

# Yr.11 GCSE Revision guides on Religious Attitudes to Crime and Punishment.

## Section1 – Different types of crime; the aims of punishment; punishments in the UK; the age of criminal responsibility; does prison really work?

### 1) *What different types of crime are there?*

Under criminal law there are three types of crime committed by offenders. They are:

- **Crimes against the person.** This type of crime is directed at an individual or a group of people and includes such things as mugging, stabbings, hate crime (such as cyber bullying), neglect of children, rape and murder.
- **Crimes against property.** The majority of all criminal offences are crimes against property and include offences such as shoplifting, house burglary, vehicle theft, vandalism and film and music piracy.
- **Crimes against the state.** This type of crime includes offences such as benefit fraud, false accounting to deceive Customs & Excise Inland Revenue.



Many people feel that although all crime is serious, crimes against the person are particularly serious. For example, a business man might get a one year **custodial** (prison) sentence for false accounting and some one else might get exactly the same sentence for the vicious mugging of an old women. Crimes against the person might see the offender barred from adopting children and working in the Police Force or any

job working with young people.

### 2) *Why does society punish criminals?*

There are six main aims of punishment:

- **Deterrence** – punishment aims at deterring the criminal from repeating the crime. Also the fear of punishment will prevent others from committing crimes.
- **Protection** – criminals are locked away to protect society and sometimes the criminal themselves.
- **Reform** or **Reformation** – punishment should also help the criminal to change and become a better and more responsible member of society.
- **Reparation** – punishment helps pay back to society to wipe the slate clean for the original offence.
- **Retribution** – punishment is a way for society or the victim of crime to get their own back for the crime committed. This ties in with the Old Testament saying ‘an eye for an eye and a tooth for a tooth.’

- **Vindication** – if you vindicate the law you are showing that the decisions of the law are correct. So by punishing the criminal you are showing society that the law is just.

3) *In what ways does society punish individuals in the UK?*

There are a number of punishments depending on the severity (seriousness) of the offence:

- **Conditional discharge** – the offender simply has to promise not to re-offend. Used for minor offences.
- **Cautioning** – the offender is cautioned not to re-offend by the police. If they do the original offence will be taken into account.
- **Probation Order** - the offender must report to a probation officer for a period of up to three years. The probation officer will help them to stay out of trouble and reintegrate back into the community
- **Tagging** – electronic tags are attached to the offenders ankles which transmits signals to a local police station so that police can monitor their movements. Offenders are often given a **Curfew Order** (they must stay at home during the evening and at night). Tagging is often used on prisoners released early from prison on parole. Tagging can last between two weeks and two months and is designed to help reform offenders.
- **Fines** – usually for lesser offences.
- **Community Service** – the offender undertakes unpaid work in the community from between 40 to 240 hours.
- **Secure Units** – for offender under 18. Offenders are not severely punished but are given privileges, like sports facilities and days out called **Mobility**, to re-integrate them back into society. Remember **Robert Thompson** and **Jon Venables**?
- **Young Offenders Institutions** – prisons for offenders under 18. An example would be **Feltham**.
- **ASBOS** – Anti Social Behaviour Orders – these can take a variety of forms but usually an offender is prevented from entering an **exclusion zone**. Remember **David Young**?
- **Suspended Prison Sentence** – the offender is given a prison sentence but not actually sent to prison. If the person re-offends then the original sentence is also carried out.
- **Imprisonment** – the offender can be sent to a **Category A or B** prison which are high security, or a **Category C** prison where they are allowed to work and mix with other inmates, or a **Category D** which is an **open prison**.
- **Parole** – the majority of prisoners do not serve their full prison term. If the prisoner has a life sentence then they are interviewed by a parole board who assess whether they are safe to be released back into the community. Other prisoners who are not ‘lifers’ do not meet the parole board in person. Sometimes the judge will impose a **minimum tariff** which means that the prisoner must serve a certain amount of time in prison before they can be considered for parole. Sometimes in the case of violent offenders the parole board recommend that the prisoner be moved to a Category D (open) prison before release into the

community. In class we saw a documentary looking at three prisoners applying for parole.

