

1. Justice

The Nature of Justice

Justice means rewarding the good and punishing the bad, making sure that what is right is what happens in society. The way to make sure there is justice in society is to have laws which organise the behaviour of individuals and to protect the weak from the strong.

Non-Religious attitudes to Justice

Atheists and Humanists believe that justice is important because justice makes sure that:

- People are rewarded for their labour: People would not work if they weren't sure that they would be paid and people would not make things if others could just take them away)
- The weak are protected from the strong (if there were no laws on stealing, murder and rape life would be horrible!).

Why is Justice important for Muslims?

- The Qur'an describes God as just. As God himself is just, then justice must be of the highest importance for Muslims.
- The Qur'an says that God wants people to treat each other fairly and to establish Justice
- Surah 16:90** - *God commands justice,, the doing of good... and He forbids all shameful deeds and injustice.*
- The Prophet is shown as acting justly and telling Muslims to treat everyone justly and equally.
- Muslims believe it is part of their role as **vicegerents** (stewards) of God's creative to behave justly by following the Shari'ah Law
- Islamic teaching on the Last Day is concerned with the need for the good to be rewarded and the evil to be punished.

Why Muslims believe Justice is important for the victim

- Islam teaches that justice should always be given as the victim is totally innocent
- The Qur'an teaches that the victims of crime should be compensated
- The fact that God commands Muslims to be just means that the unjust must be punished so that their victims are given justice.

2. Crime

The Nature of Crime

A crime is an act against the law. In the UK, laws are made either by Parliament or by judges. Types of crime include:

- **Violent Crime** - Ranges from minor assaults to murder.
- **Cyber Crime** - which is a crime committed using the internet and involves such crimes as hacking people's bank accounts to steal money from them.

Causes of Crime

- **Poverty** - Many people convicted of shoplifting were stealing it to feed themselves or their families.
- **Upbringing** - In a survey from 2011, 24% of people stated they had been in car at some point. 29% of prisoners had experienced abuse.
- **Drugs** - Some research studies have found that a lot of **acquisitive crimes** (crimes where the criminal wants to acquire someone else's property, is committed by users of heroin and crack cocaine.
- **Low Self Esteem** - Criminals in prison for drug offences and those with extensive criminal histories were found to have significantly lower self-esteem than the average person.

Muslims Attitudes to Crime

Muslims are against crime because misdeeds are breaking the laws of God. They try to remove the cause of criminality and alleviate the problems of crime:

- **Poverty** - Islam tries to deal with the issue of poverty by banning the use of interest and gambling and encouraging other Muslims to share their wealth. They also use Zakah to help poor Muslims in the UK and support charities such as Muslim Aid and Islamic Relief
- **Upbringing** - Muslims help people to fulfil their duties as Muslim parents. Islam teaches that children are a gift from God and that, on the Last Day, Muslims will be judged by God on how well they have brought up their children. Muslims are expected to teach the difference between right and wrong, introduce them to faith through Salah (prayer) and observe Ramadan.
- **Alcohol and Drugs** - These are haram (not allowed) in Islam so shouldn't be an issue. The Qur'an says that intoxicants are a means by which Satan tries to keep people God.
- **Self-Esteem** - Islam's teachings should mean that no Muslim has problems with Self-Esteem. To know that you are the **Khalifah** of God, given the task of looking after the world in the way God wants, should mean never having a problem with low self-esteem.



Crime and Punishment



4. Attitudes to Punishment

The Nature of Punishment

Punishment is a penalty inflicted on an offender for breaking the law. Different types of punishment include:

- **Imprisonment:** Courts can take away the offender's freedom and send them to prison for a fixed period of time.
- **Suspended sentence:** Courts can impose a term of imprisonment and then order that they will not be sent to prison as long as they do not reoffend
- **Community Service Order:** Offender is required to do unpaid work in the community and to remain in contact with their probation officer.
- **Fine:** A monetary penalty
- **Compensation Order:** Order the offender to pay the victim compensation for personal injury, loss or damage
- **Restitution Order:** Forces the offender to return anything they gained by committing the crime
- **Hospital order:** People with mental health problems can be detained in a secure hospital.

Muslim Teachings about Punishment

Islam teaches that criminals should be punished for their crimes and the Qur'an sets down specific punishments for certain crimes. Islam teaches that Muslims should not commit crimes because a sin against God. Those who commit crimes will not only be punished by the law, but also face judgement of God on the Last Day.

