

Capital Punishment in Sacred Texts: A Comparative Doctrinal Study of Islam and Christianity

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ABSTRACT

This article explores how Islam and Christianity address capital punishment within their sacred texts. While most research emphasizes legal, ethical, or social aspects, the theological and scriptural foundations remain underexamined. Using a comparative doctrinal approach, the study analyzes the Qur'an and Hadith and the Bible to examine how each tradition defines the legitimacy, purpose, and limits of the death penalty. It highlights the balance between divine justice and human imperfection, as well as tensions between retribution and restoration. The findings reveal both common themes, such as the moral function of punishment, and notable differences, particularly in the areas of mercy, forgiveness, and non-violence. By foregrounding these scriptural insights, the article deepens understanding of religious perspectives on justice and supports further comparative theological research.

Keywords: Capital Punishment, The Qur'an, The Sunnah, The Bible, Islam, Christianity.

INTRODUCTION

Capital punishment remains a deeply contested issue, often examined through legal, ethical, or sociopolitical lenses. Yet the theological foundations underpinning the death penalty in major world religions have received comparatively little scholarly attention. Sacred texts guide moral and ethical reasoning within religious traditions, shaping perspectives on justice, punishment, and human responsibility. A comparative study of these texts can illuminate both shared principles and distinct approaches to capital punishment. Islam and Christianity provide diverse frameworks for understanding justice, human fallibility, and the moral limits of punitive action. The Qur'an and Hadith address retribution and divine justice in Islam, while the Bible explores sin, forgiveness, and moral accountability. This study employs a comparative doctrinal approach to examine how these traditions justify, limit, or critique the death penalty, highlighting convergences and divergences in theological reasoning. By focusing on scriptural insights, the research contributes to a deeper understanding of religious perspectives on justice and informs future work in comparative theology and ethics.

LITERATURE REVIEW

Capital punishment has long been a subject of scholarly debate, predominantly in legal, ethical, and sociopolitical contexts. Existing literature has explored its justification, deterrence effects, and implications for human rights (Bedau, 2017; Hood & Hoyle, 2015). However, comparatively fewer studies have addressed the theological and doctrinal dimensions of the death penalty across world religions, particularly through a scriptural lens.

In Islamic studies, scholars have examined the Qur'anic and Hadithic basis for capital punishment, highlighting both the conditions for its application and the emphasis on justice and mercy (Kamali, 2003; an-Na'im, 2008). Christian scholarship has explored biblical interpretations, revealing tensions between divine justice, forgiveness, and ethical obligations regarding life and death (Hauerwas, 1991; McCord, 2014).

While these studies offer valuable insights within individual traditions, a notable gap remains in comparative research that systematically analyzes doctrinal positions across the four major religions. Existing comparative

works tend to emphasize ethical or sociopolitical frameworks rather than direct scriptural and theological analysis (Cavanaugh, 2009; Radelet, 2010). This gap highlights the need for a study that examines both convergences and divergences in religious justifications, with a focus on scriptural authority, doctrinal reasoning, and theological interpretations. By addressing this gap, the present study contributes to a more nuanced understanding of capital punishment in a religious context, highlighting how sacred texts shape moral and ethical perspectives on justice, retribution, and mercy.

OBJECTIVES

- a) To analyze how each religion's sacred texts justify, regulate, or limit the use of capital punishment.
- b) To identify similarities and differences in doctrinal interpretations of justice, retribution, and mercy across these religious traditions.
- c) To evaluate the implications of these scriptural insights for contemporary discussions on the ethical and theological legitimacy of the death penalty.

METHODOLOGY

This study employs a comparative doctrinal approach to examine the treatment of capital punishment within the sacred texts of Islam and Christianity. The research focuses on primary religious sources, including the Qur'an and Hadith, and the Bible. Secondary scholarly literature, including theological commentaries and academic analyses, is also consulted to contextualize interpretations and identify prevailing doctrinal perspectives.

The study employs a qualitative textual analysis, systematically examining relevant passages and teachings to uncover how each tradition frames the legitimacy, purpose, and limits of the death penalty. A comparative analysis is then employed to highlight both convergences, such as the role of punishment in upholding moral order, and divergences, particularly regarding mercy, forgiveness, and nonviolence.

This methodology allows for a rigorous exploration of theological and ethical dimensions of capital punishment, emphasizing doctrinal reasoning rather than sociopolitical or legal practices. By focusing on textual and doctrinal evidence, the study aims to provide a nuanced understanding of religious perspectives on justice and contribute to broader comparative theological scholarship.

RESULTS AND DISCUSSION

A. Capital Punishment in Islam

The question of capital punishment in Islam is deeply rooted in the Qur'an, the Sunnah of the Prophet Muhammad (sm), and the broader framework of Islamic jurisprudence (*fiqh*). Unlike modern secular legal systems that often debate the death penalty in terms of deterrence or human rights, Islamic thought situates it within a theological and moral order where justice (*'adl*), mercy (*rahmah*), and the preservation of social harmony are paramount.