4) *How do these punishments tie in with the aims of punishment?*

A particular punishment might tie in with several aims of punishment at the same time. For example, **imprisonment** can be seen as **vindication of the law**, the **protection of society** and **retribution** for the victim of the crime as well as **deterrence** to the offender and other potential offenders. **Community Service** can be seen as **reparation** for the crime as well as giving the offender an opportunity to **reform**. **Parole** and **Suspended Prison Sentences** again give the offender the opportunity to **reform**. Some prisoners given **parole**, particularly violent offenders may also be **tagged**.

5) *What about young people? Are they usually given an easier time by the authorities?*

Usually every effort is made by the police and the courts to allow young offenders to **reform**. **Cautioning**, **Probation** and **Community Service** might be the initial responses of the police and courts. For more persistent and serious offences **ASBOs**, **Secure Units** and **Young Offenders Institutions** might be considered.

6) *What is the difference between a Secure Unit and a Young Offenders Institute?*

The emphasis in a secure unit is on **reformation**. Although **Robert Thompson** and **Jon Venables** committed the dreadful crime of murdering two year old **James Bulger**, the Judge decided that **reformation** in a **Secure Unit** would be the most beneficial thing to do. In a **Secure Unit** offenders have access to computers, sports facilities, enjoy a fairly relaxed regime and take trips out into the community. This is called **mobility**. In the case of **Thompson** and **Venables** many people argued that sending them to a **Secure Unit** had not allowed **retribution** for the seriousness of the crime. They argued that future young child murderers might not be **deterred** from such a crime and that the law had not been **vindicated**. *What do you think? Be able to argue your reasons!*

A **Young Offenders Institute** is a young person's prison and imposes a much harsher regime than **Secure Units**. The emphasis here is on **retribution**, the **protection** of society and **vindication** of the law. Remember **Feltham?** (BBC Panorama 2003).



7) *At what age are people held responsible for breaking the law?*

The **Convention of the Rights of the Child** calls for all nations to establish a minimum age of responsibility. In the UK it is **ten years old**. Both **Thompson** and **Venebles** were ten years old when they were arrested. ***Do you think that this age is correct? Remember to be able to argue your reasons!***

8) *Shouldn't there be more emphasis on **reformation** in punishments given by courts? Does it really do society any good sending people to **prison** and **Young Offenders Institutions**?*

Many would argue that prisons have become dumping grounds for offenders who actually need specialist help. Here are some thought provoking statistics:

- Britain locks up more people per head of population than any other European country.
- Over half of all prisoners and two thirds of young offender re-offend within two years of being released which indicates that reformation is not taking place.
- One prisoner commits suicide every five days in the UK.
- It is estimated that a third of all prisoners are in need of psychiatric care.
- Each prisoner costs the tax-payer about £35,000 per year – more than the average annual income.

**Kevin Henesy** in the (BBC Panorama 2002) video on life in Feltham was a young offender who had recently lost his mother, had become addicted to alcohol and yet was sent to Feltham. He **committed suicide** after only a few months. He quite obviously needed specialist help which was not given to him in Feltham.

9) *Are there any pressure groups who are critical of the prison system in the UK?*

Yes. **The Prison Reform Trust** argues that all too often prison **brutalises** and **dehumanises** individuals (particularly Category A and B prisons) who might benefit more from **psychiatric** help and general efforts at reformation like education and work in the community. They say that only one third of prisoners have committed dangerous crimes involving violence and sex-related offences. What do you think? Does prison all too often **brutalise** and **dehumanise** people?



9) *Is prison really working in this country?*

A few years ago, Sean Talbot, who works in both high security (Cat. A and B) and open prisons on the Isle of Sheppey, visited Fulston Manor. He spoke of the **Seven Pathways** programme which aims at reforming offenders. These include strategies

both inside and outside of prison to lay the foundations for offenders to make a full return to the wider community. He spoke of anger management courses where prisoners are encouraged to use an **interrupter** which will prevent them resorting to violence. An interrupter can be as simple as thinking of their children. He spoke of the opportunities given to prisoners to learn valuable skills that could be useful in finding employment outside of prison. He also mentioned the role of **voluntary agencies** outside of prison which helps ex-prisoners find accommodation, set up bank accounts and hopefully find employment.

