

CHAPTER TWELVE

Why should there be four witnesses for a women adulterer?

Allah mentions in the Quran, *“And those of your women who commit adultery, take against them evidence of four (males) especially from among you, and when they testify (the truth of adultery)...”*¹

If a man accuses his wife of adultery, he must prove his accusation by producing four trustworthy, reliable witnesses who are willing to testify that they saw his wife in the act of committing adultery. If he is unable to produce the required witnesses, the husband must swear four times that he is being truthful in his accusation, and this oath is counted under Islamic law as equal to the testimonies of four witnesses. If the man's wife denies the accusation, she is given the opportunity to do the same; that is, she may swear four times that her husband's accusation is false and, like her husband's oath the wife's oath is counted as the testimonies of four witnesses. When this occurs, it becomes clear that one of the two spouses must be lying. The legal verdict which results from these two, equally weighted testimonies is that the husband and wife are to be separated with no possibility of compromise; prior to this, however, the husband invokes a curse upon himself if he is lying, while the wife likewise calls the wrath of Allah (The Exalted) down upon herself should her husband's accusation be true.

As we have seen, the four-fold oath which each spouse makes is counted as a substitute for the testimonies of four witnesses who either affirm or deny that the wife is guilty of the crime of adultery. The important point to note in this context is that Allah (The Exalted) has given the four testimonies which affirm her guilt, which demonstrates that neither femininity nor being masculine has any bearing on the value of someone's legal testimony under Islamic law.

The passage from the divine revelation which speaks of this matter reads as follows:

“And those who malign their own wives and they have no evidence except themselves, then the evidence of any such of them is that he should bear witness four times in the name of Allah (The Exalted) that he is truthful. And fifthly this that the curse of Allah (The Exalted) be upon him if he be a liar.

*And the punishment shall avert from the wife if she bears witness four times in the name of Allah (The Exalted) that the man is a liar. And fifthly this that the curse of Allah (The Exalted) be upon the woman if the man is truthful.”*¹

Adultery was widespread in the time of Ignorance (before Islam) and moreover, most people did not see it as a serious crime. Hence, it would have been difficult for Islam to abruptly set a harsh punishment for adultery.ⁱⁱ So we find that four witnesses are required for adultery, because to make such an accusation is a major thing and can not be taken lightly. So if someone wanted to make a false accusation then it will be difficult for that person to get four witnesses to testify. The reason for four witnesses is that the punishment for adultery is to be flogged with hundred stripesⁱⁱⁱ. By having one or two witnesses is possible, however, having four witnesses is to be certain that the accusation made is not incorrect. Thus, the accusation will determine the truth and the death penalty, when given, will be correct. Not only that, but the witnesses have to be pious and independent.^{iv}

Let us take a look at what happens when the Laws of Allah (The Exalted) are not followed:

Mullins-Johnson free after 12 years^v

Released from prison following review of niece's murder case

Canadian William Mullins-Johnson, who spent more than a third of his life in prison for a rape and murder that may have never taken place, stepped into the sunshine on September 21, 2005, freed on bail from a 12-year “hell” while Ottawa decides whether he fell victim to another Canadian miscarriage of justice. The 35-year-old Mullins-Johnson, of Sault Ste. Marie, Ont., was convicted in 1994 of sodomizing and strangling his four-year-old niece Valin Johnson, who was found dead in her bed on the morning of June 27, 1993. Two experts, including Ontario's chief pathologist, now say Valin was never sexually abused or strangled. They argue she in fact died of natural causes, possibly from choking on her own vomit caused by a chronic stomach ailment.

¹ Surah Al-Nur; Surah No: 24; verse: 6-9

Man freed; murder charge is dropped^{vi}

A former western Wisconsin police officer on trial for a second time in the murder of his ex-girlfriend was cleared on April 29, 2005 after a district attorney conceded he couldn't prove his guilt. Eau Claire County District Attorney Rich White asked a judge to drop the first-degree intentional homicide charge against Evan Zimmerman, whose previous murder conviction was overturned on appeal.

The Islamic system

If we compare the Islamic system to the Western system, we find that the Islamic system will never accuse the innocent person, therefore even after a conviction the decision made will be correct and leave no doubts in any one's mind. The Western system in place is even condemned by those who are involved with it; however, you will not find injustice in the Islamic court where the law of Islam is applied correctly with proper Islamic guidelines. So we learn that by having four witnesses is to protect the innocent and to be certain when convicting the guilty without any doubt and not destroying the lives of others.

ⁱ Surah Nisa; Surah No: 4. Verse: 15

ⁱⁱ Tafseer Imdad ul Karam: Surah Nisa: Verse: 15

ⁱⁱⁱ Surah Noor, Surah No: 24, verse: 2

^{iv} Tafseer Noor-ul-Irfan; Surah Nisa; Verse: 15.

^v National Post. By Colin Perkel. Canadian Press. Wednesday, September 21, 2005. <http://www.truthinjustice.org/recent.htm>

^{vi} Wisconsin state Journal. By Dee J. Hall. April 30, 2005. <http://www.truthinjustice.org/recent.htm>