The punishments set out in the Qur'an are known as **hadd** punishments and are seen as punishments from crimes considered to be against the rights of God. There are six crimes for which punishments are fixed:

- Theft (Punishment = Amputation of the hand)
- Illicit sexual relations (Punishment - Death by stoning or 100 lashes)
- Making unproven accusations of illicit sex (Punishment - 80 lashes)
- Drinking intoxicants (Punishment - 80 lashes)
- Apostasy (Punishment - Death or banishment)
- Highway robbery (Punishment - death)

Most Muslim countries operate a legal punishment system similar to that of Europe, however the Taliban, Isis and other areas under the Sunni Movement end to apply these punishments.

Surah 5:41 - *As to the thief, male or female, cut off his or her hands: a punishment by way of example, from God for their crime.*

3. Muslims Attitudes to good, evil and suffering

In Islam, good actions are known as 'halal', meaning 'that which is permitted'. Good actions are subdivided into:

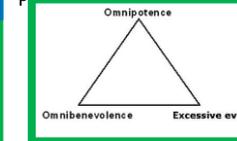
- **Fard** - Actions which must be performed for a person to be regarded as good. These include observing the Five Pillars and obeying the laws of the Shari'ah. Performing these actions will be rewarded and not performing them will be punished.
- **Mandub** - Actions which a Muslim will be rewarded for doing, but not punished if they do not do them
- **Mubah** - Actions which are permitted because nothing is said about them in the Qur'an or the hadith, for example watching television. These actions will neither be rewarded nor punished.

Evil actions are called 'haram', meaning 'that which is forbidden'. Any action that is forbidden in the Qur'an, hadith or Shari'ah law (such as alcohol, gambling) is haram and so is regarded as evil. Evil is often divided into **moral** and **natural** evil:

- **Moral** - Evil that is caused by humans misusing their free will. E.g. rape, murder and burglarly are clear examples
- **Natural** - Suffering that has not been caused by humans. E.g. earthquakes, floods and volcanoes are not caused by humans, but result in suffering.

Non-Religious attitudes to Evil and Suffering

Many atheists and humanists believe that a good God would have designed a world that had natural evils. They cannot believe in a God that would create such horrible diseases, and believe that evil and suffering are either the fault of humans misusing their free will or the fault of accidental nature. non-Religious philosophers express the problem like this:



- If God is **omnipotent** (all-powerful), he must be able to remove evil and suffering from the world
- If God is **omnibenevolent** (all-good/loving), he must want to remove evil and suffering from the world
- It follows, that if God exists, there should be no evil or suffering in the world.

Muslim answer to why people suffer

Muslims argue that because God is so much greater than humans, they cannot understand his motives and therefore must just accept what God does. The Qur'an says that God is good and so there must be good reasons for evil and suffering.

Humans can, and will, be questioned about their evil actions because they have been born with a natural instinct to understand the difference between right and wrong. Muslims believe that life is a test and a true Muslim will remain faithful through the trials of his life.

Muslims respond to evil and suffering by helping those who suffer, either practically or by prayer, because helping the suffering and fighting evil will be rewarded by God on the Last Day.

4. Attitudes to Punishment

Why punishment can be regarded as Justice

Punishment can be seen as justice because part of justice is making sure that the good are rewarded and the lawbreakers are punished. Some people, especially victims of crime, regard punishment as a form of justice:

Retributive Justice - A theory of justice which considers that punishment should be proportionate to the crime. This is not revenge like 'an eye for an eye'. In other words, the severity of punishment must reflect the severity of the crime.

Why punishment might be needed in society

Imagine what life would be like if there were no laws such as driving on one side of the road or laws for murder or rape. If society needs laws, it also needs punishment in order to make sure that all members of society obey those laws and that the rest of society are protected from those who break the laws.

