

Differences between Male and Female Infanticide Punishment in Islam, Emphasizing the Difference between Male and Female Emotions

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ABSTRACT

Islam is equality of men and women religion and its orders frequently are in the same way too. Although men and women are equality in the humanity but, There are a lot of undeniable physical and mental differences between them. That makes a difference in the desires and wishes and consequently some of their rights. This is the basis for some of Islamic recommendations that apparently are considered the differences between men and women. One of these recommendations is the difference in punishment between men and women in the infanticide in Shiite Jurisprudence. That has determined penalty for infanticide mother heavier than infanticide father. So that is killed mother but father only is sentenced to compensation and punishment.

The author has chosen emotion differences between men and women from a lot of difference between them for to find reason this Islamic ruling. For this purpose, the author is used analytical – descriptive method and library studies. From results of this study is that woman has motherly feelings and is better than man in care of children. For this reason Sharia does not expect the child abuse or infanticide from woman and asks to show it through putting heavy punishment her.

KEYWORDS: Infanticide, father, mother, punishment

INTRODUCTION

One of the teachings of Islam, because it is human to human reason is not clear, the differences between men and women in the criminal punishment of a child's drawing. Reason on the one hand, Islam is a religion of equality of men and women and the men deserved draw against children and women deserve compensation chastising and sees death. This is the reason a person with knowledge of the business fully aware of the hidden wisdom of God in this recommendation, it is impossible to guess and guess who pays as much as possible.

Indeed, on the one hand of a mixed germ cell embryo of a man and woman there Equally involved in the development of the child and the parents and children in inheritance features of both body and mental attributes are used Even with the embryo in the uterus, the genetic relationship with her father stopped, and since then, the only mother that the child makes Microorganisms and makes it into a perfect man and the mother of the child to actualize that potential will And many of the destiny of the child in the womb is realized .

On the other hand, it is clear that the difference in punishment, Due to the higher dignity of man will never know or care about the lives of women in Islam Because, holy men and women, the creation of a kind of principle of human nature, one sees The basic principle of the creation of man than that accorded priority in the creation of man, not to mention the difference between them And in particular the reference to the deficiency of women The cause of the man's man and he knows the man or men.

Identity and integrity of the body to the soul and spirit, soul and body, neither male nor female but single men and women, both to be included What is different for men and women Issues related to the body, not the soul. In this context, the Qur'an says that men and women from male and female faces not know ‘Rather than recognize human faces.

The soul of man is not his body, Humanity cannot provide for his life, his body and not the whole body and soul. So, according to Scripture, man and woman were created from one soul and sex Verses that respect for life and the lives of men and women have died unjustly attacked men and women strictly prohibited and killing a woman or a man as kill all humans are known to be. Men and women have the same value and respect the right to life and respect for life, equal. The difference between men and women in some of the difference in punishment of children drawing rights should mean less value of life and the right to life as the wife of the man. The reason for these differences should be sought elsewhere. Accepting the difference in punishment for the crime of child suicides of

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men and women in Islam, will certainly good reasons that may -So was noted - Human possible human reason is incapable of understanding. But wisdom, in understanding the reasons for this, he thinks he can among the reasons for the differences in male and female emotions that are considered in this paper. In fact, the author is trying to deal with the guilty men and women in Islam are different from the mass of the child laying emphasis on gender differences in emotion justify. Because on the one hand, the differences between men and women is very important in the sense that their behavior is strongly influenced by that of the other - As will be – child mass genocide, crimes or offenses based on emotional feelings that influence the different emotions occur in men and women . So the problem from this perspective is not devoid of benefit.

Implications

To understand this, we first provide a brief understanding of the crime of genocide and mass child's emotional needs and based on the difference between men and women Due to differences in children's emotional punishment of crimes committed suicide as evidence of crimes feel can be explained.

Concept Infanticide:

Child drawing an unfair mass and is painful. It can be said that the definition of cruel child is suicidal The killing of children by parents or with their consent while the parents have mental balance in their offense Children drawing, including the killing of unborn children (abortion) becomes, son of genocide, a crime that has occurred frequently in the early history . In ancient Rome, killing the child's legal parent. Arabs, before turning to Islam, his daughters were buried alive. Sales girls in ancient China, is common, recurrent symptoms of committing a crime in the history of the old myth-that carry ideas 'Human experiences and emerging issues in a variety of situations, there. In fact, children draw an old traditional theme, which can be found in the mythology of various nations. An analysis of 285 deaths in England between 1989 and 1991 that the victims were under 18 years 'Shows that 60 percent of crimes done by parents. In America and Australia, a similar result (56%) is obtained. In the UK, children under one year 4 times more likely than other age groups, would-be victims of infanticide. Crime infanticide, gradually spread "abortion" became more and more serious, and many governments to find ways to reduce crime in the 'Encouraged to set punishments for it, despite the mass infanticide together-such as one of the instances of crimes against persons committed, children, innocent victims and conscience of the community to bring the pain.