When Sean Talbot was asked if prison works he gave a mixed response. He said that offenders need punishment (retribution) and society needs protection and there is some success at reform (The Seven Pathways). However, he also said that prison can be a **university of crime** where minor criminals become career criminals through the culture of prison.

In 2010 the **Justice Secretary, Ken Clarke**, said that prisons were not working. He talked about a 'revolving door' of prisoners coming out of prison and then reoffending and going back into prison. He spoke about employing private companies who would take charge **rehabilitating** offenders. The more offenders these companies can keep out of prison then the more money they will be paid.

## **Section 2: Why people commit crime; the role of individual conscience, duty and responsibility; Christians who have broken the law by following their conscience.**

### *10) Why do people commit crimes?*

**Criminologists** (people who study criminal behavior) say that a number of reasons can be given:

- **Social explanations** – a person's social peer group may have an influence, i.e., mixing with others who commit crimes, being part of the 'gang' and wanting to be accepted. Many gangs are involved in the supply of drugs which is a major reason that people become involved in crime. Young people from broken homes who might have been victim to abusive parents are far more likely to leave school with no qualifications. Lack of positive role models might mean they become absorbed into a criminal culture where criminal activity brings status and a sense of worth within the criminal community. Criminal activity gives some people a buzz or high which they might find addictive.
- **Environmental explanations** – a person's background, i.e., poor housing, overcrowding, poverty, unemployment, lack of education, broken home. A case study could be **David Young – BBC Panorama 2002**. **Aileen Wurnous** also came from a broken home and was abused as a child. At times of economic recessions crime rates go up because people living in poor areas with inadequate housing and poor job prospects may be tempted to turn to crime.
- **Psychological explanations** – a person has emotional and/or mental problems. They may have a personality disorder. Theft may result from someone suffering from **Kleptomania** (an uncontrollable urge to steal things.) They may have

**severe learning difficulties** and might have left school with little or no qualifications. They feel that they cannot access the job market and so turn to crime. Most of the current UK prison population has learning difficulties. Many people who have psychological problems such as **bi polar disorder** (manic depression) may become alienated from society and seek refuge in illegal drugs or alcohol. They may turn to crime to fuel this addiction.

- **Genetic explanations** – recent research suggests that some criminal behavior might be inherited i.e. it is within our **genetic make up**. In a study by Professor Terrie Moffitt from King's college London in 2005 using identical twins who have the same genetic make up, research found that psychopathic (not having any sympathy of feelings for other people) seemed to be inherited. People with psychopathic tendencies will be far more likely to become engaged in criminal behavior.

### 11) *Is the crime rate going up in the UK?*

Crime rates in the UK have risen steadily over the last 50 years. In 2002, 7 million crimes were reported to the police. However, people dispute whether we are living in a more criminal society. It might be that with better surveillance equipment like video cameras and better burglar alarms that police detection rates are higher. With more people having more consumer items like ipods and mobile phones, it might be that there are more things to steal in our society. With the growth of communication technology there are also crimes like cyber bullying which did not exist years ago.

### 12) *Why is there so much crime about today?*

There are many reasons that people put forward to answer this question:

- **Unemployment**, especially amongst the young, tempts people to crime.
- **Advertising** through the media makes people feel inadequate if they do not own the latest consumer items like designer labels and mobile phones, and so they are tempted to steal.
- Some people would argue that there is a **breakdown in moral and spiritual values in society**. They might put this down to breakdown in family life and the fact that religion has a diminishing role in our society. **Pope Benedict** in his recent visit to the UK spoke of the danger to society when we lose our Christian values and choose to live selfish lives. When we become selfish and not consider the wider feelings of those around us we become bad citizens and lose touch with our **individual conscience**.



