

Section 1: Punishment for Adultery Prescribed

Sura An-Nur – Verse 1

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, The Beneficent, The Merciful

سُورَةٌ أَنْزَلْنَاهَا وَفَرَضْنَاهَا وَأَنْزَلْنَا فِيهَا آيَاتٍ بَيِّنَاتٍ لَعَلَّكُمْ تَذَكَّرُونَ

1. “ (This is) a Sura which We have sent down and which We have enjoined, and in it We have sent down clear signs, so that you might remember.”

The Qur'anic word 'Sura' is an appellation taken by Allah for a collection of verses in the holy Qur'an. What we know is that the name of this Sura is Nur, and it is because of Nur verse, No. 35, which is one of the most conspicuous verses of the Sura.

Furthermore, the content of the Sura is especially luminous. It grants men and women in families and societies the light of chastity and virginity. It gives tongues and speeches the light of piety and veracity.

It gives hearts and souls the light of monotheism, theism, belief in the resurrection, and resignation to the godly invitation of the Prophet (S).

The first verse of the Sura concisely indicates all of the discussions in the Sura.

It says:

“ (This is) a Sura which We have sent down and which We have enjoined, and in it We have sent

down clear signs, so that you might remember.”

The Arabic word /surah/ is derived from the word /sur/, meaning the height of a building. Then it was applied to the high walls that were built around cities for protecting against enemies' attacks.

And since these walls separated city from the surrounding regions, this word gradually has been applied to a section or a part of something, including a section or piece of the Qur'an separated from the rest of it.

Some philologists have also said that the word /surah/ is applied to high, beautiful, erected buildings as well as various parts of a big structure. With the same proportion, it is applied to the various, parts of the Qur'an which are separated from each other.¹

Anyway, this sentence refers to the fact that all ordinances and subjects of this Sura, including rules, rites, and doctrines, are extraordinarily important, because all of them have been sent down by Allah.

Specially the sentence /faradnaha/

(“... We have ... which We have enjoined...”)

emphasizes this meaning, considering that the meaning of the word /farada/ is 'assertion'.

Using the holy phrase /'ayatin bayyinat/ (clear signs) may point to some facts about monotheism, origin, resurrection, and prophecy, which are presented in it. This phrase is for the clause /faradna/ (We enjoined) which points to the ordinances and commandments which are stated in this verse. In other words, one refers to 'beliefs' and the other one refers to 'religious ordinances'.

Another possibility is that the purpose of /'ayatin bayyinat/ (clear signs) is some reasons that are mentioned for the obligatory commandments that are presented in this Sura.

The sentence /la'allakum ta'akkurun/

(‘...so that you might remember.’)

again illustrates this fact in minds that all beliefs and doctrines and all practical programs of Islam are rooted in the very innate disposition of humans. Thus, their explanation is a kind of admonition and remembrance.

In this holy verse, there are three signs that indicate the magnificence of Sura An Nur:

A) The word 'Surah' that is in the beginning, is the sign of greatness.

B) The Arabic nunnation of the word 'Surah' is for greatness.

C) The Qur'anic word /'anzalna/ (We have sent down) has been mentioned twice in due verse.

Sura An-Nur – Verse 2

الزَّانِيَةُ وَالزَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَةٍ وَلَا تَأْخُذْكُمْ بِهِمَا رَأْفَةٌ فِي دِينِ اللَّهِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَلْيَشْهَدْ عَذَابُهُمَا طَائِفَةٌ مِّنَ الْمُؤْمِنِينَ

2. “The fornicatress and the fornicator, scourge you each one of them (with) a hundred stripes. And let not pity for them withhold you from enforcing the sentence of Allah, if you believe in Allah and the Last Day. And let a party of the Believers witness their punishment.”

According to the conditions of persons, there are different judgments of fornication. In this verse, only one of its cases is referred to, the case that if a celibate man or woman commits fornication, each of them will be flogged with one hundred stripes.

But if a person who has spouse and commits adultery, the punishment is stoning to death. If someone who has spouse, but he or she can not reach him or her (for example the spouse is behind bars), and commits fornication, the judgment of stoning to death is changed to stripes.

The holy Qur'an counts fornication as an indecency and horrible deed and prohibits it where it says:

“And do not approach fornication...”²

and it counts the abundance of fornication as a sign for the true servants of Allah, where it says:

“The (faithful) servants of the Beneficent (Allah) are those who nor commit formation...”³

and again it considers the avoidance of committing this sin as the condition for the allegiance with the Prophet (S) as, in another occurrence, the Qur'an says:

“O Prophet! When believing women come unto thee, taking oath of allegiance unto thee that they ...will neither steal nor commit (or fornication) adultery ...”⁴

After this general statement of the verse, the first decisive and determining ordinance about fornicatress and fornicator is presented.

It says:

“The fornicatress and the fornicator, scourge you each one of them (with) a hundred stripes...”

To emphasize more, the Qur'an adds:

“...And let not pity for them withhold you from enforcing the sentence of Allah, if you believe in

Allah and the Last Day...

Finally, at the end of the verse to conclude this Divine punishment, another matter is added, where it says:

“...And let a party of the Believers witness their punishment.”

As matter of fact, this verse contains 3 commandments:

1. The ordinance of punishing fornicatress and fornicator; (the purpose of fornication is unlawful sexual intercourse).
2. Emphasis on the matter of not being moved by compassion and sentiments at the time of executing divinely prescribed punishments. These sentiments and kindness yield as result only corruption and defilement in society.

But to deactivate the motivations of such sentiments, the Sura brings up the issue of belief in Allah and the Day of Judgment, because the sign of belief in origin and Resurrection is absolute resignation to Allah's commandment.

