

Corruption of Blood and Its Instances from Shia and Sunni Viewpoints

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ABSTRACT

Recognition of instances of corruption of blood is a legal recognition. Therefore, a usual person may not be eligible for making such decisions. The present study was formulated in order to determine instances of corruption of blood from Shia and Sunni viewpoints. Four instances were evaluated, namely infidel deserving to be fought against, apostate, adulterer and sodomite, and cursing at prophets. Viewpoints of Shia and Sunni were mentioned on the mentioned areas and finally, a conclusion was drawn by using the viewpoints.

KEYWORDS: Corruption of blood, Shia, Sunni.

1- INTRODUCTION

Jurisprudents believe that corruption of blood is applicable for the one who is permissible to be killed whether definitely or relatively from the viewpoint of sharia. Corruption of blood is a general term with variety of instances. Some of these instances are specifically defined in law; however, lawmakers have neglected these issues, especially in the article 226 of Islamic Criminal Law, lawful qualification of slain to be killed has been mentioned. Therefore, instances of corruption of blood should be sought in references.

One of the references is in lawful references where such individuals as apostates, murderers, illegitimate children, false prophets, magicians, and etc. are considered to be corruption of blood. Of course, generalization of the term "corruption of blood" to these instances is not absolutely sound. For example, some jurisprudents do not consider murder of illegitimate children to deserve retaliation; on the other hand, some other jurisprudents believe there is no difference between illegitimate children and others.

Another source for recognizing instances of corruption of blood is law. Law has assigned the crimes whose punishment is death penalty, such as adultery and fornication (the articles 82, 83, and 90 of Islamic criminal Law), sodomy (the articles 109-110 of Islamic criminal Law), theft (the article 201 of Islamic criminal Law), deliberate murder (the article 205 of Islamic criminal Law), smuggling drugs (the articles 2, 4, and 8 of War on Drugs Law), unlawful attach (the articles 61, 625, 626, 627, 628, and 629 of Islamic criminal Law), and adultery of a married woman (the article 630 of Islamic criminal Law). It seems that the second source is more valid and judiciary trend is more leaning toward the second source.

Generally speaking, recognition of instances of corruption of blood is a legal recognition. Therefore, a usual person may not be eligible for making such decisions. The present study was formulated in order to determine instances of corruption of blood from Shia and Sunni viewpoints.

2- INFIDEL DESERVING TO BE FOUGHT AGAINST

2-1- Shia's viewpoint

From Shia's viewpoint, blasphemy is an indicator of decline of chastity and infidel is the one who deserves to be killed and no Muslim must be subjected to death penalty due to murdering an infidel [2].

If murder of an infidel occurs without permission of Imam, the murderer must be punished [6]. Therefore, Imam's permission is the first consideration. Needless to say, corruption on blood is only applied to an infidel deserving to be fought against. Other kinds of infidels (infidels living in an Islamic country and paying tribute) do not deserve corruption of blood and if they are murdered, the murderer should be punished. Therefore, not punishing infidels living in an Islamic country and paying tribute does not necessarily indicate corruption of his/her blood.

2-2- Sunni's viewpoint

From Sunni's viewpoint, on the condition that infidel deserving to be fought against is killed by Muslims during a war against Muslims or while a Muslim is defending himself, the infidel deserves corruption of blood. If the infidel deserving to be fought against is killed out of battle arena, after being taken into captivity, and after being transferred to Islamic lands, the one who killed the infidel is not considered as a guilty although he/she will be punished for committing murder without the permission of Islamic rulers. Therefore, it can be concluded that it is not imperative for Muslims to kill the infidel deserving to be fought against when he is out of battle arena or when it is not necessary for Muslims to defend themselves although Muslims have the right to do so [8].

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In addition, it is stated in Sunnis' books that killing an infidel deserving to be fought against does not expose the murderer to punishment, blood money, or atonement because corruption of blood is absolutely the case for the infidel deserving to be fought against and this circumstance will not change if the murderer is paying tribute or is Muslim [3].

3- APOSTATE

3-1- Shia's viewpoint

Unlike Sunni's viewpoint, Shia jurists have classified apostates into two groups: natural and national. Natural apostate is the one who was born Muslim because both or of his parents were Muslim and then, he abandoned his faith [7]. Natural apostate's punishment is death and even if he repents of his sin, his sin will not be forgiven. There is consensus on this among all Shia authorities [2].

On the other hand, national apostate is the one for whom Islam is first presented; if he accepts Islam, he will not deserve punishment, but if he does not, according to the consensus of the jurists and with regard to traditions, he will be exposed to death penalty [7].

Furthermore, unlike Sunni's viewpoint, Shia believes that female apostate, even if she is a natural apostate, does not deserve to be murdered but she should be imprisoned for life with hard labor [7].

