Turkey and Iran are both predominately Muslim-populated countries with a history of powerful political leaders who have shaped their societal values and perceptions towards capital punishment. Until the 1920s both countries employed a fairly punitive policy with regards to capital punishment. However, with the Treaty of Lausanne in 1923, Atatürk Mustafa Kemal finally achieved Turkish independence, which started Turkey on the road towards Westernization and secularism. Similarly in 1926, Reza Khan deposed an age old monarchy in Iran and followed the Kemalist ideology to lay the foundations for a modern Westernized state. This parallel existence continued until 1979 when the Iranian Revolution, led by Ayatollah Khomeini, toppled Reza Khan’s dynasty and the efforts for modernization were turned towards more conservative ideals derived from Islamic Sharia law. Despite the divergence, powerful political leaders utilized the same tools of religion and social control to achieve Westernization and secularism in Turkey, and Islamization and the adoption of Sharia law in Iran. Due to these differing paths, Turkey has been able to abolish the death penalty in its attempt to gain acceptance as a “civil” member of the Western world, while Iran’s Islamic regime continues to have the world’s second largest number of annual executions in the name of religion, which go unchallenged by a controlled society. This comparison allows us to see the impact of the relationship between religion and society on the process of state formation and explains how two predominately Muslim countries constructed such different perceptions and policies of capital punishment. There are two different lenses through which capital punishment is viewed: as a technology of power for the state and as a reflection of the state’s morality with an emphasis on particular religious and secular values. Ultimately the present paper seeks to examine how political leaders’ technologies of power impacted the social ideology and culture of a country that in turn influenced their participation, or lack thereof, in capital punishment. In order to understand the base from whence these technologies operated, it is important to first outline the relevant histories of both countries.

Upon achieving victory in the Turkish War of Independence in 1923, Atatürk Mustafa Kemal established a secular Turkish Republic and sought to enforce a model for modernity derived directly from the West. Ultimately, he “abolished the caliphate, banned sufi orders, nationalized religious endowments, closed down Islamic courts and incorporated the Italian Penal Code”.

One essential parameter of Westernization was abolishing the death penalty, which was last used in 1984, but not officially abolished until 2004. Turkey had a keen interest in the official abolition of the death penalty because it was one of the requirements for countries seeking membership in the European Union. Consequently, Turkey, along with Alba-
nia and Bosnia-Herzegovina, is one of the few Muslim countries in the Council of Europe able to abolish capital punishment despite a history of civil strife and extrajudicial violence.²

Prior to abolition and contrary to the Iranian emphasis on Sharia law, capital punishment in Turkey historically targeted political leaders deposed by military intervention. Duly, whenever the Turkish military felt that “stability or principles of Kemalism [were] threatened…it stepped into the political process to restore order and uphold the constitution”.³ Following military coups, Turkish regimes used capital punishment to systematically eliminate members of the opposition. Turkey experienced three such major military interventions and executed the central political actors in each one. After the 1960 coup d’état, former-Prime Minister Adnan Menderes and former-Minister of Labor and Finance Hasan Polatkan were executed; after the 1971 coup d’état, student leaders Deniz Gezmis, Hüseyin İnan and Yusuf Aslan; and after the 1980 coup d’état, a total of 50 men were killed, 27 of whom were politicians. Despite Turkish governments’ willingness to use capital punishment as a direct response to military takeovers, the civil regime parliament became increasingly reluctant to carry out capital punishment during the 1962-2000 period.⁴ There was a general decline in executions beginning in the 1940s, and the decline “might have gone further if the first coup d’état [in 1960], which resulted in a de facto regime, had not occurred”.⁵ A total of 112 prisoners were executed between 1962-2000, but executions clustered around changes of regime with no executions performed during 28 of those 39 years. The 1920 Kemalist ideology thus created secularism and a push for Westernization, which was followed by a decline in executions and eventually lead to official abolishment of capital punishment in 2004.

Iran followed Turkey in a similar path towards Westernization when Reza Khan became Shah in 1926 and took control of the country in the wake of World War I. Reza Shah modeled his policies after those of Ataturk Kemal, and used the “New Order” of Benito Mussolini to rationalize his belief that the nation had to be led by a powerful leader in order to
achieve “national consolidation, economic development and Westernization”. He advocated the rejection of Islam in representing nationalist ideology, which was a more difficult task in Iran since the ulama were involved “in a broader range of activities…and more interwoven with the rest of society” than their counterparts in Turkey. Subsequently, Reza Shah tried to dismantle the practice of Sharia law and instead “introduce the French civil code and the Italian penal code”. As a result he faced strong opposition, which eventually led to the Iranian Revolution of 1978-1979 where Ayatollah Ruhol lah Khomeini came into power and established an Islamic republic state based on Sharia law. Although the early stages of Westernization in Iran did not immediately reduce capital punishment, without the 1979 revolution’s interruption of secularization the country would have faced the same incentives for abolition as Turkey and likely reached a similar outcome.

