

**THE CONCEPT OF QIṢĀṢ (RETALIATION)  
IN THE ISLAMIC AND LAY POLITICAL DISCOURSES  
IN THE CONTEXT OF THE EGYPTIAN ARAB SPRING**

1. Introduction

This article is the 3<sup>rd</sup> one in the series dedicated to the analysis of the concept of QIṢĀṢ (RETALIATION) in the context of the Egyptian revolutionary discourse. QIṢĀṢ is one of the most salient concepts that shaped this discourse for a period of over four years. It featured strongly in the slogans of both the street protests and the official discourse of the consecutive Egyptian post-revolutionary governments to the extent that some native observers have called the January 25 revolution *ṭawrat al-qiṣāṣ* (the revolution of retaliation)<sup>1</sup>.

The previous two articles explored the relationship between QIṢĀṢ and other key value concepts that featured as part of the revolutionary slogans, namely, ḤURRIYA (freedom), ‘ADĀLA (justice) and KARĀMA (dignity)<sup>2</sup> and the functioning of QIṢĀṢ in the Egyptian revolutionary discourse in the context of three most frequent attributive collocations with adjectives ‘*ādil* (just), *sarī*’ (speedy, fast), ‘*ājil* (immediate) and *nājiz* (prompt, complete)<sup>3</sup>, which reflect the culturally embedded beliefs regarding what constitutes a *just* RETALIATION as well as the manner, in which it should be performed. In this article we provide a contrastive semantic analysis of QIṢĀṢ in texts produced by experts in Islamic jurisprudence and lay political discourse. A group of religiously inspired texts, representing instances of what we refer to here as the *Islamic normative discourse*, which have been collected on the basis of Egyptian web resources using

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<sup>1</sup> Cf. Rola Kharsa. Culture of Retaliation and Revenge (*ṭaqāfat al-qiṣāṣ wa l-intiqām*). *al-Miṣrī al-Yawm*, 14.2.2012 – <http://m.almazryalyoum.com/news/details/52941>

<sup>2</sup> See O. V. Bogomolov. Bread, dignity, Justice and... retaliation: the concept of QIṢĀṢ and the values of the Egyptian revolution. *The Oriental Studies*, 2014, № 67, pp. 20–38.

<sup>3</sup> O. V. Bogomolov. If you want to be *just* you better be *quick*: perceptions of a *just retaliation* in the discourse of the Egyptian Arab Spring. *The World of the Orient*, 2015, № 1, pp. 53–64.

*qiṣāṣ* as a key word<sup>4</sup>, strictly speaking may not be seen as part of what we have described as the Egyptian *revolutionary discourse*<sup>5</sup>, as they contain no direct references to revolutionary events or any other specific political events. In our view, however, these texts represent what appears to be a close approximation to the background knowledge bases that such important Arab Spring participants, as Muslim Brotherhood and various Salafi groups' members and loyalists, may be tapping on, when they operate with concepts grounded in the Islamic tradition, such as QIṢĀṢ. Over centuries, this type of discourse has also strongly contributed to shaping the set of core ideas associated with the concept. Another strand of religiously inspired discourse, which we refer to here as the *discourse of official Islam*, is produced by Islamic experts and scholars affiliated with the official religious institutions, such as al-Azhar University. This strand of discourse constitutes a clearly discernible voice among many that contribute to the public debate over the Egyptian revolution. In this article we analyze semantic and pragmatic variations of QIṢĀṢ within these discourses.

The concept of QIṢĀṢ owes much of its strength, including the capacity to dominate and shape political discourse and its illocutionary power in the dispute over justice and political power, to the fact that it is strongly embedded in the Islamic tradition. Yet, the manner in which the Islamic normative discourse and the lay public discussion treat QIṢĀṢ is not identical. Comparing the way Islamic normative concepts function in lay as opposed to expert discourses may provide us with some insight into how elements of religious knowledge are encoded and transferred through language, assimilated into broader culture and how they shape everyday reality through discourse.

## 2. QIṢĀṢ in the Islamic normative discourse

Sharia norms on retaliation are based on *lex talionis* principle, which calls for a full qualitative commensurability of punishment with injury inflicted on the victim of a violent crime captured in the

<sup>4</sup> Some texts appeared in fact to have been produced by well-known Saudi authors.

<sup>5</sup> Cf. Alexander Bogomolov. Constructing Political Other in the Discourse of the Egyptian Arab Spring // Scripta Neophilologica Posnaniensia. V. XIV, 2014, p. 7–8.

well-known idiom ‘eye for an eye’<sup>6</sup>. The Islamic version of the principle is given in Quran 5: 45. The principle is applied with certain caveats, related to social and familial status of the victim and the offender, as well as the latter’s mental health condition. Discussion of these caveats as well as conditions for pardoning the offender and substituting physical punishment with a material compensation accounts for a substantial part of the Islamic normative texts on QIṢĀṢ. Instead of going into such details, which would be beyond the scope of this paper, we will concentrate only on a few aspects of the Islamic normative discussion of QIṢĀṢ often cited by the contemporary Muslim apologists of a Sharia-based legislation, which also appear to be quite idiosyncratic and significant for the semantic structure of the concept. Each particular point will be presented as a link to other concepts and ideas, which are usually used to make sense of QIṢĀṢ.

2.1. HEALING and PREVENTION: QIṢĀṢ is seen as a method of *healing* the pains of people affected by the crime, such as relatives of the victim and the community at large, and *preventing* further crimes:

wa al-qiṣāṣ huwa fi’l mujnī ‘alayhi aw fi’l waliyihī bi-jānin miṭla fi’lihi aw šibahu, wa ḥikmatuhu *at-taṣaffī wa bard ḥarārat al-ḡayz*; wa qad šarra’a allāhu al-qiṣāṣ *zajran ‘an al-’udwān* wa istidrākan lamā fi an-nufūs, wa iḍāqatan li-l-jānī mā aḍāqahu al-mujnī ‘alayhi, wa fihi baqā’ wa ḥayāt an-naw’ al-insānī<sup>7</sup>

and QIṢĀṢ is an act of the injured party or the act of his executor<sup>8</sup> [in respect] of the offender same as his act or similar [to] it, and its

<sup>6</sup> The source of the idiom in the European languages is Hebrew Bible (expanded versions of this phrase are to be found in Exodus 21:23-25, Leviticus 24:19-21, Deuteronomy 19:20-21); the Quran explicitly refers to the Biblical antecedent (Quran 5: 44, 45); the Babylonian law and the Medieval European legal systems, such as the Salic law, the Russian Justice are other examples of *lex talionis* legal systems.