In Islam, capital punishment is considered within the broader concept of *ukūbāt* (penal sanctions) (Ibn Manzur, 1990). It refers to the legitimate taking of life by the state or legitimate authority for specific, gravely harmful crimes as defined in the Qur'an and Sunnah. Islamic legal tradition divides such punishments into three basic categories: *qisas* (retaliation for intentional murder), *hudud* (fixed punishments determined by revelation), and *ta'zir* (discretionary punishments determined by a judge). Each category is subject to strict evidentiary and procedural rules to ensure justice, prevent abuse, and protect the moral objectives (*maqāṣid*) of Shari'ah. The three categories of penalties in Shari'ah law (*Qisas*, *Hudud*, and *Ta'zir*) all include references to the death penalty as a punishment (*'uqubat*) for four particular offences (murder, adultery, apostasy and 'waging war against Allah') (Kirāz, 1981).

a. Qisas Crimes: Retaliation for Intentional Murder

Qisas (retaliation or retribution) laws follow the principle of 'an eye for an eye', and they cover murder or serious cases of intentional bodily harm (Ibn Manzur, 1990). They are administered under strict conditions to fit with the

sanctity of human life in Islam and involve the following offences against the person: a) Intentional or premeditated murder (first-degree); b) Quasi-intentional murder (second-degree); c) Unintentional murder (manslaughter); d) Intentional injury (battery); e) Semi-intentional/unintentional injury. The forms of punishment mentioned in the Qur'an for *qisas* offences aim to achieve justice and redress through equivalence. Thus, in the case of premeditated murder, the punishment as described in the Qur'an is death (Mumisa, 2015).

The Qur'an explicitly addresses capital punishment in cases of murder and violent transgression. The verse most often cited is: "O believers! The law of retaliation (*qisas*) is set for you in cases of murder: a free man for a free man, a slave for a slave, and a female for a female. However, if the victim's guardian pardons the offender, then blood-money (*diyat*) should be determined fairly, and payment should be made courteously. This is a concession and a mercy from your Lord. However, whoever transgresses after that will suffer a painful punishment." (Al-Qur'an 2:178). This verse establishes the principle of *qisas* (retribution), while simultaneously encouraging forgiveness and monetary compensation (*diyat*) as preferable alternatives.

Another relevant verse emphasizes the sanctity of life: "...whoever kills a soul unless for a soul or for corruption [done] in the land, it is as if he had slain mankind entirely. And whoever saves one, it is as if he had saved mankind entirely" (Al-Qur'an 5:32). This verse frames the taking of life as a grave matter, permitted only in narrowly defined circumstances: murder or "corruption in the land" (*fasad fi al-ard*).

b. Hudud: Fixed Punishments Determined by Revelation

The second category of crimes in Shari'ah law involves what are known as the hudud (or hadd-singular). Hadd means 'limit' in Arabic, and it indicates a 'fixed punishment'. Hudud crimes are therefore those punishable by a pre-established, mandatory punishment laid down in the Shari'ah for a specific act. This, however, does not mean that they are immutable (Ibn Manzur, 1990).

The six hudud offences are: Zina (adultery and fornication), Riddah (apostasy), Hirabah (waging war against Allah and society or brigandage/banditry), Sariqa (theft), Shurb al-Khamr (drinking alcohol), and Qadhf (slander/defamation- meaning false accusation of any of these things). According to some Islamic jurists, punishment by death is prescribed for the first three hudud offences (Mumisa, 2015; Ahmed, 2025).

Zina (Adultery)

Zina or adultery refers to extramarital sexual relations between a married Muslim man and a married Muslim woman, or between a married Muslim and someone who is not married to one another. The required punishment for adultery under Islamic Shariah is stoning to death (Ibn Fayzan, 1423 A.H.; Sālim, n.d.). Stoning to death as a legal punishment for adultery is articulated in the Sunnah of the Prophet (sm) and is also referenced in the Qur'an. Although it was annulled in word, its decree remains in effect (al-Bukhari, 2015, Hadith 6827, 6828). It has been articulated in the preceding verse prior to its abrogation: "When a married man and a married woman commit adultery, inevitably stone each one of them as a punishment from Allah" (Ibn Majah, n.d., Hadith 2553; An-Naisaburi, 1990).

Riddah (Apostasy)

Classical Islamic jurisprudence generally prescribed the death penalty for apostasy, a ruling whose implementation was restricted to the legitimate ruler (Hallaq, 2009). Foundational evidence for this position derives from several hadiths that associate capital punishment with renouncing Islam. However, jurists emphasized that these texts must be interpreted contextually rather than literally. They argued that the hadiths ["Whoever changes his religion, kill him" (al-Bukhari, 2015, Hadith 3017), "Executing an apostate is the command of Allah and His Messenger." (al-Bukhari, 2015, Hadith 6923), "A Muslim can only be executed for the crimes of murder, adultery, or apostasy." (Ibn Hanbal, n.d. Hadith 450)], cannot apply to conversion to Islam or to transitions between non-Islamic religions (Kamali, 1995; Abou El Fadl, 2001). Moreover, the Qur'an exempts from culpability those who verbally deny Islam under coercion while maintaining inner faith (Al-Qur'an, 16:106). Apostasy is thus punishable only when committed publicly by a legally competent individual acting voluntarily (Ibn Qudamah, n.d.).