5. The aims of punishment

The main aim of punishment is to try to make sure that everyone obeys the law, but there are some other aims:

- To protect law-abiding members of society from the lawbreakers
- The deter law-abiding citizens from committing crimes
- To reform and rehabilitate criminals so that they do not break the law in the future
- To make criminals pay for their actions and give the victims of crime a sense of retribution

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| Retribution | Retribution is the theory that criminals should pay for their crimes. Many people think this should be the main reason for punishment because: <ul style="list-style-type: none"> - It makes criminals pay for their crimes in proportion to the severity of the crimes they have committed. - It makes criminals suffer for what they have done wrong. Criminals make their victims suffer, so the criminals should also suffer - It actually punishes the criminal. The dictionary definition of punish is to 'make an offender suffer for what they have done', and this is exactly what retribution does. |
| Deterrence | Deterrence is the theory that punishment should put people off committing crime. Many people think that deterrence should be the main reason for punishment because the main aim of punishment is to stop people from committing crimes. The idea of deterrent punishment is that punishment should be so severe that no one will dare commit crimes. <ul style="list-style-type: none"> - If someone knows they will have their hand cut off if they are caught stealing, then they will not steal - If people know that they will be executed if they are found guilty, they will not murder. |
| Reformation | Reformation is the theory that criminals should be taught not to commit crimes again. <ul style="list-style-type: none"> - Many people believe that the only way to stop crime is to reform the criminals so that they will become honest law-abiding citizens who will not want to commit crimes again - Many people believe that most criminals commit crimes because of how they have been brought up and need to be taught how to live a life without crime. - Reformation punishment often involve giving criminals education and qualifications so that they can find a job |
| Protection | Protection is the theory that punishment should protect society from criminals and their activities. Many people think: <ul style="list-style-type: none"> - Capital punishment is a good punishment for murderers and terrorists because they are dead and cannot threaten people - Long prison sentences are a good m punishment for people as they keep them out of society - Community service can be a good punishment for hooligans and vandals because it keeps them off the streets |

Muslim attitudes to the aims of punishment

Muslims agree with all four aims of punishment because:

- The Qur'an sets down lashes or amputation for certain crimes and the Qur'an is the Word of God which must be followed.
- Whipping and amputation allow the offender to remain in society with their families where, it is believe, they are less likely to reoffend than those who have been sent to prison

6. Forgiveness

The Nature of Forgiveness

Forgiveness is a conscious, deliberate decision on the part of a victim to release the feelings of resentment or vengeance they have towards a person who has harmed them.

Muslim beliefs about forgiveness

The Qur'an teaches that God is compassionate and merciful to sinners.

Surah 64:14 - *But if ye forgive and overlook and cover up their faults, verily God is Oft-forgiving. Most Merciful.*

Because of this, Muslims believe that they too should be forgiving because:

- On the Day of Judgement, God will deal with everyone as they deserve, but Muslims will be able to request his mercy. However, how can Muslims ask God for forgiveness if they are not prepared to forgive?
- The Qur'an says that Muslims should forgive other people's sins against them and Muslims should obey the Qur'an as they believe it is the word of God.
- There are many hadith from the Prophet Muhammad about forgiving people who have offended others and bringing reconciliation to conflicts.

Why and how offenders are forgiven by the community

At any given time, there are around 65,000 people in prison and 60% of prisoners reoffend within a year of being released back into society. The community needs to forgive offenders and help them to **reintegrate** into law-abiding society so they feel they are apart of it and will not need to return to a life of crime.

There are examples of business owners and charities who work with offenders to help bring them back into the community.

- Business** - Timpson (the key-cutting and shoe repair business) goes into prisons and offers training workshops and starts employing prisoners on day-release schemes. In 12 years, only 3 people have reoffended.
- Charities** - Nacro offers information and advice to ex-offenders, serving prisoners, families and friends through a helpline

Restorative Justice

Restorative justice gives victims of crime a chance to explain to the offender how they have been affected by the crime. It is important for criminals because:

- It makes them realise the effects of their crime
- It brings them face to face with their victims
- It makes them realise that actions can have terrible consequences

Muslim attitudes towards Restorative Justice

Muslims are in favour of restorative justice because it is the only way of bringing peace and reconciliation between the victim and the criminal. In Islam, all brothers and sisters should work to help each other:

Surah 49:10 - *The believers are but a single brotherhood: so make peace and reconciliation between your two contending brothers*

7. Treatment of Criminals

Human Rights

The Universal Declaration of Human Rights was proclaimed by the United Nations in 1948. It set out fundamental human rights to be universally protected which all members of the United Nations agreed to. These rights include:

- Freedom from torture and degrading treatment
- The right to liberty - people are free to do anything that is not against the law
- The right to a fair trial - trials are made in public and judgements are made by impartial people
- The right to not be punished for something that was not a crime when you did it
- Freedom of thought, conscience and religion

Muslim attitudes to the treatment of criminals

1. Some Muslims believe that criminals should be treated fairly and that punishments should aim at both reforming criminals and bringing in restorative justice. Both the Muslim Prison Chaplains' Association and Muslim Aid work with Muslim prisoners to achieve these ends.
 2. Muslim countries with Shari'ah justice systems have a somewhat different attitude as they believe that criminals should be punishment according to the **hadd punishments** set out in the Qur'an.

