

The Rationale in Sharia Injunctions

aka ... Understanding Capital Punishment in Islam
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In order to understand the Islamic view and ruling on Capital Punishment – or any other Islamic injunction – it is useful to note a few characteristics of the Islamic Code of Life - the Islamic Law or Shariah. This would then explain why there are no elaborate arguments and discussions in the Quran that set forth a rationale for each and every injunction of the Islamic civil code. Instead, a brief and clear command is often found, from God to the worshippers. The mode of such a command – which is still rational and sensible – tends to be spiritual and thus makes the worshipper find intellectual as well as spiritual satisfaction and pleasure in obeying his/her Lord.

Therefore, an elucidation of the Quranic methodology in providing a rationale for its civil code and injunctions is provided first before quotations of verses on Capital Punishment. Understanding the basis for this mode of rationalisation will allow a deeper understanding of the Islamic standpoint on this and other codes of the Islamic Law.

A) Why Muslims are required to accept the ruling on Capital Punishment?

The Nature and Foundation of Belief in Islam

Blind Faith is not accepted in Islam. Rather, each human being is urged in the Quran to reflect on the world they live in and notice the countless pointers therein to the super-natural Creator and Maintainer. Many verses in the Quran guide the reader in this direction (e.g. Quran 2:21-24 & 2:163-165). Many relevant attributes of this Creator are highlighted in these passages of the Quran. Thus the reader is directed assisted to note and acknowledge that Creator and Maintainer of this world that we know is only One, Self-Subsisting, Provider and Sustainer to all else, Knowledgeable of everything small or big, fully Aware, Wise ... and unlike anything or anyone we have ever seen with our eyes.

Once the reader notices this and acknowledges this about the one and only God and Creator, the Quran proceeds to show the ingeniousness in the creation and the **purposeful nature** of everything that fits in its own place (e.g. Quran 75:36-40).

The Role of Messengers of God & the Scriptures

Having realized that the Creator and Manager is only One, the Quran reasons that the most apt way for the Creator to communicate with the Humans about the **purpose** and to provide answers for the common questions – such as ‘who created me? Why?’ etc – is to choose one of their own-kind, a human being, as a Messenger of God to the people. This Messenger being a human himself not only conveys the message of God to the people answering the all-important questions, but also he is an

example of what he preaches (e.g. Quran 36:20-25). Many verses in the Quran guide to establishing the genuineness of the claim of Muhammad – as being the last of the series of Messengers of God that were sent prior to the Day of Judgment and the eternal Life of the Hereafter. A similar case is of establishing beyond a doubt that the Quran is the speech of God and His guidance for all mankind (e.g. Quran 2:23-24).

So, a Muslim is...

A Muslim is thus one who is convinced of all this and naturally seeks to then follow the guidance of God, realizing that this is what any human owes to his/her Creator, Owner and Maintainer.

Accepting a Commandment intellectually without a specific rationale

Once he/she realizes – from a reflection on God’s magnificently complex yet ingenious piece of creation – that the One and only God is all-Knowing, all-Aware and all-Wise, it becomes simple to obey God in his **commandments**, as He sets out the guidelines for a balanced and moderate life. In each command, a Muslim notices the reasonableness of it and the logic, even if he cannot always grasp the full and complete wisdom of God Who is the real expert in all fields of knowledge that are required for making such a legislation. Thereby, God’s command found in the Quran is readily accepted by the intellect while the soul finds complete satisfaction and fulfilment.

This is why the commands in the Quran often tend to begin with a call, “*O ye who have believed (and acknowledged) ...*” (e.g. Quran 2:178), i.e. already believed in the manner described above based on sound reasoning.

Thus, a researcher rarely finds a detailed rationale for the commandments (that deal with the Civil Code) in the Quran, although the rationale may well be clear to many experienced and specialized in that particular walk of life. Such is also the case with the Islamic ruling on Capital punishment.

A Day-to Day Life Analogy...

This is similar to a patient who accepts the decision of a specialist doctor on the course of treatment of an illness knowing that it is from a specialist in the field whose ability has been proven. Likewise the Quran invites the reader to appraise the expertise, knowledge and wisdom of God from the perfect ness of this awesome creation and then to realize that the one who created this with such perfect skills is also able to guide them how to lead a life wherein each part of this creation is in harmony with the rest.

