

Journal of Law & Social Studies (JLSS)

Volume 4, Issue 1, pp 178-190

www.advancelrf.org

A Study of Stoning Punishment: A Religious Perspective

Nazar Hussain
(Corresponding Author)

Ph.D. (Law) scholar

Department of Law, Times Institute Multan

E-mail: advnazar770@gmail.com

Sheikh Muhammad Adnan

Assistant Professor

Department of Law, Times Institute Multan

E-mail: dradnan@t.edu.pk

M. Irfan Aarbi

Ph.D. (Law) scholar

Department of Law, Times Institute Multan

E-mail: mirfanaarbi@gmail.com

Abstract

In this essay, we speak about stoning in Islam and Judaism. Stoning, which is one of the penalties, arose as a penalty for adultery, which is prohibited Sharia. Even though stoning was used in Judaism, sodomy and idolatry, as well as the methods used to carry out this penalty, were very different between Judaism and Islam. People might think that this punishment is worse in Islam because of the size of the stones and how they are used. Islam doesn't talk about stoning in the Quran, even though it's talked about in the Hadiths (sayings and stories about the Prophet Mohammad's behaviour by his close followers). Even if the person is accused of something bad, the punishment of stoning is against international human rights agreements. This is no matter what the reason or charge is, because the punishment of stoning is against these agreements. Stoning is still used as a form of punishment in the Muslim world, even though there are only a few examples of Jewish people being stoned in history. As a group, we can look at the different evidence, procedures, and obstacles to the stoning are execution.

Keywords: Stoning Punishment, Religion, Islam and Judaism

Introduction

For people who have done bad things to society, the most common punishments are jail time and fines for their crimes. It is common in the United States to stone people who are going to die for their crimes. Justice might be done more democratically in some countries because of this, but it's not certain. For a long time, people who have done things that were against the law, like prostitutes, adulterers, or even murderers, have been stoned to death. Stoning was cruel, so it was mostly replaced by things like hanging and decapitation.

Definition of stoning in Islam

A big part of Islamic criminal law that helps explain why stoning is OK is that it's not all the same. In order to have a full criminal law system, the Qur'an doesn't give enough information about crime and punishment. Instead, it talks about a few specific legal issues. European-style laws, like those in France and Italy, are a big influence on Islamic law because they deal with civil cases. People follow these rules for things that aren't covered in the Quran or in the hadith. Only Saudi Arabia and Oman don't have a law that covers all crimes in the world. After the Iranian Penal Code was signed into law in 1983, it was decided to get rid of it. Its controlled crime and punishment in a way that was in line with new ideas at the time. Iran's current criminal justice system is based on the 12 Imami Shiite Shari'ah laws (Islamic law).

Article 12 of the Islamic Penal Code says that in Iran, there are five different types of punishments that can be given. Retaliation (Qisas), third-party judgement, fourth-party prevention, and fifth-party blood money are all examples of what can happen (Diyat).

Restraint, blockage, obstacle, or prohibition are all words that mean the same thing in Arabic: Hadd (ordered punishment). The Holy Quran and Sunnah both have set penalties for certain crimes, and stoning is one of them, but there are many more. Any person in charge in Hudud can't change, alter, or commute the sentence. They can't change or cancel it; they can't give it to someone else or not give it to someone else. In cases of repentance, the penalty of Hadd is limited in how far it can be used. Even though, Hadd may be breaking his own rules, like when a thief gives back the stolen goods before he's charged. The

Islamic law doesn't allow for any other punishment than Hadd, the main punishment. As a result, there are no alternatives to physical punishment as a punishment for many of the required punishments.

In Surah a Nur 24:2, the Qur'an specifies that an adulterous relationship will result in 100 lashes. Muhammad's public stoning of individuals resulted in the deaths of many men and women. Now, according to Islamic law, this punishment is due to that offence. Adultery is punishable by stoning, according to many Hadiths (proclamations and acts of Muhammad, or tradition).