<sup>7</sup> Šāliḥ bin Fawzān bin ‘Abdullah al-Fawzān. al-Mulaḥḥaṣ al-Fiḥī. Dār al-‘Ašima. ar-Riyād. 1423 h., part 2, p. 476 – <http://shamela.ws/browse.php/book-11811/page-895>

<sup>8</sup> For the sake of simplicity, in this paper, we have opted for one of the translations used by Lane in his classical Lexicon, *executor*, as a match for the difficult Islamic concept of *walī*, whenever *walī ad-dam* (see below) is meant – cf. Edward William Lane. *An Arabic-English Lexicon*. Beirut, Lebanon: Librairie du Liban. 1980/1997; the noun *walī* stems from the verb *waliya* (to be near, adjoin, follow; rule, govern), derivatives of the stem (e. g.

wisdom [is] *the healing and cooling the heat of anger*; and Allah has legislated QIṢĀṢ to *rein in aggression* and anticipate (forstall, redress) for what [is] in the souls, and let the offender taste what he let taste the injured party, and in it [is] the survival and life of the human kind.

The 5<sup>th</sup> form of the verb *tašaffā* – (to be cured, be healed, be restored to health) features in similar contexts at least as early as the time of writing of the classical Arabic dictionary Lisān al-‘Arab (13 cent. AD)<sup>9</sup>. The notion of healing is not limited to QIṢĀṢ alone and since long was associated with the whole set of lexis belonging to the semantic field of Revenge, cf. a verse cited in Lisān al-‘Arab under the entry *ta’r* (revenge): *šafaytu bihi nafsi wa adraktu tu’rati*<sup>10</sup> (*I healed myself by him – i. e. by killing him – and realized my revenge*). The long association between *tašaffī* (healing) the semantic field of Revenge has led to the former acquiring such as strong connotation with the latter than in modern usage, particularly, the vernacular one, it functions as a synonym of *revenge*. This meaning found its way into the European dictionaries of Arabic, e. g. the English edition of Hans Wehr’s dictionary provides the following definition of *tašaffā*: ‘to take revenge, avenge oneself, satisfy one’s thirst for revenge, vent one’s anger, take it out (*min* on)’<sup>11</sup>. Original meaning of the 5<sup>th</sup> form shared with other derivatives of the stem, has nevertheless remained transparent for the speakers.

the 5<sup>th</sup> form *tawallā*) also convey the idea of possession, hence, *walī ad-dam* – ‘next of kin, who possesses the *blood* of a slain relative’, meaning ‘having the right to kill his offender’, *walī al-amr* – ‘the one who possesses the [right to deliberate on] affairs’, which, depending on the context, means either a *legal guardian* or a *ruler*, see also footnote 34 below.

<sup>9</sup> Cf. the following usage under the entry *šafā* in Lisān: *tašaffaytu min al-ḡayz* (I cured [myself] from wrath); and particularly, *wa yaqūl al-qā’il minhum: tašaffaytu min fulān idā ankā fi ‘aduwwihi nikāyatan tasurruhu* (and some of them say: I cured myself from someone if [he] hurt his enemy in a manner that makes him happy; in later usage *nikāya* also means ‘revenge’) – Ibn Manzūr. Lisān al-‘Arab. Beirut: Dār Šādir, 1955–1956, 15 vols.

<sup>10</sup> Here the reflexive meaning, same as that of the 5<sup>th</sup> form, is realized at the lexical level through the reflexive auxiliary phrase *nafsi* (myself, *lit.* my soul), revealing the source meaning of the stem ‘heal’ even more – Ibn Manzūr. Lisān al-‘Arab. Beirut: Dār Šādir, 1955–1956, 15 vols.

<sup>11</sup> Hans Wehr. A Dictionary of Modern Written Arabic. Ed. J. Milton Cowan. 3<sup>rd</sup> edition. Spoken Language Services, Inc. 1976; notably the governance model *tašaffā min* here is inherited from the verb *iqtaṣṣa min* (take revenge against smb. – *lit.* from smb.).

The verb *taṣaffā* also occurs in collocation with *ḡayẓ* (anger, wrath, fury) in contexts other than QIṢĀṢ. Sharia scholars, for instance, explain the phenomenon of *ḡība* (calling names, slander, calumny) by the desire for *taṣaffī al-ḡayẓ* (to heal, satisfy one's wrath)<sup>12</sup>. The link between QIṢĀṢ and *taṣaffī* that comes out most explicitly in the Islamic normative discourse points to a wider cultural landscape, within which the concept of QIṢĀṢ is situated. This landscape, among other things, includes a belief that certain events (violent crimes among them) generate powerful negative emotions that could be compared to *sickness*. The notion of *istidrāk lamā fī an-nufūs* (anticipation for what [is] in the souls), which is offered as part of the rationale for QIṢĀṢ, also appears to be quite informative for the reconstruction of this cultural background. The plural form *nufūs* suggests that a negative mental or emotional process may also be going on in the souls of *many*, and QIṢĀṢ is there to *prevent* such development. It is presupposed that if QIṢĀṢ is not performed, more crimes will occur, which appears to be another entailment of CRIME is SICKNESS metaphor: CRIME may be viral, even endemic.

