

Exploring the Status of Honor Killing in Islam

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ABSTRACT:

The term ‘Honor killing’ refers to the killing of a man or woman because of their claimed involvement in immoral behavior. The pretext is that the deed has caused shame to the family's honor and reputation. Honor murders have roots that can be found in all major religions and societies. Instead, such actions are frequently portrayed as being religious and are better justified by comprehending social and cultural constructs. These acts are best understood in light of the gender-power dynamics and related ideologies that prevail in traditional and conservative cultures. These cultures stand out for their ignorance, lack of access to necessities, illiteracy, social traditions, non-existence of the rule of law and economic backwardness. The offenders give love marriages, extramarital affairs, and alleged drug use as their justifications. So, it is important to know what guidance we get from Islamic teachings. In this article, it will be explored that how had such cases been dealt by the Holy Prophet (ﷺ) and afterwards by his companions.

Keywords: *honor killing, Islamic teachings, religion, constitution, jurisprudence*

1. Introduction:

The series of killings in the name of honor is very old. But in modern times its rate has increased to an alarming extent due to the extremist attitudes that have developed in our society due to several reasons. Some such news are reported in newspapers and other media on a daily basis. Here we will first clarify its meaning in view of the interest of the public so that the reader of every level can get the benefit from it.

When someone ends the life of a man and a woman and claims that he has committed this murder because the deceased man and woman committed sexual activity, then this murder is not considered a common murder, but is called an ‘honor killing’.³

It is equivalent to fornication or adultery, for which different words are used in different regions. For example, in Baluchistan, it is called *Siyāh Kārī*, which means wickedness, sinner, criminal.

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³. Rabi'ā Ali, *Ghairat kā Tārīk Pehlū*, Lahore, Mat'bā Shirkat Gāh, 2001AD, p.15

In Sindh it is known as *Kāro Kārī*, in Punjab it is known as *Kālā Kālī* and in the KPK as *Tor tourā*. These terms, with black connotations, reflect the social stigma attached to adultery and those who commit it.⁴

However, the above terms are applied to a man or woman when they are found guilty of adultery or suspected of adultery. Later, under the same terminology, when they are killed as a punishment, it is not just a murder but called *honor killing*. The concept of honor in Pakistani society has taken such a terrible shape that those who kill in the name of honor, they consider themselves at right in every respect.

2. Literature Review

Honor killing has been discussed mostly in newspapers columns and on TV channels debates. Some international research journals have also published scholarly articles on different aspects of the said topic. Talking about the work on this topic about/in Pakistan, some notable research work is observed. As Wasti and Niaz say that Prior to partition, Pakistani culture adopted the practice of honor killing from subcontinent India.”⁵

In their article, Koteweg and Yurdakul describe how Pakistani society adopted some customs and values from its pre-Islamic society.⁶

Pakistani research journal ‘Al-Tafsīr’ published an article on ‘*Qatl-e-Ghairat aur Islāmī Tālīmāt: Faisalabad Division kay Tanāzur mein*’ in which, its writers; Dr. Shazia Ramzan and Dr. Ghulam Haider presented an analysis report of honor killing in the years 20016-2018. They presented the facts and figures of honor killing cases had taken place in Faisalabad Division.⁷

After observing the research work on honor killing, it is felt that it is necessary to fill the gap of lack of clear guidance on context of the Islamic Sharia.

3. Honor and the Islamic Perspective

Honor is a requirement of faith. And Allah loves honor. The guidance of the Prophet is:

“مَنْ الْعَيْرَةُ مَا يُحِبُّ اللَّهُ، وَمِنْهَا مَا يَكْرَهُ اللَّهُ، فَأَمَّا مَا يُحِبُّ اللَّهُ فَالْعَيْرَةُ فِي رِيَّةٍ، فَأَمَّا يَكْرَهُ، فَالْعَيْرَةُ فِي عَيْرٍ رِيَّةٍ.”⁸

⁴. Rabi’ā Ali, *Ghairat kā Tārīk Pehlū*, p.15

⁵. Wasti TH. The Law on Honour Killing : A British Innovation in the Criminal Law of the Indian Subcontinent and its Subsequent Metamorphosis under Pakistan Penal Code. 2010;25(2):361–411.