Having intercourse with an unmarried partner is punishable by a year in jail and one hundred lashes, according to the Prophet." A married man will be stoned to death if he engages in sexual relations with a married woman. Unmarried couples must be separated for a year and subjected to 100 lashes before they may be reunited.

If a woman is having sex with another man, she should not be stoned until she gives birth. Soon after she was born, the Prophet told her to be killed with stones. This is what Khalid did. He came up with a stone and threw it at her. It looked like Khalid's

face was covered in blood as he cursed the little girl. She was buried in front of the revered Prophet.

A man named Malik came to Abu Bakr and told him about being unfaithful to him and calling himself a "baseball player." Abu Bakr told them to confess their sins to the Lord and not to tell anyone else. Even though the man was sorry, he went to Umar and got the same answer. Even though he was sorry, he went to the Prophet for help, inquired about his physical and mental well-being, as well as his sanity. Astonished to learn that Ma'iz was well and happily married, the Prophet executed him.

As a result, the Prophet was aware. It was made up for with a slave girl and one hundred lambs. "Follow the instructions of the Prophet, he said. Your youngster will be punished with a one-year suspension from school and 100 lashes. Her claim that she had sex with another guy was going to get her stoned.

Immediately after Muhammad's death, his successors included adultery to the list of six major sins (Hudud) that are punishable by God. They carried out this action after Muhammad's death. The task of God is to employ Hudud (haqq Allah). Thus, adultery was codified as an unforgivable sin in Islamic law. For this reason, a long-standing subject of disagreement and misunderstanding in Islamic law has been adultery (hadd), unlike the other five primary crimes (hadd). To understand why the penalty for adultery in the Quran and Hadith differed, Caliph 'Umar consulted Hadiths.

A man took his wife's slave girl on a trip and slept with her. She told Umar, and he said he would stone her husband unless she had the slave girl. She said, "I gave her to you as a gift." This saved him.

Eventually, people may say things like, "We don't find the Rajam Verses in the Holy Book." As a result, they may not be able to keep an obligation that Allah has told them to do. So, Umar is afraid. Allah's Messenger and his followers, after him, took care of Rajam.

Many scholars of Shari'ah think that stoning is OK, but Umar's comment has added to the debate about stoning among those academics. Because only 'Umar could say for sure that the "verse of stoning" was there, we can only trust him.

Shariah law cannot be deduced from this data set. In any event, the "verse of stoning" of 'Umar seems unlikely to be true.

According to some, Muhammad's tales are not all factual. Consequently, there is much controversy regarding whether Muhammad permitted the use of stones rather than lashes as punishment for adultery prior to the Surah al Nur, which states that 100 lashes are the penalty for adultery.

Definition of stoning in Judaism

Remember that in addition to the written Torah, the Jewish Oral Law (the Talmud), which is divided into two portions called Mishnah and Gemara and contains sixty tractates and 5000 folio pages, is also a masterpiece. This is the only way to grasp the concept of biblical capital punishment. Following the Mishnah's composition, the Gemara was produced to provide extensive commentary on rabbinic debates, relying on materials from the Bible, Midrashic literature, and the Mishnah. Indeed, from the perspective of traditional Judaism, one must first read the Bible and then evaluate the law in order to uncover its original intent.

Similar to a joint venture in which it's difficult to identify who's in control.

Those who purposefully desecrate the Sabbath (as well as those who violate norms controlling interpersonal relationships, such as those who kill) will both face the death penalty under Biblical law (murder, kidnapping, incest). 11 Stoning, burning, strangulation, and beheading are all listed in the Mishnah (Mishnah, Sanhedrin 49b-50b).

In the Old Testament of the Bible, this sort of punishment was employed to punish crimes including murder and blasphemy. When two witnesses are present, the Talmud forbids the death of those who have been warned not to do the crime but nonetheless carry it out anyhow. When it comes to the death penalty, it has been said that a court would be a barbarous one if it killed one person every seventy years (Extracts from Deuteronomy 13:6 to 13:10).

