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Intercession for Offenders in Had and Ta'zir Punishments

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Abstract

There are some religious narrations prohibiting one to intercede for offenders in Hodud (specific religious punishments). These narrations have often been construed and interpreted categorically and specifically referred to Hodud in its idiomatic and narrow sense, i.e. specific religious punishments. This understanding, in its turn, has led to form a differential system of Had-Ta'zir. Through a critical study of the related narrations, the author concludes that the intercession in Had and Ta'zir is not as much different as it is understood in the traditional view. First, the prohibition of intercession for criminals is not limited to those who have been convicted to Hodud. Discriminatory and unwise intercession or the one which weakens the certainty of punishment, are not acceptable- whether in Had or Ta'zir punishment. Secondly, the prohibition of intercession for the offenders in Hodud cases is not categorical. According to some evidences in the related narrations, it is allowed to intercede for wrongdoer provided that the case has not been taken to the court yet; particularly when the case revolves around the right of people (rather than right of God) and the wrongdoer has repented and been corrected or the crime has been proved through the offender's confession

Keywords: *Had, Ta'zir, Intercession, Mediation, Criminal Justice*

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