

# Comparative Law Researches



Quarterly Journal

Vol. 18, No.4 (Tome 86), Winter 2015

ISSN:2251-6751

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## From Cancellation of *Hadd* (Prescribed Punishment) to Penal Abolitionism

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Receive: 29/4/2014

Accept: 4/1/2015

Cancellation of *Hadd* (prescribed punishment) is prohibited in some Islamic narrations. These narrations have often been interpreted and construed as referring to *Hodoud* as opposed to *Tazira't* and their inflexible implementation. According to such an inflexible reading of the texts, *Hodoud* would not be flexible enough to cover all the necessary expediencies, and would not be compatible with the requirements of different circumstances and conditions.

By critically analyzing the content of these narrations, this article comes to the conclusion that they are not specifically related to *Hodoud*. Rather, they are talking about punishment, in general, and that any unjustified ignorance and abolitionist approach to the punishment is not acceptable: be the punishment *Had* or *Ta'zir*. So the main objective of these narrations is not to emphasize rigidity, inflexibility, and unreasonable seriousness in *Hodoud* in their idiomatic sense; rather they are emphasizing the certainty of punishments in general. Also the article criticizes some rules inferred from the narrations.

**Keywords:** Islamic Criminal Law, Cancellation of *Had*, Abolitionism.

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