## 2.2. Forstalling FITNA<sup>13</sup>:

kānat al-jāhiliya *tubāliḡ fī al-intiqām* wa ta'ḥuḍ fī al-jarīma ḡayr al-mujrim wa hādā jawr lā yuḥṣal bihi al-maqṣūd, bal *huwa ziyādat fitna* wa itāša li-d-dimā', wa qad jā'a dīn al-islām wa šarī'atuhu al-kāmila bi-tašrī' al-qīṣāṣ wa īqā' al-'iqāb bi-l-jānī waḥdihi, wa ḥašala bi-dālika al-'adl wa ar-raḥma wa ḥaqq ad-dimā'<sup>14</sup>

<sup>12</sup> Cf. for instance a book of fatwas attributed to a well-known Islamic scholar Muhammad aš-Šawkānī (1759–1834) al-Fatḥ ar-Rabbānī li-Fatāwā al-Imām aš-Šawkānī – <http://shamela.ws/browse.php/book-36543/page-4497>. A Google search for *taṣaffī al-ḡayẓ* on the Egyptian segment of the Internet has returned 1,260 results mostly related to the discussion on *ḡība*.

<sup>13</sup> FITNA – intraconfessional or intraethnic strife, when Muslims fight Muslims; through various metaphoric collocations (such as *nār al-fitna* – ‘the fire of FITNA’) and graphic representations the image of FITNA may be reconstructed as that of a wild fiery and normally dormant beast that may be awaken unintentionally through some wrongdoing or deliberately provoked by an adversary (cf. an idiom *al-fitna nā'ima fa-la tūqizhā* – ‘FITNA is sleeping, so don't you wake it up’).

<sup>14</sup> Ṣāliḥ bin Fawzān bin 'Abdullah al-Fawzān. al-Mulāḥḥaṣ al-Fiqhī. Dār al-'Āšima. ar-Riyāḍ. 1423 h., part 2, p. 476 – <http://shamela.ws/browse.php/book-11811/page-895>

the [age of] Ignorance<sup>15</sup> was *exaggerating in the vengeance* and was taking in the crime [people] other than the offender and this [is] outrage by which the purpose (lit. what is intended) is not reached, but it is more FITNA and reckless waist of blood; and the religion of Islam and its complete Sharia have brought the legislation of QIŞĀŞ and imposition of the punishment upon the offender alone, and by this the justice and mercy and the prevention of bloodshed<sup>16</sup> have occurred.

In Islamic discourse, QIŞĀŞ is often promoted as a measured response to otherwise unlimited blood vengeance that may immerse the community in FITNA, whose *fire* is hard to put out. In Arab discourses of war and peace the concept of FITNA functions as a powerful image of the last limit, a situation of ultimate social disorder that by all means should be avoided. This line of argument has earned the concept INTIQĀM (revenge, vengeance) a strictly negative connotation in Arabic, in lay discourse the two concepts function as a pair of otherwise synonymous terms with positive vs. negative connotations.

2.3. Retaining BLOOD. BLOOD is an important cultural symbol that stands metonymically for two things: LIFE and KINSHIP.

wa lā yajib al-qīṣāṣ illā idā tawaffarat aš-šurūṭ al-ātiya: 1 – an yakūn al-maqtūl *ma ‘šūm ad-dam* wa law kāna ḥarbiyan aw zāniyan muḥaṣṣanan aw murtaddan fa-innahu lā ḍamāna ‘alā al-qātil lā bi-qīṣāṣ wa lā bi-diya li-anna hā’ulā jamī’an *mahdūrū ad-dam*<sup>17</sup>

and QIŞĀŞ must not [be done] unless the following conditions are met: 1 – for the slain [one] to be prohibited (infallible, sinless) of blood, and if he were a warrior or an entrenched fornicator or an opostate, there is no guarantee upon the killer of a retaliation and nor of blood money for those all [are the ones whose] blood [may be] wasted (spilled in vain).

In the above paragraph BLOOD is presented metaphorically as a RESOURCE that should not be *wasted* (spilled in vain). There are two types of BLOOD: *ma ‘šūm* and *mahdūr*. While both terms are se-

<sup>15</sup> An Islamic term used in reference to the pre-Islamic period in the history of Arabs.

<sup>16</sup> *ḥaqana damuhu* (hold back his blood) is a common Arabic idiom meaning save one’s life.

<sup>17</sup> as-Sayyid Sābiq. *Fiqh as-Sunna. Dār al-Kitāb al-‘Arabī* (Egypt), 2002 – <http://goo.gl/f7gDXk> as-Sayyid Sābiq (1915–2000) – the book is one of the major modern sources on Islamic law; as-Sayyid Sābiq (1915–2000) was a well-known Azharite scholar and member of Muslim Brotherhood.

mentally rather complex, particularly, the former one<sup>18</sup>, the underlying basic idea that the pair conveys may be described as *retainable* vs. *wastable*. In light of this opposition, the essential purpose of QIṢĀṢ is conceived of as *retaining* BLOOD.

2.4. LIFE. The concept of LIFE features in the most powerful Quranic text often cited as an argument for QIṢĀṢ – *wa lakum fī al-qīṣāṣ ḥayātun yā ulī al-albāb la'allakum tattaqūn* ('and [there is] for you in QIṢĀṢ life, o owners of minds (i.e. intelligent or reasonable people. – A. B.) may you have fear [of God]')<sup>19</sup>. In the example below, LIFE is conceived of as an entity (perhaps a substance) that moves from parent to child – parent is a *source* of LIFE for the child. It is a *directed* movement that has a *source* and QIṢĀṢ should not reverse this direction by killing (fore) father in retaliation for a child:

al-lā yakūn al-qātil *aṣlan* li-l-maqtūl fa-lā yuqtaṣṣu min wālid bi-qatl waladihi, wa walad waladihi, wa in safila idā qatalahu, bi-ayy wajh min awjuh al-'amd bi-ḥilāf mā idā qatala al-ibn aḥad abawayhi, fa-innahu yuqtal ittifaqan, li-anna al-wālid *sabab fī ḥayāt* waladihi, fa-lā yakūn waladuhu sababan fī qatlihi wa salbihi al-ḥayāt bi-ḥilāf mā idā qatala al-walad aḥad wālidayhi, fa-innahu yuqtaṣṣu minhu lahumā; aḥraja at-tirmiḏī 'an 'umar anna an-nabī ṣallā allāhu 'alayhi wa sal-lam qāl: lā yuqtal al-wālid bi-l-walad<sup>20</sup>

so that the killer not be a *source* (lit. *root*) for the killed, and father shall not be retaliated against for the killing of his son and the son of his son, even if he became low (mean, ignoble) when he killed him, by no aspect of premeditation, unlike when the son has killed one of his parents, and he is killed by agreement for the father is *cause in the life* of his son and his son shall not be a cause in his killing and depriving him of his life unlike if the son has killed one of his

<sup>18</sup> Derivatives of the stem '-ṣ-m signify the ideas of (religious) *purity*, *virtue*, etc., the 1<sup>st</sup> form verb meaning 'retain, preserve' however points to the semantic core/source meaning of the stem.

