's need for justice is satisfied while preventing unnecessary harm to the perpetrator.

The combination of diya and forgiveness produces a powerful material and spiritual inducement to forgo retribution. When the victim has the right to choose, in many cases he chooses to forgive because God's reward is more desirable than any earthly benefit, or the fleeting pleasure of seeing earthly punishment inflicted.

Prophet Muhammad (pbuh) consistently chose forgiveness over retaliation. His behaviour is the best example of forgiveness and compassion. The crimes against him were

often vile and demeaning yet he took God's words literally and chose kindness over anger. He had the power and means to retaliate yet the harsher the crime against him the more lenient he became.

"Keep to forgiveness (O Muhammad), and enjoin kindness, and turn away from the ignorant." (Quran 7:199)

In this article we have examined the law of qisas and discovered that forgiveness is the best course of action. Nevertheless God knows the human need for justice in this world and thus He has provided us with a method of retaliation that is fair and just. However, throughout the Quran and the traditions of Prophet Muhammad we are told that forgiveness is better and we will discover why. Do you not wish to be forgiven by God?

"Let them forgive and overlook: do you not wish that God should forgive you? For God is Oft-Forgiving, Most Merciful." (Quran 24:22)

"But if someone is steadfast and forgives, that is the most resolute course to follow." (Quran 42:43)

Why forgiveness just might be better than retaliation?

As explained above God understands the intricate nature of humankind. Some people will not be satisfied without some sort of pay back or retaliation against those who do them an injustice; and rightly so. However the religion of Islam tells us several things that are worth bearing in mind before retaliating.

The first and possibly the most important reason to forgive rather than retaliate is that the Quran and the traditions of Prophet Muhammad encourage us to do so. Forgiveness means to relinquish the right of retaliation that you have over somebody for something wrong done to you. God offers innumerable rewards for those who do forgive. It is in fact among the good morals and the noble characteristics that all believers should aim for. Even in the agony of despair these rewards are extremely valuable and if one can exercise patience and think before retaliating they might find that indeed forgiveness is better.

"... (those) who repress anger and who pardon men; verily, God loves the doers of good." (Quran 3:134)

Prophet Muhammad (pbuh) said,

"On the Day of Judgment a caller will say: 'Who amongst you are the people of kindness?' Then some people stand up. It is then said to them, 'Go into Paradise'. The Angels meet them and ask them, 'Where to?' They reply, 'To Paradise'. The Angels say: 'Before being judged?' They reply: 'Yes'. The Angels ask: 'Who are you?' They reply, 'We are the people of kindness'. The Angels ask: 'And what was your kindness?' They reply, 'We used to be forbearing when oppressed and be patient when aggressed and forgive when offended'. The Angels then say: 'Enter Paradise, how excellent a reward for the (pious good) workers'."¹

¹ Al-Baihaqi

God exhorts us over and over to think, be patient, overcome our anger and forgive. One of Prophet Muhammad's companions once said that in any dispute regarding retaliation he never saw the Prophet command anything but remission. When someone is unjust to us or commits evil against us, we are encouraged to respond with kind and good actions, so that the hatred between us will evaporate.

"The good deed and the evil deed cannot be equal. Repel (the evil) with one which is better (i.e. God orders the faithful believers to be patient at the time of anger, and to excuse those who treat them badly) then verily he, between whom and you there was enmity, (will become) as though he was a close friend." (Quran 41:34)

"And if you punish, then punish them with the like of that with which you were afflicted. But if you endure patiently, verily, it is better for the patient." (Quran 16:126)

Islam allows retaliation as a tool to achieve justice, to calm anger, to relieve emotional suffering, to prevent oppression of the criminal and to put an end to excessive force. At the same time, it encourages the wronged person to forgive and pardon the one who did wrong. However, having said that, when trying to decide between permissible retaliation and forgiveness, it is worth remembering that God Himself is the Most Just.

"And We shall set up balances of justice on the Day of Resurrection, then none will be dealt with unjustly in anything. And if there be (even) the weight of a mustard seed, We will bring it. And Sufficient are We to take account." (Quran 21:47)

Another good reason to think about forgiveness before retaliation or anger is that there is a direct connection between the way we treat others and the way God treats us. Prophet Muhammad used this parable to illustrate this.

"There was a merchant who used to extend credit to people. If he found one of his customers to be in straightened means, he would say to his assistants: 'Forgive them their debt, perhaps God will forgive us.' God did forgive him."²

God describes the believers as:

"...those who avoid the major sins and immoralities, and when they are angry, they forgive" (Quran 42:37)

The inability to forgive can affect us deeply, emotionally, spiritually and even physically. It causes stress and ill health. When you forgive someone you not only give up your right to retaliation but you also give up feelings of revenge and resentment. Recent research specifically on the health benefits of forgiveness shows that people who can make this mental shift between retaliation and forgiveness may benefit in ways they didn't anticipate³. One study even makes the claim that people who forgive live longer.⁴

² Saheeh Al-Bukhari, Saheeh Muslim

³ <http://www.psychologytoday.com/blog/fulfillment-any-age/201301/live-longer-practicing-forgiveness>

Forgive and forget is a saying that is often heard and while forgetting might be near impossible for some wrongs that are committed against us, forgiving is tantamount to trusting in God alone. God will lift the burden from our minds and our hearts. Withholding forgiveness is often based on an unconscious attempt to keep us safe and in control of the own little sphere of influence. A believer knows however that this is only an illusion of safety and control. It is God that keeps us safe and He is the one with the power to control all events, from a leaf falling from a tree to the time of our death.

"And with Him are the keys of the unseen; none knows them except Him. And He knows what is on the land and in the sea. Not a leaf falls but that He knows it..." (Quran 6:59)

Perhaps the most amazing example of forgiveness rather than retaliation happened when Prophet Muhammad conquered the city of Mecca. He and his followers left the city after being abused, and tortured, driven from their homes, starved and humiliated, and murdered and maimed. When he rode into Mecca humbly, on a donkey, Prophet Muhammad had the power to exact any revenge he wanted. He could have retaliated in any way that he saw fit, yet he chose forgiveness. He said to the people of Mecca the same words that Prophet Yusuf said to his brothers.

"No blame will there be upon you today. May God forgive you; and He is the Most Merciful of those who show mercy." (Quran 12:92)

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⁴ Toussaint, L. L., Owen, A. D., & Cheadle, A. (2012). Forgive to live: Forgiveness, health, and longevity. *Journal of Behavioral Medicine*, 35(4), 375-386. doi:10.1007/s10865-011-9362-4