B) An obligation on Muslims to accept all injunctions.

It ought to be also noted that given the above facts about God as the Self-Sufficient, All-Knowing, Ever-Merciful, Creator and Owner, and His rightful place as the Legislator, rejecting the validity of even one decision of God in a single matter removes the person from the fold of Islam. There are many verses and passages that convey this meaning.

The Completeness & Perfect Nature of God's Law

God declares in the Quran in a verse that was revealed in the very final phase of the life and mission of Muhammad, *"This day I have perfected for you your religion and completed My favour upon you and have approved for you Islam as religion"*. [Quran 5:3]

Given this...

Given this, He makes the point, in the original Arabic, in a deeply appealing and emphatic manner, (the translation of which is) *"Then is it the judgment of the Age of Ignorance (the period in Arabia prior to the sending of the Messenger of God) they desire? But who is better than Allah (the One God) in judgment for a people who have certainty (of Faith and His superiority)!"* [Quran 5:50]

Also, complete obedience of God includes the obedience of the Messenger of God (i.e. Muhammad) in all the injunctions that he conveys from God to mankind. God says in the Quran, (the translation of which is) *"But no, by your Lord, they will not believe until they make you, [O Muhammad], judge concerning that over which they dispute among themselves and then find within themselves no discomfort from what you have judged and submit in (full, willing) submission."* [Quran 4:65]

And also, *"Say, 'Obey Allah and the Messenger.' but if they turn away then indeed, Allah does not like the disbelievers."* [Quran 3:32]

The Difference between Disbelief and Sin

Thus, a Muslim once he/she has believed in God, with conviction and based on sound judgement, accepts the ruling of God (found in the Quran) and the ruling of God's Messenger (found in the Sunnah). If, at a time he/she does not put it into practice then that is a sin but not disbelief. God may forgive the sins of a sinner, or righteous actions may outweigh the sins and wipe the record clean, or the person may be punished accordingly with justice and no more. The difference then is clear between one who commits a sin and the other who rejects and refuses to accept a command of God thereby ceasing to be a Muslim. The injunction of the Capital Punishment for a few specific crimes is laid out clearly in the Quran and no Muslim rejects it after having identified that the Quran is the complete and unadulterated message of God.

Non-Muslims living in Shariah ruled Islamic countries: While it is expected of Muslims to abide by the Islamic Code of Life in its entirety as best as they can, non-Muslims even if living within a Sharia-ruled Islamic country are given the freedom to follow their own Law among themselves. This is clear from various verses in the Quran [e.g. Quran 5:42] and from the example set by Prophet Muhammad during his time as the ruler of the Arabian Peninsula (see details of these Shariah injunctions in Tafsir Qurtubi for verse Quran 5:42). The purpose of this short life before the Day of Judgement and the eternal life thereafter in Paradise or Hell, is for each human to choose to worship and obey Allah or not, without any coercion, as Allah says (translation), *"There shall be no compulsion in (acceptance of) Religion – the right course has become clear from the wrong (by the guidance of Quran)." [Quran 2:256]* This balanced form of justice and freedom – found only in Islam – has been the hall mark of strong, Sharia-ruled, Islamic countries over the centuries prior to the contemporary worldwide age of un-Islamic nationalism, wherein rights of legislation are merely on grounds of geo-political 'Nation-ality' dictated by the majority with little regard or choice for religious or other minorities!

C) Sanctity of Human Life & the Role of Capital Punishment

Islam regards the taking of a single life (murder) in a way not approved by the Giver of life as being similar to murdering the whole mankind. Also, the saving of a single life is a noble act equal to the saving of the life of the whole mankind. It is mentioned in the Quran, (the translation) “*Whoever kills a soul – unless for a soul or for corruption (done) in the land – it is as if he had slain the whole of mankind. And whoever saves one – it is as if he had saved the whole of mankind.*” [Quran 5:32]

Murder is thus one of the major sins in Islam. God says in the Quran, (the translation of which is) “*But whoever kills a believer intentionally – his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and has prepared for him a great punishment.*” [Quran 4:93]

General Categories of Crimes that are Punishable by Capital Punishment

The first of the two verses stated above (i.e. Quran 5:32) after condemning the taking of a life make an exception. It states the only two categories of crimes for which the taking of any human life is permitted, i.e.