The belief in the Lord of the world, Who is All-Knowing, All-Wise, makes man know that each commandment is based on a philosophy and wisdom and is not legislated without any reason. Having faith in Resurrection causes man to feel responsibility for violations and transgressions.

Here, there is an interesting tradition that must be noted carefully:

The Prophet (S) says:

“ (On the Day of Judgment) some of the rulers who have decreased one stripe from the divinely prescribed punishment will be fetched (to the place of gathering). They will be questioned why they had done such a thing.

They will answer:

‘For having mercy on Your servants!’

’Allah will say:

“Did you show more mercy to them than I did?”

The command of throwing him into Fire will be issued. Another person who has added one stripe to the divinely prescribed punishment will be brought (to the place). He will be asked why he did such an action.

He will answer:

'For preventing then from disobeying You.'

Allah will say:

'Were you wiser and more knowing than Me?'

*Then the command will be issued of throwing him into Fire."*⁵

3. The commandment of attendance of a group of believers in the place where the judgment of punishment is carried out. The aim is not only to make the wrongdoer learn lesson, the aim is that his punishment will work as an admonition for others.

In another word, considering the texture of man's social life, a person's ethical defilements are not limited to one person, but it influences society. For cleaning, the punishment must be carried out in public, as wrong action has become manifest.

Thus, in this way, the answer to the question that why Islam allows a man's honour to be lost in the public becomes clear, because as far as the sin is not manifested and is not reported to the Islamic court, Allah, Who veils vices, does not will to unveil what is secret.

But after that the wrong action is proved, and its secret is uncovered, society is defiled and the sin decreases in importance, so punishment must be executed in a way that the negative effects of the sin may be deactivated and the magnitude of the sin can be reestablished.

Essentially, in a sound society, violation of law must be counted important. Surely if that violation is repeated, that importance will be broken. Its importance will be reset only through publicly punishing the offenders.

Moreover, we must pay attention to the fact that for many of people honour is more important than the issue of bodily punishment. This very publicizing of punishment suppresses their ungovernable low desires.

Some Narrations On Evils of Fornication

Some evils and harm of fornication are mentioned in one of the speeches of Imam Rida (as), including the followings:

1. Committing murder by abortion
2. Violation of structure of family and relationship
3. Abandonment of training issues
4. Ruin of criteria of heritage⁶

In the opinion of Ali (as), abandonment of fornication buttresses family (to be protected) and desertion of sodomy protects generation.⁷

The holy Prophet (S) says:

“Fornication enjoys harms both in this world and the other world. In this world, there are ruins of man’s luminosity and beauty, untimely death, and termination of the portion of sustenance.

*And in the other world, there will be helplessness at the time of resurrection’s reckoning, and there are Allah’s rage and eternal Hell.”*⁸

There have been narrated in a tradition from the Prophet (p.b.u.h) who said:

1) *“When fornication increases, sudden death increases, too.”*⁹

2) *“Do not commit fornication, so that your wives do not get involve in fornication. Whoever violates another person’s honour his honour will be violated. You will be treated as you treat others.”*¹⁰

3) *“There are four things that if each of them exists in any house, that house will be desolate and void of blessing: A) Treachery B) Stealth C) Wine–Drinking D)Fornication.”*¹¹

And:

*“Fornication is one of the major sins.”*¹²

Imam Sadiq (as) says:

“Whenever people commit four sins, they will be involved in four disasters:

1. *Whenever fornication prevails, earthquakes will occur.*

2. *Whenever people do not pay alms–tax, quadrupeds will be demolished and blessing will be taken from grains.*

3. *Whenever the judgment of judicial authorities is oppressive, there will be no rain.*

4. *Whenever breach of promise occurs, polytheists will get victory over Muslims.”*¹³

Some Messages

1. Sexual freedom and unlawful relations are forbidden.

2. The function of women in creating unlawful relations and preparing preliminaries of fornication is more considerable than that of men. On the contrary, in stealth, men have more function. Thus, in the verse, the Arabic word /zaniyah/ (fornicatress) precedes the word /zani/ (fornicator).

3. For correcting wrongdoer and protecting public chastity, bodily punishment is necessary.

(“...scourge ... stripes”)

4. In a liaison and intimacy, both parties must be punished equally.

(“...each one of them...”)

5. The amount of punishment must be measured by Allah.

(“...a hundred stripes...”)

6. In punishing wrongdoers, it is forbidden to be influenced by compassions and sentiments.

7. Compassion and kindness must be inside the range of religion.

(“...And let not pity for them withhold you from enforcing the sentence...”)

8. Religion is not only fasting and performing ritual prayer, but Divinely imposed limits are of the essential elements of religion, too.

(“...the sentence of Allah...”)

9. By believing in origin and resurrection, rules can be carried out firmly and decisively.

10. Carrying out the prescribed punishments is the sign of belief in Allah.

(“...if you believe in Allah...”)

11. Punishment must be in a way that others take lesson. The verse says:

(“...And let a party of the Believers witness their punishment.”)

12. A person who commits fornication must be both bodily and psychically punished.

13. People’s attendance is a lever to control both the judge and the executer.

14. Believers’ attendance should be used for prohibition of committing evil.

15. Only Muslims are allowed to attend the occasion of execution of Divinely-prescribed punishment

Sura An-Nur – Verse 3

الزَّانِي لَا يَنْكِحُ إِلَّا زَانِيَةً أَوْ مُشْرِكَةً وَالزَّانِيَةُ لَا يَنْكِحُهَا إِلَّا زَانٍ أَوْ مُشْرِكٌ وَحُرِّمَ

ذَلِكَ عَلَى الْمُؤْمِنِينَ

3. “The fornicator shall not marry save a fornicatress or an idolatress, and the fornicatress, none shall marry her save a fornicator or an idolater; and all that is forbidden unto the believers.”