- Elements of the crime of infanticide:

Since performing a criminal act or omission caused the birth of "guilty" and that "he" was questioned about his behavior lie 'First you must determine what it is practical to do so in accordance with the law, Crime and the second is to determine if the behavior is consistent with the idea of his mind or not? Physical and mental elements of the offense thus born man, check that all the elements of the crime are common, it is also in charge of infanticide. Since the mass of instances of infanticide is murder, its constituent elements, the elements of first degree murder with the exception that the material element of the crime of infanticide 'committed a crime must be a parent in childhood and child victims of crime must be killer. Also, commits an offense shall be in addition to the current plan, a plan that will result, and indeed kill his son. In fact, during the commission of the crime of murder must fully understand and be aware of the victim, his son, so, if a mother who has killed her baby, Prove that the effects of childbirth and breastfeeding, mental balance had been convicted of murder was not.

- Punishment of the Crime infanticide:

Intentional killing of a human being, in most countries of the heaviest punishment is. The deliberate killing of a brutal crime severe punishment, and when the victim is a child killer, The first act of his more brutal and severe punishment is necessary Kill the child by the mother also has the same punishment But the killing of children by parents causes death and taking money from his father and his father chastising just cause. Some of the goals of Islamic law for the punishment specified in the following: Usefulness and intimidation, social security, justice and the prevention of crime, but as the founder of the Islamic holy to achieve these goals, the crime of infanticide, the distinction between male and female offenders? The answer to this question, the following issues are present.

The concept of emotional crime:

Murder emotional, kind of justice, and justice is a personal. As a political conservative groups, criminals and criminal justice in order to commit a crime, the criminal offense with emotion, he's willing to settle for something that emotional affairs, justice. The founders of criminology and criminal floor workers, certain categories of offenders on the basis of love and passion, commit crimes have. This type of crime conservatives, who are often sensitive and pathological characteristics of criminal cases, severe manifestation of this specification. Under the influence of extreme and violent emotions such as love, anger, jealousy, hatred, and pushed toward crime, Thus we can conclude that the person is capable of mastering your emotions, he is less likely to commit crimes based on the

emotions and vice versa. Human emotions, constitute an important dimension of his existence and his behavior is strongly affected, When a person is physically healthy living, just because you feel sick, disability, and vice versa as the feelings of the individual, for the most part, determines his behavior, sometimes it may lead him to commit a crime But, here, to give a person the feeling of offense, Indifference to the commands of "reason" that despite its importance in human life if not more of his feelings, not less , Here the contradiction between the demands of reason and feeling arises, sensible man, who prefers to reason over emotion, do not feel guilty Sensitive pathetic little man who mastered their emotions, affects the emotions, to commit a crime . So whatever the person in control of your emotions, capable, he will be less likely to commit crimes and the sense of contrast. The person in control of your emotions is weak; he will be more likely to commit crimes sense of. Emotional crimes can be committed on the basis of emotional origin, is based on hate crimes, based on love, jealousy and ... divided. If the "hatred of a person" for any reason based, whether religious, ethnic, racial, gender ... reasons guilty of crimes against the person leads. If the "envy" of a person, the offender faces a deep trauma and eventually leads him to commit a crime against the person. Sometimes guilty of a crime motivated his "love" as the. Such as medical and awareness of the harsh conditions of their sick relatives and friends, to save him from suffering the disease to kill him (euthanasia).

Infanticide as a sensational crime:

Given what crimes feeling passed, it can be concluded that the "infanticide" in most cases, due to the inability of parents to control some emotional fluctuations occur within Usually this crime, if the crime takes the emotion and the best examples is. Reason being, the importance of the child's death sentence and did not allow him. Often attacked by a wave of conflicting emotions of a parent or both of them. In fact, most of the perpetrators of infanticide as feeling guilty, without thinking, decision retrospectively calculated, sight-read and clearly, people taken crime and crime usually before, during and after the commission of the offense, are extremely excited. Immediately confessed and strongly expressed their regret. Tried to commit suicide in prison, and come in a prison sample. These, according one of the researchers, appearance and unusually shaped. For example, you can report today on 1390/10/19 Tehran on charges of two counts of infanticide, noted. According to the report, both children, have been killed by their mothers. For a mother to kill her child who is 6 months old boy ·Pressure and mass poverty and economic problems, and the other, a mother to kill her child because the girl was 5 years old, she has been harassed his wife and dissatisfaction . In fact, both the mother, with love and affection, to kill their children. One of them, to save her child to save another child from economic hardship and persecution father have attempted infanticide to the suffering of children, prevent. Both mother attempted infanticide, suicide have. Another example is that of a jealous mother, your child is choking. In fact, the mother after birth, feels that he neglected his wife and child to draw attention, so try to make infanticide. In this context also the father of infanticide in Saudi society's ignorance, father of the humiliation of his daughters were buried alive And the murder of women by their fathers because of prejudice that evidence of gender-based violence as a social problem that has.