Your brother, the son of thy mother; your son; your daughter; or the woman of your heart; or your buddy who is like thine own soul entices you covertly by saying, Let us go and worship other gods that thou hast not known thou, nor your forebears; thou must not be tempted (13:6). You will, however, murder him; your hand will be the first to put him to death, and then the hands of the whole populace will follow suit. (13:9) To put an end to him, you must stone him to death with stones, for he has tried to take you away from the Lord your God, who brought you out of slavery in Egypt. (13:10)

The availability of stones in Palestine made it possible to utilise boulders as projectiles. Tossing stones might be a sign of anger and disdain (see 2 Samuel 16:6-13 in the Bible) or a way of carrying out deadly intentions, for which the Law had to provide provisions (Bible, Exodus 21:18, Numbers 35:17).

Stoning Crimes

In Islam

Adultery is punishable by stoning if at least one party is married to a third party at the time of the illegal sexual relationship. "Adultery is the act of intercourse, including anal intercourse, between a man and a woman who are prohibited to one other, unless the conduct is performed unknowingly," according to Article 63 of the Iran Penal Code. Even while premarital sex is also banned, it is not included in this. Islam classifies adultery and fornication as Zina even though the punishments are different. It is possible to be stoned to death for adultery.

Muslim sexual ethics complicate the idea of adultery, making it more difficult to define the crime. For certain Muslim jurists, circumstances like long-distance travel or life incarceration are

not grounds for declaring adultery, even if a married individual cannot mingle with their spouse. Sodomy is categorically classified as zina in Shi'ite legal schools, while adultery may be avoided via the use of a temporary marriage (mut'a) between unmarried individuals, whereas adultery can be avoided using mut'a (liwat). And since it's commonly associated with sexual activity, sodomy, deviation, not adultery, since sodomy disrupts the sex equilibrium and God's design for creation.

It is punishable by death by stoning if a man or woman who is legally married to a permanent wife or husband commits adultery. Due to Islamic law commonly considering puberty for girls to be nine and for boys to be fifteen, the death penalty is reserved for male perpetrators of pedophilia, whereas only lashes are reserved for female perpetrators.

In Judaism

People condemned to death by stoning are addressed in Sanhedrin 7.4 of the Mishna.

Second, adulterers, idol-worshippers, and those who have sex with a girl they are engaged to marry. Third, cursers of their parents; and fourth, those who have sex with a girl they are engaged to marry. sexual interactions with an unmarried lady, as well as seven others.

Anyone who commits adultery, or rapes a betrothed girl, idolises, blasphemes or sorceries one's parents is to be stoned in the Old Testament.

Unless the claim is proven false, she will be stoned to death in front of her father's house if she is found guilty. Sexual immorality when a minor is frowned upon in Israel. You have to get rid of the negative people in your life" (Deuteronomy 22:20-21). Islamic law does not consider a woman's role as regent to be an indicator of adultery.

Six days of labour are required before you may enjoy a day of rest and worship the Lord. Those who labour on it risk their lives; the book of Exodus, verse 2 Despite the Talmud's recommendation, the Bible makes no mention of stoning as a punishment for breaching the Sabbath.

- "Stoneing both the bull and the owner is essential if there is a history of goring, and the owner was warned but did not retain control of it (Exodus, 21:29).
- Because they committed the same horrific crime, guys who engage in sexual misbehavior with another man are just as culpable as women.
- The only way they can be put to death is by bleeding to death" (Leviticus, 20:13).

Evidentiary & Execution Procedures

In Islam

A conviction for adultery in Iran requires at least five confessions, according to the country's Penal Code. Condemnation was issued only if both the culprit and the victim had admitted to the "crime." Four male witnesses who can each testify for the other are needed in this case. There is no doubt that they all claim to have seen the whole event. Even a group of three guys and two women will do so long as there aren't more than four men in it. Fornication is punishable under Shari'ah with 100 lashes or death by stoning, regardless of whether the individual is married or

unmarried. Adultery would be the proper term here (Islamic Penal Code of Iran, Articles 68, 74, 75).