The Muslim believers, men and women, must marry chaste and pure spouses.

Corrupted people are unwelcome in an Islamic society. Since the above-mentioned verse speaks about the punishment of fornicator and fornicatress, a question raises that how the lawful marriage with such persons is judged.

This verse answers this question in this way:

“The fornicator shall not marry save a fornicatress or an idolatress, and the fornicatress, none shall marry her save a fornicator or an idolater; and all that is forbidden unto the believers.”

Upon the subject that this holy verse is the statement of a Divine ordinance or it mentions only a natural and external phenomenon, commentators discuss differently:

Some believe that this verse mentions only an objective reality or fact that defilers go after defilers or birds of a feather flock together, but believers and pure persons do not go along with such evils and do not marry impure spouses. Believers prohibit themselves from it. What confirms this interpretation is the very apparent of the verse which has been stated in a predictive form.

But some others believe that this holy sentence declares a religious and Divine ordinance, which specially intends to prevent Muslims from marrying those persons who commit fornication, because, like physical illnesses, ethical diseases are often infectious. Moreover, this is counted a shame and disgrace for pure persons.

What is more important is that the offspring who are bred by such skeptical and impure persons have an ambiguous destiny. Regarding these facts, Islam has prevented it.

This interpretation is confirmed by this sentence which consists of the sense of prohibition:

“...and all that is forbidden unto the believers.”

There are many traditions stated by the Prophet (S) and other infallible Imams (as) in this regard that establish the validity of this interpretation indicating that this verse declares an ordinance.

Even some of great commentators have said about the occasion of revelation of this verse:

“A Muslim man asked the Prophet’s permission for marrying a woman called “Umm-i-Mahzul” who, in the Age of Ignorance, was notorious for immodesty and even she had hanged a flag as a sign on the

door of her house. At that time, this verse was sent down and the Prophet (S) answered him.”¹⁴

Another tradition, narrated from Imam Baqir (as) and Imam Sadiq (as), says:

“This verse is about those men and women who committed fornication at the age of the Prophet (S). Allah prohibited Muslims from marrying them. Right now this judgment covers all people. None should marry one who commits this wrong action and is punished according to Divinely-prescribed measures until his or her repentance is declared.”

This is a worth-mentioning matter that many of the divine ordinances are stated in the form of predicative sentence. To state Divine ordinances in the form of imperative and prohibitive sentence is not always necessary.

By the way it must be noted that connecting ‘idolater’ to ‘fornicator’ is in fact for stating the importance of the matter. It means that the sin of fornication is equal to idolatry, because in some narrations we read that when a person commits fornication, he has no faith.

The holy Prophet (S) said:

“Fornicator is not a believer when he commits fornication. Likewise a thief does not have faith at the time of stealing, because at the time of doing this action, his faith is taken away as shirt is taken off.”¹⁵

Some Matters to Study

1. The Cases of Fornication That Necessitates the Death Sentence

What has been mentioned upon the fornication judgment in the above-mentioned noble verse is a common ordinance that has also some exceptional cases, including adultery whose prescribed punishment is death sentence if its conditions are confirmed.

The purpose of the Arabic word /muhsin/ concerning adultery is a man who has got wife and his wife is with him and /muhsinah/ is woman who has got husband and her husband is with her.

If a person who is provided with such a lawful way commits fornication, his Islam prescribed punishment is death sentence. How this sentence is carried out is explained in the books of Islamic jurisprudence.

The sentence that is issued about the one who commits incest is execution too. Rape is also a felony punishable by execution.

Of course, in some cases there are also some additional punishments other than flagging, such as exile and so on. For these punishments, we must read their explanation in the jurisprudence books.

2. Why Does the Word ‘Fornicatress’ Precede the Word ‘Fornicator’?

Undoubtedly this unchaste act is ugly and bad for every one, but for women it is worse and uglier, because they are more modest and decorous. If this modesty and decorousness is ruined, it will be a reason for more violent disobedience.

Moreover, although its evil consequences affect both of them, women will be affected with more evil consequences. Another possibility is that this ugly matter is more tempted by women and in many cases women are the main factor and origin of temptation.

All of these reasons have caused unchaste women to be mentioned before impure men in the above verse, but chaste women and pure men are far from all these affairs.

3. Why is Punishment to Be Carried Out in a Gathering?

The above holy verse, which is in the form of imperative sentence, indicates that a group of believers must be present when the prescribed punishment of fornication is carried out.

But the holy Qur’an has not stipulated that this Islamic sentence must be carried out positively in public, but depending on conditions and interests, it may be changed; for example, only the presence of 3 or more persons is enough. It is important that the judge decides how many persons must attend the occasion.

The philosophy of this judgment is also obvious, , because as we said before:

First: It will be a lesson for all people and it will make society pure.

Second: The shame of the offender prevents committing the wrong action in the future.

Third: When the prescribed punishment is carried out before some persons, the judge and the executors of the punishment will not be accused of taking bribe, collusion, discrimination, torturing and such like.

Fourth: The attendance of people prevents self-interest and excess in carrying out the punishment.

Fifth: It is possible that, after the execution of punishment, the wrongdoer accuses and rumours about judge and executer, but the attendance of people makes his status clear and prevents his destructive activities in the future. And there are many other advantages.