Commit infanticide in men and women:

As mentioned above, the "infanticide" is an emotional crime and most of the time, the source is pathetic. Since the feelings of men and women are different, this is a question that infanticide as an emotional crime committed by women or men to be? To address this issue, it is important to feel the difference between men and women is considered.

- Feelings between men and women:

There are many differences between men and women. Every day scientists are more differences between the sexes, realizing. Some feelings are stronger than women, and some men, perhaps the differences in the evolution of the genus help. Including psychological differences between the desire of men to exercise and full motion capture work more than women. Feelings of men, women, war and peace and typical sentiment is. Men are abrasive but women are calm and quiet. Women from violence, self and others avoid and why women commit suicide than men. Quality of violent suicides are men, men with guns, hanging, throwing himself on high rise buildings, resorts and women sleeping pills, drugs and the like. Feelings of women to men, is more ebullient. Women are more excitedly than men, therefore women to matters that are of interest and fear, his senses are immediately impressed by the man, the woman is cold natured. Emotionally unstable woman than a man. Femininity, motherhood and the emotions of his childhood in the diagram. She loved her family and awareness in the home, more than a man. The argument of moral issues to the man's wife does not seem dry, but in literature, painting, and other matters of taste and sentiment Translation, little of no man. Men than women, more power is hiding a secret. Women than men, more emotional and crying immediately and possibly fainting resorts. On average, women more than men, rather than emotional, react. Due to these differences, we can say that because she is excited and soon placed under the influence of emotions. The less, the man is the master of his emotions. Thus, the issue will affect his feelings, soon becomes impatient and he also puts the balance and mental relaxation, so that Ali (as) in

his will to his son Mohammed bin Hanifa, stated emphasis. As far as you can tolerate the woman at the helm of affairs and what is not, even if he wants, then, at the mention of the Holy Prophet. "Because of the heavy lifting with him, to keep the beauty and peace of mind and improve her better.", and also, the Prophet (SAW) said: Women like basil branch [fine] is not a hero, (to his arduous work, and administrative), as previously mentioned, according to the characteristics of emotional crime they might, in those early feelings and the overwhelming influence of the floor. Further, thus committing the crime in general and children in particular suicide among women, more than men, but on the contrary, it can be said that although she is excited and soon to be sentiment. But much slower than men. His mood is peaceful and less likely to hurt themselves and others, for this reason, the less crime, partly based on the statistics, even the Son of minors Crime, Crime offenders over the boy's happening.

Because of the differences between men and women convicted of child suicides punishment in Islam:

According to Imami jurists, father, by killing the child is not dead, but her blood, and shall be punished. Also, it is necessary to pay the atonement. This sentence contains high-grandfathers. Imami juristic sentence, the multiple narratives, and the claim of consensus has been documented. Sunni jurists often vote with respect to the validity of the documents adopted. Thus, the relationship between Abbott, retaliation ruled out, even if it is a pagan father and son to kill Muslims. Some Imami jurists in agreement with the Sunni jurists, mother and grandmother have also included the sentence, as both the cause which is on the order of birth, shared. These terms are in addition to being inconsistent with the consensus Imami, based on analogy and has no legal justification and reasoning. Therefore, the legislator in article 220 The IPC provides: father or grandfather who kills his child, not retribution, and to pay compensation to the heirs of the victim's murder and will be sentenced. Article 302 of the Penal Code in the new bill as "Abbott's lack of relationship" between killer and death was considered the general conditions.

Reasons differences between men and women in Islam at punishable by child drawing:

Differences between male and female child laying punishment in Islam, a deep wisdom, because otherwise the words of German literature, Islamic criminal law instead of "action-oriented", "commit axis" is. Instead of having committed a criminal act to apply to a particular kind of 'personhood' is applied. But, perhaps the human mind is incapable of understanding the wisdom of God in this context is. So the reason for the appeal to guess a solution and possibilities remain. If we rely on the philosophy of criminal difference between men and women explain our emotions to Probabilistic back to eat. In general, these possibilities can be considered under two headings:

First possibility: escalate punish women for having more children for the crime he committed suicide.