They are buried up to their waist or chest when someone commits an offence (woman). In addition to being flogged, prisoners subjected to both types of punishment are also stoned before being executed. According to Article 89 of the Iranian Penal Code:

The judge's first stone must be thrown at an adultery confession. If the evidence is primarily dependent on the words of the witnesses, then the testimony of at least three people is required. He tried and tried, but he couldn't get the first stone to go through.

Regardless matter whether there is a witness or a leader present, the penalty will be carried out (Article 99, Islamic Penal Code of Iran). No stone will be hurled at the accused until he or she is dead. The right technique to utilise stones is clearly defined in Iran's Penal Code. Article 104, which deals with the punishment for adultery, says that there shouldn't be so many stones that one or two of them kills the individual, but there shouldn't be so few that they aren't regarded stones either. To be legal, a stone must be large enough to cause injury but not death."

In Judaism

The court must be certain that the defendant committed a capital offence before passing judgment on his or her guilt. Since the evidence required the presence of two eyewitnesses who were subjected to thorough interrogation, only a tiny fraction of cases could stand up in court.

"Thou must bring forth the man or woman, who has done that most horrible deed, to the gates of thy city and they shall be stoned," the witnesses were meant to say. Two or three witnesses must testify for a person to be executed. Immediately after his death, witnesses will begin to savagely rape him, followed by everyone else (Deuteronomy 17:5-7).

When a person is about to die, stones are hurled at them till they die as a result of the force of the stones. It's not what you think when you hear the word Skila in Hebrew in the Talmud. As opposed to the concept of throwing rocks at an immobile defendant or victim, the Talmud describes it in a different manner. Instead, the defendant is escorted to the top of the heap hurled from the top of a big scaffold. Large pebbles were then thrown at the defendant, killing them if they weren't already dead.

To understand why the Mishnah said that the height was so high, the Gemara talks about other sources that say a lower height can kill. So, why did the Sages want to make sure he had a "favourable death," one that didn't make his death more painful? In a fall from a higher place, death would come more quickly and without as much pain. Stones that were thrown at the defendant made his body look "grotesque," which made his execution even more humiliating.

It says that two men had to lift the second stone. Then, in the text, "he would grab it and toss it on the person's chest."

Condemned:

"The Torah, on the other hand, thinks otherwise. It takes longer for the stone to travel when two people throw it at the same time. A sloppy throw would ensue if the two people were unable to exactly synchronise the moment of release, thus one person may elevate the stone as the other throws it. This means that all Israelis are compelled to stone the defendant if he or she does not die as a result of being hit with stones. It was never considered to be a good idea to repeat oneself, another Mishnaic source states. Rabbis' major concern was that the execution be speedy and painless with little or no deformities due to stone size and conditions of execution. More people would be more likely to die if the platform was raised in the first place. Because of the possibility for face harm if someone falls, another Rabbi argued against expanding the platform.

Only a piece of cloth used to cover the defendant's penis is kept in place by court authorities. According to Rabbi Yehuda, a woman is no different from a condemned man if she isn't dressed "both in front and in the rear." Otherwise, she is exposed to the world. According to the Sages, only men are subject to being stoned naked. They want to stone him "According to the Gemara, what the Bible states, is redundant. According to the Bible, only men are to be stoned in this text.

According to Rabbi Yehuda, this is a sign that all those sentenced to death will be stoned to death bare-chested.

Nigmar Ha-Din is the first word in the title (when the judgement has been concluded). Having one foot in the courthouse, a judge's decisions, and the language of a judge all play a role in the process. Most of the Mishnah focuses on what to do in the stoning house before someone is stoned to death. The stoning sentence is returned to the court in Mishnahs Five and Six. There were separate graves for those who died by beheading and strangling and those who died by stoning and burning instead of interring the condemned in his father's tomb. Bones are buried once the flesh has been removed. Family members come to inquire after the health of the judges and the witnesses, which indicates that we have nothing against you, that you made a wise choice. When a loved one passes away, there aren't many formalities to observe in order to express one's grief. It's all in their heart to be sad.

