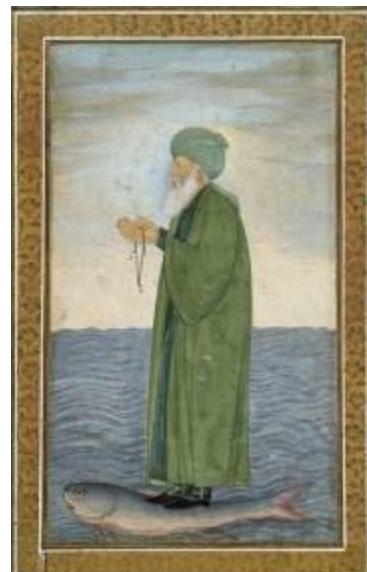




## *The Qur'an as Reportedly Practised and Preached by Mohammed: Part 5*

### **'Honour killings'<sup>1</sup> approved**



<sup>1</sup> The inappropriate but readily recognised term 'honour killings' is used to refer to the act of a person killing a member of their own family for breaching or rejecting the conservative mores of their wider community.

## Introductory notes

### Structure

In this series of papers, ten instructions contained within the Qur'an are considered.

Over the centuries the instructions contained within the Qur'an have been the subject of a range of different applications by different Islamic traditions. Surveying the full range of such interpretations is outside the scope of these papers. Rather the aim is to present clearly and accurately, on the best evidence available, what one might call 'true' or 'primitive' Islam: what the words of the Qur'an instruct, as it was intended to be understood at the time that it was announced. That is to say the instructions of the Qur'an as it was practised and preached by Mohammed.

To achieve this, and avoid any suggestion of 'cherry picking' or presenting verses out of their original context, in each case the verse or verses containing the instruction will be presented in full within the context of:

### The circumstances in which the verse was said to have been announced

Any report describing the circumstances in which Mohammed came to announce a verse, the **Asbab al Nuzul** (principally those collected by **Ali ibn Ahmed al Wahidi (d. 1075)**) are given to give it its traditionally understood immediate context.

### 16 leading translations

The author principally uses *The Study Quran* (2015). However, this translation is cross-referenced with **fifteen other leading English translations** of the Qur'an from a wide variety of traditions, and compared with:

### related verses of the Qur'an

### The example of Mohammed

Incidents from the recorded life of Mohammed in the *sira* or *hadith* showing how Mohammed wished the verse to be understood, or how he himself applied it.



### Sharia application

Rulings on the application of the verse by the founders of the **four major schools of Sharia jurisprudence** (Hanifa, Maliki, Shafii and Hanbali).

### Tafsir commentary

Commentary from the major **Quranic commentaries**.

## Sources

Information concerning the life, words and deeds of Mohammed comes chiefly from two sources:

**The sira** are the biographies written about Mohammed in the early centuries after his death. Of these the biography of Mohammed, *Sirat Rasul Allah*, by **Ibn Ishaq**, written about 120 years following Mohammed's death for the Abbasid caliph, is by far the fullest extant source of historical information concerning the life of Mohammed and the establishment of Islam.

Although Ibn Ishaq's biography gives a relatively early and full account of Mohammed's life, Muslims traditionally afford greater prescriptive authority to the **hadith**: accounts of the words and actions of Mohammed, each with a proven chain of narration leading back to one of Mohammed's companions. These tend to be fragmentary, often written with little or no context. The first collections of hadith were collected by jurists to establish authority for their rulings on Sharia law. From the mid-ninth century (about a century after Ibn Ishaq completed *Sirat Rasul Allah*) larger collections were compiled. There are six major collections of hadith recognised by Sunni Islam. All Islamic scholars accept that some hadith are forgeries, and scholars and judges differ over which may be considered authentic. However most treat those contained in the two 'sahih' ('trusted') collections of **Bukhari** and **Muslim** as the most reliable evidence available to Muslims of Mohammed's words and actions.

In the eleventh century **Ali ibn Ahmed al Wahidi** (d. 1075) compiled a collection of hadith relating specifically to the circumstances in which individual verses of the Qur'an came to be announced, the **Asbab al Nuzul**. This is widely regarded within Islam as the most authoritative collection of narration hadiths.