The second possibility intensification of punishment for a woman to commit or not to commit less crime he committed suicide child.

- First possibility: escalate punish women for having his son committed suicide more than men
In explaining the philosophy escalate punish the woman's first child draw a possibility that comes to mind is that because women than men, Mastering your emotions are less likely to commit crimes than men to be emotionally. Although crime statistics, crime shows fewer women than men, but men and women of image data such as criminal does not appear a significant issue and many of them hidden charges. In addition, the statistics more children committing suicide, especially infanticide and abortion by women than men show. Thus; the founder of the sacred knowledge of the psychological characteristics of female child laying his punishment to a man, has stepped up to the public to prevent punishment, prevented from being non-criminal offenders.
Women are able to kill their children, because they feel they Thousands 'this is sometimes known by his dedication and love of the children are committed. This is, under normal circumstances, is unreasonable, but her inner feelings in conflict, to save the beloved son 'the difficult living conditions, is justified and women are brought to the absurd practice. Thus, although the feelings of motherly woman to commit such an act does not tolerate 'but doing the same emotions, often serving the purpose of self-destruction to justify the sacrifice of the mass, the woman of conscience during the commission of the offense, is relieved. This is despite the fact that, because of differences in emotional men and women, does not feel so fluctuated. With this motivation, the child cannot be convicted of murder. Man's love for his son, he was never influenced by other feelings against the child does not move. Holy lawgiver, to determine severe punishment for child draws female attention he has requested control of his feelings.
- The second possibility: to punish women for having less him guilty of aggravated child draw
A second possible explanation for the difference between punishment and child draw men and women comes to mind, quite unlike the first possibility, based on knowledge of the founder's son committed suicide by a woman less than a man. However, a woman is passionate and emotional; He is the source of affection and love for children. The realization of the Italian school, that man is not free and is influenced by forces over which they have no control. Lombroz Realization and founding member of the School of

Criminal Anthropology is one of the force's maternal instinct knows and believes One of the factors that lead to less crime committed by women compared with men, emotions and instincts mother.

Woman, compassionate, less crime, and the number of women in the official statistics do not reflect the multitude of crime and the proof is hidden on the contrary it is disguised, often home-related crimes in men. These men are husbands and fathers who wife and girls are victims of violence and abuse, women are actually less likely than men to commit crimes because most of the men, their families and children to take responsibility. Her maternal affection, so strong that no one knows your child. Although it does not usually commit suicide if I wanted to kill the child's feelings the decision to kill himself and that is why most women after son committed suicide, suicide is. When a woman is so compassionate that sometimes annoy a plant does not tolerate how his dear son to death hurt could?

However, crime statistics show that women, more than men commit suicide, especially children, infanticide and abortion are But many of the deliberate killing of children, killing them in the first 24 hours of life, although the statistics say that more children are killed by their mothers. But the remarkable thing is that it may be a rare event in women after childbirth is called postpartum psychosis. It depends heavily on the power and influence of maternal activity and in severe cases, suicide or child suicide risk increases; So many men when committing infanticide, not mental balance, because after giving birth, once the body's hormones, Blood volume and blood pressure changes and fluctuations due to emotional person (the same), then consideration the mental state of a woman commits infanticide is essential. The problem that arises is that if she is so gentle and not easily commit suicide child, so why the death penalty lawyer for the child put his suicide is punishable by a heavier penalty if the offense is similar to his. In response, on the one hand it can be said that the holy lawgiver, because of her motherly affection are not aware and knew the murdered child. Exceptions require the mother of the child, as retaliation for the murder of the father is-not the exception. The death of the mother is released and the channel will not operate. The mother of the murdered child intensification of punishment philosophy can be explained in terms of utilitarianism, and said: Holy lawgiver aware of the emotions of women and the atrocities he never expected to commit such a crime by a mother does. A woman that is so, the child's relentless pull of his life, is very dangerous to society; Thus, the founder approach "incapable of crime" to reduce the risk of juvenile delinquency in the community away from people has been investigated. The principle of proportionality requires that the punishment for the offense in respect of obstacles contrary to the public interest in the community, is strong; Thus intensifying the punishment for the son of the woman's suicide, not only violate the rights of women, but to honor Him . As a classroom teacher, a good student in a course, expect more, and failing them, the more upset the teacher, Islam, mothers in parenting, very good and capable knows And expects to commit such a serious error (son committed suicide) in the field-that is inconsistent with the creation of a women-have strongly discouraged and will put a severe punishment for this act, committed the folly, the Lord shows.

