
Public Beheading and Stoning to Death: Orthodox Execution or Everlasting Relevancy

Abstract

This study undertakes an extensive research in establishing public beheading and stoning as an orthodox execution or an everlasting relevancy under the Islamic law. In Islam, stoning (rajm) which is one of the punishments originally, came from Hudud which acts as the penalty of an offence of committing adultery. In Islam, there are no clear instructions about stoning in Quran, but there are some implications in Hadiths (sayings and stories about Prophet Mohammad's behaviours told by his close followers), which has been mentioned in Torah. As for public beheading, beheading refers to the normal method of executing the death penalty under classical Islamic law. It was also considered as hanging, one of the ordinary methods of execution in the Ottoman Empire. Thus, this paper aims at identifying whether these public beheading and stoning punishments falls within the scope of orthodox execution or everlasting relevancy.

Introduction

This study mainly focuses at the punishments of public beheading and stoning punishment in the religious context of Islam besides indicating those executions as a form of orthodox execution or as an everlasting relevancy. In some Muslim countries which are governed by Shari'ah law, the punishments of beheading and stoning is still practiced, provided it is for serious offences only. As such, those countries are Nigeria, Saudi Arabia, Sudan, and the United Arab Emirates. At the beginning of year 2002, four stoning verdicts were announced against women in Islamic states where two were in Nigeria, one in Sudan and another one in Pakistan. These women were charged with the offence of committing adultery. Stoning punishments were also issued recently in Nigeria for the crimes of adultery and sodomy.

In Iran stoning is not practiced currently and even before the commencement in 2002, stoning was rare in Iran. Unlike beheading which forms part of hanging execution imposed for serious offences, such as drug-smuggling and murder, stoning execution was quite reserved and not being imposed massively. Moving on to the context of beheading, beheading was a standard method of execution in pre-modern Islamic law which was similar to pre-modern European law. However, beheading execution has been abandoned and suggested to be abolished in most countries by the end of the 20th century. As for now, beheading execution is enforced only in Saudi Arabia. Besides that, it also remains as a legal method of execution in Qatar, Yemen, and was reportedly used in 2001 in Iran. But, according to Amnesty International, beheading execution was no longer in use. Presently, non-state Jihadist organizations such as Islamic State of Iraq and the Levant (ISIL) and Tawhid and Jihad have used beheading as a method of killing captives.

Definition and Concept of Stoning

Stoning is a type of death penalty in which the criminal is executed by having stones thrown at

them, commonly by a group. In most Muslim countries, this was viewed as enabling the bigger participation of the people to take an interest in the administration of justice and equity. Stoning has been utilized since old circumstances to rebuff individuals judged as hoodlums inclusive of prostitutes, philanderers, and killers. Stoning was then condemned as coldblooded and its utilization in many spots was deserted for strategies accepted to be more conscious, in particular hanging and execution.

So as to comprehend stoning as a discipline in Islamic criminal law, one must consider that Islamic criminal law does not shape a coordinated entirety. Purposely, it manages moderately couple of particular lawful inquiries, since the Qur'an gives inadequate subtle elements on wrongdoing and suitable discipline for a far reaching code of criminal law. The word Hudud is the plural type of Hadd (endorsed discipline) which means restriction, deterrent, obstacle or forbiddance.

Stoning is incorporated into Hadd or hudud violations which are wrongdoings with settled discipline as expressed in the Holy Quran and Sunnah. The discipline of stoning to death (rajm) has a long custom in Islam. With regards to the act of stoning philanderers, the customs show that Talmudic law fundamentally affected Muhammad. The Hadith show Muhammad as at first endorsing stoning expressly for Jews who had been discovered liable of infidelity then later alluding to the Jewish law. Muhammad even scrutinized the Jews for unwinding their infidelity laws when Jewish individuals supplanted stoning with spreading of coal on the face. The proof of the utilization of stoning disciplines had been gotten from the Prophet's idioms and activities on the accompanying hadiths

