

Islam is not the Cause of Honor Killings. It's Part of the Solution

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This part of the history of honor killings you're unlikely to read or hear about. In 1947 in the British colony of Nigeria, English judges had to overturn what they viewed as the backwards ruling of a local Shariah court. A man had been sentenced to death for murder, but the British superior court pointed out that it had been a crime of passion. The man had killed his wife's lover. The Shariah court had been unimpressed by this excuse, but the British court decided that the murderer did not deserve to die.¹ Yes, you read that correctly. A Shariah court, applying Shariah law, did not buy the 'crime of passion' argument that has long served as a justification for honor killings. The British court did.

Honor killings are never far from the headlines. [The Islamophobic Clarion Fund even released a documentary called *Honor Diaries*](#), which repeats the accusation that Islam supports honor killings and that these acts of violence are endemic to Muslim societies.

But the truth of the matter is that honor killings are not caused or encouraged by Islam. Honor killing, despite the popular rhetoric around it, is not even a problem specific to Muslims.² Its most concentrated and serious

occurrences don't involve Muslims at all. This ignorance about Islam's teachings and the realities of violence against women has serious costs. First, blaming honor crimes on Islam antagonizes

Muslims unnecessarily. It feeds the narrative, prevalent in many Muslim countries, that dismisses human rights as a proxy for Westernization and cultural imperialism. Second, sensationalism over Islam deflects from a reality that many men are loath to admit: that violence against women is a global problem with roots much deeper than the doctrines of one religion or the features of one culture. It needs to be addressed as such. Finally, obsessing over Islam's alleged acceptance of honor crimes blinds Muslims and non-Muslims to the condemnation of these crimes in Muhammad's teachings and the Shariah.

The tragedy of violence directed at women because they are women is [far too widespread](#) and long-lived to be the product of any one religion or even one culture. Though it takes different shapes and appears with varied frequency from region to region, it afflicts all societies. Patriarchal societies (i.e., all societies to one degree or

another) sometimes 'justify' some of this violence as the consequence of rage triggered in 'crimes of passion.' Other forms of violence against women, such as honor killings, can involve premeditation and even the coordination of several people, including women related to the victim. In those parts of the world plagued worst by violence against women, legal systems tend to offer official or unofficial leniency for the men who commit it.

Honor crimes are only part of the larger phenomenon of **femicide**, or the murder of a woman for some reason associated with her gender. The women and girls who are the victims of such violence are attacked because they are perceived to have violated some profound expectation of how women are supposed to act in their society. In the Mediterranean region, especially the Middle East and North Africa, as well as South Asia, affronts are to the 'honor' of the woman or her family. The United Nations Population Fund (UNFPA) has conservatively [estimated that at least 5,000](#) women a year globally are victims of honor killings. In India and Pakistan, this often entails a daughter or sister being killed for falling in love with a man without

parental approval and occurs amongst Hindu and Muslim populations alike. Femicide takes other forms elsewhere. [A 2012 UN report details](#) how in parts of southern Africa, South and Southeast Asia hundreds of women are killed each year after being accused of witchcraft. Their killers receive lighter sentences with alarming regularity.

Despite the media attention they receive, honor killings are not the most prevalent type of femicide. The number of honor killings, whether in Muslim countries or elsewhere, pales in comparison with the most serious form of violence against women, namely dowry killings among India's Hindu population. Dowry killings, the murder of a wife by her husband or his family, often by burning, for her failure to provide a large enough dowry payment to her husband's family, ceasing dowry gifts or merely for falling short of expectations in her wifely duties, have occurred in shocking numbers. A [2012 UN report](#) observed that 8,383 known dowry murders occurred in India in 2009, up from 4,836 in 1990. Though the Indian government outlawed dowry giving decades ago and identified dowry murders as a criminal problem, dowry giving remains an

important custom and the suspicious death of wives is rarely investigated. The police often dismiss these deaths as kitchen accidents.