When executed this manner, the process begins and concludes in the same place: the courthouse. In this passage, the Mishnah emphasises how crucial it is to connect the court and execution. When the relatives reconcile with the court, the sentence for stoning is over. The gravesites created for the court, not his fathers'. Now that he's dead, he returns to the courtroom. The court will not return his corpse to his family in one last act of appropriation.

Stoning Location

Executioners lead the condemned man to the spot where he will be stoned. "Take out the blasphemer" (Lev. 24:14) was the Bible's instruction for the stoning house located outside the courthouse. In front of the court, the convicted are brought forward and given the scarf, which they hold in their hands. To keep an eye on the condemned, one person rides a horse for a long distance. "I have to plead for his innocence," shouts another, waving their scarf in the air, and the horse bolts into action, stopping him. Even if a convicted person pleads, "I have to advocate for my own innocence," they will only bring him back if his words have meaning.

Biblical literature defines Leviticus 24:14 between courthouse and execution location (stoning house) and then launches a rescue operation on behalf of the condemned criminal. A last-ditch effort to overturn the conviction is made as he is transported from the courthouse to the execution site. This Mishnah's interpretation is unusual. In Leviticus 24:14, God tells Moses to tell the people to put a blasphemer to death. It is God's command to carry out the stoning "outside of camp": "Let everybody who could hear put their hands on his head, and let the whole community stone him." According to the passage cited, the criminal must be transported outside of camp, while the Mishnah mandates that the offender be removed outside of the court.

The stoning cannot be performed on the area of Islam's adversaries in Islam. The performance should also take place before an audience. It is sufficient for the religious leader to warn people of the time and place for stoning, according to Article 101 of the Iranian Penal Code: "A number of believers is necessary to perform stoning, a minimum of three people must be in attendance.

"When the sentence is completed," in accordance with Article 107, the attendance of witnesses is required for the stoning to take place, although their absence does not render it invalid. Stoning is also required to be performed in public in Judaism according to Deuteronomy 17:7.

Stoning and Human Rights

A distinct disapproval of the death penalty, torture, and other inhumane or humiliating treatment by human rights violators exists. This group is also opposed to the Universal Declaration of Human Rights (UDHR), its Second Optional Protocol (OPC), and other auxiliary treaties such as the International Covenant on Civil and Political Rights (ICCPR).

The Universal Declaration of Human Rights (UDHR) was adopted in 1948, making it one of the most well-known human rights declarations ever written. Tolerance for torture and humiliation by terrorists and criminals alike has been enacted. Immediately after the adoption of the Universal Declaration of Human Rights in 1948, the United Nations convened to draught the Convention on the Protection of Human Rights and Fundamental Freedoms, after 1948, when the Declaration of Human Rights was adopted. In 1966, the United Nations adopted a set of principles governing people's civil and political rights. According to international rules, no punishment may be severe or humiliating. Cruel treatment, such as torture, is not permitted under any circumstances. Compared to the previous three paragraphs, this one has a lot more information.

There is a broad range of agreement on human rights, yet others are more concerned with the way people are punished.

There is no excuse for any form of inhuman or humiliating treatment. The fifth rule of the Universal Declaration of Human Rights states as much. Everyone has the right to a free and dignified existence, as stated in Article 3.

According to an international treaty, everyone has the right to work and live in a healthy and safe environment. Don't use any sort of torture or punishment that is cruel, demeaning, or humiliating. It is against the law to carry out medical or scientific research without the agreement of the individual involved. Everyone in prison should show compassion and respect for the inherent dignity of every inmate. There is a strong consensus among UN human rights experts

that physical punishment is always prohibited under Article 7 of the International Covenant on Civil and Political Rights (ICCPR) (ICCPR). In compliance with Article 6 paragraph 1 of the ICCPR, this is what we're going to do.

It's everyone's right to live a long, healthy life. Legislation is needed to protect this right. Before a person's life may be taken, a process must be completed. For the most serious crimes, several countries still use the death sentence. A total of two separate italicised portions appear in this sentence.