4. What Was the Prescribed Punishment of a Fornicator?

It is understood from the 15th and 16th verses of Sura An-Nissa’ that before the time that the ordinance of Sura An-Nur about adulterer and adulteress was sent down, their punishment had been life sentence (being imprisoned forever) if they were married and if they were not married they had to be punished and persecuted.

(“.. *.punish them both...*”)

The measure of this punishment is not clear, but the concerning verse specifies that it must be one hundred stripes. Thus, the death sentence takes the place of life sentence (being imprisoned forever) for those who are married, and the sentence of one hundred stripes takes the place of the sentence of punishment and persecution for those who are not married.

5. Going to Extremes in Executing the Prescribed Punishment is Forbidden!

Without doubt, humane and sentimental issues demand ultimate attempt to save every innocent individual from being punished. Also as far as Divine ordinances allow indulgence and pardon, wrongdoers should be pardoned.

But when the crime or offence is proved and the prescribed punishment is decided, decisiveness and firmness of rule must be observed, and false sentiments, which harm the system of society, must be put away.

Specially in the concerned verse, the sentence /fi din-illah/

(“...*from enforcing the sentence of Allah...*”)

is used. It means that when it is Allah’s ordinance, no one can exceed Allah, the Beneficent, The Merciful.

Here, in this verse, the overcoming of affectionate sentiments is prohibited, because most people have such a mood. It is possible that these affectionate sentiments overcome them, but it cannot be denied that there is a minority that advocates more violation and severity.

The mentioned group is also, as we mentioned before, away from the path of Allah’s ordinance and these people must control their sentiments and do not exceed Allah, because that deserves to be severely punished, too.

6. How is Marriage with Fornicator and Fornicatress Illegalized?

We have already said that the above-mentioned verses apparently illegalize marriage with fornicator and fornicatress. Of course, this ordinance is limited to men and women who were notorious for this action and have not repented.

Thus, if they are not notorious for this action, or if they have withdrawn from their former deeds and have decided to be pure and chaste and have shown that they are penitent, marriage with them is lawfully permitted.

In the second status, it is for the reason that the titles ‘fornicator’ and ‘fornicatress’ are not applied to them, because they are no longer in the previous condition. But in the first status, this stipulation is

understood from the Islamic narrations and the occasion of the revelation of verse confirms it, too.

In a reputable tradition we read that Zurarah, a famous jurist, asked Imam Sadiq (as) about the commentary of the Qur'anic phrase:

“The fornicator shall not marry save a fornicatress...”

Imam Sadiq (as) said:

“This verse refers to women and men who had been notorious for fornication and they were known for this evil act in the society. Today it is the same; it is not good to marry one who has been punished for fornication or is notorious for this ugly action, unless his or her repentance is declared.”¹⁶

7. Philosophy of Banning Fornication

We do not think that nobody is aware of gloomy consequences that cover society and individual, but a little explanation in this field is necessary: Occurrence of this evil action and its prevalence unquestionably disorder the structure of family. It makes the relationship between father and son dark and gloomy.

It increases issues having no identity in the society, the issues who, according to experience, will become dangerous felons. This disgraceful action causes kinds of strife and quarrels between the sensual ones.

Moreover, every one knows that psychic and venereal diseases, murdering offspring, abortion, and suchlike crimes are its gloomy results. In brief, if offspring of adultery increases in a society, the social relationships, which are based on family relations, will terribly become shaky and unstable.

To find out how important this matter is, we must imagine for a moment that if fornication is to be permissible in man's society thoroughly and marriage is to be extinct, in this condition no one would take care of infants who are born with no identity, neither in their infancy, nor in their adulthood.

Moreover these issues will be deprived of kindness and compassion, which plays an important role in struggling with violations and crimes, and human society changes into a completely bestial society which is accompanied with violation in all aspects.

Of course, this disgraceful act causes kinds of individual and social conflicts and fights between those who are capricious. The stories that have been narrated about the interior conditions of the notorious places and centers of corruption indicate this fact that sometimes the worst crimes take place along with sexual deviations.

In addition to that, experience has informed us and science has proved that this deed causes and spreads kinds of diseases. Although many organizations are prepared for struggling against its

consequences, figures show that how many persons have lost and will lose their health because of this act.

This action often causes abortion, murdering of issues, and termination of generation, because such women are not willing to look after such issues of theirs and essentially the existence of offspring is a big barrier against continuity of their gloomy actions, so they always try to put an end to them.

And this chimerical theory that such issues can be gathered in some institutions that are controlled by government is not obviously practicable. It has been proved that how many problems exist in breeding fatherless and motherless children. Even then these brutal issues are products of an inferior quality. They are uncivilized unscrupulous wrongdoers.

Even we must not forget that the purpose of marriage is not only satisfying sexual instinct, but participation in organizing a family, spiritual familiarity and mental tranquility, training issues, and cooperation in all affairs of life are the consequences of lawful marriage.

And these are not possible unless man and woman are limited and allocated to each other and that the banning of fornication should be observed.