### 13) *What exactly is an individual conscience?*

**Conscience** is the inner feeling you get when you are doing right or wrong. So someone might have a good conscience or a bad conscience. Following our conscience usually makes us realize that we have a **duty** (a moral or legal obligation) not to break the law. Because we have to live with other people conscience can give us a stronger sense of

**responsibility** towards both ourselves and the wider community.

14) *Where does conscience come from?*

A famous Christian called **St. Augustine** said that conscience is ‘the voice of God’ inside human beings. For Christians it is part of what makes us sacred creatures. By following our conscience and showing compassion to other human beings we are bringing ourselves into a closer relationship with God. We saw a DVD in class about Billy McCurrie, a convicted Northern Ireland loyalist terrorist who murdered a man and felt no remorse or conscience about it. It is only when he converted to Christianity that he felt an inner voice inside him tell him how he had sinned against his fellow human beings and against God.

15) *Under what circumstances would a Christian follow their conscience and break the law of the land?*

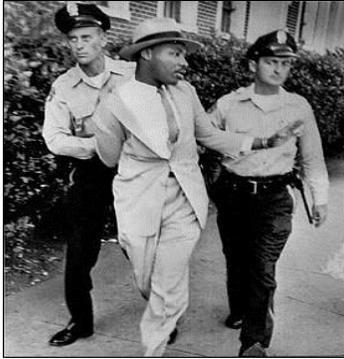
Christians will generally uphold the law. St. Paul taught that “***Everyone must submit himself to the governing authorities, for there is no authority except that which God has established.***” This implies that governments have the backing of God. But what happens when governments make laws which go against the **religious code** of Christians? What happens when governments pass laws which defy the **sanctity of human life**? In such circumstances many Christians feel justified following their conscience and breaking the laws of the land.

16) *Did Jesus ever break any laws?*

Jesus himself got into trouble with the **Teachers of the Law** in the New Testament when he broke **Jewish Sabbath law** by healing people on the Sabbath day. He also overturned the moneylender’s tables in the Temple because he felt that they were insulting the true purpose of the Temple which was to worship God. It was this protest in the Temple that led up to his arrest and final crucifixion.

17) *Who are examples of respected Christians who have felt justified in following their Christian conscience and breaking the law?*

- **Martin Luther King** engaged in **bus boycotts** and **peaceful sit-ins** which broke the law in 1960s America. He felt that segregation went against Christian principles and the sanctity of human life. Even though he was strongly opposed to the ‘governing authorities’ in Southern States of America, he still followed Christ’s example and forgave those who were sinning against him. He often quoted Christ’s words: ‘Love your enemies and pray for those who persecute you.’



- **Dietrich Bonhoeffer** felt that the Nazi ‘governing authorities’ were so evil and anti-Christian that he broke the law by helping persecuted Jews escape Germany. He was finally executed for being involved in a plan to assassinate Hitler. He could see that the Nazis defied the sanctity of human life and oppressed people in a brutal and inhuman way. Bonhoeffer might have used the following words of Jesus to justify his actions: ‘(God) has sent me (Jesus) to proclaim liberty (freedom) to the captives and....to set free the oppressed.’ The oppressed in this situation were the persecuted Jews.

18) *Surely it can't be always right for religious people to take the law into their own hands?*

MLK and Bonhoeffer are two respected Christians who are generally seen as right to have broken the law. There are, however, Christians in America who blow up abortion clinics and threaten abortionists with death in the name of Christianity. They believe abortion defies the sanctity of human life. Certainly not all Christians would agree with this course of action. A more extreme example are the 9/11 terrorists who may have believed that they were doing the will of God by striking out against an evil **infidel** regime – America who they claim has oppressed Muslims throughout the world. Clearly then there are dangers when religious people decide to break the law.

