**The Ethics of Penal Amputation**

**Abstract**

Penal Amputation has been a punishment in medieval societies. In recent times there has been a revival in its use in Islamic societies. The Malaysian state of Kelanatan has proposed reviving hudud punishments and suggested that surgeons should perform the amputation in order to minimize complications and pain to the patient. This has led to a raging controversy of the ethics of surgeons doing amputations for penal purposes.

This paper summarises the Hudud laws which are the basis for penal amputations in Islamic societies. It then examines the ethical arguments that arise in the implementation of the judgements which call for penal amputation in “decent “societies as described by Rawls. The analogous situations faced by practicing physicians are also discussed in order to shed light on these arguments. It is argued that there may be an ethical basis for doing such surgery in “decent” societies though it may be anthemia in liberal societies.

The paper concludes that it is incorrect to reject the process of penal amputation out of hand, but suggests that while there may be an ethical basis for such amputations in some societies, it is unethical to compel unwilling surgeons to do these procedures.

Key words: Penal amputation, Islamic law, “decent” society, ethical arguments