## Translation of the Qur'an

All quotations from the Qur'an are, unless otherwise indicated, taken from *The Study Quran* (2015). However, this translation is cross-referenced with the following fifteen other English translations of the Qur'an, representing secular scholarship and the full spectrum of Islamic traditions<sup>2</sup>:

*The Meaning of the Glorious Quran* (1930) by Muhammad Marmaduke **Pickthall**, British convert to Islam;

*The Holy Qur'an: Text, Translation and Commentary* (1934) Abdullah **Yusuf Ali**, a civil servant of the British Raj, said to be the most used English translation;

*The Koran Interpreted* (1955) Arthur John **Arberry**, non-muslim scholar;

*The Meaning of the Quran* (1972) by Syed Abul A'la **Maududi**, the founder of *Jamaat-e-Islami*, the largest Islamic organisation in Asia;

*The Glorious Qur'an* by Abdul-Majid **Dariyabadi** (Indian, d.1977);

*The Holy Quran (Koran)*, Muhammad Habib **Shakir** (the Ahmadiyya Community – a minority Islamic sect - have asserted that Shakir's translation was plagiarised from a translation by a member of their own community, Maulana Muhammad Ali);

*The Holy Qur'an* (1982) by Shaykh Muhammad **Sarwar**, US Shia;

*Al-Quran, A Contemporary Translation* (1984) by **Ahmad Ali**;

*The Noble Qur'an* (1985) by Muhammad Muhsin Khan and Muhammad Taqi-ud-Din al-Hilali (**Khan & Hilali**), said to be Saudi funded and reflecting Wahabi theology;

*The Qur'an, English Meanings* (1997) **Sahih International**, three US born female converts, Saudi published;

*The Meaning of the Glorious Qur'an* (2001) by Grand Shaykh Hasan Qaribullah and Shaykh Ahmad Darwish (**Qaribullah & Darwish**), of Umm Durman University, Cairo;

*The Qur'an With a Phrase-by-Phrase English Translation* (2005) by **Ali Qarai** of the Islamic College of Advanced Studies;

*The Qur'an: A New Translation* (2009) by Maulana **Wahihuddin Khan**, Indian, peace activist, a former member, later critic of *Jamaat-e-Islami*;

*The Clear Quran* (2012) by **Talal Itani**, Lebanese former engineer;

*The Quranic Arabic Corpus*, a collaborative online research project ([corpus.quran.com](http://corpus.quran.com)) administered by the University of Leeds.

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<sup>2</sup> All accessed via QuranX.com

### Verses of the Qur'an in chronological order<sup>3</sup>

Meccan surahs	
96	68
73	74
1	111
81	87
92	89
93	94
103	100
108	102
107	109
105	113
114	112
53	80
97	91
85	95
106	101
75	104
77	50
90	86
54	38
7	72
36	25
35	19
20	56
26	27
28	17
10	11
12	15
6	37
31	34
39	40
41	42
42	44
45	46
51	88
18	16
71	14
21	23
32	52
67	69
70	78
79	82
84	30
29	83

18.65-82

The story of  
al-Khidr

### Principal verse considered in this paper

Medinan surahs	<i>Historical context</i>
2	The Hirah
8	The Battle of Badr
3	The Battle of Uhud
33	The Battle of The Trench
60	
4	
99	
57	
47	
13	
55	
76	
65	
98	
59	
24	
22	
63	
58	
49	
66	
64	
61	
62	
48	The Treaty of Hudaybiyyah
5	Conquest of Mecca
9	
110	

<sup>3</sup> There is no consensus on the exact order of Qur'an verses. This is a simplified version adapted from *The History of the Quran* by Allamah Abu Abd Allah al-Zanjani.

## The story of al-Khidr in the Qur'an

In {18:65-82} the Qur'an presents an account from the life of Moses in which Moses follows a mysterious and unnamed man described (in words attributed to God) as:

**65.** “A servant from amongst Our servants whom We had granted a mercy from Us and whom We had taught knowledge from Our Presence”

The ‘servant of God’ is not named in the Qur'an but in Islamic tradition he is referred to as al-Khidr (and associated with the colour green<sup>4</sup>) and he shall be referred to by this title henceforth in this paper.

Al-Khidr grants Moses permission to follow him upon the condition that Moses asks for no explanation of his actions until an explanation is offered to him. Moses agrees but three times al-Khidr performs acts that Moses cannot resist asking him about:

- ❖ First, the man sinks a boat in which they are travelling exposing the occupants to the risk of drowning;
- ❖ Then the man kills a young boy for no apparent reason:



### Surah 18 ‘*The Cave*’

**74. So they went on until they met a young boy and he (the servant of God) slew him.**

**He [Moses] said:**

**‘Didst thou slay a pure soul who had slain no other soul? Thou hast certainly done a terrible thing!’**

- ❖ Finally, the man repairs a wall.

<sup>4</sup> In some traditions he is also associated with St George.

At the end of the account the man offers Moses an explanation of his actions:

### **Surah 18 'The Cave'**

- 79.** As for the ship it belonged to indigent people who worked the sea. I desired to damage it for beyond them was a king who was seizing every ship by force
- 80.** And as for the young boy, his parents were believers and we feared that he would make them suffer through rebellion and disbelief. So we desired that their Lord give them in exchange one who is better than him in purity and nearer to mercy;
- 81.** And as for the wall it belonged to two orphan boys in the city and beneath it was a treasure belonging to them. Their father was righteous and their Lord desired that they should reach their maturity and extract their treasure as a mercy from the Lord
- 82.** And I did not do this on my own command. This is the meaning that thou could not couldst not bear patiently.

