

Islam and American Values: Cruel and Unusual Punishment

The beliefs and values of the United States were expressed in our founding documents. Are the doctrines of Islam compatible with these beliefs and values? Let's take a look at one of the core American beliefs expressed in the eighth Amendment to the United States Constitution.

Amendment VIII

*Excessive bail shall not be required...**nor cruel and unusual punishments inflicted.***

The doctrines of Islam authorize certain punishments. Are these punishments cruel and unusual? Let's take a look at some of them.

Flogging

Flogging as a penalty was codified in Chapter 24, Verse 2 of the Koran:

The fornicatress and the fornicator, flog each of them with a hundred stripes. Let not pity withhold you in their case, in a punishment prescribed by Allah, if you believe in Allah and the Last Day. And let a party of the believers witness their punishment.

Muhammad also said that Allah had authorized flogging:

'Ubada b. As-Samit reported: Allah's Messenger (SAW) saying: Receive (teaching) from me, receive (teaching) from me. Allah has ordained a way for those (women). When an unmarried male commits adultery with an unmarried female (they should receive) one hundred lashes and banishment for one year. And in case of married male committing adultery with a married female, they shall receive one hundred lashes and be stoned to death.

Sahih Muslim, No. 1690

Stoning

The authorization to stone people is not found in the Koran. But it is found in the teachings and example of Muhammad (as noted above).

Muhammad had proclaimed: *I am the first to revive the order of God and His book and to practice it [stoning].*

The Life of Muhammad, p. 267

Muhammad ordered the stoning of many people, for example:

'Abdullah b. Buraida reported on the authority of his father...There came to the Holy Prophet a woman from Ghamid and said: Allah's Messenger, I have committed adultery, so purify me. He (the Holy Prophet) turned her away. On the following day she said: Allah's Messenger, why do you turn me away...By Allah, I have become pregnant. He said: Well, if you insist upon it, then go away until you give birth to (the child). When

she delivered she came with the child (wrapped) in a rag and said: Here is the child whom I have given birth to. He said: Go away and suckle him until you wean him. When she had weaned him, she came to him (the Holy Prophet) with the child who was holding a piece of bread in his hand. She said: Allah's Apostle, here is he as I have weaned him and he eats food. He (the Holy Prophet) entrusted the child to one of the Muslims and then pronounced punishment. And she was put in a ditch up to her chest and he commanded people to stone her.

Sahih Muslim, No. 1695R1

Amputation for Theft

In Chapter 5, Verse 38, the Koran states that amputation of the right hand is the punishment for theft:

And (as for) the male thief and the female thief, cut off (from the wrist joint) their (right) hands as a recompense for that which they committed, a punishment by way of example from Allah. And Allah is All-Powerful, All-Wise.

Muhammad ordered many hands to be cut off for theft; for example:

It was narrated from Safwan bin Umayyah that a man stole his Burdah [cloak], so he brought him before the Prophet, who ordered that his hand be cut off. He said: "O Messenger of Allah, I will let him have it." He said: "O Abu Wabb! Why didn't you do that before you

brought him to me?" And the Messenger of Allah had (the man's) hand cut off.

Sunan An-Nasa'i, No. 4883

Beheading

The authorization for beheading (smiting or striking the neck) is found Chapter 47, Verse 4 of the Koran:

So, when you meet (in fight – Jihad in Allah's Cause) those who disbelieve, smite (their) necks till when you have killed and wounded many of them, then bind a bond firmly (on them, i.e. take them as captives)...

Muhammad specifically said, "If someone changes his religion [leaves Islam] - then strike off his head!" (*Al-Muwatta of Imam Malik ibn Anas, 36.18.15*)

And Muhammad even said it was permissible to behead a person who denied a verse of the Koran:

It was narrated from Ibn 'Abbas that the Messenger of Allah said: "Whoever denies a Verse of the Qur'an, it is permissible to strike his neck..."

Sunan Ibn Majah, No. 2539

Around April of 627, after the defeat of the Jewish Bani Qurayzah tribe, Muhammad supervised the beheading of 600-900 males of the tribe, non-combatants included.

The Life of Muhammad, p. 464

Other Punishments Allowed

There are two additional punishments authorized in the Koran – crucifixion, and the cutting off of hands and feet from opposite sides:

Chapter 5, Verse 33

The recompense of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter.

Authorized Punishments

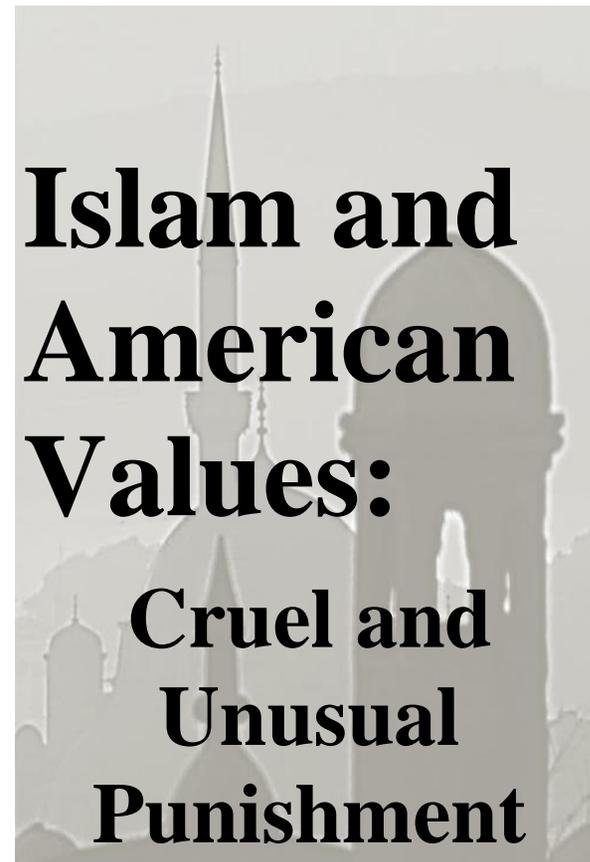
So here is a list of some of the punishments authorized under Islam:

1. Flogging
2. Stoning
3. Amputation of the hand for theft
4. Beheading
5. Cutting a hand and foot off from the opposite sides
6. Crucifixion

Cruel and unusual punishment is a part of Islam.

For an in-depth look at the conflict between Islamic Doctrine and the 8th Amendment, see my book: *Islamic Doctrine versus the U.S. Constitution: The Dilemma for Muslim Public Officials*.

Dr. Kirby is the author of six books on Islam. His books are available on Amazon.com.



Part of a series on Islam

By Dr. Stephen M. Kirby

IslamSeries@gmail.com

Free copies of this brochure and others are available at:

IslamSeries.org