### **Section 3: Christian attitudes to crime and punishment; issues surrounding capital punishment; Christian attitudes to capital punishment.**

19) *What are Christian attitudes to crime and punishment?*

Christians follow the example of Jesus who taught of the importance of **compassion** and believed in a God who **forgives** those who **repent** of their sins. Therefore, although Christians will generally uphold the law they see one of the main aims of punishment as **reformation**. Christians believe that **punishment, forgiveness and reform** can all go together. **Elizabeth Fry** was a 19<sup>th</sup> century **Christian prison reformer** who believed prisons should show compassion and forgiveness (revise your H/W on Elizabeth Fry).



20) What Bible quotes might a Christian use to help them understand what their attitude and role in relation to offenders should be?

- Jesus said **‘Anything you did for one of my brothers here, however humble (unimportant), you also did for me’**. This highlights the fact that Christians have a duty to help some criminals who might be outcasts from society. By helping criminals to reform and showing them compassion means that a Christian is not only helping the offender but they are also serving God.
- “Jesus said **‘God has sent me to proclaim liberty (freedom) to the captives..... and set the oppressed free’**”. This does not mean that all offenders who are captive (locked up) in prison should be set free. It means that once again Christians have a duty to help those offenders who might feel ‘oppressed’ in prison or who are alienated from society. By helping to reform them and maybe sharing the good news of the Christian religion with them then these offenders can be ‘set free’ in themselves.
- **The Parable of the Lost Son**. The lost son here can represent the offender while the forgiving and compassionate father represents God. The offender should be forgiven if they truly repent. Christians should not be like the older son who follows the father’s rules by being religious on the outside but unforgiving on the inside. We should follow God’s example by offering forgiveness to those who repent and reform.

21) Does this mean that Christians are obliged to forgive criminals who claim to have repented of terrible crimes like child abuse and murder?

This is a very difficult question. In class we saw the film about the Roman Catholic Lord Longford and his relationship with Myra Hindley who in the 1960s along with her boyfriend Ian Bradey helped to kidnap young children who were subsequently tortured and murdered. Lord Longford tried to apply the Bible quotes above in question 13, to his own relationship with Myra Hindley and told her that if she truly repented then God would forgive her. He even prayed to God to help him love the sinner (Myra Hindley) while hating the terrible crimes that she committed. He campaigned tirelessly on her behalf trying to get her parole because he believed that a humane and compassionate society should even allow the likes of Myra Hindley the opportunity to demonstrate that they have reformed. Not all Christians agreed with Lord Longford’s campaign to free Myra Hindley. Some doubted that she ever truly

reformed and some said that she must have been intrinsically evil to commit such crimes.



17) When was the **death penalty (capital punishment)** abolished in the UK?

The last person to be put to death in the UK was in 1964. A year later Parliament abolished the death penalty for a trial period of five years. In 1969 it was officially abolished altogether. There were many people who argued that it was wrong to abolish the death penalty and the debate has continued to this day.

Remember **Ian Brady and Myra Hindley** both narrowly avoided the death penalty – they were convicted of child murder in 1965.

**Note – the trial of Ian Huntley for the murder of the school- girls Holly Wells and Jessica Chapman has re-ignited the Capital Punishment debate. You could certainly mention this in the exam.**

18) What are some of the main arguments for and against Capital Punishment?

Arguments for:

- It is the only proper form of **retribution**. If you take a life you should expect to lose yours. The families of murder victims deserve the right to know that the person who has inflicted this terrible crime is no longer alive.
- It is the only effective form of **deterrence**. If you know that you could die yourself you are less likely to murder someone.
- It is the only effective way of **protecting** society. A ‘life’ prison sentence usually means from between 10 and 20 years. Most murderers are going to be released at some time and can therefore harm others again.

Arguments against:

- The justice system is not **fallible** (it can make mistakes). **Innocent** people can be executed. **Derek Bentley** and **Timothy Evans** are two people who were executed for murder in this country and were subsequently pardoned. Barry George was imprisoned for the murder of TV presenter Jill Dando, yet recent investigations point to the fact that he may well be innocent. You may have seen a documentary in class called **14 Days in May (BBC TV 1987)** in which an innocent man, Edward Johnson, was gassed to death for the supposed crime of sexually assaulting a white woman and murdering a black policeman.
- Capital punishment does not allow for **reformation**. In 80% of murders the murderer knew the victim well and in the majority of cases they belonged to the same family. Domestic murderers are highly unlikely to carry out another act of violence once they have been released.
- There is no clear evidence that the death penalty deters other murderers. In the USA states that still have the death penalty do not have lower murder rates.