Islamic law restricts judgment to observable actions and prohibits investigating internal belief. Drawing on Qur'anic prohibitions of *tajassus* (Al-Qur'an, 49:12) and Prophetic teachings on avoiding the exposure of private faults, jurists formulated the maxim: "Legal rulings are based on outward conduct, while inner intentions belong to God." (Al-Bukhari, 2015, Hadith 4351; Ibn Nujaym, Z. (n.d.); Al-Qarafi, n.d.), resulting, hidden or purely internal apostasy cannot be penalized (al-Ghazali, 1997).

Jurists debated two secondary issues. First, the Hanafi school held that female apostates should not be executed but detained, basing this view on a report the majority considered weak. Most scholars, therefore, upheld equal treatment of men and women in hadd penalties (al-Sarakhsi, 1993). Second, schools differed on the requirement and length of a repentance period. While three Sunni schools, along with the Hanafis, mandated offering the apostate an opportunity to repent—typically three days—figures such as Ahmad b. Hanbal and Abu Hanifah extended this to a month (Ibn Qudamah, n.d.). Ibn Hazm, drawing on early authorities including 'Umar and al-Nakha'i, argued that an apostate should be continually offered the chance to return to Islam without temporal limitation (Ibn Hazm, 1981).

Hirabah

In Islamic criminal jurisprudence, *hirabah*, often translated as "brigandage," "armed robbery," or "violent highway theft," constitutes one of the most serious offenses against public order. Jurists classify *hirabah* as an egregious breach of communal security due to its combination of armed aggression, public intimidation, and disruption of social stability. The crime is not defined merely by theft but by the perpetrator's use of weapons to instill fear, obstruct safe passage, or unlawfully seize property through violence committed in a public and confrontational manner (al-Mawardi, n.d.).

Classical jurists, including al-Mawardi (d. 1058), Ibn Qudamah (d. 1223), and Ibn al-'Arabi (d. 1148), consistently interpreted Qur'anic verse (al-Qur'an, 5:33) as the foundational legal basis for the punishment of *hirabah*. They held that the Qur'anic reference to those who "wage war against Allah and His Messenger and strive to spread corruption (*fasad*) on earth" applies specifically to highway robbers who attack travelers openly and forcibly—whether in desert routes, rural roads, or inhabited regions—and who seize property through violent coercion rather than clandestine means (Ibn al-'Arabi, 2003). Al-Mawardi emphasizes that the defining element of *hirabah* is the creation of fear. At the same time, Ibn al-'Arabi underscores the public, armed nature of the offense as the critical distinguishing factor separating it from theft (*sariqah*) or banditry without weapons (Al-Mawardi, n.d.).

In addition to the Qur'anic basis, several *ḥadīths* reinforce the gravity of armed robbery as a form of public aggression. The *ḥadīth* concerning the 'Uraynah tribesmen—who murdered a shepherd and spotted camels before fleeing—served as a practical legal precedent in the jurisprudence of *hirabah*. The Prophet's application of severe penalties in this case was later interpreted by jurists as evidence that violent brigandage constitutes a crime warranting the hadd punishment framework (Al-Bukhari, 2015, Hadith 233). Building upon these scriptural foundations, classical jurists outlined graduated punishments for *hirabah*, assessing the appropriate sanction based on the offender's actions and the degree of harm inflicted:

Murder Accompanied by Property Seizure: If the offender commits intentional homicide and seizes property, the prescribed penalty is execution followed by crucifixion (*qatl thumma salb*). This form of enhanced punishment is intended to achieve both retribution and public deterrence. Ibn Qudamah notes that crucifixion should be carried out post-mortem so as not to prolong suffering, serving instead as a public display marking the severity of the offense (Ibn Qudamah, n.d.).

Murder without Property Seizure: If homicide occurs without accompanying theft, the penalty is execution alone. According to al-Mawardi, this ruling is derived directly from the sequence of punishments enumerated in the Qur'an, where killing without crucifixion is treated as a distinct punitive category (Al-Mawardi, n.d.).

Property Seizure without Murder: If the offender seizes property through armed intimidation without committing murder, the punishment is amputation of the right hand and left foot (*qaṭ' al-yad wa'l-rijl min khilaf*) in a single procedure. Ibn al-'Arabi argues that such punishment serves both as a deterrent and as a proportional response to violent theft that stops short of taking a life (Ibn al-'Arabi, 2003).

Public Intimidation without Murder or Theft: If the individual merely obstructs safe passage, brandishes a weapon, or instills fear without causing death or seizing property, the Qur'an prescribes banishment or exile (*naḥī min al-ard*). Classical jurists interpreted this variously as imprisonment, forced relocation, or social expulsion, depending on context and the threat to public order (Ibn Qudamah, n.d.). Al-Mawardi viewed exile as a means to incapacitate the offender by removing him from the environment in which his threat manifests.