<sup>19</sup> Quran 2:179, translation ours, for a widely accepted English translation see <http://quran.com/2> (Saheeh International); most English translations accessible to us appear to be excessively interpretative – adding words that have no basis in the original, e. g. 'legal retribution' in lieu of 'retaliation', 'saving life' or 'basis of life' where we only find 'life' in the original.

<sup>20</sup> This paragraph represents the 5<sup>th</sup> among 7 conditions (*ṣurūt*) of QIṢĀṢ according to as-Sayyid Sābiq. Fiḥ as-Sunna. Dār al-Kitāb al-'Arabī (Egypt), 2002 – <http://goo.gl/f7gDXk>

parents, and retaliation is [performed] against him for them; at-Tirmiḏī related [it] from ‘Umar that the Prophet, peace be upon him, said ‘the father shall not be killed for the son’.

The notion of Parent as a Root (*aṣl*) and the Cause of LIFE points to the metaphor of Tree underlying the concept of LIFE. Within this metaphor, LIFE is as a *genealogical* Tree, which is a directed tree graph, where parents are vertices feeding their offspring through branches, thereby giving LIFE to them. The metaphor of LIFE as TREE is evoked even more clearly in the following definition listed among *šurūṭ al-qīṣāṣ* (conditions of retaliation): *an lā yakūn al-maqtūl juz’ al-qātil aw min furū’ihi* (for the slain [one] not to be part of the slayer or [one] of his *branches*)<sup>21</sup>. The entailment of LIFE as TREE metaphor is that if LIFE has to go on, the TREE has to continue growing naturally, direction of the graph cannot be reversed and underlying vertices giving life to one or more braches should be kept in place if even some offshoots may perish. Killing a parent (an underlying vertex) in retaliation for a child (dead offshoot) will be against the principle of growth – of LIFE proliferation – thus conceived.

2.5. POWER. QIṢĀṢ is designed to *empower* the injured party (the victim or his/her next of kin) against the Offender. There is an explicit reference to this in the Quran, cf.:

wa man qutila maẓlūman fa-qad ja’alnā li-waliyyihi *sultānan* fa-lā yusrif fī al-qatli innahu kāna maṣṣūran (Quran 17: 33)

and whoever is killed unjustly, we have given his executor *authority*, but let him not exceed limits in killing. Indeed, he has been supported.

When establishing the responsibility for the crime, the Islamic normative analysis shows awareness of *coercion*, as an act of power, and distinguishes between the powerful individual who has commissioned the crime and the party that physically carried it out, cf.:

an yakūn al-qātil muḥtāran: fa-inna al-ikrāh yaslub al-irāda wa lā mas’ūliya ‘alā man faqad irādathu fa-*iqā akraha ṣāhib sulṭan ḡayrahu* ‘*alā al-qatl* fa-qatala ādamiyan bi-ḡayr ḥaqq fa-innahu yuqṭal al-āmīr dūna al-ma’mūr wa yu’āqab al-ma’mūr<sup>22</sup>

<sup>21</sup> al-Mawsū‘a al-Fiqhiyya (Encyclopedia of Islamic Jurisprudence) – <http://www.al-islam.com/Loader.aspx?pageid=1036&BookID=510&TOCID=23066>

<sup>22</sup> This is the 4<sup>th</sup> condition of QIṢĀṢ according to as-Sayyid Sābiq. Fiqh as-Sunna. Dār al-Kitāb al-‘Arabī (Egypt), 2002 – <http://goo.gl/f7gDXk>

that the killer has a free will: as coercion deprives of the will and [there is] no responsibility upon whosoever lost his will and *if [anyone] vested with power coerced someone else to kill* and he killed a human being without right then the one who ordered [the killing] is to be killed, not the [one who was] ordered and the [one who was] ordered is to be punished.

The overlap between the concepts of QIṢĀṢ and POWER that characterizes the Islamic normative discourse turns QIṢĀṢ into a potentially useful asset in the debate for power if applied in the context of the political discourse.

### 3. QIṢĀṢ in the lay public discussion

In the common parlance, QIṢĀṢ is used in reference to a broad range of cases, which go far beyond the strict requirement of Sharia, cf. a news item titled *al-QIṢĀṢ as-sarī'* (speedy QIṢĀṢ) in an Egyptian newspaper:

intaqama al-qadr min 'āṭil wa zawjatihi bi-l-manūfiya fa-‘uqba qiyā-mihumā bi-s-saṭw al-musallaḥ ‘alā sā’iq bi-markaz birkat as-sab‘ wa al-istīlā’ ‘alā sayyāratihi inqalabat bi-himā as-sayyāra allatī saraqāhā min šāḥibihā wa tamm naqluhumā ilā al-mustašfā<sup>23</sup>

the fate has avenged an unemployed and his wife in Manufiya after they had performed an armed assault on a driver in the center of Birkat as-Sab‘ and have taken possession of his car, the car that they had stolen from its owner turned over on them and they were transported to the hospital<sup>24</sup>.

Nothing in this situation fits the strict conditions (*šurūṭ al-qīṣāṣ*) as described in the Sharia books. QIṢĀṢ here is not part of a normative judgment but rather an expression of the author’s satisfaction that the offenders have been duly punished, it conveys a meaning that in English would be expressed by such idioms as ‘what goes around comes around’, ‘harm set, harm get’, ‘meet/get/obtain one’s deserts’ etc. The use of the verb *intaqam* (avenge) in the text titled ‘Qīṣāṣ’ is also quite notable, as it indicates that the contrast between the concepts of ITIQĀM and QIṢĀṢ emphasized in the Islamic normative discourse may be easily neutralized in the lay discussion.

