356969 - Why Isn't a Murderer Advised to Conceal His Crime Like an Adulterer?

the question

Why isn't a murderer advised to conceal his crime, as you say to an adulterer or adulteress, "Conceal yourself," even if the woman's adultery results in pregnancy? Doesn't the husband have a right to know that since his wife has defiled his bed and brought in a child that is not his? Then you say: If she repents, perhaps Allah will make her husband pleased with her on the Day of Judgment. So why don't you say to the murderer, "Repent and conceal yourself, perhaps Allah will make the male heirs of the victim, and the victim pleased with you on the Day of Judgment"?

Detailed answer

Praise be to Allah.

Firstly, murder involves three rights: the right of Allah, the right of the victim, and the right of the victim's heirs. If the murderer sincerely repents by feeling remorse and resolving not to repeat the crime, and surrenders himself to the victim's heirs, the right of Allah and the right of the heirs are waived. The right of the victim remains, and it is hoped that Allah will waive it and please the victim (i.e. in the Hereafter).

Ibn Al-Qayyim (may Allah have mercy on him) said: The detailed opinion of this matter is that killing involves three rights: a right of Allah, a right of the oppressed victim, and a right of the guardian. If the killer willingly and voluntarily surrenders himself to the male heirs, regretting what he did, fearing Allah, and sincerely repenting: the right of Allah is waived by repentance, and the guardian's right is fulfilled by retribution, reconciliation, or pardon. The victim's right remains; Allah will compensate him for it on the Day of Resurrection on behalf of His repentant and righteous servant and will reconcile between them. Thus, neither the right of this one is nullified, nor is the repentance of this one invalidated. (End quote from *Al-Jawab Al-Kafi*, p. 102)

Al-Mardawi (may Allah have mercy on him) quoted it in *Tashih Al-Furu`* (6/171) and said: He followed Sheikh Taqi Ad-Din in this, for he detailed this explanation and chose it, and it is the correct view without doubt. (End quote)

Sheikh Ibn `Uthaymin (may Allah have mercy on him) said: Intentional killing involves three rights:

First: The right of Allah, which is waived by repentance.

Second: The right of the victim's male heirs, which is waived by surrendering oneself to them.

Third: The right of the murdered person, which does not lapse because the murdered person has been killed and is gone. But will it be taken from the good deeds of the killer, or will Allah, in His Grace, bear it on his behalf?

The correct view is that Allah, in His Grace, will bear it on his behalf if He knows the sincerity of this killer's repentance. (End quote from *Ash-Sharh Al-Mumti`*, 14/7)

Second: Adultery with a married woman with her consent involves two rights: the right of Allah and the right of the husband whose bed she corrupted, and she may have attributed to him what is not his.

The principle is to say that the adulteress must do two things: repent to Allah with remorse, firm determination not to return to the sin, and seek forgiveness from her husband, whom she wronged and harmed.

However, this absolution results in many harms that necessitate favoring concealment over oneself, hoping that Allah will please the husband on the Day of Resurrection.

Among these harms are: spreading immorality in society, people becoming lenient about it due to hearing about it frequently, homes with children collapsing when they could have lived under the care of both parents, these children being shamed by their mother for as long as they live, the husband may become enraged and kill the wife or the one who committed adultery with her, or one of her guardians may do so.

Scandal and confession may lead to murder, loss, humiliation for the children, and even their children, as well as the woman's brothers and those connected to her.

Whoever contemplates these matters will know that what the Shari`ah has brought of calling for repentance, with concealment, is the best and least harmful.

The Prophet (peace and blessings of Allah be upon him) said: "Avoid this filth that Allah has forbidden. Whoever commits any of it, let him conceal himself with Allah's concealment." (Narrated by Al-Bayhaqi and classed as authentic by Al-Albani in *As-Silsilah As-Sahihah*, 663)

Al-Bukhari (4894) narrated that `Ubadah ibn As-Samit (may Allah be pleased with him) said: We were with the Prophet (peace and blessings of Allah be upon him) and he said: "Will you pledge to me not to associate anything with Allah, not to steal, and not to commit adultery?" He recited the verse from Surat An-Nisa’ - and most of Sufyan's wording is that he recited the verse - "Whoever among you fulfills (this pledge), his reward is with Allah. And whoever commits any of these sins and is punished for it, that will be an expiation for him. And whoever commits any of these sins and Allah conceals it, it is up to Allah; if He wills, He will punish him, and if He wills, He will forgive him."