Collective Participation in Hirabah: Classical jurists ruled that when hirabah is committed collectively, all participants are legally accountable for the crimes committed by the group. If any member commits murder, the death penalty applies to the entire group—regardless of individual involvement—based on the principle of joint criminal liability (*tadakhul al-af'al fi al-jinayat*) (al-Mawardi, n.d.). Likewise, when some participants kill and others seize property, the group is deemed liable for both acts, resulting in execution and crucifixion for all members. Ibn Qudamah and Ibn al-'Arabī both consider this collective penalty essential to preventing criminal networks from exploiting divided roles as a legal loophole (Ibn Qudamah, n.d.).

c. Capital Punishment Given in the Ta'zir Category

Ta'zir, in the dictionary, means prohibition, rejection, or punishment (Ibn Manzur, 1990). As a jurisprudential term, ta'zir is defined as follows: the punishment and retribution imposed for crimes for which there is no specific punishment or limit in the Shari'ah (Şafak, 1977). The fundamental principle in Islamic law is that ta'zir is for retribution and the rehabilitation of the offender. Therefore, the tazir punishment should not be destructive. However, the vast majority of scholars have permitted the death penalty if the public interest requires it or if the offender's evil can only be remedied through death (Udeh, 1985).

Scholars have also attempted to define and limit the crimes that carry the death penalty, allowing the death penalty only when exigent circumstances dictate this. This exigency arises when the offender repeatedly commits the same crime and there is no hope of reform, or when it becomes clear that there is no other option but to dispose of the offender's body to prevent the corruption and evil they have caused and to eliminate the harm they will inflict on society (Awwa, 1983). Many scholars, especially Hanafi scholars, refer to the death penalty imposed by ta'zir as "political murder." For example, it was suggested that the death penalty would be given to those who spied against the country, those who habitually committed crimes such as magic and sorcery, witchcraft, theft, etc (Ibn Abidin, 1984).

B. Capital Punishment in Christianity

Foundational Teachings and Early Scriptural Interpretations

The Christian stance on the death penalty reflects either a tacit acceptance of the state's authority to determine how to punish criminals or a common-sense conclusion drawn from the compassionate religious principle that God is displeased with the shedding of blood and the killing of the guilty. Indeed, the Old Testament statement that God would not approve of the killing of a sinner (Ezra 33:11) was theorized in church teaching as "the church hates blood". Christian teaching also preaches non-violent principles, such as the shedding of blood and the principle of retaliation, as in turning the other cheek to those who slap the right (Luke 6:29-30), and loving even one's enemy (Luke 6:27-28). Despite such humane recommendations, the inclusion of execution methods such as stoning (Numbers 15:36; Leviticus 24:23; I Kings 21:13), hanging (Deuteronomy 21:22) and burning (Leviticus 20:14, 21:9; Daniel 3:6) allowed the church to adopt two different understandings of accepting and rejecting the death penalty in parallel with political developments (Elon, 2007).

The First Three Centuries: Oppression and Non-Retaliation

During the first three centuries of the Roman Empire's oppression of Christians, church scholars did not raise the issue of the legitimacy of the death penalty; they merely stated that killing a human being was forbidden and that Christianity encouraged forgiveness, tolerance, and mutual understanding (Luke 6:29-30, 37). Some even argued that the religious rules prohibiting murder, "You shall not murder", and "Whoever murders shall be liable to judgment" (Matthew 5:21) were binding not only on individuals but also on the state (Bayraktar, 1968). Emperor Justinian, on the other hand, prohibited Christians from being appointed to certain positions on the grounds that their laws prohibited the use of the sword against those sentenced to death (Camus & Koestler, 1986).

Post-Constantinian Christians: Union of Church and State

In the period following Constantine's recognition of the church as the official religion in early 313, Christianity ceased to advocate for freedom of conscience against state authority. The inevitable consequence of the merger of religious and political power was the elimination of any space for individuals to exercise their freedom and choose a spiritual life (Gemalmaz, 2001). In this context, the principle of atonement—the shedding of the blood of those who shed blood—was interpreted as legitimizing the state's implementation of the death penalty; it was accepted that the state, as God's representative, would also punish crimes committed against God's established order. According to the principle of atonement, a sinner can only have their sins forgiven through death. This understanding also underlies the idea that the executioner is a representative of divine justice. From another perspective, this interpretation could suggest that Christianity replaced the ancient principle of vengeance with the principles of atonement and making the guilty pay for their wrongdoing (Schaft, 1911).

Councils and the Formation of Orthodox Christian Principles

The Council of Nicaea (325), considered the manifestation of the alliance between the state and the church, and the subsequent Ecumenical Council of Constantinople (381), laid the foundations of the Orthodox faith. In particular, Theodosius I (379-382), a defender of the dogmas and faith formula established at the Council of Nicaea, relentlessly persecuted pagans and members of Christian sects whose beliefs differed from the Orthodox faith. This was because Orthodox Christianity was recognized as the sole official religion of the state. Consequently, members of different religions and sects were considered ineligible for life (Ostrogorsky, 1995). First, in 385, six people, including prominent and noble figures, were killed at Treves because of their sectarian differences (Schaft, 1911). Indeed, St. Augustine, Bishop of Hippo (354-420), justified the use of force against recalcitrant Donatists, embracing all means of oppression to keep people in the sole saving truth revealed by Jesus Christ (Luke 14:23). This view gave rise to the ideology of "necessary truth", which had negative repercussions on subsequent Christian history. In this context, to the extent that the church's position conflicted with the interests of Christian kings, the claim that "there is no salvation outside the church" served as ideological support to legitimize the death penalty for millions (Harman, 1997).