<sup>23</sup> <http://digital.ahram.org.eg/Accidents.aspx?Serial=1090626>

<sup>24</sup> The news article then goes on to describe the police interference in the case.

In the lay discourse, the concept of QIŞĀŞ is linked not only to LIFE in a biological sense, i. e. LIFE as opposed to DEATH or the idea of the preservation of human species, but also to the notion of *everyday* LIFE – i. e. normal functioning of people in their habitual social environment and by extension the very notion of *normalcy* whose restoration in the aftermath of a violent crime calls for an *immediate* act of QIŞĀŞ. Cf.:

akkada aḥmad nājī mudarrib ḥurrās marmā al-farīq al-awwal li-kurat al-qadam bi-n-nādī al-ahalī ‘alā ṣu‘ūbat at-tadrībāt allatī sa-yaḥūduhā al-lā‘ibūn ma‘a isti’nāf an-niṣāṭ ar-riyāḍī yawm al-jum‘a al-muqbil ba’d majzarat būr sa’id. wa ašāra nājī ilā anna al-farīq yaḥūd tadrībātahu wasaṭ *ajwā’ša’ba wa ḥāla naḥsiya sayyi’a lan tahda’ illā ma’a al-qişāş bi-aqşā sur’a*<sup>25</sup>

*Ahmad Naji, coach of goalkeepers of the first football team at the al-Ahli club has pointed out the difficulty of exercises that the players will conduct with the resumption of sporting activities next Friday after the slaughter of Port Said. And Naji pointed out that the team is conducting its exercises in the midst of difficult atmosphere and bad psychological state [which] will not calm down unless QIŞĀŞ [is performed] at the highest speed.*

Our next example, despite the Quranic quotation meant to make it sound more convincing, seems to express the same idea – QIŞĀŞ will ensure the return to normalcy and psychological relief:

fa-naḥnu jamī’an ma’a aṭ-ṭuwār aš-šubbān aš-šurafā’ al-anqiyā’ fī ma-ṭālib al-qişāş al-‘ādil mim-man irtakabū jarā’im qatīl wa sirqa wa iḥdār li-l-māl al-‘āmm wa nurīduhu qatī’an qişāşan sarī’an ḥattā tahda’ al-ḥawāṭir wa tartāḥ an-nufūs wa lakum fī-l-qişāşi ḥayātun yā ūlī al-albāb<sup>26</sup> and we all [are] [together] with young noble and pure revolutionaries in [their] demands for the just QIŞĀŞ against [those] who have committed crimes of murder and theft and squandering the public funds and we want it definitely [to be] a speedy QIŞĀŞ in order for

<sup>25</sup> A news article published in Wafd newspaper on 14.02.2012 (i. e. four month before the presidential elections, when the military government that took power in the aftermath of the January 25 revolution was still in full swing) titled ‘Nājī: lā budda min al-qişāş fī asra’ waqt’ (Naji: it is necessary [to perform] qişāş in the nearest time’ accessible through the news integrator Masress – <http://www.masress.com/alwafd/162776>

<sup>26</sup> From an article published in al-Ahrām newspaper on 17 July 2011 titled *kalimat ḥaqq* (A Word of Truth) – <http://www.ahram.org.eg/archive/Columns/News/90086.aspx>

the thoughts to calm down and for the souls to rest and ‘and [there is] for you in QIṢĀṢ life, o owners of minds’<sup>27</sup>.

Notably most of the crimes mentioned in this paragraph do not qualify for QIṢĀṢ in strict Sharia terms, which are limited to violent crimes (murder and bodily injury), *murder* is however opening the sequence.

Perhaps the most essential common element shared by both the religiously inspired and lay discourses is the idea of (psychological) relief and social peace as the natural outcome, or even the purpose of QIṢĀṢ. The idea of *immediacy/speediness* as an immanent characteristic of QIṢĀṢ<sup>28</sup>, which does not come out explicitly in the Islamic discourse on QIṢĀṢ, but which is salient in the lay discussion, appears to result from the entailment of the metaphor of FIRE underlying the conceptualization of negative emotions such as ĠAYZ (anger), which are seen as a natural individual and societal reaction to crime, as well as another salient concept that describes social conflict/disorder – FITNA, which is seen as natural outcome of an unpunished crime. The entailment may be formulated as *fire burns fast* → *to put it down one needs to act quickly*.

Another idea common to both the Islamic and lay discourses is that QIṢĀṢ is the best, if not the only, method of *preventing*<sup>29</sup> *further crimes, which goes along with the presupposition that crime has a natural tendency to spread – like a sickness spreads in a community – unless prevented, while the best prevention method is to give the offender a taste of his own medicine, cf.:*

qaddam hizb šabāb miṣr ḥāliṣ al-‘azā’ li-jumū‘ aš-ša‘b al-miṣrī fi ḍaḥāyā al-mawja al-infijāriya allatī ṭālat amākin ‘adīda fi al-‘āšima al-miṣriya šabāḥ al-yawm al-jum‘a (...) mu‘akkidan ‘alā ḍarūrat taškīl maḥākim instiṭnā’iya li-l-irhābiyīn li-tuṣdir aḥkāmahā bi-šakl ‘ājil wa sarī’ ‘abra aḥkām rādi‘a li-kill man tusawwil lahu nafsuḥu al-masās bi-amn miṣr<sup>30</sup>

<sup>27</sup> Quran 2:179.

<sup>28</sup> Cf. A. Bogomolov. If you want to be *just* you better be *quick*: perceptions of a *just* RETALIATION in the discourse of the Egyptian Arab spring. The World of the Orient, 2015, № 1, pp. 53–64.

<sup>29</sup> To express this meaning derivatives of the root *rd’* are used in lay discourses rather than *zjr* as in 2.1.