Some Traditions On Fornication

1. Imam Ali ibn–Abitalib (as) in a tradition said:

“I heard the Prophet (S) say:

‘There are six evil effects in fornication, three of them are in this world, and three of them in the other world. Those which are for this world are: A) It will take man’s luminousness. B) It terminates provisions. C) It speeds up destruction of man. And those which are for the other world are: A) Allah’s anger B) Severity of reckoning C) Entering into Fire or eternal abiding in Hell’.”¹⁷

2. Imam Sadiq (as) said:

*“One of the sins that withhold sustenance is fornication.”*¹⁸

3. The Prophet (S) said:

*“Allah’s fury is severe and harsh toward those who commit fornication.”*¹⁹

4. Imam Ali (as) said:

*“A fervent man never commits fornication.”*²⁰

5. It has been narrated:

“Verily fornication brings blackness of face, causes poverty, shortens the lifetime, terminates the

*provision. It ruins beauty and glory and brings Allah's anger near and the doer of it is wretched and ashamed."*²¹

6. The Prophet (S) said:

*"When fornication increases after me, sudden death does increase."*²²

7. Imam Sadiq (as) said:

*"Verily a person who enters his sperm in an unlawful womb on the Hereafter Day will have severer punishment."*²³

8. The Messenger of Allah (S) said:

*"When a man commits fornication, the spirit of faith abandons him."*²⁴

9. Imam Sadiq (as) said:

*"When fornication increases (in a society), many earthquakes occur."*²⁵

10. The Prophet (S) said:

*"There are four things that if one of them enters a home, it will destroy it, and which will not be well set-up with blessing: stealth, treachery, wine-drinking, and fornication."*²⁶

11. Imam Sadiq (as) said:

"Do good to your fathers, so that your issues will do good to you. And abstain from people's wives, so that your wives will be chaste (and safe)."

Sura An-Nur – Verses 4-5

وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا
تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ

إِلَّا الَّذِينَ تَابُوا مِنْ بَعْدِ ذَلِكَ وَأَصْلَحُوا فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

4. ***"And those who accuse chaste women (with adultery) but do not bring four witnesses, then scourge them (with) eighty stripes and do not (afterward) accept their testimony forever, and***

these are they that are evil-doers, ”

5. “Save those who repent thereafter and make amends, for verily Allah is Forgiving, Merciful.”

Accusation is like shooting arrow to the honor and dignity of people and not observing it. And, the punishment of accusing married and chaste women is more severe.

Since the pervious verses consist of a heavy punishment for men and women who commit fornication, and it is possible that some impious malicious individuals accuse a few pure and chaste persons, thus immediately after mentioning of severe punishment of adulterers, the punishment of those who accuse others and intend to misuse this ordinance is declared, so that the honor and respect of chaste families can be saved from the threat of such persons, and no one dare denigrate people.

At first, it says:

“And those who accuse chaste women (with adultery) but do not bring four witnesses, then scourge them (with) eighty stripes...”

After this heavy punishment, two more ordinances are added, where it says:

“...and do not (afterward) accept their testimony forever, and these are they that are evil-doers, ”

Thus, in this way, not only such persons are heavily punished, but also their testimony and speech is invalid and invaluable in a long term, so that they cannot defame pure individuals. Moreover, the mark of impurity is set on them and they will be scandalized in the society.

This austereness in saving reputation of pure people is not limited to this case here, but it is also seen in many Islamic teachings. It indicates how extremely Islam values reputation of pure female and male believers.

Imam Sadiq (as) in a tradition said:

“When a Muslim accuses his Muslim brother of a matter (that is not done by him), faith will vanish from his heart as salt melts in water.”²⁷

However, in view of the fact that Islam never closes the path of return to anyone, and it uses every opportunity to encourage wrongdoers to purify themselves and atone for the former errors and mistakes, in the next verse the Qur'an adds:

“Save those who repent thereafter and make amends, for verily Allah is Forgiving, Merciful.”

Therefore, according to the traditions narrated from Imam Sadiq (as) and other Imams (as), by repenting both their testimony is valid in the future and the judgment of being mischievous is abrogated of them in all fields, because a person who has repented and become just again, the title of being mischievous will be taken from him.

Some Traditions on Repentance

1. The Prophet (S) said:

*“An individual who repents his sin is like a person who is sinless.”*²⁸

2. The Prophet (S) said:

*“Nothing is more liked before Allah than a faithful man and woman who regret about sin and then repent.”*²⁹

3. Imam Ali (as) said:

*“Impart the pleasant odour of seeking forgiveness, so that the offensive smell of sins does not stigmatize you.”*³⁰

4. Imam Sadiq (as) said:

*“The favorite servant before Allah is a well-doer who repents a lot.”*³¹

Pay Attention to Some Points

1. What Does the Word ‘ramy’ Mean Here?

The Arabic word /ramy/ basically means throwing stones or shooting arrows and like, and it is natural that in many cases it harms. Then this Arabic word has been used sarcastically in accusation of individuals, cursing, abusing and unfair imputation, because as if these words and speeches are like arrows that hit the body of a person and wound him.

Perhaps it is for this reason that this word has been used in an absolute form in the verses under discussion and later verses.

For example, it has not mentioned,

“Those who accuse chaste women of adultery”,

because considering verbal contexts, the word ‘fornication’ has been omitted in the concept of the word /yarmuna/. Moreover, the lack of clearly expressing it, when chaste women are mentioned, is—considered as a kind of courtesy, respect, and chastity in words.

2. Why Four Witnesses?

We know that in Islam two just witnesses are usually enough for proving crimes and asserting rights. Even in the case of homicide when there are two witnesses, the crime is proved, but in the question of accusation to adultery four witnesses are especially necessary.

The reason that witness outweighs here is possibly the fact that many people accuse others very easily and they always mar reputation and honour of individuals suspiciously or not suspiciously. Islam is rather uncompromising in this respect so that people's honour can be saved. But in other issues, even homicide, individuals' tongue is not so defiled.

Moreover, in homicide there is only one party, i.e. the criminal is one, but in adultery two persons are charged with the crime, and if we require two witnesses for each of them, there will be four witnesses.