The Prophet said: "When unmarried couples fornicate they should receive one hundred lashes and banishment for one year. In the cases of a married male committing adultery with a married female, they shall receive one hundred lashes and be stoned to death. If one of the pair is unmarried, one hundred lashes and exile for a year." The Prophet said: "Do not stone the adulteress who is pregnant until she has had her child." After the birth she was put into a ditch up to her chest and the Prophet commanded them to stone her. Khalid came forward with a stone which he threw at her head, and there spurted blood on the face of Khalid and he cursed her. The gentle Prophet prayed over her and she was buried. Stoning as the discipline of infidelity applies to an illegal sexual contact where one of the offenders is hitched to person whom is not related by a legal tie. It does exclude pre-marriage sex, in spite of the fact that that too is prohibited. Both infidelity and sex are named Zina and in this manner will be culpable to death by stoning.

Definition and Concept of Beheading

The use of beheading for punishment continued towards the 20th century in both Islamic and non-Islamic nations. When beheading was done properly, it was once considered a humane and honourable method of execution. Two surahs which refer to "smiting the neck" of enemies are cited by the terrorists who argue that the Quran commands beheading:—"When the Lord inspired the angels (saying) I am with you. So make those who believe stand firm. I will throw fear into the hearts of those who disbelieve. Then smite the necks and smite of them each finger." "Now when ye meet in battle those who disbelieve, then it is smiting of the necks until, when ye have routed them, making fast of bonds; and afterward either grace or ransom 'til the war lay down its burdens."

Scholars differ on whether these surahs allude particularly to executing, however they concurred that those surahs alluded to the activity of murdering the adversary by striking at the neck. Fear based oppressors who utilize them to legitimize executions had by one means or another removed them from the unique circumstance. Surah 47:4 goes ahead to suggest liberality or payoff while taking up arms. Moreover, it alludes to a period when Muslims were abused and needed to battle for their survival. Support for executing has additionally been drawn from the Siras and Hadiths. In one record, Muhammad is said to have requested the decapitation of no less than six hundred male from the Jewish Banu Qurayza clan, while another states that he was simply present and viewed the executions and mass entombment. There was no understanding among scholars with regards to the verifiable precision of this and comparative records from the life of Muhammad.

Beheading executions have risen as a dread strategy in Iraq since 2003. Regular citizens have borne the brunt of the decapitations, albeit United States and Iraqi military staff have likewise been focused on. In the wake of abducting the casualty, the hijackers commonly make a type of interest of the legislature of the prisoner's country and give a period constrain for the request to be completed, which regularly circles for around 72 hours. Beheading execution is frequently undermined if the administration neglects to notice the desires of the prisoner takers.

On January 2015, a duplicate of an ISIL punitive code surfaced depicting the punishments it implements in zones under its control, including executions. Decapitating recordings have been as often as possible presented by ISIL individuals via web-based networking media. A few of the videoed executions were directed by Mohammed Emwazi, whom the media had alluded to as "Jihadi John" before his distinguishing proof. The executions got wide scope around the globe and pulled in universal judgment.

Political researcher Max Abrahms set that ISIL might utilize very much pitched decapitations as a method for separating itself from Al-Qaeda in Iraq (AQI), and distinguishing itself with Khalid Sheik Mohammed, the al-Qaeda part who guillotined Daniel Pearl. The exposed decapitations speak to a little extent of a bigger aggregate of individuals' slaughtered following catch by ISIL. Be that as it may, standard Islamic researchers and associations around the globe, and additionally aggressor and psychological oppressor gatherings, for example, Hezbollah, Hamas and Al-Qaeda have denounced the act of decapitating.

Commentary of the View of Orthodox Execution of Everlasting Relevancy

Evolving standards of decency that mark the progress of a maturing society are final resort for challenging the beheading and stoning punishment. The debate over the enforcement of the cruel and unusual punishment to the practice of stoning includes that the words "cruel," "unusual" and "punishment" have changed their meanings. The debate circulates whether the enforcement of the cruel and unusual punishments should be tied to perceptions of values and customs contemporaneous with its enactment, or whether that the principle must reflect current, evolving, presumably progressive, values.