Islamophobic organizations point out that Islam and the [laws of Muslim countries excuse](#) honor killings or treat them lightly. On the second point they are correct. Such laws are a problem, and one that seems to have proliferated in the Middle East. In Egyptian law, a man who kills his wife and/or her lover after catching them 'in the act' (*in flagrante delicto*) is only punished with prison as opposed to the death penalty. Morocco, Kuwait, Lebanon, Syria, Yemen, Oman, the UAE, and Jordan's laws extend drastically reduced penalties for the murder of any female relative (and their lover) that a man finds in such a situation (though the UAE and a 2001 update to Jordan's laws allows the same excuse for a woman who finds her husband in bed with another woman).

But none of these laws has any basis in the Shariah or Islamic teachings. In fact, they were originally imported from the West. Criminal law in the Middle East today was shaped by the Ottoman Criminal Code of 1858, which was

issued as part of the failing Ottoman Empire's efforts to imitate its European rivals. The Code was little more than a translation of the French Criminal Code of 1832, copying word for word its lax punishment for honor crimes. This is still evident today in the laws of Lebanon, Syria, Jordan and to a lesser extent Morocco (never part of the Ottoman Empire), which read like literal translations from the French. The French and Ottoman law codes also served as the major inspiration for Egypt's law as well.

In Pakistan, another country regularly in the news over honor crimes, we find a similar case with British law. Despite having a legal system influenced by the Shariah, Pakistan's criminal law remains based in the 1860 code that the British imported to rule colonial India. This law granted leniency to a husband who killed his wife due to ["grave and sudden provocation."](#) Pakistan reformed this law in 1990, ironically, in an attempt to bring the country's laws closer in accord with the Shariah. In particular, Pakistan's Federal Shariat Court declared that, ["according to the teachings of Islam, provocation, no matter how grave and sudden it is, does not lessen the intensity of crime of murder"](#) (sic). Sadly,

Pakistani courts sometimes still hand down reduced punishments for the men who commit honor killings. But the judges who do so have justified this by once again citing the “grave and sudden provocation” suffered by the murderer – the exact wording of the British law.³

Shariah law has a clear position on honor killing, drawing directly on rulings made by the Prophet Muhammad: a husband who kills his wife and/or her lover has committed homicide like any other case, even if the husband caught the two in the act. The basis of this comes from Hadiths, or sayings of the Prophet Muhammad. When he was asked what would happen if a husband found his wife with another man, the Prophet responded that the husband could not kill him and that no one could be punished unless the husband brought four witnesses who had seen the act.⁴ The Quran set down the practical procedure for husbands or wives who suspected infidelity as well as those who caught their spouse cheating but had no witnesses: the couple would appear before a judge, and the accusing spouse would swear to God five times that their accusation was true. If the accused spouse then swore five times to

God that they were innocent, neither party was punished but the couple was divorced (Quran 24:6-7).

Muslim scholars have been well aware of the dangers of violence against women. The famous nineteenth-century Yemeni scholar al-Shawkānī (d. 1834 CE) wrote that one of the reasons that men who murder women are liable to be executed is the phenomenon of male violence against women for supposed slights of honor. He concluded that:

*There is no doubt that laxity on this matter is one of the greatest means leading to women's lives being destroyed, especially in the Bedouin regions, which are characterized by harsh-heartedness and a strong sense of honor and shame stemming from Pre-Islamic times.*⁵

The foreignness of honor killing to the Shariah is so clear that, for centuries, Muslim legal scholars have been in substantial agreement on the issue.* In fact, when confronted with a report that the early caliph Umar had ruled that men who killed wives they found engaged in adultery would not be

punished, Muslim scholars could only conclude that he must have meant that they would not be punished by God in the Afterlife. In this life, the Shariah was clear that they were murderers.⁶ In the modern period, many of the most prominent Muslim scholars from all sects and backgrounds, such as the Sunnis [Yūsuf al-Qaraḏāwī](#) and [‘Abdallāh al-Ghumārī](#) (d. 1993) and the late Shiite scholar [Muḥammad Husayn Faḍlallāh](#) (d. 2010), have declared honor killing totally impermissible in Islam, as have a group of [Canadian imams](#), the [Muslim Council of Britain](#) and the prominent American imam [Zaid Shakir](#).