<sup>30</sup> A news article dated 24 January 2014 – <http://horytna.net/Articles/Printdetails.aspx?AID=95094&ZID=>

Egypt Youth Party has presented its sincere condolences to all the Egyptian people in [respect of] the victims of a wave of explosions which affected numerous places in the Egyptian capital on this Friday morning (...) having stressed the need for the formation of emergency courts for the terrorists in order to issue their verdicts in a speedy and immediate fashion through preventive verdicts for anyone who would be tempted (lit. whose soul would seduce him) to compromise the security of Egypt.

Although QIṢĀṢ is not mentioned explicitly in this segment, the argument is shaped by key ideas associated with it – the speediness/immediacy, prevention aimed at the tendency of crime to spread.

#### 4. Faithful to Islam... loyal to *ruler* – official Islam discourse on QIṢĀṢ

Aside from the normative Islamic discourse on issues of crime and punishment, led by independent Islamic jurists, there is also another distinct strand of Islamic discourse – that of the official Islam loyal to the government, which uses its guaranteed position of an important public authority to *rectify* what it sees as misconceptions regarding key Islamic concepts, such as QIṢĀṢ. Here are few excerpts from a media article, composed of two paragraphs by an expert from the al-Azhar<sup>31</sup> affiliated Islamic Studies Academy, and quotations from a fatwa by Sheikh Abd-al-Ḥamīd al-Aṭraṣ, former chairman of the al-Azhar Fatwa Council, both arguing against an unwarranted hastiness in the matters of QIṢĀṢ<sup>32</sup>:

wa qāla d. muḥammad aš-šahhāt al-jundī, ‘uḍw majma‘ al-buḥūt al-islāmiya inna al-muṭālaba bi-l-qīṣāṣ al-‘ājil dūna an-naẓr li-l-adilla

<sup>31</sup> Jāmi‘at al-Azhar [al-Šarīf] (the [Honorable] al-Azhar University), is the oldest Islamic learning institution and prominent legal authority in Sunni Islam, but also a pillar of the official Islam in Egypt, the Grand Imam of al-Azhar who supervises the University is appointed by the decree of the President of Egypt.

<sup>32</sup> Aš-Šahhāt al-Jundī: al-maḥākīm faqaṭ man lahā al-ḥaqq fī aḥd al-qīṣāṣ (Aš-Šahhāt al-Jundī: only courts are the ones who have right to perform (lit. take) QIṢĀṢ), published on 23.02.2013 on the al-Bawwāba news site – <http://www.albawabhnews.com/8513>. The article refers to an incident that happened in Port Said on February 1, 2012 – a match between two Egyptian football teams, which ended in social unrest with several dozen fans killed fueling a wave of popular protests against police brutality across Egypt with football fans associations – the Ultras – taking the lead in them.

wa kaḍālika *at-tahdīd bi-ahḍ dam aḍ-ḍahāyā bi-l-quwwa* huwa naw‘ min al-fawḍā al-muḥarrama šar‘an. wa šaddada anna *al-qīṣāṣ yutraku li-walī al-amr*, wa *ad-dawla* hiya allatī min ḥaqqihā an tuqarrira ‘an ṭarīq maḥākimiḥā itbā‘ kull ṭuruq al-iṭbāt li-bayān man huwa al-jānī wa al-mujnī ‘alayh (...)

and Dr. Muhammad aš-Šaḥḥāt al-Jundī, member of the Islamic Studies Academy, said that the demand for the *immediate* QIṢĀṢ without regard to evidence and also *the threat of taking blood of the victims by force* is a type of *disorder* (chaos, anarchy) forbidden by the [Islamic] law. And he has underscored that QIṢĀṢ is left to the *disposer of the affairs*<sup>33</sup> and *it is the state*, which has the right to decide through its courts of law to follow all means of proving to demonstrate who is the offender and the victim.

The official Islam’s perspective on the issue of QIṢĀṢ appears to be motivated by the concern over the *quality* of justice, an idea that seems to be quite alien to much of the lay discourse on QIṢĀṢ in the context of the recent Egyptian revolution. Comparison of the segment above to example 2.1 shows that the two texts contain reference to two different entities featuring under the similar names: *walī ad-dam* (executor) – i. e. next of kin entitled (*muṣṭḥaqq*) to the blood of the Offender in retaliation for his relative, and *walī al-amr* (disposer of affairs), the entity entitled to deliberate on the case – i. e. the *ruler*. Behavior of the Ultras is portrayed as criminal and leading to *disorder*. The article then goes on to explain the role of formal authorities, whose exclusive right to administer justice is founded in their capacity

<sup>33</sup> The Islamic concept *walī al-amr*, which may also stand for manager of the affairs, guarding of a minor or a woman, in this segment, as follows from the subsequent reference to the state, is used in reference to the authorities, cf. a very clear interpretation of the term in the entry *walī al-amr fī al-islām* (disposer of affairs in Islam) on the Arabic Wikipedia: *šāḥib al-ḥukm alladī bi-yadihi al-amr* ([the one] who possesses (legal) judgment (verdict), in whose hands is the affair)... *al-‘ulamā’ awliyā’ umūr ad-dīn wa al-ḥukkām awliyā’ umūr ad-dunyā* ([religious] scholars [are] disposers of the affairs of religion and **the rulers** [are] disposers of the affairs of this world. – *emph. added* – A. B.)... *fa-inna al-ḥākim alladī yaqūm bi-amr ad-dunyā, wa lahu al-kalima an-nāfiḍa fī an-nās, ya’mur bi-siḥn ḥādā wa ya’mur bi-ikrām ḥādā, wa yaḍḥab bi-ḥādā wa ya’ī bi-ḥādā* (so the ruler [is] the one [who] disposes the affair of this world, and he possesses the word effective in [respect to] the people, orders to imprison this and to award that, takes this and gives that) – <http://goo.gl/3QcK4L>

to establish truth (lay people may only *suspect*, while the judiciary *knows* how to handle *evidence*):