CONCLUSIONS:

Islam is a religion of equality. The equality of men and women in the comparison is true and if there are sometimes differences in the number of women and men «Due to differences in female and male body and soul. Compare the feelings of men and women to recognize the difference between punishment and child drawing men and women brings us to the reason for these differences, one son committed suicide on learning more about the man and the woman on the less knowing it. Both of these possibilities are somewhat acceptable, but the latter possibility seems more logical and more consistent with the surface. Perhaps a more detailed study of the subject at a later time and the help of accurate statistics on the subject «Help to better results. Finally, a result which was obtained as a result of the efforts of the human mind to understand the philosophy and wisdom of God «It appears. As a result, he makes the world more. Reason itself concludes that the understanding and the knowledge of the disability is incapable of understanding his philosophy is that God is the universe. This is the famous words of Socrates who knew her because she knew more than all the world is ignorant and did not know the rest.

REFERENCES

1. Michalik, Kerstin(2006);"the Development of the Discourse on Infanticide in the Late Eighteenth Century and the New Legal Standardization of the offense in the Nineteenth Century" in *Gender in Transition: Discourse and Practice in German-Speakby Ulrike Gleixner, Marion W. Gray* (Editors), University of Michigan Press.
2. Garner, Brayan (Editor in chief), (2002); *Black Law Dictionary*, Tehran, Mizan Publishing, 1388.
3. Mortin, Elizabet, (2002); *Oxford Dictionary of Law*, Fifth Edition, New York, Oxford University Press.

4. Oberman, Michelle (2003); "Understanding Infanticide in Context: Mothers Who Kill, 1870-1930 and Today", *Journal of Criminal Law and Criminology*, 68 issues, 551 articles, pp:707-738.
5. The Ministry of Justice(2008); "Murder, Manslaughter and Infanticide: Proposals for Reform of the Law".<http://www.justice.gov.uk/publications/cp1908.htm>
6. Van der Westhuizen, Carina (2009), 'An historical overview of infanticide in South Africa', *Fundamina : A Journal of Legal History*, vol. 15, no. 2, pp. 174-192.
7. Cesare Beccaria, "Crimes and Punishments", Translated by Mohammad Ali Ardabili, Vol. 4, Mizan Publications, Tehran, Iran.
8. Jean Pradel, "Histoire des doctrines pénales", Translated by Ali Hossein Najafi Abrand Abadi, Vol. 3, Samt Publications, Tehran, Iran.
9. Ali Slimi, Mohammad Davari, "Sociology of deviant", Institution of Hozeh & University, Vol. 4, 2009, Qom, Iran.
10. Shahla Bagheri, Arezo Malekshah, "A comparative study of women's right to life from the perspective of Islam and the West, with emphasis on international documents", *Journal of Women Research*, No. 2, P.P. 1-22, 2012.
11. Saeid Bozorg Bigdeli, Seyed Ali Ghasemzadeh, "The main currents of contemporary novelist in the reflection mythic narrative", *Journal of Peyk noor Zaban & Adabiyat Farsi*, No. 1, P.P. 51-77, 2011.
12. Hamid Jaryani, "statical survey of women's crimes in Iran", *Journal of law justice*, No. 72, P.P. 91-117, Iran.
13. Seyed Hossein Bashiri, Hamideh Heidari, "The importance of marriage and mutual responsibilities of spouses in Islam", Vol. 1, Publication of Nasim Hayat, Qom, Iran, 2005.
14. Department of criminal law and criminology of Door Andishan Institution, "The new bill of islamic punishment law", Vol. 1, Publication of Dor Andishan, Tehran, Iran.
15. Gholamhossein Rahimi Esfahani, "lifestyle from aspect Holy Quran and Hadis", Vol. 1, Publication of Adab, Qom, Iran.
16. Azadeh Seyed Mirzaei Jahghi, "wonders of men's and women's world", *Jaam-E-Jam Newspaper*, No. 214, P.P. 12, 2012.
17. Hooshang Shambayani, "crimes of children and youth", Vol. 13, Majd Publications, Tehran, Iran, 2006.
18. Mohammad Hadi Sadeghi, "Crimes against persons", Vol. 11, Mizan Publications, Theran, Iran, 2008.
19. Faezeh Azimzadeh Ardabili, Leila Khosravi, "Women's Rights in Islam and the West", Vol.1, Office of the President, Center of Women and family, Tehran, Iran, 2010.
20. Goldozian Iraj, "Necessities of General Punishment", Vol. 1,2,3, No.8, Mizan Publications, 2004.