We can continue to rehash the tired line of Islam allowing honor killing. Or we can point out that the Prophet's teachings and the Shariah condemn the act in no uncertain terms. Violence against women and the failure of legal systems to punish it is a serious problem in Muslim countries like Afghanistan and Pakistan. Islam and the Shariah should be mobilized as arguments against this rather than as its supposed causes. The number of dowry killing amongst Hindus in India alone dwarfs honor killings globally, and the country that ranks worst in the [UN's rankings of femicide](#) is the

decidedly non-Shariah applying, majority Catholic El Salvador. These realities, along with the fact that the laws in Muslim countries that indulge honor killings are actually imported from Europe, should remind us of something our society conveniently overlooks: violence against women is *mankind's* problem, and it's as much a part of the past and present of the West as anywhere else.

**There is one glaring exception to the overall rejection of honor killing in the Shariah tradition. Law in the*

Ottoman Empire created a space for the practice on the basis of a bizarre inversion of the Prophet's ruling on the question. In one of the Hadiths, the Prophet explains that killing an adulterous spouse could only be legitimate if there were four witnesses to her adultery, since this was the evidence required for normally convicting someone of adultery. Instead of understanding this as a far-fetched and nigh impossible condition (since there would have to be four, upstanding male witnesses who had all seen actual penetration occur), some Ottoman jurists used it to wedge in laxity over honor killings. Even then, however, there were limits. Ottoman law only exonerated men who had killed their wives or daughters, and it only applied in situations in which the man killed the male lover to prevent him from completing an act in progress. This would actually

violate the understanding of the Prophet's command as explained by Sa'd b. 'Ubāda, who, although he was initially against the Prophet's ruling because of his pride and honor, then said that, if he found a man with his wife, he would "not even move him until I had brought four witnesses. And, by God, I would not bring them until that man had finished."⁷ The unusual Ottoman permissiveness regarding honor killings would explain why the Empire adopted the French law permitting it in 1858.

Endnotes

¹ Rudolph Peters, *Crime and Punishment in Classical Islamic Law* (Cambridge: Cambridge University Press, 2005), 124.

² It has been found that, in upper Egypt, Coptic families are as likely as Muslims to commit honor killing; Recep Dogan, “Is Honour Killing a ‘Muslim Phenomenon’? Textual Interpretation and Cultural Representations,” *Journal of Muslim Minority Affairs* 31, no. 3 (2011): 423-440.

³ Sohail Akbar Warraich, “‘Honor Killings’ and the law in Pakistan,” in *‘Honour’: Crimes, Paradigms, and Violence against Women*, ed. Lynn Welchmann and Sara Hossain (London: Zed Books, 2005), 84-97.

⁴ The main Hadiths are those of Abū Hurayra in which Sa’d b. ‘Ubāda asks the Prophet, “What do you think if I found a man with my wife? Should I wait until I bring four witnesses? (*a-ra’ayta in wajadtu ma’a imra’atī rajulan a-umhiluhu ḥattā ātiya bi-arba’at shuhadā*).” The Prophet replies, “Yes.” See *Ṣaḥīḥ Muslim: kitāb al-li’ān*; *Sunan Abī Dāwūd: kitāb al-diyāt, bāb man wajada ma’a ahlihi rajulan a-yaqtuluhu*. See also Mālik’s *Muwaṭṭā’*: *kitāb al-aqḍiya, bāb man wajada ma’a imra’atihi rajulan*; *Musnad Aḥmad Ibn Hanbal* (Maymaniyya print), 1:238-39.

⁵ Muḥammad b. ‘Alī al-Shawkānī, *Nayl al-Awṭār*, ed. ‘Izz al-Dīn Khaṭṭāb, 8 vols. (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 2001), 7:24.

⁶ Abū Sulaymā Ḥamd al-Khaṭṭābī, *Ma’ālim al-sunan*, 3rd ed., 4 vols. (Beirut: al-Maktaba al-‘Ilmiyya, 1981), 4:19; al-Suyūṭī, *al-Ashbāh wa’l-naẓā’ir*, ed. Muḥammad al-Mu’ṭaṣim al-Baghdādī (Beirut: Dār al-Kitāb al-‘Arabī, 1414/1993), 746.

⁷ *Musnad Ibn Hanbal*, 1:238.