(...) inna ḥiṭāb fī qawlihi wa lakum fī al-qīṣāṣ ḥayātun yā ūlī al-albāb la'allakum tattaqūn li-l-mujtama' wa al-jamā'a al-muslima wa hiya yumattiluhā al-ḥākim wa man yuqarrir fī yawminā al-qīṣāṣ huwa al-qīdā' wa wifqa li-l-adilla tuṣdar al-aḥkām ba 'da baḥṭ wa tarawwī wa lakinna aš-šubha fī ašḥāṣ mas'ūlīn 'an qatlā maḍbahat būr sa'īd lā ya'nī al-qiyām bi-l-qīṣāṣ wa lā yajūz al-qīṣāṣ bi-l-yad min qibal al-muwāḥiṣīn

the message in his (i. e. Allah's) saying 'and [there is] for you in QIṢĀṢ life, o owners of minds (i. e. intelligent or reasonable people. – A. B.) may you have fear [of God]'<sup>34</sup> [is] for the society and Muslim community, which is represented by the ruler, and who decides nowadays [matters of] QIṢĀṢ is the judiciary and according to the evidence verdicts are issued upon investigation and contemplation, but the suspicion in [relation to] persons responsible for [those] slain in the slaughter of Port Said does not mean the execution of QIṢĀṢ and it is not allowed to [perform] QIṢĀṢ by [one's own] hand on the part of the citizens.

The idea that the society or Muslim communities are totally represented by *a ruler* (sing.) betrays the author's authoritarian convictions. In contrast to the Islamic normative discourse, this line of argument is designed to shift the focus from the two core elements in the frame-semantic structure of QIṢĀṢ – the Victim (*mujnī 'alayh*) and the victim's executor(s) (*walī/awliyā' ad-dam*).

The mufti whose opinion follows and is used to support that of the expert begins his argument by acknowledging the imperative of QIṢĀṢ but points to an important rebuttal (the offender is unknown, hence the target of QIṢĀṢ cannot be established)<sup>35</sup>, cf.:

(...) wa qāl: inna al-qīṣāṣ amr mafrūḡ minhu idā 'ulima al-qātil li-qawlihi ta'ālā lakum fī al-qīṣāṣ ḥayātun yā ūlī al-albāb ammā idā lam yu'lam al-qātil fa-lā yumkin taḥdīd man yatimm al-qīṣāṣ minhu<sup>36</sup>

<sup>34</sup> Quran 2:179, translation ours. – A. B.

<sup>35</sup> Rebuttal here is an element of Stephen Toulmin's *substantial argument* model, whose other components are claim, data, warrant, backing for warrant, and modal qualifier, cf. *The Uses of Argument*. Updated Edition. Cambridge University Press. 2003 (1958).

<sup>36</sup> This and next quotation are attributed to Sheikh Abd-al-Ḥamīd al-Aṭruṣ, former chairman of the al-Azhar Fatwa Council, and are part of his *fatwa* – *ibid*.

(...) and he said: QIṢĀṢ is a settled business if the killer is known for His saying (i.e. *God's words*, a standard formula that precedes a quotation from the Quran. – *A. B.*) 'and [there is] for you in QIṢĀṢ life, o owners of minds'<sup>37</sup>, while if the killer is not known, it is impossible to determine against who QIṢĀṢ has to be performed.

This argument is not an outright rejection that may raise suspicion that the commonly accepted value of QIṢĀṢ is not shared, but a smart use of the basics of argumentation. Only point is that the other side of the debate is performing a different pragmatic act: it is not claiming and agreeing for the claim, but demanding and by doing so challenging its vis-à-vis, i. e. the authorities.

## 5. QIṢĀṢ goes round

The military, when they came to power, in the aftermath of July 2013 coup have effectively hijacked the discourse of QIṢĀṢ from the Revolutionaries. It is now mainly the servicemen, either as casualties of the war on Islamist militants in Sinai or victims of alleged terrorist acts in Cairo, who are called martyrs (*šuhadā'*) and whose blood now calls for QIṢĀṢ in the official media. Ironically, while at the heyday of the revolution people would come out demanding the *downfall of the regime*<sup>38</sup>, now the once powerful revolutionary 'people's will' in mainstream media discourse has been directed toward the retaliation for the government's servicemen. It is notable still that the government does not speak for itself using clear secular language of protecting the lives and rights of its servicemen, but resorts to the powerful language of QIṢĀṢ, while it strives to legitimize its punitive measures. And the language of QIṢĀṢ calls for the presence, if merely rhetorical, of the core element of the frame – the true *walī ad-dam* (executor) – victim's next of kin, cf.:

zāra al-muhadis ibrahīm maḥlab, ra'īs majlis al-wuzarā', šabāḥ al-yawm al-iṭṭnayn, mustašfā aš-šurṭa bi-l-‘ajūza yurāfiqihu wazīrā ad-dāḥiliya

<sup>37</sup> Quran 2:179 – here an abridged version of the verse is cited, cf. footnote 30.

<sup>38</sup> On the significance of the revolutionary slogan *aš-ša'b yurīd isqāṭ an-niẓām* (people want the downfall of the regime) and the role of the concept IRADA(t) AŠ-ŠA'B in the early revolutionary discourse cf. A. Bogomolov. Kontsept IRADA(t) AŠ-ŠA'B (volia naroda) v diskursie 'arabskoi viesny' // *The Oriental Studies*, 2013, № 64, pp. 15–27.

wa aṣ-ṣiḥḥa li-l-iṭmi'nān 'alā muṣābī al-ḥādīṭ al-irḥābī alladī istahdafa aḥad akminat aṣ-ṣurṭa ams. wa qālat wālidat al-muṣāb li-ra'īs al-wuzarā': mā yaḥdat li-awlādinā ḥarām, naḥnu *nurīd al-qiṣāṣ al-'ādil wa al-'ājil* min hā'ulā' alladīna yaqṭalūna wa yuṣībūna awlādinā kull yam<sup>39</sup>

the Engineer Ibrahim Mahlab, Chairman of the Council of Ministers, has visited today morning, Monday, the police hospital at al-Ajuza accompanied by the ministers of Interior and Health in order to inquire after those wounded in terror incident aimed at one of the police ambushes [that occurred] yesterday. Mother of the wounded [serviceman] told the prime-minister: [that] what happens to our children is *haram*<sup>40</sup>. We want the just and immediate QIṢĀṢ from those who are killing and injuring our children every day.

