

## What is the nature and purpose of capital punishment?

**Capital punishment**, or the death penalty, is used to highlight the seriousness of committing some types of crime and as a deterrent to other people. Crimes for which it may be applied include murder and **treason**. There are many countries, including the USA, China, and Iran, where capital punishment is legal. Britain finally abolished the death penalty in 1998.

## What are divergent Muslim teachings about the use of capital punishment?

In 2.4 you learned about the law of qisas which most Muslims use to justify capital punishment, particularly when a person is guilty of murder or cruelty.

‘Do not take life, which God has made sacred, except by right.’  
(*Qur'an*, *Surah* 6: 151)

‘Fair retribution saves life for you, people of understanding, so that you may guard yourselves against what is wrong.’  
(*Qur'an*, *Surah* 2: 179)

However, Muslims disagree about whether other crimes should be punishable by death.

‘It is not permissible to take the life of a Muslim who bears testimony (to the fact that there is no god but Allah, and I am the Messenger of Allah), but in one of the three cases: the married adulterer, a life for life, and the deserter of his Din (Islam), abandoning the community.’  
(*Hadith* – *Sahih Muslim* 16: 4152)

Many Muslims refer to this *Hadith* to justify the use of capital punishment in the cases of adultery (which is extended to homosexuality), murder, and apostasy. Some have also added **blasphemy** to this list. This explains why, in some Muslim countries, people who are found guilty of any one of these crimes are often put to death.

‘There are only two methods of dealing with an apostate. Either make him an outlaw by depriving him of his citizenship and allowing him mere existence, or end his life. The first method is definitely more severe than the second, because he exists in a state in which he neither lives nor dies. Killing him is preferable. That way both his agony and the agony of society are ended simultaneously.’  
(*Abul A'la Maududi, founder of Jama'at-e-Islami*)



### SPECIFIC FOCUS

**Muslim attitudes towards the death penalty:** the nature and purpose of capital punishment, divergent Muslim teachings about the nature, purpose and arguments surrounding the use of capital punishment, including *Sahih Muslim Hadith* 16: 4152; non-religious (including atheist and Humanist) attitudes towards the use of capital punishment, including the application of ethical theories, such as situation ethics, and Muslim responses to them

This teaching says that removing a dangerous criminal from society, such as through capital punishment, protects other members of society



### USEFUL TERMS

**Apostasy:** leaving a religion  
**Blasphemy:** offending religious beliefs  
**Capital punishment:** legal or authorized killing of a person for committing a crime. Also known as the death penalty  
**Treason:** being disloyal to one's country by plotting to overthrow the government or ruler

In 1989, the leader of Twelve Shia Muslims, Ayatollah Khomeini, called for the death of author Salman Rushdie when his controversial book *The Satanic Verses*, about the Prophet Muhammad, offended Muslims all over the world.

Some Muslims question the reliability of the *Sahih Muslim Hadith*. They say it is not supported by the teachings of the *Qur'an*, which gives a different punishment for adultery (100 lashes if witnessed by four people, *Surah* 24: 13) and does not state any penalty for apostates or blasphemers.

‘As for those who believe, then reject the faith, then believe again, then reject the faith again and become increasingly defiant, God will never forgive them, nor will He guide them on any path.’  
(*Qur'an*, *Surah* 4: 137)

If the punishment for renouncing Islam was death, then it would be impossible for an apostate to be ‘increasingly defiant’ and keep entering and leaving the faith.

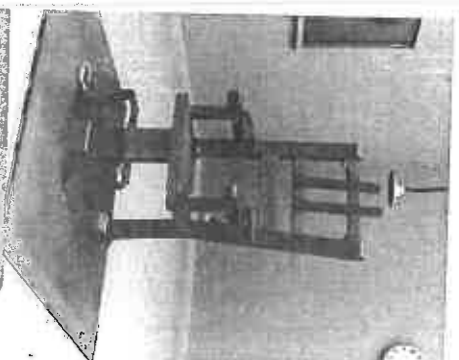
‘We have sent you [Muhammad] as a messenger to people [..]. If some pay no heed, we have not sent you to be their keeper.’  
(*Qur'an*, *Surah* 4: 79–80)

Here, the Prophet was told he had no authority to punish anyone for not listening to his message.

Many Muslim scholars say that if any *Hadith* or parts of it conflict with the *Qur'an*, then the *Qur'an* takes precedence. This is because Muhammad could not say anything different to the *Qur'an*. He does not speak from his own desire (*Surah* 53: 3). Therefore, as the *Sahih Muslim Hadith* contradicts the *Qur'an*, some Muslims reject it.

‘Blasphemy is condemned on moral and ethical grounds, no doubt, but no physical punishment is prescribed for blasphemy in Islam [..]. Having studied the Holy *Qur'an* extensively and repeatedly with deep concentration, I have failed to find a single verse which declares blasphemy to be a crime punishable by man.’  
(*Mirza Tahir Ahmad, 4th Khalifa of Ahmadiyya Muslims, Islam's Response to Contemporary Issues*, 2007)

They also say that while it is true that some apostates were put to death in the time of the Prophet Muhammad, they were not punished for leaving Islam, but for treason, when their plots against the state were considered to be a grave threat. There were also many, including poets, who blasphemed and mocked the Prophet but were forgiven by him. For example, an influential man, called Abdullah ibn Ubayy, had a notorious reputation for insulting Muhammad. When Abdullah died, the Prophet gave his own shirt to enshroud Abdullah's body for burial, and led his funeral prayer. Why would Muhammad have done this if the punishment for blasphemy was death?



A The guillotine, a symbol of capital punishment.