

MURDERER DEATH PENALTY & AMNESTY IN ISLAM

Some people regard murderer death penalty as a barbaric or cruel act & criticize Islam for having this penalty , while actually **Islam also embraces & encourages the murderer amnesty & pardoning same as it allows the death penalty in a balanced manner aiming to deter murder criminals & at the same time allowing for social pardoning & forgiveness of the criminal** . Sheikh “Muhammad Abduh” (1849-1905) the Head of the Islamic Verdict body (mufti) in Egypt & most Islamic countries in his time wrote on that matter saying the following

1) **Equal & just retribution is a basis for securing & protecting the people** & society & the complete dropping of this type of retribution (killing for the wilful premeditated murder) can encourage killing & murder whereby the imprisonment punishment in some societies may not be deterrent enough . However it may happen that the death penalty in some cases may be harmful & better to prison the murder & charge him blood money as in the case of a brother killing a sibling or relative where the murderer maybe the only supporter of his family. Even if the murderer is a stranger to the victim, then in some cases whereby the victim family are poor, then better for them to take from the murderer a blood money & the murderer to be imprisoned for a certain term rather than getting killed . Also whereby some societies denounce & reject the death penalty , then Islamic sharia allows & encourages clemency & forgiveness

2) ALLAH says in Q2;178

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translation “O you who have believed, prescribed for you is equal just retribution for those murdered – the free for the free, the slave for the slave, and the female for the female. But whoever overlooks from his brother anything, then there should be a suitable follow-up and payment to him with good conduct. This is an 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 may become righteous”

3) As shown in the verse the **retribution is to be just & equal & only against the crime perpetrator** & not to any one of his kindred or his relatives or tribe or compatriots & all people are equal in retribution either a slave or free person or man or woman. After Allah stated that the justice basis is the equal just retribution,, He then mentioned the **pardoning & forgiveness right & encouraged for it** & Allah used the word ‘brother” when mentioning pardoning so as to encourage forgiveness & the right of forgiveness which is in the hand of the closest relatives of the victim who can accept a payment (blood money) unless they decide to forgive without taking any money.In case of pardoning, the death penalty is to be dropped & the killer is to receive a

clement /milder penalty of some prison term or other kind of mild punishment. Allah then states that this is an alleviation from Allah so as to prevent more blood spilling & encouraging the good manners of forgiving between the people , then Allah warns of transgressing after the forgiveness has been made which means that the victim relatives are not allowed to take revenge after they gave forgiveness nor the killer repeats his crime & kills once more hoping for another forgiveness, Allah then states that the retribution saves lives because it deters the criminals from doing crimes. Also note that in all cases the death penalty does not apply to the non intentional non wilful killing that happened by mistake where only blood money payment is required in this case & the relatives are also encouraged to leave it as a charity as stated in Q4;92

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translation “and a compensation payment presented to the deceased’s family [is required] unless they give [up their right as] charity”——