The Middle Ages: Institutionalization of Capital Punishment

Compared to the Patristic period, the Middle Ages adopted a more intolerant attitude. While Jews and Muslims were granted a certain degree of freedom of conscience, no tolerance was shown towards heretics and schismatics. From the 11th century onwards, the death penalty became the de facto practice for those who apostatized after being baptized. In the 12th century, Pope Gregory IX, in agreement with King Frederick II, established the Inquisition to combat newly emerging Christian sects (Eliade & Couliano, 1997). Executions of death sentences handed down by Inquisition courts were generally carried out by burning the perpetrators at the stake or breaking their bones. The basis of this practice was St. Augustine's view that the state had the right to punish apostates, but that the punishment should not be bloodshed (Camus & Arthur Koestler, 1986). Similarly, scholars such as Chrysostom, Lactantius, Origen, and Cyprian also stated that blood should not be shed during punishment (Vacandard, 1979). On the other hand, the Inquisition courts' decision to punish members of different sects with death was theoretically based on Roman law. In Roman law, crimes such as theft, witchcraft, and desecration of sacred objects were punished with death to maintain social order. Similarly, sects were considered disruptive to social order, and therefore, members of these sects were deemed worthy of death (Finucane, 1914).

Inquisition courts employed different trial procedures than ecclesiastical courts. Indeed, even those whose testimony would not be accepted in ordinary trials were admitted in the Inquisition courts, and lawyers were not used to shorten the trial. If the judge's evidence was insufficient to convict, the confession of the defendant, obtained through torture, was accepted as legal evidence for a death sentence. Furthermore, due to the extraordinary nature of the Inquisition courts, comprehensive documentation is lacking. Therefore, it is impossible to precisely determine the number of death penalty sentences issued by these courts. Rather, there is general information that convicts, while still defendants, were tried under judicial procedures that were entirely unfavorable to them, and that the sentences were carried out with severe torture. For example, in the 14th century, Bernard Gui ordered that 42 of the 930 prisoners sentenced to death be executed by burning alive (Finucane, 1914).

Early Opposition to Capital Punishment

During this period, when the death penalty was fiercely defended and implemented in the name of both the state and religion, the idea of abolishing it was first raised in human history. The followers of a figure named Waldo, who lived in the late 12th and early 13th centuries and was prosecuted by the Inquisition, questioned the death penalty, considering it a legal killing (Lloyd of Hampstead, 1972). In a decree issued in 1208, Pope Innocentius III declared his disapproval of the Vauduans' ideas. In his decree, the Pope was voicing not only his own views but also those of the intellectual community of his time. According to Alain de Lille, one of the most prominent of these, sectarians who persisted in their views should be punished with death after a second warning. Just as counterfeiting money warranted the death penalty by secular authorities, so too should corrupting faith, the lifeblood of the soul, be punished with death (Lloyd, 1972; Imbert, 1992; Dönmezer & Erman, 1994). However, the Vauduan ideas were among the most important of the first organized reform movements that emerged in the 12th century and sought to restore the church to its original state, and their influence continued in later periods (Eliade & Couliano, 1995).

Indeed, in the 16th and 17th centuries, members of certain sects, such as the Anabaptists, Socinians, and Quakers, adopted Vauduan theories (Imbert, 1992). Similarly, in the 16th century, Thomas Morus, in his book "Utopia, or the Best Form of Government," argued that the death penalty did not deter criminals from committing crimes and was therefore useless. A criminal condemned to slavery and forced to serve the people would be more beneficial to society than a cadaver (Demirel, 2008).

Modern Reconsiderations: Thomistic Influence and Canonical Reform

The Catholic Church, on the other hand, felt the need to reconsider its system of belief and thought in light of modern understandings after the social changes brought about by the Industrial Revolution, and in doing so, it resorted to the system of Thomas Aquinas (1226-1274). Aquinas considered it possible to use the death penalty in cases where it was necessary for the protection of society; However, he argued that it is more ideal for the punishment to have a healing character rather than a retaliatory one, and that, even if it is necessary for society, it should be preferred to punish the criminal with a healing character as per natural law rather than killing him. As a matter of fact, Thomas's thesis influenced the idea of diversifying punishments in the developed form of canon law (Campion, 1911; Güriz, 2018). In this legal system, punishments are divided into four categories based on their intended purpose: therapeutic, vengeful, restorative, and retributive. On this point, it appears that canonists embraced the tendency to avoid bloodshed and the formula "the church abhors blood". The Clerk's statement that he believed it was the church's duty to combat the abuse of the death penalty and that priests long avoided their duties to provide religious counsel to those sentenced to death suggests the same conclusion (Dönmezer & Erman, 1994).

C. Comparative Analysis

Islam and Christianity exhibit structurally divergent relationships to capital punishment, reflecting contrasting conceptions of revelation, legal authority, and the interplay between retributive justice and redemptive mercy.