Clearly the overall story of al-Khidr is intended to be read as a parable to encourage obedience to God's instructions even where the benefits of so doing cannot be seen, on the basis that God knows hidden facts and future events that humans cannot perceive or foresee.

However the story of al-Khidr's killing of the boy also rests upon three unsettling ideas:

- I. A person may properly be punished for offences that they have not yet committed;
- II. That the sins of 'rebellion and disbelief' justify killing a person;
- III. That killing a person may be necessary to protect other people from suffering as a result of that person's 'rebellion and disbelief'.

The issue must inevitably arise whether the account is merely using an extreme example as hyperbole or whether the story was originally meant to encourage devout Muslims to follow al-Khidr's exemplar and to kill their own children who reject Islam.

## Translation notes

Each of the English translations considered, save for one (Sarwar) translates the future behavioural attributes that 'al-Khidr' said he killed the young boy to prevent developing as twofold: the first representing insubordination, the second as a lack of faith.

The former has been variously translated as:

"*rebellion*" (Pickthall, Yusuf Ali, Khan & Hilali, Ali Qarai and Wahihuddin Khan, with Yusuf Ali adding the word '*obstinate*'),  
"*insolence*" (Arberry and Quaribullah & Darwish),  
"*transgression*" (Maududi, Sahih International and Corpus),  
"*exorbitance*" (Dariyabadi),  
"*disobedience*" (Shakir),  
"*defiance*" (Ahmad Ali), and  
"*oppression*" (Talil Itani).

The latter is generally translated as:

"*disbelief*", "*unbelief*", "*unfaith*" (Ali Qarai), "*infidelity*" (Dariyabadi) or "*denial of truth*" (Wahihuddin Khan).

Yusuf Ali and Shakir translate it as "*ingratitude*" the former adding in parentheses "*to Allah and man*".

Sarwar condenses what are clearly two separate ideas into one quality: "*rebellion*".

All translators agreed that the justification that al-Khidr gave for killing the boy was not merely the fact that the boy would exhibit these vices himself, but also that this would affect his parents – who were described as either "*believers*" (11 translations), "*people of faith*" (Maududi and Yusuf Ali) or "*faithful (persons)*" (Ali Qarai). However the translators had different interpretations on the effect that the boy's rebellion and disbelief was thought likely to have on his parents.

Nine translated al-Khidr's fear as being that the boy's conduct would be egregious to his parents in some way. It would: "*harass*" (Ahmad Ali) "*trouble*" (Wahihuddin Khan) "*grieve*" (Yusuf Ali) "*plague*" (Maududi) "*impose on*" (Arberry, Dariyabadi and Qaribullah & Darwish) or "*oppress*" them (Pickthall and Khan & Hilali).

Four translations go further and use a word suggesting that the boy's behaviour would prove too much for his parents to bear: it would "*overwhelm*" (Ali Qarai and Talal Irtani) or "*overburden*" (Sahih International and Corpus) them.

And two translations state that al-Khidr feared that the boy's rebelliousness would transfer itself to his parents' faith.

Sarwar: "*We were afraid that out of love for him they would lose their faith in God and commit rebellion.*"

Shakir: "*We feared lest he should make disobedience and ingratitude to come upon them*"

## I: The killing of apostates

### Related verses in the Qur'an

#### *Categories of offence specified in the Qur'an: hudud, qisas and diya*

The legal system set out in the Qur'an prescribes some offences that are to incur prescribed penalties. Such offences are called **hudud** (in the singular, **hadd**) and all branches of Islam accept that they include:

- *zina* (fornication/adultery),
- making an allegation of *zina* without four competent witnesses
- theft, and
- the offence of *hirabah* (a class of disorder that includes banditry).

Muslim schools of thought differ as to whether apostasy is an offence requiring *hadd* punishment. Those who hold that it does, since they justify that view upon hadith in which Mohammed is said to prescribe the death penalty for apostates, invariably hold that the only proper punishment for apostasy is death.

Non-*hadd* offences against Islamic law are generally dealt with by a system of

***Qisas***: the exaction of equivalent retribution at the behest of the victim; and

***Diya***: the payment of compensation to the victim.

In both of these two regimes, the right to enforce retribution or compensation lies with the victim, or in the case of a deceased victim, their heirs.

## I. The Killing of Apostates

Verse **{4.92-3}** prohibits Muslims from taking of either the life of a fellow believer or of a person with whom the killer had a covenant:



Related verses

### **Surah 4 'Women'**

**92.** **"It is not for a believer to slay a believer** unless it be in error.

Whosoever has slain a believer in error let him set free a believing slave and pay compensation to the victim's family unless they remit it in charity.