By saying this to the head of government, the mother of the wounded serviceman apparently is delegating some sort of power to the government, while the symbolic source of this power is the mother, and the power is generated by the moral imperative of QIṢĀṢ. Revolutionaries, including the Muslim Brotherhood members, may still continue their discourse of QIṢĀṢ, which refers to a set of martyrs quite different from the government. Here is an example of how their voices may be silenced and in the mainstream media discourse in the aftermath of the coup:

al-maṣriūna yurīdūna an yaraw qiṣāṣan sarī'an yurīḥ arwāḥ aṣ-ṣuhadā' ... yatamannūna ayḍan an yaḥtafi kull aḍnāb al-iḥwān min as-sāḥa ... fa-lā yarawhum fi mu'tamar aw tazāhura<sup>41</sup>

the Egyptians want to see a speedy QIṢĀṢ [which would] assuage the souls of martyrs<sup>42</sup>... and they wish also for the tails of [Muslim] Brotherhood to disappear from the scene... so that they don't see them in a conference or demonstration.

Notably, if 'Egyptians' in the real world situation of this particular period would not only *watch* the Muslim Brotherhood demonstrations

<sup>39</sup> <http://www.mobtada.com/details.php?ID=236342>

<sup>40</sup> The Islamic term *harām* refers to most sinful and abominable acts prohibited by Allah; in Arabic vernacular is usually expresses the highest degree of moral condemnation.

<sup>41</sup> From an op-ed titled *a'zal yuḥārib al-irḥāb* ([an] Unarmed Fighting the Terror) published on Rūz al-Yūsuf political weekly, 25 Nov. 2013 – <http://goo.gl/9MtQk8>

<sup>42</sup> The word *ṣuhadā'* (martyrs) here refers to state security officers killed in alleged acts of terror "in street of Nasr City".

but *listen* to them, what they would *hear* would be their calls for QIṢĀṢ for a different set of martyrs, representing the opposite side of the political divide.

## 6. CONCLUSIONS

The Islamic normative and lay discourses differ significantly in the referential scope of QIṢĀṢ. In contrast to Islamic normative discourse, the lay discourse often mixes up the notions of INTIQĀM (REVENGE) and QIṢĀṢ. The two Islamic discourses, the normative one and that of the official Islam, also differ on the matter of QIṢĀṢ. The former one discusses it *sub specie aeternitatis* without regard to any specific current events, while the official Islamic discourse represents a commentary on current contentious events, which mixes up Sharia terms with lay political terminology. Official Islam's line of argument is directed toward undermining the revolutionaries' demands for a (speedy) QIṢĀṢ while emphasizing the role of public authorities in executing retaliation. The argumentative strategy that the official Islam follows appears to be an indirect one, based on refraining from directly attacking the claim (QIṢĀṢ should be performed at all costs, once a crime has occurred), but offering what appears to be a strong rebuttal (the identity of the offender has not yet been established, hence there is no target in sight). This line of argument is weak as it is likely to be interpreted as a foot-dragging tactic, which contradicts the commonly shared belief that QIṢĀṢ should be *speedy*. Foregrounding the role of the authorities, official Islam gives preference to an Islamic term *walī al-amr*, instead of lay political terms, such as *government*, and often simply avoids mentioning *walī ad-dam* (executioner), the ultimate authority on matters of retaliation and also a key beneficiary thereof, according to the normative Islamic discourse<sup>43</sup>.

<sup>43</sup> In frame-semantic terms *walī ad-dam* typically appears in the position of most essential core frame element of QIṢĀṢ. To be fair, the role of powers that be as an agency that performs QIṢĀṢ is discussed in the normative Islamic discourse; the performance of QIṢĀṢ, however, is not presented as an act of power but an *obligation*, i. e. the authorities are presented as an agency that responds to the demand of the victim's executor, who acts as the initiator of QIṢĀṢ, cf. *ittafaq al-fuqahā'* 'alā anna ḥukm al-qīṣāṣ wujūb 'alā walī al-amr idā rufi 'a ilayhi min mustahaqqihi (the jurists have agreed

Three ideas associated with QIṢĀṢ, located, from the formal point of view, on the periphery of its frame semantic structure are shared across all discourses and constitute an essential part of the local belief system: (a) QIṢĀṢ means *relief* from negative feelings at both individual and group levels; (b) QIṢĀṢ needs to be performed in a *speedy* fashion; and (c) QIṢĀṢ is the best method of *preventing* more crime. These ideas appear to be closely linked to each other thus forming a neat conceptual set. Another significant element of the frame-semantic structure underlying the concept is its link to the concept of POWER, particularly the idea that the injured party, which in the context of large scale political confrontation implies *anyone*, every common person, may be empowered against the offender. It is this idea that is the source of an exceptional illocutionary force associated with the concept and the reason why it has become so salient as a slogan of the Egyptian Arab Spring.

The argument around QIṢĀṢ, a shared value for all parts of the Egyptian society, its *promptness* or *appropriateness* is effectively a dispute for *power*. By calling on the authorities to submit to *people's will* and threatening with a *people's QIṢĀṢ*, the Ultras are affectively staging a symbolic offensive against the government. The official Islam, on the other hand, is trying to weaken the challenge to the authorities posed by the Ultras by throwing in the weight of their religious authority. The characteristic quality ascribed to QIṢĀṢ – its *speediness* – appears to be a convenient element in this debate, as it adds additional power to the pressure that the revolutionaries could mount in their onslaught on the authorities.

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that the verdict on QIṢĀṢ [is an] obligation for *walī al-amr* if [it has been] addressed to him by the entitled [party] – i. e. *walī ad-dam*. – A. B.) – al-Mawsū'a al-Fiqhiyya (Encyclopedia of Islamic Jurisprudence) – <http://www.al-islam.com/Loader.aspx?pageid=1036&BookID=510&TOCID=23056>