Islam and the use of torture

All Muslims are opposed to the use of torture. However, some non-Muslims interpret the Shari'ah punishments such as flogging, stoning or amputation as torture.

Some Muslims would say that it is permitted to torture criminals who are hiding a secret which will harm innocent people.

Most Muslims believe that the Qur'anic verse: **and they feed, for the love of Allah, the indigent, the orphan and the captive'** Surah 76:8, means that Muslims have been ordered by God to treat captives fairly and humanely.

Islam and Fair Trial

Muslim countries adopting the Western-type legal systems operate a jury where 12 ordinary members of the public decide whether the accused is guilty. However, Muslim countries operating the Shari'ah legal systems do not use a jury. Crimes against God's law are prosecuted as **hadd crimes** and all other criminal matters are treated as disputes between individuals.

Islam and Human Rights

Muslims have some problems with the United Nations Declaration of Human Rights, especially around the areas of gay rights, sex outside of marriage and freedom of speech and religion. As a result, Muslim countries signed an alternative agreement which stated that '**all men are equal in terms of basic human dignity and basic obligations and responsibilities**'. In Muslim countries, there are often no gay rights and no equal rights for women.

Humanist and Atheist Attitudes

Humanists believe that criminals should be treated justly and humanely as this helps to ensure that innocent suspects are treated this way too.

Humanists have always been in favour of the Human Rights and are supporters of the United Nations Declaration of Human Rights.

Most atheists would agree with the Humanist attitudes, but some atheists think that convicted criminals should not be able to use human rights legislation for such things as stopping them from being deported as it would split them from their spouse and children or to allow them to vote while in prison. Such atheists are also likely to approve of government agencies using torture to prevent terrorist attacks.

8. The Death Penalty

The Nature of Purpose of Capital Punishment

Capital Punishment is punishment which takes away the criminals life. There are several methods of Capital Punishment still in use around the world, such as lethal injection, electrocution, hanging, firing squad, stoning and decapitation (cutting off someone's head).

102 countries around the world have abolished the death penalty for all crimes, and was abolished in the UK in 1970. Seven have abolished it but retain it for special circumstances. The USA, Japan and Singapore are the only countries to retain it. These countries believe that it's purpose is to deter people from committing murder, to protect society from dangerous people and to act as retribution for those who have taken a life.

Muslim attitudes and teachings about Capital Punishment

Islam allows capital punishment for three offences: murder, adultery and apostasy (giving up or denying your religious faith).

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| Most Muslims agree with Capital Punishment because... | Some Muslims do not agree with Capital Punishment because... |
| It is a punishment set down by God in the Qur'an and Muslims believe the Qur'an is the Word of God | They feel that Capital Punishment is recommended by the Qur'an, but not compulsory |
| Muhammad made several statements agreeing with capital punishment and Muhammad is the seal of the prophets whose words should be obeyed | They feel that since Capital Punishment does not reduce crimes and since there is a possibility of the wrong person being convicted and then executed, capital punishment is not justice and so is banned by Suah 6:151 |
| Surah 6:151: <i>Take not life, which God hath made sacred, except by way of justice and the law</i> | |

Humanist and Atheist attitudes to Capital Punishment

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| Most Humanists disagree with Capital Punishment because... | Some Atheists would agree with Capital Punishment because... |
| Murdered who know they are going to be killed if caught are more likely to kill more people to avoid being caught. | If people know that they will lose their life if they murder someone, it will act as a deterrent and there will be fewer murderers. |
| Human life is the most important thing there is, so no one has the right to take it. Executing murderers demonstrates that society does not regard life as important. | Human life is the most important thing there is, and the value of human life can only be shown by giving those who take human life the worst possible punishment, which is the death penalty. |