

CRIME & PUNISHMENT

Justice	Fairness; all people having equal opportunities and provisions
Crime	An illegal act, punishable by law.
Chaplain	Someone who provide 'pastoral' care for patients, pupils, or in this case, prisoners.
Good	That which is considered morally right, beneficial and to our advantage
Evil	That which is considered extremely immoral, wicked and wrong
Punishment	A penalty given to someone for a crime or wrong they have done
Protection	Stops others being a victim by removing the prisoner from society
Retribution	Revenge. The criminal should suffer because the victim did.
Deterrence	Puts other people off committing crime because they don't want the punishment
Reformation	Helps the offender to become a better person
Forgiveness	A choice to not blame someone for wrongdoing and not seek revenge or let resentment build up
Restorative Justice	To bring the criminal and the victim into communication to repair the harm done.
Human Rights	The things that all humans are entitled to because they are human
Capital Punishment	the legally authorised killing of someone as punishment for a crime.

TYPES OF EVIL



Natural Evil

Suffering that is caused by nature e.g. Earthquakes, drought, cancer



Moral Evil

Suffering that is caused by humans misusing their freewill. e.g. rape, murder, burglary

JUSTICE

Islamic beliefs about Justice

- Justice is a central part of God's character – he is just, and he demands others bring justice too
- Allah commands justice - this means that everyone has a DUTY to work towards justice, it is not optional.
 - Stand up firmly for justice, as a witness to God, even as against yourselves or your parents or your kin, and whether it be against rich or poor.' (Surah 4:135)



Non-religious views of Justice – a Humanist view

Justice exists for the common good, to ensure orderly and secure societies. In a democratic nation we should obey the law. If we think a law is immoral, we should work to change it.

Communities can survive and work together well, and increase the happiness of their members, if the people who live in them accept certain rules and duties.



CAUSES OF CRIME

There are many theories to explain why people commit crimes. Sociologists have identified many reasons why crime exists – below are the most common causes.



In a survey of the prison population in 2011:

- 37% of prisoners reported having family members who had been in prison or a young offender's institution.
- 24% stated that they had been in care at some point during their childhood.

People suffer due to evil—why does Allah allow it?

- Evil is part of Allah's created world & we can not understand fully why it is there but need to show faith by trusting Allah.
- Evil is the consequence of human free will, humans chose to reject God and this causes evil.
- Evil gives people the opportunity to show God's love, for example, religious people can help those in need.
- Evil is a test from God to see if we stay faithful to him during hard times. Muslims believe Allah will reward those who are patient and punish those who are impatient and complain.
- Evil exists as Iblis (devil) tempts humans to misuse their freewill. Adam and Hawwa (Eve) are not responsible for evil.

THE 4 AIMS OF PUNISHMENT



<p>Protection</p> <p>Muslims believe it is important that society is protected from dangerous offenders. Innocent citizens should feel safe within society and punishments should be sufficient for crimes committed, in order that society is protected. This is one of the key aims of punishment in the UK, which is also recognised as important by Muslims.</p>	<p>Deterrence</p> <p>Deterrence is a key aim of punishment in Islam. The idea of deterrence requires very severe punishment to deter; amputation is much more likely to deter thieves than a six month prison sentence. These strict punishments are only given as a last resort.</p>
<p>Retribution</p> <p>Muslims believe that retribution is important because it means the offender is made to pay for their crimes, which in turn will create a more stable society and prevent further crimes.</p>	<p>Reform</p> <p>Muslims believe offenders must be given the chance to change/ reform. Muslims believe Allah is merciful and forgiving. "But is the thief repents after his crime, and amends his conduct, Allah turns to him in forgiveness for Allah is Oft-forgiving, Most Merciful." Surah 5:39</p>

FORGIVENESS

- Many Muslims believe they are only on this Earth for a short time, and this life is a test from Allah where they must endure evil and suffering as preparation for Paradise.
- In the Qur'an Allah says that he will forgive anyone who sincerely repents, (64:14) just as he forgave Adam and Eve when they were tempted by Shaytan and ate the forbidden fruit.
- Muslims are also expected to follow Allah's example of justice, mercy and forgiveness in their treatment of other people.