**Remember in a recent UK survey 71% of people questioned wanted capital punishment returned to the UK. Why do you think this is?**



19) *Are there any pressure groups who are opposed to Capital Punishment?*

Yes. **Amnesty International** is working for a worldwide ban on Capital Punishment which it believes is barbaric and degrading. Amnesty International publishes statistics on the death penalty worldwide. This is because some countries such as China try to keep their executions a secret. Amnesty International also hires lawyers to defend those on trial for their life. **Reprieve** is another organization campaigning to prove the innocence of some people on death row in the USA.

20) *How might I use the case studies that we have looked at in class for the exam?*



old girl called April Jones.

We looked at two case studies: *Lifers – Living With Murder* (BBC TV 2003) and Nick Broomfield’s documentary called *Aileen* (Channel 4 TV 2004). If you mention these case studies in an exam don’t just write about them but also personally respond to them to help strengthen an argument that you might be making. There has more recently been the shocking case of Mark Bridger who assaulted and murdered a five year

**Lifers – Living With Murder (BBC TV 2003)**

This documentary told the story of Trevor who in 1981 murdered his landlord because he had set an Alsatian dog onto him after a dispute. Trevor is interviewed in prison in 1982 and is interviewed again today after his release from a life prison sentence. The documentary raises the following issues:

- In the 1982 interview Trevor shows no remorse. There is a scene when Trevor is being interviewed today when he breaks down in tears and says how truly sorry

he is for the murder he committed. He has no reason to lie as he is no longer on license (he will not be returned to prison for this crime). Has Trevor **reformed**? What do you think?

- Trevor describes what it is like to spend 17 years in prison and it sounds extremely unpleasant. Do you think that **retribution** and **vindication** have been achieved by this life sentence even for murder?
- By looking at how Trevor is today do you think that society still needs **protecting** from him? Is he still a danger or has **reformation** really taken place?
- Look how 17 years in prison affects Trevor today. How will it affect future close relationships especially a long-term relationship with a woman? Will it be possible for him ever to marry? The murder that he committed in 1981 will clearly profoundly affect the rest of his life.



#### **Aileen (Channel 4 TV 2004)**

This documentary tells the story of Aileen Wuornos who while working as a prostitute murdered seven of her clients in one year. She was given the death penalty by lethal injection in a Florida prison earlier this year. The documentary raises the following issues:

- Is capital punishment an effective **deterrent**?

Nick Broomfield (the film maker) says that there is statistical evidence that American states without the death penalty have lower murder rates than states with the death penalty. Does this statistic affect your views on capital punishment?

- Does capital punishment achieve effective **vindication** and **retribution**? Aileen Wuornos makes it absolutely clear that for her the death penalty is much more preferable than life imprisonment. She seems quite relieved to be finally facing death. It is seen by her as the easiest option. Think about other murderers who have felt the same way – Ian Huntley and Ian Brady both tried to commit suicide. Fred West (a serial killer in the 90s) and Dr. Harold Shipman (a serial killer who may have murdered over 100 of his patients) both succeeded in committing suicide.
- There are clearly issues surrounding Aileen's mental health. She is believed to be suffering from border line personality disorder which makes her victim to paranoid delusions (she feels that the prison authorities are using sonic pressure in her head etc.) Do you think that it is right to execute someone who is partly insane? Aileen is certainly not the only prisoner on **death row** with severe mental problems.
- Do you think that **retribution** and **vindication** would be better achieved if Aileen was given long term psychiatric help to enable her to face up to the terrible crimes she has committed. Would it be better if she felt sorry for what she has done and to some extent reformed like Trevor, or are her crimes so bad that either sane or insane she deserves to die?