According to the International Covenant on Civil and Political Rights, this is the situation. It is only possible to condemn someone to death for their "gravest offences" (ICCPR). If "severe crimes" are not described in a clear way, the death penalty for adultery does not seem to be admissible under international law.

The Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in 1984 by the UN General Assembly to define torture. The General Assembly of the United Nations has defined "torture" as any act that causes great suffering or agony.

Punishing a person who has done something wrong or is thought to have done so.

As of this writing, 50 countries, including Nigeria, Sudan, and Saudi Arabia, have signed the agreement. This pact has become worldwide common law because of its extensive use. Therefore, not just the countries who signed the pact are bound by it. A total of 81 countries' constitutions prohibit torture and other inhuman or humiliating punishments. Torture is permitted under the "general rule of law." Even if a person's actions result in "lawful consequences," they aren't always going to inflict "severe pain or suffering."

Group Amnesty International thinks that capital punishment is the most heinous and terrible way to punish people. There are more executions that don't follow universally agreed-upon standards, especially public executions like stoning. In December 2001, the UN General Assembly said that it was "deeply concerned" about this. When Iran said on December 26 that it was suspending the punishment of death by stoning as part of its talks with the European Union, Amnesty International was very happy about it. In December 2002, the Supreme Leader of the Iranian Judiciary issued a decree that put a stop to stoning. Amnesty International was pleased with the move.

Owning and contemporary standards of societies

For people who want to fight the stoning punishment, the last thing they can do is try to change society's standards of decency. When someone stones someone, it makes them feel bad. It is because we have become more civilised, and we don't do things like that. That's what Emile Durkheim thought. He said that when you look at society's punishments, you can see its "true nature." Because they have a history of torturing people, people don't like this punishment.

There are many times when two words are used together, like when one person refers to a punishment as "just" while another person calls it "torture." Torture was often a precursor to the punishment that society gave to the person.

Cruel, unusual, and punishment are all words that are used in the debate about whether or not stoning should be called a cruel punishment or an unusual punishment have changed into something else. Is it better to use the concept of cruel and unusual punishments in a way that is in line with today's values and customs, or to use it in a way that isn't?

Abolition of stoning or moratorium

Islamic and Jewish texts mention stoning, but there may be evidence, procedures, and laws that make it difficult for people to get stoned. For example, there isn't a perfect religious criminal justice system. If there is a doubt, proof is needed, and the 21st century has made stoning less common than it used to be.

A title of God called "Strict Justice" is often used to describe judges of the Rabbinic Courts. This term is also used in the Bible to refer to these judges, and this term is often used to refer to these judges.

A stoning was only used for things that hurt the whole community, as set out in Jewish law. It was done in groups because the prosecution asked witnesses for the first stones to be thrown. In order to keep witnesses from making up evidence, they were made to carry out the execution.

Islamic thought has changed over time, and there are many different schools of thought. A lot of people have disagreements that are serious and long-lasting. Hudood is seen by a very small group of Muslims as a very important part of being able to call a "Muslim majority society" "Islamic" in the eyes of most Muslims. If the hudûd is found in textual sources like the Quran and tradition, some Muslims believe that it must be used in a reasonable and "ideal" way in order to work. Thus, it is important to focus on things like improving social justice and preventing problems like poverty and illiteracy from getting worse. Muslim texts that talk about Hudood are out of date and should not be used in modern Muslim cultures, a small but vocal group of Muslims says.

Stoning people who aren't faithful is mentioned in both the Qur'an and the Sunna. This is the practice of all Muslim jurists, past and present, regardless of which school they follow, even if they don't agree with each other (tradition). People who study Islam are very different when it comes to how they read and apply some of these books, as well as how they think they should be used in today's world.

Muslim jurists, both historically and today, believe that these penalties are Islamic, but that the circumstances in which they should be used are hard to get back. So, these penalties "almost never" work. hudood would then act as a "deterrent," stopping an attack in order to make the believer understand how important his or her actions are and how they need to be punished in this way. Even though the punishments are based on Islamic law, the circumstances in which they should be used are not good.