If he belongs to a people at war with you **but was a believer**, then a believing slave is to be set free.

And **if he belonged to a people with whom you had a covenant** let him pay compensation to the victim's family and let him set free a believing slave.

Whosoever finds not [the means] let him fast two consecutive months as a penance from God. God is Knowing, Wise.

**93.** **Whosoever slays a believer wilfully, his recompense is hell**, abiding therein. God is wroth with him and curses him and prepares for him a mighty punishment"

The (oft misquoted) **{5.32-33}**, read in its entirety, has a similar effect:

### **Surah 5 'The Cow'**

**32:** "For this reason We prescribed for the Children of Israel that whoever slays a soul – unless it be for another soul or for working corruption upon the earth – it is as though he slew mankind altogether, and whosoever saves the life of one, it is as though he saved the life of mankind altogether. Our messengers have certainly come unto them with clear proofs. Yet even after that, many of them are prodigal on the earth.

**33:** **Verily, the recompense of those who wage war against God and His Messenger and endeavour to work corruption upon the earth** is that they be killed or crucified or have their hands and feet cut off from opposite sides or be banished from the land. That is their disgrace in this world and in the Hereafter theirs shall be a great punishment save those who repent before you overpower them. And know that God is Forgiving, Merciful."

## I. The Killing of Apostates

The explicit limitation of the prohibition on killing to the killing of believers or those with whom the Muslim concerned had a covenant carries the necessary implication that **{4.92-3}** does not prescribe any sanction for killing an unbeliever other than one with whom there is a specific covenant.

Therefore, on a straightforward reading, the Qur'an places an apostate – and certainly an apostate who demonstrates rebelliousness to Islam - beyond the protection of the prohibition against killing.

### ***General Quranic verses on hostility to unbelievers***

Very many verses in the Qur'an demonstrate hostility to unbelievers. These are considered in greater detail in a separate paper in this series.<sup>5</sup>

Here it suffices to say that the Qur'an:

- ❖ repeatedly refers to disbelievers by an Arabic word (*kuffar*) meaning '**those who conceal the truth**' and in derogatory, and occasionally dehumanising, terms referring to them as '**unclean**' **{9.28}**, '**apes and swine**' **{5.60}**, '**further astray than cattle**' **{7.179}** and '**the worst of beasts**' **{8.55}**;
- ❖ advises on very many occasions that unbelievers will face a painful punishment in the afterlife, from God as a recompense for their disbelief;
- ❖ Instructs Muslims on ten occasions not to take unbelievers as their protectors/friends; and twice to operate a dual standard, being stern or harsh towards disbelievers whilst being humble or merciful towards one another **{5.54}**; **{48.29}**;
- ❖ justifies violent jihad on the sole basis of the disbelief of the enemies of Islam, such as in

### ***Surah 47 'Mohammed'***

- 3.** "That is because those who disbelieve follow falsehood, and those who believe follow the truth from their Lord. Thus does God set forth for mankind their likenesses. **When you meet those who disbelieve strike at their necks; then when you have overwhelmed them, tighten the bonds.**"

And

- ❖ in its penultimate chapter to be announced advises that non-Muslim 'People of the Book' (effectively Jews and Christians) must pay a financial sum (the *jizya*) as a sign of their submission to Islam, whilst polytheists who do not convert should be killed:

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<sup>5</sup> *The Qur'an as Practised and Preached by Mohammed: Factfiles for Factphiles: 2. Hostility to Unbelievers*

## I. The Killing of Apostates

### Surah 9 'Repentance'

5. "Then when the sacred months have passed, slay the idolaters wherever you find them, capture them and besiege them and lie in wait for them at every place of ambush".

Some verses of the Qur'an are occasionally presented as suggesting tolerance between followers of different religions:

**{2.256}**: "*There is no compulsion in religion*"

**{109.6}**: "*Unto you your religion, and unto me my religion*".

It is shown that the literal meaning of these quotations, and the textual and historical context belie any suggestion of ecumenical tolerance of religious diversity and are consistent with the religious intolerance that is one of the Qur'an's most distinctive themes.<sup>6</sup>

### ***Killing apostates***

On the narrower issue of the Qur'an's instructions concerning apostates, although there is no verse of the Qur'an that specifically instructs or permits Muslims to kill apostates, five verses of the Qur'an express deep hostility to the act of apostasy, and may reasonably be read as depriving apostates of any protection from *Sharia* law:



Related verses

### Surah 2 'The Cow'

**217.** "Whosoever amongst you renounces his religion and dies as a disbeliever their deeds have come to naught in this world and the Hereafter and they are the inhabitants of the Fire, abiding therein."

