

## ADULTERY

Adultery or fornication has been expressly made unlawful by the Almighty **Allah** as otherwise the society would have been reduced to chaos and disorder. The Holy Qur'an proclaimed: *"And do not go near fornication. Surely it is an indecency and evil as a method"*. (17:32) The Holy Qur'an further says: *"And do not compel your slave girls to prostitution when they desire to keep chaste"*. (24: 33)

Regarding the sentence of adultery, the Holy Qur'an says: *"The adulteress and the adulterer, flog each of them – giving a hundred stripes; and let not pity for them detain you in the matter of obedience to Allah if you believe in Him and the Last Day, and let a party of the believers witness their chastisement"*. (24:2)

The ordinance for adultery in case of free married and unmarried men and women are 100 stripes. In meting out this punishment, the Holy Qur'an draws attention to the fact that forgiveness on the part of one to whom wrong is done, however, is the best. It says: *"And the recompense of evil is punishment proportionate thereto, but whoso forgives and amends, he shall have his reward from Allah"*. (42:40) Thus, the Holy Qur'an recognizes the Jewish law of tooth for a tooth in some cases as well as the law of Jesus of turning another cheek in case one is slapped.

Some traditions of the Holy Prophet (Sallallahu Alaihi Wassallam) prove beyond the shadow of doubt that in case of married male and female, sentence is nothing short of death or extreme penalty of law; and in case of unmarried men and women, 100 stripes as the Holy Qur'an lays down. A few Jurists have explained this apparent contradiction between the Quraanic verse and the Tradition by saying that the verse of stoning to death has been abrogated during the time of the Holy Prophet ﷺ, and therefore, it did not find place in the Holy Qur'an. The verse is said to have run as follows: *"When a man and*

*woman (both married) commit adultery, stone them both, an exemplary punishment from Allah, and Allah is Powerful, Wise.”*

The majority of Theologians, the four Imams (Sayyiduna Imam-e-A'zam Abu Haneefa, Sayyiduna Imam Shafi'i, Sayyiduna Imam Maalik ibne Anas and Sayyiduna Imam Ahmad ibne Hambal) and other learned Jurists hold that the order for stoning to death still exists. Although capital sentence has got no clear mention in the Quraanic verses now extant, there is no doubt that there is indication of such a capital sentence in the following verse, *“And those who commit indecency from your wives, keep them imprisoned within the houses till death overtakes them or Allah makes out a way for them”*. (4:35)

In addition to this verse, there are clear authentic traditions to show that the order of capital sentence is still in force. The Holy Prophet of Islam (Sallallahu Alaihi Wassallam) said: *“It is unlawful to shed the blood of a Muslim except for one of three causes - apostasy, adultery after marriage and murder.”*

This ordinance alone is a solution of recent increase of abductions, adultery, fornication, debauchery and indiscriminate criminal and indecent assault on the females. The measure seems to be the most severe, but the evil is also the most heinous creating a great disturbance in the society. It has been found that lenient dealings with the criminals of this sort give more encouragement for doing these misdeeds. This shows that the Glorious Prophet of Islam (Sallallahu Alaihi Wassallam) had the greatest moral sense in the world and he attached the greatest value to morality. The breach of the greatest trust, which is imposed in a man or a woman, the breach which ruins families, destroys household peace, deprives innocent children of their loving mother, a beloved husband of his dear wife, is not looked upon as seriously as the breach of trust of a few pounds. This lack of sexual morality gives a sense of too much severity in the Islamic sentence in the minds of the modern educated men.

For the capital sentence, there is, however, required a very strict proof. Sayyiduna Rasoolullah (Sallallahu Alaihi Wassallam) meted out a capital sentence almost always in case of confessions of these crimes corroborated either by confession for four times or four independent witnesses. The witnesses must be examined, and they must be eye witnesses to the actual occurrence and not merely infer it from the circumstances.