Eight verses in the Qur’an suggest corporal punishment. They include capital punishment for murder, hand mutilation for theft, hand and contralateral foot mutilation or crucifixion for crimes of armed robbery, or what we call today terrorism, and eighty lashes for adultery. The capital punishment that used to be executed via public beheading has been replaced in most Muslim countries by hanging. Most Muslim majority countries do not have those body punishments on their books anymore. Modern penal codes have taken over. Most Muslims, including the pious practitioners of the religion, and institutions like al-Azhar in Egypt did not feel that Shari’ah (Traditional Islamic Law) was violated by eliminating corporal punishment in law books in modern Muslim states. Traditional Islam has clear historic and legal precedents of suspending those punishments in the presence of mitigating social circumstances such as poverty, and lack of means to get married, etc...

With the resurgence of Islamic fundamentalism, starting in the mid-seventies, we started hearing voices advocating Hudud-corporal punishments. The rhetoric became louder with the emergence of extremist and terrorist movements such al-Qaeda and ISIL-Islamic State of Iraq and the Levant. Crimes against Humanity escalated in the name of Islam, particularly over the last three years, by those groups. An uproar, is building up in response by a large section of Muslims, even including a growing segment of fundamentalists, shocked by those heinous acts.

In this paper, I will argue against the literal, out-of historic-context, interpretation of those verses. I will be basing myself on Islamic tradition applied to today’s environment. I will briefly survey the culture in seventh century Arabia and its surrounding areas, exploring pertinent established penal codes. This will help in reading the text in its proper pre-modern historic cultural context. It will suggest that Qur’an is actually regulating and limiting the harshness of penal norms, as existed at the time of the revelation, rather than imposing those norms. This new/old Qur’anic paradigm would validate a downward movement away from the harsh culture of seventh century Arabia, as has happened in most Muslim majority countries, during the twentieth century. I will then briefly survey the changes that modernity brought to Europe in terms of penal culture paradigm shift and trace similar changes in most Arab/Muslim countries.

Through the process of rereading those verses in the Qur’an, I aspire to support other re-interpretive efforts, in progressively accumulating a reformation body of literature. A literature that recaptures Islamic tradition and moves it forward, within its authentic space: a humane and compassionate Islam as it lives in the heart of the majority of its faithful; an Islam that is proud of its rich religious tradition in today’s world, yet not hindered by its man-made interpretive shortcomings. Finally, with the buildup of the relevant groundwork, Islam of modernity will extricate itself from extremists and terrorists, through the vital interaction between its rich tradition and
modernity, just as it has done on several occasions throughout its 14 centuries history. This is a critical concern, not only for Muslims, but also for the rest of humanity in the global village of the world that we all share.