Muslims are commanded by Allah in the Quran " ... so make peace between your (contending) brothers"

The Quran states "... and settlement is best"

Muslims believe that criminals should be given the chance to reform as all humans are sinful.

The Prophet Muhammad PBUH said:

"Should I not tell you what is better in reward than prayer, fasting, and charity."

They (the companions) said: "Yes."

He said: "Reconciling people"



People suffer due to evil—what can we do?

<p>MUSLIM CHAPLAIN ASSOCIATION (MCA)</p> <ul style="list-style-type: none"> Supporting the Muslim Chaplains who work within the prison service, leading worship and providing pastoral care. Working towards the resettlement of prisoners and the prevention of reoffending Engaging with Muslims and the wider community 	<p>MOSAIC NETWORK</p> <ul style="list-style-type: none"> Help and support to offenders and ex-offenders through mentoring sessions. Offer religious (Islamic) support to offenders by educating them about the religion and religious duties. Give advice, help with finding a career path, CV writing and other skills needed to secure employment.
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Section 2: Crime and Punishment

Students should have an understanding of:

2.1	Muslim attitudes towards justice: Muslim teachings about the nature of justice and why justice is important for Muslims, including Surah 4: 135; Muslim responses to why justice is important for victims; non-religious attitudes (including atheist and Humanist) about why justice is important, regardless of religion and belief, and Muslim responses to these attitudes.
2.2	Muslim attitudes towards crime; Muslim teachings and responses to the nature, causes and problem of crime, including Surah 16: 90-92; Muslim teachings about crime, including as a distraction from Allah; what action is taken by Muslim individuals and Muslim groups to end crime, including the Muslim Chaplains Association and the work of Mosaic.
2.3	Muslim teachings about good, evil and suffering: Muslim teachings about the nature of good actions, how they are rewarded, and the nature of evil actions; non-religious attitudes (including atheist and Humanist) about why people suffer, including believing in religion, and Muslim responses to them; divergent Muslim teachings about why people suffer, including Surah 76.
2.4	Muslim attitudes towards punishment: divergent Muslim teachings and attitudes towards the nature and use of punishment including Surah 2: 178 and 5: 44-46 links to situation ethics; Muslim teachings on why punishment can be regarded as justice and why punishment might be needed in society.
2.5	Muslim attitudes towards the aims of punishment: divergent Muslim attitudes towards each of the aims of punishment (protection, retribution, deterrence and reformation); Qur'anic teachings about punishment, including Surah 4:26-32.
2.6	Muslim teachings about forgiveness: Muslim teachings and responses about the nature and importance of forgiveness, including Surah 64: 14, how offenders are forgiven by the community and why this is needed; Muslim responses to the nature and use of restorative justice, and why it is important for criminals.
2.7	Muslim teachings about the treatment of criminals: Muslim teachings about the treatment of criminals, including interpretations of Surah 76: 1-12; divergent Muslim attitudes towards the use of torture, human rights, fair trial, trial by jury, including the application of ethical theories, such as situation ethics, which may accept the use of torture if it is for the greater good.
2.8	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.

RAG RATE	
BEFORE REVISION	AFTER REVISION

Most Muslims **AGREE** with capital punishment because:

- 1) It is a punishment set down by Allah in the Quran. Allah's commands must be obeyed.
- 2) The Prophet Muhammad made several statements agreeing with capital punishment for murder, adultery and for leaving the faith. The Prophet Muhammad is a perfect role model for Muslims, his example should be followed.
- 3) The Shariah is the holy law set to guide people towards goodness and the straight path. Allah is Al-Alim (all knowing), surely he knows what is good and bad for people.
- 4) The Prophet Muhammad enforced the death penalty during his lifetime.