Islam preserves a revealed penal jurisprudence (*fiqh al-jinayat*) whose capital prescriptions retain normative force across historical epochs. Intentional homicide falls under *qisas*—a private retaliatory right vested in the victim's heirs who may demand execution, accept *diyat* (blood-money), or grant pardon (Al-Qur'an 2:178) (Peters, 2005). *Hudud* offences carrying potential or mandatory death include fatal *hirabah* (Al-Qur'an 5:33) and, by the majority classical interpretation, *zina al-muhsan*, apostasy and blasphemy were likewise treated as capital by most pre-modern schools despite indirect Qur'anic warrant (El-Awa, 1993). Extraordinary evidentiary thresholds and the canonical maxim *idra'ul-hududa bi'l-shubuhah* historically rendered *hudud* executions rare, whereas *qisas* continues to be applied throughout much of the contemporary Muslim world when heirs insist (Fierro, 1999; Peters, 2005). Reformist scholars increasingly advocate indefinite suspension of non-*qisas* *hudud* on maqasidic and socio-historical grounds while upholding retaliatory execution as a divinely regulated victim right (Saeed, 2017; Kadivar, 2011).

Christianity, lacking an ecclesially binding post-biblical penal code, inherits an extensive Mosaic catalogue of capital delicts yet encounters no systematic New Testament reauthorization (Megivern, 1997). From the fourth

century onward, Christian polities exercised the *ius gladii* under Romans 13:4, frequently with evidentiary standards considerably less rigorous than those of Islamic *ḥudūd* (Brugger, 2014). Since the mid-twentieth century, however, Catholic magisterial teaching, Eastern Orthodoxy, and most mainline Protestant denominations have progressively rejected capital punishment as incompatible with the inalienable dignity of the human person and the cruciform disclosure of redemptive mercy, culminating in its 2018 designation as “inadmissible” in all circumstances (John Paul II, 1995; Francis, 2018). Retentionist positions now persist primarily among segments of North American evangelicalism that continue to affirm the state’s divinely delegated retributive authority (Long, 2021).

Consequently, Islam situates capital punishment—especially *qisas*—within an enduring revealed *nomos* tempered by procedural caution and familial prerogative. In contrast, global Christianity has largely transposed the practice from the realm of theological legitimacy to that of ethical-moral inadmissibility, privileging an eschatological anthropology of mercy over proportionate retribution (Abou El Fadl 2006; USCCB, 2000).

CONCLUSION

The comparative study of capital punishment in Christianity and Islam underscores a profound divergence between two Abrahamic traditions that, despite shared scriptural roots in retributive justice, have arrived at markedly different normative destinations. Islam continues to situate the death penalty, above all *qisās* for intentional homicide, within an enduring revealed legal order whose legitimacy remains theologically uncontested even as its application is heavily circumscribed by evidentiary caution, familial prerogative, and contemporary reformist interpretations of the *maqāṣid*. Christianity, by contrast, has largely expelled capital punishment from the sphere of legitimate praxis, reinterpreting its canonical inheritance through the lens of the crucified and risen Christ and an eschatological anthropology that accords absolute primacy to human dignity and the possibility of redemption. The Catholic Church’s 2018 declaration of the death penalty as “inadmissible,” paralleled by analogous positions in Eastern Orthodoxy and most mainline Protestant bodies, represents the culmination of a centuries-long trajectory toward abolition, leaving only certain North American evangelical constituencies as significant holdouts.

This divergence is not merely doctrinal but structural: Islam preserves a functioning sacred penal code that is restrictively applied, while Christianity abandoned any claim to direct penal jurisdiction centuries ago and has progressively moralised the question into one of ethical inadmissibility. The result is a striking contemporary irony: a religious tradition with explicit scriptural warrant for certain executions often applies them less frequently and with greater procedural restraint than many secular jurisdictions, while a tradition whose New Testament offers no explicit endorsement has, until recently, executed on a historically unprecedented scale.

Future research should move beyond normative theology and classical jurisprudence to explore several underexamined areas: the empirical sociology of *qisās* decision-making by victims’ families in contemporary Muslim societies and the factors (tribal norms, economic pressures, state incentives) that influence pardon rates; the impact of globalisation and transnational human-rights discourse on reformist Islamic arguments for *ḥudūd* moratoriums; the persistence of retentionist sentiment among American evangelicals in relation to race, penal populism, and political theology; comparative victimology, examining how Christian and Islamic frameworks differently conceptualise the role and rights of victims’ families in capital cases; and the potential emergence of new ecumenical or interfaith theological convergences on restorative justice models that might transcend traditional retributive paradigms in both traditions.

Only through such multidisciplinary and historically attentive inquiry can scholars fully illuminate how sacred texts, institutional structures, and socio-political contexts continue to shape the lived reality of life-and-death authority in the world’s two largest religious communities.

REFERENCES

1. Abou El Fadl, K. (2001). *Speaking in God’s name: Islamic law, authority and women*. Oneworld.
2. Abou El Fadl, K. (2006). *The great theft: Wrestling Islam from the extremists*. HarperOne.
3. Abū Mālik Kamāl ibn al-Sayyid Sālim. (n.d.). *Ṣaḥīḥ fiqh al-sunna* (Vol. 4). Maktabah al-Tawfiqiyah.