<sup>6</sup> *The Qur'an as Practised and Preached by Mohammed: Factfiles for Factphiles: 2. Hostility to Unbelievers*

**Surah 5 'The Table Spread'**

**54.** "O you who believe! Whoever amongst you shall renounce their religion God will bring a people whom he loves and who love Him, humble toward the believers, stern towards the disbelievers, striving in the way of God and fearing not the blame of any blamer. That is the bounty of God which he gives to whomsoever he will. And God is All-encompassing, Knowing."

**Surah 9 'Repentance'**

**66.** "Make no excuses. You disbelieved after having believed. If We pardon a group of you, We shall punish another group for having been guilty."



**73.** "O Prophet, strive against the disbelievers and the hypocrites, and be harsh with them. their refuge is Hell. What an evil journey's end!"

**74.** They swear by God that they said it not, but indeed they spoke the word of disbelief after having submitted [to God][ And they had ambitions that they did not achieve and they were vengeful only because God and His Messenger enriched them from his Bounty. If they repent it would be better for them.

**But if they turn away God will punish them with a painful punishment in this world and the Hereafter. And on earth they shall have neither protector nor helper."**

**Surah 88 'The Overwhelming Event'**

**23.** "Whoever turns away and disbelieves God shall punish him with the greatest punishment.

**25.** Truly unto us is their return.

**26. Truly with us lies their reckoning."**

## I. The Killing of Apostates

### The Example of Mohammed (killing apostates)

Muslim opinion is divided on whether apostasy should be considered a *hadd* offence. Those who assert that it is rely on several hadith in which Mohammed is recorded as having expressed that view.

These include (from the collection of hadith that is generally held to be the most reliable, the Sahih Bukhari):



*[Isnad (chain of transmission)]*

*Ali [Mohammed's cousin, son in law and, when these events took place, the fourth caliph] burnt some people and this news reached Ibn 'Abbas, [Mohammed's uncle] who said:*

*'Had I been in his place I would not have burnt them, as the Prophet said:*

*'Don't punish (anybody) with Allah's Punishment.'*

*No doubt, I would have killed them, for the Prophet said:*

*'If somebody (a Muslim) discards his religion, kill him' ".*

**Sahih Bukhari** 4:52:260

*"I said: 'By Allah, Allah's Apostle never killed anyone except in one of the following three situations:*

- (1) A person who killed somebody unjustly, was killed (in Qisas);*
- (2) a married person who committed illegal sexual intercourse; and*
- (3) a man who fought against Allah and His Apostle and deserted Islam and became an apostate"'.*

**Sahih Bukhari** 9:83.37

*[Isnad: from Ali] "No doubt I heard Allah's Apostle saying:*

*'During the last days there will appear some young foolish people who will say the best words but their faith will not go beyond their throats (i.e. they will have no faith) and will go out from (leave) their religion as an arrow goes out of the game.*

*So, wherever you find them, kill them, for who-ever kills them shall have reward on the Day of Resurrection"'.*

**Sahih Bukhari** 9.84.64

## II Filicide

### Related verses in the Quran

#### ***The consequences in Qisas and Diya of a person being killed by a parent***

Wherever a killing is prohibited by **{4.92-3}**, all schools of Islam agree that the offence falls to be dealt with by *qisas* and *diya* rather than *hudud*.

There is no provision in the Quran or example in the hadith giving a parent the general right to kill their child. However, the system of *qisas* and *diya* assumes that the victim belongs to a different family to the perpetrator, who must

*“pay compensation to the victim’s family unless they remit it in charity”*.

Therefore, by categorising the offence of ‘killing a believer’ as an offence to be dealt with by *qisas* and *diya*, the provisions laid down in the Quran, if applied in the ordinary way, exclude any effective sanction for the scenario in which a parent kills their child.

#### ***Specific prohibitions against killing one’s child in the Qur'an***

The Qur'an contains four provisions specifically addressing the killing of one's children.



Related verses

#### ***Surah 6 ‘The cattle’***

**137.** “Likewise have their partners [idols] made the slaying of children seem fair to the idolaters, that they may ruin them and confound them in their religion.

Had God willed it they would not have done so.

So leave them and that which they fabricate.”

#### **151. “Say:**

‘Come, I shall recite that which your Lord has forbidden you: that you ascribe nothing as partner unto Him. And that you be virtuous towards parents and that you slay not your children for fear of poverty - We shall provide for you and for them - and approach not indecencies either outward or inwards and slay not the soul that God has made inviolable save by right.

This he has enjoined upon you. That haply you may understand’.”

**Surah 17 'The Night Journey'**

**31.** "And slay not your children for fear of poverty. We shall provide for them and for you. Surely their slaying is a great sin....

**33.** And slay not the soul that God has made inviolable save by right.

And who is slain unjustly We have appointed authority unto his heir, then let him not be excessive in slaying. Verily he shall be helped."