⁶. Korteweg AC, Yurdakul G. Religion , Culture and the Politicization of Honour-Related Violence. 2010

⁷. Dr. Shazia Ramzan and Dr. Ghulam Haider, *Qatl-e-Ghairat aur Islāmī Tālīmāt: Faisalabad Division kay Tanāzur mein, Al-Tfsīr, Karachi, Majlise Tafseer, p. 147-162*

⁸. Ibn e Mājah, Muhammad bin Yazīd, Al-Sunan, Riyadh, Darussalām Li Al-Nashr wa Al-Touzīh, 1st ed.1999, Hadith: 1996, p.357

(There is an honor that Allah likes and there is an honor that Allah hates. Then the honor that Allah likes is the honor of adultery. And the honor that Allah dislikes is the honor of non-adultery.)

This hadith shows that there are two types of honor: one is natural honor and the other is unnatural, which is done unnecessarily and slanders the pious. Such honor destroys homes and destroys peace. On the authority of Hazrat Abu Hurairah, the Messenger of Allah, peace and blessings be upon him, said:

"إِنَّ اللَّهَ يُعَارُ، وَغَيْرُهُ اللَّهُ أَنْ يَأْتِيَ الْمُؤْمِنُ مَا حَرَّمَ اللَّهُ."⁹

“Allah is proud and He is proud when a believer commits something forbidden.”

It was narrated from Hazrat Asmā RA that I heard the Prophet ﷺ saying:

"لَا شَيْءٌ أَغْيَرُ مِنَ اللَّهِ."¹⁰

“There is none more honorable than Allah.”

4. Honor Killing and the Islamic Perspective

Unmarried intercourse of a man with a woman or of a woman with a man is adultery. The Qur'an forbids both men and women from committing adultery. Therefore, Allah says:

"وَلَا تَقْرُبُوا الزَّانِيَ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا."¹¹

“And don't even go to adultery because it is immoral and a bad way.”

In the Qur'an and Hadith, adultery is not only described as immoral and bad, but severe punishments have been prescribed by entering it into the limits. Sharia orders on the one hand that if someone commits adultery and his guilt is proven by evidence, then he should be punished severely which is not given for any other crime and on the other hand it decides that the person who accuses someone of adultery should be punished. Either he should prove his accusation with testimonies or else he should be severely punished so that he never dares to utter such a thing from his tongue without proof. But, in our society, a man and a woman are killed by being accused of mere acts of unconfirmed testimony, it is argued that this behavior is part of ritual and customs, and by adopting this behavior, the involved people not only go out of Islamic limits. But also they violate human rights. While the religion of Islam teaches peace and harmony, killing a Muslim person unjustly in Islam is a great and great crime. Allah Ta'ālā says:

"وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خُلْدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَ لَعَنَهُ وَ أَعَدَّ لَهُ عَذَابًا عَظِيمًا."¹²

⁹. Bukhari, Muhammad bin Ismā'īl, Al-Jāmi Al-Sahīh, Riyadh, Darussalām Li Al-Nashr wa Al-Touzīh, 2nd ed.1999, Hadith: 5223, p.933

¹⁰. Ibid, Hadith: 5222

¹¹. Al-Isrā, 17:32

¹². Al-Nisā, 4:93

“And whoever kills a believer on purpose, his punishment is Hell, in which he will remain forever, Allah's wrath is upon him, and Allah has cursed him, and has prepared for him a great punishment.”

Abdullah bin Umar, may God be pleased with him, that the Messenger of God, may God bless him and grant him peace, said:

"لَنْ يَزَالَ الْمُؤْمِنُ فِي فَسْحَةِ مَنْ دِينِهِ مَا لَمْ يُصِْبْ دَمًا حَرَامًا."¹³

“The believer is in the extent of his religion as long as he does not shed anyone's forbidden and unjust blood.”

Then the Holy Prophet (peace and blessings of Allah be upon him) explained the reasons due to which someone's blood is permissible, saying:

"لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ يَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّي رَسُولُ اللَّهِ إِلَّا بِأَحَدٍ ثَلَاثٍ: أَلْتَفُسُ بِالنَّفْسِ، وَالتَّيْبُ الزَّانِي، وَالْمَفَارِقُ لِدِينِهِ النَّارِكُ لِلْجَمَاعَةِ."¹⁴

“Whoever testifies that there is no God but Allah, and I am the Messenger of Allah, the shedding of the blood of a Muslim is not permissible, except for three things: either he is a married adulterer, and murder for murder, and a person who abandons the religion and separates from the congregation.”

The adultery of a married person is a reason for which killing him is permissible, but he cannot be killed unless two conditions are met:

The first condition is that he must be ‘Mohsan’ means, married. Ihsān has five conditions:

Wise, an adult, free of slavery, married, Intercourse.¹⁵

Second condition is that the limit should be proved by the testimony of four witnesses and they should testify to seeing the private part in the private part. And covering up the perpetrator of such a crime so that he repents before death is better than humiliating him and revealing his fault. When Mā'iz Aslamī confessed to adultery in front of the Holy Prophet (peace be upon him), he disapproved of it and left him. Even when Mā'iz Aslamī came forward and confessed several times, then the Holy Prophet (peace and blessings of Allah be upon him) imposed the limit on him.