4. ‘Abd al-Razzāq al-Ṣan‘ānī. (n.d.). *Al-Muṣannaḡ* (Vol. 10).
5. Aḥmad ibn Ḥanbal. (n.d.). *Musnad Aḥmad* (Hadith No. 450). Dār al-Salām.
6. Ahmed, S. (2025). *Hudud and the Penal Code 1860: A comparative study on criminal law of Islam and Bangladesh* [Unpublished master’s thesis]. Jagannath University, Dhaka, Bangladesh.
7. An-Na’im, A. A. (2008). *Islam and the secular state: Negotiating the future of Shari’a*. Harvard University Press. <https://doi.org/10.4159/9780674031319>
8. Awwa, M. S. (1983). *Fī uṣūl al-nizām al-jinā’ī al-Islāmī* [On the foundations of the Islamic criminal system]. Nahḡat Miṣr.
9. Bayraktar, K. (1968). *Ölüm cezası* [The death penalty]. *Mukayeseli Hukuk Araştırmaları Dergisi*, 54–55.
10. Bedau, H. A. (Ed.). (2017). *The death penalty in America: Current controversies*. Oxford University Press.
11. Brugger, E. C. (2014). *Capital punishment and Roman Catholic moral tradition* (2nd ed.). University of Notre Dame Press. <https://doi.org/10.2307/jj.21995597>
12. al-Bukhārī, M. ibn Ismā’īl. (2015). *Ṣaḥīḡ al-Bukhārī*. Dār al-Ḥaḡārah.
13. Camus, A., & Koestler, A. (1986). *Ölüm cezası üstüne düşünceler* (A. Sirmen, Trans.). Alan Yayıncılık.
14. Campion, J. (1911). Capital punishment. In *The Catholic Encyclopedia* (Vol. 11, pp. 79–81). Robert Appleton Company.
15. Cavanaugh, W. T. (2009). *The myth of religious violence: Secular ideology and the roots of modern conflict*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195385045.001.0001>
16. Demirel, C. (2008). Ölüm cezası. In *Türkiye Diyanet Vakfı İslām ansiklopedisi* (Vol. 33, pp. 152–158). Türkiye Diyanet Vakfı.
17. Dönmezer, S., & Erman, S. (1994). *Nazari ve tatbiki ceza hukuku* (Cilt 2). Genesis Kitabevi.
18. El-Awa, M. S. (1993). *Punishment in Islamic law: A comparative study*. American Trust Publications.
19. Eliade, M., & Couliano, I. P. (1995). *Dinler tarihi sözlüğü* (A. Kazancıgil, Çev.). İnsan Yayınları.
20. Elon, M. (2007). Capital punishment. In *Encyclopaedia Judaica* (2nd ed., Vol. 4, pp. 445–446). Keter Publishing House.
21. Fierro, M. (2007). Idra’ū l-ḡudūd bi-l-shubuhāt: When lawful violence meets doubt. *Hawwa*, 5(2–3), 207–238. <https://doi.org/10.1163/156920807X207176>
22. Finucane, R. C. (1914). Inquisition, The. In J. Hastings (Ed.), *Encyclopaedia of religion and ethics* (Vol. 7, pp. 251–253). T. & T. Clark.
23. Francis. (2018). Rescriptum modifying Catechism of the Catholic Church §2267. *Acta Apostolicae Sedis*, 110, 1193–1194.
24. Gemalmaz, M. S. (2001). *Ulusüstü insan hakları hukukunun genel teorisine giriş* [Introduction to the general theory of supranational human rights law]. Legal Yayıncılık.
25. al-Ghazālī, A. H. (1997). *Al-Mustaṣfā fī ‘ilm al-uṣūl* (Vol. 1). Dār al-Kutub al-‘Ilmiyyah.
26. Güriz, A. (2018). *Hukuk felsefesi* (7. baskı). Siyasal Kitabevi.
27. al-Ḥākim al-Naysābūrī. (1990). *Al-Mustadrak ‘alā al-Ṣaḥīḡayn*. Dār al-Kutub al-‘Ilmiyyah.
28. Hallaq, W. B. (2009). *Sharī’a: Theory, practice, transformations*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511626665>
29. Harman, Ö. F. (1997). Evrensel dinlerin insan haklarına bakışı [The perspective of universal religions on human rights]. In *Uluslararası Demokrasi, Hukuk ve İnsan Hakları Konferansı* (26–28 Eylül 1997, Diyarbakır). Dicle Üniversitesi.
30. Hauerwas, S. (1991). *The peaceable kingdom: A primer in Christian ethics*. University of Notre Dame Press.
31. Hood, R., & Hoyle, C. (2015). *The death penalty: A worldwide perspective* (5th ed.). Oxford University Press.
32. Ibn al-‘Arabī, A. B. (2003). *Aḡkām al-Qur’ān* (Vol. 2). Dār al-Kutub al-‘Ilmiyyah.
33. Ibn ‘Abd al-Barr. (n.d.). *Al-Istidhkār* (Vol. 7).
34. Ibn ‘Ābidīn, M. A. (1984). *Ḥāshiyat radd al-muḡtār ‘alā al-durr al-mukhtār* (Vol. 6). Dār al-Fikr.
35. Ibn Fūzān, S. (2002). *Al-Mulakhkḡaṣ al-fiqhī* (Vols. 1–2). Dār al-‘Āṣimah. (Original work published 1423 AH)
36. Ibn Ḥazm. (1981). *Al-Muḡhallā bi-al-āthār* (Vol. 12). Dār al-Fikr.
37. Ibn Mājah, M. ibn Yazīd. (n.d.). *Sunan Ibn Mājah*. (Book of ḡudūd, Hadith No. 2553).
38. Ibn Manzūr. (1990). *Lisān al-‘Arab* (Vols. 1–15). Dār Ṣādir. (Original work published ca. 1290 CE)