The Prophet (peace and blessings of Allah be upon him) said: "Allah does not conceal a servant in this world except that Allah will conceal him on the Day of Resurrection." (Narrated by Muslim, 2590)

Third: These mentioned harms do not exist in the issue of killing. Rather, there are benefits in seeking absolution from the male heirs of the killed, including: Extinguishing their anger and the fire of their wrath. Reducing killing and deterring people from it, as they see the humiliation of the killer and the control of the male heirs of the killed over his fate, whether they pardon, accept blood money, or demand retribution. The Prophet (peace and blessings of Allah be upon him) said: "Whoever has a relative killed has the choice between two options: either to accept blood money or to demand retribution." (Narrated by Al-Bukhari, 6880 and Muslim, 1355)

In summary: The principle is to seek absolution from the wronged person, unless a greater harm is

feared, as in the case of adultery, and as in backbiting or slander, if seeking absolution is feared to cause hatred and increase evil.

Ibn Muflih (may Allah have mercy on him) said in *Al-Adab Ash-Shar`iyyah* (1/92):

“It is said that if the wronged person knows about it; otherwise: he should pray for him, seek forgiveness, and not inform him. Sheikh Taqi Ad-Din mentioned that this is the opinion of the majority.

Others mentioned: If one repents from slandering a person or backbiting before the person knows about it, is it a condition for his repentance to inform him and seek absolution from him? There are two narrations.

Al-Qadi (may Allah have mercy on him) chose that it is not obligatory; based on what Abu Muhammad Al-Khallal narrated with his chain of narration from Anas in a Marfu` Hadith (i.e., attributed to the Prophet): (Whoever backbites a man and then seeks forgiveness for him afterwards, his backbiting will be forgiven). He also narrated, with his chain of narration from Anas (may Allah be pleased with him), it is reported as a Marfu` Hadith: (The expiation for backbiting someone is to seek forgiveness for them).

Both Hadiths are not authentic from the Messenger of Allah (peace and blessings of Allah be upon him).

Because informing him would cause him distress. Al-Qadi (may Allah have mercy on him) said: "This is not permissible." Sheikh Abd Al-Qadir said the same.

Ibn Abd Al-Barr (may Allah have mercy on him) said in his book *Bahjat Al-Majalis*: Hudhayfah (may Allah be pleased with him) said: "The expiation for backbiting someone is to seek forgiveness for them."

`Abdullah ibn Al-Mubarak (may Allah have mercy on him) said to Sufyan ibn `Uyaynah: "Repentance from backbiting is to seek forgiveness for the one you backbit." Sufyan (may Allah have mercy on him) said: "Rather, seek forgiveness for what you said about him." Ibn Al-Mubarak

replied: "Do not harm him twice."

Like the saying of Ibn Al-Mubarak (may Allah have mercy on him): It was chosen by Sheikh Taqi Ad-Din ibn As-Salah Ash-Shafi`i in his Fatawa.

Sheikh Taqi Ad-Din (may Allah have mercy on him) said after mentioning the two narrations on the mentioned issue: Every wrongdoing related to honor, whether truthful backbiting or false slander, is similar to false accusation. False accusation can be truthful, in which case it is backbiting about an absent person, or it can be false, in which case it is slander.

Our scholars chose that one should not inform the person, but rather supplicate for them with a supplication that would be an act of kindness towards them in return for the wrongdoing, as reported in the narration." (End quote)

Whenever evil is expected to result from dissolution, it is better to conceal and pray for the wronged. This is what the adulteress is commanded to do - to repent and pray for her husband in return for his grievance.

And Allah knows best.