In Islam, "Hudoud penalties" should be avoided when there is a question about what to do. This is based on the idea that prophetic tradition tells us not to use Hadd punishment when possible, so it's true. In Hudud punishment, there must be a very high standard of proof. Even the Shari'ah suggests that a court give an accused person who has confessed to a crime the chance to change their story.

For the sake of fairness, there are very strict rules for proving adultery in the courts. Two people can't testify against you. You must have four men testify against you or you have to admit to the crimes you've done, or you have to pay. The offender should be able to make up with God on his own, some jurists say. They are bound by the practical concern that if the charge is not true, they could be punished for falsely accusing someone of adultery, which could hurt them.

In December 2002, the Iranian government said that they were ending the practice of stoning people. There will be less executions by stoning, Iran's court chief said, and other methods of punishment will be used instead, the New York Times reports. Islamic jurists say that stoning is an important part of Islamic law, so it can't be abolished in its entirety. He didn't say if this was a short-term or long-term change.

Shi'i Islam is more willing to work out legal problems than Sunni Islam, which sees the Caliphs as having power because they come from the Prophet's family. Twelver Shi'ism is one of the twelve main Shi'ite sects. It is one of the most well-known of the twelve. Soon, the "hidden Imam," who went away as a child, will return to rule the Muslim world. Mullahs can interpret the rules while the Twelfth Imam is covered up. As a Muslim jurist, Ijtihad might help Shi'i clergy in Iran when they have disagreements with traditional Islamic law and international human rights.

Governments: As president of Iran, Rafsanjani was known for suggesting that stoning was a barbaric penalty for judges who had no regard for human decency. Shi'ism may be reviving the practice of Ijtihad in this region of the globe. In a fatwa, Grand Ayatollah Naser Makarem Shirazi remarked, "Death by stoning may be substituted with alternative penalties." As a result, several Iranian jurists have spoken out against the practice of stoning. The role of an imam in Iran's spiritual capital, Qom, cannot be overstated. There's a lot of interest in Shirazi. More and more, many Shi'ite Muslims in Iran follow the teachings of its most prominent religious leaders. Ayatollah Hussein Mousavi Tabrizi, Iran's top cleric, declared in Qom that contemporary society must put an end to the practice of stoned people. It is a penalty that has the potential to harm the image of Islam. Stopping it would be utterly Islamic.

The present understanding of Judaism agrees with this viewpoint, even though it has been around for some time already. This criterion does not apply in the cases of genocidal acts, atrocities committed in the course of war, crimes against humanity, anti-Semitic acts, and acts of treason. Except for them, Israel has abolished all criminal activity. Adolf Eichmann was the only person to die in Israel as a result of his crimes: an Israeli hung him.

But that's not all. (State of Israel v. Tamir, p.d. 37(ii) P.D., Elon's opinion)

Even the most heinous offenders had to be treated with respect and decency when they were sentenced in court. These issues apply to a certain extent if the judge believes that imprisonment, for example, is suitable and necessary for the time and place at hand. For Heaven's sake, he will do anything he wants, no matter the consequences.

Human dignity should not be taken for granted at any point in our lives. "He must be careful not to hurt their feelings," he says. Jews say that death by lethal injection must be done very carefully and with a lot of respect for human dignity. It's important to follow the "Love your

fellow man as you love yourself" and "Choose for him a compassionate death" rules when killing an animal. It means that even someone who has been found guilty is one of your "fellows."

Stoning adulterers, even though the punishment in Islamic law isn't always followed, is still used in many orthodox Muslim countries, especially those that are poor and rural.

Conclusion

Retribution was first taught to the Israelites by Ibn Abbas, according to Imam Bukhari's Hadith. From this data, we may infer that these punishments have been used by a wide range of ancient civilizations. If you think about it, stoning is widely accepted in Iran and other Muslim nations. Punishment may be handed down if it is in keeping with Iran's cultural and historical traditions. When stone-throwing has been forbidden or put on hold, the prospect of stoning only after a moratorium or an end to stone-throwing should be explored.