This statement is the content of a tradition narrated from Imam Sadiq (as). Abu Hanifah, the famous Sunni jurist, says:

"I asked Imam Sadiq (as) that whether fornication is more condemnable than homicide.

He said:

'No, homicide is.'

Then I said:

'Why are two witnesses enough in proving homicide, but fornication requires 4 witnesses?'

He said:

'What do you say about this matter?'

Abu Hanifah could not answer explicitly.

Imam said:

"This is because there are two prescribed punishments in fornication, one of them is for man and the other one is for woman. So two witnesses are needed. But in homicide only one prescribed punishment is inflicted on murderer."32

Of course there are some cases of fornication for which prescribed punishment is inflicted on one party (e.g. rape and suchlike), but these are the exceptional instances. What is common and obvious is the one that is committed with mutual agreement, but we know that the philosophy of ordinances depends on prevailing individuals.

3. Important Condition of Repentance

We have reiterated this fact that repentance is not only asking Allah's forgiveness or feeling remorse about past deeds or even deciding to relinquish an evil act in the future, but in addition to all these things the wrongdoer must put his best foot forward to amend the past.

If he has really marred reputation and honour of a pure man or woman, he must, in order to make his

repentance accepted, deny what he has said in the presence of those who have heard his accusation, so to speak, he must rehabilitate the disgraced person.

The Qur'anic holy phrase /wa 'aslahu/

(*"...who ... make amends..."*)

that has come after the phrase /tabu/

(*"...who repent..."*)

indicates this fact that such persons must repent from their sins and then must atone what wrong they have committed. This is not right that another one accuses a person of lying in public (or by means of press or mass media) and then, in his home, when he is alone, he asks Allah's forgiveness. Allah never accepts such repentance.

Therefore, there are some traditions narrated from the leaders of Islam as an answer to the question that whether the testimony of those who accuse someone of dishonour is accepted after they repent and are prescribedly punished; their answer is "Yes".

And when it was asked how his repentance is done, they said:

*"He will come to Imam (or Islamic judge) and will say: 'I accused so and as and I repent of what I have said'."*³³

4. The Ordinances of 'qathf': (False Accusation of Unlawful Intercourse)

In the book entitled: "Hudud" (prescribed punishments), there is a chapter which is called:

"the prescribed punishment of Qathf".

The word 'Qathf' (on the rhythm of 'Hazf') means hurling something to a far away place. But in these cases, like the Arabic word /ramy/, it alludes to dishonouring accusation of an individual. In other words, it is scurrility and foul language related to these matters.

Whenever 'Qathf' is done explicitly and affirmatively in any language and in any form, its prescribed punishment is 80 stripes, as it was mentioned above.

If it is not explicit and affirmative, it is subject to the ordinance of discretionary punishment (the purpose of 'discretionary punishment' is those sins that have no definite prescribed punishment in religion, but it is up to the Islamic judge to decide the measure and the way of punishment in a certain case with regard to the characteristics of the criminal and the quality of crime as well as other conditions).

Even if a person accuses a group of people of such a crime, swears at them and accuses them one by

one (singly), there will prescribed punishment of Qathf for each accusation separately.

But if he accuses them on the whole or altogether, and if they jointly and intemperately ask punishment for him, he will be inflicted with one prescribed punishment, but if they separately take legal action against him, for each accusation he will be imposed with one independent prescribed punishment.

This is so important that if a person is accused of such a crime and this person dies, his heirs can sue accuser and ask prescribed punishment for the accuser.

Of course, since this ordinance is among the personal rights, and if an entitled person forgives wrongdoer, his prescribed punishment will be canceled, unless this offence is repeated so many times that reputation and honour of society is threatened, in this case this crime will be treated differently.

If two persons use bad language about reputation of each other, there will be no prescribed punishment for both of them, but they will be imposed with discretionary punishment as judge decides. Thus, no Muslim has right to answer back foul language, but he can only demand his rights through the judge of religion and asks for punishment of bad language user.

Anyway, the purpose of this Islamic ordinance is, first: saving men's honour and reputation, and second is, preventing ample social and moral corruptions which bedevil the society, because if corrupted persons are to be free, they will swear at and accuse every one unjustly and then they are saved from punishment.

In this condition, people's reputation and honour are always at risk and even these unjust accusations make a spouse cynical of other half. And father will be skeptical of his issue's legitimacy.

In short, the existence of family will be threatened, atmosphere of suspicion and skepticism prevails society, rumour-mongers drive a roaring line, and all chaste persons will be stained in the opinion of people.

Here, there will be the demand of decisiveness, the same decisiveness which Islam has presented to these bad language users.

Yes, they must be flogged with 80 stripes as penalty for their evil and accusing swearing, so that they will never fiddle with people's reputation and honour.

Sura An-Nur – Verses 6–10

وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُن لَّهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ فَشَهَادَةُ أَحَدِهِمْ أَرْبَعُ
شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ

وَالْخَامِسَةُ أَنَّ لَعْنَتَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ

وَيَدْرُؤُا عَنْهَا الْعَذَابَ أَنْ تَشْهَدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ

وَالْخَامِسَةُ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ

وَلَوْلَا فَضْلُ اللَّهِ عَلَيْكُمْ وَرَحْمَتُهُ وَأَنَّ اللَّهَ تَوَّابٌ حَكِيمٌ

6. ***“And (as for) those who accuse their wives (with adultery), and have (in support) no witness except themselves, then the testimony of one of them (shall be taken) four times (swearing) by Allah that verily he is of the truthful (ones);”***

7. ***“And the fifth (oath to be) that the curse of Allah be on him if he is one of the liars.”***

8. ***“And it shall avert the punishment from her if she bears witness four times (swearing) by Allah that verily he is one of the liars, ”***

9. ***“And the fifth (oath) should be that the wrath of Allah be upon her if he is of the truthful (ones).”***

10. ***“And had it not been Allah’s grace and His mercy on you, and that Allah is Oft-Pardoning, All-Wise, (you would have been ruined and undone).”***

Occasion of Revelation

Among some of the Companions, Sa‘ad Ibn ‘Ibadeh (the great of The Helpers) told the Prophet (S):

“O’ Prophet of Allah! When accusing someone of this unchaste action has such a punishment that if an accuser can not prove it, he will be flogged with 80 stripes, so what can I do when I enter my home and I do see that a miscreant man is having sexual intercourse with my wife?