21) *What about Christians? Are they for or against Capital Punishment?*

There is no real general consensus. Many Christians, particularly in the USA, would argue that the death penalty is just and proper retribution. It is fair to say that most Christians, however, would tend to argue against the death penalty.

22) *What reasons would Christians give for being against capital punishment?*

Christians believe that we are created in the image of God (Genesis) and therefore to kill someone is also to destroy part of God, and so by implication Capital Punishment is a **sin**. Christians talk about the **Sanctity of Life**: life is **sacred**; it is God given and so no one has the right to take human life away except God.

23) *Did Jesus ever say anything about Capital Punishment?*

Jesus was a Jew and Jews did have the death penalty for a number of offences - in fact it was written in the **Law of Moses**. In John's gospel, a woman is brought to Jesus for stoning after committing adultery (a capital offence according to Jewish law). Jesus asks the woman's persecutors to look at themselves and ask if they are without **sin**. He then goes onto **forgive** the woman as long as she does not sin again. So Jesus shows **compassion** and allows for **forgiveness** and **reformation**. You could say that in this situation Jesus displayed **relative** rather than **absolute morality**. Jesus was a victim of Capital Punishment himself and even on the cross he asked God to forgive those who are executing him.

24) *What other Bible passages might a Christian use in the capital punishment debate?*

- In the Old Testament it teaches 'An eye for an eye and a tooth for a tooth'. Some Christians therefore argue that if someone takes a life it is only right that they should lose theirs. So this quote might be used in an argument to support capital punishment.
- Jesus said: 'Love your enemies and pray for those who persecute you'. The enemy in this case may be a murderer. The implication here is that we should follow Jesus' example of forgiveness and compassion even towards someone who has taken someone else's life. So this quote might be used in an argument against
- Jesus said 'Love your neighbour as you love yourself'. This quote again upholds the sanctity of human life. The neighbour might be a murderer who nevertheless deserves our love. So this quote might be used to argue against capital punishment. However, if we think of the neighbour as the victim of a murder or the victim's family the quote might have a different application. For example, if we think of Holly Wells and Jessica Chapman as our neighbours then to execute Ian Huntley might also be to uphold their sanctity of human life. So in some cases this Bible quote might be used to support capital punishment.

Remember that Jesus himself received the death penalty of crucifixion by the Roman authorities. When he was on the cross the New Testament tells us that he said 'Father forgive them because they don't know what they are doing'. So even in the last agonizing hours of his life, Jesus forgave those who were mocking him and were responsible for his death.

## Section 4: Muslim attitudes to crime and punishment including Shar'iah law; the difference between a sin and a crime.

25) *What do Muslims believe about crime and punishment?*

Like Christians, most Muslims would uphold the law when it is in keeping with their religious code and upholds the sanctity of human life. The community of all Muslims is called the **Ummah**. Generally speaking although Allah is portrayed in the Qur'an as compassionate and merciful, the Qur'an teaches that deterrence is the most effective way of protecting the Ummah from crime. So for many Muslims deterrence might be seen as the most important aim of punishment. Some Muslims follow **Shar'iah** law while other Muslims follow a mixture of **Shar'iah** and **secular** (non-religious) law. Many Muslims, especially in the west, will follow the secular laws of the country they live in.



26) *What is Shar'iah law?*

Shar'iah law is law that is written down in the Qur'an and early Muslim writing – the Sunnah and Hadith. Shar'iah means the road of life and makes sin (rebellious against God) punishable under state law.

27) *What are examples of Shar'iah law?*

Shar'iah law advocates the use of public flogging for offences such as being dishonest in business dealings, committing adultery, gambling and consuming alcohol. Thieves may have a hand amputated. In actual fact public floggings and amputations are not common occurrences in countries that follow Shariah law. The Qur'an says: "As to the thief, male or female, cut off his or her hands: a punishment by way of example (deterrence), from Allah for their crime... But if the thief **repents** after his crime, and amends his conduct, Allah turns to him in forgiveness". Some Shariah courts will therefore not impose amputation for a first offence if the thief repents they will only impose amputation for persistent thieves. So

although Shariah law is primarily about deterrence it does have reform written into it as well.