39. Ibn Nujaym, Z. (n.d.). *Al-Ashbāh wa al-naẓā'ir* (M. M. al-Hāfiẓ, Ed.). (n.d.). Dar al-Kutub al-'Ilmiyyah. (Original work published ca. 970/1563)
40. Ibn Qudāmah, M. ibn Aḥmad. (n.d.). *Al-Mughnī* (Vol. 9). Dār al-Fikr.
41. Imbert, J. (1992). *Ölüm cezası* (A. Kazancıgil, Trans.). Communication Publications. (Original work published 1989)
42. John Paul II. (1995). *Evangelium vitae*. Libreria Editrice Vaticana.
43. Kadivar, M. (2011). From retributive to restorative punishment. In A. Afsaruddin (Ed.), *Islam and transitional justice*. Springer. pp. 17–34.
44. al-Kāsānī, 'A. ibn M. (n.d.). *Badā'ī 'al-ṣanā'ī fī tartīb al-sharā'ī* (Vol. 7).
45. Kamali, M. H. (1995). *Punishment in Islamic law: A critique of the Hudud Bill of Kelantan*. Ilmiah Publishers.
46. Kamali, M. H. (2003). *Principles of Islamic jurisprudence*. Islamic Texts Society.
47. Kirāz, A. H. (1981). *Al-qīṣāṣ fī al-naḥs fī al-fiqh al-Islāmī: Dirāsa muqārana* [Retaliation for life in Islamic jurisprudence: A comparative study]. [Publisher not identified].
48. Lloyd of Hampstead, L. (1972). *Introduction to jurisprudence* (3rd ed.). Praeger.
49. Long, M. G. (2021). American evangelical support for capital punishment. *Journal of Church and State*, 63(4), 612–635. <https://doi.org/10.1093/jcs/csaa087>
50. al-Māwardī, A. al-Ḥ. (n.d.). *Al-Aḥkām al-sultāniyyah*. Dār al-Kutub al-'Ilmiyyah.
51. McCord, J. (2014). *Christianity and the death penalty: A doctrinal examination*. Palgrave Macmillan.
52. Megivern, J. J. (1997). *The death penalty: An historical and theological survey*. Paulist Press.
53. Mumisa, M. (2015). *Sharia law and the death penalty: Would abolition of the death penalty be unfaithful to the message of Islam?* Penal Reform International.
54. Muslim ibn al-Ḥajjāj. (n.d.). *Ṣaḥīḥ Muslim* (Hadith No. 1671).
55. Ostrogorsky, G. (1995). *History of the Byzantine State* (F. Işıltan, Trans.). Türk Tarih Kurumu Basımevi.
56. Peters, R. (2005). *Crime and punishment in Islamic law: Theory and practice from the sixteenth to the twenty-first century*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511614451>
57. al-Qarāfi, A. (n.d.). *Al-Furūq* (M. A. Sarraj, Ed.). Dar al-Kutub al-'Arabiyyah. (Original work published ca. 4)
58. Radelet, M. L. (2010). The evolving debate on the death penalty. *Annual Review of Sociology*, 36, 147–168. <https://doi.org/10.1146/annurev.soc.012809.102535>
59. Saeed, A. (2017). *Human rights and Islam: An introduction to key debates*. Edward Elgar Publishing. <https://doi.org/10.4337/9781784716585>
60. al-Sarakhsī, M. ibn Aḥmad. (1993). *Al-Mabsūṭ* (Vol. 10). Dār al-Ma'rifah.
61. Schaft, D. S. (1911). Discipline (Christian). In J. Hastings (Ed.), *Encyclopaedia of religion and ethics* (Vol. 4, pp. 717–721). T&T Clark; Charles Scribner's Sons.
62. Şafak, A. (1977). *Mezheplerarası mukayeseli İslam ceza hukuku* [Comparative Islamic penal law among schools of jurisprudence]. [Publisher not identified].
63. 'Uddah, 'A. (1985). *Al-Tashrī' al-jinā'ī al-Islāmī muqāranan bi-al-qānūn al-waḍ'ī* (Vol. 11). Mu'assasat al-Risālah.
64. United States Conference of Catholic Bishops (USCCB). (2000). *Responsibility, rehabilitation, and restoration: A Catholic perspective on crime and criminal justice*. USCCB Publishing.