If I wait for four persons to come and see and then testify, the time has passed and that evil man has done his job, and if I want to kill him, no one believes me without witnesses and I will be retaliated justly as a murderer; and if I tell what I have seen to judge, I will be flogged with 80 stripes.”

Some minutes later his cousin (son of his uncle) by the name of Hilal-Ibn ‘Umayyah entered to report to the Prophet (S) that he had seen a miscreant man with his wife at night.

He explicitly said:

“I have seen this fact with my own eyes and I heard their voice with my own ears.”

At this time the Prophet (S) became so annoyed that the sign of his unhappiness appeared in his blessed face. Hilal said:

“I see by your face how annoyed you have become, but, by Allah, I tell the truth and I hope Allah Himself helps me.”

At this time Gabriel came down and revealed this verse and its following four verses to the Prophet (S) and presented Muslims its real exact solution.

Here, the Holy Qur'an has excluded some cases from the judgment of Qathf (false accusation); if a husband accuses his wife of unchaste action and says that he has seen her while she was doing sexual intercourse with a strange man, Qathf judgment will not be imposed on this husband, and, on the other hand, the husband's claim about his wife will not be accepted without reason and witness.

Here, the holy Qur'an suggests a proposition that the problem will be solved justly and in a most excellent way. That proposition is that the husband must first testify four times for proving that his claim is true.

As the Qur'an says:

“And (as for) those who accuse their wives (with adultery), and have (in support) no witness except themselves, then the testimony of one of them (shall be taken) four times (swearing) by Allah that verily he is of the truthful (ones);”

And in the next verse the Qur'an says:

“And the fifth (oath to be) that the curse of Allah be on him if he is one of the liars.”

Thus it implies that the husband repeats this sentences for four times, saying: he testifies by Allah that he is telling the truth in accusing his wife of adultery!

In the fifth time the husband says that: May he be cursed by Allah if he tells a lie.

Now the wife is facing a dilemma; if she confirms her husband's words or she does not agree to deny this accusation, according to the way that is mentioned in the next verse, she will decisively be imposed with prescribed punishment of fornication.

Thus in the next verse it says:

“And it shall avert the punishment from her if she bears witness four times (swearing) by Allah

that verily he is one of the liars, ”

And the next verse mentions:

“And the fifth (oath) should be that the wrath of Allah be upon her if he is of the truthful (ones).”

Thus, the wife testifies five times that her husband’s five-time-declared testimony that she has committed adultery is untrue.

Four times she repeats this sentence:

“I testify by Allah that he is telling untruth in his accusation of my adultery.”

In the fifth time she declares an oath saying:

“Should be that she solemnly invokes the wrath of Allah upon herself if he (her accuser) is telling the truth.”

The fulfilment of this Islamic custom in Arabic is called /li‘an/ (conjugal anathema, or imprecation) because of the word /la‘n/ (curse) mentioned in the above sentences. Doing /li‘an/ leads to four certain judgments for these two spouses.

- A) Without the formula of repudiation (divorce), they will immediately separate from each other.
- B) This wife and husband will be perpetually unlawful to each other; and there will never be the chance of a new marriage between them.
- C) There will be no Qathf punishment for this husband and the prescribed punishment of adultery for the wife.
- D) The issue that is created through this phenomenon will not be related to husband, but the issue's affinity with wife remains.

Finally in the last one of the concerned verses, it says:

“And had it not been Allah’s grace and His mercy on you, and that Allah is Oft-Pardoning, All-Wise, (you would have been ruined and undone).”

In fact this holy verse is as a compact indication that puts emphasis on the above judgments, because it shows that the custom of /li‘an/ is a Divine bounteousness that solves the problem of relationship between wife and husband in a right way.

First, it does not compel husband to be silent when he saw his wife has committed a wrong action and to withdraw from instituting legal proceedings.

Second, as soon as the accusation takes place, it does not declare wife to the prescribed punishment of adultery and it grants wife the right to defend herself.

Third, it does not demand husband to go after four witnesses when he saw this scene and so lets the cat out of the bag.

Fourth, it divorces this wife and husband who are unable to continue their married life and even it does not allow them to be spouses with each other again in the future, because if this accusation is true, they can not psychically continue their married life and if it is a lie, wife's sentiment is so spoiled that returning to a new life becomes difficult, because the result of such affair is animosity and hostility not chilly detachment.

Fifth, it also settles the situation of the issue.

By using a delicate, measured, and just solution, Allah has cleared up this difficult problem. He has shown His bless, bounteousness, forgiveness, and intellect towards His servants.

If we contemplate this matter, we see that the main judgment that demands four witnesses is not totally cancelled, but in case of wife and husband each of these four 'testimonies' are substituted for one 'witness' and some of its judgments are taken into consideration.

Some Matters to Be Mentioned

1. Why is Qathf Allocated to Spouses?

The first question that is brought up here is that what characteristics do two spouses have that such an exceptional judgment has been declared about them?