3-2- Sunni's viewpoint

From Sunni's point of view, apostate is a Muslim who has changed his/her religion and he/she deserves corruption of blood in two ways. The first way is that his/her chastity is due to Islam and he/she will deserve corruption of blood if he/she commits apostasy. The second way is that apostate should be killed or punished by the lash as ordained by Islamic religion. Therefore, it can be concluded that apostasy is of the crimes leading to corruption of blood [8]. Thus, if a person kills an apostate, he/she will not be considered as a murderer.

It is noteworthy that unlike Shia's viewpoint, Sunni orders a single command according to which whoever whose apostasy is proven, he/she will deserve corruption of blood [1]. In spite of the fact that in Sunni's viewpoint, punishment of apostate is due to Imam and ruler, if a person kills an apostate without permission of Imam, he will not be punished as a murderer but he will be exposed to punishment below the full amount prescribed by law because of interference with government's tasks [8].

4- ADULTERER AND SODOMITE

4-1- Shia's viewpoint

Mohaghegh believes that if a person has evidence and is able to present it in court, he/she is allowed to kill adulterer or sodomite [4]. However, SahebJawaher believes that adulterer or sodomite or natural apostate should be considered as corruption of blood only if it is permitted by Imam.

In conclusion, it can be said that from Shia's viewpoint, all Muslims are not allowed to kill adulterers and sodomites but is permissible on if it is permitted by Imam.

4-2- Sunni's viewpoint

From Sunni's viewpoint, corruption of blood of adulterer is due to order of an eligible judge and proving the crime. Although from Sunni's viewpoint, adulterer and sodomite will be punished with a same order, favor in the case of sodomite is considerable [1]. However, there is no sign of corruption of blood of sodomites in the sayings of Sunnis.

5- CURSING AT PROPHETS

5-1- Shia's viewpoint

From Shia's viewpoint, a person who curses at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh absolutely deserves corruption of blood. It is unanimously agreed between all religious authorities that a person cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh can be killed by anyone who has heard the curse. SahebJawaher writes "killing the one cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh is a must and there is no disagreement between religious authorities".

In the case of cursing at other prophets, Shia believes that it is definitely necessary to respect all other prophets and this respect is a part of Islamic rules; therefore, cursing at other prophets is a cause of apostasy [7]. However, punishment of cursing at other prophets cannot be considered similar to the punishment of cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh because from Shia's viewpoint, the punishment of apostasy is not always death.

It should be noted that corruption of blood of the one cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh is absolutely definite and permission of Islamic ruler is not required. Imam Khomeini considers the one cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh to be totally corruption of blood and there is no necessity of permission of Islamic ruler [5].

Therefore, it can be concluded that killing the person cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh is obligatory to the one who has heard the curse and if he/she is not afraid of loss of his/her life, reputation, and/or property, permission of Islamic ruler is not necessary.

5-2- Sunni's viewpoint

In religious books of Sunnis, there is no special title for the one cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh; Sunni considers the one cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh as an apostate and therefore, the punishment accepted for apostate can be used for the one cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh.

In this case, Hanafite believes that whoever harbors enmity against the prophet his holiness Muhammad is considered to be apostate; therefore, cursing at the prophet his holiness Muhammad is considered to be apostasy and deserves to be killed as Islamic punishment and repentance of the person cursing at the prophet his holiness Muhammad is not acceptable [1]. Shafiite believes that the one cursing at the prophet his holiness Muhammad or other prophets whose names are mentioned in the Holy Quran is considered to be apostate and deserves death penalty [1].

Consequently, from Sunni's viewpoint, the one cursing at holy prophets is considered to be corruption of blood.

6- CONCLUSION

The present paper determined corruption of blood by using some instance from Shia and Sunni's viewpoints. Corruption of blood was considered in the cases of "infidels deserving to be fought against", "apostate", "adulterer and sodomite", and "cursing at prophets".

In the case of infidel deserving to be fought against, Shia believes that permission of Imam is necessary to kill the infidel deserving to be fought against. Sunni believes corruption of blood of the infidel deserving to be fought against is the case both in and out of battle arena although the killer must have the ruler's permission to kill the infidel deserving to be fought against out of the battle arena.

In the case of apostate, Shia has divided apostates into two groups: natural and national. Corruption of blood of natural apostate is the case in any case and no repentance is accepted while repentance of national apostate can be accepted.

In the case of adulterer and sodomite, Shia believes that all Muslims are not allowed to kill adulterers and sodomites but is permissible on if it is permitted by Imam. On the other hand, Sunni believes that corruption of blood of adulterer is due to order of an eligible judge and proving the crime although there is no sign of corruption of blood of sodomites in the sayings of Sunnis.

Finally, in the case of cursing at prophets, Shia believes that killing the person cursing at the prophet his holiness Muhammad, Imams, and the prophet's daughter, her holiness Fatemeh is obligatory to the one who has heard the curse and if he/she is not afraid of loss of his/her life, reputation, and/or property, permission of Islamic ruler is not necessary. On the other hand, Sunni believes that corruption of blood of the one cursing at holy prophets is the case.

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