

# Adultery

## (a) References from the Holy Quran

- The Holy Quran says:

“If you believe in Allah and the last day punish the woman and the man guilty of fornication with a hundred stripes; do not let compassion deter you in their case, as it is a matter prescribed by Allah. And let a party of the believers witness their punishment.” (Ayat No.2, Surah No.24, An-Nur)

- “A man who commits adultery can marry only a woman who has also committed the same crime or alternatively a non-Muslim, doing otherwise is prohibited by Islam”. (Ayat No.3, Surah No.24, An-Nur).

This commandment applies only to those men and women who insist on their bad ways. Those people who beg pardon from Allah and shun the sin are exempt from this order. It was the practice of the revered Umer<sup>(2)</sup> and Abu Baker to punish un-married adulterers and then persuade them to marry each other.

- “Those who make an accusation against chaste women and do not produce four witnesses (to support their allegation), flog them with eighty stripes, and do not accept evidence from them ever after, for such men are wicked transgressors, except those who repent and mend (their conduct), For Allah Is Oft Forgiving, Most Merciful”. (Surah Noor, Ayat:2)



- “Those who accuse their wives (of adultery), and have (in support) no evidence but their own, let one of them testify four times on oath of Allah that he speaks the truth.

The fifth (oath should be) that he solemnly invokes the curse of Allah on himself if he is not telling the truth.

However the wife can escape punishment if she bears witness four times on oath of Allah, that (her husband) is not speaking the truth; and the fifth (oath) should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth.” (Ayat No.6, 7, 8, 9 Surah An-Nur).

### **(b) References from the Hadees**

- Abdullah bin Muslema, Malik, Hasham and Arwa heard the revered Ayesha<sup>(2)</sup> quoting the holy prophet<sup>(1)</sup>: “Allah is embarrassed more than any one else when any among you, man or woman, commits adultery. Oh my people if you knew what I know, then you would laugh less and weep more” – (Bukhari, chapter 37, Page No. 120, Hades No. 205)

- The holy prophet<sup>(1)</sup> said “A husband who does not divorce his wife even though she is committing adultery, will not be accepted in paradise” (Ahmed, Nisai, Abu Daud)

### **(c) Discussion**

The happiness and proper functioning of families depend upon the close relationship between a husband and wife in all spheres, including sex. If humans are allowed to have sex with each other outside the family bond then families cannot be stable, and the raising and development of children will leave much to be desired. The child requires many years of care and love and this can be provided only if the husband and wife are together.



If families are unstable then the whole society will be disturbed and culture, development, education, and personal satisfaction of family members will not be possible.

That is why Islam considers adultery a punishable crime, and more so in the case of married persons.

A Muslim is conscious that Allah knows his innermost thoughts and the most intimate acts, and that he will be punished for the sin that he will be involved in. Moreover the first part of his faith is to follow all of Allah's commandments. When one reads the Quran and the Hadees the Muslim is reminded that adultery is a very heinous sin and will be severely punished.

Islam creates a society, which reduces the temptations, and hence the chances of adultery are diminished to a great extent. The idea is to prevent this act, rather than to encourage it and give punishment later.

Islam prescribes such behavior in the society that the chances of adultery become minimal. Men and women are told to remain in their own spheres and their free social interaction is discouraged, except in cases of emergency. The holy prophet<sup>1</sup> stated that if a man or a woman (who are not mehram i.e. close relatives) are together by them selves then satan will tempt them.

Moreover if men and women have to go out they must not only avoid close social contact with the opposite sex, but also be dressed in such a modest manner that the physical (and sexual) attraction is minimal. The women should cover their clothes with a chader (sheet) and not wear any makeup, perfume or such jewelry that would be attractive to the opposite sex. The women are asked to avoid talking in sweet tones when they have to talk to a man, rather they should talk in a blunt matter of fact way. Moreover both men and women are ordered not to gaze at each other, but rather if they see the person of the opposite sex by chance, they should divert their eyes immediately.



To avoid adultery, marriage (نكاح) has been made simple and easy. It just needs the consent of the bride and groom and the evidence of three people. Islam encourages men and women to get all the information about the prospective mate and also to see them before marriage.

Another way to discourage adultery is the permission that Islam gives for four wives at a time. This is only possible if the husband and all the wives give their consent freely. If a wife does not like this arrangement she has the right to obtain divorce (طلاق) and if the man does not want to put up with a wife he is also at liberty to divorce her.

Marriage has been encouraged in Islam and this is the best step to prevent adultery. The holy prophet<sup>(1)</sup> has stated that “Marriage (نكاح) is my way of life.” In another Hadees he has also stated that “One who does not like my way of life has nothing to do with me (i.e. he is not a Muslim.)”

In spite of all these measures if a man and a woman engage in extramarital sex, then Islam prescribes severe punishment, so that others are also prevented from following this path. Unmarried people are to be punished with a hundred stripes. However married people are given the death penalty by stoning. The holy prophet<sup>(1)</sup> has authorized this punishment himself.

The punishment for adultery can only be given when penetration has taken place. Persons cannot be punished otherwise, even if they are found together on a bed, or kissing and fondling each other, or even without any clothes. For such persons flogging or stoning is not given but some lesser punishment, which a court or a parliament may decide. If flogging is awarded it can not be more than 10 stripes, because the prophet Muhammad<sup>(1)</sup> has stated “Ten stripes is the maximum punishment that can be given for any crime besides the major sins (كبرى).” (Bukhari, Muslim & Daud.)



If a person has committed adultery but no one has seen him or accused him then all he needs is to beg pardon from Allah and mend his ways in future. Children and mentally ill people are also exempt from this punishment.

Being considered married requires that the spouses at the time of marriage be adults, independent and of sane mind. If a person is married to a child or a mentally ill spouse then he will not be given the death penalty. In case of rape only the rapist will be punished and not the victim.

One must remember that only the courts are empowered to award these punishments. No one else is authorized to take the law into his own hands and punish the accused persons.

Islam does not bind people to inform the authorities if they come to know of adultery by some one, even though that may be by direct observation. The holy prophet<sup>1</sup> has stated “If any of you gets involved in this dirty matter then he better keep it to himself, however if he confesses before us then we will give him the full punishment ordered by Allah”.

For the conviction of this crime it is essential that there be four witnesses, and they must testify that they have seen the accused performing intercourse with definite penetration having taken place. Without four witnesses the punishment cannot be given by the judge, even if he has seen the act himself.

Thus this severe punishment is reserved for those wayward people, who in spite of all the prevention and protection that the Muslim society gives; insist on performing this act in such a brazen manner that a number of people can be witnesses.

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(1) *May Allah bless with eternal peace*

(2) *May Allah be pleased*