The answer of this question can be, on one hand, found in the occasion of revelation of the verse, and that is when a man sees his wife with a strange man he can not be silent, if he possibly wants.

How does his jealousy allow him to show no reaction against infringement of his honour and reputation? If he wants to go to judge and say something, he will be imposed with Qathf punishment, because the judge does not know he is right, perhaps he tells a lie.

If he wants to go after 4 witnesses, it will be against his face and reputation; moreover, it is possible that the affair ends during finding of witnesses.

On the other hand, strange persons accuse each other of this evil action very soon, but wife and husband accuse each other less. Thus, having 4 witnesses is necessary for strange persons, otherwise Qathf punishment will be carried out, but it is not the same for wife and husband. Therefore, this judgment is because of their characteristics.

2. Li'an, a Special Program

According to explanations that were given in the commentary of the verses, to annul Qathf punishment of man who accuses his wife of adultery, man must testify four times by Allah that he is telling the truth.

As a matter of fact, in this special case, each of these four testimonies takes place of a witness. And in the fifth time he most heartedly and willingly wishes Allah's curse, if he tells a lie.

Considering that these regulations are usually carried out along with religious obligations in an Islamic environment, and when one person sees that he must so decisively testify by Allah in the presence of an Islamic judge, and he must curse himself, most of times this bad action (accusation) is not committed. And this prevents man from untrue accusations.

The fact that the wife must testify four times by Allah that this accusation is untrue, is to equalize the testimony of wife and husband. And, since wife is the one who is accused of adultery, she defends herself in the fifth time with a more severe sentence than that of the men and she demands Allah's wrath if the husband tells the truth.

We know that 'La'nat' (curse) means not enjoying Allah's mercy, but 'Qadab' (wrath) is something worse than being aloof of Allah's mercy, because wrath demands a punishment that is more than cursing. Thus, in the commentary of Sura Al-Hamd, we said that 'Maqdub-i- 'Alayhim'

("...not (the path) of those inflicted with Your wrath")

are persons who are worse than 'Dallin'

("... (those) gone astray. "),

though 'Dallih' or those who go astray do not certainly acquire Allah's mercy.

Some Traditions On Calumny

1. Imam Rida (as) narrated from his fathers who said:

"The Messenger of Allah (S) said:

'One who calumniates a faithful man or woman, or says something about her (or him) which is not in him (or her), in the Resurrection Day Allah, the Exalted, will set that calumniator on a heap of Fire so that what he has said about him or her comes out of him, (and he will be cleaned by suffering that chastisement).'"³⁴

2. Imam Ali (as) said:

"A believer does not deceive his (religious) brother, nor does he betray him, nor does he disappoint him,

nor does he slander him, nor does he says: 'I hate you'."³⁵

3. Imam Ali (as) said:

*"The (sin of) culminating someone (who is clean and pure) is heavier than skies."*³⁶

4. Imam Ali (as) said:

*"No shamelessness is like culmination."*³⁷

5. The Prophet (S) said:

*"Whoever calumniates a Muslim in order to bother him, on the Day of Judgment Allah will keep him in the bile sludge of Hell-dwellers till He judges between people."*³⁸

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1. Lisan ul-'Arab, Vol. 4, article 'sur'
 2. Sura 'Isra No. 17, verse 32
 3. Sura Al-Furqan, No. 25, verse 63 and 68
 4. Sura Al-Mumtahanah, No. 60, verse 12
 5. The commentary of Fakhr-i-Razi, Vol. 23, p. 148
 6. Bihar, Vol. 79, p. 24
 7. Nahj ul-Balaqah, Wisdom 252
 8. Bihar, Vol. 77, p. 58
 9. Bihar, Vol. 73, p. 372
 10. Bihar, Vol. 76, p. 27
 11. Bihar, Vol. 76, p. 19
 12. Ibid
 13. Bihar, Vol. 76, p. 21
 14. Majma' ul-Bayan and Qurtabi in his commentary has narrated this tradition
 15. 'Usul-i-Kafi, Vol. 2, p.26, as narrated from Nur-uth-Thaqalyn, Vol. 3, p. 571
 16. Wasa'il-ush-Shi'ah, Vol. 14, p. 335
 17. Majma' ul-Bayan, Vol. 6, p. 414
 18. Bihar, Vol. 76, p. 23
 19. Nahj ul-Fisahah, p. 57
 20. The explanation of Nahj ul-Balaqah, by Ibn Abi Al-Hadid, Vol. 19, p. 311
 21. Bihar, Vol. 76, p. 28
 22. Bihar, Vol. 70, p. 369 and Furu'-i-Kafi, Vol. 5, p. 541
 23. Wasa'il, Vol. 5, p. 47
 24. Wasa'il, Vol. 6, p. 256
 25. Bihar, Vol. 76, p. 21
 26. Khisal, by Saduq, p. 182
 27. 'Usul-i-Kafi, Vol. 2, p. 269
 28. Bihar, Vol. 6, p. 21
 29. Safinah the article 'repentance'
 30. Bihar, Vol. 6, p. 22
 31. Wasa'il, Vol. 6, p. 369

32. Nur-uth-Thaqalyn, Vol. 3, p. 574
33. Wasa'il-ush-Shi'ah, vol. 18, p. 283 (chapter of testimony, section 36, tradition 4)
34. Bihar, Vol. 27, p. 194
35. Bihar, Vol. 72, p. 194
36. Kanz ul-'Ummal, Vol. 3, p. 102
37. Qurar ul-Hikam; 10455
38. Kanz ul-'Ummal, tradition No. 7925

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