- (a) Murder and
- (b) Spreading vice, evil and mischief on Earth.

The Verse that Prescribes Capital Punishment

The verse in the Quran that sets the command for this addresses the Believers by their belief and conviction and ends with stimulating and appealing to their sense of judgment and reason. “*O you who have believed, prescribed for you is legal retribution for those murdered – the free for the free, the slave for the slave, and the female for the female. But whoever overlooks (and pardons) from his brother (i.e. the murderer) anything then there should be a suitable follow-up and payment to him (i.e. to the deceased’s heir or legal representative) with good conduct. This is alleviation from your Lord and a mercy. But whoever transgresses after that will have a painful punishment. And there is for you in legal retribution (saving of) life O you (people) of understanding, that you become righteous.*” [Quran 2:178-179]

Only a Hint at the Rationale of Capital Punishment

Here, the human being can take the hint from the last of the two verses above (i.e. Quran 2:179), utilize his intellect (knowing its limitations in some spheres as opposed to others) to note the many ways in which capital punishment for the specified few crimes actually does protect and preserve many other lives. The final decision though, is from God’s infinite wisdom and knowledge, given that Quran is the reliable unaltered word of God.

List of Crimes Punishable by Capital Punishment

The few crimes that fall under the second of the two categories above (i.e. spreading vice, evil and mischief on Earth) are mentioned in the Quran and the Sunnah of the Messenger of God. They include adultery committed publicly by a married person (See Hadith in Sahih Bukhari, Number 6018); an apostate who rebels and strives against the Muslim State, its people and its Constitution

(i.e. similar to Treason in a Secular State) (See Hadith in Sahih Bukhari, Number 6018); and highway robbery, plunder and manslaughter (i.e. striking terror amongst the civilians within the city or outside it) [See Quran 5:33].

A Few Points to Note Concerning the Execution

The Capital Punishment however ought to be only executed after a fair trial which proves the case beyond a shadow of doubt in the most stringent manner. This must be proven in a Court of Law. The Capital Punishment can only be carried out by a Government and not individuals or organisations. The Muslim ruler of an Islamic country appoints the Judge. The execution must be carried out without unnecessary pain to the one being executed. A few people should witness the execution in a sober mood conducive to reflecting on value of life, such that this execution **serves as a deterrent** for the witnesses and for all those who hear their eyewitness account, thereby preventing so many others from contemplating such crimes. (These are taken from Tafsir of Qurtubi under the explanation of the verse in Quran 2:178-179). These are rulings acquired from the Sunnah or the Hadith (Narrations) of the Messenger of God.

An Exception in Case of Murder

An exception has been made in case of murder. If the nearest relatives of the murdered person accept to pardon the murderer and avert the capital punishment they may do so in exchange for some money that will give the family a sense of some recompense (see Quran 2:178). This is if the murderer poses no harm to the general community or another individual.

In Case of an Accident

Also, if the death resulted from an accident and was genuinely unintentional, then the killer is not executed, rather he is obliged to pay compensation to the victims' family. The compensation was set by the Messenger of God to be the equivalent of a hundred camels and that the value of each camel at that time can be gauged by it being a means of transport across the desert as well as a source of meat and milk (See the Hadith in Bulugh-ul-Maram, Number 1009).

Conclusion

Many nations, contemporary and historically, have legislated capital punishment. Although Islam prescribed it at the State level, it did so with strict guidelines to ensure as much humane treatment as possible for the one being executed without compromising its underlying purpose. Capital punishment in Islam is not as much a punishment as it is a deterrent and a measure to protect the countless weak and innocent in the society from being preyed upon by those who are insensitive to human life and have shamelessly or ruthlessly violated the most basic and fundamental of material as well as spiritual rights of others. A rational mind cannot and does not deny a single ruling of Shariah, or the Islamic Code of Life. Grasping the rationale, however, is subjective to the degree of knowledge, expertise and clarity of individual's judgement devoid of selfish vested interests. Two intellectuals, or even nations, may thus contest the same point despite its clarity. Hence, the need and common sense in having God to legislate such matters - for Muslims who seek it from Him - can be well appreciated.