¹³. Bukhari, Al-Jāmi Al-Sahīh, Hadith: 6862, p.1183

¹⁴. Ibid, Hadith: 6878, p.1185

¹⁵. Al-Shanqītī, Muhammad bin Mukhtār, Sharah Zā Al-Mustanqā, Maktabah Shāmilah, 120/6

On this ground, what people call honor killing is an excess and cruelty, because in it, the woman is also being killed who did not deserve to be killed. It is given although the Sharia punishment; one hundred lashes and one year of exile, not that the punishment is death. The Prophet ﷺ said:

"When a virgin commits adultery with a virgin, there is one hundred lashes and one year of exile."¹⁶

Therefore, whoever kills a virgin has killed a believer's soul, whose killing has been forbidden by Allah. In this regard, there has also been a strict admonition, because in Surah al-Furqan, Allah's commandment is:

وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ وَمَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا ۖ يُضَاعَفْ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَيَخْلُدْ فِيهِ مُهَانًا¹⁷

“And those who do not make anyone else a deity with Allah, and do not kill a person whom Allah has forbidden to kill, except for the truth, and they do not commit adultery. And whoever does this Indeed, he will bring upon himself a severe punishment. He will be punished twice on the Day of Resurrection, and he will remain in it forever with humiliation.”

5. Status of Honor Killing in Islamic History

Here, an analytic study of honor killing in Islamic History will be discussed era wise;

5.1.Era of the Messenger of Allah ﷺ:

When the rulings were revealed, Sā'd bin Ubādah Ansāri said, "O Messenger of Allah, if a man sees his wife in adultery, should he find four witnesses?" That is, in such a situation, how does a man's honor take care of giving respite to busy man and wife even for a while, The Messenger of Allah (ﷺ) said:

"أَتَعْجَبُونَ مِنْ غَيْرَةِ سَعْدٍ لِأَنَّا أَعْيَرُ مِنْهُ وَاللَّهُ وَ أَعْيَرُ مِنِّي"¹⁸

“Are you surprised by Saad's pride, by God! I am more jealous than him and Allah is more jealous than me.”

In this hadith, the words of Muslim are:

Hazrat Saad asked the Messenger of Allah, may God bless him and grant him peace, that I should give enough time to the person who is busy with his wife that I should. Shall I find and bring a witness? He (peace be upon him) said: "Yes, you will have to find and bring him."¹⁹

¹⁶. Muslim bin Hujjā, Al-Jāmi Al-Sahīh, Riyadh, Darussalām Li Al-Nashr wa Al-Touzīh, 2nd ed.1999, Hadith: 4416, p. 749

¹⁷. Al-Furqān, 25: 68-69

¹⁸. Bukhari, Al-Jāmi Al-Sahīh, Hadith: 5220, p.933

Hazrat Sā'd asked for permission to kill this man if I saw such a case with my wife? He said: 'No' means you do not have permission to do this.²⁰

Hilāl bin Umayyah saw his wife engaged with a non-man, so he came and told the Messenger of Allah, peace and blessings of Allah be upon him, and the Messenger of Allah, peace and blessings

of Allah be upon him, put a 'li'ān' between them.²¹

5.2. Era of the Companions of Prophet Muhammad ﷺ:

It is narrated from Hasan Basri that a man found a man engaged with his wife and killed him. The heirs of the deceased took this matter to Hazrat Uthman bin Affan RA. He declared this blood to be in vain.²²

It is narrated from Hazrat Ali that in the country of Syria, a man named Ibn-e-Khubiri saw a man with his wife and took the opportunity to kill him. Then he came to the service of Hazrat Muawiya. He felt difficulty in his decision. So he wrote to Hazrat Abu Musa to ask Hazrat Ali to make this decision. Hazrat Ali said that this incident did not happen on my land, so tell me the details of it. So on knowing the details, he said:

"If the murderer does not bring four witnesses, he will be fully punished."²³

Such events prove that upon receiving the evidence, the Holy Prophet (PBUH) and the Companions of the Prophet (PBUH) made a decision that the blood of the deceased was declared useless and that no punishment was imposed on the murderer. But he also imposed punishment on the basis of lack of evidence

5.3. Discussion of the Jurists:

According to the jurists, if a person sees someone involved with his wife in the house, he can kill him righteously.²⁴

Some important statements of the jurists are given below:

- Allama Badr-ud-Din Ainī writes:

¹⁹. Muslim, *Al-Jāmi Al-Sahīh*, Hadith: 3763, p.651

²⁰. *ibid*

²¹. Bukhari, *Al-Jāmi Al-Sahīh*, Hadith: 5307, p.948

²². Ibn Hazm, Ali Ahmad, *Kitā Al-Aqrār*, Beirut, Dār Al-Āfāq Al-Jadīdah, 252/8

²³. Abdu r Razzaq Al-San'ānī, *Al-Musannaf*, Beirut, Al-Maktab Al-Islāmī, 1403AH, Hadith: 17913, 433/9

²⁴. Muslim, *Al-Jāmi Al-Sahīh*, Hadith: 177, p.42

"اختلف العلماء في من قتل رجلاً و زعم انه وجده قد زني بامرئة فقال جمهورهم لا يقبل بل يلزمه القصاص الا ان تقوم بذلك بينة او تعترف به ورثة القتل والبينة اربعة من عدول الرجال يشهدون علي نفس الزنا و يكون القتل محصناً و اما فيما بينه وبين الله تعالى فان كان صادقا فلا شئ عليه."²⁵

"The scholars differed about the person who killed someone on the assumption that he had wronged his wife, then the most of the scholars said that he should not be killed, but that *qisās* is obligatory on him. So that he establishes a witness on it or the heirs of the deceased know it. And let four righteous witnesses testify about it that he was committing adultery and the deceased was married and the matter is between him and Allah, if he is true. If so, there is no blame on him."

From this text, it is known that the murderer has the authority if the woman involved is his wife. Also, the testimony of four men. Moreover, the victim is Muhsin. If he is not mohsin, the case will be different.

- Abdullah bin Mahmūd writes the narrative of *Hindwānī* about such a problem, in his book

"سئل الهندواني عن رجل وجد مع امرأة رجل يحل له قتله قال ان كان يعلم انه ينزجر عن الزنا بالصياح والضرب بما دون السلاح لا يحل وان علم انه لا ينزجر الا بالقتل حل له القتل وان المرأة حل له قتلها ايضا."²⁶

"Hindwani was asked whether a man could kill a woman if he saw her engaging with a stranger? Hindwani said that if he believed that the engaged person would run away by making noise or lightly hitting him, he would do so. Killing is not permissible, if this is not believed, then he can kill. If the woman agrees to this act, then he can kill the woman as well."

Here we find the scholar agreeing the opinion of the former, to an extent.

- A renowned expert, Umar Amīn, mostly called 'Ibn-e-Ābidīn' writes:

"لو كان مع امرته وهو يزني بها او مع محرمه و هما مطاوعان قتلها جميعا."²⁷

"If anyone sees a person engaging in wrongdoing with his wife or with his Mahram woman while they are doing this act, then he should kill both of them."

Moreover, he writes:

²⁵. Al-Ainī, Badr ud Din, *Umdah Al-Qārī Sharah Sahī Bukhārī*, Damascus, Idārah Al-Tabā'ah Al-Munīriyah, 75/19

²⁶. Abdullah bin Ahmad bin Mahmūd, *Al-Bahr AL-Rā'iq Sharah Kanzu d Daq'iq*, Beirut, Dār Al-Kutub Al-Islamiyah, 45/5

²⁷. Ibn e Ābidīn, Umar Amin, *Al-Durr Al-Mukhtār*, Maktabah Shāmilah, 63/4

"ويكون بالقتل كمن وجد رجلا مع امرأة لا تحل له ان كان يعلم انه لا ينزجر بصياح وضرب ما دون السلاح والا لا وان كانت المرأة مطاوعة فقتلها ولو كان مع امراته وهو يزني بها او مع محرمه و هما مطاوعان فقتلها جميعا مطلقا."²⁸

"This punishment shall be in the case of murder if a person sees a person with a stranger woman while she is not *halāl* for him. If he knows that the person will not stop his activity by shouting or striking with weapons, then the killing is permissible, otherwise not, and if in such a case, if the woman is also involved in sexual intercourse, then he can kill both of them. If seen distracted, can absolutely kill."

Anxiety is found in these expressions. In some passages, it is ordered to drive away the engaged person by shouting and beating before killing, and in some, killing is absolutely permitted. This distinction was not recognized by Allama Rāfi, who writes:

The words of 'من وجد شخصا مع امرأة' show that the topic of discussion is the illicit state of the woman and the man i.e. being found in adultery or adultery, and not only their state of adultery."²⁹

This shows that the condition of distraction is because the jurists have said من وجد. As if the state of intuition is necessary. Also because this change is negation and it can only happen during negation and not later.

