A Clarification of Questions
An Unabridged Translation of Resaleh Towzih al-Masael

by

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APPENDIX II


PENAL CODE: PUNISHMENTS

The merciful Prophet was a messenger of bounty: Those who follow the west imagine that the Islamic precepts are harsh. These people do not know at all what these precepts are for. It is like a physician who holds the knife and tears the abdomen in order to remove a cancerous gland and someone says: That physician who cuts off the head does it because that hand will purify the human body. This society is like the human body and sometimes, for rectifying a society, it will discipline (punish) a person, such punishment that on occasion results in his killing. One who commits a country, or a group, and is irremediable, he must be eliminated for the sake of purifying and protecting the society: this cancerous gland must be removed from the society and its removal is done by executing him. Such are the Islamic executions, not like the western executions that they rush in and kill and annihilate in order to make a place for themselves. Islamic executions are bounty (beautiful) executions, when one punishment of the deserving punishment is executed the society will be rectified. If the hands of four thieves are cut off in a public gathering (theessey) will end. If four people who are afflicted with prostitution are flogged, prostitution will die. This is that cancerous gland that a physician is forced to remove in order to preserve a man's life (Imam Khunastiri, 4/19/1356/1979).

APOSTASY

1 — Apostasy is leaving Islam and accepting infidelity. One who turns from Islam to infidelity is called an apostate and that is of two kinds: 1) immediate apostate, and that is a person that one of his father or mother was Muslim when his soul was being jilied, and who instructed Islam following puberty and then left Islam. 2) National apostate, and that is a person whose father and mother were infidels when his soul was being jilied and he has expressed infidelity after puberty, and because of an original infidel (kaffir i asari), then he embraced Islam and later has returned to infidelity; such a person who originally was a Christian and became a Muslim and then returned to Christianity.

Tahir al-as-Sulayl, Volume 2, P. 366

2 — Infallible apostate: embracing of Islam is apparently unacceptable and, if a man, his ruling is execution and, if a woman, she is condemned to prison for life and (with) beating when praying and strangling of livelihood, but her repeating is acceptable and she will be freed if she repents.

3 — A national apostate will be caused to repent and in case of refusing to repent will be executed. And it is preferable to give a 3 day reprieve and to execute him on the fourth day if he refused.

4 — Murder, robbery, knowledge, and interest are credible in ruling on apostates.

5 — The child of a Muslim or that of an apostate, whether national or infidel, is considered Muslim before the father's apostasy, and therefore, if the child reached puberty and chose infidelity he will be asked to repent (and to return to Islam), else he will be executed.

6 — Apostasy is proven by the witnessing of two just men and by confession.

RETAILIZATION (GHASAS)

2 — Conditions of retaliations

(1) Equality in liberty and bondage, and therefore a free will be retaliated via a free.
(2) Equality in religion, therefore Muslims will not be retaliated for infidel; unless a Muslim has a habit of killing infidels.
(3) The slayer is not the father of the slain, nor the paternal grandfather (apparently).
(4) Reason and wisdom.
(5) Punishment: That he religiously does not deserve to be killed, such as when a person is forced to killed to self-defense.

MULTIC AND BLOOD MONEY

Articles: 1 — With consent and agreement of the multi-owner the above-mentioned cash penalties may be paid in part cash and part commodity matter.

2 — If a person commits killing [someone] during the unlawful month, that is in Rajab, Zengha'ith and Zaatizajj and Muharram, or if he commits the killing within the sanctity of the Great Mosq, 1/4 of each of...