

Between Retaliation and Forgiveness. Socio-cultural Determinants of *Qesās* Punishment in Contemporary Iran

Abstract: The punishment of *qesās* (retaliation, retribution) is one of the penalties under Islamic law in force in the criminal code of the Islamic Republic of Iran. It is applied in the case of crimes against another human being and presupposes an equal balance between harm and sanction, the goal of which is to restore order by compensating for the loss suffered. Therefore, in the case of premeditated murder, the *qesās* punishment amounts to a death sentence, which can be requested by the victim's family. However, the uniqueness of the Iranian system implies that the victim's family, instead of demanding execution, that is, exercising their right to enforce the *qesās* penalty, can refrain from it (*gozasht*) and accept financial compensation (*dāteh*). This legal possibility, also of Qur'anic origin, in recent years has led to a strongly growing 'movement for forgiveness', which can be witnessed in the Iranian public sphere. The very timely nature of this phenomenon has made the question of *qesās* and *gozasht* a source of much discussion and debate, revealing not only the complexity of the Iranian legal system, its challenges, but also its cultural background.

The main question posed in this paper is related to the sociocultural conditions of *qesās* punishment with a particular focus on the concept of *āberū*, which, as will be demonstrated, may become of considerable importance in the process of seeking or waiving *qesās* punishment in contemporary Iran. The term *āberū*, which literally means 'radiance of face', in colloquial usage is used to express the meanings of 'good reputation', 'good name', 'social status', 'positive image' and the 'respect' and 'esteem' associated with this, but also more generally 'honour' and 'pride'. To this day, the social, professional and community relations of many Iranians are based on the urge to maintain a positive, intact, public image and the fear of losing it (*āberūrīzī*). This study argues, that attachment to the preservation of positive face and image (*hefz-e āberū*) in the eyes of others, evidenced in Iranian culture, can serve a dual role. It can both lead victim's families to advocate for *qesās* punishment or, quite contrary, to forgive the offender and waive punishment. This dual function of *āberū*, although seemingly contradictory, remains consistent with culturally embedded patterns of behaviour. This paper is devoted precisely to the motivational mechanisms behind people's decisions which directly involve the references to the concept of *āberū*. The study is based on Persian language source material which includes legal documents, statements by judicial officials, Shī'ī clergy, interviews published in the Iranian press, and discussions in the public domain in recent years.

Magdalena Rodziewicz, Ph.D.
Department of Iranian Studies
Faculty of Oriental Studies
University of Warsaw
Orcid: **0000-0002-5649-7103**

Bio: Magdalena Rodziewicz works as an Assistant Professor in the Department of Iranian Studies within the Faculty of Oriental Studies at the University of Warsaw. She is engaged in research on Iranian moral concepts, contemporary Iranian society, Iranian Shī'ī thought, the status of the clergy in modern Iran, and Iranian cinema. She has published in Polish and international academic journals such as, e.g., *Archiv Orientalni*, *Przegląd Orientalistyczny*, *Yearbook of Oriental Studies*, *Journal of Persianate Studies*, *Journal of Shi'a Islamic Studies*, *Iran and the Caucasus*, *Iran Namag*, *The Middle East Journal*, *Journal of Islamic Ethics* and *British Journal of Middle Eastern Studies*.

mrodziewicz@uw.edu.pl