Now the question arises that establishing the limit (*hadd*) is only the work of the government, so in such a situation, the thing to watch, is that, whether the killer is not violating the law? While the experts say that this is not a limit but a *tāzīr* and the husband, master and ordinary people can also establish the *tāzīr*, as is stated:

"التعزير يفعله الزوج والمولي وكل من راه احد ايباشر المعصية."³⁰

"Tāzīr can be established by husband, master and any Muslim who sees someone suffering from sin."

5.4.Importance of Evidence in Punishment of Honor Killing

²⁸. ibid

²⁹. Al-Rāfi, Abdul Qadir, Taqrīrāt Al-Rāfi Alā Hāshiyah Ibn Ābidīn, Egypt, Maktabah Al-Kubrā Al-Ameeriyah, 1323AH, 45/2

³⁰. Ibn e Ābidīn, *Al-Durr Al-Mukhtār*, 64/4

In Islam, it is not allowed to violate the law by anyone. Sometimes such situations occur that people act against the law. But there was an incident during the time of the Prophet (ﷺ) and there were also incidents during the time of the Companions that the criminal was not punished, but the blood of the victim was declared in vain. Such an incident caused the war with Banū Qainqā, as stated by an author of a Sīrah book:

"A Jew in the market of Banū Qainqā tied a Muslim woman's cloth in his shop so that when she got up, her clothes would be exposed. So that's what happened. The woman called the Muslims to take revenge. A Muslim youth killed the Jew out of pride, which resulted in the Jews falling and they also killed the Muslim youth. As a result of this incident, war broke out between the Muslims and the Jews."³¹

Ibn Hazm says that I asked Atta what is his opinion about a man who finds a person involved with his wife, then kills him. Will the murder of the victim go in vain? So Atta said:

"In the case when the evidence will be found, otherwise not."³²

5.4.1. Evidence of witnesses

1. A person saw a man coming out of a house. It has been answered in the fatwā that these superstitions are not valid in the Sharia. In such a case, four witnesses must be present for the wrongdoing, otherwise adultery will not be proved.³³
2. A woman confessed to her husband that she had committed adultery. Her husband poisoned her and killed her. The fatwā was issued that the husband made a mistake, he will be impeached in the end because everyone cannot impose the limits.³⁴

5.5. Opinions of Different Scholars:

Among the members of the Islamic Ideological Council, the following scholars express their opinion about honor killing;

5.5.1. Maulānā Hasan Jān:

According to my opinion and understanding, this kind of killing is absolutely not permissible from the point of view of intellect, morals and holy Sharia, and neither should a fatwa be given to justify this kind of killing.³⁵

5.5.2. Dr. Sarfaraz Na'imī:

Dr. Sarfraz Na'imī writes in his report submitted to Islamic Ideology Council,

³¹. Zuhlān bin Zainī, Ahmad, *Al-Seerah Al-Nabawiyyah*, Beirut, Dār Al-Fikr, 1421AH, 12/2

³². Abdu r Razzaq Al-San'ānī, *Al-Musannaf*, Hadith: 17915, 433/9

³³. Muhammad Zafir ud Dīn, Moulānā, *Fatāwā Dār Al-Ulūm Deoband*, Multan, Maktabah Imdādiyah, 1400AH, 188/12

³⁴. Muhammad Zafir ud Dīn, *Fatāwā Dār Al-Ulūm Deoband*, 197, 198/12

³⁵. Muhammad Hassan Jān, Moulānā, Ghairat kay Nām par Qatl, Annual Report Islamic Ideology Council 1999-2000, p.212

“In my opinion, no one is allowed to take the law into their hands.”³⁶

6. Conclusion

After studying the above arguments and points of views of important experts and scholars, we are right to draw the conclusion of this whole discussion that even if the crime is proved, it is not permissible for a person to impose a limit on him automatically, but for him. It is obligatory to refer to the ruler or his deputy, whether he is the deputy to complete the affairs or to enforce the limit, because if one of the subjects applies the limit by himself, it will lead to disorder and disorder, and everyone will rise up. He will continue to kill others. And besides, people will use him to fulfill long-standing enmities, mischief and defame the holy Sharia. This is the point of view of the advanced jurists that such a killing is permissible in any case, but nowadays, when there is an era of temptations, one should be very careful in this regard, as Dr. Na’īmī is of the opinion that issuing such a fatwā in this situation, should also be avoided.

³⁶. Dr. Sarfraz Naīmī, Zānī ko az khud Qatl karnay kā Hukm, Annual Report Islamic Ideology Council 1999-2000, p.230