**Surah 60 'She Who Is Examined'**

**12.** "O believing prophet, when believing women come unto thee pledging unto thee that they will not ascribe any partners unto God nor steal, nor fornicate, **nor slay their children** not bring a slanderous lie that they have fabricated between their hands and feet, nor disobey thee in anything honourable then accept their pledge and seek God's forgiveness for them truly God is Forgiving, Merciful."

None of the above verses cover the situation of a father killing one of his children for rebelliousness or disbelief, as:

- the provision in **{6.137}** relates only to sacrificing children to idols;
- the provisions contained in **{6.151}** and **{17.31}** relate specifically to prohibiting slaying a child '*for fear of poverty*', adding that Muslim's should rather trust to God's providence

and

- the provision in **{60.12}** relates only to mothers, and by this limitation, given the textual and social context, may reasonably be read as addressing the killing of young infants rather than older children and adults.

Consequently, none of the four Quranic verses that specifically prohibits the killing of one's child affect the position that there is no provision to punish a father, for killing their child for some other reason than their (the father's) idolatry or fear of poverty, such as to punish apostasy or protect the family from corruption with disbelief.

On the contrary, the provision in **{17.33}**, significantly coming as part of the same narration as a verse prohibiting killing child for fear of poverty, reaffirms the rule in **{4.92}** that the authority to demand retribution and compensation for the death of person lies with their heir - which in the case of an unmarried child would be their parent.

## The Example of Mohammed (regarding the treatment of filicide)

### ***Hadith addressing whether parents should be punished for killing their child***

To the writer's knowledge the only hadith in which Mohammed addresses the issue of whether to punish a parent for killing their child is contained in two hadith that are said to originate with Umar bin Khattab (who became the second caliph after Mohammed's death):



[*isnad*]

*"The messenger of Allah judged that the son is to suffer retaliation for [killing] his father but the father is not to suffer retaliation for [killing] his son".*

**Jami at-Timirthi** 16:15 (1399)

[*isnad*]

*"I heard the Messenger of Allah say:*

*'A father should not be killed for his son.'*

**Sunan ibn Majah** (Vol. 3: Book 21: 2662)

Neither appears in the two most reliable (*sahih*) collections of hadith and some regard the chains of transmission as weak. One hadith in the *sahih* collections contains the following advice. It does not assert to record the words of Mohammed himself, but its meaning – that Muslims should not imitate al-Khidr by killing children due to fear of their future rebellion or disbelief '*unless you could know what Khidr had known*' – suggests that it is merely the uncertainty of predicting future events behaviour that makes the killing for *future* apostasy undesirable, not the morality of the killing where the behaviour has already come to pass.

[*Isnad*]

*"The Messenger of Allah used not to kill the children, so thou shouldst not kill them **unless you could know what Khadir had known about the child he killed, or you could distinguish between a child who would grow up to be a believer (and a child who would grow up to be a non-believer), so that you killed the (prospective) non-believer and left the (prospective) believer aside.**"*

**Sahih Muslim** (4457)

## **Islam After Mohammed**

The century after Mohammed's reported traditional death in 632 saw Arab armies conquer large parts of the Byzantine Empire in the Middle East and North Africa, most of Spain, the whole of the Sassanian Empire (Persia), large tracts of central Asia and as far east as Sindh (in modern Pakistan). .

It is debatable how 'Islamic' these armies were. For sixty years until the building of the mysterious Dome of the Rock in Jerusalem they left no identifiably Islamic monuments and continued to mint coins with crosses on. Up to the Abbasid revolution in 750 there was no Islamic book written and the words Muslim, and Qur'an were not mentioned in the chronicles of the people they conquered: other than a contemptuous account of four books of the Qur'an by a Christian official, John of Damascus.

According to the traditional Islamic narrative this was a period of brutal and bloody power struggles amongst Mohamed's most followers that commenced even as Mohammed was being buried and included his closest companions. Later doctrinal differences would emerge between the parties that would become Sunni and Shia Muslims, but in the beginning there was no sign that the differences were driven by any issue of any doctrine beyond the issue of who possessed the authority to lead the community.

See ***Who Wrote the Qur'an?*** On the IRG website

## **The four great Sunni *Sharia* jurists**

Following the establishment of the Abbasid Caliphate the earliest known attempts to arrange the Quran's instructions into a legal framework were made. Today the vast majority of Muslims follow one of the four schools of *Sharia* law (*fiqh*) that developed from the approaches of Abu Hanifa, Abu Malik ibn Anas, Mohammed ibn Idris al Shafii, and Ahmad ibn Hanbal

## The four great Sunni Sharia jurists

### Jaffar al-Sadiq (c.700-765)

Al Sadiq was a fifth-generation descendant of Mohammed and is revered by most Shia Muslims as the sixth imam.