MUSLIM ATTITUDES TO THE DEATH PENALTY

Hadith 16:4152

"It is not permissible (allowed) to take the life of a Muslim who says there is no God but Allah and that I am His messenger except in 1 of 3 cases:

1 - The married adulterer (cheating),
2 - A life for life,
3 - The deserter (leaver) of Islam abandoning the community.

Quran 6:151

"Do not take life, which Allah has made sacred, except in the way of justice and in the law".

Quran 2:178

... (Death penalty due to murder) But if any remission (forgiveness) is made by the brother of the slain (victim), then grant any reasonable demand and compensate him with handsome gratitude.

Quran 5:36

"... and whoever saves a life, it will be as if they saved all of humanity."

Some Muslims **DO NOT AGREE** with capital punishment because:

- 1) They feel that capital punishment is recommended but not compulsory
- 2) The Shariah recommends forgiveness and encourages the victim's family to take compensation (blood money) instead of taking a life.
- 3) There is always the possibility that the accused person is actually innocent. Taking their life cannot be undone.
- 4) The death penalty was fit for purpose at the time of the Prophet Muhammad as the rich would get away with murder. We are living in completely different times. We should take more modern approaches that are in line with the Shariah.

NATURE OF THE DEATH PENALTY

In the past, many offences were punishable by the death penalty. Gradually, the number of such offences were reduced to murder being the only crime that was punishable by death.

The UK abolished (got rid of) the death penalty as a form of punishment in 1965. There have been debates in parliament since on the reintroduction of capital punishment, all of which were unsuccessful.

Out of all the countries in the world:

- 102 countries have stopped using capital punishment
- 7 countries only use it in exceptional circumstances

The countries that have kept capital punishment believe that its purpose is deterrence, protection, and retribution (revenge).

The countries that have abolished the death penalty have done so because it is irreversible and mistakes happen. Since 1973, for example, more than 160 prisoners sent to death row in the USA have later been exonerated/ released from death row.



Universal Declaration of Human Rights – Crime and Punishment

- 1. We Are All Born Free & Equal.** We are all born free. We all have our own thoughts and ideas. We should all be treated in the same way.
- 2. Don't Discriminate.** These rights belong to everybody, whatever our differences.
- 3. The Right to Life.** We all have the right to life, and to live in freedom and safety.
- 5. No Torture.** Nobody has any right to hurt us or to torture us.
- 7. We're All Equal before the Law.** The law is the same for everyone. It must treat us all fairly.
- 9. No Unfair Detainment.** Nobody has the right to put us in prison without good reason and keep us there, or to send us away from our country.
- 10. The Right to Trial.** If we are put on trial this should be in public. The people who try us should not let anyone tell them what to do.
- 11. We're Always Innocent Till Proven Guilty.** Nobody should be blamed for doing something until it is proven. When people say we did a bad thing we have the right to show it is not true.

ISLAM AND HUMAN RIGHTS

Most Muslims believe that human rights should be respected and that it is important that the accused has a fair trial and is not wronged in any way (even if they are found guilty). This is because *Allah commands justice* in the Quran.



Some Muslims, however, believe that a criminal should suffer the way they have made others suffer. This would suggest that although life is precious, certain human rights should be taken away from criminals as Allah mentioned in the Quran "*An eye for an eye ...*"

ISLAM AND THE USE OF TORTURE

- Torture:** Inflicting severe pain to force someone to do/say something.
- The Cairo Declaration of Human Rights in Islam (1990) states that nobody should be tortured, degraded or maltreated as the Prophet Muhammad said "*Allah will torture those who torture others*".
 - The vast majority of Muslim countries have signed the UN convention against torture as they believe that Allah has ordered to treat criminals humanely and with respect "*and they feed, for the love of Allah, the poor, the orphan and the captives*" (Quran 76:1-12).

ISLAM AND TRIAL BY JURY

Jury: A group of people that decide whether someone is innocent or guilty.

By having a group of people make the decision, it is less likely to be a bias decision. Muslims would agree that this is according to the Quran as Allah commands justice and fairness in the Quran.

Some Muslims, however, would say that the Shariah does not make any mention of a jury and therefore, a judge should decide if the accused is guilty or not.