27) *Give examples of countries which adhere to Shar'iah law.*

Somalia, Iran, parts of Afghanistan, Nigeria and Saudi-Arabia follow Shar'iah law.

28) *What are some of the difficulties connected to Shar'iah law?*

We saw a documentary in class called Atefah's Story (BBC TV 2006) which told the story of a sixteen year old Iranian girl who was frequently flogged and finally executed by hanging for 'crimes against chastity'. This was clearly an example of Shariah law being abused by the state. We came to the following conclusions about Shariah law:

- If Shar'iah law is the law of the country what happens if you do not happen to be a Muslim? Is it fair that you should be governed by laws that you do not agree with? For example, why can't westerners drink alcohol in Saudi Arabia?
- What about free will and personal freedom? Can laws like this be oppressive? Is it any one's business how we conduct our private life. Remember that under strict Shar'iah law unmarried teenagers of the opposite sex can be arrested for just being alone in the same room with each other.
- Shar'iah law was devised some 1400 years ago for a fairly primitive desert culture where such punishments would not have been regarded as very harsh. In other words it is **culturally conditioned**. Should these same laws be imposed in the 21<sup>st</sup> century where attitudes have changed a great deal and they can be seen as uncivilized.
- Can countries who insist upon following Shar'iah law become isolated from the rest of the world?
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29) *Why do some Muslims disagree with implementing Shar'iah law?*

Some Muslims use the Quar'an and Hadith as a guide and not a set of rules. In other words they take a **relative** and not an **absolute stance** on their religious teachings. Most Muslims would acknowledge that adultery and theft are wrong but many **liberal** Muslims would consider public mutilation and flogging as totally inappropriate in a civilised society.

In 1990 Nigeria voted to reinstate Shar'iah law. Many people felt that because Shar'iah law is so harsh that it acts as a deterrent to people not to commit crime therefore protecting the **Ummah** (Muslim Community). In the documentary we watched in class some Nigerians were saying that they had a greater sense of freedom and security under Shar'iah law.

30) *What are Muslim attitudes to capital punishment?*

It is probably fair to say that most Muslims would be in favour of capital punishment for certain crimes. The Qur'an is clear about the necessity for execution in certain situations.

31) *What does Shar'iah law say about capital punishment?*

Shar'iah law recognises a few crimes as worthy of death: murder, insulting the names of **Allah** and **Prophet Muhammad**, **adultery**, homosexuality and leaving the Muslim religion. As for murder, the nearest relative of the murdered person has the right to pardon the murderer and accept a sum of money (**reparation**) rather than go ahead with execution. The Qu'an says :”But if any remission is made by the brother of the slain, then grant any reasonable demand and compensate him with reasonable gratitude”. **Make sure you revise worksheet 3.7.**

***Please note – you must be able to argue whether you believe capital punishment can ever be justified and why. In what circumstances? A domestic argument that gets out of control and ends in some ones death? Acts of terrorism?***

## **Sin and Crime**

32) *Christians and Muslims often talk about **sin**. What is the difference between sin and crime?*

A crime is an action that breaks the law of the country and is punishable by the law. A sin is an act of disobedience against the will of God, as indicated by religious rules and laws. What counts as a sin sometimes differs between people of the same religion, e.g., some Christians would believe it sinful to fight in a war where as other Christians would believe it sinful not to fight. Christians believe sin happens because humans rebel against God which is part of the **Adam and Eve** story in **Genesis** chapter 3. For Muslims living under Shar'iah law the concepts of sin and crime become one.

33) *So according to Christians do people commit crimes because they are sinful?*

In many cases yes: sinfulness can lead to crime. Christians often talk about human nature as **fallen**. This means that through sin we are separated from the perfection of God as shown in the Adam and Eve story. Committing yourself to the Christian religion can bring about **salvation** or an inner healing which brings us into a loving relationship with God who is forgiving as long as we have fully repented. Some people believe that even Myra Hindley experienced this inner healing in prison.