He is generally regarded as Islam's first legal theorist, although his own ('Jaffari') jurisprudence, placing emphasis on the authority of the imams, is influential only with Shia Muslims.

#### Students of Jaffar al Sadiq

##### Abu Hanifa (c.699-767)

###### Rationalist

A collection of Abu Hanifa's rulings, *Kitab al-Athar Abu Hanifa*, written by his student Mohammed Shaybani, is claimed as the first book written in the Islamic community following the Quran.

The approach of the **Hanafi** school based upon these rulings stresses:

- ❖ the use of reason to interpret instructions in the Qur'an and hadith to achieve their supposed purpose;
- ❖ the judge's duty to consider equity and public interest as factors in applying the law

##### Abu Malik bin Annas (711-795)

###### Traditionalist

Malik compiled the earliest collection of hadith as a lawbook entitled the *Muwatta*

The Maliki approach to Sharia law emphasises imitating the practices of the first three generations of followers of Mohammed (the *salafa*), especially those living in Medina, as evidence of the authentic practice of Mohammed and his companions.

###### Student of Malik

##### Mohammed al-Shafii (767-820)

###### Conservative

Shafii rejected both judicial law-making and Medinan traditions as comprising man-made rather than divine law. His school recognised only the instructions in the Qur'an, example of Mohammed and analogies drawn from these.

###### Student of al-Shafii

##### Ahmad bin Hanbal (820-855)

###### Ultra-conservative

Hanbal's approach to interpreting Sharia reduces the scope for innovation to its minimum by limiting any extension of the literal words of the Qur'an and hadith by analogy to strict categories.

Instead it prefers to rely on hadiths including those that it acknowledges to have weak chains of transmission, where these are the only authority available.

## The four great Sunni jurists and ‘honour killing’

### *Killing apostates*

The pre-eminent Shafi'i legal text is *Umdat al Salik* (the *Reliance of the Traveller*) by Ahmad ibn Naqib al-Misri (completed 1368). This confirms the general permissibility of killing apostates:



*“Killing without right is, after unbelief, one of the very worst enormities, as Shafi'i explicitly states: the Prophet said:*

***‘The blood of a Muslim man who testifies that there is no god but God and that I am the messenger of God is not lawful to shed unless he be one of three: a married adulterer, someone killed in retaliation for killing another or someone who abandons his religion and the Muslim community.’***<sup>7</sup>

However, this is a duty of the caliph.

***“When a person who has reached puberty and is sane voluntarily apostasizes from Islam he deserves to be killed.***

*In such a case it is obligatory for the caliph to ask him to repent and return to Islam. If he chooses to do so it is accepted from him but if he refuses he is immediately killed.*

*If he is a freeman, no one besides the caliph or his representative may kill him. If someone else kills him, the killer is disciplined, for abrogating the caliph’s prerogative and encroaching upon his rights.*

***There is no indemnity for killing an apostate since it is killing someone who deserves to die.***<sup>8</sup>

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<sup>7</sup> 01

<sup>8</sup> 0 8.1-4

## **Filicide**

Three of the four great jurists recite with approval the story of an Arab who killed his son with a sword but was spared retaliation by Umar.

In *Kitab al-Athar Abu Hanifa*, Shaybani recorded the following account:



“Muhammad [Shaybani] said:

‘Abu Hanifa informed us saying:

‘Abd Al Karim narrated to us from a man from Umar ibn Khattab that a desert Arab said to his *umm walad* [a slave who was the mother of his child]:

‘Go and shepherd these lambs’

And so her son said:

‘Then I will go, so keep her back., because I am afraid that ignoble, baseborn people will alight with her as guests’.

He [the boy’s father] said:

‘You have reached to this!’

And then he struck him with a sword to kill him and cut off his leg. [and he died].

This was raised to Umar ibn Khattab and he ordered that he be killed, by Mu’adh ibn Jabal said:

**‘There is no retaliation between son and father but compensatory payment from out of his own wealth’.**

Muhammad [Shaybani] said:

‘We adhere to this. **Someone who deliberately kills his own son is not to be killed for it. But he is bound to pay compensatory payment** from out of his own wealth over three years, paying each year a third, of the compensatory payment. He may not inherit any of the compensatory payment or any of his son’s wealth, but **the relatives closest to the sons after the father inherit**. The father does not preclude anyone else from inheriting. And in this it is as if he was dead,. This is the verdict of Aby Hanifa.’”<sup>9</sup>

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<sup>9</sup> 595

In **Al-Muwatta**, Malik Bin Anas cites with approval an authority that is in all likelihood the same incident. Although, Malik's citation of it does not state the rule that there is no retribution upon a father for killing his child, the outcome is the same as in the account of Abu Hanifa: a father pays compensation to members of his own family only and undergoes no punishment.