Following the revolution, Ayatollah Khomeini “constantly underlined the need to scarp Western-inspired legislation and return to Islamic laws”, which were officially enacted to the penal code in 1982. “Sharia courts took over most criminal cases…with a mullah to each bench”, and decisions made in these Sharia courts were final and not subject to appeal. Capital punishment became increasingly prominent after the revolution as the “new government of the Islamic Republic, whose leaders had previously sided with criticisms of the Shah’s human rights record, launched a wave of executions”. Although political prisoners had been executed in the hundreds between 1971 and 1979, more than 7,900 were executed between 1981 and 1985. A total of 2,616 executions were performed in 1981 alone, including a significant number of juveniles and women. Islamic criminal law was used “as a tool to establish an Islamic regime and to suppress all opposition to it” through appointment of mullahs instead of legal experts. The creation of Islamic revolutionary courts produced speedy rulings and harsh public executions. Today, capital crimes in Iran include the following: armed robbery, treason, murder, drug trafficking, rape, pedophilia, sodomy, kidnapping, and terrorism.

Emile Durkheim posited that crimes are a reaffirmation of social values because crimes are defined in accordance to the collective conscious, and Iran’s penal code after the Revolution, with religiously prohibited activities now considered capital crimes, is an illustration of that.

For example, sodomy, if consensual, would not be considered a heinous crime in a Western secular country because it does not cause harm to others. However, in Iran a different relationship between religion and society persists and sodomy is consequently considered a fasaad di al-ardh crime under Islam, punishable by death. The continued use of capital punishment to reinforce religious values is illustrated by Iran’s September 2011 execution...
By constructing the death penalty as a practice allowed by Islam, anyone who questions its validity would be seen as questioning the religion as a whole.

In contrast, a Durkheimian interpretation of Turkey’s penal code reveals the influence of Kemalist thought in its inclination towards secularism and Westernization. While Iran expressed religious values in their tailored use and execution of capital sentences, Turkey embodied secular and westernized ideals which created a new nationalist identity that did not condone the use of capital punishment. This new Turkish identity was reflected in the work of sociologist and poet Memet Ziya. Ziya played an essential role in the Kemalist movement, intentionally crafting an ideology capable of replacing religion. Ziya’s work stressed that organic integrity, ‘the cultural and intellectual unity of Turkish society’, would “successfully repudiate all external connection and disposes of Ottomanism and pan-Turkism, as well as of pan-Islam”. This unified nationalist culture successfully created a new, non-religious foundation for Turkish patriotism and facilitated Turkey’s move away from capital punishment.

On the other hand, Iran maintained a penal code inseparable from religious values and a positive view of capital punishment’s utility. Iran’s use of the death penalty is justified by its interpretation of a Quran verse: “The only reward of those who make war upon God and His messenger and strive after corruption in the land will be killed or crucified…” (5:33). By constructing the death penalty as a practice allowed by Islam, anyone who questions its validity would be seen as questioning the religion as a whole. Because citizens do not want to be seen as the outlier in a country that defines its identity by religion, the state’s justification of the death penalty is rarely challenged. Generally when Islamic political organizations come to power, modification of the criminal system is the primary step taken to maintain power. These political organizations have an interest in continuing and expanding capital punishment because the severity of the punishment forces compliance with rules they incorporate into the criminal justice system – whether it is suppressing homosexuality or drug trafficking.

The path toward abolition began in Turkey through state formation processes under
Ataturk Mustafa Kemal that involved an emphasis on secularism and Westernization. Even when Turkey had the death penalty before 2004, it was predominately used for military purposes as opposed to civil crimes. The Kemalist devotion to creating a new Turkish national identity modeled after Western civilization further confirms that religion was not a primary driving force for state rule. Due to Mustafa Kemal’s efforts in the early 1920s, subsequent political leaders reinforced a Western culture in Turkey, thereby creating a snowball effect towards further Westernization. This campaign ultimately led to the abolition of capital punishment as Turkey sought acceptance into the secular organizations of Western Europe. In contrast, Ayatollah Khomeini’s movement towards Islamization of the state built a retentionist country that is able to use capital punishment because of its unquestionable religious justification. This analysis of the divergent historical paths towards abolition of the death penalty in Turkey and its retention in Iran indicates the powerful effect strong political leaders have on a country’s cultural norms, and how those norms are expressed in the penal code, especially in the perception of capital crimes. Thus, decisions made during periods of state formation about social ideologies and the role of religion in society shape cultural ideals that reaffirm or delegitimize the country’s existing penal system, and ultimately influence states’ use of capital punishment.

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