According to most Islamic scholars, stoning is not permitted in the Quran. To be sure, the Quran has roughly twenty-seven passages that speak of stoning as a penalty for adultery and other transgressions against God. In this instance, lashes are the preferred option.

There's more: Although the most severe type of death sentence, stoning, is reserved for the most serious offences in Shariah, Jewish law punishes false charges of adultery with eighty lashings.

Not that stoning should be outlawed, but rather those Islamic countries that currently practice stoning may learn from Jewish and Shiite viewpoints. This means that even while certain countries may arbitrarily penalise and severely limit human rights; this is done against Islamic law rather than in line with it. The ability of religions to alter and adapt to new ideas is a factor. "Faiths are for people, not people for religions, according to the Bible. As a result, we must revise our Islamic laws to reflect the realities of our day.

References

- Alnoovi. 1407 Lunar Hejira. Sahihe Moslem, Lebanon: Dar 'Ketab Arabi Publication, [In Arabic].
- Amnesty International. [Online]. Available: www.amnesty.org.
- Aslan, Reza. "The Problem of Stoning in the Islamic Penal Code: AN Argument for reform," UCLA J. Islamic & Near E. L. 91, (Fall/Winter 2003-2004).
- Bahrami, Mhommad. 1376 Solar Hejira. "Islamic Jurisprudence and Legal Analysis of Hudoud Punishments Are To Be Prevented in Case of Doubt" 5 Legal Viewpoints Journal [In Farsi].
- Berkowitz, Beth. Symposium: Rethinking Robert Cover's Nomos and Narrative: Negotiating Violence and the Word in Rabbinic Law 17 Yale J. L. & Human 125, (winter, 2005).
- Bokhari; Mohammad Ibn Esmaeil. 1401 Lunar Hejira. Sahihe Bokhari, Lebanon: Dar 'Fekr Publication, [In Arabic].

- Durkheim, Emile. 1933. *The Division of Labor in Society* (George Simpson trans., The Free Press).
- Ebrahimi, Eesa. 1333 Solar Hejira. *Philosophy of Punishment in Islam*, 38, Bar Association Journal, Tehran. [In Farsi]
- Emam Malek. 1985. *Motan, Lebanon: Dar ‘ehyae Torase Arabi* Publication, [In Arabic].
- Justice Elon’s opinion in the Tamir case. (1999). translated into English, is reprinted in full in *Elon, Jewish Law (Mishpat Ivri): Cases and Materials*, New York: Matthew Bender & Co, Inc.
- Lewicki, Edna Boyle. *Need World’s Collide: The Hudad Crimes of Islamic Law and International Human Rights*,” *New York International Law Review*, (summer, 2000).
- Madani, Arefeh. 1374 Hejira. *Execution of Criminal Sanctions*, Tehran: Majd publication. [In Farsi]
- The Mishnah.1988. *A New Translation* by Jacob Neusner, New Haven: Yale University Press.
- Mohammadi, Abolhassan. 1374 Solar Hejira. *Islamic Criminal Law*, Tehran: University publication.
- Mohaghegh Helli. *Sharaye ‘Islam*, (translation by Abdo ‘Ghani Ebn Abi Taleb). [In Farsi]
- Rosenberg, Irene. “Maker of God’s Mercy and the Four Biblical Methods of Capital Punishment: Stoning, Burning, Beheading, and Strangulation,” *78 Tulane Law Review* 1169, (March 2004).
- Shahid avval.1376 Solar Hejira. *Lomeh Demeshghieh*, (translation by Ali Shyravani), Qom: Dar ‘Fekr Qom publication, [In Farsi].
- The Jerusalem Post Newspaper, Online news from Israel.
- The Talmud.1989. The Steinsaltz edition By Adin Steinsaltz, New York: Random House. Tariq Ramadan. April 02, 2005. *Calls for a Moratorium on Stoning in the Islamic World*, [Online]. Available: <http://www.jihadwatch.org/dhimmiwatch/archives/005577.php>.