*"Yahia narrated from Malik, on the authority of Yahia bin Sa'id from Amr bin Shu'ain that a man of Banu Mudlij called Qatada had thrown a sword at his son striking him in his thigh. Then the wound bled profusely and he died. Suraqa bin Ju'sham came to Umar bin Al Khattab and he mentioned that to him.*

*Umar said to him:*

*'Count at the watering place of Qatada one hundred and twenty camels and wait till I come to you.'*

*When Umar bin Al Khattab came to him he took thirty four-year old camels, thirty five year-old camels and forty pregnant camels from them. then he said:*

*'Where is the brother of the murdered man?'*

*He said: 'Here I am.'*

*He said:*

*'Take them for the Messenger of Allah said: 'The killer is entitled to nothing of the blood money'.'"<sup>10</sup>*

The **Musnad** of Ahmad ibn Hanbal recites three short versions of the same account, of which the fullest reads:



*"It was narrated that Mujahid said:*

*'A man struck his son with his sword and killed him. The matter was referred to Umar bin al Khattab and he said:*

*'Were it not that I heard the Messenger of Allah say: 'No father should be executed in retaliation for killing his son,' I would have executed you before you left.''"<sup>11</sup>*

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<sup>10</sup> 1620

<sup>11</sup> 98. The rule is repeated in 147 and 148

The *Reliance of the Traveller* states the rule that an ancestor is not to be punished for killing their offspring, explicitly extending this rule to mothers and grandparents as well as fathers.



*"The following are not subject to retaliation:*

1. *A child or insane person...;*
2. *A Muslim for killing a non-Muslim;*
3. *A Jewish or Christian subject of the Islamic state for killing an apostate from Islam;*
4. *A father or mother, or their fathers or mothers, for killing their offspring or offspring's offsprings; ...<sup>12</sup>*

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<sup>12</sup> 0 1.4

## Tafsir (Commentaries on the Qur'an)

Of the two earliest tafsir, the author has been unable to source a complete English translation of **Tafsir al Tabari** and the tafsir of **Tustari** (a ninth century sufi) contains no commentary on **{18.80}**.

Ibn Kathir's classical Quranic commentary offers three comments upon the story of al-Khidr killing the boy in **{18.80}** from earlier Islamic commentators:



*"Interpretation of why the boy was killed..."*

*It was recorded by Ibn Jarir from Ibn 'Abbas. He said:*

*('his parents were believers, and we feared he would oppress them by rebellion and disbelief') 'Their love for him might make them follow him in disbelief'.*

Most widely used Quran commentary.

*Qatadah said:*

*'His parents rejoiced when he was born and grieved for him when he was killed. **If he had stayed alive, he would have been the cause of their doom.** So let a man be content with the decree of Allah, for the decree of Allah for the believer, if he dislikes it, is better for him than if He were to decree something that he likes for him.'*

*An authentic Hadith says:*

*('Allah does not decree anything for the believer except it is good for him'). And Allah says: ('and it may be that you dislike a thing which is good for you (2:216)).*

*('So we intended that their Lord should exchange him for them for one better in righteousness and nearer to mercy'). **A child who was better than this one, a child for whom they would feel more compassion. This was the view of Ibn Jurayj'.**"*

## Conclusion and Comment

Muslims believe that the Qur'an:

- contains the verbatim words of God,
- is intended to be prescriptive, to guide mankind as to the social order that God wishes; and
- may never be reviewed or amended.

Muslims also regard Mohammed as the most perfect man and his example is the most important source of law and moral guidance after the Qur'an.

It has been noted that the Qur'an:

- by necessary interpretation, **excludes the killing of disbelievers from its general prohibition on killing**;
- at many points **commands the killing of disbelievers** within the context of Mohammed's establishment of the first Islamic state; and
- contains verses that express deep hostility to apostates suggesting they will receive '*a painful punishment in this world*' and a return '*at our reckoning*'.

It has also been noted that **multiple hadith in which Mohammed is recorded as commanding that apostates be killed (and none instructing that they should be tolerated)**.

The Qur'an contains a parable in which al-Khidr, demonstrates God's will by killing a child who would one day become a disbeliever and rebellious.

**Consequently, it seems clear that the intended meaning of the parable of al-Khidr, read in the wider textual context of the Qur'an and in the light of the recorded sayings of Mohammed, is to legitimise, if not encourage, the killing by heads of families of family members who apostasies or show serious disobedience – especially to sharia law.**

**Even if the above interpretation of the story of al-Khidr were incorrect, the system of *qisas* and *diya* as prescribed in the Qur'an, leave the seeking of retribution and compensation of an unlawful killing to the victim's family and therefore provide no legal framework for punishing a father for killing his child. In the one hadith in which Mohammed is reported as having given a judgment on the issue, he is reported to have confirmed this as the proper application of Sharia law.**