If the situations of the Muslim community changed tend to increase, the necessity for Revelation altered to match the community's needs will be emphasized as well. Therefore, to coordinate with the contemporary standards of Islamic societies Islamic scholars developed a vital exegetical tool called Naskh, which can best be understood as the purposeful abrogation (not

cancellation) of one verse with another. For the vast majority of Muslims in the world, Naskh signifies that the Qur'an is a living, evolving scripture developed alongside the Muslim community as well as demonstrates the importance of historical context in Quranic interpretation.

According to Abdullahi An-Na'im, Naskh exposes the possibility that modern situations can allow the later Medinan texts of the Quran to be superseded by the more universal Meccan verses because, to quote the great Sudanese legal reformer Mahmoud Mohamed Taha: "the Meccan and Medinese texts [of the Quran] differ, not because of the time and place of revelation, but essentially because of the audience to which they are addressed." And while it is true that, with the Prophet Muhammad's death, the Revelation ceased evolving, it would be counter-factual to argue that the Muslim community has also ceased evolving over the past fifteen hundred years.

On the contrary, the fact arose was there can be no question that the Shari'ah was developed within a clear historical context. Likewise the Quran, the tradition, the second most important source of Islamic law, is also a response to specific historical circumstances. Indeed, countless traditions strive to explain the historical context in which a certain revelation was revealed. Thus, personal dignity and humanity are highly valued in current societies, thus Muslim jurists should continue adapting these values to prohibit punishments that violate these values and would have to be deemed troublesome and in contrast to the idealism embodied in the ban on cruel and unusual punishment. Therefore, I would stay these public beheading and stoning punishments are prevalent to form an orthodox execution as it was carried out in due course from the ancestors' period, causing it to form a historical approach. Hence, these punishments are subject to be enforced for serious offences only.

Conclusion

In short, the Shari'ah law allows the punishment of beheading and stoning to be imposed onto those who are found guilty of committing serious offences only, such as adultery, murdering, raping and so on. Although there was no proof that rigidly clarifies such punishments to be enforced in the Qur'an and Sunnah, the sayings and actions of Prophet has been utilised and supported by the views of the jurists. Thus, these executions were carried out over hundreds of years ago and are allowed in some Muslim countries today, provided it is rightfully practiced and does not deprive the rights of the person charged with an unlawful conduct.

Bibliography:

Alasti, S. (2007). Comparative Study of Stoning Punishment in the Religions of Islam and Judaism. *Journal of Justice Policy*, 4(1), 1-38. Retrieved from https://www.cjcj.org/uploads/cjcj/documents/comparative_study_0.pdf

ASEAN/East Asia | The Star Online. (2018, March 15). Retrieved from <https://www.thestar.com.my/news/regional/2018/03/15/beheading-could-become-a-penalty-for-murder-under-sharia-law-in-indonesias-aceh-province/>

Beheading in Islam. (n.d.). Retrieved from https://ipfs.io/ipfs/QmXoypizjW3WknFiJnKLwHCnL72vedxjQkDDP1mXWo6uco/wiki/Beheading_in_Islam.html

Hudud: Crime and Punishment. (n.d.). Retrieved from <https://perennialvision.org/hudud-crime-and-punishment/>

The Washington Times <https://www.washingtontimes.com>. (2004, June 24). Beheadings allowed by Islam, but only in extreme situations.

Alasti, S. (2007). Comparative Study of Stoning Punishment in the Religions of Islam and Judaism. *Journal of Justice Policy*, 4(1), 1-38. Retrieved from https://www.cjcg.org/uploads/cjcg/documents/comparative_study_0.pdf

ASEAN/East Asia | The Star Online. (2018, March 15). Retrieved from <https://www.thestar.com.my/news/regional/2018/03/15/beheading-could-become-a-penalty-for-murder-under-sharia-law-in-indonesias-aceh-province/>

Beheading in Islam. (n.d.). Retrieved from https://ipfs.io/ipfs/QmXoypizjW3WknFiJnKLwHCnL72vedxjQkDDP1mXWo6uco/wiki/Beheading_in_Islam.html

Hudud: Crime and Punishment. (n.d.). Retrieved from <https://perennialvision.org/hudud-crime-and-punishment/>

The Washington Times <https://www.washingtontimes.com>. (2004, June 24). Beheadings allowed by Islam, but only in extreme situations.